

BOOK 4

CPA2007-54

LEE COUNTY ORDINANCE NO. 09-16
(Realmark Burnt Store Marina, LLC)
(CPA2007-54)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2007-54 (PERTAINING TO REALMARK BURNT STORE MARINA, LLC) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on September 22, 2008, and September 29, 2008.

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 23, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2007-54 pertaining to Realmark Burnt Store Marina, LLC, to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 23, 2008 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on January 16, 2009; and,

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

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2007-54 Realmark Burnt Store Marina, LLC Ordinance."**

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

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on February 25, 2009, known as CPA2007-54. CPA2007-54 amends the Future Land Use Map Series, Map 1, for 18.25± acres from the "Rural" future land use category to the proposed "Burnt Store Marina Village" future land use category, amends Table 1(a) to add the "Burnt Store Marina Village" future land use category, amends Table 1(b) to reallocate seven acres of commercial, six acres of industrial, four acres of residential, and one acre of public land uses to accommodate redevelopment of the Burnt Store Marina. CPA2007-54 amends the Plan to incorporate Goals, Policies and Objectives to implement the Burnt Store Marina Village as set forth below.

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

POLICY 1.7.12: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL 30: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing

the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 30.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and commercial marina uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 30.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. A maximum height of 220 feet is permitted if multiple layers of parking are incorporated into the structures.

POLICY 30.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 30.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 30.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 30.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan Map 5.

SECTION THREE: ADOPTION OF AMENDMENT TO LEE PLAN TABLE 1

An amendment to Lee Plan Table 1 is hereby adopted as indicated below.

- (a) Table 1(a), Summary of Residential Densities as amended, as follows with underlining identifying new text.

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY (Dwelling Units per Gross Acre)
<u>Burnt Store Marina Village¹¹</u>	<u>No minimum</u>	<u>160 Dwelling Units</u> <u>145 Hotel Units</u>	<u>No Bonus</u>

¹¹The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

- (b) Table 1(b), Year 2030 Allocations, is amended to provide a reallocation from existing Rural Future Land Use Category to the newly created Burnt Store Marina Village Category consistent with attached Exhibit A.

SECTION FOUR: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Comprehensive Plan. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

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

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioners Janes. The vote was as follows:

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

DONE AND ADOPTED this 25th day of February, 2009

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: CRalema
Deputy Clerk

BY: Ray Judah
Ray Judah, Chairman

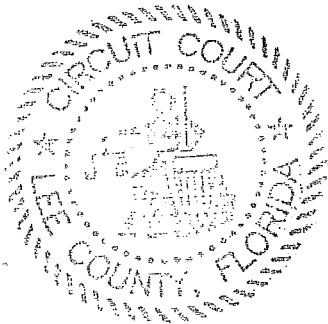
DATE: February 25, 2009

Approved as to form by:

Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
County Attorney's Office



EXHIBIT
A - Table 1(b), Year 2030 Allocations



State of Florida
County of Lee

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

Given under my hand and official seal at
Fort Myers, Florida, this 10th day of
March, A.D. 2009

CHARLIE GREEN, CLERK

By: CRalema
Deputy Clerk

TABLE 1(b)
Year 2030 Allocations

Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store		Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport
						Adopted	Proposed					
Residential By Future Land Use Category	Intensive Development	1,325	0	0	0	20	0	27	0	250	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0
	Urban Community	18,622	520	485	0	637	0	0	0	0	0	0
	Suburban	16,635	0	0	0	1,810	0	0	0	85	0	0
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0
	Sub-Outlying Suburban	1,531	0	0	0	367	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900
	Airport	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9
	Rural	8,320	1,948	0	0	1,400	700	0	0	0	0	0
	Rural Community Preserve	3,046	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0
	Density Reduction/Groundwater Resource	6,905	711	0	0	0	0	0	0	0	0	94
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0
Total Residential		81,468	3,464	485	0	4,500	1,340	29	651	604	0	1,023
Commercial		12,763	57	52	0	400	50	17	125	150	0	1,100
Industrial		6,620	26	3	0	400	5	26	0	300	0	3,100
Non-Regulatory Allocations												
Public		82,192	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500
Active Agriculture		24,957	5,100	0	0	550	450	0	0	0	0	0
Passive Agriculture		45,859	13,549	0	0	2,500	409	0	0	0	0	1,491
Conservation (wetlands)		81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809
Vacant		21,368	1,953	0	0	226	874	34	0	45	0	300
Total		357,175	33,463	1,572	0	11,718	42,734	259	4,340	2,197	0	17,323
Population Distribution*		495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582

TABLE 1(b)
Year 2030 Allocations

Future Land Use Classification		Daniels Parkway	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development	0	0	0	0	660	3	0	0	365	0	0	0
	Central Urban	0	375	17	0	3,140	0	8,200	0	2,600	0	0	0
	Urban Community	0	850	1,000	0	860	500	13,269	0	0	51	450	0
	Suburban	0	2,500	1,975	0	1,200	675	0	0	6,690	0	1,700	0
	Outlying Suburban	1,700	377	0	0	0	600	0	0	382	0	454	0
	Sub-Outlying Suburban	0	0	25	0	0	0	0	0	140	49	0	950
	Industrial Development	0	5	5	0	10	0	0	0	0	0	0	0
	Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0
	University Community	0	0	850	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	2	0	0	0	0	0	0	15	7	0	6	12
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	0	0	0	0	0	0	0	0	0	0	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	0	0	0	0	0	0	0	0
	Rural	1,500	0	90	0	0	190	14	0	500	57	635	1,350
	Rural Community Preserve	0	0	0	0	0	0	0	0	0	3,046	0	0
	Coastal Rural	0	0	0	0	0	1,300	0	0	0	0	0	0
	Outer Islands	0	1	0	0	0	45	0	0	0	0	0	0
	Open Lands	120	0	0	0	0	0	0	0	45	0	0	1,800
	Density Reduction/Groundwater Resource	0	0	0	0	0	0	0	4,000	0	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		3,322	4,108	3,962	0	5,870	3,313	21,483	4,015	10,729	3,203	3,245	6,212
Commercial		440	1,100	1,944	0	2,100	226	1,420	38	1,687	18	1,700	139
Industrial		10	320	450	0	900	64	300	65	554	5	87	5
Non-Regulatory Allocations													
Public		2,416	3,550	2,660	0	3,500	2,100	15,000	12,000	4,000	2,114	7,000	1,500
Active Agriculture		20	0	0	0	0	2,400	0	15,101	200	411	125	900
Passive Agriculture		20	0	0	0	0	815	0	18,000	1,556	3,619	200	4,000
Conservation (wetlands)		1,719	9,306	2,798	0	188	14,767	1,496	31,530	1,317	381	5,068	882
Vacant		20	971	244	0	309	3,781	7,377	500	2,060	1,278	809	530
Total		7,967	19,355	12,058	0	12,867	27,466	47,076	81,249	22,103	11,029	18,234	14,168
Population Distribution*		16,488	34,538	36,963	0	58,363	13,265	164,702	1,270	70,659	6,114	25,395	8,410

**CPA2007-54
BURNT STORE MARINA
PRIVATE INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
February 25th, 2009 Adoption Hearing

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

January 16, 2009

**LEE COUNTY
DIVISION OF PLANNING
REVISED STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054**

✓	Text Amendment	✓	Map Amendment
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This Document Contains the Following Reviews:

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

Staff Report Preparation Date:	<u>October 15, 2008</u>
Hearing Date:	<u>October 23, 2008</u>
Staff Report Preparation Date:	<u>October 24, 2008</u>
Staff Report Preparation Date:	<u>February 11, 2009</u>
Hearing Date:	<u>February 25, 2009</u>

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. REQUEST

Amend the Lee Plan Future Land Use Map Series, Map 1, for 18.25± acres from the "Rural" Future Land Use category to the proposed "Burnt Store Marina Village" Future Land Use category. Amend Table 1(a) to add the "Burnt Store Marina Village" Future Land use category. Amend 1(b) to reallocate seven acres of

commercial, six acres of industrial, four acres of residential and one acre of public land uses to accommodate the proposed development. The site is generally located on the west side of Burnt Store Road within the Burnt Store Marina community.

B. BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT AND ACTION

The Board of County Commissioners voted unanimously to transmit the proposed amendment, as modified by staff and amended by the LPA. The Board further recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village and the amendment of Table 1(b) to reallocate 7 acres of commercial, 6 acres of industrial, 4 acres of residential and 1 acre of public land use within the Year 2030 Allocations for the Burnt Store Marina Planning Community. The following language was approved for transmittal by the Board of County Commissioners.

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into

the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

C. STAFF ORIGINAL RECOMMENDATION AND FINDINGS OF FACT SUMMARY:
(NOTE: Staff's final recommendation is included in PART V of this Staff Report.

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by staff. Planning staff recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village. Staff further recommends that

Table 1(b) be amended so that four acres of the allocated residential acreage from the Rural be allocated to the new Marina Village Planning Community.

Staff recommends the Lee Plan be amended to create a new descriptor policy with an accompanying new Goal, Objective and Policies as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

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family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

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POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing development of Burnt Store Marina consists of high intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.
- Since 1983 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres, with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has determined that Burnt Store Marina is vested from DRI review.
- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of

Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.
- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.
- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.
- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.
- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones. The applicant is requesting an additional 160 dwelling units. These new dwelling units will be restricted from location in the Tropical Storm Surge Zone.

D. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands; None (See Attachment 2)

PROPERTY LOCATION: The Burnt Store development is located in the extreme northwest portion of the County. It is bounded by Charlotte County to the north, Burnt Store Road to the east, Cape Coral to the south and Charlotte Harbor to the west. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973

as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda.

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 3)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There was a recent zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case was heard before the Board of County Commissioners on Monday, September 15, 2008. The Board voted to deny the application without prejudice.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval for the requested Lee Plan Amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 4)

2. **REQUEST:**

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office and marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet and dry boat slips and ancillary uses. (see Attachment 5)

The application proposes a new land use category entitled "Burnt Store Marina Village" as follows:

Burnt Store Marina Village area is located within a portion of the property in Burnt Store Marina that was zoned for a mixture of commercial and residential uses in Lee County Resolution Z-77-63.

The category is intended to facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina for an attractive mix of marine, retail, hotel and office uses that enhances the public use of the waterfront. The following uses are permitted within this category; retail uses, up to a maximum of 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

The applicant further proposes to amend the 2030 Planning Communities Acreage Table as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Revise the acreage table as follows:
 - a. Commercial - 7 acres;
 - b. Industrial - 6 acres;
 - c. Residential - 4 acres;
 - d. Public - 1 acre

The applicant proposes to redevelop approximately 18.25± acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures with some single-family residential. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail use with 300 parking spaces (garage); 145 hotel rooms, 525 wet slips (existing) and 800 dry boat storage spaces. The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront as well as permit continued public use of the boat ramp.

Burnt Store Marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment

encompasses 13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. The development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 6). The Water-Dependent Overlay Zone is defined in Policy 1.7.5 of the Lee Plan as follows:

The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

Objective 125.2: Water Access in Private Developments. *The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*

Objective 125.3: Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

Policy 128.6.6: Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)

Policy 128.6.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as possible.

Policy 128.6.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. Staff further supports the proposed office space, retail uses, residential and hotel rooms which will support and complement the existing and proposed uses.

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sector provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development

approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

Policy 1.4.1: *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

Policy 1.4.1: *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-90, 00-22, 07-12)*

The applicant's request is to create a new land use category, "Burnt Store Marina Village" area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. The redevelopment will occur on 13.3 acres of the existing development and 4.95 acres of the additional 8.65 acres, for a total redevelopment area of 18.25 acres. The plan includes 15,000 square feet of office space, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces (garage), 145 hotel rooms and a maximum of 1,325 wet and dry

spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Section 380.06 and 120.57, Florida Statutes with attachments the following chronological history:

- The first binding letter, dated October 26, 1973 found that proposed development for Section 22 is not vested from DRI review. That finding was reconsidered and reversed in a second binding letter. DCA binding letter dated July 5, 1974, supersedes the October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.
- The 380.032 Agreement executed on May 20, 1986, stipulated that a total of 2,514 residential units within the Punta Gorda Isles-Section 22 plat is vested from DRI review. The 1986 Agreement between the owner and the County resolved a dispute as to whether the 239 platted home sites for which DCA recognized vested rights in its October 26, 1973 binding letter were sites for multiple-family buildings or for single-family units.
- The second 380.032 agreement was executed on January 30, 1987 and stipulated that a maximum of 323 wet spaces or 525 wet slips and 456 dry spaces in the Punta Gorda Isles - Section 22 project had vested rights from DRI review.

On May 28, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding Letter of Modification to a Development with Vested rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) (see Attachment 7) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

1. Even though the additional development as demonstrated in paragraphs 9 and 10 exceeds the substantial deviation criteria in Sections 380.06(19)(b)13., F.S., the Department finds that there are no regional impacts arising from the proposed changes that have not been previously reviewed. Therefore, the currently proposed plan of development for the Punta Gorda Isles Section 22 project does not divest any rights the developer has acquired under Section 380.06(20), F.S., to complete the

development of the aforementioned Punta Gorda Isles Section 22 DRI.

2. The proposed development on the adjacent 8.65 acre parcel and portions of Tract C as demonstrated in paragraphs 11, 12 and 13 is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(D1)1.a., F.S. Therefore, the proposed development on the adjacent 8.65 acres and portions of Tract C would not be required to undergo DRI review.
3. The plan of development on the adjacent 8.5 acre parcel and portions of Tract C is currently inconsistent with the Lee County Comprehensive Plan. No development may proceed until the amendment is made to the Lee County Comprehensive Plan that would allow for the planned development. The comprehensive plan amendment must also be consistent with Chapter 163, F.S., the State Comprehensive Plan and Chapter 9J-5, Florida Administrative Code. Thus, the following order was issued by the Department of Community Affairs.
4. The modification to the vested Punta Gorda Isles Section 22 DRI, as described above, will not be required to comply with the review requirements of Section 380.06, F.S.
5. The proposed modifications to the vested plan will not divest the vested rights to develop. If the changes described in the application for this binding letter are approved by the local government of jurisdiction and incorporated in a new development order, they will constitute the vested plan of development and must be followed by you and your successors. If any further changes are proposed for your project, they would be submitted by the applicant or successor(s) of the Department for comparison together with the impacts of the plan now vested in this letter. Should any of the above representations made by the applicant be substantially changed, further binding letter review of the project may be required.
6. The proposed development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, as described in paragraph 11, is not required to comply with the review requirements of Section 380.06, F.S.
7. The development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, will be considered cumulatively with any future additional development in terms of the guidelines and standards contained in Chapter 28-24, Florida Administrative Code and Section 380.0651, F.S., and its related impacts. Should any of the above representations made by the applicant be substantially changed, further review of the project may be required.
8. The binding letter as it applied to the unvested development on the adjacent 8.65 acre parcel and portions of Tract C will expire and become void as of July 25, 2011, unless the plan of development has been substantially commenced by this date. This

date may be extended by mutual agreement of the Department, the local government of jurisdiction and the developer.

9. This determination does not obviate the need to comply with all other applicable federal, state or local government permitting procedures.
10. You have the right to request a formal administrative hearing if you dispute any issue of material fact in this binding letter. If a formal administrative proceeding is not requested, this binding letter constitutes final agency action and is subject to judicial review.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)

Rural future land use category

Sunset Key Condominiums and

Prosperity Pointe Condominiums

South: Matecumbe Key Road, then

City of Cape Coral; Pedestrian Commercial District (C-1)

Mixed Land Use future land use category

Resort at Burnt Store Marina amenities

East: Matecumbe Key Road, then

Residential Multiple-Family (RM-10)

Commodore Condominiums; and

Courtside Landings Residential Planned Development (RPD)

A/k/a Harbour Villas

Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)

Rural future land use category

Marina South Shore Condominiums

The Keel Club Condominiums, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with

residential uses in the Rural land use category before the year 2030. (see Attachment 8)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses, including some allocations to Burnt Store Marina, leaving one acre available for new industrial development.

COASTAL

The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones.

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

***Policy 105.1.4:** Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding.*

Mitigation measures are currently established in the Land Development Code (LDC), Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan proposed amendment will result in requirement amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. The attached maps indicate the current Coastal High Hazard Area along with three plates from the 1991 Hurricane Storm Tide Atlas. Since the parcel runs from

Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. The applicant has provided information regarding the location of the proposed development within the Coastal High Hazard Area as depicted on the 1991 Hurricane Storm Tide Atlas for Lee County. This analysis shows the residential development area to be within the Category 2 Storm Surge area, and therefore outside of the Coastal High Hazard Area. (See Attachment 9) Thus, Staff proposes the following language to assure the residential development is not located within the Coastal High Hazard Area:

***POLICY 25.1.5:** The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.*

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in the amount of square footage originally presented, creating less impact to the road network.

The roads located within Burnt Store Marina are private in accordance with Case Number VAC2003-00072 adopted by the Board of County Commissioners on April 13, 2004 and recorded as Instrument Number 6260603 in the official records of Lee County). An access easement (see Attachment 11) has been entered into the official records of Lee County in Instrument Number 6285414 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. and Realmark Burnt Store Marina, LLC, (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) and its successors and assigns, and its lessees, their contractors, customers, employees, guests, invitees and licensees, a perpetual, non-exclusive easement for ingress and egress only over and across the roads lying and being in the County of Lee, State of Florida as follows:

Big Pine Lane, Cape Cole Boulevard, Matecumbe Key Road, Sugarloaf Key Road, Marathon Way, Key Largo Lane, Key Largo Circle, Sable Key Circle, Marianne Key Road, Romano Key Circle, Big Pass Lane, Big Bend Circle, Islamorada Road (a/k/a Islamorada Boulevard) and Little Pine Circle, according to the Plat of Punta Gorda Isles, Section 22, recorded in Plat Book 28, at page 118, of the public records of Lee County, Florida and replatted in Plat Book 34, at page 92, of the public records of Lee County, Florida, and any amendments and supplements thereto.

This easement is restricted by and subject to the rules and regulations of the Punta Gorda Isles, Section 22 Homeowners Association, Inc., that may be adopted and amended from time to time, provided, however that such rules and regulations shall not interfere with, hinder or impede in any way grantee's rights as set forth herein. This easement may not be amended or terminated without the written joinder and consent of the grantee, its successors and assigns.

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict four acres of residential uses, seven acres of commercial, 1 acre of public and six acres of industrial uses (to accommodate the marina uses). The industrial and commercial allocations in the table do not need to be amended, there is ample allocation existing. The subject property is currently accommodated in the Rural future land use; thus, will require redistribution of four acres of the allocated residential acreage from the Rural to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 12. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck,

Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Find Sand, depressional and Matlacha Gravely Fine Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See attachment 13). This letter provides the following information:

*In response to your inquiry of September 27, 2007, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:
T43S, R22E, Section 1*

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.*
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

"Those areas containing known archaeological sites that have not been assessed for significant but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (see Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as 160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department. The developer will be required to coordinate with the Office of the Sheriff throughout the development process at which time a Crime Prevention through Environmental Design study will be required for review and approval. This study will be required for implementation into the Planned Development process.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (see Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (see Attachment 16). This letter provides the following comments:

This current location is served by LCEMS Station 28, located at 707 SW 1st Street, Cape Coral, FL, which is approximately 12.50 miles away. Our response time to this location is 15± minutes, which does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses as required by Lee County Ordinance #02-19. In the event that Station 28 is busy on a response, the next closest station is LCEMS Station 22, located at 152 SE 13th St., Cape Coral, FL, approximately 14.50 miles away. This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has concerns with the ability to provide service to this area. Current resources prohibit establishing and staffing an EMS station close to this department.

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road, approximately two miles from the main entrance gate to the development. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrives on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service to structures built to this height.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (see Attachment 17). This letter states that the Lee County Solid Waste Division is capable of providing solid waste collection services for the proposed additional uses requested for the expansion of the Burnt Store Marina Village located on Matecumbe Key Road through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee Hendry Regional Landfill.

Further, the Solid Waste Ordinance, as amended, and LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (see Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 square feet of retail space; 10,300 square feet of restaurant space and 15,000 square feet of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

The applicant states that the proposed amendment is consistent with the following State and Regional Plan provisions:

State Plan

Policy 8(b)10: The new category permits expanded water-dependent facilities along the shoreline.

Policy 15(b)3: The new category will also encourage a more attractive and functional mix of uses on the site.

Regional Plan

Goal 2, Strategy 1, Action 4: The applicant is proposing to redevelop an existing commercial site to create an attractive and functional mixed use community.

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25± acres to accommodate new development of 145 hotel rooms, 160 dwelling units, a maximum of 55,000 square feet of retail with 300 parking spaces (garage), a maximum of 15,000 square feet of office space and a maximum of 525 wet slips (existing) and 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the rural future land use category.

The LDC, Article 19, Section 34-1802(4), paragraphs b and d regulates density requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

REDEVELOPMENT

Redevelopment of an aging or antiquated land uses is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where

redevelopment will be needed more and more. How we plan, oversee, regulate and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

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

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

The Burnt Store Marina redevelopment proposal is asking for increased entitlements and also increased building height. Staff has evaluated the proposal and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan. Staff is recommending an increase in the maximum allowable height. The recommendation restricts the increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multiple-family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact.

BUILDING HEIGHT

Building Height has become a critical component of the Burnt Store Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found in Lee County. Mid-rise multiple-family or hotel development of 9 or 10 stores requires a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to four or five levels of enclosed parking structure under the residential or hotel units results in site area to be utilized as a mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

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

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a

maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Aerial/outline of Subject Property
3. Adjacent land uses/Future Land Use Map (2 pages)
4. Existing Land Uses Map (2 pages)
5. Map of Proposed 2030 Use Allocation provided by Applicant
6. Lee Plan Map 12 - Water Dependent Overlay Zones
7. Department of Community Affairs Letter dated July 31, 2008
8. Lee Plan Map 16
9. Lee Plan Coastal High Hazard Area (CHHA)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Memorandum from the Office of County Attorney dated November 28, 2006
20. Communications received from the public
21. Revised letter from The School District of Lee County dated February 2, 2009
22. Proposed amended Table 1(b) Year 2030 Allocations

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATES: **SEPTEMBER 22, 2008**
 SEPTEMBER 29, 2008

A. LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 22, 2008

The first public hearing before the LPA was held on Monday, September 22, 2008. Staff introduced the request and requested a continuance for the staff presentation based on continued discussions with the applicant regarding the requested density, height, continued public access to the boat ramp, provision of truck and trailer parking and additional information regarding coastal high hazard analysis and location of proposed uses. The applicant made a presentation and public comment was accepted.

During the applicant's presentation, it was noted that the Burnt Store Marina is the largest marina on the west coast of Florida. The amendment will permit a mixed use redevelopment plan encompassing the marina. The applicant stressed that the location of the proposed residential and hotel units is outside of the designated Coastal High Hazard Area. The request includes a maximum height of 220 feet to include four to five levels of parking under 10 to 12 stories of residential and hotel uses.

Fifteen Burnt Store Marina residents spoke at the hearing. Six spoke in support and nine spoke in opposition. Those that spoke in support addressed the need to update and improve the existing facilities, provide landscaping and construction of new facilities that meet current building standards. They spoke to the provision of commercial uses for the community and plans for future growth. Residents who reside on Matecumbe Key Road, which is in proximity to the gate utilized for construction and service vehicles, did not oppose the proposed amendment, stressing the need for improvement and progress within the development.

Concern was expressed regarding the absence of many part-time residents of Burnt Store Marina who would not have an opportunity to address the Board.

Those in opposition expressed concern regarding an increase in traffic, density, safety, height, noise and congestion. Specifically, improvements to the marina and the addition of commercial and hotel uses would increase the traffic traveling through a primarily residential community. However, some residents that spoke in opposition did support improvements to the marina for continued operations. Some of the residents questioned if Burnt Store Marina is a vacation destination requiring a hotel and ancillary commercial uses.

LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 29, 2008

Staff presented the requested Plan amendment noting support of the redevelopment and

revitalization plan for the Burnt Store Marina Village. The Burnt Store Marina, a development of 626 acres, has been in existence in Lee County since the early 1970s and although is located in the Rural future land use, the property is not consistent with the definition or description of a rural use. The existing development of Burnt Store Marina consists of high-intensity residential and commercial uses.

Staff recommended the full intensity and density request for the plan consisting of retail, wet slips, dry storage spaces, office space, hotel and residential units. However, staff's recommendation differs from the applicant's request regarding the proposed height. Staff recommends a maximum height of 135 feet if parking is not integrated into the structure. If multiple layers of parking are proposed under multiple family or hotel uses, the height may be increased by an additional 50 feet for a maximum height of 185 feet. Staff recommended that the LPA transmit the request, as amended, for the proposed land use category, Burnt Store Marina Village, in support of the defining statement, Policy 1.2.10, with supporting language in Goal 25, Objective 25.1 and Policies 25.1.1 through 25.1.5 to the Board of County Commissioners.

The LPA questioned Staff regarding the proposed density, coastal high hazard, manatee protection plan and the combination of or separation of the maximum number of wet and dry boat slips and storage.

Staff had initially expressed concern regarding a Memo issued by the Office of County Attorney (see Attachment 20) regarding the density of the existing Marina Village Land Use Plan, which encompasses the subject property. This area is currently vested for a total of 734 dwelling units. In 2006, it appeared that there were 794 dwellings existing in the Marina Village parcel; therefore, a determination was made that no additional dwelling units could be constructed under the current Rural land use category. However, Staff determined that the proposed Burnt Store Marina Village land use category would supercede this determination permitting the request of the applicant for the 160 additional dwelling units.

Staff also addressed additional information regarding the location of the proposed residential and hotel units. The applicant has demonstrated that the proposed dwelling and hotel units are located outside of the designated Coastal High Hazard Area. A Policy is recommended to ensure that these uses will not be permitted within a designated Coastal High Hazard Area.

Staff recommended language whereby separating the number of proposed wet and dry boat slips and storage based on language in the Department of Community Affairs binding letter. The number of slips varies based on the definition and determination of the use. Marina uses are no longer subject to State Statute regulations and review regarding Developments of Regional Impact (DRI); therefore, staff does not object to the recommendation of the LPA to combine the maximum permitted number of wet and dry spaces. It was noted that redevelopment of marina uses will be subject to provisions of the Manatee Protection Plan.

There was no additional public comment regarding the proposed maximum height of the buildings and the additional dwelling units.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA agreed with the applicant regarding the combination of the number of permitted slips and the economics involved with this type of development. This is a function reviewed and permitted by local and state agencies based on the available space. It was further noted that current regulations contained in the Lee Plan do not govern the number of permitted boat slips in a land use category and a cumulative number of 1,325 wet and dry spaces is appropriate.

By a vote of 3 to 1, the LPA voted that the request is consistent with the Lee Plan and recommended that the Board of County Commissioners transmit the amendment as proposed by staff, with the following changes provided in strike-through and double-underline format:

The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; ~~a maximum of 525 wet slips; a maximum of 800 dry storage spaces~~ 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet ~~135 feet~~ if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained in the Staff Report with proposed amendments to permit a combination of wet and dry slips and storage spaces for a total of 1,325 wet and dry spaces and a maximum height of 220 feet.

C. NO VOTE WAS TAKEN ON SEPTEMBER 22, 2008

VOTE: SEPTEMBER 29, 2008

CARLETON RYFFEL
(Chair)

ABSENT

LES COCHRAN
(Vice-Chair)

AYE

NOEL ANDRESS

AYE

RONALD INGE

AYE

RAE ANN WESSEL

NAY

LELAND M. TAYLOR

ABSENT

JACQUE RIPPE

ABSENT

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

- A. BOARD REVIEW:** Staff provided a brief overview of the privately initiated comprehensive plan amendment including a description of the applicant's request, the subject property and the existing Burnt Store Marina development. Staff noted that the current rural future land use category is not consistent with the existing development. Staff reviewed the differences between staff's recommendation and the LPA recommendation. The applicant requested a maximum height of 220 feet, which was supported by the LPA. However, staff's recommendation is a maximum of 135 feet if the parking is not integrated into the structure and surface parking is utilized and 185 feet in height if multiple layers of enclosed parking are placed under the proposed multiple-family or hotel uses.

Staff clarified the recommended language regarding the wet and dry boat storage spaces. Staff recommended a distinction between 525 wet slips and 800 dry storage spaces based on the binding letter and communication with the Department of Community Affairs. The LPA recommended language to combine the uses into a total of 1,325 wet and dry spaces. Staff does not object to this modification. Staff addressed issues related to coastal high hazard designation and the proposed location of the 160 dwelling units and hotel, density, hurricane preparedness and evacuation criteria. Staff stressed that the amendment would provide guidelines for maximum development criteria. The proposed policies require that any development or redevelopment of the subject property requires rezoning through the planned development process which provides staff the opportunity to work with the public and the applicant to develop conditions to address compatibility with the existing land uses.

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

Seven residents of Burnt Store Marina spoke in opposition to the comprehensive plan amendment. Their comments focused on the proposed density and height, potential increase in traffic, noise, interruption of water views, utilities, Manatee protection and related development issues. At the request of the Board, one additional letter of opposition was read into the record by staff.

At the request of the Board of County Commissioners, the staff and applicant provided the history of the Burnt Store Marina Development noting that the current vesting plan includes development of multiple-family dwellings, marina and hotel uses.

Some members of the Board expressed concern regarding the proposed intensity of the redevelopment plan. There were no traffic concerns relayed by the Lee County Department of Transportation. The Board noted that the comprehensive plan amendment proposes maximum allowable development and redevelopment criteria. Specific regulations will be implemented at the time of zoning to permit revitalization and enhancement of the existing Burnt Store Marina Village. The Board further reiterated that the transmittal hearing provides for the Department of Community Affairs' review of the proposed plan amendment and does not approve the proposed redevelopment project as represented.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted unanimously to **transmit** the amendment as recommended by staff with the amendments recommended by the LPA.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the finding as advanced by staff and amended by the LPA. The Board proposed transmittal is referenced in Part 1. B. on pages 3 and 4 of this staff report.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

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

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs (DCA) Objections, Recommendations and Comments Report (ORC) contained the following concerning this proposed amendment:

O. Amendment 2007-54: A proposed amendment to the Future Land Use Element to:

- (1) *Establish a new future land use category titled "Burnt Store Marina Village" by adding new Policy 1.2.10, Goal, Objective 25.1, and Policies 25.1.1, 25.1.2, 25.1.3, 25.1.4, and 25.1.5;*
- (2) *Amend Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village" and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community; and*
- (3) *Amend the FLUM to change 18.25 acres from Rural (1 DU per acre) to "Burnt Store Marina Village" located to the west of Burnt Store Road and just south of the Charlotte County line.*

The Department raises the following objections and comment to proposed Amendment 2007-54:

- 1) Objection: *The proposed Amendment would allow an additional 160 residential dwelling units on the subject 18.25 acre parcel. A portion of the 18.25 acres is located within the Coastal High Hazard Area (as defined by proposed Amendment 2007-59) and proposed Policy 25.1.5 is intended to locate the additional residential uses outside of the Coastal High Hazard Area. However, the proposed Policy 25.1.5 requires the residential use to be located outside of the Tropical Storm Surge Zone and not outside of the Coastal High Hazard Area. Therefore, the proposed Amendment 2007-54 does not direct population concentrations away from the Coastal High Hazard Area. The Amendment 2007-54 is not appropriately supported by data and analysis demonstrating that the amendment 2007-54 is consistent with the Rule 9J-5.012, F.A.C., requirements to: (1) direct population concentrations away from the Coastal High Hazard Area; (2) maintain or reduce hurricane evacuation clearance times; and (3) utilize general hazard mitigation for land use to reduce the exposure of human life and private property to natural hazards. Similarly, the proposed amendment is not appropriately supported by data and analysis demonstrating that the Amendment 2007-54 is consistent with the*

requirements of Section 163.3178(9), F.S.

Rules 9J-5.005(5); 9J-5.006(3); 9J-5.012(3), F.A.C.; and Sections 163.3177(2); 163.3177(6)(a); and 163.3178, F.S.

Recommendation: Revise Policy 25.1.5 to require the residential uses to be located outside of the Coastal High Hazard Area.

- 2) Objection (School Facilities): The proposed Amendment 2007-54 increases the potential number of residential dwelling units and the potential number of school students. Lee County has adopted its Public School Facilities element; therefore, the County is required to assess the facility impacts on its public school facilities. The amendment is not supported by data and analysis demonstrating that the adopted level of service standards for schools will be met over the five-year short-term planning time frame. Absent this data and analysis and any related changes, the proposed amendment has not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.

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

Recommendation: Support the FLUM amendment with data and analysis for the five-year planning time frame addressing: (1) identification of the cumulative impact of the amendments transmitted in Amendment 09-01 on the projected enrollment of students (elementary, middle and high school students) for the applicable school concurrency service area; (2) the impact of additional students on the level of service standards for the school concurrency service area; (3) the need for any school facility capacity improvements (scope, cost and timing) that are needed to achieve and maintain the adopted level of service standards; and (4) coordination of any needed school facility improvements with the Public School Facilities Element and Capital Improvements Element. If there are any identified school facility deficiencies in the first five years and there are no planned school facilities to address these deficiencies, then the school facility improvements needed to maintain and achieve the adopted level of service standards must be included in the Five-Year Schedule of Capital Improvements. Revise the amendment to be supported by and consistent with the data and analysis.

- 3) Comment (Land Use Category Policy Guidelines): There is an internal inconsistency among the proposed text amendments regarding the type of industrial use. The proposed Goal and Policy 1.2.10 allows "limited industrial" and the proposed Objective 25.1 allows "light industrial marine uses." Therefore, the Goal, Policy 1.2.10, and Objective 25.1 do not establish meaningful and predictable guidelines describing the type of industrial use that is allowed. In addition, the amendment support material states that there is a proposed amendment to Future Land Use Element Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village"

and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres) and public (1 acre) for the Burnt Store Marina Planning Community; however, the proposed amendment does not include a proposed Future Land Use Element Table 1(a) and 1(b) showing the proposed amendments. Revise the Goal, Policy 1.2.10 and Objective 25.1 to resolve the internal inconsistency regarding the terminology of "limited industrial" and "light industrial" with meaningful and predictable guidelines. Revise the amendment to include the Future Land Use Element Table 1(b) and 1(b) to add the new category "Burnt Store Marina Village" and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community.

B. STAFF RESPONSE

The applicant provided a response to the comments and recommendations provided by the DCA. The responses, received via e-mail, on January 21, January 23 and January 27 were as follows:

1. The applicant agrees to amend proposed Policy 25.1.5 to require the residential uses to be located outside of the designated Coastal High Hazard Area. Therefore, Staff recommends the following amendment to Policy 25.1.5 in a strike-through, underline format:

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County designated Coastal High Hazard Area in accordance with Lee Plan Map 5.

2. The applicant agrees to revise the Future Land Use Element Tables 1(a) and 1(b), as follows: Commercial (7 acres); Industrial (6 acres); Residential (4 acres); and Public (1 acre) for the Burnt Store Marina Village future land use category.
3. The applicant agrees to revise the proposed Burnt Store Marina Village Goal, Objective and Policies to revise "limited light industrial" and "light industrial marine uses" to "commercial marina uses" for compatibility and consistency. Staff recommends the following amendment in a strike-through, underline format:

POLICY 1.2.10: The Burnt Store Marina Village area provides for development that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and ~~limited industrial uses~~ commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina

Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL 25: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and ~~limited industrial uses~~ commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

4. The applicant provided information regarding the School District of Lee County. The subject property is located in the West Zone. The 2009 Concurrency Inventory indicates that there is available capacity in that zone, as follows: 2,322 elementary school seats; 669 middle school seats; and 762 high school seats. The impact of the project on the system was projected to be 20 students; therefore, within the 2009 concurrency requirements.

Coastal High Hazard Area

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant further provided documentation depicting the location of the proposed hotel and residential dwelling units outside of the designated Coastal High Hazard Area. It is Staff's intent to prohibit the additional residential dwelling units and hotel from locating within a Coastal High Hazard Area. Therefore, Staff is recommending an amendment to the language in proposed Policy 25.1.5.

Staff is proposing to amend Future Land Use Element Tables 1(a) and 1(b) of the Lee Plan to incorporate the "Burnt Store Marina Village" Future Land Use category with a maximum of 160 dwelling units and to reallocate commercial (7 acres); industrial (6 acres); residential (4 acres); and public (1 acre). The Table amendment will include a footnote that the maximum number of residential dwelling units within the Burnt Store Marina Village is 160 and that all residential and hotel uses must be located outside of the Coastal High Hazard Area (CHHA) in accordance with Lee Plan, Map 5.

Commercial Marina Uses

Staff further proposes to amend the proposed Goal, Policy 1.2.10 an Objective 25.1 to resolve the inconsistency regarding the terminology of "limited light industrial" and "light industrial marine uses" by replacing the language with "commercial marina uses". The intent of this recommendation is to permit continuation of and to promote the redevelopment of the existing marina land uses within the Burnt Store Marina Village. Commercial marina uses

are defined as uses of land limited to waterfront dependent uses required for the support of recreational boating and fishing and other uses incidental to such facilities.

Commercial marina uses encompass such uses as a bait and tackle shop, boat parts store, boat ramps, boat rental, boat repair and service (minor boat repair only), boat storage, docking or mooring facilities, gift and souvenir shops, restaurants, sale of fuel, open storage and other uses associated with a marina.

It is not the intent of Staff to permit all light industrial uses on the subject property due to the close proximity to existing single and multiple-family residential dwellings. The Light Industrial zoning district (IL) permits uses that are outside of the scope of the proposed redevelopment plan. The Light Industrial District (IL) permits uses such as automobile repair and service, machine shop, manufacturing (repair or wholesale sales of boats, food and kindred products, leather products, machinery, paper and allied products, rubber and plastic products, stone, clay, glass or concrete products, textile mill products) processing and warehousing and vehicle and equipment dealers. These intense uses are not compatible with the existing development located within Burnt Store Marina nor do they meet the intent of the proposed Burnt Store Marina Village. Thus, Staff finds that "commercial marina uses" are more applicable for the subject property and the proposed Plan amendment.

Staff is further recommending, in Policy 25.1.2, that the subject property be rezoned to a planned development to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans.

Staff recommends that Policy 25.1.1 be amended to permit a maximum height of 135 feet if parking is not integrated into the structure and a maximum height of 185 feet if multiple layers of parking are incorporated into the structures.

School Concurrency

In response to a request for review and comment, the School District of Lee County provided a letter dated February 4, 2009. Please refer to Attachment 21. The subject property is located in the West Zone, Sub Zone W2.

The commercial use would have no impact; however, the 160 multi-family residential dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The school district has sufficient seats available to serve this need. This letter further notes that this information is not a concurrency determination and such a determination will be required later in the development process.

The School District is not currently building any new schools as the enrollment for the 2008/2009 school year has slightly decreased over the previous year's enrollment. However,

there is sufficient capacity within the five-year planning window to accommodate students that will be generated by this development.

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

The 2009 Concurrency Inventory indicates that there is available capacity in that zone, as follows: 2,322 elementary school seats; 669 middle school seats; and 762 high school seats. The impact of the project on the system was projected to be 20 students; therefore, well within the 2009 concurrency requirements.

GOAL 66: EDUCATION. *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*

OBJECTIVE 66.1: SCHOOL LOCATION PLANNING. *Cooperate with Lee County District Board of Education and representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

Staff finds that the provided analysis and information regarding the Public School Facilities Element is consistent with Goal 66 and Objective 66.1 of the Lee Plan.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt this amendment, incorporating the recommended revisions by the DCA and Staff's amended language, as proposed below:

POLICY 1.2.10: The Burnt Store Marina Village area provides for development that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a

maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL 25: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and commercial marina uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum permitted height in this category is 135 feet if parking is not integrated into the structure. A maximum height of 185 feet is permitted if multiple layers of parking are incorporated into the structures.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

Staff recommends to Amend Table 1(a) Summary of Residential Densities as follows:

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY (Dwelling Units per Gross Acre)
<u>Burnt Store Marina Village¹¹</u>	<u>No Minimum</u>	<u>160 Dwelling Units</u> <u>145 Hotel Units</u>	<u>No Bonus</u>

¹¹ The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

Staff further recommends to amend Table 1(b) Year 2030 Allocations to reallocate from the existing Rural future land use category and to create a new land use category, Burnt Store Marina Village. Please refer to Attachment 22..

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

DATE OF ADOPTION HEARING: February 25, 2009

- A. **BOARD REVIEW:** Staff provided comments in response to the DCA Objections, Recommendations and Comments (ORC) report dated January 16, 2009. In response to the ORC comments, Staff amended Policy 25.1.5 to require that the residential and hotel development of the redevelopment project to be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan Map 5. Further, Staff amended language contained in Goal 25, Policy 1.2.10 and Objective 25.1 to reflect commercial marina uses, replacing light industrial uses. Staff continued to recommend a maximum height of 185 feet with parking incorporated into the proposed structures. The applicant's request is for a maximum of 220 feet with parking incorporated into the proposed structures.

Mr. Will Stout, owner and applicant, provided a brief presentation summarizing the proposed redevelopment project. He stressed the need for a maximum height of 220 feet to address the entirety of the amenity package. The development will be open to the residents of Burnt Store Marina as well as the public and tourists. The redevelopment includes retail, office space and residential dwelling units with unique aspects for a waterfront community.

There were 17 members of the public that addressed the Board during the Public Hearing. Ten people spoke in opposition to the proposed plan amendment. Their concerns included an increase in traffic, the proposed height of the buildings, incompatibility with existing residential land uses, the overall intensity of the development plan and potential impact to infrastructure (roads, utilities, etc.)

The seven members of the public who spoke in support of the plan amendment stressed the need for redevelopment within Burnt Store Marina, most specifically the marina and boat storage facilities. They noted the need for amenities that will serve the residents as well as encourage the public to utilize the waterfront property. Several people spoke to the economic opportunities proposed by the applicant including the creation of jobs and revitalization of an infill project.

Matt Uhle, attorney for the applicant responded to the public comment including comment about the internal roadway system and access to the marina, restaurant and waterfront uses. Mr. Uhle stressed that the proposed project will be considered through the planned development rezoning process at which time specific conditions may be imposed.

Members of the Board stressed their support of redevelopment and revitalization of Burnt Store Marina, one of Lee County's waterfront communities. The proposed amenities will service the residents, visitors and tourists providing a catalyst for a travel destination.

The Commission addressed concerns regarding traffic, the impact to existing residential land uses and proposed height. It was noted that the plan amendment establishes maximum parameters for the proposed redevelopment project and the zoning process will specify distinct development parameters. The Board further requested that, at the time of rezoning, Staff pay particular attention to traffic generation, construction traffic, road conditions, hours of operation for proposed activities, scope of commercial uses and conditions that will mitigate potential impact to the existing land uses within Burnt Store Marina.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners approved the proposed plan amendment with Staff and the LPA recommendations and the applicant's request for a maximum height of 220 feet.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by the LPA and Staff with the exception of height.

C. VOTE:

A. BRIAN BIGELOW	NAY
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

Attachment 21

February 4, 2009

Ms. Lisa Hines, Senior Planner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Realmark Burnt Store Marina Plan Amendment
Case #: CPA2007-00054

Dear Ms. Hines:

This letter is in response to your request dated January 21, 2009 for the proposed Realmark Burnt Store Marina Plan Amendment project for the comments with regard to educational impacts. This project is located in the West Zone, Sub Zone W2.

The Developers request states the proposed site will consist of a marina, restaurant and other commercial uses as well as 160 multi-family residential units. The commercial use would have no impact; however, the 160 multi-family units would generate 20 additional school-aged children and is calculated at .125 per unit. The school district has sufficient seats available to serve this need. **Please be advised that this is not a concurrency determination and such a determination will be required later in the development process.**

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

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2
JANE E. KUCKEL, PH.D.
VICE CHAIRMAN, DISTRICT 3
ROBERT D. CHILMONIK
DISTRICT 1
STEVEN K. TEUBER, J.D.
DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, Ed.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

TABLE 1(b)
Year 2030 Allocations

Future Land Use Classification		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store		Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport
							Adopted	Proposed					
Residential By Future Land Use Category	Intensive Development	1,325	0	0	0	20	0	0	27	0	250	0	0
	Central Urban	14,412	0	0	0	225	0	0	0	0	230	0	0
	Urban Community	17,772	520	485	0	637	0	0	0	0	0	0	0
	Suburban	14,135	0	0	0	1,810	0	0	0	0	85	0	0
	Outlying Suburban	3,728	30	0	0	40	20	20	2	500	0	0	0
	Sub-Outlying Suburban	1,531	0	0	0	367	0	0	0	0	0	0	0
	Industrial Development	74	0	0	0	0	0	0	0	0	39	0	20
	Public Facilities	1	0	0	0	0	0	0	0	1	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	4	0	0	0	0	0	4	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	0	900
	Airport	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	0	9
	Rural	8,320	1,948	0	0	1,400	700	636	0	0	0	0	0
	Rural Community Preserve	3,046	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	201	5	0	0	1	0	0	0	150	0	0	0
	Open Lands	2,805	250	0	0	0	590	590	0	0	0	0	0
	Density Reduction/Groundwater Resource	6,905	711	0	0	0	0	0	0	0	0	0	94
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		77,360	3,464	485	0	4,500	4,340	1,250	29	651	604	0	1,023
Commercial		11,663	57	52	0	400	50	50	17	125	150	0	1,100
Industrial		6,300	26	3	0	400	5	5	26	0	300	0	3,100
Non-Regulatory Allocations													
Public		78,642	7,100	421	0	2,000	7,000	7,000	20	1,961	350	0	7,500
Active Agriculture		24,957	5,100	0	0	550	450	150	0	0	0	0	0
Passive Agriculture		45,859	13,549	0	0	2,500	409	109	0	0	0	0	1,491
Conservation (wetlands)		72,642	2,214	611	0	1,142	3,236	3,236	133	1,603	748	0	2,809
Vacant		20,397	1,953	0	0	226	874	931	34	0	45	0	300
Total		337,820	33,463	1,572	0	11,718	42,734	12,731	259	4,340	2,197	0	17,323
Population Distribution*		460,462	5,090	1,531	0	30,861	3,270	3,270	225	530	5,744	0	11,582

TABLE 1(b)
Year 2030 Allocations

Future Land Use Classification		Daniels Parkway	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development	0	0	0	0	660	3	0	0	365	0	0	0
	Central Urban	0	375	17	0	3,140	0	8,200	0	2,600	0	0	0
	Urban Community	0	850	1,000	0	860	500	13,269	0	0	51	450	0
	Suburban	0	2,500	1,975	0	1,200	675	0	0	6,690	0	1,700	0
	Outlying Suburban	1,700	377	0	0	0	600	0	0	382	0	454	0
	Sub-Outlying Suburban	0	0	25	0	0	0	0	0	140	49	0	950
	Industrial Development	0	5	5	0	10	0	0	0	0	0	0	0
	Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0
	University Community	0	0	850	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	2	0	0	0	0	0	0	15	7	0	6	12
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	0	0	0	0	0	0	0	0	0	0	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	0	0	0	0	0	0	0	0
	Rural	1,500	0	90	0	0	190	14	0	500	57	635	1,350
	Rural Community Preserve	0	0	0	0	0	0	0	0	0	3,046	0	0
	Coastal Rural	0	0	0	0	0	1,300	0	0	0	0	0	0
	Outer Islands	0	1	0	0	0	45	0	0	0	0	0	0
	Open Lands	120	0	0	0	0	0	0	0	45	0	0	1,800
	Density Reduction/Groundwater Resource	0	0	0	0	0	0	0	4,000	0	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		3,322	4,108	3,962	0	5,870	3,313	21,483	4,015	10,729	3,203	3,245	6,212
Commercial		440	1,100	1,944	0	2,100	226	1,420	38	1,687	18	1,700	139
Industrial		10	320	450	0	900	64	300	65	554	5	87	5
Non-Regulatory Allocations													
Public		2,416	3,550	2,660	0	3,500	2,100	15,000	12,000	4,000	2,114	7,000	1,500
Active Agriculture		20	0	0	0	0	2,400	0	15,101	200	411	125	900
Passive Agriculture		20	0	0	0	0	815	0	18,000	1,556	3,619	200	4,000
Conservation (wetlands)		1,719	9,306	2,798	0	188	14,767	1,496	31,530	1,317	381	5,068	882
Vacant		20	971	244	0	309	3,781	7,377	500	2,060	1,278	809	530
Total		7,967	19,355	12,058	0	12,867	27,466	47,076	81,249	22,103	11,029	18,234	14,168
Population Distribution*		16,488	34,538	36,963	0	58,363	13,265	164,702	1,270	70,659	6,114	25,395	8,410

		Burnt Store			
Future Land Use Classification		Adopted Allocation	<u>Proposed Allocation</u>	Inventoried Acreage	Remaining Allocation
Residential By Future Land Use Category	Intensive Development				
	Central Urban				
	Urban Community				
	Suburban				
	Outlying Suburban	20	20	20	0
	Sub-Outlying Suburban				
	Industrial Development				
	Public Facilities				
	University Community				
	Burnt Store Marina Village	0	4	0	4
	Industrial Interchange				
	General Interchange				
	General/Commercial Interchange				
	Industrial/Commercial Interchange				
	University Village Interchange				
	New Community				
	Airport				
	Tradeport				
	Rural	700	636	606	30
	Rural Community Preserve				
	Coastal Rural				
	Outer Islands				
	Open Lands	590	590	115	475
	Density Reduction/Groundwater Resource				
	Conservation Lands Uplands				
	Wetlands				
	Conservation Lands Wetlands				
Total Residential		1,310	1,250	741	509
Commercial		50	50	20	30
Industrial		5	5	4	1
Non-Regulatory Allocations					
Public		7,000	7,000	6,904	96
Active Agriculture		150	150	83	67
Passive Agriculture		109	109	339	(230)
Conservation (wetlands)		3,236	3,236	3,240	(4)
Vacant		871	931	1,400	(469)
Total		12,731	12,731	12,731	
Population Distribution*			3,270		

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
A T T O R N E Y S - A T - L A W

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
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Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt
Madeline Ebelini

Director of Zoning
and Land Use Planning
Michael E. Roeder, AICP

August 13, 2008

Ms. Lisa Hines
Lee County Dept. of Community Development
P.O. Box 298
Fort Myers, FL 33902

Re: CPA2007-00054, Lee Plan Future Land Use Amendment
Burnt Store Marina

Dear Lisa:

As we discussed during our meeting on June 30th, we are revising the proposed parameters of development in the Burnt Store Marina Village FLUM category to be consistent with the BLIM/BLID application that was filed with DCA on May 9th. Copies of the BLIM/BLID request and DCD's response are included in this package.

Our responses to the remaining items are as follows:

Section IV

A. General Information and Maps

A.2: An 11 x 17 2007 aerial is included in this package as Exhibit A.7.

A.3 and 4: Detailed information regarding existing zoning and land uses was provided previously.

B. Public Facility Impacts

B.1: The resubmittal package includes a copy of an easement over the roads in BSM to Realmark and Burnt Store Marina, LLC and "its lessees, their contractors, customers, employees, guests, invitees and licencees...."

Ms. Lisa Hines
Lee County Dept. of Community Development
August 13, 2008

B.2: This package includes the requested existing and future conditions analyses.

B.3: The items requested in a. - c. and four of the items under e. are included in the resubmittal package. Items b. and c. under your B.3.e. will be provided by separate cover. The Section 22 Homeowners Association is responsible for road maintenance.

IV.C. Environmental Impacts

C.1: The existing wet and dry slips are owned by the Applicant and rented to the general public. The property contains approximately 525 wet slips and 456 dry spaces. The submerged lands are owned by the Applicant, as evidenced by the deed and title insurance policy which are included in the resubmittal package.

C.2: See response to C.1 above.

C.3: Please refer to the 100 Year Flood Map enclosed with this submittal as Exhibit C.3.

E. Internal Consistency with the Lee Plan

E.1: A revised analysis of the impacts to the 2030 acreage allocations is included in the resubmittal package.

E.2: The previous Lee Plan narrative was sufficiently detailed. In light of the revised development parameters, which include residential uses, please be advised that the request is also consistent with Policy 5.1.2 (the property is not located in the CHHA, and is already surrounded by large multi-family buildings) and Policy 5.1.6 (the redevelopment plan improves the appearance of the area, which currently has little or no open space other than water, significantly).

E.3: The Applicant believes the adjacent local government analysis that was done previously was adequate.

Exhibit F.2 Requests moving lands from a Non-Urban Area to a Future Urban Area

F.2.1: An analysis of the Smart Growth principles is attached.

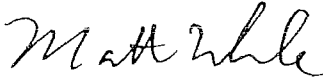
Ms. Lisa Hines
Lee County Dept. of Community Development
August 13, 2008

Miscellaneous Information/Comments

1. The golf course is not included in the request. A voluntary organization is currently leasing it for a minimal sum of money from the Applicant.
2. As noted above, copies of the BLIM/BLID Application and approval are included in the resubmittal package.
3. and 4. A survey, legal description, and sketch are also included in the package.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Matthew D. Uhle

MDU/zw

Enclosures

cc: Craig Dearden
Bill Edwards
Brendan Sloan



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

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

8/13/08
DATE

Matthew A. White
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Realmark Burnt Store Marina, LLC

APPLICANT

5789 Cape Harbour Drive #201

ADDRESS

Cape Coral

FL

33914

CITY

STATE

ZIP

541-1372

541-1377

TELEPHONE NUMBER

FAX NUMBER

Matthew D. Uhle, Esq.

AGENT*

1625 Hendry Street, Suite 301

ADDRESS

Fort Myers

FL

33901

CITY

STATE

ZIP

334-2722

334-1446

TELEPHONE NUMBER

FAX NUMBER

Realmark Burnt Store Marina, LLC

OWNER(s) OF RECORD

5789 Cape Harbour Drive #201

ADDRESS

Cape Coral

FL

33914

CITY

STATE

ZIP

541-1372

541-1377

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

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

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

x Text Amendment

x Future Land Use Map Series Amendment
(Maps 1 thru 21)
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Creation of new Burnt Store Marina Village FLUM category; Application of the new category to the subject parcel; Amendment to 2030 Planning Community Acreage Table

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

A. Property Location:

1. Site Address: 3150, 3090, & 3140-3200 Matecumbe Key Rd., Punta Gorda

2. STRAP(s): 06-43-23-07-0000A.0000 01-43-22-00-00004.0000
01-43-22-01-0000C.0000 01-43-22-00-0000C.0010

B. Property Information

Total Acreage of Property: 18.25 +/- acres

Total Acreage included in Request: 18.25 +/- acres

Area of each Existing Future Land Use Category: all in Rural

Total Uplands: 18.25 +/- acres

Total Wetlands: None

Current Zoning: CM, RM-2 and RM-10

Current Future Land Use Designation: Rural

Existing Land Use: Marina; Hotel; Restaurant

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

Lehigh Acres Commercial Overlay: NA

Airport Noise Zone 2 or 3: NA

Acquisition Area: NA

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

Community Redevelopment Area: NA

D. Proposed change for the Subject Property:

To new Burnt Store Marina Village category.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 18.25 +/- acres / 1 unit per acre

Commercial intensity 30,000 sf retail; no specific limit for office or marina; +/- 22,000 sf of existing office; 981 wet/dry slips permitted

Industrial intensity None

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 160 units

Commercial intensity 55,000 sf of retail; 15,000 sf of office; 145 hotel units; 1,325 slips

Industrial intensity None (Note: Dry storage buildings are shown as "Industrial" in 2030 acreage calculations per staff's direction)

IV. AMENDMENT SUPPORT DOCUMENTATION

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

and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

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

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

1. Provide any proposed text changes. **ATTACHED**
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **ATTACHED**
3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes. **ATTACHED**
4. Map and describe existing zoning of the subject property and surrounding properties. **ATTACHED**
5. The legal description(s) for the property subject to the requested change. **ATTACHED**
6. A copy of the deed(s) for the property subject to the requested change. **ATTACHED**
7. An aerial map showing the subject property and surrounding properties. **ATTACHED**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **NA**

B. Public Facilities Impacts **ATTACHED**

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone

(TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for: **ATTACHED**

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: **ATTACHED**

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement;
- d. Solid Waste;
- e. Mass Transit; and
- f. Schools.

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

C. Environmental Impacts **ATTACHED**

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

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources ATTACHED

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan ATTACHED

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from) **NA**
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area
ATTACHED

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. **ATTACHED**

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres ATTACHED
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each ATTACHED

AFFIDAVIT

I, Craig A. Dearden as Vice President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Craig A. Dearden
Signature of owner or owner-authorized agent

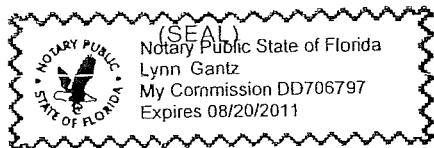
8/5/08
Date

Craig A. Dearden
Typed or printed name

STATE OF FLORIDA)

COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 5 day of August 2008, by Craig A. Dearden as Vice-President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced _____ as identification.



Lynn Gantz
Signature of notary public

Lynn Gantz
Printed name of notary public

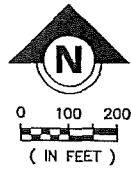
**Text Amendment
EXHIBIT A.1.**

Burnt Store Marina Village Category Description

The Burnt Store Marina Village area is located within a portion of the property in Burnt Store Marina that was zoned for a mixture of commercial and residential uses in Lee County Resolution Z-77-63. The category is intended to facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina for an attractive mix of marine, retail, hotel, and office uses that enhances the public use of the waterfront. The following uses are permitted within this category: retail uses, up to a maximum of 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

2030 Planning Communities Acreage Table Amendments

- (1) Add a new line for "Burnt Store Marina Village" in the table.
- (2) Allocate 2 acres of residential to the new category.
- (3) Move 1 acre from the existing Burnt Store commercial allocation to the industrial category.



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Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REASON DESCRIPTION	DATE	BY	REVISION DESCRIPTION
8/7/08	BE	PER THE COUNTY COMMENTS DATED 08/11/08			

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD, #200
CAPE CORAL, FLORIDA 33904
FPE#3128 (239) 573-2077

Realmark Development, LLC

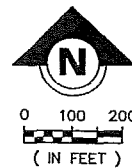
BURNT STORE MARINA VILLAGE

FUTURE LAND USE MAP

----- SUBJECT PROPERTY (18.25± AC.)
[RURAL] FUTURE LAND USE CLASSIFICATION

EXISTING LAND USES
EXHIBIT A.3.

The existing land uses on the property consist of wet boat slips, a dry storage building, office space, a restaurant, and recreational uses. The surrounding uses are predominantly multi-family residential structures. The proposed amendment, if approved, would permit the applicant to replace the existing obsolete dry storage building with one or more larger and vastly more attractive state-of-the-art buildings, along with an increased amount of support retail, office, and hotel space. These uses will be compatible with the intense residential uses that exist or are permitted in the County's RM-2 and RM-10 zoning categories.

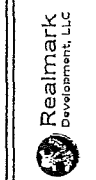


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Joseph W. Edwards, P.E.
FL LICENSE# 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/09/08	BE	PER LEE COUNTY COMMENTS DATED 08/13/08			

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD, #200
CAPE CORAL, FLORIDA 33904
FPO#5128 (239) 513-2077



BURNT STORE
MARINA VILLAGE

EXISTING USES
MAP

#07-431

LEGEND

----- SUBJECT PROPERTY (18.25± AC.)

MULTI-FAMILY EXISTING LAND USE CONDITIONS

- | | |
|-----------------|-------------------|
| 1 HOTEL/CONDO | 4 YACHT CLUB |
| 2 OFFICE | 5 MARINA FACILITY |
| 3 OFFICE/RETAIL | 6 MARINA REPAIR |

EXISTING ZONING
EXHIBIT A.4

The subject property is zoned CM and RM-2. The surrounding parcels are zoned RM-2, RM-10, and RPD.

EXHIBIT A.4.1.

CITY OF CAPE CORAL SURROUNDING PROPERTIES ZONING DESIGNATION

Single-Family Residential Districts (R-1A and R-1B)

These districts are established to:

Encourage and protect single-family development at a variety of densities with varying dimensional requirements; Permit other uses generally compatible with such residential uses; and otherwise implement this ordinance.

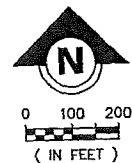
R-3 Multi-Family Residential District

This district is established to:

Permit multi-family residential development; Permit other uses generally compatible with such residential uses; and otherwise implement this ordinance.

C-1 Pedestrian Commercial District

These districts are established to: Permit areas designed to encourage and facilitate commercial activities intended to serve a large trade area, including major shopping facilities oriented to pedestrian shoppers; Permit other uses generally compatible with such commercial uses; and otherwise implement this ordinance.



LEE COUNTY ZONING DESIGNATIONS

- RM-2 RESIDENTIAL MULTI-FAMILY
- RM-10 RESIDENTIAL MULTI-FAMILY
- RPD RESIDENTIAL PLANNED DEVELOPMENT
- CM COMMERCIAL MARINE
- EC ENVIRONMENTALLY CRITICAL

CITY OF CAPE CORAL ZONING DESIGNATIONS

- C-1 PEDESTRIAN COMMERCIAL DISTRICT
- R-1A RESIDENTIAL SINGLE FAMILY DISTRICT
- R-3 RESIDENTIAL MULTI-FAMILY DISTRICT

----- SUBJECT PROPERTY (18.25± AC.)
----- LEE COUNTY ZONING LIMITS

MY-MAPS-11X17.dwg

Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/06/08	BE	PREP LEE COUNTY COMMENTS			
		DRAWN: JAW/ADW			

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
(239) 573-2077
FPE#43128

Realmark
Development, LLC

BURNT STORE
MARINA VILLAGE

EXISTING
ZONING MAP

TRACT 1 (REVISED GOLF COURSE LEGAL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING ALL OF TRACT "B", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA.

TOGETHER WITH:

ADDITIONAL PARCEL #1:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 3320, PAGE 3328 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #2:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 2285, PAGE 3070 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #3:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 1006, SECTION 22, OF SAID PUNTA GORDA ISLES SUBDIVISION; THENCE S.88° 14'39"W. FOR 912.69 FEET TO THE WESTERLY LINE OF LOT 1 OF SAID BLOCK 1006; THENCE S.22° 30'37"E. ALONG THE WEST LINE OF SAID LOT FOR 78.50 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100° 02'27" FOR 87.30 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK 1006 THROUGH A CENTRAL ANGLE OF 46° 16'04" FOR 403.76 FEET; THENCE S.76° 17'00"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 255.14 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 106° 13'12" FOR 92.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 78° 39'19" FOR 68.64 FEET; THENCE N.76° 09'07"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 76.09 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

BEGINNING AT THE NORTHERLY CORNER OF LOT 3, BLOCK 994 OF SAID PUNTA GORDA ISLES SECTION 22, SAID POINT BEING THE POINT OF BEGINNING; THENCE S.76° 48'18"W. FOR 48.00 FEET; THENCE N.39° 53'12"E. FOR 53.68 FEET; THENCE N.88° 09'13"E. FOR 8.29 FEET; THENCE S.64° 55'39"E. FOR

13.87 FEET; THENCE N.69° 05'06"E. FOR 9.73 FEET; THENCE N.13° 25'43"E. FOR 24.17 FEET; THENCE N.17° 50'12"W. FOR 34.56 FEET; THENCE S.84° 43'56"W. FOR 7.71 FEET; THENCE N.63° 22'54"W. FOR 29.81 FEET; THENCE N.46° 05'01"W. FOR 81.43 FEET; THENCE N.71° 04'55"W. FOR 7.43 FEET; THENCE S.84° 11'40"W. FOR 11.13 FEET; THENCE S.72° 11'46"W. FOR 5.76 FEET; THENCE S.89° 12'56"W. FOR 3.58 FEET; THENCE N.72° 23'00"W. FOR 8.34 FEET; THENCE N.62° 28'07"W. FOR 7.23 FEET; THENCE S.81° 40'01"W. FOR 17.63 FEET; THENCE S.85° 24'38"W. FOR 29.42 FEET; THENCE N.89° 08'52"W. FOR 36.88 FEET; THENCE N.83° 22'49"W. FOR 24.40 FEET; THENCE N.61° 19'35"W. FOR 13.87 FEET; THENCE N.38° 44'39"W. FOR 19.64 FEET; THENCE N.18° 59'57"W. FOR 24.04 FEET; THENCE N.04° 20'38"W. FOR 145.31 FEET; THENCE N.06° 05'35"E. FOR 47.67 FEET; THENCE N.19° 20'06"E. FOR 33.38 FEET; THENCE N.55° 45'10"E. FOR 41.05 FEET; THENCE N.85° 13'15"E. FOR 38.03 FEET; THENCE S.72° 19'11"E. FOR 33.09 FEET; THENCE S.51° 55'12"E. FOR 14.42 FEET; THENCE S.77° 26'18"E. FOR 21.70 FEET; THENCE N.75° 48'31"E. FOR 52.27 FEET; THENCE N.79° 43'07"E. FOR 119.39 FEET; THENCE S.62° 49'58"E. FOR 29.98 FEET; THENCE S.41° 58'50"E. FOR 29.79 FEET; THENCE S.12° 32'22"E. FOR 14.56 FEET; THENCE S.04° 09'53"E. FOR 57.03 FEET; THENCE S.05° 04'46"W. FOR 24.06 FEET; THENCE S.10° 07'56"W. FOR 43.56 FEET; THENCE S.04° 14'03"E. FOR 38.30 FEET; THENCE S.37° 21'15"E. FOR 50.83 FEET; THENCE S.60° 30'39"E. FOR 15.44 FEET; THENCE S.28° 58'48"E. FOR 31.26 FEET; THENCE S.17° 45'35"W. FOR 85.96 FEET; THENCE S.05° 35'08"E. FOR 24.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.41° 53'13"E., A RADIAL DISTANCE OF 100.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 61° 14'55" FOR 106.90 FEET; THENCE S.76°51'56"W. FOR 40.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.76° 51'52"W., A RADIAL DISTANCE OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 90° 03'34" FOR 78.59 FEET TO THE POINT OF BEGINNING.

TRACT 2 (VACANT LAND 4A - PARCEL EAST OF MAINTENANCE PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE ROAD), 1246.02 FEET; THENCE S.88° 22'02"W., 774.91 FEET; THENCE N.00° 33'37"E., 30.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.00° 33'37"E., FOR 310.23 FEET; THENCE S.88° 22'02"W., 491.07 FEET; THENCE S.00° 33'37"W., 159.95 FEET; THENCE S.88° 22'02"W., 75.05 FEET; THENCE S.00° 33'37"W., 150.28 FEET; THENCE N.88° 22'02"E., 566.12 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 3 (VACANT LAND 4B- TRACT A-7 - POND PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE

ROAD), 1246.02 FEET; THENCE S.88° 22'18"W., 68.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BURNT STORE ROAD AND THE POINT OF BEGINNING; THENCE S.88°22'18"W., 706.62 FEET; THENCE N.00° 42'25"E., 415.34 FEET; THENCE N.88° 22'18"E., 706.53 FEET; THENCE S.00° 41'43"W., 415.34 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 4 (MATECUMBE KEY ROAD):

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1660.00 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, ACCORDING TO THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO; THENCE S.00° 33'37"W., A DISTANCE OF 830.73 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 235.01 FEET; THENCE S.30° 56'51"E., A DISTANCE OF 191.35 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,248.12 FEET AND A CENTRAL ANGLE OF 13° 44'14"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 299.25 FEET; THENCE N.54° 48'33"W., A DISTANCE OF 112.36 FEET; THENCE N.00° 33'37"E., A DISTANCE OF 66.04 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 205.29 FEET; THENCE N.00° 17'44"E., A DISTANCE OF 304.96 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 232.98 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.83° 51'44"W., A RADIAL DISTANCE OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 33° 56'40", A DISTANCE OF 11.85 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 468.00 FEET AND A CENTRAL ANGLE OF 17° 15'47"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 141.01 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 118.00 FEET AND A CENTRAL ANGLE OF 32° 39'17"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 67.25 FEET; THENCE WEST, A DISTANCE OF 162.18 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 136° 15'32"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 47.56 FEET; THENCE N.46° 15'32"E., A DISTANCE OF 67.67 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90° 00'00"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 31.42 FEET; THENCE S.43° 44'28"E., A DISTANCE OF 9.67 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 180° 00'00"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 78.54 FEET; THENCE N.43° 44'28"W., A DISTANCE OF 4.98 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 38° 24'46"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 13.41 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 89.21 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.79° 24'42"W., A RADIAL DISTANCE OF 18.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20° 33'05", A DISTANCE OF 6.46 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 15° 07'10"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 23.75 FEET; THENCE S.46° 15'32"W., A DISTANCE OF 48.81 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL

ANGLE OF $63^{\circ} 23' 18''$; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 22.13 FEET; THENCE $S.00^{\circ} 24' 16'' W.$ A DISTANCE OF 28.63 FEET; THENCE $S.46^{\circ} 15' 32'' W.$ A DISTANCE OF 63.05 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 249.50 FEET AND A CENTRAL ANGLE OF $18^{\circ} 48' 45''$; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 81.92 FEET; THENCE $N.24^{\circ} 55' 43'' W.$, A DISTANCE OF 8.75 FEET; THENCE $N.14^{\circ} 38' 24'' W.$, A DISTANCE OF 102.73 FEET; THENCE $S.75^{\circ} 21' 36'' W.$, A DISTANCE OF 63.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF $29^{\circ} 40' 54''$; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 25.90 FEET; THENCE $N.74^{\circ} 57' 31'' W.$, A DISTANCE OF 157.51 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF $26^{\circ} 30' 57''$; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 69.42 FEET; THENCE $N.48^{\circ} 26' 34'' W.$, A DISTANCE OF 28.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF $03^{\circ} 54' 04''$; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 1.36 FEET; THENCE $N.00^{\circ} 24' 02'' E.$, A DISTANCE OF 49.99 FEET; THENCE $S.89^{\circ} 35' 58'' E.$, A DISTANCE OF 199.85 FEET; THENCE $N.00^{\circ} 24' 02'' E.$, A DISTANCE OF 60.00 FEET; THENCE $S.89^{\circ} 35' 58'' E.$, A DISTANCE OF 260.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 308.01 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 410.34 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF $89^{\circ} 50' 25''$; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 266.56 FEET; THENCE $N.00^{\circ} 33' 37'' E.$, A DISTANCE OF 544.63 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES $N.89^{\circ} 33' 31'' E.$, A RADIAL DISTANCE OF 214.23 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $53^{\circ} 47' 49''$, A DISTANCE OF 201.15 FEET; THENCE $S.36^{\circ} 26' 58'' E.$, A DISTANCE OF 60.17 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $S.36^{\circ} 26' 57'' E.$, A RADIAL DISTANCE OF 153.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $52^{\circ} 03' 09''$, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING.

TRACT 5 (MAINTENANCE PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA; THENCE $N.00^{\circ} 33' 37'' E.$ ALONG THE WEST LINE OF SAID SECTION 6 FOR 1,661.22 FEET TO THE SOUTH LINE OF PUNTA GORDA ISLES SUBDIVISION, AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE $N.88^{\circ} 22' 02'' E.$ ALONG SAID SOUTH LINE FOR 3,395.27 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE EASTERLY ALONG SAID LINE FOR 565.52 FEET; THENCE $S.00^{\circ} 32' 14'' W.$ FOR 414.70 FEET; THENCE $S.88^{\circ} 20' 05'' W.$ FOR 565.54 FEET; THENCE $N.00^{\circ} 32' 15'' E.$ FOR 415.02 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 6 (SALES CENTER PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF LOTS 1 & 2 BLOCK 1001 & TRACT "C", PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118-138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S. $36^{\circ} 26' 58''$ E. FOR 10.01 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S. $36^{\circ} 26' 44''$ E., A RADIAL DISTANCE OF 212.98 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $41^{\circ} 39' 29''$ FOR 154.85 FEET; THENCE S. $60^{\circ} 22' 46''$ W. FOR 61.09 FEET; THENCE N. $15^{\circ} 22' 46''$ E. FOR 43.85 FEET; THENCE N. $29^{\circ} 37' 14''$ W. FOR 228.06 FEET; THENCE N. $59^{\circ} 14' 04''$ E. FOR 111.46 FEET; THENCE N. $83^{\circ} 30' 29''$ E. FOR 29.19 FEET; THENCE N. $59^{\circ} 14' 04''$ E. FOR 30.05 FEET; THENCE N. $29^{\circ} 50' 03''$ W. FOR 213.60 FEET; THENCE N. $59^{\circ} 00' 18''$ E. FOR 102.25 FEET; THENCE N. $83^{\circ} 44' 57''$ E. FOR 171.76 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N. $83^{\circ} 44' 57''$ E., A RADIAL DISTANCE OF 1,340.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $12^{\circ} 13' 04''$ FOR 285.74 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF $80^{\circ} 49' 54''$; THENCE SOUTHERLY ALONG THE ARC FOR 70.54 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 840.00 FEET AND A CENTRAL ANGLE OF $08^{\circ} 48' 45''$; THENCE SOUTHWESTERLY ALONG THE ARC FOR 129.20 FEET TO THE POINT OF BEGINNING.

TRACT 7 (REVISED MARINA PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 01, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S. $59^{\circ} 00' 17''$ W. FOR 195.14 FEET; THENCE S. $00^{\circ} 22' 56''$ W. FOR 117.13 FEET; THENCE S. $59^{\circ} 00' 17''$ W. FOR 92.56 FEET; THENCE S. $29^{\circ} 36' 42''$ E. FOR 142.83 FEET; THENCE S. $60^{\circ} 23' 18''$ W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S. $60^{\circ} 23' 18''$ W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ} 47' 39''$ FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF $68^{\circ} 15' 43''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF $40^{\circ} 27' 29''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 106.84 FEET TO A POINT OF

REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF $27^{\circ} 49' 50''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 342.96 FEET; THENCE $N.66^{\circ} 38' 04'' E.$ FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $N.51^{\circ} 15' 35'' E.$, A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $27^{\circ} 16' 25''$ FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF $40^{\circ} 27' 29''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF $68^{\circ} 15' 43''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF $25^{\circ} 47' 39''$; THENCE EASTERLY ALONG THE ARC FOR 244.14 FEET; THENCE $N.60^{\circ} 23' 18'' E.$ FOR 551.55 FEET; THENCE $S.29^{\circ} 36' 42'' E.$ FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE $S.59^{\circ} 00' 17'' W.$ FOR 195.14 FEET; THENCE $N.00^{\circ} 22' 56'' E.$ FOR 104.90 FEET; THENCE $N.89^{\circ} 37' 04'' W.$ FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE $S.00^{\circ} 22' 56'' W.$ FOR 18.51 FEET; THENCE $N.89^{\circ} 22' 30'' W.$ FOR 656.66 FEET; THENCE $N.00^{\circ} 24' 52'' E.$ FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 15' 18''$ FOR 75.52 FEET; THENCE $N.41^{\circ} 50' 26'' W.$ FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $S.48^{\circ} 09' 35'' W.$, A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $21^{\circ} 21' 02''$ FOR 112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF $27^{\circ} 00' 22''$; THENCE WESTERLY ALONG THE ARC FOR 124.95 FEET; THENCE $N.02^{\circ} 10' 05'' E.$ FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES $S.00^{\circ} 00' 25'' W.$, A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $26^{\circ} 48' 08''$ FOR 135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF $21^{\circ} 21' 02''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 121.62 FEET; THENCE $S.41^{\circ} 50' 26'' E.$ FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 15' 18''$ FOR 93.96 FEET; THENCE $S.00^{\circ} 24' 52'' W.$ FOR 390.87 FEET; THENCE $S.89^{\circ} 37' 04'' E.$ FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64° 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

CONDOMINIUM PARCEL: UNIT NO. 71, COURTSIDE LANDINGS CONDOMINIUM, being further described in that certain Declaration of Condominium recorded in Official Records Book 3093, Page 3733, and subsequent amendments thereto, and according to the plat recorded in Condominium Plat Book 26, Pages 57 and 58, Public Records of Lee County, Florida.

DR BK 03344 PG 2789

DESCRIPTION OF A PARCEL
LYING IN SECTION 1, T-43-S, R-22-E,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING A PORTION OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, AND ALSO BEING A PORTION OF TRACT "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00°33'37"E. ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°35'44"W., ALONG THE SOUTH LINE OF SAID TRACT "I" FOR 1208.39 FEET; THENCE N.00°24'02"E., FOR 110.08 FEET TO THE NORTHWEST CORNER OF THE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1554, PAGE 942, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°35'58"E., ALONG THE NORTH LINE OF SAID EASEMENT, FOR 260.82 FEET; THENCE N.00°24'02"E., FOR 112.24 FEET; THENCE N.89°33'59"W., FOR 101.51 FEET; THENCE N.00°26'01"E., FOR 128.93 FEET; THENCE S.89°33'59"E., FOR 117.82 FEET TO A POINT ON THE WESTERLY LINE OF "KEEL CLUB CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613, OF SAID PUBLIC RECORDS; THENCE, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID CONDOMINIUM, THE FOLLOWING COURSES, N.01°28'31"E., FOR 22.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 16.48 FEET, A CENTRAL ANGLE OF 84°36'37", A CHORD BEARING OF N.43°46'50"E. AND A CHORD LENGTH OF 22.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°05'08"E., FOR 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 23.62 FEET, A CENTRAL ANGLE OF 80°31'28", A CHORD BEARING OF N.45°49'24"E. AND A CHORD LENGTH OF 30.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°33'40"E., FOR 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.95 FEET, A CENTRAL ANGLE OF 86°29'24", A CHORD BEARING OF N.48°48'22"E. AND A CHORD LENGTH OF 21.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.87°56'56"E., FOR 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 350.09 FEET, A CENTRAL ANGLE OF 21°02'11", A CHORD BEARING OF N.81°31'58"E. AND A CHORD LENGTH OF 127.82 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.71°00'53"E., FOR 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.71 FEET, A CENTRAL ANGLE OF 109°23'09", A CHORD BEARING OF S.54°17'32"E. AND A CHORD LENGTH OF 28.91 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, ALONG THE EAST LINE OF SAID CONDOMINIUM, S.00°24'02"W. FOR 225.02 FEET TO THE SOUTHEAST CORNER OF SAID CONDOMINIUM; THENCE, DEPARTING FROM SAID CONDOMINIUM, S.00°24'02"W. FOR 128.38 FEET TO A POINT ON THE NORTH LINE OF SAID EASEMENT; THENCE, ALONG THE NORTH AND WEST LINE OF SAID EASEMENT, THE FOLLOWING COURSES, S.89°35'58"E. FOR 410.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 89°50'25", A CHORD BEARING OF N.45°28'50"E. AND A CHORD LENGTH OF 240.08 FEET; THENCE ALONG THE ARC OF

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SAID CURVE, AN ARC LENGTH OF 266.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°33'26"E., FOR 548.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.98 FEET, A CENTRAL ANGLE OF 11°07'09", A CHORD BEARING OF N.06°07'07"E. AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 41.33 FEET TO THE END OF SAID CURVE; THENCE, DEPARTING FROM SAID EASEMENT, S.60°41'17"W. FOR 61.47 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, EASTERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.15°22'46"E. FOR 43.85 FEET; THENCE N.29°37'14"W., FOR 228.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL, N.59°14'04"E., FOR 111.46 FEET; THENCE N.83°30'29"E., FOR 29.19 FEET; THENCE N.59°14'04"E., FOR 30.05 FEET; THENCE N.29°50'03"W., FOR 213.65 FEET TO A POINT ON THE SOUTHERLY LINE OF "PLATINUM POINT YACHT CLUB" RECORDED IN OFFICIAL RECORDS BOOK 2530, PAGE 4055; THENCE S.59°01'27"W., ALONG SAID SOUTHERLY LINE FOR 167.63 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, NORTHERLY, EASTERLY, SOUTHERLY, WESTERLY AND SOUTHERLY OF SAID SEAWALL AND ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF "PLATINUM POINT" RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS THE FOLLOWING COURSES, N.74°24'52"W., FOR 43.06 FEET; THENCE S.60°23'18"W., FOR 670.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 567.29 FEET, A CENTRAL ANGLE OF 25°47'39", A CHORD BEARING OF S.73°17'07"W. AND A CHORD LENGTH OF 253.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 255.39 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 201.66 FEET, A CENTRAL ANGLE OF 68°15'43", A CHORD BEARING OF N.59°41'11"W. AND A CHORD LENGTH OF 226.30 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 240.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.88 FEET, A CENTRAL ANGLE OF 40°34'00", A CHORD BEARING OF N.45°50'20"W. AND A CHORD LENGTH OF 104.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 106.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 705.31 FEET, A CENTRAL ANGLE OF 32°47'52", A CHORD BEARING OF N.49°43'24"W. AND A CHORD LENGTH OF 398.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 403.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 193.85 FEET, A CENTRAL ANGLE OF 51°50'51", A CHORD BEARING OF N.59°14'53"W. AND A CHORD LENGTH OF 169.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 175.41 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 261.77 FEET, A CENTRAL ANGLE OF 91°27'30", A CHORD BEARING OF N.39°26'34"W. AND A CHORD LENGTH OF 374.87 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 417.84 FEET TO THE END OF SAID CURVE; THENCE N.08°31'27"E., FOR 218.67 FEET; THENCE N.11°26'16"E., FOR 180.68 FEET; THENCE N.15°16'05"E., FOR 415.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 169.21 FEET, A CENTRAL ANGLE OF 26°39'01", A CHORD BEARING OF N.28°35'36"E. AND A CHORD LENGTH OF 78.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.71 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 290.79 FEET, A CENTRAL ANGLE OF 74°47'26", A CHORD BEARING OF N.79°18'50"E. AND A CHORD LENGTH OF 353.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 379.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 321.96 FEET, A CENTRAL ANGLE OF 21°28'47", A CHORD BEARING OF S.52°33'04"E. AND A CHORD LENGTH OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 120.70

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FEET TO THE END OF SAID CURVE; THENCE S.41°49'58"E., FOR 531.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.24 FEET, A CENTRAL ANGLE OF 41°39'39", A CHORD BEARING OF S.21°00'09"E. AND A CHORD LENGTH OF 92.63 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 94.70 FEET TO THE END OF SAID CURVE; THENCE S.00°25'38"W., FOR 390.84 FEET; THENCE S.89°37'03"E., FOR 671.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL AND SAID "PLATINUM POINT", S.00°22'56"W., FOR 153.40 FEET; THENCE N.59°00'18"E., FOR 93.70 FEET; THENCE N.00°22'56"E., FOR 104.61 FEET TO A POINT ON THE WESTERLY LINE OF "THE TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, OF SAID PUBLIC RECORDS AND A POINT LYING 1 FOOT MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG THE WEST LINE OF SAID CONDOMINIUM AND THE WEST LINE OF "MARINA TOWERS CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1948, PAGE 145 OF SAID PUBLIC RECORDS AND ALONG A LINE PARALLEL TO AND LYING 1 FOOT EASTERLY AND NORTHERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.00°37'38"E., FOR 561.62 FEET; THENCE N.89°35'57"W., ALONG THE SOUTH LINE OF SAID "MARINA TOWERS CONDOMINIUM" AND THE SOUTH LINE OF "MARINA NORTH SHORE CONDOMINIUM" AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 257 OF SAID PUBLIC RECORDS FOR 578.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 88.76 FEET, A CENTRAL ANGLE OF 50°52'35", A CHORD BEARING OF N.64°09'40"W. AND A CHORD LENGTH OF 76.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.81 FEET TO THE END OF SAID CURVE; THENCE N.38°52'47"W., FOR 112.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 872.33 FEET, A CENTRAL ANGLE OF 11°48'00", A CHORD BEARING OF N.44°46'47"W. AND A CHORD LENGTH OF 179.34 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.65 FEET TO THE END OF SAID CURVE; THENCE N.50°56'21"W., ALONG THE SOUTHERLY LINE OF "DIAMOND PARK" AS RECORDED IN PLAT BOOK 54, PAGES 80 AND 81 OF SAID PUBLIC RECORDS THE FOLLOWING COURSES FOR 135.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 835.62 FEET, A CENTRAL ANGLE OF 12°19'51", A CHORD BEARING OF N.57°06'16"W. AND A CHORD LENGTH OF 179.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.84 FEET TO THE END OF SAID CURVE; THENCE N.63°21'27"W., FOR 102.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 388.19 FEET, A CENTRAL ANGLE OF 50°54'54", A CHORD BEARING OF N.88°48'54"W. AND A CHORD LENGTH OF 333.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 344.96 FEET TO THE END OF SAID CURVE; THENCE S.66°15'19"W., ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2957 PAGE 2746, SAID PUBLIC RECORDS FOR 33.62 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3245, PAGE 3175 OF SAID PUBLIC RECORDS AND BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 387.54 FEET, A CENTRAL ANGLE OF 04°08'10", A CHORD BEARING OF S.58°28'57"W. AND A CHORD LENGTH OF 27.97 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.98 FEET TO THE END OF SAID CURVE; THENCE S.49°03'29"W., FOR 58.31 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE DEPARTING FROM SAID SEAWALL N.41°50'54"W., FOR 17.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF LOT 9 OF SAID "DIAMOND PARK"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 9, THE FOLLOWING COURSES, N.39°21'06"W., FOR 38.60 FEET; THENCE N.01°20'27"W., FOR 193.86 FEET; THENCE N.37°47'30"E., FOR 110.00 FEET; THENCE DEPARTING FROM SAID LOT 9 S.59°53'43"W., FOR 137.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "C"; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES S.16°44'33"W., FOR 515.42 FEET; THENCE S.23°51'46"W., FOR 305.62 FEET; THENCE S.01°48'25"W., FOR 695.54 FEET; THENCE S.10°29'40"W.,

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FOR 418.58 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING FROM SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF "MARINA SOUTH SHORE CONDOMINIUM" RECORDED IN OFFICIAL RECORDS BOOK 1432 PAGE 0278 AND THE WESTERLY EXTENSION THEREOF, AND ALONG A LINE LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AND PARALLEL TO AN EXISTING SEAWALL, THE FOLLOWING COURSES N.76°24'19"E., FOR 201.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 253.73 FEET, A CENTRAL ANGLE OF 16°47'37", A CHORD BEARING OF N.84°48'08"E. AND A CHORD LENGTH OF 74.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 74.37 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 453.03 FEET, A CENTRAL ANGLE OF 11°02'37", A CHORD BEARING OF S.81°16'45"E. AND A CHORD LENGTH OF 87.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 87.32 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 570.11 FEET, A CENTRAL ANGLE OF 20°59'54", A CHORD BEARING OF S.65°15'29"E. AND A CHORD LENGTH OF 207.77 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 208.94 FEET TO THE END OF SAID CURVE; THENCE S.53°54'52"E., FOR 271.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1927.30 FEET, A CENTRAL ANGLE OF 09°54'41", A CHORD BEARING OF S.58°52'12"E. AND A CHORD LENGTH OF 332.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 333.39 FEET TO THE POINT OF COMPOUND CURVE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2250.36 FEET, A CENTRAL ANGLE OF 01°39'50", A CHORD BEARING OF S.64°39'28"E., AND A CHORD LENGTH OF 65.35 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 65.35 FEET TO THE END OF SAID CURVE; THENCE S.65°42'09"E., FOR 105.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 134.05 FEET, A CENTRAL ANGLE OF 02°25'45", A CHORD BEARING OF S.64°29'17"E. AND A CHORD LENGTH OF 5.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.68 FEET TO THE END OF SAID CURVE AND THE NORTHEAST CORNER OF SAID CONDOMINIUM; THENCE S.00°24'02"W., ALONG THE EAST LINE OF SAID CONDOMINIUM FOR 448.64 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES, SECTION 22, HAVING AN ASSUMED BEARING OF N.00°33'26"E.

EXHIBIT "A"
LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section Twenty-Two, Plat Book 28, Page 118, Lee County Public Records, and being further bounded and described as follows:

Commencing at the Southeast corner of said Section 1; thence N 00°33'37" E, along the East line of said Section 1, for 830.00 feet to the Southeast corner of Tract "I", as described in Official Records Book 2285, Page 3073, said Public Records; thence N 89°35'44" W, along the South line of said Tract "I", for 1208.39 feet; thence N 00°24'02" E, for 110.08 feet; thence S 89°35'58" E, along the North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, said Public Records, for 260.82 feet to the Point of Beginning; thence N 00°24'02" E, for 112.24 feet; thence N 89°33'59" W, for 101.51 feet; thence N 00°26'01" E, for 128.93 feet; thence S 89°33'59" E for 117.82 feet; thence S 01°28'31" W, for 14.10 feet to the beginning of a curve to the right; having a radius of 133.42 feet, a central angle of 17°03'03", a chord bearing and distance of S 10°00'02" W, 39.56 feet; thence along the arc of said curve, an arc length of 39.70 feet to a point of reverse curvature; having a radius of 191.85 feet, a central angle of 18°07'32", a chord bearing and distance of S 09°27'48" W, 60.44 feet; thence along the arc of said curve, an arc length of 60.69 feet; thence leaving said curve S 89°36'07" E, for 308.01 feet; thence S 00°24'02" W, for 128.39 feet; thence N 89°35'58" W, along said North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, for 308.01 feet to the Point of Beginning.

Bearings are based on the East line of Section 1 as bearing N 00° 33'37" E.

20-50
84001

THIS INSTRUMENT PREPARED BY
AND RETURN TO:

Stephen J. Szabo, III, Esquire
Annis, Mitchell, Cockey,
Edwards & Roehn, P.A.
Post Office Box 3433
Tampa, Florida 33601

INSTR # 5032499

OR BK 03344 PG 2787

RECORDED 12/29/00 12:09 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 28.50
DOC TAX PD(F.S.201.02) 84,000.00
DEPUTY CLERK K Cartwright

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 25th day of December, 2000, by WCI COMMUNITIES, INC., a Delaware corporation, ("Grantor"), to REALMARK BURNT STORE MARINA, L.L.C. a Florida limited liability company, whose address is 1900 Lagoon Lane, Cape Coral, Florida 33914 ("Grantee").

WITNESSETH: That Grantor for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, conveys and confirms unto Grantee all that certain land situate in Lee County, Florida, more particularly described on Exhibit A attached hereto (the "Land").

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Land in fee simple; that Grantor has good right and lawful authority to sell and convey the Land; that Grantor hereby fully warrants the title to the Land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor; and that the Land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000, and all declarations, easements and restrictions of record.

IN WITNESS WHEREOF, Grantor has executed these presents the day and year first above written.

Witnesses:

WCI COMMUNITIES, INC., a Delaware corporation

Stephen P. Szabo
Name: Stephen P. Szabo, JR

GREGG S. TRUXTON
Name: GREGG S. TRUXTON

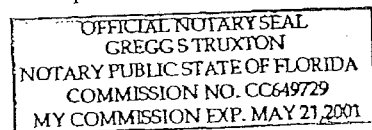
Albert F. Moscato, Jr.
By: Albert F. Moscato, Jr.
Print Name: ALBERT F. MOSCATO JR.
Vice President
Address: 24301 Walden Center Drive
Suite 300
Bonita Springs, FL 34134

STATE OF FLORIDA
COUNTY OF ~~HILLSBOROUGH~~ LEE

The foregoing instrument was acknowledged before me this 28 day of December, 2000, by Albert F. Moscato, Jr., as Vice President of WCI COMMUNITIES, INC., a Delaware corporation, on behalf of the corporation. He/She is personally known to me or produced N/A as identification.

GREGG S. TRUXTON
NOTARY PUBLIC
Name: _____
Serial #: _____
My Commission Expires: _____

#758052 v3 - 2303-449



DE 03344 PG 2789

DESCRIPTION OF A PARCEL
LYING IN SECTION 1, T-43-S, R-22-E,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING A PORTION OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, AND ALSO BEING A PORTION OF TRACT "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00°33'37"E. ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°35'44"W., ALONG THE SOUTH LINE OF SAID TRACT "I" FOR 1208.39 FEET; THENCE N.00°24'02"E., FOR 110.08 FEET TO THE NORTHWEST CORNER OF THE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1554, PAGE 942, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°35'58"E., ALONG THE NORTH LINE OF SAID EASEMENT, FOR 260.82 FEET; THENCE N.00°24'02"E., FOR 112.24 FEET; THENCE N.89°33'59"W., FOR 101.51 FEET; THENCE N.00°26'01"E., FOR 128.93 FEET; THENCE S.89°33'59"E., FOR 117.82 FEET TO A POINT ON THE WESTERLY LINE OF "KEEL CLUB CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613, OF SAID PUBLIC RECORDS; THENCE, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID CONDOMINIUM, THE FOLLOWING COURSES, N.01°28'31"E., FOR 22.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 16.48 FEET, A CENTRAL ANGLE OF 84°36'37", A CHORD BEARING OF N.43°46'50"E. AND A CHORD LENGTH OF 22.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°05'08"E., FOR 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 23.62 FEET, A CENTRAL ANGLE OF 80°31'28", A CHORD BEARING OF N.45°49'24"E. AND A CHORD LENGTH OF 30.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°33'40"E., FOR 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.95 FEET, A CENTRAL ANGLE OF 86°29'24", A CHORD BEARING OF N.48°48'22"E. AND A CHORD LENGTH OF 21.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.87°56'56"E., FOR 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 350.09 FEET, A CENTRAL ANGLE OF 21°02'11", A CHORD BEARING OF N.81°31'58"E. AND A CHORD LENGTH OF 127.82 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.71°00'53"E., FOR 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.71 FEET, A CENTRAL ANGLE OF 109°23'09", A CHORD BEARING OF S.54°17'32"E. AND A CHORD LENGTH OF 28.91 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, ALONG THE EAST LINE OF SAID CONDOMINIUM, S.00°24'02"W. FOR 225.02 FEET TO THE SOUTHEAST CORNER OF SAID CONDOMINIUM; THENCE, DEPARTING FROM SAID CONDOMINIUM, S.00°24'02"W., FOR 128.38 FEET TO A POINT ON THE NORTH LINE OF SAID EASEMENT; THENCE, ALONG THE NORTH AND WEST LINE OF SAID EASEMENT, THE FOLLOWING COURSES, S.89°35'58"E. FOR 410.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 89°50'25", A CHORD BEARING OF N.45°28'50"E. AND A CHORD LENGTH OF 240.08 FEET; THENCE ALONG THE ARC OF

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SAID CURVE, AN ARC LENGTH OF 266.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°33'26"E., FOR 548.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.98 FEET, A CENTRAL ANGLE OF 11°07'09", A CHORD BEARING OF N.06°07'07"E. AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 41.33 FEET TO THE END OF SAID CURVE; THENCE, DEPARTING FROM SAID EASEMENT, S.60°41'17"W. FOR 61.47 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, EASTERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.15°22'46"E. FOR 43.85 FEET; THENCE N.29°37'14"W., FOR 228.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL, N.59°14'04"E., FOR 111.46 FEET; THENCE N.83°30'29"E., FOR 29.19 FEET; THENCE N.59°14'04"E., FOR 30.05 FEET; THENCE N.29°50'03"W., FOR 213.65 FEET TO A POINT ON THE SOUTHERLY LINE OF "PLATINUM POINT YACHT CLUB" RECORDED IN OFFICIAL RECORDS BOOK 2530, PAGE 4055; THENCE S.59°01'27"W., ALONG SAID SOUTHERLY LINE FOR 167.63 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, NORTHERLY, EASTERLY, SOUTHERLY, WESTERLY AND SOUTHERLY OF SAID SEAWALL AND ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF "PLATINUM POINT" RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS THE FOLLOWING COURSES, N.74°24'52"W., FOR 43.06 FEET; THENCE S.60°23'18"W., FOR 670.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 567.29 FEET, A CENTRAL ANGLE OF 25°47'39", A CHORD BEARING OF S.73°17'07"W. AND A CHORD LENGTH OF 253.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 255.39 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 201.66 FEET, A CENTRAL ANGLE OF 68°15'43", A CHORD BEARING OF N.59°41'11"W. AND A CHORD LENGTH OF 226.30 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 240.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.88 FEET, A CENTRAL ANGLE OF 40°34'00", A CHORD BEARING OF N.45°50'20"W. AND A CHORD LENGTH OF 104.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 106.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 703.31 FEET, A CENTRAL ANGLE OF 32°47'52", A CHORD BEARING OF N.49°43'24"W. AND A CHORD LENGTH OF 398.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 403.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 193.85 FEET, A CENTRAL ANGLE OF 51°50'51", A CHORD BEARING OF N.59°14'53"W. AND A CHORD LENGTH OF 169.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 175.41 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 261.77 FEET, A CENTRAL ANGLE OF 91°27'30", A CHORD BEARING OF N.39°26'34"W. AND A CHORD LENGTH OF 374.87 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 417.84 FEET TO THE END OF SAID CURVE; THENCE N.08°31'27"E., FOR 218.67 FEET; THENCE N.11°26'16"E., FOR 180.68 FEET; THENCE N.15°16'05"E., FOR 415.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 169.21 FEET, A CENTRAL ANGLE OF 26°39'01", A CHORD BEARING OF N.28°35'36"E. AND A CHORD LENGTH OF 78.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.71 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 290.79 FEET, A CENTRAL ANGLE OF 74°47'26", A CHORD BEARING OF N.79°18'50"E. AND A CHORD LENGTH OF 353.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 379.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 321.96 FEET, A CENTRAL ANGLE OF 21°23'47", A CHORD BEARING OF S.52°33'04"E. AND A CHORD LENGTH OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 120.70

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FEET TO THE END OF SAID CURVE; THENCE S.41°49'58"E., FOR 531.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.24 FEET, A CENTRAL ANGLE OF 41°39'39", A CHORD BEARING OF S.21°00'09"E. AND A CHORD LENGTH OF 92.63 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 94.70 FEET TO THE END OF SAID CURVE; THENCE S.00°25'38"W., FOR 390.84 FEET; THENCE S.89°37'03"E., FOR 671.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL AND SAID "PLATINUM POINT", S.00°22'56"W., FOR 153.40 FEET; THENCE N.59°00'18"E., FOR 93.70 FEET; THENCE N.00°22'56"E., FOR 104.61 FEET TO A POINT ON THE WESTERLY LINE OF "THE TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, OF SAID PUBLIC RECORDS AND A POINT LYING 1 FOOT MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG THE WEST LINE OF SAID CONDOMINIUM AND THE WEST LINE OF "MARINA TOWERS CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1948, PAGE 145 OF SAID PUBLIC RECORDS AND ALONG A LINE PARALLEL TO AND LYING 1 FOOT EASTERLY AND NORTHERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.00°37'38"E., FOR 561.62 FEET; THENCE N.89°35'57"W., ALONG THE SOUTH LINE OF SAID "MARINA TOWERS CONDOMINIUM" AND THE SOUTH LINE OF "MARINA NORTH SHORE CONDOMINIUM" AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 257 OF SAID PUBLIC RECORDS FOR 578.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 88.76 FEET, A CENTRAL ANGLE OF 50°52'35", A CHORD BEARING OF N.64°09'40"W. AND A CHORD LENGTH OF 76.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.81 FEET TO THE END OF SAID CURVE; THENCE N.38°52'47"W., FOR 112.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 872.33 FEET, A CENTRAL ANGLE OF 11°48'00", A CHORD BEARING OF N.44°46'47"W. AND A CHORD LENGTH OF 179.34 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.65 FEET TO THE END OF SAID CURVE; THENCE N.50°56'21"W., ALONG THE SOUTHERLY LINE OF "DIAMOND PARK" AS RECORDED IN PLAT BOOK 54, PAGES 80 AND 81 OF SAID PUBLIC RECORDS THE FOLLOWING COURSES FOR 135.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 835.62 FEET, A CENTRAL ANGLE OF 12°19'51", A CHORD BEARING OF N.57°06'16"W. AND A CHORD LENGTH OF 179.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.84 FEET TO THE END OF SAID CURVE; THENCE N.63°21'27"W., FOR 102.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 388.19 FEET, A CENTRAL ANGLE OF 50°54'54", A CHORD BEARING OF N.88°48'54"W. AND A CHORD LENGTH OF 333.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 344.96 FEET TO THE END OF SAID CURVE; THENCE S.66°15'19"W., ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2957 PAGE 2746, SAID PUBLIC RECORDS FOR 33.62 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3245, PAGE 3175 OF SAID PUBLIC RECORDS AND BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 387.54 FEET, A CENTRAL ANGLE OF 04°08'10", A CHORD BEARING OF S.58°28'57"W. AND A CHORD LENGTH OF 27.97 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.98 FEET TO THE END OF SAID CURVE; THENCE S.49°03'29"W., FOR 58.31 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE DEPARTING FROM SAID SEAWALL N.41°50'54"W., FOR 17.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF LOT 9 OF SAID "DIAMOND PARK"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 9, THE FOLLOWING COURSES, N.39°21'06"W., FOR 38.60 FEET; THENCE N.01°20'27"W., FOR 193.86 FEET; THENCE N.37°47'30"E., FOR 110.00 FEET; THENCE DEPARTING FROM SAID LOT 9 S.59°53'43"W., FOR 137.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "C"; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES S.16°44'33"W., FOR 515.42 FEET; THENCE S.23°51'46"W., FOR 305.62 FEET; THENCE S.01°48'25"W., FOR 695.54 FEET; THENCE S.10°29'40"W.,

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FOR 418.58 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING FROM SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF "MARINA SOUTH SHORE CONDOMINIUM" RECORDED IN OFFICIAL RECORDS BOOK 1432 PAGE 0278 AND THE WESTERLY EXTENSION THEREOF, AND ALONG A LINE LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AND PARALLEL TO AN EXISTING SEAWALL, THE FOLLOWING COURSES N.76°24'19"E., FOR 201.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 253.73 FEET, A CENTRAL ANGLE OF 16°47'37", A CHORD BEARING OF N.84°48'08"E. AND A CHORD LENGTH OF 74.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 74.37 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 453.03 FEET, A CENTRAL ANGLE OF 11°02'37", A CHORD BEARING OF S.81°16'45"E. AND A CHORD LENGTH OF 87.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 87.32 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 570.11 FEET, A CENTRAL ANGLE OF 20°59'54", A CHORD BEARING OF S.65°15'29"E. AND A CHORD LENGTH OF 207.77 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 208.94 FEET TO THE END OF SAID CURVE; THENCE S.53°54'52"E., FOR 271.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1927.30 FEET, A CENTRAL ANGLE OF 09°54'41", A CHORD BEARING OF S.58°52'12"E. AND A CHORD LENGTH OF 332.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 333.39 FEET TO THE POINT OF COMPOUND CURVE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2250.36 FEET, A CENTRAL ANGLE OF 01°39'50", A CHORD BEARING OF S.64°39'28"E., AND A CHORD LENGTH OF 65.35 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 65.35 FEET TO THE END OF SAID CURVE; THENCE S.65°42'09"E., FOR 105.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 134.05 FEET, A CENTRAL ANGLE OF 02°25'45", A CHORD BEARING OF S.64°29'17"E. AND A CHORD LENGTH OF 5.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.68 FEET TO THE END OF SAID CURVE AND THE NORTHEAST CORNER OF SAID CONDOMINIUM; THENCE S.00°24'02"W., ALONG THE EAST LINE OF SAID CONDOMINIUM FOR 448.64 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES, SECTION 22, HAVING AN ASSUMED BEARING OF N.00°33'26"E.

178.00
241.500.00

PREPARED BY & RETURN TO:

Richard G. Cherry, Esq.
Cherry & Edgar, P.A.
8409 N. Military Trail, Suite 123
Palm Beach Gardens, Florida 33410

Property Control No.: 06-43-23-02-0000B.0000
06-43-23-02-00992.010A
06-43-23-02-01006.0010
06-43-23-00-00004.011A
06-43-23-00-00004.0040
01-43-22-C3-00003.0010
06-43-23-00-00004.0140
01-43-22-00-00004.0010
01-43-22-01-0000C.0000
01-43-22-01-0000C.30CE

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of 29th day of December, 2005,
by and between **WCI COMMUNITIES, INC.**, a Delaware corporation (the "Grantor"),
whose mailing address is 24301 Walden Center Drive, Bonita Springs, Florida 34134,
and **BURNT STORE AMENITIES, L.L.C.**, a Florida limited liability company (the
"Grantee"), whose mailing address is 5789 Cape Harbour Drive, Suite 201, Cape Coral,
Florida 33914.

(wherever used herein the terms "Grantor" and "Grantee" include all the
parties to this instrument and the heirs, legal representatives and assigns,
assigns of individuals, and the successors and assigns of corporation).

That Grantor, for an in consideration of the sum of Ten and No/100 U.S. Dollars
(\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged,
hereby grants, bargains, conveys and sells to Grantee the following described land (the
"Property"), situate, lying and being in the County of Lee, State of Florida, to wit:

The Property described on Exhibit "A" attached hereto and made a part hereof.

Together with all easements, tenements, hereditaments, and appurtenances
pertaining thereto.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject to, and by acceptance of this Deed, Grantee accepts this conveyance subject to the following:


1. Taxes and assessments for 2006 and subsequent years;
2. Zoning and other regulatory laws and ordinances affecting the Property;
and
3. Covenants, conditions, limitations, restrictions, reservations and easements of record.

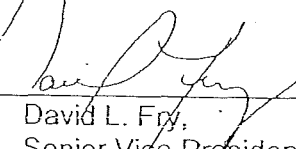
AND Grantor does hereby specially warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

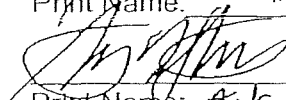
IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name and on the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

WCI COMMUNITIES, INC., a Delaware
corporation


Print Name: MICHELLE ALLEN

By: 
David L. Fry,
Senior Vice President

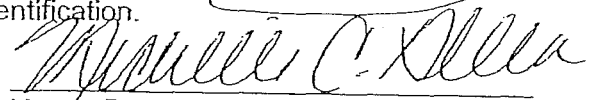

Print Name: Andrew M. H. Fortner

STATE OF FLORIDA

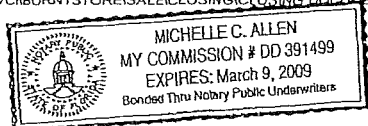
COUNTY OF LEE

The foregoing Special Warranty Deed was acknowledged before me this ___ day of December, 2005, by David L. Fry, Senior Vice President of WCI Communities, Inc., a Delaware corporation; on behalf of the corporation; and who is personally known to me, or has produced a _____ as identification.

My Commission Expires:


Notary Public, State of Florida

S:\MYFILES\DATA\WCI\BURNSTSTORESALE\CLOSING\DOCUMENTS\SPECIAL WARRANTY DEED.4CLEAN\006 MICHELLE ALLEN



TRACT 1 (REVISED GOLF COURSE LEGAL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING ALL OF TRACT "B", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA.

TOGETHER WITH:

ADDITIONAL PARCEL #1:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 3320, PAGE 3328 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #2:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 2285, PAGE 3070 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #3:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 1006, SECTION 22, OF SAID PUNTA GORDA ISLES SUBDIVISION; THENCE S.88° 14'39"W. FOR 912.69 FEET TO THE WESTERLY LINE OF LOT 1 OF SAID BLOCK 1006; THENCE S.22° 30'37"E. ALONG THE WEST LINE OF SAID LOT FOR 78.50 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100° 02'27" FOR 87.30 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK 1006 THROUGH A CENTRAL ANGLE OF 46° 16'04" FOR 403.76 FEET; THENCE S.76° 17'00"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 255.14 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 106° 13'12" FOR 92.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 78° 39'19" FOR 68.64 FEET; THENCE N.76° 09'07"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 76.09 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

BEGINNING AT THE NORTHERLY CORNER OF LOT 3, BLOCK 994 OF SAID PUNTA GORDA ISLES SECTION 22, SAID POINT BEING THE POINT OF BEGINNING; THENCE S.76° 48'18"W. FOR 48.00 FEET; THENCE N.39° 53'12"E. FOR 53.68 FEET; THENCE N.88° 09'13"E. FOR 8.29 FEET; THENCE S.64° 55'39"E. FOR

13.87 FEET; THENCE N.69° 05'06"E. FOR 9.73 FEET; THENCE N.13° 25'43"E. FOR 24.17 FEET; THENCE N.17° 50'12"W. FOR 34.56 FEET; THENCE S.84° 43'56"W. FOR 7.71 FEET; THENCE N.63° 22'54"W. FOR 29.81 FEET; THENCE N.46° 05'01"W. FOR 81.43 FEET; THENCE N.71° 04'55"W. FOR 7.43 FEET; THENCE S.84° 11'40"W. FOR 11.13 FEET; THENCE S.72° 11'46"W. FOR 5.76 FEET; THENCE S.89° 12'56"W. FOR 3.58 FEET; THENCE N.72° 23'00"W. FOR 8.34 FEET; THENCE N.62° 28'07"W. FOR 7.23 FEET; THENCE S.81° 40'01"W. FOR 17.63 FEET; THENCE S.85° 24'38"W. FOR 29.42 FEET; THENCE N.89° 08'52"W. FOR 36.88 FEET; THENCE N.83° 22'49"W. FOR 24.40 FEET; THENCE N.61° 19'35"W. FOR 13.87 FEET; THENCE N.38° 44'39"W. FOR 19.64 FEET; THENCE N.18° 59'57"W. FOR 24.04 FEET; THENCE N.04° 20'38"W. FOR 145.31 FEET; THENCE N.06° 05'35"E. FOR 47.67 FEET; THENCE N.19° 20'06"E. FOR 33.38 FEET; THENCE N.55° 45'10"E. FOR 41.05 FEET; THENCE N.85° 13'15"E. FOR 38.03 FEET; THENCE S.72° 19'11"E. FOR 33.09 FEET; THENCE S.51° 55'12"E. FOR 14.42 FEET; THENCE S.77° 26'18"E. FOR 21.70 FEET; THENCE N.75° 48'31"E. FOR 52.27 FEET; THENCE N.79° 43'07"E. FOR 119.39 FEET; THENCE S.62° 49'58"E. FOR 29.98 FEET; THENCE S.41° 58'50"E. FOR 29.79 FEET; THENCE S.12° 32'22"E. FOR 14.56 FEET; THENCE S.04° 09'53"E. FOR 57.03 FEET; THENCE S.05° 04'46"W. FOR 24.06 FEET; THENCE S.10° 07'56"W. FOR 43.56 FEET; THENCE S.04° 14'03"E. FOR 38.30 FEET; THENCE S.37° 21'15"E. FOR 50.83 FEET; THENCE S.60° 30'39"E. FOR 15.44 FEET; THENCE S.28° 58'48"E. FOR 31.26 FEET; THENCE S.17° 45'35"W. FOR 85.96 FEET; THENCE S.05° 35'08"E. FOR 24.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.41° 53'13"E., A RADIAL DISTANCE OF 100.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 61° 14'55" FOR 106.90 FEET; THENCE S.76°51'56"W. FOR 40.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.76° 51'52"W., A RADIAL DISTANCE OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 90° 03'34" FOR 78.59 FEET TO THE POINT OF BEGINNING.

TRACT 2 (VACANT LAND 4A - PARCEL EAST OF MAINTENANCE PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE ROAD), 1246.02 FEET; THENCE S.88° 22'02"W., 774.91 FEET; THENCE N.00° 33'37"E., 30.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.00° 33'37"E., FOR 310.23 FEET; THENCE S.88° 22'02"W., 491.07 FEET; THENCE S.00° 33'37"W., 159.95 FEET; THENCE S.88° 22'02"W., 75.05 FEET; THENCE S.00° 33'37"W., 150.28 FEET; THENCE N.88° 22'02"E., 566.12 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 3 (VACANT LAND 4B- TRACT A-7 - POND PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE

ROAD), 1246.02 FEET; THENCE S.88° 22'18"W., 68.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BURNT STORE ROAD AND THE POINT OF BEGINNING; THENCE S.88°22'18"W., 706.62 FEET; THENCE N.00° 42'25"E., 415.34 FEET; THENCE N.88° 22'18"E., 706.53 FEET; THENCE S.00° 41'43"W., 415.34 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 4 (MATECUMBE KEY ROAD):

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1660.00 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, ACCORDING TO THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO; THENCE S.00° 33'37"W., A DISTANCE OF 830.73 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 235.01 FEET; THENCE S.30° 56'51"E., A DISTANCE OF 191.35 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,248.12 FEET AND A CENTRAL ANGLE OF 13° 44'14"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 299.25 FEET; THENCE N.54° 48'33"W., A DISTANCE OF 112.36 FEET; THENCE N.00° 33'37"E., A DISTANCE OF 66.04 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 205.29 FEET; THENCE N.00° 17'44"E., A DISTANCE OF 304.96 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 232.98 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.83° 51'44"W., A RADIAL DISTANCE OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 33° 56'40", A DISTANCE OF 11.85 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 468.00 FEET AND A CENTRAL ANGLE OF 17° 15'47"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 141.01 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 118.00 FEET AND A CENTRAL ANGLE OF 32° 39'17"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 67.25 FEET; THENCE WEST, A DISTANCE OF 162.18 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 136° 15'32"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 47.56 FEET; THENCE N.46° 15'32"E., A DISTANCE OF 67.67 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90° 00'00"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 31.42 FEET; THENCE S.43° 44'28"E., A DISTANCE OF 9.67 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 180° 00'00"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 78.54 FEET; THENCE N.43° 44'28"W., A DISTANCE OF 4.98 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 38° 24'46"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 13.41 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 89.21 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.79° 24'42"W., A RADIAL DISTANCE OF 18.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20° 33'05", A DISTANCE OF 6.46 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 15° 07'10"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 23.75 FEET; THENCE S.46° 15'32"W., A DISTANCE OF 48.81 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL

ANGLE OF 63° 23'18"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 22.13 FEET; THENCE S.00° 24'16"W. A DISTANCE OF 28.63 FEET; THENCE S.46° 15'32"W. A DISTANCE OF 63.05 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 249.50 FEET AND A CENTRAL ANGLE OF 18° 48'45"; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 81.92 FEET; THENCE N.24° 55'43"W., A DISTANCE OF 8.75 FEET; THENCE N.14° 38'24"W., A DISTANCE OF 102.73 FEET; THENCE S.75° 21'36"W., A DISTANCE OF 63.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 29° 40'54"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 25.90 FEET; THENCE N.74° 57'31"W., A DISTANCE OF 157.51 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 26° 30'57"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 69.42 FEET; THENCE N.48° 26'34"W., A DISTANCE OF 28.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 03° 54'04"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 1.36 FEET; THENCE N.00° 24'02"E., A DISTANCE OF 49.99 FEET; THENCE S.89° 35'58"E., A DISTANCE OF 199.85 FEET; THENCE N.00° 24'02"E., A DISTANCE OF 60.00 FEET; THENCE S.89° 35'58"E., A DISTANCE OF 260.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 308.01 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 410.34 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF 89° 50'25"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 266.56 FEET; THENCE N.00° 33'37"E., A DISTANCE OF 544.63 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.89° 33'31"E., A RADIAL DISTANCE OF 214.23 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 53° 47'49", A DISTANCE OF 201.15 FEET; THENCE S.36° 26'58"E., A DISTANCE OF 60.17 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.36° 26'57"E., A RADIAL DISTANCE OF 153.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 52° 03'09", A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING.

TRACT 5 (MAINTENANCE PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA; THENCE N.00° 33'37"E. ALONG THE WEST LINE OF SAID SECTION 6 FOR 1,661.22 FEET TO THE SOUTH LINE OF PUNTA GORDA ISLES SUBDIVISION, AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.88° 22'02"E. ALONG SAID SOUTH LINE FOR 3,395.27 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE EASTERLY ALONG SAID LINE FOR 565.52 FEET; THENCE S.00° 32'14"W. FOR 414.70 FEET; THENCE S.88° 20'05"W. FOR 565.54 FEET; THENCE N.00° 32'15"E. FOR 415.02 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 6 (SALES CENTER PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF LOTS 1 & 2 BLOCK 1001 & TRACT "C", PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118-138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S. $36^{\circ} 26' 58''$ E. FOR 10.01 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S. $36^{\circ} 26' 44''$ E., A RADIAL DISTANCE OF 212.98 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $41^{\circ} 39' 29''$ FOR 154.85 FEET; THENCE S. $60^{\circ} 22' 46''$ W. FOR 61.09 FEET; THENCE N. $15^{\circ} 22' 46''$ E. FOR 43.85 FEET; THENCE N. $29^{\circ} 37' 14''$ W. FOR 228.06 FEET; THENCE N. $59^{\circ} 14' 04''$ E. FOR 111.46 FEET; THENCE N. $83^{\circ} 30' 29''$ E. FOR 29.19 FEET; THENCE N. $59^{\circ} 14' 04''$ E. FOR 30.05 FEET; THENCE N. $29^{\circ} 50' 03''$ W. FOR 213.60 FEET; THENCE N. $59^{\circ} 00' 18''$ E. FOR 102.25 FEET; THENCE N. $83^{\circ} 44' 57''$ E. FOR 171.76 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N. $83^{\circ} 44' 57''$ E., A RADIAL DISTANCE OF 1,340.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $12^{\circ} 13' 04''$ FOR 285.74 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF $80^{\circ} 49' 54''$; THENCE SOUTHERLY ALONG THE ARC FOR 70.54 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 840.00 FEET AND A CENTRAL ANGLE OF $08^{\circ} 48' 45''$; THENCE SOUTHWESTERLY ALONG THE ARC FOR 129.20 FEET TO THE POINT OF BEGINNING.

TRACT 7 (REVISED MARINA PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 01, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S. $59^{\circ} 00' 17''$ W. FOR 195.14 FEET; THENCE S. $00^{\circ} 22' 56''$ W. FOR 117.13 FEET; THENCE S. $59^{\circ} 00' 17''$ W. FOR 92.56 FEET; THENCE S. $29^{\circ} 36' 42''$ E. FOR 142.83 FEET; THENCE S. $60^{\circ} 23' 18''$ W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S. $60^{\circ} 23' 18''$ W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ} 47' 39''$ FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF $68^{\circ} 15' 43''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF $40^{\circ} 27' 29''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 106.84 FEET TO A POINT OF

REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF $27^{\circ} 49' 50''$; THENCE NORTHWESTERLY ALONG THE ARC FOR 342.96 FEET; THENCE $N.66^{\circ} 38' 04'' E.$ FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $N.51^{\circ} 15' 35'' E.$, A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $27^{\circ} 16' 25''$ FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF $40^{\circ} 27' 29''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF $68^{\circ} 15' 43''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF $25^{\circ} 47' 39''$; THENCE EASTERLY ALONG THE ARC FOR 244.14 FEET; THENCE $N.60^{\circ} 23' 18'' E.$ FOR 551.55 FEET; THENCE $S.29^{\circ} 36' 42'' E.$ FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE $S.59^{\circ} 00' 17'' W.$ FOR 195.14 FEET; THENCE $N.00^{\circ} 22' 56'' E.$ FOR 104.90 FEET; THENCE $N.89^{\circ} 37' 04'' W.$ FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE $S.00^{\circ} 22' 56'' W.$ FOR 18.51 FEET; THENCE $N.89^{\circ} 22' 30'' W.$ FOR 656.66 FEET; THENCE $N.00^{\circ} 24' 52'' E.$ FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 15' 18''$ FOR 75.52 FEET; THENCE $N.41^{\circ} 50' 26'' W.$ FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $S.48^{\circ} 09' 35'' W.$, A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $21^{\circ} 21' 02''$ FOR 112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF $27^{\circ} 00' 22''$; THENCE WESTERLY ALONG THE ARC FOR 124.95 FEET; THENCE $N.02^{\circ} 10' 05'' E.$ FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES $S.00^{\circ} 00' 25'' W.$, A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $26^{\circ} 48' 08''$ FOR 135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF $21^{\circ} 21' 02''$; THENCE SOUTHEASTERLY ALONG THE ARC FOR 121.62 FEET; THENCE $S.41^{\circ} 50' 26'' E.$ FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 15' 18''$ FOR 93.96 FEET; THENCE $S.00^{\circ} 24' 52'' W.$ FOR 390.87 FEET; THENCE $S.89^{\circ} 37' 04'' E.$ FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

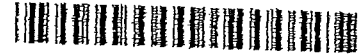
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64° 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

CONDOMINIUM PARCEL: UNIT NO. 71, COURTSIDE LANDINGS CONDOMINIUM, being further described in that certain Declaration of Condominium recorded in Official Records Book 3093, Page 3733, and subsequent amendments thereto, and according to the plat recorded in Condominium Plat Book 26, Pages 57 and 58, Public Records of Lee County, Florida.

This instrument prepared by
and should be returned to:
Kenneth Y. Gordon, Esquire
WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, FL 34134

Parcel I.D. No.(s): 01-43-22-00-00004.0000
01-43-22-01-0000C.0000



INSTR # 6626724
OR BK 04575 Pgs 3316 - 3320; (5pgs)
RECORDED 02/01/2005 12:51:04 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 44.00
DEED DOC 2,275.00
DEPUTY CLERK C Keller

SPECIAL WARRANTY DEED

(5)
THIS SPECIAL WARRANTY DEED, made as of this 27th day of January, 2005, by and between WCI COMMUNITIES, INC., a Delaware corporation, successor by merger of BSM Marina, Inc., a Florida corporation (the "Grantor"), whose mailing address is 24301 Walden Center Drive, Bonita Springs, Florida 34134 and REALMARK BURNT STORE MARINA, LLC, a Florida limited liability company, whose mailing address is 1900 Lagoon Lane, Cape Coral, Florida 33914 (the "Grantee").

(wherever used herein the terms "Grantors" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns, assigns of individuals, and the successors and assigns of corporation).

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargain, conveys and sells to Grantee the following described land (the "Property"), situate, lying and being in the County of Lee, State of Florida, to wit:

A tract or parcel of land located in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section 22, Plat Book 28, Page 118, Lee County Public Records, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

Together with all easements, tenements, hereditaments, and appurtenances pertaining thereto.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject to, and by acceptance of this Deed, Grantee accepts this conveyance subject to the following:


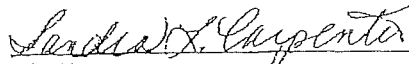
1. General taxes and assessments for 2005 and subsequent years;
2. Zoning and other regulatory laws and ordinances affecting the Property; and
3. Covenants, conditions, limitations, restrictions, reservations and easements of record and described in Exhibit "B" attached hereto made a part hereof.

4. The restriction hereby imposed on the Property that no portion of the Property shall be used for residential purposes from the date hereof continuing to and ending on January 1, 2010 and the Property shall be used for commercial use and commercial purposes only from the date hereof continuing to and ending on January 1, 2010. As restricted hereby, the Property shall be limited to commercial use only and for no other purposes for the period commencing the date hereof and ending on January 1, 2010.

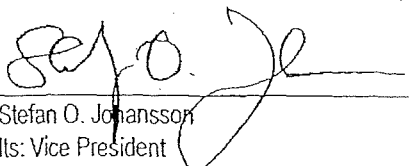
AND Grantor does hereby specially warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name and on the day and year first above written.

Signed, Sealed and Delivered
in the presence of:


Print Name: Dianna M. Lutz

Print Name: SANDRA L. CARPENTER

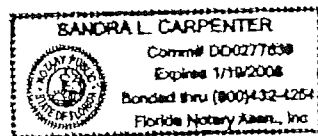
WCI COMMUNITIES, INC., a Delaware corporation

By: 
Stefan O. Johansson
Its: Vice President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Special Warranty Deed was acknowledged before me this 27th day of January 2005, by Stefan O. Johansson, as Vice President of WCI Communities, Inc., a Delaware corporation, on behalf of the corporation. He is personally known to me or has produced his _____, as identification.

(AFFIX NOTARY SEAL)



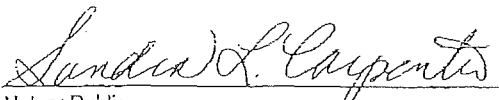

Notary Public
Print Name: SANDRA L. CARPENTER
My Commission Expires: 1/19/2008

EXHIBIT "A"
LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section Twenty-Two, Plat Book 28, Page 118, Lee County Public Records, and being further bounded and described as follows:

Commencing at the Southeast corner of said Section 1; thence N 00°33'37" E, along the East line of said Section 1, for 830.00 feet to the Southeast corner of Tract "I", as described in Official Records Book 2285, Page 3073, said Public Records; thence N 89°35'44" W, along the South line of said Tract "I", for 1208.39 feet; thence N 00°24'02" E, for 110.08 feet; thence S 89°35'58" E, along the North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, said Public Records, for 260.82 feet to the Point of Beginning; thence N 00°24'02" E, for 112.24 feet; thence N 89°33'59" W, for 101.51 feet; thence N 00°26'01" E, for 128.93 feet; thence S 89°33'59" E for 117.82 feet; thence S 01°28'31" W, for 14.10 feet to the beginning of a curve to the right; having a radius of 133.42 feet, a central angle of 17°03'03", a chord bearing and distance of S 10°00'02" W, 39.56 feet; thence along the arc of said curve, an arc length of 39.70 feet to a point of reverse curvature; having a radius of 191.85 feet, a central angle of 18°07'32", a chord bearing and distance of S 09°27'48" W, 60.44 feet; thence along the arc of said curve, an arc length of 60.69 feet; thence leaving said curve S 89°36'07" E, for 308.01 feet; thence S 00°24'02" W, for 128.39 feet; thence N 89°35'58" W, along said North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, for 308.01 feet to the Point of Beginning.

Bearings are based on the East line of Section 1 as bearing N 00° 33'37" E.

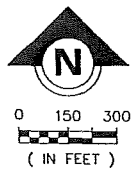
EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1233, Page 975 and Amendments recorded in Official Records Book 1333, Page 115; Official Records Book 1644, Page 1159 and Official Records Book 1809, Page 2339 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641 and Official Records Book 2285, Page 3137, of the Public Records of Lee County, Florida.
2. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1432, Page 249 and Amendments recorded in Official Records Book 1683, Page 206; Official Records Book 1665, Page 4512; Official Records Book 2902, Page 2682 and Official Records Book 3192, Page 3468 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641, of the Public Records of Lee County, Florida.
3. Assignment of Developers Rights recorded in Official Records Book 2237, Page 1828, Public Records of Lee County, Florida.
4. Agreement Regarding Developers Rights recorded in Official Records Book 2285, Page 3118, Public Records of Lee County, Florida.
5. Agreement between the State of Florida Department of Community Affairs and Punta Gorda Isles, Inc., recorded in Official Records Book 1849, Page 582, Public Records of Lee County, Florida.
6. Agreement between The State of Florida, Department of Community Affairs and Burnt Store Improvement Co., Inc., recorded in Official Records Book 1897, Page 3644, Public Records of Lee County, Florida.
7. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Deed Book 197, Page 289, Public Records of Lee County, Florida.
8. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Official Records Book 696, Page 416, Public Records of Lee County, Florida.
9. Reservation of Easement by Burnt Store Marina, Inc. more particularly set forth in Official Records Book 1537, Page 226, and Amendments recorded in Official Records Book 1683, Page 204, Official Records Book 2285, Page 3118, and Official Records Book 3344, Page 2887, Public Records of Lee County, Florida.
10. Non-exclusive ingress and egress easement granted to Marina South Shore Condominium recorded in Official Records Book 1554, Page 942, Public Records of Lee County, Florida.
11. Non-exclusive Ingress and egress easement granted to Keel Club Condominium recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida.
12. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2008, Page 2591, Public Records of Lee County, Florida.
13. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2014, Page 3418, Public Records of Lee County, Florida.
14. Easement granted to United Telephone by instrument recorded in Official Records Book 2049, Page 3147, Public Records of Lee County, Florida.
15. Easement Agreement between Sun City Center Corp. and Marina Towers Company, Inc. and Marina Towers Condominium Association, Inc., recorded in Official Records Book 2355, Page 3777 and Amendments recorded in Official Records Book 2971, Page 346 and Official Records Book 2984, Page 1765, Public Records of Lee County, Florida.

16. Declaration and Grant of Easements recorded in Official Records Book 2772, Page 2889 and Amendments recorded in Official Records Book 3231, Page 1682, Public Records of Lee County, Florida.
17. Declaration of Covenants, Conditions and Restrictions for Prosperity Point recorded in Official Records Book 2772, Page 2834, and Amendments recorded in Official Records Book 3383, Page 1797, Official Records Book 3392, Page 1315 and Official Records Book 3650, Page 2507, Public Records of Lee County, Florida.
18. Water and Sewer Service Agreement between Southern States Utilities, Inc. and Florida Design Communities recorded in Official Records Book 2781, Page 2098, Public Records of Lee County, Florida.
19. Agreement to Grant and Convey Perpetual Easement recorded in Official Records Book 3030, Page 4071, Public Records of Lee County, Florida.
20. Notice of Development Order Approval recorded in Official Records Book 2508, Page 2603, Public Records of Lee County, Florida.
21. Declaration of Grant of Easements and Declaration of Restrictions recorded in Official Records Book 3020, Page 2791, Public Records of Lee County, Florida.
22. Declaration of Covenants and Restrictions recorded in Official Records Book 3023, Page 220, Public Records of Lee County, Florida.
23. Matecumbe Key Access Easement Agreement recorded in Official Records Book 3344, Page 2874, Public Records of Lee County, Florida.
24. Rights of tenants, lessees and other parties in possession not shown by the public records.
25. 20 foot Access and Utility Easement recorded in Official Records Book 3344, Page 2817, Public Records of Lee County, Florida.
26. Parking and Access Agreement recorded in Official Records Book 3344, Page 2827, Public Records of Lee County, Florida.
27. Access Easement Agreement recorded in Official Records Book 3344, Page 2851, Public Records of Lee County, Florida.
28. Resolution No. 04-04-23 recorded in Official Records Book 4287, Page 1793, Public Records of Lee County, Florida.
29. Easement recorded in Official Records Book 4287, Page 1800, Public Records of Lee County, Florida.
30. Second Amendment recorded in Official Records Book 4291, Page 4773, Public Records of Lee County, Florida.
31. Second Amendment recorded in Official Records Book 4291, Page 4778, Public Records of Lee County, Florida.
32. Access Easement recorded in Official Records Book 4307, Page 1374, Public Records of Lee County, Florida.
33. Assignment and Assumption of Grantor's Rights recorded in Official Records Book 4345, Page 3251, Public Records of Lee County, Florida.
34. Conveyance of roads and other areas by Quit Claim Deed recorded in Official Records Book 4345, Page 3266, Public Records of Lee County, Florida.



EXHIBIT A.7.

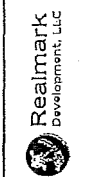


07-433-LOC-MAP.dwg

AERIAL OUTLINING
SUBJECT PROPERTY

1
OF 1

BURNT STORE
MARINA VILLAGE



AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FPE#13128 (239) 573-2077

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/05/08	EE	PER LEE COUNTY COMMENTS			
		DATED: 08/13/08			

Joseph W. Edwards, P.E.
FL LICENSE# 38615

EXHIBIT B.I



TRAFFIC CIRCULATION ANALYSIS

PREPARED FOR A

COMPREHENSIVE PLAN AMENDMENT

FOR

BURNT STORE MARINA

PROJECT NO. F0709.18

PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912-4339
(239) 278-3090

September 27, 2007

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located within the Burnt Store Marina development located along the west side of Burnt Store Road at the Lee County/Charlotte County line in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the existing land use (Rural) to a new site specific land use designation to be titled 'Burnt Store Marina Village'.

II. EXISTING CONDITIONS

The subject site currently contains the Burnt Store Marina mixed use development. The subject site is bordered by the Charlotte County line on the north, Burnt Store Road on the east, the Gulf of Mexico on the west and residential and open lands to the south.

Burnt Store Road is a two-lane undivided roadway that extend from within Charlotte County south to Pine Island Road, where it becomes Veterans Parkway. Burnt Store Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation. The 2030 Financially Feasible Highway Plan indicates this roadway to be a four lane facility in the future.

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Burnt Store Marina Village'. The Burnt Store Marina Village area is located within a portion of the property in Burnt Store Marina that was zoned for a mixture of commercial and residential uses in Lee County Resolution Z-77-63. The category is intended to facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina for an attractive mix of marine, retail, hotel, and office uses that enhances the public use of the waterfront. The following uses are permitted within this category:

- Retail uses, up to a maximum of 150,000 square feet;
- Wet slips, up to a maximum of 525;
- Dry storage spaces, up to a maximum of 775;
- Office space, up to a maximum of 30,000 square feet;
- a maximum of 336 hotel units.

Based on the permitted uses within the approved zoning, the proposed land use designation change would result in an increase in the number of allowable multi-family residential units and hotel units but a decrease in the allowable marina uses. Table 1 highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

Table 1
Burnt Store Marina Village
Land Uses

Existing/Proposed	Land Use Category	Intensity
Existing	Rural	30,000 s.f. Retail
		22,000 s.f. Office (existing)
		981 Boat Slips (Wet & Dry)
		0 Hotel Rooms
Proposed	Burnt Store Marina Village	150,000 s.f. Retail
		30,000 s.f. Office
		1,200 Boat Slips (Wet & Dry)
		336 Hotel Rooms

IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 827. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

Table 3
TAZ 827

Land Uses in Existing 2030 Travel Model

Land Use Category	Intensity
Single Family Homes	148 residential units
Multi-Family Homes	395 residential units
Hotel Units	37 rooms

TAZ 827 generally includes the area within Burnt Store Marina on the west side of the property. The TAZ boundaries basically follows the coastline on the west, the Burnt Store Marina property line on the south, then northward along Matecumbe Key Road, then east and north along Cape Cole Boulevard to the northern boundary of Burnt Store Marina then back west to the Gulf Coast. This TAZ represents less than ½ the land area included in the overall Burnt Store Marina development. The uses within the TAZ currently consist of single family homes, multi-family homes, the marina and the supporting retail uses and restaurants. The property subject to the Comprehensive Plan Amendment is included in TAZ 827 but only a portion of that land area. The application documents indicate which property within the Burnt Store Marina is subject to this Map Amendment.

Based on the comparison of the existing uses on the property and the uses proposed in the Map Amendment, there will not be a substantial increase in trip generation with the proposed change. The retail uses will primarily include restaurants and shops that will support the boating industry and the marina uses. These uses are located approximately one (1) mile from Burnt Store Road and are located within the gated community of Burnt Store Marina. The uses will be open to the public but are not along a major thoroughfare such as similar retail and restaurant establishments in Lee County.

The proposed Comprehensive Plan Amendment is anticipated to add 336 hotel units, 120,000 square feet of commercial uses, 219 additional boat slips and 8,000 square feet of additional office space. Table 4 indicates the ITE trip generation for these additional uses.

Table 4
ITE Trip Generation for Additional Uses within TAZ 827

Land Use	Weekday P.M. Peak Hour Trips
Retail	310
Boat Slips	42
Hotel Units	228
Office	12
Total Additional Trips	592

As previously noted, the majority of these trips will be internal to the project. With the added trips to the roadway network in 2030 will not create a significant impact to the roadway network. The 2030 traffic volumes in the Financially Feasible Highway Plan are shown to be approximately 39,848 Peak Season Weekday Daily Traffic (PSWDT). This converts into an Annual Average Daily Traffic (AADT) of approximately 33,960 vehicles. Based on the appropriate K-100 and D factors for this area (Permanent Count Station #12), the peak season, peak hour, peak direction volume on this segment of Burnt Store Road is approximately 1,760. Assuming an internal capture of approximately forty percent (40%) of the trips shown in Table 4 and converting the "new" trips to directional trips, the projected peak hour, peak direction volume on Burnt Store Road would be approximately 1,970 vehicles. This is less than the Generalized Service Volume for Controlled Access Facilities, which is 2,030 vehicles. It is anticipated, based on recent studies conducted by Lee County, that the Burnt Store Road corridor will be developed as a limited access facility and have a similar "Controlled Access" designation as does Veterans Parkway does south of S.R. 78.

Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2007 to 2012 was reviewed, as well as the FDOT Work Program for Fiscal Year 2007/2008 to 2011/2012 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

The only improvement in the vicinity of the subject site included in either the Lee County CIP or FDOT Work Program is the funding for Right-of-Way acquisition for the Burnt Store widening project from Van Buren Street south to S.R. 78. No construction funding is identified at this time for this improvement. The most recent Lee County Concurrency Management Report indicates that Burnt Store Road, in the vicinity of Burnt Store Marina, has a current capacity of 1,010 vehicles in the peak hour, peak direction. The current volume (2006 100th Highest Hour) was 316 trips, operating at a Level of Service "C".

Recommendations to the Long Range Transportation Plan

Based on this analysis, none of the roadway segments analyzed are shown to operate within the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

V. CONCLUSION

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Rural designation to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located along Burnt Store Road just south of the County line. An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

EXHIBIT B.2.a.

EXISTING AND FUTURE CONDITIONS ANALYSIS FOR SANITARY SEWER

Charlotte County Utilities maintains service for this area provided by the Burnt Store Water Reclamation Facility. This plant has a maximum capacity of 0.5 MGD, and produces maximum daily flow of 0.268 MGD. The plant does not currently have any plans for expansion. A gravity sewer line exists along Cape Cole Boulevard, which connects to a gravity sewer line along Matecumbe Key Road, adjacent to the proposed project site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 21,390 GPD (please see attached Existing Sanitary Sewer Usage Table). The breakdown of the proposed uses permitted under the requested FLUM (Burnt Store Marina Village) would generate approximately the following (also please see attached Additional Sanitary Sewer Usage Table):

Residential Use

The maximum number of additional residential units (160) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Utilizing 200 GPD per unit, the total additional residential demand would be 32,000 GPD.

Commercial Use

The maximum proposed commercial unit breakdown is as follows: a 295 Seat (12,700 SF) Restaurant utilizing 40 GPD/Seat, 30,000 SF of Retail Space utilizing 0.20 GPD/SF, and 145 Hotel Rooms utilizing 100 GPD/Room. The proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using the breakdown above, the total additional commercial demand would be 32,300 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Burnt Store Marina Village) would generate approximately a total of 64,300 GPD and will be adequately served by the existing plant capacity.

EXHIBIT B.2b.

EXISTING AND FUTURE CONDITIONS ANALYSIS FOR POTABLE WATER

Charlotte County Utilities maintains service for this area provided by the Burnt Store Reverse Osmosis Treatment Plant. This plant has a maximum capacity of 1.127 MGD, and produces maximum daily flow of 0.688 MGD. The plant is currently planned for an expansion, which will be completed in the next 12 months and triple its size. A 10" water main exists along Cape Cole Boulevard, which reduces to an 8" water main along Matecumbe Key Road, adjacent to the proposed project site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 21,390 GPD (please see attached Existing Potable Water Usage Table). The breakdown of the proposed uses permitted under the requested FLUM (Burnt Store Marina Village) would generate approximately the following (also please see attached Additional Potable Water Usage Table):

Residential Use

The maximum number of additional residential units (160) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Utilizing 200 GPD per unit, the total additional residential demand would be 32,000 GPD.

Commercial Use

The maximum proposed commercial unit breakdown is as follows: a 295 Seat (12,700 SF) Restaurant utilizing 40 GPD/Seat, 30,000 SF of Retail Space utilizing 0.20 GPD/SF, and 145 Hotel Rooms utilizing 100 GPD/Room. The proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using the breakdown above, the total additional commercial demand would be 32,300 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Burnt Store Marina Village) would generate approximately a total of 64,300 GPD and will be adequately served by the existing plant capacity.

TABLE 1**EXISTING SANITARY SEWER/POTABLE WATER USAGE TABLE**

The existing uses under the current land use category will generate approximately 21,390 GPD. The breakdown for existing water and sewer usage is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
Existing Retail Space = 7,700 SF x 0.20 GPD/SF	=	1,540
Existing Restaurant Space = 440 Seats x 40 GPD/Seat (10,300 SF – 440 Seats)	=	17,600
Existing Office Space = 15,000 SF x 0.15 GPD/SF	=	2,250
Total Existing Usage	=	21,390

COMBINED SANITARY SEWER/POTABLE WATER USAGE TABLE

The combination of the existing and additional usages under the new land use category will generate approximately 84,550 GPD. The breakdown for combined water and sewer usages is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
New Hotel Units = 145 Rooms x 100 GPD/Room	=	14,500
Total Retail Space = 32,000 SF x 0.20 GPD/SF	=	6,400
Total Restaurant Space = 735 Seats x 40 GPD/Seat (23,000SF – 735 Seats)	=	29,400
New Multi-Family Residential Units = 160 Units x 200 GPD/Unit	=	32,000
Existing Office Space = 15,000 SF x 0.15 GPD/SF	=	2,250
Total Combined Usage	=	84,550

ADDITIONAL SANITARY SEWER/POTABLE WATER USAGE TABLE

The additional uses proposed under the new land use category will generate approximately 63,160 GPD. The breakdown for additional water and sewer usage is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
New Hotel Units = 145 Rooms x 100 GPD/Room	=	14,500
New Retail Space = 23,000 SF x 0.20 GPD/SF	=	4,860
New Restaurant Space = 295 Seats x 40 GPD/Seat (12,700 SF – 295 Seats)	=	11,800
New Multi-Family Residential Units = 160 Units x 200 GPD/Unit	=	32,000
Total Additional Usage	=	63,160



Charlotte County Government

To exceed expectations in the delivery of public services.

www.CharlotteCountyFL.com

RECEIVED

June 25, 2008

JUN 27 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

Re: Water and Sewer Availability to: 3140-3200 Matecumbe Key Road
01-43-22-00-0000C.0010

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

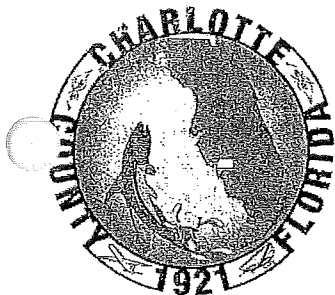
No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Cegerenko".

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO



Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

JUN 27 2008

Re: Water and Sewer Availability to: 3150 Matecumbe Key Road
01-43-22-00-00004.0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
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3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
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5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

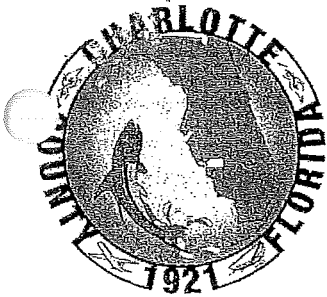
Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



June 25, 2008

JUN 27 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

Re: Water and Sewer Availability to: Matecumbe Key Road
06-43-23-07-0000A:0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
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3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

EXHIBIT B.2.c.

SURFACE WATER / DRAINAGE BASINS

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain stage storage during large flood events. The proposed 18.25 acre redevelopment area is part of existing Department of Environmental Protection (DEP) Permits and South Florida Water Management District Permits (SFWMD), which will be required to be modified before Development Order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio. No Amendments to the Lee Plan will be necessary to redevelop the proposed 18.25 acres.

PARKS, RECREATION, AND OPEN SPACE
EXHIBIT B.2.d

The subject parcel is located within the North Fort Myers Community Park District. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers District. According to the 2007 Concurrency Inventory, the protected minimum level of service in the North Fort Myers District in 2010 (the latest date shown in the inventory) is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not, therefore, create a level of service problem.

The Concurrency Inventory further shows that the County has 6,758 developed acres of regional parks, with a projected future total of 7,351 acres through 2010. The minimum required LOS through 2010 is approximately 4,000 acres. The amendment will create a demand for 2 residential acres (160 units x 2.09 PPH x 6 acres/1000 population) in 2030. Based on the data in the Concurrency Inventory, the amendment will not create an LOS problem.

EXHIBIT B.3.a

INTERLOCAL AGREEMENT

This Interlocal Agreement made and entered into this 15th day of August, 2006. by and between the CITY OF CAPE CORAL, FLORIDA, a municipal corporation, hereinafter "CITY". and the BURNT STORE AREA FIRE SERVICE MUNICIPAL SERVICE TAXING UNIT, an M.S.T.U. established by Lee County pursuant to the authority of Section 125.01, Florida Statutes. hereinafter "UNIT".

WHEREAS, the UNIT was established by Lee County to provide fire protection to the residents of Burnt Store Marina Resort and other unincorporated areas of Lee County; and

WHEREAS, local units of government are authorized, pursuant to the Florida Constitution, Chapters 125, 166, and 163, Part I, Florida Statutes, to enter into interlocal agreements in order to make the most efficient use of their powers by cooperating with each other on a basis of mutual advantage and thereby provide services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the CITY is authorized and willing to provide fire protection service to the UNIT.

NOW, THEREFORE in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES

CITY agrees to provide fire protection and prevention services, to the extent that it is physically and feasible to do so, within the area of the UNIT which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. DEFINITIONS

UNIT shall mean the Burnt Store Area Fire M.S.T.U., a political subdivision of the State of Florida, its officials and employees.

CITY shall mean the City of Cape Coral, Florida, a municipal corporation, its officers and employees.

SERVICES shall mean all services, work, materials, and all related professional, technical, administrative and safety activities that are necessary to perform and complete the tasks required pursuant to the terms and provisions of this Agreement.

"Services" to be performed by the CITY pursuant to this agreement shall include fire suppression and related services, basic first response rescue, normal fire company level prevention services as assigned and fire inspection services.

SECTION 3. OBLIGATIONS OF CITY

The obligations of the CITY with respect to all services authorized pursuant to this agreement are as follows:

1. The CITY hereby warrants that the personnel who will perform services for the UNIT pursuant to this agreement are properly certified and qualified to perform said services. CITY further agrees that all services performed pursuant to this agreement will be in accordance with generally accepted standards of professional practice and in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of all governmental agencies, which regulate or have jurisdiction over the services to be provided.

2. LIABILITY. CITY agrees to indemnify, defend and hold the UNIT harmless from any and all claims, suits, judgments or damages, losses and expenses including court costs, expert witness and professional consultation services, and attorneys' fees arising out of the CITY's errors, omissions, and/or negligence for services related to this agreement. CITY shall not be liable to, nor be required to indemnify the UNIT for any damages arising out of any error, omission, and/or negligence of the UNIT, its employees, agents or representatives. This Section shall not be interpreted to be a waiver of sovereign immunity.

3. ADDITIONAL SERVICES. Should the UNIT request the CITY to provide and perform professional services pursuant to this agreement which are not included in the definition of "Services" as provided herein, the CITY agrees to consider providing and performing such ADDITIONAL SERVICES as may be agreed to in writing by both parties to this Agreement.

Such ADDITIONAL SERVICES shall constitute a continuation of the professional services covered under this Agreement and shall be provided and performed in accordance with the covenants, terms and provisions set forth in this Agreement and any amendments thereto.

ADDITIONAL SERVICES shall be accomplished by one or more amendments to this Agreement. The CITY shall not provide or perform, nor shall the UNIT incur or accept any obligation to compensate the CITY for any ADDITIONAL SERVICES, unless a written Amendment is executed by the parties.

SECTION 4. METHOD OF PAYMENT

1. This Agreement shall supersede the previous Interlocal Agreement between the parties dated September 27, 1995.

2. ANNUAL FEE. For each year of time during which this agreement is in effect, a millage rate will be levied in the UNIT to pay the CITY for services rendered pursuant to this Agreement. The following formula shall be used to calculate the Annual Fee due to CITY from UNIT for services provided under this Agreement. The Annual Fee shall be based, in part, on the percentage of calls for service from CITY Fire Station Number 7 to property located within the MSTU as compared to the total number of calls for service for CITY Fire Station Number 7 for the preceding calendar year. The Annual Fee shall be based on the annual operating budget for Fire Stations Number 5 and 7. UNIT shall pay its proportionate share of said budget, with the exception of the cost for Fire Inspectors and a Clerk, which shall be paid by UNIT at Fifty percent (50%). For the fiscal year 2006, the total annual fee due to CITY from UNIT shall be Six Hundred Five Thousand Two Hundred Seventy-Seven Dollars and Fifty-Seven Cents (\$605,277.57). A detail showing the calculation of the annual fee for 2006 is attached hereto as Exhibit "B." All costs or fees for the Property Appraiser, the Tax Collector, and the County shall be paid by the UNIT in addition to the agreed upon amount. Payment shall be made each fiscal year on a quarterly basis. The annual fee for each subsequent year of this Agreement shall be adjusted based upon the budget approved by City Council for such year.

3. PAYMENT UPON TERMINATION OF AGREEMENT OR SUSPENSION OF SERVICES. In the event this agreement is terminated by UNIT prior to the expiration of the term hereof, or in the event the UNIT suspends the services being provided by CITY hereunder, UNIT shall compensate CITY through the date of any services rendered, including any termination notice period.

In the event this agreement is terminated by CITY prior to the expiration of the term hereof, or in the event the CITY suspends the services being provided, payment by UNIT will be made through the end of the month plus a prorated value of any refurbished apparatus based on the IRS discount depreciation schedule.

SECTION 5. EQUIPMENT AND FACILITIES

1. EQUIPMENT. All equipment used or purchased shall be owned by the CITY.
2. FACILITIES. CITY shall construct and maintain such facilities necessary to providing appropriate levels of service to the UNIT. CITY shall be responsible for all permits, engineering, design, site preparation and construction of any facilities.
3. NOTIFICATION OF CITY (911 EMERGENCY CALLS). The UNIT shall ensure that all 911 fire and rescue emergency calls originating within the UNIT are properly routed to the CITY.

SECTION 6. ASSIGNMENT AND SUB-CONTRACTS

CITY shall not assign or transfer any of its rights, benefits or obligations hereunder without the prior written consent of the UNIT. CITY shall not sub-contract any of its service obligations hereunder to third parties without prior written consent of the UNIT. CITY may, subject to the UNIT's prior written approval, employ other persons and/or firms to serve as sub-contractors to CITY in connection with the CITY performing services and work pursuant to the requirements of this Agreement.

SECTION 7. INSURANCE

CITY shall maintain insurance or shall be self-insured to protect itself and UNIT from claims for damages for personal injury, property damage, workers compensation claims, and other claims for damages which may arise out of the performance of this agreement by CITY. This agreement shall not be construed to constitute a waiver of sovereign immunity.

SECTION 8. APPLICABLE LAW

This Agreement shall be governed by the laws, rules and regulations of the State of Florida.

SECTION 9. TERM AND TERMINATION

This Interlocal Agreement shall be for a term of three (3) years, commencing on October 1, 2005 and terminating on September 30, 2008.

This Interlocal Agreement shall automatically renew on a yearly basis thereafter. Either Party may, upon written notice, terminate this Interlocal Agreement. Notice of termination must be given not less than three hundred sixty-five (365) days prior to the expiration of any term of this Interlocal Agreement. If this Interlocal Agreement is terminated, the UNIT'S financial obligations will cease from the date of termination.

SECTION 10. AMENDMENTS OR MODIFICATIONS

The terms and provisions contained in this Agreement may be amended or modified, in writing, by the agreement of both parties. In the event of any conflicts between the requirements, provisions and/or terms of the Agreement and any written amendments(s) or modifications(s), the requirements, provisions and/or terms of the latest executed amendment(s) or modification(s) shall take precedence.

SECTION 11. DUTIES AND OBLIGATIONS

The duties and obligations imposed upon the CITY by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

SECTION 12. HEADINGS

The headings of the Articles, Sections, Exhibits, and Attachments as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such Articles, Section, Exhibits and Attachments.

SECTION 13. ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representatives of the parties in the space provided.

SECTION 15. FILING

This Agreement shall be filed with the Lee County Clerk of Court by the COUNTY.

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement effective the day and year first written above.

ATTEST:

By: Lisa H. Harris
Deputy Clerk

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: W. Hall
Chairman

APPROVED AS TO FORM:

By: Andrea B. Jones
County Attorney's Office

ATTEST:

By: Bonnie J. Vent
Bonnie J. Vent, City Clerk

CITY OF CAPE CORAL

By: Eric P. Feichthaler
Eric P. Feichthaler, Mayor

APPROVED AS TO FORM:

Marilyn W. Miller
MARILYN W. MILLER
Assistant City Attorney

BURNT STORE FIRE DISTRICT

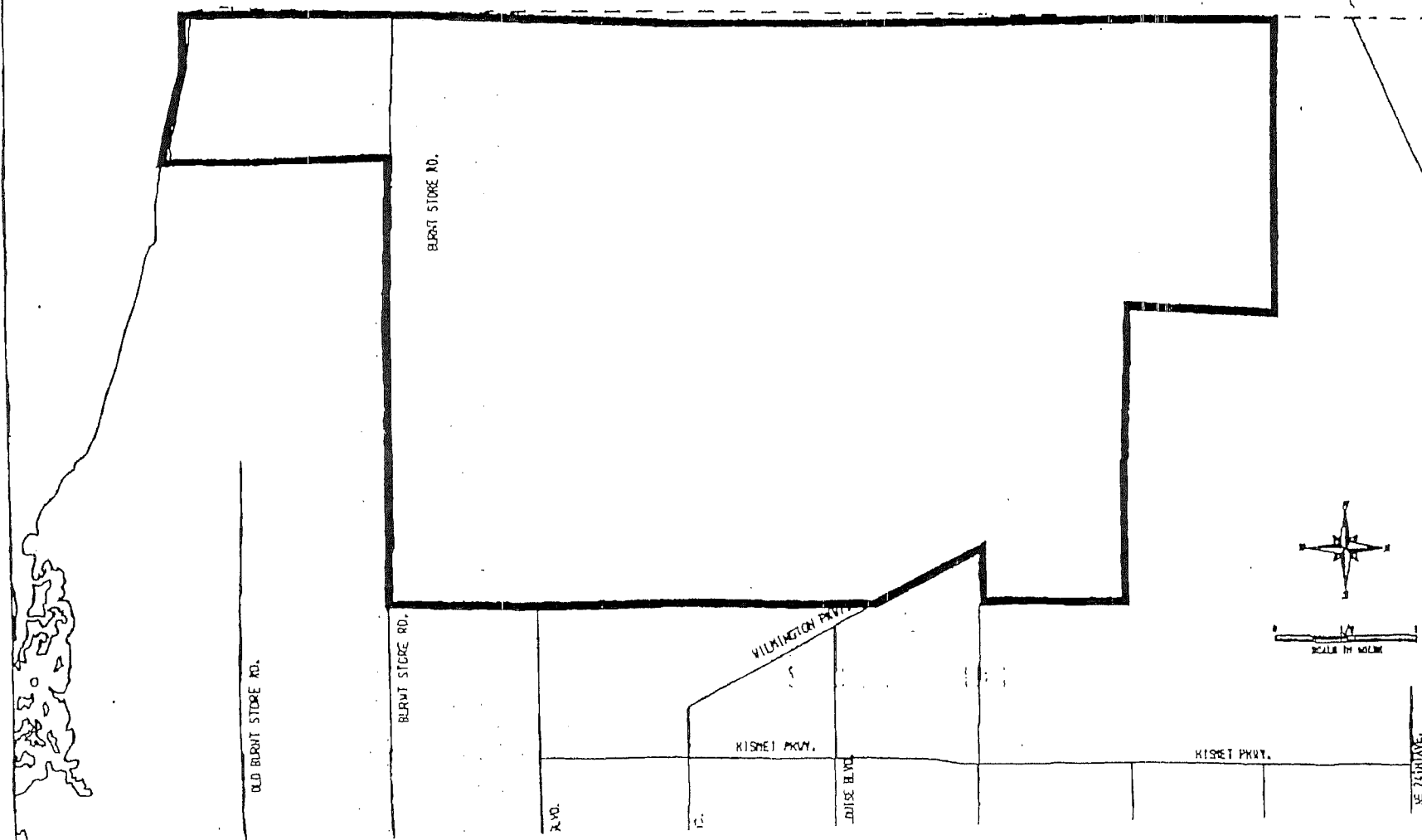


EXHIBIT B

MSTU Formula

DATA							
# of calls in Sta. 7	224						
# of Calls in MSTU	167						
Total calls for Sta. 7	391						
% of Calls in MSTU	42.71%						
CAPITAL							
Station 7	\$507,147.00	÷	20	Cost	\$25,357.35	42.71% MSTU Portion	\$10,830.38
Truck 7	\$594,149.00	+	10	Cost	\$59,414.90	42.71% MSTU Portion	\$25,376.70
Rescue Boat 7	\$150,000.00	+	10	Cost	\$15,000.00	100.00% MSTU Portion	\$15,000.00
Brush 7	\$80,000.00	+	10	Cost	\$8,000.00	42.71% MSTU Portion	\$3,416.80
						Total Capital Costs	\$54,623.87
PERSONNEL							
Lt's at Sta. 7	\$65,020.80	# of	3	Cost	\$195,062.40	42.71% MSTU Portion	\$83,313.10
Eng's at Sta. 7	\$58,506.24	# of	3	Cost	\$175,518.72	42.71% MSTU Portion	\$74,965.80
FF's at Sta. 7	\$52,515.84	# of	6	Cost	\$315,095.04	42.71% MSTU Portion	\$134,580.23
Insp's at Sta. 7	\$61,089.60	# of	1	Cost	\$61,089.60	50.00% MSTU Portion	\$30,544.80
Clerk	\$30,513.60	# of	1	Cost	\$30,513.60	50.00% MSTU Portion	\$15,256.80
PM Incentive	\$5,980.00	# of	3	Cost	\$17,940.00	42.71% MSTU Portion	\$7,662.35
Total Benefit Costs							\$204,330.62
						Total Personnel Costs	\$550,653.70
Total MSTU Cost	\$54,623.87	+	\$550,653.70	=	\$605,277.57		
With Rescue Boat							

The annual cost shall be adjusted annually in May utilizing the April report of the Department of Labor, South Region, All Urban Consumers (CPI-U) non-seasonal index based on the published results for March.



BOARD OF COUNTY COMMISSIONERS

EXHIBIT B.3.d.

Bob Janes
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

June 26, 2008

Ms. Alison M. Stowe
Knott, Consoer, Ebelini
Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33902-2449

SUBJECT: Lee Plan Amendment for Burnt Store Marina Village

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed additional uses requested for the expansion of the Burnt Store Marina Village located on Matecumbe Key Road through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239)533-8000.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

EXHIBIT B.3.e.

MASS TRANSIT

There is no existing or proposed mass transit for the project.



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

EXHIBIT B.3.f.

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2

JANE E. KUCKEL, PH.D.
VICE CHAIRMAN, DISTRICT 3

ROBERT D. CHILMONIK
DISTRICT 1

STEVEN K. TEUBER, J.D.
DISTRICT 4

ELINOR C. SCRICCA, PH.D.
DISTRICT 5

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

June 25, 2008

Ms. Alison Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, FL 33902-2449

RE: Realmark Burnt Store Marina Plan Amendment
Case #: CPA2007-00054

Dear Ms. Stowe:

This letter is in response to your request dated June 23, 2008 for the proposed Realmark Burnt Store Marina Plan Amendment project for the comments with regard to educational impacts. This project is located in the West Zone, Sub Zone W2.

The Developers request states the proposed site will consist of a marina, restaurant and other commercial uses as well as 160 multi-family residential units. The commercial use would have no impact; however the 160 multi-family units would generate 20 additional school-aged children and is calculated at .125 per unit.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department

Environmental Impacts
EXHIBIT C

The proposed marina village parcel includes three communities that could potentially be utilized by listed species. The marina water body (FLUCCS 184) could potentially be utilized by the West Indian Manatee. The mangroves swamp (FLUCCS 612) and tropical hardwoods (FLUCCS 426) have the potential to be utilized by listed wading birds for foraging and/or nesting. The proposed land use change is not anticipated to affect these species as no development activities would occur within the mangrove and tropical hardwoods communities. The proposed additional dry slips and minor marina basin modifications are not anticipated to negatively affect manatees as the marina is sited in a location designated by the Lee County Manatee Protection Plan as a preferred location for marina facilities. Standard manatee construction conditions and a manatee educational program would be provided as part of the proposed project.

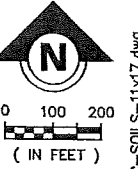


LEGEND

- SUBJECT PROPERTY (18.25± AC)
- 111 SINGLE FAMILY
 - 133 MULTI-DWELLING UNITS, LOW RISE 2 STORY
 - 134 MULTI-DWELLING UNITS, HIGH RISE
 - A THREE (3) STORY
 - B SIX (6) STORY
 - C EIGHT (8) STORY
 - 143 PROFESSIONAL SERVICES
 - A THREE (3) STORY
 - 1451-A HOTEL - THREE (3) STORY
 - 1455-C HOTEL/CONDOMINIUM (8 STORY)
 - 147 MIXED COMMERCIAL & SERVICES
 - 1415 RESTAURANT
 - 1471 BOAT STORAGE

- 184 MARINA
- 411 PINE FLATWOODS
- 426 TROPICAL HARDWOODS
- 540 BAY & ESTUARIES
- 612 MANGROVE SWAMP
- 814 ROAD

EXHIBIT C.1.
EXHIBIT C.5.



FLUCC-SOILS-11X17.dwg

Joseph W. Edwards, P.E.
FL. LICENSE # 36815

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/08/08	BE	PER LEE COUNTY COMMENTS DATED 08/23/08			

AYALON ENGINEERING, INC.
2503 DEL PRADO BLVD., #200
CAPE CORAL, FLORIDA 33904
FPE#3128 (239) 573-2077

Realmark
Development, LLC

BURNT STORE
MARINA VILLAGE

FLUCCS
MAP

107-431

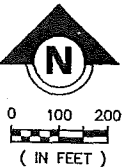
1 of 1



LEGEND

- SUBJECT PROPERTY (18.25± AC.)
- ⑪ MYAKKA FINE SAND
 - ⑮ ESTERO MUCK
 - ⑯ PECKISH MUCKY FINE SAND
 - ⑳ IMMOKALEE SAND
 - ㉓ SMYRNA SAND
 - ⑤③ MYAKKA FINE SAND, DEPRESSIONAL
 - ⑥⑨ MATLACHA GRAVELLY FINE SAND

EXHIBIT C.2.



FLUCC-SOILS-11x17.dwg

Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
05/06/08	BE	PER LEE COUNTY COMMENTS DATED (08/11/08)			

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD., #200
CAPE CORAL, FLORIDA 33904
PbPE#126 (239) 973-2077



BURNT STORE
MARINA VILLAGE

SOILS
MAP



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

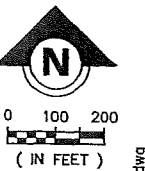
The 1%-annual-flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A No Base Flood Elevations determined.
- ZONE AE Base Flood Elevations determined.
- ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance of greater flood.
- ZONE A99 Area to be protected from 1% chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage area less than 1 square mile; and areas protected by levees from 1% annual chance flood.

----- SUBJECT PROPERTY (18.25± AC)
LEE COUNTY ZONING LIMITS



Joseph W. Edwards, P.E.
FL LICENSE# 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/28/08	BE	FOR LEE COUNTY COMMENTS	08/28/08	BE	FOR LEE COUNTY COMMENTS

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD., #200
FORT MYERS, FL 33904
FBI#43128 (239) 573-2077

Realmark
Development, LLC

BURNT STORE
MARINA VILLAGE

100 YEAR FLOOD MAP
ADOPTED AUG 28, 2008

107-431

1 of 1

EXHIBIT C.4.

There are no wetlands, aquifer recharge areas, or rare and unique uplands.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

September 28, 2007

Alison Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry St. P.O. Box 2449
Fort Myers, FL 33902
FAX: 239-334-1446

Ms. Stowe:

In response to your inquiry of September 27, 2007, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R22E, Section 1

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Kayla Bicklauski
Archaeological Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: fmsfile@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/misf/>

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399 0250
Telephone: (850) 245-6400 • Facsimile: (850) 245-6125
www.dos.state.fl.us

TOTAL P.02

EXHIBIT D

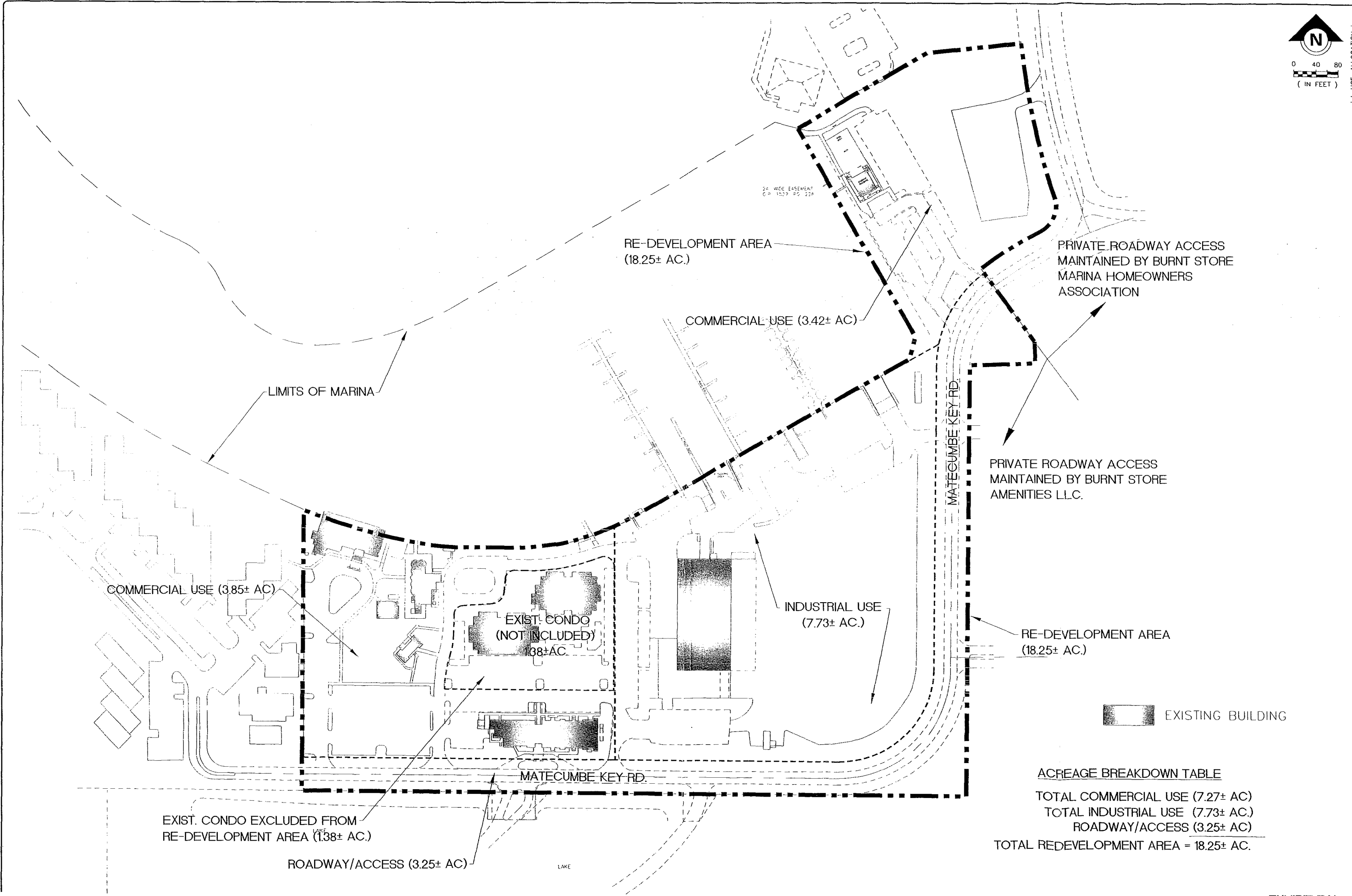
IMPACTS TO PLANNING COMMUNITIES ACREAGE TABLE

EXHIBIT E.1.

The subject property consists completely of land that has been previously developed for commercial purposes. Two (2) acres of the parcel will be redeveloped for 160 residential units. This will result in an increase of 334 persons (160×2.09 PPH) accommodated by the FLUM, which is de minimis.

If the requested amendment is approved, it will be necessary to create a new ROW in the Planning Communities Acreage Table for the Burnt Store Planning Community. The revised table should show 2 acres of residential uses, 6 acres of "industrial" uses (the dry storage buildings), 7 acres of commercial uses, and 3 acres of public uses to accommodate the project. Since the parcel has already been developed, these acres can be moved from the commercial category.

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EXIST-USE-ALLOCATION.dwg

Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REVISION DESCRIPTION
08/08/08	BE	PER LEE COUNTY COMMENTS (DATED 06/13/08)

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
PEPE#3128 (239) 573-2077

Realmark
Development, LLC

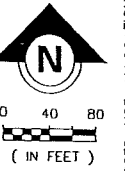
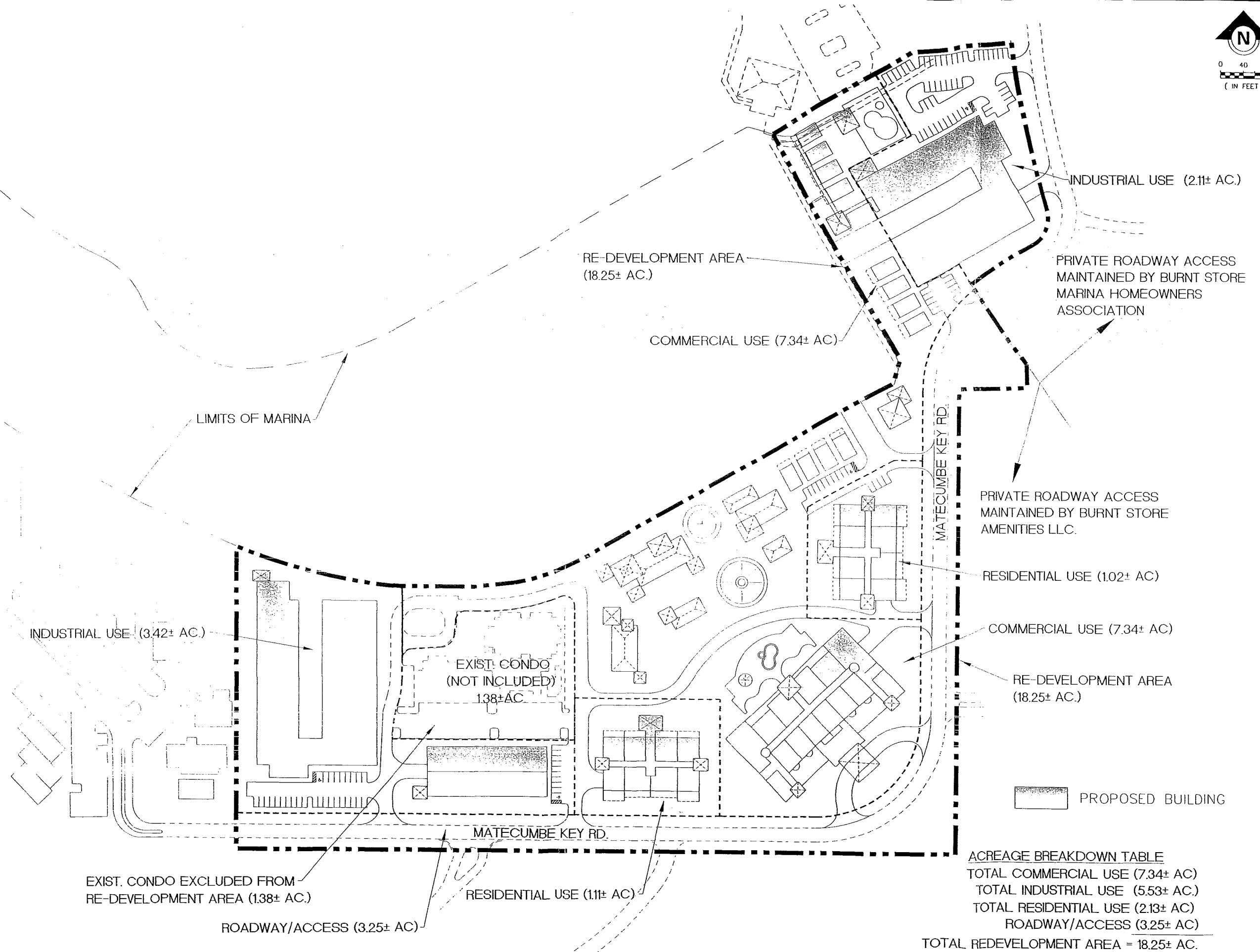
BURNT STORE
MARINA VILLAGE

EXISTING
USE ALLOCATIONS

#07-431
1 of 2

EXHIBIT E.11.

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PROPOSED-USE - ALLOCATION

Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REVISION DESCRIPTION
08/25/08	JE	PER LEE COUNTY COMMENTS DATED 06/17/08

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD #200
CAPE CORAL, FLORIDA 33904
FPE#A3128 (239) 573-2077

Realmark
Development, LLC

BURNT STORE
MARINA VILLAGE

PROPOSED 2030
USE ALLOCATIONS

#07-431

2 OF 2

**LEE PLAN NARRATIVE
EXHIBIT E.2**

The proposed redesignation of the subject property from Rural to the proposed Burnt Store Marina Village category is consistent with the Lee Plan in general, and the following goals, objectives, and policies in particular:

1. Policy 1.4.1: The property is not consistent with the description of the Rural category in that it already contains a high-intensity commercial use and has a high level of public services.
2. Policy 1.7.5: The proposed redesignation will permit the renovation and expansion of the existing marina on the site.
3. Policy 1.7.6: No additional commercial acres will be needed for the project, as the property is already being used for commercial purposes.
4. Objective 2.1: The creation and application of the new FLUM category will not encourage urban sprawl. This subject is addressed in more detail in the urban sprawl analysis exhibit.
5. Objective 2.2: The project will be served by public facilities with adequate capacity (see the various infrastructure analyses contained in the application).
6. Objective 2.4: The applicant is seeking to amend the Lee Plan in light of a number of changed conditions that have occurred since the property was designated Rural in 1989, including: the increased demand for dockage space throughout Lee County; the ongoing development of Burnt Store Marina at high levels of density and intensity; the deterioration and increasing obsolescence of the existing structures on the site, most notably the dry storage building; recent amendments to the LDC prohibiting buildings of the height proposed by the applicant; and the County's recent interest in promoting attractive mixed-use developments.
7. Policy 2.4.4: As noted in #3 above, no additional commercial acreage will be required for the project, as the applicant is seeking to better utilize an existing commercial development footprint.
8. Policy 5.1.5: The amendment will facilitate the redevelopment of the existing commercial site into an attractive multi-use project that will be more compatible with the surrounding residential uses than the existing use.

9. Policy 6.1.2: The amendment will create an exception to the commercial site location standards similar to the one inherent in the County's new Commercial FLUM category. This exception is justified in light of the amount of development that exists and is vested for Burnt Store Marina as a whole, and the existence of commercial development at the location proposed for the new category.
10. Policy 6.1.4: As noted above, the project will be compatible with the neighborhood and will be served by adequate public facilities.
11. Policy 6.1.7: The applicant is proposing to redevelop an existing commercial site.
12. Policy 6.1.8: Any proposed development on the site will be consistent with the new FLUM category.
13. Goal 8: The applicant is attempting to increase the size of the existing water-dependent use.
14. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities with available capacity.
15. Objective 125.2: The larger marina will increase the public's access to the waterfront.
16. Policy 128.1.3: One of the key components of the development is a new, larger, state-of-the-art dry storage facility. The number of wet slips will not be increased.
17. Policy 128.4.2: Most of the shoreline will be used by water-dependent uses.
18. Policy 128.5.4: The expanded marina is consistent with the County's marina siting criteria. It involves the redevelopment of an existing upland site with one or more dry storage buildings.
19. Policy 128.5.8: The marina is in an area with adequate water depth.
20. Policy 128.5.9: The new category will facilitate a redevelopment project on previously-disturbed uplands.
21. Policy 128.5.11: Adequate uplands exist on the site for marina support facilities.
22. Policy 128.6.16: As noted above, the increase in slips is solely attributable to the construction of one or more larger, state-of-the-art dry storage buildings.

IMPACTS TO NEARBY LOCAL GOVERNMENTS

EXHIBIT E.3

The southern boundary of the subject parcel is the City of Cape Coral. The FLUM designation of the property immediately to the south is Mixed Use. This parcel is used for multi-family residential purposes. The redevelopment of the subject parcel will not be incompatible with that very urban use.

Portions of the traffic generated by the redevelopment on the subject parcel will use Burnt Store Road through Cape Coral. Burnt Store Road is a County, not a City, facility. It currently operates at LOS D south of the subject property; according to the 2007 Concurrency Inventory, approximately 400 trips are still available on this road segment before it reaches LOS F.

The redevelopment of the subject parcel will provide residents of the rapidly-growing northern portion of Cape Coral with commercial and marine-related opportunities which do not currently exist in that area, thereby reducing the number of lengthy vehicular trips south of Burnt Store Road to the SR 78 commercial corridor.

While the subject parcel does not immediately abut Charlotte County, other areas of Burnt Store Marina do. The Charlotte County property north of Burnt Store Marina is designated Low Density Residential on the County's FLUM and this Low Density category permits between one unit per five acres and one unit per acre.

Burnt Store Road at the County line is currently operating at LOS C, according to the Concurrency Inventory. Several policies in the Charlotte County Comprehensive Plan direct the County to create financing mechanisms to expedite the widening of the road to 2008. The demand for water and sewer service from the existing Charlotte County facilities is addressed in the water and sewer analysis.

STATE AND REGIONAL PLAN CONSISTENCY
EXHIBIT E.4

The proposed amendment is consistent with the following State and Regional Plan provisions:

STATE PLAN

Policy 8(b)10: The new category permits expanded water-dependent facilities along the shoreline.

Policy 15(b)3: The new category will also encourage a more attractive and functional mix of uses on the site.

REGIONAL PLAN

Goal 2, Strategy 1, Action 4: The applicant is proposing to redevelop an existing commercial site to create an attractive and functional mixed use community.

URBAN SPRAWL ANALYSIS EXHIBIT F.2

The applicant responds to the urban sprawl indicators as follows:

1. The proposed category does not authorize low-intensity, low-density, or single-use development; it contemplates an intense multi-use development to complement the existing intense residential development within Burnt Store Marina.
2. The new category will permit the redevelopment of an existing commercial site, which is not "leapfrog-type development."
3. The redevelopment of a commercial node within Burnt Store Marina will not result in "radial, strip, isolated or ribbon pattern type development."
4. The site has already been developed for commercial purposes. There will be no loss of natural resources or agricultural land as a result of the proposed redevelopment.
5. The project will have access through the existing Burnt Store Marina road system and by boat.
6. The redevelopment of the property will not reduce functional open space and, in fact, will actually promote public access to the water.
7. This is an infill/redevelopment project.

SMART GROWTH ANALYSIS
EXHIBIT F.2.1.

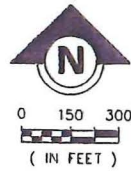
1. The proposed category contains a mix of land uses.
2. Compactness of building design is a criterion that is best addressed at the rezoning stage.
3. Burnt Store Marina already contains both single-family and multi-family areas. The proposed units will be multi-family.
4. The category contemplated that the occupants of the residences within the Burnt Store Marina Village and many of the current residents of other areas within Burnt Store Marina will walk to the proposed commercial uses.
5. The redevelopment of the subject property with a mix of uses, including state-of-the-art dry storage facilities, will significantly improve the appearance of Burnt Store Marina.
6. The proposed category will permit the redevelopment of an area with no remaining natural features.
7. The Applicant intends to redevelop an existing developed area within the Burnt Store Marina community. As such, this is an infill project.
8. The project will be accessible by boat and by automobile.
9. This standard is purely in the hands of the County.
10. The Applicant has conducted well-attended community meetings to discuss the proposal.

Planning Justification

EXHIBIT G

The requested map and text amendments should be approved, for the following reasons:

1. The current level of development and public services on the site is completely inconsistent with the Rural FLUM category.
2. The amendment is necessary to permit the subject parcel to be redeveloped for a more attractive and functional mix of uses, including large state-of-the-art dry storage buildings and retail uses in excess of the minor commercial center permitted by the Rural FLUM category, particularly since the LDC and the Lee Plan currently limit building heights in Burnt Store Marina to 45 feet, with no possibility of obtaining deviations.
3. The amendment will not promote urban sprawl, as noted in the Urban Sprawl Analysis.
4. The proposed project will be served by adequate public facilities, as noted in the various infrastructure analyses.
5. The parcel abuts a highly urbanized parcel designated Mixed Use to the south.
6. The redevelopment of the marina parcel will facilitate public access to the waterfront.
7. No changes will be required to the Planning Communities Acreage Table to permit the redevelopment of the existing commercial parcel.
8. There are no existing FLUM categories which adequately address the mix of uses and the building heights that are being requested for this project. The new Commercial category, which comes closest, appears to be designed for use for parcels which abut arterial roads.



07-433-LOC-MAP.dwg

AERIAL OUTLINING
SUBJECT PROPERTY

BURNT STORE
MARINA VILLAGE



AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPEJ5128 (239) 573-2077

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/06/08	BE	PER LEE COUNTY COMMENTS			
		DATED (08/13/08)			

Joseph W. Edwards, P.E.
FL LICENSE # 38615



ATTACHMENT 3

EXHIBIT A.2.



LV-MAPS-11x17.dwg

Joseph W. Edwards, P.E.
FL LICENSE # 38815

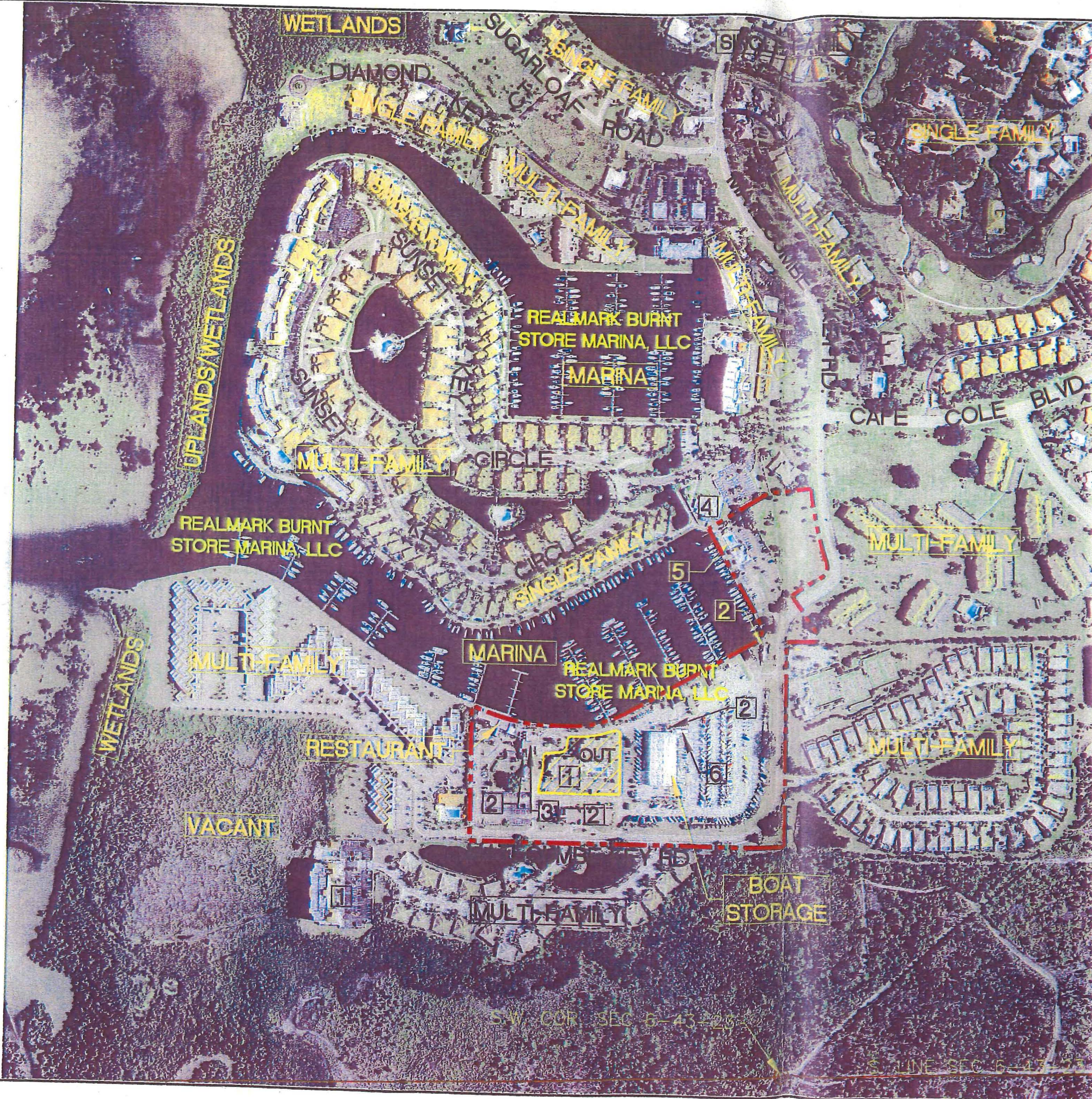
DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/01/08	AW	PRELIMINARY LAYOUT			
08/01/08	AW	DATE: 08/01/08			

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD., #200
CAPE CORAL, FLORIDA 33904
FPO#3128 (335) 573-2077



BURNT STORE
MARINA VILLAGE

FUTURE LAND
USE MAP



- LEGEND**
- SUBJECT PROPERTY (18.25a AC.)
- MULTI-FAMILY EXISTING LAND USE CONDITIONS**
- | | |
|-----------------|-------------------|
| 1 HOTEL/CONDO | 4 YACHT CLUB |
| 2 OFFICE | 5 MARINA FACILITY |
| 3 OFFICE/RETAIL | 6 MARINA REPAIR |

ATTACHMENT 4



UV-MAPS-11x17.dwg

Joseph W. Edwards, P.E.
FL LICENSE# 38615

DATE	BY	REVISION DESCRIPTION
08/20/08	AW	FOR THE CITY OF ORANGE
08/20/08	AW	DATE: 08/23/08

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD., #200
CAPE CORAL, FLORIDA 33904
PHONE: 239-313-8073

Realmark
Development, LLC

BURNT STORE MARINA VILLAGE

EXISTING USES MAP

11-1



LEE COUNTY ZONING DESIGNATIONS

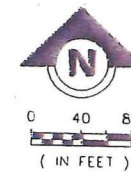
RM-2	RESIDENTIAL MULTI-FAMILY
RM-10	RESIDENTIAL MULTI-FAMILY
RPD	RESIDENTIAL PLANNED DEVELOPMENT
CM	COMMERCIAL MARINE
EC	ENVIRONMENTALLY CRITICAL

CITY OF CAPE CORAL ZONING DESIGNATIONS

C-1	PEDESTRIAN COMMERCIAL DISTRICT
R-1A	RESIDENTIAL SINGLE FAMILY DISTRICT
R-3	RESIDENTIAL MULTI-FAMILY DISTRICT

--- SUBJECT PROPERTY (18.25+ AC.)
 --- LEE COUNTY ZONING LIMITS

P:\CAL\0707-431\LOTTEE-CO\EXIST-USE-ALLOCATION.dwg, Layout1, 8/7/2008 3:40:10 PM, Avalon Engineering Inc.



EXIST-USE-ALLOCATION.dwg

Joseph W. Edwards, P.E.
FL. LICENSE # 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/08/08	DE	PER LET COUNTY COMMENTS			
		DATE: 08/13/08			

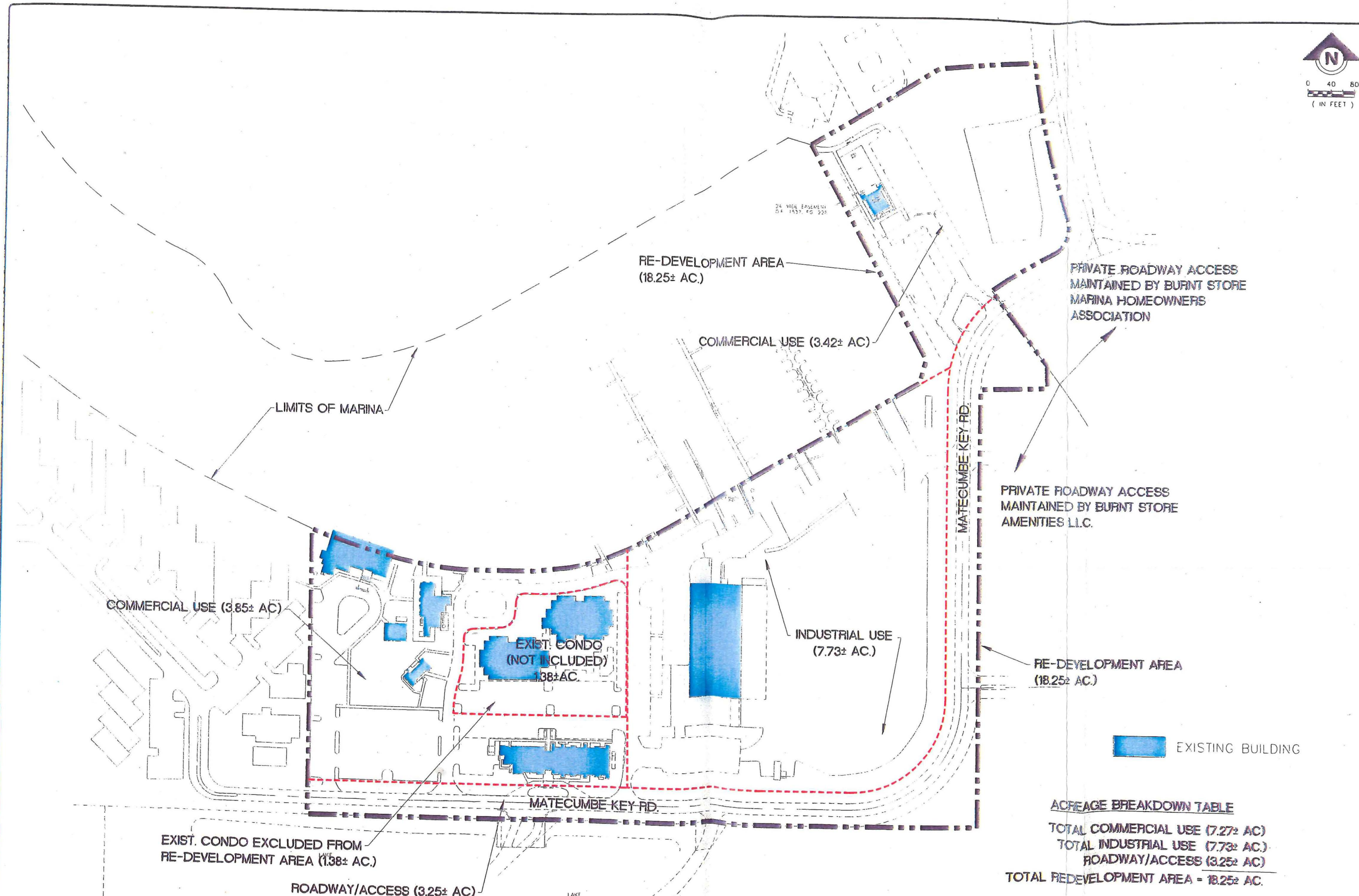
AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD
CORP. OFFICE
FORT PIERCE, FLORIDA 33902
(339) 573-2077
FPE#3128



BURNT STORE
MARINA VILLAGE

EXISTING
USE ALLOCATIONS

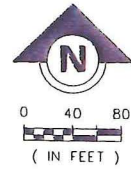
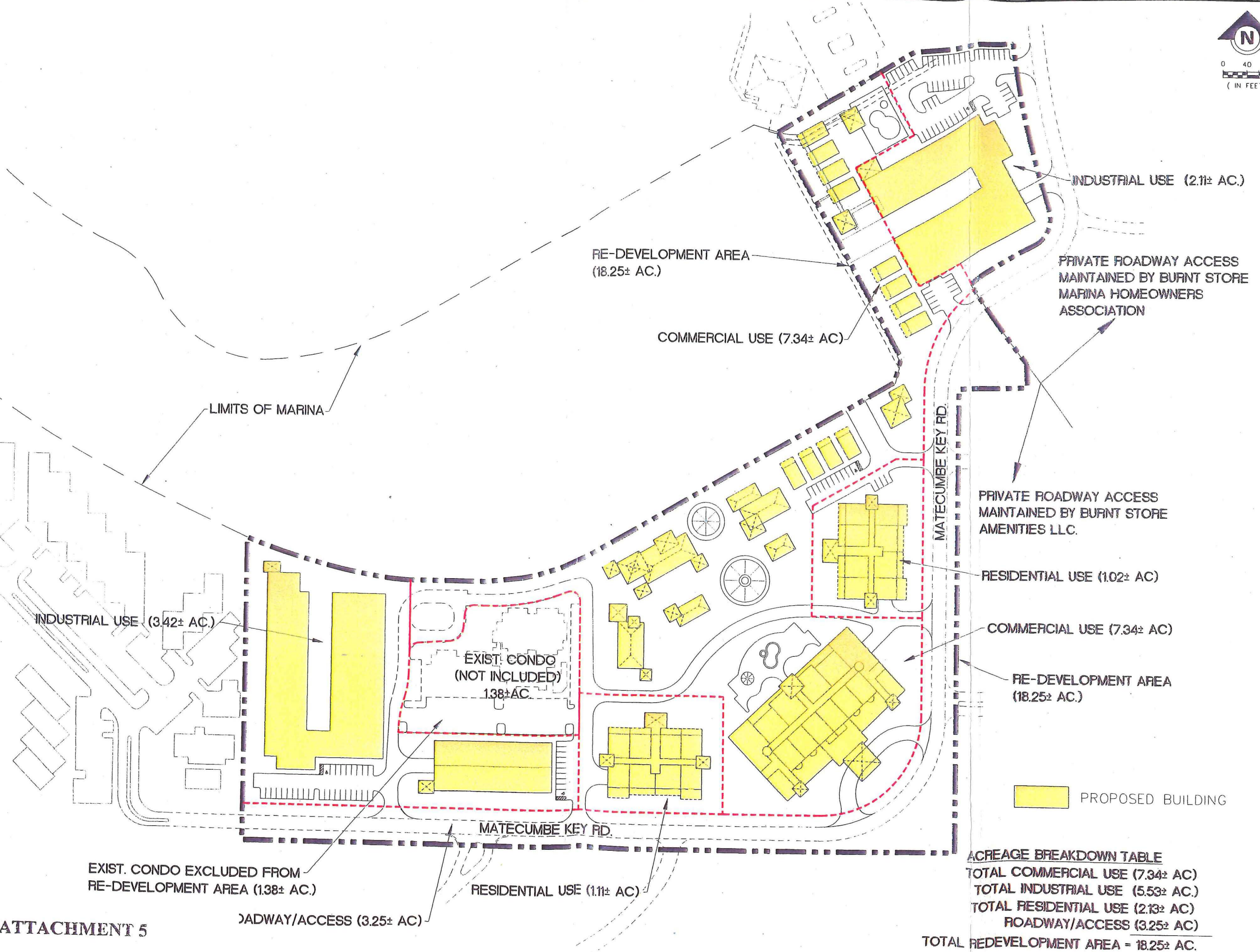
#07-431



ACREAGE BREAKDOWN TABLE

TOTAL COMMERCIAL USE	(7.27± AC.)
TOTAL INDUSTRIAL USE	(7.73± AC.)
ROADWAY/ACCESS	(3.25± AC.)
TOTAL REDEVELOPMENT AREA	= 18.25± AC.

ATTACHMENT 5



PROPOSED-USE-ALLOCATION

Joseph W. Edwards, P.E.
FL LICENSE # 38615

DATE	BY	REVISION DESCRIPTION
08/05/08	BC	PER LEE COUNTY COMMENTS DATED 06/13/09

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD, #200
CAPE CORAL, FLORIDA 33904
FPEP#3128 (239) 573-2077

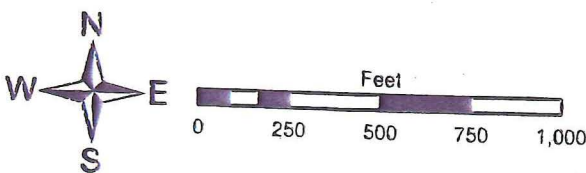


BURNT STORE
MARINA VILLAGE

PROPOSED 2030
USE ALLOCATIONS

WATER DEPENDANT OVERLAY ZONES

(Lee Plan Map 12 Page 9 of 12)



Legend

 Water Dependent Overlay



The water Dependant Overlay Zone on the indicated, parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

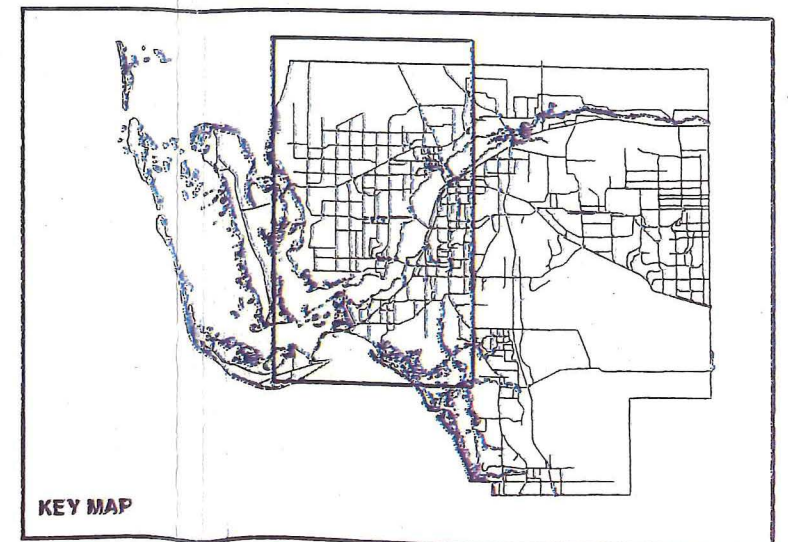
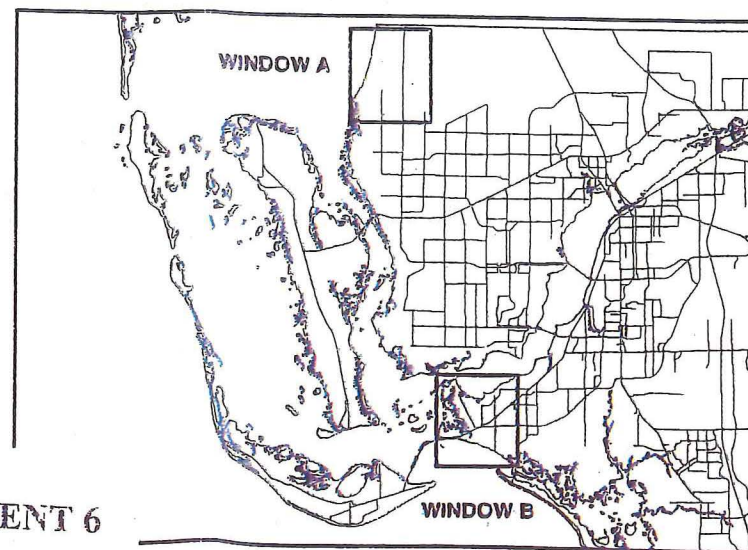
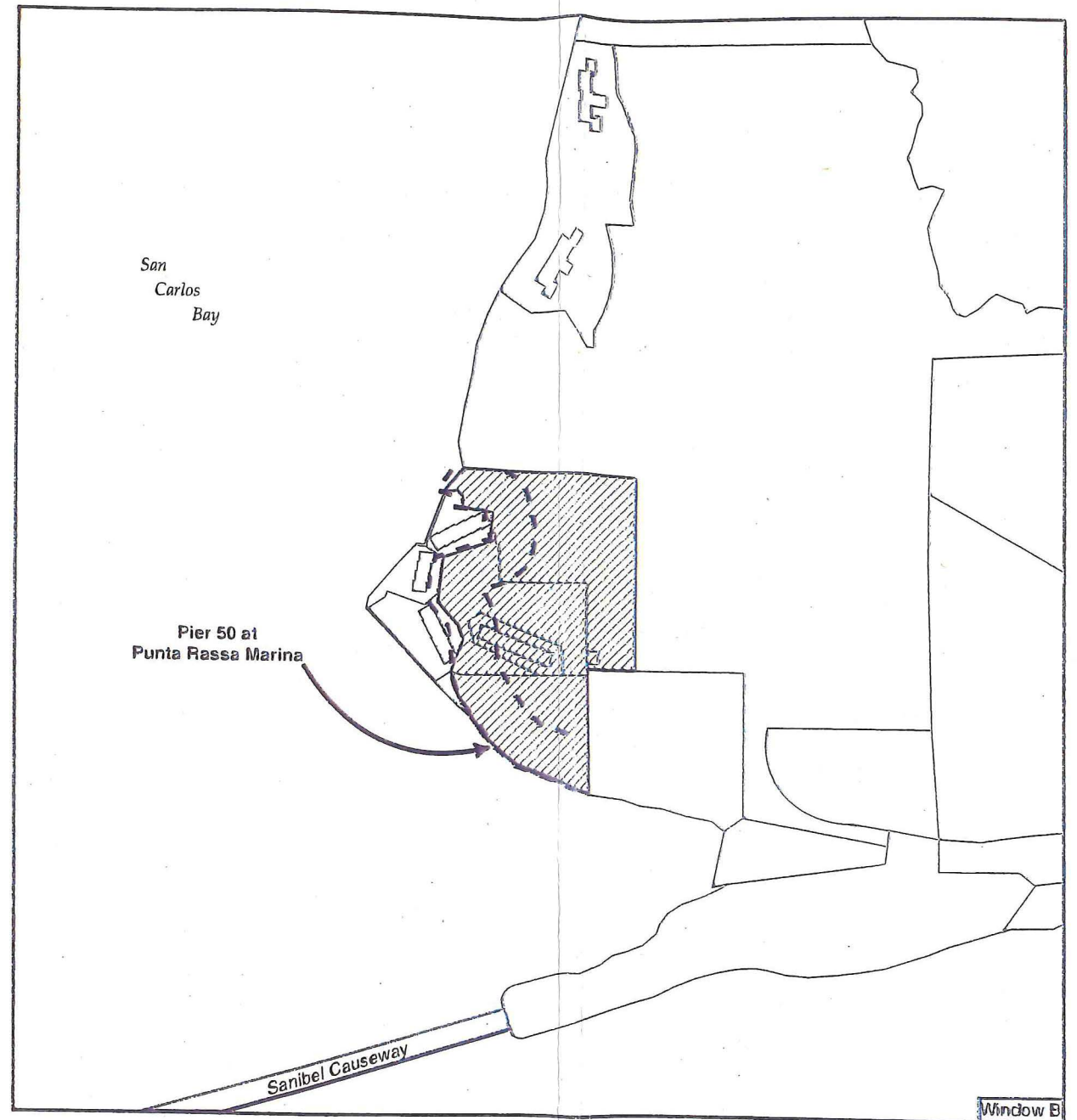
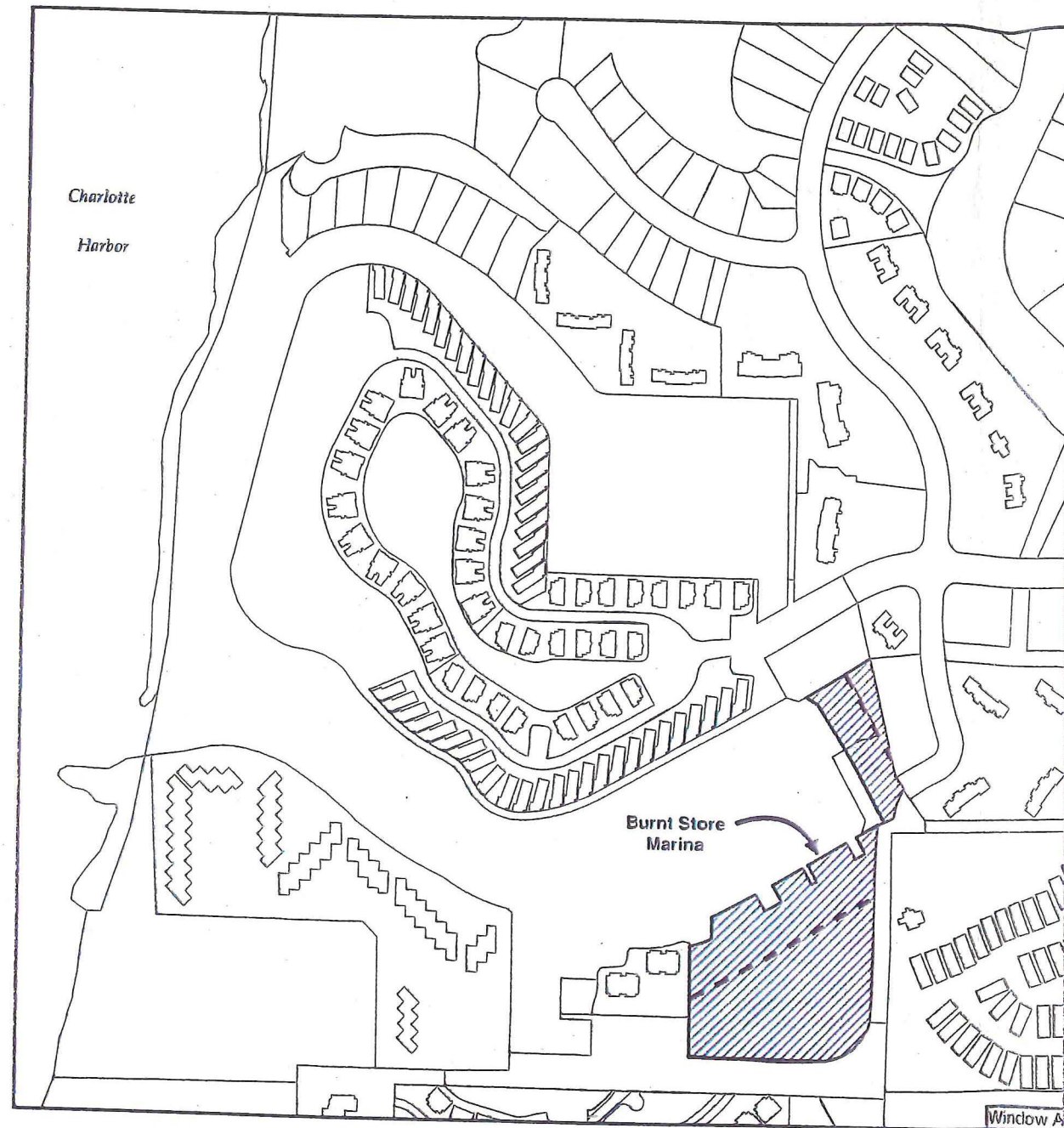
Map Generated July 2003
(Adopted On 1/3/89 by Ordinance No 89-02
Burnt Store Marina Amended On
9/20/93 by Ordinance No 93-25)

List of STRAPs

01-43-22-00-0000C.0000
01-43-22-00-0000C.0010

Burnt Store Marina

Pier 50 at Punta Rassa
09-46-23-00-00009.0000
09-46-23-00-00009.0010
09-46-23-00-00009.0020
09-46-23-00-00000.00CE
09-46-23-01-00000.00CE
09-46-23-01-00000.000A



ATTACHMENT 6



STATE OF FLORIDA

LEE COUNTY
RECEIVED

DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*CHARLIE CRIST
GovernorTHOMAS G. PELHAM
Secretary

July 31, 2008

Ms. Karen A. Brodeen
 Fowler White Boggs Banker PA
 Post Office Box 11240
 Tallahassee, Florida 32302

RE: Binding Letter of Modification to a Development with Vested Rights and Binding Letter of Determination of Development of Regional Impact Status for Punta Gorda Isles Section 22 (also known as Burnt Store Marina)
 File Nos. BLIM-09-2007-016 and BLID-09-2007-015
 Final Order No. DCA 08-BL-204

The Department has evaluated your application for a Binding Letter of Modification to the vested rights of the Burnt Store Marina development, Tract C of Punta Gorda Isles Section 22 (DCA identification numbers LIVR No. 574-029 and BLIVR No. 974-029), which was received May 12, 2008, as well as supplemental information received on May 30, 2008. Based on the information contained in the application and other information obtained during review of the proposal, the Department enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The applicant is Ms. Karen A. Brodeen, of Fowler White Boggs Banker P.A., authorized representative for Realmark Development Corporation, LLC the property owner. The applicant has proposed the redevelopment of 13.3 acres of Tract C and the addition of an adjacent 8.65 acre parcel located to the south of the tract to accommodate a portion of the redevelopment plan. The proposed redevelopment area will include 145 hotel rooms, 160 dwelling units, 60,000 square feet of retail, and 15,000 square feet of office space (See attached map).
2. The proposed modification involves 13.3 acres of the Punta Gorda Isles Section 22 development and 4.95 acres of the additional 8.65 acres, which is located in Section 01, Township 43 south, Range 22 east and Section 06, Township 43 south, range 23 east, in Lee County, for a total redevelopment area of approximately 18.4 acres. The parcel is located north of the city limit line for the City of Cape Coral and the north property line of the parcel is the Charlotte/Lee County line.

3. A brief history of Punta Gorda Isles Section 22 is as follows:

The Department issued LIVR 574-029 on October 26, 1973, and determined that the proposed development for Section 22 was not vested. The Department issued a binding letter BLIVR 974-029 on July 5, 1974, which reconsidered the vesting for the site and concluded that the proposed development for Punta Gorda Isles-Section 22 was vested for residential development, a golf course, and a marina complex.

The Department entered into a 380.032 Agreement on May 20, 1986, which resolved a dispute as to the total number of residential units for which the Department recognized vested rights in its letter dated July 5, 1974, which recognized that the Section 22 development was vested for 2,514 residential units. The Department entered into a second 380.032 Agreement on January 30, 1987, which stipulated that a maximum of 323 wet spaces or 525 wet slips, and 456 dry spaces in the Punta Gorda Isles-Section 22 project had vested rights from DRI review. The Department entered into an addendum to the second 380.032 agreement on May 30, 2008, which recognized that due to statutory changes, the project would not be required to undergo DRI review as a result of any wet spaces, wet slips, or dry spaces.

4. Based on the BLIVR issued July 5, 1974, the 380.032 agreements executed on May 20, 1986 and January 30, 1987, and the agreement addendum executed on May 30, 2008, the Punta Gorda Isles-Section 22 development is vested for 2,514 dwelling units, golf course, 323 wet spaces or 525 wet slips, and 456 dry spaces on 626.26 acres. [Tract C also includes 15,000 square feet of existing office and 18,000 square feet of retail that have not been demonstrated to be vested.]

5. The proposed plan of redevelopment, as compared with the currently vested plan of development for Punta Gorda Isles Section 22, provides for:

- a. Removal of 18,000 square feet of retail, 15,000 square feet of office and the existing dry boat storage building which currently has space for approximately 110 boats.
- b. The proposed modified vested plan of development for the entire 626.26 acre Punta Gorda Isles Section 22 is for 2,594 residential units, a golf course (with traditional ancillary uses), 323 wet spaces or 525 wet slips, 456 dry storage spaces, 55,000 square feet of Retail with 300 retail parking spaces, 15,000 square feet of office.
- c. The modified vested plan for Tract C of Punta Gorda Isles Section 22 will result in an increase in development of 80 dwelling units, 55,000 square feet of Retail with 300 parking spaces, 15,000 square feet of Office and 25 hotel rooms.
- d. The redevelopment will occur on 13.3 acres of the existing development and 4.95 acres of the additional 8.65 acres, for a total redevelopment area of 18.3 acres. The redevelopment plan that includes Tract C of Punta Gorda Isles Section 22 and the entire additional 8.65 acre parcel includes 957 residential units, 15,000 square feet of office, 60,000 square feet

of retail with 530 retail parking spaces, 145 hotel rooms (with traditional ancillary uses) and 800 dry storage spaces (with traditional ancillary uses).

- e. The applicant has requested a Binding Letter of Determination of Development of Regional Impact Status for the following portion of the redevelopment. The portions of the redevelopment that includes buildings that will occur in part or in whole on the 4.95 acres of the additional 8.65 acre parcel, totaling 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail with 230 parking spaces.

6. Pursuant to Section 380.06(4)(e), Florida Statutes (F.S.), in determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20), would divest such rights, the state land planning agency shall review the proposed change within the context of:

- (1) The criteria specified in paragraph 380.06(19)(b), F.S.;
- (2) Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
- (3) All rights and obligations arising out of the vested status of such development;
- (4) Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by Section 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
- (5) Any regional impacts arising from the proposed change.

7. The Department has consulted with local, regional, and state agencies and finds that the only regional issue likely to be impacted is transportation.

8. In determining whether the proposed changes to Punta Gorda Isles Section 22 will constitute a substantial deviation, the Department applied the applicable criteria of § 380.06(19)(b), F.S.:

- a. Section 380.06(19)(b)5., F.S. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.
- b. Section 380.06(19)(b)6., F.S. An increase in residential units by 10 percent or 55 units, whichever is greater.
- c. Section 380.06(19)(b)8., F.S. An increase in retail development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10 percent increase of either of them, whichever is greater.

- d. Section 380.06(19)(b)9, F.S. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.
- e. Section 380.06(19)(b)13, F.S. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

9. In applying the criteria of Section 380.06(19)(b)5, 6., 8., and 13., F.S., to the proposed changes to Punta Gorda Isles Section 22, the Department finds that:

- a. The redevelopment plan adds 15,000 square feet of office, a use not previously vested for DRI purposes. The proposed addition of office square footage does not exceed the substantial deviation criteria of Section 280.06(19)(b)5., F.S. of 66,000 gross square feet.
- b. The redevelopment plan adds 80 residential units, an increase of 3.2 percent. The proposed increase in residential development does not exceed the substantial deviation criteria of Section 380.06(19)(b)6., F.S.
- c. The redevelopment plan adds 55,000 square feet of retail with 300 parking spaces, a use not previously vested for DRI purposes. The proposed increase does not exceed the retail substantial deviation criteria of Section 380.06(19)(b)8., F.S.
- d. The redevelopment plan adds 25 hotel rooms, a use not previously vested for DRI purposes. The proposed increase does not exceed the hotel substantial deviation criteria of Section 380.05(19)(b)9., F.S.
- e. The number of PM peak hour trips from the Punta Gorda Isles Section 22 redevelopment will increase from 1,225 to 1,630 trips as a result of the proposed modification, which amounts to an increase of 405 trips or a 33 percent increase. This exceeds the substantial deviation criterion of 15 percent. Thus the proposed modification exceeds the external vehicle trips substantial deviation criterion in Section 380.06(19)(b)13., F.S.

10. The proposed modification exceeds the criteria of Section 380.06(19)(b)13., F.S. Based on a traffic impact analysis submitted by the applicant, the Department finds that these additional peak hour vehicle trips will not have a substantial impact on any regional roadway. The Department finds that the proposed modification will not create additional regional impacts to regional resources and facilities. Pursuant to Section 380.06(4)(e)5., F.S., the Department concludes that the proposed modification does not constitute a development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

11. The proposed development on the adjacent 8.65 acres parcel which is not vested for DRI purposes includes repaving of the existing access way and 230 retail parking spaces and portions or all of buildings containing 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail.

12. Section 380.06(2)(c), F.S., states that the Department shall apply the guidelines and standards that were in effect when the developer received authorization to commence development from the local government of jurisdiction. The applicant has not yet received final authorization from the local government to commence development of the proposed redevelopment project. Therefore, the applicable guidelines and standards for determining whether this project shall undergo DRI review are Sections 380.0651(3)(e), (f), and (h), and Rule 28.24.023, F.A.C.,

- a. Section 380.0651(3)(e), F.S., Retail and Service Development--Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that: 1. Encompasses more than 400,000 square feet of gross area; or 2. Provides parking spaces for more than 2,500 cars. The proposed development of 5,000 square feet of retail with 300 parking spaces is 1.25 percent of the retail square footage threshold and 12 percent of the retail parking space threshold; therefore, the project is not required to undergo DRI review based solely on the retail threshold.
- b. Section 380.0651(3)(f), F.S., Hotel or motel development--Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000. The population estimate for April 1, 2007, from the Bureau of Economic and Business Research, University of Florida for Lee County is 615,741. The development of 145 hotel units is 19.3 percent of the hotel threshold; therefore, the project is not required to undergo DRI review based solely on the hotel threshold.
- c. Rule 28-24.023, F.A.C., Residential Developments, provides, in part, any residential development twenty five percent of which is located within two miles or less of a county line shall be treated as if it were located in the less populous county. The proposed development project is entirely located within two miles of Charlotte County which has a lower population than Lee County. Thus, the Charlotte County population would apply to the project. Rule 28-24.023, F.A.C., further provides that the DRI threshold for counties with a population between 100,001 and 250,000 is 1,000 dwelling units. The development of 80 units is 8 percent of the residential threshold; therefore, the project is not required to undergo DRI review based solely on the residential dwelling threshold.

- d. Section 380.0651(3)(h), F.S., Multiuse development, provides, in part, that any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, F.A.C., or this section for each land use in the development is equal to or greater than 145 percent. The sum of the percentages of the thresholds above in items a through c, is 39.3, which is 27 percent of the multi-use threshold; therefore, the project is not required to undergo DRI review based solely on the multi-use threshold.

13. None of the thresholds exceeds 100 percent. Thus, pursuant to Section 380.06(2)(d)1.a., F.S., the proposed development is not required to undergo DRI review

14. All commitments made by the applicant, all materials submitted by the applicant with the application, and all other relevant written materials are incorporated herein by reference and made a part hereof.

15. On May 30, 2008, notice for this request for a Binding Letter of Interpretation was published in the Florida Administrative Weekly. In addition, the Southwest Florida Regional Planning Council and Lee County have been notified.

16. Pursuant to the criterion in Section 380.06(4)(e)2., F.S., to determine whether the proposed changes are in conformance with the State Comprehensive Plan, the Department reviewed and applied the goals and policies of the State Comprehensive Plan as a whole to the proposed modification to the Punta Gorda Isles Section 22 redevelopment. When reasonably applied, the Department finds the proposed modification is consistent with the goals and policies of the State Comprehensive Plan.

CONCLUSIONS OF LAW

1. Even though the additional development as demonstrated in paragraphs 9 and 10 exceeds the substantial deviation criteria in Sections 380.06(19)(b)13., F.S., the Department finds that there are no regional impacts arising from the proposed changes that have not been previously reviewed. Therefore, the currently proposed plan of development for the Punta Gorda Isles Section 22 project does not divest any rights the developer has acquired under Section 380.06(20), F.S., to complete the development of the aforementioned Punta Gorda Isles Section 22 DRI.

2. The proposed development on the adjacent 8.65 acre parcel and portions of Tract C as demonstrated in paragraphs 11, 12, and 13 is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the proposed on the adjacent 8.65 acres and portions of Tract C would not be required to undergo DRI review.

3. The plan of development on the adjacent 8.5 acre parcel and portions of Tract C is currently inconsistent with the Lee County Comprehensive Plan. No development may proceed until the amendment is made to the Lee County Comprehensive Plan that would allow for the planned development. The comprehensive plan amendment must also be consistent with Chapter 163, F.S., the State Comprehensive Plan, and Chapter 9J-5, Florida Administrative Code


ORDER

1. The modifications to the vested Punta Gorda Isles Section 22 DRI, as described above, will not be required to comply with the review requirements of Section 380.06, F.S.
2. The proposed modifications to the vested plan will not divest the vested rights to develop. If the changes described in the application for this binding letter are approved by the local government of jurisdiction and incorporated in a new development order, they will constitute the vested plan of development and must be followed by you and your successors. If any further changes are proposed for your project, they should be submitted by the applicant or successor(s) to the Department for comparison together with the impacts of the plan now vested in this letter. Should any of the above representations made by the applicant be substantially changed, further binding letter review of the project may be required.
3. The proposed development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, as described in paragraph 11, is not required to comply with the review requirements of Section 380.06, F.S.
4. The development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, will be considered cumulatively with any future additional development in terms of the guidelines and standards contained in Chapter 28-24, Florida Administrative Code and Section 380.0651, F.S., and its related impacts. Should any of the above representations made by the applicant be substantially changed, further review of the project may be required.
5. The binding letter as it applies to the unvested development on the adjacent 8.65 acre parcel and portions of Tract C will expire and become void as of July 25, 2011, unless the plan of development has been substantially commenced by this date. This date may be extended by mutual agreement of the Department, the local government of jurisdiction and the developer.
6. This determination does not obviate the need to comply with all other applicable federal, state, or local government permitting procedures.
7. You have the right to request a formal administrative hearing if you dispute any issue of material fact in this binding letter. If a formal administrative proceeding is not requested, this binding letter constitutes final agency action and is subject to judicial review pursuant to

Ms. Karen A. Brodeen
July 31, 2008
Page 8 of 8

Section 120.68, F.S. (see Notice of Rights attached). Any questions regarding this determination may be directed to Brenda Winningham, Regional Planning Administrator, in the Division of Community Planning, at (850) 922-1800.

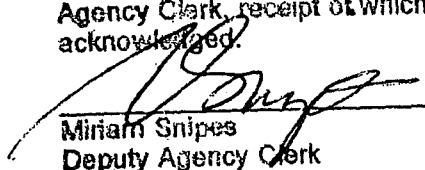
Sincerely,



Mike McDaniel
Chief of Comprehensive Planning

cc: Ms. Mary Gibbs, Director, Department of Community Development, Lee County
Mr. Dan Trescott, Southwest Florida Regional Planning Council

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.



Miriam Snipes
Deputy Agency Clerk

7/31/08
Date

NOTICE OF RIGHTS

You have the opportunity for a formal administrative proceeding regarding this binding letter pursuant to Sections 120.569 & 120.57(1), Florida Statutes. If you dispute any issue of material fact stated in the binding letter, then you may file a petition requesting a formal administrative hearing before an Administrative Law Judge of the Division of Administrative Hearings pursuant to Sections 120.569 & 120.57(1), Florida Statutes, and Chapter 28-106, Parts I and II, Florida Administrative Code. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

If you desire a formal administrative hearing, you must file with the Agency Clerk of the Department of Community Affairs a written pleading entitled "Petition for Administrative Proceedings" within 30 days of receipt of this notice. A petition is filed when it is received by the Agency Clerk in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

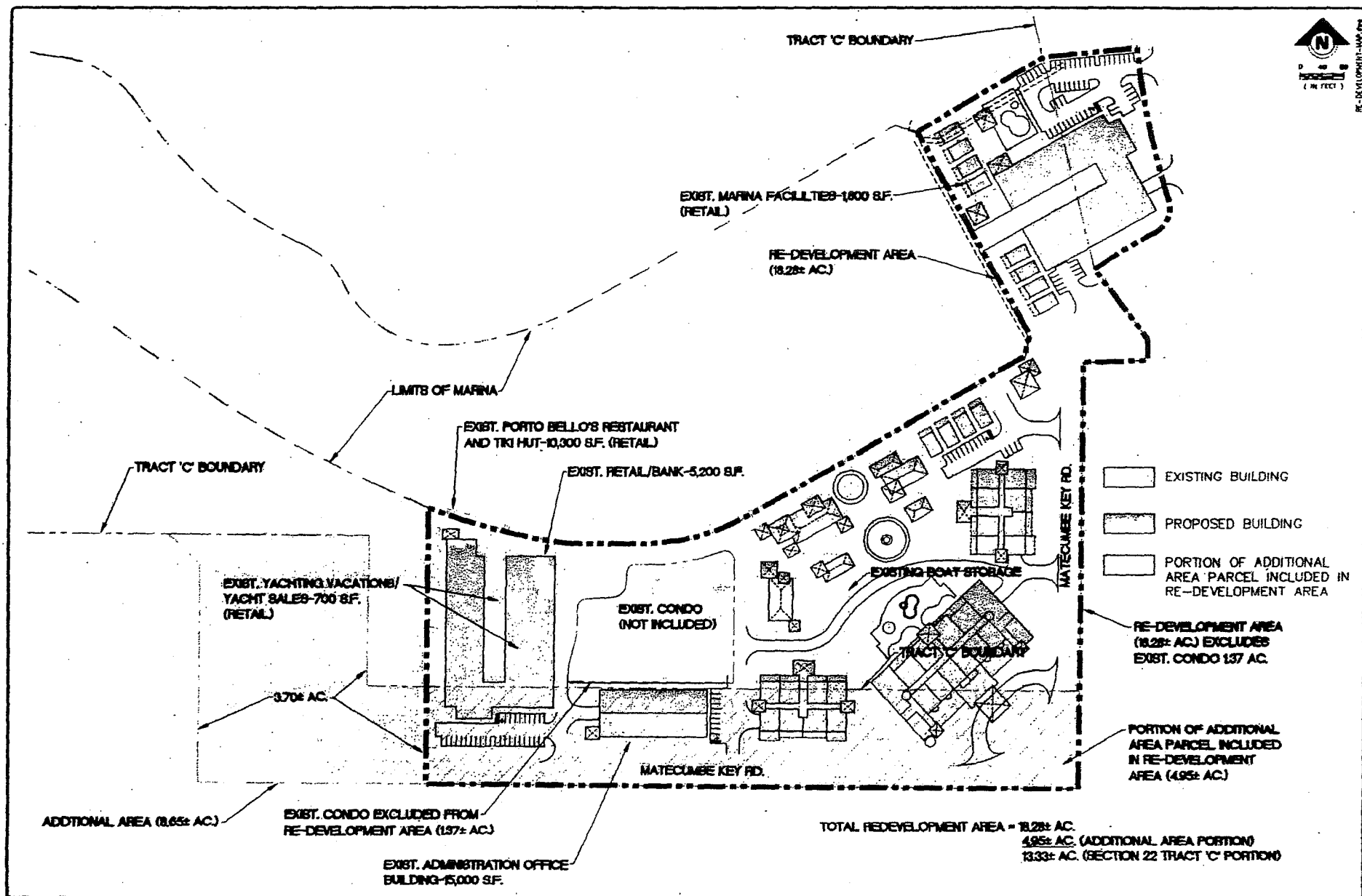
The petition must meet the filing requirements in Rule 28-106.104(2), Florida Administrative Code, and must be submitted in accordance with Rule 28-106.201(2), Florida Administrative Code. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the binding letter, and it must state any defenses upon which you rely. **You waive the right to an administrative proceeding if you do not file a petition with the Agency Clerk within the time frames described above.**

You may also decide that no formal administrative proceeding or reconsideration is required for this binding letter. If you do not request a formal administrative proceeding or reconsideration, this binding letter constitutes final agency action and is subject to judicial review as set forth below. Any party to this binding letter has the right to seek judicial review of the binding letter pursuant to Section 120.68, Florida Statutes, and Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110.

To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal within 30 days of the day this binding letter is filed with the Agency Clerk. The notice of appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes, and must be substantially in the form prescribed by Florida Rule of Appellate Procedure 9.900(a).

You waive your right to judicial review if the notice of appeal is not timely filed with the agency clerk and the appropriate district court of appeal.

Mediation under Section 120.573, Florida Statutes, is available with respect to the issues resolved by this binding letter.



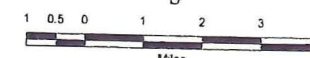
LEE COUNTY PLANNING COMMUNITIES

Year 2030
Planning Communities

1. Alva
2. Boca Grande*
3. Bonita Springs
4. Fort Myers Shores
5. Burnt Store
6. Cape Coral
7. Captiva
8. Fort Myers
9. Fort Myers Beach
10. Gateway/Airport
11. Daniel Parkway
12. Iona/McGregor
13. San Carlos
14. Sanibel
15. South Fort Myers
16. Pine Island*
17. Lehigh Acres
18. Southeast Lee County
19. North Fort Myers
20. Buckingham*
21. Estero*
22. Bayshore*
-  City Limits

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

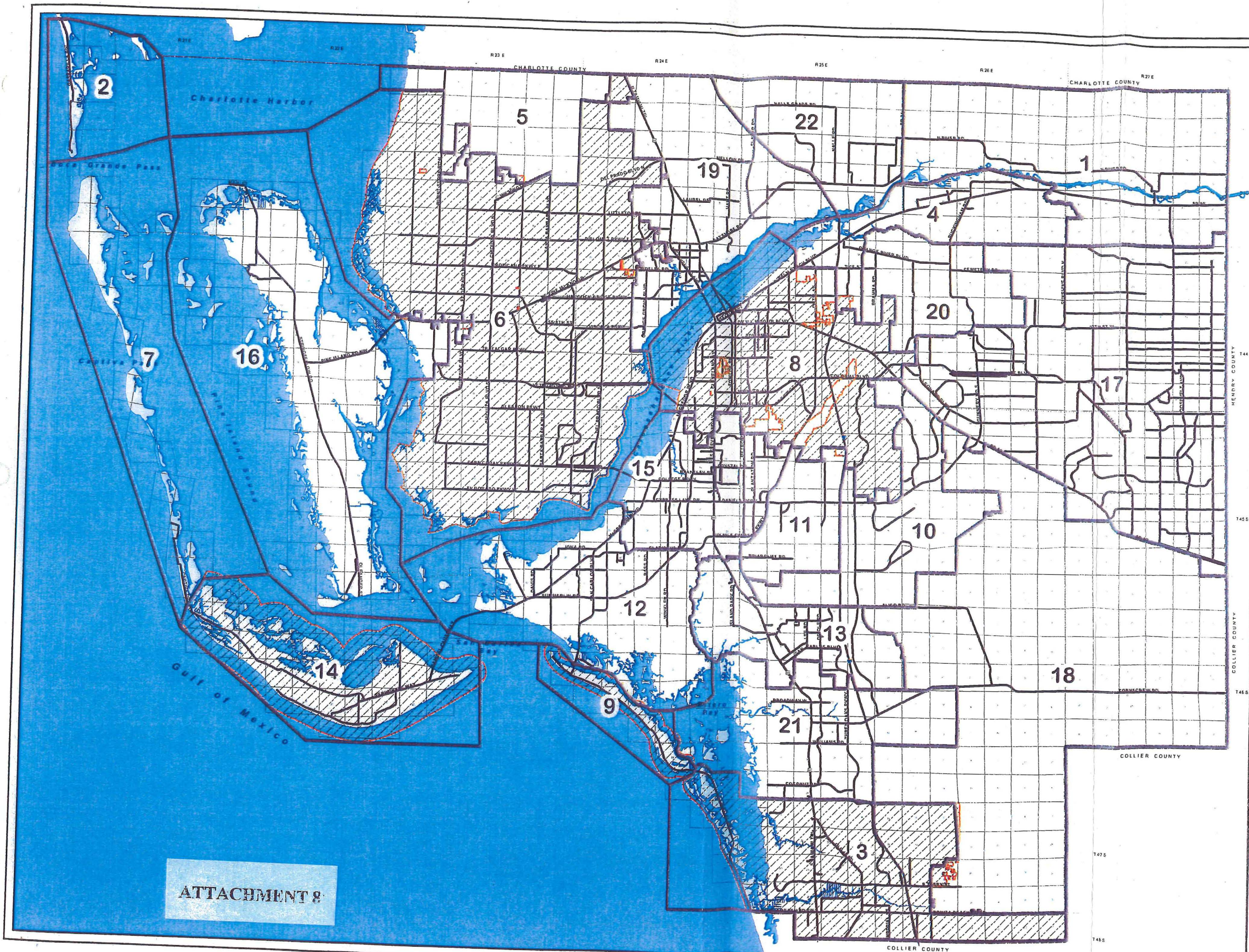
The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.



Map Generated: January 2008
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 07-09, 07-13

Lee Plan Map 16



ATTACHMENT 8

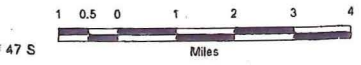
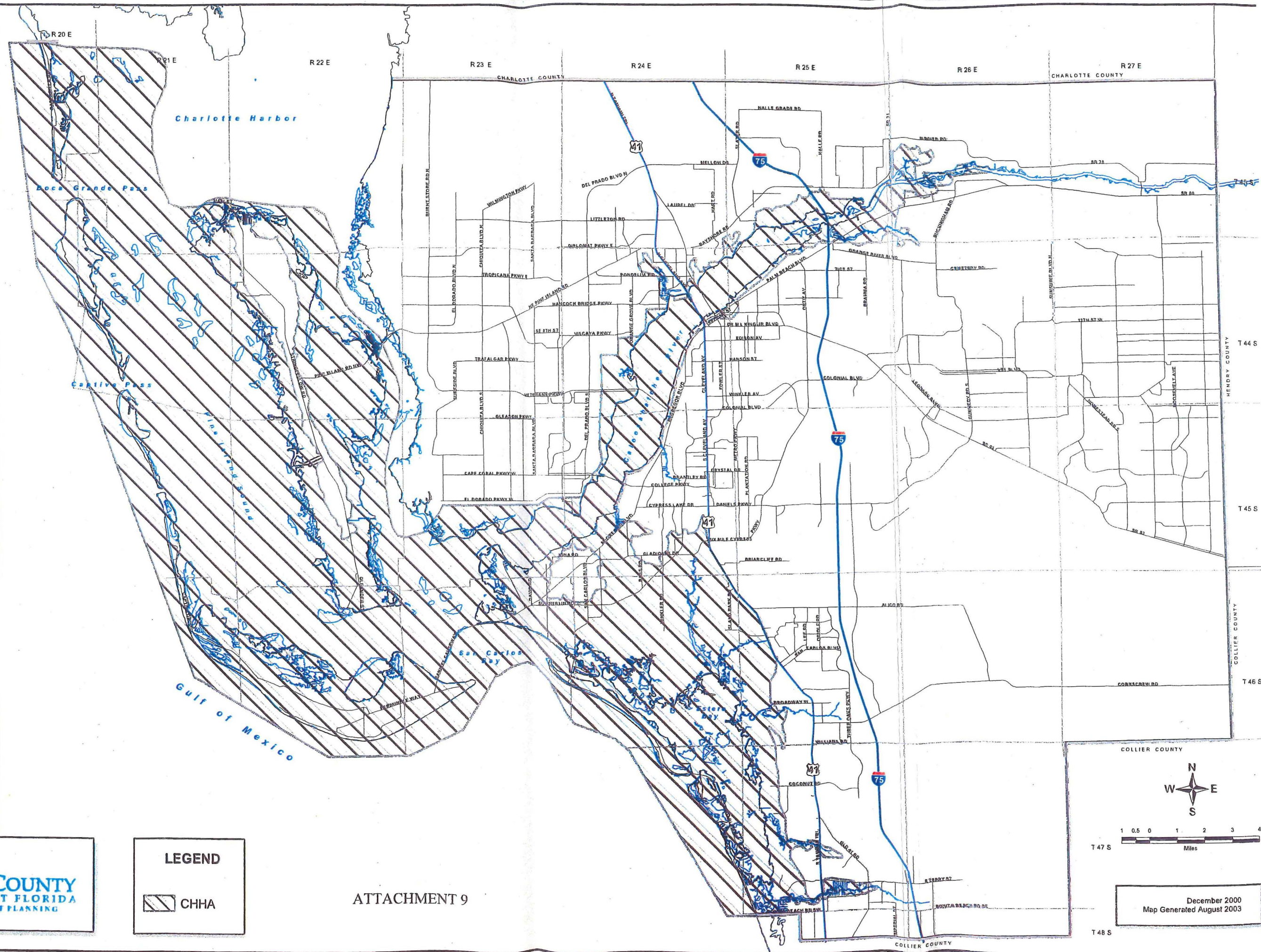
LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) (Lee Plan Map 5)



LEGEND

CHHA

ATTACHMENT 9



December 2000
Map Generated August 2003

PLATE 1

LEE COUNTY, FLORIDA

LANDFALLING STORM

LEGEND
STORM SURGE



SPOT ELEVATION

LEGEND

TIME-HISTORY POINTS

*See note 4 below

Storm History Point #	Point Elevation Feet	Tropical Storm Surge Feet	CAT 1 Feet	CAT 2 Feet	CAT 3 Feet	CAT 4/5 Feet
21	50	0	1	2	3	4
22	50	1	2	3	4	5
23	50	2	3	4	5	6
24	50	3	4	5	6	7
25	50	4	5	6	7	8
26	50	5	6	7	8	9
27	50	6	7	8	9	10
28	50	7	8	9	10	11
29	50	8	9	10	11	12
30	50	9	10	11	12	13

NOTES:

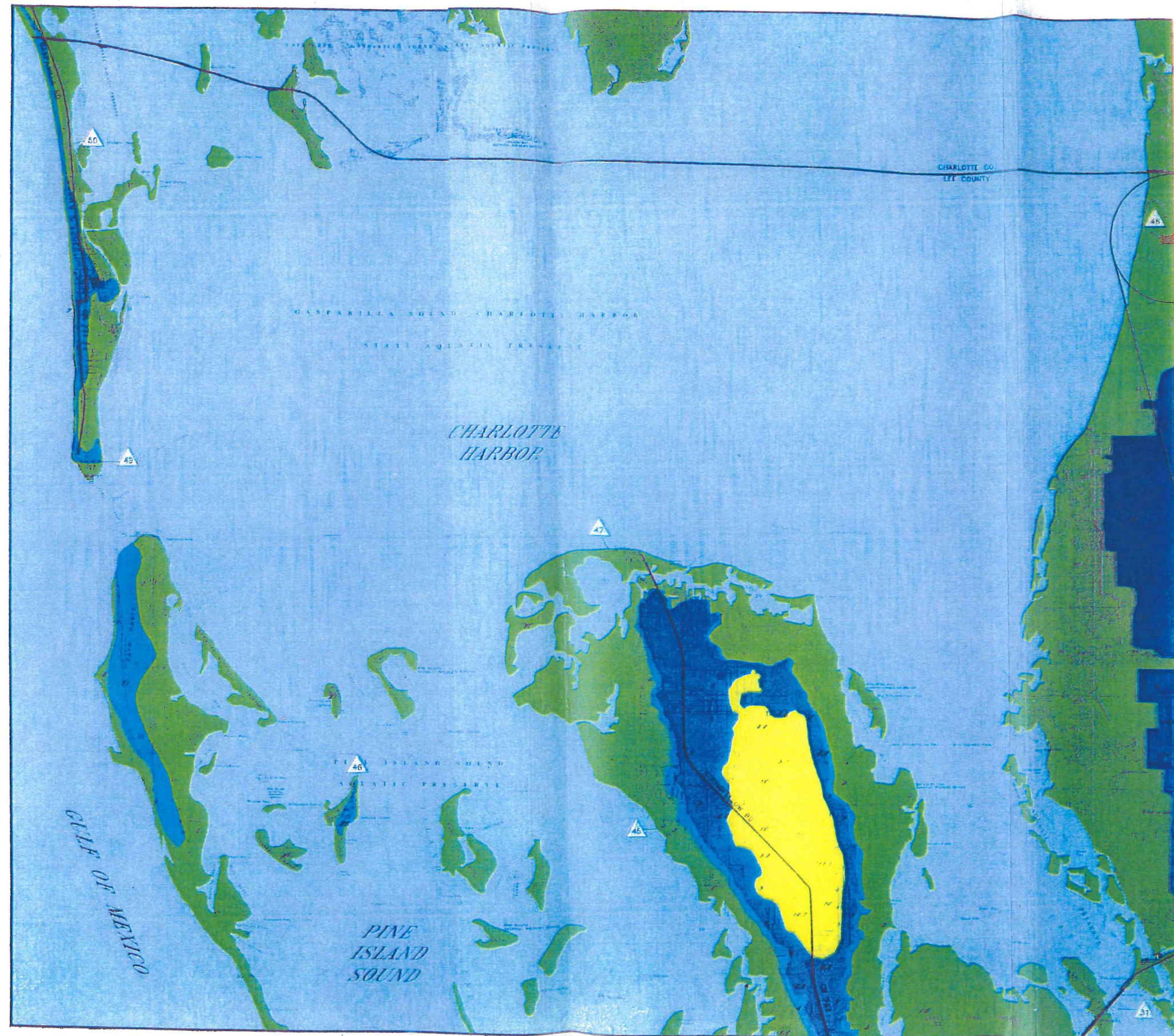
1. SURGE LIMITS ARE BASED ON STILL WATER TOTAL STORM TIDE HEIGHTS (ELEVATIONS ABOVE NATIONAL MEAN SEA LEVEL DATUM IN G.V.D.N. AT HIGH TIDE WITH NO WAVE SET-UP INCLUDED).
2. THE SOURCE OF BASE MAPPING IS U.S.G.S. 7.5 MINUTE QUADRANGLE MAPS.
3. TOTAL STORM LIMITS WERE DETERMINED BY PLOTTING STILLWATER TOTAL STORM TIDE SURGE ELEVATIONS AT HIGH TIDE ONTO THE MOST CURRENT 7.5 MINUTE 1 FT CONTOUR INTERVAL U.S.G.S. QUADRANGLE MAPS OR WHEN AVAILABLE THE MOST CURRENT SOUTH FLORIDA WATER MANAGEMENT DISTRICT 1 FT CONTOUR INTERVAL AERIAL PHOTOS. ACCURACY AND PRECISION OF TOTAL STORM LIMITS ARE GOVERNED BY THE CURRENCY, ACCURACY AND TOLERANCE OF THE U.S.G.S. QUADRANGLE MAPS OR WHEN AVAILABLE THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AERIAL PHOTOS.
4. THE TIME HISTORY POINTS TABLE ABOVE INDICATES THE STORM TIDE SURGE ELEVATION BY STORM CATEGORY ABOVE THE TIME HISTORY POINT ELEVATION. DRY INDICATES THE POINT WILL NOT BE FLOODED ON THE LAST PAGE OF THIS ATLAS ARE THE NAMES OF TIME HISTORY POINTS AND THE TOTAL STORM TIDE SURGE ELEVATION BY STORM CATEGORY ABOVE M.S.L.
5. THE CATEGORY 4/5 ZONE REPRESENTS THE EXTENT OF FLOODING FOR EITHER THE CATEGORY 4 OR 5, WHICHEVER IS GREATER.

PRODUCED BY
**THE SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL**
FOR THE FLORIDA DEPARTMENT OF COMMUNITY
AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT

OCTOBER, 1991



0 1 2 MILES
SCALE 1:48000



SEE INSET A

SUBJECT
PROPERTY

INSET A

PLATE 4 LEE COUNTY, FLORIDA LANDFALLING STORM

LEGEND
STORM SURGE

- TROPICAL STORM
- CATEGORY 1
- CATEGORY 2
- CATEGORY 3
- CATEGORY 4/5

FEET ELEVATION

LEGEND

Storm History Point #	Point	Tropical Storm	Category 1	Category 2	Category 3	Category 4/5
1	40	5	12	69	114	152
2	41	0	0	21	74	140
3	42	0	0	43	89	124
4	43	0	0	61	97	164
5	70	0	0	84	83	149
6	157	0	0	0	16	78
7	140	0	0	0	0	46

NOTES:

1. SURGE LIMITS ARE BASED ON STILL WATER TOTAL STORM TIDE HEIGHTS (ELEVATIONS ABOVE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.)) AT HIGH TIDE WITH NO WAVE SET-UP INCLUDED.
2. THE SOURCE OF BASE MAPPING IS U.S.G.S. 7.5 MINUTE QUADRANGLE MAPS.
3. TOTAL STORM LIMITS WERE DETERMINED BY PLOTTING STILLWATER TOTAL STORM TIDE SURGE ELEVATIONS AT HIGH TIDE ONTO THE MOST CURRENT 7.5 MINUTE 1:25,000 CONTOUR INTERVAL U.S.G.S. QUADRANGLE MAPS OR WHEN AVAILABLE THE MOST CURRENT SOUTH FLORIDA WATER MANAGEMENT DISTRICT 17 CONTOUR INTERVAL AERIAL PHOTOS. ACCURACY AND PRECISION OF TOTAL STORM LIMITS ARE GOVERNED BY THE CURRENCY, ACCURACY AND TOLERANCE OF THE U.S.G.S. QUADRANGLE MAPS OR WHEN AVAILABLE THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AERIAL PHOTOS.
4. THE TIME HISTORY POINTS TABLE ABOVE INDICATES THE STORM TIDE SURGE ELEVATION BY STORM CATEGORY ABOVE THE TIME HISTORY POINT ELEVATION. DRY INDICATES THE POINT WILL NOT BE FLOODED ON THE LAST PAGE OF THIS ATLAS ARE THE NAMES OF TIME HISTORY POINTS AND THE TOTAL STORM TIDE SURGE ELEVATION BY STORM CATEGORY ABOVE N.G.V.D.
5. THE CATEGORY 4/5 ZONE REPRESENTS THE EXTENT OF FLOODING FOR EITHER THE CATEGORY 4 OR 5, WHICHEVER IS GREATER.

PRODUCED BY
THE SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
FOR THE FLORIDA DEPARTMENT OF COMMUNITY
AFFAIRS DIVISION OF EMERGENCY MANAGEMENT

OCTOBER, 1991

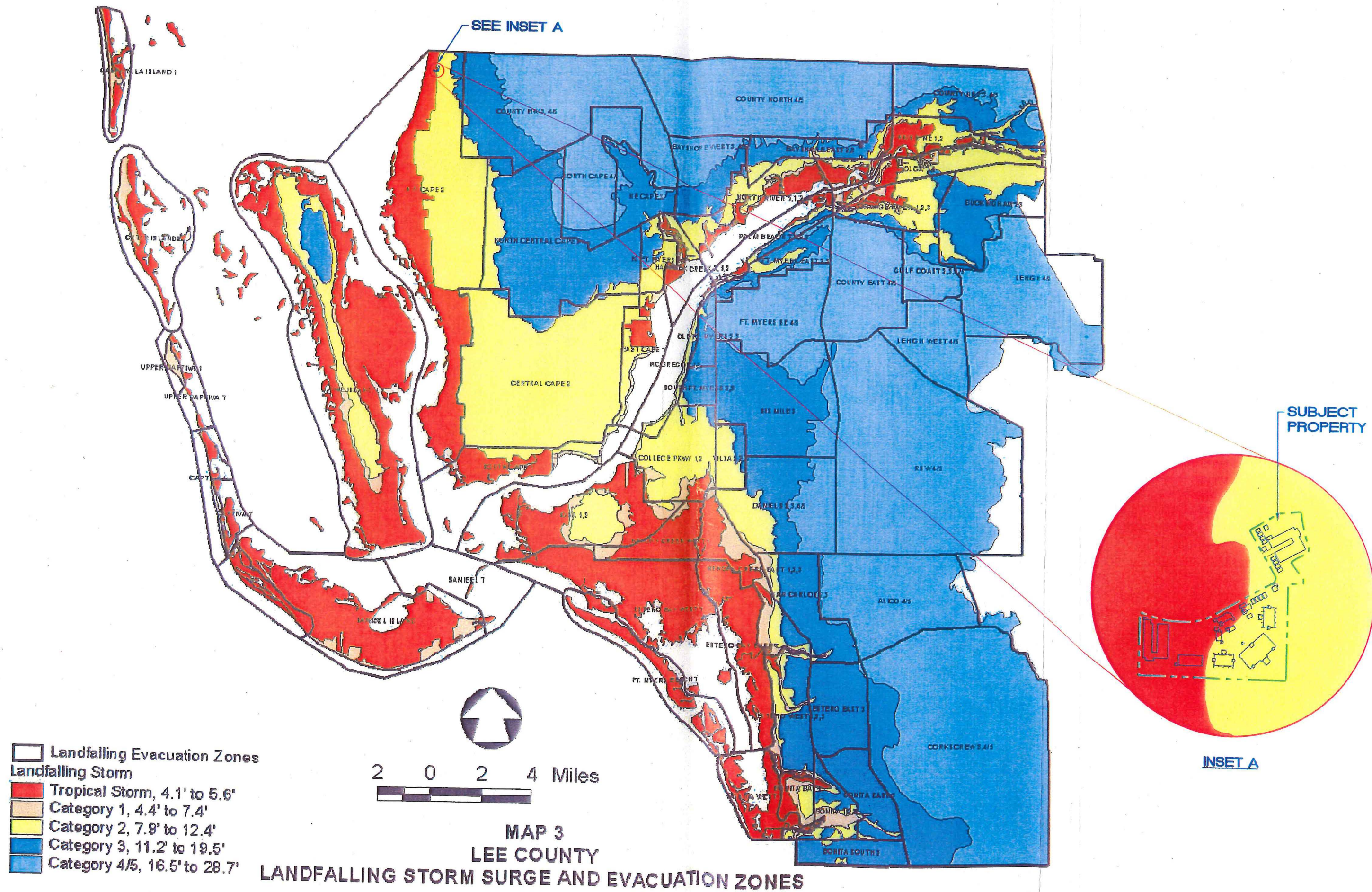


0 1 2 MILES
SCALE 1:48,000

SEE INSET A

SUBJECT
PROPERTY

INSET A



Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: September 5, 2008

Subject: **CPA 2007-54 (Burnt Store Marina)**

The Department of Transportation has reviewed the above-referenced plan amendment, to create a new Burnt Store Marina Village land use category on approximately 62.38 acres within the Burnt Store Marina development. According to the application, the maximum allowable development under the new land use category would be 150,000 square feet of Retail uses, 30,000 square feet of Office uses, 336 hotel units, and 1,300 wet/dry marina slips. Based on those parameters, we reran the 2030 FSUTMS model, and determined that this land use change will not alter the future road network plans in this area.

Please let me know if you need any additional information.

cc: Lisa Hines, Senior Planner

ATTACHMENT 10



TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR
BURNT STORE MARINA

PROJECT NO. F0709.18

PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912-4339
(239) 278-3090

September 27, 2007

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located within the Burnt Store Marina development located along the west side of Burnt Store Road at the Lee County/Charlotte County line in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the existing land use (Rural) to a new site specific land use designation to be titled 'Burnt Store Marina Village'.

II. EXISTING CONDITIONS

The subject site currently contains the Burnt Store Marina mixed use development. The subject site is bordered by the Charlotte County line on the north, Burnt Store Road on the east, the Gulf of Mexico on the west and residential and open lands to the south.

Burnt Store Road is a two-lane undivided roadway that extend from within Charlotte County south to Pine Island Road, where it becomes Veterans Parkway. Burnt Store Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation. The 2030 Financially Feasible Highway Plan indicates this roadway to be a four lane facility in the future.

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Burnt Store Marina Village'. The Burnt Store Marina Village area is located within a portion of the property in Burnt Store Marina that was zoned for a mixture of commercial and residential uses in Lee County Resolution Z-77-63. The category is intended to facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina for an attractive mix of marine, retail, hotel, and office uses that enhances the public use of the waterfront. The following uses are permitted within this category:

- Retail uses, up to a maximum of 150,000 square feet;
- Wet slips, up to a maximum of 525;
- Dry storage spaces, up to a maximum of 775;
- Office space, up to a maximum of 30,000 square feet;
- a maximum of 336 hotel units.

Based on the permitted uses within the approved zoning, the proposed land use designation change would result in an increase in the number of allowable multi-family residential units and hotel units but a decrease in the allowable marina uses. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1
Burnt Store Marina Village
Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Rural	30,000 s.f. Retail
		22,000 s.f. Office (existing)
		981 Boat Slips (Wet & Dry)
		0 Hotel Rooms
Proposed	Burnt Store Marina Village	150,000 s.f. Retail
		30,000 s.f. Office
		1,200 Boat Slips (Wet & Dry)
		336 Hotel Rooms

IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 827. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

**Table 3
TAZ 827**

Land Uses in Existing 2030 Travel Model

Land Use Category	Intensity
Single Family Homes	148 residential units
Multi-Family Homes	395 residential units
Hotel Units	37 rooms

TAZ 827 generally includes the area within Burnt Store Marina on the west side of the property. The TAZ boundaries basically follows the coastline on the west, the Burnt Store Marina property line on the south, then northward along Matecumbe Key Road, then east and north along Cape Cole Boulevard to the northern boundary of Burnt Store Marina then back west to the Gulf Coast. This TAZ represents less than ½ the land area included in the overall Burnt Store Marina development. The uses within the TAZ currently consist of single family homes, multi-family homes, the marina and the supporting retail uses and restaurants. The property subject to the Comprehensive Plan Amendment is included in TAZ 827 but only a portion of that land area. The application documents indicate which property within the Burnt Store Marina is subject to this Map Amendment.

Based on the comparison of the existing uses on the property and the uses proposed in the Map Amendment, there will not be a substantial increase in trip generation with the proposed change. The retail uses will primarily include restaurants and shops that will support the boating industry and the marina uses. These uses are located approximately one (1) mile from Burnt Store Road and are located within the gated community of Burnt Store Marina. The uses will be open to the public but are not along a major thoroughfare such as similar retail and restaurant establishments in Lee County.

The proposed Comprehensive Plan Amendment is anticipated to add 336 hotel units, 120,000 square feet of commercial uses, 219 additional boat slips and 8,000 square feet of additional office space. Table 4 indicates the ITE trip generation for these additional uses.

**Table 4
ITE Trip Generation for Additional Uses within TAZ 827**

Land Use	Weekday P.M. Peak Hour Trips
Retail	310
Boat Slips	42
Hotel Units	228
Office	12
Total Additional Trips	592

As previously noted, the majority of these trips will be internal to the project. With the added trips to the roadway network in 2030 will not create a significant impact to the roadway network. The 2030 traffic volumes in the Financially Feasible Highway Plan are shown to be approximately 39,848 Peak Season Weekday Daily Traffic (PSWDT). This converts into an Annual Average Daily Traffic (AADT) of approximately 33,960 vehicles. Based on the appropriate K-100 and D factors for this area (Permanent Count Station #12), the peak season, peak hour, peak direction volume on this segment of Burnt Store Road is approximately 1,760. Assuming an internal capture of approximately forty percent (40%) of the trips shown in Table 4 and converting the "new" trips to directional trips, the projected peak hour, peak direction volume on Burnt Store Road would be approximately 1,970 vehicles. This is less than the Generalized Service Volume for Controlled Access Facilities, which is 2,030 vehicles. It is anticipated, based on recent studies conducted by Lee County, that the Burnt Store Road corridor will be developed as a limited access facility and have a similar "Controlled Access" designation as does Veterans Parkway does south of S.R. 78.

Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2007 to 2012 was reviewed, as well as the FDOT Work Program for Fiscal Year 2007/2008 to 2011/2012 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

The only improvement in the vicinity of the subject site included in either the Lee County CIP or FDOT Work Program is the funding for Right-of-Way acquisition for the Burnt Store widening project from Van Buren Street south to S.R. 78. No construction funding is identified at this time for this improvement. The most recent Lee County Concurrency Management Report indicates that Burnt Store Road, in the vicinity of Burnt Store Marina, has a current capacity of 1,010 vehicles in the peak hour, peak direction. The current volume (2006 100th Highest Hour) was 316 trips, operating at a Level of Service "C".

Recommendations to the Long Range Transportation Plan

Based on this analysis, none of the roadway segments analyzed are shown to operate within the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

V. CONCLUSION

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Rural designation to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located along Burnt Store Road just south of the County line. An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.



This instrument prepared by and
After recording return to:

John D. Humphreville, Esq.
Quarles & Brady LLP
4501 Tamiami Trail North, Suite 300
Naples, Florida 34103

INSTR # 6285414
OR BK 04307 Pgs 1374 - 1381; (8pgs)
RECORDED 05/22/2004 11:32:54 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 37.50
DEPUTY CLERK K Cartwright

ACCESS EASEMENT

THIS EASEMENT, is made and entered into this 18th day of ^{August}~~July~~, 2003, by and between **PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation, Grantor, and **REALMARK BURNT STORE MARINA, L.L.C.**, a Florida limited liability company, the owner of the property described in Exhibit "A" attached hereto, Grantee. (Whenever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, whenever the context so admits or requires.)

WHEREAS, the roads described herein provide the exclusive manner of ingress and egress to Grantee to the property described in Exhibit "A" from public roads and highways into and across the property known as Punta Gorda Isles, Section 22, as recorded in Plat Book 28, at page 118, of the public records of Lee County, Florida, and replatted in Plat Book 34, at page 92, of the public records of Lee County, Florida ("Punta Gorda Isles Section 22"), and any amendments and supplements thereto;

WHEREAS, Grantor intends to privatize the roads described below; and

WHEREAS, if the roads described below are privatized, Grantor and Grantee desire that Grantee and its lessees, and their contractors, customers, employees, guests, invitees and licensees, have perpetual, non-exclusive access over and across said roads for ingress and egress, in a manner consistent with the access that would be afforded to such persons over and across a public road.

WITNESSETH:

Grantor, for and in consideration of the premises described herein and other valuable considerations to it in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee and its successors and assigns, and its lessees, their contractors, customers, employees, guests, invitees and licensees, a perpetual, non-exclusive easement for ingress and egress only over and across the roads lying and being in the County of Lee, State of Florida, and more particularly described as follows:

Big Pine Lane, Cape Cole Boulevard, Matecumbe Key Road, Sugarloaf Key Road, Marathon Way, Key Largo Lane, Key Largo Circle, Sable Key Circle, Marianne Key Road, Romano Key Circle, Big Pass Lane, Big Bend Circle, Islamorada Road a/k/a Islamorada Boulevard and Little Pine Circle, according to the Plat

of Punta Gorda Isles, Section 22, recorded in Plat Book 28, at page 118, of the public records of Lee County, Florida, and replatted in Plat Book 34, at page 92, of the public records of Lee County, Florida, and any amendments and supplements thereto.

THIS EASEMENT IS RESTRICTED BY AND SUBJECT TO THE RULES AND REGULATIONS OF THE PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC., THAT MAY BE ADOPTED AND AMENDED FROM TIME TO TIME, PROVIDED, HOWEVER THAT SUCH RULES AND REGULATIONS SHALL NOT INTERFERE WITH, HINDER OR IMPEDE IN ANY WAY GRANTEE'S RIGHTS AS SET FORTH HEREIN. THIS EASEMENT MAY NOT BE AMENDED OR TERMINATED WITHOUT THE WRITTEN JOINDER AND CONSENT OF THE GRANTEE, ITS SUCCESSORS AND ASSIGNS.

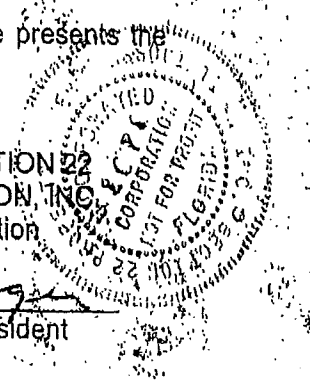
With regards to this Easement, the parties hereby agree as follows:

1. The rights and privileges afforded hereunder are intended to allow Grantee to fully and successfully promote and continue its residential and commercial activities and real estate development within Punta Gorda Isles, Section 22.
2. Grantee, and its lessees, contractors, customers, employees, guests, invitees and licensees shall abide by and comply with all Rules and Regulations of the Grantor that may be adopted from time to time in the exercise of rights under this Access Easement, provided, however, that such Rules and Regulations shall not interfere with, hinder or impede in any way Grantee's rights as set forth herein.
3. Grantor shall not interfere with the access of members of the public to and from the residential and commercial activities and real estate development of Grantee, including but not limited to its store, marina and restaurant.
4. Grantor shall provide Grantee and its lessees, and their contractors, customers, potential customers, employees, guests, invitees and licensees with at least one point of access, at the primary entrance to Punta Gorda Isles fronting Burnt Store Road, at all times.
5. Grantee shall hold Grantor harmless and indemnify Grantor against all claims, losses and damage as a result of the willful or negligent acts of Grantee, its employees or agents, with respect to the Easement Property.

TO HAVE AND TO HOLD, the same unto said Grantee for the purposes and duration aforesaid.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

(Corporate Seal)
PUNTA GORDA ISLES, SECTION 22
HOMEOWNERS ASSOCIATION, INC.
a Florida not-for-profit corporation



By: Carl R. Winger
Carl R. Winger, as President

Kent E. Benson
Witness #1
KENT E. BENSON
Print Name

Dianne M. Racine
Witness #2
DIANNE M. RACINE
Print Name

REALMARK BURNT STORE MARINA,
L.L.C., a Florida limited liability company

By: William J. Stout, Jr.
William J. Stout, Jr., as Manager

Charlotte B. Ford
Witness #1
Charlotte B. Ford
Print Name

Craig A. DeArden
Witness #2
Craig A. DeArden
Print Name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 18 day of ~~April~~ ^{August}, 2003, by Carl R. Winger, as President of PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, who ~~(X)~~ is personally known to me or who () produced _____ as identification.

(SEAL)

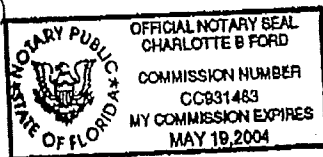


Dianne M. Racine
Signature of Notary Public
Print Name: DIANNE M. RACINE
My commission expires: 7-2-05

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22nd day of ~~April~~ ^{July}, 2003, by William J. Stout, Jr., as Manager of REALMARK BURNT STORE MARINA, L.L.C., a Florida limited liability company, who (✓) is personally known to me or who () produced _____ as identification.

(SEAL)



Charlotte B. Ford
Signature of Notary Public
Print Name: Charlotte B. Ford
My commission expires: 5/19/04

L:\Realmark Group (828)\Burnt Store Marina (09)\PGI Sec 22 Access Easement Final 5-20-03.doc

DESCRIPTION OF A PARCEL
LYING IN SECTION 1, T-43-S, R-22-E,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING A PORTION OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, AND ALSO BEING A PORTION OF TRACT "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00°33'37"E. ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°35'44"W., ALONG THE SOUTH LINE OF SAID TRACT "I" FOR 1208.39 FEET; THENCE N.00°24'02"E., FOR 110.08 FEET TO THE NORTHWEST CORNER OF THE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1554, PAGE 942, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°35'58"E., ALONG THE NORTH LINE OF SAID EASEMENT, FOR 260.82 FEET; THENCE N.00°24'02"E., FOR 112.24 FEET; THENCE N.89°33'59"W., FOR 101.51 FEET; THENCE N.00°26'01"E., FOR 128.93 FEET; THENCE S.89°33'59"E., FOR 117.82 FEET TO A POINT ON THE WESTERLY LINE OF "KEEL CLUB CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613, OF SAID PUBLIC RECORDS; THENCE, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID CONDOMINIUM, THE FOLLOWING COURSES, N.01°28'31"E., FOR 22.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 16.48 FEET, A CENTRAL ANGLE OF 84°36'37", A CHORD BEARING OF N.43°46'50"E. AND A CHORD LENGTH OF 22.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°05'08"E., FOR 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 23.62 FEET, A CENTRAL ANGLE OF 80°31'28", A CHORD BEARING OF N.45°49'24"E. AND A CHORD LENGTH OF 30.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°33'40"E., FOR 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.95 FEET, A CENTRAL ANGLE OF 86°29'24", A CHORD BEARING OF N.48°48'22"E. AND A CHORD LENGTH OF 21.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.87°56'56"E., FOR 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 350.09 FEET, A CENTRAL ANGLE OF 21°02'11", A CHORD BEARING OF N.81°31'58"E. AND A CHORD LENGTH OF 127.82 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.71°00'53"E., FOR 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.71 FEET, A CENTRAL ANGLE OF 109°23'09", A CHORD BEARING OF S.54°17'32"E. AND A CHORD LENGTH OF 28.91 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, ALONG THE EAST LINE OF SAID CONDOMINIUM, S.00°24'02"W. FOR 225.02 FEET TO THE SOUTHEAST CORNER OF SAID CONDOMINIUM; THENCE, DEPARTING FROM SAID CONDOMINIUM, S.00°24'02"W., FOR 128.38 FEET TO A POINT ON THE NORTH LINE OF SAID EASEMENT; THENCE, ALONG THE NORTH AND WEST LINE OF SAID EASEMENT, THE FOLLOWING COURSES, S.89°35'58"E. FOR 410.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 89°50'25", A CHORD BEARING OF N.45°28'50"E. AND A CHORD LENGTH OF 240.08 FEET; THENCE ALONG THE ARC OF

PAGE 1 OF 4

EXHIBIT "A"

CONTINUED FROM PAGE 1

SAID CURVE, AN ARC LENGTH OF 266.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°33'26"E., FOR 548.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.98 FEET, A CENTRAL ANGLE OF 11°07'09", A CHORD BEARING OF N.06°07'07"E. AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 41.33 FEET TO THE END OF SAID CURVE; THENCE, DEPARTING FROM SAID EASEMENT, S.60°41'17"W. FOR 61.47 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, EASTERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.15°22'46"E. FOR 43.85 FEET; THENCE N.29°37'14"W., FOR 228.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL, N.59°14'04"E., FOR 111.46 FEET; THENCE N.83°30'29"E., FOR 29.19 FEET; THENCE N.59°14'04"E., FOR 30.05 FEET; THENCE N.29°50'03"W., FOR 213.65 FEET TO A POINT ON THE SOUTHERLY LINE OF "PLATINUM POINT YACHT CLUB" RECORDED IN OFFICIAL RECORDS BOOK 2530, PAGE 4055; THENCE S.59°01'27"W., ALONG SAID SOUTHERLY LINE FOR 167.63 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, NORTHERLY, EASTERLY, SOUTHERLY, WESTERLY AND SOUTHERLY OF SAID SEAWALL AND ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF "PLATINUM POINT" RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS THE FOLLOWING COURSES, N.74°24'52"W., FOR 43.06 FEET; THENCE S.60°23'18"W., FOR 670.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 567.29 FEET, A CENTRAL ANGLE OF 25°47'39", A CHORD BEARING OF S.73°17'07"W. AND A CHORD LENGTH OF 253.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 255.39 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 201.66 FEET, A CENTRAL ANGLE OF 68°15'43", A CHORD BEARING OF N.59°41'11"W. AND A CHORD LENGTH OF 226.30 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 240.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.88 FEET, A CENTRAL ANGLE OF 40°34'00", A CHORD BEARING OF N.45°50'20"W. AND A CHORD LENGTH OF 104.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 106.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 705.31 FEET, A CENTRAL ANGLE OF 32°47'52", A CHORD BEARING OF N.49°43'24"W. AND A CHORD LENGTH OF 398.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 403.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 193.85 FEET, A CENTRAL ANGLE OF 51°50'51", A CHORD BEARING OF N.59°14'53"W. AND A CHORD LENGTH OF 169.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 175.41 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 261.77 FEET, A CENTRAL ANGLE OF 91°27'30", A CHORD BEARING OF N.39°26'34"W. AND A CHORD LENGTH OF 374.87 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 417.84 FEET TO THE END OF SAID CURVE; THENCE N.08°31'27"E., FOR 218.67 FEET; THENCE N.11°26'16"E., FOR 180.68 FEET; THENCE N.15°16'05"E., FOR 415.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 169.21 FEET, A CENTRAL ANGLE OF 26°39'01", A CHORD BEARING OF N.28°35'36"E. AND A CHORD LENGTH OF 78.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.71 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 290.79 FEET, A CENTRAL ANGLE OF 74°47'26", A CHORD BEARING OF N.79°18'50"E. AND A CHORD LENGTH OF 353.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 379.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 321.96 FEET, A CENTRAL ANGLE OF 21°28'47", A CHORD BEARING OF S.52°33'04"E. AND A CHORD LENGTH OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 120.70

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FEET TO THE END OF SAID CURVE; THENCE S.41°49'58"E., FOR 531.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.24 FEET, A CENTRAL ANGLE OF 41°39'39", A CHORD BEARING OF S.21°00'09"E. AND A CHORD LENGTH OF 92.63 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 94.70 FEET TO THE END OF SAID CURVE; THENCE S.00°25'38"W., FOR 390.84 FEET; THENCE S.89°37'03"E., FOR 671.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL AND SAID "PLATINUM POINT", S.00°22'56"W., FOR 153.40 FEET; THENCE N.59°00'18"E., FOR 93.70 FEET; THENCE N.00°22'56"E., FOR 104.61 FEET TO A POINT ON THE WESTERLY LINE OF "THE TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, OF SAID PUBLIC RECORDS AND A POINT LYING 1 FOOT MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG THE WEST LINE OF SAID CONDOMINIUM AND THE WEST LINE OF "MARINA TOWERS CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1948, PAGE 145 OF SAID PUBLIC RECORDS AND ALONG A LINE PARALLEL TO AND LYING 1 FOOT EASTERLY AND NORTHERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.00°37'38"E., FOR 561.62 FEET; THENCE N.89°35'57"W., ALONG THE SOUTH LINE OF SAID "MARINA TOWERS CONDOMINIUM" AND THE SOUTH LINE OF "MARINA NORTH SHORE CONDOMINIUM" AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 257 OF SAID PUBLIC RECORDS FOR 578.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 88.76 FEET, A CENTRAL ANGLE OF 50°52'35", A CHORD BEARING OF N.64°09'40"W. AND A CHORD LENGTH OF 76.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.81 FEET TO THE END OF SAID CURVE; THENCE N.38°52'47"W., FOR 112.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 872.33 FEET, A CENTRAL ANGLE OF 11°48'00", A CHORD BEARING OF N.44°46'47"W. AND A CHORD LENGTH OF 179.34 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.65 FEET TO THE END OF SAID CURVE; THENCE N.50°56'21"W., ALONG THE SOUTHERLY LINE OF "DIAMOND PARK" AS RECORDED IN PLAT BOOK 54, PAGES 80 AND 81 OF SAID PUBLIC RECORDS THE FOLLOWING COURSES FOR 135.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 835.62 FEET, A CENTRAL ANGLE OF 12°19'51", A CHORD BEARING OF N.57°06'16"W. AND A CHORD LENGTH OF 179.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.84 FEET TO THE END OF SAID CURVE; THENCE N.63°21'27"W., FOR 102.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 388.19 FEET, A CENTRAL ANGLE OF 50°54'54", A CHORD BEARING OF N.88°48'54"W. AND A CHORD LENGTH OF 333.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 344.96 FEET TO THE END OF SAID CURVE; THENCE S.66°15'19"W., ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2957 PAGE 2746, SAID PUBLIC RECORDS FOR 33.62 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3245, PAGE 3175 OF SAID PUBLIC RECORDS AND BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 387.54 FEET, A CENTRAL ANGLE OF 04°08'10", A CHORD BEARING OF S.58°28'57"W. AND A CHORD LENGTH OF 27.97 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.98 FEET TO THE END OF SAID CURVE; THENCE S.49°03'29"W., FOR 58.31 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE DEPARTING FROM SAID SEAWALL N.41°50'54"W., FOR 17.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF LOT 9 OF SAID "DIAMOND PARK"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 9, THE FOLLOWING COURSES, N.39°21'06"W., FOR 38.60 FEET; THENCE N.01°20'27"W., FOR 193.86 FEET; THENCE N.37°47'30"E., FOR 110.00 FEET; THENCE DEPARTING FROM SAID LOT 9 S.59°53'43"W., FOR 137.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "C"; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES S.16°44'33"W., FOR 515.42 FEET; THENCE S.23°51'46"W., FOR 305.62 FEET; THENCE S.01°48'25"W., FOR 695.54 FEET; THENCE S.10°29'40"W.,

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FOR 418.58 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING FROM SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF "MARINA SOUTH SHORE CONDOMINIUM" RECORDED IN OFFICIAL RECORDS BOOK 1432 PAGE 0278 AND THE WESTERLY EXTENSION THEREOF, AND ALONG A LINE LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AND PARALLEL TO AN EXISTING SEAWALL, THE FOLLOWING COURSES N.76°24'19"E., FOR 201.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 253.73 FEET, A CENTRAL ANGLE OF 16°47'37", A CHORD BEARING OF N.84°48'08"E. AND A CHORD LENGTH OF 74.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 74.37 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 453.03 FEET, A CENTRAL ANGLE OF 11°02'37", A CHORD BEARING OF S.81°16'45"E. AND A CHORD LENGTH OF 87.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 87.32 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 570.11 FEET, A CENTRAL ANGLE OF 20°59'54", A CHORD BEARING OF S.65°15'29"E. AND A CHORD LENGTH OF 207.77 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 208.94 FEET TO THE END OF SAID CURVE; THENCE S.53°54'52"E., FOR 271.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1927.30 FEET, A CENTRAL ANGLE OF 09°54'41", A CHORD BEARING OF S.58°52'12"E. AND A CHORD LENGTH OF 332.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 333.39 FEET TO THE POINT OF COMPOUND CURVE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2250.36 FEET, A CENTRAL ANGLE OF 01°39'50", A CHORD BEARING OF S.64°39'28"E., AND A CHORD LENGTH OF 65.35 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 65.35 FEET TO THE END OF SAID CURVE; THENCE S.65°42'09"E., FOR 105.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 134.05 FEET, A CENTRAL ANGLE OF 02°25'45", A CHORD BEARING OF S.64°29'17"E. AND A CHORD LENGTH OF 5.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.68 FEET TO THE END OF SAID CURVE AND THE NORTHEAST CORNER OF SAID CONDOMINIUM; THENCE S.00°24'02"W., ALONG THE EAST LINE OF SAID CONDOMINIUM FOR 448.64 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES, SECTION 22, HAVING AN ASSUMED BEARING OF N.00°33'26"E.

TOGETHER WITH THAT SIXTY (60') FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORD BOOK 1554, AT PAGE 942, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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THIS INSTRUMENT PREPARED BY:

Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902-0398

INSTR # 6260603
OR BK 04287 Pgs 1800 - 1804; (5pgs)
RECORDED 05/10/2004 11:14:02 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 24.00
DEED DOC 0.70
DEPUTY CLERK S Jensen

01-43-23-00-00000.0000

STRAP#: 06-43-23-00-00000.0000

(This space for recording)

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this 8TH day of JANUARY, 2004, by and between **Punta Gorda Isles, Section 22 Homeowners Association, Inc.**, a Florida not for profit corporation under Florida Statutes Chapter 617, whose address is c/o Benson's Inc., 12650 Whitehall Drive, Fort Myers, Florida 33907, hereinafter referred to as GRANTOR(S), and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement over the roads and rights-of-way in Lee County, Florida, identified in the recorded subdivision plats for Punta Gorda Isles Section Twenty-Two and Punta Gorda Isles Section Twenty Two Replat, recorded in Plat Book 28, Page 118 and Plat Book 34, Page 92, respectively, both in the Public Records of Lee County, Florida, which roads and rights-of-way are more particularly described in attached Exhibit "A", which is made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described in attached Exhibit "A", with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer

service to this and any adjacent properties. The total area of his public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR covenant that they are lawfully seized and possessed of the described real property in attached Exhibit "A", have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easements in attached Exhibit "A" on either paved or unpaved surfaces.

7. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.


8. This easement shall be binding upon the parties hereto, their successors and assigns.

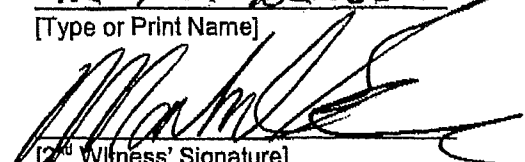
[End of provisions.]

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first written above.

Signed, sealed and delivered
in the presence of:

Punta Gorda Isles,
Section 22 Homeowners Association, Inc.


[1st Witness' Signature]
KENT E. BENSON
[Type or Print Name]

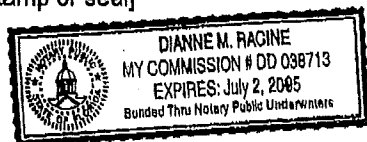

[2nd Witness' Signature]
MARK BENSON
[Type or Print Name]

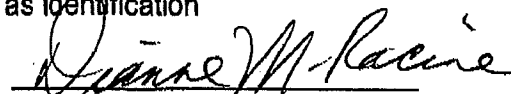
BY: Carl R. Winger
[Signature]
CARL R. WINGER
[Type or Print Name]
PRESIDENT
[Corporate Office or Title]

COUNTY OF LEE :
STATE OF FL :

The foregoing instrument was acknowledged before me this 8th day of JAN, 2004, by CARL R. WINGER, the PRESIDENT of
[Name] [Corporate Office or Title]
Punta Gorda Isles, Section 22 Homeowners Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He/she is personally known to me, or has produced _____ as identification

[stamp or seal]




[Signature of Notary]
DIANNE M. RACINE
[Typed or printed name]
NOTARY PUBLIC
[Title]
DD 038713
[Serial number, if any]

Approved and accepted for and on behalf of Lee County, Florida, this 13th day of
April, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cindy Morrison
Deputy Clerk
CINDY MORRISON
[Type or Print Name]

BY: [Signature]
Chairman



Approved as to form by:

[Signature]
County Attorney's Office
John J. Fredyma
Assistant County Attorney

Exhibit "A"

Legal Description

All road rights-of-way as shown on the Plat of Punta Gorda Isles, Section Twenty Two, a portion of Section 1, T43S, R22E & a portion of Section 6, T43S, R23E, as recorded in Plat Book 28, at Page 118 of the Public Records of Lee County, Florida, AND the Plat of Punta Gorda Isles, Section Twenty Two Replat, a portion of Section 1, Township 43 South, Range 22 East, being a Replat of Plat of Punta Gorda Isles, Section Twenty Two as recorded in Plat Book 28, Page 118, said replat being recorded in Pat Book 34, at Page 92 of the Public Records of Lee County, Florida, and any amendments and supplements thereto, inclusive of cul-de-sac endings, irregular or curved rights of way lines at intersecting streets and the points of terminus and curves establishing said points of those streets intersecting the boundary of Section 22 as described below:

Big Pine Lane,
Cape Cole Boulevard,
Matecumbe Key Road,
Marathon Way,
Key Largo Lane,
Key Largo Circle,
Sugarloaf Key Road,
Sable Key Circle,
Marianne Key Road,
Romano Key Circle,
Big Pass Lane,
Big Bend Circle,
Islamorada Road, a/k/a Islamorada Boulevard,
Little Pine Circle, and
Pirates Lane.

S:\L\JJF\JJFPTV's\Exhibit A Legal VAC2003-00072 - legal.wpd [022304/1430]

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20040216

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to vacate and convey fifteen County road rights-of-way to the homeowners' association for the subdivision located in Punta Gorda Isles, Section 22, and adopt a resolution setting a public hearing for 5:00 PM on the 13th day of April, 2004 (Case No. VAC2003-00072), and to authorize the Chairman to accept the donation of a replacement Perpetual Public Utility Easement Grant.

WHY ACTION IS NECESSARY: To vacate and convey the roads to the homeowners' association to allow the subdivision to be gated and maintained by the homeowners' association. **The vacation and conveyance of the roads will not alter traffic conditions and the roads are not necessary to accommodate any future traffic requirement.** With respect to the replacement public utility easement, the Board must accept all real estate conveyances.

WHAT ACTION ACCOMPLISHES: Sets the time and date of the public hearing and provides a necessary public utility easement to facilitate the requested vacation

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 1

C4E

3. MEETING DATE:

03-09-2004

4. AGENDA:

X CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

Time Required: 10Min.

5. REQUIREMENT/PURPOSE:
(Specify)

X STATUTE

F.S. Ch. 336
(PTV) & 125
(PUE)

ORDINANCE

X ADMIN. CODE 13-8 (PTV)

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT

Community Development

C. DIVISION

Development Services

BY:

[Signature] 2-24-04
Peter J. Eckenrode, Director

7. BACKGROUND: Punta Gorda Isles, Section 22 Homeowners Association, Inc., a Florida not for profit corporation under F.S. Chapter 617, has submitted a Petition to vacate the public's interest in the roads, rights-of-ways and drainage facilities of fifteen roads located in the subdivision known as Punta Gorda Isles, Section 22. The vacation request is submitted pursuant to §316.00825, F.S., (adopted in 2002) in conjunction with the existing vacation procedure found in F.S. Chapter 336 (and Lee County Administrative Code Section 13-8).

(Continued on next page.)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>

10. COMMISSION ACTION:

APPROVED
DENIED
DEFERRED
OTHER

CO. ATTY
FORWARDED
TO CO. ADMIN.

RECEIVED BY
COUNTY ADMIN:
03/05/04
9/15 am 5:00 TO
COUNTY ADMIN
FORWARDED TO:
7/24/04
NOD

The vacation, if granted, will result in the simultaneous conveyance of the roads to the homeowners association (HOA) and a shifting of the maintenance responsibility from the County to the HOA. The HOA seeks to gate the community, but can only do so if the County grants the requested vacation.

The following is a list of the roads within the Plat of Punta Gorda Isles Section 22 (located in Sections 1 and 6, Township 43 South, Ranges 22 and 23 East, respectively) as recorded in Plat Book 28, Page 118, and replatted in Plat Book 34, Page 92 of the Public Records of Lee County, Florida:

- | | | | |
|---------------------|------------------------|---|----------------------|
| 1) Big Pine Lane | 2) Cape Cole Boulevard | 3) Matecumbe Key Road | 4) Sugarloaf Key Rd. |
| 5) Marathon Way | 6) Key Largo Lane | 7) Key Largo Circle | 8) Sable Key Circle |
| 9) Marianne Key Rd. | 10) Romano Key Circle | 11) Big Pass Lane | 12) Big Bend Circle |
| 13) Pirates Lane | 14) Little Pine Circle | 15) Islamorada Road, a/k/a Islamorada Boulevard | |

A summary of the requirements of §316.00825, F.S., created and adopted by the Legislature in 2002, is as follows:

1. The petitioning homeowners' association has requested the abandonment and conveyance for the purpose of converting the subdivision to a gated neighborhood with restricted public access; and
2. No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the petitioning homeowners' association; and
3. The petitioning homeowners' association is a "homeowners' association" as defined under Section 720.301(7), F.S., with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks and pavement in the subdivision; and
4. The petitioning homeowners' association has adequate funds, reserve funds and funding sources for the ongoing operation, maintenance and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting and sidewalks in the subdivision after the abandonment by the County.

Additionally, the petitioning HOA must represent that it will:

1. Install, operate, maintain, repair and replace all signs, signals, markings, striping, guardrails and other traffic control devices necessary or useful for the roads conveyed herein; and
2. Hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and will operate, maintain, repair and, from time to time, replace and reconstruct the roads, street lighting, sidewalks and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants and residents of the subdivision and their guests and invitees.

A replacement public utility easement has been prepared and executed. This easement will benefit the utility companies providing service to the subdivision, such as FP&L, SPRINT and Florida Water Services. The easement is to guarantee continued access to the providers' respective facilities located within the bounds of the platted subdivision. The replacement easement is being held in trust by the County pending the outcome of the public hearing on the request to vacate and privatize the roads. (A copy of the replacement easement is included in the attached documentation.)

The request was presented to the Waterway Advisory Committee (W.A.C.) on April 10, 2003. The W.A.C. voted unanimously to not object to the request since there was no public access to water within the boundaries of the plat and the roads sought to be vacated.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing and the acceptance of the replacement public utility easement (subject to the subsequent approval of the requested vacation of roads).

Attachments to this Blue Sheet: Petition to Vacate, Resolution to Set Public Hearing, Notice of Public Hearing, Replacement Perpetual Public Utility Easement and exhibits.

NOTE: Because of the proximity of the subdivision (and the roads sought to be privatized) in relation to the Lee - Charlotte County line, a copy of this Blue Sheet has been sent to Charlotte County as a courtesy.

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: September 4, 2008

To: Lisa Hines, Senior Planner

From: Doug Griffith, Environmental Planner *PLS for DRG*
Phone: 239-533-8323
E-mail: dgriffith@leegov.com

Project: Burnt Store Marina
Case: CPA2007-00054
Strap: 06-43-23-07-0000A.0000, 01-43-22-01-0000C.0000,
01-43-22-00-00004.0000, 01-43-22-00-0000C.0010

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offer the following analysis:

PROJECT SITE:

The existing land uses on the property consist of wet boat slips and dry storage building, office space, restaurant and recreational uses. The surrounding uses are predominately multi-family residential structures. The proposed amendment would allow for the replacement and redevelopment of the existing dry storage building with a larger, more aesthetically pleasing state-of-the-art dry storage building, along with an increased amount of support retail, office, and hotel space.

Originally, the application request was for the entire marina consisting of approximately 62.38 acres, including approximately 6.8 acres of mangroves and wetland hardwoods. The last resubmittal has reduced the project footprint from 62.38 acres to 18.25 acres removing the northern portion of the marina including the wetland mangrove and hardwoods area.

ENVIRONMENTAL ASSESSMENT:

A Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant. The map depicts three communities that could potentially be utilized by listed species. The marina water body (FLUCCS 184) could potentially be utilized by the West Indian Manatee. The mangrove swamp (FLUCCS 612) and tropical hardwoods (FLUCCS 426) have the potential to be utilized by listed wading birds for foraging or nesting. The proposed land use change is not anticipated to affect these species as no development activity would occur within the mangrove and tropical hardwood communities.

Due to limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object the revision to the future land use category.

**FLORIDA DEPARTMENT OF STATE****CHARLIE CRIST**
Governor**KURT S. BROWNING**
Secretary of State

September 28, 2007

Alison Stowe
Knoti, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry St. P.O. Box 2449
Fort Myers, FL 33902
FAX: 239-334-1446

Ms. Stowe:

In response to your inquiry of September 27, 2007, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R22E, Section 1

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Kayla Bielanski
Archaeological Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: msf@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/msf/>

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399 0250
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125
www.dos.state.fl.us

TOTAL P. 02

EXHIBIT D

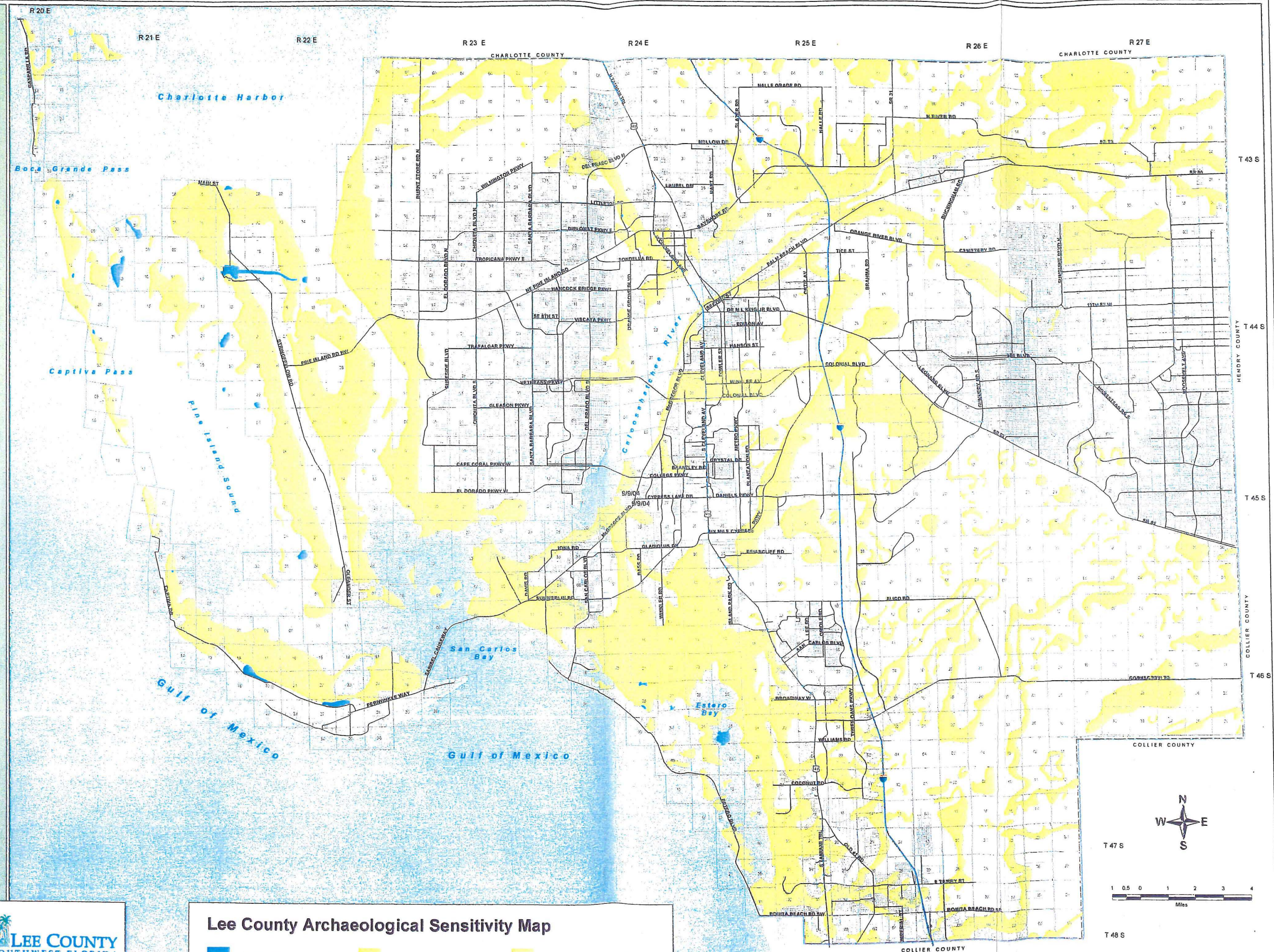
ATTACHMENT 13

ARCHAEOLOGICAL SENSITIVITY MAP



Lee County Archaeological Sensitivity Map

Sensitivity Level 1
 Sensitivity Level 2
 Previously Surveyed



N
 W — E
 S

T 47 S

1 0.5 0 1 2 3 4
Miles

T 48 S



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

EXHIBIT B.3.f.

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2
JANE E. KUCKEL, PH.D.
VICE CHAIRMAN, DISTRICT 3
ROBERT D. CHILMONIK
DISTRICT 1
STEVEN K. TEUBER, J.D.
DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

June 25, 2008

Ms. Alison Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, FL 33902-2449

RE: Realmark Burnt Store Marina Plan Amendment
Case #: CPA2007-00054

Dear Ms. Stowe:

This letter is in response to your request dated June 23, 2008 for the proposed Realmark Burnt Store Marina Plan Amendment project for the comments with regard to educational impacts. This project is located in the West Zone, Sub Zone W2.

The Developers request states the proposed site will consist of a marina, restaurant and other commercial uses as well as 160 multi-family residential units. The commercial use would have no impact; however the 160 multi-family units would generate 20 additional school-aged children and is calculated at .125 per unit.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department

ATTACHMENT 14

EXHIBIT B.3.a

INTERLOCAL AGREEMENT

This Interlocal Agreement made and entered into this 15th day of August, 2006, by and between the CITY OF CAPE CORAL, FLORIDA, a municipal corporation, hereinafter "CITY", and the BURNT STORE AREA FIRE SERVICE MUNICIPAL SERVICE TAXING UNIT, an M.S.T.U. established by Lee County pursuant to the authority of Section 125.01, Florida Statutes, hereinafter "UNIT".

WHEREAS, the UNIT was established by Lee County to provide fire protection to the residents of Burnt Store Marina Resort and other unincorporated areas of Lee County; and

WHEREAS, local units of government are authorized, pursuant to the Florida Constitution, Chapters 125, 166, and 163, Part I, Florida Statutes, to enter into interlocal agreements in order to make the most efficient use of their powers by cooperating with each other on a basis of mutual advantage and thereby provide services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the CITY is authorized and willing to provide fire protection service to the UNIT.

NOW, THEREFORE in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES

CITY agrees to provide fire protection and prevention services, to the extent that it is physically and feasible to do so, within the area of the UNIT which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. DEFINITIONS

UNIT shall mean the Burnt Store Area Fire M.S.T.U., a political subdivision of the State of Florida, its officials and employees.

CITY shall mean the City of Cape Coral, Florida, a municipal corporation, its officers and employees.

SERVICES shall mean all services, work, materials, and all related professional, technical, administrative and safety activities that are necessary to perform and complete the tasks required pursuant to the terms and provisions of this Agreement.

C7c
8-15-06

"Services" to be performed by the CITY pursuant to this agreement shall include fire suppression and related services, basic first response rescue, normal fire company level prevention services as assigned and fire inspection services.

SECTION 3. OBLIGATIONS OF CITY

The obligations of the CITY with respect to all services authorized pursuant to this agreement are as follows:

1. The CITY hereby warrants that the personnel who will perform services for the UNIT pursuant to this agreement are properly certified and qualified to perform said services. CITY further agrees that all services performed pursuant to this agreement will be in accordance with generally accepted standards of professional practice and in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of all governmental agencies, which regulate or have jurisdiction over the services to be provided.

2. **LIABILITY.** CITY agrees to indemnify, defend and hold the UNIT harmless from any and all claims, suits, judgments or damages, losses and expenses including court costs, expert witness and professional consultation services, and attorneys' fees arising out of the CITY's errors, omissions, and/or negligence for services related to this agreement. CITY shall not be liable to, nor be required to indemnify the UNIT for any damages arising out of any error, omission, and/or negligence of the UNIT, its employees, agents or representatives. This Section shall not be interpreted to be a waiver of sovereign immunity.

3. **ADDITIONAL SERVICES.** Should the UNIT request the CITY to provide and perform professional services pursuant to this agreement which are not included in the definition of "Services" as provided herein, the CITY agrees to consider providing and performing such **ADDITIONAL SERVICES** as may be agreed to in writing by both parties to this Agreement.

Such **ADDITIONAL SERVICES** shall constitute a continuation of the professional services covered under this Agreement and shall be provided and performed in accordance with the covenants, terms and provisions set forth in this Agreement and any amendments thereto.

ADDITIONAL SERVICES shall be accomplished by one or more amendments to this Agreement. The CITY shall not provide or perform, nor shall the UNIT incur or accept any obligation to compensate the CITY for any ADDITIONAL SERVICES, unless a written Amendment is executed by the parties.

SECTION 4. METHOD OF PAYMENT

1. This Agreement shall supersede the previous Interlocal Agreement between the parties dated September 27, 1995.

2. ANNUAL FEE. For each year of time during which this agreement is in effect, a millage rate will be levied in the UNIT to pay the CITY for services rendered pursuant to this Agreement. The following formula shall be used to calculate the Annual Fee due to CITY from UNIT for services provided under this Agreement. The Annual Fee shall be based, in part, on the percentage of calls for service from CITY Fire Station Number 7 to property located within the MSTU as compared to the total number of calls for service for CITY Fire Station Number 7 for the preceding calendar year. The Annual Fee shall be based on the annual operating budget for Fire Stations Number 5 and 7. UNIT shall pay its proportionate share of said budget, with the exception of the cost for Fire Inspectors and a Clerk, which shall be paid by UNIT at Fifty percent (50%). For the fiscal year 2006, the total annual fee due to CITY from UNIT shall be Six Hundred Five Thousand Two Hundred Seventy-Seven Dollars and Fifty-Seven Cents (\$605,277.57). A detail showing the calculation of the annual fee for 2006 is attached hereto as Exhibit "B." All costs or fees for the Property Appraiser, the Tax Collector, and the County shall be paid by the UNIT in addition to the agreed upon amount. Payment shall be made each fiscal year on a quarterly basis. The annual fee for each subsequent year of this Agreement shall be adjusted based upon the budget approved by City Council for such year.

3. PAYMENT UPON TERMINATION OF AGREEMENT OR SUSPENSION OF SERVICES. In the event this agreement is terminated by UNIT prior to the expiration of the term hereof, or in the event the UNIT suspends the services being provided by CITY hereunder, UNIT shall compensate CITY through the date of any services rendered, including any termination notice period.

In the event this agreement is terminated by CITY prior to the expiration of the term hereof, or in the event the CITY suspends the services being provided, payment by UNIT will be made through the end of the month plus a prorated value of any refurbished apparatus based on the IRS discount depreciation schedule.

SECTION 5. EQUIPMENT AND FACILITIES

1. EQUIPMENT. All equipment used or purchased shall be owned by the CITY.
2. FACILITIES. CITY shall construct and maintain such facilities necessary to providing appropriate levels of service to the UNIT. CITY shall be responsible for all permits, engineering, design, site preparation and construction of any facilities.
3. NOTIFICATION OF CITY (911 EMERGENCY CALLS). The UNIT shall ensure that all 911 fire and rescue emergency calls originating within the UNIT are properly routed to the CITY.

SECTION 6. ASSIGNMENT AND SUB-CONTRACTS

CITY shall not assign or transfer any of its rights, benefits or obligations hereunder without the prior written consent of the UNIT. CITY shall not sub-contract any of its service obligations hereunder to third parties without prior written consent of the UNIT. CITY may, subject to the UNIT's prior written approval, employ other persons and/or firms to serve as sub-contractors to CITY in connection with the CITY performing services and work pursuant to the requirements of this Agreement.

SECTION 7. INSURANCE

CITY shall maintain insurance or shall be self-insured to protect itself and UNIT from claims for damages for personal injury, property damage, workers compensation claims, and other claims for damages which may arise out of the performance of this agreement by CITY. This agreement shall not be construed to constitute a waiver of sovereign immunity:

SECTION 8. APPLICABLE LAW

This Agreement shall be governed by the laws, rules and regulations of the State of Florida.

SECTION 9. TERM AND TERMINATION

This Interlocal Agreement shall be for a term of three (3) years, commencing on October 1, 2005 and terminating on September 30, 2008.

This Interlocal Agreement shall automatically renew on a yearly basis thereafter. Either Party may, upon written notice, terminate this Interlocal Agreement. Notice of termination must be given not less than three hundred sixty-five (365) days prior to the expiration of any term of this Interlocal Agreement. If this Interlocal Agreement is terminated, the UNIT'S financial obligations will cease from the date of termination.

SECTION 10. AMENDMENTS OR MODIFICATIONS

The terms and provisions contained in this Agreement may be amended or modified, in writing, by the agreement of both parties. In the event of any conflicts between the requirements, provisions and/or terms of the Agreement and any written amendments(s) or modifications(s), the requirements, provisions and/or terms of the latest executed amendment(s) or modification(s) shall take precedence.

SECTION 11. DUTIES AND OBLIGATIONS

The duties and obligations imposed upon the CITY by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

SECTION 12. HEADINGS

The headings of the Articles, Sections, Exhibits, and Attachments as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such Articles, Section, Exhibits and Attachments.

SECTION 13. ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representatives of the parties in the space provided.

SECTION 15. FILING

This Agreement shall be filed with the Lee County Clerk of Court by the COUNTY.

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement effective the day and year first written above.

ATTEST:

By: *Dina Herrera*
Deputy Clerk

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: *W. Hall*
Chairman

APPROVED AS TO FORM:

By: *Andrew B. Fraser*
County Attorney's Office

ATTEST:

By: *Bonnie J. Vent*
Bonnie J. Vent, City Clerk

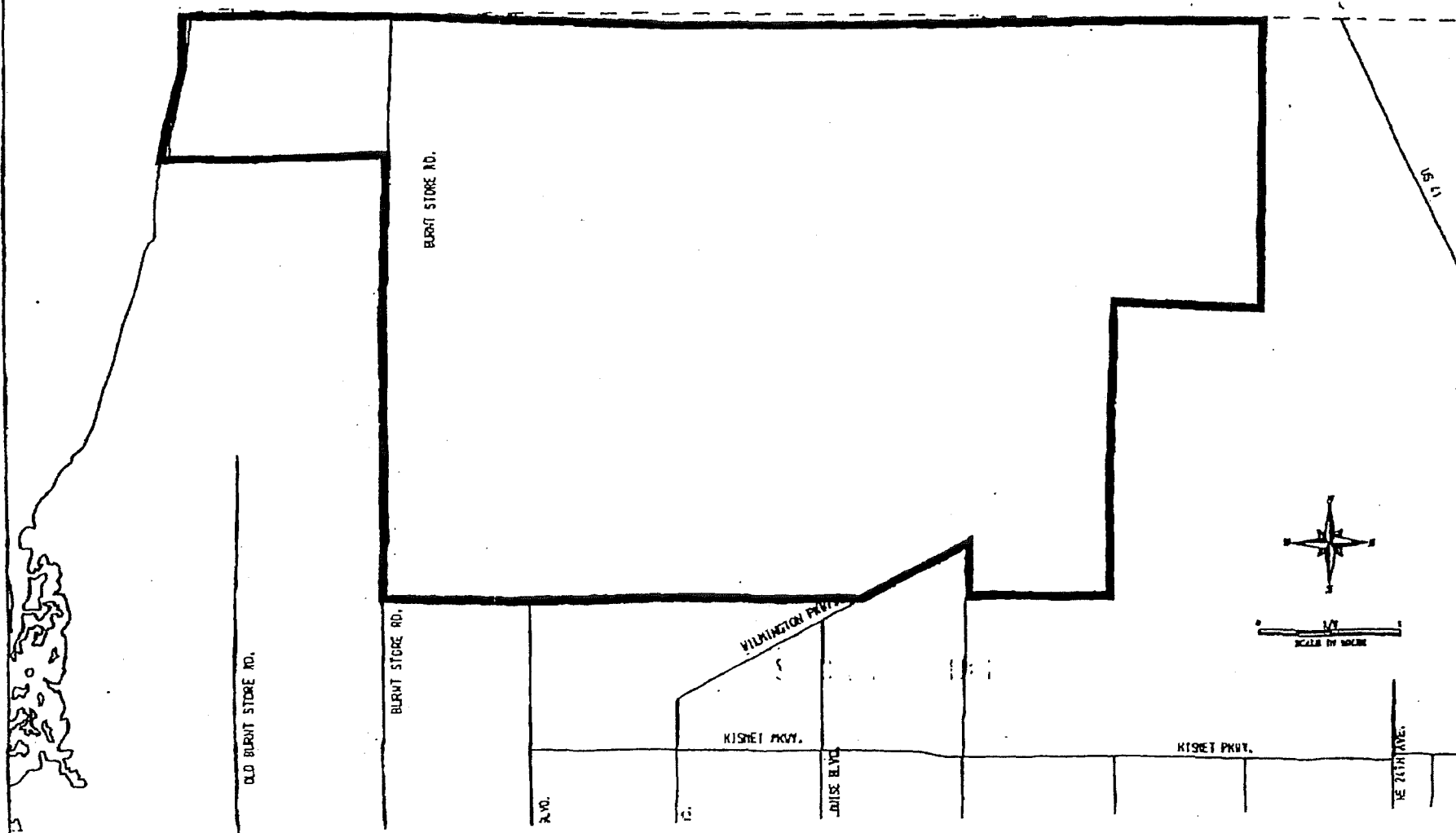
CITY OF CAPE CORAL

By: *Eric Feichthaler*
Eric P. Feichthaler, Mayor

APPROVED AS TO FORM:

Marilyn W. Miller
MARILYN W. MILLER
Assistant City Attorney

BURNT STORE FIRE DISTRICT





Lee County Southwest Florida

Statement of Initial Review

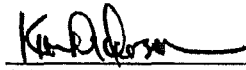
Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for CPA2007-00054 Realmark Burnt Store Marina Plan Amendment, changing from Rural to "Burnt Store Marina Village" provides for 150,000 sf of retail; 30,000 sf of office; 336 hotel units and 1,300 boat slips.

This current location is served by LCEMS Station 28, located at 707 SW 1st Street, Cape Coral, FL, which is approximately 12.50 miles away. Our response time to this location is 15+ minutes, which does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses as required by Lee County Ordinance #02-19.

In the event that Station 28 is busy on a response, the next closest station is LCEMS Station 22, located at 152 SE 13th St, Cape Coral, FL is approximately 14.50 miles away.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has concerns with the ability to provide service to this area. Current resources prohibit establishing and staffing an EMS station closer to this development.


(Signature)

EMS Operations Chief
(Title)

Kim Dickerson
(Printed Name)

April 17, 2008
(Date)



Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-335-1661
Fax: 239-335-1671
Email: kdickerson@leegov.com
Website: www.lee-ems.com



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

EXHIBIT B.3.d.

Bob Janes
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

June 26, 2008

Ms. Alison M. Stowe
Knott, Consoer, Ebelini
Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33902-2449

SUBJECT: Lee Plan Amendment for Burnt Store Marina Village

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed additional uses requested for the expansion of the Burnt Store Marina Village located on Matecumbe Key Road through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239)533-8000.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

ATTACHMENT 17



Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

JUN 27 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

Re: Water and Sewer Availability to: 3140-3200 Matecumbe Key Road
01-43-22-00-0000C.0010

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Cegerenko".

Alex Cegerenko
Engineering Project Manager

ATTACHMENT 18

cc: File / CHRONO

UTILITIES

Administration | Business Services | Community Relations
Engineering Services | Finance | Operations
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503
Phone: 941.764.4300 | Fax: 941.764.4319



Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

JUN 27 2008

Re: Water and Sewer Availability to: 3150 Matecumbe Key Road
01-43-22-00-00004.0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
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Sincerely,

A handwritten signature in black ink, appearing to read "Alex Cegerenko".

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

UTILITIES

Administration | Business Services | Community Relations
Engineering Services | Finance | Operations
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503
Phone: 941.764.4300 | Fax: 941.764.4319



Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

Bill Edwards, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, FL 33904

JUN 27 2008

Re: Water and Sewer Availability to: Matecumbe Key Road
06-43-23-07-0000A.0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Cegerenko".

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

UTILITIES

Administration | Business Services | Community Relations
Engineering Services | Finance | Operations
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503
Phone: 941.764.4300 | Fax: 941.764.4319

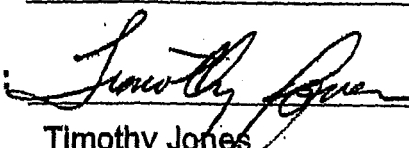
MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
NOV 29 2006

COMMUNITY DEVELOPMENT

DATE: November 28, 2006

TO: Mary Gibbs
Director, DCD

FROM: 
Timothy Jones
Chief Assistant County Attorney

RE: **Burnt Store Marina**
LU-06-02-1201.G.1.

In accordance with your request, our office has reviewed the documents furnished by County staff and Mr. Uhle as well as the information contained in the Land Use files regarding the history of the Burnt Store Marina Development in order to provide assistance with respect to issuing a response to zoning verification letter application ZVL2006-00212.

The Burnt Store Marina development under Lee County jurisdiction is located in the extreme northwest portion of the County. It is bounded by Charlotte County to the north, Burnt Store Road to the east, Cape Coral to the south and Charlotte Harbor to the west. The project encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 at Plat Book 28, Page 118.

Since 1973 the Department of Community Affairs reviewed the property three times with respect to its Development of Regional Impact status. In 1986 an agreement was executed to establish with certainty that the development is vested against compliance with the DRI requirements for a total density on the 626 acres of 2,514 residential units. A second Agreement in 1987 established that the development is entitled to a maximum of 323 wet spaces (i.e. up to 525 watercraft) and 456 dry spaces. Neither of these Agreements, or any previous determinations by DCA, excuse the project from compliance with Lee County development regulations as currently articulated in the Lee Plan and the Land Development Code.

For ease of discussion, the project is divided into two parts:

The **Marina Village** comprised of Tract C, Block 1011, Lot 1 and Block 1001, Lots 2 and 3, as recorded in Plat Book 28, Page 118; and

The **Golf Course Subdivision** comprised of all of Punta Gorda Isles, Section 22 as recorded in Plat Book 28, Page 118 and replatted at Plat Book 34, Page 92, except the Marina Village parcel identified above.

ATTACHMENT 19

Re: Burnt Store Marina
LU-06-02-1201.G.1.

Golf Course Subdivision

In 1974, an application covering the entire Golf Course Subdivision was considered by the Board. This action [Z-74-298] officially served to rezone only the 233 platted lots (including Lot 1, Block 1011 and Lots 2 and 3, Block 1001) created via the 1973 plat from IU to RU-3 with a density of 4.8 units per acre. However, the minutes of the Board action reflect that Board received testimony regarding the entire 626 acre project including assurances that the 125 acre recreation area, now encompassed by the golf course, would not be used for residential purposes. (See CCMB BK 117, Page 2711).

To address the confusion surrounding the 1974 decision, resolution ZAB 83-445 was adopted. This resolution serves to establish four distinct zoning categories within the Golf Course Subdivision (see attached Exhibit 1): PR, AG Greenways (access to golf course), Ag with unusual use for a golf course, and RM-10. The 1983 action established the property owner's right to density of up to a maximum of 10 units per platted lot. The property as replatted and presented to the Board in 1983 encompassed a total of 221¹ platted lots. This equates to a maximum density within the Golf Course Subdivision of 2,210 dwelling units, if each lot is capable of being developed in accordance with County regulations with the maximum number of dwelling units. By limiting the density on a per lot basis the Board effectively established that the density can not be clustered (i.e. use of two lots to support 20 units on a single lot). Each individual lot may be developed or redeveloped with a maximum of 10 units per lot. The number of units on each lot (up to 10) will be determined by the type of development (single family or multi family) and applicable property development regulations.

In 1985, the County issued an Administrative Interpretation of Vested Rights (VR 85-06-53), which served to vest only the density established on the property against compliance with the Lee Plan Land Use category limitations. This density vesting interpretation allows development of the 221 platted lots with a maximum of 10 units per lot. The interpretation does not affect the property owner's obligation to comply with all other LDC requirements in effect at the time the approval to construct units is obtained. Therefore, the property owner must comply with the current height, setback, open space, buffering, vegetation etc., requirements set forth in the LDC.

Under the 1983 resolution and the 1985 County Vested Rights Interpretation, the golf course area (i.e. AG with an unusual use for a golf course) can not be used for the construction of residential units. It is the open space area for the overall project. In order to change the use and

¹As originally platted in 1973, Punta Gorda Isles Section 22 consisted of 233 lots. The 1982 replat served to eliminate 12 lots. 233 - 12 = 221 lots

Re: Burnt Store Marina
LU-06-02-1201.G.1.

achieve residential density rights in the golf course area, the property owner must first seek Lee Plan amendment approval followed by rezoning. Note that this action may result in the project being subject to Development of Regional Impact Review.

Marina Village

In 1977, the 153 acre Village Marina parcel was rezoned (Z-77-63) from IU to RU-3 (RM-2 as converted) "with special uses using PUD concept, and with the donation of 15 acres for the school site". The PUD plan is not attached to the zoning resolution. However, it appears that the controlling plan documents are the 153 acre Schematic Plan labeled S-1 prepared by Allen Hixon Associations and another document labeled "Section 22 Burnt Store Marina Land Use Plan" dated Dec. 76 drawing No. A-71.

The Marina Village Land Use Plan (identified above) can be deemed consistent with the Lee Plan in accord with Chapter XIII, Section a.D. An area specific Lee Plan vesting determination was not issued for the Marina Village.

Under the Marina Village Land Use Plan the project is vested for a total of 734 dwelling units (4.8 units per acre x 153 acres=734 units). Based upon the documents provided as updated by the information available on the Property Appraiser website, it appears that a total of 794 dwellings units currently exist within the Marina Village parcel. Therefore, no additional dwelling units may be constructed.

The Marina Village Land Use Plan specifically designates four special use areas within the Marina Village parcel. These include: Area A) 4.2 acres of commercial; Area B) 5.1 acres of Apartment Motel; Area C) 8.3 acres of Resort-Inn; and Area D) 14.1 acres of Marine Industrial/storage and repair. Review of the existing development in the Marina Village parcel indicates that Areas A, B and C are currently developed as residential condominium units. Area D is currently developed with the 47 hotel units (Keel Club) 16,759 sf commercial office (south of Keel Club), Salty's (restaurant/ships store), dry boat storage, and marine fueling facilities.

In 1991, the County approved Resolution Z 91-101, which served to rezone a 9 acre portion of Area D from RM-2 to Commercial Marine (CM).

The property owner has a right to develop the special use areas identified on the Marina Village Land Use Plan in accord with this 1977 Land Use Plan to the extent the specific areas have not been developed with residential uses. To the extent the property owner attempts to develop uses in a location other than depicted on the Land Use Plan, any vested rights under the Lee Plan will be lost. In order to pursue development or redevelopment in a manner different than as

Re: Burnt Store Marina
LU-06-02-1201.G.1.

depicted on the 1977 Land Use Plan, the property owner will need to seek Lee Plan amendment approval followed by rezoning.

If you would like to discuss the above or if you require additional assistance please do not hesitate to contact me.

DPL:tlb

Attachment: Colored Map

cc w/o attachment: Pam Houck, Director, Zoning Division
Bryan Kelner, Principal Planner, DCD
Matt Noble, Principal Planner, DCD

PUBLIC COMMUNICATION OPPOSITION

Hines, Lisa

From: Block, Alvin H.
Sent: Wednesday, September 10, 2008 12:54 PM
To: Hines, Lisa
Subject: FW: CPA2007-00054, Burnt Store Marina Village

FYI, see below.

Chip

Alvin Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Dist1, Janes
Sent: Wednesday, September 10, 2008 12:52 PM
To: Block, Alvin H.; Gibbs, Mary ; O Connor, Paul S.
Subject: FW: CPA2007-00054, Burnt Store Marina Village

fyi

Nan Summerall Gonzalez, Executive Assistant
Commissioner Bob Janes, District #1
County Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398
239.533.2224 (Office Number)
239.485.2155 (Fax Number)
Dist1@leegov.com

From: Bob & Lesley Ward [<mailto:sv.grainne@gmail.com>]
Sent: Wednesday, September 10, 2008 12:15 PM
To: Dist1, Janes
Subject: CPA2007-00054, Burnt Store Marina Village

Bobby J Ward Jr., Lesley A Ward
1133 Bal Harbor Blvd
#1139 PMB215
Punta Gorda, FL 33950

(Residing 17924 Courtside Landings Circle, Punta Gorda, FL 33955)

10 September 2008

To: Lee County Local Planning Agency
ber
Reference: CPA2007-00054, Burnt Store Marina Village

9/10/2008

When I purchased my home in the Burnt Store Marina (BSM) Community, I was drawn to the rural setting, beautiful golf course, and quiet neighborhood charm of the gated community. From all appearances, other than some condo construction along Vincent Road, development of the community was complete. It now seems that there is going to be substantial on-going development that does not, in my opinion, keep with the community environment.

The marina is convenient for those who enjoy boating and fishing and I think that a large number of BSM residents chose this location because of the marina facilities. Burnt Store Marina is rather isolated, but I consider the distance that I drive for shopping and services a price I am willing to pay for the tranquility I enjoy. I never planned to reside in a resort type community and did not think that this was even possible given the current zoning and approved development density.

I think that on the surface, the Proposed Marina Village Redevelopment Plan looks very good. The plan will bring the dry storage aspect of the marina to state-of-the-art and increase power boat capacity, while also offering what appears to be a nice mix of retail and dining facilities. However, I strongly object to the addition of a hotel and am a bit concerned with the potential height of the dry boat storage buildings. I do not feel that a hotel is in keeping with the community aesthetic that I have come to enjoy. Given the size of the structure, the proposed occupancy level, and the associated highly transient population, the hotel just does not fit in with this community. I am also concerned by the proposed heights of the new condo units, especially when considering their placement right on Matecumbe Key Road with such a small set back.

We bought here for the quiet, off-the-beaten-path lifestyle that our community now has and strongly urge you to help us keep it that way. Buildings higher than those that already exist and anything that would increase the "transient" use of our community are emphatically opposed.

Sincerely,

Bobby J Ward Jr., Lesley A. Ward

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 09, 2008 12:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina and Lee County Local Planning Agency Meeting

this is for the file...

From: betels38182@mypacks.net [mailto:betels38182@mypacks.net]
Sent: Tuesday, September 09, 2008 11:26 AM
To: Jacky Hill
Cc: Noble, Matthew A.; nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com; DawnMGo@leeschools.net
Subject: Re: Burnt Store Marina and Lee County Local Planning Agency Meeting

Jackie: Since you had so many problems with Realmark's attitude that eventually lost your boat slip that you have had for 12 years, I am sending this reply through an untracable email address. Keep up the good work! The issues that I have with the new planned proposal are as follows:

- 1). The number of additional units including the large amount of daily, weekly and monthly rentals expected by Realmark.
- 2). I do not have a problem with potentially having new neighbors that are considered full-time or seasonal owners as long as the size and scope of the buildings are in line with what we currently have in place. I believe the highest units are now 8 levels including the parking areas. Hotel type units are not acceptable to me. I do believe residents similar to the ones that live here now are what we need to continue to support. Development of Burnt Store Marina has taken probably 30 years to date. A large project in the current economic environment will not be advantageous to current owners. Hotel units will in all probability lower property values even further.
- 3). What about the manatees? We almost always see them when we either walk the marina walkway or boat. The last time we went out of Burnt Store Marina by boat, which was during the hottest month of August we saw five or six of them coming into the marina. As you probably know, during the winter it is not unusual to see a dozen or more of them exactly where Realmark would like to place the new boat storage facility. How can that happen? I would think the boating in and out of that area and the increase in the number of boaters would really disrupt the manatee population. I have not contacted "Save the Manatees". Tried, but my email was returned.
- 4). Proposed plans including the additional boat storage building located where condos were originally planned (next to the Platinum Point Yacht Club) will be an eyesore to the community. Imagine driving to the four-way stop prior to entering Prosperity Point, looking to your left and seeing a 50-60 foot high boat storage facility with the noise of boats, lifts, traffic, etc. That intersection is at the heart of BSM and nothing exceeding 4-6 level condos should be allowed in that area. That area is not and was never zoned as a commercial marina and should not be allowed to be changed.

Don't get me wrong. I am in favor of development, but only if it makes sense. I believe this community would welcome Realmark with a sensible plan, good for the residents and good for a business trying to make a

9/9/2008

profit. But the current wants by Realmark are like a child wanting way too much. Hopefully, the Local Planning Agency will force Realmark to be realistic in their wants, like a parent would tone down a child's wants.

Signed,

Concerned Full-time Resident

-----Original Message-----

From: Jacky Hill

Sent: Sep 8, 2008 10:12 AM

To: Jacky Hill

Subject: Burnt Store Marina and Lee County Local Planning Agency Meeting

Dear Burnt Store Marina Resident,

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village." This comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space.

Those of you whose property borders the marina will be receiving a notice, soon, from Lee County, and I'm told that signs are being put up on the property affected by the plan change on September 8, to alert you of the hearing.

The LPA hearing is open to the public, and **anyone interested in the proceedings should plan to attend.** Those familiar with the process say that attendance at the meeting is better than writing a letter to voice one's opinion. Unlike zoning hearings, the CPA process allows the public to correspond with the planning agency and the commissioners outside of the sanctioned meetings.

The current Lee Plan states that Burnt Store Marina "is primarily residential with a high percentage of seasonal residents." It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises.

If the LPA supports the CPA, they will send the paperwork on to the Board of County Commissioners (BOCC). The BOCC will review it at their Oct22-23 meeting. If approved by the BOCC, it will go to the Florida State Department of Community Affairs (DCA). Sept. 22 is the last date for the LPA to review comprehensive plan amendments for the current "cycle." Lee County "transmits" CPAs only once per year to DCA.

Details of the plan can be found at <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/RA2006-2008.htm> by reading the **Application** and the **Response to Insufficiency Letter # 1** (located toward bottom of page by clicking on CPA2007-00054 Burnt Store Marina Village). Both of the documents mentioned are large pdf files, so they will take some time to download. The Response to Insufficiency Letter #1 contains a layout of the proposed development, on which the structures mentioned above are shown. If you have not yet seen this, I'll be happy to forward you a copy of the layout.

Many people have varied opinions about the proposed development. If you would like to express your opinion, the names and addresses of the Local Planning Agency members are listed below. The County planner in charge of this project is Mr. Matt Noble. His email address is: NOBLEMA@leegov.com. All comments sent will become part of the public record.

9/9/2008

Relevant "On the Record" comments from Admiralty Village and Commodore Club residents regarding the rezoning of the sales site to commercial parking can be found at http://permits.leegov.com/tm_bin/tmw_cmd.pl?tmw_cmd=StatusViewCase&shl_caseno=REZ2007-00020 (at bottom of page click on "Finalized Version of HEX Recommendation" – this is a 2MB file – comments from residents are on pages 17-25).

I've attached a couple of letters that some residents have already sent to the County. Feel free to use any of the words, in whole or in part, if you're so inclined.

Jacky Hill

Local Planning Agency Members

NOEL ANDRESS

P.O. Box 420, Pineland, FL 33945
7101 Capri Lane, Pineland, FL 33945
283-5653 (Phone)
283-0173 (Fax)
nandress@comcast.net

RONALD INGE

Development Solutions, LLC
4571 Colonial Boulevard, #102
Fort Myers, Florida 33966
489-4066 (Phone)
481-8477 (Fax)
ringe@landsolutions.net

JEANETTE RIPPE

13140 Bird Road
Fort Myers, FL 33905
694-0451 (Phone)
rippemj@embarqmail.com

CARLETON RYFFEL – Chair

100 Estero Boulevard, #434
Fort Myers Beach, FL 33931
463-3929 (Phone)
carleton819@aol.com

RAE ANN WESSEL

P.O. Box 713, Fort Myers, FL 33902
17880 Sawmill Lane, North Fort Myers, FL 33917
731-7559 (Phone)
731-3779 (FAX)
rawessel@sccf.org

LELAND M. TAYLOR

19 NE 1st Avenue
Cape Coral, FL 33909

9/9/2008

(239) 233-3262 (Phone)

(239) (Fax)

(850) 491-2548 (Cell)

Lmt7979@hotmail.com

LES COCHRAN - Vice Chair

18961 Knoll Landing Drive

Carlos Park, FL 33908

267-4755 (Phone)

267-4260 (Fax)

Lessgov@LesCochran.com

DAWN GORDON (Non-Voting Member)

Lee County School District

3308 Canal Street

Fort Myers, FL 33916

479-5661 (Phone)

479-5667 (Fax)

DawnMGo@leeschools.net

Mr. Matt Noble

September 8, 2008

Lee County Planner

Re. CPA2007-00054 Burnt Store Marina Village

Dear Mr. Noble,

As a resident of Burnt Store Marina, I am very concerned regarding the upcoming review of CPA2007-00054, Burnt Store Marina Village. The requested changes will forever change the complexion of the community that I chose to live since 1999. My decision to buy and permanently live here was based on the quiet, rural and quaint look of the community. Now we are faced with a developer wishing to completely change the look and feel of my community. The community is comprised of an eclectic mix of single family homes, attached condominiums and an assortment of low rise multi family units. The proposed development of two fourteen story condominium buildings, a sixteen story hotel and two proposed state of the art boat storage buildings of indeterminate height will forever change the complexion of our rural community.

It should be noted that the proximity of the proposed development to existing homeowners will have a deleterious affect on their environment, views and quality of life. I wish to point out that the City of Cape Coral turned down the San Souci planned development on Old Burnt Store Road, citing traffic, skyline, high density and environmental concerns. I would hope that Lee County has the same concerns. The proposed development will also stress the limited roads within the community and also put unusual stress on the two manned gatehouses which provide access to the "gated" community.

I can foresee traffic being backed up on Burnt Store Road as the line of cars seeking entry spills over passed the access entrance. It should be remembered that the proposed development is not just adding more residential units and hotel units, but it is contemplating a large commercial use which will also add to the traffic problems.

Something that I see has not been addressed in any of the papers I have read is the Bridge that passes over the waterway on Matecumbe Key Road. I am not an engineer, but I would question the ability of this structure to support sustained traffic from extremely heavy construction vehicles and equipment. I would request that an engineering study be conducted on this structure, as its potential damage would seriously impact the timely arrival of emergency vehicles, including fire, police and emergency medical care.

I understand that development is going to take place, but it should be done responsibly. There should be some thought as to the impact on the current residents and the impact it will have on the overall look and feel of the community it will impact. For this reason, I urge you to deny the current application as presented and recommend a scaled down plan that more closely resembles the community profile.

Sincerely,

James Rosenblum

17825 Hibiscus Cove Ct, Punta Gorda Fl 33955

September 7, 2008

To: Lee County Local Planning Agency

Re: CPA2007-0054

I have just learned that on September 22, 2008, the Lee County Local Planning Agency is scheduled to hold a public hearing to discuss CPA2007-0054, Burnt Store Marina Village.

I respectfully request that this hearing be postponed until the winter months of 2009 so that the public that will be affected by the Comprehensive Plan Amendment has the opportunity to review the documents, digest their contents, and most importantly attend the hearing. The current Lee Plan notes, with respect to Burnt Store Marina: "This development is primarily residential with a high percentage of seasonal residents."

Burnt Store Marina is an unincorporated area of Lee County and therefore has no town council. The Homeowners Association which loosely governs the premises has barred itself from participating in any public hearings that involve Realmark development plans (see attached MOU.doc file, Item #4). Indeed, in the past year, Lee County Judge McHugh has formally indicated that the Homeowners Association has little authority to do anything for its residents except that which was explicitly specified in 30-year old documents (see attached Final Judgment.pdf, Items 14 and 17).

While I have not done a scientific survey, September is probably the month when the fewest number of residents are actually on premises. It is certainly true for my building – Marina Towers. We have scheduled a three-week project that will take our elevator out of service for modernization to begin September 15 to take advantage of the fact that our full-time residents (6 of 33 units) frequently take their vacations in September.

Unlike other communities, Burnt Store Marina has few school age children in residence. So, while a late September hearing date for neighborhoods within Fort Myers or Bonita could be expected to be well-attended, this is not the case for Burnt Store Marina.

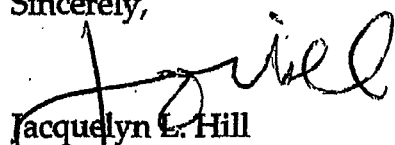
There are 1,913 homes within Burnt Store Marina. The development being proposed by Realmark via the Comprehensive Plan Amendment CPA2007-0054 will have a huge affect on those already-existing 1,913 homes. The development takes place in the center of the complex. All homes that are on the main thoroughfares will be directly affected by the construction traffic and the increased through-traffic once development is completed.

This letter is not attempting to present a point of view about the development itself – just the timing of the hearing.

Postponing the hearing until February 2009 will ensure that all points of view can be voiced in a fair and open manner. It will affirm the right of all taxpayers, both full-time and seasonal residents, to be heard by those who will make important decisions about development within our neighborhood.

Thank you for considering this request.

Sincerely,



Jacquelyn L. Hill

Burnt Store Marina Address:
3020-602 Matecumbe Key Rd
Punta Gorda, FL 33955

Northern Address:
111 E Shore N
Grand Isle, VT 05458

jackyhill@earthlink.net
802-238-5075 (cell)

September 7, 2008

Attention: Local Planning Agency Members

When the Burnt Store Marina Community was originally platted and later amended there were specific concerns about density. The Concept was for a residential community of 2000 to 2500 units with some limited commercial facilities and with roads designed to accommodate the expected traffic. The concept was in effect a predecessor of what is now known as a Planned Unit Development. When the residents bought their units that is what they expected to have as their community.

Now once again a developer is attempting to change what he bought to something else. We call upon you as our protectors to **not** recommend approval of the proposed change in our community and way of life. The residents here went to costly lengths to legally confirm that what they were told was a "gated community" was in fact so designated. While it is understood since a commercial marina with in-water boat slips, dry boat storage and a restaurant existed, access to the users of these public/private facilities had to be permitted. Since the Community is responsible for the cost of maintenance and upkeep of the roads it is concerned that the traffic therein be limited to the volume expected from the existing facilities and residential population.

We knowingly bought our homes in a relatively remote location (10 miles to shopping of any sort) and with only one restaurant. If we had wanted a "village" of hotels, stores and restaurants we would have bought near them. We bought here for the quiet, off the beaten-path, lifestyle that our community now has and strongly urge you to help us keep it that way. Buildings higher than those that already exist and anything that would increase the "transient" use of our community are emphatically opposed.

Victor A. Smith
3901 Cape Cole Blvd.
Punta Gorda, Fl 33955
941 5050-1558

P.S. Our recently elected Lee County Commissioners ran on platforms of protecting the citizens of Lee County from rapacious developers. We expect no less than their and your full support.

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 08, 2008 3:44 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

From: John Unison [mailto:jdunison@sbcglobal.net]
Sent: Monday, September 08, 2008 3:42 PM
To: Noble, Matthew A.
Cc: akshell@peoplepc.com
Subject: Fw: CPA2007-00054, Burnt Store Marina Village

--- On Mon, 9/8/08, John Unison <jdunison@sbcglobal.net> wrote:

From: John Unison <jdunison@sbcglobal.net>
Subject: CPA2007-00054, Burnt Store Marina Village
To: nandress@comcast.net, ringe@landsolutions.net, rippemj@embarqmail.com, carleton819@aol.com, rawessel@sccf.org, Lmt7979@hotmail.com, Lessgov@LesCochran.com, DawnMGo@leeschools.net
Cc: akshell@peoplepc.com
Date: Monday, September 8, 2008, 3:37 PM

To Local Planning Agency Members:

I am writing as an original owner (1979) and condominium occupant in Commodore Club, the first condominium development in Burnt Store Marina whose property values and quality of life are directly impacted by the proposed development in Burnt Store Marina Village.

Realmark is the last in a long string of developers who have attempted to or successfully managed to persuade Lee County to change zoning for ever higher and higher buildings to encircle the waterfront to the visual detriment of many of the original residents. The original developer, PGI said we'd never have building over 3 stories. How laughable the developer's words now seem.

I realize the clock cannot be turned back, but you can have a positive effect by tabling this application until zoning is in place limiting the maximum building heights to those now located in the marina, and perhaps even a lower height for those adjacent to, or in close proximity to existing private residences and condominiums. We are also concerned with the traffic impact of such huge buildings being proposed. If we can maintain a practical livable environment we can also accomodate many of the developer's plans as we all have a goal to make this a very first rate community. There needs to be a middle ground.

After all, we did not move here to live in concrete canyons, never to see a sunset.

Thank you for considering the concerns of many of us in Commodore Club Condominium.

John Unison
1600 Islamorada Blvd 73B
Punta Gorda Fl 33955

9/8/2008

September 17, 2008

To: Lee County Local Planning Agency

Re: CPA2007-00054, *Burnt Store Marina Village*

I write to you, today, to ask the Lee County Local Planning Agency to limit the maximum building height requested in the Comprehensive Plan Amendment CPA2007-00054, *Burnt Store Marina Village*, to a maximum no greater than eighty (80) feet rather than the 220 foot maximum requested by Realmark, and rather than the 135 foot maximum suggested by Staff. **With a height limitation of eighty feet, I would support Realmark's effort to redevelop an attractive, mixed-use area around the marina.**

CPA2007-00054 asks to create a new FLUM area named *Burnt Store Marina Village*. In this FLUM, Realmark requests that the Lee County height limit of 45 feet be set aside in favor of a 220 foot maximum. Realmark's design plan, submitted with their Response to Insufficiency Letter #1, contains one sixteen-story hotel building, two fourteen-story condominium buildings, and three boat storage buildings of unspecified height, but capable of storing 800 boats out of the water, in addition to retail and commercial space.

Lee County should limit this height to be no more than that which already exists at *Burnt Store Marina* today — eight stories, and then proportionally decrease the total allowed number of hotel/residential/dry storage units.

Background

Burnt Store Marina has had a strange development and zoning history. To date, every developer of record has failed at bringing it to completion. BSM was first designed to be a collection of **three-story** condominium complexes. After building several neighborhoods in the three-story style, the first developer, PGI, sold the property to the FD Rich Company. Rich then built the first of what were to be three **six-story** buildings. *Marina Towers* was completed in 1990. Rich apparently went broke before starting the second building. Indeed, the first building did not sell out for several years — and the bank was ultimately the seller.

Then Florida Design Communities purchased the marina, golf course, and remaining lands and began developing single family home complexes. They *assured* residents that they were in the **single-family** home business and their intention was to complete the build-out of the marina with single-family homes. That didn't last long. Florida Design became WCI, and the first of seven, **eight-story** buildings was started. WCI rode the wave of speculation in the Florida real estate market. Yet, even so, none of their first three high-rises (two *Harbor Towers* and *Vista del Sol*) sold out quickly.

With a great marketing plan, the privilege of making a down payment on units in the first two of the *Grande Isle* eight-story towers was managed by lottery. Many units were sold several times before construction was completed. The investors in the third and fourth buildings didn't fare so well — the frenzy of flipping had slowed and investors had to come up with the cash when the buildings were ready for occupancy.

Today, four years later, there are still units in the *Grande Isle* buildings that have never been furnished or occupied. This fact has been detrimental to all *Burnt Store Marina* owners.

When WCI finished the Grande Isles, it was expected, and advertised, that they would construct **one more, ten-unit, five-story building** on their sales site – right on the marina. This was to be their final project – Burnt Store Marina would be built out.

Then came Charley. The Florida home market crashed soon after.

Realmark, which had already purchased the actual marina in 2000, purchased the remaining properties from WCI in December 2005. At that time, Realmark wanted to construct 330 condo units on the golf course and 400 or so hotel units in three sixteen-story buildings around the marina proper. As the record will show, the County reviewed the documentation for the marina area and golf course and concluded in April 2007 that Realmark could not proceed with either project without a Lee Plan change and a rezoning.

Back to the Present

Realmark has submitted their request for a Lee Plan change and with it their design for 145 hotel rooms, 160 residential condominiums, 500 or so additional dry storage slips for a total of 800, and associated retail and commercial space. All of the 160 condos and 110 hotel rooms are to be in three **towering buildings – buildings over twice as tall as anything already existing here.**

This is a big change for a residential development that is off the beaten path – the nearest grocery store is over ten miles away. Burnt Store Marina is, theoretically, a limited-access gated community. We are **OPEN TO THE PUBLIC** as Realmark's signs proclaim, but to date, we have not had commercial enterprises that drew many people inside.

Neighborhood Traffic

We've always had public access through the gate, but in order for the proposed commercial development to be a success, **substantial traffic** will have to flow through our gate, and right through our residential areas. Unlike Realmark's Cape Harbour in Cape Coral, our commercial area is centrally located. You cannot get to the marina or the restaurant without driving through our neighborhoods. It is an important distinction – both during construction and after.

All of the construction traffic will pass through the construction gate off Vincent Road and onto Matecumbe Key Road, directly through or by the BSM neighborhoods of "The Soundings," "Harbor Towers," "Marina Towers," "Admiralty Village," "Marlin Run," "Redfish Cove," "Hibiscus Cove," "Commodore Club," "Courtside Landings," "Keel Club", and "The Resort." The neighborhood of Sunset Key I will be exposed to all of the development activity, as will Keel Club, South Shore, Admiralty Village, Grande Isle I, and more.

At Burnt Store Marina, you'll see people out throughout the day walking with their friends, their grandkids, their pets. Our main road from the gate (Islamorada) has a nice bike/walking path. The construction gate (Matecumbe Key Rd) and golf course gate (Cape Cole) routes each have only a narrow walking/bike path on one side of the road. Safety on these roads depends on the fact that there is only minimal traffic.

Noise or a Ghost Town?

People have bought or rented at Burnt Store Marina for the boating, the golfing, and/or the laid-back lifestyle. We have no beach. We have little "night life." Never the less, residents in

neighborhoods around the marina are already unhappy with the loudness of music from Karaoke and the bands that play a couple of nights per week at the local Portobello's Restaurant.

People live at Burnt Store Marina. How will 145 hotel rooms impact that living? Will the hotel need to provide live entertainment 7 nights a week to attract guests? How will that affect property values of existing homes?

Then again, what if Realmark builds it, and "they" don't come? I'd prefer see an empty lot rather than half-empty fourteen-story buildings! And vacant store fronts. Fewer units constructed in lower buildings will give the new development a better chance of success and will thus benefit existing owners.

Are these valid concerns when reviewing comprehensive plan changes?

Burnt Store Road Capability

Burnt Store Road is already a dangerous two-lane highway. Surely, before contemplating new development, the road should be upgraded to four lanes. How many concrete trucks will have to drive up and down Burnt Store Road each day to complete the redevelopment of the marina?

The difference in construction requirements for sixteen versus eight stories is huge. I know that you consider what is best for all parties concerned in rendering a decision on this comprehensive plan change. I hope that you will agree that "less is more" in this case.

Manatees

One of the proposed state-of-the-art boat storage structures will be sited directly in front of one of the areas in the marina heavily used by manatees, and will almost certainly interfere with their ability to feed, breed, nurse, and play. This area, at the corner of A dock and the Sunset Key I development currently has very little boat traffic.

City or Village?

Realmark's application states that Burnt Store Marina is already an urban area. I hope that you will visit the premises before attaching that label. There are seven mid-rise (eight-story) buildings and one six-story building. The rest of the condo complexes are three-stories. We are a bubble of development in an otherwise highly rural area. Our premises are not rural - no argument there. But we're not a city, either - and the proposed FLUM with 220 foot maximum height, is certainly not in keeping with the label of Village.

For me, the whole issue can be resolved with the right height limitation. An eighty foot maximum would serve to self-limit the number of hotel rooms, the number of residential units, and the number of dry storage units to a level that is much more compatible with the surrounding area. I would, then, look forward to, and welcome Realmark's redevelopment project.

Sincerely,



Jacquelyn L. Hill

Burnt Store Marina Address:
3020-602 Matecumbe Key Rd
Punta Gorda, FL 33955

Northern Address:
111 E Shore N
Grand Isle, VT 05458

jackyhill@earthlink.net
802-238-5075 (cell)

September 16, 2008

To: Lee County Local Planning Agency

Comments related to: CPA2007-00054 Burnt Store Marina Village application

As seasonal residents of Burnt Store Marina, otherwise living in Europe, we are unable to attend the September 22, 2008 hearing pertaining to Realmark's application for a Comprehensive Plan Amendment (CPA). We ask you take our comments into consideration.

Postponement of the hearing

It is unfortunate that the hearing is scheduled for a date when only a small fraction of owners are at the Marina and could attend the hearing. A CPA would substantially and unequivocally change the ambiance, atmosphere and life-style of the Burnt Store Marina (BSM), so in our opinion it is crucial that the BSM home owners do have the opportunity of presenting their thoughts and opinions at a hearing. The majority of owners are present in January through March, so it is requested that you consider postponing the hearing for a few months.

Density and Ecological Impact to the Environment

At a time when everyone is being made aware of the growing ecological negative impact that additional construction (higher density) can have on our environment, our planners should be particularly careful when allowing additional density. Additional density brings with it more fertilizers, more household and garden chemicals, more trash, more traffic and exhaust fumes, more frequent road repairs, more air and water pollution, more construction noise and dust, more water use, more waste water.....More environmental stress to the limited size and existing resources of the BSM.

Is it fair on the present home owners to have to accept these "mores" and can the Marina's existing facilities cope with these additional environmental burdens?

The Gated Community and Security

When we purchased from Florida Lifestyle, we understood that we were buying into a "gated community" with the security that such a community provides its residents.

A 16-storey hotel, retail and office space, commercial shops and restaurants would de-facto do away with the Marina's "gated" nature and the present resident's level of security would easily be compromised.

Character of the Burnt Store Marina

The majority of home owners were aware of the particular laid-back, quiet, off-the beaten-track nature of the Marina when they bought their homes. Had they wanted a busy and bustling life-style, they would have bought a home elsewhere. The special character of the BSM would definitely be changed significantly if Realmark were given permission to develop as requested in their application.

Thank you for taking these comments into consideration.

Robert and Jarmila Taud (BSM home owners)

Zum Tennenbach 15
91080 Uttenreuth
Germany

Tomas A. and Catherine M. Loreda

**3 Pirates Lane, #31A
Punta Gorda, FL 33955**

September 18, 2008

Lee County Local Planning Agency

Mr. Matt Noble

CPA2007-00054, Realmark Burnt Store Marina Village, LLC

We purchased our Commodore Club condominium in July 2003 because we wanted to retire and live in a gated rural community away from the rush of stores and crowded places. We decided on Burnt Store Marina because of private roads, 10 miles from the nearest shopping center, but with a nice restaurant, ship store, marina and a golf course. A nice retirement community!

We oppose the proposed Realmark Burnt Store Marina Village concept because of the following:

- We believe that the construction of hotels, offices, large retail complex and more boat storage, around the marina will be detrimental to our Burnt Store community, which was not planned for such a high density and does not have the road capacity to handle high-volume traffic. Unlike Realmark's development at Cape Harbor, there is no separation at Burnt Store between the residential and the commercial areas: residents take walks, several times a day on the same single, curving streets that the increased number of cars, bicycles and golf carts use. This indeed will increase the potential for serious accidents.
- Another factor is that noise reverberates around the marina: music now at the small restaurant ends at a reasonable hour and only occurs two or three nights a week. The larger groups and events which might be attracted to the condo hotels would ruin the living experience for hundreds of residents around the marina.
- In addition to the more traffic and noise, the increased use of private funded roads and unlimited access to anyone through our gates will destroy the "gated community" concept we now have.
- The proposed computerized; "state of the art" high rise boat storage facility will be more costly. Boat owners just want a place to store a boat they probably use once or twice a month at a reasonable price. Realmark has already lost many customers (including myself) by increasing dock and dry storage prices to the point that there are in

excess of 100 slips empty, and even the dry storage has immediate storage space available where 3 years there was a long waiting list. We the local Lee County residents want to keep our costs down as long as possible and Realmark proposal will increase prices.

- The increase in boat traffic will almost certainly be the end of the manatee population that now uses the South Basin as home. Daily you can now see manatees in the area where the second boat house is planned to be built. We strongly disagree with the Lee County Division of Natural Resources finding since all they did was review the applicant's paperwork. We live here and I can see a direct collision path between manatees and boats leaving and returning from the new dry storage building.

We ask that this proposed amendment be denied. It is our sincere hope that the Lee County Local Planning Agency will understand our issues and concerns about keeping our nice quite community just like it is. Burnt Store Marina is now some 30 years old (Commodore Club was built in 1978-1979) More than 1900 families bought our properties with the faith of the basic character of the community and the lifestyle this fosters would be preserved.

Realmark has a right to build his concept of a "Downtown" with tall buildings, shops, malls etc, if he wants elsewhere, but he does not have the right to come to our well established residential community and force his concept on our 1900 families, many of which vote in Lee County, and which are perfectly happy with what we have.

Thank you very much.



Tomas A. Lored

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:21 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

From: Dale Hitchcock [mailto:hitchdale@yahoo.com]
Sent: Thursday, September 18, 2008 9:39 PM
To: Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village." It is our understanding that this comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space. As property owners in Courtside Landings Circle, which is directly adjacent to the area for these proposals, we would like to express our **opposition** to these plans. These high-density plans will radically change and severely impact our community and challenge it's fragile ecosystem. The excessively high hotel and condo buildings will cast a large shadow over our neighborhood.

Our community is already burdened with a high inventory of unsold condos and houses. The addition of this large volume of units will make it impossible for the reasonable sale of properties by people wishing to relocate should these plans be approved. We will indeed be stuck with these radical changes.

Please note that a similar project proposed for New Bern, NC fell apart last November due to lack of support at all levels.

The current Lee Plan states that Burnt Store Marina "is primarily residential with a high percentage of seasonal residents." It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises. In our absence we respectfully request that you accept our opposition in the records and acknowledge same.

Yours Truly,

Dale and Mary Hitchcock

17755 Courtside Landings Circle

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 15, 2008 7:18 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark's proposed development of Burnt Store Marina

From: BELIZE46@aol.com [mailto:BELIZE46@aol.com]
Sent: Sunday, September 14, 2008 1:35 PM
To: Noble, Matthew A.
Subject: Re: Realmark's proposed development of Burnt Store Marina

Dear Sir,

To: Lee County Local Planning Agency
Re: CPA2007-00054, Burnt Store Marina Village

I believe that I join many other residents of Burnt Store Marina in opposition to several aspects of the development plans announced by Realmark. In general it is my opinion that Realmark's plans introduce a population density inappropriate to the Burnt Store setting which will result in the over taxing of our community's sewer, drinking water and irrigation water utilities. I am particularly opposed to the excessively large condo-hotels that Realmark wants to build in close proximity to the marina itself. The water quality of the marina is already poor and the construction of a large number of residential units so close to the water will only lead to additional pollution. Also the building of large hotel type buildings in the midst of a large commercial marina operation will result in crowded unsafe conditions for both marina users and residents.

From a life style viewpoint, the excessive development of environmentally sensitive property at Burnt Store Marina will destroy forever the unique residential community we were told would exist when we bought our homes. The full implementation of Realmark's plans will turn the marina area itself into something similar to the less desirable areas of Fort Lauderdale.

It is not my purpose to stop Realmark from building any additional units in our community. However it is not unreasonable to ask Realmark to scale back its plans to buildings and total density more appropriate to an established community. For example

Realmark should be allowed to build only to the eight story level currently existing here.

... the past you and our elected representatives have protected Lee County residents from the excesses of real estate developers. I ask for your support and assistance in protecting my community from this inappropriate and excessive plan now being sought by Realmark.

Sincerely,
Janet E. Laine
554 Islamorada Blvd.
Punta Gorda, FLA 33955
belize46@aol.com

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

9/15/2008

September 15, 2008

RECEIVED
SEP 18 2008

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners
PO Box 398
Fort Myers, Florida 33902-0398

RE: Case Number CPA2007-00054, Burnt Store Marina

Dear Lee County Commissioners:

Bob Janes, District One, A. Brian Bigelow, District Two, Ray Judah, District Three,
Tammy Hall, District Four, Frank Mann, District Five, Donald D. Stilwell, County Manager
David M. Owen, County Attorney, Diana M. Parker, County Hearing Examiner

I own two properties in Burnt Store Marina, but I live in Michigan. Upon receiving notice of the hearing to take place on September 22, 2008, I would ask that the Board of Commissioners consider rescheduling this hearing until the winter months when the majority of residents of Burnt Store Marina which would be impacted by this potential change are in Florida.

Although the notice did not mention what party is requesting this change, I would guess it is a developer that is driven by their own business outcome and do not represent the view or desires of those of us that invested in Burnt Store Marina.

My concern is the impact of density with the infrastructures that we at Burnt Store maintain and the environmental impact of land that is connected to Charlotte Harbor, which is the winter home of many manatees in the winter months, not to mention the eagles and turtles and other wild life that are seen in this community.

Burnt Store is unique in that it is away from the everyday flow of traffic and commerce, which is why many of us invested here. We also know that there is land for sale up and down Burnt Store Rd, primed for development, so the question is why change a community that exists? The community that made the choice of being remote, enjoying the quiet it offers and chose the option of remote versus convenience that other developments more centrally located enjoy. If a developer wants to invest, then do it as a start-up, with land that is wide open. Don't let the profit driven impose their view of what a community wants and needs on those that already chose a different live style.

At the very least, please consider a change in date, when many of those in Burnt Store Marina move south from their residents in the north to enjoy the warmth and quiet of our community.

Sincerely;



Gary J. TenHarmse
1372 Innisbrook Ct, Holland, Michigan 49423

CC: Lee County Planners, Matt Noble and Lisa Hines
Property Owners Representative, Matthew D. Uhle, Esq.

Subj: CPA2007-00054, Burnt Store Marina Village

Dear Mr. Malone,

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village ." This comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space.

As property owners in Courtside Landings Circle, which is adjacent to the area for these proposals, we would like to express our **opposition** to these plans. These high-density plans will radically change and severely impact our community and challenge it's fragile ecosystem. The excessively high hotel and condo buildings will cast a large shadow over our neighborhood.

Our community is already burdened with a high inventory of unsold condos and houses. The addition of this large volume of units will make it impossible for the reasonable sale of properties by people wishing to relocate should these plans be approved. We will indeed be stuck with these radical changes.

Please note that a similar project proposed for New Bern, NC fell apart last November due to lack of support at all levels.

The current Lee Plan states that Burnt Store Marina "is primarily residential with a high percentage of seasonal residents." It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises. In our absence we respectfully request that you accept our opposition in the records and acknowledge same.

Yours Truly,

Dale and Mary Hitchcock

17755 Courtside Landings Circle

Hines, Lisa

From: Noble, Matthew A.
Sent: Wednesday, September 24, 2008 7:57 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village
Attachments: burnt store realmark opposition.doc

FYI, and for the file...shoot me now!

From: Dale Hitchcock [mailto:hitchdale@yahoo.com]
Sent: Wednesday, September 24, 2008 7:56 PM
To: CARLETON RYFFEL – Chair; LES COCHRAN – Vice Chair; NOEL ANDRESS; DAWN GORDON; RONALD INGE; Noble, Matthew A.; JACQUE RIPPE; LELAND M TAYLOR; RAE ANN WESSEL
Subject: CPA2007-00054, Burnt Store Marina Village

Attached find our 9/18 statement opposed to the changes proposed in the above listed docket. Hopefully, it was included in the record for consideration at this week's meeting, and that you will continue to consider it at the next meeting on September 29.

Can you imagine a number of 220 foot tall buildings in your back yard, and all of the traffic and congestion that will be involved in the building process and after occupancy?

Radical changes like this should not be allowed in existing communities. This project is more suited for a new undertaking so that people's lives are not turned upside down..

Dale and Mary Hitchcock

17755 Courtside Landings Circle

9/25/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 5:51 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054 Burnt Store Marina Village

FYI, and for the file...

From: jrosenblum [mailto:jrosenblum07@comcast.net]
Sent: Tuesday, September 23, 2008 3:25 PM
To: Dist1, Janes; carleton819@aol.com; Noble, Matthew A.
Subject: CPA2007-00054 Burnt Store Marina Village

Gentleman,
AI apologize for the format of this E mail. This is a posting I maid on the Burnt Store Marina Community Forum. It expresses my opposition to the contemplated plans by Realmark and the effect it would have on the quality of life in the community that I have chosen to live. Please share this with your fellow Agency members and fellow commissioners.

I appreciate your indulgence. Thank You
James Rosenblum
17825 Hibiscus Cove Ct
Punta Gorda, Fl 33955

----- Original Message -----

From: jrosenblum
To: Rosenblum, Jim & Linda
Sent: Tuesday, September 23, 2008 3:13 PM
Subject: Emailing: viewtopic

Burnt Store Marina Forum



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Burnt Store Marina Village (proposed)

[newtopic](#)

[postreply](#)

[BSM22.ORG Forum Index -> General Discussion](#)

Author

Message

Jimmy

Posted: Tue Sep 23, 2008 9:26 am Post subject: Burnt Store Marina Village (proposed)

Joined: 23 Sep 2008
Posts: 1**YOU SHOULD FEEL THREATENED**

At a meeting yesterday of the Local Planning Agency, Realmark laid out its plans for our community. There were comments heard from the public on both sides of the question. The hearing will continue next Monday and then go to the County Commissioners and then various other agencies on its long road to either approval, disapproval or modification.

In the interim, let your voices be heard.

As a full time resident of BSM, I am opposed to the plan as presented.

Mr. Stout made it clear that there is little room for compromise regarding amount of residential units, building height restrictions. He claims to need these as presented to make this a financially viable project. I cannot comment on this since it is not within my expertise.

However I can comment on various points that were disclosed at the meeting

This project will not spring up overnight. In fact, the year 3030 was mentioned as a final completion date. Mr. Stout said that this project was for our Grandchildren to enjoy.. Maybe so, but my grandchildren when visiting enjoy taking a walk or bike ride along Matecumbe. Are you going to feel secure with a parade of heavy trucks and construction workers in their pickups driving down the same road. You have seen these same trucks passing you on BS Road. This is to continue for 22 years??

I think you and I are fully capable of providing for our grandchildren as WE see fit. Not some developers vision of what WE want.

Quite frankly, I am concerned with the present, my retirement, my life style, my amenities. My children and grandchildren will decide for themselves what they want. Besides they dont listen to my advice anyway.

Sure there is a need for a facelift to the downtown area, but at what price??? Are we to endure 22 years of traffic, noise, dust, safety issues, cyclone fences, security and the multitude of inconveniences that come with a project of this scope. By Mr Stouts own admission, the commercial enterprises, restaurants, shops, ice cream stores etc are not financially self sustaining. What happens when the subsidies run out. Are we going to have a lot of closed stores where we can take a nightly stroll. Probably!!!

This project as presented, DOES NOT BELONG right in the middle of an established community of single family homes, condos and low rise buildings.

This project belongs right where it is, Cape Harbor. The commercial area is seperated from the residential area and its construction had minimal impact on its residents. I implore you to consider the impact this project if approved will have on your lives here, why you bought here. Are you prepared to give up your security, safety and quality of life so your grandchildren will in all probability not choose this as their retirement or second home??

Let the officials at Lee County and the State know that you oppose this plan as presented. Their names and addresses are available on other sites.

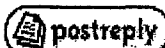
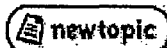
Tell them that you would accept a scaled down version of the plan, with less density, less height and less grandious plans for getting your boat in the water. Do we need two 110 ft tall dry storage buildings, that would definitely cost you substantially more to store your boat there. There are just too many negatives to this project to give up our lives here.

WHAT PRICE PROGRESS????

Jimmy R

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All times are GMT - 4 Hours

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Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 6:59 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store:Village"

FYI...

From: Carol and Victor Smith [mailto:vasmith1@yahoo.com]
Sent: Monday, September 22, 2008 5:00 PM
To: Noble, Matthew A.
Subject: Burnt Store:Village"

Matt, For the LPA record I would appreciate your forwarding this e-mail for inclusion prior to their vote.

"At no time did the Burnt Store Section 22 Community vote on Realmark's proposal." The claim of a meeting of 1400 people is just not true - no more than approx. 800 people were there.(this was not **units** because of the overwhelming number of couples present as well as numerous real estate people who led the applause)-An estimate of units represented would be, at best, 500 of 1850 and it was over two years ago. At that time without any review, and the audience having not been permitted to critique the presentation, there did appear to be support for the proposal. Since that time the Community is greatly divided on the issue. At this time no one can claim the Community as a whole is either for or against the proposal. But if anything, the current stance tends towards wanting serious modification as to height, density and need for a Hotel.

Thank you for the opportunity to correct the record.

Victor A. Smith, past PGI Sect.22 Board Vice President

9/23/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: re Realmark's planning application

From: VriesSunshine@aol.com [mailto:VriesSunshine@aol.com]
Sent: Sunday, September 21, 2008 5:49 PM
To: Noble, Matthew A.
Subject: re Realmark's planning application

Lee County Local Planning Agency
attention: Mr. Matt Noble,
NOBLEMA@leegov.com
re. Realmark's planning application of September 22, 2008

We wish to express our dismay at seeing the planning to transform our beautiful, peaceful neighborhood into a busy, commercial area with lots of traffic and open to all.

After all this is a very quiet gated community. That is what we bought into and we would very much like to keep it that way. What are all those hundreds of people who populate the hotel going to be doing. All that is available to them is a the golf course and a marina. We don't even have a beach or anything else that will keep them occupied. It will kill the friendly cozy atmosphere and overpopulate a rather small area with people who have nothing to do. Our security will be non existent with that may people going in and out.

Bill and Henriet Vriesinga
4080 Key Largo Lane
Burnt Store Marina

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

From: brolph72@aol.com [mailto:brolph72@aol.com]
Sent: Sunday, September 21, 2008 3:48 PM
To: Noble, Matthew A.
Subject: Burnt Store Marina

Sir,

I can not speak for other residents, either permanent or seasonal. In my opinion, we should not be rezoning and expanding for commercial development and access.

I am sure you have heard many reasons. I have found that urban sprawl can be vertical as well as horizontal. The beauty of the marina is in its neighborly friendliness, open spaces, access to views, breezes and sunshine. The number of people that walk and bike [whether for health or environmental reasons] is incredible.

I don't think that Mr Stout represents the interests of residents. Perhaps he is seeking zoning to make the property more attractive for resale. There are still empty living units from the previous managers need to expand. I understand that Mr Stout's property in Cape Coral was designed to draw people to the waterside for commercial reasons, supposedly making a heart or center for the residents. I am not sure, but don't believe he has been successful there.

The beauty is in the rural feel of the current community. You leave Burnt Store Road [which is rapidly developing] and enter an oasis. I would hate to see the Lee County coast start to look like Naples.

Thank you. Five year seasonal resident, Barbara Rolph

Barbara K Rolph
8939 Boxthorn Ct
Wichita, KS 67226
316-634-0133

Find phone numbers fast with the New AOL Yellow Pages!

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Opposed to CPA2007-00054, Burnt Store Marina Village

file..

From: Jim Briles [mailto:jbriles@comcast.net]
Sent: Friday, September 19, 2008 9:30 PM
To: Noble, Matthew A.
Cc: ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; DawnMGo@leeschools.net
Subject: Opposed to CPA2007-00054, Burnt Store Marina Village

Opposed to CPA2007-00054, Burnt Store Marina Village

September 19, 2008

Dear Mr. Noel:

Your consideration of my opposition to Realmark Burnt Store Marina, LLC's request for a zoning variance permitting the construction of a hotel, among other intrusive commercial structures in our nearly pristine laidback community, is greatly appreciated. Some days ago I sent an email to your address regarding this subject. Since I didn't receive acknowledgement (or I overlooked it), I have attached a copy to the bottom of this one hoping that, if not read, it will be and, thus, further serve to reinforce my opposition.

Previously, Mr. Stout said publicly that we are not a community, because we lack a downtown area. There are a few, if any, that would agree with such an arrogant declaration. Burnt Store Marina is as much a community as the area in which Mr. Stout resides. In a mansion, by the way, that has an unencumbered view of a beautiful slice of Florida. A view once enjoyed by many of lesser means. Many of whom reside adjacent to Mr. Stout's Cape Harbour development and, consequently, no longer enjoy sunsets while sitting on their lanais. Nor has that troubled development enhanced their property values or resale prospects.

As you no doubt know, Realmark earlier asked for a zoning variance so they could construct condominiums on what was and remains a golf course bordering many of our backyards. Fortunately, in mass, property owners opposed that request appealing to the county for consideration and proving beyond doubt that we are a community bound by common interests.

Thankfully, that request was denied. The community prevailed or so it seemed.

Shortly thereafter Mr. Stout slapped our hands and tapped our pocketbooks by in essence declaring that we could all go to hell for standing in his way. He vowed to let the golf course go to weeds unless we leased and paid Realmark for its maintenance, which, ultimately, we did. We had little choice. I for one would have adjusted to the weeds but chose instead to join in support of my neighbors' preference not to risk further erosion of property values.

Mr. Stout wrote this day, 9/19/2008, "...We are seeking the support of the community to move this along through this preliminary stage so we then have a chance to work with the residents to fashion a planned development that helps revitalize and rejuvenate the community. **As many of you know, there is a very vocal minority of residents opposed to any development, though they profess otherwise. It is the voice of these opponents that is being heard by the powers that be thus far.**" *

9/22/2008

As is evident in national as well as local politics, the silent majority often leaves it to a trusted minority to represent their interests. I'm such a representative voice. And the issue for the community of Burnt Store Marina is about conservation and preservation of a country lifestyle enriched by nature's beauty. Further, it is about managing our resources and infrastructure to serve our interests and not those of outsiders bent on raping the land for money above and beyond conscience.

We already have enough tall buildings, traffic, and infrastructure concerns without seeing our privately owned streets pulverized by truck traffic, our homes covered with dust, our security concerns heightened, and all the many other negatives that accompany forced urbanization.

In summary, we aren't opposed to development. **We are opposed to over development.** For us this is paradise...quiet, serene, beautiful starry nights, wonderfully sunlit mornings, great sunsets, and friendly laid-back people enjoying the promise Florida held out when we chose to move to this quite community. And there exists already plenty of houses for sale should others want to join our community. How about you?

Jim Briles

Resident Burnt Store Marina

1150 Romano Key Circle

33955

*emphasis added by this writer

NOTE: Previous email reference above shown below:

September 8, 2008

Dear Mr. Noel:

Please don't permit the commercial development of our laid-back, relatively crime-free community with local color its primary draw and asset. We moved here after 30-years of working in downtown Chicago to reconnect with nature and to be among similarly minded people, many of whom earned their way to this peaceful place by surviving the turmoil and hassle of urban and corporate life.

I'm far from being alone when saying that the kind of changes Realmark proposes are not going to improve our lives, our property values or our cost of living. We want to continue to live peacefully without the noise, crime and costs that will surely accompany a hotel and expanded marina in our backyards.

The growth we cherish is the making of new relationships, the nurturing of long subordinated interests i.e. reading, painting, boating, golf and more, ***not*** the rise of towers, traffic, crime, and the resulting financial drain surely to occur as a result of the infrastructure development forced upon us to enhance the riches of primarily one person, a non-resident.

We want to remain the dominant voice shaping and protecting our very unique and rewarding community lifestyle. Don't deprive us and those to follow of our great American dream.

For the record, I am a retired capitalist. I founded a business and created jobs for nearly 30-years. I am a realist, not a romantic. I understand the tax needs and promise of increased revenue for the county through commercial development, but of all places one might consider Burnt Store Marina should, if ever,

9/22/2008

be among the last soiled by over-development. We are a slice of rural Florida that should remain symbolic of the good life promised and fulfilled by this great state.

PLEASE deny Realmark's request to force their concept of community upon we who chose this piece of heaven-on-earth over all other choices. Collectively, we are heavily invested in this community and stars are the "night lights" we most want to preserve. That and our beautiful sunsets unmarred by bright lights and tall buildings.

Your consideration is greatly appreciated.

Sincerely,

Jim & Donna Briles
Burnt Store Marina and Country Club
1150 Romano Key Circle
Punta Gorda, FL 33955 (Lee County)

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:26 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

From: Jack Orr [mailto:jackorrcc@comcast.net]
Sent: Friday, September 19, 2008 8:07 PM
To: Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village

Will Sout is a silver tongued devil. He has little or no interest in the best interests of Burnt Store Marina as evidenced by his repeated attempts to tear apart and redevelop our golf course and club house. I was thrown out of work by this man when he closed the restaurant two years ago. His only intent is to make as much money as he can with little or no concern for the community.

The only concept he has of a wonderful community is one with very high density so that he can maximize his profit. I implore you to non concur with his plans for high rise buildings and high density housing in a community which should currently be considered to be built out.

John C. Orr
3941 Cape Cole Blvd
Burnt Store Marina
Punta Gorda, FL 33955

9/22/2008

Hines, Lisa

From: Block, Alvin H.
Sent: Thursday, October 16, 2008 11:35 AM
To: Hines, Lisa
Subject: FW: CPA 2007-00054 Burnt Store Marina Village

Alvin Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Dist4, Hall
Sent: Thursday, October 16, 2008 11:34 AM
To: ecasteel@swbell.net
Cc: Block, Alvin H.
Subject: RE: CPA 2007-00054 Burnt Store Marina Village

Thank you for contacting our office.

From: Edward Casteel [<mailto:ecasteel@swbell.net>]
Sent: Thursday, October 16, 2008 11:24 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Judy Hegarty; Jacky Hill
Subject: CPA 2007-00054 Burnt Store Marina Village

To the Board of County Commissioners:

We are owners of a condominium located seven lots away from the proposed Hotel construction in Burnt Store Marina in Punta Gorda. We were alarmed to discover this past week through notices sent by our local homeowners association that a major high rise building was being considered for approval adjacent to our residential development. We were quite concerned that we had received no official notice that such a major change in zoning was being considered without any official notice being sent to us as adjacent homeowners.

We are **opposed** to the zoning change as proposed. We purchased our unit to live in a quiet residential environment near to access to boating and other Florida activities. This proposed development will completely change the environment of our neighborhood. By locating three 220 foot structures within blocks of our house the whole peaceful environment we contracted for in our original purchase will be violated. No plans for any buildings of such size were ever discussed or mentioned during negotiations with the developer to purchase our property.

If zoning changes to allow redevelopment is considered necessary and allowed, in no case should the high-rise buildings be allowed to exceed the existing height of the Grand Isle Towers.

Regards,

10/16/2008

Edward & Carole Casteel
17737 Courtside Landings Circle
Punta Gorda, FL

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 11:26 AM
To: Hines, Lisa
Subject: FW: CPA 2007-00054 Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Edward Casteel [mailto:ecasteel@swbell.net]
Sent: Thursday, October 16, 2008 11:24 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Judy Hegarty; Jacky Hill
Subject: CPA 2007-00054 Burnt Store Marina Village

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If zoning changes to allow redevelopment is considered necessary and allowed, in no case should the high-rise buildings be allowed to exceed the existing height of the Grand Isle Towers.

Regards,

Edward & Carole Casteel
17737 Courtside Landings Circle
Punta Gorda, FL

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:52 AM
To: Hines, Lisa
Subject: FW: Opposition to BSM Village Rezoning

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Jack Lowe [mailto:jack_lowe@yahoo.com]
Sent: Tuesday, October 07, 2008 11:54 AM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Opposition to BSM Village Rezoning

Mr. Bob Janes and Lee County Commissioners,

Regarding Realmark Burnt Store Marina Village rezoning request.

Ourselves and many neighbors are saddened at receiving the notice that Lee County Planning Agency (LPA) had approved Realmark's Burnt Store Marina (BSM) Village rezoning request.

Our sub-community of Courtside Landings (CSL) will probably be affected the most! Being directly across from the proposed development area, we will suffer from years and years of noise, dirt and traffic. The proposed three 220 foot buildings will be constructed immediately across from CSL. They will tower above our community, be visible from everywhere, and will cast a cast an afternoon shadow blocking the sunsets that we now enjoy.

Our property values have already been beaten by the economy! Approval of the Burnt Store Marina Village rezoning request will make our homes less desirable, harder to sell, and further erode property values.

Most CSL unit owners bought here to get away from high-rise buildings, over-development, and commercialization. Prospective buyers will turn-away when they discover Realmark's pending plans for the Marina property adjacent to CSL. The advent of near-by large scale construction and the flood of new units it will add to the market will negatively affect our property values and saleability.

It is unfortunate that LPA has the authority to rezone an area internal to an existing community so as to make it totally incompatible with the existing character of the community! It is my understanding that the existing zoning at

10/16/2008

BSM allows for 45 foot height restrictions.

I've read that LPA was initially opposed to Realmark's request. Their initial staff report recommended a maximum of 135 feet instead of 220 requested by Realmark. LPA also initially approved 145 hotel units but recommended 0 residential units instead of the 160 requested by Realmark.

What was actually approved by the last LPA meeting was EXACTLY what Realmark requested. It seems as if the concerns of the BSM community have not considered. LPA approved the originally proposed building height of 220 feet, 160 condo units, 145 hotel units, as well as 55,000 square feet of retail, and 15,000 square feet of office space. There are no need for hotel rooms, large-scale shopping and offices in an EXISTING private, gated residential community. Approval of a height restriction change from 45 to 220 feet shows nothing but consideration for big development. At what price to the existing residents comes this "progress"?

By altering the zoning of a portion of BSM, the entire community is affected. If the entire community is to be affected, then the entire community should be involved in the planning. This is not a decision that should be made LPA and hopefully this LPA decision will be opposed by County Commissioners!

Please help us...

Mike Lowe
17749 Courtside Landings Circle
Burnt Store Marina

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:52 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Re zoning

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: james rooney [mailto:rooms711@sbcglobal.net]
Sent: Tuesday, October 07, 2008 3:43 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: jackyhill@earthlink.net
Subject: Burnt Store Marina Re zoning

Dear Sirs & Ms.

In the near future you will be asked to vote on the rezoning for Burnt Store Marina. I respectfully ask that you consider the following.

1. We are a small community on Charlotte Harbor.
2. The Marina has been expanded already with more boat slips and storage. The extra dockage that was installed has led to more pollution in our boat harbor. There is no doubt of that. As you are probably aware, boating is and will be curtailed as the result of the high price of fuel. Our density is already too high.
3. Our tallest building on the waterfront is eight(8) stories. Building taller buildings would be "non-conformance" zoning. That would be very unwise.
4. Our sewer and water system is already stretched to the max. Of course a developer will tell you differently. Then he leaves and we suffer.
5. In today's terms, our community is a PUD and in the last zoning request for Realmark's "change" of zoning the judge wisely turned the request down. The rezoning should not be granted!
6. I need not tell all of you, but a developer will build to maximum density and then leave and Lee county is then stuck with the problems.
7. The roads and streets in Burnt Store Marina are privatized and we the residents have to pay for their maintenance. We would have to change this back to public roads if the zoning change is granted and Lee County will have to maintain the roads. Our infrastructure will have to be changed. We will have little use for the front security gate.
8. We are in an area which is away from a town so therefore, the demographics will not support his request for the rezoning. We already have better than 20% of our residential units up for sale now. Do you want more foreclosures?
9. We do not have a beach so what will attract all these new arrivals?
10. He would like to build on our golf course but in their wisdom, Lee County and their officials turned him down the time he requested that rezoning.

10/16/2008

11. Does Lee County need more foreclosure's of homes,villas and condos ? We are already one of the highest in the country with foreclosure's and homes for sale that are not being sold.

12. The developer has stated that the people of Burnt Store are for this rezoning. Well, some were but they were the real estate people who were on a roll with the selling of residents. Those days are gone for at least three to four years until we have sold the inventory of homes we currently have up for sale. I know that for a fact. He was also turned down for zoning changes in the Carolina's . Perhaps they were smart.

Sorry I am so verbal, but I urge you to deny the high density zoning request and hopefully it will stop for a while.

Sincerely,

James L. Rooney
544 Islamorada Blvd.
Punta Gorda, Fl. 33955

5.

Hines, Lisa

From: Dist5, Mann

Sent: Thursday, October 16, 2008 10:51 AM

To: Hines, Lisa

Subject: FW: CPA2007-54, Lee Plan Future Land Use Amendment, Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Bob & Lesley Ward [mailto:sv.grainne@gmail.com]

Sent: Wednesday, October 08, 2008 11:44 AM

To: Dist5, Mann

Subject: CPA2007-54, Lee Plan Future Land Use Amendment, Burnt Store Marina Village

Dear Commissioner Mann:

The initiative referenced above was submitted by Realmark Burnt Store Marina, LLC, to the Lee County Division of Planning in early August, presented to the Lee Planning Agency (LPA) on 22 September, and approved for transmittal during the September 29 meeting of the LPA. We attended both of these meetings and do not feel that the Lee County Planning Staff recommendations or public comments were considered in their (LPA's) decision.

As boat owners and residents of Burnt Store Marina (Courtside Landings Circle), we feel that the development of the marina area is overdue. However, we strongly oppose two portions of the proposed redevelopment plan: the maximum building height of 220 feet, and the construction of a large hotel.

a. The height of the "towers" was initially capped at 135 feet, which exceeds the current height approved for the development but is more compatible with the existing structures in Burnt Store Marina than Realmark's proposed height of 220 feet. After discussions with the developer and members of the LPA, the staff report was revised – and the height increased – to provide 50 feet of under-building parking. However, this staff recommendation was again overridden by Realmark and the LPA in favor of Realmark's requested height of 220 feet. Structures 220 feet high will not "fit" the height and architecture that currently exists in the Burnt Store Marina community. We feel that a more reasonable height limit, similar to existing building heights in Burnt Store Marina, should be applied to these and any future buildings in coastal Lee County.


b. The construction of a hotel in the middle of a largely residential community will introduce a large transient population that is not in keeping with the overall look and feel of a well-established community. When we purchased our home in Burnt Store Marina, we were drawn to the rural setting, beautiful golf course, and quiet neighborhood charm of the gated community. Other than some condo construction along Vincent Road, development of the community was complete when we purchased our home. It now seems that there will be substantial on-going development that does not, in our opinion, enhance the residential community.

When we were retiring we searched for – and were happily surprised to find in southwest Florida – a place where life

10/16/2008

isn't as hectic, traffic is reasonable, and time moves a little slower; things that are hard to find in other parts of Florida. If we had wanted the "Cape Harbour" lifestyle, we would have bypassed Burnt Store Marina and purchased a home in Cape Harbour. We need your support in keeping the beautiful community that is Burnt Store Marina.

Sincerely,

 by J. Ward Jr.

Lesley A. Ward

Copy furnished:

Commissioner Janes
Commissioner Bigelow
Commissioner Judah
Commissioner Hall

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:51 AM
To: Hines, Lisa
Subject: FW: Attached communication from Realmark

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: g_tenharmse@comcast.net [mailto:g_tenharmse@comcast.net]
Sent: Wednesday, October 08, 2008 12:01 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Attached communication from Realmark

Commissioners: Bob James, Brian Bigelow, Ray Judah, Tammara Hall and Frank Mann;

With the attached you see we have a campaign going on with Realmark. I'm not sure whether to be for it or against it, but have the following observations and comments:

1. In the letter Will Stout states that this "was embraced by the community as a whole". How does he come to this conclusion? Was it from a presentation he made, showing new buildings, streets, restaurants and the like and then the group present gave an applause? To my knowledge, since Realmark, without warning to the community, closed the golf course and made statements like, "we will plant trees there if we cannot build", there are many in the community that just to not TRUST the motives of Realmark. Never was there a "vote" held by the community to determine just how many were for or against Realmarks plans.

2. We see the Credit issues in the USA and worldwide. They are not going away quickly, most say credit will remain very tight. Which leads me to ask, even if you change as requested by Realmark, does Realmark have the ability to do what they are requesting? Maybe we should explore that question first, asking for a financial review for this development and other developments of Realmark. In the past 2 years are they continuing building at all their developments? Have they closed any? Do they have the capital and credit to make this happen? Could there be other motives? If they have the Credit to do what they say they are going to do, maybe we should get Will Stout up to Washington DC to tell congress how to solve the world issue.

3. When Realmark bought this area from WCI, they knew the zoning, the community was built to 95%+ under this zoning. Many like me, bought in Burntstore because we like the community the way it is. Could there be improvements, of course, but lets do them under the zoning that exist.

4. Lets have an open meeting with the community, versus the campaigning via letters and e-mails. Put the responsibility on Realmark and Will Stout to state what is it they want to do, and as important, what are they NOT going to do, with this requested change. Realmark needs to build TRUST, make them own that responsibility!

--

cell #616 836 1496

----- Forwarded Message: -----
From: Web Admin <vmgateway@daystar.net>
To: Gary Tenharmse <g_tenharmse@comcast.net>
Subject: Grande Isle Towers III & IV - Detailed Info - Realmark Plans
Date: Wed, 8 Oct 2008 13:48:46 +0000

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:51 AM
To: Hines, Lisa
Subject: FW: Re; CPA2007-54 Burnt Store marina
Attachments: Commissioner Bob Janes District 1 October 9.docx

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: jrosenblum [mailto:jrosenblum07@comcast.net]
Sent: Thursday, October 09, 2008 11:50 AM
To: Dist1, Janes
Cc: Dist5, Mann; Dist4, Hall; Dist3, Judah; Dist2, Bigelow
Subject: Re; CPA2007-54 Burnt Store marina

Lee County Commissioners,
I have sent you by attachment a letter regarding the proposed hearing scheduled for 10/22/08. I would hope you consider my comments in your decision making process.

Respectfully,
James Rosenblum

10/16/2008

RE: CPA2007-54 BURNT STORE MARINA

Dear Commissioner Janes,

I am again writing to you to urge you to vote against the above cited plan as submitted by Realmark. I believe the current plan forwarded to your office from the LPA is in serious need of further review and consideration. I wish to be clear that I am not opposed to a redevelopment plan that more closely adheres to the current composition and "feel" of Burnt Store Marina. However the plan as submitted is totally out of context with the current development and if implemented as submitted would impose everlasting hardships on the residents of Burnt Store Marina. I will attempt to address the various proposals and why they are either extreme in their scope or unnecessary for the betterment of this community and ultimately its residents.

Mr. Stout, in a letter to the community dated 9/17/08 asks for community support of his proposed development. He cites this development as helping to "revitalize" and "rejuvenate" the community. I would hope that you and your fellow Commissioners have or will have the opportunity to tour our community. This is a "Vital" community now. On any day, you will see people on bicycles, walking, running, riding golf carts and proud grandparents and children pushing strollers, walking dogs and just taking in the quiet, peaceful ambience of this community. We have dedicated walking paths on many of our roads and a beautiful walking path that extends around the whole marina, allowing unobstructed views of water, boats and manatees.

The "vitality" of the community can again be seen in our actions to preserve our golf course after it was abruptly closed by Realmark. Twice, the community has demonstrated its vitality by banding together and ultimately over 1100 unit owners voluntarily providing financial support to keep the golf course and activity center open and operating on a private basis. Since the closing by Realmark, golf memberships have almost doubled and the activity center has a vibrant program of community activities and a restaurant open to the public for breakfast and lunch and to members for various evening events. This is a true example of vitality.

As far as "rejuvenation" is concerned, you will see a community of well maintained homes and condos, well manicured lawns and plantings, maintained roads and common areas. The only areas needing rejuvenation are those properties owned by Realmark, including an unoccupied office and recreation building which is falling apart and has visible signs of mold and decay. There is also a dock master's office, a delicatessen and restaurant that is in need of rejuvenation. Mr. Stouts plan is to build 305 mixed hotel and condo units in high rise structures up to 220 feet in height. This is totally out of context to the present feel and character of our community and is totally in opposition to why I chose to live here. In exchange for this density, Realmark will build a new restaurant and stores and a "Town Center" approximating the size of two football fields with gazebos and such.

Allow me to address this plan. By Mr. Stouts own admission, the commercial entities are not self sustaining on their own and require a subsidy from the planned development. It seems to me that if they are not self sustaining there is not a substantial community need for their existence. I'm sure many residents including myself would welcome a full service restaurant on premises, but would be willing to forgo an ice cream shop, gift store and such.

As far as the "town center" is concerned, this seems to me a ruse for building "up" as opposed to out. My daughter lives in a large community near Tampa that has a town center and associated businesses. The demographics are even more conducive to a town center with families with children and residents of every age.

Yet on any day, this town center is underutilized and stores of every description closing their doors amid constant turnover of business occupants. Are we to sacrifice our character for supposedly "open spaces" that will not be utilized? It is evident that Realmarks plan for this town center is for commercial use, i.e. weddings, private parties etc. All this at the sacrifice of the current resident's tranquility and enjoyment.

Let me address the plans for the two state of the art boat houses at 110 ft tall. I believe Mr. Stout has said that these will cost 30-35 million apiece. What does this capital expenditure mean to boat owners as far as storing their boats? I can foresee the cost of storage quickly escalating far above the available means of the residents. What happens if they build it and they don't come? This is not Ft Lauderdale with large yachts and deep water. There is simply not the market for inside storage for 50 ft yachts. If this venture fails, this community is left with closed entities that will have a detrimental effect on our property values and quality of life.

I am convinced this plan is mostly conceived for the benefit of the developer and would be detrimental to the quality of life and enjoyment of this community by its residents. I urge you and you fellow Commissioners to recommend to Realmark that they come up with a revised plan that decreases the residential density, lowers the heights to current structures and revise the need for large boat storage buildings that really addresses the current and future demographics.

Sincerely,

James Rosenblum

Hibiscus Cove, Burnt Store Marina

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: CPA 2007-00054 "Burnt Store Marina Village"

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: almar951@comcast.net [mailto:almar951@comcast.net]
Sent: Saturday, October 11, 2008 11:02 AM
To: Dist5, Mann
Cc: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall
Subject: CPA 2007-00054 "Burnt Store Marina Village"

Att: Frank Mann - Lee Co Comm
Att: Bob Janes - Lee Co Comm
Att: Brian Bigelow - Lee Co Comm
Att: Ray Judah - Lee Co Comm
Att: Tammy Hall - Lee Co Comm

Subject proposed development project by ReaklMark Development - CPA 2007-00054, if considered as currently presented, should raise some very serious concerns, not only by immediate area residents/property owners to parts of this proposed project, but to those in Govt. concerned with public safety.

Consider the following:

"Hi-Lift" Dry Boat Storage Buildings - (11) eleven stories high? Capacity (450) boats
Location - immediately next to low rise, ground floor residential housing units. FACT - EACH STORED BOAT= 50+/- GALLONS OF GASOLINE X 450 BOATS = 22,500 +/- GALLONS OF GASOLINE POSSIBLE IN THIS "Hi-Lift"/high rise building in fiberglass boats (anyone ever see a fiberglass boat burn?) and people are living next to and below much of this "HAZARD". This building will not even have horizontal fire barriers as a typical vehicle storage/garage facility has to help contain a fire on one level from moving up/down. COMMON SENSE SAYS THESE "HI LIFT" /HI RISE BOAT STORAGE BUILDINGS SHOULD NOT BE LOCATED ANYWHERE NEAR LOW RISE/GROUND LEVEL HOUSING UNITS WHERE THE "HAZARD" OF THE STORED GASOLINE/FIRE DANGER THAT'S INHERENT IN THESE BUILDINGS , COULD THREATEN RESIDENT PROPERTY OR LIFE. Require that these boat storage buildings be placed away from the existing SOUTH SHORE and MARINA INN ground floor/low rise housing units and placed nearer the other new buildings where no residential housing is involved at the lower levels and buildings can be designed to take into account the inherent "Hazard" of large quantities of gasoline in the adjacent buildings.

Increased Population Density vs Evacuation Issues - The first recommendation by the Planning Group apparently recognized the potential limitations of the current Burnt Store Road evacuation route because they did not approve of the request for (160) residential units unless the developer (RealMark) incorporated a suitable CAT 5 hurricane shelter with Red Cross support as a part of the proposed structures. This thinking confirmed many Burnt Store Marina residents ;thinking that in an emergency evacuation , the Burnt Store Road route is highly suspect of being "inadequate". Was this original finding wrong? Is the CAT 5 shelter requirement still a condition of approval of the added (160) residential units? Or rather was it decided by others that the added (625 +/-) residents (at any given time) wouldn't make the Burnt Store Road evacuation route any worse than it already is?

10/16/2008

Please keep in mind.....as residents of Lee County we elect officials to not only do the tasks of day to day government, but also to act in our best interests in matters such as keeping us safe in our homes and as much as possible, against perils that we as individuals have little or no control over.

As you review CPA 2007-00054, we ask that you act in the best interest of our residents and not compromise the quality of life they expect as property owners and residents of Burnt Store Marina.

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: CPA 2007-00054 "Burnt Store Marina Village"

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: almar951@comcast.net [mailto:almar951@comcast.net]
Sent: Sunday, October 12, 2008 1:17 PM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA 2007-00054 "Burnt Store Marina Village"

Att: Bob Janes - Lee Co Comm
Att: Brian Bigelow - Lee Co Comm
Att: Ray Judah - Lee Co Comm
Tammy Hall - Lee Co Comm
Frank Mann - Lee Co Comm

The subject development project by RealMark Development if considered as currently presented, should raise some very serious concerns, not only by immediate area residents/property owners to parts of this proposed project, but to people in the Burnt Store Community at large.

Consider the following: "Hi-Lift" (11 stories ?) boat dry storage buildings located next to/ close to ground level, low rise, residential housing units in South Shore Condos & Marina Inn Condos. With an estimated 22,500 +/- gallons of gasoline (450 boats x 50 +/- gal of gas/boat) in that high rise building without even horizontal fire breaks between levels, located right next to resident housing, presents an unwarranted hazard to those existing condo residents. These boat storage buildings need to be located further away from the existing condo units and nearer the new buildings where the lower levels will be parking and not housing. Note: at 22,500 gal/gas/building, there's enough gasoline stored in that building to cover 36,093 sq ft of the building and surrounding area with 1" of gasoline, God forbid!

CAT 5 Hurricane Shelter.....the initial planning review recommendation called for a CAT 5, Red Cross supported storm shelter to be incorporated into the building plans if RealMark wanted to add the requested residential units to the project. What has happened to this requirement now that it appears that 160 residential units are approved? Has the reason for the CAT 5 shelter gone away? Does allowing a potential 600+ additional residents/guests to the BSM population make the limitations of the Burnt Store Road evacuation route any less? Acting in the best interests of your residents/voters would seem to favor keeping the CAT 5 shelter requirement in place as you propose to put existing BSM residents in potential peril by considering approving an additional 600+ persons to the evacuation.

We look to our elected officials to make not only good economic decisions for our communities, but also wise decisions that protect the existing property owners interests. Burnt Store Marina Village can be a good addition to the BSM Marina area, but make sure it's done so that the existing 1900+ property owners rights and well being is protected and not just an exercise on "how much can we get out of this piece of land we have".

Thanks for acting on our behalf.

A Burnt Store resident and Property Owner in BSM

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: NO to Realmark request for further development of Burnt Store Marina PLEASE

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Jim Briles [mailto:jbriles@comcast.net]
Sent: Sunday, October 12, 2008 5:12 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: NO to Realmark request for further development of Burnt Store Marina PLEASE

October 12, 2008

Dear Commissioners Bob Janes, Brian Bigelow, Ray Judah, Tammara Hall and Frank Mann:

The letters below were recently sent to LPA members and represent my position as a resident of Burnt Store Marina. Your consideration also of these requests is greatly appreciated. Please don't permit our community to be destroyed by changes that will benefit few and potentially negatively impact the property values of most. Thank you.

Opposed to CPA2007-00054, Burnt Store Marina Village September 19, 2008
Dear Mr. Noble:

Your consideration of my opposition to Realmark Burnt Store Marina, LLC's request for a zoning variance permitting the construction of a hotel, among other intrusive commercial structures in our nearly pristine laidback community, is greatly appreciated. Some days ago I sent an email to your address regarding this subject. Since I didn't receive acknowledgement (or I overlooked it), I have attached a copy to the bottom of this one hoping that, if not read, it will be and, thus, further serve to reinforce my opposition.

Previously, Mr. Stout said publicly that we are not a community, because we lack a downtown area. There are few, if any, that would agree with such an arrogant declaration. Burnt Store Marina is as much a community as the area in which Mr. Stout resides. In a mansion, by the way, that has an unencumbered view of a beautiful slice of Florida. A view once enjoyed by many of lesser means. Many of whom reside adjacent to Mr. Stout's Cape Harbour development and, consequently, no longer enjoy sunsets while sitting on their lanais. Nor has that troubled development enhanced their property values or resale prospects.

As you no doubt know, Realmark earlier asked for a zoning variance so they could construct condominiums on what was and remains a golf course bordering many of our backyards. Fortunately, in mass, property owners opposed that request appealing to the county for consideration and proving beyond doubt that we are a community bound by common interests.

Thankfully, that request was denied. The community prevailed or so it seemed.

Shortly thereafter Mr. Stout slapped our hands and tapped our pocketbooks by in essence declaring that we would all go to hell for standing in his way. He vowed to let the golf course go to weeds unless we leased and paid Realmark for its maintenance, which, ultimately, we did. We had little choice. I for one would have adjusted to the weeds but chose instead to join in support of my neighbors' preference not to risk further

10/16/2008

erosion of property values.

Mr. Stout wrote this day, 9/19/2008, "...We are seeking the support of the community to move this along through this preliminary stage so we then have a chance to work with the residents to fashion a planned development that helps revitalize and rejuvenate the community. **As many of you know, there is a very vocal minority of residents opposed to any development, though they profess otherwise. It is the voice of these opponents that is being heard by the powers that be thus far.**" *

As is evident in national as well as local politics, the silent majority often leaves it to a trusted minority to represent their interests. I'm such a representative voice. And the issue for the community of Burnt Store Marina is about conservation and preservation of a country lifestyle enriched by nature's beauty. Further, it is about managing our resources and infrastructure to serve our interests and not those of outsiders bent on raping the land for money above and beyond conscience.

We already have enough tall buildings, traffic, and infrastructure concerns without seeing our privately owned streets pulverized by truck traffic, our homes covered with dust, our security concerns heightened, and all the many other negatives that accompany forced urbanization.

In summary, we aren't opposed to development. **We are opposed to over development.** For us this is paradise...quiet, serene, beautiful starry nights, wonderfully sunlit mornings, great sunsets, and friendly laid-back people enjoying the promise Florida held out when we chose to move to this quite community. And there exists already plenty of houses for sale should others want to join our community. How about you?

Jim Briles
Resident Burnt Store Marina
1150 Romano Key Circle
33955

*emphasis added by this writer

NOTE: Previous email reference above shown below:

September 8, 2008

Dear Mr. Nobel:

Please don't permit the commercial development of our laid-back, relatively crime-free community with local color its primary draw and asset. We moved here after 30-years of working in downtown Chicago to reconnect with nature and to be among similarly minded people, many of whom earned their way to this peaceful place by surviving the turmoil and hassle of urban and corporate life.

I'm far from being alone when saying that the kind of changes Realmark proposes are not going to improve our lives, our property values or our cost of living. We want to continue to live peacefully without the noise, crime and costs that will surely accompany a hotel and expanded marina in our backyards.

The growth we cherish is the making of new relationships, the nurturing of long subordinated interests i.e. reading, painting, boating, golf and more, not the rise of towers, traffic, crime, and the resulting financial drain surely to occur as a result of the infrastructure development forced upon us to enhance the riches of primarily one person, a non-resident.

We want to remain the dominant voice shaping and protecting our very unique and rewarding community lifestyle. Don't deprive us and those to follow of our great American dream.

For the record, I am a retired capitalist. I founded a business and created jobs for nearly 30-years.

I'm a realist, not a romantic. I understand the tax needs and promise of increased revenue for the county through commercial development, but of all places one might consider Burnt Store Marina should, if ever, among the last soiled by over-development. We are a slice of rural Florida that should remain symbolic of the good life promised and fulfilled by this great state.

10/16/2008

PLEASE deny Realmark's request to force their concept of community upon we who chose this piece of heaven-on-earth over all other choices. Collectively, we are heavily invested in this community and stars are the "night lights" we most want to preserve. That and our beautiful sunsets unmarred by bright lights and tall buildings.

Your consideration is greatly appreciated.

Sincerely,

Jim Briles

Port Store Marina and Country Club

1150 Romano Key Circle

Punta Gorda, FL 33955 (Lee County)

Hines, Lisa

From: Dist5, Mann

Sent: Thursday, October 16, 2008 10:49 AM

To: Hines, Lisa

Subject: FW: CPA2007-54, Lee Plan Future Land Use Amendment, Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Steven Schaab [mailto:sfschaab@sbcglobal.net]

Sent: Tuesday, October 14, 2008 1:12 PM

To: Dist1, Janes

Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann

Subject: CPA2007-54, Lee Plan Future Land Use Amendment, Burnt Store Marina Village

Dear Commissioner Janes:

I'll be brief. I have been a resident of Burnt Store Marina (Cobia Cay Villas), a boat-owner and a year-round wet slip renter for seven years. I strongly oppose two portions of the proposed redevelopment plan:

- The maximum building height of 220 feet is unacceptable. I feel that a more reasonable height limit, similar to existing building heights in Burnt Store Marina, should be applied to these and any future buildings in coastal Lee County.
- The construction of a hotel in the middle of a largely residential community will introduce a large transient population that is not in keeping with the overall look and feel of a well-established community. Burnt Store Marina, unlike Cape Harbour, was never planned to accommodate such a large facility.

I appreciate your consideration of my comments.

Sincerely,

Steven F. Schaab

Copies also to:

Commissioner Bigelow

Commissioner Judah

Commissioner Hall

Commissioner Mann

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Realmark Village development

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Robert Burnett [mailto:rburnett70@embarqmail.com]
Sent: Tuesday, October 14, 2008 3:49 PM
To: Dist5, Mann
Subject: Realmark Village development

Letter to Commissioner Frank Mann

Frank Mann
County Commissioner District No. 5

October 14, 2008

RE: CPA2007-00054--REALMARK BURNT STORE MARINA

My name is Robert Burnett and my wife and I are full-time residents of Courtside Landings Circle in Burnt Store Marina. Courtside Landings is a group of 70 single family residences in Burnt Store Marina that is directly across the street from the proposed Realmark Marina Village Development.

We would like to go on record as opposing the Realmark comprehensive development as presently proposed. We have issues with the height of the proposed buildings as well as with the density of the development—not the development itself.

We chose to be in a gated residential community that offered a safe, tranquil environment where we were exempt from excessive traffic, noise and congestion associated with commercial activities.

The idea that a developer would be permitted to build high rise commercial buildings in the middle of our established residential community is incomprehensible.

The prospect of going out our front door or relaxing on our lanai and staring directly at 220 foot high rise hotel and condo buildings is totally unacceptable from a privacy standpoint..

The roads that we own and pay to maintain were not designed to support this level of proposed commercial activity. You can not have a development of this magnitude and density without significantly increasing traffic and congestion. There will be a constant stream of service vehicles on our residential streets with all the attendant noise and pollution as well as a potential danger to our residents.

The proposed Marina Village Development as proposed has no place in the center of an established, gated residential development. The density of the proposed Marina Village development needs to be substantially reduced and the heights of the proposed buildings restricted to the levels that are consistent with the eight story existing residential buildings at Burnt Store.

This is not a Cape Harbor situation where the commercial buildings are located off a major Cape Coral street and the residences are located off in a separate gated area. This proposed Development is in the heart of our gated community.

We are counting on the Lee County Commissioners to protect existing residents and voters from excessive development and restrict the heights of the proposed buildings as well as limit the density of project to be consistent with the land available for the proposed Marina Village.

I ask that you control this proposed development so it is an asset to our

10/16/2008

Community and not a complete disruption of our privacy and lifestyle.

Sincerely,

Robert Burnett



10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: CPA2007-54 Burnt Store Marina
Attachments: realmark cpa2007-54 opposition letter 101308.doc

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Dale Hitchcock [mailto:hitchdale@yahoo.com]
Sent: Tuesday, October 14, 2008 9:06 PM
To: Dist2, Bigelow; Dist4, Hall; Dist1, Janes; Dist3, Judah; Dist5, Mann
Subject: CPA2007-54 Burnt Store Marina

Attached please find my statement in opposition to the radical changes proposed for Burnt Store Marina that I mailed to you today.

I sincerely hope that you will protect existing property owners by denying these proposals.

Sincerely,

Dale Hitchcock
17755 Courtside Landings Circle

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: bonnievanoosterhout [mailto:bonnievanoosterhout@gmail.com]
Sent: Tuesday, October 14, 2008 5:20 PM
To: Dist5, Mann
Subject: Burnt Store Marina

10/13/2008

Commissioner Bob Janes District 1

RE: CPA2007-54 BURNT STORE MARINA

Dear Commissioner Janes,

October 22, 2008, this issue will be before you and your fellow commissioners. I urge you to deny Realmark the opportunity to have the Comprehensive Plan changed.

As you know, this community has been on the Lee County books since the mid seventies. We have had a number of developers over the years; Mr. Stout is just another added to the list.

The plans presented to you and other agencies are so over the top for a gated community such as Burnt Store Marina. This is a rural area of Lee County and more than likely will remain as such for decades to come. Lee County DOES NOT have the services available to service this area. Fire, police, EMS, environmental, water; Burnt Store Road, etc. just to mention a few of the serious concerns that should be considered by the Commissioners. There are also serious concerns for the infrastructure of Burnt Store Marina.

With the national economy in the state that it is, I suggest this is not the time to push a change through for projects that will take a minimum of 20 years, according to Mr. Stout, to complete. I ask a simple question: have you ever seen such a long range projected project come to completion by the original developer?

Mr. Stout, in my opinion, wants this Comprehensive Plan changed so he can market his assets to other developers. As it stands, he has had potential buyers walk away from his potential project because of the restrictions.

The beauty of this place has always been the limited amount of traffic. Putting in huge towers, more condos, hotel rooms will not increase usage as Mr. Stout has touted in his presentations. This is the wrong place for that type of project. There are no beaches here to attract the public and the history shows, folks will not make the trip to dine or support the type of shopping Mr. Stout wants. This is not Cape Coral, Ft. Myers or Sanibel, it never will be.

Please consider tabling this entire project for now. A feasibility study should be required for such a comprehensive change in the existing community. Letters from agencies are not considered adequate for the size and length of such a project. These particular plans have been turned down by the powers in New Bern, NC and another community in Georgia.

10/16/2008

As our elected officials, we look to you to protect our residents and look at all issues that will be impacted from this project.

Empty condos, failing retail businesses and hundreds of for sale signs on properties will not help Lee County tax revenues.

Thank you for your consideration.

Sincerely,

Mary E. (Bonnie) Van Oosterhout

5071 Cape Cole Blvd.

Burnt Store Marina

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:48 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Joe Maguire [mailto:maguirejoe@comcast.net]
Sent: Tuesday, October 14, 2008 9:23 PM
To: Dist5, Mann
Subject: Burnt Store Marina

Dear Commissioner:

Realmarks plans for further development at BSM is not to benefit the community, but to benefit Realmark in the form of profits! We have a wonderful, active community, with private homes, condos of many sizes, and villas. We really don't need or want a HOTEL, towering condo's so much higher then now allowed, boat storage facilities for an already crowded dry storage area.

What benefit is that to, us the residents? It will do nothing more than raise our rates for the marina and make us more crowded than we already are.

How about our great evacuation route, BURNT STORE ROAD. Can you imagine if we ever had an emergency where we at BSM had to evacuate? It would be a massive traffic jam.

Please think of us, the residents and current tax payers, and our concerns. Believe me when I say we do not need more "flippers" and investors in our community, and as far as I know there is no one looking for HOTEL ROOMS in BSM. All we have to do to see the result of uncontrolled growth is look at the communities around us. If we must develop why not stick to the current density and height requirements on new construction. I have no problem with that.

Please help us save our community.

Joe & Judy Maguire
4021 Cobia Estates Dr.
Punta Gorda, FL 33955
941-661-8656

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:48 AM
To: Hines, Lisa
Subject: FW: CPA 2007-00054 / Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: . Hollworth [mailto:wrjh2@msn.com]
Sent: Wednesday, October 15, 2008 3:20 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA 2007-00054 / Burnt Store Marina Village

October 15, 2008

Commissioner Bob Janes / District 1 and Commissioners copied below

Dear Lee County Commissioners:

It has come to my attention that a public hearing is scheduled for October 22 that will address a Comprehensive Plan Amendment sought by Realmark Development for property located within the Burnt Store Marina community. As a homeowner at BSM I am writing to express my strong opposition to the changes sought by Realmark and respectfully ask for your support in rejecting those changes. If approved, the changes would permit construction of buildings that are excessive in height and size and inappropriate for our shore front community. My opposition to the Realmark plan as presented is based on the following:

1. The requested amendment would permit the construction of buildings much higher than those permitted when I purchased my home and when Realmark purchased the the commercial marina property. Homeowners should have the right to expect that the marina property would be developed within the requirements of the overall community plan in place when they purchased their homes. The 220-foot high buildings sought by Realmark and the excessive population density that would accompany them are too much for an existing owner-occupied community such as BSM. To protect our community and homes I ask that you require Realmark to limit the height of new buildings to the eight story maximum that currently exists at BSM.
2. BSM is today a mature community in that almost all of the living units originally contemplated for our community have already been built. (When former developer WCI left BSM they acknowledged this fact). BSM is now and has always been primarily an owner occupied residential community with a low percentage of rental properties. Construction of the requested huge condo / hotel buildings would push BSM towards becoming much more of a transient rental community. My community of Courtside Landings (70 single family homes) is located directly across the street from the marina property and I object to the construction of the proposed oversized condo/hotels that would be mainly occupied by transient short-term visitors rather than full time owners.
3. The Burnt Store Marina community and the commercial marina property is located directly on the shores of Charlotte Harbor. This means, of course, that the marina property is in a very environmentally sensitive area that must be protected from over development such as proposed by Realmark. Already the water quality in the marina itself is very poor would be made much worse by the construction and use of the proposed huge condo/hotels of up to 220-foot height. The number of living units that would be allowed in such large buildings would produce a living area around the marina that is unsafe and unhealthy for boaters, visitors, and residents.
4. The roads and utilities at BSM and near the marina are already at full capacity or over capacity use and would be brought to the breaking point by the construction and occupation of these too tall buildings. Near the marina property the roads are narrow and contain sharp curves so they can't safely handle the increased traffic and construction vehicles. Our drinking water system at BSM experiences many water main breaks a year indicating

10/16/2008

it is overly used and lacks capacity. Likewise, the irrigation water system is poorly constructed and managed and cannot be expected to add more acreage.

For all of the reasons mentioned above I believe I join many neighbors in opposing the changes sought by Realmark Development. The extent of community opposition to at least the 220-foot tall buildings is likely much greater than it may first appear. Realmark has taken actions at BSM designed to stifle opposition to its building plans including canceling the boat slip contract of a resident that headed an opposition group. Please keep these actions in mind as you judge the depth of opposition to Realmark's plans. It is also true that several of those voice strongest support for Realmark have a financial interest because they engage in real estate sales or are employed by Realmark.

Respectfully, I ask for your support in opposing the changes sought by Realmark. Please reject those changes and protect our community as well as the Charlotte Harbor environment. Perhaps you are aware that Realmark proposed a similar excessive development for short front property in New Bern, North Carolina. Public officials and zoning professionals there rejected Realmark's plans and saved that community from Realmark's over development. It is my hope and request that you save Burnt Store Marina from this excessive development. Please ask Realmark to scale back its plans for 220-foot buildings and require them to build only to the maximum height of eight stories now permitted on the property.

Sincerely,

Raymond J. Hollworth
17779 Courtside Landings Circle (Burnt Store Marina)
Punta Gorda, FL 33955

cc: Commissioners Brian Bigelow, Ray Judah, Tammara Hall, Frank Mann

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:48 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054, Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: David Higley [mailto:dohigley@hotmail.com]
Sent: Wednesday, October 15, 2008 5:51 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA2007-00054, Burnt Store Marina Village

October 15, 2008

Dear Commissioners Janes, Bigelow, Judah, Hall and Mann

I am writing to you to express my opinion regarding Realmark's request for comprehensive plan amendment, CPA2007-00054, Burnt Store Marina Village.

While not at all opposed to Mr. Stouts developing land he owns in Burnt Store Marina, I am very opposed to the CPA as it presently stands. The amendment requests a maximum height of 220 feet. This is well over twice the height of the closest high rise buildings, Grande Isle Towers and Vista Del Sol and is totally inconsistent with what any of us even imagined when we decided to move to Burnt Store Marina. In my opinion it would simply destroy the "feel" of the development we bought into over the years and now call home. When one considers the added number of "front doors" this provides for compared to those already there it seems a relative few will benefit from what is sure to be wrenching changes for many.

As far as the other uses envisioned in the CPA, I believe that the market-place will have a large hand in what finally happens. Certainly an appropriate retail "Village", restaurant, enlarged dry storage facilities, and a hotel may well fit into an appropriate business plan, and given a height restriction that would allow these uses without destroying the reason so many residents are already there, I would support them all.

Finally, I would like to address the suggested completion date of 2030. While there is sure to be a significant turnover in the existing ownership by that date, it does occur to me that the new restrictions requested in CPA2007-00054, Burnt Store Marina Village, may be more about making the property more valuable for some future developer than what specifically will happens in the intermediate term. It must be a huge responsibility and a terrific task to look out that far when asked to approve such dramatic changes to something that frankly is quite satisfactory to so many. That said, I urge you to consider the impact of such a sweeping change on the present owners as well as those that might come in a future that at this writing is none to clear.

David O. Higley
3368C Sunset Key Circle
Punta Gorda, FL 33955
941-637-9424
dohigley@hotmail.com

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Friday, October 17, 2008 9:17 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Ramvoice3@aol.com [mailto:Ramvoice3@aol.com]
Sent: Friday, October 17, 2008 9:15 AM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; sdist4@leegov.com; Dist5, Mann
Subject: Burnt Store Marina Village

To Lee County Commissioners: Bob Janes
Brian Bigelow
Ray Judah
Tamara Hall
Frank Mann

As residents of Grande Isle II (#307) at 3321 Sunset Key Circle in Burnt Store Marina, we would like to note that we wholeheartedly support Realmark's efforts to bring new development to the Marina area. We respectfully request that the Commissioners approve and transmit the proposed Amendment to the Comprehensive Plan to the State of Florida for review and approval.

Realmark's efforts will not only benefit our Community, but it will bring jobs and additional commerce into the Lee County area.

Sincerely,

Robert and Elaine Richmond
941-575-7112
ramvoice3@aol.com

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)

10/17/2008

Hines, Lisa

From: Dist5, Mann
Sent: Friday, October 17, 2008 11:10 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054 Realmark Burnt Store Marina, LLC
Attachments: Letter TAL to Commissioner Bob Janes Lee Co.pdf

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: TALoredo [mailto:taloredo@aol.com]
Sent: Friday, October 17, 2008 11:09 AM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA2007-00054 Realmark Burnt Store Marina, LLC

Please find attached my comments in **opposition** to the Marina Village Project.

October 17, 2008

Commissioner Bob Janes – District 1
Lee County Board of Commissioners
Copy: Judah, Bigelow, Hall and Mann
CPA2007-54, Realmark Burnt Store Marina, LLC

I will not be able to personally attend the October 22 hearing because I am having Eye surgery on Oct 20, but I want to voice my opposition to the Comprehensive Plan Amendment 2007-00054 for the Burnt Store Marina Village.

I believe the Lee County Planning Agency did a very poor job by unconditionally approving 100% of Realmark requests contradicting the many Staff Review concerns and recommendations following their thorough review dated September 12, 2008 and the many letters and concerned statements given by Burnt Store Marina residents during the hearing! 2 LPA Members left before the residents had a chance to speak!

In addition, on the second LPA meeting of Sept 29, Noel Andress ruled to approve the remaining 2 issues being questioned by unilaterally proposing the 220 ft bldg (Staff recommended 135 ft, discussions had raised it to 185 ft) and 1,325 wet and dry slips and immediately calling for the final vote. I understand the vote was 3 to 1 (8 LPA Members)

We oppose the proposed Realmark Burnt Store Marina Village concept because of the following:

- We believe that the construction of hotels, offices, large retail complex and more boat storage, around the marina will be detrimental to our Burnt Store Community, which was not planned for such a high density and does not have the road capacity to handle high-volume traffic. Unlike Realmark's development at Cape Harbor, there is no separation at Burnt Store between the residential and the commercial areas: residents take walks, several times a day on the same single, curving streets that the increased number of cars, bicycles and golf carts use. This indeed will increase the potential for serious accidents.
- Another factor is that noise reverberates around the marina: music now at the small restaurant ends at a reasonable hour and only occurs two or three nights a week. The larger groups and events which might

10/17/2008

be attracted to the condo hotels would ruin the living experience for hundreds of residents around the marina.

- Realmark will be adding a "Downtown" in an area which requires 1.3 miles of travel thru our private funded roads in order to reach the highway and unlimited access to anyone thru our gates which will destroy the "gated community" concept we now have. The so called contractor gate is still a winding road and the last 0.4 miles there is only one road to access the marina, which is the road we live on.
- The proposed computerized; "state of the art" high rise boat storage facility will be extremely costly. Boat owners just want a place to store a boat they probably use once or twice a month at a reasonable price. Realmark has already lost many customers (including myself) by increasing dock and dry storage prices to the point that there are in excess of 100 slips empty, and even the dry storage has immediate storage space available where 3 years there was a long waiting list. We the local Lee County residents want to keep our costs down as long as possible and Realmark proposal will increase prices.
- The entire project has a high potential for under usage and possible failure. Mr. Stout closed our Golf course when he felt he was not making enough money. We do not want another project that he may do the same.
- The increase in boat traffic will almost certainly be the end of the manatee population that now uses the South Basin as home. Daily you can now see manatees in the area where the second boat house is planned to be built. We strongly disagree with the Lee County Division of Natural Resources finding since all they did was review the applicant's paperwork. We live here and I can see a direct collision path between manatees and boats leaving and returning from the new dry storage building.

We ask that this Transmittal Proposal be denied. I understand that you are a proven leader that believes in putting family and community before politics and greed. I hope you will understand our issues and concerns about keeping our nice quiet community just like it is. Burnt Store Marina is now some 30 years old (Commodore Club was built in 1978-1979) More than 1900 families bought our properties with the faith of the basic character of the community and the lifestyle this fosters would be preserved.

Realmark has a right to build his concept of a "Downtown" with tall buildings, shops, malls etc, if he wants where, but he does not have the right to squeeze his downtown in the middle of our well established residential community.

Thank you very much.



Tomas A. Loredó

Tomas A. and Catherine M. Loreda

**3 Pirates Lane, #31A
Punta Gorda, FL 33955**

October 17, 2008

Commissioner Bob Janes – District 1
Lee County Board of Commissioners
Copy: Judah, Bigelow, Hall and Mann
CPA2007-54, Realmark Burnt Store Marina, LLC

I will not be able to personally attend the October 22 hearing because I am having Eye surgery on Oct 20, but I want to voice my opposition to the Comprehensive Plan Amendment 2007-00054 for the Burnt Store Marina Village.

I believe the Lee County Planning Agency did a very poor job by unconditionally approving 100% of Realmark requests contradicting the many Staff Review concerns and recommendations following their thorough review dated September 12, 2008 and the many letters and concerned statements given by Burnt Store Marina residents during the hearing! 2 LPA Members left before the residents had a chance to speak!

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- Realmark will be adding a "Downtown" in an area which requires 1.3 miles of travel thru our private funded roads in order to reach the highway and unlimited access to anyone thru our gates which will destroy the "gated community"

concept we now have. The so called contractor gate is still a winding road and the last 0.4 miles there is only one road to access the marina, which is the road we live on.

- The proposed computerized; "state of the art" high rise boat storage facility will be extremely costly. Boat owners just want a place to store a boat they probably use once or twice a month at a reasonable price. Realmark has already lost many customers (including myself) by increasing dock and dry storage prices to the point that there are in excess of 100 slips empty, and even the dry storage has immediate storage space available where 3 years there was a long waiting list. We the local Lee County residents want to keep our costs down as long as possible and Realmark proposal will increase prices.
- The entire project has a high potential for under usage and possible failure. Mr. Stout closed our Golf course when he felt he was not making enough money. We do not want another project that he may do the same.
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Realmark has a right to build his concept of a "Downtown" with tall buildings, shops, malls etc, if he wants elsewhere, but he does not have the right to squeeze his downtown in the middle of our well established residential community.

Thank you very much.



Tomas A. Lored

October 13, 2008

Commissioner Bob Janes District 1

Re: CPA2007-54 Burnt Store Marina

Dear Commissioner Janes,

In 2004, we purchased our dream home in the Burnt Store Marina's Courtside Landings Circle. It had everything that we were looking for including quick access to the water, a convenient golf course, walking and bicycling paths, beautifully manicured surroundings, great neighborhoods, and a tranquility that emphasized the simple things in life. Although miles from shopping, it was worth it to preserve this peaceful environment.

The changes Realmark is proposing will completely upset these attributes, both during the building process and after completion. Can you imagine multiple high rises up to 220 feet tall in your backyard? Our house, along with 70 others in Courtside, is a single family dwelling adjacent to the area of development. These buildings will be over twice as tall as anything in the marina! Talk about a huge shadow!

What Realmark is proposing to build will radically change the "feel" of our community and destroy the attributes that drew us to the marina in the first place. What are we to do if the project proceeds? We cannot sell our property in this market. The last thing we need is more vacant and unsold properties that the project will create!

Also think of the impact on the environment. The marina and surrounding Charlotte Harbor waters are already taxed to the limit. Our drinking and irrigation waters are marginal at best. Burnt Store Marina is a mature development with nearly all units constructed according to the plan of development. The so called "Marina Village" plan by Realmark is way over the top of what can be environmentally absorbed.

Radical changes like this should not be allowed in established communities. It is only appropriate as a new development so that people's lives are not turned upside down. (It is curious to note that Realmark tried to develop a similar project in New Bern, NC last year that was soundly rejected at all levels in November).

Fancy presentations can mislead folks into thinking that it is for the betterment of the community. I personally have yet to meet a neighbor that favors the proposal. Does it make sense to poll the community for acceptance? If not, who is going to protect the little guy? It is respectfully requested that you deny the cited plan to prevent our "paradise" from being "lost".

Sincerely,


Dale Hitchcock

cc: Commissioner Brian Bigelow District 2
Commissioner Ray Judah District 3
Commissioner Tammara "Tammy" Hall District 4
✓ Commissioner Frank Mann District 5

RECEIVED

OCT 16 2008

COMMISSIONER
FRANK MANN

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:15 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054-REALMARK BURNT STORE MARINA

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Richard Farb [mailto:rbfarb@gmail.com]
Sent: Monday, October 20, 2008 12:12 AM
To: Dist5, Mann
Subject: CPA2007-00054-REALMARK BURNT STORE MARINA

RE: CPA2007-00054--REALMARK BURNT STORE MARINA

Dear Mr. Frank Mann,

My wife, Pam and I live in Courtside Landings, Burnt Store Marina. We are literally a stones throw away from Wil Stout's proposed buildings. We don't like the idea of a 20 story building erected across the street from us. We will lose our privacy. Not only will the buildings block our view of sailboats (a bad thing), but also the people in these buildings will be able to look into our Lanai and our bedroom if we don't always keep the shades drawn (a really bad thing!).

We also have a concern for density if these buildings were to be constructed. The number of people, cars and support amenities cannot be serviced in the space allowed in section 22. We believe that the open space requirements of state regulations and guidelines would not permit this density of people, cars and support amenities.

Burnt Store Marina as a whole suffer under this proposal, but the homeowners of the Courtside Landings community within Burnt Store would be severely impacted.

Please do not approve this proposal.

Sincerely,

Pam and Richard Farb

17959 Courtside Landings Circle
Punta Gorda, FL 33955
94...

10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:17 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054 Realmark Burnt Store Marina, LLC

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: akshell@peoplepc.com [mailto:akshell@peoplepc.com]
Sent: Sunday, October 19, 2008 4:08 PM
To: TALoredo; Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Re: CPA2007-00054 Realmark Burnt Store Marina, LLC

Tom, vary well written. I could not agree more. I'll be at the next meeting and hope I can express our mutual concerns about this greatly overdone project. Good luck with the operation. Ken Shelly, President Commodore Club

----- Original Message -----

From: TALoredo
To: dist1@leegov.com
Cc: district2@leegov.com ; dist3@leegov.com ; dist4@leegov.com ; dist5@leegov.com
Sent: Friday, October 17, 2008 11:08 AM
Subject: CPA2007-00054 Realmark Burnt Store Marina, LLC

Please find attached my comments in opposition to the Marina Village Project.

October 17, 2008

Commissioner Bob Janes – District 1
Lee County Board of Commissioners
Copy: Judah, Bigelow, Hall and Mann
CPA2007-54, Realmark Burnt Store Marina, LLC

I will not be able to personally attend the October 22 hearing because I am having Eye surgery on Oct 20, but I want to voice my opposition to the Comprehensive Plan Amendment 2007-00054 for the Burnt Store Marina Village.

I believe the Lee County Planning Agency did a very poor job by unconditionally approving 100% of Realmark requests contradicting the many Staff Review concerns and recommendations following their thorough review dated September 12, 2008 and the many letters and concerned statements given by Burnt Store Marina residents during the hearing! 2 LPA Members left before the residents had a chance to speak!

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10/20/2008

commercial areas: residents take walks, several times a day on the same single, curving streets that the increased number of cars, bicycles and golf carts use. This indeed will increase the potential for serious accidents.

- Another factor is that noise reverberates around the marina: music now at the small restaurant ends at a reasonable hour and only occurs two or three nights a week. The larger groups and events which might be attracted to the condo hotels would ruin the living experience for hundreds of residents around the marina.
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Thank you very much.



Tomas A. Loreda

Hines, Lisa

From: Mudd, James P.
Sent: Monday, October 20, 2008 9:00 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:55 AM
To: Mudd, James P.
Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: DGL25@aol.com [mailto:DGL25@aol.com]
Sent: Saturday, October 18, 2008 12:12 PM
To: Dist5, Mann
Subject: Burnt Store Marina

October 18, 2008

Lee County Board of County Commissioners

Re: CPA2007-54

Burnt Store Marina Private Initiated Amendment to the Lee County Comprehensive Plan

My name is Daniel Leather & I live at 3080-2 Matecumbe Key Road in Burnt Store Marina. I am presently a member of the Board of Directors of Admiralty Village Condo Association whose property borders the residential parcel that Realmark wants to rezone for commercial operations.

Not only does the requested zoning not meet the needs of the community, it is incompatible with the surrounding property. The existing parcel is zoned RM2 and RM10. All surrounding property except one parcel (owned by Burnt Store Amenities, LLC) is zoned as RM2, RM10 and RPD.

Burnt Store Marina is located in a Rural land use category and per Lee Plan these areas are not to receive urban-type capital improvements. We would not want to see the Lee Plan amended to allow Burnt Store Marina Village to spillover into our residential areas. The plan does allow for minimal non-residential land uses that are needed to serve the community. This request for rezoning does not serve the needs of the community in that commercial operations & parking areas will replace residential zoning.

The existing marina section is separate from the residential area with the exception of a pool & pool house that is used for transient & live aboard boaters. This building is one story and blends in nicely with the rest of the community

present plan would change the existing residential zoning from Rural to Burnt Store Marina Village. In doing this Realmark is asking once again to amend Table 1(b) to "reallocate" two acres of Residential property. Their

10/20/2008

previous attempt to change this residential property to a parking lot was just recently turned down by the good wisdom of the county commissioners who I believe recognized this as an intrusion into a residential area. This reallocation moves the marina operation & commercial operation into what is now essentially a residential area. This type of spillover is unwanted & unnecessary as the existing residential property is still viable & useable in its present zoning.

Those of us who purchased property adjacent to the two acres in question, did so with the knowledge that construction on the property would compliment our own properties, not degrade and lower our property values. The present Realmark plan once again places commercial parking areas & boat yard operations next to our residential area with all of the same noise, and visual pollution that this type of operation entails.

Historically Burnt Store Marina & Country Club has been a beautiful, quiet gated residential community with a restaurant & marina operation. It was never intended that this community have a large commercial operation of shops, hotels, & high rise buildings. Mr. Stout wants to compare this community to his Cape Harbor operation, however all of the traffic into the commercial area of Cape Harbor is separate from the residential areas. In his Burnt Store Marina proposal all of the traffic has to transit completely through the residential community in order to get to the Commercial areas. What was and is a quiet gated community would now become completely open to the public. Our roads were never intended for the large amount of traffic that a Burnt Store Marina Village would entail, and would open the community to crime & unsafe traffic areas.

It was generally felt over the years that the amenities in the marina area were primarily for the residents of our community and not primarily for public use; however the restaurant & the marina slips always allowed for some outsiders in the community. At present when the public arrives at our gates they are given a limited permit that needs to be displayed on the windshield, and all vehicles are captured on video both when coming in & exiting the property. This process allows the gate guards to observe the occupants of the vehicles, as well as control how long vehicles stay on the property. Residents have bar codes on their vehicles that provide entrance through separate lanes into the community.

Our feeling is that if this large scale commercial operation is allowed on the property, that it will destroy the privacy and security of a community that was never designed to have this type of operation. In the last hearing on this property Mr. Stout's attorney referred to Burnt Store Marina being like "downtown Ft. Myers". This was an obvious untruth to try to sway the opinion of the Examiner. Anyone who takes the time to visit our community will be able to determine very quickly how transparent that statement is, and how the nature of our homes are residential & rural.

In summary we feel that the scale of the present plan is not adaptable to Burnt Store Marina. Mr. Stout should work with the community in developing a plan that is acceptable to the majority, and not try to restructure the basic residential nature of our home town. If the development of Burnt Store Marina Village is restricted to the area presently dedicated to the existing marina & restaurant operation, we would be in favor & support this plan, however if it results in commercial operations spilling over into our residential areas, then I would oppose the present proposal submitted by Realmark that includes a high rise boat shed & parking lot next door to our homes.

Daniel Leather
3080-2 Matecumbe Key Rd
Punta Gorda, FL 33955

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:58 AM
To: Hines, Lisa
Subject: FW: Realmark Comprehensive Plan petition

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: [mailto:bandgbailey@earthlink.net]
Sent: Friday, October 17, 2008 5:24 PM
To: Dist1, Janes; Dist2, Bigelow; Dist5, Mann; Dist3, Judah; Dist4, Hall
Subject: Realmark Comprehensive Plan petition

Lee County Commissioners

: Re: Realmark Group
Comprehensive Plan Amendment

Ladies and Gentlemen:

I am a homeowner and resident of Burnt Store Marina. I oppose the comprehensive plan amendment referred above.

The integrity of the existing plan and the related zoning is at issue. Buyers and property owners rely on and durability of a comprehensive plan as well as zoning restrictions as a protection from radical and unwanted change.

There is no compelling reason to ammend the comprehensive plan.
Realmark knew of the use restrictions when purchasing the property and can develop within the present allowable use.

Our community has gone to great lengths to preserve the residential, non-transient, limited commercial status.

Burnt Store Marina is and hopefully will continue to be a high quality residential community. The heavy commercialization envisioned by the real estat developer would drastically change the nature of the neighborhood and contrary to claims would also increase the physical and financial burden.

George Bailey
3913 Cape Cole Blvd.
Burnt Store Marina

bandgbailey@earthlink.net
EarthLink Revolves Around You.

10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:58 AM
To: Hines, Lisa
Subject: FW: Opposition to BSM Village Rezoning

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Carol Lowe [mailto:carol_s_lowe@yahoo.com]
Sent: Friday, October 17, 2008 9:26 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Opposition to BSM Village Rezoning

Dear Commissioners Janes, Bigelow, Judah, Hall and Mann,

I am writing to you to express my opinion regarding Realmark's request for comprehensive plan amendment, CPA2007-00054, Burnt Store Marina Village.

Most of us who are critical of the CPA are not anti-development. We simply cannot reconcile the concept of 220-foot tall buildings and 11-story boat storage buildings at the Marina shadowing our homes, and the change that these large condos and hotel will bring to our lifestyle. We are a quiet residential gated community and it seems contradictory to be planning a 16 story hotel in our center. And doesn't it make more sense to have buildings rise from the shoreline from small to tall so everyone can enjoy the beauty of the Marina and Harbor instead of the planned concept which is the reverse (tall buildings at the shoreline blocking the view of the smaller buildings behind them)?

Basically I would say I am concerned about 3 H's: Height, High Density and Hotel. And, in addition, I'm wondering what affect this will have on our manatee population that winters at the entrance of a proposed boat storage building.

Certainly our community is open to improvement in Realmark's property adjacent to the Marina. The large building that was previously a Community Center has been abandoned a long time and is deteriorating. And an upgrade to the restaurant and retail area would be welcomed. Also the addition of 3 or 4-story condos similar to others in the community would be tasteful. But high density, tall buildings and a large hotel is out-of-character for our remote, residential community.

Our elected commissioners representing our Community and our County, please seriously consider the consequences of any changes

10/20/2008

from the current plan for Burnt Store Marina. Our location is a jewel on Charlotte Harbor and it would be a shame to have it tarnished by over-development. Our Community and our Marina are in your hands. Thank you for considering my viewpoint.

Sincerely,

Carol Lowe

1749 Courtside Landings Circle

Burnt Store Marina

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 3:06 PM
To: Hines, Lisa
Subject: FW: ReallMark and Burnt Store

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Jack Orr [mailto:jackorrcc@comcast.net]
Sent: Monday, October 20, 2008 2:47 PM
To: Dist5, Mann
Subject: ReallMark and Burnt Store

I am a resident of Burnt Store Marina and I am strongly opposed to Will Stout's plans to build high rises and around the marina including a hotel. Burnt Store is already at a very high density and more housing is not needed or wanted.

Jack Orr
3941 Cape Cole Blvd
Punta Gorda, FL 33955

10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Tuesday, October 21, 2008 10:22 AM
To: Hines, Lisa
Subject: FW: Section 22 Changes

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: CCI2229857@aol.com [mailto:CCI2229857@aol.com]
Sent: Tuesday, October 21, 2008 9:57 AM
To: Dist5, Mann
Subject: Section 22 Changes

As a resident in Burnt Store Marina, I wanted to voice my opposition to any of the changes to the laws governing the height of building allowed. There is one reason these requests are being made and one reason only.....for Will Stout to make money. Not for the good of the community or for some other greater cause.....MONEY.

Sincerely
Craig Clarke

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)

10/21/2008

Hines, Lisa

From: Dist5, Mann
Sent: Tuesday, October 21, 2008 2:22 PM
To: Hines, Lisa
Subject: FW: CPA2007-54 BURNT STORE MARINA

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Adis [mailto:aflores06@gmail.com]
Sent: Tuesday, October 21, 2008 2:21 PM
To: Dist1, Janes; Dist3, Judah; Dist2, Bigelow; Dist4, Hall; Dist5, Mann; dist2@leegov.com
Subject: RE: CPA2007-54 BURNT STORE MARINA

To Lee County Board of Commissioners,

Dear Commissioners,

As a resident of Burnt Store Marina, I urge you to vote against the plan submitted by Realmark (cited above)

Realmark is a developer and as developers go, they build, they sell and they move on. We the residents are left with the consequences and that's why I believe that you should take the opinion of the residents seriously. The size and scope of the plans are more of a detriment than they are a benefit to our community.

The density of the population on the proposed plan would pose a burden on our roads, our open spaces (not many left) our irrigation system, our water supply (I mean drinking water) and whatever wildlife that might still live in the waters of the marina and the surrounding areas.

I moved to Florida two years ago and I am discovering that although a beautiful state, Florida is an ecological disaster. The density and the scope of this development in my opinion is too big for the land that is going to be built on and it will contribute to more pollution and overuse of our natural resources.

When it comes to our private gated community, it might change drastically if shops and hotels are to be built there. If the public is not allowed in how could these businesses survive?

Realmark needs to rethink and build smaller instead of pointing fingers and pretending that there is a small group of "mean" residents who don't care about their community and are opposing their plans. Frankly, we are tired of Will Stout's tactics of playing the victim. By no means are Realmark or Will Stout victims. They are aggressive developers who consistently ignore the residents' concerns regarding our future quality of life and that of our children and grandchildren.

It's their land and they should be able to build something but Burnt Store Marina is not Fort Lauderdale nor Miami Beach. Those buildings are so tall that I wonder if anyone will be able to see the sunset after they go up.

I urge you to recommend to Realmark that they come up with a revised plan that decreases the residential density, lowers the heights to current structures and revise the need for large boat storage buildings that really addresses the current and future demographics.

Sincerely,

Adis Flores
5050 Marianne Key Rd Apt 1A
Punta Gorda FL 33955

10/21/2008

*John Gordon Underwood
Federal A. L Judge*

24561 Dolphin Cove Drive
Punta Gorda, Florida 33955
(941)637-4788

FAX

To: Lee County Commissioners Janes, Bigelow, Judah, Hall, and Mann

From: John Underwood, Federal A. L Judge, Retired

Re: CPA2007-00054

Number of Pages: 5 (including cover)

Dear Commissioners:

This fax contains a letter, which I sent to you in August 2007 regarding the golf course at Burnt Store Marina, and a letter sent to the Federal Trade Commission in April 2008. I want to be sure that the golf course parcel is not part of the deliberations of CPA2007-00054, which you will hear on October 22-23. Under no circumstances should any development be permitted on the golf course premises. Indeed, as I expressed in the attached letter, I strongly urge the County to urge Realmark to sell the property to the group that is now running the course.

I also wish to register my strong objection to the height of the buildings planned for the downtown marina area. I object because of the irreparable damage that will be done to the character of the marina area – first because of the length of time required to do the construction and second because of the high density, high traffic region that could potentially be created. Only the most secluded areas of the marina will be exempt from the unpleasantness that this project exudes. It is residents of these secluded areas who applaud Realmark's grandiose plans.

I am also very concerned that the LLC corporate structure of the applicant leaves the County and the residents no recourse in collecting damages should the applicant fail in the midst of such a monumental development. As you are aware, the LLC legally shields the principals from accountability.

While the redevelopment of the downtown marina area is desirable, the proposed project is outside the realm of reasonableness and should be scaled back substantially.

I am unable to attend the upcoming hearings but understand that many people will speak to the position of maintaining the County's building height restrictions for Burnt Store Marina. Please consider their concerns. There are many people who share this point of view.

John Gordon Underwood
Federal A. L. Judge
24561 Dolphin Cove Drive,
Punta Gorda, Florida 33955
(941) 637-4788

August 27th, 2007

Lee County Commissioners

RE: Burnt Store Marina & Country Club -
Will Stout, D.B.A. Realmark Realty Co.

Dear Commissioners,

Mr. Stout has little regard for the property owners in Burnt Store Marina. His reprisal plan of letting the golf course go to seed, or making a tree farm of the golf course if Section 22 does not lease the property from him; is "tantamount" to holding the property owners as hostages, if they do not subsidize his real estate venture. The scare tactics that were advanced by certain members of the community that agreed with his plans, only added to the confusion (*1). There were various emails and other communications circulating within the community, as to the dire results if we did not go along with his plans (*2). It is apparent from (*1) that he and his advisors are of the opinion that they can change the Commission's mind, within 90 days.

The original developers (Florida Design and WCI) charged property owners who had their homes on the golf course, an additional \$30,000... for what I consider a "vested interest" in the maintenance and continuation of the golf course and any subsequent purchasers, i.e. Realmark. In addition, people who bought condos not situated directly on the golf course, also have a quasi vested interest in the continuation of the golf course since, the foresaid corporations used the golf course in their advertising and promotional pitches.

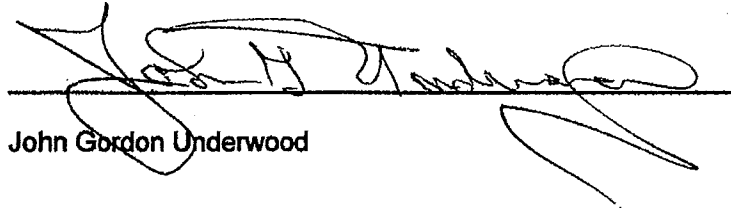
Mr. Stout has stated that he does not wish to operate the restaurant or the golf course, but will not sell it. To me, this is a non sequitur. It would appear, in my opinion, that his long range plans are to continue with the development that he initially presented to the Commission.

Section 22 is a non-profit entity, whose declaration of purpose is for the maintenance of the common area. The golf course is owned by a profit seeking corporation and has never been, and is not now, a part of the common area. I question the propriety and the legality of Section 22 subsidizing a profit seeking corporation's real estate investment, until he convinces this Commission to approve his original plans. The Commission should also seriously consider the impact that his building plans would have on the density problems of this area, as well as the infrastructure to support such expansion.

The traffic where Lee County meets Charlotte County at Vincent Avenue, would create enormous gridlock on Burnt Store Road. The Commission should also be mindful that Burnt Store Road is one of the prime exit routes for residents of North Lee County, who live on Pine Island, Matlacha, and Cape Coral, in the event of a mandated emergency evacuation.

Mr. Stout's ambitions for this area may be admirable; however, the fallout caused by his proposed project may well be disastrous. I strongly propose that the Commission exercise it's right of eminent domain, and buy the golf course from Realmark and turn the golf course into a public golf course. Especially, since this golf course has always operated as such, from its beginning. By doing so, this would also be a great boon to the residents of North Lee County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Gordon Underwood", is written over a horizontal line. The signature is stylized with loops and flourishes.

John Gordon Underwood

(*1) "The Charlotte Sun", (Our Town Section)," 3/16/07; page 1 & 6.

(*2) See attached emails, etc...

commissioners refusing to grant Realmark to commence its extensive building project, was because of density and infrastructure problems.

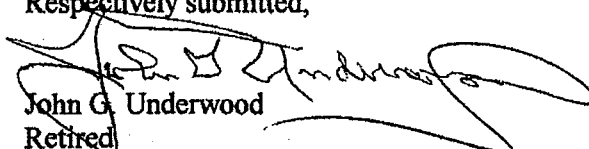
Section 22, without proper legal authority according to its documents, then assessed every home or condominium unit owner and additional \$400,00 a year in order to cover the cost of operating the golf course.

Southshore, one of the 52 condominium associations in Burnt Store filed suit against Section 22 for making said assessments and considered it an ultra vires act. The Lee County court ruled that the Section 22 action was an ultra vires act under Section 22's bylaws and ordered Section 22 to return the money, pay court costs and Southshore's attorney's fees. Section 22 then filed a motion for a rehearing before another judge, which was subsequently denied. This entire matter at the present time is in a state of limbo!

From my many years as a trial attorney at the FTC; it is clear to me that what occurred at Burnt Store Marina is in clear violation of the FTC act.

It is respectfully requested that the FTC open an investigation into this matter as soon as possible.

Respectively submitted,


John G. Underwood
Retired

P.s. A similar deceptive advertising practice has occurred at Tern Bay Development on Burnt Store Road, 5 miles North of Burnt Store Marina.

c.c. Florida Senator Bill Nelson
Florida Senator Mel Martinez
Florida Rep. Connie Mack
Florida Governor Charlie Crist

Hines, Lisa

From: Dist5, Mann
Sent: Wednesday, October 22, 2008 8:14 AM
To: Hines, Lisa
Subject: FW: CPA2007-54

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: jrosenblum [mailto:jrosenblum07@comcast.net]
Sent: Tuesday, October 21, 2008 5:50 PM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA2007-54

Commissioner Janes,
I would appreciate if you could pose this question to Mr. Stout tomorrow at the scheduled hearing
One of my concerns is the viability of the two massive boat storage facilities proposed and whether they would really enhance the public's access to the water, or hinder it.
Mr. Stout has publicly stated that they would cost approx 30-35 million apiece.
Taking the larger structure which in Realmarks drawing will hold approx. 450 boats.
Doing the math, and assuming 90% occupancy, avg boat length 30 ft and cost per foot per month is \$20.
That would produce approx 2.916 million per year in revenue.
Assuming cost of financing of 35 million at 8% 2.80 million
That leaves 116 thousand for taxes, insurance, operating expenses for a break even scenario. I think I am being generous in my assumptions
Please keep in mind the current cost for storage is \$12.50/ft.
Who is going to be able to afford \$20/ft and also how is Realmark going to be able to build these with such a slim or non existent margin??
I have similar concerns for the viability of the whole project you are being asked to approve. I think the tough questions have to be asked.
I look forward to a comprehensive review of this project at tomorrows hearing.

Sincerely,
James Rosenblum
Hibiscus Cove, BSM

10/22/2008

Hines, Lisa

From: Dist5, Mann
Sent: Friday, October 17, 2008 11:09 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054
Attachments: staff report cpa2007-00054.pdf

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: darrbee [mailto:darrbee@embarqmail.com]
Sent: Friday, October 17, 2008 11:07 AM
To: DIST1@legov.co; Dist5, Mann; Dist2, Bigelow; Dist4, Hall; Dist3, Judah
Subject: CPA2007-00054

Commissioners Janes, Bigelow, Judah, Hall and Mann

I am writing to you to oppose CPA2007-00054 as written and instead urge you to consider the restrictions requested in staffs original report. Staffs original (attached for you review) report denies the applicants request for 160 residential units and limits heights to 135 feet. Part of the reason for this was the Office of County Attorney issued a Memorandum regarding Burnt Store Marina Village. The memorandum states the following:

*Under the Marina Village Land use Plan the project is vested for a total of 734 dwelling units (4.8 units per acre x 153 acres = 734 units). Based upon the documents provided as updated by the information available on the Property Appraiser website, it appears that a total of 794 dwelling units currently exist within the Marina Village parcel. **Therefore, no additional dwelling units may be constructed.***

Also per staff:

The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. There is a pending Lee Plan amendment, CPA2007-59, currently under review to amend the Glossary definition of the Coastal High Hazard Area to change the defined Coastal High Hazard Area from the category 1 evacuation zone to the category 1 storm surge line. The changes made to Chapter 163.3178, F.S. define the coastal high hazard area as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This change will require an amendment to the Lee Plan, Map 5, Coastal High Hazard Area of the future land use map series reflecting the updated definition of the Coastal High Hazard Area. The subject property is proposed to be located within this newly defined area of the Lee Plan, Map 5.

Staffs original report goes on to say "In conjunction with the opinion of the County Attorneys Office regarding the number of existing residential units within Tract C and the above-referenced Lee Plan policies, (see **Lee Plan, Policy 5.1.2 and Lee Plan Policy 105.1.4**) **staff is unable to support the applicants request to permit an additional 160 dwelling units.**"

In a letter from Lee County Emergency Medical Services (LCEMS) staff they provide the following comment:

current location is served by LCEMS Station 28, located at 707 SW 1st Street, Cape Coral, FL, which is approximately 12.50 miles away. Our response time to this location is 15+ minutes,

10/17/2008

*which does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses as required by Lee County Ordinance #02-19. In the event that Station 28 is busy on a response, the next closest station is LCEMS Station 22, located at 152 SE 13th St., Cape Coral, FL, approximately 14.50 miles away. This statement does not indicate that any plans have been received, it just identifies that **Lee County EMS has concerns with the ability to provide service to this area. Current resources prohibit establishing and staffing an EMS station close to this development.***

Staffs report goes on to say that Lee County Emergency Management has concerns regarding the proposed increase in residential density in a Coastal High Hazard Zone. They went on to suggest that:

An on-site shelter must be constructed to accommodate residents and hotel guests to withstand Category 5 hurricane force winds and storm surge. The owner/developer must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management. This plan must include annual training of on-site shelter managers provided by the Red Cross and approved by Lee County Emergency Management.

In conclusion, as you can see, staff has completely reversed its original opinion and also ignored the opinion of the County Attorneys Office and the concerns of Lee County Emergency Medical Services and Lee County Emergency Management and decided to side with the developer. As you are aware by local wind events here (Hurricane Charlie) and elsewhere (Hurricane Ike in Galveston, TX) ignoring the recommendations of Emergency Services and Management can be quite costly not only in property losses but also loss of life. Therefore as you have asked for our support in the upcoming elections, we would also ask for your support in maintaining our community and way of life and we request that you deny the petition as written and institute staffs original recommendations along with the following restrictions. That no commercial or industrial uses be permitted on property currently zoned residential within the proposed Marina Village and that all dry storage buildings be limited in height to 75 feet or the height of the existing dry storage building, whichever is less.

Thank you for your continued support,

Darrell K. Beaty
President, Admiralty Village Condominium Association
3021-1 Matecumbe Key Rd
Punta Gorda, FL 33955

*John Gordon Underwood
Federal A. L Judge*

24561 Dolphin Cove Drive
Punta Gorda, Florida 33955
(941)637-4788

RECEIVED

OCT 21 2008

COMMISSIONER
FRANK MANN

FAX

To: Lee County Commissioners Janes, Bigelow, Judah, Hall, and Mann

From: John Underwood, Federal A. L Judge, Retired

Re: CPA2007-00054

Number of Pages: 5 (including cover)

Dear Commissioners:

This fax contains a letter, which I sent to you in August 2007 regarding the golf course at Burnt Store Marina, and a letter sent to the Federal Trade Commission in April 2008. I want to be sure that the golf course parcel is not part of the deliberations of CPA2007-00054, which you will hear on October 22-23. Under no circumstances should any development be permitted on the golf course premises. Indeed, as I expressed in the attached letter, I strongly urge the County to urge Realmark to sell the property to the group that is now running the course.

I also wish to register my strong objection to the height of the buildings planned for the downtown marina area. I object because of the irreparable damage that will be done to the character of the marina area – first because of the length of time required to do the construction and second because of the high density, high traffic region that could potentially be created. Only the most secluded areas of the marina will be exempt from the unpleasantness that this project exudes. It is residents of these secluded areas who applaud Realmark's grandiose plans.

I am also very concerned that the LLC corporate structure of the applicant leaves the County and the residents no recourse in collecting damages should the applicant fail in the midst of such a monumental development. As you are aware, the LLC legally shields the principals from accountability.

While the redevelopment of the downtown marina area is desirable, the proposed project is outside the realm of reasonableness and should be scaled back substantially.

I am unable to attend the upcoming hearings but understand that many people will speak to the position of maintaining the County's building height restrictions for Burnt Store Marina. Please consider their concerns. There are many people who share this point of view.

John Gordon Underwood
Federal A. L. Judge
24561 Dolphin Cove Drive,
Punta Gorda, Florida 33955
(941) 637-4788

August 27th, 2007

Lee County Commissioners

RE: Burnt Store Marina & Country Club -
Will Stout, D.B.A. Realmark Realty Co.

Dear Commissioners,

Mr. Stout has little regard for the property owners in Burnt Store Marina. His reprisal plan of letting the golf course go to seed, or making a tree farm of the golf course if Section 22 does not lease the property from him; is "tantamount" to holding the property owners as hostages, if they do not subsidize his real estate venture. The scare tactics that were advanced by certain members of the community that agreed with his plans, only added to the confusion (*1). There were various emails and other communications circulating within the community, as to the dire results if we did not go along with his plans (*2). It is apparent from (*1) that he and his advisors are of the opinion that they can change the Commission's mind, within 90 days.

The original developers (Florida Design and WCI) charged property owners who had their homes on the golf course, an additional \$30,000... for what I consider a "vested interest" in the maintenance and continuation of the golf course and any subsequent purchasers, i.e. Realmark. In addition, people who bought condos not situated directly on the golf course, also have a quasi vested interest in the continuation of the golf course since, the foresaid corporations used the golf course in their advertising and promotional pitches.

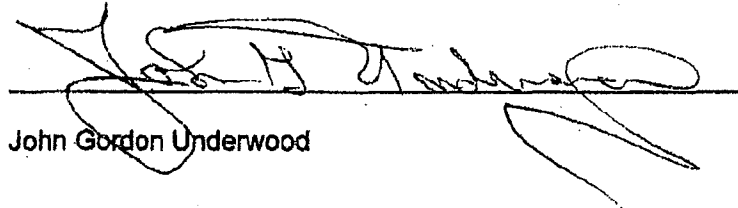
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Section 22 is a non-profit entity, whose declaration of purpose is for the maintenance of the common area. The golf course is owned by a profit seeking corporation and has never been, and is not now, a part of the common area. I question the propriety and the legality of Section 22 subsidizing a profit seeking corporation's real estate investment, until he convinces this Commission to approve his original plans. The Commission should also seriously consider the impact that his building plans would have on the density problems of this area, as well as the infrastructure to support such expansion.

The traffic where Lee County meets Charlotte County at Vincent Avenue, would create enormous gridlock on Burnt Store Road. The Commission should also be mindful that Burnt Store Road is one of the prime exit routes for residents of North Lee County, who live on Pine Island, Matlacha, and Cape Coral, in the event of a mandated emergency evacuation.

Mr. Stout's ambitions for this area may be admirable; however, the fallout caused by his proposed project may well be disastrous. I strongly propose that the Commission exercise it's right of eminent domain, and buy the golf course from Realmark and turn the golf course into a public golf course. Especially, since this golf course has always operated as such, from its beginning. By doing so, this would also be a great boon to the residents of North Lee County.

Respectfully submitted,

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John Gordon Underwood

(*1) "The Charlotte Sun", (Our Town Section)," 3/16/07; page 1 & 6.

(*2) See attached emails, etc...

John Gordon Underwood
Federal A.T. Judge
24501 Dolphin Cove Dr.
Punta Gorda, Florida 33955
(941) 637-4788

Federal Trade Commission
Pennsylvania Ave. & 6th St. N.W.
Washington D.C.

April 3, 2008

Re: Burnt Store Marina and Country Club vs Will Stout D.B.A. as Realmark Reality Co.

Attn. Bureau of Deceptive Practices

I was employed by the FTC from January 1, 1961 until August 1972, during that time I was a trial attorney on the general counsel staff for several years, and then was transferred to the Bureau of Deceptive Practices until August 1972; at which time I became a Federal Administrative Law Judge for H.E.W. I left federal service in August of 1988.

The purpose of this letter is to apprise the commission of the deceptive practices being employed in the state of Florida by some large land developers. The people who live in Burnt Store Marina were assured, both verbally and in the developer's advertisements and general advertising, that if they bought a home in Burnt Store they were promised perpetual use of the varying amenities offered by the developer.

Florida Design Corp., one of the original developers of this area later sold it's interest to WCI, another large corporate developer. WCI eventually sold its interest to Realmark Corp.

Buyers who purchased homes situated on the golf course were charged an additional \$30,000 for the privilege. The golf course and other amenities have always been owned and operated by the various developers. In the spring of 2007, Realmark decided it was not making enough money and closed down the amenities and the golf course. Since the county commissioners of Lee County had already refused to allow Realmark to go forward with its plan of further development in the marina; Realmark then informed the members of the community, i.e. Section 22, that it was closing all the amenities and stated that it would let the golf course go to seed or plant a tree farm on the golf course. Realmark refused to sell the golf course to anyone, and stated that it did not want to operate a golf course. After holding the members in a state of fear (for the reduction in the value of their property) for several months, he then induced Section 22 to enter into a 5-10 year lease to operate the amenities. Apparently, the reason for the county

commissioners refusing to grant Realmark to commence its extensive building project, was because of density and infrastructure problems.

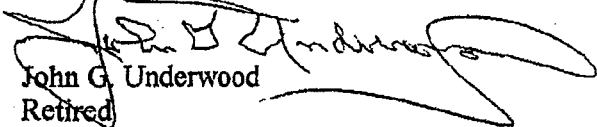
Section 22, without proper legal authority according to its documents, then assessed every home or condominium unit owner and additional \$400.00 a year in order to cover the cost of operating the golf course.

Southshore, one of the 52 condominium associations in Burnt Store filed suit against Section 22 for making said assessments and considered it an ultra vires act. The Lee County court ruled that the Section 22 action was an ultra vires act under Section 22's bylaws and ordered Section 22 to return the money, pay court costs and Southshore's attorney's fees. Section 22 then filed a motion for a rehearing before another judge, which was subsequently denied. This entire matter at the present time is in a state of limbo!

From my many years as a trial attorney at the FTC; it is clear to me that what occurred at Burnt Store Marina is in clear violation of the FTC act.

It is respectfully requested that the FTC open an investigation into this matter as soon as possible.

Respectively submitted,


John G. Underwood
Retired

P.s. A similar deceptive advertising practice has occurred at Tern Bay Development on Burnt Store Road, 5 miles North of Burnt Store Marina.

c.c. Florida Senator Bill Nelson
Florida Senator Mel Martinez
Florida Rep. Connie Mack
Florida Governor Charlie Crist

Lisa H

FAX COVER SHEET

1782941012394852143
1012394852143
Fax 1 941 505 0034

① 1, 2, 3, 4, 5

Send to: Lee County Commissioners	From: James Rosenblum
Attention:	Date: 10/22/08
Office Location:	Office Location:
Fax Number: 239 485 2143	Phone Number:

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please comment
- ☐ Please review
- ☐ For your information

Total pages, including cover: 4

Comments:**Re: CPA2007-54 Realmark Burnt Store Marina**

I am enclosing by fax, a copy of my prepared remarks regarding CPA2007-54
I would appreciate if you could copy and make available a copy of my remarks
prior to the meeting scheduled for Thursday 10/23/08
I appreciate your help.

James Rosenblum

RECEIVED
OCT 24 2008

COMMUNITY DEVELOPMENT

Commissioners Janes, Judah, Bigelow, Hall, Mann

10/22/08

RE. CPA2007-54 Burnt Store Marina

Dear Commissioners,

I was present at the scheduled hearings this morning and was prepared to speak in opposition to the Realmark proposal. I was disappointed that because of the tight schedule it will not be heard until tomorrow 10/23.

Unfortunately, I will not be able to attend the meeting scheduled for Thursday and personally voice my concerns. However, I am enclosing a faxed copy of my prepared remarks regarding this subject. I would greatly appreciate if you could review my concerns and consider them in your discussion and ultimate decision regarding CPA2007-54.

Sincerely,



James Rosenblum

17825 Hibiscus Cove Ct

Punta Gorda, FL 33955

My name is James Rosenblum, I reside at Hibiscus Cove in Burnt Store Marina. I am a full time resident and have lived here since 1999. I am here to speak against the Realmark request as Proposed. I had previously sent the Commissioners other letters and E mails with my objections regarding this proposal and I would hope you consider those objections as part of your decision making process.

I would like to address a subject that has had little prior discussion. This is the timeframe and viability of such an ambitious project. I believe Mr. Stout has mentioned 2030 as a possible end date which coincidentally corresponds with the date of the Vision Statement of the Lee Plan.

The viability and timeframe of such an ambitious plan would have far less importance if we were talking about a new development in a new undeveloped piece of land. The impact on residents, traffic, and quality of life would not have the implications that this project will have.

However, we are NOT talking about new development, but rather REDEVELOPMENT within an existing community of over 1900 units and over 3500 residents both seasonal and full time. This proposed development is meant to replace, enhance and expand the current Marina development. However, herein lies the problem. Given the current economic conditions, the state of the housing market, financing availability, I would seriously doubt that this project will even be started within the next 5 years. Normally, this should not be my concern. However the current circumstances warrant my concern. Realmark has asked for community support of this project "to fashion a planned development that helps to revitalize and rejuvenate the community".

The problem with this request is that we the residents IN THE INTERIM will be left with an unoccupied former administration building that has visible signs of decay and mold. We will be left with hundreds of boats sitting on outside racks in an open, dusty lot. We will be left with a boat storage building in serious need of repair and external facelift. We will be left with lots of loose ends whether this project will even be built or completed and by whom. We are being asked to endure all this and forgo any immediate help so that at some unknown time in the next two decades this may all be REJUVENATED.

I would also like to comment on the proposed two 110 ft automated, state of the art, climate controlled boat storage buildings. I believe Mr. Stout has said these will cost 30-35 million apiece to construct and will accommodate yachts up to fifty feet in length. My concern for this proposal is instead of making the water resources available to the public, it does just the opposite by putting the cost of boat storage well beyond the financial resources of the population of this community and surrounding areas. This area of Florida is predominately comprised of retirees on fixed incomes, and lots of "JOE THE PLUMBERS" who just want to spend a day of fishing or taking the family out for a day on the water. The cost to store their

boat in a 35 million dollar structure will be prohibitive. A spokesman for Realmark in an E mail said regarding these storage buildings "Since development is driven by demand, there is little chance of building a facility like that proposed before the demand is there to support it" The question remains, how long do we wait with the existing deteriorating structure. How long do we wait with a dusty lot with boats on wooden racks.. The answer is simple... Scrap the idea of 110 ft tall automated storage buildings and construct traditional dry storage buildings which will accommodate the current and future needs of boaters at a far less cost.

I would think the same statement; "development is driven by demand" would apply to 220 ft tall condo and hotel buildings. They simply will not be built before the demand is there. That assuredly will be many, many years away. Again, the solution is to recommend a far less ambitious plan that addresses the demographics, provides the rejuvenation, respects the rights of the current residents and would take far less time to complete.

It is the current residents who bought here and currently live here that should be promised the rejuvenation. After all, it is the current residents who pay the taxes, maintain their homes, maintain the roads, pay for the security, and maintain the common areas. Yet it is those residents who will endure two decades of, noise, dirt, dust, traffic and greatly diminished quality of life if this project is approved as presented. This project, as presented, simply stated, does not belong in a long and well established community such as Burnt Store Marina. It belongs right where it is. In Cape Harbour.

I urge the Commissioners to weigh the desires of the developer with the rights of the residents and vote no to this request. Recommend that the developer comes back with a less ambitious plan that allows for development and rejuvenation that more closely resembles the current development, and respects the rights of the community and its citizens to live as they contemplated when they decided to make Burnt Store Marina their home.

Dear County Commissioners,

10/22/08

RECPA2007-54 Burnt Store Marina

I am enclosing by fax a copy of the minutes Of the Board Meeting of Section 22 Homeowners Assoc. from December 6, 2005 along with the printed list of attendees . This was taken from the Burnt Store Web site and provided by the community manager

I don't know if this will be coming up at your meeting for tomorrow, but previously, mention was made of the overwhelming community support and numbers have been mentioned from 700-1400 residents in favor of this at the meeting of 12/6/05. There also has been casual reference to a vote.

I would like to point out that this was a meeting of the Board and not a dully called meeting of the residents. As such, no vote of the residents can be legally taken and any numbers in favor by accolade are suspect and unreliable at best.

Also the Owners Present List is enclosed as part of the minutes. I have roughly counted 452 attendees, therefore any numbers mentioned above that in favor of Realmarks proposal at that time are suspect and without foundation.

I appreciate your indulgence in reviewing this document.

Respectfully,

James Rosenblum



MINUTES OF THE BOARD OF DIRECTORS' AND BUDGET MEETING FOR PUNTA GORDA ISLES SECTION 22 HOMEOWNERS ASSOCIATION, INC.

December 6, 2005

The meeting was called to order at 1:00 PM by Carl Winger, President.

Directors present were Carl Winger, Jack O'Neill, John D. McCrea, Hans J. Rentsch and Robert Bucci.

Also present were Kent Benson and the owners whose names are on the attached list.

By proper motion by Mr. Bucci, seconded by Mr. Rentsch, the minutes of the previous meeting of November 1, 2005 were approved as presented.

BOARD VACANCY: Mr. Winger reported Roy Wallace resigned from the Board.

By proper motion by Mr. O'Neill, seconded by Mr. Bucci, it was unanimously approved to appoint Janet Wood to the Board to fill the vacancy created by Mr. Wallace's resignation. Ms. Wood will serve as a director until the election held in 2007.

The Board recognized Sally Byle from the floor who made a presentation regarding "Adopt a Road" regarding Burnt Store Road and asked for volunteers from the community to assist in these efforts.

At this time Mr. Winger introduced Will Stout, representing RealMark Corporation. Mr. Stout and his assistance presented a two hour presentation to the Association regarding the proposed purchase of the amenities, the irrigation system, and whatever lands still remaining in WCI's name at Burnt Store.

The Board thanked Mr. Stout for his presentation. By proper motion by Mr. O'Neill, seconded by Ms. Wood, the Board moved to accept the basic framework of the Memo of Agreement, a copy of which is attached hereto and made a part hereof, subject to the advice and rewording of the Association's counsel. The motion passed 6 to 0.

TREASURER'S REPORT - 2006 BUDGET: By proper motion by Mr. O'Neill, seconded by Mr. Rentsch, it was unanimously approved to accept the 2006 budget with annual maintenance fees being set at \$445 for 2006. An invoice will be mailed to the owners indicating this, and a copy of the budget will accompany the thirty days of the Annual Meeting.

UNFINISHED BUSINESS:

BOARD VACANCY: This item was covered above.

NEW BUSINESS:

BSMA - Minutes
December 6, 2005
Page Two

COMMITTEE REPORTS:

LANDSCAPE COMMITTEE: Mike Lemon presented the Landscape Committee Report, a copy of which is attached and made a part hereof.

ARC COMMITTEE: Mr. Bavaro reported the committee met twice since the last Board meeting, and fifteen applications were considered. From year to date the Committee has processed 152 Architectural Review Applications.

Mr. Bavaro further reported on a recent meeting between Admiralty Village and the Platinum Points Yacht Club. A copy of the report in letter form is attached and made a part hereof.

It was reported an application from Jack and Fawn Hill was returned to the owners.

By proper motion by Mr. Rentsch, seconded by Mr. McCrea, the request for modifications by Jack and Fawn Hill was unanimously approved.

COMMUNICATIONS COMMITTEE: Mr. Bucci reported that due to increased advertising activity that the Beacon will be comprised of fourteen pages. No action was taken by the Board.

C.O.P. COMMITTEE: Mr. O'Neill presented the C.O.P. Committee Report regarding recent break-ins on Section 22 property and reported the Sheriff is actively investigating these incidents. No action was taken by the Board.

INFRASTRUCTURE COMMITTEE: No report was given due to Mr. Monge's absence.

ENTRY COMMITTEE: Mike Lemon reported progress is moving forward and several additional approvals had been required by either DEP, Lee County Electric Coop or the Lee County Permitting Division. Mr. Lemon further reported that with working with the architect, the engineer and the contractors all permits were secured and the work is moving forward.

By proper motion by Mr. McCrea, seconded by Mr. Rentsch, an additional \$5,000 was approved for the Cool Water Pools proposal for a water feature at the front entrance. A copy of the proposal is attached and made a part hereof. The Motion passed 5 to 1 with Mr. Bucci dissenting.

The Board confirmed the budget is set at \$600,000 for this project and the project manager and management will work on necessary change orders in between Board Meetings and will report to the Board of any additional expenditures at meetings.

NOMINATING COMMITTEE: It was reported the Nominating Committee selected three candidates to receive their recommendation to fill the three vacant seats at the election on January 27, 2006, as follows: Stuart Gassner, Joan Lapinski and Robert Schwalm. These

names will appear on the ballot and additional nominations will be taken from the floor on the day of the meeting.

BSMA - Minutes
December 6, 2005
Page Three

It was reported six additional owners submitted their names to the Committee for consideration and their names will appear on the ballot as follows: Jon Ehrmann, Richard Loughman, Patrick O'Keefe, Kenneth Parr, John Tomascelli and Dean Wiley.

The Committee reported there will be a candidate forum on January 18, 2006 with the location to be announced.

The Board thanked the Committee for their diligent efforts and hard work in generating so much interest in the upcoming election

CORRESPONDENCE: No action was taken by the Board.

MAINTENANCE: No action was taken by the Board.

COMMENTS FROM UNIT OWNERS: Comments were heard from unit owners for future consideration.

By proper motion by Mr. McCrea, seconded by Ms. Wood, the meeting was recessed until December 13, 2005 at 1:00 PM.

**OWNERS PRESENT
BOARD OF DIRECTORS' AND BUDGET MEETING FOR PUNTA GORDA ISLES SECTION
22 HOMEOWNERS ASSOCIATION, INC.**

December 6, 2005

Leon Luberacki
Charles & JoAnne Bullock
Tom Powers
Elaine DeBoef
Mary Ann Vanderwerf
Pat & Ginny Muchison
Kathleen Morris
Marianne Zapp
Donald & Peggy Wank
Linda Eakhoff
Faith Gibson
Stanley and Mary Spaulding
Fred and Linda Wright
Ray and Cynda Hardin
Von and Pam Vold
Gili Vincenti
Ed Fleming
Carol Larsen
Dennis Furton
Anne and Pete Nash
The Baylans
Bob Brock
Bodo and Mae Eberstein
Susan Parr
Rolf Brandfelt
George Riddell
George Folio
Jim and Elaine Roberts
Colin Wallace
Maggie Jones
George & Norma Cantor
Kenneth Johnson
Carol Clark
Marcia Raymond
Peter Koelker
Howard Davidson
Charles Brown
Ron and Pauline Morillo
John Nuison
John and Carol Birkenberger
Dorothy Kronis
B. Friedan
John and Joyce Mahan

Don Conti
Gloria and Bill Kneller
R. V. Morgan
Pat O'Keefe
Joe and Jackie Gelormini
Brenda and Donald Lazarus
John and Joan Stanley
Geraldine and Brian O'Callaghan
Marlene Ryan
Vicki Weidemeyer
Alta Flanigan
Herb Wiese
Sandra Funk
Corrine Osicki
Dan Loren
Fred and Linda Hinman
Lawrence Bruno
Bev Woosley
Jim Debbin
Shirley Weirsing
Mr. Wadsworth
Ron and Carol Doig
Jennifer Crow
Cheetah Currier
Bernadine Stewart
Paul Ray
Edwin and Francine Hutcheson
Juan and Zoa Gengal
Linda Dutcher
John and Diane Ardolino
Vicki Harding
Jack Kador
Cliff Wedranks
Edward Hofnleke
Mark Geach
Ken Carlson
Charles Cobb
Tom and Carol Tiedemann
Annie and Charley Drummond
Hugh and Marge Higley
Mr. Stone
W. R. Kays
Naomi Held

179

176

Barbara Shields
 Morman Loube
 J. E. Geary
 Ron Grinold
 Jeannette Williams
 Alan and Maureen Johnson
 Constantine Konstans
 Sale Spencer
 Ron Graves
 Bonnie Couperthwaite
 Carla & Greg Matulak
 Sharon and Waine Hicks
 Charles Alegard
 Barbara Mueller
 Leo & Louise Padelske
 Stu Gassner
 Chris & Peter Rasmussen
 Joel & Marilyn Spector
 Edith Wenzlaff
 Jim and Sue Carlisle
 Skip Hunt
 Gerry and Sue Mann
 Robb & Jackie Prince
 Jim and Seon Hendrie
 Stan Haering
 Kevin & Carol Pelto
 Kam Sjursen
 Barbara & Ernest Criscello
 Ray Gaffen
 Harvard Kolm
 Dick Bagwell
 Bob & Gina Wenrich
 Bev and Carl Giegler
 George & Sheryl Peters
 Mary & Ed Edwards
 Dale & Mary Hitchcock
 Bill and Marilyn Yure
 H. Klepe
 Mary & Dick Marsquita
 Robert & Jeanne Walter
 Jordan & Elaine Buckley
 John and Dee Brinda
 Don & Sara Ulrich
 Margaret Chrysler
 Concetta Clock
 Harvey Abbott
 James & Barbara Lawler
 Carl Motts
 Peg Love
 Andy Wilhite

Catherine McKennon
 Mary Pace and Tommy Shannon
 Joe McGuire
 Jack and Naomi Campbell
 William and Nancy Schmelzer
 Richard and Carole Casey
 Lynn and George Sullivan
 Linda Fortunato
 Don and Linda Fortunato
 Barbara Weber
 Sharon and Jim Rohn
 Leza Anderson
 Ray and Phyllis Love
 George & Carol Gershowitz
 Phil and Joyce Geaumont
 Juanita Slongia
 Mike & Rebecca Van Deutekom
 Stu and Anne Uhler
 Alice & Bruce Ulrich
 M. Parker
 Kevin & Sally Healy
 John & Carol Walkley
 Mike Walsh
 Marv Beegman
 Larry Larsen
 Hugh & Mildred FFrench
 Vinny and Fran Mennolda
 Doug & Sue Johnson
 LouAnne & Larry Marshall
 C. Bacon
 Rachel Martin
 Lillian and Marv Bloom
 Bill and Linda Peterson
 George & Jane Eldred
 Janet Lipscomb
 Jo & Tom Papinski
 Jay & Susan Lev
 Carol Effinger
 Allan and Kathy Orrison
 Jim Kimble
 Joyce & Richard Larsen
 Raold & Heidi Lavagetto
 Bob Bastoni
 Bob Kirchmier
 Phil & Anne Leonard
 Karl & Pat Coke
 Nancy Richle
 Eric & Pam Mowitz
 John Alexander
 Ruth Shifflett

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F1

Jim McTernan
 Jim and Linda Rosenberg
 John & Pam Conroy
 Peter & Bonn Van Clasterhaut
 Tom Course
 Jan & Bill Toporsch
 Patrick & Mary Cassady
 Sally & Arvon Byle
 Bob & Nancy Livingston
 Ed & Carol Tilly
 Bob Briggs
 Joe Souto
 Lilli Carrillo
 Gerald & Carol Nolan
 Jerry Metz
 Bill Trauschold
 Tom & Wilma Hood
 Bob Forward
 Katie & Jim Marz
 M. Fleschman
 Johanna Dimartino
 Linda rousseau
 Pat Morris
 Mary VWelch
 Judy Friedriechsen
 Dolores and Jerry Marks
 Bryan Kelner
 Jon Lusay
 JoAnn and Bob Bucci
 John Gallagher
 Jerry & Sue Johnson
 Ann Mansfield
 The Ryders
 Robert & Debbie Burns
 Jim & Carthy Goetz
 John Fontana
 Louis Kushner
 Wylie Smith
 Charles Roberts
 Raymond & Lynn Day
 Barbara & Harvey Hallberg
 Mr. and Mrs. Marv Bergman
 Nancy Smith
 Tom & Joyce Purdy
 Ron & Angela Papneill
 Jay & Bet Chappel
 Todd Mathis
 Carol & Victor Smith
 Dale & Sharon Mars
 Dieter & Len hartkopf

Karen Sanderson
 Ken & Sue Parr
 Dottie Carroll
 Louie & Marilyn Hemphill
 Mary Lang
 Bob & Anne Hodges
 Daniel & Linda Feeney
 Roger Stiers
 D. J. & sje Reardon
 Jim Merz
 J. C. Murphy
 Kathleen Lindberg
 Dorothy & Hank Konetanty
 Constance Slattery
 Sue Beckworth
 Tom & Diane Temko
 Edge Mullenbier
 LouAnne Montau
 B. Shottes
 Janet Drews
 Brent Douglas
 C. Mehean
 Jane MacCarthy
 Carol Kusek
 Pat & Paul Delmato
 Fred and Ann Horwitz
 Brenda Capek
 Bob Vally
 David Mowry
 Alison Dreher
 Barbara Whelan
 Harris & Tom Churchran
 The Letts
 Tom & Judy Schmitz
 Dick Thams
 Holly & Joe Serokos
 Ruth Merry
 Krant & Anita Landner
 Edmond Adrianens
 Paul & Camilla Gailey
 The Doerges
 Bryan Helming
 Glenn Spurlock
 Mary Lambert
 Gordon & Cheryl Forgey
 Beverly & George Butler
 James Crane
 George & Minnie Osteryee
 Sue Harrelson
 Jackie Carson

76

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Anna Mara Schoffuann
John & Renee Nagel
Phil Thompson
Sharadan Whiting
Harv & Barb Halberg
Jean & Leon Kerwin
Irving Priest
Jan McLaughlin
Janice Prentice
Tom Woodling
James Walton
Chris & Chris Rogiers
Churck Bentley

17

Roland Thiede
Bev Larson
Lisa Anderson
Pat & Kathy Hansen
Ernest Harden
Catherine Ahrens
Dick & Amy Loughman
Don and Sue Patterson
Robert Richmond
John & Doris Zimmerman
Gene & Gena Deckerson
Lea Walters
Bill & Wanda Bell

19

PUBLIC COMMUNICATION

SUPPORT

Hines, Lisa

From: Noble, Matthew A.
Sent: Wednesday, September 10, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark...Burnt Store Marina proposed changes

for the file...

From: Tom Kuhn [mailto:tomkuhn@indy.rr.com]
Sent: Tuesday, September 09, 2008 7:58 PM
To: Noble, Matthew A.
Subject: Realmark...Burnt Store Marina proposed changes

I have owned a condominium in the Burnt Store Marina Complex for several years now and am delighted to see Realmark's plans to improve the marina area with new facilities. Although I am not familiar with the entire project, I understand that it will include upgrades to the marina, docks, more retail shops, restaurants, etc.

I am not too keen on adding additional large condo's, but I'm infavor of seeing the marina area itself spruced up.

Tom Kuhn
3020 Matecumbe Key Road
Unit 106

9/10/2008

Hines, Lisa

From: Block, Alvin H.
Sent: Thursday, September 18, 2008 4:10 PM
To: Hines, Lisa
Subject: FW: Land use amendment for Burnt Store Marina for Sept 22, 2008

See below. A positive comment.

Chip

Alvin Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Dist3, Judah
Sent: Thursday, September 18, 2008 2:36 PM
To: Block, Alvin H.
Subject: FW: Land use amendment for Burnt Store Marina for Sept 22, 2008

Again,
Unauthorized communication?
Thank you for your patience as I learn -

olly Schweers, Executive Assistant
Commissioner Ray Judah, Chairman
Lee County Board of County Commissioners
(239) 533-2223 Phone
(239) 485-2021 Fax
Email: dist3@leegov.com
Website: www.lee-county.com

From: Jim Getz [<mailto:jrgetz1@comcast.net>]
Sent: Thursday, September 18, 2008 1:32 PM
To: nandress@comcast.net; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com;
DawnMGo@leeschools.net; Lmt7979@hotmail.com; rawessel@sccf.org; rippernj@embarqmail.com; Dist1, Janes; Dist3, Judah;
Dist2, Bigelow; Dist5, Mann
Subject: Land use amendment for Burnt Store Marina for Sept 22, 2008

To: Local Planning Agency Members of Lee County
Lee County Commissioners

From: Jim and Cathy Getz
1006 Matecumbe Key Rd
Punta Gorda, Fl. (Burnt Store Marina)

We are contacting you regarding the up coming meeting on Monday, September 22 on the planning changes that Realmark is requesting for our area. We Support Realmark's plan to develop the Burnt Store Marine area in its entirety and request you change the current land use designation to allow for this redevelopment. Our Community is in need of serious upgrading and

9/18/2008

Realmark has shown the willingness to spend the dollars to improve our area and consequently the tax base for Lee County.

We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grade our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely

Jim and Cathy Getz

From: Dist1, Janes

Sent: Wednesday, September 10, 2008 1:26 PM

To: John McConomy

Cc: O Connor, Paul S.; Dist1, Janes

Subject: RE: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Dear Mr. McConomy,

Thank you for taking time to write to me to share your comments and concerns over the proposed Comprehensive Plan Amendment 2007-00054 regarding Burnt Store Marina Village. Please accept this response as acknowledgment that your message has been received and reviewed.

This item is scheduled to go before the Lee County Planning Agency for review and recommendation on September 22, before it comes to the Lee County Board of County Commissioners. Let me assure you that I will be happy to keep your comments in mind at that time it comes to the BoCC for a vote. However, in the meantime, I am taking the liberty of forwarding your comments to Paul O'Connor, Planning Director, to share with the members of the Lee County Local Planning Agency.

If I may be of any further assistance to you, please feel free to contact me.

Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398
239.533.2224 (Office Number)
239.485.2155 (Fax Number)
Dist1@leegov.com

From: John McConomy [mailto:jwmccconomy@yahoo.com]

Date: Tuesday, September 09, 2008 3:49 PM

To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann; nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com

Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Members of the County Commission and Lee Planning Agency:

Please find attached my letter in support of Realmark's application for the Burnt Store Marina Village. Thank you for your consideration. Many thanks.

Regards,
John McConomy

John McConomy
3333 Sunset Key Circle #102
Burnt Store Marina
Punta Gorda, FL 33955

9/15/2008

John W. McConomy
3333 Sunset Key Circle #102
Punta Gorda, FL 33955

September 9, 2008

NOEL ANDRESS
P.O. Box 420, Pineland, FL
33945
7101 Capri Lane, Pineland,
FL 33945

RONALD INGE
Development Solutions,
LLC
4571 Colonial Boulevard,
#102
Fort Myers, Florida 33966

JACQUE RIPPE
13140 Bird Road
Fort Myers, FL 33905

CARLETON RYFFEL
100 Estero Boulevard, #434
Fort Myers Beach, FL 33931

RAE ANN WESSEL
P.O. Box 713, Fort Myers,
FL 33902
17880 Sawmill Lane, North
Fort Myers, FL 33917

LELAND M. TAYLOR
2619 NE 1st Avenue
Cape Coral, FL 33909

LES COCHRAN
18961 Knoll Landing Drive
San Carlos Park, FL 33908

VIA U. S. Mail and email

Re: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Dear Members of the Lee County LPA,

I understand that you, as members of the Local Planning Agency of Lee County, will consider the referenced application at your next meeting on September 22, 2008. As a full time resident and owner in Grande Isle Tower IV located within the Burnt Store Marina I am writing to urge you **to SUPPORT the application as submitted and recommend approval to the County Commission.** The proposed improvements will not only enhance Burnt Store Marina, but will also add value to our properties and bring much needed tourist dollars to our County. Realmark has a demonstrated track record of quality development (e.g. Cape Harbour) and has operated the Burnt Store Marina facilities in a first class manner since its acquisition. Thank you for your consideration.

Sincerely,



John W. McConomy

CC: Lee County Commissioners

Hines, Lisa

From: O Connor, Paul S.

Sent: Monday, September 15, 2008 4:10 PM

To: Noble, Matthew A.; Miller, Janet M.; Hines, Lisa

Subject: FW: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

FYI

From: Dist1, Janes

Sent: Wednesday, September 10, 2008 1:26 PM

To: John McConomy

Cc: O Connor, Paul S.; Dist1, Janes

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Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
Post Office Box 398
Tampa, FL 33902-0398
239.533.2224 (Office Number)
239.485.2155 (Fax Number)
Dist1@leegov.com

From: John McConomy [mailto:jwmccconomy@yahoo.com]

Sent: Tuesday, September 09, 2008 3:49 PM

To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann; nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com

Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Members of the County Commission and Lee Planning Agency:

Please find attached my letter in support of Realmark's application for the Burnt Store Marina Village. Thank you for your consideration. Many thanks.

Regards,

John McConomy

John McConomy
3333 Sunset Key Circle #102
Burnt Store Marina
Santa Gorda, FL 33955

9/15/2008

From: Jacky Hill [mailto:jackyhill@earthlink.net]
Sent: Thursday, September 18, 2008 7:09 AM
To: Noble, Matthew A.
Cc: Gibbs, Mary ; Kelner, Bryan J.
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

not sure who is the right person to send these questions to...

This email below was sent yesterday. I have highlighted sections in yellow.

Are the statements in those sections true? That is, once the amendment is accepted, will there then be time for community discussion about the development? If the FLUM is approved for 220 feet (or Staff's suggestion of 135 feet), would there be a later time when the actual order might be limited to, say 80 feet? When would that be, and what would be the considerations at that time for keeping heights lower?

I realize that this is a "what if" scenario – but mostly I'm interested in the development process that will follow once an amendment such as this is passed, and what part the community can plan in that process.

Thank you for your information.

Jacky Hill

From: Pete McGough [mailto:PMcGough@realmarkgroup.com]
Sent: Wednesday, September 17, 2008 5:24 PM
Subject: Realmark Needs Your Help - Upcoming Public Hearings

First, I am sending this note to addressees for whom we had contact information on file - if you are not interested in the redevelopment plans for the area around the marina, please accept my apology and disregard this message. If you are interested, Realmark Needs Your Help!!!

Realmark is asking for your support in connection with the upcoming Hearing(s) regarding the Future Land Use Amendment for Burnt Store Marina which is presently under consideration by the County. This request and the associated Hearings are not intended to address details or specifics with regard to redevelopment plans, but rather, to approve a change in the County's designation of the area around the marina to accommodate the redevelopment. The details and specifics of any proposed development will be addressed in a year or so working with design professionals, County Staff and community input, when Realmark seeks a Development Order. But in order to get to the point where specifics can even be considered, the Future Land Use designation must be changed because existing zoning and land use designations do not allow for any meaningful redevelopment.

The first Hearing is this coming Monday in front of the Lee County Local Planning Agency. About a month later the issue goes to the Board of County Commissioners for consideration. At that point, if approved by the Commissioners, the request for the Future Land Use Amendment will be forwarded to the State for approval. That process will take nine months or so, and only after that will the design details of any proposed development be up for consideration. That planning and hearing process

9/18/2008

provides for significant input from the community, and several public hearings – that is the stage at which the specifics of proposed development plans will be shaped, not at this stage.

We are seeking the support of the community to move this along through this preliminary stage so we then have a chance to work with the residents to fashion a planned development that helps revitalize and rejuvenate the community. As many of you know, there is a very vocal minority of residents opposed to any development, though they profess otherwise. It is the voice of these opponents that is being heard by the powers that be thus far.

We would like to have your support to demonstrate that the Realmark opponents do not speak for the entire community. Below, I have included contact information for members of the Local Planning Agency. It would very helpful if you, and others to whom you may forward this message (and we encourage that), would contact the LPA members to let them know you support this Future Land Use Amendment and Realmark's efforts to redevelop the area around the marina – again, there will be lots of opportunities to deal with the details during the Development Order process after this initial request is approved by the Local Planning Agency, the Board of County Commissioners and the State.

It is important to provide for some residential units – we're asking for 160 units – because it is the residential development that pays for everything else. Shops, office and open space do not generate adequate revenue to support the redevelopment on their own. It is also very important that we be granted flexibility regarding height because this is a very 'tight' site and the only way to preserve open space for community use is to incorporate structured parking under the buildings rather than spreading surface parking all over the site – we need to build 'up' rather than 'out' as with a low-rise design, so we can maximize the utility of the site.

We thank you for your support. We look forward to working with the residents to fashion a development plan that works for the benefit of the entire community.

An email or phone call would be good, a letter would be better, a personal appearance Monday (plus letter or email) would be best. The Hearing is set for next Monday, September 22, 8:30 a.m., Board Chambers at Old Lee County Courthouse, 2120 Main St, Fort Myers.

Lee County Local Planning Agency Members

**2008 MEMBERSHIP ROSTER
LEE COUNTY LOCAL PLANNING AGENCY (LPA)**

NOEL ANDRESS P.O. Box 420, Pineland, FL 33945 7101 Capri Lane, Pineland, FL 33945 283-5653 (Phone) 283-0173 (Fax) nandress@comcast.net	JACQUE RIPPE 13140 Bird Road Fort Myers, FL 33905 694-0451 (Phone) rippemj@embarqmail.com
RONALD INGE Development Solutions, LLC 4571 Colonial Boulevard, #102 Fort Myers, Florida 33966	CARLETON RYFFEL – Chair 100 Estero Boulevard, #434 Fort Myers Beach, FL 33931 463-3929 (Phone) carleton819@aol.com

Hines, Lisa

From: Noble, Matthew A.
Sent: Thursday, September 18, 2008 7:20 AM
To: Hines, Lisa
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

is there a provision in the descriptor policy for the proposed land use category that would required PD rezoning, I don't remember that, and is a hotel permitted in CM...

From: Jacky Hill [mailto:jackyhill@earthlink.net]
Sent: Thursday, September 18, 2008 7:09 AM
To: Noble, Matthew A.
Cc: Gibbs, Mary ; Kelner, Bryan J.
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

I'm not sure who is the right person to send these questions to...

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9/18/2008

489-4066 (Phone) 481-8477 (Fax) ringe@landsolutions.net	
RAE ANN WESSEL P.O. Box 713, Fort Myers, FL 33902 17880 Sawmill Lane, North Fort Myers, FL 33917 731-7559 (Phone) 731-3779 (FAX) rawessel@sccf.org	LES COCHRAN – Vice Chair 18961 Knoll Landing Drive San Carlos Park, FL 33908 267-4755 (Phone) 267-4260 (Fax) Lessgov@LesCochran.com
LELAND M. TAYLOR 2619 NE 1st Avenue Cape Coral, FL 33909 (239) 233-3262 (Phone) (239) (Fax) (850) 491-2548 (Cell) Lmt7979@hotmail.com	DAWN GORDON (<u>Non-Voting Member</u>) Lee County School District 3308 Canal Street Fort Myers, FL 33916 479-5661 (Phone) 479-5667 (Fax) DawnMGo@leeschools.net

I hope to see you there. Again, thank you for your support. I will not let you down...

 Stout

Realmark Development, LLC
5789 Cape Harbour Drive
Suite 201
Cape Coral, FL 33914
Phone: (239) 541-1372
Fax: (239) 541-1377

From: Jim Getz [mailto:jgetz1@comcast.net]

Sent: Thursday, September 18, 2008 1:32 PM

To: nandress@comcast.net; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com;

DawnMGo@leeschools.net; Lmt7979@hotmail.com; rawessel@sccf.org; rippemj@embarqmail.com; Dist1, Janes; Dist3, Judah; Dist2, Bigelow; Dist5, Mann

Subject: Land use amendment for Burnt Store Marina for Sept 22, 2008

To: Local Planning Agency Members of Lee County
Lee County Commissioners

From: Jim and Cathy Getz
1006 Matecumbe Key Rd
Punta Gorda, Fl. (Burnt Store Marina)

We are contacting you regarding the up coming meeting on Monday, September 22 on the planning changes that Realmark is requesting for our area. We Support Realmark's plan to redevelop the Burnt Store Marine area in its entirety and request you change the current land use designation to allow for this redevelopment. Our Community is in need of serious upgrading and


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We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grading our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely

Jim and Cathy Getz

From: jimmymerz@aol.com [mailto:jimmymerz@aol.com]
Sent: Wednesday, September 17, 2008 6:14 PM
To: Noble, Matthew A.
Subject: Cae Number CPA2007-0054

 Noble,

I am out of the BSM area at this time as are so many other owners and residents and will not be able to attend the hearing in person. I have included a copy of the letter I mailed to you today in this EMail.

Regards,


JR Merz

To: Lee County Southwest Florida
Board of County Commissioners
Department of Community Plan Review
Mr. Matt Noble
; PO Box 398
Fort Myers, Florida 33902-0398

From: Mr. James R. Merz

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

 As a resident of Burnt Store Marina, I am very concerned that the input you are receiving concerning the review of Case Number CPA2007-0054 is slanted to the negative. I have seen letters to you and to Planning Agency Members that state that the development of the marina would be detrimental to our community. I am a member of two association Homeowners Boards within the marina and have contact with many of the owners. I have talked to no one who is against the Realmark proposal and, in fact, have found that most endorse it enthusiastically.

The area around the marina in the proposed redevelopment is comprised today of old, antiquated, ugly, termite infested buildings that in a few years will be not fit to be used for any purpose other than firewood. The old Admin building located on Matecumbe Key Road has been closed for over 5 years because of mold and termite infestation and becomes more of an eyesore each day. The restaurant building located on the water is in dire need up upgrading. If it were not located on our beautiful marina it would surely be closed.

At Cape Harbour in SW Cape Coral, Realmark has shown their ability to develop areas like Burnt Store. That community, since its completion, is a wonderful place to visit with friends, have a good meal and listen to quality entertainment. It is also a development that the entire City of Cape Coral can be proud of.....I would like to feel the same way about Burnt Store Marina.

9/18/2008

If you, the City Planners, do take into consideration the views of the residents and owners of a community like Burnt Store then I would suggest postponing your scheduled hearing until February or March, 2009. September is the time of the year when our community is the most vacant. You would get a much more balanced set of opinions during the later timeframe than you will today because, quite frankly, there is always organized opposition to these types of projects and, if held on September 22, opposition is probably all you will get. We have a community of over 1900 residents and owners.....again, I can assure you that the overwhelming majority is for Realmark's proposal.

Progress in a community like Burnt Store affects everyone and, usually, inconveniences everyone for, at least a while. But if the progress leaves us with a marina area that we could be proud of, the inconvenience would be more than tolerable.

Thank you for your consideration,

James R. Merz
The Resort at Burnt Store
Cobia Estates at Burnt Store

Looking for spoilers and reviews on the new TV season? [Get AOL's ultimate guide to fall TV.](#)

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-0054 Realmark development at Burnt Store

From: captcrow@comcast.net [mailto:captcrow@comcast.net]
Sent: Thursday, September 18, 2008 9:37 PM
To: Noble, Matthew A.
Subject: CPA2007-0054 Realmark development at Burnt Store

Hello - -

I would like to add my voice to those residents of Burnt Store Marina who are in favor of letting Realmark go forward with their development plans. Our community definately needs to be improved and, given what Realmark has done with their Cape Harbor development, I think their plans would offer a significant asset to this community both from a beautification and a real estate appreciation perspective.

As a twelve year resident of the Marina I have come to know many people, the vast majority of whom are in favor of Realmark's plan. My only concern is ,given the timing of the hearing, that vast majority won't be in the area to voice their opinions. There would be a much more accurate cross section of resident's wishes if the hearing were to be held sometime during the winter months.

Sincerely,

Tom Crow

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:22 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case #CPA2007-0054

-----Original Message-----

From: John Rudibaugh [mailto:jrudibaugh@advancedrail.com]
Sent: Thursday, September 18, 2008 10:36 PM
To: Noble, Matthew A.
Subject: Case #CPA2007-0054

Dear Sir.....

Writing my 100% approval for Realmark's request for the redevelopment.....Please grant their request....case # CPA2007-0054

John and Doris Rudibaugh
Condo 306
Grand Isle I
Burnt Store Marina

Robert W. Akers

3313 Sunset Key Circle, Unit 501
Burntstore Marina, FL 33955



Telephone (941) 637-7171
Fax (941) 637-7172
E-Mail: bobakers@comcast.net

September 18, 2008

Mr. Matt Noble
Lee County Southwest Florida Board of Commissioners
Department of Community Plan Review
Fort Myers, FL 33902

SUBJECT: Support for Burnt Store Marina-Case #CPA2007-0054

Dear Mr. Noble,

My wife and I have been boaters in Burnt Store Marina since 1986, owners of multiple residential properties, including one on Matecumbe Key Road, since 2000 and full time residents in BSM since 2004. We recognize the marina as a highly regarded safe haven for boaters because of its location, protected from direct Gulf of Mexico storm surges, yet with access to the whole world.

Of the over nineteen hundred property owners in the marina, I can assure you that a great majority of owners are in strong support of Realmark's proposal! It is unfortunate that the Department of Community Plan Review of the Realmark proposal has been scheduled so early in the fall when so many of our residents are still up north and unable to attend the meeting to show support for Realmark. When Realmark first purchased the marina a couple of years ago it was met with a broad base of enthusiastic owners and that strong base of support is still felt for Realmark's marina re-development. Unfortunately, a relatively small group of owners formed an organization called "BSMCUO" which makes a disproportionate level of opposition noise. They simply don't appreciate the community's life style improvement, the enhanced property values and increased Lee County tax base that the improvements would generate.

The BSMCUO's major objection seems to be the proposed height of several of the buildings in Realmarks plan. The land to be redeveloped is very valuable and its redevelopment needs to optimize the area. There are two ways to do that, one is to go high, placing parking areas inside the first few levels of the tall buildings with living

areas above. The second way would be to develop every possible square inch of land with lower rise dwelling units which would result in cutting off the entire community's view of the beautiful marina and forcing us all to look at a sea of parked cars instead.

Will Stout and his people at Realmark have earned great respect for their creative developmental work at Cape Harbor and for their concern and respect for the temporary inconveniences that such re-development causes the local citizenry. I strongly support their proposed project and their judgment in any possible modifications that might be proposed and agreed to.

Respectfully yours,

Robert W. Akers

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:01 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

-----Original Message-----

From: carl schoenbachler [mailto:candcschoen@earthlink.net]
Sent: Friday, September 19, 2008 11:11 AM
To: Noble, Matthew A.
Subject: Fw: Burnt Store Marina

-----Forwarded Message-----

>From: carl schoenbachler <candcschoen@earthlink.net>
>Sent: Sep 18, 2008 7:11 AM
>To: nandress@comcast.com, rippemj@embarqmail.com,
>ringe@landsolutions.net, carleton819@aol.com, rewessel@sccg.org,
>Lessgov@LesCochan.com, Lmt7979@hotmail.com, DawnMGo@leeschools.net
>Subject: Burnt Store Marina

>

>Ladies and Gentlemen:

>

>First let me apologize for the lateness of this communication. I only this morning became aware of the Realmark/Burnt Store Marina hearing next Monday. That also explains the email versus a "real" letter.

>

>I am a resident of BSM and have been since 2005. I am 61 and my wife 51 so we are among the younger end of the population here. I followed very closely as a strong supporter the previous failed attempt by Realmark to redevelop the marina. I attended, along with the vast majority of all BSM residents, the first presentation made by Realmark concerning redeveloping BSM. I heard first hand the overwhelming support for the project. And sadly, I saw the project undermined by a very small minority of residents.

>

>I am writing today to do my part to ensure that situation does not repeat itself. BSM is a hidden jewel for Lee County. It has enormous potential if redeveloped and modernized. On the other hand it is becoming dated and if not revitalized will lose its luster.

>

>All of you know this property and its potential. Please don't let a few very vocal opposers who will no doubt attend the hearing ruin this opportunity for the vast majority that favor the redevelopment.

>

>Thank you for your consideration, time and most importantly, your service to our community.

>

>Carl Schoenbachler
>3313 Sunset Cir. #701
>Punta Gorda, FL 33955
>(502) 552-1255 (cell)

Allan and Kathy Orrison
Grande Isle Towers III - #601
Prosperity Point
Burnt Store Marina
3329 Sunset Key Circle
Punta Gorda, FL 33955

September 26, 2008

Mr. Matt Noble, County Planner
Lee County Local Planning Agency

RE: Realmark Development within Burnt Store Marina
F. CPA2007-54—Realmark Burnt Store Marina LLC

Dear Mr. Noble,

We are writing to express our support for the Future Land Use Amendment for Realmark's efforts to redevelop the areas around Burnt Store Marina. We are both excited about Realmark's plans to revitalize and rejuvenate this community that we call our home. Virtually everyone we have spoken with in the community shares our enthusiasm.

There is a small but very vocal minority of residents who do oppose this development. I feel that it is important that you recognize that they do not represent the community as a whole.

Again, we offer our enthusiastic support for Realmark's plans.

Allan and Kathy Orrison

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 29, 2008 7:19 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Burnt Store Marina Letter of Support
Attachments: Realmark LPA.doc

From: Allan & Kathy Orrison [mailto:arorrison@comcast.net]
Sent: Saturday, September 27, 2008 4:01 PM
To: Noble, Matthew A.
Subject: Realmark Burnt Store Marina Letter of Support

Dear Mr. Noble,

Attached is our letter of support for F.CPA2007-54--Realmark Burnt Store Marina, LLC.

Allan R. Orrison
Kathy S. Orrison

9/29/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Thursday, September 25, 2008 8:36 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Future Land Use Assesment for Burnt Store Marina

For the file...

From: JAMES LEDUC [mailto:jamesleduc@msn.com]
Sent: Thursday, September 25, 2008 8:22 AM
To: Noble, Matthew A.
Subject: Future Land Use Assesment for Burnt Store Marina

Planning Agency Members,

We are confident that any future plans Realmark and Will Stout have for the development in Burnt Store Marina will be an asset to the community and will be in the best interest of Burnt Store Marina Homeowners.

We purchased our home in the Courtside Landings section of the community about 9 years ago, and have enjoyed the improvements brought about by Will Stout in the Marina and throughout the community.

We look forward to the future of the community revitalization and we feel will best be brought about by Will Stout and Realmark.

Thank you for the opportunity to be heard on this matter.

James and Linda LeDuc
17832 Courtside Landings
Punta Gorda, FL 33955

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9/25/2008

Hines, Lisa

From: Noble, Matthew A.

Sent: Tuesday, September 23, 2008 11:16 AM

To: Hines, Lisa; Hock, Donna

Subject: FW: case #CPA 2007-0054

From: Daniel Green [mailto:dfamilydental@rroho.com]

Sent: Tuesday, September 23, 2008 11:16 AM

To: Noble, Matthew A.

Subject: case #CPA 2007-0054

Dear Sir(s)

I'm writing in reference to case #CPA 2007-0054, about Realmark's request to rezone part of Burnt Store Marina. I have a condo and a sailboat there, and I understand that there is a group of people trying to stop this as they did around the golf course.

I personally support Realmark's proposals and think it would do a lot to revitalize BSM and beautify even more. Please don't let a few vocal people speak for the rest of us

Dan Green

9/23/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 6:58 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: F.CPA 2007-54 Realmark Burnt Store Marina, LLC

From: LOREN ADGATE [mailto:ladgate@prodigy.net]
Sent: Monday, September 22, 2008 4:50 PM
To: Noble, Matthew A.
Subject: F.CPA 2007-54 Realmark Burnt Store Marina, LLC

I'm writing in support of the Realmark plans to change the Zoning at Burnt Store Marina. It would be a great improvement in the use of the land and when completed would enhance the value of mine and the association's property.

signed: Mr. Loren C. Adgate, 3245 Sugarloaf Key Rd., #24A, Punta Gorda, FL 33955

9/23/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 3:12 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: (no subject)

From: Jimmailguy@aol.com [mailto:Jimmailguy@aol.com]
Sent: Monday, September 22, 2008 12:43 PM
To: Noble, Matthew A.
Subject: (no subject)

To who it may concern,

We have been associated with Burnt Store Marina since the mid 80's. We recently bought a home in Egret Point. We are very happy with our community! We support the plans that Real Mark is proposing for the redo and or improvements to the development. Please include Sharon and I with the majority of property owners and grant Real Mark the latitude they need to to continue with their plans!

Sincerely, Jim & Sharon Cook
1613 Islamorada Blvd.
512-266-2153

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 3:00 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Development

From: TOASTERjr@aol.com [mailto:TOASTERjr@aol.com]
Sent: Monday, September 22, 2008 9:41 AM
To: Noble, Matthew A.
Subject: RealMark Development

Please accept this e-mail as support for real Mark development project in Burnt Store Marina.

Realmark does an exceptional job of building, case in point is Gulf Harbor Development.

I feel we need to re-vitalize the area or BSM
will fall to the wayside such as Tern Bay and the many other projects along the BURNT STORE RD.

RE-VITALIZATION WILL HELP IMPROVE THE TAX BASE, SUPPORT REWORKING OF BURNT STORE RD THAT IS IN
TOUGH SHAPE AMND HELP THE HOUSING VALUES GROW.

AS WELL AS PUT BSM BACK ON THE MAP FOR VACATIONERS.

The same individuals that are against the RealMark Development seem to be the same ones that wanted the Golf Course to fail
and hence become privatized rather thsn community driven.

A vote of roughly 1400 vs 400 was tallied to have the support of the golf course, however a judge rules to support the minority
vote. Hence today, to save the golf course, those 1400 pay for the operating costs yet it is in the community.

ase allow the RealMark project to go forward.

Thank you,

Tom Oaster
4051 Cobia Cay Estates Dr
Punta Gorda, FI 33955
239 313 3358

Toasterjr@aol.com

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 2:54 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development within Burant Store Marina

-----Original Message-----

From: Barry Shiflett [mailto:shifletb@fiu.edu]
Sent: Monday, September 22, 2008 8:43 AM
To: Noble, Matthew A.
Cc: rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com; Lmt7979@hotmail.com; info@bensonsinc.com; Ruth
Subject: Realmark Development within Burant Store Marina

I would like to voice my support for the Realmark Development for Burnt Store Marina. I have owned a villa there for 2 years at 302 Islamorada Blvd. We purchased our place because of the Marina as we enjoy boating, fishing and the overall layout of Burnt Store. We have seen our property slide in value as many others have done within the past two years. I concur with Will Stout that Burnt Store Marina is in need of being revitalized and rejuvenated and by doing so it will add new residents and will increase the overall value of all property owners.

I understand that construction can cause some inconvenience but once completed we all win. Burnt Store Marina then will be able to take its place as a premiere location for guests and new residents.

Regards,

Barry

--

Barry Shiflett
Director, Bank of America Career Management Services College of Business Administration Florida International University 1050 SW 112 Avenue, CBC 121 Miami, Florida 33199
Phone: 305/348-7395
FAX: 305/348-1572
Email: bShiflett@fiu.edu

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 8:15 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina Village

From: Janet/Bob Wood [mailto:bjwood5113@yahoo.com]
Sent: Monday, September 22, 2008 7:41 AM
To: Noble, Matthew A.
Subject: Burnt Store Marina Village

Although we are not able to be in attendance at the meeting this morning regarding the RealMark Development Plan, I wanted to lend my support to the project as an owner of two units in this community. We believe that Mr. Stout will work in the best interests of the community and make improvements that are in conjunction with overall plan for the development of the community. I would also like to note that the group that is not in favor of the proposed development, represents themselves as speaking for the majority of the homeowners inside the marina, I do not believe that to be correct; rather a small group. Thank you very much - if you have any questions, please feel free to contact me at any time.

Janet Wood
(941) 575-2290
1200 Romano Key Circle
Punta Gorda, FL 33955

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:03 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development in Burnt Store Marina

From: REB916@aol.com [mailto:REB916@aol.com]
Sent: Sunday, September 21, 2008 11:19 AM
To: Noble, Matthew A.
Subject: Realmark Development in Burnt Store Marina

We are owner's of three properties in Burnt Store Marina.

We are in favor of any development plans by Realmark Development in Burnt Store Marina.

**Howard & Ruth Berrey
3329 Sunset Key Cir., Unit 201
Punta Gorda, Florida 33955**

We can be reached now at 614 793 1248 or 614 795 1248.

Thank you.

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9/22/2008

Hines, Lisa

From: Kathryn Weicker [kaweicker13@hotmail.com]
Sent: Sunday, September 21, 2008 11:11 AM
To: nobelma@leegov.com
Subject: CPA2007-54 Realmark

To Whom It May Concern,

I would like support the zoning changes requested by Realmark. I am a full-time resident of Burnt Store Marina and approve of the changes that are proposed. I am sure that there will be neighbors who oppose these changes. Frankly...change comes hard for some people, but life is about change and I hope that you will not allow their fears to influence what is best for this community!

Thank you.

Kathryn A Weicker
3225 Sunset Key Circle
Punta Gorda, FL 33955
941-575-6962

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:39 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Burnt Store Marina

From: tomweekes [mailto:tomweekes@earthlink.net]
Sent: Friday, September 19, 2008 4:20 PM
To: Noble, Matthew A.
Subject: RealMark Burnt Store Marina

Hi,

I am the owner of Towers II Unit 2705 in the Marina. I understand that there is a hearing coming up on RealMark's proposed development. I have seen the plans and unless the development is strikingly outside of the land use guidelines, I see no reason to shoot it down. I have sat on P and Z boards in the past and I understand the pressures you face. We have faced the tyranny of the minority in the past in the Marina which has cost us all. RealMark has done some very nice things in the past and I support what they plan in the Marina. The current buildings on the land they will be using is pretty bad.... Not usable and poor quality construction. They own the property, they are pretty smart real estate people, smart enough to venture their own money so again, unless they are way outside the reservation, I support their plans.

Sincerely,
Tom and Gay Weekes
(c)941-855-0147

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:33 PM
To: Douglas W. Beattie
Cc: Hines, Lisa; Hock, Donna
Subject: RE: F.CPA2007-54 -- Realmark Burnt Store Marina, LLC

From: Douglas W. Beattie [mailto:dwcbt@netzero.net]
Sent: Saturday, September 20, 2008 1:04 PM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LésCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: F.CPA2007-54 -- Realmark Burnt Store Marina, LLC

Dear Mr. Matt Noble:

I am emailing you regarding the above subject agenda item schedule for review at your meeting on Monday, September 22, 2008 at 8:30 AM. Unfortunately, the property management company for Punta Gorda Isles, Section 22 HOA, was asleep at the switch and only notified us at 2:02 PM on Friday, September 18, 2008 of the meeting. I suspect that the delay in reaching the absent property owners of Burnt Store Marina, regarding this subject, was calculated to prevent our opinions from being registered with you and the LPA members. That said, I hope that you or some of the LPA membership read emails on the weekend.

The area in question at Burnt Store Marina has not changed in over 30 years. It is old, antiquated and no longer attracts boaters and future property owners to the Burnt Store Marina complex. We have the very best deep water harbor along the Southwest Florida Gulf Coast and should be allowed to take full advantage of this most valuable assets. Please give Realmark a chance to work with the community to come up with a plan that the majority of property owners and Lee County can approve. Historically, a small hand full of the 1900 + residents have adversely influenced the process of change. Without change, our community will not meet the needs of the 21st century. I for one do not want to see Burnt Store Marina become the next Matlacha of Lee County.

Thanks for taking the time to read this email,

Douglas W. Beattie
5 Islamorada Blvd.
Punta Gorda, FL 33955
President, Courtyard Landings Condominium Association, Burnt Store Marina

[Fashion Design Education - Click Here!](#)

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:31 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marine/Realmark Corporation

From: Harvey Hallberg [mailto:hhallfind@hotmail.com]
Sent: Saturday, September 20, 2008 11:19 AM
To: Noble, Matthew A.
Subject: FW: Burnt Store Marine/Realmark Corporation

Dear comissioner, This is a copy of a e-mail that was sent to Lee County local planing agency. Harvey Hallberg

From: hhallfind@hotmail.com
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; lessgov@lescochran.com; lmt7979@hotmail.com; dawnmgo@leeschools.net
Subject: Burnt Store Marine/Realmark Corporation
Date: Sat, 20 Sep 2008 14:28:41 +0000

My wife and I first came to Burnt Store Marina in the early 1990's and became full time residents in late 1996. It has been fun to watch the community grow, develop and recover from a small but fierce hurricane. I would guess Burnt Store Marina has grown about 100% in the time we have lived here. I think the community has done a good job, the area looks great, but in is major need of updating.

The case that you are going to decide on is issue CPA2007-0054 which concerns the Realmark Corporation and the commercial of this community. The commercial area has not been improved or upgraded in about 30 years. This includes a recreation center that is full of mold and termites, a dry boat storage building that was damaged in a hurricane long before Charley, and was never repaired, plus, numerous temporary mobile home type buildings that have been on the property for years. It is a disgusting dirty mess and detracts from the community.

I want the board to know that my wife and I STRONGLY SUPPORT REALMARK CORPORATION and the improvements and changes that they are trying to make. I think the board should also know that the community has had a chance to vote on supporting Realmark Corporation and the golf course issues 3 times. Once for supporting Realmark Development Plans and twice to keep the golf course open. These votes were about 80% in favor of Realmark Corporation and their plan for development of the community. There is a group in our community calling themselves the Burnt Store Marina Concerned Unit Owners. This group has appeared before this board before and tried to leave the impression that they represent the entire community. THEY DO NOT!! In fact, they represent somewhere between 4-10 % of the community. It is hard to be exact, as they try to remain annayanmous. They for darn sure do not represent most of us.

In summary, our marina area needs upgrading, modernizing and cleaning up and I am looking forward to seeing the development begin. I am sure the community and the developer can work together so that we will have a community that we can all be proud of. Thank you for your consideration and we thank Realmark Corporation for taking on this project.

Sincerely,

Harvey D. Hallberg

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how Windows connects the people, information, and fun that are part of your life. [See Now](#)

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:30 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

From: Whitleymr@aol.com [mailto:Whitleymr@aol.com]
Sent: Saturday, September 20, 2008 11:18 AM
To: Noble, Matthew A.
Cc: hinchj999@comcast.net
Subject: Burnt Store Marina

Unfortunately we are unable to attend the hearing regarding Will Stout's plan to develop the Marina area in our community of Burnt Store Marina, we are still in our summer residence. We completely support Will Stout and his future plans to make the Marina an exciting place for visitors to shop, dine and enjoy the beautiful sunsets we have. If the Burnt Store Marina can be as successful as Cape Harbor it will certainly be a benefit to ALL residents in Burnt Store Marina.

Respectfully yours,

Marilyn & Richard Whitley
223 Big Pine Ln.
Punta Gorda, FL 33955

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:30 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina/ Realmark Plan

-----Original Message-----

From: Robert Bucci [mailto:bobord36@yahoo.com]
Sent: Saturday, September 20, 2008 11:12 AM
To: Noble, Matthew A.
Cc: Bob Bucci
Subject: Burnt Store Marina/ Realmark Plan

As a resident of Burnt Store Marina, I believe it would be prudent to allow Realmark Marina Redevelopment Project to go forward.

A small minority of individuals calling themselves the BSMCUO and claiming to represent the residents of BSM and are opposed to any change in the existing structure of our community. The group is made up of less than 10% of the 1900+ unit holders.

There are a number of justification for allowing the project to go forward.

First, at a time when all governmental units are seeing reduced revenue, this project will expand the taxable base for Lee County.

Secondly, The addition of a quality project will enhance the value of all properties here in the marina. The enhanced value will be reflected in home values that will increase the assessed value and the level of taxes paid by the community.

Finally, change occurs whether we want it or not. When a community resist change, a slow be certain deterioration thats place which adverselt effects the entire community.

Thank you.

Robert C. Bucci
24086 Redfish Cove Drive
Punta Gorda, FL
Lee County

E-mail...bobord36@yahoo.com

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:29 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Development Review CPA2007-00054

From: Dean Wiley [mailto:wileyde@comcast.net]
Sent: Saturday, September 20, 2008 10:56 AM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; lmt7979@hotmail.com; dawMGo@leeschools.net
Subject: Burnt Store Development Review CPA2007-00054

Dear Mr. Noble,

We are owners of a condominium at 3368 Unit B Sunset Key Circle in Burnt Store Marina.

After a review of the plans of Realmark for re-development of the marina area of Burnt Store, we would like to voice our approval of this plan. We have confidence in Realmark and the leadership of Will Stout. Re-development and enlargement of the commercial and retail base of Burnt Store would be a boon to the community.

We would be grateful for a positive ruling of the Lee County Local Planning Agency on this matter.

Thank you,

Dean and Marjorie Wiley

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:28 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054-Burnt Store Marina

From: Beverly David [mailto:bev@beverlydavid.com]
Sent: Saturday, September 20, 2008 9:45 AM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054-Burnt Store Marina

To: Lee County Southwest Florida
Board of County Commissioners
Department of Community Plan Review
Mr. Matt Noble
PO Box 398
Fort Myers, Florida 33902-0398

From: Beverly & Jim David

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

As a resident of Burnt Store Marina, We support the redevelopment of Burnt Store Marina around the waterfront. We do not support any rezoning of the golf course for development. This marina could be a destination the same as Cape Harbour in SW Cape Coral. That community, since its completion, is a wonderful place to visit with friends, have a good meal and listen to quality entertainment. It is also a development that the entire City of Cape Coral can be proud of.....I would like to feel the same way about Burnt Store Marina, however the marina and golf course are a package and bring more to the table than a marina only.

Progress in a community like Burnt Store affects everyone and, usually, inconveniences everyone for, at least a while. But if the progress leaves us with a marina area that we could be proud of, the inconvenience would be more than tolerable.

Thank you for your consideration,

Beverly

Beverly David, Broker Associate
Keller Williams World Class Realty
Burnt Store Marina Resident

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054

From: Michael P Koughan [mailto:mpk21pe@comcast.net]
Sent: Saturday, September 20, 2008 9:42 AM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054

Mr. Matt Noble
Board of County Commissioners
Department of Community Plan Review
Lee County Southwest Florida

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

I would respectfully request that you obtain a representative number of opinions concerning this case before you make any decision opposing this case. Most residents are not present at Burnt Store Marina during the "off season". It is my belief that most residents would be in favor of the Realmark proposal. I am a Florida resident and live full-time in the marina. I recognize the benefit the whole marina could receive from future development from the responsible developer, Realmark.

I am in favor of this proposal and would hope your review committee would honor the wishes of a majority of marina owners. Before your decision against this proposal, please poll the community and see what response you receive!

Sincerely,

Michael P Koughan

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:26 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Village

From: Vicki Cox [mailto:7773vgc@comcast.net]
Sent: Friday, September 19, 2008 5:43 PM
To: Noble, Matthew A.; carleton819@aol.com
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: Burnt Store Village

Dear Mr. Ryffel and Mr. Noble and members of the Board:

My wife and I moved to Burnt Store Marina and Country Club in June of 1999. It was a bee hive of activity as the developer, WCI, was constructing condominiums, individual homes and towers along the waterfront of our community. Of course it was distracting to have construction vehicles moving in and out but eventually WCI finished what it was doing and moved on. It left a bright new community behind to mingle with the older style condominiums and cottages that were originally here. WCI sold the Marina to Realmark and eventually Realmark purchased the golf course, the irrigation system and the undeveloped land left behind by WCI. The undeveloped land provided the incentive for Realmark to pay for the amenities left behind by WCI.

Realmark set about immediately rehabilitating the marina, cleaned up the grounds and the restaurant, constructed new security gates and in general set out to make our community a first class place to live and to visit. The value of the homes increased and life was good. I invite you and your fellow members to come and visit our community and see for yourself the things Realmark has done to improve it.

Nevertheless, there has been an ongoing attempt by a small but vocal number of our neighbors to oppose every effort by Realmark to recoup its investment and make this a first class place to live and play. I know many of them and hope that most of them are sincere. However, it is my view that they do not represent the vast majority of owners of property here who do want to maintain their property value and have a safe, clean and modern place to live and play. We do not oppose the proposed change in land use to accommodate Realmark's development plans.

I have lived in and watched as other 25-30 year old developments decayed, lost their value, closed their golf courses and health clubs for lack of new blood and energy or incentive for anyone to operate and maintain the facilities. However, if the economy turns around and redevelopment becomes a viable economic option, the proposed land use by Realmark will stem this decay and insure that the community thrives and prospers. Furthermore, if I understand the economic model Realmark is proposing, the result will be an ongoing Village with revenue coming from boat storage, the marina and commercial leases. All of this gives Realmark or a successor owner the economic incentive to maintain and keep our community modern and attractive. This is the philosophy of downtown Fort Myers revitalization and that of many communities throughout the land who are bringing prosperity back downtown.

I urge the Lee Planning Agency to work with Realmark to allow it to create a beautiful new Burnt Store Village, one that the entire county, perhaps even the state of Florida, can take pride in having located in the Northwest corner of the county.

Very respectfully submitted,

Walter Cox
17773 Courtside Landings Circle
Punta Gorda, FL 33955

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:25 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: We Support Will Stout!!

-----Original Message-----

From: Ed Snage [mailto:ESnage@comcast.net]
Sent: Friday, September 19, 2008 4:52 PM
To: Noble, Matthew A.
Subject: We Support Will Stout!!

We own a condo at Burnt Store Marina and we fully support Will Stout in his plans for new development.

Ed and Fabia Snage
33113 Sunset Key Circle, unit # 203
Punta Gorda, FL 33955

Hines, Lisa

From: Noble, Matthew A.

Sent: Saturday, September 20, 2008 3:19 PM

To: Hines, Lisa; Hock, Donna

Subject: FW: CPA2007-0054



From: Ejcriscuoli@cs.com [mailto:Ejcriscuoli@cs.com]

Sent: Friday, September 19, 2008 4:32 PM

To: Noble, Matthew A.

Subject: CPA2007-0054

Dear Sir: Reference is made to case CPA2007-0054

Our property at 3181 Matecumbe Key, Unit #35 at Burnt Store Marina looks out on the property to be developed by Realmark. We are very much in FAVOR of this project. The current appearance of the area to be developed is in need of much improvement. The development being proposed will if allowed to be constructed will in our opinion improve the value of our property.

Thank You,

Ernest & Barbara Criscuoli.



9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:22 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Burnt Store Marina

From: tomweekes [mailto:tomweekes@earthlink.net]
Sent: Friday, September 19, 2008 4:20 PM
To: Noble, Matthew A.
Subject: RealMark Burnt Store Marina

Hi,

I am the owner of Towers II Unit 2705 in the Marina. I understand that there is a hearing coming up on RealMark's proposed development. I have seen the plans and unless the development is strikingly outside of the land use guidelines, I see no reason to shoot it down. I have sat on P and Z boards in the past and I understand the pressures you face. We have faced the tyranny of the minority in the past in the Marina which has cost us all. RealMark has done some very nice things in the past and I support what they plan in the Marina. The current buildings on the land they will be using is pretty bad.... Not usable and poor quality construction. They own the property, they are pretty smart real estate people, smart enough to venture their own money so again, unless they are way outside the reservation, I support their plans.

Sincerely,
Tom and Gay Weekes
(c)941-855-0147

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:19 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village, scheduled for review 09/22/08 at 8:30 AM
Importance: High

From: Louie Hemphill [mailto:llhemphill@comcast.net]
Sent: Friday, September 19, 2008 4:17 PM
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net; Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village, scheduled for review 09/22/08 at 8:30 AM
Importance: High

Mr. Noble,

Most of the residences within Burnt Store Marina have repeatedly shared our understanding and support for the Realmark development within the community, specifically in the marina area. The voting record from our yearly meeting is on file and shows the overwhelming approval given to their general proposals and plans... but....

We have a very small minority of "old timers" that think the community should never change and be as it was when they first moved here.. but back then it was something like.....

- . Milk was \$1.19 per gallon...
- . Gasoline was \$.98 per gallon...
- . Average home was \$37,000.00...
- . Community had less than 250 residences...

We've seen the benefits of a similar development by Realmark at the Cape Harbour facility and what it can do to enhance the community. We realize this is just the first step in a series of approvals that will take several years, but it is up to our Local Planning Agency to provide the initial review and approval to allow that process to continue.

We will attempt to be at the LPA meeting, but PLEASE.... Listen to the community as a whole and not just a few, out spoken, noisy members that like to get attention and hear themselves talk.

Thank you,

Louie and Marilyn Hemphill
1307 Islamorada Blvd.
(Burnt Store Marina)

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:17 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development in Burnt Store Marina

From: Dale Wentzel [mailto:dalewentzel@earthlink.net]
Sent: Friday, September 19, 2008 3:58 PM
To: Noble, Matthew A.
Subject: Realmark Development in Burnt Store Marina

Mr. Noble

I am currently a full time resident living in Burt Store Marina, at 5001 Marianne Key Road, Punta Gorda, Fl. 33955.
I would like to express my support for Realmark LLC and the changes and new development they are requesting approval for in the Burnt Store Marina community.

Dale Wentzel
dalewentzel@earthlink.net
EarthLink Revolves Around You.

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:15 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Plan

From: Richard J Walrath [mailto:rjw@duramill.com]
Sent: Friday, September 19, 2008 2:30 PM
To: Noble, Matthew A.
Cc: 'Bob Akers'
Subject: Realmark Plan

As a resident of Burnt Store Marina residing in Grand Isle II, will you kindly accept my comment with regard to the proposed redevelopment plan proposed by Realmark.
I and my wife, Sandra are both in favor of the Plan and it is our hope that this proposal achieves full acceptance by the Planning Agencies.
Thank you,
Richard J. Walrath

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:12 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054 Burnt Store Marina

-----Original Message-----

From: John Farnham [mailto:djfarnham@mac.com]
Sent: Friday, September 19, 2008 1:18 PM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054 Burnt Store Marina

Mr. Noble,

We have owned our Burnt Store Marina home for over eight years and are currently homesteaded there.

We wish you to know that we fully support the Realmark Burnt Store zoning request.

Unfortunately we have been unable to attend the recent hearings. We believe that those who have attended the meetings expressing opposition to Realmark's plans do not represent the majority opinion of the general ownership.

John & Dorothy Farnham
2060 Matecumbe Key Road
Unit 2506
Punta Gorda, FL 33955

JOHNSON

September 19, 2008

Mr. Matt Noble
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
Department of Community Plan Review
PO Box 398
Fort Myers Florida 33902

Re: Case Number CPA2007-0054, Burnt Store Marina

Dear Mr. Noble:

My wife and I are full-time residents of Burnt Store Marina and are concerned that you receive a complete picture of how most of us feel regarding Case Number CPA2007-0054, the re-zoning of portions of Burnt Store Marina.

We have called the Marina home for four years and plan to do so for many years to come. We are proud of the way that continued maintenance and recent development have maintained a contemporary look and feel in our community in spite of its age. The glaring exception to this is the collection of buildings currently surrounding the marina itself. The permanent structures are old, in terrible shape physically as well as aesthetically and – with the unwelcome help of Hurricane Charley – are well beyond their useful life span. In addition, the use of portable structures to house a real estate office and bank branch does little to create an appealing area.

In contrast, Realmark's plan to revitalize our "downtown" will not only bring solid, attractive buildings to the area but much needed energy and life as well. We are not in downtown Cape Coral and therefore cannot expect the level of activity now seen at Realmark's Cape Harbour development, but I believe that community is a good example of the caliber and appeal of the project we can look forward to.

I am a realtor working mainly in downtown Punta Gorda, an area with both a great deal of development and tremendous vitality. I think that community is one all of us should look to as a shining example that change is not always bad. Today Punta Gorda is a vibrant community not in spite of, but *because of* its responsible development.

Some in our community believe that the buildings in the re-zoning area are "quaint, funky, or old Florida." The truth is they are simply old. They are examples of early-eighty's slam-bam construction, stick built with T-111 siding and they will not stand the test of time no matter how many people like them.

I urge you to take the view that we cannot stop change; all we can do is attempt to control its direction. Realmark's plans represent a very positive direction for this area. They will help us remain an attractive community for many years to come, and that in turn will help us to make increasing contributions to the tax rolls of Lee County.

Thank you for your consideration.

Alan Johnson

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:09 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark development at Burnt Store Marina

From: Theo Fletcher [mailto:theof@us.ibm.com]
Sent: Sunday, September 21, 2008 10:10 PM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: Realmark development at Burnt Store Marina

Mr. Noble - I am a part time resident of Burnt Store Marina and unfortunately just received this notice, but I hope it is not too late to comment.

I strongly support a change in the zoning use of the Burnt Store Marina area to allow for the development proposed by Will Stout and Realmark...we have an excellent community which can be revitalized and enhanced by the type of development that is being proposed...I have visited Realmark's community in Cape Coral numerous times...the quality of the construction, the shops, and the restaurants provide a real feeling of community...this type of development can rejuvenate our community, and add to the appearance, appeal and value of our property.

If I can answer any questions, or provide additional support, please do not hesitate to contact me.

Thank you

Theo Fletcher
Grande Isle II - Unit 408
(914) 548-5209

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina Village hearing
Attachments: will Stout.doc

From: cfnoll@comcast.net [mailto:cfnoll@comcast.net]
Sent: Sunday, September 21, 2008 8:18 PM
To: Noble, Matthew A.
Subject: Burnt Store Marina Village hearing

I am unable to attend this hearing in the morning so I have attached a letter of support.

Thanks for your time and consideration of this letter
Sincerely
Craig Noll

9/22/2008

- 3). We support Will Stout. Unlike most developers, Will is visible and accessible. He has lived in Burnt Store Marina and now has a residence in Cape Harbour. He has a stake in these communities. Over the years he has sponsored many community events, often at his expense, and has encouraged using this community as a base for charitable events. Will and his team are also active in the wider Cape Coral and Ft Myers area supporting underprivileged children and local school groups. Finally on a very personal note, when tragedy struck my family 2 ½ years ago, Will Stout, the neighbor, was there for us. He has a big heart, he is a good honest man, and he is a first rate developer.

In conclusion, we believe from experience that given the opportunity to work with the residents of Burnt Store Marina, Will and the Realmark Team can create and build a planned development that puts the final touch on a Gem.

Sincerely,

Craig Noll
2014 El Dorado Pkwy W.
Cape Coral, Fl. 33914

cfnoll@comcast.net

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark at Burnt Store Marina

-----Original Message-----

From: a yee [mailto:annmyee@yahoo.com]
Sent: Sunday, September 21, 2008 5:39 PM
To: Noble, Matthew A.
Subject: Fw: Realmark at Burnt Store Marina

Please note that as a resident here I am in support of the recent proposal for development by Will Stout at Realmark.
Thank you for your time and consideration. Sincerely, Ann-Marie Yee 3321 Sunset Key Circle # 208 Punta Gorda FL 33955

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark at BSM

From: tmulligan [mailto:gailmulligan@comcast.net]
Sent: Sunday, September 21, 2008 4:12 PM
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leesschools.net
Cc: Noble, Matthew A.
Subject: Realmark at BSM

To Members of the Lee County Planning Board, et al.

We reside at 3329 Sunset Key Circle, Punta Gorda Fl. As owners and residents of the Burnt Store Marina Community, we would like to express our support of Realmark's Development plans for the Burnt Store Marina.

We have seen the positive effects that Realmark already has on the community and we would like to see them successful with their future plans.

Please accept this as a strong vote of support.

Respectfully,

Tom and Gail Mulligan

9/22/2008

Hines, Lisa

From: Dist5, Mann
Sent: Tuesday, October 21, 2008 10:37 AM
To: Hines, Lisa
Subject: FW: Realmark Comp Plan Amendment

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Will Stout [mailto:WStout@realmarkgroup.com]
Sent: Tuesday, October 21, 2008 10:26 AM
To: Dist5, Mann
Subject: Realmark Comp Plan Amendment

Commissioner Mann,

Thank you for taking the time to meet with me last Tuesday regarding Realmark's request for an amendment to the Lee Comprehensive Plan. I thought it was a very good meeting where we had a chance to outline what it is we'd like to accomplish with the amendment.

Please note, this request is entirely consistent with your core values of avoiding needless sprawl by unnecessarily changing undeveloped land in a Rural category to an urban classification. In this case, everyone on Staff at Lee County agrees that Burnt Store Marina was misclassified as 'Rural' when the suburban category was eliminated some time ago.

The Burnt Store Marina community is 'home' to over 2000 families, with mid-rise buildings, a commercial area (badly in need of redevelopment) public sewer and water utilities in place, a golf course and fitness center, and the largest marina on the west coast of Florida. We agree with County Staff that this area has been misclassified and should be reclassified to a new category, Burnt Store Marina Village to reflect the reality that the 'Rural' category has been inappropriate.

Commissioner Mann, you can help the redevelopment effort at Burnt Store Marina favored by an overwhelming majority of the residents there, and not compromise your "core values" even a little bit. I respectfully request your support and vote of confidence at the Hearing on Oct. 22nd.

Thanks again for your time and interest,

10/21/2008

Will

Will Stout

President / CEO

Realmark Development, LLC

5789 Cape Harbour Drive

201

Cape Coral, FL 33914

Phone: (239) 541-1372

Fax: (239) 541-1377

Email: wstout@realmarkgroup.com

Eduardo & Carin Hirsch
3333 Sunset Key Cr., 503
Punta Gorda, FL 33955

Office: 239.598.0953
Fax: 239.598.9347
Email: EHirsch60@comcast.net

October 6, 2008
(Emailed for Convenience)

District 1 Bob Janes Box 398 Fort Myers, FL 33902-0398 Email dist1@leegov.com	District 2 Brian Bigelow Box 398 Fort Myers, FL 33902-0398 Email Dist2@leegov.com	District 3 Ray Judah Box 398 Fort Myers, FL 33902-0398 Email dist3@leegov.com	
District 4 Tammy Hall Box 398 Fort Myers, FL 33902-0398 Email dist4@leegov.com	District 5 Frank Mann Box 398 Fort Myers, FL 33902-0398 Email dist5@leegov.com		

Re: CPA2007-00054, Burnt Store Marina Village

Dear Members of the Board of Lee County Commissioners,

It has been brought to our attention that on September 22, 2008 the Local Planning Agency for Lee County recommended the Board of County Commissioners amend Comprehensive Plan Amendment (**CPA2007-00054, Burnt Store Marina Village**) submitted by Realmark Group, LLC on next October meeting .

The proposed improvements in addition to enhancing Burnt Store Marina's obsolete and worn-out structure; it will boost much needed tourist traffic to Lee County, *by sea and land*; provide local jobs, *to neighboring residents*; improve Burnt Store Marina's property values, *rising tax revenues to Lee County*, just to mention a few of the in-the-pipeline benefits.

As owners in Grande Isle Tower IV, located within the Burnt Store Marina's land improvement, we urge you **to support the LPA's staff recommendations and advocate approval to the Burnt Store Marina Village Project.**

Sincerely,

Eduardo & Carin Hirsch

CC. Local Planning Agency for Lee County

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:53 AM
To: Hines, Lisa
Subject: FW: We Support the "CPA2007-00054, Burnt Store Marina Village." Project
Attachments: BSM letter to BOC-2008-10-06.docx

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: E Hirsch [mailto:EHirsch60@comcast.net]
Sent: Monday, October 06, 2008 3:25 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com; DawnMGo@leeschools.net
Subject: We Support the "CPA2007-00054, Burnt Store Marina Village." Project

Dear Members of the Board of Lee County Commissioners,
(Emailed for Convenience)

As owners of Grande Isle IV, # 503 within Burnt Store Marina, here-in, attached letter, formally affirm that we categorically support proposed "CPA2007-00054, Burnt Store Marina Village" project.

Should you have any questions, please do not hesitate to contact us at your earliest convenience.

Regards,
Eduardo & Carin Hirsch
C. 239 825 5977

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10/16/2008

Hines, Lisa

From: Dist5, Mann

Sent: Thursday, October 16, 2008 10:53 AM

To: Hines, Lisa

Subject: FW: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Group LLC

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: rlede1049@aol.com [mailto:rlede1049@aol.com]

Sent: Monday, October 06, 2008 4:43 PM

To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann

Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Group LLC

Ladies and Gentlemen:

My wife and I are residents of Burnt Store Marina. We live in Grand Isle IV unit 405. Unfortunately we will not be able to attend the meeting where you will be voting on this Marina Village Plan. I know that there will be a small number of vocal residents against the plan on the grounds that it will interfere with their view, will increase traffic, or that the buildings are too tall etc.

My wife and I want to express our support of this project. In our view completion of the project will make Burnt Store Marina a viable destination, will increase our property values significantly, will improve the Marina area and facilities.

urge you to vote in favor of the project presented by Realmark Group LLC.

Thanking you in advance for your kind attention to this matter,

Sincerely yours,

Ralph & Barb Ledesma

McCain or Obama? Stay updated on coverage of the Presidential race while you browse - [Download Now!](#)

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:53 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: marion marcian [mailto:marionleem@mac.com]
Sent: Monday, October 06, 2008 4:45 PM
To: Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: CPA2007-00054

I am letting you know that we support Realmark's plan (CPA2007-00054, **Burnt Store Marina Village submitted by Realmark Group, LLC**)

thank you

Marion and Doug Marcian
3333 Sunset Key circle #301
Punta Gorda, FL 33955

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:52 AM
To: Hines, Lisa
Subject: FW:

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Harry Headley [mailto:headleytma@msn.com]
Sent: Monday, October 06, 2008 5:14 PM
To: Dist5, Mann
Subject:

Frank Mann:

I am writing this email to ask for your support of the Realmark plan for the **Burnt Store Marina Village, CPA2007-00054**. I believe it is in the best interests of our Homeowner Association and the entire Burnt Store community. It will improve and enhance the community and Marina area, providing needed amenities and add value to our property. Thanks for your support.

Harry & Dorothy Headley

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:52 AM
To: Hines, Lisa
Subject: FW: Support for Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Chris Turner [mailto:theparkplace@yahoo.com]
Sent: Monday, October 06, 2008 8:25 PM
To: Dist5, Mann
Subject: Support for Burnt Store Marina Village

Dear Mr. Mann,

We are in full support of Realmarks proposed development of Burnt Store marina Village.

We feel that it will improve and enhance the community and Marina area, providing needed amenities and add value to our property.

Please vote to approve CPA2007-00054, Burnt Store Maria Village.

Thank you for your consideration to support this proposed development.

Chris and Susan Tuner
Burnt Store Marina
3333 Sunset Key Circle, Unit 702
Punta Gorda, Florida. 33955
941-629-3436

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:52 AM
To: Hines, Lisa
Subject: FW: Realmark - Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

-----Original Message-----

From: Frank Diasparra [mailto:newagefd@gmail.com] On Behalf Of Frank Diasparra
Sent: Tuesday, October 07, 2008 5:34 PM
To: Dist5, Mann
Subject: Realmark - Burnt Store Marina

Dear Mr. Mann,

I am writing you to voice my strong support for Realmark's proposal for development of Burnt Store Marina.

I am a resident there and after seeing what Mr. Stout and his Realmark team have done at Cape Harbour my wife and I purchased a condo within the Burnt Store marina complex in anticipation of the transition that we would experience from Realmark's re-development of Burnt Store.

In these challenging times we are facing, particularly in the FL real estate market we can all benefit from the result of a win-win project such as Realmark is capable of delivering to our community.

Thank You for your time.

With Best Regards,
Frank & Susan Diasparra
3440 Sunset Key, Unit 9A

frank@newageventures.com

frank@newageventures.com

Hines, Lisa

From: Dist5, Mann

Sent: Thursday, October 16, 2008 10:51 AM

To: Hines, Lisa

Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: FlaBob2003@aol.com [mailto:FlaBob2003@aol.com]

Sent: Tuesday, October 07, 2008 7:44 PM

To: Dist5, Mann

Subject: Burnt Store Marina

Dear Commissioner Mann,

The purpose of this email is to express my strong support for the initiative proposed by Realmark to change the long range designation of Burnt Store Marina from "**Rural**" to "**Burnt Store Marina Village**."

There is broad support for the Realmark plan and we strongly solicit your vote to transit the proposed Amendment to the Comprehensive Plan, to the State for review and approval.

Thank you for your consideration.

Bob Brazeau

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:51 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Redevelopment

Chris Berry
Executive Assistant
District #5
(239) 533-2225

-----Original Message-----

From: carl schoenbachler [mailto:candcschoen@earthlink.net]
Sent: Wednesday, October 08, 2008 8:18 AM
To: Dist1, Janes; dist2@leegoc.com; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Burnt Store Marina Redevelopment

Lady and Gentlemen:

I am writing to express my complete support for Realmark Development's redevelopment plans for Burnt Store Marina. My wife and I have a residence and an investment property in the Marina. I believe that BSM is the potential crown jewel of Lee County but it has become dated and needs the marina redevelopment plan that Realmark is willing to undertake. Without redevelopment, the property will not come close to reaching its potential.

There will be a small but very vocal group opposing this plan. Please know that the vast majority of BSM property owners are solidly behind Realmark and their efforts to put BSM on the "map."

Thank you for taking the time to consider my input.

Carl Schoenbachler
1313 Sunset Key Cir #701
Punta Gorda, Fl. 33955

Dear Owners:

Following is the text of an email from Realmark Group, LLC. It contains an detailed explanation of Realmark's plans.


Regards,

 b Richmond, President

Good morning all; I hope this email is neither objectionable nor an inconvenience to you; since we had not received objections to having been included on the list of recipients for the prior email, I'm again sending this message to the folks whose email address we had on file.

Once again, Realmark needs your help in connection with our request for an Amendment to the Lee County Comprehensive Plan. We have worked hard with Lee County Staff and the Lee County Local Planning Agency to refine the overall parameters of a development plan which contemplates a change in the long-range designation for the BSM community from "Rural" to "Burnt Store Marina Village". This designation is intended to accommodate the development plan which was previously introduced to, and was embraced by the community as a whole. The Local Planning Agency approved Realmark's request and voted to forward the same with a positive recommendation to the County Commission for their consideration. For a comprehensive review of the Local Planning Agency meetings along with links to the LPA Staff report, the site plan and the entire Plan Amendment Application, see the Report on the LPA Meetings at the Sec 22 website under announcements: <http://www.bsm22.org/announcements.htm>.

The next step in the Comp Plan Amendment process is to have the request heard by the Lee County Board of Commissioners. All Comp Plan Amendments are scheduled to be heard by the Board October 22-23 we have not yet seen the Agenda to know for certain which of those days the Realmark request will be heard. But it is important that prior to the Hearing, your voices be heard by the Commissioners.

 we've indicated previously, the specific details for any development will be addressed later in connection with a formal request for a Development Order, but in order to get that far we need the support of the County Commission to transmit the proposed Amendment to the Comprehensive Plan, to the State for their review and approval. Unless we are successful with the adoption of the proposed Burnt Store Marina Village, we will not be in a position to even consider any redevelopment around the Marina.

Realmark is again seeking your help to communicate to the Commissioners that an overwhelming majority of the community supports development around the Marina. We feel strongly it is in the best interests of the community to see the Comp Plan Amendment approved so as to put us in a position to work together a year or so from now to shape the final details of any redevelopment plan pursuant to a Development Order.

The recommendation from the LPA included two considerations important to the financial viability of the redevelopment. The first is the approval of 160 residential units. The second is the approval of a 220' height request. The former represents the economic engine that drives the development. The residential units are what pay for the development of the shops, restaurants and open space amenities. The latter is important in that this is a very challenging site because of its limited size, and in order to free up space for uses that benefit the community rather than surface parking, it is necessary to design structures that accommodate parking under the buildings.

We are asking you to voice your support for Realmark's efforts to redevelop the area around the Marina by writing the Commissioners to let them know there is broad and deep support within the community for this redevelopment. The Commissioners hear from each and every opponent so while the reality is that the opposition represents a substantial minority within the community, it is nevertheless their voice that is being heard because they are proactive in communicating their opposition.

10/16/2008

Just as with our prior request for your support, it would be very helpful for you to send emails and letters of support to the Lee County Commissioners. To that end, the contact information for each Commissioner is listed below. It would also be helpful if you could forward this email to others in the community who you think would be willing to voice their support for Realmark's efforts. The specific time and date of the Hearing will be posted under announcements at the Sec. 22 website so that in addition to writing the Commissioners, those of you willing and able to attend can be there to support Realmark's efforts to bring a first-class development of the area around the Marina to fruition for the benefit of the entire community.

Thank you,

Will Stout

Lee County Commissioners 9/18/08

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

Copied from www.lee-county.com

**BOB JANES
COUNTY COMMISSIONER DISTRICT No. 1**

E-Mail: dist1@leegov.com Phone: 239-533-2224

Fax: 239-485-2155

Mailing Address: Box 398 , Ft. Myers , Florida 33902-0398

Office Location: Old Lee County Courthouse
2120 Main Street , Fort Myers , Florida 33901

**BRIAN BIGELOW
COUNTY COMMISSIONER DISTRICT No. 2**

E-Mail: District2@leegov.com Phone: 239-533-2227

Fax: 239-485-2099

Mailing Address: Box 398 , Ft. Myers , Florida 33902-0398

Office Location: Old Lee County Courthouse
2120 Main Street , Fort Myers , Florida 33901

**RAY JUDAH
COUNTY COMMISSIONER DISTRICT No. 3**

Email: dist3@leegov.com Phone: 239-533-2223

Fax: 239-485-2021

Mailing Address: Box 398 , Ft. Myers , Florida 33902-0398

Office Location: Old Lee County Courthouse
2120 Main Street , Fort Myers , Florida 33901

TAMMARA □ TAMMY □ HALL

10/16/2008

COUNTY COMMISSIONER DISTRICT No. 4

E-Mail: dist4@leegov.com

Phone: 239-533-2226

Fax: 239-485-2054

Mailing Address: Box 398 , Ft. Myers , Florida 33902-0398

Office Location: Old Lee County Courthouse
2120 Main Street , Fort Myers , Florida 33901

FRANK MANN

COUNTY COMMISSIONER DISTRICT No. 5

E-Mail: dist5@leegov.com

Phone: 239-533-2225

Fax: 239-485-2092

Mailing Address: Box 398 , Ft. Myers , Florida 33902-0398

Office Location: Old Lee County Courthouse
2120 Main Street , Fort Myers , Florida 33901

Peter T. McGough

Realmark Development, LLC

5789 Cape Harbour Drive

Suite 201

Cape Coral, FL 33914

Phone: (239) 541-1372

Fax: (239) 541-1377

Email: pmcgough@realmarkgroup.com

Your Login Name: PERCO105

Your Password: 000105

Please click [HERE](#) to visit the Grande Isle Towers I & II web site.

Please visit us at <http://www.teletech.com>

.....
This EMAIL and any attachments may contain confidential, proprietary and/or privileged informati
.....

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:51 AM
To: Hines, Lisa
Subject: FW: Grande Isle Towers I & II - Realmark Development Plans

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Ralph Pecorale [mailto:RPecorale@pecoralelaw.com]
Sent: Wednesday, October 08, 2008 12:29 PM
To: Mattie, Matthew; Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: pmcgough@realmarkgroup.com; vmgateway@daystar.net
Subject: RE: Grande Isle Towers I & II - Realmark Development Plans

Commissioners and Matt,

I agree with Matt's opinions and support the development initiatives.

Ralph

From: Mattie, Matthew [mailto:matthewmattie@teletech.com]
Sent: Wednesday, October 08, 2008 11:56 AM
To: dist1@leegov.com; District2@leegov.com; dist3@leegov.com; dist4@leegov.com; dist5@leegov.com
pmcgough@realmarkgroup.com; vmgateway@daystar.net; Ralph Pecorale
Subject: FW: Grande Isle Towers I & II - Realmark Development Plans
Importance: High

Dear Lee County Commissioners,

My name is Matthew Mattie and I own unit 307 in Grande Isle I with a close friend of mine Ralph Pecorale. We have been an owner of this unit since 2004. We both reside in New York and our families use the unit periodically throughout the year. Although we will not be able to attend the upcoming meeting to discuss the Comp Plan Amendments with Realmark and this board, we would like to communicate to all of you our support in the development initiatives that Will Stout and Realmark have for Burnt Store Marina. Mr. Stout has a proven history of developing world class communities that will provide many benefits to the residents of Burnt Store Marina. We ask for this boards support to transmit the proposed Amendment to the Comprehensive Plan to the State for their review and approval.

Best Regards,

Matthew Mattie
315-730-6582
Unit 307 Grande Isle I

CC: Ralph Pecorale

From: Web Admin [mailto:vmgateway@daystar.net]
Sent: Wednesday, October 08, 2008 10:17 AM
To: Mattie, Matthew
Subject: Grande Isle Towers I & II - Realmark Development Plans

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:51 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Redevelopment - Lee County Board of Commissioners Consideration

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Ric Walter [mailto:Ricwalter1@comcast.net]
Sent: Wednesday, October 08, 2008 2:04 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Burnt Store Marina Redevelopment - Lee County Board of Commissioners Consideration

Lee County Commissioners,

As residents of Burnt Store Marina (BSM), we are contacting you to let you know we support Realmark's request for an Amendment to the Lee County Comprehensive Plan and their efforts to redevelop the area around the marina. This Amendment is scheduled to be heard by the Lee County Board of Commissioners on either October 22 or 23. We believe you should approve Realmark's request to amend the Lee County Comprehensive Plan to refine the overall parameters of a development plan which contemplates a change in the long-range designation for the BSM community from 'Rural' to 'Burnt Store Marina Village'.

We support Realmark's efforts to redevelop the area around the marina by providing for 160 residential units, shops, office and open space. We also believe it is very important that Realmark be granted flexibility regarding height because this is a very 'tight' site and the only way to preserve open space for community use is to incorporate structured parking under the buildings rather than spreading surface parking all over the site - Realmark needs to build 'up' rather than 'out' as with a low-rise design, so as to maximize the utility of the site.

There is a very vocal minority of residents opposed to any development. This minority does not speak for the entire community. An overwhelming majority of the community supports development around the Marina.

Thank you in advance for your approval of Realmark's request for an Amendment to the Lee County Comprehensive Plan.

Ric and Lynda Walter
3001 Big Pass Lane
Punta Gorda, FL. 33955

941.639.4441 Home
(813).286.2476 Cell

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

-----Original Message-----

From: Carole Lick [mailto:lickc@msu.edu]
Sent: Thursday, October 09, 2008 1:32 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: pmcgough@realmarkgroup.com
Subject: Burnt Store Marina

LEE COUNTY BOARD OF COUNTY COMMISSIONERS: Bob Janes, Brian Bigelow, Ray Judah, Tammy Hall, and Frank Mann:

We strongly support the Realmark plan and hope you will consider the long standing support that they have received re the development of Burnt Store Marina. So often it is the opposition who is the loudest even though their numbers are few. This is clearly the case for BSM, so please do know that the vast majority of the owners are in support of the Realmark plan.

Thank you,
Carole and Don Lick

Carole and Don Lick
84 Wildemere Drive
Mason, MI 48854
517-244-1145
3416A Sunset Key Circle
Punta Gorda, FL 33955
941-639-6130

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Kendz43@aol.com [mailto:Kendz43@aol.com]
Sent: Friday, October 10, 2008 9:08 AM
To: "dist1@leegov.com.District2"@leegov.com; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Mondemere@aol.com
Subject: Burnt Store Marina

Dear Sirs:

I am an owner of a Burnt Store Marina condo, #303 Grand Isle Tower II, and am in support of Realmarks efforts and requests for zoning approval. I hope you will move to approve these requests.

, John Kendzierski

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: 'Burnt Store Marina Village'


Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Dreher, Rick [mailto:RDreher@WIPFLI.com]
Sent: Sunday, October 12, 2008 10:22 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Dreherali@aol.com
Subject: 'Burnt Store Marina Village'

My family and I have owned a second home and a rental property in Burnt Store Marina (BSM) for the last 5 years and strongly support Realmark's request for an Amendment to the Lee County Comprehensive Plan. We would ask for your support also. BSM is further enhanced by the proposed plan and will make the community even more enjoyable. We believe the continued success and the future of our community will greatly benefit from the plan and again ask your support.

If you'd like to discuss this further, please e-mail or call me at 920-662-2850. Thank you in advance for your consideration and support.

Sincerely,

 Rick Dreher
rdreher@Wipfli.com

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC
Attachments: letter in support realmark 100812..pdf

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: John McConomy [mailto:jwmccconomy@yahoo.com]
Sent: Sunday, October 12, 2008 11:42 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Randy Eddinger; tom mulligan; Matt Uebelacker; Jim Wadsworth
Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Dear Members of the Lee County Commission,
Please find attached, on behalf of the Board of Directors of Grande Isle Towers III & IV Condominium Association, Inc. (**representing 104 owners within Burnt Store Marina**), a letter in **support** of the subject application.
Thank you for your consideration.

Regards,
John McConomy
President of the Board

John McConomy
3333 Sunset Key Circle #102
Burnt Store Marina
Punta Gorda, FL 33955
941.639.4153 (residence)
850.598.1396 (cellular)

10/16/2008

**Grande Isle Towers III & IV Condominium Association, Inc.
Board of Directors
Burnt Store Marina
Punta Gorda, FL 33955**

October 12, 2008

Hon. Bob Janes
Box 398
Fort Myers, FL
33902-0398
dist1@leegov.com

Hon. Brian Bigelow
Box 398
Fort Myers, FL
33902-0398
Dist2@leegov.com

Hon. Ray Judah
Box 398
Fort Myers, FL
33902-0398
dist3@leegov.com

Hon. Tammy Hall
Box 398
Fort Myers, FL
33902-0398
dist4@leegov.com

Hon. Frank Mann
Box 398
Fort Myers, FL
33902-0398
dist5@leegov.com

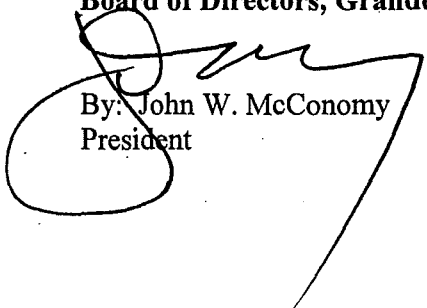
VIA EMAIL

Re: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Group, LLC

Dear Members of the Lee County Commission,

We understand that you will consider the referenced application of Realmark Group, LLC at your next meeting on October 22 and 23, 2008. The Board of Directors represents **104 owners in Grande Isle Towers III & IV located within the Burnt Store Marina** and is writing to urge you **to follow the recommendation of the Lee Planning Agency and SUPPORT the application as submitted.** The proposed improvements will not only enhance Burnt Store Marina, but will also add value to our properties and bring much needed tourist dollars to our County. Realmark has a demonstrated track record of quality development (e.g. Cape Harbour) and has operated the Burnt Store Marina facilities in a first class manner since its acquisition. We are grateful for Realmark's willingness to continue development of our community in this most difficult economy. Thank you for your consideration.

Sincerely,
Board of Directors, Grande Isle Towers III and IV Condominium Association, Inc.



By: John W. McConomy
President

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:50 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Village Land use change
Attachments: letter BSM Stout support, mann.doc

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Jim Getz [mailto:jrgetz1@comcast.net]
Sent: Sunday, October 12, 2008 3:06 PM
To: Dist5, Mann
Subject: Burnt Store Marina Village Land use change

October 13, 2008

Ref: Realmark Inc. Development Plans for Burnt Store Marina Village

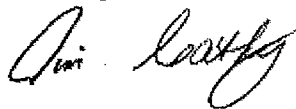
Commissioner Frank Mann
Box 398
Ft. Myers, Florida 33902-0398

Dear Commissioner Mann,

We are writing to show our support of the planned changes that Realmark is requesting for our area. We support Realmark's plan to redevelop the Burnt Store Marine Village area in its entirety and request you change the current land use from "Rural" to "Burnt Store Marina Village. Our Community is in need of serious upgrading and Realmark has shown the willingness to spend the dollars to improve our area and consequently the tax base for Lee County.

We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grading our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely



Jim and Cathy Getz

Hard copy to follow

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Support for Amendment to Lee County Comprehensive Plan

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: coloradowolf@gmail.com [mailto:coloradowolf@gmail.com]
Sent: Sunday, October 12, 2008 7:35 PM
To: Dist5, Mann
Subject: Support for Amendment to Lee County Comprehensive Plan

Dear Commissioner Mann:

As a property owner and seasonal resident of the Burnt Store Community, I feel it is imperative that we support the Realmark Development efforts around the Marina. The unique location of this property was what first attracted us to the area, and we would like to see our investment grow with this additional development.

I strongly support Realmark and the World Class Developments that they continue to design and build in Florida. Further development of this type can only help to ensure the long term viability and economic stability of the Burnt Store Community.

Please register my support of the Amendment to the Lee County Comprehensive Plan that will clear the way for growth and progress in our community.

Sincerely,

Jeri Wolf
3313 Sunset Key #403

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Amendment to the Lee County Comprehensive Plan

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Vicki [mailto:vicki@flagco.com]
Sent: Monday, October 13, 2008 7:39 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: pmcgough@realmarkgroup.com
Subject: Amendment to the Lee County Comprehensive Plan

Ms. Hall and Messrs. Bigelow, Janes, Judah and Mann,

We support the request to change the long-range designation of Burnt Store Marina from "Rural" to "Burnt Store Marina Village".

Further, and more importantly, we support the redevelopment plans that are forming for Burnt Store Marina that will include residential, hotel, office and retail space. This redevelopment is essential in order for BSM and the area to reach it fullest potential for growth, enjoyment and quality of life.

Best regards,
Mike and Vicki Lawrence
Conde Isle IV-707

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Realmark Plan Ammendment - Burnt Store Marina Village

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Bob Brock [mailto:rbrock@comcast.net]
Sent: Monday, October 13, 2008 10:06 AM
To: Dist5, Mann
Subject: Fw: Realmark Plan Ammendment - Burnt Store Marina Village

----- Original Message -----

From: Bob Brock
To: dist1@leegov.com
Sent: Monday, October 13, 2008 9:24 AM
Subject: Realmark Plan Ammendment - Burnt Store Marina Village

I am writing in support of Realmark's application. As a full-time resident of Burnt Store Marina, I am intently interested in seeing this development reach it's potential. We are an older community that is seeing stagnation and a slow decline in our facilities and amenities. We need an infusion of interest and facilities in order to enhance the value of our personal investments and our way of life.

There seems to be a very vocal small group who continually appear at hearing such as you will be conducting. Their intent is to oppose any and all development within the marina. Either they like things just the way they are or they dislike Realmark and oppose anything proposed. In either case this group does not speak for the majority of the residents here. On two occasions, one by public acclaim and one by vote, the residents here have overwhelmingly supported efforts to support Realmark and its efforts to upgrade and modernize our community. If Realmark is denied their proposal, then I ask who else will step in here and take on the task of keeping us a modern vital community?

Please review their proposal and approve Realmark's application. The community supports their efforts.

Thank you.

Robert L. Brock
900 Linkside Way
Burnt Store Marina
Punta Gorda, FL 33955

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:48 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina - Realmark Redevelopment Plan

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: John M. Stanley [mailto:jandjstanley@earthlink.net]
Sent: Wednesday, October 15, 2008 9:05 PM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Burnt Store Marina - Realmark Redevelopment Plan

Dear Mr Janes,

We are residents of Burnt Store Marina. We are not opposed to the right of Realmark to develop their property. We are opposed to certain aspects of the development plan – specifically, the height of the buildings and the inclusion of a substantial number of units that will be rented to seasonal and transient visitors as opposed to units that will be sold to residents, both seasonal and permanent. This includes both the hotel/condo units and the boat storage facilities. The magnitude of the plan, if approved, will forever change the community we live in and love. Rather than regurgitate the expected complaints, we would like to propose a concept that we feel should be considered.

Provide a new access to Burnt Store Marina that would have traffic go directly to the construction site without having to use the present streets and entrances. If a street, such as Old Burnt Store Road, could be extended, it would seem to us that it would be possible to create a new access to BSM and the building site. This entrance could be between The Resorts and Vista del Sol or between The Resorts and Courtside Landings. If this were possible, the objections of construction vehicles and construction personnel traveling over our streets competing with walkers, bicycles and golf carts would be reduced. How about offering an approval of a plan conditioned on the creation of a new access point?

We appreciate that this is a difficult decision for the Commissioners. Please consider that we, the residents, will be left with the results of your actions long after the construction is completed. We do not wish to have Cape Harbor reconstructed at Burnt Store Marina.

John & Joan Stanley
3740 Cobia Villas Court
Punta Gorda FL 33955
(941) 637-4884

10/16/2008

Hines, Lisa

From: Dist5, Mann
Sent: Thursday, October 16, 2008 10:49 AM
To: Hines, Lisa
Subject: FW: Realmark development at Burnt Store Marina

RECEIVED
OCT 16 2008
ZONING

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: John L. Walkley [mailto:cjwalkley@msn.com]
Sent: Tuesday, October 14, 2008 6:01 PM
To: Dist5, Mann
Subject: Realmark development at Burnt Store Marina

As full time residents of BSM, we fully endorse Realmark's development plans for our community. We hope you feel likewise.

John and Carol Walkley
2030 Matecumbe Key Rd
Burnt Store Marina
Punta Gorda, FL 33955

10/16/2008

DATE: October 12, 2008

TO: Frank Mann
County Commissioner District No. 5

Fax: 239-485-2092

RECEIVED

OCT 13 2008

COMMISSIONER
FRANK MANN

FROM: Ann Marcelle

SUBJECT: Realmark's Proposed Amendment
Creating Burnt Store Marina Village Category

I am a Florida Resident residing at 3329 Sunset Key Circle Unit 308 in Burnt Store Marina. I enthusiastically support Realmark's proposed amendment.

This change can only improve the quality of life for the residents, as well as the residents of the adjacent communities.

In addition, this change can only improve our property values, broaden the tax base of the community, and contribute to a more interactive living style for the residents of Burnt Store Marina.

I strongly approve of a YES vote on this proposal.

Sincerely,


Ann Marcelle

ADMIRALS POINT
CONDOMINIUM ASSOCIATION
BURNT STORE MARINA

October 17, 2008

Dear Commissioner,

Realmark's development plans for Burnt Store Marina is critical to the long term future of this fine community in Southwest Florida. Come visit and pay particular attention to the current commercial marina area, look behind the paint and see the old and terrible conditions of the buildings. Look at the old administration building which has been condemned and not useable for several years because it is unsafe and beyond reasonable repair. By the time Realmark even begins to start construction, 5-7 years out, many of these buildings will need to be replaced. Burnt Store Marina cannot afford to lose any part of this area and steps need to be taken now.

With a 5-7 year start date and with a turnover rate of 45-55% many of today's residents will not even be property owners in Burnt Store Marina. Currently close to 1/2 or 1,000 of our residents are only here 3 or 4 months a year and will not be directly affected by the construction. Of the 1,000 whom are here most of them are gone in the months of August and September.

We need to think beyond today and move toward the future. Our community's property values will be adversely affected if we do not move forward. Your vote in support of these plans are very important to our future.

In 5-7 years Lee County will need projects like this to stimulate jobs, add tax dollars and provide a future for Burnt Store Marina. It would be a win win for all.

Better than 80% of the Admirals Point Association supports the redevelopment plans of the marina area.

Best regards

Jim Hinch, President

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:17 AM
To: Hines, Lisa
Subject: FW: Support for Realmark's Plans for Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Allan Orrison [mailto:arorrison@comcast.net]
Sent: Sunday, October 19, 2008 4:40 PM
To: Dist5, Mann
Subject: Support for Realmark's Plans for Burnt Store Marina

and
Kathy
Orrison

Grande Isle Towers III - #601

Prosperity Point

Burnt Store Marina

3229 Sunset Key Circle

Punta Gorda, FL 33955

October 15, 2008

Commissioner Frank Mann
Lee County Board of County Commissioners
Box 398
2120 Main Street
Ft. Myers, Florida 33902

Dear Commissioner Mann,

RE: Realmark Development within Burnt Store Marina

We are writing to express our support for the Future Land Use Amendment for Realmark's efforts to redevelop the areas around Burnt Store Marina. We are both excited about Realmark's plans to revitalize and rejuvenate this community that we call our home. Virtually everyone we have spoken with in the community shares our enthusiasm.

There is a small but very vocal minority of residents who do oppose this development. I feel that it is important that you recognize that they do not represent the community as a whole.

10/20/2008

Again, we offer our enthusiastic support for Realmark's plans.

Allan and Kathy Orrison



10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:16 AM
To: Hines, Lisa
Subject: FW: Hearing on October 22, 2008

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Jjohn3020@aol.com [mailto:Jjohn3020@aol.com]
Sent: Sunday, October 19, 2008 5:42 PM
To: Dist1, Janes
Cc: Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Hearing on October 22, 2008

Dear Bob Janes, et al.:

I live in Burnt Store Marina and am a full time resident of Florida. I go along with most of the Realmark Plan for the development of the North harbor and think that it will be a great asset to the community. I do have two exceptions however. The first is that the proposed 220 foot limit is way out of line for our area. Most people that I talk to are in agreement and think that something around the height of the current towers on Prosperity Point would be more in keeping with our LOOK. My second exception is that we will have heavy truck traffic coming in and out the construction gate on Matecumbe Key Rd. There must be solution to this conflict. Realmark should consider the folks that live in this area as to the noise, dust and congestion.

Thanks for your attention, Jim Johnson

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10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:55 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Development

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Cynde [mailto:cyndearden@embarqmail.com]
Sent: Saturday, October 18, 2008 11:27 AM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Subject: Burnt Store Marina Development

Dear Lee County Commissioners:

Ray and I are full time residents of Burnt Store Marina. We have owned property here since 1999.

On December 6, 2005, Realmark attended the Burnt Store Marina annual meeting to present an overview of redevelopment plans and to determine if Burnt Store Marina residents would accept their ideas for the future of the area. That sanctuary of the Lutheran church on Burnt Store Road was overflowing into the lobby. There were a very few people who voiced their disagreement (only 2-3 out of all attendees), but there was a standing ovation demonstrating overall unanimous approval with Realmark's intentions for redevelopment. Needless to say, as residents, we are extremely excited to see our community become a world class marina community!

Realmark plans were put on hold as a result of a small, but vocal group of residents. The old saying that it's the squeaky wheel that gets greased was applied by Lee County in this case in 2006 into 2007. The silent majority was hurt by postponement of the Realmark plans.

As our officials, you have another opportunity in the near future to prevent this from happening again. Lee County was represented at that initial December 6, 2005 meeting. Didn't the standing ovation demonstrate community support for this improvement project?! Outstanding community support for Realmark development efforts still exist. PLEASE do not hold up progress which may negatively impact property values and resulting tax base!

Development brings new people, new money, new value, and new life to our community. We support the Realmark plans for the redevelopment of Burnt Store Marina as presented in December 2005, and again currently in 2008 in a revised, very popular plan. Realmark's efforts to redevelop the area around the marina is broadly and deeply supported throughout the Burnt Store Marina community and it's neighbors!

You must rectify past actions and work for the majority of residents vs an extremely small vocal minority. They are not working in the best interests of our community. You can do this by approving the Comp Plan Amendment for the proposed Burnt Store Marina Village by Realmark.

We thank you for your consideration and prompt attention to this very serious matter.

Ray and Cynde Harden
Burnt Store Marina
941-639-3671

10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 8:54 AM
To: Hines, Lisa
Subject: FW: Burnt Store Marina Development

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: Pat Smith [mailto:pksmith@kiva.net]
Sent: Saturday, October 18, 2008 7:19 PM
To: Dist5, Mann; Dist4, Hall; Dist3, Judah; Dist2, Bigelow; Dist1, Janes
Cc: Linda Cross; cyndeharden@embarqmail.com; CHRIS SMITH; Janet R MacLean
Subject: Burnt Store Marina Development

We would like to add our voice and support of Realmark's efforts at Burnt Store Marina. It has been our experience that Will Stout and Realmark have very solid support from the majority of residents and that the very small, very vocal minority has created a division in the complex as well as postponement of development. It is our hope that you will approve the amendment proposed for Burnt Store Marina by Realmark.

Pat and Chris Smith - 501 Islamorada Blvd. - Punta Gorda FL 33955

From: Cynde [mailto:cyndeharden@embarqmail.com]
Sent: Saturday, October 18, 2008 11:27 AM
To: 'Dist1, Janes'; dist2@leegov.com; dist3@leegov.com; dist4@leegov.com; dist5@leegov.com
Subject: Burnt Store Marina Development

For Lee County Commissioners:

Ray and I are full time residents of Burnt Store Marina. We have owned property here since 1999.

On December 6, 2005, Realmark attended the Burnt Store Marina annual meeting to present an overview of redevelopment plans and to determine if Burnt Store Marina residents would accept their ideas for the future of the area. That sanctuary of the Lutheran church on Burnt Store Road was overflowing into the lobby. There were a very few people who voiced their disagreement (only 2-3 out of all attendees), but there was a standing ovation demonstrating overall unanimous approval with Realmark's intentions for redevelopment. Needless to say, as residents, we are extremely excited to see our community become a world class marina community!

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You must rectify past actions and work for the majority of residents vs an extremely small

10/20/2008

vocal minority. They are not working in the best interests of our community. You can do this by approving the Comp Plan Amendment for the proposed Burnt Store Marina Village by ReaImark.

We thank you for your consideration and prompt attention to this very serious matter.

Ray and Cynde Harden
Burnt Store Marina
941-639-3671

10/20/2008

RECEIVED



Robert W. Akers

3313 Sunset Key Circle, Unit 501
Burntstore Marina, FL 33955

OCT 17 2008

Telephone (941) 637-7171

Fax (941) 637-7172

E-Mail: bobakers@comcast.net

COMMISSIONER
FRANK MANN

October 10, 2008

Mr. Frank Mann

Lee County Board of County Commissioners
County Commissioner District No.5
P.O. Box 398
Fort Myers, FL 33902-0398

SUBJECT: Support for Burnt Store Marina-Case #CPA2007-0054

Dear Mr. Mann,

Please be assured that my wife and I, along with many, many friends and property owners n Burnt Store Marina, strongly support Realmark's re-development plans for the marina, as proposed!

My wife and I have been boaters in Burnt Store Marina since 1986, owners of multiple residential properties, including one on Matecumbe Key Road, since 2000 and full time residents in BSM since 2004. We recognize the marina as a highly regarded safe haven for boaters because of its location, protected from direct Gulf of Mexico storm surges, yet with access to the whole world.

It is unfortunate that your hearing of the Realmark proposal has been scheduled prior to the time that so many of our residents are still up north and unable to attend the meeting to show support for Realmark. When Realmark first purchased the marina a couple of years ago it was met with a broad base of enthusiastic owners and that strong base of support is still felt for Realmark's marina re-development. Unfortunately, a relatively small group of owners formed an organization called "BSMCUO" which makes a disproportionate level of opposition noise. They simply don't appreciate the community's life style improvement, the enhanced property values and increased Lee County tax base that the improvements would generate.

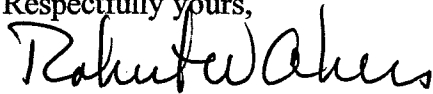
The BSMCUO's major objection seems to be the proposed height of several of the

buildings in Realmarks plan. The land to be redeveloped is very valuable and its redevelopment foot print needs to optimize the area. There are two ways to do that, one is to go high, placing parking areas inside the first few levels of the tall buildings with living areas above. The second way would be to develop every possible square inch of land with lower rise dwelling units which would result in cutting off the entire community's view of the beautiful marina and forcing us all to look at a sea of parked cars instead.

Will Stout and his people at Realmark have earned great respect for their creative developmental work at Cape Harbor and for their concern and respect for the temporary inconveniences that such re-development causes the local citizenry.

Again, of the over nineteen hundred property owners in the marina, regardless of a few loud noisy nay sayers, the great majority of owners are in strong support of Realmark's proposal! Most of us strongly support their proposed project and their judgment in any possible modifications that might be proposed and agreed to.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Robert W. Akers". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert W. Akers

€

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Hines, Lisa

From: Dist5, Mann
Sent: Monday, October 20, 2008 3:58 PM
To: Hines, Lisa
Subject: FW: Realmark Group LLC's Redevelopment Plan at Burnt Store Marina (CPA2007-00054, Burnt Store Marina Village)

Attachments: Burnt Store Marina Development, Lee County, Punta Gorda, FL



Burnt Store
Marina Developm...

Chris Berry
Executive Assistant
District #5
(239) 533-2225

-----Original Message-----

From: r.simon03@comcast.net [mailto:r.simon03@comcast.net]
Sent: Monday, October 20, 2008 3:58 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann; pmcgough@realmarkgroup.com
Cc: pmcgough@realmarkgroup.com; vmgateway@daystar.net
Subject: Realmark Group LLC's Redevelopment Plan at Burnt Store Marina (CPA2007-00054, Burnt Store Marina Village)

Ladies & Gentlemen,

As property owners in Burnt Store Marina, Punta Gorda, Lee Co., FL, we are writing in support of Realmark Group LLC's redevelopment efforts at Burnt Store Marina. We hope the commission will approve Realmark LLC's request for an Amendment to the Lee County Comprehensive Plan.

We believe the proposed plan is in the best interest of the community. The addition of restaurants, retail shops and residential condominium units will not only bring a much needed, renewed interest to the community and marina, it will also create additional jobs as well as have a positive affect on our property values.

The community and marina are in need of the changes and additional amenities proposed by Realmark LLC. It is imperative for the continued growth of our community and for the stabilization of our real estate values.

We truly appreciate and fully support the changes proposed by Realmark LLC.

Thank you for allowing us the opportunity to weigh in on this very important issue. Your time and considerations are truly appreciated.

Sincerely,

Robert T. Simon & Kimberly M. Mallon
3329 Sunset Key Circle #102, Punta Gorda, FL
941-240-2567 or 847-732-3163

Hines, Lisa

From: r.simon03@comcast.net
Sent: Monday, October 20, 2008 3:14 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann; pmcgough@realmarkgroup.com
Cc: pmcgough@realmarkgroup.com; vmgateway@daystar.net
Subject: Burnt Store Marina Development, Lee County, Punta Gorda, FL

Ladies & Gentlemen,

I am writing to you in support of Realmark's efforts to redevelop the area in and around Burnt Store Marina. As a property owner in Burnt Store Marina, I feel it is extremely important to the future of the community to proceed with the planned development and I fully support the efforts of Realmark.

This redevelopment will breathe new life into our community and the financial impact that the additional shops, restaurants and residential units in this community will be greatly realized upon completion of this project. This will increase the property values in Burnt Store Marina and will bring additional revenue to the community as well as bring additional interest and attention to for the boating and the marina community.

I hope all the members of the communities will realize what a wonderful opportunity this is and, like myself, will be in full support of Realmark's redevelopment plans.

Please do not hesitate to contact me with any quesitons you may have.

Sincerely,

Robert Simon
3329 Sunset Key Circle #102, Punta Gorda, FL
(811) 240-2567

10/20/2008

Hines, Lisa

From: Dist5, Mann
Sent: Tuesday, October 21, 2008 8:53 AM
To: Hines, Lisa
Subject: FW: Marina Village at Burnt Store Marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

From: jackpaton@comcast.net [mailto:jackpaton@comcast.net]
Sent: Monday, October 20, 2008 8:35 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann
Cc: Jim Hinch; Pete McGough
Subject: Marina Village at Burnt Store Marina

Honorable Commissioners,

I am writing to regarding the proposed project to rebuild the Marina area of Burnt Store Marina by RealMark Corporation. Will Stout has made several presentations to the community over the last several years. He has openly laid out his vision for the redevelopment of the Marina area. Although the plans has changed somewhat, the basic concept and design have been shared with and supported by a majority of the community. I support his efforts.

I have lived in the Marina since 1997. I have seen other developers come and go with doing little to improve or update our community. (WCI and Florida Design). RealMark came here about four years ago bought into our community. He openly presented plans and visions for our future here and many residents embraced his vision. I have had the opportunity to serve on the master association, Section 22 for over 5 years of the last 7 years. I have had the opportunity to work with the RealMark group on a variety of issues and found them open and willing to listen to our concerns. In these past 7 years I have served as a Director, Secretary, Vice President, and currently serve as the President of the Master Association. I am very familiar with the situation here and many residents convey their thoughts and opinions to me. I am writing you as a resident since our association has not voted one way or the other about our official position.

I would strongly urge you to approve this project as the benefits far outweigh the disadvantages. This entire area is being developed and to stay competitive in this market this Marina needs to change and be updated. This plan provides many improvements that will move us forward in the competitive market. Your favorable decision will help the 1913 resident homes that currently occupy the Marina.

O'Neill
Big Pass Lane
Gorda, FL, 33955
-639-6552.

10/21/2008

Hines, Lisa

From: Dist5, Mann
Sent: Tuesday, October 21, 2008 10:22 AM
To: Hines, Lisa
Subject: FW: Burnt store marina

Chris Berry
Executive Assistant
District #5
(239) 533-2225

-----Original Message-----

From: a yee [mailto:annmyee@yahoo.com]
Sent: Tuesday, October 21, 2008 10:02 AM
To: Dist5, Mann
Subject: Burnt store marina

Please note that as a resident here I am in support of the recent proposal for development by Will Stout at Realmark.
Thank you for your time and consideration. Sincerely, Ann-Marie Yee 3321 Sunset Key Circle # 208 Punta Gorda FL 33955



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Suite 1625
Minneapolis MN 55402
tel 952 837 3000
fax 952 837 3001
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To: Lee County Southwest Florida
Board of County Commissioners
Department of Community Plan Review
Mr. Matt Noble
PO Box 398
Fort Myers, Florida 33902-0398

RECEIVED
OCT 23 2008

COMMUNITY DEVELOPMENT

From: Brad Bainey

Re: *Case Number CPA2007-0054*
Burnt Store Marina

Dear Mr. Noble,

As a resident of Burnt Store Marina, we are very concerned that the input you are receiving concerning the review of Case Number CPA2007-0054 does not represent the majority. We have heard numerous letters have been sent to you and to others in the Planning Agency that claim the development of the marina would be detrimental to our community. I am a member of two associations within the marina and have been in contact with many of the owners. I believe exactly the opposite is true. The vast majority is very excited to have new development within the marina.

The area around the marina in the proposed redevelopment is comprised today of old, useless, unoccupied buildings, The Old Admin Building located on Matecumbe Key Road has been closed for over 5 years because of mold and termite infestation and becomes more of an eyesore each day. The restaurant building located on the water is in dire need u upgrading. If it were not located on our beautiful marina it would surely be closed. They are truly degrading our property values.

Please postpone your scheduled hearing until February or March, 2009. Having this hearing when our development is vacant will not give you a true picture. We have a community of over 2,100 residents and owners and can assure you that the overwhelming majority is for Realmark's proposal.

If we do not allow the progress of change to improve our property, BSM may be doomed to become one of those tired old developments that this community does not need.

Thank you for your consideration,

Peter H. Mork
612-759-2699
pmork@welshco.com

The Resort at Burnt Store
Grande Isles Building II

Jim & Cathy Getz
1060 Matecumbe Key Road
Punta Gorda, Florida 33955-4683
Phone: 239-989-5142

RECEIVED

OCT 27 2008

COMMISSIONER
FRANK MANN

October 13, 2008

Ref: Realmark Inc. Development Plans for Burnt Store Marina Village

Commissioner Frank Mann
Box 398
Ft. Myers, Florida 33902-0398

Dear Commissioner Mann,

We are writing to show our support of the planned changes that Realmark is requesting for our area. We Support Realmark's plan to redevelop the Burnt Store Marine Village area in its entirety and request you change the current land use from "Rural" to "Burnt Store Marina Village. Our Community is in need of serious upgrading and Realmark has shown the willingness to spend the dollars to improve our area and consequently the tax base for Lee County.

We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grading our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely


Jim and Cathy Getz