EXHIBITS

CASE # REZ2020-00007

CASE NAME: 22 BETH STACEY BLVD.

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case # REZ2020-00007

APPLICANT	STAFF
#1 Applicant's presentation	#1 Staff Report
#2	#2 Power Point
#3	#3
#4	#4
#5	#5
#6	#6
#7	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
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	#	
	#	

SPECTRUM ENGINEERING, INC.

6244 St. Andrews Cir N
Fort Myers, FL 33919
239-277-1182
www.SpectrumEngineering.net

EB4618

REZ2020-00007
22 Beth Stacey Blvd.

I am R J Ward, a licensed professional engineer, previously qualified as an expert witness by the Lee County Hearing Examiner.

On the Lee Plan Future Land Use Map, (page 1 of 7) 22 Beth Stacey Blvd. is in the Central Urban land use category, and the Mixed Use Overlay, (page 6 of 7). On the Lehigh Acres Community Plan Overlays, (page 7 of 7) the property lies within the Commercial area of the Commercial Overlay Zones.

The Central Urban land use category in the Lee Plan encourages future development to be mixed-use. The current zoning of the property, RM-2, does not permit mixed uses. The requested C-2 zoning does permit mixed uses.

The Lee Plan, regarding properties in the Mixed Use Overlay, *strongly* encourages developments located within the Central Urban future land use category to be developed with two or more of the following uses: residential, commercial including office, and light industrial (including research and development use). The requested C-2 zoning is one of the few conventional zoning districts that permits mixed use. It permits several types of dwelling units, as well as a variety of commercial uses.

The existing RM-2 zoning permits multi-family residential uses, and essentially no other uses that are not ancillary to the multi-family use, and so, is incompatible with the Lee Plan mixed-use policy that applies to this property. Rezoning the property to C-2 will enable the kind of development encouraged by the Lee Plan.

Achieving the Lee Plan Vision Statement for Lehigh Acres will require improving the pattern of development in Lehigh Acres to reduce the dependence by people who live there on communities outside of Lehigh Acres for employment, recreation, and public services. Approval of this rezoning request will bring 22 Beth Stacey Blvd. into alignment with the goals, objectives, and policies of the Lee Plan.

REZ2020-00007
APPLICANT'S
EXH # 1

LEE COUNTY
HEARING EXAMINER
2021 MAR 18 PM 1:46

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: REZ2020-00007
CASE NAME: 22 BETH STACEY BLVD
TYPE OF CASE: CONVENTIONAL REZONING
HEARING EXAMINER DATE: APRIL 1, 2021
SUFFICIENCY DATE: FEBRUARY 5, 2021

REQUEST

An application has been submitted by RJ Ward, P.E. of Spectrum Engineering, Inc. on behalf of Delacruz Properties, LLC to request a conventional rezoning from Multiple-Family Residential (RM-2) to Commercial (C-2) on approximately 3.6 acres.

The subject property is located at 22 Beth Stacey Boulevard, Lehigh Acres, FL 33936, Lehigh Acres Planning Community, Lee County, FL STRAP Number 31-44-27-00-00001.0050. The legal description for this property can be found in Attachment D.

SUMMARY:

Staff recommends **APPROVAL** of the request.

HISTORY OF PARCEL

The property is currently zoned Multiple-Family Residential (RM-2) with no significant zoning actions on the property. The subject property is currently undeveloped and does not have any active Code Enforcement violations on the property.

CHARACTER OF THE AREA

The subject property has approximately 789 feet of frontage along Beth Stacey Boulevard, a County-maintained arterial roadway. This property is approximately 3,325 feet south of the intersection of Beth Stacey Boulevard and Homestead Road. The land immediately surrounding the subject property is mainly residential in nature but with commercial uses just beyond to the northeast, with portions of the land being undeveloped. The subject property is designated as Central Urban within the Lee County Future Land Use Map (Attachment B) and is located in the Mixed Use Overlay as described in Lee Plan Map 1. The subject property is located in the Lehigh Acres Planning Community.

The following are the surrounding zoning districts and existing land uses:

North
Property to the north is separated by Woodward Court and was zoned Multiple-Family Residential (RM-2) until its rezoning to Commercial (C-2) in November of 2020 by Resolution Z-20-026. It is currently undeveloped.

East
Properties to the east are separated by a canal and are zoned Multiple-Family Residential (RM-2). The northern property is currently undeveloped, and the property to the south and east of it is developed with a multi-family buildings and facilities for elderly living.

STAFF'S EXHIBIT
#1

South
Property to the south is zoned Community Facilities Planned Development (CFPD). This property is developed as a Social Services Center.

West
Properties to the west are separated by Beth Stacey Boulevard, and are zoned Multiple-Family Residential (RM-2). These properties are mainly developed with a condominium complex although there are also vacant parcels.

ANALYSIS
This application requests a conventional rezoning of an approximately 3.58-acre property within the Mixed Use Overlay from Multiple-Family Residential (RM-2) to Commercial (C-2). LDC Section 34-841(b) states: "Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A, C-1 or C-2 districts, unless located within the mixed use overlay as identified on Lee Plan Map 1, Page 6." Review of this project will include analysis of the Lee Plan objectives and policies regarding the Mixed Use Overlay as they pertain to this project.

Currently, there is no specific use intended for the subject property. No variances have been requested as part of the request.

Conventional Rezoning
Decision-making criteria for conventional rezoning requests are established in LDC Sec. 34-145(d)4. The applicant has provided a request statement that describes the request and contains an analysis of pertinent Lee Plan policies (Attachment C). Below is an analysis of the decision-making criteria established In LDC Sec. 34-145(d)4 based upon the applicant's request:

1. *Compliance with the Lee Plan*

   The subject property is within the Central Urban future land use category as described in Lee Plan Policy 1.1.3. The Central Urban future land use category is described as the 'urban core' of the county and is already heavily settled with significant urban services. The subject property is located in an area of Lehigh Acres that is significantly settled, where urban services exist. The request to rezone to the Commercial (C-2) zoning district will facilitate urban development on the subject property. Staff finds the proposed rezoning consistent with Policy 1.1.3.

   Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property is located on Beth Stacey Boulevard, an arterial roadway that has sidewalks on the western portion of the roadway, and a bus stop on the northern portion of Woodward Court across the road from the subject property. The subject property will be served by Fire, Sheriff's and EMS provided by the Lehigh Acres Fire Control District, as well as water and sewer. Staff finds the proposed rezoning consistent with Objective 2.1 and Objective 2.2.

   Objective 4.1 on the Lee Plan addresses the availability of potable water and sanitary sewer service to the subject property. The application includes a letter of service availability from Florida Governmental Utility Authority, the relevant service provider for the property. This letter states that the utility currently has sufficient capacity to handle the proposed level of development on the property and that there are both potable water lines and sanitary sewer lines in close proximity to the property. Staff finds that the proposed rezoning conforms to Objective 4.1.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The nearest residential uses are separated by Beth Stacey Boulevard to the west and are separated by a canal to the east. Because this rezoning request does not include variances or deviations from Land Development Code requirements, future development will be required to adhere to the requirements that promote compatibility, including setbacks and buffering. Because the property is located within the Mixed Use Overlay, development is already afforded certain relief from setbacks buffering and open space. Staff finds the request consistent with Policy 5.1.5.

Goal 6 of the Lee Plan establishes objectives and policies to facilitate orderly and well-planned commercial development at appropriate locations within the county. The proposed rezoning to Commercial (C-2) will facilitate the development of primarily commercial uses. This zoning district is one of the more permissive zoning districts within Lee County, and permits heavier commercial uses, light manufacturing uses, and residential development.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, provide screening and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be located in proximity to other similar centers, and properly mitigate environmental considerations. Many of these issues are related to specific site designs which are beyond the scope of this request. These issues will be addressed through additional review as part of the Development Order application process. Staff finds the request to be consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. The subject property is located on an arterial roadway, and in an urban area of Lehigh Acres. The subject property is in close proximity to the Downtown Lehigh Acres Node, is within the Lehigh Acres Commercial Overlay and the Mixed-Use Overlay, all of which are complementary to the C-2 zoning district. Staff finds that the request is consistent with Policy 6.1.4.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. Development of the subject property with commercial uses will not open new areas to premature, scattered, or strip development, as it is located in an urban and developed area of the County. Further, the parcel to the north of the subject property has been recently rezoned to the Commercial (C-2) zoning district. The subject parcel would therefore be a continuation of commercial development rather than an isolated island of commercial activity. Staff finds this request consistent with Policy 6.1.7.

Objective 11.1 allows and encourages mixed use development within Land Use categories and at appropriate locations where sufficient infrastructure exists to support the development. As previously stated, sufficient infrastructure and urban services exist to support future development on the subject property. Staff finds the request to be consistent with Objective 11.1

Objective 11.2 describes the Mixed Use Overlay as areas appropriate for mixed use that are in close proximity to public transit routes, education facilities, recreation opportunities and existing residential, shopping and employment centers. Policy 11.2.4 encourages the use of conventional zoning districts within the Mixed Use Overlay. To facilitate this, the Land Development Code allows for conventional rezoning applications to request Commercial (C-1, C-1A, C-2, and C-2A) zoning districts within the Mixed Use Overlay. Rezoning to these zoning districts is permitted only within the Mixed Use Overlay to facilitate a mixed use development pattern. Additionally, properties to the north, south, and east are also within the Mixed Use Overlay. The entirety of the subject property is

within the Mixed Use Overlay and therefore the applicant is able to request the Commercial (C-2) zoning district consistent with the intent of the Mixed Use Overlay. Staff finds that proposed zoning is consistent with Objective 11.2.

Goal 25 of the Lee Plan describes the Lehigh Acres Community Plan area as an area that is utilizing development and redevelopment to overcome single use development in an antiquated pre-platted area, to allow for a vibrant residential and commercial community.

Objective 25.1 of the Lee Plan establishes mixed use nodes within the Lehigh Acres Planning Community to contribute those uses needed to support the community. Policy 25.1.1 establishes the different sub-categories as 'Downtown Lehigh Acres', 'Community Mixed Use Activity Centers', and 'Neighborhood Mixed Use Activity Centers'. The subject property is located just outside of the Downtown Lehigh Acres Node. Policy 25.1.2 and Policy 25.1.3 encourage development to incorporate at least two or more varied uses and note the expectation that development will range toward the higher end of density and intensity ranges. This subject property does not have a final development plan associated with this rezoning request, but the Commercial (C-2) zoning district will allow for this type of development pattern to exist. Staff finds this request consistent with Policy 25.1.1, Policy 25.1.2, and Policy 25.1.3.

Objective 25.2 establishes the areas designated as Downtown Lehigh Acres as areas as vibrant, intensely developed mixed use gathering areas to serve area residents. Intended development includes multiple-family residential, commercial and retail, and civic uses. The subject property is approximately 640 feet south of the designated Downtown node and commercial development at this location would therefore be appropriate to the area. The proposed rezoning from the Multiple-Family Residential zoning district (RM-2) to Commercial zoning district (C-2) allows for the type of development intended for this area. Staff finds the proposed rezoning consistent with Objective 25.2.

The property is located in the Commercial Overlay zone of Lehigh Acres, as described in Lee Plan Objective 25.6. Policy 25.6.1 promotes the use of commercial uses, parks, churches, schools and housing alternative to typical 1/4 acre and 1/2 acre lots. The proposed rezoning will provide for uses consistent with the Commercial Overlay Zone, including commercial uses, and multiple family residential uses. Staff finds the proposed rezoning consistent with Objective 25.6 and Policy 25.6.1.

LDC Section 33-1401(a) requires the applicant to conduct a public informational session prior to a finding of sufficiency for a request for rezoning. The applicant conducted such a meeting at 6PM on July 2, 2020. The meeting was properly advertised and was held at the regularly scheduled Lehigh Acres Community Council meeting. Two council members expressed approval of the proposed rezoning. No members of the public provided comment. (See Attachment F)

2. *Ability to comply with Code and other applicable County regulations or qualifies for deviations;*

The subject property meets the dimensions required by the Commercial (C-2) zoning district. The Commercial (C-2) zoning district requires a minimum of 100 feet of width, 100 feet of depth, and a minimum lot area of 10,000 square feet for commercial uses. Additional property development regulations are established in Chapters 34 and 10 of the Lee County Land Development Code including maximum height, setbacks, buffer requirements, and open space.

Additionally, the subject property is located in the Mixed Use Overlay. Properties within the Mixed Use Overlay may use alternative property development regulations which significantly reduce lot sizes, setbacks, and buffering, while increasing lot coverage for a project.

3. *Compatibility with existing and planned uses in the surrounding area;*
   This property is surrounded by a mixture of residential and commercial uses. The request is generally compatible with the surrounding land uses and zoning designations. In addition, Land Development Code provisions will facilitate the provision of adequate buffering, screening, and other compatibility-related design considerations during the development order process.

4. *Provision with sufficient access to support the proposed development intensity;*

   The subject property fronts Beth Stacey Boulevard, a County-Maintained Arterial Road. Sufficient access will be provided to the subject property. Requirements of the Land Development Code will sufficiently address any potential access issues for the subject property.

5. *Expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;*

   There is not a contemplated use for this property as part of this rezoning request, and no variances or deviations have been requested from the Land Development Code. The Land Development Code requires review of traffic impacts during the development order process, at which point impacts to the roadway system may be required to be offset with development-related traffic improvements. Therefore, requirements of the Land Development Code will sufficiently address any potential traffic-related issues resulting from development of the subject property.

6. *No adverse impacts to environmentally critical or sensitive areas and natural resources; and*

   No wetlands are noted on the subject property. Environmental staff have provided comment that the site is wooded and soils are fine sand favorable for gopher tortoises. If the site is developed with impervious surface area exceeding 2 acres, indigenous open space must be provided. A species assessment is recommended but would not be required if the impervious area is below 2 acres.

   At time of development order application, the applicant will be required to comply with the requirements of the Land Development Code for buffers, open space, and submittal of an environmental assessment.

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

   Urban Services are defined by the Lee Plan as: the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

   Public sewer and water: The subject property will be serviced by Florida Governmental Utility Authority for both water and sanitary sewer (Attachment G).

   Public Transit: The subject property is serviced by Lee Tran Route 110. At time of development order approval, the applicant will be required to comply with the Land Development Code as it relates to the provision of pedestrian routes to existing bus stops and the provision of bus stop facilities.

Police, fire, and emergency services: Lee County Sheriff's East District Substation is 0.5 mile north-northeast of the subject property. Lehigh Acres Fire Station #102 and ALS #102 are 0.89 miles to the east of the subject property.

Urban surface water management: Any future development will be required to comply with the Land Development Code, including all provisions for surface water management.

Bicycle and Pedestrian Facilities: The subject property fronts on both Woodward Court and Beth Stacey Boulevard, which has a sidewalk on the western side of the right-of-way. Future development on the subject property will be required to comply with the requirements of the Land Development Code, including all provisions for bicycle and pedestrian facilities.

CONCLUSION

The proposed Conventional Rezoning from the Multiple-Family Residential (RM-2) zoning district to the Commercial (C-2) zoning district is consistent with the Lee Plan. This request has been reviewed against the decision-making criteria set forth in LDC Sec. 34-145(d)4, and staff has found that the request:

- Complies with the Lee Plan;
- Meets this Code and other applicable County regulations or qualifies for deviations;
- 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, if located in a Future Urban area category.

Staff recommends **approval** of the request to rezone the subject property from the Multiple-Family Residential (RM-2) zoning district to the Commercial (C-2) zoning district.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: Aerial, Zoning, and Future Land Use
C. Applicant Narratives
D. Legal Description
E. Letter of Utility Availability
F. Lehigh Acres Meeting Minutes

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: **REZ2020-00007**

Project Name: **22 Beth Stacey Boulevard**

Hearing Examiner Date: **April 1, 2021**

Peter Blackwell, AICP, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is available for 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.

ATTACHMENT B1



REZ2020-00007
Aerial

Legend

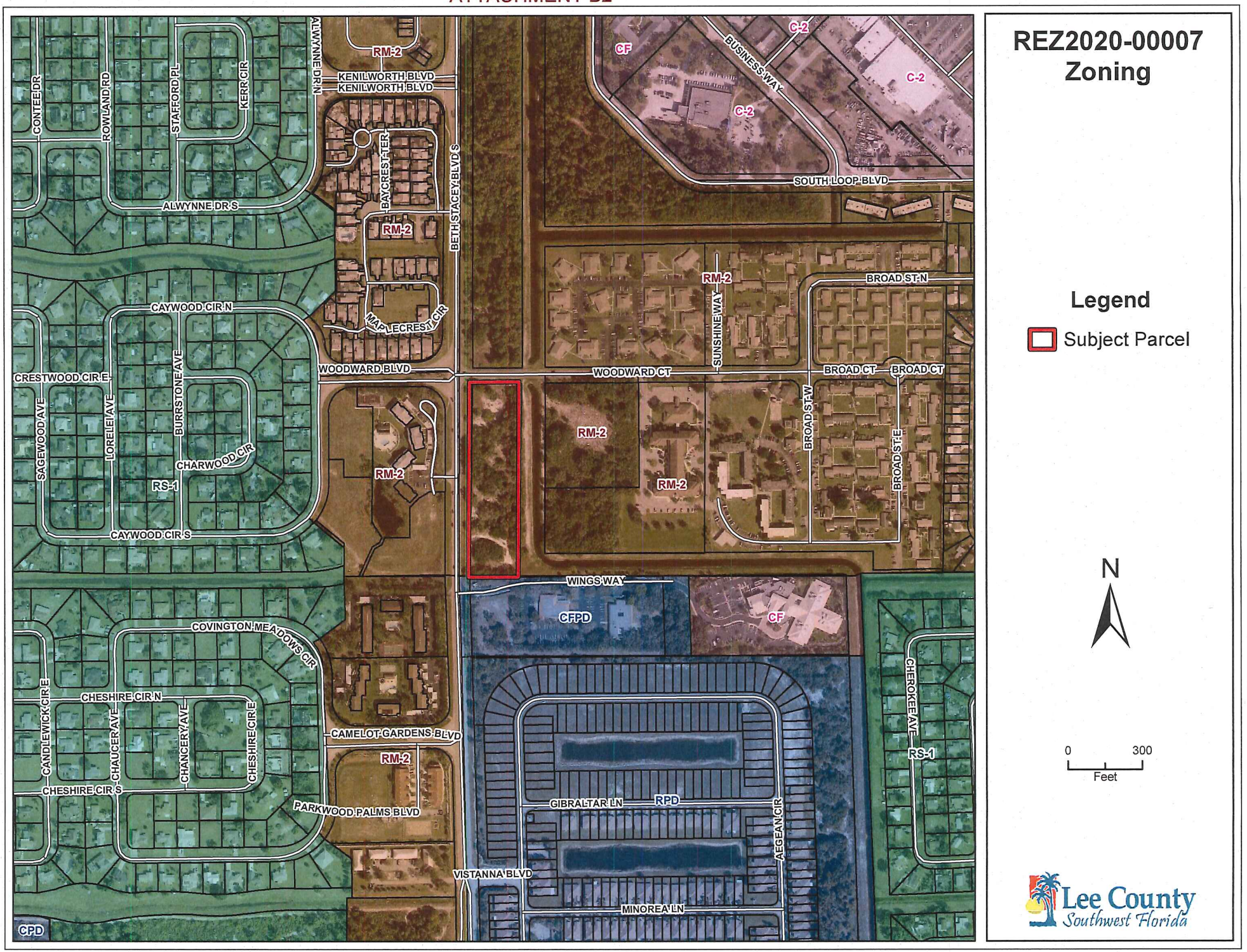
Subject Parcel

N

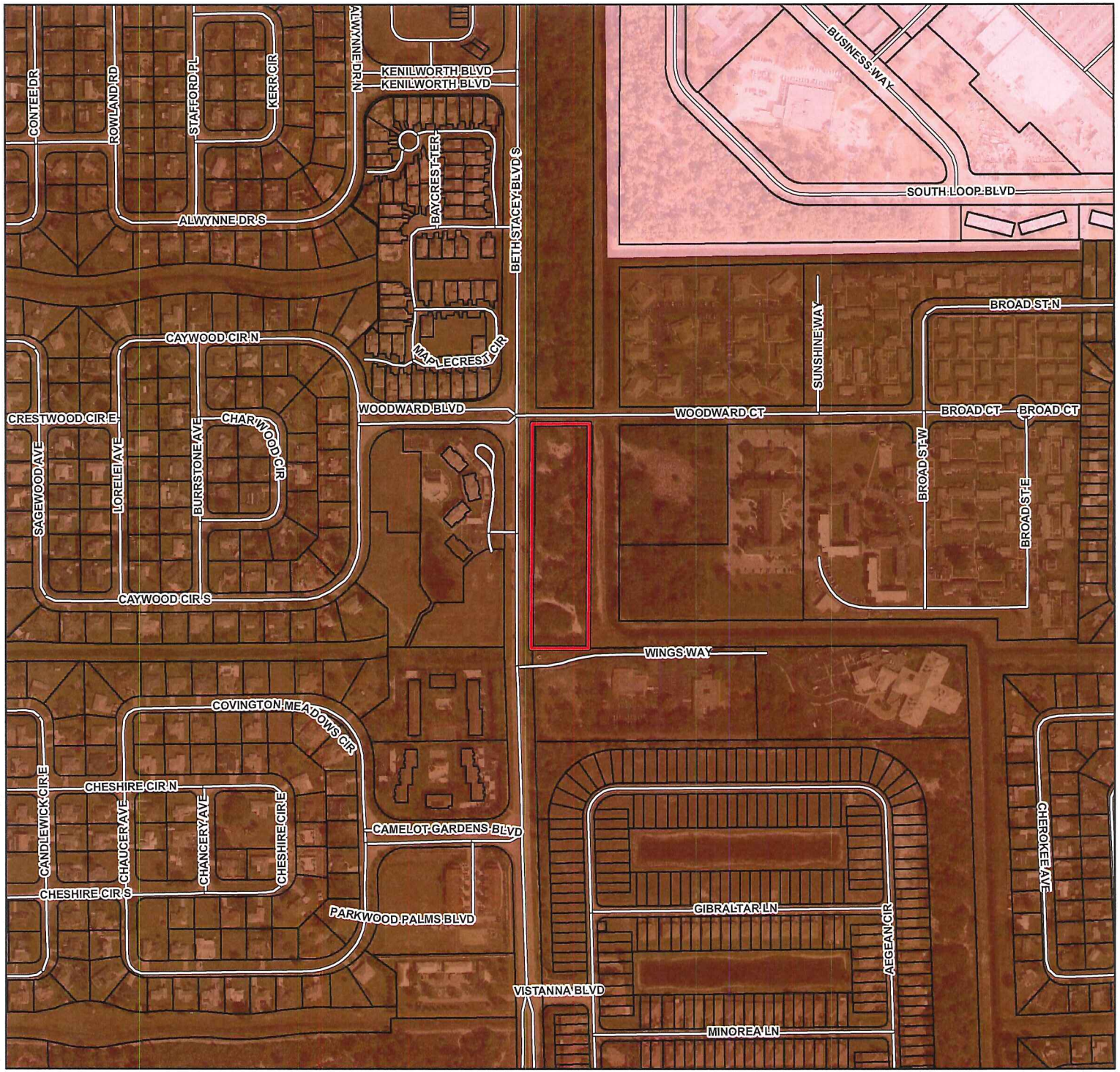
0 300
Feet

Lee County
Southwest Florida

ATTACHMENT B2



ATTACHMENT B3



REZ2020-00007
Future Land Use

Legend

- Subject Parcel
- Intensive Development
- Central Urban

N

0 300
Feet

Lee County
Southwest Florida

PART 4
ACTION REQUESTED

A. Reasons for request:

The applicant requests rezoning of the subject property from RM-2 to C-2. The applicant seeks a mixed-use zoning district in accordance with the tenets of the Mixed Use Overlay, within which it lies.

The subject property, 22 Beth Stacey Boulevard, is a vacant parcel of approximately 3.6 acres with frontage on the east side of Beth Stacey Boulevard and on the south side of Woodward Court in central Lehigh Acres. The property is bounded on its east side by Yellowtail Canal. On the south side of the subject property there is a private lane, Wings Way, that provides access to a Hope Hospice facility. The properties north, south and east of the subject property are also within the Mixed Used Overlay.

The subject property, by virtue of being in the Mixed Use Overlay, has been identified as being desirable for mixed uses that are:
1. Located within the extended pedestrian shed of established transit routes; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing [major] arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure.
5. Will not intrude into predominately single-family residential neighborhoods.

Rezoning of the subject property from RM-2 to C-2 will allow the development of the property to integrate multiple land uses, public amenities and utilities in order to provide:
• Diversified land development;
•A variety of housing types;
• Greater connectivity between housing, workplaces, retail businesses, and other destinations;
• Increased transit service, internal trip capture, and reduced travel distance;
• Pedestrian and bicycle-friendly environments.

Rezoning of the subject property to C-2 complies with the LeePlan, and in particular the following goals, objectives, and policies:

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....

The subject property is in the Central Urban land use category on the Lee Plan Future Land Use Map. This policy encourages future development in the Central Urban land use category to be developed as a mixed-use. The current zoning RM-2 district does not permit mixed uses.

Goal 2: ***GROWTH MANAGEMENT.*** *To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.*

The subject property is in the Central Urban land use category and the Mixed Use Overlay. Rezoning to C-2 meets this objective of promoting contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services.

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.*

Adequate urban public facilities exist in the vicinity of the subject property. By virtue of the location of this parcel along a minor arterial road in central Lehigh Acres, the county's current development patterns and the available and potential levels of public services, this area is well suited to accommodate high densities and intensities according to Policy 1.1.3. Beth Stacey Boulevard, a two-lane arterial, is operating within its level of service standard. The subject property is on LeeTran Route 110. There are existing LeeTran bus stops on Woodward Court at Beth Stacey Boulevard and on Beth Stacey Boulevard across from Kenilworth Boulevard. There is an existing sidewalk on the west side of Beth Stacey Boulevard. The Lee County Land Development code currently requires that a 12 foot wide sidewalk be built along the frontage of the subject parcel concurrent with the development of the property. Lehigh Acres Fire Station 102 is approximately1.2 miles from the subject property. Water service and sewer service are available from Florida Governmental Utilities Authority. There are water mains along both the frontages of Beth Stacey Boulevard and Woodward Court as well as along Wings Way. Gravity sewer systems are in the vicinity of the subject parcel and a wastewater force main runs along its frontage on Beth Stacey Boulevard.

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.

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus theprojected need of the developer, do not exceed the supply and facility capacity of the utility.
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, F.A.C.
The development of this parcel will include connection to the public drinking water system. Florida Governmental Utility Authority has provided a letter of water and wastewater availability. Fire flow tests will be performed at the time of development in accordance with standard procedures. Compliance with fire codes will be assured.

Standard 4.1.2: ***SEWER.***
1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.
The development of this parcel will include connection to the public wastewater system. Florida Governmental Utility Authority has provided a letter of water and wastewater availability.

Standard 4.1.3: ***REUSE.***
1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.
2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within 1/4 mile from any part of the development.
There is no public reuse system within 1/4 mile of the subject property. The subject property is anticipated to have an irrigation demand below the threshold criterion of 50,000 gallons per day.

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.
A wetlands and protected species assessment was conducted by Passarella & Associates, Inc. In summary, their report identifies no potentially jurisdictional wetlands. The property cover is primarily disturbed wooded areas infested with invasive exotic species such as earleaf acacia and Brazilian pepper. The Lee County Land Development Code requires removal of the invasive exotic species at the time of

development and encourages retention of native vegetation communities. The rezoning of the property from multi-family to mixed-use does not alter these requirements.

No listed protected species of flora or fauna were observed on the property during the site investigation conducted on June 13, 2019.

2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.
Specific plans for the development of the property have not been determined. It is anticipated that land uses and structures being well integrated, properly oriented, and functionally related to the topographic and natural features of the site will be assured by the Lee County Development Order process.

3. Ensure development minimizes the need for expansion and construction of street and utility improvements.
The subject property has frontage on public streets along approximately 50 percent of its perimeter, Beth Stacey Boulevard along the entirety of its west boundary and Woodward Court along the north. These public rights of way also contain water and wastewater facilities to serve the property. There is no apparent need for the expansion and construction of street and utility improvements other than normal access and service connections, the cost of which would be borne by the developer of the property.

Policy 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*
a. Traffic and access impacts (rezoning and development orders);
Beth Stacey Boulevard is currently operating within its Level of Service parameters. A full Traffic Impact Statement will be prepared in conjunction with an application for a development order, in conjunction with the planning and design of specific uses for the property.

d. Availability and adequacy of services and facilities (rezoning and development orders);
Services and facilities serving this property are currently adequate. Refer to the discussion under Objective 2.2 above.

e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
There are no land uses immediately adjacent to the subject property. The surrounding neighborhoods are zoned RM-2 and CFPD. The property across Beth Stacey Boulevard is zoned RM-2 and developed as Sunset Lake, a multi-family residential development. The vacant property on the far side of Yellowtail Canal across from the subject property is zoned RM-2. The property on the north side of Woodward Court is vacant land Zoned RM-2. It is currently the subject of a pending conventional rezoning case to change its zoning to C-2. There are no buildings on the property immediately south of the subject parcel, the property through which Wings Way goes. This property is a Hope Hospice facility. The impact of rezoning the subject from RM-2 to C-2, which allows mixed uses, will allow diversified development with a greater connectivity between housing, workplaces, retail businesses, and other destinations; increased transit service, internal trip capture, and reduced travel distance and pedestrian and bicycle-friendly environments, in accordance with the intent of the Mixed Use Overlay.

The affect of the rezoning should, by these standards, be beneficial rather than deleterious to the nearby residential neighborhoods.

f. Proximity to other similar centers (rezoning);
There is a parcel of vacant land on the other side of Yellowtail Canal, also within the Mixed Use Overlay, that is currently zoned RM2. The same is true for the land east of yellowtail canal and north of Woodward Court. Beyond that is an area of roughly 150 acres that is zoned commercial, mostly C-2, and which is substantially developed as commercial uses.

g. Environmental considerations (rezoning and development orders).
A wetlands and protected species assessment was conducted by Passarella & Associates, Inc. In summary, their report identifies no potentially jurisdictional wetlands, The property cover is primarily disturbed forested areas infested with invasive exotic species such as earleaf acacia and Brazilian pepper. The Lee County Land Development Code requires removal of the invasive exotic species at the time of development and encourages retention of native vegetation communities. The rezoning of the property from multi-family to mixed-use does not alter these requirements.

No listed protected species of flora or fauna were observed on the property during the site investigation conducted on June 13, 2019.

Policy 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*
The property is surrounded on three sides by public rights of way for public streets and drainage canal. There are no land uses immediately adjacent to the subject property other than Wings Way on the south that provides access to the Hope Hospice facility. The subject property is thereby separated from existing residential neighborhoods, while at the same time providing connectivity between housing, workplaces, retail businesses, and other destinations to reduced trip lengths and a pedestrian and bicycle-friendly environment. Policy11.1.1 in the LeePlan regarding properties in the Mixed Use Overlay strongly encourages developments located within the Central Urban future land use category that can demonstrate that connectivity may be created to adjacent neighborhoods to be developed with two or more of the following uses residential and commercial including office. The requested C-2 zoning provides for these mixed uses. The existing RM-2 is not consistent with this policy. The vacant land north and east of the subject property is within the Mixed Use Overlay and thereby is encouraged to be similarly developed. The requested zoning change is compatible with existing and programmed public services and facilities. Note that development of the subject parcel, under the current regulations of the Lee county Land Development code will include a twelve-foot-wide sidewalk/bicycle path along Beth Stacey Boulevard. Also, the LeeTran bus stops would be improved.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be*

architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.
Development of the subject property will be accomplished with adequate and appropriate landscaping, open space, and buffering as required by the Lee County Land Development Code. It will be architecturally designed as required by the Lee County Land Development Code in order to enhance the appearance of structures and parking areas and blend with the character of surrounding land uses.

Policy 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*
Commercial rezoning of the subject property will fulfill the intent of this policy by virtue of its lying within the Mixed Use Overlay and the Commercial Overlay Zone shown on LeePlan Map 1, page 6, Lehigh Acres Community Plan Overlays.

Rezoning of the subject property to C-2 meets the applicable findings/review criteria set forth in LDC Section 34-145(d)(4): *Before recommending approval for: 1. Rezonings. The Hearing Examiner must find the request:*
a) Complies with the Lee Plan;
The request to rezone subject property to C-2 does comply with the LeePlan.

b) Meets this Code and other applicable County regulations or qualifies for deviations;
The request to rezone subject property to C-2 does meet the Lee County Land Development Code. Deviations are not sought.

c) Is compatible with existing and planned uses in the surrounding area;
In accordance with the tenets of the Mixed Use Overlay and the Central Urban land use category, the requested zoning change is compatible with existing and planned uses in the surrounding area. Refer to the discussion under Policy 6.1.4 above.

d) Will provide access sufficient to support the proposed development intensity;
Sufficient access can be provided on Beth Stacey Boulevard and Woodward Court to support the subsequent development intensity that may be proposed for the property. any proposed development will comply with the Lee County Land Development Code.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
The Lee County 2019 Public Facilities Level of Service and Concurrency Report classifies Beth Stacey Boulevard as a collector road with a 100th highest hour directional volume LOS E capacity of 860, 2018 count of 408 for LOS C (less than half its designated capacity), and a 2023 projected count of 610. Impacts on roadways will be within the roadways' capacity limits and/or impacts will be adequately mitigated in accordance with the requirements of the Lee County Land Development Code. The property is served by the LeeTran system. The existing bus stops will be upgraded in accordance with the Lee County Land Development Code.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources;
Development of the property under the requested C-2 zoning will not increase the environmental impact beyond that of development under the existing RM-2 zoning district. Development impacts on natural resources are carefully regulated by the Lee County Land Development Code. The wetlands and protected species assessment conducted by Passarella & Associates, Inc. identified no environmentally critical or sensitive areas or natural resources. The property is infested with non-native Brazilian pepper and earleaf acacia and therefore is degraded and would not be considered environmentally critical or sensitive.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.
The subject property is in a Central Urban area. The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity are present in the vicinity.

Goal 11: Mixed Use: *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.*
Objective 11.1: Mixed Use Development. *Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.*
Policy11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity maybe created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).*
The subject property is located in a Central Urban future land use category. The requested C-2 zoning is one of few zoning districts that permit mixed use. The existing RM-2 zoning district permits residential uses, and essentially no other types of uses that are not ancillary to or related to residential uses, which are in consistent with this mixed use policy.

Objective 11.2: Mixed Use Overlay. *The county will maintain an overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*
The subject property is within the Mixed Use Overlay in the LeePlan. The requested rezoning to C-2 would permit mixed uses.

Policy 11.2.4:*Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.*

The requested C-2 zoning district, a conventional zoning district, is consistent with this policy, as opposed to requesting a Planned Development rezoning.

GOAL 25: ***LEHIGH ACRES COMMUNITY PLAN.*** *Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities.*
OBJECTIVE 25.1: ***SPECIALIZED MIXED USE NODES.*** *To create mixed use nodes that contribute the uses needed to support the Lehigh Acres Community Plan area shown on Map 1, Page7*
POLICY 25.1.1: *Specialized mixed use nodes are classified in three sub-categories: Downtown Lehigh Acres; Community Mixed Use Activity Centers; and, Neighborhood Mixed Use Activity Centers.*
The subject property lies within the Commercial area of the Commercial Overlay Zones shown on Map 1, Page 7. These overlays are consistent with the requested C-2 zoning district.

POLICY 25.1.2: *New development and redevelopment are encouraged to integrate a mixture of at least two or more varied uses, such as retail, office, residential, or public. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c).*
The requested rezoning of the subject property to the C-2 zoning district will permit the mixture of uses encouraged by this policy.

POLICY 25.1.4: *Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.*
The size of the subject property is such that it would facilitate the sharing of required features among various uses.

POLICY 25.1.5: *Within these nodes, promote pedestrian friendly mixed use development:*
a. Buffer walls between commercial and residential uses are not required.
b. Bicycle and pedestrian facilities will be provided throughout these developments.
c. Connections between all uses are required to facilitate alternative modes of transportation.
d. Connections to adjacent developments will be provided.
e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.
The subject property, under the parameters of the requested C-2 zoning district, would be suited for development that would promote pedestrian mixed uses.

POLICY 25.1.7: *Development within Specialized Mixed Use Nodes may use the development standards allowed within the Mixed Use Overlay*
Rezoning of the subject property the C-2 zoning district would enable the development standards within the Mixed Use Overlay

POLICY 25.1.8: *Establish comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property.*
The subject property, under the parameters of the requested C-2 zoning district, would be suited for development that could achieve an efficient use of the property though a comprehensive on-site surface water management system.

OBJECTIVE 25.9: **SEWER AND WATER.** *Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.*
POLICY 25.9.1: *The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued.*
Sewer and water services are available to the subject property. A letter of water and wastewater availability from Florida Governmental Utility Authority is provided herewith

POLICY 25.9.2: *Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon.*
The subject property is in an area that can be reasonably expected to receive urban services and infrastructure.

OBJECTIVE 25.10: **NATURAL RESOURCES.** *To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources.*
Rezoning of the subject property to C-2 would not diminish or degrade the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area.

POLICY 25.10.1: *Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3.*
GOAL 77: *DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.*
OBJECTIVE 77.3: *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.*
Development of the property under the requested C-2 zoning will not increase the environmental impact beyond that of development under the existing RM-2 zoning district. Development impacts on natural resources are carefully regulated by the Lee County Land Development Code. Passarella & Associates, Inc., identified three vegetative associations: 4349 E1 Hardwood/Conifer Mixed (0-24% exotics); 4349 E2 Hardwood/Conifer Mixed (25%-49% exotics), and; 740 Disturbed Land. All are disturbed and or moderately to heavily infested with exotic vegetation subject to removal under the mandates of the Lee County Land Development Code.

POLICY 25.10.2: *Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Community Plan area.*
The wetlands and protected species assessment conducted by Passarella & Associates, Inc. identifies no potentially jurisdictional wetlands on the subject property.

22 Beth Stacey Blvd.
REZ2020-00007

Additional Narrative
Requested by Zoning staff Peter Blackwell

c. Please provide a narrative addressing the issue of "leapfrog" development in that there are undeveloped areas between the subject property and the nearest commercial areas. The narrative must also address the impact of commercial traffic having to travel through residential areas.

The Central Urban land use category in the Lee Plan encourages future development to be mixed-use. The Lee Plan, regarding properties in the Mixed Use Overlay within which the subject property lies, *strongly* encourages property to be developed with two or more of the following uses: residential, commercial including office, and light industrial (including research and development use). The requested C-2 zoning permits mixed uses. The current zoning of the property, RM-2, does not permit mixed uses. This is true also of nearby undeveloped properties that are zoned RM-2. They are not compatible with the Goals, Policies and Objectives of the Lee Plan. The Lee Plan does not cite "leapfrogging" as a consideration in determining whether or not properties in the area should remain incompatible with the provisions of the Lee Plan. Rezoning to C-2 promotes compact growth patterns to contain urban sprawl.

The subject property lies within a designated commercial area, that is, the Commercial area of the Commercial Overlay Zones on the Lehigh Acres Community Plan. The adjacent property to the south is zoned CF and is developed. The nearest property to the north, 128 Beth Stacey Boulevard, was rezoned from RM-2 to C-2 on November 4, 2020, the same rezoning request as the subject property. Refer to REZ2019-00021. The Staff Report for that case contains the following statements:

"Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The nearest residential uses are separated by Beth Stacey Boulevard to the west and are separated by a canal to the east... Staff finds the request consistent with Policy 5.1.5."

"Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. The subject property is located on an arterial roadway, and in an urban area of Lehigh Acres. Staff finds that the request is consistent with Policy 6.1.4."

"Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. Development of the subject property as a commercial use will not open new areas to premature, scattered, or strip development, as it is located in an urban and developed area of the County. Staff finds this request consistent with Policy 6.1.7."

"This property is surrounded by a mixture of residential and commercial uses which is consistent with this rezoning request.'

REZ2019-00021, cited above, was recommended by the Hearing Examiner for approval of rezoning to C-2. The title page of the Hearing Examiner Recommendation in that case contains the following remarks: "The proposed rezoning permits a mix of uses consistent with the Mixed Use Overlay designation. Allowing an array of uses furthers the community vision for Lehigh Acres." Further, in the body of the recommendation, the Hearing Examiner states "The requested C-2 district allows mixed use development consistent with area development patterns."

The Board of County Commissioners approved the rezoning of 128 Beth Stacey Blvd on November 4, 2020. The resolution, Z-20-026, in its Findings and Conclusions section states that that property "Is compatible with existing and planned uses in the surrounding area. *See* Lee Plan Objective 2.1, 11.1, Policies 1.1.3, 2.1.1, 5.1.5, 6.1.4, 11.2.4;"

The rezoning of 128 Beth Stacey Boulevard to C-2 makes the question of leapfrogging moot.

A development plan has not yet been created for this property and is not mandated for this conventional rezoning process. Without specific uses and intensities a standard traffic impact analysis cannot be performed. When a plan to develop the property is proposed, the Lee County Land Development Code will require a traffic impact statement to be prepared and any impacts that would cause Beth Stacey Boulevard to fall below its level-of-service standard would be required to be removed or mitigated or the development would not be permitted.

Beth Stacey Boulevard is a two-lane arterial road that travels past existing residential developments, rather than through them. It already carries traffic to and from commercial areas located elsewhere. Requiring the subject property to be developed as an apartment complex or condominium as dictated by its existing RM-2 zoning will not change this. If this property were to be developed in accordance with its present RM-2 zoning, the peak traffic generated by that multi-family development would tend to coincide with the peak traffic times of the arterial roadway Beth Stacey Blvd. A mixed use development could tend to soften this peak hour impact since the peak traffic wouldn't necessarily be generated by people leaving for work in the morning and arriving home from work in the afternoon. This is already a problem in Lehigh Acres overall which is one of the reasons why the Lee Plan promotes mixed use development and commercial uses in this area.

Traffic impacts can't be determined definitively at this point, but impacts generated by development of the property as permissible under the C-2 zoning could actually be lower than if it were to be developed under the existing RM-2 zoning. Regarding the next property to the north the Hearing Examiner stated: "The property's placement along an arterial road with substantial urban services renders it appropriate for commercial and mixed-use development." and "Beth Stacey Boulevard is a county-maintained arterial road bordering the site to the west. Unlike many Lehigh arterials, Beth Stacey Boulevard is not a constrained road."

ATTACHMENT D

PARKWOOD III, LEHIGH ACRES SUBDIVISION

PLAT BOOK 28, PAGE 94

LEGAL DESCRIPTION

A tract or parcel of land lying in Section 31, Township 44 South, Range 27 East, Lee County, Florida, being more particularly described as follows:
Commencing at the intersection of the Northerly right-of-way line of Woodward Court and the Easterly right-of-way line of Beth Stacey Boulevard, as shown on the Plat of Parkwood III, Section 31, Township 44 South, Range 27 East, a Subdivision of LEHIGH ACRES, Lee County, Florida, recorded in Plat Book 28, at Page 94, of the Public Records of Lee County, Florida; thence South 00°20'28" West, a distance of 60.00 feet; to the Southerly right-of-way line of Woodward Court; and the Point of Beginning of the parcel of land herein described; thence North 89°45'00" East, along Woodward Court; a distance of 200.01 feet; to the Westerly right-of-way line of Yellowtail Canal extension; thence South 00°20'28" West, along said Yellowtail extension, a distance of 789.09 feet, to the South section line of said Section 31; thence South 89°45'00" West, along the South section line, a distance of 200.01 feet; to the Easterly right-of-way line of Beth Stacey Boulevard; thence North 00°20'28" East, along Beth Stacey Boulevard, a distance of 789.09 feet, to the Point of Beginning.

REVIEWED
REZ2020-00007
Rick Burris, Principal Planner
Lee County DCD/Planning
1/11/2021

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.

LIS LAND SURVEYING, LLC
d.b.a. S & H Land Surveying Co.
21430 Palm Beach Blvd.
Alva, FL 33920
239-481-2366 239-481-2437(Fax)
LB1057

Charles DeGraff
Digitally signed by Charles DeGraff
DN: c=US, st=Florida, l=Debary, o=Charles DeGraff Land Surveyor, cn=Charles DeGraff, email=charles.degraff@gmail.com
Date: 2020.06.10 09:20:30 -04'00'

06/09/20

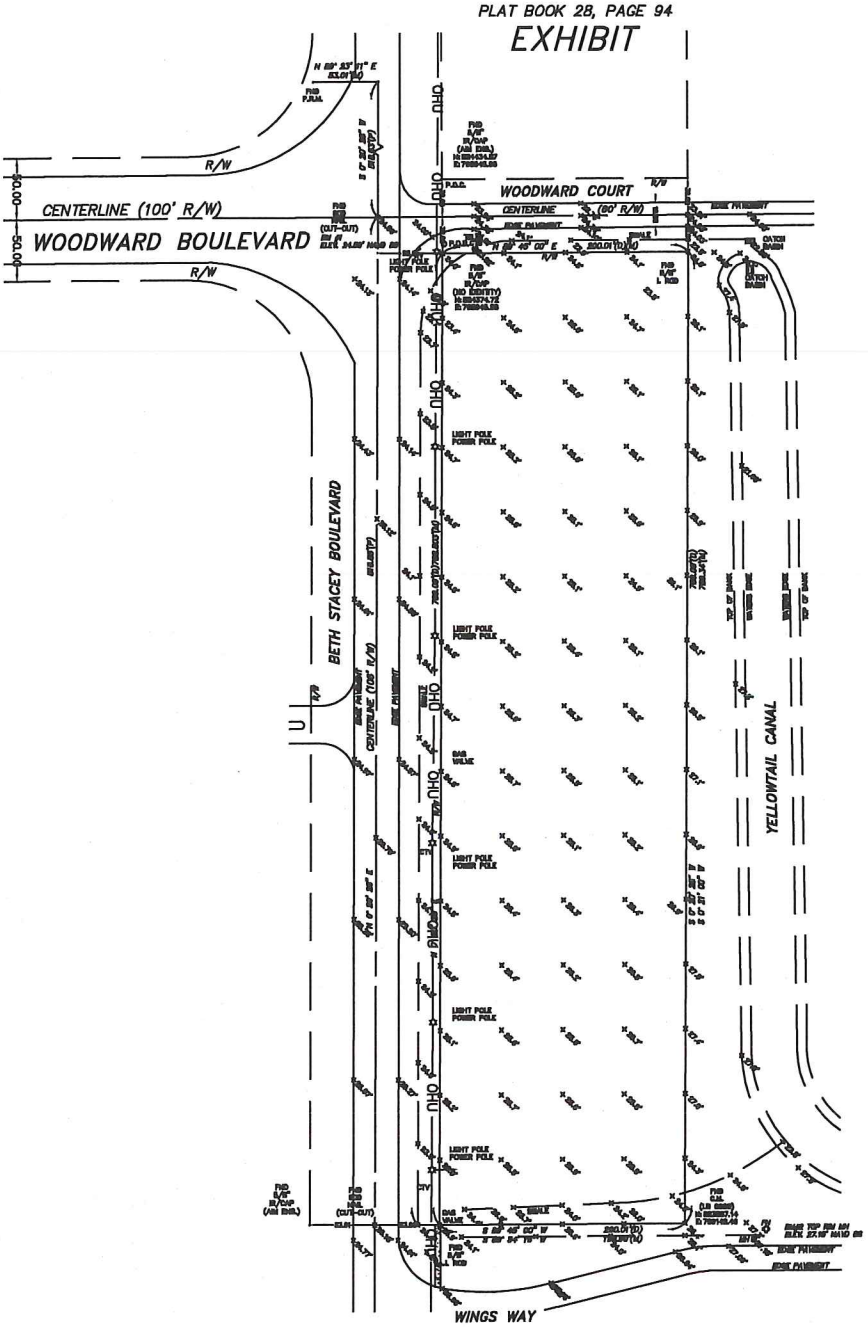
CHARLES L. DEGRAFF
REGISTERED LAND SURVEYOR PSM# 4706

JOB NO: 22665-LEGAL

PARKWOOD III, LEHIGH ACRES SUBDIVISION

PLAT BOOK 28, PAGE 94

EXHIBIT



REVIEWED
REZ2020-00007
Rick Burris, Principal Planner
Lee County DCD/Planning
1/11/2021

SCALE: 1"=150'

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE

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239-481-2366 239-481-2437(Fax)
LB1057

Charles DeGraff

Digitally signed by Charles DeGraff
DN: c=US, st=Florida, l=Debary, o=Charles DeGraff Land Surveyor, cn=Charles DeGraff, email=charles.degraff@gmail.com
Date: 2020.06.10 09:19:34 -04'00'

06/09/20

CHARLES L. DEGRAFF
REGISTERED LAND SURVEYOR PSM# 4706

JOB NO: 22665-SKETCH

ATTACHMENT E

FGUA Operations Office
Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026
(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

June 9, 2020

R.J. Ward, P.E.
Spectrum Engineering, Inc.
6244 St. Andrews Cir, N
Fort Myers, FL 33919
rjward@spectrumengineering.net

RE: Water and Wastewater Availability – LOA ID#: 20-52 LED

Parcel ID No.: 31-44-27-00-00001.0050

22 Beth Stacey Blvd

22 Beth Stacey Blvd., Lehigh Acres, FL 33936

Dear Mr. Ward:

Pursuant to the submitted Application for Service Availability, please be advised that only water and wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of mixed use consisting of retail, office and residential development with an estimated flow demand of 5,000-6,000 GPD for water and a wastewater flow of 5,000-6,000 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. You also indicated the need for 1,500 GPM of water for fire protection. Although we believe the requested fire flow is available at this location, confirmation via fire hydrant flow testing will be required. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors
LEA ANN THOMAS, Chair, Polk County / CHRISTINE BRADY, Lee County / KEN CHEEK, P.E., Citrus County
SHANE PARKER, P.E., Hendry County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / ANGEL ROUSSEL, P.E., Marion County

When you are ready to move forward with your project, please contact Paul Arnett, Development Review Utility Connection Coordinator at 407-629-6900 ext. 109 or via email at PArnett@govmserv.com to schedule a pre-development meeting. Please note that this meeting is **MANDATORY** prior to submitting construction plans for review by the FGUA.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Robert W. Dickson, P.E.
Capital Program Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Mandatory Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

Development Services Division

Mandatory Pre-Development Meeting Request

Purpose:

The mandatory pre-development meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. A pre-development meeting is required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This mandatory pre-development meeting will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

At the meeting, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

Meeting Requests:

Please call or e-mail the Development Project Coordinator, to request a meeting.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you call or email to schedule this meeting.

You will also be requested to provide a preliminary site utility plan for staff review.

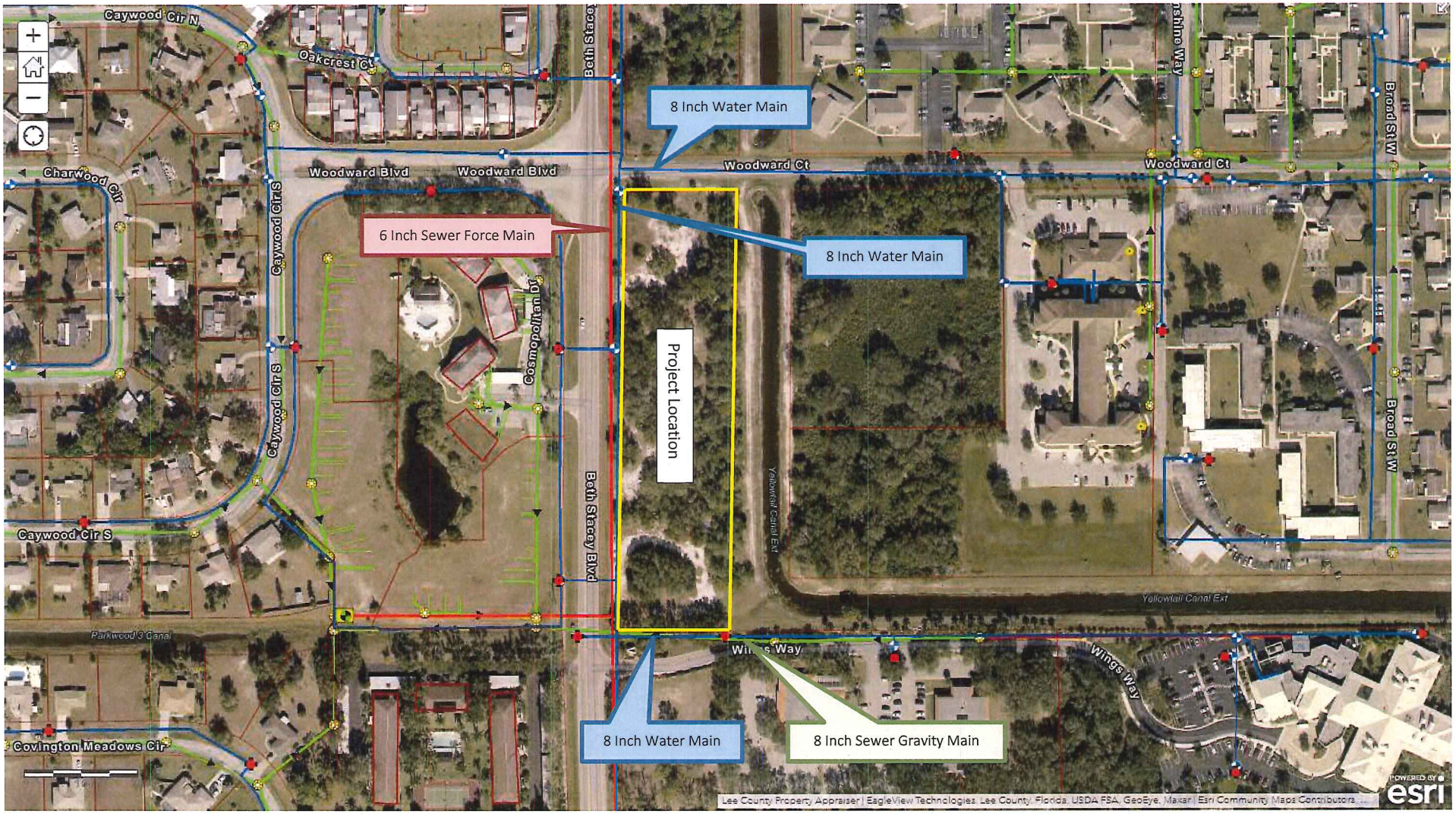
Prior to submitting utility construction plans for approval, you MUST request a pre-development meeting. Plans submitted to the FGUA without scheduling and attending this meeting will not be reviewed until this meeting takes place.

6/9/2020

STRAP #: 31-44-27-00-00001.0050

Project Name: 22 Beth Stacey Blvd

Property Address: 22 Beth Stacey Blvd., Lehigh Acres, FL 33936



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 20-52 LED

FGUA Fee Statement
Letter of Availability and/or Locate Request

Property Address or PID: 31-44-27-00-00001.0050
System: Lehigh 404

Development/Project Name: 22 Beth Stacey Blvd
Date: June 9, 2020

County: Lee
LOA ID: 20-52 LED

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0	Letter of Utility Location Availability and Locate Map	$	100.00
1	Utility Availability Map (Map Only)	$	75.00
2	Letter of Utility Location Availability (Letter Only)	$	25.00

#	FGUA	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
0	LOA Request	202098	$ 100.00	$ 100.00	$ 100.00	$ -

Fees Due: **$ -**

	Payment History	Date	Check Date	Check #	Payer Name	Amount
0	Letter and Locate Map	6/9/20	06/04/20	7155	Spectrum Engineering, Inc.	$ 100.00
1	Map Only					
2	Letter Only					

ATTACHMENT F

22 Beth Stacey Boulevard
STRAP 31-44-27-00-00001.0050

Summary of Public Informational Session

Date of public meeting: July 6, 2020, 6:00 PM
Location: Regularly scheduled Lehigh Acres Community Council meeting
Remotely via Zoom

A brief presentation of the subject property being in the Central Urban Land Use Category, the Mixed Use Overlay of the LeePlan Special Treatment Areas, and the Lehigh Acres Community Plan Commercial Overlay Zone and the proposed conventional rezoning of the subject property from multi-family RM-2 to commercial/mixed-use C-2 was made by R J (Buck) Ward of Spectrum Engineering, Inc.

Mr. Chuck Edwards expressed his approval of the rezoning from RM-2 to C-2.

Mr. Will Bronson approved the change to mixed use.

No other comments were made by members of the council or by members of the public.

The preceding is based on the notes and recollection of R J (Buck) Ward of Spectrum Engineering, Inc.

REZ2020-00007

22 BETH STACEY BOULEVARD STAFF REPORT

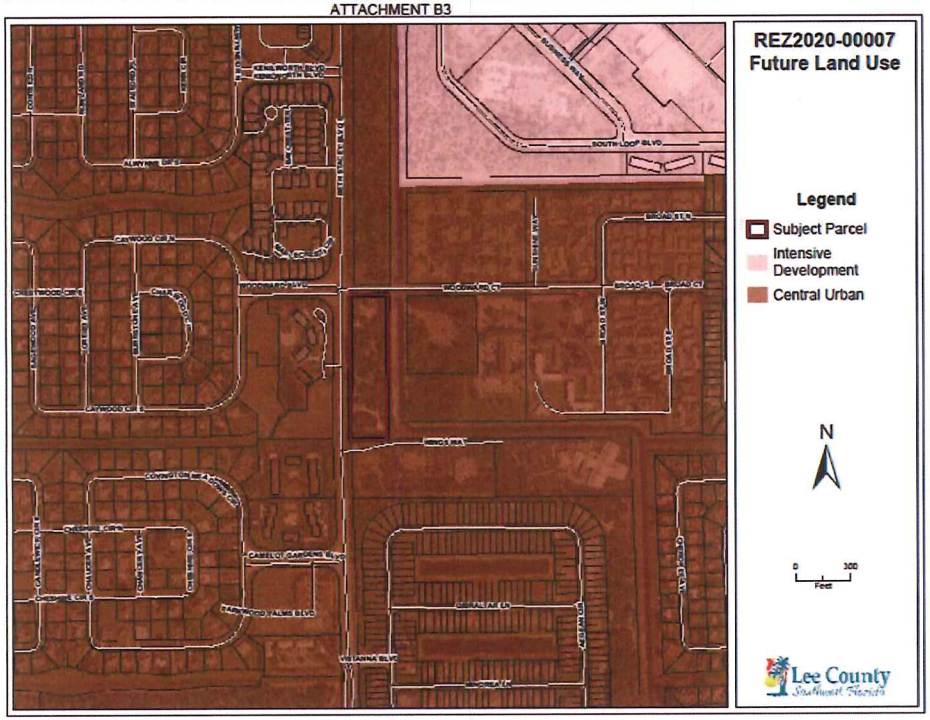
STAFF'S EXHIBIT
2

Overview

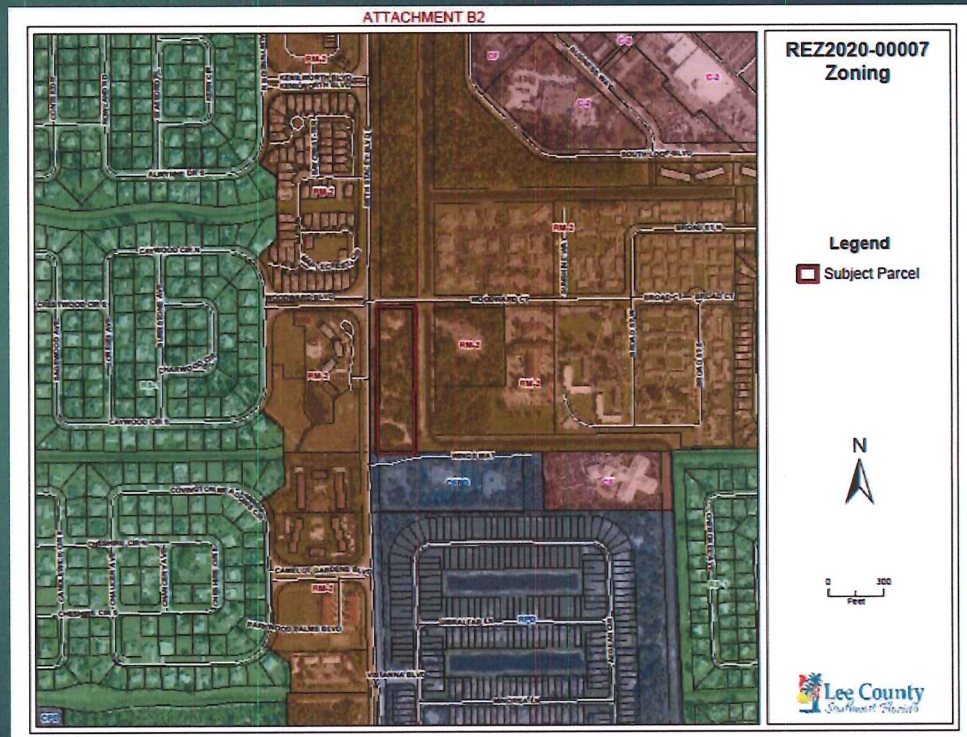
- Request to rezone 3.6 acres from Multifamily Residential (RM-2) to Commercial (C-2).
- C-2 district normally not allowed per LDC 34-841(b) unless in Mixed Use Overlay.
- C-2 allows both commercial and residential uses.
- Property Located at 22 Beth Stacey Boulevard 3,325 feet south of Homestead Road.
- Property is currently vacant.
- North: vacant (re-zoned from RM-2 to C-2 in 2020).
- East: canal then vacant RM-2/elder care facility.
- South: CFPD Social Services center.
- West: Beth Stacey Blvd then Condominium complex.

Surrounding Area

ATTACHMENT B3



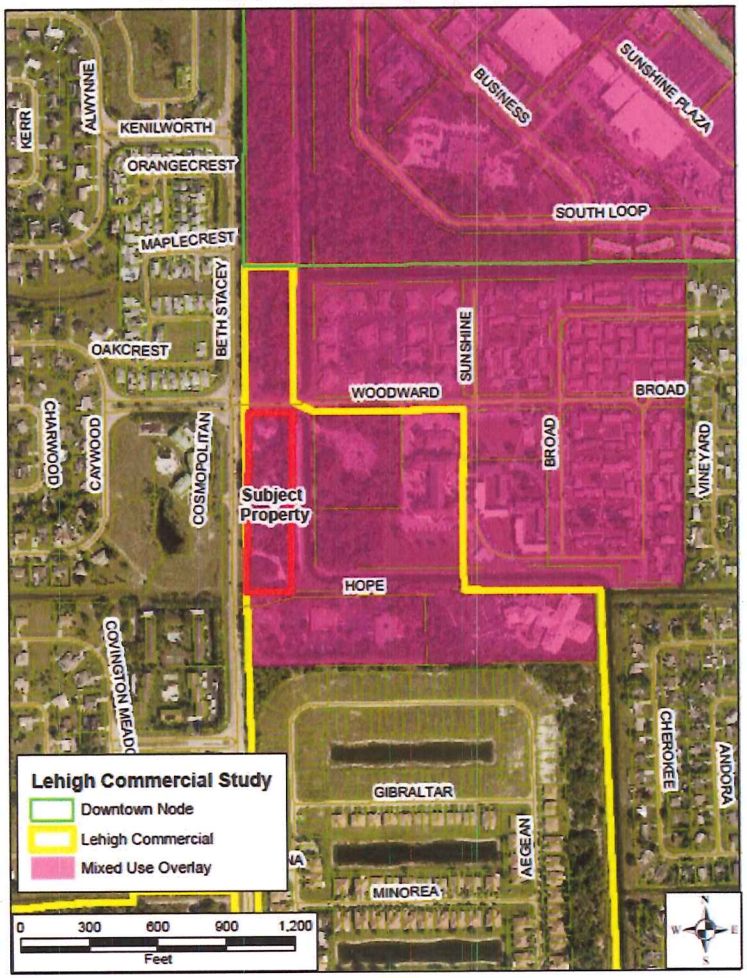
ATTACHMENT B2



Note: Parcel north of subject property has been re-zoned to C-2

Lehigh Acres Overlays

REZ2020-00007 22 Beth Stacey Rezone



Public Informational Meeting

- Required by LDC 33-1401(a).
- Hearing held on July 2, 2020 at 6 PM.
- Two Council members expressed approval.
- No members of the public spoke.

LDC 34-145(d)4 Review Criteria: A. Compliance with Lee Plan

- Conforms with Central Urban FLUC (Policy 1.1.3)
- Contiguous and compact location (Objectives 21. and 2.2)
- Urban services available (Objective 4.1)
- Is not an encroachment of inappropriate use (Policy 5.1.5)
- Appropriate location for commercial uses (Goal 6)
- Promotes mixed-use development (Objectives 11.1and 11.2)
- Conforms to Lehigh Acres Community Plan (Goal 25)
  - Close to Downtown Lehigh Acres Node
  - C-2 promotes multiple uses
  - Within the Commercial Overlay Zone

B. Compliance with LDC and Other County Regulations

- Property meets C-2 development regulations.
- Is located in the Mixed-Use Overlay: may allow more forgiving development standards during site design process.

C. Compatibility With Surrounding Area

- Property surrounded by residential and commercial.
- Close to central Lehigh Acres.
- Appropriate for C-2 zoning.
- LDC will address sufficient buffering, screening and site design during development.

D. Sufficient Access

- Property fronts Beth Stacey Boulevard (789 feet)
- Side access from Woodward Ct.
- Arterial Roadway
- LDC will specify access during development process

E. Transportation Facility Impact

- Traffic impact determined by specific uses.
- No set use yet on property.
- TIS will be required during development.

F. Environmental Impact

- No wetlands on property.
- Favorable soil for Gopher Tortoise.
- LDC will require buffers, open space, etc. upon development.
- 2+ acre impervious development would require indigenous open space and species survey.

G. Urban Services

- Water and sewer provided by FGUA
- Transit services available: LeeTran Route 110
- Police, Fire, and EMS all less than a mile away
- Bike/Ped Facilities: in place across Beth Stacey. Further development will comply with LDC provisions for bike/ped facilities.

Conclusion

- Complies with the Lee Plan;
- Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Will provide access sufficient to support development;
- Will address expected impacts on transportation facilities through existing regulations and conditions of approval;
- Will not adversely affect environmentally critical or sensitive areas or natural resources; and
- Will be sufficiently served by urban services, as defined in the Lee Plan.

Staff recommends **approval** of the request to rezone the subject property from RM-2 to C-2.