

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00054
Case Name: Port Phoenix Water Way Marina
Case Type: Planned Development Rezoning
Area to be Rezoned: ±7.27 Acres
Sufficiency Date: October 17, 2025
Hearing Date: January 8, 2026
Commissioner District 4

REQUEST:

Speath Engineering has filed an application to rezone 7.27± acres from Commercial Planned Development (CPD) and Light Industrial (IL) to Commercial Planned Development (CPD) to allow for the development of a commercial marina consisting of 283 boat slips (44 wet and 239 dry), 20,610 square-feet of marine accessory uses, and a 10,000 square-foot restaurant.

SUMMARY:

The requested rezoning would allow for the development of a commercial marina, associated uses, and a restaurant. The net change proposed with this request is summarized in Table 1 below:

Existing CPD Entitlements (Z-06-065¹) vs Current Request

Category	Existing Approval	Requested Approval	Change
Boat Slips	283	283	N/A
Height	55' (limited to dry storage building) 45' maximum for remainder of buildings	57' (limited to dry storage building) 45' maximum for remainder of buildings	+2'
Subordinate Intensity	7,500 square feet	20,610 square feet	+13,110 square feet
Restaurant	9,500 square feet (including a 2,500 square foot two story gazebo)	10,000 square feet (including 2,500 square feet of outdoor seating)	+500 square feet
Consumption on Premises (COP)	11,200 square feet ²	17,150 square feet	+5,950 square feet

¹ Approved on 5.77± acres

² This does not include the approved pool COP area as it was not assigned a square footage.

While not outlined in the above table, the Light Industrial zoning district (1.02 ac of the subject property) permits many uses by right which would no longer be permitted under the requested rezoning. The elimination of these potential uses must be considered when evaluating the request. The subject property is owned by Lee County BoCC and represents a unified commercial marina development consistent with past commercial marina approvals.

A legal description and boundary survey are enclosed in Attachment B. Staff recommends **APPROVAL** of the request with the conditions and deviations found in Attachment E of this report.

HISTORY OF PROPERTY:

The subject property currently contains two zoning districts: Light Industrial and Commercial Planned Development. The Light Industrial zoning designation was the previous site of the Lee County Utilities Waterway Estates Wastewater Treatment Plant. The wastewater facility was granted several variances and a special exception, in zoning resolution Z-88-238, to allow for the Essential Services Facilities – Group II use within the Light Industrial zoning district. The wastewater treatment plant was demolished under DEM2013-00115, and the property has remained vacant.

The Commercial Planned Development portion of the property has operated as a marina since the 1960s. Originally, the property was rezoned in 1976 (Z-76-123) from Industrial District (IU) to Neighborhood Retail Business District (BU-1A). The approval included a Special Permit for the marina and incorporated the comments of the Waterway Estates Civic Association as conditions of the zoning action. Then in 1988, the Lee County Board of County Commissioners approved a rezoning, in Zoning Resolution Z-88-293, to Commercial Planned Development. This permitted the development of a restaurant and marina with 44 wet slips and 239 dry slips and marine repair which included industrial type activities such as sandblasting and outdoor storage and repair of boats. The rezoning also permitted on-site fueling and pump-out stations for the boats using the marina. The main outdoor repair areas were located along the western portion of the property closest to the existing single-family residences. Deviations were approved to reduce the number of required parking spaces, reduced buffers, and setbacks.

An administrative application for consumption on premises was approved in April of 1992 in resolution number COP-92-004. This approval permitted the consumption of beer and wine in conjunction with a standard restaurant during the hours of 11am and 9pm on weekdays and 11am and 10pm during the weekends. Outdoor seating was prohibited as part of this resolution.

Lee County Zoning Resolution Z-99-067 amended the previously approved Commercial Planned Development (CPD) and approved a 15-foot by 45-foot outdoor seating area for the Shucker's Restaurant. Two deviations were approved, reducing the waterbody setback to 0 feet and eliminating the need for additional parking for the outdoor seating area.

An administrative approval relocating one of the existing buildings and adding a buffer with a wall along the west portion of the property was approved in August 2000 in case number ADD2000-00112.

Lee County Zoning Resolution Z-06-065 rezoned 5.77 acres from CPD to CPD to allow for redevelopment of the Caloosa Isle Marina and approved a total of 44 wet slips and 239 dry slips, a 7,000 square-foot restaurant, and approximately 7,500 square feet of ancillary uses. The approval eliminated all outdoor boat storage and required that all boat service, repair, and maintenance be done completely within the dry storage building. The approval also relocated the restaurant, including a 2,500 square-foot gazebo, to the southeastern corner of the property. The approval included conditions regarding hours of operation for consumption on premises, outdoor entertainment, and boat repair and service to ensure compatibility with surrounding residential uses. Deviations were approved to reduce the number of required parking spaces, allow for alternative buffers, and reduce setbacks.

No development ever commenced following the approval of Z-06-065. All referenced zoning resolutions are provided as a composite attachment to the staff report (see Attachment S).

CHARACTER OF THE AREA:

The subject property is within the Waterway Estates Subdivision and consists of a peninsular-shaped area surrounded by manmade canals. The property has been previously impacted and historically contained a Wastewater Treatment Plant and a commercial marina.

The property immediately surrounding the subject site is shown in Attachment C of this report and falls within the **Suburban** Future Land Use category, as designated by the Lee County Comprehensive Plan.

North

To the north, the subject property abuts a canal then Single-Family residences zoned **Residential Single-Family (RS-1)** within the **Suburban Future Land Use category**.

South

To the south, the proposed marina abuts a canal which abuts Tract D, which is encumbered by a conservation easement granted to Lee County (see Attachment U), then Single-Family residences zoned **Agricultural (AG-2)** and **Residential Single-Family (RS-2)** within the **Suburban Future Land Use category**.

East

To the east, the subject property abuts a canal then a conservation easement associated with the Buttonwood Harbour Subdivision zoned **Residential Multiple-Family (RM-2)**. The conservation easement was granted to the State of Florida and recorded in Official Records Book 2221, Page 2716, of the Lee County Public Records (see Attachment V).

West

To the west, the subject property abuts a canal then Single-Family residences zoned **Residential Single-Family (RS-1)** within the **Suburban Future Land Use category**.

AVAILABILITY OF PUBLIC SERVICES:

Public services are defined by the Lee Plan as “the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development.”

Public water and sewer: The subject property lies within the Lee County Utilities (LCU) Future Potable Water and Wastewater Service Areas, as shown on Map 4-A and 4-B of the Lee Plan. Potable water and sanitary sewer infrastructure are located adjacent to the property and have available capacity (see Attachment Q).

Paved streets and roads: The property has direct access to Inlet Drive, which is classified as a County maintained Local Road. One side of Inlet Drive has a sidewalk linking to pedestrian facilities along Orange Grove Blvd to the west. The development will be required to construct a 6-foot sidewalk to connect to the existing Inlet Drive sidewalk.

Police, fire, and emergency services: The subject property is located within the North Fort Myers Fire Control District. The nearest fire station (Station #2) is located at 1280 Barrett Road, approximately 2.9 miles northwest of the site. Lee County EMS (Medic #12) is located at 2307 Hancock Bridge Parkway. Law enforcement services are provided by the Lee County Sheriff's Office 1st Precinct Substation, located approximately four miles northeast of the property.

Schools: The subject property is located within the Lee County School District. The proposed project does not include residential development and will not impact school capacity.

ANALYSIS:

The subject property is designated **Suburban** and **Public Facilities** on the Future Land Use Map, the highest applicable policy framework guiding development intensity and pattern for this area. The Suburban category is a Future Suburban Area characterized by its predominantly residential areas and does not permit Industrial land uses.³ The Public Facilities category includes publicly owned lands within the County. Allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning jurisdiction and permitting jurisdiction.⁴

Areas within 150 feet of the shoreline on STRAP 16-44-24-03-0030B.0000 are located within the Water Dependent Overlay pursuant to **Lee Plan Map 1-H**, Page 7 (noted as “Island Club Marina”). The Water-Dependent Overlay identifies shoreline areas where priority is given to marine-oriented, water dependent uses, such as marinas, fish houses, and docking facilities. The overlay is intended to protect these uses, ensure their ability to rebuild and expand, and prevent their conversion to non-water dependent uses without a public hearing. Under **Goal 8** of the **Lee Plan**, the County designates prime locations for marine uses and safeguards them from incompatible development. Consistent with **Objective 8.1** and **Objective 128.1**, sites within the Water-Dependent Overlay may be rezoned to marine-oriented zoning districts to preserve long-term marine functions.

³ Lee Plan Policy 1.1.5

⁴ Lee Plan Policy 1.1.8

Policies 128.1.1 and **128.1.2** direct that multi-slip docking facilities and commercial marinas within the overlay retain protections for continued operation and expansion, and that any change to non-water-dependent uses requires public review. Additionally, **Policy 128.1.3** encourages maximizing dry storage capacity when reviewing rezoning or DRI application for multi-slip docking facilities.

The subject property is vested 44 wet slips and 239 dry slips and was not subject to the **Manatee Protection Plan (MPP)**, as the MPP exempts projects with valid permits and Chapter 380 vested status for the constriction of slips.

The subject property also lies within the North Fort Myers Community Planning Area (**Goal 30**), which seeks to improve the livability and economic vitality in the community by promoting development that revitalizes and enhances the community and preserves natural resources.⁵

Request

The requested rezoning proposes redevelopment of a former commercial marina that will incorporate the former wastewater treatment plant parcel. The request includes several new uses including: *Bait and tackle shop, Bar or cocktail lounge, Clubs, private, EMS, fire, or sheriff's station, Essential service facilities, Group I, Excavation: Water retention, Gift and souvenir shop, Parking lot: Temporary, Rental establishments, Group I, Storage: Open (limited to boat triage during emergency declaration), Temporary uses, Transportation services, Group I, and Vehicle and equipment dealers, Group III.*

Most of the proposed uses would fall within the Land Development Code definition of "Marina Accessory Uses"⁶, which are already contemplated under the existing CPD approval. Many of the new uses align with permitted uses within the Marine Commercial zoning district that support, rather than compete with, the primary marine function. The *EMS, fire, or sheriff's station, Essential service facilities, Group I, Excavation: Water retention, and Storage: Open (limited to boat triage during emergency declaration)* promote the general intent of the LDC to protect the public health, safety, and welfare. The proposed complementary uses are appropriate for this location and support the economic viability of the primary water-dependent use consistent with Lee Plan policies.

The request includes a dry boat storage building with a proposed height of 57 feet above FEMA base flood elevation (BFE), which exceeds the maximum height permitted with the Suburban Future Land Use category pursuant to LDC Section 34-2175. The applicant has requested a deviation from this section of the LDC to allow for a height of 57 feet above BFE, which is a minor increase over the existing 55-foot height limitation that was approved through a deviation as part of zoning resolution Z-06-065. Additional details can be found later in the staff report.

⁵ Lee Plan Goal 30

⁶ See LDC Section 34-2. Marina accessory uses means uses normally ancillary and subordinate to a marina, including, but not limited to, sale of marine fuel and lubricants, marine supplies, boats, boat motors, and boat parts; restaurant or refreshment facility, boat rental, minor boat rigging and motor repair. However, no dredge, barge or other work dockage or service is permitted, and no boat construction or reconstruction is permitted. See Boatyard.

Master Concept Plan

The proposed Master Concept Plan (MCP) is generally consistent with the current approved commercial marina MCP in terms of building placement, site access, parking layout, overall vehicle circulation, and marina functionality (see Attachments D and S.1). The proposed MCP incorporates a modern Capria Crane system that allows boats to be efficiently launched to the south of the dry storage building. The modern boat launching system will reduce the reliance on forklifts during marina operations.

Notable MCP changes include the inclusion of the former “Wastewater Treatment Plant” parcel, a larger “Restaurant Building” footprint, a separate “Maintenance & Member Building”, a standalone “Marina Building”, a patio seating area, and four Consumption on premises (COP) area totaling 17,150 square feet. The MCP is no longer proposing a “Tiki-Bar/Club Fitness Center”, the “Pool”, and a “2-story Gazebo” that was approved in the southeast corner of the subject property.

Open Space and Indigenous Preservation

The subject property is 7.27 acres, and the applicant is proposing over two acres of impervious which meets the large development definition per LDC Section 10-1. LDC Section 10-415 requires large commercial developments to provide 30 percent open space. The applicant is required and provides 2.1 acres of open space, according to the Property Development Regulations. The Land Development Code requires that large developments provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The LDC requires that the applicant provide 1.05 acres of indigenous open space for the commercial development area, but due to previous development the Florida Land Use Cover and Classification System (FLUCCS) does not warrant the need for an indigenous preserve.

Property Development Regulations

The request meets the minimum lot area and dimension and maximum lot coverage standards consistent with the Marine Commercial (CM) zoning district, which serves as the basis for the existing CPD. The applicant’s proposed site development regulations contain deviations from the setback standards and an increase in the allowable building height is proposed.

North Fort Myers Land Development Code Regulations

The subject property is not located within the Town Center Overlay or the Commercial Corridor Overlay District. LDC Sections 33-1531 through 33-1604 were adopted to implement the goals and objectives of the North Fort Myers Community Plan (Goal 30 of the Lee Plan). The North Fort Myers Community Plan (LDC Chapter 33, Article VIII) establishes development regulations focused on reinvestment, improved design quality, and enhancement of major commercial corridors.

The applicant has requested a deviation from 33-1543(a), which requires a 30-foot-wide buffer for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision, to allow no buffer for the first length of 100 feet of drive into the property and to allow

tapered buffers on both sides that vary in width and consist of Type-F buffer trees and shrubs. Staff recommends approval of this deviation and provides additional discussion below.

In accordance with LDC Section 33-1532, the applicant conducted the required North Fort Myers public information session, and the meeting summary has been provided (see Attachment R).

Deviations

A deviation means a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety, and welfare.

The applicant has submitted a schedule of eleven (11) deviations with supporting justification, provided in Attachment G. Staff has amended Deviation 3 to reference LDC 34-2175(b) because it is the applicable LDC section which governs building height.

The requested relief is summarized and analyzed below.

Deviation 1 seeks relief from LDC §10-416(c)(2), which requires internal landscaping and end landscape islands within parking lot areas, to allow for an unobstructed parking lot area in the southwest corner of the development.

The applicant is proposing that no internal landscaping be provided within the employee and valet parking lot so that the area can serve as a boat triage area during emergencies. The existing boat lift well will remain and be utilized during emergencies to service the County during post-storm cleanups. The employee and valet parking lot will continue to be screened by a buffer from adjoining residential properties. Staff finds that the deviation will promote public health, safety, and welfare.

Staff recommends **APPROVAL** of Deviation 1.

Deviation 2 seeks relief from LDC §10-416(d)(6), which requires a 25-foot-wide buffer with an eight-foot wall set back 25 feet from the property line or a 30-foot-wide buffer with five trees and 18 shrubs per 100 linear feet when roads, drives, parking areas associated with nonresidential use are within 125 feet from an existing single-family residential subdivision or single-family residential lots.

The applicant is proposing an accessway and parking that are within 125 feet from residential single-family homes to the north, south, and west. Deviations 2a through 2e are requested to provide alternative buffers to demonstrate compatibility and screening to meet **Lee Plan Policies 5.1.5, 6.1.1, and 6.1.6**. The following provides the itemized buffers and related deviation requests:

Deviation 2a.

To allow no buffer along the first 100-foot length of the entrance drive to the subject parcel.

Staff recommends **APPROVAL** of Deviation 2a.

Deviation 2b.

To allow the buffer along the southwest portion of the entrance drive to vary in width from 12 to 30 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2c.

To allow the buffer along the southeast portion of the entrance drive to vary in width from 4 to 33 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2d.

To allow the buffer along the west property line to vary in width from 9 to 15 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2e.

To allow an eight-foot-wide landscape buffer along the southwest property line. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2f.

To allow a ten-foot-wide buffer along west and north property line. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Staff recommends **APPROVAL** of Deviations 2b. through 2f. with the following conditions:

Prior to the issuance of a development order, the development order plans must depict Type-F buffer plantings (ten trees per 100 linear feet and a double hedge row) with the shrubs specified at 48 inches at installation and maintained at 60 inches. The width of each buffer must be consistent with deviations 2b. through 2f.

Deviation 3 seeks relief from LDC §34-2175(b), which establishes a maximum building height of 45 feet above Base Flood Elevation within the Suburban Future Land Use category, to allow a maximum building height of 57 feet above Base Flood Elevation.

The applicant notes that this deviation is limited to the proposed boat barn. The requested building height deviation is a 2-foot increase from the height approved in Resolution Z-06-065. The developer will install mature buffer trees measuring no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting to reduce the perceived mass of the building from residential views.

Staff recommends **APPROVAL** of Deviation 3.

Deviation 4 seeks relief from LDC §34-2194(b), which requires buildings and structures to be set back a minimum of 25 feet from a canal, bay, or other water body, to allow for reduced setbacks for the placement of three structures. Staff finds that the proposed setback reductions support the water-dependent uses. The following provides the itemized setback deviation requests:

Deviation 4a.

To allow a 4-foot waterbody setback for the Restaurant Building.

Deviation 4b.

To allow a 15-foot waterbody setback for the Marina Building.

Deviation 4c.

To allow a 12-foot waterbody setback for the Maintenance and Member Building.

Staff recommends **APPROVAL** of Deviations 4a through 4c.

Deviation 5 seeks relief from LDC §33-1543(a), which requires a 30-foot-wide buffer for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision, to allow no buffer for the first length of 100 feet of drive into the property and to allow tapered buffers on both sides per Deviations 2b. and 2c.

Staff recommends **APPROVAL** of Deviation 5.

Deviation 6 seeks relief from LDC §34-2016(4), which requires that parking be developed throughout the site utilizing the same degree of angle, to allow the use of varying angled parking.

The applicant is requesting to utilize 90-degree angled parking for the east, north, and south parking lots and 45-degree angled parking for the west parking lot. The applicant has indicated that the western lot is intended to be utilized by members-only, and is a completely separate portion of the site; therefore, different angle configuration parking spaces will not conflict with each other.

Staff recommends **APPROVAL** of Deviation 6.

Deviation 7 seeks relief from LDC §34-2020(b), which requires a total of 287 parking spaces for the proposed development, to allow for a total of 214 parking spaces.

The applicant is requesting a reduction of 73 required parking spaces. The MCP delineates a total of 214 spaces with 158 standard and 56 non-stacked valet/employee spaces. The applicant has submitted a parking study with supporting justification, provided in Attachment K. Lee County Department of Transportation analyzed the request and recommended approval of Deviation 7 as seen in Attachment L.

Staff recommends **APPROVAL** of Deviation 7 with the following condition:

When the parking demand in any case exceeds the provided parking spaces, an onsite valet parking service must be provided by the developer or site operator allowing for vehicles to be stacked and prohibits any vehicle parking outside of the development.

Deviation 8 seeks relief from LDC §10-291(2), which requires Inlet Drive, a local suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side. The LDC requires a local street that serves a commercial use to have 11-foot wide roadway lanes with sidewalks on both sides of the roadway. The current roadway width varies from 19.5 feet to 20 feet in width. The applicant indicated that widening the roadway an extra two feet would adversely impact local residents that front the existing Inlet Drive roadway. The applicant coordinated with local residents and Lee County Department of Transportation on the requested deviation. Lee County Department of Transportation analyzed the request and recommended approval of Deviation 8 as seen in Attachment L.

Staff recommends **APPROVAL** of Deviation 8 with the following condition:

The developer must mill and resurface Inlet Drive from Orange Grove Blvd to the project entrance providing a new surface and consistent 20-foot width along the entire corridor of Inlet Drive.

Deviation 9 seeks relief from LDC §34-935(b)(1)(b), which requires a minimum setback of 15 feet for all structures and buildings from the development perimeter boundaries for properties to be zoned CPD, to allow a four-foot boundary setback for the proposed Restaurant Building.

The applicant is requesting a setback deviation for the restaurant building to allow a four-foot boundary setback. The applicant has indicated that the deviation will support the water-dependent uses on the property.

Staff recommends **APPROVAL** of Deviation 9.

Deviation 10 seeks relief from LDC §10-296(e)(2)(h.5), which requires Inlet Drive, a suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side. Lee County Department of Transportation analyzed the request and recommended approval of Deviation 10 as seen in Attachment L.

Staff recommends **APPROVAL** of Deviation 10 subject to the Condition of Approval of Deviation 8.

Deviation 11 seeks relief from LDC §34-1264(b)(1)(a), which states that establishments offering alcoholic beverages for consumption on the premises may not be located within 500 feet of a dwelling unit under separate ownership, to allow a minimum separation distance of 82.5 feet.

The applicant has designated a total of 17,150 square feet of consumption on premises area. In the northeast corner of the project, these COP areas consist of an 1,800 square-foot indoor COP associated with the “Marina Building” and a 2,150 square-foot outdoor COP associated with the “Proposed Patio Seating Area”. The property line of the nearest dwelling unit is located approximately 315 feet to the east. The proposed 3,200 square-foot interior COP and balcony, which is part of the

“Maintenance & Member Building”, is approximately 110 feet from the property line of the nearest dwelling unit. In the southeast corner of the site the proposed “Restaurant Building” and associated outdoor seating consists of 7,500 square feet of indoor COP and 2,500 square feet of outdoor COP which is 82.5 feet from the property line of the nearest dwelling unit.

The applicant’s request is to allow a minimum separation of 82.5 feet from the designated COP area to the property line of the nearest dwelling unit. The applicant has indicated that the deviation request is due to the configuration of the property and will support the water-dependent uses on the property. The COP area associated with the proposed restaurant building is consistent with the previously approved restaurant location on the subject property and the amount of outdoor seating associated with the restaurant is not increasing. Staff notes that the current request eliminates the “2-Story Gazebo” that was approved under zoning resolution Z-06-065 and that the conservation easement over Tract D provides an added visual buffer between the single-family residential homes on the south side of the canal. Staff proposes conditions related to noise and operational conditions to govern the proposed COP.

Staff recommends **APPROVAL** of Deviation 11 with the following conditions:

1. Limits of COP. The sale and service of alcoholic beverages are restricted to the 17,500-square-foot hatched COP area depicted on the Master Concept Plan. Any amendment that reduces the approved 82.5-foot separation requires a public hearing.
2. Time Limitation. Indoor seating – limited to 10:00 a.m. until 12:00 a.m. (midnight), Monday through Sunday.
3. Outdoor seating – limited to Sunday through Thursday, 10:00 a.m. until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.
4. Live Entertainment/Amplified Sound. Outdoor entertainment is limited to piped and/or recorded music (amplified or non-amplified) which will not exceed a “conversational” level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented towards the building, to minimize music from being conveyed off site.

Rezoning Review Criteria

LDC Section 34-145 establishes review criteria applicable to planned developments. Specifically, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For planned development requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1. Enhances the achievement of the objectives of the planned development; and
 - 2. Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative and Lee Plan analysis that addresses the subject request with analysis of the applicable criteria (see Attachment F). The following provides staff analysis of the request, as measured by the established criteria.

Compliance with the Lee Plan

The request is consistent with the Lee Plan policies governing the **Suburban** and **Public Facilities** future land use categories, **commercial development review**, **marine-oriented land uses**, and the **North Fort Myers Community Plan** as noted in this report.

The subject property is located in the **Suburban (Policy 1.1.5)** and the **Public Facilities (Policy 1.1.8)** Future Land Use categories. The subject properties have historically operated as a marina and a Wastewater Treatment Plant. The site has remained undeveloped since the marina facilities were demolished after sustaining damage during Hurricane Charley and the decommissioning and demolition of the Wastewater Treatment Plant in 2013. The most recent commercial marina zoning approval (Z-06-065) eliminated industrial activities, such as sandblasting, and outdoor boat storage and boat repair. The rezoning required that all boat storage, repair, service and maintenance occur within the centrally located large dry storage building. The current request continues to propose a centrally located dry storage building with an additional "Maintenance & Member Building" that will allow for boat maintenance activities to occur indoors, consistent with **Policies 1.1.5** and **1.1.8**.

The site is served by Lee County Utilities, and the proposed redevelopment satisfies **2.1** and **2.2** related to compact, contiguous development patterns. The rezoning supports **Goal 6** by locating compatible commercial marina-related uses where adequate access, utilities, buffering, and environmental protections can be provided, consistent with the criteria in **Policy 6.1.1**. The alternative buffers proposed by the request demonstrate compatibility and screening to meet **Policies 5.1.5**,

6.1.1, and 6.1.6. The site's long-standing marina entitlements and location within the Water-Dependent Overlay also align with **Goals 8** and **128** by utilizing appropriate shoreline frontage for marine-oriented uses while meeting applicable siting and design considerations.

Goal 8 directs the County to designate and protect prime locations for marine-oriented land uses and to prevent their displacement by non-water dependent development. The subject site is mapped within the Water-Dependent Overlay (Lee Plan Map 1-H, See Attachment T), reflecting its long-standing suitability for a marina use and its adjacency to the Caloosahatchee River. The request maintains the water-dependent marina as the principal use and adds accessory components that support, rather than compete with, the primary marine function. This is consistent with **Policy 6.1.4**, which requires commercial uses to be compatible with existing and planned adjacent uses, and directly advances **Goal 8** by reinvesting in a designated marine location rather than converting it to non-water-dependent development.

The property lies within the Coastal High Hazard Area (CHHA). The MCP preserves the existing mangrove fringe consistent with **Policies 101.1.1** and **101.2.2**. Development will occur within the previously disturbed uplands consistent with **Policy 101.3.2**.

Goal 128 establishes detailed siting and design expectations for marinas and multi-slip docking facilities. The Marine Resources exhibits provided by the applicant can be found in Attachment O. The requested rezoning satisfies these criteria as follows:

Siting and environmental performance (Policies 128.4.3, 128.4.4, 128.4.5, 128.4.8, 128.4.10):

The proposal consists of redevelopment of a previously disturbed site that has been historically used for marina-related activities, is close as possible to boating demand, has adequate uplands for support activities and ancillary marina uses, and is located along existing channels with direct access to the Caloosahatchee River. The area is not located within an aquatic preserve and is located within a Florida Fish and Wildlife Conservation Commission (FWC) Slow Speed Zone; therefore, vessels operating out of the marina will not create significant wake energy. The surrounding canal system has been previously dredged, and the applicant has indicated that these channels will require a maintenance dredge. These existing channels will provide adequate water depths and new dredging is not required. The site is not located in a dead-end canal, and flushing conditions will meet state water quality benchmarks.

Resource protection (Policies 128.4.6, 128.4.7, 128.4.11, 128.5.8):

The proposed MCP avoids impacts to the existing mangroves along the southern boundary and includes an existing conservation easement on the south side of the canal. The site has adequate uplands to provide support facilities for all activities proposed on site without impacting wetlands or seagrasses.

Lee Plan Policy 128.4.6 requires that proposed boat access facilities be evaluated in accordance with the Lee County Manatee Protection Plan (MPP) to determine the appropriate number of slips. The subject property has an existing active State permit that permits 239 dry slips and 44 wet slips. During review of the rezoning application, it was determined that the project was not subject to the

Manatee Protection Plan (MPP), as the MPP exempts projects with valid permits and Chapter 380 vested status for the construction of slips. Lee County Division of Natural Resources has confirmed this determination.

Operational safeguards (Policies 128.5.1, 128.5.3, 128.5.4, 128.5.7):

Fueling, waste management, stormwater, and maintenance activities will be addressed through a Marina Management Plan, including pump-out facilities, spill containment, and stormwater treatment consistent with NPDES requirements. This meets the operational performance standards required for public-serving marina facilities.

Transportation and access (Policies 128.4.15, 128.5.13):

The marina uses existing channels for access and emphasizes dry storage at a density appropriate to the site's upland area, consistent with County policies encouraging dry storage where feasible.

Together, the siting, preservation, access, and operational components of the MCP demonstrate compliance with the marine-oriented siting and design requirements of **Goal 128** and the broader intent of **Goal 8** to protect and strengthen water-dependent uses in designated areas.

The subject property is within the **North Fort Myers Community Plan (Goal 30)** but is not located within the Commercial Corridor Overlay or the Town Center Overlay. The proposal seeks to develop a former marina site that will improve economic vitality and revitalize the site while preserving existing natural resources.

Based on this record the requested rezoning is **CONSISTENT** with the **Lee Plan**.

Land Development Code Compliance

The rezoning request has been reviewed for compliance with the Lee County Land Development Code (LDC) and has been found to meet applicable requirements. Staff find that the application has been processed in accordance with the procedural and substantive standards of the Land Development Code, and no LDC inconsistencies have been identified.

Compatibility with existing and planned uses in the surrounding area

Compatibility, in the land-use context, refers to the ability of adjacent or nearby uses, structures, or zoning districts to coexist without generating adverse impacts. The subject property is a peninsular shaped area surrounded by a residential canal system which provides water access to the surrounding residential uses. A portion of the subject property maintains existing marina entitlements that allow for commercial boat storage as well as offering a boat service, repair, and maintenance within the dry storage building. The proposed MCP continues to propose a centrally located dry storage building and now includes a "Maintenance & Member Building" that will allow for boat service, repair, and maintenance to occur indoors. The staff recommendation includes several conditions that limit the hours of boat repair and service operation and ensure that the work is completed indoors, consistent with the previous zoning approval.

The existing commercial marina zoning approval (Z-06-065) included a deviation allowing the dry storage building to be built to a maximum of 55 feet above base flood elevation. The current request seeks a deviation to allow the dry storage building to be built to a maximum of 57 feet above base flood elevation. The applicant has proposed to carry over a condition requiring mature buffer trees measuring no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting to reduce the mass of the building from residential views.

The applicant has requested deviations to allow for no buffer along the first 100-foot length of the entrance drive to the subject property and to allow for tapered buffers on both sides of the entrance road (Deviations 2a and 5). The applicant received feedback (see Attachment W) from the adjacent property owner indicating that a buffer that would impede her driveway and side yard, and is therefore not desired. Staff recommends approval of Deviations 2a and 5.

The western portion of the subject property will be utilized as a parking area, consistent with the previous commercial marina zoning approval (Z-06-065). The applicant has proposed to provide a varying width landscape buffer of 9 to 15 feet along most of the western property line, while a 10-foot buffer will be provided along the western property line in the southwest corner of the property. Both buffers will consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). These proposed buffers are an improvement over the currently approved 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100 linear feet. In addition, there is a condition that will prohibit outdoor storage of boats or equipment unless the employee and valet parking lot is needed to act as a boat triage area during emergency declarations.

The proposed restaurant building located in the southeast corner of the property is consistent with the previous commercial marina zoning approval (Z-06-065). Previously, a 7,000 square-foot “Restaurant/Bar & Marina Office” and a 2,500 square-foot “2-Story Gazebo” were approved. The current request proposes a 7,500 square-foot restaurant with 2,500 square feet of outdoor seating. The current request represents a 500 square-foot increase in restaurant building size, but the amount of outdoor seating has remained unchanged. South of the subject property, across the canal, are residential single-family homes and vacant land intended for single-family residences. To address compatibility with these uses, the previous commercial marina zoning approval (Z-06-065) contained several conditions which addressed outdoor entertainment and hours of operation for consumption on premises. The applicant has proposed to carry over and incorporate, where applicable, these conditions to address compatibility with surrounding residential uses. Staff finds that the use remains compatible with adjacent single-family residences as conditioned.

Sufficiency of Access and Transportation Impacts

The access to the site is proposed via a single driveway to Inlet Drive which connects to Orange Grove Boulevard. Inlet Drive is a two-lane undivided local road with a posted speed limit of 30 mph and is under jurisdiction of Lee County. The applicant’s Zoning Traffic Study (ZTS) evaluates impacts at a 2027 build-out horizon and demonstrates Orange Grove Boulevard is projected to operate at or above the adopted Level of Service under both the background and project conditions as a result of the proposed rezoning.

No capacity improvements or off-site roadway mitigation are warranted at the zoning stage, and any turn lane needs will be addressed at the Local Development Order stage (see Attachment J). Lee County Department of transportation Staff have reviewed the Applicant's ZTS and issued a memorandum recommending two conditions pertaining to onsite parking and Inlet Drive roadway improvements (see Attachment L).

No adverse impacts on environmentally critical or sensitive areas and natural resources

The request does not seek an increase to the existing boat slip entitlements, requires no new dredging, and preserves the existing mangroves and Tract D conservation easement along the southern shoreline. The site has been previously impacted and will not impact environmentally critical or sensitive areas as seen in the environmental materials, including FLUCCS map, soils map, and Protected Species Survey (see Attachment N).

A conservation easement has been recorded over Tract D and is provided as Attachment U.

The project satisfies the marina siting and design criteria of Lee Plan Objectives 128.4 and 128.5 through adequate tidal flushing, shoreline stabilization, stormwater treatment, compliance with the Manatee Protection Plan, and the required Marina Management Plan.

An Environmental staff report is provided as Attachment M. The request, as conditioned, will not adversely impact environmentally critical or sensitive areas and natural resources.

Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category

As analyzed herein, the subject property will be adequately served by public services as defined in the Lee Plan. Infrastructure is in place and necessary improvements will take place at the local development order stage. Police, fire, and emergency response services are available to the area through Lee County Emergency Services and Lee County Sheriff's Office.

Adequate public services and public facilities exist or will be available concurrent with development, meeting the requirements of the Lee Plan and Land Development Code.

Supplemental Planned Development Criteria

Staff find the proposed request for rezoning to be consistent with the following additional criteria:

- a) The proposed use is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonable related to the impacts on the public's interest expected from the proposed development; and
- c) The requested deviations, as conditioned:
 - 1. Enhance the achievement of the objectives of the planned development; and
 - 2. Preserve and promote the general intent of this Code to protect the public health, safety, and welfare

CONCLUSION:

As conditioned, the proposed rezoning meets the standards for approval under the Land Development Code and is consistent with the Lee Plan. The request proposes the redevelopment of a previously existing commercial marina. The proposal will utilize existing navigational channels and avoid new dredging, ensure adequate environmental safeguards, and compliance with the Manatee Protection Plan. The project provides appropriate buffering, demonstrates compatibility with surrounding residential development, and supports the North Fort Myers Community Plan by strengthening a water dependent commercial destination.

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description, Sketch and Boundary Survey
- C. County Case Maps
- D. Master Concept Plan
- E. Staff Recommended Development Regulations, Conditions and Deviations
- F. Applicant's Request Statement
- G. Applicant's Schedule of Deviations & Justifications
- H. Applicant's Proposed Use & Site Development Regulations
- I. Applicant's Strike-Through and Underline Conditions Document
- J. Applicant's Traffic Impact Statement
- K. Applicant's Parking Study
- L. Lee County Department of Transportation Memorandum
- M. Environmental Staff Report
- N. Composite Environmental Exhibits
- O. Composite Marine Resource Exhibits
- P. Applicant's Surface Water Management Plan
- Q. Lee County Utilities Letter
- R. Public Information Session Summary
- S. Composite Resolution Exhibit
 - 1. Resolution Z-06-065
 - 2. Resolution ADD2000-00112
 - 3. Resolution Z-99-067
 - 4. Resolution Z-88-293
 - 5. Resolution Z-88-238
 - 6. Resolution Z-76-123
- T. Water Dependent Overlay Map (Page 7)
- U. Deed of Conservation Easement dedicating Tract D to Lee County
- V. Buttonwood Harbour Subdivision Conservation Easement
- W. Entrance Road Adjoining Owner Feedback

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6

Case Number: DCI2023-00054
Project Name: Port Phoenix Waterway Marina CPD
Hearing Examiner Date: January 8, 2026

Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, natural resources, environmental and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Beth Workman, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, natural resources, environmental and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Anthony R. Rodriguez, AICP, Zoning Manager, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.

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Brian Roberts P.E., Manager, Development Services 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, civil engineering and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Katie Burgess, AICP, Planner, Principal, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Robert Price, P.E., Director, Development of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner. ATTACHMENT A Page 2 of 2
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	DRAWN:	CHECK:	SCALE	PROJ. #
	RBH	PMM	1"=120'	1687 INLET DR
	SKETCH DATE		FILE NO.	SHT.- 1
10/16/25		45-25-19	OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

SKETCH TO ACCOMPANY DESCRIPTION:
A PARCEL OF LAND LYING IN TRACT "A" & "B", & A PORTION OF TRACT "D", WATERWAY ESTATES OF FORT MYERS UNIT 2,
(PLAT BOOK 12, PAGES 53-67)
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
& A PARCEL OF LAND LYING IN SECTION 16,
TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

- SKETCH / DESCRIPTION NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH LINE OF TRACT "B", AS BEING N.89°24'20"E.
 2. FIELD NOTES IN WATERWAY ESTATES UNIT 2.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 120 SCALE DRAWING.

SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION
THIS IS NOT A BOUNDARY SURVEY

SOUTHERLY PROLONGATION OF BLOCK 1
WATERWAY ESTATES OF FT MYERS UNIT 2
(PLAT BOOK 12, PAGE 64)

TRACT "D"
WATERWAY ESTATES OF FT MYERS UNIT 2
(PLAT BOOK 12, PAGES 63-67)
NON-INCLUSIVE PORTION
CONSERVATION EASEMENT
(O.R. BOOK 1575, PAGE 1478)

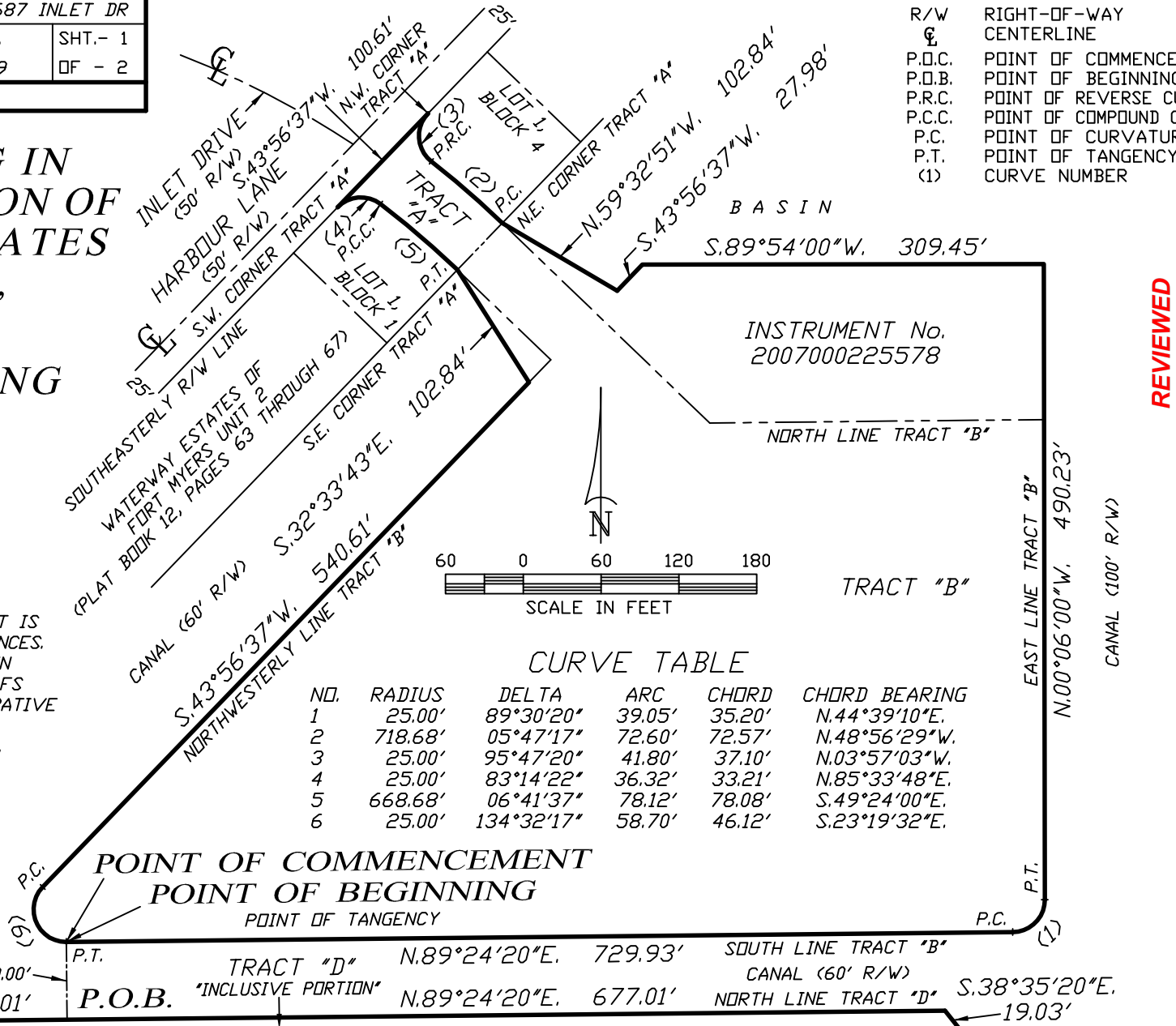
LOT 1
SEAFAN
ESTATES
(INSTRUMENT No.
2023000123710)

LOT 1
PLUMWOOD
ESTATES
(INSTRUMENT No.
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LOT 2
PLUMWOOD
ESTATES
(INSTRUMENT No.
2017000138675)

LOT 3
PLUMWOOD
ESTATES 2
(INSTRUMENT No.
2022000134147)

LOT 4
PLUMWOOD ESTATES 2
(INSTRUMENT No. 2022000134147)



LEGEND:
R/W RIGHT-OF-WAY
C CENTERLINE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.R.C. POINT OF REVERSE CURVATURE
P.C.C. POINT OF COMPOUND CURVATURE
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
(1) CURVE NUMBER

REVIEWED
Project: DCI2023-00054
By: Richard Burris
Dept: Legal Review
Date: 10/16/2025

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

**A PARCEL OF LAND LYING IN TRACT "A" & "B",
& A PORTION OF TRACT "D",
WATERWAY ESTATES OF FORT MYERS UNIT 2,**

(PLAT BOOK 12, PAGES 53-67)
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

& A PARCEL OF LAND LYING IN SECTION 16,

TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN TRACT "A" AND "B", WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN PLAT BOOK 12, PAGES 53 THROUGH 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PLOT OR PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTH LINE OF THE AFORESAID TRACT "B", FOR THE POINT OF BEGINNING; THENCE RUN N.89°24'20"E. ALONG SAID SOUTH LINE TO A POINT OF CURVATURE FOR 729.93 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY FOR 39.05 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°30'20", A CHORD THAT BEARS N.44°39'10"E. AND A CHORD DISTANCE OF 35.20 FEET TO A POINT OF TANGENCY; THENCE RUN N.00°06'00"W. ALONG THE EAST LINE OF THE AFORESAID TRACT "B" FOR 490.23 FEET; THENCE RUN S.89°54'00"W. FOR 309.45 FEET; THENCE RUN S.43°56'37"W. FOR 27.98 FEET; THENCE RUN N.59°32'51"W. FOR 102.84 FEET TO THE NORTHEASTERLY CORNER OF THE AFORESAID TRACT "A", SAID POINT LYING ON A NON TANGENT CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 72.60 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 718.68 FEET, A CENTRAL DELTA ANGLE OF 05°47'17", A CHORD THAT BEARS N.48°56'29"W. AND A CHORD DISTANCE OF 72.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 41.80 FEET TO A POINT OF CUSP, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 95°47'20", A CHORD THAT BEARS N.03°57'03"W. AND A CHORD DISTANCE OF 37.10 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID TRACT "A" AND SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HARBOUR LANE (50 FEET WIDE); THENCE RUN S.43°56'37"W. ALONG SAID RIGHT OF WAY LINE TO THE SOUTHWESTERLY CORNER OF SAID TRACT "A" BEING A POINT OF CUSP AND POINT OF CURVATURE FOR 100.61 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 36.32 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 83°14'22", A CHORD THAT BEARS N.85°33'48"E. AND A CHORD DISTANCE OF 33.21 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 78.12 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 668.68 FEET, A CENTRAL DELTA ANGLE OF 06°41'37", A CHORD THAT BEARS S.49°24'00"E. AND A CHORD DISTANCE OF 78.08 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT "A" AND A POINT OF TANGENCY, NOT RADIAL TO THE PREVIOUSLY DESCRIBED LINE; THENCE RUN S.32°33'43"E. FOR 102.84 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE AFORESAID TRACT "B"; THENCE RUN S.43°56'37"W. ALONG SAID LINE TO A POINT OF CURVATURE FOR 540.61 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 58.70 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 134°32'17", A CHORD THAT BEARS S.23°19'32"E. AND A CHORD DISTANCE OF 46.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 302,277 SQUARE FEET OR 6.94 ACRES MORE OR LESS.

AND A PORTION OF TRACT "D", OF THE AFORESAID WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN PLAT BOOK 12, PAGES 53 THROUGH 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTH LINE OF THE AFORESAID TRACT "B", THENCE RUN S.00°35'40"E., TO A POINT ALONG THE NORTH LINE OF THE AFORESAID TRACT "D", FOR 60.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN N.89°24'20"E. SAID NORTH LINE, FOR 677.01 FEET; THENCE RUN S.38°35'20"E., FOR 19.03; THENCE RUN S.89°24'20"W. ALONG THE SOUTH LINE OF THE AFORESAID TRACT "D" TO POINT ALONG THE SOUTHERLY PROLONGATION OF BLOCK 1, OF THE AFORE SAID WATERWAY WAY ESTATES UNIT 2, FOR 962.49 FEET; THENCE RUN N.43°56'37"E. ALONG SAID PROLONGATION OF BLOCK 1 TO THE AFORESAID NORTH LINE OF TRACT "D", FOR 21.04 FEET; THENCE RUN N.89°24'20"E. ALONG SAID NORTH LINE, FOR 259.01 FEET, TO THE POINT OF BEGINNING.

CONTAINS 14,239 SQUARE FEET OR 0.33 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE AFORESAID TRACT "B", AS BEING N.89°24'20"E.

Phillip M Mould,
LS6515, State of
Florida

Digitally signed by Phillip M
Mould, LS6515, State of Florida
Date: 2025.10.16 13:05:49
-04'00'

REVIEWED

Project: DCI2023-00054

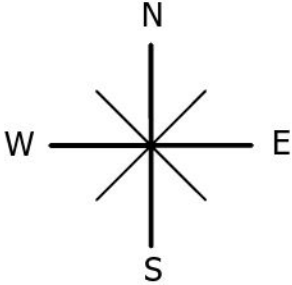
By: Richard Burris

Dept: Legal Review

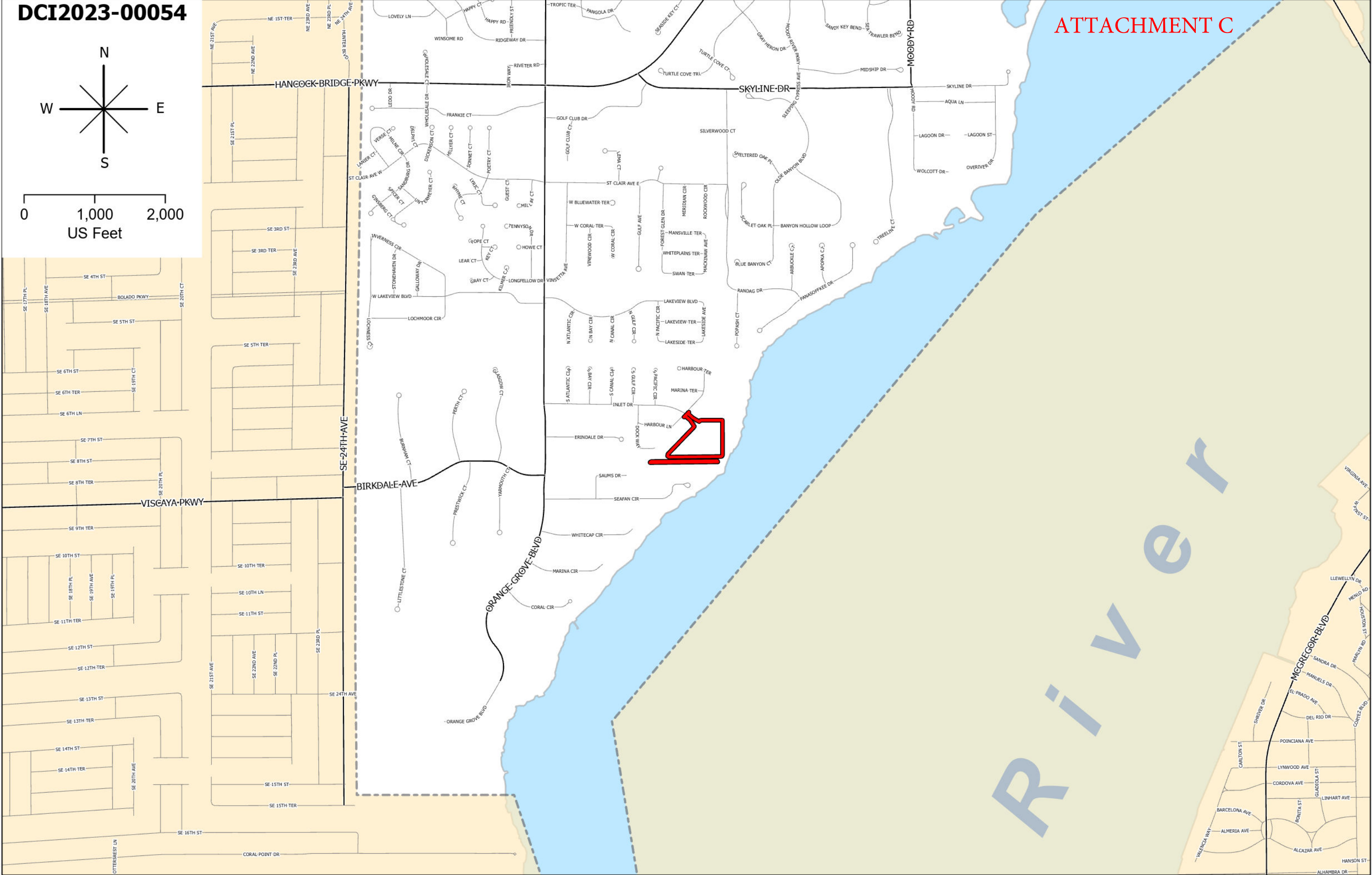
Date: 10/16/2025

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
OCTOBER 16, 2025

SHEET 2 OF 2
1687 INLET DR



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US Feet

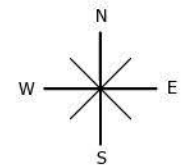


DCI2023-00054

Aerial

 Subject Property

 City Limits



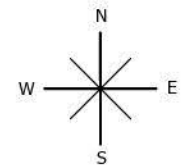
0 500
Feet



DCI2023-00054

Future Land Use

-  Subject Property
-  Suburban
-  Public Facilities
-  City Limits



0 500
Feet

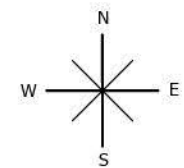


DCI2023-00054

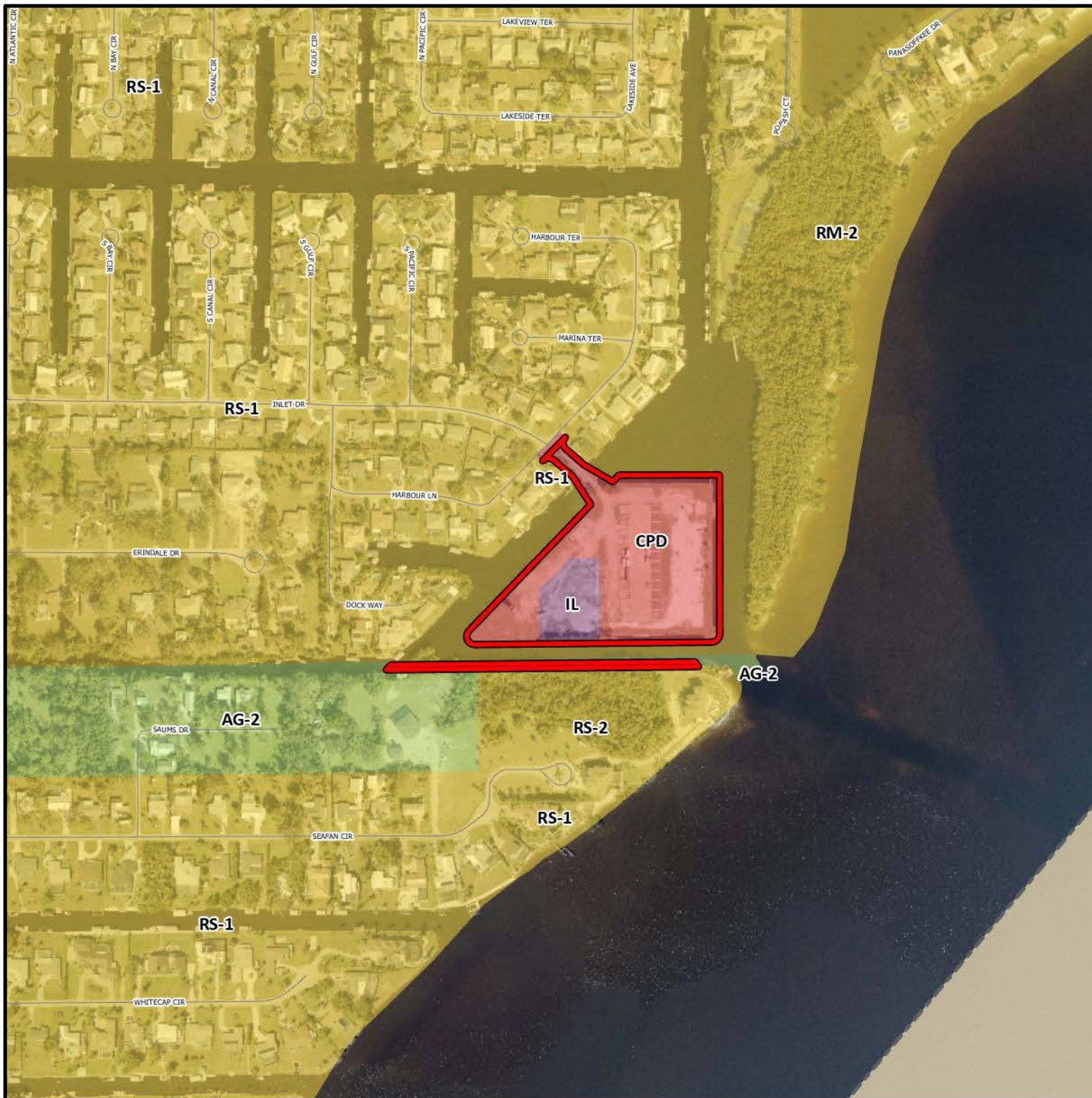
Zoning

 Subject Property

 City Limits



0 500
Feet



ATTACHMENT D

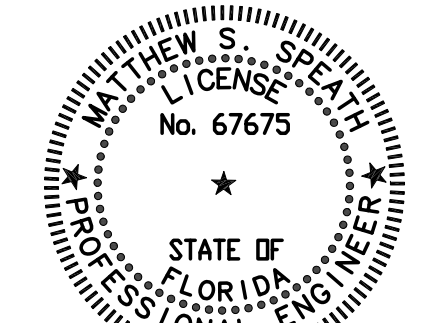
OPEN SPACE			
OS & LA	REQUIRED	PROVIDED	COMPLIANT
TOTAL LOT AREA		(6.93 AC)	
TOTAL OPEN SPACE (TOS)	2.079 AC (30% MIN TLA)	2.1 AC (30.3%)	(COMPLIANT)
OPEN SPACE WATERBODY (OSW)	0.519 AC (25% MAX TOS)	0.525 AC (25%)	(COMPLIANT)
OPEN SPACE UPLAND (OSU)	(OSW+OSU) = 30% MIN TLA	(0.525+1.575) = 30% MIN TLA	(COMPLIANT)
OPEN SPACE IMPERVIOUS	0.4156 AC (20% MAX TOS)	0.4123 AC (19.63%)	(COMPLIANT)

NOTE: TRACT D NOT INCLUDED IN OVERALL OPEN SPACE CALCULATIONS

REVISIONS	DATE	BY
0. INITIAL SUB	12/12/23	TG
2. CNTY CMNTS	08/14/24	TG
3. CNTY CMNTS	12/09/24	TG
4. CNTY CMNTS	06/10/25	TG
5. CNTY CMNTS	08/21/25	TG
6. CNTY CMNTS	12/18/25	TG

SPEATH
ENGINEERING
SPEATH ENGINEERING, P.L.L.C. - 111 BRICKELL AVE., 8TH FL.
MIAMI, FL 33131 - PHONE: 305-84-8433

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



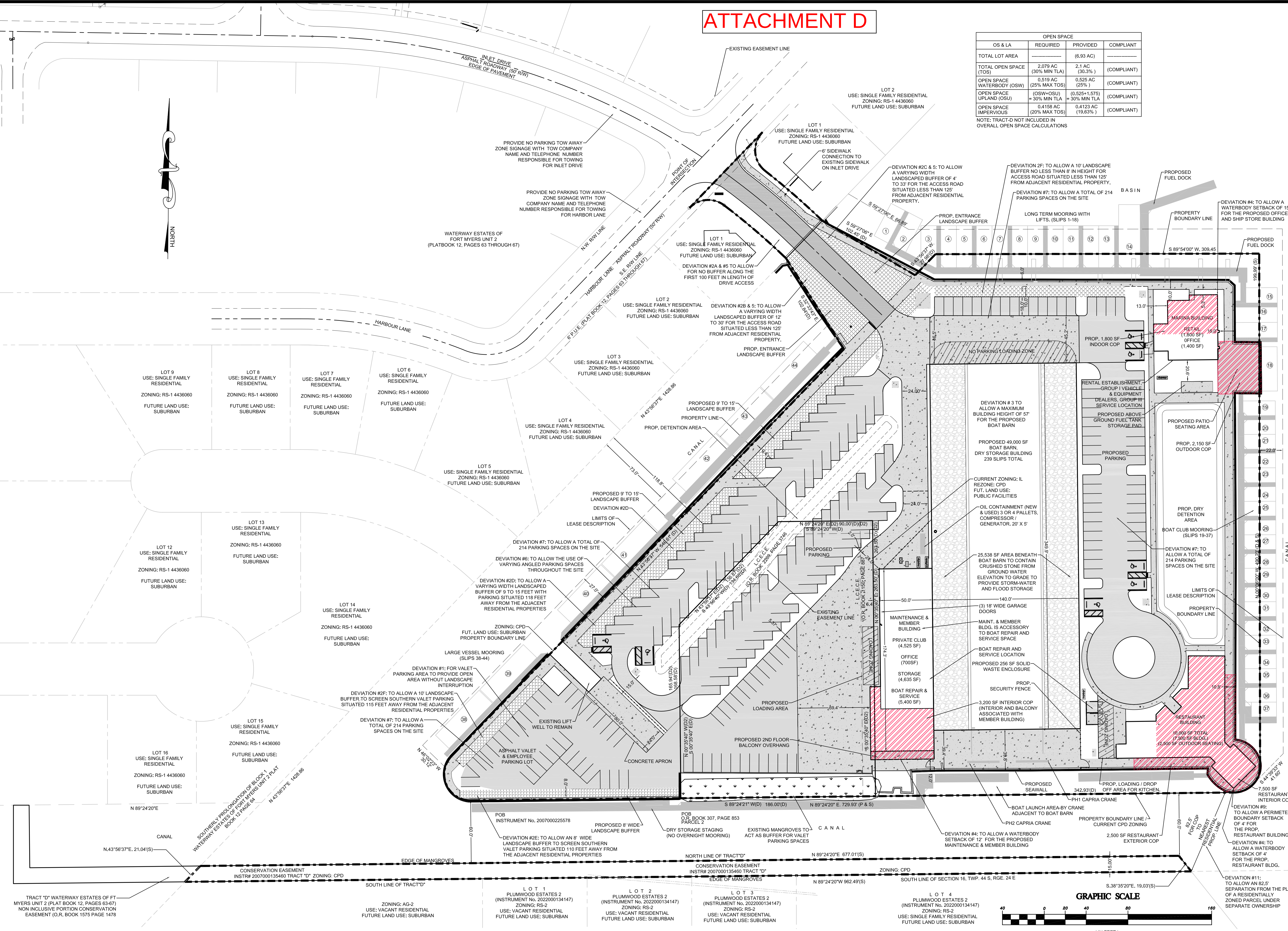
12/18/2025

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

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

DRAWN	TCC
CHECK	MSS
DATE	12/18/25
SCALE	1" = 40'
PROJ. NO.	F22-56

SHEET:
MCP
1 OF 1



RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

All references to uses are as defined or listed in the Lee County Land Development Code (LDC). This zoning resolution supersedes Resolution Z-06-065.

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the one-page Master Concept Plan, last revised 12/18/2025 and attached hereto as Attachment D.
- b. Development Parameters. Development intensity is limited to a marina consisting of 44 wet slips and 239 dry slips and 30,610 square feet of subordinate commercial use floor area. The maximum building height is 57 feet.
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Marina (see Condition 4)
ATM (Automatic Teller Machine)
EMS, fire, or sheriff's station
Essential Services
Essential Service Facilities, Group I
Excavation:
 Water retention
Parking Lot:
 Accessory and Temporary
Signs

Marina Accessory Uses*:

Administrative Offices
Bar or Cocktail Lounge
Bait and Tackle Shop
Boats:
 Boat Parts Store
 Boat Rental

Boat repair and service (see Condition 4)
 Boat Storage, Dry Exceeding 18 feet Above Grade (see Condition 8)
 Clubs, private
 Consumption on Premises (see Condition 7 and Deviation 3)
 Gift and Souvenir Shop
 Marina Accessory Uses
 Recreation facilities: Private – On site
 Rental establishments, group I
 Storage, Indoor
 Storage, Open (see Condition 9)
 Temporary Uses
 Transportation services, Group I
 Vehicle and Equipment Dealers, Group III

***Marina Accessory Uses may not commence on the subject property prior to establishing the marina use.**

b. Site Development Regulations

Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

Street:	25 feet
Side:	20 feet (See Deviation 9)
Waterbody:	25 feet (see Deviation 4)
Maximum building height:	
Dry boat storage building	57 feet (see Condition 8)
All other uses	45 feet
Lot coverage:	40 percent

3. Environmental Conditions

- a. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed to capture bilge water for appropriate treatment prior to any release into the canal.
- b. All required buffer trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting. One-half (50 percent) of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12 feet

in overall height to a maximum of 20 feet in overall height. All required landscape planting material must be of native species.

4. Marina Operation

- a. Boat repair and service are limited to the hours of 8:00 am through 5:00 pm, Monday through Saturday.
- b. No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely indoors. Boat service, repair and maintenance does not include boat preparation for storage or launch. Boat preparation may take place in the area south of the dry storage building.
- c. The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing lift well located on the western portion of the property is limited to use for emergency purposes.

5. Marina Management Plan

Prior to local development order approval, the developer must submit a Marina Management Plan. The Marina Management Plan must assure no degradation of water quality resulting from marina operations and address the following:

- a. Spill and Contamination Contingency Plan: The Spill and Contamination Contingency Plan must address how runoff from fueling and maintenance activities will be collected and treated prior to discharge, describe measures to be employed to reduce contamination of water bodies from boat refueling and maintenance, and address emergency clean up procedures.
- b. Emergency Preparedness Plan: The Emergency Preparedness Plan must be prepared in accordance with Administrative Code 7-7.
- c. Educational Material and Signs: The developer must submit examples of educational materials and signs to be installed notifying residents/guests on manatee protection. The Developer must install educational signs prior to issuance of Certificate of Compliance on any part of the docking facility.

6. Boat Slips

The marina will contain a maximum of 44 wet and 239 dry slips. These numbers may be modified based on review and approval for compliance with the Lee County Manatee Protection Plan.

7. Consumption on Premises and Outdoor entertainment:

- a. Limits of COP. The sale and service of alcoholic beverages are restricted to the 17,500-square-foot hatched COP area depicted on the Master Concept Plan. Any

amendment that reduces the approved 82.5-foot separation requires a public hearing.

- b. Time Limitation. Indoor seating – limited to 10:00 a.m. until 12:00 a.m. (midnight), Monday through Sunday.
Outdoor seating – limited to Sunday through Thursday, 10:00 a.m. until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.
- c. Live Entertainment/Amplified Sound. Outdoor entertainment is limited to piped and/or recorded music (amplified or non-amplified) which will not exceed a “conversational” level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented towards the building, to minimize music from being conveyed off site.

8. Building Height

The maximum height for the dry storage building on the MCP is 57 feet above base flood elevation. All other buildings and structures may not exceed 45 feet above base flood elevation.

9. Open Storage

Open storage is only permitted when associated with boat triage during emergency declarations.

10. Inlet Drive

The developer must mill and resurface Inlet Drive from Orange Grove Blvd to the project entrance providing a new surface and consistent 20-foot width along the entire corridor of Inlet Drive.

DEVIATIONS

- 1. Deviation #1. seeks relief from LDC §10-416(c)(2), which requires internal landscaping and end landscape islands within parking lot areas, to allow for an unobstructed parking lot area in the southwest corner of the development.

This deviation is **APPROVED**.

- 2. Deviation #2. seeks relief from LDC §10-416(d)(6), which requires a 25-foot-wide buffer with an eight-foot wall setback 25 feet from the property line or a 30-foot-wide buffer with five trees and 18 shrubs per 100 linear feet when roads, drives, parking areas associated with nonresidential use are within 125 feet from an existing single-family residential subdivision or single-family residential lots. Deviation 2a through 2f are requested to provide alternative

buffers to demonstrate compatibility and screening to meet Lee Plan Policies 5.1.5, 6.1.1, and 6.1.6. The following provides the itemized buffers and related deviation requests:

- a. Deviation 2a:
To allow no buffer along the first 100-foot length of the entrance drive to the subject parcel.
This deviation is **APPROVED**.
- b. Deviation 2b:
To allow the buffer along the southwest portion of the entrance drive to vary in width from 12 to 30 feet.
- c. Deviation 2c.
To allow the buffer along the southeast portion of the entrance drive to vary in width from 4 to 33 feet.
- d. Deviation 2d.
To allow the buffer along the west property line to vary in width from 9 to 15 feet.
- e. Deviation 2e.
To allow an eight-foot-wide landscape buffer along the southwest property line.
- f. Deviation 2f.
To allow a ten-foot-wide buffer along the north property line.

Deviations 2b. through 2f. are **APPROVED**, subject to the following conditions:

Prior to issuance of a development order, the development order plans must depict Type-F buffer plantings (ten trees per 100 linear feet and a double hedge row) with the shrubs specified at 48 inches at installation and maintained at 60 inches. The width of each buffer must be consistent with deviations 2b. through 2f.

- 3. Deviation #3. seeks relief from LDC §34-2175(b), which establishes a maximum building height of 45 feet above Base Flood Elevation within the Suburban Future Land Use category, to allow a maximum building height of 57 feet above Base Flood Elevation.

This deviation is **APPROVED**.

- 4. Deviation #4. seeks relief from LDC §34-2194(b), which requires buildings and structures to be setback a minimum of 25 foot from a canal, bay, or other water body, to allow for reduced setbacks for the placement of three structures.

Deviation 4a.

To allow a 4-foot waterbody setback for the Restaurant Building.

Deviation 4b.

To allow a 15-foot waterbody setback for the Marina Building.

Deviation 4c.

To allow a 12-foot waterbody setback for the Maintenance and Member Building.

Deviations 4a. through 4c. are **APPROVED**.

5. Deviation #5. seeks relief from LDC §33-1543(a), which requires a 30-foot-wide buffer for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision, to allow no buffer for the first length of 100 feet of drive into the property and to allow tapered buffers on both sides per Deviations 2a. and 2c.

This deviation is **APPROVED**.

6. Deviation #6. seeks relief from LDC §34-2016(4), which requires that parking be developed throughout the site utilizing the same degree of angle, to allow the use of varying angled parking.

This deviation is **APPROVED**.

7. Deviation #7. seeks relief from LDC §34-2020(b), which requires a total of 287 parking spaces for the proposed development, to allow for a total of 214 parking spaces.

This deviation is **APPROVED**, subject to the following condition:

When the parking demand in any case exceeds the provided parking spaces, an onsite valet parking service must be provided by the developer or site operator allowing for vehicles to be stacked and prohibits any vehicle parking outside of the development.

8. Deviation #8. seeks relief from LDC §10-291(2), which requires Inlet Drive, a local suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side.

This deviation is **APPROVED**, subject to Condition 10.

9. Deviation #9. seeks relief from LDC §34-935(b)(1)(b), which requires a minimum setback of 15 feet for all structures and buildings from the development perimeter boundaries for

properties to be zoned CPD, to allow a 4' boundary setback for the proposed Restaurant Building.

This deviation is **APPROVED**.

10. Deviation #10. seeks relief from LDC §10-296(e)(2)(h.5), which requires Inlet Drive, a local suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side.

Staff recommends **APPROVAL** of Deviation 10 subject to the Condition 10.

11. Deviation #11. Seeks relief from LDC §34-1264(b)(1)(a), which states that establishments offering alcoholic beverages for consumption on the premises may not be located within 500 feet of a dwelling unit under separate ownership, to allow a minimum separation distance of 82.5 feet.

Staff recommends **APPROVAL** of Deviation 11 subject to Condition 7.

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PROJECT NARRATIVE

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

The site consists of surface parking (214 spaces), vehicular circulation, stormwater management, landscaping, and marine improvements. The four proposed structures include a retail/office/ships store structure, restaurant structure, 239 dry-slip boat barn, and a maintenance and member structure. In addition, 44 wet slips are proposed around the perimeter of the site.

The four structures proposed on the property include the following:

- Marina Building, with 1,800 SF of Retail and 1,400 SF of Office Space. This building is intended as the main point of operations and service for the marina with administrative, sales, and leasing offices, bathrooms, and ship's store.
- Restaurant Building, with up to 10,000 square foot restaurant (7,500 square feet contained within the restaurant structure, and 2,500 square feet proposed as outdoor seating space).
- Boat barn with 239 indoor dry-rack boat slips which are launched and racked using a rail-mounted crane system.
- Maintenance and member building with a 4,525 SF private club for Safe Harbor members, 700 SF of office space, 4,635 SF of storage, and a Boat repair and service section comprising 5,400 SF.

Additionally, as part of this development request, we are requesting the use of Consumption on Premises. The consumption on premises is intended for indoor and outdoor uses for specific areas on-site. In total there are four areas included in the consumption on premises request, 1,800 square foot interior retail COP area of the Harbor Master building located at the northeast corner of the property, 2,150 square foot marina patio area outside of the Marina Building, 3,200 square foot COP for interior and balcony associated with member building, 7,500 square foot COP for the interior of the restaurant and 2,500 square foot area along the exterior of the flagship Restaurant situated at the southeast corner of the property.

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Lee Plan Analysis

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

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

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

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

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

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

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

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

POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.

The proposed development, as presented, includes redevelopment of an existing marina site and the inclusion of a property which previously functioned as a wastewater treatment plant. As such, the commercial use of the property within the primarily residential neighborhood has been previously established as a commercial node relative to the neighborhood. In addition, the redevelopment of the previously industrial wastewater treatment property to a commercial marina, removes the non-conforming zoning from within the overlying land use. The redevelopment of the property maintains the commercial node while also helping bring the overall property into conformity with the established future land use category.

POLICY 1.1.8: The Public Facilities areas include the publicly owned lands within the County such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

The portion of the proposed development within the Public Facilities land use is primarily utilized for vehicular circulation and parking; however, during emergency events, this area, has been reserved for boat triage activities, which provides a service to the public, by helping clear waterways and other areas of non-seaworthy craft after an emergency event, such as a hurricane.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs,

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conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed development is a redevelopment of properties previously developed with commercial marina and industrial uses. The proposed development is infill development, which does not add to urban sprawl, utilizes primarily existing infrastructure and services, has consistency with future land use designations, and is designed to integrate with the surrounding community.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The proposed project is a redevelopment of Previously developed properties within an existing community with local infrastructure and capacity available to serve the proposed project. As such, the proposed project is consistent with objective 2.2.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER.

7. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).

The proposed development is intended to connect to a public water system (Lee County Utilities).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), then the development must be connected to that utility.

The proposed project will be connected to Lee County Utilities water service.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

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A letter of availability to serve the proposed project from Lee County Utilities has been provided.

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.

All water line extensions to the proposed development will be designed to provide minimum fire flows and service flow requirements as required by the FAC.

5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.

Lee County Utilities has confirmed service and availability at the project location.

6. If a development lies outside any service area as described above, the developer may:

- request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
- establish a community water system for the development; or*
- develop at an intensity that does not require a community water system.*

The development lies within the Lee County Utilities Service area.

7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

The development lies within the Lee County Utilities Service area.

STANDARD 4.1.2: SEWER.

7. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The proposed development is intended to connect to a public sanitary sewer system (Lee County Utilities).

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer

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utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

The proposed development will connect to Lee County Utilities' sanitary system.

3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

Availability and Capacity to serve have been confirmed by Lee County Utilities.

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

The proposed development will connect to Lee County Utilities' sanitary system.

5. If a development lies outside any service area as described above, the developer may:

- request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
- establish a self-provided sanitary sewer system for the development;*
- develop at an intensity that does not require sanitary sewer service; or*
- if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*

The proposed development is within the service area and will connect to Lee County Utilities' sanitary system.

6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

The proposed development is within the service area and will connect to Lee County Utilities' sanitary system.

STANDARD 4.1.3: REUSE.

1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.

2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000

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gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within ¼ mile from any part of the development.

There is no reuse infrastructure within 1/4 mile of the proposed project. Previously the subject neighborhood where the project is located had reuse infrastructure, however this was serviced by the previously removed wastewater treatment plant.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

7. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

The majority of the subject site is previously developed area without environmentally sensitive areas with the exception of the strip of existing mangroves along the south border of the property. As part of the proposed development, this strip of mangroves is to be protected and is intended to be preserved in its current form.

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

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

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POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

1. Traffic and access impacts (rezoning and development orders);
2. Landscaping and detailed site planning (development orders);
3. Screening and buffering (Planned Development rezoning and development orders);
4. Availability and adequacy of services and facilities (rezoning and development orders);
5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
6. Proximity to other similar centers (rezoning); and
7. Environmental considerations (rezoning and development orders).

Through the Planned Development rezoning, and through the Development Order process, all of the above items #1-#7 have been, or will be, addressed.

POLICY 6.1.3: Commercial developments requiring rezoning and meeting DCI thresholds, must be rezoned to a Planned Development except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use.

The proposed commercial development does not meet the DCI threshold and is not within the commercial overlay.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

The proposed development, as presented, includes redevelopment of an existing marina site and the inclusion of a property which previously functioned as a wastewater treatment plant. The historical makeup of the Waterway Estates community included the marina from the onset, and even includes “Waterway” (an allusion to connection to the water) in the name of the residential community). As such, the redevelopment of the marina is an integral part of the local community and environment.

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

As further described in the previous section, buffers between the proposed marina and the existing residential portions of the community have been integrated into the proposed site

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design to soften the transition between the commercial water-dependent uses and the residential community, while keeping in mind the existing integration of the two.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The proposed development, as presented, includes redevelopment of an existing marina site and the inclusion of a property which previously functioned as a wastewater treatment plant. The project is an infill redevelopment of a commercial property, in a location which historically served this type of commercial use.

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

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

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

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

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

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

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

As this site is a redevelopment of two fully developed sites, incorporation of existing natural systems is not possible, however dry detention basins with plantings are proposed to

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improve water quality, filtration, infiltration, water storage, and a visual relief to the developed portions of the property.

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

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

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

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

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

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

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

The proposed project is intending to provide a surface water management system in compliance with South Florida Water Management standards and will include sufficient

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performance and design standards to control runoff to allowable post-development rates and not exceed pre-development rates and/or additional requirements by the district. Additionally, water quality standards shall be adhered to as well as stage-storage volumes for all required design storms. During construction pollution prevention control measures will be implemented to control erosion and protect adjacent waterbodies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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environmental values.

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

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

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

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

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

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

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

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

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

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

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

Proposed docking facilities will not destroy wetlands or grassbeds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Covered boat slips are not intended with the proposed design.

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

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

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

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

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

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

POLICY 128.5.6: Marinas and multi-slip docking facilities must prepare disaster preparedness plans with the assistance of the County which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this disaster preparedness plan is subject to County approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SCHEDULE OF DEVIATIONS

- 1. Deviation from 10-416 (c)(2): requiring internal and end landscape islands within parking lot areas to allow a for an unobstructed parking lot area at the southwest corner of the development with no landscaping for the purpose of maintaining an operable boat triage staging area.**

The intent of deviating from the outlined sections above is to allow the employee and valet parking lot to act as a boat triage area during emergencies with unobstructed work in the vicinity of the southwest portion of the proposed project. The area between the boat lift well (to be utilized only in emergencies), and the maintenance building, is intended to be utilized for this boat triage purpose. The proposed open area is proposed to be screened by buffers from adjoining residential properties, and will have no adverse effects to the health, safety, and welfare of the public; while simultaneously providing a service to the community and County during post-storm cleanups.

- 2. Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow for the following (2a-2e) outlined deviations.**

The intent of deviating from the outlined section above is to allow the following: There are 5 sections throughout the proposed development where the buffer requirements are not able to meet the standard outlined in section 10-416(d)6). Please see below 2A. through 2E for each itemized buffers and related deviation requests.

2a.) Deviation from section 10-416 (d)(6) requiring a combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow for no buffer along the first 100 feet in length of drive.

The intent of deviating from the outlined section above is to allow for no buffer along the first 100 feet in length of project access drive, in order to keep the entrance in its original and current configuration without impacting the de facto secondary frontage yards of the two adjoining properties (north and south). The entrance driveway to the subject property (part of this CPD request) is situated on a 50-foot wide strip between two single-family residences. This portion of the entrance drive to the proposed project is currently constructed, and mirrors the remainder of Inlet Drive, however this small strip of land that acts as access to the subject property is actually a part of the overall CPD property assemblage, not right-of-way. Currently and historically this 50' wide portion of property has operated the same as the remainder of inlet drive, with even one neighbor having driveway connecting to the existing subject property entrance drive and both neighbors having lawns which currently extend to the edge of the existing asphalt.

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2b.) Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow a varying width landscape buffer of 12 to 30 feet.

The intent of deviating from the outlined section above is to allow a varying width landscaped buffer of 12 to 30 feet wide along the Northwestern property line for the access drive situated less than 125 feet away from the adjacent residential properties. All other additional Type F requirements shall be met including 10 trees per 100 linear feet and a double row hedge at a minimum height of 4'

2c.) Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow a varying landscape buffer of 4 to 33 feet.

The intent of deviating from the outlined section above is to allow a varying width landscaped buffer of 4 to 33 feet wide along the Northwestern property line, for the access drive situated less than 125 feet away from the adjacent residential properties. The buffer will consist of the type F code requirements with 10 trees per 100 linear feet and a double row hedge at a minimum height of 4'.

2d.) Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow a varying width landscape buffer of 9 to 15 feet.

The intent of deviating from the outlined section above is to allow a varying width landscaped buffer of 9 to 15 feet wide along the western property line, with parking situated 118 feet away from the adjacent residential properties to the northwest. Given the distance to the edge of the residential properties is only slightly under the requirement of 125', we are requesting a reduction in the required buffer. (For reference example, the parking situated 118' away would require no buffer at all if moved an additional 7'. The buffer will consist of the type F code requirements with 10 trees per 100 linear feet and a double row hedge at a minimum height of 4'.

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2e.) Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow an 8-foot-wide landscape buffer.

The intent of deviating from the outlined section above is to allow an 8-foot-wide landscape buffer along the southern property line to screen the proposed valet parking area, with parking situated 110 feet away from the adjacent residential properties to the South. Given the distance to the edge of the residential properties is only slightly under the requirement of 125', we are requesting a reduction in the required buffer. (For reference example, the parking that is situated 110' away would require no buffer at all if moved an additional 15'). The buffer will consist of the type F code requirements with 10 trees per 100 linear feet and a double row hedge at a minimum height of 4'.

2f.) Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for roads, drives or parking areas situated within 125 feet of a residential property, to allow a landscape buffer width of 10 feet.

The intent of deviating from the outlined section above is to allow an 10-foot-wide landscape buffer along the western property line, with parking situated 115 feet away from the adjacent residential properties to the northwest. Given the distance to the edge of the residential properties is only slightly under the requirement of 125', we are requesting a reduction in the required buffer. (For reference example, the parking situated 115' away would require no buffer at all if moved an additional 7'. The buffer will consist of the type F code requirements with 10 trees per 100 linear feet and a double row hedge at a minimum height of 4'.

3. Deviation from section 34-935(f)(1)(e) buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories, to allow a building height of 57' above BFE.

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

4. Deviation from section 34-2194(b) buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body, to allow for a 4', 12' & 15' waterbody setback for three of the proposed structures on site.

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The intent of deviating from the outlined section above is to allow for the placement of 3 proposed structures closer than the 25' setback requirement. We are requesting that the restaurant building be placed with a 4' waterbody setback, the office and ships store building placement at a 15' waterbody setback, and the maintenance & member building be placed at a 12' waterbody setback. Setback deviations are related to site configuration, site constraints, and the water-dependent uses on the property. This setback deviation request mirrors the previously approved waterbody setback in the prior zoning approval.

- 5. Deviation from section 33-1543(a) Requiring Landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot buffer width, to allow no buffer for the first 100' length of drive into the property and to allow tapered buffers on both sides for significant screening thereafter.**

The intent of deviating from the outlined section above is to allow the following: The location where the property directly abuts single-family residences is limited to a small portion of property approximately 50' wide, that is situated between two single family residences. The portion of property in question currently functions the same as the 50' ROW for inlet drive and will continue to function in this manner). The current configuration results in residential lots which act as though they are dual-frontage corner lots, although in practice it is a private piece of property between them instead of a right of way. (See Deviation #2a) It is our intent to continue to operate this portion of the property as the same as the Inlet Drive ROW for the first 100 feet to keep the integrity of the residential lots intact. The portion of the property past the single-family homes is intended to have a tapered buffer along the entrance drive on each side of the road providing a buffer of 4' to 33' in width. This proposed buffer will provide significant screening from the residences to the parking and marina operations within the subject property.

- 6. Deviation from section 34-2016(4) Requiring that Parking must be developed throughout the site utilizing the same degree of angle, to allow the use of varying angled parking spaces.**

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

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7. Deviation from section 34-2020 Requiring that a total of 287 spaces must be provided on the site, to allow for a total of 214 spaces.

The intent of deviating from the outlined section above is to allow a total of 214 parking spaces for the proposed development. The intent is to request a deviation from the outlined requirement of 287 parking spaces to be provided for the overall site. The MCP delineates a total of 214 spaces with 158 standard and 56 non-stacked valet/employee spaces. We are requesting relief for the additional 73 spaces that are deficient with the current site design.

To justify both the site's inability to accommodate the code-required number of parking spaces and the requested relief from the 73 surplus spaces, we have submitted a parking study that outlines the following findings:

A comprehensive parking demand study has been conducted in accordance with the Institute of Transportation Engineers (ITE) Parking Generation Manual, 6th Edition and followed an approved methodology reviewed with Lee County staff. The study evaluated parking usage at three comparable marina facilities within Lee County: Sweetwater Landing Marina, Salty Sams Marina, and Deep Lagoon Marina. Based on observations, adjusted 95th percentile peak parking ratios were calculated for each relevant land use component. These ratios were then applied to the Port Phoenix Marina's land use mix, yielding a projected demand of 208 parking spaces under peak conditions. The proposed marina design provides 214 parking spaces, exceeding the projected 95th percentile demand. With this we have comprehensive evidence to justify that the provided parking within the development is sufficient to support the actual peak parking demand. The parking study has been submitted in support of the additional reductions to further justify the proposed deviation from Section 34-2020 parking requirements.

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

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

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- 9. Deviation from section 34-935(b)(1)(b) Requiring a minimum setback of 15 feet for all structures and buildings from the development perimeter boundaries for properties to be zoned CPD, to allow for a 4' boundary setback.**

The intent of deviating from the outlined section above is to allow the following: The intent is to request a deviation from the outlined requirement for the placement of 1 proposed structure on site that does not meet the 15' setback from perimeter boundary. We are requesting that the restaurant building be placed with a 4' boundary setback. Setback deviations are related to site configuration, site constraints, and the water-dependent uses on the property. This setback deviation request mirrors the previously approved waterbody setback in the prior zoning approval.

- 10. Deviation from section 10-296(2)(5)(iii)(b) Requiring Inlet Drive a Local Street to meet the minimum standards outlined in the subject section to allow for a 20' wide roadway with a single sidewalk.**

According to Lee County Community Development code 10-296(d)(3) a deviation from the roadway standards outlined in 10-296 may be applied for but "must meet the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications". According to the Florida Greenbook Table 3 – 20 Minimum Lane Widths Footnote Section on Chapter 3's pg. 57 Footnote number 3 states the following "In constrained areas where truck volumes are low and speeds are < 35 mph, 10' lanes may be used."

To meet the requirements of this footnote, Speath Engineering has generated a Truck Volume analysis report utilizing the 2018 FDOT Florida Greenbook and ITE trip generation 11th edition as well as the FDOT Online Traffic Portal to evaluate the truck volume for inlet drive and its standing compared to what is classified as a low truck volume. According to the Florida Greenbook chapter 13 page 138, C.13 states that a very low-volume local road is classified as (ADT less than or equal to 400 trips per day). Delineated in the Truck Volume analysis the total Daily Truck Volume (DTV) for inlet drive was determined to be 124 trips which is significantly lower than what is classified as a low volume road. As this meets half of the requirements in Footnote 3, we have also attached in the report google map imaging showing this roadway posted speed is below 35mph, therefore sufficiently meeting the criteria of the Greenbook deviation standard.

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11. Deviation from LDC 34-1264(b)(1)a Requiring establishments offering alcoholic beverages for consumption on the premises to maintain a minimum separation of 500 feet from the property line of a residentially zoned parcel under separate ownership to allow for a separation of 82.5 feet.

The intent is to request a deviation for the location of the proposed establishment, with respect to its designated areas for consumption of alcoholic beverages on premise, which does not meet the required 500-foot separation from the property line a of a residentially zoned parcel under separate ownership.

The proposed separation is 82.5 feet from designated COP area to the nearest adjacent residentially zoned property line. This deviation is requested due to existing site constraints and the configuration of the existing commercial peninsula property, as well as the proposed development layout which takes the existing peninsula configuration, surrounding waterbodies, and water-dependent uses into account. The proposed restaurant building associated with the requested COP is consistent with the previously approved CPD restaurant location on the subject property.

PROPERTY DEVELOPMENT REGULATIONS TABLE

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

TOTAL OPEN SPACE	-----	2.07 AC (30% of Lot Area)	2.1 AC (30.3%)
PARKING	Use	Rate	Provided
	Restaurant, 10,000 SF	12.5/ksf = 125 spaces	Standard = 158 Valet = 56
	Office, 2,100 SF	1/350 sf = 6 spaces	
	Retail (Ships Store), 1,800 SF	1/ 350 sf = 6 spaces	
	Private Club	1/100 sf = 46 spaces	
	Boat Repair (3 Bays) Service (22 Employees)	4/Bay = 12 spaces 1/Empl. = 22 spaces	
	Dry slips (239)	1/5 Slips = 48 spaces	
	Wet slips (44)	1/2 Slips = 22	
	Maintenance & Member	Accessory to Boat Repair & Service	
	Parking Requirement = 287 Boat Slips Reduction (10% reduction) = 29 Net Parking Requirement = 258 Total Required Per Parking Study = 208		Total = 214
SOLID WASTE	Commercial Business Bldg. SF	Min SF for Solid Waste	SF Provided
	Total SF of Industrial & Commercial Business Bldg. = 28,460 SF	216 SF up to 25,000 SF Plus 8 SF for each additional 1,000 SF Required: 256 SF	256 SF
CONSUMPTION ON PREMISES	Building	Interior	Exterior
	Restaurant	7,500 SF	2,500 SF
	Harbor Master	1,800 SF	2,150 SF
	Maintenance & Member	3,200 SF	N/A

SPEATH ENGINEERING

Civil Engineers

SCHEDULE OF USES

- Accessory uses and structures.
- Administrative offices.
- Bait and tackle shop.
- Bar or cocktail lounge.
- Boat parts store.
- Boat rental.
- Boat repair and service.
- Boat storage: Dry
- Clubs, private.
- Consumption on premises.
- EMS, fire, or sheriff's station.
- Essential services.
- Essential service facilities, Group I.
- Excavation: Water retention.
- Gift and souvenir shop.
- Marina.
- Parking lot: Accessory and Temporary.
- Recreation facilities: Personal and Private—On-site.
- Rental establishments, group I.
- Restaurant, Group III.
- Signs in accordance with chapter 30.
- Storage: indoor and open.
- Temporary uses.
- Transportation services, group I.
- Vehicle and equipment dealers, group III.

I can provide my version of Schedule of Uses and reference Marina accessory uses per LDC 34-2. Something along lines of "Marina accessory uses; including BLANK, Blank, Blank.

Rental Establishments, group I may need to removed.

RESOLUTION NUMBER Z-06-065

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

New zoning
includes additional
parcel for a total of
7.34 acres

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

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

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

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

SECTION A. REQUEST

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

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

SECTION B. CONDITIONS:

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

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

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

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

a. Schedule of Uses

Please see our
updated schedule
of uses

Accessory Uses and Structures

Administrative offices

Boat:

Docks

Rental

Repair

Sales

Boardwalk (See condition 15)

Boat Storage:

44 Wet Slips

239 Dry Slips

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

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

Pump-out Facilities

Restaurant, Group III

Recreational Facility; Private, On-site

Parking, accessory

Signs, in accordance with Chapter 30

Essential Services

On-site Fueling

b. Site Development Regulations

Setbacks:

Street : 25 feet

Waterbody: 25 feet (See Deviations 2 & 5)

Side: 15 feet (See Deviation 6)

Maximum Height: 45 feet (See Deviation 3)

Maximum Lot Coverage: 40 percent

Minimum Open Space: 30 percent

3. Environmental Conditions

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

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

Conservation easement is now existing

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

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

CASE NO: DCI2005-00095

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

Z-06-065
Page 3 of 8

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

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

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

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

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

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

Outdoor entertainment:

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

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

56 Proposed

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

11. Boat service, repair and storage:

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

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

See deviation #9

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

Proposed:
Required - 223
Provided - 214

SECTION C. DEVIATIONS:

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: *Isaiah Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

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

Approved as to form by:

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



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2006 DEC 22 AM 9:54

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



Dagostino & Wood, Inc.

Legal for Main Tract
(5.925 acres)

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

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

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

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

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COMMUNITY DEVELOPMENT
DCI 2005-00095

**Dagostino & Wood, Inc.**

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

Applicant's Legal Checked

by Lgm 1/25/2006

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COMMUNITY DEVELOPMENT

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

EXHIBIT "A"
(Page 2 of 5)



Dagostino & Wood, Inc.

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

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DEC 02 2005

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

COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 3 of 5)

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

LEGAL DESCRIPTION

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

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

COMMENCING AT THE POINT OF CURVATURE OF CURVE "C" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 80.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "D"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "D"; THENCE NORTH 39°40'31" WEST, ALONG SAID EAST LINE, 145.56 FEET TO SAID NORTH LINE OF TRACT "D"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

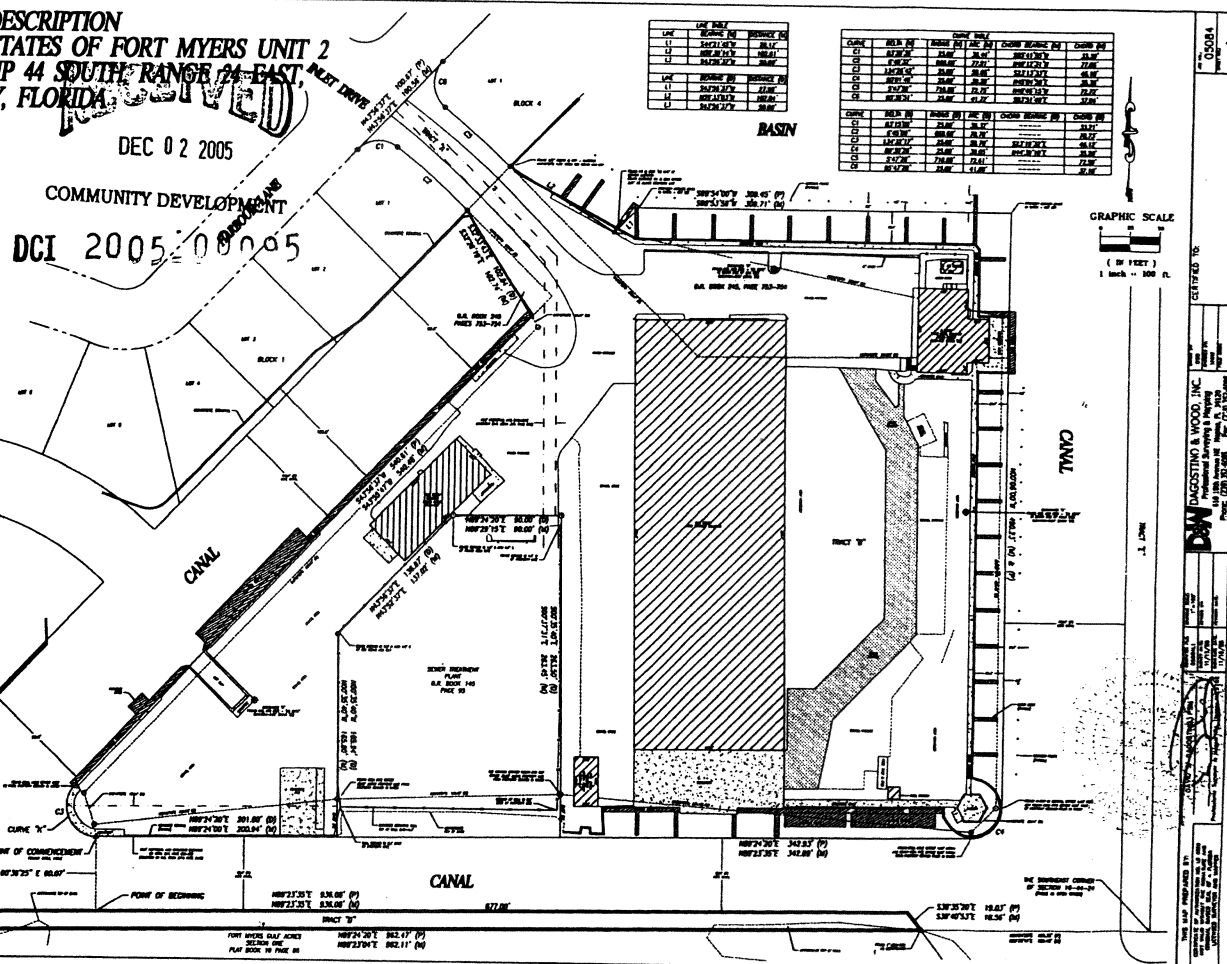
DCI 2005-00095

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COMMUNITY DEVELOPMENT



LINE	BEARING	DISTANCE	POINT
1	S 89°23'35" W	259.08	POINT OF BEGINNING
2	S 43°56'37" W	20.43	POINT OF BEGINNING
3	N 89°23'04" E	962.11	POINT OF BEGINNING
4	N 39°40'31" W	145.56	POINT OF BEGINNING
5	S 89°23'35" W	677.00	POINT OF BEGINNING

LINE	BEARING	DISTANCE	POINT
1	S 89°23'35" W	259.08	POINT OF BEGINNING
2	S 43°56'37" W	20.43	POINT OF BEGINNING
3	N 89°23'04" E	962.11	POINT OF BEGINNING
4	N 39°40'31" W	145.56	POINT OF BEGINNING
5	S 89°23'35" W	677.00	POINT OF BEGINNING

LINE	BEARING	DISTANCE	POINT
1	S 89°23'35" W	259.08	POINT OF BEGINNING
2	S 43°56'37" W	20.43	POINT OF BEGINNING
3	N 89°23'04" E	962.11	POINT OF BEGINNING
4	N 39°40'31" W	145.56	POINT OF BEGINNING
5	S 89°23'35" W	677.00	POINT OF BEGINNING



DCI 2005-00095
COMMUNITY DEVELOPMENT
DEC 02 2005
RECEIVED
1/25/2006
Lm
DW AGOSTINO & WOOD, INC.
1000 W. US HWY 90, SUITE 100
FORT MYERS, FL 33901
PHONE: 941-355-0000
FAX: 941-355-0001

EXHIBIT "A"
(Page 5 of 5)

DCI2005-00095

Zoning Map

7/10/2006

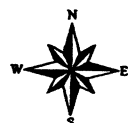
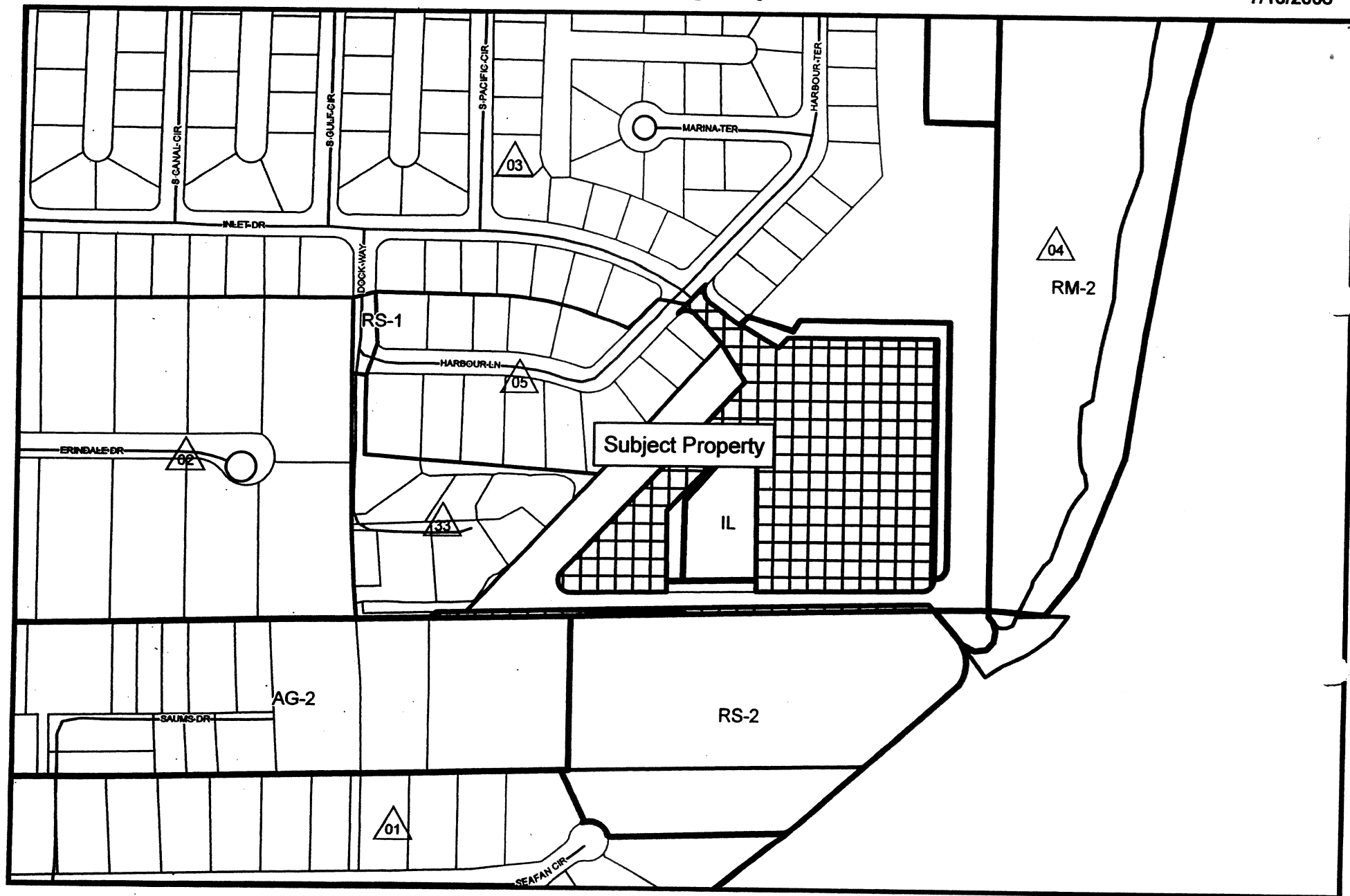


EXHIBIT "B"
(Zoning Map)



LOT COVERAGE SUMMARY:

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

OPEN SPACE SUMMARY:

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

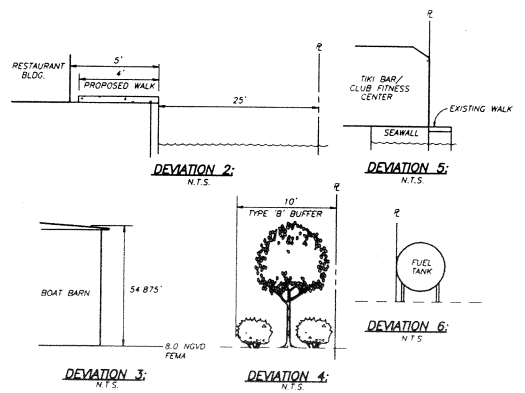
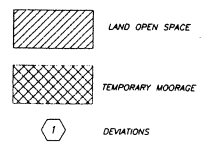
EXISTING DEVELOPMENT

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

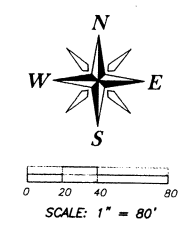
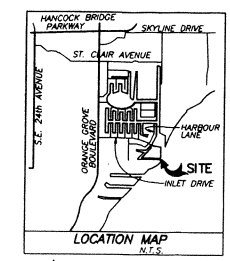
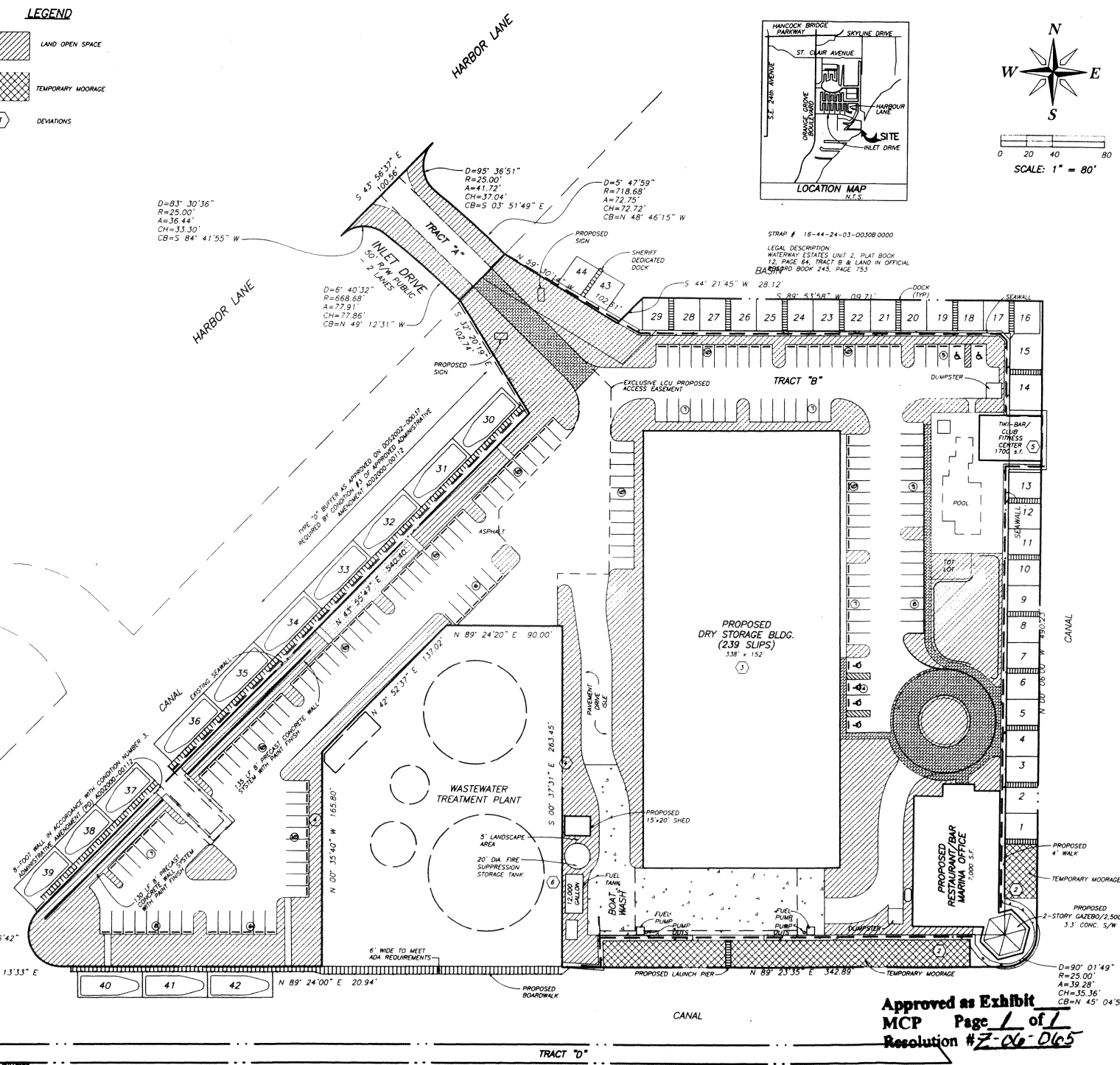
PROPOSED DEVELOPMENT

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

LEGEND



RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT
DCI 2005-00095



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

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

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

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

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

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

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

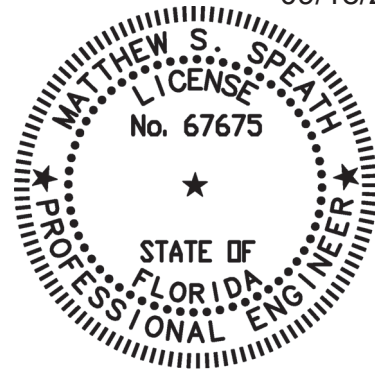
DESIGNED BY:
Vanasse Haden
17800 N.W. 11th Avenue
Fort Lauderdale, FL 33304

PROJECT NO.: 80899
SHEET NO.: 80899-SR04

Sheet No. 1 of 1

ATTACHMENT J**Traffic Impact Statement****Prepared For:****Port Phoenix
(Waterway Marina)****1687 Inlet Drive
Fort Myers, FL**

09/18/2025



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

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

c=US, o=SPEATH ENGINEERING FL LLC,
dnQualifier=A01410D000001982F25E5
CE0003571B, cn=Matthew S Speath
2025.09.18 16:19:40 -04'00'

Issued: September 18th, 2025**SPEATH
ENGINEERING**

Project #F22-56

INTRODUCTION

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

The following analysis has been prepared for a Development Order submittal for a Commercial development of a marina which consists of 44 wet slips and a 49,000 square foot boat barn with 239 dry slips, a 15,260 square foot member and maintenance building, a 3,200 square foot ships store, a 2,150 SF outdoor COP, and a 10,000 square foot restaurant (7,500 SF building area and 2,500 SF of outdoor seating space). The site has a total land area of 252,658 SF. This analysis reviews the potential impact of the new development on the surrounding roadways.

PROPOSED/EXISTING DEVELOPMENT

The developer proposes to improve the property located at 1687 Inlet Drive, Fort Myers, FL 33903. The improvements to the commercial parcel include site development from two vacant parcels and the construction of a marina, a maintenance and member building, a ships store, and a 10,000 SF restaurant (7,500 SF building area and 2,500 SF of outdoor seating space). The proposed marina consists of 283 total berths and includes a dry storage boat barn. The maintenance and member building includes a 4,525 SF member lounge, 700 SF of office space, 4,635 SF of storage space, and 5,400 SF for boat and repair services. A 3,200 SF area for COP is included as part of the members lounge and is fully contained within the total 4,525 SF of total private member lounge area. The proposed ships store building contains 1,400 SF of office space and 1,800 SF of retail space. A 2,150 SF area of outdoor COP is also proposed adjacent to the ships store. A single access point is located on the north side of the subject property onto Inlet Drive, classified as local road maintained by the County.

TRIP GENERATION

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

- LUC 420 “Marina” was used for analysis of the boat barn, slips, and all marina ancillary uses. The ancillary uses of the marina cover 9,590 SF of the maintenance and member building and is comprised of:
 - 4,525 SF private member lounge, which includes 3,200 SF of interior COP area that is fully contained within the total 4,525 SF of total private member lounge area.
 - 700 SF office space
 - 4,365 SF storage space
- LUC 712 “Small Office Building” was used for analysis of the 1,400 SF office portion of the ships store building.
- LUC 851 “Convenience Store” was used for analysis of the 1,800 SF retail portion of the ship store building.
- LUC 932 “High-Turnover Restaurant” for analysis of the 10,000 SF restaurant, which consists of a 7,500 SF restaurant building and 2,500 SF of outdoor seating space. The 2,150 SF of outdoor COP has also been included in this land use as directed by staff.
- LUC 943 “Automobile Parts and Service Center” was used for analysis of the 5,400 SF boat and repair services portion of the member and maintenance building, which is the only portion of the building that will be accessible to the public. While the ITE does not have a land use for boat repair and services, this ITE land use was determined to most closely resemble the proposed use.

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

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

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

Table 1B: Trip Generation

	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Total Daily (2 way)
	In	Out	Total	In	Out	Total	
Marina (420) 283 Berths	7	13	20	36	24	60	683
Small Office Building (712) 1,400 SF	2	1	3	1	3	4	21
Convenience Store (851) 1,800 SF	57	56	113	44	45	89	1,373
Restaurant (932) 12,150 SF	64	53	117	67	43	110	1,303
Automobile Parts & Service Center (943) 5,400 SF	8	3	11	5	7	12	90
Total	138	126	264	153	122	275	3,470

TRIP DISTRIBUTION

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

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

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

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

Table 2: Trip Distribution

Direction	Distribution	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Inlet Drive	100%	138	126	264	153	122	275
Orange Grove Blvd N/o Inlet Drive	60%	83	76	158	92	73	165
Orange Grove Blvd S/o Inlet Driver	40%	55	50	106	61	49	110

ANNUAL GROWTH RATE

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

Table 3: Growth Rate

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

LEVEL OF SERVICE ANALYSIS

A roadway link level of service analysis was conducted for Orange Grove Blvd utilizing data from the 2024 Lee County Level of Service and Concurrency Report. This data was used to determine the current peak hour volume and level of service performance standard. The growth rate determined using FDOT data was applied to the current 100th highest peak hour volume to determine the 100th highest peak hour volume under the future 2027 condition. The peak hour volumes were compared with the service volumes contained in the Lee County Service Volume Reports, provided in Table 4, to determine the operating LOS of the roadways.

Existing traffic for Orange Grove Blvd was determined based on the overall 2024 concurrency data. The existing traffic along Inlet Drive was determined based on the ITE trip Generation (further explained below) which is based on average trip data collected from traffic studies and surveys. The 2024 Lee County Concurrency data is based on raw traffic counts at different periods throughout the year obtained from portable traffic monitoring sites. These counts are adjusted with seasonal and peak factors to provide traffic counts included in the Lee County Traffic Count Report as well as in the 2024 Concurrency Report. Since the data utilized in the report already has peak season factors applied to the Concurrency Data, an additional peak season factor was not applied to traffic surrounding the development.

Table 4: Generalized Peak Hour Directional Service Volumes

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

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

Direction	Roadway Type	Performance Standard		2023 100 th Highest Peak Hour	2023 LOS	2027 Future Forecast	2027 LOS
		LOS	Capacity				
North	2LN	E	860	539	C	581	D
South	2LN	E	860	539	C	581	D

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

Direction	Roadway Type	Performance Standard		2027 100 th Highest Peak Hour	Project Traffic (Directional)		2027 Future Forecast + Project		LOS
		LOS	Capacity		AM	PM	AM	PM	
North	2LN	E	860	581	83	92	664	673	D
South	2LN	E	860	581	55	61	636	642	D

An LOS analysis was also performed for the intersection of Orange Grove Blvd and Inlet Drive, which is an unsignalized intersection. Lee County does not provide traffic data for Inlet Drive as it is classified as a local road and only provides access to the project location and the residences in the immediate vicinity of Inlet Drive. The existing volume on Inlet Drive was therefore estimated by the existing number of residences that utilize Inlet Drive for access (150 residences) and assigning the number of trips based on the ITE Trip Generation for Single-Family Detached Housing (LUC 210). A summary of the existing trips can be found in tables 7 & 8 below.

Table 7: Existing Land Use ITE

Land Use	Weekday A.M. Peak Hour of adjacent street traffic	Weekday P.M. Peak Hour of adjacent street traffic	Total Daily
Single-Family Detached Housing (210)	0.70 Trips per dwelling unit; 26% entering, 74% exiting	0.94 Trips per dwelling unit; 63% entering, 37% exiting	9.43 trips per dwelling unit

Table 8: Existing Trip Generation

Land Use Code	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Total Daily
	In	Out	Total	In	Out	Total	
Single-Family Housing (210) 150 Residences	27	78	105	89	52	141	1,415

Similarly, future volume on Inlet Drive without the project was estimated by considering all properties that utilize Inlet Drive for access (excluding the subject property) as fully developed with single-family residences (153 total residential properties). The estimated existing and future volumes were distributed following the same distribution described above for the project trips. The intersection LOS analysis was performed in Synchro utilizing the HCM method for unsignalized intersections. Table 9 below summarizes the results of this analysis showing the LOS of the intersection during the AM and PM peak hours under the existing condition and 2028 future condition both with and without the project. The complete Synchro reports are attached at the end of this report.

**Figure 1: Existing Condition Vehicle Trips**



Figure 2: Future (2028) + Proposed Vehicle Trips

Figure 1 displays the overall existing AM and PM trips along the intersection of Orange Grove Blvd and Inlet Dr. In order to determine existing turning movements at the intersection, the 2024 concurrency data for Orange Grove Blvd from Club Entr. to Hancock B. Pkwy was utilized as the total volume of the North approach for each direction. The portion of this volume that utilizes Inlet Dr was derived from the ITE trip generation land use code 210 for Single-Family Housing because there is no current traffic data available for Inlet Dr.

Figure 2 includes the existing traffic explained in the figure 1 description above plus the proposed trip generation of our development. Trips in and out of the subject property reflect the total in/out vehicle trips during the AM/PM peak hour. Figure 2 displays trips entering Inlet Dr. and the subject property. Some of the trips traveling along Inlet Dr are distributed to residences between the intersection and the subject property.

Table 9: Orange Grove Blvd & Inlet Dr – Intersection LOS Summary

	AM Peak Hour	PM Peak Hour
Existing LOS	A	C
2028 Future w/o Project LOS	A	D
2028 Future with Project LOS	E	E

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

WARRANT ANALYSIS

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

Right Turn Lane Warrant Analysis for Inlet Drive:

Intersecting Street/Connection to Collector Street:

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

Right Turn Lane Warranted: No

Left Turn Lane Warrant Analysis for Inlet Drive:

Intersecting Street/Connection to Collector Street:

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

Left Turn Lane Warranted: No

Right Turn Lane Warrant Analysis for Orange Grove Blvd:

Collector Street:

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

Right Turn Lane Warranted: NoLeft Turn Lane Warrant Analysis for Orange Grove Blvd:

Collector Street:

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

Left Turn Lane Warranted: NoCONCLUSION

Traffic as depicted in this report will generate 3,470 daily trips with a maximum of 275 trips occurring during the peak hour. These trips will affect Inlet Drive and distribute to the nearby major collector road, Orange Grove Blvd, which is located approximately 0.5 miles west of the subject property and provides access to all other areas within the county. All other roads connecting to Inlet Drive only provide access to residential properties within the immediate vicinity of the subject property. The roadway link analysis shows that northbound Orange Grove Blvd will decrease from LOS C, under the existing and future conditions without the project, to LOS D under the future condition with the project. The intersection LOS analysis shows that the intersection of Orange Grove Blvd and Inlet Drive will decrease to LOS E under the future condition with the project. While the LOS of the roadways expected to decrease with the project, the roadways are still expected to operate within their performance standard of LOS E.

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023-100TH HIGHEST HOUR			2028 FUTURE FORECAST*			Notes
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	547	0.54	D	575	0.57	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	65	0.08	C	68	0.08	(4)
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	210	0.24	C	221	0.26	
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	230	0.27	C	242	0.28	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	230	0.27	C	242	0.28	
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	338	0.39	C	355	0.41	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	E	2,440	0.86	E	2,564	0.90	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	E	2,182	0.77	E	2,293	0.81	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	E	1,944	0.68	E	2,091	0.74	pre-development order res development
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	913	0.46	B	960	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	913	0.90	E	960	0.94	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	407	0.47	C	428	0.50	
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	764	0.42	B	803	0.45	
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	714	0.83	F	895	1.04	Fairway Villages/pre-dev order res dev
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	D	587	0.68	D	617	0.72	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	D	570	0.66	D	599	0.70	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	C	364	0.41	C	416	0.47	Luckett Landing Hotel/Luckett Road C-Store
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	320	0.37	C	336	0.39	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	79	0.09	C	83	0.10	(4)
15800	MCGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	A	980	0.50	B	1,030	0.53	
15900	MCGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,396	0.71	B	1,467	0.75	
16000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	815	0.42	A	857	0.44	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	815	0.42	A	857	0.44	
16200	MCGREGOR BLVD (SR 867)	OLD MCGREGOR /GLADIOLUS DR	IONA LOOP RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16300	MCGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16400	MCGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	1,900	D	1,810	0.95	F	1,961	1.03	
16500	MCGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	1,900	D	1,810	0.95	F	1,961	1.03	
16600	MCGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	1,124	C	775	0.69	D	842	0.75	constrained
16700	MCGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16800	MCGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,866	C	1,373	0.48	C	1,618	0.56	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	1,900	C	1,275	0.67	C	1,440	0.76	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	1,900	D	1,786	0.94	F	2,118	1.11	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	1,900	D	1,786	0.94	F	2,118	1.11	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	2,866	C	1,766	0.62	C	2,252	0.79	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	0.20	C	180	0.21	(4)
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	0.20	C	213	0.25	(4)
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	184	0.21	C	193	0.22	(4)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	82	0.10	C	86	0.10	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	136	0.16	C	143	0.17	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	155	0.18	C	163	0.19	
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	B	224	0.20	B	344	0.30	The Broadlands
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	B	224	0.20	B	358	0.31	River Run Estates
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	100	0.09	A	135	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	84	0.10	C	88	0.10	(4)
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	539	0.63	D	566	0.66	
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	539	0.30	D	566	0.32	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	368	0.37	C	387	0.39	

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	31	47	492	11	16	523
Future Volume (Veh/h)	31	47	492	11	16	523
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	34	51	535	12	17	568
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1143	541			547	
vC1, stage 1 conf vol	541					
vC2, stage 2 conf vol	602					
vCu, unblocked vol	1143	541			547	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	90	91			98	
cM capacity (veh/h)	354	541			1022	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	85	547	585			
Volume Left	34	0	17			
Volume Right	51	12	0			
cSH	447	1700	1022			
Volume to Capacity	0.19	0.32	0.02			
Queue Length 95th (ft)	12	0	1			
Control Delay (s/veh)	14.9	0.0	0.5			
Lane LOS	B		A			
Approach Delay (s/veh)	14.9	0.0	0.5			
Approach LOS	B					
Intersection Summary						
Average Delay		1.3				
Intersection Capacity Utilization		51.7%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	21	31	508	36	53	486
Future Volume (Veh/h)	21	31	508	36	53	486
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	23	34	552	39	58	528
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage (veh)						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1216	572			591	
vC1, stage 1 conf vol	572					
vC2, stage 2 conf vol	644					
vCu, unblocked vol	1216	572			591	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	93	93			94	
cM capacity (veh/h)	325	520			985	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	57	591	586			
Volume Left	23	0	58			
Volume Right	34	39	0			
cSH	419	1700	985			
Volume to Capacity	0.14	0.35	0.06			
Queue Length 95th (ft)	8	0	3			
Control Delay (s/veh)	14.9	0.0	1.6			
Lane LOS	B		A			
Approach Delay (s/veh)	14.9	0.0	1.6			
Approach LOS	B					
Intersection Summary						
Average Delay		1.4				
Intersection Capacity Utilization		70.8%		ICU Level of Service		C
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	32	48	533	11	17	564
Future Volume (Veh/h)	32	48	533	11	17	564
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	35	52	579	12	18	613
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1234	585			591	
vC1, stage 1 conf vol	585					
vC2, stage 2 conf vol	649					
vCu, unblocked vol	1234	585			591	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	89	90			98	
cM capacity (veh/h)	330	511			985	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	87	591	631			
Volume Left	35	0	18			
Volume Right	52	12	0			
cSH	419	1700	985			
Volume to Capacity	0.21	0.35	0.02			
Queue Length 95th (ft)	14	0	1			
Control Delay (s/veh)	15.8	0.0	0.5			
Lane LOS	C		A			
Approach Delay (s/veh)	15.8	0.0	0.5			
Approach LOS	C					
Intersection Summary						
Average Delay		1.3				
Intersection Capacity Utilization		54.8%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	21	32	549	36	55	526
Future Volume (Veh/h)	21	32	549	36	55	526
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	23	35	597	39	60	572
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1309	617			636	
vC1, stage 1 conf vol	617					
vC2, stage 2 conf vol	692					
vCu, unblocked vol	1309	617			636	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	92	93			94	
cM capacity (veh/h)	302	490			947	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	58	636	632			
Volume Left	23	0	60			
Volume Right	35	39	0			
cSH	393	1700	947			
Volume to Capacity	0.15	0.37	0.06			
Queue Length 95th (ft)	9	0	4			
Control Delay (s/veh)	15.7	0.0	1.6			
Lane LOS	C		A			
Approach Delay (s/veh)	15.7	0.0	1.6			
Approach LOS	C					
Intersection Summary						
Average Delay			1.5			
Intersection Capacity Utilization			75.1%	ICU Level of Service		D
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	82	124	533	66	100	564
Future Volume (Veh/h)	82	124	533	66	100	564
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	89	135	579	72	109	613
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh)						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1446	615			651	
vC1, stage 1 conf vol	615					
vC2, stage 2 conf vol	831					
vCu, unblocked vol	1446	615			651	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	66	73			88	
cM capacity (veh/h)	259	491			935	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	224	651	722			
Volume Left	89	0	109			
Volume Right	135	72	0			
cSH	362	1700	935			
Volume to Capacity	0.62	0.38	0.12			
Queue Length 95th (ft)	71	0	7			
Control Delay (s/veh)	29.8	0.0	2.9			
Lane LOS	D		A			
Approach Delay (s/veh)	29.8	0.0	2.9			
Approach LOS	D					
Intersection Summary						
Average Delay			5.5			
Intersection Capacity Utilization			89.4%	ICU Level of Service		E
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

3: Orange Grove Blvd & Inlet Dr

08/07/2025

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	70	105	549	97	147	526
Future Volume (Veh/h)	70	105	549	97	147	526
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	76	114	597	105	160	572
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			Raised
Median storage veh						1
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1542	650			702	
vC1, stage 1 conf vol	650					
vC2, stage 2 conf vol	892					
vCu, unblocked vol	1542	650			702	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	67	76			82	
cM capacity (veh/h)	228	469			895	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	190	702	732			
Volume Left	76	0	160			
Volume Right	114	105	0			
cSH	330	1700	895			
Volume to Capacity	0.58	0.41	0.18			
Queue Length 95th (ft)	61	0	12			
Control Delay (s/veh)	29.7	0.0	4.2			
Lane LOS	D		A			
Approach Delay (s/veh)	29.7	0.0	4.2			
Approach LOS	D					
Intersection Summary						
Average Delay		5.4				
Intersection Capacity Utilization		90.9%		ICU Level of Service		E
Analysis Period (min)		15				



MEMORANDUM

To: John P. Mahlbacher, PE, CGC – Lee County Department of Community Development

From: David Taxman, P.E. – Mobility & Parking Services

CC: Matthew Speath, PE – Speath Engineering

Date: July 23, 2025

Subject: Port Phoenix Marina Parking Variance Study
Ft. Myers, Florida

Introduction

There are plans to construct the Port Phoenix Marina in Ft. Myers, Florida. The project plans to include a mix of uses, including dry and wet boat docks, retail, office, restaurant, private lounge, and boat repair service. The site can only support a total of 214 parking spaces (158 standard and 56 valet), but there is a parking requirement of 258 spaces with the proposed land use mix and an allowable ten percent reduction from providing boat docks. A variance of 44 parking spaces is being requested. Lee County has requested that a parking study is completed to show that the parking variance is justified. The analysis will follow the parking study methodology guidelines defined in the Institute of Transportation Engineers (ITE) *Parking Generation Manual, 6th Edition*. The parking study methodology was reviewed and approved by the Lee County Department of Community Development. This study documents the analysis and conclusion of the parking study.

Site Plan

The site plan for the proposed Port Phoenix Marina is included in **Appendix A**. This shows the layout and proposed land uses. The site layout has been maximized to support the proposed land uses, traffic circulation, parking, setbacks, stormwater management, and landscaping requirements. The site also needs adequate space to allow for the transportation of boats within the site. There is no additional space available to provide additional self-parking spaces.

Deviation Request

Table 1 includes the parking requirements calculation per Sec. 34-2020 (Required Parking spaces) of the Lee County Land Development Code (LDC). Per Sec. 34-2020-c (*Parking reduction for nonresidential uses*), a maximum 10% parking space reduction is permitted if one of the conditions is satisfied, which includes providing boat slips on the premises for a 10% parking space reduction. The parking deviation request is included in the project deviation requests, which is included in **Appendix B**. It is item number 7 of the deviation requests.

**Table 1: Port Phoenix Marina Parking Requirements Analysis**

Use	Size	Unit	Rate	Pkg Requirement
Restaurant	10,000 SF		12.5 sp / ksf	125
Office	2,100 SF		1 sp / 350 SF	6
Retail	1,800 SF		1 sp / 350 SF	6
Private Club	4,525 SF		1 sp / 100 SF	46
Boat Repair & Service	3 Bays		4 sp / bay	12
	22 Employees		1 sp / empl	22
Dry Slips	239 Slips		1 sp / 5 slips	48
Wet Slips	44 Slips		1 sp / 2 slips	22
Parking Requirement				287
Boat Slips Reduction (10% reduction)				29
Net Parking Requirement				258

Note: Parking requirements per Sec. 34-2020 of the Lee County Land Development Code

There is also 4,635 SF of storage space in the Maintenance & Member Building, which is an accessory use to the boat repair and service space. The boat repair and services parking requirement calculation are based on the number of repair bays and employees. There are two proposed loading zones around the Maintenance & Member Building to allow for deliveries.

Comparable Marina Sites

A parking study of three (3) comparable marina sites in unincorporated Lee County was performed to capture the true parking demand for a mixed-use marina facility similar to the proposed Port Phoenix Marina. The three approved marina sites in unincorporated Lee County, include Sweetwater Landing Marina, Salty Sams Marina, and Deep Lagoon Marina. **Appendix C** shows the site plans for these three marinas, which includes the land use mix and parking. Each of these marinas have a unique character and mix of land uses. They all have dry and wet boat slips, restaurant, office space, and boat repair services. They are located in car-centric areas similar to the proposed marina.

Salty Sams Marina generates substantial tourist activity as they offer boat rentals, boat tours, sunset cruises, waterfront dining, and a substantial ship store. The restaurant, Cantina Marina, in the Main Street Marina, is closed and was not included in the analysis. Also, the repair service center, which has about seven employees, is closed on the weekends. There is an overflow parking area on the north side of Main Street. The vehicles parked in this area were included in the parking demand analysis. Many of the wet slips were not being used because they were damaged during Hurricane Ian. However, it was observed that many were being used for transient boats and tour boats. This facility has a boat ramp, which is unlike the other two marinas and the proposed Port Phoenix Marina.

Deep Lagoon Marina is unique because they offer boat sales on site and have a new Marine Max retail center under construction for boat sales. During the weekends approximately 10% of the office and service employees are working. The private lounge was only for marina members and not open to the public, so it did not generate additional parking demand. The restaurant was very active in the afternoon/evening and offered valet parking, allowing vehicles to be double parked.



Sweetwater Landing Marina has a restaurant that is not directly connected to the marina, but overflow parking for the restaurant is offered in the marina parking area. Golf cart shuttles are used to transport people between the marina and restaurant. The boat service repair center is not open on the weekends and approximately 50% of the office employees work weekends. The lounge area is only available to marina members and does not generate additional parking demand.

Calibrated Parking Ratio Analysis

Hourly parking occupancy counts were collected on Saturday, March 22, 2025, between 7 AM and 7 PM, which is beyond the hours of the marinas. The hourly parking occupancy counts of the three marinas are included in **Appendix D**. The weather included clear skies, sun and temperatures in the 70's. This date is considered high season and was during spring break, as most schools and colleges in Florida have breaks between March 17-21 or March 24-28.

The peak parking counts were applied to develop calibrated peak parking demand ratios for each land use. The land use mix, base parking ratio for each land use from the Lee County LDC, and peak parking demand was applied to develop adjusted peak parking ratios for each land use. Tables 2 through 4 show the analysis applied to calculate the adjusted peak parking ratios for each land use at the three marinas.

Table 2 shows the calculated adjusted peak parking ratios for the land uses at Salty Sams Marina. The peak parking count at Salty Sams was 224 vehicles at 3 PM. As discussed previously, the service repair shop is not open on the weekend, which is why a 0% adjustment factor was applied. A 75% adjustment factor was applied for the wet slips since many of them were not in use due to being damaged from Hurricane Ian. No adjustments were applied for the other land uses. Salty Sams is unique because of the number of people it generates for boat rentals, tours, and the boat ramp.

Table 2: Salty Sams Peak Parking Ratio Analysis

Land Use	Size	Base Parking Ratio	Adj. Factor	Parking Demand	Adjusted Parking Ratio
Wet Slips	123 Slips	0.5 per slip	75%	46	0.38 per slip
Dry Slips	239 Slips	0.2 per slip	100%	48	0.20 per slip
Boat Ramp	1 Ramp	10 per ramp	100%	10	10.00 per ramp
Restaurant	7,192 SF	12.5 per KSF	100%	90	12.50 per KSF
Office	7,535 SF	2.9 per KSF	100%	22	2.86 per KSF
Retail	3,352 SF	2.9 per KSF	100%	10	2.86 per KSF
Service Shop ⁽¹⁾	7 Employees	1 per empl	0%	0	0.00 per empl
Total Peak Pkg Demand				225	

¹ Service shop is not open on the weekends

Table 3 shows the calculated adjusted peak parking ratios for the land uses at Deep Lagoon Marina. The peak parking count for the restaurant was 108 vehicles at 7 PM and 86 vehicles for the marina at 12 PM. As discussed previously, the service shop and office only have 10% of the employees working



on weekends, which is why a 10% adjustment factor was applied. The retail space is large but generates minimal activity since it is for boat sales, which does not generate high activity compared to typical retail. The lounge space is exclusively for marina members and does not generate parking demand, which is the reason for the 0% adjustment factor. The parking ratios for the other uses were adjusted to match the peak parking demand.

Table 3: Deep Lagoon Marina Peak Parking Ratio Analysis

Land Use	Size	Base Parking Ratio	Adj. Factor	Parking Demand	Adjusted Parking Ratio
Wet Slips	129 Slips	0.5 per slip	45%	29	0.23 per slip
Dry Slips	336 Slips	0.2 per slip	70%	47	0.14 per slip
Restaurant	9,600 SF	12.5 per KSF	90%	108	11.25 per KSF
Office ⁽¹⁾	17,085 SF	2.9 per KSF	10%	5	0.29 per KSF
Retail ⁽⁴⁾	13,627 SF	2.9 per KSF	10%	4	0.29 per KSF
Private Lounge ⁽²⁾	4,256 SF	10 per KSF	0%	0	0.00 per KSF
Service Shop ⁽³⁾	25 Employees	1 per empl	10%	3	0.10 per empl
Restaurant Peak Pkg Demand				108	
Marina Peak Pkg Demand				87	

¹ Office uses support the marina and approximately 10% of employees work on weekends

² Lounge is an amenity for marina members and doesn't generate additional people to marina

³ Service shop has 10% of employees on weekends

⁴ Retail space is for Marine Max boat sales

Table 4 shows the calculated adjusted peak parking ratios for the land uses at Sweetwater Landing Marina. The peak parking count was 275 vehicles at 2 PM, which is when both the restaurant and marina parking areas peaked. As discussed previously, the service repair center is not open on weekends (0% adjustment factor), and the office only has approximately 50% of the employees working on weekends (55% adjustment factor). The lounge space is exclusively for marina members and does not generate parking demand, which is the reason for the 0% adjustment factor.

Table 4: Sweetwater Landing Marina Peak Parking Ratio Analysis

Land Use	Size	Base Parking Ratio	Adj. Factor	Parking Demand	Adjusted Parking Ratio
Wet Slips	71 Slips	0.5 per slip	100%	36	0.5 per slip
Dry Slips	204 Slips	0.2 per slip	100%	41	0.2 per slip
Restaurant	14,900 SF	12.5 per KSF	100%	186	12.5 per KSF
Office ⁽¹⁾	7828.92 SF	2.9 per KSF	55%	12	1.57 per KSF
Private Lounge ⁽²⁾	3,221 SF	10 per KSF	0%	0	0 per KSF
Service Shop ⁽³⁾	25 Employees	1 per empl	0%	0	0 per empl
Peak Parking Demand				275	

¹ Office uses support the marina and approximately 55% of employees work on weekends

² Lounge is an amenity for marina members and doesn't generate additional people to marina

³ Service shop is not open on weekends



Table 5 shows the 85th percentile and 95th percentile parking ratios for each land use. In the *ITE Parking Generation Manual, 6th Edition* they reference the 85th percentile parking ratio, which is the industry standard for informing parking supply recommendations. The 95th percentile parking ratios were applied to calculate the parking requirements, which exceeds the industry standard for parking supply recommendations. The reason for using the 95th percentile ratios is because of the smaller sample size. The private lounges are exclusive to marina members as an amenity and do not generate any additional parking demand, which is similar to the proposed Port Phoenix Marina. Also, the Port Phoenix Marina plans to have minimal or no boat repair staff during the weekends.

Table 5: Calibrated Parking Ratio Analysis

Land Use	Sweetwater Landing	Deep Lagoon	Salty Sams	85th Percentile Pkg Ratio	95th Percentile Pkg Ratio	Parking Space Factors
Wet Slips	0.50	0.23	0.38	0.46	0.49	per Slip
Dry Slips	0.20	0.14	0.20	0.20	0.20	per Slip
Restaurant	12.50	11.25	12.50	12.50	12.50	per KSF
Office	1.57	0.29	2.86	2.47	2.73	per KSF
Retail	N/A	0.29	2.86	2.47	2.73	per KSF
Private Lounge ⁽¹⁾	0.00	0.00	N/A	0.00	0.00	per KSF
Service Shop ⁽²⁾	0.00	0.10	0.00	0.07	0.09	per employee

¹ The private lounges were all exclusive to marina members and did not generate additional parking

² The boat repair service centers were either closed or had low staff on weekends

Parking Demand Analysis

Table 6 shows the 95th percentile parking requirement analysis for the Port Phoenix Marina based on the proposed land use mix and the 95th percentile parking ratios (**Table 5**). The analysis shows a total parking requirement of 208 spaces. As stated previously, there is a plan to provide 214 parking spaces. This analysis shows there is adequate parking to support demand.

If there are outlier peak surges in parking demand, the marina will provide valet parking on-site, which provides the opportunity for stacked parking to increase supply. All valeted vehicles will be parked on-site. The double parking of vehicles by valets was observed at the Deep Lagoon Marina during the evening from peak restaurant activity. In addition, the trend is that more people are using on-demand ridehailing services like Uber and Lyft, which is decreasing parking demand for certain types of land uses, which includes places where people may be drinking alcohol like a restaurant or boating.

To prevent issues with vehicles parking in the surrounding neighborhood, No Parking Tow Away Zone signage providing the name and telephone number of the tow company will be posted along Inlet Drive and Harbour Lane. This will deter people from parking in these areas.

**Table 6: Port Phoenix Marina Parking Supply Analysis**

Land Use	Size Unit	Rate	95th % Parking Ratio	95th Percentile Parking Supply
Restaurant	10,000 SF	12.5 sp / ksf	12.50 per ksf	125
Office	2,100 SF	1 sp / 350 SF	2.73 per ksf	6
Retail	1,800 SF	1 sp / 350 SF	2.73 per ksf	5
Private Club	4,525 SF	1 sp / 100 SF	0.00 per ksf	0
Boat Repair/Service	22 Employees	1 sp / empl	0.09 per empl	2
Dry Slips	239 Slips	1 sp / 5 slips	0.20 per slip	48
Wet Slips	44 Slips	1 sp / 2 slips	0.49 per slip	22
Parking Supply Requirement				208

Conclusion

A parking variance study was conducted to determine if the 214 parking spaces at the Port Phoenix Marina is sufficient. Based on the study of three comparable mixed-use marinas there is a projected parking requirement of 208 spaces. If the site experiences rare surges in parking demand there are plans to offer valet parking, which allows vehicles to be double parked, increasing the overall supply. There will also be Tow Away signage posted along Inlet Drive and Harbour Lane to deter people from parking on neighborhood streets.

Should you have any questions regarding the Port Phoenix parking demand analysis, please do not hesitate to reach out to me.

Sincerely,

Mobility and Parking Services

A handwritten signature in blue ink, appearing to read "David Taxman".

David Taxman, P.E.

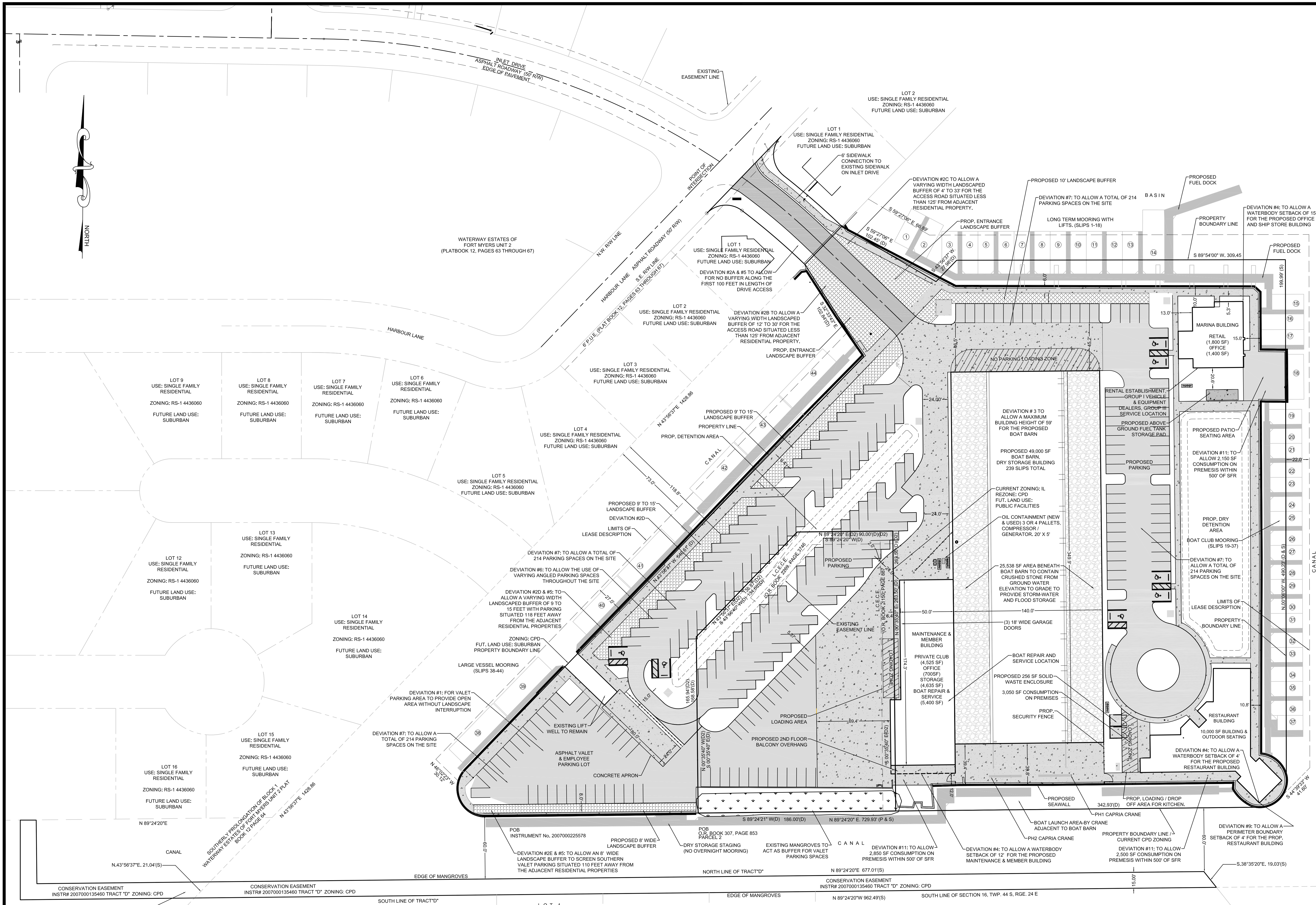
Florida PE Registration Number: 85552





APPENDIX A

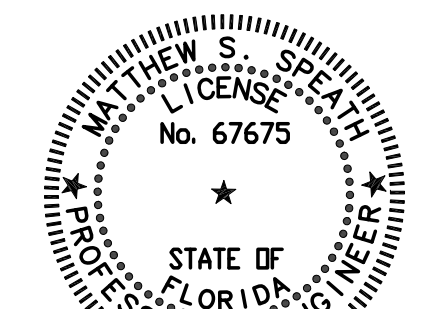
Site Plan



REVISIONS	DATE	BY
0. INITIAL SUB	12/12/23	TG
1. CNTY CMNTS	04/19/24	TG
2. CNTY CMNTS	08/14/24	TG
3. CNTY CMNTS	12/09/24	TG

SPEATH
ENGINEERING
SPEATH ENGINEERING, LLC - 1111 BRICKELL AVE., 8TH FL.
MIAMI, FL 33131 - PHONE: 305-834-4323

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



12/09/2024

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

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

DRAWN	TCC
CHECK	MSS
DATE	12/09/24
SCALE	1" = 40'
PROJ. NO.	F22-56

SHEET:
MCP
1 OF 1



APPENDIX B

Parking Deviation Request



Deviation from section 34-2020 requiring that a total of 287 spaces must be provided on the site, to allow for a total of 214 spaces.

The intent of deviating from the outlined section above is to permit a total of 214 parking spaces to support the mixed-use marina site. Per the Land Development Code, the parking requirement is for 258 spaces, which includes a 10 percent reduction for providing boat slips on the premises. The deviation from 258 spaces to 214 spaces is a reduction of 44 spaces, which is a reduction of approximately 17 percent. The Director may administratively approve a reduction to the minimum required number of parking spaces for nonresidential uses by a maximum of ten percent if one or more of the conditions listed in part C of Section 34-2020 is satisfied. One of the criteria to allow for a ten percent reduction (item 2) is providing boat slips on the premises, which allows a ten percent reduction. This site will provide boat slips. However, a parking study will be conducted to show if the requested parking deviation of 44 spaces (17%) is warranted. The parking study will analyze three comparable sites to project the demand of the proposed mixed-use marina. The mixed-use nature of the proposed project allows for shared parking and internal capture, which reduces the overall parking demand.



APPENDIX C

Site Plans of Three Comparable Marina Sites

**PROPOSED
PARKING CALCULATIONS**

(PER LEE CO. LDC SEC. 34-2020)

PROPOSED USE

OFFICE

1 SPACE PER 300 SQFT OF TOTAL AREA
TOTAL OFFICE AREA (sf) = 17085
17085 sf / 300 = 57.0 SPACES

RESTAURANT

14 SPACES PER 1000 SQFT OF TOTAL AREA
TOTAL RESTAURANT AREA (sf) = 9600
9600 sf / 1000 x 14 = 134 SPACES

LOUNGE / BAR

7 ADDITIONAL SPACES PER 1000 SQFT
OF TOTAL LOUNGE AREA
TOTAL LOUNGE AREA (sf) = 0
0 sf / 1000 x 7 = 0 SPACES

RETAIL (LARGE PRODUCTS)

1 SPACE PER 400 SQFT OF TOTAL FLOOR AREA
TOTAL RETAIL SALES AREA (sf) = 12127
12127 sf / 400 x 1 = 30.3 SPACES

DEAD STORAGE

1 ADDITIONAL SPACE PER 1000 SQFT
OF TOTAL STORAGE AREA
TOTAL STORAGE AREA (sf) = 1500
1500 sf / 1000 x 1 = 1.5 SPACES

MARINA *

WET BOAT SLIPS
2 SPACES PER 3 SLIPS
TOTAL NUMBER OF WET SLIPS = 129
129 / 3 x 2 = 86 SPACES
DRY BOAT STALLS (BATH HOUSE)
1 SPACE PER 4 STALLS
TOTAL NUMBER OF DRY STALLS = 336
336 / 4 x 1 = 84 SPACES

INDOOR RECREATIONAL

1 SPACE PER 100 SQFT OF TOTAL AREA
TOTAL OFFICE AREA (sf) = 4256
4256 sf / 100 = 42.6 SPACES

HANDICAPPED PARKING

9 HANDICAPPED PARKING REQUIRED
(400-500 PARKING SPACE 9 HANDICAPPED REQUIRED)
PROPOSED = 14

*TOTAL REQUIRED PARKING SPACES = 436
*TOTAL PROVIDED PARKING SPACES = 444
(427 SPACES APPROVED PER ZONING RESOLUTION #2-99-013)

*SERVICE BAYS AND RESTROOMS FACILITIES ARE ACCESSORY USES
TO THE MARINA. NO ADDITIONAL PARKING SPACES ARE REQUIRED.

**DOS2005-00214
PARKING CALCULATIONS**

(PER LEE CO. LDC SEC. 34-2020)

PROPOSED USE

OFFICE

1 SPACE PER 300 SQFT OF TOTAL AREA
TOTAL OFFICE AREA (sf) = 17085
17085 sf / 300 = 57.0 SPACES

RESTAURANT

14 SPACES PER 1000 SQFT OF TOTAL AREA
TOTAL RESTAURANT AREA (sf) = 8474
8474 sf / 1000 x 14 = 119 SPACES

LOUNGE / BAR

7 ADDITIONAL SPACES PER 1000 SQFT
OF TOTAL LOUNGE AREA
TOTAL LOUNGE AREA (sf) = 0
0 sf / 1000 x 7 = 0 SPACES

RETAIL (LARGE PRODUCTS)

1 SPACE PER 400 SQFT OF TOTAL FLOOR AREA
TOTAL RETAIL SALES AREA (sf) = 12127
12127 sf / 400 x 1 = 30.3 SPACES

DEAD STORAGE

1 ADDITIONAL SPACE PER 1000 SQFT
OF TOTAL STORAGE AREA
TOTAL STORAGE AREA (sf) = 1500
1500 sf / 1000 x 1 = 1.5 SPACES

MARINA *

WET BOAT SLIPS
2 SPACES PER 3 SLIPS
TOTAL NUMBER OF WET SLIPS = 129
129 / 3 x 2 = 86 SPACES
DRY BOAT STALLS (BATH HOUSE)
1 SPACE PER 4 STALLS
TOTAL NUMBER OF DRY STALLS = 336
336 / 4 x 1 = 84 SPACES

INDOOR RECREATIONAL

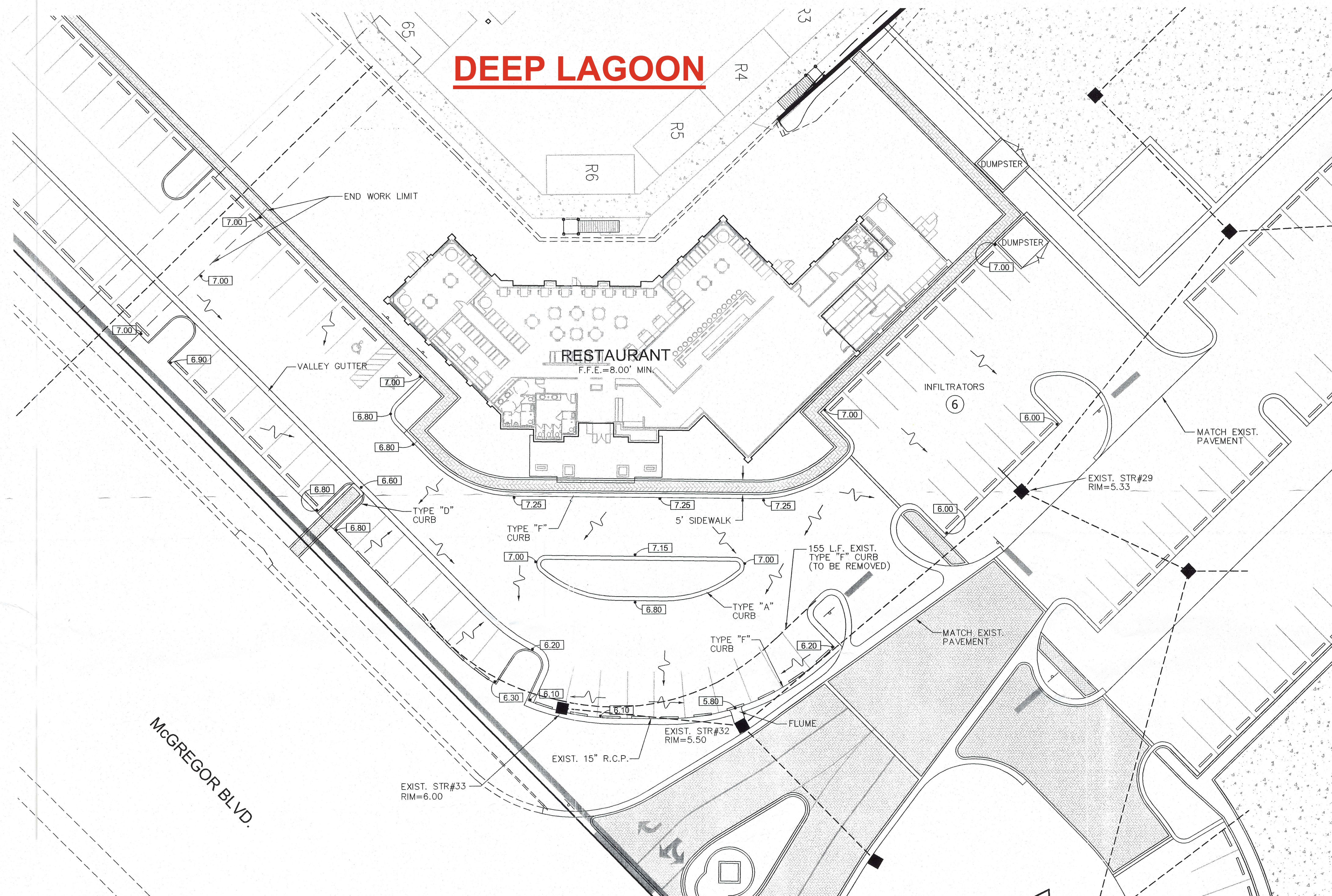
1 SPACE PER 100 SQFT OF TOTAL AREA
TOTAL OFFICE AREA (sf) = 4256
4256 sf / 100 = 42.6 SPACES

HANDICAPPED PARKING

9 HANDICAPPED PARKING REQUIRED
(400-500 PARKING SPACE 9 HANDICAPPED REQUIRED)
PROPOSED = 14

*TOTAL REQUIRED PARKING SPACES = 420
*TOTAL PROVIDED PARKING SPACES = 427
(427 SPACES APPROVED PER ZONING RESOLUTION #2-99-013)

*SERVICE BAYS AND RESTROOMS FACILITIES ARE ACCESSORY USES
TO THE MARINA. NO ADDITIONAL PARKING SPACES ARE REQUIRED.



PROPOSED SITE DATA - AREA SUMMARY

TOTAL SITE AREA:	1,047,394 SF	24.04 AC	
SUBMERGED LANDS: (TIDAL CANALS)	376,358 SF	8.64 AC	
NET SITE AREA:	671,036 SF	15.40 AC	100%
IMPERVIOUS AREAS			
BUILDING FOOTPRINT	167,496 SF	3.81 AC	24.96%
ASPHALT	180,763 SF	4.15 AC	26.95%
CONCRETE PAVEMENT	49,223 SF	1.13 AC	7.34%
BRICK PAVEMENT (ROADS)	29,662 SF	0.68 AC	4.42%
POOLS	1,944 SF	0.04 AC	0.26%
CURBS	10,631 SF	0.24 AC	1.56%
SIDEWALKS	26,466 SF	0.61 AC	3.96%
PERVIOUS AREAS	204,915 SF	4.70 AC	30.51%

D.C.D.
**OFFICIAL
FILE
COPY**

Division of Development Services
D.O. MINOR CHANGE # 407
APPROVED
By *[Signature]* Date 10/6/2011
For review by *[Signature]* for review
[Signature]
*Approval based on site information
supplied by applicant.

DOS2005-00214

Received
SEP 01 2011
COMMUNITY DEVELOPMENT

date 7-11

file name: MPG

job DL

No.	Date	Revisions
1	8-11	ADDED REVISED PARKING CALCULATIONS PER COMMENTS DATED AUG. 10, 2011



community engineering services, inc.
civil engineering • surveying • project management

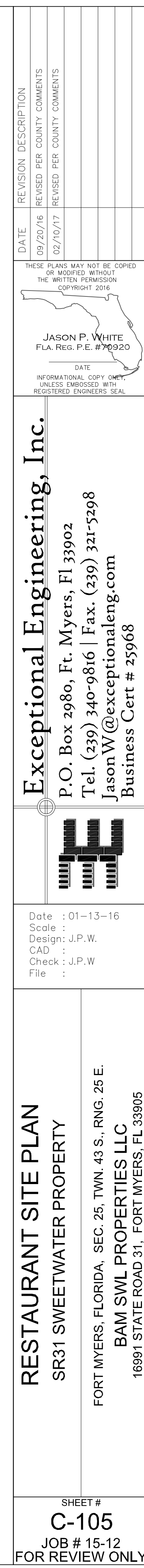
EB-0006613 LB-6572
2740 Oak Ridge Court, Suite 303
Fort Myers, Florida 33901
Telephone (239) 936-9777 Fax (239) 936-0064

PAVING, GRADING AND DRAINAGE PLAN
OF
DEEP LAGOON MARINA

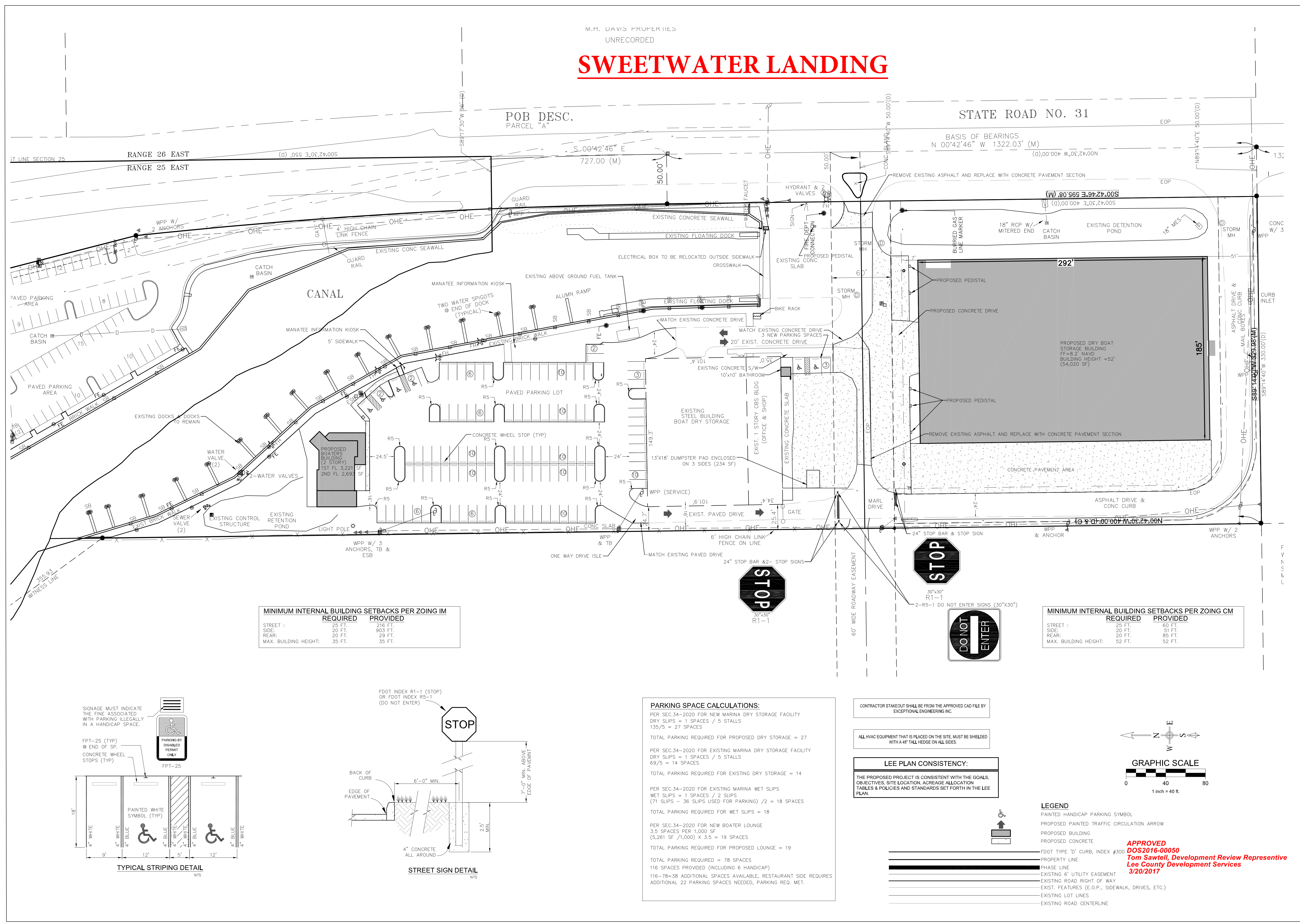
FOR
DEEP LAGOON BOAT CLUB, LTD.
14030 McGREGOR BLVD.
FORT MYERS, FL 33919
(239) 454-2628 FAX (239) 513-9269

MARK D. MCC
FL PE #44052

SEP 01 2011



APPROVED
DOS2016-00050
Tom Sawtell, Development Review Representative
Lee County Development Services
3/20/2017



MINIMUM INTERNAL BUILDING SETBACKS PER ZOING IM		
	REQUIRED	PROVIDED
STREET :	25 FT.	216 FT.
SIDE:	20 FT.	903 FT.
REAR:	20 FT.	29 FT.
MAX. BUILDING HEIGHT:	35 FT.	35 FT.

MINIMUM INTERNAL BUILDING SETBACKS PER ZOING CM		
	REQUIRED	PROVIDED
STREET :	25 FT.	60 FT.
SIDE:	20 FT.	51 FT.
REAR:	20 FT.	85 FT.
MAX. BUILDING HEIGHT:	52 FT.	52 FT.

PARKING SPACE CALCULATIONS:

PER SEC.34-2020 FOR NEW MARINA DRY STORAGE FACILITY
DRY SLIPS = 1 SPACES / 5 STALLS
135/5 = 27 SPACES

TOTAL PARKING REQUIRED FOR PROPOSED DRY STORAGE = 27

PER SEC.34-2020 FOR EXISTING MARINA DRY STORAGE FACILITY
DRY SLIPS = 1 SPACES / 5 STALLS
69/5 = 14 SPACES

TOTAL PARKING REQUIRED FOR EXISTING DRY STORAGE = 14

PER SEC.34-2020 FOR EXISTING MARINA WET SLIPS
WET SLIPS = 1 SPACES / 2 SLIPS
(71 SLIPS = 36 SLIPS USED FOR PARKING) / 2 = 18 SPACES

TOTAL PARKING REQUIRED FOR WET SLIPS = 18

PER SEC.34-2020 FOR NEW BOATER LOUNGE
3.5 SPACES PER 1,000 SF
(5,261 SF / 1,000) X 3.5 = 19 SPACES

TOTAL PARKING REQUIRED FOR PROPOSED LOUNGE = 19

TOTAL PARKING REQUIRED = 78 SPACES
116 SPACES PROVIDED (INCLUDING 6 HANDICAP)
116-78=38 ADDITIONAL SPACES AVAILABLE, RESTAURANT SIDE REQUIRES ADDITIONAL 22 PARKING SPACES NEEDED, PARKING REQ. MET.

CONTRACTOR STAKEOUT SHALL BE FROM THE APPROVED CAD FILE BY EXCEPTIONAL ENGINEERING INC.

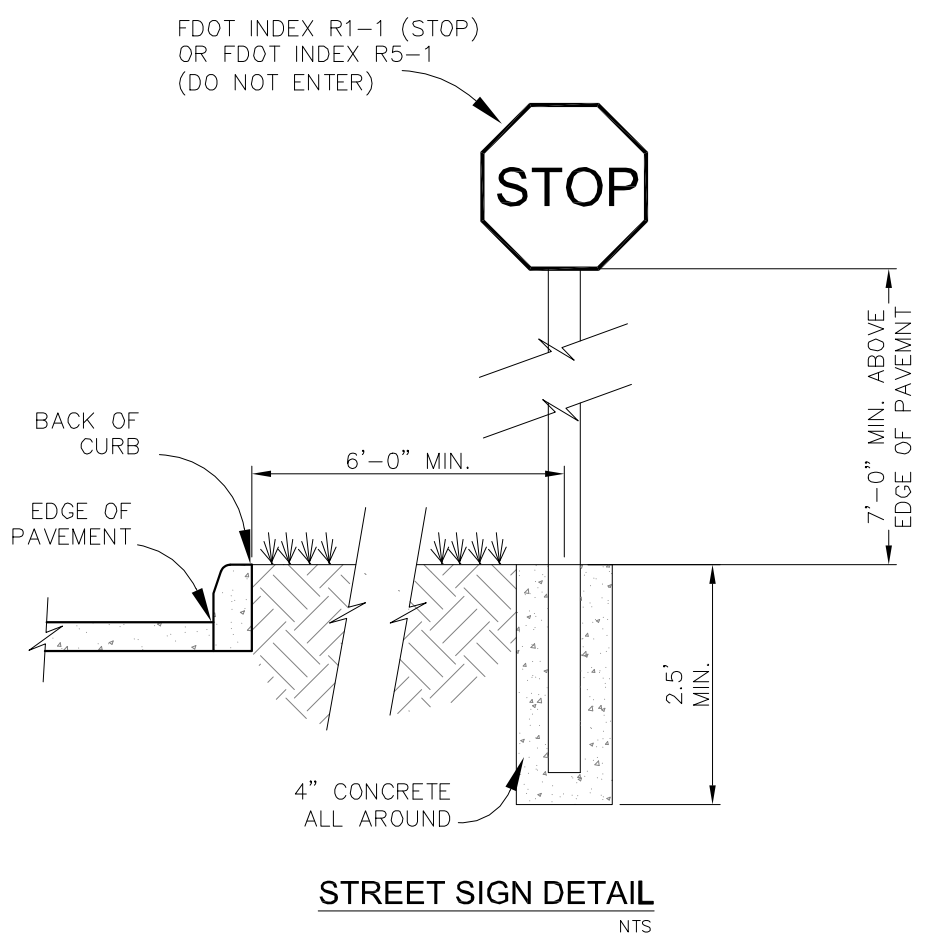
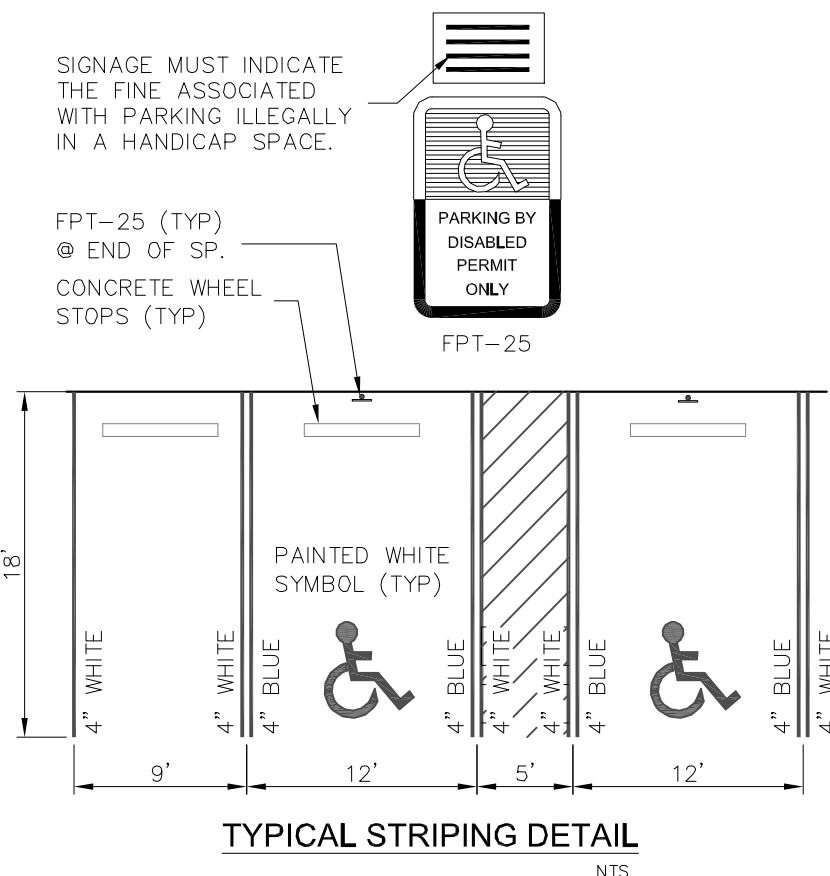
ALL HVAC EQUIPMENT THAT IS PLACED ON THE SITE, MUST BE SHIELDED WITH A 48" TALL HEDGE ON ALL SIDES.

LEE PLAN CONSISTENCY:

THE PROPOSED PROJECT IS CONSISTENT WITH THE GOALS, OBJECTIVES, SITE LOCATION, ACREAGE ALLOCATION TABLES & POLICIES AND STANDARDS SET FORTH IN THE LEE PLAN.

- LEGEND**
- PAINTED HANDICAP PARKING SYMBOL
 - PROPOSED PAINTED TRAFFIC CIRCULATION ARROW
 - PROPOSED BUILDING
 - PROPOSED CONCRETE
 - FDOT TYPE 'D' CURB, INDEX #300
 - PROPERTY LINE
 - PHASE LINE
 - EXISTING 6' UTILITY EASEMENT
 - EXISTING ROAD RIGHT OF WAY
 - EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
 - EXISTING LOT LINES
 - EXISTING ROAD CENTERLINE

APPROVED
DOS2016-00050
Tom Sawtell, Development Review Representative
Lee County Development Services
3/20/2017



DATE: 9/22/16
REVISION DESCRIPTION: REVISED PER BRANDON COMMENTS

Jason P. White
P.E., A.S.C.E.
REGISTERED ENGINEER'S SEAL

Exceptional Engineering, Inc.
PO Box 29801 Ft. Myers, FL 33902
Tel. (239)-340-9816 | Fax. (239)-321-5298
JasonW@exceptionaleng.com
Business Cert # 25968

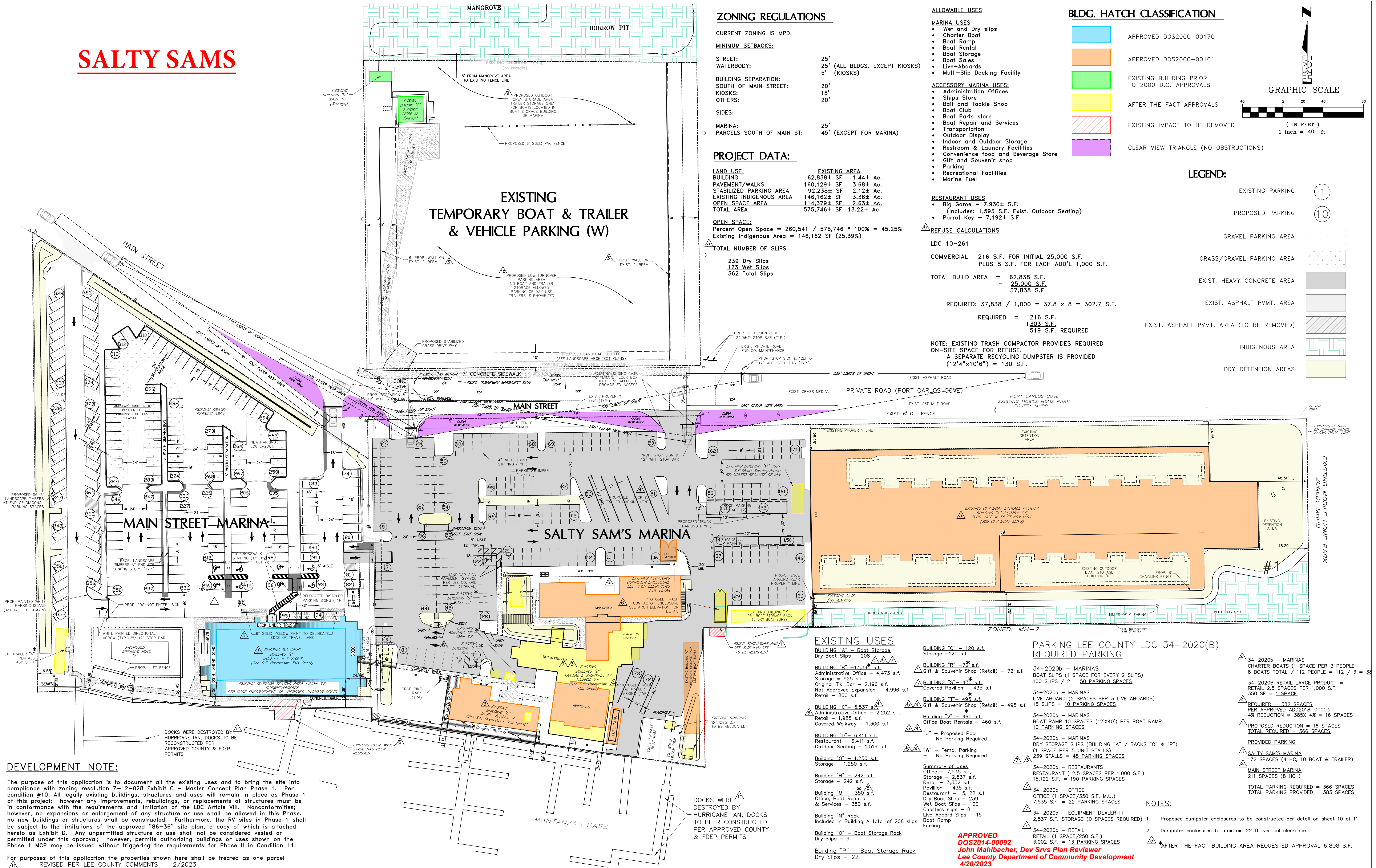
DATE: 08-24-2015
SCALE: J.P.W.
DESIGN: J.P.W.
CAD: J.A.H.
CHECK: J.P.W.
FILE: 15-54

SITE PLAN
SR31 SWEETWATER PROPERTY

FORT MYERS, FLORIDA, SEC. 25, TWN. 43 S., RANG. 25 E.
BAM SWL PROPERTIES LLC
16991 STATE ROAD 31, FORT MYERS, FL 33905

SHEET #
C-5
JOB # 15-54

SALTY SAM'S



MASTER SITE PLAN



APPENDIX D

Hourly Parking Occupancy Counts of Three Comparable Marina Sites



Sweetwater Landing Marina
Parking Occupancy Counts on Saturday 3/22/25

Time	Restaurant	Marina		Total
7:00 AM	7	23	✓	30
8:00 AM	8	26	✓	34
9:00 AM	11	26	✓	37
10:00 AM	25	29	✓	54
11:00 AM	56	36	✓	92
12:00 PM	120	39	✓	159
1:00 PM	133	79	✓	212
2:00 PM	153	122	✓	275
3:00 PM	124	84	✓	208
4:00 PM	134	87	✓	221
5:00 PM	123	89	✓	212
6:00 PM	113	74	✓	187
7:00 PM	115	55	✓	170

Deep Lagoon Marina
Parking Occupancy Counts on Saturday 3/22/25

Time	Restaurant	Marina		Total
7:00 AM	0	8	✓	8
8:00 AM	0	29	✓	29
9:00 AM	0	35	✓	35
10:00 AM	4	56	✓	60
11:00 AM	12	73	✓	85
12:00 PM	37	86	✓	123
1:00 PM	38	83	✓	121
2:00 PM	39	81	✓	120
3:00 PM	44	80	✓	124
4:00 PM	50	78	✓	128
5:00 PM	85	65	✓	150
6:00 PM	106	60	✓	166
7:00 PM	108	58	✓	166



Salty Sams Marina

Parking Occupancy Counts on Saturday 3/22/25

	Salty Sams	Main St	Overflow		
Time	Marina	Marina	Lot		Total
7:00 AM	11	10	2	✓	23
8:00 AM	19	12	1	✓	32
9:00 AM	38	17	2	✓	57
10:00 AM	91	43	14	✓	148
11:00 AM	127	58	19	✓	204
12:00 PM	128	57	19	✓	204
1:00 PM	125	71	24	✓	220
2:00 PM	123	72	27	✓	222
3:00 PM	121	73	30	✓	224
4:00 PM	118	67	24	✓	209
5:00 PM	119	46	21	✓	186
6:00 PM	134	41	21	✓	196
7:00 PM	137	38	18	✓	193



DEPARTMENT OF TRANSPORTATION

Memo

To: Nicholas DeFlippo, Senior Environmental Planner

From: Brittany Banker, DOT Plan Reviewer

Date: December 4th, 2025

Subject: Port Phoenix Water Way Marina (DCI2023-00054) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone a ± 7.27 -acre property from Commercial Planned Development (CPD) & Light Industrial (IL) to Commercial Planned Development (CPD) for a commercial marina development consisting of 44 wet slips and a 49,000-sq.ft. boat barn with 239 dry slips, a 15,260-sq.ft. member and maintenance building, a 3,200-sq.ft. ships store, a 2,150-sq.ft. outdoor COP, and a 10,000-sq.ft. restaurant (7,500-sq.ft. building area and 2,500-sq.ft. of outdoor seating space).

Site Location

The subject property is located at the southeast end of Inlet Dr in North Fort Myers. The site's street address is 1687 Inlet Dr, North Fort Myers, FL 33903.

Site Access

A single access point is located at the northwest corner of the subject property onto Inlet Drive, which is a two-lane undivided local road with a posted speed limit of 30 mph and is under the jurisdiction of Lee County.

Zoning Traffic Impact Study

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the worst-case project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Marina (LCU 420 – 283 Berths)	7	13	20	36	24	60	683
Small Office Building (LCU 712 – 1,400 sq.ft.)	2	1	3	1	3	4	21
Convenient Store (LCU 851 – 1,800 sq.ft.)	57	56	113	44	45	89	1,373
Restaurant (LCU 932 – 12,150 sq.ft.)	64	53	117	67	43	110	1,303
Automobile Parts & Service Center (LCU 943 – 5,400 sq.ft.)	8	3	11	5	7	12	90
Total New Trips	138	126	264	153	122	275	3,470

Roadway Section Traffic Operation Level of Service Analysis

New trips related to the subject case were distributed across the surrounding road network to assess their impact on the Level of Service (LOS) in arterial/collector road sections most affected by the proposed development. According to Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" signifies a 10% or more reduction in LOS "C" service volumes at build-out.

The proposed development was assumed to be completed by 2027 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2027 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector roadway sections adjacent to site expected to be impacted by the proposed development

Roadway	Location	Level of Service (LOS)	
		Future (2027)	Future (2027) + Project
Orange Grove Blvd (Major Collector)	North of Site	D	D
	South of Site	D	D

Turn lane improvements at the proposed site access drive will be evaluated at the time the project seeks a Local Development Order approval.

Roadway Intersection Traffic Operation Level of Service Analysis

New trip assignments were made to the surrounding road network to evaluate Level of Service (LOS) impacts as necessary at site entrances, intersections within the vicinity of site entrances, and intersections anticipated to be most affected by the proposed development. Following Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" is characterized by a 10% or greater increase in the total peak-hour intersection volume (sum of all four approaches) upon project completion. Table 3 describes the site accesses and intersections that are expected to be impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3: Roadway intersection(s) immediately adjacent to subject site expected to be impacted by proposed development

Intersection	Traffic Control	Peak Hour	Level of Service (LOS)	
			Future (2027)	Future (2027) + Project
Orange Grove Blvd & Inlet Dr	Two-way Stop Controlled	AM	A	E
		PM	D	E

As identified in Table 3 providing information on the capacity analysis at the unsignalized intersections of Orange Grove Blvd with the existing full median opening, several turning movements are shown to operate at a poor Level of Service (i.e., LOS “E”) with the project in the 2027 AM and PM peak hour traffic conditions. However, the analysis at this time was completed based on the worst-case development scenario. An intersection analysis will be re-evaluated at the time the project seeks a local development order approval, which is when more specific development uses/intensities will be certain. In addition, during the local development order review, the proposed development will be reviewed to determine necessary site-related traffic improvements to the nearby roadways including intersection improvements with associated turn lanes.

Requested Deviation Review

Deviation (7) seeks relief from LDC §34-2020 requiring a total of 287 parking spaces to allow for a total of 214 parking spaces to be provided onsite. Staff recommend this deviation is to be APPROVED, subject to the following condition:

When the parking demand in any case exceeds the provided parking spaces, the valet parking service must be provided by the developer onsite allowing for vehicles to be stacked and prohibits any vehicles parking outside of the site.

Deviations (8) and (10) seek relief from LDC §10-291(2) and LDC §10-296(e)(2)(h)(5) requiring Inlet Dr a suburban local street to meet the minimum standards outlined in the subject section to allow for a 20-ft wide roadway with sidewalk on one side. Staff recommend this deviation is to be APPROVED, subject to the following condition:

The developer must mill and resurface Inlet Dr from Orange Grove Blvd to the project entrance providing a new surface and consistent 20-ft width along the entire corridor of Inlet Dr.

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system. At the time of development order review, the proposed development will be further reviewed and evaluated to determine required site-related traffic improvements to the nearby roadway network including improvements with associated turn lanes at the Orange Grove Blvd and Inlet Dr intersection.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2023-00054

TYPE OF CASE: Commercial Planned Development

CASE NAME: Port Phoenix Water Way Marina

TOTAL ACREAGE: 7.27 Acres

SUFFICIENCY DATE: October 17, 2025

HEARING EXAMINER DATE: January 8, 2026

Request

The applicant is requesting to rezone 7.27 acres from Commercial Planned Development (CPD) and Light Industrial (IL) to Commercial Planned Development (CPD) to allow the following:

- Office and Ship Store (3,200 square feet)
- Restaurant (10,000 square feet)
- Maintenance and Member Building (15,260 square feet)
- 239 dry slip Boat Barn (49,000 square feet)
- 44 Wet Slips

The property is located south of Hancock Bridge Parkway and east of Orange Grove Boulevard within the Waterway Estates Subdivision in North Fort Myers. The proposed project is in the North Fort Myers Planning Community. According to the Lee Plan, the parcels are in the Suburban and Public Facilities Future Land Use Categories (FLUC).

Existing Conditions

As mentioned, the property is in the North Fort Myers Planning Community, south of Hancock Bridge Parkway on the east of Orange Grove Boulevard. The Public Facilities FLUC portion of the property was utilized as a wastewater treatment plant that was demolished in 2014 (DEM2013-00115). The remainder of the subject property within the Suburban FLUC was owned by Lee County and used as a parking area to support the boat slips. Due to the previous developments, the Florida Land Use Cover and Classification System (FLUCCS) did not warrant the need for a protected species survey or indigenous preserve.

OPEN SPACE

The subject property is 7.27 acres, and the applicant is proposing over two acres of impervious which meets the definition per LDC Section 10-1 for a large development. LDC Section 10-415 requires large commercial developments to provide 30 percent open space. The applicant is required and provides 2.1 acres of open space, according to the Property Development Regulations.

INDIGENOUS OPEN SPACE

The Land Development Code requires that large developments must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The applicant is required to provide 1.05 acres of indigenous open space for the commercial development area. As mentioned, the site was previously impacted and no indigenous vegetation exists on the site.

BUFFERS

Four sides of the proposed development abut a canal which connects to the Caloosahatchee River. The access to the subject property abuts two single-family (RS-1) homes. The applicant is required to provide buffers per LDC Section 33-1543(a) and LDC Section 10-416(d)(6). The applicant has requested Deviations from the buffer requirements as follows:

DEVIATION 2

LDC Section 10-416(d)(6) which requires a 25-foot-wide buffer with an eight-foot wall setback 25 feet from the property line or a 30-foot-wide buffer with five trees and 18 shrubs per 100 linear feet when roads, drives, parking areas associated with nonresidential use are within 125 feet from an existing single-family residential subdivision or single-family residential lots.

The applicant is proposing an accessway and parking that are within 125 feet from residential single-family homes to the north, south, and west. Deviations 2a through 2f are requested to provide alternative buffers to demonstrate compatibility and screening to meet Lee Plan Policies 5.1.5, 6.1.1, and 6.1.6. The following provides the itemized buffers and related deviation requests:

Deviation 2a.

To allow no buffer along the first 100-foot length of the entrance drive to the subject parcel.

Staff recommend APPROVAL of Deviation 2a.

Deviation 2b.

To allow the buffer along the southwest portion of the entrance drive to vary in width from 12 to 30 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2c.

To allow the buffer along the southeast portion of the entrance drive to vary in width from 4 to 33 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2d.

To allow the buffer along the west property line to vary in width from 9 to 15 feet. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2e.

To allow an eight-foot-wide landscape buffer along the southwest property line. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Deviation 2f.

To allow a ten-foot-wide buffer along the north property line. The buffer must consist of Type-F buffer trees and shrubs (ten trees per 100 linear feet and a double hedge). The shrubs must be specified at 48 inches high and be maintained at 60 inches high.

Staff recommend APPROVAL of Deviations 2b. through 2f. with the following conditions:

Prior to the issuance of a development order, the development order plans must depict Type-F buffer plantings (ten trees per 100 linear feet and a double hedge row) with the shrubs specified at 48 inches at installation and maintained at 60 inches. The width of each buffer must be consistent with deviations 2b. through 2f.

DEVIATION 5

The applicant has requested a deviation from LDC Section 33-1543(a) which requires a 30-foot-wide buffer for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision, to allow no buffer for the first length of 100 feet of drive into the property and to allow tapered buffers on both sides per Deviations 2a. and 2c.

Staff recommend APPROVAL of Deviation 5.

OUTSTANDING ISSUE

The applicant must revise the MCP to note Deviation 2f. Currently, the ten-foot buffer is noted but the corresponding deviation number is not provided.

SECTION: 16
TOWNSHIP: 44 S
RANGE: 24 E

ATTACHMENT N

0 50 100
SCALE FEET

Lee County Aerial 2021



*Note: Property line per Lee County Property Appraiser.
Florida Land Use, Cover and Forms Classification
System (FLUCFCS) codes from the Florida Dept. of
Transportation Handbook, January 1999.*

February 20, 2024 11:47:31 a.m.
Drawing: SHM14MASTER.DWG



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

FLUCFCS Map
SCALE: 1" = 100' (on 11" x 17" paper)

11-8-23

HJMW

Port Phoenix

SHEET
A/A

**Marine Engineers and Environmental Consultants**

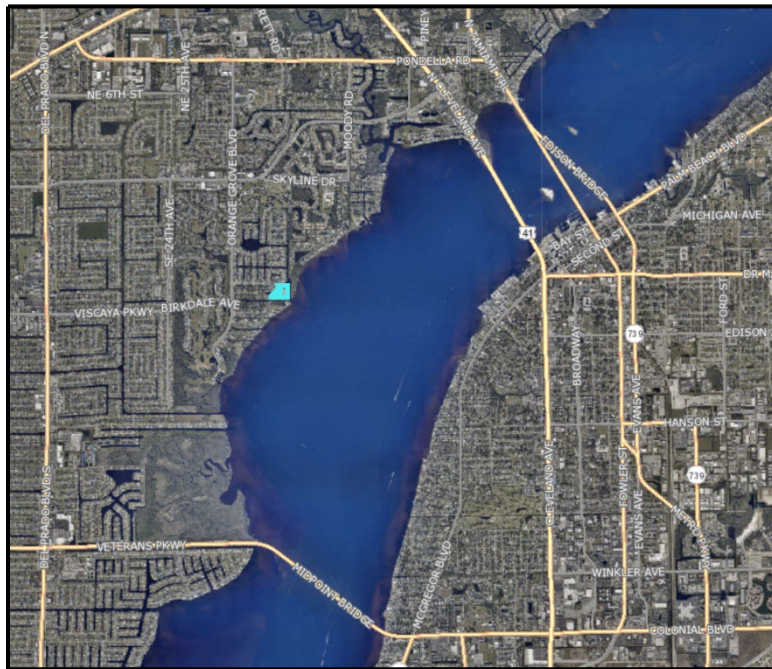
May 26, 2023

To: Project File (Shm-14) Waterway Estates

From: Hans Wilson 

Subject: Protected Species Assessment (PSA)

Introduction – A Protected Species Survey was conducted on May 25, 2023, on the Waterway Estates marina site. The property is located at 1667 & 1687 Inlet Drive, North Ft. Myers and consists of two separate parcels. The main parcel is 5.8± acres and the secondary parcel, previously a wastewater treatment plant, is a little over an acre in size. The property is in unincorporated Lee County, Section 16, Township 44 South, Range 24 East on the north banks of the Caloosahatchee River.



The subject property, outlined by the light blue line, is shown on the left. Map courtesy of the Lee County Property Appraisers Website.

The purpose of this survey was to inspect the property for the potential of supporting listed (threatened, endangered) species regulated by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and Lee County. It is required to accompany an application for a Development Order to reconfigure and construct a commercial marina with wet slips, dry storage, ancillary offices, a ships store, and restaurant. The site was previously a dry storage and wet slip marina that included a restaurant. The site has been razed and is currently open air with no permanent

Currently the site is occupied by several vessels recovered from around the county because of damage from Hurricane Ian. The perimeter of the property is stabilized with vertical seawalls. Several of the existing fixed docks have been rebuilt through state and federal authorizations. Several temporary structures in the forms of Conex boxes are on site providing office space and storage for supplies and materials. The entire site has been stabilized with gravel and the perimeter has been staked with silt screens. There are a few trees on the north side and on the south side a mangrove shoreline with a variety of other plant types. The property is being used temporarily for repairing vessels before transport back to home ports or to facilities better equipped to perform more extensive repair work.



Methodology – The species survey was conducted in accordance with the methodologies outlined in Chapter 10, Article III, Division 8 (Protection of Habitat) in the Lee County Land Development Code, Ordinance 89-34 as amended by Ordinance 92-44. For this site, 100% coverage was achieved based on the open condition, flat ground, and lack of vegetation. A more thorough inspection of the south shoreline wetland area was performed, inventorying plant species in this location.

Soils for the entire site are classified at Matlacha Urban Land complex, non-hydric, per the U.S.D.A. Soil Conservation Service Soil Survey of Lee County, Florida. The Florida Dept. of Transportation – Florida Land Use, Cover and Forms Classification System would define this site as (184) – Marinas and Fish Camps.

Results – The entire site is relatively devoid of any habitat, except for the mangrove fringe along the south shore. There were no visible nests or observed utilization of the mangrove fringe of any listed species. Iguanas were observed within the mangrove fringe, which includes a mix of exotics like Brazilian Pepper (*Schinus terebinthifolia*) and a variety of plant species that include the following:

Red mangrove (*Rhizophora mangle*)
White mangrove (*Laguncularia racemose*)
Green buttonwood (*Conocarpus erectus*)
Mahogany (*Swietenia mahagoni*)
Cabbage palm (*Sabal palmetto*)
Sea grape (*Coccoloba uvifera*)
Coin vine (*Dalbergia ecastophyllum*)
Shefflera (*Schefflera arboricola*)
Salt bush (*Baccharis halimifolia*)
Necklace Pod (*Sophora tomentosa*)
Live Oak (*Quercus virginiana*)

Birds anticipated to use the site would be the following:

Blue jay (*Cyanocitta cristata*)
Brown pelican (*Pelecanus occidentalis*)
Fish crow (*Corvus ossifragus*)
Double-crested cormorant (*Phalacrocorax auritus*)
Great egret (*Casmerodius albus*)
Green heron (*Butorides striatus*)
Ground dove (*Columbina passerina*)
Little blue heron (*Egretta caerulea*)
Mockingbird (*Mimus polyglottos*)
Mourning dove (*Zenaida macroura*)
Pileated woodpecker (*Dryocopus pileatus*)
Red-shouldered hawk (*Buteo lineatus*)
Tricolored heron (*Egretta tricolor*)

Observed at the site was a Wilson's Plover (*Charadrius wilsonia*) family with three fledglings. They were in the southwest corner and appeared to be utilizing the gravel surface.

Fish likely to reside or forage in the canal system would include the following:

Ladyfish (*Elops saurus*)
Mullet (*Mugil cephalus*)
Snook (*Centropomus undecimalis*)
Sheephead (*Archosargus probatocephalus*)
Mangrove (Gray) Snapper (*Lutjanus griseus*)
Pinfish (*Lagodon rhomboides*)
Atlantic spadefish (*Chaetodipterus faber*)
Crevalle Jack (*Caranx hippos*)
Bull Shark (*Carcharhinus leucas*)

This is not an all inclusive list but a list of the likeliest candidates to be found on the site. There is not likely to be any animal use, other than Iguanas.

There were no listed species observed on the land. Listed species common to the waterways or potentially visiting the site would include the following:

West Indian manatee (*Trichechus manatus*) FT1
Smalltooth sawfish (*Pristis pectinate*) FE
Little blue heron (*Egretta caerulea*) ST
Red-cockaded woodpecker (*Picoides borealis*) FE
Tricolored heron (*Egretta tricolor*) ST

FE - Federally-designated Endangered
FT - Federally-designated Threatened
ST - State-designated Threatened

In general, the site is properly suited for marina development, without any direct impacts to wetland resources or listed species. The mangroves along the south shore will not be removed and only lateral limbs trimmed to preserve boating access within the canal.

Soil Map—Lee County, Florida



Soil Map—Lee County, Florida

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida

Survey Area Data: Version 21, Sep 6, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Soil Map—Lee County, Florida

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
7	Matlacha gravelly fine sand-Urban land complex, 0 to 2 percent slopes	71.4	78.5%
99	Water	12.2	13.5%
125	Oldemar sand-Urban land, 0 to 2 percent slopes	0.0	0.0%
138	Wabasso sand, limestone substratum-Urban land complex, 0 to 2 percent slopes	7.3	8.0%
Totals for Area of Interest		90.9	100.0%

SECTION: 16 TOWNSHIP: 44 S RANGE: 24 E

0' 50' 100'
SCALE FEET

Shoreline @ 2,560 lf.

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

Gravel Parking

Gravel Parking

Dry Storage Staging (No overnight mooring)

Maint. Bldg.
6,250 sf.)

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

Proposed Fuel Dock

Ships
StoreDry
Detention

Restaurant

Proposed Dry Storage Staging

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

Temporary mooring

Proposed Site Plan

SCALE: 1" = 100'

Note: Property line per Lee County Property Appraiser.

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

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

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

6-11-24

HJMW

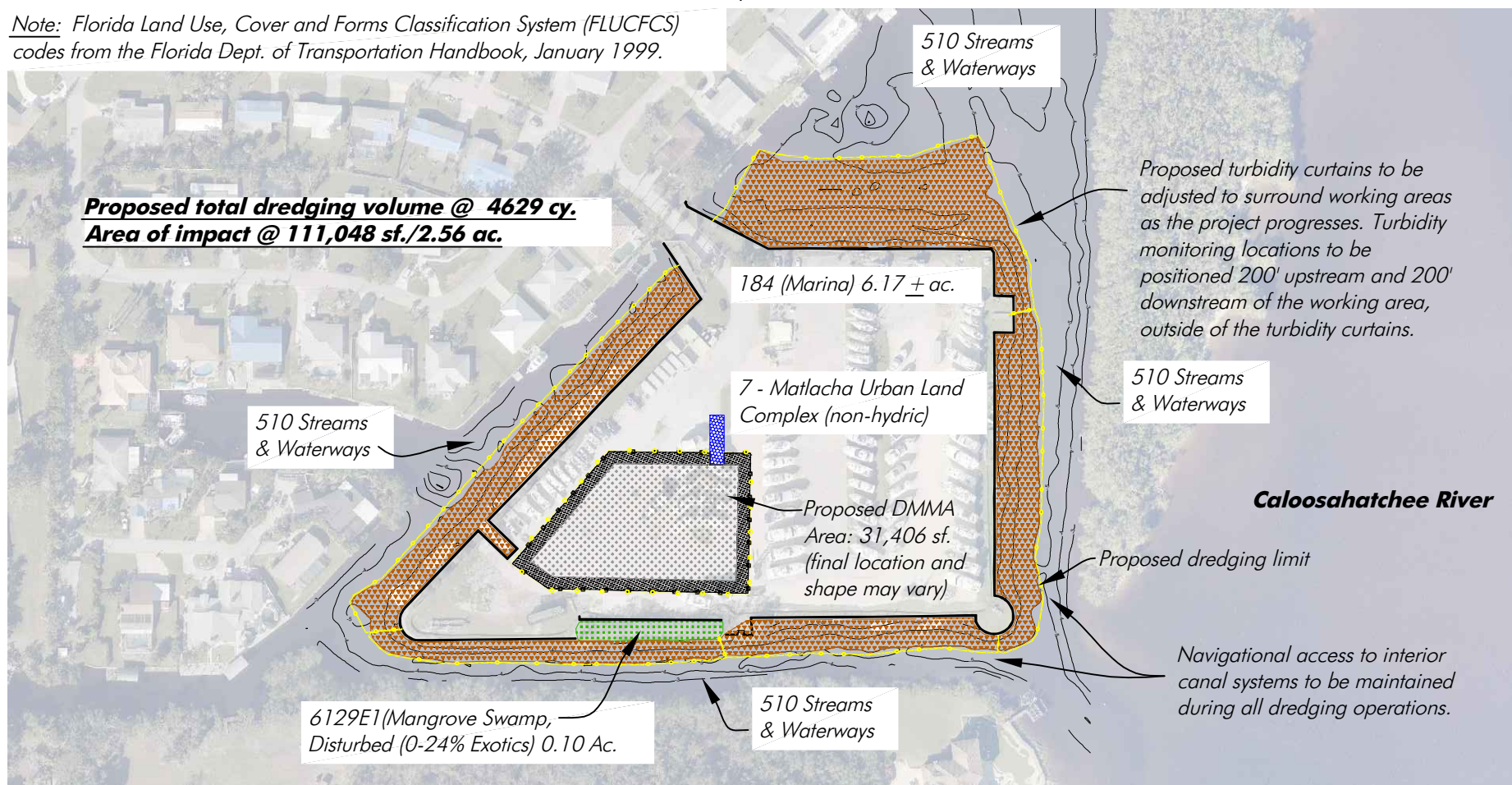
Safe Harbor Port PhoenixSHEET
5/18

SECTION: 16
TOWNSHIP: 44 S
RANGE: 24 E

Lee County Aerial 2023

0' 100' 200'
SCALE FEET

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



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

Proposed Dredging Plan

SCALE: 1" = 200'

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

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

PERMIT PLANS, NOT FOR CONSTRUCTION

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



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

6-11-24

MAW

Safe Harbor Port Phoenix SHEET 4/18

SPEATH ENGINEERING

Civil Engineers

Surface Water Management Plan

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

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

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

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

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

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

SPEATH ENGINEERING

Civil Engineers

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

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

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

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

**BOARD OF COUNTY COMMISSIONERS**

Kevin Ruane
District One

August 9, 2023

Via E-Mail

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Matthew S. Speath, P.E.
Speath Engineering
44 W Flagler, Suite 1850
Miami, FL 33130

RE: **Potable Water and Wastewater Availability
Safe Harbor Port Phoenix Marina - 1667 & 1687 Inlet Drive
STRAP # 16-44-24-03-0030B.00A0; 16-44-24-03-0030A.0000**

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of two commercial units with an estimated flow demand of approximately 1,790 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by Del Prado Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate

Safe Harbor Port Phoenix Marina - Speath Eng - Letter.Docx

August 9, 2023

Page 2

connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review and SFWMD only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



Safe Harbor Port Phoenix Marina

Summary of Public Concerns and Developer's Responses

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

Fuel Dock Configuration:

Concern:

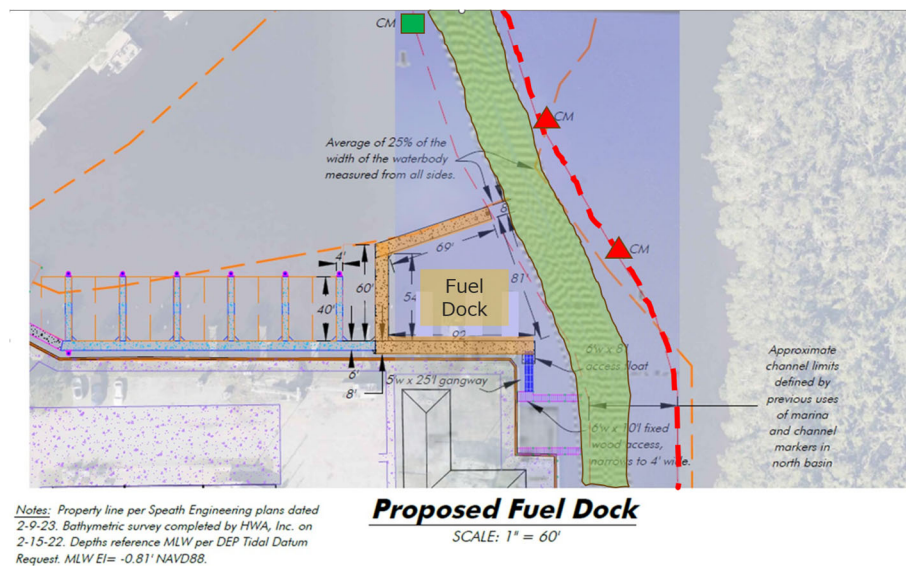
There was significant concern expressed over initial plans for the fuel dock which indicated a possible constriction of vessel passage at a “tight” spot in the channel in the north basin.

Response:

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

Resolution:

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



Light Buffering:

Concern:

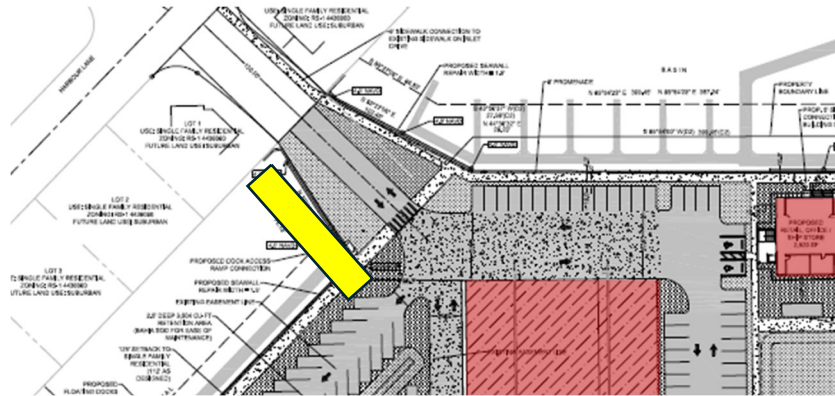
- There were specific concerns raised by residents across the western canal regarding lights (both headlights and site lights) shining in their direction at night.
- At the 2nd meeting the neighbor on the south of the access drive expressed specific concern about headlights when exiting the site.

Responses:

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



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



Resolutions:

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

Inlet Drive:

Concern: Trailer Traffic

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

Concern: Width of road

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

Concern: residents expressed desire NOT to widen with sidewalks etc

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

Concern: Speed Bumps

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

Concern: Condition of road

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

Other:

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

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

Overall Response:

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

Please Print Name	Street Address	Email Address
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JOANNIE & BOB MCCORMICK	4310 Harbour Ln. 33903	shadow4310@gmail.com
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MARCA BRITTON		
Marika Kristi Walkowski	1736 W. Coral Ter, NFM	X
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Heather Manypenny	4298 Harbour Ln	heatherkaufman@comcast.net
Jane Kirkman		

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Bob Victor	1740 Dockway NFM 33903	
MICHAEL HOFF	4644 ROCKWOOD CIR. N.FM 33903	
Mo & Peter Grande	4185 Westwick Ct., N.F.M. 33903	
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Meissa & Tony Desruisseau	4419 W. Atlantic Circle	
Sandy Brickley	S Atlantic Cir mailing: 2922 SW 38th Ter Cape Coral, FL 33914	Sandybrickley@hotmail.com

Please Print Name	Street Address	Email Address
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Bob Shreffler	4338 S. ATLANTIC Cir	
Patricia Nasuti	4622 Mackinaw Ave N FM	
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L Weisenfeld	4071 Orange Grove Blvd, N FM	lweisenfeld@Pelsberg.com. b r
Greg Thompson & Bonnie Thompson	4711 Gulf Ave.	GETBLTBIZ@gmail.com

[illegible]

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

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

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

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

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

SECTION A. REQUEST

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

SECTION B. CONDITIONS:

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

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

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

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

a. Schedule of Uses

Accessory Uses and Structures

Administrative offices

Boat:

Docks

Rental

Repair

Sales

Boardwalk (See condition 15)

Boat Storage:

44 Wet Slips

239 Dry Slips

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

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

Pump-out Facilities

Restaurant, Group III

Recreational Facility; Private, On-site

Parking, accessory

Signs, in accordance with Chapter 30

Essential Services

On-site Fueling

b. Site Development Regulations

Setbacks:

Street : 25 feet

Waterbody: 25 feet (See Deviations 2 & 5)

Side: 15 feet (See Deviation 6)

Maximum Height: 45 feet (See Deviation 3)

Maximum Lot Coverage: 40 percent

Minimum Open Space: 30 percent

3. Environmental Conditions

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

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

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

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

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

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

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

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

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

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

Outdoor entertainment:

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

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

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

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

The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing (travel lift) boat drop located on the northwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.
12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the property owner must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the property owner's ability to trim mangroves in conjunction with the installation of the boardwalk.

SECTION C. DEVIATIONS:

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: Isaiah Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Robert P. Janes, Chair

Approved as to form by:

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



RECEIVED
MINUTES OFFICE
2006 DEC 22 AM 9:54

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



Dagostino & Wood, Inc.

Legal for Main Tract
(5.925 acres)

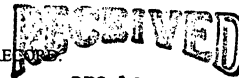
A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

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



DEC 02 2005

DCI 2005-00095

COMMUNITY DEVELOPMENT
DCI 2005-00095



Dagostino & Wood, Inc.

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

****NOT VAILD WITHOUT SKETCH****

Applicant's Legal Checked

by Lgm 1/25/2006

DCI 2005-00095

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COMMUNITY DEVELOPMENT

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

EXHIBIT "A"
(Page 2 of 5)



Dagostino & Wood, Inc.

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

DCI 2005-00095

RECEIVED
DEC 02 2005

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

COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 3 of 5)

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

LEGAL DESCRIPTION

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

BEGINNING AT A POINT OF CURVATURE ON CURVE "X" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.04 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 85 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE 163.80 FEET; THENCE NORTH 43°32'37" EAST, ALONG SAID WEST LINE, 137.80 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°28'15" EAST, ALONG SAID NORTH LINE, 80.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°27'01" EAST, ALONG SAID SOUTH LINE, 542.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 26.36 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 40°04'38" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 89°28'15" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 480.33 FEET; THENCE SOUTH 89°33'38" WEST 306.71 FEET; THENCE SOUTH 44°21'45" WEST 26.12 FEET; THENCE NORTH 56°30'14" WEST 102.61 FEET TO THE SOUTHEASTLY CORNER OF TRACT "X" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 71.86 FEET, A CENTRAL ANGLE OF 89°47'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 46°46'15" WEST 72.75 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHEASTERLY, NORTHERLY AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°38'11", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 67°31'48" WEST 37.04 FEET TO THE SOUTHEASTLY LINE OF HARBOR LINE; THENCE SOUTH 47°56'37" WEST, ALONG SAID SOUTHEASTLY LINE 190.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°30'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 80°13'35" EAST 33.36 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 72.81 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 80.68 FEET, A CENTRAL ANGLE OF 86°40'52", AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 49°12'21" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTLY CORNER OF SAID TRACT "X"; THENCE SOUTH 32°28'14" EAST 102.74 FEET THE NORTHEASTLY LINE OF SAID TRACT "B"; THENCE SOUTH 47°56'37" WEST, ALONG SAID NORTHEASTLY LINE, 546.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "X" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.86 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°29'42" AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 22°12'57" EAST 46.10 FEET TO THE POINT OF BEGINNING.

COVERING 5.825 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEHINDS SHOWN HEREON ARE THE EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD SYSTEM, WEST 2004, NORTHEASTLY CORNER OF THE RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DEC 02 2005

COMMUNITY DEVELOPMENT

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

DCI 2005-00095

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
11	N 89°24'00" E	200.04	12	N 89°28'15" E	80.00
12	N 43°32'37" E	137.80	13	N 89°28'15" E	542.86
14	N 00°37'31" E	263.45	15	N 89°27'01" E	480.33
16	N 89°33'38" W	306.71	17	N 44°21'45" W	26.12
18	N 56°30'14" W	102.61	19	N 89°38'11" W	41.72
20	N 67°31'48" W	37.04	21	N 47°56'37" W	190.56
22	N 80°13'35" E	33.36	23	N 47°56'37" W	546.48
24	N 22°12'57" S	46.10	25	N 46°46'15" W	72.75

CHANDR KANTH					
LINE	BEARNG	DISTANCE	LINE	BEARNG	DISTANCE
C1	N 46°46'15" W	72.75	C2	N 46°46'15" W	72.75
C3	N 46°46'15" W	72.75	C4	N 46°46'15" W	72.75
C5	N 46°46'15" W	72.75	C6	N 46°46'15" W	72.75
C7	N 46°46'15" W	72.75	C8	N 46°46'15" W	72.75
C9	N 46°46'15" W	72.75	C10	N 46°46'15" W	72.75
C11	N 46°46'15" W	72.75	C12	N 46°46'15" W	72.75
C13	N 46°46'15" W	72.75	C14	N 46°46'15" W	72.75
C15	N 46°46'15" W	72.75	C16	N 46°46'15" W	72.75
C17	N 46°46'15" W	72.75	C18	N 46°46'15" W	72.75
C19	N 46°46'15" W	72.75	C20	N 46°46'15" W	72.75
C21	N 46°46'15" W	72.75	C22	N 46°46'15" W	72.75
C23	N 46°46'15" W	72.75	C24	N 46°46'15" W	72.75
C25	N 46°46'15" W	72.75	C26	N 46°46'15" W	72.75
C27	N 46°46'15" W	72.75	C28	N 46°46'15" W	72.75
C29	N 46°46'15" W	72.75	C30	N 46°46'15" W	72.75
C31	N 46°46'15" W	72.75	C32	N 46°46'15" W	72.75
C33	N 46°46'15" W	72.75	C34	N 46°46'15" W	72.75
C35	N 46°46'15" W	72.75	C36	N 46°46'15" W	72.75
C37	N 46°46'15" W	72.75	C38	N 46°46'15" W	72.75
C39	N 46°46'15" W	72.75	C40	N 46°46'15" W	72.75
C41	N 46°46'15" W	72.75	C42	N 46°46'15" W	72.75
C43	N 46°46'15" W	72.75	C44	N 46°46'15" W	72.75
C45	N 46°46'15" W	72.75	C46	N 46°46'15" W	72.75
C47	N 46°46'15" W	72.75	C48	N 46°46'15" W	72.75
C49	N 46°46'15" W	72.75	C50	N 46°46'15" W	72.75
C51	N 46°46'15" W	72.75	C52	N 46°46'15" W	72.75
C53	N 46°46'15" W	72.75	C54	N 46°46'15" W	72.75
C55	N 46°46'15" W	72.75	C56	N 46°46'15" W	72.75
C57	N 46°46'15" W	72.75	C58	N 46°46'15" W	72.75
C59	N 46°46'15" W	72.75	C60	N 46°46'15" W	72.75
C61	N 46°46'15" W	72.75	C62	N 46°46'15" W	72.75
C63	N 46°46'15" W	72.75	C64	N 46°46'15" W	72.75
C65	N 46°46'15" W	72.75	C66	N 46°46'15" W	72.75
C67	N 46°46'15" W	72.75	C68	N 46°46'15" W	72.75
C69	N 46°46'15" W	72.75	C70	N 46°46'15" W	72.75
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C343	N 46°46'15" W	72.75	C344	N 46°46'15" W	72.75
C345	N 46°46'15" W	72.75	C346</		

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

LEGAL DESCRIPTION

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

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

COMMENCING AT THE POINT OF CURVATURE OF CURVE "C" ON THE SOUTH LINE
OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS
UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 80.07
FEET TO THE NORTH LINE OF SAID TRACT "B" AND THE POINT OF BEGINNING;
THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 29.08 FEET TO THE
SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT
MYERS UNIT 2; THENCE SOUTH 43°36'37" WEST, ALONG SAID SOUTHERLY
PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE
NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE
OF SAID TRACT "B"; THENCE NORTH 39°40'31" WEST, ALONG SAID EAST LINE,
145.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST,
ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE
COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1984 (1999
ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS
ALSO BASED UPON THE SAME DATUM.

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

DCI 2005-00095

THIS IS NOT A SURVEY

RECEIVED

DEC 02 2005

COMMUNITY DEVELOPMENT

DEC 02 2005

COMMUNITY DEVELOPMENT

DCI 2005-00095

LINE	BEARING	DISTANCE	POINT
1	S 89°23'35" W	29.08	POINT OF BEGINNING
2	S 43°36'37" W	20.43	POINT OF BEGINNING
3	N 89°23'04" E	962.11	POINT OF BEGINNING
4	N 39°40'31" W	145.56	POINT OF BEGINNING
5	S 89°23'35" W	677.00	POINT OF BEGINNING

LINE	BEARING	DISTANCE	POINT
1	S 89°23'35" W	29.08	POINT OF BEGINNING
2	S 43°36'37" W	20.43	POINT OF BEGINNING
3	N 89°23'04" E	962.11	POINT OF BEGINNING
4	N 39°40'31" W	145.56	POINT OF BEGINNING
5	S 89°23'35" W	677.00	POINT OF BEGINNING

GRAPHIC SCALE

1 inch = 100 ft.

05084
CERTIFIED BY
DW AGOSTINO & WOOD, INC.
1111 W. 1st Street, Suite 100, Ft. Myers, FL 33901
Phone: (888) 333-6666 Fax: (888) 333-6666

Zoning Map

7/10/2006

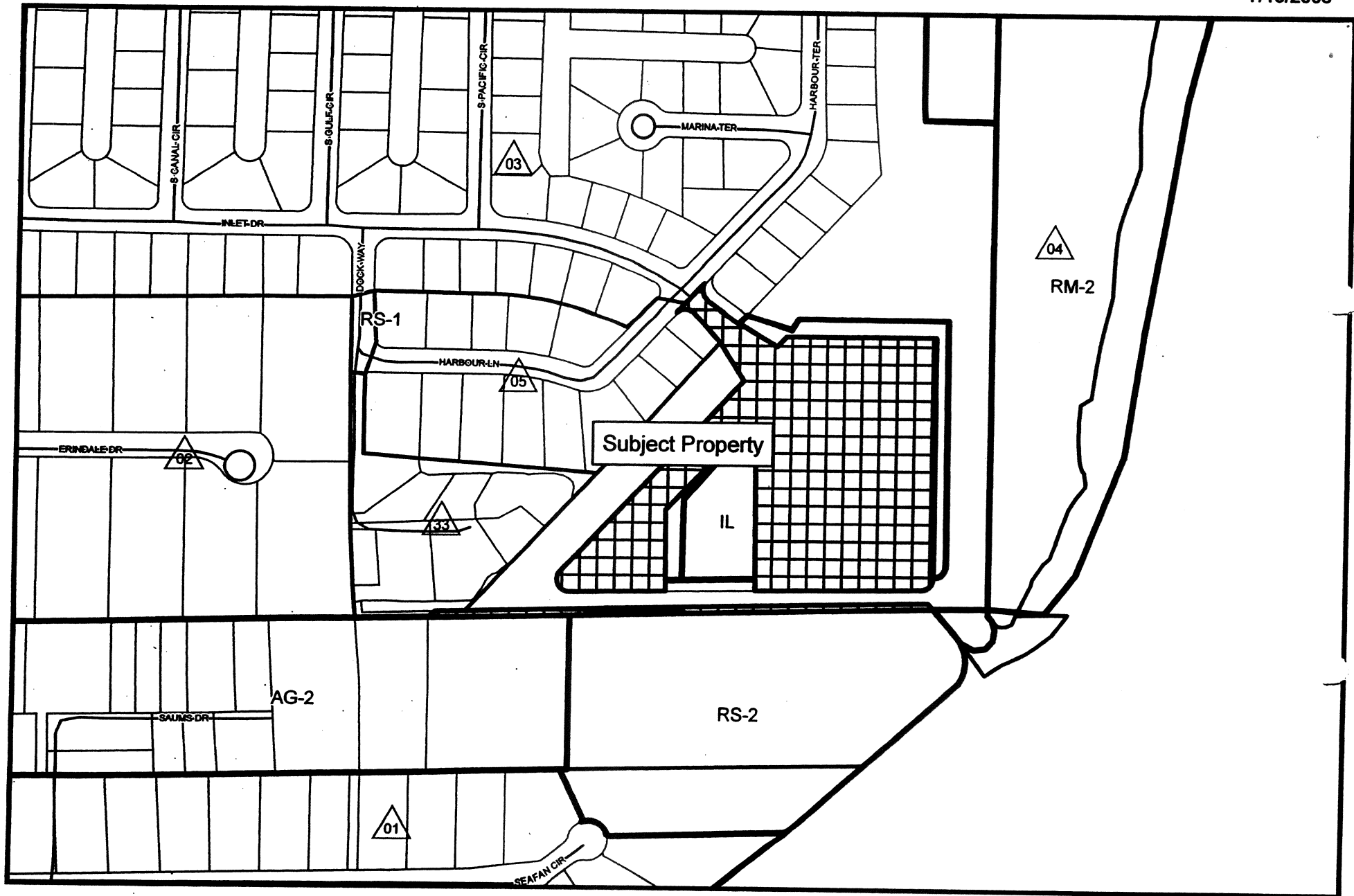


EXHIBIT "B"
(Zoning Map)



ADMINISTRATIVE AMENDMENT (PD) ADD2000-00112

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, WCSJR IV Corporation filed an application for administrative approval to a Commercial Planned Development on a project known as Caloosa Isle Marina to:

1. **Remove the existing one-story building noted as Store #1 containing 4,358 square feet and relocate Store #1 and office to the southeastern corner of the project within a 3,500 square foot building; and**
2. **Construct an enclosed repair and service building in the southwest corner of the site; and**
3. **Create a buffer consisting of an 8-foot wall and landscaped buffer area along the perimeter of the property abutting the canal and facing the residential properties located along Harbor Lane; and**
4. **Add one deviation (Deviation 6), a deviation to reduce the required setback for a structure from a water body of 25 feet (LDC Section 34-2194(b)), to five (5) feet for the repair and service building.**

The subject property is located at 1687 Inlet Dr., N. Ft., Myers, FL 33903, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 24 East, Lee County, Florida:

See Legal Description (attached as Exhibit A)

WHEREAS, the property was originally rezoned in case number 88-10-11 DCI (with subsequent amendments in case numbers COP 92-004 and 99-05-228.02Z 01.01); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the proposed relocation of Store #1 and the office will be in a location further from the adjoining residential areas; and

WHEREAS, the proposed construction of the enclosed repair and storage area will place some of the current outdoor repair activities within an enclosed building; and

WHEREAS, the applicant has proposed the development of an 8 foot wall along the perimeter property adjoining the canal to provide additional buffering for the adjoining residential areas to the north and northwest;

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the existing Commercial Planned Development to:

1. **Remove the existing one-story building noted as Store #1 containing 4,358 square feet and relocate Store #1 and office to the southeastern corner of the project within a 3,500 square foot building; and**
 2. **Construct an enclosed repair and service building in the southwest corner of the site; and**
 3. **Create a buffer consisting of an 8-foot wall and landscaped buffer area along the perimeter of the property abutting the canal and facing the residential properties located along Harbor Lane; and**
 4. **Add one deviation (Deviation 6), a deviation to reduce the required setback for a structure from a water body of 25 feet (LDC Section 34-2194(b)), to five (5) feet for the repair and service building.**
-

is **APPROVED**.

Approval is subject to the following conditions:

1. **The development must be in compliance with the amended Master Concept Plan, dated April, 2000, stamped received July 3, 2000. Master Concept Plan for ADD2000-00112 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. This wall and landscape buffer committed to as part of this amendment must be constructed and installed as part of the first local development order to achieve the changes approved within this amendment.
4. As committed to by the applicant in this application, the hours of operation for the maintenance and repair services associated to this planned development are from 8:00 AM to 5:00 PM Monday through Saturday.
5. No retail sales activity may be permitted in the enclosed service area, except for the purchase of parts over the counter in front of the parts/stock area.
6. All outdoor repair activities within this planned development must be conducted behind the eight (8) foot wall committed to on the proposed Master Concept Plan in the area designated as existing repair and service area.
6. From the end of the proposed wall to the entrance to the development from Inlet Drive, vegetative landscaping must be provided. This must consist of the number of trees and required hedge of the Type D buffer described in Chapter 10 of the Land Development Code.
7. Deviation 6 is hereby approved. The existing easement must be vacated or extinguished prior to the issuance of a building permit which encroaches into this area.

DULY SIGNED this 25th day of August, A.D., 2000.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

LEE COUNTY

JUL 17 11:50

CLERK
LEE COUNTY
FLORIDA**REVISED DESCRIPTION**

**PART WATERWAY ESTATES OF FORT MYERS UNIT 2
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

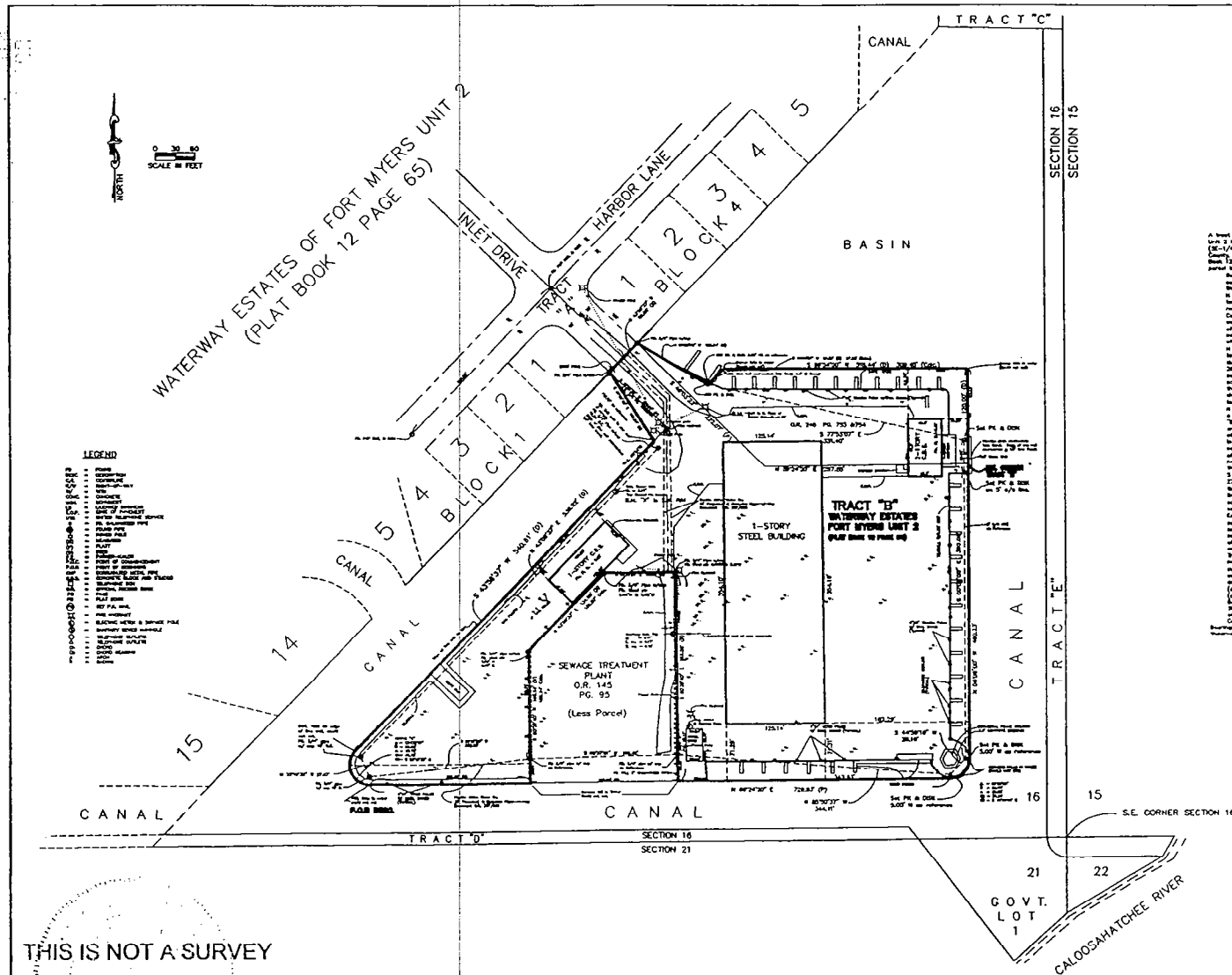
A tract or parcel of land lying in Waterway Estates of Fort Myers Unit 2 in the Southeast Quarter (SE-1/4) of the Southeast Quarter (SE-1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County records, which tract or parcel is described as follows:

Beginning at a point of curvature on Curve "K" on the south line of Tract "B", as shown on said plat of Waterway Estates of Fort Myers Unit 2, run N 89° 24' 20" E along said south line for 201.00 feet to the west line of the parcel described in deed recorded in Official Record Book 145 at page 95, Lee County records; thence run N 00° 35' 40" W along said west line for 165.94 feet to the northwesterly line of said parcel; thence run N 43° 56' 37" E along said northwesterly line for 136.87 feet to an intersection with the northerly line of said parcel; thence run N 89° 24' 20" E along said north line for 90.00 feet to an intersection with the east line of said parcel; thence run S 00° 35' 40" E along said east line for 263.50 feet to an intersection with the south line of said Tract "B"; thence run N 89° 24' 20" E along said south line for 342.93 feet to a point of curvature; thence run easterly, northeasterly and northerly along the arc of a curve to the left of radius 25.00 feet (delta 89° 30' 20") (chord bearing N 44° 39' 10" E) (chord 35.20 feet) for 39.05 feet to a point of tangency on the east line of said Tract "B"; thence run N 00° 06' 00" W along said east line and a northerly prolongation thereof on the east line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 of said public records for 490.23 feet to the north line of said parcel; thence run S 89° 54' 00" W along said north line for 309.45 feet to an intersection with the northwesterly line of said parcel; thence run S 43° 56' 37" W along said northwesterly line for 27.98 feet to a northeasterly line of said parcel; thence run N 59° 33' 03" W along said northeasterly line for 102.84 feet to the northerlymost corner of said Tract "B"; thence run S 43° 56' 37" W along the southeasterly line of Tract "A" of said Waterway Estates for 50.00 feet to the southerlymost corner of said Tract "A"; thence run S 32° 33' 43" E along the southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County records, for 102.84 feet to an intersection with the northwesterly line of said Tract "B"; thence run S 43° 56' 37" W along said northwesterly line for 540.61 feet to a point of curvature on said curve "K"; thence run southwesterly, southerly and southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134° 32' 17") (chord bearing S 23° 19' 32" E) (chord 46.12 feet) for 58.70 feet to the Point of Beginning.

SUBJECT TO easements, restrictions and reservations of record.

Containing 5.80 acres, more or less.

Bearings hereinabove mentioned are based on said record plat of Waterway Estates of Fort Myers Unit 2.



SKETCH TO ACCOMPANY DESCRIPTION
PART OF WATERWAY ESTATES OF
FORT MYERS UNIT 2
IN THE SE 1/4 OF THE SE 1/4
(ACCORDING TO P.B. 12, PG. 63, LEE COUNTY RECORDS)
SEC. 16, TWP. 44 S., RGE. 24 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
 708 JOHNSON STREET, P.O. BOX 1560, FORT MYERS, FLORIDA 33902-1560, PHONE (888) 334-0044

THIS IS NOT A SURVEY
Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM LB-642)
 Professional Surveyor and Mapper
 Florida Certificate No. 5243
 Date Signed: 7/17/00
 Not valid without the signature and the original raised

62-10763

PERMIT COUNTER

PARCELS: 5.77 ACRES
BUILDINGS/ENCLOSURE SERVICE + MAIN: 57,840 SQ FT = 1.32 ACRES
PAYMENTS (PAID, ETC.): 72,000 S.F. = 1.67 ACRES (INCL STAMPEDED SHEET)
SERVICE AREAS: 30,165 = 0.69 ACRE
OTHER UNKOWN AREAS: 6,828 S.F. = 0.16 AC
WATER: 25,007 S.F. = 0.58 ACRE
LAND OPEN SPACE: = 1.30 ACRES
OTHER PREVIOUS AREAS: = 0.03 ACRE

OPEN SPACE REQUIRED: $5.76 \text{ AC} \times .30X = 1.73 \text{ ACRES}$
 OPEN SPACE CRUIT FOR WATER: $1.73 \times .25 = 0.43 \text{ ACRES}$
 LAND OPEN SPACE: 1.30 ACRES
 TOTAL OPEN SPACE: $0.43 + 1.30 = 1.73 \text{ ACRES}$

D=194°32'17"
N=25.00'
A=54.8°
C1=40.2'
C2=1.23°41'52" E

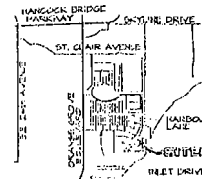
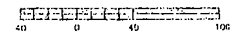
LEGAL DESCRIPTION
WATERWAY ESTATES UNIT 2, FLAT BOOK
12, PAGE 64, TRACT B & LAND IN
OFFICIAL RECORD BOOK 245, PAGE 759.

232194-01 (cont.)
123 - Memo, (Days 1 and 2) (cont.)
14 Wet Days (ending prior to 1975)
19 Dry Days (approximately 43,250 a.f.)
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-22-2001 BY 60322 UCBAW

1. Arbeitsblätter (Seite 1) und 2. Arbeitsblätter (Seite 2)
 3. Arbeitsblätter (Seite 3) und 4. Arbeitsblätter (Seite 4)
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This sample of work was translated from the approved Master Control Print prepared by Jensen Engineering, Inc. on or about Nov. 15, 1964.



LOCATION MAP
N19.

RESOLUTION NUMBER 2-88-003
ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

(File Number Control Plan will deviate from the following
Lee County standards:

- (1) Minimum number of full-time parking spaces for the development of 1292 spaces (2207.154), is 50 spaces
- (2) Minimum reduction from a structure to a single space is 25 feet (2207.154.6.3), to 0' (feet) for the existing structure if it is shown on the Master Concept Plan
- (3) Minimum reduction between structures in a development is 25 feet (2207.154.6.3), to 0' (feet) for the existing structure if it is shown on a minor lot and the lot is not in compliance with the area proposed in the CDD of 25 feet (2207.154.6.3.2), to 0' (feet) for the existing structure if it is shown on the Master Concept Plan
- (4) Minimum reduction between structures in a development is 25 feet (2207.154.6.3), to 0' (feet) for the existing structure if it is shown on the Master Concept Plan
- (5) Minimum lot area between a proposed commercial development and existing residential development of a type that is not shown on the Master Concept Plan is 10 to 10 feet wide buffer area to provide "1/2" separation
- (6) Minimum lot area between a proposed development of 2,500 to 5,000 square feet to be developed for small lots to a lot that is not shown on the Master Concept Plan is 10 to 10 feet wide buffer area to provide "1/2" separation

(e) To reduce minimum setback from a structure to water body of 25 feet (207.15 ft.), to 5 (15%) feet for the proposed single end spar anchorage as shown the Nipper Canopy Plan;

EXISTING DEVELOPMENT
EXIST DRY STORAGE BUILDING: 44,312 S.F.
EXISTING SERVICE AREA (OUTDOOR): 35,345 S.F.
EXISTING STORE #11: 4358 S.F.
EXIST STORE #2 (2 STORY): 6564 S.F.
EXIST STEEL SHED: 813 S.F.

TOTAL: \$1,392 S.F.

DRY STORAGE (IMMEDIU) (EXISTING TO RIWAM): 44,312 S.F.
OUTDOORS SERVICE AREA: 30,195 S.F.
INDOORS SERVICE AREA: 5,180 S.F.

STOHL #2 (EXISTING 7 STORY BLDG) 6564 S.F.
PROPOSED WEST BUILDING (REPLACEMENT FOR STORL #1) = 3550 S.F.
TOTAL: 60,721 S.F.

TOTAL: 69.721 S.F.

DEVIATION REQUESTED THIS ADJUDICATION

Amendment to

Master Concept Plan

Subject to Case # ADD 2000-00112
Date 8/25/00

2000-00112

CALOOSA ISLE MARINA
1687 INLET DRIVE, NORTH-FORT MYERS 33903

AMENDED MASTER CONCEPT PLAN

WCSJR IV CORP
P.O. BOX 2630
WESTPORT CT

PROJECT 133a
DATE: APRIL 2000
SCALE: 1" = 40'

SHEET 1

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

WHEREAS, Shuckers & Company Crabhouse, Inc. filed an application on behalf of the owners of the property, Caloosa Isle Marine, Inc., to amend a Commercial Planned Development (CPD), in reference to Shuckers & Company Crabhouse, Inc.; and

WHEREAS, a public hearing was advertised and held on September 29, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-05-228.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on November 15, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicants filed a request to allow enclosure of a 15-foot by 45 foot open deck located adjacent to Store #2 to be used as seating area for the restaurant. The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Caloosa Isle Marine, Inc." stamped received November 21, 1988 (adopted in Resolution Z-88-293) and also stamped received again on May 24, 1999, except as modified by the deviations and conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. All terms, conditions and deviations of the original zoning resolution (Z-88-293), as amended, and Special Permit Case 94-10-13-SP-02, remain in full force and effect, except

as may be amended herein.

3. The enclosure of the deck area does not change the character of this area from an outdoor seating area to an indoor seating area. The prohibitions previously placed on this parcel with respect to outdoor entertainment, hours of operation, and the setup of bar facilities, are still in full force and effect.
4. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b) of the Lee Plan.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-2194(b) requirement to provide the minimum required water body setback of 25 feet, to allow a zero foot waterbody setback. This deviation is APPROVED.
2. Deviation (2) seeks relief from the LDC §34-2020(2)(1)(2) requirement for a restaurant to provide a minimum of 14 parking spaces per 1,000 square feet of floor area, to allow the 50 parking spaces as approved by Resolution Z-88-293. This deviation is APPROVED SUBJECT TO the condition that:
 - a. enclosure of the 15-foot by 45-foot patio is limited to a roofed, screen enclosure. If this area is enclosed with walls, the required off-street parking must be provided; and
 - b. the conditions of approval in Special Permit Case 94-10-13-SP-02 remain in full force and effect, except as modified herein.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Andrew Coy, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Ray Judah	Aye
John E. Albion	Aye
John E. Manning	Absent
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 15th day of November, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth F. Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albani
Chairman

Approved as to form by:

Ruth E. Albani 11/15/99
County Attorney's Office

MINUTES OFFICE

Ruth F
FILED NOV 17 1999

EXHIBIT "A"
LEGAL DESCRIPTION

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County Records, which tract or parcel is described as follows:

Beginning at a Point of curvature on Curve "K" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Records Book 145 at page 95, Lee County Records;

THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesternly line of said parcel;

THENCE run N43°56'37"E along said Northwesternly line for 136.87 feet to an intersection with the Northerly line of said parcel;

THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;

THENCE run S00°35'40"E along said East line for 263.50 feet to an intersection with the South line of said Tract "B";

THENCE run N89°24'20"E along said South line for 342.93 feet to a Point of Curvature;

THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10") (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";

THENCE run N00°06'00"W along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel;

THENCE run S89°54'00"W along said North line for 309.45 feet to an intersection with the Northwesternly line of said parcel;

THENCE run S43°56'37"W along said Northwesternly line for 27.98 feet to a Northeasterly line of said parcel;

THENCE run N59°33'03"W along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B";

THENCE run S43°56'37"W along the Southeasterly line of Tract "A" said WATERWAY ESTATES for 50.00 feet to the Southerly most corner of said Tract "A";

THENCE run S32°33'43"E along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County Records, for the 102.84 feet to an intersection with the Northwesternly line of said Tract "B";

THENCE run S43°56'37"W along said Northwesternly line for 540.61 feet to a Point of Curvature on said curve "K";

THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134°32'17") (chord bearing S23°19'32"E) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

CONTAINING 5.80 acres, more or less.

Zoning Map Case #99-05-228.02Z 01.01

The map displays a residential area with various lot numbers and zoning designations. Key features include:

- Subject Property:** A large, shaded triangular lot located at the intersection of Marina Ter and Harbor Dr.
- Streets:** Marina Ter, Harbor Dr, and River Breeze Ct.
- Zoning Districts:** RS-2 (Residential Single-Family) and AG-2 (Agriculture).
- Other Labels:** "VETLAND AREA" and "1.23 AC", "1 AC", "2.1 AC", "6.10 AC".
- North Arrow:** Located in the bottom right corner, indicating North (N), South (S), East (E), and West (W).

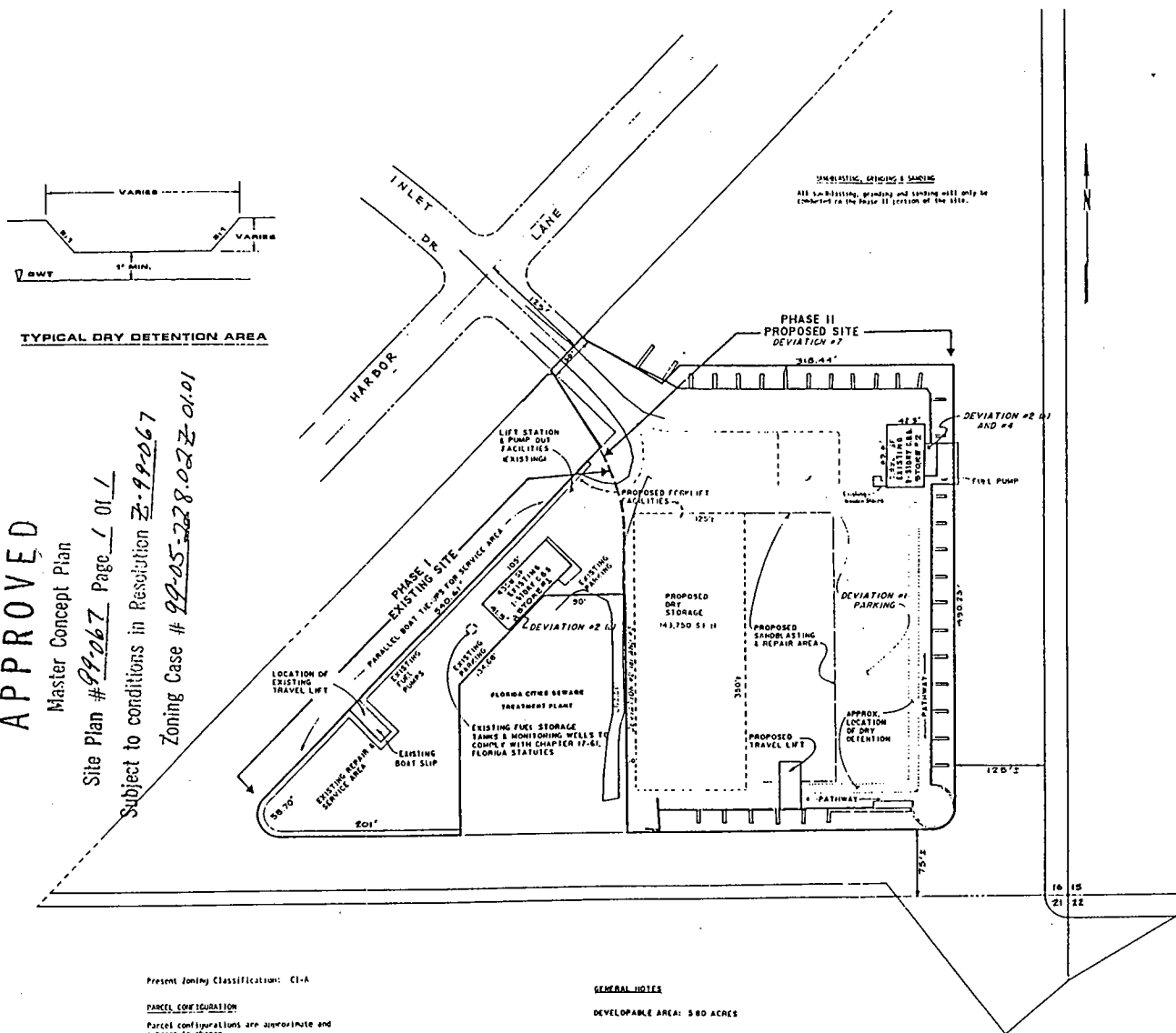
EXHIBIT B

APPROVED

Master Concept Plan

Site Plan # 99-067 Page 1 of 1

Subject to conditions in Resolution Z-99-067
Zoning Case # 99-05-228.02 Z-01.01



Present Zoning Classification: C1-A

PARCEL CONFIGURATION

Parcel configurations are approximate and subject to change.

DISCHARGE & OUTFALLS

All discharges, outfalls & site design to comply with the South Florida Water Management District and the Development Standards Regulations in existence at time of development.

LOCATION OF INTERNAL ACCESSWAYS

The locations of internal roadways and entryways are approximate and subject to change.

GENERAL NOTES

DEVELOPABLE AREA: 5.80 ACRES

MAXIMUM HEIGHT: 45 FEET ABOVE FINISHED GRADE

LAND USE CLASSIFICATION: SUBURBAN

ANTICIPATED SQUARE FOOTAGE OF BUILDINGS

STORE #1 - 4,328 SF
STORE #2 - 5,000 SF
PROPOSED DRY STORAGE - 43,750 SF

SCHEDULE OF USES
(70 - Marine, Class I and Class II facilities)
All wet slips (existing prior to 1973)
250 Dry Slips (existing prior to 1973)

RECOMMENDATIONS

Administration Office - Store #1 and #2
Storage Building
Fuel and Oil Storage - Store #1 and #2
Dry Fuel Storage Building - Store #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59, #60, #61, #62, #63, #64, #65, #66, #67, #68, #69, #70, #71, #72, #73, #74, #75, #76, #77, #78, #79, #80, #81, #82, #83, #84, #85, #86, #87, #88, #89, #90, #91, #92, #93, #94, #95, #96, #97, #98, #99, #100, #101, #102, #103, #104, #105, #106, #107, #108, #109, #110, #111, #112, #113, #114, #115, #116, #117, #118, #119, #120, #121, #122, #123, #124, #125, #126, #127, #128, #129, #130, #131, #132, #133, #134, #135, #136, #137, #138, #139, #140, #141, #142, #143, #144, #145, #146, #147, #148, #149, #150, #151, #152, #153, #154, #155, #156, #157, #158, #159, #160, #161, #162, #163, #164, #165, #166, #167, #168, #169, #170, #171, #172, #173, #174, #175, #176, #177, #178, #179, 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accc

RESOLUTION NUMBER Z-88-293

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

WHEREAS, Citizens and Southern National Bank of Lee County, in reference to Caloosa Isle Marine, Inc., d/b/a Island Club Marine, has properly filed an application for a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump-out facilities.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum required number of off-street parking spaces for this development of 122 spaces (202.13.J), to 50 spaces;
- (2) Minimum setback from a structure to a water body of 25 feet (202.15.B.4.b.), to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan;
- (3) Minimum setback between structures in a Commercial Planned Development which is adjacent to land which is developed in a manner and for uses not compatible with the uses proposed in the CPD of 25 feet (461.C.2.a.2.), to 10 feet for the proposed dry-storage structure, to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan, and to 3 feet for the existing store #1 as shown on the Master Concept Plan; and
- (4) Minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) [DSO Section C.5.d.(4)], to a 10 foot wide buffer with a type "B" vegetation.
- (5) Request to be allowed to provide a maximum of 30% of the parking spaces to be designed for small cars in a low turn-over parking space (9 feet by 18 feet) (Sections 202.13.k.1. and 202.13.F.1.c.); and

WHEREAS, the subject property is located at 1647 Inlet Drive, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Waterway Estates of Fort Myers Unit 2 in the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County records which tract or parcel is described as follows:

Beginning at a point of curvature on Curve "K" on the South line of Tract "B", as shown on said plat of Waterway Estates of Fort Myers Unit 2 run N.89°24'20"E. along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 307 at page 853, Lee County records; THENCE run N.00°35'40"W. along said West line for 165.94 feet to the Northwestern line of said parcel; THENCE run N.43°56'37"E. along said Northwestern line for 136.87 feet to an intersection with the Northerly line of said parcel; THENCE run N.89°24'20"E. along said North line for 90.00 feet to an intersection with the East line of said parcel; THENCE run S.00°35'40"E. along said East line for 263.50 feet to an intersection with the South line of said Tract "B"; THENCE run N.89°24'20"E. along said South line for 342.93 feet to a point of curvature; THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N.44°39'10"E.) (chord 35.20 feet) for 39.05 feet to a point of tangency on the East line of said Tract "B"; THENCE run N.00°06'00"W. along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel; THENCE run S.89°54'00"W. along said North line for 309.45 feet to an intersection with the Northwestern line of said parcel; THENCE run S.43°56'37"W. along said Northwestern line for 27.98 feet to a Northeasterly line of said parcel; THENCE run N.59°33'03"W. along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B"; THENCE run S.43°56'37"W. along the Southeasterly line of Tract "A" said Waterway Estates for 50.00 feet to the Southerly most corner of said Tract "A"; THENCE run S.32°33'43"E. along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County records for 102.84 feet to an intersection with the Northwestern line of said Tract "B"; THENCE run S.43°56'37"W. along said Northwestern line for 540.61 feet to a point of curvature on said curve "K"; THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134° 32' 17") (chord bearing S.23°19'32"E.) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

Containing 5.80 acres more or less.

Bearings hereinabove mentioned are based on said record plat of Waterway Estates of Fort Myers Unit 2.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-0030B.0000; and

WHEREAS, proper authorization has been given to James P. Carroll, by Citizens and Southern National Bank, the fee simple owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, proper authorization has been given to Neale Montgomery, Esquire of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen and to Johnson Engineering, Inc., by James P. Carroll, the agent of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on October 3, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump out facilities.

Approval is subject to the following conditions:

- 1.a. The development and use of this property shall be in accordance with the one-page Master Concept Plan for Caloosa Isle Marine (dated November, 1987, last revised November 15, 1988, project no. 16295 file no. 16-44-24) prepared by Johnson Engineering, Inc. except as may be modified by the conditions herein. This approval does not relieve this development from compliance with zoning regulations, and all other applicable state and local regulations except for those specifically approved as part of this development.

b. The uses within this CPD shall be further limited as follows:

- 1) The total allowable number of boat slips within this marina shall be 44 wet slips and 239 dry slips. These totals assume that a favorable vesting letter is received from the Department of Community Affairs for the 44 wet slips. If a favorable determination is not received, the number shall be adjusted downward accordingly. Approval for additional wet or dry slips shall require an amendment to this approval and a Binding Letter of Development of Regional Impact status.
- 2) Those uses that cannot be relocated, such as structures, to the easterly side of the property can remain. Those items that can be moved, such as the dry sand blasting area, shall be enclosed in an at least 45-foot by 25-foot, two walled room with drop curtains and a waterfall booth to prevent the sand from bothering the neighbors contiguous to the site. An opaque 8-foot screen (fencing and vegetation) shall be provided along that side of the development contiguous to the existing residential area.
- 3) The schedule of uses as noted on the MCP are hereby amended, deleting marine salvage as a permitted use.
- 4) On-site trash receptacles shall be placed upon the property to assist patrons of the site in the proper disposal of the trash.
2. If part of the permitting process, the applicants shall submit a spill containment plan and flushing study to the Lee County Departments of Community Development and Public Safety, to the Department of Environmental Regulation, and to the Department of Natural Resources. No final development order shall be approved until a letter from each of these agencies is received showing that they have reviewed and approved this plan.
3. Prior to the issuance of a final development order, provisions shall be made to provide on-site storm water retention in accordance with South Florida Water Management District requirements.
4. The hours of operation for all maintenance and repair operations allowed in this CPD zoning shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday.
- 5.a. Prior to final plan approval, the marina management shall prepare and submit a written emergency plan to the Department of Public Safety which shall be followed in the event of a hurricane emergency. This plan shall be updated on an annual basis. All owners of boats within this facility shall be advised of the requirements of this plan and any annual changes. A letter from the Department shall be submitted as part of the final plan approval request indicating acceptance of the procedures, to constitute compliance with this condition.
- b. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.
6. The applicants, prior to the issuance of a final development order, shall coordinate with the Lee County department granted the authority to oversee the posting of "Idle Speed" and "Caution, Manatee Awareness" signs extending from the marina site, out to the Caloosahatchee River main channel. The marina shall be required to maintain these signs in good condition.

7. The applicant shall reserve one dry boat storage slip for County or State agencies to be rented out at the going rate when the dry storage opens, in perpetuity.
8. All lighting provided for this project shall be limited to low-intensity, low-level types and shielded away from the adjacent residential areas. The roofs and upper levels of the existing or proposed buildings shall not be illuminated.
9. A 20-foot-wide area on at least three sides of the dry storage building shall be kept open (no parking, storage, etc.) to allow for emergency vehicle access to this building. This building shall conform with the required fire codes.
10. The proposed "private club" shall be limited to the owners of the marina, owners of boats stored in the marina, and their guests.
11. A ratio of one sailboat to three powerboats shall be established and maintained for the wet slips in this marina.
12. A gazebo shall be provided as a public amenity, as part of the open space requirement for this development. This gazebo shall be located at the southeastern point of the island overlooking the entrance to the river.
13. Deviation #1 is hereby APPROVED with the condition that if Code Enforcement should find at any time that parking demand exceeds the provided on-site parking within this development, resulting in vehicles parking along the nearby residential streets, additional on-site parking shall be provided or this planned development shall be rescheduled by County staff before the Board of County Commissioners to evaluate the need for additional parking or reduction of development intensity to reduce the adverse impacts on the nearby residential areas. Deviation (2) is hereby APPROVED only for the existing structure shown as Store #2 on the Master Concept Plan. Deviation (3) is hereby APPROVED. Deviation (4) is hereby DENIED. Deviation (5) is hereby APPROVED solely for assigned parking spaces only and shall be clearly marked as such in accordance with the Zoning Ordinance.
14. The owner(s) will participate, on an equitable basis in any MSBU that is created toward providing sidewalks and street repaving, to or along Inlet Drive.

Site Plan 88-293 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- a. The proposed uses, as conditioned, are appropriate at the subject location;
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations;
- c. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the development; and
- d. Each deviation recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 12th day of December, A.D., 1988.

ATTEST: BOARD OF COUNTY COMMISSIONERS
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Manning
Chairman

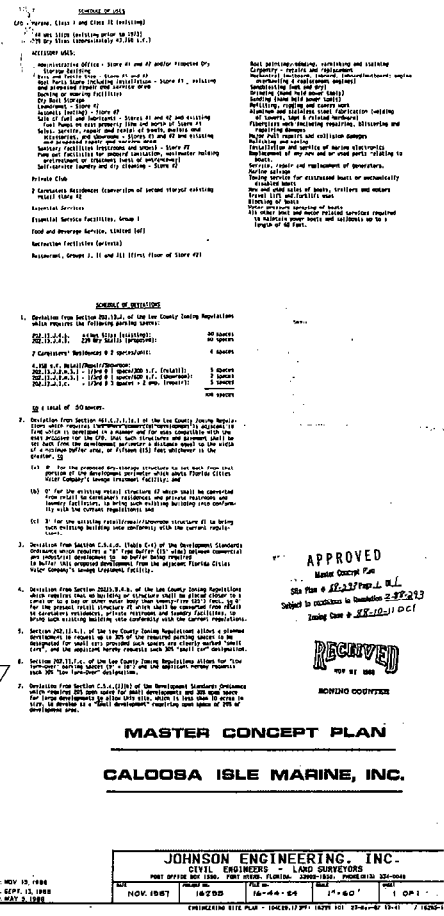
Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 11 90

CLERK CIRCUIT COURT
BY [Signature] D.C.



15-673
BILLED
Prepared by: N. Gluck
Zoning & Development Review Div.
P. O. Box 398
Fort Myers, FL 33902

2554914

OR2031

RESOLUTION NUMBER BZA-88-238

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

PG0662

WHEREAS, Florida Cities Water Company has properly filed an application in reference to Waterway Estates Wastewater Treatment Plant in the IL zoning district for:

- a) A variance from the minimum required water setback of 25 feet, to 18 feet;
- b) A variance from the minimum required lot width of 200 feet, to 186 feet;
- c) A variance from the minimum required lot area of two (2) acres, to 1.0176 acres;
- d) A variance from the maximum lot coverage of 40%, to 50%;
- e) A variance from the minimum required side setback of 20 feet, to one (1) foot; and
- f) A special exception for Essential Services Facilities - Group II; and

WHEREAS, the subject property is located at 1667 Inlet Drive, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to a map or plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, described as follows:

From a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said plat run N.89°24'20"E. along said South line and along the North line of a canal for 201.00 feet to the POINT OF BEGINNING of the lands herein described. From said POINT OF BEGINNING continue N.89°24'20"E. along said South line for 186.00 feet; THENCE run N.00°35'40"W. perpendicular to said South line for 263.50 feet; THENCE run S.89°24'20"W. parallel to said South line for 90.00 feet; THENCE run S.43°56'40"W. parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; THENCE run S.00°35'40"E. along said perpendicular line for 168.58 feet to the POINT OF BEGINNING, containing 1.0176 acres.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-0030B.00A0; and

WHEREAS, proper authorization has been given to Neale E. Montgomery, Esquire, of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen, and Source, Inc., by Florida Cities Water Company, the owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of Zoning Adjustments; and

WHEREAS, in the hearing process the Lee County Board of Zoning Adjustments gave full and complete consideration to the recommendations of the staff, the documents on file with the county, and the testimony of all interested persons.

LEGISLATIVE HISTORY:

Staff recommended approval of requests a), d), e) and f) with conditions, and the withdrawal of b) and c) based on the analysis contained in staff's report dated October 17, 1988. The requests were found consistent with the Lee Plan as they do not conflict with the goals, objectives and policies of the Lee Plan. The Board concurred with staff's recommendations and granted approval of a), d), e) and f) with conditions. Requests b) and c) were withdrawn.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF ZONING ADJUSTMENTS that the Board of Zoning Adjustments does hereby APPROVE in the IL zoning district:

- a) A variance from the minimum required water setback of 25 feet, to 18 feet;
- d) A variance from the maximum lot coverage of 40%, to 50%;
- e) A variance from the minimum required side setback of 20 feet, to one (1) foot; and
- f) A special exception for Essential Services Facilities - Group II.

Approval of request f) is made with the following conditions:

- 1) The essential service facility shall be limited to advanced wastewater treatment;
- 2) The blowers shall be contained within a sound proof building;
- 3) The proposed retaining wall shown landward of the mean high water line (MHWL) will provide stabilization of the upland fill while allowing the enhancement of the shorelines littoral zone;

- 4) The existing bag revetment and associated vegetation is proposed to remain undisturbed. Planning staff recommends the supplemental planting of wetland vegetation in the revetment. Wetland trees should include red mangroves, white mangroves, and green buttonwoods (Conocarpus erecta). The red and white mangroves are best planted at or slightly above mean high water (MHW) and the green buttonwood planted at MHW+1 to MHW+3. The supplemental planting of wetland herbaceous plants is also encouraged. Leather fern planted at MHW is a good addition. The planting will help buffer this facility from the waterway and be ecologically functional. The opposite bank of the canal is a good example of a healthy mangrove fringe and an attempt to mimic this system is strongly encouraged; and
- 5) A few Brazilian pepper (Schinus terebinthifolius) trees existed near the western fence line at the canal during the January site visit. The Brazilian pepper had been chopped and herbicided by the August site visit. Planning staff would encourage continued removal and control of Brazilian pepper and Australian pine (Casuarina spp.) if they become present.

Requests b) and c) are hereby withdrawn.

The foregoing Resolution was adopted by the Lee County Board of Zoning Adjustments upon a motion by Board Member Douglas Morgan, and seconded by Board Member Jennie Daniel and, upon being put to a vote, the result was as follows:

Jennie Daniel	Aye
Marjorie Berry	Nay
Ellen Peterson	Nay
Douglas Morgan	Aye
Marie Keohane	Aye

DULY PASSED AND ADOPTED this 17th day of October, A.D., 1988.

NOV 22 1 17 PM '88

RECORDED & RETURNED
CLERK OF THE CIRCUIT COURT
LEE COUNTY, FLORIDA
Marie Keohane

APPROVED AS TO FORM

BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

BY: *Paul H. Chyral*
Office of the
County Attorney

BY: *Marie Keohane*
Chairman

RESOLUTION Z-76-123

The following resolution was offered by Commissioner Sayers
and seconded by Commissioner Goldtrap, and upon poll of the
members present the vote was as follows:

George Goldtrap	AYE
James Sweeney	ABSENT
Richard Sayers	AYE
Bob Whan	AYE
Betty Bowen	AYE

WHEREAS, Haywood Development Corp., Inc. has requested a change
in zoning from IU to BU-1A with a special permit for existing marina

SUBJECT PROPERTY:

(SEE ATTACHED LEGAL DESCRIPTION)

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as requested by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that the petition be approved with the incorporation of the comments of the Waterway Estates Civic Association as part of the motion, for a change in zoning from IU to BU-1A with a special permit for existing marina.

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity to all interested persons to be heard after being duly sworn according to law, and upon due and proper consideration having been given to this matter, this Board took action as hereinafter described.

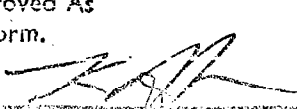
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board recommending approval of a change in zoning from IU to BU-1A with a special permit for existing marina, with the incorporation of the comments of the Waterway Estates Civic Association, which is attached hereto and made a part hereof, be upheld.

PASSED AND ADOPTED THIS 12th DAY OF July, 1976

Heard June 28, 1976

Approved As
To Form.

76-6-23

By 

RESOLUTION Z-76-123A

WHEREAS, applicant in Case No. 76-6-23 filed a request for a rehearing for discussion of the stipulations of Resolution Z-76-123 and also for a Density Review.

WHEREAS, the Board of County Commissioners granted the request for a rehearing on September 10, 1980.

WHEREAS, the rehearing was held on September 15, 1980 where the applicant stated that the following stipulations contained in a letter which is attached to Resolution Z-76-123 would be made part of the Site Plan: 1) Construction of a sidewalk; 2) All recreational facilities would be opened to residents of Waterway Estates through a club - with a reasonable fee; and 3) to provide water access in and out and service for boats at the site.

WHEREAS, the applicant requested a Density Review pursuant to Sec. 600.1 of the Lee County Zoning Regulations and compliance with Residential Site Location Standards of the Lee County Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that the Board hereby approve the request with the stipulation that an Engineer's survey be made of the property and studied by the Building Department to determine if there is adequate land for the proposed development with one acre to be used for the Marina and the remaining 5.3 acres of usable land to be used for the 75 units.

Commissioner Taylor moved to adopt the above motion, seconded by Chairman Steele, and the vote was as follows:

R. DOUG TAYLOR	AYE
HARRY RODDA	AYE
ROLAND Q. ROBERTS	NAY
WADE H. SCAFFE	ABSENT
R.L. STEELE	AYE

RESOLUTION NUMBER Z-76-123A

HEARING NUMBER 76-6-23

APPROVED BY


Thomas M. Brondstetter
Assistant County Attorney

76-6-23 Haywood Development Corp., Inc.

Z-76-123

REQUEST: Change in zoning from IU to BU-1A with a special permit for existing marina.

Sayers)

LOCATION: 1647 Inlet Dr., N. Ft. Myers

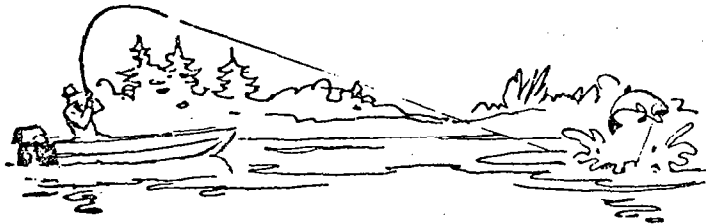
SUBJECT PROPERTY:

Tract "B: Being Tract "B" of Waterway Estates Unit 2, Sec 16, Twp 44S, Rge 24E Lee Co., Fla., as recorded in Plat Book 12 at Page 64, Lee Co., Fla. Public Records: Less a tract or parcel of land lying in Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to a map or plat thereof recorded in Plat Book 12 at page 64 of the public records of Lee County, described as follows: From a pt of curvature on the S li of said Tract "B" which is designated as curve "X" on said plat run N 89 deg 24' 20" E alg said S li and alg the N li of a canal for 201.00 ft to the POB of the lands herein described. From said POB continue N 89 deg 24' 20" E alg said S li for 186.00 ft; thence run N 0 deg 35' 40" W perpendicular to said S li for 263.50 ft; thence run S 89 deg 24' 20" W parallel with said S li for 90.00 ft thence run S 43 deg 56' 40" W parallel with the NWly li of said Tract "B" for 134.68 ft to an intersection with a li perpendicular to said S li of Tract "B" passing through the POB; thence run S 0 deg 35' 40" E alg said perpendicular line for 168.58 ft to the POB.

Parcel #2 (OR Book 245 at Pages 752-754) Beginning at the NEly corner of Tract "B", Waterway Estates of Ft. Myers, Unit No. 2, according to a map or plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee Co., run N 00 deg 06' 00" W, alg a Nly prolongation of the E li of said Tract "B" for 120 ft; thence run S 89 deg 54' 00" W for 318.44 ft; thence run S 43 deg 56' 37" W parallel with the SEly li of Bl 4 for 24.39 ft; thence run N 59 deg 33' 03" W for 102.84 ft to the corner common to said Tract "B" and Lot 1, said Block 4; thence run S 46 deg 03' 23" E alg the NEly li of said Tract "B" for 222.07 ft; thence run N 89 deg 24' 20" E alg the N li of said Tract "B" for 257.85 ft to the POB. Also from the corner common to Block 1 of said Unit No 2 and said Tract "B" run S 32 deg 33' 43" E for 102.84 ft to the NWly li of said Tract "B"; thence run N 43 deg 56' 37" E, alg said NWly li of said Tract "B" for 24 ft; thence run N 46 deg, 03' 23" W, alg said Tract "B" for 100 ft to the POB. Bearings hereinabove mentioned are said recorded plat of Waterway Estates of Ft. Myers Unit 2.

SIZE OF PROPERTY: 6.3 acres

WATERWAY ESTATES CIVIC ASSOCIATION, INC.



4418 N. Bay Circle
N. Ft. Myers, Fla. 33903
June 28, 1976

FOR

County Zoning Board
County Court House
N. Myers, Fla.

Waterway Estates Marina Proposed Zoning Change
Comments by Waterway Estates Civic Association

Most of the residents of Waterway Estates purchased their home with the understanding that they would have marine services at the Waterway Marina, and for a fee they could belong to a club and have access to all the recreational facilities at the Waterway Marina. Such services have been made available since the beginning of Waterway Estates.

During these summer months many of the residents of the Waterway Estates area are on vacation and are not available for meetings and discussions. Many do not know of these plans. However, some members of the board of directors of the Waterway Civic Association have discussed the proposed plans with Mr. Edwards and Mr. Hocum, the new owner on June 25 at the Marina.

Based on these discussions we understand the developer, Mr. Hocum, plans to develop about 100 unit apartment complex consisting of 1 and 2 bedroom apartments of a masonry design and not to exceed 4 stories high. A restaurant will be provided for use by the residents of the Apt. Complex as well as for the general public.

The present boat ramp will be kept operational during most of the construction and in the final design a boat ramp will be provided and its use made available for residents of the area. Fees for the boat ramp use will be kept comparable to others in the area and will be on an "in and out" basis. Space will be provided for the temporary parking (10-12 hrs.) of a few (10-12) boat trailers. Marina service such as fuel and oil for boats will be provided at dock side for at least six days per week.

Recognizing that there will be increased traffic on Inlet Dr. because of the proposed apartment complex the developer will provide sidewalks from the development along Inlet Drive to Orange Grove Blvd. This should reduce the hazard to pedestrians especially school children who must now walk in the street in this area.

76-6-23

HAYWOOD DEVELOPMENT CORP., INC. Z-76-123

2.

WATERWAY ESTATES CIVIC ASSOCIATION, INC.

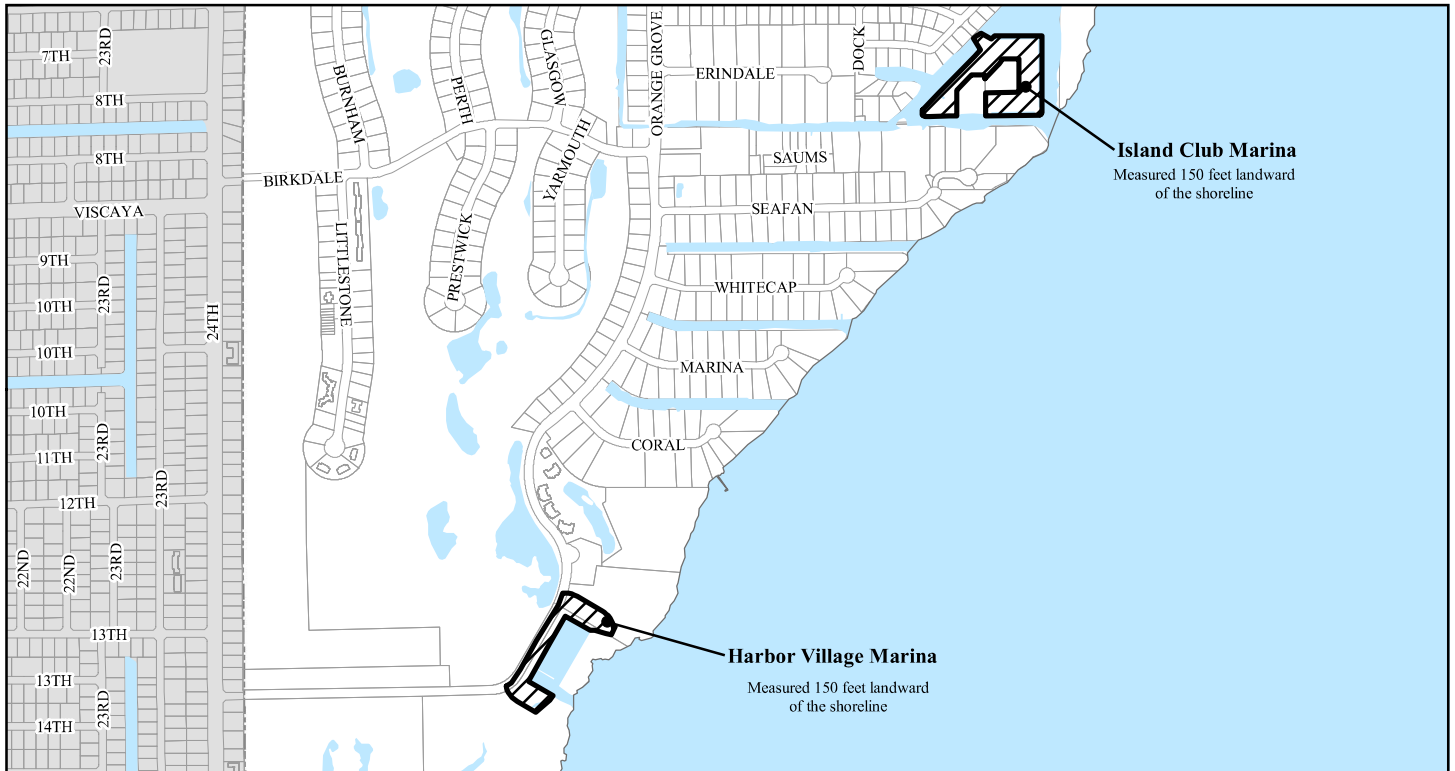
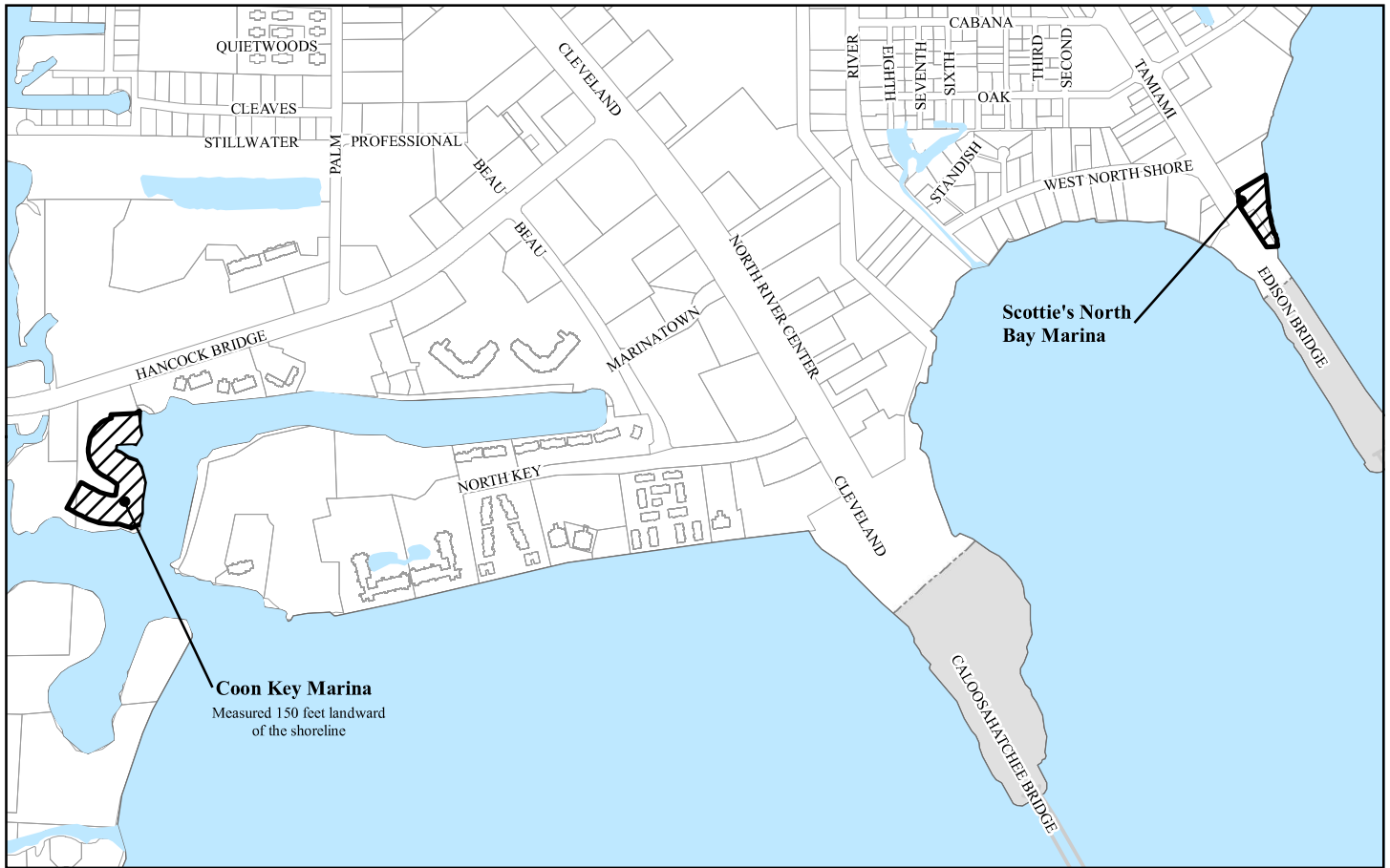
It is understood that arrangements will be made for residents of Waterway Estates to become members of a club that will have the use of all recreational facilities for a reasonable fee.

We understand that this installation will be of such an architectural design and high quality so as to enhance the area and that it will not have any type of operation that will disturb or detract from the present surrounding high class residential community.

On the above basis the board of directors for the Waterway Estates Civic Association do not object to the proposed change in zoning from IU to BU-1A to permit the above described installation.

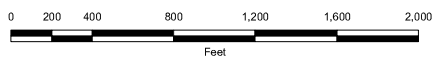
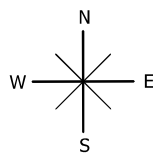
C. E. Asbury

C. E. Asbury, representative of
Board of Directors of Waterway
Civic Association



Legend

-  Water Dependent Overlay
-  Parcels
-  City Limits



WATER DEPENDENT OVERLAY

Map Generated: November 2021
City Limits current to date of map generation

Ord. No. 89-02

Lee Plan Map 1- H

Page 7 of 11

ATTACHMENT U

Document prepared by and return recorded document to:

Katherine R. English
Pavese Law Firm
Post Office Drawer 1507
Fort Myers, FL 33902

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this 19th day of April, 2007, by Caloosa Isle Yacht Club, Inc., ("Grantor") whose mailing address is 1687 Inlet Drive, North Fort Myers, 33903 to Lee County ("Grantee") a political subdivision of the State of Florida whose mailing address is P.O. Box 398, Fort Myers, FL 33902. As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described as Tract D in Exhibit "A" attached hereto and incorporated herein ("Property" or "Conservation Easement"); and

WHEREAS, the Grantor desires to construct a commercial planned development incorporating 44 wet boat slips and 239 dry slips, a 7000 square foot restaurant and approximately 7,500 square feet of ancillary uses at a site in Lee County, which is subject to the regulatory jurisdiction of Lee County; and

WHEREAS, Zoning Resolution No. Z-06-065 ("Resolution") authorizes certain activities which affects surface waters in or of the State of Florida; and

WHEREAS, this Resolution requires that the Grantor preserve enhance, and restore wetlands and/or uplands; and

WHEREAS, Lee County Zoning Resolution Z-06-065 ("Resolution"), Condition 3 requires the developer to record a conservation easement dedicating Tract D to Lee County prior to the issuance of a local development order allowing construction of the Caloosa Isle Yacht Club project; and

WHEREAS, the Grantor is agreeable to granting and securing to the Grantee a perpetual Conservation Easement, as defined in Section 704.06, Florida Statutes, over the area described in Exhibit A as Tract D in support of the approval of an amendment to Lee County Development Order DOS2002-00037; and

NOW, THEREFORE, in consideration of and in order to obtain Lee County Development Order approval authorizing construction of the Caloosa Isle Yacht Club project and in compliance with Lee County Resolution Z-06-065, together with other

good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the property described in Exhibit A, as follows:

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be enhanced or preserved pursuant to the Resolution and Development Order shall be retained and maintained in the enhanced or preserved conditions required by the Resolution and Development Order. To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for preservation and maintenance and monitoring activities, or surface water management improvements or other activities described herein that are permitted or required by the Resolution or Development Order, the following activities are prohibited in or on the Conservation Easement:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal, destruction or trimming of native trees, shrubs, or other vegetation, including mangrove trees, except as specifically provided in Paragraph 4;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface:

e. Surface use except for purposes that permit the land or water area to remain in its natural condition:

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing:

g. Acts or uses detrimental to such aforementioned retention of land or water areas:

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

4. Permitted Uses: In addition to those rights reserved pursuant to Paragraph 6,

a. Limited trimming of mangrove trees may be conducted, with prior Lee County approval, to accommodate navigation and future boat mooring docks and accessways.

b. Removal of exotic pest plants as defined in Land Development Code 10-420(h) along with other trash and debris.

5. Maintenance. Grantor agrees to maintain the Property in perpetuity, including controlling exotic pest plants and refraining from any uses inconsistent with this Conservation Easement

6. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any Lee County rule, criteria, authorization and the intent and purposes of this Conservation Easement.

7. Reservation of Riparian Rights. The following rights are specifically reserved to the Grantor, its heirs, successors and assigns:

a. To the extent provided by law, Grantor reserves all riparian rights which are consistent with the purpose of this statutory Conservation Easement. Notwithstanding, the Grantor specifically reserves the right to conduct limiting vegetation removal and clearing for the purpose of constructing boat docks and adjoining boardwalks in accordance with County regulations. Grantor shall minimize and avoid, to the fullest extent possible, impacts to any mangroves within the Conservation Easement Area. This reservation does not release the Grantor from the duty of obtaining any necessary county, federal, state or local government permit authorizations or sovereign land approvals for construction of the docks or boardwalks

b. Plans for the construction of boardwalks to a boat dock shall be reviewed and approved by the County prior to any construction.

c. Since there are navigable waters immediately adjacent to the conservation area, boats and other similar surface uses are permissible within the navigable areas of the conservation area.

8. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

9. Grantee's Liability. Grantee is not responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

10. Property Taxes. Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by Grantee, together with Grantee's reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event Grantor does not so reimburse the Grantee, the debt owed to Grantee shall constitute a lien against the Easement Parcel which shall automatically relate back to the recording date of this Easement. Grantee may foreclose this lien on the Easement Parcel in the manner provided for mortgages on real property.

11. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

12. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

13. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

14. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

15. Modifications. Any amendments or modifications to the terms, conditions, restrictions, or purpose of this Conservation Easement, or any release or termination thereof, shall be subject to prior review and written approval by Lee County. Lee County shall be provided no less than 90 days advanced notice in the manner described herein of

any such proposed amendment, modification, termination or release. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County, Florida.

16. Governing Law. All questions relative to the execution, validity, interpretation, and performance of this lease shall be governed by the laws of the State of Florida, and any action arising hereunder shall be venued exclusively in Lee County, Florida.

17. Notwithstanding the above, specifically paragraphs 4 and 8, Lee County acceptance of this easement does not obligate the County to issue permits for construction on or improvements associated with. Tract D. Further, acceptance of this easement does not by itself constitute acquiescence to the Grantor's right to use Tract D for boat docks, boardwalks or similar uses.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; and all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Michael F Neves has hereunto set its authorized hand this 16 day of April, 2007.

Signed, sealed and delivered in our presence as witnesses:

By: [Signature]

Print Name: Donna Kife

CALOOSA ISLE YACHT CLUB, INC.,
A Florida corporation

By: [Signature]

As: [Signature]

By: [Signature]

Print Name: Ariadna Riera

STATE OF FLORIDA
COUNTY OF Lee

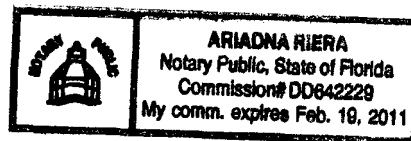
On this 16 day of April, 2007 before me, the undersigned notary public, personally appeared _____, personally known to me to be the person who subscribed to the foregoing instrument, as the (position) President, of Caloosa Isle Yacht Club, Inc., a Florida corporation, and acknowledged that he/she executed the same on behalf of said corporation and that he/she was duly authorized to do so.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

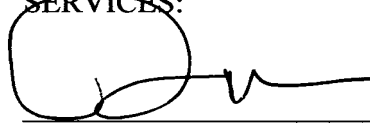
Ariadna Riera
Print Name:

My Commission Expires: Feb 19 2011



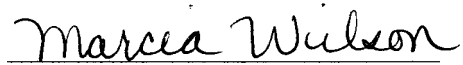
ACCEPTED:

DIRECTOR OF DEVELOPMENT
SERVICES:



Peter J. Eckenrode

ATTEST:


LEE COUNTY CLERK OF COURTS

APPROVED AS TO FORM:


LEE COUNTY ATTORNEY



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

LEGAL DESCRIPTION

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

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

COMMENCING AT THE POINT OF CURVATURE OF CURVE "X" ON THE SOUTH LINE
OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS
UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 60.07
FEET TO THE NORTH LINE OF SAID TRACT "D"; AND THE POINT OF BEGINNING;
THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE
SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT
MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY
PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE
NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE
OF SAID TRACT "B"; THENCE NORTH 38°40'53" WEST, ALONG SAID EAST LINE
18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST,
ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

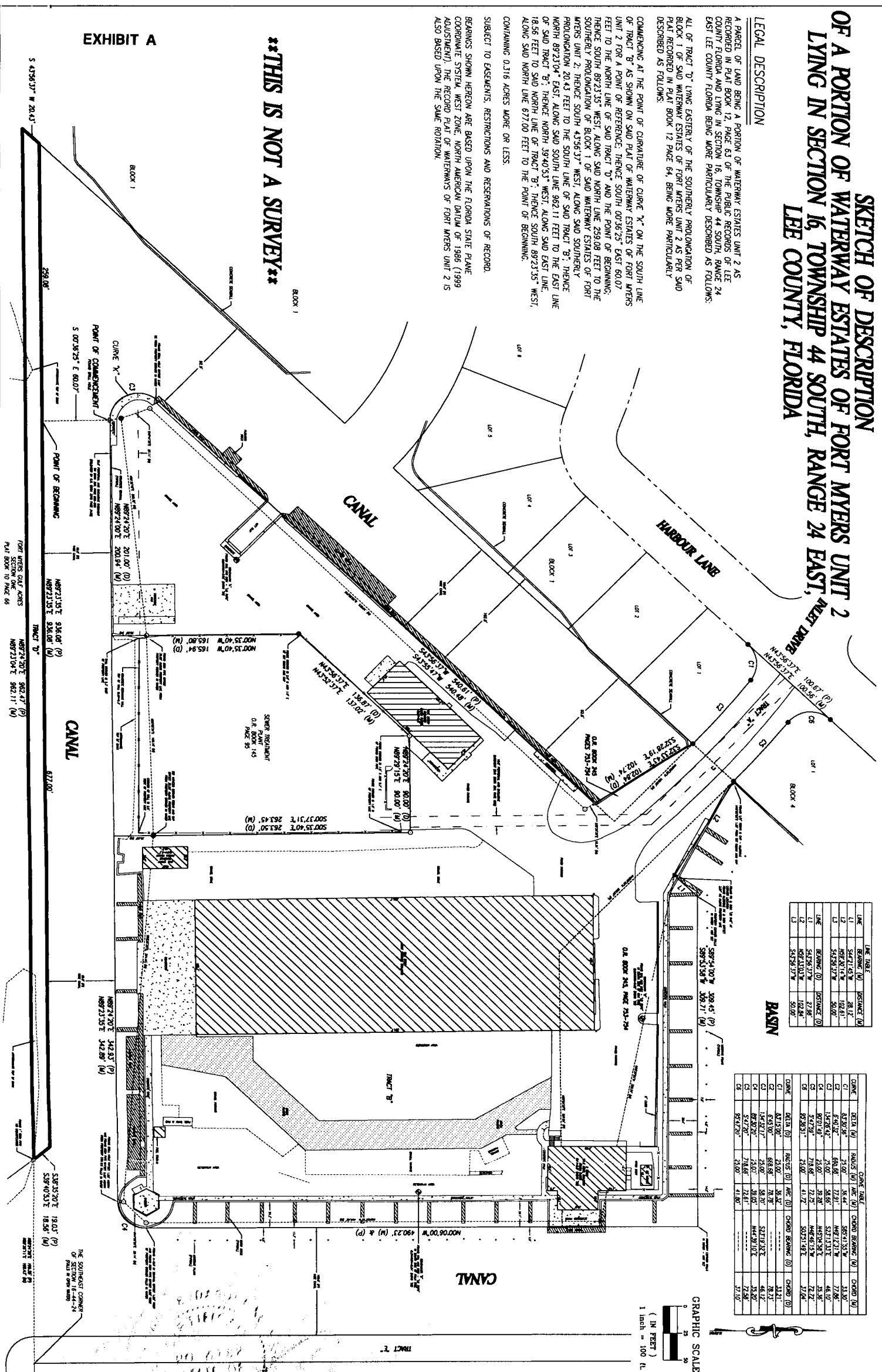
CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

EXHIBIT A



LINE	BEARING (D)	DISTANCE (D)
L1	S44°21'45" W	28.17'
L2	N89°20'14" W	102.61'
L3	S43°38'37" W	50.00'

BASIN

LINE	BEARING (D)	DISTANCE (D)
L1	S44°21'45" W	28.17'
L2	N89°20'14" W	102.61'
L3	S43°38'37" W	50.00'

5106

AMENDED
CONSERVATION EASEMENT

STATE OF FLORIDA)
COUNTY OF LEE)

3023974

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of issuance of State of Florida Department of Environmental Regulation Permit - Certification Number 361651435 in the name of BRYAN J. SAVAGE, Trustee, and other good and valuable considerations, the receipt of which is hereby acknowledged, BRYAN J. SAVAGE, Trustee and Individually, a single man, (herein "Grantor"), has bargained, sold, conveyed and granted to the State of Florida Department of Environmental Regulation (herein "Grantee"), 2269 Bay St., Fort Myers, Florida 33901-2896, a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the following described real property in Lee County, Florida:

OR2221 PG2714

Those lands shown and designated as Conservation Easement on the attached sketches with accompanying descriptions, Exhibits A, B, C and D; all of which are portions of BUTTONWOOD HARBOR, a subdivision according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 44, Pages 86 thru 93, a Subdivision lying in Sections 15 and 16, T. 44 S., R. 24 E.

1. Scope of Easement.

This easement conveys to the Grantee a perpetual interest in those lands which are designated, consisting of the following affirmative and negative covenants on the part of Grantor and Grantor's successors and assigns:

- (a) No construction or placing of buildings, roads signs, billboards or other advertising, utilities, or other structures on or above the ground on the property, shall be undertaken without the prior written consent of the Grantee.
- (b) No dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials shall be permitted on the property.
- (c) Removal or destruction of native living trees, shrubs, or wetland plant species shall be prohibited.
- (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface of the property shall be prohibited.
- (e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition, shall be prohibited.
- (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation are prohibited.
- (g) Acts or uses detrimental to the retention of land or water areas predominantly in their natural, scenic, open, or wooded conditions, or as suitable habitat for fish, plants, or wildlife, shall not be permitted.
- (h) The Grantor, and his successors in interest, shall maintain the property free of exotic vegetation in perpetuity; Brazilian pepper (*schinus terebinthifolius*), Australian pine (*casuarina equisetifolia*), melaleuca (*melaleuca quinquinervia*).

RECORDED & INDEXED BY: CHARLIE GREEN, CLERK
BY: J. TURNER, D.C.

2. Remedies.

In the event of a violation of any covenants contained in Section 1 herein, Grantee shall be entitled to pursue all available legal and equitable remedies, including injunction. The prevailing party shall be entitled to such reasonable attorneys' fees as the court may fix.

3. Nature and Duration.

The covenants expressed herein shall run with the land and be binding on all subsequent owners of the servient estate. This Conservation Easement is a perpetual and undivided interest in the property, and is binding upon Grantor and the successors and assigns of Grantor. In the event of the taking or condemnation of the property for public use, Grantee shall claim no interest in the proceeds of condemnation.

4. Assignment, Successors and Assigns.

(a) It is expressly agreed that Grantee in its sole discretion, may transfer this Easement to another State or local governmental agency dedicated to the conservation and preservation of land in its natural state.

(b) If Grantee is dissolved or in any other way ceases its existence, or for any other reason is unable to act to enforce the restrictions provided for herein, then all rights of Grantee in this Easement which are not transferred in accordance with subsection 4(a) above, shall terminate and automatically revert to the holder of the fee.

5. Release of Easement.

The Easement herein granted may be released by the Grantee to the holder of the fee, at any time and for any reason, even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

6. Limitation of Conveyance.

This document does not convey any fee title to any of the lands described herein but is intended to convey only a right of easement according to the terms and conditions contained herein.

IN WITNESS WHEREOF, the undersigned has executed this Grant of Conservation Easement on the 27th day of March, 1991.

Witnesses:

Sharon L. Snyder
Sharon L. Savage

Bryan J. Savage
Bryan J. Savage,
Trustee and Individually

STATE OF FLORIDA)
)
COUNTY OF LEE)

THE FOREGOING instrument was acknowledged before me this 27th day of March, 1991 by BRYAN J. SAVAGE, Trustee and Individually, a single man.

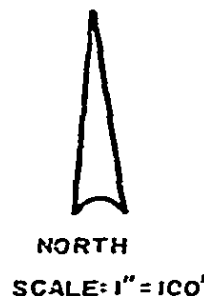
Sharon L. Snyder
Notary Public

Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP SEPT 28, 1991
BONDED THRU GENERAL INS. UND.

This Amended Conservation Easement is executed and recorded to include Resource Protection Area Tract "D" shown and described on the plat of BUTTONWOOD HARBOR, a subdivision hereinbefore described which parcel was erroneously omitted from this Conservation Easement recorded on March 29, 1990, O.R. Book 2138, Page 2966, Lee County, Florida Public Records.

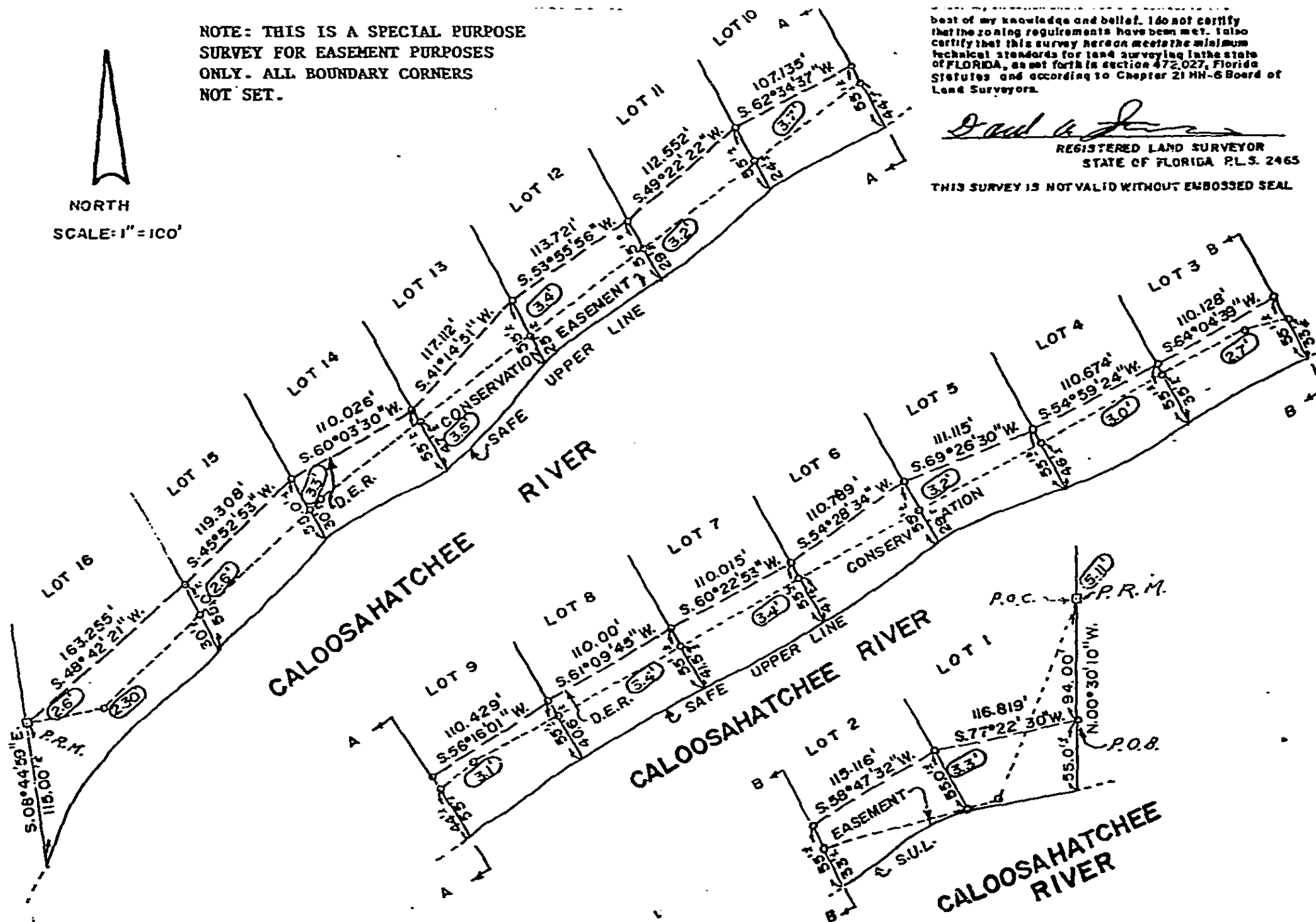
NOTE: THIS IS A SPECIAL PURPOSE
SURVEY FOR EASEMENT PURPOSES
ONLY. ALL BOUNDARY CORNERS
NOT SET.



best of my knowledge and belief. I do not certify
that the zoning requirements have been met. I also
certify that this survey hereon meets the minimum
technical standards for land surveying in the state
of FLORIDA, as set forth in section 472.027, Florida
Statutes and according to Chapter 21 MH-6 Board of
Land Surveyors.

David A. Jones
REGISTERED LAND SURVEYOR
STATE OF FLORIDA P.L.S. 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL



According to the plat thereof as recorded in PLAT BOOK 44, PAGE 83-96

Public Records of LEE County, FLORIDA
FOR BUTTONWOOD HARBOR DATE 2-22-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING-
LAND PLANNING
10410 DEAL ROAD N. FT. MYERS, FLA. (813) 543-3080

CONSERVATION EASEMENT 4

FIELD BOOK PAGE NO. 2964 SHEET 1 OF 2

GENERAL LEGEND

1. DEMENSIONS ARE IN FEET & DECIMALS THEREOF
2. FD. = FOUND
3. N. = NORTH
4. S. = SOUTH
5. E. = EAST
6. W. = WEST
7. C.M. = CONCRETE MONUMENT
8. E = CENTER LINE
9. B.D. = BRASS DISC
10. B.M. = BENCH MARK
11. EL. = ELEVATION
12. R.O.W. = RIGHT OF WAY
13. U.T.S. = UNITED TELEPHONE SYSTEM
14. C.B. = CATCH BASIN
15. F.P. & L. = FLORIDA POWER & LIGHT
16. P.O.B. = POINT OF BEGINNING
17. P.O.C. = POINT OF COMMENCEMENT
18. P.R.M. = PERMANENT REFERENCE MARKER
19. P.C.P. = PERMANENT CONTROL POINT
20. P.U.E. = PUBLIC UTILITY EASEMENT
21. CALC. = CALCULATED
22. MEAS. = MEASURED
23. PRO. = PRORATED
24. STARNES #4
REBAR = A #4 REBAR & METAL CAP, STAMPED
STARNES & ASSOC. INC.
25. STARNES C.M. = CONCRETE MONUMENT WITH A
METAL PLATE STAMPED
STARNES & ASSOC. INC. PLS. 2465

FLOOD INSURANCE

ZONE A 10
BASE EL.=8.00'
MAP 125124 0200 B
DATE: 9-19-84

Under my direction and advice and belief, I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 MH-6 Board of Land Surveyors.

David A. Starnes
REGISTERED LAND SURVEYOR
STATE OF FLORIDA PLS 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

NOTES:

- ① THE BEARINGS AS SHOWN HEREON ARE BASED ON THE PLAT OF BUTTWOOD HARBOR S/D P.B. 44 PGS. 86-93 PUBLIC RECORDS OF LEE CO., FLORIDA.
- ② THE ELEVATIONS AS SHOWN HEREON ARE BASED ON THE U.S.C BGS
B.M. T240 EL.=11.201'
○ = EXISTING ELEVATIONS

"DEPARTMENT OF ENVIRONMENTAL REGULATION EASEMENT"

LEGAL DESCRIPTION AS PER STARNES & ASSOC. INC.

COMMENCE AT A P.R.M. WHICH LIES ON THE EAST LINE OF LOT 1, BUTTWOOD HARBOR S/D AS RECORDED IN P.B. 44 PGS. 86 THRU 93, PUBLIC RECORDS OF LEE CO., FLORIDA, SAID P.R.M. LIES S.00°30'10"E., 129.23' FROM THE N.E. CORNER OF SAID LOT 1: THENCE RUN S. 00°30'10"E. ALONG SAID EAST LINE OF LOT 1 FOR 94.00' TO THE P.O.B. OF THE HEREIN DESCRIBED EASEMENT:

FROM SAID P.O.B. RUN S.77°22'30"W. FOR 116.819': THENCE RUN S. 58°47'32"W. FOR 115.116': THENCE RUN S.64°04'39"W. FOR 110.128': THENCE RUN S.54°59'24"W. FOR 110.674': THENCE RUN S.69°26'30"W. FOR 111.115': THENCE RUN S.54°28'34"W. FOR 110.789': THENCE RUN S.60°22'53"W. FOR 110.015': THENCE RUN S.61°09'45"W. FOR 110.00': THENCE RUN S.56°16'01"W. FOR 110.429': THENCE RUN S.62°34'37"W. FOR 107.135': THENCE RUN S.49°22'22"W. FOR 112.552': THENCE RUN S.53°55'56"W. FOR 113.721': THENCE RUN S.41°14'51"W. FOR 117.112': THENCE RUN S.60°03'30"W. FOR 110.026': THENCE RUN S.45°52'53"W. FOR 119.308': THENCE RUN S.48°42'21"W. FOR 163.255' TO A P.R.M. WHICH LIES ON THE WESTERLY LINE OF LOT 16 OF SAID BUTTWOOD HARBOR S/D: THENCE RUN S.08°44'59"E. ALONG SAID WESTERLY LINE OF LOT 16 FOR 115.00' MORE OR LESS TO THE M.H.T. LINE OF THE CALOOSAHATCHEE RIVER: THENCE RUN N.E.LY ALONG SAID MEANDERS OF THE CALOOSAHATCHEE RIVER FOR 1876' MORE OR LESS TO IT'S INTERSECTION WITH AFOREMENTIONED EAST LINE OF LOT 1, BUTTWOOD HARBOR S/D: THENCE RUN N.00°30'10"W. FOR 55' MORE OR LESS TO THE P.O.B.

SAID PARCEL CONTAINS: 2.39 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO: EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

According to the plat thereof as recorded in PLAT BCGA 44, PAGE 86-93

Plat is recorded in LEE County, FLORIDA

for BUTTWOOD HARBOR DATE 2-10-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING-
LAND PLANNING

10410 DEAL ROAD N FT MYERS, FLA 18131 343-3080

CONSERVATION EASEMENT 4

FIELD BOOK PAGE WO 2964 SHEET 2 OF 2

OR2221 PG2718

LAKE
TRACT "B"

SCALE: 1" = 60'

NORTH

Best of my knowledge and belief, I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 MH-6 Board of Land Surveyors.

David A. [Signature]
REGISTERED LAND SURVEYOR
STATE OF FLORIDA P.L.S. 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

RESOURCE PROTECTION AREA
TRACT "D"

RECREATION AREA
TRACT "C"

THE S.W. CORNER OF THE N.W. 1/4 OF
THE S.W. 1/4 OF SEC. 15, T.44S, R.24E.

NOTE: THIS IS A SPECIAL PURPOSE
SURVEY FOR EASEMENT PURPOSES
ONLY. ALL BOUNDARY CORNERS
NOT SET.

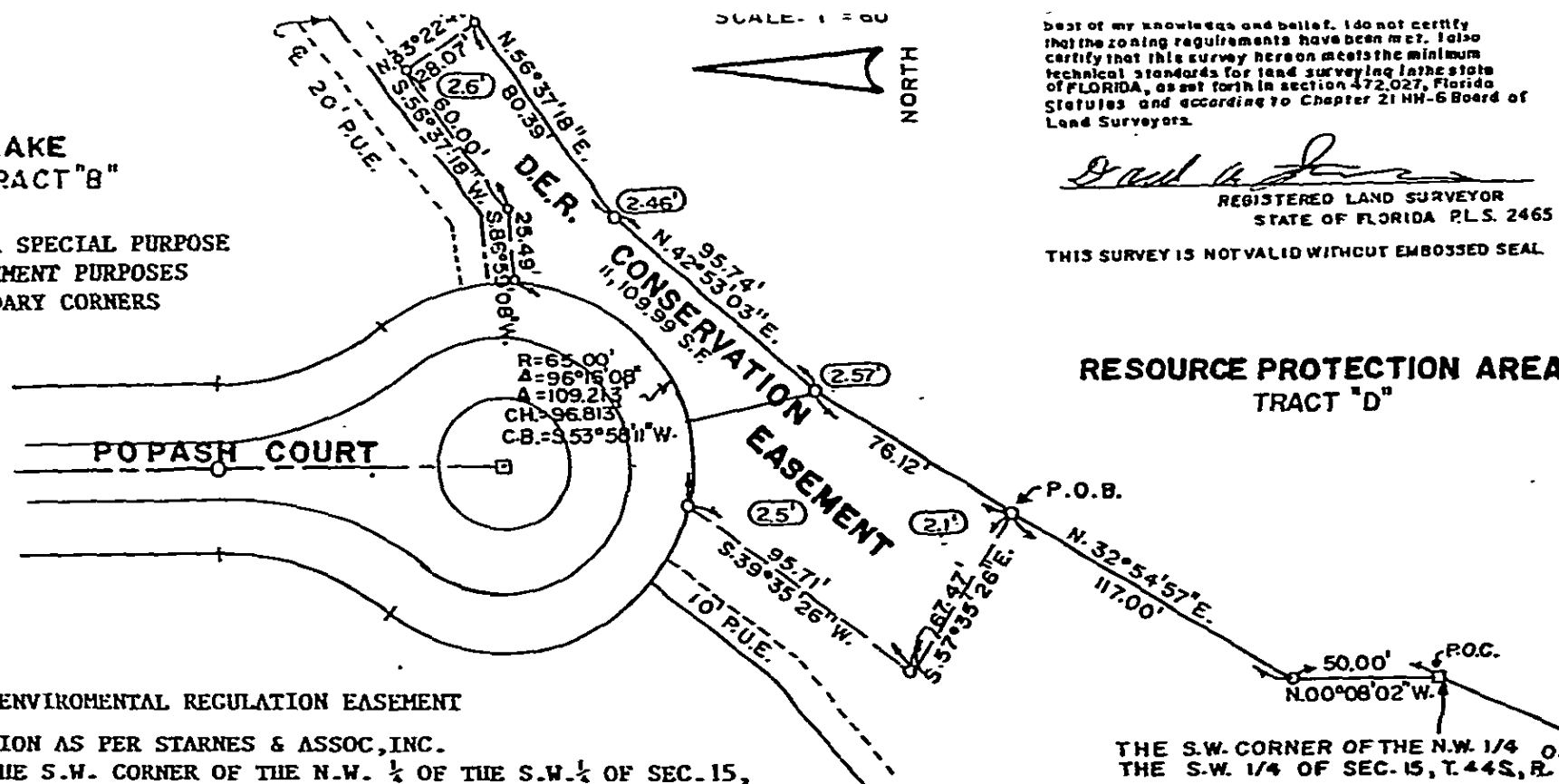
DEPARTMENT OF ENVIRONMENTAL REGULATION EASEMENT

LEGAL DESCRIPTION AS PER STARNES & ASSOC., INC.

COMMENCE AT THE S.W. CORNER OF THE N.W. 1/4 OF THE S.W. 1/4 OF SEC. 15,
T.44S., R.24 E., LEE CO. FLORIDA: THENCE RUN N.00°08'02" W. ALONG
THE WEST LINE OF SAID S.W. 1/4 OF SEC. 15 FOR 50.00': THENCE RUN N.32°
54'57" E. FOR 117.00' TO THE P.O.B. OF THE HEREIN DESCRIBED EASEMENT:
FROM SAID P.O.B. CONTINUE N.32°54'57" E. FOR 76.12': THENCE RUN
N.42°53'03" E. FOR 95.74': THENCE RUN N.56°37'18" E. FOR 80.39':
THENCE RUN N.33°22'42" W. FOR 28.07': THENCE RUN S.56°37'18" W.
FOR 60.00': THENCE RUN S.86°59'08" W. FOR 25.49' TO A POINT ON A
NON-TANGENT CURVE, SAID CURVE HAS AS IT'S ELEMENTS, RADIUS= 65.00,
DELTA ANGLE= 96°16'08", ARC DIST.= 109.213', CHORD BEARING= S.53°
58'11" W., SAID CURVE CONCAVES TO THE RIGHT: THENCE RUN ALONG SAID
CURVE TO THE RIGHT FOR 109.213' TO THE P.T. OF SAID CURVE: THENCE
RUN S.39°35'26" W. FOR 95.71': THENCE RUN S.57°35'26" E. FOR 67.47'
TO THE P.O.B.

SAID PARCEL CONTAINS: 11,109.99± SQ.FT.

SAID PARCEL IS SUBJECT TO: EASEMENTS, RESTRICTIONS, AND
RESERVATIONS OF RECORD.



According to the plat thereof as recorded in PLAT BOOK 44, PAGE 83-96

P.O.B. Records of LEE County, FLORIDA
FOR BUTTONWOOD HARBOR DATE 2-10-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING-
LAND PLANNING
10410 DEAL ROAD N. FT MYERS, FLA (813) 543-3080

CONSERVATION EASEMENT 1 3

FIELD BOOK PAGE WO 2964 SHEET 1 OF 2

GENERAL LEGEND

1. DEMENSIONS ARE IN FEET & DECIMALS THEREOF
2. FD. = FOUND
3. N. = NORTH
4. S. = SOUTH
5. E. = EAST
6. W. = WEST
7. C.M. = CONCRETE MONUMENT
8. E. = CENTER LINE
9. B.D. = BRASS DISC
10. B.M. = BENCH MARK
11. EL. = ELEVATION
12. R.O.W. = RIGHT OF WAY
13. U.T.S. = UNITED TELEPHONE SYSTEM
14. C.B. = CATCH BASIN
15. F.P. & L. = FLORIDA POWER & LIGHT
16. P.O.B. = POINT OF BEGINNING
17. P.O.C. = POINT OF COMMENCEMENT
18. P.R.M. = PERMANENT REFERENCE MARKER
19. P.C.P. = PERMANENT CONTROL POINT
20. P.U.E. = PUBLIC UTILITY EASEMENT
21. CALC. = CALCULATED
22. MEAS. = MEASURED
23. PRO. = PRORATED
24. STARNES #4
REBAR = A #4 REBAR & METAL CAP, STAMPED
STARNES & ASSOC. INC.
25. STARNES C.M. = CONCRETE MONUMENT WITH A
METAL PLATE STAMPED
STARNES & ASSOC. INC. PLS. 2465

FLOOD INFORMATION

ZONE A 10
BASE EL. = 8.00'
MAP 125124 0200 B
DATE: 9-19-64

Under my direction and is true and correct to the best of my knowledge and belief. I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 MW-6 Board of Land Surveyors.


REGISTERED LAND SURVEYOR
STATE OF FLORIDA PLS 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

NOTES:

- ① THE BEARINGS AS SHOWN HEREON ARE BASED ON THE PLAT OF BUTTONWOOD HARBOR S/D P.B. 44 PGS. 86-93 PUBLIC RECORDS OF LEE CO., FLORIDA.
- ② THE ELEVATIONS AS SHOWN HEREON ARE BASED ON THE U.S.C. 865. B.M. T240 EL. = 11.201'
 = EXISTING ELEVATIONS

OR2221 PG2720

According to the plat thereof as recorded in P.L. 86-93
in the Records of LEE County, FLORIDA
for BUTTONWOOD HARBOR DATE 2-10-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING-
LAND PLANNING
10410 DEAL ROAD N FT MYERS, FLA (813) 543-3080

CONSERVATION EASEMENT 3

FIELD BOOK PAGE WO 2964 SHEET 2 OF 2

OR2221 PG2721

EXHIBIT C

under my direction and is true and correct to the best of my knowledge and belief. I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 HH-6 Board of Land Surveyors.

David A. Jones
REGISTERED LAND SURVEYOR
STATE OF FLORIDA P.L.S. 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

DEPARTMENT OF ENVIRONMENTAL REGULATION EASEMENT

LEGAL DESCRIPTION AS PER STARNES & ASSOC., INC.
COMMENCE AT A P.R.M. MARKING THE N.E. CORNER OF WATERWAY ESTATES OF FT. MYERS, UNIT # 2, SECTION 4, AS RECORDED IN P.B. 23 P.77, PUBLIC RECORDS OF LEE CO., FLORIDA: THENCE RUN S. 89°21'59" E. ALONG THE SOUTH R/W LINE OF ST. CLAIR AVENUE FOR 91.78' TO THE N.E. CORNER OF A PARCEL AS RECORDED IN O.R. 1737 P. 1701, PUBLIC RECORDS OF LEE CO., FLORIDA: THENCE RUN S. 00°45'56" E. ALONG THE EAST LINE OF THE N.E. 1/4 OF SEC. 16, T. 44 S., R. 24 E., FOR 1276.41' TO THE S.E. CORNER OF SAID N.E. 1/4 OF SEC. 16: THENCE RUN S. 89°08'31" W. FOR 88.88' TO THE P.O.B. OF THE HEREIN DESCRIBED EASEMENT: FROM SAID P.O.B. RUN S. 26°27'02" W. FOR 32.68': THENCE RUN S. 58°10'51" W. FOR 31.37' TO A POINT ON THE EAST LINE OF SAID WATERWAY ESTATES OF FT. MYERS, UNIT # 2, SECTION 4: THENCE RUN N. 00°55'51"

E. ALONG SAID EAST LINE FOR 196.14': THENCE RUN S. 53°08'20" E. FOR 35.14': THENCE RUN S. 32°26'32" E. FOR 21.36': THENCE RUN S. 00°47'46" W. FOR 111.22' TO THE P.O.B.

SAID PARCEL CONTAINS: 6,600.94± SQ. FT.
SAID PARCEL IS SUBJECT TO: EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

NOTE: THIS IS A SPECIAL PURPOSE
SURVEY FOR EASEMENT PURPOSES
ONLY. ALL BOUNDARY CORNERS
NOT SET.

N.E. CORNER
WATERWAY
ESTATES OF
FT. MYERS, P.B.
23 P.77
P.R.M.

SECTION 18-44-24
SECTION 15-44-24

10' WIDE R.U.E.

S. 00°45'56" E.

1276.41'

THE S.E. CORNER
OF THE N.E. 1/4 OF
SEC. 16-44-24

LOT 31

10' WIDE R.U.E.

RANDAG DRIVE

TRACT "A"

TOP OF BANK

111.22'

S. 00°47'46" W.

6,600.94 SQ. FT.

D.E.R. CONSERVATION EASEMENT

10' WIDE R.U.E.

N. 00°55'51" E.

196.14'

SAFE UPPER LINE

TOP OF 6' CURB

S. 53°08'20" E.

35.14'

21.36'

S. 32°26'32" E.

4.49'

2.3'

2.5'

31.37'

S. 58°10'51" W.

32.68'

E. 26°27'02" W.

P.O.B.

S. 89°08'31" W.

88.88'

N. 89°19'08" E.

422'

E. 1276.41'

S. 00°45'56" E.

111.22'

S. 00°47'46" W.

6,600.94 SQ. FT.

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32.68'

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P.O.B.

GENERAL LEGEND

- 1. DEMENSIONS ARE IN FEET & DECIMALS THEREOF
- 2. FD. = FOUND
- 3. N. = NORTH
- 4. S. = SOUTH
- 5. E. = EAST
- 6. W. = WEST
- 7. C.M. = CONCRETE MONUMENT
- 8. C. = CENTER LINE
- 9. B.D. = BRASS DISC
- 10. B.M. = BENCH MARK
- 11. EL. = ELEVATION
- 12. R.O.W. = RIGHT OF WAY
- 13. U.T.S. = UNITED TELEPHONE SYSTEM
- 14. C.B. = CATCH BASIN
- 15. F.P. & L. = FLORIDA POWER & LIGHT
- 16. P.O.B. = POINT OF BEGINNING
- 17. P.O.C. = POINT OF COMMENCEMENT
- 18. P.R.M. = PERMANENT REFERENCE MARKER
- 19. P.C.P. = PERMANENT CONTROL POINT
- 20. P.U.E. = PUBLIC UTILITY EASEMENT
- 21. CALC. = CALCULATED
- 22. MEAS. = MEASURED
- 23. PRO. = PROKATED
- 24. STARNES 1/4
REBAR = A 1/4 REBAR & METAL CAP, STAMPED
STARNES & ASSOC. INC.
- 25. STARNES C.M. = CONCRETE MONUMENT WITH A
METAL PLATE STAMPED
STARNES & ASSOC. INC. PLS. 2465

FLOOD INFORMATION

ZONE A 10
BASE EL. = 8.00'
MAP 125124 0200 B
DATE: 9-19-84

Under my direction and is true and correct to the best of my knowledge and belief. I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 MM-6 Board of Land Surveyors.

David A. Jones
REGISTERED LAND SURVEYOR
STATE OF FLORIDA P.L.S. 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

NOTES:

- ① THE BEARINGS AS SHOWN HEREON ARE BASED ON THE PLAT OF BUTTWOOD HARBOR S/D P.B. 44 PGS. 86-93 PUBLIC RECORDS OF LEE CO., FLORIDA.
 - ② THE ELEVATIONS AS SHOWN HEREON ARE BASED ON THE U.S.C. BGS. B.M. T 240 EL. = 11.201'
- = EXISTING ELEVATIONS

OR2221 PG2722

According to the plat thereof as recorded in PLAT BOOK 44, PAGE 86-93
P.D.C. RECORDS OF LEE COUNTY, FLORIDA
FOR BUTTWOOD HARBOR DATE 2-10-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING-
LAND PLANNING
10410 DEAL ROAD N. FT MYERS, FLA (813) 543-3080

CONSERVATION EASEMENT 2

FIELD BOOK _____ PAGE _____ WO 2964 SHEET 2 OF 2

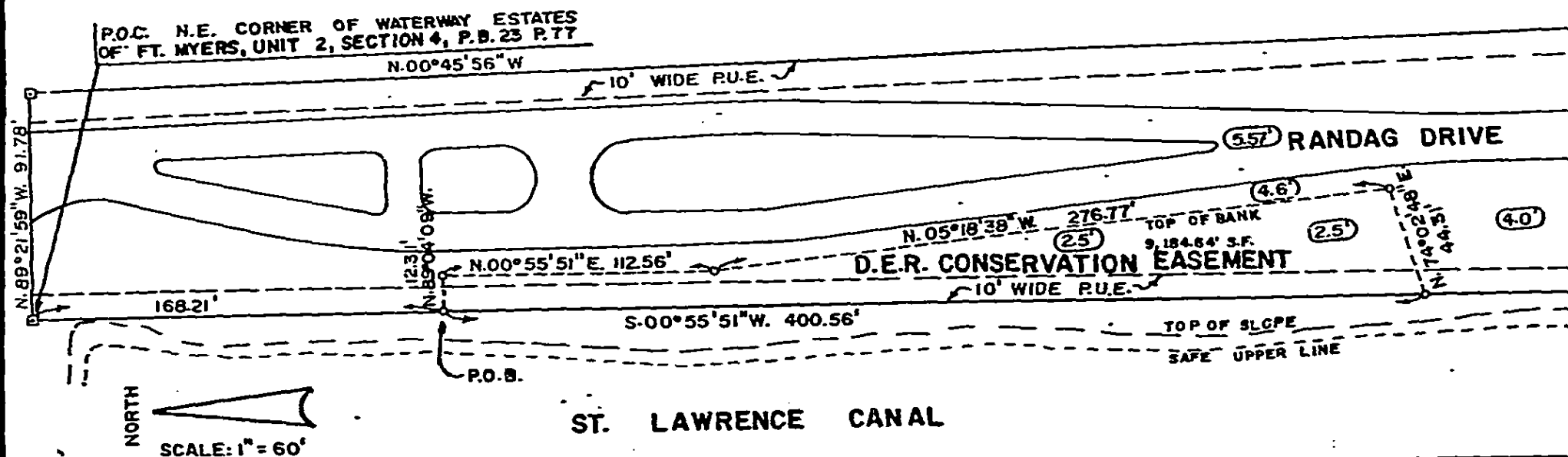
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David A. Smith
REGISTERED LAND SURVEYOR
STATE OF FLORIDA P.L.S. 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

SAID PARCEL IS SUBJECT TO: EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

NOTE: THIS IS A SPECIAL PURPOSE
SURVEY FOR EASEMENT PURPOSES
ONLY. ALL BOUNDARY CORNERS
NOT SET.



GENERAL EXPLANATION

1. DEMENSIONS ARE IN FEET & DECIMALS THEREOF
2. FD. = FOUND
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4. S. = SOUTH
5. E. = EAST
6. W. = WEST
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21. CALC. = CALCULATED
22. MEAS. = MEASURED
23. PRO. = PRORATED
24. STARNES #4
REBAR = A #4 REBAR & METAL CAP, STAMPED
STARNES & ASSOC. INC.
25. STARNES C.M. = CONCRETE MONUMENT WITH A
METAL PLATE STAMPED
STARNES & ASSOC. INC. PLS. 2465

ZONE A 10
BASE EL. = 8.00'
MAP 125124 0200 B
DATE: 9-19-64

Under my direction and in true and correct to the best of my knowledge and belief, I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the state of FLORIDA, as set forth in section 472.027, Florida Statutes and according to Chapter 21 MW-6 Board of Land Surveyors.

Paul A. Starnes
REGISTERED LAND SURVEYOR
STATE OF FLORIDA PLS 2465

THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL

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 - ② THE ELEVATIONS AS SHOWN HEREON ARE BASED ON THE U.S.C. 865 B.M. T240 EL. = 11.201'
- = EXISTING ELEVATIONS

OR2221 PG2724

According to the plat thereof as recorded in P. AT BOOK 44, PAGE 86-93

P. AT BOOK 44, COUNTY, FLORIDA

FOR BUTTWOOD HARBOR DATE 2-10-90

Starnes & Assoc., Inc.

SURVEYING-ENGINEERING
LAND PLANNING

10410 DEAL ROAD, N. FT. MYERS, FLA 33903-3080

CONSERVATION EASEMENT 1

FIELD BOOK PAGE NO 2964 SHEET 2 OF 2

20:11W 91W 16

CHARLIE GREEN LEE CITY FL

ATTACHMENT W

Matthew S. Speath

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

Response #1 of 2.



Jane Kirkman

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

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

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

Jane, thank you for email.

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

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

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

Thank you.

Marcella Perri

4300 Harbour lane
North Fort Myers fla.
33903
239 410 7074 (phone)

[Sent from AOL on Android](#)

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

Hi Marcella,

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

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

LDC 10-416(d)(6):

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

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

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

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

Thanks,
Jane

**Jane Kirkman**

Regional Vice President, Florida West
Safe Harbor Marinas

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

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