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RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2013-008  
DCI2012-0003 – Lighthouse Resort CPD Amendment

WHEREAS, applicant Beverly Grady, authorized agent for Lighthouse Resort, Inc., is requesting deviations from Chapter 30 (Signs) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP numbers for the subject property 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 the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 1051 Fifth Street, 1041, 1049 & 1067 Fourth Street, 1030 Third Street, Fort Myers Beach, FL 33931 in the Commercial Planned Development (CPD) zoning category of the Official Zoning Map and the Pedestrian Commercial category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; 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 34-85.

IT IS HEREBY RESOLVED BY THE LPA 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 and the standards for granting rezonings, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE/DENY** the applicant's request for deviations from Sec. 30-153(b)(1), Sec. 30-154(c), and Sec. 154(c) of the Town of Fort Myers Beach Land Development Code subject to the following conditions:

**RECOMMENDED 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 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 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.
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. et to be completed
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.

**RECOMMENDED 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/DENY**

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/DENY**

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/DENY**

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/DENY**

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

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/DENY**

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/DENY**

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/DENY**

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/DENY**

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/DENY**

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/DENY**

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member \_\_\_\_\_ and seconded by LPA Member \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Al Durrett, Member	AYE/NAY	John Kakatsch, Member	AYE/NAY
Jane Plummer, Member	AYE/NAY	Alan Smith, Member	AYE/NAY
Jim Steele	AYE/NAY		

DULY PASSED AND ADOPTED THIS **13th** day of **AUGUST, 2013**.

Local Planning Agency of the Town of Fort Myers Beach

By: \_\_\_\_\_  
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: \_\_\_\_\_  
Fowler White Boggs, P.A.  
LPA Attorney

ATTEST:

By: \_\_\_\_\_  
Michelle Mayher  
Town Clerk









*Town of Fort Myers Beach*  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

**TYPE OF CASE:** DCI Rezoning (additional deviations)  
**CASE NUMBER:** DCI2012-0003  
**CASE NAME:** Lighthouse Resort CPD amendment  
**LPA HEARING DATE:** August 13, 2013  
**LPA HEARING TIME:** 9:00 AM

**I. APPLICATION SUMMARY**

Applicant: Beverly Grady, agent for Lighthouse Resort, Inc.

Request: A request to amend the Lighthouse Resort CPD to add deviations from Land Development Code Chapter 30, "Signs" including:

- 1) A deviation from LDC Sec. 30-153(b)(1) to allow 167.25 square feet where 64 square feet are otherwise allowed.
- 2) A deviation from LDC Sec. 30-154(c) which allows a maximum height of 5 feet for monument signs to allow 25'6" for the Lighthouse "Sign D".
- 3) A deviation from LDC Sec. 30-154(c) which allows a maximum height of 5 feet for monument signs 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.
- 4) A deviation from LDC Sec. 30-154(c) which allows a maximum height of 5 feet for monument signs and 18 inches for the sign base, to allow the bottom of the sign at 4.1' and an overall height of 9.7' for "Sign B" on Crescent Street.
- 5) A deviation from LDC Sec. 30-154(c) which allows a maximum height of 5 feet for monument signs and 18 inches for the sign base, to allow the bottom of

the sign at 4.1' and an overall height of 9.7' for "Sign C" on Fifth Street.

- 6) A deviation from LDC Sec. 30-154(b) which provides for a 3 foot setback from any public right-of-way to allow a zero foot setback for "Sign A" located on Third Street.
- 7) A deviation from LDC Sec. 30-154(b) which provides for a 3 foot setback from any public right-of-way to allow for "Sign B" to remain located entirely in the right-of-way at the intersection of Crescent Street and Fifth Street.

Subject property: Lots in Business Center, Plat Book 9, Pages 9-10, more accurately described in "Exhibit A"

Physical Address: 1051 Fifth Street, 1041, 1049 & 1067 Fourth Street, 1030 Third Street

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

FLU: Pedestrian Commercial

Zoning: COMMERCIAL PLANNED DEVELOPMENT (CPD)

Current use(s): Hotel/Motel and Restaurant with bar/cocktail lounge

Adjacent zoning and land uses:

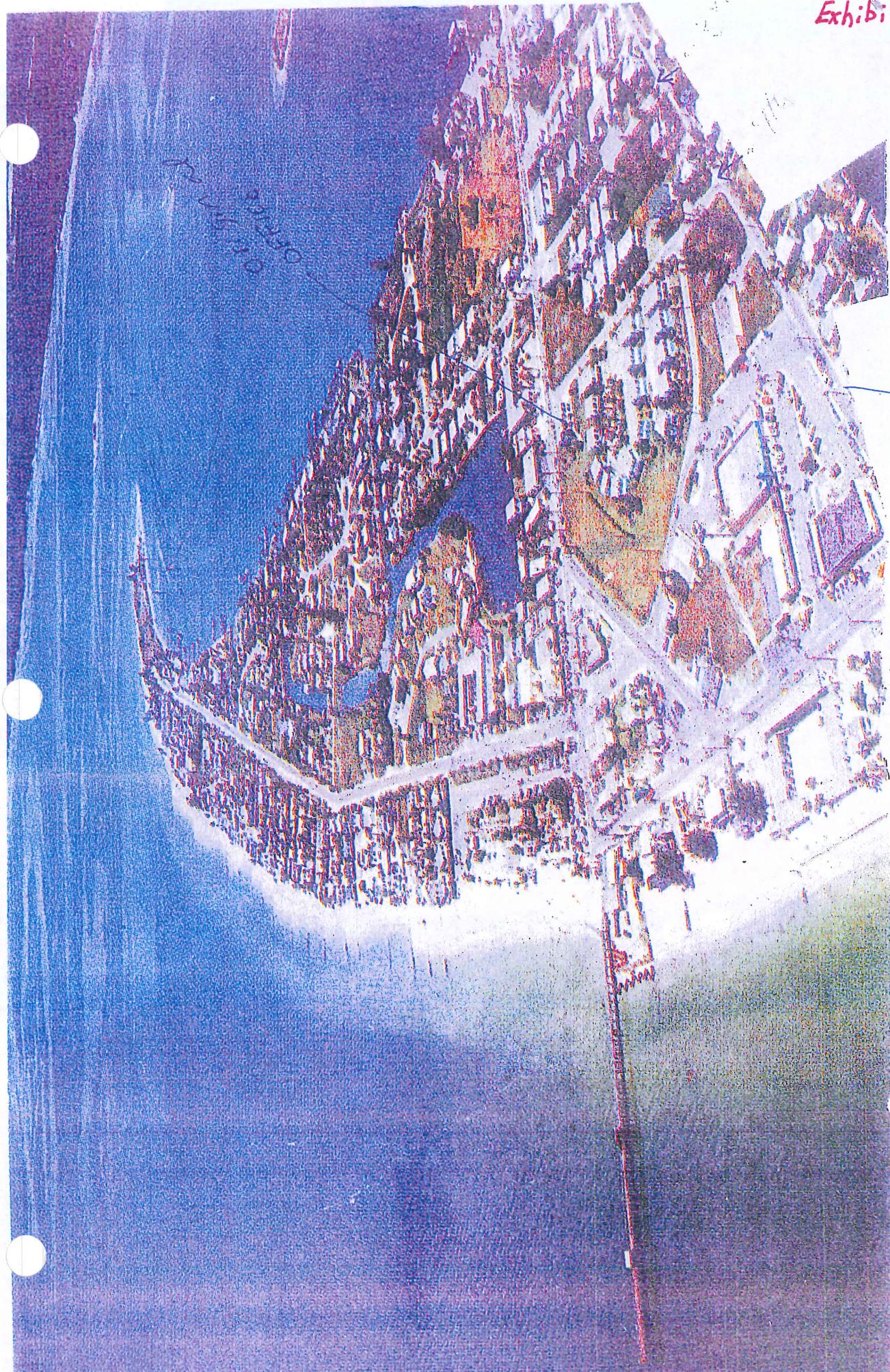
North: Third Street, then rental apartments, Sundeck Inn & Suites, DOWNTOWN, Pedestrian Commercial

South: Fifth Avenue, then Helmerich Plaza, COMMERCIAL PLANNED DEVELOPMENT, Pedestrian Commercial

East: Crescent Street, then single-family dwellings, DOWNTOWN, Pedestrian Commercial

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

Exhibit B



Crescent

02/25/13 LETTER

Picture 1

PICTURE 2  
Exhibit C  
02/25/13 LETTER



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 5<sup>th</sup> 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.

- 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>Absent</i>
Daniel Hughes	<i>Aye</i>
John Mulholland	<i>Aye</i>
Garr Reynolds	<i>Aye</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

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

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.T.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

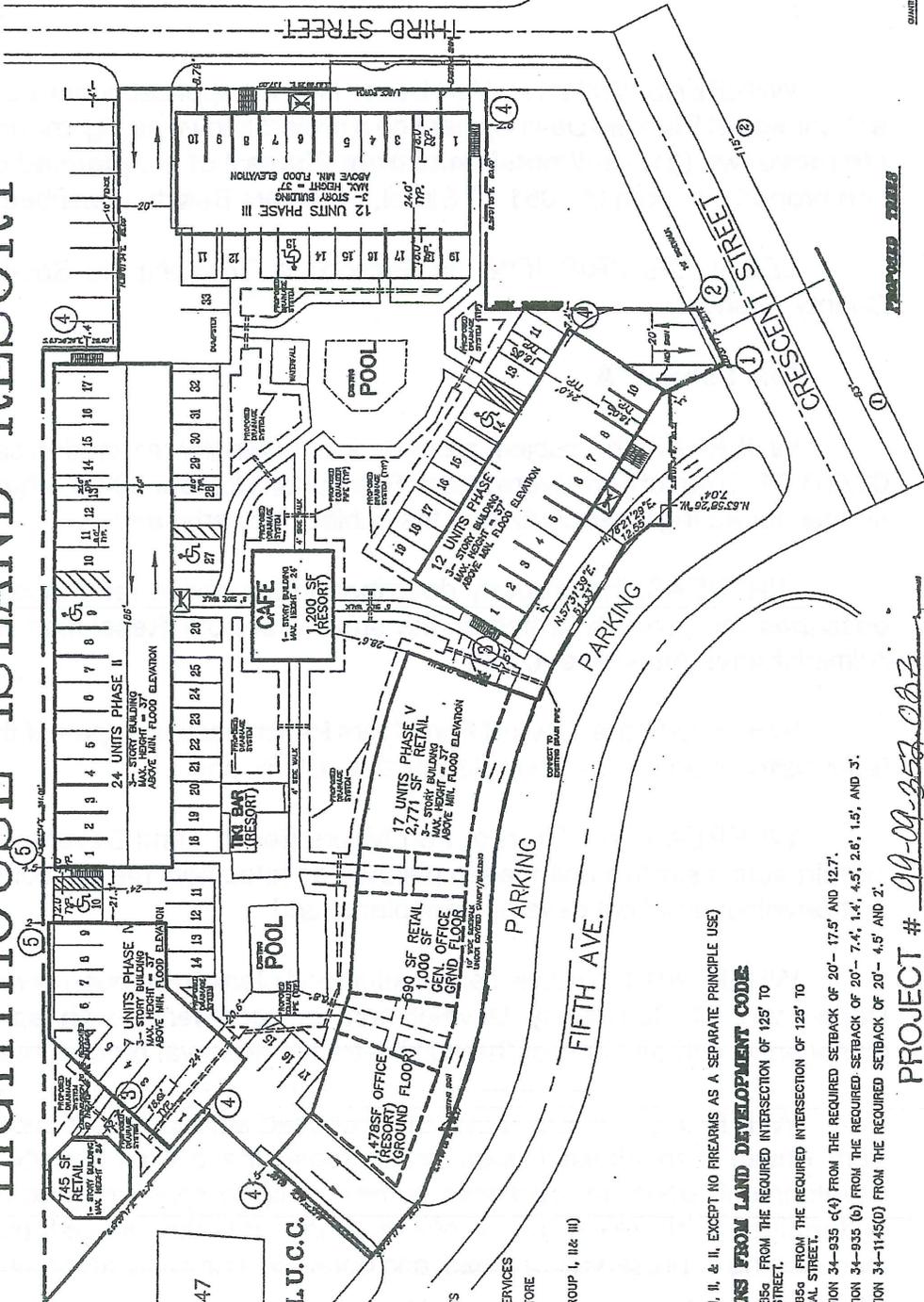
**PARKING CALC.:**

72 HOTEL ROOMS (UNITS)  
72 PARKING SPACES REQUIRED  
72/72 PARKING SPACES REQUIRED  
GEN. CATERING: CAFE (RESORT) 5.5  
1,200/1,000 = 0 PARKING SPACES REQUIRED  
GEN. CATERING: ORIGINAL OFFICE (RESORT)  
0 PARKING SPACES PER 300 S.F.  
1,478/300 = 0.668 = 0 PARKING SPACES REQUIRED  
GEN. CATERING: GENERAL OFFICE  
1 PARKING SPACE PER 300 S.F.  
100/300 = 0.333 = 0 PARKING SPACES REQUIRED  
GEN. CATERING: RETAIL SHOP COMUNITIES  
4,104/200 = 20.52 = 21 PARKING SPACES REQUIRED  
58 PARKING SPACES REQUIRED  
58 PARKING SPACES PROVIDED  
NOTE: THE NO. OF SPACES TOTAL OR ANY COMBINATION  
ADDITIONAL OFFICERS PARKING TO BE PROVIDED

**PHASES**

THE PHASES ARE LISTED AS PHASE I THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE.  
WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE  
THESE PHASES ARE SUBJECT TO APPROVAL TO PERMIT UP TO 6  
TEAMS FOR EACH PHASE

- EXHIBIT II-D
- EXHIBIT II-F-4
- EXHIBIT IV-F
- EXHIBIT IV-G
- EXHIBIT IV-H
- EXHIBIT IV-I
- EXHIBIT IV-K



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

**SCHEDULE OF USES:**

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- BAR AND SMOKE SHOP (GROUP I)
- BANKS & FINANCIAL ESTABLISHMENTS
- BAR OR COCKTAIL
- CLOTHING STORE, GENERAL
- CONSUMERS & AN PREVIOUS
- CONVENIENCE FOOD & BEVERAGE STORE
- DEPARTMENT STORE
- ESSENTIAL SERVICES
- OFFICE & SOUVENIR SHOP
- HOTEL/RESORT
- INSURANCE COMPANIES
- PAINT, GLASS AND WALLPAPER
- PHARMACY
- REAL ESTATE SERVICES STATION
- RESTAURANT, FAST FOOD
- SIGNS
- SPECIALTY RETAIL SHOPS (GROUPS I, II, & III EXCEPT HO PREARMS AS A SEPARATE PRINCIPLE USE)
- VARIETY STORE

**SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE**

- ① DEVIATION FROM SECTION 10-285c FROM THE REQUIRED INTERSECTION OF 125' TO 83' FROM FIFTH AVE. . A LOCAL STREET.
- ② DEVIATION FROM SECTION 10-285d FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM THIRD STREET. . A LOCAL STREET.
- ③ DEVIATION FROM SETBACK SECTION 34-935 c(4) FROM THE REQUIRED SETBACK OF 20'- 17.5' AND 12.7'.
- ④ DEVIATION FROM SETBACK SECTION 34-935 (b) FROM THE REQUIRED SETBACK OF 20'- 7.4', 1.4', 4.5', 2.6', 1.5', AND 3'.
- ⑤ DEVIATION FROM SETBACK SECTION 34-1145(d) FROM THE REQUIRED SETBACK OF 20'- 4.5' AND 2'.

PROJECT # 99-01-253.003  
PROJECT TYPE 13

CONSENT PLAN / BATCH PLAN  
NOTE: THE EXHIBIT PHASES WILL BE RELOCATED AND KEY DIM. ADJ.  
NOTE: THIS SITE IS COMPLETELY ENCLOSED AND THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS. EXHIBIT P-1-1

QUANTITY 87

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 5<sup>th</sup> 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.

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 5<sup>th</sup> day of March, A.D., 2001.

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

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.

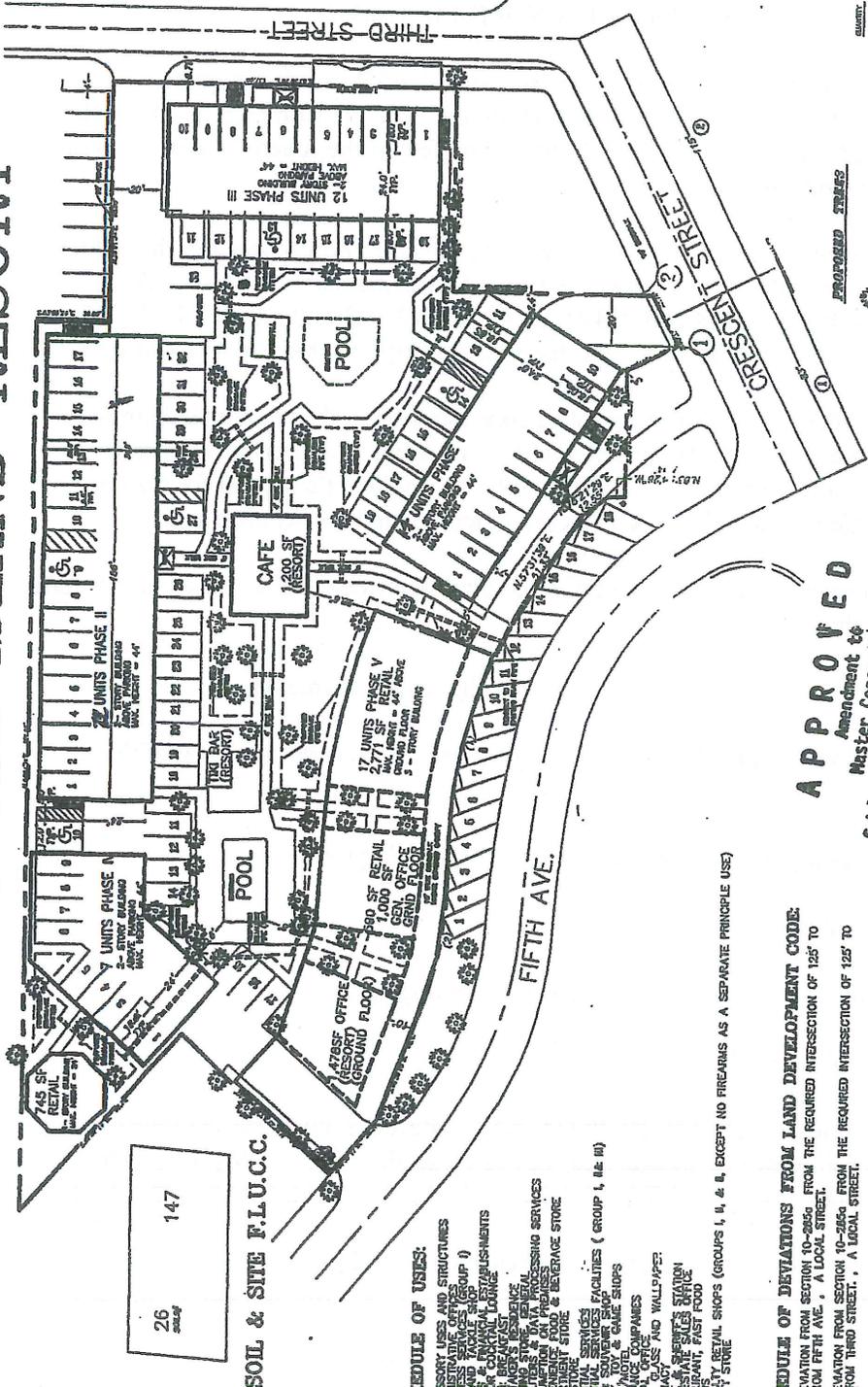
Applicant's Legal Checked  
by gm 3/1/01

ADD 2001-00013

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT



LOCATION MAP



SIDE SETBACK 0  
 STREET SETBACK 0  
 REAR SETBACK 0  
 OPEN SPACE 0.425 ACRES (18,400)  
 PAVEMENT 0.251 ACRES (10,900)  
 BUILDING 0.009 ACRES (400)  
 TOTAL AREA 1.679 ACRES (73,000)  
 TOTAL AREA = 72,789.44 SF

**PARKING CALC.:**

74 UNITS, 2000 SF (GROUP I)  
 72/71 = 72 PARKING SPACES REQUIRED  
 12 UNITS, 3000 SF (GROUP I)  
 1200/1000 = 12 PARKING SPACES REQUIRED  
 17 UNITS, 2771 SF (GROUP I)  
 1700/1000 = 17 PARKING SPACES REQUIRED  
 7 UNITS, 1745 SF (GROUP I)  
 700/1000 = 7 PARKING SPACES REQUIRED  
 1745 SF RETAIL (GROUND FLOOR)  
 1745 SF RETAIL (GROUND FLOOR)  
 1745 SF RETAIL (GROUND FLOOR)  
 1745 SF RETAIL (GROUND FLOOR)

- EXHIBIT I-D
- EXHIBIT I-E-1
- EXHIBIT I-E-2
- EXHIBIT I-E-3
- EXHIBIT I-E-4
- EXHIBIT I-F
- EXHIBIT I-G
- EXHIBIT I-H
- EXHIBIT I-I
- EXHIBIT I-K

**APPROVED**  
 Amendment to  
 Master Concept Plan  
 Subject to Case # 10-2050-0003  
 Date 2/15/01

**SCHEDULE OF USES:**

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES (GROUP I)
- BAR, LOBBY AND GAME SHOP
- BARBERS & HAIR SALONS
- BED & BREAKFAST
- CARETAKER'S RESIDENCE
- COMPUTERS & DATA PROCESSING SERVICES
- CONSULTING AND PROFESSIONAL SERVICES
- DEPARTMENT STORE
- DRUGSTORE
- ESSENTIAL SERVICES FACILITIES (GROUP I, II, III)
- GET & GOVENOR SHOP
- HOTEL, MOTEL AND GAME SHOPS
- MISCELLANEOUS COMPANIES
- PAINT, GLASS AND WALLPAPER
- PHARMACY
- REAL ESTATE SALES OFFICE
- RESTAURANT, FAST FOOD
- SPECIALTY RETAIL SHOPS (GROUPS I, II, & III, EXCEPT NO FIREARMS AS A SEPARATE PRINCIPLE USE)
- VARIETY STORE

**SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**

- 1. DEVIATION FROM SECTION 10-2050 FROM THE REQUIRED INTERSECTION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
- 2. DEVIATION FROM SECTION 10-2050 FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM THIRD STREET., A LOCAL STREET.

ANN 3 0 1 7 6 1 0 0 0 0 0 0 0 0

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 5<sup>th</sup> 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

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

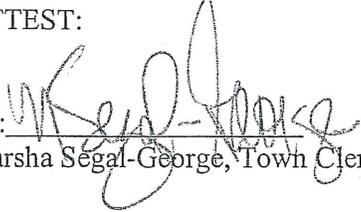
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

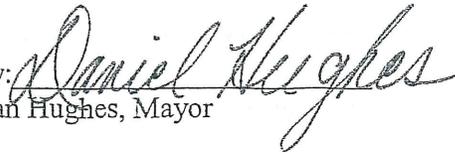
Howard Rynearson	Aye
Daniel Hughes	Aye
Bill Thomas	Nay
W. H. "Bill" Van Duzer	Aye
Terry Cain	Aye

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

**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.

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

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.**

EXHIBIT A

DESCRIPTION: (Per Survey)

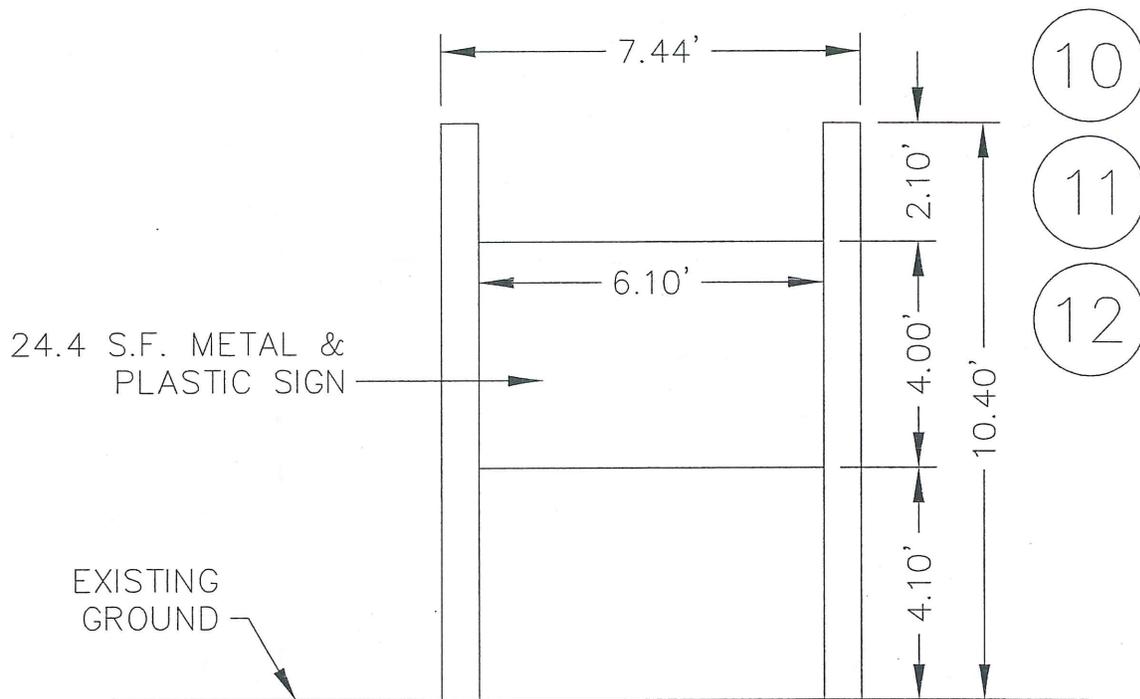
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Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

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

Surveyed and Certified by [Signature] 10/23/03



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

PROJECT: <b>4930</b>	DATE: 02-21-2013	REVISED: -
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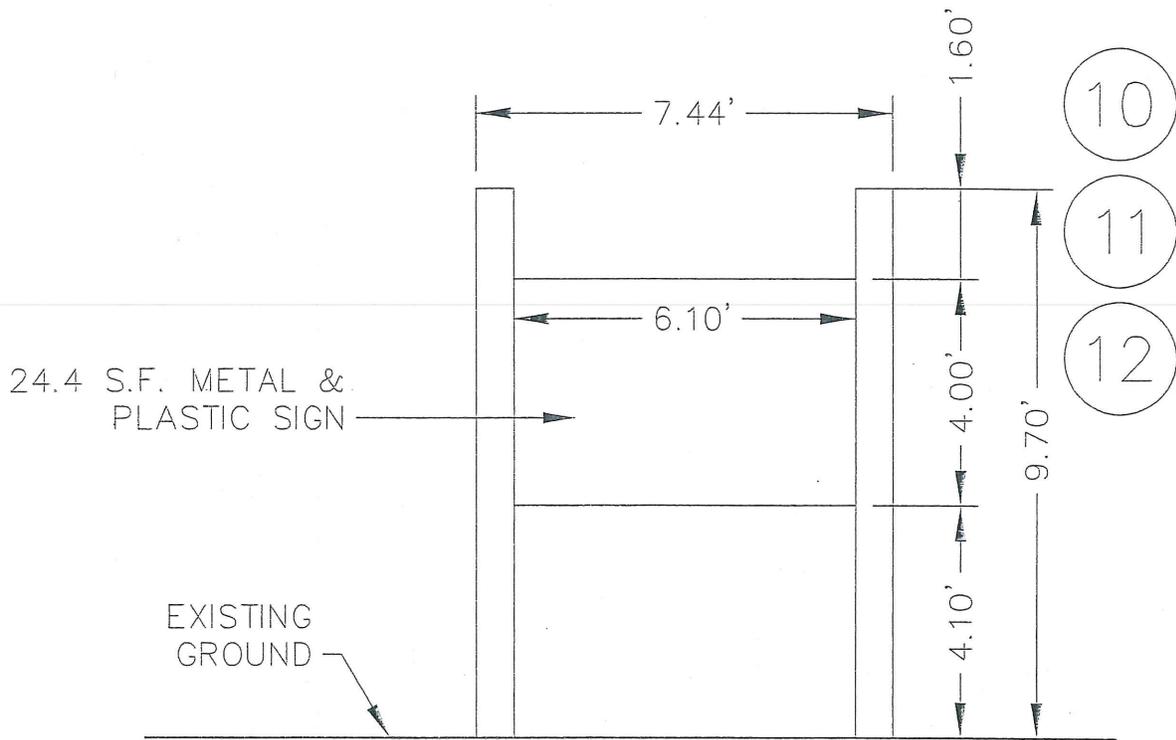
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EXHIBIT:

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**1 OF 5**



**LIGHTHOUSE ISLAND RESORT**

DCI2012-0003

PROJECT:	DATE:	REVISED:
4930	02-21-2013	-

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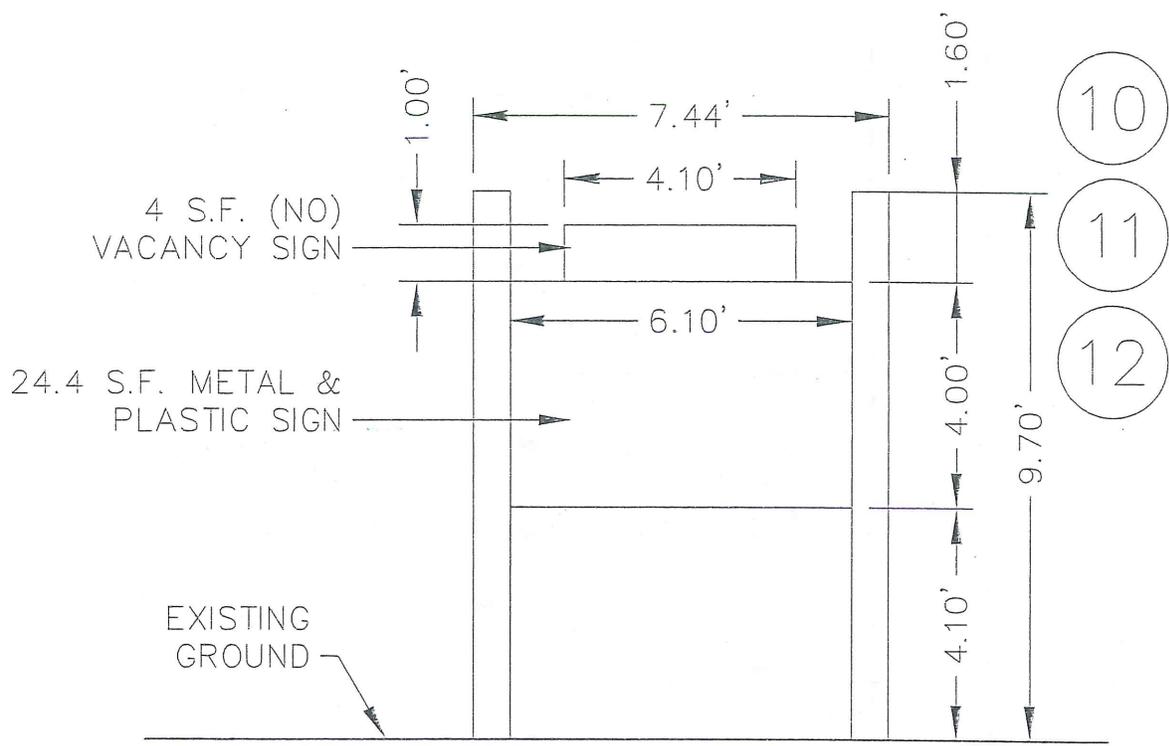
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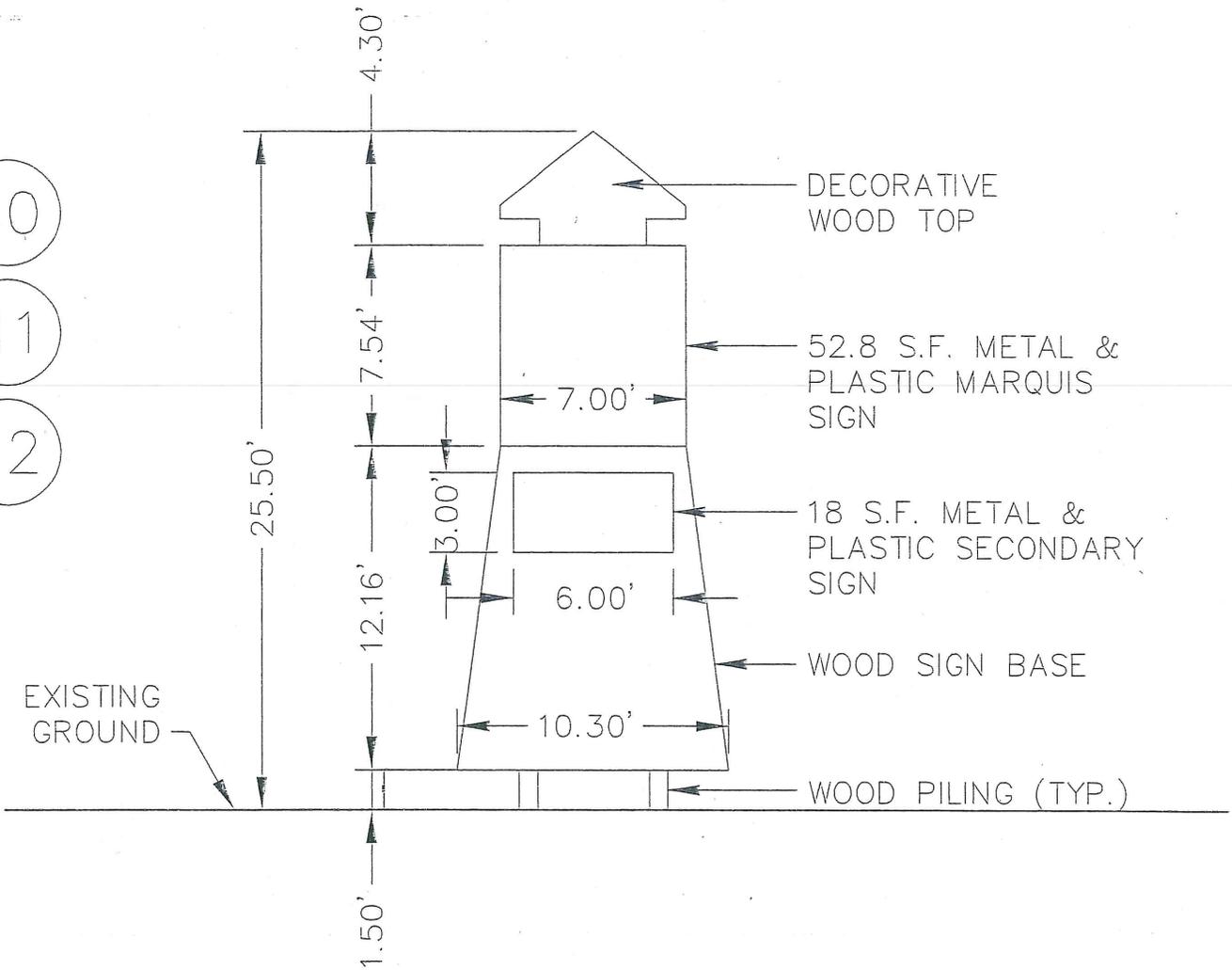
**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

PROJECT:	DATE:	REVISED:
4930	02-21-2013	-

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3 OF 4

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LIGHTHOUSE ISLAND RESORT  
012-0003

PROJECT: 930  
DATE: 02-21-2013  
REVISED: -

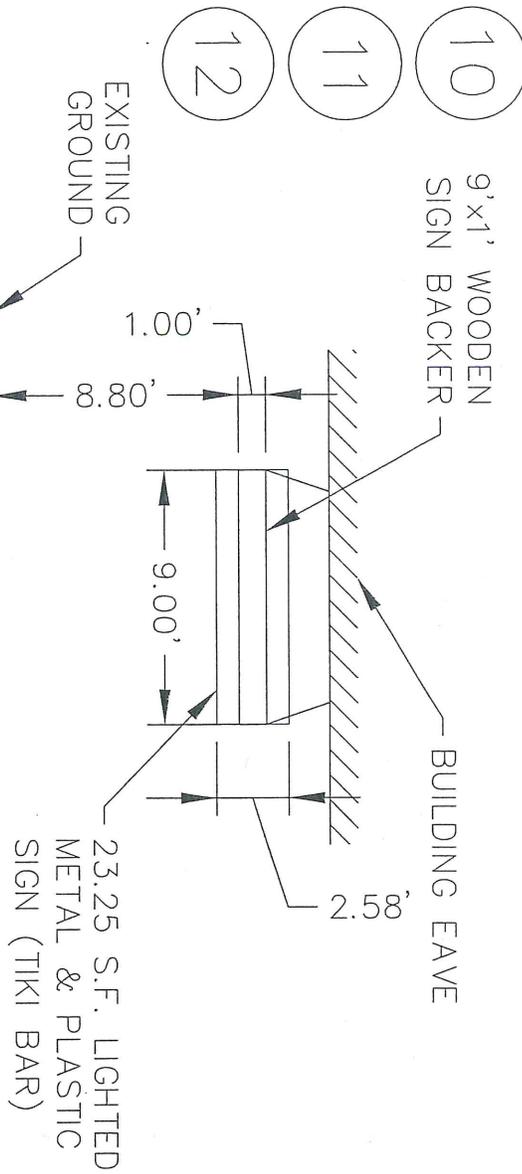
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4 OF 4



**LIGHTHOUSE ISLAND RESORT**

2012-0003

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NOT TO SCALE

EXHIBIT:

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PROJECT:

**4930**

DATE:

02-21-2013

REVISED:

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PAGE:

**5 OF 5**

