

SPEATH ENGINEERING

Civil Engineers

August 14, 2024

Brian Roberts, Planner
Lee County Department of Community Development
1500 Monroe St
Fort Myers, FL 33901

RE: Port Phoenix Water Way Marina – DCI2023-00054 – Major PD

Dear Mr. Roberts,

Please find below responses and commentary to the provided comments from staff in your February 12, 2024 letter regarding the Commercial Planned Development application for Port Phoenix Water Way Marina (DCI2021-00054).

ZONING:

1. REPEAT COMMENT: Part 3 I. the subject parcel is in the North Fort Myers Planning Community. A public meeting is required. Please provide the required documentation in accordance LDC 33-1532(b).

- LDC 33-1532(b) requires the agent to provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. A summary of the concerns or issues raised at the meeting, a list of attendees, and a proposal for how the applicant will respond to any issues that were raised at the meeting were not included with the resubmitted documents. Please provide the required information.*

There have been 3 public meetings advertised and held, with the most recent meeting held on July 17, 2024 at the North Fort Myers Recreation Center. Attached is a Public Meeting Summary Document which includes summary information from the meeting as well as a copy of the community sign-in sheet.

2. REPEAT COMMENT: 9. Part 7 A. provide a Request Statement that describes how the property qualifies for the rezoning, how the development complies with the Lee Plan, the Land Development Code, and the applicable finding/review criteria set forth in LDC 34-145(d)(4). In your narrative, please provide a description of onsite operations including but not limited to: public access to the site, operation and method of boat launching, public use of facilities, where maintenance/repair of boats will take place, etc. Please be as detailed as possible.

- The resubmittal included a brief public access and operations narrative. The response to the comments did not provide a complete narrative to include a Lee Plan analysis or an*

44 WEST FLAGLER ST * SUITE 1850 * MIAMI * FLORIDA 33130
10491 SIX MILE CYPRESS PARKWAY * SUITE 280 * FORT MYERS * FLORIDA 33966
(305) 834-4213 * (239) 365-1005

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analysis of the applicable finding/review criteria set forth in LDC 34-145(d)(4). Please provide the required analysis in your resubmittal.

Please see the attached Lee Plan Analysis. Additionally, we believe the application as a whole addresses required information as set forth in LDC 31-145(d)(4).

3. Please provide additional information in your public access and operations narrative concerning the operations in and around the “lift well” on the southwest corner of the site. Will this area be used to move boats in and out of the water? What equipment will be used in this area? Will equipment be traversing the gravel parking area?

Please refer to the updated Public Access and Operations Narrative attached. The lift well will not be part of day-to-day operations.

Property Development Regulations:

1. The property development regulations indicated a minimum side yard setback of 4'. Please clarify the necessity of this proposed setback.

The 4' setback as described was redundant from the waterbody setback. Due to the nature of the property in general, surrounded by water, there is no real “side yard” as we would typically refer to it, and therefore the 4' side yard setback deviation is unnecessary.

The requested setback deviation would include a 4' waterbody setback (for the restaurant at the southeast corner peninsula), a 12' waterbody setback for the member's building deck structure, and a 15' waterbody setback for the Marina Building. Overall this would be a 4' waterbody setback, and these specific building waterbody setbacks are further outlined in the deviation request.

Schedule of Uses:

2. The Schedule of Uses includes Consumption on Premises. Please note that this use will be subject to the administrative or public hearing process in accordance with LDC 34-1264, unless specified in this application.

- The subject comment was provided as a courtesy to the applicant. It is the applicant's responsibility to evaluate the proposed operation against the requirements of LDC 34-1264 to determine if additional approvals will be required. The Land Development Code has specific requirements with regard to outdoor consumption on premises including locational standards and requirements for consumption on premises located near other establishments or residences.*

Areas for consumption on premises have been added to the Master Concept Plan, as well as a separate exhibit created which itemizes these specific areas. In addition, the project narrative has been updated to reflect the inclusion of consumption on premises with the areas and square

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footages outlined. It is the intent with the inclusion of this information to have the consumption on premises be reviewed and considered as part of the Planned Development application.

Schedule of Deviations:

1. Deviation #1 – in the schedule of deviations please detail what surface is being provided in lieu of a paved dust free all-weather surface. Also, please provide a narrative detailing how the alternative surface will be maintained, the dust control measures to prevent degradation of water quality, prevention of turbidity, and how the deviation enhances the achievement of the objectives of the planned development and protects the health, safety, and welfare of the public.

Please see updated schedule of deviations where surface treatment, maintenance, usage, and impacts are further outlined.

2. Deviation #7 – The applicant has requested a deviation to reduce the number of required parking spaces from 225 to 217 spaces. A decrease of approximately 3.6% is requested. Your attention is directed to LDC 34-2020(c) "Parking reduction for nonresidential uses." There are several conditions that will allow the justification of parking reduction up to a maximum of ten percent of the required total. Please provide the justification to support the requested reduction in your deviation request.

Please see attached updated Schedule of Deviations with justifications outlined.

Master Concept Plan:

1. REPEAT COMMENT: LDC 34-373(6)(a) The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. Public records show all existing easement on the site. If the easement has been vacated or released, please provide the associated documentation.

- The MCP has been revised to show the existing easements but does not include the required recording information. Please revised the MCP to include the recording information.*

The MCP has been revised to depict the proper recording information for the easements that have not been vacated. Please note that since the previous application, multiple unnecessary easements within the property have been vacated and removed from the MCP.

2. Please clarify the proposed docking inlet area. Is this a boat ramp? Will boats be moved in and out of the water at this location? How will the location be accessed? Is it through the unpaved valet parking area? Please provide additional information in your narrative addressing any the use of this area.

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The existing Lift Well on-site will be maintained for emergency boat triage use only. The lift well will not be utilized as part of normal marina operations. Equipment to be utilized for the boat well will be stored offsite and will only be utilized during emergency operations. Emergency operations would include usage of the gravel and paved parking areas adjacent to the lift well, and access to the lift well would be through the gravel valet parking area.

3. Please revise the MCP to show the residential zoning and uses abutting the southwest portion of the site across from the existing lift well.

The MCP has been revised to depict the usage and zoning of the adjacent lots across from the lift well.

Development Services:

1. The response to Development Services comment #3 indicates that employees may traverse the valet parking area to access the restaurant building. Is employee parking intended in the area of stabilized limerock and gravel? Is it the intent that employees walk across the area where boats will be launched and recovered? Please clarify how this is consistent with the requirements in LDC 34-2015(2)e which requires safe and convenient pedestrian movement from vehicles to buildings.

Employee parking is intended to use the area of stabilized limerock for parking. All employees working on site will receive training related to marina operations. Some employees may traverse the area of where boats will be launched and recovered, but only those employees which have received proper training will be permitted to do so. The public will not be permitted to traverse this area. Although not a direct link between the parking area and the restaurant, a complete system of internal pedestrian walkways has been provided as part of the design which will allow ALL pedestrians safe movement from vehicles to buildings.

2. LDC 10-610(c)(2) requires shielding of loading areas, mechanical equipment etc. from adjacent properties when viewed from ground level to a height equal to or greater than the items, delivery trucks or facilities being shielded. How is this being accomplished given the loading zones, equipment, and operations being proposed?

Landscape buffer has been expanded at the north end of the parking lot and around the front entry driveway. These buffers supply sufficient screening for the loading zones along the north end of the boat barn and the west side of the maintenance and member building. The 15' wide loading zone between the boat barn and the restaurant does not currently have screening, however this loading zone would be actively a part of marina operations. If needed, a solid rolling gate could be provided at this location between the loading zone and walkway along the seawall, however due to the direct proximity to other marina operations, adding a small area of screening would have little effect and could likely inhibit marina operations.

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3. INFORMATIONAL: LDC 10-291 requires all development to abut and have access to a public or private street designed, and constructed or improved, to meet the standards in Section 10-296. Inlet Drive is a County-maintained local roadway. The applicant is encouraged to review the roadway requirements in LDC 10-296 to ensure that Inlet Drive meets the minimum requirements or request the appropriate deviations if necessary.

Please see the addition of Deviation Request #9 which addresses Inlet Drive and the requested deviation from the requirements of 10-296 as discussed with Lee County DOT and local residents.

TIS:

1. Please include the LOS analysis for the Intel Dr. and Orange Grove Blvd. intersection.

An LOS analysis using Synchro has been added for the intersection of Orange Grove Blvd and Inlet Drive.

2. Will the Boat Repair and Services, as outlined in the Master Concept Plan (MCP), be accessible to the public?

Yes, the boat repair services as outlined in the MCP will be accessible to the public. It is anticipated that the majority of the boat repair services will be utilized by members of the marina, however for trip generation purposes the TIS has been amended to include trip generation generated by the proposed Boat Repair use.

3. As outlined in the MCP/Narrative statement, kindly provide the total floor area (in square footage) of the ancillary uses mentioned.

The total floor area and breakdown of ancillary uses has been included in the “Trip Generation” section of the report.

ENVIRONMENTAL:

1. The applicant has requested deviations from required buffering. Please describe why the deviations are being requested, please provide cross-sections of the buffers as requested in the first insufficiency, please provide a landscape plan, and please provide an analysis of how the applicant intends to meet Lee Plan Analysis 5.1.5 and 6.1.6. Please note that staff cannot make a finding on the requested deviations until additional details are provided.

Please see attached Landscape Exhibit which shows locations of buffers and schematic cross-sections showing the buffer’s relative location and dimensions.

Since the previous application, additional efforts have been made to add additional buffers along multiple property lines. The north property line expanded a 2’ wide planting area to a 10’ wide buffer. An 8’ buffer has been provided along the south property line abutting the south canal.

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Further information has been provided in the deviation request and within the Lee Plan Analysis.

2. Please provide an exotic value for the mangrove area. Staff visited the site and observed exotics. Please provide an exotic value after the FLUCCS code (E-1, E-2, E-3, E-4).

The FLUCCS map has been updated to indicate the percentage of exotics within the identified mangrove area.

3. LDC 10-415(d) discusses the use of open space. The use of open space states that not more than 20% can be impervious. Please note that compacted limestone/shell is considered impervious per LDC 10-1. Please provide information on how the applicant will meet the open space use.

The compacted limestone/shell is not considered in the open space calculations. We have provided data delineating the total impervious contributing to the total open space value within the open space exhibit.

4. The accessway is within 125 feet of single-family residences. Please demonstrate the required buffer per LDC 10-416(d)(6) along the accessway.

For the portion of the driveway which splits between the two residential homes, an additional deviation has been requested to maintain the access driveway without buffer between the roadway and residences. The intent of this is to maintain this portion of the access driveway in the same manner as the roadway would be if it was a roadway right-of-way, instead of a strip of property. Please see deviation #8. Additionally, please see a copy of the communication with the resident to the north side of the entrance drive.

5. Please provide a strikethrough and underline of the previous zoning to clarify changes to the MCP.

Please see attached a copy of the previous zoning with strikethrough, underline, and commentary related to the changes to the MCP and applicable requests.

NATURAL RESOURCES:

1. Please provide an analysis of Lee Plan policies within Objectives 101.4, 128.4 and 128.5, as well as applicable polices within Goals 30, 60, 101, and 125. Staff could not locate the Lee Plan analysis referenced by the applicant in the response letter.

Please see the attached Lee Plan Analysis.

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2. Please note that Lee Plan policy 128.5.9 requires new fuel facilities to be located on the uplands of a marina site. Please address how the proposed design is consistent with this policy.

The proposed fueling will conform to Lee Plan policy 128.5.9 with fuel facilities located on the uplands of the marina site. The MCP shows the fuel storage location and the fuel docks, where distribution will originate from upland and be distributed to boats mooring on the fuel dock accordingly.

3. Please revise the Surface Water Management Plan to address each element outlined in LDC 34-373(b)(1). Please provide the Surface Water Management Plan as a stand-alone document.

Please find attached the Surface Water Management Plan which addresses each element outlined in LDC 34-373(b)(1).

4. Please demonstrate how the proposal will comply with LDC 26-71(f)(2). This section of Code requires a minimum water depth adjacent to and within a marina. This is a repeat comment as it was not sufficiently addressed in the response letter.

A maintenance dredge to -5' MLW for the canals, matching the general controlling depth of the entrance channel will be conducted as part of the proposed development improvements.

5. The Application, Property Development Regulations Table, and several other places state there will be 45 wet slips, but the Manatee Plan Summary only allows for 44 wet slips and the MCP depicts 44 wet slips. Please revise the Property Development Regulations table to be consistent with the MCP and provided Manatee Plan Summary.

Confirmed, the number of wet slips is 44. Documentation has been updated accordingly.

6. The SFWMD permit referenced in the Manatee Plan Summary allows for 300 linear feet of temporary tie up mooring, but the proposed MCP depicts approximately 480 linear feet of temporary mooring. Please detail how the requested increase is consistent with the active permit referenced in the Manatee Summary. Will the requested temporary mooring be used for the dry storage staging and the restaurant?

On a busy weekend or holiday weekend at least 10% of the boats in dry storage go into use. All of the proposed parallel docking proposed is required to meet the logistical demands of this 10% of dry slips, to allow for proper staging.

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LEGAL:

Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

*1. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.
The legal description and sketch and the Boundary Survey provided do not include "Tract D" of Waterway Estates Unit 2 PB 12 Pg. 64 Tract D which was part of the CPD being rezoned and is under common ownership. The tract is included in the Title Certification.*

Please update the documents to consistent. If tract D is to be included, the boundary survey will need to include a metes and bounds description with state plane coordinates for the point of beginning and opposing corner.

Tract D has been added to the MCP and all relevant documentation.

PLANNING:

1. The comment response letter notes that the Lee Plan Analysis was attached; however, there did not appear to be a Lee Plan Analysis included in the resubmittal materials. --Repeat Comment: Provide an analysis of the project's consistency with the Lee Plan. The analysis should address all policies, objectives, or goals within the Lee Plan that apply to the project. Include the policy number, policy language, and a response describing how the project is consistent with the policy for each applicable policy.

Please see the attached Lee Plan Analysis.

Please do not hesitate to contact me at 239-365-1005 or at mspeath@speathengineering.com if you require any further information or if there are any questions related to this submittal.

Sincerely,



Matthew S. Speath, P.E.



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Port Phoenix Water Way Marina

Request: Rezone from: CPD, IL, & RS1 To: CPD

Type: ☒ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Proposed rezoning from CPD IL to CPD (Commercial Planned Development) to permit the development of a new commercial marina which includes site infrastructure and four new commercial building structures; Boat Barn: 49,000 sf, Maintenance & Member Building: 15,260 sf
 Restaurant building: 10,000 sf, Office & Ship's Store: 3,200 sf
 Development also consists of 44 wet slips, and 239 dry slips.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Safe Harbor Marinas

Address: 14785 Preston Rd. Ste. 975

City, State, Zip: Dallas, TX 75254

Phone Number: 469-445-0755

E-mail Address: Pclark@shmarinas.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Speath Engineering

Contact Person: Matthew S. Speath, P.E.

Address: 44 West Flagler Street, Suite 1850

City, State, Zip: Miami, FL 33130

Phone Number: 305-834-4213 Email: mspeath@speathengineering.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
 PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Lee County

Address: P.O. Box 398

City, State, Zip: Fort Myers, FL 33902

Phone Number: 239-533-2221 Email: dharner@leegov.com

B. Disclosure of Interest [34-202(a)(2)]:

☐ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 07/17/2007

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

16-44-24-03-0030A.0000, 16-44-24-03-0030B.0000, 16-44-24-03-0030B.00A0

B. Street Address of Property: 1687 Inlet Dr, Fort Myers, FL 33903

C. Legal Description (must submit) [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☐ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: The current Zoning is CPD, IL, & RS-1

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Commercial Marina

2. Intended uses of property are: Commercial Marina

G. Future Land Use Classification (Lee Plan):

Suburban	<u>6.33</u>	Acres	<u>86.2</u>	% of Total
Public Facilities	<u>1.01</u>	Acres	<u>13.8</u>	% of Total
		Acres		

H. Property Dimensions:

1. Width (average if irregular parcel): Irregular Feet
2. Depth (average if irregular parcel): Irregular Feet
3. Total area: 7.34 Acres or square feet
4. Frontage on road or street: _____ Feet on Harbor Lane Street
- 2nd Frontage on road or street: _____ Feet on _____ Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☒ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** 7.34 **Acres**
1. Submerged land subject to tidal influence 1.06 Acres
 2. a. Preserved freshwater wetlands _____ Acres
 - b. Impacted wetlands _____ Acres
 - c. Preserved saltwater wetlands _____ Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) _____ Acres
 3. R-O-W providing access to non-residential uses _____ Acres
 4. Non-residential use areas ^{(1) (2)} 7.34 Acres
- B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).** N/A **Acres**
- C. Gross residential acres. (A minus B) ⁽³⁾** N/A **Acres**
- D. Gross residential acres (by Land Use Category)**
1. a. Intensive Development – upland _____ Acres
 - b. Intensive Development – preserved freshwater wetlands _____ Acres
 - c. Intensive Development – impacted wetlands _____ Acres
 2. a. Central Urban – upland _____ Acres
 - b. Central Urban – preserved freshwater wetlands _____ Acres
 - c. Central Urban – impacted wetlands _____ Acres
 3. a. Urban Community or Suburban – upland _____ Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands _____ Acres
 - c. Urban Community or Suburban – impacted wetlands _____ Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

_____ **Acres**

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: N/A

		Lee Plan Table 1(a)		Units
		Max. standard density		
1.	Standard Units			
a.	Total upland acres (from Part 4, D.)	_____	x _____ equals	_____
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	_____	x _____ equals	_____
c.	Total impacted wetlands acres (from Part 4, D.)	_____	x _____ equals	_____
d.	Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
a.	Site-built Affordable Housing			_____
b.	Transferrable Dwelling Units			_____
c.	Sub-total			_____
3.	Total Permitted Units ⁽¹⁾			_____

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

		Height	Total Floor Area (Square Feet)
A. Commercial			
1.	Medical		0
2.	General Office		1,400
3.	Retail		1,800
4.	Other: (Restaurant, Club, Storage, Boat Service, & Marina)		74,260
			77,460
5. TOTAL FLOOR AREA			
		Height	Total Floor Area (Square Feet)
B. Industrial			
1.	Under Roof		0
2.	Not Under Roof		0
3.	TOTAL FLOOR AREA		0
		Depth	Total Acres
C. Mining			
1.	Area to be excavated		0
		Height	Total Beds/Units
D. Assisted Living Facilities			
1.	Dependent Living Units		0
2.	Independent Living Units		0
3.	TOTAL BEDS/UNITS		0
		Height	Total Rental Units
E. Hotels/Motels (Room Size)			
1.	< 425 sq. ft.		0
2.	426-725 sq. ft.		0
3.	725 < sq. ft.		0
4.	TOTAL UNITS		0

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. Bonus Density: [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
 Waterfront property ranging from sea level to approximately 5' NAVD
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 Existing Mangrove areas along south property line will not be impacted as a part of PD
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 Existing Mangrove areas along south property line will not be impacted as a part of PD
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 Prevention plan measures will be taken during construction of upland improvements, as well as construction of new seawalls in select locations
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 No special effluent anticipated as part of the proposed project.
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 N/A
 2. Quality of the effluent:
 N/A

3. Expected life of the facility:

N/A

4. Who will operate and maintain the internal collection and treatment facilities:

N/A

5. Receiving bodies or other means of effluent disposal:

N/A

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

PART 10 ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☐ Not applicable
- ☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☒ The minimum elevation required for the first habitable floor is 11.0' to 13.0' (Depending on Zone) NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☐	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☒	Property Owners list (if applicable) [34-202(a)(8)]
3	☒	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☒	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

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PROJECT NARRATIVE

Proposed is a rezoning from CPD Commercial Planned Development and IL Light Industrial to CPD (Commercial Planned Development) for the Safe Harbor Waterway Marina Property. The proposed rezoning will permit the construction of a new commercial marina with four new commercial building structures.

The site consists of surface parking, vehicular circulation, stormwater management, landscaping, and marine improvements. The four proposed structures include a retail/office/ships store structure, restaurant structure, 239 dry-slip boat barn, and a maintenance and member structure. In addition, 44 wet slips are proposed around the perimeter of the site.

The four structures proposed on the property include the following:

- Marina Building, with 1,800 SF of Retail and 1,400 SF of Office Space. This building is intended as the main point of operations and service for the marina with administrative, sales, and leasing offices, bathrooms, and ship's store.
- Restaurant Building, with up to 10,000 square foot restaurant.
- Boat barn with 239 indoor dry-rack boat slips which are launched and racked using a rail-mounted crane system.
- Maintenance and member building with a 4,525 SF private club for Safe Harbor members, 700 SF of office space, 4,635 SF of storage, and a Boat repair and service section comprising 5,400 SF.

Additionally, as part of this development request, we are requesting the use of Consumption on Premises. The consumption on premises is intended for outdoor restaurant uses and specific member areas on-site. In total there are three areas included in the consumption on premises request, a 2,850 square foot area outside of the maintenance and member building, 3,050 square foot area along the exterior of the flagship Restaurant situated at the southeast corner of the property, and 2,150 square foot area outside of the Marina Building.

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PROPERTY DEVELOPMENT REGULATIONS TABLE

SITE INFO		REQUIRED	PROPOSED
MINIMUM LOT AREA & DIMENSIONS	-----	Lot Area: 20,000 SF Lot Width: 100 FT Lot Depth: 100 FT	7.34 AC Irregular Irregular
SETBACKS	-----	Side Yard: 15 FT Rear Yard: 15 FT Street: 15 FT Waterbody: 25 FT	N/A N/A N/A 4.0' (Restaurant) 15.0' (Marina Bld) 12.0' (Member)
MAX BUILDING HT.	-----	45	57' (Boat Barn) 45' (All Other Bld)
MAX LOT COVERAGE	-----	40 %	24.6%
PROPOSED STRUCTURES	Structures	Uses	SF Provided
	Boat Barn	Dry Storage	49,000 SF
	Maintenance & Member Building	Storage 1 st Fl	3,400 SF
		Storage 2 nd Fl	1,235 SF
		Private Club 2 nd Fl	4,525 SF
		Office 2 nd Fl	700 SF
		Boat Repair and Service	5,400 SF
	Restaurant Building	Restaurant	10,000 SF
	Office & Ships store	Retail Office	1,800 SF 1,400 SF
	TOTAL STRUCTURE SF=		<u>77,460 SF</u>
FUTURE LAND USE	Suburban & Public Facilities	-----	-----
STRAP NUMBERS	16-44-24-030030A.0000 16-44-24-030030B.0000 16-44-24-03-0030B.00A0	-----	-----
PLANNING COMM.	North Fort Myers	-----	-----
FOLIO NUMBERS	10162893 10162894 10162895	-----	-----
BOAT SLIPS	Dry	-----	239
BOAT SLIPS	Wet	-----	44

44 W FLAGLER ST | SUITE 1850 | MIAMI, FLORIDA 33130
10491 SIX MILE CYPRESS PARKWAY | SUITE 280 | FORT MYERS, FLORIDA 33966
(305) 834-4213 • (239) 365-1005

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TOTAL OPEN SPACE	-----	2.07 AC (30% of Lot Area)	2.1 AC (30.3%)
PARKING	Use	Rate	Provided
	Restaurant, 10,000 SF	14 / 1000 sf = 140 spaces	Standard = 158 Valet = 56
	Office, 1,400 SF	1/300 sf = 5 spaces	
	Retail (Ships Store), 1,800 SF	1/ 250 sf = 8 spaces	
	Private Club	Ancillary to Marina Use	
	Boat Repair & Service	Ancillary to Marina Use	
	Dry slips (239)	1 space/5 slips = 48 spaces	
	Wet slips (44)	1 space/2 slips = 22	
	Total Spaces Required = 223 spaces		Total = 214
SOLID WASTE	Commercial Business Bldg. SF	Min SF for Solid Waste	SF Provided
	Total SF of Industrial & Commercial Business Bldg. = 28,460 SF	216 SF up to 25,000 SF Plus 8 SF for each additional 1,000 SF	256 SF
		Required: 256 SF	

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SCHEDULE OF DEVIATIONS

- 1. Deviation from 34-2017(a) (1-2) all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.**

Commentary: This section states that any high turnover parking area must have a paved, dust free all-weather surface from the aisle to the parking lot curb. We are requesting relief from this requirement for a valet & employee-only parking area situated in the southwest corner of the property. This area will not be open for public use. The parking lot is intended to be constructed of compacted limerock material, graded for proper drainage and provided with a surface binding application to reduce dust and potential erosion, suspended solids, and turbidity in stormwater. Re-application of the binding agent will be per product specifications and included in the maintenance plan for the facility. Stormwater system design will incorporate additional silt controls in this area and will be specifically addressed in the stormwater maintenance plan. This area is the furthest removed from the main areas used by patrons of the marina facility. The proposed limerock parking lot will have no adverse effects to the health, safety, and welfare of the public.

- 2. Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for a commercial parking lot situated within 125 feet of a residential property.**

Commentary: We are intending to deviate from this requirement by providing a varying width landscaped buffer of 9 to 15 feet wide along the western property line, with parking situated 118 feet away from the adjacent residential properties to the northwest. Additionally, we have provided an 8' landscape buffer for a portion of the parking that is stationed 110' from the adjacent properties stationed to the south, with no wall in either instance. Given the distance to the edge of the residential properties is only slightly under the requirement of 125', we are requesting a reduction in the required buffer. (For reference example, the parking that is situated 118' away would require no buffer at all if moved an additional 7', and the parking that is 110' would require no buffer if moved 15').

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- 3. Deviation from section 34-935(f)(1)(e) buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories.**

Commentary: For the development of this property only one of the structures will not meet the height requirement set forth by code, which is the indoor dry-stack boat storage boat barn. The intent is to deviate from the requirement of a maximum 45' building height for the proposed dry slip Boat Barn to exceed this height requirement at a maximum height of 57 feet above base flood elevation. No other proposed structures for this site will exceed the height requirement.

- 4. Deviation from section 34-2194(b) buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body.**

Commentary: The intent is to request a deviation from the outlined requirement for the placement of 3 proposed structures on site. We are requesting that the restaurant building be placed with a 4' waterbody setback, the office and ships store building placement at a 15' waterbody setback, and the maintenance & member building be placed at a 12' waterbody setback. Setback deviations are related to site configuration, site constraints, and the water-dependent uses on the property. This setback deviation request mirrors the previously approved waterbody setback in the prior zoning approval.

- 5. Deviation from section 33-1543(a) Requiring Landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot buffer width.**

Commentary: The location where the property directly abuts single-family residences is limited to a small portion of property approximately 50' wide, that is situated between two single family residences. The portion of property in question currently functions the same as the 50' ROW for inlet drive, and will continue to function in this manner). The current configuration results in residential lots which act as though they are dual-frontage corner lots, although in practice it is a private piece of property between them instead of a right of way. (See Deviation #8) It is our intent to continue to operate this portion of the property as the same as the Inlet Drive ROW for the first 100 feet to keep the integrity of the residential lots intact. The portion of the property past the single-family homes is intended to have a tapered buffer along the entrance drive on each side of the road providing a buffer of 4' to 33' in width. This proposed buffer will provide significant screening from the residences to the parking and marina operations within the subject property.

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- 6. Deviation from section 34-2016(4) Requiring that Parking must be developed throughout the site utilizing the same degree of angle.**

Commentary: The intent is to request a deviation from the outlined requirement for the use of varying angled parking spaces throughout the site. For the East, North and Southern parking lots we have provided parking at 90 degrees. We are seeking relief for the western parking lot as the spaces have been proposed at 45 degrees. The western parking lot is intended to be utilized by members-only, and is a completely separate portion of the site, therefore different angle configuration parking spaces do not in practice conflict with each other.

- 7. Deviation from section 34-2020 Requiring that a total of 223 spaces must be provided on the site.**

Commentary: The intent is to request a deviation from the outlined requirement of 223 parking spaces to be provided for the overall site. The MCP delineates a total of 214 spaces with 158 standard and 56 non stacked valet spaces. We are requesting relief for the additional 11 spaces that are deficient with the current site design. According to Section 34-2020 (c) minimum required parking may be reduced up to 5 percent if there is a sidewalk connection to the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D of the Lee Plan. We have reviewed this County Map and compared GIS imagery of the existing pedestrian walkway connection to the site. The connection starts from Birkdale Avenue heading East to Orange Grove Blvd North where the Inlet Drive Pedestrian walkway connects perpendicular and will route pedestrian traffic to the site. As a part of this submittal, we have attached a schematic delineating pedestrian traffic navigation to the proposed site. Additionally, 12 bike racks will be provided on site in accordance with section 10-610(e)(3) where this provided number of racks will amount to 5% of the total required parking.

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8. Deviation from section 10-416(d)(6) Requiring a Type F buffer and wall between the adjoining residences and the entrance driveway.

Commentary: The entrance driveway to the subject property is situated on a 50-foot wide strip of property between two single-family residences. This portion of the entrance drive is currently constructed and in-place, and mirrors the remainder of Inlet Drive, however this small strip of land that acts as access to the property is a part of the property assemblage, not right-of-way. Currently and historically this portion of property has operated the same as the remainder of inlet drive, with even one neighbor having driveway access onto a portion of this entrance and both neighbors having lawns which currently extend to the edge of the existing entrance drive. This request is to deviate from the required buffer and wall by code to allow for no buffer along the first 100 feet in length of drive, in order to keep the entrance in its original and current configuration without impact the de facto secondary frontage yards of the adjoining properties.

9. Deviation from section 10-291 Requiring Access Roadway to meet the minimum standards outlined in the subject section to allow for a 20' wide roadway with a single sidewalk.

Commentary: Inlet Drive is a suburban local street with open drainage. Per section 10-291, a local street that serves a commercial use should have lanes of 11 feet in width with sidewalks on both sides of the roadway. Current roadway width varies approximately 19.5' to 20' in width. Widening the roadway an extra two feet would adversely impact local residents that front the existing roadway. After discussions with both local residents and Lee County DOT, the wish is to have the least invasive improvements possible along inlet drive, with the single sidewalk along the north side remaining as-is, and the roadway milled and resurfaced to provide a new surface and consistent 20' width along the entire length from Orange Grove Boulevard to the project entrance drive.

INSTR# 2024000144153, Pages 3
DocType: TER, Recorded: 5/21/2024 at 10:33 AM
Kevin C. Karnes, Lee County Clerk of the Court & Comptroller
Rec Fees: \$27.00

Deputy Clerk LRIVERA
#1

This instrument was prepared by
and after recording return to:

Brandon B. Ferguson, Esq.
Dentons US LLP
4520 Main Street, Suite 1100
Kansas City, Missouri 64111

TERMINATION OF PERMANENT ACCESS EASEMENT GRANT

THIS TERMINATION OF PERMANENT ACCESS EASEMENT GRANT (the "Termination") is made as of this 7th day of May, 2024, by LEE COUNTY, a political subdivision of the State of Florida, having an address of PO Box 398, Fort Myers, FL 33902-0398 ("County").

WHEREAS, certain real property commonly known as 1667 Inlet Drive, North Fort Myers, Florida and 1687 Inlet Drive, North Fort Myers, Florida, situated in Lee County, as legally described on Exhibit A, attached hereto and incorporated herein by this reference (the "Waterway Property") is encumbered by the following easements for the sole benefit of the County:

Permanent Access Easement Grant dated May 15, 2006 and recorded in the Office of the Lee County Clerk of the Circuit Court as Instrument 2007000095841 on 03/23/2007 ("Easement 1"); and

Permanent Access Easement Grant dated May 15, 2006 and recorded in the Office of the Lee County Clerk of the Circuit Court as Instrument 2007000146653 on 05/04/2007 ("Easement 2") (Easement 1 and Easement 2, hereinafter collectively referred to as the "Easements");

WHEREAS, from and after the time the Easements were granted, the County has become the sole fee owner of the Waterway Property thereby making the Easements an unnecessary encumbrance;

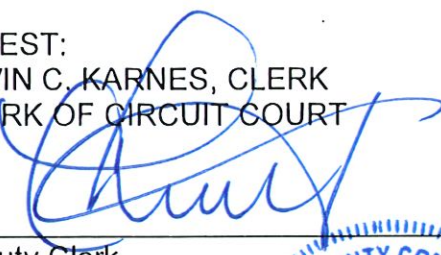
WHEREAS, the County hereby desires that the easement interests created thereby terminate and merge into the County's fee interest in the Waterway Property, forever extinguishing the Easements.

NOW, THEREFORE, in consideration of the foregoing, County hereby declares that the Easements and all rights thereunder are hereby TERMINATED, RELEASED,

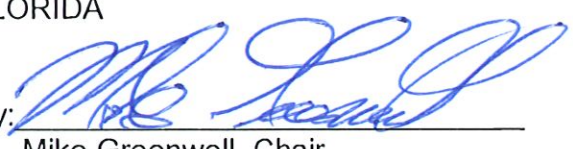
WAIVED AND EXTINGUISHED. The Waterway Property is hereby RELEASED and DISCHARGED from the Easements and all burdens, obligations, duties and limitations thereof or established thereby.

IN WITNESS WHEREOF, County has executed this Termination effective as of the day and year first above written.

ATTEST:
KEVIN C. KARNES, CLERK
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk

BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY,
FLORIDA

By: 
Mike Greenwell, Chair



APPROVED AS TO FORM FOR
RELIANCE OF LEE COUNTY ONLY:


County Attorney's Office

Signature Page to Termination of Permanent Access Easement

EXHIBIT A
LEGAL DESCRIPTION

A Tract or parcel of land lying in Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 63, of the Public Records of Lee County, Florida, described as follows:

Begin from a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said Plat, run thence Northwesterly 46.08 feet along the arc of a curve to the right having a radius of 25.00 feet and a delta angle of 105°36'44" (chord bearing and distance being N.37°47'33"W., 39.83 feet); thence N.46°02'23"W., 30.12 feet; thence along a line being 27.00 feet Northwesterly of and parallel with the Northwesterly boundary of said Tract "B", N.43°57'20"E., 559.23 feet; thence N.32°37'38"W., 75.13 feet to a point being the Southerly corner of 50 foot access portion of said Tract "B"; thence along the Northwesterly boundary of said Tract "B" and the Northeasterly extension thereof, N.44°00'19"E., 85.47 feet; thence S.59°27'06"E., 66.89 feet; thence N.89°54'23"E., 357.24 feet to a point being on a line that is the Northerly extension of said Tract "B"; thence along a line being 22.00 feet Easterly of and parallel with the East boundary of said Tract "B" and the Northerly extension thereof, S.00°05'37"E., 501.83 feet; thence S.44°39'33"W., 41.60' to a point on a curve "L" as shown on said plat; thence Southwesterly 19.53 feet along the arc of a curve to the right having a radius of 25.00 feet and a delta angle of 44°44'56" (chord bearing and distance being S.67°02'01"W., 19.03 feet) to a point being the East end of the South line of said Tract "B"; thence along said South line, S.89°24'43"W., 729.93 feet to the POINT OF BEGINNING.

Containing 7.674 acres, more or less.

Matthew S. Speath

From: Jane Kirkman <jkirkman@shmarinas.com>
Sent: Tuesday, August 6, 2024 12:12 PM
To: Matthew S. Speath
Cc: Matthew R. Albert; robjr@fowlercompany.com
Subject: FW: [External] Re: PHX Entrance - Owner Feedback

Response #1 of 2.

**Jane Kirkman**

Regional Vice President, Florida West
Safe Harbor Marinas
O: (239) 541-1374 | C: (239) 292-8364

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any non-public information in this communication, including attachments, constitutes "confidential information" under, and is subject to the terms of, any applicable nondisclosure or confidentiality agreement between Safe Harbor Marinas (or its affiliates) and the intended recipient or its principals and affiliates, as applicable. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: MARCELLA PERRI <cellabella@aol.com>
Sent: Tuesday, August 6, 2024 11:52 AM
To: Jane Kirkman <jkirkman@shmarinas.com>
Subject: [External] Re: PHX Entrance - Owner Feedback

Jane, thank you for email.

I do not want anything to impend my drive way or my side yard..

This driveway was built in 1964..for the model home it was at that time my garage and drive way was built then..and it's been a driveway and garage ever since.

Please allow county to know I do not wish anything to impend my driveway or side yard.

Thank you.

Marcella Perri

4300 Harbour lane

North Fort Myers fla.

33903

239 410 7074 (phone)

[Sent from AOL on Android](#)

On Tue, Aug 6, 2024 at 11:41 AM, Jane Kirkman
<jkirkman@shmarinas.com> wrote:

Hi Marcella,

It was nice to speak with you this morning. Since the access driveway runs alongside your residence, we need to ask for a deviation from LDC 10-416(d)(6) see below, or construct walls and landscaping along this entranceway. This is the comment related to buffering the residences that we received from the Lee County during the "review process":

The accessway is within 125 feet of single-family residences. Please demonstrate the required buffer per LDC 10-416(d)(6) along the accessway.

LDC 10-416(d)(6):

If roads, drives, or parking areas associated with residential subdivisions or with a multifamily or nonresidential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet or a 30-foot-wide type-F buffer with the hedge planted a minimum of 20 feet from the abutting property. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

What we have in this case is that there is a piece of property between the two residences (Shown as 0030A 0000 on the snip below). This is titled property, not road right of way. Per Safe Harbor's meeting, the county would like us to connect with those property owners to get their feedback and, if possible, get a written letter acknowledging that they would like the condition to remain the way it is (or alternatively we could offer them some additional landscaping/buffering to the access drive, if they want it).

Marcella, as a recap of our conversation this morning, you expressed that you do not want us to impede on your driveway, as well as do not impede on your side yard. With regards to the entrance area in the exhibit below labeled "Inlet Drive" (over the water portion at the entrance), you would welcome the 15' buffer of some type (landscape or wall) along this section of the entrance to Safe Harbor Port Phoenix.

Please advise if I have captured your requests accurately. I appreciate hearing from you over the next day or two. Thank you for your time and always good to speak with you!

Thanks,
Jane

**Jane Kirkman**

Regional Vice President, Florida West
Safe Harbor Marinas

O: (239) 541-1374 | C: (239) 292-8364

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any non-public information in this communication, including attachments, constitutes "confidential information" under, and is subject to the terms of, any applicable nondisclosure or confidentiality agreement between Safe Harbor Marinas (or its affiliates) and the intended recipient or its principals and affiliates, as applicable. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

RESOLUTION NUMBER Z-06-065

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

New zoning
includes additional
parcel for a total of
7.34 acres

WHEREAS, Marine Holdings, LLC , filed an application on behalf of the property owners, Marine Holdings II, LLC, and Caloosa Isle Yacht Club, Inc., to rezone 5.77± acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD), in reference to Caloosa Isle Yacht Club; and,

WHEREAS, a public hearing was advertised and held on July 26, 2006, and with the record held open until August 4, 2006, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00095; and

WHEREAS, a second public hearing was advertised and held on October 30, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

Total of 283 boat
slips and 28,640 sf
ancillary uses

The applicant filed a request to rezone 5.77± acres from CPD to CPD to permit the redevelopment of Caloosa Isle Marina, to allow a total of 334 boat slips (Wet and Dry), a 7,000-square-foot restaurant and approximately 7,500 square feet of ancillary uses. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Caloosa Isle Yacht Club, Concept Plan - Exhibit 6-J - DCI2005-00095," prepared by Vanasse & Daylor, LLP, dated November 30, 2005, last revised October 24, 2006, date stamped "Received Nov 03 2006 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

COPY

2. The following Limits apply to the project and uses:

a. Schedule of Uses

Please see our
updated schedule
of uses

Accessory Uses and Structures

Administrative offices

Boat:

Docks

Rental

Repair

Sales

Boardwalk (See condition 15)

Boat Storage:

44 Wet Slips

239 Dry Slips

Consumption on Premises (with outdoor seating) (See Conditions 6,7 & 8)

Personal Services, Group II (limited to a fitness center)

Pump-out Facilities

Restaurant, Group III

Recreational Facility; Private, On-site

Parking, accessory

Signs, in accordance with Chapter 30

Essential Services

On-site Fueling

b. Site Development Regulations

Setbacks:

Street : 25 feet

Waterbody: 25 feet (See Deviations 2 & 5)

Side: 15 feet (See Deviation 6)

Maximum Height: 45 feet (See Deviation 3)

Maximum Lot Coverage: 40 percent

Minimum Open Space: 30 percent

3. Environmental Conditions

- a. The Applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.
- b. Prior to development order approval for the project, the Applicant must demonstrate compliance with Lee County Comprehensive Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

This enhancement can be accomplished through the placement of appropriately sized riprap rock along the shoreline to increase filtration of canal water and create habitat within the canal. A minimum of 260 feet of the project seawall shoreline must include this environmental enhancement. A conservation easement reserving riparian rights over Tract "D" (as shown on the MCP) must be recorded in the Public Records of Lee County, Florida prior to development order approval for the project.

Conservation easement is now existing

The conservation easement must be dedicated to Lee County and be reviewed and approved by the County Attorney's Office prior to recording. At minimum the conservation easement must include provisions establishing the following:

- (1) Existing mangrove trees and other native plants will be retained;
 - (2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;
 - (3) Removal of exotic pest plants listed in §10-420(h); and
 - (4) Maintenance of the area in perpetuity free from exotic pest plants listed in §10-420(h) and trash.
- c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.
- d. Prior to development order approval for the project, the Applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.
4. A 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot-wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no

CASE NO: DCI2005-00095

Proposed Northwestern buffer varies 9-15' (exceeds previous PD)
Proposed North buffer is 10' (exceeds previous PD)
Added Proposed South Buffer 8'

Z-06-065
Page 3 of 8

less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

One-half (50 percent) of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12 feet in overall height to a maximum of 20 feet in overall height. All required landscape planting material must be of native species.

5. ~~Prior to issuance of local development order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorney's office.~~
6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license. The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.
7. Hours of operation for Consumption on Premises:

Indoor seating - limited to 10:00 a.m. until 12:00 a.m. (midnight),
Monday through Sunday.

Outdoor seating - limited to Sunday through Thursday, 10:00 a.m.
until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.

Outdoor pool-side area - limited to 10:00 a.m. through 8:00 p.m.,
Monday through Sunday (See also Condition 8.)

Outdoor entertainment:

Outdoor entertainment is limited to piped and /or recorded music (amplified or non-amplified) which will not exceed a "conversational" level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented towards the building, to minimize music from being conveyed off site.

8. The restaurant may serve alcoholic beverages to members of the marina in the outdoor pool side area. These hours of operation for the outdoor pool-side area are limited to 10:00 a.m. through 8:00 p.m., Monday through Sunday.
9. Boat repair and service are limited to the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.

56 Proposed

10. Valet Parking must be provided for the restaurant customers between the hours of 6:00 p.m. and close of business if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided in areas of the project other than those currently designated for parking areas.

11. Boat service, repair and storage:

No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely within the dry storage building. Boat service, repair and maintenance does not include boat preparation for storage or launch. Boat preparation may take place in the area designated for boat wash in the area south and southwest of the dry storage building.

The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing (travel lift) boat drop located on the northwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.

See deviation #9

12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. ~~Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the property owner must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the property owner's ability to trim mangroves in conjunction with the installation of the boardwalk.~~

Proposed:
Required - 223
Provided - 214

SECTION C. DEVIATIONS:

- (1) Deviation (1) seeks relief from the §34-2020 requirement to provide a total of 236 parking spaces, to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service. This deviation is APPROVED, SUBJECT TO Condition 10. 4-foot
- (2) Deviation (2) seeks relief from the § 34-2194 requirement to provide a minimum 25-foot waterbody setback for structures, to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building. This deviation is APPROVED.
- (3) Deviation (3) seeks relief from the §34-936(f) requirement to provide a maximum height of 45 feet above base flood elevation, to allow a maximum height of 55 feet above base flood elevation. This deviation is APPROVED. 57-foot
- (4) Deviation (4) seeks relief from the §10-416(d) requirement to provide a minimum 15-foot-wide Type "B" buffer between a commercial development and an existing industrial development, to allow a 10-foot-wide buffer with the required Type B plantings. This deviation is APPROVED, SUBJECT TO Condition 4. See Landscape Exhibit, Deviations 2, 5, & 8
- (5) Deviation (5) seeks relief from the §34-2194 requirement to provide a minimum 25-foot setback for structures, to allow a zero-foot waterbody setback for proposed Fitness Center/Tiki Bar. This deviation is APPROVED.
- (6) Deviation (6) seeks relief from the §34-935(b)(1) requirement that all structures be setback a minimum width of any required buffer or 15 feet for properties zoned Commercial Planned Development (CPD), to allow a zero-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:
16-44-24-03-00308.0000, 16-44-24-03-0030A.0000 & 16-44-24-03-0030D.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Albion made a motion to adopt the foregoing resolution, seconded by Commissioner Douglas R. St. Cerny. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of October, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Isaiah Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Robert P. Janes, Chair

Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



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MINUTES OFFICE

2006 DEC 22 AM 9:54

EXHIBIT "A"
LEGAL DESCRIPTION
 Property located in Lee County, Florida



Dagostino & Wood, Inc.

Legal for Main Tract
 (5.925 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE 165.80 FEET; THENCE NORTH 43°52'37" EAST, ALONG SAID WEST LINE, 137.02 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTH LINE, 90.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'35" EAST, ALONG SAID SOUTH LINE, 342.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 39.28 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°04'58" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°06'00" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 490.23 FEET; THENCE SOUTH 89°53'58" WEST 309.71 FEET; THENCE SOUTH 44°21'45" WEST 28.12 FEET; THENCE NORTH 59°30'14" WEST 102.61 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.68 FEET, A CENTRAL ANGLE OF 05°47'59", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 48°46'15" WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 95°36'51", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°51'49" WEST 37.04 FEET TO THE SOUTHEASTERLY LINE OF HARBOUR LANE; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHEASTERLY LINE 100.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°30'36", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 85°41'55" EAST 33.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 77.91 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 668.68 FEET, A CENTRAL ANGLE OF 06°40'32", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 49°12'31" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 32°28'19" EAST 102.74 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH 43°55'47" WEST, ALONG SAID NORTHWESTERLY LINE, 540.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "K" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.66 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°26'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 23°13'33" EAST 46.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

610 18th Avenue NE Naples, FL 34120
 Phone-(239)352-6085 Fax-(239)352-6095

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DCI 2005-00095

COMMUNITY DEVELOPMENT
 DCI 2005-00095

**Dagostino & Wood, Inc.**

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

Applicant's Legal Checked

by Lgm 1/25/2006

DCI 2005-00095

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DEC 02 2005

COMMUNITY DEVELOPMENT

610 18th Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

EXHIBIT "A"
(Page 2 of 5)



Dagostino & Wood, Inc.

Legal for Tract "D"
(0.316 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 60.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "B"; THENCE NORTH 39°40'53" WEST, ALONG SAID EAST LINE, 18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

Applicant's Legal Checked
by LSM 1/25/2006

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

DCI 2005-00095

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DEC 02 2005

610 18TH Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 3 of 5)

SKETCH OF DESCRIPTION OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 15, PAGE 43 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "X" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.84 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 85 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE 163.80 FEET; THENCE NORTH 43°32'37" EAST, ALONG SAID WEST LINE, 137.80 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°28'15" EAST, ALONG SAID NORTH LINE, 80.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°27'01" EAST, ALONG SAID SOUTH LINE, 542.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCERNING TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 26.36 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 40°04'38" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 89°04'01" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 480.33 FEET; THENCE SOUTH 89°33'38" WEST 306.71 FEET; THENCE SOUTH 46°21'45" WEST 38.12 FEET; THENCE NORTH 39°30'14" WEST 102.61 FEET TO THE SOUTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCERNING TO THE SOUTHWEST; THENCE NORTHEASTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 71.86 FEET, A CENTRAL ANGLE OF 89°47'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 46°46'15" WEST 72.75 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCERNING TO THE EAST; THENCE NORTHEASTERLY, NORTHERLY AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°30'11", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 67°31'48" WEST 37.04 FEET TO THE SOUTHWESTERLY LINE OF HARBOR LINE; THENCE SOUTH 47°56'37" WEST, ALONG SAID SOUTHWESTERLY LINE 190.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCERNING TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 30.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°30'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 69°13'55" EAST 33.36 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCERNING TO THE SOUTHWEST; THENCE SOUTHWESTERLY 72.81 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 86.88 FEET, A CENTRAL ANGLE OF 96°40'52", AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 49°12'21" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHWESTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 32°28'19" EAST 102.74 FEET THE NORTHEASTERN LINE OF SAID TRACT "B"; THENCE SOUTH 47°55'17" WEST, ALONG SAID NORTHEASTERN LINE, 546.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCERNING TO THE NORTHEAST BEING SAID CURVE "X" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.86 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°29'47" AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 52°17'57" EAST 46.16 FEET TO THE POINT OF BEGINNING.

COVERING 5.825 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEHINDS SHOWN HEREON ARE THE EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD SYSTEM, WEST 2001, NORTHEAST 2001, AND SOUTHWEST 2001, AS SHOWN ON THE RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 85 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA.

THIS IS NOT A SURVEY

DEC 02 2005

COMMUNITY DEVELOPMENT

Applicant's Legal Checked
by Lyn 1/25/2006

DCI 2005-00095

LINE	BEARING	DISTANCE	AREA
1	N 89°24'00" E	200.84	0.00
2	N 00°35'40" W	163.80	0.00
3	N 43°32'37" E	137.80	0.00
4	N 89°28'15" E	80.00	0.00
5	S 00°37'31" E	263.45	0.00
6	N 89°27'01" E	542.86	0.00
7	N 89°04'01" W	480.33	0.00
8	S 89°33'38" W	306.71	0.00
9	S 46°21'45" W	38.12	0.00
10	N 39°30'14" W	102.61	0.00
11	N 72°75'00" E	72.75	0.00
12	N 87°30'11" W	37.04	0.00
13	S 47°56'37" W	190.56	0.00
14	S 87°30'38" W	30.44	0.00
15	N 67°31'48" W	33.36	0.00
16	S 49°12'21" E	77.86	0.00
17	S 32°28'19" E	102.74	0.00
18	S 47°55'17" W	546.48	0.00
19	S 52°17'57" E	46.16	0.00

RASIN

LINE	BEARING	DISTANCE	AREA
1	N 89°24'00" E	200.84	0.00
2	N 00°35'40" W	163.80	0.00
3	N 43°32'37" E	137.80	0.00
4	N 89°28'15" E	80.00	0.00
5	S 00°37'31" E	263.45	0.00
6	N 89°27'01" E	542.86	0.00
7	N 89°04'01" W	480.33	0.00
8	S 89°33'38" W	306.71	0.00
9	S 46°21'45" W	38.12	0.00
10	N 39°30'14" W	102.61	0.00
11	N 72°75'00" E	72.75	0.00
12	N 87°30'11" W	37.04	0.00
13	S 47°56'37" W	190.56	0.00
14	S 87°30'38" W	30.44	0.00
15	N 67°31'48" W	33.36	0.00
16	S 49°12'21" E	77.86	0.00
17	S 32°28'19" E	102.74	0.00
18	S 47°55'17" W	546.48	0.00
19	S 52°17'57" E	46.16	0.00

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

DCI 2005-00095
DWI AGOSTINO & WOOD, INC.
1000 W. 10TH AVE. SUITE 100
FORT MYERS, FL 33901
TEL: 941-336-1111
FAX: 941-336-1112
E-MAIL: DWI@DWI-INC.COM
WWW.DWI-INC.COM

**SKETCH OF DESCRIPTION
OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2
LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA**

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12, PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "C" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 80.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°36'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "D"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "D"; THENCE NORTH 39°40'31" WEST, ALONG SAID EAST LINE, 145.56 FEET TO SAID NORTH LINE OF TRACT "D"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME DATUM.

Applicant's Legal Checked
by Lm 1/25/2006

DCI 2005-00095

****THIS IS NOT A SURVEY****

RECEIVED

DEC 02 2005

COMMUNITY DEVELOPMENT

DEC 02 2005

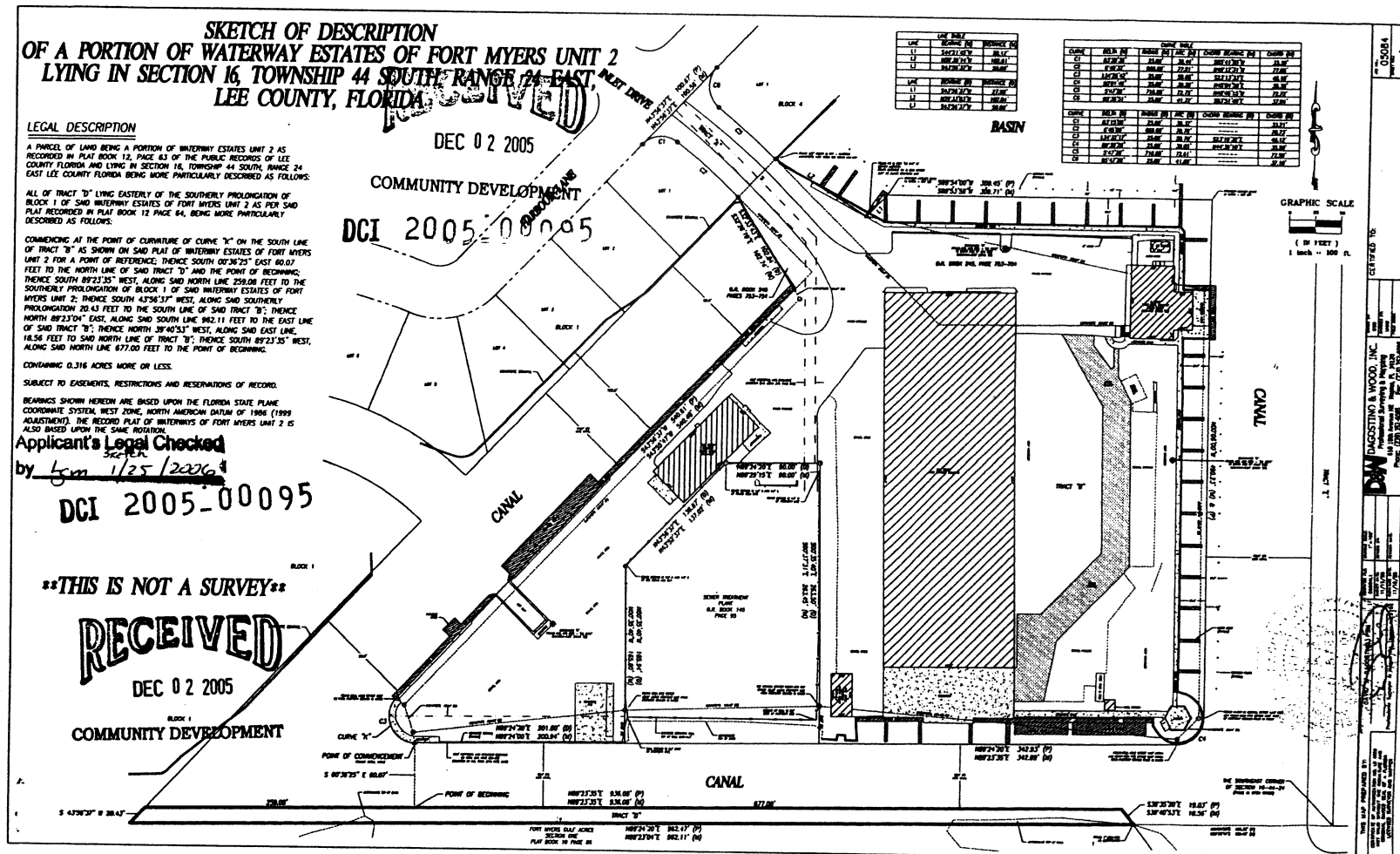
COMMUNITY DEVELOPMENT

DCI 2005-00095

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 43°36'25" E	80.07	S 43°36'25" E	80.07
2	S 89°23'35" W	259.08	S 89°23'35" W	259.08
3	S 43°36'37" W	20.43	S 43°36'37" W	20.43

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 43°36'25" E	80.07	S 43°36'25" E	80.07
2	S 89°23'35" W	259.08	S 89°23'35" W	259.08
3	S 43°36'37" W	20.43	S 43°36'37" W	20.43

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 43°36'25" E	80.07	S 43°36'25" E	80.07
2	S 89°23'35" W	259.08	S 89°23'35" W	259.08
3	S 43°36'37" W	20.43	S 43°36'37" W	20.43



05084

CERTIFIED BY

DAVID MAGISTRO & WOOD, INC.

1111 W. 1st St., Suite 100, Ft. Myers, FL 33901

Phone: (813) 335-0088 Fax: (813) 335-0089

EXHIBIT "A"
(Page 5 of 5)

DCI2005-00095

Zoning Map

7/10/2006

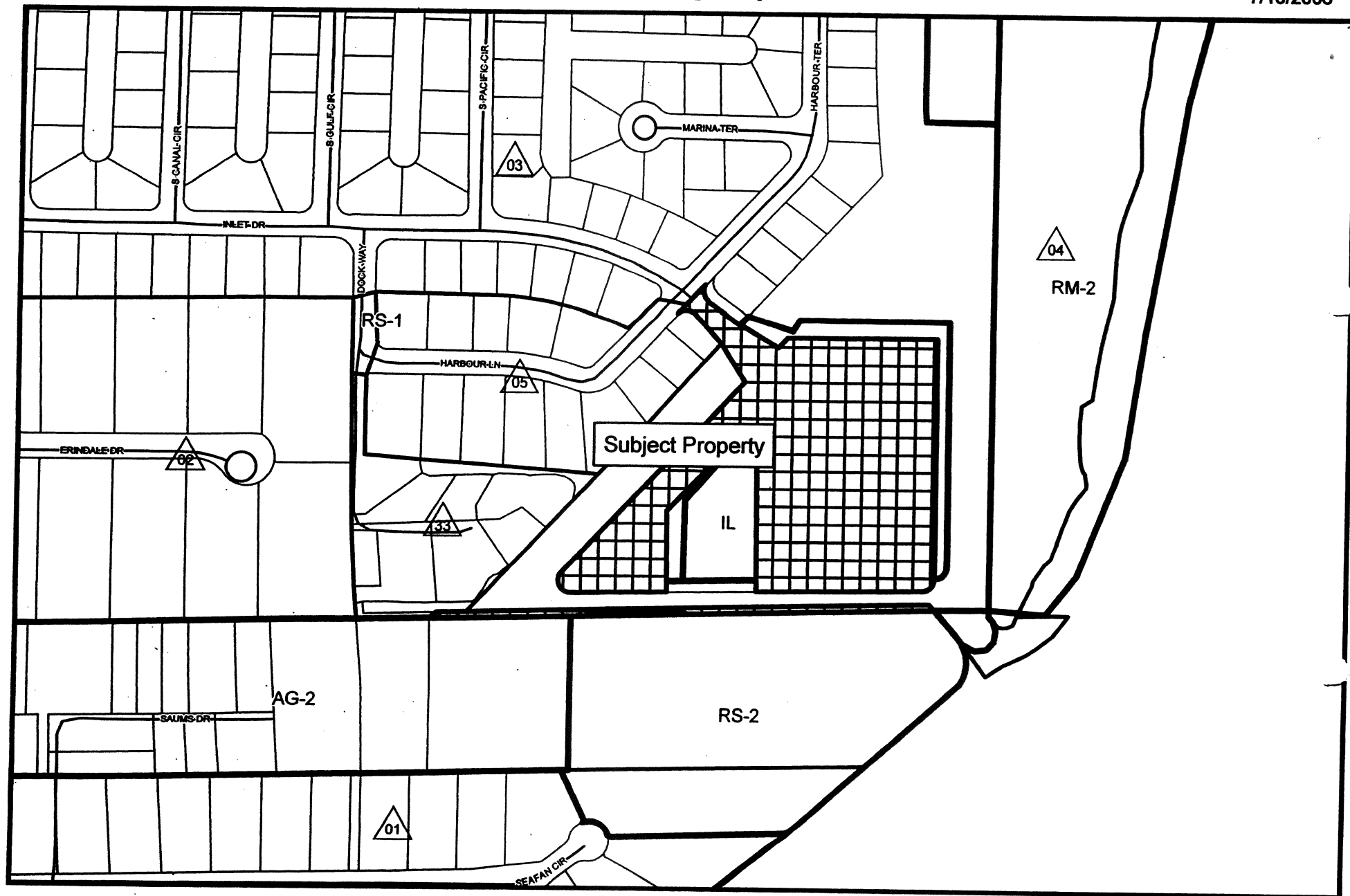


EXHIBIT "B"
(Zoning Map)

380 190 0 380 760 Feet

LOT COVERAGE SUMMARY:

PARCEL: 5.92 ACRES
BUILDINGS/ENCLOSED SERVICE & REPAIR: 61,380 S.F. = 1.40 ACRES
PAVEMENTS (PARKING, ETC.): 115,723 S.F. = 2.66 ACRES (INCL STABILIZED SHELL)
WATER OPEN SPACE: 19,602 S.F. = 0.45 ACRE
LAND OPEN SPACE: 61,382 S.F. = 1.41 ACRES

OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED: 9.92 AC + 30% = 1.78 ACRES
OPEN SPACE CREDIT FOR WATER: 1.78 AC + 23 = 0.45 ACRE
LAND OPEN SPACE: 1.41 ACRES
TOTAL OPEN SPACE: 0.45 + 1.41 = 1.86 ACRES

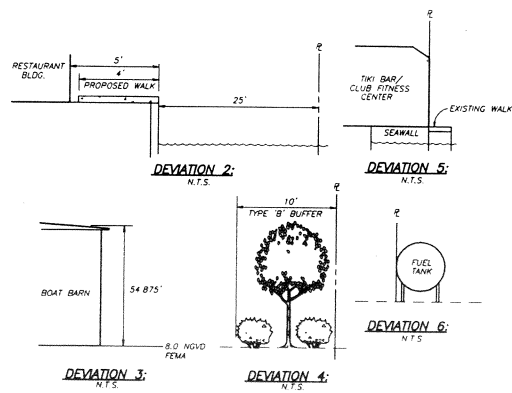
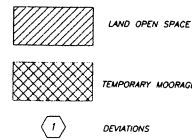
EXISTING DEVELOPMENT

EXISTING DRY STORAGE BUILDING: 44,312 S.F.
EXISTING SERVICE AREA (OUTDOOR): 35,345 S.F.
EXISTING STORE #1: 4,358 S.F.
EXISTING STORE #2 (2 STORY): 6,564 S.F.
TOTAL: 90,579 S.F.

PROPOSED DEVELOPMENT

PROPOSED DRY STORAGE BUILDING: 51,376 S.F.
PROPOSED STEEL SHED: 300 S.F.
PROPOSED RESTAURANT/BAR/OFFICE & GAZEBO: 9,500 S.F.
TIKI-BAR/CLUB FITNESS CENTER: 1,700 S.F.
TOTAL: 62,876 S.F.

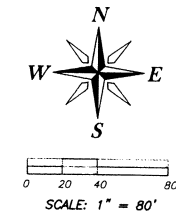
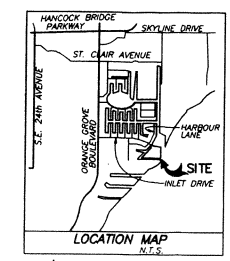
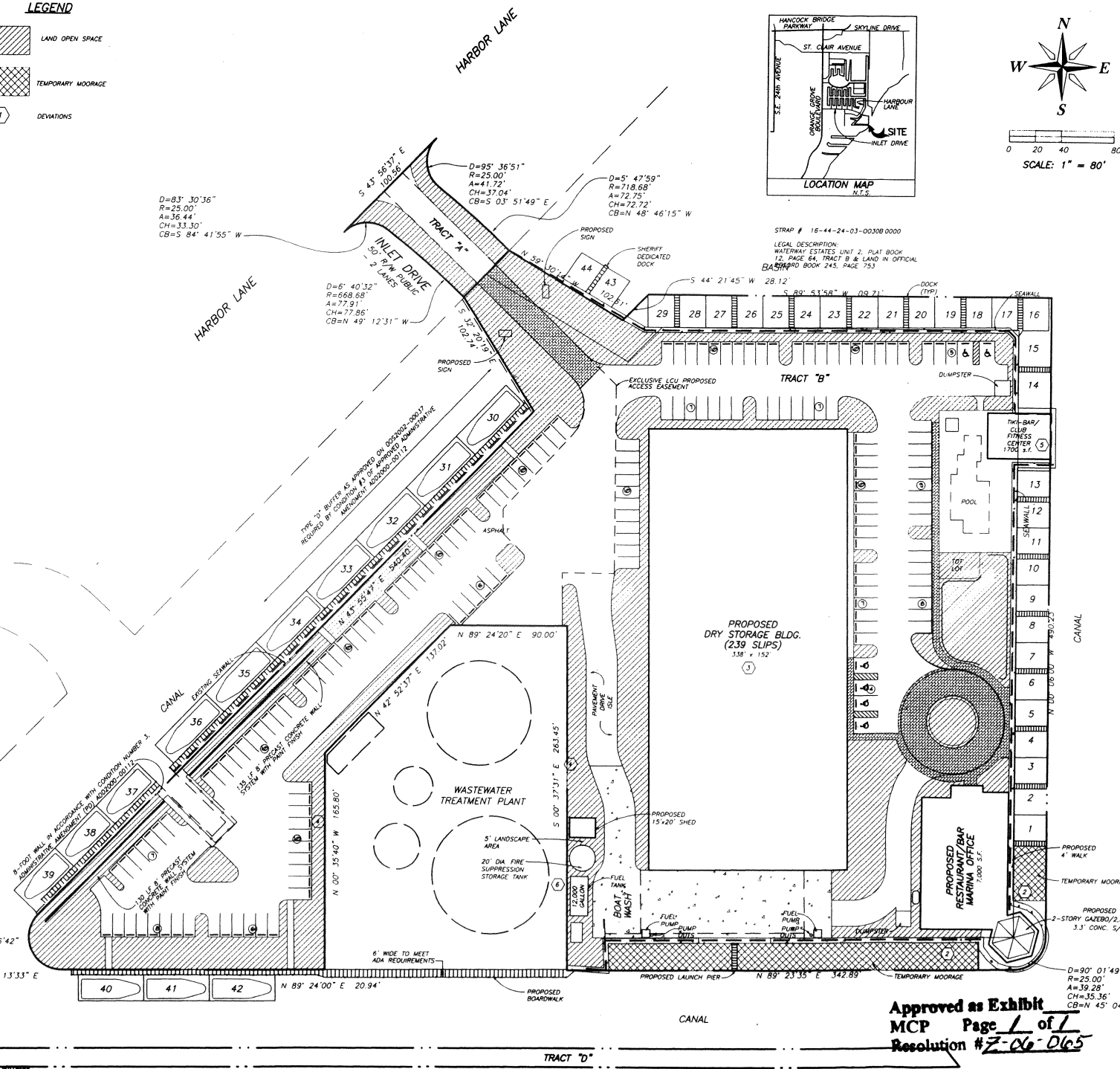
LEGEND



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COMMUNITY DEVELOPMENT

DCI 2005-00095



STRAP # 16-44-24-03-00308 0000
LEGAL DESCRIPTION:
WATERWAY ESTATES UNIT 2, PLAT BOOK
12, PAGE 84; TRACT B & LAND IN OFFICIAL
BASIS MAP BOOK 245, PAGE 753

Approved as Exhibit
MCP Page 1 of 1
Resolution # 2-06-065

DATE	BY	REVISION
12-02-05	ROM	REVISED PER CLIENT COMMENTS
01-18-06	ROM	REVISED PER CLIENT COMMENTS
04-11-06	ROM	REVISED PER CLIENT COMMENTS
06-22-06	ROM	REVISED PER CLIENT COMMENTS
07-11-06	ROM	REVISED PER CLIENT COMMENTS
07-11-06	ROM	REVISED PER CLIENT COMMENTS
10-24-06	ROM	REVISED PER CLIENT COMMENTS

NOTE: This information shall be used as a guide only. The user is responsible for verifying all information prior to use. The user is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

SCALE: AS SHOWN
DRAWN: JAW
CHECKED: JAW
APPROVED: JAW

PREPARED FOR: Marine Holdings II, LLC
C/O RL Opportunities
10580 Lancelot Lane
Bonita Springs, FL 34135

PROJECT LOCATION: Section 16, Township 44 S, Range 24 E
Lee County, FL

PREPARED BY: Vanasse Daylor
Traffic Engineering
Landscape Architecture
Civil Engineering
1700 N. W. 10th Ave., Suite 100
Fort Lauderdale, FL 33311
Phone: (954) 574-1000
Fax: (954) 574-1001
Email: info@vanassedaylor.com

PRIORITY NO: 80899
ACAP NO: 80899-SR04

Sheet No. 1 of 1

EXHIBIT "C"

SPEATH ENGINEERING

Civil Engineers

Surface Water Management Plan

- A. Runoff Characteristics of the property in its existing state.

In its existing state, the site consists of areas of concrete slabs from previous buildings, old asphalt entrance driveways, and gravel surfaces (some of which contain vegetative growth). The surface water runoff currently sheet flows in overland flow and discharges into the surrounding waterbody at low points in the existing seawall.

- B. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained.

Stormwater management will be provided on site to meet South Florida Water Management District requirements for water quality and water quantity, including design storm requirements, as well as offsite discharge as limited by code for the size and location of the subject property. Stormwater system volumes on-site are provided to contain the 10-Year, 24-hour storm without flooding of the roadways/parking areas on-site. Significant additional dry-detention area is proposed on-site when compared to the approved and active SFWMD permit 36-01177-S. In addition to this, significant additional stormwater storage is proposed under the proposed boat barn within a crushed stone storage basin. The proposed project will be amending the existing SFWMD permit #36-01177-S and will address all additions/modifications to the stormwater system accordingly. Discharge will be to the canal along the south end of the property through a control structure. There will be no flow onto or from adjacent properties.

- C. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance.

Retention features on the site will include open dry-detention areas and areas of crushed stone where the void space will be utilized for stormwater storage. Above the 10-Year, 24-Hour storm, the site will provide site stage-storage volumes to meet additional required storm scenarios. A stormwater maintenance plan will be prepared as part of the water management permit application which outlines required periodic maintenance of storage areas, stormwater pipes and structures, and the control structure discharge.

SPEATH ENGINEERING

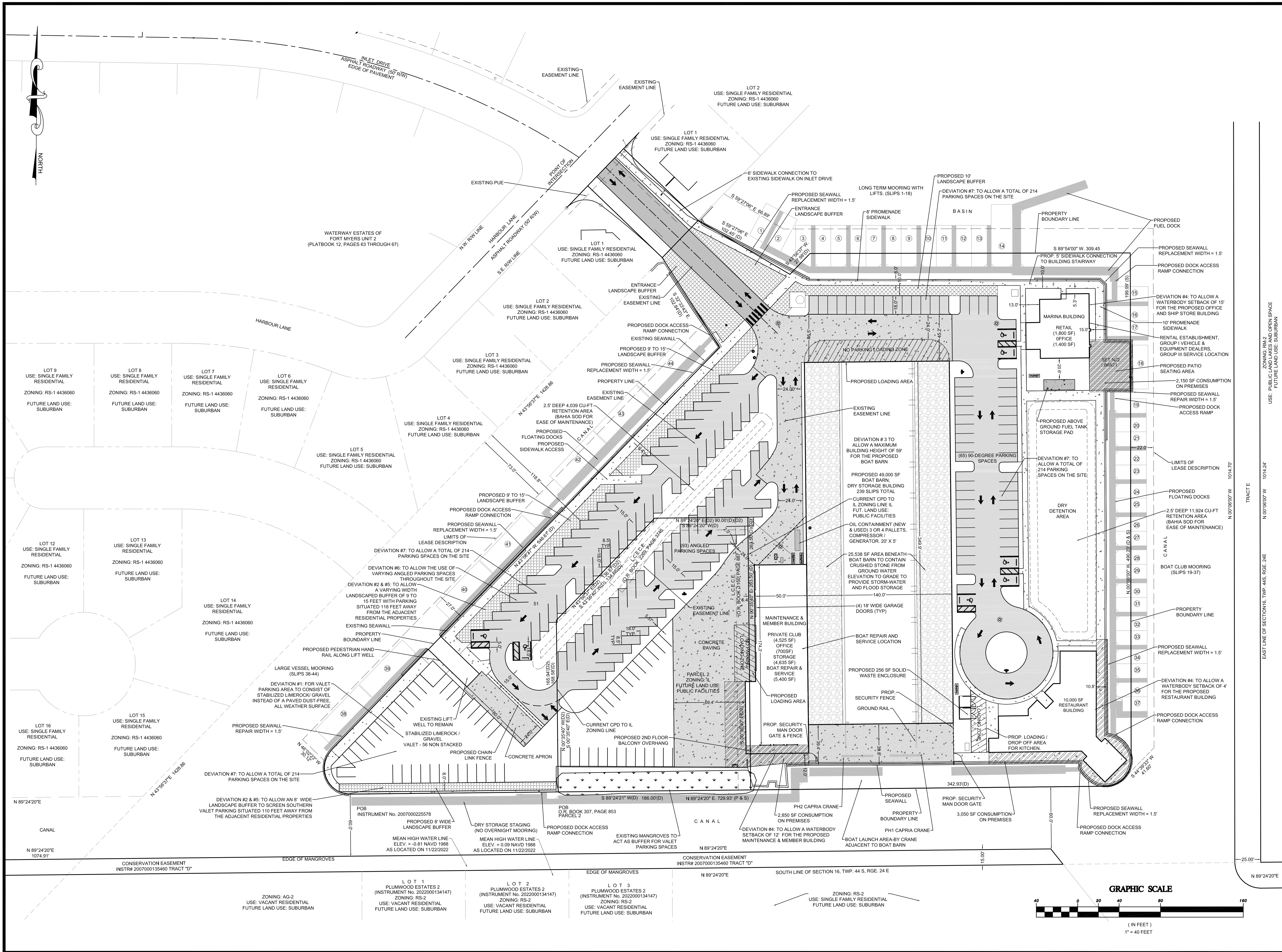
Civil Engineers

- D. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate.

The approximate grading of the existing site will be maintained, and an area of mangroves along the canal on the south side of the property will also be maintained. As this site is a previously developed site, there are limited natural features.

- E. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

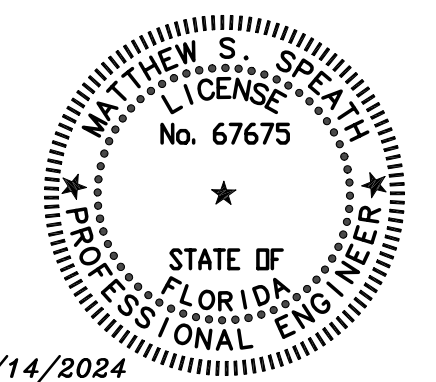
The site is not subject to seasonal inundation. The site is within a velocity zone which can be impacted by storm surge. Limited mitigation measures can be implemented in this case, however improvements are proposed to the site which include raising of sections of seawalls which will further protect the site compared to the existing previously developed condition.



REVISIONS	DATE	BY
0. INITIAL SUB	12/12/23	TG
1. CNTY CMNTS	04/19/24	TG
1. CNTY CMNTS	08/14/24	TG

SPEATH
ENGINEERING
SPEATH ENGINEERING, LLC - 311 BRICKELL AVE., 8TH FL.
MIAMI, FL 33131 - PHONE: 305-834-4323

MASTER CONCEPT PLAN
FOR
PORT PHOENIX
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



08/14/2024

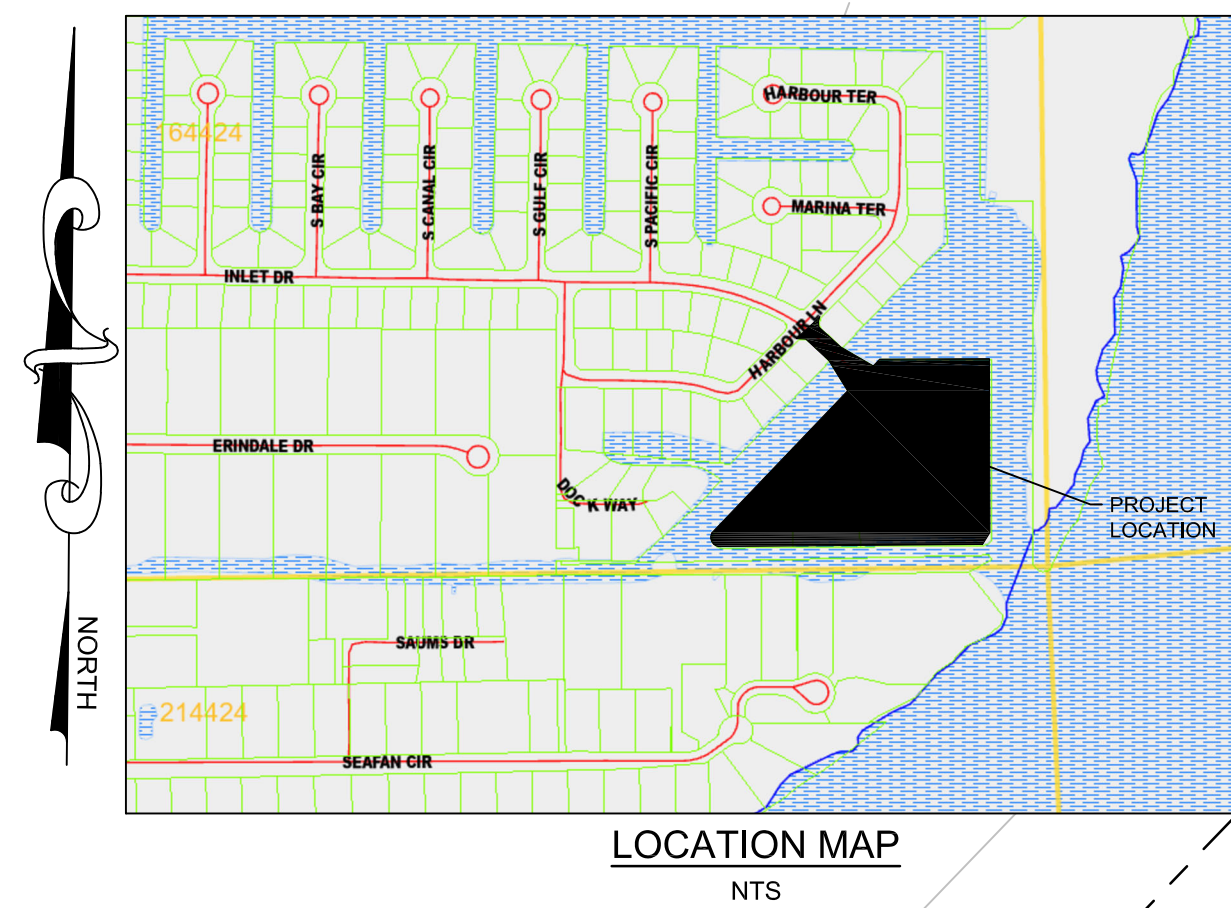
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MATTHEW S. SPEATH
LIC. #67675
FBPE # 31292

c=US, o=Speath Engineering FL LLC,
cnQualifier=A01410C0000181A0FC75A00026
A6E, cn=Matthew Speath
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CHECK	MSS
DATE	08/14/24
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PROJ. NO.	F22-56

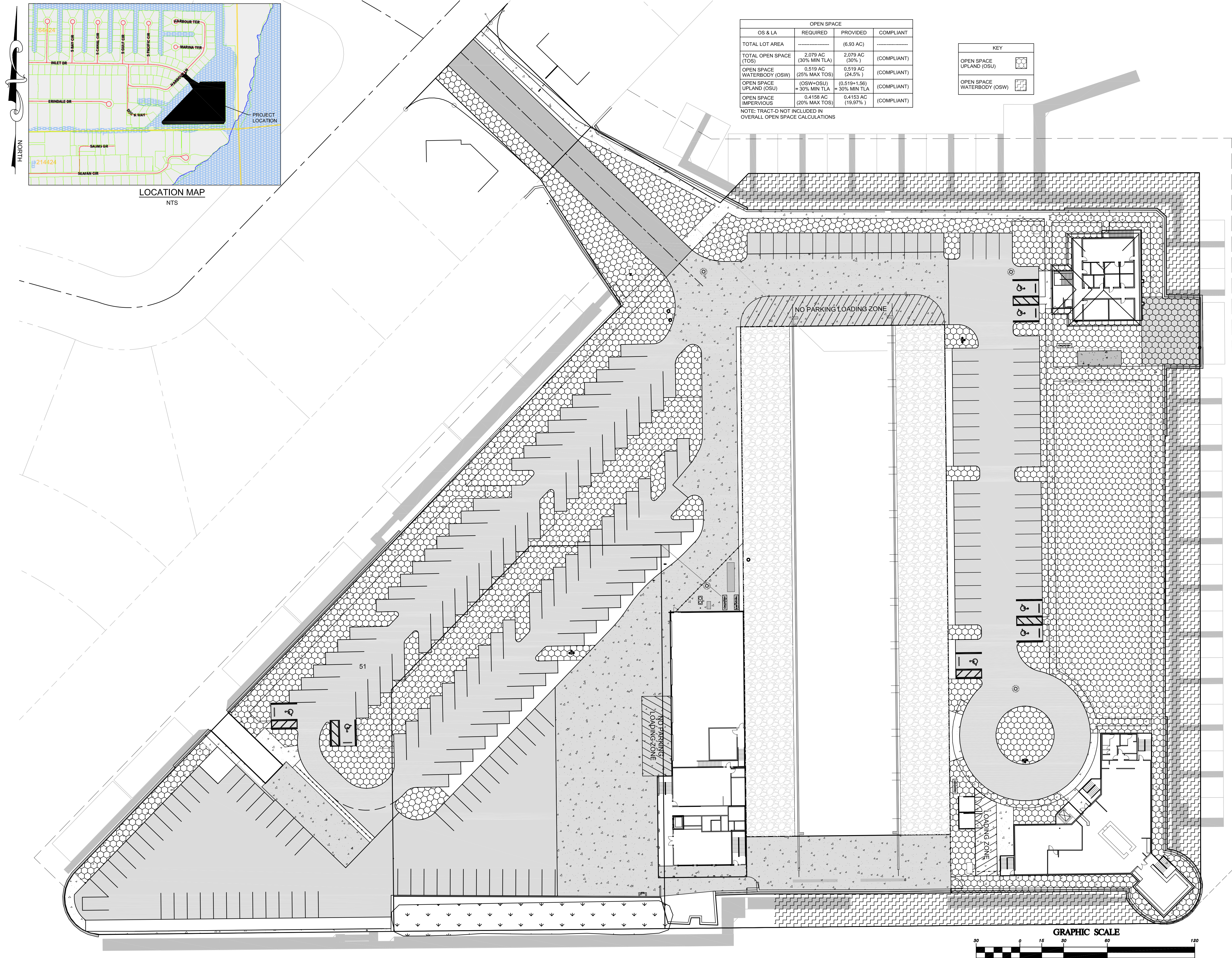
SHEET:
MCP
1 OF 1



OPEN SPACE			
OS & LA	REQUIRED	PROVIDED (6.93 AC)	COMPLIANT
TOTAL LOT AREA	-----	-----	-----
TOTAL OPEN SPACE (TOS)	2,079 AC (30% MIN TLA)	2,079 AC (30%)	(COMPLIANT)
OPEN SPACE WATERBODY (OSW)	0,519 AC (25% MAX TOS)	0,519 AC (24.5%)	(COMPLIANT)
OPEN SPACE UPLAND (OSU)	(OSW+OSU) = 30% MIN TLA	(0,519+1,56) = 30% MIN TLA	(COMPLIANT)
OPEN SPACE IMPERVIOUS	0,4158 AC (20% MAX TOS)	0,4153 AC (19.97%)	(COMPLIANT)

NOTE: TRACT-D NOT INCLUDED IN OVERALL OPEN SPACE CALCULATIONS

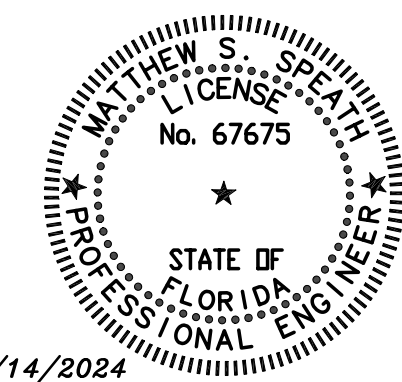
KEY	
OPEN SPACE UPLAND (OSU)	
OPEN SPACE WATERBODY (OSW)	



REVISIONS	DATE	BY

SPEATH
ENGINEERING
SPEATH ENGINEERING FL LLC - 111 BRICKELL AVE, 8TH FL.
MIAMI, FL 33131 - PHONE: 305-834-4323

OPEN SPACE EXHIBIT
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



08/14/2024

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

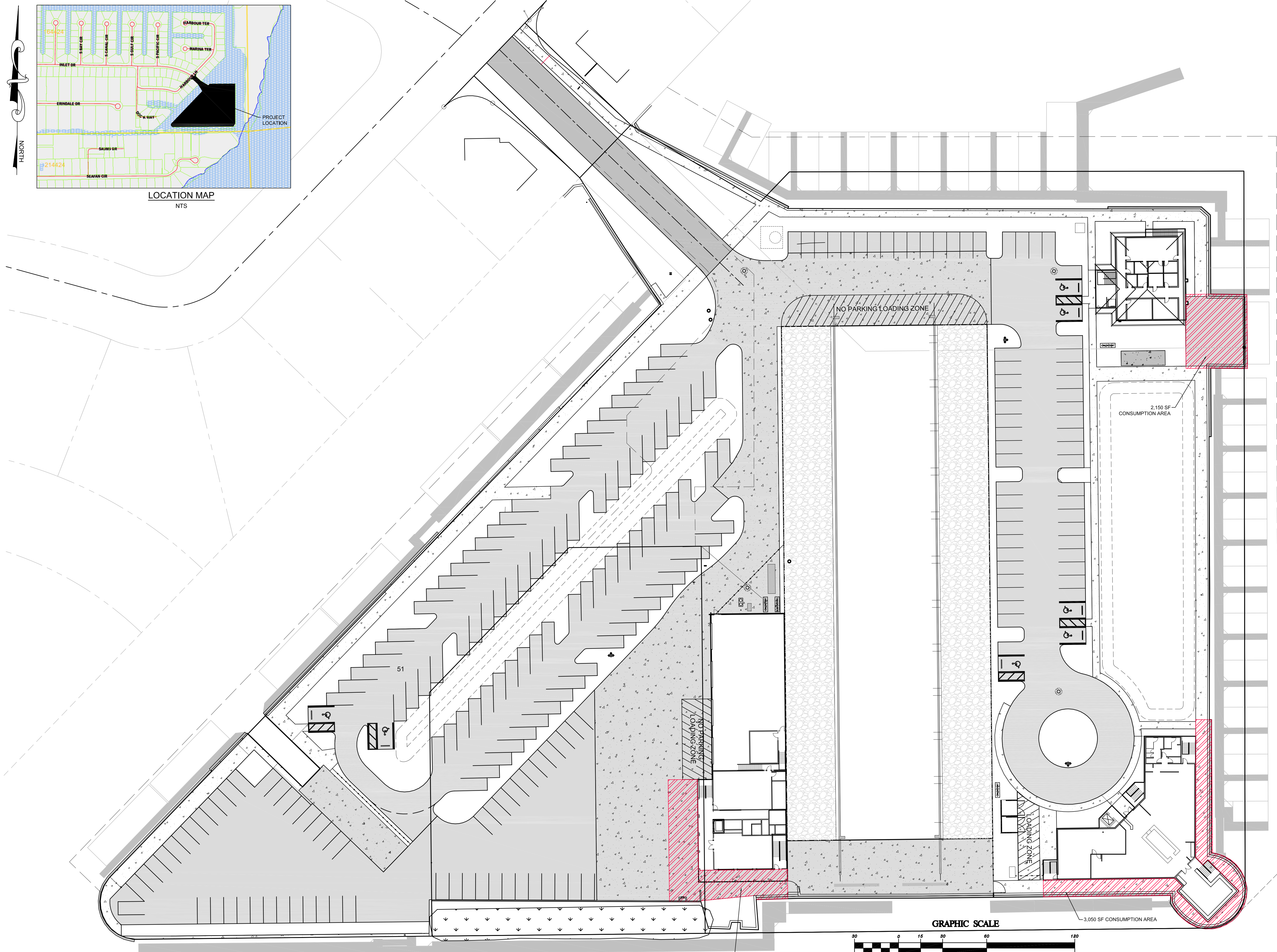
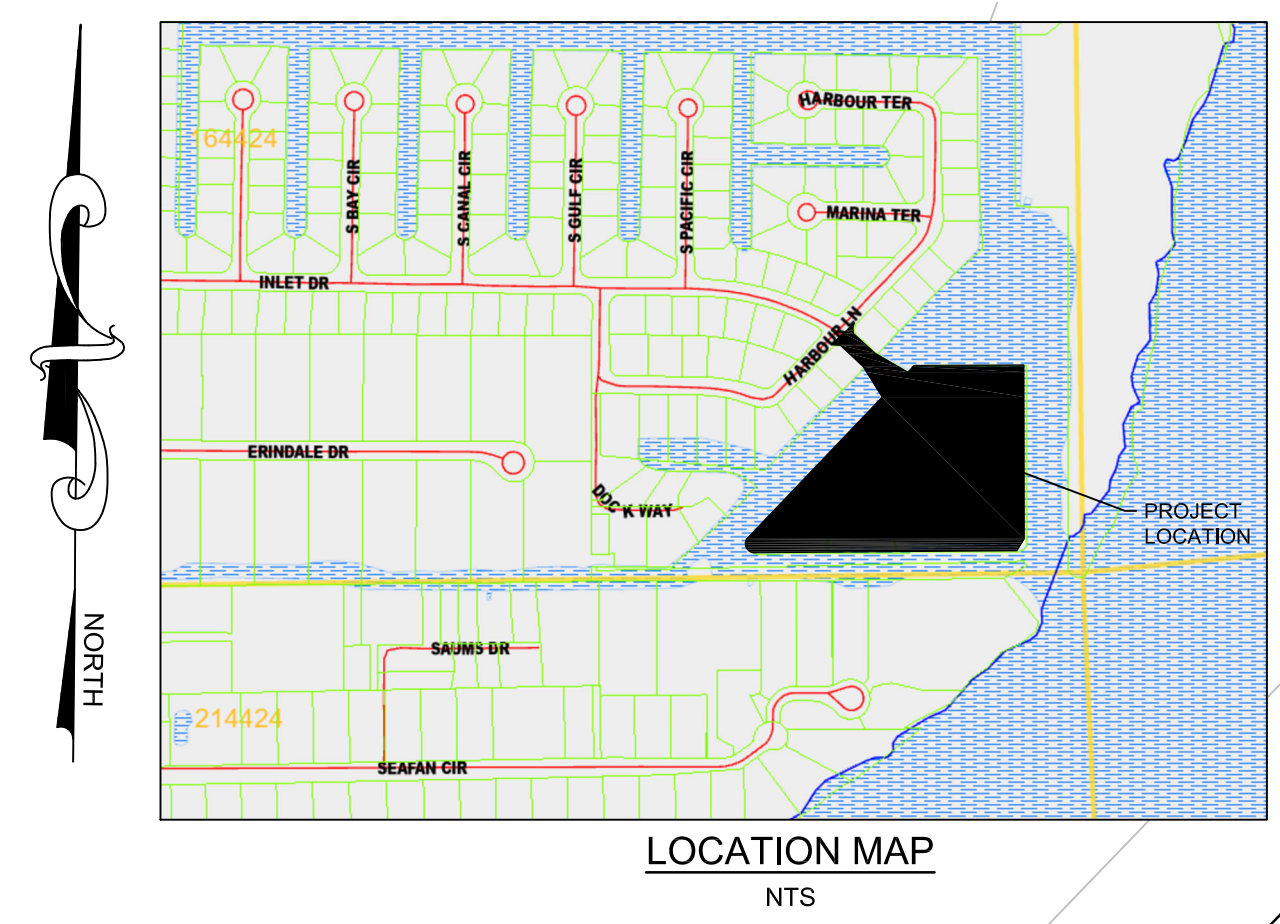
MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

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dnQualifier=A01410C00000181A0FCE75A00026AGE
, cn=Matthew Speath
2024.08.14 17:23:57 -04'00'

DRAWN	TCC
CHECK	MSS
DATE	08/14/24
SCALE	1" = 30'
PROJ. NO.	F22-56

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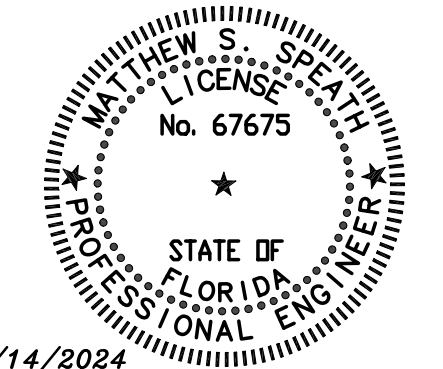
COS
1 OF 1



REVISIONS	DATE	BY

SPEATH
ENGINEERING
SPEATH ENGINEERING FL LLC - 111 BRICKELL AVE, 10TH FL.
MIAMI, FL 33131 - PHONE: 305-84-4323

CONSUMPTION ON PREMISE EXHIBIT
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



08/14/2024
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

c=US, o=Speath Engineering FL LLC,
dnQualifier=A01410C00000181A0FCE75A00026A6
E, cn=Matthew Speath
2024.08.14 17:24:29 -04'00'

DRAWN	TCC
CHECK	MSS
DATE	08/14/24
SCALE	1" = 30'
PROJ. NO.	F22-56

SHEET:
CC
1 OF 1



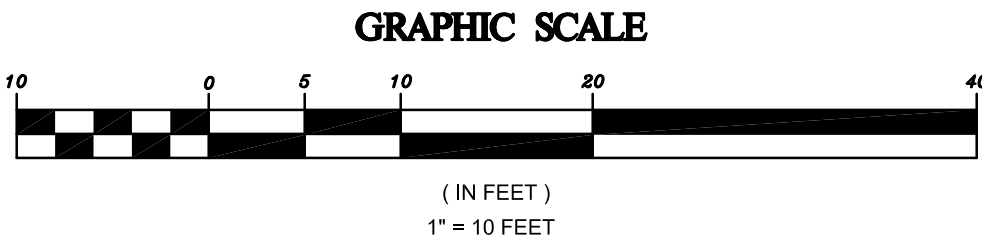
NOTE:
THIS PLAN SERVES AS A REFERENCE TO DEVIATION #7 IN REQUEST TO DEVIATE FROM SECTION 34-2020 REQUIRING A TOTAL OF 223 SPACES BE PROVIDED ON SITE

COMMENTARY: THE INTENT IS TO REQUEST A DEVIATION FROM THE OUTLINED REQUIREMENT OF 223 PARKING SPACES TO BE PROVIDED FOR THE OVERALL SITE. THE MCP DELINEATES A TOTAL OF 214 SPACES WITH 158 STANDARD AND 56 NON STACKED VALET WE ARE REQUESTING RELIEF FOR THE ADDITIONAL 11 SPACES THAT ARE DEFICIENT WITH THE CURRENT SITE DESIGN. ACCORDING TO SECTION 34-2020 (C) MINIMUM REQUIRED PARKING MAY BE REDUCED UP TO 5 PERCENT IF THERE IS A SIDEWALK CONNECTION TO THE BIKEWAYS/WALKWAYS FACILITY PLAN- PLANNED FACILITIES AND EXISTING FACILITIES. MAP 30 OF THE LEE PLAN. WE HAVE REVIEWED THIS COUNTY MAP AND COMPARED GIS IMAGERY OF THE EXISTING PEDESTRIAN WALKWAY CONNECTION TO THE SPACES. THE CONNECTION STARTS FROM BIRKDALE AVENUE HEADING EAST TO ORANGE GROVE BLVD NORTH WHERE THE INLET DRIVE PEDESTRIAN WALKWAY CONNECTS PERPENDICULAR AND WILL ROUTE PEDESTRIAN TRAFFIC TO THE SITE, AS A PART OF THIS SUBMITTAL, WE HAVE ATTACHED A SCHEMATIC DELINEATING PEDESTRIAN TRAFFIC NAVIGATION TO THE PROPOSED SITE. ADDITIONALLY 12 BIKE RACKS WILL BE PROVIDED ON SITE IN ACCORDANCE WITH SECTION 10-610(E)(3) WHERE THIS PROVIDED NUMBER OF RACKS WILL AMOUNT TO 5% OF THE TOTAL REQUIRED PARKING.

EXISTING SIDEWALK PER LEE COUNTY WALKWAYS AND BIKEWAYS
(LEE PLAN MAP 3D) (BIRKDALE AVE)



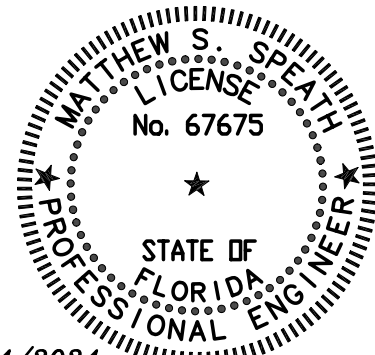
EXISTING SIDEWALK ALONG ORANGE GROVE BLVD & INLET DRIVE
CONNECTION TO PROPOSED SITE



REVISIONS	DATE	BY

SPEATH
ENGINEERING
SPEATH ENGINEERING FL LLC - 311 BRICKELL AVE, 8TH FL.
MIAMI, FL 33131 - PHONE: 305-834-432

DEVIATION #7 SIDEWALK CONNECTION
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



08/14/2024

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

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dnQualifier=A01410C00000181A0FCE75A0002
6A6E, cn=Matthew Speath
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DATE	08/14/24
SCALE	1" = 10'
PROJ. NO.	F22-56

SHEET:

XS
1 OF 1

SECTION: 16 TOWNSHIP: 44 S RANGE: 24 E

0' 50' 100'
SCALE FEET

Shoreline @ 2,560 lf.

Property lines per Lee
County Property Appraiser
website info.Large Vessel Mooring
(Slips 38-44)Travel Lift
Basin

Gravel Parking

Gravel Parking

Dry Storage Staging (No overnight mooring)

Maint. Bldg.
6,250 sf.)

Slips
239 Dry Storage
44 wet slips
700 lf. staging
[approx. (23) 30' slips]
allowing for 10% of
the dry storage
population. Slips 1-37
include proposed
boat lifts as an
option.

Proposed Fuel Dock

Ships
StoreDry
Detention

Restaurant

Proposed Dry Storage Staging

Long term mooring & rental
slips with lifts. (Slips 1-14)Long term
mooring &
rental slips with
lifts. (Slips 15-37)

Temporary mooring

Proposed Site Plan

SCALE: 1" = 100'

Note: Property line per Lee County Property Appraiser.

Note: Upland site plan prepared by Speath Engineering dated 2-9-23.

PERMIT PLANS, NOT FOR CONSTRUCTIONJune 03, 2024 9:58:11 a.m.
Drawing: SHM14MASTER.DWG

1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

6-11-24

HJMW

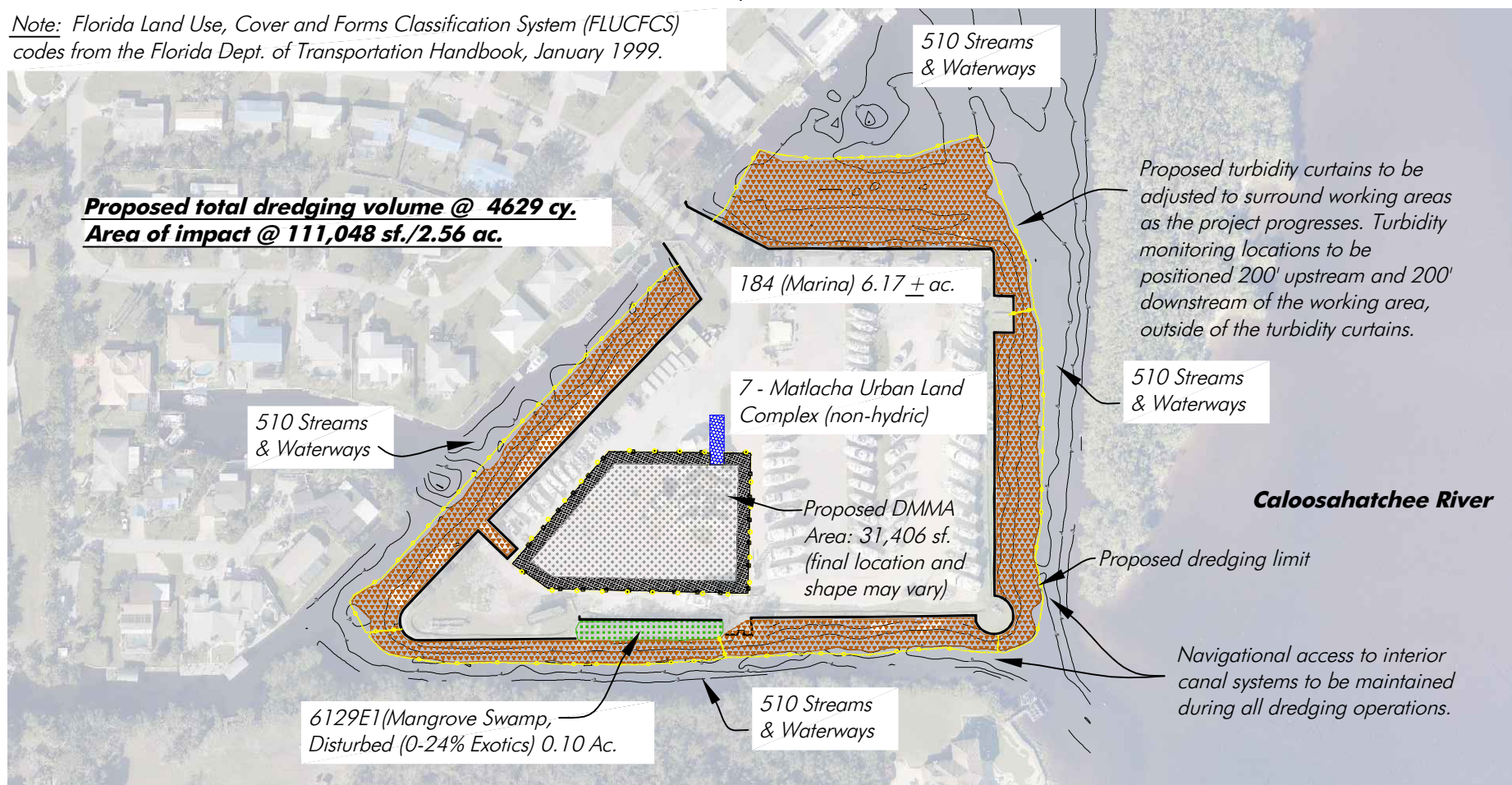
Safe Harbor Port PhoenixSHEET
5/18

SECTION: 16
TOWNSHIP: 44 S
RANGE: 24 E

Lee County Aerial 2023

0' 100' 200'
SCALE FEET

Note: Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes from the Florida Dept. of Transportation Handbook, January 1999.



Notes: Bathymetric survey completed by HWA, Inc. on 2-15-22. Depths reference MLW per DEP Tidal Datum Request. MLW EI= -0.81' NAVD88.

Proposed Dredging Plan

SCALE: 1" = 200'

This item has been digitally signed and sealed by Hans J.M. Wilson on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

PERMIT PLANS, NOT FOR CONSTRUCTION

June 03, 2024 9:58:11 a.m.
Drawing: SHM14MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

6-11-24

MAW

Safe Harbor Port Phoenix SHEET 4/18



PROP. 8' WIDE LANDSCAPE BUFFER
REFER TO LANDSCAPE PLANS FOR
VEGETATION SPECIFICATIONS

EXISTING CONC. SEAWALL
PROPOSED FLOATING DOCK
PROPOSED 14" CONC.
SQUARE ANCHOR

PROPOSED GRAVEL
PARKING LOT

CROSS SECTION A-A

PROPOSED PAVED
ASPHALT PARKING LOT

PROP. LANDSCAPE BUFFER, WIDTH
VARIES FROM 9'-15' REFER TO
LANDSCAPE PLANS FOR
VEGETATION SPECIFICATIONS

PROP. 10' CONC. SIDEWALK
EXISTING CONC. SEAWALL
PROPOSED FLOATING DOCK
PROPOSED 14" CONC.
SQUARE ANCHOR

CROSS SECTION B-B

PROPOSED PAVED
ASPHALT PARKING LOT

PROP. 10' WIDE LANDSCAPE BUFFER
REFER TO LANDSCAPE PLANS FOR
VEGETATION SPECIFICATIONS
PROP. 6' CONC. SIDEWALK

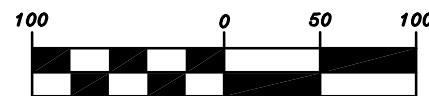
EXISTING CONC. SEAWALL
PROPOSED FLOATING DOCK
PROPOSED 14" CONC.
SQUARE ANCHOR

CROSS SECTION C-C

DEVIATION #2 & #5: TO ALLOW A
VARYING WIDTH LANDSCAPED
BUFFER OF 9 TO 15 FEET WITH
PARKING SITUATED 118 FEET
AWAY FROM THE ADJACENT
RESIDENTIAL PROPERTIES

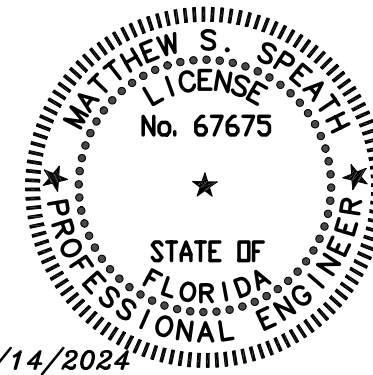
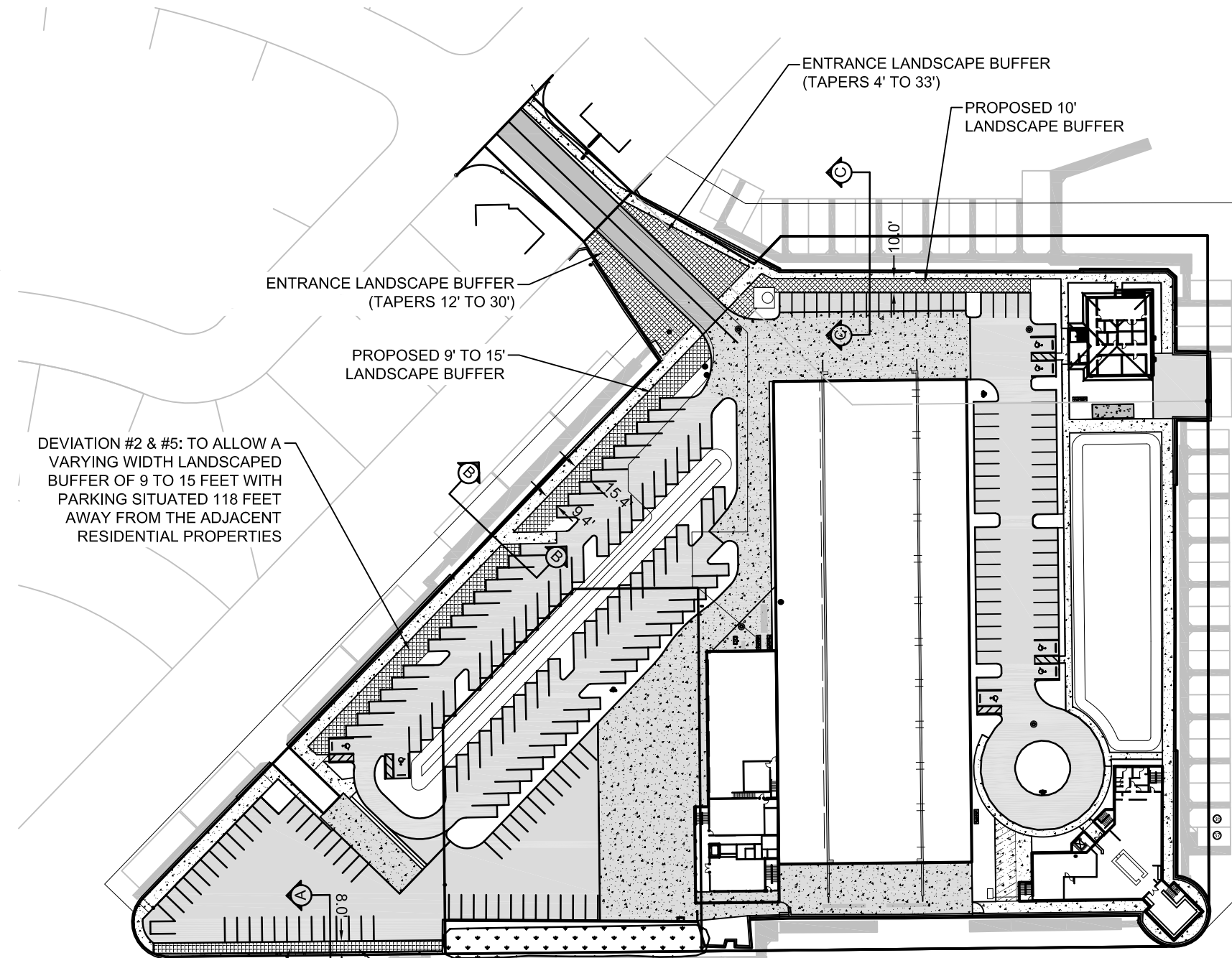
DEVIATION #2 & #5: TO ALLOW
AN 8' WIDE LANDSCAPE
BUFFER TO SCREEN
SOUTHERN VALET PARKING
SITUATED 110 FEET AWAY
FROM THE ADJACENT
RESIDENTIAL PROPERTIES

GRAPHIC SCALE



(IN FEET)

1" = 100 FEET



08/14/2024

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dnQualifier=A01410C00000181A0FCE75A00026A6E,
cn=Matthew Speath
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REVISIONS	DATE	BY

SPEATH
ENGINEERING
SPEATH ENGINEERING FL, LLC - 111 BRICKELL AVE, 10TH FL.
MIAMI, FL 33131 - PHONE 305-84-4213

LANDSCAPE EXHIBIT
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA

MATTHEW S. SPEATH P.E.
LIC. #67675

FBPE # 31292

DRAWN	TCG
CHECK	MSS
DATE	08/14/24
SCALE	1" = 30'
PROJ. NO.	F22-56

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1 of 1

SPEATH ENGINEERING

Civil Engineers

PUBLIC ACCESS AND OPERATIONS

Safe Harbor Port Phoenix

Public Access

- Entrance to the property.
- Harbor Master building for access to retail ship store, fuel dock, administrative offices, commercial leased offices.
- Restaurant building.
- Marine Service building, parts department, service administrative offices.
- Safe Harbor Member amenities area.
- Parking lots that are paved.
- Roadways.
- Sidewalks.

Operation and boat launching

- Boat launching will be via Capria crane and/or forklift.
- Capria crane will transport vessel from rack to “launcher”.
- Launcher will lower vessel onto water where dockhand will receive and safely tie up vessel for Member access.
- Lift well will be accessible to Lee County Sheriff’s vessels.
- Retail sales of fuel, bait, ships store will be available to public and Members.

Public use of facilities for maintenance/repair of vessels

- Light service will be conducted in the three bay service department area which is attached to the boat barn.
- Light service for engine work and boat systems.

Lift Well Operation (Emergency Use Only)

- The existing Lift Well on-site will be maintained for emergency boat triage use only. The lift well will not be utilized as part of normal marina operations.
- Equipment to be utilized for the boat well will be stored offsite and will only be utilized during emergency operations.
- Emergency operations would include usage of the gravel and paved parking areas adjacent to the lift well.



Safe Harbor Port Phoenix Marina

Summary of Public Concerns and Developer's Responses

The applicant has completed (3) three public community meetings which have been duly advertised and which were well-attended. All three meetings were very cordial and constructive with the community offering specific insight, reasonable concerns, and encouragement for the project. Most notably;

Fuel Dock Configuration:

Concern:

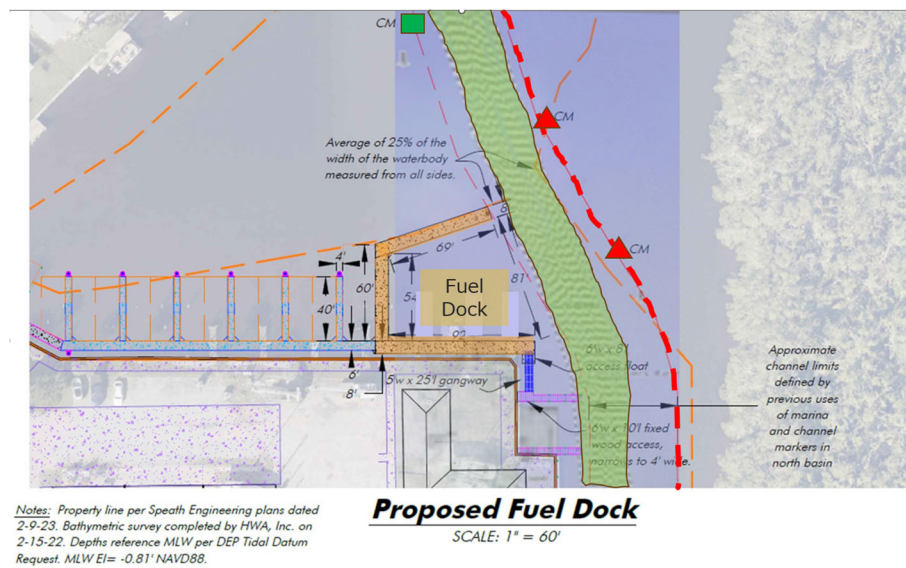
There was significant concern expressed over initial plans for the fuel dock which indicated a possible constriction of vessel passage at a "tight" spot in the channel in the north basin.

Response:

With this feedback and additional GPS plots provided by a community member (the green path shown below), the fuel dock was reconfigured as shown

Resolution:

The community expressed satisfaction with the revised plan in both meetings 2 & 3.



Light Buffering:

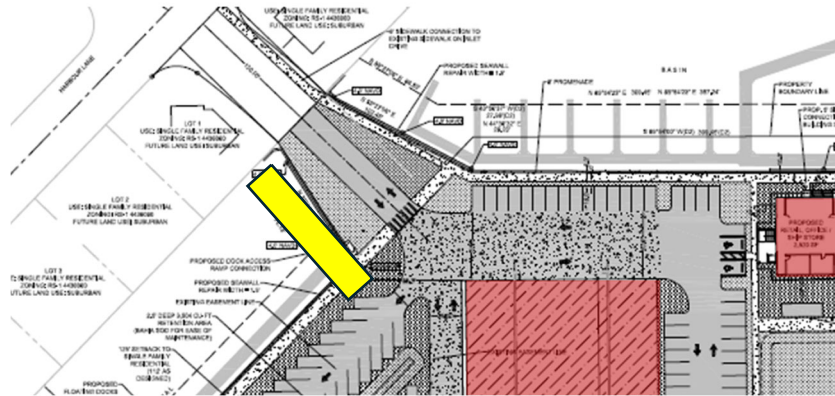
Concern:

- There were specific concerns raised by residents across the western canal regarding lights (both headlights and site lights) shining in their direction at night.
- At the 2nd meeting the neighbor on the south of the access drive expressed specific concern about headlights when exiting the site.

Responses:

- County staff described the landscape buffering that is required between the parking area and the canal.
- Civil Engineer described the nature and density of the buffer to be provided.

- Civil Engineer described the photometric requirement to not have light spillover off property.
- Architect and Civil Engineer described the site lighting, including assurance that site lighting will be facing away from the canal and towards the site.
- Developer assured the neighbor on the south side of the access road, that additional buffering would be added (in the yellow area below).



Resolutions:

- The community accepted the descriptions and assurances.
- These issues are actually addressed well in the Land Development Code as well.

Inlet Drive:

Concern: Trailer Traffic

Discussion: Developer described that there will only be occasional trailer traffic since 1) there is no boat ramp, 2) there is no public launching or loading of boats. It was acknowledged that it may be occasionally necessary to trailer a vessel in or out. (For example: if a vessel requires service beyond the capability of the marina and cannot be floated to its destination)

Concern: Width of road

Discussion: not wide enough for trucks/trailers to pass regular traffic – see above discussion

Concern: residents expressed desire NOT to widen with sidewalks etc

Discussion: LDOT is not requiring adding sidewalks to Inlet Drive.

Concern: Speed Bumps

Discussion: Suggestion was made by a resident and was met with a chorus of NO's by the other resident attendees.

Concern: Condition of road

Discussion: surface to be milled and paved (at same height or road now)

Other:

There were various other questions and discussions, all of which were clarified to apparent satisfaction and which are addressed in the PD/DO applications including:

- Hours of Operation of marina / Hours of Operation of the restaurant
- NO liveaboards!
- Parking and overflow parking (to not end up on Inlet Drive).
- Dredging and marker relocation (addressed in Corps Permitting)

Overall Response:

These Concerns/Discussions/Responses have been assimilated into the project plans and are addressed in the current CPD, DO, and Corps of Engineers applications and plans. In many cases they are addressed by the Lee County Land Development Code as well.

Please Print Name	Street Address	Email Address
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Jane Kirkman		

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Bob VICTOR	1740 Dockway NFM 33903	
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Mo & Peter Grande	4185 Westwick Ct., N.F.M. 33903	
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Meissa & Tony Desruisseau	4419 W. Atlantic Circle	
Sandy Brickley	S Atlantic Cir mailing: 2922 SW 38th Ter Cape Coral, FL 33914	Sandybrickley@hotmail.com

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Patricia Nasuti	4622 Mackinaw Ave N FM	
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L Weisenfeld	4071 Orange Grove Blvd, N FM	lweisenfeld@Pelsberg.com. b r
Greg Thompson & Bonnie Thompson	4711 Gulf Ave.	GETBLTBIZ@gmail.com

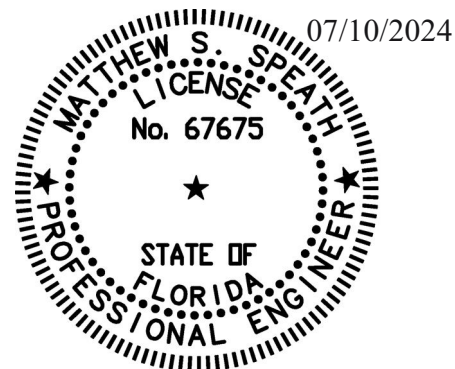
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Traffic Impact Statement

Prepared For:

**Port Phoenix
(Waterway Marina)**

**1687 Inlet Drive
Fort Myers, FL**



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dnQualifier=A01410C00000181A0FCE75A00026A6E,
cn=Matthew Speath
2024.07.10 17:37:05 -04'00'

Prepared By:
Matthew S. Speath, P.E.
44 W Flagler St
Miami, FL 33130
(305) 834-4213

Issued: July 10, 2024

SPEATH
ENGINEERING

Project #F22-56

INTRODUCTION

Speath Engineering has conducted a traffic impact assessment of a proposed development to fulfill requirements of the Lee County Department of Community Development and the Lee County Land Development Code. This report has been completed in accordance with current guidelines as established in the Lee County Traffic Impact Assessment Guidelines and provided by the Division of Development Review.

The following analysis has been prepared for a Development Order submittal for a Commercial development of a marina which consists of 44 wet slips and a 49,000 square foot boat barn with 239 dry slips, a 15,260 square foot member and maintenance building, a 3,200 square foot ships store, and a 10,000 square foot restaurant. The site has a total land area of 252,658 SF. This analysis reviews the potential impact of the new development on the surrounding roadways.

PROPOSED/EXISTING DEVELOPMENT

The developer proposes to improve the property located at 1687 Inlet Drive, Fort Myers, FL 33903. The improvements to the commercial parcel include site development from two vacant parcels and the construction of a marina, a maintenance and member building, a ships store, and a 10,000 SF restaurant. The proposed marina consists of 283 total berths and includes a dry storage boat barn. The maintenance and member building includes a 4,525 SF member lounge, 700 SF of office space, 4,635 SF of storage space, and 5,400 SF for boat and repair services. The proposed ships store building contains 1,400 SF of office space and 1,800 SF of retail space. A single access point is located on the north side of the subject property onto Inlet Drive, classified as local road maintained by the County.

TRIP GENERATION

Trip generation for the proposed development was determined using the Institute of Transportation Engineers Trip Generation Manual, 11th Edition. We have utilized the following Land Use Codes (LUC) for trip generation analysis:

- LUC 420 “Marina” was used for analysis of the boat barn, slips, and all marina ancillary uses. The ancillary uses of the marina cover 9,590 SF of the maintenance and member building and is comprised of:
 - 4,525 SF private member lounge
 - 700 SF office space
 - 4,365 SF storage space
- LUC 712 “Small Office Building” was used for analysis of the 1,400 SF office portion of the ships store building.
- LUC 851 “Convenience Store” was used for analysis of the 1,800 SF retail portion of the ship store building.
- LUC 932 “High-Turnover Restaurant” for analysis of the 10,000 SF restaurant.
- LUC 943 “Automobile Parts and Service Center” was used for analysis of the 5,400 SF boat and repair services portion of the member and maintenance building, which is the only portion of the building that will be accessible to the public. While the ITE does not have a land use for boat repair and services, this ITE land use was determined to most closely resemble the proposed use.

The following tables summarize the anticipated increase in number of AM and PM peak hour trips and total daily trip generation of the proposed buildings.

ITE Trip Generation (11th Ed)**Table 1A: Trip Rates**

Land Use	Weekday A.M. Peak Hour of adjacent street traffic	Weekday P.M. Peak Hour of adjacent street traffic	Total Daily
Marina (420)	Trips = 0.07 per berth 33% entering, 67% exiting	Trips = 0.21 per berth 60% entering, 40% exiting	Trips = 2.41 per berth
Small Office Building (712)	Trips = 1.67 per 1,000 square feet 82% entering, 18% exiting	Trips = 2.16 per 1,000 square feet 34% entering, 66% exiting	Trips = 14.39 per 1,000 sf
Convenience Store (851)	Trips = 62.54 per 1,000 square feet 50% entering, 50% exiting	Trips = 49.11 per 1,000 square feet 51% entering, 49% exiting	Trips = 762.28 per 1,000 sf
Restaurant (932)	Trips = 9.57 per 1,000 square feet 55% entering, 45% exiting	Trips = 9.05 per 1,000 square feet 61% entering, 39% exiting	Trips = 107.20 per 1,000 sf
Automobile Parts & Service Center (943)	Trips = 1.91 per 1,000 square feet 72% entering, 28% exiting	Trips = 2.06 per 1,000 square feet 39% entering, 61% exiting	Trips = 16.60 per 1,000 sf

Table 1B: Trip Generation

	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Total Daily (2 way)
	In	Out	Total	In	Out	Total	
Marina (420) 283 Berths	7	13	20	36	24	60	683
Small Office Building (712) 1,400 SF	2	1	3	1	3	4	21
Convenience Store (851) 1,800 SF	57	56	113	44	45	89	1,373
Restaurant (932) 10,000 SF	53	43	96	56	35	91	1,702
Automobile Parts & Service Center (943) 5,400 SF	8	3	11	5	7	12	90
Total	127	116	243	142	114	256	3,869

TRIP DISTRIBUTION

Based on the project's location, directions to shopping centers, residential locations, regional business locations, probable client service locations, and other existing uses in the area, a distribution of site traffic to the surrounding roadway system was formulated. This analysis was on the anticipated routes that drivers would utilize when approaching or leaving the site.

All project traffic is expected to utilize Inlet Drive to access the project site and Orange Grove Blvd, which is the nearest major collector road and only road that provides access to and from other areas within the County. The trip distribution has been anticipated as follows:

- 100% on Inlet Drive towards Orange Grove Blvd.
- 60% on Orange Grove Blvd, north of Inlet Drive, towards Hancock Bridge Pkwy.
- 40% on Orange Grove Blvd, south of Inlet Drive, towards Birkdale Avenue.

Based on the trip distribution above, project trips are distributed to the roadway as shown below:

Table 2: Trip Distribution

Direction	Distribution	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Inlet Drive	100%	127	116	243	142	114	256
Orange Grove Blvd N/o Inlet Drive	60%	76	70	146	85	68	154
Orange Grove Blvd S/o Inlet Driver	40%	51	46	97	57	46	102

ANNUAL GROWTH RATE

Historical Average Annual Daily Traffic (AADT) data was obtained from FDOT to produce a traffic growth rate over time to establish future roadway volumes. Data was obtained from FDOT Traffic Monitoring Site 1269, located on Orange Grove Blvd, between Tropic Terrace and Java Way, due to its proximity to the site and it being the only available count station on Orange Grove Blvd.

Table 3: Growth Rate

Roadway	Segment	Station	2015 AADT	2022 AADT	Years	Growth Rate
Orange Grove Blvd	Btwn. Tropic Terrace and Java Way	FDOT Site 1269	9,200	10,500	7	1.91%

LEVEL OF SERVICE ANALYSIS

A roadway link level of service analysis was conducted for Orange Grove Blvd utilizing data from the 2023 Lee County Level of Service and Concurrency Report. This data was used to determine the current peak hour volume and level of service performance standard. The growth rate determined using FDOT data was applied to the current 100th highest peak hour volume to determine the 100th highest peak hour volume under the future 2026 condition. The peak hour volumes were compared with the service volumes contained in the Lee County Service Volume Reports, provided in Table 4, to determine the operating LOS of the roadways.

Table 4: Generalized Peak Hour Directional Service Volumes

Roadway Type	Functional Classification	LOS A Volume	LOS B Volume	LOS C Volume	LOS D Volume	LOS E Volume
2LN	Collector	*	*	550	860	860

Table 5: 100th Highest Hour LOS Analysis – Existing & Future without Project

Direction	Roadway Type	Performance Standard		2022 100 th Highest Peak Hour	2022 LOS	2026 Future Forecast	2026 LOS
		LOS	Capacity				
North	2LN	E	860	407	C	439	C
South	2LN	E	860	407	C	439	C

Table 6: 100th Highest Hour LOS Analysis – Future with Project

Direction	Roadway Type	Performance Standard		2026 100 th Highest Peak Hour	Project Traffic		2026 Future Forecast + Project		LOS
		LOS	Capacity		AM	PM	AM	PM	
North	2LD	E	860	439	146	154	585	593	D
South	2LD	E	860	439	97	102	536	541	C

An LOS analysis was also performed for the intersection of Orange Grove Blvd and Inlet Drive, which is an unsignalized intersection. Lee County does not provide traffic data for Inlet Drive as it is classified as a local road and only provides access to the project location and the residences in the immediate vicinity of Inlet Drive. The existing volume on Inlet Drive was therefore estimated by the number of residences that utilize Inlet Drive for access and assigning the number of trips based on the ITE Trip Generation for Single-Family Detached Housing (LUC 210). The estimated existing volume was distributed following the same distribution described above for the project trips. The intersection LOS analysis was performed in Synchro utilizing the HCM method for unsignalized intersections. Table 7 below summarizes the results of this analysis showing the LOS of the intersection during the AM and PM peak hours under the existing condition and 2026 future condition both with and without the project. The complete Synchro reports are attached at the end of this report.

Table 7: Orange Grove Blvd & Inlet Dr – Intersection LOS Summary

	AM Peak Hour	PM Peak Hour
Existing LOS	A	B
2026 Future w/o Project LOS	A	B
2026 Future with Project LOS	D	D

The intersection LOS is expected to be the same for the existing and future conditions without the project. Under the future condition with the project the LOS is expected to decrease to LOS D for the AM and PM peak periods. While the LOS for this intersection will decrease with the project, the intersection is still expected to operate within its LOS performance standard of E under this condition.

WARRANT ANALYSIS

A warrant analysis was conducted to determine whether exclusive turn lanes are required at the intersection of Orange Grove Blvd and Inlet Drive. The warrant analysis follows the “Turn Lane Policy” as set forth in Lee County Administrative Code AC-11-4. In each analysis, a separate turn lane is required when two (2) or more of the following warrants are satisfied:

Right Turn Lane Warrant Analysis for Inlet Drive:

Intersecting Street/Connection to Collector Street:

1. No (Posted Speed $\geq$ 35 mph)
2. Yes (Number of right turning vehicles is equal to or greater than 90 during any peak hour)
3. No (Signalized intersection)
4. N/A

Right Turn Lane Warranted: No

Left Turn Lane Warrant Analysis for Inlet Drive:

Intersecting Street/Connection to Collector Street:

1. No (Posted Speed $\geq$ 35 mph)
2. Yes (Number of left turning vehicles is equal to or greater than 60 during any peak hour)
3. No (Signalized intersection)
4. N/A

Left Turn Lane Warranted: No

Right Turn Lane Warrant Analysis for Orange Grove Blvd:

Collector Street:

1. No (Posted Speed $\geq$ 35 mph)
2. Yes (Right turn volume is equal to or greater than 30 during any peak hour)
3. No (Sight Distance $<$ 200 ft)
4. No (Signalized intersection)
5. N/A

Left Turn Lane Warrant Analysis for Orange Grove Blvd:

Collector Street:

1. No (Posted Speed $\geq$ 35 mph)
2. Yes (Left turn volume is equal to or greater than 30 during any peak hour)
3. No (Sight Distance < 200 ft)
4. No (Signalized intersection)
5. No (Intersects arterial or collector street)
6. N/A
7. N/A

CONCLUSION

Traffic as depicted in this report will generate 3,869 daily trips with a maximum of 256 trips occurring during the peak hour. These trips will affect Inlet Drive and distribute to the nearby major collector road, Orange Grove Blvd, which is located approximately 0.5 miles west of the subject property and provides access to all other areas within the county. All other roads connecting to Inlet Drive only provide access to the residential properties within the immediate vicinity of the subject property. The roadway link analysis shows that northbound Orange Grove Blvd will decrease from LOS C, under the existing and future conditions without the project, to LOS D under the future condition with the project. The intersection LOS analysis shows that the intersection of Orange Grove Blvd and Inlet Drive will decrease from LOS B (during the PM Peak hour), under the existing and future conditions without the project, to LOS D under the future condition with the project. While the LOS of the roadways are expected to decrease with the project, the roadways are still expected to operate within their performance standard of LOS E.

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/01/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	31	47	360	11	16	391
Future Volume (Veh/h)	31	47	360	11	16	391
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	34	51	391	12	17	425
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	856	397			403	
vC1, stage 1 conf vol	397					
vC2, stage 2 conf vol	459					
vCu, unblocked vol	856	397			403	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	92	92			99	
cM capacity (veh/h)	445	652			1156	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	85	403	442			
Volume Left	34	0	17			
Volume Right	51	12	0			
cSH	550	1700	1156			
Volume to Capacity	0.15	0.24	0.01			
Queue Length 95th (ft)	10	0	1			
Control Delay (s/veh)	12.7	0.0	0.5			
Lane LOS	B		A			
Approach Delay (s/veh)	12.7	0.0	0.5			
Approach LOS	B					
Intersection Summary						
Average Delay		1.4				
Intersection Capacity Utilization		44.8%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/01/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	21	31	376	36	53	354
Future Volume (Veh/h)	21	31	376	36	53	354
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	23	34	409	39	58	385
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	930	429			448	
vC1, stage 1 conf vol	429					
vC2, stage 2 conf vol	501					
vCu, unblocked vol	930	429			448	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	94	95			95	
cM capacity (veh/h)	408	626			1112	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	57	448	443			
Volume Left	23	0	58			
Volume Right	34	39	0			
cSH	515	1700	1112			
Volume to Capacity	0.11	0.26	0.05			
Queue Length 95th (ft)	7	0	3			
Control Delay (s/veh)	12.9	0.0	1.6			
Lane LOS	B		A			
Approach Delay (s/veh)	12.9	0.0	1.6			
Approach LOS	B					
Intersection Summary						
Average Delay			1.5			
Intersection Capacity Utilization			56.9%	ICU Level of Service		B
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/01/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	34	50	389	12	18	421
Future Volume (Veh/h)	34	50	389	12	18	421
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	37	54	423	13	20	458
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	928	430			436	
vC1, stage 1 conf vol	430					
vC2, stage 2 conf vol	498					
vCu, unblocked vol	928	430			436	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	91	91			98	
cM capacity (veh/h)	419	626			1124	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	91	436	478			
Volume Left	37	0	20			
Volume Right	54	13	0			
cSH	521	1700	1124			
Volume to Capacity	0.17	0.26	0.02			
Queue Length 95th (ft)	11	0	1			
Control Delay (s/veh)	13.4	0.0	0.5			
Lane LOS	B		A			
Approach Delay (s/veh)	13.4	0.0	0.5			
Approach LOS	B					
Intersection Summary						
Average Delay		1.5				
Intersection Capacity Utilization		48.4%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/01/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	23	34	405	38	58	381
Future Volume (Veh/h)	23	34	405	38	58	381
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	25	37	440	41	63	414
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1001	461			481	
vC1, stage 1 conf vol	461					
vC2, stage 2 conf vol	540					
vCu, unblocked vol	1001	461			481	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	93	94			94	
cM capacity (veh/h)	384	601			1082	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	62	481	477			
Volume Left	25	0	63			
Volume Right	37	41	0			
cSH	489	1700	1082			
Volume to Capacity	0.13	0.28	0.06			
Queue Length 95th (ft)	8	0	3			
Control Delay (s/veh)	13.4	0.0	1.7			
Lane LOS	B		A			
Approach Delay (s/veh)	13.4	0.0	1.7			
Approach LOS	B					
Intersection Summary						
Average Delay			1.6			
Intersection Capacity Utilization			60.2%	ICU Level of Service		B
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/09/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	80	120	389	63	94	421
Future Volume (Veh/h)	80	120	389	63	94	421
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	87	130	423	68	102	458
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1119	457			491	
vC1, stage 1 conf vol	457					
vC2, stage 2 conf vol	662					
vCu, unblocked vol	1119	457			491	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	74	78			90	
cM capacity (veh/h)	336	604			1072	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	217	491	560			
Volume Left	87	0	102			
Volume Right	130	68	0			
cSH	457	1700	1072			
Volume to Capacity	0.47	0.29	0.10			
Queue Length 95th (ft)	45	0	6			
Control Delay (s/veh)	19.8	0.0	2.5			
Lane LOS	C		A			
Approach Delay (s/veh)	19.8	0.0	2.5			
Approach LOS	C					
Intersection Summary						
Average Delay		4.5				
Intersection Capacity Utilization		73.5%		ICU Level of Service		D
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

07/09/2024

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	69	102	405	95	143	381
Future Volume (Veh/h)	69	102	405	95	143	381
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	75	111	440	103	155	414
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1216	492			543	
vC1, stage 1 conf vol	492					
vC2, stage 2 conf vol	724					
vCu, unblocked vol	1216	492			543	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	75	81			85	
cM capacity (veh/h)	296	577			1026	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	186	543	569			
Volume Left	75	0	155			
Volume Right	111	103	0			
cSH	418	1700	1026			
Volume to Capacity	0.45	0.32	0.15			
Queue Length 95th (ft)	40	0	10			
Control Delay (s/veh)	20.4	0.0	3.8			
Lane LOS	C		A			
Approach Delay (s/veh)	20.4	0.0	3.8			
Approach LOS	C					
Intersection Summary						
Average Delay		4.6				
Intersection Capacity Utilization		75.1%		ICU Level of Service		D
Analysis Period (min)		15				

SPEATH ENGINEERING

Civil Engineers

Lee Plan Analysis

Safe Harbor Port Phoenix (Waterway Marina) – DCI2023-00054

Proposed is a rezoning from IL & CPD to CPD, to develop a commercial marina facility which consists of four commercial structures within the proposed commercial Planned Development. The site consists of surface parking, vehicular circulation, stormwater management, landscaping, and marine improvements. The four proposed structures include a retail/office/ships store structure (northeast corner of the site), restaurant structure (southeast corner of the site), 239 dry-slip boat barn (center of the site), and a maintenance and member structure (center of the site). In addition, 44 wet slips are proposed around the perimeter of the site. The site is situated on the sites of a former marina facility and former wastewater treatment facility. The Safe Harbor Port Phoenix (Waterway Marina) Marina property is located within the North Fort Myers Planning Community.

The proposed site has been planned in accordance with the applicable sections of the Lee Plan and the Lee County Land Development Code, with the exception of the proposed minor variances associated with this application.

Access to the site by motor vehicles is from Inlet Drive by way of Orange Grove Blvd to the west of the property. Surface parking is provided throughout the site for member and public usage. The Marina services of the site are private, with a marina membership required to utilize the property for boat storage, however additional publicly available services will be available on the site, such as the boat maintenance facility (which is capable of servicing non-member boats), the ship's store, marine fueling, and the on-site restaurant.

Boats will be launched from the south side of the boat barn into the canal along the southern side of the property. An electric crane system will be utilized to store and retrieve boats and launch them into the water. The proposed electric crane system is significantly more efficient and quieter than conventional forklift boat launching. At the location where the boats are launched into the water, there is an existing wider portion of the canal, which allows for the launching of boats without disruption to the flow of boats within the canal. Additionally, boats are launched parallel to the canal, further reducing the potential impact along the waterway.

Goal 30: North Fort Myers Community Plan – The vision statement of North Fort Myers as updated within Ordinance 09-11 and the Lee Plan conveys to Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.

SPEATH ENGINEERING

Civil Engineers

The proposed planned development is consistent with the goals of the North Fort Myers vision by means of redeveloping an underutilized waterfront property, providing mixed uses of marine-oriented uses as well as restaurant, and other ancillary uses that improve the livability and economic activity for the area and breathe new life into the nearby neighborhood.

Below lists additional goals, objectives, and policies and specifics on how the proposed development complies with these goals, objectives, and policies.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

The proposed development, as presented includes redevelopment of an existing marina site and the inclusion of a property which previously functioned as a wastewater treatment plant. The historical makeup of the Waterway Estates community included the marina from the onset, and even includes “Waterway” (an allusion to connection to the water) in the name of the residential community). As such, the redevelopment of the marina is an integral part of the local community and environment. Buffers between the proposed marina and the existing residential portions of the community have been integrated into the proposed site design to soften the transition between the commercial water-dependent uses and the residential community, while keeping in mind the existing integration of the two.

POLICY 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

As further described in the previous section, buffers between the proposed marina and the existing residential portions of the community have been integrated into the proposed site design to soften the transition between the commercial water-dependent uses and the residential community, while keeping in mind the existing integration of the two.

SPEATH ENGINEERING

Civil Engineers

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

POLICY 60.1.5: Maintain land development regulations that require the installation of proper stormwater management systems when land is redeveloped. Provide exemptions, as appropriate, for individual residential structures and for historic districts. This policy will not be interpreted so as to waive any concurrency or LOS standards.

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the SFWMD.

It is the intent of the proposed project to meet Federal, County, FDEP, and Water Management District water quality standards both during construction and during the operation of the facility. An operating stormwater system will be provided on site which meets these standards and a construction Stormwater Pollution Prevention Plan will be generated and adhered to during construction.

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.

As this site is a redevelopment of two fully developed sites, incorporation of existing natural systems is not possible, however dry detention basins with plantings are proposed to improve water quality, filtration, infiltration, water storage, and a visual relief to the developed portions of the property.

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

Landscape and vegetation will be integrated into the proposed surface water management system to the extent possible on the previously developed commercial site. During Development Order and Water Management permitting, the design team will work with staff to develop any feasible BMPs to integrate into the surface water management system.

SPEATH ENGINEERING

Civil Engineers

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

It is the intent of the proposed project to meet Federal, County, FDEP, and Water Management District water quality standards both during construction and during the operation of the facility. An operating stormwater system will be provided on site which meets these standards and a construction Stormwater Pollution Prevention Plan will be generated and adhered to during construction.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.

Reuse water is not available at the subject site. Low quality groundwater is intended to be used for irrigation. Prior to considering potable water for irrigation, all other potential sources for irrigation will be investigated, and utilized, as feasible.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

The proposed project is intending to provide a surface water management system in compliance with South Florida Water Management standards and will include sufficient performance and design standards to control runoff to allowable post-development rates and not exceed pre-development rates and/or additional requirements by the district. Additionally, water quality standards shall be adhered to as well as stage-storage volumes for all required design storms. During construction pollution prevention control measures will be implemented to control erosion and protect adjacent waterbodies.

GOAL 62: SOLID WASTE. To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.

Solid waste requirements are intended to follow all requirements as outlined within the Land Development Code to control solid waste and provide provisions for recycling.

SPEATH ENGINEERING

Civil Engineers

GOAL 63: GROUNDWATER. To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

The proposed project is anticipated to have no adverse impacts to groundwater.

GOAL 70: POLICE AND JUSTICE. To ensure the effective and efficient provision of facilities and services in support of law enforcement and justice for the growing population of Lee County.

Reserved areas for water-dependent police and fire operations are included as part of the proposed project, increasing the immediate availability of these services, as police/fire may require them.

GOAL 72: EMERGENCY MANAGEMENT. Establish objectives and policies to help prevent and mitigate threats from natural disasters by reducing their potential impact on future development and responding efficiently to disasters and hazards after the fact.

As part of the proposed development, the proposed lift well near the southwest corner of the property and the adjacent limerock open parking area is intended to have a dual function to allow for boat triage operations post hurricanes. The site was utilized post Hurricane Ian as a boat triage location and provided a vital resource to the county for post disaster efforts. As mentioned, the design implements these elements to allow for similar operations, post-disaster, during future events.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

The proposed project incorporates outdoor open spaces and pedestrian facilities, especially around the perimeter of the property, to provide access to docks & facilities, but also to provide an integrated usable cohesive property for patrons to enjoy. Open space will be planted with vegetation per the guidelines of the Land Development Code. The limited existing vegetation that is present on the site (mangroves along the south property line), are to be maintained and integrated into the proposed project.

GOAL 79: Increase the recreation potential of Lee County's natural waterways.

Although not a public facility, the proposed marina and water-dependent uses associated with the proposed marina expand the accessibility of surrounding waterways to local patrons, which helps support the intent of Goal 79 by increasing accessibility to the County's waterways.

SPEATH ENGINEERING

Civil Engineers

GOAL 101: COASTAL AREAS. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.

The proposed site is currently existing with a perimeter bulkhead seawall. As part of the proposed project, segments of this seawall will be replaced and raised. In addition to the raised seawalls the site will include additional berms and retaining wall structures which additionally harden the perimeter of the property to protect from coastal flooding, as well as create a comprehensive internal stormwater system in increase control of stormwater runoff.

OBJECTIVE 101.4: SHORELINE STABILIZING SYSTEMS. Encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed.

The proposed site is currently existing with a perimeter bulkhead seawall. As part of the proposed project, segments of this seawall will be replaced and raised. It is the intent for perimeter docks to be constructed along these seawalls. Construction of all new seawalls will conform to Lee County and Florida Department of Environmental Protection requirements. Build-back of vertical seawalls on this site will no cause shoreline erosion or endanger shorelines of surrounding properties, will not threaten wetland resources, and will not be a threat to public safety or block access.

GOAL 114: MARINE AND NAVIGATION MANAGEMENT. Protect and maintain the County's waterways and marine resources through proper navigational, sanitation, and dredging activities.

It is the goal of this project to provide perimeter maintenance dredging (in accordance with all applicable regulations), which helps to maintain the functionality of the proposed facility and to increase the viability of the local area waterway. These maintenance activities are in accordance with the intent of Goal 114.

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

It is the intent of the proposed project to meet Federal, County, and Water Management District water quality standards both during construction and during the operation of the facility. An operating stormwater system will be provided on site which meets these standards and a construction Stormwater Pollution Prevention Plan will be generated and adhered to during construction.

SPEATH ENGINEERING

Civil Engineers

GOAL 128: SHORELINE MANAGEMENT. To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

The proposed facility is maintaining and improving a location which has historically been primarily a water dependent use, as well as integrating an additional piece of property which was previously a wastewater treatment plant and adding this land area to the proposed water dependent use, reinforcing this type of use as the continued primary use at this peninsula location.

OBJECTIVE 128.4: MARINE FACILITIES SITING CRITERIA. The County will consider the following criteria in evaluating requests for new and expanded marinas, other wet slip facilities, dry slip facilities with launches, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts.

POLICY 128.4.1: Proposed boat access facilities (and expansion of existing facilities) in the following areas face a variety of technical, legal, or environmental obstacles which must be addressed during the review process:

- *Aquatic Preserve (DEP)*
- *Outstanding Florida Waters (DEP)*
- *Class I Waters (DEP)*
- *Marine and Estuarine Sanctuaries (NOAA)*
- *Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)*
- *Approved or conditionally approved shellfish harvesting areas (DEP)*
- *Federal navigation channel setbacks (USCG, USACE)*
- *Bridge/road right-of-way easement (County DOT, State DOT)*
- *Other Endangered/Threatened Species Habitat (USFWS, DEP, USACE)*

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values.

The proposed marina is a redevelopment of an existing facility at the same location. The number of proposed boat slips are consistent with the historical approvals for the subject site and will not exceed previous established limits. In addition to adherence to these existing limitations, the proposed facility will be thoroughly permitted through the County, Water Management District, Florida Department of Environmental Protection, and Army Corps of Engineers – whereas any concerns or considerations on the bulleted items within Policy 128.4.1 will be thoroughly addressed.

POLICY 128.4.2: Cumulative effects of several boat access facilities in a small area will be considered in the review of proposed projects.

The proposed facility is an isolated facility and therefore Policy 128.4.2 does not apply.

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POLICY 128.4.4: Boat access facilities must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee (Final Report, January 1983):

- *Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.*
- *Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.*
- *Marinas should be located as close as possible to boating demand.*
- *Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.*
- *Location of marinas in highly productive marine habitats should be discouraged.*
- *Location of marinas in or near well-flushed, deep-water areas should be encouraged.*
- *Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged.*

The proposed facility conforms directly with the bullet points as outlined in Policy 128.4.4 as the site was a previously developed site primarily for the former use as a marina. The new development is a redevelopment of a site which was previously disturbed and that has been historically used for marina-related activities, is close as possible to boating demand, and has adequate uplands for support activities and ancillary marina uses. Marine impact, including manatee impact, will be equal-to, or less, than historical approved usage of the subject site.

POLICY 128.4.5: New boat access facilities must be designed to avoid erosion on adjacent shorelines.

The proposed facility is designed to utilize the existing configuration and is not anticipated to have erosion impact on adjacent shorelines.

POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion.

The proposed marina is not intending to expand the number of slips beyond the number historically approved for the subject site.

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POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

Proposed docking facilities will not destroy wetlands or grassbeds.

POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged.

The proposed facility is located at a location of maximum physical advantage, located along an existing channel with access to the Caloosahatchee River.

POLICY 128.4.9: Boat access facility locations should minimize natural shoreline disruption.

The existing shoreline configuration is intended to be utilized with various locations of seawall replacements and upgrades.

POLICY 128.4.10: Boat access facility construction in dead-end canals is discouraged due to difficulty in meeting state water quality standards.

The proposed project uses the existing shoreline and seawall configuration, which does include a dead end canal along the northwest boundary, however this is an existing historic condition. Efforts will be made during marina operations to address any experienced water quality deficiencies within this area.

POLICY 128.4.11: Proposed boat access facilities must demonstrate that the site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems.

The proposed project is of sufficient size to provide support for proposed facilities. The site will redevelop a previously developed site and will not impact any wetlands or rare / unique upland systems.

POLICY 128.4.12: Rezoning and DRI applications for boat access facilities will be evaluated in the context of cumulative impacts on manatees and marine resources.

Marine impact, including manatee impact, will be equal-to, or less, than historical approved usage of the subject site.

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OBJECTIVE 128.5: MARINA DESIGN CRITERIA. The County will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the County's development regulations.

POLICY 128.5.1: Boat maintenance activities in new or expanded marina sites must be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge.

The boat maintenance facility is located close to the center of the project site, providing the ability to collect and treat runoff, in an effort to reduce contamination and protect adjacent water bodies. The design of the boat maintenance facility will include proper capture and treatment of runoff.

POLICY 128.5.2: Open wet slips will be preferred to covered wet slips in marina design to reduce shading of water bodies which results in lowered biological productivity.

Covered boat slips are not intended with the proposed design.

POLICY 128.5.3: Fuel and/or oil containment facilities or contingency plans are required at all new marina sites and in marina expansion proposals.

Fuel / Oil containment facilities and contingency plans will be part of the integrated design and operations of the proposed marina.

POLICY 128.5.4: All marinas serving the general public or live-aboards must provide pump-out facilities if sanitary sewer service is available.

The proposed marina is intended for private membership and will not include live-aboard docking. Sanitary pump-out facilities may or may not be provided.

POLICY 128.5.5: All parking, dry storage, and non-water-dependent facilities must be built on existing uplands.

All parking, dry storage, and non-water dependent facilities are to be constructed on existing uplands.

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POLICY 128.5.6: Marinas and multi-slip docking facilities must prepare disaster preparedness 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 disaster preparedness plan is subject to County approval.

An initial version of operation and disaster preparedness plan has been provided with the zoning application, and a final version will be submitted for County approval during the Development Order phase of the project.

POLICY 128.5.7: Fueling facilities associated with marinas must be designed to preclude spills and must be prepared to contain any spills which reach the water.

The Safe Harbor Safety, OSHA, and Environmental Programs document addresses procedures and best practices to reduce the occurrence of spills and steps to be taken during a spill event. In addition to established procedures, the site will be designed to preclude spills and to minimize potential impacts.

POLICY 128.5.8: Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes.

Natural Vegetative buffers are existing across the canal from the proposed project to the south (where a conservation easement is established), and to the east on the other side of the canal where existing mangroves are situated.

POLICY 128.5.9: New fuel facilities must be located on the uplands of a marina site. Proper use and maintenance of fuel pump hoses and other fueling equipment is required.

New fuel facilities are intended to be located on the uplands of the marina site. The location of the fuel tank is shown on the MCP and fuel docks identified. Specific details of the pump facilities will be included in the Development Order with elements situated on the uplands of the site as required to be in conformance with the standard. Proper use and maintenance of the fuel pump and equipment will be part of the normal operation of the facility and established within a written operations and maintenance manual.

POLICY 128.5.10: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

Dredge and fill construction is not proposed as part of the construction of the proposed marina.

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POLICY 128.5.11: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

As the proposed site is a redevelopment of a previously developed site, there are no anticipated adverse environmental impacts associated with the proposed marina facilities that are in excess of the historic use of the site.

POLICY 128.5.12: To reduce dredging, docks should extend to naturally deep waters when possible. County regulations will specify the criteria for such extensions.

Docks will be situated along the existing seawall in approximately the same configuration as the historic planned condition of the site. Due to narrow waterways, docks will be situated as close to the existing seawalls as feasible.

POLICY 128.5.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

The dry storage boat barn will contain 239 dry slips for the storage of boats utilizing the site (typically smaller than those utilizing wet slips). The structure is situated close to the center of the site, providing close to the most inland location possible on the site, given the surrounding waterways on all sides.

POLICY 128.5.14: Marina designs must not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself.

It is not anticipated that the proposed marina will reduce water quality in adjacent natural water bodies.

POLICY 128.5.15: Existing navigational channels will be used to access new marina sites where possible.

The existing navigational channels will be used as access to the marina site.

POLICY 128.5.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging.

Dry storage and wet storage capacities are consistent with historical approved usage of the site. At this time, only maintenance dredging of existing facilities is anticipated as part of the project.