MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: July 9, 2025

TO: Board of County Commissioners **FROM: Donna Marie Collins**
Lee County Chief Hearing Examiner

RE: SOUTH SEAS ISLAND ROAD MPD
Hearing Examiner Recommendation

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

SOUTH SEAS ISLAND ROAD MPD

DCI2023-00051

HEARD: February 14, 20, 21, 26, 28, March 20, 21, and April 8 and 18, 2025
Record Closed: May 16, 2025

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office
Joseph Adams, Esq. / County Attorney's Office
Anthony Rodriguez, AICP / Zoning Section
Adam Mendez / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Brienne Cherry / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

Summary of Hearing Examiner Recommendation

SOUTH SEAS ISLAND RESORT MPD

The request rezones 120.5 acres within the South Seas Island Resort to the Mixed Use Planned Development District to redevelop the property following damage sustained by Hurricane Ian and other storms.

South Seas Island Resort is part of Captiva's historic development pattern. The Captiva Community Plan specifically recognizes the Resort in its description of the island's historic development pattern. South Seas has been comprised of hotel, residential, and commercial uses since inception. The MPD does not introduce new land uses to the Resort or Captiva Island.

An Administrative Interpretation issued in 2002 summarized the development approvals applicable to the entire 304-acre Resort as of July 2002. The ADD summarizes the current development program *absent an amendment through the public hearing process.* The ADD does not prohibit future zoning actions; rather, it serves as the basis for evaluating the impact of changes to the development parameters summarized therein.

The ADD anticipates future applications to "modify or change" the Resort. If approved, the MPD increases hotel intensity and reduces residential density on the property. The MPD terminates public use of the marina and commercial uses/amenities within the Resort.

The existing commercial marina will be converted to a private recreation facility without public access. The reclassification of the marina to a private multi-slip docking facility reduces the Resort's trip generation. Excluding public access to Resort restaurants, cafes, spa, golf course, and water park further reduces traffic generation from existing development approvals.

The MCP preserves the traditional character, scale and tranquility of the Resort. Clustering development preserves views of vegetation, open space, water, and protects environmentally sensitive wetlands and uplands.

Ameliorating storm risk motivated the Board to adjust height measurements in flood prone areas. Without modifications to protect against future storms, the historic character of the barrier islands will vanish.

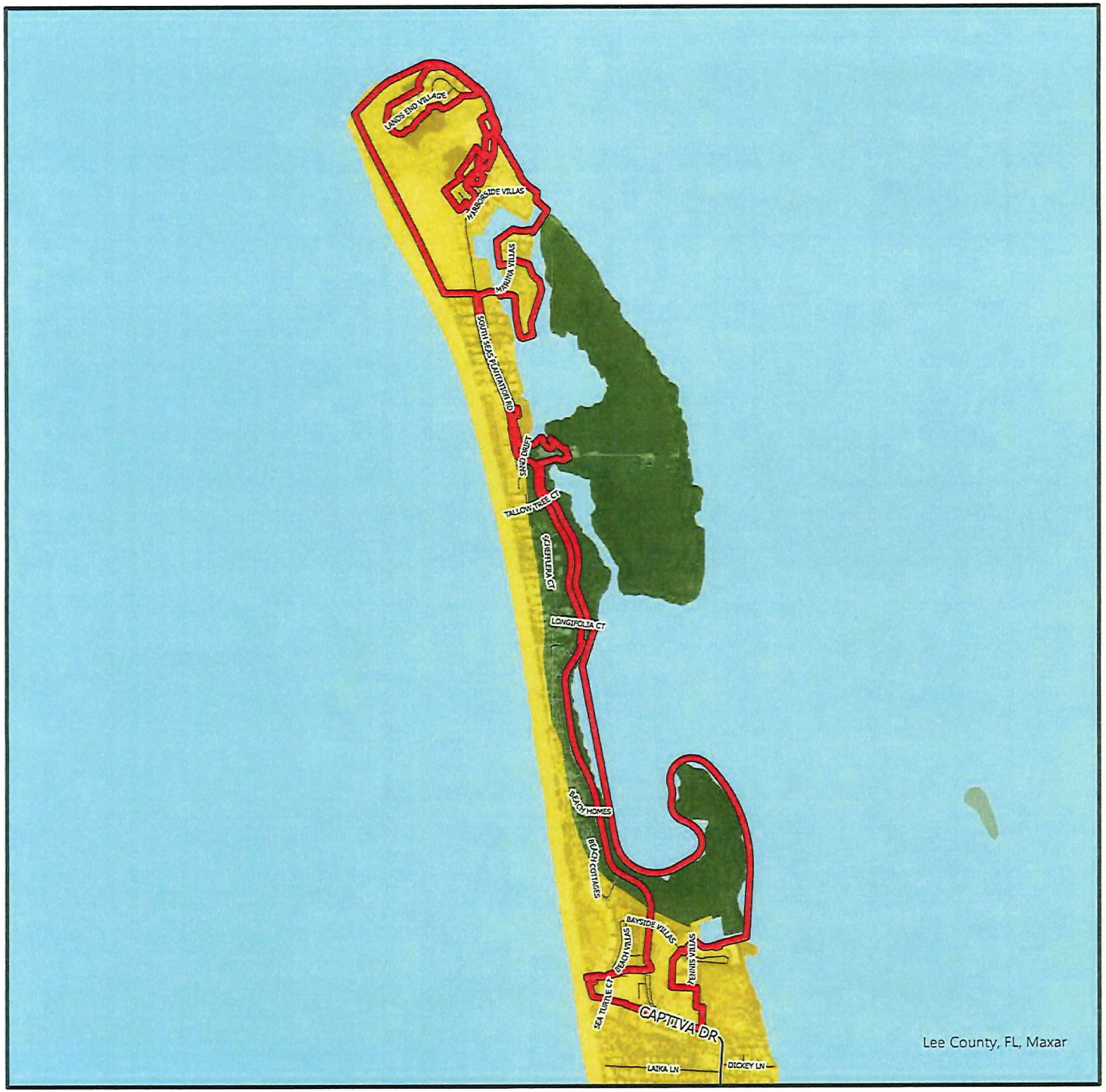
Applicants incorporate resiliency measures into the MPD's building design. Elevating structures consistent with code provisions reduces likelihood of damage from wave action and storm surge and reduces potential damage to nearby structures from floating debris.

The Lee Plan Economic Element encourages retention and expansion of existing businesses. The proposed height adjustment protects (1) life and property, (2) the historic use and character of the Resort, and (3) the County's tourism industry.

The height differential between existing and proposed structures does not trigger a finding of incompatibility. Neither the Lee Plan nor the Land Development Code require the height of adjacent buildings/properties to match. Height variations between developments and even within a single development is commonplace throughout the County.

The Hearing Examiner revised wording of conditions/deviations to enhance clarity.

Detailed recommendation follows



DCI2023-00051

Future Land Use

- Subject Property
- Outlying Suburban
- Wetlands

N
W E
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0 500 1,000 1,500 2,000 2,500 3,000
Feet

Lee County
Southwest Florida



DCI2023-00051

Aerial

Subject Property

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0 500 1,000 1,500 2,000 2,500
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00051

Regarding: **SOUTH SEAS ISLAND ROAD MPD**

Location: 2800-5640 South Seas Plantation Road &
1057-1900 South Seas Plantation Road
Captiva Planning Community
(District 1)

Hearing Date: February 14, 2025

Additional Hearing Dates: February 20, 2025, February 21, 2025, February 26, 2025, February 28, 2025, March 20, 2025, March 21, 2025, April 8, 2025, April 18, 2025

I. Request

Rezone 120.5± acres from Residential Multiple Family (RM-2), Two Family Conservation (TFC-2), and Marine Commercial (CM) to Mixed Use Planned Development (MPD) to allow up to 193 multi family dwelling or timeshare units and 435 hotel/motel rooms with common infrastructure and resort amenities.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 120.5 acres within the 304 acre South Seas Island Resort.

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[1] LDC §34-145(d)(4) a.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to the testimony and evidence presented at hearing. The record must contain substantial competent evidence to support the recommendation.

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

Request

The request seeks to rezone 120.5 acres to the Mixed Use Planned Development district to allow up to 193 multi-family dwelling units, 435 hotel rooms, and resort amenities.

The Master Concept Plan (MCP) depicts development mainly concentrated in two locations at opposite ends of the property.[2] A small tract located midway between the two development tracts accommodates Resort utilities, including a wireless communication facility. The remainder of the site consists open space and preservation areas.[3]

Applicant seeks 21 deviations from the LDC.

Building heights are limited to 45 feet.[4] Building heights will be measured in accordance with LDC exceptions to standard height limitations in Coastal Building Zones.[5] There is an existing telecommunications tower 170 feet in height on the utilities tract.[6]

Staff recommended approval with conditions.

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[2] MCP dated February 11, 2025.

[3] The MCP proposes two hotel tracts on five acres, three multi-family/timeshare tracts on 20.4 acres, and 41.5 acres of preservation. The remaining 54 acres will be devoted to infrastructure and amenities designed to serve residents and hotel guests.

[4] Building and structure heights are subject to Condition 9, acknowledging adopted changes to the code in V Zones and Coastal A Zones. There are exceptions for structural/ornamental elements. In addition, building/structures on amenity and resort recreation tracts are limited to 35 feet. Recreational structures on those tracts, including slides and similar structures, are permitted up to 45 feet in height.

[5] LDC §34-2172(a). Area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes computerized storm surge model(SLOSH). The LDC permits buildings in Coastal Building Zones to increase the height of the lowest minimum habitable floor by up to four feet, exceeding applicable height limitations proportionally without need for a deviation/variance. Lee Plan Goals 59, 72, 101, Objectives 72.2, 101.3, Policies 72.2.4, 101.1.1.

[6] See Condition 13. The LDC permits a monopole telecommunications tower on the resort up to 170 feet. LDC §33-1627(b).

Development History

South Seas Island Resort lies north of Captiva Drive and is bounded by the Gulf of Mexico, Red Fish Pass, and Pine Island Sound.[7] Property within the Resort consists of a variety of conventional zoning districts.[8]

The zoning history of South Seas dates back to the early 1970's. The Resort has been comprised of hotel, residential, and commercial land uses since that time. Commercial uses included restaurants/cafes, marinas, and conference facilities.

An Administrative Interpretation issued in 2002 summarized the development approvals applicable to the 304 acre Resort as of July 2002.[9] The Administrative Interpretation acknowledged the right to develop up to 272 dwelling units on the acreage subject to the MPD zoning application.[10]

The ADD summarizes the current development program *absent an amendment through the public hearing process.* The ADD does not prohibit future zoning actions; rather, it serves as the basis for evaluating the impact of changes to the development parameters summarized therein.[11]

The ADD treats the Resort similar to a PUD, referencing LDC §34-1038.[12] This code provision identifies modifications that may be made administratively and requires "other" changes/amendments to be approved by the Board after public hearing.[13]

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[7] LDC Appendix I, Map 18.

[8] Property within the resort is zoned Residential Multiple-Family (RM-2), Two-Family Conservation (TFC-2) and Marine Commercial (CM).

[9] "Whereas, the Board of County Commissioners of Lee County has requested the Director of the Department of Community Development (hereinafter "Director") and the County Attorney *to summarize and clarify the current status of development* of a project known as South Seas Resort..." Administrative Interpretation 2002-00098. Twenty-ninth recital. Emphasis supplied. The summary provided in the Administrative Interpretation included the property in the MPD zoning application as well as the remaining 184 acres within the resort. Hereinafter, the Administrative Interpretation will be referenced as "ADD."

[10] Staff Report. Harborview - 107 Hotel Rooms, 140 dwelling units (employee housing), 25 dwelling units (Harborview Villas).

[11] Administrative Interpretation 2002-00098. Thirtieth recital: "Whereas the purpose of this administrative interpretation is to summarize and clarify all prior approvals into one comprehensive document detailing *what development currently exists*, clarify what additional development may be permitted, *and provide for a reasonable method for the county to review requests for future development approvals to modify or change the master development plan* adopted by resolution Z-73-202. The ability to modify development approvals summarized in the Administrative Interpretation is further supported by the Property Rights Element of the Lee Plan that recognizes the right to maintain, develop and improve property subject to state and local laws. Lee Plan Chapter XII paragraph 2.

[12] Administrative Interpretation 2002-00098, Paragraph 8.

[13] LDC §34-1038. The Department of Community Development approved several amendments to the ADD between 2003 and 2014, none of which changed the density or intensity summarized in the 2002 document.

The ADD anticipates future applications to "modify or change" the project.[14] If approved, the MPD will increase hotel intensity and reduce residential density on the property. The MPD terminates public use of the marina and commercial uses/amenities within the Resort.[15]

The Hearing Examiner's focus is on the delta between impacts generated by existing approvals and those anticipated from the requested MPD.[16]

Lee Plan

The Lee Plan regulates land development activity throughout the County.[17] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas.

The Board changed the future land use designation of Captiva Island from Urban Community to Outlying Suburban to encourage low density residential development. This action acknowledged the island's location at the periphery of urban areas and vulnerability to storms.[18]

The Future Land Use Map designates the 120.5 acre property as Outlying Suburban and Wetlands.[19] The property also lies within a Water Dependent Overlay.[20] Standard densities in Outlying Suburban areas range from one to three dwelling units per acre.[21] The Lee Plan authorizes residential and commercial land uses in the Outlying Suburban category.

The request seeks to amend development parameters via the public hearing process. The ADD also states: "Except as otherwise noted herein, the applicable standards of the Lee County Land Development Code shall apply within the [resort]." Administrative Interpretation 2002-00098, paragraph 4j.

[14] ADD references to "future development" do not bar the current request. References to future development pertain to as yet unrealized development potential under then existing approvals. Interpreting the references to "future development" as a bar to changes via the public hearing process renders operative provisions of the ADD meaningless, contrary to the rules of statutory construction. *See* Administrative Interpretation 2002-00098 paragraphs 4j, 8, and the sixteenth recital. It is noteworthy the sixteenth recital is directly under the heading "South Seas Resort Master Development Plan (SSRMDP) Amendment Procedure." The recital anticipates future requests to "modify or change" the project, as the resort "*evolves under current and evolving zoning regulations.*" Emphasis supplied.

[15] The commercial marina will be converted to a private docking facility serving resort residents and guests.

[16] Hearing Examiner analysis is limited to review criteria in LDC §34-145.

[17] LDC §34-491.

[18] Lee Plan Policy 5.1.2. This long standing policy has been in place since adoption of the Plan. The policy requires density and design to be adjusted where property is subject to flood, storm, or hurricane hazards, etc. *See* Lee Plan Goal 59. The Board reclassified the property from Urban Community to Outlying Suburban in response to these Lee Plan directives.

[19] Lee Plan Map 1-A

[20] Water Dependent Overlay Zones are designated shoreline areas where priority is given to water dependent land uses. LDC §34-1862(a).

[21] The Lee Plan prohibits bonus density in Outlying Suburban areas.

Wetlands may develop with very low-density residential uses and recreation uses that do not impair the ecological function of wetlands.[22] The requested MPD proposes no wetland impacts.[23]

Captiva Island is subject to a community plan adopted by the Board in 2003.[24] The Lee Plan Glossary defines community plans as goals with long term community objectives and policies *that complement and remain consistent with* the County's overall goals, objectives, and policies.[25]

Community plans are "*long term objectives and policies that are not regulatory in nature.*"[26] Community plans must be coordinated with county wide and regional plans on population accommodation, transportation, employment, economic development, and infrastructure.[27] The LDC implements regulatory elements of a community plan.[28]

The Captiva Community Plan is no impediment to the MPD. Goal 23 aspires to protect natural resources, dark skies, and histories.[29] Four objectives guide development on the island:[30]

> Objective 23.1: Protect Natural Resources. Encourages protection and enhancement of wetland habitats, water quality, native upland habitats, and beaches. The MPD preserves all onsite wetlands.[31] Planned restoration work will improve damage from recent hurricanes.[32] Enhancements to the stormwater management system will improve water quality. Restoration of impacted dunes and vegetation will improve damaged natural resources.[33]

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[22] Lee Plan Policy 1.5.1; Wetlands must be consistent with Lee Plan Goal 124.
[23] Development will occur in previously disturbed areas. Testimony of Cathy Olsen, April 8, 2025.
[24] Lee County Ordinance 03-01 (Captiva Island Community Plan Ordinance), subsequently amended by Ordinances 18-04 (Captiva Community Plan Ordinance),18-18 (Community Planning Administrative Update Ordinance), and 23-33 (Building Height and Resiliency Ordinance).
[25] Lee Plan Glossary.
[26] Lee Plan Policy 17.1.3.(emphasis supplied)
[27] Lee Plan Policy 17.1.1.
[28] *Id.* The purpose of LDC community planning regulations is to adopt standards necessary to achieve community plan goals, objectives, and policies. LDC §33-1.
[29] Goal 23 states protection of the barrier island community will be achieved by environmental protection and land use regulations that preserve shoreline and natural habitats, enhance water quality, supports native vegetation, maintains the mangrove fringe, limits noise, light, water, and air pollution. The MPD must install special turtle glass on all windows, limiting light pollution. See Testimony of Cathy Olsen, April 8, 2025.
[30] The community plan addresses Protection of Natural Resources, Community Resources, native vegetation, tree canopy, and public participation.
[31] Lee Plan Policy 101.1.2.
[32] Lee Plan Policy 123.1.5.
[33] *Id. Compare* Lee Plan Objective 101.5, and Policies 19.4.4, 26.3.1.

Further, the development plan preserves scenic, recreational, and natural resources of the island.[34]

Objective 23.2: Protect Community Resources. Encourages long term protection and enhancement of community facilities, land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features. The MPD ensures continued operation of the South Seas Resort, a significant feature of Captiva for the past four decades.[35]

The land use pattern on Captiva includes hotels, single family residences, multifamily/time share units, and commercial businesses. The MPD continues this pattern while preserving the viability of the Resort. The MPD maintains the historic character of a mixed use development with low residential density.[36] The Lee Plan favors mixed use development.[37] Moreover, mixed use development is specifically encouraged on Captiva Island.[38]

Objective 23.3: Native Vegetation and Tree Canopy. Encourages enforcement of ordinances to preserve/enhance existing native vegetation and tree canopy on the Island. The MPD request includes restoration of vegetation damaged by storms. Restoration will be a considerable undertaking following extensive damage to the dune system and the Resort from past storms.[39]

Objective 23.4: Public Participation. Encourages public participation during rezoning processes.[40] South Seas Island Resort is exempt from the community meeting requirements of the Captiva Planning Community.[41] Yet, Applicant scheduled two community outreach meetings on the

[34] The MPD also furthers Economic Development objectives of the Plan by restoring natural resources and increasing tourism and employment opportunities. Lee Plan Goals 124, 158, 159, 161, Objectives 158.2, 161.1, Policies 1.1.6, 1.5.1, 101.1.2, 161.1.3, 161.1.5.

[35] Lee Plan Policy 23.2.4 calls out the resort as a separate component of the historic development pattern of the island. The proposed plan of development rehabilitates the storm damaged resort to economic viability. See Lee Plan defines rehabilitation as the process of returning property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural value.

[36] Mixed Use Planned Developments must include at least two land uses. LDC §34-940. Residential land uses must include 50 or more dwelling units. Commercial land uses must include at least 30,000 sq. feet of commercial development. The request meets/exceeds both thresholds.

[37] Lee Plan Goals 11, 23.

[38] Lee Plan Goal 23, Policy 23.2.1.

[39] Lee Plan Objective 101.5, Policies 101.1.2, 101.5.1. Testimony of Greg Spencer, Transcript April 18, 2025, and Spencer PowerPoint presentation Applicant Exhibit 34.

[40] Lee Plan Objective 23.4.

[41] LDC §33-1611(e), South Seas Island Resort is not subject to meeting requirements of LDC §33-1612(b).

property.[42] In addition, Applicant hosted several video call meetings with Resort property owners following Hurricane Ian, continuing to the present. Record testimony confirms these video calls included Applicant's ongoing redevelopment efforts, the pending zoning application, and responses to questions.[43]

The Captiva Community Plan describes the island's historic development pattern as low density residential dwellings, minor commercial uses, *and the South Seas Island Resort*. The Resort is specifically identified as part of the island's historic development pattern.

South Seas has included hotel, residential, and commercial uses since inception. The MPD request does not introduce new land uses to the Resort or the island.

Density

Land uses proposed in the MPD are consistent with the density limitations of the Lee Plan.

The LDC imposes density limitations on hotels not registered with the Department of Revenue and that do not pay tourist tax.[44] The LDC also imposes density equivalents to hotels on conventionally zoned property.

In contrast, density equivalents are inapplicable to hotels generally, and planned development zoning districts in particular.[45] Accordingly, hotel units proposed in the MPD are not subject to density calculations.[46]

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[42] Community outreach meetings held on April 25, 2024, and November 7, 2024. Meeting notices sent to property owners within South Seas Island Resort and within 500 feet of the MPD boundary. Testimony of Alexis Crespo, AICP Transcript April 18, 2025, and Applicant Hearing Exhibit 36.

[43] Testimony of Bob Walter, former Managing Director of South Seas, currently the owners' representative of the 120.5 acres subject to this MPD application. Transcript April 8, 2025, pages 250-253. Also, Applicant Exhibit 14.

[44] LDC §34-1801 applies density calculations to hotels not registered with the Department of Revenue or that do not pay tourist tax.

[45] The request rezones conventionally zoned property to the planned development zoning district. LDC Division 19 addresses hotel rental units: size of room translates to a fraction of dwelling *in conventional zoning districts*. LDC §34-1802(4)(b). When a hotel includes more than 200 rental units or exceeds the equivalency factors applicable in conventional zoning districts, the project must be developed as a planned development. Which is the request here. The equivalency factors of LDC §34-1802(4) do not apply to the MPD because it is not a conventional zoning district. LDC §34-1802(4)(d): hotels approved by planned development are not subject to density requirements, provided all other aspects of the development are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. (Namely height, traffic, intensity of use, etc.)

[46] Lee Plan defines density as: "The number of "*residential* dwelling or housing" units per gross acre (du/acre)..." Lee Plan Glossary (emphasis supplied). The LDC defines density in the context of residential land uses. *See* Density defined in Ch 10 LDC: *Density* means an existing or projected relationship between numbers of "dwelling units" and land area. Also defined in LDC § 34-2: Density means an existing or projected relations between numbers of "*dwelling or housing*" units and land area. LDC Division 12. Density. LDC §34-1491: The provisions of this subdivision apply to residential development. The term "residential"

Development in Coastal Area

Land uses in coastal areas are subject to policies in the Lee Plan Conservation & Coastal Management Element.[47] The Element directs the County to protect human life and development from the impacts of coastal flooding.[48]

The property lies within a Coastal High Hazard Area and a Coastal Building Zone.[49] The Plan restricts development in Coastal High Hazard Areas to uplands.[50] Development will be subject to regulations designed to reduce vulnerability from natural disasters such as hurricanes and flooding.[51]

Following the devastation of recent hurricanes, the Board took legislative action to permit building height regulations to account for barrier island conditions.[52] The Board amended the LDC to increase building heights in Coastal Building Zones to protect life and property from storm surge.[53] The amendments raise the lowest habitable floor by a maximum of four feet and permit proportionate exceedance of LDC height limitations without a deviation or variance.[54] The standard is intended to reduce vulnerability to natural hazards and support existing businesses.[55]

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does not include hotel/motel density calculations. The LDC explicitly states hotels/motels approved as planned developments are not subject to density requirements. LDC §34-1802(4)(b). And while residential uses include time share units, notably, hotels are classified as "non-residential" use in the county's parking regulations. *See* Table 34-2020(b).

[47] Lee Plan Objective 2.6. *See* Goals 59, 72, 101, Objective 101.3, Policy 101.1.1.

[48] Lee Plan Goal 101.

[49] Coastal High Hazard Areas are areas below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Lee Plan Map 5-A. Lee Plan Glossary. *See* §§163.3177(6)(a)10,c(VI), and 163.3178(2)(h), F.S. The property is within Storm Surge/Tide area and Evacuation Zone A. Staff 48 Hour Submittal.

[50] Lee Plan Policy 101.3.2. There is a limited exception for public facilities inapplicable to the request.

[51] Lee Plan Goals 59, 72, Objective 72.2; LDC §2-481 *et seq*. The Lee Plan Goal 101 describes Coastal Flooding as including high tide events, storm surge, and impacts of sea level rise. FEMA regulations require a minimum finished floor elevation to be one foot above base flood.

[52] Lee County Ordinance 23-33 adopted December 6, 2023. The amendment to height regulations evidenced a legislative intent to protect life and property from storm damage.

[53] The action protects residents, visitors, and property from the physical and economic effects of hurricanes and tropical storms.

[54] LDC §34-2171(b) (Lee County Ordinance 23-22 adopted September 5, 2023).

[55] Lee Plan Policy 72.2.1. The FEMA website describes floodplain management as community based efforts to reduce the risk of flooding, resulting in a more resilient community. *See* FEMA.GOV/floodplain-management. Lee Plan Policy 159.1.4: Directs the county to maintain land development regulations to support growth of existing businesses. *Cf.* Lee Plan Policy 92.1.2 (Directs the County to design new public facilities and infrastructure to address high tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise.) *See also* testimony of Noah Valenstein, Esq. Former Chief Resiliency Officer, Secretary of Florida Department of Environmental Protection. Transcript April 8, 2025.

Hurricane Preparedness

South Seas Island Resort has a history of ensuring the safety and welfare of Resort residents and guests. Record testimony noted Applicant funded a vulnerability assessment of Captiva Island, paving the way for resilience grant funding benefitting the entire island.[56]

The Resort Manager explained established protocols to disseminate information on storm threats, hurricane evacuation, and sheltering to residents and guests.[57] The information is shared with all property owner associations in South Seas.[58] National Hurricane Center Warning tools inform the public well in advance of landfalling storms, allowing sufficient time to implement evacuation protocols.[59]

Post storm, the Resort serves as a staging area for debris removal from the island.[60]

Mitigation. The MPD will mitigate hurricane sheltering and evacuation impacts consistent with County regulations.[61] Property within the 120.5 acre MPD will be subject to the Lee County All Hazards Protection District assessments each year.[62] Permitting must comply with LDC hurricane impact mitigation regulations.[63]

Evacuation of Resort. The Hurricane Evacuation Analysis prepared by Applicant's expert concludes the MPD meets or exceeds hurricane evacuation and shelter mitigation standards.[64] Applicant's expert identified each erroneous assumption in

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[56] Testimony of Noah Valenstein, Esq. April 8, 2025.

[57] Lee Plan Policy 101.3.4. Testimony of Shawn Farrell, Transcript April 8, 2025. Applicant Exhibit 4 is a copy of the South Seas Emergency Preparedness Plan. The Emergency Preparedness Plan includes a Hurricane Action Plan outlining the progression of hurricane advisories within the resort, activation protocols, emergency contacts, communication tools, including hotlines, and guest notification.

[58] Farrell testified information is shared with all associations in the resort, even those outside the boundaries of the proposed 120.5 acre MPD.

[59] Testimony of Daniel Trescott. Transcript April 8, 2025. Mr. Trescott explained implementation of technology designed to provide notice to the public, including early warnings, cone data, and emergency alerts.

[60] Testimony of Shawn Farrell Transcript February 20, 2025.

[61] Lee Plan Goal 73, Policies 73.2.2, 101.3.5, LDC §2-481 *et seq.*

[62] Funds from the All Hazards Protection District can be used for emergency preparedness initiatives for natural and man-made disasters. Lee Plan Policies 72.1.6, 73.2.2.

[63] LDC §§2-481 through 2-486. Imposes mitigation for shelter and evacuation impacts.

[64] Applicant Exhibit a: 48-Hour letter dated February 12, 2025, from Alexis Crespo, AICP, RVi Planning + Landscape Architecture. Hurricane Evacuation Analysis prepared by Trescott Planning Solutions, dated January 20, 2025, included within the 48 Hour submittal. The analysis employs a conservative estimate of 100% occupancy despite published data reporting less than 100% occupancy during hurricane season. *See also* Testimony of Daniel Trescott Transcript February 20, 2025. Note, the proposed 193 dwelling units do not create additional impacts to hurricane evacuation times because the units were previously approved and are therefore already included in the existing unit count of the Florida Statewide Regional Evacuation Study Program. Lee Plan Goals 23, 72, 73, 101, Objectives 23.1, 72.2, 73.1,101.3 and Policies 23.1.4, 23.2.3, 72.1.6, and 101.3.5.

public testimony alleging the MPD will negatively impact evacuation of the islands.[65]

The Resort Manager also recounted long standing procedures to evacuate residents, guests, and employees from the Resort.[66] Established procedures suspend new arrivals at least 48 hours or more before landfall.[67] The procedures resulted in zero occupancy 48 hours prior to landfall of Hurricanes Irma and Ian.[68]

The Lee County Transportation Director explained the responsibility for regional hurricane mitigation falls to Lee County DOT and the State.[69] The Lee Plan assigns the duty of improving hurricane evacuation to DOT rather than to developers.[70] Regional mitigation is the responsibility of Lee County DOT and the State of Florida. Developers are responsible for mitigating site related traffic impacts.

The DOT Director testified the County exceeded directives to improve hurricane evacuation times. County improvements to evacuation routes County-wide has decreased evacuation times. DOT deployed several strategies to increase capacity on hurricane evacuation routes by: (1) limiting access, (2) improving roadways,[71] and (3) replacing bridges at Blind Pass and the Causeway.[72] In all, the County has expended nearly 930 million dollars on hurricane evacuation routes.[73]

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[65] Applicant Exhibit a, *supra,* and also Daniel Trescott testimony, Transcript April 8, 2025. Trescott's Hurricane Evacuation Analysis included in Applicant's Exhibit a 48-Hour letter notes public witnesses did not rely on the most accurate and best available data to calculate evacuation clearance times. The Florida Statewide Regional Evacuation Study Program 2021 Update for the Southwest Florida Region contains the data necessary to properly assess impacts of development on evacuation times. This is the source document relied upon by Applicant's expert in his report. Public witnesses relied upon a Hurricane Evacuation Analysis (referred to as CCAHEA) that contains errors contributing to overestimation of evacuating vehicles.

[66] This information is covered in detail in Applicant Exhibit 4: South Seas Emergency Preparedness Plan.

[67] Testimony of Daniel Trescott, Transcript April 8, 2025.

[68] Testimony of Daniel Trescott and Shawn Farrell, Transcript April 8, 2025. Mr. Trescott testified that in the case of Hurricane Ian, South Seas' evacuation protocol predated the City of Sanibel's order to evacuate. By the time Sanibel residents were ordered to evacuate, residents and guests of the resort were already evacuated from the island. Resort guests did not contribute to the stream of evacuating traffic from the islands. Mr. Farrell and Daniel Trescott testified to the documentation of procedures implemented prior to Hurricanes Irma and Ian.

[69] Testimony of Rob Price, P.E., Director, Lee County Department of Transportation, Transcript April 18, 2025. Daniel Trescott reiterated efforts to comply with Lee Plan directive to reduce vulnerability to threats of natural hazards Trescott testified to the following specific measures: requiring construction of wind-resistant buildings at higher flood elevations, improving clearance times by increasing available shelters, improving evacuation routes, increasing public awareness and citizen participation. Trescott testimony Transcript, April 8, 2025.

[70] Lee Plan Objective 73.1, Policy 73.1.2.

[71] Road improvements benefiting evacuation of Sanibel and Captiva include multiple capacity enhancing improvements to sections of Summerlin Road and optimized signal timing to aid hurricane evacuation on critical evacuation routes.

[72] Blind Pass bridge replaced in 1990. Sanibel Causeway Bridge replacement in 2007. Notably, the replacement of the drawbridge with a high fixed span bridge. Testimony Rob Price, P.E. April 18, 2025.

[73] Rob Price, PE, Transcript April 8, 2025.

The County restricts causeway access to residents and essential emergency personnel 40 hours prior to storm landfall.[74] Government officials may permit intermittent one-way causeway access, allowing evacuees to use all lanes to exit the islands 27 hours prior to landfall.[75] The DOT Director noted over 1,200 vehicles can pass through the four way stop on Sanibel.[76]

Based on available data incorporating MPD traffic, the DOT Director and Mr. Trescott concluded island residents/guests will have adequate time to evacuate in advance of an impending storm.[77]

Economic Element

The Lee Plan Economic Element encourages expansion of the County's economic base.[78] The Plan also supports retention and expansion of existing businesses.[79] Land development creates jobs, increases property values, generates tax revenue, and contributes to economic growth. The MPD contributes to a positive business climate and creates additional employment opportunities.[80] Proposed hotel uses support business and leisure tourism, further strengthening the County's economy.[81]

Character of Area

Captiva Island features estate homes, hotels, bed and breakfasts, and condominiums, many of which are vacation rentals.[82] The 304 acre Resort

[74] Testimony of Daniel Trescott, Transcript April 8, 2025.
[75] Expert testimony from Daniel Trescott explained public testimony asserting extended evacuation time frames were not founded on the best available data. Applicant's expert relied on clearance time calculations established in the Statewide Regional Evacuation Study Program 2021 Update for Southwest Florida Region. Trescott went on to explain the witness's testimony contained four errors resulting in an overestimation of evacuating vehicles.
[76] Employing manual traffic control. Testimony of Rob Price, P.E., Transcript April 18, 2025. Mr. Price also testified the County works with FDOT to identify hurricane evacuation roadway capacity improvement to maintain evacuation clearance times. He testified to multiple strategies deployed by DOT related to improved hurricane evacuation conditions.
[77] In addition, County DOT concurred with findings in Applicant's transportation analysis that (1) the requested MPD reduces vehicular trips generated by the resort from ADD approvals and (2) roads will operate within adopted levels of service. Staff Report Attachment M: Lee County Department of Transportation Memo from Lili Wu dated January 10, 2025. Staff concluded based on forecasted trip generation rates, the MPD will not detrimentally impact the surrounding roadway network at buildout (2028). *See* Testimony of Ted Treesh, February 14, 2025., referencing updated transportation analysis dated January 30, 2025, using County's concurrency data from 2024. *See* Applicant Exhibit a: 48 hour memo.
[78] Lee Plan Goals 158, 161, Objective 158.2.
[79] The Lee Plan also recognizes the right to rebuild and expand existing businesses. Lee Plan Goal 159, Objectives 159.2, 161.1, Policy 158.1.1, *cf.* 6.1.11, 158.1, 8.1, 29.6.4, 30.5.3, 31.3.2, 128.1.1, 128.1.2, 128.2.1.
[80] Lee Plan Goal 158 Objective 158.3.
[81] Lee Plan Goal 161, Objectives 161.1, 161.3, Policies 135.1.9, 161.1.1, 161.3.1, Vision Statement – fourth bullet.
[82] Testimony of Alexis Crespo, Shawn Farrell, Daniel Trescott.

occupies approximately one third of the island's land area. The island's primary commercial node lies south of the Resort entrance.[83]

The "character" of a place are the qualities that make the place unique. South Seas is a Resort where residents and guests have enjoyed beaches, boating, restaurants, and other amenities for decades. The defining elements of South Seas include natural and built features. Specifically, beaches, navigable water bodies, temperate climate, vegetation, dwellings, hotels, and amenities. The defining elements of the Resort are not altered by the proposed MPD.

The Captiva Community Plan's description of historic development pattern does not address building height.[84] Instead, the Community Plan requires the County to "maintain building height regulations *that account for barrier island conditions* for measuring height of buildings and structures."[85]

Ameliorating storm risk motivated the Board to adjust height measurements in flood prone areas.[86] Without modifications to protect against future storms, the historic character of the barrier islands will cease to exist.[87] The adopted adjustments to height protects (1) life and property, (2) the historic use and character of the Resort, and (3) the County's tourism industry.

Applicants will incorporate these measures into building design.[88] Elevating structures consistent with code reduces the likelihood of damage from wave action

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[83] Andy Rosse Lane.

[84] Lee Plan Policy 23.2.4.

[85] Lee Plan Policy 23.2.3 (Emphasis supplied). *See* Goals 72, 101, Objectives 72.2, 101.3, Policies 72.2.4, 101.1.1.

[86] Lee County Ordinance 23-22, Whereas Clauses three and four: "*Goal 72 of the Lee Plan is to '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,'*" and "*Objective 72.2 of the Lee Plan is to 'Maintain land development regulations that reduce the vulnerability of development from the threats of natural and man-made hazards'.*" (Emphasis supplied) Amendments to the code protects property from repeated storm related loss. *See* Lee Plan Goals 59, 72, 101, Objectives 72.2, 101.3, Policies 72.2.4, 101.1.1, 135.3.8. *See also* testimony of Noah Valenstein, Esq. April 8, 2025.

[87] Property owners would find it impossible to replace/upgrade storm damaged structures, potentially leading to blight. The Lee Plan directs the County to coordinate efforts to replace damaged housing after hurricanes. Lee Plan Policy 135.3.8. The Lee Plan also recognizes the right to rebuild/expand existing businesses. Lee Plan Goal 159, Objectives 159.2, 161.1, Policy 158.1.1, ***cf.*** 6.1.11, 158.1, 8.1, 29.6.4, 30.5.3, 31.3.2, 128.1.1, 128.1.2, 128.2.1.

[88] Developer has planned measures to protect the property from storm risk. These measures include installation of flood panels and barriers, elevation of structures, reinforcement of the revetment along the shoreline at the north end of the island, and dune restoration. Flood panels will protect the (1) chemical, generator, and equipment room at the Slide Pool Tower, (2) irrigation pump room at the central maintenance facility, (3) restrooms at Captiva Landing, and 4) Beach House Restaurant. Flood barriers will protect the perimeter of the Bayview Pool/Tarpon Bar, the Conference Center, and Guard House. Elevated generators will protect power source during post storm outages. Applicant Exhibit 34 (Spencer PowerPoint) and Testimony of Noah Valenstein, Elizabeth Fountain, P.E., Transcript April 8, 2025, and testimony of Greg Spencer, Transcript April 18, 2025. Lee Plan Goals 4, 23, 59, 101, Objective 101.3, Policies 23.1.4, 61.3.13, 101.1.1

and storm surge and reduces potential damage to nearby structures from floating debris.[89]

The potential difference in height between existing and proposed structures does not trigger a finding of incompatibility. Neither the Lee Plan nor the Land Development Code require heights of adjacent buildings/properties to match. Height variations between developments and even within a single development is commonplace throughout the County.

Compatibility

The County evaluates compatibility during the zoning process.[90] Compatibility exists when land uses can exist in proximity and no one use unduly negatively impacts another.[91] Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and the nature of surrounding land uses.[92]

Planned development zoning is a useful tool when integrating new development with surrounding land uses because it offers flexibility in site design to address potential incompatibilities with neighboring development.[93] Planned developments must be consistent with the Lee Plan.[94]

Sanibel and Captiva are vital to the County's tourism industry. Residential and hotel uses have operated within South Seas and on the islands for many years.[95] Property south of the Resort includes commercial, civic, and residential uses in proximity to one another. This development pattern characterizes much of Captiva Drive from the bend at Jensen's on the Gulf to the Resort entrance.

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support development.[96] The proposed MPD constitutes infill development consistent with existing development patterns on the island.[97]

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[89] Testimony of Elizabeth Fountain, Christopher Wright, PE.
[90] LDC §34-145(d)(4).
[91] Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6.
[92] LDC §34-413.
[93] LDC §34-612(2). One of the purposes of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony. Another purpose is to provide flexibility in development design. LDC §34-612(2).
[94] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[95] The plan of development includes land uses identical to those existing/approved on the island. Lee Plan Policies 6.1.4, 135.9.5, 135.9.6.
[96] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.
[97] Lee Plan Policies 5.1.3, 6.1.7. The zoning request is consistent with development patterns on the islands. *See* Lee Plan Glossary definition - infill.

The MCP does not open new areas to development. The request preserves unique features of the Resort while protecting property owners with buildings designed to withstand storm surge.[98] Resort owners/guests will have an opportunity to frequent MPD amenities, regardless of MPD boundaries.[99]

The request does not introduce new uses to the Resort.[100] The commercial marina will be converted to a private recreation facility that does not accommodate public access. The reclassification of the marina to a private multi-slip docking facility reduces trips generated by the Resort. Excluding public access to Resort restaurants, cafes, spa, golf course, and water park further reduces traffic generation from existing development approvals.[101]

The MCP preserves the traditional character, scale and tranquility of the Resort. Clustering development preserves views of vegetation, open space, water, and protects environmentally sensitive wetlands and uplands.[102] Perimeter setbacks and landscaping protect the character/integrity of surrounding development.[103] The proposed development is sustainable, evidenced by testimony confirming the MPD will not adversely impact the natural environment or overburden existing infrastructure.[104]

LDC

A planned development zoning district integrates proposed development with surrounding land uses.[105] Planned developments further Lee Plan goals and provide flexibility in planning and design.[106]

Development must comply with County land development regulations or seek deviations. A "deviation" is a departure from a land development regulation.[107] The LDC exempts South Seas from Community Plan provisions unless provided otherwise in the code.[108]

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[98] Lee Plan Objective 72.2, Policy 72.2.4.
[99] Access is available to South Seas property owners outside the MPD via membership in the rental program and membership fees.
[100] The schedule of uses remains consistent with typical resort uses.
[101] Restricting public use of the marina and resort amenities reduces traffic impacts generated by the resort. *See* Testimony of Ted Treesh, Transcript February 14 and April 8, 2025. See also Applicant Exhibit a: 48 Hour Letter, including updated transportation analysis.
[102] Lee Plan Goal 77, Objective 77.3, Policies 5.1.6, 6.1.5, 77.3.2, 77.3.3, 77.3.4, 77.3.5, 101.1.2, 101.3.1, 101.3.2.
[103] Lee Plan Policy 5.1.5.
[104] Testimony of Applicant Representatives: Transcripts February 14, 20, April 8, 18, 2025.
[105] LDC §34-612(2).
[106] LDC §§34-411(a), 34-612(2), Lee Plan Policy 2.1.2.
[107] LDC §34-2.
[108] LDC §§33-1611(e), 33-1627(telecommunications tower), 34-1805(exempting South Seas Island Resort from hotel/motel density limitations on Captiva Island), 34-2175(a)(2)(exempting building and tower heights).

Applicants seeking deviations from the LDC must demonstrate how each deviation enhances the objectives of the planned development and not cause detriment to the public.[109]

Applicant requests 21 deviations from the LDC. Many deviations recognize limitations created by existing site conditions.[110] The LDC requires the Hearing Examiner to recommend approval, approval with modifications, or denial of a requested deviation based upon a finding the deviation (1) enhances the planned development and (2) preserves/promotes public health, safety, and welfare.[111]

Applicant offered testimony and evidence in support of each deviation.[112] Staff recommended approval of each deviation, imposing conditions on some.

The Hearing Examiner expressed concerns with the requested parking deviation. Hotels with more than 200 rooms are major planned developments under the LDC.[113] The MPD seeks approval of two hotels, each qualifying as major planned developments on their own. Hotels, amenities, and restaurants will serve guests and residents of the entire Resort. The Hearing Examiner requested the MPD provide sufficient parking to support guests of each hotel and Resort residents/guests likely to frequent hotel restaurants and Resort amenities at each of the MPD's main development areas.

In response, Applicant bifurcated the parking deviation, seeking alternative standards for principal and accessory uses. Applicant agreed to provide code parking to support principal uses within each of the two main development areas but seeks to waive the LDC parking requirements for accessory uses. The MPD's definition of principal uses excludes bars, restaurants, spa/health clubs, golf course, water park, boat slips, and retail shops.[114] These "accessory" uses are designed to attract people from the entire Resort.

The record contains no information on the magnitude of the deviation.[115] Accordingly, the proposed conditions did not dispel Hearing Examiner concern there will be inadequate parking to support accessory uses. The absence of information hinders the necessary finding that the deviation promotes public health, safety, and welfare.[116]

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[109] The Captiva Community Plan requires deviations from development standards to meet LDC requirements. Lee Plan Policy 23.2.6. LDC §34-373(a)(9).
[110] Deviations 2, 3A, 3B, 4B, 6A, 10B and 16 memorialize existing site conditions.
[111] *Id.*
[112] LDC §34-377(a)(4).
[113] LDC §34-347.
[114] See Condition 8.
[115] There was no testimony regarding the parking required by code for the accessory uses. Accessory resort uses include bars, restaurants, spa/health club, golf course, water park, boat slips, and retail shops.
[116] The distance between development areas increases the likelihood of vehicular travel within the resort.

For this reason, the Hearing Examiner recommends modifications to the condition regulating accessory parking.[117]

Transportation[118]

Requests to rezone property must provide sufficient access to support the development and address impacts to transportation facilities by means of County regulations and conditions of approval.[119]

South Seas Island Resort is served by gated access to Captiva Road.

The request eliminates public access to the marinas/docking facilities and commercial uses within the Resort.[120] Access to restaurants, recreation facilities, and commercial uses will be similarly restricted. Limiting public access reduces the trip generation rate over existing development approvals in the ADD.[121]

Applicant testified that many Resort employees arrive via three transport vans operated on a daily basis. The van transport reduces the need for onsite parking for employees and ostensively reduces overall trip generation below that assumed in the transportation analysis.

The two main development areas are pedestrian and bicycle friendly. However, limited sidewalks and no dedicated bike paths connect the two main development areas.[122] Applicant testified trolleys and golf cart rentals will serve as the main mode of transport within the Resort. A car service will be available to guests after trolley service terminates each day.[123]

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[117] LDC §§34-145(d)(1)c. and LDC 34-377(a)(2) and (3) Specifically, the Hearing Examiner removed credits for guest parking spaces on Multiple family/Timeshare uses and added a condition that the development order plans for accessory uses must demonstrate the parking provided to support the accessory use lies within 500 feet of the accessory use tract.

[118] Transportation testimony related to hurricane evacuation is discussed under the heading "Hurricane Preparedness."

[119] LDC §§34-145(d)(4), 34-411.

[120] Testimony of Alexis Crespo. April 8, 2025.

[121] Testimony of Ted Treesh: Proposed development under the MPD reduces PM Peak hour trips from 346 to 275. Transcript April 8, 2025. Captiva Road is classified as a constrained road in Table 2(a) due to ROW, Scenic, Aesthetic, and Environmental features. Operational improvements may be possible/warranted in relation to development approval requests. Lee Plan Tables 2(a) and 2(b). Treesh's testimony during rebuttal was based on an updated TIS dated January 30, 2025, using 2024 data.

[122] The distance between development tracts increases the likelihood of private vehicular use. Care is necessary to protect the integrity of the resort atmosphere/experience by providing sufficient parking to support uses accessed by residents and guests. Dependable trolley service and golf cart parking will be essential to protect the integrity of South Seas as a whole. Applicant proposed conditions requiring continuous trolley service. A deviation requesting to provide for parking needs to be satisfied within 500 feet of the use served allows for golf cart parking and multifamily guest parking areas to serve parking demands of the north and south development pods.

[123] Condition 18b.

Several members of the public expressed concerns regarding the likelihood of increased traffic. The transportation analysis confirms the MPD generates less trips than existing approvals under the ADD.[124] The transportation analysis demonstrates the County road network will operate within adopted levels of service at buildout.[125]

Site-related improvements, including turn lanes, will be evaluated at the time of development order permitting.

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

The MPD preserves the island's' environmental resources by protecting/restoring sensitive and natural plant communities, wetlands, beaches and dune systems.[126] The plan of development provides over 62 acres of open space, comprised of indigenous vegetation and golf course. [127]

Applicant restored dunes impacted by hurricanes to provide protected areas for Least Tern, Plovers, and Killdeer.[128] And although the golf course, marina, and dunes are not considered indigenous areas, they provide nesting, feeding, and roosting opportunities for wildlife.[129]

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[124] The reduction in external trips is due in large part to eliminating public access to the marinas, restaurants, and resort amenities. Staff Report Attachment L Traffic Impact Statement South Seas Island Resort MPD Rezoning prepared by TR Transportation Consultants Inc. Dated September 15, 2023, this report was supplemented by a reanalysis dated January 30, 2025, using 2024 data (Applicant Exhibit a: 48 Hour Letter). *See* Staff Report Attachment M: DOT memo prepared by Lili Wu, Principal Planner, dated January 10, 2025. *Also see* Testimony of Ted Treesh, Transcripts February 14 and April 8, 2025, slide 18 of Applicant's Rebuttal PowerPoint demonstrates under the ADD, the subject 120 acres generates more peak hour trips under the ADD development scenario than under the proposed MPD. Applicant Exhibit 20: Applicant's Rebuttal PowerPoint.

[125] Testimony of Ted Treesh, Transcript April 8, 2025.

[126] The MCP preserves the environmental resources destroyed by hurricanes, including mangroves, beach dune vegetation, shorebird nesting habitat, sea turtle habitat, the marine habitats, including sea grass beds and fisheries. The nearly 40 acre mangrove preserve will remain intact. The dune plantings assist with light spill onto the beach. Lee Plan Objectives 101.1, 101.4, Policies 101.1.1, 101.1.2, 101.4.1, 101.5.3, 123.2.4, 123.2.10, 123.3.1, 123.3.3, See testimony of Cathy Olsen, April 8, 2025, testimony of Greg Spencer, April 18, 2025, and Spencer PowerPoint Presentation Applicant Exhibit 34.

[127] The MPD open space summary confirms the project must provide a total of 47.7 acres of open space. The acreage is derived from code requirements for 40% open space for residential land uses and 30% open space for commercial land uses. The MCP provides 62 acres of open space, 39.83 acres of which are comprised of indigenous vegetation, far exceeding code requirements. Approximately 13.3 acres are subject to conservation easements. Legal descriptions attached to the Environment Staff Report describe four parcels encumbered by conservation easements 6.1, 6.4, 1.5, and .3 acres each. Staff Report Attachment K: Environmental Staff Report page 7. Lee Plan Goal 77, Objective 77.3, Policies 23.1.6, 77.3.1, 123.2.4, 123.2.8, 123.2.10, 123.2.15, 123.3.1

[128] Lee Plan Objective 23.1, Policies 23.1.6, 101.1.2.

[129] *Id.* Environmental Staff Report page 2. Lee Plan Objective 23.1, Policy 101.1.2.

Nearly 40 acres of mangrove preserves provide habitat for listed species, including wading and migratory songbirds.[130] Species slated for special protection include Loggerhead Sea Turtles, Southern Bald Eagle, West Indian Manatees, Red-Cockaded Woodpecker, and wading birds.[131] The developer must implement protected species management plans addressing development standards, human-wildlife coexistence, and educational programs.[132]

Golf carts will be equipped with geofence, a technology preventing carts from entering environmentally sensitive areas.[133]

The MCP depicts landscaping, open space, and buffering appropriate for the proposed land uses.[134] The project minimizes street and utility improvements by utilizing existing/former development footprints. Buffers and landscaped areas will follow Xeriscape principles and consist of native landscapes to conserve water.[135]

Reclaimed water will serve as the primary source of irrigation water.[136] A master-controlled central irrigation system will regulate frequency and duration of landscape irrigation.[137]

The MPD water management system is a "full retention system," meaning there is no stormwater runoff into surrounding natural waterbodies.[138] Water collected in onsite retention areas will either evaporate or seep down to the groundwater. Exfiltration trenches will treat runoff prior to overflow into retention areas.[139] Applicant's expert concluded the stormwater management system will improve water quality of surrounding tidal waters.

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[130] Testimony of Cathy Olsen, Transcript April 8, 2025.
[131] *See* Conditions 5, 12. Lee Plan Policy 23.1.6.
[132] Condition 5. Lee Plan Goals 23, 123, Objectives 23.1, 123.3, 123.5, 123.6, 123.7, 123.9, 123.10, Policies 23.1.3, 23.1.6, 23.2.9, 123.3.3, 123.5.1, 123.7.3, 123.7.4, 123.7.5. The MPD will install tinted turtle glass on new construction, including on windows that are not directly visible from the beach. Exterior lights on new construction will also be sea turtle compliant, regardless of building orientation. Testimony of Cathy Olsen. April 8, 2025.
[133] Testimony of Cathy Olsen, April 8, 2025. The technology prevents driving in areas programmed for avoidance, such as beaches and preserves.
[134] The Applicant demonstrated that new and proposed structures will be well integrated, properly oriented, and functionally related to the topographic and natural features of the site. Lee Plan Standard 4.1.4, Policies 5.1.6, 5.1.7, 6.1.3, 6.1.6.
[135] Lee Plan Objective 126.2, Policy 126.2.1.
[136] Lee Plan Standard 4.1.3, Policy 61.1.6. David Brown, P.G., testified the Florida legislature has found the use of reclaimed water from domestic wastewater treatment plants, permitted and operated under a reuse program approved by the Florida Department of Environmental Protection, is environmentally acceptable and not a threat to public health and safety. Citing Florida Statutes §373.250. David Brown also testified the reclaimed water is diluted/buffered by groundwater and chlorinated. The water is then monitored by monitoring wells on the property. Transcript April 8, 2025.
[137] *See* Condition 19.
[138] There is no outfall directing stormwater runoff to the Gulf or Pine Island Sound.
[139] Testimony of Carl Barraco, PE, April 8, 2025. Onsite wet and dry detention together with exfiltration trenches will treat/filter storm water runoff. Lee Plan Goals 60, 61, 125, Objectives 60.4, 61.2, Policies 60.4.1, 61.3.11, 125.1.1, 125.1.2.

Recommended conditions of approval require developer to implement a Water Quality Monitoring Plan if future development orders propose a positive outfall/discharge point.[140]

Developer must implement a Golf Course Management Plan enacting measures to reduce potential for ground and surface water impacts from golf course operations.[141]

Sanitary sewer service, engineered stormwater management, and other improvements to site hydrology will improve/protect water quality.[142]

The Hearing Examiner finds the proposed plan of development enhances the site's environmental features by removing exotic vegetation and restoring impacted upland and wetland vegetation.[143]

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[144] The Lee Plan requires an evaluation of public services during the rezoning process.[145]

The property has access to public services and infrastructure, including public water and sanitary sewer, paved roads, police, fire, and emergency medical services.[146] Education through Grade 8 is available at the Sanibel School on Sanibel Captiva Road. There is a library and two publicly accessible beach parks on the island.[147]

The property fronts Captiva Drive, a County maintained collector road.[148]

The MPD will receive potable water service from The Island Water Association, Inc. and sanitary sewer service from the Florida Governmental Utility Authority (FGUA).[149] FGUA has a facility within the boundaries of the MPD that serves the entire Resort.

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[140] Condition 20. Lee Plan Policy 23.1.3.
[141] Condition 19.
[142] Testimony of Carl Barraco, PE. *See* Lee Plan Goals 63, 125, Policies 125.1.1, 125.1.2, 123.1.3. will benefit surface and ground water quality.
[143] Lee Plan 125.1.2.
[144] Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[145] Lee Plan Goal 95 and Policy 2.2.1.
[146] Lee Plan Goal 95, Objectives 1.1, 2.2, Policies 1.1.6, 2.2.1, 2.2.2, 5.1.3, 6.1.1, 6.1.4.
[147] Turner Beach Park and Alison Hagerup Beach Park.
[148] Lee County Administrative Code 11-1.
[149] Lee Plan Objective 4.1, Standards 4.1.1, 4.1.2

The Captiva Island Fire Control District will provide fire protection and emergency medical services from Captiva Fire Department Station 181 on Captiva Drive.[150] Lee County Sheriff will continue to provide law enforcement services from its precinct offices within the resort.[151]

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[152]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.[153] Conditions must plausibly relate to the project's anticipated impacts and pertinent to mitigating impacts to the public.[154] The MPD will be subject to several conditions of approval designed to address impacts reasonably anticipated from development.[155]

The Hearing Examiner has the authority to recommend additional conditions on planned developments.[156] In furtherance of this authority, the Hearing Examiner recommends imposing modifications to the conditions applicable to the accessory parking deviation.[157]

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

The County Administrative Code identifies Staff and the Applicant as the parties to a zoning request. Some members of the public sought party status. These individuals included property owners within South Seas, but outside the confines of the 120.5 acres to be rezoned. The Code does not grant the Hearing Examine the authority to expand the scope of who may be a Party.

Due process is a flexible concept and requires proceedings be essentially fair. During the hearing, the public had the opportunity to testify at length, submit documents, ask questions, and suggest conditions.[158] The Hearing Examiner

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[150] Lee Plan Policy 65.2.1
[151] Sixth Precinct of the Lee County Sheriff is located within the South Seas Island Resort.
[152] LDC Chapter 2, Article VI.
[153] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).
[154] LDC §34-932(b).
[155] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 77.3, Policies 5.1.5, 6.1.4, 77.3.1.
[156] LDC 34-145(d)(1)c. and LDC 34-377(a)(2) and (3).
[157] Specifically, the Hearing Examiner removed credits for guest parking spaces on Multiple family/Timeshare uses and added a condition that the development order plans for accessory uses must demonstrate the parking provided to support the accessory use lies within 500 feet of the accessory use tract.
[158] The Hearing Examiner imposed no time limitations on speakers.

concludes the hearing provided procedural due process to the public and their representatives.[159]

Those who spoke at hearing expressed concerns regarding traffic, water supply, surface and groundwater quality, wildlife impacts, and emergency evacuation.

Many public speakers testified the request was a violation of development parameters authorized in the ADD, believing the ADD could not be amended.[160] Other speakers testified the request was inconsistent with the Lee Plan.[161]

The Hearing Examiner finds Applicant and Staff demonstrated the request is consistent with the Lee Plan. The Hearing Examiner concludes the requested MPD is a permissible amendment to prior development approvals summarized in the ADD.[162]

Conclusion

The Hearing Examiner recommends approval, subject to conditions in Exhibit B. The basis of this recommendation was informed by testimony, evidence, the Lee Plan, Land Development Code, and recommended conditions of approval.

The Hearing Examiner finds the MPD district meets LDC criteria and, as conditioned, is compatible with surrounding land uses.[163] Site and building design features promote storm resilience and further Lee Plan Policies protecting public health, safety, and welfare. The proposed redevelopment of the property is consistent with the property's historic use as a resort destination.

The Hearing Examiner revised conditions for clarity, compliance with state law, and to remove references to the LDC applicable to development by Condition 1.

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[159] Members of the public were not deprived of their rights in the hearing. While the enjoyment of their property may arguably be impacted by the request, they will not be deprived of the *use* of their property.
[160] The legitimacy of the requested rezone is discussed *supra* under the heading "Development History."
[161] As is the case with many regulations, the Lee Plan may be subject to differing interpretations however, where goals, objectives, or policies of particular elements conflict, conflicts must be resolved based on an analysis of the Lee Plan as a whole. Lee Plan Chapter XIII.a. One of the fundamental rules of statutory construction is that all parts of a regulation must be read together to achieve a consistent whole. Where possible, the Hearing Examiner must give effect to *all* code provisions and construe related provisions in harmony with one another. *Cf. Young v. Progressive Southeastern Ins. Co.*, 753 So. 2d 80, 84 (Fla. 2000) (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So.2d 452, 455 (Fla. 1992)).
[162] See analysis provided under the heading "Development History."
[163] Lee Plan Policy 6.1.4.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 8, 11, 23, 59, 63, 72, 73, 77, 95, 101, 123, 124, 125, 128, 158, 159, 160, 161; Objectives 1.5, 2.1, 2.6, 4.1, 5.1, 6.1, 8.2, 23.1, 23.2, 23.3, 23.4, 39.1, 39.2, 60.4, 61.2, 72.2, 77.1, 77.2, 77.3, 101.3, 101.4, 101.5, 123.2, 123.3, 123.4, 126.2, 128.4, 128.5, 135.1, 158.2, 158.3, 161.1, 161.3, 161.4, 162.2, Policies 1.1.6, 1.5.1, 1.6.4, 1.6.5, 2.2.1, 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 17.1.1, 17.1.3, 23.2.4, 23.2.6, 59.1.3, 61.1.6, 72.1.6, 72.2.1, 72.2.4, 73.2.2, 101.1.1, 101.1.2, 101.3.2, 101.3.4, 101.4.1, 123.1.5, 123.2.4, 123.2.8, 123.2.10, 123.2.12, 123.2.15, 124.1.1, 125.1.1, 125.1.4, 128.1.2, 135.1.9, 135.3.8, 135.9.6, 158.1.1, 161.1.3, 161.1.5, 161.3.1, Standards 4.1.1, 4.1.2, 4.1.3, Lee Plan Maps 1-A, 1-B, 1-H, 2-A, Tables 1(a), 1(b).

B. As conditioned, the MPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 5, 6, 11, 23, 101, Objectives 2.1, 2.2, 23.2, 159.2, 161.1, 161.3, Policies 1.1.5, 1.5.1, 1.6.4, 5.1.5, 6.1.4, 6.1.6, 23.2.1, 135.9.5, 135.9.6, 160.1.3, 161.3.1; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.4.3.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objectives 39.1, 39.2, Policies 37.3.3, 38.1.1, 38.1.5, 39.1.1, 39.2.2; LDC §§2-261 *et seq.*, 34-411(d) and (e).

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 23, 63, 77, 123, 124, 125, Objectives 2.6, 23.1, 23.3, 77.3, 101.4, 101.5, 123.2, 123.3, 123.4, 123.5, 123.6, 123.7, 124.1.1, 126.2, 128.4,128.5, Policies 1.5.1, 6.1.6, 23.1.3, 23.1.4, 23.1.6, 23.2.9, 60.4.1, 61.3.11, 61.3.13, 77.3.1, 77.3.3, 101.1.1, 101.1.2, 101.4.1, 101.5.1, 101.5.3, 123.1.5, 123.2.4, 123.2.12, 123.2.15, 123.3.3, 123.5.1, 123.6.1, 123.7.3, 123.7.4, 123.7.5, 125.1.1, 125.1.2, 125.1.3,125.1.4, 126.2.1, 128.1.2, 128.4.6, 161.1.5, and Standard 4.1.4.

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 95, Objectives 2.1, 2.2, 4.1, 66.1, 158.3, Policies 2.2.1, 6.1.4, 65.1.5, 65.2.1, 72.1.6, 73.2.2, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2, 4.1.3.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11, 158, 159, ; Objectives 2.1, 2.2, 23.1, 23.2, 135.1, 159.2, 161.1, Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 5.1.3, 6.1.7, 6.1.8, 101.3.2, 101.3.5, 135.1.9, 135.3.8, 135.9.6, 160.1.3, 161.1.5, 161.3.1, Lee Plan Tables 1(a), 1(b).

D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 59, 72, 101, 123, 124, 125, 126, Objectives 2.6, 23.1, 72.2, 77.3, 101.3, 123.3, 123.4, 123.5, 123.7, 126.2, Policies 5.1.5, 6.1.4, 6.1.6, 23.1.3, 23.2.3, 53.1.5, 54.1.2, 56.1.4, 61.1.6, 72.2.4, 77.3.1, 101.1.1, 101.3.2, 101.3.4, 101.3.5, 123.1.1, 123.1.5, 123.2.4, 123.2.6, 123.2.8, 123.2.10, 126.2.1, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).

E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. Lee Plan Policy 23.2.6, LDC §§34-373(a)(9), 34-377(a)(4).

Recommendation Date: July 9, 2025.

Donna Marie Collins
Chief Hearing Examiner

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

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

SKETCH AND DESCRIPTION

14830 CAPTIVA DRIVE
CAPTIVA ISLAND, LEE COUNTY, FLORIDA 33924

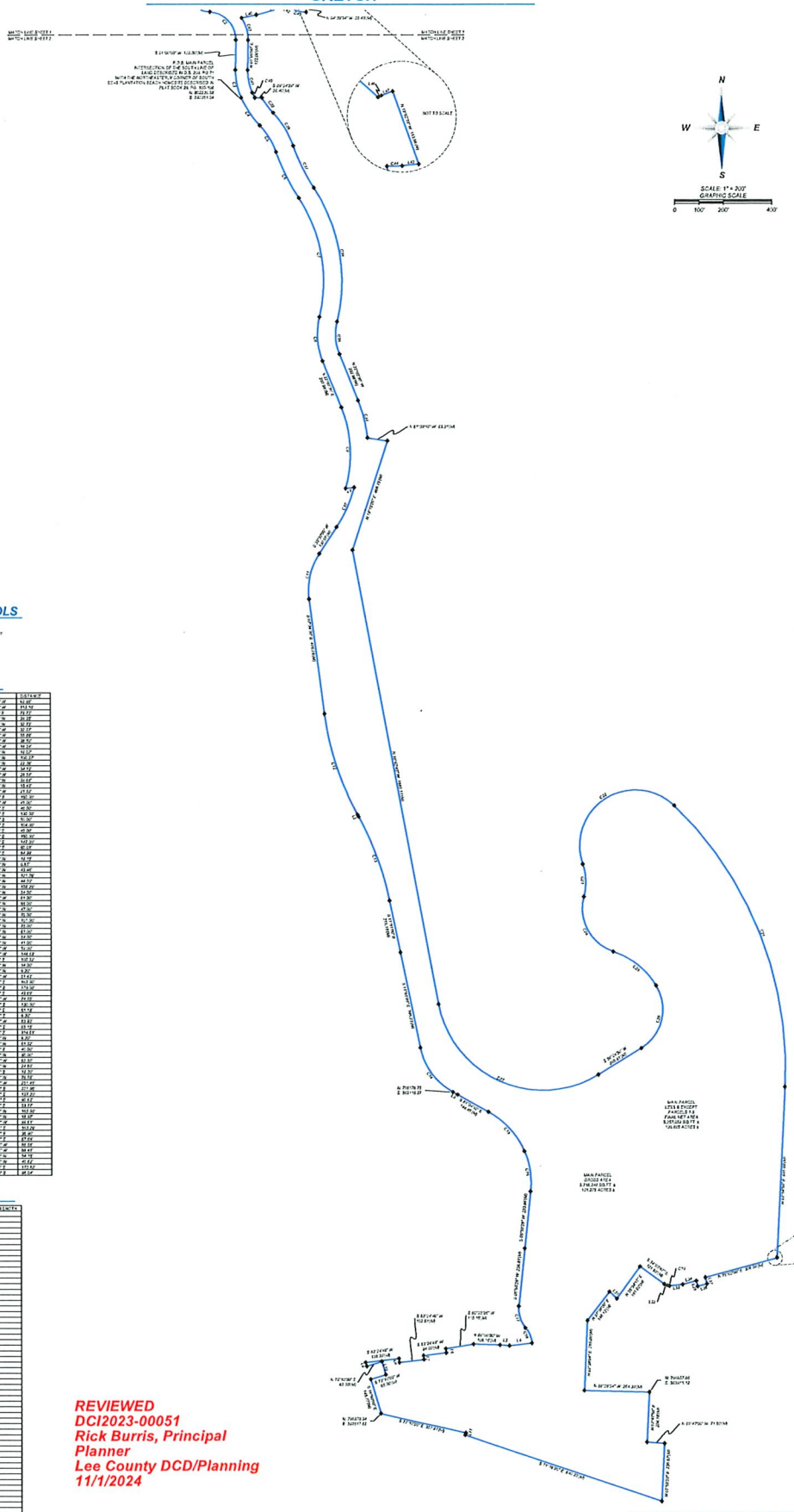
DESCRIPTION

MAIN PARCEL
BEGINNING AT A 6 INCH PIPE MARKING THE INTERSECTION OF THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3273 AT PAGE 79, LEE COUNTY RECORDS WITH THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO ON CAPTIVA BEACH AS SURVEYED AND PLATTED IN PLAT BOOK 19, PAGES 52 AND 53, LEE COUNTY RECORDS;
THENCE NORTH 44 DEGREES 29 MINUTES 38 SECONDS EAST ALONG SAID MEAN HIGH WATER LINE A DISTANCE OF 1,320.00 FEET;
THENCE NORTH 45 DEGREES 30 MINUTES 22 SECONDS WEST A DISTANCE OF 50.00 FEET;
THENCE NORTH 44 DEGREES 29 MINUTES 38 SECONDS EAST

SKETCH AND DESCRIPTION

14830 CAPTIVA DRIVE
CAPTIVA ISLAND, LEE COUNTY, FLORIDA 33924

SKETCH



LEGEND & SYMBOLS

◆	BOUNDARY CORNER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
(M)	MEASURED DIMENSION
	BOUNDARY LINE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°30'00" E	30.00'
L2	S 00°30'00" E	10.00'
L3	S 89°30'00" E	21.12'
L4	S 89°30'00" E	30.00'
L5	S 89°30'00" E	30.00'
L6	S 89°30'00" E	30.00'
L7	S 89°30'00" E	30.00'
L8	S 89°30'00" E	30.00'
L9	S 89°30'00" E	30.00'
L10	S 89°30'00" E	30.00'
L11	S 89°30'00" E	30.00'
L12	S 89°30'00" E	30.00'
L13	S 89°30'00" E	30.00'
L14	S 89°30'00" E	30.00'
L15	S 89°30'00" E	30.00'
L16	S 89°30'00" E	30.00'
L17	S 89°30'00" E	30.00'
L18	S 89°30'00" E	30.00'
L19	S 89°30'00" E	30.00'
L20	S 89°30'00" E	30.00'
L21	S 89°30'00" E	30.00'
L22	S 89°30'00" E	30.00'
L23	S 89°30'00" E	30.00'
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L113	S 89°30'00" E	30.00'
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L119	S 89°30'00" E	30.00'
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L121	S 89°30'00" E	30.00'
L122	S 89°30'00" E	30.00'
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L157	S 89°30'00" E	30.00'
L158	S 89°30'00" E	30.00'
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L162	S 89°30'00" E	30.00'
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L208	S 89°30'00" E	30.00'
L209	S 89°30'00" E	30.00'
L210	S 89°30'00" E	30.00'
L211	S 89°30'00" E	30.00'
L212	S 89°30'00" E	30.00'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	123.41'	330.00'	S 46°13'53" E	122.70'
C2	123.33'	330.00'	S 46°30'49" E	122.61'
C3	119.26'	330.00'	S 31°30'32" E	118.62'
C4	123.26'	330.00'	S 31°27'51" E	122.59'
C5	123.13'	330.00'	S 31°27'51" E	122.46'
C6	123.13'	330.00'	S 31°27'51" E	122.46'
C7	123.13'	330.00'	S 31°27'51" E	122.46'
C8	123.13'	330.00'	S 31°27'51" E	122.46'
C9	123.13'	330.00'	S 31°27'51" E	122.46'
C10	123.13'	330.00'	S 31°27'51" E	122.46'
C11	123.13'	330.00'	S 31°27'51" E	122.46'
C12	123.13'	330.00'	S 31°27'51" E	122.46'
C13	123.13'	330.00'	S 31°27'51" E	122.46'
C14	123.13'	330.00'	S 31°27'51" E	122.46'
C15	123.13'	330.00'	S 31°27'51" E	122.46'
C16	123.13'	330.00'	S 31°27'51" E	122.46'
C17	123.13'	330.00'	S 31°27'51" E	122.46'
C18	123.13'	330.00'	S 31°27'51" E	122.46'
C19	123.13'	330.00'	S 31°27'51" E	122.46'
C20	123.13'	330.00'	S 31°27'51" E	122.46'
C21	123.13'	330.00'	S 31°27'51" E	122.46'
C22	123.13'	330.00'	S 31°27'51" E	122.46'
C23	123.13'	330.00'	S 31°27'51" E	122.46'
C24	123.13'	330.00'	S 31°27'51" E	122.46'
C25	123.13'	330.00'	S 31°27'51" E	122.46'
C26	123.13'	330.00'	S 31°27'51" E	122.46'
C27	123.13'	330.00'	S 31°27'51" E	122.46'
C28	123.13'	330.00'	S 31°27'51" E	122.46'
C29	123.13'	330.00'	S 31°27'51" E	122.46'
C30	123.13'	330.00'	S 31°27'51" E	122.46'
C31	123.13'	330.00'	S 31°27'51" E	122.46'
C32	123.13'	330.00'	S 31°27'51" E	122.46'
C33	123.13'	330.00'	S 31°27'51" E	122.46'
C34	123.13'	330.00'	S 31°27'51" E	122.46'
C35	123.13'	330.00'	S 31°27'51" E	122.46'
C36	123.13'	330.00'	S 31°27'51" E	122.46'
C37	123.13'	330.00'	S 31°27'51" E	122.46'
C38	123.13'	330.00'	S 31°27'51" E	122.46'
C39	123.13'	330.00'	S 31°27'51" E	122.46'
C40	123.13'	330.00'	S 31°27'51" E	122.46'
C41	123.13'	330.00'	S 31°27'51" E	122.46'
C42	123.13'	330.00'	S 31°27'51" E	122.46'
C43	123.13'	330.00'	S 31°27'51" E	122.46'
C44	123.13'	330.00'	S 31°27'51" E	122.46'
C45	123.13'	330.00'	S 31°27'51" E	122.46'
C46	123.13'	330.00'	S 31°27'51" E	122.46'
C47	123.13'	330.00'	S 31°27'51" E	122.46'
C48	123.13'	330.00'	S 31°27'51" E	122.46'
C49	123.13'	330.00'	S 31°27'51" E	122.46'
C50	123.13'	330.00'	S 31°27'51" E	122.46'
C51	123.13'	330.00'	S 31°27'51" E	122.46'
C52	123.13'	330.00'	S 31°27'51" E	122.46'
C53	123.13'	330.00'	S 31°27'51" E	122.46'
C54	123.13'	330.00'	S 31°27'51" E	122.46'
C55	123.13'	330.00'	S 31°27'51" E	122.46'
C56	123.13'	330.00'	S 31°27'51" E	122.46'
C57	123.13'	330.00'	S 31°27'51" E	122.46'
C58	123.13'	330.00'	S 31°27'51" E	122.46'
C59	123.13'	330.00'	S 31°27'51" E	122.46'
C60	123.13'	330.00'	S 31°27'51" E	122.46'
C61	123.13'	330.00'	S 31°27'51" E	122.46'
C62	123.13'	330.00'	S 31°27'51" E	122.46'
C63	123.13'	330.00'	S 31°27'51" E	122.46'
C64	123.13'	330.00'	S 31°27'51" E	122.46'
C65	123.13'	330.00'	S 31°27'51" E	122.46'
C66	123.13'	330.00'	S 31°27'51" E	122.46'
C67	123.13'	330.00'	S 31°27'51" E	122.46'
C68	123.13'	330.00'	S 31°27'51" E	122.46'
C69	123.13'	330.00'	S 31°27'51" E	122.46'
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REVIEWED
DCI2023-00051
Rick Burris, Principal Planner
Lee County DCD/Planning
11/1/2024

THIS IS NOT A SURVEY

JOB NUMBER: 23-002.01	DRAWN BY: DW / DMD/DCH
REVIEWED BY: KAT	SHEET: 2 OF 2

NOTES:
1) ALL PLANE COORDINATES REPORTED ON THIS SKETCH ARE SHOWN FOR NAD83 (HPGN) ADJUSTED TO FLORIDA WEST ZONE

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

3825 N. SHORE DRIVE - FAYETTEVILLE, AR 72703
EMAIL: DAVID@BLEW.COM
OFFICE: 479.443.4506 FAX: 479.521.1164
WWW.BLEWPA.COM



DCI2023-00051

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500 2,000 2,500 3,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. **Master Concept Plan and Development Parameters**

   a. Master Concept Plan (MCP). Development must substantially comply with the seven-page MCP Entitled "South Seas Island Resort MPD, last revised April 29, 2025, and attached hereto as Exhibit B1.

   b. Development Parameters. Development is limited to a maximum of 193 multiple-family dwelling units or timeshare units, and 435 hotel rooms with common infrastructure and Resort amenities. The maximum height of buildings is 45 feet.

   c. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of local development order approval, except where deviations have been approved herein. Subsequent amendments to the MCP, its auxiliary documentation, or conditions herein may be subject to further development approvals.

2. **Schedule of Uses and Property Development Regulations**

   a. **Schedule of Uses**

   RESIDENTIAL TRACTS (B, E & H)

   Accessory uses and structures: (see Condition 8)
   - Consumption on Premises, including outdoor seating (see Condition 7)
   - Club, private
   - Food and beverage service, limited
   - Home occupation
   - Multi-slip docking facility (see Condition 12)
   - Parking lot, accessory
   - Real estate sales office
   - Recreational facilities, private on-site
   - Restaurants, Groups I, II and III

   Caretaker's residence (limited to 2 within the MPD)

   Dwelling unit:
   - Multiple-family building

   Entrance gates and gatehouses

   Essential services facilities, Group I

   Excavation, water retention

   Fences, walls

Model display center
Signs
Temporary uses (see Conditions 7, 8)
Timeshare units (limited to a density equivalent of 1 dwelling unit:1 timeshare unit, regardless of number of bedrooms)

HOTEL (TRACTS A-1 & I-1)
Accessory uses and structures: (see Condition 8)
- Bait and tackle shop
- Bar or cocktail lounge
- Consumption on Premises, including outdoor seating (see Condition 7)
- Convenience food and beverage store, no gas pumps
- Cultural facilities
- Day care center, child
- Food and beverage service, limited
- Gift and souvenir shop
- Home occupation
- Multi-slip docking facility (see Condition 12)
- Parking lot, accessory, and temporary
- Personal services (Groups I and II limited to ATM, barber or beauty shop, health club, and massage establishment)
- Pet services
- Rental or leasing establishments, Group I only
- Recreational facilities, private on-site
- Restaurants, Groups I, II, and III
- Specialty retail shop, Groups I and II
- Transportation services, Groups I and II

Entrance gates and gatehouses
Essential services facilities, Group I
Excavation, water retention
Fences, walls
Hotel/motel, limited to 435 rooms for the MPD (see Condition 10)
Signs
Temporary uses (see Conditions 7, 8)

RESORT RECREATION (TRACTS A, C, F, G & I)
Accessory uses and structures: (see Condition 8)
- Bait and tackle shop
- Bar or cocktail lounge
- Consumption on Premises, including outdoor seating (see Condition 7)
- Convenience food and beverage store, no gas pumps
- Cultural facilities
- Day care center, child
- Food and beverage service, limited

- Gift and souvenir shop
- Home occupation
- Multi-slip docking facility (see Condition 12)
- Parking lot, accessory, and temporary
- Personal services (Groups I and II limited to ATM, barber or beauty shop, health club, and massage establishment)
- Pet services
- Rental or leasing establishments, Group I only
- Recreational facilities, private on-site
- Restaurants, Groups I, II, and III
- Specialty retail shop, Groups I and II
- Transportation services, Groups I and II

Entrance gates and gatehouses
Essential services facilities, Group I
Excavation, water retention
Fences, walls
Signs
Temporary uses (see Conditions 7, 8)

GOLF COURSE (TRACT J)
Accessory uses and structures: (see Conditions 8, 20)

- Bait and tackle shop
- Bar or cocktail lounge
- Consumption on Premises, including outdoor seating (see Condition 7)
- Convenience food and beverage store, no gas pumps
- Club, private
- Food and beverage service, limited
- Gift and souvenir shop
- Golf course (see Condition 20)
- Golf course driving range (see Condition 20)
- Maintenance facility
- Parking lot, accessory, and temporary
- Personal services (Groups I and II limited to ATM, barber or beauty shop, health club, and massage establishment)
- Rental or leasing establishments, Group I only
- Recreational facilities, private on-site
- Restaurants, Groups I, II, and III
- Specialty retail shop, Groups I and II
- Storage, open

Entrance gates and gatehouses
Essential services facilities, Group I
Excavation, water retention
Fences, walls
Signs
Temporary uses (see Conditions 7, 8)

DOCKING FACILITIES (TRACTS D & F-1)

Accessory uses and structures: (see Condition 8)
- Bait and tackle shop
- Bar or cocktail lounge
- Boat Ramp, limited to one on Tract D only
- Consumption on Premises, including outdoor seating (see Condition 7)
- Convenience food and beverage store
- Club, private
- Food and beverage service, limited
- Gasoline dispensing system
- Gift and souvenir shop
- Maintenance facility
- Parking lot, accessory, and temporary
- Personal services (Groups I, II - limited to ATM, barber or beauty shop, health club, and massage establishment)
- Rental or leasing establishments, Group I only
- Recreational facilities, private on-site
- Restaurants, Groups I, II, and III
- Specialty retail shop, Groups I, II
- Storage, indoor
- Transportation services, Groups I,II

Caretaker's residence (limited to 2 within the MPD)
Entrance gates and gatehouses
Essential services facilities, Group I
Excavation, water retention
Fences, walls
Multi-slip docking facility (see Condition 12)
Signs
Temporary uses (see Conditions 7, 8)

UTILITY & SUPPORT SERVICE TRACTS (K, L-1 & L-2)

Accessory uses and structures: (see Condition 8)
- Parking lot, accessory, and temporary
- Storage, open

Entrance gates and gatehouses
Essential services facilities, Groups I, II (excluding sewage disposal or treatment facilities, solid waste transfer station, private, on-site)
Excavation, water retention
Fences, walls
Maintenance facility
Wireless communications facility (see Condition 13)
Signs

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	4,500 square feet (2,000 square feet for accessory use tracts)
Lot Width:	N/A
Lot Depth:	N/A

Minimum Building Setbacks and Maximum Building Heights:

Street, public	25 feet
Street, private	10 feet (see Condition 3.c)
Waterbody, artificial	No setback
Waterbody (principal buildings):	25 feet (no setback for accessory buildings within docking facility tracts)
Waterbody, Gulf of Mexico	50 feet
Other building setbacks:	See Condition 3
Maximum building height:	45 feet (see Condition 9)
Maximum Lot coverage:	75 percent (Tract A-1 and I-1 90 percent)
Building separation:	10 feet unless a greater separation is required by building/fire code

3. Building Setbacks

Waterbody and street setbacks are addressed in Condition 2.b.

a. Internal. There is no minimum building or structure setback required from lot lines internal to the MPD boundary, provided building separation and other development regulations are met.

b. External. Building and structure setbacks from the development perimeter are classified as perimeter setbacks. Buildings and structures must be set back from the development perimeter a distance equal to the greater of 15 feet or one-half the height of the building/structure. Building/structure heights will be measured in accordance with the LDC.

Exceptions:

i. Building/structure locations authorized by Deviations 10A and 10B.

ii. Existing development abutting the development perimeter that abuts public or quasi-public property.

iii. Existing development on Tract L-2.

Internal Street:

i. Internal street setbacks are measured from the edge of road pavement.

ii. No internal street setback is required for the security building, signs, walls, building overhangs, and entrance features in compliance with LDC vehicle visibility requirements.

iii. No building or structure may encroach into a street easement when contrary to the purpose or terms of the easement.

4. Open Space and Indigenous Preservation

a. Open Space. Open space and indigenous preservation must be substantially consistent with the MCP Open Space/Preserve Exhibit. (Exhibit B1: MCP Page 4 of 7). Individual development tracts must include a minimum of 10 percent open space.

b. Preserve uses. Uses in preserve areas are limited to an elevated boardwalk for passive recreational use and required maintenance activities authorized by local, state and federal permits. Mangrove trimming necessary to construct the boardwalk is subject to state and federal agency approval.

c. Indigenous Management Plan. Developer must submit a Limited Review Development Order within 180 days of the MPD approval that outlines:

i. Exotic vegetation removal method, frequency, and monitoring.

ii. Mangrove maintenance and monitoring with the issuance of a Vegetation Removal Permit for trimming and monitoring.

iii. Details for boardwalks and kiosks within the preserve.

5. Protected Species Management Plan

Developer must submit a Limited Review development order establishing a Protected Species Management Plan for the MPD within 180 days of the effective date of the zoning. The Management Plan must include the following:

a. Migratory Birds and Wading Birds. Architectural plans submitted with development order plans for buildings must be reviewed by Environmental Sciences staff for utilization of window treatment to reduce or break up window panel reflection to decrease potential bird strikes. Examples of acceptable window treatment include non-reflective tinting, ultraviolet reflective decals, exterior sunshades, covered balconies, or similar treatments. This condition is limited to window and door panel building facades facing the Gulf of Mexico and Pine Island Sound.

b. Southern Bald Eagle. Developer must comply with the Bald Eagle Management Plan dated February 2024 for proposed impacts within 660 feet of the bald eagle nest. (Exhibit B2). Future development order plans must reflect the 660-foot buffer zone, activities, and restrictions outlined in the Bald Eagle Management Plan.

c. Florida Bonneted Bat and Red-Cockaded Woodpecker. The Protected Species Management Plan will specify that prior to the issuance of a Vegetation Removal Permit for Tract E, Developer must submit updated inspection reports for the cavity trees to ensure Florida Bonneted Bat and Red-Cockaded Woodpecker protection. Upon confirmation of Bonneted Bat or Red-Cockaded Woodpecker presence, Developer must consult with U.S. Fish and Wildlife Service for recommended actions to protect the species.

d. Sea Turtles. The Protected Species Management Plan must require buildings within the Sea Turtle Lighting District to comply with LDC window and lighting requirements. Buildings outside the Sea Turtle Lighting District must demonstrate compliance with LDC lighting requirements exterior to the buildings only.

e. Lighting. The Protected Species Management Plan must require Developer to submit a photometric plan with each development order with structures proposed within the Sea Turtle Lighting District and adjacent to indigenous preserves. The Plan must ensure lighting from developed areas does not directly illuminate the indigenous preserve, nesting sea turtle habitat, and restoration areas by shielding fixtures and eliminating up lighting. Developer must include these lighting standards in the Indigenous Management Plan and on future development order plans.

f. Map. A map depicting the location of protected species currently located onsite and the protection measures proposed for existing species.

g. Human Wildlife Coexistence. A Human Wildlife Coexistence Plan must include wildlife crossings, educational signage, educational brochures to include window treatments, geofencing for golf carts, dark sky etiquette, and removal of beach furniture at dusk during turtle nesting season.

h. Protected Species Management Plans. Protected Species Management Plans must comply with LDC §10-474.

6. Redfish Pass Buffer

The north property line abutting Redfish Pass (extending from the Gulf of Mexico to Pine Island Sound) must include a buffer consistent with the Hardened Shoreline Exhibit and Revetment Planting Plans. (Attached as Exhibit B3). The Plans depict

a two-foot-wide buffer with 768 native grasses and sea oats specified at a minimum of a one-gallon container size and installed two feet on center.

7. Consumption on Premises and Outdoor Entertainment and Events

a. Locations Permitted. Consumption on Premises is permitted where indicated by asterisks on the MCP, subject to the following conditions:

i. Residential Tracts B, E & H. is permitted on residential tracts in conjunction with a restaurant, private club and/or limited food and beverage service, or temporary use.

ii. Hotel, Resort Recreation, Golf Course, and Docking Facilities Tracts A-1, 1-A, A, C, F, G, I, J, D & F-1. Consumption on Premises is permitted on hotel and resort tracts in conjunction with customary accessory resort uses identified in Condition 2.a. or temporary uses.

iii. Hours of Operation. Consumption on Premises hours of operation are subject to Lee County Alcoholic Beverage Ordinance 76-09, and Lee County Noise Control Ordinance 14-18, as amended by Ordinances 22-10 and 23-05, or as may be amended from time to time. Consumption on Premises for indoor areas will be limited to 2 AM daily.

Hours of operation for Consumption on Premises in outdoor seating areas or in conjunction with temporary uses is limited to 11 PM, Sunday through Thursday, and 12 AM, Thursday through Saturday. Consumption on Premises is further limited to 11 PM, seven days per week, on Tract G and 10 PM, seven days per week on Tract C.

b. Outdoor Entertainment and Events.

i. Residential Tracts B, E, H. Outdoor entertainment is permitted on residential tracts in conjunction with a restaurant, private club, limited food and beverage service, or temporary use.

ii. Hotel, Resort Recreation, Golf Course, and Docking Facilities Tracts A-1, A, C, D, F, F-1, G, I, I-1, J. Outdoor entertainment is permitted in conjunction with customary accessory resort uses identified in Condition 2.a. and temporary uses.

iii. Amplified Sound. Outdoor entertainment utilizing amplified speaker systems or similar systems is limited to 10 PM, seven days per week. Outdoor amplified music must comply with the Lee County Noise Ordinance (Ordinance 14-18, as amended by Ordinance 22-10 and Ordinance 23-05) as may be amended.

iv. Live Entertainment. Outdoor live entertainment is prohibited after 9 PM, seven days per week, on Tract C and G. Use of speakers or similar amplified systems located outside of building(s) is prohibited after 9 PM, seven days per week, on Tract G.

8. Accessory Uses, Buildings, and Structures

a. Primary uses. Primary uses include hotel/motel, timeshare units, dwelling units: multiple-family building, essential service facilities, Group II (as limited in schedule of uses), and wireless communication facility.

b. Accessory uses. Customary accessory uses not listed in the schedule of uses may be permitted, provided the uses are clearly incidental and subordinate to a permitted principal use.
Accessory resort uses are limited to transient guests and property owners of the MPD and transient guests and property owners of the South Seas Island Resort.

i. Access to accessory resort uses may be subject to membership agreements, access fee(s), and other conditions at Applicant/Successors' sole discretion. Transient guests and property owners of the South Seas Island Resort may not access accessory resort uses without complying with membership agreements or access fees.

ii. Sale or offering of day/amenity passes to the public is prohibited.

c. Resort-sponsored social events. Resort sponsored social events, limited to transient guests and property owners of the South Seas Island Resort, qualify as duly permitted events and are permitted by right on Thursdays, Fridays, Saturdays, Sundays, and Federal holidays, subject to compliance with Condition 7.

Outdoor uses may not block roads, accessways, or parking areas, and may not occur within preserves, landscape buffers, or stormwater management areas. Tents and similar structures, ancillary to Resort-sponsored social events, are permitted without frequency limitations. Tents and similar structures exceeding State Fire Marshal thresholds must receive requisite approvals.

9. Building and Structure Height

a. Height Limitation. Developer may not exceed the building and structure heights specified herein without approval through the public hearing process. The provisions of LDC §34-2174 (additional permitted height when increased setbacks provided) are inapplicable within the planned development.

b. Resiliency. Principal and accessory buildings located within "V Zones", or within a "Coastal A Zone," depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), may increase the height of the lowest minimum habitable floor for which a building permit may be issued by a maximum of four feet and exceed the

applicable height limitation of 45 feet proportionally. All other principal and accessory building heights will be measured in accordance with LDC §34-2171(b).

c. Exception to height limitations for certain structural/ornamental elements. Purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend above the roof peak of a building provided the total area dedicated to the exceedance, as measured by drawing a rectangle around the perimeter of the area(s) of the exceedances, equals 20 percent or less of the total roof area. These appurtenances may not exceed 6 feet above maximum permitted building heights.

d. Tract B. Development on Tract B within 25 feet of the Captiva Drive right-of-way is limited to 35 feet in height. Development exceeding 35 feet in height must set back from Captiva Drive one foot for every one foot in excess of 35 feet. Buildings may incorporate tiered heights within the same structure to meet this requirement.

e. Amenity Tracts. Buildings located on the amenity and Resort recreation tracts are limited to 35 feet in height. Recreational structures, including slides and similar structures, are not buildings and are permitted up to a maximum of 45 feet in height.

10. Hotel/Motel

Hotel/motel uses must comply with the following conditions:

a. Expansion. Hotel/motel development is limited to Tracts A-1 and I-1 depicted on the MCP. Proposed expansion of designated hotel/motel tract acreage or relocation of hotel/motel to a different tract requires approval through the public hearing process.

b. Banquet Halls. Meeting space and banquet halls are limited to 40,000 square feet collectively within the MPD and must be located on Hotel Tracts A-1 or I-1. Use of these facilities is limited to transient guests and property owners in South Seas Island Resort, subject to limitations in Condition 8.c.

c. Unit Distribution. Tract I-1 may develop up to 260 hotel rooms.

11. Lock-off Accommodations

Each "keyed room" of lock-off accommodations will be calculated as a separate dwelling unit or hotel room.

12. Multi-Slip Docking Facilities/Boat Slips

a. Manatee Protection. Development order submittals to expand or reconfigure the docking facilities must include a current Manatee Protection Plan evaluation.

b. Boat Maintenance. Boat maintenance activities are prohibited within the multi-slip docking facilities with the exception of emergency repairs.

c. Slips. Development order submittals to expand or reconfigure docking facilities must depict and number of proposed and existing boat slips on development order plans. The MPD is limited to a maximum of 620 boat slips, of which 250 slips may be developed on-site. The number may be modified based on review and approval by the County for compliance with the Manatee Protection Plan.

d. Management Plans. Within 180 days of MPD zoning approval, Developer must submit the following management plans for review and approval by County Division of Natural Resources:

i. Multi-Slip Docking Facility Basin Management Plan;

ii. Hazardous Materials Management Plan;

iii. Spill and Contamination Contingency Plan

1. The Spill and Contamination Contingency Plan must address the collection and treatment of runoff from fueling and activities prior to discharge. The Plan must also describe measures to reduce contamination of water bodies from boat refueling and maintenance, and emergency clean up procedures.

iv. Emergency Preparedness Plan.

1. Developer must prepare an Emergency Preparedness Plan in accordance with Administrative Code 7-7.

v. Educational Material and Signs.

1. Developer must submit examples of educational materials and signs designed to notify residents/guests on manatee protection. Developer must install educational signs prior to issuance of Certificate of Compliance on any portion of the docking facility.

13. Existing Wireless Communications Facility

MPD approval does not alter the legitimacy of the wireless communications facility on Tract K. The wireless communications facility remains subject to the LDC and approvals on record. Modification or replacement of the facility will be subject to LDC regulations in effect at the time of the request.

14. Development Tracking/Parameters

a. Development order submittals must include a cumulative land development summary table, with a report/tabulation itemizing:

i. Number of hotel rooms proposed by the development order application.

ii. Number of dwelling units proposed by the development order application.

iii. Number of boat slips proposed by the development order application.

iv. Intensity and type of resort amenities proposed by the development order application.

v. Cumulative total of hotel rooms, dwelling units, boat slips, and resort amenities permitted by previous development order approvals or development orders under concurrent review.

vi. Remaining hotel rooms, dwelling units, and boat slips available for future development.

15. Tract G Enhanced Building Perimeter Plantings

In addition to code required perimeter plantings, Developer must install a 5-foot-wide planted area, containing 12 trees, 76 shrubs, ground cover to the south of the accessory resort building on Tract G.

Developer must also install an 8-foot-tall sound attenuating wall, comprised of masonry and sound paneling, on the south edge of the outdoor seating area associated with the building. The measurement of wall height must commence from the highest elevated walking surface or seating area appurtenant to the building.

16. Lee County Sheriff's Department Substation

a. One boat slip for the Lee County Sheriff's Office will be provided on MCP Tract F-1.

b. Developer will provide the Lee County Sheriff's Office (LCSO) a minimum of 500 square feet of finished shell space on adjacent, commonly owned property, for use as a Sheriff's Substation to facilitate law enforcement activities. This space is provided at no cost to LCSO. Developer must obtain required development permits.

17. Fire Protection

Developer will provide one boat slip for the Captiva Fire District on MCP Tract D.

18. Transportation

a. Trolley Service. Developer must operate a trolley service internal to the MPD, providing continuous service throughout the resort, 365 days per

year, during the hours of 7 a.m. to 10 p.m., except when the Resort is closed, subject to limitations in Condition 8.c.

b. Guest Service Vehicle. Developer must provide an on-demand guest service vehicle from 10 p.m. to 12 a.m. 365 days per year, except when the is closed.

c. Employee Shuttle. Developer must operate an employee shuttle service providing group transportation from a minimum of three locations on mainland Lee County (Fort Myers, Cape Coral and/or Lehigh Acres), 365 days per year, except when the Resort is closed.

19. Golf Course Management Plan

Within 180 days of MPD approval, Developer must submit a Golf Course Management Plan implementing the following management guidelines to reduce potential for ground and surface water impacts from the golf course:

a. Fertilizers. Fertilizers with low leaching potential (slow release) must be used when possible. Fertilizers must not be applied after active growth of the turf grass has ceased. Application rates must be kept to the lowest reasonable levels.

b. Integrated Pest Management and Nutrient Management Programs. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemical management plan that includes an Integrated Pest Management (IPM) Program and a Nutrient Management Program that uses nutrients and pesticides only when absolutely necessary. The IPM Program must address prevention, diagnosis, and limited treatment with pesticides, when necessary, rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. Pesticide application may only involve purposeful and minimal application of pesticides, aimed at targeted species. Regular widespread application of broad spectrum pesticides is prohibited. The IPM Program must minimize pesticide use and utilize the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides with a minimum potential for leaching or loss from runoff.

The Nutrient Management Program must be based on the USDA-NRCS Nutrient Management Standard and include soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Developer must submit the chemicals management plan to Lee County Natural Resources staff for review and approval.

c. Application. The golf course manager must coordinate pesticide application with irrigation practices (timing and application rates of irrigation water) to reduce runoff and leaching of applied pesticides and nutrients.

d. Golf Course Management. The property owner must utilize a golf course manager licensed by the state to use restricted pesticides with experience in the principles of IPM. The golf course manager is responsible for ensuring golf course fertilizers are selected/applied to minimize fertilizer run off into surface water and leaching into the groundwater.

e. Storage of Fertilizer and Pesticides. Storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize pollution of the natural environment.

f. Best Management Practices. Developer must demonstrate compliance with "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", prepared by the Florida Department of Environmental Protection, September 2012, as amended, outlined below:

i. Pesticides. Separate mixing and loading facilities for pesticides and separate pesticide storage areas must be provided in compliance with the Best Management Practices for Golf Course Maintenance Departments.

ii. Fertilizer. Separate mixing and loading facilities for fertilizer and separate fertilizer storage areas must be provided in compliance with the Best Management Practices for Golf Course Maintenance Departments.

iii. Construction Materials. Construction material for proposed buildings must follow the Best Management Practices for Golf Course Maintenance Departments.

iv. Equipment Storage. Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. Pest Resistant Vegetation. Alterations to the existing golf course must be planted with a turf grass cultivated variety that is pest resistant, requiring relatively low fertilizer use.

h. Irrigation. The irrigation system must operate on an "as needed" basis using weather forecasting and ongoing assessment of soil moisture content. This condition does not require Developer to purchase or install high technology weather forecasting or rain monitoring equipment.

i. Pollution. If surface water pollution occurs, based on the rules or regulations in effect, and if the pollution is caused by the application of fertilizers, herbicides, or pesticides to the golf course, application of the pollutant must

cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides, or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, the Developer must implement a mitigation plan approved by Lee County and other appropriate agencies.

j. Lake Slope Maintenance. Developer must submit an annual Lake Slope Maintenance Report (certified by a Professional Engineer registered in the State of Florida) to the Lee County Division of Natural Resources.

20. Water Quality Monitoring

Water Quality Monitoring. If a development order application is submitted to establish a positive outfall/discharge point, Developer must provide a Water Quality Monitoring Plan to Lee County Division of Natural Resources for review and approval. The Water Quality Monitoring Plan must include the following:

a. Monitoring Schedule. A monitoring schedule consisting of two sampling events, one at the beginning of "wet" season (June) and one at the end of "wet" season (September).

b. Monitoring Locations. Surface water quality monitoring locations must be established at each outfall.

c. Items Monitored. Surface water monitoring analytes must include Temperature, Dissolved Oxygen, pH, Turbidity, Total Dissolved Solids, Specific Conductance, Total Nitrogen, Total Phosphorus, NOX (nitrite + nitrate), Iron, Copper, and FL Pro.

d. Contingency Plan. A contingency plan in the event of an exceedance of State water quality standards is discovered.

e. Annual Reports. Developer must provide Annual Water Quality Monitoring Reports to Lee County Division of Natural Resources as long as the golf course operates. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources. Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources.

DEVIATIONS

1. **Buffers**. Deviation 1 seeks relief from LDC §10-416(d), which requires buffering when different uses abut, to allow no buffering between internal uses.

Deviation 1 is approved, subject to the following condition:

No internal buffers are required between the following tracts:

a. Hotel Tract I-1 and Recreation Tract I
b. Hotel Tract I-1 and Marina Tract F-1
c. Residential/Resort Tract H and Recreation Tracts F, G, and I
d. Hotel Tract A-1 and Recreation Tracts A and C.

2. **Buffers on South Seas Plantation Road**. Deviation 2 seeks relief from LDC §10-416(d), which requires a 15-foot-wide Type-D buffer with five trees per 100 linear feet and a double hedge, to allow indigenous preservation along the east side of South Seas Plantation Road to meet buffer requirements and to allow no buffer along the west side of South Seas Plantation Road.

Deviation 2 is approved, subject to the following condition:
A Type D buffer is not required to abut South Seas Plantation Road. In lieu of the Type D buffer, building perimeter plantings must be provided abutting Tract G (the Beach House restaurant) to provide screening abutting South Seas Plantation Road, which consists of native groundcovers, grasses, and trees in accordance with the building perimeter requirements per LDC Section 10-416(b).

3.A. **Golf Course Tract Buffer**. Deviation 3A seeks relief from LDC §10-416(d), which requires a Type-C or Type-F buffer between the golf course tract (Tract J) and Lands' End Condominium to allow the continuation of no buffer between the uses to remain.

Deviation 3.A is approved.

3.B. **Buffers**. Deviation 3B seeks relief from LDC §10-416(d), which requires a Type-C or Type-F buffer between Tract I and the timeshare units to the north, to allow the continuation of no buffer between the uses.

Deviation 3.B is Approved.

3.C. **Buffers**. Deviation 3C seeks relief from LDC §10-416(d), which requires a Type-C or Type-F buffer between Tracts A-1, C, L-1 and L-2 abutting multi-family developments under separate ownership to the east, to allow no buffers in conjunction with Tracts L-1 and L-2, and modified buffers for Tracts A-1 and C.

Deviation 3.C is approved, subject to the following conditions:

(1) Development order plans for Tract A-1 must depict a ten-foot-wide buffer along the entire property line of Tract A-1 abutting property under separate ownership. Planting content must include five trees per 100 linear feet and a single hedge. Trees must meet LDC specifications. Shrubs must be five feet in height at installation, planted four feet on center, and maintained at eight feet in height. If a fence or wall is incorporated with the buffer, the fence/wall must be set back ten feet from the development perimeter.

(2) *Development order plans for Tract C must depict a six-foot-wide buffer along the entire property line of Tract C abutting property under separate ownership. Planting content must include a decorative fence, five trees per 100 linear feet, and a single hedge. Trees must meet LDC specifications. Shrubs must be planted at five feet in height, installed four feet on center, and maintained at eight feet in height.*

4.A. **Waterway Buffer**. Deviation 4A seeks relief from LDC §10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow approved dune restoration plantings along the Gulf of Mexico to serve as the buffer.

Deviation 4.A is approved, subject to the following conditions:

(1) *Development order plans for Tracts G, H, or J must depict a 15-foot-wide planting area comprised of 94 native shrubs and 170 groundcover plants. Existing native vegetation may be used to meet buffer requirements.*

(2) *Development order plans for Tract B must depict a 15-foot-wide planting area comprised of 24 native shrubs and 43 groundcover. Existing native vegetation may be used to meet buffer requirements.*

(3) *Development west of South Seas Plantation Road must shield Vehicle Use Areas with native, salt tolerant landscaping or a solid, opaque wall to prevent headlight shine on the beach.*

4.B. **Waterway Buffer**. Deviation 4B seeks relief from LDC §10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow native mangrove fringe areas along Tracts E and K to serve as the required buffer.

Deviation 4.B is approved.

5.A **Parking for Principal Uses**. Deviation 5A seeks relief from LDC §34-2015, which requires parking spaces be provided on the same premises as the use served, to allow required parking to be provided on other development tracts within the MPD.

Deviation 5.A is approved subject to the following conditions:

(1) *Required off-street parking must be located on a MPD recipient tract within 500 feet of the principal use tract, measured from the tract line of the tract containing the off-street parking to the tract line of the principal use tract served.*

(2) *Development order plans must demonstrate code required parking provided "off tract" is within 500 feet of the principal use tract.*

5.B. **Parking for Accessory/Ancillary Uses**. Deviation 5A seeks relief from LDC §34-2020(a), which requires parking for accessory/ancillary uses at ratios denoted in Table 34-2020(a) and (b), to waive parking requirements for resort amenities.

Deviation 5.B is approved, subject to the following conditions:

(1) *Development order plans for hotel and dwelling units must depict a minimum of 77 additional off-street parking spaces for amenities in the North Development Cluster and a minimum of 55 additional off-street parking spaces for amenities in the South Development Cluster.*

(2) *A maximum of 60 percent of required amenity parking spaces may be comprised of golf cart parking.*

Hearing Examiner Recommendation:

(3) *Multiple-family/Timeshare guest parking spaces required in Note (1) LDC Table 2020(A) may not be used to offset required standard parking spaces for amenities within each respective development cluster.*

(4) Development order plans must demonstrate code required parking provided "off tract" is within 500 feet of the accessory use tract.

(5) *No new back-out parking is permitted directly onto South Seas Plantation Road.*

6.A. **Lake Bank Slope**. Deviation 6A seeks relief from LDC §10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 slope for existing lakes on Tracts J and L-1.

Deviation 6.A is approved subject to the following condition:

Existing lake bank slopes and littoral plant requirements must be maintained as approved by the County. New and reconfigured lake bank slopes must comply with LDC lake slope and planting criteria in effect at time of approval/construction.

7. **Monument Signs**. Deviation 7 seeks relief from LDC §30-281, limiting signs on Captiva Island to 10 feet in width, 10 feet in height and 100 square feet in area, to allow a sign 26 feet in width, 6 feet in height, and 156 square feet in area located in the entry median of South Seas Plantation Road.

Deviation 7 is approved, subject to the following condition:

The monument-style ground-mounted identification sign must be in substantial compliance with Exhibit B4 and is limited to the location depicted by the deviation marker on the MCP.

8. **Flag Signs**. Deviation 8 seeks relief from LDC §30-5(8), which prohibits banners, pennants and flying paraphernalia, except an official federal, State or County flag, and one symbolic flag not to exceed 15 square feet in area for each institution or business, to allow a 96 square-foot South Seas flag in the entry median of South Seas Plantation Road.

Deviation 8 is approved, subject to the following condition:

The identification flag must be in substantial compliance with Exhibit B4 and is limited to the location depicted by the deviation marker on the MCP.

9. **Dumpsters**. Deviation 9 seeks relief from LDC §10-261, which establishes dimensions for dumpster enclosures, to allow roll out totes as alternative waste disposal containers.

Deviation 9 is approved, subject to the following condition:

Solid waste and recyclable materials must be transported internally without spillage at least one time per week for each compactor to avoid nuisance accumulations.

10.A. **Accessory Building/Structure Setbacks**. Deviation 10A seeks relief from LDC §34-935(b)(1), which requires buildings/structures to be set back from the development perimeter a distance equal to the greater of 15 feet or half the building/structure height, to allow no setback for accessory structures on Tracts C, K and J.

Deviation 10A is approved, subject to the following condition:

Accessory buildings/structures on Tract C are limited to a 6-foot minimum perimeter setback to accommodate the landscape buffer required by Deviation 4.E, further *limited to 12-foot-tall waterpark cabana shade structures only*.

10.B. **Wireless Communication Facility**. Deviation 10B seeks relief from LDC §34-935(b)(1), which requires buildings/structures to maintain a setback from the development perimeter a distance equal to the greater of 15 feet or half the building height or structure, to allow the existing location of the 170-foot-tall wireless communication facility on Tract K.

Deviation 10B is approved, subject to Condition 13.

11. **Signs (Tract G)**. Seeks relief from LDC §30-281, which (1) limits roof signs on Captiva Island to certain conventional zoning districts; and (2) limits roof signs to 10 feet in width, 10 feet in height and 100 square feet in sign copy area, to allow two roof signs 27.2 feet in width and 4.5 feet in height, for a total of 245 square feet of sign copy area on the restaurant structure on Tract G.

Deviation 11 is approved, subject to the following condition:

The roof-mounted sign and mural sign on Tract G must substantially comply with Exhibit B5.

12. **Signs (Tract G).** Deviation 12 seeks relief from LDC §30-281, which (1) limits wall-mounted signage on Captiva Island to certain conventional zoning districts; and (2) limits wall-mounted signage to 10 feet in width, 10 feet in height and 100 square feet in sign copy area, to allow five mural signs 14.25 feet in width and 9.5 feet in height, for a total 736 square feet in sign copy area on the restaurant structure on Tract G.

    Deviation 12 is approved, subject to the following condition:

    Mural signs on Tract G must substantially comply with Exhibit B6.

13. **Signs (Tract C).** Deviation 13 seeks relief from LDC §30-281, which (1) limits wall-mounted signage on Captiva Island to certain conventional zoning districts; and (2) limits wall-mounted signage to 10 feet in width, 10 feet in height and 100 square feet in sign copy area, to allow for six mural signs of various sizes for a total 470 square feet in sign copy area on two sides of the recreation building at the water park on Tract C.

    Deviation 13 is approved, subject to the following condition:

    The mural sign copy area must substantially comply with Exhibit B7.

14. **Street Design and Construction Standards**. Deviation 14 seeks relief from LDC §10-296, which imposes specifications for privately maintained local roadways with open drainage in the Suburban Future Land Use category, to allow standards reflected in *Exhibit B8.*

    Deviation 14 is approved, subject to the following conditions:

    (1) Developer must submit a Limited Review development order application depicting "Bicycle May Use Full Lane" (R4-11) signs and pavement markings, where applicable along South Seas Plantation Road. Signs and pavement markings must comply with the Manual of Uniform Traffic Control Devices, current edition, within 180 days of the effective date of this rezoning.

    (2) Developer must submit an engineering report with the Limited Review development order application for bicycle signage and pavement markings that details the roadway's condition. The report must identify areas of pavement failure, evidence of site-specific crash patterns (if any), and identify existing right-of-way or access easement widths.

15. **Plant Material Standards**. Deviation 14 seeks relief from LDC §10-420, which requires a two-inch minimum layer of mulch or other recycled materials around newly installed trees, shrubs, and groundcover plantings, to allow crushed shell as an alternative to mulch.

Deviation 15 is approved, subject to the following condition:

Required exterior buffers, dune, and revetment vegetation must be 100 percent native and salt tolerant. Interior landscaping must be salt tolerant and comply with LDC §10-420(b).

16. **Excavation Setback**. Deviation 16 seeks relief from LDC §10-329(d)(1)a.3, which requires excavations for water retention to be set back a minimum of 50 feet from any private property line under separate ownership; to allow for a 0-foot-setback for existing lakes.

Deviation 16 is approved.

Exhibits to Conditions:

B1 Master Concept Plan dated April 29, 2025
B2 Bald Eagle Management Plan dated February 2024
B3 Hardened Shoreline Exhibit and Revetment Planting Plans
B4 Deviation Exhibit D
B5 Deviation Exhibit F
B6 Deviation Exhibit G
B7 Deviation Exhibit H
B8 Deviation Exhibit I

EXHIBIT B-1

RECEIVED
MAY 16 2025
BY: HEARING EXAMINER'S OFFICE

SOUTH SEAS ISLAND RESORT MPD PARCELS

- LAKE
- RESIDENTIAL
- HOTEL / RESORT RECREATION
- RESORT RECREATION
- DOCKING FACILITIES
- PRESERVE
- GOLF COURSE
- UTILITIES / SUPPORT
- * COP (CONSUMPTION ON PREMISES)

E / N / S / W

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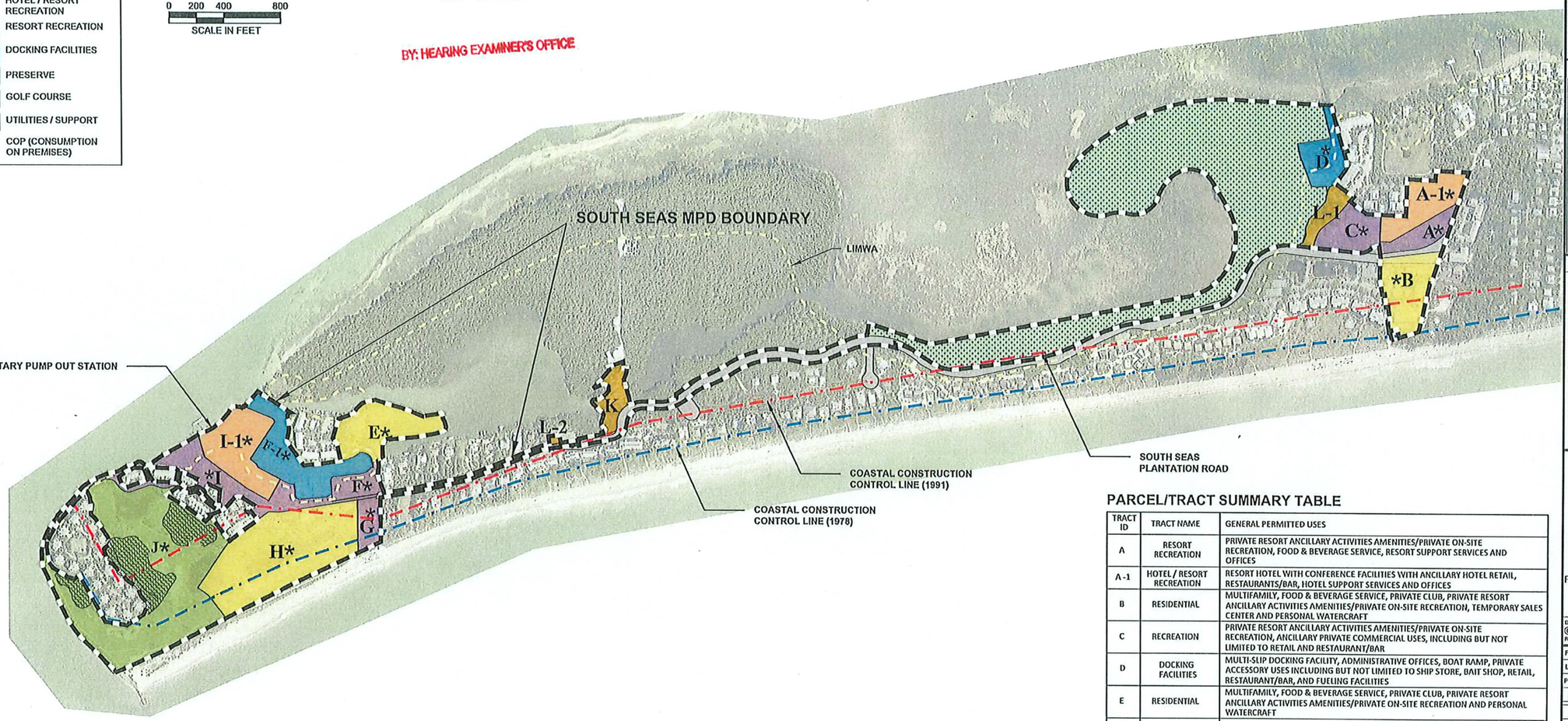
SCALE IN FEET



PARCEL/TRACT SUMMARY TABLE

TRACT ID	TRACT NAME	GENERAL PERMITTED USES
A	RESORT RECREATION	PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON-SITE RECREATION, FOOD & BEVERAGE SERVICE, RESORT SUPPORT SERVICES AND OFFICES
A-1	HOTEL / RESORT RECREATION	RESORT HOTEL WITH CONFERENCE FACILITIES WITH ANCILLARY HOTEL RETAIL, RESTAURANTS/BAR, HOTEL SUPPORT SERVICES AND OFFICES
B	RESIDENTIAL	MULTIFAMILY, FOOD & BEVERAGE SERVICE, PRIVATE CLUB, PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON-SITE RECREATION, TEMPORARY SALES CENTER AND PERSONAL WATERCRAFT
C	RECREATION	PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON-SITE RECREATION, ANCILLARY PRIVATE COMMERCIAL USES, INCLUDING BUT NOT LIMITED TO RETAIL AND RESTAURANT/BAR
D	DOCKING FACILITIES	MULTI-SLIP DOCKING FACILITY, ADMINISTRATIVE OFFICES, BOAT RAMP, PRIVATE ACCESSORY USES INCLUDING BUT NOT LIMITED TO SHIP STORE, BAIT SHOP, RETAIL, RESTAURANT/BAR, AND FUELING FACILITIES
E	RESIDENTIAL	MULTIFAMILY, FOOD & BEVERAGE SERVICE, PRIVATE CLUB, PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON-SITE RECREATION AND PERSONAL WATERCRAFT
F	RESORT RECREATION	PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON-SITE RECREATION, ANCILLARY PRIVATE COMMERCIAL USES INCLUDING BUT NOT LIMITED TO RETAIL, RESORT CONFERENCE FACILITIES, SHIP STORE, RESTAURANT/BAR, SUPPORT OFFICES, VEHICLE/CART CHARGING, AND PERSONAL WATERCRAFT
F1	DOCKING FACILITIES	MULTI-SLIP DOCKING FACILITY, ADMINISTRATIVE OFFICES, BOAT RAMP, PRIVATE ACCESSORY USES INCLUDING BUT NOT LIMITED TO SHIP STORE, BAIT SHOP, RETAIL, RESTAURANT/BAR, AND FUELING FACILITIES
G	RESORT RECREATION	PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES /PRIVATE ON -SITE RECREATION, ANCILLARY PRIVATE COMMERCIAL USES INCLUDING BUT NOT LIMITED TO RESTAURANTS/BAR, RETAIL, WATER SPORTS RENTAL. PERSONAL WATERCRAFT
H	RESIDENTIAL	MULTIFAMILY, FOOD & BEVERAGE SERVICE, PRIVATE CLUB, PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES/PRIVATE ON -SITE RECREATION, TEMPORARY SALES CENTER, PERSONAL WATERCRAFT AND TIMESHARE UNITS
I	RESORT RECREATION	PRIVATE RESORT ANCILLARY ACTIVITIES AMENITIES /PRIVATE ON -SITE RECREATION, ANCILLARY PRIVATE COMMERCIAL USES INCLUDING BUT NOT LIMITED TO RETAIL, RESORT CONFERENCE FACILITIES, SHIP STORE, RESTAURANT/BAR, SUPPORT OFFICES, VEHICLE/CART CHARGING, AND PERSONAL WATERCRAFT
I-1	HOTEL / RESORT RECREATION	RESORT HOTEL WITH CONFERENCE FACILITIES WITH ANCILLARY HOTEL RETAIL, RESTAURANTS / BAR, HOTEL SUPPORT SERVICES AND OFFICES
J	GOLF	13 -HOLE GOLF COURSE, PRIVATE ON -SITE RECREATION, ANCILLARY PRIVATE COMMERCIAL USES INCLUDING RETAIL, RESTAURANT / BAR , FOOD & BEVERAGE SERVICE AND GOLF MAINTENANCE
K	MAINTENANCE	ESSENTIAL SERVICES & UTILITIES, OFFICES, RESORT SUPPORT SERVICES, VEHICLE/CART CHARGING, PERSONAL WATERCRAFT, AND WIRELESS COMMUNICATION FACILITIES
L-1	RESORT SUPPORT	OFFICE ANCILLARY TO RESORT & RESIDENTIAL USES
L-2	MAINTENANCE / RESORT SUPPORT	ESSENTIAL SERVICES & UTILITIES, OFFICES, RESORT SUPPORT SERVICES, VEHICLE/CART CHARGING, FOOD TRUCK AND PERSONAL WATERCRAFT

LAND USE SUMMARY

LAND USE	TRACT ID	TRACT ACREAGE
RESIDENTIAL TRACTS		
	B	4.17
	E	4.60
	H	11.64
	SUB-TOTAL	20.4 AC
RESORT/RECREATION/DOCKING FACILITIES/INFRASTRUCTURE TRACTS		
	A	2.94
	C	2.68
	D	2.49
	F	1.44
	F1	5.09
	G	1.38
	I	6.33
	J	22.36
	K	1.68
	L-1	1.38
	L-2	0.11
	Right of Way	4.35
	SUB-TOTAL	54.2 AC
COMMERCIAL TRACTS		
	A-1	2.75 AC
	I-1	2.25 AC
	SUB-TOTAL	5.0 AC
	SUB-TOTAL (Residential/Resort/Recreation/Commercial)	79.6
	Saltwater Preserve/Open Space	41.6
	MPD TOTAL	121+/- AC

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER APPROVAL SUBJECT TO THE LDC AND WHERE SUCH MODIFICATIONS ARE IN COMPLIANCE WITH THE APPLICABLE LDC DESIGN STANDARDS AND REGULATIONS, EXCEPT WHERE A DEVIATION HAS BEEN APPROVED.

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1031 W. MORSE BLVD. SUITE 350
WINTER PARK, FL 32789

PROJECT DESCRIPTION

SOUTH SEAS ISLAND RESORT MPD

LEE COUNTY, FLORIDA

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PLAN STATUS

OVERALL MASTER CONCEPT PLAN

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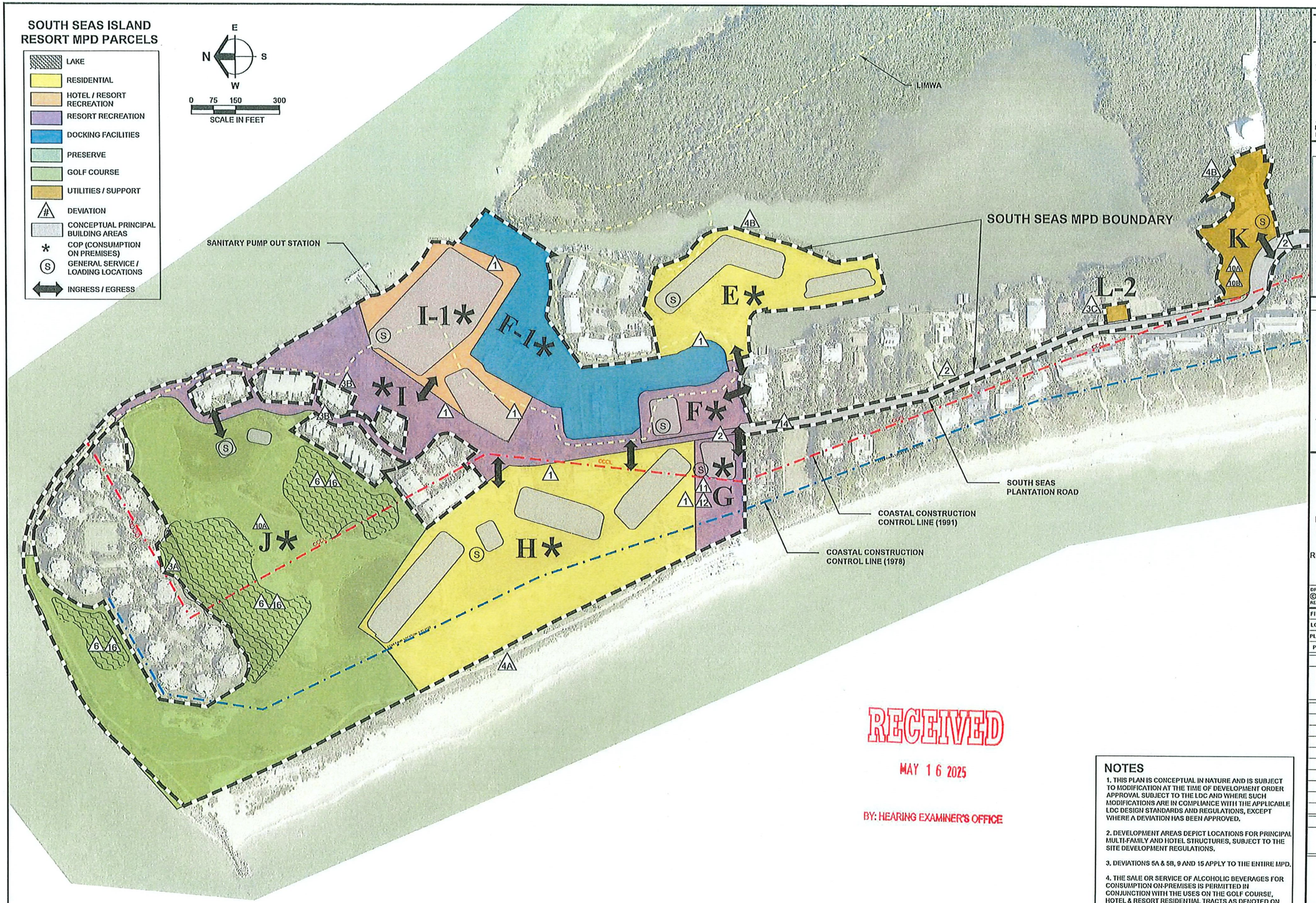

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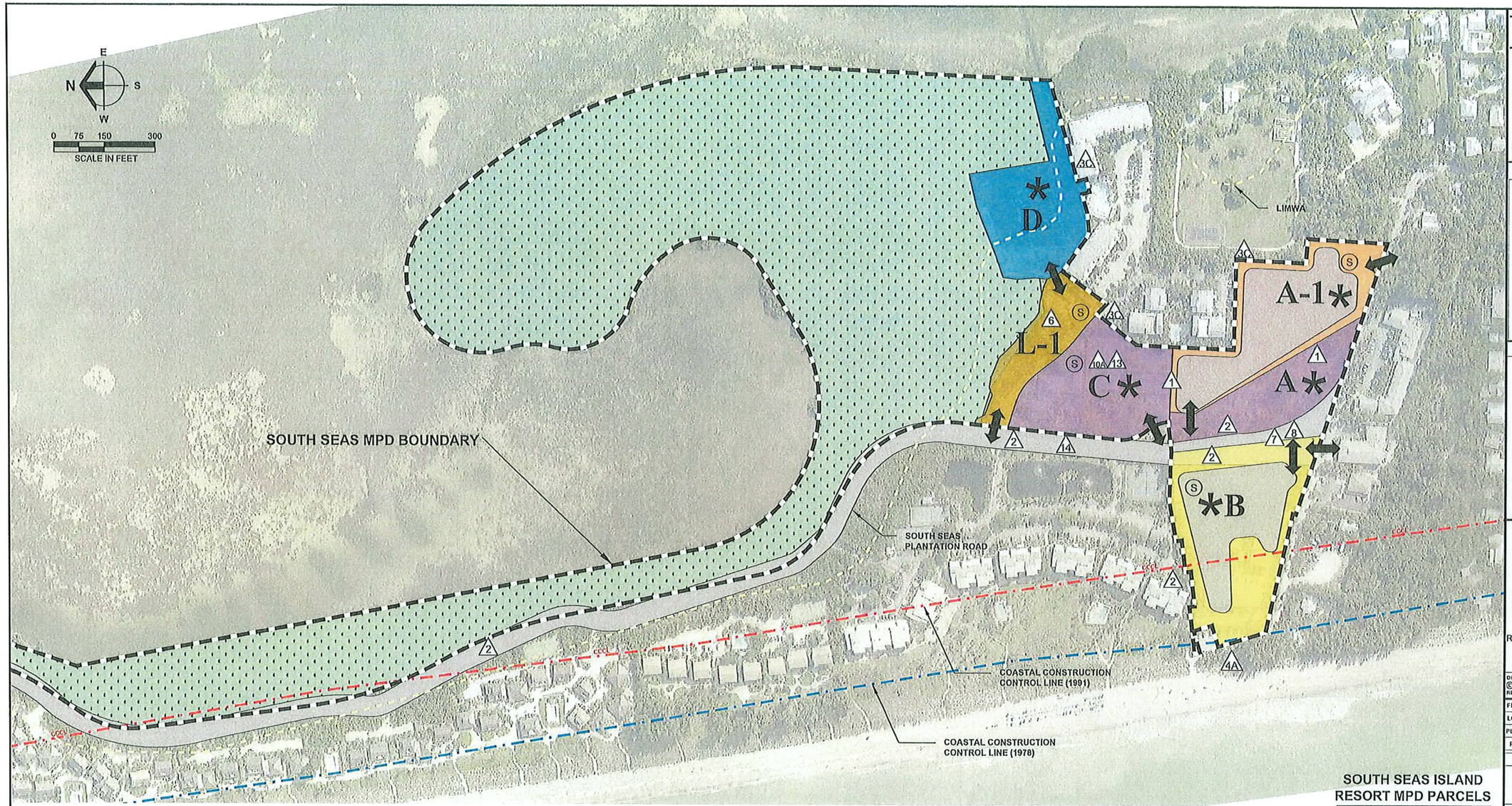

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SOUTH SEAS ISLAND RESORT MPD PARCELS

- RESIDENTIAL
- HOTEL / RESORT RECREATION
- RESORT RECREATION
- DOCKING FACILITIES
- PRESERVE
- GOLF COURSE
- UTILITIES / SUPPORT
- DEVIATION
- CONCEPTUAL PRINCIPAL BUILDING AREAS
- COP (CONSUMPTION ON PREMISES)
- GENERAL SERVICE / LOADING LOCATIONS
- INGRESS / EGRESS

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MASTER CONCEPT PLAN SOUTH

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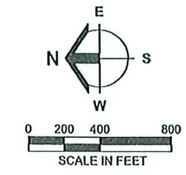

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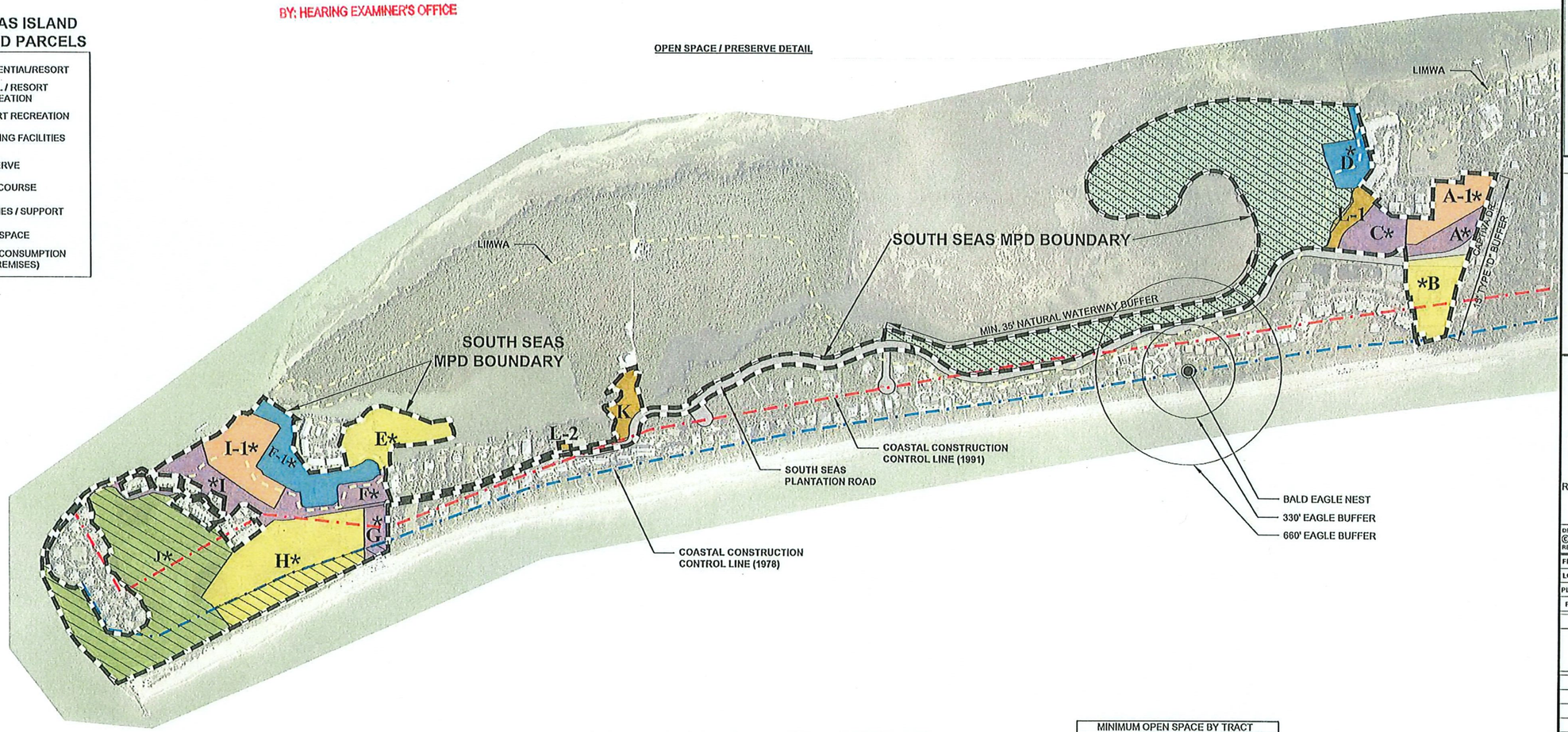
- DOCKING FACILITIES
- PRESERVE
- GOLF COURSE
- UTILITIES / SUPPORT
- OPEN SPACE
- * COP (CONSUMPTION ON PREMISES)

OPEN SPACE / PRESERVE DETAIL



OPEN SPACE & INDIGENOUS PRESERVATION SUMMARY	
TOTAL ACREAGE	120.5 AC
RESIDENTIAL ACREAGE	115.5 AC
NON-RESIDENTIAL ACREAGE	5.00 AC
OPEN SPACE SUMMARY	
RESIDENTIAL OPEN SPACE REQUIRED	46.2 AC (115.5 AC x 40%)
NON-RESIDENTIAL OPEN SPACE REQUIRED	1.5 AC (5 AC X 30%)
TOTAL OPEN SPACE REQUIRED	47.7 AC
TOTAL OPEN SPACE PROVIDED	62.41 AC
INDIGENOUS PRESERVE	39.83 AC
GOLF COURSE	22.58 AC
INDIGENOUS PRESERVE SUMMARY	
INDIGENOUS PRESERVE REQUIRED	23.85 AC (47.7 x 50%)
INDIGENOUS PRESERVE PROVIDED	39.83 AC

(1) A MAXIMUM OF 25% OF THE OPEN SPACE AREA MAY BE COMPRISED OF LAKE AREA.
(2) A MAXIMUM OF 20% OF THE GOLF COURSE MAY BE IMPERVIOUS SURFACE.
(3) A MINIMUM OF 10% OPEN SPACE WILL BE PROVIDED ON ALL INDIVIDUAL TRACTS/LOTS.

MINIMUM OPEN SPACE BY TRACT		
TRACT	ACREAGE	MIN. OPEN SPACE
A	2.94 AC	0.295
A-1	2.75 AC	0.275
B	4.17 AC	0.417
C	2.68 AC	0.268
D	2.49 AC	0.249
E	4.60 AC	0.46
F	1.44 AC	0.144
F1	5.09 AC	0.509
G	1.38 AC	0.138
H	11.64 AC	1.164
I	8.33 AC	0.833
I-2	0.11 AC	0.011
I-1	2.25 AC	0.225
J	22.36 AC	2.236
K	1.68 AC	0.168
L	1.38 AC	0.138
MIN. OPEN SPACE INTERNAL TO TRACTS		7.53 AC

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PROJECT DESCRIPTION

SOUTH SEAS ISLAND RESORT MPD

LEE COUNTY, FLORIDA

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PLAN STATUS

OPEN SPACE/ PRESERVE EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	4 OF 7

SOUTH SEAS ISLAND RESORT MPD PARCELS

- RESIDENTIAL/RESORT
- HOTEL / RESORT RECREATION
- RESORT RECREATION
- DOCKING FACILITIES
- PRESERVE
- GOLF COURSE
- UTILITIES / SUPPORT
- OPEN SPACE
- DEVIATION
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E / N / S / W

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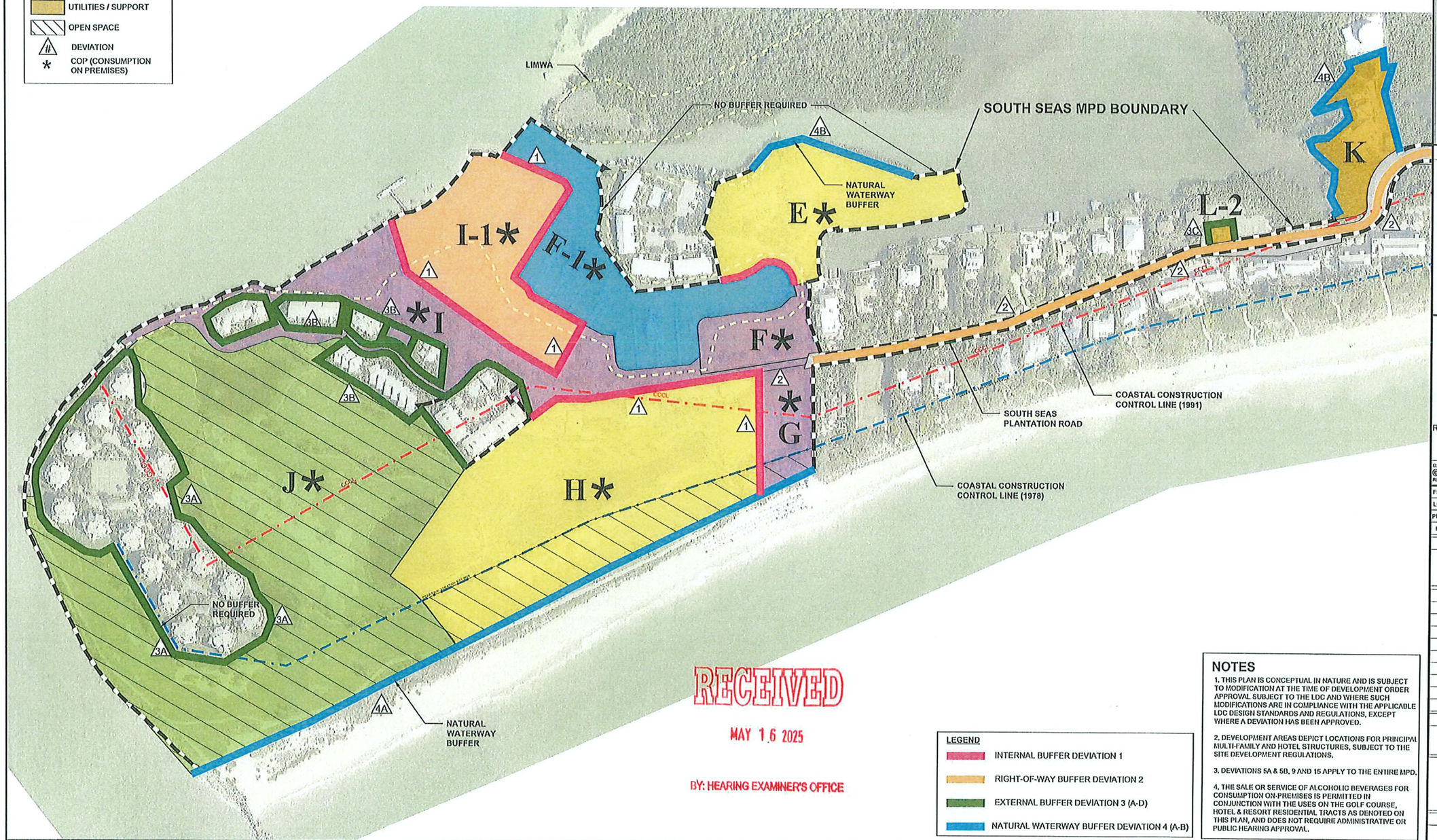

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LEGEND
- INTERNAL BUFFER DEVIATION 1
- RIGHT-OF-WAY BUFFER DEVIATION 2
- EXTERNAL BUFFER DEVIATION 3 (A-D)
- NATURAL WATERWAY BUFFER DEVIATION 4 (A-B)

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BUFFER EXHIBIT NORTH

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24000	5 OF 7

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- PRESERVE
- GOLF COURSE
- UTILITIES / SUPPORT
- OPEN SPACE
- DEVIATION
- * COP (CONSUMPTION ON PREMISES)

NO BUFFER REQUIRED

NO BUFFER REQUIRED

LIMWA

NO BUFFER REQUIRED

SOUTH SEAS MPD BOUNDARY

NO BUFFER REQUIRED

SOUTH SEAS PLANTATION ROAD

NO BUFFER REQUIRED

COASTAL CONSTRUCTION CONTROL LINE (1991)

COASTAL CONSTRUCTION CONTROL LINE (1978)

15' TYPE 'D' BUFFER

CAPTIVA DR

D *

L-1

C *

A-1 *

A *

*B

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E
N S
W

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LEGEND

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BUFFER EXHIBIT SOUTH

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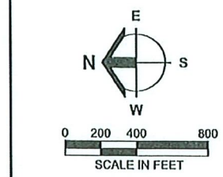

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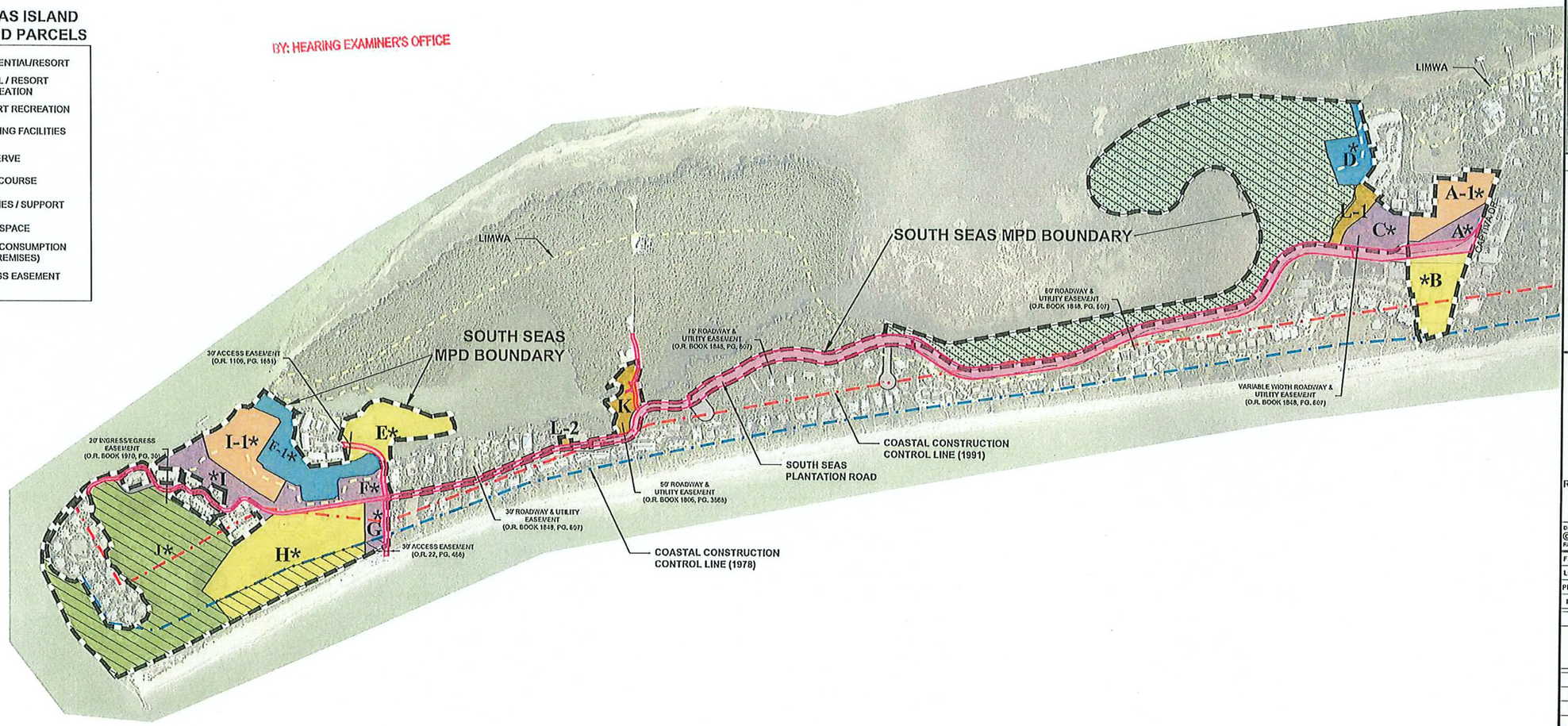

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PLAN REVISIONS

PLAN STATUS

ACCESS & ROADWAY EASEMENT EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	7 OF 7

EXHIBIT B2

South Seas Island Resort MPD

Captiva, FL 33924



Submitted To:

Mr. David Henson
Development Manager
WS SSIR Owner LLC
306 Tamiami Trail Suite 201
Naples, FL 33924

Bald Eagle Management Plan
WSSSI24001
February 2024

TABLE OF CONTENTS

Introduction 1
Land Use and Natural Communities 1
Bald Eagle Natural History and Protection 1
Description of Bald Eagle Nest LE-120 1
Proposed Project and Bald Eagle Protection Zones 1
Bald Eagle Management Plan 1
References 2

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Aerial Map
Attachment 3: FLUCFCS Map
Attachment 4: Bald Eagle Nest Buffer Zone Map
Attachment 5: Photographs

Introduction

This bald eagle management plan has been prepared for South Seas Island Resort MPD (DCI2023-00051) for bald eagle (*Haliaeetus leucocephalus*) nest LE-120. The nest is located on Captiva Island in Section 26, Township 45S, Range 21E. The nest tree is located east of the Gulf of Mexico and the beach and west of South Seas Plantation Road. The proposed work includes the redevelopment of South Seas Island Resort. None of the proposed redevelopment is within the 330 or 660-foot buffer zones. Mangroves, which will be preserved, are within the 660 zone (Attachments 1-3) and the MPD.

Land Use and Natural Communities

A Pennoni environmental scientist conducted a site inspection on February 2, 2024 to document the nest status and surrounding natural communities and land uses. The nest is located in a heavily damaged, but live Australian pine (*Casuarina equisetifolia*) within the beach dune between the Gulf of Mexico and existing beach cottage buildings. Additional native communities include beach west of the nest and mangroves east of the nest. South Seas Plantation Road is located between the mangroves and the beach cottages (Attachment 4).

Bald Eagle Protection

Although the bald eagle is no longer listed as a threatened or endangered species by the United States Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC), it is still protected by the Federal Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, by Florida's eagle rule (68A-16.002 F.A.C.) and the Lee County Land Development Code (Chapter 14-111). The FWS has established guidelines for protective buffers around nests to best protect nesting eagles.

Description of Bald Eagle nest LE-120

Bald Eagle nest LE-120 is within a live but heavily storm damaged Australian pine approximately 150 feet west of South Seas beach cottages which, at the time of the 2024 site visit, were being repaired post Hurricane Ian. The nest has been active since the 2019-2020 nesting season. The nest was destroyed by Hurricane Ian in September 2022, but rebuilt in October 2022, successfully hatching young in 2023 (Audubon Eagle Watch). A site visit on February 2, 2024 revealed an active nest with two young eaglets in the nest and both adults perched within the nest tree (Attachments 5). Neither adult bald eagle seemed stressed by construction workers nor Pennoni staff presence.

Proposed Project and Bald Eagle Protection Zones

The project area for South Seas Island Resort is located within Sections 15, 22, 26 and 27, Township 45S, Range 21E. No redevelopment associated with the South Seas Island Resort MPD (DCI2023-00051) is proposed within the 330 or 660-foot buffer zones. The only portion of the South Seas Island Resort MPD within the 660-foot buffer zone are the mangroves east of the existing road which will be preserved as part of the indigenous open space preserve. No alterations to South Seas Plantation Road within the eagle buffer zones are currently planned and no staging of construction equipment will occur.

Bald Eagle Management Plan

No development or construction staging is proposed within the 330 or 660-foot buffer zones. The only part of the project area within the 660-foot buffer zone are the mangroves located east of the road. The mangroves will be preserved as part of the Lee County required indigenous open space preserve. The only activity that may occur within the area is periodic exotic plant control.

Required indigenous open space management / non-native invasive control will be scheduled outside of the bald eagle nesting season (generally considered October 1 – May 15, however it may start earlier or last longer). Should unforeseen circumstances necessitate indigenous open space management during the nesting season, monitoring and reporting to FWS and Lee County staff will be initiated in accordance with the Bald Eagle Monitoring Guidelines (USFWS 2007a).

Road maintenance on the existing road, although not proposed as part of the current plan, will occur outside of nesting season. If road maintenance must occur during nesting season a qualified eagle monitor will be on site to ensure that the eagles are unharmed in accordance with USFWS bald eagle guidelines.

No specific monitoring is proposed since no activity is being proposed within the 330 or 660-foot buffer zones.

References

Audubon Center for Birds of Prey. (2023). Audubon Florida EagleWatch Public Nest Map. https://cbop.audubon.org/conservation/about-eaglewatch-program.

Florida Department of Transportation. (1999). Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a.

Florida Fish and Wildlife Conservation Commission. (2017). Florida's Official Endangered and Threatened Species List (Updated January 2017).

U.S. Fish and Wildlife Service, 2007a. Bald Eagle Monitoring Guidelines.

U.S. Fish and Wildlife Service, 2007b. National Bald Eagle Management Guidelines.



PENNONI ASSOCIATES INC.
4706 Chiquita Blvd, #200-E02
Cape Coral, FL 33914
T: 239.202.2195 www.Pennoni.com

South Seas Island Resort,
Captiva, FL

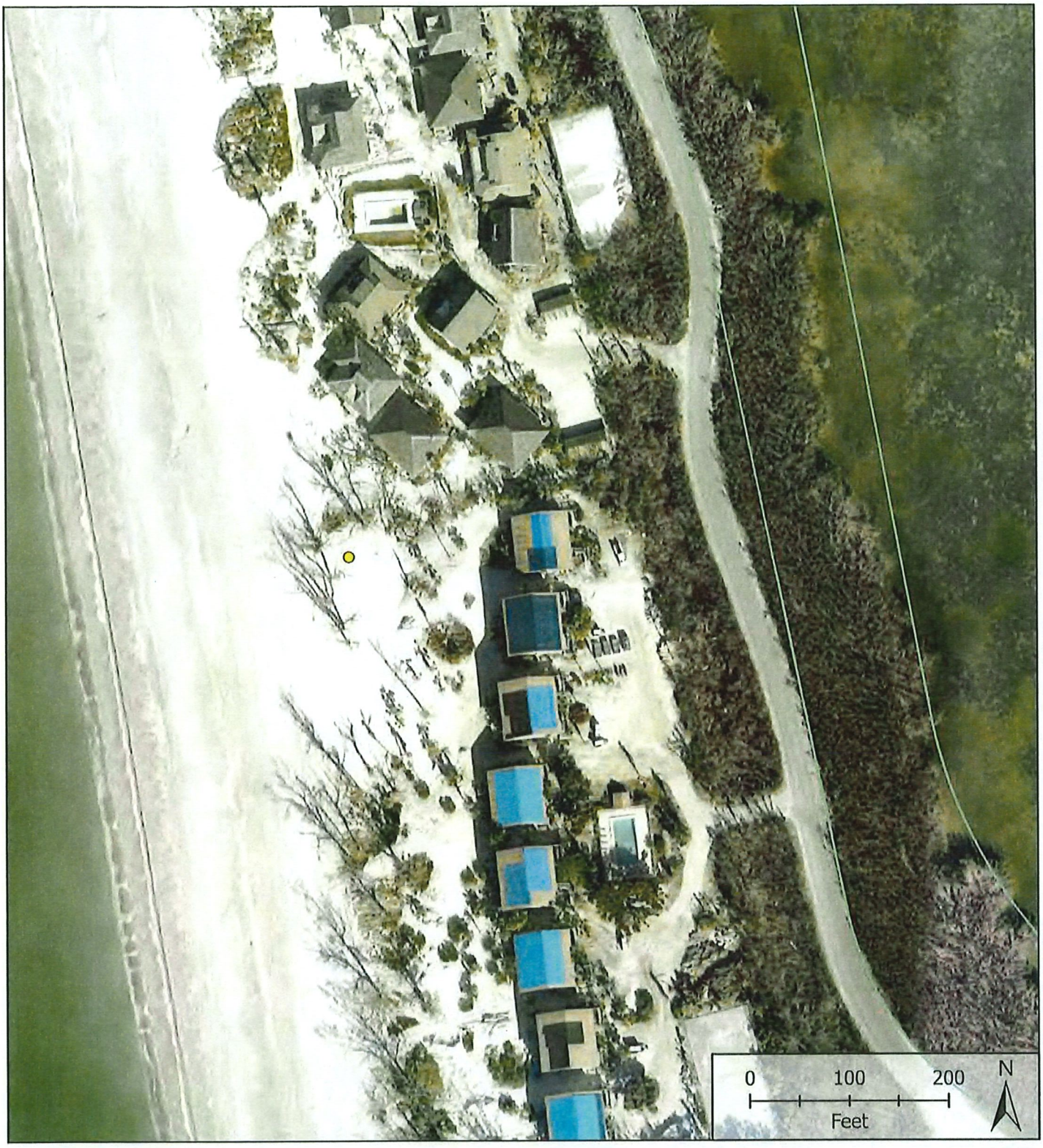
Project: WSSSI24001

Project Location

Location Map

University of South Florida, County of Lee, FL, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Lee County, FL, Earthstar Geographics

Map generated by: Alison Swing



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South Seas Island Resort,
Captiva, FL

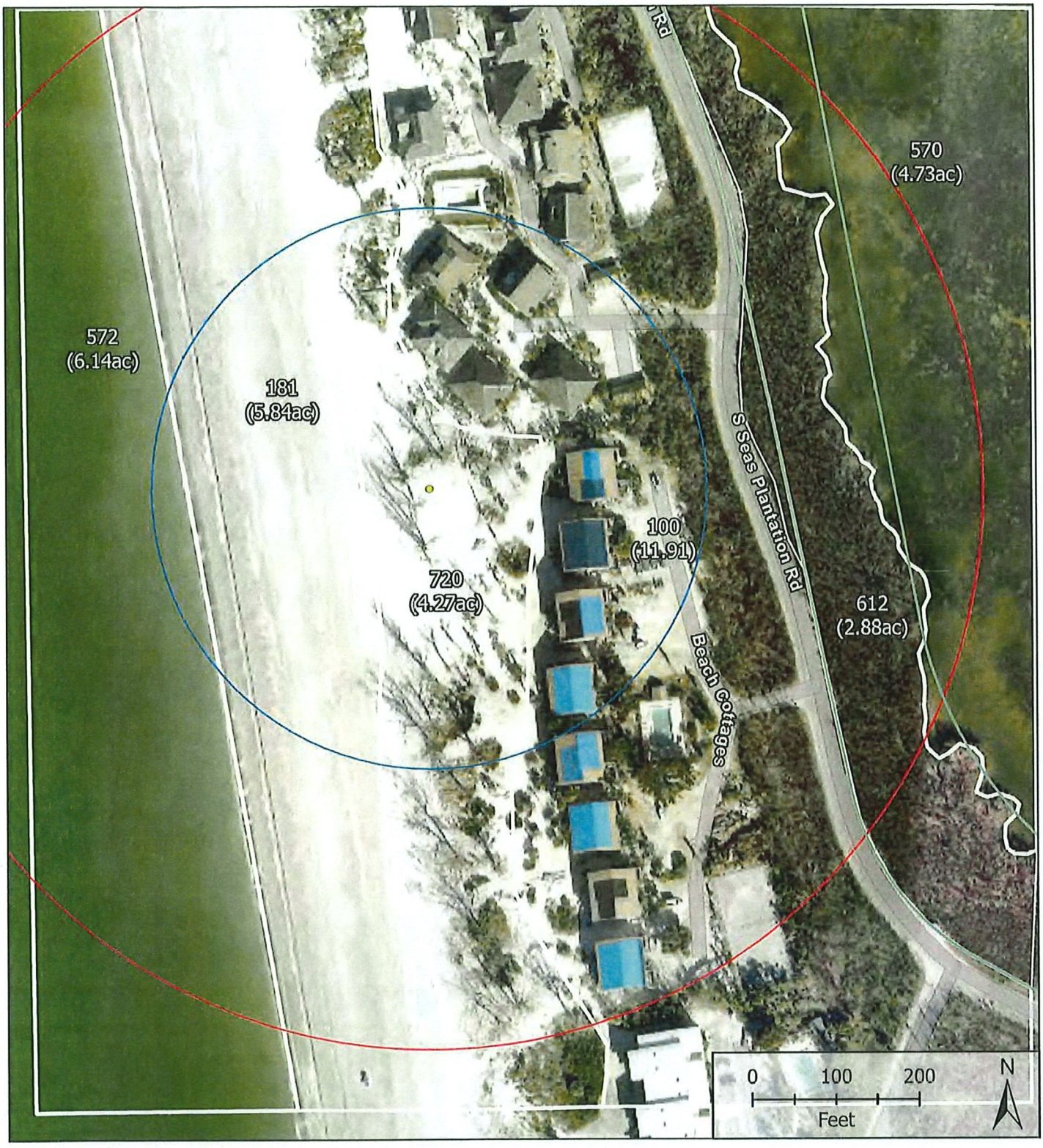
Project: WSSSI24001

Project Boundary
Eagle Nest LE-120

Bald Eagle Nest Aerial Map

Lee County, FL, Maxar, Microsoft

Map generated by: Alison Swing



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South Seas Island Resort, Captiva, FL
FLUCFCS Map

Project: WSSSI24001

Project Site Outline
330-ft buffer
Bald Eagle Nest LE-120
660-ft buffer

FLUCFCS Code	Description	Acreage	Federal Status	State Status
100	Urban and Build-Up (Existing Residential and Commercial)	14.23	N	N
181	Beach	6.40	WUS	OSW
570	Chadwick Bayou	4.73	WUS	OSW
572	Gulf of Mexico	6.14	WUS	OSW
612	Mangrove	2.88	W	W
720	Dune	4.74	NJD	OSW

N = Non-Wetland
NJD = Non-Jurisdictional Wetlands or Waters of the U.S.
W = Wetland
OSW = Other Surface Waters/Waters of the U.S.

Notes:
1. FLUCFCS Lines estimated from 1" = 100' aerial photographs and locations are approximate.
2. FLUCFCS per Florida land use, cover and forms classification system (FDOT 1999).

Lee County, FL, Maxar, Esri Community Maps Contributors, University of South Florida, County of Lee, FL, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Map generated by: Alison Swing



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South Seas Island Resort,
Captiva, FL

Project: WSSSI24001

- Project Boundary
- Eagle Nest
- 330-ft buffer
- 660-ft buffer

Bald Eagle Nest Buffer Zone Map

Lee County, FL, Maxar

Map generated by: Alison Swing

Bald Eagle Nest LE-120 February 2, 2024.



Two adult bald eagles and the nest with 2 young



Two eaglets within the nest

LANDSCAPE ENHANCEMENT PLANS

SOUTH SEAS ISLAND RESORT
LANDS END REVETMENT ENHACEMENTS

Captiva, Florida

VICINITY MAP



N.T.S.

GENERAL NOTES

1. CONTRACTOR SHALL VERIFY WITH OWNER'S REPRESENTATIVE THAT PLANS ARE CURRENT AND APPROVED.
2. WORK SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF LEE COUNTY
3. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY AND/OR REQUIRED PERMITS AND PAY ALL RELATED FEES AND/OR TAXES REQUIRED TO INSTALL THE WORK ON THESE PLANS.
4. THE CONTRACTOR SHALL BE APPROPRIATELY LICENSED AS REQUIRED BY THE STATE IN WHICH THE WORK TAKES PLACE.
5. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES IN EXISTING CONDITIONS OR WITHIN THE PLANS PRIOR TO BEGINNING THE WORK.
6. DETERMINATION OF "EQUAL" SUBSTITUTIONS SHALL BE MADE ONLY BY THE LANDSCAPE ARCHITECT.
7. LANDSCAPE ARCHITECT SHALL BE NOTIFIED NO LESS THAN 48 HOURS IN ADVANCE OF ANY SITE OBSERVATIONS OR MEETINGS.
8. SITE OBSERVATIONS AND MEETINGS SHALL INCLUDE:
   A. PRE-CONSTRUCTION CONFERENCE
   B. SELECTION AND TAGGING OF SPECIMEN TREES AND NURSERIES - LANDSCAPE CONTRACTOR TO COORDINATE WITH LANDSCAPE ARCHITECT, ALLOW A MINIMUM OF 48 HOURS.
   C. LAYOUT AND INSTALLATION OF HARDSCAPE AND LANDSCAPE STRUCTURES IN RELATION TO DESIGN INTENT
   D. LAYOUT AND INSTALLATION OF IRRIGATION SYSTEM INCLUDING COVERAGE TEST
   E. PLANT MATERIAL QUALITY AND INSTALLATION AT THE PROJECT SITE
   F. OBSERVATION TO ESTABLISH 90-DAY MAINTENANCE PERIOD (FINAL)
   G. FINAL OBSERVATION AT THE END OF THE 90-DAY MAINTENANCE PERIOD (FINAL)

   NOTE: "LANDSCAPE" SHALL REFER TO ALL IMPROVEMENTS WITHIN THIS SET OF DOCUMENTS THAT HAVE BEEN DESIGNED BY THIS OFFICE.
9. SITE OBSERVATION BY THE LANDSCAPE ARCHITECT DURING ANY PHASE OF THIS PROJECT DOES NOT RELIEVE THE CONTRACTOR OF HIS PRIMARY RESPONSIBILITY TO PERFORM ALL WORK IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND GOVERNING CODES.
10. THIS FIRM DOES NOT PRACTICE OR CONSULT IN THE FIELD OF SAFETY ENGINEERING. THIS FIRM DOES NOT DIRECT THE CONTRACTOR'S OBSERVATIONS, AND IS NOT RESPONSIBLE FOR THE SAFETY OF PERSONNEL OTHER THAN OUR OWN ON THE SITE; THE SAFETY OF OTHERS IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHOULD NOTIFY THE OWNER IF HE CONSIDERS ANY OF THE RECOMMENDED ACTIONS PRESENTED HEREIN TO BE UNSAFE.

BrightView South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

EXHIBIT B3

PLANT SCHEDULE

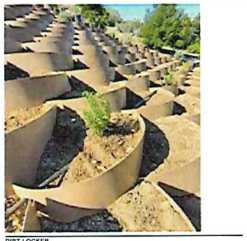
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	BF	360	BORRICHIA FRUTESCENS	SEA OXEYE DAISY	1 GAL	24" o.c.
	SP2	76	SESUVIUM PORTULACASTRUM	SHORELINE SEAPURSLANE	1 GAL	48" o.c.
	SP5	112	SPARTINA PATENS	SAND CORDGRASS	1 GAL	36" o.c.
	US2	137	UNIOLA PANICULATA	SEA OATS	1 GAL	36" o.c.

MATERIALS LEGEND

	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES	QUANTITY
	P1	CRUSHED SHELL MULCH	A-D / L2.401	¾" WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.	2,617.88 Cu Ft
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM: 48" Wide X 9" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.	2 x Pack of 100 Med. Cells J Hooks: 80 (8 x Pack of 10)
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB SYSTEMS https://www.prestogeo.com/products/sub-stabilization/prowb-geocells/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.	1,968 LF @ 8' Wide +/- 140 Presto Geoweb Mats
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @36 in. O.C.	-	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT.	6 (EA)
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT	-
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL	-



¾" CRUSHED SHELL WASHED AGGREGATE



DIRT LOCKER



GEOWEB PAVING



REMOVABLE BOLLARD

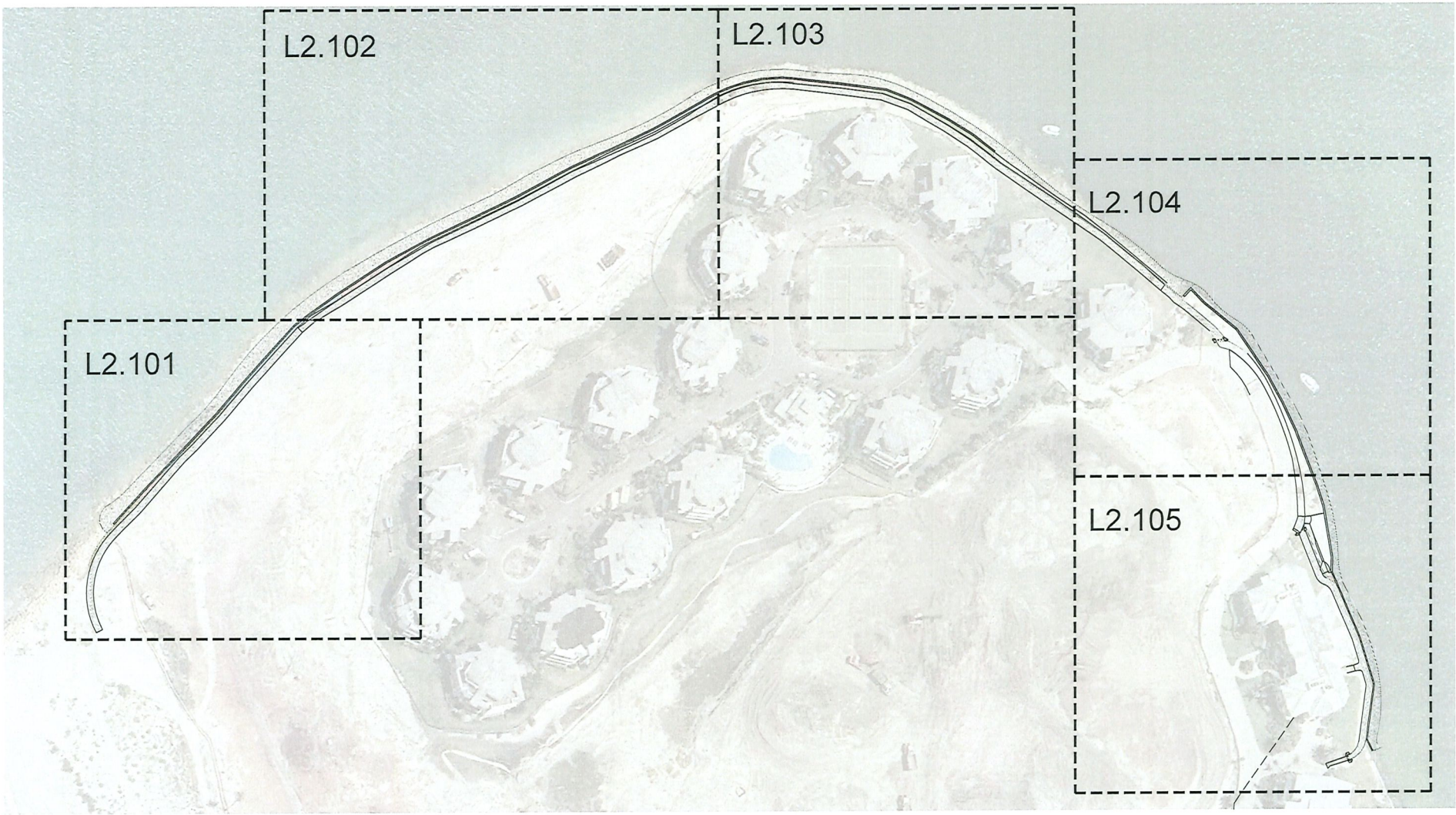
SCHEDULE & NOTES - L0.001

BrightView South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENT PLAN
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH

SCALE: 1" = 50'-0"
0' 50' 100' 200'



OVERALL ENHANCEMENT PLAN - L2.100

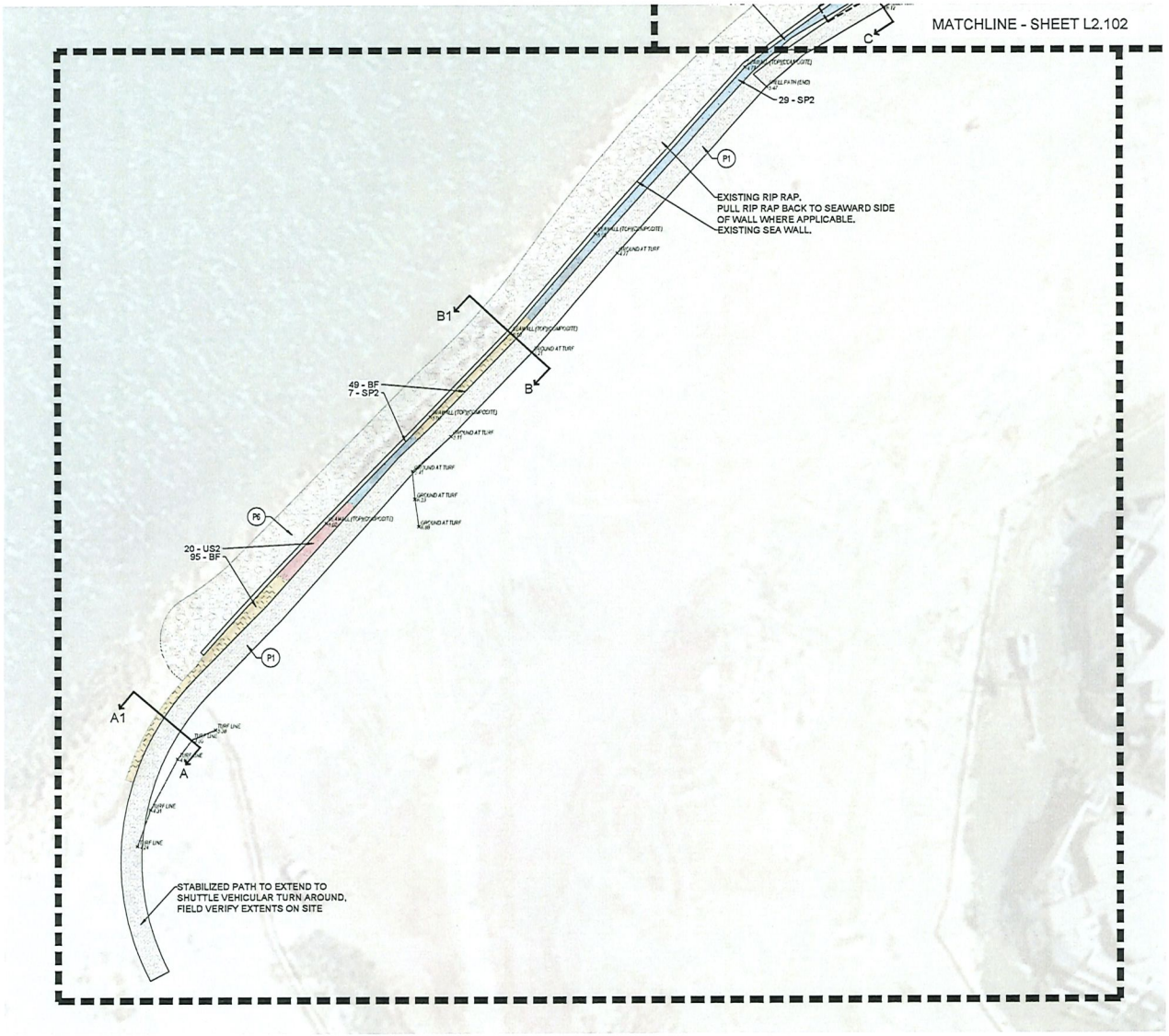
BrightView

South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENT PLAN
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH

SCALE: 1" = 50'-0"
0' 50' 100' 200'



PLANT SCHEDULE L2.101

GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	BF	144	BORRICHIA FRUTESCENS	SEA OXEYE DAISY	1 GAL	24" o.c.
	SP2	36	SESUVIUM PORTULACASTRUM	SHORELINE SEAPURSLANE	1 GAL	48" o.c.
	US2	20	UNIOLA PANICULATA	SEA OATS	1 GAL	36" o.c.

MATERIALS LEGEND

	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES
	P1	CRUSHED SHELL MULCH	A-D / L2.401	1"WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM: 48" Wide X 8" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB SYSTEMS https://www.prestogeo.com/products/soil-stabilization/geoweb-pancels/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @42 In. O.C.	ERWB	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL

NOTES:

1. ANY EXISTING RIP RAP BETWEEN SEA WALL AND PROPOSED PATH TO BE REMOVED AND RELOCATED TO SEAWARD SIDE OF SEA WALL

ENLARGEMENT - L2.101

BrightView

South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH

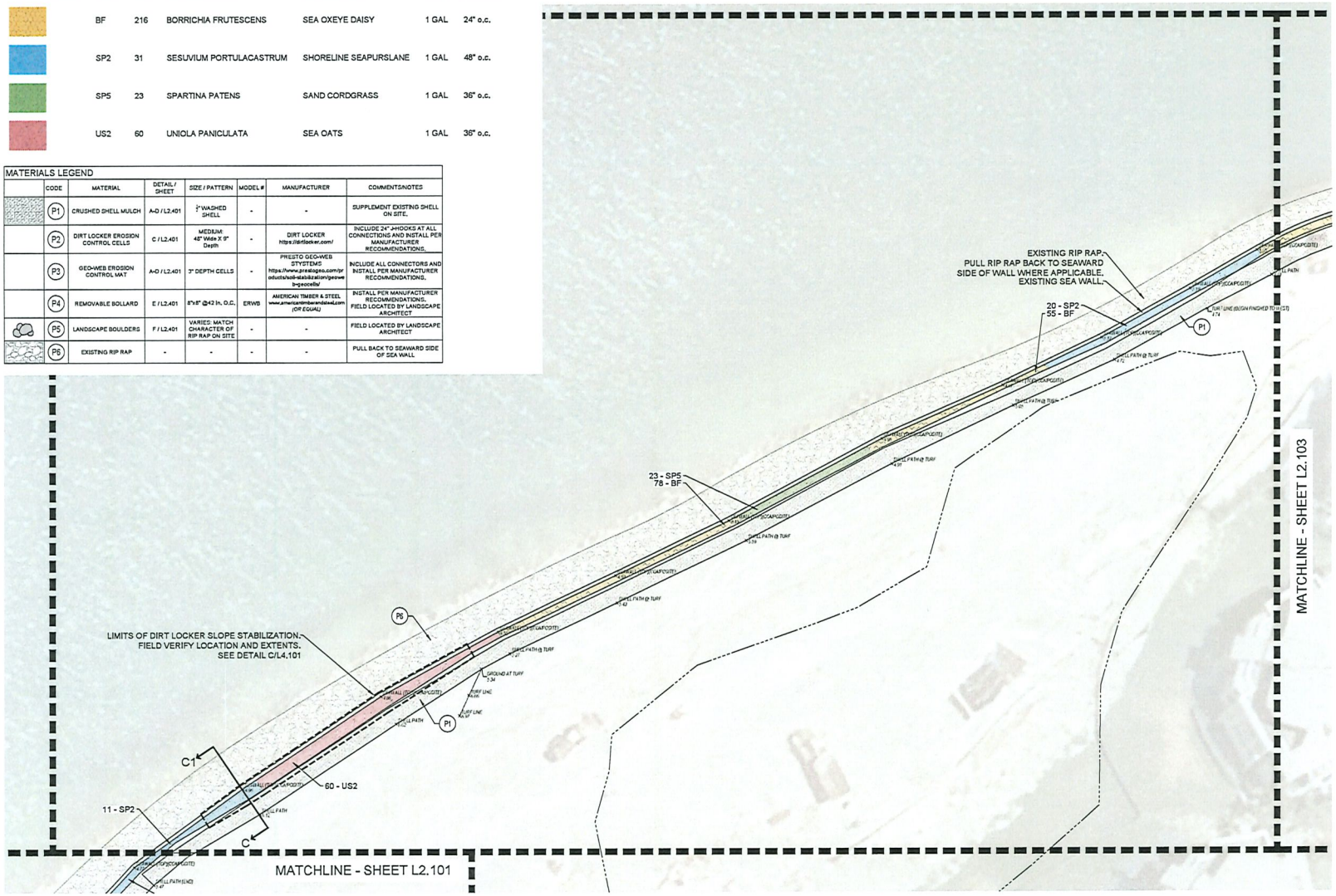
SCALE: 1" = 20'-0"
0' 20' 40' 60'

PLANT SCHEDULE L2.102

GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	BF	216	BORRICHIA FRUTESCENS	SEA OXEYE DAISY	1 GAL	24" o.c.
	SP2	31	SESUVIUM PORTULACASTRUM	SHORELINE SEAPURSLANE	1 GAL	48" o.c.
	SP5	23	SPARTINA PATENS	SAND CORDGRASS	1 GAL	36" o.c.
	US2	60	UNIOLA PANICULATA	SEA OATS	1 GAL	36" o.c.

MATERIALS LEGEND

	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES
	P1	CRUSHED SHELL MULCH	A-D / L2.401	½" WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM 48" Wide X 9" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB SYSTEMS https://www.prestogeo.com/products/soil-stabilization/geoweb-pasvelle/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @42 in. O.C.	ERWB	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL



NOTES:

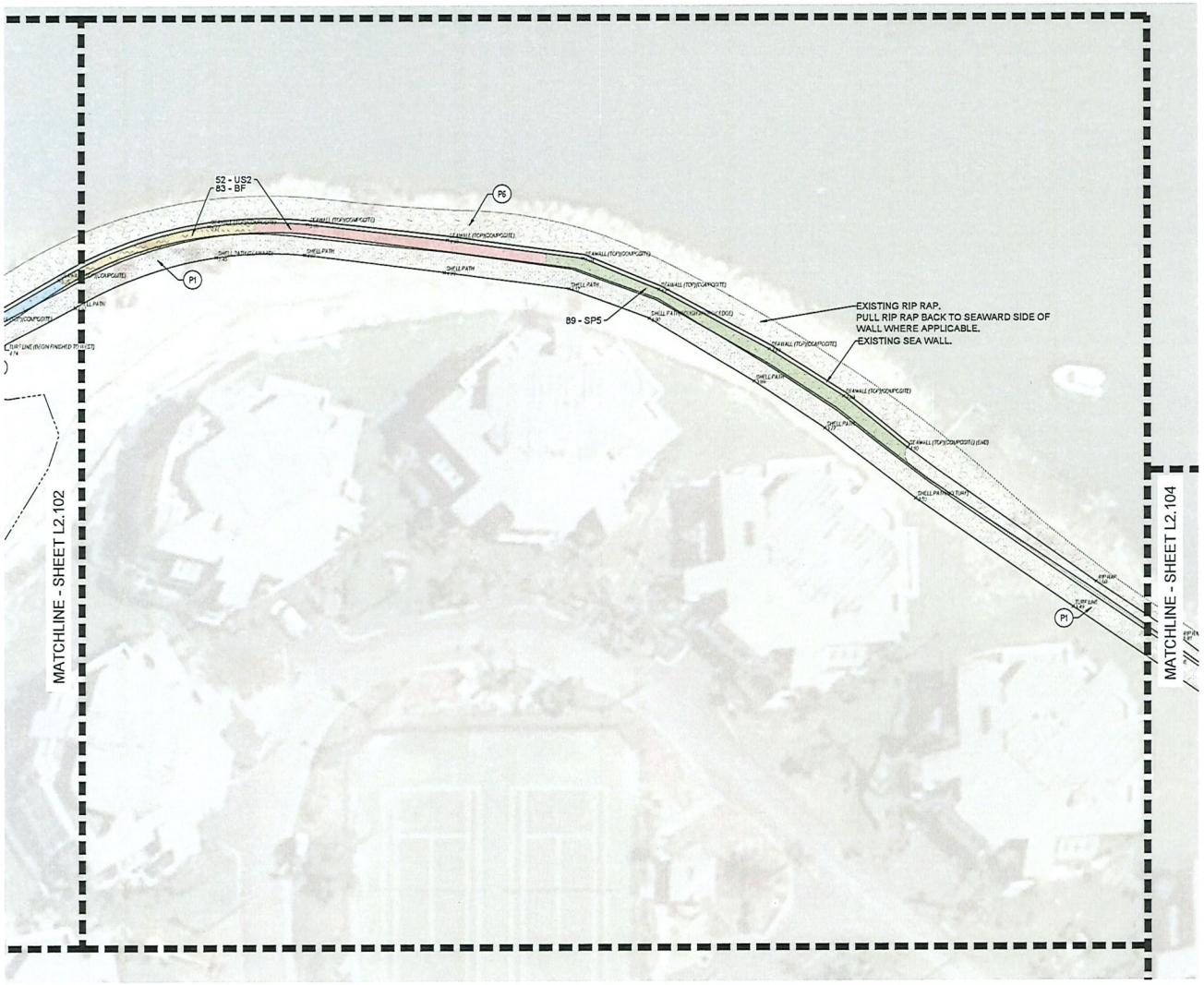
1. ANY EXISTING RIP RAP BETWEEN SEA WALL AND PROPOSED PATH TO BE REMOVED AND RELOCATED TO SEAWARD SIDE OF SEA WALL

ENLARGEMENT - L2.102

BrightView South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH
SCALE: 1" = 20'-0"
0' 20' 40' 60'



PLANT SCHEDULE L2.103

GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	BF	83	BORRICHIA FRUTESCENS	SEA OXEYE DAISY	1 GAL	24" o.c.
	SP5	89	SPARTINA PATENS	SAND CORDGRASS	1 GAL	36" o.c.
	US2	52	UNIOLA PANICULATA	SEA OATS	1 GAL	36" o.c.

MATERIALS LEGEND

	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES
	P1	CRUSHED SHELL MULCH	A-D / L2.401	½" WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM: 48" Wide X 9" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB SYSTEMS https://www.prestogeo.com/products/soil-stabilization/geoweb-geocells/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @42 in. O.C.	ERWB	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL

NOTES:

1. ANY EXISTING RIP RAP BETWEEN SEA WALL AND PROPOSED PATH TO BE REMOVED AND RELOCATED TO SEAWARD SIDE OF SEA WALL

ENLARGEMENT - L2.103

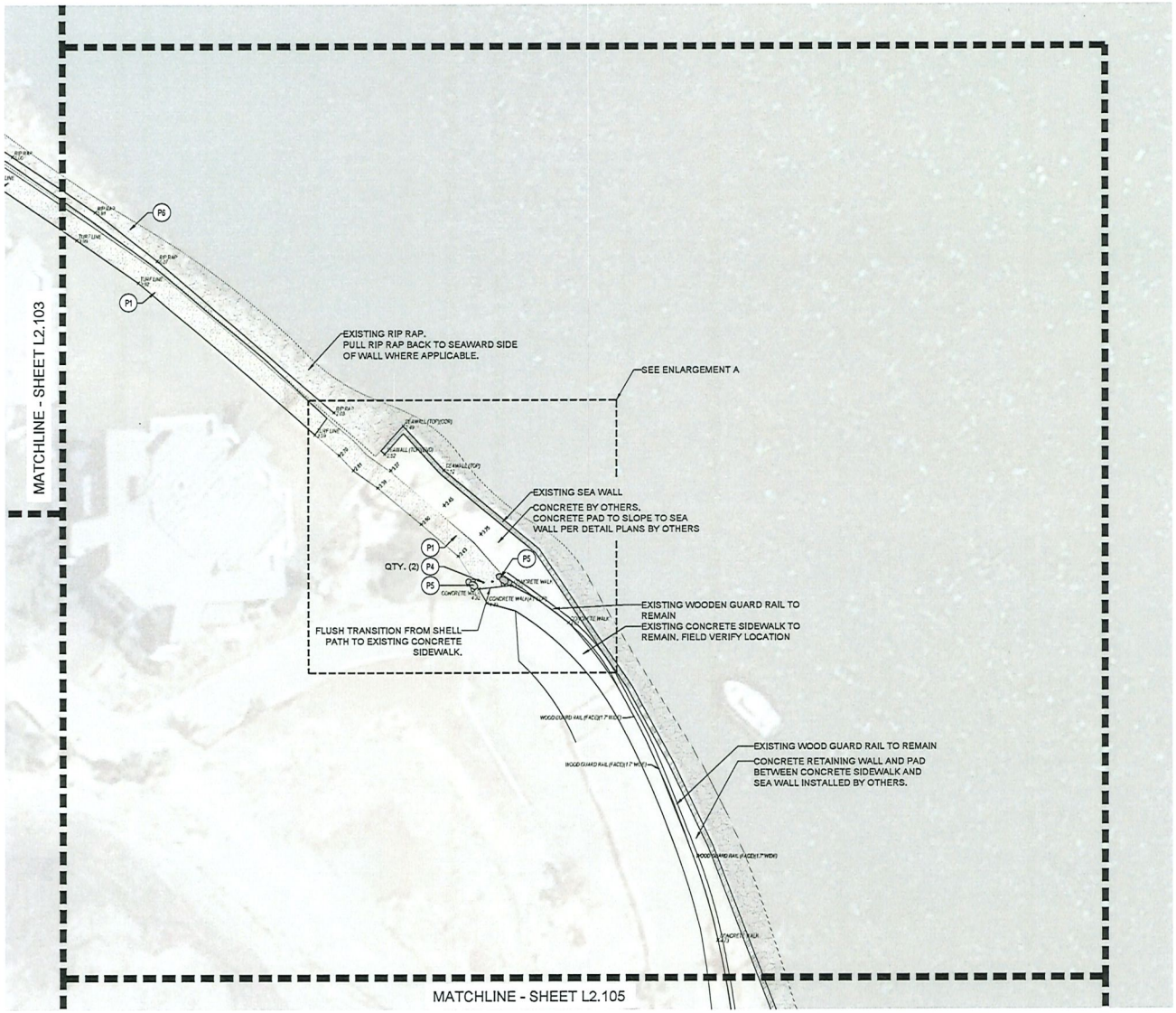
BrightView

South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH

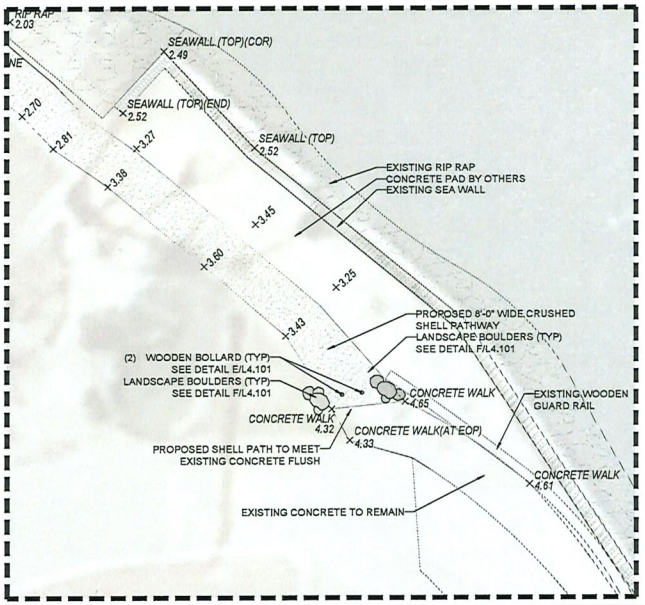
SCALE: 1" = 20'-0"
0' 20' 40' 60'



MATERIALS LEGEND							
	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES
	P1	CRUSHED SHELL MULCH	A-D / L2.401	2" WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM 48"Wide X 9" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB SYSTEMS https://www.prestogeo.com/products/soil-stabilization/geoweb-geocells/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @42 in. O.C.	ERWB	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL

NOTES:

1. ANY EXISTING RIP RAP BETWEEN SEA WALL AND PROPOSED PATH TO BE REMOVED AND RELOCATED TO SEAWARD SIDE OF SEA WALL



ENLARGEMENT A - SCALE: 1:10

ENLARGEMENT - L2.104

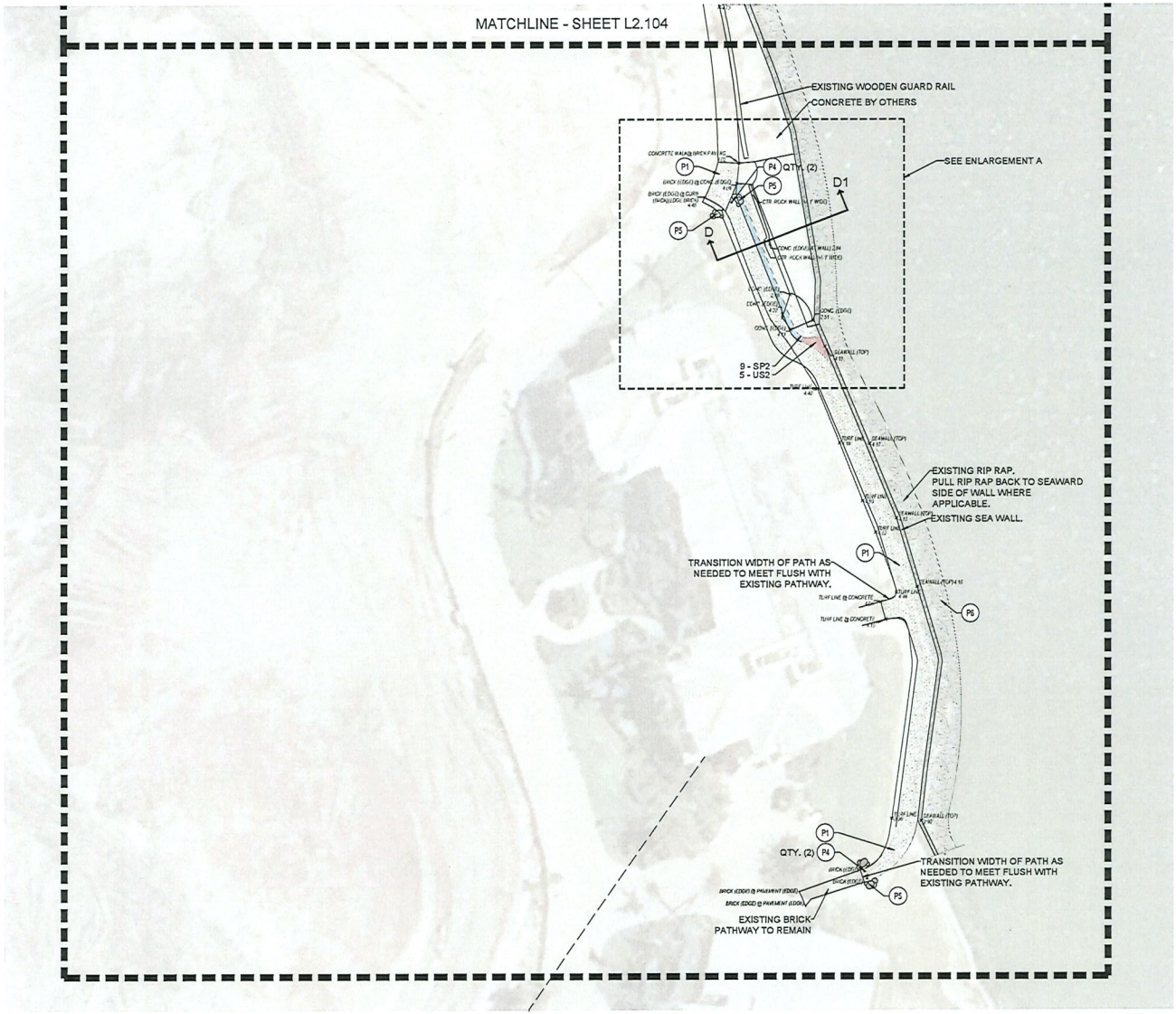
BrightView

South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH

SCALE: 1" = 20'-0"
0' 20' 40' 60'



PLANT SCHEDULE L2.105

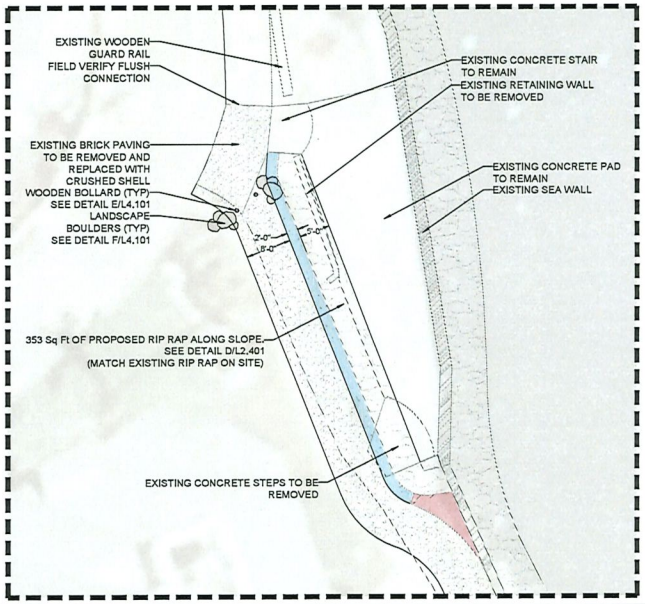
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	SP2	9	SESUVIUM PORTULACASTRUM	SHORELINE SEAPURSLANE	1 GAL	48" o.c.
	US2	5	UNIOLA PANICULATA	SEA OATS	1 GAL	36" o.c.

MATERIALS LEGEND

	CODE	MATERIAL	DETAIL / SHEET	SIZE / PATTERN	MODEL #	MANUFACTURER	COMMENTS/NOTES
	P1	CRUSHED SHELL MULCH	A-D / L2.401	3" WASHED SHELL	-	-	SUPPLEMENT EXISTING SHELL ON SITE.
	P2	DIRT LOCKER EROSION CONTROL CELLS	C / L2.401	MEDIUM: 48"Wide X 9" Depth	-	DIRT LOCKER https://dirtlocker.com/	INCLUDE 24" J-HOOKS AT ALL CONNECTIONS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P3	GEO-WEB EROSION CONTROL MAT	A-D / L2.401	3" DEPTH CELLS	-	PRESTO GEO-WEB STYSTEMS https://www.prestogeo.com/products/soil-stabilization/geoweb-specialty/	INCLUDE ALL CONNECTORS AND INSTALL PER MANUFACTURER RECOMMENDATIONS.
	P4	REMOVABLE BOLLARD	E / L2.401	8"x8" @42 in. O.C.	ERWB	AMERICAN TIMBER & STEEL www.americantimberandsteel.com (OR EQUAL)	INSTALL PER MANUFACTURER RECOMMENDATIONS. FIELD LOCATED BY LANDSCAPE ARCHITECT
	P5	LANDSCAPE BOULDERS	F / L2.401	VARIES: MATCH CHARACTER OF RIP RAP ON SITE	-	-	FIELD LOCATED BY LANDSCAPE ARCHITECT
	P6	EXISTING RIP RAP	-	-	-	-	PULL BACK TO SEAWARD SIDE OF SEA WALL

NOTES:

1. ANY EXISTING RIP RAP BETWEEN SEA WALL AND PROPOSED PATH TO BE REMOVED AND RELOCATED TO SEAWARD SIDE OF SEA WALL



ENLARGEMENT A - SCALE: 1:10

ENLARGEMENT - L2.105

BrightView South Seas

South Seas Island Resort
LANDS END REVETMENT ENHANCEMENTS
BRIGHTVIEW DESIGN GROUP
10-02-2023

NORTH
SCALE: 1" = 20'-0"
0' 20' 40' 60'



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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

WS SSIR OWNER, LLC.

1031 W. MORSE BLVD. SUITE 350
WINTER PARK, FL 32789

PROJECT DESCRIPTION

SOUTH SEAS RESORT

PART OF SECTION 22,
TOWNSHIP 45 SOUTH, RANGE 21 EAST
LEE COUNTY, FLORIDA

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FILE NAME	24000_HARDENEDSHORELINE.DWG
LOCATION	J:\24000\DWG\EXHIBITS\
PLOT DATE	TUE, 10-1-2024 - 4:25 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

NORTH END HARDENED SHORELINE EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	EX

After







South Seas

Entry Sign Before / After

Landscape Enhancement | Captiva, Florida

BrightView Design Group

Date: September 11, 2023
Date: September 27, 2023
Project #: 113651

EXHIBIT B-4

aRt FORM
SIGNS & LIGHTING

CLIENT:
SOUTH SEAS RESORT

LOCATION:
CAPTIVA | FL

DATE:
2.16.24

Artwork Phase:
- ○ Conceptual
- ● Design Development
- ○ Revision
- ○ Final Production
- ○ Shop Drawing

The boxes below must be initialed and dated prior to manufacturing.

CLIENT APPROVAL:

DATE:

PROD. APPROVAL:

DATE:

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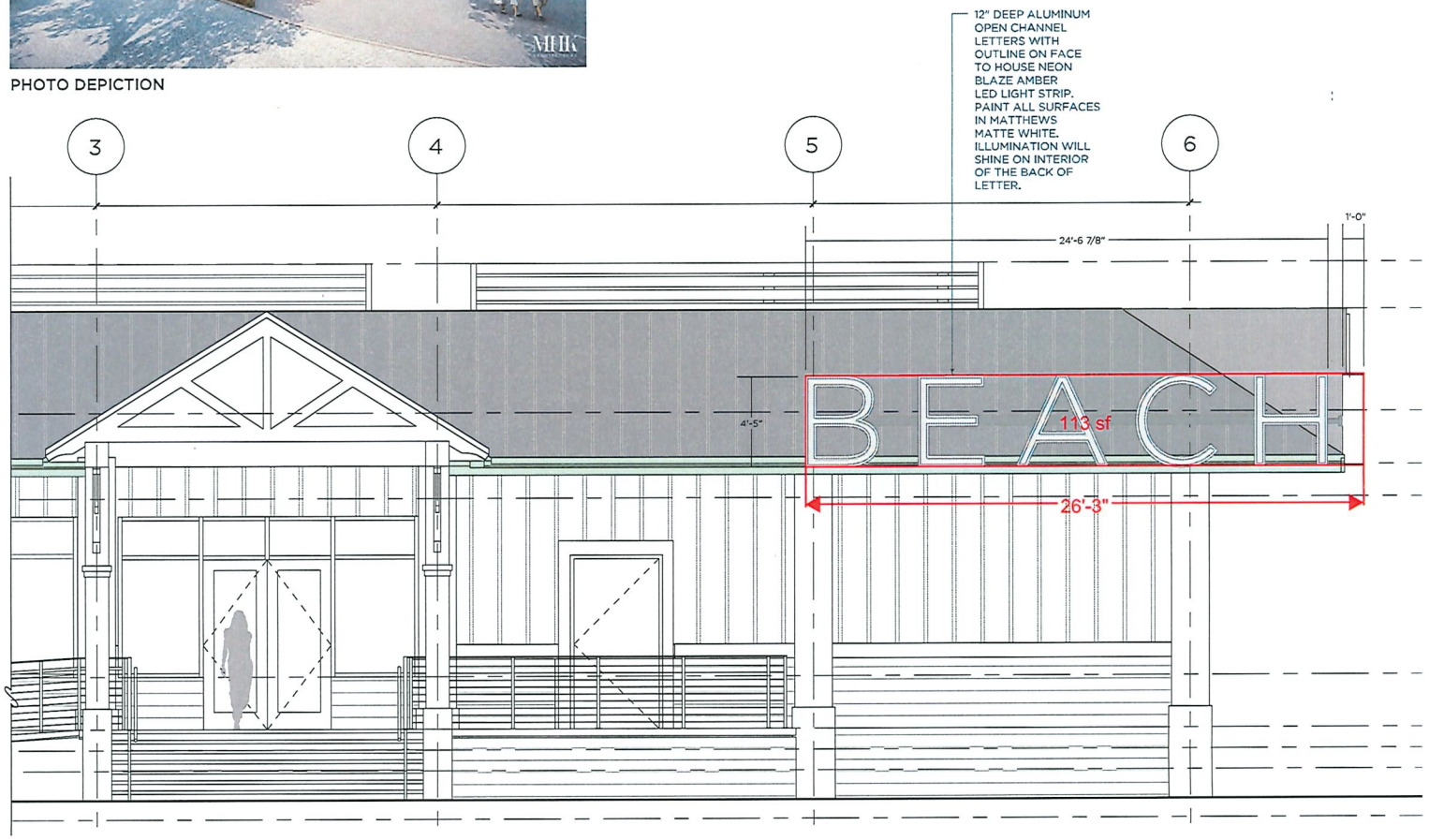

1 / - BEACHOUSE MARQUEE ID | PARTIAL SOUTH ELEVATION
SCALE: 3/16" = 1' - 0"

EXHIBIT B5

aRt FORM
SIGNS & LIGHTING

CLIENT:
SOUTH SEAS RESORT

LOCATION:
CAPTIVA | FL

DATE:
2.16.24

Artwork Phase:
- ○ Conceptual
- ● Design Development
- ○ Revision
- ○ Final Production
- ○ Shop Drawing

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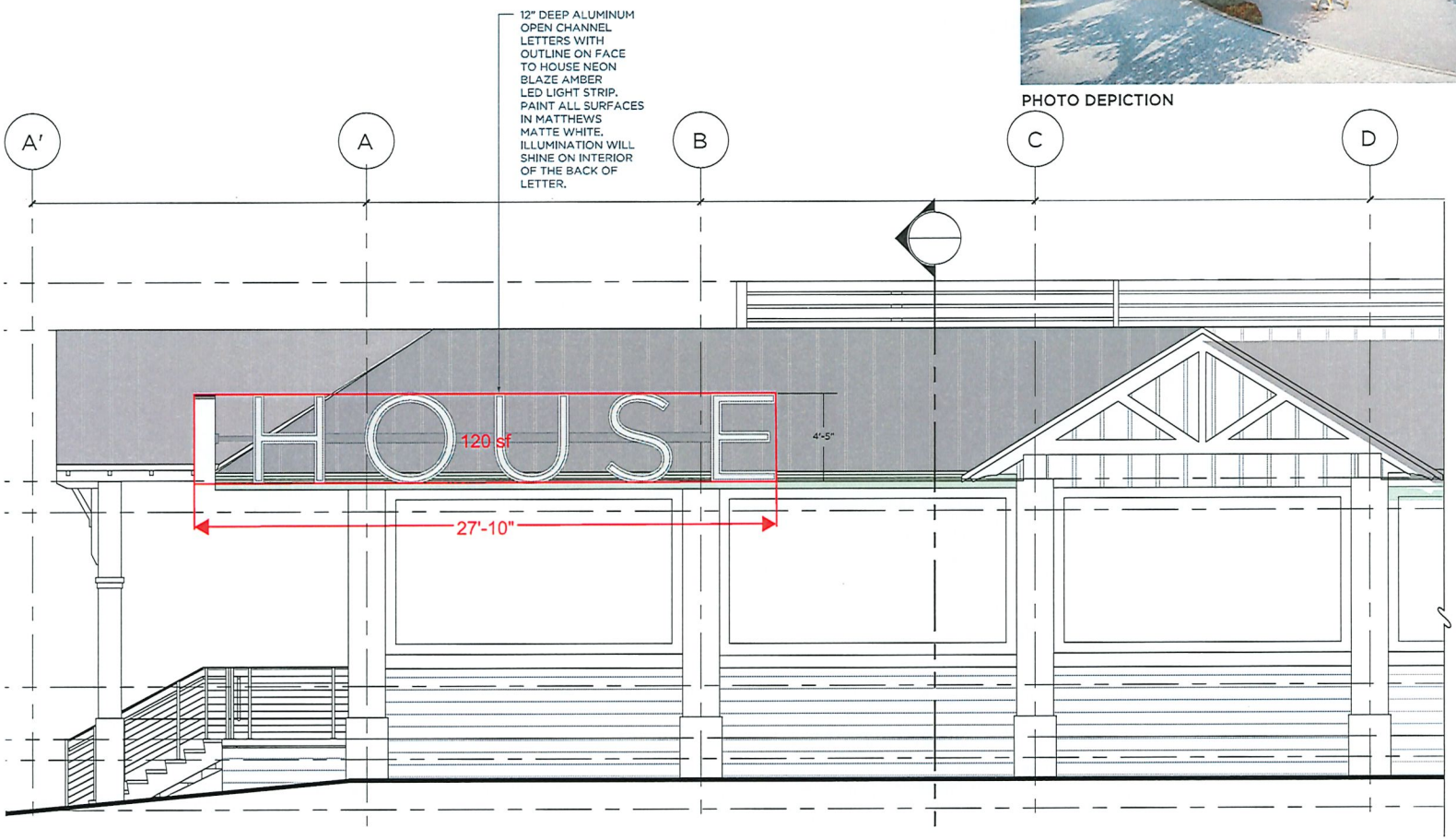
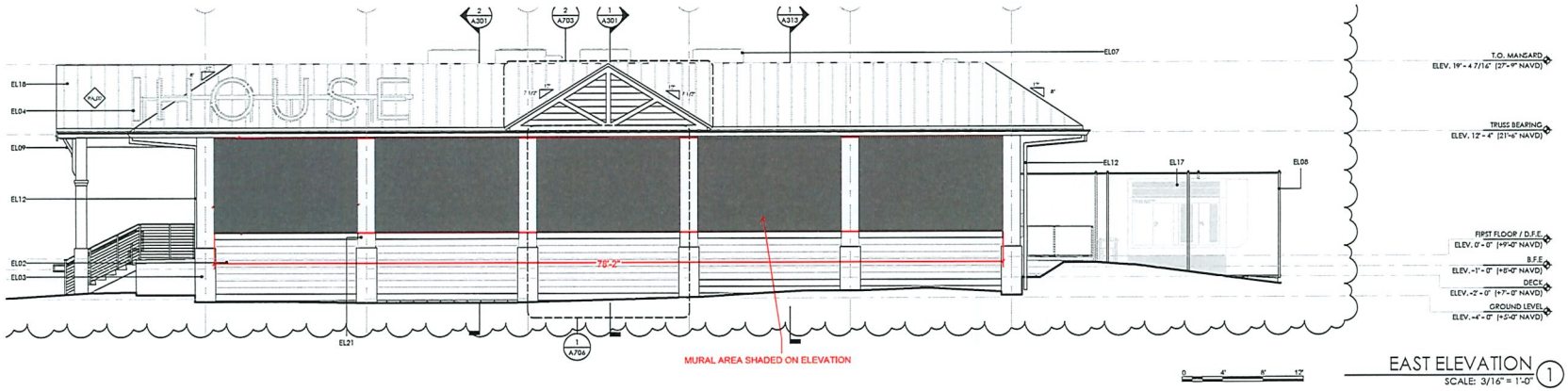


2 / - BEACHOUSE MARQUEE ID | PARTIAL EAST ELEVATION
SCALE: 3/16" = 1' - 0"





EAST ELEVATION (1)
SCALE: 3/16" = 1'-0"

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SOUTH SEAS RESORT - BEACH HOUSE
1192 South Seas Plantation Road,
Captiva, FL 33924

FLORIDA SEAL
REG#AR 11971

NOT FOR CONSTRUCTION

50% CONSTRUCTION DOCUMENTS 12/22/2023

COVER SHEET

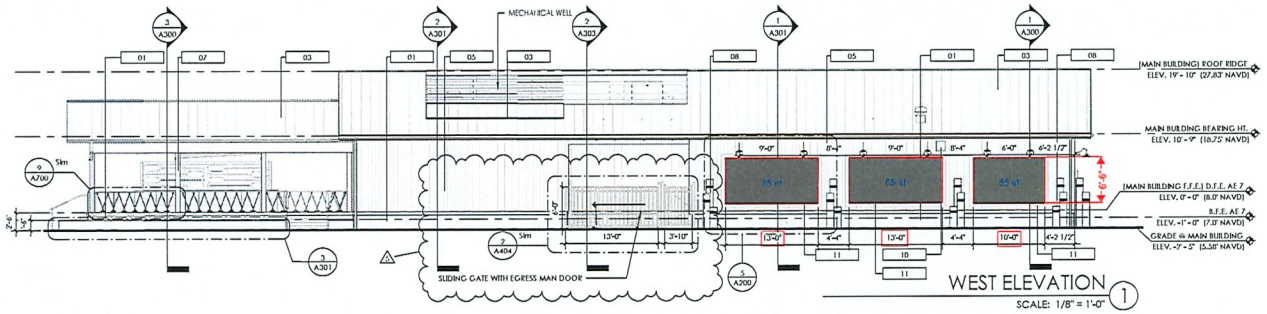
PHASE BLDG. PERMIT
PR NO 22279.01
PA/PM MK/SW

CS

12/22/2023 11:32:08 AM

EXHIBIT B6





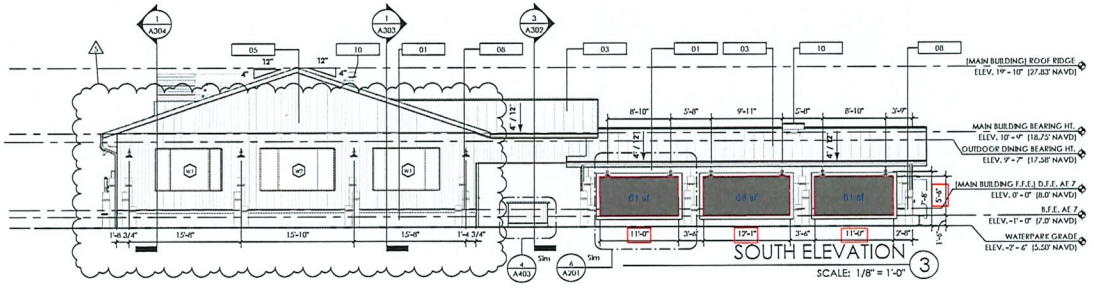


EXHIBIT B-7

8/23/2024 6:46:00 PM

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SOUTH SEAS WATERPARK
5400 SOUTH SEAS PLANTATION RD.
CAPTIVA ISLAND, FL

FLORIDA SEAL REG# AR 11771

100% CD SET 08/23/2024

COVER SHEET

PHASE 100% CD
PR NO 22279.09

G000



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SCALE IN FEET

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PREPARED FOR

WS SSIR OWNER, LLC.

1031 W. MORSE BLVD. SUITE 350
WINTER PARK, FL 32789

PROJECT DESCRIPTION

SOUTH SEAS RESORT

PART OF SECTION 22,
TOWNSHIP 45 SOUTH, RANGE 21 EAST
LEE COUNTY, FLORIDA

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FILE NAME	24000_EXISTINGROADWAYSECTIONS.DWG
LOCATION	J:\24000\DWG\EXHIBITS\
PLOT DATE	TUE, 1-7-2025 - 1:01 PM
PLOT BY	SCOTT WHEELER JR

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXISTING ROADWAY EXHIBIT

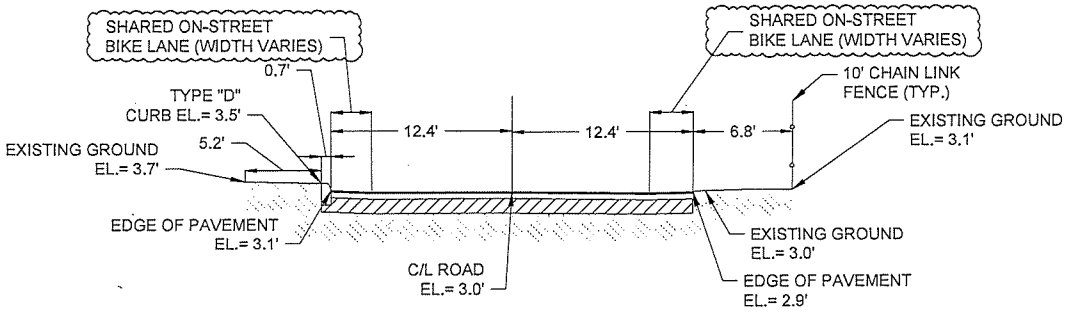
PROJECT / FILE NO.	SHEET NUMBER
24000	1.0

EXHIBIT B-8



NOTES:

PAVED SHOULDER AVERAGE WIDTH = 3'
OVERALL TRAVEL LANE AVERAGE WIDTH = 19.7'
INDIVIDUAL TRAVEL LANE AVERAGE WIDTH = 9.8'
UNPAVED SHOULDER = 5'-8' (FROM EDGE OF PAVEMENT TO VEGITATION)



1

ROADWAY SECTION 1 (ADJACENT TENNIS COURTS)

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PLOT DATE	TUE, 1-7-2025 - 1:01 PM
PLOT BY	SCOTT WHEELER JR

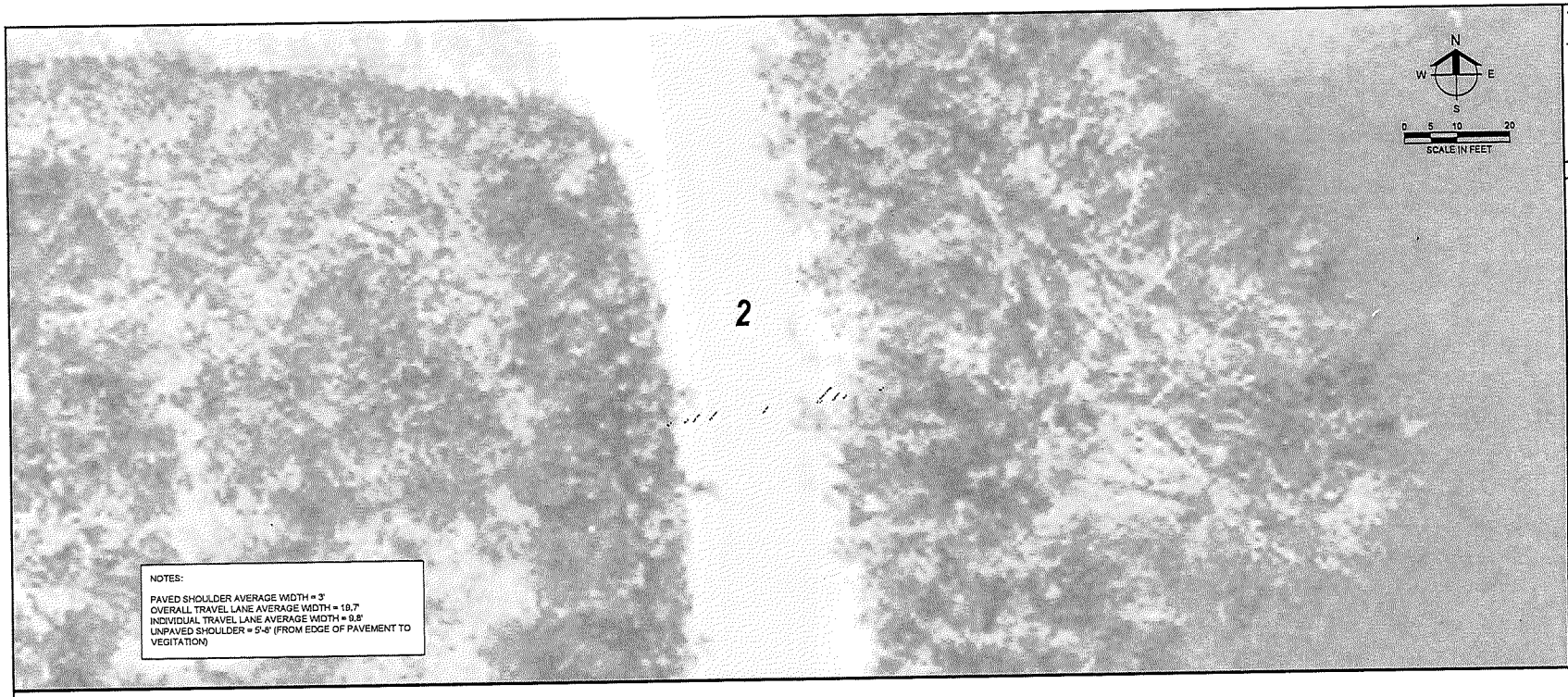
CROSS REFERENCED DRAWINGS

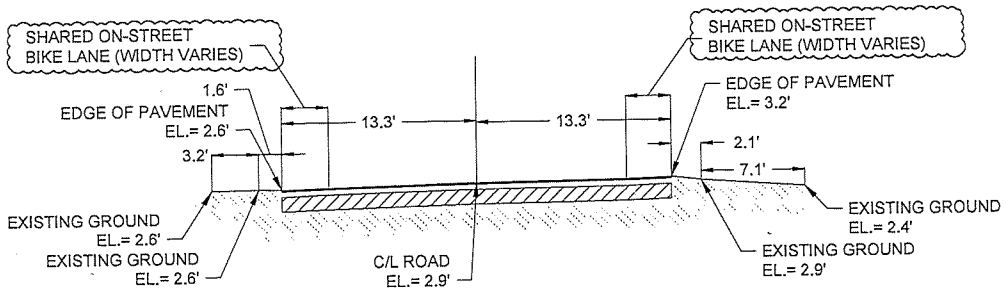
PLAN REVISIONS

PLAN STATUS

EXISTING ROAD SECTION EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	1.1





ROADWAY SECTION 2

2

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PLOT DATE | TUE, 1-7-2025 - 1:02 PM
PLOT BY | SCOTT WHEELER JR

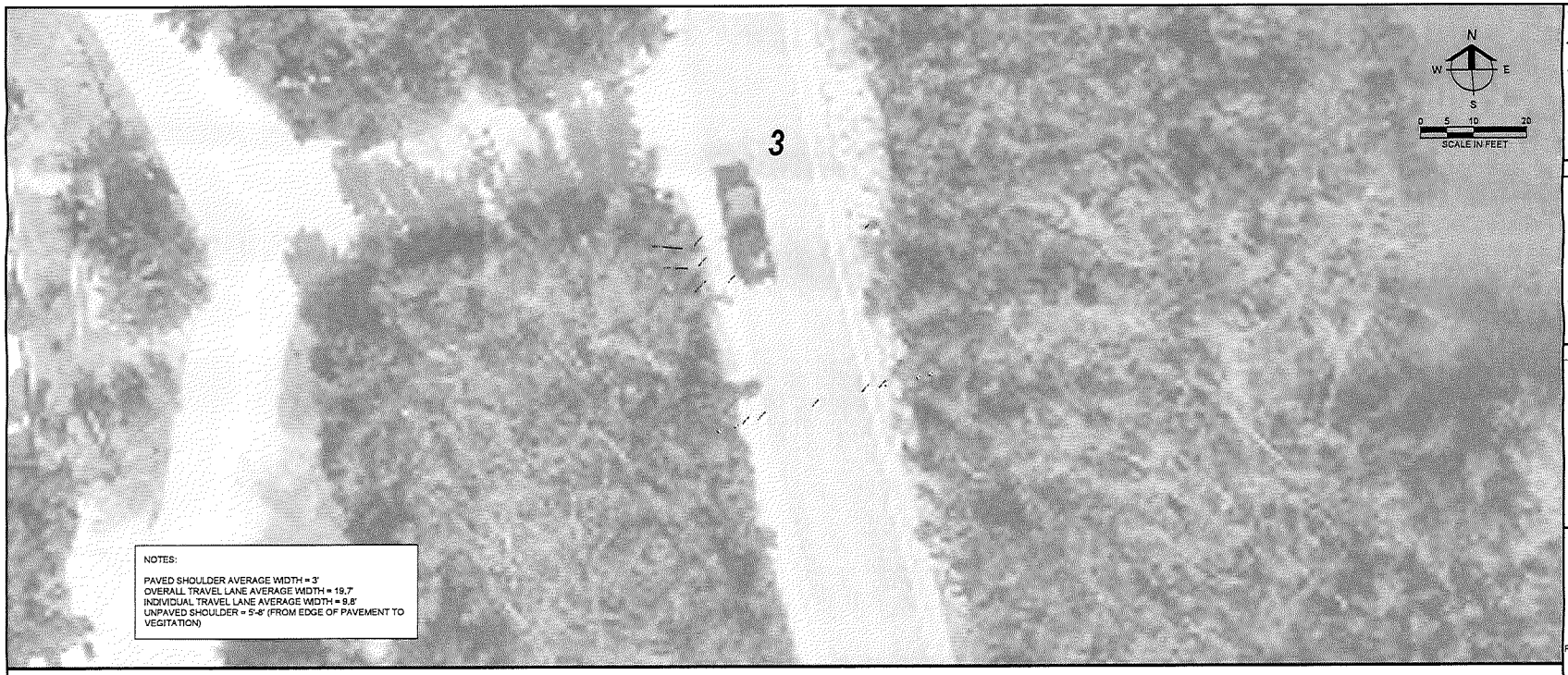
CROSS REFERENCED DRAWINGS

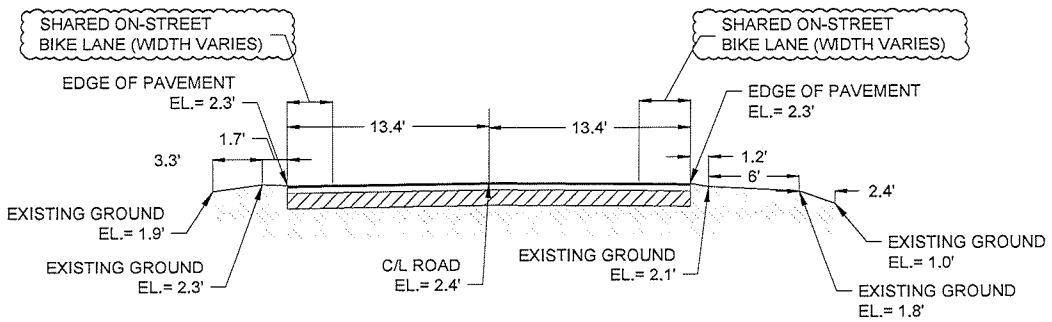
PLAN REVISIONS

PLAN STATUS

EXISTING ROAD SECTION EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	1.2





3

ROADWAY SECTION 3

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PROJECT DESCRIPTION

SOUTH SEAS RESORT

PART OF SECTION 22,
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LOCATION	J:\24000\WORK\EXHIBITS\
PLOT DATE	TUE, 1-7-2025 - 1:02 PM
PLOT BY	SCOTT WHEELER JR

CROSS REFERENCED DRAWINGS

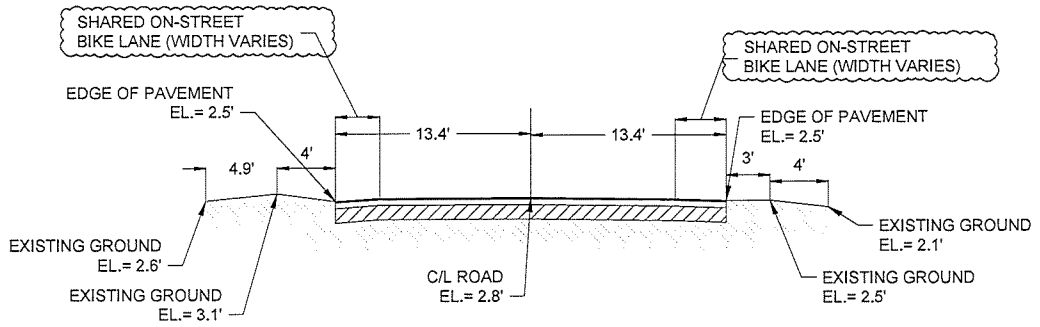
PLAN REVISIONS

PLAN STATUS

EXISTING ROAD SECTION EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
24000	1.3





4

ROADWAY SECTION 4

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PREPARED FOR

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WINTER PARK, FL 32789

PROJECT DESCRIPTION

SOUTH SEAS RESORT

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LOCATION	J:\24000\DWG\EXHIBITS\
PLOT DATE	TUE, 1-7-2025 - 1:02 PM
PLOT BY	SCOTT WHEELER JR

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXISTING ROAD SECTION EXHIBT

PROJECT / FILE NO.	SHEET NUMBER
24000	1.4

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Principal Planner, date received January 31, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For Zoning Case DCI2023-00051, South Seas Island Resort MPD (1 page – 8.5"x11")

3. *The School District of Lee County:* Comments submitted by Jacqueline Heredia, District Planning Specialist (1 page – 8.5"x11")

4. *Memorandum:* From Nic DeFilippo, Senior Environmental Planner, to Adam Mendez, Principal Planner, regarding Surface Water Quality Monitoring Plan condition, dated February 19, 2025 (1 page – 8.5"x11")

5. *PowerPoint Presentation:* Prepared by Lee County Staff for South Seas Island Resort MPD, DCI2023-00051 (multiple pages – 8.5"x11")[color]

6. *PowerPoint Presentation Rebuttal:* Prepared by Lee County Staff for South Seas Island Resort MPD, DCI2023-00051, dated April 18, 2025 (multiple pages – 8.5"x11")[color]

7. *Memorandum:* From Nic DeFilippo, Senior Environmental Planner, to Adam Mendez, Principal Planner, dated April 7, 2025 (multiple pages – 8.5"x11")

8. *Response to Hearing Examiner's Memorandum:* From Environmental Science (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Alexis Crespo, AICP to Maria Perez, with copies to Neale Montgomery, Esq., Laurie Plue, Greg Spencer, Anthony Solomon, Adam Mendez, Elizabeth Workman, and Carl Barraco Sr., dated Wednesday, February 12, 2025, 9:13 AM (multiple pages – 8.5"x11" and 11"x17")[color]

b. *Revised 48-Hour Notice:* Email from Alexis Crespo AICP to Maria Perez, with copies to Neale Montgomery, Esq., Laurie Plue, Greg Spencer, Anthony Solomon, Adam Mendez, Elizabeth Workman, and Carl Barraco Sr., dated Wednesday, February 12, 2025, 11:21 AM (multiple pages – 8.5"x11" and 11"x17")[color]

1. *PowerPoint Presentation:* Prepared for South Seas Mixed Used Planned Development, Hearing Examiner Presentation, dated February 14, 2025 (multiple pages – 8.5"x11")[color]

2. *Special Permits:* Sections 27 (1 page – 8.5"x11")

3. *Résumé:* For Carl A. Barraco, P.E., with Barraco and Associates, Inc. (1 page – 8.5"x11")

4. *Emergency Preparedness Plan 2025:* For South Seas (multiple pages – 8.5"x11")[color]

5. Expert Witness *Résumés:* For Alexis Crespo, AICP, LEED*AP, Carl Barraco, P.E., Christian Andrea, ASLA, Cathy Olson, CWB, Elizabeth Fountain, P.E., CFM, Christopher S. Wright, P.E., Ted Treesh, PTP, Hans J.M. Wilson, P.E., Lucy Gallo, CGMA, Shawn Farrell, Daniel Lee Trescott, David Henson, Betsie N. Hiatt, Matthew H. Kragh, AIA, NCARB, Mark Mclean, LEED-AP/AIBD, Lennart J. Lindahl, P.E., Noah Daniels Valenstein, and Jim Von Rinteln, M.A., FPEM, CEM, CFM (multiple pages – 8.5"x11")

6. *Composite Exhibit:* Applicant's Application Material and Submittals (multiple pages – 8.5"x11")

7. *Résumé:* For David J. Brown, P.G. (2 pages – 8.5"x11")

8. *Résumé:* For Robert (Bob) Walter (2 pages – 8.5"x11")

9. *Résumé:* For Stephen F. Shawles II, PSM (1 page – 8.5"x11")

10. *Revised Trip Generation:* Prepared by Ted Treesh, with TR Transportation Consultants, Inc., for South Seas Island Resort MPD (1 page – 8.5"x11")

11. *Land Use 330 Resort Hotel:* Submitted by Ted Treesh, with TR Transportation Consultants, Inc. (1 page – 8.5"x11")

12. *Updated Traffic Count:* Prepared by Ted Treesh, with TR Transportation Consultants, Inc. (2 pages – 8.5"x11")

13. *Captiva Drive NB, SB:* Submitted by Ted Treesh for Station ID 17061 Captiva Drive, Serial Number 41675 (3 pages – 8.5"x11")

14. *Data Analytics:* Zoom Call Data Analytics for South Seas Resort Owner Calls, Participant Information from July 2023 to March 2025 (multiple pages – 8.5"x11")

15. *Grant of Easement:* Approved June 29, 1973 (multiple pages – 8.5"x11")

16. *Beach Access Easement:* Approved July 5, 1960 (3 pages – 8.5"x11")

17. *General Liability Incident Reporting Form:* For South Seas Island Resort, 5400 Plantation Road, Captiva, Florida 33924, date of accident May 25, 2024 (multiple pages – 8.5"x11")

18. *Email:* From Andrew Sussman to Daniel Trescott, regarding *Correction on Evacuation Study Methodology for Modeling Tourist Evacuation,* dated Friday, February 28, 2025, at 12:14 PM (multiple pages – 8.5"x11")

19. *Captiva Island Vulnerability Assessment and Adaptation Plan:* Prepared by Brizaga Assess Communicate Adapt for WS SSIR Owner, LLC., dated September 2022 (multiple pages – 8.5"x11")[color]

20. *PowerPoint Presentation Rebuttal:* Prepared for South Seas Mixed Used Planned Development, Hearing Examiner Presentation, dated April 8, 2025 (multiple pages – 8.5"x11")[color]

21. Letter: From the Florida Department of Environmental Protection for South Seas Plantation, Notice of Permit Issuance, dated March 30, 2021 (multiple pages – 8.5"x11")

22. *Section 3 Sanitary Sewer Systems:* (1 page – 8.5"x11")

23. *Transcript:* For the Administrative Hearing Proceedings of Captiva Civic Association, Inc., (Petitioner) vs. Lee County, Florida Department of Commerce; and Ws Ssir Owner, LLC D/B/A South Seas Island Resort (Respondents), Case #24-1951GM (multiple pages – 8.5"x11")

24. *South Seas Resort Transient Unit Tabulation:* Submitted by Shawn Farrell (1 page – 8.5"x11")

25. *Letter:* From David Fiess, Assistant Director of District Management with the Florida Department of Environmental Protection, to Jason Goodrich, Deputy Director of City of Sanibel Public Works, regarding Compliance Assistance Offer, Donax Water Reclamation Facility, ID no. FLA014430, sanitary Sewer Overflows from September 2024 through December 2024 Lee County, dated February 3, 2025 (multiple pages – 8.5"x11")

26. *Caloosahatchee Watershed Grants:* For Fiscal Year 2023-24 Award (2 pages – 8.5"x11")

27. *Newsroom Press Release:* Governor Ron DeSantis awards $30 Million for Infrastructure projects to Improve Water Quality in the Caloosahatchee River and Estuary (3 pages – 8.5"x11")

28. *Résumé:* For Noah Daniels Valenstein (1 page – 8.5"x11")

29. *Master Concept Plan:* Prepared by Barraco & Associates (multiple pages – 24"x 36")

30. Board of County Commissioners Meeting: Held June 20, 2023 (multiple pages – 8.5"x11")

31. *Email:* From Michael Jacob to Leo Farrenkopf, dated Monday, September 11, 2023, at 5:01 PM (4 pages – 8.5"x11")

32. T *Dock Overall Site Plan:* Prepared by Hans Wilson & Associates for South Seas Island Resort, dated April 17, 2025 (1 page – 11"x 17")

33. *Conceptual Dock Expansion:* Prepared by Hans Wilson & Associates for South Seas Island Resort, dated April 17, 2025 (1 page – 11"x 17")

34. *PowerPoint Presentation: For the Timbers Resort* (multiple pages – 8.5"x11")[color]

35. *Revised Conditions:* (multiple pages – 8.5"x11")

36. *PowerPoint Presentation Rebuttal:* Prepared for South Seas Mixed Used Planned Development, Hearing Examiner Presentation, dated April 18, 2025 (multiple pages – 8.5"x11")[color]

37. *Written Submissions:* Email from Alexis Crespo AICP, to Maria Perez, with copies to Adam Mendez, Anthony Rodriguez, Neale Montgomery, Esq., Greg Spencer, Anthony Solomon, Carl Barraco P.E., and David Henson, dated Friday, May 16, 2025, at 2:40 PM (multiple pages – 8.5"x11" and 11"x17")

OTHER EXHIBITS

Audrey Albrecht

1. *Résumé:* For Audrey Albercht (2 pages – 8.5"x11")

2. *Letter:* From Audrey Albercht, Shorebird Biologist with Sanibel Captiva Conservation Foundation, to Donna Marie Collins, Chief Hearing Examiner, dated February 14, 2025 (multiple pages – 8.5"x11")

Jeffrey Alexander

1. *Composite Exhibit:* Including Résumé for Jeffrey Alexander, Letter and PowerPoint Presentation (multiple pages – 8.5"x11")

Michael Belle, Esq.

1. *Authorized Agent and Personal Statements:* (multiple pages – 8.5"x11")

2. *Letter:* From Michael Belle, Esq., to Joseph A. Adams, Esq., dated February 11, 2025 (multiple pages – 8.5"x11")

Kathlene Berkey, Esq.

1. *Composite Exhibit:* Request for Aggrieved/Adversely Affected Party Status, Witness List/Exhibits, and Objections in Case No. DCI2023-00051, South Seas Island Resort MPD Rezoning, dated February 11, 2025(multiple pages – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by Katie O. Berkey, Esq., for DCI2023-00051 (multiple pages – 8.5"x11")[color]

Matt DePaolis

1. *Letter:* From Matt DePaolis to Hearing Examiner Collins, dated February 26, 2025 (2 pages – 8.5"x11")

James Evans

1. *Résumé:* For James Evans (3 pages – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by James Evans, for DCI2023-00051, South Seas Island Resort MPD, dated February 28, 2025 (multiple pages – 8.5"x11")[color]

3. *Presentation:* For James Evans (multiple pages – 8.5"x11")

4. *64E-6.008 System Size Determinations*: (multiple pages – 8.5"x11")[color]

5. *Capacity Analysis Report:* For South Seas Plantation, WWTF, Captiva, Florida, FDEP Permit No. FLA014686 (Expires April 9, 2016), dated December 2015, prepared by DMK Associates, Inc. (multiple pages – 8.5"x11")[color]

6. *Florida Department of Environmental Permit:* By Florida Governmental Utilities Authority, Sam Cain, Longwood, Florida, File Number: FLA014686-016-DW2P, dated March 30, 2021 (4 pages – 8.5"x11")

7. *Warning Letter:* From the Florida Department of Environmental to Sam Cain, P.E., Operations Manager for Florida Government Utility Authority, regarding South Seas Plantation WWTP, Facility ID No. FLA014686 (2 pages – 8.5"x11")

Leo Farrenkopf

1. *PowerPoint Presentation:* Prepared by Leo Farrenkopf (multiple pages – 8.5"x11")[color]

Bill Finley

1. *Presentation:* For Bill Finley (2 double-sided pages – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by Bill Finley (2 double-sided pages – 8.5"x11")

Marilyn Frederick

1. *PowerPoint Presentation:* Prepared by Marilyn Frederick (3 double-sided pages – 8.5"x11")

Charles Gauthier

1. *Résumé:* For Charles Gauthier (multiple pages – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by Charles Gauthier (3 double-sided pages – 8.5"x11")

Richard Grosso, Esq.

1. *Composite Exhibit:* (multiple pages – 8.5"x11")

2. *Composite Exhibit:* (multiple pages – 8.5"x11")

Edward Holden

1. *Presentation:* For Edward Holden (2 double-sided pages – 8.5"x11")

Zachary Liebetreu

1. *Report to the Industry:* Prepared by Fort Myers Lee County Tourist Development Council, dated February 13, 2025 (multiple pages – 8.5"x11")

2. *Composite Exhibit:* Request for Aggrieved/Adversely Affected Party Status, Witness List/Exhibits, and Objections in Case No. DCI2023-00051, South Seas Island Resort MPD Rezoning (multiple pages – 8.5"x11")

Robert Locker

1. *PowerPoint Presentation:* Prepared by Robert Locker (multiple pages – 8.5"x11")

Eric Milbrandt, Ph.D

1. *Résumé:* For Eric Milbrandt (multiple pages – 8.5"x11")

David Mintz

1. *Composite Exhibit:* (multiple pages – 8.5"x11")
2. *Sanitary Sewer: FGUA:* (multiple pages – 8.5"x11")
3. *CPA2015-00009:* For Captiva Community Plan (multiple pages – 8.5"x11")
4. *Community Outreach:* (1 page – 8.5"x11")[color]
5. *Final Mariner Project at South Seas:* To Owners at South Seas Resort, from Bob Taylor, Chairman (multiple pages – 8.5"x11")

Jerry Murphy, AICP

1. *Résumé:* For Jerry Murphy (4 double-sided pages – 8.5"x11")
2. *Composite Exhibit:* (multiple pages – 8.5"x11")
3. *Presentation:* For Jerry Murphy (2 double-sided pages – 8.5"x11")

James Patterson

1. *Résumé:* For James Patterson (1 double-sided page – 8.5"x11")
2. *Legal Description:* Property located in 921 South Seas Plantation Road (2 pages – 8.5")
3. *PowerPoint Presentation:* Prepared by James Patterson (multiple pages – 8.5"x11")

Jeff Pawul, Fire Chief

1. *Presentation:* For Jeff Pawul (2 pages – 8.5"x11")

Lisa Riordan

1. *Composite Exhibit:* (multiple pages – 8.5"x11")

Thomas Sadlowski

1. *Composite Exhibit:* (multiple pages – 8.5"x11")

Kelly Sloan

1. *Résumé:* For Kelly Sloan (2 double-sided pages – 8.5"x11")

Ken Suarez

1. *Agent Authorization and Personal Statements:* (multiple pages – 8.5"x11")
2. *PowerPoint Presentation:* Prepared by ken Saurez (multiple pages – 8.5"x11")

Gehard Thelen

1. *PowerPoint Presentation:* Prepared by Gehard Thelen (multiple pages – 8.5"x11")

Michael Whitt, Esq.

1. *PowerPoint Presentation:* Prepared by Michael Whitt (multiple pages – 8.5"x11")
2. *Composite Exhibit:* (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Nicholas DeFilippo
2. Michael Jacob, Esq.
3. Adam Mendez
4. Rob Price, P.E.
5. Elizabeth Workman, AICP

Applicant Representatives:

1. Christian Andrea
2. Carl Barraco, P.E.
3. Alexis Crespo, AICP
4. Shawn Farrell
5. Elizabeth Fountain, P.E.
6. Lucy Gallo
7. Mark McLean, AIBD
8. Neale Montgomery, Esq.
9. Cathy Olson
10. Greg Spencer
11. Steve Shawless
12. Ted Treesh
13. Dan Trescott
14. Noah Valenstein, Esq.

15. Bob Walter
16. Hans Wilson, P.E.
17. Christopher Wright, P.E.

Public Participants:

1. John Agnew, Esq.
2. Audrey Albrecht
3. Jeffrey A. Alexander
4. Joe Barbee
5. Michael J. Belle
6. Katie Berkey, Esq.
7. James C. Berg
8. Dennis Berry
9. Malcolm Briggs
10. Rebecca Briggs
11. Jay Brown
12. Mary Ann Cowart
13. Laura DeBruce
14. Matthew DePaolis
15. Evan DePont
16. James Evans
17. Leo Farrenkopf
18. Bill Finley
19. Marilyn Frederick

20. Charles Gauthier
21. Chauncy Goss
22. Richard Grosso, Esq.
23. John Henshaw
24. Ed Holden
25. Calli Johnson
26. Richard Johnson
27. Linda Laird
28. Tony Lapi
29. Richard Levinson
30. Zachary Liebetreu, Esq.
31. Dr. Robert J. Locker, Ph.D.
32. Lisa Maxwell
33. Eric Milbrandt, Ph.D.
34. Mike Miller
35. David A. Mintz
36. Gerald Murphy
37. James Patterson
38. Jeff Pawul
39. Allie Pecenka
40. Michael Polly
41. Lisa Riordan
42. Drew Roark

43. Thomas Sadlowski
44. Kelly Sloan
45. Holly Smith
46. Richard Sonking
47. Dana Souza
48. Ken Suarez
49. Gerhard Thelen
50. Anthony Thompson
51. Andrea Titus
52. Ray Titus
53. Carroll R. Wetzel
54. Blair Wyatt
55. Michael Whitt, Esq.

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

C. Participants may not submit documents to the Board of County Commissioners unless marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

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

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