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March 10, 2023

Ms. Elizabeth Workman
Principal Planner
Zoning Section
Department of Community Development
Lee County Development Services
PO Box 398
Fort Myers, FL 33902

**RE: Application for Administrative Amendment
ADD2022-00187
MarineMax Deep Lagoon Marina**

Dear Ms. Workman:

In response to the County's comment letter dated February 17, 2023, we offer the following responses:

"Zoning staff in the previous insufficiency letter was questioning the consistency between the submittal documents, uses onsite, and the MCP. Development Area #3 was approved for specific uses consisting of wet slips, recreation facility, private on-site, entrance gates/gatehouse, restrooms and shower facilities, signs, and stabilized outdoor boat display. Staff inspected Development Area #3 and the area is being used for open storage, dry slips, travel lift with access to the water, and a service center building. Development Area #3 is not in compliance with the zoning in accordance with LDC Section 34-3223. Before any further zoning actions are approved, please explain how the applicant intends to resolve this matter.

Staff suggests scheduling a meeting with staff to discuss the issue."

As requested, a conference call was held on February 22, 2023, with Lee County staff members Elizabeth Workman and Rebecca Sweigert; and Hole Montes representatives Jeremie Chastain and Tyler Bonnough. As per the provided comment, the meeting was to discuss the noncompliance uses associated with Development Area #3 (DA 3) per approved the MarineMax CPD Zoning Resolution Z-18-014, with respect to the current administrative amendment application. Zoning Resolution Z-18-014 was approved on May 22nd, 2019, and permitted the following uses within DA 3:

- Wet Slips
- Recreation Facility, private on-site
- Entrance Gates/gatehouse
- Restrooms and Shower Facilities
- Signs, in accordance with Lee County Sign Ordinance

- Stabilized outdoor boat display
- Maximum heights = 28 feet above minimum finish floor elevation

The previous uses, prior to this zoning resolution, included but were not limited to:

- Boat launch
- General administration office
- Boat sales
- Service and repairs of boats, motors, and accessories/parts
- Stabilized outdoor boat display
- Docking facilities
- Dry boat storage

In September 2022, the natural disaster Hurricane Ian swept through Florida creating a statewide emergency and becoming one of the costliest hurricanes to ever impact Florida. Much like the rest of Southwest Florida, this property sustained severe damage due to the intense winds and flooding that occurred during this event. More specifically to this property, DA 3 experienced 3-4 feet of flooding over its entirety damaging not only their associated dockage but rendering the existing infrastructure upland unsafe for public/private use.

As a result of Hurricane Ian and the damage accrued, DA 3 is not in compliance with the approved MCP. The site was repaired so that it was safe for use as soon as possible. The property owners then utilized DA 3 as a triage for first responders and marina staff/clients. First responders, including Iona McGregor Fire Department, are still utilizing this property's boat launch and wet slips to access and recovery damage boats in the area. Damaged boats that are recovered are stored on ground racks in DA 3 so that they may be assessed for damage and either serviced for repairs or disposed of appropriately. Additionally, temporary service trailers have been installed in DA 3 to assist with these efforts and to continue commercial operations for the property.

Given the circumstances and permits for the property, this area cannot currently be utilized with the uses per the approved Zoning Resolution Z-18-014. As a result of the conference call and response to the natural disaster, Lee County has requested the following actions to take place in order to approve the initial administrative deviation:

- To provide a narrative describing the circumstances, uses and timeline as a projection for the uses that are taking place in order to further process this application.
- File associated permits to back log the natural disaster response and bring DA 3 into compliance with its approved Zoning Resolution.

Lee County has requested the following actions to take place in order to bring DA 3 into compliance with approved Zoning Resolution Z-18-014:

- To file an after-the-fact demolish permit for any/all infrastructure that was demolished.
- To file a temporary use permit for all temporary uses being conducted with DA 3 that are not already approved uses within the Zoning Resolution Z-18-014.
- To file a dock and shoreline permit through Lee County for the repairs executed to stabilize the shoreline.

A formal noncompliance notification has not been issued given the circumstances and explanation of such actions that have taken place since the natural disaster, and the property owner greatly appreciates Lee County's understanding through these difficult times. As a result, the requested demolish permit #DEM2023-01322, temporary trailer permit # TMP2023-00485, temporary uses permit # TMP2023-00487, and dock and shoreline permit #DSH2023-00159 have been applied for.

In addition to the existing permitted uses, the following interim uses will be located within DA 3:

- Boat launch
- General administration office
- Boat sales
- Service and repairs of boats, motors, and accessories/parts
- Docking facilities
- Dry slips

These uses will be conducted within this development area until the property's associated Development Order (DOS2022-00094) for Development Area 5/6 (DA 5/6) receives final certification. If Development Order DOS2022-00094 has been certified while relief efforts are occurring, these efforts will be carried out within DA 5/6 where these uses are approved within the zoning resolution. At that time, any and all interim temporary uses within DA 3 will expire. Anticipated timeline for these temporary uses is expected to be completed by December 2024. The applicant is willing to agree to a condition stating that the proposed interim uses within DA 3 will be relocated to DA 5/6

Please accept this narrative letter as an explanation for the changes and uses that have taken place within DA 3. This formal notification from the property owners states their intentions with their property and assistance to better Lee County. If you need further information, please feel free to contact me at 239-254-2027.

Very truly yours,
HOLE MONTES, INC.



Jeremie Chastain, AICP
Senior Planner