

**Lee County, Florida**  
**Department of Community Development**  
**Zoning Section**  
**Staff Report**

**Case Number:** DCI2020-00013  
**Case Name:** Carissa Minor RPD  
**Case Type:** Minor Planned Development Rezoning  
**Area Affected by Request:** ±19.96 Acres  
**Sufficiency Date:** January 4, 2021  
**Hearing Date:** May 6, 2021

**Summary of Request and Recommendation**

Banks Engineering, Inc., on behalf of Carissa, LLC, filed a request to rezone ±19.96 acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit the development of a multifamily residential community containing a maximum of 260 dwelling units.

The subject property is a tract of land consisting of four parcels located at the northwest corner of the intersection of Crystal Drive and Ben C Pratt/Six Mile Cypress Parkway (Commission District #2). A legal description and sketch of the subject property is attached as Attachment V.

Staff recommends **APPROVAL** of the applicant's request with the conditions found in Attachment C.

The applicant has requested two deviations from the Lee County Land Development Code (LDC) to facilitate the proposed development. A third deviation was withdrawn by the applicant. Staff recommends approval of the requested deviations.

**Property History and Character of the Area**

The subject property is a tract of land consisting of four parcels at the northwest corner of the intersection of Crystal Drive (a non-County-maintained local road) and Ben C Pratt/Six Mile Cypress Parkway (a County-maintained arterial road). The property is bordered to the south and east by these roadways, by JV Parker Lane (a non-County maintained local road) to the west, and by vacant residentially- and commercially-zoned lands to the north (see Attachment B).

The subject property was rezoned from Agricultural (AG-2) to Commercial Planned Development (CPD) in 1997 and was subsequently amended in 2005. The approved master concept plan (MCP) was reinstated for a period of one year and three months in 2006 by Resolution Z-06-007 and was subsequently amended in 2007 by ADD2007-00120 (see Attachments S and T). Ordinance 13-01, which was adopted in 2013, retroactively reinstated all expired master concept plans; therefore, the existing Commercial Planned Development zoning, as amended, remains effective. The existing Commercial Planned Development permits development maximums of 100,000 square feet of retail commercial floor area, 50,000 square feet of office floor area, and 100 hotel/motel units.

The subject property is located within the Central Urban future land use category as designated by the Lee Plan (see Attachment B). The areas surrounding the subject property can be characterized as follows:

### North

Lands to the north of the subject property are zoned Residential Planned Development (RPD) and Commercial Planned Development (CPD), and are located within the Central Urban future land use category as designated by the Lee Plan. These lands are vacant with respect to use (see Attachment B). The RPD-zoned property is approved for a maximum of 76 dwelling units as approved by Resolution Z-98-054 (Coral Rock RPD), while the CPD-zoned property is approved for a maximum of 90,000 square feet of commercial intensity as approved by Resolution Z-06-062 (Penzance Square FKA Penzance Center CPD).

### South

Lands to the south of the subject property (across Crystal Drive) are zoned Commercial Special Office (CS-1) and are designated Central Urban by the Lee Plan (see Attachment B). These lands are developed with a multi-tenant commercial development known as Carissa Commercial Park, which contains approximately 100,000 square feet of floor area and associated site improvements.

### East

Lands to the east of the subject property are zoned Environmentally Critical (EC) and are designated Conservation Lands (Uplands and Wetlands) by the Lee Plan (see Attachment B). These lands are held in conservation as part of the Six Mile Cypress Slough Preserve.

### West

Lands to the west of the subject property are zoned Agricultural (AG-2) and are designated Central Urban by the Lee Plan. These lands are developed with single-family residential uses and are also utilized for agricultural purposes (see Attachment B).

### **Analysis**

The subject request seeks to rezone ±19.96 acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to facilitate a multifamily residential development containing a maximum of 260 dwelling units within three buildings (see Attachments D and H). The 260 dwelling units will consist of 173 units of standard density and 87 bonus density units.

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;

- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
  - 1) Enhances the achievement of the objectives of the planned development; and
  - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The following sections provide an analysis of the request and whether it meets the criteria for entitlement in accordance with the Land Development Code.

#### Lee Plan Compliance

The subject property is located within the South Fort Myers Planning Community, which is identified by the Lee Plan as the center of Lee County. The vision statement for the South Fort Myers Planning Community notes that South Fort Myers has higher intensity land uses and will continue to be a core area of the county that provides office area for professional services, with residential areas of the community continuing to develop through the 2030 planning horizon established by the Lee Plan.

The subject property is designated Central Urban by the Lee Plan (see Attachment B). **Lee Plan Policy 1.1.3** notes that the Central Urban future land use category can be best characterized as the "urban core" of the County, which "is already most heavily settled and which has or will have the greatest range and highest levels of urban service." This policy also notes that the Central Urban future land use category may carry with it a maximum total density of 20 dwelling units per acre when utilizing Greater Pine Island Transfer of Development Units. The request, if approved, will facilitate the development of a relatively dense multifamily residential community on a property that fronts on an arterial road with adequate urban services available to serve the use. Therefore, the request is **CONSISTENT with Lee Plan Policy 1.1.3**.

Approval of the request, as conditioned, will promote contiguous and compact growth patterns and minimize the cost of energy and services (**Lee Plan Objective 2.1**) while permitting growth within future urban areas in a manner consistent with the Goals, Objectives, and Policies of the Lee Plan (**Lee Plan Policies 2.1.1 and 2.1.2**). Adequate public facilities, services, and infrastructure exist to serve the proposed development, and the request will be compatible with surrounding land uses (**Lee Plan Objective 2.2 and Policy 2.2.1**). Water and wastewater infrastructure is located adjacent to the subject property, and water and wastewater capacity is available to serve the proposed development

**(Lee Plan Standards 4.1.1 and 4.1.2)** (see Attachment I). South Trail Fire Station #62 is located approximately 2.75 miles from the subject property, while EMS Station Medic 35 and the Main Office of the Central District of the Lee County Sheriff Office are located approximately 3.5 miles from the subject property. The Lee County School District indicates that there are no capacity issues within the Concurrency Service Area to serve the school-aged children generated by the development (see Attachment J). There are no public transit facilities proximate to the subject property (see Attachment K).

The subject property contains approximately 6.62 acres of wetland areas and 0.53 acres of other surface waters. An environmental assessment was prepared and submitted in support of the subject request **CONSISTENT with Lee Plan Standard 4.1.4**, and is analyzed herein. The proposed master concept plan is designed to avoid physical hazards and environmental limitations and employs clustering that provides adequate open space, buffering, and landscaping (**Policies 5.1.2 and 5.1.6**).

As noted above, the subject request, if approved, will include the use of bonus density to achieve the proposed number of dwelling units (**Policy 135.1.4**). The request contemplates the development of a multifamily residential community that is proximate to a mix of established single-family and multifamily residential development (**Policy 135.1.9**).

In conclusion, **the request, as conditioned, is CONSISTENT with the Lee Plan**. The subject property is located in a future urban area and directly abuts an arterial roadway. The property is located near established commercial areas and employment centers, while the proposed master concept plan considers the presence of wetland areas and other environmental features in its design. The request, if approved, will capitalize on the property's location along a County-maintained arterial road and its access to infrastructure, public services and facilities, and the local and regional roadway network. The subject property is well-suited to accommodate the proposed development density, and the development of the property presents minimal compatibility-related concerns.

#### Land Development Code Compliance and Deviations

##### *Deviations*

Section 34-411 of the Lee County Land Development Code requires all planned developments to be consistent with the Lee Plan and the Land Development Code except to the extent that deviations from the Land Development Code are requested as part of an application for a planned development. As noted above, the request, as conditioned, is consistent with the Lee Plan.

Four deviations were approved as part of the existing Commercial Planned Development on the subject property (see Attachment S). The applicant does not propose to retain any of the approved deviations, but proposes two deviations from solid waste and parking design requirements of the Land Development Code (see Attachment G).

Staff's analysis and recommendations regarding the requested deviations are as follows:

**Deviation 1** seeks relief from LDC Section 10-261(a), which requires all new multifamily residential development to provide sufficient on-site space for the placement of garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units, plus 8 square feet for

each additional dwelling unit, to allow 100 square feet for recyclable materials and space for a proposed trash compactor.

The applicant's justification for the requested deviation notes that the subject deviation can be granted through an administrative review process pursuant to LDC Section 10-104. The deviation is requested to facilitate the use of one central location for a trash compactor and recyclable area to serve the proposed development. The proposed compactor enclosure and recyclable area will be located along an internal roadway connecting the north and south development areas (see Attachment D). The applicant notes that the use of a centralized location for trash and recyclables provides for facilities that are buffered internally and externally by preservation areas while providing for the efficient collection of solid waste. The Lee County Division of Solid Waste reviewed the application materials and offered no comment on the requested deviation (see Attachment L). Additionally, approval of the Division of Solid Waste will be required prior to local development order; therefore, staff recommends **APPROVAL** of the requested deviation.

**Deviation 2** seeks relief from LDC Section 34-2015(2)c, which permits stacking of vehicles only for single-family, duplex, two-family, and townhouses where each dwelling unit has an appurtenant garage or driveway, to allow the stacking of vehicles for garages proposed within the multifamily development.

The applicant's justification for the requested deviation notes that the vehicle stacking is proposed for buildings where private garages that are proposed to function similar to a single-family or townhouse developments are offered as an amenity option to residents. Each garage is proposed to be accessed from a driveway that is designed consistent with the requirements of the LDC. The applicant's justification also notes that garages will be assigned to specific units and that stacking will be limited to vehicles for occupants of the specific unit leasing an individual garage. Staff finds that the requested deviation enhances the achievement of the objectives of the planned development and protects public health, safety, and welfare. Therefore, staff recommends **APPROVAL** of the requested deviation subject to the following conditions:

- *The stacking of vehicles is limited to the deviation locations keyed to master concept plan and must be in substantial compliance with the stacking detail depicted on the master concept plan; and*
- *Each set of stacked parking spaces must be assigned to the same rental unit.*

#### ***Bonus Density***

As noted above, the applicant proposes 87 bonus density units in addition to the standard density of 10 dwelling units per acre to accomplish the 260-unit maximum contemplated by the subject request. LDC Section 2-146 establishes the minimum criteria to participate in the use of bonus density. The request for bonus density complies with these criteria as follows:

1. Additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

The subject property abuts an arterial road and will have direct access to this roadway.

2. Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.

The subject property is designated Central Urban by the Lee Plan, and existing public facilities are sufficient to accommodate the proposed bonus density. The subject request has been evaluated from a public facilities standpoint for the entirety of the proposed maximum development density.

3. Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in Section 2-483.

The subject property is not located within the coastal high hazard area.

4. The resulting development will be compatible with existing and planned surrounding land uses.

As noted herein, the subject request is compatible with existing and planned land uses surrounding the subject property. The request contemplates the development of a multifamily residential use on a property abutting an arterial road that is located in close proximity to shopping and employment centers, schools, and recreational opportunities. In short, the property is well-suited to accommodate the proposed bonus density.

#### Compatibility with Surrounding Uses

The subject property is surrounded by lands that are zoned for commercial, residential, and agricultural uses. The requested rezoning is consistent with the Future Land Use Map designation of the subject property and the future land use designation of the surrounding area. No deviations from compatibility-related provisions of the Land Development Code are being sought as part of this request. It should also be noted that the request, as conditioned, is compatible with existing environmental constraints that are present on the property.

#### Sufficiency of Access, Transportation Considerations, and Traffic Impacts

The subject property fronts on and is proposed to be accessed from Ben C Pratt/Six Mile Cypress Parkway and Crystal Drive (see Attachment D). Ben C Pratt/Six Mile Cypress Parkway is classified as a County-maintained arterial road while Crystal Drive is classified as a non-County-maintained local road. It should be noted that Ben C Pratt/Six Mile Cypress Parkway is designated as a controlled access facility by Lee County Resolution 17-08-11 (see Attachment O).

Access from Ben C Pratt/Six Mile Cypress Parkway is proposed to be provided via a right-in, right-out driveway as approved by the aforementioned controlled access resolution, while a full access point is proposed to be provided from Crystal Drive. As such, adequate access to the local roadway network exists to accommodate the proposed development.

The applicant submitted a traffic impact statement in support of the request for rezoning (see Attachment M). Development Services/Infrastructure Planning staff reviewed the traffic impact statement and provided substantive comment (see Attachment N). Staff notes that the request will generate 94 weekday AM peak hour trips and 114 weekday PM peak hour trips, and that Ben C

Pratt/Six Mile Cypress Parkway is expected to operate at level of service (LOS) B with and without the proposed project.

Staff undertook an intersection level of service analysis using the trip assignment in the traffic impact statement and determined that the intersections of Ben C Pratt/Six Mile Cypress Parkway at the site access and at the intersection of Crystal Drive will be significantly impacted by the proposed development; however, staff notes that the levels of service at these intersections will remain unchanged by the proposed project. Therefore, staff concluded that the proposed project will not have a detrimental impact on the surrounding roadway system. The need for any off-site improvements will be determined at the time of local development order.

### Environmental Considerations

Lee County Environmental staff reviewed the request and provided substantive comment on the subject request (see Attachment P). Environmental staff notes that the subject request complies with the minimum overall open space and minimum indigenous open space requirements of the Land Development Code, and recommends conditions of approval to memorialize the provision of open space as depicted on the master concept plan. Environmental staff also notes that the master concept plan depicts the LDC-required perimeter buffers associated with the proposed use.

The subject property plus the tracts to the south of Crystal Drive were previously permitted for direct impacts to 10.96 acres of jurisdictional wetlands through the South Florida Water Management District and the Army Corps of Engineers. These wetland impacts required the purchase of 7.23 freshwater herbaceous credits from the Panther Island Mitigation Bank for compensatory mitigation. These permits also required the preservation of 0.80 acres of wetlands and the creation of 1.57 acres of wetlands on the subject property.

The subject request proposes a reduction in the amount of wetland impacts on the subject property from 6.62 acres to 2.66 acres. Environmental staff recommends a condition of approval to reflect the required purchase of mitigation credits to demonstrate consistency with **Lee Plan Goal 124**.

Natural Resources staff also reviewed and provided substantive comment on the subject request (see Attachment Q). Natural Resources staff notes that the design of the proposed stormwater management system, which incorporates wet and dry detention prior to discharging into on-site wetlands and ultimately into the Ben C Pratt/Six Mile Cypress Parkway roadway stormwater system and Six Mile Slough, is **CONSISTENT with Lee Plan Policies 60.4.2 and 61.2.4**.

The Six Mile Cypress Watershed has been identified as a critical area for surface water management. As noted above, the surface water management system for the subject development will ultimately discharge into Six Mile Slough; therefore, Natural Resources staff recommends conditions of approval to require surface and ground water quality monitoring **CONSISTENT with Lee Plan Policies 125.1.2 and 125.1.4** (see Attachment C).

### **Findings and Conclusion**

The subject planned development rezoning request meets all the criteria for rezoning and is compliant with the Land Development Code to the extent that deviations have not been requested

and recommended for approval by staff. The request, as conditioned, is compatible with existing and planned uses in the surrounding area, and the conditions recommended by staff are intended to protect public health, safety, and welfare, and are reasonably related to the impacts on the public interest expected from the proposed development. Sufficient access will be provided to support the proposed development density, and the proposed use of the property remains appropriate.

### **Attachments**

- A. Expert Witness List
- B. Aerial, Current Zoning, and Future Land Use Maps
- C. Conditions and Deviations
- D. Master Concept Plan
- E. Applicant's Proposed Schedule of Uses
- F. Applicant's Proposed Property Development Regulations
- G. Applicant's Schedule of Deviations and Justifications
- H. Applicant's Request Narrative and Lee Plan Consistency
- I. Lee County Utilities Correspondence
- J. Lee County School District Correspondence
- K. LeeTran Correspondence
- L. Lee County Division of Solid Waste Correspondence
- M. Traffic Impact Statement
- N. Development Services Traffic Analysis Memorandum
- O. Ben C Pratt/Six Mile Cypress Parkway Controlled Access Resolution #17-08-11
- P. Lee County Environmental Staff Memorandum
- Q. Lee County Natural Resources Staff Memorandum
- R. Surface Water Management Plan Description
- S. Resolution Z-06-007
- T. ADD2007-00120
- U. Boundary Survey
- V. Legal Description and Sketch

ATTACHMENT A

**LEE COUNTY STAFF EXPERT WITNESS INFORMATION  
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2**

**Case Number:** DCI2020-00013

**Project Name:** CARISSA MINOR RPD

**Hearing Examiner Date:** MAY 6, 2021

Anthony R. Rodriguez, AICP, Zoning Manager, 1500 Monroe Street, Fort Myers, FL 33901

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

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

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

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

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

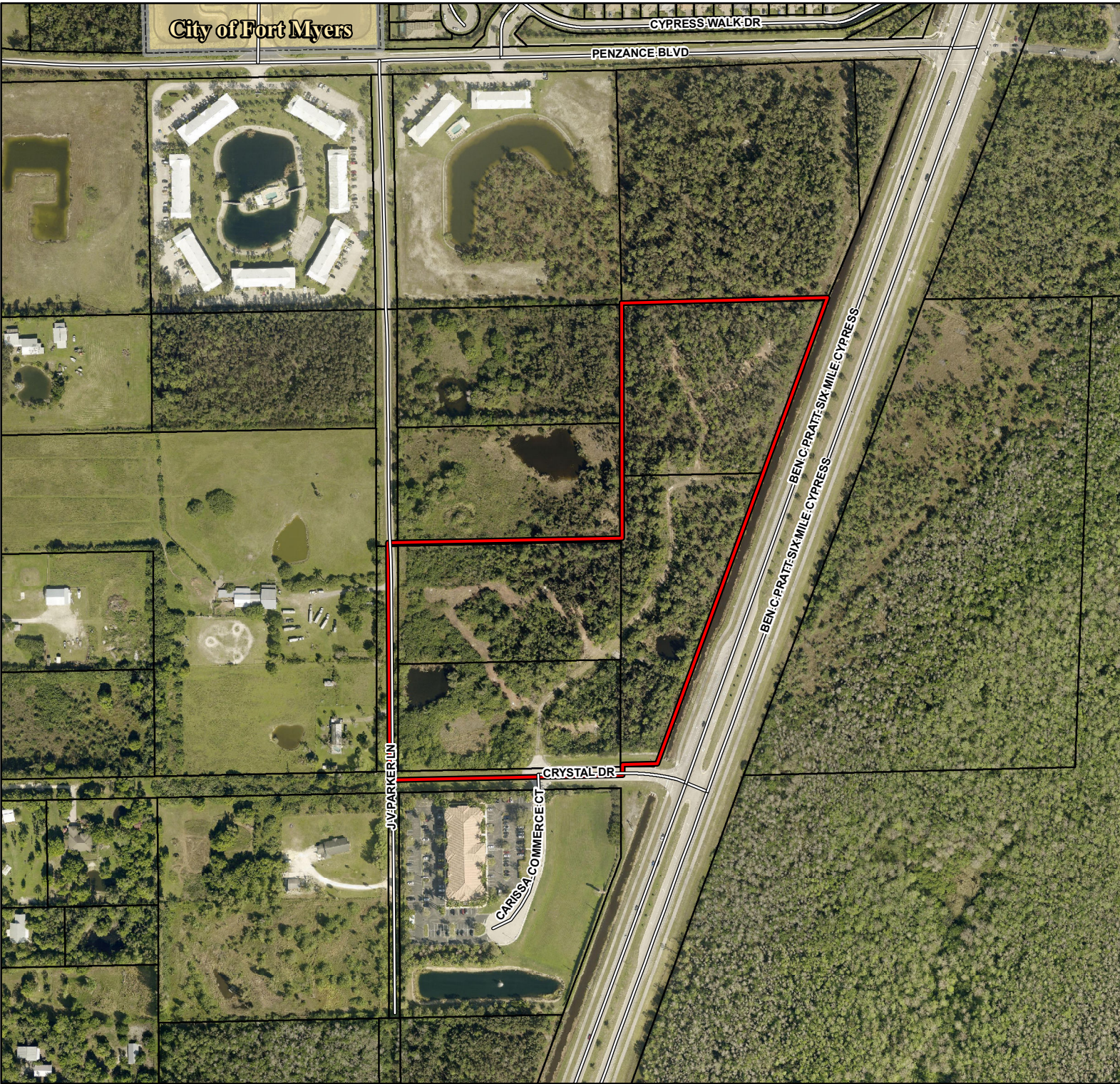
Marcus Evans, PE, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

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

City of Fort Myers

CYPRESS WALK DR



PENZANCE BLVD

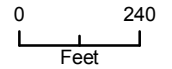


DCI2020-00013

Aerial

Legend

-  Subject Parcel
-  City Limits

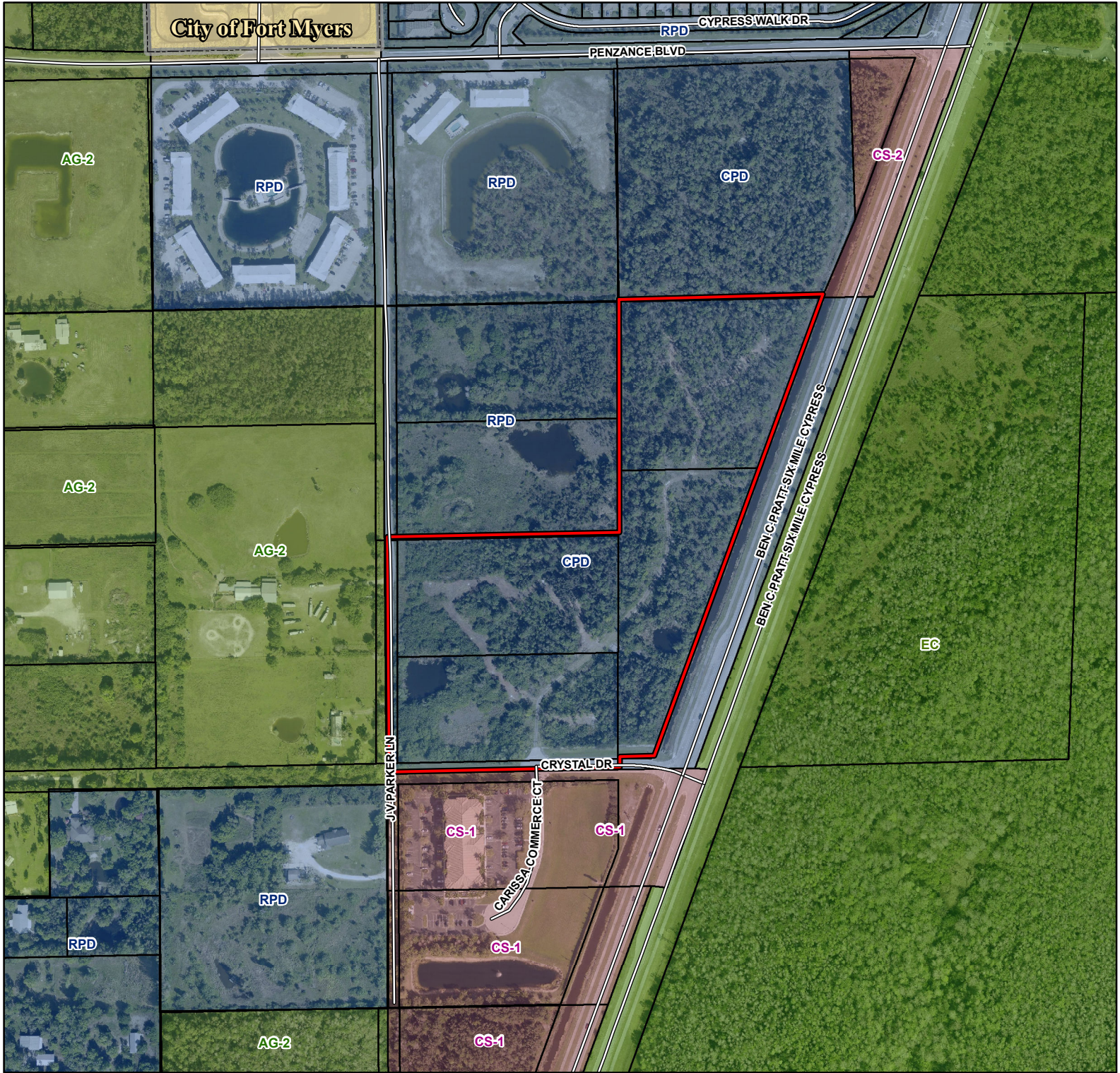


ATTACHMENT B





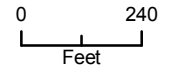
City of Fort Myers

# DCI2020-00013 Zoning



## Legend

-  Subject Parcel
-  City Limits



City of Fort Myers

CYPRESS WALK DR

PENZANCE BLVD

BEN C PRATT SIX MILE CYPRESS






CRYSTAL DR

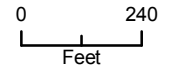
JW PARKER LN

CARRISA COMMERCE CT

# DCI2020-00013 Future Land Use

## Legend

-  Subject Parcel
-  City Limits
-  Central Urban
-  Conservation Lands - Upland
-  Conservation Lands - Wetland



**(A) Conditions**

- (1) Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled “Carissa Minor RPD” prepared by Banks Engineering, last revised March 8, 2021, except as modified by the conditions below. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan, conditions, or deviations may be subject to further development approvals.

Development is limited to a maximum of 260 multifamily dwelling units, including a maximum of 87 bonus density units, and associated accessory uses and structures. The maximum permitted building height is 50 feet.

- (2) The following limits apply to the project and uses:

(a) Schedule of Uses

Accessory Uses, Buildings and Structures

Entrance gate, gatehouses

Residential Accessory Uses

Administrative Offices

Clubs, Private

Dwelling Unit

Multiple-Family

Essential Services

Essential Service Facilities – Group I

Excavation, Water Retention

Fences, Walls

Home Occupation, No Outside Help

Models

Model Unit

Recreation Facilities

Personal

Private–On-site

Signs

Temporary Uses

(b) Property Development Regulations

Minimum Lot Area and Dimensions

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 sq. ft.

Minimum Setbacks

Street (Public/Private)	25 feet/20 feet
Side Yard	20 feet
Rear Yard	20 feet
Waterbody (Principal/Accessory)	20 feet/5 feet*

Accessory Structures

Rear	5 feet
Side	5 feet

Maximum building height 50 feet

Maximum lot coverage 45 percent

\*Swimming Pool Deck: 0 feet with hardened shoreline

(3) Environmental Conditions.

- (a) Prior to the issuance of a development order for any phase of development, the development order plans must depict 3.99 acres of indigenous open space (3.96 acres of wetland and 0.03 acres of upland) as depicted on the Master Concept Plan.
- (b) Prior to the issuance of a Vegetation Removal Permit, a point map that corresponds to staking in the field must be submitted depicting the internal roadway located between preserves A, B, and C.
- (c) Prior to the issuance of a development order for any phase of development, a receipt of payment must be submitted for the 7.23 freshwater herbaceous credits from the Panther Island Mitigation Bank.

(4) Water Quality Monitoring.

- (a) Prior to local development order approval, the developer must provide a Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Water Quality Monitoring Plan must establish:
  - i. The overall Goals and Objectives of the Water Quality Monitoring Plan;
  - ii. An outfall monitoring schedule during the “wet” season of June through October, for Field Temperature, Total Kjeldahl Nitrogen, Total Nitrogen, Chlorophyll A, Nitrite, Nitrate, Phosphorus, Turbidity and Stage;

- iii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction;
  - iv. A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.
- (b) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

**(B) Deviations**

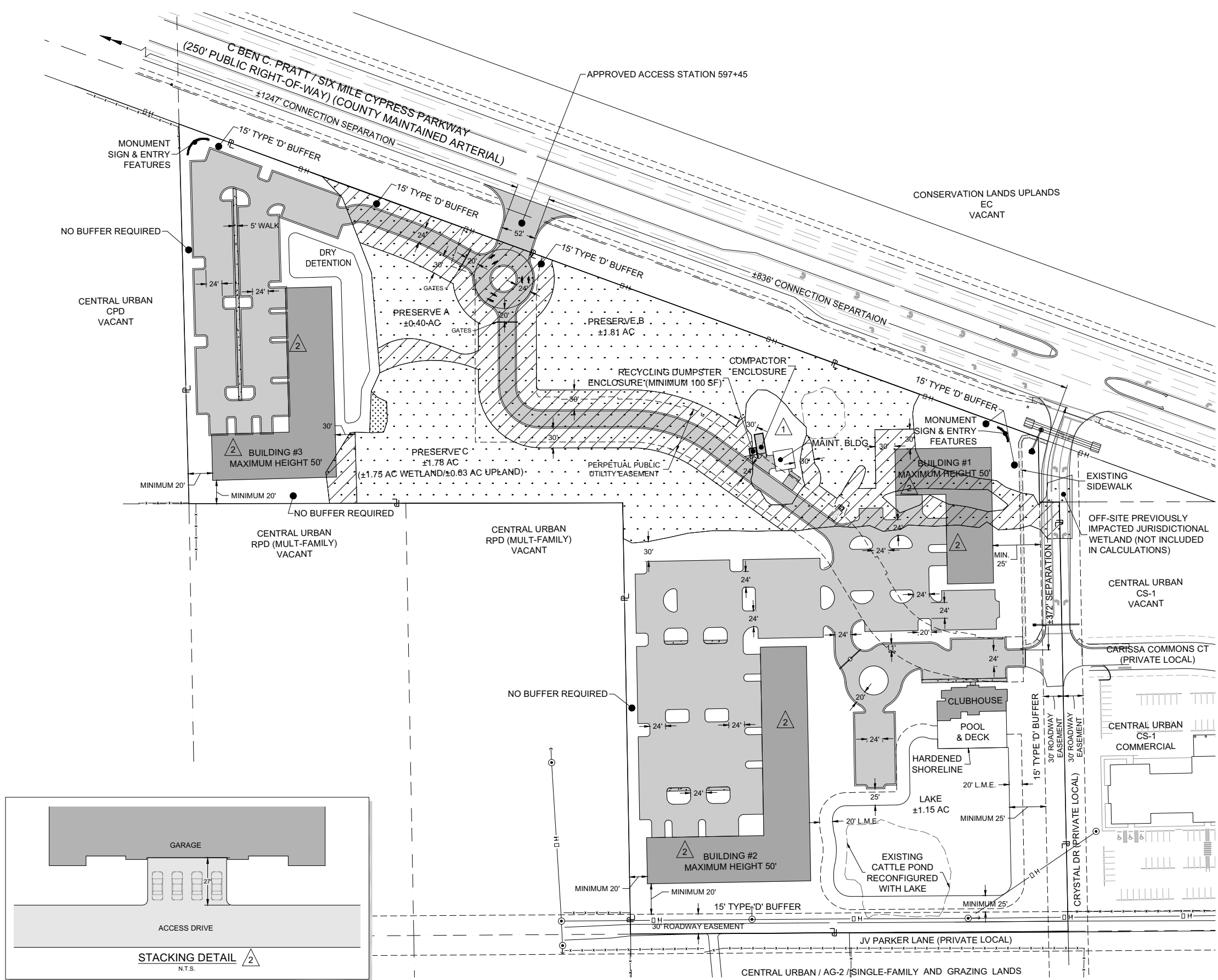
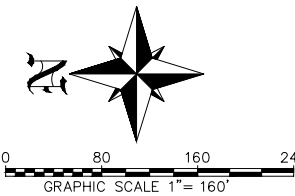
- (1) **Deviation 1** seeks relief from LDC Section 10-261(a), which requires all new multifamily residential development to provide sufficient on-site space for the placement of garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow 100 square feet for recyclable materials and space for a proposed trash compactor.

This deviation is **APPROVED**.

- (2) **Deviation 2** seeks relief from LDC Section 34-2015(2)c, which permits stacking of vehicles only for single-family, duplex, two-family, and townhouses where each dwelling unit has an appurtenant garage or driveway, to allow the stacking of vehicles for garages proposed within the multifamily development.

This deviation is **APPROVED subject to the following conditions:**

- (a) The stacking of vehicles is limited to the deviation locations keyed to master concept plan and must be in substantial compliance with the stacking detail depicted on the Master Concept Plan; and
- (b) Each set of stacked parking spaces must be assigned to the same unit.



**LEGEND:**

- EXISTING/PROPOSED WETLAND IMPACTS
- PERMITTED JURISDICTIONAL WETLAND LINE (6.62 AC WITHIN PROPERTY BOUNDARY)
- PRESERVED UPLANDS
- DEVIATION

**PARKING CALCULATION:**

DEVELOPMENT WILL COMPLY WITH LDC PARKING REQUIREMENTS.

**DENSITY CALCULATION:**

SITE AREA = 18.57 AC  
 EASEMENT/POTENTIAL R/W = 1.39 AC  
 TOTAL SITE AREA = 19.96 AC

TOTAL WETLAND IMPACTS = 2.66 AC  
 TOTAL SITE AREA (LESS IMPACTS) = 17.30 AC

**NOTES:**

SITE AREA: 19.96 AC  
 OPEN SPACE REQUIRED: 40%  
 19.96 X 0.4 = 7.98 ACRES REQUIRED  
 INDIGENOUS OPEN SPACE REQUIRED: 3.99 AC

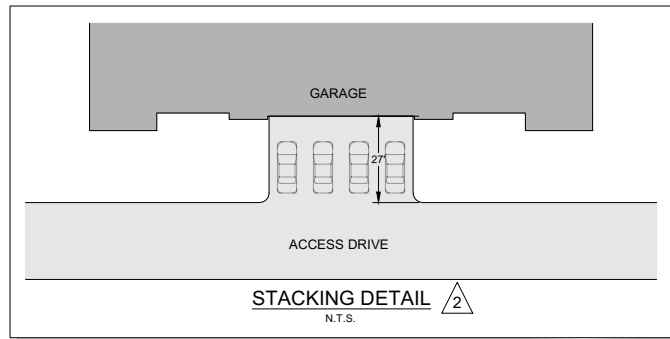
**PROVIDED:**

LAKE: 1.15 AC (MAX 25% OF OPEN SPACE REQUIRED)  
 PRESERVES: 3.96 AC WETLAND + 0.03 AC UPLAND = 3.99 AC  
 OTHER OPEN SPACE: MINIMUM 2.84 AC  
 MINIMUM OPEN SPACE PROVIDED: 7.98 AC

**DENSITY:**

STANDARD DENSITY: 10 DU/AC  
 17.30 @ 10: 173  
 2.66 @ 1/20: 0.13

BONUS UP TO 15 DU/AC  
 17.30 @ 5: = 86.5  
 TOTAL: 260 DU



ATTACHMENT D

NO.	DATE	REVISION DESCRIPTION	BY
2	3/08/2021	REVISED FOR PARKING DEVIATION WITHDRAWAL	TRL
1	10/23/2020	1ST SUBMITTAL	SBJ

**BANKS ENGINEERING**

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

Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

MASTER CONCEPT PLAN CARISSA MINOR RPD LEE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE
9/08/2020	2961F	_MCP	SEH	SDJ	SEH	1"=160'
						SHEET 1

S:\JOBS\2961F\_ZONING\2961F\_MCP.DWG 3/11/2021 11:33 AM STEVE JOHNSON



Professional Engineers, Planners & Land Surveyors

## **Carissa Minor RPD Schedule of Uses**

DCI2020-00013  
Revised October 2020

Accessory Uses, Buildings and Structures  
Entrance gate, gatehouses  
Residential Accessory Uses  
Administrative Offices  
Clubs, Private  
Dwelling Unit:  
    Multiple-Family  
Essential Services  
Essential Services Facilities – Group I  
Excavation, Water Retention  
Fences, Walls  
Home Occupation, No Outside Help  
Models, Model Unit  
Recreation Facilities, Personal, Private–On-site  
Signs in Compliance with Chapter 30  
Temporary Uses

### **ATTACHMENT E**

S:\Jobs\29XX\2961F\Documents\Zoning\2961F\_Schedule of Uses.doc

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10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966  
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## **Carissa Minor RPD**

# **Property Development Regulations**

**DCI2020-00013**

**Revised October 2020**

### Minimum Lot Area and Dimensions:

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

### Minimum Building Setbacks:

Side Yard	20 feet
Rear Yard	20 feet
Waterbody Principal/Accessory	20 feet/5 feet*
Street:	
Public:	25 feet
Private:	20 feet

\*Swimming Pool Deck: 0 feet with hardened shoreline

### Accessory Structures:

Rear:	5 feet
Side:	5 feet

Maximum Lot Coverage: 45 percent

Maximum Building Height: 50 feet

Minimum Building Separation: 20 feet

## **ATTACHMENT F**

S:\Jobs\29XX\2961F\Documents\Zoning\2961F\_PropertyDevelopmentRegulations.docx

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## **Carissa Minor RPD**

# **Schedule of Deviations and Justifications**

**DCI2020-00013**

**Revised March 2021**

The previous zoning approvals included eight deviation requests and approved four (deviations 3-reduced indigenous vegetation, 5-increased signage, 6-lake right-of-way setbacks and 7-commercial buffer reduction) with the remaining being either withdrawn or denied. These deviations are no longer applicable to the subject request.

The subject request includes the following requested deviations:

**Deviation (1):** A request for relief from LDC Section 10-261(a) solid waste facilities provision of container spaces which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow 100 SF space for recyclable materials and space for the trash compactor.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary to allow one central location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection. The requested deviation is internal to the site and 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. The provided collection area has been situated off the internal roadway for aesthetic purposes as shown on the Master Concept Plan. The collection area location is buffered internally and externally by preservation areas. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. Written approval from Lee County Solid Waste will be provided prior to development order approval. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

## **ATTACHMENT G**

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**Deviation (2):** A request to deviate from the Land Development Code (LDC) Section 34-2015(2)c which states that stacking of vehicles will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it; to allow stacking of vehicles for the multi-family site with associated garages.

Justification: This deviation is being requested based upon the specific design of the multi-family site. Stacking proposed for the proposed buildings which have private garages offered as an amenity option that function similar to a single-family or townhouse where each garage and driveway appurtenant to it are associated with one dwelling unit. There are 80 total private garages with stacking. The length of the driveway, as measured from the garage structure is 27 feet to the edge of pavement of the accessway, consistent with note (3) 4 of Table 34-2020(a). The garages are assigned to specific units and the stacking will be limited to the units with the respective garage spaces. The requested deviation is internal to the site and 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. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The intent of this regulation to protect the health, safety and welfare of the public will be served and the planned development will be enhanced by approval of this deviation. The proposed stacked parking will be utilized for multi-family units that have two vehicles. Please note that the only part of the LDC Section 34-2015(2)c to be deviated from is the type of dwelling. The remainder of the code " Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. " will be adhered to. The stacked parking in the garages would allow each unit to keep their two vehicles together in the same place consistently.

**Deviation (3):** WITHDRAWN



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# Carissa Minor RPD Narrative of Request

DCI2020-00013  
Revised March 2021

## Request

The applicant is requesting rezoning approval of ±19.96 acres from Commercial Planned Development (CPD) to a minor Residential Planned Development (RPD) to replace 100,000 SF of retail, 50,000 SF of office and 100 hotel rooms with 260 multi-family dwelling units (including 87 bonus density units) with a maximum height of 50 feet. The property is located in the northwest quadrant of Crystal Drive and Ben C Pratt Six Mile Cypress Parkway.



## Background

The subject property is approximately ±19.96 acres in the northwest quadrant of Crystal Drive (private local road) and Ben C Pratt Six Mile Cypress Parkway (4-lane county-maintained controlled access facility and arterial roadway). The property lies within the South Fort Myers Planning Community and Central Urban future land use category and consists of five (5) parcels.

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In 1997, the property was rezoned from AG-2 to CPD by zoning resolution Z-97-029A which allowed 100,000 SF of retail, 50,000 SF of office and 100 hotel rooms. Subsequent extensions and amendments to the CPD, Resolution Z-97-029A include:

- 2-Year extension of Master Concept Plan (MCP) was approved under DCI2003-00044 by blue sheet number 20030765 on August 26, 2003
- ADD2005-00126 was approved on June 27, 2005 to adopt a revised Master Concept Plan and added two environmental conditions and revised condition 7
- Z-06-007 was approved on April 3, 2006 which reinstated the vacated MCP from Z-97-029 for a maximum of 2 years
- ADD2007-00120 was approved on August 8, 2007 which modified Condition 6 of Z-06-007

There are existing valid development permits for the property as follows:

- SFWMD ERP-36-05372-P-02: Extended to September 20, 2020 with pending additional extension upon expiration
- ACOE-SAJ-1997-00067: Extended to March 23, 2021
- Development Order-DOS2007-00073 – Extended to July 11, 2021 with pending additional extension upon expiration
- Concurrency-CNC2007-00098 – Extended to July 11, 2021 with pending additional extension upon expiration

A copy of Exhibit 3.0 of the SFWMD permit is attached showing the approved SFWMD jurisdictional wetland line. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands onsite have been impacted during utility construction. An updated environmental assessment prepared by BearPaws Environmental Consulting is attached that represents the current conditions of the site. The updated FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern ±0.1-acre old cow pond was included within the permitted jurisdictional wetlands while the western ±0.43-acre old cow pond was specifically identified as other surface waters on Exhibit 3.0. The eastern pond within the jurisdictional wetlands will be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed MCP shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas.

## **Comprehensive Plan Consistency Analysis**

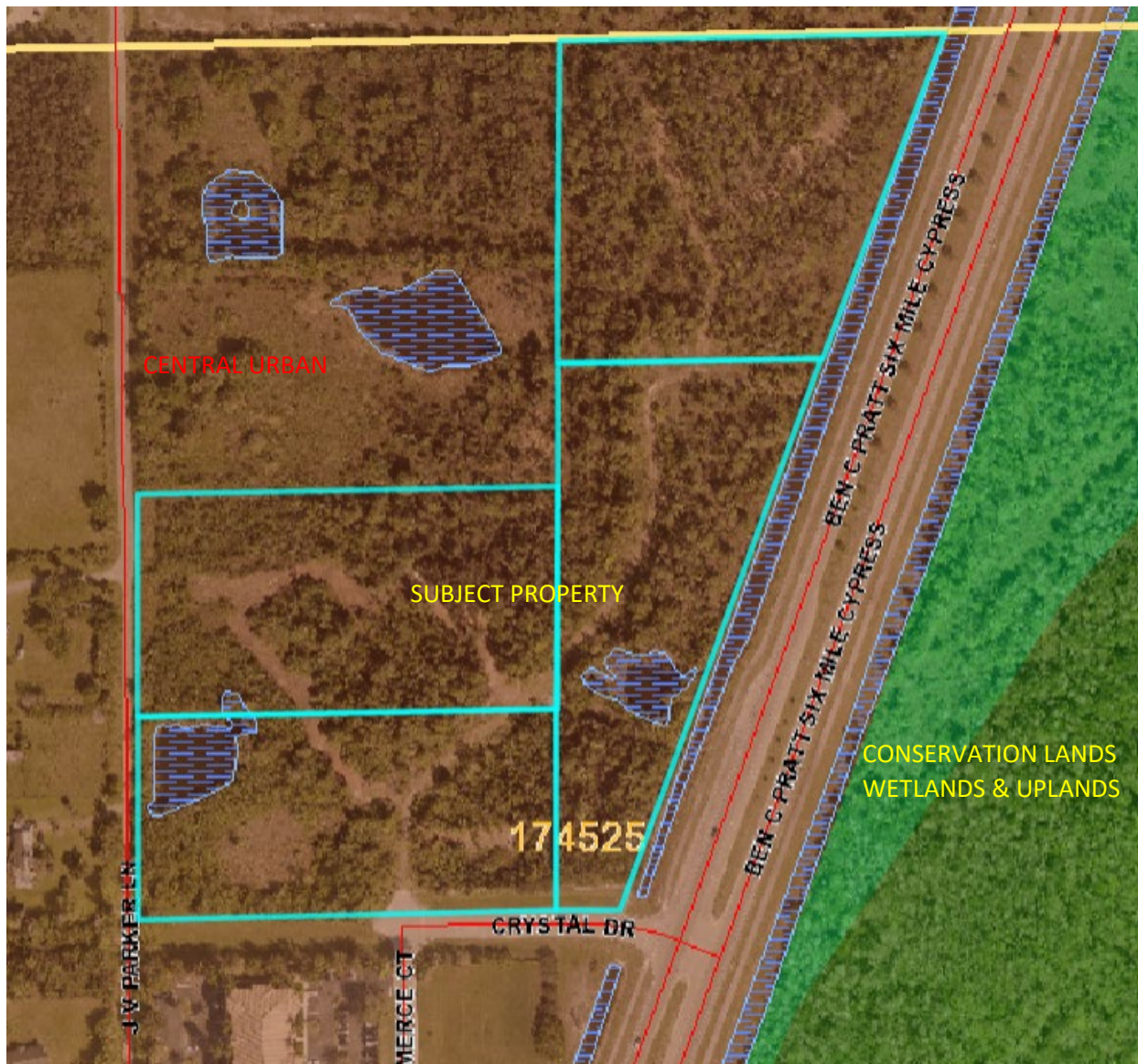
The subject property is located within the South Fort Myers planning community which is described in the Comprehensive Plan Vision Statement as follows:

*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.

The proposed minor RPD allows for infill development within the Central Urban area of the South Fort Myers Community. The proposed rezoning will provide additional housing options in this core area of the county, furthering the vision statement.

The subject property is located in the Central Urban future land use category as shown in the following image and has existing Wetlands on site.



The Comprehensive Plan describes the Central Urban and Wetlands future land use designations as follows:

*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 with future development in this category encouraged to be developed as a mixed use, as described in Objective 11.1, where appropriate. 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 total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

*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 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

The proposed minor RPD allows for infill development within the Central Urban future land use category, the second-most intense future land use category. Central Urban properties are the "urban core" of the county, with high levels of service to support intense development. The Six Mile Cypress corridor between Colonial Boulevard and Daniels Parkway has been transitioning to a major development area with several commercial and higher density residential projects emerging. Existing valid permits for the property allow all existing wetlands on the property to be impacted. A copy of Exhibit 3.0 of the SFWMD permit is attached showing the approved SFWMD jurisdictional wetland line. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands onsite have been impacted during utility construction. An updated environmental assessment prepared by BearPaws Environmental Consulting is attached that represents the current conditions of the site. The updated FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern ±0.1-acre old cow pond was included within the permitted jurisdictional wetlands while the western ±0.43-acre old cow pond was specifically identified as other surface waters on Exhibit 3.0. The eastern pond within the jurisdictional wetlands will be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed MCP shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas. The proposed rezoning reduces the previously permitted wetland impacts and proposes to preserve the maximum amount possible to maintain the existing approved access onto Six Mile Cypress Parkway. Table 1(a) clarification and exception 8(b) provides that dwelling units may be relocated to developable contiguous uplands designated Central Urban from preserved freshwater wetlands at the same underlying density as permitted for those uplands and impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling unit per 20 acres. There is a total of 2.66 acres of impacted wetlands necessary to maintain the permitted access which will be calculated at 1 dwelling unit per 20 acres. The remaining 17.3 acres will be calculated at Central Urban density. The standard density is up to 10 units per acre, with 5 additional units per acre bonus density and 5 more additional units per acre utilizing GPITDUs for a maximum total density that could be requested on the property of 20 units per acre. Maximum density calculation is provided below:

Central Urban uplands and preserved freshwater wetlands standard density:

$$17.3 \text{ ac} \times 10 = 173 \text{ DU}$$

Impacted Wetlands:

2.66 ac @ 1/20 = 0.13 DU

Bonus Density (affordable housing or TDU):

17.3 ac X 5 = 86.5 DU

GPITDUs:

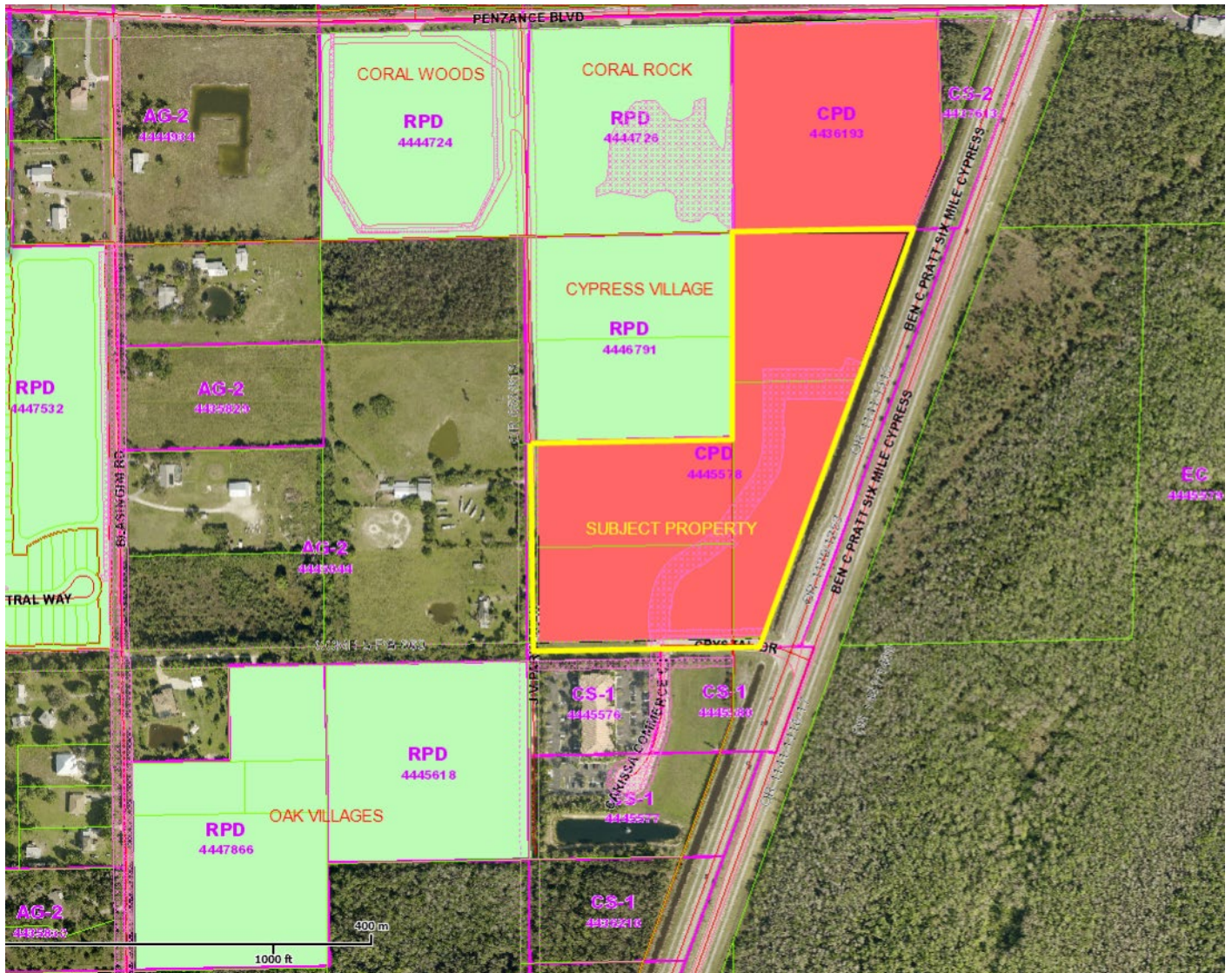
17.3 ac X 5 = 86.5DU

Total Maximum Density that could be requested: 346 DU

The request is for 260 dwelling units on 19.96 acres resulting in a gross density of 13.03 dwelling units per acre, and upland/preserved wetland density of 15 dwelling units per acre utilizing either Transfer of Development Rights (TDR) program or the site-built or cash contribution provisions of the Affordable Housing Program. The property's location with direct access onto an arterial roadway furthers the appropriateness of the requested density.

The following table and image describe the density of nearby zoning approvals, none of which provide direct access onto an arterial roadway.

<b>Name/ Approval Date</b>	<b>Resolution/Case Number</b>	<b>Density</b>	<b>Acreage</b>	<b>Units</b>	<b>Max. Height</b>
Oak Villages RPD 12/4/2019	Z-18-006 DCI2017-00010	12.5 du/ac includes bonus density	20.96 ac	262	45'
Cypress Villages (eastern portion of Oak Villages) - 10/21/2015	Z-15-017/DCI2013-00019	13.6 du/ac includes bonus density	9.42 ac	128	45'
Cypress Village RPD 11/18/2013	Z-13-025 DCI2012-00045	9.65 du/ac	9.53 ac	92	40'
Coral Rock RPD 8/31/1998	Z-98-054 98-04-029.02Z	7.6 du/ac	9.97 ac	76	35'
Coral Woods RPD 7/20/1992	Z-92-027 88-08-11-DCI(a)	8.8 du/ac	9.53 ac	84	35'



The requested rezoning to minor RPD is consistent with Policies 1.1.3 and 1.5.1.

*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 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded...*

Lee Plan Policy 1.7.6 establishes the Planning Communities Map and Acreage Allocation Table 1(b). The Central Urban FLU has 3,140 acres allocated for residential development within the South Fort Myers Planning Community with 2,781 acres existing. There are 359 acres remaining to be developed as residential which accommodates the subject request. The requested rezoning is consistent with Policy 1.7.6.

**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.*

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

The subject property is located on Six Mile Cypress Parkway (a 4-lane arterial roadway) at its intersection with Crystal Drive which is approximately 1.4 miles north of Daniels Parkway and approximately 3.5 miles south of Colonial Boulevard. This area has become a major commercial and residential corridor as expected within the urban core of the county. This site has been deemed appropriate for development since 1997 as evidenced by the prior approvals. The proposed rezoning to RPD continues to promote a contiguous and compact growth pattern and is consistent with Objective 2.1 and Policy 2.1.1.

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.*

**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.*

The subject property has been deemed appropriate for development since 1997 as evidenced by the prior approvals. This area has become a major commercial and residential corridor as expected within the urban core of the county. The proposed rezoning to RPD continues to promote a compact and contiguous development pattern and is consistent with Objective 2.2 and Policy 2.2.1. The following table demonstrates the close proximity of available community facilities and services. Water and sewer services are available as demonstrated in the provided letter of availability from Lee County Utilities. There are two fire stations, two EMS stations and a sheriff substation in close proximity to the site. There are several schools and parks near the site and an existing bike lane and shared use path along Six Mile Cypress Parkway. The site is not directly served by public transit, bus route 50 is located approximately 1.4 miles from the site at the intersection of Six Mile Cypress Parkway and Daniels Parkway. There are nearby employment and commercial centers to the north along Colonial Boulevard, to the south along Daniels Parkway (including Gulf Coast Medical Center).

Facility Type	Name	Distance from site
Fire	South Trail Fire Station #62	±2.9 miles

Fire	South Trail Fire Station #61	±3.5 miles
EMS	Medic 35	±2.9 miles
EMS	Medic 1	±3.5 miles
Sheriff	Lee County Sheriff's Office	±3.8 miles
School	South Fort Myers High	±2.8 miles
School	Paul Laurence Dunbar Middle	±3 miles
School	Six Mile Charter Academy	±2.2 miles
School	Ray V. Pottorf Elementary	±3.3 miles
Park	CenturyLink Sports Complex	±2.4 miles
Park	John Yarbrough Linear Park	±2.6 miles
Park	Six Mile Cypress Slough Preserve	±0.5 mile
Park	Brooks Community Park	±4.4 miles
Park	Province Park	±4.2 miles
Transit	Lee Tran Route 50	±1.4 miles
Walkways/Bikeways	Existing bike lane along Six Mile Cypress Parkway	0'
Walkways/Bikeways	Existing shared use path along Six Mile Cypress Parkway	0'
Shopping/Dining/Employment	Daniels Parkway: Publix, Whole Foods, Rib City, Subway, Mellow Mushroom, etc.	±1.4 miles
Shopping/Dining/Employment	Challenger towards Colonial: Walmart, BJ's, Chili's, Kohl's, Publix	±3 miles

The prior approvals and existing development patterns demonstrate that the site is an appropriate location for higher intensity development. Recent case files describe the existing development patterns in the area with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing approved commercial uses were deemed compatible with the surrounding properties since 1997. Properties to the north, west and south are also within the Central Urban future land use category. Property to the east across Six Mile Cypress Parkway is within the Conservation Lands Uplands and Wetlands, zoned EC and is owned by Lee County that joins to the Six Mile Slough Preserve to the north across from Penzance Boulevard. Adjacent to the north is Penzance Square CPD approved by Z-06-062/case number DCI2005-00103 which allows 90,000 square feet of commercial uses. Adjacent to the northwest quadrant is the Cypress Village RPD which was approved for 92 multi-family units (9.65 du/ac) at a maximum height of 40 feet and provides access onto JV Parker Lane, a private local road that then connects to Crystal Drive, another private local road before accessing Six Mile Cypress Parkway, an arterial roadway. The

subject property has direct access to Six Mile Cypress Parkway as well as access to Crystal Drive which provides an alternative access to Six Mile Cypress Parkway, furthering the appropriateness of the 50 feet in height and gross density of 13.03 dwelling units per acre or upland/preserved wetland density of 15 dwelling units per acre which is compatible with this adjacent property. Pursuant to Lee County Land Development Code (LDC) Section 34-2175(b)(1), the Central Urban future land use category allows a height up to 135 feet. The southwest portion of the site abuts JV Parker Lane (60' easement/private local road) then an ±18.5 acres zoned AG-2 with 2 single-family mobile homes and grazing lands that has an existing vegetative along its frontage where the homes are located. The proposed MCP design continues to protect this adjacent property by providing a 15-foot type "D" buffer with no proposed access points while increasing wetland preservation and significantly reducing traffic impacts from the current approval. It should be noted that the Cypress Village RPD that abuts JV Parker Lane to the north was found compatible with this adjacent property by providing the same 15-foot type "D" buffer. Adjacent to the south is Crystal Drive then CS-1 zoned property developed with an existing 2-story office building. The LDC does not require proposed multi-family uses to buffer adjacent multi-family or commercial uses. The proposed multi-family is less intense than the existing approved commercial uses and will remain compatible with the surrounding uses.

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

*STANDARD 4.1.1: WATER. 1 Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).*

*STANDARD 4.1.2: SEWER. 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The development will be served by Lee County Utilities providing potable water and sanitary sewer. A letter of availability has been provided with the application demonstrating that Lee County Utilities has sufficient capacity to service the development. The requested rezoning is consistent with Objective 4.1, Standard 4.1.1, and Standard 4.1.2.

*STANDARD 4.1.4: ENVIRONMENTAL FACTORS. 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*

There are ±5.64 acres of existing wetlands on the site as demonstrated by the Environmental Assessment and Protected Species Survey Report prepared by BearPaws Environmental Consulting submitted with the application. The existing vegetation on site is highly invaded by exotic vegetation and no protected species or signs thereof observed on-site. The existing SFWMD permit (ERP #36-05372-P-02) allowed impacts to the ±6.62 acres of jurisdictional wetlands on site; however wetland impacts will be reduced to only ±2.66 acres and the remaining ±3.96 acres will be preserved and enhanced by exotic removal. ±0.03 acre of indigenous uplands are provided for a total of ±3.99 acres of preservation area. A copy of Exhibit 3.0 of the SFWMD permit is attached showing the approved SFWMD jurisdictional wetland line. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands onsite have been impacted during utility construction. An updated environmental assessment prepared by BearPaws Environmental Consulting is attached that represents the current conditions of the site which reflects the ±5.64 acres of remaining wetlands. The updated FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern ±0.1-acre old cow pond was included within the permitted jurisdictional wetlands while the western ±0.43-acre old cow pond was specifically identified as other surface waters on Exhibit 3.0. The eastern pond within the jurisdictional wetlands will be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed MCP shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas. The proposed rezoning reduces the previously permitted wetland impacts and proposes to preserve the maximum amount possible to maintain the existing approved access onto Six Mile Cypress Parkway. The requested rezoning is consistent with Standard 4.1.4.

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

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

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

There is sufficient acreage allocated in the South Fort Myers Planning Community's Central Urban future land use category to accommodate the request. The proposed rezoning is consistent with Goal 4 as demonstrated above and is proposed as a minor residential planned development. The rezoning request is consistent with Goal 5, Objective 5.1, Policy 5.1.1.

*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.*

There are no hazards associated with the subject property furthering the appropriateness for residential development. There are existing approved and valid permits to impact all of the existing

wetlands on site and the subject application proposes to adjust the design to reduce impacts to the minimum required to maintain the existing approved access onto Six Mile Cypress Parkway. The request is consistent with Policy 5.1.2.

*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.*

The site has multiple employment and shopping centers within the vicinity of the project all along the Six Mile Cypress corridor with major nearby employment and commercial centers to the south along Daniels Parkway (including Gulf Coast Medical Center) and to the north along Colonial Boulevard. There are several parks and schools located in the vicinity and an existing bike lane and shared use path along Six Mile Cypress Parkway as demonstrated in the public facilities table on page 7 of this report. Although the site is not directly served by public transit, bus route 50 is located approximately 1.4 miles from the site at the intersection of Six Mile Cypress Parkway and Daniels Parkway. The requested rezoning is consistent with Policy 5.1.3.

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

The prior approvals and existing development patterns demonstrate that the site is an appropriate location for higher intensity development. Recent case files describe the existing development patterns in the area with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing approved commercial uses were deemed compatible with the surrounding properties since 1997. The requested rezoning to minor RPD is compatible with the adjacent RPD zoning approvals. The southwest portion of the site abuts JV Parker Lane (60' easement/private local road) then an ±18.5 acres zoned AG-2 with 2 single-family mobile homes and grazing lands that has an existing vegetative along its frontage where the homes are located. The proposed MCP design protects this adjacent property by providing a 15-foot type "D" buffer. It should be noted that the Cypress Village RPD that abuts JV Parker Lane to the north was found compatible with this adjacent property by providing the same 15-foot type "D" buffer. The request is consistent with Policy 5.1.5 as it is consistent with existing development approval patterns and continues to protect the agricultural and residential parcel and neighborhood to the west by providing the 15-foot type "D" buffer along JV Parker Lane with no proposed access points while increasing wetland preservation and significantly reducing traffic impacts from the current approval.

*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.*

*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.*

The proposed development will meet or exceed the required open space, buffering and landscaping requirements and provides a recreation area appropriate for the design and density. The site will provide internal sidewalks at the time of development order that will connect to the existing sidewalk on Crystal Drive and the existing shared use path and bike lanes along Six Mile Cypress Parkway. The proposed minor RPD is consistent with Policies 5.1.6 and 5.1.7.

*OBJECTIVE 60.3: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as “critical areas for surface water management.” The county will maintain existing regulations to protect the unique environmental and water resource values of these areas.*

*POLICY 60.3.1: The county will maintain provisions in Chapter 10 of the Land Development Code that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin.*

The proposed development is not seeking an exemption from the requirements for stormwater management or permitting and will meet applicable stormwater regulations. The proposed minor RPD is consistent with Objective 60.3 and Policy 60.3.1.

*OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.*

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

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

The existing SFWMD permit (ERP #36-05372-P-02) allowed impacts to the ±6.62 acres of jurisdictional wetlands on site; however wetland impacts will be reduced to only ±2.66 acres and the remaining ±3.96 acres will be preserved and enhanced by exotic removal. ±0.03 acre of

indigenous uplands are provided for a total of ±3.99 acres of preservation area. There are not any natural flow-ways located on the project site. The proposed minor RPD is consistent with Objective 60.4 and Policies 60.4.1 and 60.4.2.

*GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

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

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

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

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

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

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

*POLICY 125.1.8: The county will continue its program of plugging improperly constructed wells which are detrimental to groundwater resources.*

Best Management Practices (BMP's) will be implemented both during construction and operation of the proposed development that will help reduce the discharge of pollutants to the on-site wetlands. The proposed stormwater management system will incorporate both wet and dry detention to treat the surface water runoff from the site prior to discharge into the on-site wetlands and is designed not to degrade surface or ground water quality. The on-site wetlands will then provide an additional layer of treatment prior to the surface waters discharging into the Six Mile Slough. Solid waste from the site will be collected by Waste Pro for disposal off-site. Sewage generated on-site will be sent to an off-site regional sewage treatment plant. Any wells that may be proposed to be installed as part of the proposed development will be properly permitted prior to construction. There currently are no known improperly constructed wells located within the project boundaries. The proposed minor RPD is consistent with Goal 125, Objective 125.1 and Policies 125.1.1, 125.1.2, 125.1.3, 125.1.5, 125.1.7 and 125.1.8.

## **Land Development Code Analysis**

The proposed rezoning complies with LDC Section 2-146 minimum requirements for the Bonus Density Program as follows:

*(a) Applicants must comply with the minimum requirements set forth herein to be eligible to participate in the bonus density program through use of one of the following incentive programs:*

- (1) Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5.*
- (2) Transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5. The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and*

The rezoning request includes a request for 87 bonus density units through use of either the Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions or the Transfer of Development Rights (TDR) program. Development option will be determined at the time of development order.

*b) Minimum requirements:*

- (1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and*

The traffic generated by this request will have direct access to Six Mile Cypress Parkway, an arterial roadway and secondary access via Crystal Drive which provides an alternate access to Six Mile Cypress Parkway. The traffic will be significantly reduced by that which is approved today and will not be required to travel through any areas before reaching the adjacent arterial road.

- (2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest; and*

The existing zoning approval allows for 100,000 square feet of commercial retail, 50,000 square feet of office and 100 hotel rooms. Although the application has since been reduced to 260 multi-family dwelling units, the submitted Traffic Impact Statement demonstrates that 265 multi-family units will result in reductions of  $\pm 75\%$  in the AM peak hour,  $\pm 85\%$  in the PM peak hour and  $\pm 83\%$  over the entire weekday. Additionally, all roadway links are shown to operate at or above the Level of Service Standards when the development traffic is added to the surrounding road network. The submitted letter of availability from Lee County Utilities confirms that there is sufficient capacity to provide potable water and sanitary sewer service for up to 300 units which covers the subject request.

- (3) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in section 2-483.*

The subject property is not located within the coastal high hazard area.

- (4) The resulting development will be compatible with existing and planned surrounding land uses.*

The prior approvals and existing development patterns demonstrate that the site is an appropriate location for higher intensity development. Recent case files describe the existing development patterns in the area with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing approved commercial uses were deemed compatible with the surrounding properties since 1997. Properties to the north, west and south are also within the Central Urban future land use category. Property to the east across Six Mile Cypress Parkway is within the Conservation Lands Uplands and Wetlands, zoned EC and is owned by Lee County that joins to the Six Mile Slough Preserve to the north across from Penzance Boulevard. Adjacent to the north is Penzance Square CPD approved by Z-06-062/case number DCI2005-00103 which allows 90,000 square feet of commercial uses. Adjacent to the northwest quadrant is the Cypress Village RPD which was approved for 92 multi-family units (9.65 du/ac) at a maximum height of 40 feet and provides access onto JV Parker Lane, a private local road that then connects to Crystal Drive, another private local road before accessing Six Mile Cypress Parkway, an arterial roadway. The subject property has direct access to Six Mile Cypress Parkway as well as access to Crystal Drive which provides an alternative access to Six Mile Cypress Parkway, furthering the appropriateness of the 50 feet in height and gross density of 13.03 dwelling units per acre/upland density of 15 dwelling units per acre which is compatible with this adjacent property. Pursuant to LDC Section 34-2175(b)(1), the Central Urban future land use category allows a height up to 135 feet. The southwest portion of the site abuts JV Parker Lane (60' easement/private local road) then an ±18.5 acres zoned AG-2 with 2 single-family mobile homes and grazing lands that has an existing vegetative along its frontage where the homes are located. The proposed MCP design continues to protect this adjacent property by providing a 15-foot type "D" buffer with no proposed access points while increasing wetland preservation and significantly reducing traffic impacts from the current approval. It should be noted that the Cypress Village RPD that abuts JV Parker Lane to the north was found compatible with this adjacent property by providing the same 15-foot type "D" buffer. Adjacent to the south is Crystal Drive then CS-1 zoned property developed with an existing 2-story office building. The LDC does not require proposed multi-family uses to buffer adjacent multi-family or commercial uses. The proposed multi-family is less intense than the existing approved commercial uses and will remain compatible with the surrounding uses.

- (c) *Assisted living facilities are eligible for bonus density through the TDR Program or through the Affordable Housing Program when annual rental rates, including all services, do not exceed the levels established for eligible households. Where the cash-contribution bonus density option is used, the cash contribution must be applied for each dwelling unit or its equivalent unit, as provided in section 34-1494, built above the standard density.*

The rezoning request does not include assisted living facilities.

- (d) *The barrier and coastal islands, including but not limited to Gasparilla Island, Cayo Costa, North Captiva, Captiva Island, Buck Key, and Black Island are not eligible to receive bonus density, with the following exceptions:*
  - (1) *Only the portion of Greater Pine Island defined in the Lee Plan as Pine Island Center is eligible to receive Greater Pine Island TDUs subject to this article and the Lee Plan. Suburban designated lands within the Greater Pine Island Planning Community are not eligible receiving lands for any TDUs.*

*(2) Work force housing may be developed on barrier islands within the Mixed Use Overlay if transit is available and bonus density is approved through the Affordable Housing Program.*

Not applicable.

*(e) TDUs may not be utilized on property located within the coastal high hazard area as defined in section 2-483 or located within the Bayshore, Buckingham, Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Planning Community, TDUs may only be used as described in section 2-154.*

The property is not located within the coastal high hazard area and is not located in any of the listed planning communities.

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-411 as follows:

*(a) All planned developments must be consistent with the provisions of the Lee Plan.*

The proposed rezoning to minor RPD is consistent with the Comprehensive Plan as demonstrated above.

*(b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Pursuant to section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from articles VI and VII of this chapter. Amendments to approved master concept plans may be reviewed pursuant to section 34-380.*

The proposed development will comply with applicable Lee County regulations, together with approval of the requested deviations. All requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare as demonstrated in the submitted Schedule of Deviations and Justifications.

*(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.*

The proposed rezoning to minor RPD is compatible with surrounding properties and the 19.96± acre site is adequate size, configuration and dimension to accommodate the proposed use, open space, recreational facilities, buffers, pedestrian ways, access, utilities and storm water management.

*(d) All planned developments must have access to existing or proposed roads. Access must comply with the requirements of chapter 10 and be located so that site-related industrial traffic does not travel through predominantly residential areas.*

Please see Traffic Impact Statement provided with the application. The proposed minor RPD maintains the same previously approved access points to Six Mile Cypress Parkway (arterial roadway and controlled access facility) and Crystal Drive (a private local road). There will be no site-related industrial traffic.

*(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

The site is not within the Lee Tran public transit service area. Bus route 50 is located approximately 1.4 miles from the site at the intersection of Six Mile Cypress Parkway and Daniels Parkway.

*(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The proposed minor RPD will not create any hazards to persons or property and will comply with applicable regulations.

*(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

There are ±5.64 acres of existing wetlands on the site as demonstrated by the Environmental Assessment and Protected Species Survey Report prepared by BearPaws Environmental Consulting submitted with the application. The existing vegetation on site is highly invaded by exotic vegetation and no protected species or signs thereof observed on-site. The existing SFWMD permit (ERP #36-05372-P-02) allowed impacts to the ±6.62 acres of jurisdictional wetlands on site; however wetland impacts will be reduced to only ±2.66 acres and the remaining ±3.96 acres will be preserved and enhanced by exotic removal. ±0.03 acre of indigenous uplands are provided for a total of ±3.99 acres of preservation area. A copy of Exhibit 3.0 of the SFWMD

permit is attached showing the approved SFWMD jurisdictional wetland line. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands onsite have been impacted during utility construction. An updated environmental assessment prepared by BearPaws Environmental Consulting is attached that represents the current conditions of the site which reflects the ±5.64 acres of remaining wetlands. The updated FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern ±0.1-acre old cow pond was included within the permitted jurisdictional wetlands while the western ±0.43-acre old cow pond was specifically identified as other surface waters on Exhibit 3.0. The eastern pond within the jurisdictional wetlands will be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed MCP shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas. The proposed rezoning reduces the previously permitted wetland impacts and proposes to preserve the maximum amount possible to maintain the existing approved access onto Six Mile Cypress Parkway. See submitted Description of Surface Water Management Plan. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties.

*(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

The proposed RPD provides open space and preservation areas along the Six Mile Cypress Parkway frontage except where impacts are necessary to maintain the previously approved access point. Buildings views are oriented along the preservation areas to the maximum extent possible to create an architecturally integrated human environment. The clubhouse area is located adjacent to the existing commercial development to the south across Crystal Drive.

*(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

The proposed development has been designed to minimize any potential negative effects on the surrounding properties and the public interest generally. The proposed development is compatible infill development and has been approved for commercial uses since 1997. The proposed multi-family uses are less intense and remain compatible. The LDC does not provide buffering requirements for multi-family developments where abutting multi-family or commercial uses further demonstrating the compatibility of the proposed use. The proposed Master Concept Plan continues to protect the agricultural and residential parcel to the west by continuing to provide a 15-foot type "D" buffer along JV Parker Lane while increasing wetland preservation and significantly reducing traffic impacts from the current approval as evidenced by the submitted traffic impact statement.

*(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

The requested minor RPD provides compatible infill development as it is consistent with existing development approval patterns with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing approvals for commercial development on the site were deemed compatible since 1997 and the proposed minor RPD remains compatible with surrounding existing development and approvals. Required sidewalks along roadways provide integration with the adjacent developments since existing site designs on adjacent planned developments do not provide for interconnects. The site design buffers and separates the residential and agricultural grazing lands across JV Parker Lane to the west.

*(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

The requested minor RPD provides compatible infill development as it is consistent with existing development approval patterns with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing approvals for commercial development on the site were deemed compatible since 1997 and the proposed minor RPD remains compatible with surrounding existing development and approvals. The proposed Master Concept Plan continues to separate and protect the agricultural and residential property to the west across JV Parker Lane by providing the 15-foot type "D" buffer with no access points along this property line while increasing wetland preservation and significantly reducing traffic impacts from the current approval as evidenced by the submitted traffic impact statement.

*(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.*

The proposed MCP demonstrates an integrated and interconnected community with development pods to the north and south separated by the proposed preservation areas which are internally connected and share amenities. The onsite sidewalks will interconnect with the shared use path on Six Mile Cypress Parkway and the existing sidewalk on Crystal Drive promoting pedestrian activity and community interaction.

*(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.*

There will be no conflicting uses within the planned development.

*(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.*

The requested rezoning to minor RPD does not include any intense or obnoxious uses and is compatible with the land uses at the development's perimeter. Since the proposed development is compatible, it is not necessary to vary development parameters.

*(o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.*

The proposed minor RPD will meet the parking requirements within the LDC and includes a request for deviation to allow stacking in private accessory garages

*(p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.*

The proposed minor RPD will be developed with internally consistent signage, architecture and planting schedules.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

*a. Complies with the Lee Plan;*

The request is consistent with the densities, intensities and general uses set forth for the Central Urban future land use designation and is consistent with the Comprehensive Plan as demonstrated above.

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

The site will be developed in compliance with the Comprehensive Plan and the Land Development Code, together with approval of the requested deviations. All requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare as demonstrated in the submitted Schedule of Deviations and Justifications.

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

The existing approved commercial uses were deemed compatible with the surrounding properties since 1997. Properties to the north, west and south are also within the Central Urban future land use category. Property to the east across Six Mile Cypress Parkway is within the Conservation Lands Uplands and Wetlands, zoned EC and is owned by Lee County that joins to the Six Mile Slough Preserve to the north across from Penzance Boulevard. Adjacent to the north is Penzance Square CPD approved by Z-06-062/case number DCI2005-00103 which allows 90,000 square feet of commercial uses. Adjacent to the northwest quadrant is the Cypress Village RPD which was approved for 92 multi-family units (9.65 du/ac) at a maximum height of 40 feet and provides access onto JV Parker Lane, a private local road that then connects to Crystal Drive, another private local road before accessing Six Mile Cypress Parkway, an arterial roadway. The subject property has direct access to Six Mile Cypress Parkway as well as access to Crystal Drive which provides an alternative access to Six Mile Cypress Parkway, furthering the appropriateness of the 50 feet in height and gross density of 13.03 dwelling units per acre/upland density of 15 dwelling units per acre which is compatible with this adjacent property. Pursuant to LDC Section 34-2175(b)(1), the Central Urban future land use category allows a height up to 135 feet. The southwest portion of the site abuts JV Parker Lane (60' easement/private local road) then an  $\pm 18.5$  acres zoned AG-2 with 2 single-family mobile homes and grazing lands that has an existing vegetative along its frontage where the homes are located. The proposed MCP design continues to protect this adjacent property by providing a 15-foot type "D" buffer with no proposed access points while increasing wetland preservation and significantly reducing traffic impacts from the current approval. It should be noted that the Cypress Village RPD that abuts JV Parker Lane to the north was found compatible with this adjacent property by providing the same 15-foot type "D" buffer. Adjacent to the south is Crystal Drive then CS-1 zoned property developed with an existing 2-story office building. The LDC does not require proposed multi-family uses to buffer adjacent multi-family or commercial uses. The proposed multi-family is less intense than the existing approved commercial uses and will remain compatible with the surrounding uses.

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

Please see Traffic Impact Statement provided with the application. The existing zoning approval allows for 100,000 square feet of commercial retail, 50,000 square feet of office and 100 hotel rooms. The proposed minor RPD maintains the same previously approved access points to Six Mile Cypress Parkway (arterial roadway and controlled access facility) and Crystal Drive (a private local road). Although the application has since been reduced to 260 multi-family dwelling units, the submitted Traffic Impact Statement demonstrates that 265 multi-family units will result in reductions of  $\pm 75\%$  in the AM peak hour,  $\pm 85\%$  in the PM peak hour and  $\pm 83\%$  over the entire weekday. The access provided is sufficient to support the proposed development intensity.

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

Although the application has since been reduced to 260 multi-family dwelling units, the submitted Traffic Impact Statement demonstrates that 265 multi-family units will result in reductions from existing approved intensity of  $\pm 75\%$  in the AM peak hour,  $\pm 85\%$  in the PM peak hour and  $\pm 83\%$  over the entire weekday. Additionally, all roadway links are shown to operate at or above the Level of Service Standards when the development traffic is added to the surrounding road network. The expected impacts will be addressed by existing County regulations.

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

There are ±5.64 acres of existing wetlands on the site as demonstrated by the Environmental Assessment and Protected Species Survey Report prepared by BearPaws Environmental Consulting submitted with the application. The existing vegetation on site is highly invaded by exotic vegetation and no protected species or signs thereof observed on-site. The existing SFWMD permit (ERP #36-05372-P-02) allowed impacts to the ±6.62 acres of wetlands; however wetland impacts will be reduced to only ±2.66 acres and the remaining ±3.96 acres will be preserved and enhanced by exotic removal. ±0.03 acre of indigenous uplands are provided for a total of ±3.99 acres of preservation area. A copy of Exhibit 3.0 of the SFWMD permit is attached showing the approved SFWMD jurisdictional wetland line. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands onsite have been impacted during utility construction. An updated environmental assessment prepared by BearPaws Environmental Consulting is attached that represents the current conditions of the site. The updated FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern ±0.1-acre old cow pond was included within the permitted jurisdictional wetlands while the western ±0.43-acre old cow pond was specifically identified as other surface waters on Exhibit 3.0. The eastern pond within the jurisdictional wetlands will be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed MCP shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas. The proposed rezoning reduces the previously permitted wetland impacts and proposes to preserve the maximum amount possible to maintain the existing approved access onto Six Mile Cypress Parkway.

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

A table demonstrating the close proximity of available community facilities and services is provided on page 7. Water and sewer services are available as demonstrated in the provided letter of availability from Lee County Utilities. There are two fire stations, two EMS stations and a sheriff substation in close proximity to the site. There are several schools and parks near the site and an existing bike lane and shared use path along Six Mile Cypress Parkway. The site is not directly served by public transit, bus route 50 is located approximately 1.4 miles from the site at the intersection of Six Mile Cypress Parkway and Daniels Parkway. There are nearby employment and commercial centers to the north along Colonial Boulevard, to the south along Daniels Parkway (including Gulf Coast Medical Center).

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

- a) The proposed use or mix of uses is appropriate at the proposed location;*
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.*

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

- 1) Enhances the achievement of the objectives of the planned development; and*
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The proposed rezoning to minor RPD is appropriate at this location. The prior approvals and existing development patterns demonstrate that the site is an appropriate location for higher intensity development. Recent case files in the area describe the existing development patterns in the area with the most intense projects emerging adjacent to Six Mile Cypress Parkway, transitioning to lower densities and intensities further west of Six Mile Cypress Parkway. The existing RPD zonings in the area do not have direct access onto an arterial roadway such as the subject property furthering the appropriateness of the requested density. Conditions of approval will require the RPD to be consistent with the proposed MCP which provides sufficient safeguards to the public interest. All requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare as demonstrated in the submitted Schedule of Deviations and Justifications.

In conclusion, the proposed rezoning to minor RPD allows for infill development on a site that has been permitted for urban development since 1997. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code, together with approval of the requested deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan. The proposed use is appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. All requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the rezoning request from CPD to minor RPD should be approved.



John E. Manning  
*District One*

May 18, 2020

Via E-Mail

Cecil L Pendergrass  
*District Two*

**Jennifer Sheppard**

Raymond Sandelli  
*District Three*

**Banks Engineering**

Brian Hamman  
*District Four*

**10511 Six Mile Cypress Parkway  
Fort Myers, FL 33966**

Frank Mann  
*District Five*

**RE: Potable Water and Wastewater Availability**

Roger Desjarlais  
*County Manager*

**Carissa CPD , Crissa Commerce Court**

**STRAP # 17-45-25-00-00004.0000, 0020, 17-45-25-01-00000.0270, 0280**

Richard Wm Wesch  
*County Attorney*

Dear Ms. Sheppard:

Donna Marie Collins  
*County Chief  
Hearing Examiner*

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 300 multi-family residential units with an estimated flow demand of approximately 75,250 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 Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by the City of Ft Myers South 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.

There are no reuse mains in the vicinity of these parcels.

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



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

lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

**ATTACHMENT I**

Carissa CPD - Letter.Docx

May 18, 2020

Page 2

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 Development Review and SFWMD 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



## THE SCHOOL DISTRICT OF LEE COUNTY

**Cindy Leal Brizuela**

Senior Planner

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1432

September 17, 2020

Anthony Rodriguez, AICP  
Principal Planner – Zoning Section  
Lee County Community Development  
1500 Monroe St  
Fort Myers, Florida 33901

RE: DCI2020-00013

Dear Mr. Rodriguez:

This letter is in response to your request for comments dated September 11, 2020 for the subject property of DCI2020-00013 concerning educational impact. The project is located in the South Choice Zone, S1.

This development is a request for 265 multi-family housing units. With regard to the inter-local agreement for school concurrency, the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .038 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 30 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 the proposed 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 239-335-1432

Sincerely,

Cindy Leal Brizuela, Senior Planner

## LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

**REVIEWING AUTHORITY** Lee County School District  
**NAME/CASE NUMBER** Carissa Minor RPD/DCI2020-00013  
**OWNER/AGENT** Banks Engineering  
**ITEM DESCRIPTION** RPD impacts in South CSA, sub area S1

**LOCATION** 17-45-25-01-00000.0270 and others  
**ACRES** 19.96  
**CURRENT FLU** Central Urban  
**CURRENT ZONING** CPD

PROPOSED DWELLING UNITS BY TYPE	Single Family	Multi Family	Mobile Home
	0	265	0

STUDENT GENERATION	Student Generation Rates			Projected Students
	SF	MF	MH	
Elementary School		0.058		15.37
Middle School		0.028		7.42
High School		0.03		7.95

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	15	1283	90%	
South CSA, Middle	6,904	5,561	1,343	7	1336	81%	
South CSA, High	8,703	8,347	356	8	348	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: Cindy Leal Brizuela, Senior Planner

John E. Manning  
*District One*

September 22, 2020

Cecil L. Pendergrass  
*District Two*

Plan Reviewer

Ray Sandelli  
*District Three*

1500 Monroe Street  
Fort Myers, FL 33901

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

RE: DCI2020-00013

**Carissa Minor RPD**

Roger Desjarlais  
*County Manager*

Richard Wesch  
*County Attorney*

LeeTran has received and reviewed the rezoning application for the subject property located in Lee County. 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:

Donna Marie Collins  
*County Hearing Examiner*

- The site does not lie within the ¼-mile fixed-route corridor.
- The 2016 TDP does not have any routes or service extension planned near the site.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340.

Sincerely,

*Jorge J. Puente*

Jorge J. Puente, Transit Service Planner  
Lee County Transit

**ATTACHMENT K**

**From:** [Kantor, Brigitte](#)  
**To:** [Rodriguez, Anthony](#)  
**Subject:** New Case - DCI2020-00013 / Carissa Minor RPD  
**Date:** Tuesday, September 22, 2020 2:50:58 PM  
**Attachments:** [image001.png](#)

---

Hello Anthony,

I reviewed the provided documents on behalf of the Solid Waste Department and have no comment to provide.

Regards,

**Brigitte Kantor | Manager, Public Utilities**  
**Lee County Solid Waste Department**  
**(239) 533-8000, Extension 38005 | fax: (239) 533-8025**  
[BKantor@leegov.com](mailto:BKantor@leegov.com)

Website: [www.leegov.com/solidwaste](http://www.leegov.com/solidwaste)

We value your input. Please take our brief customer satisfaction survey.

<http://leegov.com/solidwaste/customersurvey>

To learn how to handle your debris before and after a storm, please click on the following link:

<https://www.leegov.com/solidwaste/hurricane>



[Get Counted Now!](#)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**ATTACHMENT L**

# **TRAFFIC IMPACT STATEMENT**

FOR

## **CARISSA MINOR RPD**

**(PROJECT NO. F2001.11)**

**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 28, 2020**

**ATTACHMENT M**

## CONTENTS

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

## I. INTRODUCTION

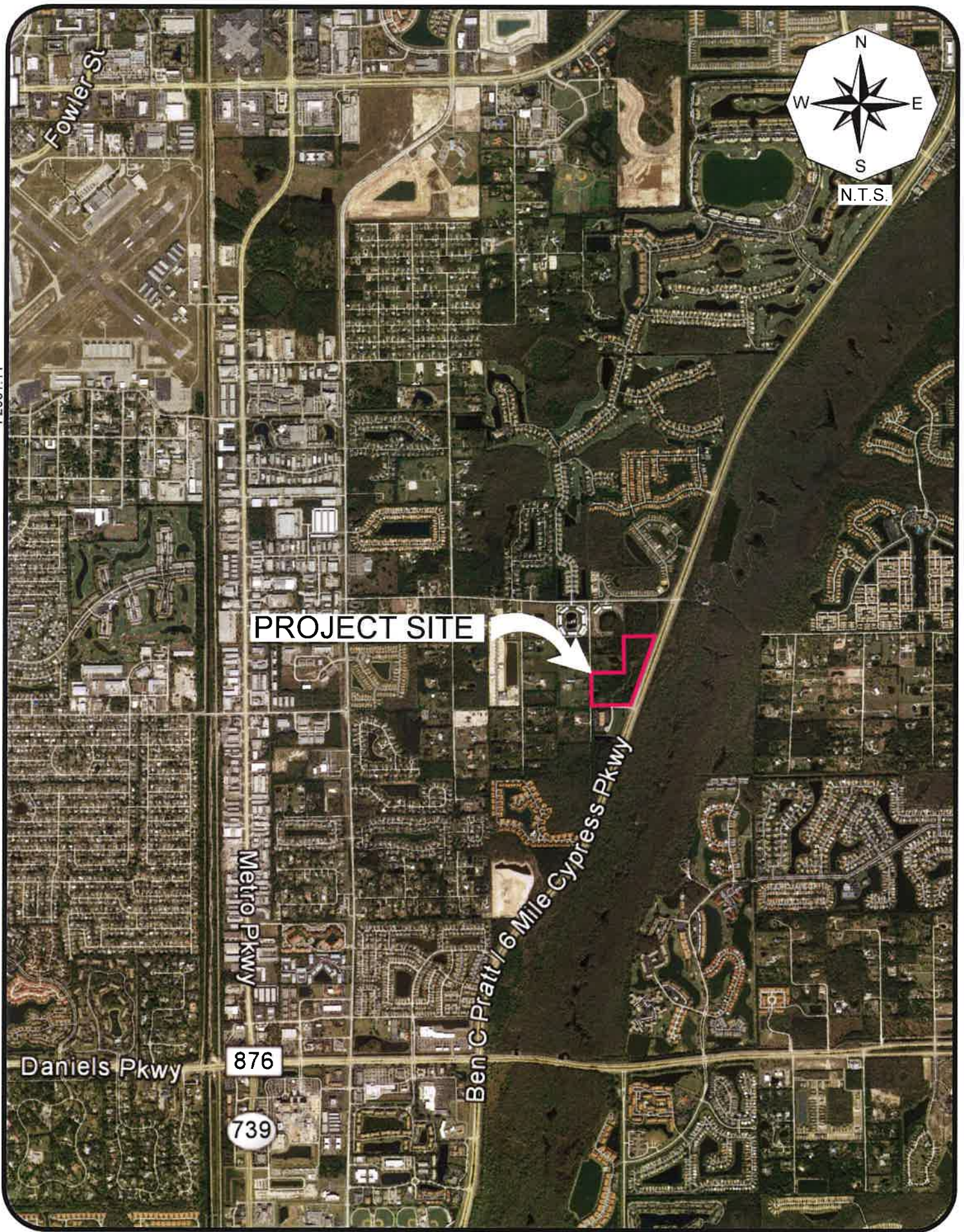
TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by Lee County for projects seeking zoning approval. This report has been completed in compliance with guidelines established by Lee County. The subject site is located along the west side of Six Mile Cypress Parkway approximately 800 feet south of Penzance Boulevard in Lee County, Florida. **Figure 1** illustrates the approximate location of the subject site.

The subject 19.96 acre site is currently zoned CPD and is controlled by Zoning Resolution Z-06-007. The project is currently approved for the development of up to 150,000 square feet of commercial floor area, consisting of up to 100,000 square feet of retail uses and 50,000 square feet of office uses, and up to 100 hotel rooms. Access on the approved Master Concept Plan under Z-06-007 includes a right-in/right-out access location on Six Mile Cypress Parkway and an access connection to Crystal Drive that borders the site to the south. No changes to the access configuration are being proposed as part of the zoning amendment.

The proposed zoning amendment would replace the commercial and hotel uses with residential uses and allow the property to be developed with up to 266 multi-family residential dwelling units. Access to the subject site will be consistent with the previous Master Concept Plan and provide a right-in/right-out access to Six Mile Cypress Parkway as well as an access connection to Crystal Drive, which borders the site to the south.

This report examines the impact of the development on the surrounding roadways. Trip generation and assignment to the site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding roadways.

F2001.11



## II. EXISTING CONDITIONS

The subject site is currently vacant. Six Mile Cypress Parkway borders the subject site to the east, vacant land zoned CPD borders the site to the north, AG-2 and RPD lands border the site to the west and CS-1 land currently occupied by an office building complex borders the site to the south.

**Six Mile Cypress Parkway** is a four-lane divided Controlled Access facility that borders the site to the east. Six Mile Cypress has a posted speed limit of 50 mph adjacent to the site. Six Mile Cypress Parkway is an adopted Controlled Access Facility pursuant to Board of County Commissioners Resolution 93-09-51, as amended. The most recent amendment is Lee County Resolution No. 17-08-11. Included in that Resolution is a right-in/right-out access on the west side of Six Mile Cypress Parkway at Station 597+45. This Station matches the location where the proposed right-in/right-out access serving the subject site will be located. No amendment to the Controlled Access Resolution is necessary. A copy of the most recent Resolution is attached to this report for reference. Six Mile Cypress Parkway is under the jurisdiction of the Lee County Department of Transportation.

**Crystal Drive** is a two lane roadway that borders the subject site to the south. Currently, Crystal Drive is located within a private easement, with one-half of the roadway located on the subject site and the other half located on the adjacent property to the south. Crystal Drive currently extends approximately 375 feet to the west of Six Mile Cypress Parkway and serves as the access drive for the adjacent professional office park. Crystal Drive does not have a posted speed limit and is under private ownership. The extension of Crystal Drive from Plantation Road to Six Mile Cypress Parkway is no longer shown on the Lee County Metropolitan Planning Organizations (Lee MPO) *Long Range Transportation Plan* (either the Financially Feasible or Needs Plan) through the year 2040.

**III. PROPOSED DEVELOPMENT**

Based upon the Master Concept Plan, the subject site is proposed to be rezoned from CPD to RPD to permit the development of up to 266 multi-family dwelling units with building heights up to 45 feet (four floors). **Table 1** summarizes the land use utilized for trip generation purposes for the subject site.

**Table 1  
Land Use  
Carissa Minor RPD**

<b>Land Use</b>	<b>Size</b>
Multi-Family (LUC 221)	266 Dwelling Units

Access to the subject site will be provided to Six Mile Cypress Parkway and to Crystal Drive. The intersection of Crystal Drive with Six Mile Cypress Parkway is currently an unsignalized full median opening.

**IV. TRIP GENERATION**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation*, 10<sup>th</sup> Edition. Land Use Code 221 (Multi-Family Housing Mid-Rise) was utilized for the trip generation purposes. In order to obtain the density of 266 units, the buildings for this project will need to be greater than two stories. The MCP indicates the maximum building height being requested is 45 feet. The trip generation equations for this land use is included in the Appendix of this report for reference. **Table 2** 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  
Carissa Minor RPD**

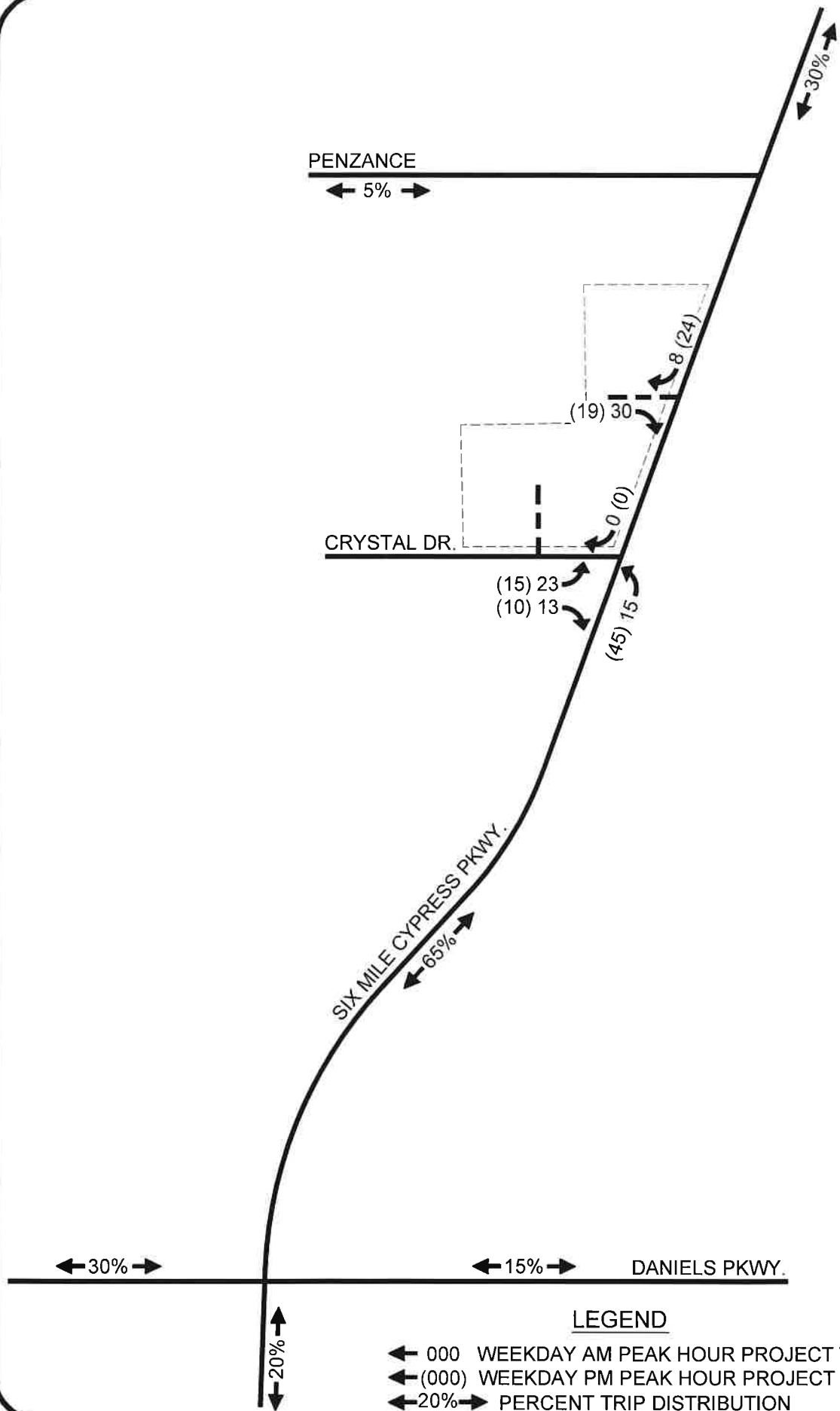
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Apartment 266 Dwelling Units	23	66	89	69	44	113	1,448

**V. TRIP DISTRIBUTION**

The trips from the proposed development shown in Table 2 were then assigned to the site access drives and to the surrounding roadway network based upon 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**. In addition, Figure 2 also indicates the site traffic assignment to the site access drive on Six Mile Cypress Parkway and the intersection of Six Mile Cypress Parkway and Crystal Drive.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines. **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the *Lee County Generalized Peak Hour Directional Service Volumes* table. From Table 1A, **NO** roadway segments are shown to be significantly impacted by the proposed development.

F2001.11



LEGEND

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

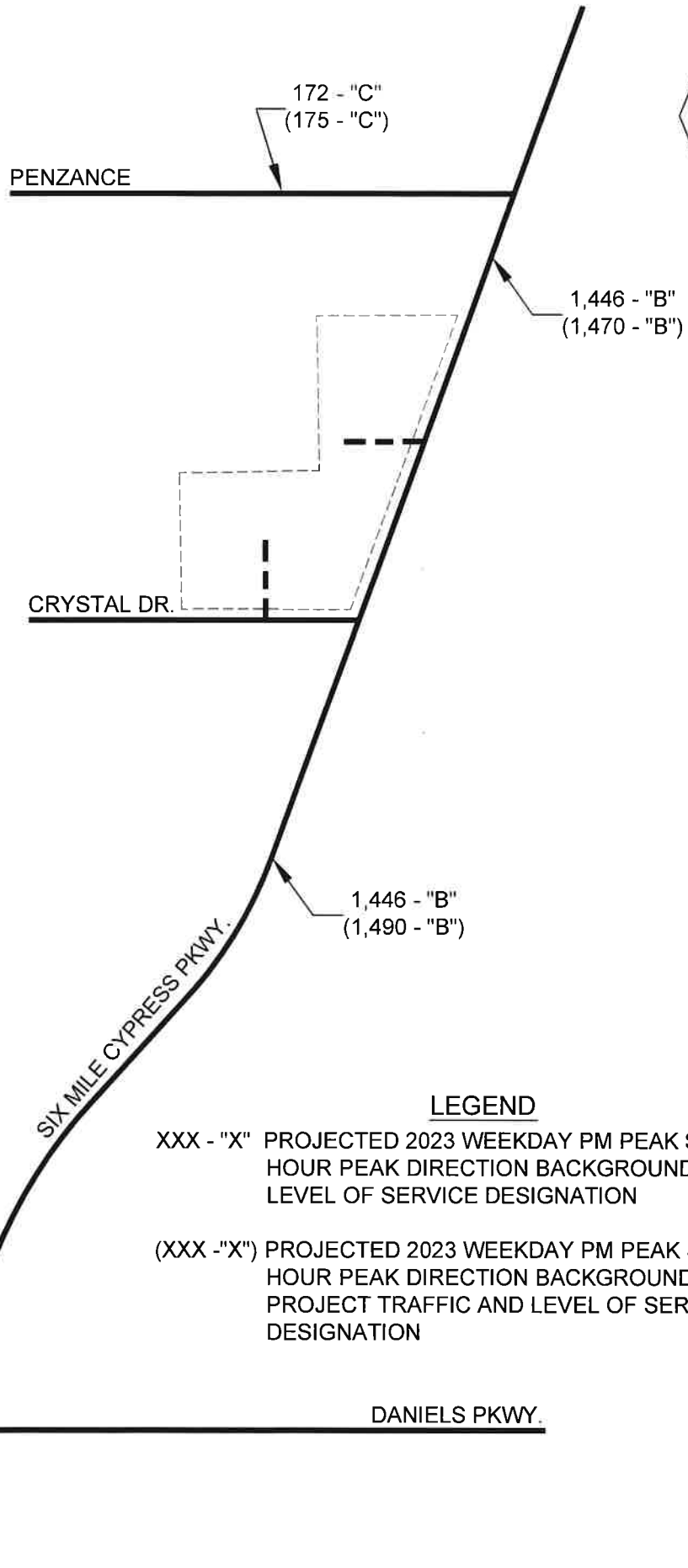
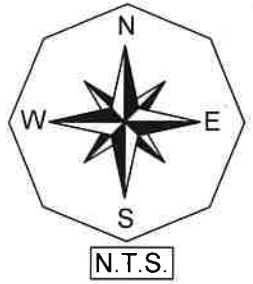
## VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2023 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 that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data obtained from 2019 *Lee County Traffic Count Report* and data from the *FDOT Traffic Information Online* resource for 2019. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2023 without the development and year 2023 with the development.

**Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2023 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2019 *Lee County Public Facilities Level of Service and Concurrency Report*.

**Figure 3** indicates the year 2023 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 P.M. peak hour with the development traffic added to the roadways. This figure was derived from Table 2A contained in the Appendix.

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**VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS**

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2023 traffic volumes to their corresponding Level of Service Thresholds, it was determined that all roadway links analyzed will continue to operate at an acceptable Level of Service in 2023 both with and without the proposed development. Therefore no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed development.

**VIII. TRIP GENERATION COMPARISON**

A trip generation comparison was also completed to compare what is currently approved on the subject site based on Zoning Resolution Z-06-007 to what is proposed with this zoning change. Based on the approved Schedule of Uses, the site could be developed with up to 100,000 square feet of retail uses, 50,000 square feet of Office uses and 100 hotel rooms. The office uses could be developed with Medical Office uses per the approved Schedule of Uses, which is a more intense trip generator than General Office. Therefore, for the trip generation comparison, the land uses illustrated in **Table 3** were utilized to estimate the weekday peak hour and daily trips that the project site could generate based on current zoning approval.

**Table 3  
Approved Land Uses  
Carissa CPD**

<b>Land Use</b>	<b>Size</b>
Retail (LUC 820)	100,000 Sq. Ft.
Medical Office (LUC720)	50,000 Sq. Ft.
Hotel (LUC 310)	100 Rooms

**Table 4** then illustrates the weekday A.M., P.M. and daily trip generation of the site as currently approved based on the ITE Trip Generation Report, 10<sup>th</sup> Edition, as previously utilized. Land Use Code 820 – Shopping Center, was utilized for the retail uses, Land Use Code 720 – Medical/Dental Office, was utilized for the Office uses and Land Use Code 310 – Hotel was utilized for the Hotel uses. Copies of the ITE Trip Generation Report for these land use codes is included in the Appendix for reference.

**Table 4  
Trip Generation  
Carissa Minor RPDs**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (100,000 Sq. Ft.)	125	77	202	260	283	543	6,012
Medical Office (50,000 Sq. Ft.)	94	27	121	49	123	172	1,833
Hotel (100 Rooms)	26	19	45	25	24	49	702
<b>Total Trips</b>	<b>245</b>	<b>123</b>	<b>368</b>	<b>334</b>	<b>430</b>	<b>764</b>	<b>8,547</b>

Comparing the trips shown in Table 4 with the trips that will be generated by the proposed uses in Table 2, the trip **reductions** that will occur as a result of this rezoning application will be approximately 75% in the A.M. peak hour, 85% in the P.M. peak hour and approximately 83% over the entire weekday. This is a substantial reduction in the number of driveway trips entering and exiting this site from what is currently approved.

## VIII. CONCLUSION

Based on the analysis prepared in this report, the proposed amendment to change the zoning on the subject site from CPD to RPD will substantially reduce the trip generation potential of the subject site. The resultant change to residential uses will not decrease the Level of Service below acceptable conditions once the development traffic has been added to the roadways. All roadway links are shown to operate at or above the Level of Service Standards of Lee County when the development traffic is added to the surrounding roadway network.

The site access drive connection on Six Mile Cypress Parkway shown on the Master Concept Plan is identified on the current Controlled Access Resolution for Six Mile Cypress Parkway. Turn lanes at this intersection as well as an evaluation of the existing turn lanes at the intersection of Six Mile Cypress Parkway and Crystal Drive will be completed at the time of Local Development Order approval.

# **APPENDIX**

**TABLE 1A & 2A**

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 89 VPH      IN= 23      OUT= 66  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 113 VPH      IN= 69      OUT= 44

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LEVEL OF SERVICE THRESHOLDS</u>					<u>PERCENT</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>PROJECT TRAFFIC<sup>1</sup></u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Six Mile Cypress Pkwy	N. of Crystal Dr.	4LD	800	1,900	1,900	1,900	1,900	35%	24	1.3%
	S. of Crystal Dr.	4LD	800	1,900	1,900	1,900	1,900	65%	45	2.4%
Penzance Rd.	W. of Six Mile Cypress	2LU	0	0	550	860	860	5%	3	0.6%

\* Lee County Link Specific Peak Hour Directional Service Volumes were utilized for all roadway segments analyzed.

**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
CARISSA MINOR RPD**

TOTAL PROJECT TRAFFIC AM = 89 VPH IN = 23 OUT= 66  
 TOTAL PROJECT TRAFFIC PM = 113 VPH IN= 69 OUT= 44

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>COUNT</u> <u>STATION</u>	<u>BASE YR</u> <u>ADT</u>	<u>2019</u> <u>ADT</u>	<u>YRS OF</u> <u>GROWTH</u>	<u>ANNUAL</u> <u>RATE</u>	<u>2019</u>	<u>PERCENT</u>	<u>AM PROJ</u> <u>TRAFFIC</u>	<u>PM PROJ</u> <u>TRAFFIC</u>	<u>2019</u>		<u>2023</u>			
							<u>PK HR</u>	<u>PROJECT</u> <u>TRAFFIC</u>			<u>LEVEL OF SERVICE</u> <u>ANALYSIS</u>		<u>FUTURE PLANNING ANALYSIS</u>			
							<u>PK SEASON</u> <u>PEAK DIR.<sup>1</sup></u>				<u>TRAFFIC</u>	<u>LOS</u>	<u>BACKGROUND</u> <u>PEAK DIR.</u>	<u>LOS</u>	<u>BCKGRND + PROJ</u> <u>TRAFFIC</u>	<u>LOS</u>
Six Mile Cypress Pkwy	N. of Crystal Dr.	388	18,200	23,200	4	6.26%	1,134	35%	23	24	1,158	B	1,446	B	1,470	B
	S. of Crystal Dr.	388	18,200	23,200	4	6.26%	1,134	65%	43	45	1,179	B	1,446	B	1,490	B
Penzance Rd.	W. of Six Mile Cyrpress	120,162	2,600	3,600	4	8.48%	124	5%	3	3	127	C	172	C	175	C

<sup>1</sup> Obtained from the 2019 Lee County Level of Service and Concurrency Report

**CONTROLLED ACCESS RESOLUTION**

**17-08-11**

**SIX MILE CYPRESS PARKWAY**

LEE COUNTY RESOLUTION NO. 17-08-11

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 93-09-51, AS AMENDED, WHICH DESIGNATED BEN C. PRATT SIX MILE CYPRESS PARKWAY AS A CONTROLLED ACCESS ROAD AND ESTABLISHED PERMANENT ACCESS POINTS.**

**WHEREAS**, section 10-285(h) of the Lee County Land Development Code provides for the designation of certain streets in Lee County as "controlled access" facilities to which permanent access points are restricted to locations established and set by design study and plans adopted by resolution of the Lee County Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety, and welfare of the traveling public; and

**WHEREAS**, on 15 September 1993, the Board of County Commissioners adopted Resolution No. 93-09-51 designating Ben C. Pratt Six Mile Cypress Parkway as a controlled access facility from US 41 northeast to Colonial Boulevard, and establishing permanent access points; and

**WHEREAS**, Resolution No. 93-09-51 was subsequently amended as follows:

1. No. 97-051A, adopted 10-28-1993 which relocated two access points on the west side of Ben C. Pratt Six Mile Cypress Parkway at Station 678+00 and at Station 669+00 for right-in and right-out access only; and
2. FDOT Permit # 98-A-192.0013 added an access at Station 419+34 on the north side of Ben C. Pratt Six Mile Cypress Parkway for a right-in and right-out access only.

**WHEREAS**, Six Mile Apartment, LLC, has requested a right-in and right-out access to its site at Station 732+59; and

**WHEREAS**, the Lee County Department of Transportation has concluded that, the addition of the designated connection point will not hinder traffic capacity nor be contrary to the protection of the health, safety, and welfare of the citizens of Lee County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that:

1. Ben C. Pratt Six Mile Cypress Parkway, from US 41 northeast to Colonial Boulevard including its intersections, is designated a controlled access road facility.
2. Resolution No. 93-09-51 is hereby further amended as follows:
  - a. The access point at Station 732+59, east side, is amended to add a right-in and right-out directional movements conditioned as follows:
    - The zoning Master Concept Plan for the subject property is modified to depict access to Ben C. Pratt Six Mile Cypress Parkway at this location.

- The zoning Master Concept Plan for the subject property includes the connection to the joint access at Station 725+32 and permit general access to the site.
- The zoning Master Concept Plan for the subject property includes the connection to the Shops at Village Walk development, on the north, when that site is developed, and permits general access to the site.
- The City of Fort Myers includes in its zoning and development requirements the connection for both Shops at Village Walk and Six Mile Apartments.
- Construction of the access roadway must be to the applicable LDC development standards

3. Absent subsequent Board action in accordance with applicable County regulations, the connection points are limited to those identified on attached Exhibit A. Provided, however, no vested right to a particular connection point location is granted by virtue of adopting Exhibit A. The County retains full power and authority to exercise its police power to modify connection points, median openings, and turning movements to protect the health, safety, and welfare of the traveling public.

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

John E. Manning	<u>Aye</u>
Cecil L Pendergrass	<u>Aye</u>
Larry Kiker	<u>Aye</u>
Brian Hamman	<u>Aye</u>
Franklin B. Mann	<u>Absent</u>

Duly passed and adopted this 15th day of August, 2017.

ATTEST:  
LINDA DOGGETT, CLERK

By

Louise Townsend  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By

John E. Manning  
John E. Manning, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

By

[Signature]  
Office of the Lee County Attorney

**EXHIBIT A  
BEN PRATT SIX MILE CYPRESS PARKWAY  
DESIGNATED ACCESS POINTS**

STATION	DISTANCE (Feet)		ORIGIN	MEDIAN OPENING	MOVEMENTS	CONNECTION	REMARKS
	North/West	South/East					
362+19:50	-	-	1&2&3	YES	ALL	US 41	
372+40:50	1021	1021	1&2	YES	ALL	Wal-Mart / Home Depot Plaza	
379+44:50	704	704	5	YES	ALL	N & S	
386+80:50	736	736	1&2	YES	ALL	N & S	
393+40:50	660	660	1&2&3	YES	ALL	N & S	
401+90:50	n/a	850	6	NO	RT.IN/RT.OUT	S	
408+50:50	1510	660	1&2	YES	ALL	Independence Circle (W)	
413+38:50	488	488	6	NO	RT.IN/RT.OUT	Independence Circle (E)	
418+34:50	596	n/a	8	NO	RT.IN/RT.OUT	N	Approved by FDOT Permit #98-A-192-0013
422+74:50	340	836	1&2	YES	ALL	Metro Parkway	
428+10:50	638	638	4	NO	RT.IN/RT.OUT	N & Molly Lane (S)	
*435+70:50	660	660	1&2	YES	NBL, RT.IN/RT.OUT	N & Trader Street (S)	Proposed directional left in
442+47:50	877	877	3	YES	ALL	Plantation Road / Exchange Lane	
452+50:50	1003	1003	2&6	YES	NBL, RT.IN/RT.OUT	NW	
482+45:50	995	995	4	YES	ALL	NW	
471+87:50	922	922	4	YES	ALL	Stadium NW	
486+87:50	1520	1520	1&2	YES	ALL	International Center Blvd.	
496+18:50	1231	1231	5	YES	ALL	Olympic Court	
506+50:50	732	n/a	2&4	NO	RT.IN/RT.OUT	International Drive	
514+02:50	752	1484	1	YES	ALL	Daniels Parkway	
521+88:50	768	n/a	2&5	NO	RT.IN/RT.OUT	W	
533+80:50	1182	1958	1	YES	ALL	Brookshire Lake Blvd.	
542+45:50	885	885	2&4	YES	ALL	East Pine Way W	
547+00:50	455	455	3	YES	ALL	with Special Conditions	
560+82:50	1362	1362	2&5	YES	ALL	Bergamo Way	
578+00:50	1738	1738	6	YES	NBL, RT.IN/RT.OUT	W	
581+78:50	378	n/a	6	NO	RT.IN/RT.OUT	W	
588+30:50	652	1030	1	YES	ALL	Crystal Drive	
597+45:50	915	n/a	6	NO	RT.IN/RT.OUT	W	
604+05:50	680	1575	8	YES	NBL, RT.IN/RT.OUT	W	
610+72:50	667	667	1	YES	ALL	Penzance Blvd.	
621+07:50	1035	1035	6	YES	NBL, RT.IN/RT.OUT	with Special Conditions	
631+43:50	1038	1036	1	YES	ALL	W	
642+21:50	1078	1078	1	YES	ALL	Key Deer Ct.	
660+98:50	1878	n/a	8	NO	RT.IN/RT.OUT	NW	
669+00:50	801	n/a	6&7	NO	RT.IN/RT.OUT	NW	Relocated from STA 671+52, does not exist
678+00:50	900	3579	1&7	YES	ALL	Heritage Palms Blvd.	Relocated from STA 681+00
696+00:50	2100	2100	1	YES	ALL	NW & SE	
707+95:50	895	895	4	YES	ALL	Winkler Avenue Ext.	
714+60:50	665	665	5	YES	SBL, RT.IN/RT.OUT	E	
725+32:50	1072	1072	1	YES	ALL	Berwood Place Dr. (S) / Via Columbia Circle	
731+93:50	661	n/a	4	NO	RT.IN/RT.OUT	W	
732+59:50	727	596			RT.IN/RT.OUT	E	11
738+55:50	662	1323	1	YES	ALL	Berwood Place Dr. (north end)	
745+15:50	680	680	6	NO	RT.IN/RT.OUT	E & W	
751+77:50	662	662	1	YES	ALL	Challenger Blvd.	
758+50:50	673	673	4	YES	NBL/SBL, RT.IN/RT.OUT	E & W	
765+23:50	673	673	1	YES	ALL	Dani Drive / Wal-Mart Plaza	
770+70:50	n/a	547	8	NO	RT.IN/RT.OUT	Colonial Blvd - SR 884	
778+88:50	1345	798	1	YES	ALL		

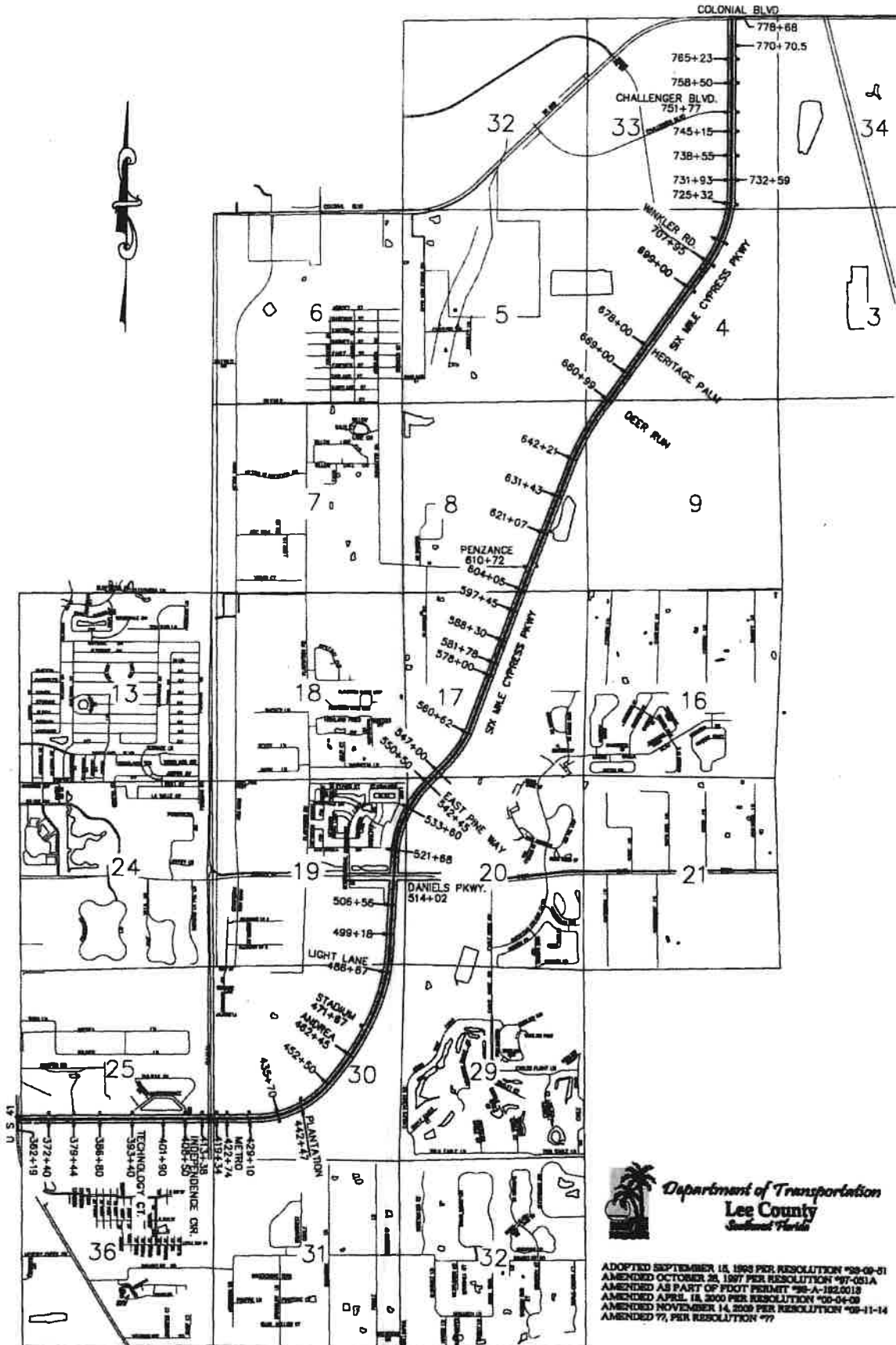
49 permanent access points  
Road Length: 7.69 Miles  
Average Spacing: 978 Feet  
\* Pending Access Point Modifications: 1

NBL = Northbound left  
SBL = Southbound left

**Notes**

- (1) Original Plan
- (2) Field Location Change
- (3) Court Order
- (4) Development Order
- (5) Kmley-Horn Study
- (6) To Guarantee Access
- (7) Modified by Amending Resolution #97-051A
- (8) Modified by FDOT Permit #98-A-192.0013
- (9) Added by Amending Resolution #00-04-09
- (10) Added Right-In/Right-out on East side with conditions by Amending Resolution #08-11-14
- (11) Added Right-In/Right-out on East side

# EXHIBIT B



ADOPTED SEPTEMBER 15, 1995 PER RESOLUTION \*95-09-01  
 AMENDED OCTOBER 28, 1997 PER RESOLUTION \*97-051A  
 AMENDED AS PART OF FOOT PERMIT \*98-A-182,018  
 AMENDED APRIL 18, 2000 PER RESOLUTION \*00-04-08  
 AMENDED NOVEMBER 14, 2009 PER RESOLUTION \*09-11-14  
 AMENDED ??, PER RESOLUTION \*??

**BEN C. PRATT/SIX MILE CYPRESS PARKWAY  
 DESIGNATED ACCESS POINTS**

**LEE COUNTY LINK SPECIFIC  
SERVICE VOLUME TABLES**

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
PINE ISLAND RD/ BAYSHORE RD (SR 78)	SANTA BARBARA BLVD	DEL PRADO BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	DEL PRADO BLVD	BARNETT RD	5	2.1	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	BARNETT RD	US 41	2	0.5	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	US 41	BUSINESS 41	2	1.2	4LD	0	0	1,320	1,700	1,700	0	0	2,450	3,140	3,140
	BUSINESS 41	HART RD	2	1.1	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	HART RD	BREWERS RD	2	0.4	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	BREWERS RD	SLATER RD	2	0.8	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	SLATER RD	I-75	2	2.9	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
PONDELLA RD	I-75	NALLE RD	2	0.6	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
	SR 31	NALLE RD	2	2.7	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
	SR 78	WESTWOOD RD	5	0.9	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	WESTWOOD RD	ORANGE GROVE BLVD	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
SAN CARLOS BLVD	ORANGE GROVE BLVD	US 41	2	1.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	US 41	BUS 41	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ESTERO BLVD	MAIN ST	4	0.6	2LB	960	1,040	1,040	1,040	1,040	1,750	1,890	1,890	1,890	1,890
	MAIN ST	SUMMERLIN RD	4	2.5	4LD	0	900	1,780	1,780	1,780	0	1,640	3,250	3,250	3,250
SANIBEL CAUSEWAY <b>SIX MILE CYPRESS</b>	SUMMERLIN RD	KELLY RD	4	1.1	2LN	60	850	900	900	900	110	1,550	1,640	1,640	1,640
	KELLY RD	McGREGOR BLVD	4	0.6	4LN	150	1,810	1,810	1,810	1,810	280	3,300	3,300	3,300	3,300
	SANIBEL SHORELINE	TOLL PLAZA	4	2.9	2LN	100	220	440	620	1,140	180	390	780	1,090	2,010
	US 41	METRO PKWY	4	1.2	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
SLATER RD	METRO PKWY	DANIELS PKWY	4	1.8	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	DANIELS PKWY	CHALLENGER BLVD	4	4.4	4LD	800	1,900	1,900	1,900	1,900	1,360	3,220	3,220	3,220	3,220
	CHALLENGER BLVD	WAL-MART INTERSECTI	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
SR 31	WAL-MART INTERSECTI	COLONIAL BLVD	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
SR 31	SR 78	NALLE GRADE RD	2	4.0	2LN	120	290	490	660	1,010	230	550	930	1,250	1,910
	SR 80	SR 78	2 & 3	1.4	2LN	640	1,300	1,300	1,300	1,300	1,120	2,270	2,270	2,270	2,270
	SR 78	N. RIVER RD	2	1.3	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
SR 80	N. RIVER RD	COUNTY LINE	2	2.0	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	1,650	1,820	1,820	1,820	0	2,710	3,000	3,000	3,000
	ORTIZ AVE	I-75	1	1.2	6LD	0	2,550	2,760	2,760	2,760	0	4,190	4,520	4,520	4,520
	I-75	SR 31	3	2.7	6LD	1,830	2,820	2,820	2,820	2,820	2,920	4,640	4,640	4,640	4,640
	SR 31	BUCKINGHAM RD	3	2.5	4LD	1,150	1,880	1,880	1,880	1,880	1,890	3,080	3,080	3,080	3,080
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
MITCHELL AVE	JOEL BLVD	3	4.0	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200	
STRINGFELLOW RD	JOEL BLVD	COUNTY LINE	3	2.2	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	1ST AVE	PINE ISLAND RD	6	7.9	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINE ISLAND RD	PINELAND RD	6	3.3	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINELAND RD	MAIN ST	6	3.7	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970

**LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)**

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
VETERANS MEM. PKWY	McGREGOR BLVD	DEL PRADO BLVD	1 & 5	3.5	4LB	1,120	1,900	2,680	3,440	4,000	1,880	3,170	4,460	5,720	6,680
	DEL PRADO BLVD	SANTA BARBARA BLVD	5	2.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SANTA BARBARA BLVD	SKYLINE BLVD	5	1.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SKYLINE BLVD	SR 78	5	3.5	4LD	1,400	2,040	2,040	2,040	2,040	2,340	3,420	3,420	3,420	3,420
WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4	0.4	4LD	0	0	590	1,520	1,520	0	0	990	2,530	2,530
	GLADIOLUS DR	BRANDYWINE CIR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	BRANDYWINE CIR	CYPRESS LAKE DR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.7	4LD	0	0	610	1,780	1,780	0	0	1,020	2,960	2,960
	COLLEGE PKWY	SUNSET VISTA	4	0.5	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330
	SUNSET VISTA	McGREGOR BLVD	4	0.8	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330

**SERVICE VOLUMES ON COLLECTORS IN LEE COUNTY (2015 DATA)**

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
COLLECTORS					2LU	0	0	550	860	860	0	0	990	1,530	1,530
					2LD	0	0	580	910	910	0	0	1,040	1,610	1,610
					4LU	0	0	1,240	1,700	1,700	0	0	2,200	3,030	3,030
					4LD	0	0	1,310	1,790	1,790	0	0	2,340	3,190	3,190

**TRAFFIC COUNT DATA FOR SIX  
MILE CYPRESS PKWY AND  
PENZANCE BLVD.**

List View All DIRs

Record 215 of 450 Goto Record go

Location ID	888	MPO ID	
Type	SPOT	HPMS ID	
On NHS		On HPMS	
LRS ID		LRS Loc PL	
SF Group	3	Route Type	
AF Group		Route	
GF Group		Active	Yes
Class Dist Grp		Category	
Seas Class Grp			
WIM Group			
QC Group	Default		
Funct Class		Milepost	
Located On	Six Mile Cypress Pkwy		
Loc On Alias			
NORTH OF	Daniels Pkwy		

More Detail

**STATION DATA**

Directions: 2-WAY NB SB

**AA DT**

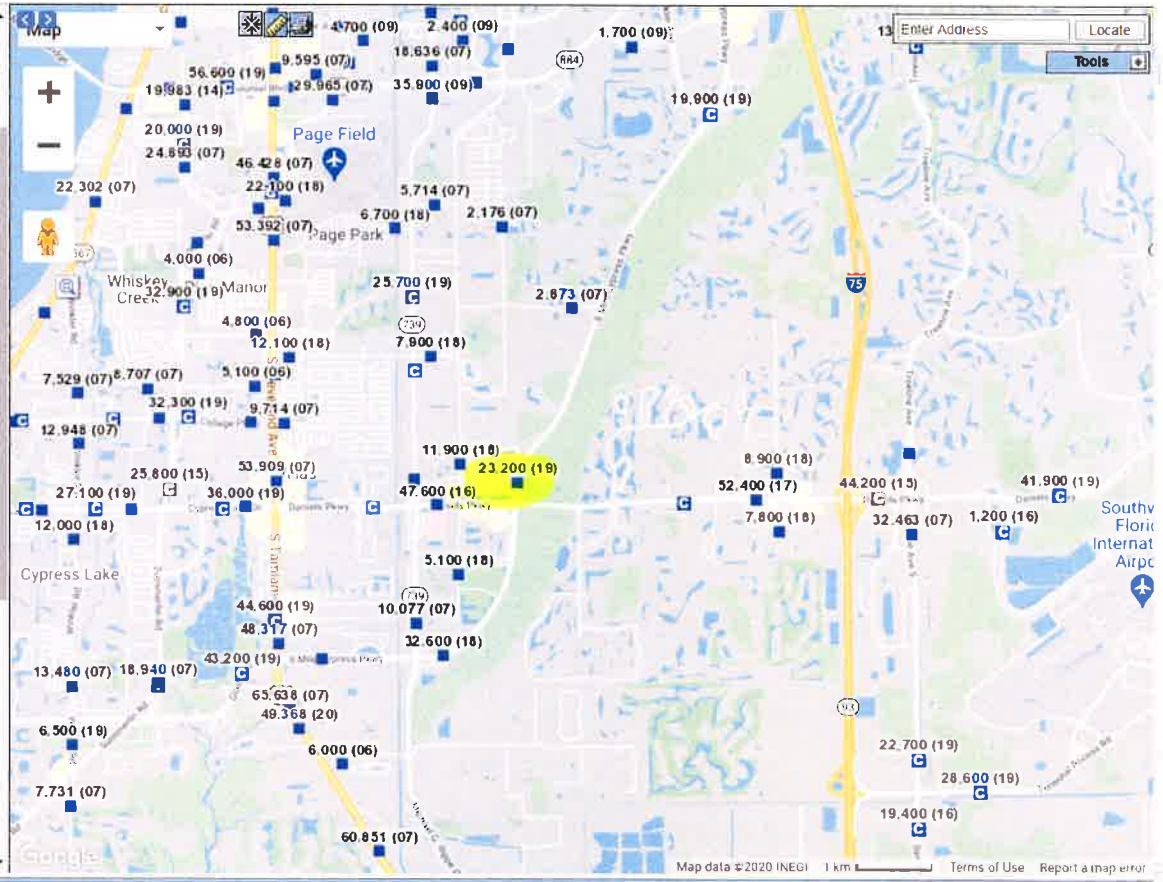
Year	AA DT	DHV-30	K %	D %	PA	BC	Src
2019	23,200	2,236	10	60			
2018	21,800	2,069	9	60			
2017	20,500	2,084	10	58			
2016	20,200	1,918	9	60			
2015	18,200	1,764	10	58			

1-5 of 13

**Travel Demand Model**

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT				VOLUME TREND	
Date	In	Total	Year	Annual Growth	
Thu 4/4/2019	15	27,151	2019	6%	
Wed 4/3/2019	15	27,545	2018	6%	
Tue 4/2/2019	15	26,398	2017	1%	
Thu 3/15/2018	15	26,846	2016	11%	
Wed 3/14/2018	15	26,279	2015	7%	



FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0162 - PENZANCE BLVD, W OF 6 MILE CYPRESS

<u>YEAR</u>	<u>AADT</u>	<u>DIRECTION 1</u>		<u>DIRECTION 2</u>		<u>*K FACTOR</u>	<u>D FACTOR</u>	<u>T FACTOR</u>
2019	3600 F	E	1900	W	1700	9.00	53.30	4.40
2018	3600 C	E	1900	W	1700	9.00	53.30	5.30
2017	2600 S	E	1400	W	1200	9.00	53.20	4.40
2016	2600 F	E	1400	W	1200	9.00	55.50	4.40
2015	2600 C	E	1400	W	1200	9.00	55.50	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

**2019 LEE COUNTY  
PUBLIC FACILITIES  
LEVEL OF SERVICE  
AND  
CONCURRENCY REPORT**

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

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2018		2023		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	2017 count
LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	451	C	474	2017 count
	US 41	BUS 41	2LN	E	860	C	417	C	439	2017 count
LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	352	B	427	4 Ln design & ROW
Mc-GREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,145	B	1,204	
	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,192	B	1,253	2017 count
	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	980	B	1,030	
	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	980	B	1,030	
N RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	166	B	285	2017 count
	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	80	B	225	2017 count
	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	80	A	113	2017 count
ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	418	C	440	
	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	418	C	452	
ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	787	C	828	v/c = 0.87/0.92 4 Ln design & ROW
	LUCKETT RD	SR 80	2LN	E	900	B	364	B	383	4 Ln design & ROW
PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	609	E	659	Constrained
PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	840	B	883	2017 count
	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,331	B	1,399	
	US 41	BUS 41	4LD	E	1,890	B	1,018	B	1,070	2017 count
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	979	E	1,029	v/c = 0.86/0.90, 2017 count
SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,461	B	1,536	
	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,134	B	1,337	
SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	388	C	407	2017 count
STRING-FELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	C	602	C	703	Constrained
	PINELAND RD	MAIN ST	2LN	E	1,060	C	602	C	699	
SUM-MERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,964	A	2,194	
	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,964	A	2,064	
	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,964	A	2,064	
	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	B	1,454	B	1,555	
	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,780	B	1,871	
	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,908	B	2,005	
	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,908	B	2,005	

Table 19 (cont.): Existing and Future Roadway LOS on County-Maintained Collectors in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2018		2023		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
ORANGE GROVE BLVD	CLUB ENTR.	4 LANE END	2LN	E	860	C	393	C	488	2009 count
	4 LANE END	HANCOCK B. PKWY	4LN	E	1,790	C	393	C	488	2009 count
	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	506	C	532	2009 count
ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	139	C	146	2010 count
PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	408	C	431	
PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	206	C	216	2010 count
PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	124	C	136	2010 count
PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	593	D	639	2010 count
	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	282	C	541	Heritage Isle, 2016 count
	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	261	C	275	
PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	293	C	422	Intermed Park
	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	684	D	719	v/c = 0.83/0.88 FDOT Metro Pkwy 6-laning
	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	730	C	767	
PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	2009 count, Stoneybrook North
RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	2009 count
RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	74	C	86	2010 count
	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	74	C	78	2010 count
SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	421	C	443	2010 count
SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	490	C	515	
SHELL POINT BLVD	McGREGOR BLVD	PALM ACRES	2LN	E	860	C	269	C	283	2010 count
SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	C	565	C	594	2010 count
STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	189	C	215	2017 count
SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	D	660	D	694	v/c = 0.77/0.81
TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	163	C	171	2010 count
	ORTIZ AVE	STALEY RD	2LN	E	860	C	207	D	720	Elementary U., v/c = 0.24/0.84
WESTGATE BLVD	SW 23RD ST	LEE BLVD	2LN	E	860	C	640	C	696	
WHISKEY CREEK DR	COLLEGE PKWY	SAUTERN DR	2LD	E	910	C	340	C	357	2010 count
	SAUTERN DR	McGREGOR BLVD	2LD	E	910	C	340	C	357	2010 count
WILLIAMS AVE	LEE BLVD	W. 6TH ST	2LN	E	860	D	589	D	627	
WINKLER RD	STOCKBRIDGE DR	SUMMERLIN RD	2LN	E	860	C	461	D	537	2010 count
WOODLAND BLVD	US 41	AUSTIN ST	2LN	E	860	C	266	C	300	2010 count
W. 6TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	196	C	206	2017 count
W. 12TH ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	C	239	C	252	
	SUNSHINE BLVD	WILLIAMS AVE	2LN	E	860	C	76	C	168	2010 count
	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	92	C	104	2010 count
W. 14TH ST	SUNSHINE BLVD	RICHMOND AVE	2LN	E	860	C	48	C	54	2010 count

0.8 < v/c < 0.9  
 0.9 < v/c < 1.0  
**F**

= 100<sup>th</sup> hour directional volume v/c ratio between 80 and 90 percent of capacity  
 = 100<sup>th</sup> hour directional volume v/c ratio between 90 and 100 percent of capacity  
 = Does not meet the County adopted LOS standard (NOTE: Below LOS standard is acceptable on constrained roads)

# **TRIP GENERATION EQUATIONS**

# Multifamily Housing (Mid-Rise) (221)

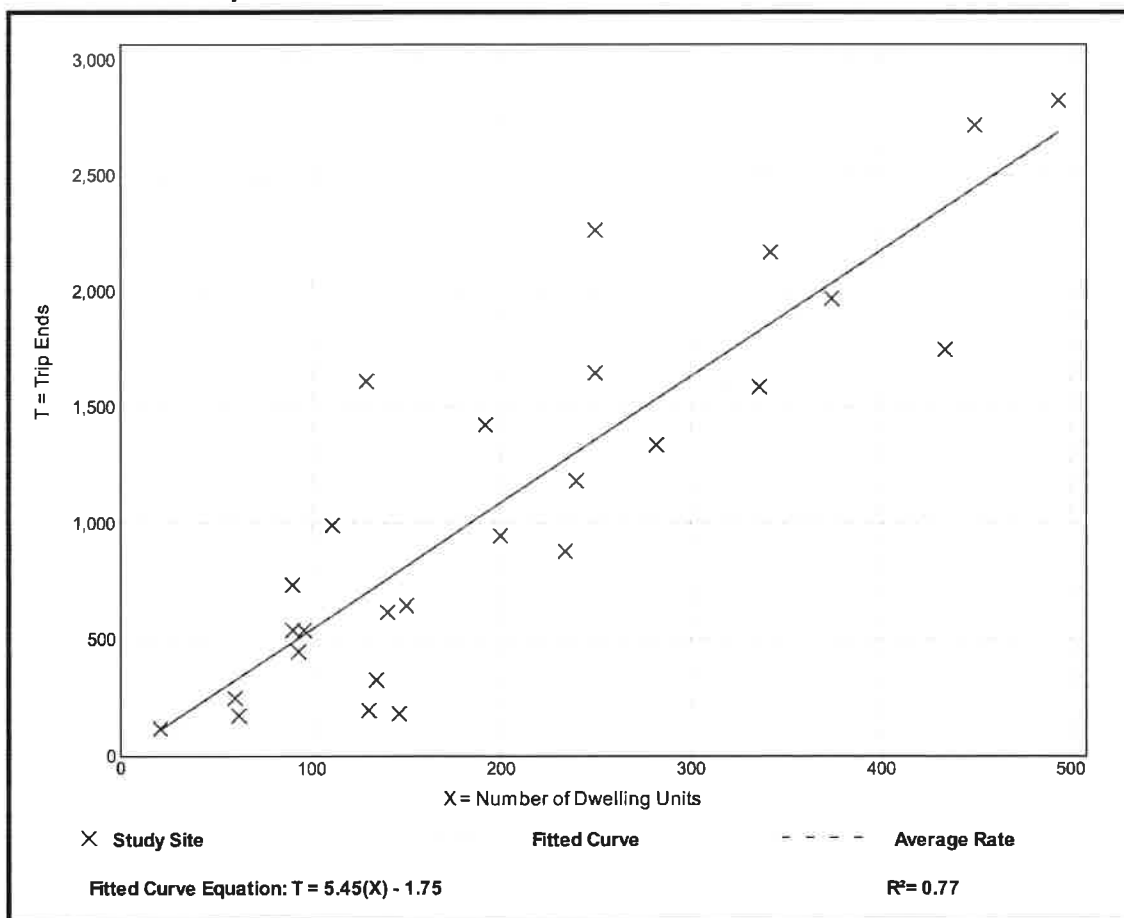
Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 27  
Avg. Num. of Dwelling Units: 205  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.44	1.27 - 12.50	2.03

## Data Plot and Equation



# Multifamily Housing (Mid-Rise)

## (221)

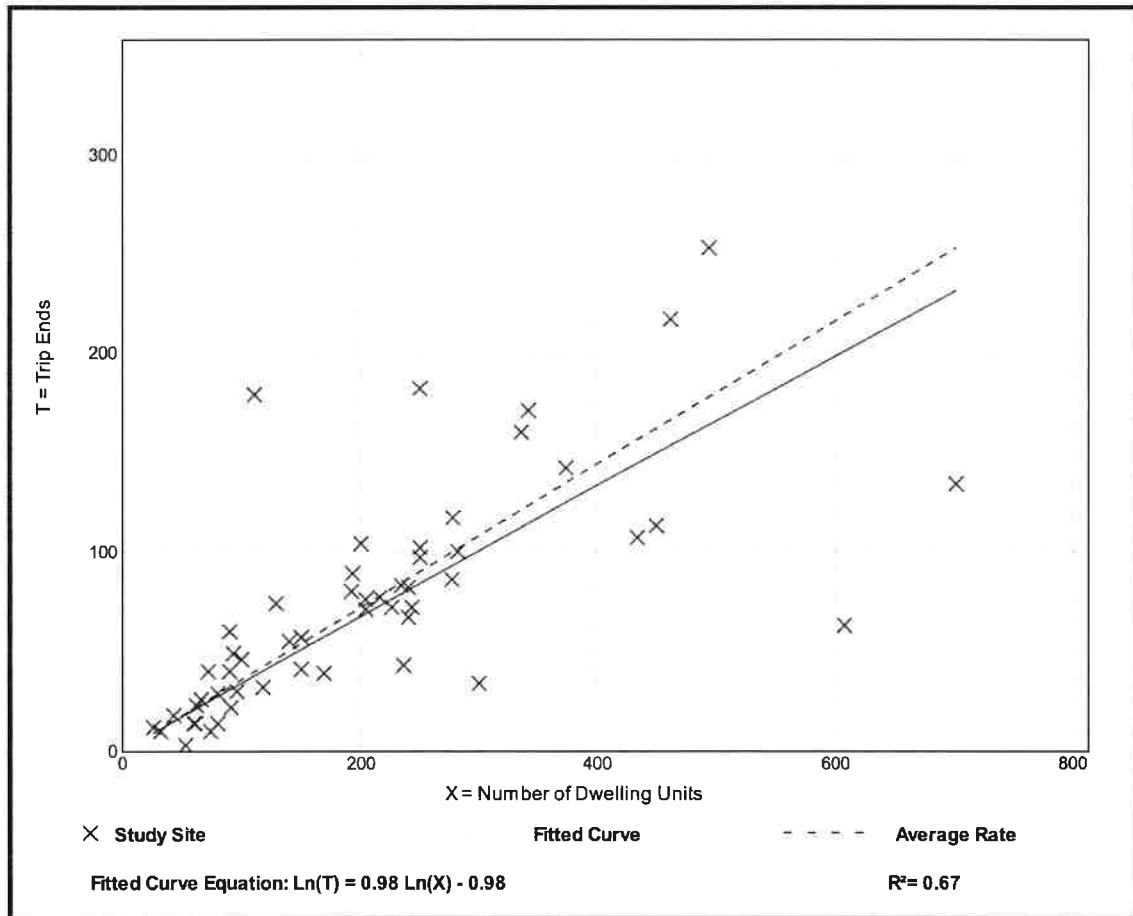
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 53  
 Avg. Num. of Dwelling Units: 207  
 Directional Distribution: 26% entering, 74% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.36	0.06 - 1.61	0.19

### Data Plot and Equation



## Multifamily Housing (Mid-Rise) (221)

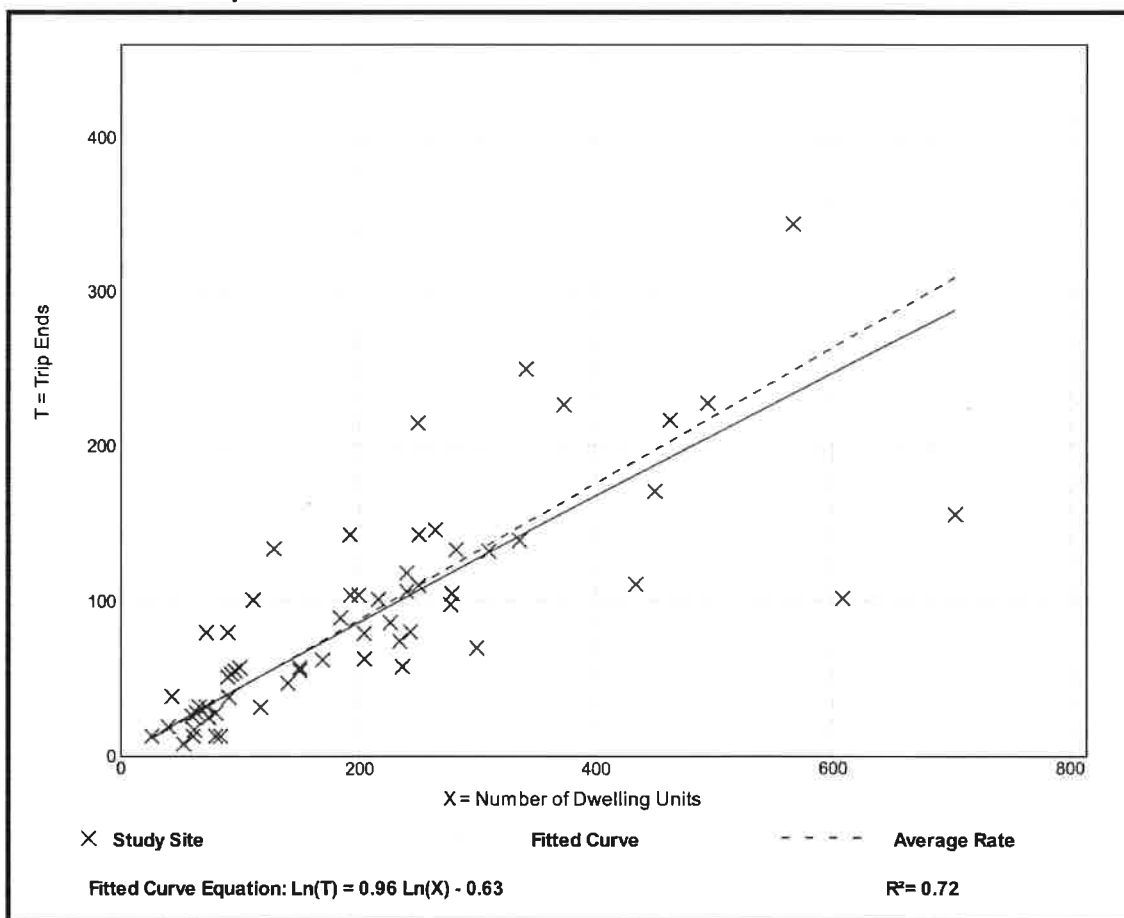
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 60  
 Avg. Num. of Dwelling Units: 208  
 Directional Distribution: 61% entering, 39% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 1.11	0.19

### Data Plot and Equation



# Hotel (310)

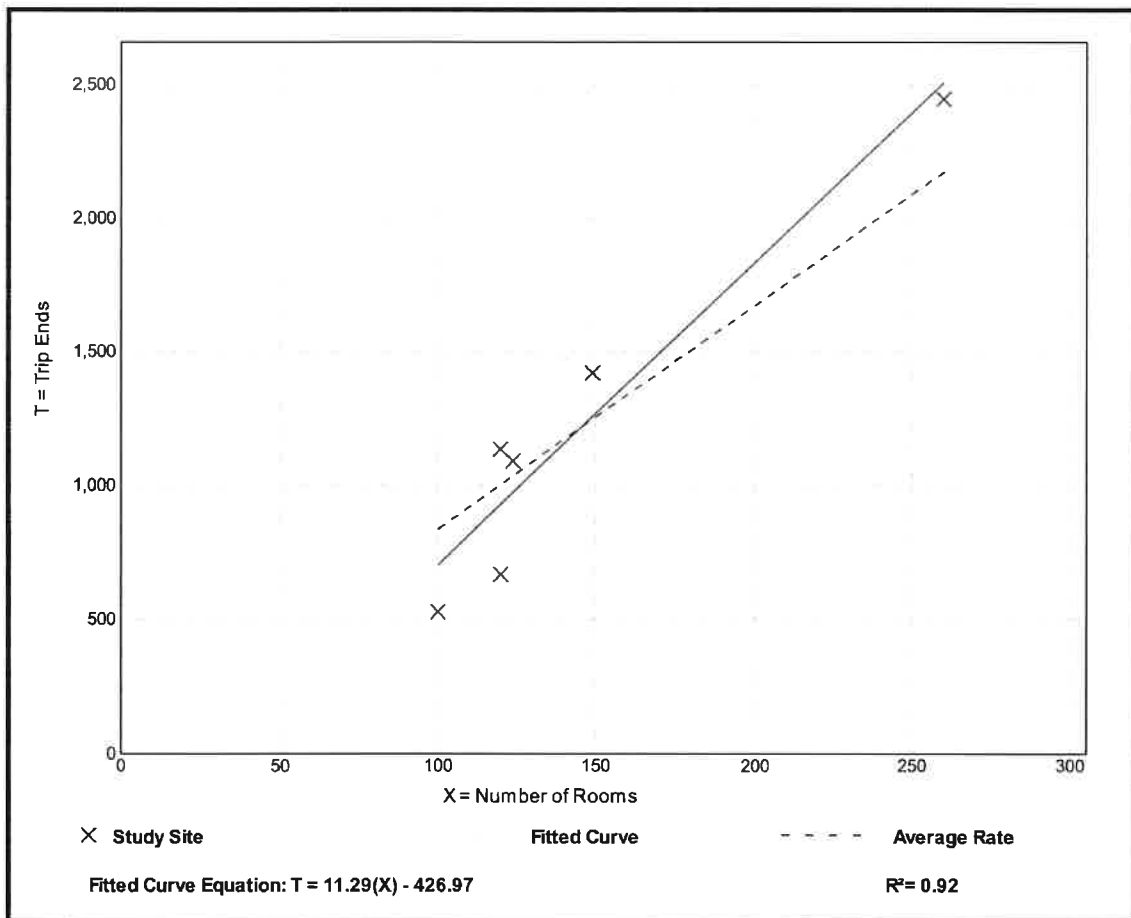
**Vehicle Trip Ends vs: Rooms**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 6  
Avg. Num. of Rooms: 146  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.36	5.31 - 9.53	1.86

## Data Plot and Equation



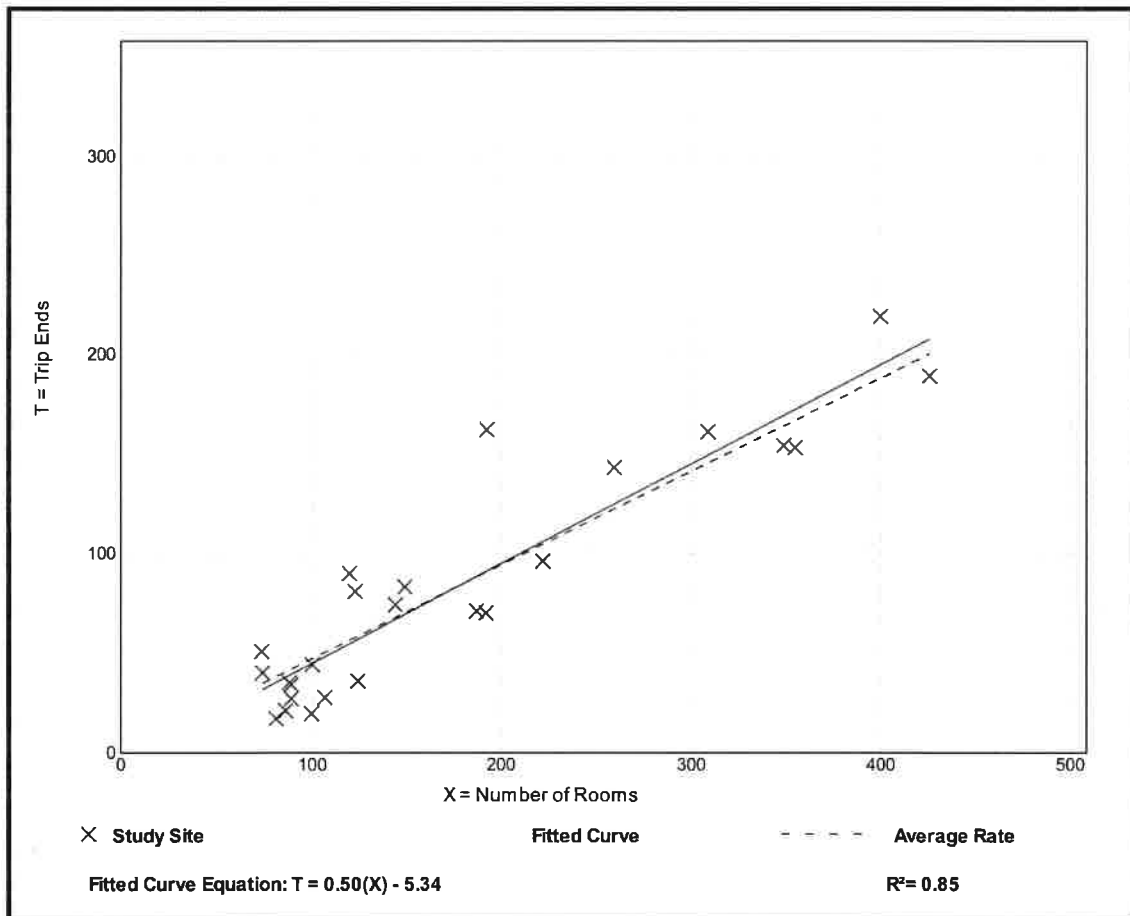
# Hotel (310)

**Vehicle Trip Ends vs: Rooms**  
**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: 25  
Avg. Num. of Rooms: 178  
Directional Distribution: 59% entering, 41% exiting

## Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.47	0.20 - 0.84	0.14

## Data Plot and Equation



# Hotel (310)

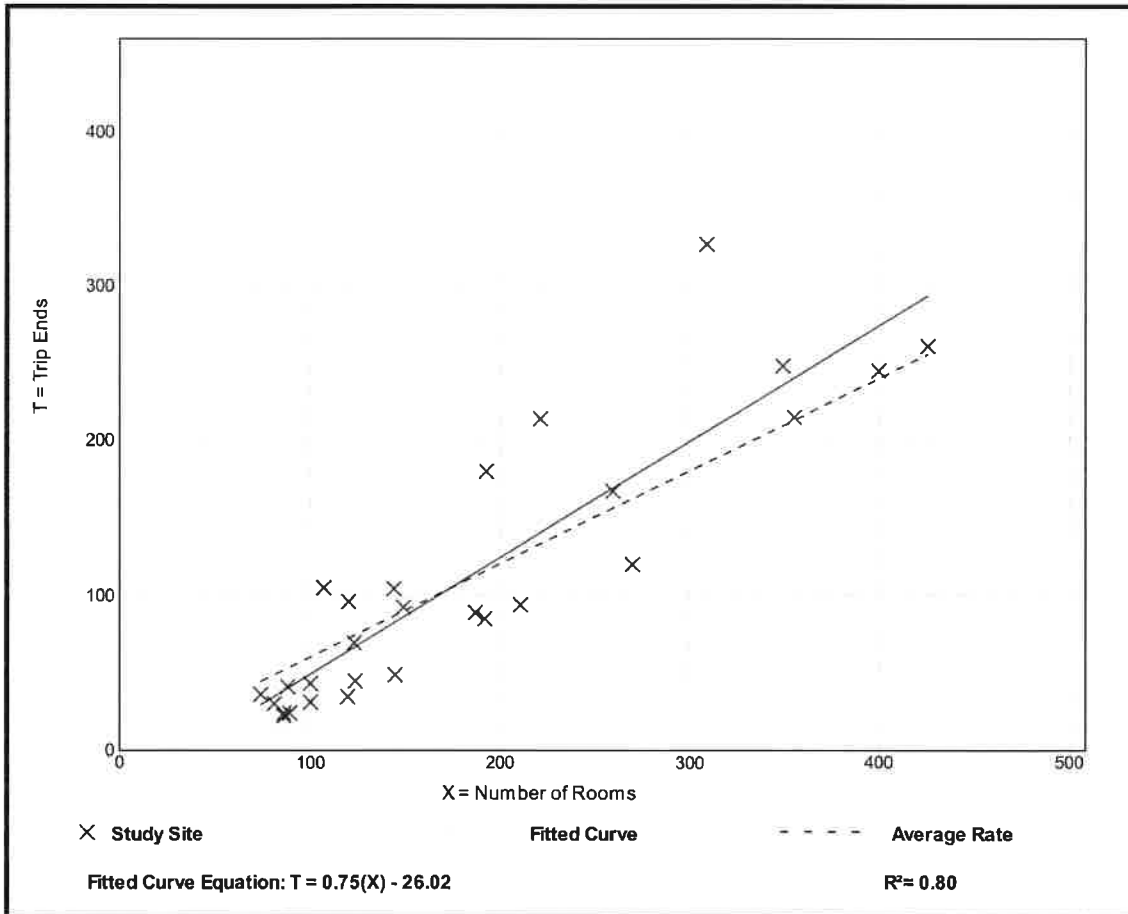
**Vehicle Trip Ends vs: Rooms**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 28  
 Avg. Num. of Rooms: 183  
 Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.60	0.26 - 1.06	0.22

### Data Plot and Equation



## Medical-Dental Office Building (720)

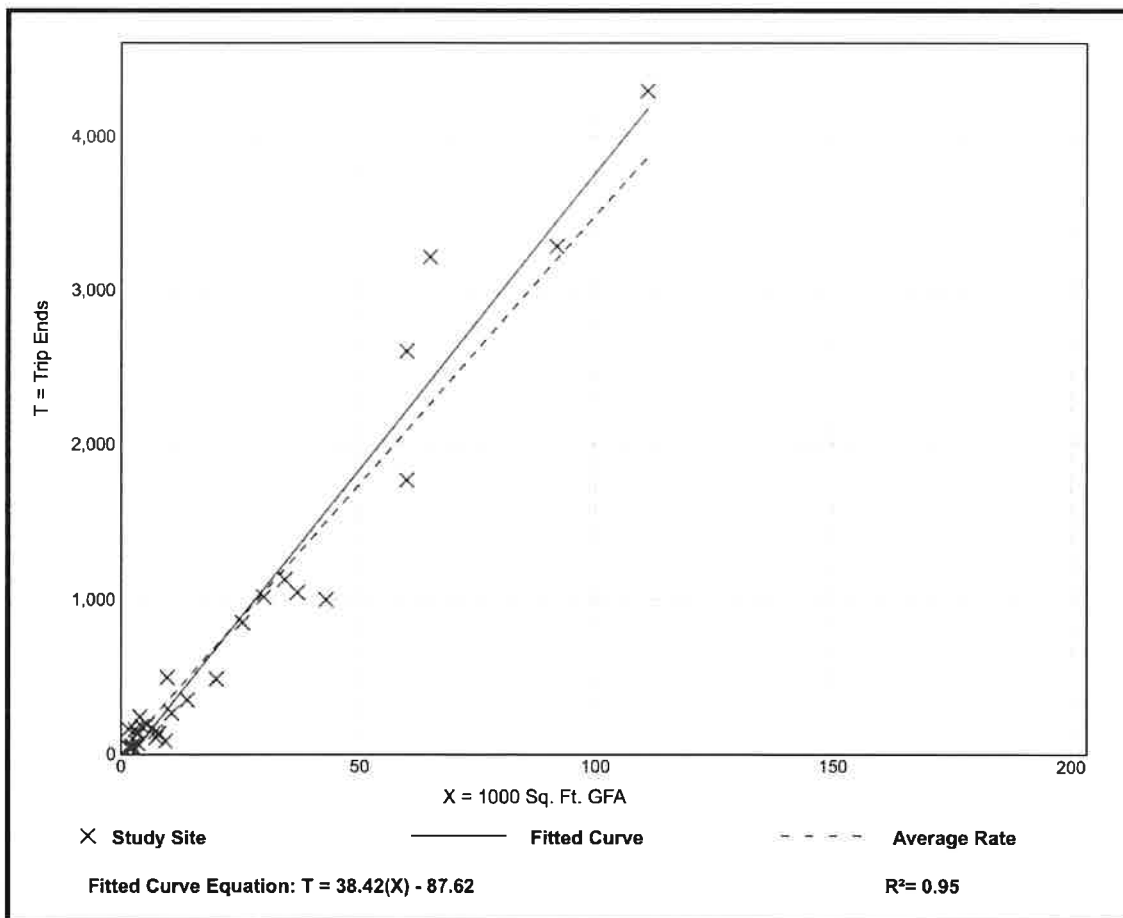
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**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



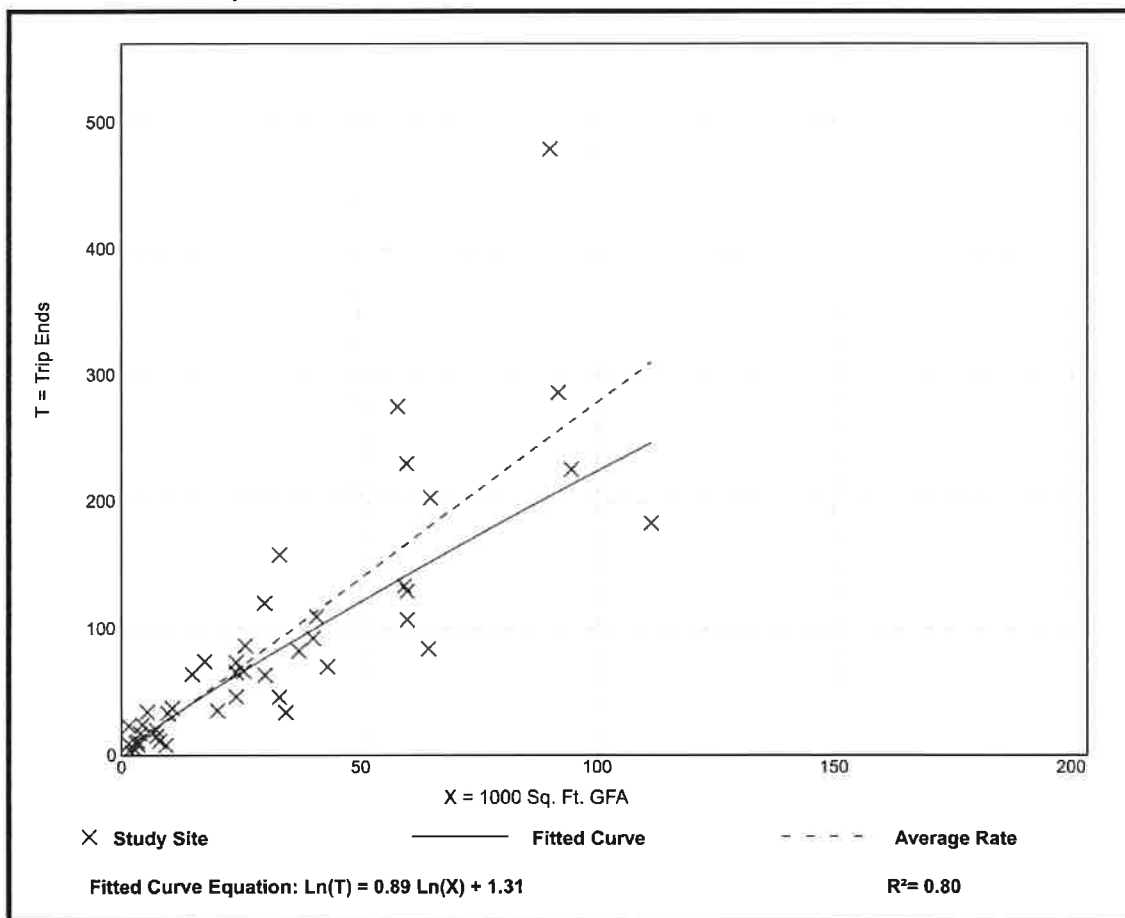
## Medical-Dental Office Building (720)

**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



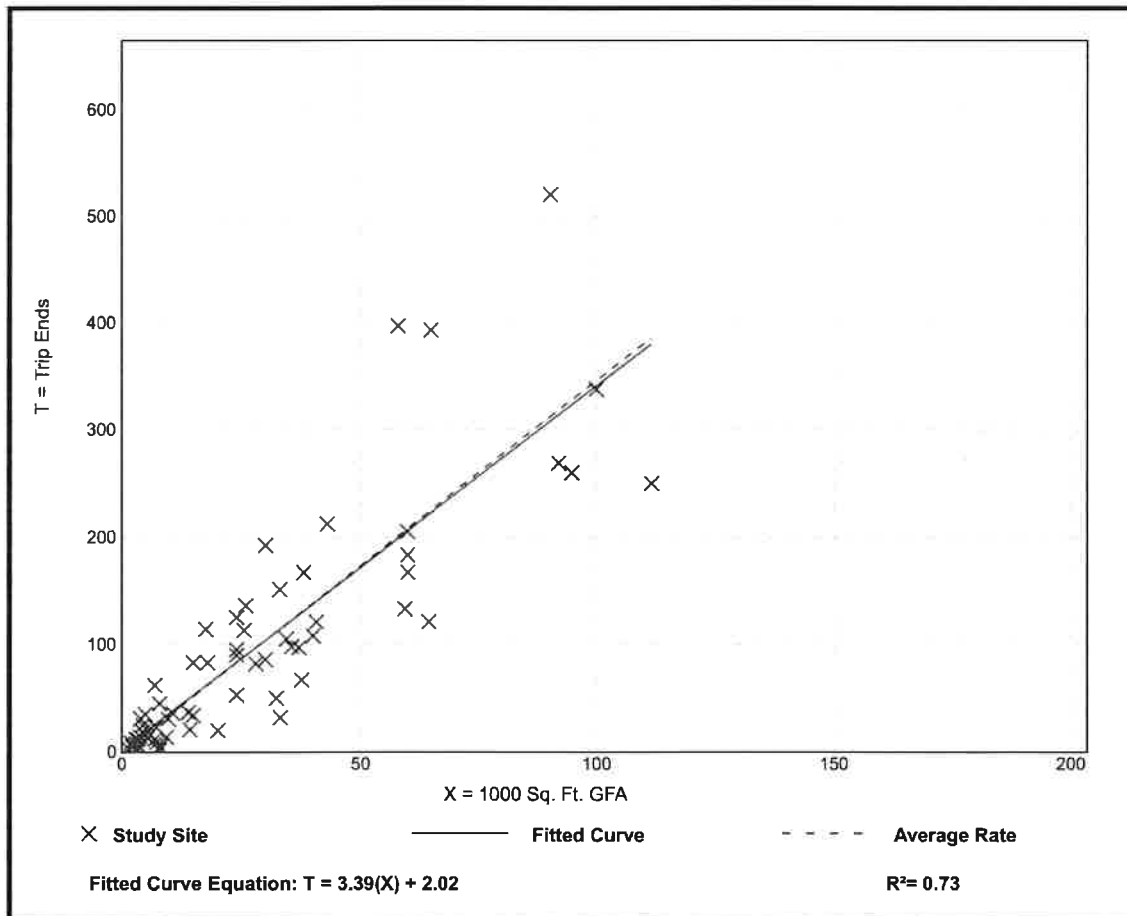
## Medical-Dental Office Building (720)

**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



# Shopping Center (820)

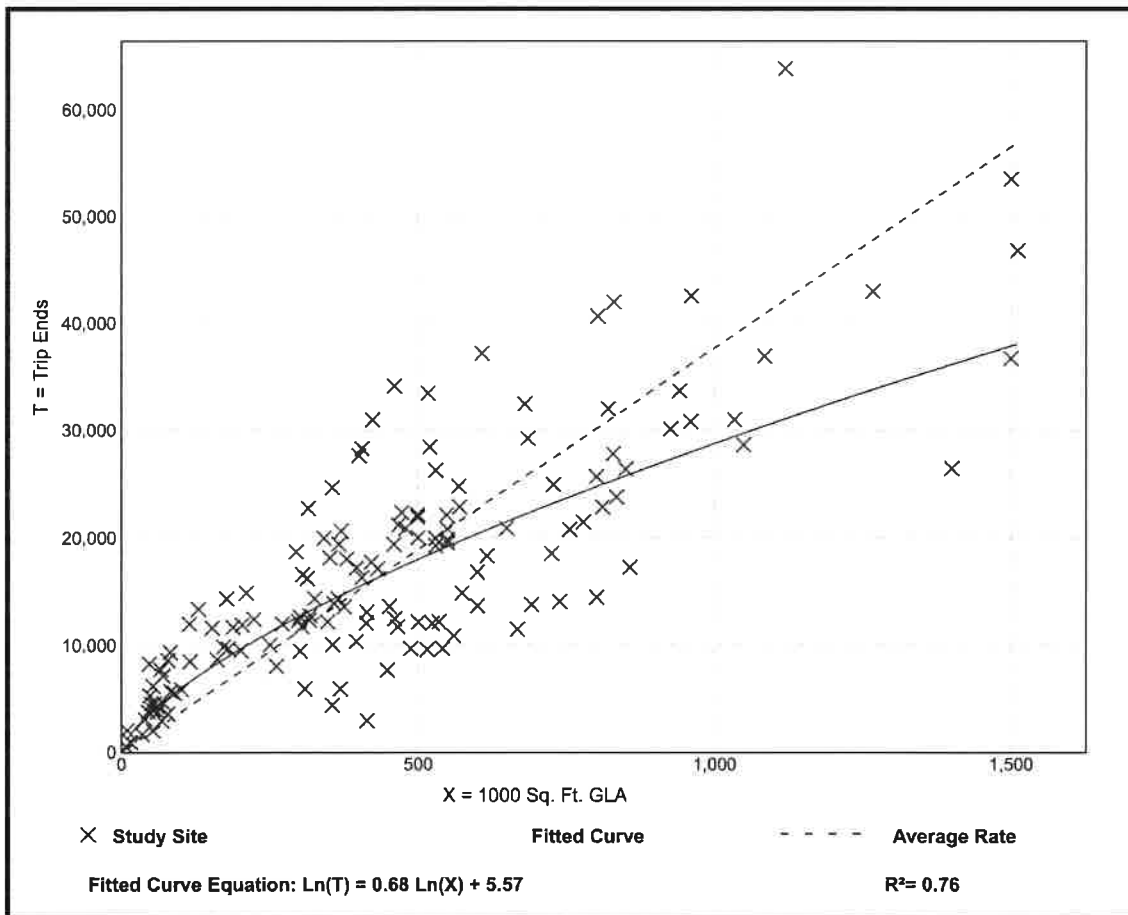
**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Weekday**

**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



# Shopping Center (820)

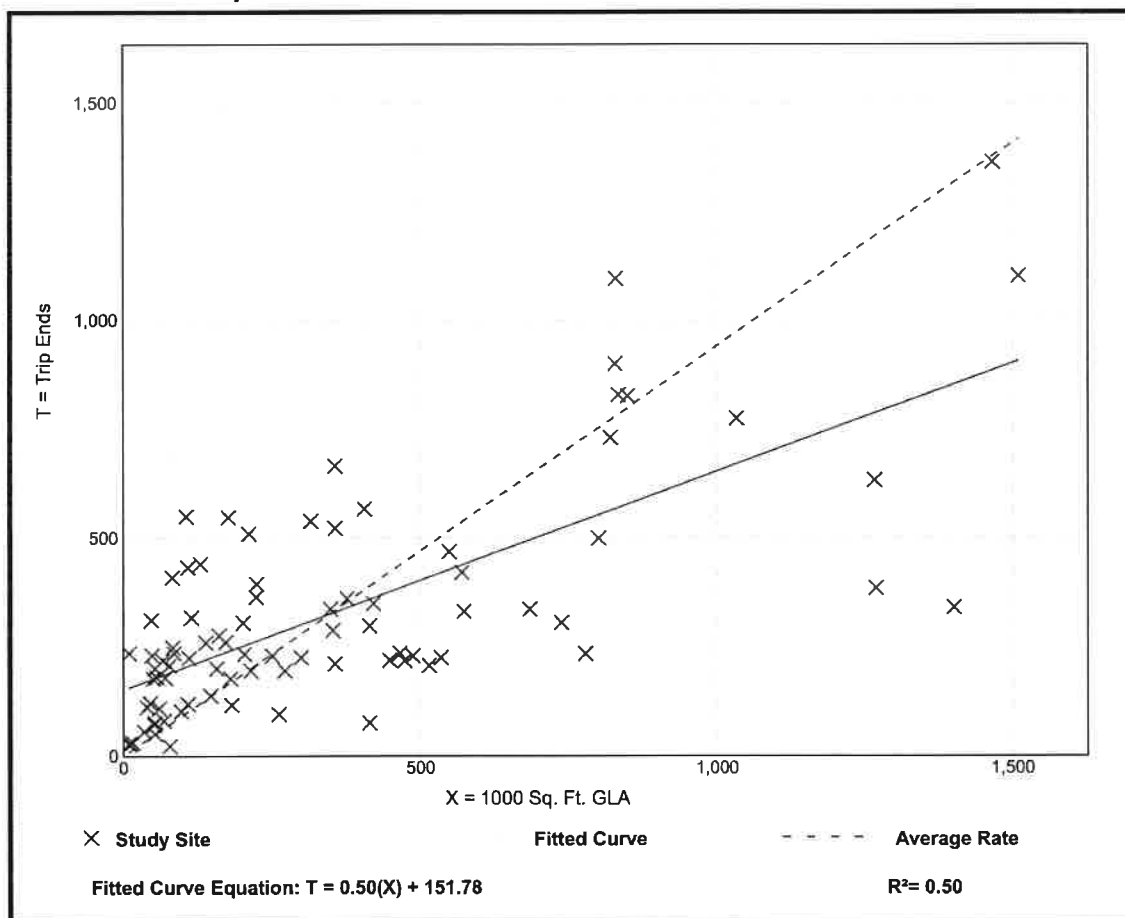
**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

**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



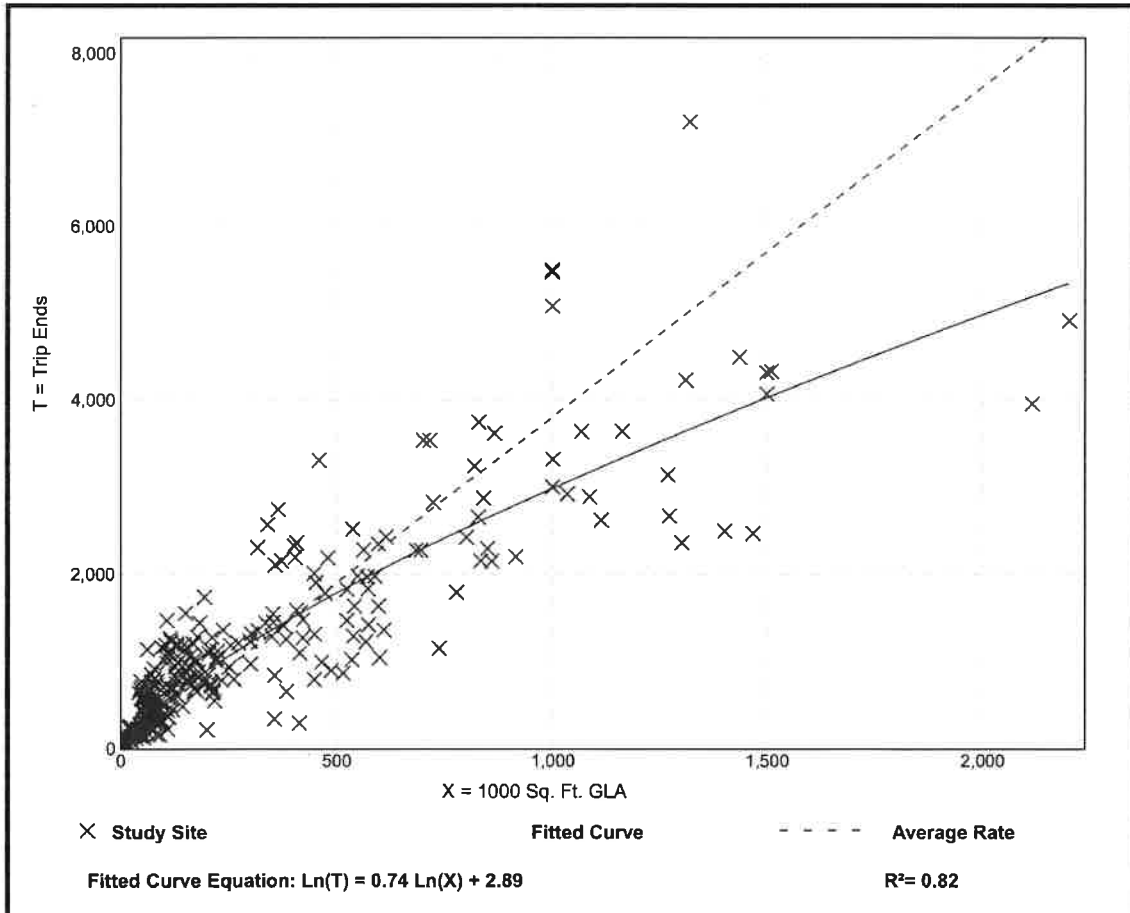
# Shopping Center (820)

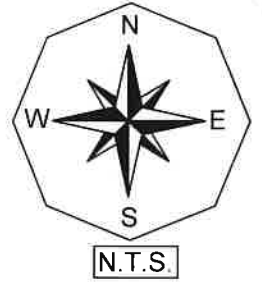
**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 261  
 1000 Sq. Ft. GLA: 327  
 Directional Distribution: 48% entering, 52% exiting

## 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



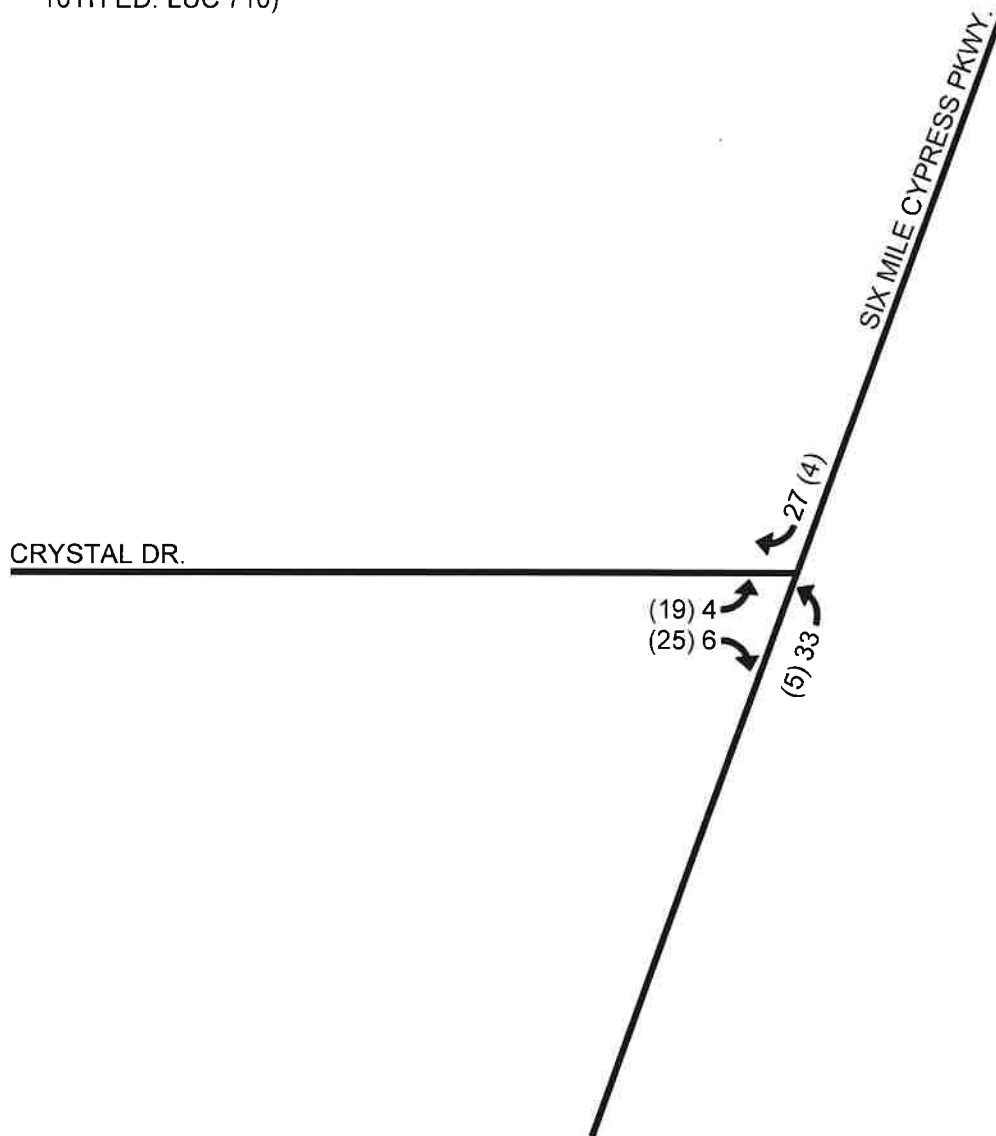


46,547 SQ. FT.

	IN	OUT
AM	60	10
PM	9	46

(SOURCE: ITE TRIP GENERATION REPORT,  
10TH ED. LUC 710)

F2001.11



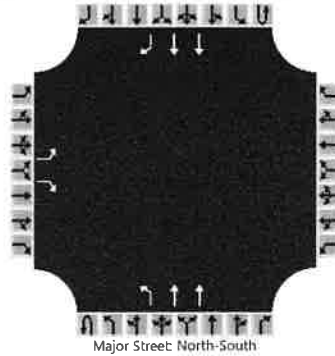
LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRIPS
- ← (000) WEEKDAY PM PEAK HOUR TRIPS

# HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	tbt			Intersection	Six Mile Cyp/Crystal Dr.		
Agency/Co.	TR Transportation Consult			Jurisdiction	Lee Co.		
Date Performed	10/27/2020			East/West Street	Crystal Dr.		
Analysis Year	2023			North/South Street	Six Mile Cypress Pkwy		
Time Analyzed	Weekday AM Peak Hour			Peak Hour Factor	0.92		
Intersection Orientation	North-South			Analysis Time Period (hrs)	0.25		
Project Description	Carissa Minor RPD						

## Lanes



## Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement																	
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6	
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1	
Configuration		L		R						L	T				T	R	
Volume (veh/h)		27		19					0	48	964				1446	27	
Percent Heavy Vehicles (%)		3		3					3	3							
Proportion Time Blocked																	
Percent Grade (%)		0															
Right Turn Channelized		No												No			
Median Type   Storage		Left Only												1			

## Critical and Follow-up Headways

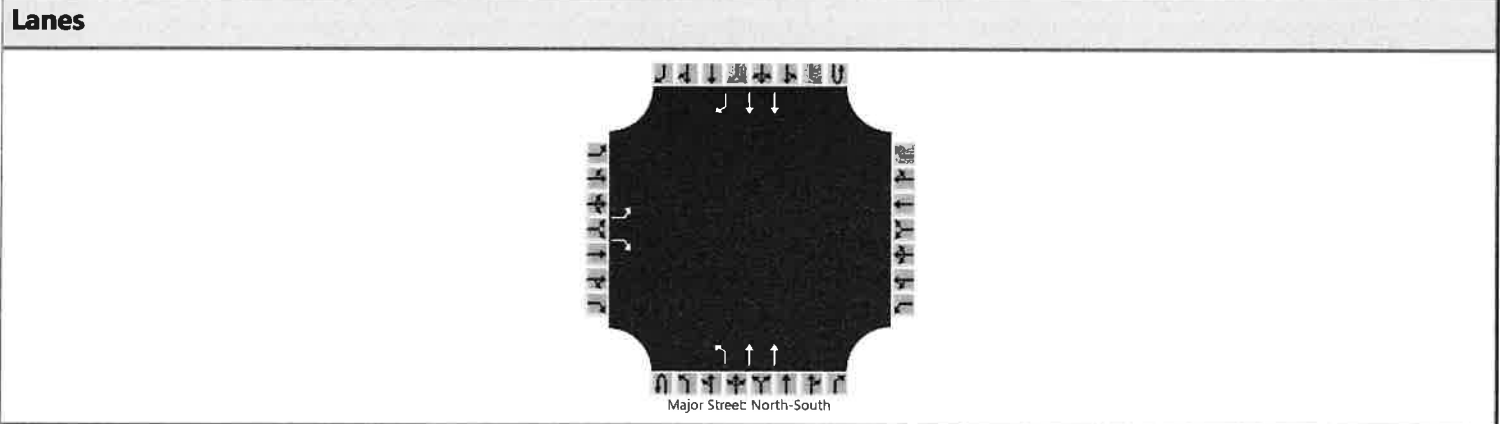
Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

## Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		29		21						52								
Capacity, c (veh/h)		115		333						400								
v/c Ratio		0.26		0.06						0.13								
95% Queue Length, Q <sub>95</sub> (veh)		0.9		0.2						0.4								
Control Delay (s/veh)		46.7		16.5						15.3								
Level of Service (LOS)		E		C						C								
Approach Delay (s/veh)		34.2									0.7							
Approach LOS		D																

# HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	tbt	Intersection	Six Mile Cyp/Crystal Dr.
Agency/Co.	TR Transportation Consult	Jurisdiction	Lee Co.
Date Performed	10/27/2020	East/West Street	Crystal Dr.
Analysis Year	2023	North/South Street	Six Mile Cypress Pkwy
Time Analyzed	Weekday PM Peak Hour	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Carissa Minor RPD		



**Vehicle Volumes and Adjustments**

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1
Configuration		L		R						L	T				T	R
Volume (veh/h)		34		35					0	50	1446				964	4
Percent Heavy Vehicles (%)		3		3					3	3						
Proportion Time Blocked																
Percent Grade (%)	0															
Right Turn Channelized	No												No			
Median Type   Storage					Left Only								1			

**Critical and Follow-up Headways**

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

**Delay, Queue Length, and Level of Service**

Flow Rate, v (veh/h)		37		38						54						
Capacity, c (veh/h)		165		495						651						
v/c Ratio		0.22		0.08						0.08						
95% Queue Length, Q <sub>95</sub> (veh)		0.8		0.2						0.3						
Control Delay (s/veh)		32.9		12.9						11.0						
Level of Service (LOS)		D		B						B						
Approach Delay (s/veh)	22.7								0.4							
Approach LOS	C															



**DEPARTMENT OF COMMUNITY  
DEVELOPMENT**

# Memo

To: Anthony Rodriguez, Planner, Principal

From: Lili Wu, Planner, Senior

Date: March 22, 2021

**Subject: Carissa Minor RPD (DCI2020-00013) Transportation-Related Analysis (revised)**

## **Proposed Development**

This application is requesting to permit 260 multi-family dwelling units for the subject 19.96 acres property.

## **Site Location & Existing Conditions**

The subject site is located on the west side of Six Mile Cypress Pkwy approximately 800 feet south of Penzance Blvd. The subject site is currently vacant.

## **Site Access**

Accesses to the subject site are proposed to Six Mile Cypress Pkwy via a right-in/right-out only driveway which is a designated access point in the Lee County Resolution No. 17-08-11 and an access connection to Crystal Dr that borders the site to the south.

Six Mile Cypress Pkwy is a controlled access facility (arterial) maintained by County. Crystal Dr is a non-county maintained local road.

## **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.

s:\community development\writers\rodrigueza\dcis\2020-00013 - carissa minor rpd\staff report\tismemo\_2021.03.22.docx

**ATTACHMENT N**

**Table 1**  
**Trip Generation**

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Proposed 265 multi-family Dwelling Units	24	70	94	69	45	114	1,414

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

It was assumed that the proposed development would be completed by 2023 (build-out year). Therefore, the roadway links significant impacted by the proposed development were analyzed for the 2023 projected traffic conditions without the proposed development and with the proposed development (Table 2).

**Table 2**  
**Arterial/Collector Roadway Section(s) Adjacent to Site**  
**Expected to be Significant Impacted by the Proposed Development**

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2023	Future + Project
Six Mile Cypress Pkwy	North of Crystal Dr	No	B	B	B
	South of Crystal Dr	No	B	B	B

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

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site access, and intersections expected to be most impacted by the proposed development. In this case, using trip assignment described in the applicant’s final traffic study, the following intersections are expected to be significantly impacted by the proposed development:

1. Six Mile Cypress Pkwy/Crystal Dr
2. Six Mile Cypress Pkwy/Site Access

Table 3 describes the intersections that are expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

**Table 3**

**Roadway Intersection(s) Immediately Adjacent to Subject Site  
Expected to be significantly Impacted by Proposed Development**

Intersection		Significant Impact Expected	Existing Traffic Control	Peak Hour	Level of Service (2023)		
Roadway A	Roadway B				Existing	Future	Future + Project
Six Mile Cypress	Crystal	Yes	Two-way Stop	AM	--	D	D
				PM	--	C	C
Six Mile Cypress	Site Access	Yes	N/A	AM	--	C	C
				PM	--	B	B

**Conclusion**

The proposed project will not have a detrimental impact on the surrounding roadway system.

**LEE COUNTY RESOLUTION NO. 17-08-11**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 93-09-  
51, AS AMENDED, WHICH DESIGNATED BEN C. PRATT SIX MILE  
CYPRESS PARKWAY AS A CONTROLLED ACCESS ROAD AND  
ESTABLISHED PERMANENT ACCESS POINTS.**

**WHEREAS**, section 10-285(h) of the Lee County Land Development Code provides for the designation of certain streets in Lee County as "controlled access" facilities to which permanent access points are restricted to locations established and set by design study and plans adopted by resolution of the Lee County Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety, and welfare of the traveling public; and

**WHEREAS**, on 15 September 1993, the Board of County Commissioners adopted Resolution No. 93-09-51 designating Ben C. Pratt Six Mile Cypress Parkway as a controlled access facility from US 41 northeast to Colonial Boulevard, and establishing permanent access points; and

**WHEREAS**, Resolution No. 93-09-51 was subsequently amended as follows:

1. No. 97-051A, adopted 10-28-1993 which relocated two access points on the west side of Ben C. Pratt Six Mile Cypress Parkway at Station 678+00 and at Station 669+00 for right-in and right-out access only; and
2. FDOT Permit # 98-A-192.0013 added an access at Station 419+34 on the north side of Ben C. Pratt Six Mile Cypress Parkway for a right-in and right-out access only.

**WHEREAS**, Six Mile Apartment, LLC, has requested a right-in and right-out access to its site at Station 732+59; and

**WHEREAS**, the Lee County Department of Transportation has concluded that, the addition of the designated connection point will not hinder traffic capacity nor be contrary to the protection of the health, safety, and welfare of the citizens of Lee County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that:

1. Ben C. Pratt Six Mile Cypress Parkway, from US 41 northeast to Colonial Boulevard including its intersections, is designated a controlled access road facility.
2. Resolution No. 93-09-51 is hereby further amended as follows:
  - a. The access point at Station 732+59, east side, is amended to add a right-in and right-out directional movements conditioned as follows:
    - The zoning Master Concept Plan for the subject property is modified to depict access to Ben C. Pratt Six Mile Cypress Parkway at this location.

- The zoning Master Concept Plan for the subject property includes the connection to the joint access at Station 725+32 and permit general access to the site.
  - The zoning Master Concept Plan for the subject property includes the connection to the Shops at Village Walk development, on the north, when that site is developed, and permits general access to the site.
  - The City of Fort Myers includes in its zoning and development requirements the connection for both Shops at Village Walk and Six Mile Apartments.
  - Construction of the access roadway must be to the applicable LDC development standards
3. Absent subsequent Board action in accordance with applicable County regulations, the connection points are limited to those identified on attached Exhibit A. Provided, however, no vested right to a particular connection point location is granted by virtue of adopting Exhibit A. The County retains full power and authority to exercise its police power to modify connection points, median openings, and turning movements to protect the health, safety, and welfare of the traveling public.

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

John E. Manning	<u>Aye</u>
Cecil L Pendergrass	<u>Aye</u>
Larry Kiker	<u>Aye</u>
Brian Hamman	<u>Aye</u>
Franklin B. Mann	<u>Absent</u>

Duly passed and adopted this 15th day of August, 2017.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By *Louise Townsend*  
Deputy Clerk

By *John E. Manning*  
John E. Manning, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

By *[Signature]*  
Office of the Lee County Attorney

**EXHIBIT A  
BEN PRATT SIX MILE CYPRESS PARKWAY  
DESIGNATED ACCESS POINTS**

STATION	DISTANCE (Feet)		ORIGIN	MEDIAN OPENING	MOVEMENTS	CONNECTION	REMARKS
	North/West	South/East					
362+19±50	-	-	1&2&3	YES	ALL	US 41	
372+40±50	1021	1021	1&2	YES	ALL	Wal-Mart / Home Depot Plaza	
379+44±50	704	704	5	YES	ALL	N & S	
386+80±50	736	736	1&2	YES	ALL	N & S	
393+40±50	660	660	1&2&3	YES	ALL	N & S	
401+90±50	n/a	850	6	NO	RT.IN/RT.OUT	S	
408+50±50	1510	660	1&2	YES	ALL	Independence Circle (W)	
413+38±50	488	488	6	NO	RT.IN/RT.OUT	Independence Circle (E)	
419+34±50	596	n/a	8	NO	RT.IN/RT.OUT	N	Approved by FDOT Permit #98-A-192-0013
422+74±50	340	936	1&2	YES	ALL	Metro Parkway	
429+10±50	636	636	4	NO	RT.IN/RT.OUT	N & Molly Lane (S)	
435+70±50	660	660	1&2	YES	NBL, RT.IN/RT.OUT	N & Trader Street (S)	Proposed directional left in
442+47±50	677	677	3	YES	ALL	Plantation Road / Exchange Lane	
452+50±50	1003	1003	2&6	YES	NBL, RT.IN/RT.OUT	NW	
462+45±50	995	995	4	YES	ALL	NW	
471+67±50	922	922	4	YES	ALL	Stadium NW	
486+87±50	1520	1520	1&2	YES	ALL	International Center Blvd.	
499+18±50	1231	1231	5	YES	ALL	Olympic Court	
506+50±50	732	n/a	2&4	NO	RT.IN/RT.OUT	International Drive	
514+02±50	752	1484	1	YES	ALL	Daniels Parkway	
521+68±50	766	n/a	2&5	NO	RT.IN/RT.OUT	W	
533+60±50	1192	1958	1	YES	ALL	Brookshire Lake Blvd.	
542+45±50	885	885	2&4	YES	ALL	East Pine Way W	
547+00±50	455	455	3	YES	ALL	with Special Conditions	
560+62±50	1362	1362	2&5	YES	ALL	Bergamo Way	
578+00±50	1738	1738	6	YES	NBL, RT.IN/RT.OUT	W	
581+78±50	378	n/a	6	NO	RT.IN/RT.OUT	W	
588+30±50	652	1030	1	YES	ALL	Crystal Drive	
597+45±50	915	n/a	6	NO	RT.IN/RT.OUT	W	
604+05±50	660	1575	6	YES	NBL, RT.IN/RT.OUT	W	
610+72±50	667	667	1	YES	ALL	Penzance Blvd.	
621+07±50	1035	1035	6	YES	NBL, RT.IN/RT.OUT	with Special Conditions	
631+43±50	1036	1036	1	YES	ALL	W	
642+21±50	1078	1078	1	YES	ALL	Key Deer Ct.	
660+99±50	1878	n/a	6	NO	RT.IN/RT.OUT	NW	
669+00±50	801	n/a	6&7	NO	RT.IN/RT.OUT	NW	Relocated from STA 671+52, does not exist
678+00±50	900	3579	1&7	YES	ALL	Heritage Palms Blvd.	Relocated from STA 681+00
699+00±50	2100	2100	1	YES	ALL	NW & SE	
707+95±50	895	895	4	YES	ALL	Winkler Avenue Ext.	
714+60±50	665	665	5	YES	SBL, RT.IN/RT.OUT	E	
725+32±50	1072	1072	1	YES	ALL	Bernwood Place Dr. (S) / Via Columbia Circle	
731+93±50	661	n/a	4	NO	RT.IN/RT.OUT	W	
732+59±50	727	596			RT.IN/RT.OUT	E	11
738+55±50	662	1323	1	YES	ALL	Bernwood Place Dr. (north end)	
745+15±50	660	660	6	NO	RT.IN/RT.OUT	E & W	
751+77±50	662	662	1	YES	ALL	Challenger Blvd.	
758+50±50	673	673	4	YES	NBL/SBL, RT.IN/RT.OUT	E & W	
765+23±50	673	673	1	YES	ALL	Dani Drive / Wal-Mart Plaza	
770+70±50	n/a	547	9	NO	RT.IN/RT.OUT	Colonial Blvd - SR 884	
778+68±50	1345	798	1	YES	ALL		

49 permanent access points  
Road Length: 7.89 Miles  
Average Spacing: 978 Feet  
\* Pending Access Point Modifications: 1

NBL = Northbound left  
SBL = Southbound left

Notes

- (1) Original Plan
- (2) Field Location Change
- (3) Court Order
- (4) Development Order
- (5) Kimley-Horn Study
- (6) To Guarantee Access
- (7) Modified by Amending Resolution #97-051A
- (8) Modified by FDOT Permit #98-A-192.0013
- (9) Added by Amending Resolution #00-04-09
- (10) Added Right-in/Right-out on East side with conditions by Amending Resolution #09-11-14
- (11) Added Right-in/Right-out on East side



**Date:** March 26, 2021  
**To:** Anthony Rodriguez, Principal Planner  
**From:** Beth Workman, Senior Planner  
**Subject:** DCI2020-00013  
Carissa Minor RPD  
Zoning Environmental Sciences Review

An application has been submitted to rezone 19.96 acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD). The request results in the following changes:

- higher percentage of open space required in accordance with Land Development Code (LDC) Section 10-415(a), and
- buffer requirements per LDC Section 10-416(d), and
- Master Concept Plan (MCP) revision to depict fewer impacts to the indigenous vegetation than previous zoning approval associated with the CPD.

#### OPEN SPACE

The LDC Section 10-415(a) requires the applicant to provide 40% open space as defined per LDC Section 10-1. The MCP received March 12, 2021 states that 40% open space (7.98 acres) will be provided.

#### INDIGENOUS OPEN SPACE

The LDC Section 10-415(b) requires the applicant to provide 50% of the required open space as preserved indigenous areas. The applicant is required and has provided 3.99 acres of indigenous open space per the MCP received March 12, 2021. The 3.99 acres of indigenous open space preserves are depicted as preserve A, B, and C per the MCP. Preserve A is approximately 0.40 acres and consists of Wetland Hardwood Forest (FLUCFCS 617 E3). Preserve B is approximately 1.81 acres and consists of an old cow pond (FLUCFCS 500) and Wetland Hardwood Forest (FLUCFCS 617 E3). Preserve C is approximately 1.78 acres consisting of 1.75 acres Wetland Hardwood Forest (FLUCFCS 617 E3) and 0.03 acres Pine Flatwoods (FLUCFCS 411 E3). The applicant has provided an Environmental Assessment that includes a Florida Land Use Cover, Form and Classification (FLUCFCS) map that depicts the type of vegetation and level of exotics existing in each area (see attachment A).

Zoning Environmental Science staff provides the following conditions to ensure 3.99 acres of indigenous open space is provided:

*Prior to the issuance of a development order for any phase, the development order must depict 3.99 acres of indigenous open space (3.96 acres of wetland and 0.03 acres of upland) as depicted on the Master Concept Plan received March 12, 2021.*

*Prior to the issuance of a Vegetation Removal Permit, a point map that corresponds to staking in the field must be submitted depicting the internal roadway located between preserve A, B, and C.*

## WETLANDS

The subject property plus the tracts located to the south of Crystal Drive were permitted through the South Florida Water Management District (SFMWD) permit #36-05372-P-02 and Army Corps of Engineers (ACOE) permit SAJ-1997-67-IP. These permits were issued for direct impacts to 10.96 acres of jurisdictional wetlands. During permitting, the applicant was required to purchase 7.23 freshwater herbaceous credits from the Panther Island Mitigation Bank for compensatory mitigation of the 10.96 acre on-site wetland impacts. The state and federal permits also required the applicant to preserve 0.80 acres of wetlands and 1.58 acres of wetland creation onsite. The jurisdictional wetland determination maps exhibit 3.0 and 3.1 depict the location of the wetlands and other surface waters (see attachment B).

The current applicant is reducing the amount of wetland impacts on the subject property (part of the 10.96 acre wetland impact) from 6.62 acres to 2.66 acres. The MCP depicts a total of 3.96 acres of wetland preserve and 0.03 acres of upland preserve. The applicant will be required through the zoning conditions to provide the receipt of payment to the Panther Island Mitigation Bank for 7.23 freshwater herbaceous credits. This is required because in accordance with Lee Plan Goal 124, county staff cannot approve development impacts to State jurisdictional wetlands unless a jurisdictional wetland determination has been provided depicting that the wetlands proposed to be impacted have been approved by SFWMD and the required mitigation has been met.

Zoning Environmental Sciences staff recommends the following condition for approval:

*Prior to the issuance of a development order for any phase, a receipt of payment must be submitted for the 7.23 freshwater herbaceous credits from the Panther Island Mitigation Bank.*

## BUFFERS

The LDC 10-416(d) requires buffers when different uses abut one another. The proposed residential planned development abuts commercial uses to the north; right-of-way to the east, west, and south; and multi-family to a portion of the east. The applicant has provided the code required Type-D buffers abutting all rights-of-ways and has depicted them on the MCP received on November 3, 2020.

## Attachments

A – Environmental Assessment

B – SFWMD ERP with exhibit 3.0 and 3.1

**CARISSA MINOR RPD**

**ENVIRONMENTAL ASSESSMENT &  
PROTECTED SPECIES SURVEY REPORT**

*August 2020  
Updated March 2021*

Prepared For:

Banks Engineering  
Tom Lehnert – President  
10511 Six Mile Cypress Parkway  
Fort Myers, Florida 33966  
Phone: 239-939-5490  
E-Mail: [tlehnert@bankseng.com](mailto:tlehnert@bankseng.com)

Prepared By:



BearPaws Environmental Consulting  
1599 Covington Circle East  
Phone: (239) 340-0678  
Email: [BearPaws.Env.Consulting@GMail.com](mailto: BearPaws.Env.Consulting@GMail.com)

## **Introduction**

An environmental assessment was conducted on the Carissa Minor RPD property on August 4, 2020. The 19.96± acre site is located in Section 17, Township 45S, and Range 25E, of Lee County, Florida. More specifically, the site is located immediately west of Six Mile Cypress Parkway and north of Crystal Drive, in Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of the field investigation was to identify the potential for either U.S. Army Corps of Engineers (ACOE) and / or South Florida Water Management District (SFWMD) jurisdictional wetlands. This field investigation was also conducted to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl burrows (*Athene cunicularia floridana*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential developments, commercial developments, undeveloped vacant land, and forested land. The survey was conducted in the mid-morning; the temperature were in the mid-upper 80's, with a light breeze, and partly cloudy skies.

## **Project Background & Previous Permits**

This was a phased project to construct and develop an office space and retail development. Previous permits have been obtained from both the South Florida Water Management District (SFWMD), Permit #: 36-05372-P and US Army Corps of Engineers (ACOE), Permit #: SAJ-1997-67-IP. These permits were issued for both the overall project site, including the subject property in addition to the parcel to the south of Crystal Drive. Per both the SFWMD and the ACOE permits, the applicant proposed direct impacts to 10.96± acres of wetlands (6.62± acres on the subject property) and 0.53± acres of other surface water communities. As compensatory mitigation for the 10.96± acres of impacts to the on-site wetlands, the applicant has purchased 7.23 freshwater herbaceous credits from Panther Island Mitigation Bank. The permit also included that the applicant also provided 0.80± acres of wetland preserve and 1.58± acres of wetland creation provided on-site.

## **Species Survey Methodology**

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals. Signs or sightings of these species are then recorded.

### **Existing Site Conditions**

*Boundary* – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 19.96± acres.

*Soils* - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Hallandale fine sand, (NRCS #6; non-hydric), Oldsmar sand, (NRCS #33; non-hydric), and Malabar fine sand, (NRCS #34; hydric). Malabar fine sand soil is considered hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

*Vegetation Descriptions* – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately 5.64± acres of wetlands and approximately 0.53± acres of “other surface water” communities on-site during the site assessment. Formal wetlands delineations have previously been conducted on-site, per the South Florida Water Management (SFWMD) and US Army Corps of Engineers (ACOE) environmental resource permits. The vegetation descriptions and community locations were obtained from this SFWMD permit and the engineer. The proposed project will impact previously impacted and mitigated wetlands. According to the SFWMD permit, these wetlands were in fair condition with varying levels of exotic infestation.

Community delineations were defined utilizing different vegetation communities on-site and were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). The FLUCFCS mapping and vegetation descriptions were previously provided by Boylan Environmental Consultants and obtained from the South Florida Water Management (SFWMD). Updated community/vegetation descriptions have been provided and included below for each community identified on-site. Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

## **FLUCFCS Codes & Community Descriptions**

### *Uplands*

*The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.*

### **FLUCFCS 411 E3 Pine Flatwoods (50-74% Exotics) – 2.82± Acres**

This upland community type occupies 2.82± acres of the property. The canopy contains slash pine (*Pinus elliottii*), with scattered live oak (*Quercus virginiana*). The sub-canopy also contains slash pine (*Pinus elliottii*), and live oak (*Quercus virginiana*) with cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and myrsine (*Rapanea punctata*). The ground cover is dominated by saw palmetto (*Serenoa repens*), penny royal (*Stachydeoma graveolens*), and false buttonweed (*Spermacoce verticillata*) with other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis munsoniana*), greenbriar (*Smilax* spp.), and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by the regulatory agencies.

### **FLUCFCS 420 E4 Mixed Upland Hardwoods (Exotics > 75%) – 7.10± Acres**

This upland community type occupies approximately 7.10± acres of the property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), melaleuca (*Melaleuca quinquenervia*), mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 75-99% of this community. The canopy is dominated by melaleuca (*Melaleuca quinquenervia*) with scattered earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), slash pine (*Pinus elliottii*), and live oak (*Quercus virginiana*). The sub-canopy contains scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open, due to the dense exotic coverage, but contains scattered various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax* sp.), and grapevine (*Vitis rotundifolia*). This community would be considered uplands by the regulatory agencies.

### **FLUCFCS 740 Disturbed Lands – Cleared Trails – 2.86± Acres**

This disturbed upland community type occupies 2.86± acres of the property and includes cleared trails throughout the property. The canopy is mostly open with scattered slash pine (*Pinus elliottii*) along the edges. The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*) and wax myrtle (*Myrica cerifera*) along the edges. The ground cover includes Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), sandspur (*Cenchrus echinatus*), false buttonweed (*Spermacoce verticillata*), bahia grass (*Paspalum notatum*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax* sp.), and grapevine (*Vitis rotundifolia*).

### **FLUCFCS 800 County Road ROW (Future Crystal Drive Ext.) – 0.63± Acres**

A portion of this community is a paved road, Crystal Drive, which leads to the commercial portion of the site, which was developed at part of the previously permitted site design; the remaining vegetated portion of this right-of-way, is the future Crystal Drive Extension. This community occupies 0.63± acres of the property. This community would be considered uplands by the regulatory agencies.

### **FLUCFCS 814 Road ROW – 0.38± Acres**

This unpaved paved road right of way occupies 0.38± acres of the property, which is immediately west of the project site along J V Parker Lane. This community would be considered uplands by the regulatory agencies.

### Wetlands

The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.

#### **FLUCFCS 617 E3 Wetland Hardwood Forest (50-74% Exotics) – 5.64± Acres**

This wetland community type occupies approximately 5.64± acres of the property. The canopy contains laurel oak (*Quercus laurifolia*), slash pine (*Pinus elliottii*), bald cypress (*Taxodium distichum*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy vegetation includes Brazilian pepper (*Schinus terebinthifolius*), cabbage palm (*Sabal palmetto*), myrsine (*Rapanea punctata*), buckthorn (*Rhamnus cathartica*), and wax myrtle (*Myrica cerifera*). The ground cover includes scattered saw palmetto (*Serenoa repens*), with swamp fern (*Blechnum serrulatum*), black needlerush (*Juncus roemerianus*), red-root (*Lachnanthes caroliniana*), chocolate weed (*Melochia corchorifolia*), and rosy camphorweed (*Pluchea rosea*), with various other grasses and sedges. Commonly observed vines include Japanese climbing fern (*Lygodium japonicum*), and greenbriar (*Smilax* spp.). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

### Other Surface Waters (OSW)

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

#### **FLUCFCS 500 Old Cow Pond – 0.53± Acres**

This “other surface water” (OSW) community occupies approximately 0.53± acres of the property and consists of a cow pond. The canopy is mostly open; the sub-canopy contains Carolina willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), and buttonbush (*Cephalanthus occidentalis*), with Brazilian pepper (*Schinus terebinthifolius*) along the perimeter of the wetland.. The groundcover contains cat-tail (*Typha latifolia*), duckweed (*Lemna minor*), dotted smartweed (*Polygonum punctatum*), mermaid weed (*Proserpinaca palustris*), cyperus (*Cyperus* sp.), water hyssop (*Bacopa monnieri*), dollarweed (*Hydrocotyle umbellata*), and torpedo grass (*Panicum repens*). This community would be considered “other surface waters” by the regulatory agencies.

**Table 1. FLUCFCS Community Table**

<b>FLUCFCS Code</b>	<b>Community Description</b>	<b>Habitat Type</b>	<b>Acres</b>
411 E3	Pine Flatwoods (Exotics 50-74%)	Upland	2.82± Ac.
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	Upland	7.10± Ac.
500	Old Cow Pond	OSW	0.53± Ac.
617 E3	Wetland Hardwood Forest (Exotics 50-74%)	Wetland	5.64± Ac.
740	Disturbed Lands – Cleared Trails	Upland	2.86± Ac.
800	County Road ROW (Future Crystal Drive Ext.)	Upland	0.63± Ac.
814	Road ROW	Upland	0.38± Ac.
<b>Total</b>			<b>19.96± Ac.</b>

## Protected Species Results

During the field survey for protected species on the property, no protected species or signs thereof observed on-site. There were a few small stick-nests observed in some of the melaleuca trees; however, they were believed to be that of a bird or perhaps a nest of one of the numerous grey squirrels (*Sciurus carolinensis*) that were observed on-site. There were no other nest-like structures or tree cavities noted, and there was no gopher tortoise (*Gopherus polyphemus*) burrows identified. We observed burrows belonging to armadillos (*Dasypus novemcinctus*), which were not marked in the field; there was no evidence that these burrows were being used by gopher tortoises.

There were several non-listed species identified while conducting the protected species survey, among those were several eastern grey squirrels (*Sciurus carolinensis*), an eastern cottontail rabbit (*Sylvilagus floridanus*), Northern mocking birds (*Mimus polyglottos*), and mourning doves (*Zenaida macroura*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table. Please see the Protected Species Survey Map, attached as Exhibit E.

## Project Summary & Discussion

Currently, there are 5.64± acres of existing wetlands on the site, which was included on the previously submitted environmental assessment and species survey report with the initial application. The existing vegetation on site contains varying levels of exotic and no protected species or signs thereof have been observed on-site over the numerous site visits conducted on-site.

The existing SFWMD (36-05372-P-02) and ACOE permits (SAJ-1997-67-IP) allowed impacts to the 6.62± acres of jurisdictional wetlands on site; however, these wetland impacts will be reduced to only 2.66± acres under the proposed site plan, and the remaining 3.96± acres will be preserved and enhanced by exotic removal. The permitting was done in combination with the parcel to the south of Crystal Drive. The approved jurisdictional wetlands on-site have been impacted during utility construction.

This updated assessment represents the current conditions of the site which reflects the 5.64± acres of remaining wetlands. The attached FLUCFCS map identifies ±0.53 acre of other surface waters consisting of two old cow ponds. Although old cow ponds are not typically considered wetlands, the eastern 0.10± acre old cow pond was included within the permitted jurisdictional wetlands while the western 0.43± acre old cow pond was specifically identified as other surface waters per the previous permits. The eastern pond within the jurisdictional wetlands is proposed to be incorporated into the wetland preserve and the western pond will be incorporated into the proposed lake. The proposed site plan shows the permitted jurisdictional wetland lines and existing/proposed impacts and preservation areas. The proposed rezoning reduces the previously permitted wetland impacts and proposes to preserve the maximum amount possible to maintain the existing approved access onto Six Mile Cypress Parkway.

Due to the disturbed nature of the site, the abundance of exotic plant species, the surrounding land uses, and roadways, it is unlikely that this site supports or would provide habitat for any protected species. Formal wetlands delineations have previously been conducted on-site, per the South Florida Water Management (SFWMD) and US Army Corps of Engineers (ACOE) environmental resource permits. The remaining community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate.

**Table 2: Listed Species by Habitat with Current Status**

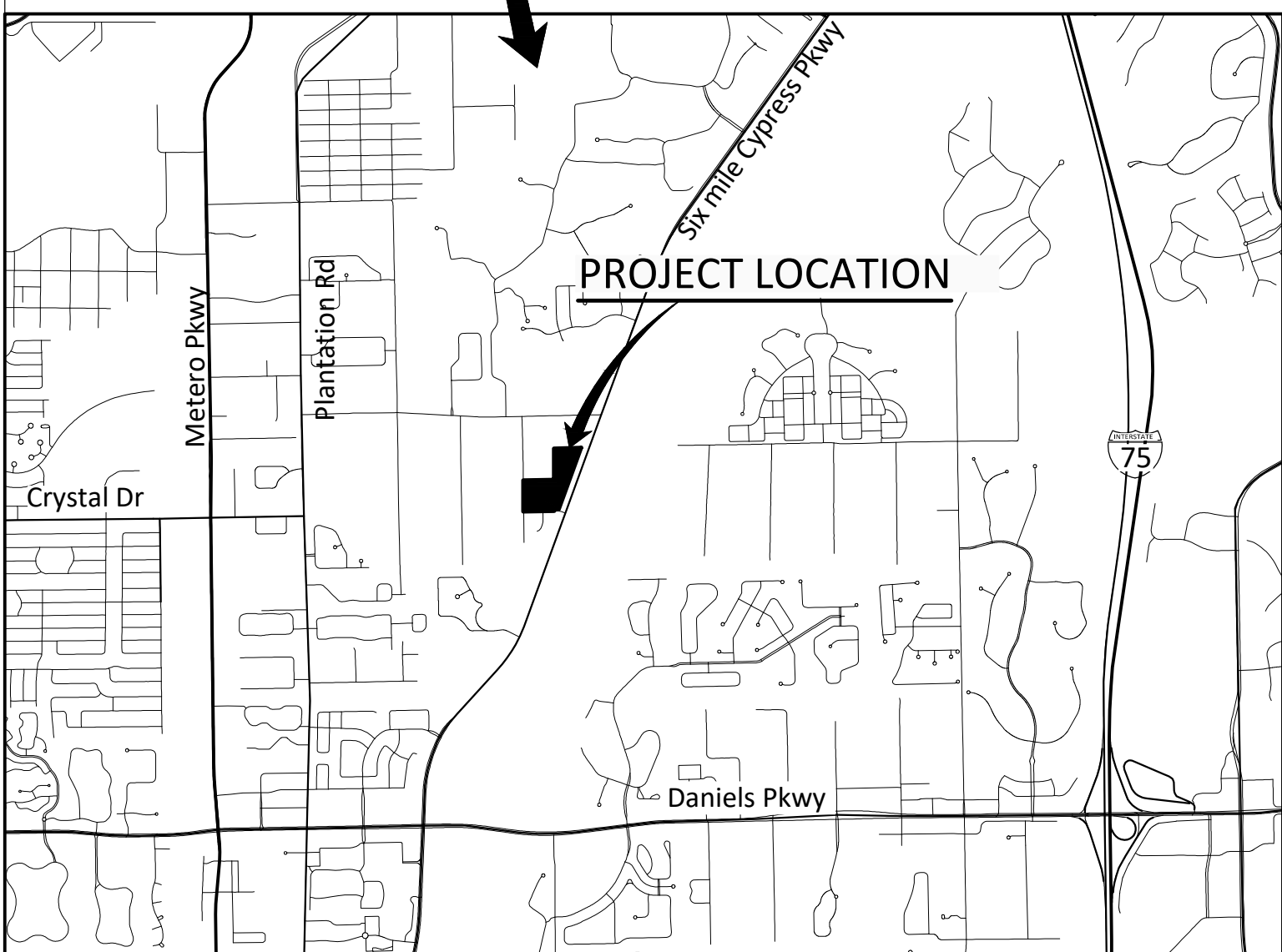
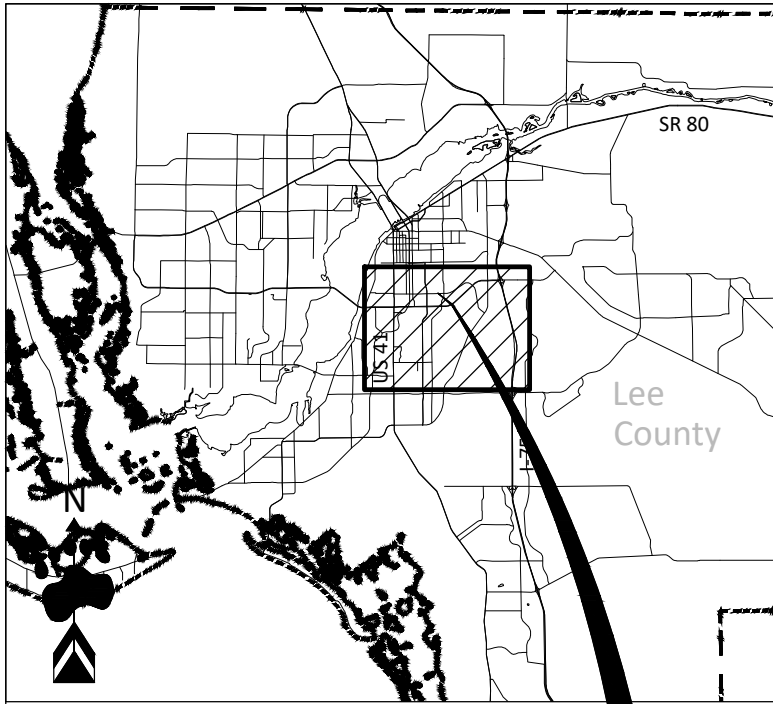
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
411	Pine Flatwoods	Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	90	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	90	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	90	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmanna flava</i>	90	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	90	--	--	--	SAT	T
		Florida coontie	<i>Zamia floridana</i>	90	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	90	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	90	--	--	--	E	SSC
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	90	--	--	T	--	--
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	90	--	--	--	--	T
420	Upland Hardwood Forest	Eastern indigo snake	<i>Drymarchon corais couperi</i>	90	--	--	--	--	T
		Florida scrub jay	<i>Aphelocoma coerulescens coerulescens</i>	90	--	--	--	T	T
		Florida coontie	<i>Zamia floridana</i>	90	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	90	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
500	Other Surface Water	American alligator	<i>Alligator mississippiensis</i>	90	--	--	--	SAT	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	90	--	--	--	--	T
		Limpkin	<i>Aramus guarauna</i>	90	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	90	--	--	--	--	SSC
		Reddish egret	<i>Egretta rufescens</i>	90	--	--	--	--	SSC
		Roseate spoonbill	<i>Ajaia ajaja</i>	90	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	90	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	90	--	--	--	--	SSC
617	Wetland Hardwood Forest	Florida black bear	<i>Ursus americanus floridanus</i>	90	--	--	--	SAT	T
		Limpkin	<i>Aramus guarauna</i>	90	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	90	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	90	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	90	--	--	--	--	SSC
740	Disturbed Lands	Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
800	Roadways	N/A	--	90	--	--	--	--	--

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

**EXHIBIT A**

**Project Location Map**



Drawn By:	Date:	Category
BWS	3/11/21	Location
Job Number		Scale:
		NTS
S/T/R		County
17/45S/25E		Lee

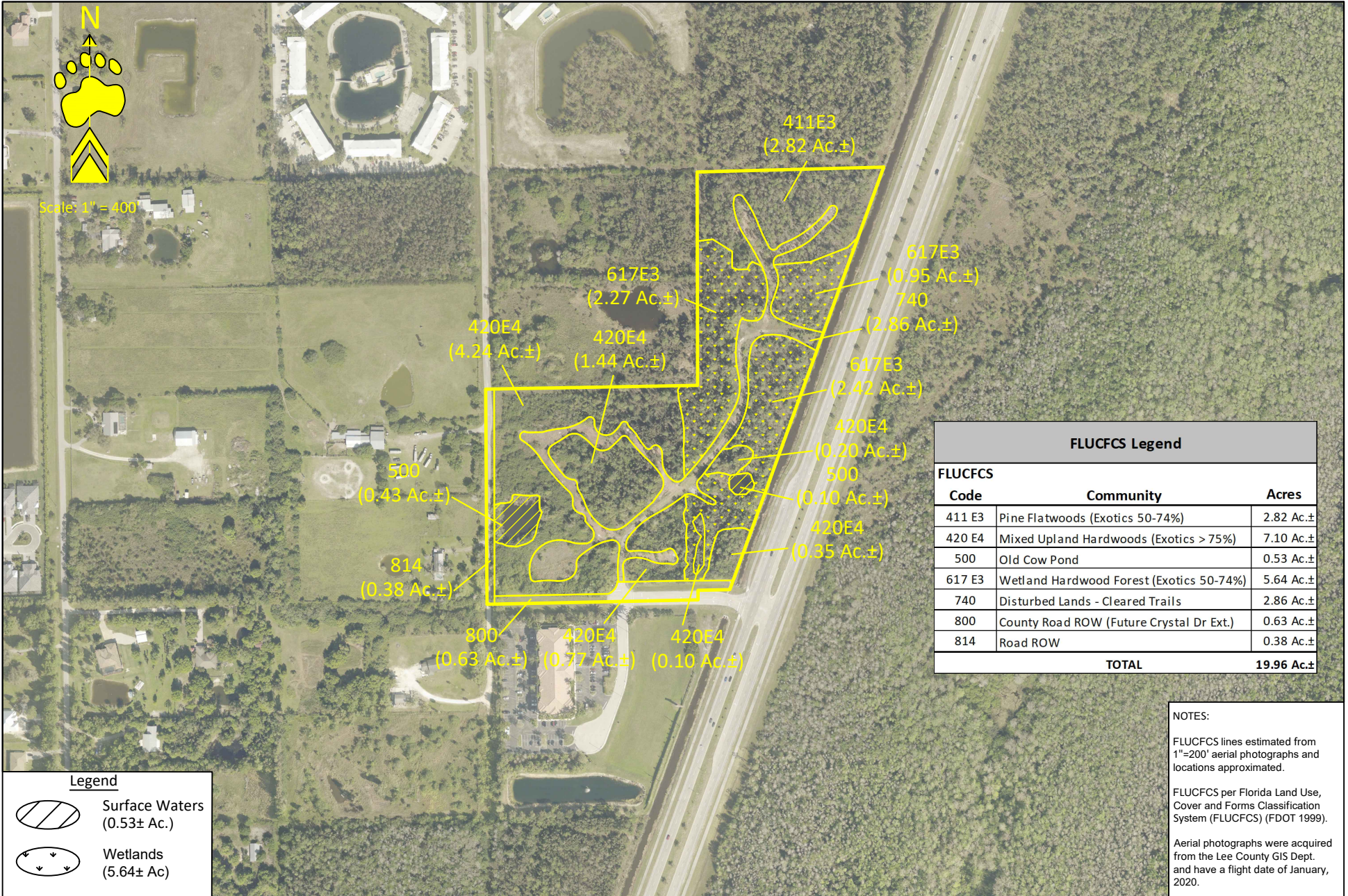
# Carissa Commercial Park

## Location Map

1599 Covington Circle East, Fort Myers, FL 33919  
(239) 340-0678 bearpaws.env.consulting@gmail.com

**EXHIBIT B**

**FLUCFCS Map with Aerial**



FLUCFCS Legend		
FLUCFCS		
Code	Community	Acres
411 E3	Pine Flatwoods (Exotics 50-74%)	2.82 Ac.±
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	7.10 Ac.±
500	Old Cow Pond	0.53 Ac.±
617 E3	Wetland Hardwood Forest (Exotics 50-74%)	5.64 Ac.±
740	Disturbed Lands - Cleared Trails	2.86 Ac.±
800	County Road ROW (Future Crystal Dr Ext.)	0.63 Ac.±
814	Road ROW	0.38 Ac.±
<b>TOTAL</b>		<b>19.96 Ac.±</b>

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2020.

Legend	
	Surface Waters (0.53± Ac.)
	Wetlands (5.64± Ac.)

Revisions	Date:	Drawn By:	Date:
		BWS	3/11/21
		Job Number	
		S/T/R	
		17/45S/25E	

# Carissa Commercial Park

## Aerial FLUCFCS Map

Category	FLUCFCS
Scale:	1" = 400'
County	Lee

1599 Covington Circle East, Fort Myers, FL 33919  
(239) 340-0678 bearpaws.env.consulting@gmail.com

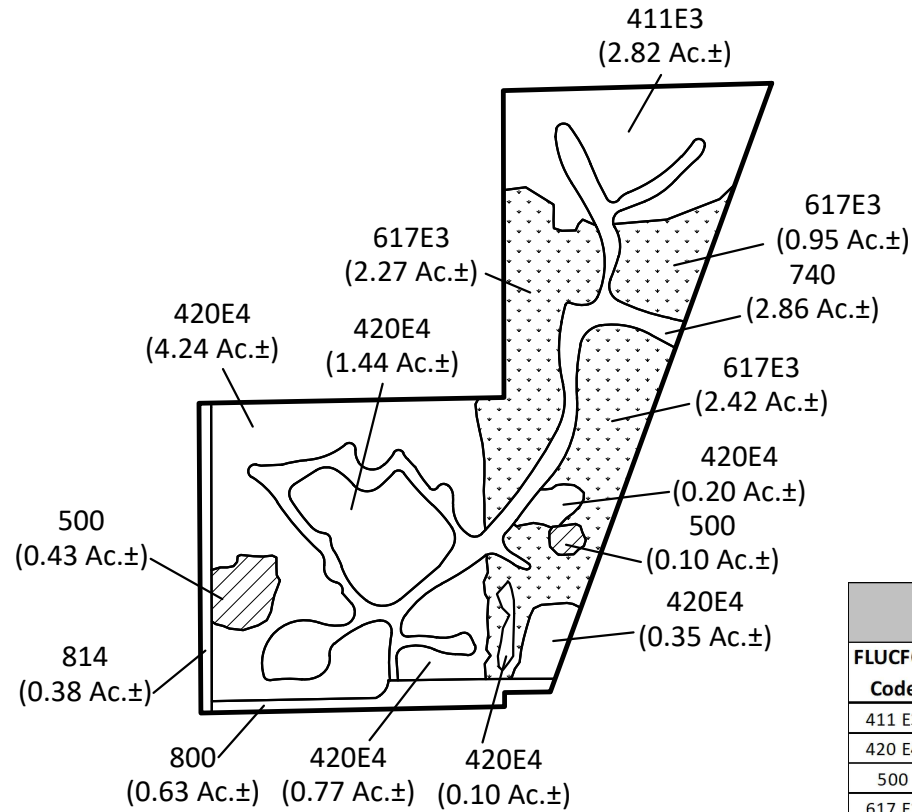
Page	-
Exhibit	-

**EXHIBIT C**

**FLUCFCS Map**





Scale: 1" = 400'



FLUCFCS Legend		
Code	Community	Acres
411 E3	Pine Flatwoods (Exotics 50-74%)	2.82 Ac.±
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	7.10 Ac.±
500	Old Cow Pond	0.53 Ac.±
617 E3	Wetland Hardwood Forest (Exotics 50-74%)	5.64 Ac.±
740	Disturbed Lands - Cleared Trails	2.86 Ac.±
800	County Road ROW (Future Crystal Dr Ext.)	0.63 Ac.±
814	Road ROW	0.38 Ac.±
<b>TOTAL</b>		<b>19.96 Ac.±</b>


**Legend**

-  Surface Waters (0.53± Ac.)
-  Wetlands (5.64± Ac.)

**NOTES:**

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

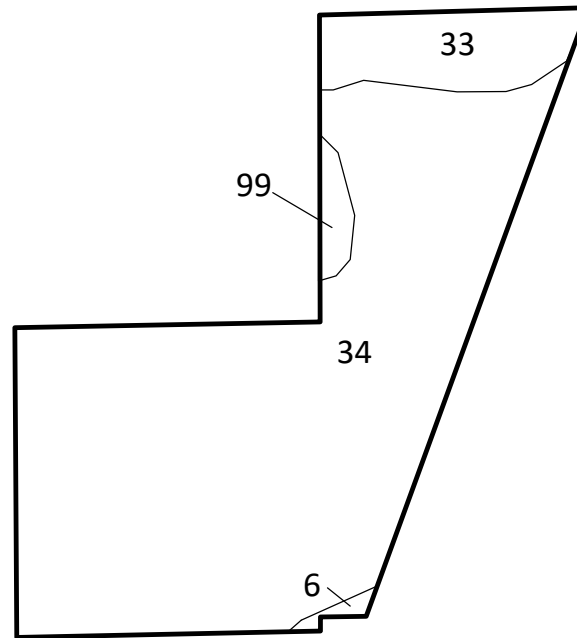
FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:	<h1>Carissa Commercial Park</h1> <h2>FLUCFCS Map</h2>	Category		Page
			BWS		3/11/21		FLUCFCS
		Job Number			Scale:	1" = 400'	Exhibit
		S/T/R			County		Lee
		17/45S/25E				1599 Covington Circle East Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com	

**EXHIBIT D**  
**NRCS Soils Map**



Scale: 1" = 400'



NRCS Soils Legend		
Soil No	Description	Status
6	Halandale Fine Sand	Non-Hydric
33	Oldsmar Sand	Non-Hydric
34	Malabar Fine Sand	Hydric
99	Water	Unranked

NOTES

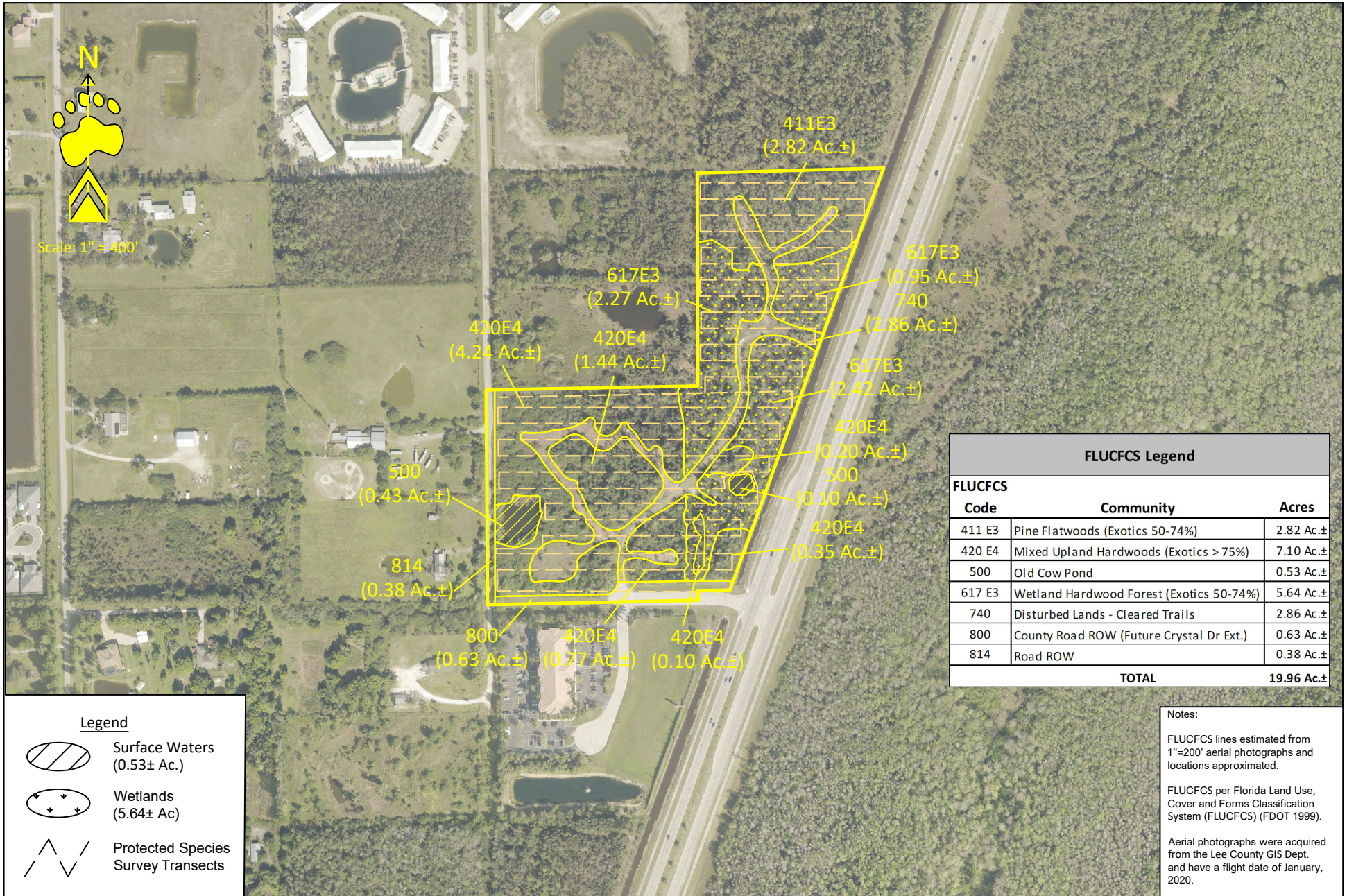
Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:	<h2>Carissa Commercial Park</h2> <h3>Soils Map</h3>	Category		Page	
		BWS	3/11/21		Soils		-	
		Job Number			Scale:		1" = 400'	Exhibit
		S/T/R			County		Lee	-
		17/45S/25E						

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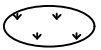

**EXHIBIT E**

**Protected Species Survey Map**



FLUCFCS Legend		
FLUCFCS Code	Community	Acres
411 E3	Pine Flatwoods (Exotics 50-74%)	2.82 Ac.±
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	7.10 Ac.±
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617 E3	Wetland Hardwood Forest (Exotics 50-74%)	5.64 Ac.±
740	Disturbed Lands - Cleared Trails	2.86 Ac.±
800	County Road ROW (Future Crystal Dr Ext.)	0.63 Ac.±
814	Road ROW	0.38 Ac.±
<b>TOTAL</b>		<b>19.96 Ac.±</b>

**Legend**

-  Surface Waters (0.53± Ac.)
-  Wetlands (5.64± Ac.)
-  Protected Species Survey Transects

Notes:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2020.

Revisions	Date:	Drawn By:	Date:
		BWS	3/11/21
		Job Number	
		S/T/R	
		17/45S/25E	

# Carissa Commercial Park

## Aerial PSS Map

Category	PSS
Scale:	1" = 400'
County	Lee



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Page	-
Exhibit	-

SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
STAFF REPORT ROUTE SHEET

APP TYPE: IND ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL AND NEW CONSTRUCTION/OPERATION)

APPLICATION NO: 020514-12

PROJECT NAME: CARISSA COMMERCIAL PARK

SCHEDULED FOR 09-NOV-2006 GOVERNING BOARD

	<u>Name</u>	<u>Due Date</u>	<u>Date Signed</u>
ENGINEERING EVAL.	<u>Pakorn Sutitarnnontr, P.E.</u> <i>PK</i>	<u>12-OCT-2006</u>	<u>12-OCT-2006</u>
ENVIRONMENTAL EVAL.	<u>Laura Layman</u> <i>LL</i>	<u>12-OCT-2006</u>	<u>8-OCT-2006</u>
SUPERVISOR SWM	<u>William Foley, P.E.</u> <i>WF</i>	<u>12-OCT-2006</u>	<u>13-OCT-2006</u>
SUPERVISOR NRM	<u>Edward Cronyn</u> <i>EC</i>	<u>12-OCT-2006</u>	<u>10/9/06</u>
SERVICE CENTER DIRECTOR:	<u>Rhonda Haag</u> <i>RH</i>	<u>12-OCT-2006</u>	<u>10/17/06</u>
DIV. DIR., NRM	<u>Anita R. Bain</u>		_____
DIV. DIR., SWM	<u>Anthony M. Waterhouse</u>		_____

RESOURCE CODES

- CUMULATIVE IMPACTS ASSESSMENT
- OFFSITE WETLAND MITIGATION
- MELALEUCA RULE
- WETLAND IMPACTS
- WETLAND, FRESHWATER MARSH
- 1/2 INCH OF DRY PRETREATMENT
- CONCEPTUAL PERMIT
- ALLOWABLE DISCHARGE
- WU PERMIT REQUIRED
- DIMENSION CRITERIA

Last Date For Agency Action: 09-NOV-2006

**INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT**

**Project Name:** Carissa Commercial Park

**Permit No.:** 36-05372-P

**Application No.:** 020514-12

**Associated File:** 060315-16 WU  
060315-3 WU

**Application Type:** Environmental Resource (Conceptual Approval And New Construction/Operation)

**Location:** Lee County, S17/T45S/R25E

**Permittee :** Select Real Estate

**Operating Entity :** Carissa Commercial Centre Association, Inc.

**Project Area:** 27.42 acres

**Project Land Use:** Commercial

**Drainage Basin:** ESTERO BAY

**Sub Basin:** TEN MILE CANAL

**Receiving Body:** SIX MILE CYPRESS PARKWAY ROADSIDE DITCH

**Class:** CLASS III

**Special Drainage District:** NA

**Total Acres Wetland Onsite:** 10.96

**Total Acres Impacted Onsite :** 10.96

**Offsite Mitigation Credits-Mit.Bank:** 7.23 Panther Island

**Conservation Easement To District :** No

**Sovereign Submerged Lands:** No

**PROJECT PURPOSE:**

This application is a request for an Environmental Resource Permit authorizing Construction and Operation of a surface water management system serving an 18.71-acre commercial development, part of the 27.42-acre project known as Carissa Commercial Park and Conceptual Authorization of a surface water management system serving the remaining 8.71-acre outparcels, with discharge into Ten Mile Canal via the Ben Pratt/ Six Mile Cypress Parkway roadside ditch.

**PROJECT EVALUATION:**

**PROJECT SITE DESCRIPTION:**

The project site is located on the west side of Six Mile Cypress Parkway, south of Penzance Boulevard in the City of Fort Myers, Lee County. A location map is attached as Exhibit 1.0.

There are no permitted surface water management facilities within the project area. The site contains pasture land, a couple of excavated cattle ponds, and an at-grade unpaved road (Crystal Drive right-of-way). Wetlands are present within portions of the pasture underlain by hydric soil (see Exhibits 3.0 and 3.1). Wetlands onsite total 10.96 acres.

**PROPOSED PROJECT:**

The applicant proposes a 27.42-acre commercial development with associated improvements. This application requests Construction and Operation authorization of the master surface water management serving four (4) commercial/ office buildings with associated parking and access roadway (Crystal Drive). The total acreages requested for the Construction and Operation authorization is 18.71 acres. The portion of the project requested for the conceptual authorization consists of future developments in outparcels 1, 2, 3, 5 and 6, totaling 8.71 acres.

The proposed commercial development area is divided into two (2) main drainage basins by the Crystal Drive: Basins North and South and one (1) basin for the roadway improvement within the Crystal Drive right-of-way: Basin Crystal.

Basin North covers 17.49 acres. The proposed surface water management system serving this basin is a combination of dry and wet detention system, composed of two (2) interconnected wet detention lakes (Lakes 1 and 2), dry detention area, drainage structures and culverts, dry pretreatment control structure and a control structure discharging to the Ben Pratt/ Six Mile Cypress Parkway roadside ditch. Stormwater runoff within the development limit area in this basin will be collected in catch basins and routed to a dry detention area prior to discharging to interconnected wet detention lakes through the dry pretreatment control structure WCS-2. The dry detention area provides the required one-half inch (1/2") dry pretreatment for the proposed commercial use. The interconnected lake system with adjacent preserved area provides the remainder of the required water quality and attenuation during the 25 year - 3 day storm event. The required water quality volume is based on 2.5 inches times the percentage of imperviousness with an additional 50% treatment volume. In addition, the proposed system provides compensatory treatment volume for additional impervious surface totaling 0.33 acre for the offsite improvements within Six Mile Cypress Parkway right-of-way.

Basin South, located south of Crystal Drive, covers 7.60 acres. Similar to Basin North, the proposed surface water management system serving this basin is a combination of dry and wet detention system consisting of a wet detention lake (Lake 3), dry detention area, drainage structures and culverts, dry pretreatment control structure and a control structure discharging to the Ben Pratt/ Six Mile Cypress Parkway roadside ditch. Stormwater runoff within the development limit area in this basin will be collected in catch basins and routed to a dry detention area prior to discharging to interconnected wet detention lakes through the dry pretreatment control structure WCS-3. The dry detention area provides the required one-half inch (1/2") dry pretreatment for the proposed commercial use. The lake provides the remainder of the required water quality and attenuation during the 25 year - 3 day storm event. The required water quality volume is based on 2.5 inches times the percentage of imperviousness with an additional 50% treatment volume.

The future commercial/ industrial development in Outparcels 1, 2 and 3 located in Basin North and Outparcels 5 and 6 located in Basin South shall provide a minimum dry pretreatment volume of one-half inch (1/2") of runoff prior to connecting to the master surface water management system. Additionally, the developments in these outparcels shall be limited to 40% building coverage and 80% total impervious area (including building coverage).

Basin Crystal covers 0.76 acres for the roadway improvement within the Crystal Drive right-of-way. Stormwater runoff within the roadway improvement (Crystal Drive) in this basin will be collected in catch basins and routed to two (2) interconnected dry detention areas providing the required water quality volume prior to discharging offsite to the Ben Pratt/ Six Mile Cypress Parkway roadside ditch through the control structure WCS-5. The surface water management system also provides attenuation during the 25 year - 3 day storm event for the roadway improvement.

In summary, the proposed surface water management system serving developments and improvements in all basins provides the required water quality treatment volume and attenuation during the 25 year - 3 day storm event. No adverse water quality or quantity impacts are anticipated as a result from the proposed project.

**LAND USE:**

The future development for each commercial/ industrial lot (Outparcels 1, 2, 3, 5 and 6) requested for Conceptual Authorization shall be limited to 40% building coverage and 80% total impervious area (including building coverage).

The land use category "Lake" consists of 0.35-acre Lake 1, 0.84-acre Lake 2 and 0.94-acre Lake 3. Lakes 1 and 2 are located in Basin North and Lake 3 is located in Basin South. The storage in Lake 1 is not considered for water quality volume due to the dimensional criteria for wet detention areas.

**Conceptual:**

		Area (ac)
Basin North	Building Coverage	2.4
	Impervious	2.39
	Pervious	1.39
	<b>Total:</b>	<b>6.18</b>
Basin South	Building Coverage	.94
	Impervious	.95
	Pervious	.64
	<b>Total:</b>	<b>2.53</b>

**Construction:**

**Project:**

	This Phase	Total Project	
Building Coverage	1.43	4.77	acres
Impervious	5.94	9.28	acres
Lake	2.13	2.13	acres
Pervious	5.01	7.04	acres
Preserved	4.20	4.20	acres
<b>Total:</b>	<b>18.71</b>	<b>27.42</b>	

**Basin : CRYSTAL**

	This Phase	Total Basin	
Impervious	.46	.46	acres
Pervious	.30	.30	acres
<b>Total:</b>	<b>.76</b>	<b>.76</b>	

**Basin : NORTH**

	This Phase	Total Basin	
Building Coverage	.90	3.30	acres
Impervious	3.25	5.64	acres
Lake	1.19	1.19	acres
Pervious	1.95	3.16	acres
Preserved	4.20	4.20	acres
<b>Total:</b>	<b>11.49</b>	<b>17.49</b>	

**Basin : SOUTH**

	This Phase	Total Basin	
Building Coverage	.53	1.47	acres
Impervious	2.23	3.18	acres
Lake	.94	.94	acres
Pervious	1.53	2.01	acres
<b>Total:</b>	<b>5.23</b>	<b>7.60</b>	

**WATER QUANTITY :**

**Discharge Rate :**

The allowable discharge for this project is limited by the conveyance limitation for Ten Mile Canal, 64 CSM (0.10 cfs/ acre). As shown in the table below, the peak discharges from Basins North and South are within the allowable discharges. The allowable discharge for Basin Crystal is limited by the minimum size bleeder (three-inch diameter).

In addition, the total peak discharge from Basins North, South and Crystal, 2.49 cfs is within the total allowable discharge 2.58 cfs, based on the total acreage from Basins North, South and Crystal, 25.85 acres.

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 11 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD)
NORTH	1.75	Conveyance Limitation	1.23	18.45
SOUTH	.76	Conveyance Limitation	.74	19.14
CRYSTAL	n/a	Minimum Size Bleeder	.52	19.58

**Finished Floors :**

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 13.8 inches

Basin	Peak Stage ( ft, NGVD)	Proposed Min. Finished Floors ( ft, NGVD)	FEMA Elevation ( ft, NGVD)
NORTH	19.2	19.5	N/A
SOUTH	19.7	20	N/A

**Road Design :**

Road Storm Frequency : 25 YEAR-3 DAY

Design Rainfall: 11 inches

Basin	Peak Stage ( ft, NGVD)	Proposed Min. Road Crown ( ft, NGVD)
NORTH	18.45	18.5
SOUTH	19.14	19.15
CRYSTAL	19.58	19.6

**Parking Lot Design :**

Parking Lot Storm Frequency : 5 YEAR-1 DAY

Design Rainfall 5.5 inches

Basin	Peak Stage ( ft, NGVD)	Proposed Min. Parking Elev. ( ft, NGVD)
NORTH	17.93	18
SOUTH	17.83	18

**Control Elevation :**

Basin	Area (Acres)	Ctrl Elev ( ft, NGVD)	WSWT Ctrl Elev ( ft, NGVD)	Method Of Determination
NORTH	17.49	15.5	15.50	Wetland Indicator Elevation
SOUTH	7.60	15.5	15.50	Wetland Indicator Elevation
CRYSTAL	.76	15.5	15.50	Wetland Indicator Elevation

**Receiving Body :**

Basin	Str.#	Receiving Body
North	WCS-1	SIX MILE CYPRESS PARKWAY ROADSIDE DITCH
North	WCS-2	LAKE 2 (INTERNAL SYSTEM)
South	WCS-3	LAKE 3 (INTERNAL SYSTEM)
South	WCS-4	SIX MILE CYPRESS PARKWAY ROADSIDE DITCH
Crystal	WCS-5	SIX MILE CYPRESS PARKWAY ROADSIDE DITCH

**Discharge Structures:** Note: The units for all the elevation values of structures are ( ft, NGVD)**Bleeders:**

Basin	Str#	Count	Type	Width	Height	Length Dia.	Invert Angle	Invert Elev.
CRYSTAL	WCS-5	1	Circular Orifice			3"		15.5

**Discharge Structures:****Bleeders:**

NORTH	WCS-1	1	Circular Orifice	3"	15.5
SOUTH	WCS-4	1	Circular Orifice	3"	15.5

**Culverts:**

Basin	Str#	Count	Type	Width	Length	Dia.
CRYSTAL	WCS-5	1	Reinforced Concrete Pipe		40'	15"
NORTH	WCS-1	1	Reinforced Concrete Pipe		50'	15"
SOUTH	WCS-4	1	Reinforced Concrete Pipe		48'	15"

**Inlets:**

Basin	Str#	Count	Type	Width	Length	Dia.	Crest Elev.
CRYSTAL	WCS-5	1	Fdot Mod C Drop Inlet	3.33'	4.42'		19.57
NORTH	WCS-1	1	Fdot Mod C Drop Inlet	3.33'	4.42'		18.59
SOUTH	WCS-4	1	Fdot Mod C Drop Inlet	3.33'	4.42'		19.14

**Weirs:**

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
NORTH	WCS-1	1	Circular				5"	16.6 (crest)
SOUTH	WCS-4	1	Circular				3"	17.35 (crest)

**Water Quality Structures:** Note: The units for all the elevation values of structures are (ft, NGVD)**Bleeders:**

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
NORTH	WCS-2	1	Circular Orifice				3"		15.5
SOUTH	WCS-3	1	Circular Orifice				3"		15.5

**Culverts:**

Basin	Str#	Count	Type	Width	Length	Dia.
NORTH	WCS-2	1	Reinforced Concrete Pipe		55'	24"
SOUTH	WCS-3	1	Reinforced Concrete Pipe		54'	24"

**Inlets:**

Basin	Str#	Count	Type	Width	Length	Dia.	Crest Elev.
NORTH	WCS-2	1	Fdot Mod C Drop Inlet	3.33'	4.42'		17.64
SOUTH	WCS-3	1	Fdot Mod C Drop Inlet	3.33'	4.42'		17.55

**WATER QUALITY :**

As shown in the table below, the proposed surface water management system provides the total water quality volume 4.96 ac-ft (excluding the dry pretreatment volume), equivalent to the required water quality volume.

Stormwater runoff within the development limit area in Basins North and South will be collected in catch basins and routed to dry detention areas prior to discharging to wet detention lakes through the control structures WCS-2 and WCS-3 respectively. The dry pretreatment volume provided by the dry detention areas in both drainage basins totals 0.27 as indicated in the table below. The wet detention lakes provide the remainder of the required water quality, totaling 4.85 ac-ft prior to discharge offsite to the Ben Pratt/ Six Mile Cypress Parkway roadside ditch through the control structures WCS-1 and WCS-4 for Basin North and South respectively. The future commercial/industrial development in Outparcels 1, 2, 3, 5 and 6 shall provide a minimum dry pretreatment volume of one-half inch (1/2") of runoff prior to discharge/

connect into the master surface water management system.

The required water quality treatment volume for these two basins is based on 2.5 inches time the percentage of imperviousness with an additional 50% treatment volume. In addition, the surface water management system serving Basin North provides compensatory treatment volume for the additional impervious surface totaling 0.33 acre for the offsite turn lanes within the Ben Pratt/ Six Mile Cypress Parkway right-of-way.

Stormwater runoff within the roadway improvement (Crystal Drive) in Basin Crystal will be collected in catch basins and routed to two (2) interconnected dry detention areas providing the required water quality volume 0.11 ac-ft prior to discharging offsite to the Ben Pratt/ Six Mile Cypress Parkway roadside ditch through the control structure WCS-5. The required water quality treatment volume for this basin is based on 2.5 inches time the percentage of imperviousness with an additional 50% treatment volume.

In addition to the required water quality, Construction Pollution Prevention Plan and Urban Stormwater Management Program specifications and guidelines are part of the required water quality. Construction and daily operation of the project shall be conducted in accordance with Special Conditions No. 21-22 and Exhibits No. 4.0-4.9 and 5.0-5.5 which are incorporated by reference and shall be retained in the permit file.

No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method		Vol Req'd (ac-ft)	Vol Prov'd (ac-ft)
NORTH	Treatment	Wet Detention	3.15	3.15
NORTH	Pre-Treatment	Dry Detention	.14	.14
SOUTH	Treatment	Wet Detention	1.7	1.7
SOUTH	Pre-Treatment	Dry Detention	.13	.13
CRYSTAL	Treatment	Dry Detention	.11	.11

#### WETLANDS:

This site contains 10.96 acres of hydric pasture wetlands (see Exhibits 3.0 and 3.1), all of which will be filled or otherwise impacted by this project. The applicant proposes to offset these impacts by purchasing 7.23 herbaceous freshwater credits at Panther Island Mitigation Bank. The mitigation schedule for this project is attached as Exhibit 3.2. The letter of reservation from the mitigation bank is attached as Exhibit 3.3.

#### Cumulative Impact Assessment:

The applicant proposes to impact all 10.96 acres of wetlands on this site, located in the Estero Basin, and to offset these impacts entirely at the Panther Island Mitigation Bank, located in the West Collier Basin. The applicant submitted analysis of the wetlands' function to the Estero Basin. These wetlands seasonally support wading bird foraging. However, due to their degraded condition (partially drained; cleared and managed as pasture; adjacent to existing development and a highway), these wetlands provide only negligible benefit to the wetland resources of the Estero Basin. Staff concurs with this analysis, which demonstrates that out-of-basin mitigation of these wetland impacts will not result in an unacceptable adverse cumulative impact on wetland functions in the Estero Basin. This analysis is specific to the type and condition of wetlands on this site, and may not apply to other wetlands in the Estero Basin.

**Wetland Inventory :**

CONSTRUCTION MOD -Carissa Commercial Park

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluc cs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluc cs	Adj Delta	Functional Gain / Loss
W1	ON	6AA	Direct	10.96							.000	.000
<b>Total:</b>				10.96								.00

<u>Fluc cs Code</u>	<u>Description</u>
6AA	Hydric Pasture

MITBANK		PANTHER ISLAND	
Type Of Credits		Number Of Credits	
Fresh Water Herbaceous		Mitigation Bank Cr Used	
		7.23	
<b>Total:</b>		<b>7.23</b>	

**Endangered Species:**

A protected species survey was conducted on the site in February 2005. The project site does not contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. The proposed offsite mitigation at Panther Island Mitigation Bank will provide excellent habitat for wetland-dependent wildlife. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

**CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:**

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

**RELATED CONCERNS:**

**Water Use Permit Status:**

The applicant has indicated that a groundwater well will be used as a source for irrigation water for the project. Water Use permit application number 060315-16 has been submitted and is being processed concurrently for this project.

The applicant has indicated that dewatering is required for the lake and utility construction of this project. Water Use permit application number 060315-3 applied for dewatering during construction has been submitted and is being processed concurrently for this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

**Potable Water Supplier:**

Lee County Utilities

**Waste Water System/Supplier:**

Lee County Utilities

**Right-Of-Way Permit Status:**

A Right-of-Way Permit is not required for this project.

**DRI Status:**

This project is not a DRI.

**Historical/Archeological Resources:**

The District received correspondence from the Florida Department of State, Division of Historical Resources on June 28, 2002, indicating that the agency has no objections to the issuance of this permit.

**DCA/CZM Consistency Review:**

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

**Third Party Interest:**

No third party has contacted the District with concerns about this application.

Pollutant Loading calculations submitted with the application and reviewed by staff appear to be consistent with the information in the September 2003 Evaluation of Alternative Stormwater Regulations for Southwest Florida report which demonstrate the surface water management system reduces the post-development loadings of storm water nutrients to levels equal to or less than the loadings generated under pre-development conditions.

**Enforcement:**

There has been no enforcement activity associated with this application.

**STAFF RECOMMENDATION:**

The Staff recommends that the following be issued :

Construction and Operation of a surface water management system serving an 18.71-acre commercial development, part of the 27.42-acre project known as Carissa Commercial Park and Conceptual Authorization of a surface water management system serving the remaining 8.71-acre outparcels, with discharge into Ten Mile Canal via the Ben Pratt/ Six Mile Cypress Parkway roadside ditch.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached General and Special Conditions.

**STAFF REVIEW:**

**NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL**

**ENVIRONMENTAL EVALUATION**

Laura Layman  
Laura Layman

**SUPERVISOR**

Edward Cronyn  
Edward Cronyn

**DIVISION DIRECTOR :**

Anita R. Bain  
Anita R. Bain

**DATE:** \_\_\_\_\_

**SURFACE WATER MANAGEMENT DIVISION APPROVAL**

**ENGINEERING EVALUATION**

Pakorn Sutitarnnontr  
Pakorn Sutitarnnontr, P.E.

**SUPERVISOR**

William Foley, P.E.  
William Foley, P.E.

**DIVISION DIRECTOR :**

Anthony M. Waterhouse, P.E.  
Anthony M. Waterhouse, P.E.

**DATE:** \_\_\_\_\_

## GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity

## GENERAL CONDITIONS

approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

### GENERAL CONDITIONS

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

### SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on November 9, 2008.  
The construction phase of this permit shall expire on November 9, 2011.
2. Operation of the surface water management system shall be the responsibility of CARISSA COMMERCIAL CENTRE ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.
3. Discharge Facilities:

Basin: NORTH, Structure: WCS-1

- 1 - 5" DIAMETER CIRCULAR weir with crest at elev. 16.60' NGVD.
- 1 - 3" dia. CIRCULAR ORIFICE with invert at elev. 15.50' NGVD.
- 50 LF of 15" dia. REINFORCED CONCRETE PIPE culvert.
- 1 - 3.33' W X 4.42' L Mod. FDOT Type "C" drop inlet with overflow grate at elev. 18.59' NGVD.

Receiving body : SIX MILE CYPRESS PARKWAY ROADSIDE DITCH  
Control elev : 15.50 feet NGVD.

Basin: NORTH, Structure: WCS-2 (Dry Pretreatment Structure)

- 1 - 3" dia. CIRCULAR ORIFICE with invert at elev. 15.50' NGVD.
- 55 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
- 1 - 3.33' W X 4.42' L Mod. FDOT Type "C" drop inlet with overflow grate at elev. 17.64' NGVD.

Receiving body : LAKE 2 (INTERNAL SYSTEM)  
Control elev : 15.50 feet NGVD.

Basin: SOUTH, Structure: WCS-3 (Dry Pretreatment Structure)

- 1 - 3" dia. CIRCULAR ORIFICE with invert at elev. 15.50' NGVD.
- 54 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
- 1 - 3.33' W X 4.42' L Mod. FDOT Type "C" drop inlet with overflow grate at elev. 17.55' NGVD.

Receiving body : LAKE 3 (INTERNAL SYSTEM)  
Control elev : 15.50 feet NGVD.

Basin: SOUTH, Structure: WCS-4

- 1 - 3" DIAMETER CIRCULAR weir with crest at elev. 17.35' NGVD.
- 1 - 3" dia. CIRCULAR ORIFICE with invert at elev. 15.50' NGVD.
- 48 LF of 15" dia. REINFORCED CONCRETE PIPE culvert.
- 1 - 3.33' W X 4.42' L Mod. FDOT Type "C" drop inlet with overflow grate at elev. 19.14' NGVD.

Receiving body : SIX MILE CYPRESS PARKWAY ROADSIDE DITCH  
Control elev : 15.50 feet NGVD.

Basin: CRYSTAL

- 1 - 3" dia. CIRCULAR ORIFICE with invert at elev. 15.50' NGVD.
- 40 LF of 15" dia. REINFORCED CONCRETE PIPE culvert.
- 1 - 3.33' W X 4.42' L Mod. FDOT Type "C" drop inlet with overflow grate at elev. 19.57' NGVD.

### SPECIAL CONDITIONS

Receiving body : SIX MILE CYPRESS PARKWAY ROADSIDE DITCH

Control elev : 15.50 feet NGVD.

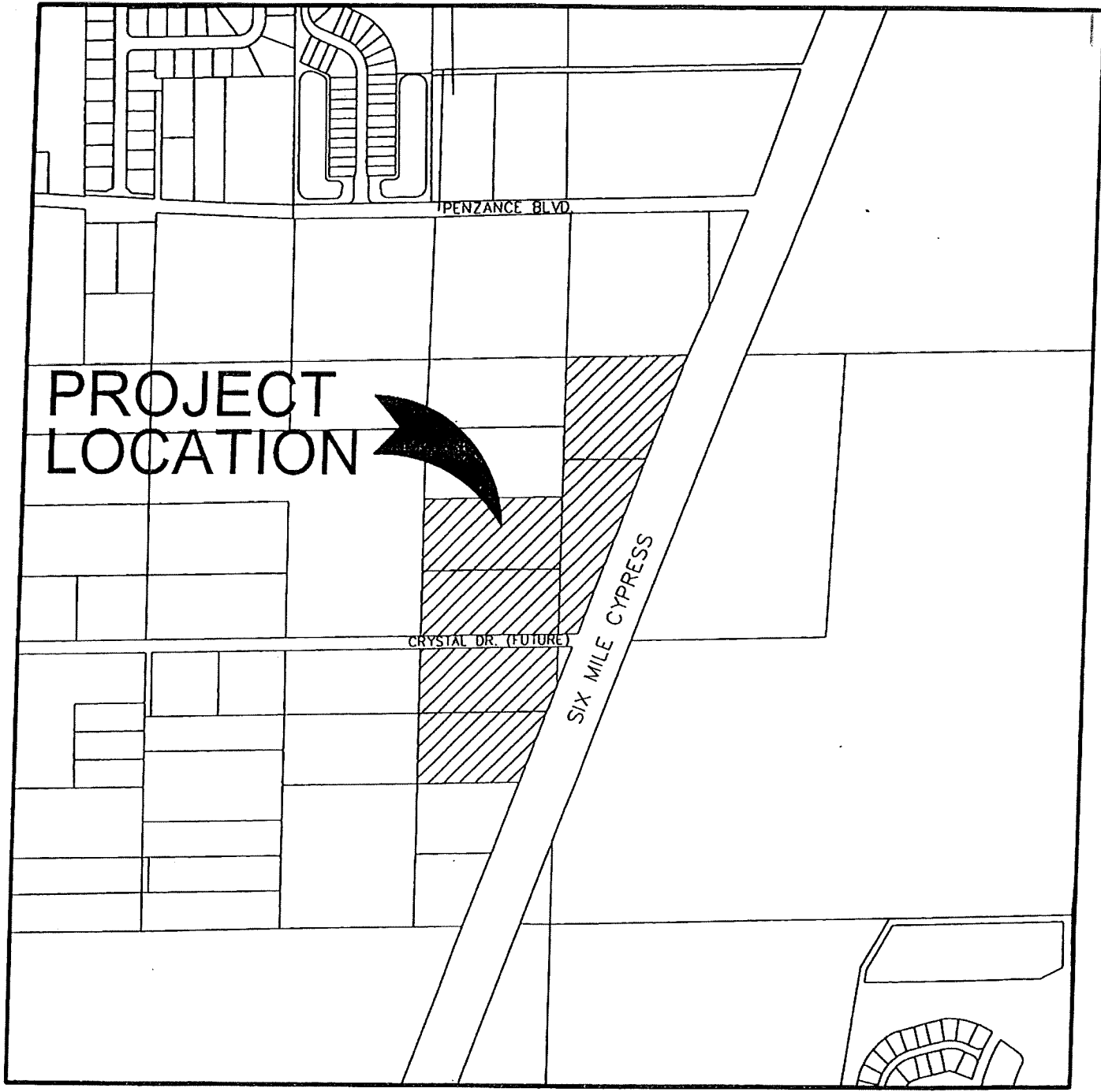
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Minimum building floor elevation:  
  
BASIN: NORTH - 19.50 feet NGVD.  
BASIN: SOUTH - 20.00 feet NGVD.
13. Minimum road crown elevation:  
  
Basin: NORTH - 18.50 feet NGVD.  
Basin: SOUTH - 19.15 feet NGVD.  
Basin: CRYSTAL - 19.60 feet NGVD.
14. Minimum parking lot elevation:  
  
Basin: NORTH - 18.00 feet NGVD.  
Basin: SOUTH - 18.00 feet NGVD.
15. All commercial/industrial parcels (Outparcels 1, 2, 3, 5 and 6) shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge/ connect into the master surface water management system.
16. The future development for each commercial/ industrial lot (Outparcels 1, 2, 3, 5 and 6) shall be limited to 40% building coverage and 80% total impervious area (including building coverage).
17. Prior to any future construction, the permittee shall apply for and receive a permit modification. As

### SPECIAL CONDITIONS

- part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system, including the land use and site grading assumptions.
18. Prior to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 3.2, the permittee shall submit documentation that 7.23 freshwater herbaceous credits have been deducted from the ledger for Panther Island Mitigation Bank.
  19. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
  20. No work shall occur within the Lee County's right-of-way for construction activities within the Crystal Drive right-of-way until all necessary right-of-way occupancy permits are obtained authorizing the proposed work in the Crystal Drive right-of-way from Lee County Government.
  21. The Permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibits No. 4.0-4.9) and on the applicable approved construction drawings for the duration of the projects construction activities. Exhibits No. 4.0-4.9 have been incorporated by reference and shall be retained in the permit file.
  22. The Urban Stormwater Management Program (Exhibits No. 5.0-5.5) shall be included as part of the Carissa Commercial Centre Association documents prior to being recorded. Prior to recording of the Carissa Commercial Centre Association documents the amended documents shall be submitted to the Enforcement and Compliance section at the Lower West Coast Service Center for approval. Exhibits No. 5.0-5.5 have been incorporated by reference and shall be retained in the permit file.

C. FINAL SUBMITTAL  
MAY 14 2002  
PORT MYERS SERVICE CENTER

APPLICATION NUMBER  
020514-12



LOCATION MAP  
NOT TO SCALE

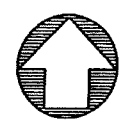
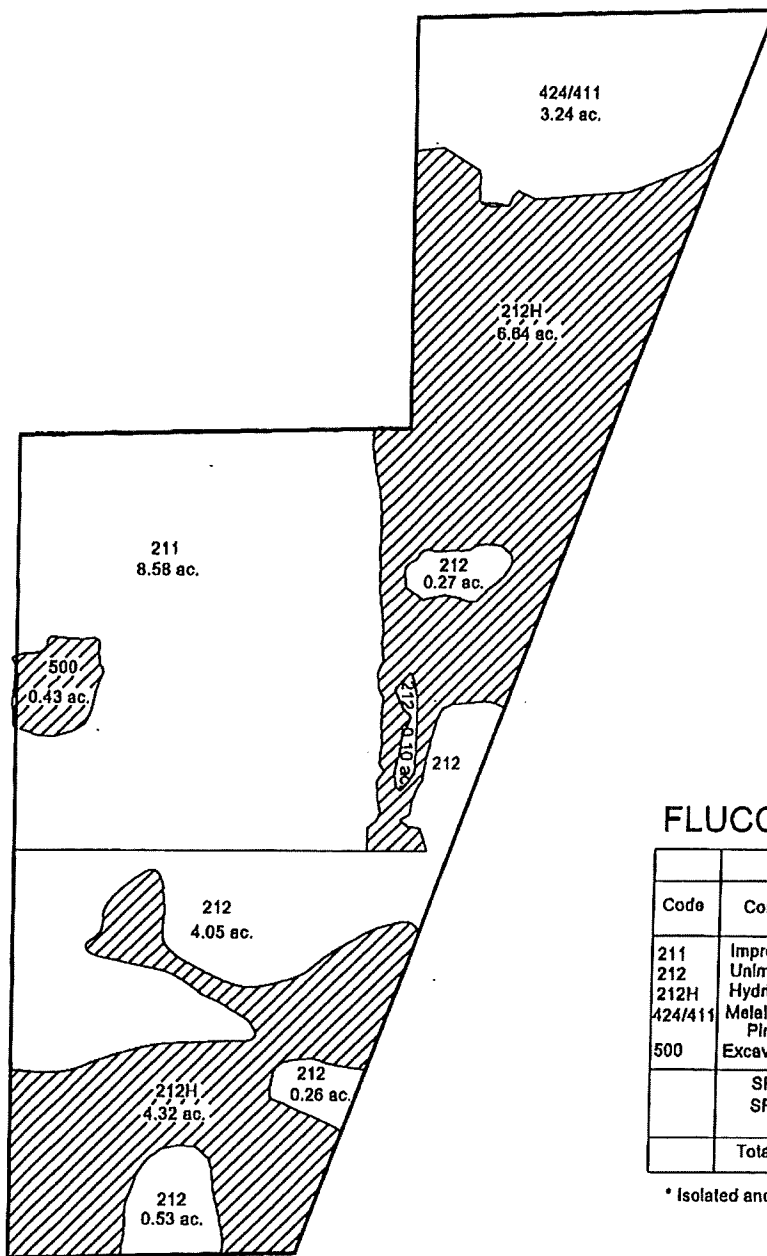


EXHIBIT 1.0



### FLUCCS Legend


Code	Community	COE Wetland		Upland
		SFWMD Wetland	SFWMD OSW	
211	Improved Pasture	-	-	8.81
212	Unimproved Pasture	-	-	5.21
212H	Hydric Unimproved Pasture	10.96	-	-
424/411	Metaleuca Invaded Pine Flatwoods	-	-	3.24
500	Excavated Pond	-	0.43*	-
SFWMD Wetland Total:		10.96		17.08
SFWMD OSW Total:			0.43*	
Total Site Acreage:		28.45		

\* Isolated and not regulated by COE.

# EXHIBIT 3.0

JOB #	CARISSA COMMERCIAL PARK SFWMD and COE FLUCCS Map	COUNTY Lee
SCALE 1"=300'		SEC. 17
FILE Permi/DWG's		TWP. 45
DRAWN BY K.K.		RNG. 25
DATE 5-3-02		REVISIONS


**Boylan Environmental Consultants, Inc.**



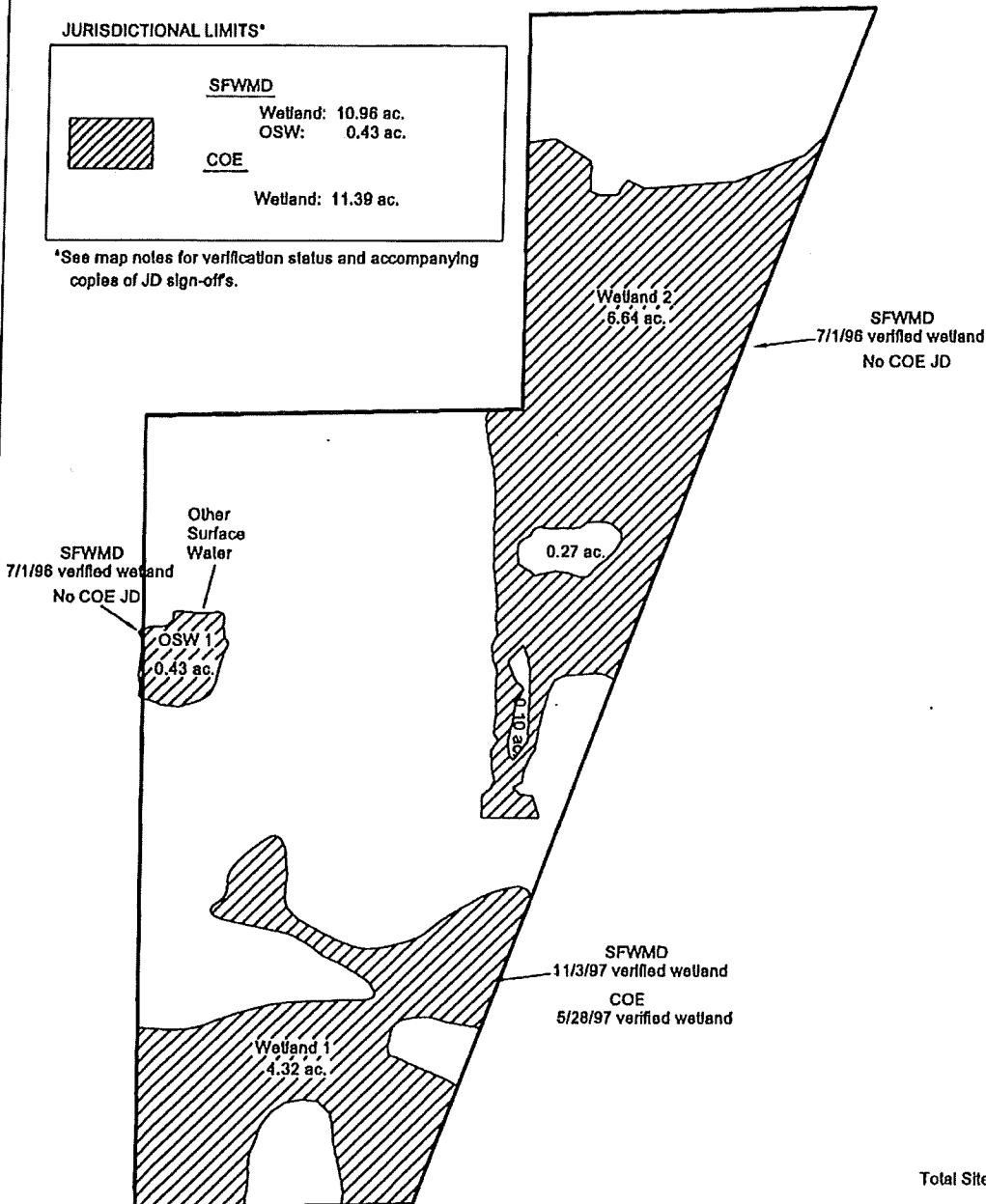
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941)418-0671

**JURISDICTIONAL LIMITS\***

	<u>SFWMD</u>	Wetland: 10.96 ac. OSW: 0.43 ac.
	<u>COE</u>	Wetland: 11.39 ac.

\*See map notes for verification status and accompanying copies of JD sign-offs.




Total Site Acreage: 28.45

# EXHIBIT 3.1

JOB #  
SCALE 1"=300'  
FILE PermiDWG's  
DRAWN BY K.K.  
DATE 5-3-02

**CARISSA COMMERCIAL PARK**  
SFWMD and COE Wetland I.D. Map

COUNTY Lee  
SEC. 17  
TWP. 45  
RNG. 25  
REVISIONS

**Boylan Environmental Consultants, Inc.**  
  
 Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments  
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941)418-0671

**South Florida Water Management District  
Work Schedule Requirements**

**Application No** : 020514-12

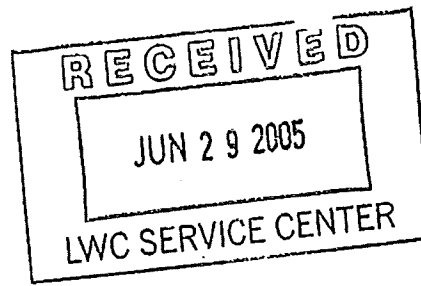
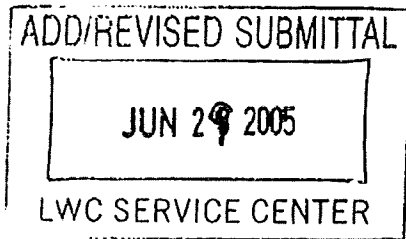
Page 1 of 1

**Mitigation Plan ID:** CARISSA COMMERCIAL

<b>Activity</b>	<b>Due Date</b>
-----------------	-----------------

SUBMITTAL OF MITIGATION BANK DOCUMENTATION
--------------------------------------------

30-DEC-2006
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CORPORATE OFFICE  
3215 NW 10th Terrace  
Suite 209  
Fort Lauderdale, FL 33309

Phone: 888.501.1707  
954.462.1707

Fax: 954.462.1151

NAPLES OFFICE

3200 Bailey Lane  
Suite 158  
Naples, FL 34105

Phone: 239.403.7100

Fax: 239.403.8686

June 23, 2005

Laura Layman  
South Florida Water Management District  
2301 McGregor Boulevard  
Fort Myers, FL 33901

Re: *SFWMD Permit Application No.020514-12*  
*Project: Carissa Commercial Park*  
*Panther Island Mitigation Bank Letter of Commitment*

Dear Ms. Layman:

This is to confirm that Select Real Estate, Inc. has a contract for the purchase 7.23 freshwater-herbaceous mitigation bank credits from Panther Island Mitigation Bank for the above referenced project. These credits are reserved accordingly.

Please do not hesitate to call if you have any questions or need further information.

Sincerely,

Desmond Duke  
Vice-President of Business Development

cc: Greg Toth  
Kit Kraft  
Ed Cronin  
Bill Foley

APPLICATION NUMBER

020514-12#

**EXHIBIT 3.3**

**CONSTRUCTION POLLUTION PREVENTION PLAN**  
for

SITE DESCRIPTION	
Project Name and Location: (Latitude, Longitude, or Address)	Owner Name and Address:
Description: (Purpose and Types of Soil Disturbing Activities)	<p>Construction in this project will generally consist of site clearing, lake excavation, and construction of roadways, utility infrastructure, golf course, and multi-use vertical construction.</p> <p>Soil disturbing activities will include: clearing and grubbing, installing a stabilized construction entrance, perimeter berming and other erosion and sediment controls; grading; excavation for the storm water management lake, storm sewer, utilities, and building foundations; construction of curb and gutter, road, and parking areas; and preparation for final planting, sodding, seeding and mulching.</p>
Runoff Coefficient:	
Site Area:	
Sequence of Major Activities:	
The order of activities will be as follows:	
<ol style="list-style-type: none"> <li>1. Installation of stabilized construction entrance.</li> <li>2. Partial clearing and grubbing.</li> <li>3. Install perimeter berm(s) or silt fences with straw bale barrier(s) adjacent to wetland areas.</li> <li>4. Continue clearing and grading.</li> <li>5. Construction storm water management lakes</li> <li>6. Stockpile excavated soil.</li> <li>7. Stabilize denuded areas and stockpiles within 21 days of last construction activity in that area.</li> <li>8. Install utilities, storm sewer, curb and gutter.</li> </ol>	<ol style="list-style-type: none"> <li>9. Complete grading, subgrade and base course construction.</li> <li>10. Complete final paving.</li> <li>11. Complete landscape grading and install permanent seeding and plantings.</li> <li>12. When all construction activity is complete and the site is stabilized, remove temporary earth berms, straw bale barriers and filter fences and re-seed any areas disturbed by their removal.</li> </ol>
Name of Receiving Waters:	
CONTROLS	
Erosion and Sediment Controls	
Stabilization Practices	
<p><b>Temporary Stabilization:</b> Top soil stock piles and disturbed portions of the site where construction activity temporarily cease for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The seed shall be Bahia, millet, rye, or other fast-growing grasses. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place. Areas of the site which will be paved will be temporarily stabilized by applying limerock subgrade until bituminous pavement can be applied.</p> <p><b>Permanent Stabilization:</b> Disturbed portions of the site, where construction activities permanently cease, shall be stabilized with sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles) no later than 14 days after the date of the last construction activity. The sod shall typically be Floratam or Bahia sod. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place.</p>	

**EXHIBIT 4.0**

## CONTROLS (Continued)

### Structural Practices

**Silt Fence / Straw Bale Barrier** - will be constructed along those areas of the project that border adjacent wetlands. At a minimum, the silt fence and/or straw bale barrier will be placed along all wetland buffers and all Corps of Engineers jurisdictional wetland boundaries.

**Straw Bale Drop Inlet Sediment Filter** - will be placed around all constructed storm drain inlets immediately upon completion of construction and shall remain in-place until the contributing drainage area is stabilized. Alternatively, grate inlets can be covered with filter fabric material until stabilization.

### Storm Water Management

The project will utilize a system of lakes to provide the required water quality treatment and attenuation. Discharges from the water management system will be regulated by a series of water control structures. These control structures will be used to maintain water levels in the detention facilities that will maintain or restore the hydroperiod in the wetlands and flowways. The water control structures will also be used to restrict the discharges from the project as described above. Dry pre-treatment will be provided for the golf course maintenance facilities and commercial parking lot runoff prior to discharge into the lake system.

Spreader swales will be used at appropriate locations to disperse flow and dissipate energy of runoff into wetlands. Spreader swales will also be used at appropriate locations to disperse flows discharged from the water management system into receiving flowways. Spreader swales will be heavily planted with native vegetation to help buffer the transition from the manmade lakes to the natural systems.

DISCHARGE RATES:

## OTHER CONTROLS

### Waste disposal:

#### Waste Materials:

All waste materials will be collected and stored in a trash dumpster which will meet all local and State solid waste management regulations. All trash and construction debris from the site will be deposited in this dumpster. The dumpster will be emptied as required due to use and/or State and local regulations, with the trash disposed of at the appropriate landfill operation. No construction waste materials will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the construction office trailer.

#### Hazardous Waste:

All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site personnel will be instructed in these practices.

#### Sanitary Waste:

All sanitary waste will be collected from the portable units by a local, licensed, City of Fort Myers sanitary waste management contractor, as required by local regulation.

### Offsite Vehicle Tracking:

A stabilized construction entrance has been provided to help reduce vehicle tracking of sediments. As they are completed, paved streets will be swept as needed to remove any excess muck, dirt, or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

## TIMING OF CONTROLS/MEASURES

Installation of hay bail / silt fence barriers (around wetlands) and stabilized construction entrance will be constructed prior to extensive clearing or grading of any other portions of the site. Areas where construction activity temporarily ceases for more than 21 days will be stabilized with a temporary seed and mulch within 14 days of the last disturbance. Once construction activity ceases permanently in an area, that area will be stabilized with permanent sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles). After the entire site is stabilized, the silt fence / straw bale barriers can be removed.

## CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

The storm water pollution prevention plan reflects the United States Environmental Protection Agency and the South Florida Water Management District (SFWWD) requirements for storm water management and erosion and sediment control, as established in the Chapter 40E-4 FAC and Chapter 373 FS.

# EXHIBIT 4.1

## MAINTENANCE/INSPECTION PROCEDURES

### Erosion and Sediment Control Inspection and Maintenance Practices

These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls.

- ◆ All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
- ◆ All measures will be maintained in good working order; if a repair is necessary, it shall be corrected as soon as possible, but in no case later than 7 days after the inspection.
- ◆ Built up sediment will be removed from silt fence when it has reached one-half the height of the fence.
- ◆ Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- ◆ Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.
- ◆ A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- ◆ The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.
- ◆ Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

### Non-Storm Water Discharge

It is expected that the following non-storm water discharges will occur from the site during the construction period:

- ◆ Water from water line flushings.
- ◆ Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred).
- ◆ Uncontaminated groundwater (from dewatering excavation).
- ◆ All non-storm water discharges will be directed to the storm water management facilities prior to discharge.

### INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be present onsite during construction:

- |                             |                            |
|-----------------------------|----------------------------|
| ◆ Concrete                  | ◆ Fertilizers              |
| ◆ Detergents                | ◆ Petroleum Based Products |
| ◆ Paints (enamel and latex) | ◆ Cleaning Solvents        |
| ◆ Metal Studs               | ◆ Wood                     |
| ◆ Asphalt                   | ◆ Masonry Block            |
| ◆ Roofing Shingles          | ◆ Clay or concrete bricks  |

## EXHIBIT 4.2

## SPILL PREVENTION

### Material Management Practices

The following are the materials management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff.

#### Good Housekeeping:

The following good housekeeping practices will be followed onsite during the construction project:

- ◆ An effort will be made to store only enough product required to do the job.
- ◆ All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers, and if possible, under a roof or other enclosure.
- ◆ Products will be kept in their original containers with the original manufacturer's label.
- ◆ Substances will not be mixed with one another unless recommended by the manufacturer.
- ◆ Whenever possible, all of a product will be used up before disposing of the container.
- ◆ Manufacturers' recommendations for proper use and disposal will be followed.
- ◆ The site superintendent will inspect to ensure proper use and disposal of materials onsite.

#### Hazardous Products:

These practices are used to reduce the risks associated with hazardous materials:

- ◆ Products will be kept in original containers unless they are not resealable.
- ◆ Original labels and material safety data will be retained; they contain important product information.
- ◆ If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

### Product Specific Practices

The following product specific practices will be followed onsite:

#### Petroleum Products:

All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which will be clearly labeled. Any asphalt substances used onsite will be applied in accordance with the manufacturer's recommendations and standard construction practices.

#### Fertilizers:

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

#### Paints:

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions and/or state and local regulations.

# EXHIBIT 4.3

## SPILL PREVENTION (Continued)

### Spill Control Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup.

- ◆ Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- ◆ Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include--but not be limited to--rags, gloves, goggles, kitty litter, sand, and plastic and metal trash containers specifically for this purpose.
- ◆ All spills will be cleaned up as soon as possible after discovery.
- ◆ The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- ◆ Spills of toxic or hazardous material will be reported to the appropriate state or local government agency, regardless of the size.
- ◆ The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- ◆ The Contractor's site superintendent will be responsible for the day-to-day site operations and will be the spill prevention and cleanup coordinator. He will designate at least two other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

# EXHIBIT 4.4

**POLLUTION PREVENTION PLAN CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CONTRACTOR'S CERTIFICATION**

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature	For	Responsible for
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		

**EXHIBIT 4.5**







CONSTRUCTION POLLUTION PREVENTION PLAN  
for

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**Inspection And Maintenance Report Form**

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

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REASONS FOR CHANGES:

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

Signature

---

Date

**EXHIBIT 4.9**

## URBAN STORMWATER MANAGEMENT PROGRAM

### 1.0 Introduction

This document provides details of the Urban Stormwater Management Program for the (Project Name) in (location). This Plan discusses non-structural controls, intended to improve the quality of stormwater runoff by reducing the generation and accumulation of potential stormwater runoff contaminants at or near the respective sources for each constituent, along with significant structural components of the primary stormwater treatment system. Although many of the methodologies and procedures outlined in this document are general Best Management Practices (BMP's) which can be useful in attenuating pollutants in many types of urbanized settings, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of the (Project name) and the surrounding hydrologic features.

Pollution prevention guidelines are provided for the areas of (1) nutrient and pesticide management; (2) street sweeping; (3) solid waste management; (4) operation and maintenance of the stormwater management and treatment system; (5) routine water quality testing; and (6) construction activities. A discussion of each of these activities is given in the following sections.

### 2.0 Nutrient and Pesticide Management

Nutrient and pesticide management consists of a series of practices designed to manage the use of fertilizers and pesticides so as to minimize loss of these compounds into stormwater runoff and the resulting water quality impacts on adjacent waterbodies. Implementation of a management plan will also maximize the effectiveness of the nutrients and pesticides that are applied.

Each homeowner must commit themselves to the practice of responsible and careful landscape design and maintenance of each lot to prevent contamination of surface waters. The guidelines included in this section are intended to help homeowners make educated environmental choices regarding the maintenance of individual yards within the community. These maintenance and management guidelines are meant to promote an attractive neighborhood that preserves the health of adjacent waterways and environmental features.

#### 2.1 General Requirements

A landscape plan must be developed for each residence. The plan must be comprehensive in nature and follow the landscape design guidelines established by the Homeowners Association and must promote revegetation of each lot as quickly as possible.

Commercial applicators of chemical lawn products must register with the Homeowners Association annually and provide a copy of their current occupational license, proof of business liability insurance, and proof of compliance with applicable education and licensing requirements. Individual employees working under the direction of a licensed commercial applicator are exempt from the educational requirements.

Only registered commercial applicators and individual lot owners are permitted to apply chemicals within the property on a private lot. All chemical products must be used in accordance with the manufacturer's recommendations. The application of any chemical product within five (5) feet of any surface water including but not limited to ponds, lakes, drainage ditches or canals, is prohibited. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into surface water is prohibited. This rule shall not apply to the use of chemical agents, by certified lake management specialists, for the control of algae and vegetation within the stormwater lakes or ponds.

## **2.2 Nutrient Management Program**

Management and application of nutrients and fertilizers in the (Project Name) will adhere to the following guidelines:

- A. All fertilizers shall be stored in a dry storage area protected from rainfall and ponding.
- B. No fertilizer containing in excess of 2% phosphate/phosphorus ( $P_2O_5$ ) per guaranteed analysis label (as defined by Chapter 576, Florida Statutes) shall be applied to turf grass unless justified by a soil test.
- C. Fertilizer containing in excess of 2% phosphate/phosphorus ( $P_2O_5$ ) per guaranteed analysis label shall not be applied within 5 feet of the edge of water or within 5 feet of a drainage facility.
- D. All fertilizer shall be applied such that spreading of fertilizer on all impervious surfaces is minimized.
- E. Liquid fertilizers containing in excess of 2% phosphate/phosphorus ( $P_2O_5$ ) per guaranteed analysis label shall not be applied thorough an irrigation system within 10 feet of the edge of water or within 10 feet of a drainage facility.
- F. Liquid fertilizers containing in excess of 2% phosphate/phosphorus ( $P_2O_5$ ) per guaranteed analysis label shall not be applied through high or medium mist application or directed spray application within 10 feet of the edge of water or within 10 feet of a drainage facility.

## **2.3 Pest Management Program**

Proper maintenance of plants and turf areas will minimize the ability of pests to successfully attack landscaping. Several general guidelines follow:

- A. Apply fertilizer and water only when needed and in moderate amounts. Excessive amounts of either can cause rapid growth that is attractive to insects and disease.
- B. Mow St. Augustine grass to a height of 3-4 inches. If cut shorter, the plants may become stressed and more vulnerable to pest infestation. Each mowing should remove no more than one-third of the leaf blade, and those cuttings should remain on the lawn to decompose.
- C. It is recommended that pesticides, fungicides, and herbicides be used only in response to a specific problem and in the manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides and herbicides as a preventative measure is strongly discouraged.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria:

- A. Must be consistent with the USDA-NRCS Soil Rating for Selecting Pesticides
- B. Must have the minimum potential for leaching into groundwater or loss from runoff
- C. Products must be EPA-approved
- D. The half-life of products used shall not exceed seventy (70) days

### **3.0 Street Sweeping**

This practice involves sweeping and vacuuming the primary streets to remove dry weather accumulation of pollutants, especially particulate matter, before wash-off of these pollutants can occur during a storm event. This practice reduces the potential for pollution impacts on receiving waterbodies by removing particulate matter and associated chemical constituents. Although street cleaning operations are frequently conducted primarily for aesthetic purposes, the primary objective of the street sweeping program for the (Project Name) is to improve the quality of stormwater runoff generated from impervious traffic areas. Street sweeping activities can be particularly effective during periods of high leaf fall by removing solid leaf material and the associated nutrient loadings from roadside areas where they could easily become transported within stormwater flow.

Street sweeping operations will be performed in the (Project Name) at a minimum frequency of one event every other month. A licensed vendor using a vacuum-type sweeping device will perform all street sweeping activities. Sweeping activities during each event will include all primary street surfaces. Disposal of the collected solid residual will be the responsibility of the street sweeping vendor.

### **4.0 Solid Waste Management**

In general, solid waste management involves issues related to the management and handling of urban refuse, litter and leaves that will minimize the impact of these constituents as water pollutants.

Maintenance of adequate sanitary facilities for temporarily storing refuse on private premises prior to collection is considered the responsibility of the individual homeowner. Local requirements for refuse collection will be brought to the attention of every homeowner at closing for the sale of the property. Information will be distributed as necessary stating specifications for containers, separation of waste by type, where to place containers prior to collection, and established collection schedules.

Fallen tree leaves and other vegetation, along with grass clippings, may become direct water pollutants when they are allowed to accumulate in swales and street gutters. All homeowners will receive periodic educational materials that address proper disposal of leaves and other vegetation to minimize water quality impacts.

## **EXHIBIT 5.2**

## **5.0 Stormwater Management and Treatment System**

The stormwater management system for the (Project Name) is designed to maximize the attenuation of stormwater generated pollutants prior to discharge to the off-site wetland systems. Operational details and maintenance requirements of the various system components are given in the following sections.

### **5.1 Wet Detention Lakes and Lake Interconnect Pipes**

The basic element of the stormwater management system consists of a series of interconnected wet detention ponds that provide stormwater treatment through a variety of physical, biological, and chemical processes. A wet detention pond acts similar to a natural lake by temporarily detaining stormwater runoff, allowing opportunities for treatment processes to occur, prior to slow controlled discharge of the treated water through the outfall structure. Pollutant removal processes in wet detention systems occur during the quiescent period between storm events. Significant removal processes include gravity settling of particulate matter; biological uptake of nutrients and other ions by aquatic plants, algae and microorganisms; along with natural chemical flocculation and complexation processes.

Maintenance of the wet detention ponds will consist of an annual inspection. During each annual inspection, the following items will be reviewed and corrected as necessary:

- A. Inspect the outfall structure and orifices to ensure free-flowing conditions and overall engineering stability of the outfall system.
- B. Review the banks of the lakes and canals to ensure proper side slope stabilization and inspect for signs of excessive seepage that may indicate areas of excessive groundwater flow and possible subsurface channeling.
- C. Physically evaluate each of the lakes and canals for evidence of excessive sediment accumulation or erosion.
- D. Inspect the planted aquatic vegetation in the littoral zone to ensure that the desired vegetation species, percent coverage, and density are maintained.

At the completion of the inspections, a written inspection report will be prepared, listing any deficiencies that need to be addressed or corrected by the Homeowners Association.

### **5.2 Stormwater Inlets, Pipes and Culverts**

The grates should be unobstructed and the bottom, inside the inlet, should be clean. Check for any accumulation of sediment, trash such as garbage bags, or debris in the culverts connecting these inlets. Flushing out with a high-pressure hose may clean some sediment. Any noted blockage (due to a possible obstruction, or broken pipe, etc.) should prompt further investigation. Crushed or corroded culverts should be replaced with new ones of the same size.

# **EXHIBIT 5.3**

### 5.3 Swales and Grassed Water Storage Areas

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be regraded and/or revegetated. It is a good idea to compare the existing slope and dimensions of the swale with the permitted design plans prior to the removal of excess sediment or regrading. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

Regular mowing of grass swales is essential. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. Remove any undesirable exotic vegetation. Culverts underneath driveways should be checked for blockage, and, if necessary, flushed with a high-pressure hose. After a storm, swales may remain wet for an extended period of time. This is normal and the water will recede gradually.

### 5.4 Ditches or Canals

Fill material, yard waste, clippings and vegetation, sediment, trash, appliances, garbage bags, shopping carts, tires, cars, etc. should be completely removed. Also check to make sure there are no dead trees or any type of obstructions which could block the drainage flow way.

Maintenance cleaning/excavation must be limited to the same depth, width and side slope as approved in the current permit. Making a ditch deeper or wider may trigger a need for a permit modification. Provisions must also be made to prevent any downstream silting or turbidity (*Contact the SFWMD Resource Compliance staff if you are unsure or need clarification.*) Be sure to dispose of all removed material properly so it won't affect any other water storage or conveyance system, environmental area, or another owner's property.

### 5.5 Outfall Structure (also called the Discharged Control Structure or Weir)

The outfall structure should be routinely inspected to determine if any obstructions are present or repairs are needed. Trash or vegetation impeding water flow through the structure should be removed. The structure should have a "baffle" or trash collector to prevent flow blockage and also hold back any floating oils from moving downstream. Elevations and dimensions should be verified annually with all current permit information. Periodic inspections should then be regularly conducted to make sure these structures maintain the proper water levels and the ability to discharge.

### 5.6 Earthen Embankments (Dikes and Berms)

Check for proper elevations, width and stabilization. Worn down berms - especially if used by all-terrain vehicles or equestrian traffic - and rainfall - created washouts should be immediately repaired, compacted and re-vegetated.

## **6.0 Water Quality Testing**

To ensure proper operation of the overall treatment system, monitoring will be performed at one outfall (SW-1) from the (Project Name) if there is a flow over the weirs. According to the proposed Water Quality Monitoring Plan, monitoring may occur 3 times a year, once during the dry season (February/March) and twice during the wet season (August/September). A manual grab sample will be collected at the SW-1 outfall location and analyzed for various constituents and parameters as described in the Surface Water Quality Monitoring Plan. Trained and certified personnel will perform sample collection and laboratory analysis. The results of the laboratory analyses will be submitted to South Florida Water Management District as part of an annual water quality monitoring report by December 31 of each year.

## **7.0 Construction Activities**

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for construction activities to minimize activities contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, waste collection disposal, offsite vehicle tracking, spill prevention and maintenance and inspection procedures. A copy of the SWPPP is attached hereto and made a part of hereof.

**EXHIBIT 5.5**

## STAFF REPORT DISTRIBUTION LIST

CARISSA COMMERCIAL PARK

Application No: 020514-12

Permit No: 36-05372-P

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- X FDEP
- X Florida Fish & Wildlife Conservation Commission - Imperiled Species Mgmt Section
- X Lee County - Development Services Director
- X Lee County Engineer

### OTHER INTERESTED PARTIES

- X Audubon of Florida - Charles Lee
- X Conservancy of Southwest Florida
- X League of Women Voters of Lee County - Clara Anne Graham Elliott
- X S.W.F.R.P.C. Jim Beaver

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### ADDRESSES

Jeppesen Engineering Corp  
1090 Innovation Ave. Suite A115  
North Port FL 34289

Select Real Estate  
9250 Corkscrew Road # 8  
Estero FL 33928

Boylan Environmental Consultants, Inc.  
11000 Metro Parkway  
Suite 4  
Fort Myers FL 33912

Mr. Harkley R. Thornton  
Outlook Media  
2295 South Hiawassee Road, Suite 203  
Orlando FL 32835

Mr. Kevin McCarty  
Bear Stearns Security Corp.  
225 Ne Mizner Blvd, Suite 500  
Boca Raton FL 33432

Mr. Lennart Lindahl  
Lbfh, Inc.  
3550 Sw Corporate Pkwy.  
Palm City FL 34990

Mr. Malcolm S. Wade, Jr.  
111 Ponce De Leon Ave  
Clewiston FL 33440

Mr. Michael Collins  
Po Box 803  
Islamorada FL 33036

Mr. Nicolas Gutierrez, Jr.  
Rafferty, Gutierrez & Sanchez-Aballi, Pa  
1101 Brickel Ave, Suite 1400  
Miami FL 33131

Ms. Alice J Carlson  
A.J.C. Associates  
2614 N. Tamiami Trail , 502  
Naples FL 34103

Ms. Irela Bague  
Sfwmd Miami-Dade Service Center  
2121 Sw 3rd Avenue  
Miami FL 33129

Ms. Miya Burt-Stewart  
1939 Jefferson Street # 202  
Hollywood FL 33020

City Engineer, City of Fort Myers  
Po Drawer 2217  
Ft Myers  
Fort Myers FL 33902-2217

Div of Recreation and Park - District 4 - FDEP  
1843 South Tamiami Trail  
Osprey FL 34229

FDEP  
2295 Victoria Avenue  
Fort Myers FL 33901

Florida Fish & Wildlife Conservation Commission -  
Imperiled Species Mgmt Section  
620 South Meridian Street  
Tallahassee FL 32399-6000

Lee County - Development Services Director  
1500 Monroe Street

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Ft Myers FL 33901

Lee County Engineer  
P.O.Box 398  
Fort Myers FL 33902-0398

Audubon of Florida - Charles Lee  
1101 Audubon Way  
Maitland FL 32751

Conservancy of Southwest Florida  
Po Box 1566  
Ft. Myers FL 33902

League of Women Voters of Lee County - Clara Anne  
Graham Elliott  
25201 Divot Drive  
Bonita Springs FL 333923

S.W.F.R.P.C. Jim Beever  
1926 Victoria Avenue  
Fort Myers FL 33901



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901  
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • [www.sfwmd.gov/lwc/](http://www.sfwmd.gov/lwc/)

Application 020514-12  
Permit 36-05372-P

October 17, 2006

Stephanie Miller, Trustee  
Select Real Estate  
9250 Corkscrew Road # 8  
Estero, FL 33928

Dear Sir or Madam:

Subject: Notification of Complete Application  
Carissa Commercial Park  
Board Date : 11/09/06  
Lee County - Sec 17, Twp 45S, Rge 25E

This is to inform you that your application for a New Individual Environmental Resource Permit is now complete. Your application will be presented to the Governing Board for agency action on the above mentioned date or earlier. A copy of the staff report for this application will be sent to you for review prior to the Governing Board meeting.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhonda Haag".

Rhonda Haag  
Director  
Lower West Coast Service Center

RH/s

c: Boylan Environmental Consulting, Inc.  
Jeppesen Engineering Corp

---

### GOVERNING BOARD

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Malcolm S. Wade, Jr.

### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

Date: January 25, 2021

To: Anthony Rodriguez, Principal Planner

From: Nic DeFilippo, Environmental Planner  
239.533.8983  
ndefilippo@leegov.com

Subject: DCI2020-00013  
Natural Resource Staff Report and Conditions for Carissa Minor RPD  
STRAP # 17-45-25-01-00000.0270

The request is to rezone 19.96 acres from Commercial Planned Development to Residential Planned Development to allow for a maximum number of 260 multi-family dwelling units. The proposed development is within the Ten Mile Canal North Watershed and adjacent to the Six Mile Cypress Watershed. The proposed stormwater management system will incorporate both wet and dry detention prior to discharging into the onsite wetlands. The stormwater will discharge from the onsite wetlands to the Six Mile Cypress Parkway roadway stormwater system and the Crystal Drive roadway stormwater system before ultimately discharging into the Six Mile Slough. This conceptual stormwater system design is consistent with Lee Plan Policies 60.4.2 and 61.2.4.

The Six Mile Cypress Watershed has been identified as a critical area for surface water management and the proposed development will be discharging into the Six Mile Slough. As a result, the proposal has the potential to further degrade water quality in the region. Lee Plan Policy 125.1.2 requires that new developments not degrade surface or ground water quality. Policy 125.1.4 requires developments which have the potential of lowering existing water quality below State and Federal water quality standards to provide standardized appropriate monitoring data. In order to maintain consistency with these policies staff recommends the following conditions:

**Prior to local development order approval the developer must provide:**

- I. A Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Water Quality Monitoring Plan must establish:**
  - i) The overall Goals and Objectives of the Water Quality Monitoring Plan;**
  - ii) An outfall monitoring schedule during “wet” season of June through October, for Field Temperature, Total Kjeldahl Nitrogen, Total Nitrogen, Chlorophyll A, Nitrite, Nitrate, Phosphorus, Turbidity and Stage.**
  - iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.**
  - iv) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.**
  - v) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.**



Professional Engineers, Planners & Land Surveyors

## **Carissa Minor RPD Description of Surface Water Management Plan**

**DCI2020-00013  
Revised March 2021**

LDC Sec. 34-373(b)(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;  
**The ±19.96-acre vacant site is bordered on the east by Six Mile Cypress Parkway, on the south by Crystal Drive, on the north by undeveloped property and on the west by JV Parker Lane. The site remains largely undeveloped and is predominately wooded. Stormwater runoff from the site generally drains to the east into the Six Mile Cypress Parkway roadway stormwater collection systems.**

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

**The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties. The proposed drainage within the development will be collected into a catch basin and pipe system and detained in an on-site proposed dry detention area and wet detention pond. The dry detention area will discharge to the Six Mile Cypress Parkway roadway stormwater system. The wet detention pond will discharge to the Crystal Drive roadway stormwater system.**

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;  
**The water management system will consist of a proposed on-site dry detention area and wet detention pond. If the property remains under single ownership, that owner will maintain the drainage system consistent with the South Florida Water Management District permit that will be required. If the property ownership does not remain under a single owner, then an association would be formed to maintain the drainage system.**

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

**The existing SFWMD permit (ERP #36-05372-P-02) allows impacts to the existing ±6.62 acres of existing wetlands on the subject property; however existing/proposed wetland impacts will be reduced to only ±2.66 acres and the remaining ±3.96 acres will be preserved and exotics removed. ±0.03 acre of indigenous uplands are provided for a total of ±3.99 acres of preservation area. The**

S:\Jobs\29XX\2961F\Documents\Zoning\2961F\_Stormwater Narrative-post sufficiency.docx

• SERVING THE STATE OF FLORIDA •

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10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966  
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523  
Engineering License No. EB 6469 • Surveying License No. LB 6690

**ATTACHMENT R**

**water table elevations will be maintained by appropriately setting the dry detention outfall structure at the established water control elevation.**

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

**The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation.**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Stephanie Miller, Trustee, to reinstate the vacated Master Concept Plan for Carissa CPD (Zoning Resolution Z-97-029 and Z-97-029A) for a maximum of two years on a 19.07± acre parcel; and

WHEREAS, a public hearing was advertised and held on January 18, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00101; and

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to reinstate the vacated Master Concept Plan (MCP) for Carissa CPD (Zoning Resolution Z-97-029, and clarified by Z-97-029A) for a maximum of two years. This planned development was approved for a mixed-use commercial development consisting of 100,000 square feet of retail commercial floor area; 50,000 square feet of office space; and 100 hotel/motel units. The Master Concept Plan was extended once for two years on August 26, 2003. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan for this development, which is entitled "Master Concept Plan, Carissa CPD," dated 04/06, Exhibit C attached hereto, except as modified by the conditions herein.

**On June 16, 2007, the effectiveness of the attached Master Concept Plan expires.** LDC §34-381 provides that a MCP reinstatement may not exceed 10 years from the date of the original rezoning application.

2. The approved Schedule of Uses for this development is limited to the following:  
Schedule of Uses:

Administration Offices  
Animal Clinic  
ATM  
Auto Parts Store, No Installation Service  
Automobile Service Station  
Automotive Repair and Service, Group I  
Banks & Financial Establishments, All Groups  
Boat Parts Store  
Building Material Sales  
Business Services, Groups I and II  
Car Wash  
Cleaning and Maintenance Services  
Clothing Store, General  
Commercial Clubs, Fraternal or Membership Organization  
Consumption on Premises  
Contractors and Builders, Groups I and II  
Convenience Food and Beverage Store, subject to Condition 4 & Deviation 7  
Cultural Facilities - Excluding Zoos  
Day Care Center, Child, Adult  
Department Store  
Drive-thru Facility  
Drug Store, Pharmacy  
Essential Services  
Essential Service Facilities  
Excavation, Water Retention  
Factory Outlets (Point of Manufacture)  
Farm Equipment, Sales, Storage, Rental or Service  
Feed, Fertilizer, Mixing and Sales  
Fences, Walls  
Fire Station  
Flea Market, Indoor  
Food and Beverage Service, Limited  
Food Stores, Groups I and II  
Gasoline Dispensing System, Special  
Gift and Souvenir Shop  
Hardware Store  
Health Care Facilities, Group III  
Hobby, Toy and Game Shops

Hotel/Motel - 100 rooms  
 Household & Office Furnishings, Groups I and II  
 Insurance Companies  
 Laundry Dry Cleaning, Group I  
 Lawn & Garden Supply Store  
 Medical Office  
 Mini Warehouses  
 Non-Store Retailers, All Groups  
 Pet Services  
 Pet Shops  
 Pharmacy  
 Place of Worship  
 Plant Nursery  
 Post Office  
 Real Estate Sales Office  
 Recreation, Commercial, Groups I, II & IV  
 Religious Facilities  
 Rental or Leasing Establishments, Groups I and II  
 Repair Shops, Groups I and II  
 Research & Development Laboratories, Groups II & IV  
 Restaurant, Groups I, II and III  
 Restaurant, Fast Food, subject to Condition 4 & Deviation 7  
 Retail and Wholesale, when clearly incidental and subordinate to the principal use on  
     the same premises  
 Schools, Commercial  
 Self Service Fuel Pumps  
 Self Service Fuel Pump Stations  
 Signs, in accordance with LDC Chapter 30  
 Social Services, Groups I and II  
 Specialty Retail Shops, Groups I, II, III and IV  
 Storage, Indoor only  
 Studios  
 Supermarkets  
 Temporary Uses  
 Theater, Indoor  
 Towers, Communication - less than 100 feet in height  
 Transportation Services, Group II  
 Used Merchandise Stores, Groups I and II  
 Variety Store  
 Wholesale Establishments, Group III

3. The following Property Development Regulations apply to the development of the subject property:

Minimum Lot Area and Dimensions:

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

Minimum Setbacks - Buildings And Structures:

Street: (Six Mile Cypress Parkway) 25 feet  
Street: (parallel access street) 25 feet  
Side: 15 feet  
Rear: 20 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: up to three habitable floors within 35 feet

4. a. The area west of the proposed buildings fronting on Six Mile Cypress Parkway and north of the proposed buildings fronting on Crystal Drive is limited to open space uses and vehicular access. Public access is prohibited on the west or north sides of these buildings.
  - b. If a Fast-Food Restaurant or Convenience Food and Beverage Store use is developed next to the northwest property line (extending south approximately 660 feet from the northernmost property line), the developer must construct an 8-foot-high masonry wall parallel to the northwest line prior to development order approval. The wall must be located between the wetland preservation areas or 30-foot-wide retention/detention area and these uses. The 8-foot-high masonry wall is required only adjacent to the northwest property line. The buffer must also comply with the LDC, including, but not limited to, required trees and shrubs.
5. The magnitude of commercial development will be governed by the access to the site as set forth in the matrix below:

<u>Access required for development</u>	<u>Maximum amount of floor area that may be developed</u>	<u>of which a maximum amount of retail floor area may be developed</u>
Six Mile Cypress only (existing)	75,000 sq. ft.	None

With access to Crystal Drive (Crystal Drive must be constructed to minimum Local Street Standard)	150,000 sq. ft.	30,000 sq. ft.*
------------------------------------------------------------------------------------------------------------	-----------------	-----------------

With access to Crystal Dr. (Crystal Drive must be opened & functioning as a collector road)	150,000 sq. ft.	100,000 sq. ft.
------------------------------------------------------------------------------------------------------	-----------------	-----------------

**OR**

With access to Penzance Rd. (with connection to Carissa CPD access road)	150,000 sq. ft.	100,000 sq. ft.
--------------------------------------------------------------------------------	-----------------	-----------------

[\*Must be within 330 feet of intersection.]

6. Prior to development order approval, the developer must regrade existing lakes to a water depth of four feet below the dry season water table so that the lake banks are sloped to a ratio not steeper than four feet horizontal to one foot vertical. In addition, the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.
  
7. The landscape plans must include a detailed wetland creation planting plan for the wetland creation/detention area delineated on the Master Concept Plan for review and approval by the Division of Environmental Sciences staff. A minimum of six species of native wetland plants must be included. Groundcover plants must be a minimum 1-gallon container size. Trees must be a mixture of sizes with a minimum 3-gallon container size for the smaller trees and a minimum 10-foot height, with a 2-inch caliper, for larger trees. The 10-foot-tall trees may be used to meet buffer or general tree requirements; and

The landscape plans must include appropriate native trees meeting the LDC general tree requirements and must be incorporated into the design and placed within Lake Tract 1, both within the littoral zone and in the surrounding upland areas, in such a manner as to create a forested wetland and hammock area. The trees may be used toward the general tree requirement for the overall site; and

The property must be surveyed specifically for Big Cypress fox squirrels and their nests. If squirrel nests or day beds are observed, then the structure must be observed for five consecutive days in the early morning and early evening to determine if they are active fox squirrel nests. If fox squirrel use is verified, then a 125-foot-wide buffer must be

maintained around any active nest until it is deemed inactive and written authorization is obtained from the Florida Fish and Wildlife Conservation Commission to remove the tree and nest structure. (This condition replaces Condition 7 of Zoning Resolution Z-97-029).

8. Additional conditions may be required at the time of local development order approval to mitigate the project's vehicular or pedestrian traffic impacts.
9. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
10. This development must comply with all of the requirements of the Lee County LDC at the time of local development order approval, except as granted by deviation as part of this planned development.
11. If the developer requests impact fee credits for the dedication and construction of the access road shown on the Master Concept Plan, only the area that is not site-related and deemed necessary to allow a neighboring parcel access across the subject parcel will be eligible for credits. Any right-of-way for which credits are issued will be valued based upon the zoning of the land as it existed prior to the original zoning approval (AG-2).
12. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

#### SECTION C. DEVIATIONS:

1. Deviation (1) withdrawn by the applicant.
2. Deviation (2) seeks relief from the LDC §10-329(e)(3) requirement limiting the depth of an excavation to a maximum of 12 feet, to allow a maximum depth of 20 feet. This deviation is DENIED.
3. Deviation (3) seeks relief from the LDC §10-413(c)(1) requirement that 50 percent of the required open space to be preserved as existing native vegetation, to allow 34 percent of the required open space to be preserved as existing native vegetation. This deviation is APPROVED.
4. Deviation (4) seeks relief from the LDC §10-415(a)(4) provision requiring one tree must be provided for each 3,500 square feet of development area, to allow one tree to be provided for each 3,500 square feet of development area excluding the frontage road area, wetland preserve and mitigation area. This deviation is DENIED.

5. Deviation (5) seeks relief from the LDC §30-153(2)a. requirement restricting total sign area on any given street to 300 square feet, to allow two 200-square-foot identification signs, each located a minimum of 15 feet from the parallel access street easement. This deviation is APPROVED.
6. Deviation (6) seeks relief from the LDC §10-329(e)(1)a.1. requirement that prohibits excavation for water retention from being located closer than 25 feet to an existing or proposed street right-of-way line or easement, to allow the existing lakes to encroach into the 25 foot setback. This deviation is APPROVED, SUBJECT TO Condition 6 above.
7. Deviation (7) seeks relief from the LDC §10-414(a) requirement for commercial developments adjacent to existing residential developments to provide a minimum 15-foot-wide buffer that includes a fence, wall or berm not less than eight feet in height, to eliminate the requirement of the 8-foot-high fence, wall or berm. This deviation is APPROVED, SUBJECT TO Condition 4.b. above.
8. Deviation (8) withdrawn by the applicant.

#### SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 17-45-25-00-00004.0000, 17-45-25-01-00000.0270, 17-45-25-01-00000.0280, 17-45-25-00-00004.0020.

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. Based upon an analysis of the application and the standards for approval of a reinstatement of a vacated Master Concept Plan set forth in LDC §§34-145 and 34-381:
- a. The applicant is proposing no changes to the original approved Master Concept Plan; and
  - b. The Master Concept Plan is consistent with the current Lee County LDC, including, but not limited to, density, intensity and concurrency requirements; and
  - c. The development shown by the Master Concept Plan is compatible with existing and approved uses in the surrounding area; and
  - d. The development shown by the Master Concept Plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities; and
  - e. The criteria listed in subsection 34-145(d)(1), which are applicable to this application, are satisfied; and
  - f. The criteria set forth in §34-145(d)(2), which are applicable to this application, are satisfied; and

- g. The criteria listed in subsection 34-381(d)(1), which are applicable to this application, are satisfied.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Albion and, upon being put to a vote, the result was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

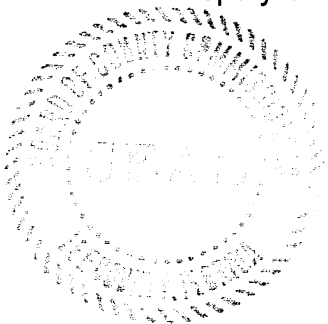
DULY PASSED AND ADOPTED this 3<sup>rd</sup> day of April 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Michele S. Cooper  
Deputy Clerk

BY: Tammara Hall  
Chairwoman



Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
hgc  
2006 APR 24 AM 11:16

# Banks Engineering, Inc.

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

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN SECTION 17,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

## PARCEL I


BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°29'12"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE S.20°01'31"W., ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1389.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY AS RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°52'35"W., ALONG SAID NORTH LINE FOR 98.08 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17 AND BEING A POINT ON THE EAST LINE OF LOT 28, OF THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, AS RECORDED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 96, SAID PUBLIC RECORDS; THENCE S.88°48'50"W. ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 28 AND ALONG THE NORTH LINE OF SAID ROAD RIGHT OF WAY FOR 621.82 FEET TO A POINT LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28; THENCE N.00°22'36"W. ALONG SAID LINE LYING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 28 AND LOT 27, SAID UNRECORDED PLAT OF SUBURBAN RANCHETTES FOR 634.53 FEET TO THE NORTH LINE OF SAID LOT 27; THENCE N.88°56'52"E., ALONG SAID NORTH LINE OF SAID LOT 27 FOR 624.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, ALSO BEING A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 17; THENCE N.00°06'35"W., ALONG SAID NORTH SOUTH SECTION LINE FOR 658.74 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

PARCEL I CONTAINS 830,753.57 SQUARE FEET OR 19.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N.20°01'31"E.

DESCRIPTION PREPARED JUNE 2, 2005

  
A. LEE HAYNE  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION NO. 6338

**RECEIVED**  
OCT 20 2005

PERMIT COUNTER

**Applicant's Legal Checked**

by Lgm 12/06/2005  
(P 1 of 2)

SHEET 1 OF 2

DCI 2005-00101

11543 Charlies Terrace, Ft Myers, Florida 33907 • (239) 694-2335 • Fax (239) 694-2355

S:\Jobs\18xx\1869\1869\_SK\_parcel-1.doc  
S:\Jobs\18xx\1869\1869\_SK\_parcel-1.doc

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 939-5490

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
 LEE COUNTY, FLORIDA

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING N.20°01'31"E.



**LEGEND:**

O.R. INDICATES OFFICIAL RECORDS BOOK  
 PG. INDICATES PAGE

O.R. 2700, PG. 927

**P.O.B. - PARCEL 1**

N. 1/4 CORNER  
 SECTION 17

N.88°29'12"E. 576.42'

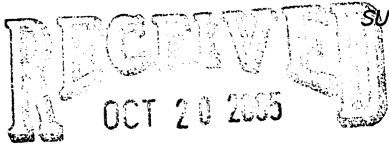
EAST-WEST QUARTER SECTION LINE

658.74'

NORTH-SOUTH QUARTER SECTION LINE

LOT 25  
 SUBURBAN RANCHETTES  
 O.R. 541, PG. 220

O.R. 2508, PG. 3443



DCI 2005-00101

LOT 26  
 SUBURBAN RANCHETTES  
 O.R. 2168, PG. 4642

PARCEL 1

N.88°56'52"E. 624.75'

60' WIDE INGRESS  
 AND EGRESS EASEMENT  
 (O.R. 4609, PG. 4248)

LOT 27  
 SUBURBAN RANCHETTES  
 O.R. 2307, PG. 4555

O.R. 2456, PG. 111

PARCEL 1

O.R. 4131, PG. 4232

LOT 19  
 SUBURBAN RANCHETTES

634.53'

LOT 20  
 SUBURBAN RANCHETTES

N.00°22'36"W. 634.53'

LOT 28  
 SUBURBAN RANCHETTES  
 O.R. 4028, PG. 3938

S.88°52'35"W. 98.08'

JV PARKER LANE  
 16'± WIDE DIRT ROAD

ROAD RIGHT OF WAY  
 SOUTH 30' LOT 28  
 (C.C.M.B. 5, PG. 669)

S.88°48'50"W. 621.82'

S.20°01'31"W. 1389.14'  
 & SIX MILE CYPRESS PARKWAY (250' WIDE)

60' WIDE INGRESS  
 AND EGRESS EASEMENT  
 (O.R. 4609, PG. 4248)

LOT 21  
 SUBURBAN RANCHETTES  
 O.R. 3321,  
 PG. 3940

60' WIDE ROAD RIGHT-OF-WAY  
 C.C.M.B. 5, PG. 669  
 (NOT IMPROVED AS ROADWAY)

LOT 29  
 SUBURBAN RANCHETTES  
 O.R. 2172, PG. 2339

EXCEPTING NORTHERLY  
 30' LOT 29  
 (O.R. 4609, PG. 4248)

O.R. 1117,  
 PG. 1102

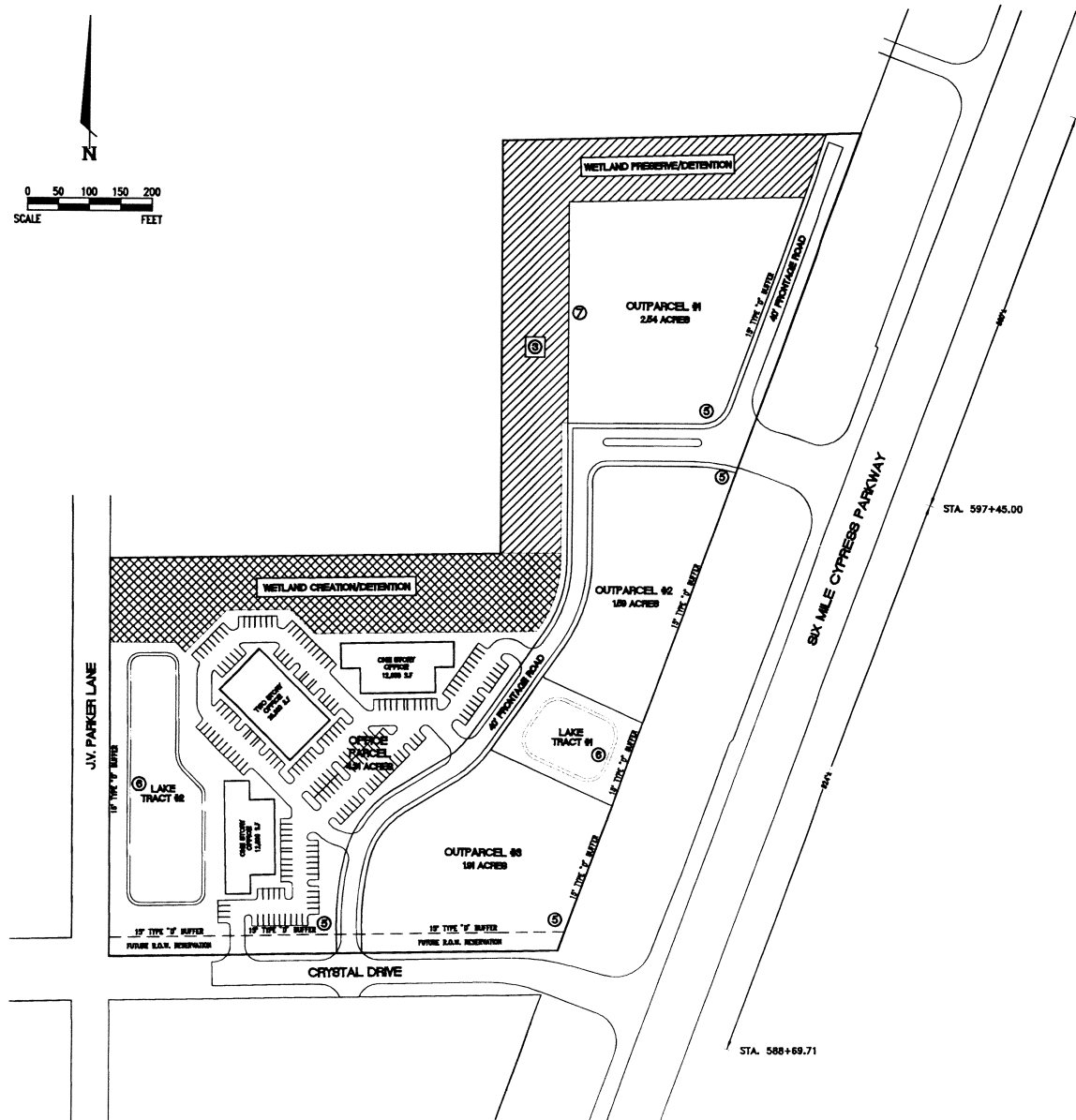
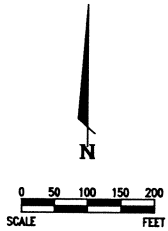
SEE SHEET 1 FOR COMPLETE  
 METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION  
 IS NOT A BOUNDARY SURVEY**

*A. Lee Hayne*  
 A. LEE HAYNE  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 6338

- THIS SKETCH OF DESCRIPTION IS NOT VALID  
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.





- LEGEND**
- ④ APPROVED DEVIATION
  - ▨ WETLAND PRESERVE AREA
  - ▩ WETLAND CREATION AREA

**PROJECT SUMMARY**

TOTAL SITE AREA:	19.07 ACRES
MAXIMUM BUILDING AREA:	150,000 S.F.1
LAND USE CLASSIFICATION:	CENTRAL URBAN
EXISTING ZONING:	CPD
WATER & SEWER:	LEE COUNTY UTILITIES
FIRE DISTRICT:	SOUTH TRAIL
FLOOD ELEVATION:	8 FEET

<sup>1</sup> SEE ZONING RESOLUTION FOR DETAILS

**OPEN SPACE CALCULATIONS**

OPEN SPACE REQUIRED: (19.07 ACRES X 30%)	5.72 ACRES
OPEN SPACE PROVIDED:	
OUTPARCEL #1 (2.54 ACRES X 20%)	0.51 ACRES
OUTPARCEL #2 (1.98 ACRES X 20%)	0.32 ACRES
OUTPARCEL #3 (1.91 ACRES X 20%)	0.38 ACRES
OFFICE PARCEL (4.06 ACRES X 30%)	1.22 ACRES
WETLAND PRESERVE AREA	2.46 ACRES
WETLAND CREATION AREA	1.96 ACRES
LAKE TRACT #1	1.47 ACRES
LAKE TRACT #2	0.83 ACRES
<b>TOTAL</b>	<b>8.95 ACRES</b>

Approved as Exhibit  
MCP Page 1 of 1  
Resolution # Z-06-007

EXHIBIT C

FILE #	0107MCP
DATE	04/08
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00120

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Carissa, LLC filed an application for administrative approval to a Commercial Planned Development on a project known as Carissa CPD for an amendment to the approved zoning resolution Z-06-007 to modify the language found in Condition #6 on property located at Carissa Leigh Way, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 45 South, Range 25 East, Lee County, Florida:

See attached Exhibit "A"

WHEREAS, the property was originally rezoned in resolution number Z-97-029 (with subsequent amendments in case numbers ADD2005-00126, ADD2006-00055, and resolution number Z-06-007); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; 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 applicant has requested to amend the Condition # 6 of the zoning resolution Z-06-007 to read as follows:

6. *Prior to development order approval the issuance of any certificate of compliance for the development, the developer must re-grade existing lakes to a water depth of four (4) feet below the dry season water table so that the lake banks are sloped to a ration not steeper than four (4) feet horizontal to one (1) foot vertical. In addition the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.*

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 Commercial Planned Development to amend condition #6 of the zoning resolution Z-06-007 is **APPROVED**.

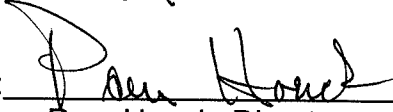
**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the Master Concept Plan dated April 2006. A reduced copy of the approved Master Concept Plan is attached hereto.**
2. **The terms and conditions of the original zoning resolutions, with the exception of Condition #6, which is hereby amended, remain in full force and effect.**

**Condition # 6 of the zoning resolution Z-06-007 to read as follows:**

6. ***Prior to development order approval the issuance of any certificate of compliance for the development, the developer must re-grade existing lakes to a water depth of four (4) feet below the dry season water table so that the lake banks are sloped to a ration not steeper than four (4) feet horizontal to one (1) foot vertical. In addition the developer must provide elements for the protection of wayward vehicles (such as bollards, guardrails, berms, swales, etc.) around these lakes as determined by the Director of Development Services.***

DULY SIGNED this 9<sup>th</sup> day of August, A.D., 2007.

BY:   
Pam Houck, Director  
Division of Zoning  
Department of Community Development

# Banks Engineering

Professional Engineers, Planners & Land Surveyors  
10511-101 Six Mile Cypress Parkway  
Fort Myers, Florida 33912  
(239) 939-5490  
Fax (239) 939-2523

# RECEIVED

JUN 29 2007

COMMUNITY DEVELOPMENT

Please Reply To:  
FORT MYERS OFFICE

## DESCRIPTION OF A PARCEL LYING IN SECTION 17, T-45-S, R-25-E, LEE COUNTY, FLORIDA

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 17; THENCE S.00°06'35"E. ALONG THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION FOR 658.74 FEET; THENCE S.88°56'52"W. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17 FOR 624.75 FEET; THENCE S.00°22'36"E. ALONG THE EAST LINE OF A 60 FOOT WIDE INGRESS AND EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4609, PAGE 4248, PUBLIC RECORDS SAID LEE COUNTY, BEING PARALLEL WITH AND 30 FEET EASTERLY OF (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 317.26 FEET; THENCE S.88°52'52"W. FOR 30.00 FEET; THENCE S.00°22'36"E. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, BEING PARALLEL WITH AND 30 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SAID 60 FOOT WIDE INGRESS AND EGRESS EASEMENT FOR 347.30 FEET; THENCE N.88°48'50"E. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, BEING PARALLEL WITH AND 30 FEET SOUTHERLY OF (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY RECORDED IN COUNTY COMMISSION MINUTE BOOK 5, PAGE 669, PUBLIC RECORDS SAID LEE COUNTY, FOR 651.68 FEET; THENCE N.00°06'35"W. FOR 30.00 FEET; THENCE N.88°48'50"E. ALONG THE NORTH LINE OF SAID 60 FOOT WIDE ROAD RIGHT OF WAY, BEING PARALLEL WITH AND 30 FEET NORTH OF (AS MEASURED ON A PERPENDICULAR) THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 98.08 FEET; THENCE N.20°01'31"E. ALONG THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250 FEET WIDE) FOR 1389.14 FEET; THENCE S.88°29'12"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR 576.42 FEET TO THE POINT OF BEGINNING.


CONTAINING 859824.60 SQUARE FEET OR 19.74 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING S.20°01'31"W.

BANKS ENGINEERING,  
FLORIDA LICENSED BUSINESS NO. LB6690

JUNE 29, 2007

  
THOMAS R. LEHNERT JR. DATE SIGNED: 6/29/07  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5541

ADD 2007-00120  
Applicant's Survey Checked  
By  6/29/07

**Naples Office**  
6640 Willow Park Dr.  
Suite B  
Naples, Florida  
34109  
(239) 597-2061  
Fax (239) 597-3082

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

**By Port Charlotte Office**  
12653 SW CR 769  
Suite B  
Lake Suzy, Florida  
34691  
(941) 625-1165  
Fax (941) 625-1149

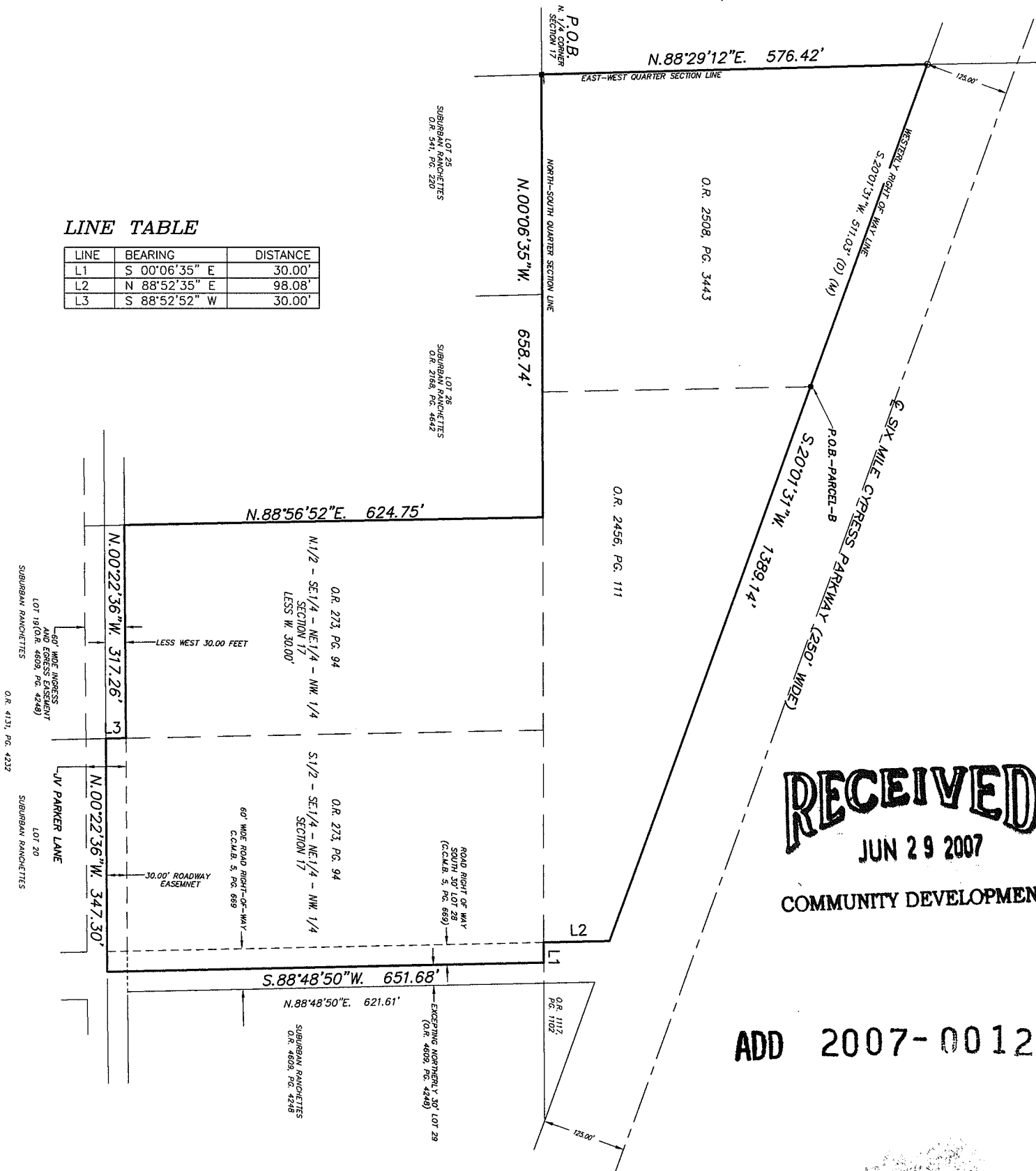


1" = 200'



**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 00°06'35" E	30.00'
L2	N 88°52'35" E	98.08'
L3	S 88°52'52" W	30.00'



**RECEIVED**  
 JUN 29 2007  
 COMMUNITY DEVELOPMENT

**ADD 2007-00120**

**Applicant's Survey Checked**

By esj 6/29/07

Applicant \_\_\_\_\_

By \_\_\_\_\_

**LEGEND**

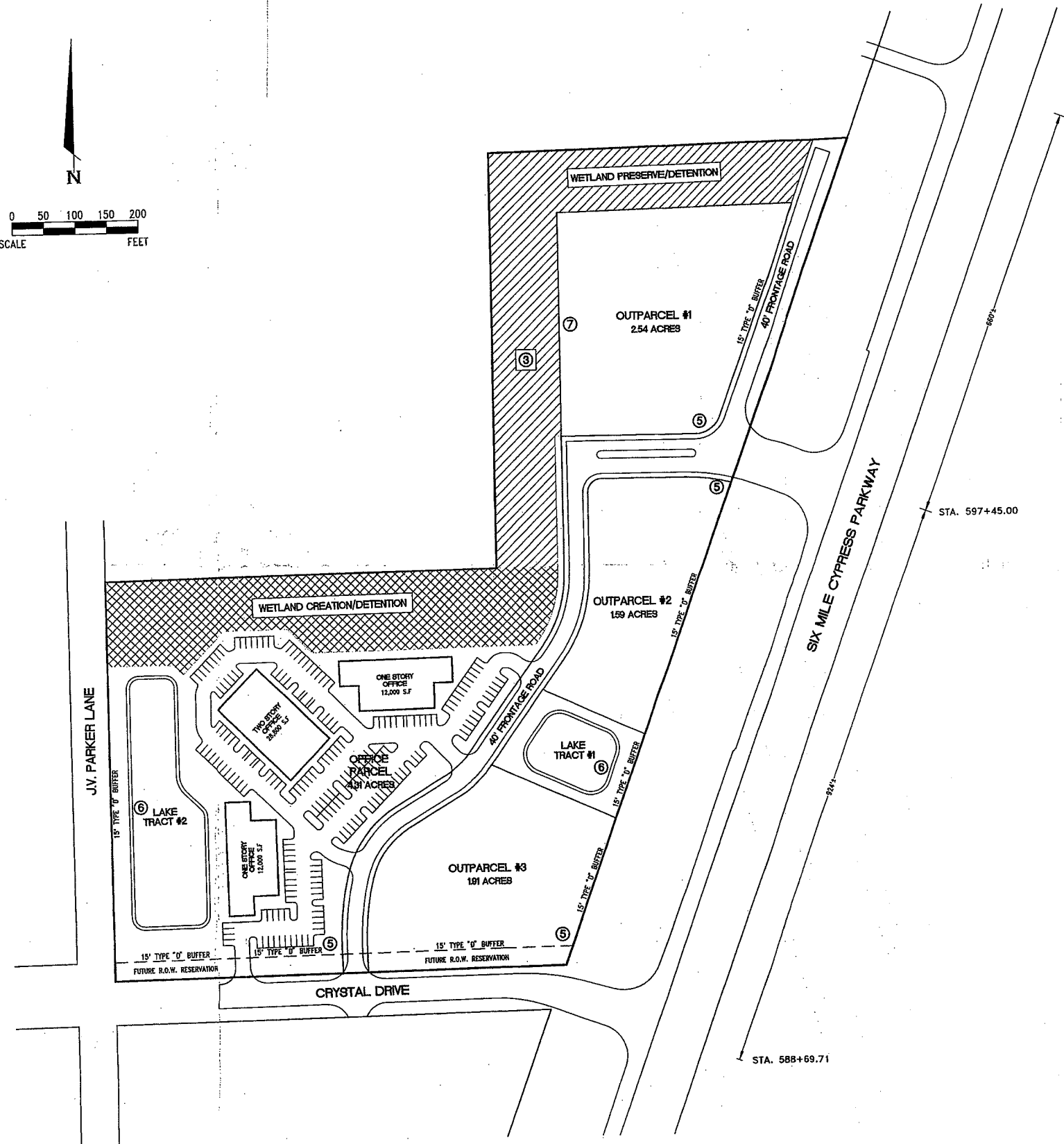
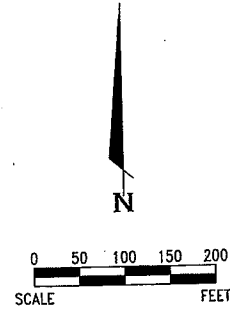
- PG. PAGE
- L1 LINE NO. 1 OF LINE TABLE
- C1 CURVE NO. 1 OF LINE TABLE
- C.C.M.B. COUNTY COMMISSION MINUTE BOOK
- O.R. OFFICIAL RECORDS BOOK

THIS IS NOT A BOUNDARY SURVEY

Thomas R. Lehnert, Jr. 6/29/07  
 THOMAS R. LEHNERT, JR. DATE SIGNED  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATION NO. 55455

**Banks Engineering**  
 Professional Engineers, Planners & Land Surveyors  
 CHARLOTTE ♦ FORT MYERS ♦ NAPLES ♦ SARASOTA  
 12653 SW COUNTY ROAD 769 - SUITE B  
 LAKE SUZY, FLORIDA 34269  
 PHONE: (941) 625-1165 FAX: (941) 625-1149  
 ENGINEERING LICENSE # EB 8469  
 SURVEY LICENSE # LB 8690

SKETCH TO ACCOMPANY DESCRIPTION									
CARISSA									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8-29-2007	1869	889SK-NORTH		KT	KT	1"=200'	2	2	17-45-25



- LEGEND**
- ⑤ APPROVED DEVIATION
  - ▨ WETLAND PRESERVATION AREA
  - ▩ WETLAND CREATION AREA

**PROJECT SUMMARY**

TOTAL SITE AREA: 19.07 ACRES  
 MAXIMUM BUILDING AREA: 150,000 S.F.<sup>1</sup>  
 LAND USE CLASSIFICATION: CENTRAL URBAN  
 EXISTING ZONING: CPD  
 WATER & SEWER: LEE COUNTY UTILITIES  
 FIRE DISTRICT: SOUTH TRAIL  
 FLOOD ELEVATION: 8 FEET

<sup>1</sup> SEE ZONING RESOLUTION FOR DETAILS

**OPEN SPACE CALCULATIONS**

OPEN SPACE REQUIRED: (19.07 ACRES X 30%)	5.72 ACRES
<b>OPEN SPACE PROVIDED:</b>	
OUTPARCEL #1 (2.54 ACRES X 20%)	0.51 ACRES
OUTPARCEL #2 (1.59 ACRES X 20%)	0.32 ACRES
OUTPARCEL #3 (1.91 ACRES X 20%)	0.38 ACRES
OFFICE PARCEL (4.06 ACRES X 30%)	1.22 ACRES
WETLAND PRESERVE AREA	2.46 ACRES
WETLAND CREATION AREA	1.96 ACRES
LAKE TRACT #1	1.47 ACRES
LAKE TRACT #2	0.63 ACRES
<b>TOTAL</b>	<b>8.95 ACRES</b>

APPROVED  
 Master Concept Plan  
 Site Plan • D16-007 Page 1 of 1  
 Subject to conditions in Resolution Z-06-001  
 Case # DCT 2005-00101

FILE #	0107MCP
DATE	04/06
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

**GARY F. MULLER, AICP**  
 1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 17, TWP 46S, RGE 25E.  
 LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN  
 CARISSA CPD

DWG. NO.  
**0107**

EXHIBIT 6-J

# SURVEY PLAT

OF  
A PARCEL OF LAND LYING IN  
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

## SURVEYOR'S NOTES:

- THIS PLAT PREPARED AS BOUNDARY AND TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
- BOUNDARY SURVEY IS BASED ON THE FOLLOWING:
- LEGAL DESCRIPTION REFERENCED IN EXHIBIT A OF THAT CERTAIN TITLE OPINION PREPARED BY HENDERSON FRANKLIN, ATTORNEYS AT LAW, DATED DECEMBER 11, 2020, EFFECTIVE DATE OF OPINION OF TITLE: NOVEMBER 23, 2020.
  - THE UNRECORDED PLAT OF SUBURBAN RANCHETTES, LOCATED IN LEE COUNTY, FLORIDA.
  - COUNTY COMMISSIONERS MINUTE BOOK (C.C.M.B.) 5, PAGE 669, LEE COUNTY, FLORIDA.
  - THE BOUNDARY AND TOPOGRAPHIC SURVEY, PREPARED BY BANKS ENGINEERING DATED 11-10-2006.
  - EXISTING MONUMENTATION.

THE FOLLOWING SURVEY RELATED MATTERS REFERENCED IN THAT CERTAIN TITLE OPINION PREPARED BY HENDERSON FRANKLIN, ATTORNEYS AT LAW, DATED DECEMBER 11, 2020, EFFECTIVE DATE OF OPINION OF TITLE: NOVEMBER 23, 2020, ARE SHOWN HEREON OR ADDRESSED AS FOLLOWS:

- Oil, Gas, Mineral, or other RESERVATIONS AS SET FORTH IN DEED BY WALTER ASHTON SMITH RECORDED IN DEED BOOK 258, PAGE 453 AND NOTICE OF SUBSURFACE AND MINERAL INTERESTS AS RECORDED IN O.R. BOOK 1174, PAGE 1748 AND NOTICE OF SUBSURFACE OWNERSHIP, EASEMENTS AND RIGHTS OF ENTRY RECORDED IN O.R. BOOK 1175, PAGE 84, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. NO DETERMINATION HAS BEEN MADE AS TO THE CURRENT RECORD OWNER FOR THE INTEREST EXCEPTED HEREIN. (SUBJECT PARCEL LIES WITHIN LAND DESCRIBED IN RESERVATION - NOTHING SHOWN)
- COVENANT TO SHARE DEVELOPMENT COSTS RECORDED UNDER INSTRUMENT NUMBER 200600017853 AND SUBORDINATION AGREEMENT RECORDED UNDER INSTRUMENT NUMBER 200700037383, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (PORTION OF SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED IN COVENANT - NOTHING SHOWN)
- ENVIRONMENTAL RESOURCE PERMIT NOTICE RECORDED UNDER INSTRUMENT NUMBER 2007000313780, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (PORTION OF SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED IN PERMIT - NOTHING SHOWN)
- EASEMENT AGREEMENT RECORDED UNDER INSTRUMENT NUMBER 200700016691, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- COVENANT OF UNIFIED CONTROL, RECORDED IN O.R. BOOK 2835, PAGE 4030, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (PORTION OF THE SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED IN COVENANT - NOTHING SHOWN)
- NOTICE OF DEVELOPMENT ORDER APPROVAL RECORDED UNDER INSTRUMENT NUMBER 2008000272759, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (PORTION OF SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED IN NOTICE - NOTHING SHOWN)
- DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CHARISSA COMMERCIAL PARK RECORDED UNDER INSTRUMENT NUMBER 200800023029, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (EASEMENTS CONTAINED IN DECLARATION ARE BLANKET IN NATURE - NOTHING SHOWN)
- NOTICE OF DEVELOPMENT ORDER APPROVAL RECORDED UNDER INSTRUMENT NUMBER 200900021380, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (PORTION OF SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED - SHOWN HEREON)
- INGRESS AND EGRESS EASEMENT CONTAINED IN THE QUIT CLAIM DEED RECORDED IN O.R. BOOK 4609, PAGE 4248, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT RECORDED UNDER INSTRUMENT NUMBER 2009000217775, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- RESOLUTION NUMBER 93-09-51 RECORDED IN O.R. BOOK 5680, PAGE 3419, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (ACCESS POINT STATION SHOWN HEREON)
- EASEMENTS CONTAINED IN THE WARRANTY DEED RECORDED IN O.R. BOOK 729, PAGE 618, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- EASEMENTS SHOWN IN THE WARRANTY DEED RECORDED IN O.R. BOOK 1681, PAGE 1390, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY AS BEARING OF N.20'01'31"E.

COORDINATES SHOWN HEREON ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST (NAD 1983) ADJUSTMENT. THE STATION IS THE ANTENNA REFERENCE POINT OF THE GPS ANTENNA BASED AT PAGE FIELD. THE STATION IS A GPS CONTINUOUSLY OPERATING REFERENCE STATION OF COVADATION - FORT MYERS CORP. APP. HORIZONTAL VALUES WERE ESTABLISHED AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN MARCH 2004. THE HORIZONTAL VALUES WERE ESTABLISHED BY GPS OBSERVATIONS. THE SCALE FACTOR IS 0.99994476.

ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND ARE DERIVED FROM LEE COUNTY PUBLIC WORKS BENCHMARK A031, HAVING A PUBLISHED NAVD 88 ELEVATION OF 20.56 FEET.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.

PER FLOOD INSURANCE RATE MAP 1207IC 0429 G, EFFECTIVE DATE DECEMBER 7, 2018, THE SUBJECT PARCEL LIES IN FLOOD ZONE AH AND AE, HAVING A BASE FLOOD ELEVATION OF 15 FEET AND FLOOD ZONE X HAVING NO BASE FLOOD ELEVATION.

ABOVE GROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE SHOWN.

SITE IMPROVEMENTS SHOWN IN THE BACKGROUND ARE PROVIDED AS A GRAPHICAL REFERENCE ONLY, AND WERE NOT LOCATED AS PART OF THIS BOUNDARY SURVEY.

PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

ALL BEARINGS AND DISTANCES AS SHOWN ON THE PARCEL BOUNDARY ARE MEASURED, UNLESS OTHERWISE SHOWN.

DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SUBJECT PARCEL CONTAINS: 19.96 ACRES, MORE OR LESS.

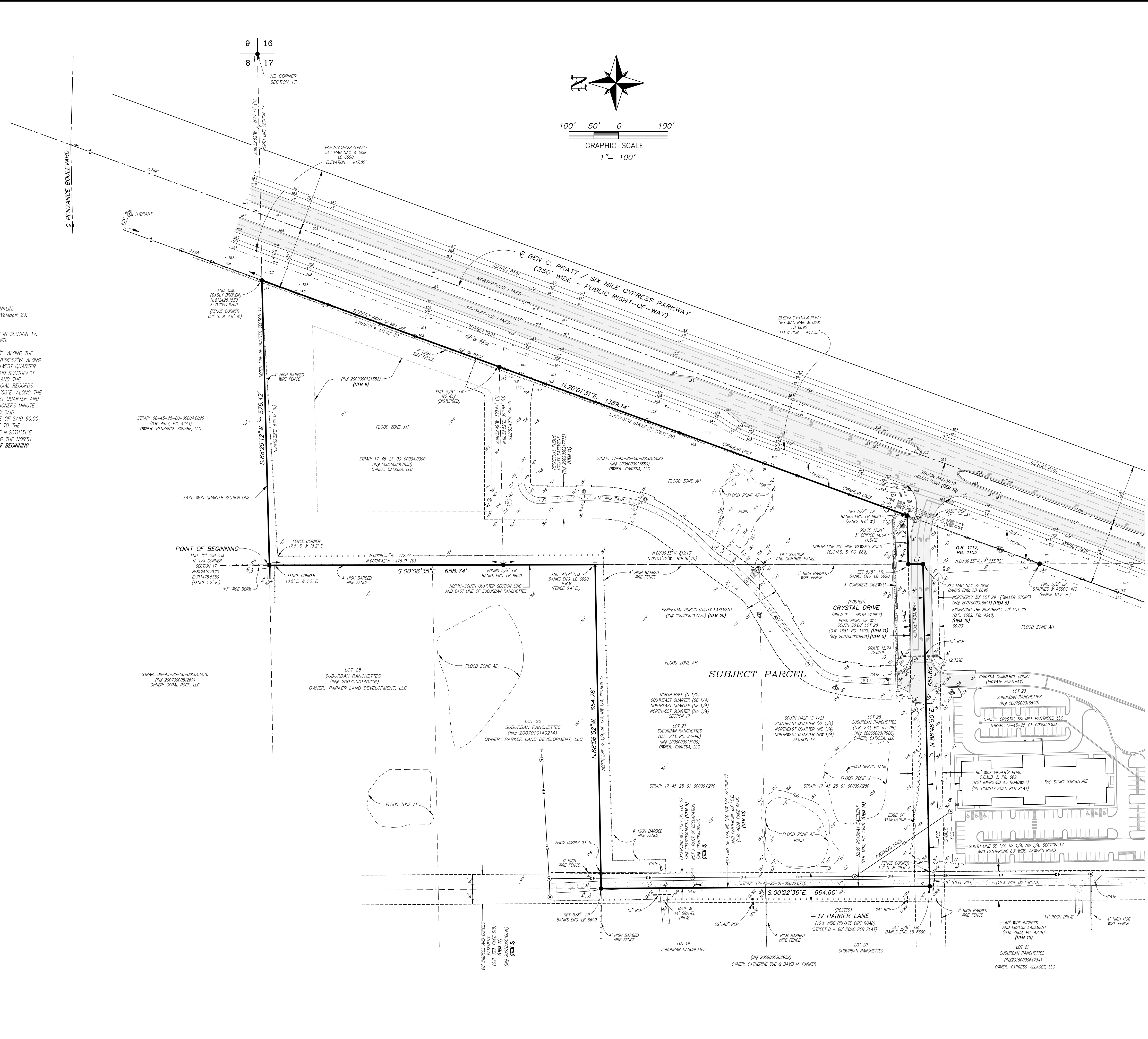
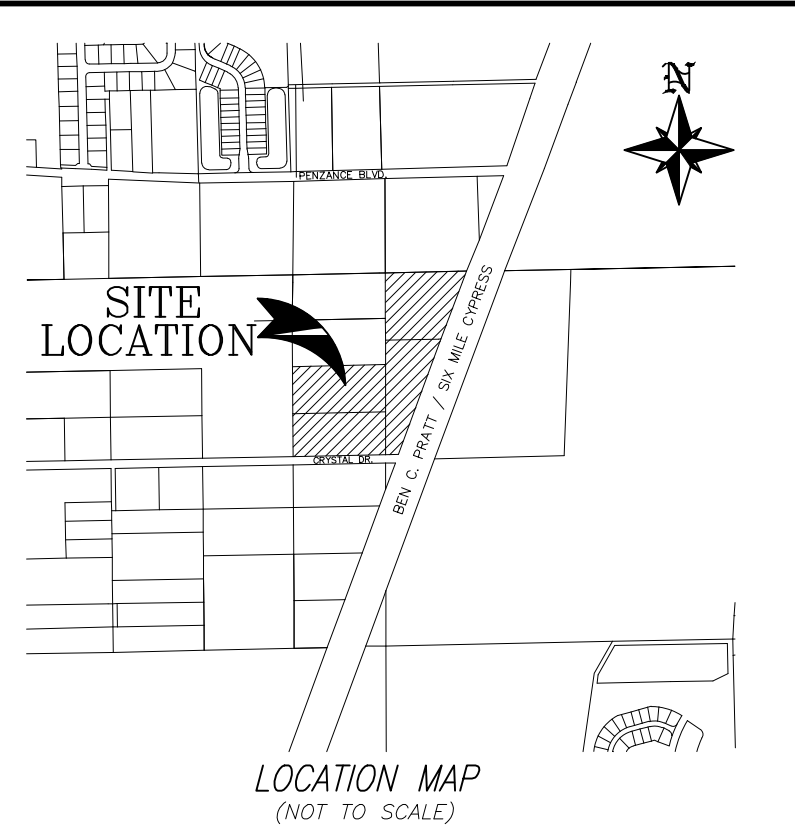
DATE OF LAST FIELD WORK: 3-9-2020.

## SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTERS 5A-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

A. LEE HAYNE, P.S.M.  
FLORIDA CERTIFICATION NO. 6338  
DATE SIGNED: 12-15-2020

- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- THIS SURVEY MAY BE REUSED UPON ONLY BY THE CERTIFIED PARTIES PROVIDED HEREIN.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN TITLE OPINION PREPARED BY HENDERSON FRANKLIN, ATTORNEYS AT LAW, DATED DECEMBER 11, 2020, EFFECTIVE DATE OF OPINION OF TITLE: NOVEMBER 23, 2020, AND ALL ITEMS WITHIN THAT OPINION THAT CAN BE DELINEATED ON THE SURVEY ARE SHOWN OR ADDRESSED HEREON.
- ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.



**LEGAL DESCRIPTION:**  
(REFERENCED IN EXHIBIT A OF THAT CERTAIN TITLE OPINION PREPARED BY HENDERSON FRANKLIN, ATTORNEYS AT LAW, DATED DECEMBER 11, 2020, EFFECTIVE DATE OF OPINION OF TITLE: NOVEMBER 23, 2020.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH ONE QUARTER CORNER OF SAID SECTION 17, THENCE S.00°06'35"E, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 17, FOR 658.74 FEET, THENCE S.88°52'35"W, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 654.76 FEET, THENCE S.00°22'36"E, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF A 60.00 FOOT WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 4609, PAGE 4248, LEE COUNTY PUBLIC RECORDS, FOR 664.60 FEET, THENCE N.88°45'50"E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF A 60.00 FOOT WIDE VIEWER'S ROAD AS DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 5, PAGE 669, SAID PUBLIC RECORDS, FOR 651.68 FEET, THENCE N.00°00'35"W, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 17, FOR 30.00 FEET TO THE NORTH LINE OF SAID 60.00 FOOT WIDE VIEWER'S ROAD, THENCE N.88°52'35"E, ALONG SAID NORTH LINE FOR 98.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250.00 FEET WIDE), THENCE N.20'01'31"E, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 1389.14 FEET, THENCE S.88°29'12"W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 576.42 FEET TO THE POINT OF BEGINNING.

- SYMBOL LEGEND:**
- INDICATES SIGN
  - INDICATES ANCHOR
  - INDICATES LIGHT POLE
  - INDICATES WATER VALVE
  - INDICATES WINDY METER
  - INDICATES FIRE HYDRANT
  - INDICATES CURBING POINT
  - INDICATES FIBER OPTIC BOX
  - INDICATES FOUND IRON ROD
  - INDICATES TELEPHONE VALET
  - INDICATES GROUND MARKING
  - INDICATES WOOD UTILITY POLE
  - INDICATES TRAFFIC SIGNAL BOX
  - INDICATES CONCRETE HAND HOLE
  - INDICATES INTERED END SECTION
  - INDICATES BACKFLOW PREVENTOR
  - INDICATES ELECTRIC SERVICE BOX
  - INDICATES DRAINAGE CATCH BASIN
  - INDICATES CONCRETE UTILITY POLE
  - INDICATES ELECTRIC TRANSFORMER
  - INDICATES STORM SEWER MANHOLE
  - INDICATES SANITARY SEWER MANHOLE
  - INDICATES STORM SEWER CURB INLET
  - INDICATES SANITARY SEWER CLEAN OUT
  - INDICATES FOUND CONCRETE MONUMENT
  - INDICATES WATER BACKFLOW PREVENTOR
  - INDICATES SET 5/8" IRON ROD LB 6690

- LEGEND:**
- INDICATES FOUND
  - INDICATES NUMBER
  - INDICATES AT PLACE
  - INDICATES EXISTING
  - INDICATES IRON ROD
  - INDICATES CONCRETE
  - INDICATES MEASURED
  - INDICATES CENTERLINE
  - INDICATES ENGINEERING
  - INDICATES TOP OF BANK
  - INDICATES INCORPORATED
  - INDICATES LAND SURVEYOR
  - INDICATES HIGHEST ELEVATION
  - INDICATES EXISTING ELEVATION
  - INDICATES EDGE OF PHASEMENT
  - INDICATES PARKER RAILWAY MAIL
  - INDICATES LICENSED BUSINESS
  - INDICATES POINT OF BEGINNING
  - INDICATES CONCRETE MONUMENT
  - INDICATES BACKFLOW PREVENTOR
  - INDICATES OVERHEAD UTILITY LINES
  - INDICATES POINT OF COMMENCEMENT
  - INDICATES LINE 1 OF THE LINE TABLE
  - INDICATES REINFORCED CONCRETE PIPE
  - INDICATES INGRESS & EGRESS EASEMENT
  - INDICATES FIRE DEPARTMENT CONNECTION
  - INDICATES COUNTY COMMISSION MINUTE BOOK
  - INDICATES PERMANENT REFERENCE MONUMENT
  - INDICATES PROFESSIONAL SURVEYOR AND MAPPER
  - INDICATES PLAT BOOK, LEE COUNTY PUBLIC RECORDS
  - INDICATES BEARING OF DISCONTINUANCE PER DEED DESCRIPTION
  - INDICATES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS
  - INDICATES OFFICIAL RECORDS BOOK, LEE COUNTY PUBLIC RECORDS
  - INDICATES ITEM 11 OF TITLE OPINION (SEE SURVEYOR'S NOTES)
  - INDICATES THE "STATE PLANE COORDINATE SYSTEM" FLORIDA WEST NAD 83/2011 (COORDS)

## LINE TABLE

LINE	BEARING	DISTANCE
L1	N. 00°06'35" W	30.00'
L2	N. 88°52'35" E	98.08'
L2 (D)	S. 88°52'49" W	97.75'

NO.	DATE	REVISION DESCRIPTION	BY
6	12-15-20	REVISED SURVEY PER UPDATED OPINION OF TITLE	AMV
5	11-02-20	REVISED SURVEY PER OPINION OF TITLE	ALH
4	8-31-20	REVISED SURVEY PER UPDATED TITLE COMMITMENT	AMV
3	5-28-20	REVISED SURVEY PER CORRECTED TITLE LEGAL DESCRIPTION	AMV
2	5-27-20	REVISED SURVEY PER UPDATED AND REVISIONED COMMITMENT	AMV
1	3-19-20	REVISED SURVEY PER TITLE COMMITMENT & COMMENTS	AMV

**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 6649  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8-21-2020	2061P	TOPO SR	AMV	ALH	1" = 100'	1	1	17-45-25

## ATTACHMENT U



Professional Engineers, Planners & Land Surveyors

DESCRIPTION  
OF  
A PARCEL OF LAND LYING IN  
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH ONE QUARTER CORNER OF SAID SECTION 17; THENCE S.00°06'35"E. ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 17, FOR 658.74 FEET; THENCE S.88°56'52"W. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 654.76 FEET; THENCE S.00°22'36"E. ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF A 60.00 FOOT WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 4609, PAGE 4248, LEE COUNTY PUBLIC RECORDS, FOR 664.60 FEET; THENCE N.88°48'50"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE CENTERLINE OF A 60.00 FOOT WIDE VIEWER'S ROAD AS DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 5, PAGE 669, SAID PUBLIC RECORDS, FOR 651.68 FEET; THENCE N.00°06'35"W. ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 17, FOR 30.00 FEET TO THE NORTH LINE OF SAID 60.00 FOOT WIDE VIEWER'S ROAD; THENCE N.88°52'35"E. ALONG SAID NORTH LINE FOR 98.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250.00 FEET WIDE); THENCE N.20°01'31"E. ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 1389.14 FEET; THENCE S.88°29'12"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 576.42 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 19.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (A.K.A. BEN C. PRATT) AS BEARING N 20°01'31" E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 08-05-2020



Digitally signed by A.  
Lee Hayne  
Date: 2020.08.27  
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A. LEE HAYNE, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION NO. 6338  
DATE SIGNED 08-05-2020  
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**REVIEWED**  
**DCI2020-00013**  
**Rick Burris, Principal**  
**Planner**  
**Lee County DCD/Planning**  
**12/28/2020**

