

Summary of Hearing Examiner Recommendation

CARISSA MINOR RPD

(By Banks Engineering, Inc.)

Request:	Rezone Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit a multifamily community with up to 260 dwelling units.
Location:	Northwest corner of the intersection of Crystal Drive & Ben C. Pratt/Six Mile Cypress Parkway South Fort Myers Planning Community District 2
Size:	19.96 Acres
Recommendation:	Approve, with conditions
Deviations:	2
Conditions of Note:	Water quality monitoring to protect Six Mile Cypress Sough
Public Concerns:	None

Hearing Examiner Remarks

This is a request to rezone an existing, undeveloped CPD to accommodate a multifamily residential project on the west side of Six Mile Cypress Parkway, south of Penzance Boulevard.

The project would consist of up to 260 dwellings in three buildings, with a clubhouse and pool amenity. The proposed 260 dwelling units includes 87 bonus density units. Buildings will not exceed 50 feet in height.

The site is ideally located for the proposed development because of its proximity to a comprehensive array of urban services and infrastructure.

Detailed recommendation follows

City of Fort Myers

CYPRESS WALK DR
PENZANCE BLVD

JV PARKER LN

CARISSA COMMERCE CT

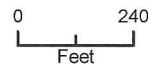
CRYSTAL DR

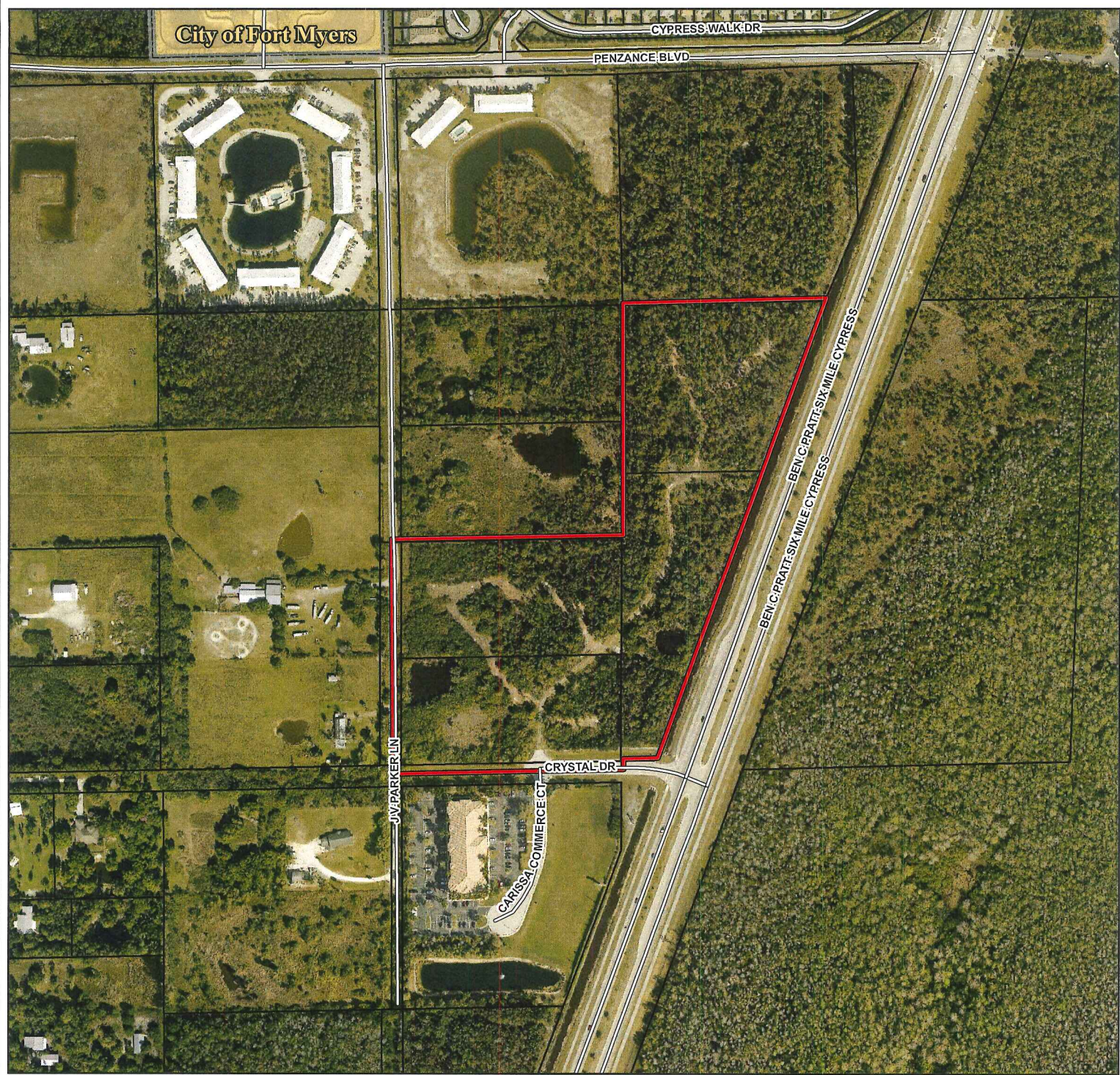
BEN CRATT SIX MILE CYPRESS
BEN CRATT SIX MILE CYPRESS

DCI2020-00013 Future Land Use

Legend



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

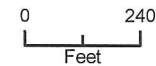




DCI2020-00013 Aerial

Legend

-  Subject Parcel
-  City Limits



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2020-00013

Regarding: **CARISSA MINOR RPD**

Location: Northwest corner of the intersection of Crystal Drive & Ben C. Pratt/Six Mile Cypress Parkway

South Fort Myers Planning Community
(District 2)

Hearing Date: May 6, 2021

I. Request

Rezone 19.96+/- acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit a multifamily community with up to 260 dwelling units.

Legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 19.96± acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Comprehensive Plan (Lee Plan), the Land Development Code (LDC) and other County regulations to facts adduced at hearing. There must be substantial competent evidence in the record to support the Hearing Examiner's recommendation.

¹ LDC 34-145(d)(1)b. 1 and 6; LDC 34-145(d)(4)a.

Synopsis of the Request

Applicant seeks to rezone an existing, undeveloped CPD to accommodate a multifamily residential project. The property is located on the west side of Six Mile Cypress Parkway, south of Penzance Boulevard.²

The proposed RPD will include 260 dwelling units in three buildings, clubhouse and pool amenity. Buildings will not exceed 50 feet in height. The dwelling units consist of 173 units of standard density and 87 bonus density units.

The Department of Community Development, Zoning Division staff recommended approval subject to conditions. There was no public participation at hearing.

Zoning History

The site is comprised of four parcels, previously approved as the Carissa CPD in 1997. The property never developed and is vacant with scattered vegetation.³

Lee Plan

The property is in the Central Urban Future Land Use category, the second most intense under the Lee Plan.⁴ This category represents the urban core of the county offering a range of housing, commercial, services, and infrastructure.⁵ Density typically ranges from 4 to 10 dwellings per acre, but may be as high as 20 dwellings per acre under certain circumstances.⁶ The proposed multifamily community with bonus density is consistent with this description.⁷

The property is located in the South Fort Myers Planning Community.⁸ South Fort Myers hosts high intensity future land use categories and the full range of public facilities and urban services.⁹ Six Mile Cypress Parkway has emerged as a focal point for residential and commercial development.¹⁰

² Ben C. Pratt/Six Mile Cypress Parkway will be herein after referred to as Six Mile Cypress Parkway.

³ The CPD zoning approvals were amended in 2005, 2006 and 2007. The CPD authorizes development of 100,000 square feet of retail commercial floor area, 50,000 square feet of office and 100 hotel/motel units.

⁴ Lee Plan Objective 1.1.

⁵ Central Urban areas offer the greatest range and highest levels of urban services, including water, sewer, roads, schools, etc. Lee Plan Policy 1.1.3, 1.7.6.

⁶ Standard density range is 4-10 dwellings per acre and a maximum total density of 15 dwellings per acre. Developers may increase the maximum density to 20 dwellings per acre when utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.3; See Lee Plan Objective 24.6.

⁷ Lee Plan Goals 5 and 135, Policy 1.1.3.

⁸ Lee Plan Map 16.

⁹ Lee Plan Vision Statement Paragraph 15.

¹⁰ The Six Mile Cypress Parkway corridor is home to a mixture of approved multifamily and single family residential communities ranging in density. The residential communities in the general area are comprised of single family homes, multifamily apartments and condominiums.

The proposed density of 13 dwelling units per acre is consistent with the Lee Plan.¹¹ The request concentrates high density where it is most desirable, along the Six Mile Cypress Parkway adjacent to commercial development.¹² Board approval of the RPD will promote contiguous and compact growth patterns along the Six Mile Cypress road corridor.¹³

A broad range of urban services, facilities and infrastructure are available to serve future residents, including public water, sewer, schools, libraries, transit, recreation, medical facilities, and fire station. Shopping, recreation and employment centers are nearby as well. Pedestrian and bicycle pathways provide connections to neighborhoods along Six Mile Cypress Parkway and Penzance Boulevard.¹⁴ The site is ideally located for residential development because of its access to a comprehensive array of services and infrastructure.¹⁵

The proposed site design is compatible with surrounding development.¹⁶ Much of the property in the area is approved for residential land uses.¹⁷ Nearby residential land uses include conventional single family dwellings and multifamily housing.¹⁸ The Board also approved commercial centers on Six Mile Cypress Parkway north and south of the site.¹⁹

Environmental

The proposed Master Concept Plan (MCP) complies with code required open space, including indigenous requirements.²⁰

The South Florida Water Management District and the Army Corp of Engineers permitted impacts to nearly 11 acres of jurisdictional wetlands under the previously approved CPD.²¹ Those anticipated wetland impacts required purchase of freshwater herbaceous credits as compensatory mitigation.²² The proposed MCP

¹¹ Lee Plan Policy 135.9.5; LDC 34-413.

¹² Lee Plan Objective 2.1., Policy 39.1.3

¹³ Id. Lee Plan Objective 2.2. The proposed development will serve as a transition from the intensity of a heavily traveled road corridor and lower density residential development to the west.

¹⁴ Lee Plan Policies 2.12.1, 5.1.7, 39.2.1

¹⁵ Lee Plan Objectives 2.1, 2.2.

¹⁶ Lee Plan Policies 5.1.5, 5.2.4, 135.9.6; LDC 34-411(j).

¹⁷ Lee Plan Policy 135.9.5

¹⁸ Lee Plan Goal 5; Oak Villages RPD (Z-18-006); Blasingim Road RPD (Z-16-024); Coral Rock RPD (Z-98-054); Coral Woods RPD (Z-92-027).

¹⁹ A large commercial office building lies to the south across Crystal Drive. To the north is vacant land zoned CPD.

²⁰ Lee Plan Goal 77, Objective 77.1, Policies 5.1.6, 54.1.3, 77.3.4, 126.2.1; LDC 10-415, 34-414.

²¹ These impacts were on the subject property and tracts south of Crystal Drive.

²² See Staff Report. Property owners purchased 7.23 freshwater herbaceous credits from the Panther Island Mitigation Bank. These previously issued permits required preservation of .80 acres of wetlands and creation of 1.57 acres of wetlands on the property as well.

reduces previously anticipated wetland impacts by incorporating approximately 4 acres of preserved wetlands into the site design.²³

The storm water management system preserves existing drainage patterns and will not block runoff from adjacent property.²⁴ The system design incorporates wet and dry detention prior to discharging into onsite wetlands.²⁵ Ultimately, treated storm water flows into the Six Mile Cypress Parkway storm water system before entering the Slough.²⁶

The Six Mile Cypress Watershed is a critical area for surface water management.²⁷ For this reason, recommended conditions of approval require ongoing water quality monitoring.²⁸

Transportation

The property fronts on Six Mile Cypress Parkway, a four lane County maintained arterial roadway subject to a controlled access resolution.²⁹ The controlled access resolution authorizes a right-in, right-out driveway connection at the project entrance.³⁰ The project also accesses Crystal Drive, a two lane privately owned/maintained roadway. There is a median opening at Crystal Drive's intersection with Six Mile Cypress Parkway that allows all turning movements.³¹

Existing CPD development approvals will generate approximately 8,547 daily two way trips. The proposed RPD reduces anticipated trip generation by 83%.³²

The Traffic Impact Statement confirms Six Mile Cypress Parkway operates at acceptable levels of service and will continue to do so following completion of the project. Therefore, it is unlikely roadway improvements will be necessary to accommodate the project. Developer must address site related improvements,

²³ Lee Plan Goal 4, Objective 77.3, Policies 60.4.1, 60.4.2, 77.3.4; the requested RPD reduces wetland impacts to 2.66 acres. Testimony of Barrett Stejskal.

²⁴ Lee Plan Objective 61.3

²⁵ Lee Plan Objective 60.4 Policies 60.4.1, 60.4.2, 61.3.10, 61.2.4, 123.2.3

²⁶ Lee Plan Policies 61.3.6, 61.3.11

²⁷ Lee Plan Objective 60.3.

²⁸ Lee Plan Goals 60, 61, 125, Objective 125.1, Policies 61.3.6, 77.3.8, 123.2.10, 125.1.1, 125.1.2, 125.1.3, 125.1.4, 126.1.6.

²⁹ Lee County Administrative Code 11-1; The County protects road capacity through the enforcement of access control. Lee Plan Objective 40.1, Policy 40.2.2. The Board designated Six Mile Cypress a Controlled Access Facility using its police power to establish median openings, access points and turning movements to protect the public health, safety and welfare. See Resolution 93-09-51, as amended.

³⁰ Resolution 93-09-51, as amended

³¹ 34-411(d).

³² Testimony of Ted Treesh, Applicant's Power Point Presentation, page 23. See also Traffic Impact Statement for Carissa Minor RPD prepared by TR Transportation Consultants, Inc. dated August 28, 2020.

including turn lanes, during the development order process.³³ The project will also be subject to road impact fees at the time of development order approval.³⁴

Public Infrastructure and Services

A broad range of services, facilities and infrastructure are available to serve future residents.³⁵ Shopping, employment, and parks are within convenient distances.³⁶ Sidewalks and bike lanes on Six Mile Cypress Parkway serve as a convenient means of accessing nearby recreation opportunities at the Slough Preserve potentially reducing reliance on vehicles.³⁷

The testimony at the hearing summarized the urban services and infrastructure available to serve the site; including public water and sanitary sewer, paved roads, transit, police, fire and emergency services.³⁸

Public Participation

No members of the public spoke at hearing.

Deviations

Applicant seeks two deviations from the LDC.³⁹ A “deviation” is a departure from the land development regulations.⁴⁰ Applicants must demonstrate requested deviations enhance the planned development and will not be detrimental to public interests.⁴¹ The Hearing Examiner's standard of review for deviations requires a finding that the deviation:

1. Enhances the planned development; and
2. Promotes the LDC's intent to protect the public health, safety and welfare.⁴²

³³ Lee Plan Objective 39.1 and Policy 39.1.1.

³⁴ LDC 2-261 *et seq.*

³⁵ Lee Plan Goal 2, Objectives 2.1, 2.2 and 4.1, Policy 5.1.3. Available public services include water, sewer, schools, libraries, transit, recreation, medical facilities, police, fire and EMS.

³⁶ Nearby commercial centers at Six Mile Cypress Parkway and both Daniels Parkway and Colonial Boulevard provide opportunities for shopping and employment. A hospital, school and numerous medical offices are within a short drive of the site.

³⁷ Lee Plan Policy 5.1.3.

³⁸ Lee Plan Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 2.2.2, 5.1.3 and Standards 4.1.1 and 4.1.2

³⁹ The deviations are numbered 1-7 with subparts, totally 11 deviations.

⁴⁰ LDC 34-2.

⁴¹ LDC 34-373(a)(9).

⁴² LDC 34-377(a)(4).

Requested deviations pertain to solid waste⁴³ and parking lot design requirements.⁴⁴ Specifically, Applicant seeks to reduce the space devoted to refuse/solid waste disposal to allow a single location sized to accommodate a trash compactor and recyclable area.⁴⁵ The MCP locates the facilities along an internal road between two development areas. Applicant explained a centralized location enhances the project in two ways: it allows for efficient waste collection and affords an opportunity to use onsite preservation areas to buffer the facility.

The Division of Solid Waste offered no objection to the request.⁴⁶ Staff recommended approval.

Applicant also requests vehicle stacking where buildings provide garages assigned to specific units. Staff recommended approval of the deviation subject to conditions.

The Hearing Examiner agrees with staff's recommendations finding the requested deviations enhance the RPD and promotes the LDC's intent to protect public health, safety and welfare.

Conditions

The RPD will be subject to several conditions of approval. Proposed conditions reasonably relate to the impacts anticipated from development.⁴⁷

The Hearing Examiner recommends revisions to conditions and deviations to improve clarity.⁴⁸

IV. Findings and Conclusions

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval of the request to rezone the property to the Residential Planned Development zoning district, subject to conditions, and makes the following findings and conclusions:

- A. The request for RPD zoning complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135; Objectives 2.1, 2.2, 4.1, 5.1, 61.3, 77.1, 77.3, and

⁴³ LDC 10-261(a) multifamily residential developments must provide sufficient on-site space for garbage containers/receptacles and sufficient space for recyclable material collection containers.

⁴⁴ LDC 34-2015(2)c. Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Vehicle stacking is limited to single family, duplex, and townhouses where each dwelling unit has an appurtenant garage or driveway and in valet parking facilities.

⁴⁵ Applicant's representative stated the area would be a minimum of 100 square feet.

⁴⁶ This deviation may be granted through an administrative deviation process during development order review. LDC 10-104.

⁴⁷ LDC 34-83(b)(4)a.3, 34-1012(a).

⁴⁸ LDC 34-145(d)(6)a.

Policies 2.1.2, 2.2.1, 5.1.5, 5.1.7, 39.2.1, 135.9.5, 135.9.6; Lee Plan Vision Statement Paragraph 10, Map 16 and Table 1(b).

- B. As conditioned herein, the RPD zoning designation:
1. Meets the standards set forth in the LDC and other regulations or qualifies for deviations. 34-373, 34-411, 34-413, 34-491;
 2. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 5.1.5, 135.9.5; and LDC 34-411(j);
 3. Will provide access to support the proposed development intensity. See Lee Plan Policies 39.2.1, 39.1.3; and LDC 34-411(d).
 4. Existing regulations and conditions of approval address the expected impacts on transportation facilities. Lee Plan Policy 135.9.6; LDC 2-261 *et seq.*, LDC 10-7(b);
 5. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Objectives 77.1, 77.3, Policies 5.1.6, 54.1.3, 60.4.1, 60.4.2, 61.2.4, 61.3.6, 61.3.8, 61.3.10, 61.3.11, 77.3.4, 77.3.8, 123.2.3, 123.2.10, 126.2.1, 135.9.6, and Standard 4.1.4; and LDC 34-411(h); and
 6. Will be served by urban services including public water and sewer, paved streets, transit, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1 and 5.1; Policies 2.2.1, 5.1.3; and Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location and constitutes infill development. Lee Plan Policies 2.1.1, 2.2.2, 5.1.3, 5.1.5; and LDC 34-411.
- D. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policy 135.9.6; See LDC 34-411;
- E. The recommended conditions are reasonably related to the impacts expected from the proposed development.
- F. The deviations recommended for approval:
1. Enhance the objectives of the planned development; and
 2. Promote the intent of the LDC to protect public health, safety and welfare.

Date of Recommendation: May18, 2021.



Donna Marie Collins
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

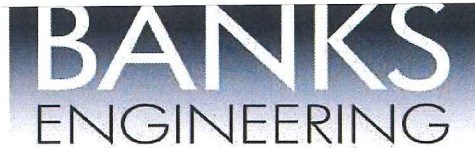
Exhibits to Hearing Examiner's Recommendation

- Exhibit A Legal Description and Vicinity Map
- Exhibit B Recommended Conditions and Deviations
- Exhibit C Exhibits Presented at Hearing
- Exhibit D Hearing Participants
- Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A



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 THE NORTHWEST 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
09:34:37 -04'00'

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

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

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

BANKS ENGINEERING

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

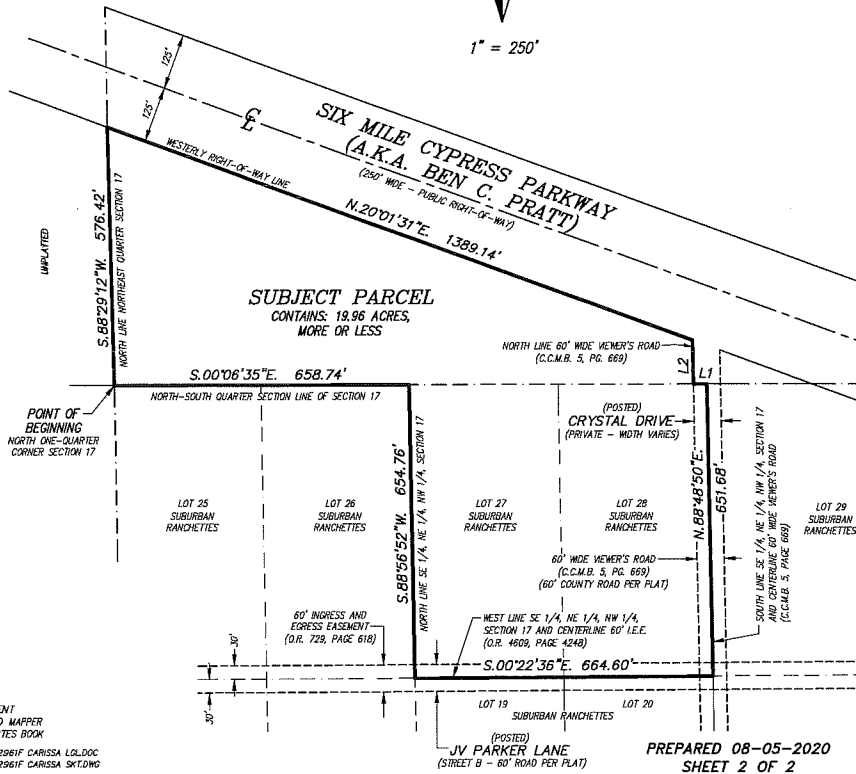
10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33906
PHONE (239)939-5490 FAX (239)939-2523
ENGINEERING LICENSE # EB 8489
SURVEY LICENSE # LB 8690
WWW.BANKSENG.COM



1" = 250'

SKETCH OF DESCRIPTION

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



- NOTES:**
- 1.) 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°1'31" E.
 - 2.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - 4.) THE UNRECORDED SUBDIVISION PLAT OF SUBURBAN RANCHETTES IS DEPICTED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 0°06'35" W	30.00'
L2	N 88°52'35" E	98.08'

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY



Digitally signed by
A. Lee Hayne
Date: 2020.08.27
09:35:13 -04'00'

A. LEE HAYNE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 6338
- DATE SIGNED: 08-05-2020
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

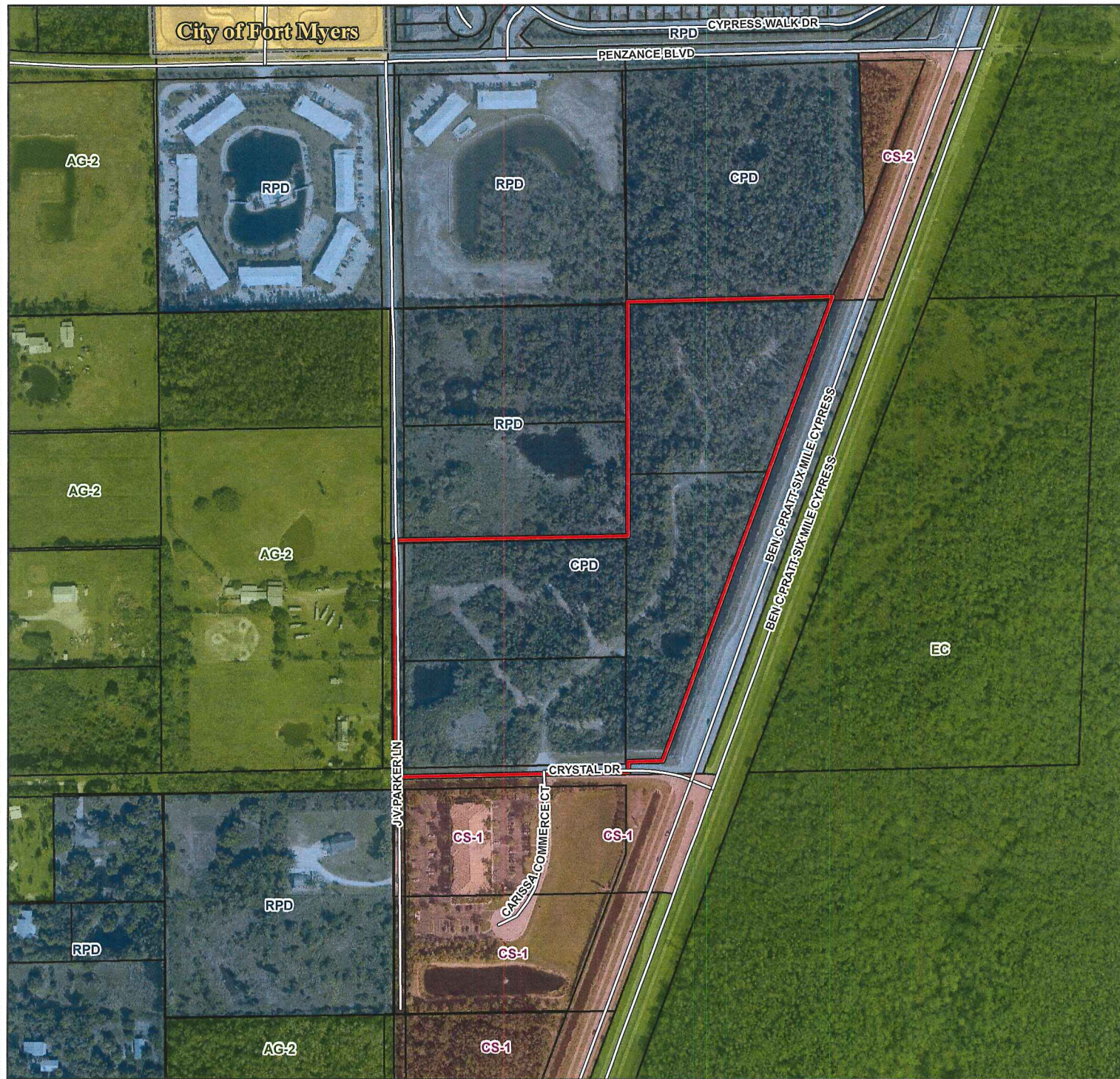
LEGEND:

- PG. INDICATES PAGE
 - § INDICATES CENTERLINE
 - A.K.A. INDICATES ALSO KNOWN AS
 - O.R. INDICATES OFFICIAL RECORDS
 - P.I. INDICATES POINT OF INTERSECTION
 - L1 INDICATES LINE DATA: SEE LINE TABLE
 - I.E.E. INDICATES INGRESS AND EGRESS EASEMENT
 - P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
 - C.C.M.B. INDICATES COUNTY COMMISSIONERS MINUTES BOOK
- S:\1085\282X\2861F\SURVEYING\DESCRIPTIONS\2861F CARISSA LGL.DOC
S:\1085\282X\2861F\SURVEYING\DESCRIPTIONS\2861F CARISSA SKT.DWG



PREPARED 08-05-2020
SHEET 2 OF 2

City of Fort Myers

DCI2020-00013 Zoning



Legend

-  Subject Parcel
-  City Limits

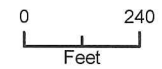


Exhibit B

Conditions reflect revisions by Hearing Examiner

Carissa Minor RPD

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled “Carissa Minor RPD” prepared by Banks Engineering, last revised March 8, 2021 (Exhibit B1), except where modified by conditions below. Future permitting must comply with the Lee Plan and Land Development Code (LDC) except where deviations are approved in this resolution. Amendments the MCP, conditions, or deviations may require further development approvals.

Approved Development Parameters: The site may be developed with up to 260 multifamily dwelling units, which may include a maximum of 87 bonus density units, associated accessory uses and structures. Maximum building height is 50 feet.

2. Permitted Uses and Property Development Regulations.
 - 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
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Maximum lot coverage	45%
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*Swimming Pool Deck: 0 feet with hardened shoreline

3. Environmental Conditions

- a. Development order plans must depict 3.99 acres of indigenous open space (3.96 acres of wetland and 0.03 acres of upland) consistent with the MCP.
- b. Developer must submit a point map corresponding to staking in the field depicting the internal roadway between Preserves A, B and C. prior to County issuance of a Vegetation Removal Permit.
- c. Developer must submit the payment receipt from Panther Island Mitigation Bank for the purchase of 7.23 acres of freshwater herbaceous credits with the first development order application.

4. Water Quality Monitoring

- a. Developer must submit a Water Quality Monitoring Plan with the first development order application. The Water Quality Monitoring Plan must be reviewed and approved by Lee County Division of Natural

Resources prior to issuance of a development order. At a minimum, the Water Quality Monitoring Plan must establish:

- i. 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; and
 - iv. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. The plan must include notification to impacted residents and authorities.
- b. Developer must provide water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of state water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

If the project meets or exceeds state water quality monitoring standards for five consecutive years, Developer may request to amend the water quality monitoring and reporting schedule. The request must be in writing and is subject to the review and approval of the Division of Natural Resources.

DEVIATIONS

1. Refuse and Solid Waste Disposal Facilities. Deviation 1 seeks relief from LDC 10-261(a), which requires new multifamily residential development to provide sufficient on-site space for 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 a minimum of 100 square feet for collection containers.

Hearing Examiner Recommendation: Approved

2. Location and Design of Parking Spaces. Deviation 2 seeks relief from LDC 34-2015(2)c, which permits vehicle stacking for single-family, duplex, two-family, and

townhouses where each dwelling unit has an appurtenant garage or driveway, to allow vehicle stacking in front of garages within the multifamily development.

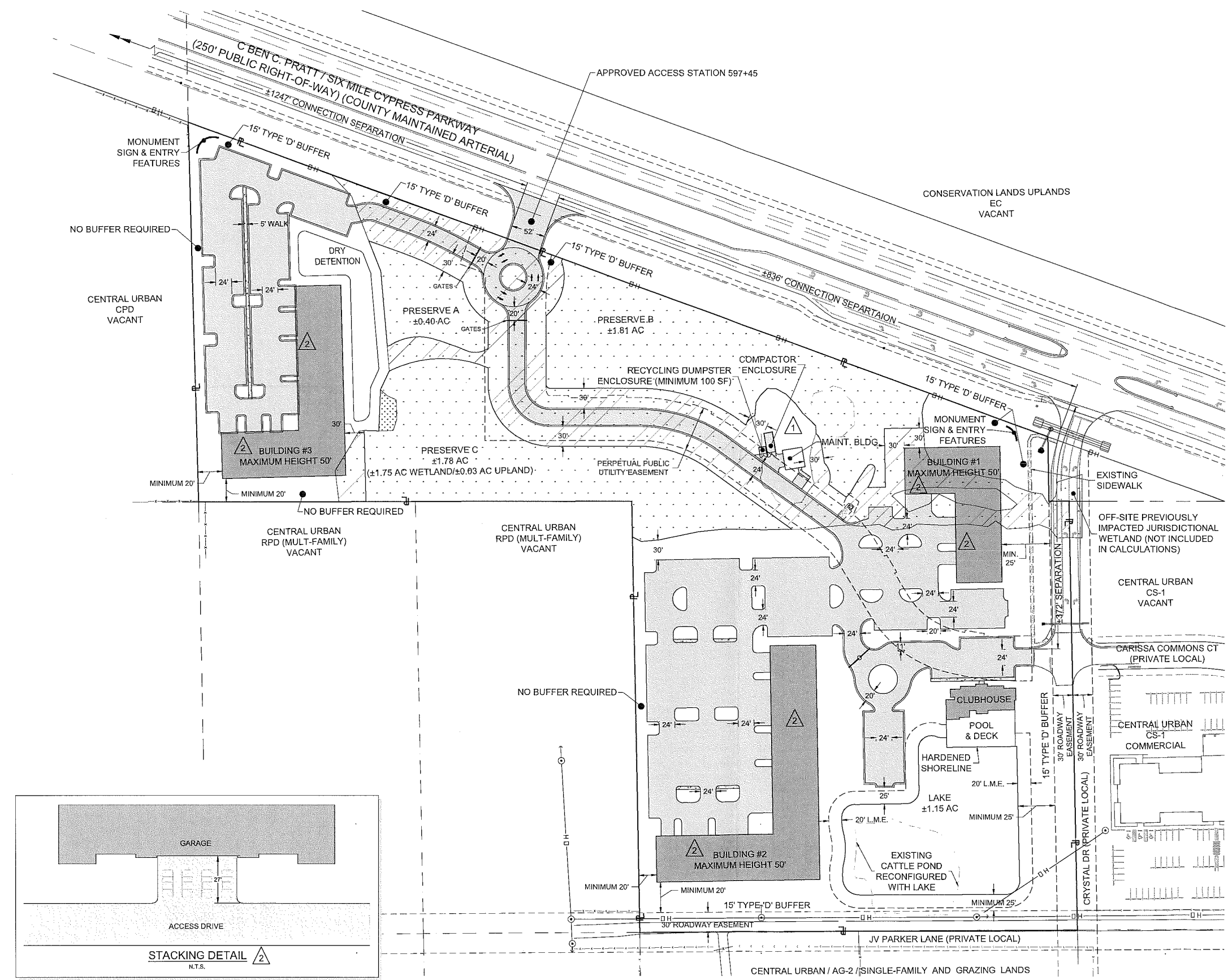
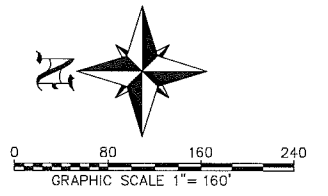
Hearing Examiner Recommendation: Approved, *subject* to the following conditions:

- a. Vehicle stacking is limited to locations noted on the MCP and must be in substantial compliance with the stacking detail depicted on the MCP; and
- b. Each set of stacked parking spaces must be assigned to the same unit.

Exhibits to Conditions:

B1 Master Concept Plan entitled "Carissa Minor RPD" prepared by Banks Engineering, last revised March 8, 2021

EXHIBIT B-1



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

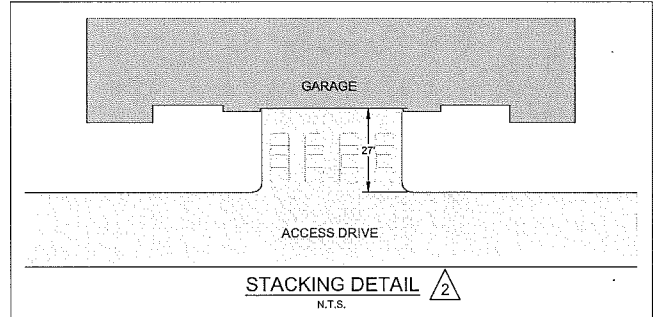
PROVIDED:

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



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

BANKS ENGINEERING

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

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 ENGINEERING LICENSE # EB 6469
 SURVEY LICENSE # LB 6690
 WWW.BANKSENG.COM

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\MCP.DWG 3/11/2021 11:33 AM STEVE JOHNSON

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Anthony Rodriguez, Zoning Manager, dated April 22, 2021 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email to Hearing Examiner from Stacey Hewitt, Banks Engineering, with copies to Anthony Rodriguez, Russell Schropp, Esq., Amanda Swindle, Esq., Joseph Adams, Esq., Michael Jacob, Esq., & Maria Perez, dated Monday, May 3, 2021 4:18 PM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Carissa Minor RPD, DCI2020-00013, prepared by Banks Engineering (multiple pages – 8.5"x11")[color]
2. *Resolution: Z-97-029A:* Carissa CPD adopted October 20, 1997 (multiple pages – 8.5"x11")
3. *Administrative Amendment PD:* ADD2005-00126 Carissa CPD approved June 27, 2005 (5 pages – 8.5"x11")
4. *Proof of Payment of Panther Island Mitigation Bank Credits:* Email from Tom Lehnert to Stacey Hewitt, dated Friday, April 23, 2021 9:22 AM
5. *Résumé:* Kenneth W. Kellum, P.E., Project Manager, Banks Engineering (1 page – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Anthony Rodriguez

Applicant Representatives:

1. Stacey Hewitt
2. Kenneth Kellum
3. Russell Schropp, Esq.
4. Barnett Stejskal
5. Ted Treesh

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.