Summary of Hearing Examiner Recommendation

ORANGE RIVER BLVD RPD

(by Banks Engineering, Inc.)

Request:	Rezone from Agricultural (AG-2) to Residential Planned Development (RPD), to allow 120 Residential dwelling units
Location:	10311 & 10361 Orange River Boulevard Fort Myers Shores Planning Community (District 5)
Size:	19.99+/-
Recommendation:	Approve with conditions
Deviations:	3
Public Concerns:	Traffic and drainage

Hearing Examiner Remarks

Applicant seeks to redevelop a former auto salvage yard with up to 120 residential units. Residential subdivision is compatible with surrounding land use patterns, which include single family residences and mobile homes. The proposed development will add to the variety of residential dwelling options in the community.

Detailed recommendation follows



DCI2021-00005

Future Land Use

Subject Property

Urban Community

Rural Community Preserve

Wetlands

N

0 260 520

Feet

Lee County

Southwest Florida



DCI2021-00005

Aerial

Subject Property

N

0 260 520

Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00005

Regarding: **ORANGE RIVER BLVD RPD**

Location: 10311 & 10361 Orange River Boulevard

Fort Myers Shores Planning Community
(District 5)

Hearing Date: September 16, 2021
Record Closed: September 23, 2021

I. Request

Request to rezone 19.99+/- acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 120 residential dwelling units.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

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

III. Discussion

The Hearing Examiner serves as an advisor 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 the application to rezone 19.99 acres from AG-2 to RPD. The planned development zoning designation is warranted due to project size and classification as "development of county impact."[2]

In preparing a recommendation to the Board, the Hearing Examiner applies the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC) and other County regulations to facts adduced at hearing. The record must include substantial competent evidence to support the Hearing Examiner's recommendation to the Board. Discussion supporting the recommendation of approval follows below.

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[1] LDC 34-145(d)(4)a.
[2] Lee Plan Glossary and Policies 5.1.5; LDC 34-2, 34-341, 34-612.

Synopsis of Request

Applicant seeks to rezone the property from AG-2 to RPD to redevelop a former salvage yard with up to 120 residential units comprised of single family dwellings.[3] Building heights will not exceed 45 feet. Applicant requests three deviations from the LDC.[4]

Staff recommended approval with conditions.

History

The property is located on the north side of Orange River Boulevard approximately ¾ mile east of the Palm Beach Boulevard intersection.

Formerly operated as an auto salvage facility, the property is now vacant, cleared of vegetation and used for cattle grazing.[5]

Applicant requested to retain ongoing livestock grazing on the site until the first development order for vertical development.

Character of Area

The property lies within the Caloosahatchee Shores area of the Fort Myers Shores Planning Community north of Orange River Boulevard.[6] The Caloosahatchee Shores planning community includes a mix of future land use designations and is expected to grow substantially over the Lee Plan planning horizon.[7]

Lee Plan

All planned developments must be consistent with the Lee Plan.[8] The property is designated Urban Community on the Lee Plan Future Land Use Map.[9] Urban Communities are areas outside incorporated areas characterized by a mix of relatively intense commercial and residential uses. Although distinctly urban in character, these areas are developed at slightly lower densities.[10]

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[3] The proposed property development regulations offer several options include traditional single family dwellings, single family attached, duplex, townhouse, and zero lot line.
[4] Requested deviations include single site access, reduced setbacks for water retention excavations and cul-de-sacs.
[5] There is some paving on the south end of the site along Orange River Boulevard. Contamination stemming from the previous use has been fully remediated. Testimony of Josh Philpott.
[6] Lee Plan Vision Statement Paragraph 4. Development in the Caloosahatchee Shores area is subject to enhanced development criteria LDC 33-1480 *et seq.*
[7] Lee Plan Vision Statement Paragraph 4
[8] LDC 34-411(a).
[9] Lee Plan Map 1
[10] Lee Plan Policy 1.1.4

Predominant land uses in the Urban Community include residential development at densities of 1 to 6 units per acre, but may densities be as high as 15 dwelling units per acre under special circumstances.[11] Project intensity is determined after considering the Lee Plan, availability of public infrastructure/services and nature of surrounding development.[12] The property has access to a wide range of public services and infrastructure including public water and sanitary sewer, paved roads, police, fire and emergency medical services.[13] Accordingly, the proposed density of 6 units per acre is consistent with these requirements.

A residential subdivision is compatible with surrounding land use patterns that feature mobile homes and traditional single family residences.[14] A large vacant tract across Orange River Boulevard to the south is owned by the school district.[15] The project would add single-family/townhouse style dwellings to the mix of residential options in the community.[16] The proposed residential use of the property is arguably more compatible with development patterns in the surrounding area than the salvage yard.[17]

The RPD will be subject to road, park, Fire/EMS, and school impact fees.[18]

Transportation

Access to the site will be through a single driveway onto Orange River Boulevard, a County maintained collector roadway.[19] As proposed, the project will generate less than 100 trips during the peak hour at buildout.[20] Area roadways will continue to operate within adopted levels of service following project buildout.[21]

The County will evaluate needed site related improvements, including turn lanes, during development order review.[22]

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[11] Lee Plan Policy 1.1.4.
[12] LDC 34-413; Lee Plan 7.1.3.
[13] Lee Plan Goals 2, 4, Objective 4.1, Policies 1.1.4, 135.9.7. Potable water and sanitary sewer service will be provided by Lee County Utilities. Developer must upgrade water main along Orange River Boulevard from 6 to 8 inches to support the project. The site has access to paved roads. Fire and emergency medical services will be provided by Tice Fire District Station 201 approximately 2+ miles from the property.
[14] Lee Plan Policy 5.1.5, LDC 34-145(d)(4)(a). *See also* LDC 34-411(i) and (j).
[15] This property is currently zoned RS-1 and may be developed as a school district facility, or potentially sold for single family development consistent with its zoning designation.
[16] Lee Plan Objective 135.1, Policies 135.1.9, 135.9.5, 135.9.6.
[17] Lee Plan Goal 21; Resuming the salvage yard use would require 660 foot setbacks from property line
[18] Lee Plan Policies 38.1.1, 87.1.3. Roads, Parks, Fire/EMS impact fees for each dwelling unit.
[19] Lee County Administrative Code 11-1. The project has 553 feet of frontage on Orange River Boulevard. The MCP depicts access approximately 25 feet from the west property boundary.
[20] The project is exempt from providing level of service analysis for roads and intersections due to low peak hour trip generation. *See* Lee County Administrative Code 13-17. A staff recommended condition limits the maximum development intensity to the trips generated by 90 multi-family and 30 single family dwellings. Applicant is free to develop any residential unit mix that does not exceed trips generated by 90 multifamily and 30 single family dwellings.
[21] Testimony of Josh Philpott.
[22] Lee Plan Objective 39.1, Policy 39.1.1.

Environment and Storm Water Management

The site consists of 100% uplands and no environmentally critical/natural resources. The property was previously cleared and is now used for cattle grazing. Remaining vegetation onsite is comprised mainly of invasive exotic species, which the developer will remove as a condition of development order approval.

The MCP reflects two lakes devoted to storm water quality and attenuation.[23] The lakes will be designed with different control elevations consistent with groundwater conditions. The lake along the west boundary will be designed to handle project storm water runoff.[24] The lake along the north boundary will serve as the source of onsite fill material. The developer will design the north lake to receive storm water runoff from nearby properties.[25] Both storm water management features will drain into an existing ditch/swale with an outfall into the Orange River. The proposed site design does not impact the function of this conduit.[26] Applicant volunteered to clear the swale and culvert to ensure water flows freely without obstruction.[27]

A 25 foot vegetative buffer will encircle the project perimeter with the exception of the roadside buffer, which will be the code standard 15 feet wide.[28]

Conditions

The County must administer the zoning process so that proposed land uses minimize adverse impacts on adjacent property and protect natural resources.[29] Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety and welfare.[30]

The proposed RPD will be subject to several conditions of approval. These conditions reasonably relate to the impacts anticipated from the development.[31] The Hearing Examiner recommends revisions to Conditions to improve clarity.

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[23] The MCP reflects water detention/retention facilities along the west and north boundaries of the site.
[24] Lee Plan Goal 60, Policy 61.3.11. Internal project roads will utilize closed drainage with gutters directing storm water runoff to the lake on the west boundary.
[25] Lee Plan Goal 59. The topography of the site reflects an 11 foot drop across the site from south to north. The proposed retention/detention area along the north property line is located within an area of Special Flood Hazard due to its proximity to the Orange River and its tributaries.
[26] Lee Plan Policy 61.3.1.
[27] Hearing Examiner anticipates clearing will coincide with development of the site infrastructure, Thereafter, area residents should participate in ongoing maintenance of this drainage easement.
[28] Lee Plan Objective 21.1. Buffers along north, east and west boundaries exceed code minimums. See Master Concept Plan.
[29] LDC 34-145(d)(4)a.2.(b), LDC 34-377(a)(3), and 34-932(b and c). *See also* Lee Plan Policy 135.9.6
[30] LDC 34-932(c).
[31] Lee Plan Policy 5.1.5; LDC 34-83(b)(4)a.3.

Deviations

Applicant seeks 3 deviations from the LDC.[32] A "deviation" is a departure from a land development regulation.[33] Applicants must demonstrate each requested deviation enhances the planned development and will not cause a detriment to the public.[34]

The requested deviations pertain to cul-de-sacs, project street access, and water retention excavation setbacks.[35] Applicant offered testimony/evidence to support approval of the deviations.[36] Staff recommended approval of all three deviations finding they advance the objectives of the planned development and protect public health, safety and welfare.

The LDC requires the Hearing Examiner to evaluate deviations based on the applicable standard of review. The Hearing Examiner finds the requested deviations meet LDC approval criteria.

Public

Several members of the public attended the hearing before the Hearing Examiner. Concerns centered on traffic and drainage. Testimony on the record confirms area roadways will operate within adopted levels of service at buildout. Further, state and county permitting criteria ensure no negative impacts to area drainage patterns.[37]

Applicant held the requisite community meeting via the Microsoft Teams virtual space platform on Thursday April 29, 2021.[38] Despite publication notice in the New-Press and posting on the property, no members of the public registered to observe the presentation. Applicant's representatives recorded the presentation.

Conclusion

The Hearing Examiner recommends approval of the proposed Orange River Boulevard RPD, subject to conditions.

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[32] The LDC permits deviations in the Caloosahatchee Shores planning community in accordance with Chapter 34 of the Code. LDC 33-1484.
[33] LDC 34-2.
[34] LDC 34-373(a)(9).
[35] LDC 10-296(k), 10-291(3) and 10-329(d)(1)a.3.
[36] LDC 34-377(a)(4).
[37] Lee Plan Goal 59, Policy 135.9.6.
[38] LDC 33-1482; *See also* Lee Plan Objective 17.3, Policy 17.3.5.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. The proposed Residential Planned Development complies with the Lee Plan. Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores), Lee Plan Goals 2, 4, 5, 21, Objectives 5.1, 21.1, 135.1, Policies 1.1.4, 5.1.1, 5.1.7, 135.1.9, 135.9.5, 135.9.6.

B. *As conditioned*, the Residential Planned Development:

1. Meets the LDC and other county regulations or qualifies for deviations. LDC §§ 10-321, 10-415, 10-416(d), 34-411, 34-413, 34-491, 34-612(2);

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 1.1.4, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 135.9.5;

3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 38.1.1, 39.1.1; LDC §34-411(d) and (e);

4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 61, 77, Objectives 77.1, 126.2, Policies 61.3.1, 61.3.6, 61.3.8, 61.3.11, 126.2.1, 135.9.6; and

5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 4.1, 5.1, Policies 2.2.1, 135.9.7, Standards 4.1.1 and 4.1.2 and Maps 6, 7; LDC §34-411(d).

C. The proposed uses are appropriate at the proposed location. Lee Plan Goal 5, Objective 2.1, Policies 2.1.1, 2.1.2, 135.1.9, 135.9.5, 135.9.7.

D. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.6; LDC §§ 34-377(a)(3), 34-411, 34-932(b) and (c).

E. As conditioned, the requested deviations:

1. Enhance the planned development; and

2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Date of Recommendation: September 30, 2021.

Donna Marie Collins
Chief 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

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND LYING IN
SECTION 2, TOWNSHIP 44 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 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PORTION OF BLOCK 2, TERRY TICE & VANDAWALKERS, RECORDED IN PLAT BOOK 1, PAGE 46, PUBLIC RECORDS OF SAID LEE COUNTY AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER, NORTHEAST EAST QUARTER, NORTHWEST QUARTER OF SAID SECTION 2; THENCE N 89°18'35" E ALONG THE NORTH LINE OF SAID SECTION FOR 112.50 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 89°18'35" E ALONG SAID NORTH LINE FOR 547.51 FEET; THENCE S 00°43'07" E FOR 1,641.04 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD (58 FEET WIDE RIGHT-OF-WAY); THENCE N 80°48'26" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 553.75 FEET; THENCE N 00°47'36" W FOR 1,545.99 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS: 19.99 ACRES, MORE OR LESS.

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

NORTH IS BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN NORTH LINE OF SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST BEARS N 89°18'35" E.

DESCRIPTION PREPARED: 02-12-2021

Digitally signed by Allen M Vose III
Date: 2021.02.12 11:05:02 -05'00'

ALLEN M. VOSE III LICENSE NUMBER No. 7191 STATE OF FLORIDA Professional Surveyor and Mapper

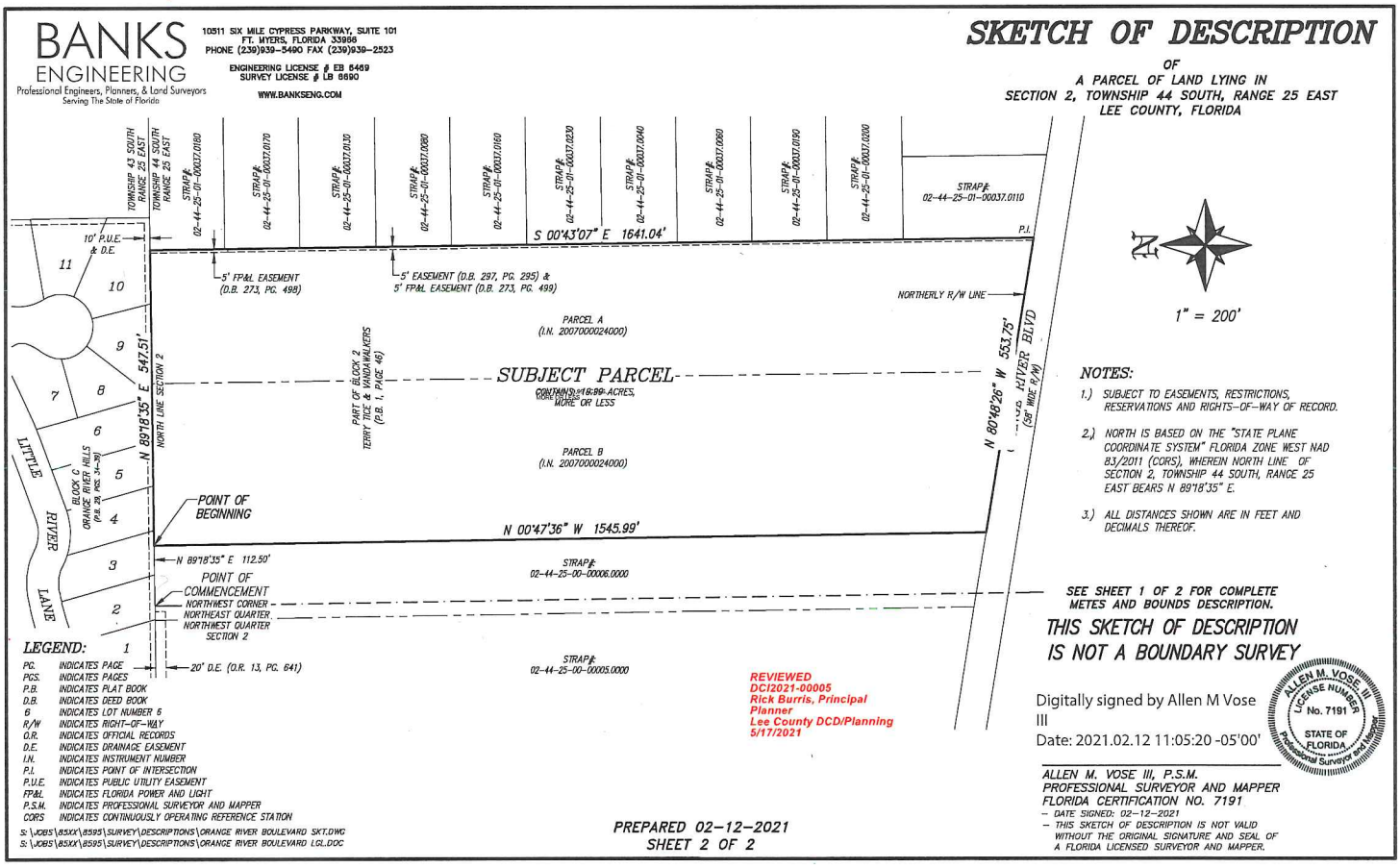
ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 02-12-2021
S:\Jobs\85XX\8595\Survey\Descriptions\ORANGE RIVER BOULEVARD LGL.DOC
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REVIEWED
DCI2021-00005
Rick Burris, Principal Planner
Lee County DCD/Planning
5/17/2021

• SERVING THE STATE OF FLORIDA •

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DCI2021-00005 Lee County ePlan





DCI2021-00005

Zoning

Subject Property

N

0 260 520

Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

Hearing Examiner Note:
Conditions and Deviations reflect Hearing Examiner modifications.

CONDITIONS

1. Master Concept Plan/Development Parameters

Development must be consistent with the two-page Master Concept Plan (MCP) entitled "Orange River Boulevard RPD" dated April 30, 2021, received on June 15, 2021 (Exhibit B1), except where modified by the conditions below. All development must comply with the Lee Plan and Lee County Land Development Code (LDC) except where deviations have been granted herein. Changes to the MCP may require further development approvals.

Development Parameters: Up to 120 dwelling units.

2. Permitted Uses and Site Development Regulations

a. Schedule of Uses

Accessory uses and structures
Administrative offices
Clubs, private
Dwelling units:
- Single-Family
- Single-Family, Attached
- Duplex
- Two-Family Attached
- Townhouse
- Zero-Lot Line

Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities: Group I
Excavation: water retention
Fences, walls
Home Occupations
Models:
- Homes
- Units

Parking lot, Accessory
Real Estate Sales Office (temporary, within model home or unit)
Recreation Facilities:
Personal
Private, on-site
Residential Accessory Uses
Signs
Temporary Uses, limited to a construction trailer or modular unit and associated parking for purposes of managing on-site construction activities

b. Site Development Regulations

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Structure Height	Minimum Side Setback	Minimum Front (street) Setback	Minimum Rear Setback (Principal)	Minimum Rear Setback (Accessory)
Single-Family	4,500 SF	45'	75'	45'/3-stories	5'	20'	10'	5'
Single-Family, Attached	2,500 SF	20'	75'	45'/3-stories	5'	20'	10'	5'
Duplex/Two-Family Attached	5,000 SF	60'	75'	45'/3-stories	5'	20'	10'	5'
Townhouse	10,000 SF	100'	75'	45'/3-stories	5'	20'	10'	5'
Zero-Lot Line	2,500 SF	35'	65'	45'/3-stories	2.5' on one side; 5' on one side	20'	10'	5'
Recreational Facilities	5,000 SF	50'	75'	25'/1-story	5'	20'	10'	5'

Notes:

1. Project perimeter setbacks not less than 15'.
2. Project perimeter buffers shown on MCP.

3. Model Homes/Units and Real Estate Sales

a. Each Model home/unit must be a unique example. Multiple examples of the same home/unit are prohibited.

b. Model Home Sites must be designated on development order plans. Developer must buffer parking areas supporting model home/units with a single-row hedge and tree canopy.

c. Developer must depict model home/units on a preliminary plat prior to construction. Developer must file the preliminary plat concurrently with the development order application. Model home/unit construction must comply with property development regulations set forth in condition 2.b.

d. No more than five model homes/units may be active at one time.

e. Real estate sales are limited to sale of lots/units within the development.

f. Hours of operation for models and real estate sales are Monday through Sunday 8 a.m. to 8 p.m.

g. Model homes and real estate sales will be valid for a period of up to 5 years from the date of the certificate of occupancy of a model home.

4. Agricultural Uses

Existing bona fide agricultural uses (livestock pasture/grazing) may continue onsite subject to the following:

a. Termination of Agriculture Use. Agricultural uses must terminate in project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non- vertical development do not trigger termination.

b. Additional Clearing Prohibited. Additional clearing of trees or vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained (i.e. mowed), but not cleared or expanded. This prohibition does not preclude County approval requests to remove invasive exotic vegetation.

c. Proof of Termination. Upon approval of local development order for vertical development and prior to vegetation removal permit issuance, the property owner must provide written proof, of the following, subject to review/approval by the County Attorney's Office:

i. Affidavit. Sworn affidavit from the property owner confirming:

a) Date agricultural uses ceased.

b) Legal description of the property subject to development order approval for vertical development.

c) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property. Further, that the property owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural; and

d) The affidavit constitutes a binding covenant between the property owner and Lee County including the property owner's successors. The covenant must recorded in public record of Lee County at the property owner's expense.

ii. Termination of Tax Exemption. The property owner must terminate the agricultural tax exemption on the portions of the property with a development order for vertical development. Proof of termination must include a copy of the property owner's request to terminate the tax exemption with the Property Appraiser.

DEVIATIONS

Deviation 1. Withdrawn

Deviation 2 – Street Design and Construction Standards. Deviation from LDC §10-296(k), requiring circular turnarounds at the end of dead-end streets, to allow two street stub-outs at the end of the dead-end street stubs located in the southeast and northern portions of the property consistent with the MCP.

This deviation is approved subject to the following condition:

> Prior to approval of the development order the developer must submit a letter of no objection to the dead-end street stub from the applicable Fire District.

Deviation 3 - Required Street Access. Deviation from LDC§10-291(3), which requires residential developments greater than five acres to provide more than one means of ingress or egress to the project, to allow a single point of access to Orange River Boulevard consistent with the MCP.

This deviation is approved subject to the following condition:

> Prior to approval of the development order allowing construction of the access to the development, the developer must record a notice to future

owners in the public records of Lee County. The notice must detail the emergency access plan and provide information as to where a copy of the plan may be obtained from the developer or its successor.

Deviation 4 – Excavations. Deviation from LDC §10-329(d)(1)a.3, which requires no excavation within 50 feet of private property lines under separate ownership, to allow water retention excavations to be located within 35' of the property boundary.

This deviation is approved subject to the following condition:

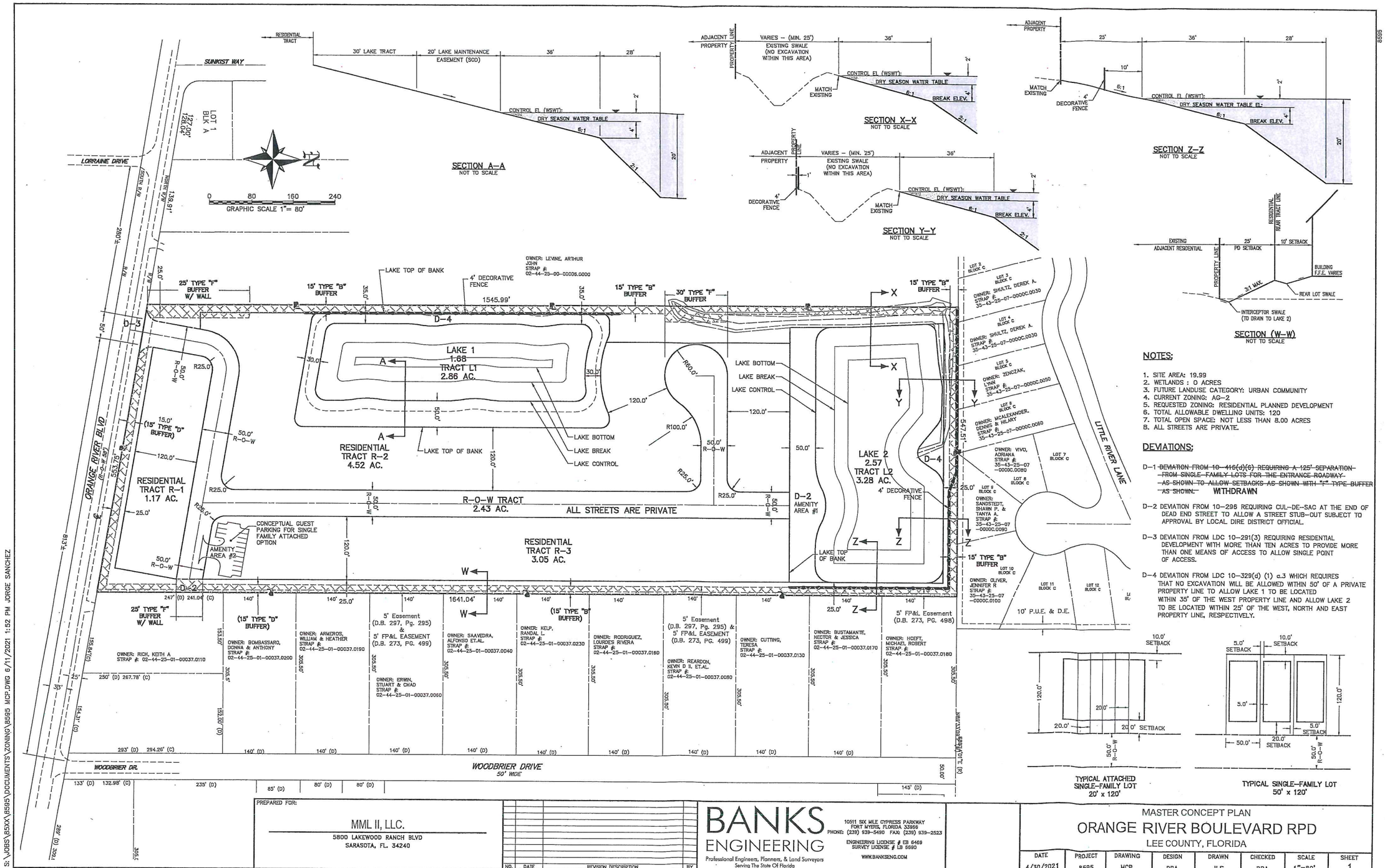
The developer must install a fence no less than 4 feet in height along the entire western portion of Proposed Lake #1 and along the entire eastern and northern portion of Proposed Lake #2 as reflected on the MCP.

Exhibits to Conditions:

B1 Master Concept Plan entitled Orange River Boulevard RPD dated April 30, 2021, stamped received by the Department of Community Development on June 15, 2021

DCI2021-00005 Lee County ePlan

Additional Info Dated 06-15-21



NOTES:

1. SITE AREA: 19.99
2. WETLANDS : 0 ACRES
3. FUTURE LANDUSE CATEGORY: URBAN COMMUNITY
4. CURRENT ZONING: AG–2
5. REQUESTED ZONING: RESIDENTIAL PLANNED DEVELOPMENT
6. TOTAL ALLOWABLE DWELLING UNITS: 120
7. TOTAL OPEN SPACE: NOT LESS THAN 8.00 ACRES
8. ALL STREETS ARE PRIVATE.

DEVIATIONS:

D–1 ~~DEVIATION FROM 10–416(d)(6) REQUIRING A 125' SEPARATION FROM SINGLE FAMILY LOTS FOR THE ENTRANCE ROADWAY AS SHOWN TO ALLOW SETBACKS AS SHOWN WITH "F" TYPE BUFFER AS SHOWN.~~ WITHDRAWN

D–2 DEVIATION FROM 10–295 REQUIRING CUL–DE–SAC AT THE END OF DEAD END STREET TO ALLOW A STREET STUB–OUT SUBJECT TO APPROVAL BY LOCAL DIRE DISTRICT OFFICIAL.

D–3 DEVIATION FROM LDC 10–291(3) REQUIRING RESIDENTIAL DEVELOPMENT WITH MORE THAN TEN ACRES TO PROVIDE MORE THAN ONE MEANS OF ACCESS TO ALLOW SINGLE POINT OF ACCESS.

D–4 DEVIATION FROM LDC 10–329(d) (1) a.3 WHICH REQUIRES THAT NO EXCAVATION WILL BE ALLOWED WITHIN 50' OF A PRIVATE PROPERTY LINE TO ALLOW LAKE 1 TO BE LOCATED WITHIN 35' OF THE WEST PROPERTY LINE AND ALLOW LAKE 2 TO BE LOCATED WITHIN 25' OF THE WEST, NORTH AND EAST PROPERTY LINE, RESPECTIVELY.

EXHIBIT B-1

PREPARED FOR:

MML II, LLC.
5800 LAKEWOOD RANCH BLVD
SARASOTA, FL. 34240

NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939–5490 FAX: (239) 939–2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
ORANGE RIVER BOULEVARD RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
4/30/2021	8595	MCP	DBA	JLS	DBA	1"=80'	1

S:\8595\85XX\8595\DOCUMENTS\ZONING\8595 MCP.DWG 6/11/2021 1:52 PM JORGE SANCHEZ

DCI2021-00005 Lee County ePlan

Additional Info Dated 06-15-21

8595

ZONING OPEN SPACE TABLE:

OPEN SPACE REQUIRED: 40%	8.00 ACRES
MAXIMUM 25% OF REQUIRED OPEN SPACE (2.00 AC.) PROVIDED BY LAKES	2.00 ACRES
COMMON AREA OPEN SPACE	4.57 ACRES
REMAINING OPEN SPACE PROVIDED IN RESIDENTIAL TRACTS (WITHIN THE SIDE AND REAR SETBACKS)	1.43 ACRES
TOTAL OPEN SPACE PROVIDED	8.00 ACRES

CONCEPTUAL OPEN SPACE AREAS

0 80 160 240
GRAPHIC SCALE 1" = 80'

SUNRIST WAY
LOT 1 BLK A
127.00' 128.04'
LORRAINE DRIVE
139.91'
N/F RUSH
N/F RUSH
280'
50'
1,545.99'
OPEN SPACE TRACT 4.57 AC
LAKE 1 1.68 AC
RESIDENTIAL TRACT R-1 1.17 AC
25.0'
RESIDENTIAL TRACT R-2 4.52 AC
R-O-W TRACT 2.43
5' Easement (O.R. 297, Pg. 295) & 5' FP&L EASEMENT (O.R. 273, PG. 499)
RESIDENTIAL TRACT R-3 3.05 AC
LAKE 2 2.57 AC
20' D.E. (O.R. 13, Pg. 641)
138.75'
547.51'
ORANGE RIVER BLVD (R-O-W VARY)
353.75'
7,518'
LITTLE RIVER LANE
10' P.U.E. & D.E.
WOODBRIER DR.
WOODBRIER DRIVE 50' WIDE
WOODBRIER DRIVE 50' WIDE
5' Easement (D.B. 297, Pg. 295) & 5' FP&L EASEMENT (D.B. 273, PG. 499)
5' FP&L Easement (D.B. 273, PG. 498)
247' (D) 241.04' (C)
250' (D) 267.78' (C)
293' (D) 294.26' (C)
133' (D) 132.98' (C)
235' (D)
85' (D)
80' (D)
80' (D)
145' (D)
1,614.04'
140' (D)
305.50' (D)
153.50' (D)
152.00' (D)
156.84' (D)
156.37' (D)
308.62' (D)
289' (D)
35'
25'
30.00'

ORANGE RIVER HILLS P.B. 29, PG. 34 - 39

LOT / BLOCK	OWNER / STRAP # / PARCEL ID
LOT 1 BLOCK C	
LOT 2 BLOCK C	
LOT 3 BLOCK C	OWNER: SHULTZ, DEREK A. STRAP #: 35-43-25-07-0000C.0030
LOT 4 BLOCK C	OWNER: SHULTZ, DEREK A. STRAP #: 35-43-25-07-0000C.0030
LOT 5 BLOCK C	OWNER: ZENCZAK, LYNN STRAP #: 35-43-25-07-0000C.0050
LOT 6 BLOCK C	OWNER: MCALEXANDER, DENNIS & HILARY STRAP #: 35-43-25-07-0000C.0060
LOT 7 BLOCK C	OWNER: VIVO, ADRIANA STRAP #: 35-43-25-07-0000C.0080
LOT 8 BLOCK C	
LOT 9 BLOCK C	OWNER: SANDSTEDT, SHAWN P. & TANYA A. STRAP #: 35-43-25-07-0000C.0090
LOT 10 BLOCK C	OWNER: OLIVER, JENNIFER R STRAP #: 35-43-25-07-0000C.0100
LOT 11 BLOCK C	
LOT 12 BLOCK C	
LOT 13 BLOCK C	

OWNER: RICH, KEITH A STRAP #: 02-44-25-01-00037.0110
OWNER: BOMBASSARO, DONNA & ANTHONY STRAP #: 02-44-25-01-00037.0200
OWNER: ARMEROS, WILLIAM & HEATHER STRAP #: 02-44-25-01-00037.0190
OWNER: ERWIN, STUART & CHAD STRAP #: 02-44-25-01-00037.0080
OWNER: SAAVEDRA, ALFONSO ET.AL. STRAP #: 02-44-25-01-00037.0040
OWNER: KELP, RANDAL L. STRAP #: 02-44-25-01-00037.0230
OWNER: RODRIGUEZ, LOURDES RIVERA STRAP #: 02-44-25-01-00037.0160
OWNER: REARDON, KEVIN D II, ET.AL. STRAP #: 02-44-25-01-00037.0080
OWNER: CUTTING, TERESA STRAP #: 02-44-25-01-00037.0130
OWNER: BUSTAMANTE, HECTOR & JESSICA STRAP #: 02-44-25-01-00037.0170
OWNER: HOEFT, MICHAEL ROBERT STRAP #: 02-44-25-01-00037.0180

5.0' SETBACK
10.0' SETBACK
5.0'
5.0' SETBACK
120.0'
50.0'
20.0' SETBACK
50.0' R-O-W

TYPICAL SINGLE-FAMILY LOT OPEN SPACE EXHIBIT

OPEN SPACE TRACT = 4.57 AC
RESIDENTIAL TRACT 1, 2 & 3 = 8.74 AC
RIGHT-OF-WAY = 2.43 AC
LAKES = 4.25 AC
TOTAL = 19.99 AC

PREPARED FOR:
MML II, LLC.
5800 LAKEWOOD RANCH BLVD
SARASOTA, FL. 34240

NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

OPEN SPACE PLAN
ORANGE RIVER BOULEVARD RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
4/30/2021	8595	OPEN SPACE	DBA	JLS	DBA	1"=80'	1

S:\2085\85XX\8595\DOCUMENTS\ZONING\8595 OPEN SPACE PLAN.DWG 6/14/2021 9:42 AM JORGE SANCHEZ

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Email from Chahram Badamtchian to Hearing Examiner, with copies to Brent Addison, Dr. Dave Depew, Josh Philpott, & Jennifer Sheppard, dated Tuesday, September 14, 2021 11:05 AM (3 pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date stamped received September 1, 2021 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Brent Addison, with Banks Engineering, to Maria Perez, with copies to Dr. Dave Depew, dated Tuesday, September 14, 2021 10:03 AM (3 pages – 8.5"x11")

b. *Second48-Hour Notice:* Email from Brent Addison, with Banks Engineering, to Maria Perez, with copies to Dr. Dave Depew, dated Tuesday, September 15, 2021 9:53 AM (4 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by Banks Engineering for Orange River Boulevard Residential Planned Development, DCI2021-00005, Lee County Hearing Examiner Hearing, September 16, 2021 (multiple pages – 8.5"x11")[color]

2. *Written Submission:* Email from Brent Addison, to Hearing Examiner & Chahram Badamtchian, with copies to Dr. Depew, Josh Philpott, Jennifer Sheppard, Michael Neal, Richard Bedford, dated Thursday, September 16, 2021 3:53 PM (3 pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Brent Addison
2. Michael Neal
3. Josh Philpott

Public Participants:

1. Arthur Levine
2. Allison Reardon
3. Mario Walguarnery

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.