Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2018-00007
TYPE OF CASE: MAJOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: February 14, 2019

REQUEST:

An application has been submitted by Alexis Crespo, AICP of Waldrop Engineering on behalf BJ holdings of Fort Myers LLC C/O Brian Freeman to rezone approximately 115 acres from Agricultural (AG-2) and Light Industrial (IL) to Mixed-Use Planned Development to allow for a maximum of 487 dwelling units and 100,000 sq. ft. of commercial uses.

The subject property is located at 12850 Treeline Avenue, Gateway/Airport Planning Community, Lee County, FL. (District #2), STRAP Numbers 14-45-25-00-00008.0000.

SUMMARY:

Staff recommends APPROVAL of the applicant's request, with the Conditions found in Attachment C.

Deviations have been requested as part of this application. As described in this report, staff recommends approval of deviation #1 and #2, but recommends denial for deviation #3.

HISTORY OF PARCEL:

The subject property is approximately 115 acres and is zoned Light Industrial (IL) and Agricultural (AG-2). Currently the site is undeveloped. The portion that is zoned Light Industrial (IL) was done so as part of resolution Z– 81 – 110, which approved the rezoning from agricultural to Light Industrial (IL) with a variance from the section line setback from 75 feet to zero feet (Attachment H). The industrial portion was never developed, but has been used for agricultural uses.

The subject parcel this part of the 6 Mile Cypress watershed basin as described in ordinance 83 – 5 (Attachment I).

The subject parcel was recently part of a Comprehensive Plan Amendment under Case Number CPA2017– 00009 (Attachment J). This plan amendment has been adopted, which converted the property from Tradeport and Wetlands to Urban Community and Wetlands. Without this comprehensive plan amendment, this application would be inconsistent with the future land-use category.

There are no active Code Enforcement violations on the property.

CHARACTER OF THE AREA:

The subject property is located on the west side of Treeline Avenue approximately 2600 feet north of Daniels Parkway. The western boundary the subject parcel is adjacent to Interstate 75. To the north, the nearest road is Bavaria Road, which accesses an Industrial Planned Development (IPD). Treeline Avenue is a county maintained arterial road way. Access for the subject property is proposed on Treeline Avenue which extends north to south, providing access to major residential developments and other commercial and industrial centers. The subject property is in the Urban Community and Wetlands future land use category as defined in Lee Plan Policy 1.1.4 and Objective 1.5, and is located in the Gateway/Airport planning community.

The following are the zoning districts and existing land uses that surround the subject property:

North:

Property to the north is zoned Industrial Planned Development (IPD) and is primarily developed with single tenant industrial buildings.

East:

Property to the east is separated by Treeline Avenue, and is part of the Arborwood Village. This property is located within the limits of the City of Fort Myers.

South:

Property to the south is owned Agricultural (AG-2), and Commercial Planned Development (CPD). The portion zoned Agricultural (AG-2) is developed with a traveler rest area, and a government office building, Which is owned and operated by the state of Florida. The portion that is zoned Commercial Planned
Development (CPD) is largely undeveloped except for three outparcels which include two banks and a convenience food and beverage store.

West:

Property to the west is separated by Interstate 75, and it is zoned Residential Planned Development (RPD). This development has been largely built out with single-family dwelling units and a golf course.

ANALYSIS

This planned development rezoning request from Agricultural (AG-2) and Light Industrial (IL) to Mixed Use Planned Development (MPD), as conditioned, will allow for a maximum of 487 dwelling units and 100,000 square feet of commercial uses. Deviations have been requested by the applicant and will be reviewed as part of this staff report.

Planned Development:

Section 34 – 341 through section 34 – 440 establishes regulations for zoning requests that result in new planned developments. LDC Sec. 34-145(d)(4)a. establishes the decision making criteria the Hearing Examiner uses when considering approval for planned development rezonings.

"1. Rezonings. The Hearing Examiner must find the request:

a) Complies with the Lee Plan;

b) Meets this Code and other applicable County regulations or qualifies for deviations;

c) Is compatible with existing and planned uses in the surrounding area;

d) Will provide access sufficient to support the proposed development intensity;

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category."

"2. Planned Development Rezonings. The Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare."

The applicant has provided a request statement as a response to each of those decision-making criteria (Attachment D). As part of the application process the applicant must also demonstrate consistency with section 34 – 341 through section 34– 440.

Master Concept Plan:

The applicant has provided a one page master concept plan titled "Master Concept Plan" received October 5, 2018. The master concept plan describes the location of commercial and residential areas as well as access points, lakes/detention, preserves/wetlands, and open space (Attachment R). Deviations have been referenced on the master concept plan.

Development Pattern Considerations:

The subject property is located in the Urban Community land use category as described in policy 1.1.4 and in the wetlands future land-use as described in Objective 1.5. Portions of the property located in the

Urban Community land use category are characterized by relatively intense commercial and residential uses. The portions of the property that are designated as wetlands are limited to very low density residential and passive recreational uses that will not adversely affect the function of the wetland. All development in the Wetlands land use category must be consistent with Goal 114 of the Lee Plan. The applicant has stated in their request statement that the subject property contains approximately 62 acres of wetlands and 53 acres of uplands. Of the wetland portions of the property 28 are proposed to be used for preservation and 34 acres are proposed to be impacted as part of this development. The applicant has provided an calculation for density for the development which separates out density calculations for wetland areas and upland areas. Staff finds that the proposed rezoning is consistent with policy 1.1.4 and objective 1.5.

Land Use	**Acreage**
Residential (Including right-of-way)	105 AC
Commercial (Including right-of-way)	10 AC
TOTAL SITE ACREAGE	**115 AC**

	Acreage	**Maximum Density**	**Density Yield/ Unit Count**
Residential (Uplands)	53 AC	6 du/AC	318 du
Residential (Preserved Wetlands)	28 AC	6 du/AC	168 du
Impacted Wetlands	34 AC	1 du/20 AC	1.7 du
		MAXIMUM DENSITY	**488 du**

Objective 2.2 of the Lee plan intends to direct new growth to future urban areas when adequate public facilities exists. The applicant has provided a letter of utility availability to support the future development of this parcel as proposed in this request (Attachment K). Additionally the proposed development is considered to be in infill development, as properties to the north, south, and west are all developed. Staff finds the proposed rezoning is consistent with Objective 2.1, Objective 2.2., and Policy 2.2.1.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The proposed development pattern does not negatively impact surrounding residential communities. The proposed residential density is similar to the residential uses surrounding the subject parcel. The commercial uses proposed by the applicant are adjacent to Treeline Avenue. Staff finds the proposed rezoning consistent with policy 5.1.5.

Goal 6 of the Lee plan provides policy guidance for well-planned and orderly commercial development at appropriate locations within the County. Policy 6.1.4 allows commercial development to be approved only when compatible with existing and proposed land uses, and Policy 6.1.6 requires an adequate

landscaping open space in buffering. Staff finds the proposed development consistent with Goal 6 including Policies 6.1.4 and 6.1.6.

Policy 61.3.6 requires developments to have and maintain an adequate service water management system and provide for post development runoff conditions which reflect the natural surface water flow. The applicant has stated that storm water runoff will be conveyed to ponds, and then treated and attenuated prior to discharging offsite at an acceptable rate per the South Florida Water Management District (Attachment L). Staff finds proposed development consistent with Policy 61.3.6.

As previously stated, the subject property is located in the Gateway/Airport planning community. There are three main portions of this planning community, and the property is located in the portion most directly correlated to gateway. Gateway is defined as a thriving nearly built out mixed-use community. The proposed rezoning by the applicant is consistent with this community planning area.

Transportation Considerations:

The applicant has provided the traffic impact statement for the proposed development intensity and density, and provided analysis on the surrounding transportation system (Attachment N). Development Services and Infrastructure Planning staff have provided analysis of the applicant's traffic impact statement (Attachment P and O).

Development services analysis states that no arterial or collector roadway sections are expected to be significantly impacted by the proposed rezoning. The principal access point for this development is proposed to be at the location of Treeline Avenue and Dartington Drive. As a result of the proposed development, this intersection will likely see significant impact and future improvements may be required to provide extra traffic control measures at this location. These improvements will be considered at time of development order review. Additionally, as part of the development services analysis, conditions were recommended as described below:

A.) "The development is permitted a maximum of 275 single-family or 487 multi-family residential dwelling units, and a maximum total gross floor area of 50,000 square feet of commercial non-office use, 25,000 square feet of medical office use, and 25,000 square feet of non-medical office use."

B.) "Permitted restaurant gross floor area includes restaurant outdoor seating areas."

C.) "If the development is developed in phases, each local development order must contain a tabulation that at minimum itemizes:

(1) The density of residential uses expressed in number of units for each use proposed by the development order application;
(2) The intensity of non-residential uses expressed in gross floor area for each use proposed by the development order application;
(3) The cumulative total density and intensity for each use permitted by previous development order approvals;

(4) The cumulative total density and intensity for each use permitted by previous building permits; and
(5) The remaining density and intensity for each use available for future development."

D.) "Unless deviations from the requirements of the Lee County Land Development Code are specifically requested and formally granted by authorized Lee County action, any description and/or depiction of possible deviations in the application materials are assumed to be for informational purposes only."

Bicycle and Pedestrian Facilities:

The subject property fronts Treeline Avenue, which is designated as a future bike/pedestrian way in the Lee Plan Map 3D. Currently bicycle and pedestrian facilities do exist along Treeline Avenue. At the time of local development order approval, development extending into this property must comply with chapter 10 of the Land Development Code. No deviations have been requested from the bicycle and pedestrian facility requirements.

Environmental Considerations:

Environmental staff provided a memorandum based upon the information provided by the applicant (Attachment M). In the memorandum, staff reviewed the FLUCCS Map of the property, protected species survey, and the proposed open space for the MPD. Environmental Staff recommends the following conditions as part of approval of this Planned Development rezoning:

"Prior to the issuance of the first development order, the following must be provided:

- The plans must depict 22.5 acres of indigenous open space;
- An indigenous management plan with five year monitoring post issuance of first Certificate of Compliance;
- If the first development order includes the commercial component, the plans must depict 30% open space; and
- If the first development order includes the residential component, the plans must depict 40% open space."

Transit Facilities:

The subject property is not located within a ¼ mile radius of a Lee Tran route.

Urban Services:

The subject property is serviced by a Fire and EMS Station that is approximately 2.5 miles west, and the Sheriff's station 6.45 miles to the west of the property. The proposed development will have access to the Lee County Utilities for both water and wastewater. The applicant is consistent with Lee Plan Standards 11.1 and 11.2. Other urban services are available to this proposed development, but were not considered during the review of this Planned Development Amendment, due to no residential component of the development.

Deviation Requests:

The applicant has requested three deviations and provided an analysis and justification for the requested deviations is attached (Attachment G). Below is staff analysis of the proposed schedule of deviations and recommendation for each request.

1. Deviation(1) from LDC Sec. 10 – 416(D)(1), which requires a buffer area along the entire perimeter of the proposed development whenever the proposed development abut a different use; to allow for no perimeter buffers where on-site preserves areas abut the MPD perimeter.

   Environmental Staff has provided an analysis of the deviation request as part of the environmental review. Because the only area that this deviation is requested is the where preserve areas abut the MPD perimeter, staff recommends approval of the deviation, subject to the following condition:

   1. *The development order landscape plans must demonstrate that the indigenous preserve meets the LDC Section 10-416 (d) for buffering abutting properties*.

2. Deviation (2) from LDC Sec. 10 – 296(K)(1), which requires the dead end streets be closed at one end by a circular turnaround for vehicles; to allow for five Dead end streets.

   Based upon the location of the deviation request provided by the applicant, staff recommends approval of the deviation request subject to the following conditions:

   1. Staff recommends receipt of a Fire District sign-off on the dead end roads, prior to DCI approval. A cul-de-sac should be shown prior to the "emergency only" egress point.
   2. This deviation request is approved for the five locations referenced on the master concept plan. Any additional locations will require additional zoning approval.

3. Deviation (3) from LDC Sec. 10 – 291(3), which requires residential developments over 5 acres to provide two points of ingress/egress, to allow for one point of access on Treeline Avenue and one emergency only access to the Matterhorn Road.

   As stated by the deviation request justification provided by the applicant, this deviation will limit the northern access point to Matternhorn Road for emergency access only. The reduction of access points provides a minimization of impact to wetlands that are located along the northern and eastern boundary lines. The property does not have access due to location of I-75 and has minimal frontage along Treeline Avenue. The applicant has requested that the northern access point be emergency only due to compatibility concerns with the industrial planned development, only allow emergency vehicles through this ingress and egress.

   Infrastructure planning provided comment on this deviation request and a memo that expresses concern over the potential for delaying congestion when only having a single ingress and egress

point for the proposed development. By providing multiple usable points of access, motorists can spread out their impact on the transportation network.

Although compatibility may be considered an issue what are reviewing this deviation requests, it is staff's opinion that the northern access point be open for access to the residents and the traveling public, and therefore recommends **denial** of this deviation.

CONCLUSION:

The proposed rezoning to Mixed Use Planned Development (MPD), as conditioned, is consistent with the Lee Plan. Staff has found deviation requests #1 and #2 consistent with the Lee Plan and compatible with the surrounding land uses. Staff does not recommend approval of deviation request #3. As conditioned, the requested Planned Development rezoning is compatible with the uses surrounding the subject property. As conditioned, this application meets all the criteria for rezoning including compliance with the Land Development Code. The request will not adversely affect environmentally critical areas or natural resources as conditioned. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities. Urban services, as defined in the Lee Plan, as conditioned, will be available and adequate to serve the proposed development. Staff recommends approval, as conditioned, including deviation requests of this Mixed Use Planned Development (MPD) rezoning.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Recommended Conditions and Deviations
D. Request Statement
E. Legal Description
F. Proposed Schedule of Uses
G. Proposed Schedule of Deviations
H. Resolution Z-81-110
I. Ordinance 83-5
J. CPA2017-00009
K. Utility Letter of Availability
L. Surface Water Management Plan
M. Environmental Staff Comments
N. Traffic Impact Statement
O. Infrastructure Planning Comments
P. Development Services (Transportation Engineering) Comments
Q. Agricultural Affidavit
R. Master Concept Plan

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Dirk Danley, Planner, Senior, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.



DCI2018-00007
Aerial

ATTACHMENT B

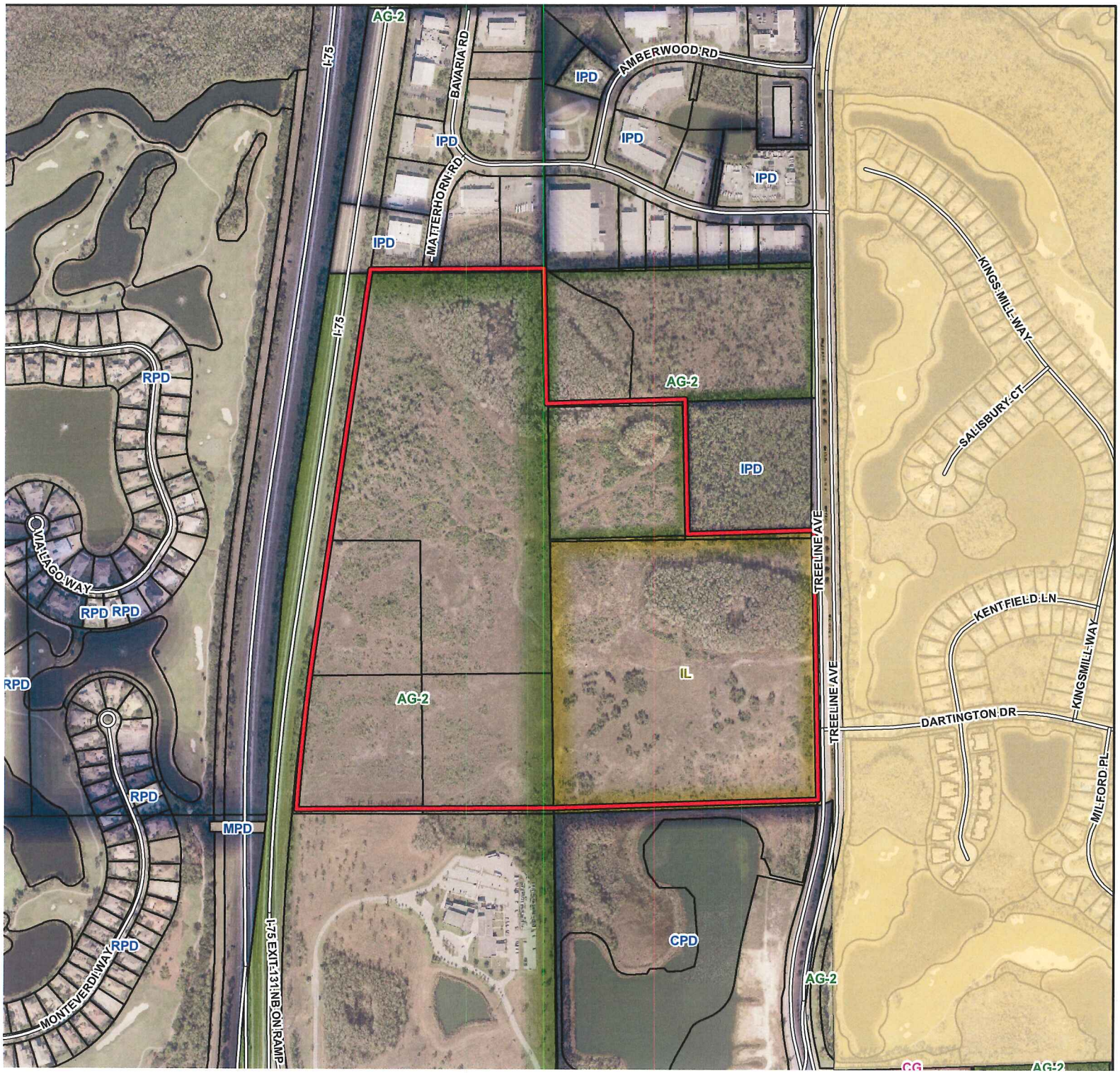
Legend

- Subject Parcel
- City Limits
- Parcel Boundary

N

0 1,000
Feet

Lee County
Southwest Florida



DCI2018-00007
Zoning

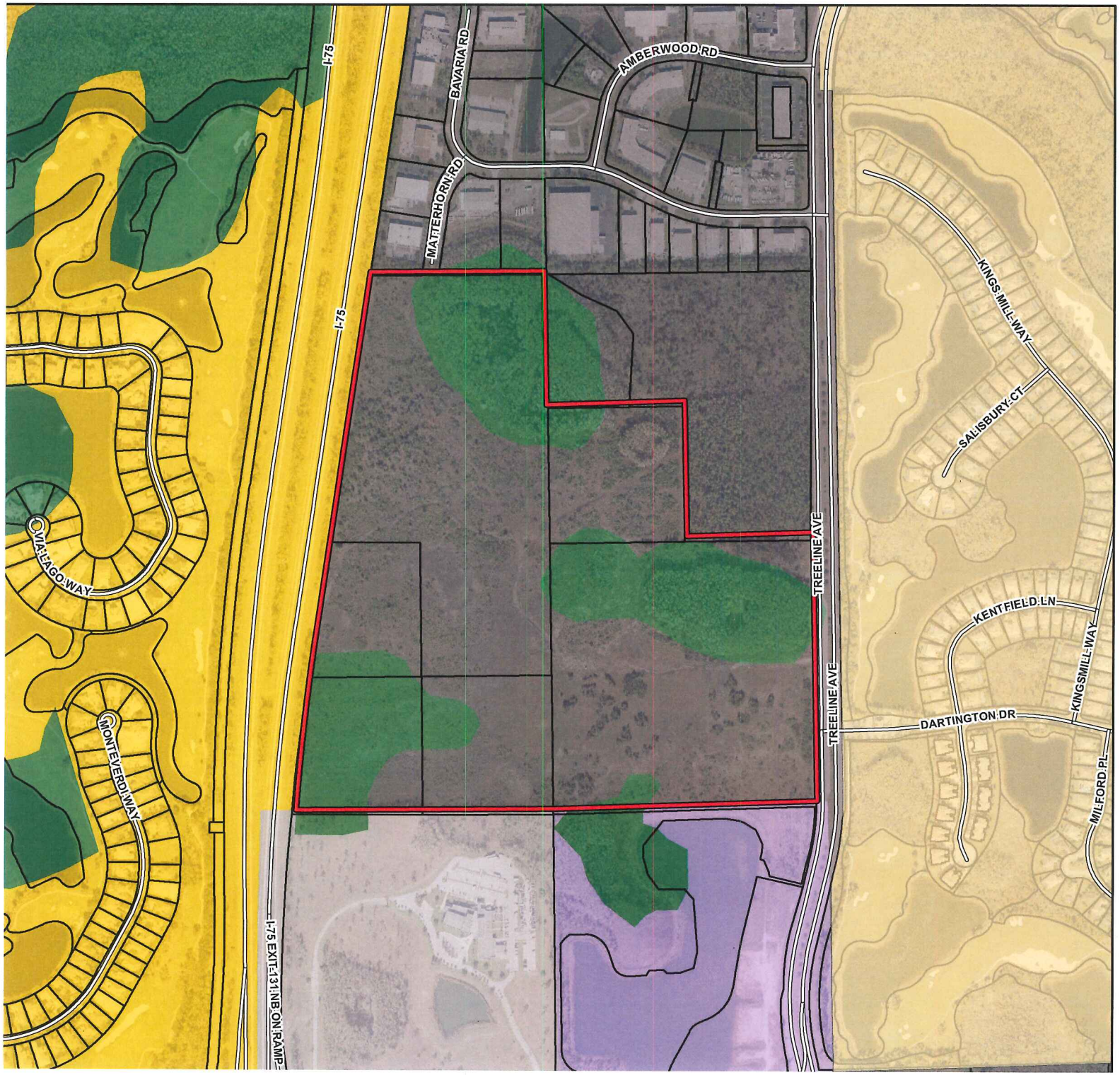
Legend

- Subject Parcel
- City Limits
- Parcel Boundary

N

0 1,000
Feet

Lee County
Southwest Florida



DCI2018-00007
Future Land Use

Legend

- Subject Parcel
- City Limits
- Parcel Boundary
- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands

N

0 1,000
Feet

Lee County
Southwest Florida

ATTACHMENT C

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one page Master Concept Plan entitled "Master Concept Plan," stamped received October 05, 2018, last revised October 05, 2018, except as modified by the conditions below. This development must comply with all requirements of the Lee county Land Development Code 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 pursuant, appropriate approvals will be necessary.

Project intensity is limited to a maximum of 487 dwelling units and a maximum total gross floor area of 50,000 square feet of commercial non-office use, 25,000 square feet of medical office use, and 25,000 square feet of non-medical office use

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

The following schedule of uses is permitted as described in the Land Development Code:

Commercial tract:
Accessory uses and structures
Accessory apartment
Administrative offices
Agricultural uses, as limited by conditions
Animal, clinic or kennel
ATM (automatic teller machine)
Auto parts store
Automobile repair and service
Automobile service station
Bar or cocktail lounge (subject to the provisions of LDC section 34 – 1264)
Bed and breakfast
Business services, Group I
Car wash
Caretakers residence
Cleaning and maintenance services
Clothing stores, general
Clubs:
Fraternal, membership organizations

Private
Community gardens
Consumption on premises, as limited by conditions (In accordance with LDC Sec. 34-1261 thru 34-1265)
Convenience food and beverage store
Cultural facilities
Day care center, child and adult
Drive-through facility for any permitted use
Drugstore, pharmacy
Dwelling units– a maximum of 275 single family units or 487 multifamily units
Live work
Single family
Two family attached
Townhouse
Multiple family building
Zero lot line
Entrance gates and gatehouses
Essential services
Essential service facilities, Group I
Excavation – water detention and retention
Fences, walls
Food and beverage service, Limited
Food stores Group I
Gift and souvenir shop
Hardware store
Healthcare facilities, groups I- III
Hobby, toy and game shop
Home occupation
Insurance company
Lawn and garden supply store
Manufacturing of food in kindred products, Group II (brewery), in accordance with the provisions of LDC Sec. 34-1264
Medical office– limited to a maximum of 25,000 ft.^{2}
Model homes, model display center
Non-store retailers, Group I
Paint, glass and wallpaper stores
Parts, Groups I and II
Parking lot, accessory
Personal services, Groups I and II (Excluding massage parlors and steam or Turkish bath)
Pet services
Pet shops
Pharmacy
Post office
Real estate sales office
Recreational facilities, commercial
Recreational facilities, personal, private on-site, private offsite
Religious facilities
Rental or leasing establishments, Group I-III
Residential accessory uses

Restaurant, fast food
Restaurants, all groups
Schools, commercial and noncommercial
Self-service fuel pumps
Signs, in accordance with Chapter 30
Specialty retail shops, all groups
Storage, indoor and open
Studios
Supermarket
Temporary uses
Transportation services, Groups II-III
Used merchandise stores, Group I
Variety store
Vehicle and equipment dealers, Groups I- III

Residential tract:
Accessory uses, as defined by the LDC
Clubs, private
Administrative office
Community gardens
Consumption on premises in conjunction with recreational facilities, as limited by conditions (In accordance with LDC Sec. 34-1261 thru 34-1265)
Dwelling units– limited to 487 dwelling units in MPD
Live work
Single family
Two family attached
Townhouse
Multiple family building
Zero lot line
Entrance gates and gatehouses
Essential services
Essential service facilities, Group I
Excavation – water detention and retention
Fences, walls
Home occupation
Models, model homes, display center, sales center
Parking lot, Accessory, temporary
Real estate sales office
Residential accessory uses and structures
Signs – in accordance with Chapter 30 of LDC
Temporary uses

b. Site Development Regulations

Minimum lot area and dimensions:

Single – Family Detached

Minimum lot size	4,500 square feet
Minimum lot with	40 feet
Minimum lot depth	100 feet
Minimum street setback	20 feet street setback for front loaded

	garages 15 feet Street setback four side loaded garages 10 feet Street setback for rear loaded/alley lots and secondary Street set back on corner lot's
Side setback	5 feet
Rear setback	10 feet
Accessory structure setback	5 feet or 0 feet where the property line abuts a lake maintenance easement or landscape buffer easement
Max building height	35 feet
Min. building separation	10 feet
Maximum lot coverage	55%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

Zero lot line:

Minimum lot size	4,000 square feet
Minimum lot with	40 feet
Minimum lot depth	100 feet
Minimum street setback	20 feet street setback for front loaded garages 15 feet Street setback four side loaded garages 10 feet Street setback for rear loaded/alley lots and secondary Street set back on corner lot's
Side setback	0 feet, unless a setback is provided greater than 0 feet then a minimum of 10 feet is required
Rear setback	10 feet
Accessory structure setback	5 feet or 0 feet where the property line abuts a lake maintenance easement or landscape buffer easement
Max building height	35 feet
Min. building separation	10 feet
Maximum lot coverage	60%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

Two- Family Attached:

Minimum lot size	3,500 square feet
Minimum lot with	40 feet
Minimum lot depth	100 feet
Minimum street setback	20 feet street setback for front loaded garages 10 feet Street setback for rear loaded/alley lots and secondary Street set back on corner lot's
Side setback	5 feet

Rear setback	10 feet
Accessory structure setback	5 feet or 0 feet where the property line abuts a lake maintenance easement or landscape buffer easement
Max building height	35 feet
Min. building separation	10 feet
Maximum lot coverage	60%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

Townhouse:

Minimum lot size	1,800 Square feet
Minimum lot with	18 feet
Minimum lot depth	100 feet
Minimum street setback	20 feet street setback for front loaded garages 10 feet Street setback for rear loaded/alley lots and secondary Street set back on corner lot's
Side setback	0 feet, unless a setback is provided greater than 0 feet then a minimum of 10 feet is required
Rear setback	10 feet
Accessory structure setback	5 feet or 0 feet where the property line abuts apply to late maintenance easement or landscape buffer easement
Max building height	45 feet
Min. building separation	15 feet
Maximum lot coverage	65%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

Multiple-Family Building:

Minimum lot size	7,500 Square feet
Minimum lot with	75 feet
Minimum lot depth	100 feet
Minimum street setback	20 feet street setback for front loaded garages
Rear setback	10 feet
Accessory structure setback	5 feet or 0 feet where the property line abuts a lake maintenance easement or landscape buffer easement
Max building height	65 feet
Min. building separation	15 feet
Maximum lot coverage	50%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

Retail/Office, and Mixed Use Buildings:

Minimum lot size	10,000 Square feet

Minimum lot with	100 feet
Minimum lot depth	100 feet
Minimum street setback	25 feet
Side setback	0 feet, unless a setback is provided greater than 0 feet then a minimum of 10 feet is required
Rear setback	0 feet, unless a setback is provided greater than 0 feet then a minimum of 10 feet is required
Accessory structure setback	5 feet or 0 feet where the property line abuts apply to late maintenance easement or landscape buffer easement
Max building height	45 feet
Min. building separation	15 feet
Maximum lot coverage	50%
Waterbody setback	20 feet, except for accessory structures
Preserve setback	per LDC

3. Vehicular/Pedestrian Impacts

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

4. Lee Plan Consistency

Approval of this zoning request 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 and Table 1 (b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

5. Concurrency

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.

6. Development Permits

Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state of federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.

7. Open Space and Indigenous Management

Prior to the issuance of the first development order, the following must be provided:

A. The plans must depict 22.5 acres of indigenous open space;
B. An indigenous management plan with five year monitoring post issuance of first Certificate of Compliance;

C. If the first development order includes the commercial component, the plans must depict 30% open space; and
D. If the first development order includes the residential component, the plans must depict 40% open space.

8. Development Phasing
If the development is developed in phases, each local development order site development plan must contain a tabulation that at minimum itemizes:

A. The density of residential uses expressed in number of units for each use proposed by the development order application;
B. The intensity of non-residential uses expressed in gross floor area for each use proposed by the development order application;
C. The cumulative total density and intensity for each use permitted by previous development order approvals;
D. The cumulative total density and intensity for each use permitted by previous building permits; and
E. The remaining density and intensity for each use available for future development.

9. Restaurant Area Calculation
Permitted restaurant gross floor area includes restaurant outdoor seating areas.

10. Consumption on Premises
Consumption on Premises, or the sale of alcoholic beverages is prohibited within 500 feet of the Lee County School Board property located at 12690 Treeline Avenue.

11. Commercial Uses Condition for Wetlands
Once Wetlands have been formally identified consistent with the Lee Plan uses may be further limited, in areas identified as impacted Wetlands, to those uses identified in Policy 1.5.1.

12. Residential Density Condition for Wetlands
If the developer secures an Environmental Resource Permit (ERP) that allows impacts to on-site freshwater wetlands, it may be necessary to recalculate the maximum number of dwelling units permitted consistent with Wetlands density calculations identified in Policy 124.1.1 of the Lee Plan and the impacted and preserved freshwater wetlands approved in the ERP. The maximum number of dwelling units may not exceed 487 units.

B. Deviations

Deviation #1: Landscape Buffer
Deviation(1) from LDC Sec. 10 – 416(D)(1), which requires a buffer area along the entire perimeter of the proposed development whenever the proposed development about a different use; To allow for no perimeter buffers were on-site preserves areas abut the MPD perimeter.

Staff recommends **approval** of this deviation.

Deviation #2: Dead End Streets
Deviation (2) from LDC Sec. 10 – 296(K)(1), which requires the dead end street's be closed at one and by circular turnaround vehicles; to allow for five Dead end street.

Staff recommends **approval** of this deviation, subject to the following conditions:

1. A Fire District sign-off on the dead end roads is required, prior to DCI approval. A cul-de-sac should be shown prior to the "emergency only" egress point.
2. This deviation request is approved for the five locations referenced on the master concept plan. Any additional locations will require additional zoning approval.

Deviation #3: Ingress/Egress Points
Deviation (3) from LDC Sec. 10 – 291(3), which requires residential developments over 5 acres to provide two points of ingress/egress, to allow for one point of access on Treeline Avenue and one emergency only access to the Matterhorn Road.

Staff recommends **denial** of this deviation.

ATTACHMENT D

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
BONITA SPRINGS Tampa Orlando Sarasota
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

Treeline 115 Mixed Use Planned Development
Request Statement and Lee Plan Compliance Narrative

REVISED OCTOBER 2018

I. Request

BJ Holdings of Fort Myers, LLC ("Applicant") is requesting approval to rezone the 115+/- acre site ("Property") from Agricultural (AG-2) and Light Industrial (IL) to Mixed-Use Planned Development (MPD). The rezone will allow for a maximum of 487 dwelling units and 100,000 SF of commercial uses.

II. Existing Conditions & Property History

The Property is located west of Treeline Avenue at the northeast corner of Daniels Parkway and Interstate-75. The Property is zoned AG-2 (Agricultural) & IL (Light Industrial) and is located within the Gateway/Airport Planning Community. The Property is subject to a companion Comprehensive Plan Amendment (CPA2017-00009) to re-designate the uplands from Tradeport to Urban Community. The Property is currently utilized as grazing land for agricultural operations.

III. Surrounding Land Use Pattern

The Property is an infill site, surrounded on all sides by existing development and public lands. The surrounding land use pattern consists of public rights-of-way to the east and west; single-family detached, two-family attached, and multi-family residential uses to the west of I-75; single-family detached residential uses to the east of Treeline Avenue; industrial/commercial uses and a future public school site to the north; and mixed-use and public uses to the south.

In terms of surrounding densities, the Arborwood DRI to the east of Treeline Avenue has a density of 2.57 du/acre, and a mix of dwelling types ranging from single-family detached to multi-family buildings. South of the Property is the Arborwood Village CPD, which has a density of 10 du/acre approved for Tract 1, consisting of multi-family units. Across I-75 to the west are the Renaissance RPDs; the Renaissance North RPD has a density of 2.57 du/acre and the Renaissance South RPD has a density of 1.6 du/acre. Please refer to the enclosed Surrounding Densities Map, Exhibit III.E, for a comprehensive inventory of densities as spatially related to the Property.

Table 1 below further defines the surrounding Future Land Use designations, zoning districts and adjacent land uses.

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Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Tradeport & Wetlands	IPD (Industrial Planned Development) & AG-2 (Agricultural)	Industrial/Commercial Park & Vacant Agricultural Lands
SOUTH	Public Facilities, General Interchange, & Wetlands	AG-2 (Agricultural) & CPD (Commercial Planned Development)	Florida Highway Patrol Station & Lee County Rest Area
EAST	Special Community (City of Fort Myers)	MDP-3 (Master Development Plan-3, City of Fort Myers)	Right-of-Way (Treeline Avenue); Arborwood DRI (The Plantation – City of Fort Myers)
WEST	Outlying Suburban & Wetlands	RPD (Residential Planned Development)	Right-of-Way (I-75); and Residential Planned Development (Renaissance)

The immediate area contains a dynamic mix of higher density multi-family development, lower density suburban-style communities, public and institutional uses, arterial-level roadways, and non-residential uses. The surrounding development pattern is evidence of the appropriateness of the proposed mix of non-residential and residential uses in the form of a compact Mixed Use Planned Development.

IV. Public Infrastructure

As outlined in the companion Comprehensive Plan Amendment application, the subject property is serviced by existing public infrastructure that can accommodate the proposed residential uses at the maximum density of 6 du/acre. Potable water and sanitary sewer services are available to the subject property by Lee County Utilities and City of Fort Myers Utilities. The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc. There are also adequate community facilities and services in the immediate vicinity of the project, including Fire, EMS, a public library, and Parks.

V. Proposed Uses/Design Standards

Through this rezoning application, the Applicant proposes a mixed-use development program consisting of 487 multi-family dwelling units on approximately 105 acres of the site, and 100,000 square feet of commercial uses on 10 acres along the Treeline Avenue frontage.

The proposed mix of commercial and residential uses will complement the surrounding development pattern and provide for infill development in an area well-served by existing public infrastructure. It important to emphasize that the commercial and multi-family uses proposed through this MPD application represent a logical transition of the development pattern along Treeline Avenue, from the intensive General Interchange future land use category to the south, and the residential development to the north in the City of Fort Myers.

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The enclosed Master Concept Plan (MCP) delineates the location of residential uses towards the northern and western limits of the Property, while directing commercial uses along the Treeline Avenue frontage for easy access by future residents of the development, as well as the travelling public. Access to the Property is from Treeline Avenue. Emergency-only access is also provided to the industrial park to the north to provide for safe ingress/egress to the site.

Buffers are provided per the LDC along the perimeter property boundaries where required, including 15-foot wide buffers to the east and west where development abuts existing public rights-of-way. In addition to the buffers, the MCP proposes open space in compliance with the LDC, and 28 acres of wetland preservation areas. This on-site preserve acreage far exceeds the minimum requirements of the LDC, and will screen views of the development areas from adjacent properties.

The full details of the proposed development program are provided in the enclosed Master Concept Plan, Schedule of Uses, Site Development Regulations, and proposed conditions.

VI. Lee Plan Compliance

The following is an analysis of how the proposed amendment is consistent with the goals, policies and objectives of the Lee Plan.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre).

In compliance with this policy, the subject property is located in an urbanized area of the Lee County, as evidenced by the surrounding land use pattern, existing densities/intensities, and available public infrastructure. As outlined above, the general area is developed with a mix of residential communities, public uses, and commercial development associated with the I-75 interchange. The proposed mixed-use development at a maximum density of 6 du/acre is consistent with the range of uses and densities permitted in the Urban Community future land use category and Lee Plan Table 1(a). The amendment will allow for the continuation of the mixed-use and residential development pattern along Treeline Avenue, and will direct new development to an area with an existing base of urban services.

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POLICY 1.5. Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The subject property contains approximately 62 acres of wetlands, and 53 acres of uplands. Of the 62 acres of freshwater wetlands, 28 are proposed for preservation, and 34 are proposed for impact. The density calculation reflects 1 du/20 acres for those wetland impact areas, while the preserved wetland and uplands are calculated at a density of 6 du/acre in accordance with the Urban Community future land use category. Therefore, the density calculation is consistent with this policy. The wetlands proposed for impact by the MCP are lower quality, isolated wetlands, while the larger wetlands that connect to larger wetland systems off-site are proposed for permanent preservation.

Permitted land uses in this category consist of low density residential uses and recreational uses. The proposed MPD complies with the allowable uses by limiting density to 1 du/20 acres for wetland areas, in accordance with Table 1(a).

Objective 2.2: Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The Applicant has provided letters of availability and a detailed explanation of the public facilities and services available to support future development of the property at the maximum allowable density. The proposed amendment fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The proposed rezoning will significantly enhance the site's compatibility with the surrounding residential uses, and prevent the encroachment of intensive industrial uses permitted by the underlying Tradeport future land use category. Pursuant to Policy 1.2.2,

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the Tradeport category allows for a wide range of public uses, including terminals, laboratories, limerock mines, transfer facilities, and other higher intensity government-operated facilities. This category would allow for development of intensive industrial uses. For these reasons, bringing the property to the Urban Community future land use category and allowing for a mix of residential and commercial uses is directly in compliance with this policy.

From a density standpoint, the proposed amendment will allow for the development of a residential community that has densities similar to, or lower than the surrounding developments. The density will be further restricted via the companion MPD rezone to 487 dwelling units, or 4.2 du/acre, which is a lower density than the adjacent residential projects (including Arborwood CPD to the south). The MPD will also address the location of proposed lots, perimeter buffers, and other site design standards to ensure the development will be compatible and complimentary to the surrounding neighborhood.

STANDARD 11.1 & 11.2: WATER & SEWER

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities.

STANDARD 11.3. TRANSPORTATION

TR Transportation Consultants has prepared the enclosed Traffic Impact Statement (TIS) in accordance with the county requirements. Per this analysis, all roadways within the project's area of impact have sufficient capacity to accommodate the traffic associated with the 487 dwelling units. The report also concludes that the project will not create any transportation deficiencies that need to be mitigated.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

Stormwater runoff from the subject property generally flows from east to west toward I-75. Water is directed under I-75 through a 6' x 4' box culvert located near the southwest corner of the subject property.

Onsite stormwater runoff will be conveyed to stormwater ponds where it will be treated and attenuated prior to discharging offsite. The peak discharge rate will be limited to 37 csm, the basin allowable discharge rate. Stormwater treatment will be provided in accordance with SFWMD requirements.

POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

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The subject property will contain contiguous wetland areas throughout the property. The northern wetland not only exists within the subject property, but also extends offsite to maximize the possibility of high-quality ecological communities.

POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality.

Prior to future development activities on the Property, the Applicant will obtain the requisite Environmental Resource Permit (ERP) from the South Florida Water Management District, and all other applicable state agencies. The site design will ensure pretreatment of stormwater prior to discharge off-site.

VII. Review Criteria

Per LDC Sec. 34-145(d)(4)(a)1 the following review criteria is met through this request:

a. The application is consistent with the uses and densities set forth for Urban Community Future Land Use Designation as outlined in the companion Comprehensive Plan Amendment application. Additionally, the project will meet or exceed the performance standards set forth in the Land Development Code for planned development zoning districts.
b. The request will meet or exceed all performance and locational standards set forth for the proposed 487-unit residential community, except where a deviation is requested and demonstrates the protection of public health, safety and welfare.
c. The proposed density is 6 dwelling units per acre is consistent with allowable densities in the Urban Community Future Land Use Category and will direct higher densities to infill sites in urban-designated areas of the County. Bonus Density is not being requested as part of this application. The proposed MPD is compatible with the single-family uses to the north and northwest, and provides a logical extension of the residential development pattern on Treeline Ave.
d. Access will be provided from Treeline Ave, a secondary access point to the north will provide emergency access to the development.
e. Approval of the request will not have a significant impact upon the surrounding roadway network. As outlined in the enclosed Traffic Impact Statement (TIS) prepared by TR Transportation Consultants, Inc., all impacted roadways can accommodate the traffic associated with the 487 dwelling units.
f. This request will not adversely affect environmentally critical areas and natural resources. The project will be preserving approximately 28 AC of wetlands. Gopher tortoises located on-site will be relocated according to the Florida Fish and Wildlife Conservation (FWC) regulations. Open space will be provided as required in LDC Chapters 10 and 34.
g. The Project be served by urban services, as defined in the Lee Plan, as it is located within a Future Urban area category. Public infrastructure and services are available to service the proposed development.

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VIII. Conclusion

The proposed MPD will address several sound planning principles that are currently of interest to Lee County. In direct compliance with the Lee Plan, the amendment will allow for infill development within an urbanized portion of the County that is currently serviced by public infrastructure, as presented above, the Property is adjacent to existing development on all sides, ranging from low and medium density single-family communities to higher density multi-family development to the south of the Property. Approval of this amendment will accommodate population growth within an appropriate area of the County with the requisite level of public services, and prevent intrusion of the new development into designated rural areas.

In summary, approval of this request will allow the Property to be developed in a manner that is consistent with the underlying Future Land Use category (upon approval of the companion CPA2017-00009), and is compatible with the surrounding land use pattern. The request directly supports the County's desire to direct new growth to infill locations in urban areas, and appropriately utilize public investment in infrastructure and services. The proposed rezoning will meet or exceed the standards set forth in the LDC for planned developments, except where a deviation has been requested. For these reasons, the Applicant respectfully requests approval of this rezone as proposed.

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ATTACHMENT E

DESCRIPTION
OF A PARCEL LYING IN
SECCTION 14&15, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DESCRIPTION

A TRACT OR PARCEL OF LAND IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 15, WHICH IS THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED:
THENCE S 01°12'06" E A DISTANCE OF 661.75'
THENCE N 88°14'25" E A DISTANCE OF 679.02'
THENCE S 01°08'17" E A DISTANCE OF 661.48'
THENCE N 88°13'00" E A DISTANCE OF 618.28' TO THE WESTERLY RIGHT OF WAY LINE
OF TREELINE AVENUE,
THENCE S 01°04'28" E ALONG SAID LINE A DISTANCE OF 1322.47'
THENCE LEAVING SAID LINE S 88°10'10" W A DISTANCE OF 1293.64'
THENCE S 89°33'43" W A DISTANCE OF 1266.13' TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75
THENCE ALONG SAID LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 856.47',
WITH A DELTA OF 04°20'37", WITH A RADIUS OF 11297.16', WITH A CHORD BEARING OF N 06°10'57" E, WITH A CHORD LENGTH OF 856.26';
THENCE N 08°21'16" E A DISTANCE OF 1817.95'
THENCE N 89°35'14" E A DISTANCE OF 854.24' TO THE POINT OF BEGINNING, HAVING AN AREA OF 114.8 ACRES+/_

Applicant's Legal Checked by DM 10/18/18

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*** THIS IS NOT A SURVEY***

REVISIONS:

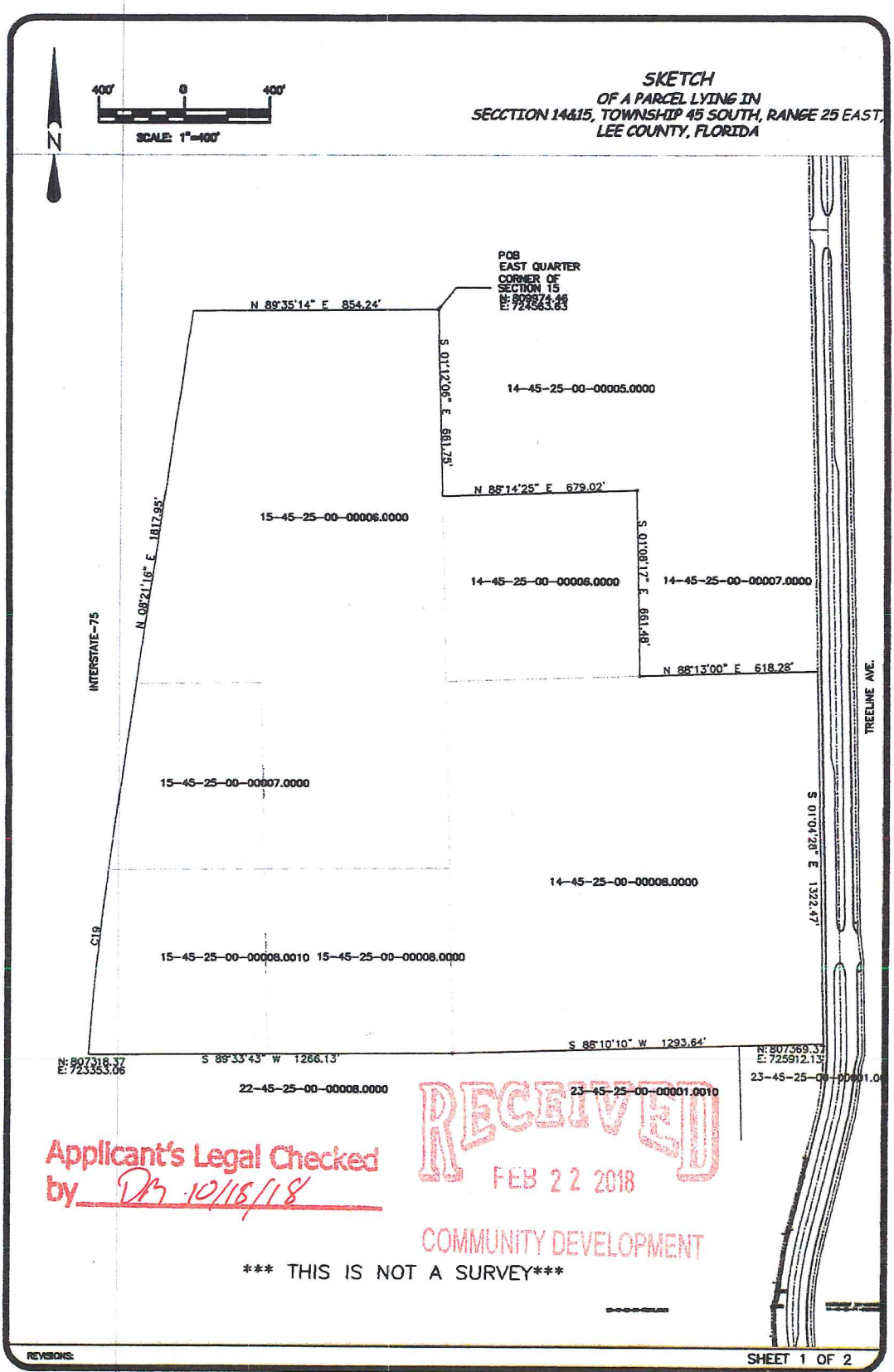
SHEET 2 OF 2

PROJECT NO: TREELINE
SCALE: 1"= 200'
DRAWN BY: GCV
CHECKED BY: MDM
DATE DRAWN: 03/10/14
FIELD BOOK/PAGE:

AE Site, LLC
EB-30108 LB-7995
13960 Fiddlesticks Boulevard, Suite 202-369
Fort Myers, Florida 33912
Telephone (239) 936-0777

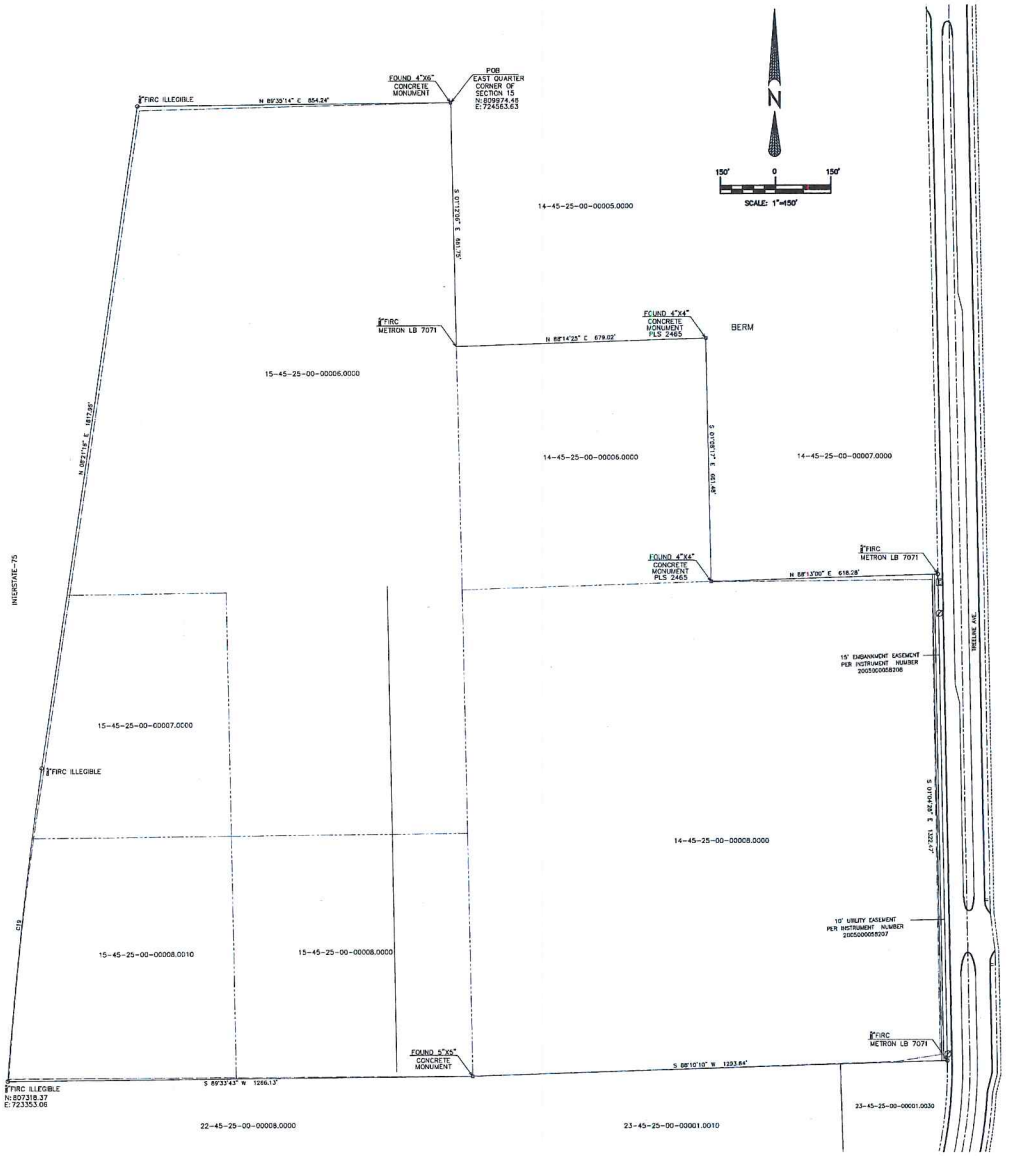
THIS MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK D. McCLEARY, P.S.M.
FLORIDA REGISTRATION NO 1567
FOR THE FIRM LB 4577
DATE SIGNED: 10/4/17



DCI 2018-00007

BOUNDARY SURVEY
OF A PARCEL LYING IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



DESCRIPTION:
14-45-25-00-00006.0000 (OFFICIAL RECORD 4212, PAGE 708)

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 25 EAST.

AND

14-45-25-00-00008.0000 (OFFICIAL RECORD BOOK 4164, PAGE 1508)

THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LESS THE EAST 60 FEET FOR THE ROAD RIGHT OF WAY, SITUATED IN LEE COUNTY, FLORIDA.

AND

15-45-25-00-00006.0000 (OFFICIAL RECORD BOOK 4212, PAGE 708)

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LESS AND EXCEPT A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15 AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN O.R. BOOK 1074, PAGE 748, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

15-45-25-00-00007.0000 (OFFICIAL RECORD BOOK 4562, PAGE 1378)

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA LYING EAST OF THE RIGHT OF WAY OF INTERSTATE 75.

AND

15-45-25-00-00008.0000
15-45-25-00-00008.0010 (OFFICIAL RECORD BOOK 4562, PAGE 1333)

THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LESS AND EXCEPT THAT PARCEL DESCRIBED IN THAT CERTAIN DEED DATED AUGUST 13, 1974, GIVEN BY VELMA CANNON MCDONALD TO THE STATE OF FLORIDA, FOR I-75 RECORDED IN O.R. BOOK 1050, PAGE 257, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DESCRIPTION (PER NOTE 9. BELOW)

A TRACT OR PARCEL OF LAND IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 15, WHICH IS THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED:
THENCE S 01°12'06" E A DISTANCE OF 661.75'
THENCE N 88°14'25" E A DISTANCE OF 679.02'
THENCE S 01°08'17" E A DISTANCE OF 661.48'
THENCE N 88°13'00" E A DISTANCE OF 618.28' TO THE WESTERLY RIGHT OF WAY LINE OF TREELINE AVENUE,
THENCE S 01°04'28" E ALONG SAID LINE A DISTANCE OF 1322.47'
THENCE LEAVING SAID LINE S 88°10'10" W A DISTANCE OF 1293.64'
THENCE S 89°33'43" W A DISTANCE OF 1266.13' TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75
THENCE ALONG SAID LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 856.47', WITH A DELTA OF 04°20'37", WITH A RADIUS OF 11297.16', WITH A CHORD BEARING OF N 06°10'57" E, WITH A CHORD LENGTH OF 856.26';
THENCE N 08°21'16" E A DISTANCE OF 1817.95'
THENCE N 89°35'14" E A DISTANCE OF 854.24' TO THE POINT OF BEGINNING, HAVING AN AREA OF 114.8 ACRES+/-

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C19	11297.16'	856.47'	856.26'	N 06°10'57" E	4°21'37"

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Applicant's Survey Checked by SM 10/15/18

LEGEND
- □ = FOUND PRM/PCP AS NOTED
- ● = SET IRON ROD AND CAP
- ○ = FOUND IRONR ROD AND CAP AS NOTED
- ▣ = FPL BOX
- Ø = WOOD POWER POLE
- ⊢ = GUY WIRE
- ⋈ = WATER VALVE
- ⊕ = FIRE HYDRANT
- ✡ = STREET LIGHT

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MARKER
PCP = PERMANENT CONTROL POINT

NOTES:
1. PREPARED AS A BOUNDARY SURVEY. DATE OF LAST FIELDWORK: 06-24-17
2. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN).
3. IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
4. MAP BASED ON SURVEY PREPARED BY METRON DATED MARCH 11, 2005
5. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
6. THIS PARCEL LIES IN ZONE "X", THIS INFORMATION WAS TAKEN FROM FEDERAL INSURANCE RATE MAP 12071C0445F, DATED AUG. 28, 2008.
7. DIMENSIONS OF IMPROVEMENTS SHOWN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
8. ALL ELEVATIONS ARE IN N.A.V.D. 88.

NOTES UPDATE:
9. THIS BOUNDARY SURVEY TIES TO THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE AND HAS BEEN UPDATE TO REFLECT TITLE CERTIFICATION REPORT ORDER NO. 6686871 BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED FROM 12/27/2012 THROUGH 03/19/2018.

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.
UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LAND SURVEYOR LISTED, THIS DRAWING IS NOT VALID AND IS FOR INFORMATIONAL PURPOSES ONLY.
MARK S. WALLACE, PSM
FLORIDA CERTIFICATE NO. 6247
DATE SIGNED: 6/24/17

REVISIONS | DATE

CERTIFIED TO:
LEE COUNTY
RJ HOLDINGS OF FORT MYERS LLC

AE SITE
AE Site, LLC
EB-30108 - LB-7985
6900 Daniels Parkway, Suite 29-130
Fort Myers, FL 33912

community engineering services, inc.
13650 Fiddlesticks Blvd., PMB202-389
Fort Myers, Florida 33912
Telephone: (239) 850-7777

PROJECT NO. TL 115
SCALE: 1"=150'
DRAWN BY: AM
CHECKED BY: MW
DATE: 10/17/2017
FIELD BOOK/PAGE:

ATTACHMENT F

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
BONITA SPRINGS Tampa Orlando Sarasota
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

Treeline 115 Mixed Use Planned Development – Schedule of Uses

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<u>Commercial Tract:</u>

Accessory uses and structures
Accessory apartment
Administrative offices
Agricultural uses, as limited by Conditions
Animals, clinic or kennel
ATM (Automatic Teller Machine)
Auto parts store
Automobile repair and service
Automobile service station
Bar or cocktail lounge subject to the provisions of LDC Section 34-1264.
Bed and breakfast
Business services, Group I
Car wash
Caretaker's residence
Cleaning and maintenance services
Clothing stores, general
Clubs:
- Fraternal, membership organization
- Private

Community gardens
Consumption on premises
Convenience food and beverage store
Cultural facilities
Day care center, child and adult
Drive-through facility for any permitted use
Drugstore, pharmacy
Dwelling units - A maximum of 275 single-family units or 487 multi-family units
- Single-family
- Two-family attached
- Townhouse
- Multiple-family building
- Zero lot line

Entrance gates and gatehouse
Essential services
Essential service facilities, Group I
Excavation – water detention and retention
Fences, walls
Food and beverage service, limited
Food stores, Group I

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Gift and souvenir shop
Hardware store
Healthcare facilities, Groups I-III
Hobby, toy and game shops
Home occupation
Insurance company
Lawn and garden supply store
Manufacturing of food and kindred products, Group II (brewery), in accordance to the provisions of LDC Section 34-1264.
Medical office – limited to a maximum of 25,000 square feet
Model homes, model display center
Nonstore retailers, Group I
Paint, glass and wallpaper stores
Parks, Groups I and II
Parking lot, accessory
Personal Services, Groups I and II (excluding massage parlors and steam or Turkish bath)
Pet services
Pet shops
Pharmacy
Post office
Real estate sales office
Recreation facilities, commercial
Recreational facilities, personal, private on-site, private off-site
Religious facilities
Rental or leasing establishments, Group I-III
Residential accessory uses
Restaurant, fast food
Restaurants, all groups
Schools, commercial and non-commercial
Self-service fuel pumps
Signs, in accordance with Chapter 30
Specialty retail shops, all groups
Storage, indoor and open
Studios
Supermarket
Temporary Uses
Transportation services, Groups II-III
Used merchandise stores, Group I
Variety Store
Vehicle and equipment dealers, Groups I-III

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OCT 05 2018
COMMUNITY DEVELOPMENT
DCI 2018-00007

<u>Residential Tract:</u>
Accessory uses, as defined by the LDC
Clubs, private
Community administrative office
Community gardens
Consumption on Premises in conjunction with recreational facilities
Dwelling units – Limited to 487 dwelling units in MPD:

- Live-work
- Single-family
- Two-family attached
- Townhouse
- Multiple-family building
- Zero lot line

Entrance gates and gatehouses
Essential services
Essential service facilities, Group I
Excavation – water detention and retention
Fences, walls
Home occupation
Models, model home, display center, sales center
Parking lot, accessory, temporary
Real estate sales office
Residential accessory uses and structures
Signs – in accordance with Chapter 30 and 33 of LDC
Temporary Uses

RECEIVED
OCT 05 2018
COMMUNITY DEVELOPMENT
DCI 2018-00007

ATTACHMENT G

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
BONITA SPRINGS Tampa Orlando Sarasota
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

Treeline 115 Mixed Use Planned Development
Schedule of Deviations & Justifications

Deviation (1) from LDC 10-416(d)(1), which requires a buffer area along the entire perimeter of the proposed development whenever the proposed development abuts a different use; to allow for no perimeter buffers where onsite preserve areas abut the MPD perimeter.

JUSTIFICATION: The requested deviation will allow for the northern and eastern limits of the MPD to retain their natural preserve views. The MCP and FLUCCS Map submitted within this application demonstrate permanent native preserve areas along portions of the MPD boundary. These preserve areas are expansive and significantly exceed the minimum buffer requirement. The existing vegetation consists native plants that exceed the minimum required number of trees per 100 linear feet set forth in LDC Section 10-416 (as clustered in existing conditions). Therefore, the proposed deviation will serve as an enhancement to the project, and to the surrounding community by maintaining the natural conditions along the roadway. The deviation will not negatively impact public health, safety or welfare. This deviation only applies to the northern and eastern boundaries of the MPD. All other perimeter buffers will meet or exceed the LDC standards.

Deviation (2) from LDC 10-296(k)(1), which requires that dead-end streets be closed at one end by a circular turnaround for vehicles; to allow for five (5) dead-end streets.

JUSTIFICATION: The requested deviation will allow for five (5) dead-end streets at the terminus of private, local streets as shown on the Master Concept Plan in order to efficiently utilize the property's developable area. The maximum length of the proposed dead-end street will not exceed 150 feet. The proposed design is in compliance with state and local fire safety standards. Therefore, the requested deviation will not negatively impact public health, safety or welfare and will provide for design flexibility within the parcel.

Deviation (3) from LDC 10-291(3), which requires residential developments over 5 acres to provide two (2) points of ingress/egress, to allow for one (1) point of access to Treeline Avenue and one (1) emergency only access to the north.

JUSTIFICATION: The requested deviation will allow for one (1) point of access to Treeline Avenue and one (1) emergency only access to the north via an extension of Matterhorn Road. By reducing the number of access points the development minimizes impacts to wetlands which are located along the northern and eastern Property boundaries. Furthermore, the Property does not have access to the west due to the location of I-75 and only has approximately 1,300 FT of frontage along Treeline Avenue which limits the internal development pattern. To ameliorate any concerns regarding emergency services to the Property the Applicant proposes an emergency only access through Matterhorn Road to the north. Therefore, the requested deviation will not negatively impact public health, safety or welfare and will provide for design flexibility within the parcel.

ATTACHMENT H

RESOLUTION NUMBER Z-81-110

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Terrell, and seconded by Zoning Board Member Bishop, and upon poll of the members present the vote was as follows:

Thomas C. Smith	AYE	Robert Terrell	AYE
Thad Taylor	AYE	Truman A. Morris	AYE
Chuck Ross	AYE	CLYDE BOWLES	AYE
Monty Bishop	AYE		

WHEREAS Dan Port, Ltd. has requested a change in zoning from AG to IL with a variance from the section and 1/4 section line setback.

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved with the stipulation the stipulation the recommendation of the administrative be complied with.

UPON APPEAL, the following resolution was offered by Commissioner _____, and seconded by Commissioner _____, and upon poll of the members present the vote was as follows:

Mike Roeder
Harry Rodda
Roland Q. Roberts
Wade H. Scaffe
Ernest Averill

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board ~~(No appeal filed)~~

PASSED AND ADOPTED THIS 23 DAY OF March, 1981 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS _____ DAY OF _____, 19___ by the Lee County Commissioner.

APPROVED AS TO FORM
By Thomas M. Brandstetter
OFFICE OF COUNTY ATTORNEY

LEGAL DESCRIPTION
DAN PORT, LTD.
81-3-32 (DCI)
Z-81-110

SUBJECT PROPERTY: SW 1/4 of the SW 1/4 of Sec. 14, Twp. 45 S, Rge. 25E, Lee County, Florida.

ATTACHMENT I

LEE COUNTY ORDINANCE NO. 83-5

AN ORDINANCE ESTABLISHING THE SIX MILE CYPRESS WATERSHED BASIN AS AN AREA OF COUNTY CONCERN; STATING THE PURPOSE OF THE ORDINANCE; REQUIRING A SPECIAL DEVELOPMENT PERMIT FOR ALL DEVELOPMENT IN THE AREA SUBJECT TO THE ORDINANCE; PROVIDING FOR DEFINITIONS: ESTABLISHING THE BOUNDARIES OF THE AREA SUBJECT TO THE ORDINANCE; PROVIDING FOR A NATURAL RESOURCES SYSTEMS MAP; ESTABLISHING OBJECTIVES FOR THE MAINTENANCE OF THE SIX MILE BASIN NATURAL WATER MANAGEMENT SYSTEM; ESTABLISHING A PROCEDURE AND REQUIREMENTS IN APPLYING FOR A SPECIAL DEVELOPMENT PERMIT PURSUANT TO THE ORDINANCE; ESTABLISHING DESIGN STANDARDS TO INSURE ATTAINMENT OF THE OBJECTIVES OF THE ORDINANCE; PROVIDING FOR VIOLATIONS AND ENFORCEMENT OF THE ORDINANCE PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, there is a specially designated area in Lee County identified as the Six Mile Cypress Strand which Lee County is seeking to protect in order to preserve the water resource and biological functions performed by this natural resource area; and

Whereas, those water resource and biological functions performed by the Six Mile Cypress Strand include the improvement of water quality through natural filtration, natural water storage for storm runoff and floodwaters, freshwater retention and aquifer recharge, freshwater stablization of the Estero Bay Estuary, marine food chain production, wildlife habitat, and scenic and recreational opportunities; and

Whereas, the ability of the Six Mile Cypress Strand to perform these vital functions is dependent upon the quality, quantity and timing of water that the Cypress Strand receives from its watershed area which is referred to as the Six Mile Cypress Watershed Basin; and

Whereas, the entire Six Mile Cypress Watershed Basin with its interconnected cypress ponds, grass flats, and other wetland areas constitutes a natural water management system which contributes to and performs the same water resource and biological functions, including freshwater retention and aquifer recharge for public water supply, as does the Six Mile Cypress Strand; and

Whereas, the protection and maintenance of the natural water management system and water quality and quantity (both surface and subsurface) which exists in the Six Mile Cypress Watershed Basin is vital to the health, safety, welfare and economic vitality of the present and future residents of Lee County; and

Whereas, there is the potential for public harm caused by degradation and deterioration of water and other natural re sources within the Six Mile Cypress Watershed Basin if development in this area is not adequately monitored and controlled.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION I: PURPOSE

In order to protect, enhance and preserve the public and private resources of the Six Mile Cypress Watershed Basin it is necessary and appropriate to identify this area as an area of critical County concern and create a system of land management and development regulation. With proper control of the development within the Watershed Basin, both economic utilization and resource conservation can be accomplished. This ordinance is intended to protect the natural resources of the area and the public health, safety and welfare by requiring that a special development permit be obtained, in accordance with the provisions herein, for all development within the boundaries of this area of critical County concern.

SECTION II: DEFINITIONS

For purposes of the ordinance, the following words and phrases shall have the following meanings:

A. "Developer" means any individual,firm, association, syndicate, partnership, corporation, trust or any other legal entity undertaking or seeking to undertake the development of real property.

B. "Development" means any improvement to land with the exception of the construction and maintenance of fences for livestock grazing.

C. "Director" means the Director of the Division of Community Development or his or her designee.

D. "Flow-way" means a shallow surface water conveyance system resulting from topographical features, which during periods of surface water inundation moves water to a point of discharge. Flow-ways may take various forms such as, but not limited to, natural cypress sloughs and wet prairies, or shallow human created swales.

E. "Land" means the earth, water and air above, below or on the surface.

F. "Owner" means the person with legal and/or equitable title to the land.

G. "Parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established which is designated by its owner or developer as land to be used as a unit.

H. "Person" means any and all persons, including but not limited to an individual, firm, association, organization, partnership, business trust, trust, corporation or company.

I. "Six Mile Cypress Basin Development Review Board" - The Board of County Commissioners shall appoint 5 persons who are residents of Lee County as members of the Six Mile Cypress Basin Development Review Board. This Review Board shall be incorporated into the Staff Review Committee and shall be included as part of the review process under the Lee County Development Standards Regulations. Each member shall serve for two (2) years or until his or her successor is appointed and must be qualified by either training or experience to render judgment regarding the ecological, biological, hydrological and/or geohydrological function of the Six Mile Cypress Strand and Watershed Basin. A member shall be eligible for reappointment. All potential candidates for appointment to the Six Mile Cypress Basin Development Review Board who have in the past or may have in the future a private or professional interest in a development which is subject to review under this ordinance shall, prior to appointment, disclose the nature of his or her interest as matter of public record in a memorandum filed with the Lee County Board of County Commissioners. Any member of the Six Mile Cypress Basin Development Review Board who, subsequent to their appointment, acquires a private or professional interest in a development subject to review herein, shall also disclose his or her interest as a matter of public record in a memorandum filed with the Lee County Board of County Commissioners.

J. "S. T. Lands" - Special treatment lands which constitute a part of the natural water management system of the Six Mile Cypress Watershed Basin, the approximate boundaries of which are shown on the Natural Resources Map. The boundaries of the S. T. Lands may be subject to modification pending specific information presented by the applicant.

SECTION III: BOUNDARIES

The lands subject to this ordinance are as shown on EXHIBIT A attached hereto and made a part hereof.

SECTION IV: NATURAL RESOURCES SYSTEMS MAP

The Lee County Board of County Commissioners hereby adopts the Natural Resources Map dated the 23rd day of February, 1982. This map, a copy of which is on file with the Division of Community Development and the Clerk of the Board of County Commissioners, delineates those areas designated as and presumed to be the S. T. Lands and Flow-ways within the Basin which are incompatible for development. The boundaries of the S. T. Lands and the location of Flow-ways as designated may be subject to modification pending specific information presented by the applicant.

SECTION V: OBJECTIVES FOR THE MAINTENANCE OF THE SIX MILE BASIN NATURAL WATER MANAGEMENT SYSTEM

Lee County, in fulfilling its intent to protect, enhance and preserve the public and private resources of the Basin, establishes the following standards and objectives to be used in deciding whether to grant a special development permit:

A. To maintain in their natural state the S. T. Lands, the precise boundaries of which are determined by County staff in consultation with the landowner or applicant, and to perpetuate, recreate or restore the flow-ways.

B. To prohibit the permanent lowering of the groundwater table within the Six Mile Cypress Watershed Basin as a whole.

C. To prohibit the further channelization of drainage anywhere in the Six Mile Cypress Watershed Basin except for the restoration of flow-ways.

D. To require that all development within the Six Mile Cypress Watershed Basin be designed so as to maintain the predevelopment volume, general direction, distribution and hydroperiod of surface water.

E. To require that all development within the Six Mile Watershed Basin be accomplished through development plans which encourage the clustering of structures, impervious surfaces and utilities in order to enhance groundwater/aquifer recharge values and native vegetation.

F. To prohibit the location of land uses within the Six Mile Cypress Watershed Basin which would have measurable adverse effects on ground water.

A Special Development Permit shall be issued only if the staff review committee, as defined in the Lee County Development Standards Regulations (Division B), finds that the development complies with standards and objectives set forth herein.

SECTION VI: PROCEDURE AND REQUIREMENTS IN APPLYING FOR A SPECIAL DEVELOPMENT PERMIT PURSUANT TO THIS ORDINANCE

If a development is proposed within the boudaries of the Six Mile Watershed Basin, the following requirements shall be met:

A. Procedure

1. Prior to filing an application for a Special Development Permit, the applicant may request and hold a pre-application conference with the Director and the County Staff to review the proposed project and any special county or developer concerns. The pre-application conference should include a determination of the boundaries of the S. T. Lands and flow-ways for the proposed project.

2. The remaining procedure for obtaining a Special Development Permit, along with the Permit Application Requirements outlined herein, shall be incorporated within the General Procedure to Obtain a Development Order as required in the Lee County Development Standards Regulations (Division B). If there is any conflict between Division B, Lee County Development Standards Ordinance and this ordinance, the most restrictive shall apply.

B. Permit Requirements

The following information shall be submitted with all applications for a Special Development Permit, provided however that these requirements are not intended to require a duplication of any information submitted with an application for a Development Order pursuant to the Lee County Development Standards Ordinance.

1. General Project Description.

a. The title of the proposed development.

b. The name, addresses and telephone numbers of all owners, the planners, architects, engineers, environmental consultants, surveyors, the developer and all other consultants involved in the application.

c. Zoning classifications within the development.

d. Total acreage of development area and the percentage proposed to be devoted to the various uses, total ground coverage by structures and total ground coverage by impervious surfaces.

2. A legal description of the site and a map showing the location of the site.

3. A map showing existing conditions on the site including existing water management facilities, areas of vegetation, wetlands, and their interface with adjacent systems, impervious surfaces and dimensions and elevations of all structures located on the site.

4. A map showing the proposed alterations of the site including proposed excavations, dredging, grading, filling, or clearing.

5. A detailed description of the existing environmental and hydrologic conditions on the site, including:

a. Topography mapped to one foot contour intervals with elevations referenced to mean sea level datum (NGVD).

b. Soils and vegetation maps.

c. A description of surface and subsurface water quality information.

6. A detailed description of proposed alterations of existing conditions to include:

a. Changes in topography by grading, filling or excavating.

b. Areas where vegetation will be cleared.

c. Areas where impervious surfaces will be constructed.

7. A description of the proposed water management system and any measure for the detention, retention, or infiltration of water and the maintenance of water quality to include:

a. the distribution of surface water inflow from and outflow to off-site areas along with the direction, rate of flow, volume and quality of inflow and outflow with a comparison to pre-development conditions. This information should be shown as a monthly average and figures should be provided for each month of the year.

b. Detention and retention areas including plans for the discharge of contained waters, maintenance plans and predictions of water quality in those areas.

8. A detailed description of the effects on hydraulic and hydrogeological conditions and natural resources to include changes in ground water levels, ground water recharge, ground water and surface water quality and impacts on wetlands and vegetation.

9. A landscape plan showing native vegetation and control of exotic vegetation to include:

a. Identification of the dominant species and other unusual or unique features of the vegetation associations delineated on the landscaped plan and specify their ecological function, health and conditions.

b. Location of any rare, threatened or endangered plants found on the site, and what measures will be taken to protect these species.

10. A description of the wildlife which nest, feed, reside, or migrate to the site and what measures will be taken to protect this wildlife and their habitat. If any wildlife listed

is considered a rare, threatened or endangered species (according to Chapter 39-27, Florida Administrative Code) then provide a detailed statement of what steps will be taken to protect them in their breeding, nesting and feeding areas.

If the staff review committee determines that the application for a Special Development Permit is insufficient to provide assurance that the development will not interfere with achieving the standards and objectives set forth in this Ordinance, then the permit application shall be rejected and the applicant given a list of changes required to make the application acceptable.

SECTION VII: DESIGN STANDARDS

To insure attainment of the objectives of this ordinance, any proposed development within the Six Mile Cypress Watershed Basin shall be consistent with the following standards:

A. The area of land disturbed by development shall be minimized. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.

B. Vegetated buffer strips shall be created or retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland run-off, provide access to the water body and allow for periodic flooding without damage to buildings, roads or other structures.

C. Drainage facilities and vegetated buffer areas shall be used as open space, or recreation and conservation areas.

D. Although the use of wetlands for storing and purifying water is encouraged, care shall be taken not to overload their capacity thereby harming the wetland transitional vegetation. Wetlands shall not be damaged or replaced by the construction of detention ponds.

E. Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to stablize soil and revegetate the area.

F. S. T. lands, the boundaries of which may be subject to modification pending specific information presented by the applicant, shall not be cleared or changed in any way except for approved plans which enhance the appreciation of such lands such as elevated nature boardwalks and canoe trails.

G. Wetlands and other natural water bodies shall not be used as sediment traps during development.

H. Erosion and sedimentation facilities shall be maintained so as to insure they continue to function properly at all times.

SECTION VIII: VIOLATIONS AND ENFORCEMENT

A. It is a violation of this ordinance to commence any development without first obtaining development approval.

B. Written Notice of Violation - The County shall issue a written notice of violation to the owner of the property. The notice shall contain:

1. The name and address of the owner.

2. A statement specifying the nature of the violation.

3. A description of the remedial action necessary to bring the development activity into compliance and a time schedule for completion of such remedial action.

4. A notice of the violation shall be served upon the person or persons to whom it is directed either personally, in the manner provided for personal service of notice by the Court of local jurisdiction, or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested to such person or persons at his or her last known address.

C. Civil Enforcement - The Board or any person with standing may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of these Regulations, including injunctive relief to enjoin and restrain any person from violating these Regulations.

D. Criminal Enforcement - Violation of the provisions of this regulation or failure to comply with any of its requirements

shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements herein shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not more than Five Hundred Dollars ($500.00) or imprisoned for not more than sixty (60) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

E. Restoration - Any violator may be required to restore land to its undisturbed condition. In the event restoration is not undertaken within a reasonable time after notice, Lee County may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

SECTION IX: SEVERABILITY

Each separate provision of this ordinance is deemed independent of all other provisions, so that if any section, sentence, clause, phrase or work of this ordiance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such section, sentence, clause, phrase or work shall be deemed a separate, distinct, independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION X: EFFECTIVE DATE

This ordinance shall take effect immediately upon action from the Secretary of State that the ordinance has been duly filed.

DULY PASSED AND ADOPTED THIS 23rd day of February, 1983.

BOARD OF COUNTY COMMISSIONER
OF LEE COUNTY, FLORIDA

BY: Ernest Cowell
Chairman

ATTEST:
SAL GERACI, CLERK

BY: Lois Kurtz
Deputy Clerk

APPROVED AS TO FORM

By Marilyn Miller
OFFICE OF COUNTY ATTORNEY

(121-K)

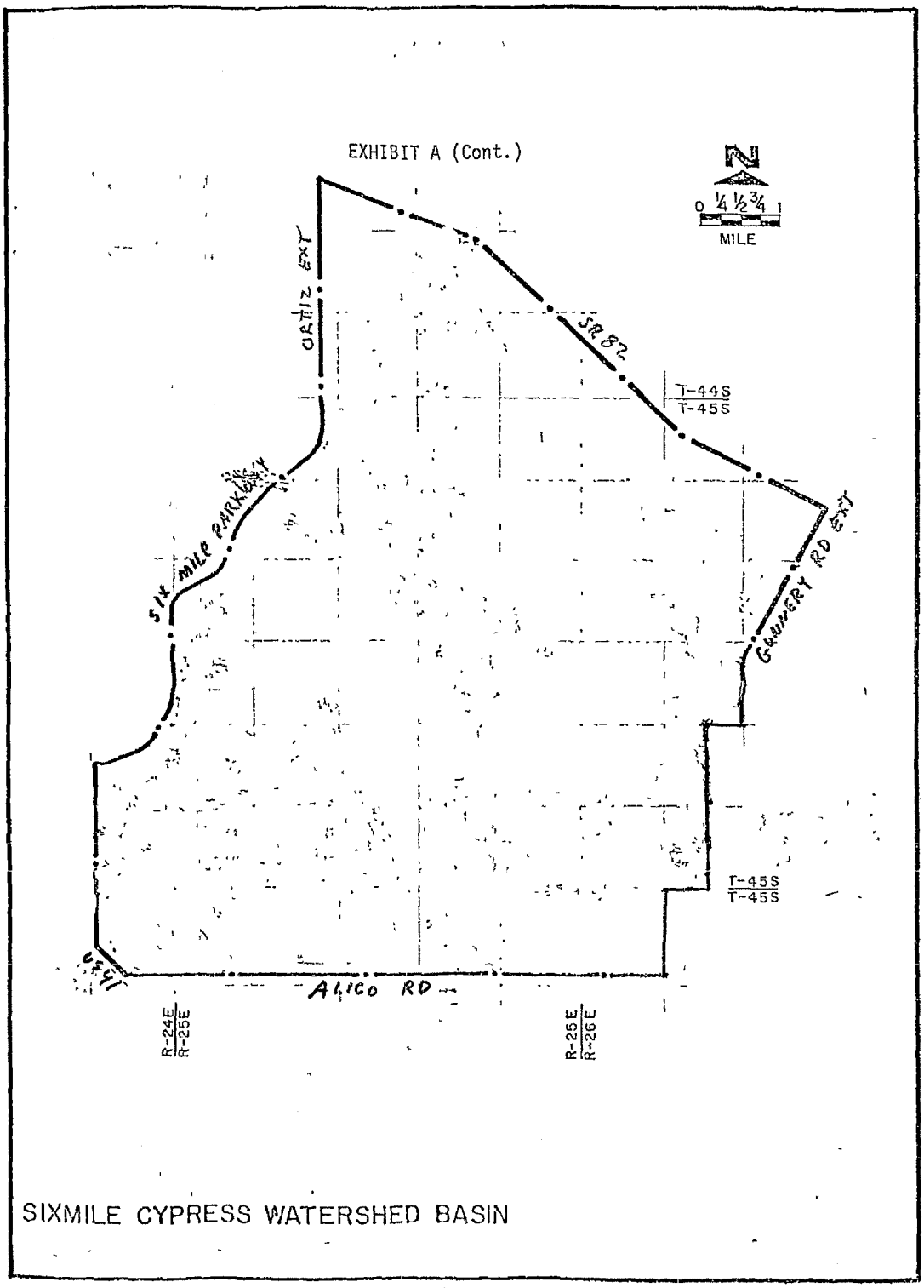
EXHIBIT A

SIX MILE CYPRESS WATERSHED BASIN

A tract of land situated in Township 44 South, Range 25 East; Township 44 South, Range 26 East; Township 45 South, Range 25 East; Township 45 South, Range 26 East; Township 46 South, Range 25 East and Township 46 South, Range 26 East, Lee County, Florida. Said tract more particularly described as follows:

Beginning at the intersection of Alico Road and State Road 45 (U.S. 41) thence Northwesterly along centerline of said State Road 45 to point of intersection with West line of Section 6, Township 46 South, Range 25 East; thence North along said West line of Section 6 and North along West line of Sections 31 and 30, Township 45 South, Range 25 East to point of intersection with the centerline of Six Mile Parkway (also known as Loop Road); tence Easterly and Northeasterly along the centerline of said Six Mile Parkway to point of intersection with the centerline of Colonial Blvd. and the centerline of Ortiz Avenue; thence North along the centerline of Ortiz Avenue to point of intersection with the centerline of State Road 82 (Immokalee Road); thence Southeasterly along the centerline of State Road 82 to the point of intersection with the centerline of Gunnery Road; thence Southerly and Southwesterly along the centerline of Gunnery Road Extension and Southwesterly along a Southwesterly prolongation of the centerline of Gunnery Road Extension to the point of intersection with the West line of Section 21, Township 45 South, Range 25 East; thence South along said West line to Southwest corner of said Section 21; thence West along the South line of the Southeast quarter of Section 20; thence South along the North-South quarter lines of Sections 29 and 32 to the South line of said Section 32; thence West along the South line of the Southwest quarter of Section 32 to the Southwest corner said section; thence South along the West line of Sections 5 and 8, Township 46 South, Range 26 East to point of intersection with the centerline of Alico Road; thence Westerly along the centerline of Alico Road to point of intersection with the centerline of State Road 45 and the Point of Beginning.

EXHIBIT A (Cont.)



SIXMILE CYPRESS WATERSHED BASIN

ATTACHMENT J

LEE COUNTY ORDINANCE NO. 18-23
115 Treeline
(CPA2017-00009)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO 115 TREELINE (CPA2017-00009) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on May 21, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 8, 2018. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to 115 Treeline (CPA2017-00009) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 8, 2018 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 17, 2018, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "115 Treeline Ordinance (CPA2017-00009)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Future Land Use Map from Tradeport and Wetlands to Urban Community and Wetlands on 115± acres located west of Treeline Avenue and south of Bavaria Road, known as 115 Treeline (CPA2017-00009.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Absent

DONE AND ADOPTED this 17th day of October 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Cecil Pendergrass, Chair

BOARD OF COUNTY COMMISSIONERS
SEAL
LEE COUNTY, FLORIDA

DATE: 10/17/2018

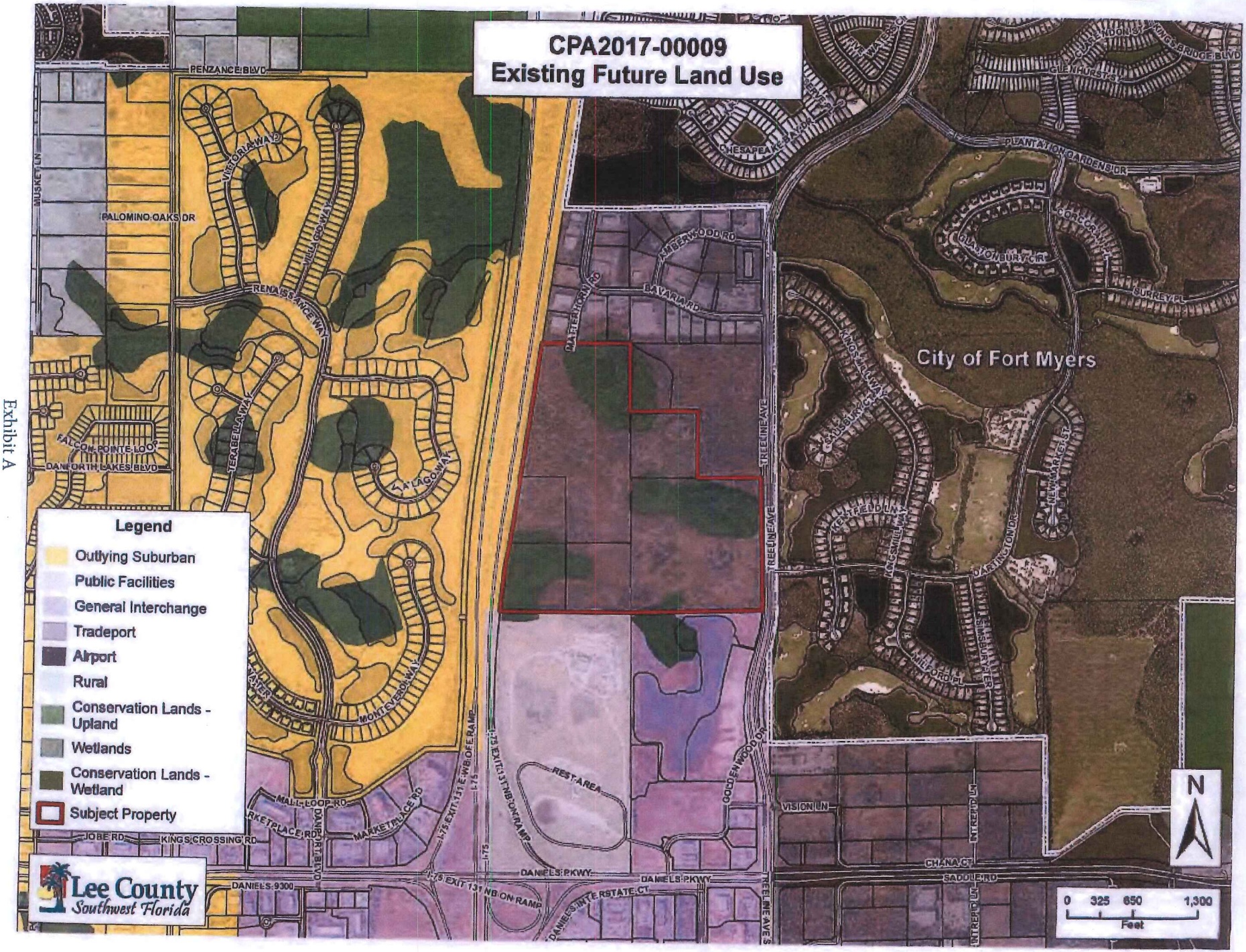
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

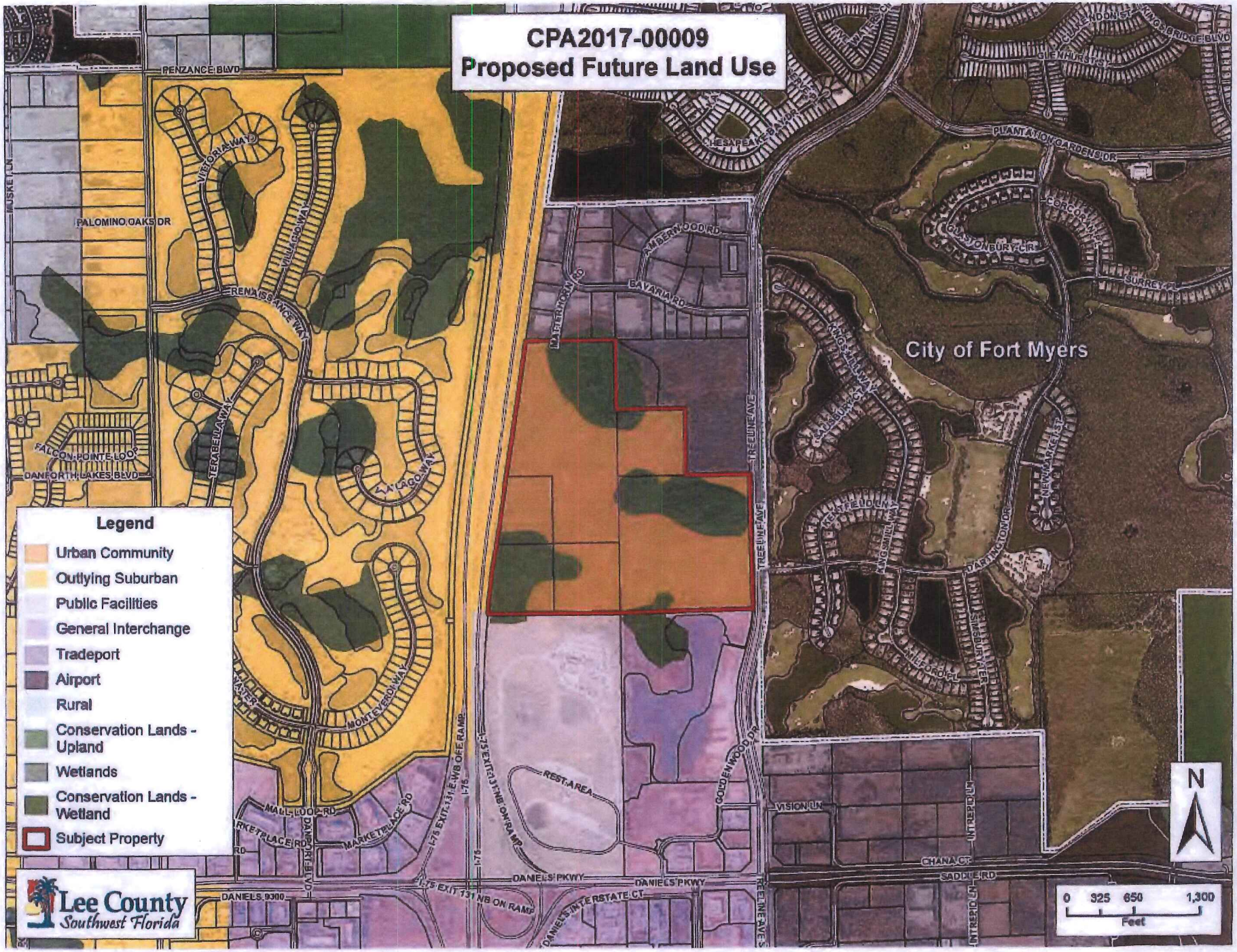
_____
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map (Adopted by BOCC October 17, 2018)
Existing Future Land Use Map
Proposed Future Land Use Map

EXHIBIT A

Exhibit A


CPA2017-00009
Existing Future Land Use
City of Fort Myers
Legend
Outlying Suburban
Public Facilities
General Interchange
Tradeport
Airport
Rural
Conservation Lands - Upland
Wetlands
Conservation Lands - Wetland
Subject Property
Lee County
Southwest Florida
N
0 325 650 1,300
Feet
PENZANCE BLVD
PALOMINO OAKS DR
RENAISSANCE WAY
FALCON POINTE LOOP
DANFORTH LAKES BLVD
LA LAGO WAY
MONTEVERDE WAY
MARKETPLACE RD
MALL LOOP RD
DANFORTH BLVD
JOBE RD
KINGS CROSSING RD
DANIELS 9300
I-75 EXIT 131 SB OFF RAMP
I-75 EXIT 131 NB ON RAMP
REST AREA
DANIELS PKWY
DANIELS INTERSTATE CT
AMBERWOOD RD
BAVARIA RD
TREELINE AVE
PLANTATION GARDENS DR
SURREY PL
KENTFIELD LN
ARLINGTON DR
NEWMARKET ST
VISION LN
CHANA CT
SADDLE RD
INTREPID LN


CPA2017-00009
Proposed Future Land Use
City of Fort Myers
Legend
Urban Community
Outlying Suburban
Public Facilities
General Interchange
Tradeport
Airport
Rural
Conservation Lands - Upland
Wetlands
Conservation Lands - Wetland
Subject Property
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RENAISSANCE BLVD
PALOMINO OAKS DR
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BAVARIA RD
TREELINE AVE
PLANTATION GARDENS DR
SURREY PL
DANFORTH LAKES BLVD
FALCON POINTE LOOP
MONTEVERDI WAY
MALL LOOP RD
MARKETPLACE RD
DANIELS PKWY
DANIELS 9300
DANIELS INTERSTATE CT
REST AREA
I-75 EXIT 131 NB ON RAMP
I-75 EXIT 131 EB OFF RAMP
GOLDENWOOD DR
VISION LN
INTREPID LN
CHANA CT
SADDLE RD
RENTAL WAY

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee **COUNTY ORDINANCE #:** 18-23

(e.g.,93-001)

PRIMARY KEYFIELD DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD DESCRIPTOR: Planning

OTHER KEYFIELD DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: 115 Treeline

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 **AMENDMENT #2:** _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; **REPEAL #3:** _____

REPEAL #2: _____ ; **REPEAL #4:** _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): **COUNTY CODE NUMBER:** _____

KEYFIELD 1 CODE: _____ **KEYFIELD 2 CODE:** _____

KEYFIELD 3 CODE: _____

Rev. 09/11/02
CODING

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 18, 2018

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Joyce Townsend

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-23, which was filed in this office on October 18, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
By Joyce Townsend at 1:04 pm, Oct 18, 2018

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270
www.dos.state.fl.us

ATTACHMENT K

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

September 25, 2017 Via E-Mail

Cindy Brizuela
Waldrop Engineering
28100 Bonita Grande Dr., Suite 305
Bonita Springs, FL 34135

RE: Potable Water and Wastewater Availability
Treeline 115, 12850 Treeline Avenue
STRAP #s: 15-45-25-00-00006.0000, 14-45-25-00-00006.0000, 14-45-25-00-00008.0000, 15-45-25-00-00008.0000, 15-45-25-00-00008.0010, and 15-45-25-00-00007.0000

Dear Ms. Brizuela:

The subject parcels are located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the parcels mentioned above on Treeline Avenue. Wastewater lines are in operation along Daniels and Treeline south of Daniels, please schedule a pre-design meeting. However, in order to provide service to them, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 487 single family residential units with an estimated flow demand of approximately 125,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and wastewater service as estimated above.

Availability of potable water and wastewater service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through the Corkscrew Water Treatment Plant.

Wastewater service will be provided by the Gateway Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site and therefore, Lee County does not have the capability of providing service at this time.

ATTACHMENT L

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
BONITA SPRINGS Tampa Orlando Sarasota
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

Treeline 115 Mixed Use Planned Development
Surface Water Management Plan

The subject property is surrounded by development. Treeline Avenue is located directly east of the subject property, effectively blocking all flow from the east toward the subject property. All stormwater from the east is directed around the subject property. A commercial/industrial subdivision is located to the north. All stormwater from this subdivision is direct to an internal lake system which discharges to the north, away from the subject property. The FDOT rest area and office building located to the southwest discharges east to the I-75 right of way. Commercial subdivision located to the southeast discharged into a wetland that flow north toward the subject property. Flows from this development will be directed around the subject property to I-75.

Stormwater runoff from the subject property generally flows from east to west toward I-75. Water is directed under I-75 through a 6' x 4' box culvert located near the southwest corner of the subject property.

Onsite stormwater runoff will be conveyed to stormwater ponds where it will be treated and attenuated prior to discharging offsite. The peak discharge rate will be limited to 37 csm, the basin allowable discharge rate. Stormwater treatment will be provided in accordance with SFWMD requirements.

ATTACHMENT M

Lee County
Southwest Florida

Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: **January 15, 2019**

To: **Dirk Danley, Jr, Senior Planner**

From: **Beth Workman, Environmental Planner**
239.533.8793
EWorkman@leegov.com

Subject: **Treeline 115**
DCI2018-00007

The applicant has requested to rezone approximately 115 acres currently zoned Agricultural (AG-2) and Light Industrial (IL to Mixed Use Planned Development (MPD). The following is the environmental zoning review for approval with conditions:

FLUCCS
The applicant submitted an updated FLUCCS map and supporting Environmental Assessment to the Lee County Zoning section on January 10, 2019. The documents depicted Cypress Hammocks (FLUCCS 621) and Hydric Palmetto Prairie (FLUCCS 321) on the site. These areas are proposed to be preserve areas to meet the indigenous open space requirement as well as State and Federal permit compliance. The site also has existing Pine Flatwood (FLUCCS 411) that has been highly degraded by the past agricultural uses on the property.

County staff verified the FLUCCS on the site December 20, 2018 which prompted revisions to the environmental documents. The Cypress Hammocks in the northwest and the eastern portion of the property are proposed to be preserved. These areas contain less than 25% exotic vegetation and meet the indigenous open space definition in Land Development Code Section 10-1. The Pine Flatwoods (FLUCCS 411) are struggling to recover from the past agricultural use on the site. Invasive exotics have migrated into the disturbed areas and do not meet the indigenous open space definition.

PROTECTED SPECIES
The documentation provided by the applicant indicated that no protected species were located on site. Staff concurs that no protected species are on the site per the site inspection on December 20, 2018.

OPEN SPACE
The request is to rezone to an MPD. Per LDC Section 10-415, large commercial developments must provide 30% of the total commercial area as open space with half of the requirement being met by indigenous areas on the site. Large residential developments not meeting the minimum lot size requirements per LDC Section 10-415

must provide 40% open space with half of the open space being met through onsite indigenous preservation. The applicant has designed the site so that the indigenous open space will be under unified control. The Master Concept Plan stamped received on November 16, 2018 states that the indigenous open space is half of the overall open space being provided to meet the LDC Section 10-415. The commercial portion is required to provide 3 acres of open space (30% of 10 acres) and the residential portion is required to provide 42 acres of open space (40% of 105 acres). Therefore the 22.5 acres of indigenous will be provided under common ownership and must be completed as part of the first development order.

Environmental Sciences zoning staff provide the following conditions for approval:

Prior to the issuance of the first development order, the following must be provided:

- *The plans must depict 22.5 acres of indigenous open space; and*
- *an indigenous management plan with five year monitoring post issuance of first Certificate of Compliance; and*
- *if the first development order includes the commercial component, the plans must depict 30% open space; and*
- *if the first development order includes the residential component, the plans must depict 40% open space.*

BUFFERS

Per the Lee Plan Goal 4 and subsequent Objectives and Policies, general development standards must include creative site designs and a balancing of the development in order to protect the natural resources and provide buffering to protect the public health, safety and welfare. More specifically, Lee Plan Goals 5 (residential land uses) and Goal 6 (commercial land uses) and the subsequent Objectives and Policies encourage open space, buffering, and landscaping. The applicant has depicted on the master concept plan the code required buffers per LDC Section 10-416 (d). The only area the applicant is requesting to deviate from the code is the areas where the indigenous preserve areas abut the property line. In this instance, the preserve will provide the screening to meet the LDC.

Environmental Sciences zoning staff provide the following condition for approval of Deviation #1:

The development order landscape plans must demonstrate that the indigenous preserve meets the LDC Section 10-416 (d) for buffering abutting properties.

ATTACHMENT N

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

August 20, 2018

Alexis V. Crespo, AICP
Waldrop Engineering, P.A.
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

RE: Treeline 115 MPD
DCI2018-00007

Dear Ms. Crespo:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the proposed rezoning for a 115 acre property located on the west side of Treeline Avenue just north of Daniels Parkway in Lee County, Florida. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

1) The site design parameters that are stated in the TIS do not appear to correspond to the parameters that are stated and/or depicted in the non-TIS submittals. The TIS appears to describe limitations on the number of single family dwelling units and medical office gross floor area, whereas other submittals (including the application and narrative) do not. Please review and revise the TIS (or other submittals) accordingly.

Other non-TIS submittals have been revised to match the design parameters that were used in the previously submitted TIS.

2) -The TIS does not appear to identify and use the correct existing traffic volume on at least one link in the analysis. See Treeline Avenue. Please review and revise the TIS accordingly.

-The TIS does not appear to provide the raw unadjusted turning movement counts at the site access to Treeline Avenue, including westbound Dartington Drive trips. Please review and revise the TIS accordingly.

Attached to this response are the updated Table 2A and Figure 3 which have been revised based on the correct existing traffic volume on Treeline Avenue.

A raw PM peak hour traffic count was conducted at the intersection of Treeline Avenue and Dartington Drive on August 15 of 2018. The traffic count movements were then adjusted by the peak season factor and grown to the projected build-out year. The project

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DCI 2018-00007

traffic from the attached Figure 2 was then added to the intersection. The intersection analysis was then completed utilizing ***SYNCHRO®***. The results of the intersection analysis and the peak season factor utilized are attached to this response. Also attached is the *Development of Future Year Background Turning Volumes* table.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Yury Bykau, E.I.
Transportation Consultant

Attachments

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TABLE 1A & 2A

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TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
TREELINE 115 - REZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 408 VPH IN= 211 OUT= 197

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 472 VPH IN= 235 OUT= 237

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Daniels Pkwy	E. of Palomino Ln.	6LD	0	400	2840	2940	2940	25%	59	2.1%
	E. of I-75	6LD	0	400	2840	2940	2940	40%	95	3.3%
	E. of Treeline Ave.	6LD	0	400	2840	2940	2940	20%	47	1.7%
Treeline Ave.	N. of Site	4LD	0	250	1,840	1,960	1,960	25%	59	3.2%
	N. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	75%	178	9.7%
	S. of Daniels Pwky	4LD	0	250	1,840	1,960	1,960	15%	36	1.9%

* The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
TREELINE 115 - REZONING

TOTAL PROJECT TRAFFIC AM = 408 VPH IN = 211 OUT= 197

TOTAL PROJECT TRAFFIC PM = 472 VPH IN= 235 OUT= 237

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	LATEST ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2016 PK HR PK SEASON PEAK DIR.[2]	2023 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2023 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2023 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Daniels Pkwy	E. of Palomino Ln.	264	52,000	52,400	8	2.00%	3,060	3,515	F	1.20	25%	53	59	3,568	F	1.21	3,574	F	1.22
	E. of I-75	52	48,000	52,600	8	2.00%	2,656	3,051	F	1.04	40%	84	95	3,135	F	1.07	3,146	F	1.07
	E. of Treeline Ave.	52	48,000	52,600	8	2.00%	2,656	3,051	F	1.04	20%	42	47	3,093	F	1.05	3,098	F	1.05
Treeline Ave.	N. of Site	62	6,900	11,800	8	6.94%	754	1,206	C	0.62	25%	53	59	1,259	C	0.64	1,265	C	0.65
	N. of Daniels Pkwy	62	6,900	11,800	8	6.94%	754	1,206	C	0.62	75%	158	178	1,364	C	0.70	1,384	C	0.71
	S. of Daniels Pwky	61	25,100	23,800	8	2.00%	1,455	1,671	C	0.85	15%	32	36	1,703	C	0.87	1,707	C	0.87

1 Annual Growth Rate was calculated utilizing AADT data from 2017 Lee County Traffic Count Report.

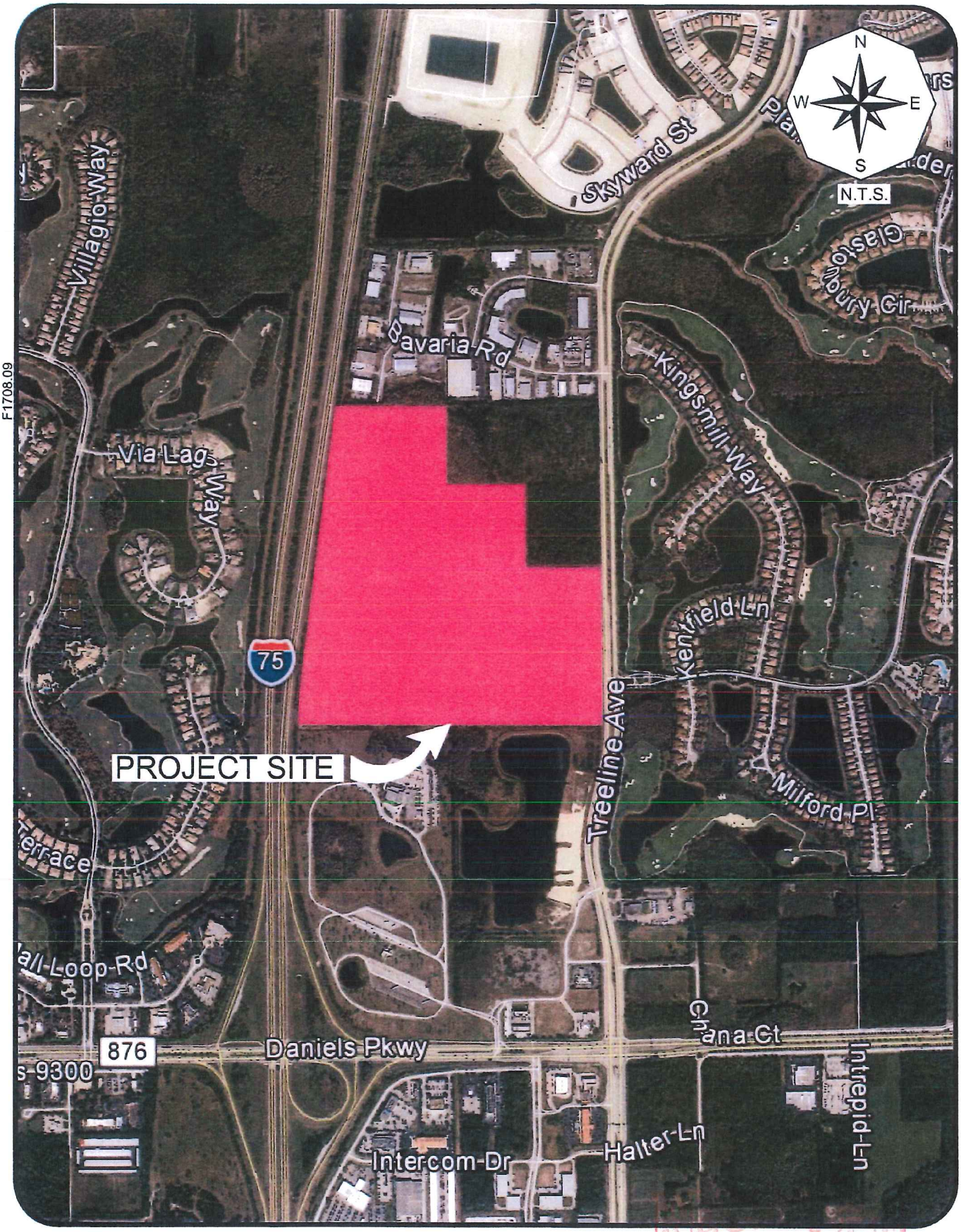
2 2016 peak hour peak season peak direction traffic volumes were obtained from the 2017 Public Facilities Level of Service and Concurrency Report.

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FIGURES 1, 2 & 3

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F1708.09

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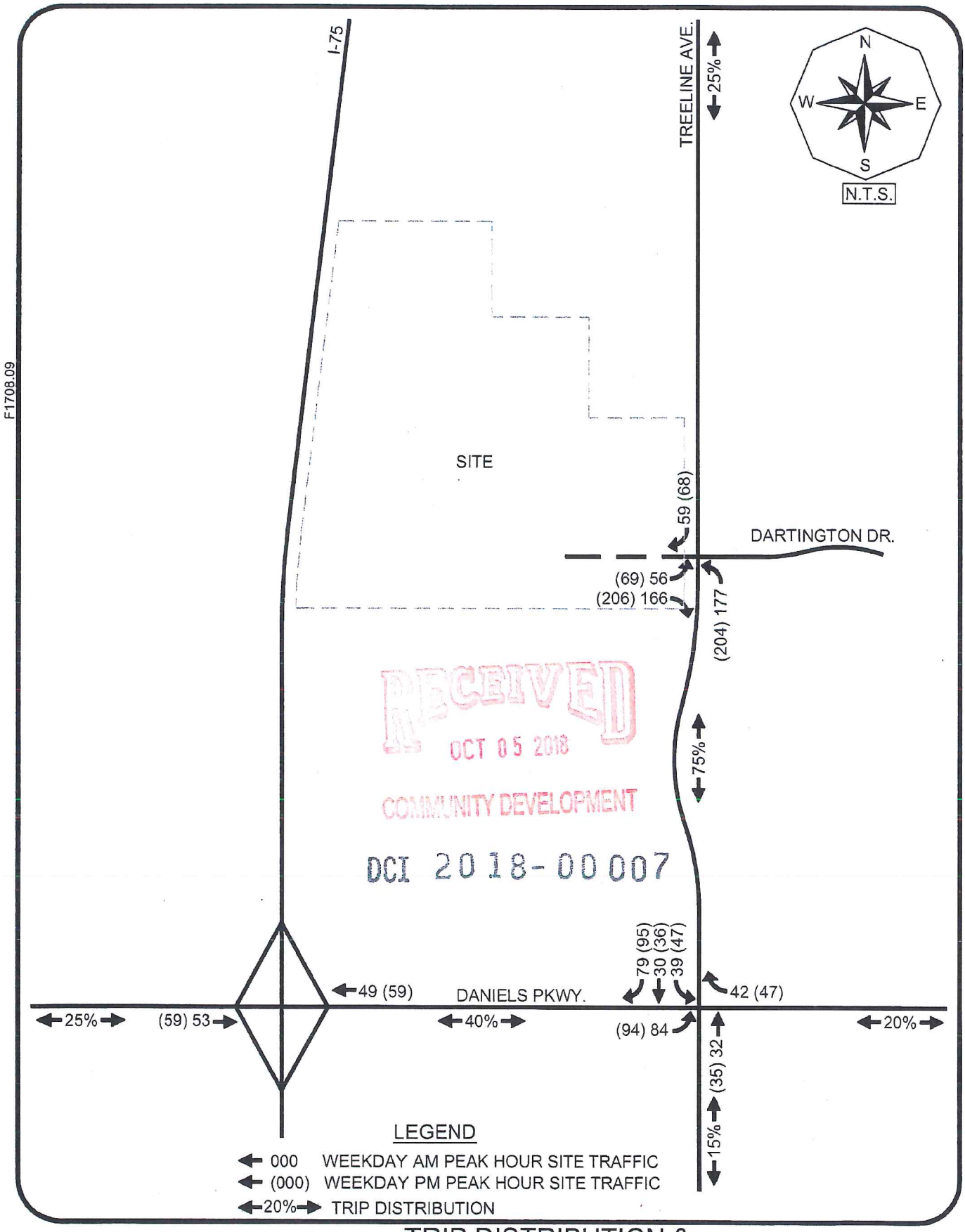
PROJECT LOCATION MAP
TREELINE 115 MPD

Figure 1

DCI 2018-00007

OCT 05 2018

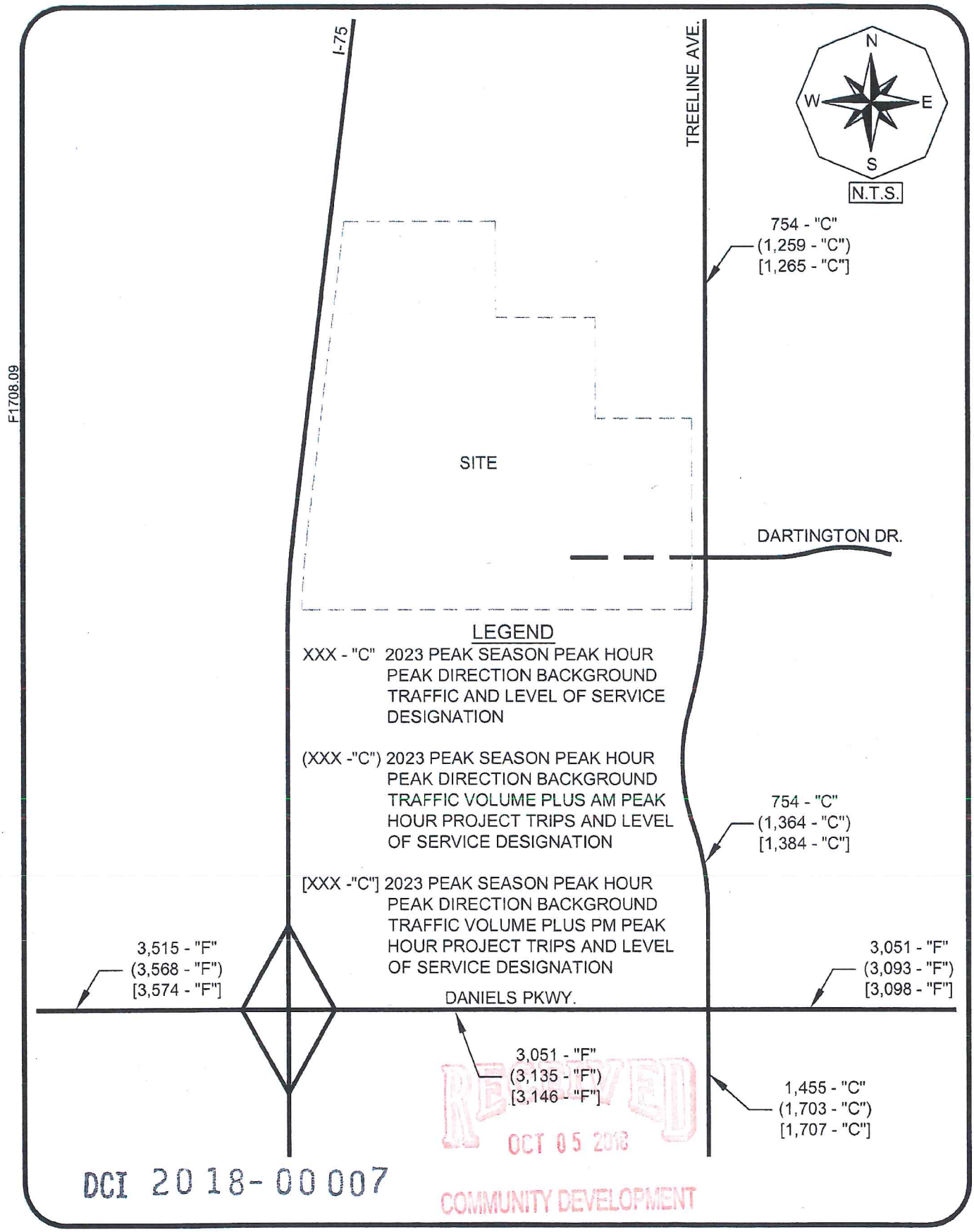
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TR TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT TREELINE 115 MPD

Figure 2



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TR TRANSPORTATION CONSULTANTS, INC

PROJECTED 2023 LEVEL OF SERVICE ANALYSIS
TREELINE 115 MPD

Figure 3

TRAFFIC DATA FROM THE 2017 LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2016		2021		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	NOTES
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,315	D	1,382	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,101	D	2,208	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,291	D	2,408	
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,381	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,060	F	3,216	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	2,656	B	2,791	
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,928	B	2,108	SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	380	F	878	old count, Crane Landing
GLADIOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	634	C	666	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,233	C	1,337	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,233	C	1,296	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,233	C	1,296	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,026	C	2,171	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	1,017	B	1,086	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	1,017	B	1,086	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	763	C	896	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,397	B	1,468	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,382	B	1,452	
	MOODY RD	US 41	4LD	E	1,880	B	1,382	B	1,452	
HOMESTEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	506	E	532	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	506	E	532	
	SUNRISE BLVD	LEELAND HEIGHTS	4LN	E	2,960	D	1,239	D	1,302	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,239	D	1,302	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	622	B	831	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	C	377	C	396	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,552	B	2,682	
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,064	B	2,184	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,364	B	2,485	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	682	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	682	
LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	853	
LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	393	C	413	
	US 41	BUS 41	2LN	E	860	C	431	C	453	
LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	357	B	439	4 Ln design & ROW

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2016		2021		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	1,120	B	1,221	
	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	665	B	838	
TREELINE AVE	TERMIMAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	B	1,455	B	1,673	Harley Davidson
	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	754	A	792	
WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,520	D	469	D	495	
	GLADIOLUS DR	BRANDYWINE CIR	2LN	E	880	B	593	B	625	
	BRANDYWINE CIR	CYPRESS LAKE DR	2LN	E	880	B	666	B	700	
	CYPRESS LAKE DR	COLLEGE PKWY	4LD	E	1,780	D	669	D	756	old count projection
	COLLEGE PKWY	McGREGOR BLVD	2LN	E	800	B	350	B	395	old count projection

F = Does not meet the County adopted LOS standard (NOTE: Below LOS standard is acceptable on constrained roads)

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TURNING MOVEMENT COUNT

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TRANSPORTATION CONSULTANTS, INC.

DATE: August 15, 2018
DAY: WEDNESDAY
COUNT TIME: 4:00 PM - 6:00 PM
TRAFFIC: ALL TRIPS

15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS

Treeline Ave & Dartington Drive

15 MIN BEGIN	Treeline Ave								Dartington Drive								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	202	14	216	2	133	0	135	0	0	0	0	1	0	1	2	353
5:15 PM	0	232	14	246	0	100	0	100	0	0	0	0	8	0	1	9	355
5:30 PM	0	204	10	214	1	106	0	107	0	0	0	0	8	0	1	9	330
5:45 PM	0	154	9	163	3	65	0	68	0	0	0	0	9	0	2	11	242
TOTAL:	0	792	47	839	6	404	0	410	0	0	0	0	26	0	5	31	1,280

HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS

Treeline Ave & Dartington Drive

HOUR BEGIN	Treeline Ave								Dartington Drive								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	202	14	216	2	133	0	135	0	0	0	0	1	0	1	2	353
4:30 PM	0	434	28	462	2	233	0	235	0	0	0	0	9	0	2	11	708
4:45 PM	0	638	38	676	3	339	0	342	0	0	0	0	17	0	3	20	1,038
5:00 PM	0	792	47	839	6	404	0	410	0	0	0	0	26	0	5	31	1,280

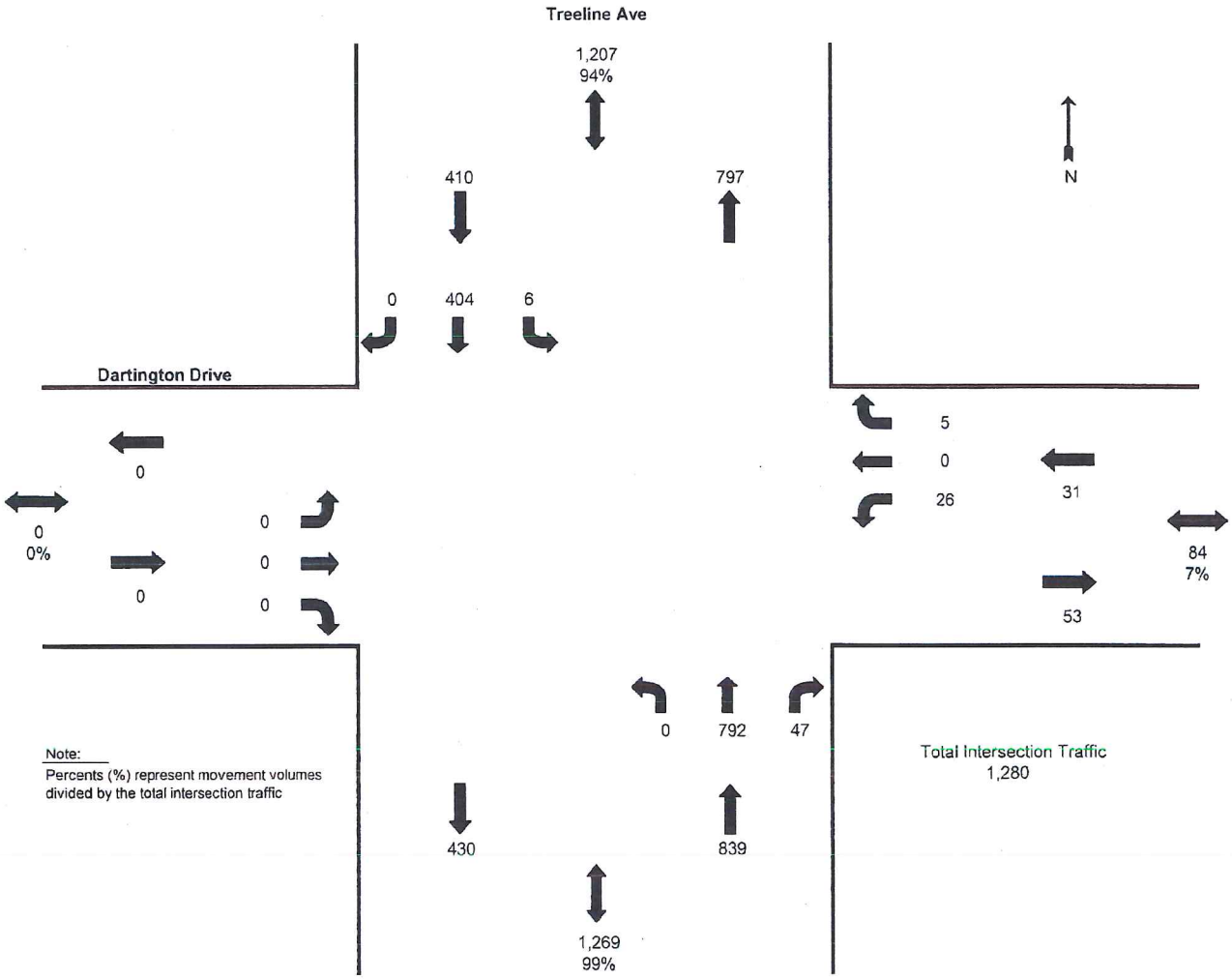
PEAK HOUR SUMMARY

HOUR BEGIN	Treeline Ave								Dartington Drive								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
5:00 PM	0	792	47	839	6	404	0	410	0	0	0	0	26	0	5	31	1,280

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TRANSPORTATION CONSULTANTS, INC.

DATE:	August 15, 2018
DAY:	WEDNESDAY
COUNT TIME:	5:00 PM - 6:00 PM
PEAK HOUR:	5:00 PM - 6:00 PM
TRAFFIC:	ALL TRIPS
INTERSECTION:	Treeline Ave & Dartington Drive



Note:
Percents (%) represent movement volumes divided by the total intersection traffic

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FDOT PEAK SEASON FACTOR

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2017 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 1200 LEE COUNTYWIDE

MOCF: 0.91

WEEK	DATES	SF	PSCF
1	01/01/2017 - 01/07/2017	1.05	1.15
2	01/08/2017 - 01/14/2017	1.01	1.11
3	01/15/2017 - 01/21/2017	0.96	1.05
* 4	01/22/2017 - 01/28/2017	0.95	1.04
* 5	01/29/2017 - 02/04/2017	0.93	1.02
* 6	02/05/2017 - 02/11/2017	0.91	1.00
* 7	02/12/2017 - 02/18/2017	0.90	0.99
* 8	02/19/2017 - 02/25/2017	0.89	0.98
* 9	02/26/2017 - 03/04/2017	0.89	0.98
*10	03/05/2017 - 03/11/2017	0.88	0.97
*11	03/12/2017 - 03/18/2017	0.87	0.96
*12	03/19/2017 - 03/25/2017	0.89	0.98
*13	03/26/2017 - 04/01/2017	0.90	0.99
*14	04/02/2017 - 04/08/2017	0.91	1.00
*15	04/09/2017 - 04/15/2017	0.93	1.02
*16	04/16/2017 - 04/22/2017	0.94	1.03
17	04/23/2017 - 04/29/2017	0.96	1.05
18	04/30/2017 - 05/06/2017	0.97	1.07
19	05/07/2017 - 05/13/2017	0.99	1.09
20	05/14/2017 - 05/20/2017	1.00	1.10
21	05/21/2017 - 05/27/2017	1.02	1.12
22	05/28/2017 - 06/03/2017	1.04	1.14
23	06/04/2017 - 06/10/2017	1.07	1.18
24	06/11/2017 - 06/17/2017	1.09	1.20
25	06/18/2017 - 06/24/2017	1.08	1.19
26	06/25/2017 - 07/01/2017	1.08	1.19
27	07/02/2017 - 07/08/2017	1.08	1.19
28	07/09/2017 - 07/15/2017	1.08	1.19
29	07/16/2017 - 07/22/2017	1.08	1.19
30	07/23/2017 - 07/29/2017	1.08	1.19
31	07/30/2017 - 08/05/2017	1.08	1.19
32	08/06/2017 - 08/12/2017	1.08	1.19
33	08/13/2017 - 08/19/2017	1.08	1.19
34	08/20/2017 - 08/26/2017	1.13	1.24
35	08/27/2017 - 09/02/2017	1.19	1.31
36	09/03/2017 - 09/09/2017	1.24	1.36
37	09/10/2017 - 09/16/2017	1.29	1.42
38	09/17/2017 - 09/23/2017	1.25	1.37
39	09/24/2017 - 09/30/2017	1.22	1.34
40	10/01/2017 - 10/07/2017	1.18	1.30
41	10/08/2017 - 10/14/2017	1.15	1.26
42	10/15/2017 - 10/21/2017	1.11	1.22
43	10/22/2017 - 10/28/2017	1.10	1.21
44	10/29/2017 - 11/04/2017	1.09	1.20
45	11/05/2017 - 11/11/2017	1.07	1.18
46	11/12/2017 - 11/18/2017	1.06	1.16
47	11/19/2017 - 11/25/2017	1.06	1.16
48	11/26/2017 - 12/02/2017	1.06	1.16
49	12/03/2017 - 12/09/2017	1.05	1.15
50	12/10/2017 - 12/16/2017	1.05	1.15
51	12/17/2017 - 12/23/2017	1.02	1.12
52	12/24/2017 - 12/30/2017	0.99	1.09
53	12/31/2017 - 12/31/2017	0.96	1.05

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* PEAK SEASON

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING VOLUMES

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Development of Future Year Background Turning Volumes

Intersection	**Treeline Ave @ Dartington Dr**
Count Date	August 15, 2018
Build-Out Year	2023

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	792	47	6	404	0	0	0	0	26	0	5
Peak Season Correction Factor	0.00	1.19	1.19	1.19	1.19	0.00	0.00	0.00	0.00	1.19	0.00	1.19
Current Peak Season Volumes	0	942	56	7	481	0	0	0	0	31	0	6
Growth Rate	0.00%	6.94%	0.00%	0.00%	6.94%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5
2023 Background Turning Volumes	**0**	**1,318**	**56**	**7**	**673**	**0**	**0**	**0**	**0**	**31**	**0**	**6**
Project Turning Volumes	204	0	0	0	0	68	69	0	206	0	0	0
2023 Background + Project	**204**	**1,318**	**56**	**7**	**673**	**68**	**69**	**0**	**206**	**31**	**0**	**6**

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SYNCHRO SUMMARY SHEETS

TREELINE AVENUE @ SITE ACCESS

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Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	69	0	206	31	0	6	204	1318	56	7	673	68
Future Vol, veh/h	69	0	206	31	0	6	204	1318	56	7	673	68
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	0	0	-	0	-	-	365	630	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	75	0	224	34	0	7	222	1433	61	8	732	74

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1944	-	403	2257	-	716	805	0	0	1433	0	0
Stage 1	784	-	-	1876	-	-	-	-	-	-	-	-
Stage 2	1160	-	-	381	-	-	-	-	-	-	-	-
Critical Hdwy	7.54	-	6.94	7.54	-	6.94	4.14	-	-	4.14	-	-
Critical Hdwy Stg 1	6.54	-	-	6.54	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.54	-	-	6.54	-	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	-	3.32	3.52	-	3.32	2.22	-	-	2.22	-	-
Pot Cap-1 Maneuver	~ 39	0	597	~ 22	0	373	815	-	-	470	-	-
Stage 1	352	0	-	74	0	-	-	-	-	-	-	-
Stage 2	208	0	-	613	0	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	-	-	597	-	-	373	815	-	-	470	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	-	-	-	-	-
Stage 1	352	-	-	74	-	-	-	-	-	-	-	-
Stage 2	-	-	-	377	-	-	-	-	-	-	-	-

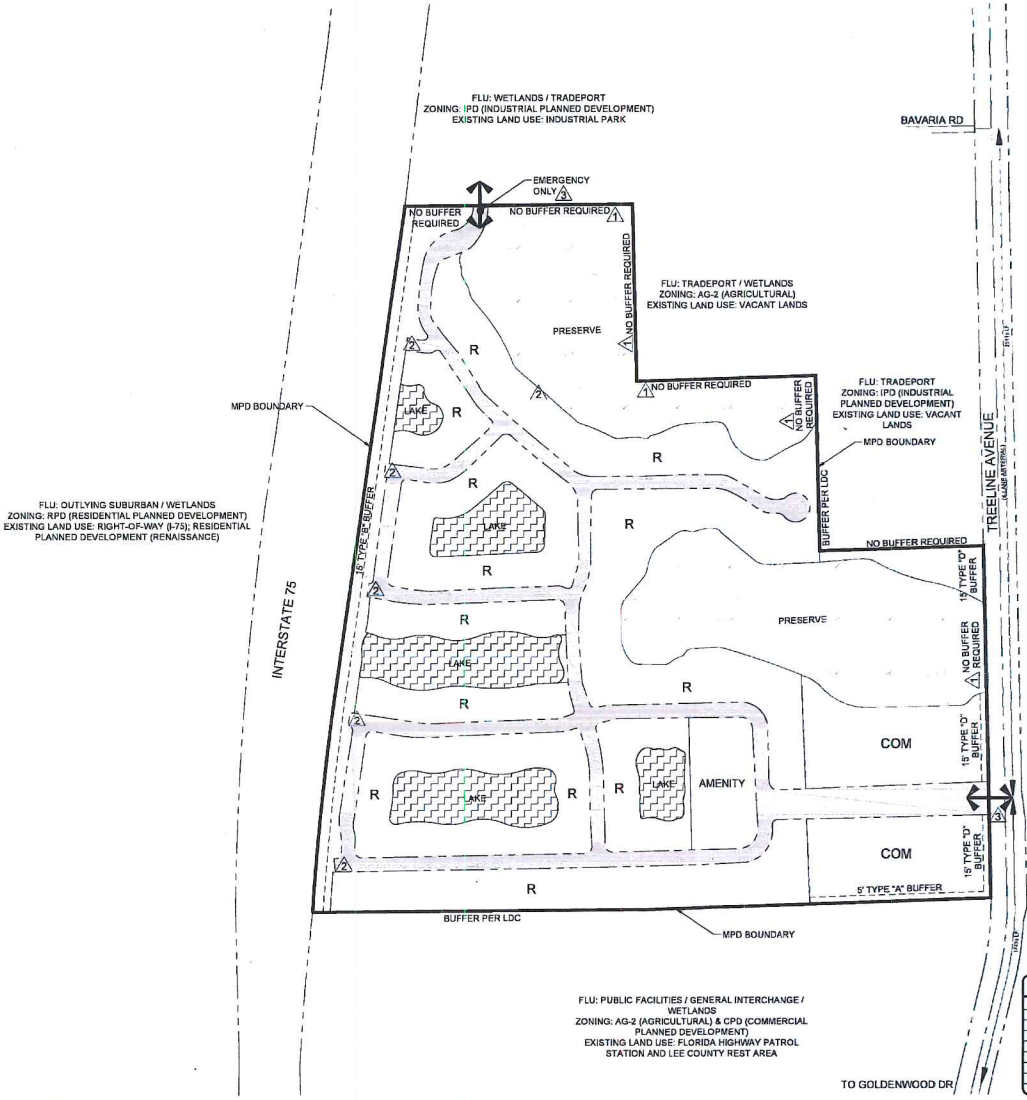
Approach	EB	WB	NB	SB
HCM Control Delay, s			3.5	0.1
HCM LOS	-	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR
Capacity (veh/h)	815	-	-	-	597	-	373	470	-	-
HCM Lane V/C Ratio	0.272	-	-	-	0.375	-	0.017	0.016	-	-
HCM Control Delay (s)	11.1	2.5	-	-	14.6	-	14.8	12.8	-	-
HCM Lane LOS	B	A	-	-	B	-	B	B	-	-
HCM 95th %tile Q(veh)	1.1	-	-	-	1.7	-	0.1	0	-	-

Notes			
~: Volume exceeds capacity	$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

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LEGEND

	RIGHT-OF-WAY
	LAKE
	PRESERVE
R	RESIDENTIAL
COM	COMMERCIAL
	DEVIATION
	INGRESS / EGRESS

LAND USE SUMMARY

	ACREAGE
RESIDENTIAL	46
RIGHT-OF-WAY	12
COMMERCIAL	10
LAKE	10
PRESERVE	29
BUFFERS	1
OTHER OPEN SPACE	8
TOTAL AREA	115

OPEN SPACE SUMMARY

COMMERCIAL REQUIREMENT	
10 AC * 0.30 = 3 AC	30%
RESIDENTIAL REQUIREMENT	
100 AC * 0.40 = 40 AC	40%
TOTAL REQUIRED	43 AC
TOTAL PROVIDED	49 AC
PRESERVE	29 AC
LAKE	10 AC
BUFFERS	1 AC
OTHER OPEN SPACE	8 AC

INDIGENOUS PRESERVE CALCULATION

INDIGENOUS REQUIREMENT	
45 AC * 0.50	
TOTAL REQUIRED	22.5 AC
TOTAL PROVIDED	22.5 AC

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WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
PH 239-405-7777 FX 239-405-7799 EMAIL info@waldropengineering.com

115-ACRE TREELINE AVENUE

MASTER CONCEPT PLAN

PLAN REVISIONS

1	7/18/18	REVISED PER COUNTY COMMENT
2	10/5/18	REVISED PER COUNTY COMMENT

0 100 200 400
SCALE IN FEET

PREPARED FOR:

BJ HOLDINGS OF FORT MYERS

SET NUMBER: 715-01-E0901

SHEET : 1

DCI 2018-00007

ATTACHMENT O

Lee County
Southwest Florida

DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Dirk Danley, Planner, Senior

From: Lili Wu, Planner, Senior

Date: Jan. 2, 2019

Subject: Treeline 115 MPD (DCI2018-00007)

Infrastructure Planning staff has reviewed the application for public hearing. This project is located on the west site of Treeline Ave approximately 0.5 mile north of Daniels Pkwy. Access to the project is proposed by the applicant to Treeline Ave via a full access drive opposite of Dartington Dr. This access point is a full or non-full access point shall be determined by Lee County DOT at Development Order review stage. Infrastructure Planning staff has objection to the Deviation #3 which requests to allow for one point of access to Treeline Ave and one emergency only access to connect Matterhorn Rd from two points of ingress/egress requirements because limiting access to a site of this size to a single drive may result in excessive delays for residents and customers of the development. By providing two usable accesses, motorists can spread out their impacts on the transportation network.

ATTACHMENT P

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: January 8, 2019

To: D. Danley
Senior Planner

From: M. Evans ME.
Senior Engineer

Subject: **Treeline 115 MPD Mixed-Use Planned Development (MPD)**
Transportation-Related Analysis and Recommendations
Case No. DCI2018-00007
STRAP No. 14-45-25-00-00006.0000 (lowest)

Purpose

The purpose of this memorandum is to provide substantive comments related to Development Services Section staff review of subject-case documents that relate to transportation elements received to date by Lee County through formal written submittals from the applicant.

As noted in Lee County Administrative Code AC-13-17 "Traffic Study Guidelines for Planned Development Rezonings", zoning traffic studies (i.e. traffic impact statements) such as the study associated with the subject case are not applicable for determining traffic-related impacts for local development orders. Since the specific requirements and scope of a development order traffic study may differ from that of a zoning traffic study, staff recommends that the applicant or successors discuss proposed development order traffic impact statement (TIS) assumptions and methodology prior to submitting a local development order TIS for staff review.

Traffic Study Methodology

Development Services Section staff reviewed the traffic study associated with the subject case. Although required by Lee County Administrative Code AC-13-17 "Traffic Study Guidelines for Planned Development Rezonings", the applicant did not meet with staff to discuss the traffic study methodology prior to submitting the initial traffic impact statement for staff review.

Site Location

The approximately 115-acre subject site is located on the west side of Treeline Avenue between Goldenwood Drive and Bavaria Road. Current planning/zoning information applicable to the subject site is described in **Table 1**.

Table 1
Site-Related Planning/Zoning Information

Future Land Use Category[1]	Mixed Use Overlay Area?[1]	Planning Community[2]	Zoning District	
			Current	Proposed
Tradeport	no	Gateway/Airport	AG-2[3]	MPD[4]

[1] see *The Lee Plan* Map 1 and related policies
[2] see *The Lee Plan* Map 16 and related policies
[3] agricultural district
[4] mixed-use planned development district

Proposed Site Access

The roadway proposed to directly service the subject site as depicted on the applicant's master concept plan (MCP) is described in **Table 2A**.

Table 2A
Site Access Intersecting Roadway Information

Roadway	Maintenance Authority[1]	Functional Class[1]	2-Way Lane Configuration	Controlled Access?	Constrained?[2]	Right-of-Way Width (ft)[3]	Speed Limit (mph)
Treeline Avenue	Lee County	arterial	4-lane divided	no	no	130-140	50

[1] see Lee County Administrative Code AC-11-1 "Functional Classification of Roadways" for Lee County classification as related to the Lee County *Land Development Code*; see also http://www.fdot.gov/statistics/hwysys/cubfc.shtm (Lee County map approved April 29, 2014) for Federal Highway Administration classification information
[2] see *The Lee Plan* Objective 37.2 and related policies
[3] approximate widths described based upon limited staff research; information must be validated by qualified professionals

Access to the subject site is proposed on the applicant's MCP as described in **Table 2B**.

Table 2B
Site Access Location(s)

Roadway	Proposed Location[1]	Access Type (assumed)
Treeline Avenue	approximately 1,745 feet north of Goldenwood Drive at Dartington Drive and 2,780 feet south of Bavaria Road	direct full access

[1] distance approximate from site access/roadway centerlines

Elements associated with proposed project access, including but not limited to permissible access movements, will be further considered at time of local development order review. See *Lee County Land Development Code*, Sections 10-285(g) and 34-378(g) as applicable and noted in **Table 7**.

Proposed Residential Density/Non-Residential Intensity of Use

The subject site is undeveloped. With the subject case, the applicant proposes to rezone the site to permit a maximum density/intensity in terms of new vehicular trips with respect to the proposed schedule of uses as described in **Table 3**.

Table 3
Development Parameters

Land Use	Proposed Zoning Density/Intensity
residential	275 single-family units
office	25,000 ft² general office use
office	25,000 ft² medical-dental office use
retail	50,000 ft² shopping center

Trip Generation Review

The applicant analyzed traffic-related impacts assuming full site build-out with the density/intensity described in **Table 3**. As part of the analysis, the applicant reviewed the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*, and estimated generated trips in order to assess traffic impacts of the proposed zoning. Applicant trip generation results are described in **Table 4**. Traffic volumes shown in this table are assumed to be new traffic volumes on the surrounding roadway network, and may reflect a reduction for internal capture traffic (traffic concurrently utilizing multiple site uses) and/or pass-by traffic (non-newly generated traffic already utilizing the roadway network) if applicable.

Table 4
New Weekday Trip Generation

Zoning Description	AM Peak Hour(1)			PM Peak Hour(1)			Daily (2-way)
	In	Out	Total	In	Out	Total	
proposed zoning	254	238	492	354	357	711	7,539

(1) weekday peak hour of the adjacent street

Total estimated new trips associated with development orders located within the boundaries of the approved planned development will be assumed to not exceed the values described in **Table 4** as this is the proposed maximum density/intensity in terms of trip generation "specifically reviewed...during the planned development process". See *Lee County Land Development Code*, Section 34-378(b) as noted in **Table 7**.

Roadway Section Traffic Operations Level of Service Analysis

New trips associated with the subject case were assigned to the surrounding road network in order to assess level of service (LOS) impacts on arterial/collector roadway sections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 *Traffic Study Guidelines for Planned Development*

Rezonings, "significant impact is defined as 10%....of the LOS "C" service volumes for the links at build out."

In the subject case, using the trip assignments described in the applicant's final traffic impact statement, no arterial/collector roadway sections are expected to be significantly impacted by the proposed zoning.

Table 5 describes the arterial/collector roadway sections in proximity to the subject site that are expected to be most impacted by the proposed development along with corresponding pre- and post-project build-out level of service estimates with respect to the proposed zoning.

Table 5
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Most Impacted by Proposed Rezoned Development

Roadway	Location	Significant Impact Expected?	Constrained?(2)	Level of Service (v/c)(1)		
				Existing	Future	Future + Project
Daniels Parkway	Palomino Lane to I-75	no	yes	F (1.10)	F	F
"	I-75 to Treeline Avenue	no	no	F (1.10)	F	F
"	Treeline Avenue to Chamberlin Parkway	no	no	C (0.90)	F	F
Treeline Avenue	Terminal Access Road to Daniels Parkway	no	no	C (0.71)	C	C
"	Daniels Parkway to Amberwood Road	no	no	C (0.39)	C	C

(1) AM/PM worse case; v/c is defined as traffic volume/capacity ratio; future year 2023
(2) see *The Lee Plan* Objective 37.2 and related policies

Based on a review of applicable traffic volumes in the Lee County "Public Facilities Level of Service and Concurrency 2018 Report Inventory and Projections, and the most current "Lee County Link Specific Service Volumes" tables (for short-term analyses of 5 years or less from table date) or the most current "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses of more than 5 years from table date), the roadway sections described in **Table 5** currently operate at LOS "E" or better. Utilizing the 2017 Lee County Traffic Count Report and assuming a project build-out year of 2023, the roadway sections described in **Table 5** except for the section of Daniels Parkway between Palomino Lane and Chamberlin Parkway are estimated to operate at LOS "E" or better with and without future background traffic volumes.

Based on the LOS standards for "unconstrained" county-maintained arterial/collector roadway sections set forth in *The Lee Plan* Policy 95.1.3.7, LOS "A" through "E" are acceptable levels of service. For state-maintained roadway sections, LOS "A" through "D" are acceptable levels of service in urbanized areas and LOS "A" through "C" are acceptable levels of service in non-urbanized areas.

At the time of local development order review, proposed projects will be further reviewed to determine required site-related traffic improvements to the nearby roadway(s).

Roadway Intersection Traffic Operations Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impacts as necessary at site accesses, intersections within one-quarter mile of site accesses, and/or intersections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 *Traffic Study Guidelines for Planned Development Rezonings*, "significant impact is defined as 10% or more of the total peak hour intersection volume (the summation of all four approaches)....at build out."

In the subject case, using trip assignments described in the applicant's final traffic impact statement, the following intersection is expected to be significantly impacted by the proposed subject site zoning:

- Dartington Drive at Treeline Avenue.

Table 6 describes subject site accesses and nearby roadway intersections that are expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project build-out levels of service.

Table 6
Roadway Intersection(s) Immediately Adjacent to Subject Site
Expected to be Most Impacted by Proposed Rezoned Development

Intersection		Significant Impact Expected?	Existing Traffic Control	Peak Hour	Level of Service(1)		
Roadway A	Roadway B				Existing	Future	Future + Project
Dartington Drive	Treeline Avenue	yes	2-way stop control	AM	--	--	--
				PM	--	--	C(2)

(1) future year 2023
(2) staff's review of this intersection indicated that it will operate at an estimated LOS "F"; see below for additional related discussion

Of note, staff's review of the intersection of Dartington Drive at Treeline Avenue under post-development conditions indicated that it will operate at an estimated LOS "F" during the afternoon peak hour primarily due to the delay associated with the eastbound and westbound left-turn movements. This condition may be improved by

installing/constructing additional traffic control measures at this location, although further analysis is required to determine the overall most reasonable and cost-effective improvement. The condition may also be improved by reducing permitted development intensity for the subject site or by providing additional site access connections to the surrounding roadway network to improve traffic circulation as encouraged by LDC Sections 10-294 and 10-295. Regardless, intersection traffic operations will likely further degrade with future traffic volume growth on Treeline Avenue.

At the time of local development order review, proposed projects will be further reviewed to determine required site-related traffic improvements to nearby roadway intersections.

Future Transportation Capital Improvement Projects

No Lee County transportation capital improvement projects are currently planned in close proximity to the subject site for fiscal years 2018-2021.

Lee County Land Development Code Proposed Site-Related Review

Development Services Section staff reviewed subject-case documents with respect to transportation-related sections of the *Lee County Land Development Code* (LDC). Related comments are described in **Table 7**.

Table 7
Lee County *Land Development Code*-Related Review Comments (1)

Land Development Code Chapter/Section Reference	Subject	Comments
Chapter 10, Section 10-281	Lee Plan Map 3A.	roadway sections proposed to directly service the subject site as depicted on *The Lee Plan* Map 3A are not planned for future widening
Chapter 10, Section 10-285(g)	Connection separation.	this section states that the County may restrict access, turning movements, median openings, and use of traffic control devices on or affecting County rights-of-way in order to address traffic safety and/or operational issues
Chapter 10, Section 10-291(3)	Required street access.	this section requires the subject site to establish more than one means of ingress/egress
Chapter 10, Section 10-291(4)	Required street access.	subject site accessibility may be improved by roadway access connections to adjoining parcels north and

		south of the subject site
Chapter 10, Section 10-294	Continuation of existing street pattern.	subject site accessibility may be improved by roadway access connections to adjoining parcels north and south of the subject site
Chapter 10, Section 10-295	Street stubs to adjoining property.	interconnections to adjoining parcels should be considered in order to reduce new trips onto the nearby arterial roadway
Chapter 10, Section 10-296(d)(6)	Street design and construction standards.	all streets and intersections within the development must operate at not less than a level of service C
Chapter 33	Planning Community Regulations	no access location requirements related to the local planning community specifically apply to the subject site
Chapter 34, Section 34-378(b)	Effect of planned development zoning.	"no approved use will be vested as to density or intensity unless the proposed density or intensity is specifically reviewed and approved during the planned development process"
Chapter 34, Section 34-378(g)	Effect of planned development zoning.	this section states that turning movements other than right-in/-out at approved locations depicted on the master concept plan (MCP), median openings, and traffic control devices depicted on the MCP are not guaranteed or vested and that approval for construction of access points, median openings, turning movements, and traffic control devices (i.e. traffic signals) reside with the County and will be considered at time of development order or permit application
Chapter 34, Section 34-411(d)	General standards.	this section states that the subject site is required to access existing or proposed roadways that have either sufficient existing or potential future expanded capacity to accommodate both background trips and those

		associated with the subject site at not less than a level of service E during the peak season; subject site-related industrial traffic must not be required to travel through predominantly residential areas

(1) review comments do not consider all transportation-related requirements contained in the LDC; it is the applicant's responsibility to comply with all county code and policy requirements as the subject site is developed

Applicant Proposed Deviation Review and Conditions

Development Services Section staff considered the applicant's proposed *Land Development Code* deviations for the subject case and identified no specific transportation-related deviations requiring further review and/or comment.

Based upon a review of the subject case, **Development Services Section staff recommends that the following conditions be incorporated into the subject case's zoning resolution:**

A.) ***"The development is permitted a maximum of 275 single-family or 487 multi-family residential dwelling units, and a maximum total gross floor area of 50,000 square feet of commercial non-office use, 25,000 square feet of medical office use, and 25,000 square feet of non-medical office use."***

B.) ***"Permitted restaurant gross floor area includes restaurant outdoor seating areas."***

C.) ***"If the development is developed in phases, each local development order site development plan must contain a tabulation that at minimum itemizes:***

(1) the density of residential uses expressed in number of units for each use proposed by the development order application;
(2) the intensity of non-residential uses expressed in gross floor area for each use proposed by the development order application;
(3) the cumulative total density and intensity for each use permitted by previous development order approvals;
(4) the cumulative total density and intensity for each use permitted by previous building permits; and
(5) the remaining density and intensity for each use available for future development."

D.) ***"Unless deviations from the requirements of the Lee County Land Development Code are specifically requested and formally granted by authorized Lee County action, any description and/or depiction of possible deviations in the application materials are assumed to be for informational purposes only."***

MJE:mje

Copy: S. Jansen – Lee County Department of Transportation
E. Sawtell – Lee County Department of Community Development
L. Wu – Lee County Department of Community Development
file

ATTACHMENT Q

AGRICULTURAL USES AT TIME OF ZONING APPLICATION
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 9th day of November, 2017, personally appeared Brian Freeman, who is personally known to me or who produced _____ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Authorized Representative of the following described property, to wit:

   See attached Exhibit "A"

2. That the above described property was used for bona fide agricultural purposes, to wit pasture/cattle grazing, sod farming, and row crops, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described in the attached Exhibit "A".

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on the entire 115+/- acres. The entire property described on the attached Exhibit "A" is being used for the pasture/cattle grazing, sod farming and row crops.

5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard and read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

Managing Member

Authorized Agent for BJ Holdings of Fort Myers, LLC

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

NOTARY PUBLIC STATE OF FLORIDA
ALEXANDRA PARSONS
MY COMMISSION #FF145559
EXPIRES July 27, 2018
(407) 398-0153 FloridaNotaryService.com

Commission No.

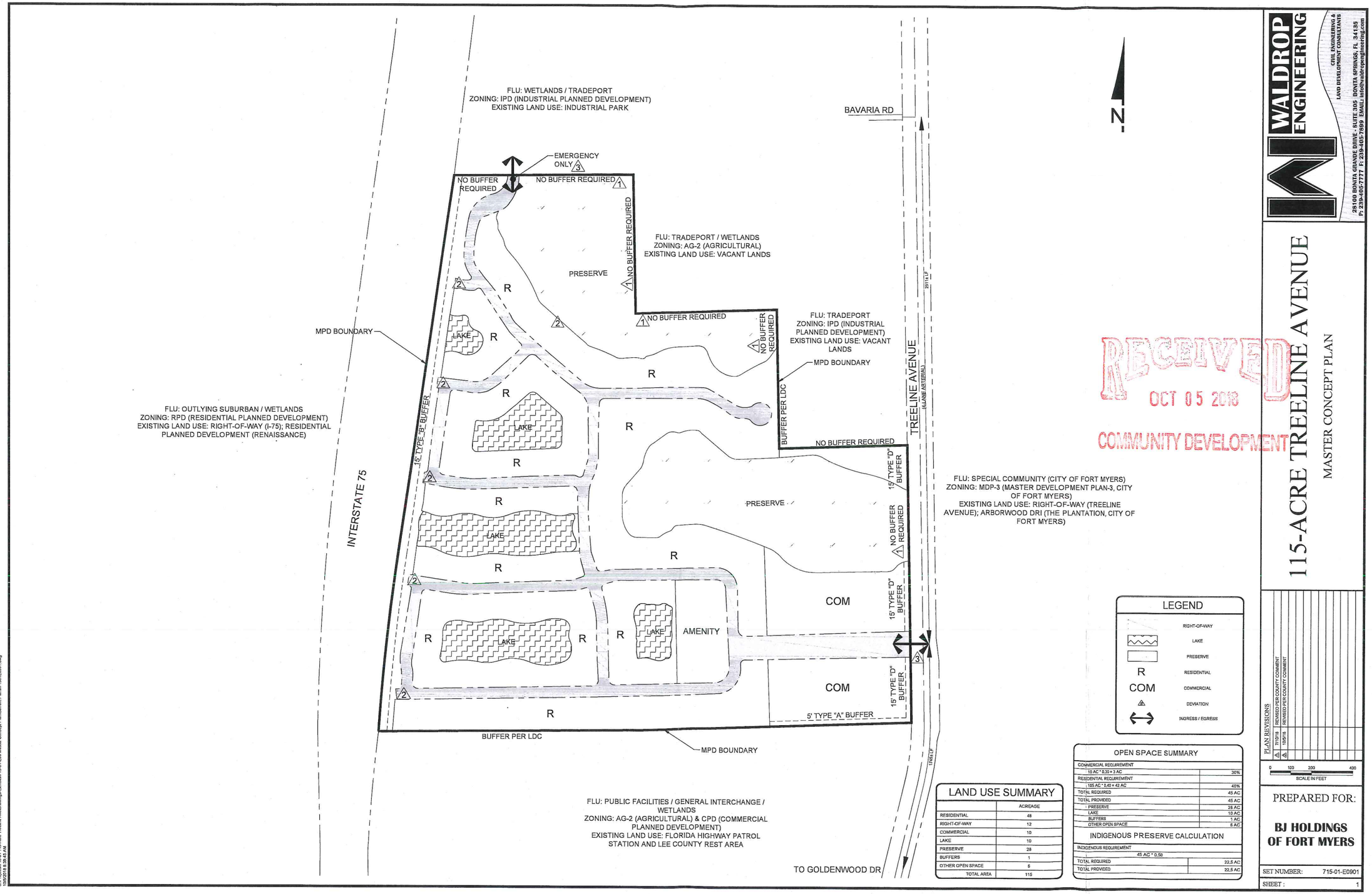
Signature of Notary Public

Alexandra Parsons
(Print, type or stamp commissioned name of Notary Public)

DCI 2018-00007

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FEB 22 2018
COMMUNITY DEVELOPMENT

ATTACHMENT R



LAND USE SUMMARY	
	ACREAGE
RESIDENTIAL	48
RIGHT-OF-WAY	12
COMMERCIAL	10
LAKE	10
PRESERVE	28
BUFFERS	1
OTHER OPEN SPACE	6
TOTAL AREA	115

OPEN SPACE SUMMARY	
COMMERCIAL REQUIREMENT	
10 AC * 0.30 = 3 AC	30%
RESIDENTIAL REQUIREMENT	
105 AC * 0.40 = 42 AC	40%
TOTAL REQUIRED	45 AC
TOTAL PROVIDED	45 AC
- PRESERVE	28 AC
- LAKE	10 AC
- BUFFERS	1 AC
- OTHER OPEN SPACE	6 AC
INDIGENOUS PRESERVE CALCULATION	
INDIGENOUS REQUIREMENT	
45 AC * 0.50	
TOTAL REQUIRED	22.5 AC
TOTAL PROVIDED	22.5 AC

LEGEND

- RIGHT-OF-WAY
- LAKE
- PRESERVE
- R — RESIDENTIAL
- COM — COMMERCIAL
- DEVIATION
- INGRESS / EGRESS

RECEIVED
OCT 05 2018
COMMUNITY DEVELOPMENT

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
PH 239-405-7777 FX 239-405-7899 EMAIL info@waldropengineering.com

115-ACRE TREELINE AVENUE

MASTER CONCEPT PLAN

PLAN REVISIONS

2	7/10/18	REVISED PER COUNTY COMMENT
1	05/0/18	REVISED PER COUNTY COMMENT

0 100 200 400
SCALE IN FEET

PREPARED FOR:

BJ HOLDINGS OF FORT MYERS

SET NUMBER: 715-01-E0901

SHEET : 1

B:\Projects\715-01 115-Acre Treeline Ave\Drawings-Exhibits\715-01-E09 Master Concept Plan\Current Plan\715010E0901.dwg
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