



Professional Engineers, Planners & Land Surveyors

May 23, 2023

Mr. Dirk A. Danley, Jr., Planner, Principal
Zoning Section
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**Reference: SEZ2022-00017 - On Premise COP
BERMUDA LAKES RV RESORT RVPD
2nd SUFFICIENCY RESPONSE**

Dear Dirk:

The information provided and items attached are in response to your comment letter dated April 28, 2023, regarding the above referenced project.

1. Revised Narrative
2. Revised COP Statement

ZONING

Comment 1: The administration of alcohol for the 4COP-SFS license includes the requirement of food to also be for sale, which produces more than 50 percent of the income to the restaurant. The entire amenity area would be considered a restaurant based on required food service of the license type. This would mean that the entire amenity area would need to meet the parking requirements for restaurants. Staff recommends requesting a more appropriate license type that would not change the use of the amenity area.

Response: Pursuant to follow up discussions and coordination, a 4COP-SFS license does not state that it has to be a restaurant. The use is Limited Food and Beverage Service associated with the amenity area and is limited to people staying at the RV park and their guests only so the majority of individuals will already be parked at their RV site. The use is not available to the general public. The site is a private, gated RV Park so access is limited and by invitation only. The applicant will comply with the requirements of the 4COP-SFS license and would like to maintain the option but not requirement to potentially change to an 11C license in the future.

Comment 2: Restaurant as referenced in your request statement is not an approved use per the schedule of uses found in Resolution Z-14-031. This resolution does consider "food and beverage service, limited", which is defined as:

Means the provision of food or beverages for: members and guests of a private club or recreational center but not available to the general public; or, members of the general public...

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Bermuda Lakes RV Resort RVPD - SEZ2022-00017

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Please be advised if the applicant wishes to add a restaurant to the schedule of uses this would require an amendment to the planned development. Staff recommends requesting a more appropriate license type that would align with food and beverage service, limited.

Response: The applicant does not wish to add a restaurant to the schedule of uses. The use is Limited Food and Beverage Service associated with the amenity area and is limited to people staying at the RV park and their guests only so the majority of individuals will already be parked at their RV site. The use is not available to the general public. The applicant will comply with the requirements of the 4COP-SFS license and would like to maintain the option but not requirement to potentially change to an 11C license in the future.

Should you have any questions or require additional information, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

SEH:jms



Professional Engineers, Planners & Land Surveyors

Bermuda Lakes RV Resort RVPD

Special Exception for COP

Request Statement

SEZ2022-00017 – Revised May 2023

Bermuda Lakes RV Resort Recreational Vehicle Planned Development (RVPD) is 48.73± acres located in the northwest quadrant of Tice Street and Lexington Avenue. The property received RVPD zoning approval via zoning resolution number Z-14-031 on February 18, 2015 which allows a transient RV park with up to 200 lots and related accessory uses which includes the indoor/outdoor recreation area. The overall project lies within the Suburban, Intensive Development, Central Urban and Wetlands future land use categories, the Fort Myers Shores Planning District and the Tice Community Planning Area. The RV park is currently under construction of 155 sites as approved by development order DOS2014-00091. A concurrent development order amendment is under review to add the indoor and outdoor recreation area.

The following condition was included in the resolution regarding regulation of the approved consumption on premises for the project:

4. Consumption on Premises: Consumption on premises is limited to the Indoor and Outdoor Recreation Area shown on the MCP and must be primarily for the people staying at the recreational vehicle development. An application for administrative approval of consumption on premises is required prior to issuance of an alcoholic beverage license. The application must provide a detailed site plan of the Indoor and Outdoor Recreation Area that demonstrates that the location for the sale or service of alcoholic beverages for consumption on the premises, when measured in a straight line to the property line of Orange River Elementary School, is not closer than 500 feet. If the location for the sale or service of alcoholic beverages for consumption on the premises is located within 500 feet of Orange River Elementary School's property line, a special exception approval must be received.

The applicant is requesting a Special Exception public hearing pursuant to condition 4 to request approval for alcoholic beverage consumption on premises (COP) at the private on-site recreational facilities to allow indoor and outdoor COP with the Limited Food and Beverage Service in the areas identified on the Special Exception Site Plan. Portions of the COP area are located within 500 feet of Orange River Elementary School's property line. It should be noted that these uses are allowed administratively if not closer than 500 feet. The request will allow indoor and outdoor consumption on premises within approximately 310 feet of the school property line. The request is necessary to allow the recreation center to be located along the edge of the existing lake. The request would be

allowed administratively if it was shifted 190 feet south, however it would not be able to provide the waterfront experience due to the existing lake and preserve configuration.

The type of state liquor license will be a 4COP-SFS license which will meet the requirements of serving food during all hours of Consumption on Premises, have seating for a minimum 150 patrons and will produce more than 50 percent of the income from food. The hours of operation for indoor consumption on premises are from 7:00 a.m. to 2:00 a.m. seven days a week. Hours of operation for outdoor consumption on premises are from 8:00 a.m. to 10:00 p.m. seven days a week. The applicant will comply with the requirements of the 4COP-SFS license and would like to maintain the option but not requirement to potentially change to an 11C license in the future. The attached Special Exception Site Plan shows the indoor and outdoor service areas and detailed parking utilizing Deviation 3 of Zoning Resolution Z-14-031 from the requirement of LDC Section 34-2020(b) which required 4 spaces per 1,000 sf of floor area for indoor recreational facilities and allow 3.5 spaces per 1,000 sf of building area for the clubhouse/recreation area. The proposed use is an amenity center and clubhouse with limited food and beverage service limited to people staying at the RV park and their guests only so the majority of individuals will already be parked at their RV site. The use is not available to the general public. The site is a private, gated RV Park so access is limited and by invitation only.

The property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) as listed below:

a.1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.

The existing zoning and development approvals demonstrate the proposed development's consistency with the Lee Plan, including the Suburban future land use category in which the indoor and outdoor private recreation facility is located. The request to allow indoor and outdoor seating consumption on premises within 500 feet does not change the fact that the project is consistent with the Lee Plan.

a.2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.

The RVPD zoning approval and Master Concept Plan included conditions that were found to protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, including the on-site preserves which are not impacted by the subject request. The development order also approved the onsite preservation areas which are not impacted by the subject request.

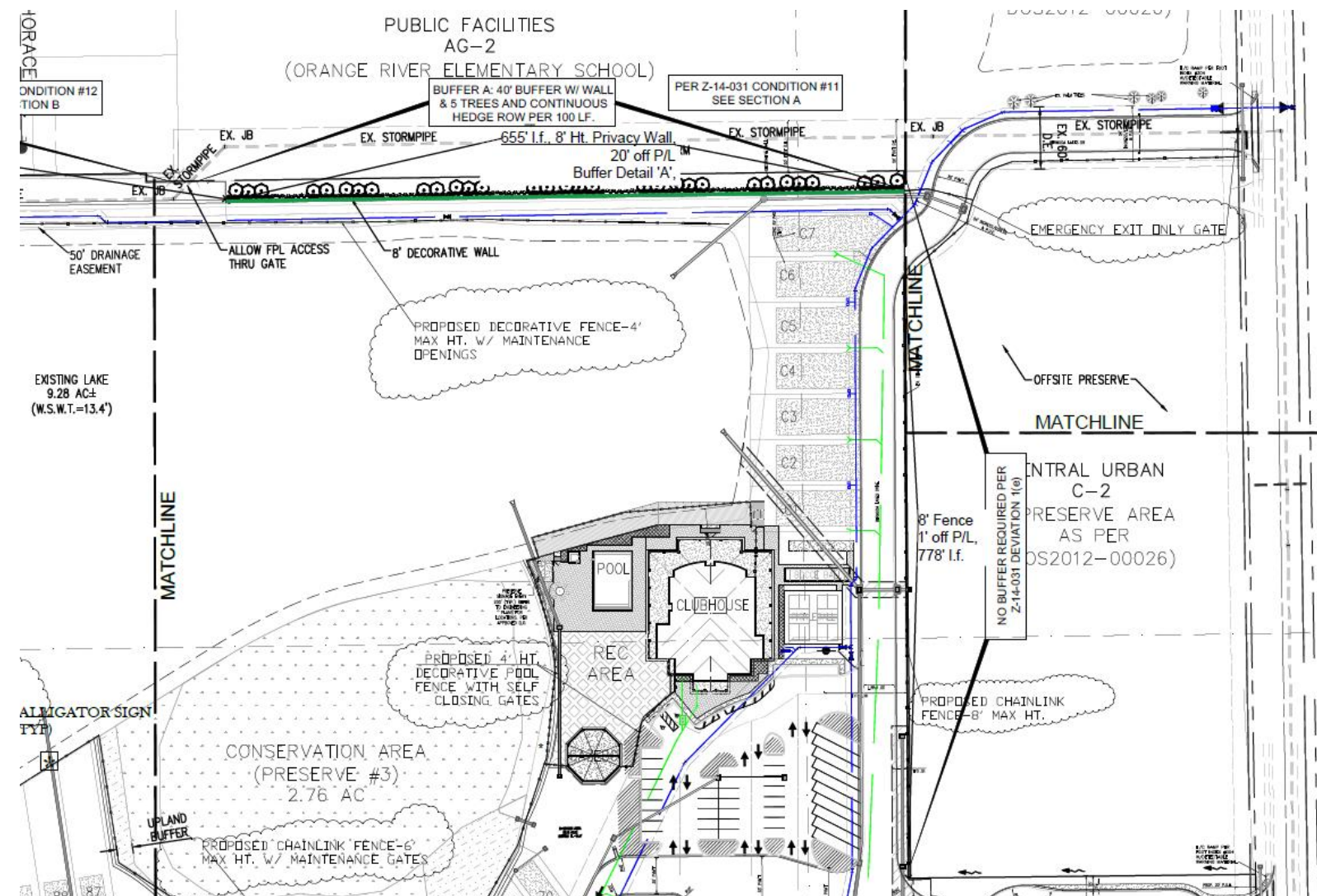
a.3. The request will be compatible with existing and planned uses.

The indoor and outdoor recreation area with limited food and beverage service and consumption on premises was included on the RVPD MCP and was already found compatible with existing and planned uses. The request remains compatible.

a.4. The request will not be injurious to the neighborhood or detrimental to the public welfare.

The request will not be injurious to the neighborhood or detrimental to the public welfare. The indoor and outdoor recreation area with limited food and beverage service and consumption on premises was included on the RVPD MCP and was already found compatible with existing and planned uses. The request allows the recreation area to be located along the existing lake and remains compatible.

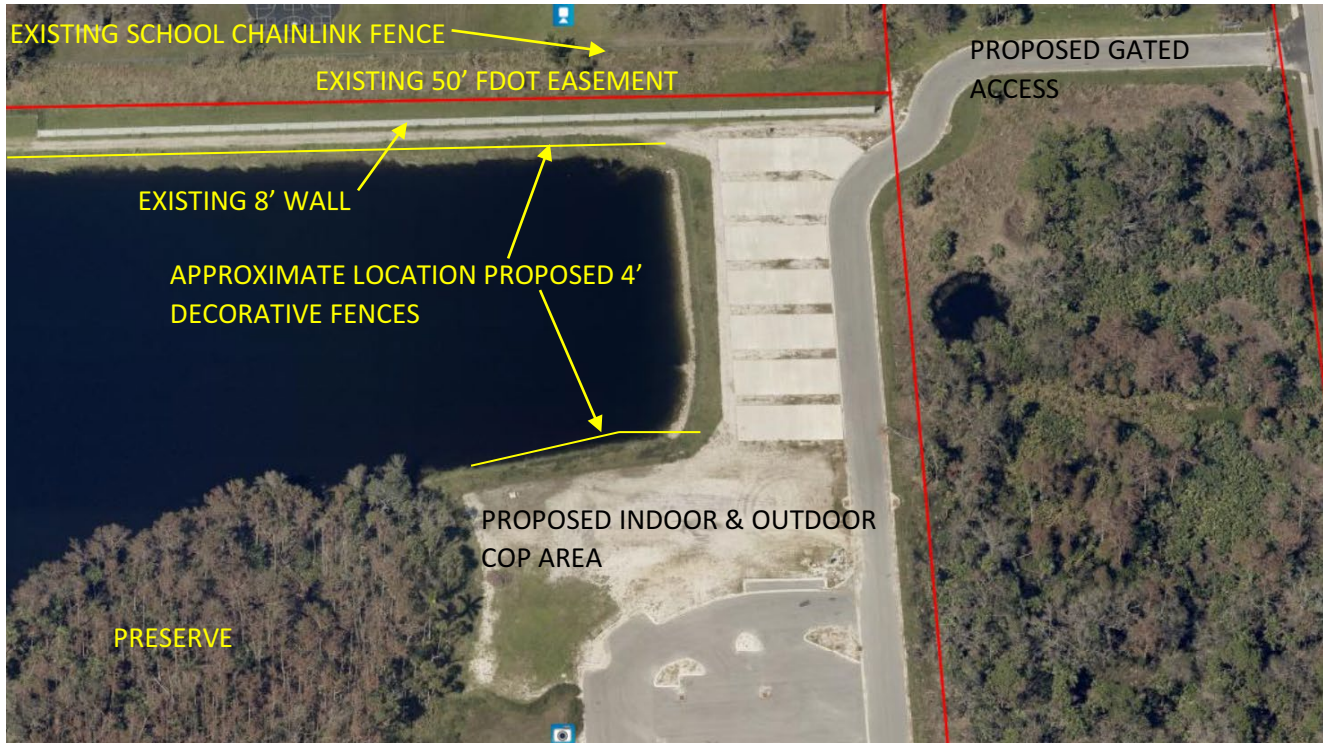
Please see excerpt from the landscape plans submitted with the concurrent DO amendment on following page. The recreation area will be more than adequately screened on-site with two 4-foot tall decorative fences and a 40-foot buffer with an 8-foot tall privacy wall with 5 trees per 100 linear feet and a continuous hedge row. There is also an existing chainlink fence on the school site.



The majority of the outdoor COP area is proposed to be enclosed with a proposed 4-foot tall decorative pool fence with self closing gates. There is another 4-foot tall decorative fence along the north of the existing lake and then the existing 8-foot tall landscaped privacy wall. Although the outdoor COP area is within 310-feet from the school property line, there is an existing 50' Florida Department of Transportation (FDOT) drainage easement within the school property line at this location then an existing chainlink fence as shown in the aerial image on the following page.

The indoor/outdoor COP area is approximately 1,375 linear feet driving or walking distance to the school property line as demonstrated on the Special Exception Site Plan, but the access is protected by a security gate further preventing access.

The site plan also demonstrates that the Gazebo and some of the outdoor recreation area are outside of 500' from the school property line so they would currently be allowed consumption on premises without Special Exception approval.



- a.5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

Approval of this special exception request will bring the proposed use into compliance with the zoning regulations contained within the zoning resolution pertaining to the use. With approval of the subject request, the project will be consistent with the Lee County Land Development Code.

The additional criteria of 34-145(c)(3)b., pertaining to new antenna supporting structure wireless communication facilities, is not applicable to this special exception request.

It should be noted that a TIS is not required for special exceptions for consumption on premises. Attached you will also find a written statement describing the type of state liquor license to be acquired and the anticipated hours of operation. As demonstrated above, the request is consistent with the goals, objectives, policies, and intent of the Lee Plan; will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources; will be compatible with existing and planned uses; will not be injurious to the neighborhood or detrimental to the public welfare; and will be in compliance with zoning regulations pertaining to the use and other applicable regulations.



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Bermuda Lakes RV Resort RVPD

Special Exception for COP

Written Statement Pertaining to On-Premises Consumption of Alcoholic Beverages SEZ2022-00017 – Revised May 2023

The applicant is requesting a Special Exception public hearing, pursuant to condition 4 of Bermuda Lakes RV Resort RVPD zoning resolution number Z-14-031, to request approval for alcoholic beverage consumption on premises (COP) at the private on-site recreational facilities to allow indoor and outdoor COP with the Limited Food and Beverage Service in the areas identified on the Special Exception Site Plan. Portions of the COP area are located within 500 feet of Orange River Elementary School's property line. The type of state liquor license will be a 4COP-SFS license which will meet the requirements of serving food during all hours of Consumption on Premises, have seating for a minimum 150 patrons and will produce more than 50 percent of the income from food. The proposed use is an amenity center and clubhouse with limited food and beverage service limited to people staying at the RV park and their guests only so the majority of individuals will already be parked at their RV site. The use is not available to the general public. The site is a private, gated RV Park so access is limited and by invitation only. The hours of operation for indoor consumption on premises are from 7:00 a.m. to 2:00 a.m. seven days a week. Hours of operation for outdoor consumption on premises are from 8:00 a.m. to 10:00 p.m. seven days a week. The applicant will comply with the requirements of the 4COP-SFS license and would like to maintain the option but not requirement to potentially change to an 11C license in the future.