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March 12, 2019

Q. Grady Minor & Associates, P.A.
D. Wayne Arnold, AICP
3800 Via Del Rey
Bonita Springs, FL 34134

RE: DCI2018-10022, Vintage Commerce Center CPD

Dear Mr. Arnold:

Lee County has reviewed the information filed on February 13, 2019 for the above zoning application. The Land Development Code requires additional information before the application can be deemed sufficient. Please respond to each requirement not satisfied found in the following responses and any attached comments. Please direct all questions and comments about this response to Chip Block.

1. *Zoning Fees:* The application records only show payment of the \$5,000 fee for an amendment of the planned development zoning. The required Zoning Fee for Bonus Density of \$2,100 does not show that this has been paid. Please pay this required fee.
2. *LDC Section 34-202(a)(1) Legal description and sketch to accompany legal description.* Please provide a metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper. This document was not provided for review.
3. *LDC Section 34-202(b)(5):* Parts 5 and 6 of the revised application have been completed indicating that: 400 dwelling units have been proposed (217 units based on 15.5 acres of uplands and 183 units through the use of transferrable dwelling units). The application also states 350,000 square feet of commercial use is proposed, but the breakdown of the specific uses would not be determined until the time of local development order. In addition, there could be up to 200 beds or units of various forms of Assisted Living Facilities, which would be subject to LDC Section 34-1414. And finally, up to 300 hotel/motel units are sought to be determined at the time of local development order.

The Review 1 Response states the intent of the application is NOT to allow 350,000 square feet of retail (staff notes this excludes other commercial uses), plus 300 room hotel, plus 400 multiple family dwelling units. Staff would note the statement fails to include Assisted Living Facilities and the requested intensity.

The request statement says the applicant is requesting 350,000 square feet of commercial use, 300 hotel/motel units, and up to 400 multiple family residential dwelling units. A TIS conversion table is provided with commercial square footage reduced proportionally to the number of residential dwelling units constructed. The Request Statement also states it is anticipated staff will include a condition in the zoning resolution requiring the planned development to maintain a minimum density consistent with the Lee Plan.

Comments and Requested Information for Responses and Potential Revision(s):

- a. The application states that there are 15.5 residential acres, but it is not clear where these areas are located on the Master Concept Plan (MCP) so staff can not verify the density of the proposed rezoning. Please identify the areas on the MCP to be included in the density calculation. Based on staff calculation, in General Interchange land use category maximum total density is 22 du/ac that allows 341 dwelling units for 15.5 acres. Please provide justification for proposed 400 dwelling units. Also, please note that impacted Wetlands must be calculated at 1 dwelling unit per 20 acres.
 - b. Please provide a Lee Plan consistency narrative.
 - c. The Parts of the application when compared to the third paragraph of the Request Statement do not seem to be the same. Rather than staff preparing the condition, the applicant should prepare and submit the language of the condition pertaining to the allowed development intensity.
 - d. Please note County staff is not in favor of including a "conversion table". These have been found to be very hard to administer and track, have been abused by developers in an attempt to be allowed greater development, and historically fail to address the potential conversion of uses within the development. Examples in this application include how Assisted Living Facilities will be addressed and potential conversion of general office to medical office. Staff has understood from a previous meeting the intent was to add multiple family use to the overall planned development. This was going to produce a simple alternative: commercial development would occur, but if multiple-family residential was to be developed the development intensity would be a certain number of residential units and a certain amount of commercial total floor area.
4. *LDC Section 34-373(a)(6)(a)*: The applicant's response acknowledges there is a recorded easement stating the OR Book and Page for the easement is on the Master Concept Plan (MCP). The revised MCP does not provide this reference, and fails to show the location of the easement as required by this Section. Please revise the MCP to provide the information required.
5. *LDC Section 34-373(a)(6)(b)*: Although access to a few Outparcels and the Parcels have been shown, access to other Outparcels has not been conceptually shown on the Plan. Given the conceptual design, staff wants to make sure the applicant can achieve the development, and would hope to avoid future amendments of the planned development due to connection separation requirements internal to the development. Please revise the Plan to show the conceptual location(s) for access to each of the proposed Outparcels.

6. *LDC Section 34-373(a)(6)c*: The MCP has not been revised to show proposed use of the lots or parcels keyed to the list of proposed uses submitted with the application. Staff recognizes the Schedule of Uses has been amended, but the MCP should also be revised to show what portion of the property may developed with the various proposed uses including residential, assisted living facility, and hotel/motel.
7. *LDC Section 34-373(a)(6)d & e*: Although the MCP has been revised to depict lots, please revise the MCP to show the individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) with detail showing the boundary of each development area within which buildings, parking or other uses will be located. Please also revise the MCP to show the general location of service areas for delivery of goods or services.
8. *LDC Section 34-373(a)(6)h*: Please revise the open space stated on the MCP to provide the required open space for the commercial and the residential based on the acreage stated in the applications. Please provide a written response indicating the open space for the commercial and residential. Lastly, please state the final open space to be provided through the use of the Transfer of Development Units.
9. *LDC Section 34-373(a)(6)k*:
 - a. Staff acknowledges the note. While the applicant would like for this to be deferred to the development order stage, this Code section requires the MCP show the general location of excavations for on-site file and wet retentions. Failure to show the location(s) may result in a need to amend the planned development, which may delay the local development order process in the future.
 - b. The proposed lake on the subject property is located within 10,000 feet of the Southwest Florida International Airport property. The FAA requires the water management lakes be designed to not attract migratory birds, with the slopes being greater than 6:1, and littorals are prohibited. The LDC requires 6:1 lake bank slopes and planted littoral shelves to support wildlife habitat and water quality. The applicant must meet the FAA standards and request deviations from the LDC Sections 10-329 and 10-418.
10. *LDC Section 34-373(a)(7)*:
 - a. The revised TIS, according to Infrastructure Planning, includes 400 multi-family residential dwelling units, 300 hotel rooms, and 350,000 square feet commercial uses. However, only 350,000 square feet commercial uses are included in the revised TIS.
 - b. Development Services provides the following comments for review and response:

(1) Description of Development and ITE Land Use Code. The TIS must contain a general description of each type of use proposed, the units of development (i.e. the number of dwelling units, square feet of building floor area, etc.) and the Land Use Code for each type of use utilized in the trip generation (i.e. single-family detached housing (200 lots), Land Use Code 210). [AC-13-17]

>> 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. See hotel and residential uses as described, for example, in the application, master concept plan, request statement, and site development

regulations. Please review and revise the TIS and/or non-TIS submittals accordingly.

2A.) Trip generation must be based on the combination of the uses shown in the Schedule of Uses on the Master Concept Plan which generates the highest total number of trips during the A.M. and P.M. peak hour of the adjacent street(s). [AC-13-17]

>> The pass-by rate calculations described in the TIS do not appear to follow ITE's recommended process as described in the current ITE Trip Generation Handbook, Section 10.5.1, with respect to considering the stated percentage of entering and exiting trips specific to the land use under consideration. Please review and revise the TIS accordingly. (3/8/2019 ME)

>> The TIS does not appear to account for internal capture trips when determining land use conversion factors associated with the proposed development. Please review and revise the TIS accordingly. Also, please state whether or not the conversion table is intended to be used for planning purposes only, in conjunction with a stated maximum trip "cap" for the proposed development specifically related to the 350,000-SF commercial retail use. (3/8/2019 ME)

4.) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed. [AC-13-17]

>> The TIS does not appear to reference seasonal adjustment factors from nearby Lee County permanent counts stations when adjusting raw turning movement counts at the intersection of Alico Road with Three Oaks Parkway. Please review and revise the TIS accordingly. (3/8/2019 ME)

7.) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence. [AC-13-17]

>> The TIS does not appear to contain a LOS analysis for all links potentially within the area of influence. See Alico Road from US 41 to Dusty Road. Please review and revise the TIS accordingly. (3/8/2019 ME)

>> The traffic growth rate used in the TIS LOS analysis for at least one link appears incorrect. The growth rates appear low for (1) the section of Alico Road west of Three Oaks Parkway and (2) the section of Lee Road south of Alico Road. Please review and revise the TIS accordingly. (3/8/2019 ME)

10.) Miscellaneous Items.

>> The TIS review is not complete. Review comments are based upon information presented in the TIS in its present form. The TIS reviewer reserves the right to comment on and/or require revisions to any portion of the TIS, whether or not it was part of the original submittal or subsequent revisions, until the TIS has been deemed sufficient for substantive review. (3/8/2019 ME)

11. LDC Section 34-373(a)(8):

- a. Please remove the use of "Agricultural Uses". According to Property Appraiser's records and a staff site visit, there does not appear to be any existing agricultural use of the property.
- b. Please revise the Schedule of Uses related to Assisted Living Facilities. The Schedule of Uses currently lists this use and then includes Skilled Nursing and memory care. Please note Skilled Nursing is found in LDC Section 34-366(c)(20) Health Care Facilities, Group II. The use of Memory Care is not listed individually in the Land Development Code. The applicant should review the LDC Definitions and Uses, then revise the proposed Schedule of Uses to include the uses the applicant desires within the proposed zoning.
- c. Please separate the uses of "Car Wash" and "Convenience Food and Beverage Store". These are distinct uses and should be listed separately.
- d. Please revise "Dwelling units: multiple family". This use refers to a non-existent "outlot" on the Master Concept Plan. Please revise as needed.
- e. The requested use of "General Office" is not a term used in the Lee County LDC. Please revise the Schedule of Uses as needed.
- f. The use of "HealthCare Facility, Groups I through IV" includes uses described by the number of beds and not total floor area. Please revise the application and application form as needed to provide the proposed development intensity for these uses by the number of beds proposed in the facility.
- g. The use of "House of Worship" is not a use found in the LDC. Please revise the Schedule to identify the use proposed.
- h. The use of "Interstate Quadrant Sign" is not a use within the LDC. Please delete this use. The applicant may want to replace this use with the use of "Signs", which has not been sought as part of this application.
- i. The use of "Supermarket" has been requested. You may remove this from the proposed Schedule of Uses because it is a duplicate to the uses found in "Food Store".

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Land Development Code requires that this application be considered withdrawn.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section



Alvin Block, AICP
Planner, Principal