GIS Tracking Sheet	wiktag® 026 619 289
Intake Date: October 20,2005	
Project Name: CARISSA CPD	
STRAP Number(s): 17-45-25-01-00000.0270; 0280; 1	7-45-25-00-
STRAP Number(s): 17-45-25-01-00000.0270; 0280; 1 00004.0000; 0020 Planner Name: Chip BLOCK Ext. 8371	
LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING	······································
Date: 12/06/05 ArcG15 INTAKE: DC105101	
LEGAL SUFFICIENT LYES DO Initials: LOW	1
If not, give brief explanation:	
MAP UPDATE following FINAL ACTION	
Date: 08MA(04 Hearing Examiner Decision Decision Board of County Commissione	r's
Resolution	
Administrative Approval D Blue Sheet Z-06-007, DCI2005-00101,03APRILOG, CARIS Zoning Notes: APPROVAL TO BEINSTATE THE VACATED MCP;	SA CPD, CONDS
MAP UPDATED DYES DNO Initials	
If not, give brief explanation: Note to CPD: 00087	5

S:\WRITERS\Murphyge\gistracking.wpd

Banks Engineering, Jnc. Professional Engineers, Planners & Land Surveyors

FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I

. *

6 N

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28, OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N.20°01'31"E.

DESCRIPTION PREPARED JUNE 2, 2005

A. LEE HAYNE REGISTERED SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 6338

ADDICERT'S LCODI CI

PERMIT COUNTER

DCI 2005-00101

SHEET 1 OF 2







RESOLUTION NUMBER Z-06-007

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Stephanie Miller, Trustee, to reinstate the vacated Master Concept Plan for Carissa CPD (Zoning Resolution Z-97-029 and Z-97-029A) for a maximum of two years on a 19.07± acre parcel; and

WHEREAS, a public hearing was advertised and held on January 18, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00101; and

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to reinstate the vacated Master Concept Plan (MCP) for Carissa CPD (Zoning Resolution Z-97-029, and clarified by Z-97-029A) for a maximum of two years. This planned development was approved for a mixed-use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan was extended once for two years on August 26, 2003. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan for this development, which is entitled "Master Concept Plan, Carissa CPD," dated 04/06, Exhibit C attached hereto, except as modified by the conditions herein.

CASE NO: DCI2005-00101

Z-06-007 Page 1 of 9 **On June 16, 2007, the effectiveness of the attached Master Concept Plan expires.** LDC §34-381 provides that a MCP reinstatement may not exceed 10 years from the date of the original rezoning application.

2. The approved Schedule of Uses for this development is limited to the following: <u>Schedule of Uses</u>:

Administration Offices Animal Clinic ATM Auto Parts Store. No Installation Service Automobile Service Station Automotive Repair and Service, Group I Banks & Financial Establishments, All Groups **Boat Parts Store Building Material Sales** Business Services, Groups I and II Car Wash **Cleaning and Maintenance Services** Clothing Store, General Commercial Clubs, Fraternal or Membership Organization **Consumption on Premises** Contractors and Builders, Groups I and II Convenience Food and Beverage Store, subject to Condition 4 & Deviation 7 Cultural Facilities - Excluding Zoos Day Care Center, Child, Adult Department Store Drive-thru Facility Drug Store, Pharmacy **Essential Services Essential Service Facilities** Excavation. Water Retention Factory Outlets (Point of Manufacture) Farm Equipment, Sales, Storage, Rental or Service Feed, Fertilizer, Mixing and Sales Fences, Walls Fire Station Flea Market, Indoor Food and Beverage Service, Limited Food Stores, Groups I and II Gasoline Dispensing System, Special Gift and Souvenir Shop Hardware Store Health Care Facilities, Group III Hobby, Toy and Game Shops

CASE NO: DCI2005-00101

Hotel/Motel - 100 rooms Household & Office Furnishings, Groups I and II Insurance Companies Laundry Dry Cleaning, Group I Lawn & Garden Supply Store Medical Office Mini Warehouses Non-Store Retailers, All Groups Pet Services Pet Shops Pharmacy Place of Worship Plant Nursery Post Office Real Estate Sales Office Recreation, Commercial, Groups I, II & IV **Religious Facilities** Rental or Leasing Establishments, Groups I and II Repair Shops, Groups I and II Research & Development Laboratories, Groups II & IV Restaurant, Groups I, II and III Restaurant, Fast Food, subject to Condition 4 & Deviation 7 Retail and Wholesale, when clearly incidental and subordinate to the principal use on the same premises Schools, Commercial Self Service Fuel Pumps Self Service Fuel Pump Stations Signs, in accordance with LDC Chapter 30 Social Services, Groups I and II Specialty Retail Shops, Groups I, II, III and IV Storage, Indoor only Studios Supermarkets Temporary Uses Theater, Indoor Towers, Communication - less than 100 feet in height Transportation Services, Group II Used Merchandise Stores, Groups I and II Variety Store Wholesale Establishments, Group III

3. The following Property Development Regulations apply to the development of the subject property:

4

CASE NO: DCI2005-00101

Minimum Lot Area and Dimensions:

Minimum Lot Area 10,000 square feet Minimum Lot Width 100 feet Minimum Lot Depth 100 feet

Minimum Setbacks - Buildings And Structures:

Street: (Six Mile Cypress Parkway)25 feetStreet: (parallel access street)25 feetSide:15 feetRear:20 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: up to three habitable floors within 35 feet

- 4. a. The area west of the proposed buildings fronting on Six Mile Cypress Parkway and north of the proposed buildings fronting on Crystal Drive is limited to open space uses and vehicular access. Public access is prohibited on the west or north sides of these buildings.
 - b. If a Fast-Food Restaurant or Convenience Food and Beverage Store use is developed next to the northwest property line (extending south approximately 660 feet from the northernmost property line), the developer must construct an 8-foot-high masonry wall parallel to the northwest line prior to development order approval. The wall must be located between the wetland preservation areas or 30-foot-wide retention/detention area and these uses. The 8-foot-high masonry wall is required only adjacent to the northwest property line. The buffer must also comply with the LDC, including, but not limited to, required trees and shrubs.
- 5. The magnitude of commercial development will be governed by the access to the site as set forth in the matrix below:

Six Mile Cypress only 75,000 sq. ft. None (existing)	Access required for development	Maximum amount of floor area that may be developed	of which a maximum amount of retail floor area may be developed	
	(existing)	75,000 sq. ft.	None	

CASE NO: DCI2005-00101

With access to Crystal Drive (Crystal Drive must be constructed to minimum Local Street Standard)	150,000 sq. ft.	30,000 sq. ft.*
With access to Crystal Dr. (Crystal Drive must be opened & functioning as a collector road)	150,000 sq. ft.	100,000 sq. ft.
OR		
With access to Penzance Rd. (with connection to Carissa CPD access road)	150,000 sq. ft.	100,000 sq. ft.

[*Must be within 330 feet of intersection.]

- 6. Prior to development order approval, the developer must regrade existing lakes to a water depth of four feet below the dry season water table so that the lake banks are sloped to a ratio not steeper than four feet horizontal to one foot vertical. In addition, the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.
- 7. The landscape plans must include a detailed wetland creation planting plan for the wetland creation/detention area delineated on the Master Concept Plan for review and approval by the Division of Environmental Sciences staff. A minimum of six species of native wetland plants must be included. Groundcover plants must be a minimum 1-gallon container size. Trees must be a mixture of sizes with a minimum 3-gallon container size for the smaller trees and a minimum 10-foot height, with a 2-inch caliper, for larger trees. The 10-foot-tall trees may be used to meet buffer or general tree requirements; and

The landscape plans must include appropriate native trees meeting the LDC general tree requirements and must be incorporated into the design and placed within Lake Tract 1, both within the littoral zone and in the surrounding upland areas, in such a manner as to create a forested wetland and hammock area. The trees may be used toward the general tree requirement for the overall site; and

The property must be surveyed specifically for Big Cypress fox squirrels and their nests. If squirrel nests or day beds are observed, then the structure must be observed for five consecutive days in the early morning and early evening to determine if they are active fox squirrel nests. If fox squirrel use is verified, then a 125-foot-wide buffer must be

maintained around any active nest until it is deemed inactive and written authorization is obtained from the Florida Fish and Wildlife Conservation Commission to remove the tree and nest structure. (This condition replaces Condition 7 of Zoning Resolution Z-97-029).

- 8. Additional conditions may be required at the time of local development order approval to mitigate the project's vehicular or pedestrian traffic impacts.
- 9. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
- 10. This development must comply with all of the requirements of the Lee County LDC at the time of local development order approval, except as granted by deviation as part of this planned development.
- 11. If the developer requests impact fee credits for the dedication and construction of the access road shown on the Master Concept Plan, only the area that is not site-related and deemed necessary to allow a neighboring parcel access across the subject parcel will be eligible for credits. Any right-of-way for which credits are issued will be valued based upon the zoning of the land as it existed prior to the original zoning approval (AG-2).
- 12. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

- 1. Deviation (1) withdrawn by the applicant.
- 2. Deviation (2) seeks relief from the LDC §10-329(e)(3) requirement limiting the depth of an excavation to a maximum of 12 feet, to allow a maximum depth of 20 feet. This deviation is DENIED.
- 3. Deviation (3) seeks relief from the LDC §10-413(c)(1) requirement that 50 percent of the required open space to be preserved as existing native vegetation, to allow 34 percent of the required open space to be preserved as existing native vegetation. This deviation is APPROVED.
- 4. Deviation (4) seeks relief from the LDC §10-415(a)(4) provision requiring one tree must be provided for each 3,500 square feet of development area, to allow one tree to be provided for each 3,500 square feet of development area excluding the frontage road area, wetland preserve and mitigation area. This deviation is DENIED.

Δ.

- 5. Deviation (5) seeks relief from the LDC §30-153(2)a. requirement restricting total sign area on any given street to 300 square feet, to allow two 200-square-foot identification signs, each located a minimum of 15 feet from the parallel access street easement. This deviation is APPROVED.
- 6. Deviation (6) seeks relief from the LDC §10-329(e)(1)a.1. requirement that prohibits excavation for water retention from being located closer than 25 feet to an existing or proposed street right-of-way line or easement, to allow the existing lakes to encroach into the 25 foot setback. This deviation is APPROVED, SUBJECT TO Condition 6 above.
- 7. Deviation (7) seeks relief from the LDC §10-414(a) requirement for commercial developments adjacent to existing residential developments to provide a minimum 15-foot-wide buffer that includes a fence, wall or berm not less than eight feet in height, to eliminate the requirement of the 8-foot-high fence, wall or berm. This deviation is APPROVED, SUBJECT TO Condition 4.b. above.
- 8. Deviation (8) withdrawn by the applicant.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 17-45-25-00-00004.0000, 17-45-25-01-00000.0270, 17-45-25-01-00000.0280, 17-45-25-00-00004.0020.

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
- e. will not adversely affect environmentally critical areas or natural resources.
- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
- 6. Based upon an analysis of the application and the standards for approval of a reinstatement of a vacated Master Concept Plan set forth in LDC §§34-145 and 34-381:
 - a. The applicant is proposing no changes to the original approved Master Concept Plan; and
 - b. The Master Concept Plan is consistent with the current Lee County LDC, including, but not limited to, density, intensity and concurrency requirements; and
 - c. The development shown by the Master Concept Plan is compatible with existing and approved uses in the surrounding area; and
 - d. The development shown by the Master Concept Plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities; and
 - e. The criteria listed in subsection 34-145(d)(1), which are applicable to this application, are satisfied; and
 - f. The criteria set forth in §34-145(d)(2), which are applicable to this application, are satisfied; and

4

g. The criteria listed in subsection 34-381(d)(1), which are applicable to this application, are satisfied.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Albion and, upon being put to a vote, the result was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST: CHARLIE GREEN, CLERK

B١ **Deputy Clerk**

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: Tammara Hall Chairwoman

Approved as to form by:

Dawn E Perry-Lehnert County Attorney's Office

RFCEIVED MINU 2006 APR 24 AMII: 16

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

> DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28, OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N.20°01'31"E.

DESCRIPTION PREPARED JUNE 2, 2005

A. LEE HAYNE

REGISTERED SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 6338

Applicant's Legal Checked

T 20 2865

PERMIT COUNTER

DCI 2005-00101

SHEET 1 OF 2

11543 Charlies Terrace, Ft Myers, Florida 33907 • (239) 694-2335 • Fax (239) 694-2355 S::Lobs:18xx1869:1869_SK_parcel-1.doc S:\Jobs:18xx1869!1869_SK_parcel-1.doc



ZONING MAP

.

12/9/2005







OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING:DCI2005-00068APPLICANT:FONTANESI, LLC, in reference to 12350 and 12400 PALOMINO LANEHEARING DATE:JANUARY 18, 2006

I. <u>APPLICATION:</u>

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD) pursuant to the Lee County Land Development Code (LDC).

Filed by FONTANESI, LLC, c/o GABRIELE FONTANESI AND STEVE SAMEK, 8454 Mallard Way, Naples, Florida 34114 (Applicant/Owner);COMMUNITY ENGINEERING SERVICES, INC., c/o VINCENT ANTRILLI, JR., 8991 Daniels Center Drive, #103, Fort Myers, Florida 33912 (Agent).

Request is to Rezone 9.35 +/- acres from Agricultural (AG-2) zoning to Residential Planned Development (RPD) to allow 24 single-family residential dwelling units.

The subject property is located at 12350 and 12400 Palomino Lane, in Section 15, Township 45 South, Range 25 East, Lee County, Florida (District #2).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Chahram Badamtchian. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from AG-2 to RPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. <u>CONDITIONS:</u>

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "FONTANESI RPD," Sheet 1 of 1, prepared by Community Engineering Services, Inc., last revised December 2005, date stamped "Received December 22, 2005 Community Development," except as modified by the conditions below. 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.

- 2. The following Limits apply to the project and uses:
 - a. <u>Schedule of Uses</u>

b.

Excavation, (No blasting and no offsite removal of excavated material) Fences, Walls, Per LDC Sec. 34-1741 Gatehouses Home Occupations Model Homes, for marketing purposes within the project Model Units, for marketing purposes within the project Model Display Centers, for marketing purposes within the project Real Estate Sales Office, for marketing of lots and units within the project **Recreation Centers**, Private Recreation Facilities, Personal and Private **Residential Accessory Uses and Structures** Single-Family dwelling units and two-family attached (limited to 24 dwelling units) Signs in accordance with Chapter 30 of the Lee County LDC Water Retention Site Development Regulations

Minimum Lot Area 7,648 square feet

Minimum Lot Depth: 125 feet for lots abutting Palomino Lane (except lot depth may be reduced by the depth of a separate tract being created for, but not limited to a landscape buffer along Palomino Lane, but in no case will the lot depth be less than 100 feet), 100 feet for all others.

Minimum Lot Width: 65 feet for Lots 3-6, 9-13, 16-23 45 feet for Lot 1, 2, 7, 8, 14, 15, and 24

Setbacks Primary Structures Accessory Structures

Front (from private streets)	20 feet
Rear	15 feet
Side	7.5 feet
From Water	25 feet
Palomino Lane	25 feet

Maximum building height: 35 feet (2-story)

Maximum lot coverage 40 percent

3. Approval of this rezoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

20 feet 15 feet 7.5 feet 10 feet' 4. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

5. No blasting is permitted on-site.

6. Model homes are permitted uses, but, must be consistent with the following conditions:

a. A maximum of four (4) model homes are permitted; and

b. Hours of operation for the Model Homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. Each model home must be a unique example. Multiple examples of the same model are not permitted.

7. A Real Estate Sales Office is a permitted use, but, must be consistent with the following conditions:

a. A maximum of one (1) Real Estate Sales Office is permitted; and

b. Hours of operation for the Real Estate Sales Office restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. The Real Estate Sales Office is limited to the sale of units within the development, and is valid for a period of time not to exceed three (3) years from the date the Certificate of Occupancy for the sales office is issued. The Director may grant one 2-year extension. Additional time will require a Special Exception approval.

8. Agricultural use is not approved as part of this rezoning and may not be established in the future, absent rezoning to an agricultural land use district.

9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16, Table 1(b).

10. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The Developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

B. <u>DEVIATIONS:</u>

Deviation 1 - Withdrawn

Deviation 2 - Withdrawn

Deviation 3 - Withdrawn

Deviation 4 - Withdrawn

Case DCI2005-00068

Deviation 5 - Withdrawn

Deviation 6 seeks relief from Land Development Code (LDC) 10-291(3), which requires two (2) points of access for projects greater than fives acres in size, to allow a single access point. The Hearing Examiner recommends this deviation be **APPROVED**.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone two parcels, both currently zoned AG-2, to a Residential Planned Development. The combined area of the parcels is 9.56 acres. The Applicant intends to construct a subdivision, with 24 single-family lots and a single entrance (two lanes with a median) from Palomino Lane. The property lies within the Outlying Suburban future land use area.¹

The Applicant's Master Concept Plan, **Exhibit B** attached hereto, depicts the entrance road branching into two cul-de-sacs. Several of the proposed lots surround a small lake that is located in the center of the development. The lots vary in size, but are generally between 8,000 and 13,000 square feet in area. Most lots have around 80 feet of road frontage, with some of the lots around the cul-de-sac having lesser frontages. The Master Concept Plan reflects a proposed gross density of 2.56 dwelling units per acre.

The immediate neighboring area has been developed with residential uses. This property is abutted on three sides by Residential Planned Developments. The Renaissance RPD borders this property on the east (across Palomino Lane) and south. The Danforth Lakes RPD abuts the subject property to the west. The lot widths and depths of the single-family lots in these developments are similar to what the Applicant has proposed. Also, on the subject parcel's west boundary line there is a single-family residence on a 5-acre property, that is zoned AG-2. The property to the north is vacant and zoned AG-2. The Owners of that parcel have subdivided it, with the intent to develop it with single-family residences.

The two neighboring Residential Planned Developments contain lower gross densities than the subject property. This is a result of having large areas of wetlands and conservation areas. The Renaissance RPD, which abuts this property on two sides, has a gross density of 0.87 dwelling units per acre. That community also contains 96.1 acres of golf course and 96 acres of wetland preserve. If those uses are excluded from the density calculation, The Renaissance RPD would have a net density of 2.63 dwelling units per acre.

Case DCI2005-00068

1

Lee County Comprehensive Plan Policy 1.1.6:

The <u>Outlying Suburban</u> areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).



Mr. Learned, with Community Engineering. Inc., the Applicant's expert witness in land use planning, testified that there is an open space preserve and an existing lake to the south. The subject property is cleared vacant land that is surrounded by wooded wetlands. Mr. Learned further stated that the Florida Land Use Cover Classification (FLUCC) designated the subject property as Open Land / Disturbed Land. It has an existing borrow pit lake in the rear of the site. The smallest lot will be 7,400 square feet. The largest lot will be 21,000 square feet. Since there is one existing home to the north and west, the Lee County Land Development Code requires an 8-foot-high wall and landscape buffer along that property line.

Mr. Higginson, the Applicant's expert in engineering, indicated that the South Trail Fire District would provide protection to the project. He had not contacted the South Trail Fire District regarding their position on the proposed deviation for only one access point to the site. Mr. Higginson testified that he has permitted several other projects with similar entrances within the South Trail Fire District and he believed that fire district's primary concern was whether their equipment would be able to access the site in a safe manner. The proposed lane width of the project, on either side of the median and cul-de-sacs, were adequate to meet the needs of their fire district's vehicles and/or equipment.

Chahram Badamtchian, a Lee County Land Planner and expert witness in land use, planning and zoning matters, testified that his office has recommended approval of similar deviations in the past, subject to a developer having a separated road that goes into the development. Staff has recommended approval of the Deviation based on prior precedence and without any issues being raised by any fire districts. The proposed project, which will only contain 24 single family residences, will have a wide entrance and a landscaped median. The existence of the median will ensure that at least one lane will be available for ingress and egress during emergencies.

There is one issue that needs clarification. That is the Minimum Lot Depth requirement. Since the lots abut Palomino Lane, a 125-foot-lot depth is required by the Lee County Land Development Code. The Applicant is requesting the ability to provide a 25-foot-wide platted buffer tract, to be owned and maintained by the homeowner's association. If that buffer is created, then only a minimum lot depth of 100 feet would be required. The separation between any residence and Palomino Lane would be no less that 125 feet.

If the 25-foot-wide platted buffer is not provided and the lots extend directly to Palomino Lane, then the required minimum lot depth would be 125 feet. In either alternative, the separation between a residence and Palomino Lane would be no less that 125 feet. Consequently, this Hearing Examiner finds acceptable, the Applicant's request to change the minimum lot depth to read: "125 feet for lots abutting Palomino Lane (except lot depth may be reduced by the depth of a separate tract being created for, but not limited to, a landscape buffer along Palomino Lane, but in no case will the lot depth be less than 100 feet) and, 100 feet for all others."

Mr. Badamtchian indicated that he inadvertently omitted three standard conditions from his Staff Report. He submitted the proposed condition language for Conditions 8 (Agricultural use), Condition 9 (no guarantee for local development order) and Condition 10 (approval does not constitute concurrency finding). Ms. Beverly Grady, Applicant's Attorney, had no objection to the inclusion of Conditions 8, 9 or 10 into this recommendation. They are contained herein. In all other respects, the Staff and Applicant are in agreement with the terms and conditions of the original Staff Report.

The proposed development is adjacent to two Residential Planned Developments. Rezoning this property to residential will not cause urban sprawl. All required services are already available to this property. This project is located in the Daniels Parkway Planning Community, in the Outlying Suburban future land use category. The subject rezoning is, therefore, consistent with Objective 2.1 and Policy 2.1.1 of the Lee County Comprehensive Plan.²

Applicant's rezoning request meets the thresholds for a Development of County Impact. There are no physical constraints or hazards in the area requiring adjustment in the density or the design. The property is not in a flood plain and it is not affected by the Airport Noise Zone. The rezoning complies with Policies 5.1.1 and 5.1.2 of the Lee County Comprehensive Plan.³

Water and sewer services are available to the site. The development will be required to connect to those services and therefore complies with Standards 11.1 and 11.2 of the Lee County Comprehensive Plan.⁴

Lee County Comprehensive Plan Objective 2.1:

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

Lee County Comprehensive Plan Policy 2.1.1:

Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

³ Lee County Comprehensive Plan Policy 5.1.1:

Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

Lee County Comprehensive Plan Policy 5.1.2:

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community

⁴ Lee County Comprehensive Plan Standard 11.1:

WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, <u>F.A.C.</u>).

Lee County Comprehensive Plan Standard 11.2:

2

In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this decision.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and any other applicable code or regulation.

B. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

C. That the request is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan.

D. That the request is compatible with existing or planned uses in the surrounding area.

E. That approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

F. That, where applicable, the request will not adversely affect environmentally critical areas and natural resources.

G. That the proposed use or mix of uses is appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguard to the public interest.

I. That the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

J. That the requested deviations enhance the achievement of the objectives of the planned development.

K. That the requested deviation preserves and promotes the general intent of Chapter 34 of the Lee County Land Development Code, to protect the public health, safety and welfare.

SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

L. That, where the change proposed is within a Outlying Suburban future land use area, urban services, as defined in the Lee County Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.

M. That the subject property did not hold an agricultural exemption or support an ongoing bonafide agricultural use at the time the rezoning application was submitted. No change to the agricultural use status occurred prior to the date of this recommendation.

VI. LIST OF EXHIBITS:

Master Concept Plan of Fontanesi RPD, prepared by Community Engineering Services, Inc., last revised December 2005, date stamped "Received by Community Development on December 22, 2005"

STAFF'S EXHIBITS

1 Email from Dawn Perry-Lehnert to Chahram Badamtchian, Re: Additional Proposed Conditions

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1 Master Concept Plan for Fontanesi RPD, Sheet 1 of 1, prepared by Community Engineering Services, Inc., last revised December 2005 [board]
- 2 Aerial photograph with subject property and surrounding zoning depicted, Sheet 1 of 1, dated May 31, 2005, prepared by Community Engineering Services, Inc.[board]
- 3 Density Aerial photograph, Sheet 1 of 1, prepared by Community Engineerign Services, Inc., dated January 2006 [board]
- 4 Future Land Use Map Map 1 (color) [board]

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Dawn Perry-Lehnert, Assistant County Attorney, introduced herself and explained that he was present to assist County Staff, Applicant and Hearing Examiner to ensure the hearing record was complete. The instant hearing will not be the final hearing in this matter. A final hearing will be held before the Board of County Commissioners a few weeks after the Hearing Examiner's Recommendation is issued. If anyone wishes to speak at the hearing before the BOCC, they will be required to speak at the instant hearing.

At this time, Ms. Lehnert introduced Beverly Grady, with Roetzel & Andress law firm, Fred Learned, with Community Engineering, and Chahram Badamtchian, Planner with the Department of Community Development.

Case DCI2005-00068

Ms. Grady reintroduced herself and began the Applicant's presentation by introducing the Manager of Fontanesi, LLC, the Applicant, and Kevin Higginson & Mark McCleary, with Community Engineering Services, who were professional engineers that have been accepted as expert witnesses in civil engineering in this forum in the past.

The Applicant agreed with Staff's finding and conclusion of the Staff Report regarding consistency with the Lee Plan and compliance with the Land Development Code's (LDC) performance locational standards. They also agreed with the proposed conditions, with the exception of one clarification that was submitted to the Hearing Examiner Office prior to the hearing. The proposed rezoning application has requested only one deviation and has received a recommendation of approval from Staff.

Mr. Learned, with Community Engineering, reintroduced himself and asked to be accepted as an expert witness in land development, planning and management, as he has been in this forum in the past. After hearing no objections, the Hearing Examiner accepted him as an expert witness in land use planning.

Mr. Learned referred to a site and a few exhibits posted on the exhibit board and pointed out the subject property that is located on Palomino Lane, which is across the street from The Renaissance development. There is an open space preserve and existing lake to the south. The subject property is vacant cleared land and is surrounded by wooded wetlands. There are agricultural residential lots to the north and residential RPD's scattered throughout the area. The Hearing Examiner labeled the Master Concept Plan (MCP) as Applicant's Exhibit 1 and the Aerial Photograph as Applicant's Exhibit 2.

Continuing, Mr. Learned indicated that Florida Land Use Cover Classification (FLUCC) designated the subject property as Open Land / Disturbed Land, with an existing borrow pit lake in the rear of the site, as shown on the aerial photograph.

The next exhibit was a Density Aerial Photograph depicted all the approved residential planned developments in the area with similar or equal densities as proposed by the Applicant (Applicant's Exhibit 3).

Mr. Learned then referred to the detailed site plan and pointed out that the only deviation being requested in this case was to allow only one access point to 24 residential lots. The smallest lot will 7,400 square feet and the largest lot will be 21,000 square feet. The site has been designed with cul-de-sacs, a gated entrance, and a common lake in the center. Since there is one existing home to the north and west, the LDC requires an 8-foot-high wall and landscape buffer. Mr. Learned noted that the Master Concept Plan (MCP) he was referring to was the same MCP that was attached to the Staff Report.

In response to Ms. Grady's inquiry, Mr. Learned agreed that, in his professional opinion, the proposed project and rezoning request (RPD with 24 residential lots) were consistent with the Lee Plan, met or exceeded all the performance and location standards of the LDC, compatible with existing and planned uses in the surrounding area, there were adequate urban services available to serve the 24 residential units so that they do not place an undue burden on the existing transportation, water or sewer systems, and that the requested deviation will enhance the planned development and will protect the public health, safety and welfare. At that time, Mr. Learned submitted a copy of the Future Land Use Map into the hearing record, which was labeled as Applicant's Exhibit 4.

Case DCI2005-00068





Next, the Hearing Examiner referred to the minimum lot depth requirement and noted that Staff had requested lot depths of 125 feet for lots abutting Palomino Lane and asked if it was the Applicant's request to have those depths defined as "inclusive" of any tracts that were set aside for common areas. Mr. Learned explained that the Applicant has an idea of how to market and develop the lots in the future. It is possible for the lot owners to retain ownership of the enhanced buffer areas by utilizing the subdivision platted open space tract that would physically separate from Palomino Lane. That was the Applicant's goal, therefore, they do not want the lots to be considered as "backing up" to Palomino Lane. Instead, they should be considered as fronting on the road (Palomino Lane), in which case the 125-foot depth would apply.

Ms. Grady stated, in summary, the distance between the edge of the right-of-way (Palomino Lane) and the internal street will always be 125 feet and will be owned by the individual lot owners. Mr. Learned stated that was correct.

In response to the Hearing Examiner inquiry, Ms. Grady agreed that an easement could be created, however, she believed it would be cleaner to create an "open space tract" and noted that the lots would never be less than 125 feet deep.

At this time, Kevin Higginson reintroduced himself as a professional engineer and the project engineer in this case. He asked to be accepted as an expert witness in civil engineering in this forum, as he had been in the past. After hearing no objections, the Hearing Examiner accepted him as such.

In response to the Hearing Examiner's questions regarding fire protection and whether the Applicant had received a verbal or written response to the proposed deviation, Mr. Higginson indicated that the South Trail Fire District would provide protection to the project. However, he had not contacted the South Trail Fire District regarding their opinion of the proposed deviation request. Mr. Higginson noted, however, that he has permitted several other projects, with similar entrances, within the South Trail Fire District. Therefore, he was confident that they would approve of it, noting that South Trail's primary concern was that their apparatus would be able to access the site in a safe manner. The proposed lane width the project, on either side of the median and cul-de-sacs, were adequate to meet the needs of their fire apparatus, vehicles and/or equipment.

The Hearing Examiner pointed out that, in looking at the surrounding area, there was no means to provide a second access for emergency vehicles from the north, west or south sides of the project. Mr. Higginson stated that was correct.

The Hearing Examiner asked if there would be a gatehouse constructed at the entrance of the project. Mr. Higginson believed there would be an unmanned gatehouse constructed, but the Fire Department would have a transponder to access the project.

At this time, Chahram Badamtchian reintroduced himself and indicated that his resume was on file with the Hearing Examiner Office. He asked to be accepted as an expert witness in land use, planning and zoning matters. After hearing no objections, the Hearing Examiner accepted him as such.

Case DCI2005-00068

Mr. Badamtchian began Staff's presentation by describing the request as the rezoning of 9.35 acres that is located on the Outlying Suburban category of the Lee Plan, which allows a density of up to three units per acre. The Applicant has proposed a density of 2.56 units per acre. The subject property is surrounded by agricultural, single-family or RPD zoned properties. To the east, across the Palomino Lane, is The Renaissance development, which was approved at only .86 units per acre, however, they have a large golf course. The Danport Lake RPD is located to the west of the subject property, which was approved with a density of 1.98 units per acre, but they have preserve and wetland areas. Without those wetland preserves, the density equated to 2.37 units per acre. Therefore, the proposed project will be consistent with uses to the south, east and partially to the west.

With regards to the requested Deviation, Staff had recommended approval of similar deviations in the past, when the Developer has separated the road that goes into the development. Therefore, Staff has recommended approval of the Deviation, based on what they have done in the past, without any issues being raised by any fire districts.

Continuing, Mr. Badamtchian indicated that he inadvertently omitted three standard conditions from the Staff Report. At this time he submitted the proposed condition language for Conditions 8 (Agricultural use), Condition 9 (no guarantee for local development order) and Condition 10 (approval does not constitute concurrency finding) (Staff's Exhibit 1). Ms. Grady had no objection to the inclusion of the Conditions 8, 9 or 10 into the Staff Report.

The LDC requires a minimum lot depth of 125 feet along Palomino Lane. However, if the Developer provides a unified landscape buffer, it will achieve the same thing. Therefore, Staff does not object to the proposed request.

In response to Ms. Grady's inquiry, Mr. Badamtchian agreed that, in his professional opinion, the proposed project and rezoning request (RPD with 24 residential lots) were consistent with the Lee Plan, meets or exceeded all the performance and location standards of the LDC, compatible with existing and planned uses in the surrounding area, there were adequate urban services available to serve the 24 residential units so that they do not place an undue burden on the existing transportation, water or sewer systems, and that the requested deviation will enhance the planned development and will protect the public health, safety and welfare.

The Hearing Examiner asked if it was Mr. Badamtchian's opinion that the proposed deviation would not be injurious to the health and safety of the residents of the proposed community. Mr. Badamtchian stated that, since there would only be 24 residences, the chance of one lane being closed was slim and there would always be some means of ingress or egress if something happens.

The Hearing Examiner inquired about the Level of Service (LOS) on Palomino Lane. Mr. Badamtchian replied that, since it was a local road, a LOS has not been established. However, he did not believe that 24 units would generate an excessive amount of traffic on Palomino Lane.

In closing, Ms. Lehnert believed it was much easier to plat a tract, for maintenance purposes, and provide 100-foot-deep lots. However, agreed that the same effect could occur with the Applicant's proposal.



It was the Hearing Examiner's understanding that the 125-foot-lot depth was required by the LDC because it abuts the roadway. If there was a 25-foot-wide platted buffer tract, would the LDC still consider those lots as abutting the street (Palomino Lane). Mr. Badamtchian stated there was nothing in the LDC, however, previous interpretations have determined that if there is a tract between the road and lots, then the lots are not considered "abutting the road."

Ms. Grady interjected that once the buffer tract is created, then there is no requirement for a 125-foot-lot depth because the lots would no longer be considered as abutting Palomino Lane.

The first public participant to speak was Mark Smith, a resident of Palomino Lane. His first concern was regarding the details of the proposed landscape buffer. Mr. Learned explained that the buffer would be 30 feet wide, with an 8-foot-high wall or berm, with five trees and 18 shrubs for every 100 feet.

Mr. Smith's second concern was where the water and sewer service would come from. Mr. Higginson clarified that the project would connect to the existing Lee County Utilities water and sewer service through The Renaissance development.

The Hearing Examiner asked where The Renaissance project was located. Mark McCleary, President of Community Engineering, introduced himself and pointed out the location of the force main connection for the sewer service and the water main stub that would need to be extended before the proposed project could connect to it. Those services are on the opposite side of Palomino Lane in the southeast corner of The Renaissance project.

Mr. Smith's third concern was also concerned about the proposed density. He currently lives on a 2.5-acre lot, as are several homes around him, and he was surprised to hear the comments that the proposed project was compatible with the Outlying Suburban category, when it is compared to the surrounding developments and their open space. He agreed that all of that open space surrounded the subject property. However, in reality, in the immediate area of the proposed development, the density is, at most, one unit per 2.5 acres. He was not suggested that the Applicant be limited to that same density, but, at the same time, he believed that 24 home lots were excessive.

At this time, the Hearing Examiner placed the final public participant, Mark Cribbett, under oath. Mr. Cribbett indicated that he was a resident of 9001 Palomino Oaks Drive, which is a 2.5-acre lot located two lots north of the subject property. All his concerns were adequately addressed during the Applicant and Staff presentations. He was in support of the proposed request and believed it would be an enhancement to area. He believed the subject property was currently an eyesore. He noted that there were two new developments to the north of the proposed development, therefore, would be compatible with the surrounding area.

In closing, Ms. Grady thanked the public participants for their comments and respectfully requested that, based on the competent evidence and testimony presented at this hearing, the Hearing Examiner approved the proposed rezoning request, as conditioned, in the Staff Report.

The Hearing Examiner indicated that he would conduct a site visit prior to issuing his recommendation to the Board of County Commissioners (BOCC). The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Beverly Grady, c/o Roetzel & Andress, 2320 First Street, Fort Myers, Florida 33901

2. Kevin Higginson, c/o Community Engineering, Inc., 8991 Daniels Center Drive, Suite 103, Fort Myers, Florida 33912

3. Fred Learned, c/o Community Engineering, Inc., 8991 Daniels Center Drive, Suite 103, Fort Myers, Florida 33912

4. Mark D. McCleary, c/o Community Engineering, Inc., 8991 Daniels Center Drive, Suite 103, Fort Myers, Florida 33912

ADDITIONAL COUNTY STAFF:

1. Dawn Perry-Lehnert, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

<u>For:</u>

1. Glenn Cribbett, 9001 Palomino Oaks Drive, Fort Myers, Florida 33912

Against: NONE

General:

1. Mark A. Smith, 12176 Palomino lane, Fort Myers, Florida 33912

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

<u>Against:</u> NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

<u>No person</u> shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

<u>Any person</u> who knowingly makes or attempts to initiate an unauthorized communication ... [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 9th day of March, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record. D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

Uu

RICHARD A. GESCHEIDT LEE COUNTY HEARING EXAMINER 1500 Monroe Street, Suite 218 Post Office Box 398 Fort Myers, Florida 33902-0398 Telephone: 239/479-8100 Facsimile: 239/479-8106

DESCRIPTION

A PARCEL OF LAND BEING THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH ONE-HALF OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOO°56'38"E ALONG THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 1653.44 FEET, TO THE POINT OF BEGINNING, SAID POINT BEING AT THE NORTH LINE OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE N89°34'57"E ALONG SAID NORTH LINE, A DISTANCE OF 645.56 FEET TO A POINT AT THE EAST LINE OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SAID LINE ALSO BEING THE CENTER LINE OF A 60 FOOT WIDE ROAD ACCESS EASEMENT KNOWN AS PALOMINO LANE; THENCE SO0°57'24"E ALONG SAID EAST LINE AND THE EAST LINE OF NORTH ONE-HALF OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 661.44 FEET TO A POINT AT THE SOUTH LINE OF SAID NORTH ONE-HALF OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, SAID LINE ALSO BEING THE NORTH LINE OF TRACT "K" OF RENAISSANCE SUBDIVISION AS RECORDED IN PLAT BOOK 72, PAGE 18-30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S89°35'I G"W ALONG SAID SOUTH LINE, A DISTANCE OF 645.71 FEET TO A POINT AT THE WEST LINE OF SAID NORTH ONE-HALF OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, SAID LINE ALSO BEING THE EAST LINE OF TRACT "P" OF DANFORTH LAKES PHASE II AS RECORDED IN PLAT BOOK 72, PAGE 42-47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NOO°56'38"WEST ALONG SAID WEST LINE AND THE WEST LINE OF SAID NORTH ONE-HALF OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, A DISTANCE OF 661.38 FEET TO THE POINT OF BEGINNING. CONTAINING 9.80 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 15 BEING NOO"56'38"E AS ASSUMED MERIDIAN.

SEE SHEET 2 FOR THE SKETCH OF THE DESCRIPTION.

App	licent	's L	1990	Chec	tet
by	Lan	7/2	27/	2005	
	0	.7	11		



PERMIT COUNTER

EXHIBIT A

DCI2005-00068





THE WE AND THE REPORT OF THE R




MEMORANDUM FROM THE OFFICE OF THE LEE COUNTY HEARING EXAMINER

DATE: March 9, 2006

TO: **Board of County Commissioners**

FROM: Richard A. Gescheidt **County Hearing Examiner**

RE: **Hearing Examiner Recommendation**

Enclosed you will find the following Examiner Recommendation:

HEARING DATE: JANUARY 18, 2006

DCI2005-00068

FONTANESI, LLC, in reference to 12350 and 12400 PALOMINO LANE

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for Monday, April 3, 2006. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

If you have any procedural questions, please let our office know.

Tim Jones / CAO CC: Andy Getch / LCDOT Pam Houck / Zoning Division Sue Noe / Economic Development

DCI2005-00068 Jamie Princing / Community Development Chahram Badamtchian / Community Dev. Dawn Perry-Lehnert / CAO Matt Noble / Community Development

> JAMIE PRINCING> COMMUNITY DEVELOPMENT

LEE COUNTY, FLORIDA ZONING DIVISION STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2005-00101

1/

HEARING EXAMINER DATE: January 18, 2006

I. APPLICATION SUMMARY:

- A. <u>Applicant:</u> Ms. Stephanie Miller in ref. to Carissa CPD
- B. <u>Request:</u> Reinstate the vacated Master Concept Plan for Carissa CPD (Resolution Z-97-029) for a maximum of 2 years. This planned development was approved for a mixed use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan was extended once for two years on August 26, 2003.
- C. Location: The subject property is located at 12110 & 12150 Six Mile Cypress Parkway and 12151 & 12211 JV Parker Lane, (Take US 41 South to Colonial Blvd. and turn left. Head east for approx. 3 miles and turn right on Six Mile Cypress Pkwy. Head southeast for approx. 3 miles. The property is on the west side of Six Mile Cypress Pkwy. approx. 660 feet south of Penzance Rd.), in S17-T45S-R25E, Lee County, FL. (District #2)
- D. <u>Future Land Use Plan Designation, Current Zoning and Use of Subject Property and</u> <u>Road Classification:</u> The subject property is a vacant parcel, currently zoned Commercial Planned Development, and located in the Central Urban future land use category. Six Mile Cypress Parkway is an arterial road.
- E. Surrounding Land Use:

Existing Zoning & Land Use

North: CPD, vacant

East: EC, vacant

South: CS-1, vacant

West: AG-2, vacant

Future Land Use Map

Central Urban

Conservation Lands -Wetlands and Uplands

Central Urban

Central Urban

December 28, 2005 U:\200510\DCI20050.010\1\STAFF REPORT.WPD

Page 1 of 10

F. <u>Size of Property:</u> 19.0± Acres

II. <u>RECOMMENDATION:</u>

Staff recommends APPROVAL of the Applicant's request to reinstate the vacated Master Concept Plan for Carissa CPD. In the following staff has codified the actions, conditions, and deviations found in Resolution Z-97-029A and the administrative approval for ADD2005-00126:

- A. Conditions:
 - 1. The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan for this development which is entitled "Master Concept Plan, Carissa CPD", stamped received June 10, 2005 OCT 20, 2005 by the Permit Counter, except as modified by the conditions herein.
 - 2. The approved Schedule of Uses for this development is limited to the following:

Schedule of Uses:

Administration Offices Animal Clinic ATM Auto Parts Store, No Installation Service Automobile Service Station Automotive Repair and Service, Group I Banks & Financial Establishments, All Groups **Boat Parts Store Building Material Sales** Business Services, Groups I and II Car Wash **Cleaning and Maintenance Services** Clothing Store, General Commercial Clubs, Fraternal or Membership Organization **Consumption on Premises** Contractors and Builders, Groups I and II Convenience Food and Beverage Store, subject to Condition #4 & Deviation (7) Cultural Facilities - Excluding Zoos Day Care Center, Child, Adult **Department Store** Drive-thru Facility Drug Store, Pharmacy **Essential Services Essential Service Facilities** Excavation, Water Retention Factory Outlets (Point of Manufacture) Farm Equipment, Sales, Storage, Rental or Service Feed, Fertilizer, Mixing and Sales Fences, Walls

December 28, 2005 U:\200510\DCl20050.010\1\STAFF REPORT.WPD Fire Station Flea Market, Indoor Food and Beverage Service, Limited Food Stores, Groups I and II Gasoline Dispensing System, Special Gift and Souvenir Shop Hardware Store Health Care Facilities, Group III Hobby, Toy and Game Shops Hotel/Motel - 100 rooms Household & Office Furnishings, Groups I and II **Insurance** Companies Laundry Dry Cleaning, Group I Lawn & Garden Supply Store Medical Office Mini Warehouses Non-Store Retailers, All Groups Pet Services Pet Shops Pharmacy Place of Worship Plant Nursery Post Office **Real Estate Sales Office** Recreation, Commercial, Groups I, II & IV **Religious Facilities** Rental or Leasing Establishments, Groups I and II Repair Shops, Groups I and II Research & Development Laboratories, Groups II & IV Restaurant, Groups I, II and III Restaurant, Fast Food, subject to Condition 4 & Deviation (7) Retail and Wholesale, when clearly incidental and subordinate to the principal use on the same premises Schools, Commercial Self Service Fuel Pumps Self Service Fuel Pump Stations Signs, in accordance with LDC Chapter 30 Social Services, Groups I and II Specialty Retail Shops, Groups I, II, III and IV Storage, Indoor only Studios Supermarkets **Temporary Uses** Theater, Indoor Towers, Communication - less than 100 feet in height Transportation Services, Group II Used Merchandise Stores, Groups I and II Variety Store Wholesale Establishments, Group III

December 28, 2005 U:\200510\DCI20050.010\1\STAFF REPORT.WPD 3. The following Property Development Regulations apply to the development of the subject property:

Minimum Lot Area and Dimensions:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

Minimum Setbacks - Buildings And Structures:

Street: (Six Mile Cypress Parkway)	65 feet
Street: (parallel access street)	25 feet
Side:	15 feet
Rear:	20 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: up to three habitable floors within 35 feet

- 4.
- a. The area west of the proposed buildings fronting on Six Mile Cypress Parkway and north of the proposed buildings fronting on Crystal Drive is limited to open space uses and vehicular access. Public access is prohibited on the west or north sides of these buildings.
- b. If a Fast Food Restaurant or Convenience Food and Beverage Store use is developed next to the northwest property line (extending south approximately 660 feet from the northernmost property line), the Developer must construct an 8-foot-high masonry wall parallel to the northwest line prior to development order approval. The wall must be located between the wetland preservation areas or 30-foot-wide retention/detention area and these uses. The 8-foot-high masonry wall is required only adjacent to the northwest property line. The buffer must also comply with the Land Development Code, including but not limited to required trees and shrubs.
- 5. The magnitude of commercial development will be governed by the access to the site as set forth in the matrix below:

Access required for development	Maximum amount of floor area that may be developed	of which a maximum amount of retail floor area may be developed	
Six Mile Cypress only (existing)	75,000 sq. ft.	None	

December 28, 2005 U:\200510\DCI20050.010\1\STAFF REPORT.WPD

Page 4 of 10

With access to Crystal Drive (Crystal Drive must be constructed to minimum Local Street Standard)	150,000 sq. ft.	30,000 sq. ft.*
With access to Crystal Dr. (Crystal Drive must be opened & functioning as a collector road)	150,000 sq. ft.	100,000 sq. ft.
OR		
With access to Penzance Rd. (with connection to Carissa CPD access road)	150,000 sq. ft.	100,000 sq. ft.

[*Must be within 330 feet of intersection.]

- 6. Prior to development order approval, the developer must regrade existing lakes to a water depth of four (4) feet below the dry season water table so that the lake banks are sloped to a ratio not steeper than four (4) feet horizontal to one (1) foot vertical. In addition, the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.
- 7. The landscape plans must include a detailed wetland creation planting plan for the wetland creation/detention area delineated on the Master Concept Plan for review and approval by the Division of Environmental Sciences staff. A minimum of six species of native wetland plants must be included. Groundcover plants must be a minimum 1-gallon container size. Trees must be a mixture of sizes with a minimum 3-gallon container size for the smaller trees and a minimum 10-foot height 2-inch caliper for larger trees. The 10-foot trees may be used to meet buffer or general tree requirements; and

The landscape plans must include appropriate native trees meeting the Land Development Code general tree requirements must be incorporated into the design and placed with Lake Tract #1 both within the littoral zone and in the surrounding upland areas in such a manner as to create a forested wetland and hammock area. The trees may be used toward the general tree requirement for the overall site; and

The property must be surveyed specifically for Big Cypress fox squirrels and their nests. If squirrel nests or day beds are observed, then the structure must be observed for five consecutive days in the early morning and early evening to determine if they are active fox squirrel nests. If fox squirrel use is verified, then a 125-foot buffer must be maintained around any active nest until it is deemed inactive and written authorization is obtained from the Florida Fish and Wildlife Conservation Commission to remove the tree and nest structure. (This condition is to replace condition 7 of Z-97-029)

- 8. Additional conditions may be required at the time of local development order approval to mitigate the project's vehicular or pedestrian traffic impacts.
- 9. Approval of this rezoning does not give the Developer the undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
- 10. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as granted by deviation as part of this planned development.
- 11. If the developer requests impact fee credits for the dedication and construction of the access road shown on the Master Concept Plan, only the area that is not site-related and deemed necessary to allow a neighboring parcel access across the subject parcel will be eligible for credits. Any right-of-way for which credits are issued will be valued based upon the zoning of the land as it existed prior to this zoning approval (AG-2).
- B. Deviations:

Deviation (1) was WITHDRAWN by the applicant.

Deviation (2) seeks relief from LDC Section 10-329(e)(3) which limits the depth of an excavation to a maximum of 12 feet, to allow a maximum depth of 20 feet. The requested deviation is **DENIED WITHOUT PREJUDICE**, because no lake management plan has, as yet, been submitted by the Applicant.

Deviation (3) seeks relief from LDC Section 10-413(c)(1) which requires 50 percent of the required open space to be preserved as existing native vegetation, to permit 34 percent of the required open space to be preserved as existing native vegetation. The requested deviation is **APPROVED**.

Deviation (4) seeks relief from LDC Section 10-415(a)(4) which requires that one tree must be provided for each 3,500 square feet of development area, to allow one tree be provided for each 3,500 square feet of development area excluding the frontage road area, wetland preserve and mitigation area. The requested deviation is **DENIED**.

Deviation (5) seeks relief from LDC Section 30-153(2)a., which restricts total sign area on any given street to 300 square feet, to allow two 200-square foot identification signs, each located a minimum of 15 feet from the parallel access street easement. The requested deviation is **APPROVED.**

Deviation (6) seeks relief from LDC Section 10-329(e)(1)a.1. which prohibits an excavation for water retention from being located closer than 25 feet to an existing or proposed street right-of-way line or easement, to allow the existing lakes to encroach into the 25 foot setback. The requested deviation is **APPROVED** subject to Condition 6 above.

Deviation (7) seeks relief from LDC Section 10-414(a) which requires that commercial developments adjacent to existing residential developments provide a minimum 15 foot

wide buffer which includes a fence, wall or berm not less than 8 feet in height, to eliminate the requirement for the 8 foot fence, wall or berm. The requested deviation is **APPROVED** subject to Condition 4.b. above, no deviation is granted for the Fast Food Restaurant or Convenience Store uses described therein.

Deviation (8) was WITHDRAWN by the applicant.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of a reinstatement of a vacated Master Concept Plan, staff offers the following findings of fact in accordance with LDC Section 34-145:

- a. The applicant is proposing no changes to the original approved master concept plan; and
- b. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements; and
- c. The development shown by the master concept plan is compatible with existing and approved uses in the surrounding area; and
- d. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities.

Additionally this Section of the LDC indicates the Hearing Examiner must also find:

- a. The criteria set forth in section 34-145(d)(2), which are applicable to the case, are satisfied; and
- b. The criteria listed in subsection (d)(1) above are satisfied.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This application seeks approval of a reinstatement of a vacated Master Concept Plan in accordance with Land Development Code (LDC) Section 34-145. Due to the failure of the owner to obtain local development order approval within the prescribed time period, the Master Concept Plan (MCP) vacated. The above cited Section states that a vacated MCP can be reinstated provided this does not exceed 10 years from the date of the original planned development approval.

County records show that the owner is seeking a local development order as filed in DOS2005-00220. This application is a request to develop 2 parcels on this property. At this time, the local development order cannot be approved since Development Services staff notes that the Master Concept Plan has vacated and the development order cannot be approved until the zoning approval has been reinstated.

December 28, 2005 U:\200510\DCI20050.010\1\STAFF REPORT.WPD

Page 7 of 10

Zoning History

Attachments B, C, and D provides copies of the existing zoning actions for this development.

Resolution Z-91-029, Attachment B, (represents the original zoning approval for this planned development. This was adopted on June 16, 1997. Development of this site included a lengthy list of permitted uses. The project was approved with a maximum total of 150,000 square feet of floor area (depending on access as provided for in Condition 5). Retail floor area could utilize up to 100,000 square feet of this total. Additionally, up to 100 hotel/motel units could be developed.

Then on August 26, 2003, the Board of County Commissioners (Attachment C) allowed for an extension of the duration of rights for this planned development, since the original Master Concept Plan vacated (the first time) on June 16, 2002. This Board approval allowed the extension of the rights for a period of two years from that action (August 26, 2005).

An administrative amendment (Attachment D) was granted on June 27th 2005. This amendment allowed for a number of changes including: the relocation of the frontage road creating a reverse frontage road through the site, creation of four (4) development areas (including three outparcels), reconfiguration of the wetland creation area, increasing the wetland preserve area, reducing the setback from Six Mile Cypress Parkway due to the creation of a reverse frontage road, and relocation of one of the two freestanding signs approved in Deviation #5.

Reinstatement Issues

LDC Section 34-145 provided that findings of fact in accordance with this Section are found. Staff has re-stated these provisions in italics with staff comments following.

a. The applicant is proposing no changes to the original approved master concept plan; and

The applicant proposes no changes to the originally approved master concept plan, as amended by ADD2005-00126. Since the changes approved in this administrative action were deemed to not increase intensity or density, did not decrease buffers or open space, did not underutilize infrastructure, and did not adversely impact surrounding land uses, staff finds that this request is not proposing any change to the approved master concept plan.

b. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements; and

The proposed reinstatement seeks to re-activate the zoning for a development that included 100,000 square feet of retail commercial; 50,000 square feet of office use; and 100 hotel/motel units when it was approved in June, 1997. This original approval found that the project, as conditioned, met all performance and locational standards, was consistent with the intensity of development allowed by the Lee

Page 8 of 10

Plan, and was compatible with existing and planned land uses. There have been no significant changes in the area and staff continues to find that this proposed development remains consistent with this requirement of the LDC.

c. The development shown by the master concept plan is compatible with existing and approved uses in the surrounding area; and

Since the applicant proposes no changes to the master concept plan and the original plan was found to be compatible with the existing and approved uses in the area, staff finds that there has been no significant changes in the area and concludes that the proposed development shown on the plan remains compatible with the existing and future uses in the area.

d. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities.

Staff finds that there has been no significant changes in the area or to the local infrastructure, that the project by itself or in conjunction with other development, that will place an unreasonable burden on essential public facilities that will serve the development in this area.

Master Concept Plan

The vacated Master Concept Plan allowed development of a mixed use commercial center. Three outparcels and a office development parcel were planned within this project. The ouparcels faced Six Mile Cypress Parkway. Outparcel 1 was the northernmost parcel and fronted on both the entrance from Six Mile Cypress Parkway but also the 40 foot wide frontage road connecting with the CPD development to the north. Outparcels 2 and 3 are accessed from the reverse frontage road that also connects with the future Crystal Drive. The office parcel access the reverse frontage road and also with the future Crystal Drive.

Lee Plan Considerations

The subject property along with adjoining parcels to the north, south, and west are located within the Central Urban future land use category of the Lee Plan. Staff continues to agree with the finding from 1997, that this development as conditioned, is consistent with the Lee Plan.

Neighborhood Compatibility

The proposed development of this site depicted on the Master Concept Plan, places the most intense uses along Six Mile Cypress Parkway. The land closest to the adjoining agriculturally zoned properties to the northwest and west is planned with wetland preservation areas and a lake. The active use of this property is planned as one and two story office uses and these act as a buffer separation from the more intense commercial uses along Six Mile Cypress Parkway.

Transportation

Lee County DOT reports (see Attachment F) that the MCP shows two proposed access points onto Ben C. Pratt/Six Mile Cypress Parkway. These access points are consistent with the controlled access resolution for this road. DOT also notes that land is reserved for future right-of-way for Crystal Drive along the southern property line of this site. Lee County DOT reports that this extension is not in the County's 5 year CIP. This is shown on the MPO 2030 financially feasible plan.

Condition 5 of Resolution Z-97-029A (see Attachment B) limits development intensity within this project based on the access to this site. This includes both access to the future extension of Crystal Drive and a future frontage road connection to Penzance Boulevard to the north through the adjoining CPD zoned parcel. This condition will remain in effect if this reinstatement is greanted.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Resolution Z-97-029A
- C. Bluesheet #20030765
- D. Administrative Amendment ADD2005-00126
- E. Applicant's supporting documentation
- F. Comments from Lee County DOT
- G. Comments from Environmental Sciences
- cc: Applicant County Attorney Zoning/DCI File

December 28, 2005 U:\200510\DCI20050.010\1\STAFF REPORT.WPD



MEMORANDUM FROM THE OFFICE OF COUNTY ATTORNEY



COMMUNITY DEVELOPMENT

DATE: March 27, 2006

Secretary

To: Jamie Princing Development Services FROM: Juna Boone Tina Boone, Legal Administrative

RE: Carissa CPD Zoning Case #DCl2005-00101 Resolution No. Z-06-007

Attached please find the legal verification in regard to the above matter. Please place this verification in the appropriate file. Thank you.

/tlb attachment

S:\LU\Zoning-2006\06-007 Carissa CPD\Legal Verification - Princing memo - TB.wpd



GARY F. MULLER, AICP

1482 ARGYLE DRIVE • FORT MYERS, FLORIDA 33919 • 813/939-0111 • FAX 813/939-0611

March 27, 2006

Ms. Dawn E. Perry-Lehnert Assistant County Attorney Lee County Attorney's Office P.O. Box 398 Fort Myers, FL 33902-0398

RE: Carissa CPD Zoning Case #DCI2005-00101 Resolution No. Z-06-007

Dear Ms. Perry-Lehnert:

I have reviewed the draft resolution pertaining to the above referenced rezoning case and am writing to confirm that it accurately reflects the Hearing Examiner's recommendation and the attached legal description is correct.

Eleven full-size and three $11^{"} \times 17^{"}$ copies of the revised Master Concept Plan with the requested changes will be submitted after the resolution has been formally adopted by the Board of County Commissioners.

If you have any further questions regarding this matter, please let me know.

Sincerely,

Gary F

cc: Stephanie Miller Charles Basinait

RESOLUTION NUMBER Z-97-029 A

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, Stephanie Miller, Trustee filed an application for a rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to Carissa CPD; and

WHEREAS, a scrivener's error was discovered in an asterisked footnote to Condition #5 of Resolution Z-97-029, in that the word "Access" was inadvertently added to the beginning of the footnote which did not appear as part of the Hearing Examiner's recommendation of approval of the applicant's request; and

WHEREAS, the scrivener's error is corrected in this Resolution by deletion of the word "Access" from the footnote to Condition #5; and

WHEREAS, the subject property is located at 12150 Six Mile Cypress Parkway, and is described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 45 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 17, Township 45 South, Range 25 East, and being further bound and described:

Lot 27, of that certain unrecorded subdivision known as SUBURBAN RANCHETTES located in Lee County, Florida as more particularly described as follows:

The North Half (N½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest (NW¼) of section 17, Township 45 South, Range 25 East;

Excepting therefrom the Westerly 30 feet thereof;

Together with an easement for ingress and egress over and across the East 30 feet of the West Half (W½) of the East Half (E½) of the Northwest Quarter (NW¼) and the West 30 feet of the East Half (E½) of the East Half (E½) of the Northwest Quarter (NW¼) of Section 17, Township 45 South, Range 25 East, Lee County, Florida; and

ALSO a tract or parcel of land lying in Section 17, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel is further described as follows:

The South Half (S½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of said Section 17; Said parcel is subject to the South 30.00 feet thereof for road right-of-way as per County Commissioners Minutes Book 5, Page 669, Public Records

CASE NO. 96-12-014.03Z 01.01 (Revised 10/10/97) G:\LU\ZONINGRE\CARISRES.WPD **RESOLUTION NO. Z-97-029 A**

Page 1 of 9

ATTACHMENT B

....

of Lee County, Florida, and the West 30.00 feet thereof is reserved as a roadway easement;

Said parcel is also known as lot 28, SUBURBAN RANCHETTES as recorded in Official Records Book 273, Page 94 through 96, Public Records of Lee County, Florida; and

ALSO a parcel of land situated in Section 17, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Commencing at the Northeast corner of said Section 17;

THENCE S88°52'52"W, 2057.74 feet along the North line of said Section 17 to a point on the Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B), said point also being the true POINT OF BEGINNING;

THENCE S20°01'31"W, 511.03 feet along said Westerly right-of-way line; THENCE S88°52'49"W, 399.64 feet to a point of the East line of

SUBURBAN RANCHETTES as recorded in Official Record Book 273, Pages 94 through 96 of the Public Records of Lee County, Florida;

THENCE N00°04'42"W, 476.71 feet along said Quarter Section line to the North Quarter corner of said Section 17;

THENCE N88°52'52"E, 575.32 feet along the North line of said Section 17 to a point on said Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B) said point also being the true POINT OF BEGINNING; and ALSO a parcel of land situated in Section 17, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 17;

THENCE S88°52'52'W, 2,057.74 feet along the North line of said Section 17 to a point on the Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B);

THENCE S20°01'31"W, 511.03 feet along said Westerly right-of-way line to the true POINT OF BEGINNING;

Continue S20°01'31"W, 878.15 feet to the North line of 60' wide road rightof-way as recorded in County Commission Minute Book 5, Page 669 of the Public Records;

THENCE S88°52'49"W, 97.75 feet along said North line to a point on the East line of SUBURBAN RANCHETTES as recorded in Official Record Book 273, Pages 94 through 96 of the Public Records;

THENCE N00°04'42"W, 819.16 feet along said East line;

THENCE N88°52'52"E, 399.64 feet to a point on said Westerly right-of-way line, said point also being the true POINT OF BEGINNING; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 17-45-25-01-00000.0270, 17-45-25-01-00000.0280, 17-45-25-00-00004.0000 and 17-45-25-00-00004.0020; and

WHEREAS, Stephanie Miller, Trustee owner of the subject parcel, authorized Stuart & Associates and Banks Engineering, Inc. to act as agent to pursue this zoning application; and



WHEREAS, a public hearing was advertised and held on April 22, 1997 before the Lee County Hearing Examiner in Case No. 96-12-014.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on June 16, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES with conditions** the requested rezoning from AG-2 to CPD, as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

- 1. The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan for this development which is a document entitled "Carissa C.P.D." prepared by Banks Engineering, Inc., dated November 11, 1996, last revised January 20, 1997, and stamped received by the zoning counter on February 21, 1997, except as modified by the conditions herein.
- 2. The approved Schedule of Uses for this development is limited to the following:

Schedule of Uses:

Administration Offices
Animal Clinic
ATM
Auto Parts Store, No Installation Service
Automobile Service Station
Automotive Repair and Service, Group I
Banks & Financial Establishments, All Groups
Boat Parts Store
Building Material Sales
Business Services, Groups I and II
Car Wash
Cleaning and Maintenance Services
Clothing Store, General
Commercial Clubs, Fraternal or Membership Organization
Consumption on Premises
Contractors and Builders, Groups I and II
Convenience Food and Beverage Store, subject to Condition #4 & Deviation (7)
Cultural Facilities - Excluding Zoos
Day Care Center, Child, Adult

CASE NO. 96-12-014.03Z 01.01 (Revised 10/10/97) G:LU/ZONINGRE/CARISRES.WPD RESOLUTION NO. Z-97-029 A Page 3 of 9

Department Store Drive-thru Facility Drug Store, Pharmacy **Essential Services Essential Service Facilities** Excavation, Water Retention Factory Outlets (Point of Manufacture) Farm Equipment, Sales, Storage, Rental or Service Feed, Fertilizer, Mixing and Sales Fences, Walls Fire Station Flea Market, Indoor Food and Beverage Service, Limited Food Stores, Groups I and II Gasoline Dispensing System, Special Gift and Souvenir Shop Hardware Store Health Care Facilities, Group III Hobby, Toy and Game Shops Hotel/Motel - 100 rooms Household & Office Furnishings, Groups I and II Insurance Companies Laundry Dry Cleaning, Group I Lawn & Garden Supply Store Medical Office Mini Warehouses Non-Store Retailers, All Groups Pet Services Pet Shops Pharmacy Place of Worship Plant Nursery Post Office **Real Estate Sales Office** Recreation, Commercial, Groups I, II & IV **Religious Facilities** Rental or Leasing Establishments, Groups I and II Repair Shops, Groups I and II Research & Development Laboratories, Groups II & IV Restaurant, Groups I, II and III Restaurant, Fast Food, subject to Condition 4 & Deviation (7) Retail and Wholesale, when clearly incidental and subordinate to the principal use on the same premises Schools, Commercial Self Service Fuel Pumps Self Service Fuel Pump Stations

CASE NO. 96-12-014.03Z 01.01 (Revised 10/10/97) c:\Lu\zoningre\carisres.wpd RESOLUTION NO. Z-97-029 A Page 4 of 9

- Signs, in accordance with LDC Chapter 30 Social Services, Groups I and II Specialty Retail Shops, Groups I, II, III and IV Storage, Indoor only Studios Supermarkets Temporary Uses Theater, Indoor Towers, Communication - less than 100 feet in height Transportation Services, Group II Used Merchandise Stores, Groups I and II Variety Store Wholesale Establishments, Group III
- 3. The following Property Development Regulations apply to the development of the subject property:

Minimum Lot Area and Dimensions:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

Minimum Setbacks - Buildings And Structures:

Street: (Six Mile Cypress Parkway)	65 feet
Street: (parallel access street)	25 feet
Side:	15 feet
Rear:	20 feet

Maximum Lot Coverage:

4.

Maximum Building Height: up to three habitable floors within 35 feet

a. The area west of the proposed buildings fronting on Six Mile Cypress Parkway and north of the proposed buildings fronting on Crystal Drive is limited to open space uses and vehicular access. Public access is prohibited on the west or north sides of these buildings.

40 percent

b. If a Fast Food Restaurant or Convenience Food and Beverage Store use is developed next to the northwest property line (extending south approximately 660 feet from the northernmost property line), the Developer must construct an 8-foot-high masonry wall parallel to the northwest line prior to development order approval. The wall must be located between the wetland preservation areas or 30-foot-wide retention/detention area and these uses. The 8-foot-high masonry wall is required only adjacent to the northwest property line. The buffer must also

RESOLUTION NO. Z-97-029 A Page 5 of 9 comply with the Land Development Code, including but not limited to required trees and shrubs.

5. The magnitude of commercial development will be governed by the access to the site as set forth in the matrix below:

Access required for development	Maximum amount of floor area that may be developed	of which a maximum amount of retail floor area may be developed
Six Mile Cypress only (existing)	75,000 sq. ft.	None
With access to Crystal Drive (Crystal Drive must be constructed to minimum Local Street Standard)	150,000 sq. ft.	30,000 sq. ft.*
With access to Crystal Dr. (Crystal Drive must be opened & functioning as a collector road)	150,000 sq. ft.	100,000 sq. ft.
OR		
With access to Penzance Rd. (with connection to Carissa CPD access road)	150,000 sq. ft.	100,000 sq. ft.

[*Must be within 330 feet of intersection.]

- 6. Prior to development order approval, the developer must regrade existing lakes to a water depth of four (4) feet below the dry season water table so that the lake banks are sloped to a ratio not steeper than four (4) feet horizontal to one (1) foot vertical. In addition, the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.
- 7. Prior to local development order approval or issuance of early work vegetation removal permit, the developer must survey all infrastructure and individual parcels for fox squirrels. If squirrel nests or "day beds" are observed, then further observations must be performed to determine if these structures are active and utilized by fox squirrels. If fox squirrel use is verified, the developer must submit a fox squirrel management plan meeting the requirements of LDC §10-474.
- 8. Additional conditions may be required at the time of local development order approval to mitigate the project's vehicular or pedestrian traffic impacts.

- 9. Approval of this rezoning does not give the Developer the undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
- 10. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as granted by deviation as part of this planned development.
- 11. If the developer requests impact fee credits for the dedication and construction of the access road shown on the Master Concept Plan, only the area that is not site-related and deemed necessary to allow a neighboring parcel access across the subject parcel will be eligible for credits. Any right-of-way for which credits are issued will be valued based upon the zoning of the land as it existed prior to this zoning approval (AG-2).

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The deviations are granted or denied as set forth below:

Deviation (1) was WITHDRAWN by the applicant.

Deviation (2) seeks relief from LDC Section 10-329(e)(3) which limits the depth of an excavation to a maximum of 12 feet, to allow a maximum depth of 20 feet. The requested deviation is DENIED WITHOUT PREJUDICE, because no lake management plan has, as yet, been submitted by the Applicant.

Deviation (3) seeks relief from LDC Section 10-413(c)(1) which requires 50 percent of the required open space to be preserved as existing native vegetation, to permit 34 percent of the required open space to be preserved as existing native vegetation. The requested deviation is **APPROVED**.

Deviation (4) seeks relief from LDC Section 10-415(a)(4) which requires that one tree must be provided for each 3,500 square feet of development area, to allow one tree be provided for each 3,500 square feet of development area excluding the frontage road area, wetland preserve and mitigation area. The requested deviation is **DENIED**.

Deviation (5) seeks relief from LDC Section 30-153(2)a., which restricts total sign area on any given street to 300 square feet, to allow two 200-square foot identification signs, each located a minimum of 15 feet from the parallel access street easement. The requested deviation is **APPROVED.**

Deviation (6) seeks relief from LDC Section 10-329(e)(1)a.1. which prohibits an excavation for water retention from being located closer than 25 feet to an existing or proposed street right-of-way line or easement, to allow the existing lakes to encroach into the 25 foot setback. The requested deviation is **APPROVED** subject to Condition 6 above.

Deviation (7) seeks relief from LDC Section 10-414(a) which requires that commercial developments adjacent to existing residential developments provide a minimum 15 foot wide buffer which includes a fence, wall or berm not less than 8 feet in height, to eliminate the requirement for the 8 foot fence, wall or berm. The requested deviation is **APPROVED** subject to Condition 4.b. above, no deviation is granted for the Fast Food Restaurant or Convenience Store uses described therein.

Deviation (8) was WITHDRAWN by the applicant.

SECTION C. Master Concept Plan:

A one-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

- 1. The applicant has proven entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
- 2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
- 3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The proposed use or mix of uses is appropriate at the subject location.
- 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

RESOLUTION NO. Z-97-029 A Page 8 of 9

- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 8. The deviations granted:
 - a. enhance the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. ManningAyeDouglas R. St. CernyAyeRay JudahAyeAndrew W. CoyAyeJohn E. AlbionAye

DULY PASSED AND ADOPTED this 20th day of October, 1997.



BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: Chairman

Approved as to form by:

County Attorney's Office

FILED

OCT 22 1997

BY / LUTE 7 D.C.

CASE NO. 96-12-014.03Z 01.01 (Revised 10/10/97) G:LU/ZONINGRE/CARISRES.WPD RESOLUTION NO. Z-97-029 A Page 9 of 9



4- · •			ITY BOA AGENDA	RD OF COUN TEM SUMM	ITY COMM IARY	ISSIONERS BLUE SHEET	NO: 20030765
1. REQUESTED MOTION: ACTION REQUESTED: APPROVE the first extension of the vacated zoning Master Concept Plan for Carissa CPD for a period not to exceed two (2) years from the date of the approval by the Board of County Commissioners. WHY ACTION IS NECESSARY:							
WHAT ACTION AC	COMPLISHES:	Extends :	zoning a	approval for	two years	•	
2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #_2 A4A			<u>3. meeting date:</u> 08-26-2003				
4. AGENDA	5. REQU	REMENT/I	PURPOS	<u>E:</u>		6. REQUESTOR OF INFORMATION:	
PUBLICADMIN. CODEADMIN. CODEC. DIVISIONC. DIVISIONC.				B. DEPARTMENT <u>Comm</u> C. DIVISION <u>Zoninc</u>			
7. BACKGROUND: This is an application to allow f or the extension of the duration of rights for the approved Commercial Planned Development Zoning Case 96-12-014.03Z 01.01 as approved by Resolution Z-97-029 f or a period not to exceed two (2) years. The subject property is located at 12151, 12211 JV Park er Lane & 12110, 12150 Six Mile Cypress Parkway (along west side of Six Mile Cypress Pkwy. south of Penzance Road). The subject property was originally zoned to Commercial Planned Development (CPD) on June 16, 1997. This approval allowed a mixed use commercial development consisting of 100,000 square feet of retail commercial floor area, 50,000 square feet of office floor area and 100 hotel/m otel units. Adjacent property to the north is zoned CPD and RPD, both properties are currently vacant. To the east is Six Mile Cypress Parkway, then vacant EC zoned lands. To the south is vacant, CS-1 zoned land. To the west, is AG-2 zoned lands, both vacant and developed with a mobile home and single family residence. Although the Land Dev elopment Code was changed by Ordinance 03-16 addressing how ex tensions of planned developments may be granted, this application was found sufficient before the changes becam e effective on July 1, 2003. Therefore this application is being processed under the old regulations. 8.MANAGEMENT RECOMMENDATIONS:							
	<u></u>	<u>.</u> <u>9</u>	. RECOM	IMENDED AP	PROVAL	<u></u>	
A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	Cour	F hty Administration $GPML P/I+V^3$	G County Manager
Mam	Nia	N/A	NIA	Junn		Pix 1103 strub strut	Mon
10. COMMISSION ACTION: Rec. by CoAtty COUNTY ADMIN: D APPROVED Denied Rec. by CoAtty 8-14-53 DEFERRED Date: 0/0 70.00 OTHER Time: 2.20							
Forwarded fo: $Cy_{3 H } 3946$							

ATTACHMENT C

This request for extension of the Master concept Plan is to be reviewed based apon the findings of fact contained in Section 34-381 (c) of the LDC. A statement of the necessary findings are listed along with the staff findings in **bold** print.

An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended no more than two times by the Board of County Commissioners for a period of no more than two (2) years each, provided it does not extend the life of the master concept plan more than ten (10) years from the date of the original zoning action. Approval of this request as recommended would be the first extension, would not exceed two years, and would not extend the life for more than 10 years from the date of the original zoning action.

LDC Section 34-381(c)(1):

- a. The master concept plan is consistent with the current Lee Plan, including but not limited to, density, intensity and concurrency requirements:
- Staff Finding: The subject property was, and continues to be, located within the Central Urban future land use category of the Lee Plan. There has been substantially little change to the zoning or use of the lands in this immediate area. The project was originally found to be consistent with the Lee Plan and the Master Concept Plan remains consistent with the Lee Plan.
- b. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and
- Staff Finding: The development shown on the approved Master Concept Plan remains compatible with the existing and proposed uses in this area. The only substantial change in proposed surrounding use was a rezoning to Residential Planned Development (RPD) for land fronting on Penzance Road to the north. Where the subject property abuts that approved RPD, the Master Concept Plan proposes retention and detention areas and in staff's opinion will remain consistent and compatible with this proposed residential development.
- c. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.
- Staff Finding: Staff does not expect that this development by itself or in conjunction with other development will place an unreasonable burden on essential services. Some services, such as potable water and sanitary sewage, have been improved in this area since the original zoning.

Based upon the above noted findings, staff recommends APPROVAL of this request for the first extension of the duration of the project for the maximum of two (2) years from the date of this approval by the Board of County Commissioners.

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00126

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Stephanie Miller, Trustee, filed an application for administrative approval to a Commercial Planned Development on a project known as Carissa CPD for changes to the Master Concept Plan on property located at 12110 & 12150 Six Mile Cypress Parkway and 12151, and 12211 JV Parker Lane, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 45 South, Range 25 East, Lee County, Florida:

Exhibit "A"

WHEREAS, the property was originally rezoned in case number 96-12-014.03Z01.01 with a Master Concept Plan Extension in case number DCI2003-00044; and

WHEREAS, The applicant has requested the following changes to the Master Concept Plan: 1- Relocation of a major portion of the frontage road further to the west, 2- creation of four (4) development areas (including three outparcels), 3- reconfiguration of the wetland creation area, 4- increasing the wetland preserve area, 5- reducing the setback from Six Mile Cypress Parkway from 65 feet to 25 feet in the portion of the property where the frontage road is no longer adjacent to Six Mile Cypress Parkway, 6- relocation of one of the 2 freestanding signs depicted by Deviation #5 due to relocation of the frontage road, 7- removal of the proposed schedule of uses from the Master Concept Plan; and

WHEREAS, the Lee County 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, the Lee County Environmental Sciences Division has reviewed and conditionally approved the proposed changes to the wetland creation and wetland preserve areas; and

WHEREAS, it is found that the proposed amendment does not increase 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.

CASE NO. ADD2005-00126

Page 1 of 2

ATTACHMENT D

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

- 1. The Development must be in compliance with the amended Master Concept Plan, dated 05/05 and stamped received June 10, 2005 by the Permit Counter. Master Concept Plan for ADD2005-00126 is hereby APPROVED and adopted. A reduced copy is attached hereto.
- 2. The terms and conditions of the original zoning resolutions remain in full force and effect.
- 3. The landscape plans must include a detailed wetland creation planting plan for the wetland creation/detention area delineated on the Master Concept Plan for review and approval by the Division of Environmental Sciences staff. A minimum of six species of native wetland plants must be included. Groundcover plants must be a minimum 1-gallon container size. Trees must be a mixture of sizes with a minimum 3-gallon container size for the smaller trees and a minimum 10-foot height 2-inch caliper for larger trees. The 10-foot trees may be used to meet buffer or general tree requirements; and
- 4. The landscape plans must include appropriate native trees meeting the Land Development Code general tree requirements must be incorporated into the design and placed with Lake Tract #1 both within the littoral zone and in the surrounding upland areas in such a manner as to create a forested wetland and hammock area. The trees may be used toward the general tree requirement for the overall site; and
- 5. The property must be surveyed specifically for Big Cypress fox squirrels and their nests. If squirrel nests or day beds are observed, then the structure must be observed for five consecutive days in the early morning and early evening to determine if they are active fox squirrel nests. If fox squirrel use is verified, then a 125-foot buffer must be maintained around any active nest until it is deemed inactive and written authorization is obtained from the Florida Fish and Wildlife Conservation Commission to remove the tree and nest structure. (This condition is to replace condition 7 of Z-97-029)

DULY SIGNED this $\frac{1}{2}$ dayoof A.D., 2005. BY: Pam Houck, Director

Pam Houck, Director Division of Zoning Department of Community Development

CASE NO. ADD2005-00126

Page 2 of 2

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

> DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

2005-00126 RECEIVED

ADD

JUN 1.0 2005

ZONING

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28. OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N,20°01'31"E.

DESCRIPTION PREPARED JUNE 2, 2005

Applicant's Legal Checked 15 JUNEOS

REGISTERED SURVEYOR AND MAPPER FLORIDACERTIFICATION NO. 6338

3%

EXHIBIT "A"

SHEET 1 OF 2

11543 Charlies Terrace, Ft Myers, Florida 33907 • (239) 694-2335 • Fax (239) 694-2355 State 1888-1869 1809 SK parcel-Lduc

5 10bs 1858 1869 1869 SK parcel-1 doc -







Zoning History

The applicant is requesting to reinstate the Master Concept Plan for the Carissa CPD, a 19.07 acre development located on the west side of Six Mile Cypress Parkway, approximately 660 feet south of Penzance Boulevard. The project originally received CPD zoning approval on June 16th, 1997 pursuant to Zoning Resolution Z-97-029. At that time, the project was approved for a mixed use commercial development having a maximum gross floor area of 150,000 square feet, of which a maximum of 100,000 square feet could be developed for retail uses (subject to meeting specific access requirements which are identified in condition #5 of the zoning resolution).

The development remained inactive for a period of five years and the Master Concept Plan was subsequently vacated on June 16th, 2002. In July, 2003 the applicant filed a request to reinstate the vacated Master Concept Plan which was approved by the Board of County Commissioners on August 26th, 2003. This allowed the Master Concept Plan to be extended for an additional two years. During that time, the applicant began actively pursuing water management permits and revising the site plan to provide a better utilization of the subject property in accordance with present market demands for commercial development.

The revised site plan was then submitted to the County and formally adopted under Administrative Amendment ADD 2005-00126 on June 27th, 2005. The amendment allowed most of the frontage road to be shifted to the west and the subject property to be subdivided into four development areas - three outparcels, ranging from 1.59 acres to 2.54 acres, along Six Mile Cypress Parkway and a 4.31 acre office parcel located in the southwest corner of the site. After the administrative amendment was approved, the applicant filed for a development order on the subject property (DOS2005-00220) which was still under review when the two year time frame for the Master Concept Plan extension expired on August 26th, 2005.

Lee Plan Consistency

The subject property lies within the Central Urban future land use category and is located at the intersection of an arterial roadway (Six Mile Cypress Parkway) and a future collector roadway (Crystal Drive). The approved uses remain consistent with Policy 1.1.3 of the Lee Plan and the commercial intensities shown on the Master Concept Plan continue to meet the site location standards for neighborhood commercial centers pursuant to Lee Plan Policy 6.1.2 (subject to Condition #5 of the zoning resolution). In addition, the property presently has the necessary infrastructure and public facilities to support the proposed development in accordance with Objectives 2.1 and 2.2 of the Lee Plan. The availability of the existing public services is documented below. The presence of theses services should insure that all concurrency requirements will continue to be met.

ATTACHMENT E

Compatibility

The existing land uses and current zoning of the parcels adjoining the subject property are identified as follows:

North: vacant parcel, zoned CPD South: vacant parcel, zoned CS-1 East: Six Mile Cypress Parkway then Six Mile Cypress Preserve, zoned EC West: vacant parcel, zoned AG-2 single family residence, zoned AG-2

These present uses and zoning classifications remain unchanged from the time the original zoning was approved in 1997. At that time, all of the proposed uses and intensities shown on the Master Concept Plan were deemed to be compatible with the surrounding area. It also should be noted, that under the recently approved administrative amendment, the development in the southwestern portion of the subject property has been limited to one and two story offices and the buffering along the northern and western property lines has been increased. This should further promote future compatibility with the adjoining parcels to the west that are zoned AG-2.

Public Facilities

The proposed development will not place an undue burden on essential public facilities. Six Mile Cypress Parkway is being widened and sanitary sewer (by Lee County Utilities) is now available to the site. In addition, the following essential services will continue to be available to support the commercial development shown on the Master Concept Plan as well as other existing and proposed development in the surrounding area:

Potable Water - Lee County Utilities Fire Protection - South Trail Fire District Police Protection - Lee County Sheriff's Department Emergency Medical Services - Lee County E.M.S.



TRAFFIC IMPACT ANALYSIS

FOR

CARISSA RE-ZONING

PROJECT NO. 051009



DCI 2005-00101

PREPARED BY: Metro Transportation Group, Inc. 12651 McGregor Boulevard, Suite 4-403 Fort Myers, Florida 33919-4489 239-278-3090

October 14, 2005



I.

II.

CONTENTS

INTRODUCTION

- **EXISTING CONDITIONS**
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The proposed Carissa Re-zoning is located on the west side of Six Mile Cypress Parkway north of its intersection with Crystal Drive in Lee County, Florida. Figure 1 illustrates the location of the proposed development.

The Carissa Re-zoning, as currently proposed, would permit the development of both commercial and office uses on the subject site. More specifically, upon approval, the subject site will be zoned for up to approximately 100,000 square feet of commercial uses and up to approximately 50,000 square feet of office uses. Access to the site will be provided to Six Mile Cypress Parkway via a full site access and a right in/right out site access. Both access points on Six Mile Cypress Parkway are approved access points based on the Six Mile Cypress Parkway Controlled Access Resolution Number 00-04-09.

The following report will examine the anticipated trip generation of the proposed development and evaluate the impact the additional trips will have on the surrounding roadway network.

II. EXISTING CONDITIONS

The subject site is currently vacant. The subject site is bordered to the east by Six Mile Cypress Parkway and to the south of the subject site is vacant land. To the north and west of the subject site are existing residential uses and vacant land.

Six Mile Cypress Parkway is currently a two-lane undivided controlled access arterial roadway in the vicinity of the subject site. However, Six Mile Cypress Parkway from approximately one mile south of the Winkler Avenue extension to approximately one mile north of Daniels Parkway is programmed to be widened to four-lanes by the Lee




County Department of Transportation in fiscal year 2006/2007. Therefore, for the purposes of this analysis, Six Mile Cypress Parkway between the Winkler Avenue extension and Daniels Parkway was considered a four-lane arterial roadway. Six Mile Cypress Parkway has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval of the proposed Carissa Re-zoning, the subject site could be developed with up to approximately 100,000 square feet of commercial uses and up to approximately 50,000 square feet of office uses. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development.

Tabl Land Carissa R	Uses
Land Use	Size
Retail (LUC 820)	100,000 square feet
General Office (LUC 710)	50,000 square feet

Access to the site will be provided to Six Mile Cypress Parkway via a full site access and a right in/right out site access.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the commercial portion of the proposed development. Land Use Code 710 (General Office Building) was utilized for the trip generation purposes of the office portion of the proposed development. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak



hour trip generation of the Carissa Re-zoning as currently proposed. The daily trip generation is also indicated in the table.

			a Re-zoni				
	Weekda			Weekday			
Land Use	In	Out	Total	In .	Out 🥣	Total	2-way
Shopping Center (100,000 square feet)	95	60	155	300	325	625	6,790
General Office Building (50,000 square feet)	95	15	110	25	110	135	780
Total Trips	190	75	265	325	435	760	7,570

Table 2 Trip Generation Carissa Re-zoning

The trips shown in **Table 2** will not all be new trips to the adjacent roadway system. ITE estimates that a shopping center of comparable size may attract anywhere from 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. According to the ITE report titled *Trip Generation Handbook*, March 2001, for Land Use Code 820 (Shopping Center) the relationship between the size of the development and the percent of pass-by trips is:

Ln (T) = -0.291 Ln (X) + 5.001, where T = Average pass-by trip percentage X = 1000 square feet of gross leasable area

Using this formula the percentage of pass-by trips for the shopping center use was calculated as follows:

$$Ln(T) = -0.291 Ln(100) + 5.001$$

T = 39%

However, Lee County only allows a pass-by reduction for Land Use Code 820 of up to thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for Land Use Code 820.



For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the pass-by percentages for the land uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table	
Pass-by Trip Redu Carissa Re-	
Land Use.	Percentage Trip Reduction
Shopping Center (LUC 820)	30%

	· · ·		Tab	le 4	`	
Trip	G	enė	ratio	n –	New	Trips
``	Ċ	aris	ssá R	e-z	oning	y

	<u> </u>	Cal	1354 INC-201	umg		· · · · ·	
	Weekd	ay AM P	eak Hour 😂	Week	day PM Pea	ik Hour	Daily
Land Use	: In .>	. Qut:	Total	In .	Out	Total	-(2-way)
Total Trips	190	75	265	325	435	760	7,570
Less LUC 820 Pass-by	-30	-15	-45	-90	-100	-190	-2,035
New Trips	160	60	220	235	335	570	5,535

V. TRIP DISTRIBUTION

The new trips shown in Table 4 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the proposed site access drives. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 2**. Figure 2 also illustrates the site traffic assignment to the proposed site access drives.





In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour, Peak Direction Service Volumes, as provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2007. Therefore, the surrounding roadway network was analyzed under 2008 projected traffic conditions. Based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rate was calculated from historical traffic count data for the past nine years as contained in the 2004 Lee County Traffic Count Report.

Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2008 without the development and year 2008 with the development. The 2005 peak hour traffic volumes were obtained from the 2004/2005-2005/2006 Lee County Concurrency Report dated June 2005. Table 2A, contained in the Appendix of the report, outlines the methodology used in determining the growth rate utilized for each roadway segment.

Figure 3 indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour volume and Level of Service of each link should no development occur on the subject site and the Peak Hour volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These values are derived from Table 2A contained in the Appendix.





VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 3, none of the roadway links analyzed will be adversely impacted as a result of the proposed development. Adverse impact is defined as a degradation in the Level of Service on a roadway link beyond that which the roadway link is anticipated to operate at without the proposed development. In addition, all roadway links analyzed are shown to operate at or above a Level of Service "B" under the 2008 build-out traffic conditions for the proposed Carissa Re-zoning.

Turn lane analysis was performed at both of the site access intersections based on the Lee County Turn Lane Policy, Administrative Code 11-4 (AC 11-4). Based on the results of the analysis, turn lanes will be warranted at both of the site access intersections. At the northern site access intersection on Six Mile Cypress Parkway, a southbound right turn lane will be warranted. This turn lane should be constructed to include 350 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 55 mph design speed. No storage length is warranted due to the free flow condition that will exist.

At the southern site access intersection on Six Mile Cypress Parkway, both a southbound right turn lane and a northbound left turn lane will be warranted. Both turn lanes should be constructed to include 350 feet of taper and deceleration length according to Index #301 based on a 55 mph design speed. The required storage length for each turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore required storage length was calculated as follows:

Southbound Right Turn Lane

Storage = (1hour/60 minutes)*(2 minutes)*(45 veh)*25 ft/veh

- = (1.5 turning veh)*25 ft/veh
 - = 50 ft of storage

Northbound Left Turn Lane

- Storage = (1hour/60 minutes)*(2 minutes)*(210 veh)*25 ft/veh
 - = (7.0 turning veh)*25 ft/veh
 - = 175 ft of storage



Therefore, at the southern site access intersection on Six Mile Cypress Parkway a southbound right turn lane 400 feet in overall length and a northbound left turn lane 525 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Six Mile Cypress Parkway under the 2008 build-out traffic conditions of the proposed Carissa Rezoning. The latest version of the Highway Capacity Software, HCS+, was utilized in the intersection analysis. The peak direction through volume utilized in the analysis was obtained from Table 2A. The off-peak direction through volume was calculated utilizing the D-factor from the appropriate Lee County Permanent Count Station (PCS), in this case PCS 18.

Based on the results of the intersection analysis, only the southern site access intersection is shown to exhibit a Level of Service deficiency at the full build-out of the proposed development. The eastbound approach is shown to operate below acceptable Level of Service conditions, which is mainly due to the high through volume on Six Mile Cypress Parkway. Future signalization of this site access intersection may be warranted. If/when a traffic signal is warranted the Developer would be responsible for the cost and installation of the traffic signal.

VIII. CONCLUSION

The proposed Carissa Re-zoning located on the west side of Six Mile Cypress Parkway north of its intersection with Crystal Drive in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network as well as the improvements programmed by Lee County within the next three (3) years can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access intersections on Six Mile Cypress Parkway. Based on the results of the analysis, turn lanes will be warranted at both site



access intersections. At the northern site access intersection, a southbound right turn lane 350 feet in overall length will be warranted. At the southern site access intersection, a southbound right turn lane 400 feet in overall length and a northbound left turn lane 525 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Six Mile Cypress Parkway under the 2008 build-out traffic conditions of the proposed Carissa Rezoning. Based on the results of the intersection analysis, only the southern site access intersection is shown to exhibit a Level of Service deficiency at the full build-out of the proposed development. The eastbound approach is shown to operate below acceptable Level of Service conditions, which is mainly due to the high through volume on Six Mile Cypress Parkway. Future signalization of this site access intersection may be warranted. If/when a traffic signal is warranted the Developer would be responsible for the cost and installation of the traffic signal.

TABLE 1A	PEAK DIRECTION	PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
----------	----------------	---

60 335

OUT= OUT=

160 235

<u>=</u> =

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 220 VPH TOTAL PM PEAK HOUR PROJECT TRAFFIC = 570 VPH

								PERCENT		
		ROADWAY	LOS A	LOS B	LOS C	LOS D	LOS E	PROJECT	PROJECT	PROJ/
ROADWAY	SEGMENT	CLASS	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME	TRAFFIC	TRAFFIC	<u>LOS C</u>
Six Mile Cypress Pkwy S. of Daniels Pkwy	S. of Daniels Pkwy	4LD	450	1630	1900	1950	1950	25%	84	4.4%
	N. of Daniels Pkwy	4LD	450	1630	1900	1950	1950	65%	218	11.5%**
	N. of Full Access	4LD	450	1630	1900	1950	1950	35% ¹	117	6.2%
	N. of Site	4LD	450	1630	1900	1950	1950	35%	117	6.2%
Daniels Pkwy	E. of Six Mile Cypress Pkwy	6LD	670	2490	2850	2920	2920	35%	117	4.1%
	W. of Six Mile Cypress Pkwy	9LD	670	2490	2850	2920	2920	5%	17	0.6%
	* Level of Service thresholds were obtained from the Lee	btained from the I	ee County Ger	County Generalized Volumes on Arterials	s on Arterials					
•	** Six Mile Cypress Parkway in the vicinity of the subject site will be widened to four lanes by the Lee County DOT in FY 2006/2007	icinity of the subje	ct site will be wi	idened to four la	nes by the Lee (County DOT in F	Y 2006/2007			
	¹ Calculated from the site traffic assignment illustrated on	ignment illustrated	l on Figure 2							

- Denotes a Significantly Impacted roadway link

	2008	BCKGRND	+ PM PROJ	TRAFFIC	1557	1456	1456			2008 PM
	2008	BCKGRND	+ AM PROJ	TRAFFIC	1443	1395	1395		Service	2008 AM
			PM PROJ	TRAFFIC	218	117	117	05	100th Highest Hour Level of Service	2008
			AM PROJ	TRAFFIC	104	56	56	dated June, 20	ighest Ho	1
		PERCENT	PROJECT	TRAFFIC	65%	35%1	35%	urrency Report,	100th H	
	2008	PK HR	PK SEASON	PEAK DIR.	1339	1339	1339	Lee County Conc		
	2005	PK HR	PK SEASON	PEAK DIR. ¹	1061	1061	1061	4/2005-2005/2006		
60 325	000		ANNUAL	RATE	8.07%	8.07%	8.07%	from the 2004		
OUT=	= 00		YRS OF	GROWTH	6	6	6	was obtained		
160	6627		2004	ADT	19900	19900	19900	Traffic Volume	on Figure 2	
" Z	<u>=</u>		BASE YR	ADT	0066	0066	0066	Peak Direction 1	ment illustrated	
I:	r			PCS	18	18	18	eak Season,	traffic assign	
	570 VPH			SEGMENT	N. of Daniels Pkwy	N. of Full Access	N. of Site	¹ The 2005 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2004/2005-2005/2006 Lee County Concurrency Report, dated June, 2005	2 Calculated from the site traffic assignment illustrated on Figure 2 $$	
TOTAL PROJECT TRAFFIC AM =	TOTAL PROJECT TRAFFIC PM =			ROADWAY			Ż	F -	2 ⁰	

TABLE 2A LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

4

.

2008 AM 2008 PM

WIO PROJECT WIPROJECT WIPRO

ģ

۵ ۵

Six Mile Cypress Pkwy N. of Daniels Pkwy N. of Full Access

N. of Site

• • •

2008

HCS ANALYSIS FOR THE SOUTHERN SITE ACCESS INTERSECTION

Oomonol Informer - 4!		WAY STOP						
General Information			Site Info		<u>n</u>			
Analyst	DLW	<u></u> , <u></u> , <u></u> ,	Intersecti			Full Acces		
Agency/Co.	Metro Tra	nsportation Group	Jurisdictio	on		Lee Coun		4.1.4
Date Performed	10/13/200		Analysis `	Year		project	kground &	AM
Analysis Time Period	AM peak	hour	_⊪					<u> </u>
Project Description FOS	510.09 - Carissa	Re-zoning						
East/West Street: South			North/Sou	th Street:	Six Mile	Cypress Pa	rkway	
ntersection Orientation:	North-South		Study Per	iod (hrs):	0.25			
Vehicle Volumes an	d Adjustmen	ts						
Major Street		Northbound				Southbou	ind	
Movement	1	2	3		4	5		6
	L	T	R		Ľ	Т		R
Volume	125	1140				1340		25
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	131	1200	0		0	1410		26
Percent Heavy Vehicles	0			<u> </u>	0			
Median Type	`	· · · · · · · · · · · · · · · · ·		aised curb)			
RT Channelized			0			<u> </u>		0
anes	1	2	0		0	2		1
Configuration	L	<u> </u>				<u> </u>		R
Jpstream Signal	· · · ·	0				0		
Minor Street		Eastbound				Westbou	nd	
Viovement	7	8	9	<u> </u>	10	11		12
		Т	R			T		R
Volume	25	0.05	45		0.05	0.05		0.05
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95 0	0.95		0.95 0
Hourly Flow Rate, HFR Percent Heavy Vehicles	20	<u>0</u>	<u> </u>		•0	0		0
Percent Grade (%)					0	0		
Flared Approach					<u> </u>			
Storage		0				0		
RT Channelized			0					0
anes	1	0			0	0		0
Configuration	L		R			<u> </u>		
Delay, Queue Length, a								
Approach	Northbound	Southbound		estbound			Eastbound	
Novement	1	4	7	8	9	10	11	12
ane Configuration	L					L		R
v (vph)	131					26		47
C (m) (vph)	479					115		383
//c	0.27				=	0.23	· · · · · · · · · · · · · · · · · · ·	0.12
95% queue length	1.10					0.82		0.42
Control Delay	15.3					45.2		15.7
-OS	70.0 C					+0.2 E		C
			L				26.0	
Approach Delay							26.2	
Approach LOS						1	D	

Copyright © 2005 University of Florida, All Rights Reserved

HCS+TM Version 5.1

Generated: 10/13/2005 5:06 PM

General Information			Site In	formati	on			
						Full Acces		
Analyst	DLW		Jurisdic			Lee Coun		
Agency/Co.		nsportation Group					kground & I	PM
Date Performed	10/13/200		Analysis	s Year		project	.g. •	
Analysis Time Period	PM peak l	nour						
Project Description F05	10.09 - Carissa	Re-zoning	_		<u> </u>			
East/West Street: South			North/Sc	outh Stree	et: Six Mile	Cypress Pai	rkway	
ntersection Orientation:	North-South		Study Pe	eriod (hrs): 0.25			
Vehicle Volumes and	d Adjustmen	ts						
Major Street		Northbound				Southbou	nd	
Viovement	1	2	3		4	5		6
	L	Т	R			T		R
/olume	210	1340				1140		45
Peak-Hour Factor, PHF	0.95	0.95	0.95	<u> </u>	0.95	0.95		0.95
Hourly Flow Rate, HFR	221	1410	0		0	1200		47
Percent Heavy Vehicles	0							
Median Type				Raised cu		<u> </u>		0
RT Channelized			0					
	1	2 T	0		0	2 T		1
Configuration Jpstream Signal	L	0						<u> </u>
						Westbou		
Minor Street	7	Eastbound 8	9		10			12
	- <u>+</u>		9 R		<u>10</u>			R
/olume	150		240		<u>L</u>			
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	157	0	252		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0		
Flared Approach	-	N				N		
Storage		0	· · · · · · · · · · · · · · · · · · ·			0		
RT Channelized			0			+		0
Lanes	1	0	1		0	0		0
Configuration	- <u> </u>	- <u> </u>	/ 			+		
Delay, Queue Length, ar								
Approach	Northbound	Southbound		Vestboun	d		Eastbound	
Aovement	1	4	7	8	9	10	11	12
	L							R 12
ane Configuration		 				157		252
(vph)	221	 					ļ	
C (m) (vph)	565				_	99		449
/c	0.39				-l	1.59		0.56
95% queue length	1.85				ļ	12.11		3.38
Control Delay	15.4					381.3		22.8
.OS	С					F		С
pproach Delay							160.4	
pproach LOS							F	

Copyright © 2005 University of Florida, All Rights Reserved

.

Generated: 10/13/2005 5:09 PM

HCS ANALYSIS FOR THE NORTHERN SITE ACCESS INTERSECTION

.

.

General Information			Site Ir	forma	ation			
	10/14/		Interse	ction		Right In/F	Right Out A	ccess
Analyst Agency/Co.	DLW Metro Tra	nsportation Group	Jurisdie	ction		Lee Coun		
Date Performed	10/13/200		Analys	is Year			kground &	АM
Analysis Time Period	AM peak					project		
Project Description F05		Re-zoning	- <u>bi u io</u>					
East/West Street: Northe						e Cypress Pa	rkway	
ntersection Orientation:			Suuy F	enoù (i	nrs): 0.25			
Vehicle Volumes an	d Adjustmen				·			
Major Street		Northbound				Southbou	Ind	
Novement		2 T	3 R		4	5 T		6
Volume	<u> </u>	1140		 -	<u>L</u>	1340		40
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	0.90	1200	0.50		0.00	1410		42
Percent Heavy Vehicles	0				0	-		
Median Type		L	L	Raised	curb		t	
RT Channelized			0		<u> </u>			0
anes	0	2	0		0	2		1
Configuration		T	t			T		R
Jpstream Signal		0				0		
Minor Street		Eastbound				Westbou	nd	
Movement	7	8	9		10	11		12
	L	Т	R		L	T ·		R
Volume			5					
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	0	0	5		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0		
Flared Approach		N				N		
Storage		0				0		
RT Channelized			0					0
Lanes	0	0	1		0	0		0
Configuration			R				· ·	
Delay, Queue Length, a	nd Level of Serv	/ice						
Approach	Northbound	Southbound	1	Westbo	und		Eastbound	
Movement	1	4	7	8	9	10	11	12
Lane Configuration								R
(vph)				·		+	<u> </u>	5
C (m) (vph)		<u>├──</u>					<u> </u>	383
		<u>├</u>					<u> </u>	0.0
		-					 	0.0
5% queue length							<u> </u>	
Control Delay								14.
.OS								В
Approach Delay							14.5	
Approach LOS							В	

Copyright © 2005 University of Florida, All Rights Reserved

.

Generated: 10/13/2005 5:10 PM

		WAY STOP		£				
General Information	<u> </u>			formatio	on			
Analyst	DLW		Intersec		•		ight Out Ac	cess
Agency/Co.		nsportation Group	Jurisdic	tion		Lee Coun		24.4
Date Performed	10/13/200	5	Analysi	s Year		project	ground & F	-171
Analysis Time Period	PM peak l	nour	_	·	······	010,000		
Project Description F05	10.00 - Carissa	Re-zoning						
East/West Street: Northe		1.6-201111g	North/S	outh Street	: Six Mile	Cypress Par	'kwav	
ntersection Orientation:				eriod (hrs):				
Vehicle Volumes and		te						
Venicle Volumes and Major Street		Northbound				Southbou	nd	
Novement	1 1	2	3		4	5	<u> </u>	6
novement	Ĺ	<u>-</u>	R		L	Т		R
Volume		1340				1140		70
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95	(0.95
Hourly Flow Rate, HFR	0	1410	0		0	1200		73
Percent Heavy Vehicles	0				0	-		
Median Type				Raised cui	rb			
RT Channelized			0		<u> </u>			0
anes	0	2	0		0	2		1
Configuration		Т				T		R
Jpstream Signal		0				0		
Minor Street		Eastbound				Westbou	nd	
Movement	7	8	9		10	11		12
	L	Т	R		L	Т		R
Volume			45					
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	0	0	47		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0		
Flared Approach		N				N		
Storage		0				0		
RT Channelized			0					0
Lanes	0	0	1		0	0		0
Configuration			R					
Delay, Queue Length, a	nd Level of Serv	/ice						
Approach	Northbound	Southbound	1	Westbound	ł		Eastbound	
Vovement	1	4	7	8	9	10	11	12
Lane Configuration					1			R
v (vph)					1	-		47
					+			449
C (m) (vph)		<u> </u>			+			0.10
//c								0.35
95% queue length	<u> </u>	·						
Control Delay					<u> </u>			14.0
LOS]		<u> </u>	В
Approach Delay		-				·	14.0	
Approach LOS							В	

Copyright © 2005 University of Florida, All Rights Reserved

Generated: 10/13/2005 5:11 PM

LEE COUNTY PROGRAMMED ROADWAY IMPROVEMENTS TO SIX MILE CYPRESS PARKWAY

PROJECT NAME	Six Mile Cypress Pkwy 4L		NEW PROJECT	CL	>	02	CAPITAL TYPE PROJECT MAINTENANCE TYPE PROJECT	DE PROJEC	ROJECT	×		
PROJECT NUMBER	1 1 1		XISTING PF	KOJECI	<	Ē						
REQUESTING DEPT. MANAGING DEPT.	Transportation Transportation	0	COMMISSION DIST	N DIST.	. 2							
PROJECT DESCRIPTION: Widen the existing 2	<u>DESCRIPTION:</u> Widen the existing 2-lane rural arterial to 4 lanes, 2.3 miles	s, 2.3 mile	, and a									
								·				
PROJECT LOCATION: Southeast Fort Mvei	<u>LOCATION:</u> Southeast Fort Myers, from north of Daniels Parkway to 1	arkway to 1	mile south c	mile south of the Winkler Extension	r Extension	_						
	11111111111111111111111111111111111111	「「「「「「」」」	1 1 3									
L'ALLEVERNY ALEVER DIN AVERANA SAMANA C												
JUSTIFICATION FOR THE PROJECT:	(Olect:											•
		# tett 13		Lee Plan:		Co Ord #:	4	Admin Code:		Other:		
If mandated, indicate under what authority:							- 					
OJEC			EV Mund	2	2	2	Ł	÷۲	5 YEAR	YEARS	PROJECT	
PREPARED BY: <u>Don Ueberry</u>	iberty	PRIOR	BUDGET	OKID5	92/06	06/07	80/108	08/09	700.000	6-10	200.000	
LAND				200,000					895,000		895,000	
PROFESSIONAL SERVICES				000,050		5,300,000			5,300,000		5,300,000	
CONSTRUCTION				91,000		124,000			215,000		215,000	
FROMENTRE/EQUIPMENT									RNA DOD		604.000	
OTHER			c	1 186 000	C	5.424.000	604,000	0	7,214,000	0	7,214,000	·. ·.
TOTAL	· ·	2	2	1 000/001 1								
CIP FUNDING SOURCES AND AMOUNTS:	ID AMOUNTS:			۲۲ کھی	5080 1500	FY OGIOT	F7 07/08	FY 08/09		CONTACT PERSON	PERSON:	
				2010						Mike Rigsb	Mike Rigsby, Project Manager	anager
		Impact Fees (53)	s (53)	1,186,000		5,424,000	000			PHONE NUMBER :	JMBER :	479-8513
		Ad Valorem					2000					
									_			
OPERATING IMPACT:				Ł	F	F	2	2				
				04/05	05/06 N/A	NIA	N/08	NIA				
(Complete the details on the back of the	back of the	START UP	MG (One)	ANA N/A	N/A	AN	6,100	6,100				
(form)		VECONN	(Traffic)	N/A	N/A	N/A	2,000	2,060				
			TOTAL	Ó	0	0	8,100	8,160				
												-

COMMENTS: Estimated mitigation costs (\$200,000) included in ROW budget. CST costs increased \$2.2 million, DES & CST phases advanced 1 year, LS phase added in 08.

-

 \mathfrak{C}

PROGRAMMED PROJECTS WITH NO CHANGES (CONT.) FREVIO

(

,

l

ſ	_		٦	Ŧ	٦		1						٦]		
			NOTES	ILinits to 175 Freeway Management System under development		CT PS Light project with Public Safety				Imperator motivated information, traffic management, furticants		and of Gut Hammine matadet information, tablic management, husticane	BI, FROT avacuation, social event management, surveitance		Pros. 2. Dista sinchros need to he rabedred		Need to remise taliling unit			~	
	FUTURE	PROJECT REVENUE	SOURCE NOTES	5		CT PS						0/10			Cana L	MP RAR				_	
		PROJECT	TOTAL	NODR 10	; 	175					3	1			740	5		2		0 56243	
			6-10		<u>_</u>							ļ	-			5		200	-	7 120	
		C.VEAR	TOTAL	760	5	174	-	ľ							Î		ľ	n 5	~	0 10287	
			0460		5		5		-		- -		<u> </u>			0		0		30	>
	 		ORMO				~			3	-					5		<u> </u>	1.		
			17/mg		-						150		-		_	51		8	F	1 2578	
			2000	3		I	~		8	3	3					120		38	8 		
			oeno	3						-			200	8		-		-		07.02	
		i	_		8	3	- -		0											11010	
(CONT.)	10 20 21	NO-RA-CH	HORI	З	0		0		0		0		0								DR/+
PREVIO PROGRAMMED PROJECTS WITH NO CHANGES (CONT.)	1					Install ITS devices on diversion corridors of 1-75	Monitoring Camera Deployment	Install monitoring campine at aslect locations	Monitoring Station Uporation	Committee particitie traffic count locations to permanent stations	Pine tetand ITS	Install that ontic and fTS devices from Stringfellow to Burnt State Rd	San Carlos Bivd. ITB	Add (TS devices in vicinity of San Carlos alternating traffic signal	MOLL FUNDED REQUESTS	(Midpoliti & Cape Plaza Painting	Peintinuistaining structures at tall plazas	Travet Erreth Ale Linit Reviewment	Contests finite also service unit in Althonist Toll Facility frame!	ľ	
			PRO	NUMBER LINK	5036											i i i		CAON I			

	PREVIOUSLY-PROGRAUMED PROJECTS THAT CHANGE						ļ						
	r	FY 28.04	ſ	ŀ	ŀ	┢	-				-	FUTURE	
PROT			FY OWDS						6-YEAR	<u>6</u>	PROJECT REVENUE	REVENUE Source Indres	
NUMBER		8	Budder	8098	10/90	80/20	2003			╈	T		
	igtike punded neguebys - najor roads & Brudges			-					1222	1998	1020	24 16 2	Added \$1 mm and meeting vacue to figh find construction is
6047	F	167	282	8	8	ន្ត		ąĮ		36			
		DES	3	3	3	3	13		2	17146	18545	IE2 (E22	DES costs increased \$434,000. ROW and CST obuses moved
	Bue. 410.10040an-US 41	0	ö	•	1400	5	5	5		ROWICST	-		back to ynam 6-10 to balance.
	At, widening		2460	1	UC84	100	ŀ	0	BOKI	0	10378	151, 153, 1	CST costs increased \$1 million for bridge widening, moved
4064	Colorial Boulevard' 475 to SR 62		MUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUUU	,	5	13	• •						CST and LS phrases back 1 year (prod. constraint)
	Т		2305	ľ	a	•	•		¢	ä	3786	125	DES funds moved to new project - PlotE underway, ands II up
	Caunty room 201 company LLOIE Poner on the Armondal Mandalate Rd. (Coller Co.) to Allon Rd.	Poe	PD&ED&EROW	 -						-†-		_	tor some voluntary ROW acquantion.
2003	T	R I	100	29	0	0	0	3	ដ	5		1F2, 1-0	ondry underway, and under success at so the united would a state of the first state of the source fully a subjects
	÷	PRELIM	PRELIM	PRELIM	÷	-							
	T	1193	11011	5143	10665	120	ò	0	16148	9	21300		ouppersuant, ruint contrainteneou our unum erro our and thomas de million mound CST & I. B. chasse held 1 war
		DES	Ę	_	ST	<u>کا</u>		-				AV CZ-II	
<u>. </u>	Prove A., Ither Court Prove to best in Contraction and the Prove to Contractor Rd.				-					ţ			10 Departmon - UES and Kurr unusway Drivit
	1	1131	942	2002	0	16480	515	5	16205	-	129081		NUTY COSE REPORTION JOINT ALL COL COSE REPORT AND
3	Lattern Pros Ridge Rd. to Base Rd., 6L from Base Rd. to Winder Rd.	DES/ROW DES/R	DESROW	ROW		દુ	S.				•••	S. 2	nuudu movou co 1 miu Lo primee usa a jene la venna. DES underway în-house
	AL of Basis Rol. From Haulthousk to Challedus Dr., and wildoning and												
	overhery of 21. A&W Bulls Rd (with ablevialit)		anne	1000		ŀ	╞	ľ	3952	0	13323	13323 (F3, (F23,	CST costs increased \$3.925 million, moved CST phase back
4055	Gunnery Rand/ SR 62 to Lee Blvd.	0821 DESUROW			5	5			Π				 year to belarcolorod, constrained - DES/ROW underway
		30A.R.	10348	5184	G	0	ā	đ	5184	6	18490	Fa Cay	
4080 4	0 (knownal Subwit 14. Rivisha Rivishi Rd. to E. Tenry St. (Joint project with City)	DESTROW	Ę	5									51.4 million, CST printe moveo back 1 year to baunce, w ce fully finded thy Chy - DES and ROW undervery
			Ĩ	10070	ľ	5	9036	1551	15720	t	157851	F1. F23	DES costs increased \$860,000, ROW costs increased \$750,000,
4072	2 IOriz Ave. 40/6R 92 MLK-Luckett	1			>								CST costs increased \$5.37 million, PM costs increased \$172,000,
	-	PRELIM		PRELIMINES/WUW	<u>-</u>		3		•				DES phase moved up 2 years, portion of ROW phase moved up 3 wars
			ľ			-	4014	ľ	726	0317	10053	F24	Added \$70,000 to DES phase to evaluate connection to Orible
	Sarroy Lane Edansion, North		5		5	.	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	·	3	ROWICST			Rd., DES moved back 1 year and ROW to years 6-10 to betance
	21. COMPAGE BOOMSION, CONSCIENT FOL. W CAUGO F ANT.		1146	995	1213	100	0	5	8528	0	714	F23, &	Added \$500,000 KOW prese tor point and
		,	OES	٣	ts	3	-1	1	1	1	1		

Proposed 06-10 Transportation CIP

Page 2

5M9/05

LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS





Lee County **Generalized Peak Hour Directional Service Volumes Urbanized Areas**

d:\los02\input1 Uninterrupted Flow Highway Level of Service Lane Divided A B C D E 1 Undivided 100 340 680 970 1,300 2 Divided 990 1,610 2,330 3,010 3,420 3 Divided 1,490 2,410 3,490 4,610 5,130 Arterials ass I (>0.00 to 1.99 signalized intersections per mile) Level of Service	Uninterrupted Flow Highway Level of Service			
Level of Service Lane Divided A B C D E 1 Undivided 100 340 680 970 1,300 2 Divided 990 1,610 2,330 3,010 3,420 3 Divided 1,490 2,410 3,490 4,610 5,130 Arterials ass I (>0.00 to 1.99 signalized intersections per mile)	Level of Service	Mar Land a contra		
Lane Divided A B C D E 1 Undivided 100 340 680 970 1,300 2 Divided 990 1,610 2,330 3,010 3,420 3 Divided 1,490 2,410 3,490 4,510 5,130		uninterru		
1 Undivided 100 340 680 970 1,300 2 Divided 990 1,610 2,330 3,010 3,420 3 Divided 1,490 2,410 3,490 4,610 5,130 Arterials ass I (>0.00 to 1.99 signalized intersections per mile)	Divided A B C D E			
2 Divided 990 1,610 2,330 3,010 3,420 3 Divided 1,490 2,410 3,490 4,610 5,130 Arterials ass I (>0.00 to 1.99 signalized intersections per mile)		A	Divided	Lane
3 Divided 1,490 2,410 3,490 4,510 5,130 Arterials ass I (>0.00 to 1.99 signalized intersections per mile)	Undivided 100 340 680 970 1,30	100	Undivided	1
Arterials ass I (>0.00 to 1.99 signalized intersections per mile)	Divided 990 1,610 2,330 3,010 3,42	990	Divided	2
ass I (>0.00 to 1.99 signalized intersections per mile)	Divided 1,490 2,410 3,490 4,510 5,13	1,490	Divided	3
).00 to 1.99 i	ıss I (>(
Lane Divided A B C D E		and the second	Divided	Lane
1 Undivided * 280 760 900 920	Undivided * 280 760 900 920		Undivided	1
2 Divided 450 1,630 1,900 1,950 **	Divided 450 1,630 1,900 1,950 **	450	Divided	2
3 Divided 670 2,490 2,850 2,920 **	Divided 670 2,490 2,850 2,920 **	670	Divided	3
4 Divided 890 3,220 3,610 3,700	Divided 890 3.220 3.610 3,700	890	Divided	4
ass II (>2.00 to 4.50 signalized intersections per mile) Level of Service	Level of Service			
				Lane
1 Undivided * 210 660 850 900				
	Divided 450 1,400 1,150 1,05	[
2 Divided * 490 1,460 1,790 1,890				3
2 Divided 430 1,400 1,730 1,030 3 Divided * 760 2,240 2,700 2,830		* [
2 Divided 490 1,400 1,190 1,090	Divided 1,000 2,970 3,490 3,07	l	Divided	
2 Divided 450 1,400 1,150 1,050 3 Divided * 760 2,240 2,700 2,830 4 Divided * 1,000 2,970 3,490 3,670 ass III (more than 4.50 signalized intersections per mile) Level of Service	ore than 4.50 signalized intersections per mile) Level of Service	-	nore than 4.	4 ass III (r
Z Divided * 760 2,240 2,700 2,830 3 Divided * 760 2,970 3,490 3,670 4 Divided * 1,000 2,970 3,490 3,670 ass III (more than 4.50 signalized intersections per mile) Level of Service Level of Service Level of Service	ore than 4.50 signalized intersections per mile) Level of Service Divided A B C D E		nore than 4.	4 Iss III (n Lane
2 Divided * 760 2,240 2,700 2,830 3 Divided * 760 2,240 2,700 2,830 4 Divided * 1,000 2,970 3,490 3,670 Level of Service Lane Divided A B C D E 1 Undivided * * 370 720 850	ore than 4.50 signalized intersections per mile) Level of Service Divided A B C D E Undivided * 370 720 850	<u>A</u>	nore than 4. Divided Undivided	4 ass III (r Lane 1
Z Livided 430 1,400 1,150 1,050 3 Divided * 760 2,240 2,700 2,830 4 Divided * 1,000 2,970 3,490 3,670 ass III (more than 4.50 signalized intersections per mile) Level of Service Level of Service Lane Divided A B C D E 1 Undivided * * 370 720 850 2 Divided * * 870 1,640 1,790	ore than 4.50 signalized intersections per mile) Level of Service Divided A B C D E Undivided * * 370 720 850 Divided * * 870 1,640 1,79	A *	Divided Undivided Divided	4 Iss III (n Lane 1 2
2 Divided * 760 1,400 1,150 1,050 3 Divided * 760 2,240 2,700 2,830 4 Divided * 1,000 2,970 3,490 3,670 Level of Service Lane Divided A B C D E 1 Undivided * * 370 720 850	ore than 4.50 signalized intersections per mile) Level of Service Divided A B C D E Undivided * * 370 720 850 Divided * * 870 1,640 1,79 Divided * * 1,340 2,510 2,69	A • •	Divided Undivided Divided Divided Divided	4 ass III (r Lane 1 2 3

		Level of Se	ervice	
Divided	A	B	С	D

.

Lane	Divided	A	B	С	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	
3	Divided	410	2,490	2,960	3,040	**

Divided	A	В	С	D	E
Undivided	7 🔹		530	800	850
Divided	*	•	560	840	900
Undivided			1,180	1,620	1,710
Divided		*		1,710	1,800
	Undivided Divided Undivided	Undivided • Divided • Undivided •	Level of S Divided A B Undivided • • Divided • • Undivided • •	Undivided * 530 Divided * 560 Undivided * 1,180	Level of Service Divided A B C D Undivided * 530 800 Divided * 560 840 Undivided * 1,180 1,620

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.



Ą.

FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD INDEX #301



TRIP GENERATION EQUATIONS CARISSA RE-ZONING ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	Ln = 0.60 Ln (X) 2.29 (61% In/39% Out))	Ln (T) = 0.66 Ln (X) + 3.40 (48% ln/52% Out)	Ln(T) = 0.65 Ln(X) + 5.83
T = Trips, X = 1,000 s.f. G	LA		
General Office Building (LUC 710)	Ln (T) = 0.80 Ln (X) + 1.55 (88% In/12% Out)	T = 1.12 (X) + 78.81 (17% In/83% Out)	Ln(T) = 0.77 Ln(X) + 3.65
T = Trips, X = 1,000 s.f. G	LA		



DEPARTMENT OF TRANSPORTATION



COMMUNITY DEVELOPMENT

Memo

To:	Chip Block
	Principal P

Principal Planner From: Muew (). Htt

Andrew Getch, P.E. Senior Engineer

Date: November 18, 2005

Re: Carissa CPD DCI2005-00101

LCDOT has reviewed the Master Concept Plan (MCP) and the Traffic Impact Statement (TIS) for the referenced project. The MCP depicts two access points onto Ben C. Pratt/Six Mile Cypress Parkway. Access to the roadway is consistent with Resolution 00-04-09, the controlled access resolution for Ben C. Pratt/Six Mile Cypress Parkway. The MCP also depicts a future R.O.W. reservation for Crystal Drive. Crystal Drive is an existing major clollector from Plantation Road to U.S. 41. An extension of Crystal Drive from Ben C. Pratt/Six Mile Cypress Parkway to Plantation Road is on Map 3A of the Lee Plan, which is based on the Lee County Metropolitan Planning Organization 2020 Financially Feasible Highway Plan.

AJG/mlb

STAFF REPORT FROM DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date: December 28, 2005

To:Alvin "Chip" Block, Principal PlannerFrom:Kim Trebatoski, Principal Environmental PlannerPhone: (239) 479-8183E-mail: trebatkm@leegov.com

 Project:
 Carissa CPD

 Case:
 DCI2005-00101

 STRAP:
 17-45-25-00-00004.0000

The Division of Environmental Sciences (ES) staff do not have an issue with reinstating the Master Concept Plan and commercial planned development provided the conditions of Z-97-029 and ADD2005-00126 are brought forward with any approval.

Page 1 of 1

ATTACHMENT G

INSTRUCTIONS (Section C.1.c., Lee County Administrative Code C 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case #DCI2005-00101 must be posted by Monday, December 19, 2005. Tuesday, Janvary 3, 2006
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public read which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED <u>Stephance Miller</u> WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCE BELOW:

SIGNATURE OF APPLICANT OR AGENT M_1L Pr <u>Stephanie</u> NAME (TYPED OR PRINTED) #0 Road 9250 ORKSCIEW ST. OR PO BOX Estero CITY, STATE & ZIP

#DCI2005-00101/CARISSA CPD/01/18/2006/JLP

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was	sworn to and subscribed before me this 3	day of JANUARY
2006 by	personally known to me or w	who produced
as identification and who did/did no	ot take an oath.	
	Delia Everett	
	Signature of Notary Public Delia Everett	
My Commission Expires:	Printed Name of Notary Public	DELIA EVERETT Notary Public - State of Florida My Commission Expires Sep 18, 2006 Commission # DD151216 Bonded By National Notary Assn.
A State of the second se	•	Bonded By Nonordi Nordi y Assin.

. . .

.

a the set of the to do a special set of

.





COMMUNITY DEVELOPMENT





et coun

APPLICATION FOR MASTER CONCEPT PLAN REINSTATEMENT

NOTE: This application form is to be utilized for requests for reinstatement of expired Master Concept Plans. A reinstatement may not add new uses or increase density or intensity of the Master Concept Plan. Such changes require an application in accordance with section 34-373 et. seq. Vacated Master Concept Plans may not be extended but may be subject to reinstatement. If the Master Concept Plan has not been vacated, it may qualify for an extension {see Sec. 34-381(c)} [See Sec. 34-381(d) for information relative to reinstatements].

Applicant's Nam	ne: <u>S</u> i	ephanie Miller, Trustee		Phone #	(239) 277-1515
Project Name:	Caris	sa CPD			
Project Case Nu	ımber:	96-12-014.03Z01.01			
STRAP Number	(s): <u>1</u>	7-45-25-01-00000.0270, 1 7-45-25-00-00004.0000, 1	7-45-25-01-0000 7-45-25-00-000	00.0280 04.0020,	*****
*******	******	STAF	F USE ONLY		
Case Number:	DCI	2005-00101	Commission	District:	2
Current Zoning:	<u></u>	PD contralurba	Fee Amount:	\$25	00.00
Land Use Class	ification:	centra 1 urba	Intake by:	m	Ku
Planning Comm	unity: -	S Ft angers -			
******	*******	******	******	*********	**********************************
		COMMUNI P.O. BOX 398 (1	E COUNTY TY DEVELOPMEN 500 MONROE ST RS, FLORIDA 339	REET)	

PHONE (239) 479-8585

۰.

er de la

PART I APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. Application Initiated By:

A.1. N/A Application is signed by an individual owner or applicant.

The applicant must sign a statement, under oath, that he is the owner or the authorized representative of the owner(s). Please complete Part IV, Affidavit Al. [34-202(b)(1)b.]

- A.2 X Application is signed by a Corporation, Limited Liability Company (L.L.C.), Limited Company, (L.C.), Partnership, Limited Partnership, or Trustee. The applicant must sign a statement, under oath, that he is the owner or the authorized representative of the owner(s). Please complete Part IV, Affidavit A2. [34-202(b)(1)b.]
- A.3. <u>N/A</u> Application is County-initiated. A copy of the Blue sheet authorizing this action is attached as **Exhibit I-A-3**.

В.	Name of applicant:	Stephanie Miller, Trustee				
	Mailing Address: Street	12651 McGregor Boulevard,	Suite 4-403	3		
	City:	Fort Myers	State:	Florida	Zip:	33919
	Phone Area Code:	(239)	Number:	277-1515		
	Fax Area Code:	(239)	Number:	277-0868		
	E-mail:	stephanie@selectre.com				

C. Property Ownership

C.1	Name of Property owner(s):	Stephanie Miller, Trustee				
	Mailing Address: Street	12651 McGregor Boulevard,	Suite 4-403	3		
	City:	Fort Myers	State:	Florida	Zip:	33919
	Phone Area Code:	(239)	Number:	277-1515		
	Fax Area Code:	(239)	Number:	277-0868		
	E-mail:	stephanie@selectre.com				

- C.2. X Property owners list: A list of all owners of the subject property and their mailing addresses,
- D. Date property was acquired by present owner(s): See attachment to Exhibit I-D-I
- D.1 X The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I- D-1**. [34-202(b)(1)a]
- D.2 N/A The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as Exhibit I-D-2. [34-202(b)(1)a]

E. Deed Restrictions:

- E.1 N/A Existing deed restrictions or other covenants on this property may affect this request. A copy deed restrictions or other covenants is attached as Exhibit I-E-1. [34-202(b)2]
- E.2 N/A A narrative statement explaining how the deed restrictions may affect the requested action is attached as Exhibit I-E-2. [34-202(b)2]

F.1. Authorized Agent: This is the person who will receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

Company Name:	Gary F. Muller, AICP			
Address:	1482 Argyle Drive			
Contact Person:	Gary Muller			
Phone Number:	(239) 939-0111	Fax Number:	239) 939-0611	
E-mail:	gfmuller@comcast.net			

F.2. Additional Agent(s): List the names of other authorized agents the county may contact concerning this application. [34-202(b)(1)c.]

F.2.a. Company Name:	Metro Transportation Group, I	nc.			
Address:	12651 McGregor Boulevard, S	Suite 4-403 f	Fort Myers, FL 33919		
Contact Person:	Ted Treesh				
Phone Number:	(239) 278-3090	Fax Number:	(239) 278-1906		
E-mail:	tbt@metrotransportation.com	-			
		-			

F.2.b. Company Name:Boylan Environmental Consultants, Inc.Address:1100 Metro Parkway, Suite 4Fort Myers, FL 33919Contact Person:Kit KraftPhone Number:(239) 418-0671Fax Number:(239) 418-0672E-mail:kitk@boylanenv.com

F.2.c.	Company Name:		
	Address:		
	Contact Person:		
	Phone Number:	Fax Number:	
	E-mail:		

PART II GENERAL INFORMATION

A. Action Requested – Please describe requested action.

Applicant is requesting to reinstate the Master Concept Plan for Carissa CPD which expired on on August 26, 2005.

B. Legal Description, Boundary Survey, Certified sketch of description

- B.1. X Attached is a legible copy of the legal description labeled Exhibit II-B-1.A. [34-202(a)(1)]
 - X Attached is an electronic copy of the legal description labeled Exhibit II-B-1.B.
- B.2. X Attached is a boundary survey or certified sketch of description meeting the minimum technical standards set out in chapter 61G 17-6.006 FAC.labeled Exhibit II-B-2. [34-202(a)(2)]
- B.3. N/A The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled Exhibit II-B-3, with the subject property clearly marked. [34-202(a)(2)]
- B.4. Subdivision Name:

Plat Book:	Page:	Unit:	Block:	Lots:	
Section:	Township:	Range	:		

B.5 STRAP Number(s): <u>17-45-25-01-00000.0270, 17-45-25-01-00000.0280</u> <u>17-45-25-00-00004.0000, 17-45-25-00-00004.0020</u>

C. Property Location

C.1 Project Street Address: <u>12110 & 12150 Six Mile Cypress Parkway</u> Fort Myers, FL 33912 12151 & 12211 JV Parker Lane Fort Myers, FL 33912

C.2 General Location of Property:

Take U.S.41 South to Colonial Boulevard and turn left. Head east for approximately 3 miles and turn right on Six Mile Cypress Parkway. Head southeast for approximately 3 miles. The property is on the west side of Six Mile Cypress Parkway approximately 660 feet south of of Penzance Road.

D. Notice Information

- D.1 X Planning Community (ies) in which located: South Fort Myers
- D.2 X Area Location Map: An area location map, 8 by 11 inches in size, is attached as Exhibit II-D-2: [34-202(a)(4)]
- D.3 X A list of surrounding property owners is attached as Exhibit II-D-3. [34-202(a)(6)]
- D.4 X A map displaying all surrounding parcels and current zoning and uses within 500 feet is attached as Exhibit II-D-4. [34-202(a)(7); 34-381(d)(3)a.ii.b]
- D.5 X Two copies of mailing labels is attached as Exhibit II-D-5

- D.6 X A current aerial is attached as Exhibit II-D-6
- D.7 X A current FLUCCS Map is attached as Exhibit II-D-7

E. Present Use of Property

E.1 X Please indicate if any development orders have been issued on the property.

DOS2005-00220 is presently under review

E.2 X Briefly describe the current use of the property:

The entire subject property is presently vacant.

PART III OTHER INFORMATION

- A. Provide current copies of the approved version of the Master Concept Plan reflecting the uses, deviations and other modifications set forth in the approving resolution [see section 34-377(b)(6) & (7)]. The Plan must be in accordance with sections 34-201 and 34-202. NOTE: A new Master Concept Plan meeting the requirements as set forth in Section 34-373(a)(6) and new schedule of uses as set forth in Section 34-373(a)(8) and a new schedule of deviations keyed to the Master Concept Plan must be provided only if they are required to indicate a reduction of uses or a decrease in the density or intensity of the development or if previously approved deviations are being removed.[34-381(d)(3)a.iii; v; and vi.] Label as Exhibit III-A. [34-381(d)(3)b.]
- B. Provide current copies of the approved planned development Zoning Resolution and all amending Resolutions. Label as Exhibit III-B. [34-381(d)(3)c.]
- C. Provide a current Traffic Impact statement (TIS) prepared pursuant to section 34-373(a)(7). Label as Exhibit II-C. [34-381(d)(3)a.iv.]
- D. Provide a narrative demonstrating how the Master Concept Plan is consistent with the current Lee Plan including, but not limited to, density, intensity and concurrency requirements. Label as exhibit III-D. [34-381(d)(2)b. & 34-381(d)(1)b.]
- E. Provide a narrative showing how the Master Concept plan is compatible with the existing and approved development in the Planning Community. Label as Exhibit III-E. [34-381(d)(2)b. & 34-381(d)(1)c.]
- F. Provide a narrative describing how the Master Concept Plan will not, by itself or in conjunction with existing and approved development, place an undue burden on essential public facilities. Label as Exhibit III-F. [34-381(d)(2)b. & 34-381(d)(1)d.]

PART IV AFFIDAVIT A2

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

l, *	Stephanie Miller	, as	Trustee	of the
Six Crystal Trust, Parkway 511 Trust & Golden Corridor Trust			r affirm under oath	n, that I am
	he authorized representative of the owner(s) of the pro-	operty and	d that:	
1.	I have full authority to secure the approval(s) reque	sted and	to impose covena	nts and
	restrictions on the referenced property as a result o		•••	e County in
	accordance with this application and the Land Deve	•	-	
2.	All answers to the questions in this application and		•	
•	matter attached hereto and made a part of this appl			
3.	I am hereby authorizing the staff of Lee County Cor			
	property during normal working hours for the purpos	se of inve	stigating and eval	uating the
4.	request made thru this application; and that The property will not be transferred, conveyed, sold	or oubdi	ided uponoumbo	rad by the
4 .	conditions and restrictions imposed by the approv			
	conditions and restrictions imposed by me approv	eu uciic		W/ 5/11
			ALLA	
*Name of Ent	ity (corporation, partnership, LLP, LC, etc)		UN OCT 20	2005
/			PERMIT CC	UNTER
Atio	homismel.			
	Signature		Stephanie Miller	
	T	ד)	ype or printed name)	
· · · · · · · · · · · · · · · · · · ·	Trustee			
	(title of signatory)			
	DCI 200	F O	0101	
STATE OF	nci 200	2- U	0101	
COUNTY OF			, ,	
The foregoing Stephan	instrument was sworn to (or affirmed) and subscribed be	efore me t	his <u>/0/12/0.</u> ng oath or affirmatic	<u>5</u> (date) by on), who is
	wn to me or who has produced		-	of identification)
as identification	n			
7.10	Curt		and t	

Signature of person taking oath or affirmation

Della EVERETI

Name typed, printed or stamped

Serial number, if any

Title or rank *Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company=s AManaging Member.@
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the Ageneral partner@ of the named partnership.
- If the applicant is a trustee, then the they must include their title of Atrustee @
- In each instance, first determine the applicant=s status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

(Updated 08/01/2003) P:\...\WEBPage\Public Hearing for MCP Reinstatement wpd

Page 6A2 of 9


PART V SUBMITTAL REQUIREMENTS

-1

	Capies	Ē. b. ib.ib	ltom
TYPE OF APPLICATION		Exhibit	Item
Reinstatement of MCP	6 L	<u> </u>	Completed application [34-381(d)(3)]
Reinstatement of MCP	61⁄	Part IV; A1 or A2	Applicant=s Affidavit of Authorization[[34-202(b)(1)b]
Reinstatement of MCP	A2B5	I-A-3	Copy of Blue Sheet (if County initiated application)
Reinstatement of MCP	2 2	I-C-2	Subject property owners list [34-202(a)(5)]
Reinstatement of MCP	20	I-D-1 & I-D-2	Disclosure Form (if applicable) [34-201(b)(2)]
Reinstatement of MCP	MAR	I-E-1	Deed Restrictions [34-202(b)(2)]
Reinstatement of MCP	prof	/ I-E-2	Deed Restrictions Narrative [34-202(b)(2)]
Reinstatement of MCP	21/	/ II-B-1-A	Legal Description [34-202(a)(1)]
Reinstatement of MCP	1~	II-B-1-B	Electronic version of legal description
Reinstatement of MCP	2 6	II-B-2	Boundary Survey or Certified Sketch [34-202(a)(2)]
Reinstatement of MCP	N2A	II-B-3	Plat Book Page [34-201(a)(1)]
Reinstatement of MCP	24	II-D-2	Area Location Map on 8 2 by 11 paper [34-202(a)(4)]
Reinstatement of MCP	2 1	II-D-3	Surrounding Property Owners List [34-202(a)(6)]
Reinstatement of MCP	2 🗸	II-D-4	Surrounding Parcels Map [34-202(a)(7)]
Reinstatement of MCP	2 -	II-D-5	Mailing Labels (sets)
Reinstatement of MCP	2 🗸	/ II-D-6	Aerial Photograph [34-381(d)(3)a.ii.c.]
Reinstatement of MCP	2 /	/ II-D-7	FLUCCS Map [34-381(d)(3)a.ii.d.]
Reinstatement of MCP	6 V	III-A	Approved Master Concept Plan [34-381(d)(3)b.]
Reinstatement of MCP	6 -	III-B	Zoning Resolution & amendments [34-381(d)(3)c.]
Reinstatement of MCP	6 🗸	III-C	Current Traffic Impact Statement [34-381(d)(3)a.iv.]
Reinstatement of MCP	6 L	III-D	Narrative Re: Lee Plan Consistency[34-381(d)(1)b.]
Reinstatement of MCP	6	III-E	Narrative Re; MCP compatibility [34-381(d)(1)c.]
Reinstatement of MCP	6 🗸	ÍII-F	Narrative Re: Public facilities [34-381(d)(1)d.]

۰.

EXHIBIT I-D-1 or I-D-2 **DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 17-45-25-01-00000.0270 & 17-45-25-01-00000.0280 CASE NO.

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

Name and Address	Percentage of Ownership
 If the property is owned by a CORPORATION, list t owned by each. 	the officers and stockholders and the percentage of stock
Name, Address, and Office	Percentage of Stock
3. If the property is in the name of a TRUSTEE, list th	e beneficiaries of the trust with percentage of interest.
Name and Address	Percentage of Interest

Six Crystal Trust	
Stephanie Miller, Trustee	
12651 McGregor Boulevard, Suite 4-403	
Fort Myers, FL 33919	

UCT 20 2005
TIME MIME COUNTIER

(see attached)

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

۰.

Name and Address

Р	er	ce	nt	aα	e	of	0	wn	er	sh	ai
	U I	~~			•	v .	~			U	

2005-0010 Hil

Page 1 of 2

Page 8A of 9

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

Name, Address, & Office (if applicable)	Percentage of Stock
	Date of Contract:

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

Name and Address	
	MARTIN
······································	
	FILMINT COUNTER
2005-00-0	
Uli 2005	

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 shall 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)

Stephanie Miller, Trustee (Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF LEE

has produced

The foregoing instrument was acknowledged before me this

 $/2^{4L}$ Day of 0cf. 2005,

Stephanie Miller by

who is personally known to me or who

as identification.

Page 2 of 2



Page 9A of 9

Six Crystal Trust: 17-45-25-01-00000.0270 17-45-25-01-00000.0280

- Stephanie Miller 12.50%
 12651 McGregor Boulevard, #4-403
 Fort Myers, FL 33919
- 2. Brian Krivisky 10.00% 15361 River-By-Road Fort Myers, FL 33908
- FBO Larry Hobbs, MD 5.00% 12717 Brewster Drive Fort Myers, FL 33908
- Wallace Spielman 2.50%
 963 Avanti Way
 North Fort Myers, FL 33917
- Bruce Strayhorn 10.00%
 P.O. Box 1288
 Fort Myers, FL 33902
- 6. Janet Guertin 20.00% 6064 Lake Grasmere Way Fort Myers, FL 33908

Acquisition Date: 6/01/1992 Acquisition Date: 8/12/2003

- Lynn Mann -10.00%
 1028 By-Pass 123
 Seneca, SC 29678
- William Kyle 10.00%
 411 Keenan Avenue
 Fort Myers, FL 33919
- Anna L. Connelly 6.66%
 433 Lebanon Road
 Pendleton, SC 29670
- 10. Jennifer Binkley 6.67% 1090 San Marcos Cove Lawrenceville, GA 30043
- 11. Rowan Connelly 6.67% 5380 Fairfield Way Fort Myers, FL 33919



UCI 2005-00101

EXHIBIT I-D-1 or I-D-2 DISCLOSURE OF INTEREST FORM FOR:

	17-45-25-00-00004.0000	CASE NO
		IVIDUAL, tenancy by the entirety, tenancy in common, or joint st as well as the percentage of such interest.
Name and A	Address	Percentage of Ownership
·····		
2. If the propen owned by ea		ist the officers and stockholders and the percentage of stock
Name, Addr	ess, and Office	Percentage of Stock
· · · · · · · · · · · · · · · · · · ·	·····	
3. If the propert	ty is in the name of a TRUSTEE, lis	t the beneficiaries of the trust with percentage of interest.
Name and Ad	ddress	Percentage of Interest
Parkway 51	1 Trust	
Stephanie N		
	Ailler, Trustee	
	regor Boulevard, Suite 4-403	
Fort Myers,	regor Boulevard, Suite 4-403 , FL 33919	
	regor Boulevard, Suite 4-403 , FL 33919	
Fort Myers, (see attach	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA	RTNERSHIP OR LIMITED PARTNERSHIP, list the names of the
Fort Myers, (see attach	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA limited partners.	RTNERSHIP OR LIMITED PARTNERSHIP, list the names of the $5-00101$ Percentage of Ownership
Fort Myers, (see attach . If the propert general and	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA	<u>_0101</u>
Fort Myers, (see attach . If the propert general and	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA limited partners.	5-00101 Percentage of Ownership
Fort Myers, (see attach). If the propert general and	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA limited partners.	
Fort Myers, (see attach . If the propert general and	regor Boulevard, Suite 4-403 , FL 33919 red) ty is in the name of a GENERAL PA limited partners.	5-00101 Percentage of Ownership

•

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

Name, Address, & Office (if applicable)	Percentage of Stock
	······
	Date of Contract:

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

Name	and	Address
------	-----	---------

• • • •

il'a n 200 2002-0010 FIGHERMIN'I COUNTER NIT

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 shall 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: 0 appha (Applicant)

Stephanie Miller, Trustee

(Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF LEE

has produced

The foregoing instrument was acknowledged before me this

2 200_5 Day of

tephanie Miller by

who is personally known to me or who

as identification.

Page 2 of 2

(Updated 08/01/2003) P:1... WEBPage Public Hearing for MCP Reinstatempet Webpmmission Expires Sep 18, 2006



Page 9B of 9

Parkway 511 Trust: 17-45-25-00-00004.0000

- Stephanie Miller 5.00%
 12651 McGregor Boulevard, #4-403
 Fort Myers, FL 33919
- 2. Stephen Callari 2.50% 13099 US 41 SE, #150 Fort Myers, FL 33907
- 3. VJ Julis 10.00% 70 Paradise Drive Watertown, SD 57201
- Michael Lute 2.50% 128 NE 23rd Avenue Cape Coral, FL 33909
- Earl & Jeannine Pomeroy 5.00%
 5303 SW 3rd Avenue
 Cape Coral, FL 33914
- 6. Helen Strauss 10.00% P.O. Box 263 Smithfield, OH 43948
- Virgil & Shirley Frederes 10.00% 3810 East Hills Drive St. Joseph, MO 64503
- Norene Lederman 10.00% c/o Linda Brown 11698 Pointe Circle Fort Myers, FL 33908

- Marie Lute 5.00%
 4760 30th Place SW
 Naples, FL 34116
- Robert & Reina Schlager 5.00%
 820 Cape View Drive Fort Myers, FL 33919
- 11. Rex Stubbs, Jr. 5.00% 1327 Chalon Drive Fort Myers, FL 33919
- 12. Diane Gower 5.00% 14317 Devington Way Fort Myers, FL 33912
- 13. Rose Lajoie 15.00% 11501 Wellfleet Drive Fort Myers, FL 33908
- 14. Sam Spector 5.00%12860 Cleveland Avenue, #114Fort Myers, 33907
- 15. Ila R. Walrath 5.00% 390 Oak Park Cadiz, Ohio 43907



NCI 2005-00101

Acquisition Date: 6/01/1994

EXHIBIT I-D-1 or I-D-2 DISCLOSURE OF INTEREST FORM FOR:

.

. .

...

.

STRAP NO.	17-45-25-00-00004.0020	CASE NO
		DUAL, tenancy by the entirety, tenancy in common, or joint s well as the percentage of such interest.
Name and	Address	Percentage of Ownership
2. If the prope	rtv is owned by a CORPORATION list t	he officers and stockholders and the percentage of stock
owned by e		
Name, Add	ress, and Office	Percentage of Stock
3. If the prope Name and A		e beneficiaries of the trust with percentage of interest. Percentage of Interest
Golden Co	rridor Trust	
	Miller, Trustee	
	Gregor Boulevard, Suite 4-403	······································
Fort Myers	s, FL 33919	
(see,attac	hed)	
	rty is in the name of a GENERAL PARTI I limited partners.	NERSHIP OR LIMITED PARTNERSHIP, list the names of the
Name and A	Address	Percentage of Ownership
	DCI 2005-0	0101 0CT 20 2005
		PHIR MUT COUNTER

Page 1 of 2

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

Name, Address, & Office (if applicable)	Percentage of Stock
	Date of Contract:

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

Name and Address

2005-00101 nrt

	_
	_
די מהו מהו מהו אין די די די אין אין אין אין אין אין אין אין אין אי	

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 shall be filed.

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

teshani Signature:

Stephanie Miller, Trustee

(Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this

12 Day of Oct. 200<u>5</u>,

Stephanie Miller by

has produced

who is personally known to me or who

as identification.

Page 2 of 2

(Updated 08/01/2003) P:\...\WEBPage\Public Hearing for MCP Reinstatement.wpdmmission Expires Sep 18. 2006

 \sim DELIA EVERETT MARY PULL Notary Public - State of Florida Commission # DD151216 Bonded By National Notary Assn.

Page 9C of 9

Golden Corridor Trust: 17-45-25-01-00004.0020

- Christopher Smith & Madelyn Issacs 5.00% 12555 Grandezza Circle Estero, FL 33928
- Eric Hynden 5.00%
 962 North Waterway Drive Fort Myers, FL 33919
- Marietta Meachum 5.00%
 9519 Gladiolus Preserve Circle Fort Myers, FL 33908
- Stephanie Miller 5.00%
 15240 Cove Lane
 Fort Myers, FL 33908
- 5. Helen Strauss 20.00% P.O. Box 263 Smithfield, OH 43948
- 6. Judith Kash 5.00% 8691 Cajuput Cove Fort Myers, FL 33919
- Lisa Drasites 20.00%
 202 Del Prado Boulevard
 Cape Coral, FL 33990
- Leslie Schoenfeld & Patricia Hessel 5.00% Hessel & Schoenfeld Partnership 8695 College Parkway, #205 Fort Myers, FL 33919

Acquisition Date: 12/01/1993

- 9. Linda Miller 5.00% 15070 Intercoastal Court Fort Myers, FL 33908
- 10. Thomas Lozier 5.00% 2326 Del Prado Boulevard Cape Coral, FL 33904
- Dr. Gilbert Friedman 5.00%
 P.O Box 7362
 Fort Myers, FL 33911
- 12. Lee Duffus 5.00% 10501 FGCU Boulevard, South Fort Myers, FL 33965
- 13. Shirley Spielman 2.50% 6828 Parkledge Circle Franklin, WI 53132
- 14. Diane Gower 5.00% 14317 Devington Way Fort Myers, FL 33912
- Wallace Spielman 2.50%
 963 Avanti Way
 North Fort Myers, FL 33912

ULL 2005-00101



EXHIBIT I-C-2

SUBJECT PROPERTY OWNERS LIST

Six Crystal Trust: 17-45-25-01-00000.0270 17-45-25-01-00000.0280

- 1. Stephanie Miller 12651 McGregor Boulevard, #4-403 Fort Myers, FL 33919
- 2. Brian Krivisky 15361 River-By-Road Fort Myers, FL 33908

.

- 3. FBO Larry Hobbs, MD 12717 Brewster Drive Fort Myers, FL 33908
- Wallace Spielman
 963 Avanti Way
 North Fort Myers, FL 33917
- 5. Bruce Strayhorn P.O. Box 1288 Fort Myers, FL 33902
- 6. Janet Guertin 6064 Lake Grasmere Way Fort Myers, FL 33908

- 7. Lynn Mann 1028 By-Pass 123 Seneca, SC 29678
- William Kyle
 411 Keenan Avenue
 Fort Myers, FL 33919
- 9. Anna L. Connelly 433 Lebanon Road Pendleton, SC 29670
- 10. Jennifer Binkley 1090 San Marcos Cove Lawrenceville, GA 30043
- 11. Rowan Connelly 5380 Fairfield Way Fort Myers, FL 33919



PERMIT COUNTER

DCI 2005-00101

Parkway 511 Trust: 17-45-25-00-00004.0000

- Stephanie Miller 12651 McGregor Boulevard, #4-403 Fort Myers, FL 33919
- 2. Stephen Callari 13099 US 41 SE, #150 Fort Myers, FL 33907
- 3. VJ Julis 70 Paradise Drive Watertown, SD 57201
- Michael Lute 128 NE 23rd Avenue Cape Coral, FL 33909
- 5. Earl & Jeannine Pomeroy 5303 SW 3rd Avenue Cape Coral, FL 33914
- 6. Helen Strauss P.O. Box 263 Smithfield, OH 43948
- 7. Virgil & Shirley Frederes 3810 East Hills Drive St. Joseph, MO 64503
- Norene Lederman c/o Linda Brown 11698 Pointe Circle Fort Myers, FL 33908

- 9. Marie Lute 4760 30th Place SW Naples, FL 34116
- 10. Robert & Reina Schlager 820 Cape View Drive Fort Myers, FL 33919
- Rex Stubbs, Jr. 1327 Chalon Drive Fort Myers, FL 33919
- Diane Gower
 14317 Devington Way
 Fort Myers, FL 33912
- 13. Rose Lajoie 11501 Wellfleet Drive Fort Myers, FL 33908
- Sam Spector
 12860 Cleveland Avenue, #114
 Fort Myers, 33907
- 15. Ila R. Walrath 390 Oak Park Cadiz, Ohio 43907



PERMIT COUNTER

DUI 2005-00101

Golden Corridor Trust: 17-45-25-01-00004.0020

- Christopher Smith & Madelyn Issacs 12555 Grandezza Circle Estero, FL 33928
- 2. Eric Hynden 962 North Waterway Drive Fort Myers, FL 33919
- Marietta Meachum
 9519 Gladiolus Preserve Circle Fort Myers, FL 33908
- 4. Stephanie Miller 15240 Cove Lane Fort Myers, FL 33908
- 5. Helen Strauss P.O. Box 263 Smithfield, OH 43948
- 6. Judith Kash 8691 Cajuput Cove Fort Myers, FL 33919
- Lisa Drasites
 202 Del Prado Boulevard
 Cape Coral, FL 33990
- 8. Leslie Schoenfeld & Patricia Hessel Hessel & Schoenfeld Partnership 8695 College Parkway, #205 Fort Myers, FL 33919

- 9. Linda Miller 15070 Intercoastal Court Fort Myers, FL 33908
- 10. Thomas Lozier 2326 Del Prado Boulevard Cape Coral, FL 33904
- 11. Dr. Gilbert Friedman P.O Box 7362 Fort Myers, FL 33911
- 12. Lee Duffus 10501 FGCU Boulevard, South Fort Myers, FL 33965
- 13. Shirley Spielman 6828 Parkledge Circle Franklin, WI 53132
- 14. Diane Gower 14317 Devington Way Fort Myers, FL 33912
- Wallace Spielman
 963 Avanti Way
 North Fort Myers, FL 33912



DCI 2005-00101

Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

anks Engineering.

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28, OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N.20°01'31"E.

DESCRIPTION PREPARED JUNE 2, 2005

A. LEE HAYNE

REGISTERED SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 6338



PERMIT COUNTER

DCI 2005-00101

SHEET 1 OF 2

11543 Charlies Terrace, Ft Myers, Florida 33907 • (239) 694-2335 • Fax (239) 694-2355 5: lobs 18xs18091809_5K_parcel-1.doc 5: lobs 18xs18091809_5K_parcel-1.doc







.



EXHIBIT III-B

ZONING RESOLUTION & AMENDMENTS

· .



DCI 2005-00101



PERMIT COUNTER

RESOLUTION NUMBER Z-97-029

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, Stephanie Miller, Trustee filed an application for a rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to Carissa CPD; and

WHEREAS, the subject property is located at 12150 Six Mile Cypress Parkway, and is described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 45 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 17, Township 45 South, Range 25 East, and being further bound and described:

Lot 27, of that certain unrecorded subdivision known as SUBURBAN RANCHETTES located in Lee County, Florida as more particularly described as follows:

The North Half (N½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE½) of the Northwest (NW½) of section 17, Township 45 South, Range 25 East;

Excepting therefrom the Westerly 30 feet thereof;

Together with an easement for ingress and egress over and across the East 30 feet of the West Half (W¹/₂) of the East Half (E¹/₂) of the Northwest Quarter (NW¹/₄) and the West 30 feet of the East Half (E¹/₂) of the East Half (E¹/₄) of the Northwest Quarter (NW¹/₄) of Section 17, Township 45 South, Range 25 East, Lee County, Florida; and

ALSO a tract or parcel of land lying in Section 17, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel is further described as follows:

The South Half (S½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of said Section 17; Said parcel is subject to the South 30.00 feet thereof for road right-of-way as per County Commissioners Minutes Book 5, Page 669, Public Records of Lee County, Florida, and the West 30.00 feet thereof is reserved as a roadway easement;

Said parcel is also known as lot 28, SUBURBAN RANCHETTES as recorded in Official Records Book 273, Page 94 through 96, Public Records of Lee County, Florida; and

ALSO a parcel of land situated in Section 17, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Commencing at the Northeast corner of said Section 17;

CASE NO. 96-12-014.032 01.01 (Revised 6/12/97) G:LUZONINGRE/CARISRES.WPD RESOLUTION NO. Z-97-029 Page 1 of 9

61 116/20

DCI 2005-00101

THENCE S88°52'52"W, 2057.74 feet along the North line of said Section 17 to a point on the Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B), said point also being the true POINT OF BEGINNING; THENCE S20°01'31"W, 511.03 feet along said Westerly right-of-way line; THENCE S88°52'49"W, 399.64 feet to a point of the East line of SUBURBAN RANCHETTES as recorded in Official Record Book 273, Pages 94 through 96 of the Public Records of Lee County, Florida; THENCE N00°04'42"W, 476.71 feet along said Quarter Section line to the

North Quarter corner of said Section 17:

THENCE N88°52'52"E, 575.32 feet along the North line of said Section 17 to a point on said Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B) said point also being the true POINT OF BEGINNING; and ALSO a parcel of land situated in Section 17, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Commencing at the Northeast corner of said Section 17;

THENCE S88°52'52"W, 2,057.74 feet along the North line of said Section 17 to a point on the Westerly right-of-way line of Six Mile Cypress Parkway (S.R. 80-B);

THENCE S20°01'31"W, 511.03 feet along said Westerly right-of-way line to the true POINT OF BEGINNING;

Continue S20°01'31'W, 878.15 feet to the North line of 60' wide road rightof-way as recorded in County Commission Minute Book 5, Page 669 of the Public Records;

THENCE S88°52'49"W, 97.75 feet along said North line to a point on the East line of SUBURBAN RANCHETTES as recorded in Official Record Book 273, Pages 94 through 96 of the Public Records;

THENCE N00°04'42"W, 819.16 feet along said East line;

THENCE N88°52'52"E, 399.64 feet to a point on said Westerly right-of-way line, said point also being the true POINT OF BEGINNING; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 17-45-25-01-00000.0270, 17-45-25-01-00000.0280, 17-45-25-00-00004.0000 and 17-45-25-00-00004.0020; and

WHEREAS, Stephanie Miller, Trustee owner of the subject parcel, authorized Stuart & Associates and Banks Engineering, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on April 22, 1997 before the Lee County Hearing Examiner in Case No. 96-12-014.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on June 16, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

CASE NO. 96-12-014.03Z 01.01 (Revised 6/12/97) G:LUZONINGREVCARISRES.WPD RESOLUTION NO. Z-97-029 Page 2 of 9 NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2 to CPD, as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

- The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan for this development which is a document entitled "Carissa C.P.D." prepared by Banks Engineering, Inc., dated November 11, 1996, last revised January 20, 1997, and stamped received by the zoning counter on February 21, 1997, except as modified by the conditions herein.
- 2. The approved Schedule of Uses for this development is limited to the following:

Schedule of Uses:

Administration Offices Animal Clinic ATM Auto Parts Store, No Installation Service Automobile Service Station Automotive Repair and Service, Group I Banks & Financial Establishments, All Groups **Boat Parts Store Building Material Sales** Business Services, Groups I and II Car Wash **Cleaning and Maintenance Services** Clothing Store, General Commercial Clubs, Fraternal or Membership Organization **Consumption on Premises** Contractors and Builders, Groups I and II Convenience Food and Beverage Store, subject to Condition #4 & Deviation (7) **Cultural Facilities - Excluding Zoos** Day Care Center, Child, Adult **Department Store Drive-thru** Facility **Drug Store**, Pharmacy **Essential Services Essential Service Facilities** Excavation, Water Retention Factory Outlets (Point of Manufacture) Farm Equipment, Sales, Storage, Rental or Service Feed, Fertilizer, Mixing and Sales

CASE NO. 96-12-014.03Z 01.01 (Revised 6/12/97) G:LUZONINGREVCARISRES.WPD RESOLUTION NO. Z-97-029 Page 3 of 9 Fences, Walls **Fire Station** Flea Market, Indoor Food and Beverage Service, Limited Food Stores, Groups I and II Gasoline Dispensing System, Special Gift and Souvenir Shop Hardware Store Health Care Facilities, Group III Hobby, Toy and Game Shops Hotel/Motel - 100 rooms Household & Office Furnishings, Groups I and II **Insurance** Companies Laundry Dry Cleaning, Group I Lawn & Garden Supply Store Medical Office Mini Warehouses Non-Store Retailers, All Groups Pet Services Pet Shops Pharmacy Place of Worship Plant Nursery Post Office Real Estate Sales Office Recreation, Commercial, Groups I, II & IV **Religious** Facilities Rental or Leasing Establishments, Groups I and II Repair Shops, Groups I and II Research & Development Laboratories, Groups II & IV Restaurant, Groups I, II and III Restaurant, Fast Food, subject to Condition 4 & Deviation (7) Retail and Wholesale, when clearly incidental and subordinate to the principal use on the same premises Schools, Commercial Self Service Fuel Pumps Self Service Fuel Pump Stations Signs, in accordance with LDC Chapter 30 Social Services, Groups I and II Specialty Retail Shops, Groups I, II, III and IV Storage, Indoor only Studios Supermarkets **Temporary Uses** Theater, Indoor Towers, Communication - less than 100 feet in height

CASE NO. 96-12-014.03Z 01.01 (Revised 6/12/97) G:VLU/ZONINGREVCARISRES.WPD RESOLUTION NO. Z-97-029 Page 4 of 9 Transportation Services, Group II Used Merchandise Stores, Groups I and II Variety Store Wholesale Establishments, Group III

3. The following Property Development Regulations apply to the development of the subject property:

Minimum Lot Area and Dimensions:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

Minimum Setbacks - Buildings And Structures :

Street: (Six Mile Cypress Parkway)	65 feet
Street: (parallel access street)	25 feet
Side:	15 feet
Rear	20 feet

Maximum Lot Coverage:

40 percent

Maximum Building Height: up to three habitable floors within 35 feet

- 4.
- a. The area west of the proposed buildings fronting on Six Mile Cypress Parkway and north of the proposed buildings fronting on Crystal Drive is limited to open space uses and vehicular access. Public access is prohibited on the west or north sides of these buildings.
- b. If a Fast Food Restaurant or Convenience Food and Beverage Store use is developed next to the northwest property line (extending south approximately 660 feet from the northernmost property line), the Developer must construct an 8-foothigh masonry wall parallel to the northwest line prior to development order approval. The wall must be located between the wetland preservation areas or 30foot-wide retention/detention area and these uses. The 8-foot-high masonry wall is required only adjacent to the northwest property line. The buffer must also comply with the Land Development Code, including but not limited to required trees and shrubs.
- 5. The magnitude of commercial development will be governed by the access to the site as set forth in the matrix below:

Access required for development	Maximum amount of floor area that may be developed	of which a maximum amount of retail floor area may be developed
Six Mile Cypress only (existing)	75,000 sq. ft.	None
With access to Crystal Drive (Crystal Drive must be constructed to minimum Local Street Standard)	150,000 sq. ft.	30,000 sq. ft.*
With access to Crystal Dr. (Crystal Drive must be opened & functioning as a collector road)	150,000 sq. ft.	100,000 sq. ft.
OR		
With access to Penzance Rd. (with connection to Carissa CPD access road)	150,000 sq. ft.	100,000 sq. ft.

[*Access must be within 330 feet of intersection.]

- 6. Prior to development order approval, the developer must regrade existing lakes to a water depth of four (4) feet below the dry season water table so that the lake banks are sloped to a ratio not steeper than four (4) feet horizontal to one (1) foot vertical. In addition, the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.
- 7. Prior to local development order approval or issuance of early work vegetation removal permit, the developer must survey all infrastructure and individual parcels for fox squirrels. If squirrel nests or "day beds" are observed, then further observations must be performed to determine if these structures are active and utilized by fox squirrels. If fox squirrel use is verified, the developer must submit a fox squirrel management plan meeting the requirements of LDC § 10-474.
- 8. Additional conditions may be required at the time of local development order approval to mitigate the project's vehicular or pedestrian traffic impacts.
- 9. Approval of this rezoning does not give the Developer the undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

· • •

RESOLUTION NO. Z-97-029 Page 6 of 9

- 10. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as granted by deviation as part of this planned development.
- 11. If the developer requests impact fee credits for the dedication and construction of the access road shown on the Master Concept Plan, only the area that is not site-related and deemed necessary to allow a neighboring parcel access across the subject parcel will be eligible for credits. Any right-of-way for which credits are issued will be valued based upon the zoning of the land as it existed prior to this zoning approval (AG-2).

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The deviations are granted or denied as set forth below:

Deviation (1) was WITHDRAWN by the applicant.

Deviation (2) seeks relief from LDC Section 10-329(e)(3) which limits the depth of an excavation to a maximum of 12 feet, to allow a maximum depth of 20 feet. The requested deviation is DENIED WITHOUT PREJUDICE, because no lake management plan has, as yet, been submitted by the Applicant.

Deviation (3) seeks relief from LDC Section 10-413(c)(1) which requires 50 percent of the required open space to be preserved as existing native vegetation, to permit 34 percent of the required open space to be preserved as existing native vegetation. The requested deviation is APPROVED.

Deviation (4) seeks relief from LDC Section 10-415(a)(4) which requires that one tree must be provided for each 3,500 square feet of development area, to allow one tree be provided for each 3,500 square feet of development area excluding the frontage road area, wetland preserve and mitigation area. The requested deviation is DENIED.

Deviation (5) seeks relief from LDC Section 30-153(2)a., which restricts total sign area on any given street to 300 square feet, to allow two 200-square foot identification signs, each located a minimum of 15 feet from the parallel access street easement. The requested deviation is **APPROVED.**

Deviation (6) seeks relief from LDC Section 10-329(e)(1)a.1. which prohibits an excavation for water retention from being located closer than 25 feet to an existing or proposed street right-of-way line or easement, to allow the existing lakes to encroach into the 25 foot setback. The requested deviation is APPROVED subject to Condition 6 above.

Deviation (7) seeks relief from LDC Section 10-414(a) which requires that commercial developments adjacent to existing residential developments provide a minimum 15 foot wide buffer which includes a fence, wall or berm not less than 8 feet in height, to eliminate the

requirement for the 8 foot fence, wall or berm. The requested deviation is **APPROVED** subject to Condition 4.b. above, no deviation is granted for the Fast Food Restaurant or Convenience Store uses described therein.

Deviation (8) was WITHDRAWN by the applicant.

SECTION C. Master Concept Plan;

A one-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

- 1. The applicant has proven entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
- 2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
- 3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The proposed use or mix of uses is appropriate at the subject location.
- 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

- 8. The deviations granted:
 - a. enhance the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County . . Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

> John E. Manning Aye Douglas R. St. Cerny Ray Judah Andrew W. Coy John E. Albion

Aye Aye Aye Absent

DULY PASSED AND ADOPTED this 16th day of June, 1997.

ATTEST: CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Chairman

Approved as to form by:

County Attorney's Office

FILED

JUN 19 1997

Cista F_D.C.

CASE NO. 96-12-014.03Z 01.01 (Revised 6/12/97) G:\LU\ZONINGRE\CARISRES.WPD



	I	EE COUN	ITY BOAI AGENDA	RD OF COUN ITEM SUMM	TY COMMIS ARY	SUNERS BLUE	SHEET N	NO: 200	30765
1. REQUESTED MA ACTION REQUEST CPD for a perio Commissioners WHY ACTION IS NE WHAT ACTION ACC	ED: APPRO d not to exced c. ECESSARY: All	ed two (2) ows time) years fi extensio	rom the date on.	of the app	ing Master proval by the	Concept e Board c	Plan for f Count	Carissa y
2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #2 A4A				<u>3. meeting</u> 08-	<u>date:</u> 26-2	<u>200.</u>	3		
4. AGENDA	5. REQU	REMENT/I	PURPOSE	<u>=:</u>		6. REQUEST	OR OF IN	FORMAT	<u>ION:</u>
CONSENT -X_ADMINISTRATIVE -APPEALS -PUBLIC -WALK ON TIME REQUIRED:		IUTE INANCE IN CODE IER (LDC)				A. COMMISSIC B. DEPARTMEI C. DIVISION BY M_W	NT <u>Comm</u>	unity Devel	- lopment
This is an application Zoning Case 96-12 subject property is Six Mile Cypress Pl Development (CPD square feet of retail property to the north Parkway, then vaca vacant and develop Although the Land I developments may Therefore this applie 8.MANAGEMENT F	-014.03Z 01.01 located at 1215 kwy. south of Pe on June 16, 19 commercial flo h is zoned CPD ant EC zoned lan bed with a mobil Dev elopment Co be granted, this cation is being p	as approv I, 12211 JV enzance Ro 997. This or area, 50 and RPD, nds. To the e home an ode was ch application rocessed u	ed by Res / Park er I bad). The approval a ,000 squa both prop e south is d single fa anged by was fou	solution Z-97-0 _ane & 12110, e subject prope allowed a mixe are f eet of offic erties are curre vacant, CS-1 amily residence Ordinance 03 nd sufficient b	29 for a peri 12150 Six M rty was origi d use comm e floor area ently vacant zoned land. e. -16 addressi efore the cha	od not to exc Aile Cypress I nally zoned to nercial develo and 100 hotel . To the east To the west, ng how ex ter	eed two (2) Parkway (a o Commerd pment con /m otel unit is Six Mile is AG-2 zo nsions of p) years. T long west cial Plann sisting of s. Adjace Cypress ned lands lanned	he t side of ed 100,000 ent s, both
		9	. RECOM		PROVAL				· · · · ·
A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	Count	F y Administrat		Cou Mana	G Inty ager
Mam	N)A	NIA	NIA	timm		2.5K	1172- 8[14	NA	ton
10. COMMISSION A APPROV DENIED DEFERRI OTHER 1200306\DCI20030.0	ED	sheet.wpd		Rec. by C Date: 0 [Time: 2 Forwarded Cly 8 A	3/03 2~ 0m		ECEIVED BY OUNTY ADM 8-14- 10 10 OUNTY ADM 0 WARDED	NOX	

Ł

This request for extension of the Master Concept Plan is to be reviewed based upon the findings of fact contained in Section 34-381 (c) of the LDC. A statement of the necessary findings are listed along with the staff findings in **bold** print.

An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended no more than two times by the Board of County Commissioners for a period of no more than two (2) years each, provided it does not extend the life of the master concept plan more than ten (10) years from the date of the original zoning action. Approval of this request as recommended would be the first extension, would not exceed two years, and would not extend the life for more than 10 years from the date of the original zoning action.

LDC Section 34-381(c)(1):

- a. The master concept plan is consistent with the current Lee Plan, including but not limited to, density, intensity and concurrency requirements:
- Staff Finding: The subject property was, and continues to be, located within the Central Urban future land use category of the Lee Plan. There has been substantially little change to the zoning or use of the lands in this immediate area. The project was originally found to be consistent with the Lee Plan and the Master Concept Plan remains consistent with the Lee Plan.
- b. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and
- Staff Finding: The development shown on the approved Master Concept Plan remains compatible with the existing and proposed uses in this area. The only substantial change in proposed surrounding use was a rezoning to Residential Planned Development (RPD) for land fronting on Penzance Road to the north. Where the subject property abuts that approved RPD, the Master Concept Plan proposes retention and detention areas and in staff's opinion will remain consistent and compatible with this proposed residential development.
- c. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.
- Staff Finding: Staff does not expect that this development by itself or in conjunction with other development will place an unreasonable burden on essential services. Some services, such as potable water and sanitary sewage, have been improved in this area since the original zoning.

Based upon the above noted findings, staff recommends APPROVAL of this request for the first extension of the duration of the project for the maximum of two (2) years from the date of this approval by the Board of County Commissioners.

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00126

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Stephanie Miller, Trustee, filed an application for administrative approval to a Commercial Planned Development on a project known as Carissa CPD for changes to the Master Concept Plan on property located at 12110 & 12150 Six Mile Cypress Parkway and 12151, and 12211 JV Parker Lane, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 45 South, Range 25 East, Lee County, Florida:

Exhibit "A"

WHEREAS, the property was originally rezoned in case number 96-12-014.03Z01.01 with a Master Concept Plan Extension in case number DCI2003-00044; and

WHEREAS, The applicant has requested the following changes to the Master Concept Plan: 1- Relocation of a major portion of the frontage road further to the west, 2- creation of four (4) development areas (including three outparcels), 3- reconfiguration of the wetland creation area, 4- increasing the wetland preserve area, 5- reducing the setback from Six Mile Cypress Parkway from 65 feet to 25 feet in the portion of the property where the frontage road is no longer adjacent to Six Mile Cypress Parkway, 6- relocation of one of the 2 freestanding signs depicted by Deviation #5 due to relocation of the frontage road, 7- removal of the proposed schedule of uses from the Master Concept Plan; and

WHEREAS, the Lee County 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, the Lee County Environmental Sciences Division has reviewed and conditionally approved the proposed changes to the wetland creation and wetland preserve areas; and

WHEREAS, it is found that the proposed amendment does not increase 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 Commercial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

- 1. The Development must be in compliance with the amended Master Concept Plan, dated 05/05 and stamped received June 10, 2005 by the Permit Counter. Master Concept Plan for ADD2005-00126 is hereby APPROVED and adopted. A reduced copy is attached hereto.
- 2. The terms and conditions of the original zoning resolutions remain in full force and effect.
- 3. The landscape plans must include a detailed wetland creation planting plan for the wetland creation/detention area delineated on the Master Concept Plan for review and approval by the Division of Environmental Sciences staff. A minimum of six species of native wetland plants must be included. Groundcover plants must be a minimum 1-gallon container size. Trees must be a mixture of sizes with a minimum 3-gallon container size for the smaller trees and a minimum 10-foot height 2-inch caliper for larger trees. The 10-foot trees may be used to meet buffer or general tree requirements; and
- 4. The landscape plans must include appropriate native trees meeting the Land Development Code general tree requirements must be incorporated into the design and placed with Lake Tract #1 both within the littoral zone and in the surrounding upland areas in such a manner as to create a forested wetland and hammock area. The trees may be used toward the general tree requirement for the overall site; and
- 5. The property must be surveyed specifically for Big Cypress fox squirrels and their nests. If squirrel nests or day beds are observed, then the structure must be observed for five consecutive days in the early morning and early evening to determine if they are active fox squirrel nests. If fox squirrel use is verified, then a 125-foot buffer must be maintained around any active nest until it is deemed inactive and written authorization is obtained from the Florida Fish and Wildlife Conservation Commission to remove the tree and nest structure. (This condition is to replace condition 7 of Z-97-029)

DULY SIGNED this \mathfrak{M} dayoof , A.D., 2005. MALL BY: Pam Houck, Director Division of Zoning Department of Community Development

<u>Banks Engineering, Inc.</u>

Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

> DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

2005-00126

15 JUNEOS

ADD

RECEIVED

JUN 1.0 2005

ZONING

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28, OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N,20°01'31"E. Applicant's Legal Checked

DESCRIPTION PREPARED JUNE 2, 2005

A. LEE HAYNE REGISTERED SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 6338

a.'97,

EXHIBIT "A"

SHEET 1 OF 2



• ...



EXHIBITS III-D, III-E & III-F NARRATIVE STATEMENTS



PERMIT COUNTER

Zoning History

DC1 2005-00101

The applicant is requesting to reinstate the Master Concept Plan for the Carissa CPD, a 19.07 acre development located on the west side of Six Mile Cypress Parkway, approximately 660 feet south of Penzance Boulevard. The project originally received CPD zoning approval on June 16th, 1997 pursuant to Zoning Resolution Z-97-029. At that time, the project was approved for a mixed use commercial development having a maximum gross floor area of 150,000 square feet, of which a maximum of 100,000 square feet could be developed for retail uses (subject to meeting specific access requirements which are identified in condition #5 of the zoning resolution).

The development remained inactive for a period of five years and the Master Concept Plan was subsequently vacated on June 16th, 2002. In July, 2003 the applicant filed a request to reinstate the vacated Master Concept Plan which was approved by the Board of County Commissioners on August 26th, 2003. This allowed the Master Concept Plan to be extended for an additional two years. During that time, the applicant began actively pursuing water management permits and revising the site plan to provide a better utilization of the subject property in accordance with present market demands for commercial development.

The revised site plan was then submitted to the County and formally adopted under Administrative Amendment ADD 2005-00126 on June 27th, 2005. The amendment allowed most of the frontage road to be shifted to the west and the subject property to be subdivided into four development areas - three outparcels, ranging from 1.59 acres to 2.54 acres, along Six Mile Cypress Parkway and a 4.31 acre office parcel located in the southwest corner of the site. After the administrative amendment was approved, the applicant filed for a development order on the subject property (DOS2005-00220) which was still under review when the two year time frame for the Master Concept Plan extension expired on August 26th, 2005.

Lee Plan Consistency

The subject property lies within the Central Urban future land use category and is located at the intersection of an arterial roadway (Six Mile Cypress Parkway) and a future collector roadway (Crystal Drive). The approved uses remain consistent with Policy 1.1.3 of the Lee Plan and the commercial intensities shown on the Master Concept Plan continue to meet the site location standards for neighborhood commercial centers pursuant to Lee Plan Policy 6.1.2 (subject to Condition #5 of the zoning resolution). In addition, the property presently has the necessary infrastructure and public facilities to support the proposed development in accordance with Objectives 2.1 and 2.2 of the Lee Plan. The availability of the existing public services is documented below. The presence of theses services should insure that all concurrency requirements will continue to be met.

Compatibility

The existing land uses and current zoning of the parcels adjoining the subject property are identified as follows:

North: vacant parcel, zoned CPD South: vacant parcel, zoned CS-1 East: Six Mile Cypress Parkway then Six Mile Cypress Preserve, zoned EC West: vacant parcel, zoned AG-2 single family residence, zoned AG-2

These present uses and zoning classifications remain unchanged from the time the original zoning was approved in 1997. At that time, all of the proposed uses and intensities shown on the Master Concept Plan were deemed to be compatible with the surrounding area. It also should be noted, that under the recently approved administrative amendment, the development in the southwestern portion of the subject property has been limited to one and two story offices and the buffering along the northern and western property lines has been increased. This should further promote future compatibility with the adjoining parcels to the west that are zoned AG-2.

Public Facilities

The proposed development will not place an undue burden on essential public facilities. Six Mile Cypress Parkway is being widened and sanitary sewer (by Lee County Utilities) is now available to the site. In addition, the following essential services will continue to be available to support the commercial development shown on the Master Concept Plan as well as other existing and proposed development in the surrounding area:

Potable Water - Lee County Utilities Fire Protection - South Trail Fire District Police Protection - Lee County Sheriff's Department Emergency Medical Services - Lee County E.M.S.


TRAFFIC IMPACT ANALYSIS

FOR

CARISSA RE-ZONING

PROJECT NO. 051009



DCI 2005-00101

PREPARED BY: Metro Transportation Group, Inc. 12651 McGregor Boulevard, Suite 4-403 Fort Myers, Florida 33919-4489 239-278-3090

October 14, 2005



CONTENTS

I. INTRODUCTION

- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION



I:

INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The proposed Carissa Re-zoning is located on the west side of Six Mile Cypress Parkway north of its intersection with Crystal Drive in Lee County, Florida. **Figure 1** illustrates the location of the proposed development.

The Carissa Re-zoning, as currently proposed, would permit the development of both commercial and office uses on the subject site. More specifically, upon approval, the subject site will be zoned for up to approximately 100,000 square feet of commercial uses and up to approximately 50,000 square feet of office uses. Access to the site will be provided to Six Mile Cypress Parkway via a full site access and a right in/right out site access. Both access points on Six Mile Cypress Parkway are approved access points based on the Six Mile Cypress Parkway Controlled Access Resolution Number 00-04-09.

The following report will examine the anticipated trip generation of the proposed development and evaluate the impact the additional trips will have on the surrounding roadway network.

II. EXISTING CONDITIONS

The subject site is currently vacant. The subject site is bordered to the east by Six Mile Cypress Parkway and to the south of the subject site is vacant land. To the north and west of the subject site are existing residential uses and vacant land.

Six Mile Cypress Parkway is currently a two-lane undivided controlled access arterial roadway in the vicinity of the subject site. However, Six Mile Cypress Parkway from approximately one mile south of the Winkler Avenue extension to approximately one mile north of Daniels Parkway is programmed to be widened to four-lanes by the Lee



201

PROJECT LOCATION MAP CARISSA RE-ZONING

Figure 1



County Department of Transportation in fiscal year 2006/2007. Therefore, for the purposes of this analysis, Six Mile Cypress Parkway between the Winkler Avenue extension and Daniels Parkway was considered a four-lane arterial roadway. Six Mile Cypress Parkway has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval of the proposed Carissa Re-zoning, the subject site could be developed with up to approximately 100,000 square feet of commercial uses and up to approximately 50,000 square feet of office uses. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development.

Table Land U Carissa Re	Uses
Land Use	Size
Retail (LUC 820)	100,000 square feet
General Office (LUC 710)	50,000 square feet

Access to the site will be provided to Six Mile Cypress Parkway via a full site access and a right in/right out site access.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the commercial portion of the proposed development. Land Use Code 710 (General Office Building) was utilized for the trip generation purposes of the office portion of the proposed development. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak



hour trip generation of the Carissa Re-zoning as currently proposed. The daily trip generation is also indicated in the table.

· · · · · · · · · · · · · · · · ·													
	Weekday	y AM Peal	Hour	Weekday	PM Peal	k Hour	Daily						
Land Use	In	Out	Total	In	Out	Total	2-way						
Shopping Center (100,000 square feet)	95	60	155	300	325	625	6,790						
General Office Building (50,000 square feet)	95	15	110	25	110	• 135	780						
Total Trips	190	75	265	325	435	760	7,570						

Table 2Trip GenerationCarissa Re-zoning

The trips shown in **Table 2** will not all be new trips to the adjacent roadway system. ITE estimates that a shopping center of comparable size may attract anywhere from 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. According to the ITE report titled *Trip Generation Handbook*, March 2001, for Land Use Code 820 (Shopping Center) the relationship between the size of the development and the percent of pass-by trips is:

Ln (T) = -0.291 Ln (X) + 5.001, where T = Average pass-by trip percentage X = 1000 square feet of gross leasable area

Using this formula the percentage of pass-by trips for the shopping center use was calculated as follows:

Ln (T) = -0.291 Ln (100) + 5.001T = 39%

However, Lee County only allows a pass-by reduction for Land Use Code 820 of up to thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for Land Use Code 820.



For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the pass-by percentages for the land uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 3	
Pass-by Trip Reduction Fact	tors
Carissa Re-zoning	

Land Use	Percentage Trip Reduction
Shopping Center (LUC 820)	30%

Table 4	.,
Trip Generation – New Trips	
Carissa Re-zoning	

		Cai	1554 110-201				
	Weekd	ay AM Pe	ak Hour	Weeko	lay PM Pe	ak Hour	Dailý 🚬
Land Use	. ∼In –	Out	Total	In	Out	Total	(2-way)
Total Trips	190	75	265	325	435	760	7,570
Less LUC 820 Pass-by	-30	-15	-45	-90	-100	-190	-2,035
New Trips	160	60	220	235	335	570	5,535

V. TRIP DISTRIBUTION

The new trips shown in Table 4 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the proposed site access drives. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 2**. Figure 2 also illustrates the site traffic assignment to the proposed site access drives.





In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour, Peak Direction Service Volumes, as provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2007. Therefore, the surrounding roadway network was analyzed under 2008 projected traffic conditions. Based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rate was calculated from historical traffic count data for the past nine years as contained in the 2004 Lee County Traffic Count Report.

Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2008 without the development and year 2008 with the development. The 2005 peak hour traffic volumes were obtained from the 2004/2005-2005/2006 Lee County Concurrency Report dated June 2005. Table 2A, contained in the Appendix of the report, outlines the methodology used in determining the growth rate utilized for each roadway segment.

Figure 3 indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour volume and Level of Service of each link should no development occur on the subject site and the Peak Hour volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These values are derived from Table 2A contained in the Appendix.





VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 3, none of the roadway links analyzed will be adversely impacted as a result of the proposed development. Adverse impact is defined as a degradation in the Level of Service on a roadway link beyond that which the roadway link is anticipated to operate at without the proposed development. In addition, all roadway links analyzed are shown to operate at or above a Level of Service "B" under the 2008 build-out traffic conditions for the proposed Carissa Re-zoning.

Turn lane analysis was performed at both of the site access intersections based on the Lee County Turn Lane Policy, Administrative Code 11-4 (AC 11-4). Based on the results of the analysis, turn lanes will be warranted at both of the site access intersections. At the northern site access intersection on Six Mile Cypress Parkway, a southbound right turn lane will be warranted. This turn lane should be constructed to include 350 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 55 mph design speed. No storage length is warranted due to the free flow condition that will exist.

At the southern site access intersection on Six Mile Cypress Parkway, both a southbound right turn lane and a northbound left turn lane will be warranted. Both turn lanes should be constructed to include 350 feet of taper and deceleration length according to Index #301 based on a 55 mph design speed. The required storage length for each turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore required storage length was calculated as follows:

Southbound Right Turn Lane

Storage = (1hour/60 minutes)*(2 minutes)*(45 veh)*25 ft/veh = (1.5 turning veh)*25 ft/veh

= 50 ft of storage

Northbound Left Turn Lane

Storage = (1hour/60 minutes)*(2 minutes)*(210 veh)*25 ft/veh = (7.0 turning veh)*25 ft/veh = 175 ft of storage



Therefore, at the southern site access intersection on Six Mile Cypress Parkway a southbound right turn lane 400 feet in overall length and a northbound left turn lane 525 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Six Mile Cypress Parkway under the 2008 build-out traffic conditions of the proposed Carissa Rezoning. The latest version of the Highway Capacity Software, HCS+, was utilized in the intersection analysis. The peak direction through volume utilized in the analysis was obtained from Table 2A. The off-peak direction through volume was calculated utilizing the D-factor from the appropriate Lee County Permanent Count Station (PCS), in this case PCS 18.

Based on the results of the intersection analysis, only the southern site access intersection is shown to exhibit a Level of Service deficiency at the full build-out of the proposed development. The eastbound approach is shown to operate below acceptable Level of Service conditions, which is mainly due to the high through volume on Six Mile Cypress Parkway. Future signalization of this site access intersection may be warranted. If/when a traffic signal is warranted the Developer would be responsible for the cost and installation of the traffic signal.

VIII. CONCLUSION

The proposed Carissa Re-zoning located on the west side of Six Mile Cypress Parkway north of its intersection with Crystal Drive in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network as well as the improvements programmed by Lee County within the next three (3) years can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access intersections on Six Mile Cypress Parkway. Based on the results of the analysis, turn lanes will be warranted at both site



access intersections. At the northern site access intersection, a southbound right turn lane 350 feet in overall length will be warranted. At the southern site access intersection, a southbound right turn lane 400 feet in overall length and a northbound left turn lane 525 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Six Mile Cypress Parkway under the 2008 build-out traffic conditions of the proposed Carissa Rezoning. Based on the results of the intersection analysis, only the southern site access intersection is shown to exhibit a Level of Service deficiency at the full build-out of the proposed development. The eastbound approach is shown to operate below acceptable Level of Service conditions, which is mainly due to the high through volume on Six Mile Cypress Parkway. Future signalization of this site access intersection may be warranted. If/when a traffic signal is warranted the Developer would be responsible for the cost and installation of the traffic signal.

TABLE 1A	PEAK DIRECTION	PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
----------	----------------	---

60 335

oUT= OUT=

160 235

= = N

570 VPH

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 220 VPH

TOTAL PM PEAK HOUR PROJECT TRAFFIC =

1

. .

		ROADWAY	LOS A	E SOL	LOS C	LOS D	LOS E	PROJECT	PROJECT	PROJ/
ROADWAY	SEGMENT	CLASS	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME	TRAFFIC	TRAFFIC	<u>LOS C</u>
Six Mile Cypress Pkwy S. of Daniels Pkwy	S. of Daniels Pkwy	4LD	450	1630	1900	1950	1950	25%	8 7	4.4%
	N. of Daniels Pkwy	4LD	450	1630	1900	1950	1950	65%	218	11.5%
	N. of Full Access	4LD	450	1630	1900	1950	1950	35%1	117	6.2%
	N. of Site	4LD	450	1630	1900	1950	1950	35%	117	6.2%
Daniels Pkwy	E. of Six Mile Cypress Pkwy	9LD	670	2490	2850	2920	2920	35%	117	4.1%
•	W. of Six Mile Cypress Pkwy	9LD	670	2490	2850	2920	2920	5%	17	0.6%
	* Level of Service thresholds were obtained from the Lee County Generalized Volumes on Arterials	obtained from the	Lee County Ger	neralized Volum	es on Arterials					
	** Six Mile Cypress Parkway in the vicinity of the subject site	vicinity of the subje	ct site will be w	idened to four la	will be widened to four lanes by the Lee County DOT in FY 2006/2007	County DOT in F	Y 2006/2007			
	¹ Calculated from the site traffic assimment illustrated on Figure 2	sinnment illustrate	d on Figure 2							

Calculated from the site traffic assignment illustrated on Figure 2

- Denotes a Significantly Impacted roadway link

		2008	BCKGRND	+ PM PROJ	TRAFFIC	1557	1456	1456				2008 PM	WIPROJE	8	8	8
		2008	BCKGRND	+ AM PROJ	TRAFFIC	1443	1395	1395			f Service	2008 AM	WIO PROJECT WIPROJECT WIPROJE	B	8	8
				PM PROJ	TRAFFIC	218	117	117	05		100th Highest Hour Level of Service	2008	W/O PROJECT	8	8	8
				AM PROJ	TRAFFIC	104	56	56	dated June, 20		ighest Ho			Pkwy	cess	
			PERCENT	PROJECT	TRAFFIC	65%	35%1	35%	currency Report,		100th H			N. of Daniels	N. of Full Access	N. of Site
		2008	PK HR	PK SEASON	PEAK DIR.	1339	1339	1339	S Lee County Cond					Six Mile Cypress Pkwy N. of Daniels Pkwy		
		2005	PK HR	PK SEASON	PEAK DIR. ¹	1061	1061	1061	4/2005-2005/2006					Six Mil		
60	335			ANNUAL	RATE	8.07%	8.07%	8.07%	from the 200							
oUT=	OUT=			YRS OF	GROWTH	6	6	6	e was obtained							
160	235			2004	ADT	19900	19900	19900	Traffic Volum	on Figure 2						
= <u>N</u>	= <u>N</u>			BASE YR	ADT	0066	0066	0066	Peak Direction	nment illustrated						
ī	ĩ				PCS	18	18	18	eak Season,	traffic assign						
220 VPH	570 VPH				SEGMENT	N. of Daniels Pkwy	N. of Full Access	N. of Site	¹ The 2005 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2004/2005-2005/2006 Lee County Concurrency Report, dated June, 2005	2 Calculated from the site traffic assignment illustrated on Figure 2						
TOTAL PROJECT TRAFFIC AM =	TOTAL PROJECT TRAFFIC PM =				ROADWAY			Ż	1 11	2 C						

TABLE 2A LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

ŧ

.

HCS ANALYSIS FOR THE SOUTHERN SITE ACCESS INTERSECTION

General Information			Site In	f <u>ormat</u>	ion			
			Intersec	tion		Full Acces	s	
Analyst	DLW	sportation Group	Jurisdic	tion		Lee Count		
Agency/Co.	10/13/2005		Analysis	s Year		2008 back	ground & /	а <i>М</i>
Date Performed Analysis Time Period	AM peak h					project		
	10.09 - Carissa I	Re-zoning				0	1	
ast/West Street: Southe						Cypress Par	kway	
ntersection Orientation:	North-South		Study P	erioa (nr	s): 0.25			
/ehicle Volumes and	d Adjustment							
lajor Street		Northbound				Southbou	nd	
lovement	1	2	3		4	5 T		6
		T	R		L	1340		R 25
/olume	125	1140	0.95	<u> </u>	0.95	0.95		0.95
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	1410		26
Hourly Flow Rate, HFR	131				0			
Percent Heavy Vehicles	0			Raised				
Aedian Type			0					0
RT Channelized		2	0		0	2		1
anes	1	<u> </u>	0			T		R
Configuration	<u> </u>					0		
Jpstream Signal						Westbour		
Minor Street		Eastbound	9	<u> </u>	10	11		12
Novement	7	8 T	9 R		L	<u>т</u>		R
	L 25		45		L	+		
Volume Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95
Hourly Flow Rate, HFR	26	0.95	47		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0		
		N				N		
Flared Approach		0				0		
Storage		0						0
RT Channelized			0		0	0		0
Lanes	1	0	1 R			+		
Configuration	<u> </u>		<u> </u>					
Delay, Queue Length, a				A /			Eastbound	
Approach	Northbound	Southbound		Westbou				
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L							R
v (vph)	131					26	L	47
C (m) (vph)	479					115	<u> </u>	383
v/c	0.27		<u></u>			0.23		0.12
95% queue length	1.10			<u> </u>		0.82		0.42
Control Delay	15.3	<u> </u>		<u> </u>		45.2		15.7
LOS	70.0 C	<u> </u>		<u> </u>		E	<u> </u>	C
		<u>├───</u> ┤			<u> </u>	+	26.2	
Approach Delay						I	.	

Copyright © 2005 University of Florida, All Rights Reserved

General Information			Site In	formati	on			
						Full Acces		
Analyst	DLW	nonortation Oraun	Jurisdic			Lee Coun		
Agency/Co. Date Performed	10/13/200	nsportation Group	Analysis Year			ground & I	PM	
Analysis Time Period	PM peak I					project		
Project Description F05		Re-zoning						
East/West Street: South		- <u></u>				Cypress Pa	rkway	
ntersection Orientation:			Study P	eriod (hrs	<u>a): 0.25</u>			
Vehicle Volumes an	<u>d Adjustmen</u>							
Major Street		Northbound				Southbou	nd	
Movement	11	2	3		4	5		6
/olumo	210	Т	R		<u> </u>	T 1140		R
/olume Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		45 0.95
Hourly Flow Rate, HFR	221	1410	0.95		0.95	1200		47
Percent Heavy Vehicles	0				0			
Median Type				Raised ci				
RT Channelized			0				T	0
anes	1	2	0		0	2		1
Configuration	<u> </u>	<u>7</u>	U			$\frac{2}{T}$		R
Jpstream Signal						0		
Minor Street		Eastbound				Westbou		
Novement	7		9		10	11		12
		- <u> </u>	R		L	<u>т</u>		R
/olume	150		240	+-		<u> </u>		
Peak-Hour Factor, PHF	0.95	0.95	0.95	-	0.95	0.95		0.95
Hourly Flow Rate, HFR	157	0	252		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0		
Flared Approach		N				N		
Storage		0				0		
RT Channelized			0					0
Lanes	1	0	1		0	0		0
Configuration	L	- <u> </u>	R					
Delay, Queue Length, ai		(
Approach	Northbound	Southbound		Vestboun	d		Eastbound	
Novement	1	4	7	8	9	10	11	12
ane Configuration	'	┝ <u>─</u> ──╋	<u></u>		<u> </u>	L		R
	221	┟────╂╴				157		252
(vph)		┝━━━╍╋			+	_		449
; (m) (vph)	565	┝╂╸				99		
/c	0.39	┝				1.59		0.56
5% queue length	1.85					12.11		3.38
Control Delay	15.4					381.3		22.8
.OS	С					F		С
pproach Delay							160.4	
pproach LOS			·				F	

Copyright © 2005 University of Florida, All Rights Reserved

Generated: 10/13/2005 5:09 PM

HCS ANALYSIS FOR THE NORTHERN SITE ACCESS INTERSECTION

• •

General Information			Site In	format	ion			
	10(14)		Intersec	ction		Right In/Ri	ght Out Ac	cess
Analyst	DLW	anartation Crown	Jurisdic	tion		Lee Count		
Agency/Co.	10/13/2005	sportation Group	Analysi	s Year		2008 back	ground & A	A <i>M</i>
Date Performed Analysis Time Period	AM peak h					project		
roject Description F05	10.09 - Carissa F	Re-zoning			0. 11%	0	1	
ast/West Street: Northe						Cypress Par	kway	
ntersection Orientation:	North-South		Study P	eriod (nr	s): 0.25			
/ehicle Volumes and	d Adjustment	S	_					
Aajor Street		Northbound				Southbou	nd	
lovement	1	2	3		4	5		6
	L	Т	R		L	T		R
/olume		1140	0.07		0.05	1340		40 0.95
eak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		42
Iourly Flow Rate, HFR	0	1200	0		0	1410		
Percent Heavy Vehicles	0			Daisad	0			
ledian Type				Raised o	JULD			0
RT Channelized			0					1
anes	0	2	0		0	2		 R
Configuration		T				T		<u></u>
Jpstream Signal		0				0		
Ainor Street		Eastbound				Westbou	nd	
Novement	7	8	9		10	11		12
	L	Т	R		L	Т		R
/olume			5					0.05
Peak-Hour Factor, PHF	0.95	0.95	0.95		0.95	0.95		0.95 0
lourly Flow Rate, HFR	0	0	5		0	0		0
Percent Heavy Vehicles	0	0	0		0	0		0
Percent Grade (%)		0				0	<u> </u>	
Flared Approach		N				N		
Storage		0				0		
RT Channelized			0					0
Lanes	0	0	1		0	0		0
Configuration			R	- 1				
Delay, Queue Length, a	d Level of Sen	vice						
Approach	Northbound	Southbound		Westbou	ind		Eastbound	
	1	4	7	8	9	10	11	12
Movement	 			<u> </u>			<u> </u>	R
ane Configuration						+	<u> </u>	5
/ (vph)				 			<u> </u>	383
C (m) (vph)				 			<u> </u>	0.01
vic				ļ			<u> </u>	
95% queue length							 	0.04
Control Delay								14.5
LOS								В
Approach Delay							14.5	
ipprodon Doldy		·					В	

Copyright © 2005 University of Florida, All Rights Reserved

	· · · · · · · · · · · · · · · · · · ·	Site Ir	form	ation	<u> </u>		
					Right In/R	Pight Out A	
							00000
							РM
			is year		project	<u> </u>	
Рій реак і	nour						
	Re-zoning						
					e Cypress Pai	rkway	
North-South		Study F	Period (h	nrs): 0.25			
d Adjustmen	ts						
	Northbound				Southbou	Ind	
1	2			4	5		6
LL		R		L			R
		<u> </u>					70
							0.95
	1410				1200		73
0		<u> </u>				L	
	······································		Raised	curb			
		<u> </u>					0
0		0		0			1
	T						R
	0				0		
	Eastbound				Westbou	nd	
7	8	9		10	11		12
L	Т	R		L	T		R
		45					
0.95	0.95	0.95		0.95	0.95		0.95
0	0	47		0	0		0
0	0	0		0	0		0
	0				0		
	N				N		
1	0	T		·	0		
		0			1		0
0				0	0		0
-†					- <u>†</u>		
d l avai of Som						L	
			Meetho			Fasthound	
	· · · · · · · · · · · · · · · · · · ·						12
	4				10	<u> </u>	
			<u> </u>			L	R
							47
							44
							0.1
							0.3
			<u> </u>				14.
							B
						14.0	
	10/13/200 PM peak I 10.09 - Carissa rn Site Access North-South d Adjustmen 1 L 0.95 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Metro Transportation Group 10/13/2005 PM peak hour 10.09 - Carissa Re-zoning rn Site Access North-South d Adjustments Northbound 1 2 L T 0.95 0.95 0 1410 0 0 2 0 1410 0 2 0 1410 0 0 2 0 1410 0 0 2 0 2 0 2 0 2 0 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	DLW Interse Metro Transportation Group 10/13/2005 10/13/2005 Analys PM peak hour 1 10.09 - Carissa Re-zoning study F Interse North/S North-South Study F Interse North/S Interse Interse Interse North/S Interse Interse Interse Interse Interse Interse Interse Interse Interse Interse Interse Interse	DLW Intersection Metro Transportation Group Jurisdiction 10/13/2005 Analysis Year PM peak hour Analysis Year 10.09 - Carissa Re-zoning North/South St rn Site Access North/South St North-South Study Period (the standard stress) 1 2 3 L T R 1340 1 2 0 1410 0 0 - - 0 1410 0 0 - - 0 1410 0 0 - - 0 - - 0 - - 0 - - 0 - - 0 - - 1340 0 0 0 - - 0 - - 0 - - 0 0 0 <td>DLW Jurisdiction Metro Transportation Group Analysis Year PM peak hour Analysis Year 10.09 - Carissa Re-zoning North/South Street: Six Mill North-South Study Period (hrs): 0.25 Adjustments Northbound 1 2 3 4 L T R L 1 2 3 4 L T R L 0.95 0.95 0.95 0.95 0 1410 0 0 0 - - 0 0 1 2 0 0 0 1410 0 0 0 0 1 0 0 0 0 2 0 0 0 1 2 0 0 0 0 2 0 0 0 1 7 8 9 10 L T<td>DLW Intersection Right In/R Metro Transportation Group Jurisdiction Lee Coun 10/13/2005 Analysis Year 2008 back PM peak hour Analysis Year project 10.09 - Carissa Re-zoning North/South Street: Six Mile Cypress Par North-South Study Period (hrs): 0.25 1 Adjustments Northbound Southbou 1 2 3 4 5 L T R L 1 340 1140 0 1200 0 1410 0 1200 0 - - 0 0 1410 0 22 0 1410 0 22 0 - - 7 0 2 0 0 2 0 2 0 0 2 1140 0 0 2 2 0 2 0 0 2 <tr< td=""><td>DLW Right In/Right Out A. Metro Transportation Group 1/0/322005 Intersection Lee County PM peak hour Analysis Year 2008 background & project 10.09 - Carissa Re-zoning ms Re Access North/South Street: Six Mile Cypress Parkway North-South Study Period (hrs): 0.25 1 Adjustments Study Period (hrs): 0.25 1 Adjustments North-South Study Period (hrs): 0.25 0.95 1 Adjustments 1140 1140 0.95 0.95 0.95 0.95 0 1410 0 1200 0 - - 0 - 0 1200 0 1200 0 0 2 0 0 2 0 1 7 8 9 10 11 1 1 7 8 9 10 11 1 4 7 8 9 10 11 1 0 0 0 0 0 0 <td< td=""></td<></td></tr<></td></td>	DLW Jurisdiction Metro Transportation Group Analysis Year PM peak hour Analysis Year 10.09 - Carissa Re-zoning North/South Street: Six Mill North-South Study Period (hrs): 0.25 Adjustments Northbound 1 2 3 4 L T R L 1 2 3 4 L T R L 0.95 0.95 0.95 0.95 0 1410 0 0 0 - - 0 0 1 2 0 0 0 1410 0 0 0 0 1 0 0 0 0 2 0 0 0 1 2 0 0 0 0 2 0 0 0 1 7 8 9 10 L T <td>DLW Intersection Right In/R Metro Transportation Group Jurisdiction Lee Coun 10/13/2005 Analysis Year 2008 back PM peak hour Analysis Year project 10.09 - Carissa Re-zoning North/South Street: Six Mile Cypress Par North-South Study Period (hrs): 0.25 1 Adjustments Northbound Southbou 1 2 3 4 5 L T R L 1 340 1140 0 1200 0 1410 0 1200 0 - - 0 0 1410 0 22 0 1410 0 22 0 - - 7 0 2 0 0 2 0 2 0 0 2 1140 0 0 2 2 0 2 0 0 2 <tr< td=""><td>DLW Right In/Right Out A. Metro Transportation Group 1/0/322005 Intersection Lee County PM peak hour Analysis Year 2008 background & project 10.09 - Carissa Re-zoning ms Re Access North/South Street: Six Mile Cypress Parkway North-South Study Period (hrs): 0.25 1 Adjustments Study Period (hrs): 0.25 1 Adjustments North-South Study Period (hrs): 0.25 0.95 1 Adjustments 1140 1140 0.95 0.95 0.95 0.95 0 1410 0 1200 0 - - 0 - 0 1200 0 1200 0 0 2 0 0 2 0 1 7 8 9 10 11 1 1 7 8 9 10 11 1 4 7 8 9 10 11 1 0 0 0 0 0 0 <td< td=""></td<></td></tr<></td>	DLW Intersection Right In/R Metro Transportation Group Jurisdiction Lee Coun 10/13/2005 Analysis Year 2008 back PM peak hour Analysis Year project 10.09 - Carissa Re-zoning North/South Street: Six Mile Cypress Par North-South Study Period (hrs): 0.25 1 Adjustments Northbound Southbou 1 2 3 4 5 L T R L 1 340 1140 0 1200 0 1410 0 1200 0 - - 0 0 1410 0 22 0 1410 0 22 0 - - 7 0 2 0 0 2 0 2 0 0 2 1140 0 0 2 2 0 2 0 0 2 <tr< td=""><td>DLW Right In/Right Out A. Metro Transportation Group 1/0/322005 Intersection Lee County PM peak hour Analysis Year 2008 background & project 10.09 - Carissa Re-zoning ms Re Access North/South Street: Six Mile Cypress Parkway North-South Study Period (hrs): 0.25 1 Adjustments Study Period (hrs): 0.25 1 Adjustments North-South Study Period (hrs): 0.25 0.95 1 Adjustments 1140 1140 0.95 0.95 0.95 0.95 0 1410 0 1200 0 - - 0 - 0 1200 0 1200 0 0 2 0 0 2 0 1 7 8 9 10 11 1 1 7 8 9 10 11 1 4 7 8 9 10 11 1 0 0 0 0 0 0 <td< td=""></td<></td></tr<>	DLW Right In/Right Out A. Metro Transportation Group 1/0/322005 Intersection Lee County PM peak hour Analysis Year 2008 background & project 10.09 - Carissa Re-zoning ms Re Access North/South Street: Six Mile Cypress Parkway North-South Study Period (hrs): 0.25 1 Adjustments Study Period (hrs): 0.25 1 Adjustments North-South Study Period (hrs): 0.25 0.95 1 Adjustments 1140 1140 0.95 0.95 0.95 0.95 0 1410 0 1200 0 - - 0 - 0 1200 0 1200 0 0 2 0 0 2 0 1 7 8 9 10 11 1 1 7 8 9 10 11 1 4 7 8 9 10 11 1 0 0 0 0 0 0 <td< td=""></td<>

Copyright © 2005 University of Florida, All Rights Reserved

LEE COUNTY PROGRAMMED ROADWAY IMPROVEMENTS TO SIX MILE CYPRESS PARKWAY

r - r

CIP REQUEST FORM . "Y 04/05(- 08/09

1

¥

PROJECT NAME PROJECT NIMBER	Six Mile Cypress Pkwy 4L		NEW PROJECT EXISTING PROJECT	CT ROJECT	×	o≥	CAPITAL TYPE PROJECT MAINTENANCE TYPE PROJECT	PE PROJE	CT PROJECT	×		
REQUESTING DEPT. MANAGING DEPT.	Transportation Transportation		COMMISSION DIST	N DIST.	, 2 ,							
											Γ	
PROJECT DESCRIPTION: Widen the existing	DESCRIPTION: Widen the existing 2-lane rural arterial to 4 lanes, 2.3 mili	ss, 2.3 mile	es.									
	-											
PROJECT LOCATION: Southeast Fort My	COCATION: Southeast Fort Myers, from north of Daniels Parkway to	arkway to	1 mile south of the Winkler Extension	of the Winkle	er Extensio	E						
GIERERON FOR EXAMINE ARE OUTE OUT REOUTE SUBSET OF THE OUT OF A DE TRANSMENTE OUT OF A DE TRANSMENTE OUT OF A D	TUREED LIFE SUBSULING MONOCHUR	i eran										
JUSTIFICATION FOR THE PROJECT:	ROJECT:											
		FL Stat. #:		Lee Plan:		Co Ord #:		Admin Code:		Other.		
If mandated, indicate under what authority.	×						-					
ESTIMATED PROJECT COST	T COST	ACTUAL	FY 03/04	۲	۲	٤	Ę	Ę	5 YEAR	YEARS	PROJECT	
•	(1)000	PRIOR	BUDGET	04/05 -	05/06	06/07	01/08	60/80	200.000	6-10	200,000	
LAND				200,000					895,000		895,000	
PROFESSIONAL SERVICES						5,300,000			5,300,000		5,300,000	
PROJECT MGMT.				91,000		124,000					0	
FURNITURE/EQUIPMENT							604.000		604,000		604,000	,
OTHER			0	1,186,000	0	5,424,000	604,000	0	7,214,000	0	7,214,000	<u>``</u>
				2	۵	Ł	٤	۲				
CIP FUNDING SOURCES AND AMOUNTS:	AND AMOUNTS:			04/05	02/08	06/07	07/08	60/80		CONTACT Mike Rigst	CONTACT PERSON: Mike Rigsby, Project Manager	Aanager
		Impact Fees (53)	es (53)	1,186,000		5,424,000	000			PHONE NUMBER	UMBER :	47 9-85 13
		Ad Valorem	E				004,000					
				[2	2	č	٤				
OPERATING IMPACT:				04/05	05/06	06/07	01/08	08/09				
	a back of the	START UP	٥.	N/A	N/A	NA	AN	NA				
(Complete the details on the bear of the		RECURR	RECURRING (Ops)	N/A	NIA	AN	6,100	6,100				
			(Traffic)	AN	AN C	A	2,000	8 160				
			IOIAL		>	>	221.12					Г

G

COMMENTS: Estimated mitigation costs (\$200,000) included in ROW budget. CST costs increased \$2.2 million, DES & CST phases advanced 1 year, LS phase added in 08.

	_	-
(COMIN)	FY 88-04	
H NO CHANGES (CO		
ON HUIM S		
PROGRAMMED FROJECTS WITH		
NED PR		
ROGRAM		
PREVIO		

-			Т		·ľ	-	Т	-	T		Т	T		Т	•	٦		
	NOTES	11 Inter to 1-75 Freeway Management System under development		Loint project with Public Safety				ilmoroves metorist information, traffic management, humchine	evacuation, special event management, survellance	2004 GT. FMB. Himproves motorist information, traffic management, humitane	PS, FDOT evacuation, special event management, surveillance		Paza sinctures need to be retreshed		Need to reptace failing unit			
				6 GT. PS		90 GT		O GT PS		OL GT, FMB.	PS, FDOT		7501 Capa &	MP R&R	35 Cape &		E	2
	PROJECT TOTAL	UCB 14	3	0 175		0		330		20	; ;		10	;	0	_	D 48343	
	6-10							120									100	
	5-YEAR			175	-	90		340		200			740		1		10002	97/1
	0H01	2					, 											_
	00000	2020	•	ſ	2	100	Ľ		5		5		ľ	-		3		3
	-	90//0	0			105	ŞĘ	ł		1	-		ſ	>	ſ	-	I	2536
	1	10/90	8	3	5	00	25	3	N to	21	5	T		25		Ę	3	5511
ł		1 90/50	5	3	0		5	Ì	ő			3		0	ľ	5		2210
ł	FY 04/05		ន	3	8	ľ	5		6		6	Ī		0		5		41040
		EVP.	0		0		5		0		ē	1		<u> </u>		0	-	4786
			5036 [J-75 Complimentary ITS Deployments	Install ITS devices on diversion corridors off P75	Monitoring Camera Deployment	Install monitoring cameras at select locations	Rionitoring Station Upgrades	Commuting periodic traffic count locations to permanent stations	Pine latend ITS	Install feer cotic and ITS devices from Stringfellow to Burnt Store Rd	San Cartos Bivd. ITS	Add ITS devices in vicinity of San Carlos alternating traffic signal	TOLL FUNDED REQUESTS	Nictpoint & Cape Plaza Painting	Painting/staining structures at toll plazas	Trunet Fresh Air Unit Replacement	point Toll Facility tunnel	TOTAL
	PRO	NUMBER LINK	9805 20			~								ŝ		5012		

• .

LINK FRUOR FY OWDS Gent CMDS GENT	5-YEAR 1002 1002 1400 8041 1400 8041 16148 16148		TOTAL SOURCE TOTAL SOURCE 16545 [F2, F22 10378 [F2, F22 10378 [F24, F2, 562 [F24, F3, 562 [F2, F5 562 [F2, F5 562 [F2, F5 562 [F2, F5	E NOTES Addad \$1,002,000 over file years to fully fund construction in theres P DES costs increased \$4,54,000, ROW and CST phases moved CST costs increased \$1,600, for bridge widening, moved CST costs increased \$1 million for bridge widening, moved
Tel 220 200 <th>1002 1400 8041 6148 6148 6204</th> <th></th> <th></th> <th></th>	1002 1400 8041 6148 6148 6204			
Tetr 287 202 200 <th>1002 1400 8041 8041 16148 16148</th> <th></th> <th></th> <th></th>	1002 1400 8041 8041 16148 16148			
DES US1 US1 <thus1< th=""> <thus1< th=""> <thus1< th=""></thus1<></thus1<></thus1<>	1400 8041 8041 6148 6148			
Titt Zits DES PRELIM Zits 0 72.0 14115 Za33 0 0 0 PRECIM 0 7 0 15.0 14115 Za33 0 0 0 0 PRECIM 7 483 62 0 0 0 PRELIM PRELIM PRELIM 10845 123 0 0 0 PRELIM FRELIM FRELIM FRELIM 15443 63 0 0 0 0 PRESINOW DES ALL ROW CST LS 0	8041 8041 62 16148			1
TT 2164 0 720 221 0 FRELIM DESERTOW CST LS 0 0 0 FRELIM DESERTOW CST LS 0 0 0 0 FRELIM DESERTOW CST LS 0 0 0 0 0 FRELIM FRELIM FRELIM FRELIM FRELIM 0				
TALIA Constraint 0 1131 1333 1411 1333 </td <td></td> <td></td> <td></td> <td></td>				
PRELIM PRELIM PRELIM PRELIM 14017 5143 14017 5143 14017 5143 14017 5143 14017 5143 14017 5143 1519 15190 15490 15490 CST	62 16148 16705			for some voluntary ROW southelition
PRELIM PRELIM<	16148 46705			_
1182 14017 5143 10885 122 DES ALL ROW CST LS 1131 2246 200 0 15490 CST	16148 46704			application of jurisdictional responsibility oftends
DES/ROW DES/ROW ROW 0 15490	(E2015			
DES/ROW DES/ROW ROW			19582 IF4. IF24,	
			GT, AV	million, moved CST and L5 phases back 2 years to baumon - DES underway in-house
	3952		13323 IF3, IF23,	
CST				1 year to balance/prod. constrained - DES/ROW undewity
Reveal Street Street of the Trans St. Linded with City) DES/ROW ALL CST 0 0 0	5184			
	15720	ſ	15785 IF1. IF23	-
ROW				
				years 1444-4 PTC 000 to PEC of the second second for the Orthe
	738 ROM	8317 1 ROWICST	10053 IF24	Added \$10,000 to Ucto prister to evaluate destructure of the present 8-10 to betanon Rd., DES moved back 1 year and ROW to years 8-10 to betanon
0 1186 500 5424 644 0 0	6526	8	7714 IF23.	FZ3, AV Added \$500,000 KUW prase to portu store

Proposed 08-10 Transportation CIP

Page 2

LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS

•

e 14



,

.

4



Lee County Generalized Peak Hour Directional Service Volumes Urbanized Areas

		Uninterr	upted Flow	r Highway		
			Level of S	ervice		
Lane	Divided	Α	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130
Class I (>	0.00 to 1.99 s	ignalized i	Arterials intersection Level of Se			
Lane	Divided	A	В	C	D	E
1	Undivided		280	760	800	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
- 4	Divided	890	3,220	3,610	3,700	
Lane	Divided	<u>A</u>	Level of Se	С	D	E
	Undivided	*	210	660	850	900
1						4 900
2	Divided	· • -	490	1,460	1,790	1,890
2 3	Divided Divided	*	760	2,240	2,700	2,830
2	Divided					
2 3 4 Class III (1	Divided Divided Divided more than 4.5	0 signalize	760 1,000 ed intersect Level of Se	2,240 2,970 ions per mil	2,700 3,490 e)	2,830 3,670
2 3 4 Slass III (I Lane	Divided Divided Divided more than 4.5 Divided	*	760 1,000 ed intersect	2,240 2,970 ions per mill arvice C	2,700 3,490 e)	2,830 3,670 E
2 3 4 Class III (I Lane 1	Divided Divided Divided more than 4.5 Divided Undivided	0 signalizo	760 1,000 ed intersect Level of Se B	2,240 2,970 ions per mll ervice <u>C</u> 370	2,700 3,490 e) D 720	2,830 3,670 E 850
2 3 4 Class III (1 Lane 1 2	Divided Divided Divided more than 4.5 Divided Undivided Divided	0 signalize	760 1,000 ed intersect Level of Se B	2,240 2,970 ions per mll ervice C 370 870	2,700 3,490 e) D 720 1,640	2,830 3,670 E 850 1,790
2 3 4 Class III (1 Lane 1 2 3	Divided Divided Divided more than 4.5 Divided Undivided Divided Divided	* 0 signalizo A *	760 1,000 ed intersect Level of Se B *	2,240 2,970 ions per mll arvice C 370 870 1,340	2,700 3,490 e) 720 1,640 2,510	2,830 3,670 E 850 1,790 2,690
2 3 4 Class III (1 Lane 1 2	Divided Divided Divided more than 4.5 Divided Undivided Divided	0 signalizo	760 1,000 ed intersect Level of Se B * *	2,240 2,970 ions per mll ervice C 370 870	2,700 3,490 e) D 720 1,640	2,830 3,670 E 850 1,790
2 3 4 Class III (1 Lane 1 2 3	Divided Divided Divided more than 4.5 Divided Undivided Divided Divided	0 signalize	760 1,000 ed intersect Level of Se B * *	2,240 2,970 ions per mile arvice C 370 870 1,340 1,770 Facilities	2,700 3,490 e) 720 1,640 2,510	2,830 3,670 E 850 1,790 2,690
2 3 4 Class III (1 Lane 1 2 3	Divided Divided Divided more than 4.5 Divided Undivided Divided Divided	0 signalize	760 1,000 ed intersect Level of Se B * * * * *	2,240 2,970 ions per mile arvice C 370 870 1,340 1,770 Facilities	2,700 3,490 e) 720 1,640 2,510	2;830 3,670 E 850 1,790 2,690 3,480 E
2 3 4 Class III (1 Lane 1 2 3 4 4	Divided Divided Divided more than 4.5 Divided Undivided Divided Divided Divided	0 signalize A * * Controlle A 120	760 1,000 ed intersect Level of Se B * * * * ed Access Level of Se	2,240 2,970 ions per mill arvice C 370 870 1,340 1,770 Facilities arvice C 930	2,700 3,490 e) 720 1,640 2,510 3,270	2;830 3,670 E 850 1,790 2,690 3,480 E
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2	Divided Divided Divided more than 4.5 Divided Divided Divided Divided Divided Divided Divided	0 signaliza A · · · Controlla A 120 270	760 1,000 ed intersect Level of Se * * * ed Access Level of Se B 740 1,620	2,240 2,970 ions per mill arvice C 370 870 1,340 1,770 Facilities arvice C 930 1,970	2,700 3,490 e) <u>720</u> 1,640 2,510 3,270 <u>0</u> 960 2,030	2;830 3,670 E 850 1,790 2,690 3,480 E **
2 3 4 Class III (1 Lane 1 2 3 4 4	Divided Divided Divided more than 4.5 Divided Divided Divided Divided Divided Undivided	0 signalize A * * Controlle A 120	760 1,000 ed intersect Level of Se * * * ed Access Level of Se B 740	2,240 2,970 ions per mill arvice C 370 870 1,340 1,770 Facilities arvice C 930	2,700 3,490 e) 720 1,640 2,510 3,270 D 960	2;830 3,670 E 850 1,790 2,690 3,480 E
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2 3	Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided	0 signaliza	760 1,000 ed intersect Level of Se * * * ed Access Level of Se B 740 1,620	2,240 2,970 ions per mile arvice C 370 870 1,340 1,770 Facilities arvice C 930 1,970 2,960	2,700 3,490 b) 720 1,640 2,510 3,270 960 2,030 3,040	2;830 3,670 E 850 1,790 2,690 3,480 E **
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2	Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided	0 signaliza	760 1,000 ed intersect Level of Se B * * * * * ed Access Level of Se B 740 1,620 2,490 Collectors Level of Se B	2,240 2,970 ions per mile arvice C 370 870 1,340 1,770 Facilities arvice C 930 1,970 2,960	2,700 3,490 e) <u>720</u> 1,640 2,510 3,270 <u>0</u> 960 2,030	2;830 3,670 8,670 2,690 3,480 E ** **
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2 3 3	Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided	* 0 signalize A * * Controlle A 120 270 410	760 1,000 ed intersect Level of Se B * * * * * * * * * * * * *	2,240 2,970 ions per mili- ervice C 370 870 1,340 1,770 Facilities ervice C 930 1,970 2,960	2,700 3,490 b) 720 1,640 2,510 3,270 960 2,030 3,040	2;830 3,670 8,670 1,790 2,690 3,480 <u>E</u> **
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2 3 4	Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided Divided	* 0 signalize A * * Controlle A 120 270 410	760 1,000 ed intersect Level of Se B * * * * * ed Access Level of Se B 740 1,620 2,490 Collectors Level of Se B	2,240 2,970 ions per mill arvice C 370 870 1,340 1,770 Facilities arvice C 930 1,970 2,960	2,700 3,490 e) D 720 1,640 2,510 3,270 960 2,030 3,040 D	2;830 3,670 8,670 2,690 3,480 E ** **
2 3 4 Class III (1 Lane 1 2 3 4 Lane 1 2 3 1	Divided Divided Divided Divided Divided Undivided Divided Divided Divided Divided Divided Divided Divided	A Controlle A Controlle A 120 270 410	760 1,000 ed intersect Level of Se B * * * * * * * * * * * * *	2,240 2,970 ions per mill ervice C 370 870 1,340 1,770 Facilities ervice C 930 1,970 2,960 ervice C 530	2,700 3,490 e) D 720 1,640 2,510 3,270 D 960 2,030 3,040 D 800	2;830 3,670 8,670 1,790 2,690 3,480 E ** ** **

.

FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD INDEX #301

• • ¥



•

TRIP GENERATION EQUATIONS CARISSA RE-ZONING ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	Ln = 0.60 Ln (X) 2.29 (61% In/39% Out))	Ln (T) = 0.66 Ln (X) + 3.40 (48% ln/52% Out)	$Ln(T) \approx 0.65 Ln(X) + 5.83$
T = Trips, X = 1,000 s.f. G	LA		
General Office Building (LUC 710)	Ln (T) = 0.80 Ln (X) + 1.55 (88% $In/12\%$ Out)	T = 1.12 (X) + 78.81 (17% In/83% Out)	$Ln(T) \approx 0.77 Ln(X) + 3.65$
T = Trips, X = 1,000 s.f. G	LA		

Spatial District Query Report

STRAP Number: 17-45-25-01-00000.0270

District Name	Distric	t Value	Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification	Notification Height Facility	75' - 100' AMSL Page Field		
Census Tract	Tract ID	12.02	100.01%	
Coastal Building Zone	***************************************		NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	South Trail 085		
Flood Insurance Zone	Flood Zone	В		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community Panel Version Date	125124 0350 B 091984		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	*******
Planning Community	ID Plan Community	15 South Fort Myers	<u></u>	
Planning Land Use 2010	Landuse	Central Urban		
Sanibel/County Agreement			NOT FOUND	
School Board District	District School Board Member	2 Jeanne S. Dozier		
School Choice Zone	Choice Zones	South Zone		
	Choice Zones	South Zone 1		******
Solid Waste District	District Area	Area 3		
Storm Surge	Category	3		
Subdivisions	Subdivision No. Subdivision Name	17452501 SUBURBAN RANCHETTES UNREC	ng malanin da dan yan naga yaka naga na na dan kana kana kana kana kana kan	
	Book Page 1 Book Page 2 Book Page 3			
Traffic Analysis Zone	TAZ	138	100.01%	consponent and a second second
Archaeological Sensitivity	Sensitivity Level	2		
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Ten Mile Canal (North)		
FLUCCS1995	Code Landuse	111 Fixed Single Family Units	99.37%	
	Code Landuse	4119 Pine flatwoods - melaleuca infested	0.63%	<u>1</u>
Vegetation Permit Required	*****		NOT FOUND	******



Soil	Map Symbol Soil Name	34 MALABAR FINE SAND	99.94%	2
	Map Symbol Soil Name	33 OLDSMAR SAND	0.06%	<u>1</u>
Panther Habitat	********		NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	2 Douglas St Cerny		
Unincorporated Lee County Zoning	Zoning Designation	CPD		Zoning Notes
Development Orders	Development Order Status Wet Season Water Table	DOS2005-00220	92.35%	
Fort Myers Beach Interim Zoning			NOT FOUND	
Road Impact Fee Districts	District Tidemark ID Name	53 53 CENTRAL	******	
Water Franchise	Franchise Name	Lee County Utilities		

[Modify Report Settings]

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Contact DEP (239) 332-6975 for wetland determination

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation. All information subject to change without notice.

MEMORANDUM From The Department Of Community Development Development Services Division

	Date: _	March 21, 2006
TO: DCI2005-00101	From: _	Luisa Villa

RE: Notice of Public Hearing - April 3, 2006 Lee County Board of County Commissioners Meeting

I, Luisa Villa, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER:	DCI2005-00101
NAME:	CARISSA CPD
<u>REQUEST:</u>	Reinstate the vacated Master Concept Plan for Carissa CPD (Resolution Z-97-029) for a maximum of 2 years. This planned development was approved for a mixed use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan was extended once for two years on August 26, 2003.
LOCATION:	12110 & 12150 Six Mile Cypress Pkwy and 12151 & 12211 JV Parker Ln, (Take US 41 S. to Colonial Blvd. and turn left. Head east for approx. 3 miles and turn right on Six Mile Cypress Pkwy. Head SE for approx. 3 miles. The property is on the west side of Six Mile Cypress Pkwy. approx. 660 feet south of Penzance Rd.), in S17-T45S-R25E, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	MR. GARY F MULLER 239-939-0111

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, April 3, 2006, to review the written recommendation made by the Hearing Examiner and make a <u>final_decision</u> in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 for additional

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Luisa V Villa at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT Utilisez le gabarit 5161®

1-800-GO-AVERY



CASE NUMBER

NAME OF CASE

DCI2005-00101

Carissa CPD

Ms. Stephanie Miller, Trustee 9250 Corkscrew Road #8 Estero, FL 33928

Kit Kraft Boylan Environmental Consult 100 Metro Parkway, Suite 4 Fort Myers, FL 33919

Mr. Gary Muller 1482 Argyle Drive Fort Myers, FL 33919

Mr. Ted Treesh Metro Transportation Group 12651 McGregor Blvd., Suite 4-403 Fort Myers, FL 33919

William Urich 12031 J.V. Parker Lane Fort Myers, FL 33912 AVERY® 5161®



ZONING DIVISION LEE COUNTY PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 04/03/2006

Dawn Lehnert, Asst County Attorney DS Reviewer - Susan Hollingsworth Kim Trebatoski, Environmental Sciences Andy Getch, LCDOT Brad Vance, Natural Resources

PROJECT NAME: CARISSA CPD

CASE #: DCI2005-00101

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: 04/13/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on April 3, 2006 in accordance with LDC 34-377(b)(6)

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 04/05/2006

1482 Argyle Drive Fort Myers, FL 33919 (239) 939-0111 Fax: (239) 939-0611 ſ

•

ţ

1

.

LETTER OF TRANSMITTAL

To: Chip Block

Date: 4/3/06 MMUNITY DEVELOPMENT

APR 0 3 2006

Re: Carissa CPD DCI2005-00101

The following items are being transmitted:

Copies	Description	
13	Final MCP (24" x 36")	
13	Final MCP (11" x 17")	
L		

× As Requested

x For Your Use

× For Review and Comment

Remarks:

Copy To:

Signed:




Gary Muller, AICP

1482 Argyle Drive Fort Myers, FL 33919

Re:

Bob Janes District One

Douglas R. St. Cerny District Two

Ray Judah District Three

District Four

John E. Albion District Five

Carissa CPD Zoning Case #DCI2005-00101 Resolution No. Z-06-007

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner

Dear Mr. Muller:

On April 3, 2006, the Board approved a request to reinstate the vacated Master Concept Plan (MCP) for a project known as Carissa CPD. The enclosed resolution draft has been prepared to reflect the Board's approval. However, before this document may be sent to the Chairman for execution, a revised Master Concept Plan must be attached.

April 3, 2006

The Master Concept Plan currently in my files does not accurately reflect the Board's action. Please submit an appropriately revised document to the Department of Community Development for review, approval and transmittal to our office for attachment to the resolution. A redlined copy of the available MCP is attached to assist in compliance with this request.

Once prepared, the revised MCP, including the required 11 copies (in both full size and reduced 11" by 17" sheets), must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, it will be attached to the zoning resolution and directed to the Chairman for execution.

Should you have any questions concerning the above, please do not hesitate to contact me. Please note, at your request, our office will schedule a meeting that includes appropriate county staff to discuss the necessary changes to the MCP and resolution required to conform these documents to the Board's action.

With kind regards, I am

Very truly yours

(239) 335-2236 Writer's Direct Dial Number?

Facsimile 239-335-2606

COMMUNITY DEVELOPMENT

Dawn E. Perry-Lennert Assistant County Attorney

DPL/tlb Enclosure w/ enclosure CC: Pam Houck, Director, Zoning Division Chip Block, Planner, Development Services Division Kim Trebatoski, Senior Environmental Planner Billie Jacoby, Administrative Assistant, DCD Administration

Tammy Hall

Donald D. Stilwell County Manager



Bob Janes District One March 17, 2006

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

John E. Albion District Five

Donald D. Stilwell County Manager

James G. Yeager County Attorney

Diana M. Parker County Hearing Examiner MR. GARY F. MULLER

1482 ARGYLE DRIVE FORT MYERS, FL 33919

RE: Agenda Schedule for CARISSA CPD Case No. DCI2005-00101

Dear MR. GARY F. MULLER :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME:

Monday, April 3, 2006. Meeting commences at 9:30 a.m.

LOCATION:

Commissioners' Meeting Room 2120 Main Street Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT

Zoning Division

Luisa V Villa Administrative Assistant

CC:

MS. STEPHANIE MILLER, TRUSTEE MILLER STEPHANIE TR MR. TED TREESH, METRO TRANSPORTATION GROUP KIT KRAFT, BOYLAN ENVIRONMENTAL CONSULT Alvin Block, AICP, Principal Planner

Zoning File

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111 Internet address http://www.lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER 479-8585



Bob Janes District One

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

John F. Albion District Five

Donald D. Stilwell County Manager

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner

Carissa CPD Resolution No. Z-06-007

Zoning Case #DCI2005-00101

Dear Mr. Muller:

Re:

Gary Muller, AICP 1482 Argyle Drive

Fort Myers, FL 33919

Enclosed is the current draft resolution pertaining to a project known as Carissa CPD. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

March 10, 2006

The Hearing Examiner recommendation encompasses a number of changes to the MCP. These changes are indicated in handwriting on the enclosed MCP. A revised MCP consistent with the resolution adopted by the Board will be required for attachment to the zoning resolution prior to Board execution of the resolution. If you would like to meet to discuss any necessary changes after the final hearing, please contact the Planner at 479-8585. The revised MCP, including the required 11 full-size and three 11" by 17" sheets, must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street).

We have found that the legal description submitted with the zoning application often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Please contact me if you have any questions.

uly yours. Ven

Dawn E. Perry-Lehnert

Assistant County Attorney

DPL/tlb Enclosure

w/ enclosure CC:

Pam Houck, Director, Zoning Division Chip Block, Planner, Development Services Division Kim Trebatoski, Senior Environmental Planner Billie Jacoby, Administrative Assistant, DCD Administration

s:\LU\Zoning-2006\06-007 Carissa CPDRgent Boxer 398, Fort Myers, Florida 33902-0398 (239) 335-2111 Internet address http://www.lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



Writer's Direct Dial Number:

(239) 335-2236

COMMUNITY DEVELOPMENT

Recycled Paper

ZONING DIVISION LEE COUNTY PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 01/05/2006

CASE #: DCI2005-00101

Distribution Fi Dawn Lehnert, Asst County Attorney DS Reviewer - Susan Hollingsworth TIS Reviewer - Bob Rentz Paul O'Connor, Planning Kim Trebatoski, Environmental Sciences Andy Getch, LCDOT Ellen Lindblad, Lee County School District Brad Vance, Natural Resources Luis Machado, Zoning

PROJECT NAME: CARISSA CPD

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: ASAP

Additional Comments:

Report is complete. Hearing date is scheduled for January 18, 2006. Please advise if this changes your substantive comments. Thanks, Chip

cc: DCI planner/working file DCI Zone File

Distributed by: Luisa V Villa

Date: 01/06/2006

1482 Argyle Drive Fort Myers, FL 33919 (239) 939-0111 Fax: (239) 939-0611

•

Gary F. Muller, AICP

	LETTER OF T	RANSMIT	TAL RECEIVED
To:	Chip Block	Date: Re:	COLIMUNITY DEVELOPMENT 1/5/06 Carissa CPD DCI2005-00101

The following items are being transmitted:

Copies	Description	
13	Revised MCP (24" x 36")	
13	Revised MCP (11" x 17")	

	As Requested	
--	--------------	--

x For Your Use

For Review and Comment

Remarks: Revised MCP to show road stationing per yor request.

Сору То:	Signed:
	DCI 2005-00101

STAFF REPORT FROM DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date: December 28, 2005

To:Alvin "Chip" Block, Principal PlannerFrom:Kim Trebatoski, Principal Environmental PlannerPhone: (239) 479-8183E-mail: trebatkm@leegov.com

 Project:
 Carissa CPD

 Case:
 DCI2005-00101

 STRAP:
 17-45-25-00-00004.0000

The Division of Environmental Sciences (ES) staff do not have an issue with reinstating the Master Concept Plan and commercial planned development provided the conditions of Z-97-029 and ADD2005-00126 are brought forward with any approval.

Page 1 of 1



Bob Janes District One

Douglas R. St. Cerny **District Two**

Ray Judah **District Three**

Tammy Hall District Four

John E. Albion **District Five**

Donald D. Stilwell **County Manager**

James G. Yeager County Attorney

Diana M. Parker County Hearing Examiner

December 19, 2005

MR. GARY F. MULLER 1482 ARGYLE DRIVE FORT MYERS, FL 33919

RE: Agenda Schedule for CARISSA CPD Case No. DCI2005-00101

Dear MR. GARY F. MULLER :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, January 18, 2006, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Monday, December 19, 2005, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT Zoning Division

Jamie Princing Administrative Assistant

CC:

MS. STEPHANIE MILLER, TRUSTEE MILLER STRPHANIE TR MR. TED TREESH, METRO TRANSPORTATION GROUP KIT KRAFT, BOYLAN ENVIRONMENTAL CONSULT Alvin Block, AICP, Principal Planner Zoning File

479-8585



Memo

To: Chip Block Principal Planner

From: Muew A. Andrew Getch/P.E. Senior Engineer

Date: November 18, 2005

Re: Carissa CPD DCI2005-00101

DEPARTMENT OF TRANSPORTATION



COMMUNITY DEVELOPMENT

LCDOT has reviewed the Master Concept Plan (MCP) and the Traffic Impact Statement (TIS) for the referenced project. The MCP depicts two access points onto Ben C. Pratt/Six Mile Cypress Parkway. Access to the roadway is consistent with Resolution 00-04-09, the controlled access resolution for Ben C. Pratt/Six Mile Cypress Parkway. The MCP also depicts a future R.O.W. reservation for Crystal Drive. Crystal Drive is an existing major clollector from Plantation Road to U.S. 41. An extension of Crystal Drive from Ben C. Pratt/Six Mile Cypress Parkway to Plantation Road is on Map 3A of the Lee Plan, which is based on the Lee County Metropolitan Planning Organization 2020 Financially Feasible Highway Plan.

AJG/mlb

ZONING DIVISION <u>LEE COUNTY</u> PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

FROM: Alvin Block, AICP

DATE: 11/14/2005

TO: Distribution

Dawn Lehnert, Asst County Attorney DS Reviewer - Susan Hollingsworth TIS Reviewer - Bob Rentz Paul O'Connor, Planning Kim Trebatoski, Environmental Sciences Andy Getch, LCDOT Tina Silcox, Lee County School District Brad Vance, Natural Resources

PROJECT NAME: CARISSA CPD

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: 11/23/2005

Additional Comments:

cc: DCI planner/working fileDCI Zone File Distributed by: Jodi M Payne

Date: 11/14/2005

CASE #: DCI2005-00101



Bob Janes District One

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four John E. Albion

District Five

Donald D. Stilwell County Manager

David Owen County Attorney

Diana M. Parker County Hearing Examiner November 14, 2005

MR. GARY F. MULLER 1482 ARGYLE DRIVE FORT MYERS, FL 33919

Re: CARISSA CPD DCI2005-00101 - PDR App (Reinstatement MCP)

Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Request to Reinstate the vacated Master Concept Plan for Carissa CPD (Resolution Z-97-029) for a maximum of 2 years. This planned development was approved for a mixed use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan has been extended once for two years on August 26, 2003.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by November 28, 2005 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 18, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

Writer's Direct Dial Number: (239) 479-8371

MR. GARY F. MULLER RE: CARISSA CPD DCI2005-00101 November 14, 2005 Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT Zoning Division

din Block

Alvin Block, AICP Principal Planner

copy w/o attachments Dawn Lehnert, Assistant County Attorney DS Reviewer - Susan Hollingsworth Pamela Houck, Division Director Paul O'Connor, Planning Kim Trebatoski, Environmental Sciences Brad Vance, Natural Resources Andy Getch, LCDOT Tina Silcox, Lee County School District Jamie Princing, DCD Administration

DCI Zoning File DCI Working File





LEE COUNTY PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

FROM: Alvin Block, AICP TO: Distribution Dawn Lehnert, Asst County Attorney Paul O'Connor, Planning Kim Trebatoski, Environmental Sciences Andy Getch, LCDOT Luis Machado, Zoning

* REVIEWERS - remember permit plan checklists should now be used. CASE #: DCI2005-00101

PROJECT NAME: CARISSA CPD

10/20/2005

ATE

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file

X Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 11/03/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file **DCI Zone File**

Distributed by: Luisa V Villa

Date: 10/26/2005

VARIANCE REPORT

10/11/2005

2005-00101

DCI

Subject Parcels : 4 Affected Parcels : 14 Buffer Distance : 500 ft





Lee County Propert ppraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report:	October 11, 2005
Buffer Distance:	500 ft
Parcels Affected:	14
Subject Parcel:	17-45-25-01-00000.0270, 17-45-25-01-00000.0280, 17-45-25-00-00004.0000, 17-45-25-00-00004.0020

OWNER NAME AND ADDRESS WEINER KENNETH A TR + 4291 FULTON CIR FORT MYERS FL 33905	STRAP AND LOCATION 08-45-25-00-00004.0000 11900 BEN C PRATT SIX MILE CYPRESS FORT MYERS FL 33912	LEGAL DESCRIPTION PARL SEC 8 TWP 45 RGE 25 DESC OR 1046 PG 44 LESS PARL W OF SR 80B	Map Index 1
B + K ASSOCIATES 7220 MAIDA LN FT MYERS FL 33908	08-45-25-00-00004.0010 7400 PENZANCE BLVD FORT MYERS FL 33912	SE 1/4 OF SE 1/4 OF SW 1/4	2
PENZANCE SQUARE LLC 12651 MCGREGOR BLVD STE 4-403 FORT MYERS FL 33919	08-45-25-00-00004.0020 7530 PENZANCE BLVD FORT MYERS FL 33912	SW 1/4 OF SW 1/4 OF SE 1/4 LESS RD R/W ALSO LESS R/W FOR SR 80-B SIX MILE PKWY	3
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	08-45-25-00-00004.0050 7881 PENZANCE BLVD FORT MYERS FL 33912	PARL IN E 1/2 OF SEC E OF SIX MILE CYPRESS DESC ORS 1398/905 1497/512 1471/969 + 1477/2348	<u> </u>
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	17-45-25-00-00001.0000 12321 BEN C PRATT SIX MILE CYPRESS FORT MYERS FL 33912	PARL IN N E 1/4 SEC 17 TWP 45 R 25 DESC IN OR 1117 PG 1102	5
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	17-45-25-00-00004.0010 12121 BEN C PRATT SIX MILE CYPRESS FORT MYERS FL 33912	PARL IN SEC 17 T45 R25 DESC OR 1452 PG 621	6
PARKER JAMES V TR P O BOX 6699 FORT MYERS FL 33911	17-45-25-01-00000.0100 12091 BLASINGIM RD FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC OR 273 PG 94 LOT 10 + LTS 18 THRU 20 CONTIGUOUS	7
GALANG MARIA LOURDES D TR P O BOX 07382 FORT MYERS FL 33919	17-45-25-01-00000.0170 12030 J V PARKER LN FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC OR 273 PG 94 LOT 17	8
SAWYER WILLIAM + SONYA P O BOX 69 MILTON VT 05468	17-45-25-01-00000.0210 12270 J V PARKER LN FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC OR 273 PG 94 LOT 21	9
CYPRESS VILLAGES LLC 11000 METRO PKWY STE 30 FORT MYERS FL 33912	17-45-25-01-00000.0220 12330 J V PARKER LN FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC OR273 PG 94 LOT 22	10
URICH WILLIAM L + ALICE R 12031 JV PARKER LN FT MYERS FL 33912	17-45-25-01-00000.0250 12031 J V PARKER LN FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC. OR 273 PG 94 LOT 25	11
NGUYET PHAM MINH 4449 E RIVERSIDE DR FT MYERS FL 33905	17-45-25-01-00000.0260 12091 J V PARKER LN FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC. OR 273 PG 94 LOT 26	12
MILLER STEPHANIE TR 12651 MCGREGOR BLVD STE 4-403 FORT MYERS FL 33919	17-45-25-01-00000.0290 12270 BEN C PRATT SIX MILE CYPRESS FORT MYERS FL 33912	SUBURBAN RANCHETTES UNREC OR 273 PG 94 LOT 29 LESS R/W SR 80 B	13

OWNER NAME AND ADDRESS

MILLER STEPHANIE TR 12651 MCGREGOR BLVD STE 4-403 FORT MYERS FL 33919



STRAP AND LOCATION 17-45-25-01-00000.0300 12330 BEN C PRATT SIX MILE CYPRESS FORT MYERS FL 33912



LEGAL DESCRIPTION

Map Index

SUBURBAN RANCHETTES

UNREC. OR273 PG 94 LOT 30

14

14 RECORDS PRINTED

. .



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date:	November 8, 2005
Case Number:	DCI2005-00101
Case Name:	CARISSA CPD
<u>Request:</u>	Request to Reinstate the vacated Master Concept Plan for Carissa CPD (Resolution Z-97-029) for a maximum of 2 years. This planned development was approved for a mixed use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan has been extended once for two years on August 26, 2003.
Location:	The subject property is located at 12110 & 12150 Six Mile Cypress Pkwy and 12151 & 12211 JV Parker Ln, Ft Myers (Take US 41 S. to Colonial Blvd. And turn left. Head east for approx. 3 miles and turn right on Six Mile Cypress Pkwy. Head SE for approx. 3 miles. The property is on the west side of Six Mile Cypress Pkwy. approx. 660 feet south of Penzance Rd.), in S17-T45S-R25E, Lee County, FL.
Location Map:	SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE:

MR. GARY F MULLER 239-939-0111 MR. TED TREESH METRO TRANSPORTATION GROUP 239-278-3090

Lee County Planner:

Chip Block (239) 479-8585

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP



08-45-25-00-00004.0000 WEINER KENNETH A TR + 4291 FULTON CIR FORT MYERS, FL 33905

08-45-25-00-00004.0020 PENZANCE SQUARE LLC 12651 MCGREGOR BLVD STE 4-403 FORT MYERS, FL 33919

17-45-25-00-00001.0000 SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH, FL 33416

17-45-25-01-00000.0100 PARKER JAMES V TR P O BOX 6699 FORT MYERS, FL 33911

17-45-25-01-00000.0210 SAWYER WILLIAM + SONYA P O BOX 69 MILTON, VT 05468

17-45-25-01-00000.0250 URICH WILLIAM L + ALICE R 12031 JV PARKER LN FT MYERS, FL 33912

17-45-25-01-00000.0290 MILLER STEPHANIE TR 12651 MCGREGOR BLVD STE 4-403 FORT MYERS, FL 33919 08-45-25-00-00004.0010 B + K ASSOCIATES 7220 MAIDA LN

08-45-25-00-00004.0050 LEE COUNTY P O BOX 398 FORT MYERS, FL 33902

FT MYERS, FL 33908

17-45-25-00-00004.0010 LEE COUNTY P O BOX 398 FORT MYERS, FL 33902

ł

17-45-25-01-00000.0170 GALANG MARIA LOURDES D TR P O BOX 07382 FORT MYERS, FL 33919

17-45-25-01-00000.0220 CYPRESS VILLAGES LLC 11000 METRO PKWY STE 30 FORT MYERS, FL 33912

17-45-25-01-00000.0260 NGUYET PHAM MINH 4449 E RIVERSIDE DR FT MYERS, FL 33905

17-45-25-01-00000.0300 MILLER STEPHANIE TR 12651 MCGREGOR BLVD STE 4-403 FORT MYERS, FL 33919 Impression antibourrage et à séchage rapide Utilisez le gabarit 5161[®]



Seymour Roche, President Page Park Community Association 507 Center Road Fort Myers, FL 33907

William B. Horner Lee County Port Authority 16000 Chamberlin Pkwy. Ste 8671 Ft. Myers, FL 33913-8899

ł

www.avery.com 1-800-GO-AVERY



Sean O'Connell Page Park Community Association 110 Danley Drive Fort Myers, FL 33907





Use Avery[®] TEMPLATE 5161[®] Use Avery[®] TEMPLATE 5161[®]