

DESCRIPTION OF A PARCEL OF LAND
 LYING IN
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 AND
 SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
 TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
 (PARCEL A)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, LYING ON ESTERO ISLAND, BEING A PART OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST AND SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 20, BLOCK E, CRESCENT PARK ADDITION AS RECORDED IN PLAT BOOK 4 AT PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE $N00^{\circ}43'09''W$ ALONG THE WESTERLY LINE OF SAID LOT 20 FOR 30.00 FEET; THENCE $N89^{\circ}16'51''E$ FOR 11.60 FEET TO THE EASTERLY LINE OF A RIGHT-OF-WAY TAKING PARCEL PER SETTLEMENT CASE 93-203-CA-RWP (PARCEL NO. 19) AND THE POINT OF BEGINNING; THENCE $N02^{\circ}09'14''W$ ALONG SAID TAKING PARCEL FOR 124.21 FEET; THENCE $N05^{\circ}46'55''W$ ALONG SAID EASTERLY LINE FOR 96.21 FEET TO THE NORTHWEST CORNER OF LOT 24, BLOCK E OF SAID CRESCENT PARK ADDITION; THENCE $N00^{\circ}43'09''W$ ALONG THE EASTERLY LINE OF CRESCENT STREET (25 FEET WIDE) AND ALONG THE RANGE LINE BETWEEN SAID SECTIONS 24 AND 19 FOR 158.83 FEET TO AN INTERSECTION OF SAID EASTERLY LINE WITH THE NORTHEASTERLY LINE OF FIRST STREET (50.00 FEET WIDE); THENCE $N64^{\circ}00'09''W$ ALONG SAID NORTHEASTERLY LINE FOR 18.87 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2904.79 FEET AND TO WHICH POINT A RADIAL LINE BEARS $S71^{\circ}26'08''E$; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE SOUTHEASTERLY LINE OF STATE ROAD #865 THROUGH A CENTRAL ANGLE OF $02^{\circ}17'53.8''$ FOR 116.52 FEET TO A PK NAIL WITH BRASS DISK STAMPED LB4919 IN A CONCRETE SEAWALL ALONG THE WATERS OF MATANZAS PASS; THENCE $S70^{\circ}18'52''E$ ALONG SAID WATERS AND SEAWALL FOR 82.79 FEET TO THE BEGINNING OF A CURVE IN SAID SEAWALL, SAID CURVE BEING DESCRIBED WITH THE FOLLOWING CHORD BEARINGS AND DISTANCES; THENCE $S59^{\circ}52'04''E$ FOR 13.95 FEET; THENCE $S47^{\circ}54'41''E$ FOR 10.35 FEET; THENCE $S36^{\circ}30'10''E$ FOR 10.02 FEET; THENCE $S25^{\circ}39'44''E$ FOR 10.08 FEET; THENCE $S14^{\circ}17'28''E$ FOR 10.56 FEET; THENCE $S07^{\circ}08'02''E$ FOR 10.56 FEET TO THE END OF SAID CURVE; THENCE $S00^{\circ}20'42''E$ ALONG SAID WATERS AND SAID SEAWALL FOR 55.38 FEET TO A STEEL PIN IN SAID SEAWALL; THENCE $S83^{\circ}09'31''E$ FOR 2.71 FEET TO THE WEST LINE OF A CANAL (60 FOOT RIGHT-OF-WAY) AS SHOWN ON THE RECORD PLAT OF SAID CRESCENT PARK ADDITION; THENCE $S00^{\circ}43'09''E$ ALONG THE WESTERLY LINE OF SAID PLATTED CANAL FOR 361.22 FEET TO AN INTERSECTION WITH A LINE PERPENDICULAR TO SAID EAST LINE OF SAID CRESCENT STREET PASSING THROUGH THE POINT OF BEGINNING; THENCE DEFLECT 90° TO THE RIGHT AND RUN $S89^{\circ}16'51''W$ PERPENDICULAR TO SAID EAST LINE OF SAID CRESCENT STREET FOR 121.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.41 ACRES (61,404 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING $N00^{\circ}43'09''W$ RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(PARCEL B)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 25, BLOCK E, CRESCENT PARK ADDITION, ACCORDING TO A PLAT OR MAP THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID POINT BEING ON THE EAST LINE OF SAID SECTION 24; THENCE RUN NORTHWESTERLY AT AN ANGLE OF 63°16'50" NORTH TO NORTHWEST WITH SAID SECTION LINE FOR 27.99 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN DEED BOOK 262 AT PAGE 191 OF THE PUBLIC RECORDS OF LEE COUNTY AND TO THE POINT OF BEGINNING; THENCE RUN N64°00'09"W ALONG THE NORTHWESTERLY LINE OF SAID LANDS DESCRIBED IN SAID DEED BOOK 262 AT PAGE 191 ALONG WITH THE SOUTHWESTERLY LINE OF FIRST STREET DESCRIBED IN DEED BOOK 191 AT PAGE 274 OF SAID PUBLIC RECORDS FOR 9.97 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE FOR MATANZAS PASS BRIDGE RECORDED IN OFFICIAL RECORD BOOK 1167, PAGE 1576, LEE COUNTY, PUBLIC RECORDS; THENCE RUN SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2904.79 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°58'53", A CHORD AND CHORD BEARING OF S20°32'55"W, 100.45 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 100.46 FEET TO THE NORTH LINE OF LOT 6, BLOCK 1, BUSINESS CENTER AS RECORDED IN PLAT BOOK 9 AT PAGES 9 AND 10, PUBLIC RECORDS; THENCE RUN S64°00'09"E FOR 50.76 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET; THENCE RUN N00°43'09"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 111.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.07 ACRES (3,007 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING N00°43'09"W RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(PARCEL C)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, BEING ALL OF LOTS 14 AND 15 AND PART OF LOT 13, BLOCK 2, BUSINESS CENTER ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 9 AND 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE RUN $S00^{\circ}43'09''E$ ALONG THE EAST LINE OF SAID LOT 13 FOR 82.62 FEET (82.59 RECORD) TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE RUN $N64^{\circ}00'09''W$ ALONG THE SOUTH LINE OF SAID LOT 13 FOR 6.15 FEET TO THE SOUTHWEST CORNER OF A RIGHT-OF-WAY TAKING PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 2311 AT PAGE 2801 AND TO THE POINT OF BEGINNING; THENCE CONTINUE $N64^{\circ}00'09''W$ ALONG THE SOUTH LINE OF SAID LOTS 13, 14 AND 15 FOR 135.14 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE RUN $N25^{\circ}59'51''E$ ALONG THE WEST LINE OF SAID LOT 15 AND THE EASTERLY LINE OF STATE ROAD 865 FOR 73.80 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SECOND STREET (50 FEET WIDE), BEING THE NORTHWEST CORNER OF SAID LOT 15; THENCE RUN $S64^{\circ}00'09''E$ ALONG THE SOUTH RIGHT-OF-WAY OF SAID SECOND STREET AND THE NORTH LINE OF SAID LOTS 15, 14 AND 13 FOR 89.99 FEET; THENCE RUN $S34^{\circ}44'19''E$ FOR 9.27 FEET TO THE WEST LINE OF SAID RIGHT-OF-WAY TAKING; THENCE RUN $S02^{\circ}09'05''E$ ALONG SAID WEST RIGHT-OF-WAY TAKING FOR 78.56 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.20 ACRES (8,530 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING $S00^{\circ}43'09''E$ RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 35

WHEREAS, Douglas Speim-Smith in reference to Matanzas Inn has requested to rezone from CPD (Commercial Planned Development) to CPD-Commercial Planned Development to permit a maximum of 106,112 square feet of mixed commercial uses on 2.03 total acres of land; and,

WHEREAS, the subject property is located at 416 Crescent, 420/430/440 Old San Carlos Blvd., 1010 Second Street, and 1042 Second Street, Ft. Myers Beach, and the applicant has indicated the property's current STRAP numbers are: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0030.0020, 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0190, 24-46-W3-00202.0130, and the legal description is Exhibit A attached; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on October 14, 2003, and after giving full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons, recommended that the Town Council APPROVE the Applicant's request for rezoning subject to the conditions and deviations found on pages 3 through 7 of the Staff Report dated October 6, 2003, which is attached hereto and incorporated herein by reference, with the following changes;

1. Condition #2 -Schedule of Uses, a. is eliminated and in the alternative a., is changed as follows; guest units size not to exceed a maximum area of ~~1,500~~, 1200 square feet, not to exceed an average of ~~1,350~~, 800 square feet, and not to exceed a total floor area for guest units of ~~43,200~~, 25,600 square feet.
2. Condition #18 shall read as follows with the added words in italics; A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD, *or the Master Concept Plan (MCP) will expire.*
3. A new condition #19 is added to read as follows; The document that the applicant passed out at the LPA Hearing entitled, "Proposed Language. CPD Matanzas Inn", was not considered at the LPA hearing and is specifically not part of this recommendation of approval.
4. Deviation #12 is recommended by the LPA for approval.
5. A new deviation #21 is added to read as follows; Deviation from LDC Section 34-675 (b) (2) from the limitation on Crescent Street of building heights no taller than two stories and 30 feet above base flood elevation, to allow 25% of the ground floors of phases II through V of the motel to be enclosed non-living space, office and other accessory uses for the motel with a maximum height of 30 feet above base flood elevation with a maximum of 2 floors total living area over parking or enclosed non-living space.

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exists an error or ambiguity which must be corrected.

- b. Whether there exist changed or changing conditions which make approval of the request appropriate.
- c. The impact of a proposed change on the intent of this chapter.
- d. The testimony of any applicant.
- e. The recommendation of staff and of the local planning agency.
- f. The testimony of the public.
- g. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
- h. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- i. Whether urban services are, or will be, available and adequate to serve a proposed land use change.
- j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- k. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- l. Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

Findings. The town council finds that the requested zoning district complies with:

- a. The Fort Myers Beach Comprehensive Plan.
- b. Chapter 34, Zoning Districts, Design Standards, and Nonconformities
- c. Any other applicable town ordinances or codes.
- d. The proposed use or mix of uses is appropriate at the subject location;
- e. Sufficient safeguards to the public interest are provided by the recommended conditions to the concept plan or by other applicable regulations;
- f. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

g. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "Mixed Residential" category.
2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "Boulevard" category.
3. Policy 4-C-4 on building heights taller than the standard height limit.
4. Policy 4-C-8 on density transfers.
5. Policy 4-E-1 on pre-disaster buildback.
6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

the conditions and deviations found on pages 3 through 7 (conditions 5, 6, 15 were met prior to hearing) of the Staff Report dated October 6, 2003, which is attached hereto and incorporated herein by reference, with the following changes;

1. Condition #2 – Schedule of Uses, a. is eliminated and in the alternative a., is changed as follows; A total of 32 guest units are approved, guest unit size not to exceed a maximum area of 1200 square feet, not to exceed an average of 800 square feet, and not to exceed a total floor area for guest units of 25,600 square feet.

2. Condition #18 shall read as follows with the added words in italics; A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD, *or the Master Concept Plan (MCP) will expire.*

3. A new condition #19 is added to read as follows; The document that the applicant passed out at the LPA Hearing entitled, "Proposed Language. CPD Matanzas Inn", was not considered at the LPA hearing and is specifically not part of this recommendation of approval.

4. Condition #11 is changed to read: All outdoor music or entertainment must cease no later than 10 PM. Applicant shall, within six months of the date of this resolution, employ an independent sound consultant to design best management practices to reasonably minimize the sound impact on residential property and comply with the Town noise ordinance.

5. Deviation #12 is approved

6. A new deviation #21 is added to read as follows; Deviation from LDC Section 34-675 (b) (2) from the limitation on Crescent Street of building heights no taller than two stories and 30 feet above base flood elevation, to allow 25% of the ground floors of phases II through V of the motel to be enclosed non-living space, office and other accessory uses

for the motel with a maximum height of 30 feet above base flood elevation with a maximum of 2 floors total living area over parking or enclosed non-living space.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPLICATION DULY GRANTED/DENIED this 10th day of November, 2003.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Dan Hughes, Mayor

Approved as to form by:


Robert Burandt for
Richard V.S. Roosa, Town Attorney



EXHIBIT A
Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East
and
Section 19, Township 46 South, Range 24 East
Lee County, Florida
(Motel and Restaurant Site)

A tract or parcel of land situated in the State of Florida, County of Lee, lying on Estero Island, being a part of Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East and further described as follows:

Commencing at the southwest corner of Lot 20, Block E, Crescent Park Addition as recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida; thence N00°43'09"W along the westerly line of said Lot 20 for 30.00 feet; thence N89°16'51"E for 11.60 feet to the easterly line of a right-of-way taking parcel per Settlement Case 93-203-CA-RWP (Parcel No. 19) and the Point of Beginning; thence N02°09'14"W along said taking parcel for 124.21 feet; thence N05°46'55"W along said easterly line for 96.21 feet to the northwest corner of Lot 24, Block E of said Crescent Park Addition; thence N00°43'09"W along the easterly line of Crescent Street (25 feet wide) and along the range line between said Sections 24 and 19 for 158.83 feet to an intersection of said easterly line with the northeasterly line of First Street (50.00 feet wide); thence N64°00'09"W along said northeasterly line for 18.87 feet to a point on a curve concave to the northwest having a radius of 2904.79 feet and to which point a radial line bears S71°26'08.3"E; thence northeasterly along said curve and the southeasterly line of State Road #865 through a central angle of 02°17'53.8" for 116.52 feet to a PK nail with brass disk stamped LB4919 in a concrete seawall along the waters of Matanzas Pass; thence S70°18'52"E along said waters and seawall for 82.79 feet to the beginning of a curve in said seawall, said curve being described with the following chord bearings and distances; thence S59°52'04"E for 13.95 feet; thence S47°54'41"E for 10.35 feet; thence S36°30'10"E for 10.02 feet; thence S25°39'44"E for 10.08 feet; thence S14°17'28"E for 10.56 feet; thence S07°08'02"E for 10.56 feet to the end of said curve; thence S00°20'42"E along said waters and said seawall for 55.38 feet to a steel pin in said seawall; thence S83°09'31"E for 2.71 feet to the west line of a canal (60 foot right-of-way) as shown on the record plat of said Crescent Park Addition; thence S00°43'09"E along the westerly line of said platted canal for 361.22 feet to an intersection with a line perpendicular to said east line of said Crescent Street passing through the Point of Beginning; thence deflect 90° to the left and run S89°16'51"W perpendicular to said east line of said Crescent Street for 121.07 feet to the Point of Beginning.

Containing 1.41 acres (61,400 square feet), more or less.

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Continued...

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PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

PERMIT CONSULTING ENGINEERS, SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY H. BEAN, AICP
PAUL T. POKORNY, PE



DCT 2001-00067

Description of a Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East.
and
Section 19, Township 46 South, Range 24 East
Lee County, Florida
(Motel and Restaurant Site)
- Continued -

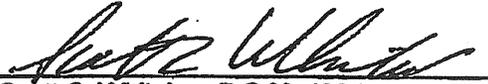
Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

28958DESC4

4/11/02


Scott C. Whitaker, P.S.M. 4324

Applicant's Legal Checked
by Jm 5/30/03

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MAY 11 2002

PERMIT COUNTER

DCI 2001-00069

page 2 of 5



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel B)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, being all of Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center, a subdivision recorded in Plat Book 9 at Pages 9 and 10 and further described as follows:

Beginning at the northwest corner of Lot 1, Block 2 of said subdivision, the same being the intersection of the southerly right-of-way line of Second Street (50 feet wide) and the easterly right-of-way line of San Carlos Boulevard (33 feet from the centerline); thence S64°00'09"E along the southerly right-of-way line of said Second Street for 120.00 feet to the northeast corner of Lot 19, Block 2 of said subdivision; thence S25°59'51"W for 153.80 feet to the southeast corner of Lot 5, Block 2 of said subdivision and the northerly right-of-way line of Third Street (50 feet wide); thence N64°00'09"W along said northerly right-of-way line for 120.00 feet to the southwest corner of Lot 4, Block 2 of said subdivision, the same being the intersection of the northerly right-of-way line of said Third Street and the easterly right-of-way line of said San Carlos Boulevard; thence N25°59'51"E along the easterly right-of-way line of said San Carlos Boulevard for 153.80 feet to the Point of Beginning.

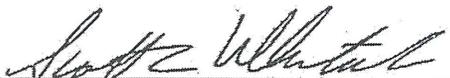
Containing 18,456 square feet, more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the easterly right-of-way line of San Carlos Boulevard as bearing N25°59'51"E.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Applicant's Legal Checked
by Jan 5/30/03


Scott C. Whitaker, P.S.M. 4324

28958DESCI 10/8/01

page 3 of 5

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCÉ, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, ACP
PAUL T. POKORNY, FE



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Description of a Parcel of Land

Lying in

Section 24, Township 46 South, Range 23 East

Town of Fort Myers Beach, Lee County, Florida

(Parcel C)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Lots 13 and 14, Block 2, Business Center according to the map or plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

Less and Except:

Part of Lot 13, Block 2, Business Center, a Subdivision in Section 24, Township 46 South, Range 23 East, as shown on the plat recorded in Plat Book 9, Pages 9 and 10 of the Public Records of Lee County, Florida, more particularly described as follows:

Beginning at the northeast corner of said Lot 13; thence run S00°43'09"E along the east line of said Lot 13 for 82.62 feet (82.59 record) to the southeast corner of said Lot 13; thence run N64°00'09"W along the south line of said Lot 13 for 6.15 feet; thence run N02°09'05"W for 78.56 (78.52 record) feet; thence run N34°44'19"W for 9.27 feet to the northerly line of said Lot 13; thence run S64°00'09"E along said northerly line for 14.16 feet to the Point of Beginning.

Said excepted parcel having been conveyed to Lee County by instrument recorded in Official Record Book 2311, Page 2801, Public Records of Lee County, Florida.

Remaining parcel containing 0.13 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

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Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker, P.S.M. 4324

28958DESC1

PERMIT COUNTER
4/11/02

Applicant's Legal Checked
by *gm* 5/30/03

page 4 of 6

PRINCIPALS:

WILLIAMS BEAN, PSM, CHAIRMAN

SCOTT C. WHITAKER, PSM, PRESIDENT

JOSEPH L. LUTZ, PSM

ARMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

CHARLES D. KNIGHT, PSM

ELWOOD FINEFIELD, PSM

TRACY N. BEAM, AICP

PAUL T. POKORNY, PE

APR 2001-00069



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(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land

Lying in

Section 24, Township 46 South, Range 23 East

Town of Fort Myers Beach, Lee County, Florida

(Parcel D)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Commencing at the northwesterly corner of Lot 25, Block E, Crescent Park Addition, according to a plat or map thereof recorded in Plat Book 4 at Page 46 of the Public Records of Lee County, Florida, said point being on the east line of said Section 24, run northwesterly at an angle of 63°16'50" north to northwest with said section line for 27.99 feet to the northeasterly corner of lands described in Deed Book 262 at Page 191 of the Public Records of Lee County and to the Point of Beginning; thence run N64°00'09"W along the northwesterly line of said lands described in said Deed Book 262 at Page 191 along with the southwesterly line of First Street described in Deed Book 191 at Page 274 of said Public Records for 9.97 feet to an intersection with the easterly right-of-way line for Matanzas Pass Bridge recorded in Official Record Book 1167, Page 1576, Lee County Public Records; thence run along said easterly right-of-way line along the arc of a curve to the right having a radius of 2904.79 feet, said curve having a central angle of 01°58'53", a chord and chord bearing of S20°32'55"W, 100.45 feet; thence run along the arc of said curve for 100.46 feet to the north line of Lot 6, Block 1, Business Center as recorded in Plat Book 9 at Pages 9 and 10, Public Records; thence run S64°00'09"E for 50.76 feet to an intersection with the westerly right-of-way line of Crescent Street; thence run N00°43'09"W along said westerly right-of-way line for 111.95 feet to the Point of Beginning.

Parcel contains 0.07 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

RECEIVED
MAY 11 2002

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, P.S.M. 4324

28958DESC2 PERMIT COUNTER
4/11/02
Applicant's Legal Checked
by Jan 5/30/03

page 5 of 5

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



DCI 2002-00069

ASSOCIATES:

- CHARLES D. KNIGHT, PSM
- ELWOOD FINERFIELD, PSM
- TRACY N. BEAN, AICP
- PAUL T. POKORNY, PE

F. <u>Size of Property:</u>	Motel and Restaurant Site	1.41 acres +/-
	Parcel "B" ("Old San Carlos" Parcel)	0.42 acres +/-
	Parcel "C" ("Shell Shop" Parcel)	0.13 acres +/-
	Parcel "D" ("Triangle" Parcel)	0.07 acres +/-
	Total	2.03 acres +/-

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from CPD and CPD with the following deviations and conditions:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan (MCP) entitled "Matanzas Inn Redevelopment," stamped received September 16, 2003, last revision dated September 4, 2003, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local Development Order Approval, except:
 - a. any additional restrictions as provided in conditions of this approval; and
 - b. any restrictions modified or eliminated by approved deviations.

If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following additional restrictions and limitations apply to the project and uses:

Schedule of Uses

"MOTEL AND RESTAURANT SITE" PARCEL (between Crescent Street and the Canal)

All principal and accessory uses permitted in DOWNTOWN zoning district,
 Plus the following additional uses:
 Bar/Cocktail lounge - limited to two, one each on ground and second floor of restaurant
 On premise consumption of alcoholic beverages (COP) (anywhere inside restaurant)
 Outdoor seating, in conjunction with COP (where indicated on MCP)
 Boat slips available for public rental/leasing, limited to 18 maximum (existing)
 Commercial party fishing boats (existing)
 Parking lot, shared permanent

Note: The above uses are limited to 73, 635 total square feet of floor area within the subject parcel, including Parcels "C" and "D". Of this total floor area:

- a. Guest units are limited to at total of 32 units, each under 450 square feet, not to exceed a total floor area for guest units of 14,400.

ALTERNATIVELY, Applicant has requested the following language:

- a. Guest units are limited to a total of 32 units, guest unit size not to exceed a maximum area of 1,500 square feet, not to exceed an average of 1,350 square feet, and not to exceed a total floor area for guest units of 43,200 square feet.
- b. Restaurant, Bar/Cocktail lounge, and associated Outdoor seating combined must not exceed a total floor area of ~~20,000~~16,700 square feet.

PARCEL "B" ("Old San Carlos" Parcel)

All principal and accessory uses permitted in the DOWNTOWN zoning district.

Note: The above uses are limited to a maximum of 36,900 square feet, but only if the FAR for the entire project does not exceed 1.2.

PARCELS "C" AND "D" ("Shell Shop" and "Triangle" Parcels)

Essential services

Parking lot, shared permanent

- 3. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement (TIS) will be required at time of local development order and additional conditions may be required at that time.
- 4. A driveway access from Third Street into the parking lot of the Old San Carlos/Second Street parcel must be provided at time of local development order.
- 5. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant must revise the MCP for this planned development to indicate and dimension (as necessary) the requested deviations on the MCP in accordance with the numbering scheme and provisions of this Report, to clarify which deviations are requested at which locations.
- 6. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant will provide staff with architectural elevation drawings as required by LDC Sections 34-212 and 34-202(b)(5) and request any deviations necessary from the commercial design standards in LDC Sections 34-991 through 34-1010 in accordance with LDC Section 34-932(b).
- 7. Prior to seeking building permits for development on the "Motel and Restaurant Site" Parcel, the developer must combine the existing platted lots in the "Motel and Restaurant Site" Parcel, into one lot of record, the existing platted lots in Parcel "B" ("Old San Carlos" Parcel) into one lot of record, and the existing platted lots in Parcel "C" ("Shell Shop" Parcel) into one lot of record as part of the local development order for any development on the "Motel and Restaurant Site" Parcel portion of this CPD project.
- 8. Prior to seeking building permits for development on Parcel "B", the developer must combine the existing platted lots into one lot of record as part of the local development order for that portion of this CPD project.

9. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards. See LDC 34-991-1010.
10. All use of the pool area must cease by 10 PM.
11. All outdoor music or entertainment must cease no later than 10 PM and live music is limited to non-amplified acoustical music.
12. The maximum floor area ratio for the entire CPD must not exceed 1.2 (2.03 acres x 43560 square feet per acre = 106,112 square feet total floor area).
13. Parcels "C" and "D" have no lot area for the purposes of residential/motel density. All lot area associated with these parcels for density purposes is attributed to the "Motel and Restaurant Site" Parcel as part of the MCP for this CPD.
14. Parcels "C" and "D" are limited exclusively to use as shared permanent parking lot for the benefit of the "Motel and Restaurant Site" Parcel and Parcel "B".
15. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant will provide staff with sample detail drawings and a revised MCP that illustrate the effect of the proposed deviations in accordance with LDC Section 34-212(4).
16. Off-street parking reductions allowed by LDC Section 34-676 pursuant to Deviation 17 are limited to Parcel "B" in conjunction with the Permanent shared parking lots on Parcels "C" and "D".
17. Phases II through V on the "Motel and Restaurant Site" Parcel may be developed in any order, but a local development order for one of these phases must be received within 36 months of the zoning approval of this CPD, and local development order for subsequent phases must be received in subsequent 36 month increments. Local development orders for all Phases must be received within 144 months of the zoning approval of this CPD.
18. A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD.

B. Deviations: Note: The MCP must be revised to accord with the deviations listed below. Identified where agreed necessary by staff and Applicant

1. Deviation from LDC Table 34-3 from the required 10 feet setback from a street right-of-way to allow reduced street setbacks on the "Motel and Restaurant Site" Parcel and to allow the developer to build to the right-of-way line for Old San Carlos on Parcel "B", as indicated by deviation 1 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
2. Deviation from LDC Table 34-3 from the required 20 feet side setbacks on a waterfront lot to allow reduced side setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 2 symbols on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.

3. Deviation from LDC Table 34-3 from the required 15 feet side setbacks on non-waterfront lots to allow the developer to build to the right-of-way lines for Second and Third Streets on Parcel "B", as indicated by deviation 3 symbols on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
4. Deviation from LDC Table 34-3 from the required 20 feet rear setbacks to allow reduced rear setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 4 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
5. Deviation from LDC Table 34-3 from the required 25 feet setback from a waterbody to allow reduced waterbody setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 5 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
6. Deviation from LDC Table 34-3 from the required 20,000 square feet of lot area to allow minimum lot sizes of 18,456 square feet for Parcel "B", 5,550 square feet for Parcel "C", and 3,049 square feet for Parcel "D". Staff recommends **APPROVAL** of this deviation, as conditioned.
7. Deviation from LDC Table 34-3 from the required 100 feet of lot width to allow a minimum lot width of 72.5 feet for Parcel "C". Staff recommends **APPROVAL** of this deviation, as conditioned.
8. Deviation from LDC Table 34-3 from the required 100 feet of lot depth to allow a minimum lot depth of 74 feet for Parcel "C" and 30 feet for Parcel "D". Staff recommends **APPROVAL** of this deviation, as conditioned.
9. Deviation from LDC Table 34-3 from the maximum floor area ratio (FAR) of 1.2 to allow a maximum FAR on Parcel "B" of 2.0. Staff recommends **APPROVAL** of this deviation, as conditioned to provide that the maximum FAR for the entire CPD must not exceed 1.2. See Condition 12.
10. Deviation from LDC Section 34-632(3)c. from the limitation on combining three (3) or more lots into a development project to allow the "Motel and Restaurant Site" Parcel, Parcel "C" ("Shell Shop"), and Parcel "D" ("Triangle" Parcel) to include one-half the width of adjoining streets and canals in lot area for the purposes of computing residential densities, to allow a total of 32 guest units on the "Motel and Restaurant Site" Parcel. Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 13.
11. Deviation from LDC Section 34-632(4) from the limitation on including acreage used primarily for commercial purposes in computation of residential density to include the portion of the "Motel and Restaurant Site" Parcel used primarily for the Matanzas Restaurant to be included in the acreage of the portion of the CPD project abutting Crescent Street, to allow a total of 32 guest units on the "Motel and Restaurant Site" Parcel. Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 13.
12. Deviation from the equivalency factor table in LDC Section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the

PEDESTRIAN COMMERCIAL land use category. Staff recommend **DENIAL** of this deviation.

13. Deviation from LDC Section 34-2015(1) from the requirement that parking spaces that are required to support specific land uses must be provided on the same premises, to allow parking spaces located on Parcels "C" and "D" of this commercial planned development and to be used by all approved uses on the "Motel and Restaurant Site" Parcel and Parcel "B". Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 14.
14. Deviation from LDC Section 34-2016(1) from the requirement that parking lots with ninety degree (90°) angle of parking spaces have length of 18 feet to allow a parking space length of 16 feet as indicated by deviation 14 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
15. Deviation from LDC Section 34-2016(1) from the requirement that parking lots with ninety degree (90°) angle of parking spaces and two-way aisles have an aisle width of 22 feet to allow an aisle width of 19 feet as indicated by deviation 15 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
16. Deviation from LDC Section 34-2020 from the minimum requirements for off-street parking spaces for uses permitted on Parcel "B" to allow Parcel "B" to utilize the off-street parking reductions of the Downtown zoning district provided in LDC Section 34-676(a)(1). Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 16.
17. Deviation from LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated by deviation 18 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
18. Deviation from LDC Section 10-413(d)(1) from the minimum dimensional requirement of ten (10) feet of width of open space areas to allow open space shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
19. Deviation from LDC Section 10-413(d)(2) from the minimum dimensional requirement of 180 square feet of area of open space to allow open space areas shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
20. Deviation from LDC Section 10-414(a) from the minimum dimensional and compositional requirements for buffers to allow buffers shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The requested commercial planned development zoning district, as conditioned, complies with the comprehensive plan, chapter 34 of the land development code, and other applicable codes and regulations.
2. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.

Please identify and label required sidewalks along all property fronting on Crescent Street. See Section 10-289(b).

Response: At staff’s request, Murphy Planning met with the Public Works Director and was requested to draft a condition to be added to the requested amendment approval. This language has been supplied to the Public Works Director and staff for review and approval.

General Comments

Please provide a narrative statement that summarizes the scope of the request, and provides background and history of previous approvals on the subject property. Be sure to include highlights of each main item, i.e. transfer & conversion of the units, sign package, etc. Please also include a discussion on existing Development Order(s) and the status/timeline for redevelopment.

Response:

NARRATIVE STATEMENT

Summary of Request Scope. As discussed above, the requested amendment seeks to:

- (1) remove a parcel of land (the “Old San Carlos Parcel”)from the existing CPD;
- (2) include a platted lot (“Lot 15) into Parcel B;
- (3) transfer 4 existing dwelling units from an existing non-conforming apartment building located on Lot 15, raze the existing non-conforming apartment building, and convert the 4 existing dwelling units to 12 hotel/motel guest units;
- (4) revise the existing CPD phasing plan for expansion of the restaurant and redevelopment of the hotel/motel to add a phase 2A that proposes a second story on the western half of the southernmost hotel/motel building, and clarify that the phases of redevelopment may proceed in any order depending on the market.
- (5) deviate from the requirements of LDC chapter 30 to adopt a unified sign package for the entire resort.

→ **Background and History of Previous Approvals** ← Exhibit C begins

Lee County Zoning Resolution Z-95-074. Prior to the municipal incorporation of the Town, an application for rezoning was filed to expand the areas of the existing restaurant and caretaker’s residence, combine the restaurant include an additional parcel (now referred to as the “Old San Carlos Parcel”) for additional “off-site” parking. At the behest of Lee County staff, the application was cast as a Commercial Planned Development (CPD) to allow for deviations with conditions to best conform the property to the Lee County Land Development Code (LCLDC) requirements at the time.² Under prior Lee County zoning, the restaurant property was zoned C-1 (commercial),³ the hotel/motel property was zoned RM-2 (residential multi-family) and the Old San Carlos Parcel was zoned CP (commercial parking).⁴ The County’s CPD approval included 13 conditions and 14 deviations.⁵

Approved Conditions. The conditions related to the following subject areas:

² See Lee County Zoning Resolution Number Z-95-074.

³ Consumption on premises (COP) special exceptions were approved previously in 1983, see Resolution Number ZB-83-380 of the Zoning Board; for COP/outdoor seating earlier in 1995, see Hearing Examiner Decision 95-01-003.00S. See also, *supra* fn. 1.

⁴ See Lee County Hearing Examiner Recommendation, Case 95-01-003.02Z, pp. 12-13, (indicating that the “Old San Carlos Parcel” was rezoned to CP by the Lee County Board of County Commissioners in 1988).

⁵ *Supra* note 1, pp. 2-5.

1. Requirements that the development of the project be in accordance with the approved Master Concept Plan (MCP) except as modified by the approved conditions and as granted by approved deviations, and that any subsequently pursued changes would necessitate appropriate approvals.
2. a) Elimination of previously approved business services and repair shop uses from the Schedule of Uses; and b) requirement that the building height not exceed 35 feet above grade.
3. Local development order plans must delineate 25 percent open space for the project parcels.
4. Requirements for a vegetative buffer on the southern boundary of what is now referred to as Parcel A, and the perimeter of the Old San Carlos Parcel.
5. Limitations on the hours of service for alcoholic beverages on the pool deck to motel guests only.
6. Requirements limiting consumption on premises (COP) of alcoholic beverages in outdoor seating areas to 1,750 square feet on the ground level deck, with limited seating, and 1,250 square feet on the rooftop deck, with limited seating.
7. Limitation on the hours of outdoor seating between 10:00 AM and 12:00 midnight.
8. Prohibition on outdoor entertainment occurring after 10:00 PM.
9. Limitation on the use of outdoor paging and placement of the speakers.
10. Requirements for distinctive signage inside an outside both the restaurant and hotel/motel buildings directing customers to the off-site parking.
11. Requirements for parking surfaces.
12. Requirements to mitigate the project's vehicular and pedestrian traffic impacts, if necessary, at time of local development order.
13. Noting that approval of the zoning change did just that and did not vest present or future development that may exceed any Lee Plan provision.

Approved Deviations. The deviations related to the following subject areas:

1. Relief from open space minimum average requirements subject to the requirement of 25 percent in condition 3.
2. Relief from minimum open space area requirements subject to the requirement of 25 percent in condition 3.
3. Relief from required 25-foot waterbody setback requirement to allow waterbody setbacks from 0 to 22 feet.
4. Relief from the buffer wall or berm requirement to allow buffer widths from 0 to 11 feet and eliminate the wall or berm.
5. Relief the parking requirement of 14 spaces per 1,000 square feet to allow 9 spaces per 1,000 square feet.
6. Relief from minimum driveway connections separations to allow the existing separations of 25, 45, 57, 58, 65, 72, 75, 85, and 91 feet as indicted on the MCP.
7. Relief from the required 25-foot parking setback to allow a two-foot setback on Parcel A.
8. Relief from the required 15-foot structural setback between similar uses to allow structural setbacks varying from 1 foot to 11 feet.
9. Relief from the required 25-foot parking lot entrance width to allow widths varying from 13 to 24 feet limited to the existing entrances on the site.
10. Relief from the requirement that 90 degree parking spaces be 9 feet by 18 feet to allow 9 feet by 16 feet spaces.
11. Relief from the required 24-foot parking lot aisle width to allow a width of 18 feet.

12. Relief from the requirement of a minimum of 2 acres for business hotels to allow 1.9 acres for the existing use only.
13. Relief from the requirement of a minimum lot depth of 200 feet for business hotels to allow a lot depth of 130 feet for the existing use only.
14. Relief to eliminate the required street landscape strip along Crescent Street.

Subsequent to the approval of the CPD by Lee County in 1995, the Town of Fort Myers Beach incorporated as a municipality. Initially, the Town operating under the Lee Plan and the Lee County Land Development Code, which were adopted by the Town Charter, December 31, 1995. Contemporaneous to adoption of the Town Charter, a Core Area Master Plan (CAMP) was developed by Wallace Roberts & Todd. The CAMP focused primarily on what has become the Pedestrian Commercial future land use category. Following incorporation, the Town began to develop its own Comprehensive Plan—adopted effective January 1, 1999. Many of the provisions and recommendations of the CAMP were incorporated into the Comprehensive Plan. While the Comprehensive Plan was being prepared, the Town also began amending provisions of the Lee County Land Development Code (LDC) to tailor portions of that Code to be directly applicable to the unique conditions of the Town, particularly in the community redevelopment areas addressed by the CAMP. These interim LDC changes were adopted while the Comprehensive Plan was being developed and refined and in many cases informed that progress.

Fort Myers Beach Zoning Resolution FMB-99-05. Under the zoning change request that resulted in Town Council Zoning Resolution FMB-99-05, approved February 8, 1999, applicant intended to modify the approved expansion of the restaurant and add 20 additional hotel/motel guest units to Parcel A. Instead of being developed exclusively as a parking lot, as previously approved, the Old San Carlos Parcel was requested to maintain the existing commercial and residential uses as well as the existing parking, and to add a fourth rental unit and/or 6,400 square feet of office retail. Two additional parcels, the Triangle Parcel (now referred to as “Parcel C”) and the Shell Shop Parcel (“Parcel B”) were added to the CPD to provide additional off-street parking. The modifications were sought to and required to develop the project in compliance with the Town’s Core Area Overlay Zoning Master Plan.

The changes provided a new MCP. The Schedule of Uses was modified and expanded from the previous County CPD and amended to include to dwelling units on the Old San Carlos Parcel, a list of development regulations specific to the project (detailed below), and four (4) deviations (detailed below). The tiki pool bar approved in the prior CPD was prohibited. An opaque buffer to block headlights from the parking facing the eastern canal and residential homes on the other side of the canal was required. Outdoor entertainment was limited to the upper deck as indicated on the MCP, and a buffer along parking lots abutting Crescent Street was required.

Site Development Regulations.

1. The minimum lot area, dimensions, setbacks, and lot coverage, were required to comply with the Core Area Overlay Zoning Master Plan.
2. Off-street parking requirements were required to comply with the Core Area Zoning Overlay Master Plan.
3. The minimum standard for open space, buffering, stormwater detention, and intersection separation were required to comply with the Core Area Overlay Zoning Master Plan.
4. Building height was limited so as not to exceed two (2) stories above the lowest habitable floor or for the highest point on an exterior wall, exclusive of the roof system, to exceed 25 feet above base flood elevation (BFE).

Approved Deviations. The terms and conditions of Resolution Z-95-074 were to remain in full force and effect except as modified by four (4) approved deviations related to the following subject areas:

1. Relief from the required 25-foot waterbody setback to allow 6 feet for a second floor expansion of the open deck on the restaurant.
2. Relief from the requirement that parking spaces must be located on the same premises to allow parking spaces on all parcels in the CPD and to permit use of the parking spaces by all approved uses, regardless of their location.
3. Relief from driveway separation requirements to allow reduced distance driveway connections on Parcel B.
4. Relief from the equivalency factor of one (1) dwelling unit equals one (1) hotel/motel guest unit to allow 20 hotel/motel guest units to be added to the 23 existing units, increasing the number of units to 43 with the condition that 16 of the hotel/motel guest units must be affordable units consistent with the adopted redevelopment plan, based on a density multiplier of one (1) dwelling unit = three (3) hotel/motel guest units.

Administrative Amendment ADD2002-00115. Three years after the approval of the 1999 CPD Amendment for Matanzas Inn Resort, the applicant filed an application to amend the CPD. See DCI2001-00067, discussed *infra*. During the pendency of processing that amendment the applicant sought approval to relocate the swimming pool, deck, two (2) parking spaces and to replace asphalt pavement with pavers in front of the existing restaurant. This request was proved administratively in accordance with the Town's LDC provisions for administrative changes to planned developments that do not increase density, intensity; decrease buffers or open space; underutilize public resources or infrastructure; and do not otherwise adversely impact on surrounding land uses. The administrative approval was subject to three (3) conditions, requiring compliance with the amended MCP, noting that any affects the parking space reduction might have in conjunction with the pool and deck relocation would have to be addressed in the pending CPD amendment public hearing process or otherwise be in accordance with the LDC at time of local development order, and that the terms and conditions of the original zoning resolutions remained in full force and effect.

Fort Myers Beach Zoning Resolution Z-03-35. The most recent zoning change prior to the instant request was heard by the Town Council at the end of 2003. In that case staff recommended approval to rezone the property from CPD from CPD (primarily lodging), under the provisions of LDC Section 34-951 et seq., to allow the applicant to make certain modifications and to better conform the CPD project to the then current requirements of chapter 34 of the LDC and the Comprehensive Plan. The request included in DCI2001-00067 asked to revise and modify the MCP to:

- a. revise the plan for Parcel A to expand the existing restaurant and related support services for the existing dock and boat slips to a total area not to exceed 16,700 square feet and to revise the motel phasing for 32 guest units and reconfigure the site plan to better implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan; and
- b. revise the plan for the Old San Carlos Parcel to allow all principal and accessory uses permitted in the Downtown zoning district and develop a building and parking to better implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan.

Parcels B and C were to remain parking lots to provide adequate off-street parking for existing and proposed development of the other two parcels. Much of the discussion in that case concerned change to the Old San Carlos Parcel, which was being posed for redevelopment consistent with the 1999 Old San Carlos Boulevard / Crescent Street Master Plan, and which ultimately became an internally consistent satellite property and is currently being requested to be removed from the CPD with the uses, deviations, and conditions approved from in 2003. These will be discussed briefly at the end of this narrative.

Town Council Resolution 03-35 was approved with the following Conditions:

A. Conditions

1. Development of the project was required to be consistent with the approved Master Concept Plan (MCP), except as modified by the conditions below. The development was required to comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except:

- a. any additional restrictions as provided in conditions of the approval; and
- b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

[Note: Staff has indicated that this requested amendment to the CPD is the appropriate path to approval for the applicant's request.]

2. Schedule of Uses. The uses in the schedule for the subject parcels were modified and revised to conform to the terminology of the Town's LDC (rather than those of Lee County, which had been used in the previous approvals:

Parcel A:

- All principal and accessory uses permitted in the DOWNTOWN zoning district, plus the following additional uses:
 - Bar/cocktail lounge – limited to two (2), one (1) each on ground and second floor of restaurant
 - On premises consumption of alcoholic beverages (COP) (anywhere within the restaurant
 - Outdoor seating, in conjunction with COP (where indicated on the MCP)
 - Boat slips available for public rental/leasing, limited to 18 maximum (existing)
 - Commercial party fishing boats (existing)
 - Parking lot, shared permanent

Note: The above uses are limited to 73,635 total square feet of floor area within the subject parcel (including Parcel B and Parcel C). Of this total floor area:

- a. A total of 32 hotel/motel guest units were approved, guest unit size not to exceed a maximum are of 1,200 square feet, not to exceed an average of 800 square feet, and not to exceed a total floor area of for guest units of 25,600 square feet.
- b. Restaurant, bar/cocktail lounge, and associated outdoor seating—combined must not exceed a total floor area of 16, 700 square feet.

Parcels B and C:

Essential services
Parking lot, shared permanent

3. The zoning approval did not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement was required at time of local development order with potential additional conditions required at that time.
4. [Related to Old San Carlos Parcel]
5. [Satisfied prior to public hearing]
6. [Satisfied prior to public hearing]
7. Prior to seeking building permits for redevelopment on Parcel A the developer was required to: a) combine the existing platted lots into one lot of record; combine the existing platted lots of in Parcel B into one lot of record as part of the local development order for any development on the Parcel A portion of the CPD.
8. [Related to Old San Carlos Parcel]
9. All development, redevelopment, and substantial improvements in this CPD district were required to meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
10. All use of the pool area was required to cease by 10 PM.
11. All outdoor music or entertainment was required to cease no later than 10 PM. [An independent sound consultant satisfied the remaining provision of this condition]
12. The maximum floor area ratio for the entire CPD was required not to exceed 1.2 (2.03 acres x 43650 square feet per acre = 106,112 square feet of total floor area.
13. Parcels B and C would have no lot area for purposes of residential/motel density. All lot areas associated with these parcels for density purposes was attributed to Parcel A as part of the MCP for this CPD.
14. Parcels B and C were limited exclusively to use as shared permanent parking lot for the benefit of Parcel A.
15. [Satisfied prior to public hearing]
16. [Related to Old San Carlos Parcel]
17. Phases II through V on Parcel A were allowed to be developed in any order, but a local development order for one of these phases was required to be received within 36 months of the approval of the CPD zoning change, and local development orders for subsequent phases were required to be received in subsequent 36 month increments. Local development orders for all phases were required to be received within 144 months of the approval of the CPD zoning change.

B. Deviations:

1. Relief from the 10-foot street setback required by LDC Table 34-3 to allow reduced street setbacks on Parcel A.
 2. Relief from the 20-foot side setbacks on a waterfront lot required by LDC Table 34-3 to allow reduced side setbacks on Parcel A.
 4. Relief from the 20-foot rear setbacks required by LDC Table 34-3 to allow reduced rear setbacks on Parcel A.
 5. Relief from the 25-foot waterbody setbacks required by Table 34-3 to allow reduced waterbody setbacks on Parcel A.
 6. Relief from the 20,000 square feet of lot area required by Table 34-3 to allow 5,500 square feet for Parcel B and 3,049 square feet for Parcel C.
-

7. Relief from the 100 feet of lot width required by Table 34-3 to allow a minimum lot width of 72.5 feet for Parcel B.
8. Relief from the 100 feet of lot depth required by Table 34-3 to allow a minimum lot depth of 74 feet for Parcel B and 32 feet for Parcel C.
10. Relief from the limitation on combining three (3) or more lots into a development project required by LDC Section 34-632(3)c. to allow Parcel A, Parcel B, and Parcel C to include one-half the widths of adjoining streets and canals in lot area for the purposes of computing residential densities to allow a total of 32 hotel/motel guest units on Parcel A. See Condition 13.
11. Relief from the limitation on including acreage used primarily for commercial purposes in computation of residential density required by LDC Section 34-632(4) to include the portion of Parcel A used primarily for the restaurant in the acreage of the portion of the CPD project abutting Crescent Street to allow a total of 32 hotel/motel guest units on Parcel A. See Condition 13.
12. Relief from the equivalency factor table in LDC Section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL land use category.
13. Relief from the requirement of LDC Section 34-2015(1) that parking spaces that are required to support specific land uses must be provided on the same premises to allow parking spaces located on Parcel B and Parcel C of the CPD to be used by all approved uses on Parcel A. See Condition 14.
14. Relief from the requirement of LDC Section 34-2016(1) that parking lots with ninety degree (90%) angle of parking spaces have a length of 18 feet to allow a parking space length of 16 feet.
15. Relief from the requirement of LDC Section 34-2016(1) that parking lots with ninety degree (90%) angle of parking spaces and two-way aisles have an aisle width of 22 feet to allow an aisle width of 19 feet.
17. Relief from the required connection separation standards of LDC Section 10-285(a) for local roads to allow the connection separations indicated on the MCP.
18. Relief from the minimum open space dimensional requirement of LDC Section 10-413(d)(1) for 10 feet of width to allow the open space indicated on the MCP.
19. Relief from the minimum open space dimensional requirement of LDC Section 10-413(d)(2) 180 square feet to allow the open space areas indicated on the MCP.
20. Relief from the minimum dimensional and compositional requirements of LDC Section 10-414(a) to allow buffers shown on the MCP.
21. Relief from the height limitations of LDC Section 34-675(b)(2) to allow 25 percent of the ground floors of phases II through V of the hotel/motel to be enclosed non-living space, office, and other accessory uses for the motel with a maximum height of 30 feet above base elevation with a maximum of two (2) floors total habitable space over parking or enclosed non-living space.

Conditions and Deviations specific to the Old San Carlos Parcel:

A. Conditions:

1. Development of the project was required to be consistent with the approved Master Concept Plan (MCP), except as modified by the conditions below. The development was required to comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except:
 - a. any additional restrictions as provided in conditions of the approval; and

- b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

[Note: Staff has indicated that this requested amendment to the CPD is the appropriate path to approval for the applicant's request.]

2. Schedule of Uses. The uses in the schedule for the subject parcels were modified and revised to conform to the terminology of the Town's LDC (rather than those of Lee County, which had been used in the previous approvals:

Old San Carlos Parcel:

All principal and accessory uses permitted in the DOWNTOWN zoning district.

Note: The above uses were limited to a maximum 36,900 square feet, but only if the FAR for the entire CPD does not exceed 1.2.

4. A driveway access from Third Street into the parking lot of the Old San Carlos Parcel was required at time of local development order.
7. Prior to seeking building permits for redevelopment on the Old San Carlos Parcel, the developer must combine the existing platted lots into one lot of record.
9. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
16. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
18. A local development order for the Old San Carlos Parcel was required within 48 months of the approval of the CPD zoning change or the MCP would expire.

B. Deviations:

1. Relief from the 10-foot street setback required by LDC Table 34-3 to allow reduced street setbacks on the Old San Carlos Parcel to allow the developer to build to the right-of-way line for Old San Carlos.
3. Relief from the 15-foot side setbacks on non-waterfront lots required by LDC Table 34-3 to allow the developer to build to the right-of-way lines for Second Street and Third Street on the Old San Carlos Parcel.
6. Relief from the 20,000 square feet of lot area required by Table 34-3 to allow 18,456 square feet for the Old San Carlos Parcel.
9. Deviation from the maximum floor area relation (FAR) of 1.2 required by Table 34-3 to allow a maximum FAR of 2.0 on the Old San Carlos Parcel. See Condition 12
16. Relief from the minimum off-street parking space requirement of LDC Section 34-2020 for uses permitted on the Old San Carlos Parcel to allow the off-street parking reductions of the DOWNTOWN zoning district provided in LDC Section 34-676(a)(1). See Condition 16.
17. Relief from the required connection separation standards for local roads to allow the connection separations indicated on the MCP.

Existing Development Orders and Timeline for Redevelopment.

As required by condition 3 of zoning resolution Z-03-35, the applicant applied for and received a local development order, DOS2006-00247. By operation of state law and approved requests, the expiration date for DOS2006-00247 has been extended. The current expiration date is April 19, 2014. Upon approval of the requested amendment to the planned development, an appropriate application will be filed to amend the local development order. Given the flexibility of development phasing, applicant would like to begin implementation as soon as practicable.

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

NOTE: Following the below deviations, redrafted from the over 20 deviations that previously governed this planned development master concept plan to result in a more manageable set of deviations, are conditions also established as part of the prior approval for this planned development. Of those prior conditions, some conditions were procedural and have been satisfied. If the Town agrees, the others should carry forward. These conditions follow the redrafted deviations below.

Schedule of Deviations:

1. Deviation (recast from previously approved deviations) from the requirements of LDC Section 34-953—that the building placement, size, design, and all other property development regulations in the CPD zoning district must be the same as for the CR or CB zoning district—to allow the dimensions indicated on the MCP.

JUSTIFICATION: Previously, numerous deviations were specified to the dimensional requirements of the CR zoning district. The requirements of the CR zoning district bare little relationship to and are not really appropriate to the development vision for the “Pedestrian Commercial” FLUM category. However, absent approved deviations, they are required by the sections of the LDC that otherwise address planned developments. Because the previously approved dimensional deviations related directly to the dimensions identified and labeled on that MCP, and the only change from that MCP is the inclusion of a new parcel for parking and elimination of the Parcel abutting Old San Carlos Boulevard, it makes sense to revise these into one comprehensive deviation tied to the MCP, thereby furthering this aspect of the project, which has already been found to meet the deviation criteria of the LDC.

2. Deviation from the LDC Section 34-632(3)c. limitation on combining three (3) or more lots into a development project to allow PARCEL “A,” PARCEL “B,” and PARCEL “C” to include one-half (1/2) of the width of the adjoining street and canals in lot area for the purposes of computing residential densities to allow a total of 44 guest units on PARCEL “A.” See Condition 6, *infra*.

JUSTIFICATION: This deviation was approved by the previous resolution approving this planned development. It is appropriate to carry it forward to account for the way that the density of guest units has been attributed to the CPD

3. Deviation from LDC Section 34-632(4) from the limitation on acreage used primarily for commercial purposes being included in the computation of residential density to allow a total of 44 guest units on PARCEL “A.” See Condition 6, *infra*.

JUSTIFICATION: This deviation operates to certify that due to the use of density transfers of residential dwelling units and conversions of residential densities to hotel/motel guest units that the provisions of LDC Section 34-632(4) do not operate to the detriment of the Town and the CPD in considering the Matanzas Inn & Resort anything other than a mixed-use project and mixed use building(s).

4. Deviation from LDC Section 34-1803(a)(1) to allow guest units to average 1000 square feet in compliance with Condition 2, *infra*.

JUSTIFICATION: This deviation operates to allow large area guest units than might otherwise be allowed by LDC Section 34-1803. Section 34-1803(a)(2) allows the Town to grant deviations from the various equivalency factors if the deviation would be in accordance with the Comprehensive Plan. Resolution 03-35, which resolution approved the existing CPD, allowed for a deviation from the equivalency factor limitations in LDC section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL future land use category. This redrafted deviation seeks to clearly carry this deviation forward with greater specificity. In addition, the changed circumstances of the on-island hotel/motel guest unit inventory in the aftermath of Hurricane Charley and the acquisition of former commercial hotel/motel properties as public civic space has markedly reduced the number and variety of on-island guest units and their greater ability to capture trips to and from the island and further the pedestrian-oriented character the Town desires for its downtown district area.

5. Deviation from LDC Section 34-675(b)(2) from the limitation on Crescent Street to building heights no taller than two (2) stories and 30 feet above base flood elevation, to allow 25 percent of the ground floors of the hotel/motel buildings to be enclosed non-living space for office and other accessory uses for the motel with a maximum building height of 30 feet above base flood elevation with a maximum of two (2) floors total living area over parking or enclosed non-living space.

JUSTIFICATION: The Local Planning Agency, in compliance with LDC Section 34-216(a)(4), included this deviation as a necessary deviation in its recommendation, *see* LPA Hearing, October 14, 2003, and Town Council approved this deviation. *See* Resolution 03-35.

6. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 34, Division 26, Parking: LDC Sections 34-2015 (location and design) and 34-2016 (dimensional requirements; delineation of parking spaces) to allow the parking plan delineated on the MCP.

JUSTIFICATION: The parking deviations for location, design, dimensional requirements, and delineation were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that are carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247. Additional parking is being provided with the inclusion of Lot 15 and the transfer of density from that lot to Parcel "A."

7. Deviation (recast from previously approved deviation) from the provisions of LDC Chapter 10, Article III, Division 2, Transportation, Roadways, Streets, and Sidewalks: LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated on the MCP.

JUSTIFICATION: The connection separation deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247.

8. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.

JUSTIFICATION: The open space and buffer deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247.

9. Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs with locations indicated on the MCP:

1) "Matanzas Inn Resort Vacancy" Two- (2)-sided Monument sign, existing. Not to exceed 6' x 1.5' x 2-sides = 18 sq. ft. total.

2) "Matanzas Inn Resort" Monument sign near northern side of motel, existing. Not to exceed 2' x 8' = 16 sq. ft. total.

3) "Matanzas Inn Resort" Monument sign at restaurant parking lot entrance, existing. Not to exceed 1.5' x 6' = 9 sq. ft. total

4) "Upper Deck Entrance" Wall identification sign on western wall of restaurant, existing. Not to exceed 4' x 8' = 32 sq. ft. total.

5) "Matanzas Inn Resort" Two- (2)-sided Projecting sign on roof of restaurant, existing. Not to exceed 4' x 16' x 2-sides = 128 sq. ft. total.

Total commercial identification sign area not to exceed 210 square feet total. Other permitted signs not requiring a permit as provided in LDC Chapter 30 or otherwise permissible, allowed.

JUSTIFICATION: With respect to most other commercial properties in the downtown district area, this is a large, irregular, and uniquely located property that is distinguishable from most other commercial uses. It parallels both sides of Crescent Street and portion of First Street together for several hundred feet. It currently contains a mix of uses appropriate to an island resort, and is proposed to contain a potentially more complex hotel/motel resort redevelopment. It also fronts on the Matanzas Pass and on the canal that parallels Crescent street. Regardless of its size, it is in many ways remote from the main traffic routes and without its relatively long-existing package of signage, would be at a disadvantage if strict coherence to the maximum requirements of LDC Chapter 30 were enforced. In some ways it was believed that the absence of raising compliance with Chapter 30 during the prior public hearing made the package of signs that existed on the property at that time non-conforming. This deviation is requested to remove all doubt and bring the properties into compliance with the Town's street graphic requirements. This sign package helps to enhance the subject property's ability to compete on a level playing field given the size, irregular configuration and unique placement of the property and its resort uses; public health, safety, and welfare will be preserved and promoted by an effective package of street graphics that promote more effective way-finding to the resort;

this maintained package of street graphics will operate to the benefit of new and returning visitors and not to the detriment of the public interest; and is consistent with the Comprehensive Plan, which for the greatest part is silent on street graphics and other signage.

10. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Section 10-416 (landscaping standards), subsection (d)(2) and Table 10-8, Buffer Requirements to allow a reduction from the Type D buffer requirements between ROW (rights-of-way) and PRKG (parking and vehicle use areas) to allow the buffer widths delineated on the MCP.

JUSTIFICATION: The buffer deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247. The proposed MCP provides buffers between the parking and vehicle use (PRKG) areas and the rights-of-way for Crescent Street and Second Street significantly greater than those previously approved and should enhance the overall appearance of the neighborhood from both existing conditions and those approved by DOS2006-00247. The existing development order will be amended to reflect these improvements over those previously approved by the Town.

Exhibit E

MATANZAS INN RESORT	UNITS PER PHASE			
PHASE	Approved CPD	Currently Existing	Proposed phased redevelopment	Proposed full development
Existing two-story motel building	11	11	Existing building razed Phase D	Phase D
Existing house/office building	2	2	Existing building razed Phase A	Phase A
Existing one story motel building	12	12	Existing building razed Phase B-2	Phase B-2
Additional approved guest unit (not built)	8	N/A	Phases A-D	Phases A-D
4 existing dwelling units--Lot 15 (transfer to Resort Parcel A)	Currently not included	4 dwelling units proposed for conversion to 12 guest units	Existing building razed Phase A	12 guest units to be built in Phases A and D
Phase A	N/A	N/A	6	6
Phase B-1	N/A	N/A	6	0
Phase B-2	N/A	N/A	+14	20
Phase C	N/A	N/A	10	10
Phase D	N/A	N/A	8	8
TOTALS	33	25	44*	44*
2013: Additional guest units proposed from Lot 15 CPD amendment		4 dwelling units	4 dwelling units converted to 12 hotel/motel guest units	12
Total existing and not built guest units		33	44*	44*
				*Note: The number of units in each phase may vary, but the total must not exceed 44 maximum total. At full development, Developer may also build fewer than 44 proposed guest units.

Exhibit F

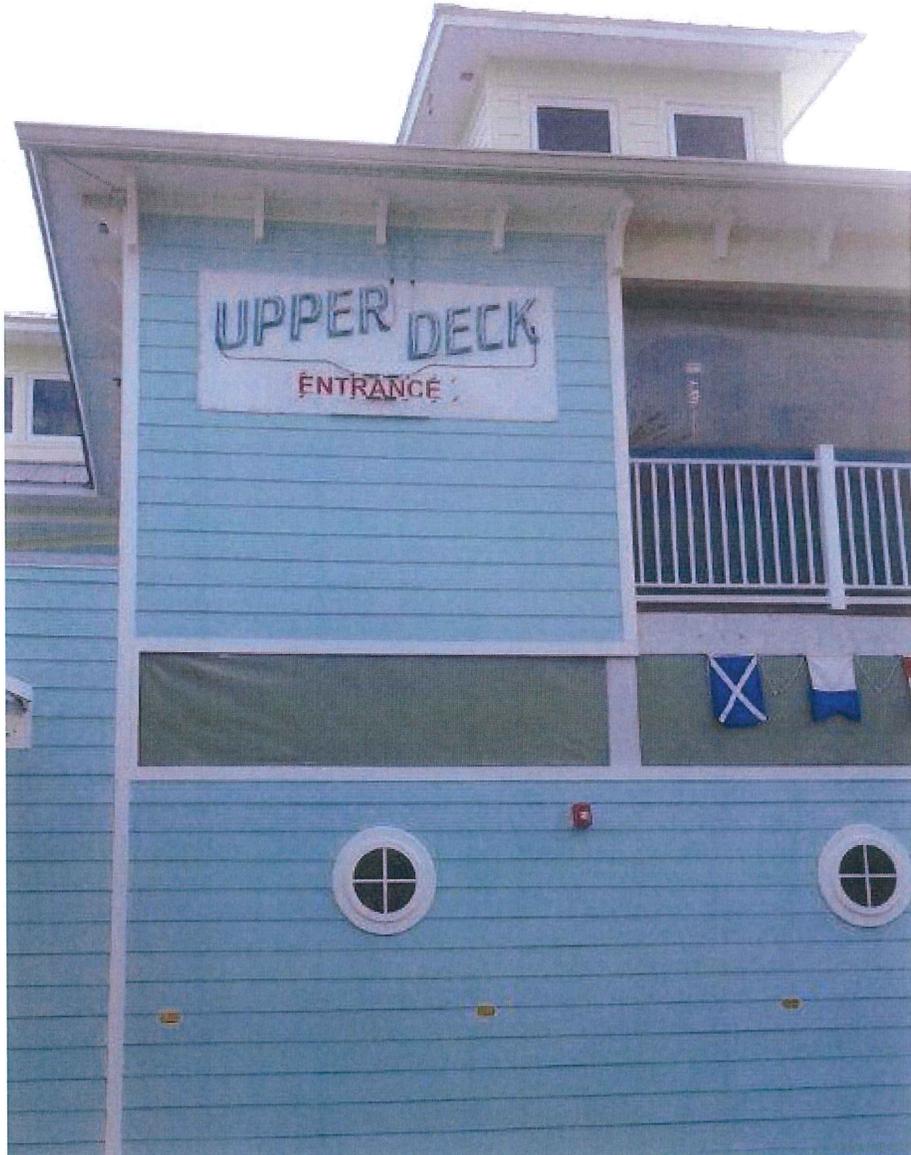
The applicant submitted photographs of the existing signs. Please label these photographs in such a manner that they can be linked to their on-site location.

Response: The sign photographs have been labeled so that they can be linked to the MCP as regards their on-site location.



EXISTING FOUR (4) FEET HIGH (ABOVE ROOF PEAK) DOUBLE-FACED PROJECTING ROOF SIGN ON RESTAURANT





EXISTING FOUR (4) FEET HIGH "UPPER DECK" RESTAURANT WALL SIGN

← 8 FEET →



↑ 4 FEET ↓



EXISTING FIVE (5) FEET HIGH RESTAURANT MONUMENT GROUND SIGN





EXISTING FOUR (4) FEET HIGH RESORT MONUMENT GROUND SIGN

← 8 FEET →



↑ 2 FEET ↓



EXISTING FIVE (5) FEET HIGH DOUBLE-FACED RESORT "VACANCY" MONUMENT GROUND SIGN



DCI2013-0002 - Schedule of Uses

PARCEL A

- All principal and accessory uses permitted in the DOWNTOWN zoning district

Plus the additional existing uses:

- Bar or cocktail lounge – limited to two (2); one (1) on the ground floor and one (1) on the second floor of the restaurant with outdoor entertainment limited to the restaurant premises
- On-premises consumption of alcoholic beverages for the entire Matanzas Inn Resort property
- Outdoor seating areas in conjunction with on-premises consumption of alcoholic beverages

The above uses are limited to 75,300 square feet of floor area within the subject parcel. Of this total floor area, guest units are limited to 44 units; guest unit size is not to exceed a maximum area of 1,600 square feet, not to exceed an average of 1,000 square feet, and not to exceed a total floor area for guest units of 44,000 square feet.

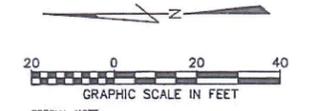
- Boat slips available for public rental/leasing, 18 maximum
- Commercial party fishing boats
- Parking lot, shared permanent

PARCEL B and C

- Essential services
- Parking lots, shared, permanent with valet service

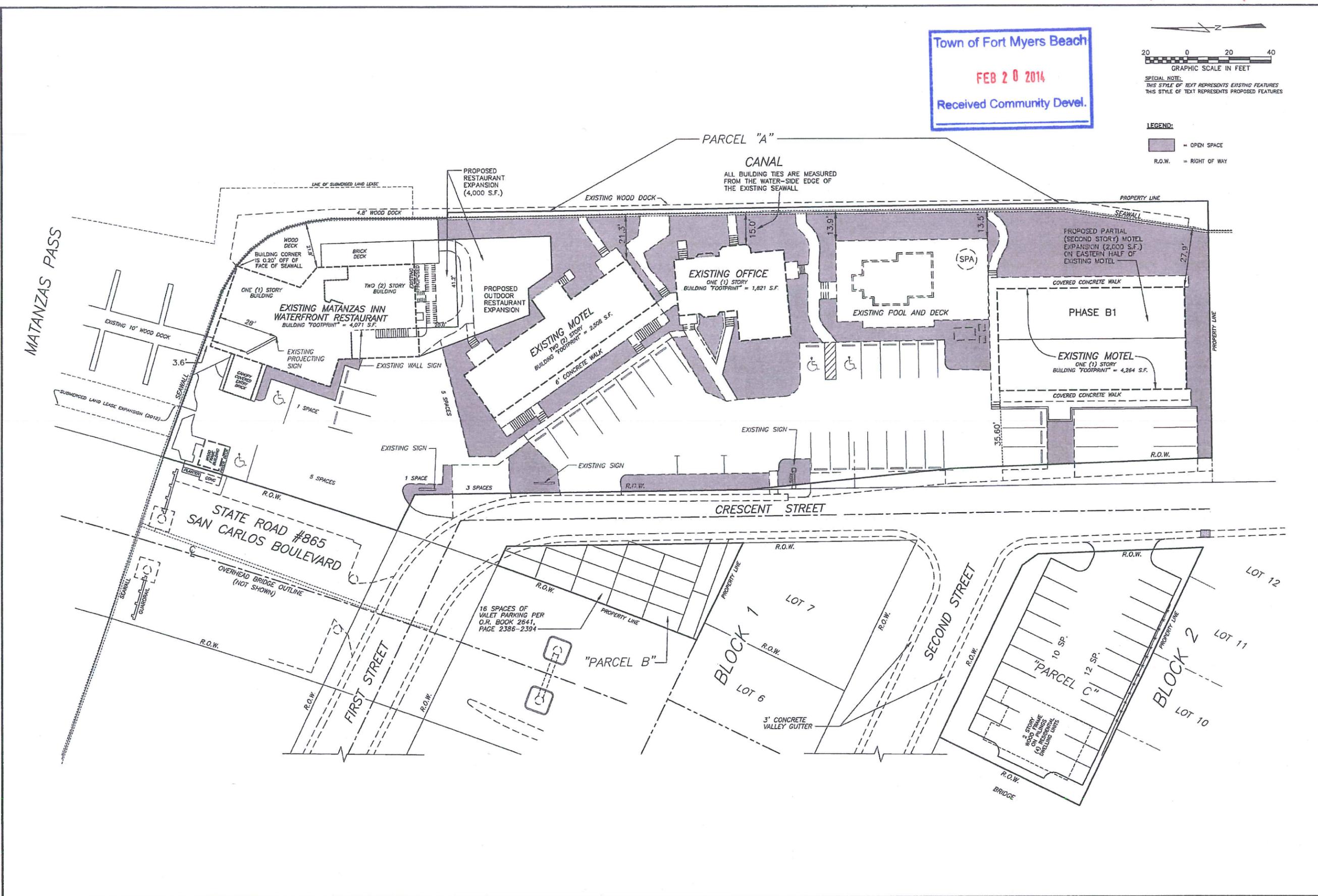
Exhibit H

Town of Fort Myers Beach
 FEB 20 2014
 Received Community Devel.



SPECIAL NOTE:
 THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
 THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

LEGEND:
 [Shaded Area] = OPEN SPACE
 [Dashed Line] = R.O.W. = RIGHT OF WAY



MURPHY PLANNING
 8420 CHARTER CLUB CIRCLE, UNIT 1
 FORT MYERS, FL 33919-6881
 PHONE: (239) 322-8510
 FAX: (239) 590-8765

DATE	REVISION
07/26/13	REVISIONS PER OWNER

DRAWING DATE: 1-17-2013
 DRAWN BY: K. O'NAN (33374MCP)
 COUNTY: LEE
 SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
 MATANZAS INN
 EXISTING SITE REDEVELOPMENT

Exhibit I

MATANZAS INN RESORT PARKING CALCULATIONS

Existing CPD/Development Order		Size	Parking Need	Current Parking Required	Current Parking Provided	Future Parking Need	Future Parking Provided
Restaurant- Existing-structure		5000	8/1000 @50%	20.0	16.0	20.0	18.0
Restaurant- Existing outside		1800	8/1000 @50%	7.2	0.0	7.2	0.0
Approved expansion restaurant		4000	8/1000 @50%	N/A	0.0	16.0	0.0
Existing Resort Units		25 units	1.2/unit @67%	20.1	27.0	20.1	53.0
Existing Marina (no changes proposed by requested amendment)		18 slips	1/2 slips@67%	6.0	0.0	6.0	0.0
Approved Resort expansion		7 units	1.5/unit @67%	N/A	0.0	7.0	0.0
Settlement Agreement- Crescent Street ROW		N/A	N/A	N/A	5.0	N/A	5.0
Parcel "C"		N/A	N/A	N/A	16.0	N/A	14.0
Valet		N/A	N/A	N/A	16.0	N/A	13.0
totals		N/A	N/A	53.3	80.0	76.4	103.0
Amended CPD 2013 Application							
Existing Lot 15 4unit multifamily (to be razed)		4 units	1.25/unit @67%	3.4	4.0	N/A	N/A
Old San Carlos parcel removed		N/A	N/A	N/A	N/A	N/A	N/A
Resort/motel equivalency added additional lot 15 parking added to Parcel "C"		12 units	1.5/unit @67%	N/A	N/A	12.0	8.0
Revised totals with existing /phased development 2013				56.7	84.0	88.4	111.0
Parking plan with MCP and total redevelopment							
Parcel "C"		22					111.0
Parcel "A": Restaurant		18					
valet		13					
Parcel "A": hotel/motel		53					
Settlement Agreement- Crescent Street ROW		5					
Total		111					

Exhibit J

From: Gerald Murphy
To: Leslee Dulmer
Cc: "Doug Speirn-Smith"; scwhit@bwlk.net; "Steve Pierce"
Subject: RE: Matanzas Inn CPD
Date: Thursday, February 20, 2014 9:38:04 AM
Attachments: [image001.png](#)
[140219 Matanzas Inn Resort MCP.pdf](#)

Hi, Leslee:

Attached please find page 2 of 2 of the MCP revised per your request to indicate dimensions for the new buffers between parking and ROW and with new deviation 10 indicated accordingly. Open space is indicated by shading on page 2 of 2. This revised page 2 of 2 of the MCP is to accompany the revised schedule of deviations and justifications submitted earlier.

Below are the requested calculations for the open space areas indicated by shading on the revised page 2 of 2 of the MCP:

	Total Area	Open Space Area	Open Space Percentage
Parcel A	61,404 sq. ft.	18,120 sq. ft.	29.5%
Parcel B	3,007 sq. ft.	434 sq. ft.	14.4%
Parcel C	8503 sq. ft.	2,193 sq. ft.	25.8%
Total	72,914 sq. ft.	20,747 sq. ft.	28.4%

Please let us know if there is anything else you may need.

Looking forward to seeing you in March. Please confirm LPA Hearing date at your earliest possible convenience.

Thanks, Leslee.

Jerry Murphy, AICP, CFM
Florida Resilient Communities Initiative
<http://frci.dcp.ufl.edu>



Results Beyond Education
Murphy Planning
2755 Coconut Bay Lane, Unit 1D
Sarasota, FL 34237-3029
Phone: (239) 322-8510

From: Leslee Dulmer [mailto:leslee@fortmyersbeachfl.gov]
Sent: Thursday, February 20, 2014 8:40 AM
To: Gerald Murphy
Subject: RE: Matanzas Inn CPD

Thanks Jerry. I will take a look at them after our Staff meeting this morning.

Leslee Dulmer