

ATTACHMENT M

ADMINISTRATIVE AMENDMENT (PD) ADD2016-00139

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential Planned Development (RPD) and Commercial Planned Development (CPD) on a project known as Avida (fka Oasis Cove) for a deviation from Chapter 10-384(c)(2) which states watermains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height must be no less than 10 inches in diameter, and constructed in an external loop system with intersecting water mains installed every 2,000 feet to allow a proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external loop exceeding 2,000 feet on property located 7650 Gladiolus Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Z-10-009 (with subsequent amendments in case number ADD2016-00011, and an Administrative Interpretation in case number ADD2012-00077); and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-10-009 approved a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land on the RPD portion and a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses on the CPD portion; see Exhibit "B"; and

WHEREAS, ADD2012-00077 clarified the types of units that could be developed on the property and confirmed the density ratios for the various types of units, see Exhibit "C"; and

WHEREAS, ADD2016-00011 revised the Master Concept Plan, amended the CPD Schedule of Uses and revised limitations on Hospice Use, revised the RPD site development regulations, added seven new deviations, revised two previous conditions, see Exhibit "D"; and

WHEREAS, the request for a 12 inch watermain distribution system to connect to an existing 16 inch watermain with an external loop exceeding 2,000 feet will comply with the water service and fire protection criteria, see Exhibit "E"; and

WHEREAS, the request was reviewed by the Lee County Fire Officials and Lee County Utility department neither of which presented objections; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development (RPD) and Commercial Planned Development (CPD) for a proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external loop exceeding 2,000 feet is **APPROVED, subject to the following conditions:**

1. **The amended Master Concept Plan as approved and adopted in ADD2016-00011 remains in full force and effect, attached within Exhibit D.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 1/6/2017 by

Audra Ennis, Zoning Manager  
Lee County Community Development

Exhibits:

- A - Legal Description
- B - Z-10-009
- C - ADD2012-00077
- D - ADD2016-00011
- E - Hydraulic Calculations

ATTACHMENT N

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00094

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential and Commercial Planned Development on a project known as Avida (fka Oasis Cove) to permit two deviations related to signage on property located 7650 Gladiolus Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multifamily development, and commercial uses by Resolution Z-10-009 (see Exhibit "B"); and

WHEREAS, an administrative interpretation to clarify the maximum permitted density and density equivalents for certain types of dwelling units was established by ADD2012-00077 (see Exhibit "C"); and

WHEREAS, the zoning on the subject property was subsequently amended to supplement the Schedule of Uses, revise the site layout and property development regulations, and clarify the method for measuring building height by ADD2016-00011(a) (see Exhibit "D"); and

WHEREAS, ADD2016-00139 approved a deviation from design requirements related to sizing and specifications of the proposed water distribution system on the subject property (see Exhibit "E"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, a development order (DOS2016-00049) was issued for the first phase of construction of the approved development on October 20, 2016; and

WHEREAS, two (2) code-compliant identification signs were approved as part of DOS2016-00049; and

WHEREAS, the applicant is seeking administrative approval of two deviations related to signage; and

WHEREAS, the applicant requests a deviation from Section 30-153(2)a.1.ii of the Land Development Code (LDC), which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both

signs does not exceed 300 square feet, to permit a total of five (5) identification signs with a total combined sign area of 438 square feet along Gladiolus Drive (see Exhibit "F"); and

WHEREAS, the applicant requests a deviation from Section 30-153(2)a.4 of the LDC, which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the five (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way (see Exhibit "F"); and

WHEREAS, the subject property maintains approximately 1,204 feet of frontage on Gladiolus Drive; and

WHEREAS, the right-of-way line of Gladiolus Drive, which comprises the front lot line of the subject property, is located approximately seventy (70) feet from the edge of pavement of Gladiolus Drive (see Exhibit "G"); and

WHEREAS, the applicant's justification for the requested deviations identifies the need for additional signage and reduced setbacks to provide increased visibility to the traveling public in order to limit undesirable turn movements and to protect the traveling public (see Exhibit "H"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans or a master concept plan's attendant documentation at any time during the development of or useful life of a planned development; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the requested deviations do not increase density or intensity within the development; do not decrease buffers or open space required by the LDC; do not underutilize public resources or infrastructure; do not reduce total open space, buffering, landscaping or preservation areas; and do not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Residential and Commercial Planned Development is **APPROVED subject to the following conditions:**

1. **The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage Monument Separation Plan – Deviation 9, dated May 26, 2017, attached hereto as Exhibit "F".**
2. **The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, attached hereto as Exhibit "G".**

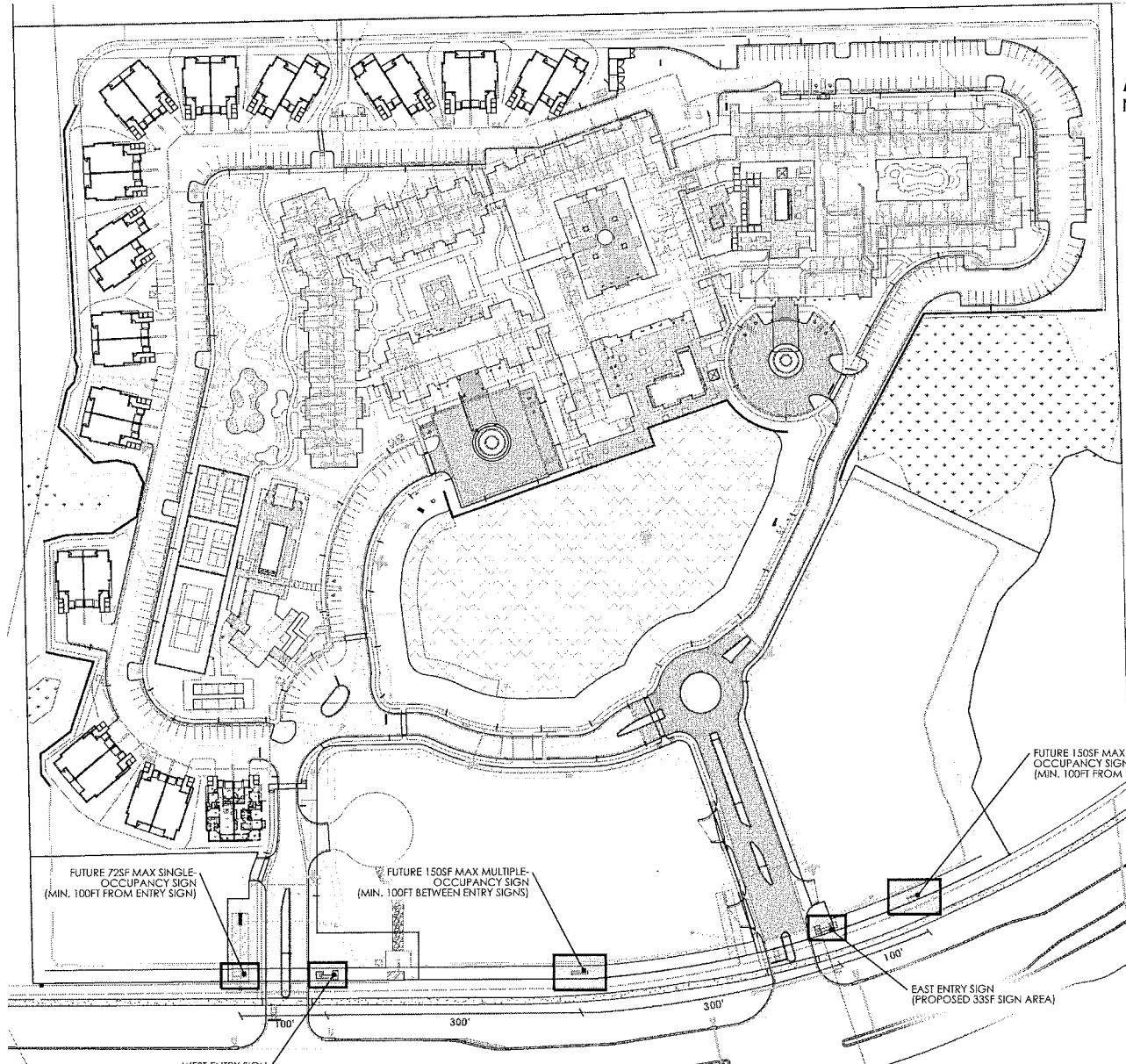
3. **The terms and conditions of the original zoning resolution and subsequent administrative amendments thereto remain in full force and effect.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 7/14/2017 by

Audra Ennis, Zoning Manager  
Lee County Community Development

**Exhibits**

- A – Legal Description
- B – Resolution Z-10-009
- C – ADD2012-00077
- D – ADD2016-00011(a)
- E – ADD2016-00139
- F – Signage Monument Separation Plan Exhibit
- G – Signage Monument Location Exhibit
- H – Deviation Justification Narrative

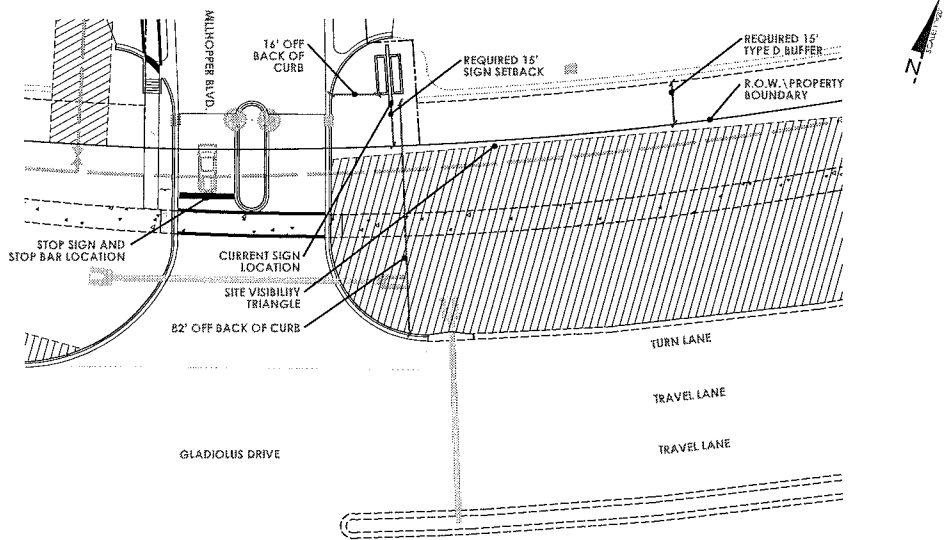


**NOTE:**  
 THIS EXHIBIT IS FOR SUBSTANTIATION OF COMPLIANCE WITH THE MINIMUM DIMENSIONS OUTLINED IN THIS DEVIATION 9 AND DOES NOT NECESSARILY REPRESENT THE EXACT LOCATION OR PLACEMENT OF THE THREE FUTURE SIGNS.

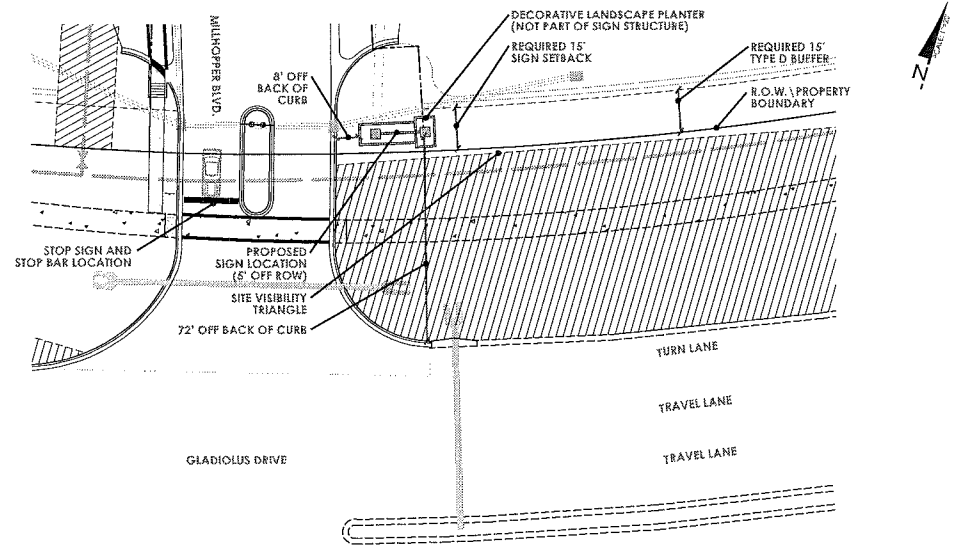
prepared for:



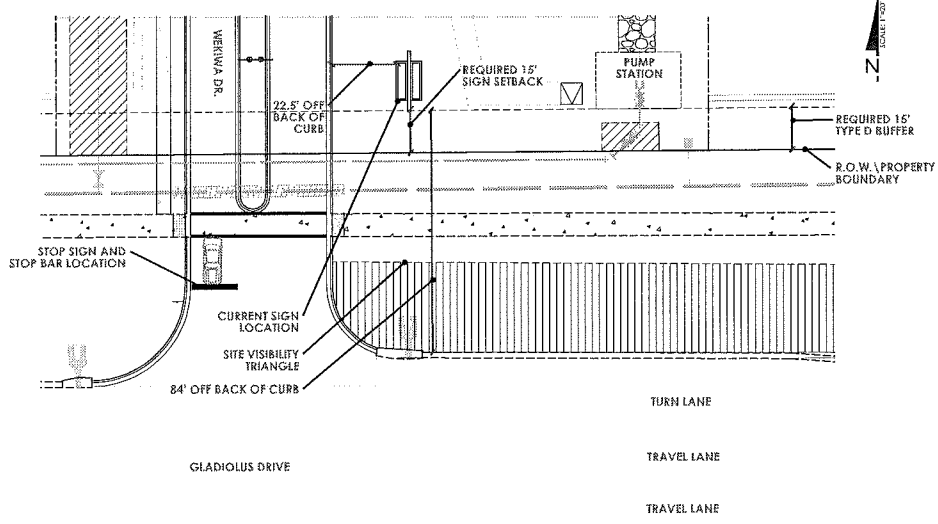
May 26, 2017



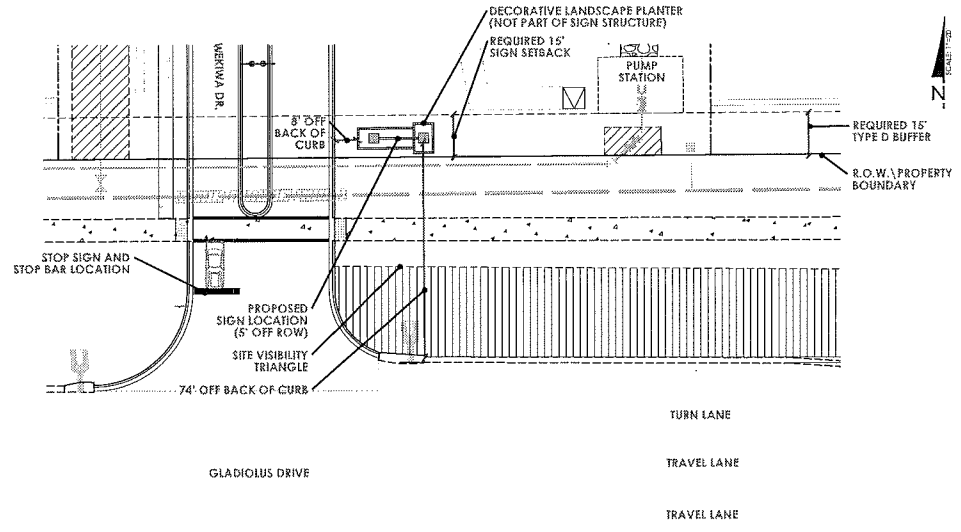
Development Order East Entry Sign Location: Millhopper Blvd.



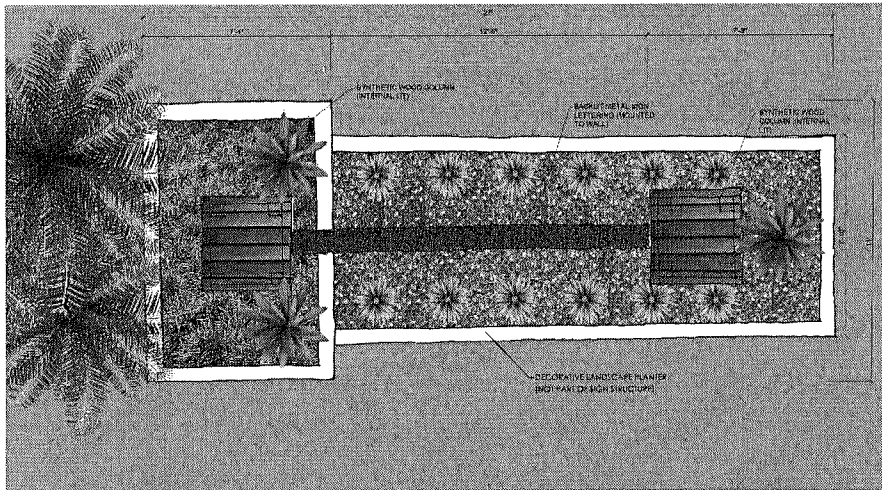
Proposed Sign East Entry Location: Millhopper Blvd.



Development Order West Entry Sign Location: West Entry: Wekiwa Dr.



Proposed Sign West Entry Location: Wekiwa Dr.



1. PLAN

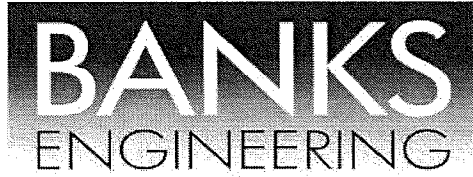


2. ELEVATION

prepared for:



EXHIBIT H



Professional Engineers, Planners & Land Surveyors



**Avida**

**Schedule of Deviations and Written Justification**

Existing Deviations 1 – 8 remain unchanged.

ADD2016-00139 Administrative deviation remains unchanged.

**Deviation 9** is requested from LDC Sec. 30-153(2)a.1.ii. permanent signs in commercial and industrial areas, identification signs for multiple occupancy complexes with more than five establishments which allows 2 signs if street frontage is more than 330 LF and allows a total of 300 SF sign area; to allow more than 2 signs and greater than 300 limit to allow the 2 entry identification signs as proposed and to allow the following future signage with a minimum of 100 foot separation between signs as follows:

- West of western entry: 1 maximum 72 SF single tenant sign
- Between entrances: 1 maximum 150 SF multiple-occupancy sign
- East of eastern entry: 1 maximum 150 SF multiple-occupancy sign

**JUSTIFICATION:** This deviation is requested due to the amount of frontage for the parcel, the large right-of-way and the access location of the project immediately following a curve for the westbound traffic on a 6-lane arterial roadway (Gladiolus Drive) with a speed limit of 45 mph. The code allows 2 signs for frontage over 330 feet and the subject parcel has 1,204± LF of frontage which is almost four times this amount. If this parcel had been configured differently and had three parcels each with over 330 LF of frontage it could have conceptually had up to 6 signs. The applicant is only proposing a total of 5 signs. Although deviation 10 is requested for a 5' right-of-way setback, the proposed signs that are setback over 70 feet from the back of curb of the turn lane on Gladiolus. There are also landscape islands surrounding the signs which are not part of the sign structure, as discussed with meetings with Lee County staff. The signs are located well out of the visibility triangle at both entry locations. The requested signage deviation is necessary to allow better visibility to the traveling public. It should be noted that the development plan is a for a residential and commercial development under unified control consisting of assisted living units, memory care units, independent living units, amenities and future development areas so the signage is considered commercial for signage purposes only. Providing the signage deviation as proposed will assist with preventing undesirable U-turns from traveling public that is not aware of the entrance in time to get in the appropriate lane to exit traffic safely. Please also see attached letter of no objection from Florida Power & Light regarding the placement of the east entry sign in relation to their 5' easement. The requested deviation is the minimum request to provide adequate signage to the development. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

S:\Jobs\16xx\1620QG\Documents\Zoning\Administrative Deviation-Signage\1620QG\_Deviation-justification.doc

· **SERVING THE STATE OF FLORIDA** ·

**Deviation 10** is requested from LDC Section 30-153(2)a.4 requirement that for permanent signs in commercial and industrial areas, identification signs for multiple occupancy complexes with more than five establishments shall be setback a minimum of 15' from any right-of-way or easement; to allow the two proposed monument signs, as well as the 3 proposed future signs, to be constructed within 5' of the Gladiolus Drive right-of-way.

JUSTIFICATION: This deviation is requested due to the large right-of-way and the access location of the project immediately following a curve for the westbound traffic on a 6-lane arterial roadway (Gladiolus Drive) with a speed limit of 45 mph. The proposed east entry sign is located 5 feet from the right-of-way, which is approximately 72 feet from the back of curb of the turn lane. The proposed west entry sign is located 5 feet from the right-of-way, which is approximately 74 feet from the back of curb of the turn lane. There are also landscape islands surrounding the signs which are not part of the sign structure, as discussed with meetings with Lee County staff. The signs are located well out of the visibility triangle at both entry locations. The requested setback deviation is necessary to allow better visibility to the traveling public. It should be noted that the development plan is a for a residential and commercial development under unified control consisting of assisted living units, memory care units, independent living units, amenities and future development areas so the signage is considered commercial for signage purposes only. Providing the signage deviation as proposed will assist with preventing undesirable U-turns from traveling public that is not aware of the entrance in time to get in the appropriate lane to exit traffic safely. Please also see attached letter of no objection from Florida Power & Light regarding the placement of the east entry sign in relation to their 5' easement. The requested deviation is the minimum request to provide adequate signage to the development. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

ATTACHMENT O

ADMINISTRATIVE AMENDMENT (PD) ADD2018-00094

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential Planned Development and Commercial Planned Development on a project known as Avida (fka Oasis Cove). The applicant has requested a deviation from Land Development Code (LDC) 10-420 that requires trees to be installed at ten feet in height and shrubs installed at 48 inches in height to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along a portion of the western buffer.

WHEREAS, the property is located 7778 Gladiolus Drive & 7661-7794 Calistoble Loope, described more particularly as STRAP Numbers 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned in case number Z-10-009 (with subsequent amendments in case number ADD2016-00139, ADD2016-00011, ADD2017-00094); and

WHEREAS, the approved Master Concept Plan (MCP), dated June 8, 2010, stated that the existing wetlands along the western property line would be preserved to connect to the offsite wetlands to the west; and

WHEREAS, the buffer areas in between the wetlands are required to be provide a 15 foot wide buffer with ten trees per 100 linear feet and a double staggered hedge row installed at 48 inches in height and maintained at 60 inches in height; and

WHEREAS, the northern portion of this buffer will be provided per the MCP condition, however the southern portion of the western buffer cannot meet the tree and shrub material specifications due to the wetland conditions and retaining wall conflict in this area per Exhibit B; and

WHEREAS, the applicant has requested a deviation to allow six feet in height trees and 24 inches in height shrubs within the 609 linear feet of Alternate Buffer 2 per Exhibit B; and

WHEREAS, the applicant has provided a buffer enhancement that will provide 131 trees, 761 shrubs, and 2,116 groundcover within Alternate Buffer 2 per Exhibit B; and

WHEREAS, the buffer enhancement provides 69 more trees, 461 more shrubs, and adding 2,116 groundcover plants exceeding what was conditioned on the MCP; and WHEREAS, the development must be in substantial compliance with Exhibit B that illustrates the locations, the planting plan, and plant specifications for the amendment, and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

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

**Approval is subject to the following conditions:**

1. **Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches, and 2,116 one gallon groundcover. All plant material must be salt tolerant and native species.**
2. **The Development must be in substantial compliance with Exhibit B, dated May 23, 2018. Exhibit B for ADD2018-00094 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
3. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 6/14/2018 by

Audra Ennis, Zoning Manager  
Lee County Community Development

Attachments:  
Exhibit A  
Exhibit B

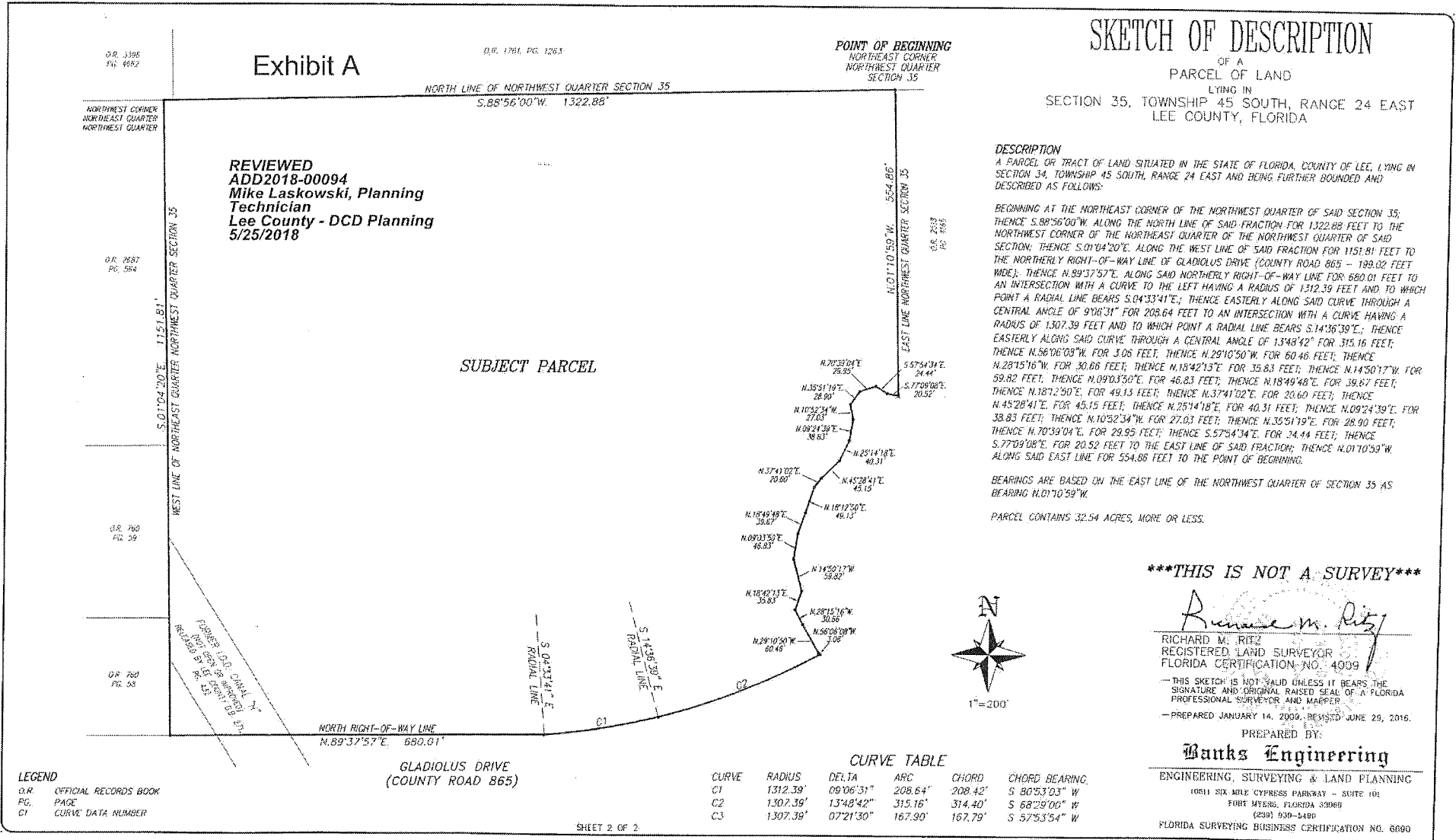


Exhibit A

REVIEWED  
ADD2018-00094  
Mike Laskowski, Planning  
Technician  
Lee County - DCD Planning  
5/25/2018

SUBJECT PARCEL

POINT OF BEGINNING  
NORTHEAST CORNER  
NORTHWEST QUARTER  
SECTION 35

SKETCH OF DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN  
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

DESCRIPTION

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°08'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1.348°42" FOR 315.16 FEET; THENCE N.56°06'09"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.86 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.87 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°34'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.39°54'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*

RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

— PREPARED JANUARY 14, 2009, REVISED JUNE 29, 2016.

PREPARED BY:

**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING  
10911 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33909  
(239) 930-5480  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°08'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'06" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

LEGEND  
O.R. OFFICIAL RECORDS BOOK  
PG. PAGE  
C1 CURVE DATA NUMBER

GLADIOLUS DRIVE  
(COUNTY ROAD 865)

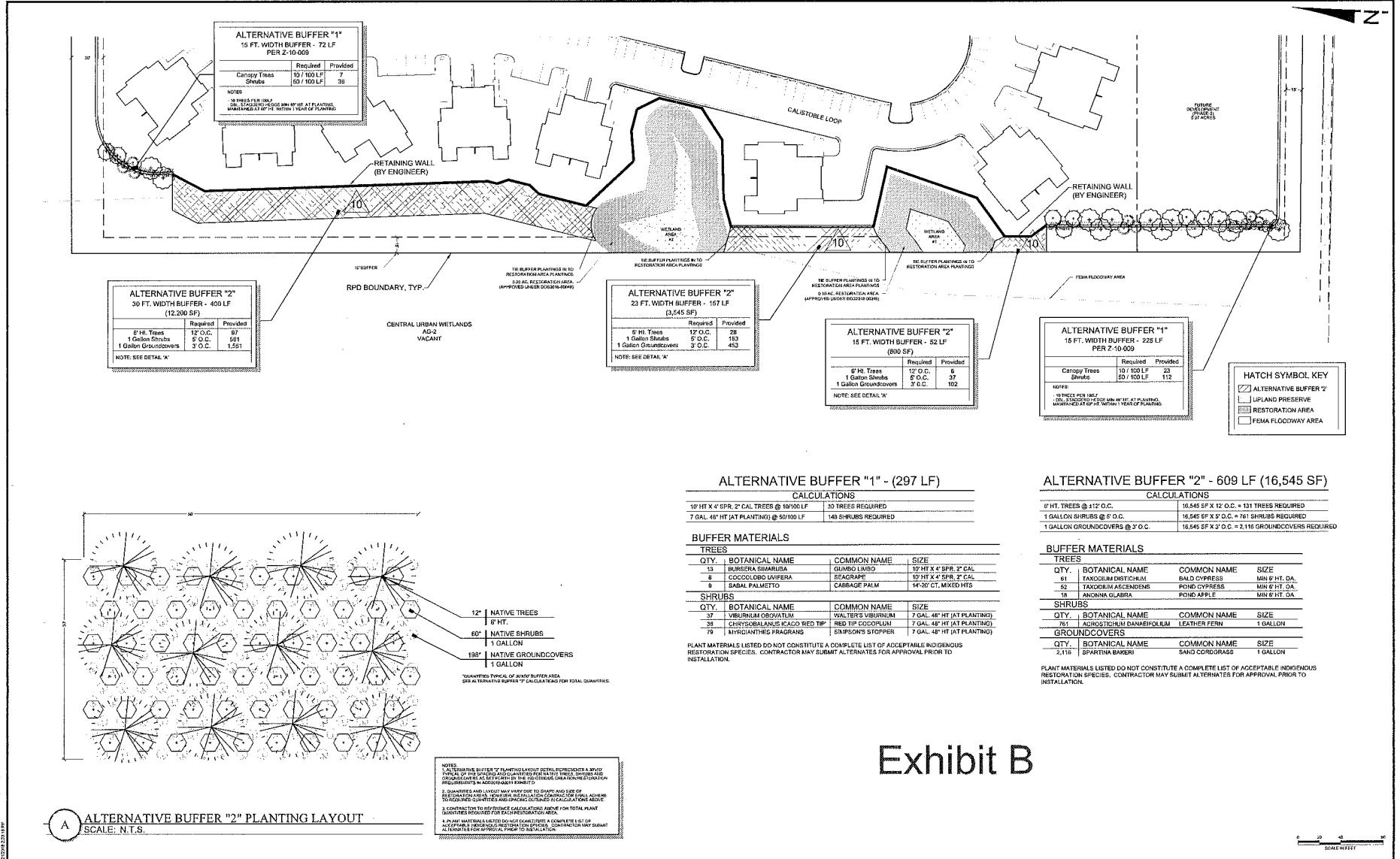


Exhibit B

ATTACHMENT P

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2009-00005  
APPLICANT: BECK GROUP OF FORT MYERS, LLC,  
in reference to OASIS COVE RPD/CPD  
HEARING DATE: MARCH 18, 2010  
WRITTEN SUBMISSION: MARCH 18, 2010 (NO ORDER ISSUED)

RECEIVED  
MAY 04 2010  
ZONING

**I. APPLICATION:**

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

Filed by BECK GROUP OF FORT MYERS, LLC., c/o KEVIN STONEBURNER and CHRIS CIOFFI, 436 Bayfront Place, Naples, Florida 34102 (Applicant/Owner); BANKS ENGINEERING, c/o STACY ELLIS HEWITT, DIRECTOR OF PLANNING, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966; TR TRANSPORTATION CONSULTANTS, INC., c/o TED TREESH, 13881 Plantation Road, Suite 11, Fort Myers, Florida 33912; W. DEXTER BENDER & ASSOCIATES, INC., c/o TYLER KING, 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966 (Agents).

Request is to Rezone 32.54± acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs and Commercial, Office, and Retail development, maximum 100,000 square feet including a maximum 25,000 square feet Retail. Maximum height 45 feet for both Residential and Commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.

The subject property is located at 7650 Gladiolus Drive and 7210 Congdon Road, South Fort Myers Planning Community, Section 35, Township 45 South, Range 24 East, Lee County, Florida (District #5).

**II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS**

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

**III. RECOMMENDATION OF HEARING EXAMINER:**

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning to Residential Planned Development (RPD)/Commercial Planned Development (CPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

**A. CONDITIONS:**

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD" stamped Received February 16, 2010, **Exhibit B** attached hereto, except as modified by the conditions below.

This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of the local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units; OR a maximum of 160 units of ALF/CCF units, PLUS a maximum of 300 ILUs or any combination of ALF, CCF, and/or ILU so long as the density does not exceed 190 standard dwelling units on +/- 21.75 acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail.

Zoning Resolution #Z-75-145, Zoning Resolution #Z-04-034 and Administrative Amendment #ADD2006-00184 are null and void as a result of approval of this zoning action, and are all superceded by this zoning resolution.

2. The following limits apply to the project and uses.

**A. Schedule of Uses**

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per Lee County Land Development Code Sec. 34-1441 et. Seq.

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.

Department Store

Drive Through Facility for Any Permitted Use.

Drugstore, Pharmacy.

Entrance Gates and Gatehouse.

EMS, Fire or Sheriff's Station.

Essential Services.

Essential Services Facilities, Group I.

Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.

Fences and Walls.

Food and Beverage Service, Limited.

Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).

Funeral Home and Mortuary - Without Crematory.

Gift and Souvenir Shop.

Health Care Facilities, Group III.

Hobby, Toy and Game Shops - No outdoor storage or display.

Hospice, Limited to lots 5 and 6. Limited to 50 beds.

Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.

Insurance Companies

Lawn and Garden Supply Stores - No outdoor display or storage.

Library

Maintenance Facility, Government

Medical Office

Motion Picture Production Studio

Nonstore Retailers, All Groups.

Casino-style games are prohibited.

Paint, Glass and Wallpaper - No outdoor display or storage.

Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.

Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.

Pet Services - no outdoor runs, completely enclosed facilities.

Pet Shop - no outdoor runs, completely enclosed facilities.

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Real Estate Sales Office

Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style games are prohibited.

Recreation Facilities, Personal, Private On Site, Private Off Site.

Religious Facilities

Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.  
Repair Shops, Groups I and II.  
Research and Development Laboratories, Groups II and IV.  
Restaurant, Fast Food - No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.  
Restaurants, Groups I, II, III, IV  
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.  
Schools: Commercial, Noncommercial  
Signs per Chapter 30 Lee County Land Development Code  
Social Services, Groups I and II  
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.  
Studios  
Temporary uses - limited to construction trailers, real estate sales offices.  
Transportation Services, Group II (Automobile). No Group III (Bus).  
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.  
No Group III (Automotive) and No Group IV (Building Materials)  
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.  
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

#### Resident Planned Development

Accessory Uses and Structures.  
Administrative Office  
Assisted Living Facility (see Condition 1 for density)  
ATM \*  
Banks and Financial Establishments, Group I \*  
Consumption on Premises - See Condition 13. \*  
Continuing Care Facility (see Condition 1 for density)  
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)  
Entrance Gates and Gatehouses  
Essential Services.  
Essential Services Facilities, Group I.  
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.  
Fences and Walls  
Food and Beverage Service, limited \*  
Food Stores, Group I \*  
Health Care Facilities, Groups I and II only. \*  
Home Occupation  
Independent Living Units (see Condition 1 for density)  
Laundry or Dry Cleaning, Group I \*  
Medical Office \*

Models: Model Unit (see condition 7)  
Nonstore Retailers, Group II \*  
Parking Lot, Accessory, Temporary  
Personal Services, Group I \*  
Pharmacy \*  
Recreation Facilities, Private, On Site. \*  
Residential Accessory Uses  
Restaurants, Groups I and II \*  
Signs per Chapter 30 Lee County Land Development Code  
Temporary uses - limited to construction trailers, real estate sales  
offices.

*\* Commercial uses listed above are accessory to the assisted living  
(ALF, CCF, and/or ILU) use only.*

#### Site Development Regulations

Resident Planned Development:  
Assisted Living Facility (ALF)/Continuing Care  
Facility(CCF)/Independent Living Unit (ILU)

#### Lot Size

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

#### Setbacks

Street (public) 25 feet  
Street (private) 20 feet  
Side 10 feet  
Rear 20 feet  
Water body 20 feet

#### Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)  
50 feet (for maximum 35 feet in building height)  
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and  
south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land  
Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land  
Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both  
buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet  
in height must maintain additional building separation and setbacks as  
regulated by Land Development Code (LDC) Sec. 34-2174(a) and  
Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development:  
Multi-Family, Clubhouse, Recreational Facility

Lot Size

Minimum Lot Area: 10,000 square feet

Minimum Lot Depth: 100 feet

Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet

Street (private) 20 feet

Side 10 feet

Rear 20 feet

Water body 20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)  
50 feet (for maximum 35 feet in building height)  
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development :  
Townhouse

Lot Size

Minimum Lot Area: 2,000 square feet  
Minimum Lot Depth: 100 feet  
Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet  
Street (private) 20 feet  
Side 5/0 feet  
Rear 15 feet  
Water body 20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)  
50 feet (for maximum 35 feet in building height)  
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Commercial Planned Development :  
Commercial uses

Lot Size

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

Setbacks

Street (public) 25 feet  
Street (private) 20 feet

Side	10 feet
Rear	15 feet
Water body	20 feet

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage	60 percent
Maximum Height	45 feet

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County Land Development Code Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local Development Order.

4. **TRAFFIC**

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

5. **LEE COUNTY COMPREHENSIVE PLAN**

Approval of this rezoning does not guarantee local Development Order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. **NO BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **MODEL UNITS**

- A. Model units are limited to a maximum of eight.

B. Models cannot be of the same floor plan and each must be a different design.

C. Real estate sales are limited to administrative offices, within model units and within the CPD

D. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.

E. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area (CPD) are not limited.

F. No dry models are permitted.

8. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local Development Order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the Development Order submittal.

9. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

10. **SIDEWALKS**

Development must include internal sidewalks, as a site-related improvement. Such facilities must be included in local Development Orders as part of construction of the project's infrastructure.

11. **SOLID WASTE/RECYCLING**

As part of any local Development Order approval for vertical development, the developer must include facilities in compliance with Lee County Land Development Code Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

12. **CASINO-STYLE GAMES**

Casino-style games are prohibited in both the RPD and the CPD.

13. **CONSUMPTION ON PREMISES**

A. Consumption on Premises is limited to indoor seating in conjunction with a Groups II or III Restaurant with a 4-COP-SRX and/or 2-COP beverage license.

B. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.

C. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

D. Outdoor consumption on premises within the CPD and/or RPD may be approved by a special exception or an amendment to the Planned Development. A public hearing will be required. The Applicant must provide adequate detail of the outdoor seating area (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etcetera) consistent with the requirements of the Land Development Code.

#### 14. HURRICANE SHELTER

An on-site hurricane shelter must be provided as part of any ALF, CCF, and/or ILU development on the subject property to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the Lee County Land Development Code:

A. Elevation to the anticipated storm surge from a land falling Category "5" storm.

B. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.

C. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

D. Equipped with emergency power and potable water supplies to last up to five days.

E. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

#### 15. HURRICANE PLAN

A. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

B. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.

C. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

**16. FEMA FLOODWAY AREA**

No fill within the FEMA floodway areas will be allowed. The fill (encroachment) included, but not limited to raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If any future plan change involves a fill/encroachment to the floodway, the Applicant must submit and get approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

**17. ACCESS TO LAKES PARK**

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local Development Order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

**18. OPEN SPACE**

Prior to local Development Order approval, the Development Order plans must delineate a minimum 12.99 acres of open space in compliance with the approved MCP Open Space Table.

**19. INDIGENOUS PRESERVATION**

Prior to local Development Order approval, Development Order plans must depict preservation in substantial compliance with the approved MCP to include:

- a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
- a minimum 0.09 acre existing marsh wetland; and
- a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.

Prior to local Development Order approval, landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan

Prior to local Development Order approval, an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of Lee County Land Development Code Section 10- 415(b)(4) must be submitted for of Environmental Sciences Staff review.

Prior to local Development Order approval, Development Order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

**20. PROTECTED SPECIES**

Prior to local Development Order approval, American alligator and listed wading bird species management plans meeting the requirements of Lee County Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences Staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. In addition, the Development Order plans must depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

**21. INDIGENOUS RESTORATION PLAN**

Prior to final adoption of a zoning resolution the Indigenous Restoration Plan (**Exhibit C hereto**) be revised for consistency with the approved MCP.

**22. DELETED AT THE PUBLIC HEARING**

**23. BUFFER CONDITIONS**

Prior to local Development Order approval, landscape plans must depict buffers provided in substantial compliance with the approved Master Concept Plan and Landscape Exhibit (**Exhibit D hereto**) and to also provide:

- One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot-wide Type F buffer within the RPD; and
- If parking areas are proposed adjacent to the RPD north property line then each required 18-foot-wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size installed two-foot on centers; and
- Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot and/or roadway, if the buffer is abutting proposed parking area and/or roadway; and
- Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting than additional trees may be required; and
- Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

## 24. LAKES PARK/WILDLIFE PROTECTION

Prior to local Development Order approval, Development Order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- Mercury vapor lamps/lights are prohibited.

Prior to local Development Order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and/or architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and/or architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel lots 6 and 7.

### B. DEVIATION:

Deviation 1\* requests relief from Lee County Land Development Code (LDC) Section 10-285(a) Table 1, which requires a 660-foot connection separation on an arterial road, to allow 628 feet of separation on Gladiolus Drive. This Hearing Examiner recommend **APPROVAL** of this request.

\*This deviation and with the same access point was previously approved in the Gladiolus RPD, in Lee County Board of County Commissioners' Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

### IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 32.54-acre parcel, currently zoned as a Residential Planned Development (RPD), to a Residential Planned Development and Commercial Planned Development (RPD/CPD). The property is on the north side of Gladiolus Drive, between

Summerlin Road and Six Mile Cypress Parkway. This site is in the Urban Future Land Use Category<sup>1</sup> and the South Fort Myers Planning Community.<sup>2</sup>

North of the property is Lakes Park, a regional park. That 279-acre Park is a former rock quarry, with lakes that cover 158 acres of the park property. Northwest of the Applicant's property are the Reflection Key Condominiums, a multi-family housing and commercial complex in Residential Planned Development/Commercial Planned Development Zoning Districts (RPD/CPD). Access to that project is from Summerlin Boulevard.

East of the subject property is preservation land, owned by Lee County, the Fenway Fun Center, a miniature golf course, (approved by special permit), and vacant Commercial Planned Development (CPD). The Fenway Family Fun Center at Lakes Park CPD includes recreational facilities, restaurant and other uses. It is next to the entrance to Lakes Park on Gladiolus Drive.

South of the Applicant's property is Gladiolus Drive, a six-lane arterial road, across from that right-of-way are several parcels containing the Victoria Cove Condominiums, a vacant parcel (AG-2) and a Commercial Planned Development (CPD) containing medical offices. Also south of Gladiolus, is the Phoenix 90 CPD which was approved for low-intensity uses, such as commercial offices.

Finally, west of the subject site is vacant agriculturally zoned land, then Hendry Creek, and further west residential single-family uses on large lots.

The Applicant's Master Concept Plan is a 1-page document, stamped "Received, February 16, 2010, Community Development," and is attached as **Exhibit B**. The Plan depicts access

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<sup>1</sup> **Lee County Comprehensive Plan Policy 1.1.3:**

The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

<sup>2</sup> **Lee County Comprehensive Plan Vision Statement:**

South Fort Myers - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

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 Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

from two points on Gladiolus Drive, the location of commercial development, and conceptual building areas for the residential development. It also reflects the buffers, lake, parking, internal roads, and wetland and indigenous preserve areas. On the north is a pedestrian access point to Lakes Park. There is a 10.79-acre commercial development, on the south of the property. Building details are shown as "Typicals," as are service area details. The 21.75 acre residential portion has conceptual locations for three buildings, which could either be assisted living or other multi-family products. Development regulations depicted on the Master Concept Plan, further dictate setbacks, buffers, and other elements to address substantive issues with the development.

The proposed Residential Planned Development is for multi-family complex, on 21.75 acres, with either assisted living or multi-family housing. The maximum number of multi-family dwelling units proposed is 190, resulting in a density of 8.73 units per acre. Alternatively, the Applicant proposes a maximum of 300 independent living units (ILU), plus a maximum of 160 assisted living facility/continuing care facility units (ALF/CCF), this is the equivalent of 190 standard dwelling units, pursuant to the Lee County Land Development Code (LDC). Assisted Living Facility/Continuing Care Facility units are calculated at a 4:1 equivalency ratio, while Independent Living Units are calculated at a 2:1 equivalency ratio.

Additionally, the Applicant also proposes a Commercial Planned Development (CPD), on the remaining 10.79 acre tract. This will contain a maximum of 100,000 square feet of commercial floor area, of which 25,000 square feet may be commercial retail. The maximum building height, for any use, is 45 feet.

This site is in the Coastal High Hazard Zone. It is also within a "Tropical Storm" storm surge area. The Lee County Land Development Code, at Section 2-485(b)(5), requires assisted living and continuing care facilities to provide a hurricane shelter for the residents their facilities. Staff and this Hearing Examiner have recommended conditions, for such a shelter, consistent with this requirement and consistent with protecting public safety.

The property is served by Lee County Utilities for both potable water and sanitary sewer service, and the Applicant will be required to connect to such services. The site is served by the South Trail Fire District, and of course, the Lee County Sheriff's Department..

The property was rezoned to a Commercial Planned Development and the Gladiolus Residential Planned Development in 2004. This permitted 275 multi-family dwelling units on 32.54+/- acres of land, or a density of 8.45 units per acre. The maximum building height approved was 3 stories/45 feet. A later Administrative Amendment was approved in 2007, to change the configuration of the buildings, limited height for some buildings, and provided for back-out parking. The prior commercial and residential planned developments will become null and void, with the approval of this application..

Issues with development of this property include compatibility with Lakes Park, buffering, the commercial schedule of uses, environmentally-sensitive lands, public safety issues with assisted living in the Coastal High Hazard Zone, and potential traffic issues on Gladiolus Drive. Staff recommends approval, with conditions which adequately address the issues identified.

The County Staff raised concerns regarding the potential impact of commercial uses near Lake Park. The Land Development Code requires a 15-foot Type "B" buffer for residential uses adjacent to an active park. The Applicant proposes a 30-foot Type "F" buffer with

enhancements. Staff is satisfied that the buffer and enhancements help address compatibility issues between uses and reduce the impacts of development on this property.

Staff and the Applicant agree that an assisted living facility will have a minimal impact on the park, and is a compatible use with Lakes Park. Multi-family is also a compatible use, but will have more impact on the park. The property currently has zoning for multi-family uses, and a condition is provided to address pedestrian access. Uses such as parks and residential development should have pedestrian interconnections.

The commercial portion of the property is approximately 500 feet from the park and 1,500 feet from the main entrance, to the east. Staff is supportive of office, business and retail uses which improve the mix of uses on Gladiolus Drive. The Applicant and Staff took a cautious approach in agreeing to the commercial uses, contained in the conditions hereto. They actively consulted with the Department of Parks and Recreation and the Department of Public Works staff for input on the schedule of uses, as well as other conditions. The proposed height (45 feet) is consistent with surrounding zoning and current zoning of the property. The proposed setbacks (75 feet for buildings of 45 feet in height and 100 feet for parking areas for multi-family uses) provide an additional measure of protection and physical separation from the park. Concerns with compatibility with Lakes Park have been adequately addressed. As conditioned, the proposed development is compatible with surrounding uses and zoning.

The Division of Development Services reviewed the Applicant's request and analyzed the Applicant's Traffic Impact Statement. They determined the proposed rezoning would generate a total of 517 new trips, in the PM peak hour (204 entering/313 exiting). This correlates to approximately 6,076 new trips over the course of a 24-hour period. The result is that Gladiolus Drive will operate at Level of Service "C" in 2014 (year of buildout) whether or not the project traffic is added to the roadways.

The Division of Environmental Sciences Staff also reviewed the application. They recommend conditions to address open space requirements, indigenous preservation, protected species, including alligators and wading birds, and buffers. They also included recommendations, provided by Lee County Parks and Recreation, to address concerns to environmental resources found in Lakes Park. All of those conditions have been incorporated by the Hearing Examiner in this recommendation.

Tony Palermo, Senior Planner, with the Department of Community Development evaluated this development based on 10 commonly accepted principles of Smart Growth, as follows:

*Mix land uses.* The proposed development of both commercial and residential uses is not true mixed use, but does add to the richness and variety of uses in the neighborhood and supporting the regional park. As is, only residential development is allowed. This request adds an assisted living option, as well as a mix of retail and office uses - with interconnections and pedestrian access. This request furthers and promotes this principle.

*Take advantage of compact building design.* The design of this development provides for an efficient use of land. The multi-story development makes sense to develop vertically rather than horizontally. Enhanced buffers and preserve areas, above and beyond the Lee County Land Development Code

requirements, require an efficient use of land. This request furthers and promotes this principle.

*Create a range of housing opportunities and choices.* The request does not provide for affordable housing. It does, however, add to the mix of housing choices by adding an assisted living option. This request furthers and promotes this principle.

*Create walkable neighborhoods.* The property provides an excellent opportunity to interconnect with a regional park, and utilizes existing sidewalks on Gladiolus Drive. Internal sidewalks will also provide for more walkability. This request furthers and promotes this principle.

*Foster distinctive, attractive communities with a strong sense of place.* Development of an assisted living facility, multi-family or commercial development will be per the Lee County Land Development Code and the conditions of this zoning resolution. Attractive landscaping and preserves are provided. The schedule of uses, as conditioned, is appropriate for this location and keeps in mind its location next to a regional park. This request furthers and promotes this principle.

*Preserve open space, farmland, natural beauty, and critical environmental areas.* Open space and environmental areas, such as wetlands and flow ways, are addressed by this development and protected. The nearby park is also protected by buffering, adequate setbacks and other conditions. This request furthers and promotes this principle.

*Strengthen and direct development towards existing communities.* This is infill development on an arterial road in proximity to a mix of commercial and residential land uses. As such, this request furthers and promotes this principle.

*Provide a variety of transportation choices.* Pedestrians and bike riders have access to the property via sidewalks on Gladiolus Drive. Lee Tran routes do not serve this road frontage, but are nearby on Route 50, 140, and 130. There are internal sidewalks proposed between uses and a pedestrian interconnection with the regional park. This request furthers and promotes this principle.

*Make development decisions predictable, fair, and cost effective.* Staff recommends approval with conditions, consistent with prior approvals for commercial and residential development nearby. The property currently has zoning for residential uses. Staff has identified issues and shared their concerns with the applicant consistently throughout the process. As such, this request promotes this principle.

*Encourage community and stakeholder collaboration in development decisions.* This development is within the South Fort Myers Planning Community. There are no Lee County Comprehensive Plan or Land Development Code requirements to meet with the community, although such meetings are encouraged with staff. Notice will be provided to

surrounding property owners, per Lee County Land Development Code requirements. The applicant has reached out to the Parks and Recreation and Public Works Department to try to address issues regarding Lakes Park and the development's potential impacts. This request furthers and promotes this principle.

The community in which the property is located is heavily settled, with access to all urban services. The density requested is under the maximum allowed, without bonus density, in the Central Urban Future Land Use Category. No bonus density is proposed. This rezoning request is consistent with Lee County Comprehensive Plan Policy 1.1.3. See Footnote 1.

The proposed development tries to incorporate preservation of existing wetlands to the maximum extent possible. One wetland is proposed to be impacted. Conditions are recommended to address wetland issues, as well as FEMA floodway issues. The proposed rezoning is consistent with Policy 1.5.1 of the Lee County Comprehensive Plan.<sup>3</sup>

The property is currently a Residential Planned Development (RPD) and in-fact an infill development, where development and infrastructure already exist. The site has access to water and sewer service, EMS, fire, police protection and other public facilities. It is compatible with surrounding uses, including a regional park and residential uses. This proposed rezoning is consistent with Objective 2.1 and Objective 2.2, Policies.,2.2.1, of the Lee County Comprehensive Plan.<sup>4</sup>

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<sup>3</sup> **Lee County Comprehensive Plan Policy 1.5.1:**

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

<sup>4</sup> **Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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 FS 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan Policy 4.1.1:**

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

The proposed development is in close proximity to retail, office, parks and schools. It is adjacent to a regional park. It is close to bus routes. There are sidewalks on Gladiolus Drive, and interconnection to the park. The site is next to a preserve area, flow way, and regional park. Intensive office, retail, and residential uses are relatively nearby the property. The master concept plan includes adequate buffering, with conditions, to address nearby uses. The rezoning request is consistent with Lee County Comprehensive Plan Policies 5.1.2, 5.1.3, 5.1.5, 5.1.6 and 5.1.7.<sup>5</sup>

Staff has evaluated access issues traffic issues, and the applicant's Traffic Impact Statement. Staff has also evaluated the applicant's master concept plan and proposed buffering. As conditioned, traffic impacts are addressed adequately. As conditioned, buffering is adequate to protect surrounding uses, including Lakes Park. The property is in proximity to residential uses as well. Staff has some concerns about some of the more intensive commercial uses proposed and their impact on the surrounding area. As conditioned, there will be no deleterious impacts on surrounding uses (also see

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**Lee County Comprehensive Plan Policy 4.1.2:**

Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

<sup>5</sup> **Lee County Comprehensive Plan Policy 5.1.2:**

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

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan Policy 5.1.7:**

Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

compatibility analysis below). The rezoning is consistent with Lee County Comprehensive Plan Policies 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.6 and 6.1.7 as conditioned.<sup>6</sup>

The property has access to potable water and sanitary sewer service, and the utility has the capacity to serve the proposed uses. This rezoning is consistent with Standards 11.1 and 11.2 of the Lee County Comprehensive Plan.<sup>7</sup>

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<sup>6</sup> **Lee County Comprehensive Plan Policy 6.1.1:**

All applications for commercial development will be reviewed and evaluated as to: Traffic and access impacts (rezoning and development orders); Landscaping and detailed site planning (development orders); Screening and buffering (planned development rezoning and development orders) Availability and adequacy of services and facilities (rezoning and development orders); Impact on adjacent land uses and surrounding neighborhoods (rezoning); Proximity to other similar centers (rezoning); and Environmental considerations (rezoning and development orders).

**Lee County Comprehensive Plan Policy 6.1.2:**

All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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.

**Lee County Comprehensive Plan 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.

<sup>7</sup> **Lee County Comprehensive Plan Standard 11.1:**

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

**Lee County Comprehensive Plan Standard 11.2:**

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

The commercial portion of the project is at the entrance to Gladiolus Drive and the residential units are internal to the development. The development is designed to have traffic travel from higher intensity to lower intensity. This is consistent with Lee County Comprehensive Plan Policy 39.1.4.<sup>8</sup>

This Hearing Examiner also find that the Applicant's request is consistent with Goals 77, 107, 94, 105, 107, 110; and 114 Objectives 77.3, 105.1, 107.4, and 114.1; and Policies 77.3.4, 84.1.1, 107.2, 2, 107.1.4, 107.2.8, 107.2.10, 107.3.1, 107.4.3, 107.4.4, 105.1.5, 110.1.4, 114.1.1, 114.1.2, 135.9.5 and 135.9.6 of the Lee County Comprehensive Plan.<sup>9</sup>

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<sup>8</sup> **Lee County Comprehensive Plan Policy 39.1.4:**

Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided.

<sup>9</sup> **Lee County Comprehensive Plan Goal 77:**

DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

**Lee County Comprehensive Plan Goal 84:**

REGIONAL PARKS. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

**Lee County Comprehensive Plan Goal 105:**

PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.)

**Lee County Comprehensive Plan Goal 107:**

RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

**Lee County Comprehensive Plan Goal 110:**

HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.)

**Lee County Comprehensive Plan Goal 114:**

Wetlands. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

**Lee County Comprehensive Plan Objective 77.3:**

New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

**Lee County Comprehensive Plan Objective 105.1:**

DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that

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meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction.

**Lee County Comprehensive Plan Objective 107.4:**

ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

**Lee County Comprehensive Plan Objective 114.1:**

The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

**Lee County Comprehensive Plan Policy 77.3.4:**

The county encourages new developments to incorporate large, contiguous open space areas in the development design.

**Lee County Comprehensive Plan Policy 84.1.1:**

Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks

**Lee County Comprehensive Plan Policy 107.2.2:**

Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.).

**Lee County Comprehensive Plan Policy 107.1.1.4.b.**

Environmentally sensitive lands will include wetlands (as defined in Objective 114.1) important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).

**Lee County Comprehensive Plan Policy 107.2.8:**

Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.

**Lee County Comprehensive Plan Policy 107.2.10:**

Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

**Lee County Comprehensive Plan Policy 107.3.1:**

Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

**Lee County Comprehensive Plan Policy 107.4.3:**

Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

*The Planning Community Year 2030 Allocations* authorize 3,140 acres in the Central Urban Future Land Use Category for residential uses, and 2,781 acres have been assigned. Therefore, 359 remaining for residential uses in that future land use category. *The Planning Community Year 2030 Allocations* also indicate that 2,100 acres for South Fort Myers have been allocated for commercial uses. Currently, 1,462 acres of commercial uses have been

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**Lee County Comprehensive Plan Policy 107.4.4:**

Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

**Lee County Comprehensive Plan Policy 105.1.5:**

Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

**Lee County Comprehensive Plan Policy 110.1.4:**

All new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety.

**Lee County Comprehensive Plan Policy 114.1.1:**

Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 8(b) and 8(c) of Table 1(a), Summary of Residential Densities.

**Lee County Comprehensive Plan Policy 114.1.2:**

The county's wetlands protection regulations will be consistent with the following: 1. In accordance with F.S.163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. 2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures. 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards. 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

**Lee County Comprehensive Plan Policy 135.9.5:**

New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.

**Lee County Comprehensive Plan Policy 135.9.6:**

Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities.

assigned in this community, leaving 638 acres as available. The request is therefore consistent with Policy 1.7.6 of the Lee County Comprehensive Plan.<sup>10</sup>

The undersigned Hearing Examiner finds that the requested rezoning, and deviation, meets the criteria necessary for approval, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The new zoning district is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval of rezoning the subject parcel to a Residential Planned Development/Commercial Planned Development (RPD/CPD), subject to the conditions and deviations set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

**V. FINDINGS AND CONCLUSIONS:**

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

- A. As conditioned, the applicant has proven entitlement to the Rezoning to RPD/CPD by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable codes and regulations.
- B. The requested zoning, as conditioned:
  - 1) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - 2) is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan.
  - 3) is compatible with existing or planned uses in the surrounding area; and
  - 4) will not adversely affect environmentally critical areas or natural resources.
- C. As conditioned, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
- D. Urban services, as defined in the Lee Comprehensive Plan, are, available and adequate to serve the proposed land use, as conditioned.
- E. The proposed mix of uses is appropriate at the subject location, as conditioned.

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<sup>10</sup> Lee County Comprehensive Plan Policy 1.7.6:

The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

- F. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- H. The deviation requested, as conditioned:
  - 1. enhances the planned development; and
  - 2. preserves and promotes the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

**VI. LIST OF EXHIBITS:**

**STAFF'S EXHIBITS**

- 1 Aerial Photograph, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, mapped February 2010 (color) [22" x 35"]
- 2 Two Aerial Photographs, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, Printed January 2010 {one page} (color) [ 8.5" x 11" ] {Composite}
- 3 Three photographs, depicting the subject property and Lakes Park, dated January 7, 2010 {three pages} (color) [8.5" x 11" ] {Composite}
- 4 Trip Generation Comparison (Approved DCI vs. Proposed DCI) {one page} [8.5" x 11"]

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

**APPLICANT'S EXHIBITS**

- 1 Power Point Presentation - CD; and hard copy {74 pages} (color) [8.5" x 11" ] [Composite]
- 2 Revised Condition 24, regarding Lakes Park/ Wildlife Protection (one page) [8.5" x 11"]
- 3 Letter of Transmittal (one page) [8.5" x 11"]; and landscape exhibit - replacement page for Attachment "D" to the Staff Report/same as page 71 of PowerPoint Exhibit, prepared by Banks Engineering, Project Manger: Paul J. Klens, RLA, dated March 9, 2010 {one page} (color) [11" x 17" ] [post hearing submittal] (Composite)

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

## **VII. PRESENTATION SUMMARY:**

The Hearing Examiner introduced the case for the record. As there were no members of the public present, no comments were made by the Chief Assistant County Attorney at that time.

The Hearing Examiner asked those with cell phones or pagers to turn them off so that the proceedings would not be interrupted.

He explained that since Florida law required that everything said in the hearing must be under oath, he would be placing them under oath en masse, which he did at that time. Then he asked them to please state their names, addresses, and indicate whether or not they had taken an oath when they came forward to testify.

Next, Charles Basinait, with Henderson Franklin Starnes & Holt, P.A., introduced himself for the record. He represented the Applicant, Beck Group of Fort Myers, LLC. He pointed out that Stacy Hewitt, a planner with Banks Engineering, David Underhill, an engineer with Banks Engineering, Ted Treesh, of TR Transportation Consultants, Craig Smith, with W. Dexter Bender and Associates, Inc., and Paul Klens, a landscape architect, were present along with him.

He planned to have Stacy Hewitt, Craig Smith, and Paul Klens testify. He explained that David Underhill and Ted Treesh were also available to answer specific questions if they arose. The presentation would be via PowerPoint presentation, with a hard copy and disc copy provided for the Hearing Examiner and the Court Reporter. It was noted that Staff was provided with only a hard copy. He offered the PowerPoint hard copy and disc copy as Applicant's Exhibit 1. After hearing no objection, it was accepted as such.

Mr. Basinait explained that their request was to rezone the subject property from Residential Planned Development to a combination Residential Planned Development/ Commercial Planned Development (RPD/CPD). The subject property was 32.54 acres in size.

They were requesting authorization to construct a maximum of 190 Multi-Family dwelling units on 21.75 acres of the site. He explained that it may be a combination of Multi-Family units, Adult Living Facility (ALF) units, a Continuing Care Facility (CCF), or Independent Living Units (ILU), so long as the equivalent of 190 Multi-Family dwelling units was not exceeded.

He pointed out that it should be noted that the equivalency factor for density purposes for an ALF was equal to four units per each single Multi-Family unit and two ILUs or CCF units, for each single Multi-Family unit.

They were also requesting up to a maximum of 100,000 square feet of Commercial use, of which up to 25,000 square feet, on the remaining 10.79 acres, may be Retail/Commercial.

The Commercial was located and fronted on Gladiolus Drive, while the Residential portion of it fronted on Lakes Park and certain portions of the east and west side of the site. Mr. Basinait indicated the property was located on the north side of Gladiolus Drive, west of

U.S. 41, and south of Lakes Regional Park. They had the opportunity to review the Staff Report and recommendation, with conditions.

He explained that they obviously agreed with Staff's recommendation of approval and they did not object to any of the conditions. However, they were requesting a modification to Condition 24, consistent with the 24-Hour letter furnished to the Hearing Examiner's Office on Tuesday of that week. At that point, he submitted a copy of that revised Condition 24 and asked that it be accepted as Applicant's Exhibit 2. After hearing no objection, it was accepted as such. Mr. Basinait asked that the record reflect that he had given a copy to the Court Reporter and to the County Staff.

After speaking with Tony Palermo, the zoning person for Lee County, it was Mr. Basinait's understanding that the County had reviewed Condition 24. Suzanne Derheimer had also reviewed it, and the County did not have any objections to the revisions as the Hearing Examiner would note, in Applicant's Exhibit 2.

He also requested that Condition 22 be deleted. He explained that there was an email from Ms. Derheimer to Ms. Hewitt, dated, March 16, 2010, which indicated Condition 22 could be deleted. He had a copy of that email to submit for the record if the Hearing Examiner wanted him to submit it. However, he suspected Ms. Derheimer would confirm his request without the necessity of submitting that email, because of an illustration they had submitted. He indicated that during the course of the hearing he would offer that illustration, which depicted the buffer area for the record.

The illustration included the species and sizes of the vegetation that were going to be used. It showed everything one would need to see in order to figure out what that buffer was going to look like. To their knowledge, there were no other issues with respect to conditions in this matter. He reiterated that they had reviewed the conditions and they didn't object to them. They obviously agreed with Staff's recommendation of approval.

Next, Mr. Basinait referred to the one deviation in the case. The deviation was previously accepted under the old zoning on the case. They were asking for it to be renewed. Staff was recommending approval of that particular deviation.

He indicated Ms. Hewitt would be going into it in more detail. There was an RPD that was approved previously on this particular piece of property for 275 Multi-Family units. According to Mr. Basinait that RPD was currently in existence, but the site was never developed as such.

Mr. Basinait explained that he would be calling upon Stacy Hewitt, a land use planner with Banks Engineering, to describe the request in more detail. Then he would be calling upon Craig Smith, an environmental expert with W. Dexter Bender and Associates, Inc., to speak. He would also be calling upon Paul Klens, a landscape architect, to talk particularly about the buffer line and the north side of the site that separated this project from Lakes Park. They were available to answer questions for the Hearing Examiner.

At that point, Mr. Basinait asked Ms. Hewitt to state her name, address, and occupation for the record. Stacy Hewitt, gave her address with Banks Engineering, which was 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966. She was the Director of Planning at Banks Engineering. Mr. Basinait asked if she had testified previously in this forum. She

answered that she had. He asked if she had been accepted as an expert in land use planning. She answered that she had.

At that point, Mr. Basinait offered Stacy Hewitt as an expert in land use planning for the purposes of this matter. After hearing no objection, she was declared to be an expert in land use planning. The Hearing Examiner asked if she had taken an oath. Ms. Hewitt indicated she was under oath.

Ms. Hewitt referred to the Location Map in the PowerPoint presentation. The site was located south of Lakes Park, west of U.S. 41, and east of Summerlin Road. The aerial photograph of the subject property showed its location relative to Lakes Park and the adjacent facilities.

The future land use in the area immediately on the site was Central Urban, as were the surrounding properties. To the west of the site there were Central Urban and Wetland land use designations. On the east was the Conservation Uplands designation, with Public Facilities to the north, and Central Urban and Suburban, south of Gladiolus Drive.

She referred to a larger view that showed Intensive Development close to the site and Suburban Community. The subject property was currently zoned RPD. To the north was zoned Community Facilities (CF-2). To the East, property was zoned Agricultural (AG-2), and CPD for the Fenway Family Fun CPD [sic - Fenway Family Fun Center at Lakes Park CPD]. She also pointed out AG-2 zoning, with an existing Castle Mini-golf facility. The County property was also zoned AG-2. To the west there were AG-2 zoned properties. To the south there were Residential Multi-Family (RM-6), AG-2, and also CPD zoning categories.

Next, she referred to the current entitlements on the subject property. It had RPD zoning for 275 Multi-Family dwelling units, which was approved by the Board of County Commissioners (BOCC) on August 30, 2004, in Zoning Resolution Z-04-043. In 2006, there was an Administrative Amendment to that zoning, which reconfigured some of the pods and also allowed for some carports for the multi-family dwelling units.

There was an existing South Florida Water Management District Environmental Resource Permit. A local Development Order was approved on May 4, 2007, and a Concurrency Certificate in conjunction with that Development Order, was also approved May 4, 2007.

Next, Ms. Hewitt referred to the Master Concept Plan (MCP), which was originally approved by the BOCC. On that MCP, there was no native preservation required. There was no wetland preservation required. The Federal Emergency Management Agency (FEMA) Flow way, which could be seen on the current proposed MCP was not in existence at that time.

She referred to the Administrative Amendment MCP that was approved and showed the reconfiguration of the pods. She explained that at that point, there was no native preservation required and there was limited wetland preservation of a minor wetland that was shown in a certain location. There was no restoration proposed, but there was an avoidance of impact in that wetland. There was no FEMA Flow way on the site at that time.

The existing South Florida Water Management District (SFWMD) Permit was permitted to impact all of the on-site wetlands. The current Development Order on the property was approved for 270 Multi-Family dwelling units. However, the zoning did allow for 275. There

was no indigenous preservation and there was also no enhanced buffer to Lakes Park, to the north.

Next, she referred to the Development Order site plan, which showed the wetland that was being impacted and the wetland that was being avoided. There was no native preservation that was required on the site, no FEMA Flow way, and limited wetland preservation.

She explained that the RPD portion of the request was for 21.75 acres, for a maximum of 190 dwelling units, which could be multi-family units, ALF equivalent, CCF equivalent, or ILU equivalent, or any combination of these uses, as long as it did not exceed the equivalent of 190 dwelling units.

The CPD portion of the request was for 10.79 acres, with a maximum height of 45 feet. The Commercial would include up to 25,000 square feet of retail, with an overall total for Commercial of 100,000 square feet. Medical Office and General Office uses were also included in the request.

Continuing, Ms. Hewitt explained that the original request that was submitted was for 125,000 square feet of Commercial, with a maximum of 60,000 square feet allowed for Retail. Mr. Basinait wanted clarification of what she meant when she said "original." She confirmed that she was referring to the original request for this particular case and not to the original zoning.

Ms. Hewitt explained that they had since revised the request and reduced it to a maximum of 100,000 square feet of Commercial, of which, a maximum of 25,000 can be Retail. Next, she referred to the proposed MCP shown in the PowerPoint presentation. She pointed out the accesses, which were off of Gladiolus Parkway [sic - Gladiolus Drive], noting they were actually currently constructed.

The CPD area was the portion to the south. The RPD ran in an "L-shape" on the property to the north and to the west. There were two wetlands that were being preserved and there was some upland buffering being proposed around those, as well as an indigenous preservation area, and some restoration areas. The environmentalists would be going into more detail about those.

To the north there was a proposed enhanced 30-foot buffer that the landscape architect would describe in more detail. She pointed out that the MCP currently showed the layout with the parking behind it. They had worked diligently with Staff to come up with some setback requirements in the conditions. They had come up with a required setback of 75 feet for buildings if they were a maximum of 45 feet in height, 50 feet for buildings if they were a maximum of 35 feet in height, and 40 feet for buildings if they were a maximum of 25 feet in height.

Another concern they had discussed with Staff and addressed with a condition, was that if the Multi-family units were developed on the site, there would be a concern with the parking areas being located adjacent to Lakes Park. They had also added another condition in the property development regulations that any common parking area may not be located closer than 100 feet to the property line for Lakes Park. She explained that condition would not apply if there were Residential units between the common parking lot and Lakes Park. Those were additional conditions that the Applicant had agreed to.

Mr. Basinait queried whether the parking lot setback only applied if multi-family units were constructed. She indicated that was correct. He also wanted her to indicate where the Flow way was located on that proposed MCP. Ms. Hewitt indicated it was located in the northwest corner of the site. The Applicant agreed not to put any fill into the Flow way area. There was a condition as such, in the Staff Report.

Mr. Basinait noted that for review, the differences between the proposed MCP and the original (current) MCP, which was approved previously, is that there was a Flow way in the proposed MCP and an indigenous area with buffer areas around the indigenous. Ms. Hewitt confirmed that was the case.

Next he wanted to know about the buffer area next to the preserve. She explained it was the County's off-site upland preserve. The Applicant was proposing to do some restoration and also extend that buffer along the property line. Within that buffer there was also indigenous restoration proposed. He wanted to know if one of the two wetland areas on the west side of the site was new in the proposed MCP. She indicated that the northern wetland was proposed to be impacted before and now it was going to be preserved to the maximum extent possible. Mr. Basinait noted there were buffer areas around those two preserves also. She confirmed that.

Next, Ms. Hewitt referred to the Lee County Comprehensive Plan Considerations and Policy 1.1.3 regarding the Central Urban areas. She explained that the proposed project was in compliance, as the proposed density was consistent with the standard density range. It included Commercial square footage, but they had also substantially reduced the Residential, compared to the current approvals. The proposed uses were consistent with Policy 1.1.3.

She referred to Objective 2.1 regarding compact and contiguous growth patterns, Objective 2.2, directing new growth to those portions of the Future Urban areas where adequate public facilities exist, and Policy 2.2.1, which indicated rezonings would be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities; and compatibility with the surrounding land uses.

She explained that it was particularly important in this area, because it was infill development, as Staff agreed in their Staff Report on page 23. It was close to the existing services and existing communities. There were adequate public facilities existing in the area. It had direct access to an arterial roadway that connected to U.S. 41 and Summerlin Road, which were also arterials.

Ms. Hewitt noted that it did promote compact and contiguous growth patterns with the existing development in the area.

Policy 4.1.1, regarded the natural features of the site and minimizing expansion and construction of street and utility improvements. The project was in compliance, as it was functionally related to the natural features on the proposed MCP maintaining the FEMA Flow way, the wetland preservation, and the indigenous preservation they had added to the request. It minimized the expansion and construction of improvements, because the adequate facilities currently existed.

Policy 5.1.2 addressed the hazards in the area. They were in compliance with that Policy, as they were reducing the density that was currently approved by a minimum of 85 dwelling

units. The ALF, CCF, and ILUs, required on-site hurricane shelter. They were on the edge of the Coastal High Hazard Area (CHHA) and they were located on Gladiolus Drive, which was on the evacuation route. They had adequate roadway capacity and the FEMA Flow way was being maintained.

Policy 5.1.3 addressed the density near employment and shopping centers, parks and schools, and mass transit and bicycle facilities. It was in compliance, as it was near employment. There were Retail, Medical Office, and Office uses in the area. It was directly adjacent to Lakes Park, a regional park, with a proposed connection point. It was close to schools (public, private, and Christian).

In regards to transit, it was in relative proximity to Lee Tran Routes 50, 130, and 140. It was also on the 2020 Financially Feasible Transit Network Map. There were existing bicycle facilities on Gladiolus Drive. Those sidewalks on Gladiolus Drive also connected to bicycle facilities mapped for U.S. 41 and Summerlin Road. The site was also proposing internal sidewalks that would bring a connection to Lakes Park.

Next, Ms. Hewitt referred to Policy 6.1.2, Commercial Site Location Standards, and noted they were located on an arterial and Oasis Cove Boulevard. The proposed access point to the east was proposed to be constructed to Lee County Standards for a Local Road. With that construction, there was qualification for Minor Commercial at each corner of that intersection, which was where they arrived at the original request for this application for 60,000 square feet of Retail. They had since reduced that to 25,000 square feet.

In accordance with Policy 6.1.6, they were providing adequate and appropriate landscaping, open space, and buffering. There would be an enhanced buffer along Lakes Park, which the landscape architect would describe in greater detail. There would also be additional indigenous preservation, the additional wetland preservation, and the FEMA Flow way.

She referred to Standard 11.1, regarding water and noted that Lee County Utilities had indicated in the submitted Letter of Availability that there was sufficient capacity for the proposed development. They also had a Letter of Availability showing sufficient capacity for what was proposed in regard to Standard 11.2, regarding sewer.

Next, she referred to Standard 11.3 - Traffic. She explained that Gladiolus Drive would operate at a Level of Service (LOS) "C," with or without the project in 2014. There were several roadway projects around the area that had also increased the flow of traffic in the area. That consisted of the Summerlin Road Fly-over, Summerlin Road six-laning, and the widening of Gladiolus Drive (six-laning west of Summerlin Road), which they were currently working on.

In reference to Objective 77.3, regarding preserving existing vegetation, they had enhanced buffering along Lakes Park, additional indigenous preserve, additional wetland preserve, and a FEMA Flow way, which showed consistency with that Policy.

Ms. Hewitt noted that Mr. Basinait had referred to a previously approved deviation in regard to the connection separation on the arterial road, which allowed a 628-foot separation. Those access points were currently constructed.

Next, she referenced compatibility. Lakes Park was located to the north. The request placed Residential uses adjacent to a regional park and it proposed an interconnect. The

enhanced buffering and setback provisions also improved compatibility with Lakes Park.

The proposed Commercial area was a minimum of 550 feet from the park. To the northwest was Reflection Key Condominiums. It was an RPD/CPD with access off Summerlin Road. Seven units per acre were approved. Higher density on the subject property that was previously deemed compatible with the area, remained compatible. The Residential density was relatively the same as was currently approved.

To the west there was vacant land, Hendry Creek, and a large lot - Single-Family Residential area. The proposal maintained the FEMA Flow way area, preserved more wetlands also along that area, and created indigenous uplands to buffer the wetlands. The buffering provided on the west side also exceeded the Lee County Land Development Code minimum requirements. To the south was Gladiolus Drive, which was a six-laned arterial roadway with sidewalks. They were proposing a Type "D" buffer, which was consistent with Planned Developments in the area.

Victoria Cove Condominiums were located South of Gladiolus Drive. There was also, some vacant land, and some Commercial uses. The internal sidewalks connected Gladiolus Drive to provide further connectivity for the community. To the east was County Preservation Land and some Commercial property. The request provided indigenous restoration in the Type "F" buffer adjacent to the County Preserve, as well as the additional upland preservation on-site for the indigenous area that was also abutting the County Preserve. The requested uses were consistent with Commercial uses already permitted within the area.

Ms. Hewitt pointed out that the request was consistent with Goal 105, regarding the CHHA. Staff agreed that the requested density was appropriate for the subject property. It was less than the maximum density that was allowed in the Central Urban land use category. She further explained that 10 units per acre were allowed with a maximum of 15 units per acre, if Bonus Density was requested in that land use category.

The request reduced the currently permitted Residential units from 275 dwelling units that could be constructed to 190 dwelling units. It was located on an evacuation route that had sufficient capacity. It was compatible with the existing uses in the area. Urban services were available. Several requests had been approved in the CHHA for higher densities and bonus densities.

The ALF and CCF Hurricane Mitigation had been recently adopted into the Code as a requirement and was included in a condition in the Staff Report. It required an on-site shelter that reduced the evacuation and shelter impacts by the proposed development. It exceeded the protection provided by County shelters that were in existence today. It would be required to be elevated to a storm surge from a Category "5" storm.

It would be constructed to withstand 200 mile-per-hour winds and it would have minimum exterior glass. Any glass would have impact protected glazed openings. It would be required to have emergency power and water supplies for up to five days, first aid medical equipment, and adequate ventilation, and sanitary facilities.

Mr. Basinait wanted to know if it was fair to say that while the subject property was located in the CHHA, it was located on the eastern extreme of the CHHA. She indicated that was correct. She also pointed out that when she mentioned that others had been approved in

the area, the CHHA was also reviewed with the availability of public services and the availability of roads. This site exceeded requirements in that area.

Lee County LDC Section 34-411 contained the design standards for planned developments. They were consistent with the provisions of the Lee County Comprehensive Plan. It would be designed and constructed in accordance with all applicable County Codes together with the approved deviation. It was compatible with existing uses. It was intended for the proposed listed uses and it was adequate size to accommodate structures and exceed open space requirements.

At that point, she wanted to mention a couple of things about the Schedule of Uses. They had worked very diligently with Staff to review them with Parks and Recreation and with Zoning Staff, to come up with a list of uses that they had all been in agreement with. There had been some conditions added to the Schedule of Uses, which helped Staff feel more comfortable, as it was adjacent to Lakes Park.

There were restaurants allowed on the site in the proposed Schedule of Uses and Consumption on Premises was limited to just restaurants and only indoors. If any outdoor seating was proposed, it would have to come through the public hearing process again, as either a Special Exception or an Amendment to this planned development.

There was access to Gladiolus Drive, a six-laned arterial, with sufficient capacity. The proposal would not create hazards to persons or property. There was a slight portion of the property in Archeological Sensitivity Zone 2, to the south of the property, but there were no known sites on the property.

Open space and preserve areas were utilized to produce an architecturally integrated human environment, and it was compatible with the adjacent uses. It would not have negative impact on the surrounding land and land uses as they had demonstrated with the proposed buffering and preservation areas. It was compatible with the surrounding development. It would be separate and mutually protected by the lakes, the roadways, and the preservation areas proposed on site, and the buffering from the different land uses.

The design promoted pedestrian activity and community interaction, as there were proposed sidewalks within the development that linked the RPD to the CPD and also to Lakes Park. There were no conflicting uses within the development and the concentration of intensity was varied throughout the site. Sufficient parking would be provided. Joint parking was not proposed and internal consistency would be encouraged.

Next, Ms. Hewitt referred to Lee County Land Development Code 34-145(c)(2)a. and e. and 34-145(d)3, the guidelines for decision making. The changing conditions in the area were the road improvements that they had discussed earlier and also the increasing demand for the ALF, CCF, and ILU uses.

It was consistent with the goals, objectives, policies, and intent of the Lee County Comprehensive Plan. They had proven entitlement to the rezoning, as it was compliant with the Lee County Comprehensive Plan and the Lee County Land Development Code. Performance and locational standards set forth for the uses would be met or exceeded. It was consistent with the densities, intensities, and general uses in the Lee County Comprehensive Plan. It was compatible with the existing and planned uses in the surrounding area. It would not place an undue burden upon existing transportation or

planned infrastructure facilities, as indicated in the LOS "C" and "B" and there were adequate facilities from Lee County Utilities.

It would preserve indigenous on-site. The proposed list of uses was appropriate at this location. The recommended conditions provided sufficient safeguards to the public interest and those recommended conditions were reasonably related to the impacts on the public's interest.

The deviation that was previously approved and was requested to be carried over, enhanced the achievement of the objectives of the planned development and preserved and promoted the general intent of the Lee County Land Development Code to protect public health, safety, and welfare. Urban services were available and adequate to serve the uses, as previously discussed.

Ms. Hewitt indicated she wanted to address some of the Smart Growth principles that were incorporated with the site. She referred to the mix of land uses and noted that currently only Multi-family uses were approved on the site. This request furthered the mix of uses by allowing opportunity for the ALF, CCF, and ILUs, as well as the Commercial component, which added to the Mixed Use nature of the community. The compact building design was demonstrated by the preservation on site of the existing indigenous areas and also using vertical versus horizontal development with multiple stories being proposed.

It created a range of housing opportunities and choices by furthering senior housing available on the site. It created a walkable neighborhood, as the internal sidewalks connected to the sidewalks on Gladiolus Drive and went throughout the development, connecting the RPD and the CPD. They also proposed an interconnect with Lakes Park to the north.

The enhanced landscaping and the preservation areas were provided and all development must comply with the design standards already contained in the Lee County Land Development Code. The Flow way was being maintained. The indigenous wetland and upland preserves were not required by the current approval, but it showed consistency with the Smart Growth Policy.

To strengthen and direct development toward existing communities, the development was urban infill and the request expanded the opportunities for development in the area to take place with existing development and services already in place. It provided a variety of transportation choices. Gladiolus Drive Sidewalks were located on the Bicycle Facilities map. It connected to U.S. 41 and Summerlin Road and also added a new connection to Lakes Park.

It was on the 2020 Financially Feasible Transit Network map and near routes 50, 140, and 130. In regard to making development decisions predictable, fair, and cost effective, the Staff and the Applicant had diligently worked together regarding any concerns that arose.

Ms. Hewitt referred to the next point: "Encourage community and stakeholder collaboration in development decisions." She explained that although they were not located in a planning community that required the public informational sessions, they had worked diligently with Parks and Recreation and the Public Works Department, and the Notice of the Public Hearing had been provided to the surrounding area.

At that point, Mr. Basinait asked Ms. Hewitt to go to slide number 68 in the PowerPoint presentation. He wanted to talk about the building heights and setbacks along the north side, which bordered Lakes Park. He wanted to know if it was accurate to say that in each instance, regardless of the heights of the buildings, there would be a 30-foot-wide landscape buffer. She indicated that was correct. So whether the buildings were 25, 35, or 45 feet tall, there would always be a minimum 30-foot-wide landscape buffer. She indicated that was correct.

He wanted to know in the case of a 25-foot-tall building, what the total building setback would be on the north side. She indicated it would be 40 feet. He noted that was made up of a 30-foot-wide buffer and a 10-foot additional setback. She indicated that was correct. He wanted to know if the building was 35 feet tall in that area, what the setback would be. She indicated it would be 50 feet, which included the 30-foot buffer, plus an additional 20 feet, to come up with the 50-foot building setback.

He wanted to know if the building was 45 feet tall what the setback would be. She indicated it would be 75 feet, which would include a 30-foot buffer and a 45-foot additional setback from that buffer.

Next, he asked her to refer to slide 65. He noted that she had previously mentioned that this was infill development. Based on her review of the aerial photograph, he wanted to know if it was fair to say that not only was there a large degree of development around Lakes Park, but the area they were talking about in general on the south side of Lakes Park, was primarily developed or being developed. She indicated that was correct.

Next, he asked her to go back to slide 64. Then he indicated that he had nothing further to address with this witness. There were no questions for Ms. Hewitt at that point.

Mr. Basinait called Craig Smith to the podium. He asked Mr. Smith to give his name, address, and occupation. Craig Smith introduced himself for the record. He worked as an ecologist for W. Dexter Bender and Associates, Inc., located at 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966. Mr. Basinait asked if he had testified previously before the Hearing Examiner as an ecological expert regarding Lee County regulations. He indicated he had. At that point Mr. Basinait tendered Mr. Smith as an expert in this field for purposes of this matter. After hearing no objection, he was declared to be an expert in the field indicated.

Mr. Basinait asked Mr. Smith if he was familiar with the project before him. He indicated he was. Then Mr. Basinait asked him to describe his involvement in this project. Mr. Smith explained that W. Dexter Bender and Associates, Inc., prepared the vegetation mapping, the List of Species Survey, and had worked with Banks Engineering and County Staff to come up with the Indigenous Management Plan for the site. Mr. Basinait asked him to go through his slides.

Mr. Smith indicated the aerial photograph was taken in 2008 and showed the location of the subject property just north of Gladiolus Drive and just south of Lakes Park. He pointed out that Lakes Park was bounded on most of its perimeter by fairly intensive existing development as well as major roadways. The southern and southeastern portions of Lakes Park were fairly intensely developed with recreational facilities, some of which could be seen on a panoramic photograph, which he referred to. He pointed out the approximate location that photograph was taken from while facing north.

He explained that Lakes Park had been an old limestone mine, which was donated to the County back in 1978. The majority of the 279-acre park was either open lake, which was the old pit that consisted of approximately 150 acres. Approximately 50 acres of fairly intense development was located along the south side.

Features of the park included pavilions, walking trails, boat rentals, concession stands, and a mini-train that provided rides. They held a number of events throughout the year, including summer camps and Halloween activities. They also had Christmas lights during that season.

Mr. Smith explained that given the uses on the park and the surrounding land uses, it would be fair to characterize Lakes Park as an active recreational park in an urban setting that was well utilized by the citizens of Lee County. The subject project shown on the 2008 aerial was dominated primarily by exotics, mostly Australian Pine and Melaleuca. There was approximately 1.6 acres of native vegetation, which consisted of two small freshwater marshes. He pointed out their locations. There was also a pine/oak area on the east property line. He also pointed out the location of a small borrow pit.

Mr. Smith explained that they had conducted a Listed Species Survey in July 2005. They didn't find any evidence of state or federally listed species using the site, which was not surprising, given the fact that it was a very poor habitat for wildlife in general and listed species in particular. However, with the presence of wetlands and borrow pits, there was always the chance for an opportunistic use of those areas by wading birds and alligators.

He noted that Ms. Hewitt had already gone through all of the previous approvals for the project, so he did not plan to go through that again. He pointed out that the 2004 zoning did not require any native vegetation preservation on site. The project evolved to the current proposal, which provided almost two acres of either preserves or restored native habitat.

The slide showed the locations of those features. The preserved indigenous was designated by light green hatch for a total of .09 acres of fresh water marsh and another area for a total of 1.9 acres [sic - 1.19 acres] of pine-mesic oak. As summarized in the Environmental Sciences (ES) memorandum, dated March 1, 2010, page 2 of 10, the site was required to provide 1.57 acres of indigenous preservation.

He explained that with the preservation of those three areas he had shown, and in taking into account the credits assigned for the width of the preserve and proximity to the County Preserve, they had actually provided 1.69 acres with those credits taken. Therefore, they met the indigenous requirements just with the preserves. However, they had added some additional upland restoration around the two wetlands, where they would be restoring native upland habitat.

In those areas they would be removing the exotics and planting the area with a mixture of Cabbage Palms, Slash Pines, and oaks, 12-foot on center; native shrubs five-foot on center; and native ground-cover species approximately three-foot on center. This would result in a total of 1.95 acres of either preserve or restored native habitats on site when the project was completed. That concluded his presentation. There were no questions for Mr. Smith.

Next, Mr. Basinait called upon Paul Klens. He asked him to give his name, address, and occupation. Mr. Klens introduced himself for the record. He was a Florida Registered Landscape Architect. His address was 727 Glendale Avenue, Naples, Florida 34110. Mr. Basinait asked if he had testified previously in this forum and as a landscape architect. He indicated he had. At that point, Mr. Basinait offered Mr. Klens as an expert in the field of landscape architecture for this matter. After hearing no objection, he was accepted as an expert in the field of landscape architecture.

Mr. Basinait wanted Mr. Klens to go through his slides and explain his involvement with the project. Mr. Klens began by pointing out the currently approved Type "F" buffer along the north property line that they had been referring to. It consisted of 10 canopy trees per 100 linear feet and 50 - 10-gallon shrubs installed at 48 inches and maintained at 60 inches.

He explained that in the currently approved buffer, only 10 feet of that 30-foot, Type "F" buffer, consisted of plantings. They were proposing to plant the entire 30 feet with a mix of canopy trees, palms, shrubs, and ground covers. He pointed out that they planned a row of hardwood canopy trees with staggered height palms in the middle and then they would plant another canopy species - Pigeon Plum. Pigeon Plum had been suggested by Staff. It was a very dense and relatively quick growing tree that was also relatively long-lived. He thought that it was a very good suggestion by Staff.

Under that there would be a double-staggered row of shrubs, set at the highest point in the buffer, and adjacent to that on the inside, as a further deterrent to foot traffic to the buffer, they were using native grasses in this exhibit, for this case, for ground cover. He pointed out the locations for the native grasses, the row of shrubs, the Pigeon Plum, the staggered palms, and the canopy trees. He explained there would be five canopy trees per 100 linear feet installed at 14 feet in height and a six-foot spread.

Mr. Klens indicated there would be seven mid-canopy trees (Pigeon Plums) per 100 linear feet installed at heights of 10 feet in height and a four-foot spread. There would be 20 Sabal palms per 100 linear feet that would range in height from 14 feet of clear trunk to 20 feet of clear trunk. There would be 50 - 10-gallon shrubs per 100 linear feet, to be installed at a minimum of 48 inches high. They chose a species to reach 60 inches (five feet) within a year. There would be 67 ground covers on the inside of the buffer.

He explained they would use 100 percent Florida native species (native to Lee County and Southwest Florida). They would all be water wise species, which meant that once the species were established, the irrigation could be pulled way back. They would all be pest resistant species, with relatively minor nutritional requirements. They were providing a variety of growth rates and screening in canopy, mid-story, and ground level, which far exceeded Code requirements.

He noted that the 14 to 20-foot clear trunk cabbage palms would provide them with immediate height. The height was varied to maximize vertical screening. He explained that the heads of those palms should break out in a year or less and provide them with screening at the high level. The double hedge to be installed at 48-inch minimum height, would be five feet tall and completely opaque within one year. They would be using the fast-growing Pigeon Plums installed at 10 feet initial height that would fill in the midstory and provide full opacity in three to five years.

There would be live oaks along Lakes Park on the very north side of that buffer, with 14-inch initial height. They would provide long term buffer height and dense screening. He described them as very long lived plants.

Next, he referred to the way the screening would work. He pointed out the example showing a six-foot-tall individual located 50 feet inside Lakes Park, with the canopy of the Sabal palms in the middle obscuring that individual's vision. He also pointed out the sight line on the exhibit, which in the depiction was going over the top of a 45-foot-high building with a 45-foot setback. The example showed that not much could be seen there either.

Mr. Basinait noted he referred to a 45-foot setback. He wanted to know if it was correct to say that it was a 45-foot setback plus the 30-foot-wide buffer area. Mr. Klens confirmed that was correct. It was 45 feet from the buffer, plus the 30 feet, for a total setback of 75 feet. Mr. Basinait wanted to know if 45 feet was the highest structure that could be built on the site. Mr. Klens confirmed that.

Mr. Klens pointed out that in all of the three examples shown with different building types, the buffer remained the same. He described a scenario with the building setback 20 feet from the buffer and the 30 feet, for a total setback of 50 feet. He pointed out it was the same visual situation. Mr. Basinait asked how tall the building was in one of the examples. Mr. Klens indicated it was 35 feet tall. Mr. Basinait asked what the total setback in that situation would be. Mr. Klens indicated it would be 50 feet.

The last example depicted a total setback of 40 feet. There would be a 30-foot Type "F" buffer and a 10-foot building setback from the buffer. He reiterated that the buffer situation remained unchanged. They were doing the same density with the same number of plantings. The depictions showed that for the "six-foot-observer" located 50 feet inside the park and that the sight line went well over the structure. Mr. Basinait wanted to know how tall the structure was in that particular scenario. Mr. Klens indicated the building was 25 feet in height. That concluded Mr. Klens presentation. There were no questions for Mr. Klens at that time.

Mr. Basinait referred to slide 71 of the PowerPoint exhibit and indicated that it replaced the current Exhibit D. Although, they did not have copies available at that time, they could offer them to the Hearing Examiner and to County Staff before the end of business that day. For clarification, Mr. Basinait confirmed for Ms. Collins that it would replace the current Exhibit D.

Ms. Collins wanted know which condition that was referenced in. Ms. Hewitt and Mr. Basinait indicated it was referenced in Condition 22. However, it was Ms. Collins understanding that Condition 22 would be deleted. Ms. Hewitt and Mr. Basinait indicated that it would be deleted.

Mr. Basinait thought that perhaps Condition 22 should be replaced with new language, which said that "the landscape buffer on the north side of the property will be consistent with the attached landscape exhibit Attachment 'D'." Ms. Collins wanted to know if he would be submitting that to the Hearing Examiner post hearing. He indicated they could do that.

Mr. Basinait believed Suzanne Derheimer had something to add at that point. Ms. Derheimer explained that Condition 23 actually referenced the landscape exhibit. Mr. Basinait explained that they should incorporate either "Exhibit D" or "Attachment D" in there.

Ms. Derheimer indicated it was listed in the overall Staff Report in Section V., Attachments, D., Landscape Exhibit, on page 32 of 32 of the Staff Report.

Mr. Basinait suggested that in Condition 23 of the Staff Report in the third line after the word "Exhibit," the following should be added in parentheses: "(Attachment D)." At that point, Ms. Collins confirmed that the replacement Exhibit D would be provided to the Hearing Examiner post hearing. Mr. Basinait indicated that was correct. It would be provided by the end of business that day. The Hearing Examiner noted that it would be page 71 of the PowerPoint exhibit.

Mr. Basinait indicated they had completed their presentation. He had closing remarks to make at the appropriate time, relative to some past zonings that had been approved in the CHHA and a few other matters. He indicated he could wait until after the County made its presentation.

Tony Palermo introduced himself for the record at that time. He was a Senior Planner with the Department of Community Development. He wished to be recognized as an expert in planning, zoning, and land use. After hearing no objection, he was declared to be an expert in planning, zoning, and land use.

Mr. Palermo indicated Ms. Hewitt had done an excellent job presenting the facts and analysis of the case. He planned to put his own analysis of the case on the record to show Staff's point of view.

He explained that it was an application to rezone an RPD to an RPD/CPD. Staff had received very few phone calls regarding the case. The number of letters of interest for the case was also very low. He noted interest by the Department of Parks and Recreation regarding Lakes Park, which he planned to discuss further.

Staff recommended approval of the rezoning with conditions. He noted that the Hearing Examiner had received the 24-hour letter from the Applicant. Mr. Palermo indicated it was accurate to describe that they were in agreement with all of the conditions and the suggested modification of one of the conditions. They supported the changes that were just talked about, in terms of the landscape buffering. He believed it turned out to be an easy case.

He wanted to personally thank Ms. Hewitt, Mr. Basinait, and Mr. Underhill, who worked diligently with Staff on this particular project. He added that although it was not an easy piece of property or an easy case, it had turned out to be an easy case.

He also wanted to thank Mike Pavese with the Department of Public Works, and Barbara Manzo, with Parks and Recreation. They had also put in a lot of time and effort on this case. Although there were some relevant issues and other issues, he thought they had worked them all out.

He mentioned that there were three steps to his presentation. The first step was the introduction of a few exhibits. The next step was addressing the facts and analysis of Staff's point of view, the consistency with the Lee County Comprehensive Plan compatibility with the surrounding land uses, and the concurrency issues as well as their Smart Growth criteria. The last step would be to place his concluding thoughts on the record.

First, he addressed the exhibits, which consisted of two packages. The first exhibit was a large and small aerial photograph, and the second exhibit was three photographs taken by him when he conducted his site visit. The first photograph was the site as seen from Gladiolus Drive. The second photograph was taken when he entered the property and discovered a bicycle in the middle of the woods. The third photograph was of Lakes Park, which they were very interested in protecting, and they believe that the Applicant has done an excellent job in terms of protecting the valuable resource.

The Hearing Examiner wanted to know if anyone had any objections to the introduction of these items into evidence. Hearing none, he entered the large aerial photograph into the record as Staff's Exhibit 1, the two aerial photographs contained on one 8.5" x 11" sheet of paper as Staff's Composite Exhibit 2, and the three photographs as Staff's Composite Exhibit 3.

Mr. Palermo mentioned that Staff received the subject application on February 9, 2009, and found it sufficient on January 22, 2010. This application was currently the Gladiolus Residential Planned Development as previously mentioned by the Applicant, and that was zoning resolution Z-04-043. It was indeed in the Central Urban future land use category although there was a small portion of the property that was in the Wetlands future land use category.

The current land use was vacant. There was no land use on the property. It was located on Gladiolus Drive, which was a six-lane arterial road. The property was served by Lee County Utilities for the water and sewer services. It was in the South Fort Myers Planning Community and north of the property was Lakes Park.

The Applicant was now proposing a new mix of uses, which include office and commercial uses and a mix of residential uses, which may be Assisted Living Facilities (ALF) product or Multi-Family product. The Applicant was proposing 8.7 units per acre on the residential portion of the project. This was consistent with the current zoning, which was 8.45 units per acre.

The Applicant was correct when mentioning that the commercial element has been significantly reduced throughout the process of reviewing this application, and they were now requesting 100,000 square feet of commercial uses and 25,000 square feet of retail uses. The proposed height was 45 feet, which was consistent with the current zoning regulations. It was in the Coastal High Hazard Zone, and it was also in the Tropical Storm Surge Zone, as was the case with the existing Residential Planned Development.

There were four issues, but he believes that the Applicant has done an excellent job in addressing them. The first issue was the compatibility to Lakes Park in terms of the buffers, the uses, and the pedestrian access. The second issue was the safety and security of the residents in the assisted living facility due to the property being in the high hazard area. The third issue was the traffic on Gladiolus Drive, and the fourth issue was the protection of the natural environment because of the existing wetlands on the site. There was also a conservation piece of property next to the subject property.

He wanted to address the conditions. He began with Condition 2 and noted that this condition limits the schedule of commercial uses in particular. Condition 12 prohibits casinos and gambling type uses, which was consistent with the zoning regulations. Condition 13 limits the consumption on premises in terms of where it may take place, for

example, in an indoor restaurant setting. If consumption on premises is desired outdoors, the Applicant would have to obtain approval through the public hearing process.

Next, he mentioned that Conditions 14 and 15 were also relevant because these conditions address the coastal high hazard issue. For example, Condition 14 addresses the hurricane shelter, and Condition 15 addresses the hurricane plans. He then wanted to inform the Hearing Examiner where these conditions came from because they were similar in nature to what was in the current, new portion of the Land Development Code.

He explained that these conditions were consistent with the Winkler 10 Residential Planned Development that was also in the Coastal High Hazard area. Some of these conditions were very similar to this previously approved case, and when these conditions were not part of the Land Development Code during that case, Staff worked closely with John Wilson of the Public Safety Division. Mr. Wilson has seen these conditions and had no objections in terms of meeting these conditions and being consistent with the Land Development Code, when it comes to aloft facilities in the Coastal High Hazard area. Therefore, these conditions are entirely acceptable to Staff.

Mr. Palermo wanted to distribute a copy of the Land Development Code, Section 2-485 that included the conditions regarding public safety. These conditions were relevant to this case and the proposed development would have to adhere to when obtaining their Development Order. At this point, the Hearing Examiner took judicial notice of Section 2-485 of the Lee County Land Development Code for the record.

Mr. Palermo noted that Condition 17 addresses the pedestrian access to the park, which the Applicant has included in their plans. He also noted that having a pedestrian access to the park was an asset. The Parks and Recreation Department agrees with the access and have included a condition that was satisfactory to Staff.

At this time, the Hearing Examiner wanted to know if it was the Applicant's obligation to lock the access gate as required in Condition 17. It was. Mr. Palermo continued his presentation by saying that Staff agrees with the Applicant in terms of consistency with the Lee County Comprehensive Plan and as indicated in their analysis on page of the Staff Report. The subject property was in the Central Urban future land use category.

The request was consistent with Policy 6.12 regarding the commercial site location standards, as the Applicant was proposing less than 30,000 square feet of minor commercial development. It was also consistent with Goal 84 in terms of protecting the regional part to the north, and Goal 105 regarding the Coastal High Hazard area. For that reason, Staff has included some conditions that include a shelter and a plan consistent with the Winkler Residential Plan Development.

Continuing, he stated that the request was also consistent with Goal 107 regarding the protection of the wetlands, therefore, an Environmental Staff person was present today to provide the Hearing Examiner with information regarding the subject case. Staff also agrees with the Applicant in terms of compatibility, and again, their analysis was on page 27. However, the major issue with compatibility was Staff's concern with Lakes Park. The Applicant has done a good job with the proposed enhanced buffer, and the height of the buildings was consistent with zoning and the surrounding uses.

Staff also agrees with the Applicant in terms of the Smart Growth Analysis, which may be found in page 30 of the Staff Report. He then wanted to note several points. The first point he wanted to express was that this request does indeed improve the mix of uses. The second point was that this project was an infill development. The third point was that this project provides more housing choice by providing the assisting living option. The fourth point was that the project encourages walking accessibility particularly to the Lakes Regional Park, and the fifth point was that the Applicant did include the Department of Parks and Recreation since their property was located in close proximity to the subject property and it would have an impact on this great county resource.

He mentioned that there were no concurrency issues. Lee County Utilities would be providing water and sewer to the proposed project, and a condition has been included to reflect this requirement. There are also no concurrency issues regarding traffic, and Mr. Rob Price, with Community Development, would address any issues regarding the Traffic Impact Study and the level of traffic on Gladiolus Drive.

Mr. Palermo wanted to conclude his presentation by saying that Staff was recommending approval. The proposed project was consistent with the Lee County Comprehensive Plan, as conditioned, and it was compatible with the park and other uses. Again, he mentioned that there were no concurrency issues. The project furthers smart growth and the zoning district of CPD and RPD. In conclusion, the proposed project was appropriate in its context. The Hearing Examiner wanted to know if Staff agrees that Condition 22 should be omitted, and if Staff agrees with the new Condition 24.. Mr. Palermo said yes.

Next, Suzanne Derheimer, with Environmental Science Division, introduced herself for the record. Her resume has been filed with the Hearing Examiner's office and wishes to be tendered as an expert witness in environmental planning for today's hearing. After hearing no objections from the Applicant's representative, she was accepted as such by the Hearing Examiner.

She began her presentation by saying she wanted to clarify what was presented by the Applicant in terms of Staff's considerations. In regard to Condition 22, she reviewed Slide 71 and it was consistent with what they agreed prior to the hearing. Therefore, since it was consistent, Staff would agree to include Slide 71 and remove Condition 22.

She referred to the Applicant's 24 hour letter and the requested language change to Condition 24. Staff was in agreement with the language change to Condition 24, as submitted by the Applicant as Applicant's Exhibit 2.

Rob Price, with the Department of Community Development, introduced himself for the record. He wishes to be tendered as an expert witness in transportation, planning and traffic engineering for today's hearing. After hearing no objections from the Applicant's representative, he was accepted as such by the Hearing Examiner.

He began his presentation by saying that they have made a request to compare the current zoning on the site to what was being proposed from a traffic standpoint. He then referred to one of his exhibits and noted that there was an increase in traffic based on the proposed rezoning request, however, he wanted to point out that with the reduction from what was previously proposed, they feel comfortable that the abutting shrubs would have sufficient capacity, and there would not be any driveway issues.

The Hearing Examiner asked if anyone had any objections to the admission of the document entitled "Trip Generation Comparison." There were none, so the Hearing Examiner admitted the exhibit into the record as Staff's Exhibit 4. He then asked if anyone had any additional comments to make for the record.

Mr. Basinait reintroduced himself for the record and noted that it was his understanding that the level of service on Gladiolus Drive was a level of service C, both before and after the project. Mr. Price agreed. He then mentioned that it was also his understanding that there were no negative impacts or reduction in the level of service by virtue of this proposed project. Again, Mr. Price agreed.

Mr. Basinait noted that he was presuming that the level of service C would be a perfectly acceptable level of service in Lee County. Mr. Price also agreed with this statement. At this point, Mr. Palermo mentioned that Mr. Pavese, with the Department of Public Works, was in attendance.

Mike Pavese, with the Lee County Department of Public Works, introduced himself for the record and noted that he did not have anything to add, but he wanted to reiterate what Mr. Palermo previously stated in regards to Staff working with the Applicant on this request. He mentioned that they were comfortable with the conditions regarding the north property line as it relates to Lakes Park.

The Hearing Examiner asked if the Applicant's representative had any closing statements he may want to place into the record.

Mr. Basinait reintroduced himself for the record and stated that he wanted to reiterate the current versus the proposed rezoning request. He mentioned that there was a reduction in the number of units in the proposed request, although there was certainly an addition of the commercial square footage. There were also wetlands, buffer enhancements, and preservation areas that were being proposed under the current proposal versus the current approval.

Additionally, there were an indigenous area and buffers that were being preserved that were not in existence. There was also a Flow way area that was being preserved. A very enhanced buffer was being considered at Lakes Park because of the differences in the setbacks and the heights of the Buildings. The level of service was C before and after the project, and the property was located in the Coastal High Hazard area.

For the Hearing Examiner's identification, there have been a number of rezonings that have been granted for both maximum density, and in some cases, the bonus density has been granted in areas that were located in the Coastal High Hazard area. At this time, he wanted to go through some of these approved cases. He would also be submitted copies of resolutions and agreements for the record.

The first case was Club at Pine Ridge, which was located on Pine Ridge Road. This was a completed project in the RM-2 zoning designation. It was approved for high density under their Development Order plus bonus units. Ms. Collins was familiar with this project because they went through a couple of amendments to the bonus density contract, and it was sufficed to say that at the end of the day, there were still bonus density units allowed. He has a copy of the RM-2 zoning resolution and the two amendments to the bonus density contract.

The second case was zoning resolution Z-01-037, the Majestic Fountains RPD. This case was approved in November of 2001 to allow 430 units on 43.3 acres. This would represent 10 units per acres, and it was located in the Central Urban land use category. The third case was the Harbor Ridge RPD located on Pine Ridge Road. This project was approved in December of 2001 to allow 386 units on 38.6 acres. This would represent 10 units per acre in the Central Urban land use category.

The fourth case was Reflection Shores RPD located on Summerlin and Gladiolus, and it was approved to allow 296 units on 49.25, in the Suburban land use category. This represents six units per acre, which was a maximum density. The fifth case was the Heritage Isles RPD located on Pineridge Road. He believes that this case was approved in 2007 to allow 440 units on 44.24 acres. Again, this represented 10 units per acre and it was located in the Central Urban land use category.

The final case was Sunset Falls RPD located east of Pineridge and north of Summerlin. This case was approved to allow 608 units on 101.36 acres, and it was located in the Urban Community. All of these cases were within the Coastal High Hazard area in Lee County. He then recited the resolution numbers for all of these cases. He began with the Harbor Ridge case, which was resolution number Z-01-042, Reflection Shores was Z-01-050A, Heritage Isle RPD was Z-06-094, and the Sunset Falls RPD was Z-07-018.

At this time, he submitted the copies of the resolutions to the Hearing Examiner and asked for them to be entered into the record as Applicant's Exhibit 4. The Hearing Examiner believed it would be more appropriate if he took judicial notice of these documents numerated by the Applicant's attorney.

He concluded by saying that he did not have any further closing statement, but wanted to thank Staff and the County Attorney's Office for all of their assistance with this request. This was an interesting case and it was certainly a challenging one, but he believes that they have all worked very well together and has resulted in a positive result. The Hearing Examiner left the record open until close of business today or by 5:00 p.m., to allow the Applicant to submit a revised Attachment D, which was known as page 71 of the Applicant's power point presentation. However, he did not issue a written Order for this item, as it was submitted on the same date of this hearing. The hearing was then closed.

#### **VIII. OTHER PARTICIPANTS AND SUBMITTALS:**

##### **ADDITIONAL APPLICANT'S REPRESENTATIVES:**

1. Paul Klens, Landscape Architect, 727 Glendale Avenue, Naples, Florida 34110
2. Craig Smith, c/o W. Dexter Bender & Associates, Inc., 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33916
3. David R. Underhill, Jr. PE, c/o Banks Engineering, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966

##### **ADDITIONAL COUNTY STAFF:**

1. Donna Marie Collins, Chief Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

2. Suzanne Derheimer, Environmental Planner, Lee County Department of Community Development, Division of Environmental Sciences, P.O. Box 398, Fort Myers, Florida 33902
3. Michael P. Pavese, Principal Planner, Lee County Public Works Administration, P.O. Box 398, Fort Myers, Florida 33902
4. Robert Price, Senior Engineer, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902

**PUBLIC PARTICIPATION:**

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

**For: NONE**

**Against: NONE**

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

**For: NONE**

**Against: NONE**

**IX. LEGAL DESCRIPTION:**

See Exhibit A (scanned legal description).

**X. UNAUTHORIZED COMMUNICATIONS:**

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

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

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

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the

unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

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

**XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:**

A. This recommendation is made this 4<sup>TH</sup> day of May, 2010. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

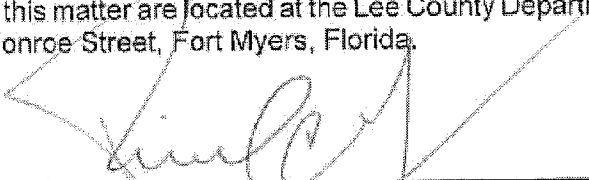
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

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

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

**XII. COPIES OF TESTIMONY AND TRANSCRIPTS:**

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



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RICHARD A. GESCHEIDT  
LEE COUNTY HEARING EXAMINER  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Telephone: 239/533-8100  
Facsimile: 239/485-8406

# Banks Engineering

Professional Engineers, Planners & Land Surveyors  
10511 Six Mile Cypress Parkway - Suite 101  
Fort Myers, Florida 33966  
(239) 939-5490  
Fax (239) 939-2523

RECEIVED

DEC 18 2009

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked  
BY BJ 12-22-09

  
RICHARD M. RITZ,  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Jobs\1665-1620-SURVEY\Descriptions\1620\_CPD\_DES.CAD

Sarasota Office  
1144 Tallevast Road Suite #115  
Sarasota, Florida 34243  
(941) 360-1618  
Fax (941) 360-6918

Port Charlotte Office  
12653 SW CR 769 Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

EXHIBIT A

DCI 2009-00005



1"=200'

INSTRUMENT #2006000107425

NORTHWEST CORNER  
NORTHEAST QUARTER  
NORTHWEST QUARTER  
SECTION 35

INSTRUMENT #2006000107425

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

INSTRUMENT #2006000107425

N 01°04'20" W 1151.81'

INSTRUMENT #2006000107425

FORMER L.D. CANAL "H"  
NOT OPEN BY THE COUNTY  
REG. 0.8, 21, PG. 52

NORTH  
RIGHT-OF-WAY LINE

O.R. 1761, PG. 4481

NORTH LINE OF NORTHWEST QUARTER SECTION 35  
N 88°56'00" E 1322.88'

POINT OF COMMENCEMENT  
NORTHEAST CORNER  
NORTHWEST QUARTER  
SECTION 35

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

RECEIVED  
DEC 16 2009

COMMUNITY DEVELOPMENT

N 89°37'57" E 666.53'

SUBJECT PARCEL  
CPD PARCEL  
10.79± ACRES

N 00°22'03" W 609.97'

336.29'

S 89°37'57" W 341.72'

GLADIOLUS DRIVE  
(COUNTY ROAD 865)

S 13°10'17" E  
236.31'

POINT OF BEGINNING

EAST LINE NORTHWEST QUARTER SECTION 35  
S 01°17'00" E 554.86'

O.P. 2008  
PG. 3105

O.P. 2008  
PG. 3105

Applicant's Legal Checked  
By: GSG 12-22-09

# SKETCH TO ACCOMPANY DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN

NOTES:  
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST  
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24  
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS  
DESCRIPTION.

## LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	28.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'18" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'38" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°13'46" W	39.67'			

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*

RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE  
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA  
PROFESSIONAL SURVEYOR AND MAPPER

— PREPARED DECEMBER 16, 2009.

PREPARED BY:

**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33909

(239) 939-0480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

## LEGEND

- O.R. OFFICIAL RECORDS BOOK
- D.B. DEED BOOK
- P.G. PAGE
- C1 CURVE 1 OF THE CURVE TABLE
- L1 LINE 1 OF THE LINE TABLE

## CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°46'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	03°06'31"	208.64'	208.42'	S 80°53'03" W

SHEET 2 OF 2

DOI 2009-00005

# Banks Engineering

Professional Engineers, Planners & Land Surveyors  
10511 Six Mile Cypress Parkway - Suite 101  
Fort Myers, Florida 33966  
(239) 939-5490  
Fax (239) 939-2523

RECEIVED  
DEC 18 2009

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

COMMUNITY DEVELOPMENT

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

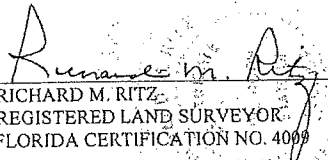
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked  
by BG 12-22-09

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Mobile\620\SURVEY\Descriptions\1620\_RPD\_DESC.doc

Sarasota Office  
1144 Tallevast Road Suite #115  
Sarasota, Florida 34243  
(941) 360-1618  
Fax (941) 360-6918

Port Charlotte Office  
12653 SW CR 769 Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

DCI 2009-00005



1"=200'

INSTRUMENT  
#2006000107425

NORTHWEST CORNER  
NORTHEAST QUARTER  
NORTHWEST QUARTER  
SECTION 35

INSTRUMENT  
#200600131703

WEST LINE OF NORTHEAST QUARTER, NORTHWEST QUARTER, SECTION 35

N 01°04'20" W 1151.61'

INSTRUMENT  
#200600055752

INSTRUMENT  
#2007000151759

FORMER L.D.D. CANAL "A"  
(NOT PART OF IMPROVED)  
KELCO 50, 51, PG. 432  
E.B. 50, 51, PG. 432

RECEIVED  
DEC 18 2009

COMMUNITY DEVELOPMENT

SUBJECT PARCEL

RPD PARCEL  
21.75± ACRES

S 89°37'57" W 666.53'

S 00°22'03" E 609.97'

338.29'

NORTH  
RIGHT-OF-WAY LINE

GLADIOLUS DRIVE  
(COUNTY ROAD 865)

O.R. 1751, PG. 4481

NORTH LINE OF NORTHWEST QUARTER SECTION 35  
N 88°56'00" E 1322.89'

POINT OF  
BEGINNING  
NORTHEAST CORNER  
NORTHWEST QUARTER  
SECTION 35

S 01°11'00" E 554.86'  
EAST LINE NORTHWEST QUARTER SECTION 35

O.R. 2518  
PG. 3165

O.R. 2518  
PG. 3165

# SKETCH TO ACCOMPANY DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN  
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

NOTES:  
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST  
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24  
EAST AS BEARING N.01°10'59" W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS  
DESCRIPTION.

Applicant's Legal Counsel  
R. C. G. 12-22-09

### LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

\*\*\*THIS IS NOT A SURVEY\*\*\*

RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE  
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA  
PROFESSIONAL SURVEYOR AND MAPPER.

— PREPARED DECEMBER 16, 2009.

PREPARED BY:

**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33906

(889) 939-5480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6590

### LEGEND

- O.R. OFFICIAL RECORDS BOOK
- D.B. DEED BOOK
- P.G. PAGE
- L1 LINE 1 OF THE LINE TABLE

001 2009-00005

# **Banks Engineering**

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

RECEIVED  
FEB 04 2009  
COMMUNITY DEVELOPMENT

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked  
by CSJ 2-12-09



1" = 200'

O.R. 3396  
PC 4062

NORTHWEST CORNER  
NORTHEAST QUARTER  
NORTHWEST QUARTER

O.R. 1761, PG. 1293

NORTH LINE OF NORTHWEST QUARTER SECTION 35  
S.88°55'00"W. 1322.88'

O.R. 2667  
PC 564

S.91°04'20"E. 1151.81'

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

O.R. 750  
PC 59

O.R. 780  
PC 59

FORMER I.D.D. CANAL "A"  
NOW OWNED BY LEE COUNTY S.D.  
R.O. 2-1, PG. 152

NORTH RIGHT-OF-WAY LINE  
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE  
(COUNTY ROAD 865)

SHEET 2 OF 2

SUBJECT PARCEL

DOI 2009-00005

PROPOSED  
FEB 16 2009

COMMUNITY DEVELOPMENT

POINT OF BEGINNING  
NORTHEAST CORNER  
NORTHWEST QUARTER  
SECTION 35

N.01°10'59"W. 554.86'

O.R. 2918  
PC 3165

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

# SKETCH TO ACCOMPANY DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN

NOTES:  
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST  
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24  
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS  
DESCRIPTION.

Applicant's Legal Checked  
by C.J. 2-12-09

LEGEND  
O.R. OFFICIAL RECORDS BOOK  
P.G. PAGE  
CI CURVE DATA NUMBER

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.84'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*

RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE  
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA  
PROFESSIONAL SURVEYOR AND MAPPER

— PREPARED JANUARY 14, 2009.

PREPARED BY:

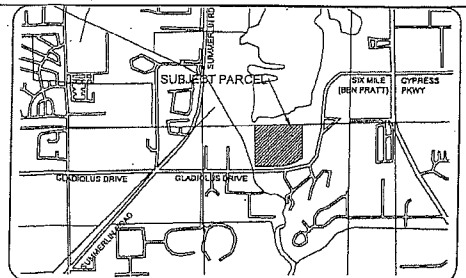
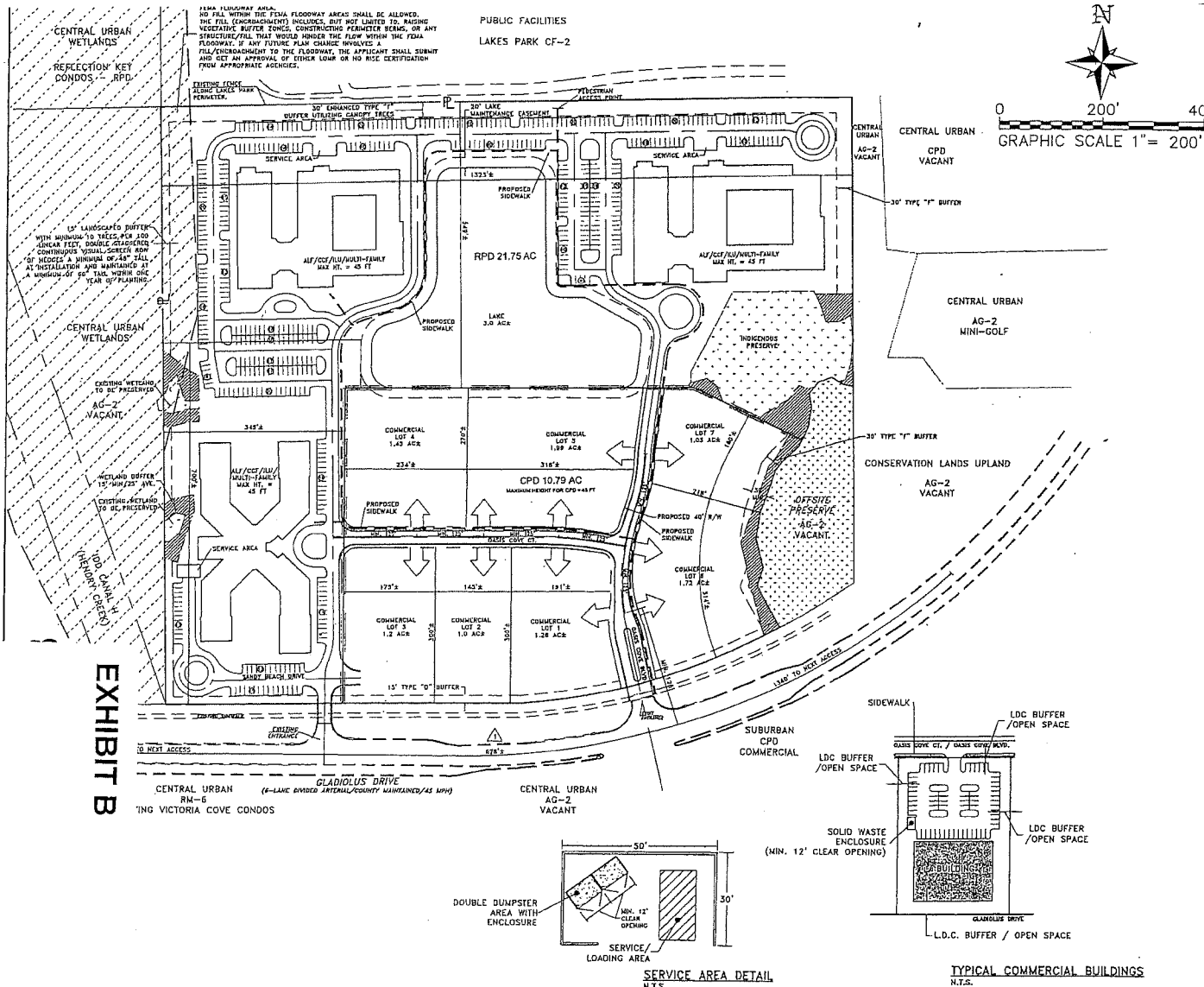
**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING

3515 NORTHBROOK PLAZA DRIVE - SUITE 200  
NAPLES, FLORIDA 34119  
(239) 567-8001

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6600





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA  
N.T.S.

**PROJECT SUMMARY DATA:**  
 SITE AREA: 32.54 ACRES  
 LAND USE CLASSIFICATION: CENTRAL URBAN & WETLANDS  
 EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043 (APPROVED FOR 275 MULTI-FAMILY UNITS)

**OPEN SPACE TABLE:**  
**REQUIRED OPEN SPACE:**  
 RPD: 40% 21.75 @ 40% = 8.70  
 CPD: 30% 10.79 @ 30% = 3.24  
 TOTAL REQUIRED: 11.94 AC  
**REQUIRED INDIGENOUS:** 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

**PROVIDED OPEN SPACE:**  
**RPD:**  
 INDIGENOUS VEGETATION  
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.25) = 1.60 AC  
 WETLAND = 0.09 AC  
 TOTAL INDIGENOUS = 1.69 AC  
 25% PROVIDED BY LAKE = 2.99 AC  
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±  
 RESTORATION AREAS = 0.46 AC  
 ADDITIONAL OPEN SPACE = 2 AC  
 TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR

**CPD:**  
 MINIMUM 30% 3.24 AC  
 RESTORATION AREAS = 0.21 AC  
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC  
 TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

**PROPOSED ZONING:**  
 CPD AREA = 10.79 ACRES  
 (MAX 100,000 SF WITH A MAXIMUM OF 25,000 SF RETAIL)  
 RPD AREA = 21.75 ACRES

THE MAXIMUM ALLOWED NUMBER OF RESIDENTIAL DWELLING UNITS IS 190 UNITS.

**DENSITY EQUIVALENTS:**  
 1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 4 ASSISTED LIVING FACILITY (ALF)/CONTINUING CARE FACILITY (CCF) UNITS  
 1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 2 INDEPENDENT LIVING UNITS (LU)

- LEGEND:**
- - - = PROPOSED SIDEWALK
  - [Pattern] = INDIGENOUS PRESERVE
  - [Pattern] = RESTORATION AREAS
  - △ = SPECIAL CONDITION/DEVIATION

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COMMUNITY DEVELOPMENT

DCI 2009-00005

EXHIBIT H-3.C

MASTER CONCEPT PLAN  
 OASIS COVE A.K.A. GLADIOLUS RPD  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

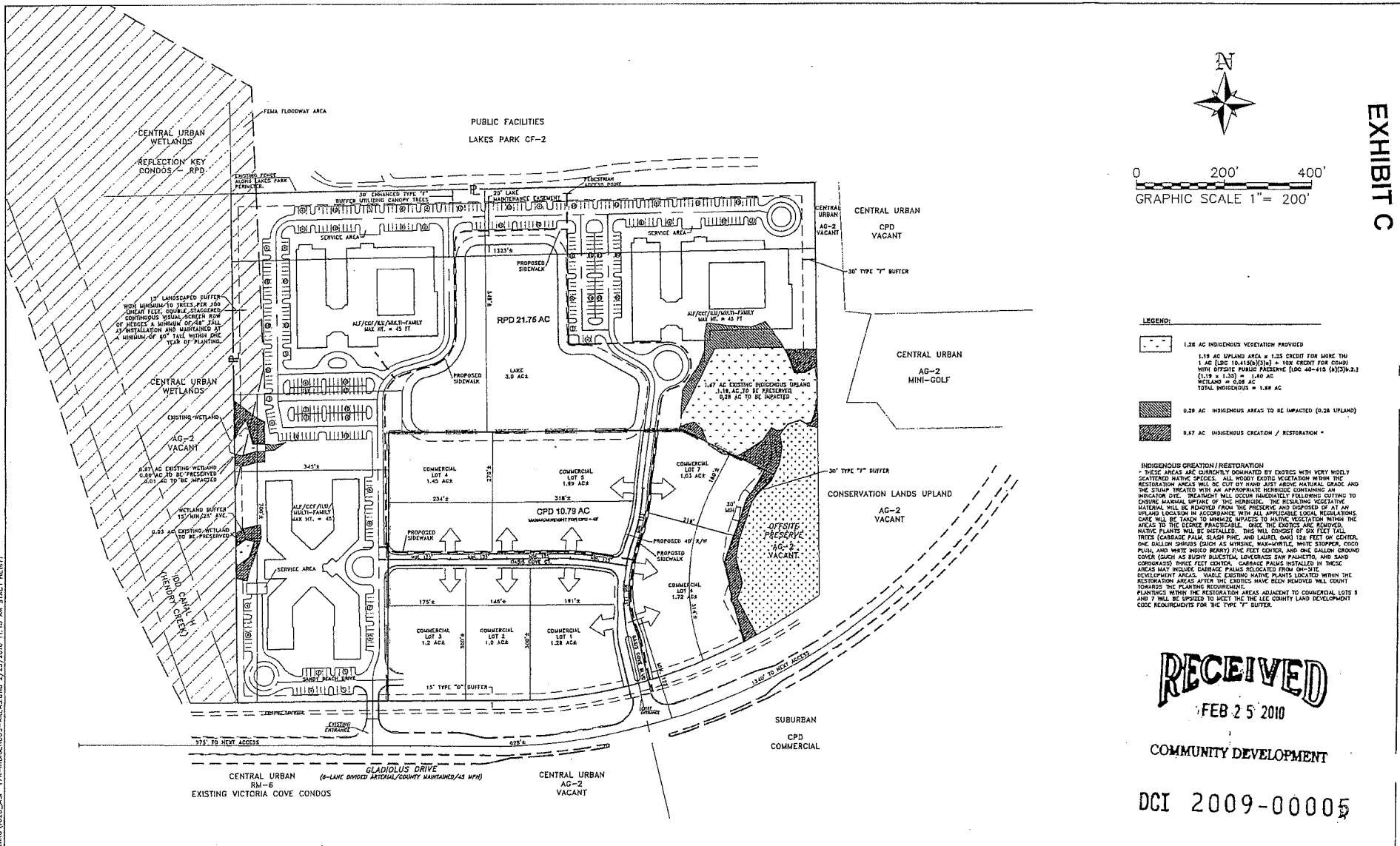
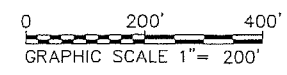
PREPARED FOR:  
**BECK GROUP**  
 OF FT MYERS LLC  
 436 BAYFRONT PL  
 NAPLES, FL 34102  
 PHONE: (239) 649-8700  
 FAX: (239) 434-6223

NO.	DATE	REVISION DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Wanka Engineering**  
 Professional Engineers, Planners, & Land Surveyors  
 FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA  
 1615 W. ACE CORNER PLAZA - SUITE 100  
 1011 OCEAN BLVD. SUITE 200  
 PHONE: (813) 939-1100 FAX: (813) 939-2222  
 WWW.WANKAENGINEERING.COM

EXHIBIT B

EXHIBIT C



- LEGEND:**
- 1.28 AC INDIGENOUS VEGETATION PROVIDED
  - 1.19 AC UPLAND AREA = 1.25 CREDIT FOR MORE THN 1 AC [LDC (0.4150)(30)] = 102 CREDIT FOR COAM WITH OFFSITE PRAIRIE PRESERVE [LDC 40-415 (0.5039-2.1) (1.19 x 1.33) = 1.40 AC WETLAND = 0.08 AC TOTAL INDIGENOUS = 1.49 AC
  - 0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
  - 0.97 AC INDIGENOUS CREATION / RESTORATION \*

**INDIGENOUS CREATION / RESTORATION**  
 \* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WOOLY SCATTERED NATIVE SPECIES. ALL WOOLY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRASS AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MANUAL UPLAND OF THE HERBICIDE. THE REMAINING VEGETATION MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE EXTENT PRACTICABLE. SINCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CARABEA PALM, SLASH PINE, AND LABEL OAK) 125 FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS URINE, WAX-WORTIC, WHITE STOPPER, COCO PLUM, AND WHITE WINDO BERRY) THE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BILLETAL, LOWGROWS SAW PALMETTO, AND SAND CROCODRUS) THREE FEET CENTER. CARABEA PALMS INSTALLED IN THESE AREAS MAY INCLUDE CARABEA PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. NESTLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENTS. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 8 AND 7 WILL BE UPLAND TO MEET THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE 'T' BUFFER.

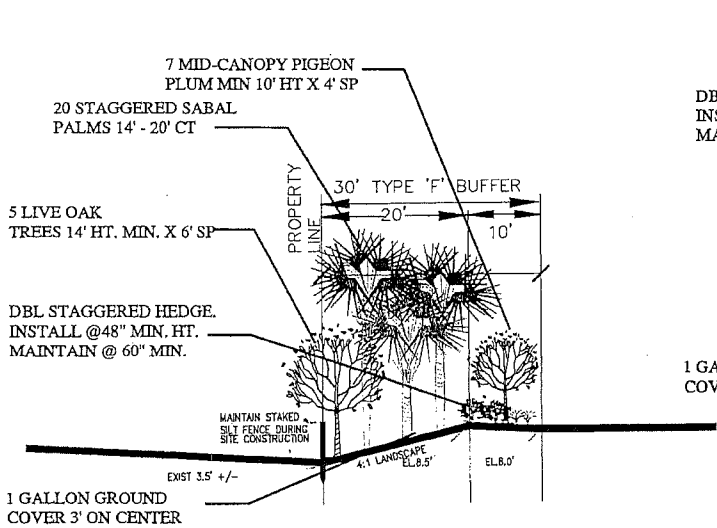
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 FEB 25 2010

COMMUNITY DEVELOPMENT

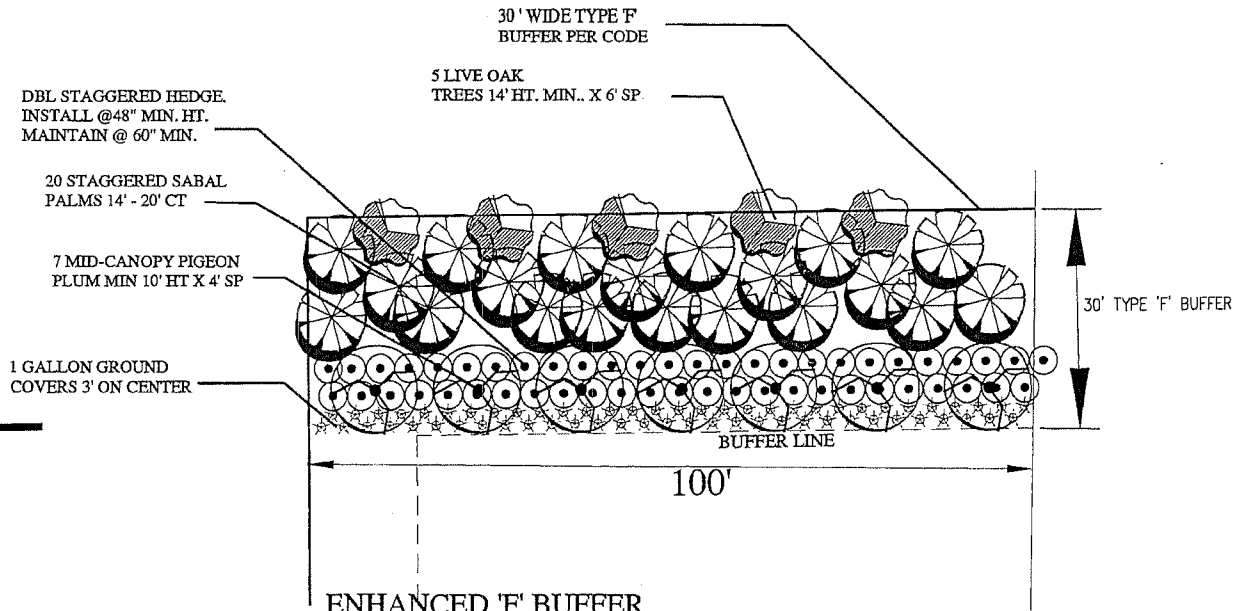
DCI 2009-00005

PREPARED FOR: <b>BECK GROUP OF FT MYERS LLC</b> 430 BAYFRONT PL NAPLES, FL 34102 PHONE: (239) 649-8700 FAX: (239) 434-8225	<b>Wanks Engineering</b> Professional Engineers, Planners, & Land Surveyors FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA 1818 W. WALKER PARKWAY - SUITE 100 FORT MYERS, FLORIDA 33901 PHONE: (239) 939-0000 FAX: (239) 939-2632 OPERATING OFFICE: 210 N.W. 10TH FORT MYERS, FL 33901 WWW.WANKS-ENR.COM		INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y) OASIS COVE A.K.A. GLADIOLUS RPD LEE COUNTY, FLORIDA			
	3. REVIEW BY THE LANDLORD TO BEKE REF. 1/24 4. REVISED BY ENGINEER 1/24 5. REVIEW AND APPROVAL BY CLIENT 1/24 6. DATE: 1/24 REVISION DESCRIPTION:	DATE: 10/16/09 PROJECT: 1620 DRAWING: MCP DESIGN: DRU DRAWN: SDJ CHECKED: DRU SCALE: 1" = 200' SHEET: 1 OF 1				

S:\09\BECK\2009\2009\INDIGENOUS-AREAS.DWG 2/25/2010 11:18 AM STEVE KENNY



SECTION 1 - ENHANCED 'F' BUFFER



ENHANCED 'F' BUFFER  
N.T.S.

- TYPICAL 100'**  
5 CANOPY TREES PER 100 L.F. - 14' MIN. HT X 6' SP.  
7 MID-CANOPY TREES PER 100 L.F. - 10' MIN HT X 4' SP  
20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,  
50-10 GAL SHRUBS PER 100 L.F. - 48" MIN. AT PLANTING, MAINTAIN @  
60" MIN.  
67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL J. KLENS, R.L.A.  
 REG. # LA-0001619  
 MARCH 9, 2010

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.



727 GLENDALE AVE NAPLES, FLORIDA 34110  
 239 / 514-7209 239 / 594-8846 FAX

title: \_\_\_\_\_

BANKS ENGINEERING  
 10511 Six Mile Cypress Pkwy  
 Fort Myers, FL 33966  
 (239) 539-5490

title: \_\_\_\_\_

project location: LEE COUNTY, FLORIDA

designer: PJK	acad #: _____	date: _____
project manager: PAUL J. KLENS, RLA	project #: 09012	revisions: _____
checked - date / by: _____ DATE	scale: AS NOTED	_____
approved for: DISCUSSION	view: LIMITS	_____

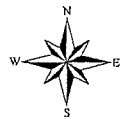
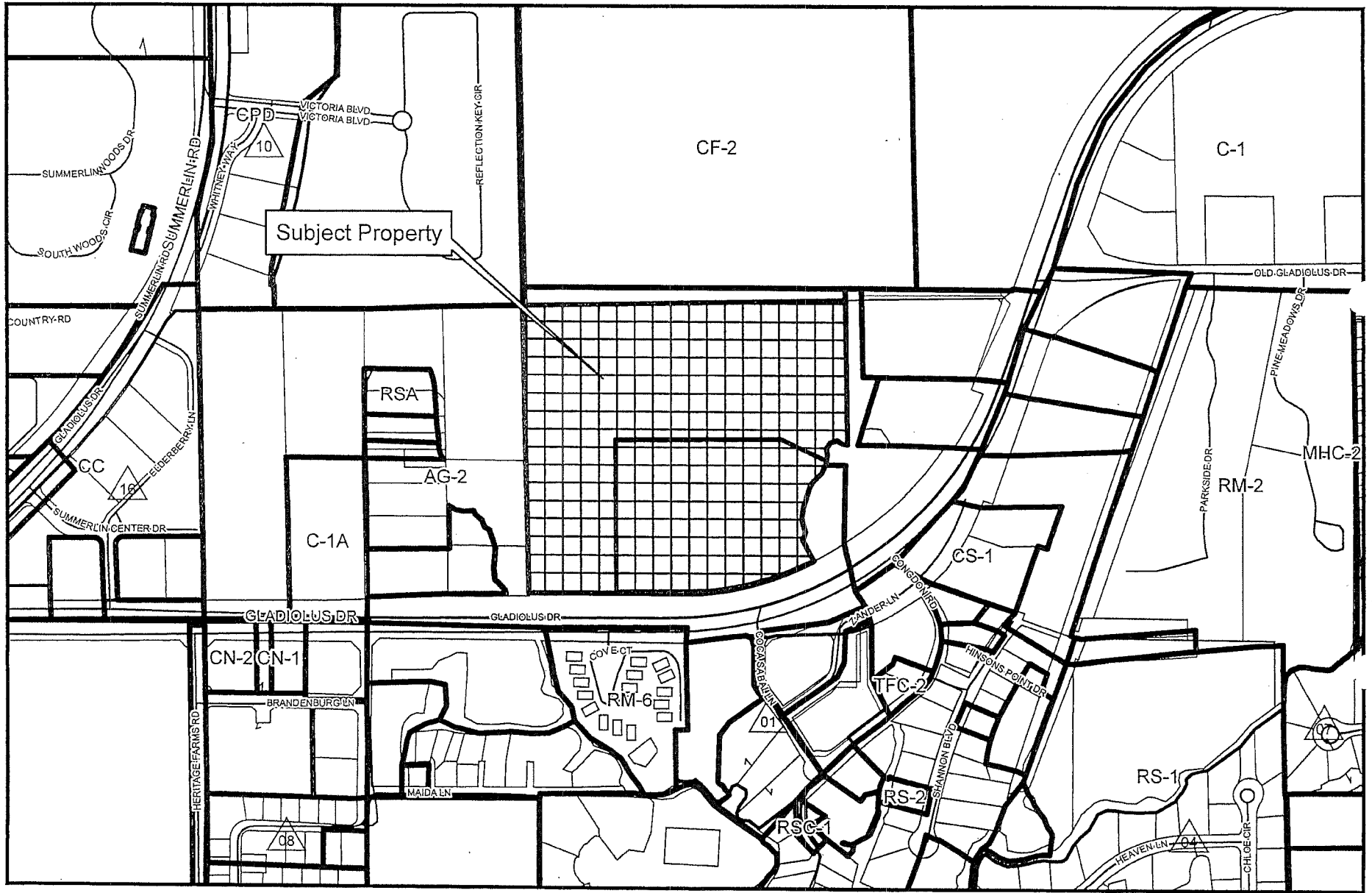
Sheet no:  
 1 / 1

EXHIBIT D

# Attachment "A" Zoning Map

DCI2009-00005

1/26/2010



# TRAFFIC IMPACT STATEMENT

FOR

## AMAVIDA RPD

(PROJECT NO. F1908.04)

**PREPARED BY:**

TR Transportation Consultants, Inc.  
Certificate of Authorization Number: 27003  
2726 Oak Ridge Court, Suite 503  
Fort Myers, Florida 33901-9356  
(239) 278-3090

August 16, 2019

**RECEIVED**  
AUG 21 2019

DCI 2019-00019 COMMUNITY DEVELOPMENT

**CONTENTS**

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

DCI 20 19- 00 019

**RECEIVED**  
AUG 21 2019

COMMUNITY DEVELOPMENT

## I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The approximate 32.54 acre subject site is governed by Zoning Resolution No. Z-10-009 as well as Administrative Amendment No. ADD2016-00011(a). The existing zoning on the site permits the RPD portion of the site to be developed with up to 190 multi-family dwelling units (including a combination of assisted living/independent living units) as well as up to 100,000 square feet of commercial uses (including 25,000 square feet of commercial retail) on the CPD portion of the site. The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the property. Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

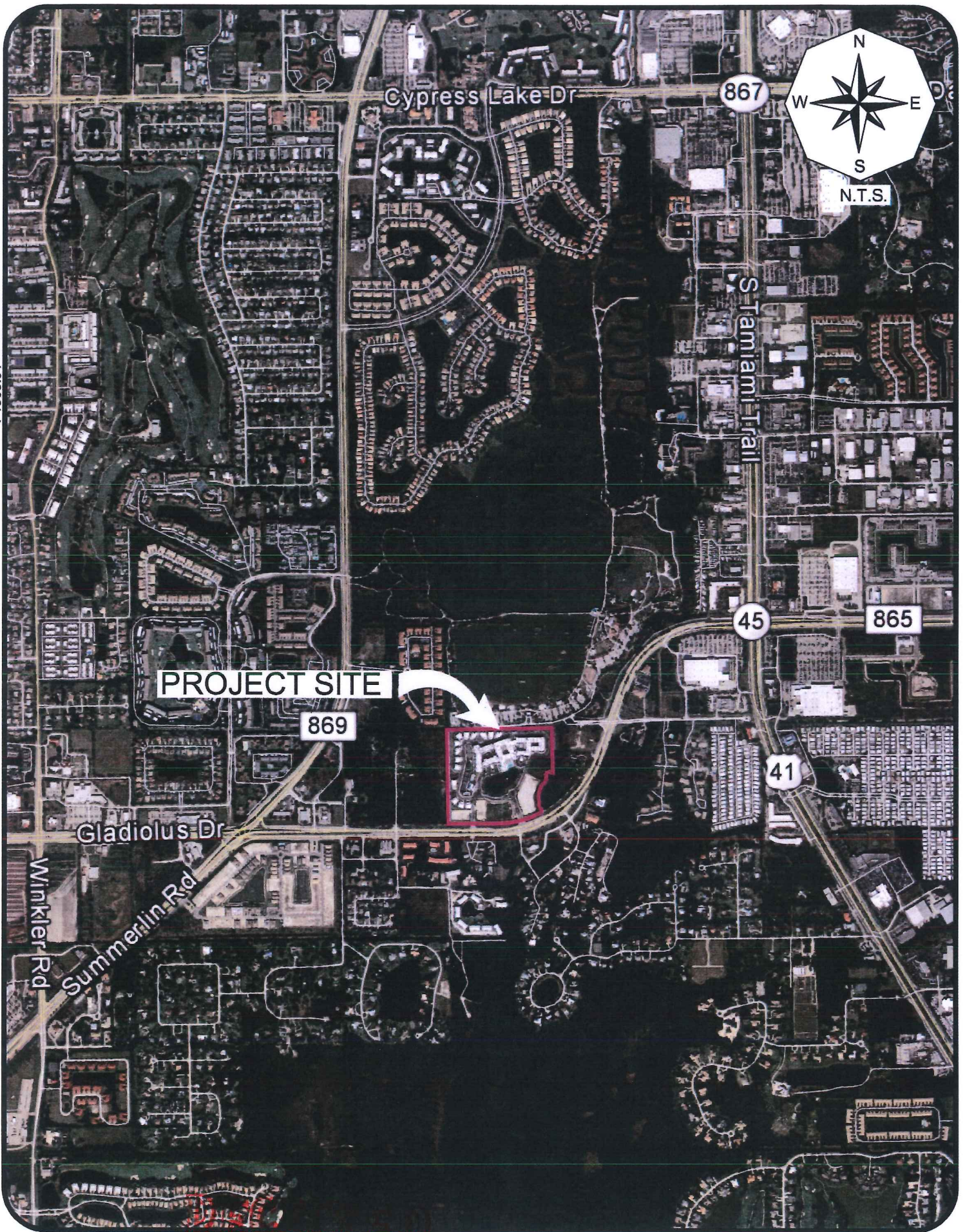
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

DCI 20 19- 00 019

**RECEIVED**  
AUG 21 2019

COMMUNITY DEVELOPMENT

F-1908.04



**II. EXISTING CONDITIONS**

The subject site is currently occupied by a mix of independent living/memory care/assisted living units. The overall site is bordered by Lakes Park to the north, Gladiolus Drive to the south, and by vacant land to the east and west.

**Gladiolus Drive** is an east/west six lane divided arterial the borders the subject site to the south. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

**III. PROPOSED DEVELOPMENT**

The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire site. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

**Table 1  
Land Uses  
Amavida RPD**

<b>Land Use</b>	<b>Approved Under Z-10-009</b>	<b>Proposed</b>
Multi-Family Residential *	190 MF Dwelling Units	325 MF Dwelling Units (+135 MF Dwelling Units)
Retail	25,000 Sq. Ft.	N/A
Medical Office	75,000 Sq. Ft.	N/A

\*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

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AUG 21 2019

**DCI 2019-00019**

**COMMUNITY DEVELOPMENT**

**IV. TRIP GENERATION**

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation Manual*, 10<sup>th</sup> Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the approved 25,000 square feet of retail uses. Land Use Code 720 (Medical-Dental Office) was utilized for the trip generation purposes of the approved 75,000 square feet of medical office uses. Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential uses. Note, Land Use Code 220 is conservative in terms of trips generation when compared to the other Land Use Codes in the multi-family residential category (LUC 221-Multifamily Housing Mid-Rise & LUC 222-Multifamily Housing High-Rise). The trip generation equations utilized from these land uses are attached to the Appendix for reference.

**Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

**Table 2  
Trip Generation – Approved  
Avida RPD/CPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (25,000 Sq. Ft.)	102	62	164	94	101	195	2,342
Medical-Dental Office (75,000 Sq. Ft.)	135	38	173	72	184	256	2,794
Multifamily Housing Low-Rise * (190 Dwelling Units)	20	68	88	66	39	105	1,396
<b>Total Trips</b>	<b>257</b>	<b>168</b>	<b>425</b>	<b>232</b>	<b>324</b>	<b>556</b>	<b>6,532</b>

\*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

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AUG 21 2019  
COMMUNITY DEVELOPMENT

**Table 3  
Trip Generation – Proposed  
Amavida RPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise * (325 Dwelling Units)	33	113	146	106	63	169	2,416

\*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).

**Table 4  
Trip Generation Comparison– Approved Zoning vs Proposed Zoning  
Table 2 vs Table 3**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	33	113	146	106	63	169	2,416
Approved Zoning	-257	-168	-425	-232	-324	-556	-6,532
<b>Trip Reduction</b>	<b>-224</b>	<b>-55</b>	<b>-279</b>	<b>-126</b>	<b>-261</b>	<b>-387</b>	<b>-4,116</b>

Note: Negative number represents a DECREASE in Trip Generation.

As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 66% in the AM peak hour, 70% in the PM peak hour and approximately 63% over the entire weekday from what is currently approved. The proposed rezoning request will be a “down zoning” from what is currently permitted.

**V. TRIP DISTRIBUTION**

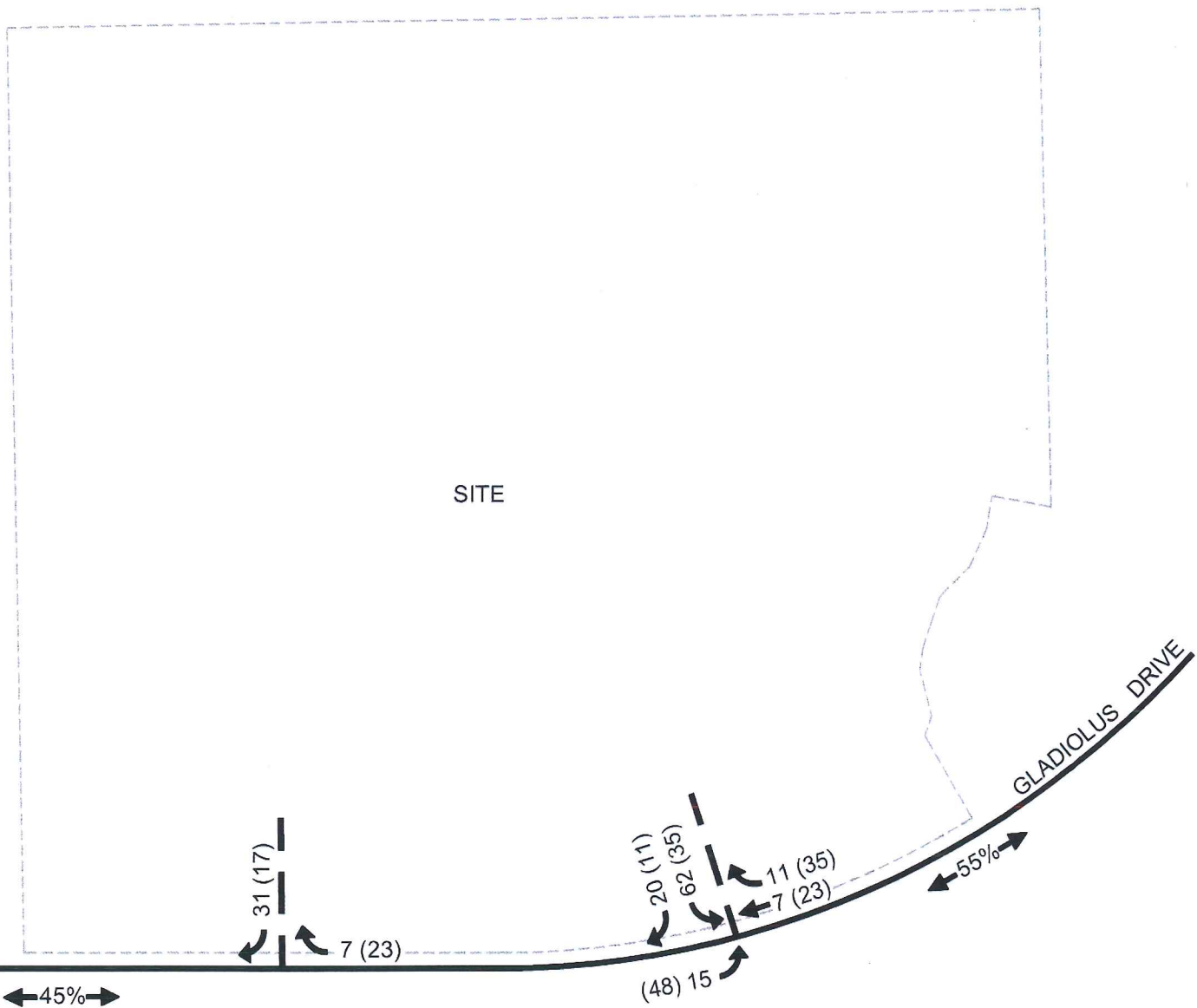
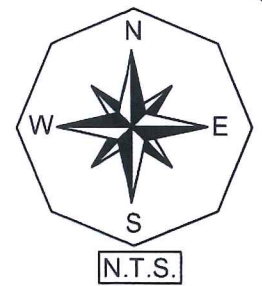
The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is

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- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ←20%→ PERCENT TRIP DISTRIBUTION

TRIP DISTRIBUTION &  
SITE TRAFFIC ASSIGNMENT  
AMAVIDA RPD

Figure 2

shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (June, 2016). Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

## VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2024 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data obtained from 2018 *Lee County Traffic Count Report*. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2024 without the development and year 2024 with the development.

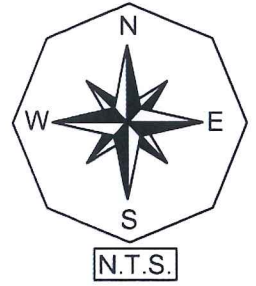
**Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2024 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2018 *Lee County Public Facilities Level of Service and Concurrency Report*.

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**Figure 3** indicates the year 2024 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development

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SITE

GLADIOLUS DRIVE

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2,340 - "C"  
(2,402 - "C")  
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[2,398 - "C"]

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↑  
2,340 - "C"  
(2,391 - "C")  
[2,388 - "C"]

LEGEND

- XXX - "X" 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- (XXX -"X") 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- [XXX -"X"] 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

## VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2024 traffic volumes to the Service Volume Tables, it was determined that Gladiolus Drive is projected to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. As previously mentioned, the proposed rezoning request will be a “down zoning” from what is currently permitted.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

## VIII. CONCLUSION

The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The proposed rezoning request will be a “down zoning” as it will remove the approved commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire 32.54 acre property.

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The Level of Service analysis conducted as part of this report indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

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# APPENDIX

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**TABLE 1A & 2A**

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**TABLE 1A  
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES  
AMAVIDA RPD**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 146 VPH      IN= 33      OUT= 113  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 169 VPH      IN= 106      OUT= 63

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Gladiolus Dr.	E. of Site Access	6LD	0	400	2,840	2,940	2,940	55%	62	2.2%
	W. of Site Access	6LD	0	400	2,840	2,940	2,940	45%	51	1.8%

\* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.

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**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
AMAVIDA RPD**

TOTAL PROJECT TRAFFIC AM = 146 VPH IN = 33 OUT = 113  
 TOTAL PROJECT TRAFFIC PM = 169 VPH IN = 106 OUT = 63

ROADWAY	SEGMENT	PCS#	ADT	ADT	YRS OF GROWTH	ANNUAL RATE	2017	2024		PERCENT			2024		2024	
							PK HR	PK HR	PK SEASON	PROJECT	AM PROJ	PM PROJ	BCKGRND	BCKGRND		
							PK SEASON	PEAK DIRECTION	TRAFFIC	TRAFFIC	TRAFFIC	+ AM PROJ	+ PM PROJ			
						PEAK DIR. <sup>1</sup>	VOLUME	LOS	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME	LOS	
Gladiolus Dr.	E. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	55%	62	58	2,402	C	2,398	C
	W. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	45%	51	48	2,391	C	2,388	C

<sup>1</sup> Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2018 Lee County Public Facilities Level of Service and Concurrency Report.

\* AGR was calculated based the historical traffic data obtained from 2018 Lee County Traffic Count Report.

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**LEE COUNTY GENERALIZED  
SERVICE VOLUMES TABLE**

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

April 2016

c:\input5

<b>Uninterrupted Flow Highway</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
<b>Arterials</b>						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
<b>Controlled Access Facilities</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
<b>Collectors</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

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

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**TRAFFIC DATA FROM THE 2018 LEE  
COUNTY PUBLIC FACILITIES LEVEL  
OF SERVICE AND CONCURRENCY  
REPORT**

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

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2017		2022		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,472	D	1,547	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,008	D	2,112	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,316	D	2,434	v/c = 0.86/0.91
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,520	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,222	F	3,386	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	3,234	F	3,339	Alico Connector as reliever v/c = 0.99/1.02
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	v/c = 0.82/0.85
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	v/c = 0.79/0.83
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,853	B	1,997	v/c = 0.86/0.92 SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	406	F	912	v/c = 0.47/1.06 Crane Landing
GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,960	C	958	C	1006	DRI monitoring report count
	GATEWAY LAKES BLVD	SR 82	2LN	E	860	C	525	C	552	DRI monitoring report count
GLAD-IOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	581	C	611	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,195	C	1,330	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,195	C	1,256	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,195	C	1,256	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,037	C	2,141	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	965	B	1,060	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	965	B	1,014	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	799	C	934	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,286	B	1,352	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
	MOODY RD	US 41	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
HOME-STEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	637	E	807	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	637	E	670	
	SUNRISE BLVD	LEELAND HEIGHTS	2LN/4LD	E	1,010/2,960	F	1,580	D	1,661	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,580	D	1,676	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	768	B	978	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	D	501	D	527	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,623	B	2,757	Alico Connector as reliever v/c = 0.92/0.97
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,091	B	2,276	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	1,680	B	1,767	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	683	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	683	

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**TRAFFIC DATA FROM THE 2018 LEE  
COUNTY TRAFFIC COUNT REPORT**

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UPDATED 3/5/19

Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	Daily Traffic Volume (AADT)											
			2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
FORUM BLVD	N OF COLONIAL BLVD	629	4400											
FOWLER ST	E OF US 41	511	22500	19800					20700		23300		22100	
FOWLER ST	N OF AIRPORT RD	280	22300	22100										
FOWLER ST	N OF COLONIAL BLVD	278	22200	18400										
FOWLER ST	S OF MORENO ST	28	22700	19300	19000	19400	21700	23000	24500	23700	24900	23900		
FOWLER ST	N OF HANSON ST	282	18600											
FOWLER ST	S OF M.L.K. BLVD (SR 82)	279	13300											
GASPARILLA BLVD	S OF CHARLOTTE CO. LINE	510	6000	6600					6500					
GATEWAY BLVD	N OF GRIFFIN DR													
GLADIOLUS DR	E OF SAN CARLOS BLVD	284	7200	8900	10200		7600		13100		13100			
GLADIOLUS DR	E OF PINE RIDGE	283		13600										
GLADIOLUS DR	E OF A&W BULB RD	39			18600	19200	19800	20500	21900	22600	23000	22500		
GLADIOLUS DR	W OF WINKLER RD	285		21700										
GLADIOLUS DR	W OF US 41	46	35900	39100	37800	40800	37600	38900	40600	42000	42700	41500		
GREENBRIAR BLVD	W OF JOEL BLVD	476	1400											
GRIFFIN DR	S OF SR 82													
GUNNERY RD	N OF IMMOKALEE RD	290	14900	17700	17300	20200	17600	18300	19100	21500	20400			
GUNNERY RD	N OF LEE BLVD (CR 884)	289	9500	12700	14700	15800	13600	13600	15100	14800	15500	15800		
GUNNERY RD	S OF BUCKINGHAM RD								7800					
HANCOCK BRIDGE PKWY	W OF BEAU DR	17	21200	20700	20000	17900	18400	20600	21500	22000	22200	23700		
HANCOCK BRIDGE PKWY	W OF MOODY RD	291	21300											

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# TRIP GENERATION EQUATIONS

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# Multifamily Housing (Low-Rise) (220)

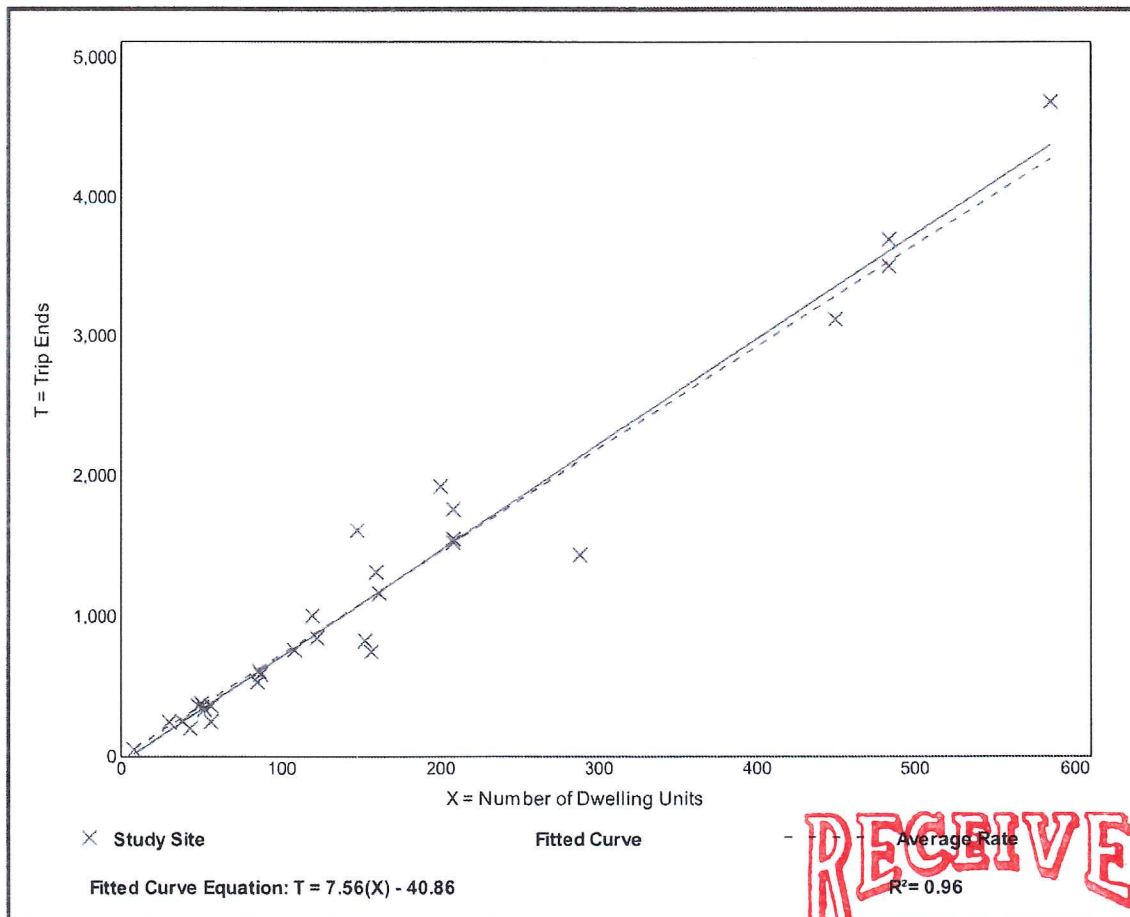
Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 29  
Avg. Num. of Dwelling Units: 168  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

## Data Plot and Equation



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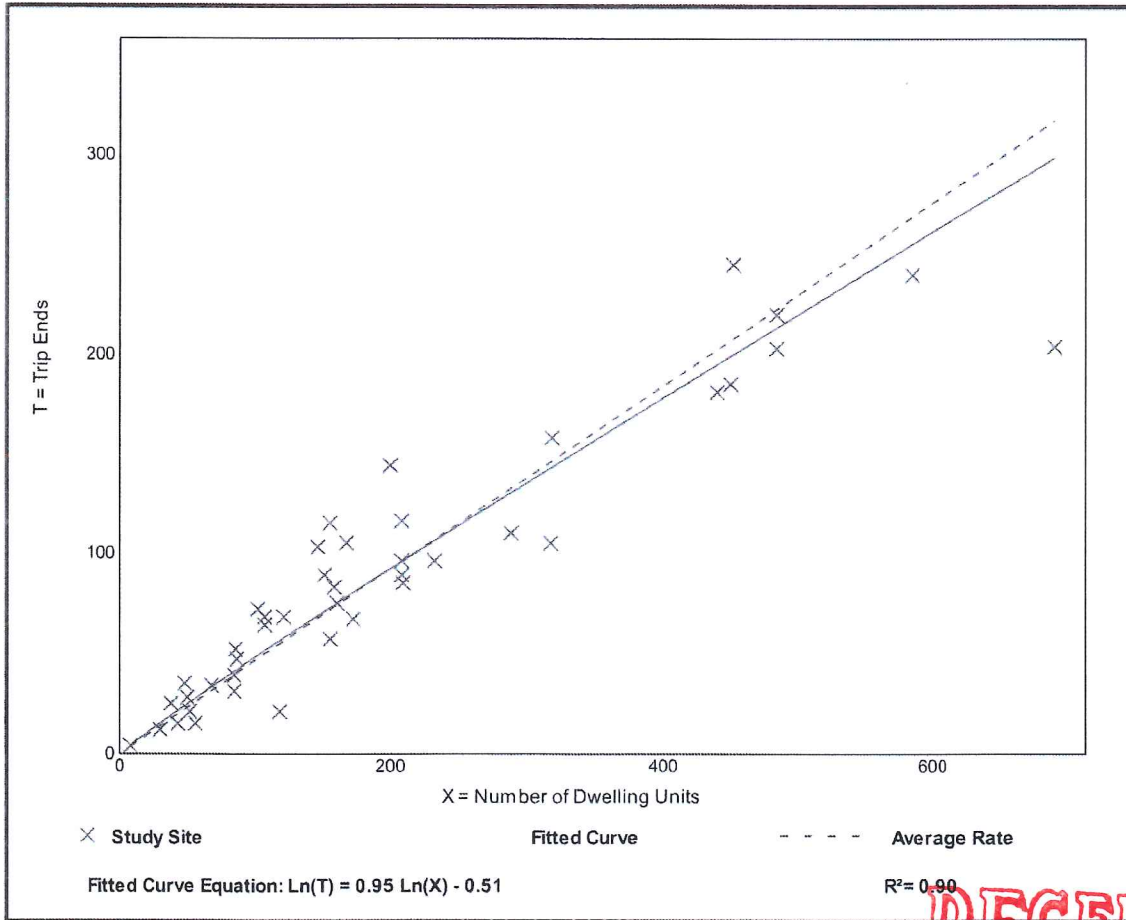
## Multifamily Housing (Low-Rise) (220)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 42  
 Avg. Num. of Dwelling Units: 199  
 Directional Distribution: 23% entering, 77% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

### Data Plot and Equation



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## Multifamily Housing (Low-Rise) (220)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

**Setting/Location: General Urban/Suburban**

Number of Studies: 50

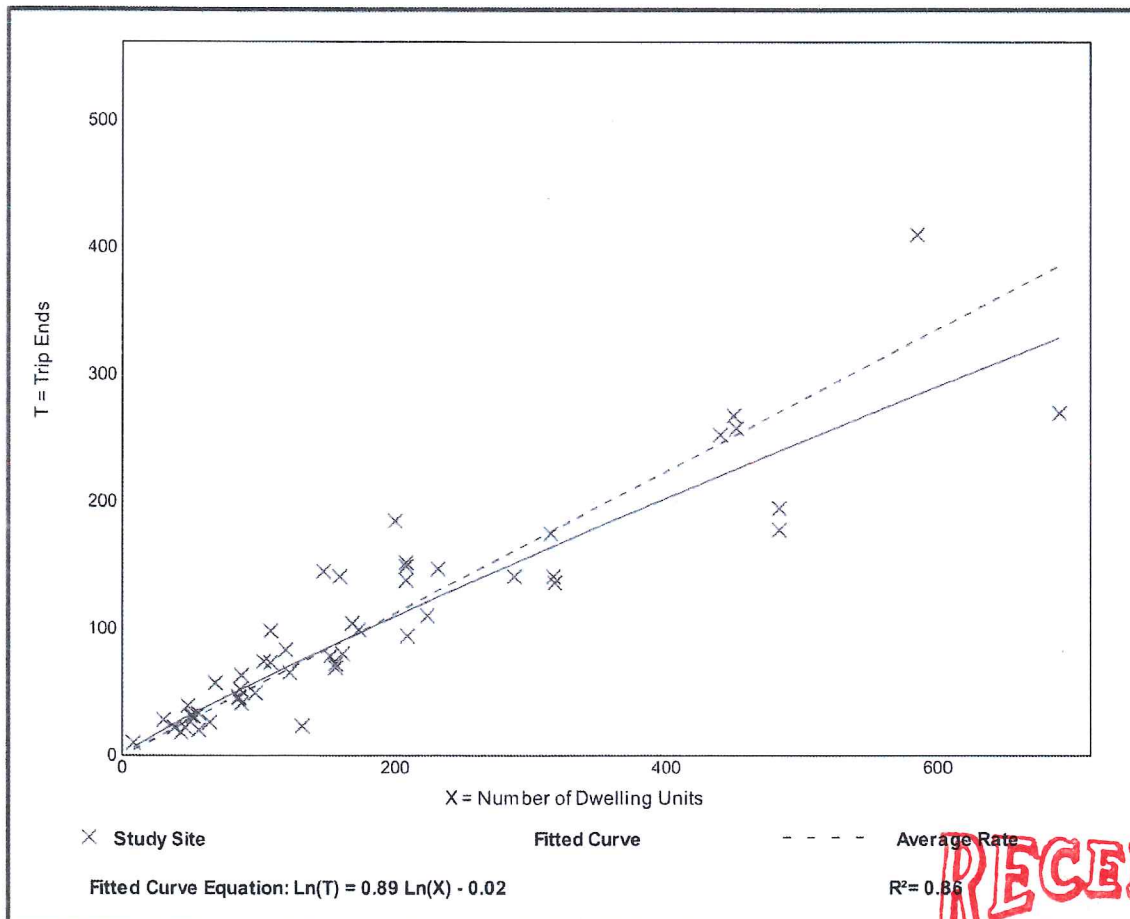
Avg. Num. of Dwelling Units: 187

Directional Distribution: 63% entering, 37% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

### Data Plot and Equation



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## Medical-Dental Office Building (720)

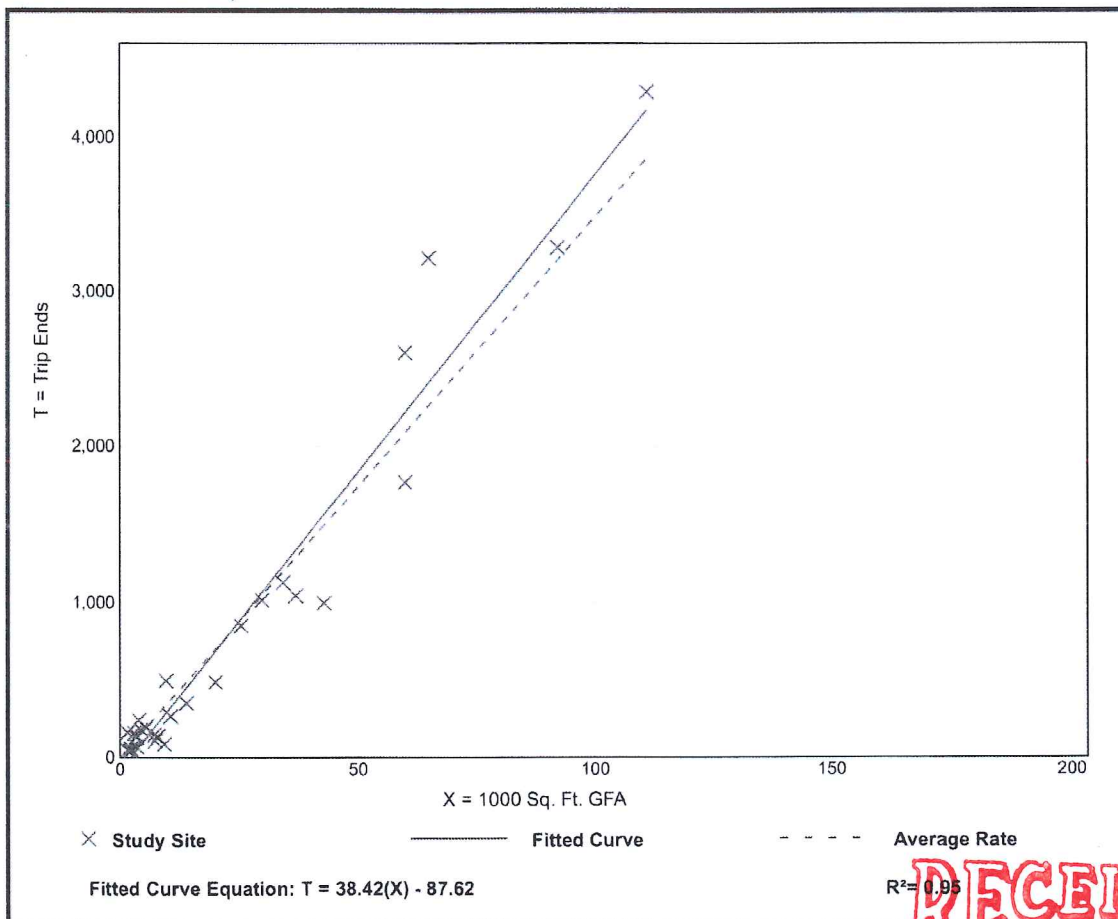
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

**Setting/Location:** General Urban/Suburban  
Number of Studies: 28  
1000 Sq. Ft. GFA: 24  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
34.80	9.14 - 100.75	9.79

### Data Plot and Equation



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## Medical-Dental Office Building (720)

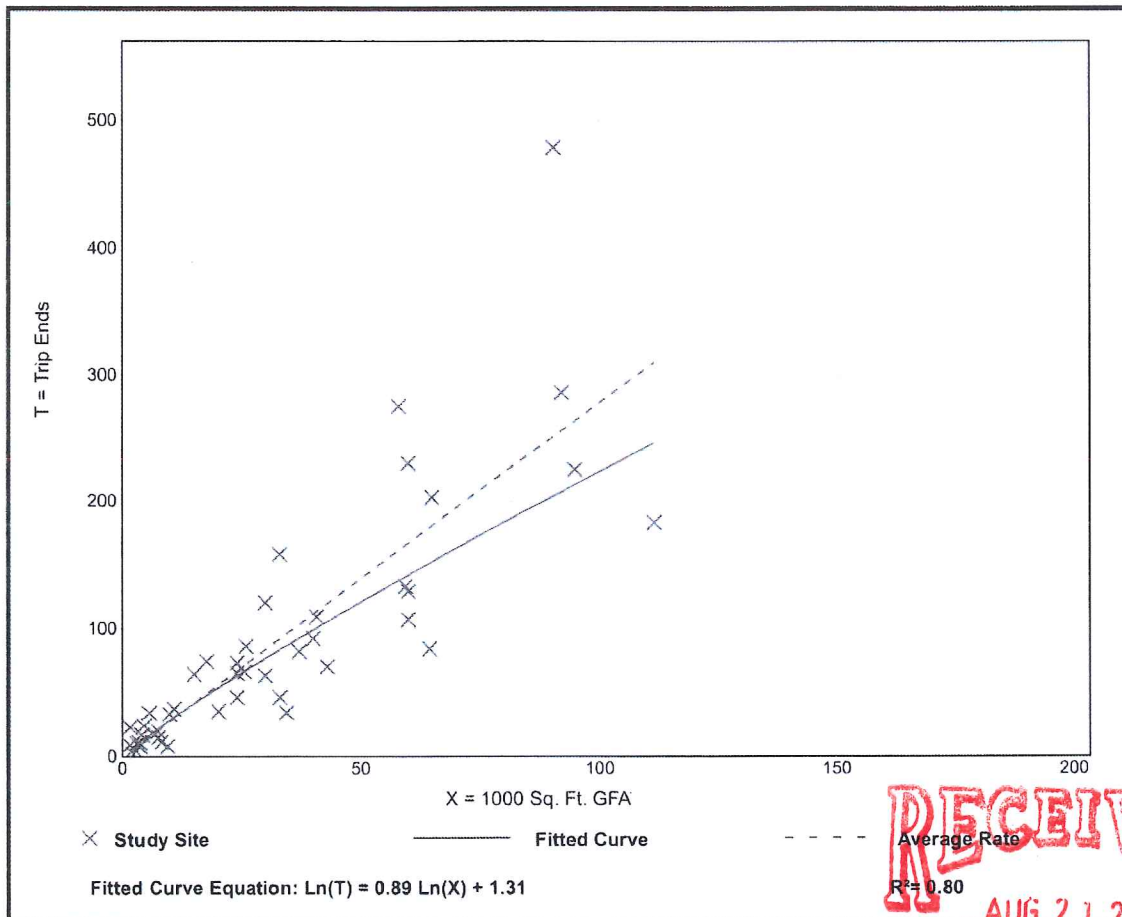
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 44  
 1000 Sq. Ft. GFA: 32  
 Directional Distribution: 78% entering, 22% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.78	0.85 - 14.30	1.28

### Data Plot and Equation



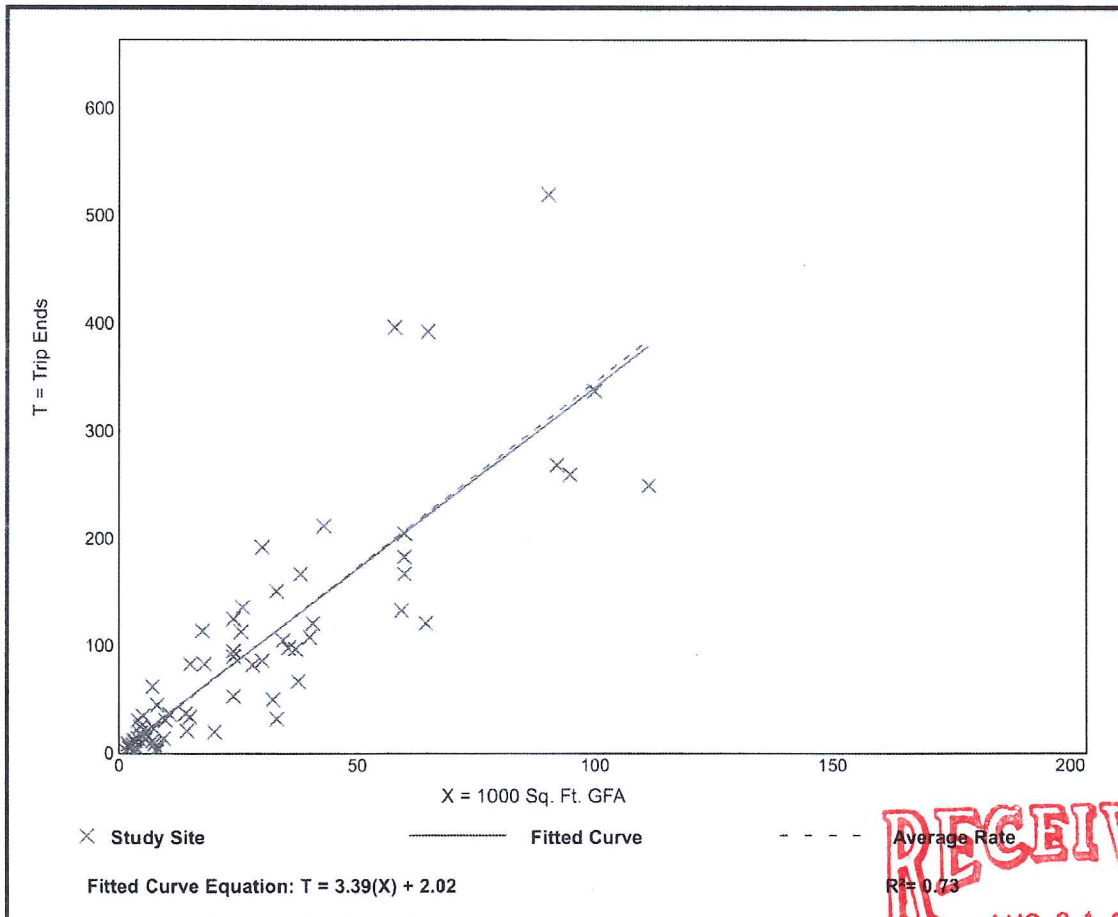
## Medical-Dental Office Building (720)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 65  
 1000 Sq. Ft. GFA: 28  
 Directional Distribution: 28% entering, 72% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.46	0.25 - 8.86	1.58

### Data Plot and Equation



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# Shopping Center (820)

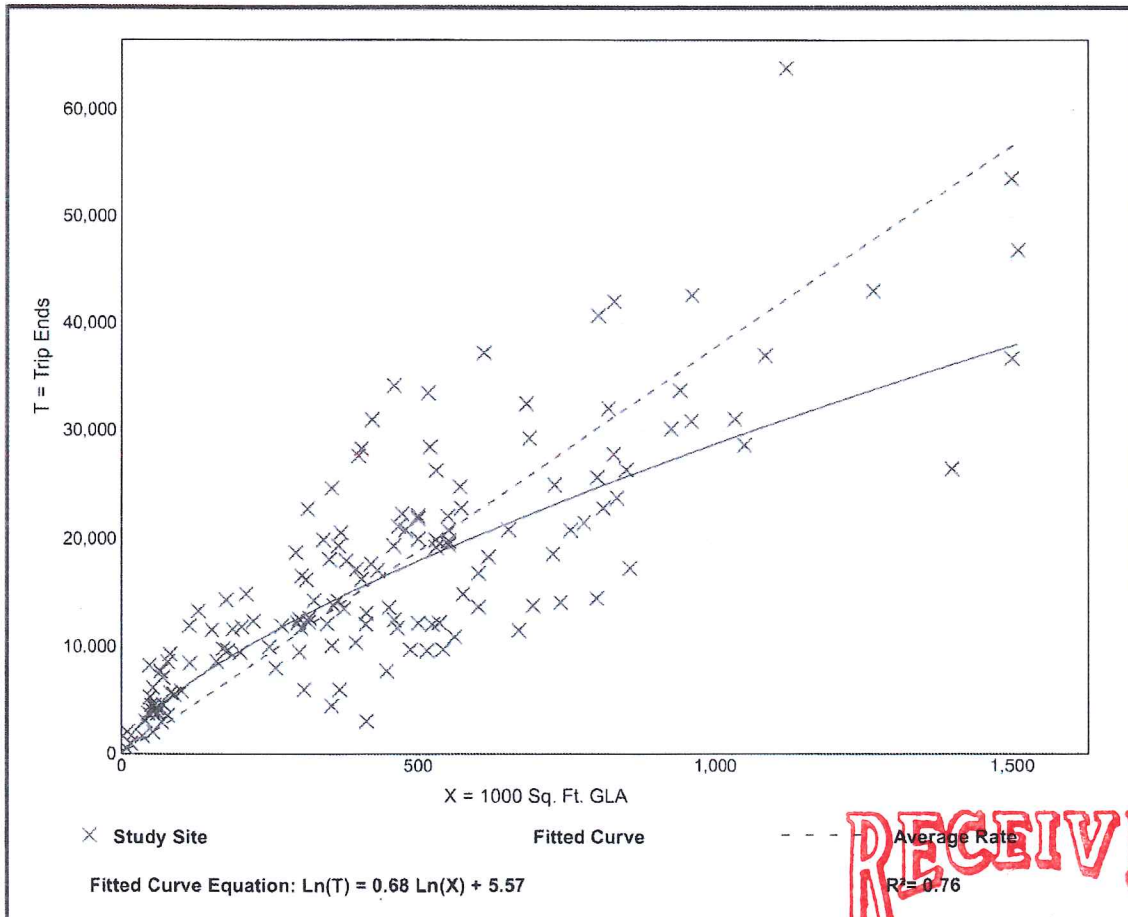
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 147  
1000 Sq. Ft. GLA: 453  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

## Data Plot and Equation



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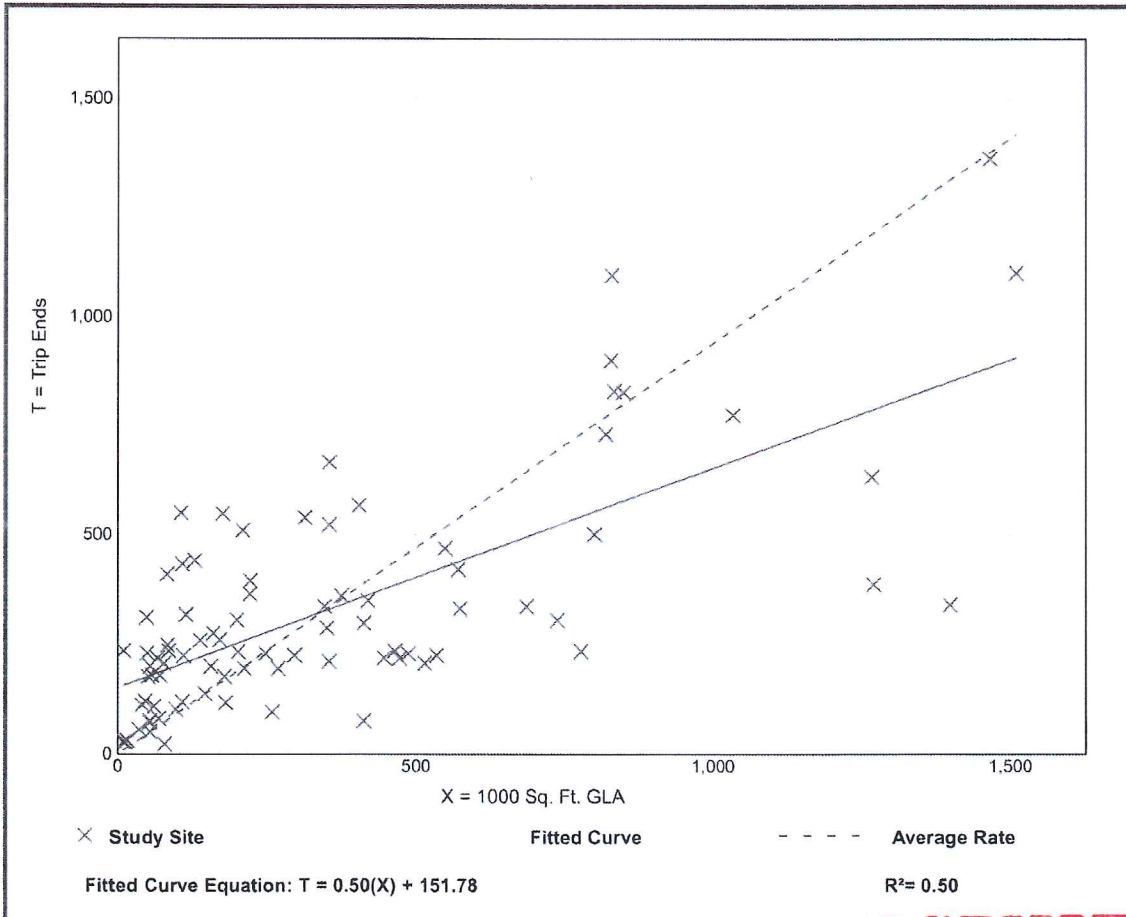
# Shopping Center (820)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GLA  
**On a:** Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 84  
 1000 Sq. Ft. GLA: 351  
 Directional Distribution: 62% entering, 38% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

## Data Plot and Equation



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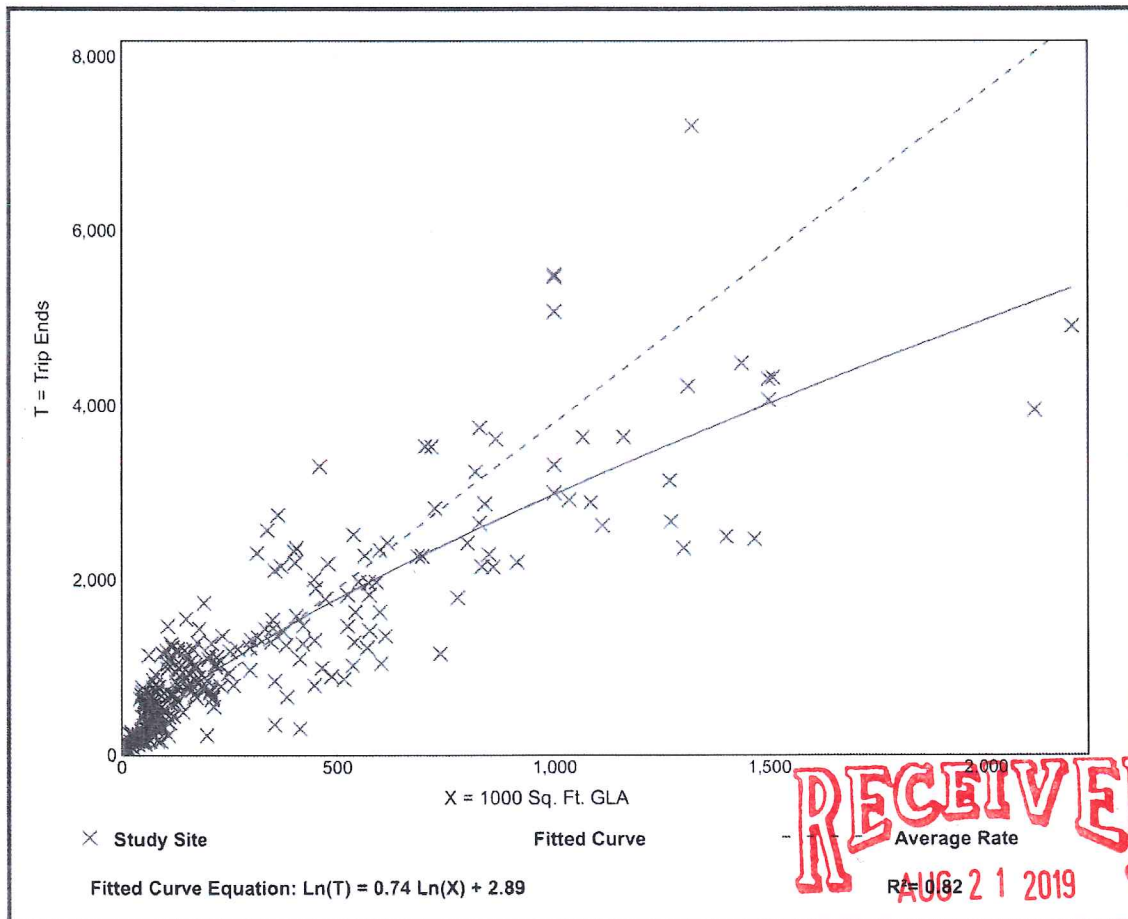
## Shopping Center (820)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GLA  
**On a:** Weekday,  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 261  
 1000 Sq. Ft. GLA: 327  
 Directional Distribution: 48% entering, 52% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

### Data Plot and Equation



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October 4, 2019

Ms. Stacy Hewitt, AICP  
Banks Engineering  
10511 Six Mile Cypress Pkwy, Suite 101  
Fort Myers, FL 33966

RE: Amavida RPD f/k/a Avida RPD/CPD  
DCI2019-00019- Minor PD

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

**LC T.I.S. Application Sufficiency Checklist:**

1. *The TIS does not appear to model development with the highest traffic-generating potential. Please justify how the proposed use generates more traffic than others listed in the proposed schedule of uses, specifically assisted living units (considering code-allowed density equivalents), and review and revise the TIS accordingly.*

The TIS report has been revised based on the proposed development of 540 assisted living units, which is the permitted density per residential conversion pursuant to Section 34-1414 of the Lee County Land Development Code (4:1 ratio). This represents the highest traffic generation potential for the proposed development. Note, the approved 190 multi-family residential units can also be converted to assisted living units per Section 34-1414. However, this would not change the result of the trip generation analysis since this conversion would have been applied to both Table 2 (Approved Trip Generation) and Table 3 (Proposed Trip Generation) of the TIS report.

2. *The master concept plan (MCP) does not appear to show the location of site access points in relation to non-site access points on both sides of the street within proximity of the site. See south side of Gladiolus Drive. Please review and revise the MCP accordingly.*

Acknowledged. The MCP has been revised to satisfy this comment.

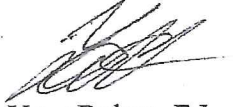
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If you have any additional questions, please do not hesitate to contact us.

Sincerely,



Yury Bykau, E.I.  
Transportation Consultant

Attachments

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**DCI 20 19- 00 019**



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

TRAFFIC ENGINEERING  
TRANSPORTATION PLANNING  
SIGNAL SYSTEMS/DESIGN

# TRAFFIC IMPACT STATEMENT

FOR

## AMAVIDA RPD

(PROJECT NO. F1908.04)

**PREPARED BY:**

**TR Transportation Consultants, Inc.**  
**Certificate of Authorization Number: 27003**  
**2726 Oak Ridge Court, Suite 503**  
**Fort Myers, Florida 33901-9356**  
**(239) 278-3090**

Revised:  
October 4, 2019

**DCI 2019-00019**

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**CONTENTS**

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

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## I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

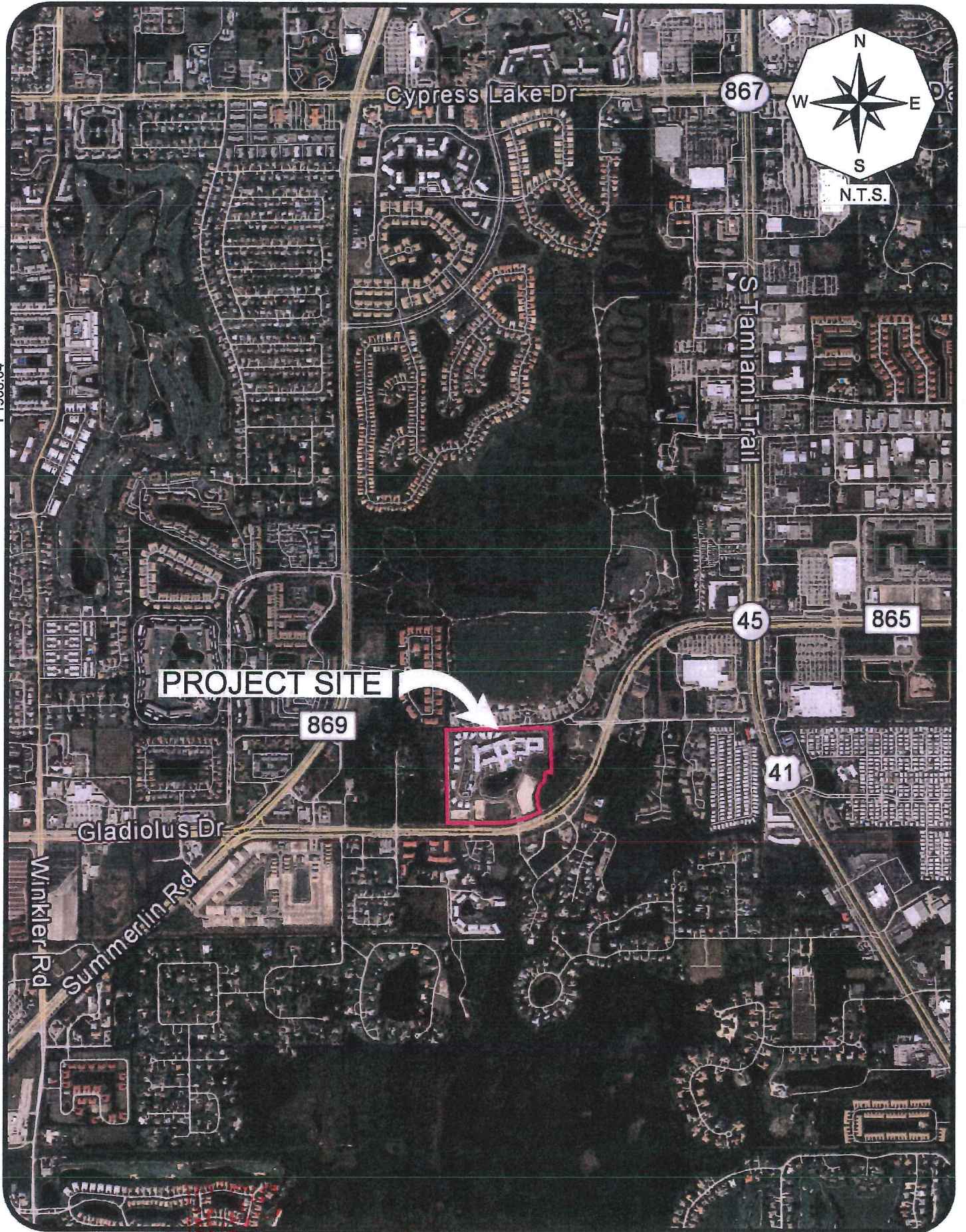
The approximate 32.54 acre subject site is governed by Zoning Resolution No. Z-10-009 as well as Administrative Amendment No. ADD2016-00011(a). The existing zoning on the site permits the RPD portion of the site to be developed with up to 190 multi-family dwelling units (including a combination of assisted living/independent living units) as well as up to 100,000 square feet of commercial uses (including 25,000 square feet of commercial retail) on the CPD portion of the site. The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the property. Pursuant to Section 34-1414 of the Lee County Land Development Code, the 135 multi-family units can be converted to 540 assisted living units which is a higher traffic generator than the multi-family residential use. Therefore, for the purposes of the analysis, the proposed development was assumed to consist of an additional 540 assisted living units. Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

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F1908.04



**II. EXISTING CONDITIONS**

The subject site is currently occupied by a mix of independent living/memory care/assisted living units. The overall site is bordered by Lakes Park to the north, Gladiolus Drive to the south, and by vacant land to the east and west.

**Gladiolus Drive** is an east/west six lane divided arterial the borders the subject site to the south. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

**III. PROPOSED DEVELOPMENT**

The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire site. However, for the purposes of this analysis, the proposed development was assumed to consist of additional 540 assisted living units instead of 135 multi-family dwelling units. This represents the worst case scenario in terms of trip generation for the proposed development. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

**Table 1  
Land Uses  
Amavida RPD**

Land Use	Approved Under Z-10-009	Proposed
Multi-Family Residential *	190 MF Dwelling Units	190 MF Dwelling Units & 540 Assisted Living Units
Retail	25,000 Sq. Ft.	N/A
Medical Office	75,000 Sq. Ft.	N/A

\*Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Land Development Code. This represents the worst case scenario in terms of trip generation.

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Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

#### IV. TRIP GENERATION

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 10<sup>th</sup> Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the approved 25,000 square feet of retail uses. Land Use Code 720 (Medical-Dental Office) was utilized for the trip generation purposes of the approved 75,000 square feet of medical office uses. Land Use Code 254 (Assisted Living) was utilized for the trip generation purposes of the proposed development. As previously mentioned, the proposed additional multi-family dwelling units were converted to assisted living units which represents the worst case scenario in terms of trip generation. Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the approved multi-family residential uses. Note, Land Use Code 220 is conservative in terms of trips generation when compared to the other Land Use Codes in the multi-family residential category (LUC 221-Multifamily Housing Mid-Rise & LUC 222-Multifamily Housing High-Rise). The trip generation equations utilized from these land uses are attached to the Appendix for reference.

**Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

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**Table 2  
Trip Generation – Approved  
Avida RPD/CPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (25,000 Sq. Ft.)	102	62	164	94	101	195	2,342
Medical-Dental Office (75,000 Sq. Ft.)	135	38	173	72	184	256	2,794
Multifamily Housing Low-Rise (190 Dwelling Units)	20	68	88	66	39	105	1,396
<b>Total Trips</b>	<b>257</b>	<b>168</b>	<b>425</b>	<b>232</b>	<b>324</b>	<b>556</b>	<b>6,532</b>

**Table 3  
Trip Generation – Proposed  
Amavida RPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise (190 Dwelling Units)	20	68	88	66	39	105	1,396
Assisted Living * (540 Units)	65	38	103	53	87	140	1,404
<b>Total Trips</b>	<b>85</b>	<b>106</b>	<b>191</b>	<b>119</b>	<b>126</b>	<b>245</b>	<b>2,800</b>

\*Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Land Development Code. This represents the worst case scenario in terms of trip generation.

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).

**Table 4  
Trip Generation Comparison – Approved Zoning vs Proposed Zoning  
Table 2 vs Table 3**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	85	106	191	119	126	245	2,800
Approved Zoning	-257	-168	-425	-232	-324	-556	-6,532
<b>Trip Reduction</b>	<b>-172</b>	<b>-62</b>	<b>-234</b>	<b>-113</b>	<b>-198</b>	<b>-311</b>	<b>-3,732</b>

Note: Negative number represents a DECREASE in Trip Generation.

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As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 55% in the AM peak hour, 56% in the PM peak hour and approximately 57% over the entire weekday from what is currently approved. The proposed rezoning request will be a “down zoning” from what is currently permitted.

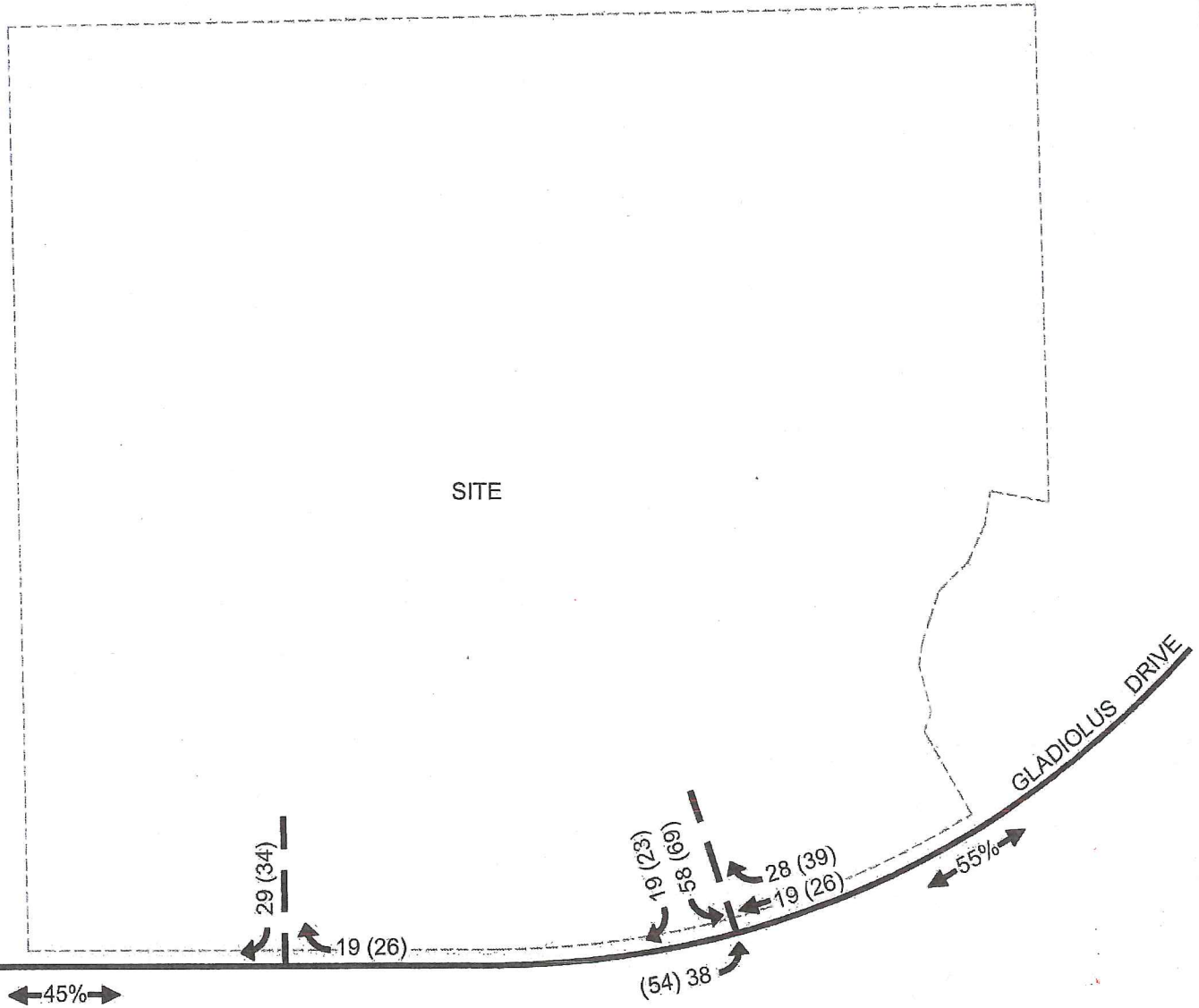
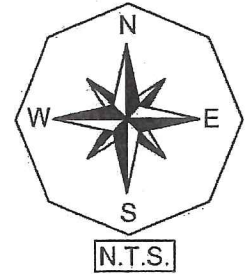
## V. TRIP DISTRIBUTION

The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (June, 2016). Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

## VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2024 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data



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- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ←20%→ PERCENT TRIP DISTRIBUTION.

obtained from 2018 *Lee County Traffic Count Report*. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2024 without the development and year 2024 with the development.

**Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2024 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2018 *Lee County Public Facilities Level of Service and Concurrency Report*.

**Figure 3** indicates the year 2024 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

## VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

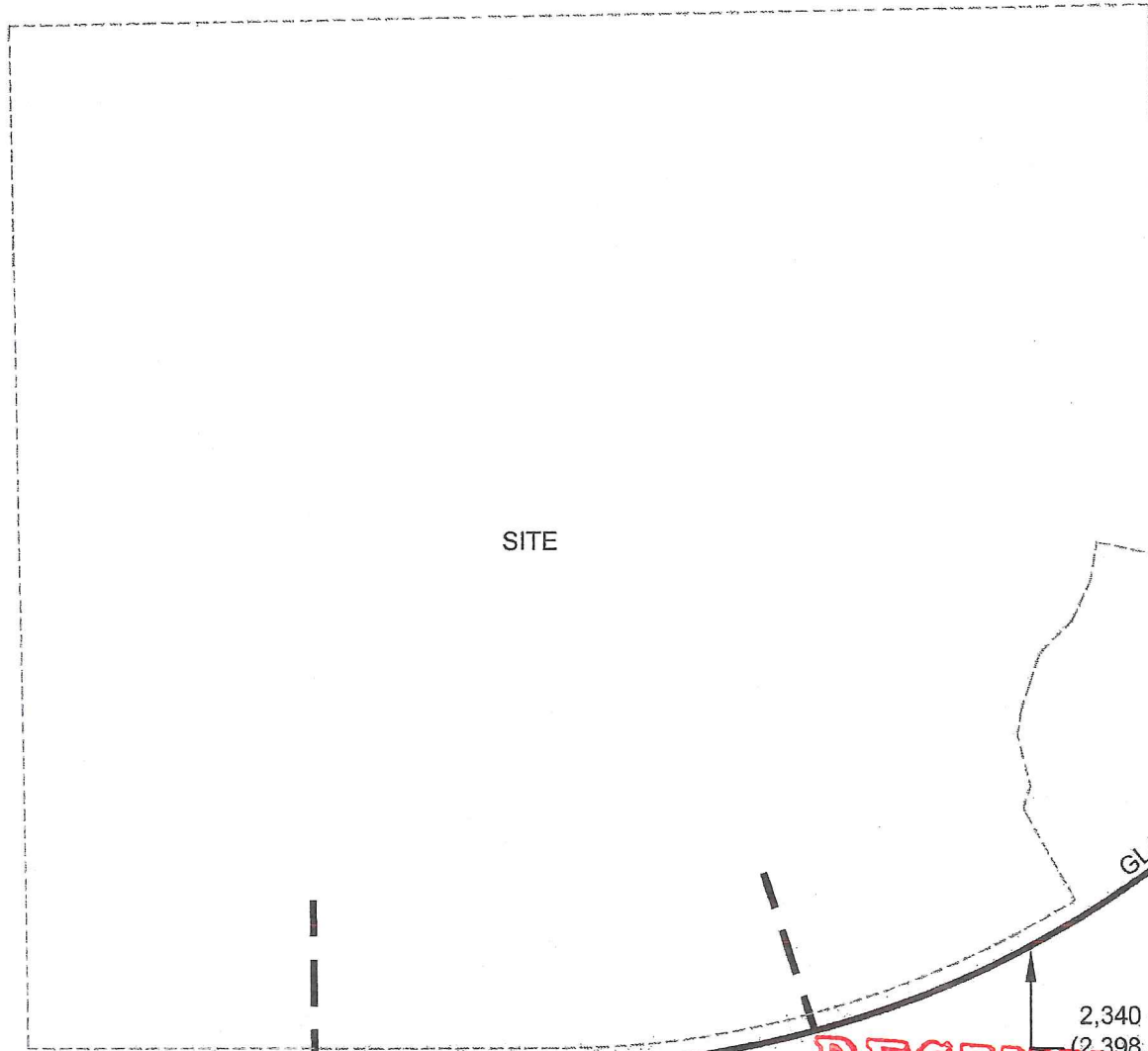
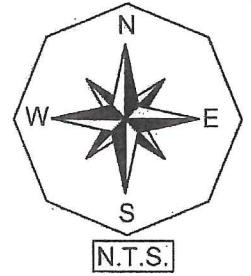
Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2024 traffic volumes to the Service Volume Tables, it was determined that Gladiolus Drive is projected to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. As previously mentioned, the proposed rezoning request will be a “down zoning” from what is currently permitted.

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F1908.04/Sufficiency



SITE

GLADIOLUS DRIVE

2,340 - "C"  
(2,388 - "C")  
[2,397 - "C"]

2,340 - "C"  
(2,398 - "C")  
[2,409 - "C"]

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XXX - "X" 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION

(XXX -"X") 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX -"X"] 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

### VIII. CONCLUSION

The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The proposed rezoning request will be a “down zoning” as it will remove the approved commercial component on the site and replace it with a residential development for the entire 32.54 acre property.

The Level of Service analysis conducted as part of this report indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

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# APPENDIX

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**TABLE 1A & 2A**

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**TABLE 1A  
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES  
AMAVIDA RPD**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 191 VPH      IN= 85      OUT= 106  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 245 VPH      IN= 119      OUT= 126

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Gladiolus Dr.	E. of Site Access	6LD	0	400	2,840	2,940	2,940	55%	69	2.4%
	W. of Site Access	6LD	0	400	2,840	2,940	2,940	45%	57	2.0%

\* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.

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TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
AMAVIDA RPD

TOTAL PROJECT TRAFFIC AM = 191 VPH IN = 85 OUT = 106  
TOTAL PROJECT TRAFFIC PM = 245 VPH IN = 119 OUT = 126

ROADWAY	SEGMENT	PCS#	ADT	ADT	YRS OF GROWTH	ANNUAL RATE	2017	2024		PERCENT		2024		2024		
							PK HR	PK HR	PK SEASON	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ		
							PK SEASON	PEAK DIRECTION	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME	LOS	
Gladiolus Dr.	E. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	55%	58	69	2,398	C	2,409	C
	W. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	45%	48	57	2,388	C	2,397	C

<sup>1</sup> Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2018 Lee County Public Facilities Level of Service and Concurrency Report.  
\* AGR was calculated based the historical traffic data obtained from 2018 Lee County Traffic Count Report.

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**LEE COUNTY GENERALIZED  
SERVICE VOLUMES TABLE**

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

April 2016

c:\input5

<b>Uninterrupted Flow Highway</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
<b>Arterials</b>						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
<b>Controlled Access Facilities</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
<b>Collectors</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.						

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**TRAFFIC DATA FROM THE 2018 LEE  
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OF SERVICE AND CONCURRENCY  
REPORT**

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

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2017		2022		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,472	D	1,547	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,008	D	2,112	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,316	D	2,434	v/c = 0.86/0.91
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,520	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,222	F	3,386	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	3,234	F	3,339	Alico Connector as reliever v/c = 0.99/1.02
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	v/c = 0.82/0.85
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	v/c = 0.79/0.83
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,853	B	1,997	v/c = 0.86/0.92 SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	406	F	912	v/c = 0.47/1.06 Crane Landing
GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,960	C	958	C	1006	DRI monitoring report count
	GATEWAY LAKES BLVD	SR 82	2LN	E	860	C	525	C	552	DRI monitoring report count
GLAD-IOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	581	C	611	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,195	C	1,330	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,195	C	1,256	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,195	C	1,256	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,037	C	2,141	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	965	B	1,060	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	965	B	1,014	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	799	C	934	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,286	B	1,352	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
	MOODY RD	US 41	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
HOME-STEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	637	E	807	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	637	E	670	
	SUNRISE BLVD	LEELAND HEIGHTS	2LN/4LD	E	1,010/2,960	F	1,580	D	1,661	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,580	D	1,676	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	768	B	978	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	D	501	D	527	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,623	B	2,757	Alico Connector as reliever v/c = 0.92/0.97
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,091	B	2,270	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	1,680	B	1,767	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	683	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	683	

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**TRAFFIC DATA FROM THE 2018 LEE  
COUNTY TRAFFIC COUNT REPORT**

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DCI 2019-00019



# TRIP GENERATION EQUATIONS

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## Multifamily Housing (Low-Rise) (220)

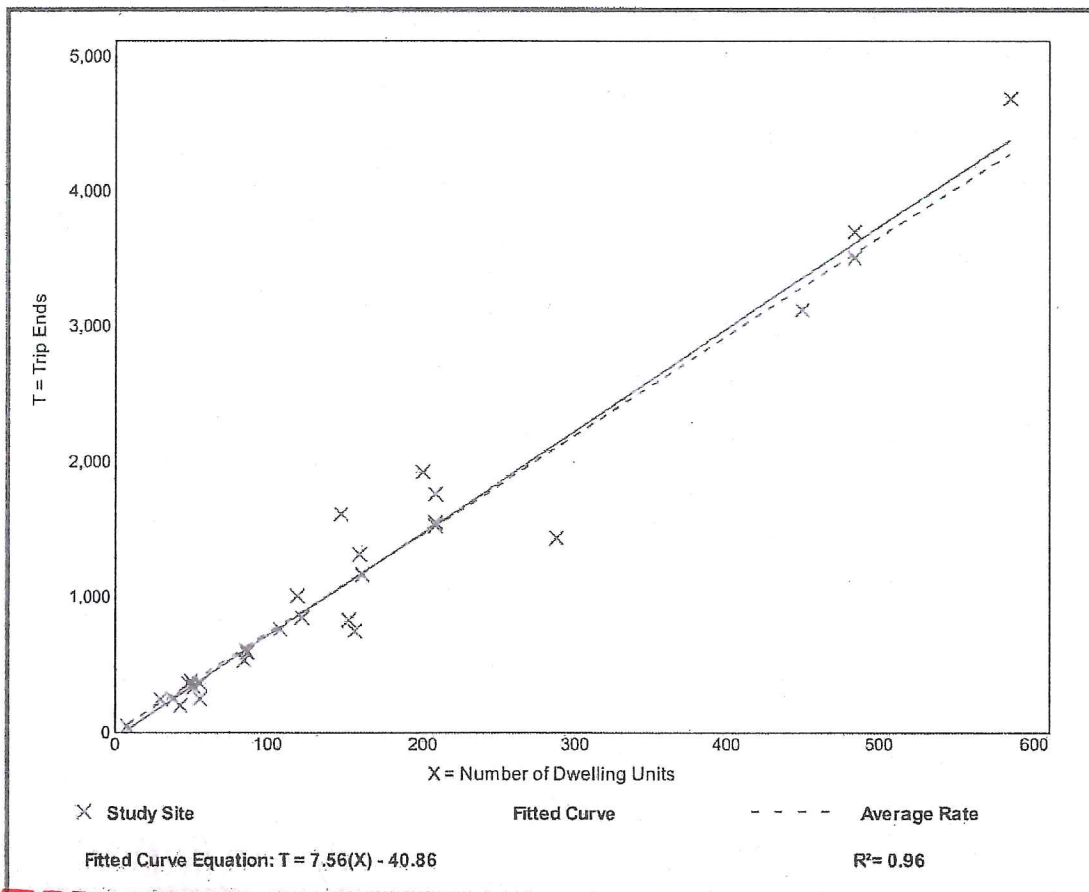
Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 29  
Avg. Num. of Dwelling Units: 168  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

### Data Plot and Equation



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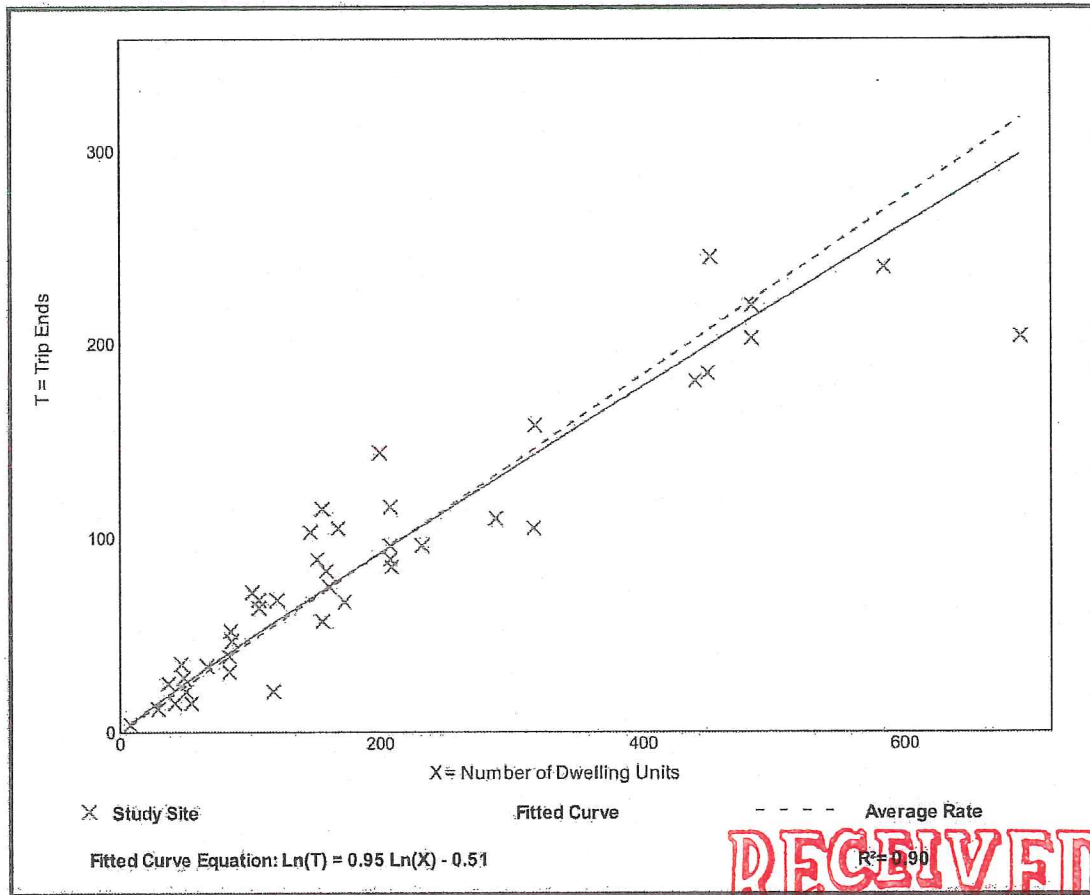
## Multifamily Housing (Low-Rise) (220)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 42  
 Avg. Num. of Dwelling Units: 199  
 Directional Distribution: 23% entering, 77% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

### Data Plot and Equation



## Multifamily Housing (Low-Rise) (220)

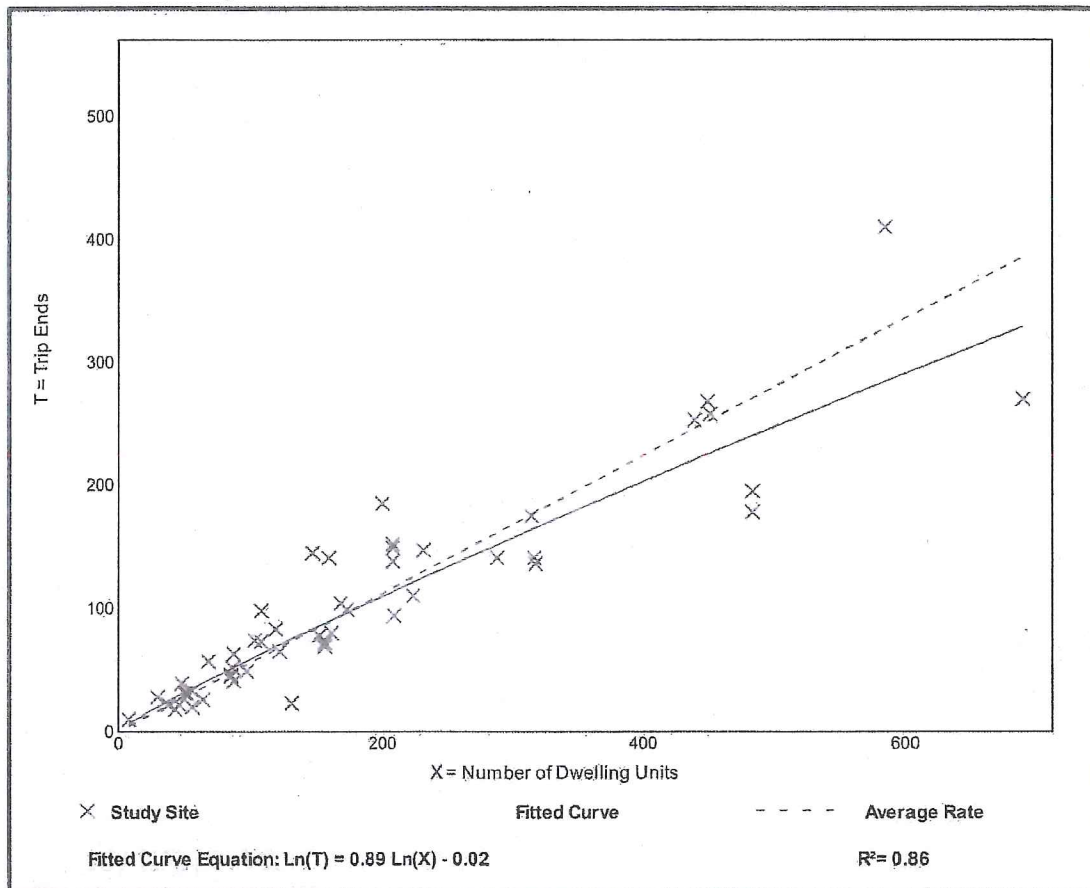
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 50  
 Avg. Num. of Dwelling Units: 187  
 Directional Distribution: 63% entering, 37% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

### Data Plot and Equation



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## Assisted Living (254)

**Vehicle Trip Ends vs: Beds**  
On a: **Weekday**

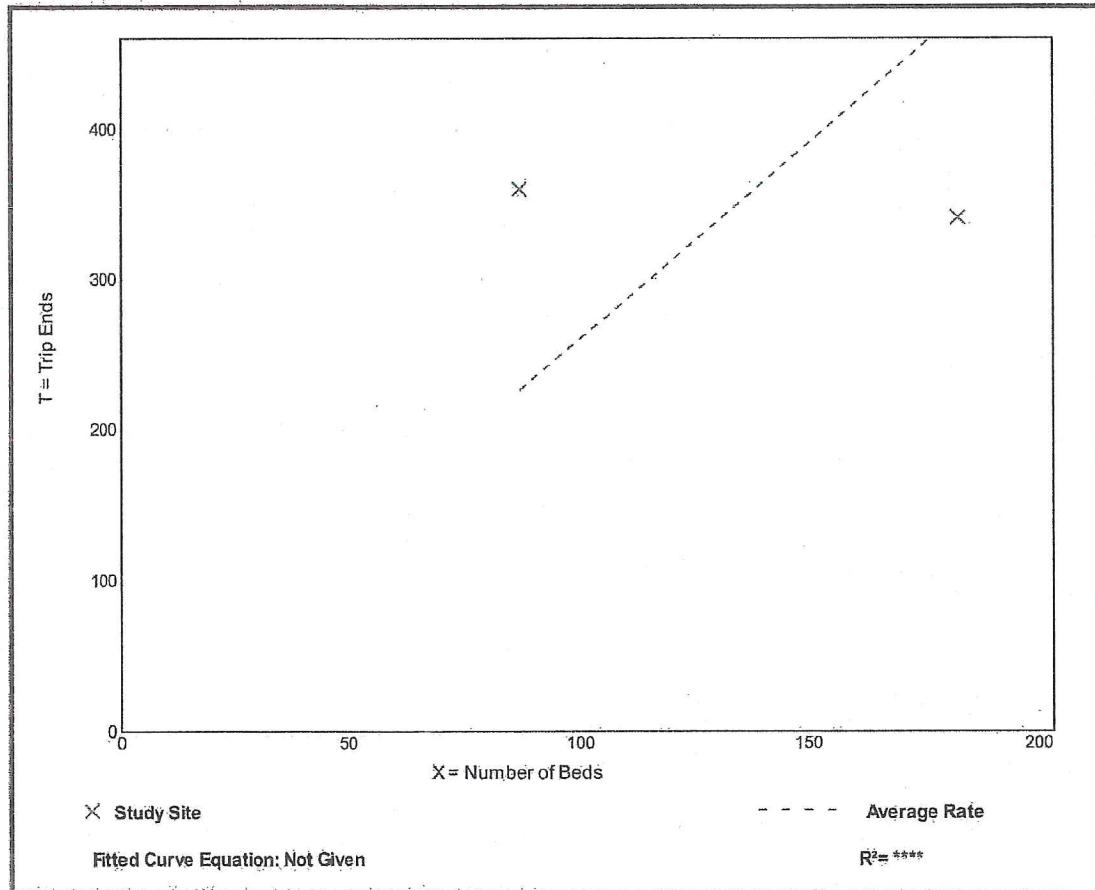
**Setting/Location: General Urban/Suburban**  
Number of Studies: 2  
Avg. Num. of Beds: 135  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
2.60	1.86 - 4.14	*

### Data Plot and Equation

*Caution - Small Sample Size*



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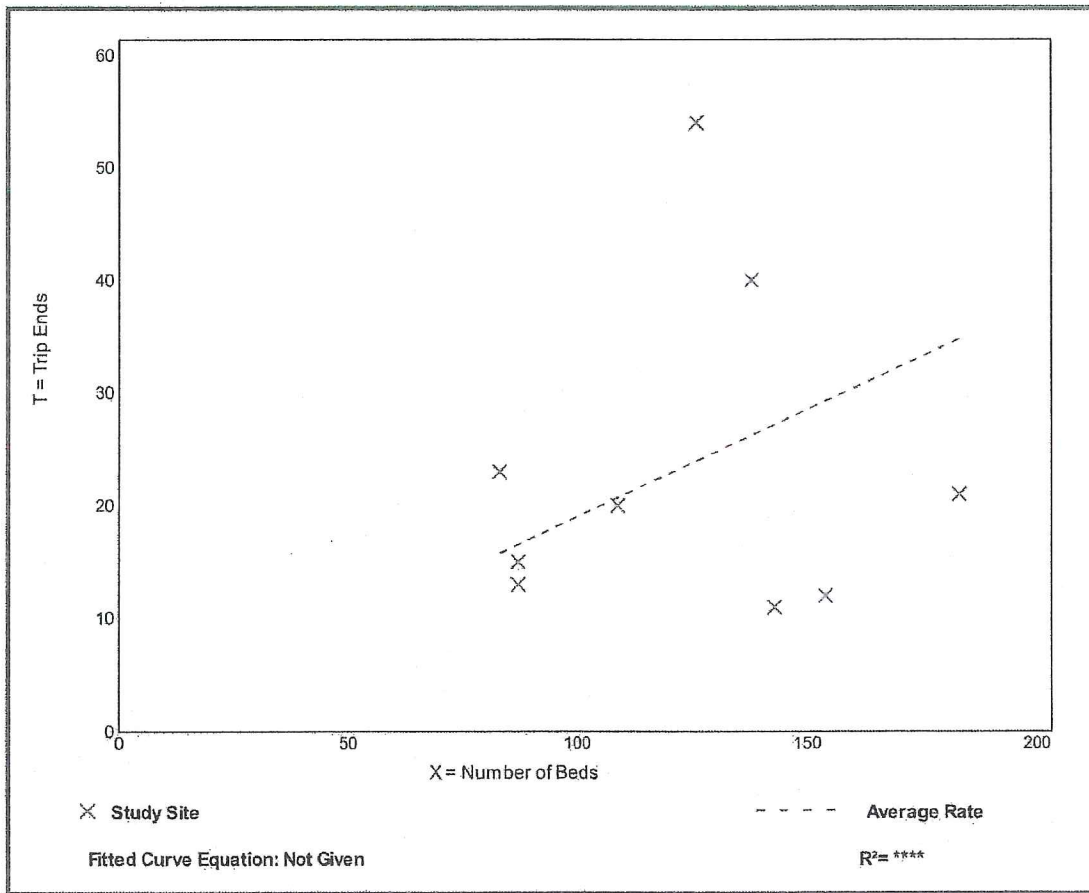
## Assisted Living (254)

**Vehicle Trip Ends vs: Beds**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 9  
 Avg. Num. of Beds: 123  
 Directional Distribution: 63% entering, 37% exiting

### Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12

### Data Plot and Equation



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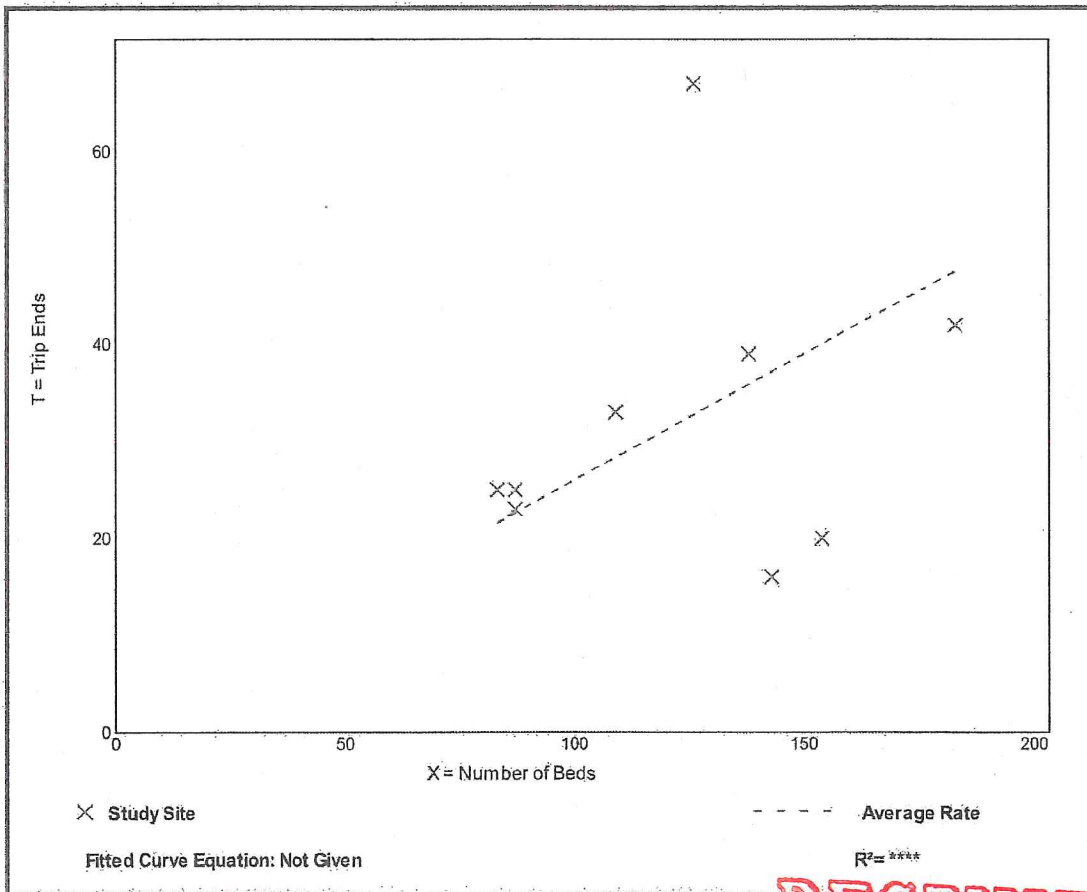
## Assisted Living (254)

**Vehicle Trip Ends vs: Beds**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 9  
 Avg. Num. of Beds: 123  
 Directional Distribution: 38% entering, 62% exiting

### Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13

### Data Plot and Equation



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## Medical-Dental Office Building (720)

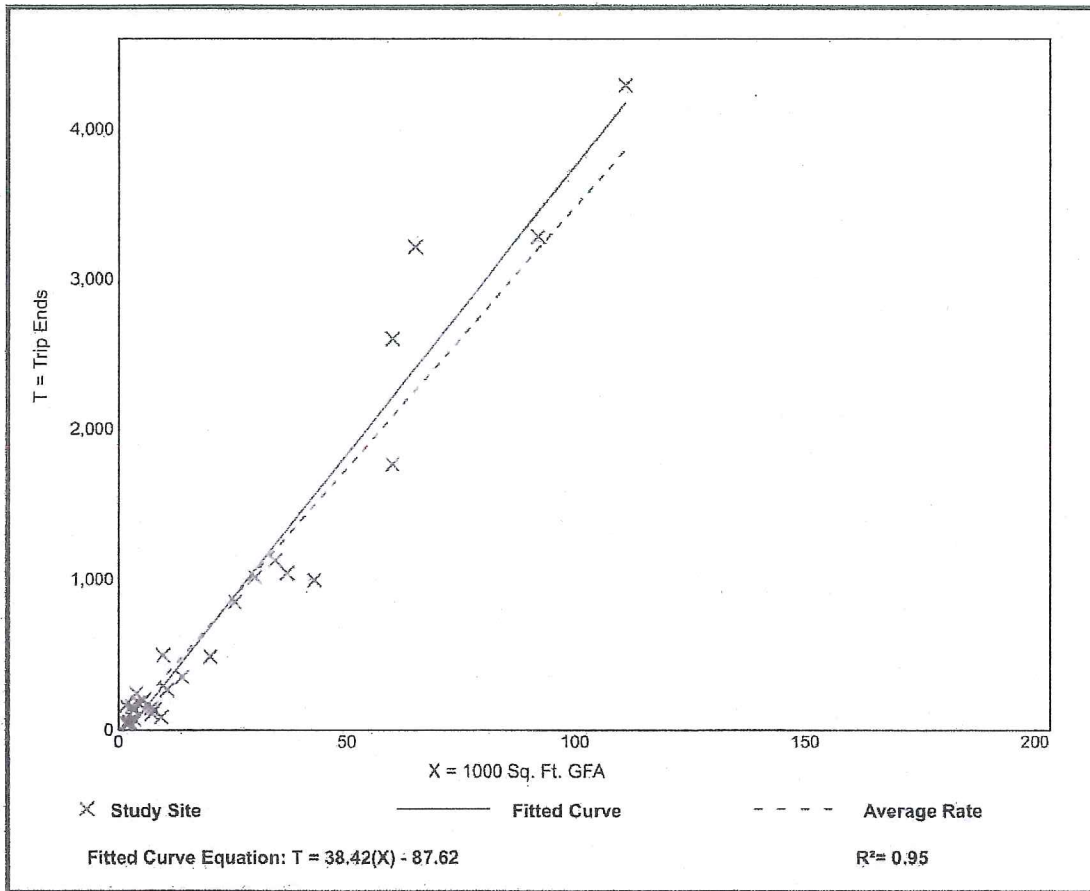
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 28  
1000 Sq. Ft. GFA: 24  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
34.80	9.14 - 100.75	9.79

### Data Plot and Equation



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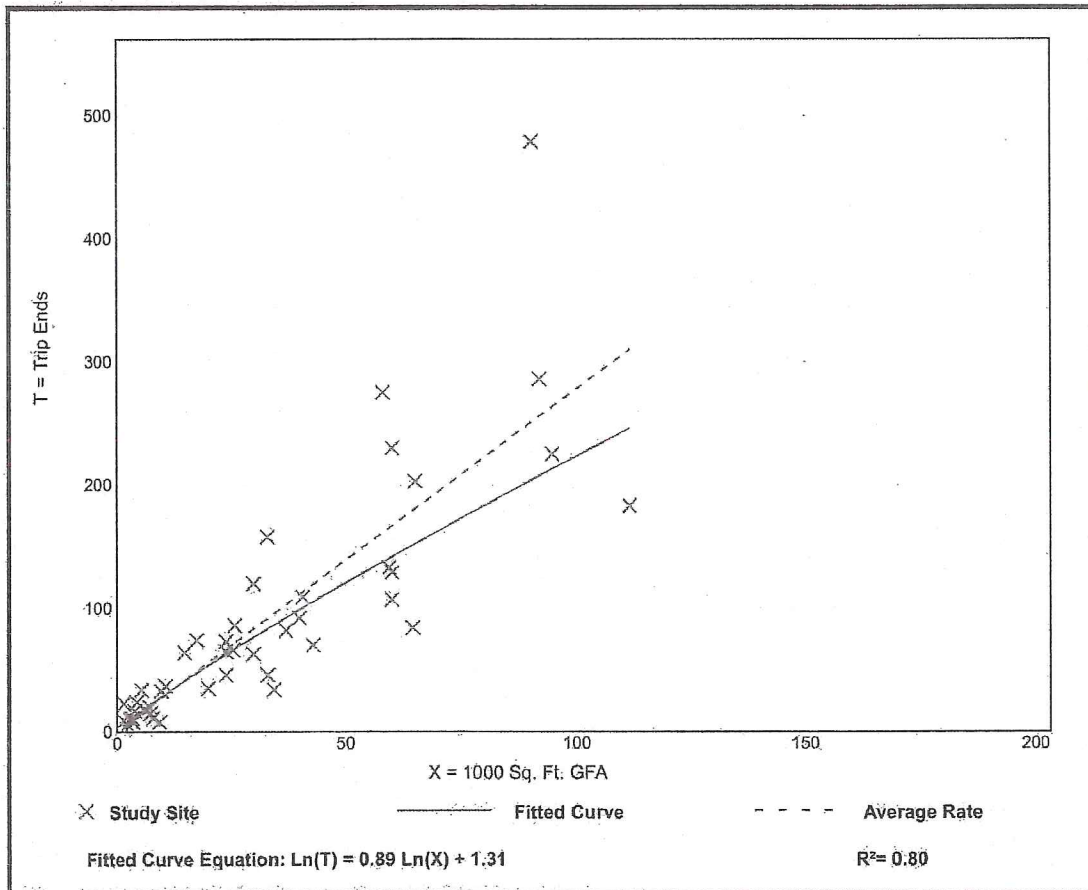
## Medical-Dental Office Building (720)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 44  
 1000 Sq. Ft. GFA: 32  
 Directional Distribution: 78% entering, 22% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.78	0.85 - 14.30	1.28

### Data Plot and Equation



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## Medical-Dental Office Building (720)

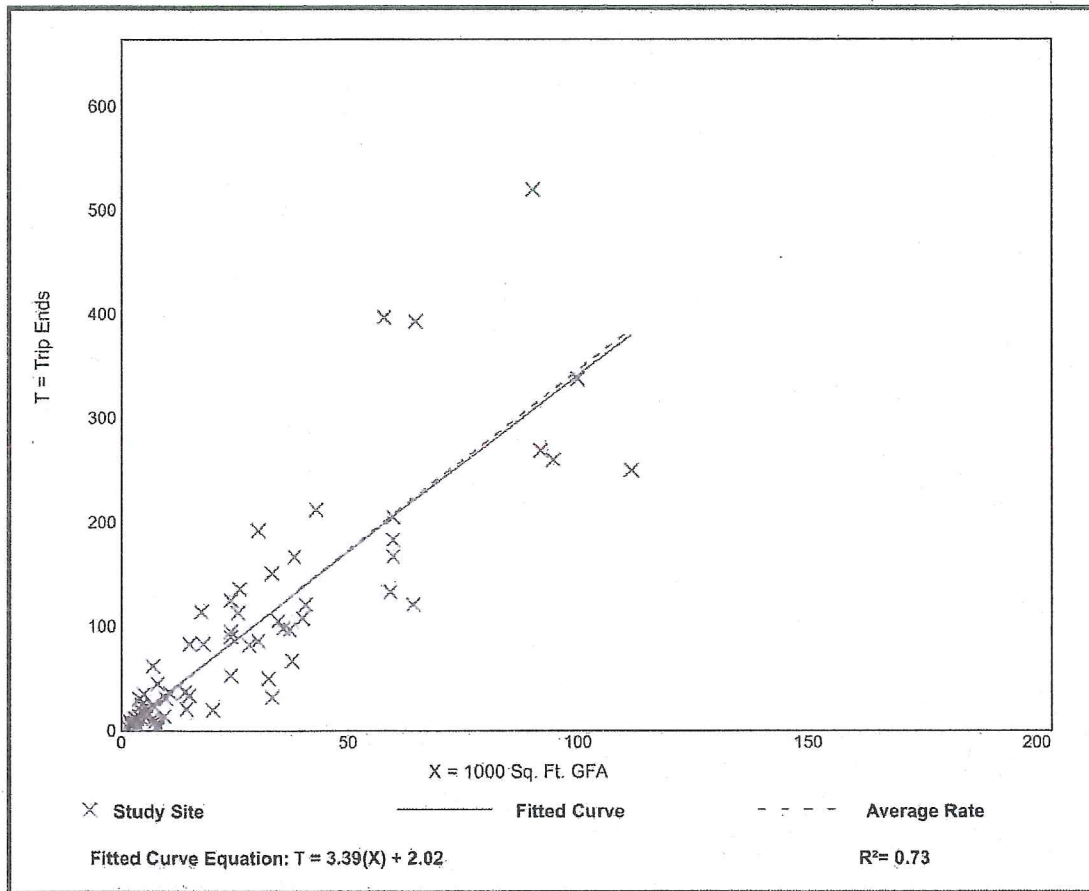
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban  
 Number of Studies: 65  
 1000 Sq. Ft. GFA: 28  
 Directional Distribution: 28% entering, 72% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.46	0.25 - 8.86	1.58

### Data Plot and Equation



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# Shopping Center (820)

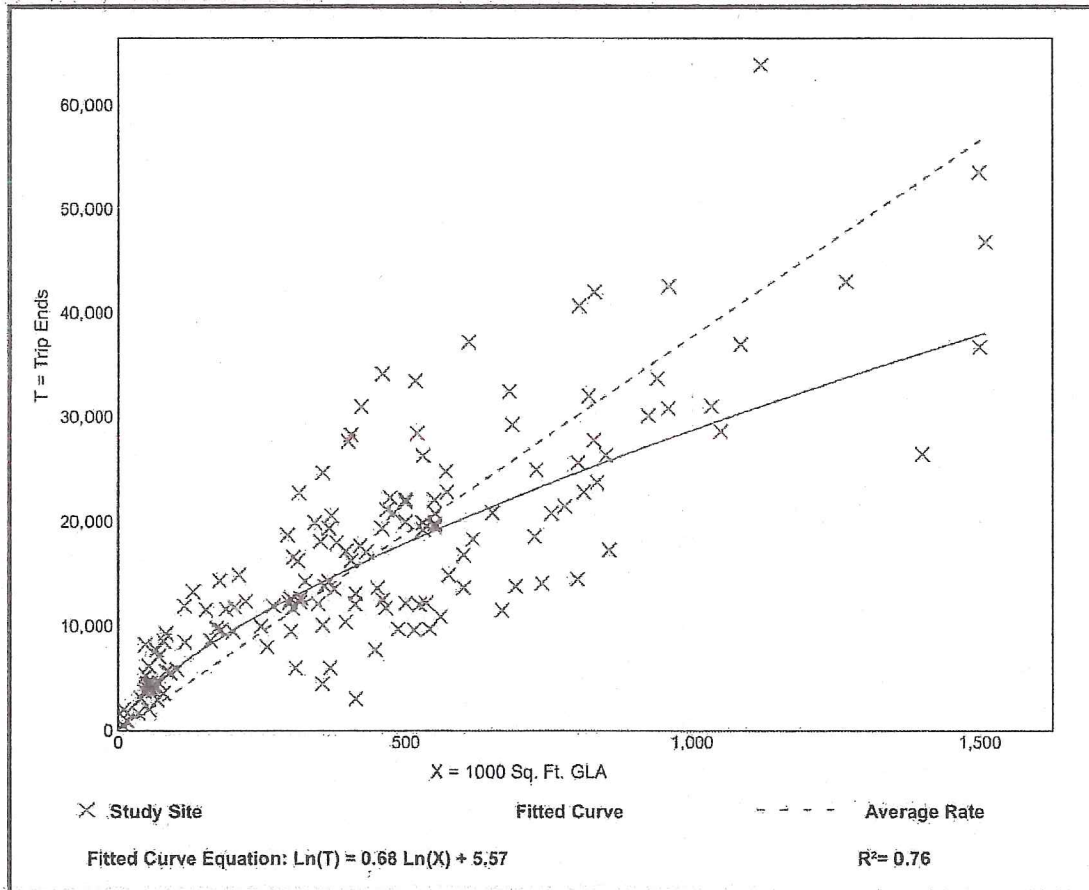
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 147  
1000 Sq. Ft. GLA: 453  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

### Data Plot and Equation



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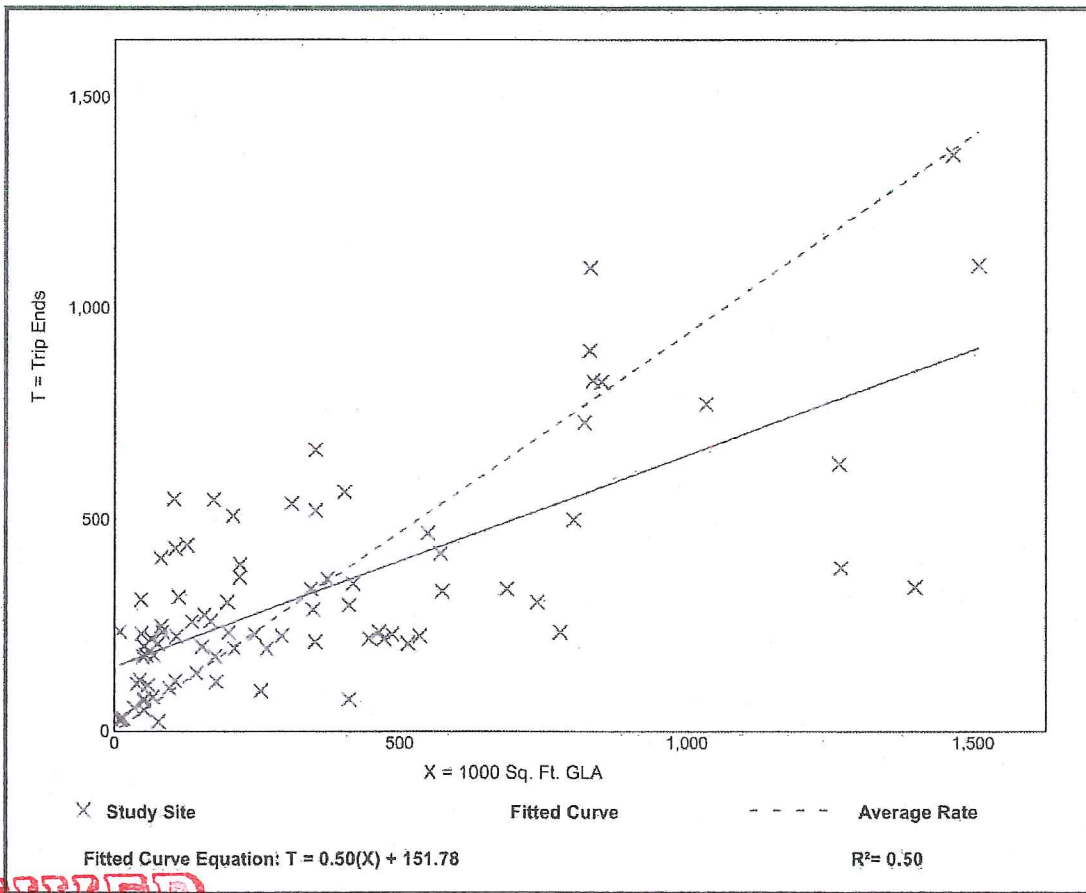
# Shopping Center (820)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GLA  
**On a:** Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 84  
 1000 Sq. Ft. GLA: 351  
 Directional Distribution: 62% entering, 38% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

### Data Plot and Equation



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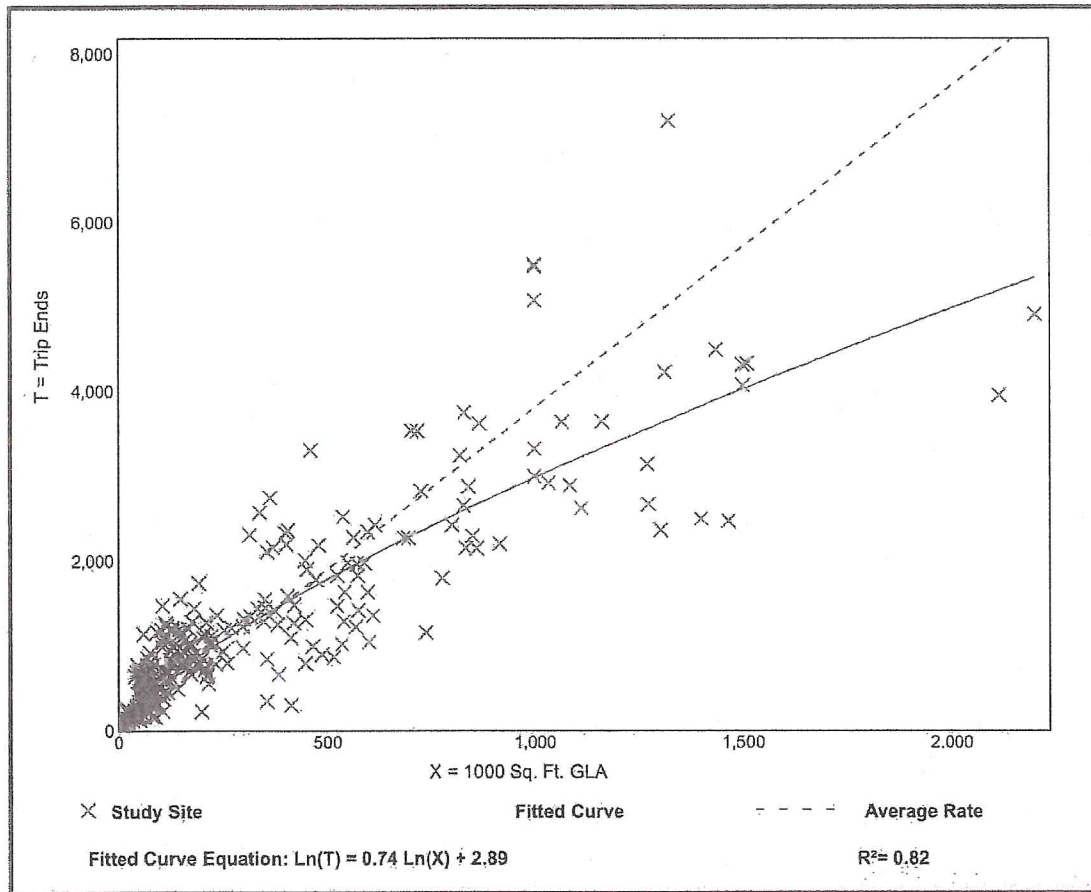
## Shopping Center (820)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 261  
 1000 Sq. Ft. GLA: 327  
 Directional Distribution: 48% entering, 52% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

### Data Plot and Equation



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DCI 2019-00019 COMMUNITY DEVELOPMENT

ATTACHMENT R



DEPARTMENT OF COMMUNITY  
DEVELOPMENT

# Memo

To: Dirk Danley, Planner, Senior

From: Lili Wu, Planner, Senior

Date: Dec. 18, 2019

**Subject: Amavida RPD (FKA Avida RPD/CPD) (DCI2019-00019) Transportation-Related Analysis**

---

## **Proposed Development**

This application is requesting a rezoning from RPD/CPD to RPD to remove 100,000 square feet of commercial to add 135 multi-family dwelling units for a total of 325 multi-family dwelling units (190 existing D.U) .

## **Site Location & Existing Conditions**

The subject site is located on the north side of Gladiolus Dr and approximately 0.5 mile east of its intersection with Summerlin Rd. The subject site is currently occupied by a mix of independent living/memory care/assisted living units..

## **Site Access**

Access to the subject site is served via two existing connections (Fanning Court & Millhopper Blvd) to Gladiolus Dr. No new access connections are being proposed as part of this rezoning.

Gladiolus Dr is an arterial maintained by County.

## **Trip Generation Review**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 10<sup>th</sup> Edition Report. Table 1 outlines the proposed project's trip generation for weekday A.M and P.M peak hour and daily traffic volumes. Table 2 outlines the anticipated weekday A.M and P.M peak hour and daily trip generation of development as currently approved.

**Table 1  
Trip Generation  
Proposed**

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-Way)
Multi-family (existing 190 D.U)	20	68	88	66	39	105	1,396
Assisted Living* (540 Units)	65	38	103	53	87	140	1,404
<b>Total Trips</b>	<b>85</b>	<b>106</b>	<b>191</b>	<b>119</b>	<b>126</b>	<b>245</b>	<b>2,800</b>

- Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Development Code. This represents the worst case scenario in terms of trip generation.

**Table 2  
Trip Generation  
Approved**

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-Way)
Avida RPD/CPD	257	168	425	232	324	556	6,532

This requested zoning will reduce the traffic impacts of the development by approximately 55% in the AM peak hour, 56% in the PM peak hour and approximately 57% over the entire weekday from what is currently approved.

**Roadway Section Traffic Operation Level of Service Analysis**

It was assumed that the proposed development would be completed by 2024 (build-out year). Therefore, the roadway links most impacted by the proposed development were analyzed for the 2024 projected traffic conditions without the proposed development and with the proposed development (Table 3).

**Table 3  
Arterial/Collector Roadway Section(s) Adjacent to Site  
Expected to be Most Impacted by the Proposed Development**

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2024	Future + Project
Gladiolus Dr	West of Project	No	C	C	C
Gladiolus Dr	East of Project	No	C	C	C

## **Conclusion**

This requested zoning will not have a detrimental impact on the surrounding roadway system.

ATTACHMENT S



John E. Manning  
District One

Cecil L. Pendergrass  
District Two

Larry Kiker  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm Wesch  
County Attorney

Donna Marie Collins  
County Chief  
Hearing Examiner

August 7, 2019

Via E-Mail

Jennifer Sheppard  
Banks Engineering  
10511 Six Mile Cypress Parkway  
Fort Myers, FL 33966

**RE: Potable Water and Wastewater Availability  
Amavida, 7778 Gladiolus Drive,  
STRAP # 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000**

Dear Ms. Sheppard:

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 540 unit ALF with an estimated flow demand of approximately 62,100 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.

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

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

DCI 2019-00019

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

Sincerely,

**LEE COUNTY UTILITIES**



Mary McCormic  
Technician Senior  
239-533-8532  
UTILITIES ENGINEERING

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AUG 21 2019

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DCI 2019-00019

ATTACHMENT T



3401 Metro Parkway  
Fort Myers, FL 33901  
Phone: (239) 533-0233

John E. Manning  
*District One*

November 13, 2019

Cecil L. Pendergrass  
*District Two*

Ray Sandelli  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wesch  
*County Attorney*

Donna Marie Collins  
*County Hearing Examiner*

Dirk Danley, Jr.  
Plan Reviewer, DCD Development  
1500 Monroe St  
Fort Myers, FL 33901

**RE: DCI2019-00019 Amavida RPD f/k/a Avida RPD\_CPD**

Dear Mr. Danley,

LeeTran has reviewed the development order to Rezone from RPD/CPD to RPD, remove 100,000 SF of commercial to allow a total of 325 dwelling units or equivalent ALF, CCF or ILU units. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

- The identified site does not lie within the ¼ mile fixed-route corridor.
- The 2016 TDP does not identify the need for enhanced or additional transit services in the area.

Conclusion:

The parcel location is outside a one-quarter mile fixed-route corridor therefore, developer is not required to connect to or improve transit facilities.

Attached is a map of our route serves in relation to the site. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or [JPuente@leegov.com](mailto:JPuente@leegov.com).

Sincerely,

*Jorge J. Puente*

Jorge J. Puente

Service Planner, LeeTran Mobility Enhancement Team



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- Public Hearing - General Requirements (34-202)
Public Hearing - Mining Excavation Planned Development (12-110)
Public Hearing - Additional Requirements for:
Development of Regional Impact (34-203(a))
Planned Developments (34-203(b))
Planned Development Amendment (34-203(b))
Rezoning other than Planned Developments (34-203(c))
Special Exceptions (34-203(e))
Variances (34-203(f))
Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
Private Recreational Facilities Planned Development (34-941(g))
Development Order - Submittal Requirements (10-152)
Application Form and Contents (10-153)
Additional Required Submittals (10-154)
Limited Review Development Order - Submittal Requirements (10-152)
Required Submittals (10-175)
Administrative Action Application Requirements [34-204(a)]
State the Type of Administrative Application:

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PLEASE PRINT OR TYPE:

STRAP Number: 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000
Name of Project: Avida

COMMUNITY DEVELOPMENT

Name of Agent: Stacy Ellis Hewitt, AICP - Banks Engineering
Street Address: 10511 Six Mile Cypress Parkway, Suite 101
City, State, Zip: Fort Myers, Florida 33966
Phone Number: 239-770-2527/239-939-5490 Email Address: shewitt@bankseng.com

Name of Applicant\*: Quadrum Lakes Park, LLC
Street Address: 407 Lincoln Road, Suite 304
City, State, Zip: Miami Beach, Florida 33139
Phone Number: Email Address:

DCI 2019-00019

\*If applicant is not the owner, a letter of authorization from the owner must be submitted.

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

**A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:**

	<b>Section Number</b>	<b>Requirement</b>
#1	34-202(a)(2); 34-373(a)(4)a	Boundary Survey
#2	34-202(a)(3)	Title Certification
#3	34-373(a)(4)d.iv	Topography
#4	34-373(a)(4)b.v	Soils Map
#5	34-373(a)(4)c	FLUCCS Map
#6	34-373(a)(4)b.iii	Rare & Unique Habitat Map
#7	34-373(a)(4)b.v	Existing & Historic Flow-Ways Map
#8	34-373(b)(2)	Protected Species Survey
#9	34-373(b)(1)	Surface Water Management Plan - RDH
#10	34-202(a)(1)	Legal Description & Sketch

**B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:**

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is preparing an application for an amendment to the existing Avida RPD/CPD to rezone to RPD to remove 100,000 SF of commercial and add 135 dwelling units or density equivalent of Assisted Living Facility, Continuing Care Facility or Independent Living Units. The overall legal description is included in the existing zoning approvals and remains the same. The site has been cleared and partially developed including the infrastructure. The waiver request is for items that exist in county zoning and development order records for this developed property and are not proposed to be revised. The property remains in the same ownership. Given the extent of information available in existing Lee County files, the applicant respectfully requests that the waiver be approved. The submittal of any of these documents would have no bearing on the review and processing of the application.

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



Signature of Applicant

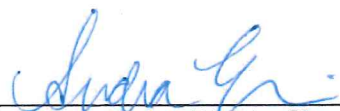
July 1, 2019

Date

.....  
**FOR STAFF USE ONLY**  
 .....

**DIRECTOR'S DECISION:**

- Request Denied #1, #2, #10
- Request Approved 3-8, 9
- Request Approved Per Attached Comments



Director Signature

DCI 2019-00019

July 10, 2019

Date

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Avida

GEN2019-00230

# 9 Surface Water Management RDH/Development Services

No objection to waiver for surface water management system. Backbone system existing.

EAW/Environmental

Waiver #3 - #8 approved. Site has been cleared and infrastructure has been CC'd.

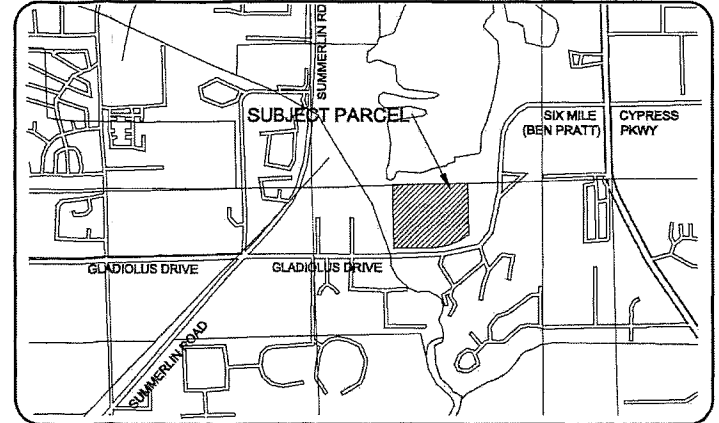
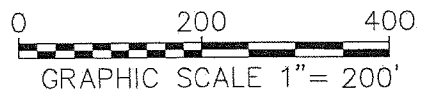
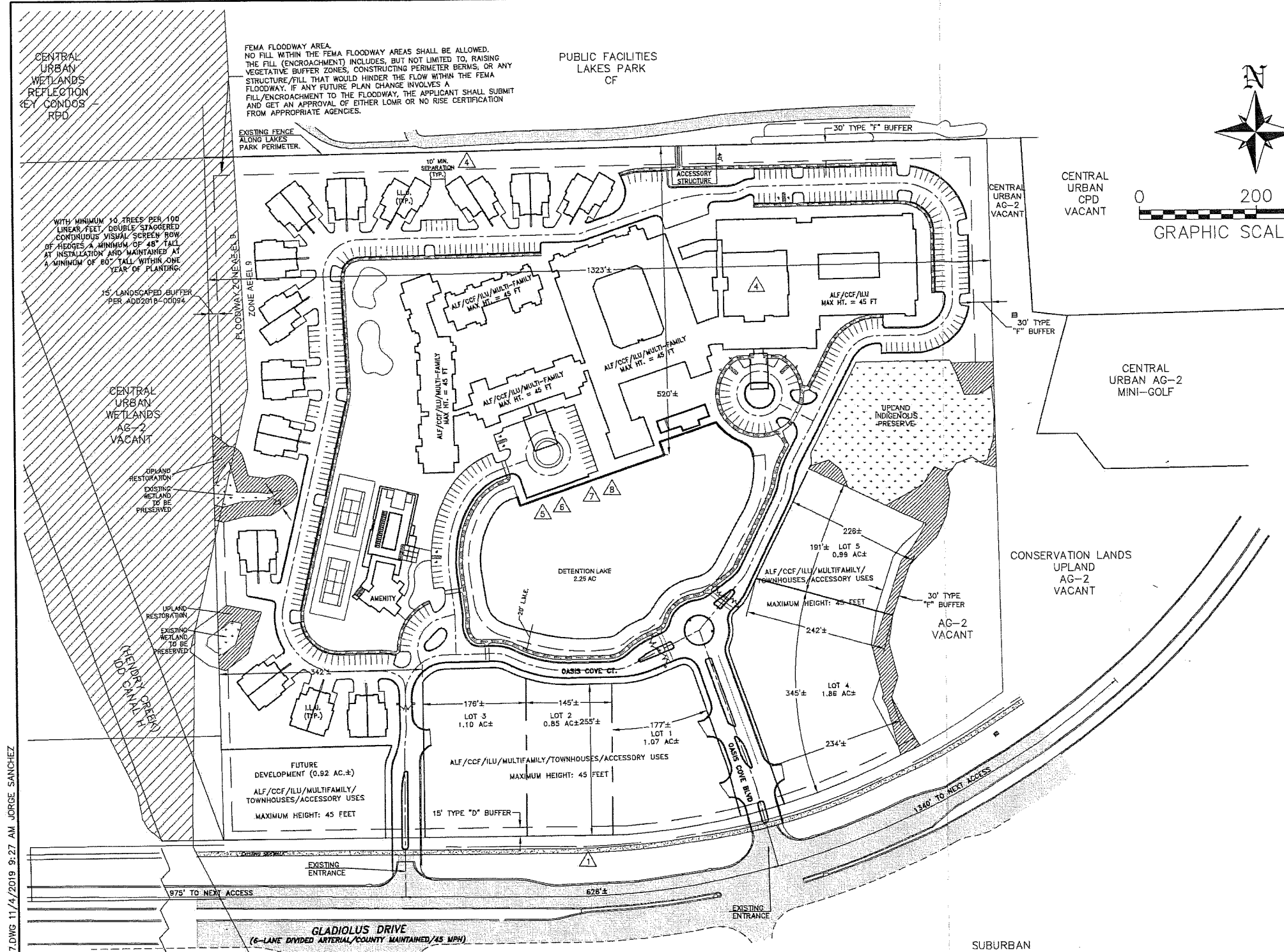
DIM/Legal

Waiver #1, 2 & 10 denied

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SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA  
N.T.S.

**NOTES:**  
 1. SIGNAGE PURSUANT TO ADD2017-00094 DEVIATIONS 9 AND 10.  
 2. OPEN SPACE TABLE:

**REQUIRED OPEN SPACE:**  
 RPD: 40% 32.54 @ 40% = 13.02 AC.  
 TOTAL REQUIRED: 13.02 AC MINIMUM

**REQUIRED INDIGENOUS:** 1.57 AC. = (TOTAL INDIGENOUS PRESENT ON SITE)

**PROVIDED OPEN SPACE:**  
 RAW INDIGENOUS VEGETATION:  
 UPLAND: 1.19 ACRES  
 WETLAND: 0.10 ACRE  
 1.29 ACRES TOTAL RAW INDIGENOUS

**UPLAND OPEN SPACE CREDITS:**  
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC. TOTAL UPLAND WITH OPEN SPACE CREDITS  
 WETLAND = 0.10 AC.  
 TOTAL INDIGENOUS = 1.70 AC.

LAKE = 2.25 AC.  
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.06± AC.  
 RESTORATION AREAS = 0.74 AC.  
 ADDITIONAL OPEN SPACE = 6.27 AC.  
 TOTAL OPEN SPACE PROVIDED = MINIMUM 13.02 AC/CR

- LEGEND:**
- = PROPOSED SIDEWALK
  - = INDIGENOUS PRESERVE
  - = UPLAND RESTORATION AREAS
  - = SPECIAL CONDITION/DEVIATION

**RECEIVED**  
 NOV 04 2019

COMMUNITY DEVELOPMENT

**DCI 2019-00019**

PREPARED FOR:  
**QUADRUM LAKES PARK LLC**  
 407 LINCOLN RD STE 304  
 MIAMI BEACH FL 33139

NO.	DATE	REVISION DESCRIPTION	BY
2	11/4/2019	UPDATE OPEN SPACE TABLE	SEH
1	10/17/2019	1ST SUFFICIENCY RESPONSE	SEH

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 939-5490 FAX: (239) 939-2523  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
 WWW.BANKSENG.COM

MASTER CONCEPT PLAN AMAVIDA RPD, F.K.A. AVIDA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
7/26/2019	16200G	MCP	SEH	JLS	SEH	1"=200'	1

S:\JDBS\16200G\ENGINEERING\ZONING\1620\_MCP\_11X17.DWG 11/4/2019 9:27 AM JORGE SANCHEZ