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Fort Myers, FL 33907  
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Certificate of Authorization # 29086

December 20, 2019

Ms. Sharon Jenkins-Owen, AICP  
Principal Planner  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

**RECEIVED**  
DEC 20 2019  
COMMUNITY DEVELOPMENT  
CPA 2019-00010

**Reference: CPA2019-00010 Central Park Mixed Use Overlay Map Amendment  
(1<sup>st</sup> Re-Submittal)**

Dear Ms. Jenkins-Owen,

We are in receipt of your review letter dated October 2, 2019 for the above referenced project. The following items are submitted for your continued review per this request for additional information:

1. Three (3) copies of the Application for a Comprehensive Plan Amendment – Map, with Affidavit (Exhibit M1);
2. One (1) original and two (2) copies of the revised Disclosure of Interest Application (Exhibit M3);
3. Three (3) copies of the corrected Sketch and Legal Description (Exhibit M7);
4. One (1) original and two (2) copies of the revised Authorization to Represent Property Owner Affidavit (Exhibit M10);
5. One (1) original and two (2) copies of the Affidavit of Authorization (Exhibit M10);
6. Three (3) copies of the revised Lee Plan Analysis (Exhibit M11).
7. Three (3) copies of the Topographic Map with 100-year flood prone area as identified by FEMA (Exhibit M12);
8. Three (3) copies of the Flood Insurance Rate Map with property identified (Exhibit M12);
9. Three (3) copies of the Letter of Availability from LCU for potable water and wastewater (Exhibit M14);
10. Three (3) copies of the revised Public Facilities Impacts Analysis (Exhibit M16);
11. Three (3) copies of the Letter of Support from the Lee County Sheriff's Office;

12. Three (3) copies of the Letter of Support from the Lee County School District (Exhibit M17);
13. Three (3) copies of the revised Justification of Proposed Amendment (Exhibit M19); and
14. Three (3) copies of the DRI Planned Development zoning and development order approvals (Exhibit M20).

Responses to each individual item/comment are as follows:

**APPLICATION MATERIALS COMMENTS:**

1. Application Page 1 - Please update Item 6 to show the maximums based on the existing approved planned development rezoning.  
**Response: Please see the maximums allowed by the existing planned development rezoning as requested.**
2. Application Page 1 - Please update Item 7 to show the maximums based on the existing approved planned development rezoning or if changes are proposed to the project intensity please complete the proposed maximums accordingly.  
**Response: No changes are proposed at this time. Any further zoning actions depend on approval of this Amendment.**
3. Application Page 2- Please provide the Parks, Recreation and Open Space and the Public Schools existing and future conditions analysis.  
**Response: Please see the revised Analysis, including Parks, Recreation and Open Space and Public Schools as requested.**
4. Application Page 2- Please provide a letter of service availability for sanitary and potable water services.  
**Response: Please see the attached Letter of Availability from LCU.**
5. Application Page 3 - Will reclaimed water be used for irrigation?  
**Response: TDM requested a Letter of Availability from LCU regarding reclaimed water; however, we're still waiting for the determination. If the Letter states that reclaimed water is available to service the site, the applicant will use reclaimed water for irrigation.**
6. Application Page 3 - Are any potable water conservation measures anticipated per Goal 54?  
**Response: Although this is not a rezoning or development order application, it is common to utilize native landscaping as a conservation measure. In addition, the applicant is required to provide open space and indigenous preserve areas as required by the zoning resolution.**
7. Application Page 3 - Please provide a letter from the Sheriff and the School District indicating there are adequate facilities to support the request.  
**Response: Please see the attached Letters of Support from the Lee County Sheriff's Office and the Lee County School District.**

8. Application Page 3 - Please provide a topographic map depicting the property boundaries and the 100-year flood prone area as identified by FEMA.

**Response: Please see the attached Topographic Map of subject property and 100-year flood prone areas Exhibit (M12).**

9. Application Page 3 - Please provide a map delineating the subject property on the most recent Flood Insurance Rate Map.

**Response: Please see the attached Flood Insurance Rate Map with Subject Property Exhibit (M12).**

10. Application Page 3. Narrative: Please explain why the Mixed-Use Overlay is needed on the subject property.

**Response: Please see the revised Narrative.**

11. Affidavit and Authorization to Represent - Please have Andre Schechter sign as Manager of Fort Pegasus LLC.

**Response: Please see the revised Affidavit of Authorization.**

12. The Disclosure of Interest form was not completed properly. The form should indicate that the owner is Fort Pegasus LLC and be signed by Andre Schechter as Manager. If Andre Schechter is the 100% owner, please fill in his name and percentage of ownership on the first page. If others have ownership, please list and provide their ownership percentage.

**Response: Please note the Disclosure of Interest Form has been updated. It no longer requests the percentage of ownership in the LLC. The form now requires the applicant to provide the percentage of ownership of a County Commissioner, Hearing Examiner or Lee County employee. Please see the revised Disclosure of Interest Form.**

13. The legal description is missing three calls included on the sketch. L1, L2, and L3 have been omitted from the written legal description. There are additional number differences between calls in the legal and the sketch. Please verify the accurate calls and correct so both documents are identical.

**Response: Please see the corrected Sketch and Legal Description.**

14. The subject property is zoned MPD (Z-05-064) and the Lee Plan consistency document states, "The applicant intends to comply with all landscape buffer, open space, and indigenous requirements set forth in the DRI, the zoning resolution, the Lee Plan and Land Development Code." Does the applicant intend to amend the MPD to accommodate a new project design or change in development parameters warranting a need for the Mixed-Use Overlay?

**Response: If this amendment is approved the applicant intends to move forward with a PD amendment to amend the layout of the master concept plan. TDM hasn't been hired for additional zoning or engineering work at this point, so any changes beyond that are purely speculative. The DRI has specific indigenous preserve and open space requirements the applicant must comply with. It goes without saying that any amendment to the MDP must be consistent with the Lee Plan.**

15. The Traffic Impact Statement analyzes the potential development of mid-rise multiple family residential. Please explain how this analysis compares to the Zoning and Development of Regional Impact (DRI) development approvals for the subject property.

**Response: Zoning Resolution Z-05-064 was approved to permit an additional 58,200 square feet of commercial office uses (22,000 sq. ft. medical office) and 166 dwelling units on the 9.2-acre parcel that included the subject property (Tract A). The BOCC found that “The proposed changes to the Cypress Lake Center DRI development order (Seventh Amendment) do not constitute a substantial deviation from the original development order approvals warranting further DRI review. Subsequent zoning actions have not changed the maximum density or intensity of the subject property.**

**The DRI has been extended several times since the Seventh Amendment, with the most recent extensions granted in 2019 (ZEX2019-00028, ZEX2019-00029, and ZEX2019-00030). However, none of the extension approvals warranted an amendment to the DRI Development Order. In essence, the DRI hasn’t changed due to the zoning actions on the subject property. The applicant intends to develop the subject property for multi-family use, which is consistent with the DRI and zoning resolutions.**

16. Please advise if the required biennial DRI Monitoring Report has been submitted to the appropriate agencies and if it has, please provide a copy of that Report. If it has not, then please have a report prepared and submitted updating the status of the DRI.

**Response: Per my conversations with Lee County Zoning staff, the last monitoring report submitted for the Cypress Lake Center DRI was in 1989. My follow up with the South Florida Regional Planning Council indicates the same information. There have been 13 zoning actions and 22 development orders issued since the last monitoring report submitted in 1989. Requiring the applicant to submit a monitoring report 30 years after the last one was submitted after not requiring any of the previous 35 applicants to provide one with their applications seems unwarranted and punitive. We respectfully request to be treated the same as the previous applicants over the last 30 years and not provide a current DRI monitoring report just to add this parcel to the mixed use overlay map. Please see the attached Exhibit M20.**

17. Please explain why the applicant has not included the other parcels of the DRI within the current application. If these other parcels are included, the full DRI could then be served by being within the Mixed-Use Overlay.

**Response: The applicant doesn’t own the other parcels. Preliminary discussions with planning staff led me to believe it wasn’t necessary to include other parcels in this request. Lee Plan Policy 11.2.3 permits the BOCC to extend the mixed use overlay by one-quarter mile to accommodate developments partially within a mixed use overlay or immediately adjacent to a mixed use overlay. This property is immediately adjacent to the mixed use overlay.**

18. Please provide a topographic map indicating the property boundaries and the 100-year flood prone areas as identified by FEMA.

**Response: Please see response to #8 above and the attached Exhibit.**

19. Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.

**Response: Please see response to #9 above and the attached Exhibit.**

**LEE PLAN CONSISTENCY**

20. Please expand the reasoning in the Lee Plan analysis explaining why the Mixed-Use Overlay is needed on this specific parcel.

**Response: Please see the revised Lee Plan Analysis.**

21. Please provide a Lee Plan analysis for Goal 125 regarding water quality.

**Response: Please see the revised Lee Plan Analysis.**

22. Please demonstrate how the proposed development is consistent the Surface Water Management section of the Lee Plan (Goals 59 - Protection of Life and Property [Policy 59.1.1], 60 - Coordinated Surface Water Management and Land Use Planning on a Watershed Basis [Policies 60.1.1, 60.1.2, 60.4.1 and 60.4.2] and 61 - Protection of Water Resources [Objective 61.1, 61.2 and 61.3]. Please respond with respect to water quality treatment, and water quality monitoring (for both surface water and water table aquifer).

**Response: Providing detailed information regarding compliance with the Lee Plan Goals, Objectives and Polices listed above is premature when this is a simple request to add a small 6.4-acre parcel to the Mixed Use Overlay map. Demonstrating compliance with the Goals, Objectives, and Policies listed above would require full Site Construction Plans, an ERP Mod, and potentially other permits as may be necessary. That level of information is unwarranted for this simple request. The applicant/developer will be required to demonstrate consistency with the Lee Plan during any future zoning actions or development order applications. With that said, please see the revised Lee Plan Analysis for the limited compliance narratives as requested.**

Your time and attention to this matter is greatly appreciated. Should County staff require additional information or have any questions regarding this submittal, please feel free to contact this office.

Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner





## **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
  - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
    - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
    - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
    - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
  - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

**Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):**

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

**In addition to the above analysis, provide the following for potable water:**

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

**3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

**Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**State Policy Plan and Regional Policy Plan**

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**Planning Communities/Community Plan Area Requirements**

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].



**Sketch and Legal Description**

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

**SUBMITTAL REQUIREMENTS**

***Clearly label all submittal documents with the exhibit name indicated below.***

***For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.***

**MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

**APPLICANT – PLEASE NOTE:**

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

AFFIDAVIT

I, Andre Schechter, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Handwritten Signature] 5/9/19  
Signature of Applicant Date

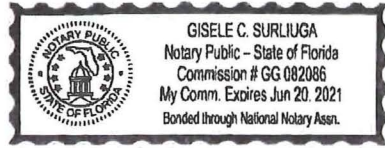
Andre Schechter  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 05/09/19 (date) by (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

[Handwritten Signature]  
Signature of Notary Public

Gisele Surliuga  
(Name typed, printed or stamped)



# EXHIBIT M3

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Andre Schechter, Manager, Fort Pegasus, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAP # 23-45-24-60-00000.2010 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

None	Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

[Handwritten Signature]  
Property Owner  
ANDRE SCHECHTER  
Print Name

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/30/2019 (date) by ANDRE SCHECHTER (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL

[Handwritten Signature]  
Signature of Notary Public



SKETCH TO ACCOMPANY DESCRIPTION

**UNIT 201**  
**CENTRAL PARK LAND CONDOMINIUM**  
**A COMMERCIAL LAND CONDOMINIUM**

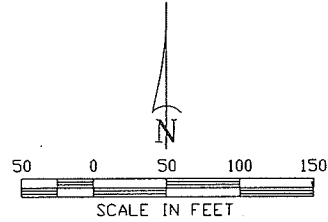
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
 (D.R. BOOK 3946, PAGE 832)  
 LEE COUNTY, FLORIDA

POINT OF BEGINNING  
 N.W. CORNER TRACT "B"  
 CYPRESS LAKE CENTER, PHASE II  
 (PLAT BOOK 39, PAGES 22-29)

(D.R. BOOK 3214, PAGE 964)

N.89°08'16"E. 230.32'

STATE PLANE COORDINATES  
 FLORIDA WEST ZONE  
 N=802963.01  
 E=696916.11



THIS IS NOT A BOUNDARY SURVEY  
 SEE EXHIBIT "A" (SHEET 2 OF 2)  
 FOR DESCRIPTION

Curve number 1  
 -----  
 Radius= 71.00'  
 Delta= 36°21'53"  
 Arc= 45.06'  
 Chord= 44.31'  
 Chord Brg.= N.68°31'11"W.

LINE TABLE

Line	Bearing	Distance
L1	S.89°08'16"W.	5.53'
L2	S.00°51'44"E.	14.55'
L3	S.53°12'25"E.	18.00'
L4	S.38°55'09"E.	53.85'
L5	S.00°47'26"E.	18.21'
L6	S.00°47'26"E.	72.21'
L7	N.89°08'16"E.	31.04'

TRACT "L-B",  
 REFLECTION LAKES, UNIT 4  
 (PLAT BOOK 71, PAGES 21-22)

TRACT "C-3", REFLECTION LAKES  
 (PLAT BOOK 64, PAGES 53-66)

N.00°35'44"W. 779.70'

PART OF TRACT "B"  
 (PLAT BOOK 39, PAGE 22-24)

REMAINDER OF TRACT "B"  
 (PLAT BOOK 39, PAGE 22-24)

125.00'  
 S.01°16'00"E.

N.89°08'16"E.  
 200.00'

40.00'

LOT 6  
 (PLAT BOOK 39, PAGE 22-24)

STATE PLANE COORDINATES  
 FLORIDA WEST ZONE  
 N=802189.86  
 E=697474.26

S.89°19'21"W. 550.08'

COMMON ELEMENTS, CYPRESS LAKE CENTER, PHASE II, (PLAT BOOK 39, PAGE 24)

WEST R/W LINE  
 S.01°16'00"E. 243.26'  
 VECTOR AVENUE  
 (80' R/W)



DESCRIPTION TO ACCOMPANY SKETCH

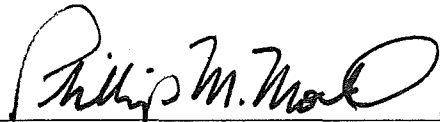
EXHIBIT "A"

DESCRIPTION: (INSTRUMENT No. 2016000029460)

UNIT 201 BOUNDARY

A TRACT OR PARCEL OF LAND LYING IN SECTION 23, TOWNSHIP 25 SOUTH, RANGE 24 EAST BEING A PART OF TRACT "B" AND LOT 6 OF CYPRESS LAKE CENTER PHASE II AS RECORDED IN PLAT BOOK 39 AT PAGES 22 THROUGH 24, PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT "B" OF CYPRESS LAKE CENTER PHASE II AS RECORDED IN PLAT BOOK 39 AT PAGES 22 THROUGH 29, PUBLIC RECORDS OF LEE COUNTY, FLORIDA RUN N 89°08'16" E ALONG THE NORTH LINE OF SAID TRACT "B" A DISTANCE OF 230.32 FEET; THENCE RUN S 00°47'26" E A DISTANCE OF 238.00 FEET; THENCE RUN S 38°55'09" E A DISTANCE OF 53.85 FEET; THENCE RUN S 00°47'26" E A DISTANCE OF 18.21 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE RUN SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT OF RADIUS 71.00 FEET (DELTA 36°21'38") (CHORD BEARING S 68°31'11" E) (CHORD 44.31 FEET) TO A DISTANCE OF 45.06 FEET TO A NON-TANGENT LINE; THENCE RUN S 00°47'26" E A DISTANCE OF 72.21 FEET; THENCE RUN N 89°08'16" E A DISTANCE OF 31.04 FEET TO THE NORTHWEST CORNER OF PHASE B-1 CYPRESS LAKE CENTER AS RECORDED IN PLAT BOOK 43 AT PAGE 11, PUBLIC RECORD OF LEE COUNTY, FLORIDA; THENCE RUN S 01°16'00" E ALONG THE WEST LINE OF SAID PHASE B-1 A DISTANCE OF 125.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID PHASE B-1; THENCE RUN N 89°08'16" E ALONG THE SOUTH LINE OF SAID PHASE B-1 A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF SAID PHASE B-1 AND THE NORTHEAST CORNER OF LOT 6 CYPRESS LAKE CENTER PHASE II AS RECORDED IN PLAT BOOK 39 AT PAGES 22 THROUGH 24 SAID PUBLIC RECORDS; THENCE RUN S 01°16'00" E ALONG THE EAST LINE OF SAID LOT 6 A DISTANCE OF 243.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE RUN S 89°16'21" W ALONG THE SOUTH LINE OF SAID LOT 6 A DISTANCE OF 550.08 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID CYPRESS LAKE CENTER PHASE II; THENCE RUN N 00°35'44" W ALONG THE WEST LINE OF SAID CYPRESS LAKE CENTER PHASE II A DISTANCE OF 779.70 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 280.468 SQUARE FEET (6.44 ACRES) MORE OR LESS. BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE NORTH LINE OF TRACT "B" OF CYPRESS LAKE CENTER PHASE II TO BEAR N 89°08'16" E.



PHILLIP M. MOULD

LS#6515

MAY 9, 2019



43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086

**AUTHORIZATION TO REPRESENT PROPERTY OWNER**

I, Andre Schechter (name), as Manager (owner/title) of Fort Pegasus, LLC (company/property)  
authorize Veronica Martin, TDM Consulting, Inc. to represent Fort Pegasus, LLC as follows:

Lee County Comprehensive Plan Amendments, all Zoning Actions, Development  
Order permitting, and all other permits necessary to develop the subject property.

PROPERTY ADDRESS: access undetermined, Fort Myers, FL

STRAP NUMBER(S): 23-45-24-60-00000.2010

OR LEGAL DESCRIPTION: \_\_\_\_\_

Andre Schechter, Manager

Property Owner (Print)

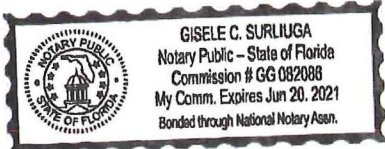
Property Owner (Signature)

Property Owner (Print)

(Signature)

STATE OF Florida, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 30 day of October, 2019,  
by ANDRE SCHECHTER who is personally known or produced  
as identification.



Exp. Date: 06/20/21 Commission Number: GG 082088

Signature of Notary Public: GISELE C SURLUGA

Printed Name of Notary Public: GISELE C SURLUGA

# EXHIBIT M10

## AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Andre Schechter (name), as Manager (owner/title) of Fort Pegasus, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**\*Notes:**

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

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

[Signature]  
Signature

10/30/2019  
Date

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/30/2019 (date) by Andre Schechter (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



[Signature]  
Signature of Notary Public





**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
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**Central Park Mixed Use Overlay  
Lee Plan Analysis – Exhibit M11**

**Revised 12-19-2019**

The 6.4-acre property is located in the South Fort Myers Planning Community and has a Future Land Use classification of Intensive Development. The property is part of the Cypress Lake Center DRI, which includes the Cypress Lake Plaza and adjacent commercial outparcels including various restaurants, the Fairfield Inn, professional offices, retail centers, and car dealerships. The DRI is bordered by Cypress Lake Drive to the north, US 41 to the east, the IDD canal to the west, and ends at the Section lines of S23T45SR24E and S26T45SR24E to the south (see Map H of the Cypress Lake Center DRI). In addition, the subject property is zoned Mixed Use Planned Development per Zoning Resolution Z-05-064. The zoning resolution was subsequently amended via ADD2014-00055 and the subject parcel, identified as Tract B, is permitted a maximum of 166 dwelling units (or the density equivalent) and a maximum of 58,200 sf commercial use between Tracts A and B.

Per the Lee Plan, the South Fort Myers community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. Per the Lee Plan, this community is anticipated to be built out by the year 2020 and will continue to be a core area of the county providing office areas for professional services such as medical and financial with an increased amount of commercial activity along the US 41 corridor. The Lee Plan further states that the residential areas of this community will also continue to develop through the year 2030; however the popularity of the residential opportunities to the south in the San Carlo/Estero and Bonita communities will continue to dominate this segment of the market. That statement is accurate considering the subject property is one of the last vacant properties near the US 41/Cypress Lake Drive intersection. It's an infill parcel surrounded by existing commercial uses to the north, east, and south with Lakes Park drainage area to the west and the Reflection Lakes subdivision beyond that.

*Per Policy 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban*

*nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The subject property is located in close proximity to two arterial roadways (US 41 and Cypress Lake Drive). Urban services are available and adequate to serve the development, as demonstrated during the previous rezoning approval and the letters of availability provided by Lee County Utilities, Lee Tran, Lee County Schools, South Trail Fire District, Lee County Solid Waste Division, Lee County Emergency Medical Services, and the Lee County Sheriff's Office. The property is already part of a planned mixed-use center consisting of high-density residential and commercial use. The location is ideal for residential living, employment opportunities, shopping, and professional services. This is consistent with Policy 1.1.2.

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)*

**POLICY 2.1.1:** *Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

**POLICY 2.1.2:** *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Ordinance No. 00-22)*

The subject property is part of the Cypress Lake Center DRI near the intersection of two arterial roadways (US 41 and Cypress Lake Drive). The surrounding properties are built-out with uses including retail, hotel, professional office, restaurants, car dealerships, parks, and residential to the west. The property already has a zoning designation of Mixed Use Planned Development. Adding the 6.4-acre property to the Mixed Use Overlay is consistent with Objective 2.1: Development Location, Policy 2.1.1 and Policy 2.1.2.

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *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, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No. 94-30, 00-22, 17-19)*

**POLICY 2.2.1:** *Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ordinance No. 94-30, 00-22)*

**POLICY 2.2.2:** *Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such*



*densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.*

*In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ordinance No. 94-30, 98-09, 10-20)*

***POLICY 2.2.3:*** *When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.*

The subject property is part of the Cypress Lake Center DRI and has a zoning designation of Mixed-Use Planned Development, which permits a mix of residential and commercial uses. The request was deemed to be consistent with Objective 2.2: Development Timing, Policy 2.2.1, Policy 2.2.2., and Policy 2.2.3.

***OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.*** *To require formal findings for certain Future Land Use Map amendments.*

Objective 2.4 is not applicable. This request to amend Future Land Use Map 1, Page 6: Mixed-Use Overlay does not include critical areas for future water supply (Policy 2.4.1), the existing DR/GR (Policy 2.4.2), or an expansion to the Lee Plan's employment centers (Policy 2.4.3).

***OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS.*** *Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

***STANDARD 4.1.1: WATER.***

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).*

2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, F.A.C. 5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.*
6. *If a development lies outside any service area as described above, the developer may:*
  - *request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
  - *establish a community water system for the development; or*
  - *develop at an intensity that does not require a community water system.*
7. *Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

**STANDARD 4.1.2: SEWER.**

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may:*
  - *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
  - *establish a self-provided sanitary sewer system for the development;*

- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 64E-6, F.A.C. may be utilized, contingent on approval by all relevant authorities.*

6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

Potable water and sanitary sewer lines are in proximity to the subject property. Lee County Utilities has provided a Letter of Availability to serve the development and a Letter of Support/Capacity as part of this Future Land Use Map Amendment request. This is consistent with Standard 4.1.1 and Standard 4.1.2.

***STANDARD 4.1.4: ENVIRONMENTAL FACTORS.***

1. *In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*

2. *Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*

3. *Ensure development minimizes the need for expansion and construction of street and utility improvements.*

The Zoning Resolution and subsequent amendments clearly define the amount of open space and indigenous preserve to be provided within the DRI and also on the subject property. The applicant intends to comply with those requirements. In addition, the Development Order application may require a new or updated Environmental Report, Protected Species Survey and/or Indigenous Management Plan. This is consistent with Standard 4.1.4.

***GOAL 5: RESIDENTIAL LAND USES.*** *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.*

***OBJECTIVE 5.1:*** *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

***POLICY 5.1.1:*** *Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.*

***POLICY 5.1.2:*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

**POLICY 5.1.3:** *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.*

**POLICY 5.1.4:** *Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard.*

**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.*

**POLICY 5.1.6:** *Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.*

The subject property is part of the Cypress Lake Center DRI and is zoned Mixed-Use Planned Development, permitting both residential and commercial land uses. This is consistent with Objective 5.1 and Policy 5.1.1. The property is located in the Coastal High Hazard Area so coordination with Lee County Emergency Medical Services will be required as part of the Development Order. This is consistent with Policy 5.1.2. The site is located near existing commercial uses that provide employment opportunities, shopping, and professional services. In addition, Lee Tran is located in close proximity along US 41. The Cypress Lake Middle and High School along with Rutenberg Park and Lakes Park are located nearby. This is consistent with Policy 5.1.3.

The nearest existing residential uses are located at Reflection Lakes and a condo development fronting on Cypress Lake Drive. Both developments are located far enough away than any negative impacts associated with the development are negligible. This is consistent with Policy 5.1.5. As stated previously, the Cypress Lake Center DRI stipulates the minimum amount of open space and indigenous preserve required within the DRI and the zoning resolution breaks it down by Tract. The applicant intends to comply with all landscape buffer, open space, and indigenous requirements set forth in the DRI, the zoning resolution, the Lee Plan, and the Land Development Code. This is consistent with Policy 5.1.6.

**GOAL 6: COMMERCIAL LAND USES.** *To permit orderly and well-planned commercial development at appropriate locations within the county.*

**OBJECTIVE 6.1:** *Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan.*

**POLICY 6.1.1:** *All applications for commercial development will be reviewed and evaluated as to:*

- a. Traffic and access impacts (rezoning and development orders);*
- b. Landscaping and detailed site planning (development orders);*
- c. Screening and buffering (planned development rezoning and development orders);*

- d. Availability and adequacy of services and facilities (rezoning and development orders);*
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- f. Proximity to other similar centers (rezoning); and*
- g. Environmental considerations (rezoning and development orders).*

***POLICY 6.1.3:*** *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- provide visual harmony and screening;*
- reduce dependence on the automobile;*
- promote pedestrian movement within the development;*
- utilize joint parking, access and loading facilities;*
- avoid negative impacts on surrounding land uses and traffic circulation;*
- protect natural resources; and*
- provide necessary services and facilities where they are inadequate to serve the proposed use.*

***POLICY 6.1.4:*** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

***POLICY 6.1.5:*** *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to:*

- frontage roads;*
- clustering of activities;*
- limiting access;*
- sharing access;*
- setbacks from existing rights-of-way;*
- acceleration, deceleration and right-turn-only lanes; and*
- signalization and intersection improvements*

***POLICY 6.1.6:*** *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

***POLICY 6.1.7:*** *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

***POLICY 6.1.8:*** *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.*

***POLICY 6.1.9:*** *The approval or existence of commercial development on one corner of an intersection will not dictate the development of all corners for commercial development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used.*

The subject property is part of the Cypress Lake Center DRI and is zoned Mixed-Use Planned Development, permitting both commercial and residential uses. The approved zoning indicates



that the Board of County Commissioners found the application consistent with the Land Development Code, the Lee Plan, and other applicable codes and regulations. A Development Order will be required prior to development of the property which must be consistent with the approved zoning resolution, the Land Development Code, and the Lee Plan. As stated previously, the Cypress Lake Center DRI stipulates the minimum amount of open space and indigenous preserve required within the DRI and the zoning resolution breaks it down by Tract. The applicant intends to comply with all landscape buffer, open space, and indigenous requirements set forth in the DRI, the zoning resolution, the Lee Plan, and the Land Development Code. This is consistent with Objective 6.1, Policy 6.1.1, Policy 6.1.3, Policy 6.1.4, Policy 6.1.5, Policy 6.1.6, Policy 6.1.7, Policy 6.1.8, and Policy 6.1.9.

**GOAL 11: MIXED USE:** *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.*

**OBJECTIVE 11.1: MIXED USE DEVELOPMENT.** *Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.*

**POLICY 11.1.1:** *Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).*

**POLICY 11.1.2:** *Residential densities may be calculated from the entire project area when the development is consistent with the following:*

- *At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use).*
- *The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.*

The property is currently zoned Mixed-Use Planned Development and permits a maximum of 166 dwelling units (or density equivalent) and 58,200 square feet of commercial use between Tracts A and B. The location is near the intersection of two arterial roadways (US 41 and Cypress Lake Drive) and is in close proximity to existing shopping, retail centers, professional offices and services, and employment opportunities. In addition Lee Tran is located along US 41 and there's pedestrian connectivity to the surround commercial developments on all four corners of the intersection. Pedestrian connectivity will also be provided on-site and from the subject property to the existing pedestrian facilities. The subject property has a future land use classification of Intensive Development and urban services are available and adequate to serve the development. This is consistent with Goal 11, Objective 11.1, Policy 11.1.1, and Policy 11.1.2.

**OBJECTIVE 11.2: MIXED USE OVERLAY.** *The county will maintain an overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential,*

*shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*

***POLICY 11.2.1:*** *The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:*

- 1. Located within the extended pedestrian shed of established transit routes; and,*
- 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,*
- 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,*
- 4. Availability of adequate public facilities and infrastructure.*
- 5. Will not intrude into predominately single-family residential neighborhoods.*

The subject property is already zoned Mixed-Use Planned Development and permits a maximum of 166 dwelling units (or density equivalent) and 58,200 square feet of commercial use between Tracts A and B. The applicant intends to develop the site for multi-family residential use. The location is near existing urban services, including Lee Tran along US 41 and existing pedestrian facilities. Both pedestrian and vehicular connectivity is provided to the existing commercial developments located at all four corners of the intersection. Most everything is located nearby, within walking distance, including numerous restaurants, retail, shopping, grocery stores, medical facilities, professional services and employment opportunities. The property is located in the Intensive Development Future Land Use category and urban services are available and adequate to serve the proposed development. Letters of Availability have been provided from LeeTran, Lee County Solid Waste Division, South Trail Fire District, Lee County Sheriff's Office, Lee County Utilities, Lee County Emergency Medical Services, and Lee County Schools. This is consistent with Policy 11.2.1.

***POLICY 11.2.2:*** *Development in the Mixed Use Overlay should accommodate connections to adjacent uses.*

There's an existing roadway network that provides access, both vehicular and pedestrian, to the Cypress Lake Center Plaza, which is adjacent to the site. The same roadway network provides access to the nearby shopping centers located on all four corners of the intersection. This is consistent with Policy 11.2.2.

***POLICY 11.2.3:*** *At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.*

The subject property is immediately adjacent to the Cypress Lake Plaza, which is already in the Mixed Use Overlay. They Board of County Commissioners are able, at their discretion, extend the Mixed Use Overlay to include the subject property. This is consistent with Policy 11.2.3.

***POLICY 11.2.6:*** *Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and*

*additional development incentives as set forth in this plan to encourage a compact and functional development pattern.*

The current zoning resolution, which permits 166 dwelling units, has already taken advantage of the bonus density option. This will be confirmed at time of Development Order permitting, or zoning amendment, if necessary. This is consistent with Policy 11.2.6.

***POLICY 11.2.7:*** *Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.*

The applicant intends to utilize this section of the Lee Plan during Development Order permitting.

***Goal 59: Protection of Life and Property.*** *To reduce the hazards of life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.*

***Policy 59.1.1:*** *The county will update and implement the comprehensive county-wide surface management master plan, with full attention to issues of regional water quality and environmental integrity.*

***Policy 59.1.2:*** *From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard map and Flood Insurance Study.*

***Policy 59.1.5:*** *The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways.*

The South Florida Water Management District issued an Environmental Resource Permit for the Cypress Lake Center DRI in 1987. An ERP Mod was subsequently issued in 2001 for the 9.2-acre development, consisting of a 20-unit commercial development. If and when the subject property is developed for residential use, a new ERP must be submitted and approved by SFWMD. The ERP is required to meet all state and federal water quality standards. The development will be required to adhere to the water quality, water quantity, and attenuation per the ERP. In addition, Best Management Practices will be proposed during local Development Order permitting to inhibit turbid run-off from leaving the site.

The western most edge of the subject property lies within the 100-year flood prone area. At the time of development, the applicant will be required to demonstrate compliance with all rules, regulations and codes of the Lee Plan, Lee County Development Services, the South Florida Water Management District, FEMA, and all other applicable regulatory agencies. It's premature to design and permit a future development at this stage; however, no development will be permitted to be constructed that is not consistent with the Lee Plan. This is consistent with Goal 59, Policy 59.1.1, Policy 59.1.2, and Policy 59.1.5 of the Lee Plan.

***Goal 60: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis.*** *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

***Policy 60.1.1:*** *Require design of surface water management systems to protect or enhance the groundwater.*

***Policy 60.1.2:*** *Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.*

***Policy 60.4.1:*** *Encourage new developments to design surface water management systems with Best Management Practices (BMPs) including, but not limited to, filtrations marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

***Policy 60.4.2:*** *The county encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The South Florida Water Management District issued an Environmental Resource Permit for the Cypress Lake Center DRI in 1987. An ERP Mod was subsequently issued in 2001 for the 9.2-acre development, consisting of a 20-unit commercial development. If and when the subject property is developed for residential use, a new ERP must be submitted and approved by SFWMD. The ERP is required to meet all state and federal water quality standards. The development will be required to adhere to the water quality, water quantity, and attenuation per the ERP. In addition, Best Management Practices will be proposed during local Development Order permitting to inhibit turbid run-off from leaving the site. BMP's include using native vegetation and preserving existing indigenous areas. Please note there are no wetlands on the subject property.

Please note that per the current ERP, surface water sheet flows to the west and south to the existing IDD canal and ultimately to Hendry Creek. At the time of development, the applicant will be required to demonstrate compliance with all rules, regulations and codes of the Lee Plan, Lee County Development Services, the South Florida Water Management District, FEMA, and all other applicable regulatory agencies. It's premature to design and permit a future development at this stage; however, no development will be permitted to be constructed that is not consistent with the Lee Plan. This is consistent with Goal 60, Policy 60.1.1, Policy 60.1.2, Policy 60.4.1, and Policy 60.1.2 of the Lee Plan.

***Goal 61: Protection of Water Resources.*** *To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.*

***Objective 61.1: Water Supply Planning.*** *All county water supply planning will include the recognition of surface water runoff as a possible resource and will consider integrating the use of surface water runoff in any supply program or strategy that results.*

***Objective 61.2: Mimicking the Functions of Natural System.*** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.*

***Objective 61.3: General Surface Water Management Standards.*** *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.*

The South Florida Water Management District issued an Environmental Resource Permit for the Cypress Lake Center DRI in 1987. An ERP Mod was subsequently issued in 2001 for the 9.2-acre development, consisting of a 20-unit commercial development. If and when the subject property is developed for residential use, a new ERP must be submitted and approved by SFWMD. The ERP is required to meet all state and federal water quality standards. The development will be required to adhere to the water quality, water quantity, and attenuation per the ERP. In addition, Best Management Practices will be proposed during local Development Order permitting to inhibit turbid run-off from leaving the site. BMP's include using native vegetation and preserving existing indigenous areas, in addition to utilizing the existing IDD canal.

Please note that per the current ERP, surface water sheet flows to the west and south to the existing IDD canal and ultimately to Hendry Creek. At the time of development, the applicant will be required to demonstrate compliance with all rules, regulations and codes of the Lee Plan, Lee County Development Services, the South Florida Water Management District, FEMA, and all other applicable regulatory agencies. It's premature to design and permit a future development at this stage; however, no development will be permitted to be constructed that is not consistent with the Lee Plan. This is consistent with Goal 61, Objective 61.1, Objective 61.2, and Objective 61.3 of the Lee Plan.

***Goal 125: Water Quality:*** *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

***Objective 125.1:*** *Maintain high water quality, meeting or exceeding state and federal water quality standards.*

***Policy 125.1.1:*** *Sources of water pollution will be identified, controlled, and eliminated wherever feasible.*

***Policy 125.1.2:*** *New development and additions to existing development must not degrade surface and ground water quality.*

***Policy 125.1.3:*** *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.*

***Policy 125.1.4:*** *Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.*

***Policy 125.1.5:*** *No garbage or untreated sewage will be discharged into coastal and interior surface waters.*

***Policy 125.1.7:*** *Valid permits and inspections will be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings.*

The South Florida Water Management District issued an Environmental Resource Permit for the Cypress Lake Center DRI in 1987. An ERP Mod was subsequently issued for the 9.2-acre development in 2001 for a commercial development consisting of 20 buildings. If and when the subject property is developed for residential use, a new ERP must be submitted and approved by SFWMD. The ERP is required to meet all state and federal water quality standards. This is

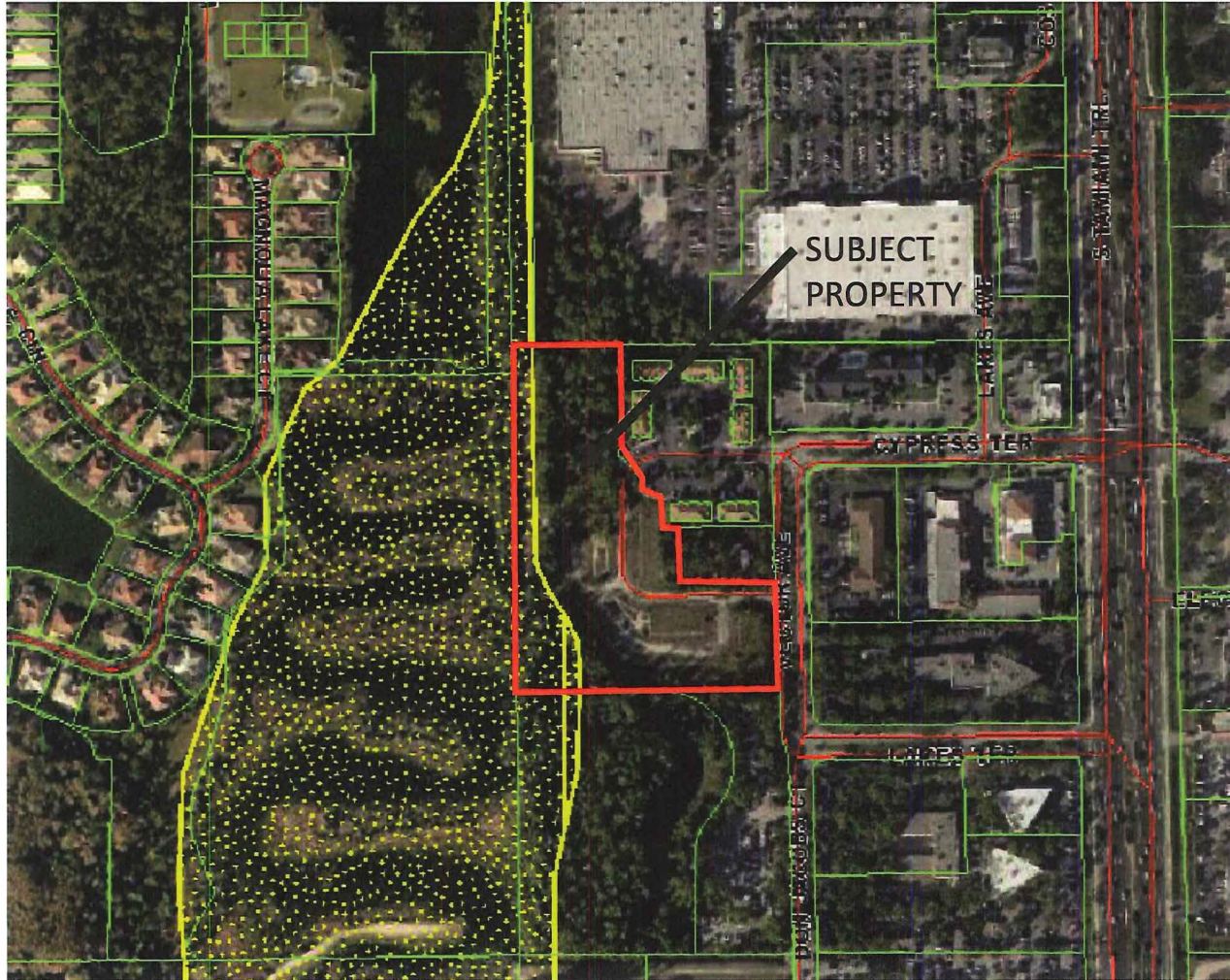


consistent with Goal 125, Objective 125.1, Policy 125.1.1, Policy 125.1.2, Policy 125.1.3, Policy 125.1.4, Policy 125.1.5, and Policy 125.1.7 of the Lee Plan.

The current zoning resolution permits 166 dwelling units. However, the site is encumbered in such a way that it's not possible to build 166 dwelling units on-site. Those encumbrances include an oddly shaped lot, a minimum of 3.38 acres of open space of which 1.69 acres must be indigenous preserve per the requirements of the DRI, a maximum height of 100 or 120 feet and one level of understory parking and 10 and 20-foot wide buffers per the zoning resolution. In addition, the site must comply with all current Land Development Codes, including parking. Lee Plan Policy 11.2.5 states that Lee County will maintain land development regulations for properties within the Mixed use overlay that allow for urban forms of development and a variety of uses. As such, the Land Development Code has less stringent requirements for parking, buffers, landscaping, open space, etc for those properties within the Mixed Use Overlay. The subject property should have been included in the mixed use overlay map from the beginning along with the entire Cypress Lake Center DRI, especially when the DRI is only a true mixed use development when it includes the residential component of the subject property. Otherwise, the mixed use overlay only includes commercial uses.

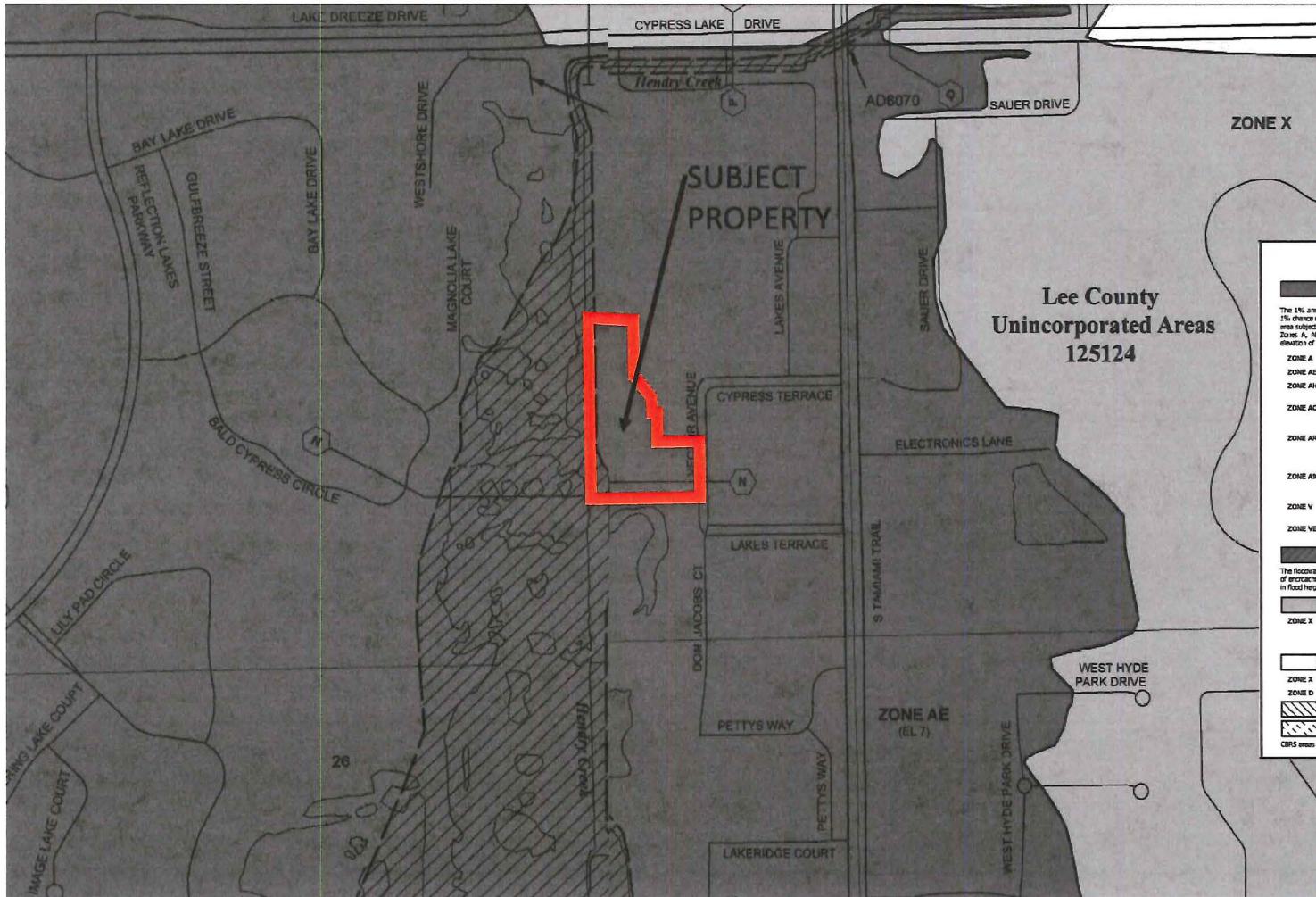
The applicant has demonstrated that the request to add the subject property to Lee Plan Map 1, Page 6: Mixed Use Overlay is consistent with the Lee Plan.

# TOPOGRAPHIC MAP OF SUBJECT PROPERTY AND 100-YEAR FLOOD PRONE AREAS – EXHIBIT M12





# SUBJECT PROPERTY ON FLOOD INSURANCE RATE MAP - EXHIBIT M12



FIRM Panels 417  
And 436 of 685

**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equalled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AD, AR, APF, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AD** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of attitudinal flooding, velocities are determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decommissioned. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE APF** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

**ZONE D** Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



**BOARD OF COUNTY COMMISSIONERS**

John E. Manning  
*District One*

October 14, 2019

Via E-Mail

Cecil L. Pendergrass  
*District Two*

Veronica Martin

Raymond Sandelli  
*District Three*

TDM Consulting, Inc.  
43 Barkley Cir, Suite 200  
Fort Myers, FL 33907

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

**RE: Potable Water and Wastewater Availability  
Central Park Condo  
STRAP # 23-45-24-60-00000.2010**

Roger Desjarlais  
*County Manager*

Richard Wm Wesch  
*County Attorney*

Donna Marie Collins  
*County Chief  
Hearing Examiner*

Dear Ms. Martin:

The subject property is 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 and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 166 single family residential units with an estimated flow demand of approximately 35,465 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer 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 our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our our Fiesta Village Water Reclamation Facility. 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.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111  
lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

**LEE COUNTY UTILITIES**

A handwritten signature in blue ink that reads "Mary McCormic". The signature is written in a cursive style with a prominent initial "M".

Mary McCormic  
Technician Senior  
239-533-8532  
UTILITIES ENGINEERING





**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com**

## **Central Park Mixed-Use Overlay**

### **Level of Service Analyses for Potable Water, Sanitary Sewer, Surface Water Drainage, Parks, Recreation and Open Space, and Public Schools Exhibit M16**

**Revised 12/19/2019**

#### **Potable Water and Sanitary Sewer**

As a proposed development in an established mixed-use district, both potable water and sanitary sewer service the development. Per F.A.C. 64E-6.008 Table 1, the expected demand for half of the proposed multi-family residential dwelling units (two bedrooms each) is 200 GPD per dwelling unit while the expected demand for the other half of the proposed multi-family residential dwelling units (three bedrooms each) is 300 GPD per dwelling unit. Therefore, the proposed development can expect an average potable water and sanitary sewer demand of  $(83 \times 200) + (83 \times 300) = 41,500$  GPD.

Daily Peak Demand = Average Demand  $\times$  1.3 = 41,500 GPD  $\times$  1.3 = 53,950 GPD

Hourly Peak Demand = Average Demand  $\times$  4 = 41,500 GPD  $\times$  4 = 166,000 GPD = 6,917 GPH = 115.3 GPM

The proposed development is within the Lee County Utilities (LCU) franchise area. LCU owns and maintains existing potable water and wastewater lines along the parcel's frontage with Vector Avenue. LCU's Green Meadows Water Treatment Plant will provide potable water service to the proposed development while LCU's Fiesta Village Wastewater Treatment Plant will provide wastewater service.

According to the 2018 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 51.9 million gallon per day (MGPD) and is projected to operate at 44.4 MGPD in 2023. Therefore, there is sufficient capacity within the existing water distribution system to serve the 41,500 GPD increase in demand to LCU's system from the project at build-out.

According to the 2018 Lee County Concurrency Report, the Fiesta Village facility is permitted with a capacity of 5.0 million gallon per day (MGPD) and is projected to operate at 3.2 MGPD in 2023. Therefore, there is sufficient capacity within the existing plant to serve the 41,500 GPD increase in demand to LCU's system from the project at build-out.

#### **Surface Water Drainage**

The parcel is part of a master surface water management permit through South Florida Water Management District (ERP #36-00759-S). The existing master surface water management system provides the necessary water quality, water quantity, and attenuation for the entire subdivision. The proposed development will be required to provide ½” of on-site dry pre-treatment prior to discharge into the master surface water management system. Interconnected dry detention areas will provide the requisite water quality dry pre-treatment. Connection to the master surface water management system will be via a control structure and culvert pipe, limiting discharge to a specified rate. Discharge from the master surface water management system will occur through a control structure to the west to the bordering former IDD canal and ultimately to Hendry Creek.

### **Parks, Recreation, and Open Space**

Per the 2019 Public Facilities Level of Service and Concurrency Report, the Required Capacity for Parks and Recreation is 5,052 acres of regional parks and 285 acres of community parks. The Available Capacity is currently at 7,051 acres of regional parks and 743 acres of community parks. The subject property is located near Lakes Park, located on Gladiolus Drive south of the property, near the John Yarbrough Linear Park, located on Daniels Parkway east of the property, and near Rutenberg Park, located on Cypress Lake Drive west of the property. The small development doesn't diminish the available capacity of Parks and Recreation.

### **Public Schools**

Per the Review Letter provided by the School District of Lee County, the development does not significantly impact the capacity of the public schools. Per the Letter, a total of 20 school-aged children would be generated to utilize the public school system.



# EXHIBIT M17



## THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DOMINIC GEMELLI  
PROJECT MANAGER  
239-335-1478

GWYNETTA S. GITTENS  
CHAIR, DISTRICT 5

CHRIS N. PATRICCA  
VICE CHAIR, DISTRICT 3

MARY FISCHER  
DISTRICT 1

MELISA W. GIOVANNELLI  
DISTRICT 2

DEBBIE JORDAN  
DISTRICT 4

BETSY VAUGHN  
DISTRICT 6

CATHLEEN O'DANIEL MORGAN  
DISTRICT 7

GREGORY K. ADKINS, ED. D.  
SUPERINTENDENT

ALAN L. GABRIEL, ESQ.  
BOARD ATTORNEY

October 30, 2019

Veronica Martin  
Senior Planner  
TDM Consulting  
43 Barkley Circle Suite 200  
Fort Myers, Florida 33907

RE: Cypress Lake Center DRI Strap #23-45-24-60-0000.2010

Dear Ms. Martin:

This letter is in response to your request for comments dated August 17, 2019 for the Cypress Lake Center DRI in regard to educational impact. The project is located in the South Choice Zone, S2.

This is a requested CPA amendment would represent increase of Multi-Family units in this CSA of 166.

For Multi-Family homes, the generation rate is .116 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 20 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is not an issue within the Concurrency Service Area (CSA)

Thank you and if I may be of further assistance, please contact me at 239-335-1478

Sincerely,

*Dominic Gemelli*

Dominic Gemelli, Planner

**LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS**

**REVIEWING AUTHORITY** Lee County School District  
**NAME/CASE NUMBER** MPD Ammendment  
**OWNER/AGENT** Cypress Lake Center DRI  
**ITEM DESCRIPTION** MPD impacts in South CSA, sub area S2  
  
**LOCATION** Unknown  
**ACRES** 6.40 Strap # 23-45-24-60-0000.2010  
**CURRENT FLU** Intensive Development  
**CURRENT ZONING** MPD

**PROPOSED DWELLING UNITS BY TYPE**

Single Family	Multi Family	Mobile Home
	166	0

**STUDENT GENERATION**

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.058		9.63
Middle School	0.028		4.65
High School	0.03		4.98

Source: Lee County School District, September 8, 2018 letter

CSA SCHOOL NAME 2023/24	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	13,291	11,993	1,298	10	1288	90%	
South CSA, Middle	6,904	5,561	1,343	5	1338	81%	
South CSA, High	8,703	8,347	356	5	351	96%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan  
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity )  
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dominic Gemelli, Planner

***Carmine Marceno***  
Sheriff



***"Proud to Serve"***

**State of Florida**  
**County of Lee**

September 27, 2019

Veronica Martin  
TDM Consulting  
43 Barkley Circle, Suite 200  
Fort Myers, FL 33907

Ms. Martin,

A Comprehensive Plan Amendment request to add a 6.4-acre parcel in south Fort Myers with STRAP #23-45-24-60-00000.2010 to the Mixed-Use Overlay Map does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. As such, this agency does not object to a maximum of 166 dwelling units or 10,000 square feet per acre of commercial intensity.

We will provide law enforcement services primarily from our West District office in south Fort Myers. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report to the Lee County Sheriff's Office for review and comments. Please contact Community Relations Supervisor Beth Schell at 258-3287 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in black ink that reads "Stanley B Nelson".

Stan Nelson  
Director, Planning and Research



***"The Lee County Sheriff's Office is an Equal Opportunity Employer"***  
**14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000**





**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
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www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

**Central Park Lee Plan Map Amendment  
Justification of Proposed Amendment – Exhibit M19**

**Revised 12/19/2019**

The applicant is requesting to amend Lee Plan Map 1, Page 6: Mixed Use Overlay by adding a 6.4-acre parcel into the Mixed-Use Overlay. The subject parcel is located near the intersection of US 41 and Cypress Lake Drive, just south of the Cypress Lake Plaza (anchored by Costco) in South Fort Myers. The property doesn't have a street address as of yet, but is identified by STRAP #23-45-24-60-00000.2010.

Currently, the Mixed Use Overlay encompasses the entire Cypress Lake Plaza property, but ends along the north property line of the subject parcel (see the attached Current Mixed-Use Overlay Aerial Exhibit). The Cypress Lake Plaza property and the subject property are part of the Cypress Lake Center DRI #7-8384-47, which was recently reinstated. The DRI encompasses a block of land that is bordered by Cypress Lake Drive to the north, US 41 to the east, the Iona Drainage District canal to the west, ending at the Section Line to the south. (A copy of the Master Development Plan from the Cypress Lake Center DRI is included with this Exhibit.) Every lot/tract is developed or used for indigenous preservation with the exception of the subject parcel.

The subject property has a Future Land Use designation of Intensive Development and is currently zoned Mixed-Use Planned Development. Per Administrative Amendment ADD2014-00055, commercial uses are permitted on the subject property (58,200 square feet between Tracts A and B) and a maximum of 166 dwelling units (or the density equivalent) is also permitted. The applicant/developer intends to develop the property for multi-family use. The development meets the criteria set forth in LDC Sec. 34-940 for Mixed-Use Planned Developments: the residential development meets or exceeds 50 or more dwelling units and the commercial development includes 30,000 square feet or more of floor area.

The subject property:

- Has a Future Land Designation of Intensive Development;
- Is located near the intersection of 2 arterial roadways (US 41 and Cypress Lake Drive);
- Is located in close proximity to existing LeeTran routes;
- Is located near existing/proposed pedestrian facilities;
- Existing signalized driveways/access points are in place, providing connections to the adjacent uses on all four corners of the intersection
- Is located in close proximity to existing shopping/retail, professional services, medical offices, and employment centers (surrounded by numerous offices, retail shops, restaurants, and car dealerships at Market Square, Bell Tower Shops, Cypress Trace Plaza, and Cypress Lake Plaza);

- Urban services (fire, EMS, Sheriff's Office, LeeTran, LC Schools, LC Solid Waste, and LC Utilities) are available and adequate to serve the proposed development;
- Is near existing educational facilities (Florida Southwestern State College and Cypress Lake Middle and High Schools);
- Is located near existing residential developments, but will not intrude into those residential neighborhoods (Reflection Lakes and condos along Cypress Lake Drive);
- Is located in proximity to existing Parks (Rutenberg and Lakes Park);
- Will not have an adverse impact on the existing Level of Service of the existing roadway network, potable water, sanitary sewer, or drainage basins;
- No impacts are anticipated on the existing environmental conditions, including open space and indigenous preservation;
- There are no Historic Resources located nearby to be impacted.

This is consistent with Objective 11.2 of the Lee Plan. Please see the Lee Plan Analysis for further explanation on the Lee Plan compliance. In addition, Policy 11.2.3 of the Lee Plan states that "At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay". The subject property is located adjacent to a Mixed-Use Overlay.

The current zoning resolution permits 166 dwelling units. However, the site is encumbered in such a way that it's not possible to build 166 dwelling units on-site. Those encumbrances include an oddly shaped lot, a minimum of 3.38 acres of open space of which 1.69 acres must be indigenous preserve per the requirements of the DRI, a maximum height of 100 or 120 feet and one level of understory parking and 10 and 20-foot wide buffers per the zoning resolution. In addition, the site must comply with all current Land Development Codes, including parking. Lee Plan Policy 11.2.5 states that Lee County will maintain land development regulations for properties within the Mixed use overlay that allow for urban forms of development and a variety of uses. As such, the Land Development Code has less stringent requirements for parking, buffers, landscaping, open space, etc for those properties within the Mixed Use Overlay. The subject property should have been included in the mixed use overlay map from the beginning along with the entire Cypress Lake Center DRI, especially when the DRI is only a true mixed use development when it includes the residential component of the subject property. Otherwise, the mixed use overlay only includes commercial uses.

The applicant believes the proposed amendment is based on sound planning principles. The subject property:

1. Is already zoned MPD to permit a mix of commercial and residential uses;
2. Is contiguous to property already within the Mixed-Use Overlay; and
3. Is consistent with the Lee Plan.



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

**Cypress Lake Center DRI  
Exhibit M20**

Development Orders since 1989

92-11-027-00D  
96-10-121-00D  
97-01-269-00D  
99-02-278-00D  
LDO2000-00321  
DOS2001-00119  
LDO2002-00087  
LDO2002-00156  
DOS2003-00226  
LDO2003-00369  
LDO2006-00120  
DOS2007-00134  
DOS2007-00282  
LDO2008-00149  
LDO2009-00040  
DOS2013-00016  
DOS2015-00022  
DOS2016-00018  
LDO2016-00450  
LDO2017-00055  
LDO2018-10289  
LDO2019-00380



# Planned Development

Cypress Lake Center DRI

Development Type: DRI

Status: Approved/W Amendments

South Fort Myers Planning Community

## Project Approvals

Category Sub Category	Acres Totals/Sub Category	Units Totals/Sub Category	Square Feet Totals/Sub Category
<b>Commercial</b>	0.00	249	394,540
ACLF/Nursing Home <i>Assisted living Units.</i>	0.00	145	0
Commercial Office <i>Reduced 40k ft from Business corporate and 62.8 k ft from Executive Business. Reduced by ADD2007-00167</i>	0.00		58,200
Commercial Retail	0.00		336,340
Hotel/Motel <i>Includes 100 seat conf. Center and 200 seat restaurant. Reduced from 275 units</i>	0.00	104	0
<b>Mixed Use</b>	68.67		
Mixed	68.67		
<b>Residential</b>	0.00	168	0
Multi Family Residential <i>Reduced from 210 units</i>	0.00	168	0
<b>Project Total</b>	68.67	417	394,540

## Project Hearings

Resolution #	Case Number	Hearing Date	Approved
	ADD2007-00167	10/26/2007	Yes

ADD2007-00167 Go To E-Connect Click For Resolution					Reduce office space to 58,200sq feet and relocate type A buffer.
Z-05-064 Go To E-Connect Click For Resolution	DRI2005-00003	11/07/2005	Yes		Request to extend the termination and the buildout date to June 18, 2009 and to reduce certain thresholds of development authorized by the Cypress Lakes Center DRI.
Z-05-064 Go To E-Connect Click For Resolution	DCI2004-00085	11/07/2005	Yes		Rezone 9.2 acres of Central Park from CPD to MPD. No blasting is requested
ADD2003-00173 Go To E-Connect Click For Resolution	ADD2003-00173	12/11/2003	Yes		Zoning relief to facilitate a commercial lot split
Z-00-020 Go To E-Connect Click For Resolution	DRI1999-00019	05/15/2000	Yes		Extend termination and build-out date; change Tract B Lot 6 from "proposed multi-family uses" to "mixed use development"
Z-00-003 Go To E-Connect Click For Resolution	96-09-098.03Z 05.01	02/07/2000	Yes		Rezone 9.2ac of DRI from RPD to CPD - no changes to overall DRI development regulations to CPD
Z-99-091 Go To E-Connect Click For Resolution	96-09-098.03Z 04.01	01/03/2000	Yes		Add 15,500 sf of retail use
Z-98-034 Go To E-Connect Click For Resolution	96-09-098.03Z 04.01	03/29/1999	Yes		Amends DRI
Z-96-069A Go To E-Connect Click For Resolution	96-09-098.03Z	11/17/1997	Yes		Corrects legal description
Z-96-070 Go To E-Connect Click For Resolution	96-09-098.03Z 02.01	12/16/1996	Yes		Same as Z-96-069
Z-92-011/1 Go To E-Connect Click For Resolution	85-03-01-DRI(d)	07/20/1992	Yes		Deviation/expansion

Z-92-011-2 Go To E-Connect Click For Resolution	85-03-01-DRI(d)	07/20/1992	Yes	PH II; deviations
Z-90-070 Go To E-Connect Click For Resolution	90-07-17-DCI-04	10/08/1990	Yes	PH II; Rezone CG&CT to CPD
Z-87-196-2 Go To E-Connect Click For Resolution	85-03-01-DRI(b)	01/11/1988	Yes	withdraws C.O.P.
Z-87-220 Go To E-Connect Click For Resolution	85-03-01-DRI(c )	11/09/1987	Yes	Amends D.O.
Z-87-196-1 Go To E-Connect Click For Resolution	85-03-01-DRI(b)	11/09/1987	Yes	CG to CPD
Z-87-089 Go To E-Connect Click For Resolution	85-03-01-DRI(a)	06/08/1987	Yes	PH II; rezone CT to CG
ZAB-85-045-1 Go To E-Connect Click For Resolution	85-03-01-DRI	05/20/1985	Yes	DRI Approval; AG to CG, CS, & CT
ZAB-85-045 Go To E-Connect Click For Resolution	85-03-01-DRI	04/15/1985	Yes	Rezone to CPD/DRI
Go To E-Connect Click For Resolution	DRI2018-10002		No	Request for the rescission of the expired DRI

DRI8531

Last Updated - 03/15/2005