

McKee Engineering Consultants, Inc.
22210 Fairmont Court
Estero, FL 33928
239/898-4008 239/495-5008 (fax)
mckeeeng@comcast.net

July 22, 2014

Mr. Josh Overmyer
Town of Fort Myers Beach Planning Coordinator
2523 Estero Blvd.
Fort Myers Beach, FL 33931

Re: CPD rezoning request – Olde Seaport of Fort Myers Beach

Dear Mr. Overmyer:

Per our recent meetings, please find attached a complete CPD rezoning application for the above referenced project. The application is being submitted on behalf of Mr. Rob Degennaro , Owner and Manager of Barrier Islands Management., LLC with Mr. Robert Fowler, Sr. of Fowler Construction and Development acting as the actual applicant and David McKee, P.E. of McKee Engineering Consultants, Inc. acting as an agent. This area was previously rezoned CPD under Resolution Number 09-10, which will be superseded by this effort, and consists of the following properties:

- Strap No. 24-46-23-W3-00026.0000; 645 Old San Carlos Blvd. (parcel #1)
- Strap No. 24-46-23-W3-00026.0030; 441/445 Old San Carlos Blvd. (parcel #3)
- An unstrapped Butler Act parcel lying north of 645 Old San Carlos Blvd., as designated on the accompanying boundary survey. The area was the location of the old Snug Harbor Restaurant until it was demolished (parcel #4). It still has an existing dock/pier structure in place.
- A portion of a submerged land lease lying north of 645 Old San Carlos Blvd. (parcel #2)

The Master Concept Plan specifically identifies these parcels as well as establishes the relationship of these lands to the adjacent parcels as the proposed uses for these properties are interconnected with the adjacent parcels. The request is generally an expansion of the retail and restaurant uses that are already in the area as well as the addition of a “History House”/Public Use Covered Area, which is described in more detail later in this letter. Please note that this request represents a significant reduction in density/intensity from the current zoning approval. The hotel/motel and parking garage have been removed from consideration and the hotel/motel replaced with pedestrian oriented retail shops.

The application includes the following:

- This cover letter
- Application fee of \$6000
- Completed application for Public Hearing and related Supplement PH-D with Mr. Fowler and Mr. DeGennaro providing the proper signature pages.

Mr. Josh Overmyer

July 22, 2014

Page 2

- Master Concept Plan, which includes preliminary architectural elevations for the Olde Seaport market (open air shops) and the Covered Seating and Public Use area
- Parking Calculations
- A separate Part I/Section C; Comprehensive Plan Compliance narrative
- A separate Part I/Section D; Design Standards Compliance narrative
- A separate Part I/Section E; Decision-making Compliance narrative
- Schedule of Uses
- Signed and sealed copies of the boundary survey
- Copy of the pending FDEP application for additional dockage in the submerged land lease area. This includes the Public Use Covered Area ("History House"). We have included the site plan for the submerged land lease in paper form as part of the package. The completed application, which totals more than 70 pages, has been provided in electronic form only.

Fourteen copies of all documents are provided. The MCP is provided in 11" x 17", as noted on the application. The survey is a full size 24" x 36" drawing. Due to the detail and complexity of the survey a size reduction was not completed. We have also provided a disk with all documents in .pdf format.

Per our discussions during the pre-application meeting a Traffic Impact Statement is not being provided with this application.

The Schedule of Uses provides the specific categories of Uses per the LDC. We offer the following additional description of what is being proposed:

"Olde Seaport Market" (open air shops): these will be open covered structures with some walls but will not be subject to FEMA regulations for enclosed buildings. Merchants, primarily retail, will remove supplies and inventory from the Shops on a nightly basis and no permanent occupancy or storage will occur.

"Lobster Pot": this covered area is a food preparation area to provide service to the outdoor and covered seating areas located within the Butler act property. It will include outdoor cooking in the form of steamers or similar operations. It will be supported by full kitchen facilities within Unit D of the Marina Village at Snug Harbor, which is also owned by Barrier Islands Mgt., LLC. The unit has kitchen facilities in place and is approved for that use.

"Full Belly Deli" (outdoor seating); this will be an area where outdoor seating with tables will be installed. It is intended to be primarily for breakfast and lunch with food preparation occurring in Unit B of the Marina Village at Snug Harbor, which is also owned by Barrier Islands Mgt., LLC. The area will not include any sort of permanent roof structure but individual tables will typically have umbrellas or similar shade coverage.

"History House" (Pubic Use Covered Area); this area, which sits over a submerged land lease and is also part of a pending FDEP permit that also includes additional dock spaces, will contain a seaport themed exhibit on the history of the area (that will be changed and/or modified from time to time and will work in conjunction with the Tall Ship visits that are being scheduled) and be the focal point of the Old Seaport at Fort Myers Beach. It could also contain other public uses such as a Sheriff's office substation for water patrol, Marine patrol office and/or harbor master's office. The roofed/covered area for this area will be part of the overall open area structure that includes the Covered Seating Area over the Butler Act property. As with Market Side, the structure will

Mr. Josh Overmyer

July 22, 2014

Page 3

not be subject to FEMA regulations but exhibits and/or materials will not be removed at night. The facility will likely have some sort of pull down security fencing and as well as rain guards that than be rolled down during periods of inclement weather.

Covered and Outdoor Seating; this area will be a seating area for patrons of the Lobster Pot who have typically arrived by boat, are waiting for a cruise boat or are there to observe the Seaport activities, including the scheduled visits of the Tall Ships and other water related activities.

Should you have any questions regarding this application or require additional information, please contact me at 239/898-4008 or by email at: mckeeeng@comcast.net.

Very Truly Yours,

A handwritten signature in cursive script that reads "David E. McKee".

David E. McKee, P.E., President
McKee Engineering Consultants, Inc.

Cc: Mr. Robert Fowler
Mr. Rob DeGennaro



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: DCI 2014 - 0005 DATE: 7-29-14

Site Address: 441/445 & 645 OLD SAN CARLOS BLVD, FMB

STRAP Number: 2A-46-23-W3-00026.0000/.0030 (& ADJ. NON-STRAPED LANDS)

Applicant: ~~THE~~ FOWLER COMPANY CONSTRUCTION & DEVELOPMENT Phone: _____

Contact Name: ROBERT FOWLER, SR Phone: 239/275-7000

Email: robsr@fowlercompany.com Fax: 239/275-4858

Current Zoning District: CPD (RES 09-10), NO ZONING ON NON-STRAPED PARCELS

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL & TIDAL WATER

FLUM Density Range: N/A Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input checked="" type="checkbox"/> Planned Development <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other - cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. Applicant*: ROBERT FOWLER, SR Phone: 239-275-7000

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 10561 SIX MILE CYPRESS, FORT MYERS, 33912

Email: robsr@fowlercompany.com Fax: 239-275-4858

Contact Name: _____ Phone: _____

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| <input type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: DAVID E. MCKEE, PE/MCKEE ENGINEERING Phone: 239/898-4008

Address: 22210 FAIRMOUNT CT, ESTERO, FL 33928

Email: mckeeeng@comcast.net Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
 - Variance from LDC Section _____ - _____
 - Conventional Rezoning from _____ to _____
 - Planned Development
 - Rezoning from CPD to Commercial PD Residential PD
 - Amendment. List the project number: _____
 - Extension/reinstatement of Master Concept Plan. List project number: _____
 - Appeal of Administrative Action
 - Vacation Right-of-Way Easement
 - Other. Please Explain: _____
-
-

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

- Code Section: _____ Description: _____

- Code Section: _____ Description: _____

- Code Section: _____ Description: _____

PART IV – Property Ownership

- Single Owner (individual or husband and wife)
 - Name: _____ Phone: _____
 - Mailing Address: _____
 - Email: _____ Fax: _____

Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- Complete Disclosure of Interest Form (see below)
- Attach list of property owners as Exhibit 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W3 - ~~0000~~ 00026.0000 / .0030

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock
<u>ROBERT DE GENNAO</u>	_____
<u>9231 WATER LILY COURT, #702</u>	_____
<u>FORT MYERS, FL 33919</u>	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest.

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
ROBERT DEGENARO	98%
BRETT DEGENARO	1%
CARMY DEGENARO	1%
12401 MCGREGOR PALMS DRIVE	
FT MYERS, FLORIDA 33908	

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

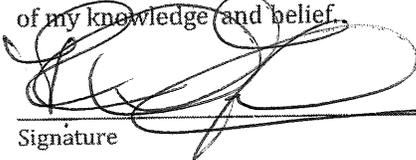
Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

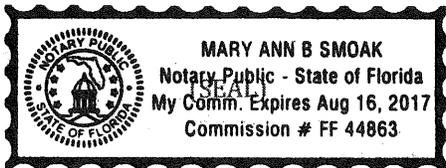
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

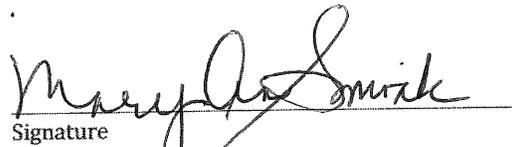

Signature

ROBERT DEGENARO
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7-22-14 (date) by ROBERT DEGENARO (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.




Signature

MARY ANN SMOAK
Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23 -W3- 00026.0000/.0030 # NON-STRAPED LANDS

Property Address: 441/445 & 645 OLD SAN CARLOS BLVD, FMB

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 200 560 feet

Depth (please provide an average width if irregular in shape) 200 feet

Frontage on street: 560 feet. Frontage on waterbody: _____ feet

Total land area: 63,793 acres square feet

(PLUS PORTION of SUBMERGED LAND LEASE)

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

RIGHT TURN ON AT BASE OF SKY BRIDGE (ON GOLF SIDE), TURN
RIGHT AGAIN ON OLD SAN CARLOS BLVD - GO TO END

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| <input type="checkbox"/> Low Density | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input checked="" type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |

(ADD TIDAL WATER)

H. Zoning (see official Zoning Map):

- | | |
|--|--|
| <input type="checkbox"/> RS (Residential Single-family) | <input type="checkbox"/> CF (Community Facilities) |
| <input type="checkbox"/> RC (Residential Conservation) | <input type="checkbox"/> IN (Institutional) |
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marine) | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input checked="" type="checkbox"/> CPD (Commercial Planned Development) | |

AND NO ZONING CLASSIFICATION ON TIDAL WATER LANDS

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, ROBERT DEGENARO (name), as MANAGER (title) of BARRIER ISLANDS MGT, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

BARRIER ISLANDS MANAGEMENT, LLC
 Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature]
 Signature

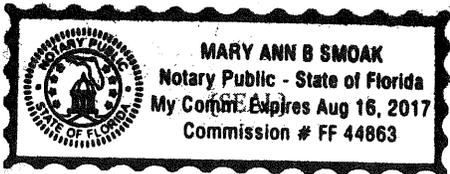
MANAGER
 Title

ROBERT DEGENARO
 Typed or Printed Name

7/22/2014
 Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7-22-14 (date) by ROBERT DEGENARO (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



[Signature]
 Signature

MARY ANN SMOAK
 Printed Name

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, ROBERT FOWLER, SR (name), as _____ (title) of FOWLER CONSTRUCTION & DEVELOPMENT (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

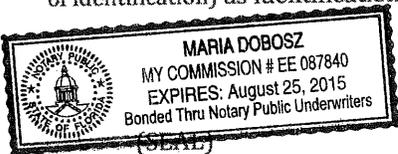
FOWLER CONSTRUCTION AND DEVELOPMENT
 Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature] CEO
 Signature Title

ROBERT FOWLER, SR. 7-23-14
 Typed or Printed Name Date

STATE OF FLORIDA)
COUNTY OF LEE)

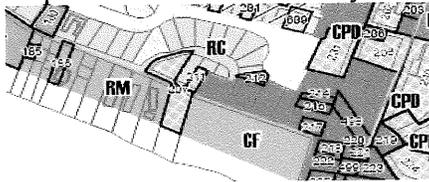
The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7-22-14 (date) by Robert Fowler Sr (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



[Signature]
 Signature

MARIA DOBOSZ
 Printed Name

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Supplement PH-D

**Additional Required Information for a
 Planned Development Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Project Name: <i>OLDE SUPPORT of FORT MYERS BEACH</i>
Authorized Applicant: <i>ROBERT FOWLER, SR / FOWLER CONSTRUCTION & DEVELOPMENT</i>
LeePA STRAP Number(s): <i>24-46-23-W3-00026.0000/0030</i>
<i>(AND ADJ. NON-STRAPPED LANDS)</i>

Current Property Status:
Current Zoning: <i>CPD (RES 09-10), NO ZONING ON ADJ. STRAPPED LANDS</i>
Future Land Use Map (FLUM) Category: <i>PEDESTRIAN COMMERCIAL & TIDAL WATER</i>
Platted Overlay? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no FLUM Density Range: <i>N/A</i>

Requested Action:

<input type="checkbox"/> DRI (with rezoning)
<input type="checkbox"/> Planned Development (also check below)
<input type="checkbox"/> Rezoning from: _____ to: _____
<input type="checkbox"/> Amendment to Master Concept Plan/attendant documentation

Olde Seaport of Fort Myers Beach Commercial Planned Development

Part I – C – Comprehensive Plan Compliance

Future Land Use Classifications for the four parcels being considered for rezoning are Pedestrian Commercial and Tidal Water. The two land parcels (parcels #1 and #3), which are strapped and addressed, are Pedestrian Commercial, which permits a wide array of commercial uses. The Butler Act property (parcel #4) and the submerged land lease (parcel #2) are within the Tidal Water Land Use and require that the activities generally be “water dependent”. The activities permitted by the two land use classifications are inter-related and dependent upon each other, as discussed herein, and create the overall development concept the applicant is proposing.

Policy 4-B-6 of the Town of Fort Myers Beach Comprehensive Plan states the Pedestrian Commercial Land Use is “a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard and the area around Villa Santini Plaza)”. The proposed uses within the Pedestrian Commercial area under this rezoning request, which are discussed below, are consistent with this Future Land Use criteria:

- Parcel #3, also known as the South parcel located at 441/445 Old San Carlos Blvd., is a 74 space parking lot that provides part the required parking for all the proposed uses requested by this application. No changes are being proposed.
- Parcel #1, also known as the North parcel located at 645 Old San Carlos Blvd., fronts Matanzas Pass and has a number of requested uses: continued use of the 49 parking spaces to provide the parking for the proposed uses, 3120 sf of open air retail area known as the Olde Market Place, 1914 sf of open seating area that will be part of a restaurant known as the Full Belly Deli (with kitchen facilities in the adjacent Unit B of the Marina Village, a Condominium) and an 850 sf covered food preparation area known as the Lobster Pot (with kitchen facilities in the adjacent Unit D of the Marina Village, a Condominium).

Policy 4-B-10 of the Comprehensive Plan defines Tidal Water as being “applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet)”. Allowable uses are water dependent such as water sports, boating, swimming and fishing. Fixed structures for water access are also permitted as long as they comply with LDC standards. The proposed uses within the Tidal Water Future Land Use Classification under this rezoning, which are discussed below, are consistent with this Future Land Use criteria:

- The Submerged Land Lease parcel, also known as Parcel #2 and located north of 645 Old San Carlos Blvd., has a submission pending with FDEP for additional dockage and boat slips. A copy of that application is provided as an exhibit to this

request. The FDEP application and this rezoning request also includes a Public Use covered area known as the History House, which will contain historical exhibits on the Fort Myers Beach area, information on the Tall Ships and other exhibits that are being scheduled for visits to the area and environmental and wildlife information. Space will also be made available for Lee County Sheriff, Marine Patrol or Harbor Master quarters if requested or needed. These uses clearly fall under the Tidal Water Future Land use classification.

- The Butler Act parcel, also known as Parcel #4 and located north of 645 Old San Carlos Blvd., which Barrier Island Management, LLC owns, resulted from the fact that a former restaurant occupied the site prior to 1951. As such FDEP has no jurisdiction regarding the use of the property and it is subject to local criteria. As late as 2000 (?) the Snug Harbor Restaurant occupied the site. Under this rezoning request, it is being proposed as a seating area, both covered and open seating totaling 2697 sf, where food will be served from the adjacent land based preparation area known as the Lobster Pot. The Butler Act parcel presently contains an existing marine structure/dock, which will rehabilitated and/or replaced under this project.

The uses outlined herein for the Tidal Water Land Use area revolve around water dependent, water related and water driven activities. The available boat slips will be used by boaters to come to the area for the restaurants and shopping. Up to eight of the larger boat slips are expected to be used by charter boats for sunset cruises, fishing or other water dependent activities with patrons again using restaurants and retail areas before or after their trips. Special events, such as visits by Tall Ships or other notable sailing vessels, will draw patrons to the area. The planned History House will add to the ambiance of the area and create the “Olde Seaport” concept that the applicant is proposing to create.

In addition to general compliance with the primary Land Use policies set forth above, other sections of the Comprehensive Plan are applicable to the proposed rezoning and support the request, as follows:

- Goal 3 of the Town’s Comprehensive Plan is to “revitalize and improve specific transitional neighborhoods” with Objective 3-D being specific to the Times Square area: “stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities”. While this section of the Plan is generally directed to local government policy it applies to private sector activities as well. The creation of the “Olde Seaport” concept with new retail and dining opportunities as well as the History House, the plans to draw Tall Ships and other exhibits to the area and the clean up/ redevelopment/ revitalization of the area, including the old dock and pier areas that sit unused and in poor condition, clearly conform with this goal.
- Comp Plan Policy 4-C-3(ii) encourages new or expanded use with the Pedestrian Commercial areas. Other sections of 4-C-3 further encourage uses that contribute to the pedestrian character of the town. The use of open air shops along Old San

Carlos Blvd. and outside seating in nearby areas are consistent with that intent by drawing pedestrian traffic into the area.

- Objective 4-F addresses Redevelopment and specifically states “take positive steps to redevelop areas that are reaching obsolescence or beginning to showing blight by designing and implementing public improvements near Times Square to spur redevelopment there”. While this objective is generally directed at the local government it can be applied to the private sector as well. The proposed rezoning includes the rehabilitation and or replacement of the existing dock/pier areas that are in poor condition and are generally an eyesore to visitors that come to the area.
- Policy 5-A-5 states “Due to the physical constraints of its coastal location, the Town of Fort Myers Beach commits to a future policy of no increase in the net development capacity (island-wide) that would be allowed by the Fort Myers Beach comprehensive plan”. The proposed rezoning complies with this standard since the proposed use of the Butler Act parcel for open and covered seating is significantly less intense than the full scale restaurant that used to occupy the site. Actual food preparation activities are within the adjacent Commercial Pedestrian areas.
- Policy 5-E-7(iii) states “in determining applicable land uses for a site, priority shall be given to water dependent uses in the following order: conservation uses; water-dependent uses such as marinas which are available for use by the general public; recreational uses, and; other uses that are compatible with the surrounding neighborhood. Since conservation would not be a logical option given the density/intensity of the area, the other three uses are clearly established in this rezoning request. Additional boat slips are being provided, charter boats will be accommodated, entertainment/recreational uses are being proposed in the form of exhibits and visiting sailing vessels and the entire development is inter-related and compatible with the existing neighborhood.

**Olde Seaport of Fort Myers Beach
Commercial Planned Development**

Part I – D – Design Standards Compliance

The applicant is requesting conceptual approval of the architectural renderings per 34-992(d)(1). Final design/construction plans will not be prepared until the Development Order phase and is understood final approval must be obtained for the architectural plans prior to building permit application.

This application does not include any true building structures since there will be no new enclosed air conditioned space constructed. All proposed structures are either roof only type facilities or partially enclosed areas where the walls are non-structural in nature and create use separations and/or are used to enhance the theme of the area through the design. In this case, the Olde Seaport theme creates facilities that are reminiscent of the Caribbean ports of the 1800's.

**Olde Seaport of Fort Myers Beach
Commercial Planned Development**

Part I – E – Decision–Making Compliance

This proposed development complies with the decision-making process in the LDC in the following manner:

- There exists an error/ambiguity in the current CPD (res. 09-10) that needs to be corrected. It is not clear exactly what was previously approved for this area and this rezoning request clearly defines all proposed uses.
- There exists changed conditions that make the approval of this request appropriate. With the past demolition of the Snug Harbor restaurant, a dock/pier area is still present that requires rehabilitation and/or replacement and should be upgraded to provide a reasonable and appropriate use rather than remain in a rundown condition and be an eye-sore to residents and tourists visiting the area.
- 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.
- The request meets or exceeds all performance and locational standards set forth for the proposed uses.
- Urban services are available and adequate to serve the proposed development.
- The proposed development will not have any impact on the environment or natural resources.
- The request is compatible with existing and other planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- The request will not place an undue burden upon existing transportation or other services and facilities. Additionally, the development encourages the use of additional access by water and it has been planned to attract existing pedestrian traffic to the area.

**Olde Seaport of Fort Myers Beach
Commercial Planned Development**

Schedule of Uses

Parcel #1 (North Parcel – 645 Old San Carlos Blvd.)

Consumption on Premises
Parking Lot, shared permanent
Personal Services
Restaurant
Retail store, small

Parcel #2 (Submerged Land Lease)

Boat slips
Cultural Facility/Exhibit area
Docks
Marina
Theater/Exhibit area

Parcel #3 (South Parcel – 441/445 Old San Carlos Blvd.)

Parking Lot, shared permanent

Parcel #4 (Butler Act property)

Open seating (in connection with Parcel #1 restaurant)
On Premises consumption of alcoholic beverages

Accessory uses on all parcels:

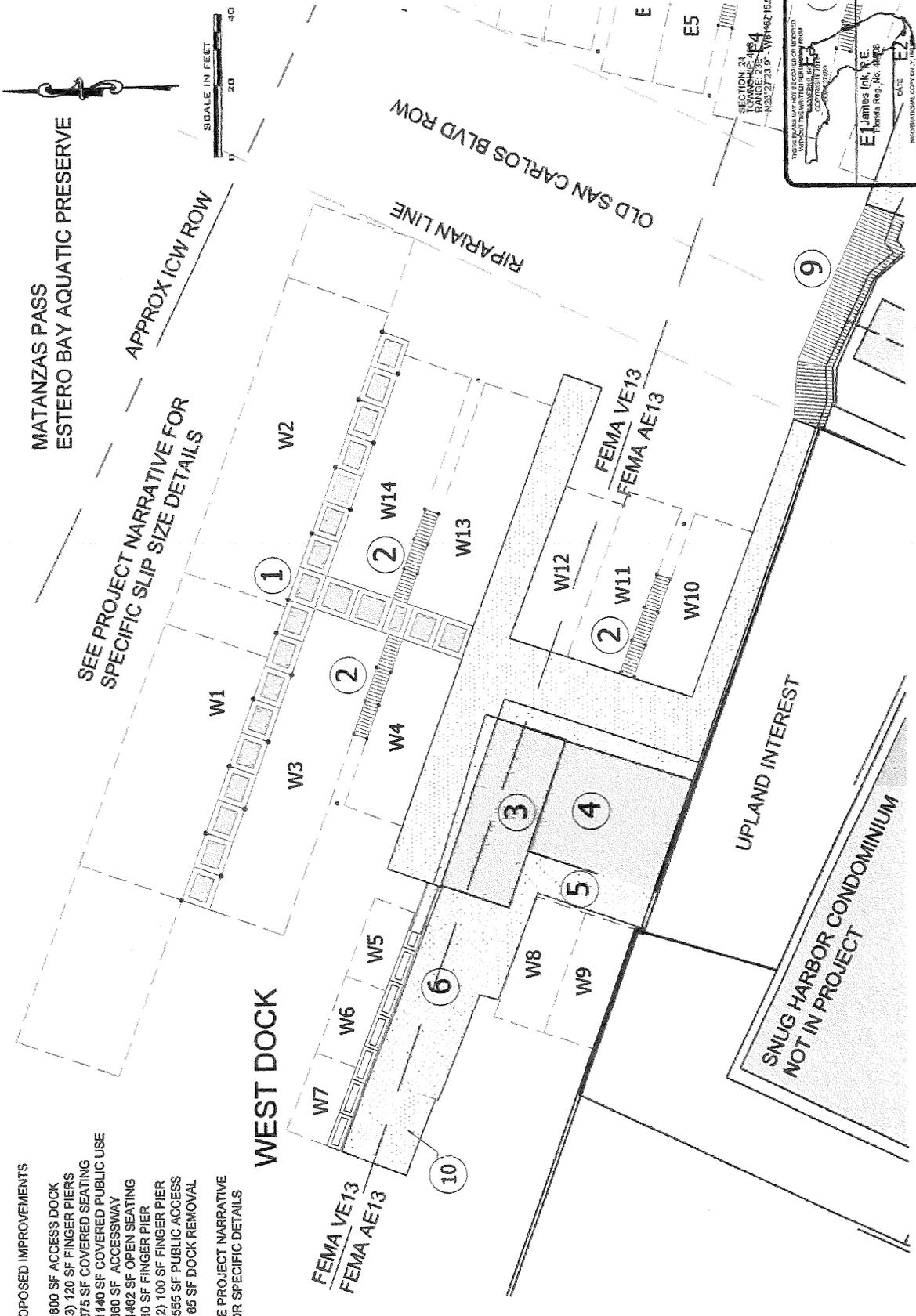
Bay access
Essential services
Essential services equipment

Olde Seaport Of Fort Myers Beach
 Parking Calculations - 6/10/14

Building/Description	Unit	QTY.	Calculated Parking	Gross Total	Downtown Reduction	Required	Provided
Existing "Nervous Nellie's" - Food Service	SF	6500	8 per 1000 SF	52	0.5	26	26
Existing "Nervous Nellie's" - Bar Area	SF	1000	5 per 1000 SF	5	0.5	3	3
Charter Boat	per boat	7	3 per boat	21	0.5	11	11
"Full Belly Deli"/Outdoor Seating	SF	1914	8 per 1000 sf	15	0.5	8	8
"Lobster Pot"/Outdoor & Covered Seating	SF	3547	8 per 1000 sf	28	0.5	14	14
Retail ("Market Side")	SF	3120	3 per 1000 sf	9	0.5	5	5
Public Use/"History House"	SF	1,140	2 per 1000 sf	2	0.5	1	1
Boat Slips	per slip	22	0.5 per slip	11	0.5	6	6
TOTAL REQUIRED SPACES						72	72

(the actual number of existing space is 129)

- PROPOSED IMPROVEMENTS
- 1- 1800 SF ACCESS DOCK
 - 2- (3) 120 SF FINGER PIERS
 - 3- 875 SF COVERED SEATING
 - 4- 1140 SF COVERED PUBLIC USE
 - 5- 360 SF ACCESSWAY
 - 6- 1482 SF OPEN SEATING
 - 7- 80 SF FINGER PIER
 - 8- (2) 100 SF FINGER PIER
 - 9- 555 SF PUBLIC ACCESS
 - 10- 85 SF DOCK REMOVAL
- SEE PROJECT NARRATIVE FOR SPECIFIC DETAILS



FOR PERMITTING ONLY, NOT FOR CONSTRUCTION

	2055 West First Street Fort Myers, Florida, 33901 Tel: (239) 334-2450 Fax: (239) 334-0278 E-mail: Jamesink@inkworks.net	Proposed West Dock Plan Olde Seaport of Fort Myers Beach Docks 1131 First St, Ft Myers Beach, FL 33931	JOB #: 113003 DATE: 6.2014 SHEET: 10 of 18
	Proposed West Dock Plan Olde Seaport of Fort Myers Beach Docks 1131 First St, Ft Myers Beach, FL 33931		