



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Minor amendment to the approved Lighthouse Resort CPD Master Concept Plan (MCP) to depict the location of a proposed wall underneath one of the resort buildings.

CASE NUMBER: MCP2015-0001

STAFF REPORT DATE: May 24, 2016

LPA HEARING DATE: June 14, 2016

LPA HEARING TIME: 9:00 AM

STAFF RECOMMENDATION: **APPROVE, with conditions**

I. APPLICATION SUMMARY

Applicant/Agent: McHarris Planning & Design/Joe McHarris

Request: Amend the approved Lighthouse Resort CPD Master Concept Plan (MCP) to depict the location of a proposed wall underneath one of the resorts' buildings. The amendment proposes to provide an architectural decorative wall under the building closest to Fifth Street. The purpose of the wall includes: aesthetics; noise reduction; wind control; and, boundary definition for the Tiki Bar.

Subject property: See Exhibit A

Physical Address: 1051 Fifth Street

STRAP #: 24-46-23-W3-00203.0090; 24-46-23-W3-00203.0100; 24-46-23-W3-00203.014A; 24-46-23-W3-00203.0190; and, 24-46-23-W3-00205.0060

FLU: Pedestrian Commercial

Zoning: Commercial Planned Development (CPD)

Current use(s): Hotel, with accessory uses

Adjacent zoning and land uses:

- North: Third Street, then rental apartments, Sundeck Inn & Suites, DOWNTOWN, Pedestrian Commercial.
- South: Fifth Street, then CPD (Helmerich Plaza shopping center), Pedestrian Commercial FLUM.
- East: Fifth Street, CPD (Helmerich Plaza shopping center), then Crescent Street, then RM, Pedestrian Commercial FLUM.
- West: San Carlos Boulevard (Matanzas Pass Bridge approach), then La Playa parking lot, Yucatan Beach Stand restaurant/bar, Cheap Beach Stuff retail commercial, and Smokin' Oyster Brewery restaurant/bar, DOWNTOWN and COMMERCIAL PLANNED DEVELOPMENT, Pedestrian Commercial FLUM.

II. BACKGROUND AND ANALYSIS

Background:

The Lighthouse Resort Inn & Suites, 1051 Fifth Street, is a hotel that has requested a minor amendment to its approved Master Concept Plan (MCP) to accommodate a proposed wall (see Exhibit B - revised MCP) underneath one of its buildings along Fifth Street. The subject site is located in the Downtown District Area as contained on Figure 34-7 of the Land Development Code (LDC).

The Lighthouse Resort was originally developed in the 1950s, when the only way on and off the island was the swing bridge at Old San Carlos. Before the construction of the Matanzas Pass Bridge, Lighthouse Resort occupied its current location, plus much of the area near modern-day Yucatan Beach Stand. In fact, the original Lighthouse Resort office was located on Old San Carlos, near the present location of the Yucatan driveway. Every vehicle coming onto and leaving the island would pass right by the main office.

When the Matanzas Pass Bridge was constructed, it became more accessible for residents and visitors to reach Fort Myers Beach. Part of the cost of that, however, was the acquisition of new right-of-way through the center of the "Business Center" subdivision, between Old San Carlos and Crescent Street. Suddenly, the Lighthouse Resort found itself split in two, with no access to the main road. Due to the changed configuration of the property, and vehicular access off of (then) Fourth Street and Fifth Street, additional signage was necessary to direct visitors to the resort. It was around this time that the large "Lighthouse" sign was erected, near the foot of the bridge where it stands today.

The property was rezoned from Commercial (C-1) to a Commercial Planned Development (CPD) in Resolution 00-09 (Exhibit C), to allow the owners an opportunity to redevelop the

property in phases in an effort to revitalize the resort and come into compliance with current flood regulations.

An Administrative Amendment to the CPD was approved in ADD2001-00013 (see Exhibit D), allowing the property owner to move 2 units from one phase of the planned redevelopment project into another phase.

A rezoning in 2003, approved in Resolution 03-23 (Exhibit E), added 11 conditions and 4 deviations in approving a 4,300 square foot restaurant. Condition #14 states that “any outdoor seating for the restaurant and *any sign that will require a deviation must be addressed through an amendment to this CPD*” [emphasis added]. Project signage became an issue that was resolved by the adoption of Town Council resolutions in 2013.

In September 1999, Town Council repealed the Transitional Sign Land Development Regulations and replaced them with a new Chapter 30 (Signs) in the LDC by Ordinance 99-11. On April 18, 2011, Town Council adopted changes to the sign regulations, in Ordinance 11-01, and gave property owners until December 31, 2011 to comply with the new regulations.

During public hearings for the 2011 sign ordinance, representatives for the Lighthouse Resort questioned Town Council about their specific situation, being surrounded on 4 sides by roads, and the direction given by Council was that their situation was unique, and should be dealt with as a variance from the new LDC regulations.

An application for a variance was filed on December 27, 2011, but staff recognized that the property was zoned CPD. In any planned development zoning district, requests usually handled as “variances” need to be dealt with as “deviations” and approved through the planned development amendment process. VAR2011-0005 was withdrawn and the applicant applied for DCI2013-0003 on July 12, 2012 to address the proposed sign deviations.

The site’s signage was the subject of two Town Council Resolutions, Resolution Number 13-24 (see Exhibit F) and Resolution Number 13-29 (see Exhibit G), which addressed needed deviations to bring the signage for the resort into compliance with current signage regulations of the Land Development Code (LDC). These resolutions were adopted on October 21, 2013 and December 2, 2013.

Submitted Project Narrative Request:

On May 2, 2016, the applicant provided the following request narrative:

We are requesting a minor amendment to our MCP. Presently there is no wall at this location and the view from the street is of parked cars and the interior of the hotel looking at the bar. This request is to provide an architectural decorative wall under the building close to the front the road. The wall serves several purposes that include aesthetics, noise reduction, wind control, boundary definition for the Tiki bar, and of

course will obscure the noise and functions that go on at this location from the street and surrounding area.

Analysis:

The subject property is located in the Downtown District Area as depicted on LDC Figure 34-7. The subject property is zoned Commercial Planned Development (CPD) and is within walking distance to Times Square, Lynn Hall Memorial Park and Crescent Beach Family Park, as well as a full service marina and numerous hotels, motels, and rental properties. This area of the Town is known for a variety of establishments offering a range of food and beverage options such as The Beached Whale, The Doghouse, Key Lime Conch Shack, Yo Taco, Lani Kai, Sunset Beach Tropical Grill, La Ola, Pierside, Zushi Zushi, The Yucatan Beach Stand, Smokin Oyster Brewery, and Nervous Nellie's. This instant request for an amendment to the already approved MCP is unique to the Lighthouse property. The request is to enclose an area underneath one the property's elevated buildings. The applicant provides that there are multiple reasons why this area should be enclosed. The applicant lists noise reduction, wind control, boundary definition of the tiki bar, and aesthetics.

Request Comprehensive Plan Consistency:

The subject site is classified by the Town's comprehensive plan as "Pedestrian Commercial." The category descriptor policy is reproduced below:

Policy 4-B-6 "PEDESTRIAN COMMERCIAL": 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 the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The subject site is located near the primarily commercial district of the Times Square activity center which includes nearby portions of Estero Boulevard. The site is located along a Primary Street, Fifth Street, as identified on Figure 34-7 of the LDC. The subject site contributes to the 58.9% non-residential uses of the area, being a hotel.

The plan contains Policy 4-A-3, which seeks to protect residential neighborhoods from the impacts of "intrusive" commercial activities. This policy is reproduced below:

POLICY 4-A-3 *The town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3).*

The proposed wall will help shield residents located along Crescent Street and beyond from the activities associated with the Tiki Bar. Policy 4-A-3 also refers to two additional Policies, Policies 4-C-2 and 4-C-3 which are discussed below.

Policy 4-C-2 addresses “Commercial Intensity”. This policy states that “the maximum intensity of allowable commercial development in any category may be controlled by height restrictions or by other provisions of this plan and the Land Development Code”. The policy also provides that standards in the LDC will encourage more intense commercial uses only in the “Pedestrian Commercial” category. As stated previously, the subject site is located in the Pedestrian Commercial category. The subject site is thus located in an area that accommodates more intense commercial uses.

Policy 4-C-3 provides direction concerning commercial locations for new or expanded commercial uses. This policy notes that where new or expanded commercial uses are encouraged, as in the “Pedestrian Commercial” category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. The policy also specifies that the Planned Development process can also be utilized. This policy also provides that the neighborhood context of proposed commercial uses is of paramount importance. The policy further states that “the sensitivity of a proposed commercial activity to nearby residential areas can be affected by” the type of commercial activities (such as traffic to be generated, hours of operation, and noise); physical scale (such as the height, and bulk of proposed buildings); and, the orientation of buildings and parking. The policy provides that “commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved”. The wall has been designed to shield residences located on Crescent Street and Primo Drive.

Town Council is the final arbitrator of what constitutes commercial intrusion into a residential neighborhood. In staff’s opinion the requested activity does not have the potential to disturb the “comfort” of the residents and does not constitute commercial intrusion into a residential neighborhood. The wall serves to increase the project’s compatibility with surrounding uses.

The comprehensive plan recognizes in Objective 10-C that downtown is a recreational hub for island residents and visitors. Policy 10-C-2 delineates 3 public pedestrian plazas for the town, “Times Square”, “Marina Plaza”, and “Central Green”. The subject site is, of course, located near the Times Square activity center. Staff finds that the request is consistent with the Town’s Comprehensive Plan.

Rezoning Considerations:

The subject request is an amendment to an already approved planned development or already approved master concept plan, as contained in LDC Sec. 34-214. This section provides that an application such as this “shall proceed through the public hearing process as described in section 34-216. Section 34-216 specifies that the request will have a

hearing before the local planning agency and their recommendation to Town Council must be supported by the guidelines set forth in section 34-85. These "Considerations" are reproduced and discussed below.

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

The applicant provides that this is "Not applicable." Staff believes that the current approvals are clear and that there is no error or ambiguity which must be corrected. Staff does believe that the proposed wall will enhance compatibility of the hotel with surrounding uses.

b. Whether there exist changed or changing conditions which make approval of the request appropriate.

The applicant provides that "we believe that this change is more beneficial to the existing area by shielding some of the uses from the street with a nice façade/wall."

c. The impact of a proposed change on the intent of this chapter.

The applicant referred to the previous answer that this change is more beneficial to the existing area by shielding some of the uses from the street with a nice façade/wall. Staff believes that the wall furthers compatibility with adjacent uses.

d. The testimony of any applicant.

The Council will be able to hear from the applicant at the public hearing.

e. The recommendation of staff and of the local planning agency.

The staff recommendation is contained in this staff report. The LPA recommendation will be obtained at the LPA public hearing.

f. The testimony of the public.

The public will have the opportunity to testify at the LPA public hearing as well as at the Town Council public hearing.

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.

The applicant has provided an analysis of the Fort Myers Beach Comprehensive Plan and this proposed amendment. The applicant has provided the following summary:

...this amendment/project has been designed to meet and exceed the town of Fort Myers Beach standards, to be the best neighbor they can be to both the immediate

neighbors, and the town as a hole (sic). While it is not easy to be located in a neighborhood, we have always maintained the balance that is required under these circumstances.

Staff finds that the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan as discussed in this report. The request does not raise compatibility concerns with surrounding uses.

h. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

The applicant provides the following:

This meets and exceeds performance and design criteria. The design is such that it is pleasing to the eye, while being mindful of its surrounding.

The proposed use is located in a fairly intense land use category, "Pedestrian Commercial", and is located in an activity center. The requested use raises no compatibility concerns with adjacent uses. The subject site has adequate parking with the addition of the wall.

i. Whether urban services are, or will be, available and adequate to serve a proposed land use change.

The applicant provides that "Services are available." Staff agrees that there are adequate urban services available and the wall in of itself will not require any additional services.

j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

Concerning this consideration the applicant provides the following:

Not applicable as it is an already developed site.

The subject site is fully developed, contains no environmentally critical areas or natural resources to protect, conserve, or preserve.

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.

Concerning this consideration the applicant provides the following:

This is a continuation and betterment of what is already existing at the location.

The request raises no compatibility concerns with existing and planned surrounding uses.

- 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.*

Concerning this consideration the applicant provides the following:

This request does not place any undue burden on existing transportation or service facilities.

Staff believes that the request will not place an undue burden upon existing transportation or other services and facilities.

Amendment Criteria:

The Land Development Code, in Section 34-216 also provides a series of additional criteria that must be satisfied. The criteria are reproduced and discussed below:

- a. The proposed use or mix of uses is appropriate at the subject location;*

Staff believes the proposed wall is appropriate to address the issues that the applicant has identified.

- b. Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations;*

Staff believes that there are sufficient safeguards in place and that the applicant will have to obtain a limited development order approval as well as a building permit.

- c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

The proposed conditions are reasonably related to the impacts of the proposed wall.

- d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development...*

The proposed wall, as discussed above in this report, meets all specific requirements of the comprehensive plan. The request is consistent with the Town of Fort Myers Beach comprehensive plan and the Land Development Code.

III. RECOMMENDATION

Staff recommends APPROVAL of the amendment to the already approved master concept plan to depict the proposed wall location on the MCP.

If the Town Council chooses to approve the request, Staff is proposing to add the following conditions of approval that solely deal with the proposed wall:

CONDITIONS OF APPROVAL:

1. *The proposed wall must be generally consistent with the submitted Master Concept Plan for Lighthouse Island Resort Phase 2 (Revised).*
2. *A Limited Development Order must be approved for the wall prior to the wall being constructed.*
3. *Conditions and Deviations as contained by Resolutions 13-24 and 13-29 remain in effect.*

Attachments:

- A – Legal Description
- B – Master Concept Plan for Lighthouse Island Resort Phase 2 (Revised)
- C – Resolution Number 00-09
- D – ADD2001-00013
- E – Resolution Number 03-23
- F – Resolution Number 13-24
- G – Resolution Number 13-29
- H – Application Materials



ZONING

- Map Fourth St & 1051 Fifth St
- Parcel Boundary
- EC-Environmental Critical
- RC-Residential Conservation
- RM-Residential Multi-Family
- CPD-Community Planned Development
- RPD-Residential Planned Development
- DOWNTOWN
- CF-Community Facilities
- CM-Commercial Marina
- CPD-Commercial Planned Development
- DOWNTOWN

Lighthouse Restaurant Special Exception Site Location

Case : MCP2015-0001

Date: 5/2/2016	Drawn By: PWGIS	Sheet: 1	Scale: 1" = 175'
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Town of Fort Myers Beach, Florida

DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 765-0202



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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: MCP 2015-0001 DATE: _____

Site Address: 3RD STREET, FORT MYERS BEACH, 33931

STRAP Number: 24-46-23-W3-00205: 0060
24-46-23-W3-00203 (0090, 0100, 014A, 0150, 0190 & 019A)

Applicant: MCHARRIS PLANNING & DESIGN Phone: 239 948 6688

Contact Name: JOE MCHARRIS Phone: 239 821 4999

Email: JOE@MCHARRIS.COM Fax: 239 948 6689

Current Zoning District: CDD

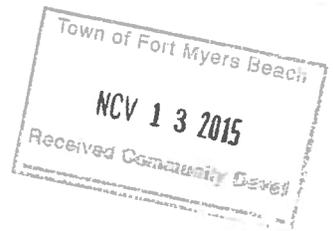
Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

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 type="checkbox"/> Planned Development <input 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: <u>MCP AMENDMENT</u> | attach on separate sheet |



PART I - General Information

A. Applicant*: MCHARRIS PLANNING & DESIGN Phone: 239 948 6688

**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: 11338 BOWTA BEACH RD SUITE 103

Email: JOE@MCHARRIS.COM Fax: 239 948 6689

Contact Name: JOE MCHARRIS Phone: 239 821 4999

B. Relationship of Applicant to subject property:

- Owner*
- Land Trust*
- Partnership*
- Corporation*
- Association*
- Condominium*
- Subdivision*
- Timeshare Condo*
- Contract Purchaser*
- Authorized Representative*
- Other* (please indicate) CONSULT

**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: MCHARRIS Phone: 239 821-4999

Address: 11338 BOWTA BEACH RD SUITE 103

Email: JOE@MCHARRIS.COM Fax: 239 948-6689

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: _____

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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 _____ 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: _____
-
-

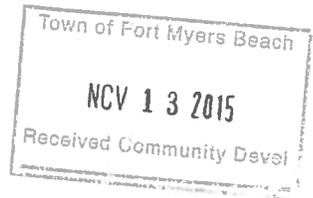
PART III - Waivers

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: N/A Description: _____
-
- Code Section: N/A Description: _____
-
- Code Section: N/A Description: _____
-

PART IV - Property Ownership

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



PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00205, 0060, 24-46-23-W3-00203(0140, 0100, 0090 & 014A)
Property Address: 3RD STREET, FORT MYERS BEACH.

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: N/A

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) 140 +/- feet
Depth (please provide an average width if irregular in shape) 412 +/- feet
Frontage on street: 1166 +/- feet. Frontage on waterbody: NA feet
Total land area: 1.86 +/- acres square feet

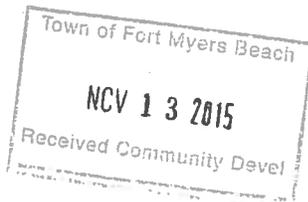
D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

SOUTH OF SKY BRIDGE - & Right NEXT to the BRIDGE

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.



CPD
From Lee

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 |

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) | |

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EXHIBIT II - G

DISCLOSURE OF OWNERSHIP INTEREST FORM FOR:

24-46-23-W3-00265.0060
 STRAP NO. 24-46-23-W3-00203 (0090, 0100, 014A, 0150, 0190 & 019A) CASE NO.

1. 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 of Ownership

2. 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
THOMAS F. KOLAL - PRES 277 PALMO DR, Ft MYERS BEACH FL 33931	100%

3. 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

4. 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 Interest

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5. 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 and Address	Percentage of Interest

Date of Contract: _____

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

Name and 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: *Thomas F. Kolar*
 (Applicant)
THOMAS F KOLAR
 (Printed or typed name of applicant)

STATE OF FLORIDA
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10 day of Nov, 2015, by Thomas F Kolar, who is personally known to me or who has produced _____ as identification.

(SEAL)



Colleen Jane Hissim
 Signature of Notary Public
Colleen Jane Hissim
 Printed Name of Notary Public

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PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, JOE MCHARRIS swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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 Town of Fort Myers Beach in accordance with this application and the Land Development Code;

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;

I have authorized the staff of the Town of Fort Myers Beach 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

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Handwritten Signature]
Signature of owner or authorized agent

Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Nov 10, 2015 (date) by JOSEPH MCHARRIS (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



[Handwritten Signature]
Signature
TARA ROE
Printed Name

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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, JOE MCHARRIS (name), as OWNER (title) of MCHARRIS PLANNING & DESIGN (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.

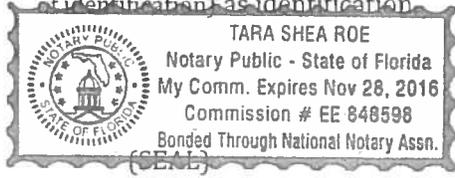
MCHARRIS PLANNING & DESIGN
Name of Entity (corporation, partnership, LLP, L.L.C., etc)

[Signature]
Signature Title

Joseph M MCHARRIS
Typed or Printed Name Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Nov 10, 2015 (date) by Joseph Mcharris (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



[Signature]
Signature
TARA ROE
Printed Name

Town of Fort Myers Beach
NCV 1 3 2015
Received Community Devel

EXHIBIT "A"

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northwesterly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southeasterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 98.52 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 26°37'36", a chord bearing of N.38°35'44"E. and a chord distance of 97.64 feet; thence run N.32°28'21"W. (not radial to the previously described line) for 80.09 feet; thence run N.57°26'35"E. for 109.20 feet to a point on the Southwesterly line of Lot 15, Block 3 of the aforesaid Business Center; Thence run N.63°58'26"W. along said Southwesterly line of Lot 15 for 11.51 feet to the Southeasterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Bearings are based on the Westerly right-of-way line of Crescent Street as being N.00°37'17"W.


John B. Harris
P.S.M. #4631
September 29, 2003

AND

Lot 16, Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat there of on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 4, Page 46, together with all land lying between the East half of said Lot 16 and the canal, less and except the following: Beginning at the Southwest corner of said Lot 16, thence run North 0°37'53" West along the West line of Lot 16 for 50.00 feet to the Northwest corner of Lot 16; thence run North 89°22'07" East on the North line of Lot 16 for 13.50 feet; thence run South 0°37'53" East for 50.00 feet to the south line of Lot 16; thence run South 89°22'07" West along said South line for 13.50 feet to the point of beginning.

SCANNER'S MEMO
Best Image Available

2344W3 - 002103: 114X

This instrument was prepared by
and when recorded return to:
LISA M. LUSK
LUSK, DRASITES & TOLISANO, P.A.
202 S. DEL PRADO BOULEVARD
CAPE CORAL, FLORIDA 33990

INSTR # 5990190
Official Records BK 04077 PG 2405
RECORDED 10/01/2003 09:02:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 15,976.80
DEPUTY CLERK J Miller

2
Grantee #1 S.S. No.:
Grantee #2 S.S. No.:
Property Appraiser's
Parcel Identification No.



QUITCLAIM DEED

This Quitclaim Deed, Executed the 27 day of September, 2003, by THOMAS F. KOLAR and MELINDA D. KOLAR, Husband and Wife, and THOMAS J. KOLAR and ELEANOR M. KOLAR, Husband and Wife, party of the first part, whose post office address is 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931 to and LIGHTHOUSE ISLAND RESORT, INC. a Florida corporation, party of the second part, whose post office address is 1051 Fifth Street, Fort Myers Beach, FL 33931.

(Wherever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the party of the first part, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A"

To Have and To Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

In Witness Whereof, the said party of the first part has signed and sealed these presents the day and year first above written.

This property is not now, nor has it ever been homestead property of the grantor(s), nor contiguous thereto. The grantor(s) reside(s) at: 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931.

Signed, sealed, and delivered in our presence:

(First Witness)
Printed name: RANDY C. BOY

(Second Witness)
Printed name: L.M. JAMES III

THOMAS F. KOLAR (Seal)
Grantor - Printed or typed name: THOMAS F. KOLAR

MELINDA D. KOLAR (Seal)
Grantor - Printed or typed name: MELINDA D. KOLAR

THOMAS J. KOLAR (Seal)
Grantor - Printed or typed name: THOMAS J. KOLAR

ELEANOR M. KOLAR (Seal)
Grantor - Printed or typed name: ELEANOR M. KOLAR

STATE OF FLORIDA
COUNTY OF LEE

The Foregoing Instrument was acknowledged before me this _____ day of September, 2003, by THOMAS F. KOLAR and MELINDA D. KOLAR, Husband and Wife, THOMAS J. KOLAR and ELEANOR M. KOLAR, husband and wife, who is(are) personally known to me or who has produced Florida driver's licenses as identification and who did (did not) take an oath.

My Commission Expires:

Lisa Lusk Drasites
Notary Public
Printed, typed, or stamped name:


Lisa Lusk Drasites
MY COMMISSION # CC944666 EXPIRES
October 31, 2004
BONDED THROUGH FARM INSURANCE BUREAU

(Serial Number, if any)

D.S. \$15,976.80
REC. 15.00
TOTAL 15,991.80

Handwritten notes on the left margin: "2003-09-27" and "Lighthouse Island Resort, Inc."

24-46-W3-00303, 014A

10.50
861.00
871.50

RECORD VERIFIED - CHARLIE GHEEN, CLERK
BY: HELEN CARROLL, D.C.

Town of Fort Myers Beach
NCV 1 3 2015
Received Community Devel

DR2784 PG3048

This Instrument Prepared by and Return to:
WILLIAM E. SHENKO, JR.
WILLIAM E. SHENKO, JR., P.A.
2801 ESTERO BOULEVARD, SUITE C
FORT MYERS BEACH, FLORIDA 33931 **4100289**

Property Appraisers Parcel Identification (Folio) Numbers:
24-46-23-W3-00203.014A

Grantee SS #: _____

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 13th day of January, A.D. 1997 by

MATTIE E. ABERT, a married woman herein called the grantor, to

LIGHTHOUSE ISLAND RESORT, INC., a Florida corporation whose post office address is: 1051 Fifth Street, Fort Myers Beach, FL 33931, hereinafter called the Grantee:

(Whoever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

See Exhibit "A" attached hereto and made a part hereof.

THIS PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR, WHO RESIDES AT: 19831 Adams Road, Fort Myers, FL 33908.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Terry V. Myers
Witness 1 Signature as to MATTIE E. ABERT

Mattie E. Abert L.S.
MATTIE E. ABERT
Post Office Box 67, Estero, FL 33928-0067

Terry V. Myers
Type/Print Name of Witness 1

William E. Shenko, Jr.
Witness 2 Signature as to MATTIE E. ABERT

William E. Shenko, Jr.
Type/Print Name of Witness 2

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 13th day of January, 1997 by MATTIE E. ABERT, who () is/are personally known to me or (X) has produced PI PIC as identification.

Signature of Notary William E. Shenko, Jr.
Type/Print Name of Notary William E. Shenko, Jr.
Commission Number _____
Commission Expiration Date _____

WILLIAM E. SHENKO, JR.
MY COMMISSION # CC 282701
EXPIRES: May 31, 1997
Bonds: The Notary Public Underwriters

Town of Fort Myers Beach
NCV 1 3 2015
Revised Community Development

OR2784 PG3049

EXHIBIT "A"

A parcel of land lying and being in Lot 14, Block 3, BUSINESS CENTER SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of Circuit Court in Plat Book 9, Page 10, Public Records of Lee County, Florida, more particularly described as: Commencing at the Southerly corner of said Lot 14 proceed Northerly along the Easterly boundary line of said Lot for 33.89 feet to the point of beginning; thence continue on the same course for a distance of 35.67 feet; thence deflect left 116°43'00" and proceed Westerly on the line common to said Lot 14 and 15 of said subdivision for a distance of 37.14 feet; thence deflect left 90° and run Southerly along the Westerly boundary of said Lot 14, (same being the line common to said Lot 14 and 13 of said subdivision) for a distance of 80 feet; thence deflect left 90° and run Easterly for a distance of 23.50 feet; thence deflect 90° for a distance of 49.10 feet; thence deflect right 91°35'40" for 29.43 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

Part of Lot 14, Block 3, 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 Northeasterly corner of said Lot 14; thence run S 00°37'53" E along the Easterly line of Lot 14 for 35.57 feet; thence run N 62°02'23" W for 3.99 feet; thence run N 00°37'53" W on a line parallel to and 3.0 feet Westerly of the Easterly line of Lot 14 for 35.42 feet to the Northerly line of Lot 14; thence run S 63°58'26" E for 3.92 feet to the point of beginning.

HARLIE GREEN LEC CLY FL
97 JAN 23 PM 4:17

This instrument was prepared by
and when recorded return to:
LISA M. LUSK
LUSK, DRASITES & TOLISANO, P.A.
202 S. DEL PRADO BOULEVARD
CAPE CORAL, FLORIDA 33990



INSTR # 5990190
Official Records BK 04077 PG 2405
RECORDED 10/01/2003 09:02:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 15,976.80
DEPUTY CLERK J Miller

2
Grantee #1 S.S. No.:
Grantee #2 S.S. No.:
Property Appraiser's
Parcel Identification No.



QUITCLAIM DEED

This Quitclaim Deed, Executed the 27 day of September, 2003, by **THOMAS F. KOLAR** and **MELINDA D. KOLAR**, Husband and Wife, and **THOMAS J. KOLAR** and **ELEANOR M. KOLAR**, Husband and Wife, party of the first part, whose post office address is 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931 to and **LIGHTHOUSE ISLAND RESORT, INC.** a Florida corporation, party of the second part, whose post office address is 1051 Fifth Street, Fort Myers Beach, FL 33931.

(Wherever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the party of the first part, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A"

To Have and To Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

In Witness Whereof, the said party of the first part has signed and sealed these presents the day and year first above written.

This property is not now, nor has it ever been homestead property of the grantor(s), nor contiguous thereto. The grantor(s) reside(s) at: 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931.

Signed, sealed, and delivered in our presence:

[Signature]
(First Witness)
Printed name: RANDY C. [Signature]
[Signature]
(Second Witness)
Printed name: L.M. JAMES III

THOMAS F. KOLAR (Seal)
Grantor - Printed or typed name: THOMAS F. KOLAR
[Signature] (Seal)
Grantor - Printed or typed name: MELINDA D. KOLAR
[Signature] (Seal)
Grantor - Printed or typed name: THOMAS J. KOLAR
Eleanor M. Kolar (Seal)
Grantor - Printed or typed name: ELEANOR M. KOLAR

STATE OF FLORIDA
COUNTY OF LEE

The Foregoing Instrument was acknowledged before me this _____ day of September, 2003, by **THOMAS F. KOLAR** and **MELINDA D. KOLAR**, Husband and Wife, **THOMAS J. KOLAR** and **ELEANOR M. KOLAR**, husband and wife, who is(are) personally known to me or who has produced Florida driver's licenses as identification and who did (did not) take an oath.

My Commission Expires:

[Signature]
Notary Public
Printed, typed, or stamped name:
Lisa Lusk Drasites
MY COMMISSION # CC94466 EXPIRES
October 31, 2004
BONDED THROUGH FAIR INSURANCE-INC
(Serial Number, if any)

D.S. \$15,976.80
REC. 15.00
TOTAL 15,991.80

Town of Fort Myers Beach
 NCV 1 3 2015
 Received Community Devel

EXHIBIT "A"

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northwesterly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southeasterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 98.52 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 26°37'36", a chord bearing of N.38°35'44"E. and a chord distance of 97.64 feet; thence run N.32°28'21"W. (not radial to the previously described line) for 80.09 feet; thence run N.57°26'35"E. for 109.20 feet to a point on the Southwesterly line of Lot 15, Block 3 of the aforesaid Business Center; Thence run N.63°58'26"W. along said Southwesterly line of Lot 15 for 11.51 feet to the Southeasterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Bearings are based on the Westerly right-of-way line of Crescent Street as being N.00°37'17"W.


 John B. Harris
 P.S.M. #4631
 September 29, 2003

AND

Lot 16, Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat there of on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 4, Page 46, together with all land lying between the East half of said Lot 16 and the canal, less and except the following: Beginning at the Southwest corner of said Lot 16, thence run North 0°37'53" West along the West line of Lot 16 for 50.00 feet to the Northwest corner of Lot 16; thence run North 89°22'07" East on the North line of Lot 16 for 13.50 feet; thence run South 0°37'53" East for 50.00 feet to the south line of Lot 16; thence run South 89°22'07" West along said South line for 13.50 feet to the point of beginning.

SCANNER'S MEMO
 Best Image Available

10.50
5579.00
5589.50

11-16-22-113-117-118

RECORDS VERIFIED - CHARLIE GREEN, CLERK
BY: MARY JO RODRIGUEZ, D.C.

4044489

Town of Fort Myers Beach
NCV 1 3 2015
Received Community Dev't

This Instrument Prepared by and Return to:
WILLIAM E. SHENKO, JR.
WILLIAM E. SHENKO, JR., P.A.
2801 ESTERO BOULEVARD, SUITE C
FORT MYERS BEACH, FLORIDA 33931

Locality To L.S. 5579.00
m. jobison

Property Appraisers Parcel Identification (Folio) Numbers:
24-46-23-02-00003.0100

Grantee SS #: _____
SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 19th day of September, A.D. 1996 by

GAIL S. SCHMITT, Individually and as Trustee of the Gail S. Schmitt Trust dated June 5, 1973 as amended July 6, 1984, and MARJORIE A. SCHMITT, Individually and as Trustee of the Marjorie A. Schmitt Trust dated June 5, 1973 as amended July 6, 1984 herein called the grantor, to

LIGHTHOUSE ISLAND RESORT, INC., a Florida corporation whose post office address is: 1050 Third Street, Fort Myers Beach, FL 33931, hereinafter called the Grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

Lots 10, 11, 12, 13, 16, 17 and 18, Block 3 of that certain subdivision known as BUSINESS CENTER, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 9, Pages 9 and 10.

THIS PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR, WHO RESIDES AT: 575 Carlos Circle, Fort Myers Beach, FL 33931.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1995.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Jarvis B. Stanford
Witness 1 Signature as to Gail S. Schmitt
Jarvis B. Stanford
Type/Print Name of Witness 1

William E. Shenko Jr.
Witness 2 Signature as to Gail S. Schmitt
Type/Print Name of Witness 2

Jarvis B. Stanford
Witness 1 Signature as to Marjorie A. Schmitt
Jarvis B. Stanford
Type/Print Name of Witness 1

William E. Shenko Jr.
Witness 2 Signature as to Marjorie A. Schmitt
Type/Print Name of Witness 2

Gail S. Schmitt L.S.
GAIL S. SCHMITT, Individually and as Trustee of the Gail S. Schmitt Trust dated June 5, 1973 as amended 575 Carlos Circle, Fort Myers Beach, FL 33931

Marjorie A. Schmitt L.S.
MARJORIE A. SCHMITT, Individually and as Trustee of the Marjorie A. Schmitt Trust dated June 5, 1973 as amended 575 Carlos Circle, Fort Myers Beach, FL 33931

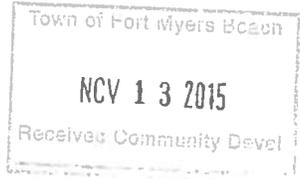
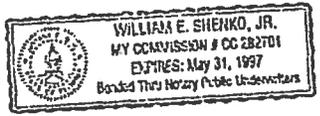
OR2752 Pg 1 60

96 OCT -9 PM 1:30

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19th day of September, 1996 by GAIL S. SCHMITT, Individually and as Trustee of the Gail S. Schmitt Trust dated June 5, 1973 as amended July 6, 1984, and MARJORIE A. SCHMITT, Individually and as Trustee of the Marjorie A. Schmitt Trust dated June 5, 1973 as amended July 6, 1984, who are personally known to me or () have produced _____ as identification.

Signature of Notary *William E. Shenko Jr.*
Type/Print Name of Notary William E. Shenko Jr.
Commission Number _____
Commission Expiration Date _____



OR2752 Pg. 1 of 1

Town of Fort Myers Beach
NCV 1 3 2015
Received Community Devel

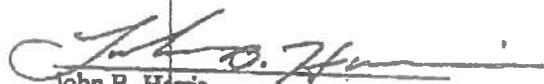
EXHIBIT "A"

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northwesterly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southwesterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 98.52 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 26°37'36", a chord bearing of N.38°35'44"E. and a chord distance of 97.64 feet; thence run N.32°28'21"W. (not radial to the previously described line) for 80.09 feet; thence run N.57°26'35"E. for 109.20 feet to a point on the Southwesterly line of Lot 15, Block 3 of the aforesaid Business Center; Thence run N.63°58'26"W. along said Southwesterly line of Lot 15 for 11.51 feet to the Southwesterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Bearings are based on the Westerly right-of-way line of Crescent Street as being N.00°37'17"W.


John B. Harris
P.S.M. #4631
September 29, 2003

AND

Lot 16, Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat there of on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 4, Page 46, together with all land lying between the East half of said Lot 16 and the canal, less and except the following: Beginning at the Southwest corner of said Lot 16, thence run North 0°37'53" West along the West line of Lot 16 for 50.00 feet to the Northwest corner of Lot 16; thence run North 89°22'07" East on the North line of Lot 16 for 13.50 feet; thence run South 0°37'53" East for 50.00 feet to the south line of Lot 16; thence run South 89°22'07" West along said South line for 13.50 feet to the point of beginning.

SCANNER'S MEMO
Best Image Available

84-41 2-2 11-2

10.50
916.00
926.50

Town of Fort Myers Beach
NCV 1 3 2015
Received Community Devel

3847962

This instrument Prepared by and Return to:
WILLIAM E. SHENKO, JR.
WILLIAM E. SHENKO, JR., P.A.
2601 ESTERO BOULEVARD, SUITE C
FORT MYERS BEACH, FLORIDA 33931
Property Appraisers Parcel Identification (Folio) Numbers:
24-46-23-02-00003.0150

Grantee SS #: 117821946

Documentary Tax \$ 910.00 Tax Pd
By [Signature]

DR2641 P60270

RECORD VERIFIED - CHARLIE GREEN, CLERK
DATE: MARY JO ROBINSON, D.C.

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 25th day of September, A.D. 1995 by
ROBERT D. SWAVELY and KATHERINE SWAVELY, Husband and Wife and GEORGE D. BURRIDGE and MARGARET M. BURRIDGE, Husband and Wife, as tenants in common herein called the grantors, to

JOHN W. RICHARD, a single person whose post office address is: 202 Crescent Street, Fort Myers Beach, FL 33931, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, assigns, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

Lot 15, Block 3, BUSINESS CENTER SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 9, pages 9 and 10. Less and except the following: beginning at the Northeastly corner of said Lot 15; thence run S 00°37'53" E on the Easterly line of Lot 15 for 89.46 feet to the Southeastly corner of Lot 15; thence run N 63°58'26" W on the Southerly line of Lot 15 for 3.92 feet; thence run N 00°37'53" W on a line parallel to and 3.0 feet Westerly of the Easterly line of Lot 15 for 83.95 feet; thence run N 32°16'14" W for 9.38 feet to the Northerly line of Lot 15; thence run S 83°58'26" E for 9.42 feet to the point of beginning.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantee that the grantors in/are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1994.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness 1 Signature as to ROBERT D. SWAVELY
Judy Heataja
Type/Print Name of Witness 1

[Signature] L.S.
ROBERT D. SWAVELY
19109 Flamingo Road, Fort Myers, FL 33912

[Signature]
Witness 2 Signature as to ROBERT D. SWAVELY
William E. Shenko Jr.
Type/Print Name of Witness 2

[Signature]
Witness 1 Signature as to KATHERINE SWAVELY
Judy Heataja
Type/Print Name of Witness 1

[Signature] L.S.
KATHERINE SWAVELY
19109 Flamingo Road, Fort Myers, FL 33912

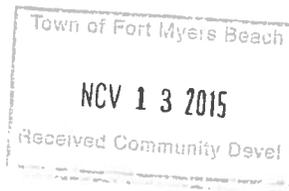
[Signature]
Witness 2 Signature as to KATHERINE SWAVELY
William E. Shenko Jr.
Type/Print Name of Witness 2

[Signature]
 Witness 1 Signature as to GEORGE D. BURRIDGE
Debra L Windes
 Type/Print Name of Witness 1
Debra L Windes
 Witness 2 Signature as to GEORGE D. BURRIDGE
 Type/Print Name of Witness 2

[Signature] L.S.
 GEORGE D. BURRIDGE
 7513 Hickory Road, Route 30, Fort Myers, FL 33912

[Signature]
 Witness 1 Signature as to MARGARET M. BURRIDGE
Debra L Windes
 Type/Print Name of Witness 1
Debra L Windes
 Witness 2 Signature as to MARGARET M. BURRIDGE
 Type/Print Name of Witness 2

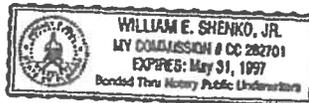
[Signature] L.S.
 MARGARET M. BURRIDGE
 7513 Hickory Road, Route 30, Fort Myers, FL 33912



STATE OF FLORIDA Fla. Wis
 COUNTY OF LEE LCC

The foregoing instrument was acknowledged before me this 25th day of September, 1995, by ROBERT D. SWAVELY and KATHERINE SWAVELY, who () are personally known to me or (X) have produced FL. DL as identification.

Signature of Notary [Signature]
 Type/Print Name of Notary William E. Shenko Jr.
 Commission Number _____
 Commission Expiration Date _____



STATE OF VIRGINIA
 COUNTY OF LEE
 City VIRGINIA BEACH

The foregoing instrument was acknowledged before me this 22 day of SEPTEMBER, 1995, by GEORGE D. BURRIDGE and MARGARET M. BURRIDGE, who () are personally known to me or (X) have produced VDL of North Carolina, ID as identification.

Signature of Notary [Signature]
 Type/Print Name of Notary Sheela A. Forbet
 Commission Number N/A
 Commission Expiration Date 10/31/95

DR2641 PG0271

95 OCT -5 PM 3:52

LEWIS GREEN LEE CNTY, VA





This instrument was prepared by
and when recorded return to:
LISA M. LUSK
LUSK, DRASITES & TOLISANO, P.A.
202 S. DEL PRADO BOULEVARD
CAPE CORAL, FLORIDA 33990

INSTR # 5990190
Official Records BK 04077 PG 2405
RECORDED 10/01/2003 09:02:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 15,976.80
DEPUTY CLERK J Miller

2
Grantee #1 S.S. No.:
Grantee #2 S.S. No.:
Property Appraiser's
Parcel Identification No.

QUITCLAIM DEED

This Quitclaim Deed, Executed the 27 day of September, 2003, by THOMAS F. KOLAR and MELINDA D. KOLAR, Husband and Wife, and THOMAS J. KOLAR and ELEANOR M. KOLAR, Husband and Wife, party of the first part, whose post office address is 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931 to and LIGHTHOUSE ISLAND RESORT, INC. a Florida corporation, party of the second part, whose post office address is 1051 Fifth Street, Fort Myers Beach, FL 33931.

(Wherever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the party of the first part, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A"

To Have and To Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

In Witness Whereof, the said party of the first part has signed and sealed these presents the day and year first above written.

This property is not now, nor has it ever been homestead property of the grantor(s), nor contiguous thereto. The grantor(s) reside(s) at: 916 Sand Carlos Drive, Ft. Myers Beach, FL 33931.

Signed, sealed, and delivered in our presence:
Randy C. Eddy
(First Witness)
Printed name: RANDY C. EDDY
Lisa M. Lusk
(Second Witness)
Printed name: LISA M. LUSK III

THOMAS F. KOLAR (Seal)
Grantor - Printed or typed name: THOMAS F. KOLAR
MELINDA D. KOLAR (Seal)
Grantor - Printed or typed name: MELINDA D. KOLAR
THOMAS J. KOLAR (Seal)
Grantor - Printed or typed name: THOMAS J. KOLAR
ELEANOR M. KOLAR (Seal)
Grantor - Printed or typed name: ELEANOR M. KOLAR

STATE OF FLORIDA
COUNTY OF LEE

The Foregoing Instrument was acknowledged before me this _____ day of September, 2003, by THOMAS F. KOLAR and MELINDA D. KOLAR, Husband and Wife, THOMAS J. KOLAR and ELEANOR M. KOLAR, husband and wife, who is(are) personally known to me or who has produced Florida driver's licenses as identification and who did (did not) take an oath.

My Commission Expires:

Lisa M. Lusk
Notary Public
Printed, typed, or stamped name:

 Lisa Lusk Drasites
MY COMMISSION # CC94466 EXPIRES
October 31, 2004
BONDED THRU TROY FAIR INSURANCE, INC.

D.S. \$15,976.80
REC. 15.00
TOTAL 15,991.80

(Serial Number, if any)

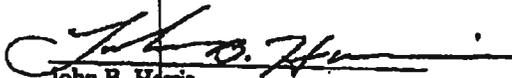
EXHIBIT "A"

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John B. Harris
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September 29, 2003

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SCANNER'S MEMO
Best Image Available

Lighthouse Island Resort - Tiki
1051 5th Street
Fort Myers Beach, Fl. 33931

AERIAL PHOTOGRAPH

1"=200'



McHarris Planning & Design
11338 Bonita Beach Rd. S.E.
Suite 103
Bonita Springs, Fl. 34135

LDC Review and analysis

MPD has reviewed the LDC and believe we are more than compliant with all aspects of the code. Below in ***bold, italic, underlined*** are some major responses to items that are most relevant to the project.

- **Sec. 34-85. - Rezoning.**

(b)

Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

(1)

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

Not applicable

(2)

Whether there exist changed or changing conditions which make approval of the request appropriate.

We believe that this change is more beneficial to the existing area by shielding some of the uses from the street with a nice facade/wall

(3)

The impact of a proposed change on the intent of this chapter.

See above

(4)

The testimony of any applicant.

To be determined

(5)

The recommendation of staff and of the local planning agency.

To be determined

(6)

The testimony of the public.

To be determined

(7)

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.

See our analysis of the Fort Myers Beach Comprehensive Plan for this project

(8)

Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

This meets and exceeds performance and design criteria. The design is such that it is pleasing to the eye, while being mindful of its surrounding.

(9)

Whether urban services are, or will be, available and adequate to serve a proposed land use change.

Services are available

- (10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
Not applicable as it is an already developed site
- (11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
This is a continuation and betterment of what is already existing at the location
- (12) 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.
This request does not place any undue burden on existing transportation or service facilities.

Design goals

- Development will be approved and a development order will be issued when the development is designed so as to reasonably achieve the following:

- (1) *Preservation of ecological integrity.* The development shall protect the town's natural, historic, and scenic resources, including air, surface, and subsurface waters, and shall preserve their ecological integrity. No new bridges, or any new causeways which require filling of wetlands or submerged lands, shall be constructed to any undeveloped island.
This is an existing project that maintains the town's natural resources and does not require additional bridges.
- (2) *Circulation.* There must be adequate circulation, ingress, and egress to the development for both pedestrians and motorists. Additionally, the development shall also achieve the following:
- a. Ingress and egress areas shall be of sufficient width to provide for servicing of utilities, refuse collection, and access for emergency vehicles.
This project maintain sufficient ingress and egress for services.
 - b. Development shall not cause traffic hazards or congestion which results from excessive exit and entrance points along major streets.
This project does not cause traffic hazard based on excessive ingress and egress.
- (3) *Water and sewage systems.* All new development must connect to the public potable water and sanitary sewer systems.
We are connected to public services

(4)

Drainage and stormwater management. The development must be designed in accordance with applicable runoff, retention, and attenuation requirements of SFWMD and this chapter. The development must be designed to avoid flooding or erosion damage to adjacent property and the town drainage system and to avoid the creation of stagnant pools that would encourage mosquito breeding. The development must provide a method of continual maintenance and operation through legal documentation and must ensure proper stormwater management so as to reduce the potential impacts of flooding.

Existing drainage and stormwater management is sufficient for this minor amendment.

(5)

Landscaping and buffering. Adequate landscaping, including buffers, to preserve compatibility with uses outside the proposed development must be provided.

Landscaping and buffers are more than adequate to preserve uses outside development area. This project is mostly surrounded by a bridge and roads.

(6)

Fire protection. The development must include an adequate fire protection system.

This project has a fire protection system.

(7)

Density and intensity. The development must have a density no higher than that which can be adequately supported by the facilities existing or agreed upon by the developer at the time the development order is issued.

We will abide by our D.O.

- *Historic resources.* The development must provide for the identification, recognition, protection, or mitigation of the historical and archaeological resources of the town, as provided by the historic preservation element of the Fort Myers Beach Comprehensive Plan and by ch. 22 of this code. Every effort must be made to locate required open space so as to protect archaeological sites.

Not applicable as this is a developed site

(9)

Outdoor lighting. All outdoor lighting must be designed and maintained:

a.

To curtail and reverse the degradation of the night-time visual environment by minimizing light pollution, glare, and light trespass through the form and use of outdoor lighting;

b.

To conserve energy and resources while maintaining night-time safety, utility, security and productivity; and

c.

To protect nesting sea turtles and sea turtle hatchlings by having all artificial lighting comply with the provisions of article II of ch. 14 of this LDC.

Agreed

DIVISION 7. - COMMERCIAL DESIGN STANDARDS

- The purposes of design regulations for commercial buildings include:
 - (1)

Encouraging traditional building forms that reinforce the pedestrian orientation and desired visual quality of the Town of Fort Myers Beach.

This project reinforces the pedestrian orientation better with the modification than it does without the new layout. The new layout provides the town with the desired visual quality by matching the existing design vernacular of the building and by screening interior uses.
 - (2)

Creating usable outdoor space through the arrangement of compatible commercial buildings along street frontages.

This project, the way it is designed, creates usable outdoor space along the street frontages.
 - (3)

Encouraging buildings of compatible type and scale to have creative ornamentation using varied architectural styles.

This building is creative in its scale and ornamentation
 - (4)

Enhancing the town's business districts as attractive destinations for recreation, entertainment and shopping.

This modification creates an attractive destination for recreation, and entertainment while protecting the adjacent uses. This is done by using good design and space planning.
 - (5)

Maintaining and enhancing the town's sense of place and its property values.

This modification enhances the town's sense of place and property values by the use of good design and planning.
 - (6)

Implementing the design concepts in the Fort Myers Beach Comprehensive Plan.

See Comprehensive plan analysis for this project

Comprehensive plan assessment

ENVISIONING TOMORROW'S FORT MYERS BEACH

This project is in the core area which has been envisioned to retain its residential and resort identity. This expansion protects the surrounding neighborhood with the addition of the wall while maintaining the bar restaurants friendly mix of locals and tourist.

COMMUNITY DESIGN AND LIVABILITY

The changes to the MCP will promote community design in these and many more ways.

- Shaping public spaces to feel like outdoor rooms, the "floor and walls" being the streets, trees, and building facades that encompass places to shop, park, meet a friend, eat,
- Promoting walkable streets designed for pedestrian comfort, with shade and interesting vistas.
- Promoting streets as the neighborhood realm, differentiated from fully private areas; bringing buildings closer to the street, with the private space on the other side of the structure's wall; using the elevation required by flood regulations (rather than a deep front yard) to create privacy; using front porches, decks, picket fences, and other "cottage" elements to define space and promote a natural surveillance of the street.
- Rejuvenate the existing fabric of the community, encouraging its special character without being stuffy, and treasuring the eclectic nature of the town's physical structures:
- Using design to promote compatibility of mixed land uses, making good neighbors of commercial uses (somewhere to walk to get a quart of milk), and accommodating residential uses of varying types and affordability.

Core Area Vision: "The Downtown Core Area boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an "old Estero Island" character to the buildings"

Our design matches the above vision. This amendment will add to the entertainment area with shade, outdoor dining that is attached to the street, all the while adding to the old Estero Island look all the while being a good neighbor by blocking the daily operations and noises from the existing residents.

PEDESTRIAN AND BICYCLE CONNECTIONS

This request meets and exceeds the town's vision for pedestrian and bicycles connections. We are not a car driven destination, but we serve both, the residents and the tourist and promote walking and other means of transportation.

GOALS - OBJECTIVES - POLICIES

GOAL 1-To continually improve the appearance and functioning of transportation corridors, commercial areas, and links to natural and recreational areas.

This request will improve the appearance and functioning of the commercial areas and links to the recreational areas. Our new space removes the view of automobiles from the sidewalk and street, while adding a pleasing wall that invites and separate. This wall is designed in the old Estero Island look which foster the areas identity

GOAL 2-To upgrade residential neighborhoods throughout Estero Island.

This amendment will improve on walkability, comfort, beauty, interconnectedness, and safety of the surrounding area.

Not only are we removing the view of parks cars with the wall, but the wall will also assist in noise abatement. This change will also create more eyes on the street and thus a safer area.

FUTURE LAND USE ELEMENT

NEGATIVE EFFECTS OF FLOOD REGULATIONS: The town is required to impose rigid floodplain management regulations before federal flood insurance is available to property owners, even though these regulations can block the rejuvenation of older neighborhoods.

We have worked extremely hard to design this space in order to meet all the rigged requirement of FEMA, while still maintain the elements that make a good space, a good neighbor and smart business decisions.

COMMERCIAL EXPANSION:

This is a common problem in mature resort communities, sometimes threatening existing residential areas. In areas that are suitable for commercial development, regulations can be changed so that building walls will “frame” an attractive pedestrian environment, instead of creating isolated buildings in barren parking lots.

Again we believe that we are doing what is suggested above, we are building walls that “frame an attractive pedestrian environment, instead of creating isolated buildings in barren parking lots”.

GOAL 4: To keep Fort Myers Beach a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage that a hurricane could inflict.

So done.

OBJECTIVE 4-ASMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move around without their cars even in the midst of peak-season congestion

So done

CONSERVATION ELEMENT

This project has no impact on this element. This project is utilizing an already impacted location

TRANSPORTATION ELEMENT

This project has been design to retain guest and neighborhood residents on site and for them not to have to jump into their cars to find services elsewhere.

UTILITIES ELEMENT

This project has no impact on this element. This project is utilizing an already impacted location which has all required services in place.

STORMWATER MANAGEMENT ELEMENT

This project has no impact on this element. This project is utilizing an already impacted location which has all storm water management in place.

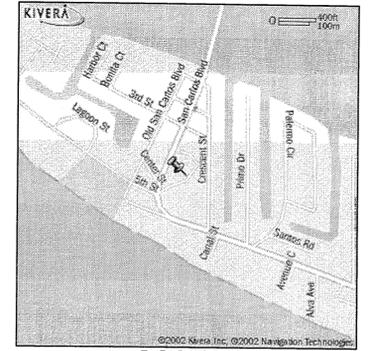
Summary

In summary this amendment/project has been designed to meet and exceed the town of Fort Myers Beach standards, to be the best neighbor they can be to both the immediate neighbors, and the town as a hole. While it is not easy to be located in a neighborhood, we have always maintained the balance that is required under these circumstances.

MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT

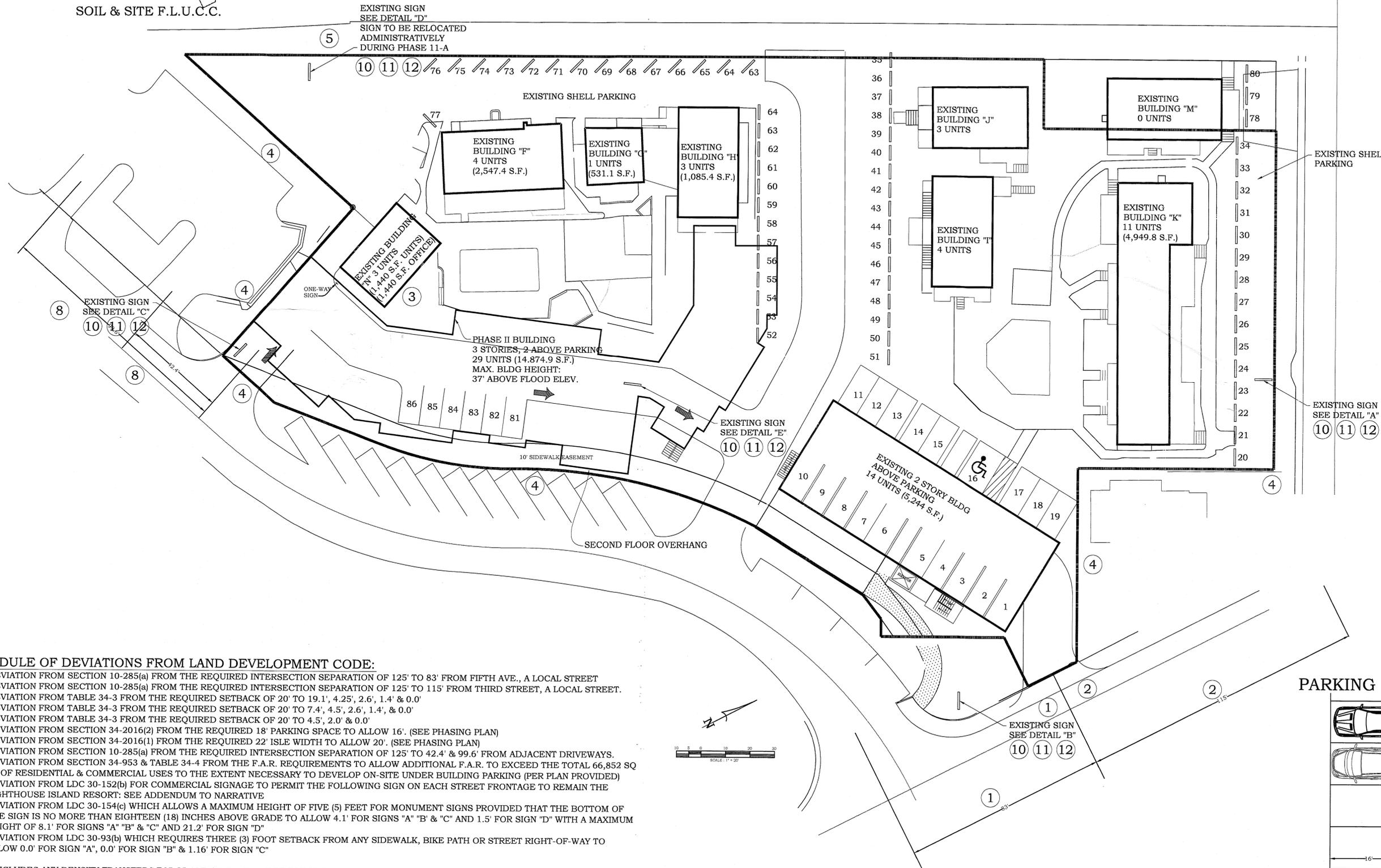
SOILS# 26
FLUCC # 147

SOIL & SITE F.L.U.C.C.



LOCATION MAP
NOT TO SCALE

APR 22 2016
RECEIVED BY

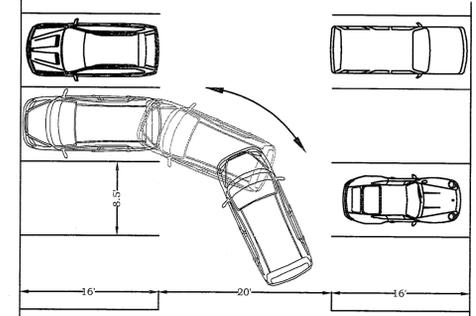


SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:

1. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET
2. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD STREET, A LOCAL STREET.
3. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 19.1', 4.25', 2.6', 1.4' & 0.0'
4. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 7.4', 4.5', 2.6', 1.4', & 0.0'
5. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 4.5', 2.0' & 0.0'
6. DEVIATION FROM SECTION 34-2016(2) FROM THE REQUIRED 18' PARKING SPACE TO ALLOW 16'. (SEE PHASING PLAN)
7. DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' ISLE WIDTH TO ALLOW 20'. (SEE PHASING PLAN)
8. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 42.4' & 99.6' FROM ADJACENT DRIVEWAYS.
9. DEVIATION FROM SECTION 34-953 & TABLE 34-4 FROM THE F.A.R. REQUIREMENTS TO ALLOW ADDITIONAL F.A.R. TO EXCEED THE TOTAL 66,852 SQ FT OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING (PER PLAN PROVIDED)
10. DEVIATION FROM LDC 30-152(b) FOR COMMERCIAL SIGNAGE TO PERMIT THE FOLLOWING SIGN ON EACH STREET FRONTAGE TO REMAIN THE LIGHTHOUSE ISLAND RESORT: SEE ADDENDUM TO NARRATIVE
11. DEVIATION FROM LDC 30-154(c) WHICH ALLOWS A MAXIMUM HEIGHT OF FIVE (5) FEET FOR MONUMENT SIGNS PROVIDED THAT THE BOTTOM OF THE SIGN IS NO MORE THAN EIGHTEEN (18) INCHES ABOVE GRADE TO ALLOW 4.1' FOR SIGNS "A" "B" & "C" AND 1.5' FOR SIGN "D" WITH A MAXIMUM HEIGHT OF 8.1' FOR SIGNS "A" "B" & "C" AND 21.2' FOR SIGN "D"
12. DEVIATION FROM LDC 30-93(b) WHICH REQUIRES THREE (3) FOOT SETBACK FROM ANY SIDEWALK, BIKE PATH OR STREET RIGHT-OF-WAY TO ALLOW 0.0' FOR SIGN "A", 0.0' FOR SIGN "B" & 1.16' FOR SIGN "C"

* THIS EXCLUDES ANY DENSITY TRANSFERS FOR PROPERTY THAT MAY BE INCLUDED IN THE FUTURE

PARKING MANEUVERABILITY DETAIL

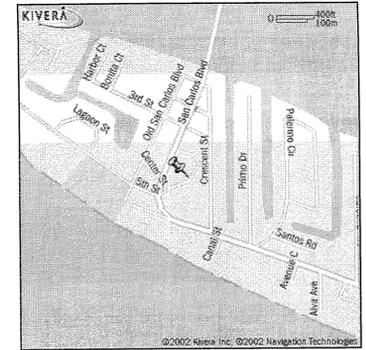


REVISED: 04-02-2014
EXHIBIT IV-K

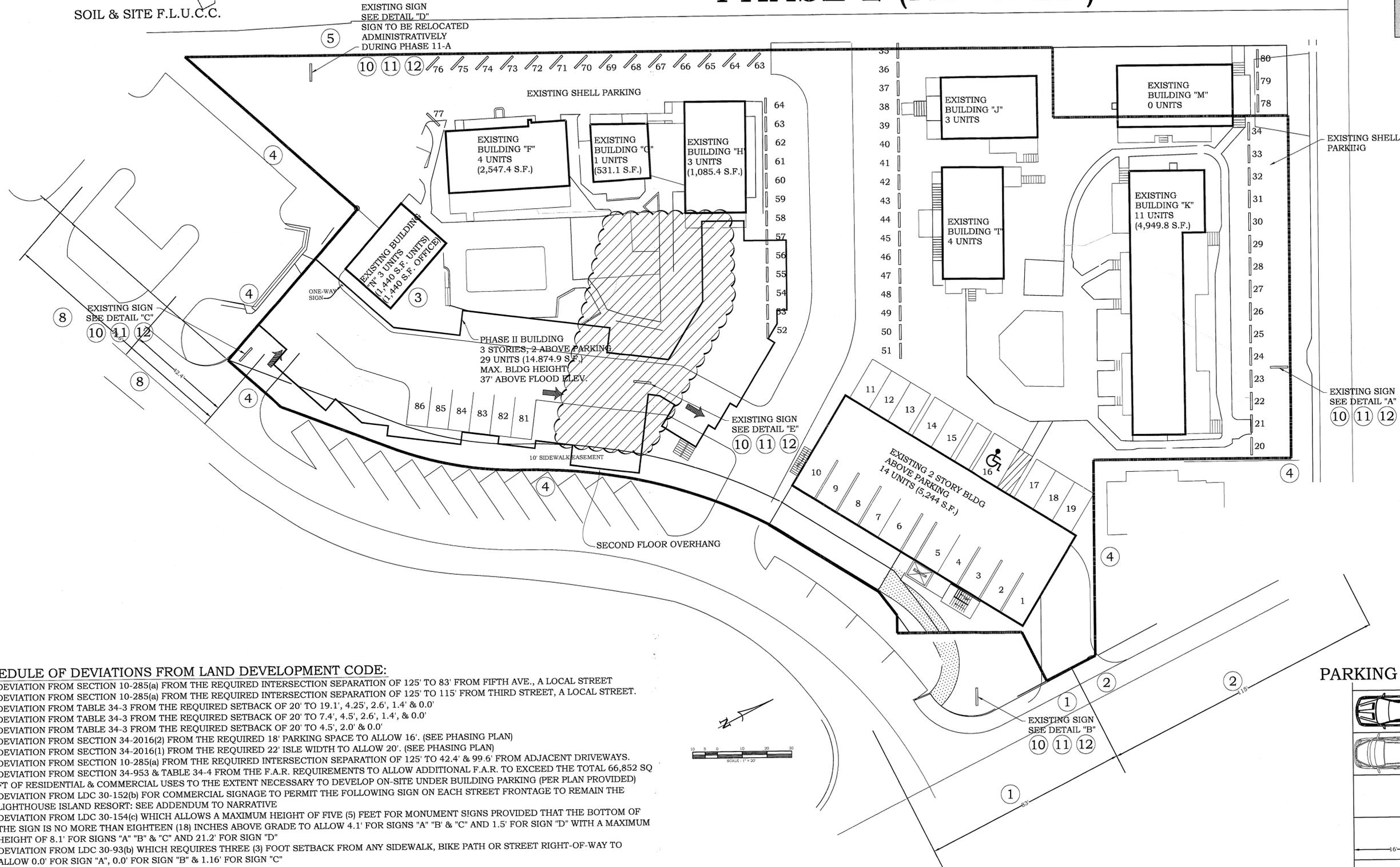
MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2 (REVISED)

SOILS# 26
FLUCC # 147

SOIL & SITE F.L.U.C.C.



LOCATION MAP
NOT TO SCALE

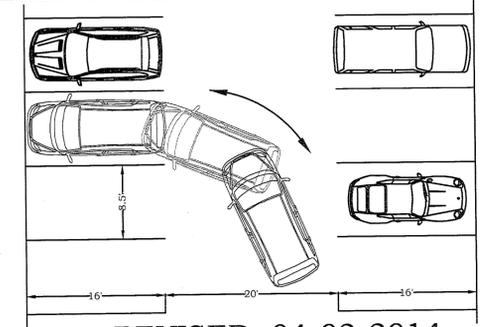


SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:

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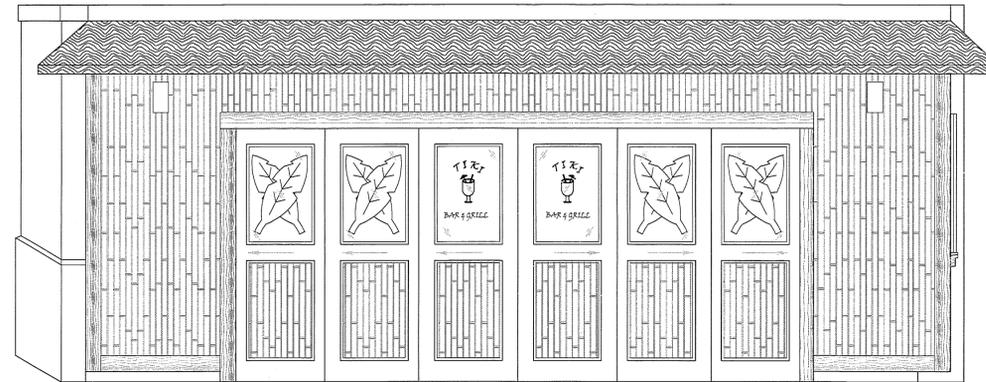
PARKING MANEUVERABILITY DETAIL



REVISED: 04-02-2014
EXHIBIT IV-K

TOM K'S TIKI BAR & GRILLE

IMPROVEMENT/ALTERATIONS



GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL BE FAMILIAR WITH THE WORK TO BE DONE. REPORT DISCREPANCIES TO MKPD.
2. THE GENERAL CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO COMMENCING RELATED WORK AND SHALL REPORT ANY DISCREPANCIES BETWEEN THE DRAWINGS AND EXISTING CONDITIONS TO MKPD PRIOR TO COMMENCING RELATED WORK.
3. THE GENERAL CONTRACTOR SHALL COORDINATE SUPPLY AND LOCATION OF THE WORK OF INSERTS, ANCHORS, ANGLES, PLATES, OPENINGS, SLEEVES, HANGERS, SLAB AND DEPRESSIONS AS MAY BE REQUIRED TO ACCOMMODATE RELATED WORK.
4. NOMINAL SIZES ARE USED UNLESS NOTED OTHERWISE.
5. NOMINAL SIZES ARE SHOWN UNLESS NOTED AS "NET". DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED. DIMENSIONS INDICATED AS (CLEAR) OR (CLR) SHALL NOT BE ADJUSTED WITHOUT WRITTEN INSTRUCTION FROM MKPD. DIMENSIONS SHALL NOT BE DETERMINED BY SCALING THE DRAWINGS.
6. THE GENERAL CONTRACTOR SHALL VERIFY WINDOW AND DOOR ROUGH OPENING SIZES WITH THE MANUFACTURERS PRIOR TO PROCEEDING WITH RELATED WORK.
7. THE WORK SHALL CONFORM TO THE MINIMUM FIRE AND LIFE SAFETY CODE REQUIREMENTS IN ACCORDANCE WITH THE 2010 FLORIDA FIRE PREVENTION CODE.
8. THE WORK SHALL BE IN ACCORDANCE WITH APPLICABLE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
9. THESE DRAWINGS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.007 OF THE FLORIDA ADMINISTRATIVE CODE.
10. INDICATIONS ON THE DRAWINGS ARE FOR NEW WORK UNLESS CALLED OUT AS EXISTING.
11. THE DESIGN WIND LOADS FOR STRUCTURAL SYSTEMS, MEMBERS, CLADDING AND FASTENERS WAS ACCORDING TO:
 - LEE COUNTY REGULATIONS APPLYING WIND PRESSURES GIVEN BY A MINIMUM BASIC WIND SPEED OF 130 MPH
 - 2010 FLORIDA BUILDING CODE.
 - MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, ASCE 7-05
12. ERRORS, OMISSIONS OR CONFLICTS FOUND IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF MKPD PRIOR TO COMMENCEMENT OF RELATED WORK.
13. THE WORK SHALL BE DONE IN A SAFE AND ORDERLY MANNER WITHOUT DAMAGE TO OTHER PARTS ON THE PREMISES OR TO ADJACENT PROPERTIES.
14. PROVIDE BLOCKING TO ADEQUATELY SUPPORT FIXTURES, CABINETS, BATHROOM ACCESSORIES, HARDWARE AND EQUIPMENT SUSPENDED FROM CEILINGS OR MOUNTED ON WALLS.
15. MATERIAL CONTAINING ASBESTOS SHALL NOT BE USED AS PART OF THE WORK.



VICINITY MAP

COMPLIANCE NOTES

THESE PLANS ARE DESIGNED TO BE IN COMPLIANCE W/ SECTION 1600 OF THE 2014 FLORIDA BUILDING CODE, ULTIMATE DESIGN WIND SPEED OF 170 MPH, & FOR DEAD & LIVE LOADS PER THE FLORIDA BUILDING CODE

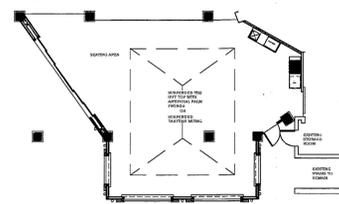
CONSTRUCTION CLASSIFICATION	TYPE VB, SPRINKLERED
OCCUPANCY CLASSIFICATION	GROUP A-2 (ASSEMBLY)
ZONING DISTRICT	CPD
OVERALL TENANT SPACE SQUARE FOOTAGE	37,294 (EXISTING, TOTAL AREA)
TENANT IMPROVEMENT SQUARE FOOTAGE	1,333 (EXISTING, PARKING AREA)
FIRE SEPARATION DISTANCE	>30
FIRE RESISTANCE REQUIREMENT	0 (PER TABLES 601 & 602)
FLOOD ZONE	AE-EL 13' (NAVD88)
ULTIMATE WIND SPEED	170 MPH
NOMINAL WIND SPEED	132 MPH
RISK CATEGORY	I
EXPOSURE	D
PARTIALLY ENCLOSED STRUCTURE, INTERNAL PRESSURE	+/-0.55
IMPORTANCE FACTOR	
THE EXISTING STRUCTURE ABOVE HAS BEEN CHECKED AND CAN SUPPORT THE NEW LOADS	
COMPONENTS & CLADDING PRESSURE	+55.0 -65.0 PSF

THESE PLANS ARE DESIGNED TO BE IN COMPLIANCE WITH:

- 2014 FLORIDA BUILDING CODE
- 2014 FLORIDA EXISTING BUILDING CODE
- 2014 FLORIDA BUILDING CODE / ACCESSIBILITY
- 2014 FLORIDA PLUMBING CODE
- 2014 FLORIDA MECHANICAL CODE
- 2014 FLORIDA ENERGY CONSERVATION CODE
- 2014 FLORIDA FIRE PREVENTION CODE, FIFTH EDITION
- 2011 NATIONAL ELECTRICAL CODE (NFPA 70)

FIRE SYSTEMS NOTES (IF FIRE ALARM AND/OR SPRINKLERS ARE PRESENT)

NOTE:
FIRE ALARM & FIRE SPRINKLER ADDITIONS OR MODIFICATIONS ARE TO BE SUBMITTED FOR PERMIT UNDER SEPARATE COVER BY LANDLORD'S DESIGNATED SUBCONTRACTOR



FLOOR PLAN

SCALE: 1/16"=1'-0"

LIST OF DRAWINGS

- A1 COVER SHEET/ GENERAL INFORMATION
- A2 NEW FLOOR PLAN
- A3 MURAL & ROOF FRAMING DETAILS
- A4 DETAILS & SECTIONS
- A5 ACCESSIBLE ROUTES

OWNERS

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

PROJECT ADDRESS

1051 FIFTH SREET
FORT MYERS, FLORIDA 33931

STRAP NUMBER

2446230200005060

LEGAL DESCRIPTION

BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESR/W OR2353/3036

PROJECT TEAM

DESIGNER

McHarris Planning & Design
11338 BONITA BEACH RD, SE
SUITE 103
BONITA SPRINGS, FL 34135
Tel: (239) 948-6688
Fax: (239) 948-6689
Web Page: www.mcharris.com

STRUCTURAL ENGINEER

J.C. KOSINSKI ENGINEERING, INC.
135 GULFVIEW AVE
FT. MYERS BEACH, FL 33931
TEL: (239) 872-2179
EMAIL: jckosinski@cs.com

OCCUPANCY CALCULATIONS

PER FBC 1004:
OUTDOOR DINING #1 (ASSEMBLY) 1,027 SQ FT (@ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY) 51'-4" SQ FT (@ 24" LF/PERSON)= 25
TOTAL OCCUPANCY 95 PERSONS

OCCUPANCY CALCULATIONS

PER FFPC 101:7.3.1.2:
OUTDOOR DINING #1 (ASSEMBLY) 1,024 SQ FT (@ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY) 51'-4" LF (@ 18" LF/PERSON)= 34
TOTAL OCCUPANCY 106 PERSONS

SCOPE OF WORK

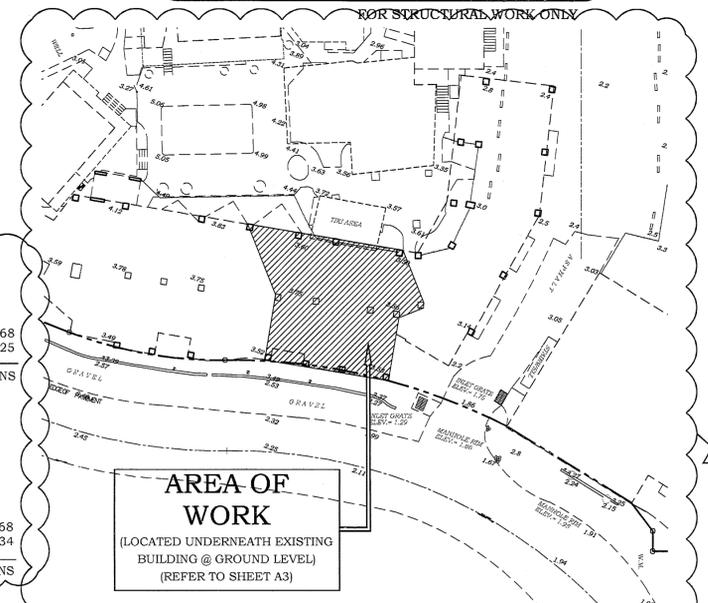
THIS PROJECT IS CONSIDERED A LEVEL 2 ALTERATION PER THE 2010 FBC EXISTING BUILDING CODE & THE WORK CONSIDERED A MODIFICATION PER SECTIONS 4.6.8.1, 43.2.2.1.3, & 43.5 PER THE 2010 FIRE PREVENTION CODE 101.

1. INSTALL NEW WALLS, WINDOWS & DOORS FOR NEW PARTIALLY ENCLOSED DINING & SEATING.
2. LOWER EXISTING FIRE SPRINKLERS BELOW NEW FLOATING MURAL/TIKI ROOF SYSTEMS.

SQUARE FOOTAGE

ASSEMBLY AREA	1,333 SQ. FT.
OUTDOOR DINING, OUTDOOR BAR SEATING	
TOTAL AREA	1,333 SQ.FT.

THIS PLAN HAS BEEN REVIEWED,
ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
JOSEPH C. KOSINSKI, PE
FL PE #52288
FL COA #29576
135 GULFVIEW AVE
FORT MYERS BEACH, FLORIDA. 33931
(239) 872-2179 jckosinski@cs.com



AREA OF WORK

(LOCATED UNDERNEATH EXISTING BUILDING @ GROUND LEVEL) (REFER TO SHEET A3)

SITE PLAN

SCALE: N.T.S.



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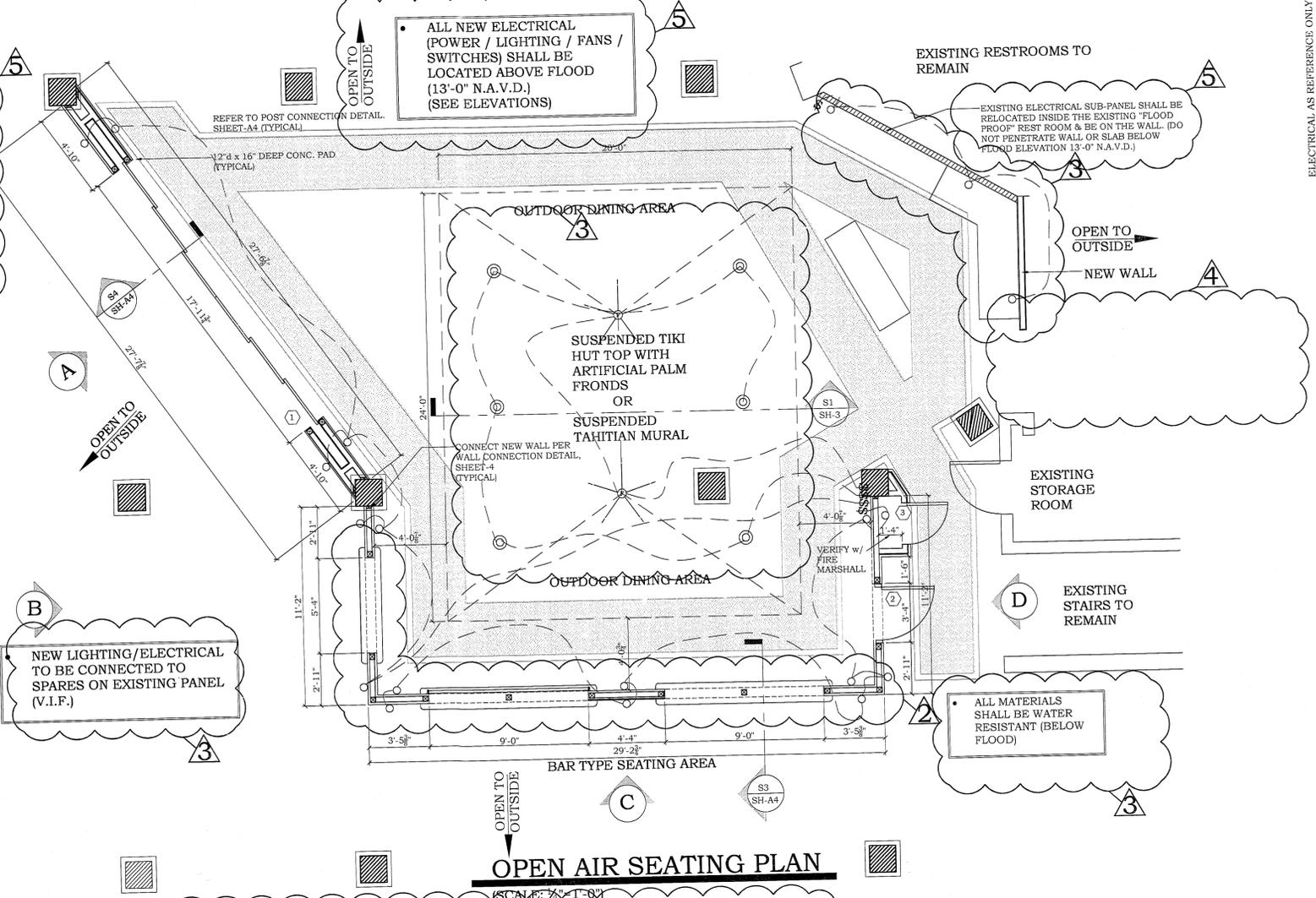
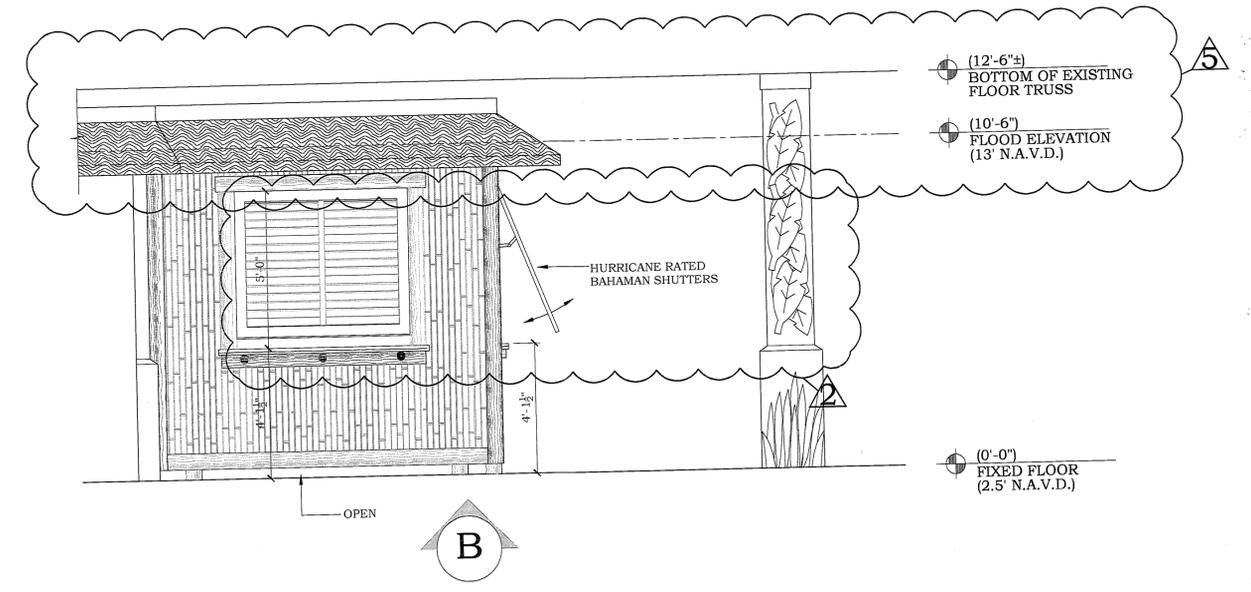
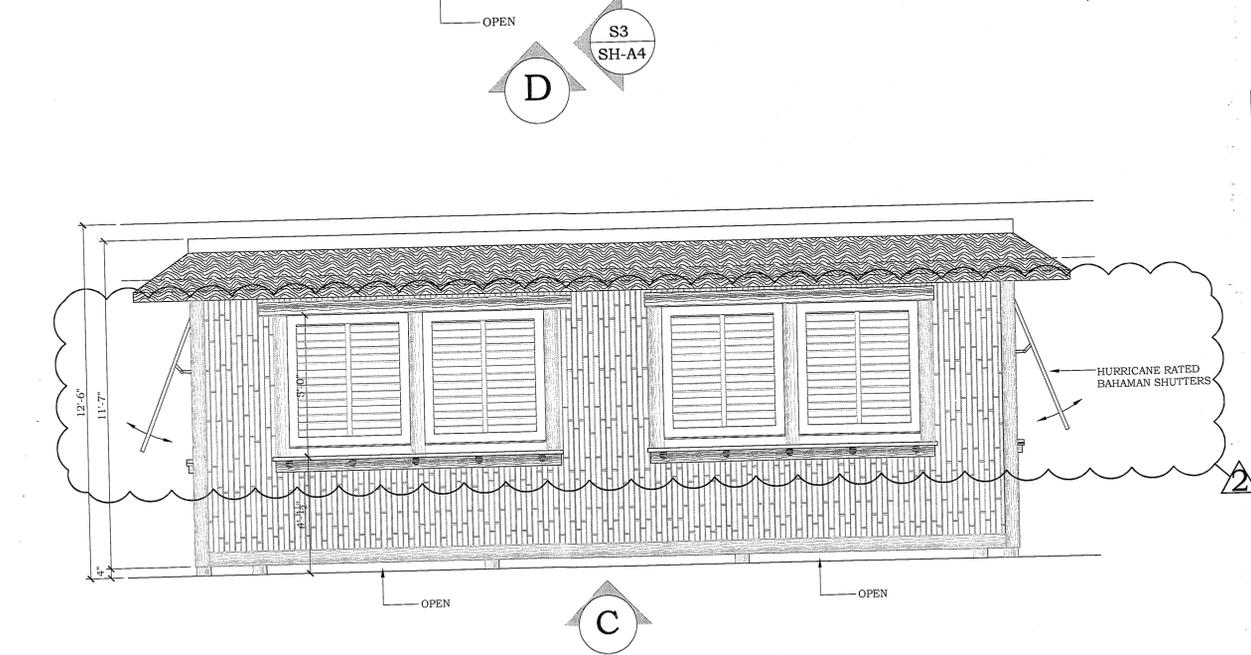
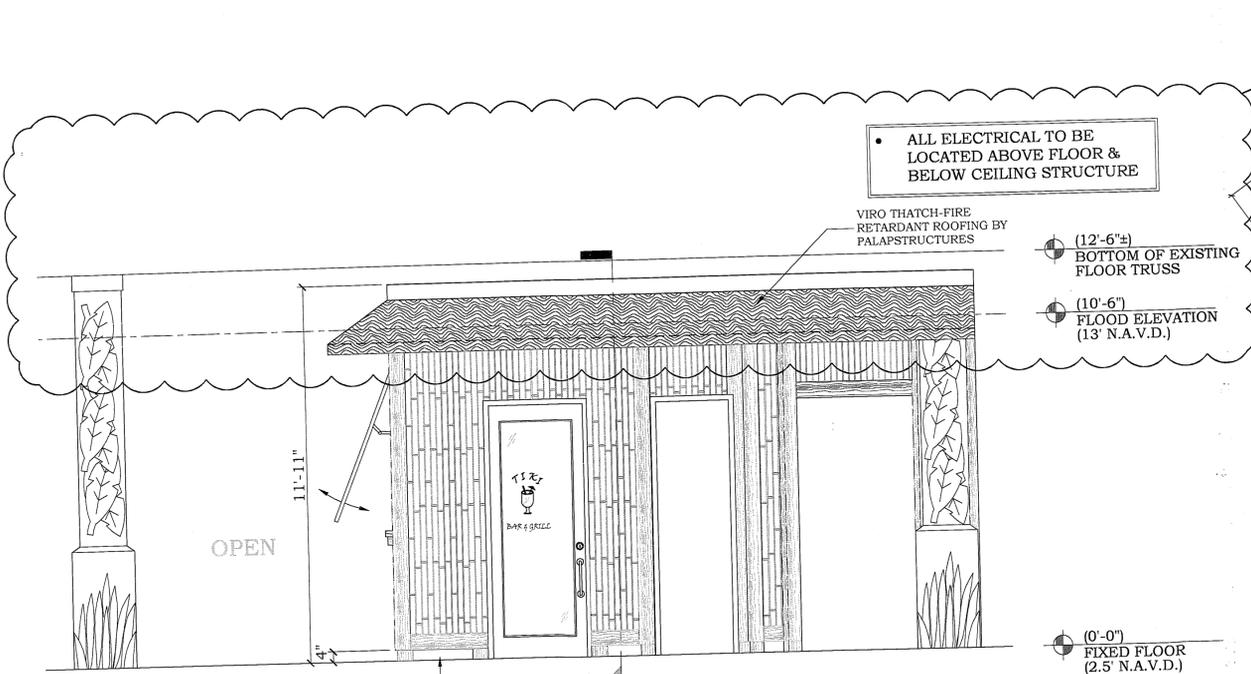
Project No. 13-001
Drawing No. A1
Scale: AS NOTED
Project Name: TOM K'S TIKI BAR & GRILLE
Sheet No. C13-0017

No.	Description	Date
1	PROJECT APPLICATION	
2	REVISIONS	
3	COUNTY COMMENTS FROM	7-20-15
4	REVISIONS	

TOM K'S
TIKI BAR & GRILLE
1051 5th Street
FT. MYERS BEACH, FLORIDA
33931

Checked By: RKB/JM
Drawn By: D.D.
Scale: AS NOTED
Project No. C13-0017
Sheet No. FLOOR PLAN

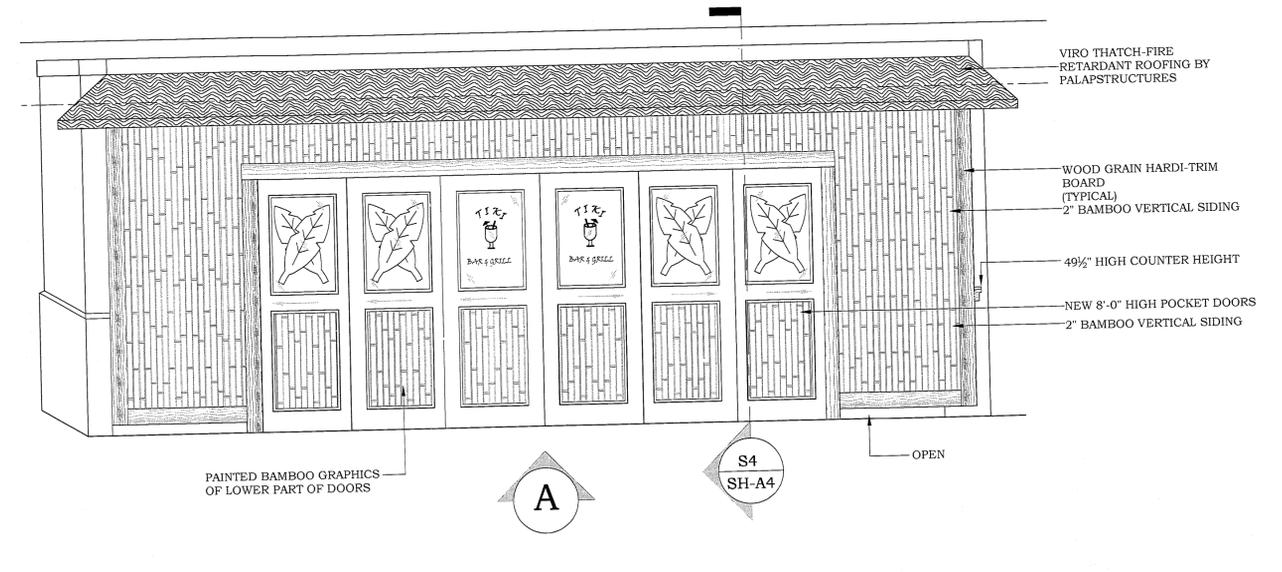
© J.C. KOSINSKI ENGINEERING, INC. 2013
A1



EXTERIOR DOOR SCHEDULE
CONTRACTOR TO FIELD VERIFY ALL EXISTING OPENINGS PRIOR TO ORDERING WINDOWS

SYMBOL	WINDOW TYPE	MANUFS NUMBER	MANUFACTURER	SIZE	HEAD HEIGHT	LOCATION	NOTES	FLORIDA PRODUCT APPROVAL #	IMPACT
1	SLIDER	SCD570 6PST	PQT	21'6" x 96"	8'-0"	ELEVATION 11'		8208.2	YES
2	FRENCH DOOR	FD555 3060	PQT	37'1'2" x 95'3'4"	8'-0"	ELEVATION 10'		331.3	YES
3	FIBERGLASS SWING		THERMA-TRU	27'3'4" x 95'5'4"	8'-0"	ELEVATION 10'		5891.4	YES
	BAHAMAN SHUTTERS		GULPSTREAM	VARIES				12-0426.10	YES

THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
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 FL PE #52288
 FL COA #8576
 135 GULFVIEW AVE
 FORT MYERS BEACH, FLORIDA, 33931
 (239) 872-2179 (239) 463-2780 FAX



ELECTRICAL AS REFERENCE ONLY

MCHARRIS PLANNING & DESIGN
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 BONITA SPRING, FL 34135
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 FAX: (351) 948-6688
 MOBILE: (351) 821-4999

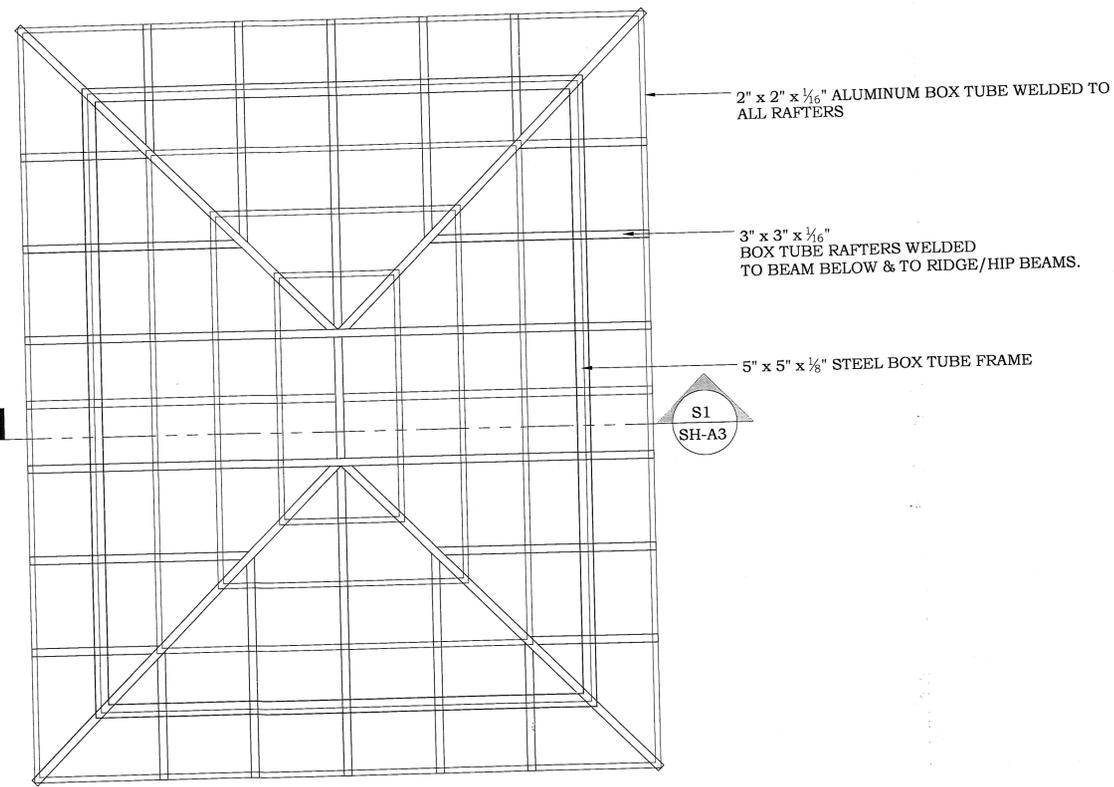
J.C. KOSINSKI ENGINEERING, INC.
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 TEL: (239) 872-2179
 FAX: (239) 463-2780
 EMAIL: jkosinski@jce.com
 Joseph C. Kosinski, Engineer
 FL PE #52288 FL COA #8576

NO.	DATE	DESCRIPTION	BY	CHKD
1	10-1-15	ISSUE	JL	PKM
2	9-23-15	DOOR REMOVAL	JL	PKM
3	8-18-15	COUNTY COMMENTS FROM 8.18.15	JL	PKM
4	7-20-15	COUNTY COMMENTS FROM 7.20.15 REVISION	JL	PKM

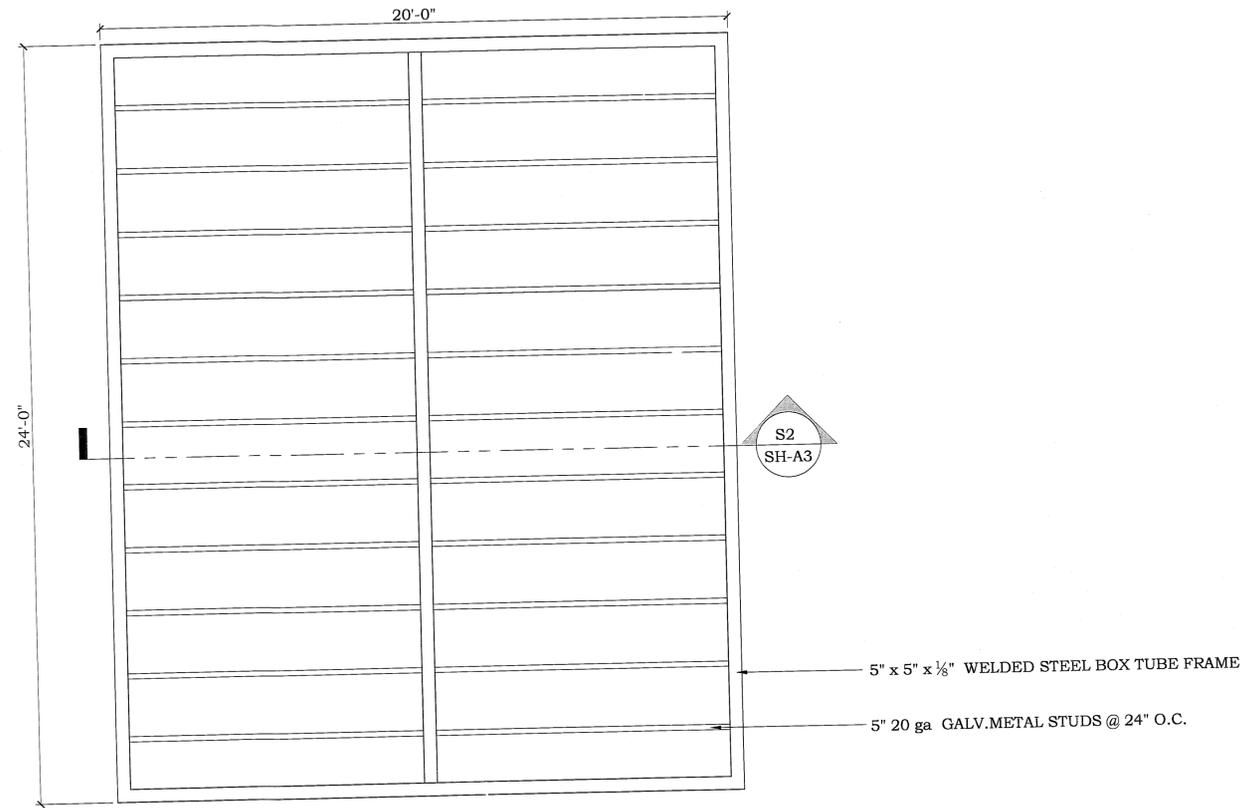
FOR STRUCTURAL WORK ONLY

TOM K'S TIKI BAR
 1051 5th Street
 Ft. MYERS FLORIDA 33931

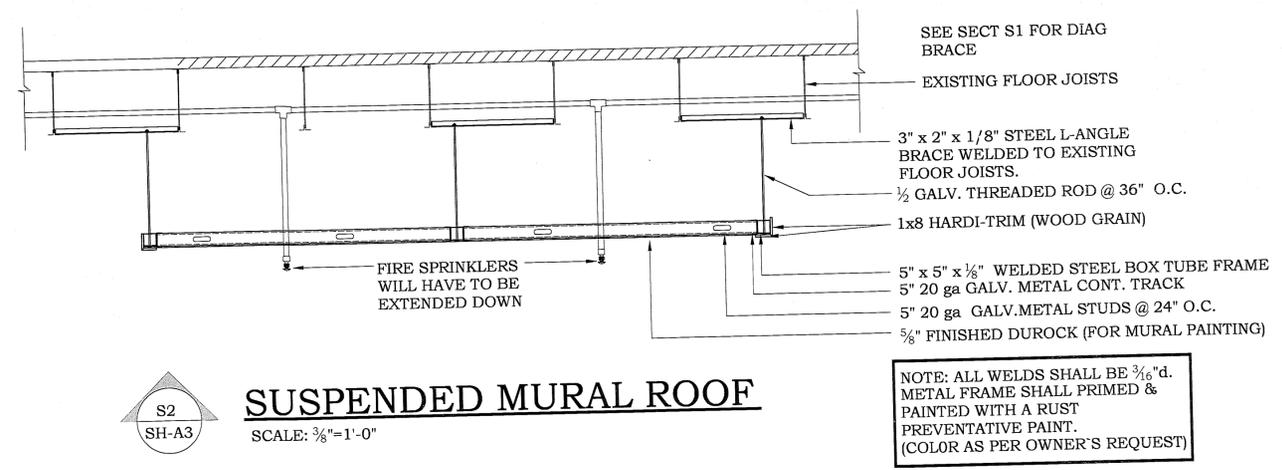
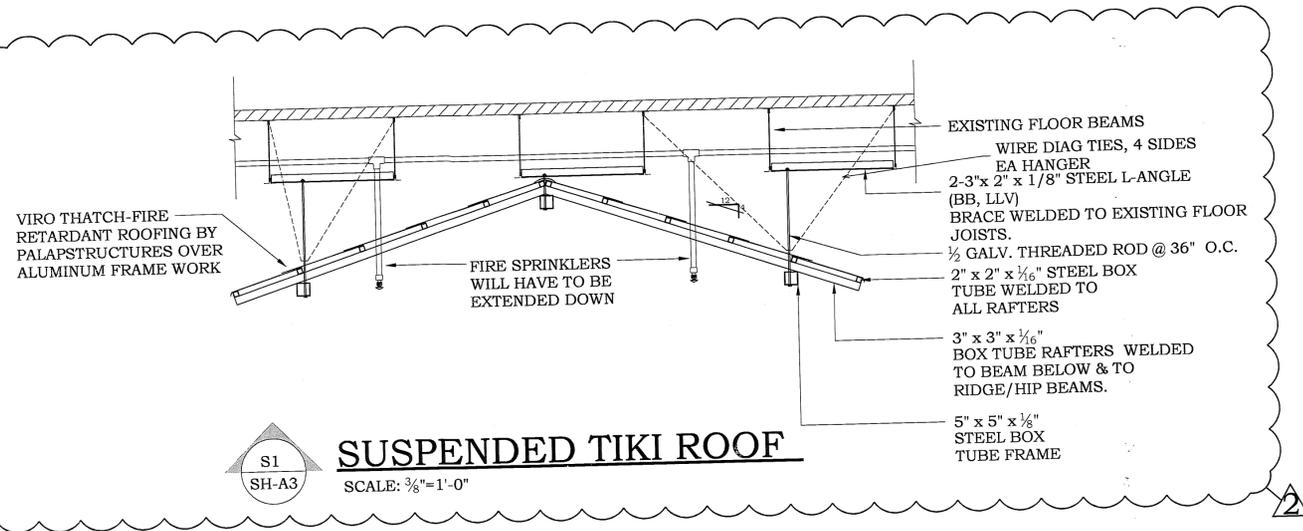
Checked By: RKB/JM
 Drawn By: D.O.
 Scale: AS NOTED
 Project No: C13-0017
 Sheet No: FLOOR PLAN
 Date: A2



SUSPENDED TIKI ROOF FRAMING
SCALE: 3/8"=1'-0"



SUSPENDED MURAL ROOF FRAMING
SCALE: 3/8"=1'-0"



THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
JOSEPH C. KOSINSKI, PE
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Joseph C. Kosinski, Engineer
FL PE #52288 FL COA #8576

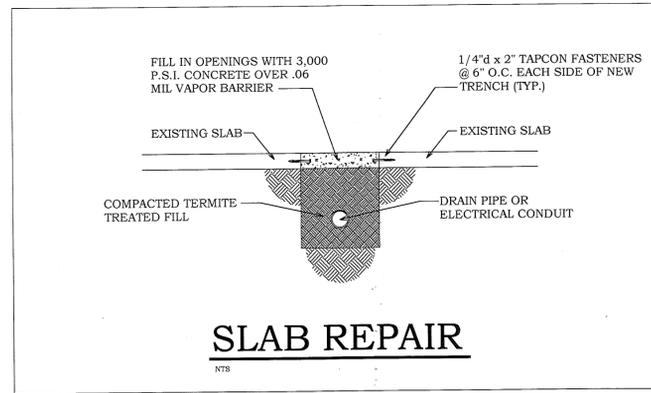
Joseph C. Kosinski, Inc. hereby certifies that the design and construction of the project shown on these drawings was prepared and supervised by a duly licensed Professional Engineer in the State of Florida. The Engineer's name and license number are shown on these drawings. The Engineer is not responsible for any errors or omissions on these drawings. The Engineer is not responsible for any conditions or circumstances that may arise from the use of these drawings. The Engineer is not responsible for any conditions or circumstances that may arise from the use of these drawings. The Engineer is not responsible for any conditions or circumstances that may arise from the use of these drawings.

NO.	REVISION	DATE	BY	CHKD.
1	ISSUE FOR PERMIT	11/01/15	JL	JM
2	REVISION	11/01/15	JL	JM
3	REVISION	11/01/15	JL	JM
4	REVISION	11/01/15	JL	JM

TOM K'S TIKI BAR
1051 5th Street
FT. MYERS BEACH, FLORIDA 33931

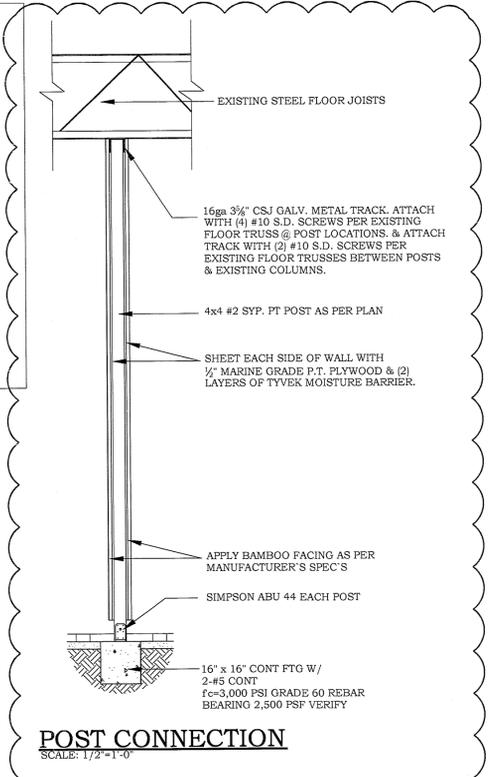
2013
© J.C. KOSINSKI ENGINEERING, INC.
REFLECTED CEILING PLAN
A3

FOR STRUCTURAL WORK ONLY



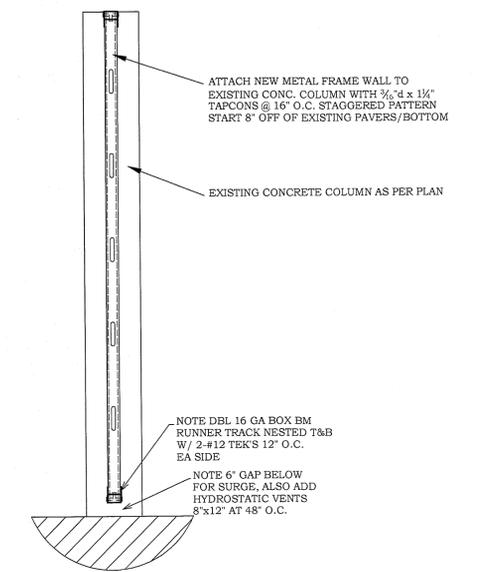
SLAB REPAIR

NTS



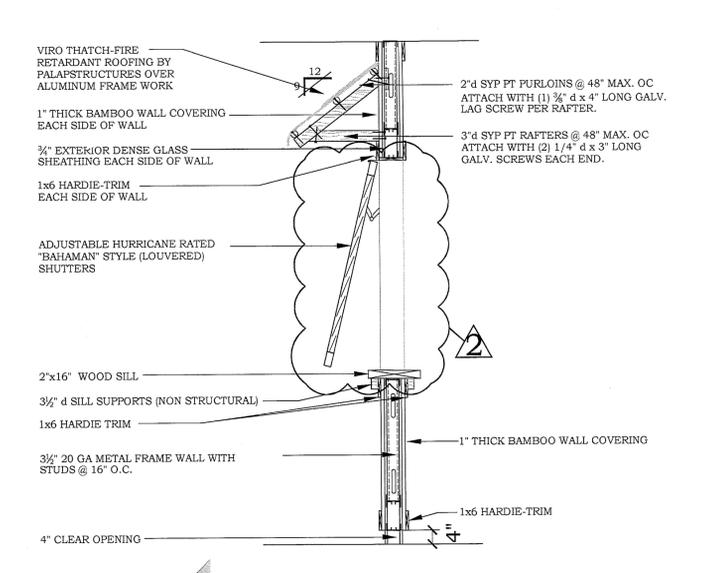
POST CONNECTION

SCALE: 1/2"=1'-0"



WALL ATTACHMENT DETAIL

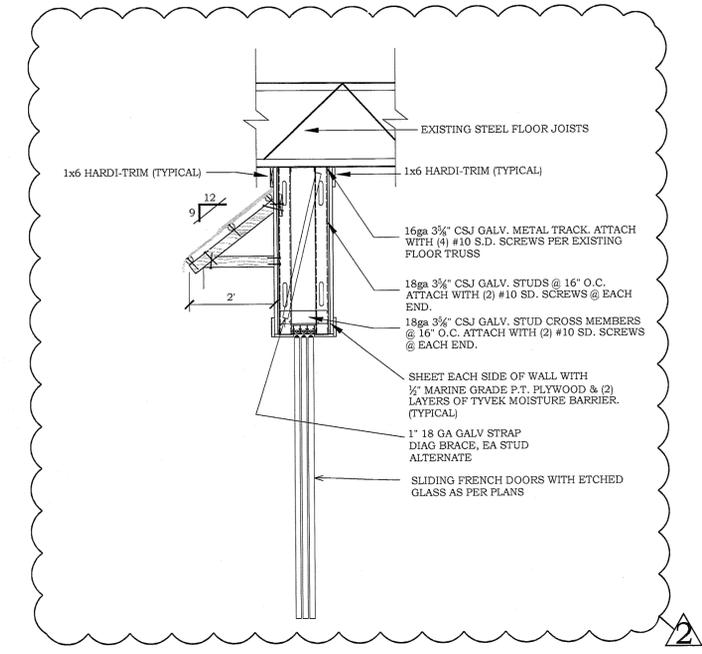
SCALE: 1/2"=1'-0"



S3 WALL SECTION

SH-A4

SCALE: 1/2"=1'-0"



S4 SLIDER HEADER DETAIL

SH-A4

SCALE: 1/2"=1'-0"

THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
 JOSEPH C. KOSINSKI, PE
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 FL COA #8576
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 FAX: (239) 463-2780
 EMAIL: JKosinski@jcei.com

Joseph C. Kosinski Engineer
 FL PE #52288 FL COA #8576

Joseph C. Kosinski, Inc. hereby certifies that the design and construction of the project shown on this drawing was prepared by or under the direct supervision and professional seal of the engineer named herein. The engineer named herein is duly licensed and qualified in the State of Florida. The engineer named herein is not responsible for any errors or omissions in this drawing or for any consequences that may result from the use of this drawing. The engineer named herein is not responsible for any errors or omissions in any other drawings or specifications prepared by or for the client. The engineer named herein is not responsible for any errors or omissions in any other drawings or specifications prepared by or for the client. The engineer named herein is not responsible for any errors or omissions in any other drawings or specifications prepared by or for the client.

No.	Date	Revised	By	For
1	7-20-15		JL	PMR
2				
3				
4				
5				

TOM K'S TIKI BAR
 1051 5th Street
 Ft. Myers, FLORIDA
 33931

Sheet No. C13-0017
 Details & Sections

A4

FOR STRUCTURAL WORK ONLY

EXHIBIT A

AS BUILT SURVEY OF PART OF BLOCK 3 & 5 BUSINESS CENTER SUBDIVISION

SECTION 24, TOWNSHIP 26 SOUTH, RANGE 23 EAST
PLAT BOOK 9, PAGE 189
LEE COUNTY, FLORIDA

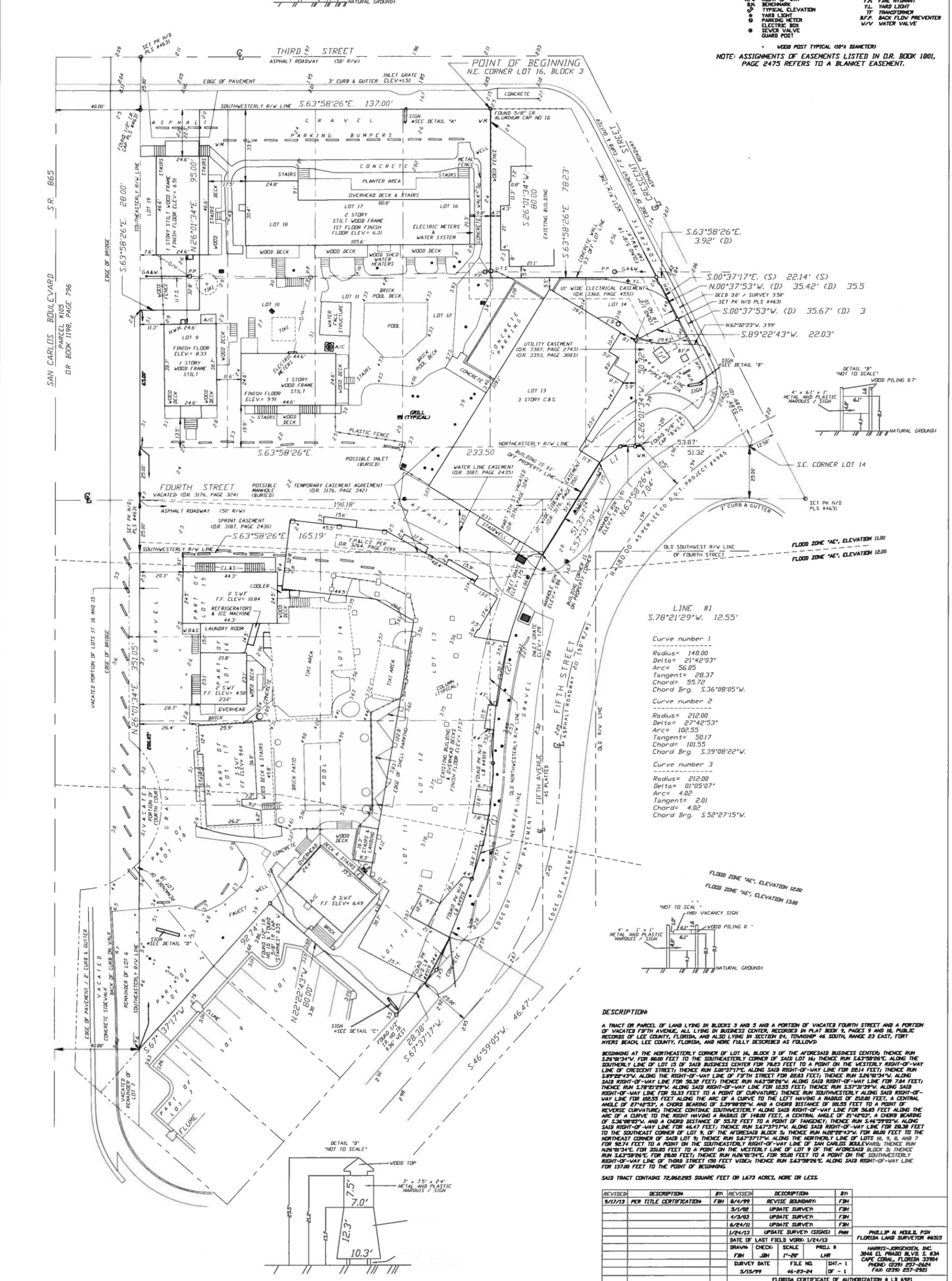
SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, AS BEING S.63°03'34"W.
 2. FIELD NOTES BY BUSINESS CENTER.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SURVEY WAS BASED ON TITLE CERTIFICATION BY WFG NATIONAL TITLE INSURANCE COMPANY, ORDER NO. 17131469, DATED SEPTEMBER 3, 2013.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAN IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD8).
- FLOOD ZONE "AE" ELEVATIONS: 11.00' & 13.00' NAVD8
COMMUNITY NO. 120673 PANEL NO. 0334
SUFFIX - F REVISION DATE: 8/28/08
MAP NUMBER: 1207103554
- THIS SURVEY IS CERTIFIED TO
LITHOHOUSE ISLAND RESORT, INC.
AGENT TITLE SERVICES, LLC
WFG NATIONAL TITLE INSURANCE COMPANY

LEGEND:

- SET IRON PIN (CAP #4631)
- FOUND IRON PIN (CAP)
- CONCRETE MONUMENT (CM)
- CONCRETE (CONC.)
- PERMANENT REFERENCE MONUMENT
- PERMANENT CONTROL POINT
- AS PER PLAT
- AS PER RECORD
- AS PER SURVEY
- AS HEADINGS
- PALE. PUBLIC UTILITY EASEMENT
- LALE. LAKE MAINTENANCE EASEMENT
- DLE. DRAINAGE EASEMENT
- C.B.S. CONCRETE BLOCK STRUCTURE
- R.W.B. RECLAIMED WATER BOX
- ELEV. ELEVATION
- E.B. ELECTRIC BOX
- N.D. MAIL & TINTAB
- N.T.I. DRILL HOLE
- W.B.S. OVERHEAD WOOD DECK & STAIRS
- W.D.S. WOOD DECK & STAIRS
- S.W.F. STORY WOOD FRAME
- E. CENTERLINE
- R.O.W. RIGHT-OF-WAY
- B.M. BENCHMARK
- T.E. TYPICAL ELEVATION
- Y.L. YARD LIGHT
- T. TRANSFORMER
- B.F.P. BACK FLOW PREVENTER
- W.V. WATER VALVE
- G.P. GUARD POST

NOTE: ASSIGNMENTS OF EASEMENTS LISTED IN O.R. BOOK 1801, PAGE 2475 REFERS TO A BLANKET EASEMENT.



REVISED	DESCRIPTION	BY	REVISED	DESCRIPTION	BY
9/17/13	PER TITLE CERTIFICATION	FBH	8/4/99	REVISE BOUNDARY	FBH
			5/1/02	UPDATE SURVEY	FBH
			4/3/03	UPDATE SURVEY	FBH
			6/24/11	UPDATE SURVEY	FBH
			1/24/13	UPDATE SURVEY (SIGN)	PHN
DATE OF LAST FIELD WORK: 1/24/13					
DRAWN		CHECK	SCALE	PROJ. #	PHILLIP A. MOULD, PSH FLORIDA LAND SURVEYOR #6313 HARRIS-JORGENSEN, INC. 3046 EL PRADO BLVD S. #34 CAPE CORAL, FLORIDA 33904 PHONE (239) 237-2684 FAX (239) 237-2681
FBH		JBH	1"=20'	LHR	
SURVEY DATE		FILE NO.	SHT. -	OF -	
5/15/99		46-23-24	DF - 1		
FLORIDA CERTIFICATE OF AUTHORIZATION # 18 6921					

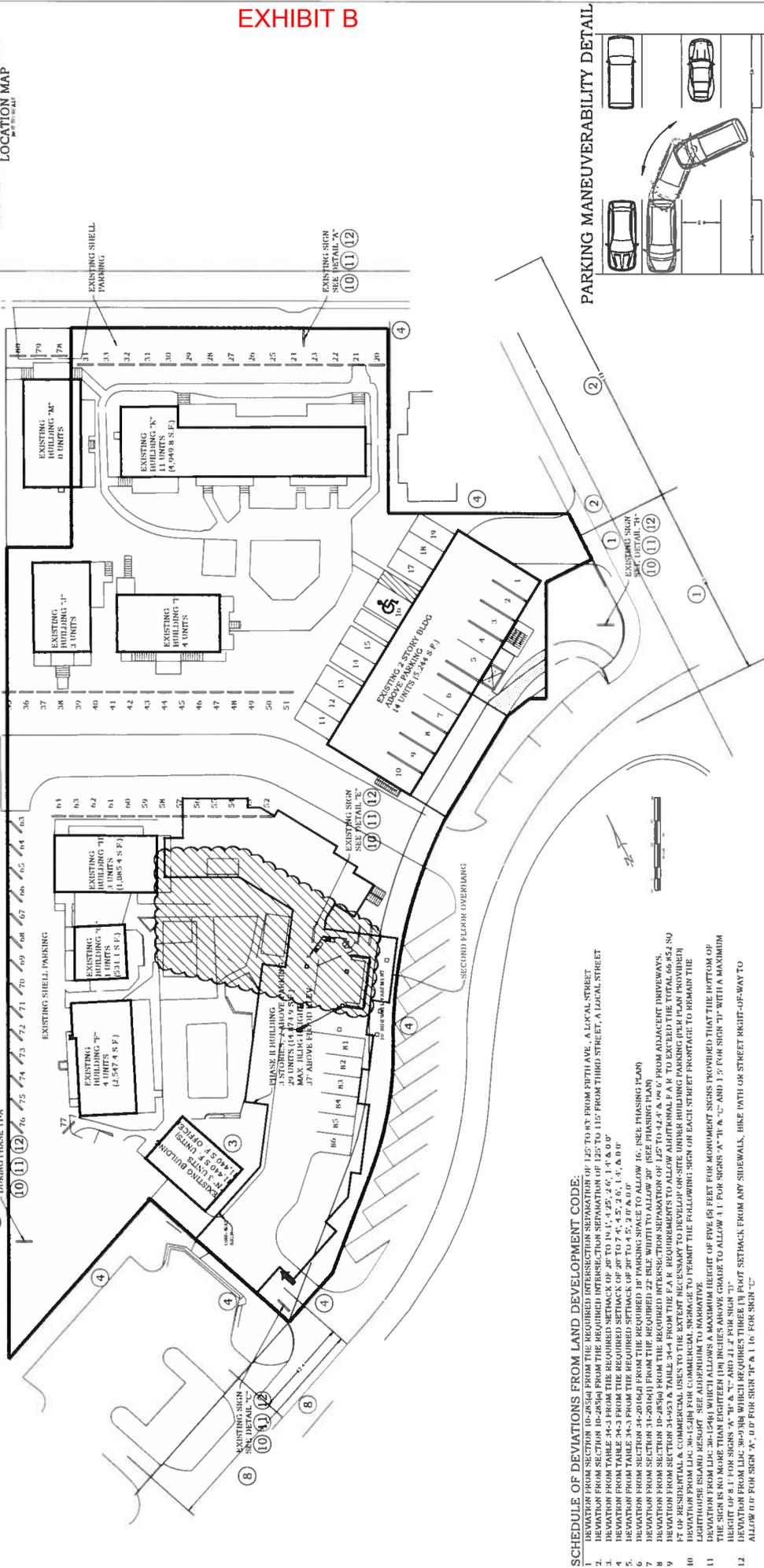
MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2 (REVISED)



SOILS# 26
FLUCC # 147

SOIL & SITE FLUCC

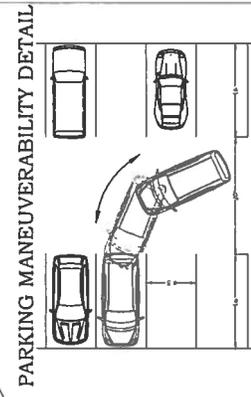
EXISTING SIGN TO BE RELOCATED ADMINISTRATIVELY DURING PHASE 11-A



SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:

- DEVIATION FROM SECTION 10-2850 FROM THE REQUIRED SETBACK OF 125 TO 100 FEET FROM FIFTH AVE. A LOCAL STREET.
- DEVIATION FROM TABLE 34-3 FROM THE REQUIRED INTERSECTION SETBACK OF 20 TO 10 1/4, 4.25, 2.0, 1.4 & 0.0
- DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20 TO 7 1/4, 4.25, 2.0, 1.4 & 0.0
- DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20 TO 4.5, 2.6, 1.4, & 0.0
- DEVIATION FROM SECTION 10-2850 FROM THE REQUIRED SETBACK TO ALLOW 15' (SEE FLASHING PLAC)
- DEVIATION FROM SECTION 10-2850 FROM THE REQUIRED INTERSECTION SEPARATION OF 125 TO 42.2 & 0.0' FROM ADJACENT DRIVEWAYS.
- DEVIATION FROM SECTION 34-93 & TABLE 34-4 FROM THE F.A.R. REQUIREMENTS TO ALLOW ADDITIONAL F.A.R. TO EXCEED THE TOTAL 66 AS2. NO FT OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING (PER PLAN PROVIDED)
- DEVIATION FROM LIC 30-15200 FOR COMMERCIAL SIGNAGE TO PERMIT THE FOLLOWING SIGN ON EACH STREET FRONTAGE TO REMAIN THE SIGN IS NO MORE THAN EIGHTEEN (18) INCHES ABOVE GRADE TO ALLOW A 1' FOR SIGNS "A", "B", "C" AND 1.5' FOR SIGN "D" WITH A MAXIMUM HEIGHT OF 8 FT FOR SIGNS "A", "B", "C" AND 21.2' FOR SIGN "D"
- DEVIATION FROM LIC 30-15200 WHICH REQUIRES THREE (3) FOOT SETBACK FROM ANY SIDEWALK, BIKE PATH OR STREET RIGHT-OF-WAY TO ALLOW 0.0' FOR SIGN "A", "B", "C" AND 1.5' FOR SIGN "D"

* THIS EXCLUDES ANY DENSITY TRANSFERS FOR PROPERTY THAT MAY BE INCLUDED IN THE FUTURE.



REVISED: 04-02-2014
EXHIBIT IV-K

EXHIBIT C

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 00-09

WHEREAS, Lighthouse Island Resort has filed a request to rezone 1.673 total acres of land commercial district (C-1) to Commercial Planned Development (CPD) to permit a hotel/motel development with additional commercial uses consisting of a maximum of 72 hotel/motel units, 5,306 square feet of retail space and 2,478 square feet of office space with buildings not to exceed 37 feet in height above minimum flood elevation; and,

WHEREAS, the subject property is located at 1051 5th Ave., Fort Myers Beach, Florida, and is described more particularly as: Section 24, Township 46 South, Range 23 East, Lee County, Florida SEE ATTACHED; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 24-46-23-W3-00203.0010; 24-46-23-W3-00203.014A; 24-46-23-W3-00203.0090; 24-46-23-W3-00203.0190; 24-46-23-W3-00205.0060; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency on January 18, and, the LPA recommended that the Town Council approve the Applicant's request with Conditions 1-5 on pages 2 and 3 of the Staff Report and Deviations 1-5 on pages 3 of the Staff Report dated January 10, 2000, SEE ATTACHED; and,

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

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.

EXHIBIT C

- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED/~~DENIED~~ 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:

SEE ATTACHED

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

Anita T. Cereceda	<i>Abst</i>
Daniel Hughes	<i>Aye</i>
John Mulholland	<i>Aye</i>
Garr Reynolds	<i>Abst</i>
Ray Murphy	<i>Aye</i>

APPLICATION DULY GRANTED/DENIED this 14th day of February, 2000

ATTEST:

TOWN OF FORT MYERS BEACH

By: *Marsha Segal-George*
Marsha Segal-George, Town Clerk

By: *John J. Mulholland*
John J. Mulholland, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

EXHIBIT C

A. Conditions

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) for "Lighthouse Island Resort," stamped received November 3, 1999, 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 as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The project is limited to a maximum of 72 hotel/motel rooms, 5,306 square feet of retail space and 2,478 square feet of office space, as depicted on the approved MCP.

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

- a. Schedule of Uses

ACCESSORY USES & STRUCTURES
CARETAKERS RESIDENCE, limited to one only
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, Group I only
HOTEL/MOTEL
RESORT
PARKING LOT: Accessory
SIGNS, in conformance with the Land Development Code

The following Uses may be permitted but are considered "Subordinate Commercial Uses" to the Hotel/Motel or Resort use and are further limited by the requirements of LDC Section 34-3021(c):

Bar or Cocktail Lounge (limited to Tiki Bar or Café shown on MCP)
Consumption on Premises (Limited to Tiki Bar only)
Drugstore/Pharmacy
Specialty Retail Store, Groups I and II
Restaurant, Group II

The following Uses are considered Permitted, but are only permitted within Phase IV (shown as a 745 square foot retail area) and the retail/office area shown in Phase V:

ATM (automatic teller machine)
ADMINISTRATIVE OFFICES
BUSINESS SERVICES, Group I
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, Group I only
CLOTHING STORE, GENERAL
COMPUTERS AND DATA PROCESSING SERVICES
GIFT & SOUVENIR SHOP
HOBBY, TOY, AND GAME SHOP
MEDICAL OFFICE
POLICE AND SHERIFF'S STATION

EXHIBIT C

SIGNS, in conformance with the Land Development Code
STUDIOS
SPECIALTY RETAIL SHOPS, Groups I and II
VARIETY STORE

b. Site Development Regulations

Development must be consistent with the approved Master Concept Plan and Schedule of Deviations approved as part of this planned development.

3. Maximum building height may not exceed 37 feet above minimum flood elevation. No additional building height is approved within this planned development.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Town of Fort Myers Beach LDC may be required to obtain a local development order.
5. The final design of the buildings within this planned development must be approved by the Town Manager prior to the approval of any permits. The design must be in substantial compliance with Town of Fort Myers Beach Comprehensive Plan and any applicable Land Development Code requirement of the Town..

B. Deviations

Deviation 1 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 83 feet from Fifth Avenue. This deviation is recommended to be **APPROVED**.

Deviation 2 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 115 feet from Third Street. This deviation is recommended to be **APPROVED**.

Deviation 3 requests relief from LDC Section 34-935(c)(4) which requires a minimum building separation of one-half the sum of the height of the structures, or 20 feet, whichever is greater; to allow building separations of 17.5 (between Phase I and Phase V) and 12.7 feet (between Phase IV and the adjoining retail building). This deviation is recommended to be **APPROVED as depicted on the approved Master Concept Plan**.

Deviation 4 requests relief from LDC Section 34-935(b) which requires certain setbacks for structures, buildings, and pavement from the development perimeters; to allow the reduced setbacks from the development perimeter as depicted on the Master Concept Plan. This deviation is recommended to be **APPROVED**.

Deviation 5 requests relief from LDC Section 34-1145(d) which provides the property development regulations for the Fort Myers Beach Downtown District; to allow setbacks of 2.0 and 4.5 feet along San Carlos Boulevard.. This deviation is recommended to be **APPROVED**.

MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT

SITE

RECEIVED
NOV 03 1999

PERMIT COUNTER

LOCATION MAP
A.L.C.

EXHIBIT C

MINIMUM OPEN
SPACE PROVIDED = 21%

SIDE SETBACK 0
STREET SETBACK 0
REAR SETBACK 0
TOTAL AREA 1.673 ACRES
TOTAL AREA = 72,789.44 SF

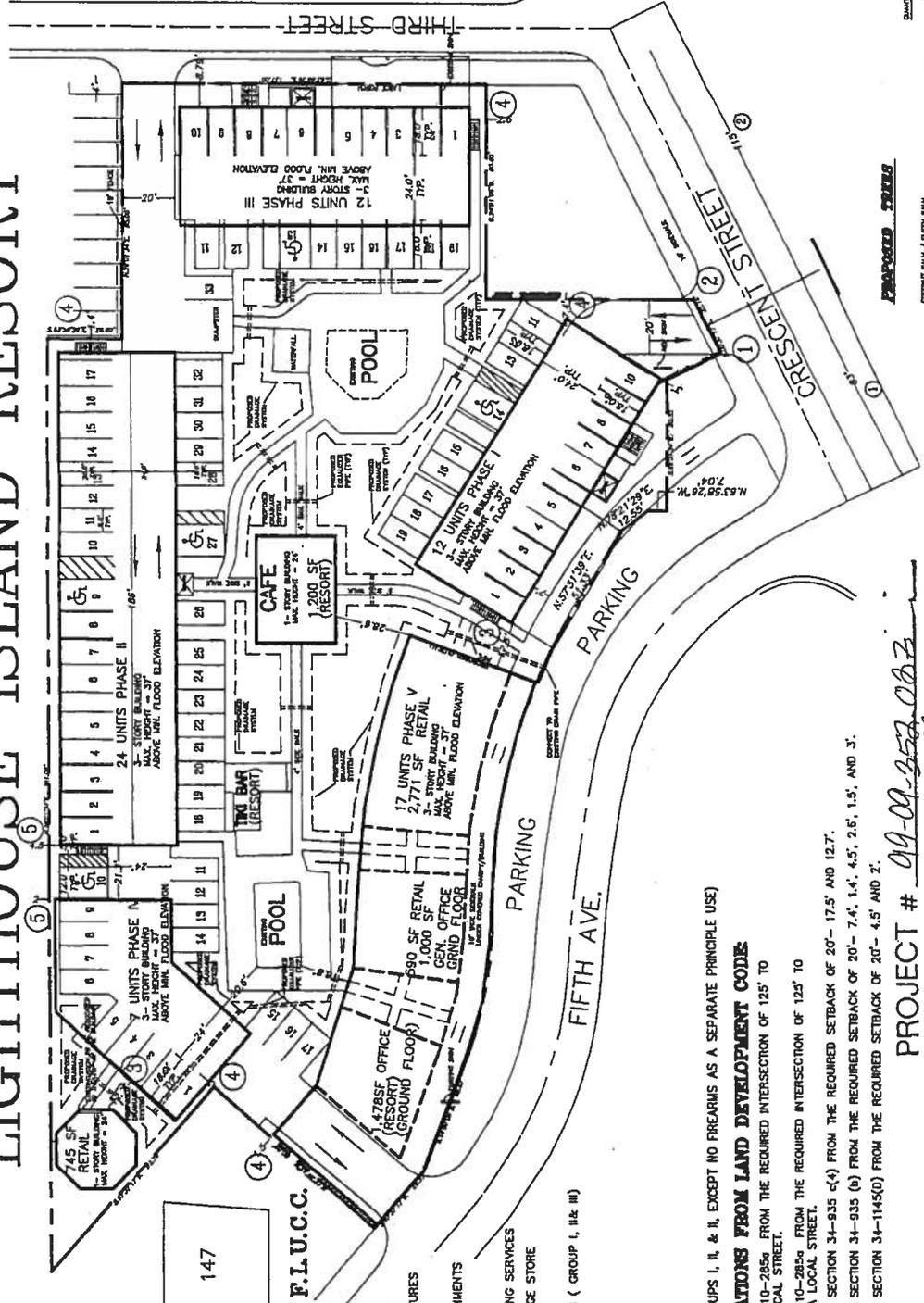
PARKING CALCS.:

72 HOTEL ROOMS (UNITS)
1 PARKING SPACE PER UNIT
72/1 = 72 PARKING SPACES REQUIRED
GEM CATERING: CAFE (RESORT)
1,000/1,000 = 1 PARKING SPACE REQUIRED
GEM CATERING: GENERAL OFFICE (RESORT)
1,000/1,000 = 1 PARKING SPACE REQUIRED
GEM CATERING: GENERAL OFFICE
1,000/1,000 = 1 PARKING SPACE REQUIRED
GEM CATERING: RETAIL SMALL COMPONENTS
1,000/1,000 = 1 PARKING SPACE REQUIRED
GEM CATERING: RETAIL PER 200 S.F.
1,000/200 = 5 PARKING SPACES REQUIRED
GEM CATERING: RESTAURANT PER 1,000 S.F.
1,000/100 = 10 PARKING SPACES REQUIRED
TOTAL PARKING SPACES REQUIRED = 83
NOTE: THE MAX. OF USES TOTAL OR ANY COMBINATION OF ARE NOT TO EXCEED AN SPACES UNLESS APPROVED. OFFSITE PARKING IS ALLOWED.

PHASES

THE PHASES ARE LISTED AS PHASE I THROUGH VI. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED IN THE ORDER LISTED. THE PERMIT FOR PHASE I SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE. THE PERMIT FOR PHASE II SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE. THE PERMIT FOR PHASE III SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE. THE PERMIT FOR PHASE IV SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE. THE PERMIT FOR PHASE V SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE. THE PERMIT FOR PHASE VI SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF ISSUANCE.

- EXHIBIT II-D
- EXHIBIT II-E
- EXHIBIT II-F
- EXHIBIT II-G
- EXHIBIT II-H
- EXHIBIT II-I
- EXHIBIT II-K



SOIL & SITE F.L.U.C.C.

SCHEDULE OF USES:

- AMUSEMENT USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- BUSINESS SERVICES (GROUP I)
- HAIR AND TACKLE SHOP
- BAR & CIGARETTE DISPENSERS
- BAR & CIGARETTE LOUNGE
- BED & BREAKFAST
- CLUBS AND RECREATION
- COMPUTERS & DATA PROCESSING SERVICES
- CONSUMPTION ON PREMISES
- DEPARTMENT STORE
- DRUGSTORE
- ESSENTIAL SERVICES FACILITIES (GROUP I, II, III)
- GIFT & SOUVENIR SHOP
- HOBBY, TOY & GAME SHOPS
- INSURANCE COMPANIES
- MEDICAL OFFICE
- PAINTING, GLASS AND WALLPAPER
- POSTAL OFFICE
- POLICE & SHERIFF'S STATION
- REAL ESTATE SALES OFFICE
- RESTAURANT, FAST FOOD
- STUDIO
- SPECIALTY RETAIL SHOPS (GROUPS I, II, & III, EXCEPT NO PREARRIS AS A SEPARATE PRINCIPLE USE)
- VARIETY STORE

SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE

- ① DEVIATION FROM SECTION 10-285g FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM THIRD STREET. . A LOCAL STREET.
- ② DEVIATION FROM SECTION 10-285g FROM THE REQUIRED INTERSECTION OF 125' TO 80' FROM FIFTH AVE. . A LOCAL STREET.
- ③ DEVIATION FROM SECTION 10-285g FROM THE REQUIRED SETBACK OF 20'- 17.5' AND 12.7' FROM THIRD STREET. . A LOCAL STREET.
- ④ DEVIATION FROM SETBACK SECTION 34-935 c(4) FROM THE REQUIRED SETBACK OF 20'- 7.4', 1.4', 4.5', 2.5', 1.5', AND 3'.
- ⑤ DEVIATION FROM SETBACK SECTION 34-935 (b) FROM THE REQUIRED SETBACK OF 20'- 4.5' AND 2'.
- ⑥ DEVIATION FROM SETBACK SECTION 34-1145(d) FROM THE REQUIRED SETBACK OF 20'- 4.5' AND 2'.

PROJECT # 00-00-352-003
PROJECT TYPE 13

PROPOSED TREES

COORDINATE	PLANT / SPECIES	QUANTITY
		87

NOTE: THE EXISTING TREES WILL BE RECALCULATED AND RE-CLASSIFIED.
NOTE: THE TREE IS COMPLETELY WITHIN LOT AND SHALL NOT BE DISMANTLED OR REMOVED. SHEET 1-1

ADMINISTRATIVE AMENDMENT (PD) ADD2001-00013

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Willam H. Van Duzer filed an application for administrative approval to a Commercial Planned Development on a project known as Lighthouse Island Resort - Phase I to move two (2) hotel/motel units from Phase II of the planned development to Phase I on property located at 1051 5th Street, Ft. Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the subject property was originally rezoned in case number 99-09-352-02Z 01.01, Town of Fort Myers Beach Resolution Number 00-09, which resolution referenced an inaccurate legal description of the subject property; and

WHEREAS, the property described in the above referenced Exhibit "A" accurately describes the property which is the subject of both Resolution Number 00-09 and this Administrative Amendment; and

WHEREAS, the Town of Fort Myers Beach agrees as part of this amendment, that the legal description can be corrected by this action, and

WHEREAS, the Town of Fort Myers Beach Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment to move two hotel/motel units from Phase II to Phase I does not increase the overall density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

EXHIBIT D

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the approved Commercial Planned Development to move two (2) hotel/motel units from Phase II of the planned development to Phase I is APPROVED subject to the following conditions:

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, entitled "Master Concept Plan (CPD) for Lighthouse Island Resort" stamped received on FEB 07, 2001. Master Concept Plan for ADD2001-00013 is hereby APPROVED and adopted. A reduced copy is attached hereto. The only change approved on the Master Concept Plan is the number of hotel/motel unit permitted in Phases I and II.
2. The approved number of hotel/motel units in Phase I increases from 12 units to 14 units and in Phase II reduces from 24 to 22 units. The overall intensity of this project remains as approved by the Town of Fort Myers Beach in Resolution Number 00-09.
3. The terms and conditions of the original zoning resolution remains in full force and effect.

DULY SIGNED this 5th day of March, A.D., 2001.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

EXHIBIT D

EXHIBIT A

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the North-erly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the South-easterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 102.54 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of N.39°08'22"E. and a chord distance of 101.55 feet to a point of non tangency; thence run N.57°31'39"E. along said non tangent line for 51.33 feet; thence run N.78°21'29"E. for 12.55 feet to a point on the Northeasterly right-of-way line of the aforesaid Fourth Street; thence run S.63°58'26"E. along said Northeasterly right-of-way line for 7.04 feet; thence run N.26°01'34"E. for 50.32 feet; thence run N.89°22'43"E. for 22.03 feet to the Westerty right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwesterly line of Lot 17 of the aforesaid Block 3; Thence run N.63°58'26"W. along said Southwesterly line of Lot 17 for 78.22 feet to the Southeasterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

Bearings are based on the Southwesterly line of Third Street, Block 3, Business Center as being N.63°58'26"W.

Applicant's Legal Checked
by gm 3/1/01

ADD 2001-00013

EXHIBIT E

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 03-23

WHEREAS, Thomas F. Kolar, owner of Lighthouse Island Resort has requested to rezone from CPD (Commercial Planned Development) to CPD-Commercial Planned Development to add restaurant space of 4,300 square feet to the schedule of uses and to revise the Master Concept Plan; and,

WHEREAS, the subject property is located at 1051 5th Ave., Fort Myers Beach, and the applicant has indicated the property's current STRAP numbers are: 24-46-23-W3-000203.0010; 24-46-23-W3-00203.014A; 24-46-23-W3-00203.0090; 24-46-23-W3-00203.0190; 24-46-W3-00205.0060; and the legal description attached as Exhibit 'A';

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommended that the Town Council APPROVE the Applicant's request for rezoning subject to the conditions and deviations incorporated herein by reference; and

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

EXHIBIT E

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.

NOW THEREFORE BE IT RESOLVED THAT 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.

THEREFORE 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:

SEE ATTACHED CONDITIONS

EXHIBIT E

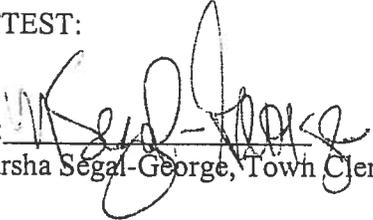
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

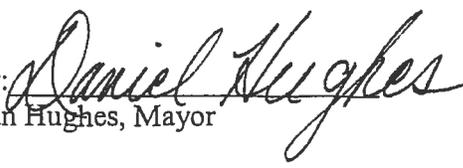
Howard Rynearson	Aye
Daniel Hughes	Aye
Bill Thomas	Nay
W. H. "Bill" Van Duzer	Aye
Terry Cain	Aye

APPLICATION DULY GRANTED this 30th day of June, 2003.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Dan Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

EXHIBIT E

DCI2003-00016 LIGHTHOUSE ISLAND RESORT CPD RESOLUTION NUMBER 03-23

CONDITIONS

1. The development of this project must be consistent with the five (5) page master concept plan entitled "Master Concept Plan (CPD) for Lighthouse Island Resort" stamped received August 20, 2003 last revised June 19, 2003 except as modified by the conditions below.
2. The following limits apply to the project and uses:
 - a. **Schedule of Uses**

All uses permitted by right in the Downtown zoning district with the following limitations:

 - Restaurant is limited to 4,300 square feet
 - Retail is limited to 5,000 square feet
 - Office is limited to 420 square feet
 - Hotel/Motel units limited to a maximum total of 72 guest units, which total includes the unit for the caretaker
 - b. **Site Development Regulations**

Building placement, size, design, and all other property development regulations shall be the same as for the CR (Commercial) zoning district unless approved as a deviations as part of the approved zoning resolution.
3. Maximum building height may not exceed 37 feet above minimum flood elevation. No additional building height is approved within this planned development.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
5. The final design of the building within this planned development must be approved by the Town Manager prior to the approval of any permits. The design must be in substantial compliance with the Town of Fort Myers Beach Comprehensive Plan, the Land Development Code, and all other applicable requirements.
6. The 5,000 square feet of retail uses are limited to the ground floor of the Phase 2 building as depicted on the approved Master Concept Plan. The ground floor will have to be dry flood proofed and must be constructed in compliance with Chapter 6 of the Land Development Code.

EXHIBIT E

7. At no time will the total number of Hotel/Motel units exceed 72 guest units.
8. The existing cottage on Third Street (adjacent to the Sky Bridge) must be demolished no later than five (5) years from the date of the approval of this zoning resolution--or earlier if the Town moves ahead with improvements to Third Street--as indicated in the letter from Beverly Grady, dated April 18, 2003, attached to the Staff Report dated March 18, 2003, as Exhibit "B".
9. Prior to approval of a development order, the correct sidewalk easement must be recorded in the Public Records of Lee County, Florida.
10. Prior to seeking building permits for development on this site, the developer must combine the existing platted lots into one lot of record as part of the local development order for this CPD project.
11. Prior to each local development order approval, the developer must provide a current tally of the square feet for each use approved in all previous local development orders.
12. The total square feet of existing and proposed buildings must not exceed 57,132 square feet of total building area for buildings used as hotel/motel guest units.
13. Any off-site parking, other than the existing approved 5 off-site parking spaces, must be addressed through an amendment to this CPD.
14. Any outdoor seating for the restaurant and any sign that will require a deviation must be addressed through an amendment to this CPD.
15. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
16. This CPD project must be constructed to build-out no later than December 31, 2020.

DEVIATIONS

Deviation 1 request relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 83 feet from Fifth Avenue. This deviation is unchanged from the previously approved MCP and is **APPROVED**.

Deviation 2 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 115 feet from Third Street. This deviation is unchanged from the previously approved MCP and is **APPROVED**.

Deviation 3 requests relief from LDC Table 34-3 which requires a minimum building separation of one-half the sum of the height of the structures, or 20 feet, whichever is

EXHIBIT E

greater; to allow building separations of 19.1', 4.25', & 2.6'. This deviation is **APPROVED as depicted on the approved Master Concept Plan.**

Deviation 4 requests relief from LDC Table 34-3 which requires certain setbacks for structures, buildings, and pavement from the development perimeters; to allow the reduced setbacks of 7.4', 4.5', 3', 2.6', 1.5', 1.4', & 0' from the development perimeter as depicted on the Master Concept Plan. All of the setbacks, except for the 0' setback, were previously approved on the existing MCP for this project. This deviation is **APPROVED.**

Deviation 5 requests relief from LDC Table 34-3 which provides the property development regulations for the Fort Myers Beach Commercial Resort (CR) District; to allow street setbacks of 4.5', 2.0, and 0' feet along San Carlos Boulevard. All of the setbacks, except for the 0' setback, were previously approved on the existing MCP for this project. This deviation is **APPROVED.**

Deviation 6 requests relief from LDC Section 34-2016 which requires 90 degree parking spaces to be a minimum of 18' in length; to allow the 90 degree parking spaces to be 16' in length for the Phase 2 parking only. This deviation is **APPROVED as depicted on the approved Master Concept Plan and with the condition that these parking spaces will be removed at the time Phase 5 is constructed.**

Deviation 7 requests relief from LDC Section 34-2016(a) which requires parking aisles between parking spaces to be 22' in width to allow the parking aisles to be 20' in width for some areas for the Phase 2 parking only. This deviation is **APPROVED as depicted on the approved Master Concept Plan and with the condition that these parking aisles will be removed at the time Phase 5 is constructed.**

Deviation 8 request relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Fifth Avenue); to allow a connection separation of 83 feet from two existing driveways. This deviation is **APPROVED.**

Deviation 9 requests relief from the F.A.R. requirements of LDC Section 34-953 and Table 34-3 to allow additional F.A.R. to exceed the total 66,852 square feet of residential and commercial uses to the extent necessary to develop on-site under building parking. This deviation is **APPROVED.**

10/23/03 THU 10:25 FAX

EXHIBIT A

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeastly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeastly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence run S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northwesterly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeastly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southeastly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeastly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeastly for 102.54 feet along the arc of a curve concave Southeastly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of N.39°08'22"E. and a chord distance of 101.55 feet to a point of non tangency; thence run N.57°31'39"E. along said non tangential line for 51.33 feet; thence run N.78°21'29"E. for 12.55 feet to a point on the Northeastly right-of-way line of the aforesaid Fourth Street; thence run S.63°58'26"E. along said Northeastly right-of-way line for 7.04 feet; thence run N.26°01'34"E. for 50.32 feet; thence run N.89°22'43"E. for 22.03 feet to the Westerly right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwesterly line of Lot 17 of the aforesaid Block 3; thence run N.63°58'26"W. along said Southwesterly line of Lot 17 for 78.22 feet to the Southeastly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

Bearings are based on the Southwesterly line of Third Street, Block 3, Business Center as being N.63°58'26"W.

[Handwritten Signature]
10/23/03

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-24
DCI2012-0003 Lighthouse Resort CPD Amendment

WHEREAS, Beverly Grady, Esq., authorized agent for Lighthouse Resort, Inc., is requesting amendment of an existing CPD to add certain deviations from Chapter 30 (Signs) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers are 24-46-23-W3-00203.014A, 24-46-23-W3-00203.0090, 24-46-23-W3-00203.0190, 24-46-23-W3-00203.0100, and 24-46-23-W3-00205.0060; and

WHEREAS, the legal description for the subject property is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 13, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 21, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-008, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-008 and the standards for rezoning, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for an amendment to an existing Commercial Planned Development to add seven (7) deviations from the provisions of LDC Chapter 30 (Signs), subject to the following conditions:

CONDITIONS OF APPROVAL

1. The development of this project must be consistent with the five (5) page Master Concept Plan entitled "Master Concept Plan (CPD) for Lighthouse Island Resort" last revised 3-12-2013, except as modified by the conditions and deviations below.
2. The following limitations apply to the project and uses:
 - a. **Schedule of Uses**

EXHIBIT F

All uses permitted by right in the Downtown zoning district with the following limitations:

Restaurant is limited to 4,300 square feet

Retail is limited to 5,000 square feet

Office is limited to 420 square feet

Hotel/Motel units limited to a maximum of 72 guest units, which total includes the unit for the caretaker

b. **Site Development Regulations**

Building placement, size, design, and all other property development regulations shall be the same as for the CR (Commercial Resort) zoning district unless approved as deviations as part of the approved zoning resolution.

3. Maximum building height may not exceed 37 feet above Base Flood Elevation. No additional building height is approved within this planned development.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
5. The final design of the building within this planned development must be approved by the Town Manager prior to the approval of any permits. The design must be in substantial compliance with the Town of Fort Myers Beach Comprehensive Plan, the Land Development Code, and all other applicable requirements.
6. The 5,000 square feet of retail uses are limited to the ground floor of the Phase 2 building as depicted on the approved Master Concept Plan. The ground floor will have to be dry flood proofed and must be constructed in compliance with Chapter 6 of the Land Development Code.
7. At no time will the total number of Hotel/Motel units exceed 72 guest units.
8. The existing cottage on Third Street (adjacent to the Sky Bridge) must be demolished no later than five (5) years from the date of the approval of zoning Resolution 03-23 (June 30th, 2003) – or earlier if the Town moves ahead with improvements to Third Street – as indicated in the letter from Beverly Grady, dated April 18, 2003, attached to the Staff Report as Exhibit J. *Yet to be completed*
9. Prior to approval of a development order, the correct sidewalk easement must be recorded in the Public Records of Lee County, Florida.
10. Prior to seeking any building permits for development on this site, the developer must combine the existing platted lots into one lot of record as part of the local development order for this CPD project. *Yet to be completed*

EXHIBIT F

11. Prior to each local development order approval, the developer must provide a current tally of the square feet for each use approved in all previous local development orders.
12. The total square feet of existing and proposed buildings must not exceed 57,132 square feet of total building area for buildings used as hotel/motel guest units.
13. Any off-site parking, other than the existing approved 5 off-site parking spaces, must be addressed through an amendment to this CPD.
14. Any outdoor seating for the restaurant and any sign that will require a deviation must be addressed through an amendment to this CPD.
15. This development must comply with all requirements of the LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
16. This CPD project must be constructed to build-out no later than December 31, 2020.
17. *All signs containing commercial messages, including those shown for the proposed restaurant in Phase II-A, must be in compliance with LDC Chapter 30, except as approved herein by deviations.*

APPROVED DEVIATIONS

Deviation 1 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 83 feet from Fifth Avenue. This deviation is unchanged from the previously approved MCP and is **APPROVED**.

Deviation 2 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 115 feet from Third Street. This deviation is unchanged from the previously approved MCP and is **APPROVED**.

Deviation 3 was from a previous Lee County LDC requirement, and is no longer necessary. The Fort Myers Beach LDC does not regulate building separation within a project site.

Deviation 4 requests relief from LDC Table 34-3 which requires certain setbacks for structures, buildings, and pavement from the development perimeters; to allow the reduced setbacks of 7.4', 4.5', 3', 2.6', 1.5, 1.4', & 0', from the development perimeter as depicted on the Master Concept Plan. All of the setbacks were previously approved on the existing MCP for this project. This deviation is **APPROVED**.

Deviation 5 requests relief from LDC Table 34-3 which provides the property development regulations for the Fort Myers Beach Commercial Resort (CR) zoning district; to allow

EXHIBIT F

street setbacks of 4.5', 2.0', and 0' along San Carlos Boulevard. All of the setbacks were previously approved on the existing MCP for this project. This deviation is **APPROVED**.

Deviation 6 requests relief from LDC Section 34-2016 which requires 90 degree parking spaces to be a minimum of 18' in length; to allow 90 degree parking spaces to be 16' in length for Phase 2 parking only. This deviation is **APPROVED** as depicted on the approved Master Concept Plan and with the condition that these parking spaces will be removed at the time Phase 5 is constructed.

Deviation 7 requests relief from LDC Section 34-2016(a) which requires parking aisles between parking spaces to be 22' in width to allow the parking aisles to be 20' in width for some areas for the Phase 2 parking only. This deviation is **APPROVED** as depicted on the approved Master Concept Plan and with the condition that these parking aisles will be removed at the time Phase 5 is constructed.

Deviation 8 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Fifth Avenue); to allow a connection separation of 83 feet from two existing driveways. This deviation is **APPROVED**.

Deviation 9 requests relief from the F.A.R. requirements of LDC Section 34-953 and Table 34-3 to allow additional F.A.R. to exceed the total of 66,852 square feet of residential and commercial uses to the extent necessary to develop on-site under building parking. This deviation is **APPROVED**.

*Deviation 10 requests relief from LDC Section 30-153(b)(1) which allows a maximum of 32 square feet of signage; to allow 126 square feet of total signage for Lighthouse Island Resort. This deviation is **APPROVED**.*

*Deviation 11 requests relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign; to allow 25'6" for the Lighthouse "Sign D". This deviation is **APPROVED**.*

*Deviation 12 requests relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18 inches for the sign base; to allow the bottom of the sign at 4.1' and an overall height of 10.4' for "Sign A" on Third Street. This deviation is **APPROVED**, provided that the top of the sign face shall not exceed 8.1', as depicted in Sign Detail "A".*

*Deviation 13 requests relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18 inches for the sign base; to allow the bottom of the sign at 4.1' and an overall sign height of 9.7' for "Sign B" on Crescent Street." This deviation is **APPROVED**, provided that the top of the sign face shall not exceed 8.1', as depicted in Sign Detail "B".*

Deviation 14 requests relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18 inches for the sign base; to allow the bottom of the sign at

EXHIBIT F

4.1' and an overall height of 9.7' for "Sign C" on Fifth Street. This deviation is **APPROVED**, provided that the top of the sign face shall not exceed 8.1', as depicted in Sign Detail "C".

Deviation 15 requests relief from LDC Section 30-154(b) which requires that all signs be set back a minimum 3 foot from any public right-of-way; to allow a 0' setback for "Sign A" located on Third Street. This deviation is **APPROVED**.

Deviation 16 requests relief from LDC Section 30-154(b) which requires a minimum 3 foot setback from any public right-of-way; to allow "Sign B" to remain located entirely within the right-of-way at the intersection of Crescent Street and Fifth Street. This deviation is **APPROVED**.

FINDINGS AND CONCLUSIONS

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. *Whether there exists an error or ambiguity which must be corrected.*

There is no error or ambiguity to be corrected by the requested amendment to Chapter 30 sign regulations. **APPROVE**

2. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The major change that has taken place is the adoption by Town Council of a new Sign Ordinance, codified as Chapter 30 of the Land Development Code. Regulations were established for more unified height and setback requirements for monument signs throughout the Town. **APPROVE**

3. *The impact of a proposed change on the intent of Chapter 34.*

The requested amendment to the CPD will not have an impact on the intent of Chapter 34. **APPROVE**

4. *Whether the request is consistent with the goals, objectives, policies and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan.*

Resolutions 00-09 and 03-23 found the requested CPD zoning to be in compliance with the Comprehensive Plan. Further, the subject property is located in the Pedestrian Commercial Future Land Use category, the highest-intensity land use category on Fort Myers Beach. **APPROVE**

5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

EXHIBIT F

Resolutions 00-09 and 03-23 found the requested CPD zoning to be in compliance with all performance and locational standards, including the sign at Crescent and Fifth Streets that is located outside the project boundaries. **APPROVE**

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

Urban services are available, as the subject property is already a customer of Beach Water, and sidewalks are in place along Fifth Street and Crescent Street. **APPROVE**

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

Resolutions 00-09 and 03-23 found the requested CPD zoning to protect, conserve and preserve environmentally critical areas and natural resources. **APPROVE**

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.*

The requested sign deviations, as conditioned, will be compatible with existing uses, since the signs on the property are existing. **APPROVE**

9. *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.*

The request will not place any burden on the transportation network or other facilities. In fact, the request may help alleviate future traffic burdens by assisting visitors and guests to locate the resort. **APPROVE**

10. *For planned development rezonings, see § 34-216 for additional considerations (below):*
- A. *The proposed mix of uses is appropriate at the subject location.*
 - B. *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
 - C. *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
 - D. *The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

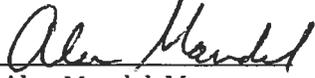
The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan. **APPROVE**

EXHIBIT F

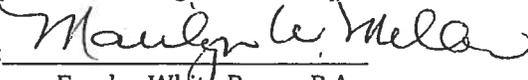
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member List and seconded by Council Member Andre, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	ABSTAIN
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 21st day of OCTOBER, 2013.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
Town Attorney

ATTEST:

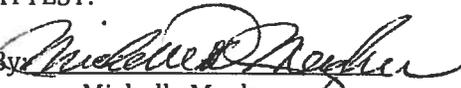
By: 
Michelle Mayher
Town Clerk

EXHIBIT F

EXHIBIT A

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northwesterly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southeasterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 102.54 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of N.39°08'22"E. and a chord distance of 101.55 feet to a point of non tangency; thence run N.57°31'39"E. along said non tangent line for 51.33 feet; thence run N.78°21'29"E. for 12.55 feet to a point on the Northeasterly right-of-way line of the aforesaid Fourth Street; thence run S.63°58'26"E. along said Northeasterly right-of-way line for 7.04 feet; thence run N.26°01'34"E. for 50.32 feet; thence run N.89°22'43"E. for 22.03 feet to the Westerly right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwesterly line of Lot 17 of the aforesaid Block 3; Thence run N.63°58'26"W. along said Southwesterly line of Lot 17 for 78.22 feet to the Southeasterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

Bearings are based on the Southwesterly line of Third Street, Block 3, Business Center as being N.63°58'26"W.

EXHIBIT G

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-29
DC12012-0003 Lighthouse Resort CPD Amendment

WHEREAS, Beverly Grady, Esq., authorized agent for Lighthouse Resort, Inc., is requesting amendment of an existing CPD to add a deviation from Chapter 30 (Signs) regarding internal illumination of existing signs from Sec. 30-154(a) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers are 24-46-23-W3-00203.014A, 24-46-23-W3-00203.0090, 24-46-23-W3-00203.0190, 24-46-23-W3-00203.0100, and 24-46-23-W3-00205.0060; and

WHEREAS, the legal description for the subject property is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on December 2, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-021, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-008 and the standards for rezoning, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVE** the applicant's request for an amendment to an existing Commercial Planned Development to add a deviation from LDC Sec. 30-154(a), subject to the following condition:

CONDITION OF APPROVAL

18. *The deviation for internal illumination of signs is approved only for the existing signs. If the signage is moved, removed, or damaged beyond repair, the deviation will be null and void, and any new signage must comply with the regulations of the LDC.*

EXHIBIT G

DEVIATIONS

*Deviation 17 requests relief from LDC Sec. 34-154(a) for internal illumination of the sign faces to remain as existing, where they would otherwise be required to emit light only from the letters and symbols of the sign face, subject to Condition #18. This deviation is **APPROVED**.*

FINDINGS AND CONCLUSIONS

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. *Whether there exists an error or ambiguity which must be corrected.*

There is no error or ambiguity to be corrected by the requested amendment to Chapter 30 sign regulations. **APPROVE**

2. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The major change that has taken place is the adoption by Town Council of a new Sign Ordinance, codified as Chapter 30 of the Land Development Code. Regulations were established for more unified sign standards throughout the Town. **APPROVE**

3. *The impact of a proposed change on the intent of Chapter 34.*

The requested amendment to the CPD will not have an impact on the intent of Chapter 34. **APPROVE**

4. *Whether the request is consistent with the goals, objectives, policies and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan.*

Resolutions 00-09, 03-23 and 13-24 found the requested CPD zoning to be in compliance with the Comprehensive Plan. Further, the subject property is located in the Pedestrian Commercial Future Land Use category, the highest-intensity land use category on Fort Myers Beach. **APPROVE**

5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

Resolutions 00-09, 03-23 and 13-24 found the requested CPD zoning to be in compliance with all performance and locational standards, including the sign at Crescent and Fifth Streets that is located outside the project boundaries. **APPROVE**

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

Urban services are available, as the subject property is already a customer of Beach Water, and sidewalks are in place along Fifth Street and Crescent Street. **APPROVE**

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

EXHIBIT G

Resolutions 00-09, 03-23 and 13-24 found the requested CPD zoning to protect, conserve and preserve environmentally critical areas and natural resources. **APPROVE**

- 8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.*

The requested sign deviations, as conditioned, will be compatible with existing uses, since the signs on the property are existing. **APPROVE**

- 9. *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.*

The request will not place any burden on the transportation network or other facilities. In fact, the request may help alleviate future traffic burdens by assisting visitors and guests to locate the resort. **APPROVE**

- 10. *For planned development rezonings, see § 34-216 for additional considerations (below):*

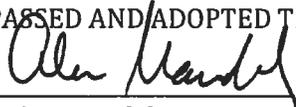
- A. *The proposed mix of uses is appropriate at the subject location.*
- B. *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
- C. *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
- D. *The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

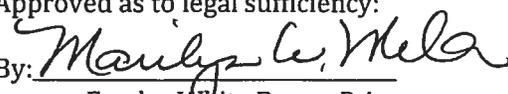
The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan. **APPROVE**

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member List, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	ABSTAIN
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 2nd day of DECEMBER, 2013.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:
By: 
Fowler White Boggs, P.A.
Town Attorney

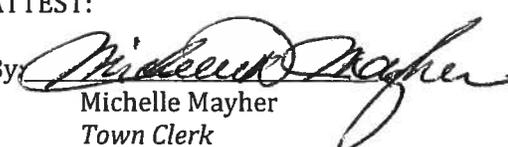
ATTEST:
By: 
Michelle Mayher
Town Clerk

EXHIBIT G

EXHIBIT A

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeastery right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the Northery line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the Southeastery corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03". a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 102.54 feet along the arc of a curve concave Southeastery, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of N.39°08'22"E. and a chord distance of 101.55 feet to a point of non tangency; thence run N.57°31'39"E. along said non tangent line for 51.33 feet; thence run N.78°21'29"E. for 12.55 feet to a point on the Northeasterly right-of-way line of the aforesaid Fourth Street; thence run S.63°58'26"E. along said Northeasterly right-of-way line for 7.04 feet; thence run N.26°01'34"E. for 50.32 feet; thence run N.89°22'43"E. for 22.03 feet to the Westerly right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwesterly line of Lot 17 of the aforesaid Block 3; Thence run N.63°58'26"W. along said Southwesterly line of Lot 17 for 78.22 feet to the Southeastery corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

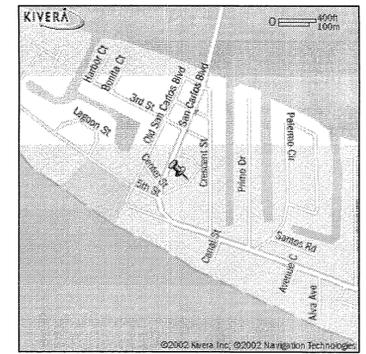
Bearings are based on the Southwesterly line of Third Street, Block 3, Business Center as being N.63°58'26"W.

MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT

SOILS#
26

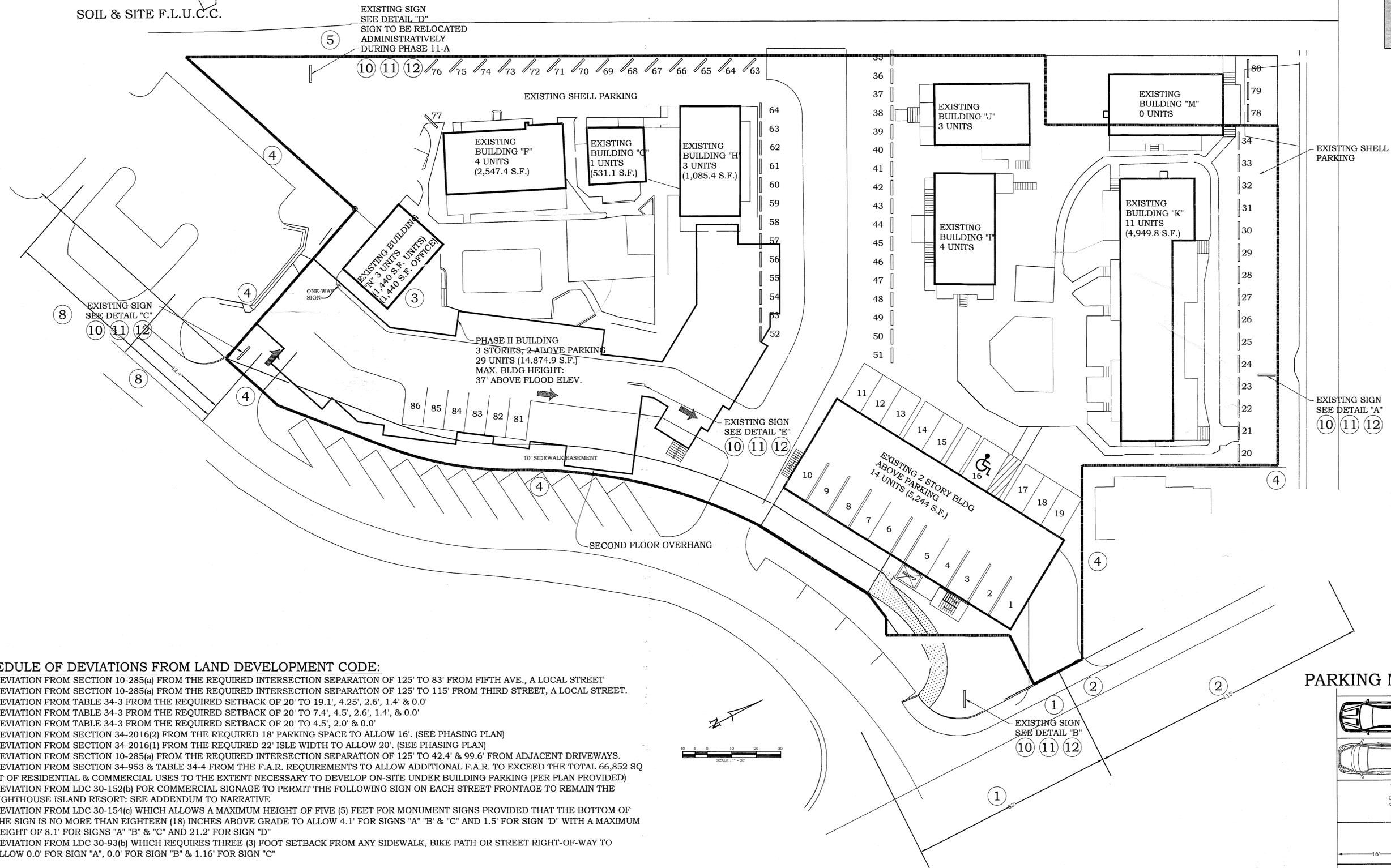
FLUCC #
147

SOIL & SITE F.L.U.C.C.



LOCATION MAP
NOT TO SCALE

APR 22 2016
RECEIVED BY

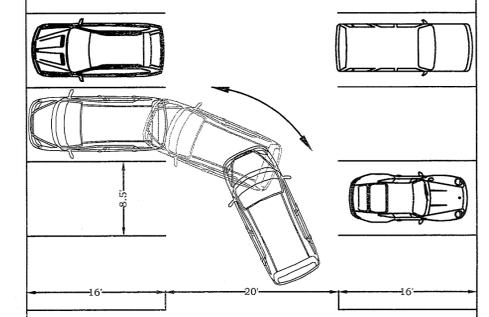


SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:

1. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET
2. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD STREET, A LOCAL STREET.
3. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 19.1', 4.25', 2.6', 1.4' & 0.0'
4. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 7.4', 4.5', 2.6', 1.4', & 0.0'
5. DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 4.5', 2.0' & 0.0'
6. DEVIATION FROM SECTION 34-2016(2) FROM THE REQUIRED 18' PARKING SPACE TO ALLOW 16'. (SEE PHASING PLAN)
7. DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' ISLE WIDTH TO ALLOW 20'. (SEE PHASING PLAN)
8. DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 42.4' & 99.6' FROM ADJACENT DRIVEWAYS.
9. DEVIATION FROM SECTION 34-953 & TABLE 34-4 FROM THE F.A.R. REQUIREMENTS TO ALLOW ADDITIONAL F.A.R. TO EXCEED THE TOTAL 66,852 SQ FT OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING (PER PLAN PROVIDED)
10. DEVIATION FROM LDC 30-152(b) FOR COMMERCIAL SIGNAGE TO PERMIT THE FOLLOWING SIGN ON EACH STREET FRONTAGE TO REMAIN THE LIGHTHOUSE ISLAND RESORT: SEE ADDENDUM TO NARRATIVE
11. DEVIATION FROM LDC 30-154(c) WHICH ALLOWS A MAXIMUM HEIGHT OF FIVE (5) FEET FOR MONUMENT SIGNS PROVIDED THAT THE BOTTOM OF THE SIGN IS NO MORE THAN EIGHTEEN (18) INCHES ABOVE GRADE TO ALLOW 4.1' FOR SIGNS "A" "B" & "C" AND 1.5' FOR SIGN "D" WITH A MAXIMUM HEIGHT OF 8.1' FOR SIGNS "A" "B" & "C" AND 21.2' FOR SIGN "D"
12. DEVIATION FROM LDC 30-93(b) WHICH REQUIRES THREE (3) FOOT SETBACK FROM ANY SIDEWALK, BIKE PATH OR STREET RIGHT-OF-WAY TO ALLOW 0.0' FOR SIGN "A", 0.0' FOR SIGN "B" & 1.16' FOR SIGN "C"

* THIS EXCLUDES ANY DENSITY TRANSFERS FOR PROPERTY THAT MAY BE INCLUDED IN THE FUTURE

PARKING MANEUVERABILITY DETAIL

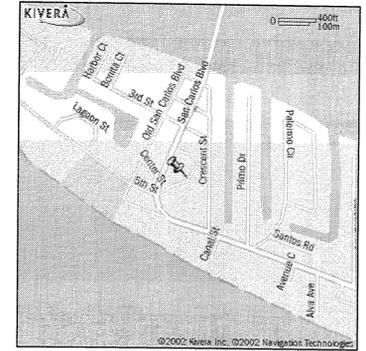


REVISED: 04-02-2014
EXHIBIT IV-K

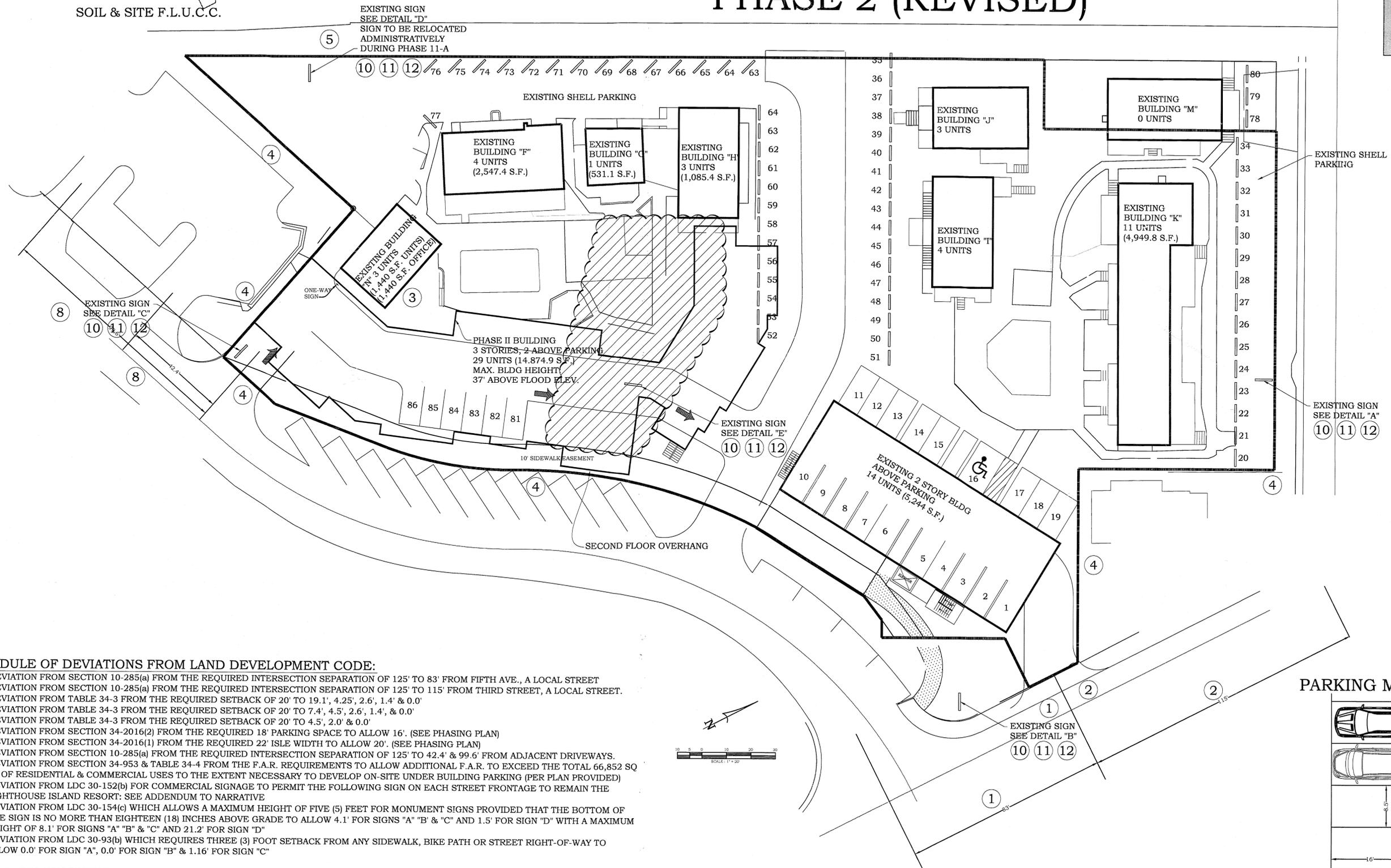
MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2 (REVISED)

SOILS# 26
FLUCC # 147

SOIL & SITE F.L.U.C.C.



LOCATION MAP
NOT TO SCALE

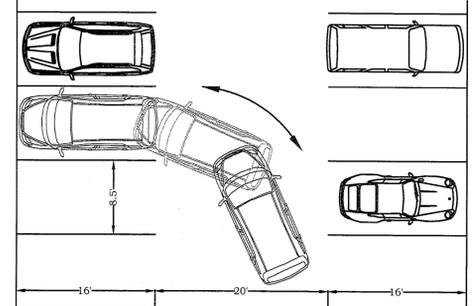


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PARKING MANEUVERABILITY DETAIL



REVISED: 04-02-2014
EXHIBIT IV-K

AS BUILT SURVEY OF
PART OF BLOCK 3 & 5
BUSINESS CENTER
SUBDIVISION

SECTION 84, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA

- SURVEY NOTES:**
1. DEEDS AND RECORDS WERE TAKEN FROM THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, AS BEING S.66°10'24"E.
 2. FIELD NOTES IN BUSINESS CENTER.
 3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A GUARANTEE OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 4. THIS SURVEY WAS BASED ON TITLE CERTIFICATION BY VFC NATIONAL TITLE UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 5. THIS IMP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SUFFIX --- F REVISION DATE 6/28/08
 6. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 7. ELEVATIONS ARE MEAN SEA LEVEL, DATUM OF 1988 (NAVD).
 8. ELEVATIONS "ME" ARE MEAN SEA LEVEL, DATUM OF 1988 (NAVD).
 9. THIS SURVEY IS CERTIFIED TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 10. COMMUNITY No. 16673 PANEL No. 0554
 11. SUFFIX --- F REVISION DATE 6/28/08
 12. MAP NUMBER 167000504

THIS SURVEY IS CERTIFIED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COMMUNITY No. 16673 PANEL No. 0554

SUFFIX --- F REVISION DATE 6/28/08

MAP NUMBER 167000504

VFC NATIONAL TITLE INSURANCE COMPANY

AGENT TITLE SERVICES, LLC

10000 W. UNIVERSITY BLVD. SUITE 200

DADE COUNTY, FLORIDA 33134

PHONE (305) 597-2624

FAX (305) 597-2621

WWW.VFC-TITLE.COM

FLORIDA LICENSE NO. 12000

DATE OF EXPIRATION 12/31/11

STATE OF FLORIDA

LEE COUNTY

TOWNSHIP 46 SOUTH

RANGE 23 EAST

SECTION 84

PLAT NO. 16673

PANEL NO. 0554

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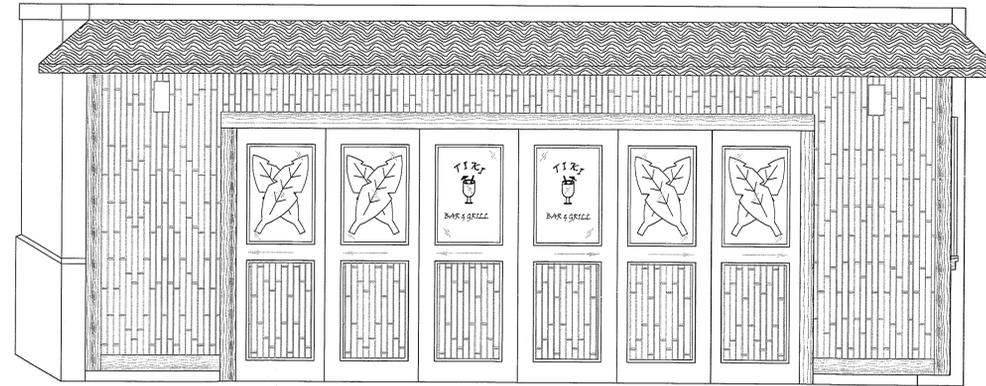
SECTION 84

PLAT NO. 16673

PANEL NO. 0554

TOM K'S TIKI BAR & GRILLE

IMPROVEMENT/ALTERATIONS



GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL BE FAMILIAR WITH THE WORK TO BE DONE. REPORT DISCREPANCIES TO MKPD.
2. THE GENERAL CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO COMMENCING RELATED WORK AND SHALL REPORT ANY DISCREPANCIES BETWEEN THE DRAWINGS AND EXISTING CONDITIONS TO MKPD PRIOR TO COMMENCING RELATED WORK.
3. THE GENERAL CONTRACTOR SHALL COORDINATE SUPPLY AND LOCATION OF THE WORK OF INSERTS, ANCHORS, ANGLES, PLATES, OPENINGS, SLEEVES, HANGERS, SLAB AND DEPRESSIONS AS MAY BE REQUIRED TO ACCOMMODATE RELATED WORK.
4. NOMINAL SIZES ARE USED UNLESS NOTED OTHERWISE.
5. NOMINAL SIZES ARE SHOWN UNLESS NOTED AS "NET". DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED. DIMENSIONS INDICATED AS (CLEAR) OR (CLR) SHALL NOT BE ADJUSTED WITHOUT WRITTEN INSTRUCTION FROM MKPD. DIMENSIONS SHALL NOT BE DETERMINED BY SCALING THE DRAWINGS.
6. THE GENERAL CONTRACTOR SHALL VERIFY WINDOW AND DOOR ROUGH OPENING SIZES WITH THE MANUFACTURERS PRIOR TO PROCEEDING WITH RELATED WORK.
7. THE WORK SHALL CONFORM TO THE MINIMUM FIRE AND LIFE SAFETY CODE REQUIREMENTS IN ACCORDANCE WITH THE 2010 FLORIDA FIRE PREVENTION CODE.
8. THE WORK SHALL BE IN ACCORDANCE WITH APPLICABLE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
9. THESE DRAWINGS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.007 OF THE FLORIDA ADMINISTRATIVE CODE.
10. INDICATIONS ON THE DRAWINGS ARE FOR NEW WORK UNLESS CALLED OUT AS EXISTING.
11. THE DESIGN WIND LOADS FOR STRUCTURAL SYSTEMS, MEMBERS, CLADDING AND FASTENERS WAS ACCORDING TO:
 - LEE COUNTY REGULATIONS APPLYING WIND PRESSURES GIVEN BY A MINIMUM BASIC WIND SPEED OF 130 MPH
 - 2010 FLORIDA BUILDING CODE.
 - MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, ASCE 7-05
12. ERRORS, OMISSIONS OR CONFLICTS FOUND IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF MKPD PRIOR TO COMMENCEMENT OF RELATED WORK.
13. THE WORK SHALL BE DONE IN A SAFE AND ORDERLY MANNER WITHOUT DAMAGE TO OTHER PARTS ON THE PREMISES OR TO ADJACENT PROPERTIES.
14. PROVIDE BLOCKING TO ADEQUATELY SUPPORT FIXTURES, CABINETS, BATHROOM ACCESSORIES, HARDWARE AND EQUIPMENT SUSPENDED FROM CEILINGS OR MOUNTED ON WALLS.
15. MATERIAL CONTAINING ASBESTOS SHALL NOT BE USED AS PART OF THE WORK.



VICINITY MAP

COMPLIANCE NOTES

THESE PLANS ARE DESIGNED TO BE IN COMPLIANCE W/ SECTION 1600 OF THE 2014 FLORIDA BUILDING CODE, ULTIMATE DESIGN WIND SPEED OF 170 MPH, & FOR DEAD & LIVE LOADS PER THE FLORIDA BUILDING CODE

CONSTRUCTION CLASSIFICATION	TYPE VB, SPRINKLERED
OCCUPANCY CLASSIFICATION	GROUP A-2 (ASSEMBLY)
ZONING DISTRICT	CPD
OVERALL TENANT SPACE SQUARE FOOTAGE	37,294 (EXISTING, TOTAL AREA)
TENANT IMPROVEMENT SQUARE FOOTAGE	1,333 (EXISTING, PARKING AREA)
FIRE SEPARATION DISTANCE	>=0
FIRE RESISTANCE REQUIREMENT	0 (PER TABLES 601 & 602)
FLOOD ZONE	AE-EL 13' (NAVD88)
ULTIMATE WIND SPEED	170 MPH
NOMINAL WIND SPEED	132 MPH
RISK CATEGORY	I
EXPOSURE	D
PARTIALLY ENCLOSED STRUCTURE, INTERNAL PRESSURE	+0.55
IMPORTANCE FACTOR	
THE EXISTING STRUCTURE ABOVE HAS BEEN CHECKED AND CAN SUPPORT THE NEW LOADS	
COMPONENTS & CLADDING PRESSURE	+55.0 -65.0 PSF

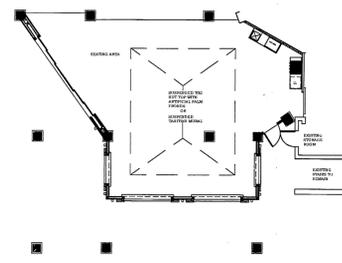
THESE PLANS ARE DESIGNED TO BE IN COMPLIANCE WITH:

- 2014 FLORIDA BUILDING CODE
- 2014 FLORIDA EXISTING BUILDING CODE
- 2014 FLORIDA BUILDING CODE / ACCESSIBILITY
- 2014 FLORIDA PLUMBING CODE
- 2014 FLORIDA MECHANICAL CODE
- 2014 FLORIDA ENERGY CONSERVATION CODE
- 2014 FLORIDA FIRE PREVENTION CODE, FIFTH EDITION
- 2011 NATIONAL ELECTRICAL CODE (NFPA 70)

FIRE SYSTEMS NOTES

(IF FIRE ALARM AND/OR SPRINKLERS ARE PRESENT)

NOTE:
FIRE ALARM & FIRE SPRINKLER ADDITIONS OR MODIFICATIONS ARE TO BE SUBMITTED FOR PERMIT UNDER SEPARATE COVER BY LANDLORD'S DESIGNATED SUBCONTRACTOR



FLOOR PLAN

SCALE: 1/16"=1'-0"

LIST OF DRAWINGS

- A1 COVER SHEET/ GENERAL INFORMATION
- A2 NEW FLOOR PLAN
- A3 MURAL & ROOF FRAMING DETAILS
- A4 DETAILS & SECTIONS
- A5 ACCESSIBLE ROUTES

OWNERS

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

PROJECT ADDRESS

1051 FIFTH SREET
FORT MYERS, FLORIDA 33931

STRAP NUMBER

24462302000050060

LEGAL DESCRIPTION

BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU
18 E 865R/W LESR/W OR2353/3036

PROJECT TEAM

DESIGNER

McHarris Planning & Design
11338 BONITA BEACH RD, SE
SUITE 103
BONITA SPRINGS, FL 34135
Tel: (239) 948-6688
Fax: (239) 948-6689
Web Page: www.mcharris.com

STRUCTURAL ENGINEER

J.C. KOSINSKI ENGINEERING, INC.

135 GULFVIEW AVE
FT. MYERS BEACH, FL 33931
TEL: (239) 872-2179
EMAIL: jckosinski@cs.com

OCCUPANCY CALCULATIONS

PER FBC 1004:

OUTDOOR DINING #1 (ASSEMBLY)	1,027 SQ FT (@ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY)	51'-4" SQ FT (@ 24" LF/PERSON)= 25
TOTAL OCCUPANCY	95 PERSONS

OCCUPANCY CALCULATIONS

PER FFPC 101-7.3.1.2:

OUTDOOR DINING #1 (ASSEMBLY)	1,024 SQ FT (@ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY)	51'-4" LF (@ 18" LF/PERSON)= 34
TOTAL OCCUPANCY	106 PERSONS

SCOPE OF WORK

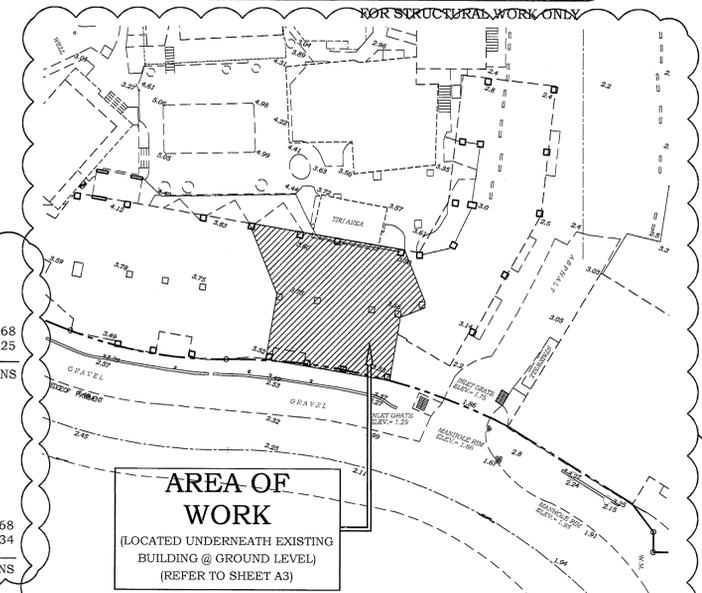
THIS PROJECT IS CONSIDERED A LEVEL 2 ALTERATION PER THE 2010 FBC EXISTING BUILDING CODE & THE WORK CONSIDERED A MODIFICATION PER SECTIONS 4.6.8.1, 4.3.2.2.1.3, & 4.3.5 PER THE 2010 FIRE PREVENTION CODE 101.

1. INSTALL NEW WALLS, WINDOWS & DOORS FOR NEW PARTIALLY ENCLOSED DINING & SEATING.
2. LOWER EXISTING FIRE SPRINKLERS BELOW NEW FLOATING MURAL/TIKI ROOF SYSTEMS.

SQUARE FOOTAGE

ASSEMBLY AREA	1,333 SQ. FT.
OUTDOOR DINING, OUTDOOR BAR SEATING	
TOTAL AREA	1,333 SQ. FT.

THIS PLAN HAS BEEN REVIEWED,
ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
JOSEPH C. KOSINSKI, PE
FL PE #52288
FL COA #29576
135 GULFVIEW AVE
FORT MYERS BEACH, FLORIDA, 33931
(239) 872-2179 jckosinski@cs.com



AREA OF WORK

(LOCATED UNDERNEATH EXISTING BUILDING @ GROUND LEVEL) (REFER TO SHEET A3)

SITE PLAN

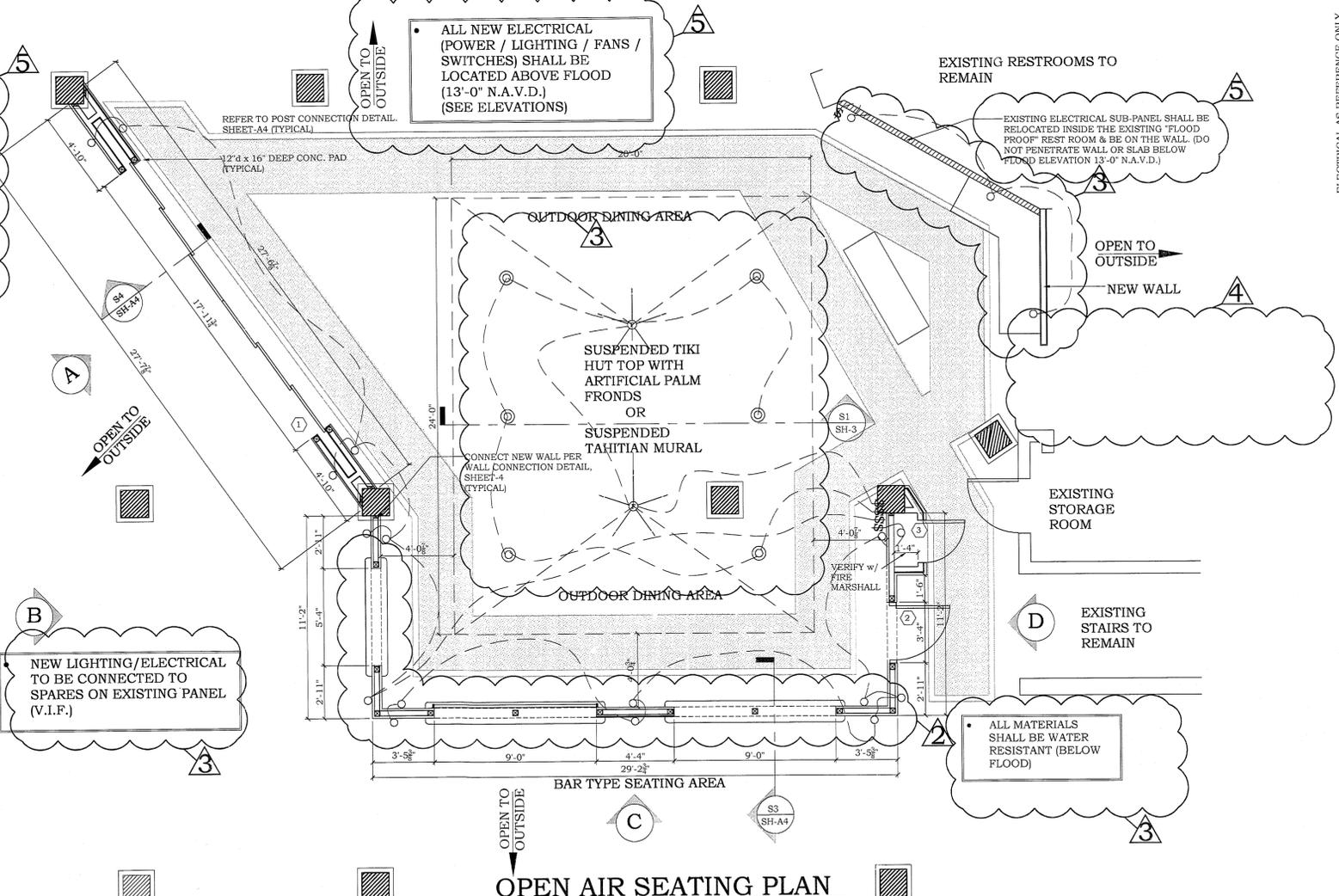
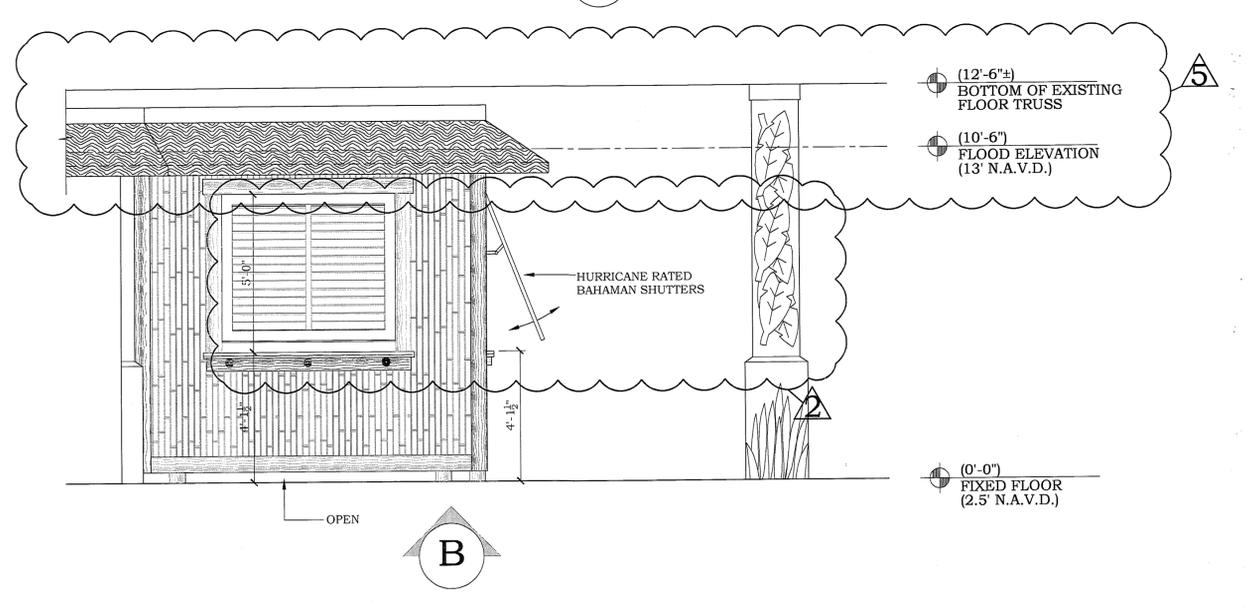
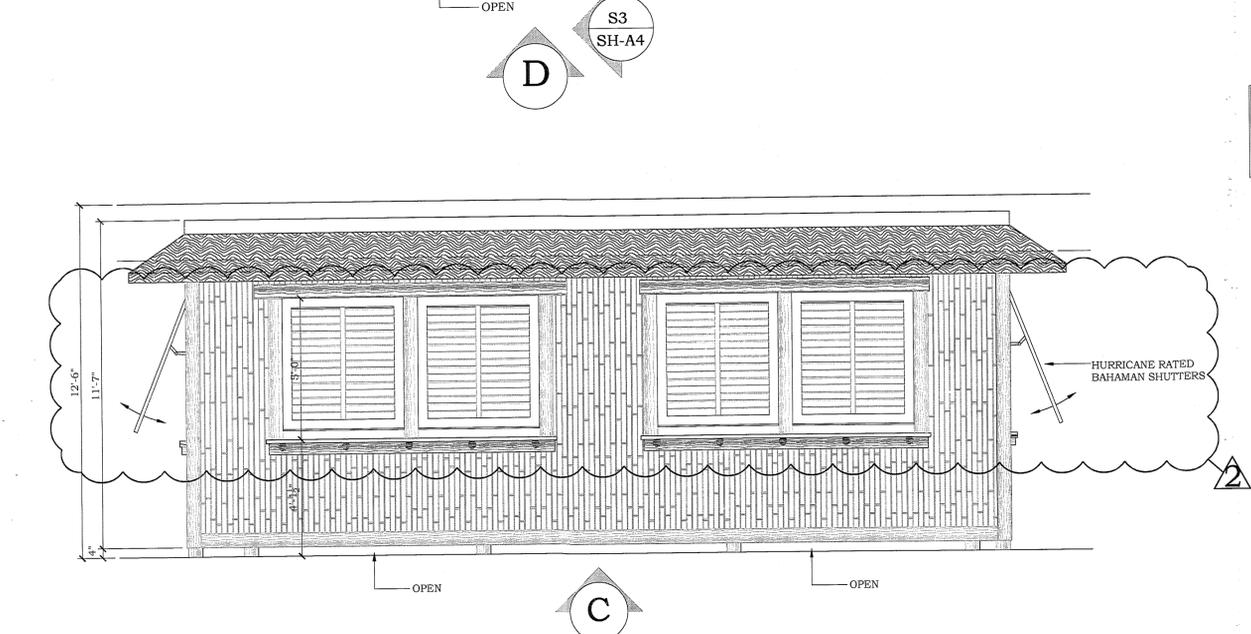
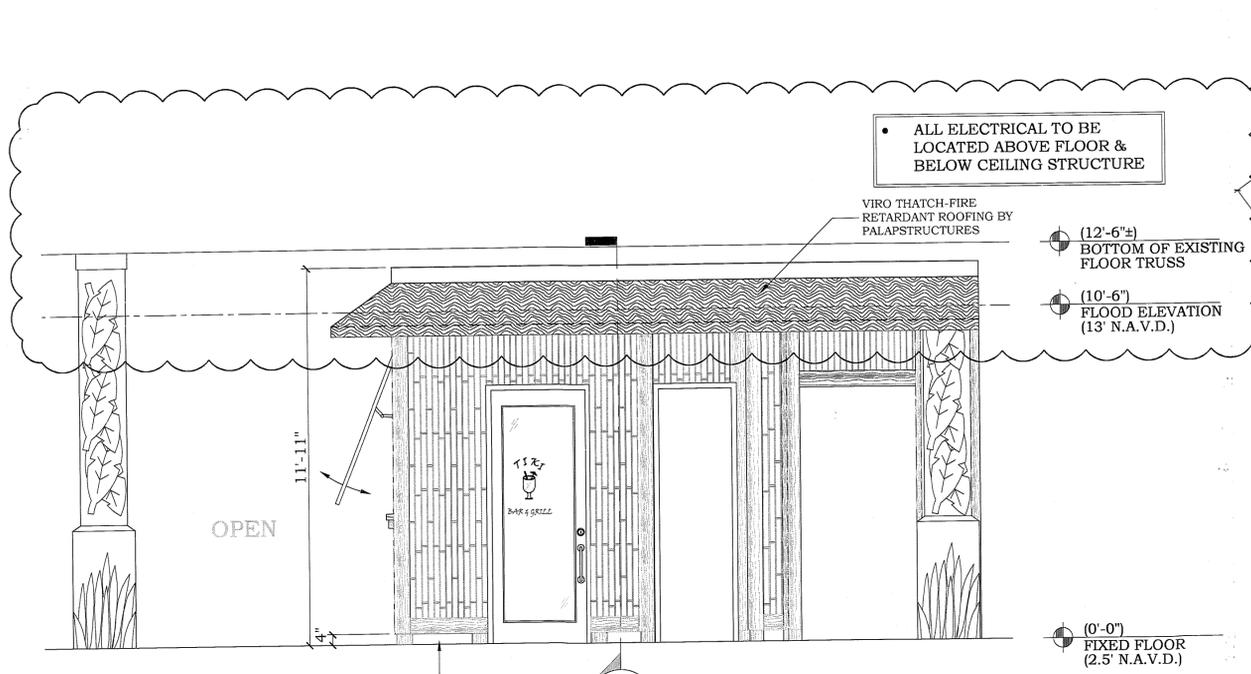
SCALE: N.T.S.

Project No. and Office: _____
Check by: _____
Drawn by: _____
Scale: AS NOTED
Project No. C13-0017
Sheet No. FLOOR PLAN
Sheet No. A1

Project No.	Office	Scale	Project No.	Office	Scale

PROJECT APPLICATION	NO. _____	DATE _____
REVISIONS	NO. _____	DATE _____
COUNTY COMMENTS FROM	NO. _____	DATE _____

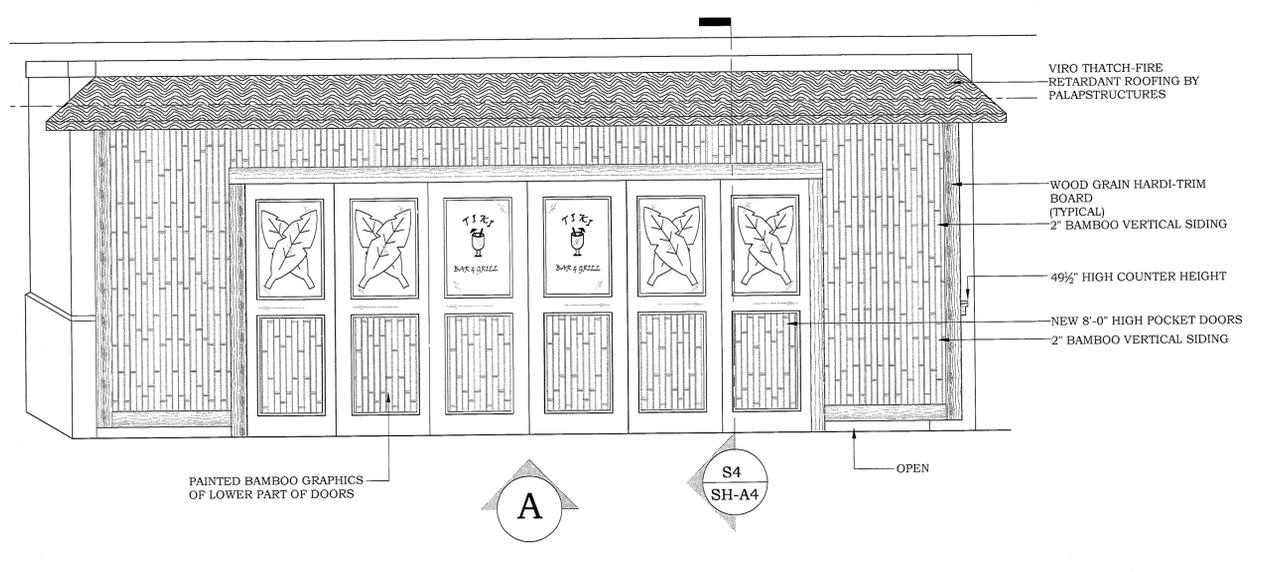
TOM K'S
TIKI BAR & GRILLE
1051 5th Street
FT. MYERS BEACH, FLORIDA
33931



EXTERIOR DOOR SCHEDULE
CONTRACTOR TO FIELD VERIFY ALL EXISTING OPENINGS PRIOR TO ORDERING WINDOWS

SYMBOL	WINDOW TYPE	MANUFACTURER	MANUFACTURER NUMBER	SIZE	HEAD HEIGHT	LOCATION	NOTES	FLORIDA PRODUCT APPROVAL #	IMPACT
①	SLIDER	BOSS/DO	6PST	PQT 216" x 96"	8'-0"	ELEVATION 14'		8208.2	YES
②	FRENCH DOOR	FDASS	3080	PQT 37 1/2" x 98 3/4"	8'-0"	ELEVATION 10'		331.3	YES
③	FIBERGLASS SWING	THERMA-TRU		27 3/4" x 95 3/4"	8'-0"	ELEVATION 10'		8891.4	YES
	BAHAMAN SHUTTERS	GULFSTREAM		VARIABLES				12-0426.10	YES

THIS PLAN HAS BEEN REVIEWED,
ENGINEERED AND SUPERVISED BY:
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ELECTRICAL AS REFERENCE ONLY

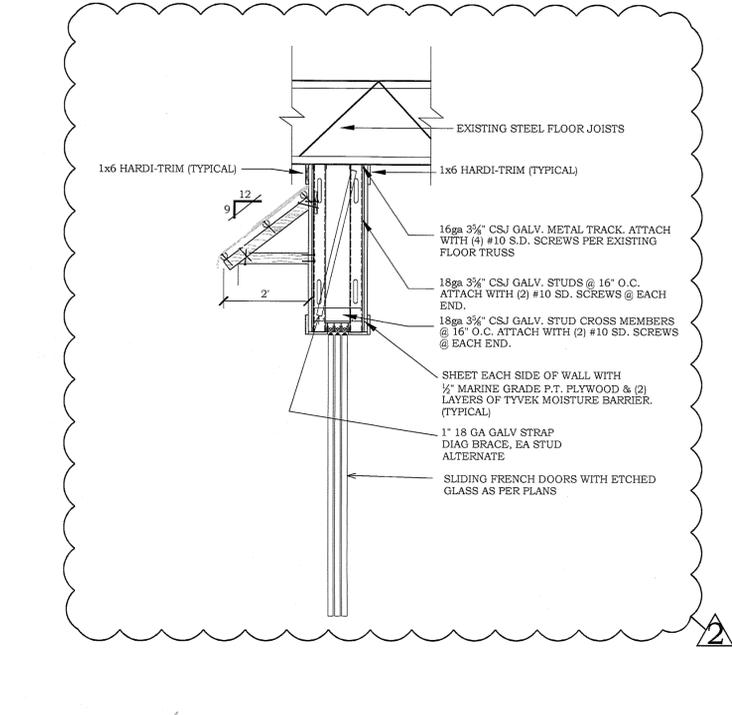
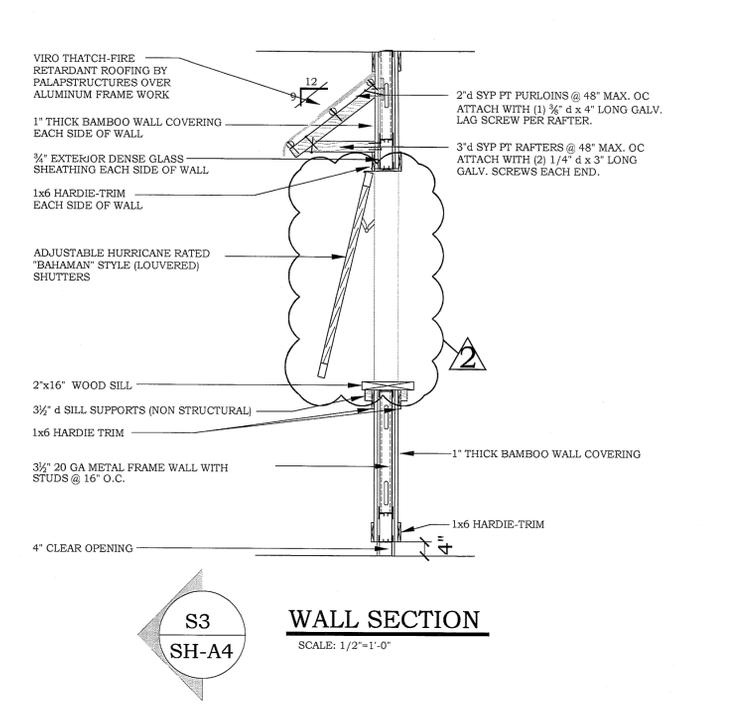
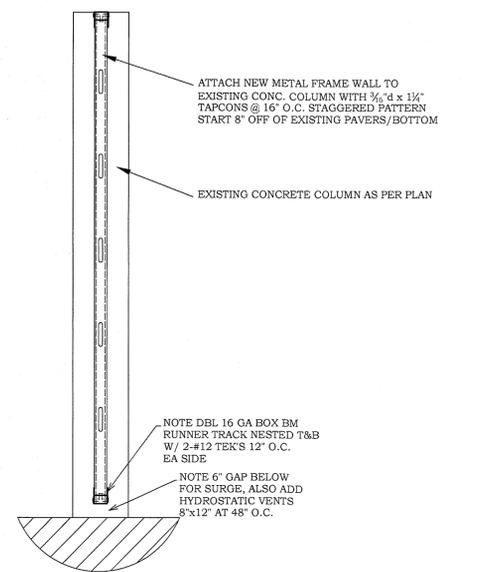
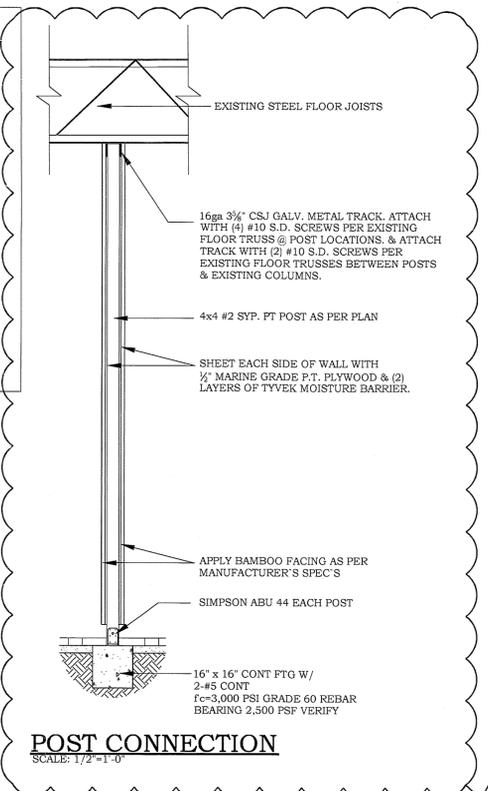
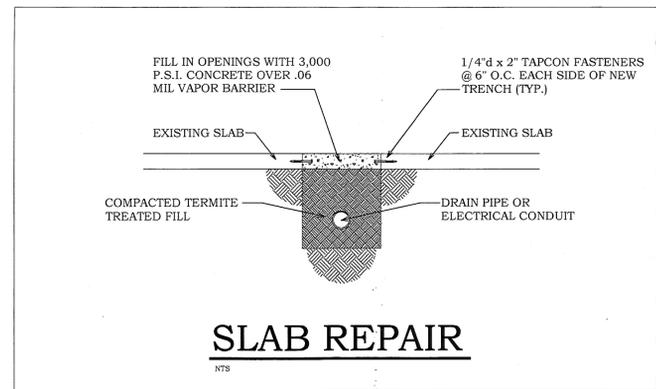
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EMAIL: jckosinski@cs.com
Joseph C. Kosinski Engineer
FL PE #52288 FL COA #8576

DATE	DESCRIPTION	BY	CHKD
10-1-15	REVISED	JL	DKF
9-23-15		JL	DKF
8-13-15		JL	DKF
7-29-15		JL	DKF
4-24-15		JL	DKF

TOM K'S
TIKI BAR
 1051 5th Street
 Ft. Myers Florida
 33931

Drawn by: RKS/JM
 Project No: C13-0017
 Scale: AS NOTED
 Sheet No: A2



THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:

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 FL COA #8576

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 EMAIL: jkcosinsk@cs.com

Joseph C. Kosinski, Inc. hereby certifies that the design, construction documents, and specifications herein were prepared by a duly licensed professional engineer in the State of Florida. The design and specifications herein were prepared by a duly licensed professional engineer in the State of Florida. The design and specifications herein were prepared by a duly licensed professional engineer in the State of Florida. The design and specifications herein were prepared by a duly licensed professional engineer in the State of Florida.

NO.	DATE	REVISIONS	BY	CHKD.
1	11/01/15	ALL COUNTY COMMENTS FROM 4-29-15	JM	JM
2	11/01/15	PERMIT APPLICATION	JM	JM

TOM K'S TIKI BAR
 1051 5th Street
 Ft. Myers, FLORIDA 33931

Drawn by: JM
 Check by: D.O.
 Scale: AS NOTED
 Project No: C13-0017
 Sheet Name: DETAILS & SECTIONS
 Sheet No: A4

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FOR STRUCTURAL WORK ONLY

OCCUPANCY CALCULATIONS

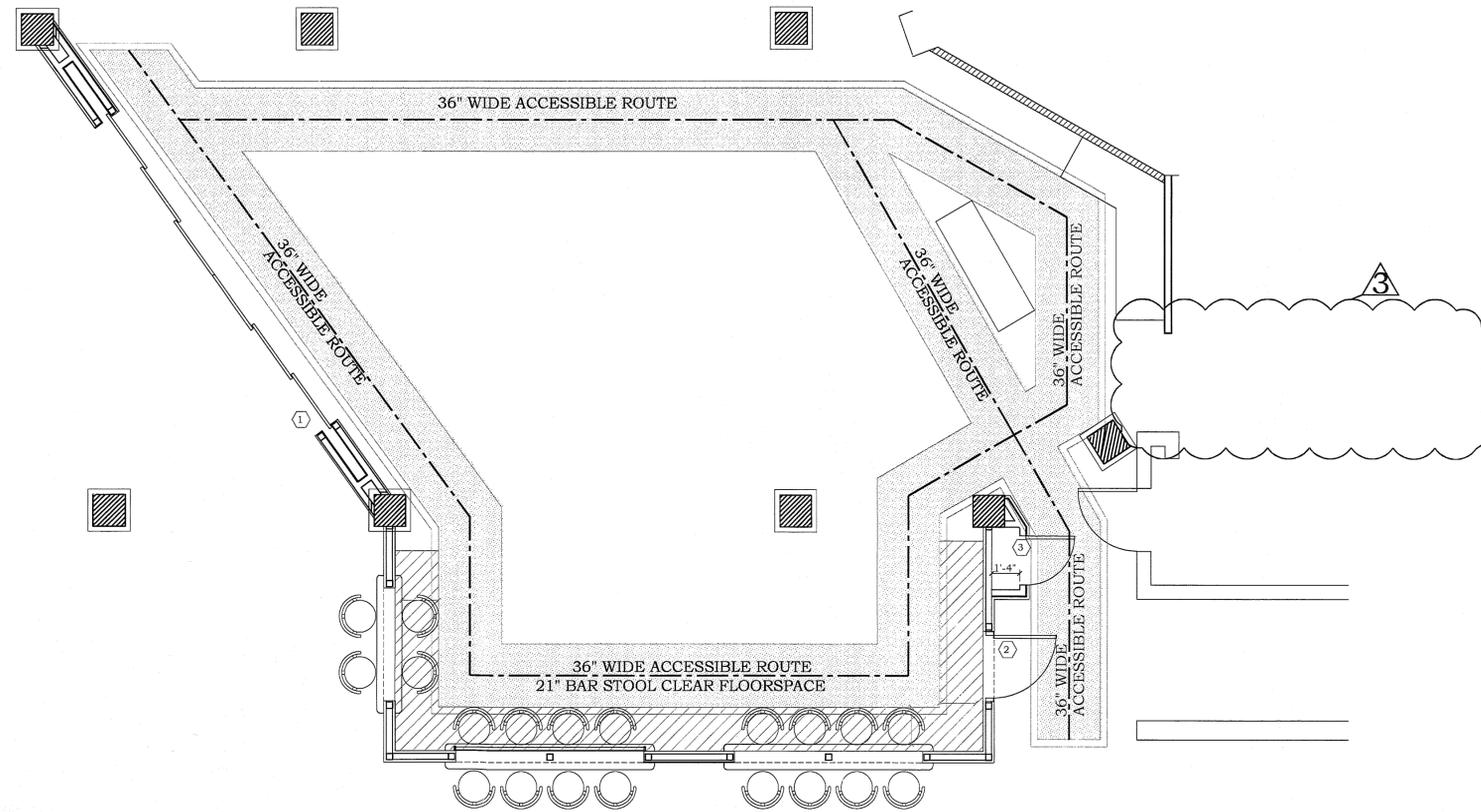
PER FBC 1004:

OUTDOOR DINING #1 (ASSEMBLY)	1,027 SQ FT @ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY)	51'-4" SQ FT @ 24" LF/PERSON)= 25
KITCHEN (GRILLE AREA)	216 SQ FT @ 100 SQ FT/PERSON)= 02
TOTAL OCCUPANCY	95 PERSONS

OCCUPANCY CALCULATIONS

PER FFPC 101:7.3.1.2:

OUTDOOR DINING #1 (ASSEMBLY)	1,024 SQ FT @ 15 SQ FT/PERSON)= 68
OUTDOOR BAR AREA (BAR SEATING, ASSEMBLY)	51'-4" LF @ 18" LF/PERSON)= 34
KITCHEN (COMMERCIAL KITCHEN)	216 SQ FT @ 100 SQ FT/PERSON)= 02
TOTAL OCCUPANCY	106 PERSONS



ACCESSIBLE ROUTES

(SCALE: 1/4"=1'-0")

• ALL NEW ELECTRICAL (POWER / LIGHTING / FANS / SWITCHES) SHALL BE LOCATED ABOVE FLOOD (13'-0" N.A.V.D.) (SEE ELEVATIONS)

EXISTING ELECTRICAL SUB-PANEL SHALL BE RELOCATED INSIDE THE EXISTING "FLOOD PROOF" REST ROOM & BE ON THE WALL. (DO NOT PENETRATE WALL OR SLAB BELOW FLOOD ELEVATION 13'-0" N.A.V.D.)

- #### ELECTRIC SYMBOLS
- \$ LIGHT SWITCH
 - ELECTRICAL TIKI HANGING PENDANTS
 - ★ CEILING FAN
 - ⊙ RECESSED CAN LIGHT
- EXACT LOCATION TO BE DETERMINED IN FIELD

• NEW LIGHTING/ELECTRICAL TO BE CONNECTED TO SPARES ON EXISTING PANEL (V.I.F.)

• ALL MATERIALS SHALL BE WATER RESISTANT (BELOW FLOOD)

ELECTRICAL PLAN

(SCALE: 1/4"=1'-0")

EX. PANEL MLO

120/240V 3 WIRE				12 SPACES 10,000 A.I.C. 80AMP					
CKT	USE	BKR	POLE	WIRE	CKT	USE	BKR	POLE	WIRE
1	EX TO REMAIN				2	EX TO REMAIN			
3	EX TO REMAIN				4	EX TO REMAIN			
5	EX TO REMAIN				6	EX TO REMAIN			
7	EX TO REMAIN				8	EX TO REMAIN			
9	NEW LIGHTING	20	1	12	10	NEW LIGHTING	20	1	12
11	SPACE				12	SPACE			

ELECTRICAL LOAD CALCULATIONS

GENERAL LOADS

PER NEC ART 220
RESTAURANT 102FS @ 2VA/SFx1.25 2568 VA

TOTAL LOAD @ 240V 2568 VA
 ADD EXISTING 38A LOAD 11 AMPS
 SINGLE PHASE SERVICE 49 AMPS
 USE EX 80 AMP PANEL

ELECTRICAL AS REFERENCE ONLY

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 SUITE 103
 BONITA BEACH, FL 34135
 PHONE: (352) 948-6689
 FAX: (352) 948-6689
 MOBILE: (352) 921-1999

A	ELECTRICAL CLASSIFICATION	JL							
B	DOOR REMOVAL	JL							
C	COUNTY COMMENTS FROM PERMITS	JL							
D	PERMIT APPLICATION	JL							

No. Pmt. Pmt. Pmt. Pmt. Pmt. Pmt. Pmt. Pmt. Pmt.

Project Name: **TOM K'S TIKI BAR**
 1051 5th Street
 Ft. Myers, FLORIDA 33931

Scale: **AS NOTED**
 Date: **C13-0017**
 Sheet Title: **ELECTRICAL PLAN & ACCESSIBLE ROUTES PLAN**
 Sheet No.: **A5**