



July 06, 2022
Lee County
Courtney Gordon
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-2111

Re: **Response to Request of Additional Information**
Project Name: MIVO Diplomat Center DD
Application/Petition No.: DCI2022-00027

Kimley Horn Reference No.: 045973000

Dear Courtney,

We are in receipt of your letter dated June 13, 2022 in which questions and additional information was requested on the above referenced project. The following are your comments followed by our responses in **bold**:

Zoning Review

1. Please provide a revised Request Statement that includes a discussion or provides more detail of the following Lee Plan Goals, Objectives, Standards and Policies, at a minimum:
 - a) Standards 4:1:1 and 4:2:1
 - b) Policies 5.1.5 and 5.1.7. The Central Urban future land use category permits increased building height. Staff is concerned about encroachment of use to the adjacent mobile home community to the west.
 - c) Policies 11.2.1, 11.2.2, and 11.2.6
 - d) Policies 30.2.4, 30.2.5 and 30.2.6.

Response: The request statement has been revised as requested. Please see attached for the revised statement.

2. Please provide the nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property within level 1 or level 2 zones of archaeological sensitivity, in accordance with LDC Section 34-373(a)(4)d.

Response: An Archaeological cultural resources desktop review has been completed for this project and has confirmed that the project is not located within any known or recorded historical or archaeological sites. Please see attached for the Cultural Resources Desktop Study.

3. Please provide a revised Request Statement that includes more detail with regard to how the proposed rezoning meets the review criteria established by LDC Section 34-145(d)(4)a.1.a) through 34-145(d)(4)a.1.g) Please note, review of criterion g) should also include, a discussion of emergency medical services (EMS), fire and police protection, proximity and access to public transit, and other public facilities.



Response: The request statement has been revised as requested. Please see attached for the revised statement.

4. Please provide a revised Request Statement that identifies the correct LDC Section numbers and letters on page 5 for clarity. The Sections listed are not formatted properly. It makes it difficult to discern what Sections are being discussed.

Response: The request statement has been revised as requested. Please see attached for the revised statement.

5. Please provide a revised Master Concept Plan (MCP) that is in accordance with LDC Section 34-373(a)(6). The MCP provided does not depict all items required by LDC Section 34-373(a)(6) for the proposed development. The Request Statement discusses 285 apartment units and single-story parking garages/storage units; however, these are not depicted on the MCP.

Response: The MCP has been revised to depict the proposed 285 apartment units and parking garages as requested. Please see attached for the revised MCP.

6. Please provide a Schedule of Uses, in a list format, keyed to the MCP, in accordance with LDC Section 34-373(a)(8). LDC Section 34-373(a)(8)a. establishes that residential uses include the types of proposed dwelling units and LDC Section 34-373(a)(8)b.1. establishes that the residential uses provide the maximum number of dwelling units by type. The table provided is not in accordance with LDC Section 34-373(a)(8). Please ensure the Schedule of Uses lists only uses permitted by LDC Section 34-933 for Residential Planned Developments.

Response: A schedule of uses has been provided per LDC Section 34-373(a)(8) as requested, please see attached for the unit mixed of the proposed development.

7. Please provide more detail in the property development regulations table for setbacks from the proposed waterbodies and any accessory uses.

Response: The property development regulations table has been revised as requested. Please see attached for the revised property development regulations table.

8. The subject property is located within the North Fort Myers Planning Community. Please submit a meeting summary document for the publicly advertised information session in accordance with LDC Section 33-1532.

Response: The meeting is scheduled with the North Fort Myers Planning Community on July 5th, 2022 @ 6pm. A meeting summary document will be submitted upon receipt.

Development Services Review

1. Please revise the surface water narrative to read "South Florida Water Management District." The current narrative references "Southwest Florida Water Management District."

Response: The narrative has been revised as requested. Please see attached for the revised Surface Water Narrative.

2. Please provide a discussion in the surface water narrative to address the existing drainage easement on the property. Does the subject property receive flows from the easement? Is the property intended to use the easement as an outfall for surface water?

Response: It is anticipated this drainage easement will remain as part of the proposed improvements and will not be impacted by the proposed development. The proposed project



does not anticipate using this water body as an outfall source for the surface water design. Please see attached for the revised Surface Water Narrative.

3. LDC Section 34-373(a)(6)(a) requires the location and explanation of all existing easements on the MCP. Please provide all survey easements on the MCP. Please verify the existing LCEC easement and show that easement on the MCP.

Response: The existing LCEC easement has been verified and is now shown on the revised survey and MCP as requested. Please see attached for the revised survey and MCP. The applicant is in coordination with LCEC in regard to this easement and anticipates to keep the existing easement and utilities in place.

4. The property development regulations include setbacks for an internal street however no internal streets are proposed on the MCP. Please clarify.

Response: The property development regulations table has been updated to remove reference to internal streets.

5. Please clarify the intended use of the property. The MCP does not show enough detail to indicate the intended use. The applicant has conflicting information in the Schedule of Uses, Property Development Regulations, Deviation Request and MCP.

Response: All documents have been revised as requested to outline the intended use of the property. Please see attached for the revised documents.

6. The applicant is requesting a deviation for steeper side slopes as well as reduced setbacks from a high-speed arterial roadway. Staff is hesitant to recommend approval of the deviations without additional information that specifically addresses the health, safety and welfare impact caused by the requested deviations. Staff recommends the applicant provide conditions of approval to address the impact to the public.

Response: The requested deviation has been removed; the proposed lakes will comply with LDC Section 10-329(d)(4). Please see attached for the revised MCP and Deviation Narrative.

7. The MCP provided did not include any detail as to internal roadways, building orientation, lots or development areas. Staff is unable to fully review the request and reserves the right to additional comments when the resubmittal is received.

Response: The MCP has been revised to include details of the proposed development. Please see attached for the revised MCP.

Environmental Sciences Review

1. Please revise the environmental assessment to state the type of methodology used to survey the project that complies with Lee County Ordinance 89-34.

Response: The environmental assessment has been revised as requested. Please see attached.

2. Please revise the environmental assessment to include a map depicting the transects and species or evidence of the presence of species on the site.

Response: The environmental assessment has been revised as requested. Please see attached.



3. Please submit a formal jurisdictional wetland determination and include the type of mitigation (on or offsite) that is proposed if State wetlands are to be impacted. Lee Plan Policies 124.1.1 and 124.1.2 allow low density residential uses and recreational, open space, or conservation that are compatible with wetland functions. Please include these policies within the Lee Plan analysis.

Response: The jurisdictional wetland determination has been provided as requested. Please see attached for the environmental assessment.

4. The MCP depicts a 20-foot drainage easement overlapping the required ten-foot-wide landscape buffer. Please revise the MCP to depict at least half the required buffer width outside of the 20-foot-wide drainage easement. Per LDC Section 10-421(a)(2)(5), a buffer may overlap an easement as long as half the required width is outside of the easement so that buffer vegetation is not within the easement.

Response: The 20-foot drainage easement shown is an existing drainage easement under O.R. 1153, PG. 1203. Please see attached revised MCP showing the easement and corrected buffering.

5. The lake cross section provided on the MCP states that the lake bank will have approved stabilization methods per LDC Section 10-418(3). Staff is not in favor of Deviation #1 as this is a new development that is not within 10,000 feet from an FAA airport operation. The lakes must be designed to meet the 6:1 slopes per LDC Section 10-329(d)(4). The justification provided relies on the SFWMD requirements. Please revise the justification to meet LDC Section 34-373(a)(9). Please provide more detail regarding how the 4:1 slopes are necessary instead of the 6:1 slopes to enhance the achievement and will not cause a detriment to the public interests. Please provide detailed drawings depicting the type of stabilization proposed to secure the 4:1 slopes. Please provide what type of enhancements are proposed to support water quality and incorporate Lee Plan analysis into the justification for Lee Plan Objectives 61.2, 61.3 and subsequent Policies.

Response: The requested deviation has been removed; the proposed lakes will comply with LDC Section 10-329(d)(4). Please see attached for the revised MCP and Deviation Narrative.

6. Please depict the 20-foot lake maintenance easements (LME) around each lake. Indicate if the 20-foot LME for the northern lake will interfere with the 25-foot wetland structural buffer usually required by SFWMD.

Response: See attached revised MCP for proposed 20-foot lake maintenance easement around wet pond. Please see attached for the revised MCP.

7. Please revise the MCP to depict open space per LDC Section 10-425(a).

Response: The MCP has been revised to depict open space per LDC Section 10-425(a) as requested. Please see attached for the revised MCP.

8. Please revise the MCP to depict the indigenous open space required per LDC Section 10-415(b). Indigenous vegetation is defined in LDC Section 10-1. The environmental assessment did not state the level of exotic vegetation, so indigenous open space cannot be reviewed at this time.

Response: The indigenous open space requirement has been shown on the MCP as requested. Please see attached for the revised MCP.

Legal Review

1. Please provide a Boundary Survey in accordance with the requirements of Lee County LDC Section 34-202(a)(6). The boundary survey submitted is missing the required state plane coordinates.

Response: The boundary survey has been revised as requested. Please see attached.



Natural Resources Review

1. Please provide a written description of the surface water management plan that meets the requirements of LDC Section 34-373(b)(1) or revise the Engineer's Drainage Statement to meet the LDC requirements.

Response: The Engineer's Drainage Statement has been revised to meet LDC requirements as requested. Please see attached for the revised Engineer's Drainage Statement.

2. Does the 20' drainage easement convey offsite flows or outfall onto the property? Please provide an analysis of Lee Plan policy 126.1.4.

Response: The existing drainage does not convey offsite flows or outfall onto the property. It is anticipated this drainage easement will remain as part of the proposed improvements and will not be impacted by the proposed development. The proposed project does not anticipate using this water body as an outfall source for the surface water design. Please see attached for the revised Surface Water Narrative.

Planning Review

1. Please expand the Bonus Density Narrative to address Chapter 2, Article IV of the Land Development Code to address Section 2-146 and Section 2-147 in greater detail.

Response: The Bonus Density Narrative has been revised as requested. Please see attached.

Solid Waste Review

1. Please revise the MCP to depict the proposed dumpster enclosure area in accordance with Ordinance 11-27.

Response: The dumpster enclosure has been shown as requested. Please see attached for the revised MCP.

TIS Review

1. Since the project generates more than 100 trips per hour, the information for intersection Level of Service (LOS) analysis for the project's entrance and the intersections within one quarter of a mile must be provided for review.

Response: Acknowledged. Per discussion with the County Staff, intersection analysis was provided for the US 41 intersections with the proposed project's driveway and Littleton Road. The results of the capacity analysis at the signalized intersection of US 41 with Littleton Road indicate the intersection to operate at a Level of Service "D" both with and without the proposed development in the 2026 AM and PM peak hour traffic conditions. The results of the intersection analysis at the proposed project's driveway on US 41 indicate all movements to operate at an acceptable Level of Service under the build-out AM and PM peak hour traffic conditions. Therefore, no intersection improvements will be warranted as a result of this analysis.



If you have any questions, I can be reached by phone at 239.984.6524 or directly by email at Sina.Ebrahimi@kimley-horn.com.

Sincerely,

A handwritten signature in grey ink, appearing to read "Sina Ebrahimi".

Sina Ebrahimi, P.E.

Project Manager

NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2 UES, INC. IS LB-8336.
2. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
3. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
4. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
5. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
6. ALL HORIZONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE WESTERLY RIGHT OF WAY LINE OF US 41(CLEVELAND AVENUE) BEING S03°25'16"W AS MEASURED.
7. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
8. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
9. SURVEYED PARCEL CONTAINS 845510.28 SQUARE FEET OR 19.41 ACRES, MORE OR LESS.
10. DATE OF LAST FIELD WORK: 4-14-2022; FIELD BOOK 563, PAGE 56.
11. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
14. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY"; NO SURVEY WAS MADE OF ADJOINING LANDS.
15. NO SUBSURFACE UTILITY INVESTIGATION OR EXPLORATION WAS CONDUCTED AS PART OF THIS SURVEY. ONLY ABOVE GROUND UTILITIES WE LOCATED AND MAPPED AS SHOWN.
16. ELEVATIONS SHOWN HEREON ARE BASED ON TIES TO NGS BENCHMARK "E 532 (PID AJ7559) ELEVATION = 17.52 FEET (NAVD 88).
17. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" AS PER FLOOD INSURANCE RATE MAP 12071C0259F, LEE COUNTY, 125124 0259 F, EFFECTIVE DATE AUGUST 28, 2008; REVISED TO REFLECT LOMR JANUARY 3, 2021.
18. BACKGROUND AERIAL IMAGE SHOWN IN THIS TOPOGRAPHIC SURVEY MAP WAS OBTAINED FROM THE LEE COUNTY GOVERNMENT GIS WEBSITE, DATED 2021. RELATIVE POSITIONAL ACCURACY OF AERIAL IMAGERY WAS NOT FIELD VERIFIED. IMAGE IS FOR INFORMATIONAL PURPOSES ONLY.
19. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 80' OR SMALLER.

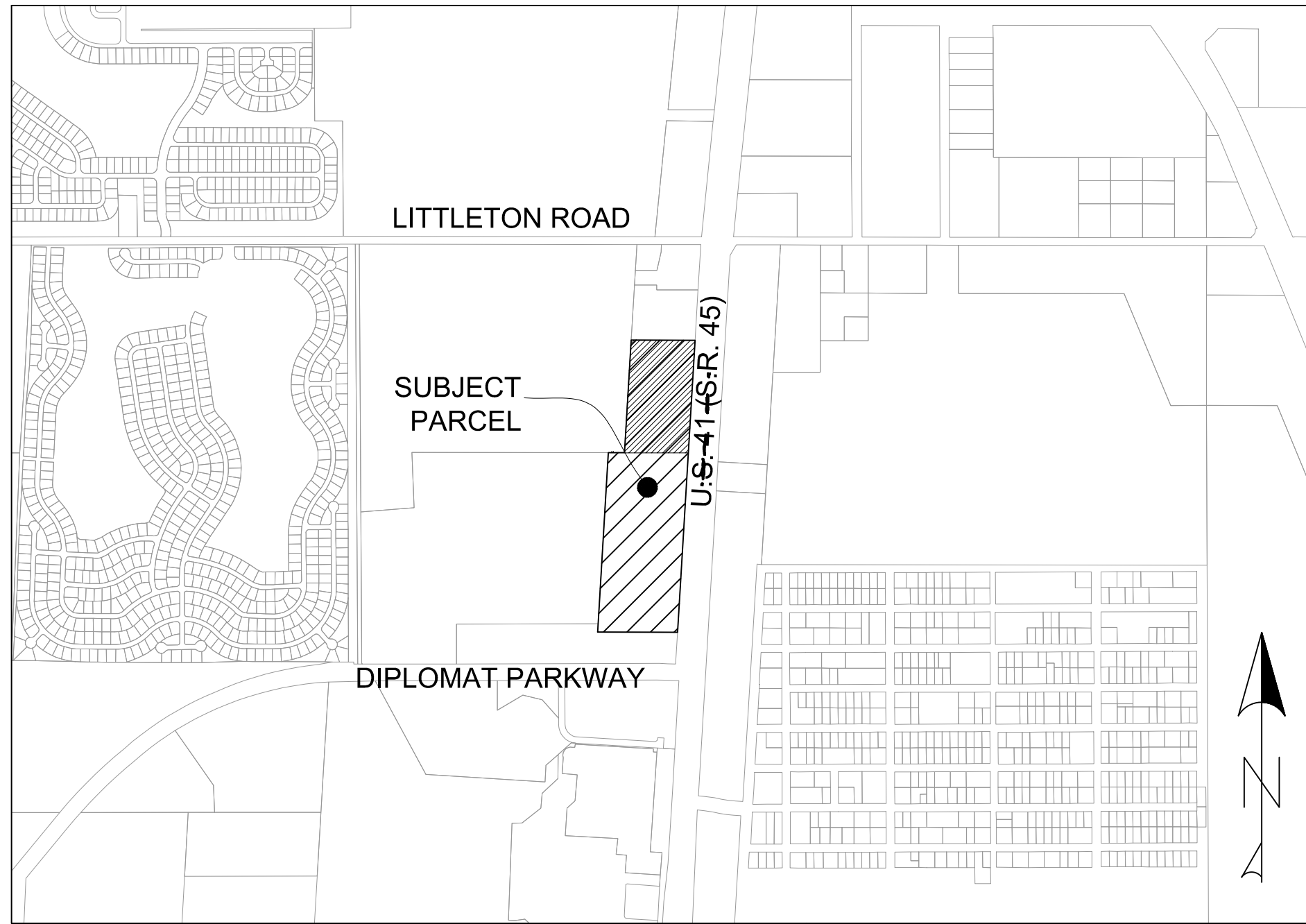
TITLE COMMITMENT NOTES

I HAVE REVIEWED THE CHICAGO TITLE INSURANCE COMPANY TITLE INSURANCE COMMITMENT, FILE NUMBER CC-48181-4909, ORDER NUMBER 9853437, REVISION #1 DATED NOVEMBER 11, 2021. ALL ENCUMBRANCES, EXCEPT LIENS, IDENTIFIED IN SCHEDULE B, SECTION II OF THE TITLE INSURANCE COMMITMENT HAVE BEEN SHOWN OR NOTED ON THE MAP OF SURVEY. SEE THE FOLLOWING COMMENTS:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
- NO KNOWN MATTERS.
2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable. NOTE: 2021 Real Property Taxes in the gross amount of \$128.37 are paid, under Tax I.D. No. 34-43-24-00-00001.3020.
- NOT A MATTER OF SURVEY.
3. Standard Exceptions:
 - A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- ANY KNOWN MATTERS AS SHOWN ON SURVEY.
 - B. Rights or claims of parties in possession not shown by the public records.
- NOT A MATTER OF SURVEY.
 - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
- NOT A MATTER OF SURVEY.
 - D. Taxes or assessments which are not shown as existing liens in the public records.
- NOT A MATTER OF SURVEY.
4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
- NOT A MATTER OF SURVEY.
5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
- NOT A MATTER OF SURVEY.
6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.
- NOT A MATTER OF SURVEY.
7. Easement in favor of Florida Power and Light Company recorded July 5, 1962 in Official Records Book 137, Page 487.
- DOES NOT AFFECT SUBJECT PROPERTY.
8. This item intentionally deleted.
9. Right of Way Easement in favor of Lee County Electric Co-Operative, Inc. recorded June 29, 1973 in Official Records Book 960, Page 205.
- SEE CROSS-HATCHED AREA ON SHEETS 2 AND 3. THE OVERHEAD POWER CROSSING THROUGH THE PROPERTY AS DETERMINED BY THE LOCATION OF EXISTING POLES, FALLS WITHIN THIS AREA. HOWEVER, THE WIDTH OF THE EASEMENT DESCRIBED IS TWELVE FEET WHICH WOULD ONLY LEAVE APPROXIMATELY 6-7 FEET OF THE EASEMENT IN THE DESCRIBED EASEMENT AREA.
10. Drainage Easement as set forth in Warranty Deed recorded April 19, 1976 in Official Records Book 1135, Page 183 and in Corrective Warranty Deed recorded August 11, 1976 in Official Records Book 1153, Page 1203.
- 20-FOOT DRAINAGE EASEMENT AS SHOWN ON SURVEY.
11. This item intentionally deleted.
12. Memorandum of Lease Agreement recorded April 20, 2000 in Official Records Book 3245, Page 4819 and Official Records Book 3245, Page 4820.
- LEASE AGREEMENT NOT A MATTER OF SURVEY, PHYSICAL LOCATION OF LEASE CANNOT BE MAPPED.
13. Ingress/Egress Agreement recorded February 8, 2008 in Instrument No. 2008-000036064, as affected by Notice of Relocation of Easement recorded December 1, 2016 in Instrument No. 2016-000252985 and Corrective Notice of Relocation Easement recorded January 18, 2017 in Instrument No. 2017-000012544.
- 24-FOOT CROSS-ACCESS EASEMENT ABUTS NORTHERLY PROPERTY LINE AS SHOWN ON SURVEY.
14. Drainage Easements as set forth in Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303.
- 20-FOOT DRAINAGE AS SHOWN ON SURVEY.

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY OF A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION: (AS PROVIDED IN TITLE COMMITMENT)

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiami Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

ALTA CERTIFICATION

To:
Quadrant Communities, LLC
Cobb Cole
Chicago Title Insurance Company
Hallin Family, LLC
Sanibel Captiva Community Bank
Cheffer & Hagan, P.A.
Old Republic National Title Insurance Company
Pavese Law Firm

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 7a, 8, 9, 10, 11, 13, 16, 17 and 19 of Table "A" thereof. The fieldwork was completed on 10-18-21.

SIGNATURE _____ DATE _____



LEGEND:

- FOUND CONCRETE MONUMENT
- FOUND IRON ROD & CAP
- FIRE HYDRANT
- GAS MARKER
- ELECTRIC METER
- ELECTRIC DOX
- SIGN POST
- CATCH BASIN
- CONCRETE UTILITY POLE
- GUY ANCHOR
- TOE OF SLOPE
- TOP OF BANK
- TRAFFIC SIGNAL BOX
- FIBER OPTIC BOX
- WOOD POST
- FENCE - BARBED WIRE
- FENCE - CHAIN LINK / U.O.N.
- FENCE - WOOD / U.O.N.
- LIGHT POLE
- WOOD UTILITY POLE
- TELEPHONE RISER
- TELEPHONE VAULT
- WATER VALVE

ABBREVIATIONS:

- ASPH. = ASPHALT
- BND. = BOUNDARY
- (C) = CALCULATED
- CONC. = CONCRETE
- CONT. = CONTROL
- CLF = CHAIN LINK FENCE
- CMP = CORRUGATED METAL PIPE
- COR. = CORNER
- EL. = ELEVATION
- EOP = EDGE OF PAVEMENT
- FNC. = FENCE
- FND = FOUND
- FT. = FEET
- CONC. = CONCRETE
- CMP = CORRUGATED METAL PIPE
- I.D. = IDENTIFICATION
- INSTR = INSTRUMENT
- INV. = INVERT
- IR&C = IRON ROD AND CAP
- LB = LICENSED BUSINESS
- (M) = MEASURED
- MON. = MONUMENT
- NAVD = NORTH AMERICAN VERTICAL DATUM (1988)
- OHP = OVER HEAD POWER
- O.R. = OFFICIAL RECORD BOOK / PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- PT. = POINT
- RCP = REINFORCED CONCRETE PIPE
- (R) = RECORD
- R/W = RIGHT OF WAY
- T/C = TITLE COMMITMENT
- TOB = TOP OF BANK
- TOE = TOE OF SLOPE
- US = UNITED STATES
- U.O.N. = UNLESS OTHERWISE NOTED
- VRS = VIRTUAL REFERENCE STATION
- W/ = WITH
- ± = MORE OR LESS
- " " = STAMPING OF CAP OR DISK

QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

DATE	REVISION	ADD TOPO	REVISED TITLE COMMITMENT
12-6-2021	1	1	1
12-14-2021	2	1	1

COUNTY:	LEE	DWG. DATE:	34-43S-24E	SURVEY DATE:	10-18-21	R/O:	210906	CHECKED BY:	S.U.
SEC.									
PROJECT NUMBER:									
DWG. NUMBER:									

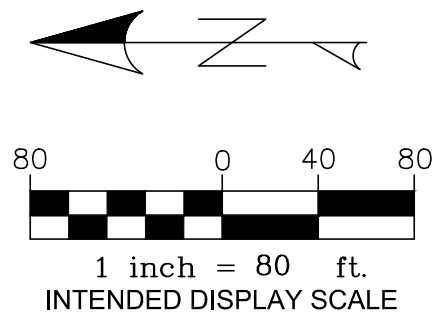
ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



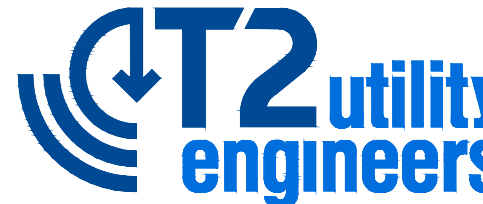
CROSS-HATCH REPRESENTS THE EASEMENT AREA DESCRIBED IN
OFFICIAL RECORDS BOOK 960, PAGE 205 LYING ON SUBJECT PROPERTY.
SEE TITLE COMMITMENT NOTE 9.

FOR:
QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

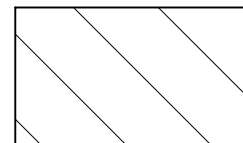
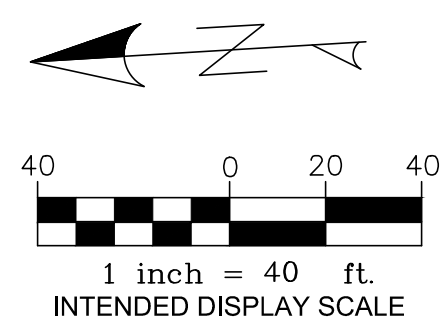
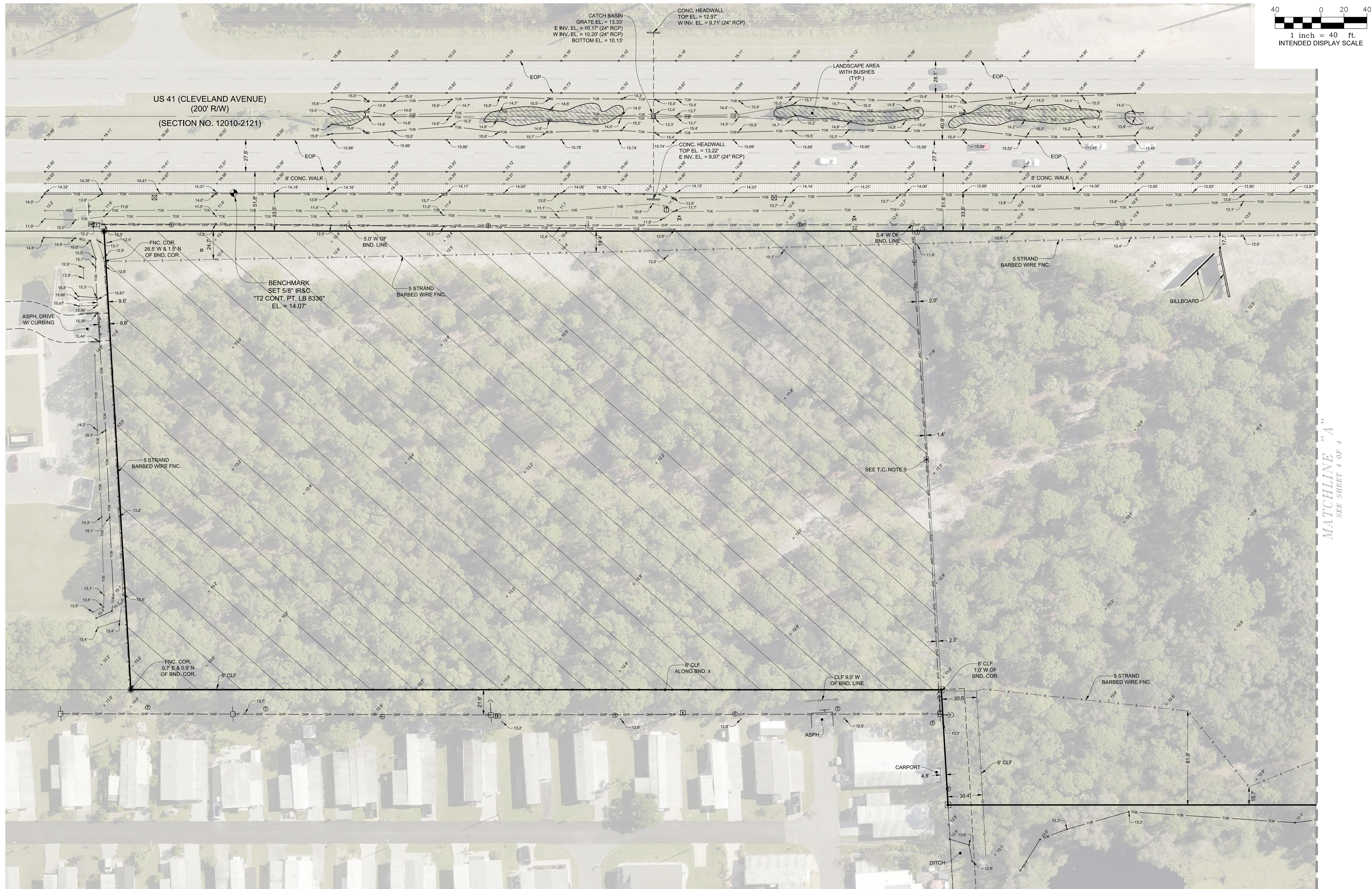
COUNTY:	LEE	DWG. DATE:	11-2-21	REVISION	DATE
SEC.	34-43S-24E	SURVEY DATE:	10-16-21	ADD TOPO	12-6-2021
PROJECT NUMBER:	210906	DRAWN BY:	R.J.O.	ADD ADDITIONAL TOPO	4-18-2022
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.		

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

BOUNDARY DETAIL



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179



CROSS-HATCH REPRESENTS THE EASEMENT AREA DESCRIBED IN OFFICIAL RECORDS BOOK 960, PAGE 205 LYING ON SUBJECT PROPERTY. SEE TITLE COMMITMENT NOTE 9.

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

IMPROVEMENT & TOPO DETAIL



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

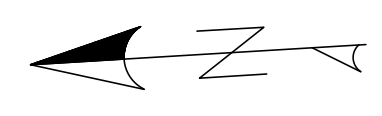
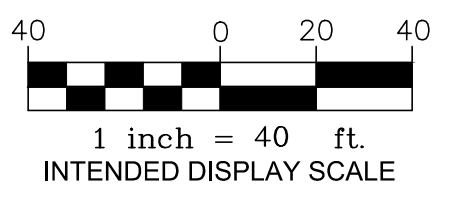
FOR: **QUADRANT COMMUNITES, LLC**
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

COUNTY:	LEE	DWG. DATE:	11-2-21	REVISION	DATE
SEC.	34-43S-24E	SURVEY DATE:	10-18-21	ADD TOPO	12-6-2021
PROJECT NUMBER:	210906	DRAWN BY:	R.J.O.	ADD ADDITIONAL TOPO	4-18-2022
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.		

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

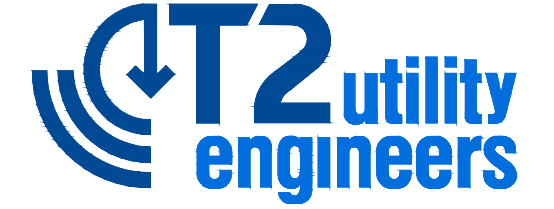


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IMPROVEMENT & TOPO DETAIL

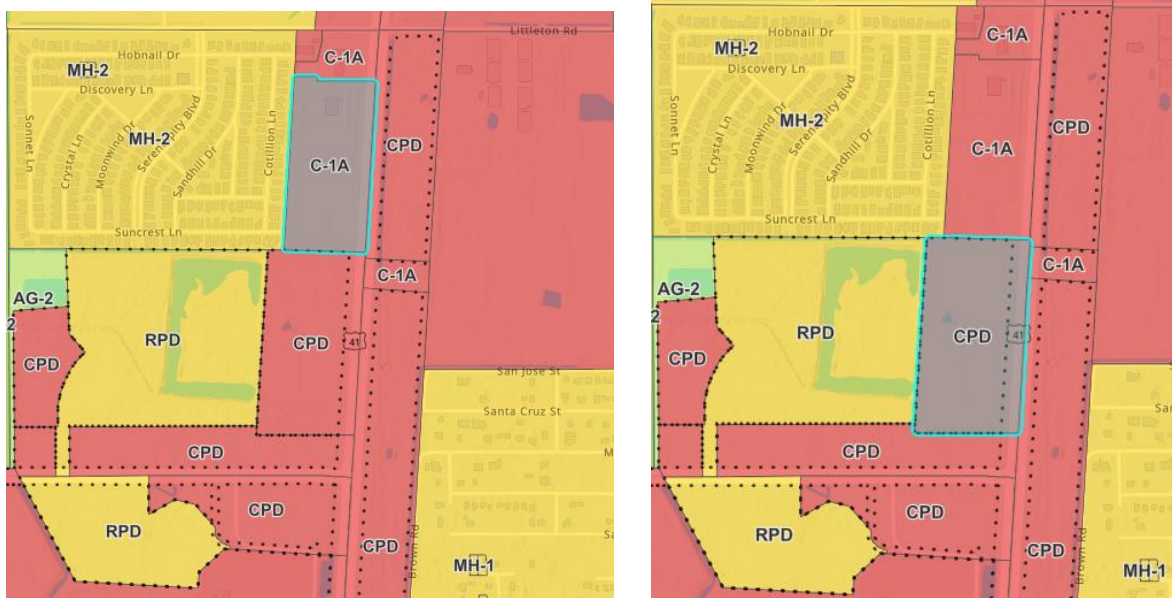


5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

Introduction

The proposed project is located in the Central Urban Future Land Use category, North Fort Myers Community Plan Area, and the Mixed Use Overlay district. The applicant is requesting a rezoning of one (1) parcel from its two (2) existing zoning districts C-1A and CPD to a Residential Planned Development (RPD). The subject property's STRAP ID is 34432400000013020. The proposed MIVO North Fort Myers Development is a multi-family development consisting of approximately 285 apartment units (assuming approval of the requested 95 bonus density units) with surface parking and six (6) detached single story parking garages/storage units. The project site contains approximately 19.41 +/- acres with 0.99 +/- acres of said acreage being wetlands that are not planned to be impacted.

Subject Property Identified on Lee County Zoning Map



The subject property's surrounding area uses include mobile home park and RPD to the west, commercial uses to the north, south, and east which include, but are not limited to, convenience store/gas station, medical offices, self-storage units, shopping center, and automotive services. The MIVO development will provide the area with the missing multi-family units which support the encouraged diversity of housing types and residential use adjacent to retail and services in the Mixed Use Overlay consistent with Lee Plan Policy 30.1.3. Additionally, not only is the proposed project providing this area of North Fort Myers with multi-family dwelling units, but the project also includes the use of the encouraged bonus density program through the County to achieve the desired maximum number of dwelling units, consistent with Lee Plan Policy 11.2.6.

Letters of availability have been acquired for the site confirming there is sufficient infrastructure to serve the proposed project through Lee County Utilities (LCU), Florida Governmental Utility Authority (FGUA), and Lee County Electric Cooperative (LCEC).



Comprehensive Plan Consistency

The proposed development has found to be consistent with the Lee County Comprehensive Plan based on the following analyses:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The subject property is located in the Central Urban Future Land Use category and supports Lee Plan Policy 1.1.3 by providing additional variety of housing to the area which supports the encouraged mixed-use.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)

The subject property is proposed to be rezoned to Residential Planned Development, contiguous with the properties to the west which have zoning designations of RPD and MH-2. The subject property is just north of the Merchants Crossing Shopping Center, Walmart, and similar businesses needed to serve the proposed development’s residents. There is direct access to existing utility services along North Cleveland Avenue via an extension of services consistent with Objective 2.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19)

The proposed project includes development in a future urban area with adequate public facilities to support the development. The proper permitting for a development order will be applied for as well as the concurrency requirements of the Lee County Land Development Code will be met.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The subject property is located directly along North Cleveland Avenue providing immediate access to a commercial corridor, central sewer, and water lines. The subject property is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The subject property is approximately one (1) mile from the Carrie D. Robinson Littleton Elementary School, 2.5 miles from J. Colin English Elementary School, and about four (4) miles to North Fort



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Myers High School. The subject property is compatible with its surrounding properties as it shares the same land use of Central Urban.

POLICY 4.1.1: WATER

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as that is defined by a Fla. Admin. Code R. 62-550).
2. If the proposed development lies within the boundaries a water utility’s certificated or franchised service area, or Lee County Utilities’ future potable water service area (see Map 4-A), then the development must be connected to that utility.
3. The development must provide proof that the prior commitments of the water utility, plus the projected 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 Fla. Admin. Code R. 62-555.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities’ future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
 - Request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
 - Establish a community water system for the development; or
 - Develop at an intensity that does not require a community water system.
7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County’s natural resources.

The subject property is located within Lee County Utilities Future Water Service Area as depicted on Map 4A of the Lee County Comprehensive Land Use Plan. There is an existing 16-inch watermain adjacent to the property along N. Cleveland Avenue that will be used to service the property. A looped 10-inch watermain is being proposed throughout the property to provide adequate water and fire services to the proposed development. A Potable Water Letter of Availability has been obtained from Lee County which shows that the existing infrastructure has the capacity to handle the proposed development.

POLICY 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 4-B), 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 ¼ mile from any part of the development.



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3. If there is not sufficient capacity nor adequate infrastructure within $\frac{1}{4}$ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
 - Request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
 - Establish a self-provided sanitary sewer system for the development;
 - Develop at an intensity that does not require sanitary sewer service; or
 - If no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fl. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

The subject property is located within the Florida Governmental Utility Authority's Sanitary Sewer Service Area. There is an existing 8-inch force main adjacent to the property along N. Cleveland Avenue that will be used to service the property. An 8-inch gravity sewer main is being proposed throughout the property to provide adequate sanitary sewer services to the proposed multi-family development. The gravity system will then connect to an onsite private lift station which will connect to the existing 8-inch force main along N. Cleveland Avenue. A Sanitary Sewer Letter of Availability has been obtained from Florida Governmental Utility Authority which shows that the existing infrastructure has capacity to handle the proposed development.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ord. No. 94-30)

The proposed multi-family project is located along a designated commercial corridor which consists of shopping centers and commercial uses which provides employment opportunities. As stated above there are schools near the subject property and there are two (2) parks within less than $2\frac{1}{2}$ miles of the subject property (North Fort Myers Community Park and Judd Community Park). LeeTran bus stops are available south of the subject property. Running north / south along North Cleveland Avenue is a shared use path for bicycling and walking.

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



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The mobile home park to the west of the subject property abuts the northern portion of the subject project which includes a 1-story amenity center with parking and the remaining area is designated as an indigenous preserve. The proposed multi-family development is designed so that the apartment buildings are located on the southern portion of the subject property, centrally located, with parking spaces surrounding the buildings providing additional buffering from the existing mobile home park exceeding the required setback per the Lee County Land Development Code. The property is currently approved for 6-story multi-family units with a maximum building height of 75 feet per the Administrative Amendment (PD) ADD2020-00054 to Zoning Resolution Z-09-025. The proposed RPD is requesting 4-story multi-family units with a maximum of 60 feet – providing stricter height limitations for the subject property.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)

The proposed development will comply with all required open space, buffering, landscaping, and recreation areas per the North Fort Myers Planning Community standards, Lee Plan, and Lee County Land Development Code.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The residents will have direct access to a dog park, playground, and a walking trail around the lake. The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.

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.

The proposed development would provide for an additional type of housing in the area encouraged by Lee Plan Comprehensive Plan Goal 11. The area has surrounding commercial uses near the development supporting reduced trip lengths and a shared use path traverses north / south along the Project's east boundary. This supports the encouraged variety of transportation options.

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.



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POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

The applicant is applying for an additional 95 units through the bonus density program to provide increased density, though not the maximum allowable through the Central Urban Future Land Use via the bonus density program. The project is

Goal 30 NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

As stated in the Introduction, the subject property is in the North Fort Myers Community Plan Area. The proposed use of the subject property is to provide multi-family development consisting of up to 285 apartment units. Currently in the surrounding area there are mobile home parks, single-family residential, and commercial uses. Allowing for this project will provide the desired diversity of housing in the North Fort Port Myers Community Plan Area per Lee Plan Policy 30.1.3.

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. 09-11, 18-18)

While affordable housing is not specifically identified in this Residential Planned Development, it is expected that an increase in market rate multi-family will result in additional supply to the area. Also, multi-family may be more attainable than single-family homes.

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred.

Currently along N. Cleveland Avenue are commercial land uses. The proposed development will make available multi-family residential for this area providing the corridor a mix of uses as desired by Policy 30.2.4. The development will provide internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring



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enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

The proposed development is within the North Fort Myers Community Planning Area which consists of specific buffering standards to provide consistency with new and existing developments. The proposed development is designed to meet all buffering requirements on the Lee Plan and the Lee County Land Development Code.

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

The proposed development is being designed to meet the North Fort Myers Planning Community and Mixed-Use overlay standards including all other necessary standards per the Lee County Land Development Code.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater. (Ordinance No. 07-12, 18-28.)

The proposed development consists of interconnected dry and wet ponds to handle the surface water runoff that is created due to the development. These ponds are used to protect and enhance the groundwater by being designed to removed pollutants such as nitrogen and phosphorus from the surface water runoff that will eventually drawdown from the site into the groundwater. These pollutant removal efforts are in the form of providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. Also, the dry ponds will be designed so that the bottoms of the ponds are at minimum 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater consistent with Lee Plan Policy 60.1.1:

POLICY 125.1.2: New Development and additions to existing development must not degrade surface and ground water quality. (Ordinance No. 00-22, 18-28)

The proposed development meets the proposed water quality standards set forth by the South Florida Water Management District Criteria. The proposed wet and dry ponds will provide all of the required water quality treatment for this development to ensure that the surface and ground water quality will not be degraded which is consistent with Lee plan Policy 125.1.2.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface and ground water quality by meeting the required water quality standards per South Florida Water Management District. The proposed development consists of multiple drainage elements that minimizes the nutrient loading and pollution of freshwater and estuarine systems. These drainage elements include providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the



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removal of pollutants. The dry ponds are designed so that the bottoms of the ponds are 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater.

POLICY 126.1.4: Development Designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface water flows by providing proper conveyance of the stormwater runoff, and will maintain all existing groundwater levels.

Lee County Land Development Code Consistency

The proposed development has been found consistent with the Lee County Land Development Code based on the following analyses:

Section 34-145(d)(4)a.1.a) Complies with the Lee Plan

The proposed development has been found consistent with the Lee Plan. Please see Comprehensive Plan Consistency above.

Section 34-145(d)(4)a.1.b) Meets this Code and other applicable County regulations or qualifies for deviations.

The proposed development meets the Lee County Land Development Code and does not require any deviations.

Section 34-145(d)(4)a.1.c) Is compatible with existing and planned uses in the surrounding area.

Yes, the proposed development has been found consistent with the existing and planned uses in the surrounding area per the Lee Plan and Land Development Code Consistency reviews. The development will provide a less intense project than what the property is currently entitled for.

Section 34-145(d)(4)a.1.d) Will provide access sufficient to support the proposed development intensity.

The Applicant is proposing improvements to US 41 by providing a left turn in lane to the property providing ease of access to the site and reducing any interruptions to traffic traveling north on US 41.

Section 34-145(d)(4)a.1.e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.

The proposed development would produce 1,902 trips per day which is significantly less than what the property's current approved number of trips at 7,657 trips per day.

Section 34-145(d)(4)a.1.f) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The project will not adversely affect environmentally critical or sensitive areas and natural resources on the site. The development conserves existing wetlands on the northern portion of the property as an indigenous preserve.



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Section 34-145(d)(4)a.1.g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The proposed development is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The property is served by Lee County Sheriff – North and is within the North Fort Myers Fire District. The Fire Station is approximately 3.9 miles from the site.

Sec. 34-145(d)(4)a.2.a) The proposed use or mix of uses is appropriate at the proposed location.

Yes, the subject property's proposed use of Residential Planned Development (RPD) is consistent with the surrounding properties. West of the subject property is an existing RPD and a Mobile Home Park (MH-2). To the north, south, and east of the subject property are developed, and some undeveloped, commercial properties providing a mix of uses to serve the proposed project and existing developments. The proposed use of the subject property is multi-family units. By adding multi-family units, it will provide another type of housing to this area, meeting the purpose and intent of the Lee County Land Development Code.

Sec. 34-145(d)(4)a.2.b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The proposed development will consist of the necessary safeguards to protect the public from any negative impacts. The proposed project will provide the required buffering per the Lee County Land Development Code, sufficient supporting infrastructure, and any reasonable measures necessary to protect the health, safety, and welfare of the proposed developments residents and surrounding property owners.

Sec. 34-145(d)(4)a.2.c.1) Enhances the achievement of the objectives of the planned development.

The proposed development facilitates state of the art site planning to improve the quality of the environment and ensure the most economical use of land and public resources. The proposed development also stimulates the integration of new development within the surrounding land uses and visual harmony will be maintained. The proposed mix of residential uses encourages compatible uses to be developed on the site and promotes patterns of land use that support economical provision of infrastructure.

Sec. 34-145(d)(4)a.2.c.2) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The proposed development is consistent with this Code and all other applicable County regulations. Its intent is to implement the goals, objectives, and policies of the Lee Plan while providing some degree of flexibility in planning and designing developments to promote protection of the public, health, safety, and welfare.



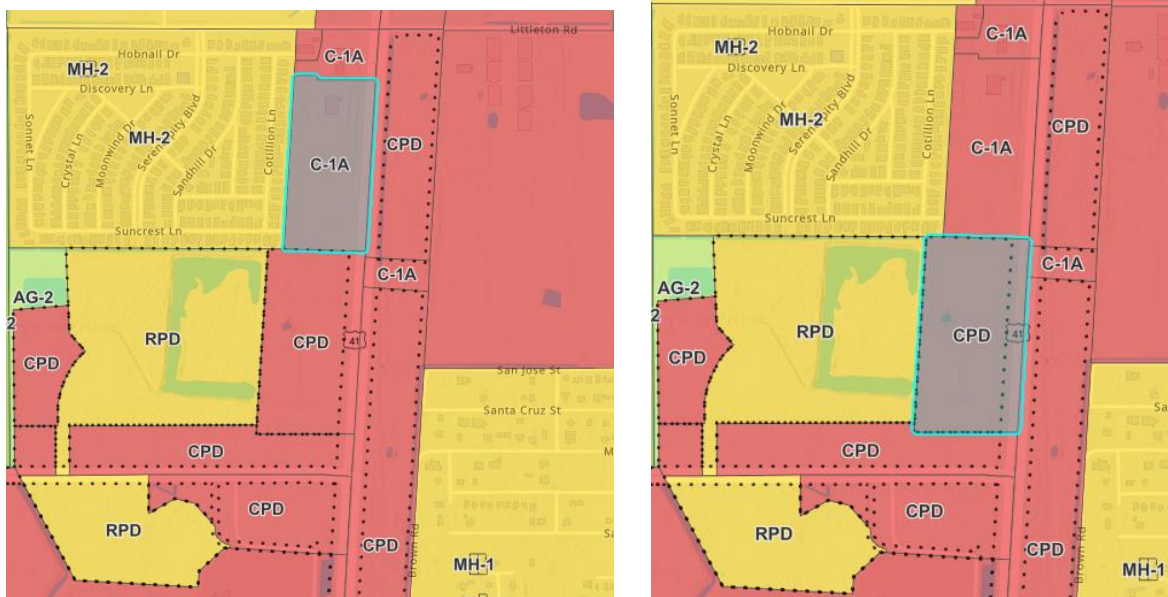
**MIVO DEVELOPMENT GROUP
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Introduction

The proposed project is located in the Central Urban Future Land Use category, North Fort Myers Community Plan Area, and the Mixed Use Overlay district. The applicant is requesting a rezoning of one (1) parcel from its two (2) existing zoning districts Commercial (C-1A) and Commercial Planned Development (CPD) to a Residential Planned Development (RPD). The subject property's STRAP ID is 34432400000013020. The proposed MIVO North Fort Myers Development is a multi-family development consisting of approximately 285 apartment units (assuming approval of the requested 95 bonus density units) with surface parking and six (6) detached single story parking garages/storage units. The project site contains approximately 19.41 +/- acres with 0.99 +/- acres of said acreage being wetlands that are not planned to be impacted.

Subject Property Identified on Lee County Zoning Map



The subject property's surrounding area uses include a mobile home park and RPD to the west, commercial uses to the north, south, and east which include, but are not limited to, convenience store/gas station, medical offices, self-storage units, shopping center, and automotive services. The MIVO development will provide the area with the missing multi-family units which support the encouraged diversity of housing types and residential use adjacent to retail and services in the Mixed Use Overlay consistent with Lee Plan Policy 30.1.3. Additionally, not only is the proposed project providing this area of North Fort Myers with multi-family dwelling units, but the project also includes the use of the encouraged bonus density program through Lee County to achieve the desired maximum number of dwelling units, consistent with Lee Plan Policy 11.2.6.

Letters of availability have been acquired for the site confirming there is sufficient infrastructure to serve the proposed project through Lee County Utilities (LCU), Florida Governmental Utility Authority (FGUA), and Lee County Electric Cooperative (LCEC).



Comprehensive Plan Consistency

The proposed development has found to be consistent with the Lee County Comprehensive Plan based on the following analyses:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The subject property is located in the Central Urban Future Land Use category and supports Lee Plan Policy 1.1.3 by providing additional variety of housing to the area which supports the encouraged mixed-use.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)

The subject property is proposed to be rezoned to Residential Planned Development, contiguous with the properties to the west which have zoning designations of RPD and MH-2. The subject property is just north of the Merchants Crossing Shopping Center, Walmart, and similar businesses needed to serve the proposed development's residents. There is direct access to existing utility services along North Cleveland Avenue via an extension of services consistent with Objective 2.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19)

The proposed project includes development in a future urban area with adequate public facilities to support the development. The proper permitting for a development order will be applied for as well as the concurrency requirements of the Lee County Land Development Code will be met.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The subject property is located directly along North Cleveland Avenue providing immediate access to an arterial roadway, central sewer, and water/sewer lines. The subject property is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The subject property is approximately one (1) mile from the Carrie D. Robinson Littleton Elementary School, 2.5 miles from J. Colin English Elementary School, and about four (4) miles to North Fort



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Myers High School. The subject property is compatible with its surrounding properties as it shares the same land use of Central Urban.

POLICY 4.1.1: WATER

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as that is defined by a Fla. Admin. Code R. 62-550).
2. If the proposed development lies within the boundaries a water utility’s certificated or franchised service area, or Lee County Utilities’ future potable water service area (see Map 4-A), then the development must be connected to that utility.
3. The development must provide proof that the prior commitments of the water utility, plus the projected 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 Fla. Admin. Code R. 62-555.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities’ future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
 - Request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
 - Establish a community water system for the development; or
 - Develop at an intensity that does not require a community water system.
7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County’s natural resources.

The subject property is located within Lee County Utilities Future Water Service Area as depicted on Map 4A of the Lee County Comprehensive Land Use Plan. There is an existing 16-inch watermain adjacent to the property along N. Cleveland Avenue that will be used to service the property. A looped 10-inch watermain is being proposed throughout the property to provide adequate water and fire services to the proposed development. A Potable Water Letter of Availability has been obtained from Lee County which shows that the existing infrastructure has the capacity to handle the proposed development.

POLICY 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 4-B), 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 ¼ mile from any part of the development.



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3. If there is not sufficient capacity nor adequate infrastructure within $\frac{1}{4}$ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
 - Request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
 - Establish a self-provided sanitary sewer system for the development;
 - Develop at an intensity that does not require sanitary sewer service; or
 - If no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fl. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

The subject property is located within the Florida Governmental Utility Authority's Sanitary Sewer Service Area. There is an existing 8-inch force main adjacent to the property along N. Cleveland Avenue that will be used to service the property. An 8-inch gravity sewer main is being proposed throughout the property to provide adequate sanitary sewer services to the proposed multi-family development. The gravity system will then connect to an onsite private lift station which will connect to the existing 8-inch force main along N. Cleveland Avenue. A Sanitary Sewer Letter of Availability has been obtained from Florida Governmental Utility Authority which shows that the existing infrastructure has capacity to handle the proposed development.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ord. No. 94-30)

The proposed multi-family project is located along a designated commercial corridor which consists of shopping centers and commercial uses which provides employment opportunities. As stated above there are schools near the subject property and there are two (2) parks within less than 2 $\frac{1}{2}$ miles of the subject property (North Fort Myers Community Park and Judd Community Park). LeeTran bus stops are available south of the subject property. Running north / south along North Cleveland Avenue is a shared use path for bicycling and walking.

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



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The mobile home park to the west of the subject property abuts the northern portion of the subject project which includes a 1-story amenity center with parking and the remaining area is designated as an indigenous preserve. The proposed multi-family development is designed so that the apartment buildings are located on the southern portion of the subject property, centrally located, with parking spaces surrounding the buildings providing additional buffering from the existing mobile home park exceeding the required setback per the Lee County Land Development Code. The property is currently approved for 6-story multi-family units with a maximum building height of 75 feet per the Administrative Amendment (PD) ADD2020-00054 to Zoning Resolution Z-09-025. The proposed RPD is requesting 4-story multi-family units with a maximum of 60 feet – providing stricter height limitations for the subject property.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)

The proposed development will comply with all required open space, buffering, landscaping, and recreation areas per the North Fort Myers Planning Community standards, Lee Plan, and Lee County Land Development Code.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The residents will have direct access to a dog park, playground, and a walking trail around the lake on the property. The project will extend internal sidewalks to connect to the existing external trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to commercial uses and Littleton Road.

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.

The proposed development would provide for an additional type of housing in the area encouraged by Lee Plan Comprehensive Plan Goal 11. The area has surrounding commercial uses near the development supporting reduced trip lengths and a shared use path traverses north / south along the Project's east boundary. This supports the encouraged variety of transportation options.

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

The project will extend internal sidewalks to connect to the existing external sidewalk/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to commercial uses and Littleton Road.



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POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

The Property is within the Mixed Use overlay and the Applicant is applying for an additional 95 units through the bonus density program to provide increased density supporting Policy 11.2.6.

Goal 30 NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

As stated in the Introduction, the subject property is in the North Fort Myers Community Plan Area. The proposed use of the subject property is to provide multi-family development consisting of up to 285 apartment units. Currently in the surrounding area there are mobile home parks, single-family residential, and commercial uses. Allowing for this project will provide the desired diversity of housing in the North Fort Port Myers Community Plan Area per Lee Plan Policy 30.1.3.

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. 09-11, 18-18)

While affordable housing is not specifically identified in this Residential Planned Development, it is expected that an increase in market rate multi-family will result in additional supply to the area. Also, multi-family may be more attainable than single-family homes.

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred.

Currently along N. Cleveland Avenue are commercial land uses. The proposed development will make available multi-family residential for this area providing the corridor a mix of uses as desired by Policy 30.2.4. The development will provide internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road and commercial uses.

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage,



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enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

The proposed development is within the North Fort Myers Community Plan Area which consists of specific buffering standards to provide consistency with new and existing developments. The proposed development is designed to meet all buffering requirements on the Lee Plan and the Lee County Land Development Code.

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

The proposed development is being designed to meet the North Fort Myers Planning Community and Mixed-Use overlay standards including all other necessary standards per the Lee County Land Development Code.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater. (Ordinance No. 07-12, 18-28.)

The proposed development consists of interconnected dry and wet ponds to handle the surface water runoff that is created due to the development. These ponds are used to protect and enhance the groundwater by being designed to removed pollutants such as nitrogen and phosphorus from the surface water runoff that will eventually drawdown from the site into the groundwater. These pollutant removal efforts are in the form of providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. Also, the dry ponds will be designed so that the bottoms of the ponds are at minimum 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater consistent with Lee Plan Policy 60.1.1:

POLICY 125.1.2: New Development and additions to existing development must not degrade surface and ground water quality. (Ordinance No. 00-22, 18-28)

The proposed development meets the proposed water quality standards set forth by the South Florida Water Management District Criteria. The proposed wet and dry ponds will provide all of the required water quality treatment for this development to ensure that the surface and ground water quality will not be degraded which is consistent with Lee plan Policy 125.1.2.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface and ground water quality by meeting the required water quality standards per South Florida Water Management District. The proposed development consists of multiple drainage elements that minimizes the nutrient loading and pollution of freshwater and estuarine systems. These drainage elements include providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. The dry ponds are designed so that the bottoms of the ponds are 1 foot



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above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater.

POLICY 126.1.4: Development Designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface water flows by providing proper conveyance of the stormwater runoff, and will maintain all existing groundwater levels.

Lee County Land Development Code Consistency

The proposed development has been found consistent with the Lee County Land Development Code based on the following analyses:

Section 34-145(d)(4)a.1.a) Complies with the Lee Plan

The proposed development has been found consistent with the Lee Plan. Please see Comprehensive Plan Consistency above.

Section 34-145(d)(4)a.1.b) Meets this Code and other applicable County regulations or qualifies for deviations.

The proposed development meets the Lee County Land Development Code and does not require any deviations.

Section 34-145(d)(4)a.1.c) Is compatible with existing and planned uses in the surrounding area.

Yes, the proposed development has been found consistent with the existing and planned uses in the surrounding area per the Lee Plan and Land Development Code Consistency reviews. The development will provide a less intense project than what the property is currently entitled for.

Section 34-145(d)(4)a.1.d) Will provide access sufficient to support the proposed development intensity.

The Applicant is proposing a left-in/right-in/right-out only access drive and improvements to US 41 by providing a left turn in lane to the property providing ease of access to the site and reducing any interruptions to traffic traveling north on US 41.

Section 34-145(d)(4)a.1.e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.

The proposed development would produce 1,902 trips per day which is significantly less than what the property's current approved number of trips at 7,657 trips per day.

Section 34-145(d)(4)a.1.f) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The project will not adversely affect environmentally critical or sensitive areas and natural resources on the site. The development conserves existing wetlands on the northern portion of the property as an indigenous preserve.



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Section 34-145(d)(4)a.1.g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The proposed development is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The property is served by Lee County Sheriff – North and is within the North Fort Myers Fire District. The Fire Station is approximately 3.9 miles from the site.

Sec. 34-145(d)(4)a.2.a) The proposed use or mix of uses is appropriate at the proposed location.

Yes, the subject property's proposed use of Residential Planned Development (RPD) is consistent with the surrounding properties. West of the subject property is an existing RPD and a Mobile Home Park (MH-2). To the north, south, and east of the subject property are developed, and some undeveloped, commercial properties providing a mix of uses to serve the proposed project and existing developments. The proposed use of the subject property is multi-family units. By adding multi-family units, it will provide another type of housing to this area, meeting the purpose and intent of the Lee County Land Development Code.

Sec. 34-145(d)(4)a.2.b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The proposed development will consist of the necessary safeguards to protect the public from any negative impacts. The proposed project will provide the required buffering per the Lee County Land Development Code, sufficient supporting infrastructure, and any reasonable measures necessary to protect the health, safety, and welfare of the proposed developments residents and surrounding property owners.

Sec. 34-145(d)(4)a.2.c.1) Enhances the achievement of the objectives of the planned development.

The proposed development facilitates state of the art site planning to improve the quality of the environment and ensure the most economical use of land and public resources. The proposed development also stimulates the integration of new development within the surrounding land uses and visual harmony will be maintained. The proposed mix of residential uses encourages compatible uses to be developed on the site and promotes patterns of land use that support economical provision of infrastructure.

Sec. 34-145(d)(4)a.2.c.2) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The proposed development is consistent with this Code and all other applicable County regulations. Its intent is to implement the goals, objectives, and policies of the Lee Plan while providing some degree of flexibility in planning and designing developments to promote protection of the public, health, safety, and welfare.



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

June 21, 2022

Mr. Sina Ebrahimi, P.E.
Kimley-Horn and Associates, Inc.
1412 Jackson Street
Fort Myers, FL 33901

RE: MIVO North Fort Myers
DCI2022-00027

Dear Mr. Ebrahimi:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

1. *Since the project generates more than 100 trips per hour, the information for intersection Level of Service (LOS) analysis for the project's entrance and the intersections within one quarter of a mile must be provided for review.*

Acknowledged. Per discussion with the County Staff, intersection analysis was provided for the US 41 intersections with the proposed project's driveway and Littleton Road. The results of the capacity analysis at the signalized intersection of US 41 with Littleton Road indicate the intersection to operate at a Level of Service "D" both with and without the proposed development in the 2026 AM and PM peak hour traffic conditions. The results of the intersection analysis at the proposed project's driveway on US 41 indicate all movements to operate at an acceptable Level of Service under the build-out AM and PM peak hour traffic conditions. Therefore, no intersection improvements will be warranted as a result of this analysis.

If you have any additional questions, please do not hesitate to contact us.

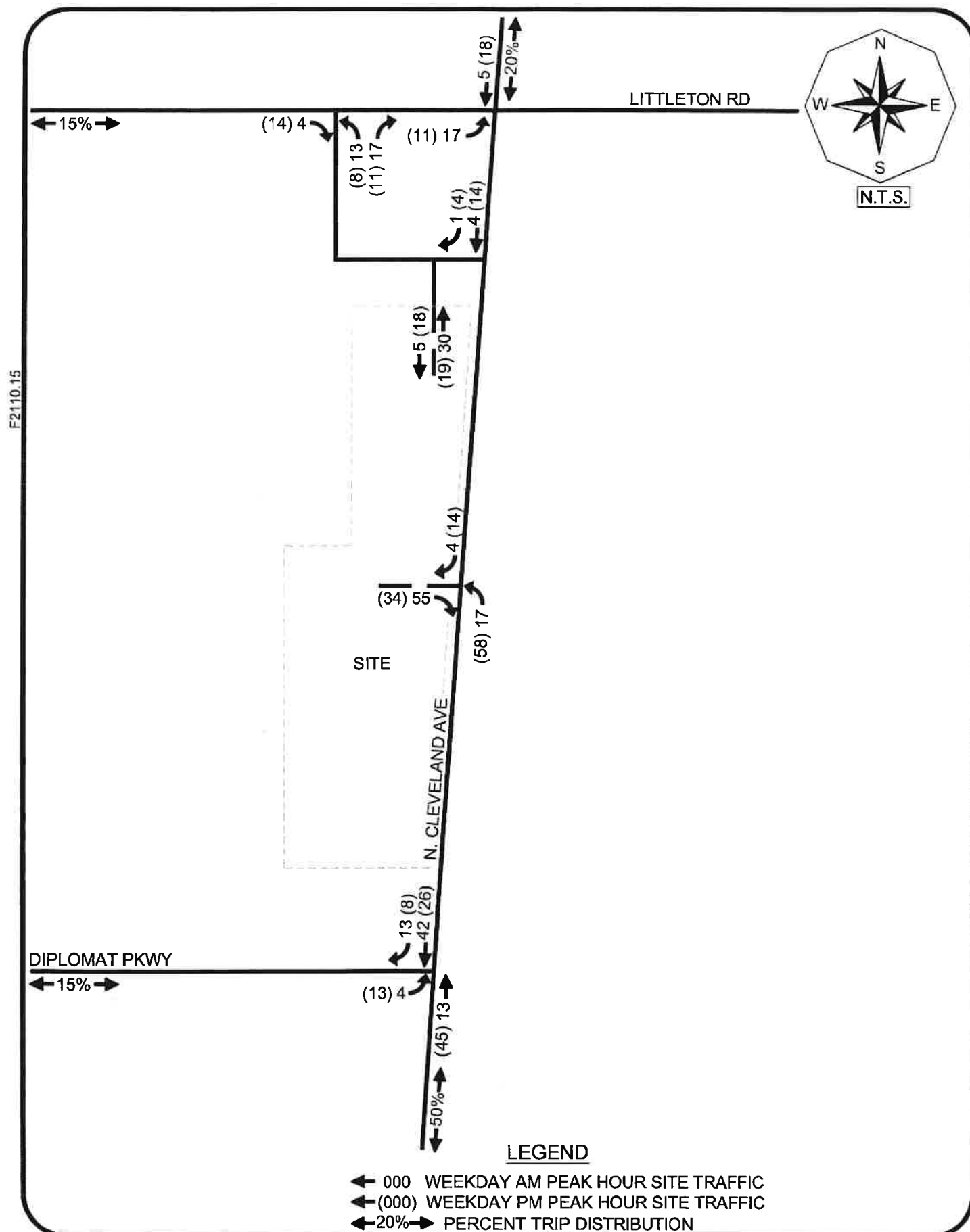
Sincerely,

A handwritten signature in black ink, appearing to read 'Yury Bykau', is written over a light blue horizontal line.

Yury Bykau, P.E.
Transportation Consultant

Attachments

FIGURE 2
SITE TRAFFIC ASSIGNMENT



FDOT PEAK SEASON CORRECTION FACTOR

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
 CATEGORY: 1200 LEE COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.96 PSCF
1	01/01/2021 - 01/02/2021	0.96	1.00
2	01/03/2021 - 01/09/2021	1.00	1.04
3	01/10/2021 - 01/16/2021	1.04	1.08
4	01/17/2021 - 01/23/2021	1.02	1.06
5	01/24/2021 - 01/30/2021	1.01	1.05
6	01/31/2021 - 02/06/2021	0.99	1.03
* 7	02/07/2021 - 02/13/2021	0.98	1.02
* 8	02/14/2021 - 02/20/2021	0.97	1.01
* 9	02/21/2021 - 02/27/2021	0.96	1.00
*10	02/28/2021 - 03/06/2021	0.95	0.99
*11	03/07/2021 - 03/13/2021	0.94	0.98
*12	03/14/2021 - 03/20/2021	0.93	0.97
*13	03/21/2021 - 03/27/2021	0.94	0.98
*14	03/28/2021 - 04/03/2021	0.95	0.99
*15	04/04/2021 - 04/10/2021	0.96	1.00
*16	04/11/2021 - 04/17/2021	0.96	1.00
*17	04/18/2021 - 04/24/2021	0.97	1.01
*18	04/25/2021 - 05/01/2021	0.98	1.02
*19	05/02/2021 - 05/08/2021	0.99	1.03
20	05/09/2021 - 05/15/2021	1.00	1.04
21	05/16/2021 - 05/22/2021	1.01	1.05
22	05/23/2021 - 05/29/2021	1.02	1.06
23	05/30/2021 - 06/05/2021	1.02	1.06
24	06/06/2021 - 06/12/2021	1.03	1.07
25	06/13/2021 - 06/19/2021	1.04	1.08
26	06/20/2021 - 06/26/2021	1.06	1.10
27	06/27/2021 - 07/03/2021	1.07	1.11
28	07/04/2021 - 07/10/2021	1.08	1.13
29	07/11/2021 - 07/17/2021	1.10	1.15
30	07/18/2021 - 07/24/2021	1.09	1.14
31	07/25/2021 - 07/31/2021	1.09	1.14
32	08/01/2021 - 08/07/2021	1.09	1.14
33	08/08/2021 - 08/14/2021	1.08	1.13
34	08/15/2021 - 08/21/2021	1.08	1.13
35	08/22/2021 - 08/28/2021	1.08	1.13
36	08/29/2021 - 09/04/2021	1.07	1.11
37	09/05/2021 - 09/11/2021	1.07	1.11
38	09/12/2021 - 09/18/2021	1.06	1.10
39	09/19/2021 - 09/25/2021	1.04	1.08
40	09/26/2021 - 10/02/2021	1.03	1.07
41	10/03/2021 - 10/09/2021	1.01	1.05
42	10/10/2021 - 10/16/2021	0.99	1.03
43	10/17/2021 - 10/23/2021	0.98	1.02
44	10/24/2021 - 10/30/2021	0.98	1.02
45	10/31/2021 - 11/06/2021	0.97	1.01
46	11/07/2021 - 11/13/2021	0.97	1.01
47	11/14/2021 - 11/20/2021	0.96	1.00
48	11/21/2021 - 11/27/2021	0.96	1.00
49	11/28/2021 - 12/04/2021	0.96	1.00
50	12/05/2021 - 12/11/2021	0.96	1.00
51	12/12/2021 - 12/18/2021	0.96	1.00
52	12/19/2021 - 12/25/2021	1.00	1.04
53	12/26/2021 - 12/31/2021	1.04	1.08

* PEAK SEASON

11-MAR-2022 14:24:13

830UPD

1_1200_PKSEASON.TXT

TRAFFIC COUNTS
US 41 @ LITTLETON RD

US 41 @ Littleton 2-11-2021
Fort Myers FL
Thursday, February 11, 2021

Time	Southbound US 41						Westbound Littleton Rd						Northbound US 41						Eastbound Littleton Rd						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:00 PM	0	8	159	21	1	188	0	37	93	8	0	138	4	37	237	22	0	300	0	25	44	20	1	89	715
4:15 PM	1	3	181	15	1	200	0	33	61	11	0	105	2	14	231	36	2	283	0	26	39	24	0	89	677
4:30 PM	0	5	196	23	0	224	0	30	59	8	0	97	1	30	241	30	0	302	0	33	38	31	0	102	725
4:45 PM	0	7	156	16	0	181	0	44	60	6	0	110	1	28	238	25	0	292	0	17	39	14	0	70	653
Hourly Total	1	23	694	75	2	793	0	144	273	33	0	450	8	109	947	113	2	1177	0	101	160	89	1	350	2770
5:00 PM	3	7	168	30	0	208	0	37	57	11	0	105	1	30	235	31	1	297	0	23	47	29	0	99	709
5:15 PM	0	11	181	22	0	214	0	31	72	4	0	107	1	24	243	34	0	302	0	24	40	33	0	97	720
5:30 PM	0	10	177	15	0	202	0	30	95	8	0	131	1	34	227	33	0	295	0	18	42	17	0	77	705
5:45 PM	0	4	149	18	0	171	0	35	68	8	0	111	0	25	209	27	0	261	0	12	44	24	0	80	623
Hourly Total	3	32	675	85	0	795	0	133	292	29	0	454	3	113	914	125	1	1155	0	77	173	103	0	353	2757
6:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DAILY TOTAL	4	55	1369	160	2	1588	0	277	565	62	0	904	11	222	1861	238	3	2332	0	178	333	192	1	703	5527
Cars	4	49	1333	160	0	1546	0	272	554	61	0	887	11	221	1842	228	0	2302	0	174	320	188	0	682	5417
Heavy Vehicles	0	6	36	0	2	42	0	5	11	1	0	17	0	1	19	10	3	30	0	4	13	4	1	21	110
Heavy Vehicle %	0.00%	10.91%	2.63%	0.00%	100.00%	2.64%	0.00%	1.81%	1.95%	1.61%	0.00%	1.88%	0.00%	0.45%	1.02%	4.20%	100.00%	1.29%	0.00%	2.25%	3.90%	2.08%	100.00%	2.99%	1.99%

US 41 @ Littleton 2-11-2021
Fort Myers FL
Thursday, February 11, 2021

AM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

PM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:30 PM	0	5	196	23	0	224	0	30	59	8	0	97	1	30	241	30	0	302	0	33	38	31	0	102	725
4:45 PM	0	7	158	16	0	181	0	44	60	6	0	110	1	28	238	25	0	292	0	17	39	14	0	70	653
5:00 PM	3	7	168	30	0	208	0	37	57	11	0	105	1	30	235	31	1	297	0	23	47	29	0	99	709
5:15 PM	0	11	181	22	0	214	0	31	72	4	0	107	1	24	243	34	0	302	0	24	40	33	0	97	720
Peak Hour Total	3	30	703	91	0	827	0	142	248	29	0	419	4	112	957	120	1	1193	0	97	164	107	0	368	2807
PHF	0.250	0.682	0.897	0.758	0.000	0.923	0.000	0.807	0.861	0.659	0.000	0.952	1.000	0.933	0.985	0.882	0.250	0.988	0.000	0.735	0.872	0.811	0.000	0.902	0.968

Total Vehicles On Leg		3693			
Vehicles Entering Intersection		1588	Vehicles Exiting Intersection		2105
Southbound					
Cars	160	1333	49	4	0
Heavy	0	36	6	0	2
Total	160	1369	55	4	2



Total Vehicles on Leg	Vehicles Entering Intersection	Vehicles Exiting Intersection	Eastbound		
			Cars	Heavy	Total
1650	703	947	0	1	1
			0	0	0
	947	626	174	4	178
			320	13	333
			188	4	192



Daily Volumes

Cars	Heavy	Total	Westbound	Vehicles Entering Intersection 904	Total Vehicles on Leg 1530
61	1	62			
554	11	565			
272	5	277			
0	0	0	Eastbound	Vehicles Exiting Intersection 626	
0	0	0			



Cars	0	11	221	1842	228
Heavy	3	0	1	19	10
Total	3	11	222	1861	238
Northbound					
Vehicles Entering Intersection			Vehicles Exiting Intersection		
2332			1849		
Total Vehicles On Leg			4181		



**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES
SPREADSHEETS**

Development of Future Year Background Turning Volumes

Intersection	US 41 @ Littleton Rd													
Count Date	February 11, 2021													
Build-Out Year	2026													
	PM Peak Hour													
RAW Turning Movement Counts	NBLU	NBL	NBT	NBR	SBLU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Peak Season Correction Factor	4	112	957	120	3	30	703	91	97	164	107	142	248	29
Current Peak Season Volumes	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
	4	114	976	122	3	31	717	93	99	167	109	145	253	30
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	3.17%	3.17%	3.17%	3.17%	3.17%	3.17%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2026 Background Turning Volumes	4	126	1,078	135	3	34	792	103	116	195	127	169	296	35
Project Turning Volumes							18		11					
2026 Background + Project	4	126	1,078	135	3	34	810	103	127	195	127	169	296	35

Development of Future Year Background Turning Volumes

Intersection	US 41 @ Site Access											
Count Date	February 11, 2021											
Build-Out Year	2026											
	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	1,193	0	0	956	0	0	0	0	0	0	0
Peak Season Correction Factor	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
Current Peak Season Volumes	0	1,217	0	0	975	0	0	0	0	0	0	0
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5
2026 Background Turning Volumes	0	1,344	0	0	1,076	0	0	0	0	0	0	0
Project Turning Volumes	58					14			34			
2026 Background + Project	58	1,344	0	0	1,076	14	0	0	34	0	0	0

SYNCHRO SUMMARY SHEETS
US 41 @ LITTLETON RD

Lanes, Volumes, Timings

36: US 41 & Littleton Rd

2026 PM Pk Hr Background

06/21/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	116	195	127	169	296	35	4	126	1078	135	3	34
Future Volume (vph)	116	195	127	169	296	35	4	126	1078	135	3	34
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	595		405	305		0		585		400		500
Storage Lanes	1		1	1		0		1		1		1
Taper Length (ft)	50			50				50				50
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	0.95	1.00	0.95	1.00
Frt			0.850		0.984					0.850		
Flt Protected	0.950			0.950				0.950				0.950
Satd. Flow (prot)	1770	1863	1583	1770	1833	0	0	1770	3539	1583	0	1770
Flt Permitted	0.153			0.319				0.950				0.950
Satd. Flow (perm)	285	1863	1583	594	1833	0	0	1770	3539	1583	0	1770
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)			147		3					115		
Link Speed (mph)		40			45				55			
Link Distance (ft)		745			972				902			
Travel Time (s)		12.7			14.7				11.2			
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	126	212	138	184	322	38	4	137	1172	147	3	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	126	212	138	184	360	0	0	141	1172	147	0	40
Turn Type	pm+pt	NA	Perm	pm+pt	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases	7	4		3	8		5	5	2		1	1
Permitted Phases	4		4	8						2		
Detector Phase	7	4	4	3	8		5	5	2	2	1	1
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	24.0	24.0	11.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	23.0	49.0	49.0	32.0	58.0		58.0	58.0	73.0	73.0	46.0	46.0
Total Split (%)	11.5%	24.5%	24.5%	16.0%	29.0%		29.0%	29.0%	36.5%	36.5%	23.0%	23.0%
Maximum Green (s)	17.0	43.0	43.0	26.0	52.0		52.0	52.0	67.0	67.0	40.0	40.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0			6.0	6.0	6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lag	Lag	Lag	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None		None	None	C-Max	C-Max	None	None
Walk Time (s)		7.0	7.0		7.0				7.0	7.0		
Flash Dont Walk (s)		11.0	11.0		11.0				11.0	11.0		
Pedestrian Calls (#/hr)		0	0		0				0	0		
Act Effct Green (s)	53.2	37.9	37.9	64.1	43.7			52.0	109.5	109.5		9.9
Actuated g/C Ratio	0.27	0.19	0.19	0.32	0.22			0.26	0.55	0.55		0.05
v/c Ratio	0.67	0.60	0.33	0.59	0.90			0.31	0.61	0.16		0.46
Control Delay	65.4	81.0	8.8	57.4	99.8			61.8	34.7	7.7		108.0
Queue Delay	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Delay	65.4	81.0	8.8	57.4	99.8			61.8	34.7	7.7		108.0

Lanes, Volumes, Timings

36: US 41 & Littleton Rd

2026 PM Pk Hr Background

06/21/2022

Lane Group	SBT	SBR
Lane Configurations	↑↑	↑
Traffic Volume (vph)	792	103
Future Volume (vph)	792	103
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		575
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.95	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	3539	1583
Flt Permitted		
Satd. Flow (perm)	3539	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		115
Link Speed (mph)	55	
Link Distance (ft)	715	
Travel Time (s)	8.9	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	861	112
Shared Lane Traffic (%)		
Lane Group Flow (vph)	861	112
Turn Type	NA	Perm
Protected Phases	6	
Permitted Phases		6
Detector Phase	6	6
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	24.0	24.0
Total Split (s)	61.0	61.0
Total Split (%)	30.5%	30.5%
Maximum Green (s)	55.0	55.0
Yellow Time (s)	4.0	4.0
All-Red Time (s)	2.0	2.0
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	6.0	6.0
Lead/Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes
Vehicle Extension (s)	3.0	3.0
Recall Mode	C-Max	C-Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	65.0	65.0
Actuated g/C Ratio	0.32	0.32
v/c Ratio	0.75	0.19
Control Delay	66.1	8.0
Queue Delay	0.0	0.0
Total Delay	66.1	8.0

Lanes, Volumes, Timings

36: US 41 & Littleton Rd

2026 PM Pk Hr Background
06/21/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
LOS	E	F	A	E	F			E	C	A		F
Approach Delay		55.9			85.4				34.6			
Approach LOS		E			F				C			
Queue Length 50th (ft)	120	256	0	181	462			151	569	20		52
Queue Length 95th (ft)	170	350	55	242	572			225	729	70		99
Internal Link Dist (ft)		665			892				822			
Turn Bay Length (ft)	595		405	305				585		400		500
Base Capacity (vph)	204	400	455	345	478			460	1937	918		354
Starvation Cap Reductn	0	0	0	0	0			0	0	0		0
Spillback Cap Reductn	0	0	0	0	0			0	0	0		0
Storage Cap Reductn	0	0	0	0	0			0	0	0		0
Reduced v/c Ratio	0.62	0.53	0.30	0.53	0.75			0.31	0.61	0.16		0.11

Intersection Summary

Area Type: Other

Cycle Length: 200

Actuated Cycle Length: 200

Offset: 180 (90%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.90

Intersection Signal Delay: 53.2

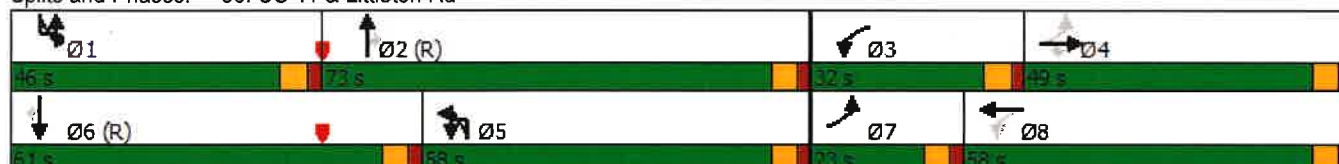
Intersection LOS: D

Intersection Capacity Utilization 78.1%

ICU Level of Service D

Analysis Period (min) 15

Splits and Phases: 36: US 41 & Littleton Rd



Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr Background

06/21/2022

	↓	↙
Lane Group	SBT	SBR
LOS	E	A
Approach Delay	61.3	
Approach LOS	E	
Queue Length 50th (ft)	544	0
Queue Length 95th (ft)	668	52
Internal Link Dist (ft)	635	
Turn Bay Length (ft)		575
Base Capacity (vph)	1150	592
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.75	0.19
Intersection Summary		

Lanes, Volumes, Timings

36: US 41 & Littleton Rd

2026 PM Pk Hr With Project

06/21/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	127	195	127	169	296	35	4	126	1078	135	3	34
Future Volume (vph)	127	195	127	169	296	35	4	126	1078	135	3	34
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	595		405	305		0		585		400		500
Storage Lanes	1		1	1		0		1		1		1
Taper Length (ft)	50			50				50				50
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	0.95	1.00	0.95	1.00
Frt			0.850		0.984					0.850		
Flt Protected	0.950			0.950				0.950				0.950
Satd. Flow (prot)	1770	1863	1583	1770	1833	0	0	1770	3539	1583	0	1770
Flt Permitted	0.151			0.328				0.950				0.950
Satd. Flow (perm)	281	1863	1583	611	1833	0	0	1770	3539	1583	0	1770
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)			147		3					115		
Link Speed (mph)		40			45				55			
Link Distance (ft)		745			972				902			
Travel Time (s)		12.7			14.7				11.2			
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	138	212	138	184	322	38	4	137	1172	147	3	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	138	212	138	184	360	0	0	141	1172	147	0	40
Turn Type	pm+pt	NA	Perm	pm+pt	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases	7	4		3	8		5	5	2		1	1
Permitted Phases	4		4	8						2		
Detector Phase	7	4	4	3	8		5	5	2	2	1	1
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	24.0	24.0	11.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	23.0	49.0	49.0	32.0	58.0		58.0	58.0	73.0	73.0	46.0	46.0
Total Split (%)	11.5%	24.5%	24.5%	16.0%	29.0%		29.0%	29.0%	36.5%	36.5%	23.0%	23.0%
Maximum Green (s)	17.0	43.0	43.0	26.0	52.0		52.0	52.0	67.0	67.0	40.0	40.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0			6.0	6.0	6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lag	Lag	Lag	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None		None	None	C-Max	C-Max	None	None
Walk Time (s)		7.0	7.0		7.0				7.0	7.0		
Flash Dont Walk (s)		11.0	11.0		11.0				11.0	11.0		
Pedestrian Calls (#/hr)		0	0		0				0	0		
Act Effct Green (s)	54.3	38.4	38.4	64.0	43.7			52.0	109.0	109.0		9.9
Actuated g/C Ratio	0.27	0.19	0.19	0.32	0.22			0.26	0.54	0.54		0.05
v/c Ratio	0.71	0.59	0.33	0.58	0.90			0.31	0.61	0.16		0.46
Control Delay	68.6	80.3	8.7	56.9	99.8			61.8	34.9	7.7		108.0
Queue Delay	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Delay	68.6	80.3	8.7	56.9	99.8			61.8	34.9	7.7		108.0

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr With Project
06/21/2022

	↓	↙
Lane Group	SBT	SBR
Lane Configurations	↑↑	↑
Traffic Volume (vph)	810	103
Future Volume (vph)	810	103
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		575
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.95	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	3539	1583
Flt Permitted		
Satd. Flow (perm)	3539	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		115
Link Speed (mph)	55	
Link Distance (ft)	715	
Travel Time (s)	8.9	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	880	112
Shared Lane Traffic (%)		
Lane Group Flow (vph)	880	112
Turn Type	NA	Perm
Protected Phases	6	
Permitted Phases		6
Detector Phase	6	6
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	24.0	24.0
Total Split (s)	61.0	61.0
Total Split (%)	30.5%	30.5%
Maximum Green (s)	55.0	55.0
Yellow Time (s)	4.0	4.0
All-Red Time (s)	2.0	2.0
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	6.0	6.0
Lead/Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes
Vehicle Extension (s)	3.0	3.0
Recall Mode	C-Max	C-Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	64.5	64.5
Actuated g/C Ratio	0.32	0.32
v/c Ratio	0.77	0.19
Control Delay	67.3	8.0
Queue Delay	0.0	0.0
Total Delay	67.3	8.0

Lanes, Volumes, Timings

2026 PM Pk Hr With Project

36: US 41 & Littleton Rd

06/21/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
LOS	E	F	A	E	F			E	C	A		F
Approach Delay		56.7			85.3				34.8			
Approach LOS		E			F				C			
Queue Length 50th (ft)	132	256	0	181	462			151	572	20		52
Queue Length 95th (ft)	184	350	55	242	572			225	729	70		99
Internal Link Dist (ft)		665			892				822			
Turn Bay Length (ft)	595		405	305				585		400		500
Base Capacity (vph)	204	400	455	350	478			460	1928	915		354
Starvation Cap Reductn	0	0	0	0	0			0	0	0		0
Spillback Cap Reductn	0	0	0	0	0			0	0	0		0
Storage Cap Reductn	0	0	0	0	0			0	0	0		0
Reduced v/c Ratio	0.68	0.53	0.30	0.53	0.75			0.31	0.61	0.16		0.11

Intersection Summary

Area Type: Other

Cycle Length: 200

Actuated Cycle Length: 200

Offset: 180 (90%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.90

Intersection Signal Delay: 53.7

Intersection LOS: D

Intersection Capacity Utilization 78.7%

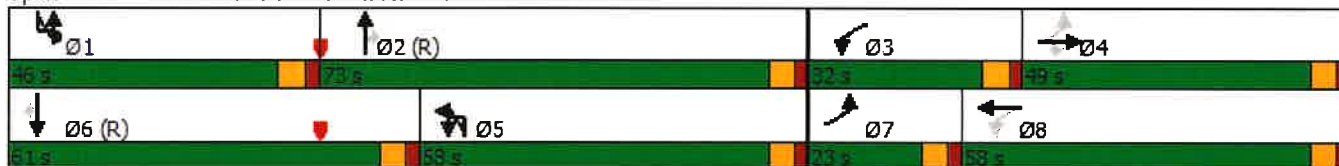
ICU Level of Service D

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 36: US 41 & Littleton Rd



Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr With Project

06/21/2022

	↓	↙
Lane Group	SBT	SBR
LOS	E	A
Approach Delay	62.4	
Approach LOS	E	
Queue Length 50th (ft)	562	0
Queue Length 95th (ft)	#691	52
Internal Link Dist (ft)	635	
Turn Bay Length (ft)		575
Base Capacity (vph)	1141	588
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.77	0.19
Intersection Summary		

SYNCHRO SUMMARY SHEETS
US 41 @ SITE ACCESS

HCM 2010 TWSC 40: US 41 & Site Access

2026 PM Pk Hr With Project
06/21/2022

Intersection

Int Delay, s/veh 0.5

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations		↗	↘	↗↗	↘↘	
Traffic Vol, veh/h	0	34	58	1344	1076	14
Future Vol, veh/h	0	34	58	1344	1076	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	450	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	37	63	1461	1170	15

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	-	593	1185	0	-	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.94	4.14	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	0	449	585	-	-	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	449	585	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	13.7	0.5	0
HCM LOS	B		

Minor Lane/Major Mvmt NBL NBT EBLn1 SBT SBR

Capacity (veh/h)	585	-	449	-	-
HCM Lane V/C Ratio	0.108	-	0.082	-	-
HCM Control Delay (s)	11.9	-	13.7	-	-
HCM Lane LOS	B	-	B	-	-
HCM 95th %tile Q(veh)	0.4	-	0.3	-	-



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Schedule of Deviations and Justification:

Page | 1

Property Development Regulation Table

Uses	Minimum Lot Area and Dimensions			Minimum Building Setbacks				Minimum Building Separation (ft)	Maximum Lot Coverage (%)
	Area (sf)	Depth (ft)	Width (ft)	Side (ft)	Rear (ft)	Local Street (ft)	Maximum Height (ft)		
Multi-Family	10,000	100	100	15	15	25	60	20	45
Notes: (1) Improvements, referring to buildings and paved surfaces, must set back a minimum of 15 feet from the conservation easement. (2) All building structures and accessory uses must set back a minimum of 20 feet from water bodies (i.e lakes, dry detention, canals)									



MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL
Schedule of Deviations and Justification:

Page | 2

DEVIATIONS & JUSTIFICATIONS

DEVIATION 1

Removed

Justification

Removed

DEVIATION 2

Deviation (2) is a request to deviate from Lee County LDC Section 10-329 (d)(1) which requires excavation to occur no less than 50 feet from existing property line and collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line. LDC Section 10-104 (a) allows for this deviation request.

Justification

This deviation is requested to allow 25-foot excavation activities from adjacent private property and along Cleveland Ave, where current conditions do not present a risk to the public's health, safety, and welfare. The stormwater detention areas affected by this requirement are proposed in locations where abutting either an existing swale or drainage canal allowing for a proper buffer thus not creating any concern with excavations up to 25' within property lines or right-of-way lines in reference to existing or proposed structures. In addition, due to the limited access points, geometry of property, and in order to maximize development area, stormwater detention areas should be considered along the property boundaries of the site which pushes them closer to the property line. Proper protection along areas of concern will be addressed during the Development Order process meeting LDC requirements.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 1

Introduction

The subject property is approximately 19.41 acres in size and is located at 15781 N Cleveland Avenue in North Fort Myers, Florida (STRAP ID 34432400000013020). The subject property holds a Central Urban Future land use, is in the North Fort Myers Community Plan Area, and the County's Mixed Use Overlay district. The applicant is requesting a rezoning from the parcel's current zoning districts of C1-A and CPD to Residential Planned Development (RPD). The proposed project is a multi-family development with parking garages referred to as the MIVO North Fort Myers (the "Project"). The applicant is requesting 95 bonus density units through the County's bonus density program with the RPD rezoning application to obtain a total of +/-285 units. This is below the allowable maximum density. The Central Urban future land use allows for four (4) to ten dwelling units per acre (10 du/acre), with a maximum of fifteen dwelling units per acre (15 du/acre) (shown on Lee Plan Table 1(a) below).

Lee Plan Consistency

According to Lee Plan Policy 1.1.3, the Central Urban future land use is considered the "urban core" of Lee County and consist of areas that are heavily settled and have, or will have, the highest levels of public services. The Central Urban future land use also encourages development to be mixed use. The project's surrounding area includes existing mobile home parks, single-family housing, and commercial uses. Therefore, providing multi-family housing in this area will successfully fill in the missing housing type of multi-family, expanding the encouraged mix of uses. As stated above the multi-family development project is 19.41 acres and is proposed to consist of +/-285 units which is consistent with the maximum total density of 15 du/acre in the Central Urban future land use.

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.

¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 2

The Project is consistent with Lee Plan Policy 11.2.6 which encourages the use of bonus density in the Mixed Use Overlay.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

Consistent with Lee Plan Policy 30.1.3, the proposed multi-family development would provide the missing multi-family housing which is currently not available in the subject property's surrounding area. There is existing commercial, retail, and service uses north and south of the subject property providing for the encouraged mix of uses.

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

Land Development Code Consistency

Consistent with Lee County Land Development Code Section 2-146 the applicant is proposing to use the County's Transfer of Development Rights (TDR) Program. Furthermore, the Project will not require ingress/egress through significantly lower density uses. Access is proposed to be directly from US 41 or Cleveland Ave. (an arterial roadway) via a left-in/right-in/right-out only access drive and a left turn in lane from US 41 lessening any potential interruptions of the traffic flow to the north.

The proposed development's increased density is not anticipated to have any adverse effects to existing and committed facilities. As shown in the attached Traffic Impact Statement – the proposed project would lessen the number of trips per day to 1,902 from the current entitlement's projection of 7,657 trips per day. The Applicant has received Letters of Availability reflecting sufficient capacity from Florida Governmental Utility Authority for water/wastewater, Lee County Electric Cooperative (LCEC), and from Lee County Utilities for potable water.

The Project would provide this area of North Fort Myers with multi-family units which are not currently available. The proposed 4-story multi-family units are situated on the southern portion of the property providing ample buffering from the existing mobile home park. Development directly adjacent to the mobile home park to the west is proposed to be a 1-story amenity center, an indigenous preserve, and parking. The project proposes connectivity to the existing trail along U.S. 41 and to the adjacent parcel to the north providing access to existing commercial uses and Littleton Road. The project is found to be compatible with existing and planned surrounding land uses as explained in the included Request Statement's consistency justifications.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 1

Introduction

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Lee Plan Consistency

According to Lee Plan Policy 1.1.3, the Central Urban future land use is considered the "urban core" of Lee County and consist of areas that are heavily settled and have, or will have, the highest levels of public services. The Central Urban future land use also encourages development to be mixed use. The project's surrounding area includes existing mobile home parks, single-family housing, and commercial uses. Therefore, providing multi-family housing in this area will successfully fill in the missing housing type of multi-family, expanding the encouraged mix of uses. As stated above the multi-family development project is 19.41 acres and is proposed to consist of +/-285 units which is consistent with the maximum total density of 15 du/acre in the Central Urban future land use.

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

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**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 2

The Project is consistent with Lee Plan Policy 11.2.6 which encourages the use of bonus density in the Mixed Use Overlay.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

Consistent with Lee Plan Policy 30.1.3, the proposed multi-family development would provide the missing multi-family housing which is currently not available in the subject property's surrounding area. There is existing commercial, retail, and service uses north and south of the subject property providing for the encouraged mix of uses.

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

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The Project would provide this area of North Fort Myers with multi-family units which are not currently available. The proposed 4-story multi-family units are situated on the southern portion of the property providing ample buffering from the existing mobile home park. Development directly adjacent to the mobile home park to the west is proposed to be a 1-story amenity center, an indigenous preserve, and surface parking. The project proposes connectivity to the existing trail along U.S. 41 and to the adjacent parcel to the north providing access to existing commercial uses and Littleton Road. The project is found to be compatible with existing and planned surrounding land uses as explained in the included Request Statement's consistency justifications.

MIVO NORTH FT. MYERS APARTMENTS - UNIT MIX 05/20/2022

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
1	viii								
	A2	4	3	12	847	10164	12		
	B1	5	3	15	1086	16290		15	
	C1	1	3	3	1375	4125			3

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
2	vii								
	A2	4	4	16	847	13552	16		
	B1	5	4	20	1086	21720		20	
	C1	1	4	4	1375	5500			4

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
3	vii								
	A2	4	4	16	847	13552	16		
	B1	5	4	20	1086	21720		20	
	C1	1	4	4	1375	5500			4

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
4	vii								
	A2	4	4	16	847	13552	16		
	B1	5	4	20	1086	21720		20	
	C1	1	4	4	1375	5500			4

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
5	ix								
	A2	3	3	9	847	7623	9		
	B1	2	3	6	1086	6516		6	
	C1	0	3	0	1375	0			0

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
6	vii								
	A2	4	4	16	847	13552	16		
	B1	5	4	20	1086	21720		20	
	C1	1	4	4	1375	5500			4

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
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bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b
8	vii								
	A2	4	4	16	847	13552	16		
	B1	5	4	20	1086	21720		20	
	C1	1	4	4	1375	5500			4

289350	117	141	27	285
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% 1B	% 2B	% 3B	
41%	49%	9%	100%



**ENGINEER'S DRAINAGE STATEMENT
MIVO DIPLOMAT CENTER
NORTH FORT MYERS, FLORIDA**

PROJECT DESCRIPTION

The proposed project includes construction of +/-285-unit multi-family apartment buildings located on +/-19.41 acres of vacant land including approximately 18.42 acres of uplands and 0.99 acres of wetlands. The site is situated on the western side of North Cleveland Avenue, south of Littleton Road, north of Diplomat Parkway East in North Fort Myers, Florida. The proposed improvements will include multi-family apartment buildings, surface parking, maintenance building, garages, club house, amenities and associated drainage infrastructure. The property is located within a flood zone AE per Flood Insurance Rate Map 12071C0259F, Lee County, 1251240259 F, effective date August 28, 2008; revised to reflect LOMR on January 3, 2021. The average October high ground water table elevation is estimated to be 11.0 FT NAVD88.

EXISTING CONDITIONS

Historically, the site is located within the Yellow Fever Creek East Branch Watershed. Looking at the existing topography and flow ways for the property, the site is generally flat and appears to sheet flow from north to south east to an existing on-site drainage ditch as well as the existing drainage ditch off Cleveland Ave. The existing ditch fronting the property along Cleveland Ave. appears to collect the runoff from Cleveland Ave. right of way that is owned and maintained by FDOT. The site also includes an existing 20-foot drainage easement located on the north western portion of the property that appears to be part of the existing drainage system for the adjacent residential development "Serendipity". The subject property is estimated to be at a similar elevation of this drainage easement and does not receive any additional flows from this easement. It is anticipated this drainage easement will remain as part of the proposed improvements and will not be impacted by the proposed development. The proposed project does not anticipate using this water body as an outfall source for the surface water design. Based on the existing site conditions, no adjacent run off appears to be routed through the subject property. The subject property has a 0.99-acre wetland that will



remain protected as part of the project improvements. The existing water table elevation on the subject property is +/- 11.00' NAVD88, the water table elevation is expected to be unaffected due to the proposed development.

PROPOSED CONDITIONS

The proposed project includes a multi-family development that includes multi-family apartment buildings, garages, amenities, and associated stormwater infrastructure. Runoff from the multi-family development is collected in the surface water management system via storm pipes and will convey this runoff to the proposed on-site wet and dry retention ponds that will be owned and maintained by the property owner. The proposed ponds will be used to provide the required treatment and attenuation based on South Florida Water Management District and Lee County requirements. The proposed development will have no adverse stormwater impacts to the surrounding properties and will follow the design standards set forth by Lee County and South Florida Water Management District. The proposed development will not impact the existing onsite wetland and will plan to preserve the wetland. The proposed outfall is anticipated to be via a spreader swale that conveys water to the existing wetland. The wetland will then outfall all excess runoff to the existing FDOT maintained drainage ditch along N. Cleveland Avenue which has been accepted by FDOT per a pre-application meeting held with the department.



Sina Ebrahimi
Digitally signed by Sina Ebrahimi
DN: cn=Sina Ebrahimi,
o=Kimley-Horn and Associates, Inc., c=US
Date: 2022.07.06 16:37:25-0400

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Phone: 239-271-2650

Registry No. 696



Environmental Assessment
For
Cleveland Avenue Property
Lee County, Florida

AES Project #21-156

Prepared For:

Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Prepared By:

Atlantic Ecological Services, LLC
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201 Basque Road
St. Augustine, FL 32080
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July 2022

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Appendices

Appendix I - Figures

- **Location Map**
- **Aerial Map**
- **Topographic Map**
- **Soils Map**
- **Habitat Map**
- **Wetland Map**
- **Listed Species Survey Map**
- **Site Plan**

1.0 PROJECT INTRODUCTION

The Cleveland Avenue Property is located in Lee County, Florida, in Section 34, Township 43 South, Range 43 East. The subject property is approximately 19.41 acres in total size and consists of undeveloped land. The Property consists of the Lee County Parcel ID # 34-43-24-00-00001.3020. The subject property consists of one parcel located to the south of Littleton Rd, to the west of N Cleveland Ave, to the north of Diplomat Pkwy, and to the east of Cotillion Ln and a stormwater pond. (See attached Aerial Map and Topographic Map for details). The latitude and longitude coordinates for the approximate center of the project are 26° 41' 33.249" N 81° 54' 7.814" W was determined via Google Earth.

The Client for the project is:

Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Cleveland Avenue Property (herein referred to as the subject property). The field surveys were conducted on September 28, 2021. The subject property was reviewed to determine habitat type's present, boundaries of habitat types, wetland delineation, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

To comply with Lee County Ordinance 89-34, the environmental assessment was completed utilizing the following methodologies. Wetland delineations were completed in accordance with 62-340 F.A.C. Pedestrian transect surveys for the gopher tortoise were in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise* (*Gopherus polyphemus*) *Populations Found on Lands Slated for Development in Florida*. Surveys for the Florida burrowing owl were completed in accordance with the FWC Species Conservation Measure and Permitting Guidelines Florida Burrowing Owl Distribution and Survey Methodology. Preliminary crested caracara surveys were completed outside of the breeding season however sabal palm trees within open areas of the property were inspected for evidence of past nesting in accordance with the USFWS Crested Caracara Draft Survey Protocol Additional Guidance.

2.0 EXISTING SITE CONDITIONS

The subject property consists of undeveloped uplands, wetlands, and surface waters. The community and land use areas were categorized according to the Florida Department of

Transportation (FDOT) (1991) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Improved Pasture (FLUCCS 211) – The southern/central area (approximately 6.11 acres) of the subject property consist of managed pasture with scattered slash pine (*Pinus elliotii*) and cabbage palm (*Sabal palmetto*). Vegetation is predominately bahia grass (*Paspalum notatum*) with other weedy species such as dog fennel (*Eupatorium capillifolium*), Caesar’s weed (*Urena lobata*), and beggar ticks (*Bidens alba*). This is not considered a Major indigenous plant community under LDC Sec. 10-701.

Mesic Pine Flatwoods (FLUCCS 411) – Forested upland areas (approximately 11.96 acres) consist of pine flatwoods with a canopy of slash pine and scattered laurel oak (*Quercus laurifolia*). Sub-canopy species include cabbage palm, saw palmetto (*Serona repens*), wax myrtle (*Morella cerifera*), grape vine (*Vitis* sp.), and Brazilian pepper (*Schinus terebinthifolius*). Overall coverage of exotic species was less than 25% and the area would be meet the classification of Mesic Flatwoods under LDC Sec. 10-701. Major indigenous plant communities of the County.

2.2 Wetlands

Wetland Mixed Forest (FLUCCS 630) – An isolated wetland area (0.99 acres onsite, with 0.14 acres offsite within the Cleveland Avenue right-of-way) is located along the eastern side of the subject property adjacent to N Cleveland Ave. The canopy consists of a mix of slash pine, water oak (*Quercus nigra*) and laurel oak. Sub-canopy species include fetter bush (*Lyonia lucida*), wax myrtle, maidencane (*Panicum hemitomon*), and cinnamon fern (*Osmunda cinnamomea*). Overall coverage of exotic species was less than 10% and the area would be meet the classification of Hardwood Swamp under LDC Sec. 10-701. Major indigenous plant communities of the County.

2.3 Surface Waters

Ditch (FLUCCS 512) – Two drainage ditches are located in the southern portion of the subject property.

Surface Waters (FLUCCS 530) – A surface water pond is located within the pasture in the center of the subject property. Cattail (*Typha latifolia*) and Brazilian pepper were growing within and at the edges of the pond.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Malabar fine sand (34)– This is a nearly level, poorly drained soil located on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The subsurface is 12 inches thick and is light gray and very pale brown fine sand. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches through extended dry periods. The available water capacity is low in the surface and subsurface layers.

Isles fine sand, depressional (39)– This is a nearly level, very poorly drained soil located in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark fine gray sand and is about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is medium in the surface layer and low in the substratum. Permeability is rapid.

Oldsmar fine sand, limestone substratum (50)– This is a nearly level, poorly drained soil in the flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface later is fine sand to a depth of 34 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry period. The available capacity is medium in the surface layer and subsoil and low in the subsurface layer. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. AES completed the wetland delineation on September 28, 2021.

Wetlands within the subject property are jurisdictional to the South Florida Water Management District (SFWMD). A small wetland (approximately 0.99 acres onsite and an additional 0.14 acres offsite within the Cleveland Avenue right-of-way) is located on, and adjacent to, the subject property. Please see the Wetland Map within Appendix I.

Based on the site plan no impacts are proposed to the wetland.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the Cleveland Avenue property, in Lee County, Florida.

Taxon	Common Name	Scientific Name	Protected
Birds	Northern cardinal	<i>Cardinalis cardinalis</i>	No
	Turkey vulture	<i>Cathartes aura</i>	No
Reptiles			
	Brown anole	<i>Anolis sagrei</i>	No
Mammals			
	Nine-banded armadillo	<i>Dasypus novemcinctus</i>	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on the Cleveland Avenue property, in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Caracara cheriway</i>	Audubon's	T	T	Moderate	Wet prairies with cabbage

<i>Drymarchon couperi</i>	crested caracara Eastern indigo snake	T	T	Low	palms Pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps
<i>Eumops floridanus</i>	Florida bonneted bat	E	E	Moderate	Cliff crevices, tree cavities, and buildings
<i>Gopherus polyphemus</i>	Gopher Tortoise	T	T	Moderate	Longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes
<i>Mycteria americana</i>	Wood stork	T	T	High	Marshes, swamps, streams and mangroves
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	E	Low	Mature pine forests
<i>Puma concolor coryi</i>	Florida Panther	E	E	Low	Forested areas that provide dense understory vegetation
<i>Athene cunicularia floridana</i>	Florida burrowing owl	T		Moderate	High sandy areas

E= Endangered; T=Threatened; SSC=Species of Special Concern; CS=Candidate Species

Those species listed as having a moderate likelihood of occurrence or higher in Table 6.1 are listed as such due to presence of suitable habitat.

The subject property lies within the Consultation Area for the crested caracara (*Caracara cheriway*). The species commonly occurs on dry or wet prairies with scattered cabbage palms and nests primarily in cabbage palms. The subject property contains dry prairie with scattered sabal palms. AES completed a preliminary nest survey while onsite and did not observe any active caracara nests within cabbage palms trees on the subject property.

The subject property lies within the Consultation Area for the Florida bonneted bat. The Florida bonneted bat roosts in tree cavities, hollows, loose bark, or crevices. Prior to construction a limited roost survey should be completed to determine if the subject property contains roosting trees for the Florida bonneted bat.

The subject property provides suitable habitat for the gopher tortoise (*Gopherus polyphemus*). A 100% gopher tortoise survey was conducted on the subject property by an Authorized Gopher Tortoise Agent. No gopher tortoise burrows were observed onsite. Prior to development an updated 100% gopher tortoise (*Gopherus polyphemus*) burrow survey will be required.

The presence of the eastern indigo snake is unlikely due to the proximity to heavily trafficked roadways, lack of high-quality upland or wetland habitats, and the absence of gopher tortoise burrows within the property.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. Wetlands and surface waters within the subject property provide suitable foraging habitat for the wood stork. The nearest wood stork rookery is located approximately 4.5 miles to the east. All suitable foraging habitat within 18.6 miles of a know rookery is considered Core Foraging habitat. The project site is located within a Core Foraging Area for wood storks. Any impacts to suitable foraging habitat would require mitigation, however if mitigation bank credits will be purchased for wetland impacts, it will be sufficient to offset the loss of Core Foraging habitat and no additional consultation or permitting for impacts to the wood stork would be required.

AES completed a 100% pedestrian survey of suitable habitat for the Florida burrowing owl (*Athene cunicularia floridana*). No burrowing owl burrows were identified within the subject property. Prior to construction an updated survey will be required. If nests are identified then proper buffers around the nest should be incorporated until the nesting season is complete.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act (BGEPA). Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest eagle nest is approximately 1.38 miles from the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Plant Species

The protected plant species with some potential to occur on the subject property are listed in Table 6.2.1, below.

Table 6.2.1: Protected plant species with the potential to occur on the Cleveland Avenue Property in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FDACS	FWS		
<i>Deeringothamnus pulchellus</i>	Beautiful Pawpaw	E	E	Low	Open slash pine or longleaf pine flatwoods with wiregrass and dwarf live oak in the understory

LE= Least Endangered E= Endangered; T= Threatened; CE= Commercially Exploited

No federally protected plant species are expected to occur on the subject property.

7.0 SUMMARY

The Cleveland Avenue Property is located in Lee County, Florida. The subject property is approximately 19.41 acres and consists of pasture lands, forested uplands, 0.99 acres of isolated wetlands (additional 0.14 acres found within the Cleveland Avenue right-of-way) and 0.21 acres of surface waters. No wetland impacts are proposed.

The subject property provides suitable habitat for the crested caracara, Florida bonneted bat, gopher tortoise, and wood stork. A preliminary survey was completed for crested caracara nests and gopher tortoise burrows. No nests or burrows were observed. Prior to construction an updated survey for caracara nest, gopher tortoise burrows, and Florida bonneted bat roosting trees should be completed.

No other protected fauna species are anticipated within the project area. No federally protected flora species are anticipated on the subject property.

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APPENDIX I

FIGURES

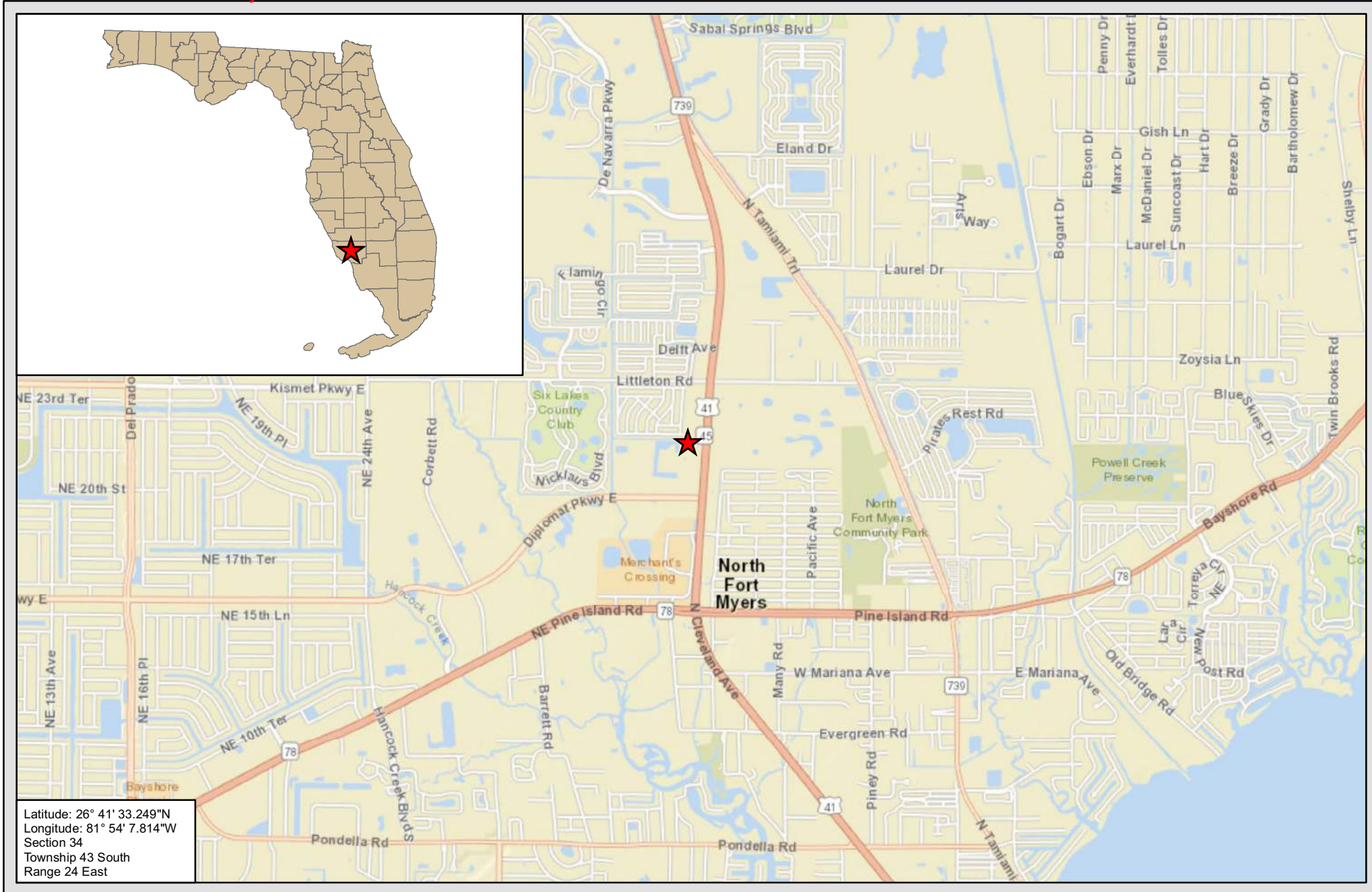


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Date: 9-29-21

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Feet



Location Map Cleveland Ave Property Lee County, Florida



WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

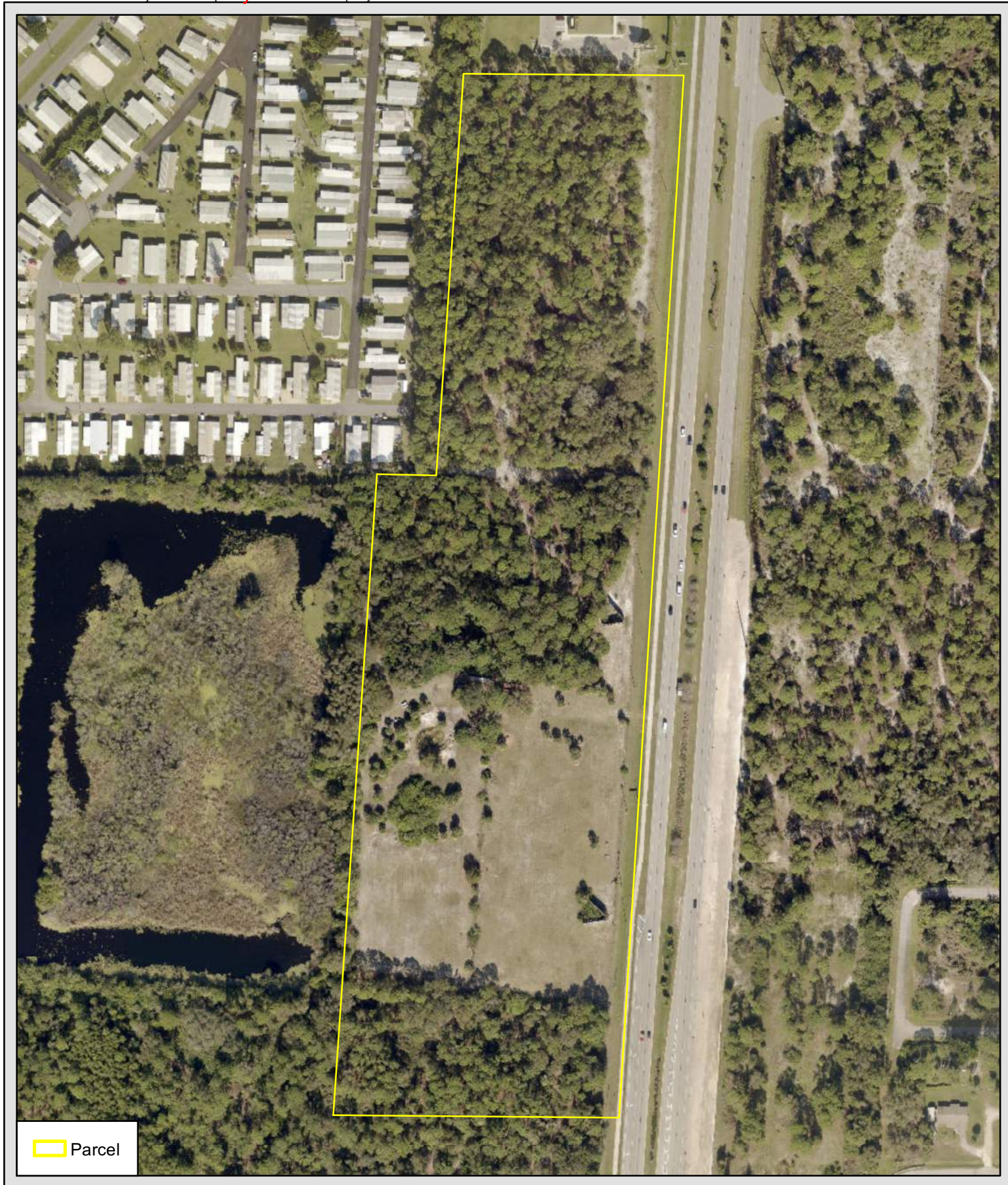


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Aerial Map Cleveland Ave Property Lee County, Florida



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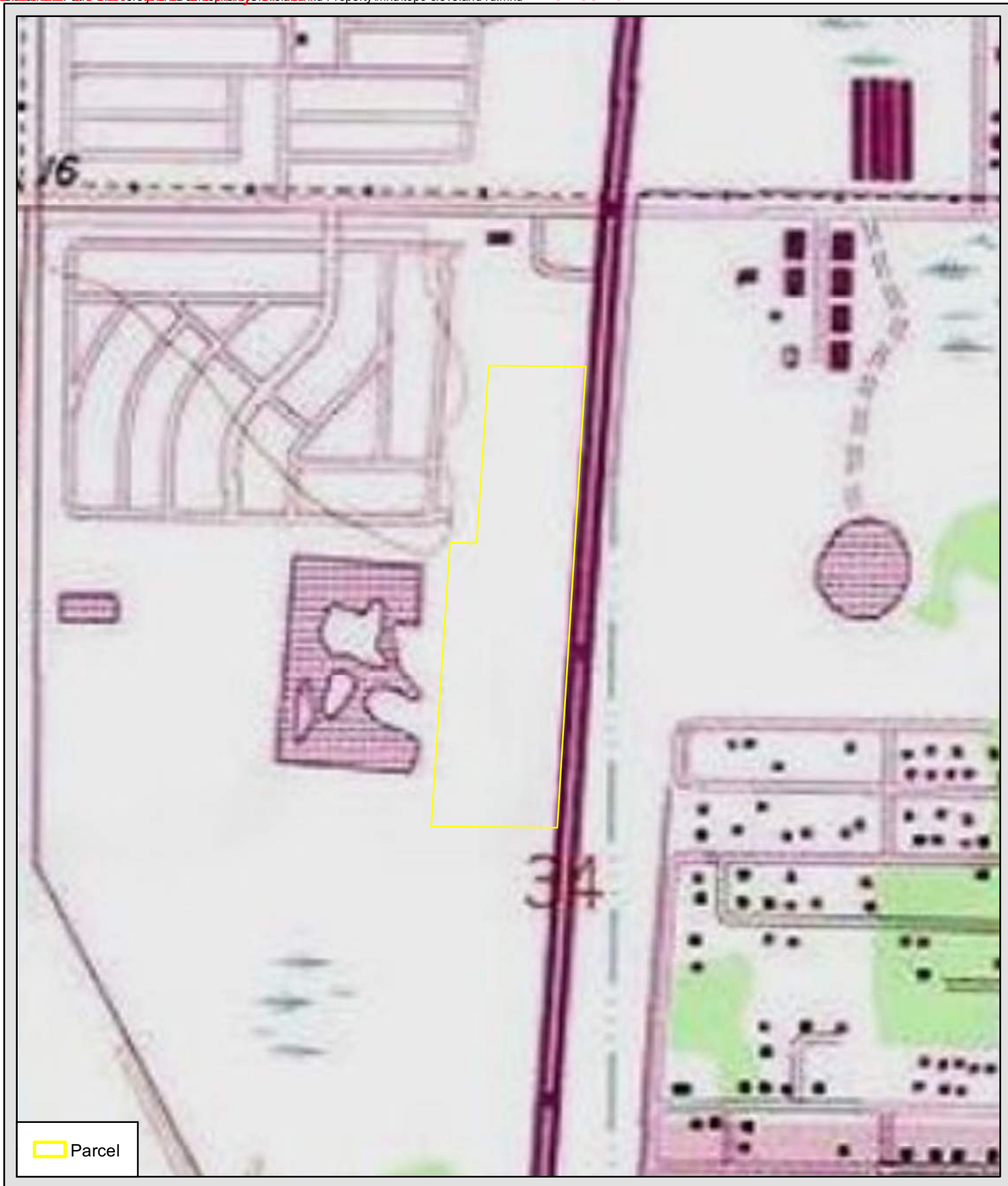


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Date: 9-29-21

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Feet



Topographic Map Cleveland Ave Property Lee County, Florida



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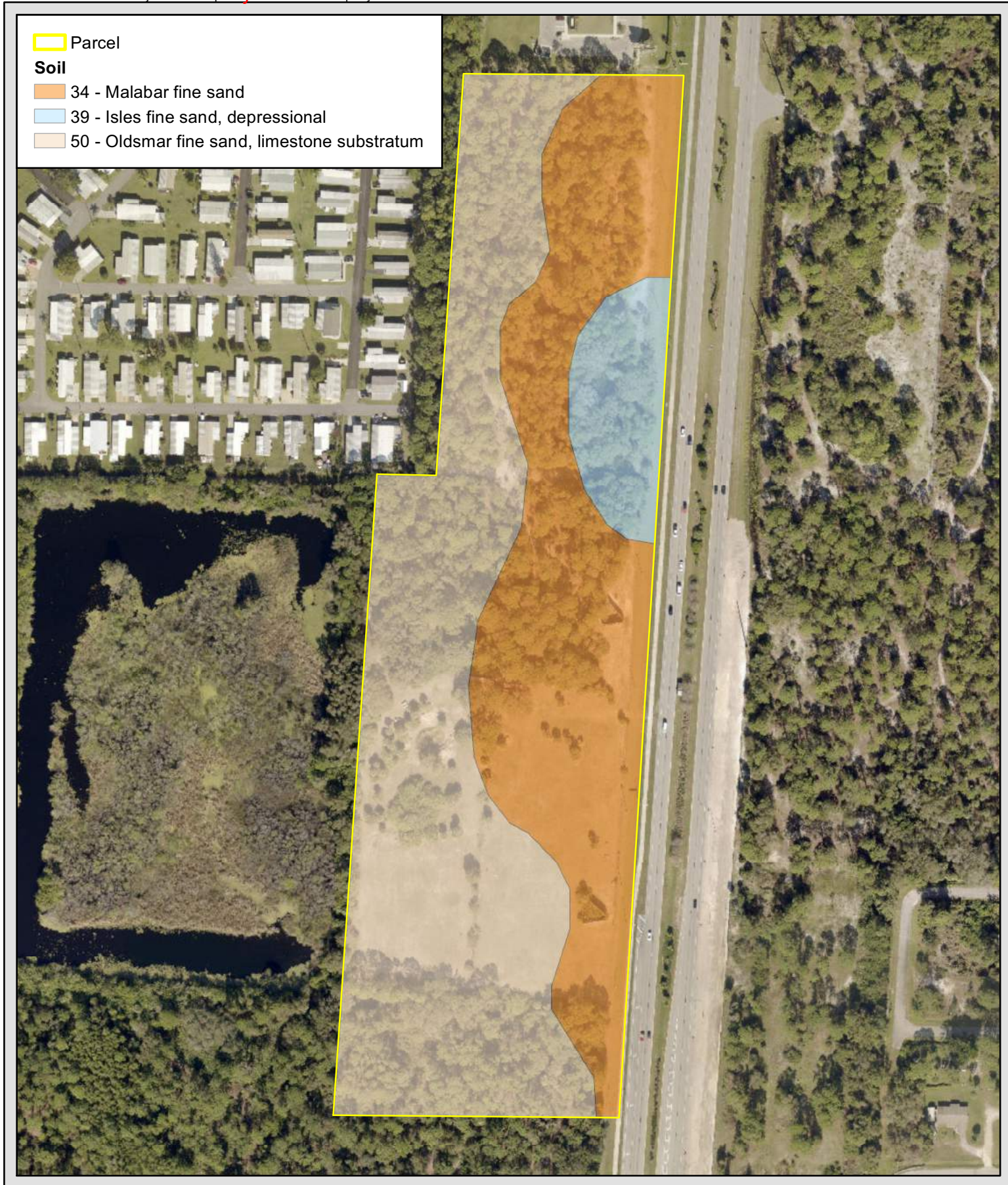


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Date: 9-29-21

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Feet



Soil Map Cleveland Ave Property Lee County, Florida



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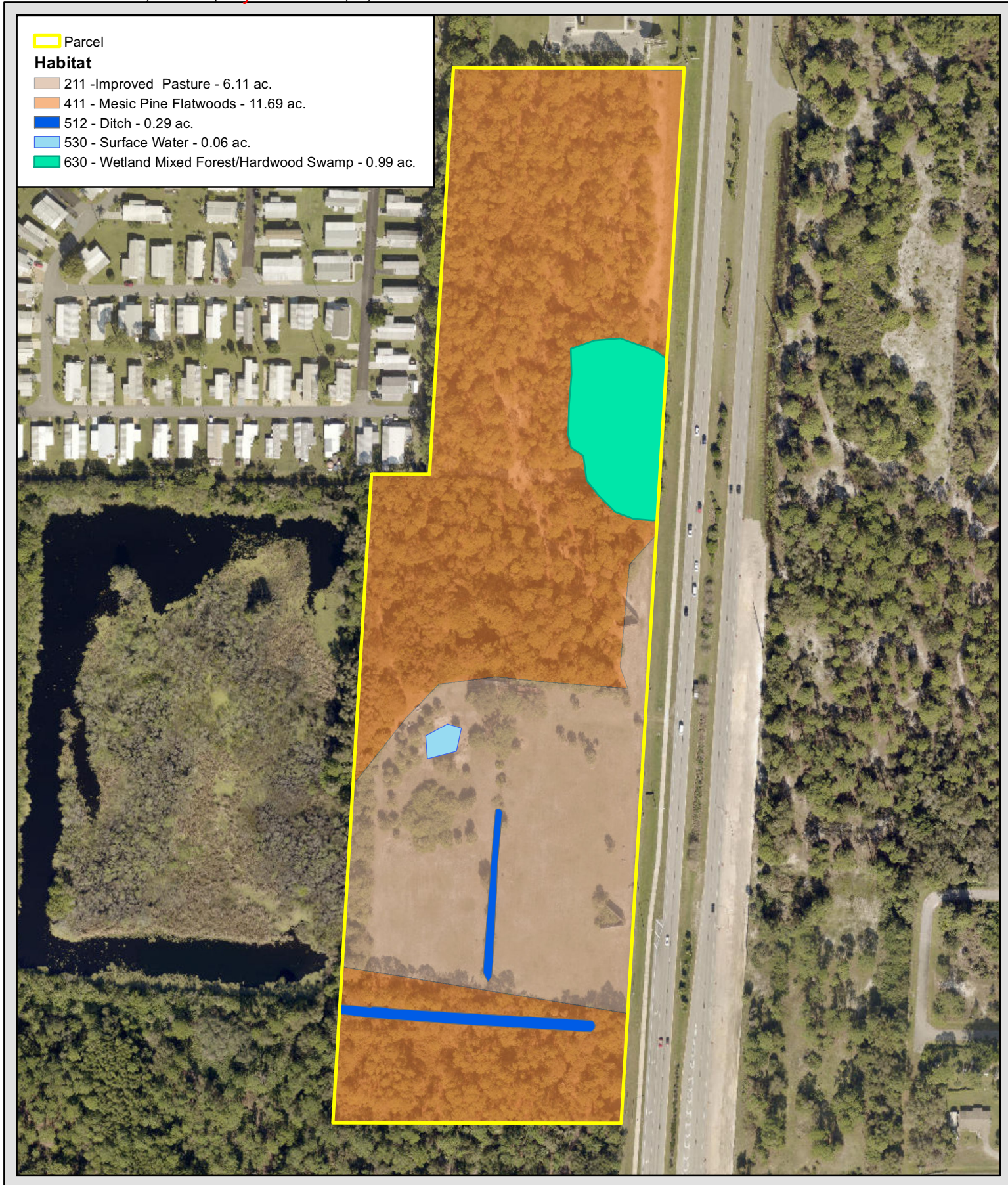


Image Source: ESRI 2020
Date: 7-1-22

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Feet



Habitat Map Cleveland Road Property Lee County, Florida



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201 Basque Rd | St. Augustine, FL 32080

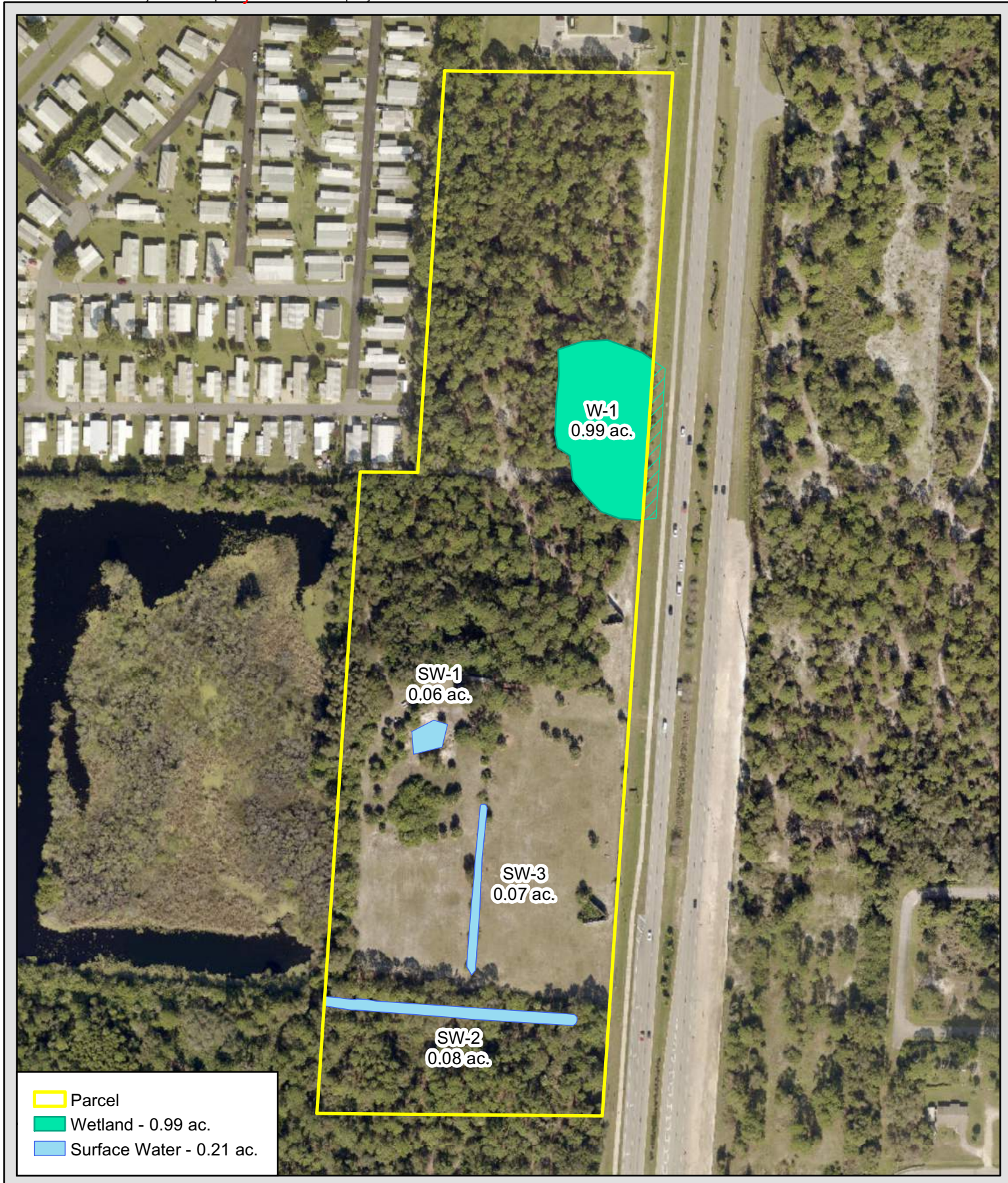


Image Source: ESRI 2020
Date: 4-25-22

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Feet



Wetland Map Cleveland Road Property Lee County, Florida



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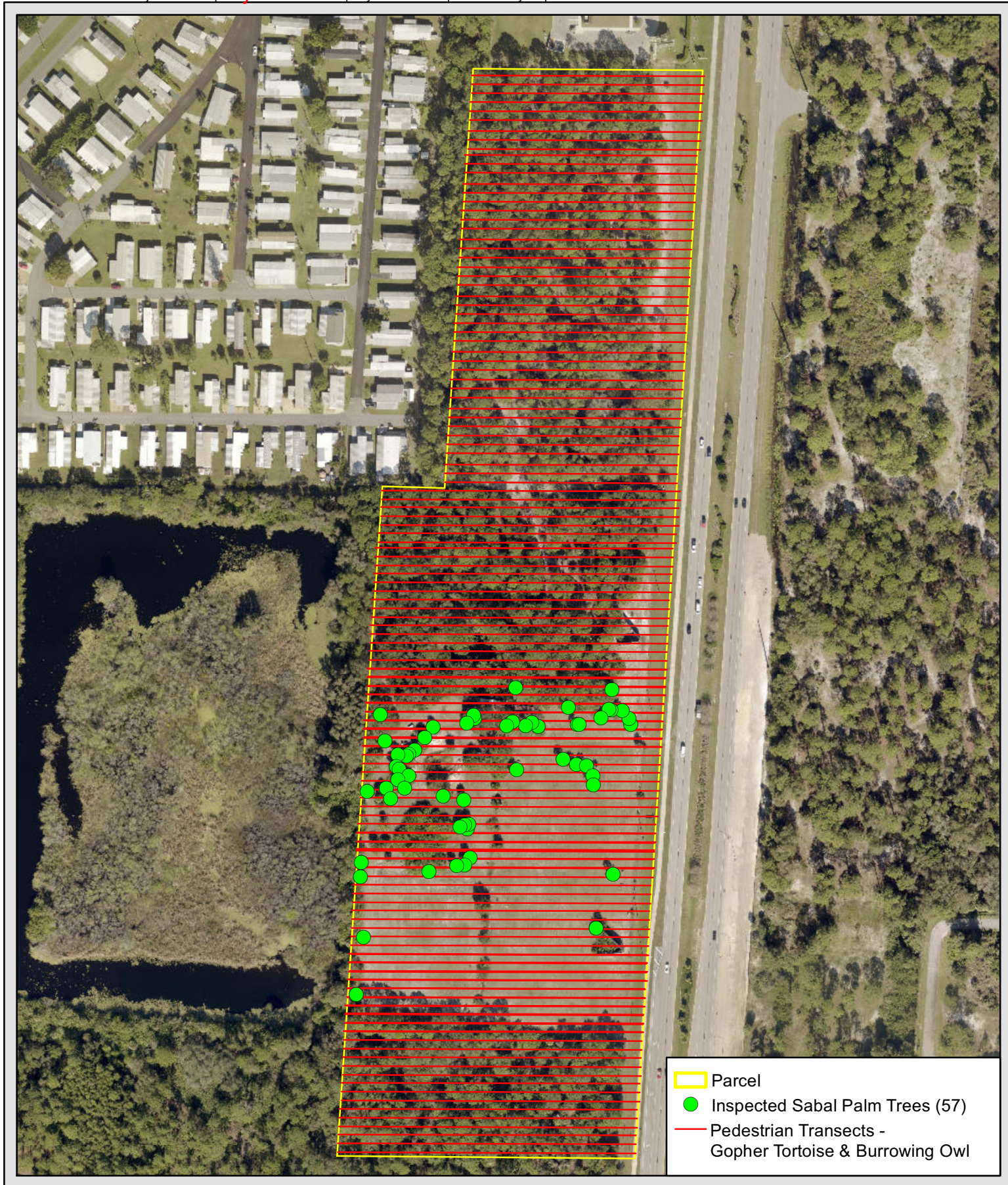


Image Source: ESRI 2020
Date: 6-13-22

0 100 200
Feet



Listed Species Survey Map Cleveland Road Property Lee County, Florida



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201 Basque Rd | St. Augustine, FL 32080

0 40 80 160

NON-RESIDENTIAL BUILDING PARAMETERS				
BUILDINGS	CLUBHOUSE	GARAGE I	GARAGE II + MAINTENANCE	GARAGE III + HC ACCESSIBLE
UNITS PER BUILDING				
ZONED BLDG HEIGHT (FT)				
ACTUAL BLDG HEIGHT (FT)				
GROSS FLOOR AREA (SF)				
FIRE SPRINKLERS				

	PROPERTY BOUNDARY
	PROPOSED FENCE
	PROPOSED SWALE
	PROPOSED ASPHALT PAVEMENT (SEE SHEET C-24)
	PROPOSED CONCRETE SIDEWALK (SEE SHEET C-24)
	PROPOSED BRICK PAVERS (SEE SHEET C-24)
	PROPOSED LITTORAL SHELF
	EXISTING ELEVATION
	PROPOSED ELEVATION
	FLOW ARROW
	5' CURB TRANSITION
	PROPOSED STORM STRUCTURE

SURVEY NOTE:
ELEVATIONS SHOWN HERE ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.

* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSE ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.

*ALL SIDEWALKS ARE 5' UNLESS OTHERWISE NOTED.

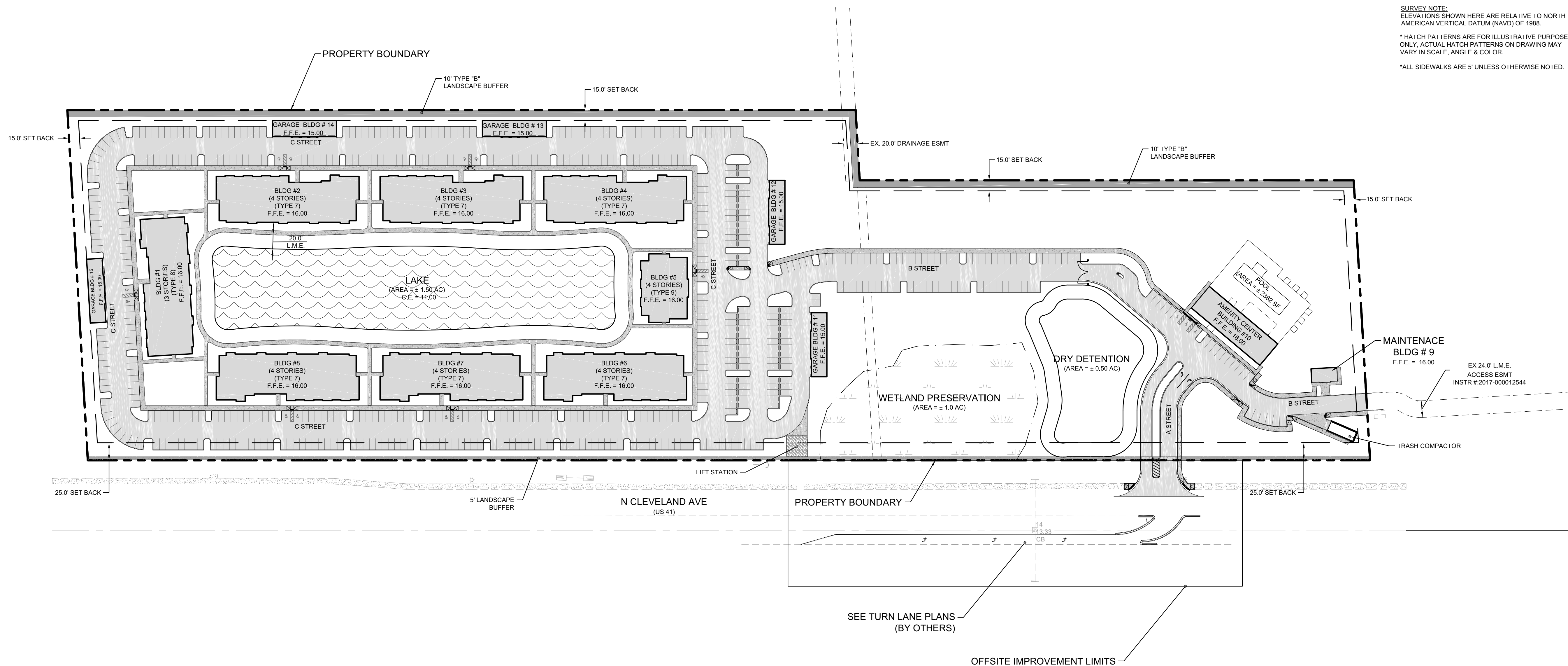
Kimley»Horn

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KHA PROJECT 042884002	LICENSED PROFESSIONAL
DATE JUNE 2022	SINA EBRAHIMI, P.E.
SCALE AS SHOWN	FLORIDA LICENSE NUMBER
DESIGNED BY KHA	LIC PROF 1 #
DRAWN BY KHA	DATE: _____
CHECKED BY SE	

MIVO CAPE CORAL
APARTMENTS
PREPARED FOR
QUADRANT COMMUNITIES, LLC
E COUNTY
E OR

SHEET NUMBER
C-07



Plotted By Cannon, Mike Sheet Set:Kha Layout:1 June 30, 2022 04:45:34pm K:\FTM_Civil\042884002 - MIVO Diplomat Center DD\CAD\Plansheets\C-06 SITE PLAN.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimberly-Horn and Associates, Inc. shall be without liability to Kimberly-Horn and Associates, Inc.



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RE: MIVO Development Group, MIVO Diplomat Center Development, Lee County, FL– Cultural Resources Desktop Study

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Cardno conducted a desktop assessment of the approximately 19-acre MIVO Diplomat Center Development (Project) for MIVO Development Group (MIVO). This was done to provide MIVO with due diligence information concerning previously recorded cultural resources and Lee County Archaeological Sensitivity Zones within the vicinity of the Project and in accordance with LDC Section 34-373(a)(4)d of Lee County code. The Project is located in North Fort Myers, an unincorporated portion of Lee County east of Cape Coral in Section 34 of Township 43 South, Range 24 East. This desktop assessment reviewed all previously recorded cultural resources within the project area, including a one-mile buffer, as well locations of Lee County Archaeological Sensitivity Zones. This desktop review included a search of the current Florida Master Site File (FMSF) in GIS format for archaeological and historic resources, as well as Lee County Historical Site Survey data and Archaeological Sensitivity Zones as identified in "An Archaeological Site Inventory and Management Plan for Lee County, Florida."

A search of the FMSF (updated April 2022) found that a total of 17 cultural resource field surveys have been conducted within one mile of the Project between 1979 and 2021 (Figure 1; Table 1). Eight of the surveys were completed for proposed residential or commercial developments (surveys 1739, 3552, 9181, 11086, 11943, 17878, 27431, and 27766), five were done for transportation projects (surveys 3056, 3384, 4483, 4832, and 16896), one was a supplement to an existing county-wide historical survey focusing on historic drainage systems (surveys 3144), two were related to the construction of electrical transmission lines (survey 137 and 2872), and one was an assessment for a telecommunications tower (survey 8051). Of these surveys, none were conducted directly within the main portion of the project area. One survey (survey 3384) was conducted along the road corridor for North Cleveland Avenue, which includes the small portion of the current project area where a new turn lane is proposed.

Previously recorded cultural resources within one mile of the Project include one archaeological site, 28 historic structures, one historic bridge, and three historic resource groups (see Figure 1). No previously recorded archaeological sites are located within the current project area. The one archaeological site within one mile of the project area is 8LL02047 (the Diplomat Bottle Dump site) (Table 2). 8LL02047 has been evaluated as ineligible for listing in the National Register of Historic Places (NRHP) by the State Historic Preservation Officer (SHPO).

Twenty-eight historic structures have been recorded within one mile of the Project, including 16 within the Palmona Park neighborhood just southeast of the project area, two additional structures along Northeast Pine Island Road, and ten structures along Tamiami Trail to the northeast of the Project (Table 3). No historic structures have been previously recorded within the current project

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area on the FMSF, and Lee County property appraiser data also records no structures on the property. Within a mile of the Project, fourteen structures were recorded as being private residences, four are commercial structures, one is a church or house of worship, one is a school, two are related to a drive-in movie theater, and six are related to a hotel. One structure, the J. Colin English School (8LL01200), is located southeast of the current project area and was listed in the NRHP in 1999. Ten structures along Tamiami Trail, to the northeast of the Project have been evaluated by the SHPO as ineligible for listing in the NRHP, the other seventeen structures have not been evaluated by SHPO.

The one historic bridge within one mile of the Project is a concrete slab bridge crossing "Deans Ditch" along North Tamiami Trail/US Business 41 (Table 4). This bridge, which lies just less than a mile north of the Project, has not been evaluated for the NRHP by the SHPO. The three historic resource groups recorded within one mile of the Project include two FMSF building complexes and one linear resource (Table 5). 8LL02061 is the Northside Drive-In (comprised of two recorded structures) while 8LL02449 is the Rainbow Motel (comprised of 6 recorded structures). The linear resource is a historic canal (8LL02469). No previously recorded bridges or historic resource groups are within the current project area.

A review of Lee County Archaeological Sensitivity Zones as identified in "An Archaeological Site Inventory and Management Plan for Lee County, Florida" and represented in Lee County GIS data showed that no portion of the project area is classified as being at either an archaeological sensitivity Level 1 or Level 2 (Figure 2). A zone of Level 2 Archaeological Sensitivity is present outside the Project approximately .5 of a mile to the west and south along Fever Creek. The areas shaded in blue in Figure 2 represent places where a previous cultural resource survey has been conducted and are not indicative of designated Archaeological Sensitivity Zones.

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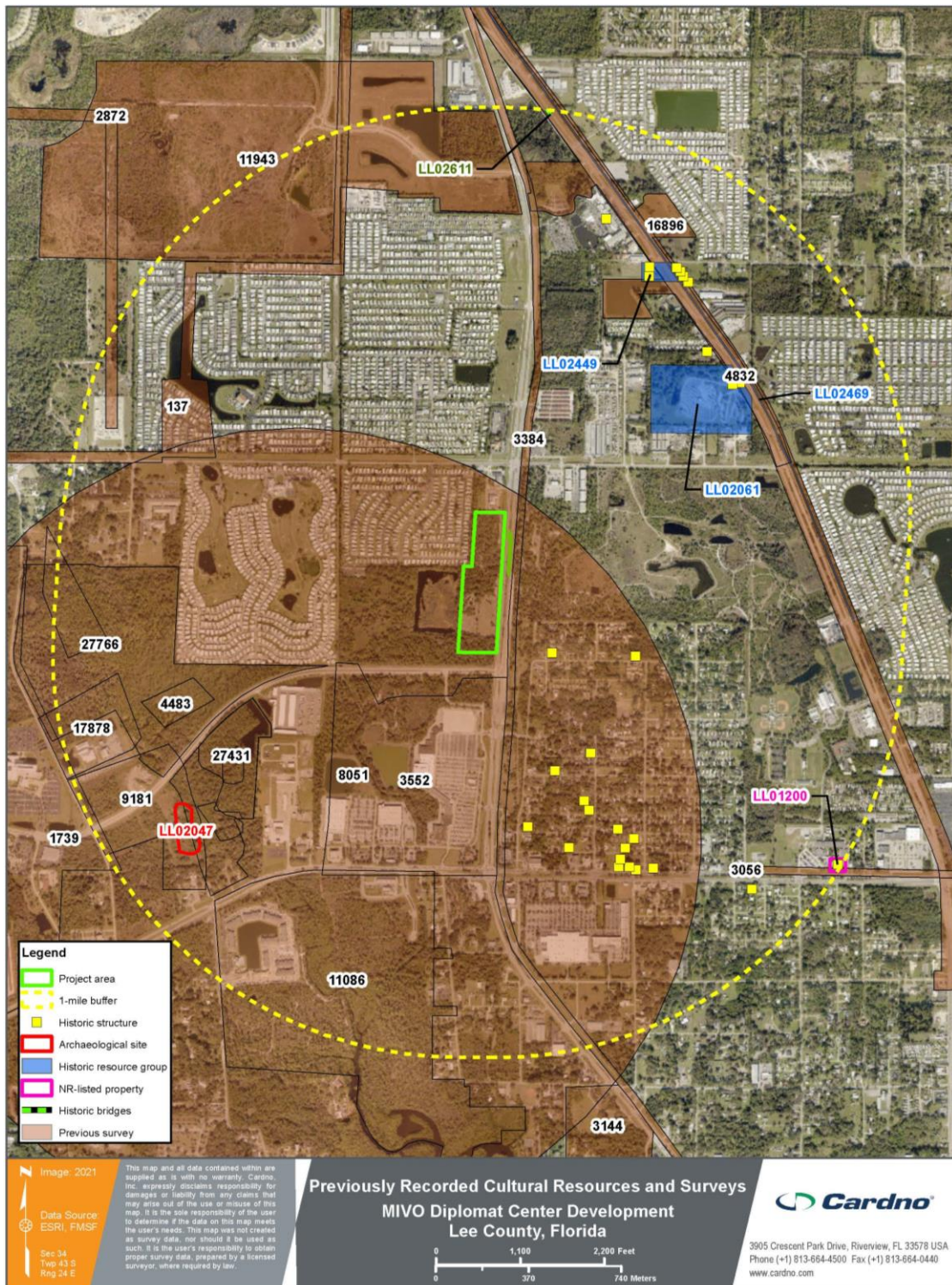
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Figure 1 Previous cultural surveys and known cultural resources within one mile of the Project

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**Table 1 Previous Cultural Resource Surveys Conducted within One Mile of the Project Area**

Survey No.	Title	Year	Sponsor
137	An Archaeological and Historical Survey of a Proposed 230 KV Transmission Facility in Lee County, Florida	1979	R W Beck and Associates
1739	Cultural Resource Assessment Survey of the Proposed Hancock Creek Commerce Park Development Site, Lee County, Florida	1988	Collier Enterprises
2872	An Archaeological and Historical Survey of the Hardee Power Station Transmission Line.	1991	Seminole Electric Cooperative
3056	Cultural Resource Assessment Review of the Proposed State Road 78 PD&E Alignment, Between Piney Road and Interstate 75, Lee County, Florida	1991	Florida Department of Transportation
3144	Historical Report and Survey Supplement for Lee County, Florida	1992	Florida Division of Historical Resources
3384	A Cultural Resources Survey of a Segment of US 41/SR 45 from South of Victoria Avenue to North of Business US 41/SR 739 in Fort Myers, Lee County, Florida	1992	Parsons Brinckerhoff Quade
3552	A Cultural Resource Assessment of the Merchants Crossing DRI Parcel Lee County, Florida	1990	Abrams Properties, Inc.
4483	A Cultural Resources Assessment Survey of a Portion of the Diplomat Parkway Extension, Lee County, Florida	1996	Johnson Engineering, Inc.
4832	Cultural Resource Assessment Survey, US Business 41 from Mariana Avenue to the Apex of US 41 and US Business 41 Lee County, Florida	1997	Florida Department of Transportation
8051	Proposed Cellular Tower Replacement: Pine Island (3-N009A) 2981 Northeast Pine Island Road, North Fort Myers, Lee County, Florida	2001	URS Corporation
9181	An Archaeological and Historical Survey of the Diplomat Parkway Park of Commerce Project Area in Lee County, Florida	2003	Beck and Company
11086	An Archaeological and Historical Survey of the Judd Creek Preserve Project Area in Lee County, Florida	2005	Realmark Group, LLC.
11943	A Phase One Archaeological Survey of the Estate at Entrada Parcel, Lee County, Florida	2005	Realmark Group, LLC
16896	Cultural Resource Assessment Re-evaluation US 41 Business (SR 739) from Littleton Road (M.P. 4.162) to US 41 (SR 45) (M.P. 5.400) Lee County, Florida	2009	Wilson Miller, Inc.
17878	Phase I Archaeological Survey, Approximate 15-Acre Parcel, NE Corner of Corbett Road and Diplomat Parkway, Cape Coral, Lee County, Florida	2010	Department of the Army
27431	Cultural Resource Assessment Survey of the Diplomat Parkway Site, Fort Myers, Lee County, Florida	2021	Bio-Tech Consulting, Inc.
27766	Cultural Resource Assessment Survey of the VA / Pine Island Property, Lee County, Florida	2021	Light Parties and VA PI, LLC

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**Table 2 Previously Recorded Archaeological Sites within One Mile of the Project Area**

FMSF Number	Name	Type	Culture	Survey Evaluation	SHPO Evaluation
8LL02047	Diplomat Bottle Dump	Land-Terrestrial, Historic Refuse/Dump	Twentieth century American, 1900-present	Ineligible for NRHP	Ineligible for NRHP

Table 3 Previously Recorded Historic Structures within One Mile of the Project Area

FMSF Number	Name/Address	Year Built	Style	Use	Surveyor Evaluation	SHPO Evaluation
8LL01161	420 Atlantic Ave		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01172	529 Clark St		Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01191	5053 Ellis St		Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01193	428 Monterey		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01194	560 Monterey	1972	Masonry Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01195	229 Pine Island Rd	1962	Masonry Vernacular	Commercial	Not Evaluated	Not Evaluated
8LL01196	366 Pine Island Rd		Demolished	Commercial	Not Evaluated	Not Evaluated
8LL01197	Church of Jesus Christ (Apostolic)		Frame Vernacular	House of worship	Not Evaluated	Not Evaluated
8LL01198	444 Pine Island Rd		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01200	J Colin English School	1928	Mission/Spanish Colonial Revival	School, University, College	Not Evaluated	NRHP Listed (7/8/1999)
8LL01202	442 Redlin St		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01203	443 Redlin St		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01204	524 Redlin St	1954	Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01208	522 Sacramento St		Demolished	Private residence	Not Evaluated	Not Evaluated
8LL01209	425 San Bernardino St	1930	Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01210	444 San Bernardino St		Demolished	Private residence	Not Evaluated	Not Evaluated

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FMSF Number	Name/Address	Year Built	Style	Use	Surveyor Evaluation	SHPO Evaluation
8LL01211	1701 San Bernardino St	1930	Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL01215	558 State St		Frame Vernacular	Private residence	Not Evaluated	Not Evaluated
8LL02452	2557 N. Tamiami Trail	c1953	Masonry vernacular	Office	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02453	Roadside Sign	c1948	Not Applicable	Other	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02454	Ticket Booth	c1948	Not Applicable	Other	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02458	Rainbow Motel (Building C)	1953	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02459	Rainbow Motel (Building G)	c1952	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02462	Rainbow Motel (Building F)	c1953	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02464	Building E (Rainbow Motel)	c1948	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02465	Rainbow Motel (Building D)	c1948	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02466	Rainbow Motel (Building B)	c1957	Masonry vernacular	Hotel, Motel, Inn	Ineligible as contributor to NR district	Ineligible for NRHP
8LL02467	The Shell Factory	c1952	Unspecified by Surveyor	Commercial	Ineligible as contributor to NR district	Ineligible for NRHP

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Table 4 Previously Recorded Historic Bridge within One Mile of the Project Area

FMSF Number	Name	Year Built	Design	Material	Condition	SHPO Evaluation
8LL02611	US Business 41 (SR-739) / Deans Ditch	1927	Slab	Concrete	Good/In Use	Not Evaluated by SHPO

Table 5 Previously Recorded Resource Groups within One Mile of the Project Area

FMSF Number	Name	Type	Time Significance	SHPO Evaluation
8LL02061	Northside Drive-In	FMSF Building Complex	Twentieth century American, 1900 to Present	Ineligible for NRHP
8LL02449	Rainbow Motel	FMSF Building Complex	c1948-1957	Ineligible for NRHP
8LL02469	Gator Slough Canal	Linear Resource	c1960s to Present	Ineligible for NRHP

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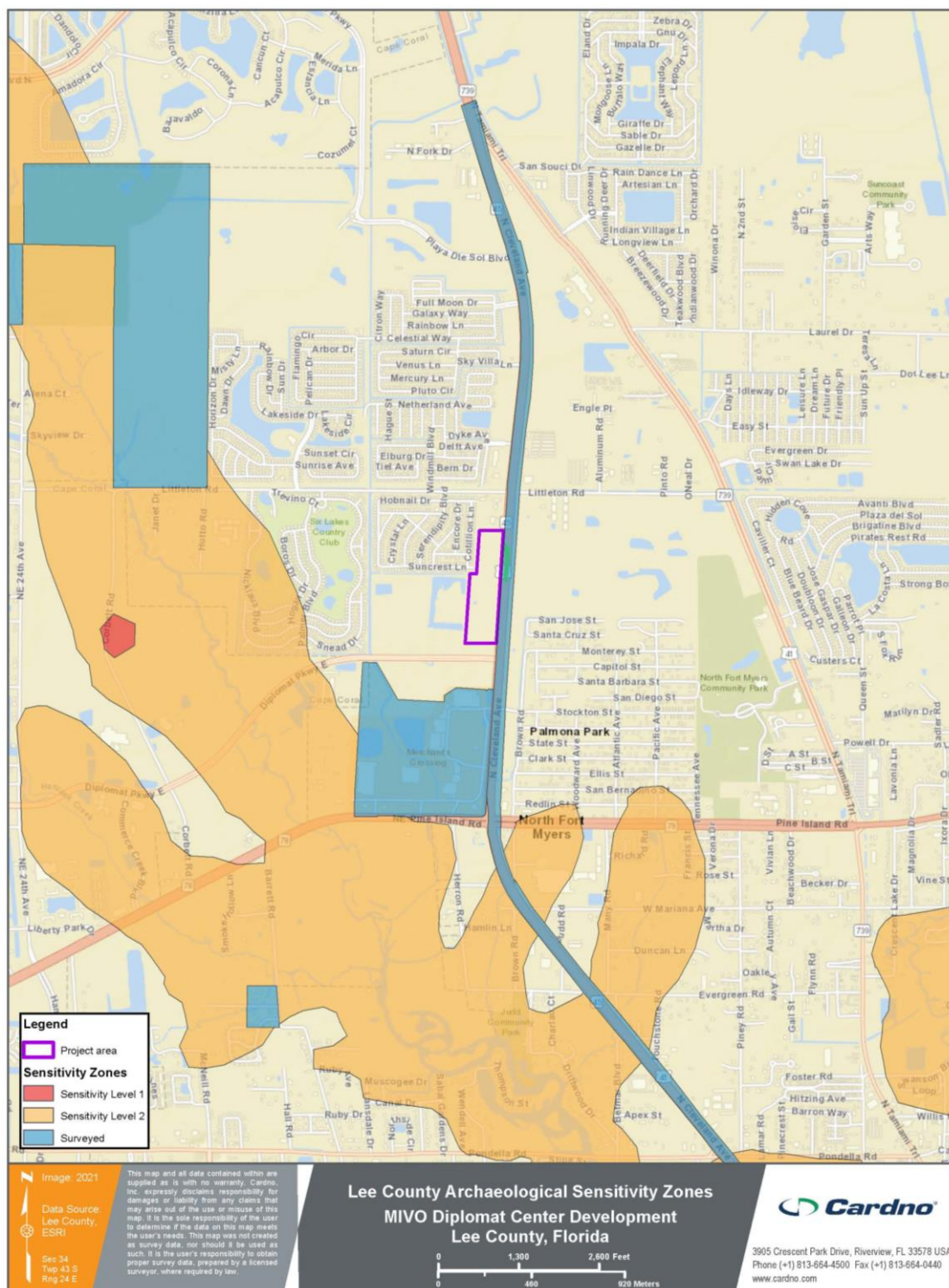


Figure 2 Project location in relation the Lee County Archaeological Sensitivity Zones

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While the property has never been surveyed, no historic resources such as archaeological sites, historic structures, historic cemeteries, bridges, or resource groups have been previously recorded on the FMSF within the current project area. Also, no portion of the current project area is within a Lee County Archaeological Sensitivity Zone. If any state or federal permits or funding, such as through the US Department of Housing and Urban Development (HUD), are necessary for the Project the entire Project might then be subject to Chapter 267, Florida Statutes or Section 106 of the National Historic Preservation Act. If a cultural resource assessment survey including archaeological or historic architectural field survey is required within the current project area Cardno would be happy to provide these services under an additional scope and fee.

Please let me know if you have any questions or comments regarding the above desktop assessment.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca O'Sullivan".

Rebecca O'Sullivan, MA, RPA
Senior Archaeologist
for Cardno
Direct Line 813-909-3034
Email: rebecca.osullivan@cardno.com

A handwritten signature in blue ink, appearing to read "Paul L. Jones".

Paul L. Jones
Cultural Practice Leader, Senior Principal - Archaeology
for Cardno
Direct Line 813-712-2934
Email: paul.l.jones@cardno.com

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

The mobile home park to the west of the subject property abuts the northern portion of the subject project which includes a 1-story amenity center with parking and the remaining area is designated as an indigenous preserve. The proposed multi-family development is designed so that the apartment buildings are located on the southern portion of the subject property, centrally located, with parking spaces surrounding the buildings providing additional buffering from the existing mobile home park exceeding the required setback per the Lee County Land Development Code. The current approved Zoning Resolution Z-09-025 allows for 6-story multi-family units with a maximum building height of 75 feet. The proposed RPD is requesting 4-story multi-family units with a maximum of 60 feet – providing stricter height limitations for the subject property.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The residents will have direct access to a dog park, playground, and a walking trail around the lake. The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

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 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; and
5. Will not intrude into predominately single-family residential neighborhoods

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred.

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

