

EXHIBITS

CASE # DCI 2010-00015

CASE NAME: Diplomat Property RPD/CPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____ YES ☒ NO

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

APPLICANT

#1 A - DVD PowerPoint
B - PaperCopy

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Aerial Photo. (2)

#2 2 photos of site

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

#1 _____

#2 _____

#3 _____

#4 _____

#5 _____

NAME

#1 _____

#2 _____

#3 _____

#4 _____

#5 _____

Diplomat 41 RPD/CPD

Planned Development Amendment

#DCI2010-00015



Diplomat RPD/DCI2010-00015 HEX
January 6, 2011

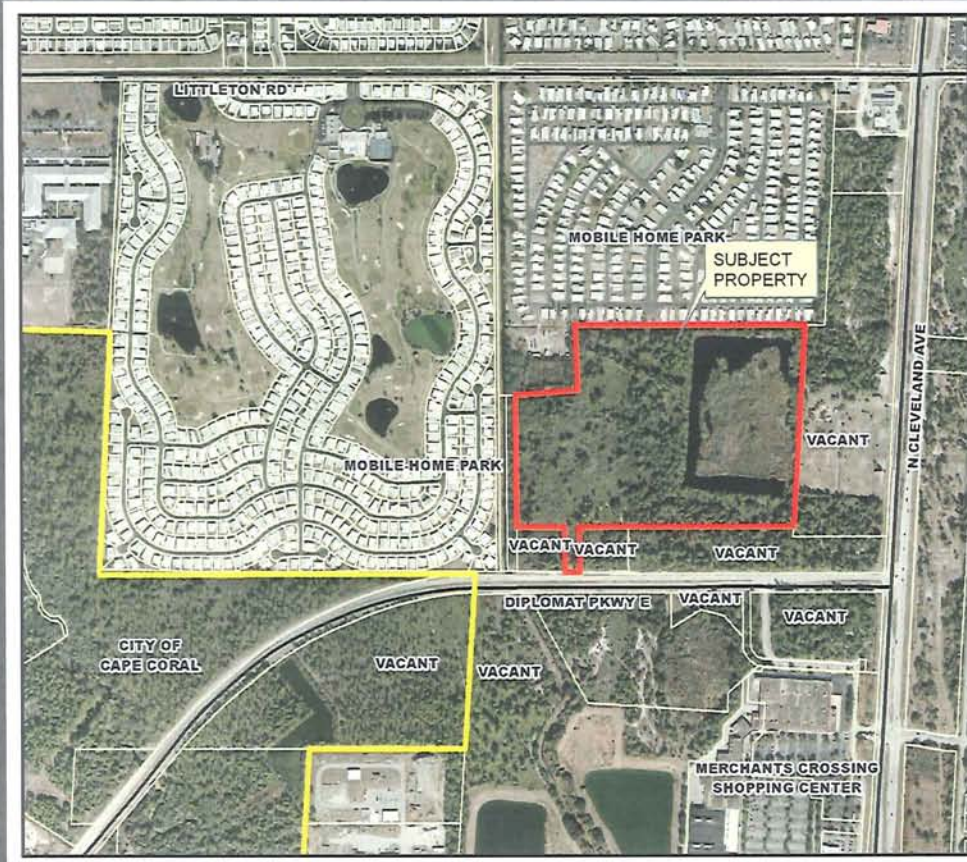
APPLICANT'S EXHIBIT # 16

Request

Recommendation of Approval to amend the +/-35.2-acre North RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 Assisted Living Facility (ALF) beds, 138 standard dwelling units, and a maximum of 50,000 s.f. of medical office space



Project Location



- 35.2 +/- acres
- Northern portion of the 65-acre Diplomat Property RPD/CPD
- ¼ mile west of the US 41/ Diplomat Pkwy intersection
- Direct access to Diplomat (Arterial Roadway)
- Central Urban Future Land Use
- Area of existing and approved development

Surrounding Uses



Direction	Future Land Use	Zoning	Existing Land Use
North	Central Urban	MH-2	Serendipity Mobile Home Park
South	Central Urban	CPD;	Vacant Commercial; Diplomat Parkway;
East	Central Urban	CPD	Vacant
West	Central Urban	MH-2; AG-2	Six Lakes Country Club Mobile Home Park & Golf Course

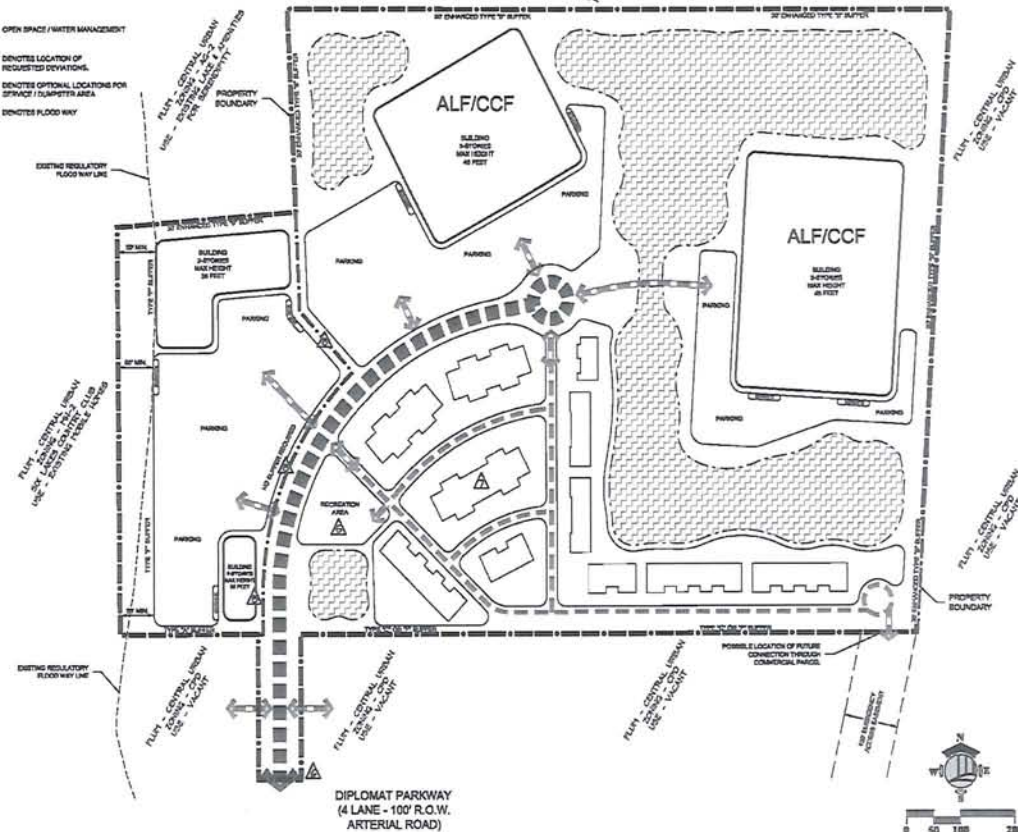
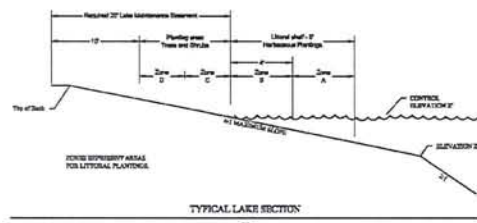
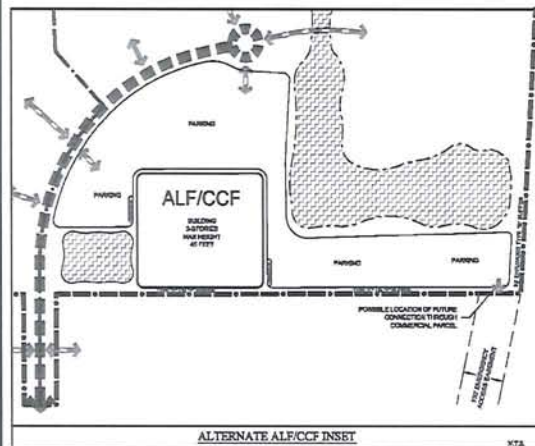
Public Participation



- Presented to the North Fort Myers Design Review Panel on October 5, 2011
- Presented MCP and Illustrative Site Plan
- Received unanimous recommendation of APPROVAL regarding proposed uses and site design
- Request for additional input to be provided at the Development Order phase

North RPD/CPD Overview

- Proposed amendment to north RPD/CPD only
- Mixed-use master-planned community
- 400 ALF beds (equivalent to 100 standard residential units)
- 138 standard residential units in a mix of product types
- Same density as previously approved (8 du/acre)
- Centrally located amenity center
- 50,000 square feet of medical office – no retail requested
- Open space in compliance with the LDC
- Required indigenous preserve provided in southern portion of approved RPD/CPD



OPEN SPACE CALCULATIONS:			
PARKING	AREA	REQ'D OPEN SPACE	ACRES
RPO	28.79 AC.	11.50 (40%)	11.50 AC.
QPO	9.43 AC.	1.83 (20%)	1.83 AC.
	TOTAL 38.22 AC.		TOTAL 13.33 AC.

- 1) LAYERS SHALL COMPRESS TO NO MORE THAN 20% OF THE REQUIRED OPEN SPACE.
- 2) FOR 20-49MM, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
- 3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT OR ORDER PERMITS.

DENSITY / INTENSITY SUMMARY:

<u>ALP / CCE</u>	200 0000
<u>RESIDUAL</u>	40 000
<u>NOTIONAL OFFER</u>	5000 000

LAND USE CONVERSION:
ABOUT USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIO:

4 ALP / CCF BIOD	=	1 D U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

1) ALL DEVELOPMENT MUST BE DESIGNED AND APPROVED WITHIN 2-8-54 AND AUGUST 30-11-58
FURNISH IN REPORT.

2) DEVIATIONS 1.4 APPLY TO THE SOUTHERN RHODOD AREA NOT SUBJECT TO THIS
AMENDMENT

3) A MINIMUM PROPOSED RPO SHOULD DETERMINE IF IT IS SUBSTANTIAL UNITS AND 250
ACRES AND IF IT IS SUBJECT TO THE LAND USE COMMISSION, TABLE 2

4) A MINIMUM RPO SHOULD BE DETERMINED IF IT IS SUBSTANTIAL UNITS AND 250
ACRES AND IF IT IS SUBJECT TO THE LAND USE COMMISSION, TABLE 2

5) NO ENCROACHMENT WITHIN THE FEMAL PROPERTY SHOULD BE ALLOWED.
DETACHED NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMAL PROPERTY.

6) SOUTHERN PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RHODOD
RPO

7) RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE
ALTERED AT THE DISCRETION OF DEVELOPER

8) PRODUCTIVITY WITHIN THE RPO MAY BE ALTERED BASED ON THE APPROVED
SCHEDULE OF LANDS PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF
DEVELOPMENT



Infrastructure



- Potable water services available via Lee County Utilities
- Sanitary sewer services available via FGUA (capacity paid)
- Traffic Impact Statement indicates LOS B on Diplomat Pkwy. and U.S. 41

Environmental Resources



- Required open space provided within the community
- Indigenous preserve areas provided and are to remain in South RPD/CPD parcels per Z-06-004
- Buffers provided in accordance with Z-06-004 and ADD2007-00169

Compatibility



- Buffers provided in accordance with Z-06-004 and ADD2007-0169
- 50' of separation between medical office uses and Six Lakes Country Club property line
- Taller residential product appropriately located adjacent to CPD outparcels

Deviations

- ☑ **Deviations 1 through 6, Approved Per Resolution Z-06-004 Do Not Change**

Requested Deviations

Deviation 7:

Seeks relief from LDC Section 10-261(s) which requires all new multi-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project.

Deviation 8:

Seeks relief from the LDC Section 10-416(d)(3) requirement to provide a Type C/F buffer between the proposed RPD/CPD uses internal to the development.

☒ **Staff Recommends Approval of All Deviations**



Lee Plan Compliance

- Policy 1.1.3: Central Urban
- Objective 2.1 & Policy 2.2.1: Development Location
- Policy 5.1.4: Location of High-Density Residential Developments
- Policy 139.9.5: Compatibility With Established Neighborhoods
- Standards 11.1 & 11.2: Water & Sewer Availability
- Policy 6.1.2: Commercial Location Criteria
- Policy 6.1.3: Commercial Planned Developments
- Goal 28 & Objective 28.6: Public Participation



Conditions

- ☑ Most of the previous conditions remain
- ☑ Conditions now reflect adjustment to dwelling unit assignments and commercial intensity for both the north and south portions of PD
- ☑ A separate Schedule of Uses and Site Development Regulations for both the north and south portions of the PD have been established
- ☑ New conditions added:
 - Tree survey prior to DO for heritage trees inventory
 - Requirement for on-site tortoise preservation
 - Specific acreage of required open space established
 - Preservation of floodway



Staff Report

- Recommendation of APPROVAL
- 23 Conditions for approval
- Applicant in agreement with all conditions

Conclusion

- Consistent with the Lee Plan and LDC
- Provides for the integration of medical/professional office to encourage a reduction in energy consumption
- Compatible with the existing and future development surrounding the project site
- Adequate infrastructure in place to service proposed development program
- Requested density is the same as previously approved
- Request Hearing Examiner's recommendation of APPROVAL

EnSite

1514 Broadway, Suite 201

Fort Myers, FL 33901

Phone (239) 226-0024 - Fax (239) 226-0094



ensite

Transmittal

Attention: Diana Parker, Lee County Chief Hearing Examiner	From: Shellie Johnson
Company: Lee County	Date: January 11, 2011
Address:	Project No:
	Project Name: Diplomat RPD/CPD
	cc: Tony Palermo
Regarding: Order of Continuance Revised Conditions	

Sent Via: ☐ US Mail ☐ Pick-Up ☒ Hand Delivery ☐ Overnight Delivery ☐ Other

	Copies	Description
1.	1	Cover Memo
2.	1	Revised Conditions
3.	1	11 x 17 MCP
4.		
5.		
6.		
7.		
8.		

☐ For Your Use☐ As Requested☐ For Approval☐ Signature☐ For File☐ For Review and Comment☐ Other

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our officeLEE COUNTY
HEARING EXAMINER
2011 JAN 11 PM 1:32APPLICANT'S EXHIBIT # 2a

APPLICANT SUBMISSION

CASE NUMBER: DCI2010-00015
APPLICANT: ATHYRIO DEVELOPMENT ASSOCIATES, LLC.,
in reference to DIPLOMAT PROPERTY RPD/CPD
RESPONSE DATE: JANUARY 11, 2011

On January 6, 2011, the Hearing Examiner issued a continuance on the above referenced case to address the following:

1. Revise Condition 23(a) to provide a new Condition 24;
2. Revise Condition 23(c); and
3. Revise the Master Concept Plan (MCP).

The matter was continued until Friday, January 14, 2011 at 5:00 P.M.

Attached please find the applicant's revisions as discussed and agreed upon with County Staff.



attachment

LEE COUNTY
HEARING EXAMINER
2011 JAN 11 PM 1:32

APPLICANT SUBMISSION

DCI2010-00015

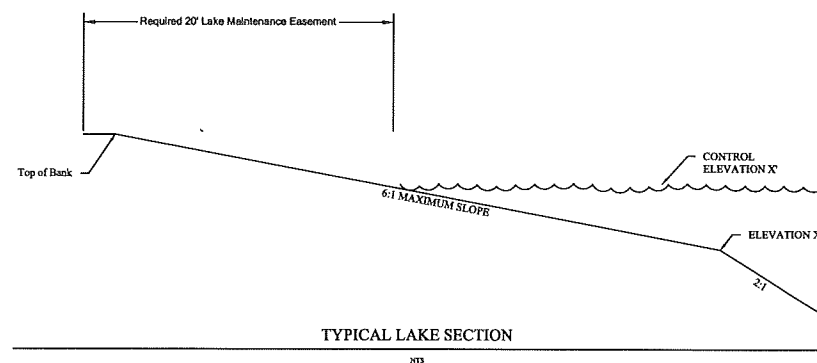
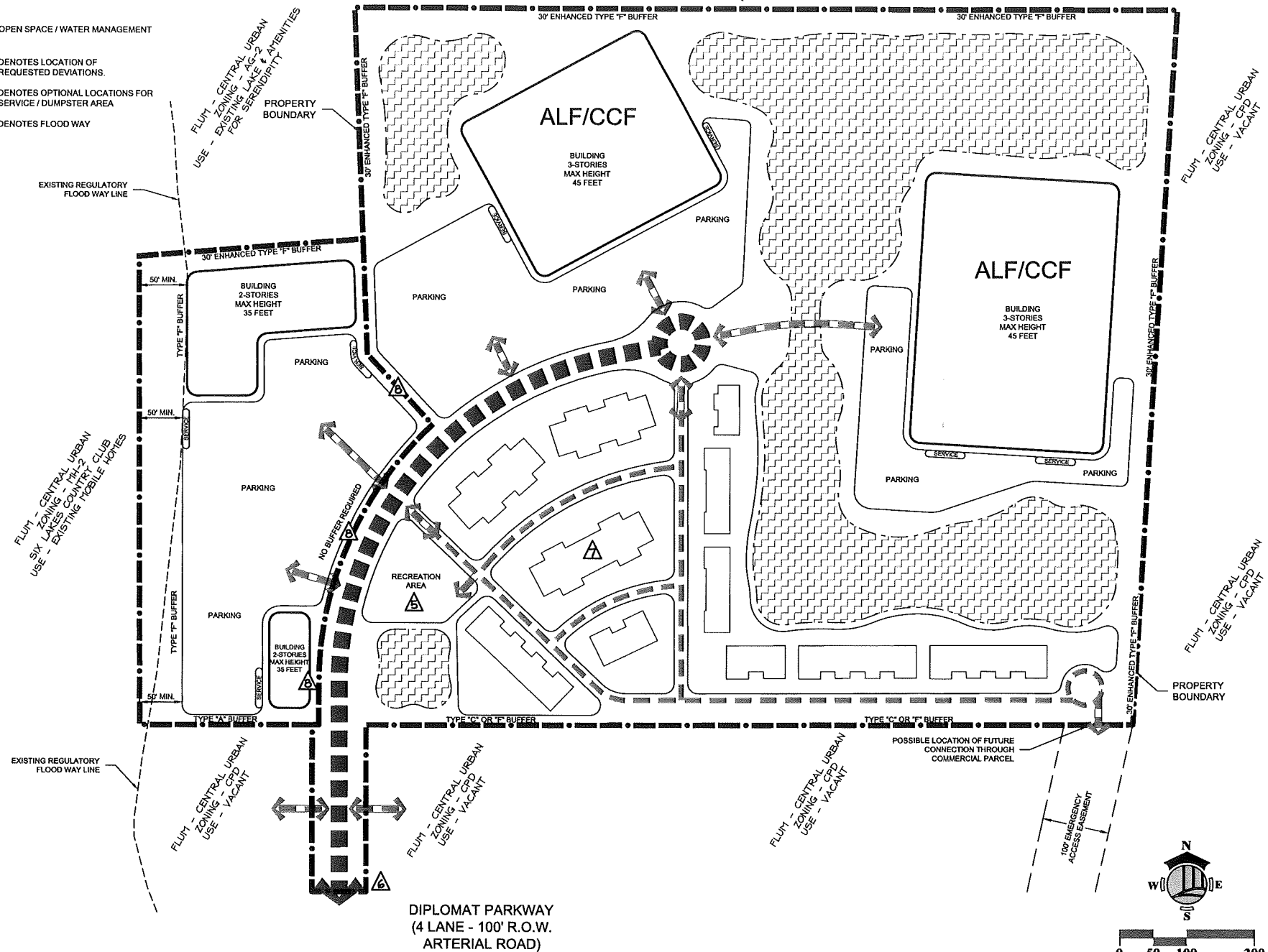
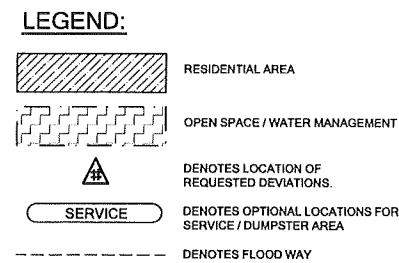
REVISED CONDITIONS PER ORDER OF CONTINUANCE

JANUARY 11, 2011

23. BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)

- A. ~~Prior to local development order approval, all required plantings must be 100% native vegetation.~~
- B. A. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements additional plant must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.
- C. B. Prior to local development order approval, an enhanced type "B" "F" buffer must be provided as shown on the MCP. This buffer must be 30' in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. Prior to local development order approval, all required buffer plantings, general trees, and internal canopy trees must be 100% native species.



OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC
TOTAL	35.18 AC.		TOTAL 13.53 AC.

- 1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.
- 2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
- 3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

DENSITY / INTENSITY SUMMARY:

<u>ALF / CCF</u>	400 BEDS
<u>RESIDENTIAL</u>	138 D.U.
<u>MEDICAL OFFICE</u>	50,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

NOTES:

- 1) ALL DEVIATIONS REQUESTED AND APPROVED WITHIN Z-06-004 AND ADD2007-001619 REMAIN IN EFFECT.
- 2) DEVIATIONS 1-4 APPLY TO THE SOUTHERN RPD/CPD AREA NOT SUBJECT TO THIS AMENDMENT
- 3) MAXIMUM PROPOSED RPD BUILDOUT DENSITY IS 138 RESIDENTIAL UNITS AND 400 ALF/CCF BEDS AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- 4) MAXIMUM CPD SQUARE FOOTAGE IS 50,000 S.F. AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- 5) NO ENCROACHMENT WITHIN THE FEMA FLOODWAY SHALL BE ALLOWED. EXISTING NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMA FLOODWAY.
- 6) INDIGENOUS PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RPD/CPD PER Z-06-004.
- 7) RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE ALTERED AT THE TIME OF DEVELOPMENT ORDER.
- 8) PRODUCT TYPES WITHIN THE RPD MAY BE ALTERED BASED ON THE APPROVED SCHEDULE OF USES PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF DEVELOPMENT ORDER.

REVIEWS		
NO.	DESCRIPTION	DATE
R1	Revised per the county sufficiency comments dated 08-06-10	9-22-10
R2	Revised per the county sufficiency comments dated 10-14-10	10-29-10
R3	Revised per the county comments	12-17-10
R4	Revised per HEX concurrence and conditions	1-2-11
R5		
R6		

DATE:	09-22-10
PROJECT NO.	1155-01
FILE NO.	1155-01-MCP01.dwg
SCALE:	AS SHOWN

MASTER CONCEPT
PLAN
D-7-M.2

Athyrio Development
Associates, LLC
P.O. Box 1662
Fort Myers, FL 33902

DIPLOMAT PROPERTY RPD / CPD
(NORTH PARCEL)

EnSite

1514 Broadway, Suite 201

Fort Myers, FL 33901

Phone (239) 226-0024 - Fax (239) 226-0094

LEE COUNTY
HEARING EXAMINER

2011 JAN 12 AM 9:11



ensite

Transmittal

Attention: Diana Parker, Chief Hearing Examiner	From: Shellie Johnson
Company: Lee County DCD	Date: January 12, 2011
Address:	Project No:
	Project Name: DCI2010-00015 Diplomat RPD/CPD
	my Palermo, Staff Planner
Regarding: Additional Revis	of Continuance

Sent Via: ☐ US Mail ☐

☐ Overnight Delivery ☐ Other

	Copies	
1.	1	Applicant Memo
2.	1	Revised Conditions, dated January 12, 2010
3.		
4.		
5.		
6.		
7.		
8.		

X For Your Use

☐ As Requested

☐ For Approval

☐ Signature

☐ For File

☐ For Review and Comment

☐ Other

Memo:

Thank you!

If you do not receive all of the above mentioned items, please notify our office

APPLICANT'S EXHIBIT # 26

APPLICANT SUBMISSION

CASE NUMBER: DCI2010-00015

APPLICANT: ATHYRIO DEVELOPMENT ASSOCIATES, LLC.,
in reference to DIPLOMAT PROPERTY RPD/CPD

RESPONSE DATE: REVISED JANUARY 12, 2011

On January 6, 2011, the Hearing Examiner issued a continuance on the above referenced case to address the following:

1. Revise Condition 23(a) to provide a new Condition 24;
2. Revise Condition 23(c); and
3. Revise the Master Concept Plan (MCP).

The matter was continued until Friday, January 14, 2011 at 5:00 P.M.

Attached please find the applicant's revisions as discussed and agreed upon with County Staff.



attachment

LEE COUNTY
HEARING EXAMINER
2011 JAN 12 AM 9:11

APPLICANT SUBMISSION

DCI2010-00015

REVISED CONDITIONS PER ORDER OF CONTINUANCE

JANUARY 12, 2011

23. BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)

- A. ~~Prior to local development order approval, all required plantings must be 100% native vegetation.~~
- B. A. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements additional plant must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.
- C. B. ~~Prior to local development order approval, a~~ An enhanced type "B" "F" buffer must be provided as shown on the MCP. This buffer must be 30' in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. All required buffer plantings, general trees, and internal canopy trees must be 100% native species.



This map drawn for visual purposes only.
 Not to be used for official zoning map.

2010 Aerial Photography
 Printed November 2010

**Diplomat RPD/CPD
 Amendment
 DCI2010-00015**



STAFF'S EXHIBIT # _____



APPLICANT'S EXHIBIT # 2
De12016-00015

JAN 5 2011



JAN 5 2011

Lee Property Appraiser Web Tax Map



Tax Map Legend

Road Centerlines

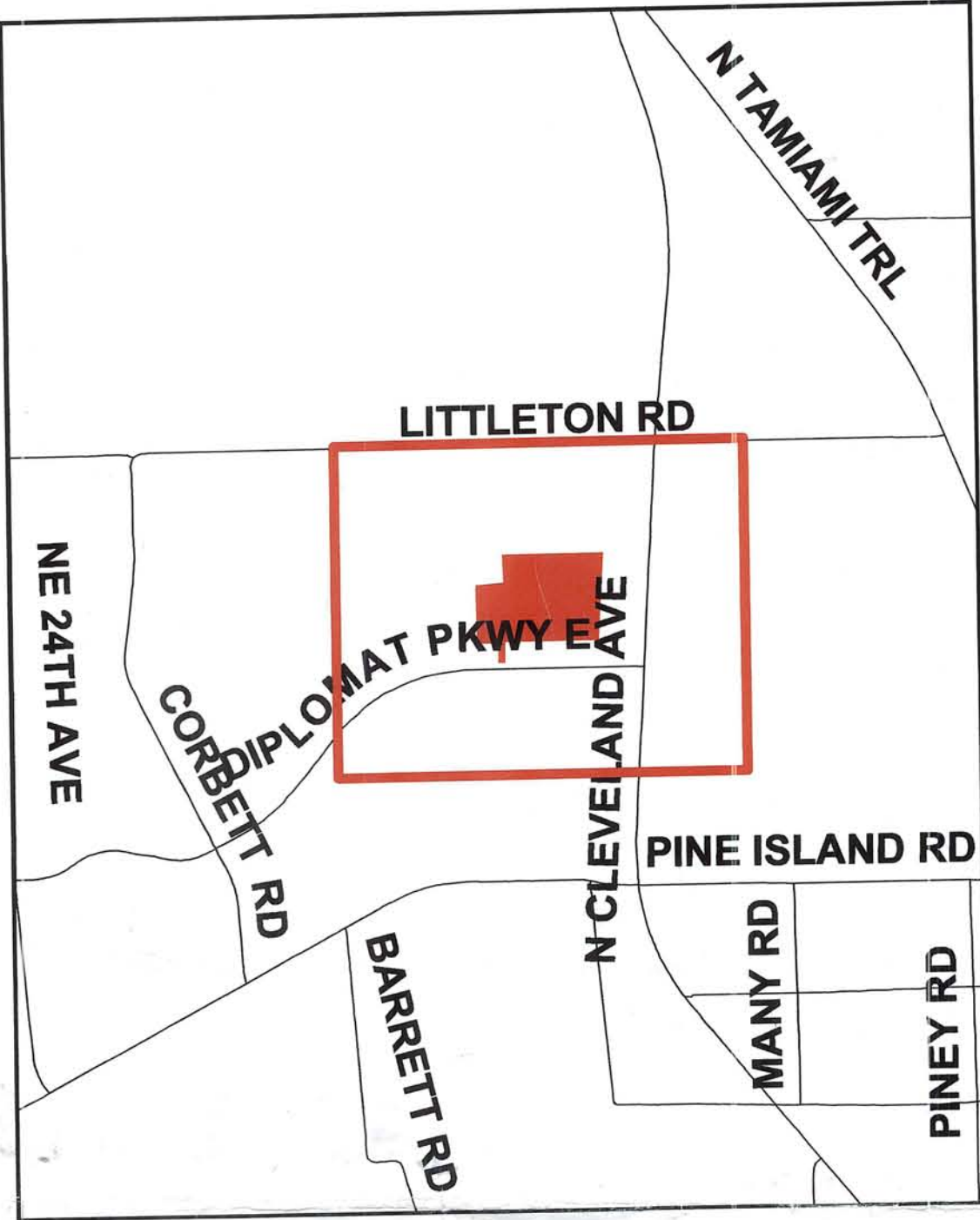
Parcels

Aerial Image Set	2010 Hi-Res (1/2 foot)	Map Currency Date	1/5/2011 11:07:18 AM
------------------	------------------------	-------------------	----------------------

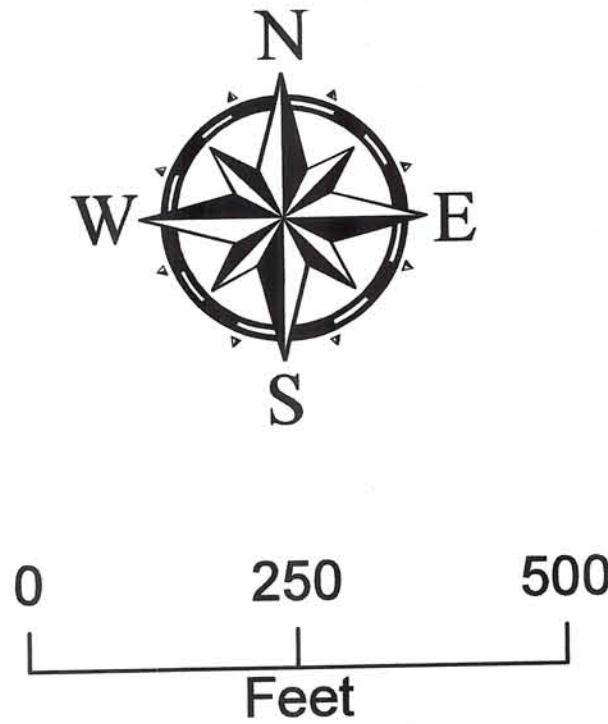
DC12010-00015

ALLEN

Diplomat RPD/CPD
Amendment
DCI2010-00015



Legend
Subject Property
Lee County Zoning



This map drawn for visual purposes only.
Not to be used for official zoning map.

STAFF'S EXHIBIT # 3

Prepared by:
Lee County DCD
Mapped November 2010
2010 Aerial Photograph

