



August 24, 2020

VIA E-Mail

John Manning
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

**Re: Small Scale Amendment to the Lee Plan
August 19, 2020 Adoption Hearing
CPA2019-00010 Central Park Mixed Use Overlay
Adoption Submission Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of a Small Scale Comprehensive Plan Amendment known locally as CPA2019-00010 (Central Park Mixed Use Overlay). The proposed amendments are being submitted through the small scale review process as described in Chapter 163.3184. This amendment packet includes the final action and adopting ordinance for the following amendment:

CPA2019-00010: Amend Lee Plan Map 1, Page 6 of 7, to add a 6.4± acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay (Adopted by Ordinance 20-08).

The Local Planning Agency held a public hearing for this plan amendment on July 27, 2020. The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on August 19, 2020.

There has been one 7.47 acre small scale comprehensive plan amendment this calendar year. Therefore, the total number of acres for small scale amendments approved by Lee County in the 2020 calendar year is 13.87 acres. The adopted small-scale comprehensive plan amendment is not within an area of critical state concern, nor does it involve a site within a rural area of critical economic concern.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Department of Community Development Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585, Fax (239) 485-8344
E-mail: bdunn@leegov.com

This package includes one paper copy and two CD ROM copies, in PDF format, of the adopted amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Sincerely,

**Lee County Department of Community Development
Planning Section**

A handwritten signature in blue ink, reading "Mikki Rozdolski". The signature is fluid and cursive, with a large initial "M" and a trailing flourish.

Mikki Rozdolski
Manager, Community Development Operations

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
LCBC-COUNTY ADMINISTRATION
2115 2ND ST
FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Nicholas Pennington, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

08/07/2020

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 7th of August 2020, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

of Affidavits 1

This is not an invoice

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 19, 2020. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

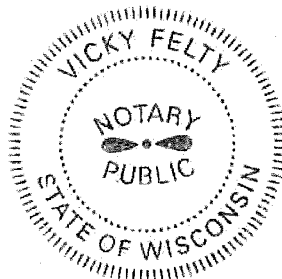
CPA2019-00010 -- Central Park Mixed-Use Overlay: Amend Lee Plan Map 1, Page 6 of 7, to add a 6.4-acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay. The subject parcel is located on Cypress Terrace Circle, west of US 41, approximately 1/4 mile south of Cypress Lake Drive.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, by calling 239-533-2328. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LeGuardia, (239) 533-2314, Florida Relay Service 711, or ADARequests@lee.gov.com, at least five business days in advance.

AD # 4308278 Aug 7, 2020



LEE COUNTY ORDINANCE NO. 20-08
Central Park Mixed Use Overlay
(CPA2019-00010)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT PERTAINING TO THE CENTRAL PARK MIXED USE OVERLAY (CPA2019-00010); PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1, THE MIXED USE OVERLAY MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on July 27, 2020. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on Map 1. At that hearing, the Board approved a motion to adopt proposed amendment CPA2019-00010 pertaining to Central Park Mixed Use Overlay, amending Map 1 of the Lee Plan, the Mixed Use Overlay Map. The subject parcel is located on Cypress Terrace Circle, west of US 41, approximately ¼ mile south of Cypress Lake Drive.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Central Park Mixed Use Overlay (CPA2019-00010)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, the Mixed Use Overlay Map, Page 6 of 7, to add a 6.4± acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay. The subject parcel is located on Cypress Terrace Circle, west of US 41, approximately ¼ mile south of Cypress Lake Drive. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

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

SECTION SIX: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR

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

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DONE AND ADOPTED this 19th of August 2020.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk

BY: Brian Hamman
Brian Hamman, Chair

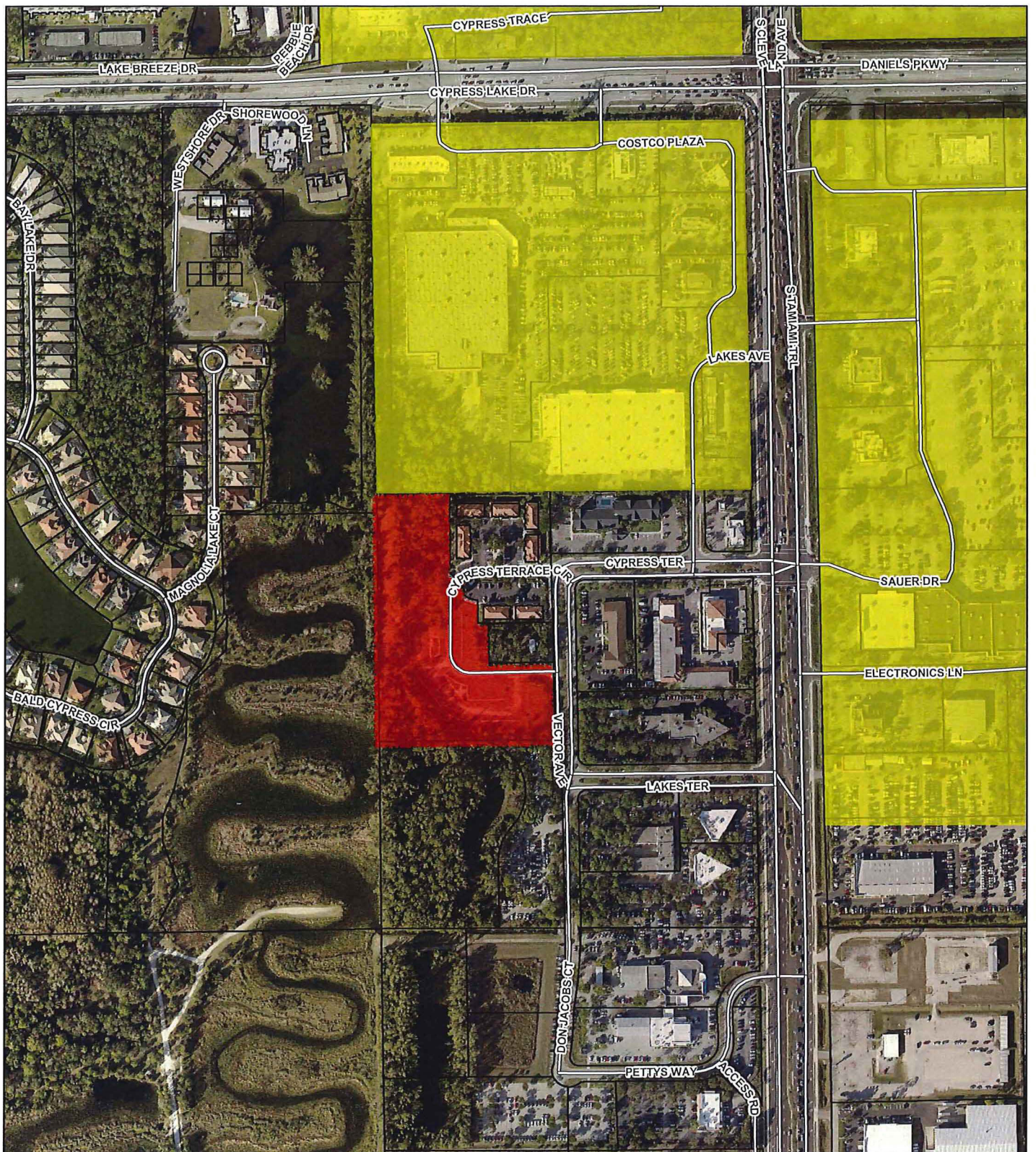


DATE: 8/21/2020

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY



M. O. F.
Lee County Attorney's Office

Exhibit A: Adopted revisions to Map 1 (Adopted by BOCC August 19, 2020)



CPA2019-00010
 Central Park
 Existing and Proposed
 Mixed Use Overlay



 Proposed Mixed Use Overlay
 Existing Mixed Use Overlay



0 500
 Feet

Map Generated: Feb 2020

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 20-08

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Central Park Mixed Use

(25 Characters Maximum Including Spaces)

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

AMENDMENT #1: 89-02

AMENDMENT #2: _____

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

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 24, 2020

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

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 20-08, which was filed in this office on August 21, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

STAFF REPORT FOR

CPA2019-00010:

Central Park Mixed Use Overlay

Privately Initiated Small Scale Map Amendment to the Lee Plan



Applicant:

Fort Pegasus, LLC

Representative:

Veronica Martin, TDM
Consulting, Inc.

Property Location:

Cypress Lake Terrace Circle,
west of US 41, approximately ¼
mile south of Cypress Lake
Drive

Size:

± 6.4 acres

Planning Community:

South Fort Myers

Commissioner District:

District #2

Attachments:

Existing &
Proposed Map 1, Page 6

Hearing Dates:

LPA: 7/27/2020
BoCC: 8/19/2020

REQUEST

Amend Lee Plan Map 1, Page 6 of 7, to add a 6.4± acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay.

SUMMARY

The requested amendment would allow the subject property to develop using the Mixed Use Overlay regulations that allows for more urban forms of development and a variety of uses.

PROJECT LOCATION

The subject property is located on Cypress Terrace Circle, west of US41, approximately ¼ mile south of Cypress Lake Drive.



Figure 1: Aerial Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the requested amendments based on the analysis and findings provided in this staff report.

PART 1 PROPERTY INFORMATION

History:

The 6.4± acre subject property is located on Cypress Terrace Circle, west of US 41, approximately 1/4 mile south of Cypress Lake Drive. It is within the Cypress Lake Center Development of Regional Impact (DRI) and is zoned Mixed Use Planned Development (MPD).

The Cypress Lake Center DRI, as amended, is approved for 336,340 square feet of shopping center, 40,000 square feet of business corporate office area, 165,000 square feet of executive business park, 275 room hotel (with 200 seat restaurant and 100 seat conference center), and 210 multiple family dwelling units. The subject property is shown as a portion of Tract B and Lot 6 on the DRI Master Development Plan and is labeled as Mixed Use Development. The DRI is predominantly built-out and currently contains a number of commercial uses including the Costco Wholesale store in the Cypress Lake Plaza.

The MPD zoning covers a portion of the DRI and contains 9.2 acres. The MPD is approved for 58,200 square feet of commercial use, and up to 166 residential units (Z-05-064; ADD2007-00167; ADD2014-00055). The 6.4± acre subject property is within the approved 9.2± acre MPD.

The application materials indicate that the future development will be consistent with the existing DRI and zoning approvals. No additional commercial intensity or residential units will be requested. Granting this request would allow reduced parking, buffers, landscaping, open space, and setbacks associated with the Mixed Use Overlay. If approved, the existing MPD zoning would need to be amended to accommodate a modified site design. Granting this amendment does not guarantee zoning approval.

South Fort Myers Vision Statement:

The subject property is located in the South Fort Myers Planning Community. The South Fort Myers planning community is located in the center of Lee County and contains higher intensity land use categories. The South Fort Myers planning community contains retail services and economic drivers such as the Gulf Coast Hospital, Florida Southwest College and the Twins spring training baseball stadium. Continued growth is anticipated through the year 2030.

Intensive Development Future Land Use Category:

The subject property is designated as Intensive Development on the Future Land Use Map and has been since 1984. Lands with the Intensive Development future land use category, as provided in Policy 1.1.2 below, are well suited to accommodate high densities and intensities.

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per

acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 09-06, 10-10, 16-07)

Surrounding Properties

The surrounding properties to the north, south, and east are within the Intensive future land use category, zoned CPD, MPD, CG, CC, CT, CS-1 and CT and are within the Cypress Lake Center DRI. Lakes Park is located to the west and is in the Central Urban future land use designation and zoned residential RM-2. More detailed information on the surrounding properties is provided below in Table 1.

Table 1: Surrounding Properties Information

	Future Land Use	Zoning	Existing Use
North	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/CPD - Approved for 394,540 SF, commercial, 104 hotel rooms, and 417 units; CG	Cypress Lake Plaza commercial retail (Costco) and restaurants, commercial outparcels; office condos
Northwest	Intensive Development (14 units/acre ¹)	Reflection Lakes RPD- Approved for 14 units on 8.3 acres; Spring Lake single family & condos;	Lake, single family residences, condos
South	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/CG; CT	DRI preserve area; car sales lot
East	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/MPD/CPD; CG; CS-1, CC	Central Park Professional Center office condos, medical offices, hotel, car sales
West	Central Urban (10 units/acre ²)	RM-2	Lakes Park Regional Park

¹ Up to 22 units/acre may be approved using bonus density. Up to 30 units/acre may be approved by purchasing Greater Pine Island TDUs.

² Up to 15 units/acre may be approved using bonus density. Up to 20 units/acre may be approved by purchasing Greater Pine Island TDUs.

PART 2

STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The Mixed Use Overlay seeks to address the growing population of Lee County. The subject property is in South Fort Myers. According to projections, by 2040 the population of South Fort Myers will have grown from 53,281 persons in 2019 to 64,892 persons. The population of South Fort Myers relative to the county as whole will remain around 6.5% through 2040. Shown below is a map of the Lee County residential population densities in 2010 and 2040 projections based MPO projected distribution,

showing relatively higher densities throughout the county's Future Urban Areas, including South Fort Myers.

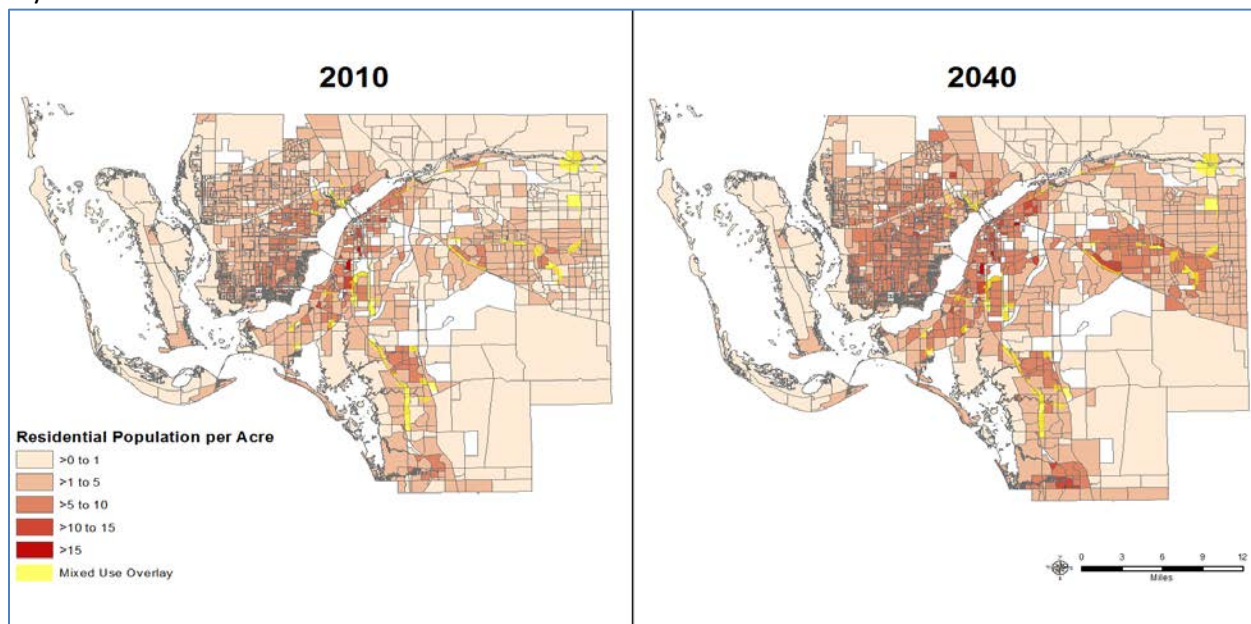


Figure 2: 2010 and 2040 (Projected) residential population densities per acre.

The proposed amendment will also help to support anticipated employment density in the areas in Lee County where employment is projected to increase. Figure 2, shows employment density based on 2010 employment data and the 2040 Transportation Model adopted by the MPO.

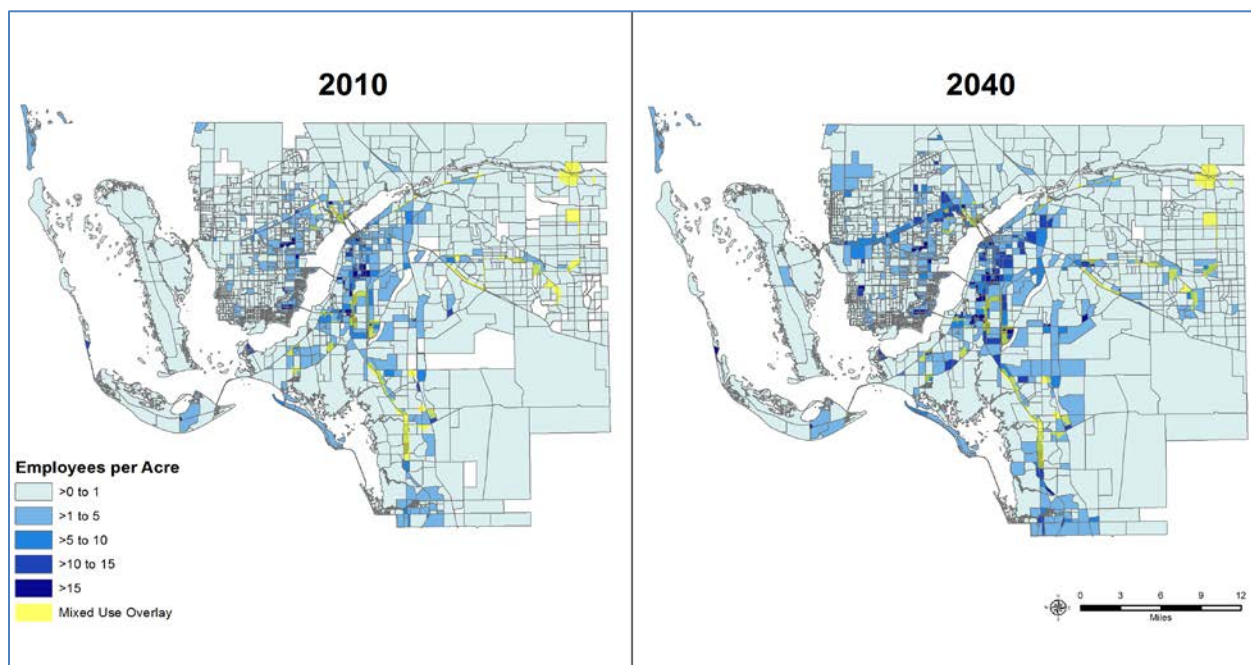


Figure 3: 2010 and 2040 (Projected) employment densities per acre.

Adding property to the Mixed Use Overlay that are located in the Intensive Development future land use category in proximity to a major transportation corridor in South Fort Myers will help to accommodate

the projected 2040 population and employment distribution within the Future Urban Areas of Lee County.

Lee Plan Consistency

The existing Mixed Use Overlay boundary is located along the north border of the subject property. The applicant is requesting to extend the Mixed Use Overlay as shown on Lee Plan Map 1, Page 6 to include the subject property. The more urban design standards allowed in the Mixed Use Overlay will help the already approved 166 multifamily units to fit on the property. The Mixed Use Overlay would allow for reduced parking, buffers, landscaping, open space, and setbacks to accommodate the applicant's project design. The existing MPD zoning would need to be amended accordingly.

Staff has reviewed the identified properties and determined that including the subject property within the Mixed Use Overlay is consistent with the Lee Plan. The Lee Plan analysis is provided below.

The Lee Plan Vision Statement identifies themes of great importance. The first of these addresses growth patterns and encourages a clear distinction between urban and rural areas. Including these properties in the Mixed Use Overlay will help to enhance the distinction between urban and rural areas within Lee County. The inclusion into the Mixed Use Overlay will allow the property to develop in a more urban form of development.

Objective 2.1 states that, "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". The subject property has access to arterial roadways, transit services, utilities, and open space. Adding this property to the Mixed Use Overlay will encourage contiguous and compact growth patterns in appropriate areas, and is therefore consistent with Objective 2.1 of the Lee Plan.

Lee Plan Policy 2.1.1 provides that "Most residential, commercial, industrial and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories." The property in this amendment is within the Intensive Development future land use categories. The Lee Plan identifies the Intensive Development future land use category as a Future Urban Area. Therefore, the proposed amendment will encourage additional residential and commercial uses within Lee County's Future Urban Areas.

Consistent with Objective 11.1 and Policy 11.1.1, the current zoning on the subject property allows for a mix of residential and commercial uses (Z-05-064; ADD2007-00167; ADD2014-00055). The subject property is within a portion of the approved MPD. The property is in the Intensive Development future land use category and has interconnecting infrastructure and public services available. Adding the Mixed Use Overlay to the subject property will encourage mixed use development in the Intensive Future Land Use category.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development. (Ordinance 17-13)

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with

two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ordinance No. 17-13)

Adding the subject property to the Mixed Use Overlay is consistent with Objective 11.2 that seeks to locate the Mixed Use Overlay in areas that are close to urban services. The subject property is in proximity to shopping centers and public transit routes along US 41. Lakes Park is located immediately east of the subject property with access provided off of Gladiolus Drive. The Reflection Lakes residential community is located to the northeast with access off of Cypress Lake Drive and Summerlin Boulevard. Florida Southwestern State College is located on Cypress Lake Drive east of Summerlin Boulevard. Cypress Lake Middle School and Cypress Lake High School are located off of Cypress Lake Drive.

OBJECTIVE 11.2: MIXED USE OVERLAY. *The county will maintain an overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay. (Ordinance No. 07-15, 17-13)*

The request is consistent with Policy 11.2.1 that identifies the criteria for extending the mixed use overlay.

- **Located within the extended pedestrian shed of established transit routes:** The property is within ¼ mile of a fixed route corridor. The closest bus routes are Routes 140 and 240 along S. Tamiami Trail. Bus stop #1485 is located on west side of S. Tamiami Trail, south of Cypress Terrace. Bus Stop #1588 is located on the east side of S. Tamiami Trail, north of Sauer Drive.
- **Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways:** Roadways and sidewalks in the subject property area are interconnected. Sidewalks are located on a portion of Cypress Terrace Circle within the adjacent development, and on Vector Avenue, Cypress Terrace, Lakes Avenue and Lakes Terrace.
- **Located within the Intensive Development, Central Urban, or Urban Community future land use categories:** The subject property is within the Intensive Development future land use category.
- **Availability of adequate public facilities and infrastructure:** Services are available to the subject property.
 - Utilities: The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas. Potable water and wastewater lines are in operation adjacent to the subject property. Potable water is available from the Green Meadows Water Treatment Plant. Wastewater service would be provided by the Fiesta Village Water Reclamation Facility.
 - Fire: The South Trail Fire Protection & Rescue Service District indicated they are capable of providing fire protection. In a letter dated August 28, 2019, the Fire District states they do not object to the amendment and can adequately protect this property if and when it is developed.

- EMS: The subject property has access to EMS services. In a letter dated August 27, 2019, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 1 located 1.9 miles north of the property, and a second EMS facility, Medic 8, is located 3.7 miles from the property.
- Police: The Lee County Sheriff will provide law enforcement services primarily from the South District office in Bonita Springs. The Sheriff indicated in a letter dated September 27, 2019 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.
- Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.
- Schools: There is adequate school seat capacity to serve the subject property.
- Transportation: Development of the subject property was previously approved and no changes to the intensities or densities are proposed. The request is needed to accommodate reduced parking, buffers, landscaping, open space, and setbacks on the property. Therefore, the proposed amendment will not result in an increase in vehicle trips from the currently approved uses.
- **Will not intrude into predominately single-family residential neighborhoods**: Extending the Mixed Use Overlay will not intrude into a single-family residential neighborhood. The closest single-family developments are Reflection Lakes and Spring Lakes that are located west of the subject property. There is a large buffer that ranges between 380± and 500± feet between the subject property and the closest residences. The Reflection Lakes and Spring Lakes subdivisions are accessed from Cypress Lake Drive and Summerlin Road.

The subject property is within the Cypress Lake DRI. The DRI is predominantly within the Mixed Use Overlay. Adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.3 which allows the boundary to be extended to accommodate developments located partially within the Overlay.

***POLICY 11.2.3:** At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. (Ordinance No. 07-15, 17-13)*

PART 3 CONCLUSIONS

Adding the subject property to the Mixed Use Overlay is consistent with Lee Plan. The property is within the Intensive Future Land Use Map classification, is immediately adjacent to other lands within the Mixed Use Overlay, has interconnecting infrastructure and services are available. For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment.

PART 4
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION
DATE OF PUBLIC HEARING: July 27, 2020

A. LOCAL PLANNING AGENCY REVIEW:

The Applicant presented an overview of the proposed map amendment and consistency with the Lee Plan. Staff provided a brief presentation for the amendment which covered consistency with the Lee Plan and staff recommendation. No members of the public addressed the LPA concerning this case.

Members of the LPA asked questions about the status of the DRI, the property's western buffer, and for additional details about the differences between development regulations with and without the mixed use overlay.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to find the map amendment request consistent with the Lee Plan and to recommend that the Board of County Commissioners **adopt** CPA2019-00010. The motion passed 5 to 0.

VOTE:

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	ABSENT
JAMES INK	AYE
ALI OLIVO	AYE
DON SCHROTENBOER	AYE
STAN STOUDE	AYE
HENRY ZUBA	ABSENT

PART 5
BOARD OF COUNTY COMMISSIONERS
ADOPTION HEARING

DATE OF PUBLIC HEARING: August 19, 2020

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the LPA and staff recommendations. No members from the public addressed the Board concerning the proposed amendments.

B. BOARD ACTION:

A motion was made to **adopt** CPA2019-00010 as recommended by staff. The motion was passed 4 to 0.

VOTE:

BRIAN HAMMAN	AYE
FRANK MANN	ABSENT
JOHN MANNING	AYE
CECIL L. PENDERGRASS	AYE
RAY SANDELLI	AYE

PART 6

ATTACHMENTS

Attachment 1:

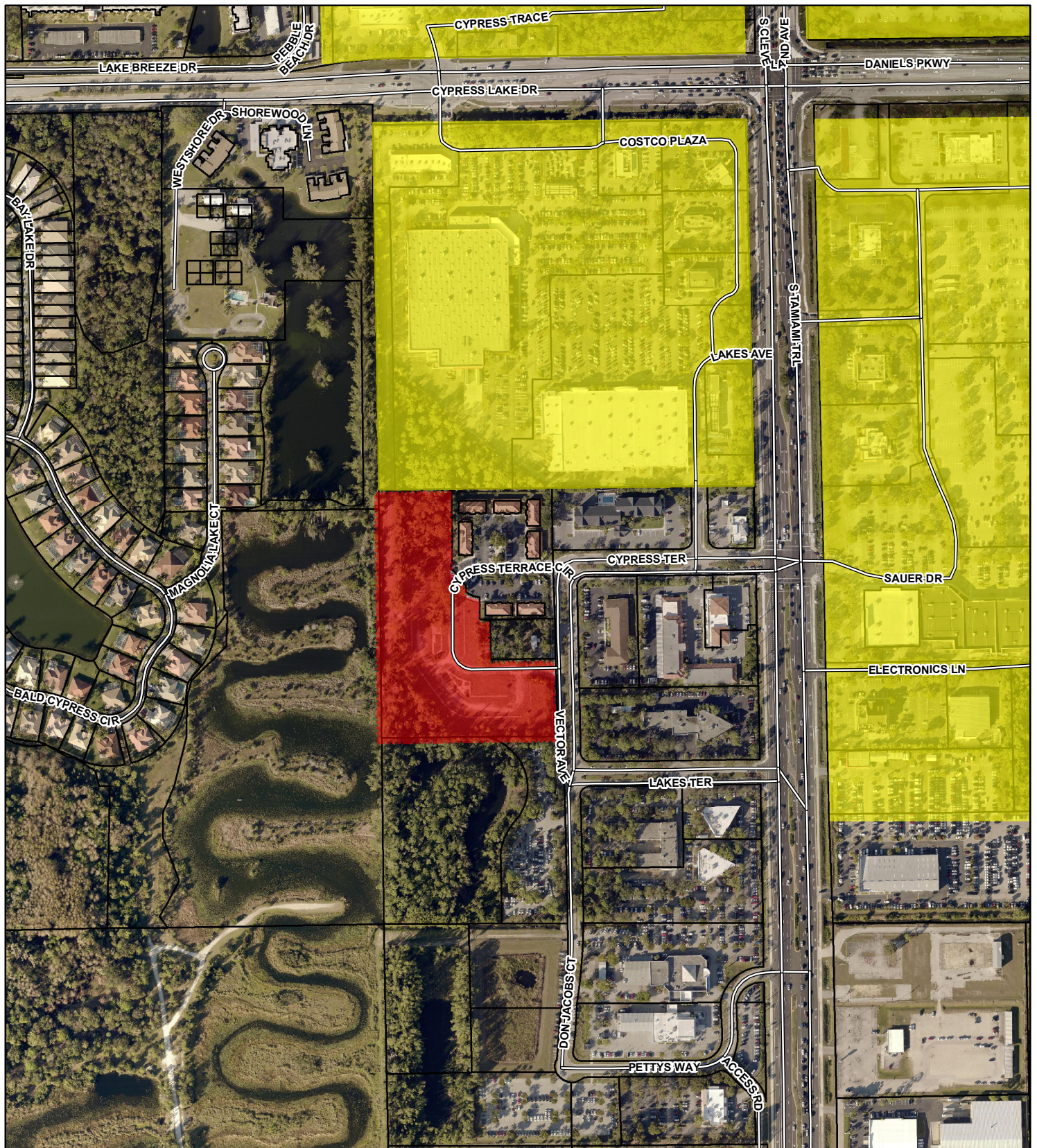
- Existing & Proposed Map 1, Page 6: Mixed Use Overlay Map

Attachment 2:

- Letters of Availability

Electronic Files:

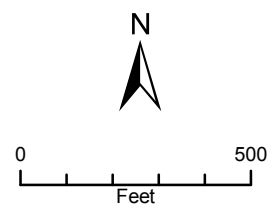
<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2019-00010>



CPA2019-00010
 Central Park
 Existing and Proposed
 Mixed Use Overlay



- Proposed Mixed Use Overlay
- Existing Mixed Use Overlay



Map Generated: Feb 2020



BOARD OF COUNTY COMMISSIONERS

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Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

October 14, 2019

Via E-Mail

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

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

Dear Ms. Martin:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

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

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

Sanitary sewer service will be provided by our our Fiesta Village Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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

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

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

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

September 27, 2019

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

Ms. Martin,

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

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

Respectfully,

A handwritten signature in cursive script that reads "Stanley B. Nelson".

Stan Nelson
Director, Planning and Research



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

EXHIBIT M17



THE SCHOOL DISTRICT OF LEE COUNTY

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

DOMINIC GEMELLI
PROJECT MANAGER
239-335-1478

GWYNETTA S. GITTENS
CHAIR, DISTRICT 5

CHRIS N. PATRICCA
VICE CHAIR, DISTRICT 3

MARY FISCHER
DISTRICT 1

MELISA W. GIOVANNELLI
DISTRICT 2

DEBBIE JORDAN
DISTRICT 4

BETSY VAUGHN
DISTRICT 6

CATHLEEN O'DANIEL MORGAN
DISTRICT 7

GREGORY K. ADKINS, Ed. D.
SUPERINTENDENT

ALAN L. GABRIEL, ESQ.
BOARD ATTORNEY

October 30, 2019

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

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

Dear Ms. Martin:

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

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

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

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

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

Sincerely,

Dominic Gemelli

Dominic Gemelli, Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER MPD Ammendment
OWNER/AGENT Cypress Lake Center DRI
ITEM DESCRIPTION MPD impacts in South CSA, sub area S2

LOCATION Unknown
ACRES 6.40 Strap # 23-45-24-60-0000.2010
CURRENT FLU Intensive Development
CURRENT ZONING MPD

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	166	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.058		9.63
Middle School	0.028		4.65
High School	0.03		4.98
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2023/24

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	13,291	11,993	1,298	10	1288	90%	
South CSA, Middle	6,904	5,561	1,343	5	1338	81%	
South CSA, High	8,703	8,347	356	5	351	96%	
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan							
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)							
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual							

Prepared by: Dominic Gemelli, Planner



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District Four

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Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 27, 2019

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

Re: Letter of Service Availability

Ms. Martin,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment for a 6.4-acre parcel in South Fort Myers. The STRAP for the parcel is #23-45-24-60-00000.2010.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 1, located 1.9 miles north. In addition, Medic 8 is located 3.7 miles to the south. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change or more information becomes available, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Chief
Division of Emergency Medical Services

RECEIVED
SEP 05 2019

COMMUNITY DEVELOPMENT

CPA 2019-00010

John E. Manning
District One

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

August 21, 2019

Veronica Martin
Senior Planner
TDM Consulting, Inc.
43 Barkley Cir, Suite 200
Fort Myers, FL, 33907

RE: Central Park Mixed-Use Overlay

Dear Ms. Martin,

LeeTran has reviewed your request for service availability in regard to a Comprehensive Plan Amendment application to add 6.4 acres within the Cypress Lake Center DRI into the existing Mixed-Use Overlay. 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:

- Proposed development is within one-quarter mile of a fixed-route corridor.
- 1485 is the closest bus stop to proposed development.
- Routes 140 & 240 operate in north and southbound directions on S. Tamiami Trl.
- Bus stop landing pad does not meet Lee County LDC requirements.
- There is no bicycle storage rack.

Conclusion:

Development order meets applicability outlined in Sec 10-441. The development order also meets Sec 10-442 (a) (1) for required facilities because it is less than 30,000 square feet in total floor area and the vehicular entrance is within one-quarter mile of an existing bus stop.

The closest bus stop does not currently meet the Sec 10-296 for landing pad size or Sec 10-442 (a) (1) for required transit amenities. At time of DO submittal, Developer will need to meet the requirements based on the current Transit LDC.

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) 533-0233 or dhuff3@leegov.com.

Sincerely,

Dawn Huff

Dawn Huff

Senior Planner, LeeTran Mobility Enhancement Team

RECEIVED
SEP 05 2019

COMMUNITY DEVELOPMENT



CPA 2019-00010

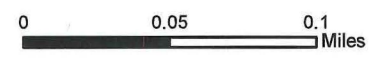
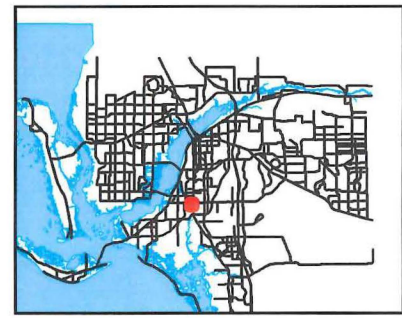
01000-610-7410
COMMUNITY DEVELOPMENT



Development Review

Central Park Mixed-Use Overlay

-  Bus Stops
-  Bus Route
-  Subject Property



Prepared by LeeTran Planning Department



SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

Board of Commissioners

Larry Hirshman
Chairman

Jeff Haugh
Vice-Chairman

John F. Anderson II
Secretary-Treasurer

Ron Tarantino
Commissioner

Ken Brown
Commissioner

August 28, 2019

Letter of Adequacy and Support

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

Administration

Benjamin A. Bengston
Fire Chief

Gene Rogers
Assistant Fire Chief

To Whom It May Concern,

As the Division Chief of Fire and Life Safety for South Trail Fire District, I have reviewed the information provided by TDM Consultants pertaining to the submission of a Comprehensive Plan Amendment requesting to add the 6.4 acres parcel to the Mixed-Use Overlay Map. The subject property is located behind the Costco Shopping Plaza at Cypress Lake Dr. and US 41 within my fire district.

South Trail Fire District has no objection to this amendment and can adequately protect this property if and when it is developed.

If there are any questions regarding this letter please contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Nate Burley".

Nate Burley
Division Chief – Fire and Life Safety
South Trail Fire District
239-482-8030
nburley@southtrailfire.org

RECEIVED
SEP 05 2019

5531 Halifax Ave. Fort Myers, FL 33912-4403
Administration Phone: 239.433.0080 • Prevention Phone: 239.482.8030
WWW.SOUTHTRAILFIRE.ORG

COMMUNITY DEVELOPMENT
CPA 2019-00010



John E. Manning
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Frank Mann
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Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

August 26, 2019

TDM Consulting
Attn.: Ms. Veronica Martin
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

RE: Letter of Availability
STRAP 23-45-24-60-00000.2010 - 6.4 acres behind Costco in SFM

Dear Ms. Martin,

The Lee County Solid Waste Division is capable of providing solid waste collection and disposal service for the above planned Mixed Use Planned Development in South Fort Myers. Disposal of the solid waste will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

To ensure service, it is the responsibility of the property owner to follow Lee County Ordinance 11-27 for commercial dumpster space and recycling container requirements. For access of the collection vehicle to the dumpster enclosure we recommend an area unobstructed by trees and away from abutting parking spaces. The area should be accessible by the collection vehicle without crossing lanes or obstructing traffic. A minimum of 60' from the collection vehicle straight to the dumpster enclosures gate is needed. This requirement changes to a minimum of 70' unrestricted operating room if your design incorporates a compactor. A service agreement with the County's contracted Franchise Collection Company is required for the collection of solid waste. For multi-family dwelling units please consider additional space for the placement and collection of bulky items such as mattresses and sofas.

If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor
Public Utilities Manager
Lee County Solid Waste Division

RECEIVED
SEP 05 2019

TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)