

**1. Requested Motion:**

**Meeting Date: October 21, 2013**

Motion to Approve/Deny applicant's request to amend the Lighthouse Resort CPD to add 7 deviations relating to overall sign square footage, sign setbacks and height.

**Why the action is necessary:**

The existing signage on the property does not comply with the Sign Ordinance as amended in Ordinance 11-01. Property has road frontage on all 4 sides, but location near foot of Matanzas Pass Bridge makes it difficult for visitors to locate.

**What the action accomplishes:**

Allows Lighthouse Resort to keep existing signage.

**2. Agenda:**

- Consent
- Administrative
- Public Hearing

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other Special Events Permit

**4. Submitter of Information:**

- Council
- Town Staff – Com. Dev.
- Town Attorney

**5. Background:**

Lighthouse Resort was developed in the 1950s, and was reconfigured when the Matanzas Pass Bridge was constructed, forever changing access to the resort. The main "Lighthouse" –shaped sign has been in its current location at the foot of the bridge since the reconfiguration. Smaller signs on the surrounding local streets (Third, Fifth and Crescent) direct visitors to the subject property.

The property was rezoned from Commercial (C-1) to CPD in 2000 to allow redevelopment of the property in phases. Signs were not contemplated at that time. The subject request would adopt a sign package for the resort's CPD.

Exhibits

- Tab A – Draft Town Council Resolution
- Tab B – LPA Resolution 2013-008
- Tab C – LPA Minutes of August 13, 2013
- Tab D – Staff Report for DCI2012-0003
- Tab E - Application

**6. Alternative Action:**

Council denies the requested deviations, and the property owner will be required to bring signs into compliance with LDC Chapter 30 requirements for signs.

**7. Management Recommendations:**

Approve per LPA recommendation.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Park & Recreation Director	Town Clerk
						

**9. Council Action:**

- Approved
- Denied
- Deferred
- Other

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 **APPROVE/DENY** 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**

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*

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

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/DENIED**.*

*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/DENIED**.*

*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/DENIED**, 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/DENIED**, 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*

4.1' and an overall height of 9.7' for "Sign C" on Fifth Street. This deviation is **APPROVED/DENIED**, 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/DENIED**.

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/DENIED**.

### **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 Town Council upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, and upon being put to a vote, the result was as follows:

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

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 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 Northerly 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 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.

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 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 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** the applicant's request to amend the existing CPD to include certain 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:

**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 and deviations below.

2. The following limitations 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. *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*
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 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 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. The LPA recommends **APPROVAL** of this request.*

*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". The LPA recommends **APPROVAL** of this deviation.*

*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. The LPA recommends **APPROVAL** of this deviation, provided, however, 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." The LPA recommends*

**APPROVAL** of this deviation, provided, however, 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 4.1' and an overall height of 9.7' for "Sign C" on Fifth Street. The LPA recommends **APPROVAL** of this deviation, provided, however, 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. The LPA recommends **APPROVAL** of this deviation.

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. The LPA recommends **APPROVAL** of this deviation.

**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**

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.*

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.*

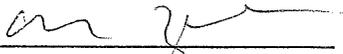
The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan. **APPROVE**

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

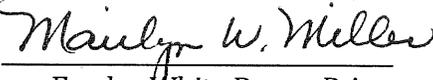
Hank Zuba, Chair	NAY	Joanne Shamp, Vice Chair	NAY
Al Durrett, Member	AYE	John Kakatsch, Member	AYE
Jane Plummer, Member	AYE	Alan Smith, Member	AYE
Jim Steele	ABSENT		

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

EXHIBIT A

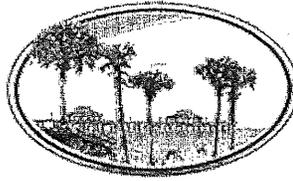
DESCRIPTION: ( Per Survey )

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.



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)**

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida  
**Tuesday, August 13, 2013**

**I. CALL TO ORDER**

Meeting was called to order at 9:03 a.m. by Chair Zuba; other members present:

Al Durrett  
John Kakatsch – excused at 11:30 a.m.  
Jane Plummer  
Joanne Shamp – excused at 11:30 a.m.  
Alan Smith  
James Steele – excused.  
Hank Zuba

LPA Attorney: Marilyn Miller  
Staff Present: Walter Fluegel, Community Development Director  
Leslee Dulmer, Zoning Coordinator  
Josh Overmyer, Planning Coordinator  
Shane Marit, DCD Intern

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. MINUTES**

A. Minutes of June 11, 2013

Ms. Shamp noted that the time for the LPA reconvened was unknown (Page 8).

Discussion was held; and consensus approved that the Minutes on Page 8 should reflect the LPA reconvened at “approximately 10:30 a.m.”.

**MOTION:** Mr. Kakatsch moved to approve the Minutes for June 11, 2013 as amended; second by Ms. Shamp.

**VOTE:** Motion approved, 6-0; Mr. Steele excused.

## V. WORKSHOP

### A. Joint Workshop with the Outdoor Display Small Group

**Retail Merchants Working Group** members present: Beverly Grady, Mitch Krohn, John Richard, Bud Nocera, and Council Member Andre.

Zoning Coordinator Dulmer reviewed how last tourist season the Town’s Code Enforcement conducted a sweep of outdoor displays which resulted in community meetings with some of the retail merchants; and then the creation of a smaller group of 5-6 individuals who had been working with Town staff to craft possible amendments to the pertinent Land Development Code (outdoor display in the Downtown District section). She explained that Town staff wanted to present to the LPA, in a workshop format, the changes to the ordinance being proposed by the Retail Merchants Working Group:

- Outdoor display may not be subleased to a separate business/tenant/etc.
- Expressed a desire to adopt the definitions and changes as provided by Beverly Grady in regards to outdoor space, under engineered roof that can be secured at night (examples: Teeki Hut and Ocean Jewels)
- Restrict outdoor displays to private property only.
- All merchandise displayed outdoor must be moved and stored inside at the close of business every day (except for the Teeki Hut example).
- No limits on number or type of displays.
- No kiosk carts.
- All outdoor displays must be on a porch – no displays on patios, concrete, ground level.
- Annual permit is required – fee to be determined.
- No vending or displaying of any food items.
- Point of sale must be indoors.
- No changes to the allowances to tables and chairs for restaurants.

She explained how Town Staff wanted to see an open discussion between the LPA, staff, and the Retail Merchants Working Group, and ultimately a motion from the LPA on the matter. She suggested opening the discussion on the proposed changes.

LPA Attorney Miller noted a proposed ordinance would still need to be drafted and that staff was seeking some basic ideas on which direction the LPA felt staff should take on the matter.

Community Development Director Fluegel pointed out that after staff received input from the LPA today, then staff would continue to meet a few more times with the Retail Merchants Working Group and then begin to draft an ordinance.

Discussion with questions and answers ensued regarding the changes to the ordinance being proposed by the Retail Merchants Working Group (RMWG):

- Outdoor display may not be subleased to a separate business/tenant/etc.
  - DCD Director Fluegel noted the RMWG were fairly unanimous on this issue. Discussed the need for stronger language in the Code to address kiosks and the matter of possible unfair competitive advantage as it related to kiosks; location of existing and prior kiosks; and composition of the members of the RMWG.

Council Member Andre gave a brief history on the RMWG and how he was associated with this group's cause.

John Richard, member of the RMWG noted that the group was working with staff on the issue.

Mitch Krohn, member of the RMWG and owner of the Teeki Hut, offered a brief history of his business and mentioned that he hoped they could all come to a resolution on outdoor displays.

Beverly Grady, Attorney with Roetzel and Andress, noted she was assisting Mr. Krohn, had attended most of the RMWG meetings, and worked on some of the language for the proposed changes to the Code.

Zoning Coordinator Dulmer reported that Julie Schwab and Jacki Lyszak were also on the RMWG; however, they were unable to attend today's meeting but were satisfied with the information included in the memo.

Vice Chair Shamp discussed how she supported the concept wholeheartedly, and liked the 'funky' nature of the Town.

Community Development Director Fluegel reviewed the difficulties with enforcing the ordinance, and how the RMWG worked to eliminate the ambiguities in the ordinance.

Mr. Durrett questioned limitations on outdoor display outside of the Downtown District.

Community Development Director Fluegel noted there were stricter limitations on outdoor displays outside of the Downtown District.

Discussion was held concerning outdoor displays in a commercial shopping center (not in the Downtown District); recurring special events (i.e. farmers' market); and the Santini District and ensuring the proposed ordinance addressed the Santini District as it pertained to special/recurring events and outdoor displays.

Zoning Coordinator Dulmer suggested opening up any outdoor displays for commercially zoned properties.

Discussion ensued regarding outdoor displays in commercial zones outside of the Downtown District; examples of existing outdoor displays outside of the Downtown District (i.e. Publix); subleased kiosks in the Downtown District; and consideration for a separate category for the three designated shopping centers in the Town.

Chair Zuba noted two points from the discussion – 1) the purpose of the kiosk cannot be competitive with the store(s); and 2) it would have to be approved by the tenants in the shopping center.

Zoning Coordinator Dulmer acknowledged that tiers of rules for certain locations could be discussed; however, she noted that a situation should not be created where writing code amendments were allowing mobile vending.

Discussion was held regarding kiosks in a shopping center; restriction of outdoor displays to private property only; and outdoor displays under a covered porch.

Vice Chair Shamp noted the proposed changes submitted by the RMWG was self-regulating, showed an intent by the vendors to have the Town look nice, would help businesses succeed and be fair to competition; and help to keep the Town's rights-of-way clear.

Ms. Plummer questioned if properties without a deck would be able to have an outdoor display.

Zoning Coordinator Dulmer responded in the negative; and reviewed differences between the current code and the proposed changes (i.e. definition of porches and patios). She reviewed the 'forgiving' nature of the definition of a *patio*; and the removal of *patio* and how it would restrict the areas for an outdoor display and better define them.

Discussion was held concerning businesses that could be impacted by the removal of the word '*patio*'.

Zoning Coordinator Dulmer stated she would obtain information for Ms. Plummer regarding the number of businesses that could be impacted by the removal of '*patio*'.

Discussion with questions and answers continued regarding the changes to the ordinance being proposed by the Retail Merchants Working Group (RMWG):

- No limits on number or type of displays.
  - It was noted that "*all merchandise displayed outdoor must be moved and stored inside at the close of business every day*" was a 'self-limiting' proposal; that business had different sized porches; and the Fire Department would insure the ingress/egress was not blocked.
- No kiosk carts.

- Kiosks would have to be put into the primary business each night.
- Restrict outdoor displays to private property only.
  - Review of what could be the dimensions of a patio (i.e. where does it start and stop); how this would encourage people to invest in their buildings; staff to work on creating an overlay or a provision for “*any shopping centers over a total gross square footage of 25,000 square feet*”; more research required on ‘mobile vending’; and consideration for outdoor displays only on private property and not in the public right-of-way.
- Expressed a desire to adopt the definitions and changes as provided by Beverly Grady in regards to outdoor space, under engineered roof that can be secured at night
  - Attorney Grady reported Exhibit B was recognizing that those properties in the Downtown District (primarily in the Times Square area) were making a substantial investment in able to design an addition that was under a common roof for the conventional portion of the building and in the additional area that would be added that they would meet the design standards and they would be able to close it for security. It would have the requirement that in case of a hurricane the items would need to be removed to the inside of the conventional building.
  - Staff to investigate FAR regarding decks.

Community Development Director Fluegel thanked the LPA for the discussion, comments, and suggestions. He requested Mr. Durrett attend the next RMWG meeting.

Discussion was held concerning the appointment of Mr. Durrett by the LPA to represent the LPA at the RMWG meetings.

**MOTION:** Ms. Shamp moved to appoint Mr. Durrett as the LPA representative at the Retail Merchants Working Group meetings; second by Mr. Smith.

**VOTE:** Motion approved 6-0; Mr. Steele excused.

Council Member Andre noted the importance of scheduling the next RMWG meeting quickly.

Ms. Plummer questioned if the proposed changes to the ordinance would be for the entire Town or only the Downtown District.

Community Development Director Fluegel reported the changes would be for Section 34-3004, Outdoor Display of Merchandise for Sale or Rent, and would be used for areas outside of the Downtown District. He added at some point that section would reference back to the Downtown District language.

Zoning Coordinator Dulmer asked for a show of hands from the LPA to determine how many members would be in favor of opening the outdoor display, same set of rules, for any commercially zoned property regardless of whether or not it was in the Downtown District.

Chair Zuba, Mr. Kakatsch, and Ms. Plummer each raised their hand.

Discussion was held concerning outdoor displays at commercially zoned properties.

**Recessed at 10:05 a.m. – Reconvened at approximately 10:17 a.m.**

## **VI. PUBLIC HEARINGS**

### **A. DCI2012-0003 Lighthouse Resort CPD Amendment**

Chair Zuba opened the Public Hearing.

LPA Attorney Miller swore in the witnesses.

Beverly Grady, Attorney with Roetzel and Andress representing the Applicant, presented comments for the CPD Amendment request and noted the following:

- Subject property was a 1.72 acre parcel in the heart of downtown Fort Myers Beach.
- Subject property has been in the 'Roessler and Kolar' Family for decades.
- She reviewed historical photo(s) and the background of the subject property; Exhibit 'C' in the Staff Report; and how the location of the Sky Bridge had gone through the resort and had impacted the location of the Lighthouse Resort's office and signage.
- Applicant (Mr. Kolar) remembered his grandfather had been promised a left turn from the Sky Bridge onto Fifth Street; however, the Applicant was not requesting that turn. The resort was surrounded by a public street on all four sides with no direct access into the resort for check-in.
- Displayed and discussed the Master Concept Plan for the subject property.

She commented that the Staff Report was all inclusive and had detailed information regarding the application and that the staff supported the height and location; therefore, she was focusing on the size of the sign. She discussed Exhibit 'G' and the depiction of each sign proposed by the Applicant's sign professional. She reported the sign code in effect in 1999 when the subject property was rezoned a CPD provided for signage on each street; and when the most recent sign code was adopted the Applicant appeared before Council to request language where commercial parcels on two streets would be recognized for additional signage. She added that the Council recognized the subject property was in a unique position being a commercial resort surrounded by four streets without direct access to the main arterial road; and that due to their uniqueness they advised the Applicant to proceed with a public hearing for their request. Attorney Grady pointed out that staff had provided photographs indicating the location of each sign, and reviewed sign details on the visual aid displayed in the Chambers. She stated the Applicant was willing to remove the 18 square feet sign on the main Lighthouse sign; and noted the Lighthouse had acquired two separate businesses (Offshore Inn and a hair salon) which no longer existed. She mentioned the Applicant had one sign on Third Street, Crescent Street, and on Fifth Street. She requested approval of Exhibit 'G' signs A, B, C, D, and E with the elimination of 18 square feet on the main Lighthouse sign.

Chair Zuba asked if the Applicant had appeared before the Magistrate on the signage.

Attorney Grady responded in the negative. She reported the Applicant did not receive a Notice of Hearing, so the Magistrate might have spoken with the Code Enforcement officer. She repeated the Applicant did not receive a Notice and they have filed a challenge under the Dispute Resolution Statute.

Vice Chair Shamp asked if the Applicant had gone through the hearing process with the LPA and HPB in an attempt to have the tall lighthouse sign designated as a historic resource. She offered a copy of LPA Resolution 2008-19 to be placed into the record. She reported the Resolution indicated that the historic sign designation request was turned down.

Attorney Grady stated she did not handle the historic sign designation application; that she was aware under the 2011 Sign Code that there were different opportunities to request relief; and one relief would be to request an application for a historic sign; however, it was her understanding there was insufficient information. She noted that today's case was not a request under that provision in the Sign Code, and that it was a request for a deviation in the CPD.

Vice Chair Shamp explained the basis for her questions was due to Exhibit '55 Supplemental Narrative Response to Deviation Criteria' as it pertained to Sign #1.

Attorney Grady explained how the staff had asked if the Applicant was making a request for a historic sign designation and that her response had been in the negative.

Tom Kolar, Applicant, explained that the Lighthouse sign was there because the Sky Bridge was so tall and described problems the site has encountered pertaining to signage and site identification/location for customers.

Planning Coordinator Overmyer presented comments for DCI2012-0003 Lighthouse Resort CPD Amendment (Sign Deviations) on behalf of the Town of Fort Myers Beach. He displayed an aerial photograph of the site noting the location of the subject property which had four street frontages. He noted the existing zoning was CPD and the property was situated in the Pedestrian Commercial Future Land Use Category. He displayed and discussed a historic photograph prior to the Matanzas Pass Bridge of the subject property. He reviewed the Applicant's request to amend the Lighthouse Resort CPD to add deviations from Land Development Code Chapter 30 "Signs" including: numbered beginning from 10, due to nine previous deviations for the Lighthouse Resort CPD. He reviewed the deviations requested:

- Deviation #10 – Relief from LDC Section 30-153(b)(1) allotment of 32 square feet of signage for each of two businesses, for a total of 64 square feet; to allow 126 square feet for the Lighthouse Island Resort and 41.25 square feet for the Tiki Bar, for a total of 167.25 square feet of signage.
- Deviation #11 – 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".
- Deviation #12 – Relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18" 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.

- Deviation #13 – Relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18” 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.
- Deviation #14 – Relief from LDC Section 30-154(c) which allows a maximum height of 5 feet for a monument sign and 18” 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.
- Deviation #15 - Relief from LDC Section 30-154(b) which requires a minimum 3’ setback from any public right-of-way; to allow a 0’ setback for “Sign A” located on Third Street.
- Deviation #16 – Relief from LDC Section 30-154(c) which requires a minimum 3’ 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.

He described the property details:

- 1.673 Acres
- 1051 Fifth Street; 1041, 1049 and 1067 Fourth Street; 1030 Third Street
- Lighthouse Resort and Tiki Bar
- Current Zoning – Commercial Planned Development (CPD)
- Future Land Use – Pedestrian Commercial

He reported staff recommended approval of the requested Deviations #11-16, but recommended denial of Deviation #10 for 167.25 square feet of overall signage; and alternatively, staff recommended approval of 88.8 square feet for Lighthouse Island Resort and 41.25 square feet for Tiki Bar, for a total of 130.05 square feet. He added that staff recommended an alternative for Deviation #10 to allow the existing Lighthouse “Sign D” to remain, as well as a “Tiki Bar” sign located in the parking lot under one of the hotel buildings; and signs on Third, Crescent, and Fifth Streets would decrease from 4’ x 6.1’ in size to 3’ x 4’ (a reduction of 12 square feet per sign).

Mr. Smith questioned the basis for including the “Tiki Bar” sign since it appeared to almost be an ‘inside’ sign.

Planning Coordinator Overmyer explained how the sign could be seen from the right-of-way.

Mr. Kakatsch strongly urged the LPA consider a positive result for a unique piece of property that was difficult to identify and sign for people new to the Beach.

Vice Chair Shamp requested Planning Coordinator Overmyer to re-display certain photographs in order to question sections of the Code. Discussion was held regarding the photographs re-displayed on the overhead screen.

Planning Coordinator Overmyer pointed out that the Applicant was seeking a CPD Amendment for sign deviations and was not being held to variance standards.

Ms. Shamp asked if there was a major difference between the two request types, and LPA Attorney Miller stated “*Under the current codes, yes.*” She explained that the purpose of the CPD was to provide for more flexibility without necessarily having to meet the technical requirements of a variance.

Discussion continued concerning the photographs re-displayed (Sign "A") and the use of posts for the base of the signage in question.

Ms. Plummer asked if the Applicant was willing to shorten the posts (Sign "A") to be flush with the top of the sign face.

Planning Coordinator Overmyer turned to the Applicant in the audience regarding the question; and reported the Applicant's response was in the affirmative.

Discussion continued concerning the photographs re-displayed; and the parking setback for the subject property on Third Street.

Planning Coordinator Overmyer reported the subject property had a previous deviation in Resolution 03-23, Exhibit "F", for 7.4', 4.5', 3', 2.6', 1.5', 1.4', and 0' from the development perimeter as depicted on the Master Concept Plan.

Mr. Kolar, Applicant, reported that the sign displayed in the photograph was located at the property line, and in the future when they construct a new building, the sign would go away; and when he eventually constructed a new building in the front that the lighthouse sign would be removed. He stated the setback in question was a 0' setback.

Discussion was held concerning rights-of-way areas on the subject property and future roadwork; whether or not deviations were listed in the proposed resolution.

LPA Attorney Miller reported any deviations approved should be included in the proposed resolution.

Planning Coordinator Overmyer reviewed how Code Enforcement staff provided a Notice of Violation to someone in the front office at the Lighthouse and property was posted. He added that the Code Enforcement officer reported he provided the Notice of Hearing in the same manner.

Ms. Plummer recounted her personal experience with Code Enforcement posting a Notice of Violation.

Discussion was held concerning the Applicant's request regarding signage.

Attorney Grady reiterated that the Petitioner had not received a Notice of Hearing from the Town.

Discussion was held concerning the information noted by Attorney Grady regarding the Notice of Hearing.

Discussion was held regarding the proposed sign deviations requested by the Applicant; sign dimensions recommended by staff; and proposed conditions for approval.

Public Comment opened.

No speakers.

Public Comment closed.

**MOTION:** Mr. Kakatsch moved to approve the applicant's request.

LPA Attorney Miller pointed out that the Applicant was willing to make some adjustments: 1) remove 18' square feet from the large monument sign; and 2) cutting off the posts so that they are flush with the top of the other signs which meant that the maximum height of the other signs would be 8.1'.

Planning Coordinator Overmyer reviewed the amended language: a deviation from LDC Section 30-153(b)(1) to allow 149.25 square feet; deviation #3, 4, and #5 at the height of each should be 8.1'.

**SECOND:** Mr. Smith.

**VOTE:** Motion approved 4-2; Chair Zuba and Vice Chair Shamp dissenting; Mr. Steele excused.

Public Hearing closed.

**Recessed at approximately 11:30 a.m. – Reconvened at 11:40 a.m.**

Vice Chair Shamp and Mr. Kakatsch were excused.

**B. VAR2013-0002 Pointe South Setback Variance**

Chair Zuba opened the Public Hearing.

LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Dulmer noted there were some 'housekeeping' issues:

1. Typo in the proposed resolution – correct number of the Resolution 2013-007.
2. Community Development Intern, Shane Marit, assisted with the case and would present the case.

Community Development Intern Marit presented comments for VAR2013-0002 Pointe South Setback Variance on behalf of the Town of Fort Myers Beach. He displayed an aerial photograph of the site and noted the location of the subject property. He reviewed the Applicant's request:

- Relief from Section 34-638(b) requiring a 20' minimum side setback in the residential multi-family zoning district.
- Specifically requested a 12' side setback where a 20' side setback was otherwise required.

He gave an overview of the background of the subject property:

- Property was developed in 1976

- Zoned under Lee County as Multiple Family Hotel and Motel District (RU-3) which stated “Accessory buildings in all zones shall not be closer than five feet to the side or rear property line”;
- Accessory structure (barbeque hut) and pool area constructed 10’ within the side setback; Florida Department of Health Section 64E-9.008(7.1) stated: “No food or beverages in pool or on pool wet deck”;
- Subject property was now zoned as residential multi-family (RM) and Environmentally Critical (EC).

He reviewed the existing conditions of the subject property as depicted in “Site Plan Exhibit B”, Exhibit “C”. He explained the proposed accessory structure was a Chickee Hut that was 18’ x 20’ with a setback of 12’ from the side property line. He noted the supporting regulations pertaining to the Applicant’s request:

- Section 34-87 – gives Town Council the authority to hear and decide all requests for variances from the terms and restrictions of the LDC; Council must consider whether the fact support the five required findings, staff report and LPA recommendations, testimony from the Applicant, and testimony from the public.
- Section 34-87(3) Findings – before granting any variance, the Town Council must find that all of the following exist:
  - Section 34-87(3)(a) - *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.* While the lack of space on a property is not as exceptional or extraordinary circumstances inherent to any property, the side setback in this case does represent a relative hardship to the subject property because the applicant has stated there is no other feasible location for the proposed structure near the existing barbeque hut. The proposed location is landward of the 1978 CCCL. The subject property also has to meet the Department of Health requirements, which prohibits eating or drinking in the pool area. Staff recommended the finding that there are exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that the variance is justified.
  - Section 34-87(3)(b) – *That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.* The conditions are not the result of actions of the applicant taken after the adoption of the regulation in question, as the condo was constructed in 1976, well before the adoption of the LDC Section 34-638(b). The principal building was built in accordance with the Lee County Zoning Regulations and the side setback regulation for accessory structures has changed from 5’ to 20’.
  - Section 34-87(3)(c) – *That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.* The variance requested is the minimum variance that will relieve the setback burden. The applicant stats the proposed pad of 18’ x 20’ is necessary for the structure to be functional. If the applicant was to construct an accessory structure built to current setback requirement in the proposed location, the structure would only

extend 8' deep. This would limit the functionality of the structure as an effective eating area. Staff recommended that the variance requested was the minimum variance necessary to relieve an undue burden.

- Section 34-87(3)(d) – *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.* The granting of the variance would not be injurious to the neighborhood or detrimental to the overall public welfare. If granted, the variance may actually be an improvement to public welfare and safety due to the deterrence of residents and their guests eating in the pool area, which is not allowed by Health Department ordinances. Staff recommended that granting the variance as requested by the applicant would not be injurious to the neighborhood or otherwise detrimental to the public welfare by allowing the subject property relief from rules and regulations that all others must adhere to.
- Section 34-87(3)(e) – *That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general a nature as to make it more reasonable and practical to amend the regulation in question.* The 20' side setback in question is not a recurring issue and can usually be complied with on most RM properties. Most RM properties do not have the unique existing circumstances as the subject property, such as the lack of space and feasible locations and the existing non-conforming structures within the setback. Staff found that the circumstances on the specific piece of property for which the variance was sought are not general in nature, and demonstrated a verifiable hardship.

He reported that staff recommended approval with conditions of a setback variance request from Section 34-638(b) to allow a 12' side setback for the construction of an accessory structure where a 20' setback was otherwise required, subject to the following conditions:

1. That the request be limited to the 18' x 20' accessory structure as shown on the applicant's site plan attached as Exhibit B.
2. A Type B vegetative buffer as defined in LDC Section 10-416(3) is implemented and continuous from the existing pool area to the existing grill area.

Zoning Coordinator Dulmer reported staff received 2-3 phone calls with questions about the subject request and that none voiced objections. She added that the proposed accessory structure would not encroach any further into the side setback; and approval would not increase the level of non-conformity.

Homer Odum for Pointe South noted the weekly rentals and how the Health Department was getting stricter as to where patrons were eating. He reported he met with representatives from Smugglers Cove regarding the location of the proposed accessory structure and assured them that the proposed structure would blend in with the landscaping.

Discussion was held concerning the proposed Chickee Hut structure.

Public Comment opened.

No speakers.

Public Comment closed.

Ex-parte communication discussed.

**MOTION:** Mr. Smith moved to approve VAR2013-0002 Pointe South Setback Variance with conditions as recommended by staff; second by Mr. Durrett.

LPA Attorney Miller noted that the motion should include the Recommended Findings and Conclusions.

Motion maker reviewed the Recommended Findings and Conclusions:

- That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance.
- Conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.
- The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation.
- Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general a nature as to make it more reasonable and practical to amend the regulation in question.

**VOTE:** Motion approved, 4-0; Vice Chair Champ, Mr. Kakatsch and Mr. Steele excused.

Public Hearing closed.

### C. ORD 13-06

Planning Coordinator Overmyer reported staff recommended repeal and replacement of the existing flood regulations in Section 6-401 through 6-474 of the LDC. He added the request was due to the model ordinance was provided by the State's Floodplain Management Office and developed in conjunction with the Florida Building Code Commission to help Florida communities adopt regulations that coordinate with the flood provisions that were now found in the 2010 Florida Building Code. He reported that any higher regulatory codes need to be adopted as technical amendments to the Florida Building Code.

Discussion ensued regarding the proposed ordinance; the recommended repeal and replacement of the existing flood regulations in Section 6-401 through 6-474 of the LDC; flood insurance rates and the Biggert-Waters National Flood Insurance Reform Act of 2012; repetitive loss structures and substantial damage; and the Hazard Mitigation Grant Program; Appraisals from a MAI-certified appraiser; and updating Floodplain Regulations.

**MOTION:** Mr. Durrett moved to recommend approval of the Ordinance 13-06; second by Mr. Smith.

**VOTE:** Motion approved, 4-0; Vice Chair Shamp, Mr. Kakatsch and Mr. Steele excused.

**Historic Preservation Board – Withdrawn**

**VII. LPA MEMBER ITEMS AND REPORTS**

Mr. Durrett – no report.

Mr. Smith – no report.

Chair Zuba – no report.

Zoning Coordinator Dulmer reported the term of three LPA members expired in October (Mr. Smith, Mr. Kakatsch, and Ms. Plummer). She noted that if the members were interested in reappointment that they should submit a letter of intent to the Town Council through the Town Clerk by September 1, 2013.

Ms. Plummer – discussed her views regarding the Town’s Code Enforcement process for posting a Notice of Violation on property.

Mr. Kakatsch – no report – excused earlier.

Vice Chair Shamp – no report – excused earlier.

Mr. Steele – no report – excused.

**VIII. LPA ATTORNEY ITEMS**

LPA Attorney Miller – no items or report.

**IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS**

Community Development Director Fluegel no report

Zoning Coordinator Dulmer reported there was an evening Town Council Meeting schedule on August 19<sup>th</sup> and the Lani Kai sign variance would be on the agenda.

**X. LPA ACTION ITEM LIST REVIEW**

No discussion.

**XI. ITEMS FOR NEXT MONTH'S AGENDA**

No discussion.

**XII. PUBLIC COMMENT**

None.

**XIII. ADJOURNMENT**

**MOTION:** Motion by Mr. Durrett, seconded by Mr. Smith to adjourn.

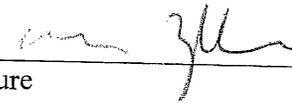
**VOTE:** Motion approved, 4-0; Vice Chair Shamp, Mr. Kakatsch and Mr. Steele excused.

Meeting adjourned at 12:35 p.m.

Adopted **September 17, 2013 WITH** changes.

Motion by: **Kakatsch**; Second by **Smith**

Vote: **5-0** (Plummer and Shamp excused)

  
\_\_\_\_\_  
Signature

End of document.



*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

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

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 tiki statue. Every vehicle coming onto and leaving the island would pass right by their main office, as seen in Exhibit B.

When the Matanzas Pass Bridge was constructed, it became quicker and 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 their property, and vehicular access off of (then) Fourth Street and Fifth Street, additional signage was necessary to direct visitors to their resort. It was around this time that the large "Lighthouse" sign was erected, near the foot of the bridge where it stands today, as seen in Exhibit C.

As the shape of the resort changed, due to property acquisition over the years, additional signage became necessary to direct traffic from 4 surrounding roads: San Carlos (Matanzas Pass Bridge), Third Street, Crescent Street, and Fifth Street. There is now one sign on each of the four street frontages that the resort enjoys.

The property was rezoned from Commercial (C-1) to a Commercial Planned Development (CPD) in Resolution 00-09 (Exhibit D), 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. The location of signage was not shown on the Master Concept Plan, and the schedule of uses included "SIGNS, in conformance with the Land Development Code."

An Administrative Amendment to the CPD was approved in ADD2001-00013 (Exhibit E), 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 F), added 11 conditions and 4 deviations in approving a 4,300 restaurant. Interestingly, 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]. The subject request will address deviations needed to bring the signage for the resort into compliance with current Land Development Code (LDC) regulations for signs.

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.

#### Analysis:

The subject application, in its simplest explanation, is the "do nothing alternative." The applicant is not wishing to change anything with regard to the existing signs, only to allow them to remain. The request, if approved, would essentially adopt a sign package for the Lighthouse Resort CPD, and the signs would be in compliance with the LDC.

Under current LDC Chapter 30 regulations, the resort would be eligible for 32 square feet for each of the two businesses on the property, for a total of 64 square feet. The Lighthouse Resort current has 126 square feet of signage among 4 signs, and the Tiki Bar has 41.25 square feet of signage between their 2 signs. All details of the 5 signs are shown in the attached Exhibit G. Staff does not feel that leaving the existing signs as-is demonstrates any effort to come closer to compliance with the sign regulations that have been recently adopted for the whole town. If the resort's main sign at the foot of the Matanzas Pass Bridge is the most important, staff would like to see the other signs around the perimeter of the resort reduced in size.

Signs A, B, & C are currently 6.1 feet x 4 feet in size, for 24.4 square feet. These could be reduced to 4 x 3 for 12 square feet, and bring the signage closer to compliance with existing LDC regulations. The current 126 square feet would be reduced to 88.8 square feet, and the large Lighthouse sign would remain untouched, while signage is still provided on all adjacent rights-of-way for guiding out-of-town guests. The property also current has 41.25 square feet for the Tiki Bar. The Tiki Bar is not visible from surrounding rights-of-way, therefore the signage is necessary for patrons of the Tiki Bar to locate the business. The Lighthouse Resort, however, is a collection of vibrantly-colored buildings, rising two or three stories above ground-

floor parking lots. The resort is visible from the top of the Matanzas Pass Bridge, from Third Street, from Crescent Street, and from Fifth Street. 126 square feet of signage for the Lighthouse Resort is almost 4 times as much as the current sign regulations would allow (32 square feet).

In addition to the overall sign square footage well above current allowable levels, the existing sign locations do not comply with current height regulations found in LDC Sec. 30-154(c). The most obvious example is the "Lighthouse" sign, at 25'6" in height, where 5 feet is permitted for a monument sign. Staff is comfortable with the height of the Lighthouse sign due to the height and slope of the Matanzas Pass Bridge. The three other monument signs include "Sign A" on Third Street at 10.4 feet in height, plus "Sign B" on Crescent Street and "Sign C" on Fifth Street, each at 9.7 feet in height overall, and 8.1 feet to the top of the sign face.

Also as a requirement of LDC Sec. 30-154(c), the monument sign base height (poles in ground below the sign face), is permitted a maximum of 18 inches. Signs A, B, and C are all 4.1 feet above ground. This height is necessary for Signs A & C because of adjacent parking spaces, where the height of a vehicle may block visibility of the sign face, and for Sign B because of above-ground pipes for fire protection.

The final set of requested deviations deal with required setbacks from adjacent right-of-way. LDC Sec. 30-154(b) requires a minimum 3-foot setback from any sign to the adjacent road right-of-way. The applicant's Sign A on Third Street is situated with a 0-foot setback, according to the as-built survey provided as Exhibit H. Sign B is located entirely within the Town's road right-of-way at the intersection of Crescent Street and Fifth Street. The locations of each sign have been established for more than 10 years without problems, therefore staff is willing to recommend approval of the setback deviations so that they can remain where they are located.

#### Findings and Conclusions:

The request is being reviewed as a CPD amendment to add sign deviations, rather than as a sign variance, therefore staff has been careful not to impose the requirements of LDC Sec. 34-87. Applying the required findings and conclusions of LDC Sec. 34-85:

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

### **III. RECOMMENDATION**

In an effort to keep the record complete and not fractured among separate documents, staff has compiled the previous conditions and deviations from previous approvals, and has listed them with our recommendation of **APPROVAL**, as follows:

#### **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" 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 30<sup>th</sup>, 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**
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.

## **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 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) allotment of 32 square feet of signage for each of 2 businesses, for a total of 64 square feet; to allow 126 square feet for Lighthouse Island Resort and 41.25 square feet for the Tiki Bar, for a total of 167.25 square feet of signage. Staff recommends **DENIAL** of this request, and in the alternative, recommends **APPROVAL** of 88.8 square feet for Lighthouse Island Resort and 41.25 square feet for Tiki Bar, for a total of 130.05 square feet.

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". Staff recommends **APPROVAL** of this deviation.

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. Staff recommends **APPROVAL** of this deviation, limited to the condition that the top of the sign face shall be no higher than 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 height of 9.7' for "Sign B" on Crescent Street." Staff recommends **APPROVAL** of this deviation, limited to the condition that the top of the sign face shall be no higher than 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 4.1' and an overall height of 9.7' for "Sign C" on Fifth Street. Staff recommends **APPROVAL** of this deviation, limited to the condition that the top of the sign face shall be no higher than 8.1', as depicted in Sign Detail "C".

Deviation 15 requests relief from LDC Section 30-154(b) which requires a minimum 3 foot setback from any public right-of-way; to allow a 0' setback for "Sign A" located on Third Street. Staff recommends **APPROVAL** of this deviation.

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. Staff recommends **APPROVAL** of this deviation.

#### **IV. CONCLUSION**

Lighthouse Island Resort has been a fixture of Fort Myers Beach for decades. Their iconic lighthouse sign has been located at the foot of the Matanzas Pass Bridge ever since the swing bridge was replaced. Due to the property's four street frontages, additional signage is necessary to guide visitors to the resort. While helpful, staff feels that the signs on Third, Fifth and Crescent Streets are larger than necessary, and recommends that they be reduced in size to come closer to compliance with the Town's sign regulations, adopted in 2011, which have made a great impact on the appearance of the town's streetscapes. Staff recommends **DENIAL** of Deviation 10 to allow 167.25 square feet of signage, but in the alternative, recommends **APPROVAL** of a deviation to allow 130.05 square feet of total signage. In addition, staff recommends **APPROVAL** of all of the requested setback and height deviations, listed as deviations 11 through 16 in the staff report.

#### **Exhibits:**

- A – Legal Description
- B – Picture 1, before Matanzas Pass Bridge construction
- C – Picture 2, after Matanzas Pass Bridge construction
- D – Resolution 00-09
- E – Administrative Amendment ADD2001-00013
- F – Resolution 03-23
- G – Sign detail drawings (5 pages)
- H – As-Built Survey
- I – Master Concept Plan (5 pages for 5 phases)
- J – Letter from Beverly Grady, dated April 18, 2003

EXHIBIT A

DESCRIPTION: ( Per Survey )

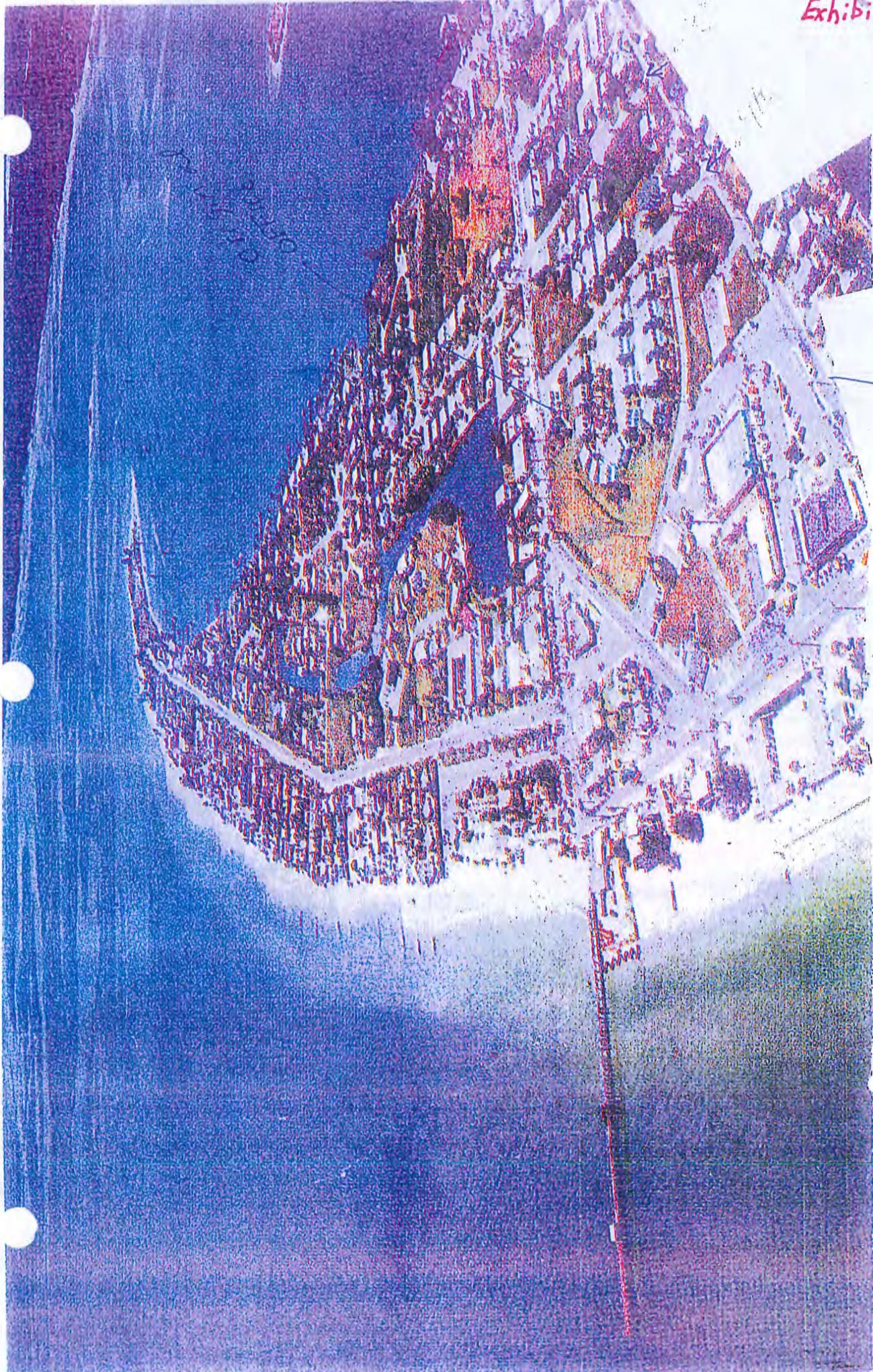
A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23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

MINIMUM OPEN  
SPACE PROVIDED = 21%

**PARKING CALC.:**  
74 units, 1000 sq ft  
74 x 1.000 = 74,000 sq ft  
74,000 / 1,000 = 74 parking spaces required  
74 x 1.000 = 74,000 sq ft  
74,000 / 1,000 = 74 parking spaces required  
74 x 1.000 = 74,000 sq ft  
74,000 / 1,000 = 74 parking spaces required  
74 x 1.000 = 74,000 sq ft  
74,000 / 1,000 = 74 parking spaces required

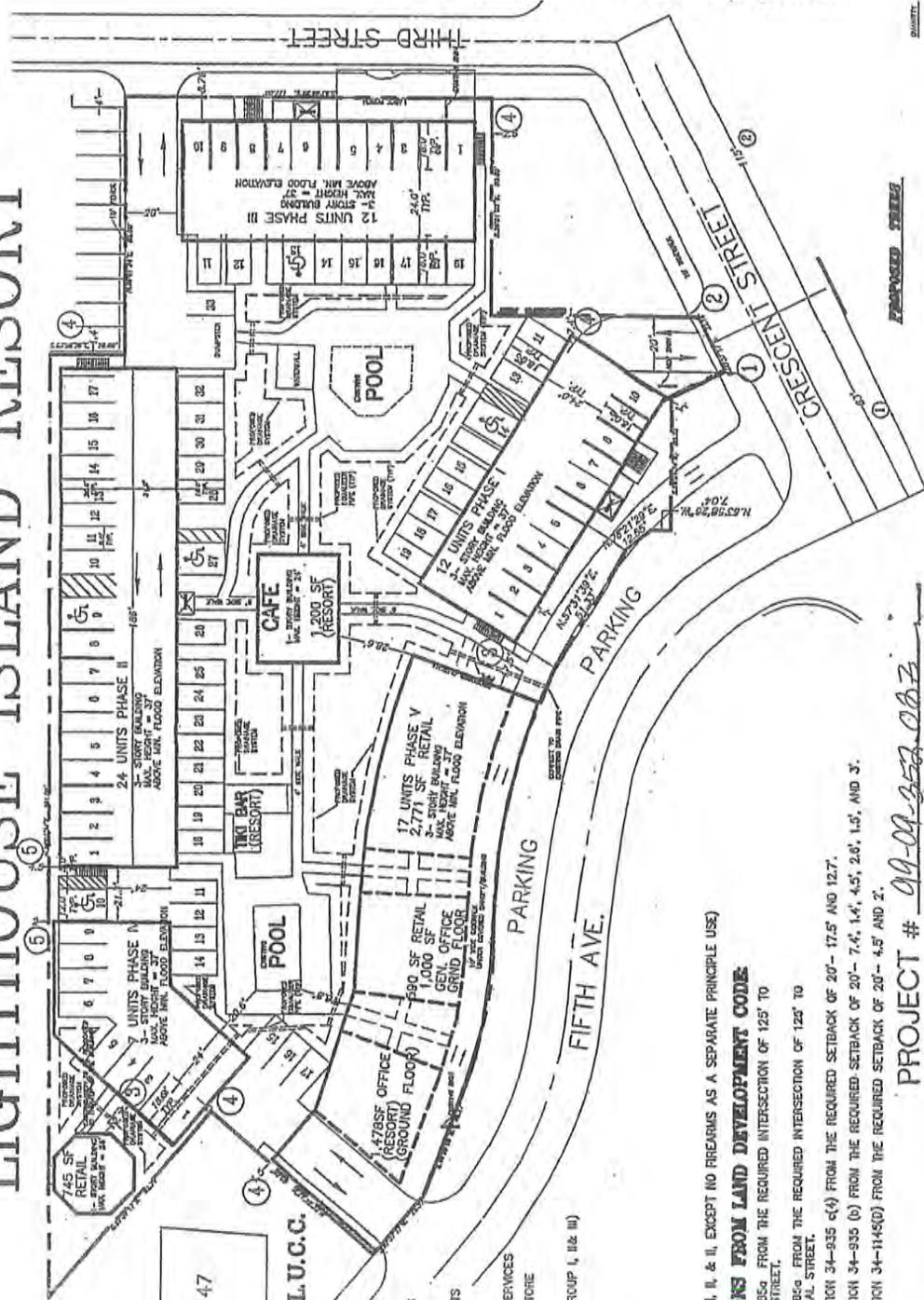
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74,000 / 1,000 = 74 parking spaces required

**PHASES**

THE PHASES ARE LISTED AS PHASE I THROUGH V.  
THE PHASES MAY BE COMPLETED IN ANY SEQUENCE.  
WITH A THREE YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO 8  
TOWNS FOR EACH PHASE.

- EXHIBIT II-D
- EXHIBIT II-P-4
- EXHIBIT IV-P
- EXHIBIT IV-C
- EXHIBIT IV-H
- EXHIBIT IV-I
- EXHIBIT IV-K



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

**SCHEDULE OF USES:**

- RESIDENTIAL USES AND STRUCTURES
- ADMINISTRATIVE OFFICES (GROUP I, II, III)
- WAIT AND TACKLE SHOP (GROUP I)
- BARNS & FINANCIAL ESTABLISHMENTS
- BED & BREAKFAST
- CAMP/INLET RESIDENCE
- COMMERCIAL STORES, GENERAL OUTLET
- CONSUMPTION ON PREMISES
- CONVENIENCE FOOD & BEVERAGE STORE
- LIQUOR STORE
- ESSENTIAL SERVICES
- RESTAURANT
- HOTEL/MOTEL
- HOBBY, TOY & GAME SHOPS
- MECHANICAL REPAIRS
- PAINT, GLASS AND WALLPAPER
- POSTAL SERVICE
- REAL ESTATE SALES OFFICE
- RESTAURANT, FAST FOOD
- STUDIOS
- SPECIALTY RETAIL SHOPS (GROUPS I, II, & III, EXCEPT NO REARWAYS AS A SEPARATE PRINCIPLE USE)
- VARIETY STORE

**SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE**

1. DEVIATION FROM SECTION 10-205g FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM FIFTH AVE., A LOCAL STREET.
2. DEVIATION FROM SECTION 10-205g 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 # 99-01-357.083  
PROJECT TYPE B

PROPOSED PHASE  
CURRENT PHASE / EXISTING PHASE  
INTO THE CURRENT PHASE WILL BE RELOCATED AND NOT CHANGED.  
INTO THE SITE IS COMPLETELY REGULATED USE THE CODE, NOT BE SUBSEQUENTLY RELOCATED. EXHIBIT I-4-K

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 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 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.

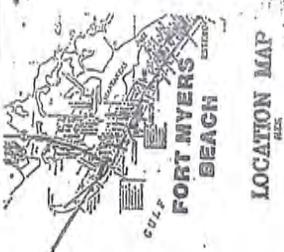
Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

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

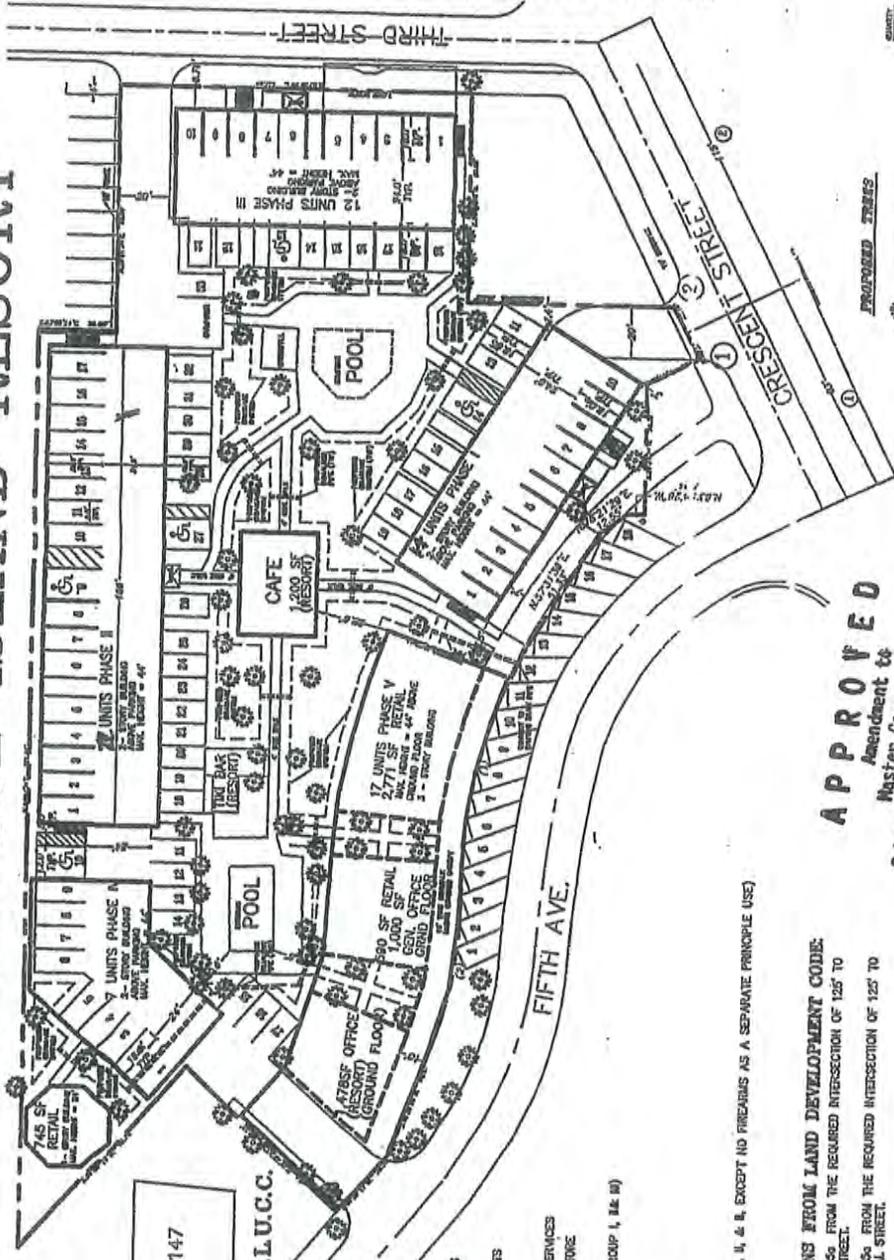
Applicant's Legal Checked  
by gms 3/1/01

ADD 2001-00013

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT



LOCATION MAP



26 Group  
147

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

**SCHEDULE OF USES:**

- ADMINISTRATIVE OFFICES AND STRUCTURES
- AMUSEMENT
- BUSINESS SERVICES (GROUP 1)
- BANKS & FINANCIAL INSTITUTIONS
- BUY-OUT CONTRACTS
- CAFETERIA
- CLUBS & RESORTS
- CLOTHING STORES
- CONSTRUCTION
- CONVENIENCE FOOD & BEVERAGE STORE
- DRUG STORE
- ESSENTIAL SERVICES
- EXHIBITS (GROUP 1, 1& 10)
- FLORAL
- FOOD & BEVERAGE
- FOOD SERVICE
- GENERAL MERCHANDISE
- HAIR SALON
- HAIR SUPPLIES
- HOME & GARDEN
- INSURANCE COMPANIES
- LABORATORY
- LIBRARY
- LIQUOR STORE
- PHARMACY
- PHOTOGRAPHY
- REPAIR & MAINTENANCE
- RESTAURANT, FAST FOOD
- RETAIL STORES
- RETAIL STORES
- RETAIL STORES
- VARIETY STORE

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

- 1. DEVIATION FROM SECTION 10-285. FROM THE REQUIRED INTERSECTION OF 125' TO 25' FROM FIFTH AVE. & A LOCAL STREET.
- 2. DEVIATION FROM SECTION 10-286. FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM THIRD STREET, & A LOCAL STREET.

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # 11/10/01  
Date 8/5/01

**PARKING CALC.:**  
12 PHASE 1 UNITS PHASE I  
24 PHASE 2 UNITS PHASE II  
24 PHASE 3 UNITS PHASE III  
24 PHASE 4 UNITS PHASE IV  
24 PHASE 5 UNITS PHASE V  
24 PHASE 6 UNITS PHASE VI  
24 PHASE 7 UNITS PHASE VII  
24 PHASE 8 UNITS PHASE VIII  
24 PHASE 9 UNITS PHASE IX  
24 PHASE 10 UNITS PHASE X  
24 PHASE 11 UNITS PHASE XI  
24 PHASE 12 UNITS PHASE XII  
24 PHASE 13 UNITS PHASE XIII  
24 PHASE 14 UNITS PHASE XIV  
24 PHASE 15 UNITS PHASE XV  
24 PHASE 16 UNITS PHASE XVI  
24 PHASE 17 UNITS PHASE XVII  
24 PHASE 18 UNITS PHASE XVIII  
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- EXHIBIT II-1
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- EXHIBIT II-95
- EXHIBIT II-96
- EXHIBIT II-97
- EXHIBIT II-98
- EXHIBIT II-99
- EXHIBIT II-100

ANN 3017 8/5/01

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

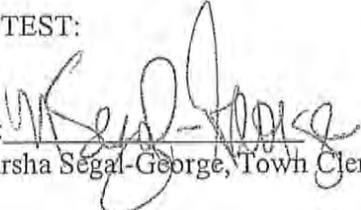
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

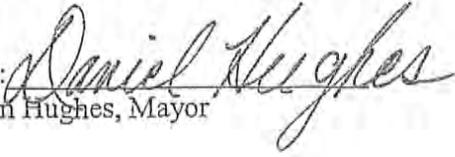
Howard Rynearson	Aye
Daniel Hughes	Aye
Bill Thomas	Nay
W. H. "Bill" Van Duzer	Aye
Terry Cain	Aye

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)

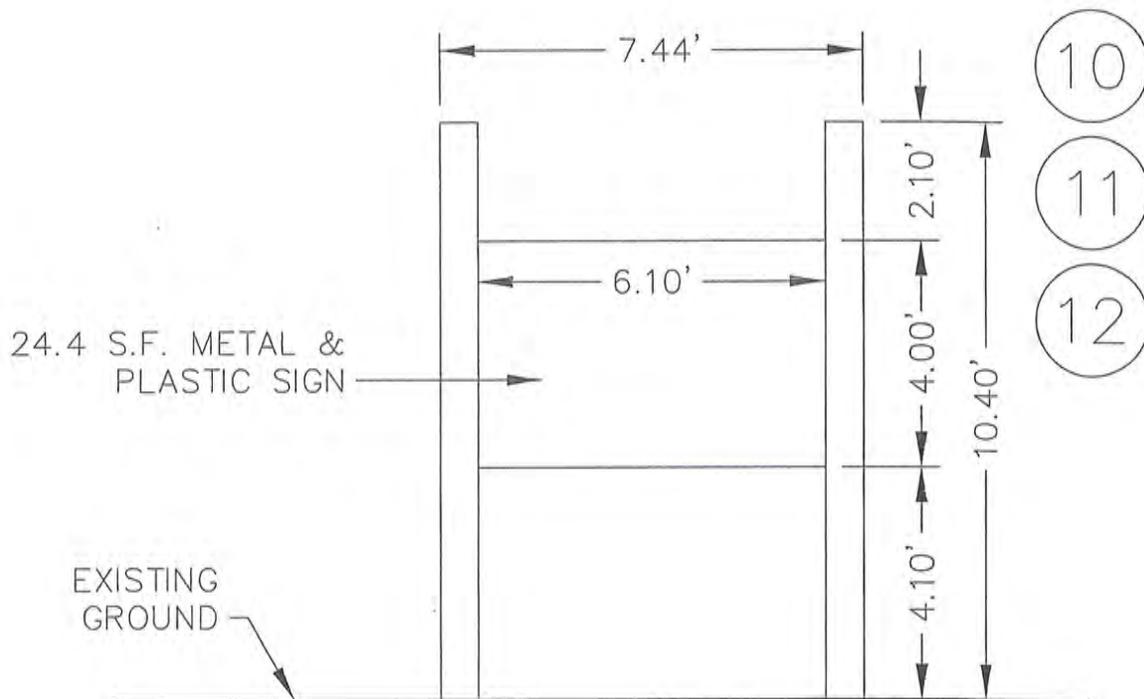
A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 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 Southwestly 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 Northwestly 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 Southwestly corner of said Lot 9, Block 3; thence run S.26°01'34"W. for 226.05 feet to a point on the Northwestly line of Lot 7 of the aforesaid Block 5; thence run N.57°37'17"E. along the North-erly line of Lots 7, 8 and 9 of said Block 5 for 97.74 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 South-easterly corner of said Lot 9 and the Northwestly 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 Northwestly, 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 dis-tance 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 tangent 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.39°22'43"E. for 27.03 feet to the Westly right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwestly line of Lot 17 of the aforesaid Block 3; Thence run N.63°58'26"W. along said Southwestly 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 Southwestly line of Third Street, Block 3, Business Center as being N.63°58'26"W.

Asst. Surveyor General  
10/23/03



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

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

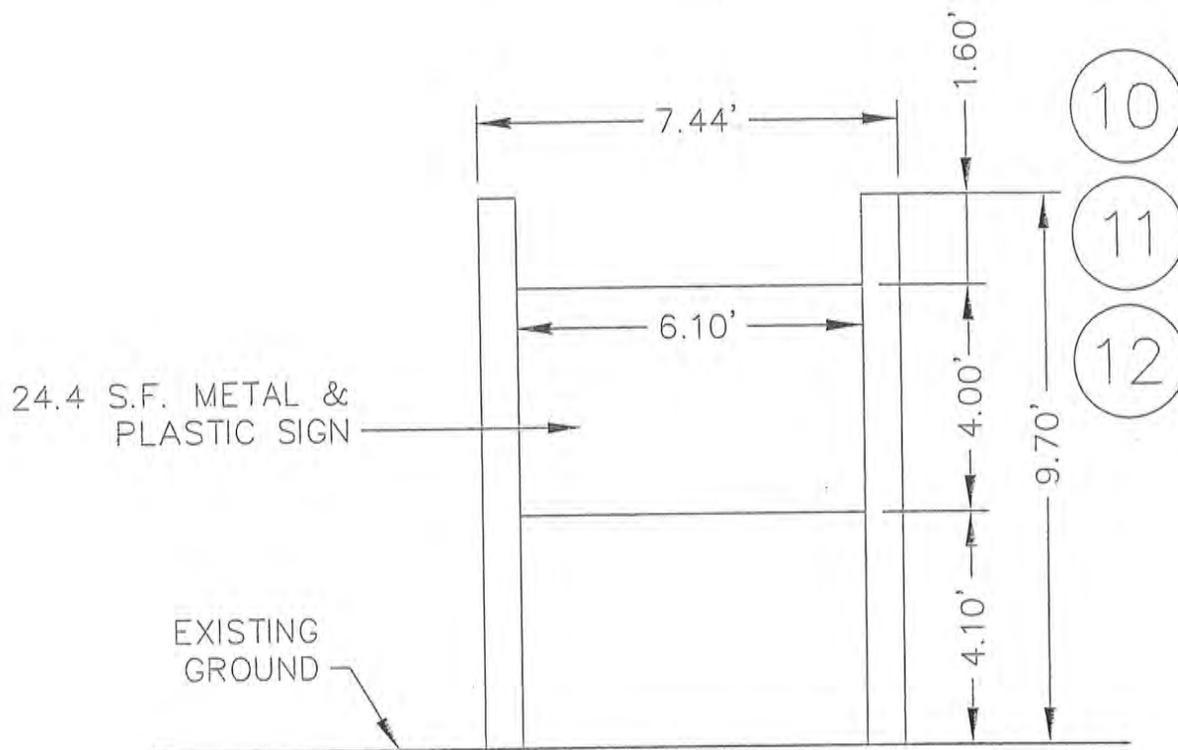
**SIGN DETAIL "A"**  
NOT TO SCALE

EXHIBIT:

**1**

PAGE:

**1 OF 5**



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

PROJECT: <b>4930</b>	DATE: 02-21-2013	REVISED: -
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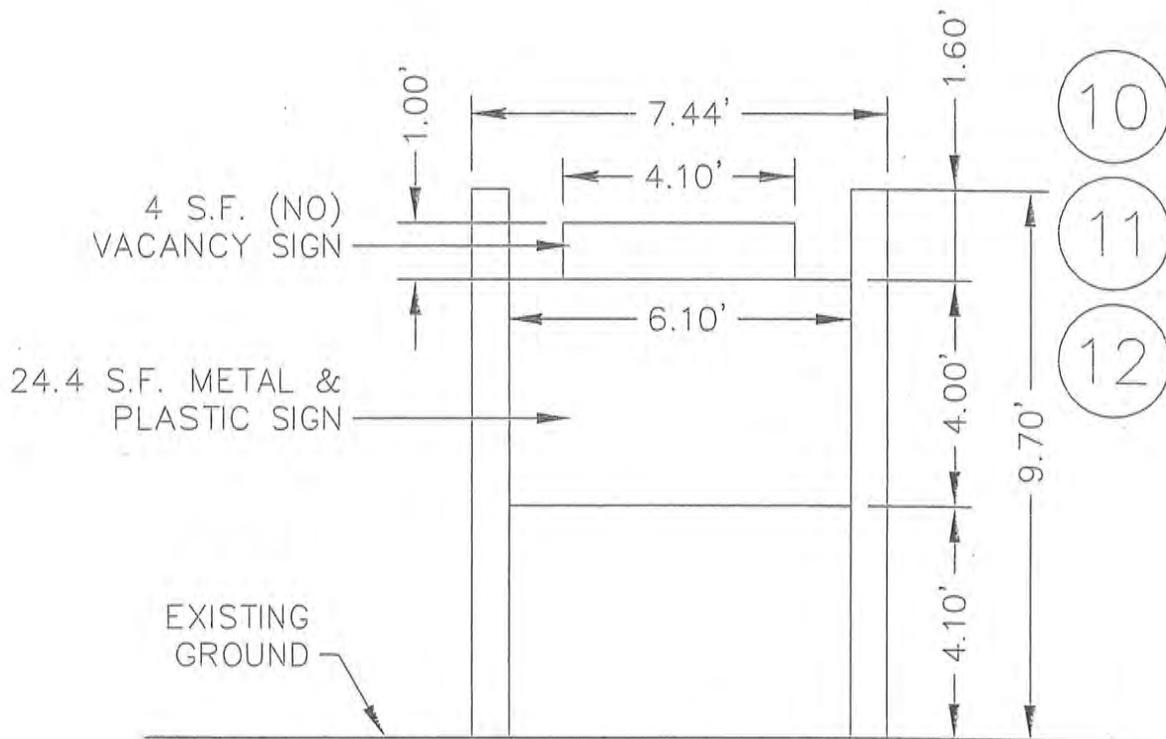
**SIGN DETAIL "B"**  
NOT TO SCALE

EXHIBIT:

1

PAGE:

2 OF 4



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

PROJECT: <b>4930</b>	DATE: 02-21-2013	REVISED: -
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**SIGN DETAIL "C"**  
NOT TO SCALE

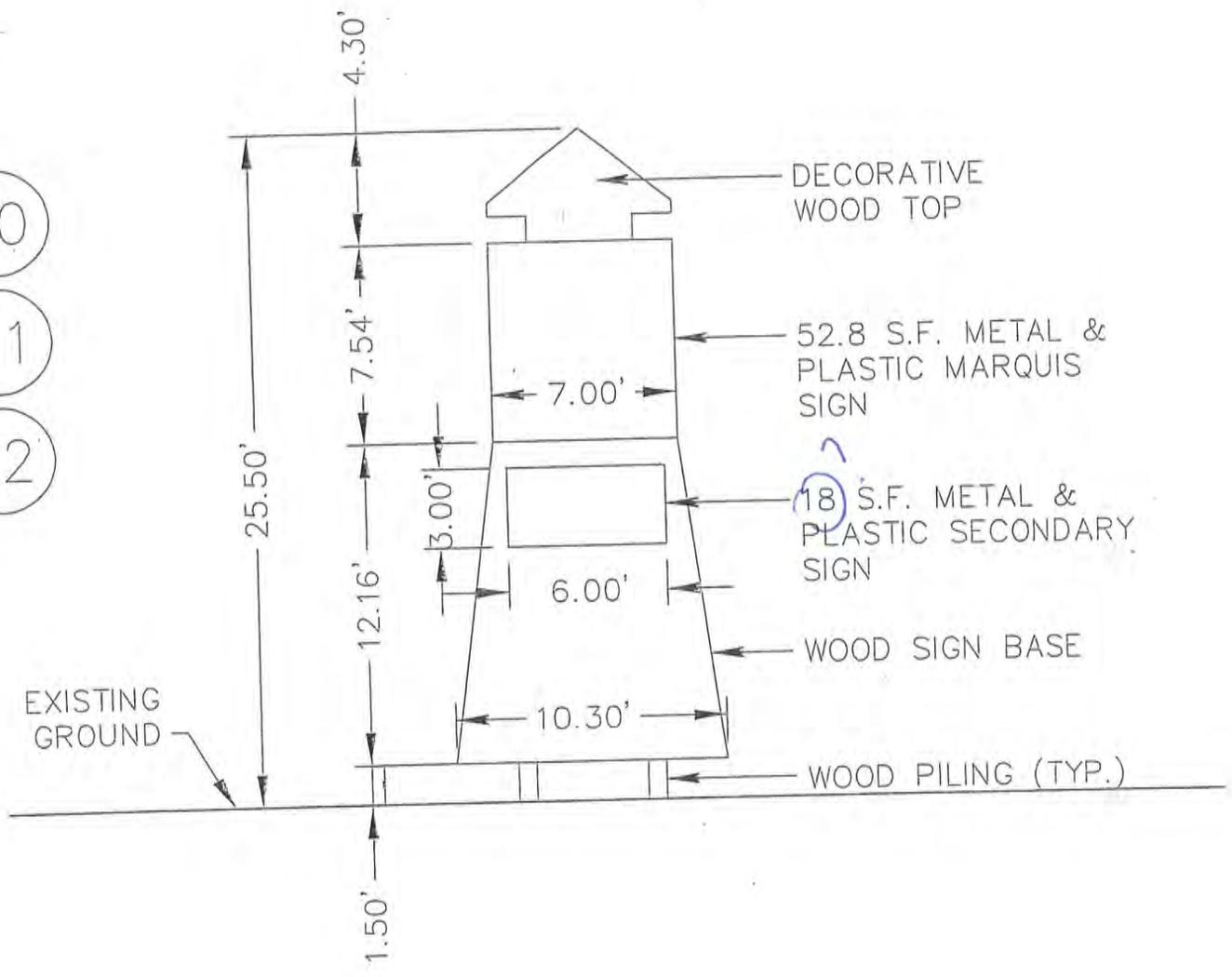
EXHIBIT:

**1**

PAGE:

**3** OF **4**

10  
11  
12



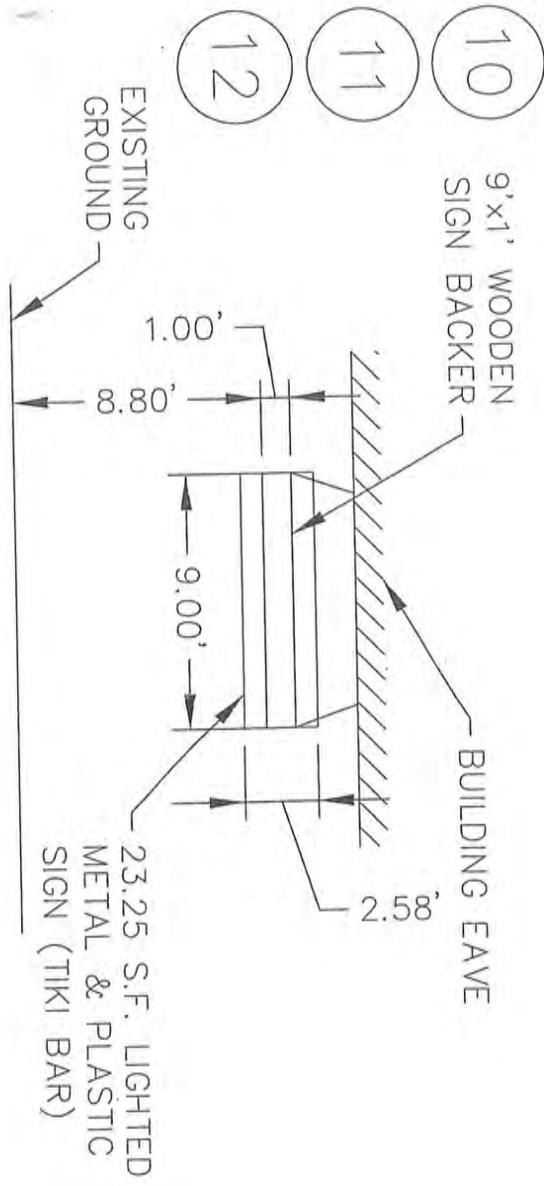
LIGHTHOUSE ISLAND RESORT  
1012-0003

SIGN DETAIL "D"  
NOT TO SCALE

EXHIBIT:  
1

PAGE:  
4 OF 4

PROJECT:	DATE:	REVISED:
1930	02-21-2013	-



**LIGHTHOUSE ISLAND RESORT**

12012-0003

**SIGN DETAIL "E"**

NOT TO SCALE

EXHIBIT:

**1**

PAGE:

**5 OF 5**

PROJECT:

**4930**

DATE:

02-21-2013

REVISED:

-



# MASTER CONCEPT PLAN (CPD)

FOR

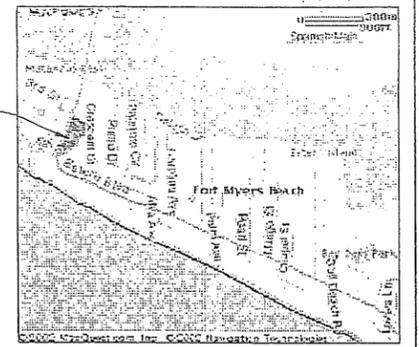
# LIGHTHOUSE ISLAND RESORT

## FINAL (PHASE 5)

SOILS# 26  
FLUCC# 147

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

PROJECT



LOCATION MAP  
NOT TO SCALE

Exhibit I

EXISTING SIGN, SEE DETAIL "D".  
SIGN TO BE RELOCATED  
ADMINISTRATIVELY DURING  
PHASE III-A

PROPOSED WALL MOUNTED SIGNS  
FOR RESTAURANT & RESORT

PHASE II-A RESTAURANT  
1ST FLOOR = 2,600 S.F.  
2ND FLOOR = 1,700 S.F.  
MAX. BLDG HGT. =  
37' ABOVE BASE FLOOD

EXISTING BUILDING "F"  
5 UNITS (2,547.4 S.F.)

PHASE III BUILDING  
3 STORIES, 2 ABOVE PARKING  
9 UNITS (15,248 S.F.)  
MAX. BLDG HEIGHT:  
37' ABOVE FLOOD ELEV.

EXISTING BUILDING "N"  
4 UNITS (7,440 S.F.)  
OFFICE

PHASE II BUILDING  
3 STORIES  
29 UNITS (14,874 S.F.)  
MAX. BLDG HEIGHT:  
37' ABOVE FLOOD ELEV.

PHASE IV BUILDING  
2 STORIES ABOVE GROUND  
FLOOR TO 5,000 S.F.  
RETAIL AREA

PHASE IV BUILDING (OLD "K" BLDG)  
3 STORIES, 2 ABOVE PARKING  
11 UNITS (7,039.13 S.F.)  
MAX. BLDG HEIGHT:  
37' ABOVE FLOOD ELEV.

EXISTING 3 STORY BLDG  
2 STORIES ABOVE PARKING  
14 UNITS (9,244 S.F.)

**PARKING CALCS:**

- 72 UNITS
- 28 UNITS ABOVE 450 S.F.
- 44 UNITS BELOW 450 S.F.
- 1.2 P.S. PER UNIT BELOW 450 S.F.  
44 x 1.2 x 0.666 = 35 SPACES REQUIRED
- 1.5 P.S. PER UNIT ABOVE 450 S.F.  
28 x 1.5 x 0.666 = 28 SPACES REQUIRED
- TOTAL SPACE REQUIRED FOR RESORT:  
35 + 28 = 63 SPACES
- RESTAURANT: 4,300 S.F.  
8 P.S. PER 1,000 S.F.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED
- GENERAL OFFICE (RESORT): 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE
- RETAIL  
3 P.S. PER 1,000 S.F.  
5,000/1,000 x 3 x 0.666 = 10 SPACES REQUIRED
- TOTAL PARKING REQUIRED:  
97 SPACES
- TOTAL PARKING PROVIDED:  
97 SPACES
- ON-SITE: 90 SPACES
- OFF-SITE: 7 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE  
MAY NOT EXCEED 72 UNITS INCLUDING  
CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE,  
SO LONG AS SUFFICIENT PARKING IS PROVIDED.  
THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN  
A THREE YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX  
YEARS FOR EACH PHASE.  
AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS  
EXCEED 72 UNITS (INCLUDING CARETAKER UNIT).

**SCHEDULE OF USES:**

- RESTAURANT LIMITED TO 4,300 S.F.
- RETAIL LIMITED TO 5,000 S.F.
- OFFICE LIMITED TO 420 S.F.
- BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT  
SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION  
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)
- C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR
- SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

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

- 1) DEVIATION FROM SECTION 10-286(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
- 2) DEVIATION FROM SECTION 10-285(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD ST., 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 15' PARKING SPACE TO ALLOW 16' (SEE PHASING PLAN)
- 7) DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' AISLE 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 88,852 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
- 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 HIGHEST 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 A 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" AND 1.16' FOR SIGN "C"

NOTE: THE NEAREST PUBLIC TRANSIT STOP  
IS BEACH TROLLEY STOP #2 IN  
TIMES SQUARE.

**PROPOSED TREES:**

COCONUT PALM / QUEEN PALM      QUANTITY      67

NOTE: THE EXISTING PALMS WILL BE RELOCATED AND NEW ONES ADDED.

NOTE: THIS SITE IS COMPLETELY DEVELOPED LAND AND THERE ARE NO ENVIRONMENTALLY SENSITIVE LANDS. EXHIBIT II-F-1

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

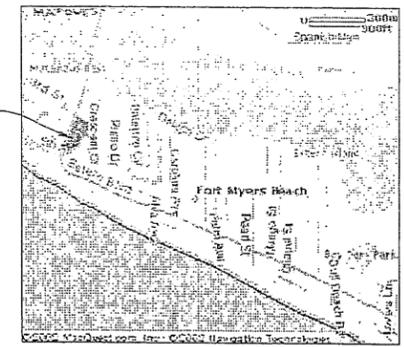
REVISED: 3-11-2013

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 1

SOILS# 26  
FLUCC # 147

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

PROJECT



LOCATION MAP  
NOT TO SCALE

EXISTING SIGN, SEE DETAIL "D".  
SIGN TO BE RELOCATED  
ADMINISTRATIVELY DURING  
PHASE I-A

10 11 12

EXISTING SIGN,  
SEE DETAIL "C"

10 11 12

EXISTING SIGN,  
SEE DETAIL "E"

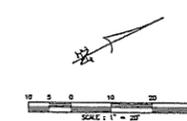
10 11 12

EXISTING SIGN,  
SEE DETAIL "A"

10 11 12

EXISTING SIGN,  
SEE DETAIL "B"

10 11 12



**PARKING CALCS:**

72 UNITS  
13 UNITS ABOVE 450 S.F.  
59 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT BELOW 450 S.F.  
59 x 1.2 x 0.666 = 47 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
13 x 1.5 x 0.666 = 13 SPACES REQUIRED

TOTAL SPACE REQUIRED FOR RESORT:  
47 + 13 = 60 SPACES

**TOTAL PARKING PROVIDED:**

60 SPACES  
TOTAL PARKING PROVIDED:  
87 SPACES  
ON-SITE: 82 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE  
MAY NOT EXCEED 72 UNITS INCLUDING  
CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE,  
SO LONG AS SUFFICIENT PARKING IS PROVIDED.  
THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN  
A THREE-YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX  
YEARS FOR EACH PHASE.  
AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS  
EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

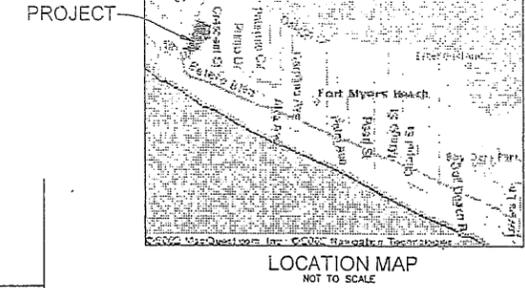
**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT  
SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION  
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- 1) DEVIATION FROM SECTION 10-286(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 ST., 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' AISLE WIDTH TO ALLOW 20' (SEE PHASING PLAN)
  - 8) DEVIATION FROM SECTION 10-285(c) 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 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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 MOUNTMENT SIGNS PROVIDED THAT THE BOTTOM OF THE SIGN IS NO MORE THAN EIGHTEEN (18) INCHES ABOVE HIGHEST 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 A 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" AND 1.16' FOR SIGN "C"

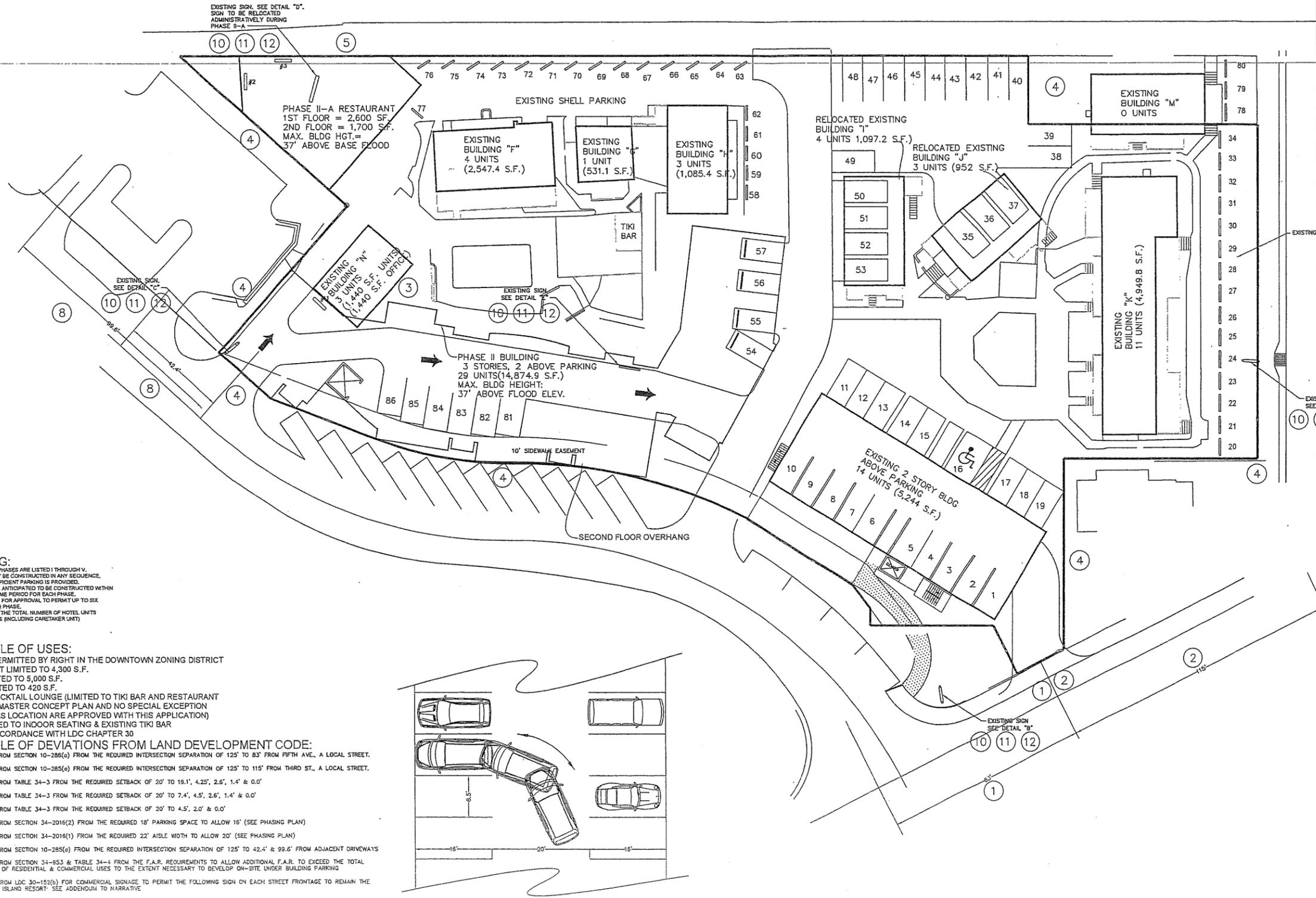
# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2

SOILS# 26  
FLUCC# 147

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



LOCATION MAP  
NOT TO SCALE



**PARKING CALCS: PHASE 2**  
72 UNITS  
18 UNITS ABOVE 450 S.F.  
54 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT BELOW 450 S.F.  
54 x 1.2 x 0.666 = 43 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
18 x 1.5 x 0.666 = 18 SPACES REQUIRED

**TOTAL SPACE REQUIRED FOR RESORT:**  
43 + 18 = 61 SPACES

**GENERAL OFFICE (RESORT):** 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE

**TOTAL PARKING REQUIRED:**  
62 SPACES

**TOTAL PARKING PROVIDED:**  
91 SPACES

ON-SITE: 86 SPACES  
OFF-SITE: 5 SPACES

**PARKING CALCS: PHASE 2-A**  
61 SPACES REQUIRED FOR PHASE 2 UNITS  
1 SPACE REQUIRED FOR PHASE 2 OFFICE

**RESTAURANT:** 4,300 S.F.  
8 P.S. PER 1,000 SF.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED

**TOTAL PARKING REQUIRED:**  
62 SPACES FROM PHASE 2  
23 SPACES FROM PHASE 2-A  
62 + 23 = 85 SPACES REQUIRED

**TOTAL PARKING PROVIDED:**  
91 SPACES

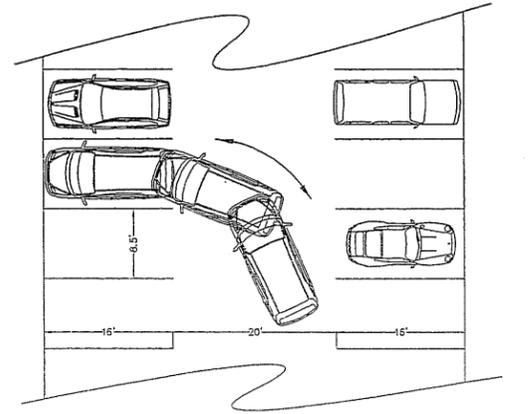
ON-SITE: 86 SPACES  
OFF-SITE: 5 SPACES

**NOTE:** THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE,  
SO LONG AS SUFFICIENT PARKING IS PROVIDED.  
THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN  
A THREE YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUESTS FOR APPROVAL TO PERMIT UP TO SIX  
YEARS FOR EACH PHASE.  
AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS  
EXCEED 72 UNITS (INCLUDING CARETAKER UNIT).

**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT  
SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION  
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- 1) DEVIATION FROM SECTION 10-286(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 ST., 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'
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  - 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' AISLE 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 66,652 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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 HIGHEST GRADE TO ALLOW 4.1' FOR SIGNS "A" "B" & "C", AND 1.5' FOR SIGN "D", WITH A MAXIMUM HEIGHT OF 5.1' FOR SIGNS "A", "B" & "C", AND 21.2' FOR SIGN "D"
  - 12) DEVIATION FROM LDC 30-53(b) WHICH REQUIRES A 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" AND 1.16' FOR SIGN "C"



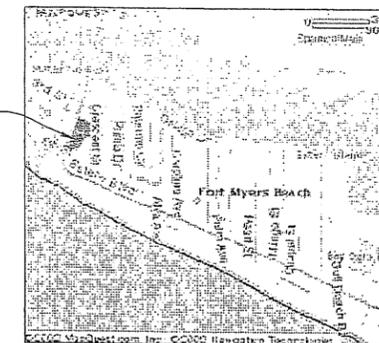
PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 3

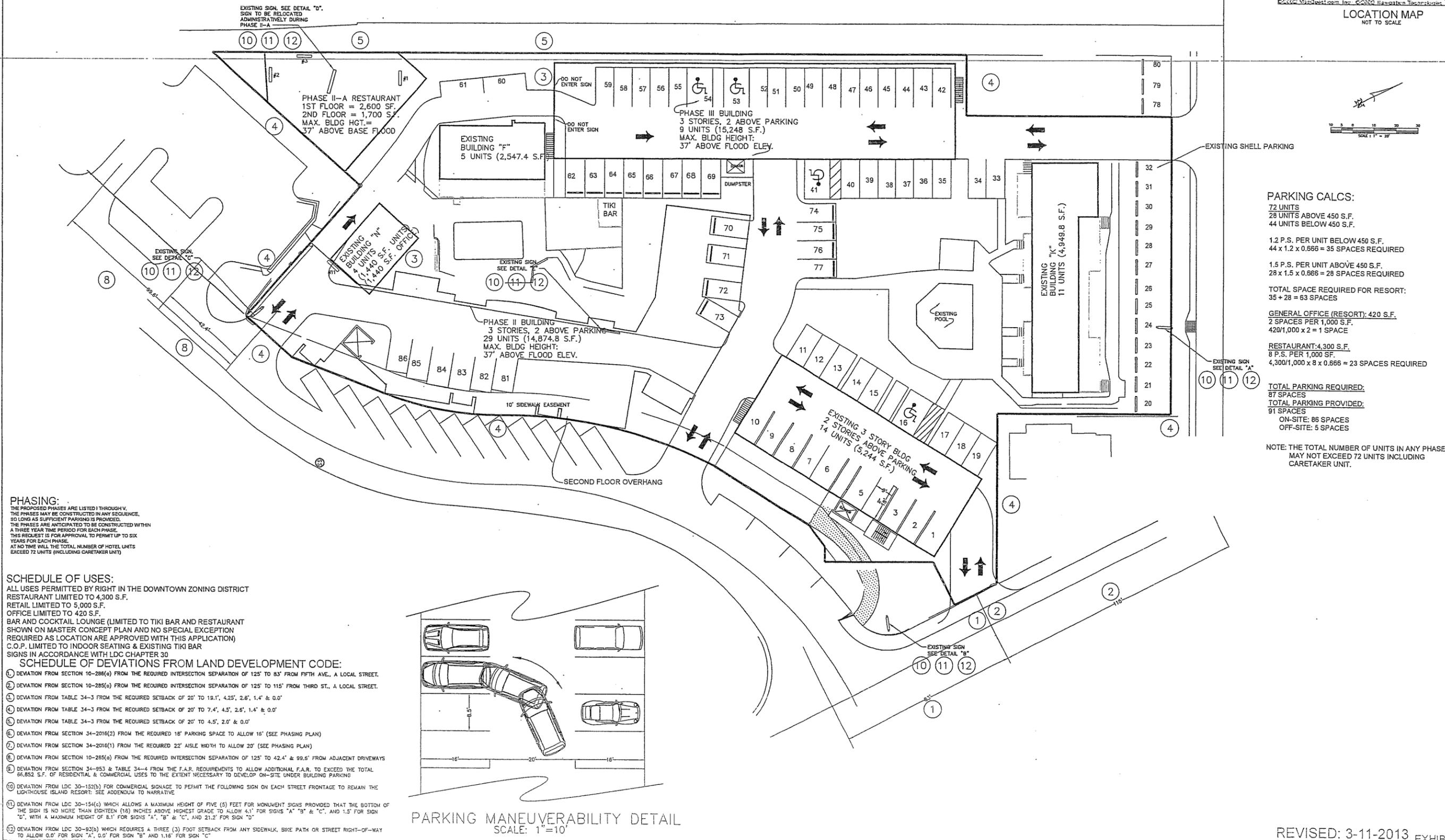
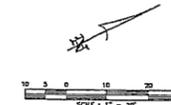
SOILS# 26  
FLUCC# 147

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

PROJECT



LOCATION MAP  
NOT TO SCALE



**PARKING CALCS:**  
72 UNITS  
28 UNITS ABOVE 450 S.F.  
44 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT BELOW 450 S.F.  
44 x 1.2 x 0.666 = 35 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
28 x 1.5 x 0.666 = 28 SPACES REQUIRED

**TOTAL SPACE REQUIRED FOR RESORT:**  
35 + 28 = 63 SPACES

**GENERAL OFFICE (RESORT):** 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE

**RESTAURANT:** 4,300 S.F.  
8 P.S. PER 1,000 SF.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED

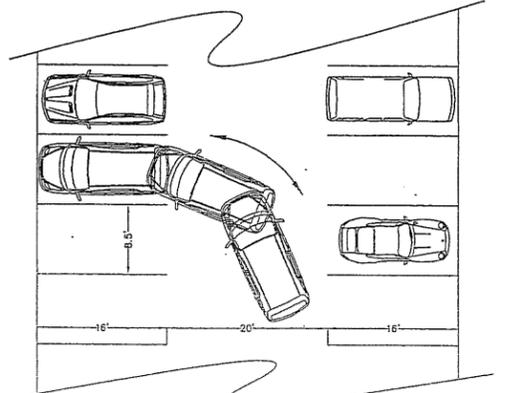
**TOTAL PARKING REQUIRED:**  
87 SPACES  
**TOTAL PARKING PROVIDED:**  
91 SPACES  
ON-SITE: 86 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED THROUGHOUT THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE, SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- DEVIATION FROM SECTION 10-286(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
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  - DEVIATION FROM SECTION 34-853 & TABLE 34-4 FROM THE F.A.R. REQUIREMENTS TO DEVELOP ADDITIONAL F.A.R. TO EXCEED THE TOTAL 66,852 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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
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  - DEVIATION FROM LDC 30-92(b) WHICH REQUIRES A 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" AND 1.16' FOR SIGN "C"



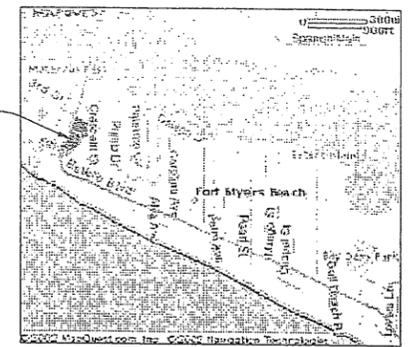
PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 4

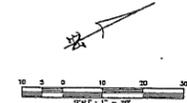
SOILS# 26  
FLUCC # 147

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

PROJECT



LOCATION MAP  
NOT TO SCALE



**PARKING CALCS:**

72 UNITS  
28 UNITS ABOVE 450 S.F.  
44 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT ABOVE 450 S.F.  
44 x 1.2 x 0.666 = 35 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
28 x 1.5 x 0.666 = 28 SPACES REQUIRED

TOTAL SPACE REQUIRED FOR RESORT:  
35 + 28 = 63 SPACES

GENERAL OFFICE (RESORT): 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE

RESTAURANT: 4,300 S.F.  
8 P.S. PER 1,000 SF.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED

RETAIL  
3 P.S. PER 1,000 S.F.  
5,000/1,000 x 3 x 0.666 = 10 SPACES REQUIRED

TOTAL PARKING REQUIRED:  
97 SPACES

TOTAL PARKING PROVIDED:  
98 SPACES

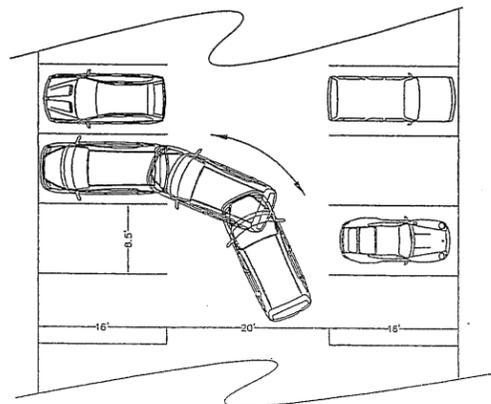
ON-SITE: 93 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE  
MAY NOT EXCEED 72 UNITS INCLUDING  
CARETAKER UNIT.

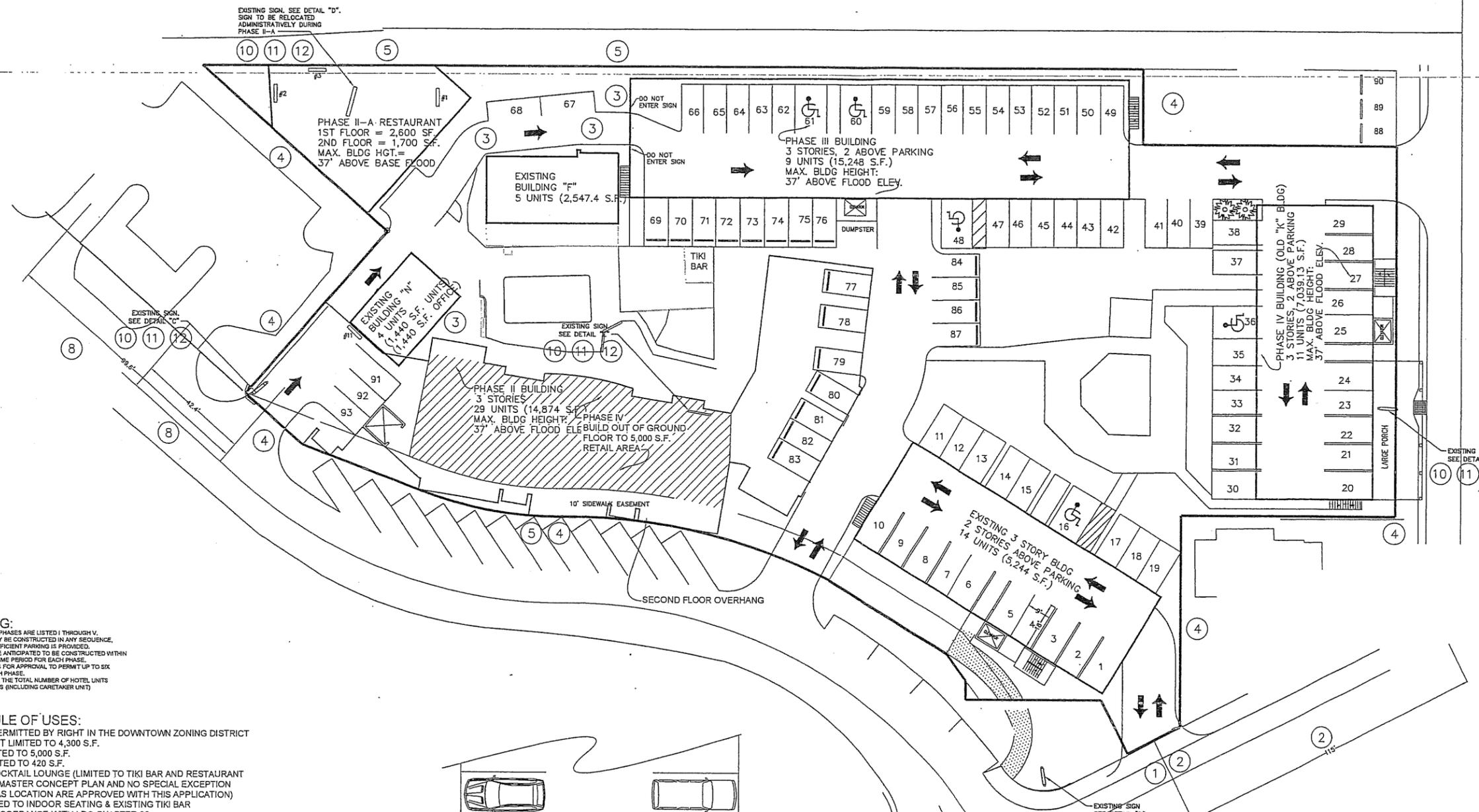
**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE,  
SO LONG AS SUFFICIENT PARKING IS PROVIDED.  
THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN  
A THREE YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX  
YEARS FOR EACH PHASE.  
AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS  
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RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
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SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION  
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

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  - 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)
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  - 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 HIGHEST 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 A 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" AND 1.16' FOR SIGN "C"



PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'



**ROETZEL & ANDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com

April 18, 2003

**RECEIVED**  
APR 18 2003

**ZONING COUNTER**

Mr. Jon Hagan  
Lee County  
1500 Monroe Street  
Fort Myers, FL 33901

**RE: Lighthouse Island Resort DCI2003-00016**  
**Supplement to 4/17/03 Resubmittal – Item 8a6 Access on your letter of 3/31/03**

Dear Mr. Hagan:

Regarding the question of the timeframe for the demolition, the owner stated that he plans to demolish that building no later than five (5) years from now but will demolish it earlier if the Town moves ahead to do improvements to Third Street. He agrees to the demolition so that the Town's plans can be implemented earlier than five (5) years.

Very truly yours,

*Beverly Grady*  
Signed electronically to expedite

Beverly Grady  
For the Firm

BG/umr

Cc: Tom Kolar

129888\_2

**Town of Fort Myers Beach**  
 Department of Community Development



Zoning Division

**Application for Public Hearing**

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

<b>Project Name:</b> Lighthouse Resort Sign Deviation
<b>Authorized Applicant:</b> Lighthouse Resort, Inc.
<b>LeePA STRAP Number(s):</b> 24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060

<b>Current Property Status:</b>
<b>Current Zoning:</b> CPD
<b>Future Land Use Map (FLUM) Category:</b> Pedestrian Commercial
<b>Platted Overlay?</b> <u>  </u> yes <u>  </u> no <b>FLUM Density Range:</b>

Action Requested	Additional Form Required
<u>  </u> Special Exception	Form PH-A
<u>  </u> Variance	Form PH-B
<u>  </u> Conventional Rezoning	Form PH-C
<u>X</u> Planned Development	Form PH-D
<u>  </u> Master Concept Plan Extension	Form PH-E
<u>  </u> Appeal of Administrative Action	Form PH-F
<u>  </u> Development of Regional Impact	Schedule Appointment
<u>X</u> Other (cite LDC section number: <u>30-153</u> ) Deviation from Chapter 30	Attach Explanation

**Town of Fort Myers Beach**  
 Department of Community Development  
 2523 Estero Boulevard  
 Fort Myers Beach, FL 33931  
 (239) 765-0202

**PART I – General Information**

**A. Applicant:**

Name(s): Lighthouse Resort, Inc. c/o Beverly Grady, Roetzel & Andress			
Address: 2320 Street: First Street			
City:	Fort Myers, Florida 33901	State:	FL Zip Code: 33901
Phone: 239-338-4207			
Fax: 239-337-0970			
E-mail address: bgrady@ralaw.com			

**B. Relationship of applicant to property (check appropriate response)**

<input checked="" type="checkbox"/> Owner (indicate form of ownership below)			
<input type="checkbox"/> Individual (or husband/wife)	<input type="checkbox"/> Partnership		
<input type="checkbox"/> Land Trust	<input type="checkbox"/> Association		
<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Condominium		
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Timeshare Condo		
<input checked="" type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1)			
<input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)			
<input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____)			

**C. Agent authorized to receive all correspondence:**

Name: Roetzel & Andress, LPA			
Mailing address: Street: 2320 First Street, Suite 1000			
City:	Fort Myers	State:	FL Zip Code: 33901
Contact Person: Beverly Grady, K'Shana J. Haynie			
Phone: 239.338.4207		Fax: 239.337.0970	
E-mail address: bgrady@ralaw.com			

**D. Other agents:**

Name(s):			
Mailing address: Street:			
City:		State:	Zip Code:
Phone:		Fax:	
E-mail address:			

Use additional sheets if necessary, and attach to this page.

Case # \_\_\_\_\_  
 Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
 Date of Sufficiency/Completeness \_\_\_\_\_

### PART II – Nature of Request

**Requested Action (check applicable actions):**

<input type="checkbox"/> Special Exception for:
<input type="checkbox"/> Variance for:
<input type="checkbox"/> Conventional Rezoning from _____ to:
<input checked="" type="checkbox"/> Planned Development
<input type="checkbox"/> Rezoning (or amendment) from _____ to:
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan
<input type="checkbox"/> Public Hearing of DRI
<input type="checkbox"/> No rezoning required
<input type="checkbox"/> Rezoning from _____ to:
<input type="checkbox"/> Appeal of Administrative Action
<input checked="" type="checkbox"/> Other (explain): Deviation from Chapter 30

### PART III – Waivers

**Waivers from application submittal requirements:** Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director’s approval(s) as Exhibit 3-1.

Code Section Number	Describe Item
Section 34-202(2)	Boundary survey, certified sketch description
Section 34-212 6	Traffic Impact Statement

### PART IV – Property Ownership

<input type="checkbox"/> <b>Single owner</b> (individual or husband and wife)			
Name:			
Address:		Street:	
City:		State:	Zip Code:
Phone:		Fax:	
E-mail Address:			

<input checked="" type="checkbox"/> <b>Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)</b>
Attach Disclosure Form as Exhibit 4-1
Attach list of property owners as Exhibit 4-2
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved
For condominiums, timeshare condominiums, and subdivisions, see instructions.

**PART V – Property Information**

**A. Legal Description of Subject Property**

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:
Subdivision name:
Plat Book Number:      Page:      Unit:      Block:      Lot:
If no:
Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

**B. Boundary Survey**

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. 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.
--

**C. STRAP Number(s):**

24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060
--

**D Property Dimensions:**

Area: 72,861	square feet	1.672	acres
Width along roadway: *See Below	feet	Depth:	feet

Third Steet - 137'+/-; Cresnet - 75'+/-; San Carlos Blvd/Sky Bridge 446' +/-; Fifth Ave. 200'+.

**E. Property Street Address:**

1015 5th Avenue, Fort Myers Beach, FL 33931
---

**F. General Location of Property (from Sky Bridge or Big Carlos Pass Bridge):**

From Sky Bridge turn left on Estero Boulevard, turn left on Crescent, turn left on 5th Avenue or from Sky Bridge turn right on Estero Blvd., turn right on Old San Carlos Blvd., turn right on 3rd Street, turn right on Crescent, turn right of 5th Ave.

Attach Area Location Map as Exhibit 5-3

**G. Property Restrictions (check applicable):**

There are no deed restrictions or covenants on this property that affect this request.

Restrictions and/or covenants are attached as Exhibit 5-4

A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

**H. Surrounding property owners:**

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6

Attach two sets of mailing labels as Exhibit 5-7

Attach a map showing the surrounding property owners as Exhibit 5-8

**I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)**

Low Density

Marina

Mixed Residential

Recreation

Boulevard

Wetlands

Pedestrian Commercial

Tidal Water

Is the property located within the "Platted Overlay" area on the Future Land Use Map?  Yes  No

**J. Zoning: (see official zoning map, as updated by subsequent actions)**

RS (Residential Single-family)

CM (Commercial Marina)

RC (Residential Conservation)

CO (Commercial Office)

RM (Residential Multifamily)

CB (Commercial Boulevard)

VILLAGE

SANTINI

SANTOS

DOWNTOWN

IN (Institutional)

RPD (Residential Planned Dev.)

CF (Community Facilities)

CPD (Commercial Planned Dev.)

CR (Commercial Resort)

EC (Environmentally Critical)

BB (Bay Beach)



**PART VI – Affidavit**

**Application Signed by a Corporation, Limited Liability Company (LLC),  
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

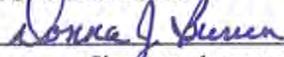
I, Brian Roessler, as General Manager  
of Lighthouse Resort, Inc. c/o Beverly Grady, RC, swear or affirm under oath, that I am  
the owner or the authorized representative of the owner(s) of the property and  
that:

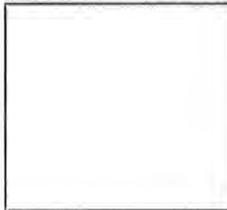
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

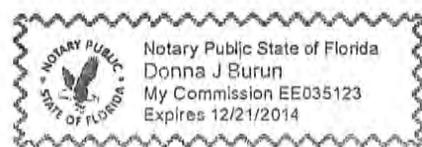
<u>Lighthouse Reosrt, Inc.,</u>	
Name of Entity (corporation, LLC, partnership, etc)	Signature
<u>General Manager</u>	<u>Brian Roessler</u>
Title of Signatory	Typed or Printed Name

State of Florida  
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed  
before me this July 12, 2012 by Brian Roessler  
who is personally known to me or who has produced known personally  
as identification.

	<u>Donna J Burun</u>
Signature of person administering oath	Typed or Printed Name

SEAL: 



**EXHIBIT 4-1  
 DISCLOSURE OF INTEREST FORM**

**STRAP#**

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

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

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
Lighthouse Island Resort, Inc.	
Thomas F. Kolar, President and Director	
Melinda D. Kolar, Director	

Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

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

Name and Address	Percentage

4. If the property is in the name of a GENERAL PARTNERSHIP or LIMITED PARTNERSHIP, list the names of the general and limited partners with the percentage of ownership.

Name and Address	Percentage

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

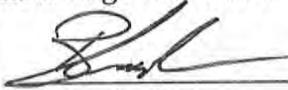
Name, Address, and Office (if applicable)	Percentage

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

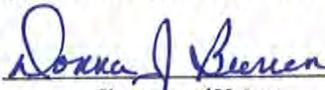

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

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

Signature   
 Applicant  
Brian Roessler  
 Printed or typed name of applicant

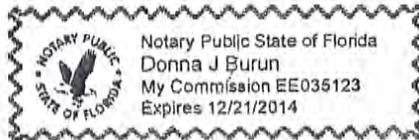
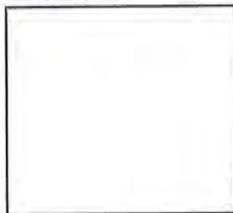
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of July, 2012, by Brian Roessler, who is personally known to me or who has produced known personally as identification and who did (or did not) take an oath.

  
 Signature of Notary

Donna J Burun  
 Typed or Printed Name of Notary

SEAL:



Case # \_\_\_\_\_  
 Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
 Date of Sufficiency/Completeness \_\_\_\_\_

**Town of Fort Myers Beach**  
 Department of Community Development



Zoning Division

**Supplement PH-D**

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

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

<b>Project Name:</b> Lighthouse Resort Sign Deviation
<b>Authorized Applicant:</b> Roetzel & Andress, LPA, c/o Beverly Grady
<b>LeePA STRAP Number(s):</b> STRAP 24-46-23-W3-00203.014A; 0090; 0190; 0100; 24-46-23-W3-00205.0060

<b>Current Property Status:</b>
<b>Current Zoning:</b> CPD
<b>Future Land Use Map (FLUM) Category:</b> Pedestrian Commercial
<b>Platted Overlay?</b> __yes <input checked="" type="checkbox"/> * no <input type="checkbox"/> <b>FLUM Density Range:</b>

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

Deviation from Section 30-153(b) Maximum sign area and location to permit 4 sign (1 on each street) and internal sign for Tiki Bar









LETTER OF AUTHORIZATION

TO FORT MYERS BEACH COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that it is the authorized applicant of the property known as STRAP 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 legally described in Exhibit A hereto.

The undersigned hereby designate Beverly Grady on behalf of Roetzel and Andress, a Legal Professional Association, to be the agents designated to receive all Town correspondence and communications concerning application for planned development deviation.

Lighthouse Resort, Inc.

Brian L. Roessler, General Manager

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 12<sup>th</sup> day of July, 2012, by Brian L. Roessler, who is personally known to me or who has produced known personally as identification and who did (did not) take an oath.



Donna J. Burun  
Signature of Notary Public  
Donna J Burun  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

**Exhibit 5-5 and  
Supplement PH-D**

**NARRATIVE**

**Response to Deviation Criteria**

Lighthouse Resort is a 1.72 acre parcel in the heart of downtown Fort Myers Beach. The property has been in the Kolar family as an attractive resort for many decades. The resort has accommodated the construction of the Sky Bridge, the bifurcation of Fourth Street and the institution of the FEMA height requirements. The Resort contributes to the vision of the Downtown of Fort Myers Beach including accomplishing the “park once” concept. People who stay at the Resort, utilize the park “once” and then are able to enjoy the resort amenities as well as the beach, the Bay and the commercial opportunities offered by Times Square and Old San Carlos.

Signage provides an identification of the Resort as well as how to get to the Resort which has a unique location, not on Estero Boulevard or in Times Square or on Old San Carlos.

When one crosses over the Matanzas Pass Bridge, one of the first things you see is the “lighthouse” sign of Lighthouse Resort. Although you can see Lighthouse Resort, figuring out how to get there for the first time is not easy in bumper to bumper traffic or when the traffic is moving along at a smooth pace.

This is a request for a deviation from Section 30-153 (b) for commercial signage to permit the existing commercial free standing business establishment sign on each street frontage to remain for Lighthouse Resort CPD as follows:

- Sign #1 Main Freestanding Identification Sign (15 feet in width x 28 feet in height per sign face)  
Sign – on San Carlos/Estero Boulevard (Sky Bridge Touchdown)
- Sign #2 Freestanding sign with face of 6’x 4’ plus vacancy sign - 28 SF located at 5<sup>th</sup> Avenue entrance to Lighthouse Resort
- Sign #3 Freestanding sign - 6’ x 4’ sign face at intersection of Crescent and 5<sup>th</sup> Avenue
- Sign #4 Freestanding sign - 6’ x 4’ sign face plus vacancy and directional sign to the office on Third Street - 30 SF
- Sign 5 2’ x 9’ sign for Tiki Bar – mounted under Building – internal to development

Attached is a picture of each sign labeled sign 1, 2, 3, 4 and 5.

Attached is a Master Concept Plan illustrating the location of each sign.

The vast majority of commercial uses within the Town of Fort Myers Beach have street frontage only on a single street. Lighthouse Resort is unique in that it is surrounded by streets. Lighthouse Resort is bordered by Third Street, Crescent Street, Fifth Avenue, and Estero Boulevard/San Carlos Boulevard/Sky Bridge. Due to the unique location, signage is critical for Lighthouse Resort. In the prior sign regulation the Town recognized a certain amount of square footage of sign area per street frontage.

Lighthouse is also unique as compared to most resorts where those resorts simply provide its Estero Boulevard address.

How do you get to Lighthouse Resort? It is not on the main thoroughfare of Estero Boulevard. The main identification sign is critical to knowing where Lighthouse is located. But how does one actually get there by motor vehicle?

There are two routes:

- 1) turn right off the Sky Bridge onto Estero Boulevard; turn right onto Old San Carlos; turn right onto Third Street; to get to the office – continue to turn right on Crescent Street, then turn right on 5<sup>th</sup> Avenue

OR

- 2) stay on Estero Boulevard as you come off the Sky Bridge; turn left onto Crescent (which is not easy); turn left onto 5<sup>th</sup> Avenue.

The new regulation limits a commercial parcel to one sign which may be appropriate for commercial businesses on Estero Boulevard or on Old San Carlos. If limited to a single sign at Lighthouse's entrance on 5<sup>th</sup> Avenue, that is completely insufficient signage as there is no traffic on 5<sup>th</sup> Avenue unless it is either (1) leaving the island or (2) going to Lighthouse because they already know its location.

Lighthouse appeared at the public hearing when City Council adopted the revised signage regulations and requested relief in the sign regulations. The Town Council recognized the unique position of Lighthouse and declined to amend the ordinance for a unique situation but provided direction to Lighthouse to seek specific relief (a variance/deviation) for this isolated situation.

The Land Development Code recognizes that the general purpose of planned development zoning district is to provide a degree of flexibility for a land owner to propose development of the land in the matter that differs from the specific provisions of the code. The Land Development Code specifically provides in Section 34-93-9-32(b) for deviations "to allow design flexibility in developing land and deviations for specific provisions that this code may be permitted where it can be demonstrated that the intent of the regulations is to protect the health, safety and welfare and the planned development will be enhanced.

The property is unique. The property is completely surrounded by public streets on each side which is extremely unique in the Town of Fort Myers Beach if not the only commercial parcel.

Retaining the existing signage is the minimum relief. Unlike other parcels, almost all of the neighboring properties are across a public street. The neighboring properties are not affected by maintaining the existing signs as they only see one sign on their individual street frontage. The signs have been designed consistent with the Lighthouse island theme and are consistent with the public welfare and not detrimental to the public welfare. In fact, recognizing that this is a coastal resort community with severe traffic issues in the season, it is in the Town's best interest to have signage that gets customers to the location for which they are searching.

During the sign hearing process, it was also confirmed the method of calculating sign area for sign 2, 3 and 4 did not include the peer pilings that support the signs.

Section 30-153 (b) limits the number of signs and the sign area on a parcel.

In addition, we respectfully submit, that in the alternative sign #1, an actual lighthouse design, also qualifies for approval under §30-57 historic designation.

The criteria for designation of historically significant signs were revised by Ordinance 11-01. It permits consideration of five separate criteria, the sign must only meet one of those criteria.

The Lighthouse sign #1 is a local landmark sign that one recognize upon arrival to the island. Also the sign is an outstanding example of the art of sign making through its design as an actual lighthouse and its materials.

We respectfully request that the application be granted to approve the existing five signs as the Lighthouse CPD signage

Sign #5 is an internal sign which does not appear to require a deviation. Staff recommended that the sign be reflected on the MCP.

Attachments: 1) picture of Lighthouse signs: 1,2,3,4, and 5.

2) Master Concept Plan with sign location depicted

3) Additional pictures illustrating the location of signs 2, 3 and 4

**COMPOSITE EXHIBIT 3**  
**TO NARRATIVE EXHIBIT 5-5**

If one approaches Lighthouse by exiting from the Sky Bridge to the right that vehicle must immediately turn right on Old San Carlos then turn right on Third Street. As one travels along Third Street one would not recognize that they had arrived at the Lighthouse except for the signage depicted by Exhibit A. Exhibit A depicts the Lighthouse sign on Third Street but also note the height of the cars which cars would block the signage if the sign were any lower.

When one comes to Crescent with a stop sign, Sign #4 provides direction to make a right turn on Crescent.

Exhibit B shows the immediate view once a vehicle turns right on Crescent and there is no view of Lighthouse signage. As one drives south on Crescent, Exhibit C depicts the Lighthouse sign #3 at the intersection of Crescent and 5<sup>th</sup> Avenue. Note the height of the stop sign and the sign. The sign is surrounded by thriving vegetation and is at an appropriate height for driver visibility (like the stop sign). Exhibit D depicts the vegetation, the sign and the water hydrants. Based on sign #3 direction, the driver of the vehicle knows to turn onto Fifth Avenue. Please see Exhibit E which shows the view when one turns onto Fifth Avenue. Sign F also shows the view as one drives down Fifth Avenue which is a curved street. Exhibit G shows that when one is close to the entrance to the office (by Exhibit G) you can fully see the sign and the direction to turn into the office.

In the alternative, if one comes down the Sky Bridge and turns left onto Estero Boulevard one would be required to turn left at Crescent Street. See Exhibit H. Also see Exhibit I as one approaches from Crescent Street to Fifth Avenue. Sign #3 provides the information to make a left turn onto Fifth Avenue. Exhibit J shows the view once the turn is being made from Crescent Street onto Fifth Avenue reflecting that sign #2 the office/entrance is not visible when one makes the initial turn onto Fifth Avenue.

We believe that Composite Exhibit 3 provides additional support for the deviations and reflects the unique facts for a resort where the access is not on a main street.



Ex 3

Sign #4 on Third Street (Note height of car) Exhibit A



Ex 3

Sign #3 on Crescent (after turn  
from Third) Exhibit **B**



Ex 3

Sign #3 on Crescent after turn from  
Third (Note height of stop sign)

Exhibit C



VACAN  
OFFICE

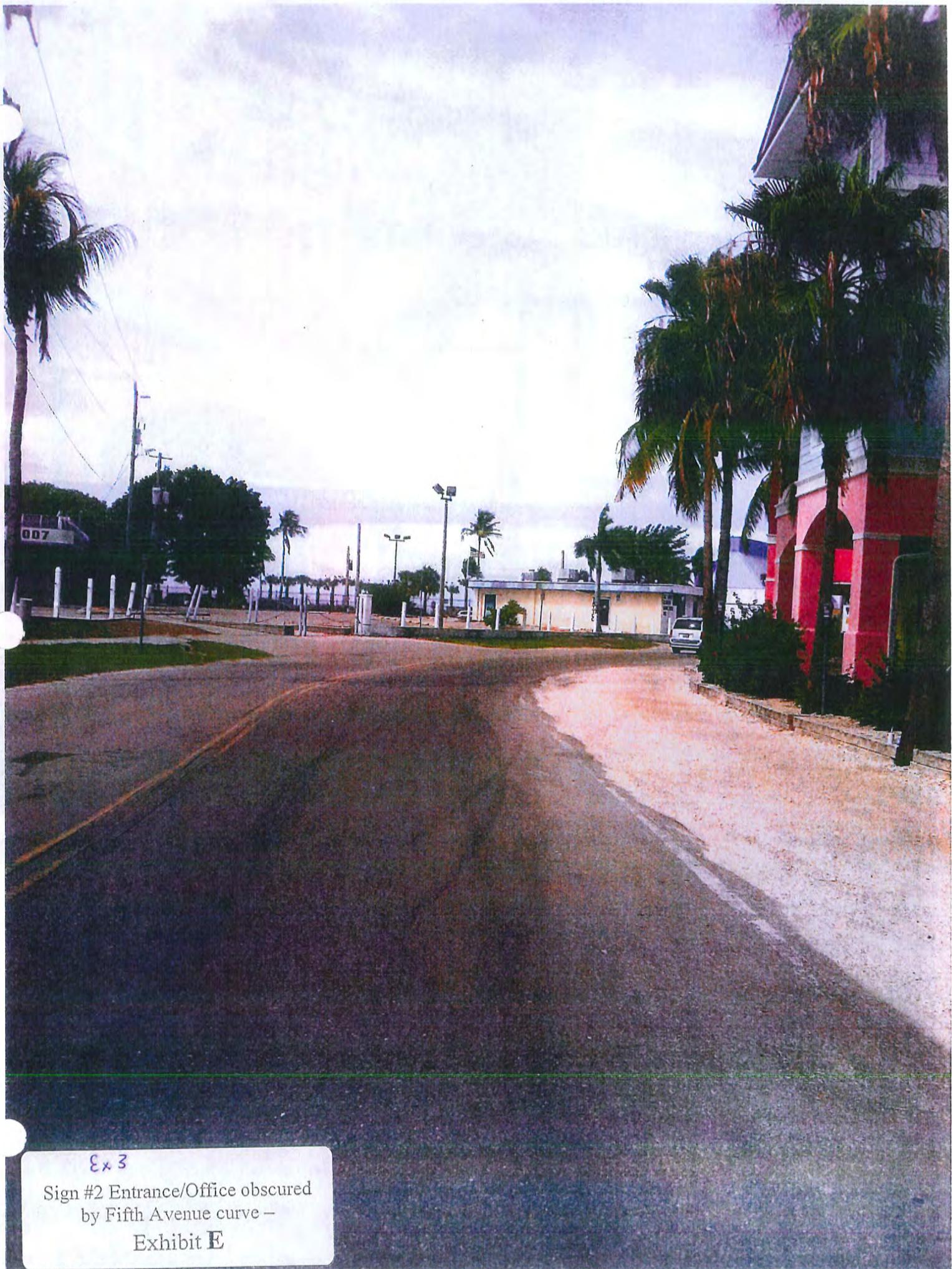


Wireless  
Internet  
Available Here  
Wi-Fi Hotspot



Ex 3

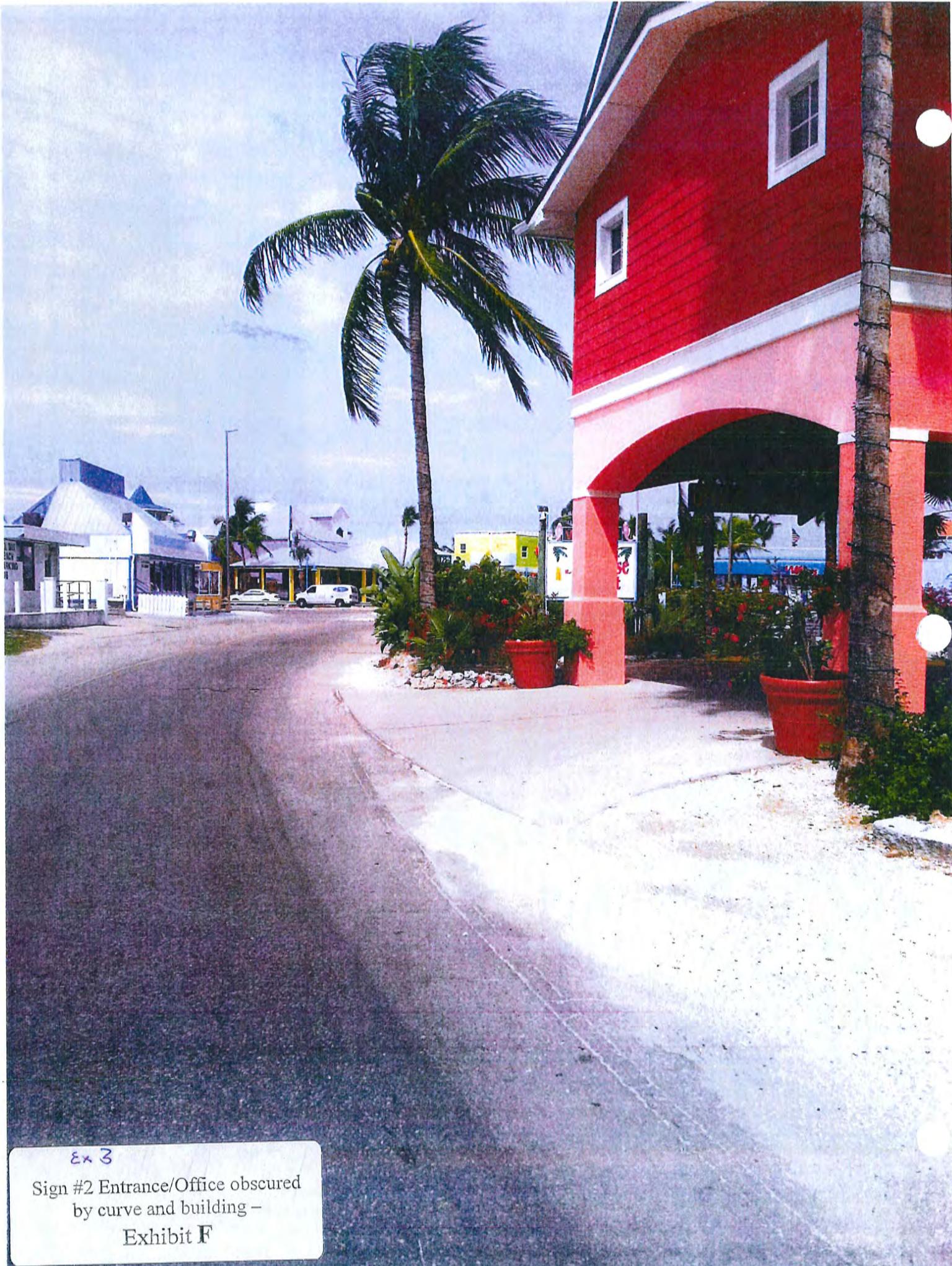
Sign #3 on Crescent ready to make  
turn on Fifth Avenue –  
Exhibit D



Ex 3

Sign #2 Entrance/Office obscured  
by Fifth Avenue curve -

Exhibit E



Ex 3

Sign #2 Entrance/Office obscured  
by curve and building -

Exhibit F



Ex 3

Sign #2 Entrance/Office –  
Exhibit G



E43

Sign #3 taken from Crescent  
intersection with Fifth Avenue –

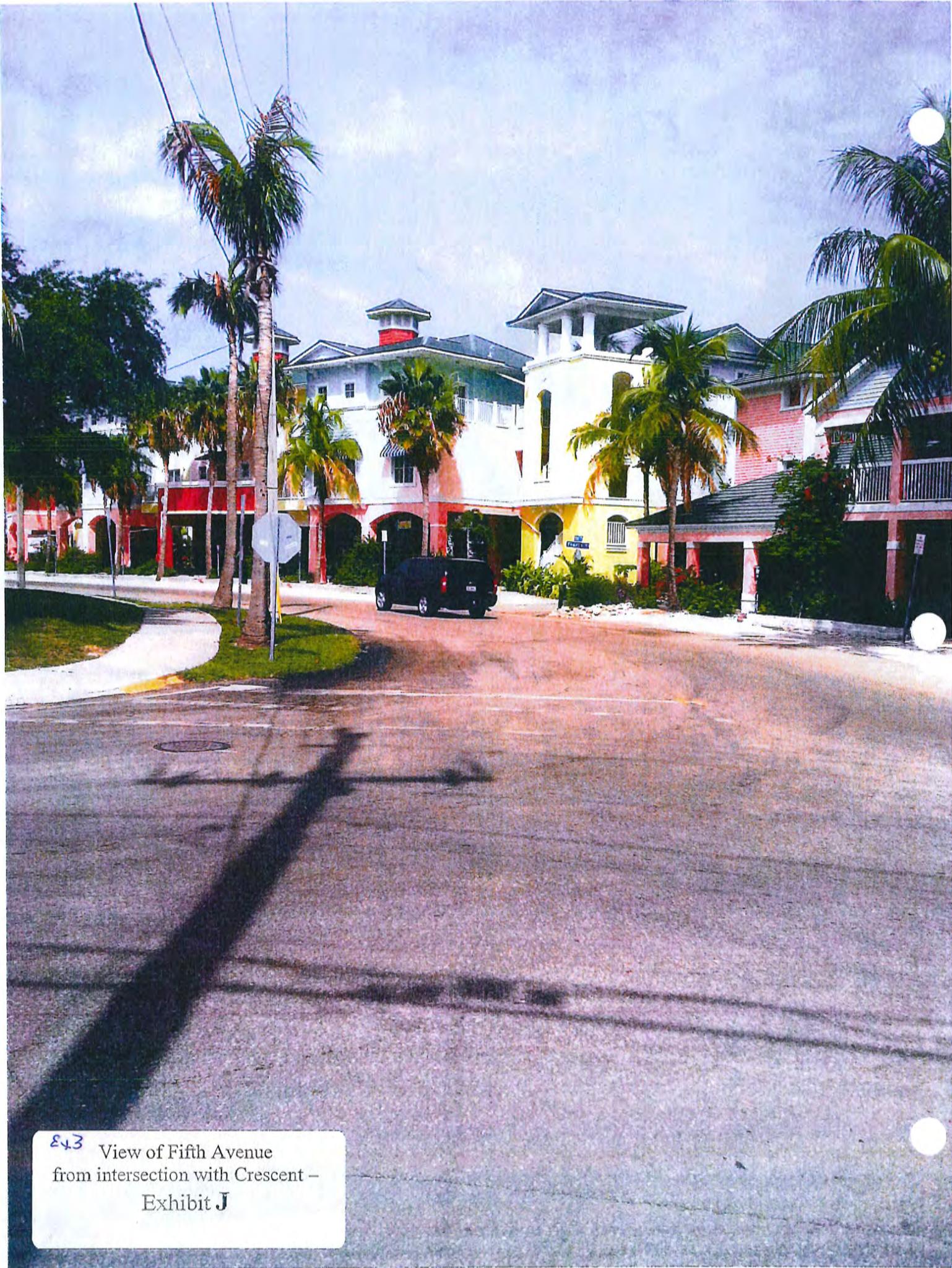
Exhibit H



Ex 3

Sign #3 taken from Crescent Avenue to turn onto Fifth Avenue -

Exhibit I



43 View of Fifth Avenue  
from intersection with Crescent –  
Exhibit J

#1 TAKEN FROM #3 LOCATION



COMPOSITE EXHIBIT 1  
TO NARRATIVE





#2

VACANCY

OFFICE

Lighthouse  
Resort

INN & SUITES





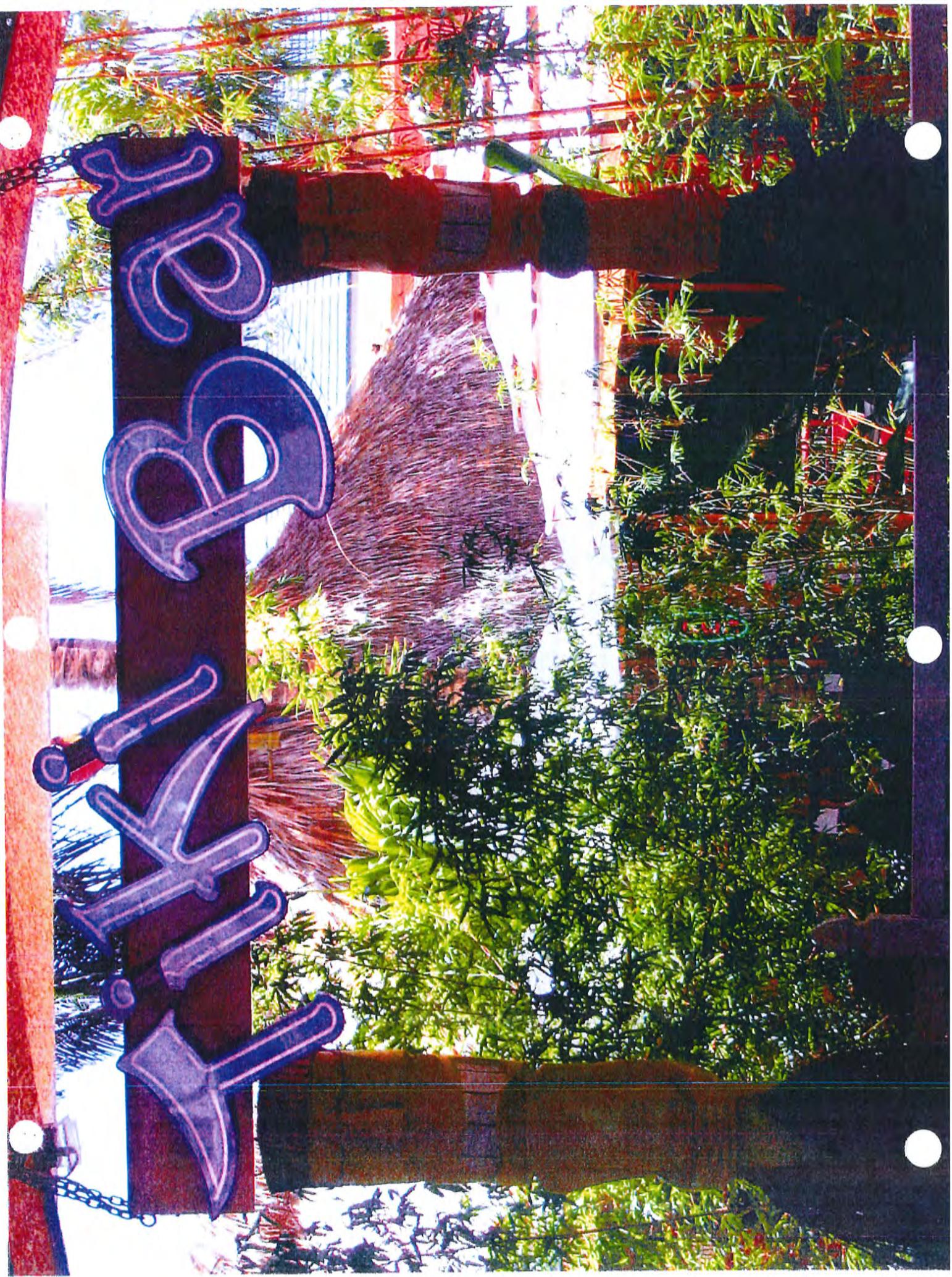
VACANCY  
#4  
Lighthouse  
Resort  
INN & SUITES

Follow  
the  
Arrows

OFFICE

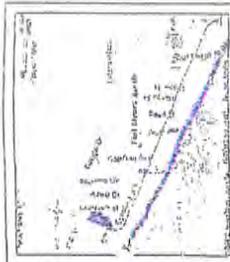
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77



# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT

## PHASE 2

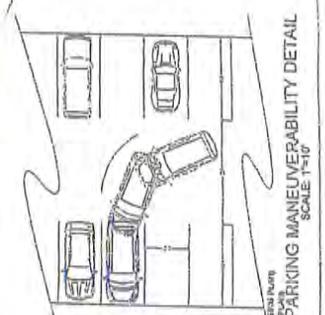


**PARKING CALCS: PHASE 2**  
 TO UNITS: 100 S.F.  
 24 UNITS BELOW 400 S.F.  
 12 P.S. PER UNIT BELOW 400 S.F.  
 50 = 12 x 24 UNIT = 288 SPACES REQUIRED  
 12 P.S. PER UNIT ABOVE 400 S.F.  
 30 = 15 x 20 UNIT = 300 SPACES REQUIRED  
 TOTAL SPACES REQUIRED FOR PHASE 2: 588 SPACES  
 24 UNITS x 12 P.S. = 288 SPACES  
 15 UNITS x 20 P.S. = 300 SPACES  
 TOTAL SPACES PROVIDED: 588 SPACES  
 OFF-SITE: 5 SPACES

**PARKING CALCS: PHASE 2.A**  
 61 SPACES REQUIRED FOR PHASE 2 UNITS  
 1 SPACE REQUIRED FOR PHASE 2 OFFICE  
 TOTAL SPACES REQUIRED: 62 SPACES  
 TOTAL SPACES PROVIDED: 62 SPACES  
 OFF-SITE: 5 SPACES

**NOTE:** THE TOTAL NUMBER OF UNITS IS PART OF PHASE 2 AND NOT INCLUDED IN THESE CALCULATIONS.

**RECEIVED**  
 (08 29 2007)  
 COLLETT & ASSOCIATES  
 2007-0001-b  
 REVISED: 6-19-2005 EXHIBIT IV-K



SOILS# 26  
 FLUGG# 147  
 SOIL & SITE F.L.I.C.C.

**PHASING:**  
 1. PHASE 1: RESTAURANT, BAR, AND OFFICE BUILDING (100,000 S.F.)  
 2. PHASE 2: UNITS (100,000 S.F.)  
 3. PHASE 3: OFFICE BUILDING (100,000 S.F.)  
 4. PHASE 4: OFFICE BUILDING (100,000 S.F.)  
 5. PHASE 5: OFFICE BUILDING (100,000 S.F.)  
 6. PHASE 6: OFFICE BUILDING (100,000 S.F.)  
 7. PHASE 7: OFFICE BUILDING (100,000 S.F.)  
 8. PHASE 8: OFFICE BUILDING (100,000 S.F.)  
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 66. PHASE 66: OFFICE BUILDING (100,000 S.F.)  
 67. PHASE 67: OFFICE BUILDING (100,000 S.F.)  
 68. PHASE 68: OFFICE BUILDING (100,000 S.F.)  
 69. PHASE 69: OFFICE BUILDING (100,000 S.F.)  
 70. PHASE 70: OFFICE BUILDING (100,000 S.F.)  
 71. PHASE 71: OFFICE BUILDING (100,000 S.F.)  
 72. PHASE 72: OFFICE BUILDING (100,000 S.F.)  
 73. PHASE 73: OFFICE BUILDING (100,000 S.F.)  
 74. PHASE 74: OFFICE BUILDING (100,000 S.F.)  
 75. PHASE 75: OFFICE BUILDING (100,000 S.F.)  
 76. PHASE 76: OFFICE BUILDING (100,000 S.F.)  
 77. PHASE 77: OFFICE BUILDING (100,000 S.F.)  
 78. PHASE 78: OFFICE BUILDING (100,000 S.F.)  
 79. PHASE 79: OFFICE BUILDING (100,000 S.F.)  
 80. PHASE 80: OFFICE BUILDING (100,000 S.F.)  
 81. PHASE 81: OFFICE BUILDING (100,000 S.F.)  
 82. PHASE 82: OFFICE BUILDING (100,000 S.F.)  
 83. PHASE 83: OFFICE BUILDING (100,000 S.F.)  
 84. PHASE 84: OFFICE BUILDING (100,000 S.F.)  
 85. PHASE 85: OFFICE BUILDING (100,000 S.F.)  
 86. PHASE 86: OFFICE BUILDING (100,000 S.F.)  
 87. PHASE 87: OFFICE BUILDING (100,000 S.F.)  
 88. PHASE 88: OFFICE BUILDING (100,000 S.F.)  
 89. PHASE 89: OFFICE BUILDING (100,000 S.F.)  
 90. PHASE 90: OFFICE BUILDING (100,000 S.F.)  
 91. PHASE 91: OFFICE BUILDING (100,000 S.F.)  
 92. PHASE 92: OFFICE BUILDING (100,000 S.F.)  
 93. PHASE 93: OFFICE BUILDING (100,000 S.F.)  
 94. PHASE 94: OFFICE BUILDING (100,000 S.F.)  
 95. PHASE 95: OFFICE BUILDING (100,000 S.F.)  
 96. PHASE 96: OFFICE BUILDING (100,000 S.F.)  
 97. PHASE 97: OFFICE BUILDING (100,000 S.F.)  
 98. PHASE 98: OFFICE BUILDING (100,000 S.F.)  
 99. PHASE 99: OFFICE BUILDING (100,000 S.F.)  
 100. PHASE 100: OFFICE BUILDING (100,000 S.F.)

**Town of Fort Myers Beach**  
Department of Community Development



Zoning Division

**Application for Waiver of Submittal Requirements**

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

**Public Hearing**

- General Requirements
- DRI
- Planned Development
- Conventional Rezoning
- Special Exception
- Variance
- Appeal
- Other Deviation Chapter 30

**Administrative Action**

- General Requirements
- Planned Dev. Amendment
- Commercial Antenna
- Consumption on Premises
- Forced Relocation of a Business
- Interpretation of LDC
- Minimum Use Determination
- Setback Variance
- Other

Name of Project: Lighthouse Resort Sign

Applicant: Roetzel & Andress, LPA, c/o Beverly Grady, K'Shana J. Haynie

LeePA STRAP Number(s): 24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060

Street address: 2320 First Street, Suite 1000, Fort Myers, FL 33901

Phone Number: 239.338.4207

E-mail: bgrady@ralaw.com

**Specific requirements from which waiver is sought**

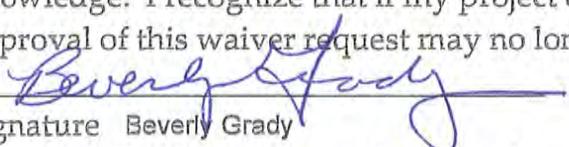
Section Number	Requirement
Section 34-202(2)	Boundary survey, certified sketch description
Section 34-212 6	Traffic Impact Statement

**Scope of project and reasons for request**

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

Lighthouse Resort, the legal description and survey for Lighthouse Resort has
been provided to the Town in the original CPD application and in the rezoning in June, 2003 to
CPD as well as in development orders issued by the Town. There is no change to the boundary
of Lighthouse Resort. Therefore, there is no need to obtain an updated survey. The signs which
are being requested to be approved are in existence and are shown on a site plan submitted with
the application
<input type="checkbox"/> There is no traffic impact associated with the requested sign deviation.

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.


7-2-2012  
 Signature Beverly Grady Date

Director's Decision  Approved  Denied

Comments:


\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



ALL-STATE LEGAL®  
**EXHIBIT**  
**5.3**

**TOWN OF  
FORT MYERS BEACH**

**JUN - 3 2013**

**RECEIVED BY**

2320 First Street  
Suite 1000  
Fort Myers, FL 33901  
DIRECT DIAL 239.338.4207  
PHONE 239.337.3850 FAX 239.337.0970  
bgrady@ralaw.com

WWW.RALAW.COM

May 30, 2013

Mr. Joshua R. Overmyer  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

VIA E-MAIL (josh@fortmyersbeachfl.gov)  
and REGULAR U. S. MAIL

RE: Your email inquiry on Lighthouse sign on Lot 14

Dear Mr. Overmyer:

We have reviewed the records and obtained from Lee County the Town Council approved Master Concept Plan dated June 19, 2003, which is enclosed. This was the Master Concept Plan approved by the Town Council and this sheet shows the location of the approved signage. The sign at the intersection of 5<sup>th</sup> Avenue and Crescent is located on Lot 14. Since this is the Master Concept Plan approved by the Town Council, we respectfully submit that the existing signage locations are approved.

Very truly yours,

ROETZEL & ANDRESS, LPA



Beverly Grady

Enclosure

cc: Tom Kolar  
Brian Roessler





2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

March 20, 2013

Mr. Joshua R. Overmyer  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931

VIA OVERNIGHT DELIVERY

RE: Lighthouse Island Resort / Sign Deviation Request Resubmittal  
DCI2012-0003

Dear Mr. Overmyer:

In response to your recent request for additional information, please find enclosed:

- 1. Revised Master Concept Plan 24 x 36; 2 copies.
- 2. Revised Master Concept Plan 11 x 17; 14 copies.
- 3. Sign Detail "A"; 14 copies.
- 4. Sign Detail "E"; 14 copies.

Very truly yours,

ROETZEL & ANDRESS

*Beverly Grady*

Beverly Grady  
signed electronically

BG/cl  
Enclosures

**ROETZEL & ANDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

February 25, 2013

VIA HAND-DELIVERY

Mr. Joshua R. Overmyer  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931

COPY

RE: Lighthouse Island Resort / Sign Deviation Request Resubmittal

Dear Mr. Overmyer:

In response to your December 2012 request for additional information, please find enclosed:

1. A revised Master Concept Plan which includes the requested deviations and illustrates the location of each of the signs;
2. A current survey which reflects the location of the four requested signs; and
3. Schematic drawings of each of the signs reflecting the height, sign face area, and details as requested in the correspondence. See Exhibit 1, Sheets 1-4.

Also enclosed with this correspondence is an aerial view of Lighthouse Resort prior to construction of the Matanzas Pass Bridge. At the time of this picture, Old San Carlos connected to the swing bridge as the northerly sole entrance to and from the island. Lighthouse was located on the main thoroughfare in the downtown area of the island. The office for Lighthouse was located on Old San Carlos at the intersection with Fourth Street. The resort was bifurcated by the construction of the new bridge which caused the realignment of Fifth Avenue, the division of Fourth Avenue (and subsequent vacation) resulting in the need for additional signage which has been permitted throughout the years.

A second picture was taken during construction of the new bridge and illustrates the new road and the bifurcation of the Resort. In addition, it illustrates the main Lighthouse sign.

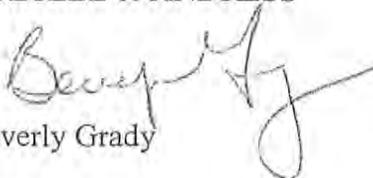
Originally, the traffic pattern presented to Lighthouse during design of the new bridge was to permit a left turn from the touchdown point of the bridge onto Fifth Avenue to access the new office. Had that been permitted, Lighthouse could operate with the single main sign. However, the County determined that left-turn traffic pattern could not be implemented and precluded traffic from San Carlos Boulevard over the bridge from making a left turn. Access to the resort changed from access on the sole main street to today's confusing configuration which

Mr. Joshua R. Overmyer  
February 25, 2013  
Page 2

requires additional signage than permitted by the current code. The second picture also shows the sign on Fifth Avenue at the location of the new office. The owners of the Resort have always cooperated with the local government and contributed to the positive redevelopment of the downtown area. The contribution of the now redeveloped Lighthouse is an asset to the Town of Fort Myers Beach. The purpose of a sign on each street frontage is necessary to guide visitors, tourists and guests to the office of Lighthouse Resort.

Very truly yours,

ROETZEL & ANDRESS

  
Beverly Grady

BG/ro

- Enclosures:
- 1) Revised Master Concept Plan
  - 2) Current survey
  - 3) Schematic drawings of Sign A, B, C, D (See Exhibit 1, Sheets 1-4)
  - 4) Picture 1
  - 5) Picture 2

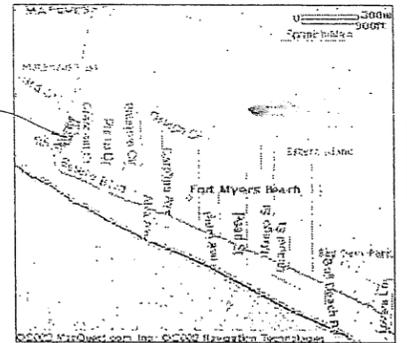


# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 1

SOILS# 26  
FLUCC# 147

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

PROJECT



LOCATION MAP  
NOT TO SCALE

EXISTING SIGN, SEE DETAIL "D".  
SIGN TO BE RELOCATED  
ADMINISTRATIVELY DURING  
PHASE II-A

10 11 12

EXISTING SIGN,  
SEE DETAIL "C"

10 11 12

EXISTING SIGN,  
SEE DETAIL

10 11 12

EXISTING SIGN,  
SEE DETAIL "A"

10 11 12

**PARKING CALCS:**  
72 UNITS  
13 UNITS ABOVE 450 S.F.  
59 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT BELOW 450 S.F.  
59 x 1.2 x 0.866 = 47 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
13 x 1.5 x 0.866 = 13 SPACES REQUIRED

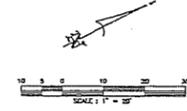
**TOTAL SPACE REQUIRED FOR RESORT:**  
47 + 13 = 60 SPACES

**TOTAL PARKING REQUIRED:**  
60 SPACES

**TOTAL PARKING PROVIDED:**  
87 SPACES

ON-SITE: 82 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE  
MAY NOT EXCEED 72 UNITS INCLUDING  
CARETAKER UNIT.



**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V.  
THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE,  
SO LONG AS SUFFICIENT PARKING IS PROVIDED.  
THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN  
A THREE YEAR TIME PERIOD FOR EACH PHASE.  
THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX  
YEARS FOR EACH PHASE.  
AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS  
EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

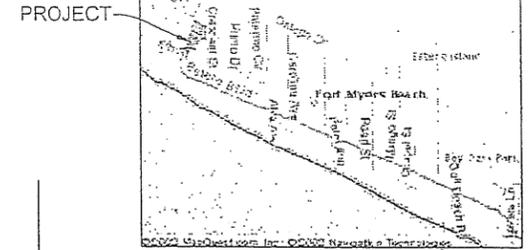
**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT  
SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION  
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- 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 ST., 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' AISLE 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 56,892 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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 HIGHEST GRADE TO ALLOW 4.1' FOR SIGNS "A", "B" & "C", AND 1.5' FOR SIGN "D", WITH A MAXIMUM HEIGHT OF 9.1' FOR SIGNS "A", "B" & "C", AND 21.2' FOR SIGN "D"
  - 12 DEVIATION FROM LDC 30-93(b) WHICH REQUIRES A 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" AND 1.16' FOR SIGN "C"

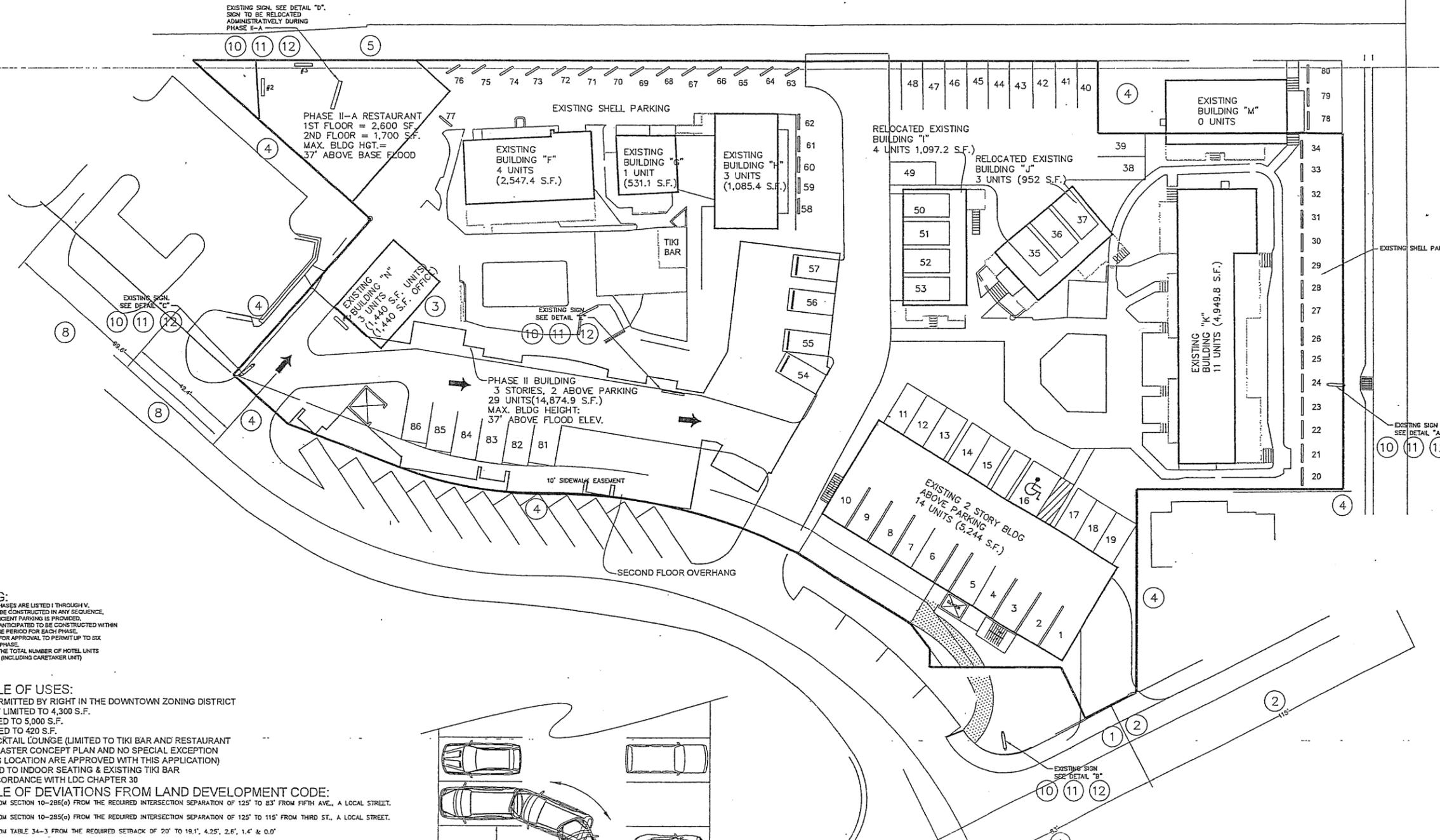
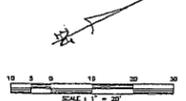
# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2

SOILS# 26  
FLUCC# 147

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



LOCATION MAP  
NOT TO SCALE



**PARKING CALCS: PHASE 2**

72 UNITS  
18 UNITS ABOVE 450 S.F.  
54 UNITS BELOW 450 S.F.  
1.2 P.S. PER UNIT BELOW 450 S.F.  
54 x 1.2 x 0.666 = 43 SPACES REQUIRED  
1.5 P.S. PER UNIT ABOVE 450 S.F.  
18 x 1.5 x 0.666 = 18 SPACES REQUIRED  
TOTAL SPACE REQUIRED FOR RESORT:  
43 + 18 = 61 SPACES  
GENERAL OFFICE (RESORT): 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE

TOTAL PARKING REQUIRED:  
62 SPACES  
TOTAL PARKING PROVIDED:  
91 SPACES  
ON-SITE: 86 SPACES  
OFF-SITE: 5 SPACES

**PARKING CALCS: PHASE 2-A**

61 SPACES REQUIRED FOR PHASE 2 UNITS  
1 SPACE REQUIRED FOR PHASE 2 OFFICE  
RESTAURANT: 4,300 S.F.  
8 P.S. PER 1,000 SF.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED  
TOTAL PARKING REQUIRED:  
62 SPACES FROM PHASE 2  
23 SPACES FROM PHASE 2-A  
62 + 23 = 85 SPACES REQUIRED

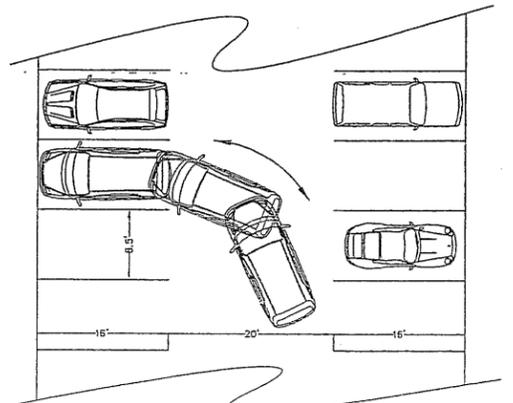
TOTAL PARKING PROVIDED:  
91 SPACES  
ON-SITE: 86 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE, SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- 1) DEVIATION FROM SECTION 10-286(c) 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 ST., 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' AISLE WIDTH TO ALLOW 20' (SEE PHASING PLAN)
  - 8) DEVIATION FROM SECTION 10-285(c) 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 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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 HIGHEST 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 A 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" AND 1.16' FOR SIGN "C"

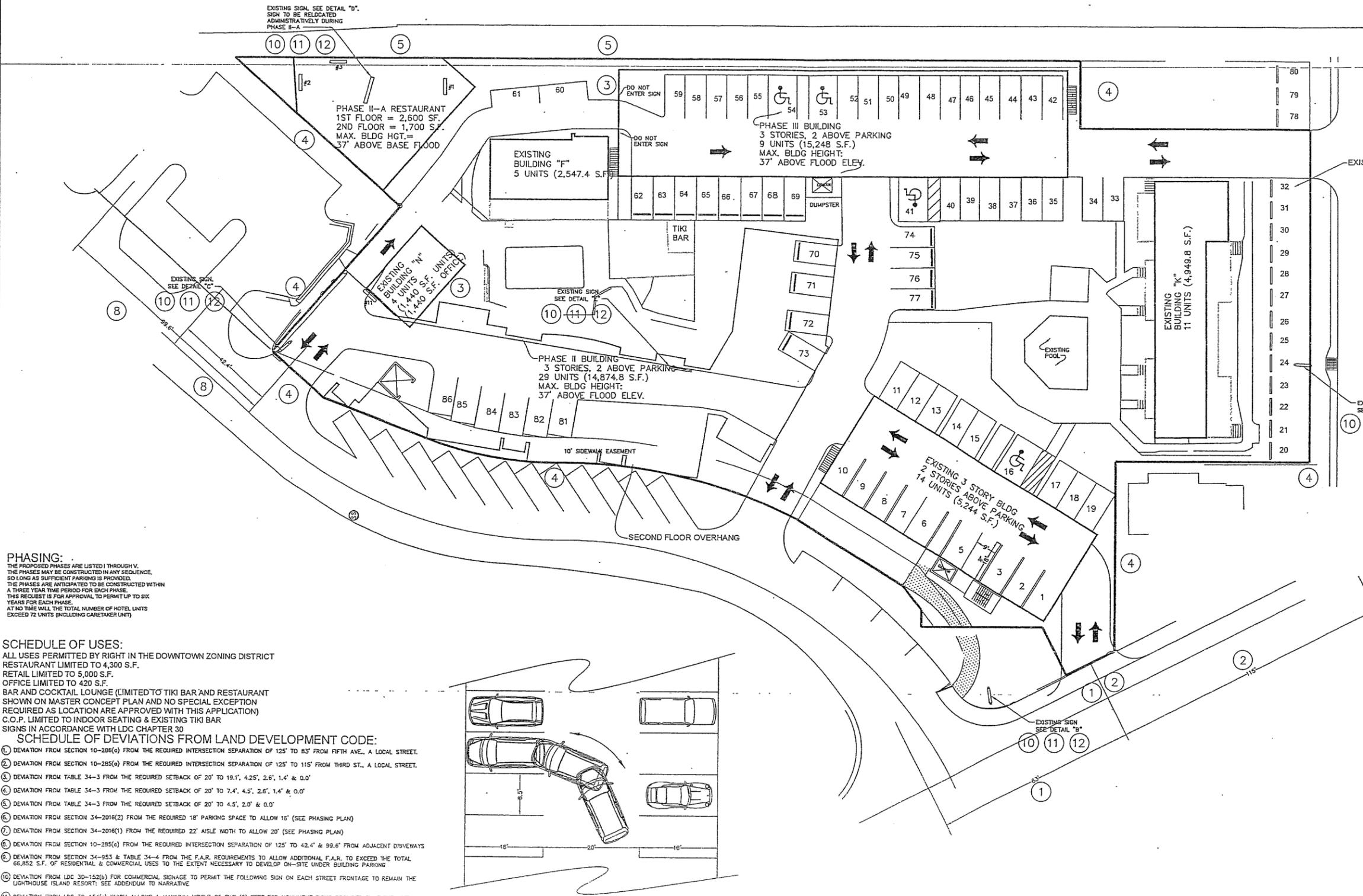
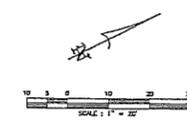


PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 3

SOILS# 26  
FLUCC# 147

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

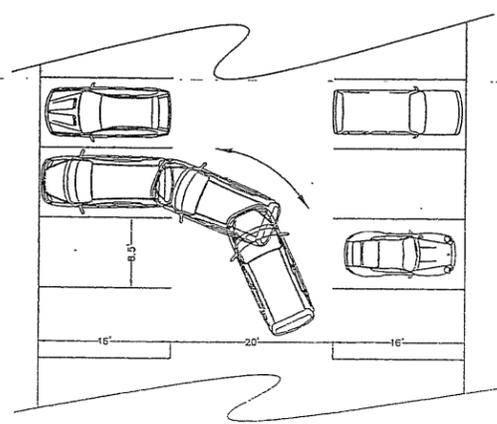


**PARKING CALCS:**  
 72 UNITS  
 28 UNITS ABOVE 450 S.F.  
 44 UNITS BELOW 450 S.F.  
 1.2 P.S. PER UNIT BELOW 450 S.F.  
 $44 \times 1.2 \times 0.666 = 35$  SPACES REQUIRED  
 1.5 P.S. PER UNIT ABOVE 450 S.F.  
 $28 \times 1.5 \times 0.666 = 28$  SPACES REQUIRED  
**TOTAL SPACE REQUIRED FOR RESORT:**  
 $35 + 28 = 63$  SPACES  
**GENERAL OFFICE (RESORT):** 420 S.F.  
 2 SPACES PER 1,000 S.F.  
 $420 / 1,000 \times 2 = 1$  SPACE  
**RESTAURANT:** 4,300 S.F.  
 8 P.S. PER 1,000 SF.  
 $4,300 / 1,000 \times 8 \times 0.666 = 23$  SPACES REQUIRED  
**TOTAL PARKING REQUIRED:**  
 87 SPACES  
**TOTAL PARKING PROVIDED:**  
 91 SPACES  
 ON-SITE: 86 SPACES  
 OFF-SITE: 5 SPACES  
 NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.

**PHASING:**  
 THE PROPOSED PHASES ARE LISTED I THROUGH V. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS EXCEED 72 UNITS (INCLUDING CARETAKER UNIT).

**SCHEDULE OF USES:**  
 ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
 RESTAURANT LIMITED TO 4,300 S.F.  
 RETAIL LIMITED TO 5,000 S.F.  
 OFFICE LIMITED TO 420 S.F.  
 BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
 C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
 SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- DEVIATION FROM SECTION 10-286(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
  - DEVIATION FROM SECTION 10-285(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD ST., A LOCAL STREET.
  - DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 19.1', 4.25', 2.6', 1.4' & 0.0'
  - DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 7.4', 4.5', 2.6', 1.4' & 0.0'
  - DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 4.5', 2.0' & 0.0'
  - DEVIATION FROM SECTION 34-2016(2) FROM THE REQUIRED 18' PARKING SPACE TO ALLOW 15' (SEE PHASING PLAN)
  - DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' AISLE WIDTH TO ALLOW 20' (SEE PHASING PLAN)
  - DEVIATION FROM SECTION 10-285(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 42.4' & 99.6' FROM ADJACENT DRIVEWAYS
  - 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 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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
  - 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 HIGHEST 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"
  - DEVIATION FROM LDC 30-93(b) WHICH REQUIRES A 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" AND 1.16' FOR SIGN "C"

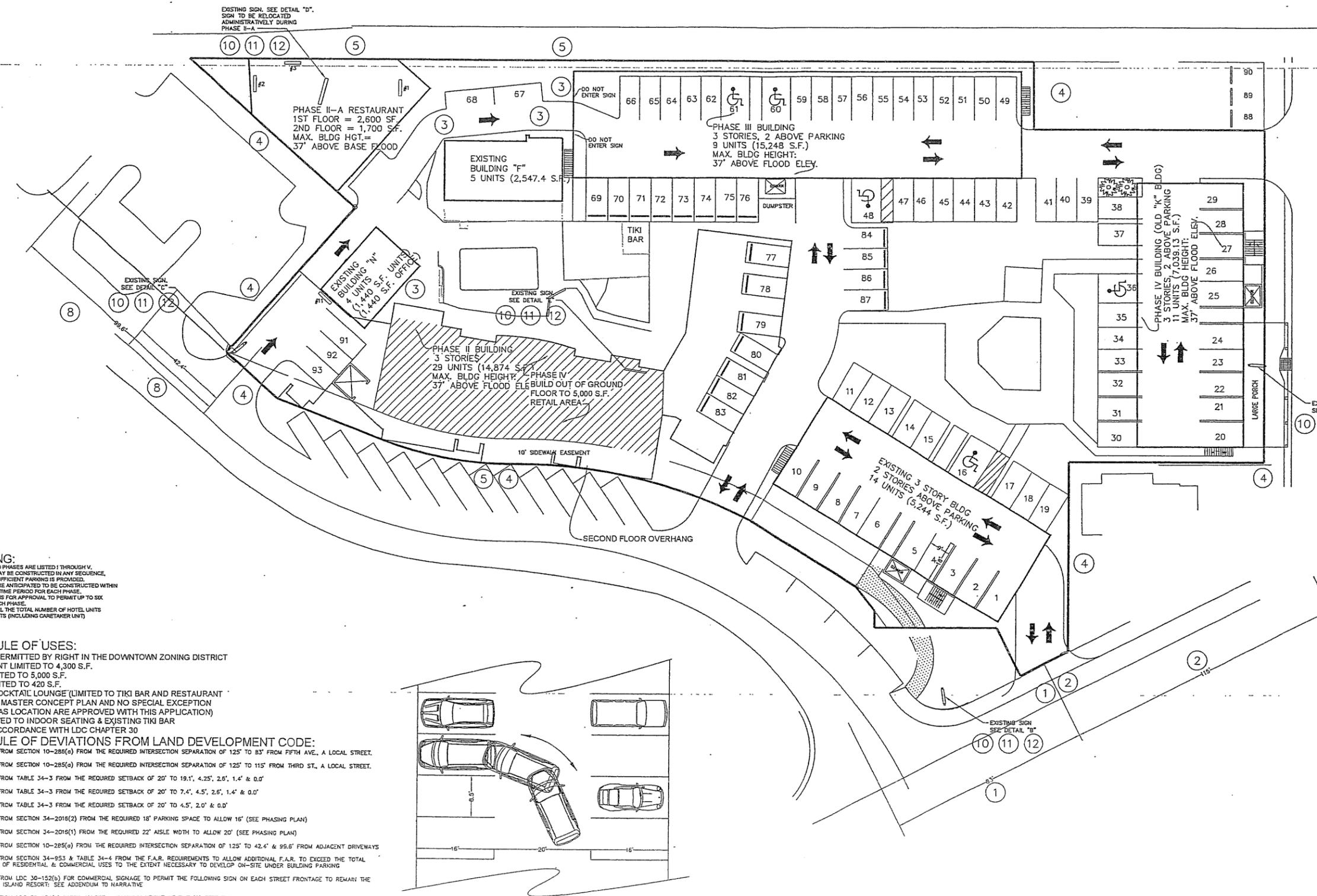


PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'

# MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 4

SOILS# 26  
FLUCC# 147

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



**PARKING CALCS:**  
72 UNITS  
28 UNITS ABOVE 450 S.F.  
44 UNITS BELOW 450 S.F.

1.2 P.S. PER UNIT BELOW 450 S.F.  
44 x 1.2 x 0.666 = 35 SPACES REQUIRED

1.5 P.S. PER UNIT ABOVE 450 S.F.  
28 x 1.5 x 0.666 = 28 SPACES REQUIRED

TOTAL SPACE REQUIRED FOR RESORT:  
35 + 28 = 63 SPACES

GENERAL OFFICE (RESORT): 420 S.F.  
2 SPACES PER 1,000 S.F.  
420/1,000 x 2 = 1 SPACE

RESTAURANT: 4,300 S.F.  
8 P.S. PER 1,000 SF.  
4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED

RETAIL  
3 P.S. PER 1,000 S.F.  
5,000/1,000 x 3 x 0.666 = 10 SPACES REQUIRED

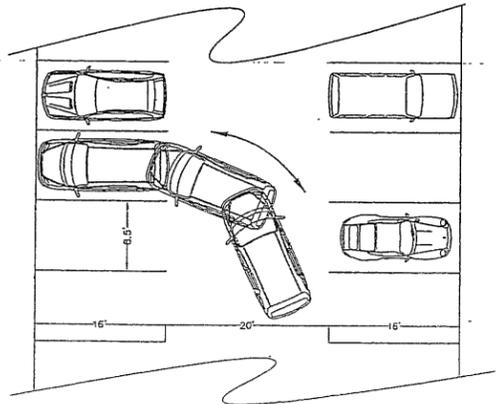
TOTAL PARKING REQUIRED:  
97 SPACES  
TOTAL PARKING PROVIDED:  
98 SPACES  
ON-SITE: 93 SPACES  
OFF-SITE: 5 SPACES

NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.

**PHASING:**  
THE PROPOSED PHASES ARE LISTED I THROUGH V. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE, SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

**SCHEDULE OF USES:**  
ALL USES PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT  
RESTAURANT LIMITED TO 4,300 S.F.  
RETAIL LIMITED TO 5,000 S.F.  
OFFICE LIMITED TO 420 S.F.  
BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

- SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**
- 1) DEVIATION FROM SECTION 10-285(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
  - 2) DEVIATION FROM SECTION 10-285(c) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD ST., 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 16' PARKING SPACE TO ALLOW 16' (SEE PHASING PLAN)
  - 7) DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' AISLE 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 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING
  - 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 HIGHEST GRADE TO ALLOW 4.1' FOR SIGN "A" "B" & "C", AND 1.5' FOR SIGN "D", WITH A MAXIMUM HEIGHT OF 8.1' FOR SIGN "A", "B" & "C", AND 21.2' FOR SIGN "D"
  - 12) DEVIATION FROM LDC 30-93(b) WHICH REQUIRES A 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" AND 1.16' FOR SIGN "C"



PARKING MANEUVERABILITY DETAIL  
SCALE: 1"=10'

# MASTER CONCEPT PLAN (CPD)

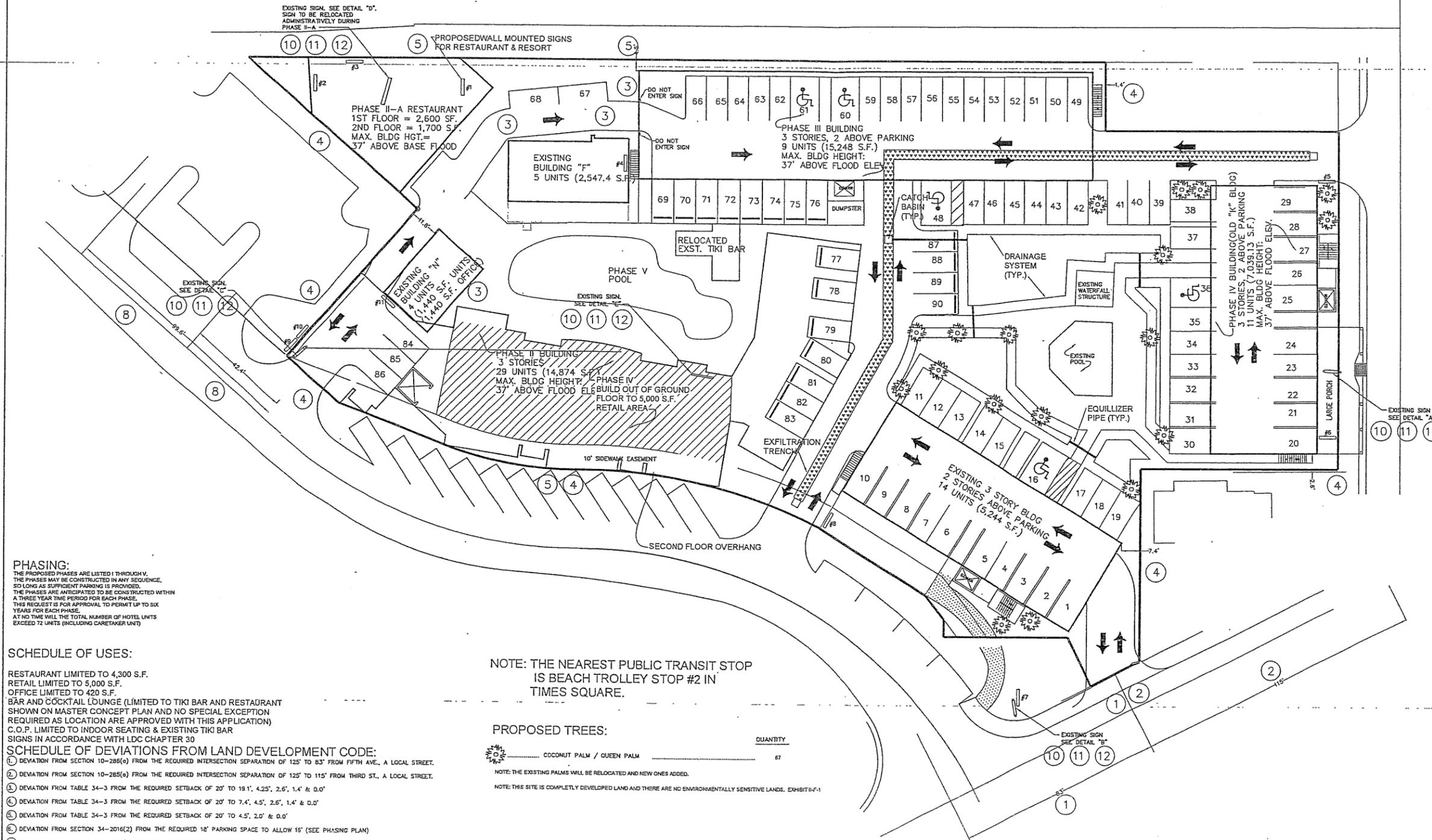
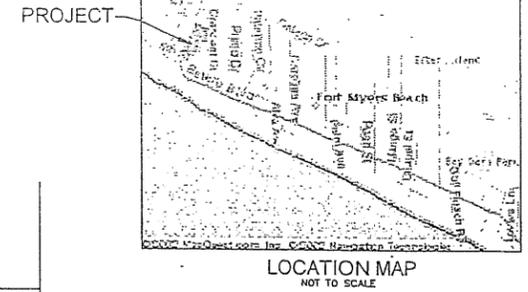
## FOR

# LIGHTHOUSE ISLAND RESORT

### FINAL (PHASE 5)

SOILS# 26  
FLUCC# 147

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



**PARKING CALCS:**  
 72 UNITS  
 28 UNITS ABOVE 450 S.F.  
 44 UNITS BELOW 450 S.F.  
 1.2 P.S. PER UNIT BELOW 450 S.F.  
 44 x 1.2 x 0.666 = 35 SPACES REQUIRED  
 1.5 P.S. PER UNIT ABOVE 450 S.F.  
 28 x 1.5 x 0.666 = 28 SPACES REQUIRED  
**TOTAL SPACE REQUIRED FOR RESORT:**  
 35 + 28 = 63 SPACES  
**RESTAURANT: 4,300 S.F.**  
 8 P.S. PER 1,000 SF.  
 4,300/1,000 x 8 x 0.666 = 23 SPACES REQUIRED  
**GENERAL OFFICE (RESORT): 420 S.F.**  
 2 SPACES PER 1,000 S.F.  
 420/1,000 x 2 = 1 SPACE  
**RETAIL**  
 3 P.S. PER 1,000 S.F.  
 5,000/1,000 x 3 x 0.666 = 10 SPACES REQUIRED  
**TOTAL PARKING REQUIRED:**  
 97 SPACES  
**TOTAL PARKING PROVIDED:**  
 97 SPACES  
 ON-SITE: 90 SPACES  
 OFF-SITE: 7 SPACES  
**NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS INCLUDING CARETAKER UNIT.**

**PHASING:**  
 THE PROPOSED PHASES ARE LISTED I THROUGH V. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE, SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS EXCEED 72 UNITS (INCLUDING CARETAKER UNIT)

**SCHEDULE OF USES:**  
 RESTAURANT LIMITED TO 4,300 S.F.  
 RETAIL LIMITED TO 5,000 S.F.  
 OFFICE LIMITED TO 420 S.F.  
 BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)  
 C.O.P. LIMITED TO INDOOR SEATING & EXISTING TIKI BAR  
 SIGNS IN ACCORDANCE WITH LDC CHAPTER 30

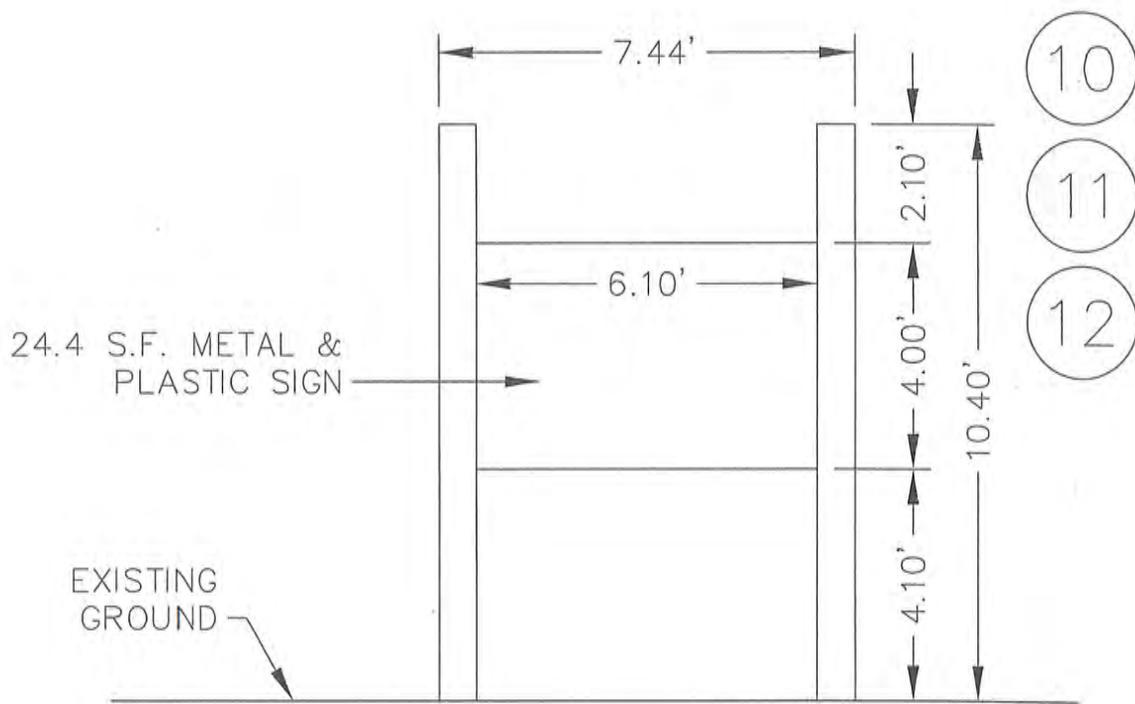
**SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:**  
 ① DEVIATION FROM SECTION 10-286(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.  
 ② DEVIATION FROM SECTION 10-286(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO 115' FROM THIRD ST., A LOCAL STREET.  
 ③ DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 19', 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 15' (SEE PHASING PLAN)  
 ⑦ DEVIATION FROM SECTION 34-2016(1) FROM THE REQUIRED 22' AISLE WIDTH TO ALLOW 20' (SEE PHASING PLAN)  
 ⑧ DEVIATION FROM SECTION 10-286(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 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT NECESSARY TO DEVELOP ON-SITE UNDER BUILDING PARKING  
 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 HIGHEST 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 A 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" AND 1.16' FOR SIGN "C"

**NOTE: THE NEAREST PUBLIC TRANSIT STOP IS BEACH TROLLEY STOP #2 IN TIMES SQUARE.**

**PROPOSED TREES:**  
 COCONUT PALM / QUEEN PALM QUANTITY 67  
 NOTE: THE EXISTING PALMS WILL BE RELOCATED AND NEW ONES ADDED.  
 NOTE: THIS SITE IS COMPLETELY DEVELOPED LAND AND THERE ARE NO ENVIRONMENTALLY SENSITIVE LANDS. EXHIBIT II-F-1

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

REVISED: 3-11-2013



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

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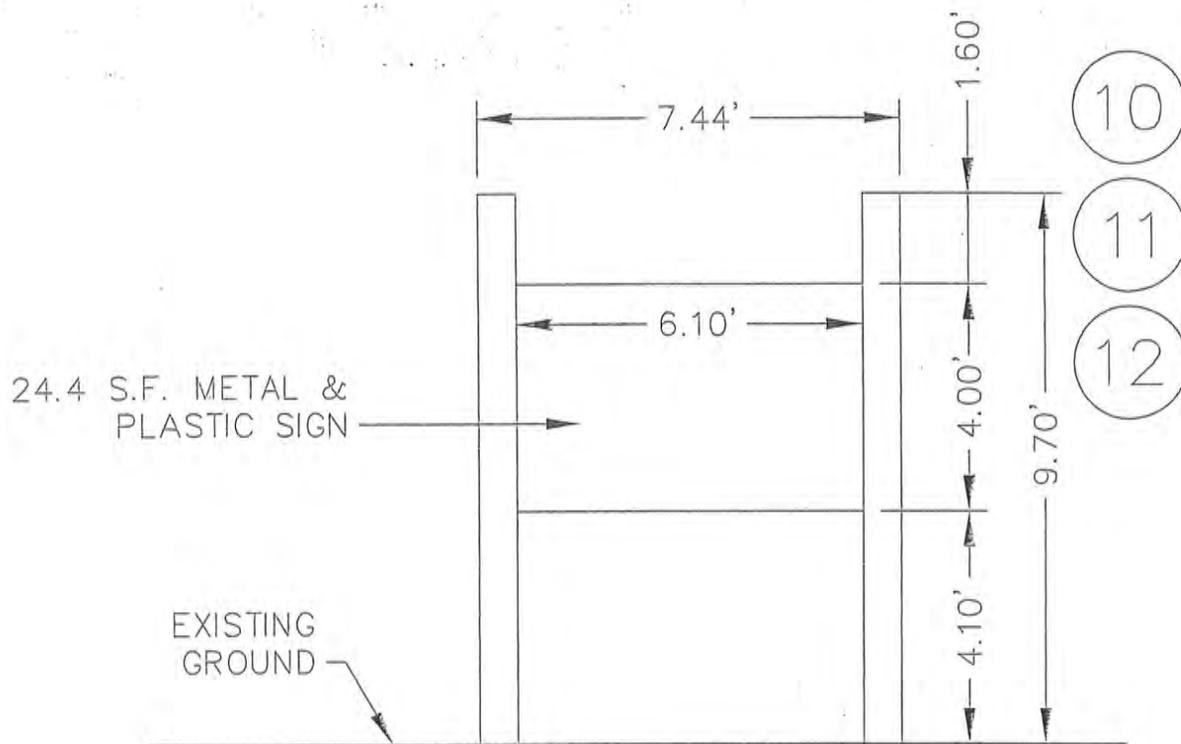
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EXHIBIT:

**1**

PAGE:

**1 OF 5**



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

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

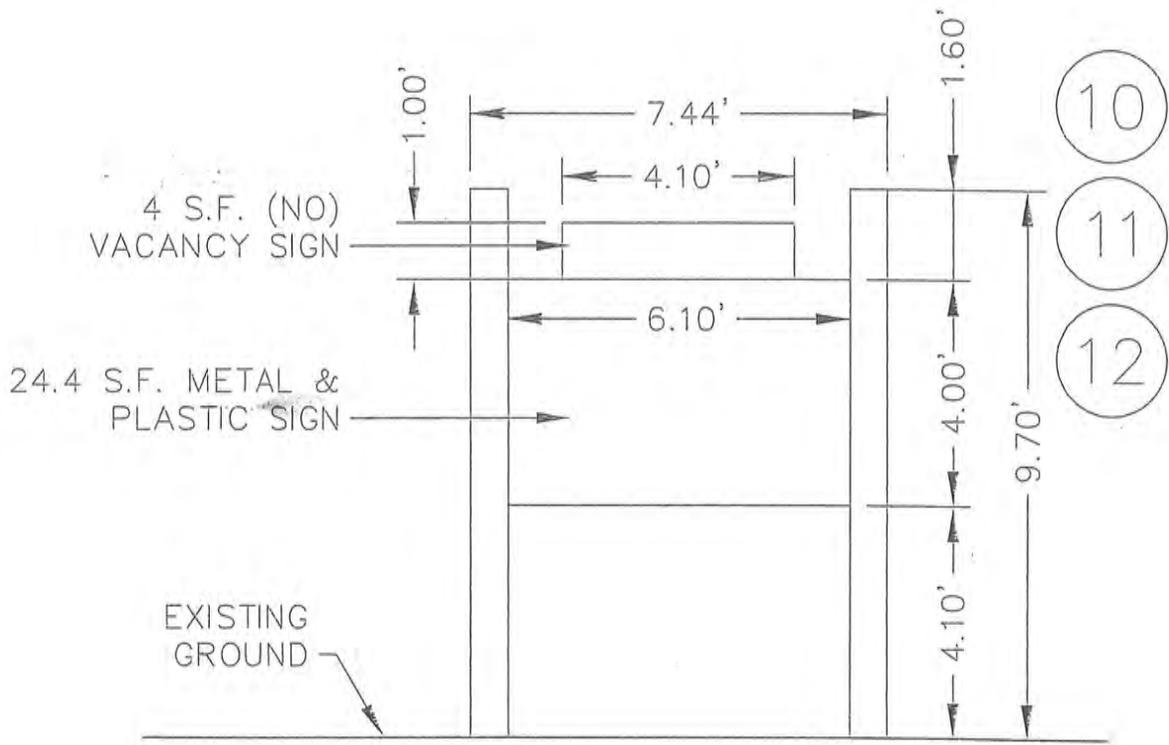
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EXHIBIT:

**f**

PAGE:

**2 OF 4**



**LIGHTHOUSE ISLAND RESORT**

DCI2012-0003

PROJECT:

**4930**

DATE:

02-21-2013

REVISED:

-

**SIGN DETAIL "C"**

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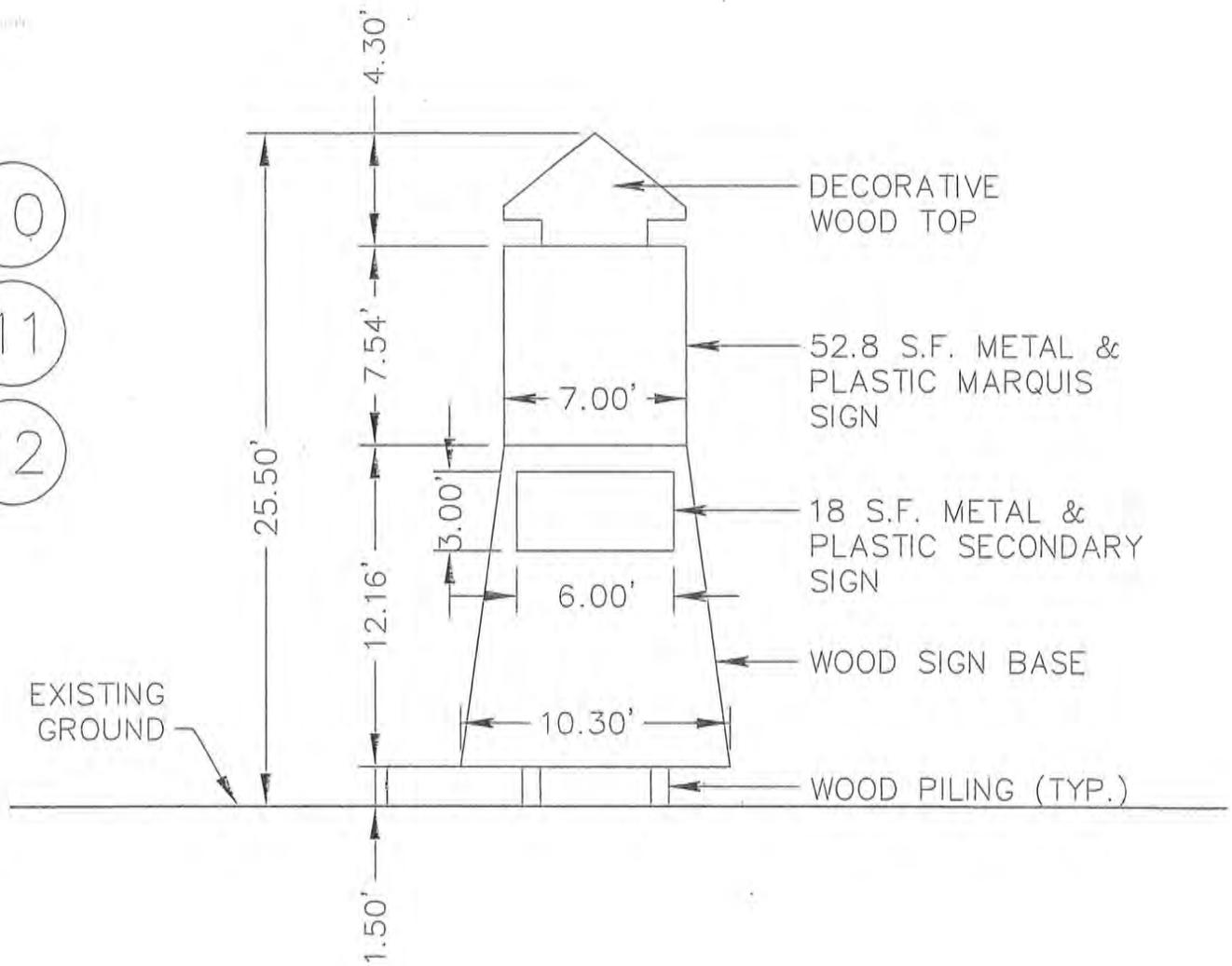
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**1**

PAGE:

**3 OF 4**

10  
11  
12



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

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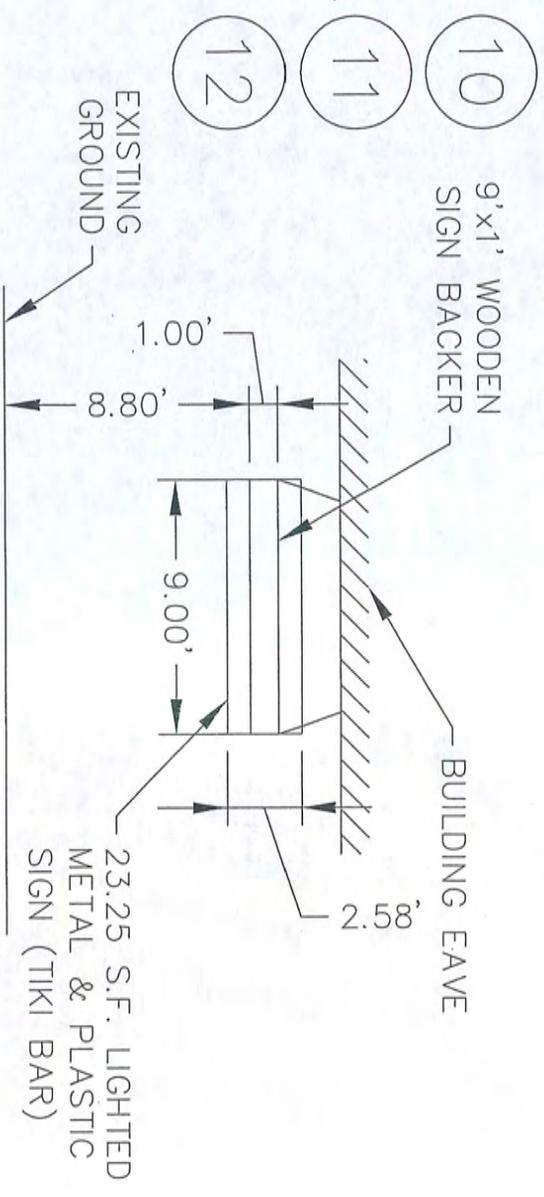
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EXHIBIT:

1

PAGE:

4 OF 4



**LIGHTHOUSE ISLAND RESORT**  
DCI2012-0003

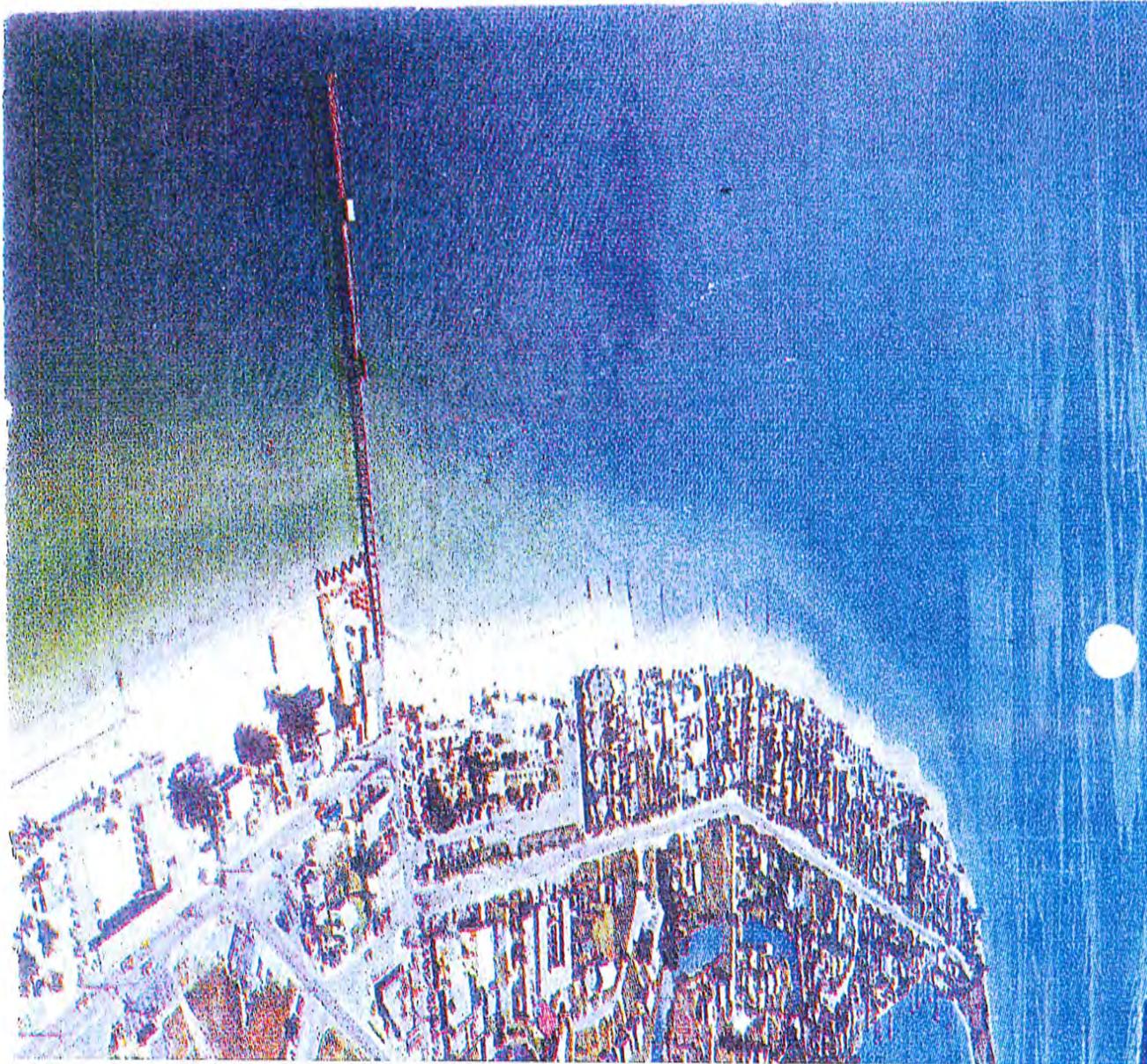
PROJECT: <b>4930</b>	DATE: 02-21-2013	REVISED: -
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**SIGN DETAIL "E"**  
NOT TO SCALE

EXHIBIT: <b>1</b>
PAGE: <b>5 OF 5</b>

Picture 1

02/25/13 LETTER



PICTURE 2

02/25/13 LETTER



# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION  
TOWN OF  
FORT MYERS BEACH

SEP 10 2012

RECEIVED BY

September 6, 2012

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

Joshua R. Overmyer  
Planning Coordinator  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers, Florida 33931

Re: Lighthouse Resort CPD Sign Deviation – DCI2012-0003

Dear Mr. Overmyer:

We are in receipt of your August 22, 2012 correspondence. Here are our responses.

1. *LDC Sec. 30-153(b)(1) states that "For a parcel of land containing one (1) or two (2) business establishments, each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area."*

To prepare a response to your letter we reviewed the adoption hearing of April 18, 2011 and the sign ordinance which clarified (as did your question) that the support structure does not need to be included in the square footage of the request – we should only include the sign face. Therefore, we are recalculating the actual sign face square footage for sign #1 and request an extension to provide that square footage within the next two weeks.

2. *Furthermore, LDC Sec. 30-153(b)(3) states that "the maximum sign area provided herein may be allocated among a combination of one (1) or more monument signs, projecting signs, and/or wall signs."*

We are revising our narrative to recognize the new regulations limit a commercial parcel with one or two business establishments to thirty-two (32) square feet per each establishment. We have revised our narrative for the middle of page 2 to states as follows: If Lighthouse Resort is limited to thirty-two (32) square feet or sixty-four (64) square feet that is completely insufficient signage as there can be customers looking for Lighthouse on four separate streets:

- Matanzas Bridge/Estero Boulevard (you can see Lighthouse but there is no access)
- Third Street South
- Crescent Street

- Fifth Avenue.

By the time one is on Fifth Avenue in a vehicle one is:

- Leaving the island,
- Looking for the main entrance to Lighthouse, or
- Looking for the ingress alley to Seafarers

There was an extensive discussion by Council during the adoption of Ordinance 11-01 regarding parcels with multiple street frontages. There was language proposed at the time of the hearing to recognize additional square footage for multiple frontage commercial parcels. But, then there was a concern that parcels at the intersection of a residential street and Estero Boulevard could benefit from this potential revision but placing signage toward a residential area. It was decided that it would be better to give relief to commercial parcels where it did not impact a residential neighborhood.

Lighthouse is in the heart of Fort Myers Beach Pedestrian Commercial Future Land Use Designation – the Downtown which is the most intensive area of the Town. Lighthouse is surrounded by intense commercial uses: a shopping center parcel across Fifth Avenue; the primarily commercial street of Crescent with restaurant, resort, and retail and rentals; Third Street South – rental, resort and commercial parking and finally a bridge which is Estero Boulevard with the highest traffic count in the Town.

3. *The narrative indicates that the "Lighthouse Sign" (Sign #1) qualifies for approval as a historically significant sign, in accordance with LDC Sec. 30-57. If you desire the protection for the sign as a historically significant sign, please submit an application to the Historic Preservation Board to have the sign reviewed and designated as a historic sign. Otherwise, any protections provided to a historic sign cannot be considered as part of this deviation.*

In support of the deviation, we are presenting the uniqueness of sign 1 – an actual lighthouse sign which is a local landmark. We believe good planning should recognize the value of a unique and artistic sign that is part of the Town's historic fabric. But this is not a request at this time under Section 30-57 and believe this answer should clarify our position.

4. *You have argued that this deviation is essentially being reviewed as a variance, so please specifically respond to the 5 required findings that must be made in order to receive a variance. These are found in LDC Sec. 34-87(3) and read as follows:*

Lighthouse Resort was rezoned from C-1 to Commercial Planned Development (CPD) on February 14, 2000 and later amended on June 30, 2003. The sign regulations were adopted by the Town in Ordinance 99-11 in November 1999. The planned development application requires that the property owner expend substantial monies and energy to go through the lengthy and time consuming planned development process. Planned development zoning costs the owner thousands of dollars in the application fee, engineering design, legal fees and in the time and energy allocated to going through this process.

Resolution 00-09 adopted by the Town Council specifically approved "signs" as a use permitted as a matter of right in the Lighthouse CPD and approved the location of signs as designated to signs 1, 2, 3 and 4 on the approved Master Concept Plan. The reason to pursue a site plan zoning (CPD) from the Town is to have assurance from the Town as to the approved development plan.

Lighthouse is not seeking a variance. In fact, Lighthouse is not seeking to change anything.

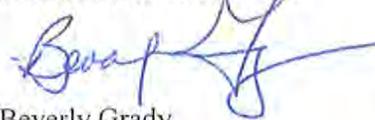
In reviewing the record, Lighthouse respectfully submits that the signs were approved by the Town by its resolution and on the Master Concept Plan. Lighthouse merely wants assurance that it may keep its existing signage plan on its multiple streets as approved by the Town. In fact, sign #3 (Crescent and Fifth Avenue) was constructed after the Town's approval in reliance on the zoning to CPD and consistency with the Town approved Master Concept Plan.

The purpose of planned development zoning is to allow design flexibility. Deviations are the required and directed method to deviate from specific provisions of the Town's Land Development Code. See Section 34-932(b). It is confusing when government changes the rules – which is why Lighthouse appeared before the Town Council to raise a concern regarding the new regulations on April 18, 2011 and the potential effect on Lighthouse. The insufficiency letter outlining the criteria for variance caused us to review the Land Development Code and the original Town approval of the zoning and Master Concept Plan. Lighthouse respectfully submits that the Town approved the use "signs" in its resolution and approve the current sign location on the approved Master Concept Plan.

Enclosed is the revised narrative with the approved Master Concept Plan.

Very truly yours,

ROETZEL & ANDRESS



Beverly Grady

BGumr

Enclosure: Revised Narrative with Council Approved Master Concept Plan  
Future Land Use Map illustrating location of Lighthouse in the center of  
Downtown

**Exhibit 5-5 and  
Supplement PH-D  
ADDENDUM TO NARRATIVE  
Response to Deviation Criteria**

Lighthouse Resort is a 1.72 acre parcel in the heart of downtown Fort Myers Beach. The property has been in the Kolar family as an attractive resort for many decades. The resort has accommodated the construction of the Sky Bridge, the bifurcation of Fourth Street and the institution of the FEMA height requirements. The Resort contributes to the vision of the Downtown of Fort Myers Beach including accomplishing the “park once” concept. People who stay at the Resort, utilize the park “once” and then are able to enjoy the resort amenities as well as the beach, the Bay and the commercial opportunities offered by Times Square and Old San Carlos.

Signage provides an identification of the Resort as well as directional information on how to find the Resort which has a unique location since construction of the Sky Bridge - not on Estero Boulevard or in Times Square or on Old San Carlos.

When one crosses over the Sky Bridge, one of the first things you see is the “lighthouse” sign of Lighthouse Resort. Although you can see Lighthouse Resort, figuring out how to get there for the first time is not easy in bumper to bumper traffic or when the traffic is moving along at a smooth pace.

Section 30-54 specifically provides that the request for deviation for signage shall be administered and decided in conformance with the requirements for deviations which are set forth in Chapter 34, Section 34-932(b) which authorizes the granting where the health, safety and welfare of the public is maintained.

This is a request for deviations from Section 30-153 (b) for commercial signage to permit certain but not all existing commercial free standing business establishment signs on each street frontage to remain for Lighthouse CPD Resort; and a deviation from the maximum height for sign#2 below and a deviation from the setback for sign #3 below.

The following deviations are requested:

- A deviation from LDC 30-153(b) for commercial signage to permit the following sign area on each street frontage to remain for Lighthouse Resort CPD as follows:

Sign 1            Lighthouse Main Freestanding Identification Sign 45.5 square feet and 18 square feet for the second business for a total of 63.5 square feet per sign face which is the sign on San Carlos/Estero Boulevard (Sky Bridge Touchdown).

Sign 2.            Freestanding sign with face of 6 x 4 plus the vacancy sign (5' x 6') for a total of 30 square feet located on Fifth Avenue at the entrance to the Lighthouse Resort office. This is the key sign that serves northbound travellers on Estero Boulevard to make the correct turn onto Fifth Avenue to enter Lighthouse Resort before going over the Sky Bridge to San Carlos Island.

Sign 3 24 square feet (6' x 4') sign face the intersection of Crescent and Fifth Avenue.

Sign 4 24 square feet (Freestanding sign of 6' x 4') plus the vacancy and directional sign to the office on Third Street – 30 square feet.

Sign 5 An internal directional sign for the Tiki bar (2' x 19') mounted under roof and building.

- A deviation from LDC 30-154 (c) which allows a maximum height of 5' for monument signs provided that the bottom of the sign there is no more than 18" above highest adjacent grade to allow the bottom of the sign at approximately 4' 3" with a maximum height of 9' 3" for sign #2 located on Fifth Avenue.
- A deviation from LDC 30-93(b) which provides for a 3' setback to any sidewalk or bike path or street right of way to zero foot setback from the property boundary for sign 4 located on Third Street.

Pictures of each sign where the signs were labeled 1, 2, 3, 4 and 5 were previously filed. The Master Concept Plan illustrating the location of each sign was previously filed.

Lighthouse Resort is not located on Estero Boulevard which is the only arterial thoroughfare in the Town of Fort Myers Beach and it is not located on the water. When originally constructed Lighthouse had direct access from the main travelled way. At the time of construction of the Sky Bridge which removed the main access to the current touchdown point which bifurcated Lighthouse Resort. The grandfather of the current owner was promised a left turn from Sky Bridge touchdown/Estero Boulevard onto Fifth Avenue to access Lighthouse Resort. If Lighthouse Resort could have a direct left turn onto Fifth Avenue, there would be no need for the requested deviation for additional signage area. A left turn from Estero Boulevard onto Fifth Avenue would permit all traffic to immediately find Lighthouse Resort office.

Lighthouse Resort has been located on this site for more than forty years. However, the government has caused dramatic changes with the construction of the Sky Bridge which bifurcated the resort. In addition, Lighthouse Resort has worked with the Town of Fort Myers Beach and has conveyed a sidewalk easement along Fifth Avenue to the Town of Fort Myers Beach. At the time of the original rezoning to CPD and the amendment to the CPD the signs were depicted on the Master Concept Plan. The owner has worked closely with the Town on their redevelopment plan for Lighthouse Resort including the signs. The owner relied on the approval of the Town and submit that the signs were placed and approved by Town Council.

In addition to the file signage pictures, reflecting the necessity for signage as a prerequisite to finding the location of Lighthouse Resort, an additional picture of sign #2 taken from Estero Boulevard turning onto Fifth Avenue. The landscape on the parcel at the intersection of the Sky Bridge and Fifth Avenue which is under separate ownership completely block the visibility of sign #2 for all the northbound traffic on Estero Boulevard attempting to find Lighthouse Resort if lowered to the new height provision.

Upon approval of the setback variance, the owner of Lighthouse Resort intends to lower the Third Street sign (sign #4) and the Crescent Street sign (sign #3) to the required height.

We respectfully submit that by maintaining the signage as requested that this enhances and promotes the health, safety and welfare of the public. Signage enables the travelling public to safely find the location of Lighthouse Resort.