

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

Case Number: DCI2021-00026
Case Name: Homes at 81 West RPD
Case Type: Minor Planned Development Rezoning
Area Affected by Request: ±9.97 Acres
Sufficiency Date: August 1, 2022
Hearing Date: September 29, 2022

Summary of Request and Recommendation

Q. Grady Minor and Associates, P.A., on behalf of Marshall Property Services, LLC, filed a request to rezone ±9.97 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit the development of a “horizontal rental” community containing a maximum of 90 dwelling units.

The subject property is a tract of land located at the southeast corner of the intersection of Penzance Boulevard and Blasingim Road (Commission District #2). A legal description and sketch of the subject property is attached as Attachment U.

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

The applicant has requested three deviations from the Lee County Land Development Code (LDC) to facilitate the proposed development. Staff has identified two additional deviations that are required as a result of the property’s location within 10,000 feet of Page Field General Aviation Airport. Staff recommends approval of the requested deviations as noted in Attachment C.

Property History and Character of the Area

The subject property is a tract of land consisting of one parcel located at the southeast corner of the intersection of Penzance Boulevard (a County-maintained major collector) and Blasingim Road (a non-County-maintained local road). The property is largely undeveloped, with site improvements being limited to an agricultural building and pond. The property is currently utilized for agricultural purposes and enjoys the benefit of an agricultural exemption according to Lee County Property Appraiser property record data.

The subject property is located within the Central Urban future land use category as designated by the Lee Plan and has been zoned Agricultural (AG-2) since the County first instituted zoning in the early 1960s. The area surrounding the subject property is currently characterized by a mix of residential uses of varying types and densities (see Attachment B). However, this area of the County is experiencing rapid transformation as a result of its urban future land use designation and availability of urban services and infrastructure. Over the last decade, significant swaths of land in

close proximity to the subject property have obtained zoning entitlements to facilitate relatively dense residential development. Of particular note are the Cypress Village RPD (Resolution Z-13-025), the Oak Villages RPD (Resolution Z-18-006, as amended), the Carissa Minor RPD (Resolution Z-21-006), and the Parker Lane RPD (Resolution Z-21-024). Cumulatively, these four planned developments have approved a maximum of 704 dwelling units in the vicinity of the subject property (see Attachments R3 through R6).

The areas surrounding the subject property can be characterized as follows:

North

Lands to the north of the subject property are zoned Agricultural (AG-2) and are located within the Central Urban future land use category as designated by the Lee Plan. These lands are developed with two single-family residences on parcels that are each approximately two acres in size, while a third is vacant with respect to use (see Attachment B). The Timbers subdivision, which is zoned Residential Single-Family (RS-1) is located to the north and west of this agriculturally-zoned area, while the Otter Creek RPD, which is now located within the City of Fort Myers, is located to the north and east of this area.

South

Lands to the south of the subject property are designated Central Urban by the Lee Plan and are zoned Agricultural (AG-2) (see Attachment B). These lands contain a mix of low-density residential and agricultural uses. The Parker Lane RPD is located to the south of the subject property, with one intervening parcel between the subject property and this RPD.

East

Lands to the east of the subject property are zoned Residential Planned Development (RPD) and are designated Central Urban by the Lee Plan (see Attachment B). These lands are developed with a series of multi-family residential buildings and associated site improvements as approved by Resolution Z-88-216, as amended by Resolution Z-92-027 (Coral Woods RPD) and Resolution Z-98-054 (Coral Rock RPD) (see Attachments R1 and R2).

West

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

Master Concept Plan and Development Considerations

The subject request seeks to rezone ±9.97 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to facilitate a “horizontal rental” residential development containing a maximum of 90 dwelling units (see Attachment H). The proposed “horizontal rental” development concept contemplates a rental community consisting of detached and attached dwelling units. Although this concept is not specifically contemplated by the Land Development Code (LDC), LDC Section 34-612 notes that planned development zoning districts are intended to provide the flexibility in planning and design to “further implement the goals, objectives, and policies of the Lee Plan” while ensuring “the most economical use of land and public resources” and “encouraging the use of several housing

types.” These overarching principles, coupled with existing regulations pertaining to dwelling unit types established by the Land Development Code, provide the framework for facilitating this emerging market trend. In fact, one “horizontal rental” development was recently approved within the CenterPlace MPD by ADD2021-00107 (see Attachment S).

The proposed master concept plan depicts residential development tracts oriented around a central water management lake with a circular accessway facilitating vehicular circulation within the development (see Attachment D). The master concept plan also depicts customary amenities including a clubhouse, pool, and dog walk. Access to the proposed development will be provided via a divided entrance from Blasingim Road, a non-County-maintained local road, to assure compliance with LDC Section 10-285, which prohibits direct access to arterial and major collector roads with access alternatives. The applicant has provided the requisite documentation demonstrating legal access to Blasingim Road (see Attachment I). A second “emergency only” access is proposed to be located along Blasingim Road approximately 350 feet south of the proposed main entrance.

Analysis

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

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

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

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

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

Lee Plan Compliance

The subject property is designated Central Urban by the Lee Plan (see Attachment B). **Lee Plan Policy 1.1.3** notes that the Central Urban future land use category can be best characterized as the “urban core” of the County, which “is already most heavily settled and which has or will have the greatest range and highest levels of urban service.” The request, if approved, will facilitate the development of a relatively dense multifamily residential community in close proximity to an arterial road (Ben C. Pratt/Six Mile Cypress Parkway) with adequate urban services available to serve the use. The proposed density of 9.03 dwelling units per acre is near the top of the maximum base density range of ten (10) dwelling units per acre established for the Central Urban future land use category; therefore, the request is **CONSISTENT with Lee Plan Policy 1.1.3**.

Approval of the request, as conditioned, will promote contiguous and compact growth patterns and minimize the cost of energy and services (**Lee Plan Objective 2.1**) while permitting growth within future urban areas in a manner consistent with the Goals, Objectives, and Policies of the Lee Plan (**Lee Plan Policies 2.1.1 and 2.1.2**). As noted herein, adequate public facilities, services, and infrastructure exist to serve the proposed development, and the request will be compatible with surrounding land uses (**Lee Plan Objective 2.2 and Policy 2.2.1**). Water and wastewater infrastructure is available to the subject property, and water and wastewater capacity is available to serve the proposed development (**Lee Plan Standards 4.1.1 and 4.1.2**) (see Attachment J).

The subject request, as conditioned, provides for the development of a high-density residential development near to employment and shopping centers with access to bicycle and pedestrian facilities (**Policy 5.1.3**). The subject property is proximate to commercial centers along Colonial Boulevard and Daniels Parkway, as well as Gulf Coast Medical Center. The proposed master concept plan is designed to be compatible with the residential character of the area and is designed around existing environmental limitations with adequate open space, buffering, and landscaping (**Policies 5.1.2, 5.1.5, and 5.1.6**). Finally, the request contemplates the development of a residential community containing of a mix of dwelling unit types that is proximate to a mix of established and planned single-family and multifamily residential development (**Policy 135.1.9**).

In conclusion, **the request, as conditioned, is CONSISTENT with the Lee Plan**. The subject property is located in a future urban area and is in close proximity to Ben C Pratt/Six Mile Cypress Parkway. The request, if approved, will capitalize on the property’s location near established commercial areas and employment centers and its access to infrastructure, public services and facilities, and the local and regional roadway network. The subject property is well-suited to accommodate the proposed development density, and the development of the property presents minimal compatibility-related concerns.

Land Development Code Compliance and Deviations

Horizontal Multifamily Development

The request statement submitted in support of the subject application notes that the “horizontal rental” community proposed by the request will facilitate the development of 90 rental units consisting of a mix of one-, two-, and three-bedroom units with unit sizes ranging between 700 and 1,500 square feet of living area (see Attachment H). The subject property will not be subdivided to

facilitate development, with all of the land remaining as a common element in a manner akin to conventional multifamily residential communities. The request statement further notes that these dwelling units will be a mix of unit types including single-family, two-family, and multi-family units.

Land Development Code (LDC) Section 34-2 establishes definitions for the various types of dwelling units contemplated by the request as follows:

- (1) *Duplex* means a single, freestanding, conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.¹
- (2) *Single-family residence* means a single, freestanding, conventional building designed for one dwelling unit and which could be used for occupancy by one family.
- (6) *Multiple-family building* means a group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwelling units, other than caretaker's quarters, which are included in a building that also contains permitted commercial uses will also be deemed to be multiple-family dwelling units.

The definitions of single-family residence and multi-family building each provide for the development of more than one dwelling unit on a lot or parcel; however, the definition of duplex specifies that duplexes are intended to be developed on a single lot. Notwithstanding, the development of two-family dwelling units on a parcel of land under common ownership as part of the proposed "horizontal rental" community is substantially similar to a duplex as defined by the Land Development Code. Therefore, this use is considered permitted pursuant to LDC Section 34-933.

Deviations

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

The applicant proposes three deviations as part of the subject request (see Attachment G). Staff has identified two additional deviations from certain surface water management and landscaping requirements of the LDC due to the subject property's location within 10,000 feet of Page Field General Aviation Airport (see Attachment O).

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

¹ The Land Development Code also establishes a definition for two-family dwelling units, wherein a conventional building is designed as two dwelling units attached by a common wall or roof, but where each unit is located on a separate lot under separate ownership.

Deviation 1 seeks relief from LDC Section 10-291(3), which requires residential projects of five acres or more to provide more than one means of ingress or egress, to allow only one full access via Blasingim Road and to allow a second access to function as “emergency only.”

The applicant’s justification for the requested deviation notes that the number of dwelling units and the corresponding number of vehicular trips expected to be generated by the development do not provide a demonstrated need for two full access points as required by the LDC. The applicant has also provided letters of no objection from the Lee County Sheriff’s Office and Department of Public Safety, as well as the South Trail Fire District indicating no objection to the deviation request (see Attachment P1).

Development Services staff reviewed and analyzed the requested deviation (see Attachment P). Staff recommends **APPROVAL** of this deviation subject to the following conditions:

1. *Prior to development order approval, the developer must record a notice to all future property owners, in the public records, allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer’s successor.*
2. *Prior to development order approval, the applicant must demonstrate that the emergency only access is equipped with an Emergency Vehicle Access Control (EVAC) and provides a stabilized surface with sufficient structural capacity to support an ambulance and fire truck.*

Deviation 2 seeks relief from LDC Section 10-416(d)(6), which requires roads, drives, or parking areas associated with a multifamily residential use located less than 125 feet from existing single-family residential lots to be buffered by either:

1. a solid wall or combination berm and solid wall not less than eight feet in height constructed no more than 25 feet from the abutting property with landscaping between the wall and the abutting property containing a minimum of five trees and 18 shrubs per 100 lineal feet; or
2. a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property;

to allow a 48-inch-high hedge, to be maintained at a height of 60 inches, to be installed within a 15-foot-wide buffer easement along the southern boundary of the subject property, except where a proposed street stub out terminates near the southern property boundary. The proposed street stub out area will be buffered with an eight-foot-high solid wall with plantings consisting of hedges and trees located between the proposed wall and south property line as depicted on the master concept plan (see Attachment D).

The applicant’s justification for the requested deviation notes that this relief is being sought to accommodate a required water management conveyance ditch along the southern property line. The required conveyance ditch, coupled with the location of the proposed street stub out and the presence of a drainage easement along the south property line, prevents the provision of a code compliant buffer in this location (see Attachments D and Q).

Environmental Zoning Staff reviewed and provided substantive comment on the deviation request (see Attachment O). Staff recommends **APPROVAL** of this deviation request subject to the following condition:

- 1. Prior to development order approval, the development order plans must depict a 15-foot-wide up to the terminal access stub, where at 7.5-foot-wide buffer must be depicted. The landscape plans must depict ten trees per 100 linear feet and a double hedge row, and must depict hedges specified at 48-inches-in height, to be maintained at 60-inches-in-height.*

Deviation 3 seeks relief from LDC Section 10-296(k)(1), which requires permanent dead-end streets to be closed at one end by a circular turnaround for vehicles and be constructed in compliance with the LDC, to allow the use of hammerhead turnarounds at the terminal roads depicted on the master concept plan (see Attachment D).

The applicant's justification for the requested deviation cites the need to provide adequate areas for emergency vehicles to complete three-point turn movements while remaining on a paved surface. The applicant's justification also notes that existing and proposed drainage infrastructure in the vicinity of each proposed hammerhead turnaround inhibits the ability to provide circular turnarounds in these locations. Development Services Staff reviewed and provided substantive comment on the deviation request (see Attachment P). Staff notes that the South Trail Fire District reviewed and raised no objection to the request. Staff finds that the requested deviation enhances the objectives of the planned development and protects public health, safety, and welfare; therefore, staff recommends **APPROVAL** of this deviation.

Deviation 4 is a staff-identified deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a ratio not greater than six horizontal to one vertical (6:1) from the top of bank to a water depth of two feet below the dry season water table, to allow slopes to be designed at a ratio of four horizontal to one vertical (4:1) with enhanced slope protection measures and design techniques determined by the project engineer at time of development order. This deviation is required to assure compliance with the Federal Aviation Administration's (FAA) Advisory Circular FAA AC 150/5200-33B, which specifies that all development within 10,000 feet of a public airport is encouraged to be designed in accordance with FAA recommendations. Staff finds that the requested deviation enhances the objectives of the planned development and protects public health, safety, and welfare in accordance with federal regulations; therefore, staff recommends **APPROVAL** of this deviation.

Deviation 5 is a staff-identified deviation from LDC Section 10-418(2)(d)3, which allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2-inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the total required number of herbaceous plants. This deviation is required to assure compliance with the Federal Aviation Administration's (FAA) Advisory Circular FAA AC 150/5200-33B, which specifies that all development within 10,000 feet of a public airport is encouraged to be designed in accordance with FAA recommendations. Staff finds that the requested deviation enhances the objectives of the planned development and protects public health, safety, and welfare in accordance

with federal regulations; therefore, staff recommends **APPROVAL** of this deviation subject to the following condition:

1. *Prior to development order approval, all landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plant List, attached hereto as Attachment 02.*

Compatibility with Surrounding Uses

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

Sufficiency of Access, Transportation Considerations, and Traffic Impacts

The subject property fronts on Penzance Boulevard (a County-maintained major collector road) and Blasingim Road (a non-County-maintained local road) (see Attachment D). As noted above, the proposed development will be accessed from Blasingim Road in compliance with LDC Section 10-285, which prohibits access onto arterial or major collector roads where alternative access may be achieved. The proposed master concept plan provides for two points of access from Blasingim Road, one of which is proposed to be emergency only. The applicant has requested the requisite deviation from LDC Section 10-291(3) to allow a second means of access to be designated as “emergency only,” and staff recommends approval of the deviation request, subject to conditions (see Attachment C). LDC Section 10-291(2) requires all development to abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC Section 10-296. At the time of development order application, the applicant will be required to demonstrate compliance with this requirement (see Attachment P). Staff also recommends a condition of approval requiring the developer, its successors or assigns to demonstrate that an appropriate entity has been created to assure continuous maintenance of Blasingim Road. Therefore, as conditioned, adequate access to the local roadway network exists to accommodate the proposed development.

The applicant submitted a traffic impact statement in support of the request for rezoning (see Attachment M). Development Services/Infrastructure Planning staff reviewed the traffic impact statement and provided substantive comment (see Attachment N). Staff notes that the request will generate 68 weekday AM peak hour trips and 90 weekday PM peak hour trips. Staff notes that level of service (LOS) analyses for roadway sections and intersections are not required because the projected trip generation for both the AM and PM peak hours are less than 100 trips. Staff also concluded that the request, if approved, will not have a detrimental impact on the surrounding roadway system.

Environmental Considerations

Lee County Environmental staff reviewed the request and provided substantive comment on the subject request (see Attachment O). Environmental staff notes that the site consists of pastureland with no indigenous vegetative communities present. An environmental assessment completed for the subject property does not indicate the presence of any protected species or nesting species on

the property despite the property's location within a core foraging area for wood storks and a consultation area for the Red Cockaded Woodpecker.

Environmental staff indicates that the request complies with the minimum open space requirement of the Land Development Code. Environmental staff also notes that with the exception of the south property line, proposed perimeter buffers are in compliance with the Land Development Code. As noted herein, staff reviewed, analyzed, and recommended approval with conditions of a deviation from the perimeter buffer requirements of LDC Section 10-416(d) along the south property line. Environmental staff also identified two additional deviations required as a result of the property's location within 10,000 feet of Page Field General Aviation Airport, and recommended approval of these deviations with conditions where appropriate. Natural Resources staff also reviewed the request, but provided no substantive comment.

Availability of Urban Services

The availability of urban services available to the subject property is documented throughout this report and can be summarized as follows:

- Potable water and sanitary sewer will be provided by Lee County Utilities (LCU) from the Corkscrew Water Treatment Plant and the City of Fort Myers South Water Reclamation Facility, respectively (see Attachment J). LCU indicates that sufficient capacity exists to serve the proposed development.
- Public school capacity is available to serve the proposed development as indicated by the Lee County School District (see Attachment K). District staff indicates that approximately 26 school-aged children will be generated by the development, and that sufficient capacity exists within the property's assigned Concurrency Service Area to accommodate the development.
- LeeTran indicates that the subject property is not located within one-quarter mile of a fixed-route corridor, nor are there route or service extensions planned to serve the subject property (see Attachment L).
- Roadway infrastructure is sufficient to accommodate the proposed development, and no Level of Service (LOS) impacts are anticipated to be generated by the proposed development.
- Public safety services are available between 3.5 miles and 4.5 miles of the subject property. The property will be served by the South Trail Fire District and Lee County EMS, whose closest locations are South Trail Fire Station #62 and EMS Station Medic 35, located at 13500 Sophomore Lane. The Main Office of the Central District of the Lee County Sheriff's Office, located at 14750-754 Ben C Pratt/Six Mile Cypress Parkway, is located approximately 4.5 miles from the subject property.

Findings and Conclusion

The subject planned development rezoning request meets all the criteria for rezoning and is compliant with the Land Development Code to the extent that deviations have not been requested and recommended for approval by staff. The request, as conditioned, is compatible with existing and planned uses in the surrounding area, and the conditions recommended by staff are intended to protect public health, safety, and welfare, and are reasonably related to the impacts on the public

interest expected from the proposed development. Sufficient access will be provided to support the proposed development density, and the proposed use of the property remains appropriate.

Attachments

- A. Expert Witness List
- B. Aerial, Current Zoning, and Future Land Use Maps
- C. Conditions and Deviations
- D. Master Concept Plan
- E. Applicant's Proposed Schedule of Uses
- F. Applicant's Proposed Property Development Regulations
- G. Applicant's Schedule of Deviations and Justifications
- H. Applicant's Request Narrative and Lee Plan Consistency
- I. Quit Claim Deed, Blasingim Road
- J. Lee County Utilities Correspondence
- K. Lee County School District Correspondence
- L. LeeTran Correspondence
- M. Traffic Impact Statement
- N. Development Services Traffic Analysis Memorandum
- O. Lee County Environmental Staff Memorandum
 - 1. Environmental Staff Report Exhibit A – Protected Species Survey
 - 2. Environmental Staff Report Exhibit B – Lee County Port Authority Compatible Plant List
- P. Development Services Staff Memorandum
 - 1. Development Services Memorandum Exhibit A – Public Safety Agency Correspondence
- Q. Surface Water Management Plan Description
- R. Zoning Resolutions for Surrounding Development
 - 1. Coral Woods RPD Zoning Resolutions (Z-88-216 and Z-92-027)
 - 2. Coral Rock RPD Zoning Resolution (Z-98-054)
 - 3. Cypress Village Zoning Resolution (Z-13-025)
 - 4. Oak Villages Zoning Resolution (Z-18-006)
 - 5. Carissa RPD Zoning Resolution (Z-21-006)
 - 6. Parker Lane RPD Zoning Resolution (Z-21-024)
- S. ADD2021-00107 (The Villas at Gulf Coast within CenterPlace MPD
- T. Boundary Survey
- U. Legal Description and Sketch

ATTACHMENT A

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

Case Number: DCI2021-00026

Project Name: HOMES AT 81 WEST RPD

Hearing Examiner Date: September 29, 2022

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

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

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

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

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

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

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

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

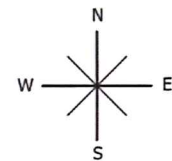


DCI2021-00026

Aerial

 Subject Property

ATTACHMENT B



0 250 500
Feet





DCI2021-00026

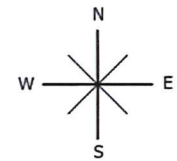
Future Land Use

 Subject Property

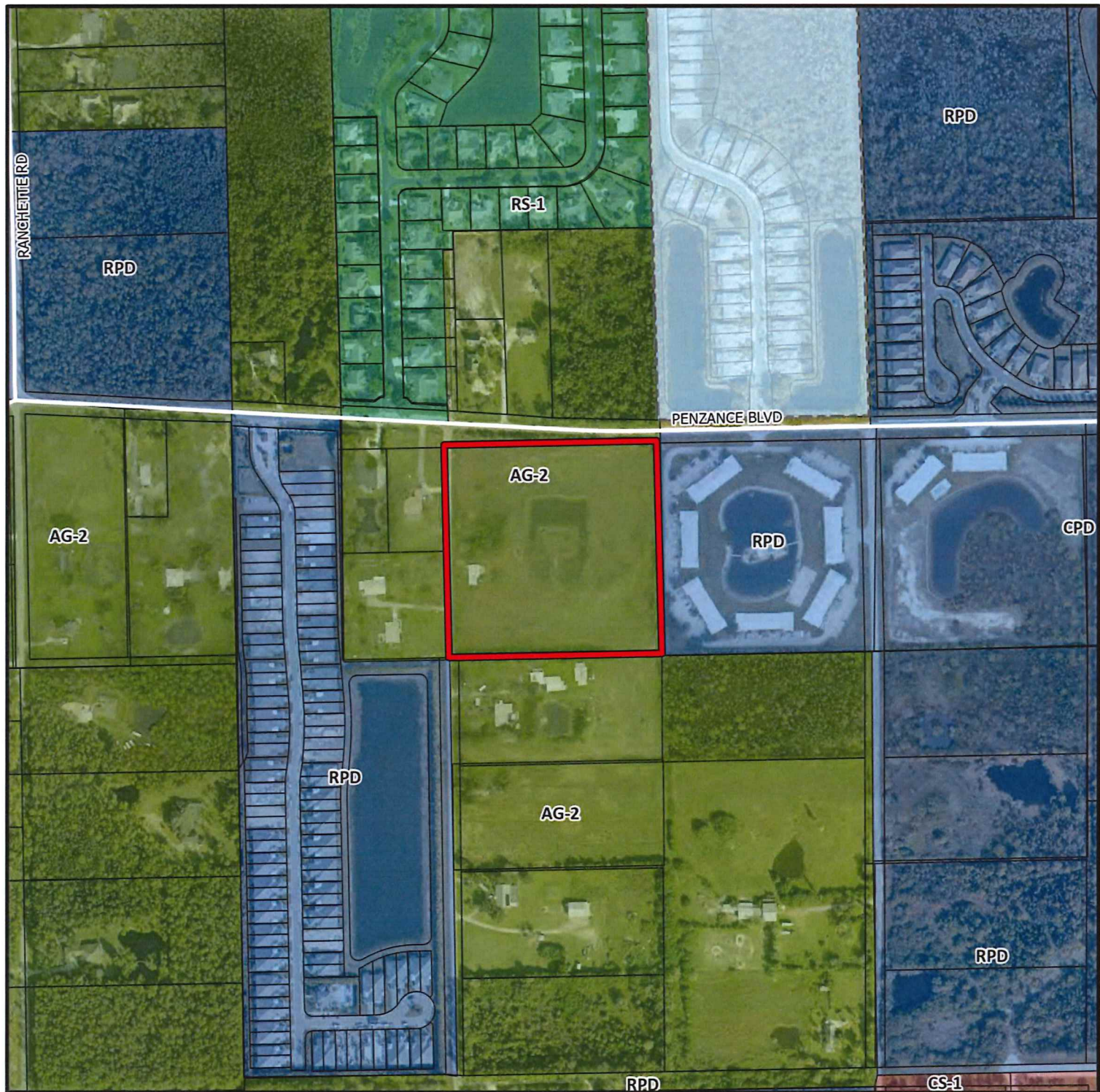
 Central Urban

 Wetlands

 City Limits



0 500
Feet

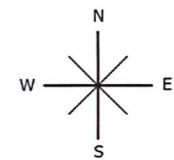


DCI2021-00026

Zoning

 Subject Property

 City Limits



0 500
Feet



(A) Conditions

(1) Master Concept Plan and Development Parameters.

Master Concept Plan. Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled “Homes at 81 West RPD Master Concept Plan” prepared by Grady Minor, revised 9/12/2022, except as modified by the conditions below.

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with all the requirements of the Lee Plan and LDC, except where deviations have been approved. Subsequent amendments to the Master Concept Plan, conditions, or deviations may be subject to further review consistent with the LDC.

Approved Development Parameters. Development is limited to a maximum of 90 dwelling units, with a maximum permitted building height of 35 feet.

(2) Schedule of Uses and Property Development Regulations.

(a) Schedule of Uses

Accessory Uses, Buildings and Structures
Administrative Offices
Dwelling Unit
 Single-Family Detached
 Duplex
 Multiple-Family
Essential Services
Essential Service Facilities – Group I
Excavation, Water Retention
Fences, Walls
Recreation Facilities
 Personal
 Private–On-site
Signs

(b) Property Development Regulations.

Minimum Lot Area and Dimensions

Lot Width	N/A
Lot Depth	N/A
Lot Area	N/A

Minimum Setbacks

Accessway*	20 feet
PD Boundary	25 feet

Waterbody	20 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	40 percent

*As measured from edge of pavement

(3) Compliance with Multifamily Development Standards.

Prior to development order approval, the plans must demonstrate compliance with the applicable regulations for multifamily development established by the Land Development Code.

(4) Blasingim Road Maintenance.

Prior to development order approval, the applicant must submit a copy of legal documents creating the legal mechanism to ensure the continuous maintenance of Blasingim Road along the property frontage.

(B) Deviations

- (1) **Deviation 1** seeks relief from LDC Section 10-291(3), which requires residential projects of five acres or more to provide more than one means of ingress or egress, to allow only one full access via Blasingim Road and to allow a second access to function as “emergency only.”

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

- a. Prior to development order approval, the developer must record a notice to all future property owners, in the public records, allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer’s successor.
- b. Prior to development order approval, the applicant must demonstrate that the emergency only access is equipped with an Emergency Vehicle Access Control (EVAC) and provides a stabilized surface with sufficient structural capacity to support an ambulance and fire truck.

- (2) **Deviation 2** seeks relief from LDC Section 10-416(d)(6), which requires roads, drives, or parking areas associated with a multifamily residential use located less than 125 feet from existing single-family residential lots to be buffered by either:

- a. A solid wall or combination berm and solid wall not less than eight feet in height constructed no more than 25 feet from the abutting property with landscaping between the wall and the abutting property containing a minimum of five trees and 18 shrubs per 100 lineal feet; or
- b. A 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property;

to allow a 48-inch-high hedge, to be maintained at a height of 60 inches, to be installed within a 15-foot-wide buffer easement along the southern boundary of the subject property, except where a proposed street stub out terminates near the southern property boundary. The proposed street stub out area will be buffered with an eight-foot-high solid wall with plantings consisting of hedges and trees located between the proposed wall and south property line as depicted on the master concept plan.

This deviation is **APPROVED**, subject to the following condition:

- a. Prior to development order approval, the development order plans must depict a 15-foot-wide up to the terminal access stub, where at 7.5-foot-wide buffer must be depicted. The landscape plans must depict ten trees per 100 linear feet and a double hedge row, and must depict hedges specified at 48-inches-in height, to be maintained at 60-inches-in-height.

- (3) **Deviation 3** seeks relief from LDC Sec. 10-296(k)(1), which requires permanent dead-end streets to be closed at one end by a circular turnaround for vehicles and be constructed in compliance with the LDC, to allow the use of hammerhead turnarounds at the terminal roads depicted on the master concept plan.

This deviation is **APPROVED**.

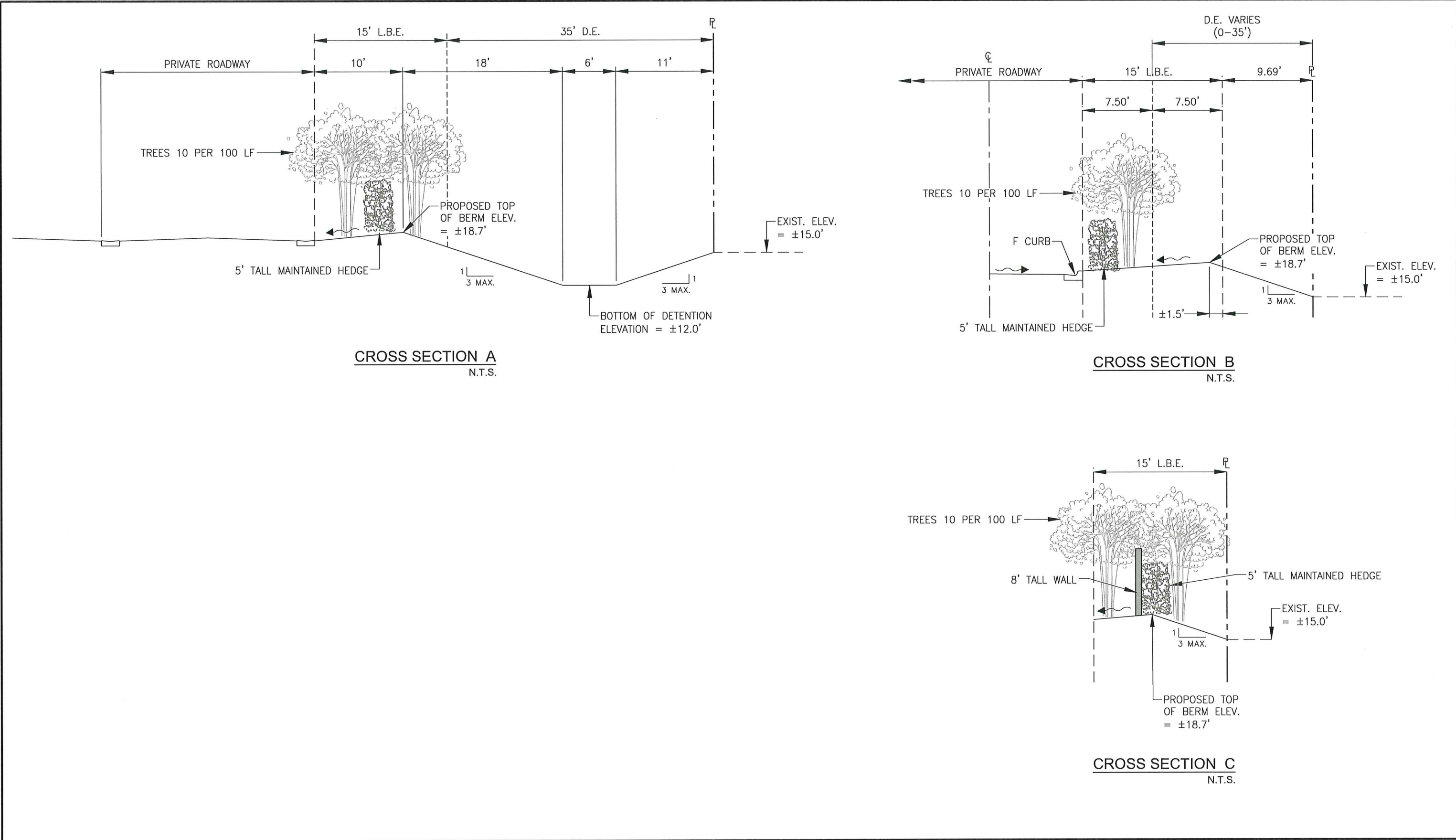
- (4) **Deviation 4** seeks relief from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a ratio not greater than six horizontal to one vertical (6:1) from the top of bank to a water depth of two feet below the dry season water table, to allow slopes to be designed at a ratio of four horizontal to one vertical (4:1) with enhanced slope protection measures and design techniques determined by the project engineer at time of development order.

This deviation is **APPROVED**.

- (5) **Deviation 5** seeks relief from LDC Section 10-418(2)(d)3, which allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the total required number of herbaceous plants.

This deviation is **APPROVED**, subject to the following condition:

- a. Prior to development order approval, all landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plant List.



LEGEND

Revision	Date	Description

DESIGNED BY:	F.J.F.
DRAWN BY:	C.G.K.
APPROVED:	D.W.A.
JOB CODE:	CMPB
SCALE:	AS NOTED



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

HOMES AT 81 WEST RPD

DEVIATION #2
CROSS SECTIONS

MUNICIPALITY:	LEE COUNTY
SEC./TWN/RGE:	8/45S/25E
DATE:	FEBRUARY 2021
SUBMITTAL TYPE:	REZONE
SHEET	2 OF 2

Homes at 81 West RPD

Schedule of Uses

Residential Uses

1. Accessory uses and structures
2. Administrative offices
3. Dwelling units, single family detached, duplex and multiple family
4. Excavation, water management only
5. Entrance gates and gate house
6. Essential services
7. Fences/walls
8. Recreational facilities, private on-site and personal
9. Signs per Chapter 30

Amenity Area (AA) Uses

1. Accessory uses and structures
2. Administrative offices
3. Recreational facilities, private on-site and personal

ATTACHMENT E

Homes at 81 West RPD

Site Development Regulations

The property development limitations are:

Minimum Area Dimensions:

Lot Size	N.A.
Lot Depth	N.A.
Lot Width	N.A.

Minimum Building Setbacks:

External PUD Boundary	25 feet
Internal Drive Aisle (from EOP)	20 feet

Minimum Unit Size:	750 square feet
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	60%
Minimum Open Space:	A minimum of 35% (10 ac. X 0.35 = 3.5± acres) of general open space must be provided.
Indigenous Preserve:	Not applicable. No native vegetation exists on-site.

ATTACHMENT F



Homes at 81 West RPD**Deviation and Justification**

1. Deviation 1 seeks relief from LDC Sec. 10-291(3) which requires residential projects of 5 acres or greater to provide more than one means of ingress or egress to instead allow a single ingress/egress to Blasingim Road.

Justification:

The single full point of ingress/egress to Blasingim Road is sufficient for the normal vehicular access to the property. The 90 proposed rental dwelling units do not generate a sufficient volume of traffic to warrant two full access points. The MCP also depicts an emergency only access to Blasingim Road, which is a private Road. The primary access and emergency access to Blasingim Road will provide safe and convenient access for the RPD.

2. Deviation 2 seeks relief from LDC Sec. 10-416 (d) (6), which states If roads, drives, or parking areas associated with residential subdivisions or with a multi-family or non-residential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

This deviation would instead allow installation of a 48-inch-high hedge and maintained at 60 inches in height within a 15-foot-wide buffer easement along the RPD southern property boundary as depicted on the Master Plan except where a street stub out terminates near the southern property boundary. At this location the buffer shall provide for a minimum planting width of 7.5 feet and include a solid 8 foot high wall with the hedge and trees planted on the external side of the wall (see sheet 2 of 2 of the Master Plan labeled "Deviation #2, Cross Sections").

Justification:

This deviation is warranted as the project is required to have a water management conveyance ditch near the southern property boundary which limits the width of available planting area. Due to the presence of the drainage conveyance, the required landscape buffer easement cannot overlay the required drainage easement to achieve the otherwise 30-foot landscape buffer area. The required vegetation can be installed and maintained within the provided 15-foot-wide landscape buffer easement at both location and containing landscaping material as otherwise required within the typical 30-foot-wide type "F" landscape buffer easement. Additionally, Cross Section 'B' shows a portion of the

proposed drainage easement is within the 15 foot wide landscape buffer easement but a minimum 7.5 foot flat area will be maintained at the top of the berm.

3. Deviation 3 seeks relief from LDC Sec. 10-296(k) (1), which states dead-end streets, designed to be so permanently, must be closed at one end by a circular turn around for vehicles and constructed in compliance with the LDC.

This deviation would instead allow installation of hammerhead turn arounds at the terminal roads to allow a 3 - point turn for emergency vehicles and Lee County personnel at the Southeast and Northwest corners of the property.

Justification:

This deviation is warranted as the project is required to provide the ability for public safety and emergency vehicles to complete a turning motion to reverse direction without having to leave a paved surface. The internal drives are drive aisles and are not platted roadways. Due to site geometry limitations and the required ground elevations needed to meet stormwater treatment requirements, the use of two hammerhead turn arounds are an acceptable alternative for the local emergency services (South Trail Fire District). At the project Southeast corner, the hammerhead configuration is shown due to the existing water management conveyance ditch near the southern property boundary and the required landscape buffer along the southern property line as well. This has also been reviewed by the South Trail Fire District and found to be an acceptable alternative to a full cul-de-sac per the LDC.

Homes at 81 West RPD**Request Statement**

Request Statement: Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**

The Homes at 81 West RPD is a proposed “horizontal” rental community consisting of detached and attached dwelling units. This is a trending rental concept, providing an option to the traditional vertically stacked multi-family concept for rental housing. The 90 rental units will be a combination of 1, 2 and 3 bedroom units and will vary in size from approximately 700 square feet to approximately 1,500 square feet. The development standards proposed for the RPD do not provide for standards for individual lots because the units will not be built on platted lots but rather will be reviewed and approved just as a conventional vertical rental apartment complex would be. All of the units will not meet the definition of multiple-family buildings per the LDC because they will not have 3 or more units per building; however, we have provided for single-family residences, duplex residences and multiple-family residences as the permitted dwelling unit types within the RPD, in order to provide for detached and attached rental units.

The Homes at 81 West RPD is located in the Central Urban Future Land Use Category as identified on the Lee Plan Future Land Use Map. Policy 1.1.3 describes the Central Urban land use category as the “urban core” of the county and is part of the county that is most heavily settled or will have the greatest range and highest levels of urban service. Residential, commercial, public and quasi-public, and limited light industrial uses are permitted. The standard density range is from four dwelling units per acre to ten dwelling units per acres, with a maximum range of up to twenty dwelling units per acres if utilizing Greater Pine Island Transfer of Development Units.

The proposed RPD consists of approximately 9.96+/- acres and proposes to develop a maximum of 90 rental dwelling units, which results in a density of 9 dwelling units per acre. The proposed density is within the standard density range permitted in the Central Urban land use category. Access to the site is proposed from Blasingim Road, with a secondary emergency access provided to Blasingim Road. The County Transportation Staff requested that the project not utilize Penzance Boulevard.

LDC section 34-145(d)(4)

(4) *Findings/review criteria.*

a. Before recommending approval for:

1. Rezoning. The Hearing Examiner must find the request:

a) Complies with the Lee Plan;



Future Land Use Element

The proposed RPD will consist of a maximum of 90 rental dwelling units on approximately 9.96 +/- acres, which equates to a density of approximately 9 dwelling units per acre which is consistent with the standard density range established by Policy 1.1.3, Central Urban Future Land Use Category. No bonus densities are requested for this residential RPD.

Objective 2.1 and its implementing policies promote contiguous and compact growth patterns, to contain urban sprawl, minimize energy costs, conserve land and water and to prevent development patterns where large tracts of land are by-passed in favor of development more distant from services. The subject property is an infill property located within the Central Urban future land use category. The property is immediately adjacent to an existing multiple-family development, the Coral Woods Apartments which has 108 rental units on approximately 10.5 +/- acres, which is a slightly higher, but comparable density to that proposed for the Homes at 81 West RPD.

Policy 2.1.2 requires that projects must be consistent with the Lee Plan. This analysis describes the consistency with the Lee Plan Elements.

Objective 2.2 discusses development timing and directs new growth to the urban areas where adequate public facilities exist. Policy 2.2.1 requires that rezonings be evaluated as to the availability and proximity of the road network, central sewer and water lines, schools, EMS, fire and police protection, as well as compatibility with surrounding uses.

The subject property is located on a County roadway, Penzance Boulevard, and a comprehensive traffic impact statement has been prepared in support of this rezoning application. The analysis concludes that the surrounding roadway network is sufficient to handle the vehicular trips associated with the proposed 90 rental dwelling units. The project also has water and sewer service available from Lee County, within the Penzance Boulevard ROW. There are no existing or anticipated water and sewer system deficiencies as a result of this project. There are no level of service deficiencies anticipated for any public facilities within the buildout time-frame for the project.

Standard 4.1.1, Water, and Standard 4.1.2, Sewer, requires that any project exceeding 2.5 dwelling units per acre must connect to the public water and sewer system.

Policy 5.1.1 requires Developments of County Impact to be rezoned to the Planned Development zoning district. The proposed 90-unit residential community is far below the threshold for a Development of County Impact and a rezoning to the planned development district is not required. The applicant has proposed to rezone the property to the residential planned development district due to the unique character of the proposed "horizontal" rental community concept, which will allow for establishment of appropriate development standards for the product type.

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist. The site has been previously cleared in support of agricultural development and there are no development hazards or constraints.

Policy 5.1.5 addresses protection of existing and future residential areas from encroaching land uses which might negatively impact the area. The policy suggests that it may be appropriate to rezone properties using the Planned Development zoning district in order to insure development standards or appropriate conditions are in place to protect residential areas. The proposed RPD is consistent with the surrounding neighborhood. The area has a variety of housing types ranging from larger lot single family west of Blasingim Road, conventional master planned communities to the north and, multi-family residential development immediately to the east. The proposed horizontal rental community will be a combination of single family, duplex and multiple family structures, all of which are limited to 2-stories in height. Development standards have been provided which insure that the development will be compatible with the surrounding residential uses.

Transportation Element (Please see Traffic Impact Statement prepared by JMB Transportation Engineering, Inc.)

Policy 37.3.3 requires that all development activity be inventoried against the available capacity identified in the annual capacity monitoring report based on existing conditions. The traffic impact statement included with this RPD application demonstrates that the transportation network is sufficient to accommodate the vehicular traffic associated with this project.

Community Facilities and Services

Policy 53.1.3 establishes minimum levels of service standards that are identified in Policy 95.1.3 of the Capital Improvements Element. The project is within Lee County Utilities Water Service Area will be connecting to the existing facilities located in Penzance Boulevard.

POLICY 56.1.2: *The minimum acceptable level of service standard for sanitary sewer connections to Lee County Utilities are established in Policy 95.1.3.*

The minimum acceptable level of service standards adopted for Lee County Utilities' sanitary sewer systems will apply in those franchised/certificated areas and will be used in enforcing concurrency regulations (see Policy 95.1.3)

Private utilities that cannot meet the level of service standards may petition for a plan amendment for a revised level of service requirement for the specific private utility system if it can be proved that the utility has sufficient plant and system capacity to service the franchised/certificated area. Proof must include flow reports, occupancy rates or related statistical information. The data must cover the last two years.

Policy 56.1.2 establishes level of service standards for sanitary sewer that are identified in Policy 95.1.3. No current or anticipated deficiencies will occur as a result of the development of 90 rental units on the property.

Policy 59.1.6 ensures that development will adhere to land use and engineering regulations designed to have artificial drainage systems compatible with natural flow ways for reduction of flood risk to new development. The project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District. The on-site surface water management system will be designed to ensure that the homesites within the project and downstream of the project are adequately protected.

***POLICY 60.1.5:** Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards.*

A Lee County Development Order permit will be applied for and obtained. The proposed stormwater improvements will be designed to meet the current Lee County and SFWMD requirements at the time of permitting.

***OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM.** The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.*

Green infrastructure may be considered during the permitting process with the South Florida Water Management District to address potential stormwater benefits. This type of green stormwater treatment element will be evaluated during the permitting process to determine the proper stormwater treatment process. The required native vegetation preservation requirements will be reviewed and addressed to meet Lee County standards and requirements.

***POLICY 60.5.1:** The county encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

The suggested best management stormwater management practices will be evaluated during the permitting process to determine which options provide the best treatment options in conjunction with the final project configuration.

POLICY 60.5.2: *The county encourages new developments to design their surface water management system to incorporate existing wetland systems.*

There currently are not any wetland systems within the RPD.

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. *Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.*

The proposed project site is permitted South Florida Water Management District to discharge to its historical discharge point at the Southwest corner of the property. The property was previously a cow pasture that drained to an agricultural ditch along the South Property line and underneath Blasingim Road through an existing drainage culvert. This existing agricultural ditch on the South Property line is being kept as part of the project as it also provides historical stormwater discharge for the adjacent property. There are no natural flow ways, sloughs, or strands on the subject property or the surrounding area.

POLICY 61.2.4: *Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.*

The design of the final stormwater management system will be in accordance with the appropriate South Florida Water Management District requirements as well as the ultimate use of the subject property. Where possible, green infrastructure associated with stormwater best management practices will be considered dependent on the ultimate use of the project.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.*

The proposed project is inside a created drainage system that is permitted by the South Florida Water Management District. There are no Natural Drainage Systems inside the subject property except for the man-made drainage ditches that are part of the master stormwater collection system.

POLICY 61.3.6: *Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.*

A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.

POLICY 61.3.8: *The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.*

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.12: *The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.*

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.13: *Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.*

The proposed improvements will be designed to meet Lee County and South Florida Water Management District criteria associated with erosion control and the specific erosion control devices. Additionally, the project will obtain the required FDEP National Pollution Discharge Elimination System permit further defining erosion control measures.

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

The project, as proposed will be in compliance with the LDC. No deviations have been requested from the LDC.

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

The proposed residential planned development will consist of rental units that are described as “horizontal” rental units as a new industry trend in that the community will consist largely of detached dwelling units offered for rent only. There will be no lot lines and the project will be developed without platting the units for individual sale. There is the potential to attach the rental units similar to a duplex or multiple-family dwelling units. A sample of the potential building arrangement has been included on the Master Concept Plan. The proposed density of the project is comparable of the apartment complex located immediately to the east of the project. The proposed density is slightly higher than more recent development located farther to the west on Penzance Boulevard; however, the proposed development standards and buffering will ensure that the RPD is compatible in the vicinity of the project which includes single-family homes, villas and multiple-family dwelling unit types. The project proposes a development style that is comparable to single-family development and will provide a good transition from the more traditional vertically integrated multiple-family rental complex located to the east of the Homes at 81 West RPD.

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

The property proposes the primary project access on Blasingim Road, which is a local roadway on the County's concurrency report. A second, emergency-only access to Blasingim Road. The access meets spacing criteria and all necessary site improvements will comply with the Lee County LDC.

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

The professional traffic impact analysis evaluated impacts on the surrounding transportation facilities and has concluded that the proposed 90 rental units will have no negative impacts on the transportation network.

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

The site has been previously cleared in support of agricultural grazing. A small cattle pond has been dug on the property. The vegetative mapping and listed species report indicates that there are no wetlands or environmentally sensitive areas or species inhabiting the site. There is no indigenous vegetation on the property.

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

Urban services including potable water and sewer are located within the Penzance Boulevard ROW. Letters of availability have been submitted to the various service providers. There are no known deficiencies of any public facilities required to service the proposed 90 unit rental community.

- 2. *Planned Development Rezonings.* The Hearing Examiner must also find:
 - a) The proposed use or mix of uses is appropriate at the proposed location;*

The proposed 90 unit "horizontal" rental community is an appropriate land use at this location. The style of the community will be similar in character to more dense single family residential communities in the vicinity and will act as a transitional use from the more conventional vertical rental apartments to the other residential communities located along the Penzance Boulevard area. The project will have buffers provided that are consistent with those required by the LDC, and development standards have been proposed that will ensure the project is compatible with the surrounding development.

- 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 Developer has worked with staff to develop a set of conditions that will result in a compatible residential project that will safeguard the interests of the general public.

- c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:*
- 1) Enhances the achievement of the objectives of the planned development; and*
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The applicant has requested three deviations from the LDC. A separate list of these deviations and justification is provided in this application. the deviations each enhance the achievement of the objective to provide for the horizontal rental community, and will protect the public health, safety and welfare of the community.

Prepared by without examination of title:

Richard W. Winesett

AVERY, WHIGHAM & WINESETT, P.A.

2248 First Street

Fort Myers FL 33901

Consideration: \$100.00

Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 4th day of June 2014 by Suburban Ranchettes, Inc., a dissolved Florida corporation (the "Grantor"), to Nicholas R. Cameratta, whose post office address is 4954 Royal Gulf Circle, Ft. Myers, FL 33966 (the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which Grantor has in and to the following described land, situated, lying and being in Lee County, Florida to-wit, and more particularly as follows:

The East 30.00 feet of the West one-half of the West one-half of the Northwest Quarter of Section 17, Township 45 South, Range 25 East

AND

The West 30.00 feet of the East one-half of the West one-half of the Northwest Quarter of Section 17, Township 45 South, Range 25 East

AND

The West 30 feet of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter lying South of County Road deeded in Deed Book 243, Page 480

AND

The East 30 feet of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter lying South of County Road deeded in Deed Book 243, Page 480

Parcel Identification Number: 17-45-25-01-00000.05CE

Subject to nonexclusive easements for ingress and egress granted to adjacent landowners.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

ATTACHMENT I

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Witness: Richard W. Winesett Suburban Ranchettes, Inc., a dissolved
Florida corporation
Richard W. Winesett

Witness: Rebecca D. Stokes By: James R. Smith
Rebecca D. Stokes James R. Smith, as a surviving
Trustee

Witness: Judy Stewmon And by: Howard Stewmon
Judy Stewmon Howard Stewmon, as a surviving
Trustee

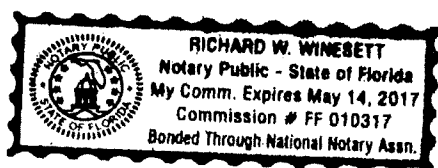
Witness: Richard W. Winesett
Richard W. Winesett

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 6th day of June, 2014, by James R. Smith, as a surviving Trustee of Suburban Ranchettes, Inc. a dissolved Florida corporation, who is ☒ personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



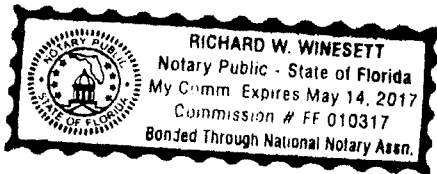
Richard W. Winesett
Notary Public
Print name: Richard W. Winesett
My Commission Expires:

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of June, 2014, by Howard Stewmon, as a surviving Trustee of Suburban Ranchettes, Inc. a dissolved Florida corporation, who is ☒ personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



Richard W. Winesett
Notary Public
Print name: Richard W. Winesett
My Commission Expires:

From: [Frank Feeney](#)
To: [Sharon Umphenour](#)
Subject: FW: Homes at 81 West PRD: Legal Access comments
Date: Friday, June 24, 2022 2:41:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)

Please include the email below as part of the resubmittal in addressing the question concerning Access to Blasingim Road. Thank you.

Frank J. Feeney, P.E., LEED-AP BD+C
Senior Project Manager



GradyMinor

3800 Via Del Rey
Bonita Springs, FL 34134
Phone - 239.947.1144
Cell - 239.908.8248
Fax - 239.947-0375
Web - <http://www.gradymenor.com>

Please consider the environment before printing this email

DISCLAIMER: This communication from G. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. G. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.

From: Doty, Patrick <PDoty@leegov.com>
Sent: Wednesday, May 25, 2022 9:58 AM
To: Swindle, Amanda <ASwindle@leegov.com>; Frank Feeney <ffeeney@gradymenor.com>
Subject: RE: Homes at 81 West PRD: Legal Access comments

This will serve as a guidance on how to address the access issue. I have added this to the file and will include it for the resub.



Patrick H. Doty, AICP, CFM | Principal Planner

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8335

email: PDoty@leegov.com

web: www.leegov.com

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

From: Swindle, Amanda <ASwindle@leegov.com>
Sent: Wednesday, May 25, 2022 9:28 AM
To: Doty, Patrick <PDoty@leegov.com>; Frank Feeney <ffeeney@gradymenor.com>
Subject: RE: Homes at 81 West PRD: Legal Access comments

Good morning,

I believe I've reached a resolution. The road easement was established for the benefit of Suburban Ranchettes in 1963 via warranty deed. The 2014 Quitclaim deed granted the road easement from Suburban Ranchettes to Nicholas R. Cameratta and his heirs and assigns. Property Appraiser records then show that there was a split after the quitclaim so that the easement attached to each of the split parcels, including the parcel owned by TEG Townhomes on Penzance LLC. Once the applicant closes on the property, it will have beneficial use of the easement.

I hope this helps resolve the access issue. If you have any further questions, please let me know.

Amanda L. Swindle
Senior Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)

(239) 485-2106 (facsimile)
aswindle@leegov.com

Board Certified in City, County & Local Government Law by the Florida Bar

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From: Doty, Patrick <PDoty@leegov.com>
Sent: Tuesday, May 24, 2022 4:33 PM
To: Frank Feeney <ffeeney@gradyminor.com>
Cc: Swindle, Amanda <ASwindle@leegov.com>
Subject: RE: Homes at 81 West PRD: Legal Access comments

I meant to send that to Amanda, but in essence, yes. The quit claim provides benefit to Camretta, not the current owner. I expect Amanda to send something over that better states this.



Patrick H. Doty, AICP, CFM | Principal Planner

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8335

email: PDoty@leegov.com

web: www.leegov.com

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From: Frank Feeney <ffeeney@gradyminor.com>
Sent: Tuesday, May 24, 2022 4:16 PM
To: Doty, Patrick <PDoty@leegov.com>
Subject: [EXTERNAL] RE: Homes at 81 West PRD: Legal Access comments
Importance: High

Patrick,

Please confirm that I am understanding what you are presenting below and what you have attached. Your comment is really prove that the Current quit claim deed and the applications match? It is my understanding that my client has closed on the property. Current ownership should be TEG Developers, LLC or something along that line.....so provide a current Quit Claim Deed and Application forms that are the same. Am I correct?

Respectfully,

Frank J. Feeney, P.E., LEED-AP BD+C

Senior Project Manager



3800 Via Del Rey

Bonita Springs, FL 34134

Phone - 239.947.1144

Cell - 239.908.8248

Fax - 239.947-0375

Web - <http://www.gradyminor.com>

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From: Doty, Patrick <PDoty@leegov.com>
Sent: Tuesday, May 24, 2022 3:26 PM
To: Frank Feeney <ffeeney@gradyminor.com>
Subject: RE: Homes at 81 West PRD: Legal Access comments

See the attached quit claim

Applicant:

Marshall Property Services, LLC

APPLICANT/AGENT INFORMATION

A. Name of Applicant:	<u>Marshall Property Services, LLC</u>
Address:	<u>4400 East 100 North</u>
City, State, Zip:	<u>Shelbyville, IN 46176</u>
Phone Number:	<u>(317) 800-0385</u>
E-mail Address:	<u>cmarshall@mpropertieservicesllc.com</u>



Patrick H. Doty, AICP, CFM | Principal Planner

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

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From: Frank Feeney <ffeeney@gradyminor.com>

Sent: Tuesday, May 24, 2022 11:33 AM

To: Doty, Patrick <PDoty@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>

Cc: Neale Montgomery <NealeMontgomery@Paveselaw.com>; Wayne Arnold <WArnold@gradyminor.com>; Sharon Umpenhour <SUmpenhour@gradyminor.com>

Subject: [EXTERNAL] Homes at 81 West PRD: Legal Access comments

Amanda,

Thank you for taking a moment to talk to me this morning concerning the Homes at 81 West RPD. As we discussed, there is a Road Easement that was recorded in 1960 in Lee County Records (OR 224, PG 673 and OR 334, PG 560). These were called out on the Boundary Survey (attached for reference) and I have attached a copy of the recorded easements for your quick reference. Please let me know if this is sufficient to address the concern as we are trying to finalize our response comments and this is the last item that is outstanding. Thank you.

Respectfully,

Frank J. Feeney, P.E., LEED-AP BD+C

Senior Project Manager



3800 Via Del Rey

Bonita Springs, FL 34134

Phone - 239.947.1144

Cell - 239.908.8248

Fax - 239.947-0375

Web - <http://www.gradyminor.com>

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John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

February 23, 2021

Via E-Mail

Frank J. Feeney, P.E.
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey,
Bonita Springs, FL 34134

RE: **Potable Water and Wastewater Availability**
The Homes at 81 West, Southwest corner of Penzance Blvd, and Blasingim Rd
STRAP # 08-45-25-00-00003.0050

Dear Mr. Feeney:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 90 single family residential units with an estimated flow demand of approximately 23,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by the City of Ft Myers South Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate

ATTACHMENT J

The Homes At 81 West - Letter.Docx

February 23, 2021

Page 2

connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review and SFWMD only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



THE SCHOOL DISTRICT OF LEE COUNTY

August 16, 2021

Patrick Doty
Planner
1500 Monroe St
Fort Myers, FL 33901

RE: Homes at 81 West RPD DCI2021-00026

Dear Mr. Doty:

This letter is in response to your request for Letter of Availability and Concurrency dated July 30, 2021 for the Homes at 81 West RPD in regard to educational impact. The project is located in the South Choice Zone, S1.

This development is a request for 90 single and multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .297 and further broken down by grade level into the following, .149 for elementary, .071 for middle and .077 for high. A total of 26 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is not an issue within the Concurrency Service Area (CSA).

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Donna Ellis, Planning Specialist

BOARD MEMBERS: DEBBIE JORDAN, CHAIR, DISTRICT 4 | BETSY VAUGHN, VICE CHAIR, DISTRICT 6 | MARY FISCHER, DISTRICT 1
MELISA W. GIOVANNELLI, DISTRICT 2 | CHRIS N. PATRICCA, DISTRICT 3 | GWYNETTA S. GITTENS, DISTRICT 5
CATHLEEN O'DANIEL MORGAN, DISTRICT 7 | GREGORY K. ADKINS, Ed.D., SUPERINTENDENT | KATHY DUPUY-BRUNO, ESQ., BOARD ATTORNEY

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Homes at 81 West
OWNER/AGENT GradyMinor
ITEM DESCRIPTION RPD impacts in South CSA, sub area S1

PROPOSED DENSITY 9 du/ac
LOCATION 08-45-25-00-00003.0050
ACRES 9.51
CURRENT FLU Central Urban & Future Urban
CURRENT ZONING AG-2

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
90	0	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.149		13.41
Middle School	0.071		6.39
High School	0.077		6.93
Source: Lee County School District, September 7, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,364	11,471	893	13	880	93%	
South CSA, Middle	5,911	5,543	368	6	362	94%	
South CSA, High	8,608	7,786	822	7	815	91%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by:

Donna Ellis, Planning Specialist



Kevin Ruane
District One

August 2, 2021

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Plan Reviewer
Lee County DCD
1500 Monroe Street
Fort Myers, FL 33901

RE: DCI2021-00026
Homes at 81 West RPD

LeeTran has received and reviewed the rezoning application for the subject property located in Fort Myers. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

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

Developer will not be required to connect to or improve transit facilities at this time because the subject property is not within the ¼ mile of a fixed-route corridor, thus not triggering Transit LDC Sec. 10-441 or 10-442.

Any proposed development may be required to make necessary improvements at the time of a Limited Review Development Order (LR-DO) or a Development Order (DO).

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

Sincerely,

Jorge J. Puente

Jorge J. Puente, Transit Service Planner
Lee County Transit

JMB TRANSPORTATION ENGINEERING, INC.
TRAFFIC/TRANSPORTATION ENGINEERING & PLANNING SERVICES

TRAFFIC IMPACT STATEMENT

Homes at 81 West RPD (Penzance Boulevard, Lee County, Florida)

May 17, 2021
Revised April 1, 2022

Prepared by:

JMB TRANSPORTATION ENGINEERING, INC.
4711 7TH AVENUE SW
NAPLES, FLORIDA 34119

CERTIFICATE OF AUTHORIZATION NO. 27830

(JMB PROJECT NO. 210312)

ATTACHMENT M

DocuSigned by:

James Banks

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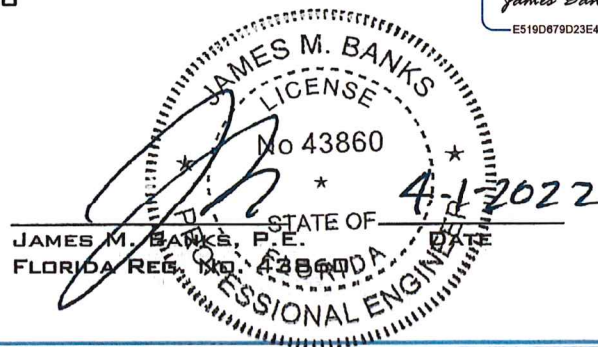


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Conclusions

Road Impact Mitigation Requirements

Based upon the findings and conclusions of this report, it was determined that Homes at 81 West will not have a significant or negative impact upon the surrounding road network. It was verified that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the traffic associated with the proposed residential development and the road network will continue to operate at acceptable levels of service for project build-out conditions. Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated.

Site-Related Roadway Improvements

The project proposes to construct one (1) full access on Blasingim Road, which provides the project full access to Penzance Boulevard. Improvements at the site access will be determined at the time of obtaining Development Order permits. All site access improvements will be provided pursuant to the Lee County Land Development Code (LDC).

Concurrency Review

Penzance Boulevard is an east/west road and is classified as a two-lane collector. The road has a posted speed limit of 35 MPH. As set forth by the Lee County Concurrency Management Policy, Penzance Boulevard has an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As concluded, Penzance Boulevard will have a project 2025 build-out traffic demand of 229 vphpd and a v/c ratio of 0.27.

Ranchette Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As determined, Ranchette Road will have a project 2025 build-out traffic demand of 120 vphpd and a v/c ratio of 0.14.

Plantation Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As determined, Plantation Road will have a project 2025 build-out traffic demand of 748 vphpd and a v/c ratio of 0.87.

Six Mile Cypress Parkway is a four-lane divided major arterial, having an adopted performance standard of level of service LOS E and a maximum service volume capacity of 1,900 vph for the 100th highest hour peak direction. As concluded, Six Mile Cypress Parkway will have a project 2025 build-out traffic demand of 1,423 vphpd and a v/c ratio of 0.75.

Therefore, this project will be in compliance with the Lee County Concurrency Management Policy.

Purpose of Report

The following report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as set forth by the Lee County Government. This report provides an in-depth evaluation of the potential transportation related impacts which may occur as a result of developing Homes at 81 West RPD.

Scope of Project

Homes at 81 West is a proposed residential development that will consist of 90 dwelling units that will be detached and attached units. The site is located on the southeast corner of Blasingim Road and Penzance Boulevard, within Lee County (refer to Figure 1 - Location Map/Roadway Classification).

The project proposes to construct one (1) full access on Blasingim Road, which provides the project full access to Penzance Boulevard. Improvements at the site access will be determined at the time of obtaining Development Order permits. All site access improvements will be provided pursuant to the Lee County Land Development Code (LDC).

Table A
Proposed Site Development

Land Use	Build-out
Dwelling Units (Rental)	90 Dwelling Units

Project Generated Traffic

Traffic which can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that land use code "Single-Family Detached Housing" (LUC 210) was the most appropriate use in order to estimate the project traffic. Table 1 of this report provides a detail of the trip generation computations, which are summarize below in Table B.

Table B
Trip Computations Summary
(Summation of Table 1)

Daily Trips (ADT)	AM Trips (vph)	PM Trips (vph)
916	68	90

The report finds that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report investigated the traffic impacts associated with the project based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating “Less Than 100 Trips”.

Existing + Committed Roadway Conditions

Figure 1 depicts the project's surrounding roadway conditions.

Penzance Boulevard is an east/west road and is classified as a two-lane collector. The road has a posted speed limit of 35 MPH. As set forth by the Lee County Concurrency Management Policy, Penzance Boulevard has an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction.

Ranchette Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction.

Plantation Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction.

Six Mile Cypress Parkway is a four-lane divided major arterial, having an adopted performance standard of level of service LOS E and a maximum service volume capacity of 1,900 vph for the 100th highest hour peak direction.

Project Generated Traffic Distribution

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress, current and future traffic patterns in the area, and proximity of supporting land uses, such as business, retail and medical uses. Table 2 and Figure 2 provide a detail of the traffic distributions based on a percentage basis. Table 2 also depicts the project traffic by volume.

Area of Significant Impact

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS C capacity, then the project has a significant impact upon that link). Table 2 describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roads will be impacted by 10% or greater than its adopted level of service. Therefore, Penzance Boulevard is the only road considered to be impacted by the project.

Project Build-Out Conditions

In order to establish 2025 project build-out traffic conditions, the project traffic was added to the forecasted 2025 background build-out traffic volumes. The 9-year historical annual growth rate for all roads within the project's area of influence was found to be less than 2.0% or less. For the purpose of forecasting future traffic conditions, a minimum growth rate of 2% was applied to the 100th highest hour traffic volumes published in the Lee County Concurrency Report. Table 3 provides a detail of the existing and 2025 background traffic conditions. Table 4 reflects the 2025 background plus project traffic conditions. Table 4 describes the traffic volumes based upon the 100th highest hour peak direction demand for all roads under review, as well as the applicable level of service. As determined, all roadways will continue to operate at acceptable levels of service at project build-out conditions.

Concurrency Review

Penzance Boulevard is an east/west road and is classified as a two-lane collector. The road has a posted speed limit of 35 MPH. As set forth by the Lee County Concurrency Management Policy, Penzance Boulevard has an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As concluded, Penzance Boulevard will have a project 2025 build-out traffic demand of 229 vphpd and a v/c ratio of 0.27.

Ranchette Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As determined, Ranchette Road will have a project 2025 build-out traffic demand of 120 vphpd and a v/c ratio of 0.14.

Plantation Road is a north/south road and is classified as a two-lane collector. Lee County has established an adopted performance standard of level of service LOS D and a maximum service volume capacity of 860 vph for the 100th highest hour peak direction. As determined, Plantation Road will have a project 2025 build-out traffic demand of 748 vphpd and a v/c ratio of 0.87.

Six Mile Cypress Parkway is a four-lane divided major arterial, having an adopted performance standard of level of service LOS E and a maximum service volume capacity of 1,900 vph for the 100th highest hour peak direction. As concluded, Six Mile Cypress Parkway will have a project 2025 build-out traffic demand of 1,423 vphpd and a v/c ratio of 0.75.

Therefore, this project will be in compliance with the Lee County Concurrency Management Policy.

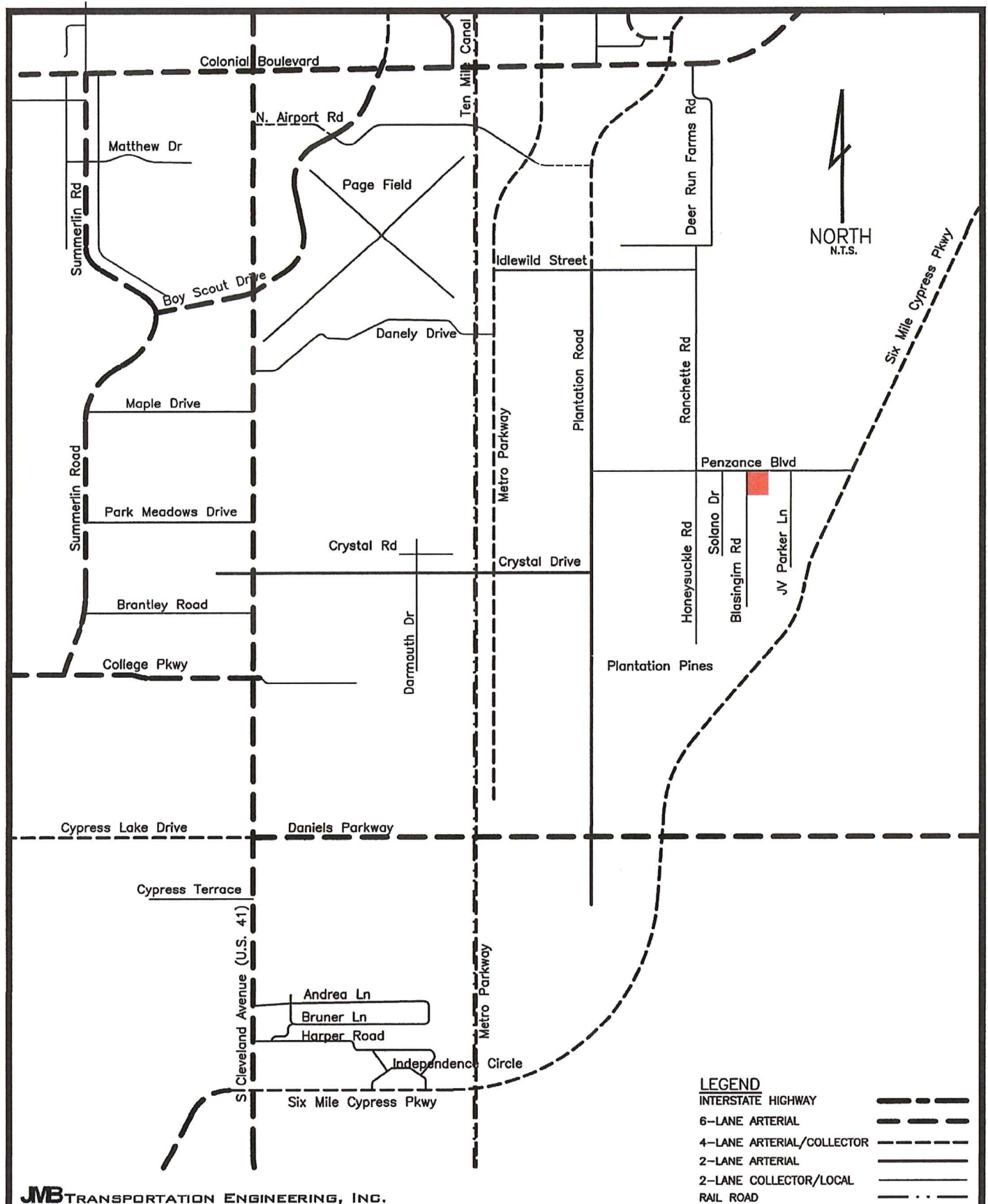
APPENDIX

Master Concept Plan

Figure 1 thru 3

Tables 1 thru 3

Support Documents



JMB TRANSPORTATION ENGINEERING, INC.

Homes at 81 West RPD

May 10, 2021

**Project Location &
Roadway Classification**

FIGURE 1



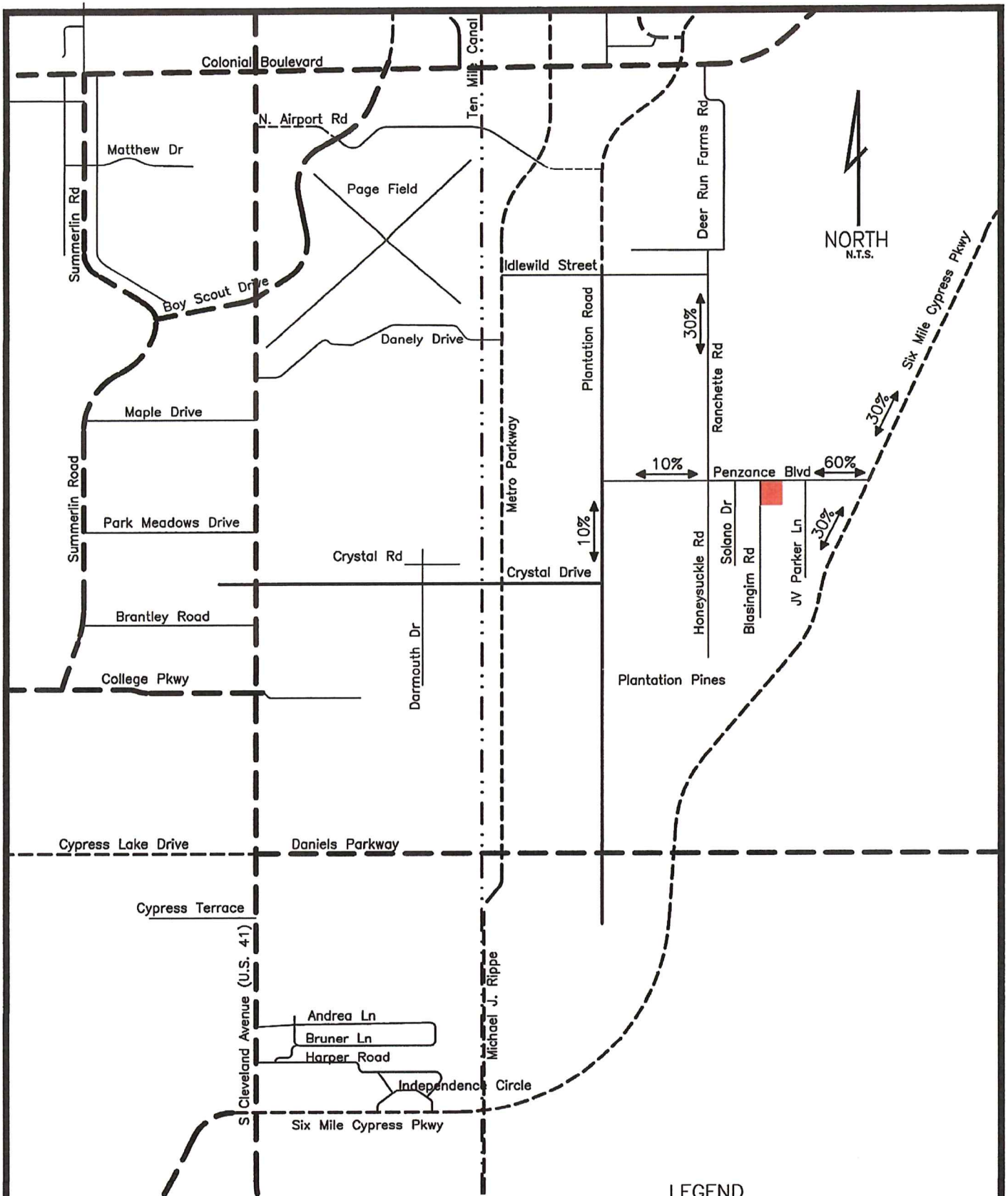
TABLE 1
TRIP GENERATION COMPUTATIONS
Homes at 81 West RPD

Land Use

<u>Code</u>	<u>Land Use Description</u>	<u>Build Schedule</u>
210	Single-Family Detached Housing	90 Units

Land Use

<u>Code</u>	<u>Trip Period</u>	<u>Trip Generation Equation (Based upon S.F.)</u>	<u>Total Trips</u>	<u>Trips Enter/Exit</u>
LUC 210	Daily Traffic (ADT) =	$\text{Ln}(T) = 0.92\text{Ln}(X) + 2.68 =$	916 ADT	
	AM Peak Hour (vph) =	$\text{Ln}(T) = 0.91\text{Ln}(X) + 0.12 =$ 26% Enter/ 74% Exit =	68 vph	18 / 50 vph
	PM Peak Hour (vph) =	$\text{Ln}(T) = 0.94\text{Ln}(X) + 0.27 =$ 63% Enter/ 37% Exit =	90 vph	57 / 33 vph



JVB TRANSPORTATION ENGINEERING, INC.

LEGEND

← 00% → Project Traffic Distribution

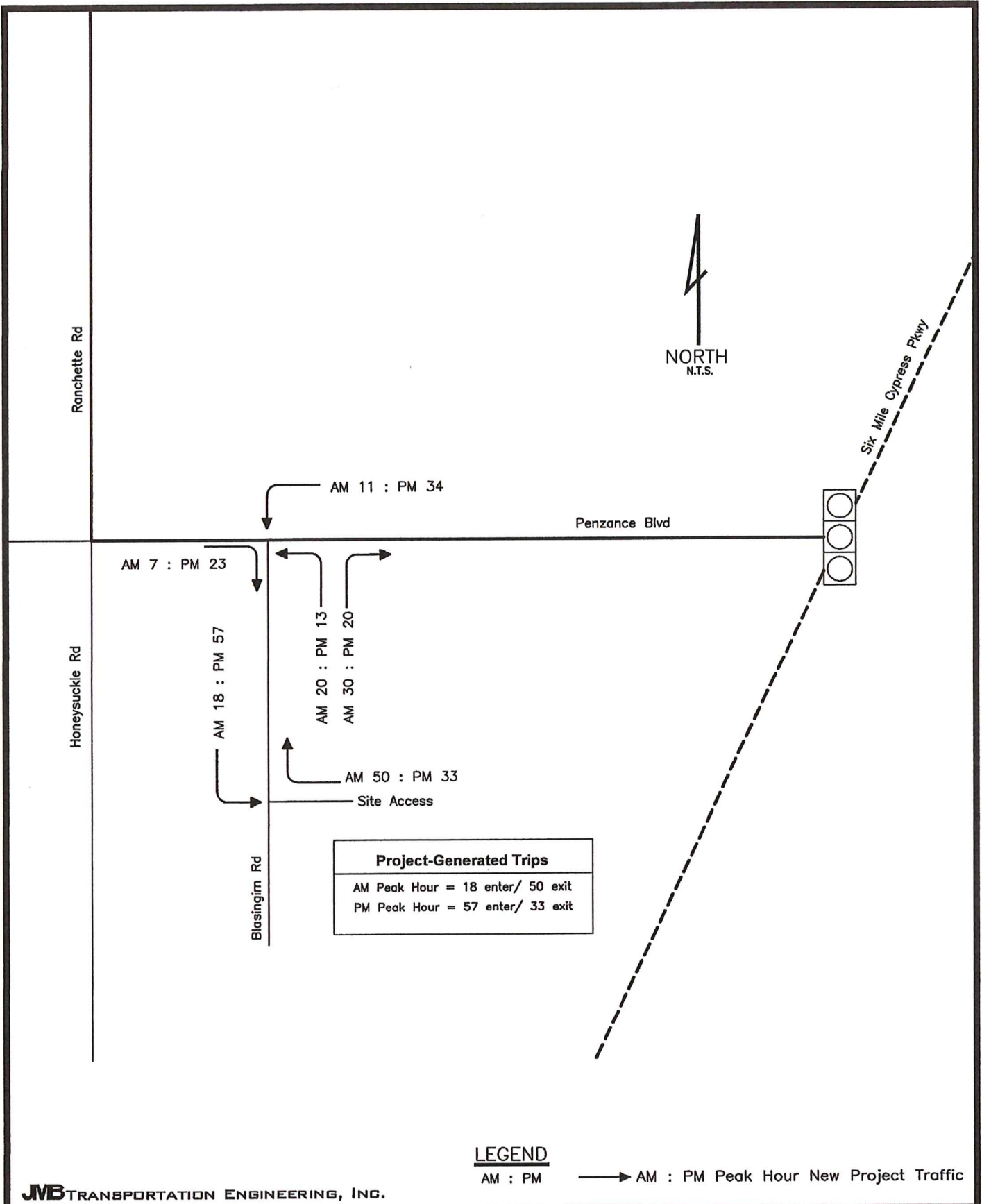
Homes at 81 West RPD

May 10, 2021

Project-Generated
Traffic Distribution

FIGURE 2

A4.a



JVB TRANSPORTATION ENGINEERING, INC.

Homes at 81 West RPD

March 25, 2022

**Project-Generated
Traffic Assignment**

FIGURE 3

A4. b.

**TABLE 2
PROJECT'S AREA OF IMPACT**

Project Traffic Peak Hour Peak Direction (vphpd) =

57

		<u>Road Class</u>	<u>Project Traffic % Distribution</u>	<u>Project Traffic PK Direction Volume (vph)</u>	<u>LOS "C" Service Volume Pk Direction (vphpd)</u>	<u>Project's Percentage Impact</u>	<u>Significant Impact</u>	<u>Adopted Service Volume Pk Direction (vphpd)</u>
Penzance Boulevard	W. of Six Mile Cypress Pkwy	2LN	60%	34	550	6.2%	NO	860
	E. of Ranchette	2LN	40%	23	550	4.1%	NO	860
	E. of Plantation Road	2LN	10%	6	550	1.0%	NO	860
Plantation Road	S. of Idelwild	2LN	10%	6	550	1.0%	NO	860
	N. of Daniels Pkwy	2LN	10%	6	550	1.0%	NO	860
Ranchette Road	Penzance to Idelwild	2LN	30%	17	550	3.1%	NO	860
Six Mile Cypress Pkwy	Daniels to Penzance	4LD	30%	17	1900	0.9%	NO	1900
	Penzance to Winkler	4LD	30%	17	1900	0.9%	NO	1900

AS

**TABLE 3
ROADWAY LINK VOLUMES**

		Base Year	2020			Min.	2020	2021	2025
		Traffic	Traffic	Years of	Growth	Growth	Peak Hour	Peak Hour	Peak Hour
		Count	Count				PK Direction	PK Direction	PK Direction
		(ADT)	(ADT)	Growth	Rate	Rate	(VPHPD)	(VPHPD)	(VPHPD)
Penzance Boulevard	W. of Six Mile Cypress Pkwy	N/A	N/A	N/A	N/A	2.00%	173	176	191
	E. of Ranchette	N/A	N/A	N/A	N/A	2.00%	173	176	191
	E. of Plantation Road	N/A	N/A	N/A	N/A	2.00%	173	176	191
Plantation Road	S. of Idelwild	12400	12200	9	-0.18%	2.00%	672	685	742
	N. of Daniels Pkwy	12400	12200	9	-0.18%	2.00%	672	685	742
Ranchette Road	Penzance to Idelwild	N/A	N/A	N/A	N/A	2.00%	93	95	103
Six Mile Cypress Pkwy	Daniels to Penzance	13500	19400	9	4.11%	4.11%	1149	1196	1405
	Penzance to Winkler	13500	19400	9	4.11%	4.11%	1149	1196	1405

**TABLE 4
 CONCURRENCY ROADWAY LINK VOLUME & CAPACITY ANALYSIS**

		2021	2021	2025	2025	Project	2025	LOS E		2025
		Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Total Pk Hr	Service Vol.		Build-Out
		PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	v/c	PK Direction
		(vphpd)	LOS	(vphpd)	LOS	(vphpd)	(vphpd)	(vphpd)	Ratio	LOS
Penzance Boulevard	W. of Six Mile Cypress Pkwy	176	C	191	C	34	225	860	0.26	C
	E. of Ranchette	176	C	191	C	23	214	860	0.25	C
	E. of Plantation Road	176	C	191	C	6	197	860	0.23	C
Plantation Road	S. of Idelwild	685	D	742	D	6	748	860	0.87	D
	N. of Daniels Pkwy	685	D	742	D	6	748	860	0.87	D
Ranchette Road	Penzance to Idelwild	95	C	103	C	17	120	860	0.14	C
Six Mile Cypress Pkwy	Daniels to Penzance	1196	B	1405	B	17	1422	1900	0.75	B
	Penzance to Winkler	1196	B	1405	B	17	1422	1900	0.75	B

A7

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13500	IMPERIAL PKWY	COUNTY LINE	BONTA BEACH RD	4LD	E	1,920	B	1,017	B	1,069	*
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,015	B	1,067	
13600	IONA RD	DAVIS RD	MCGREGOR BLVD	2LN	E	860	C	381	C	460	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	79	C	251	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	660	B	876	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	495	D	520	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	267	
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	277	C	291	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	*
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,202	B	2,318	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,161	B	2,340	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,131	B	2,240	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	630	B	662	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	630	B	665	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	650	D	706	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	417	C	439	*
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	326	B	401	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	273	C	287	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	MCGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,153	B	1,212	
15900	MCGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,114	B	1,170	
16000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	964	B	1,022	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	964	A	1,013	
16200	MCGREGOR BLVD (SR 867)	OLD MCGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,594	C	1,731	
16300	MCGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,594	C	1,731	
16400	MCGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,832	D	2,082	
16500	MCGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,832	D	2,082	
16600	MCGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	792	C	861	Constrained
16700	MCGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970		1,187		1,260	Constrained
16800	MCGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970		1,187		1,260	Constrained
16900	METRO PKWY (SR 735)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	1,193	C	1,391	
17000	METRO PKWY (SR 735)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,193	C	1,441	
17100	METRO PKWY (SR 735)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,544	C	1,704	
17200	METRO PKWY (SR 735)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,015	C	1,845	
17300	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	3,171	C	1,381	C	1,945	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	183	
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	68	C	71	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	134	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	156	B	275	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	156	B	301	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	108	A	141	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	590	C	620	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	427	C	449	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	427	C	461	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	C	136	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	B	764	C	803	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	749	C	788	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	382	B	402	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,175	C	1,310	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,199	C	1,310	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,701	C	2,056	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,774	C	1,824	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,361	B	1,421	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,607	C	1,186	C	1,254	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	954	B	1,006	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	395	C	418	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	197	C	207	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	173	C	185	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURN'T STORE RD	2LN	E	950	E	607	E	657	Constrained

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD	2019 100TH HIGHEST HOUR	FORECAST FUTURE	LOS	VOLUME	LOS	VOLUME	NOTES
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	US 41	4LD	D	2,100	C	1,696	C	1,843		
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	US 41	4LD	D	2,100	C	1,690	C	1,750		
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	SUMMERLIN RD	2LN	E	860	C	499	C	545		*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	GLADIOLUS DR	2LN	E	860	C	286	C	545		Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	MCGREGOR BLVD	2LN	E	860	C	286	C	301		
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	DANIELS PKWY	2LN	E	860	C	288	C	417		Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	IDLEWILD ST	2LN	E	860	D	672	D	706		FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	COLONIAL BLVD	4LN	E	1,790	C	841	C	884		
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774		*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	US 41	4LD	E	1,890	B	1,164	B	1,239		
22300	PONDELLA RD	US 41	BUS 41	BUS 41	4LD	E	1,890	B	953	B	1,002		
22400	PRITCHETT PKWY	SR 78	RICH RD	RICH RD	2LN	E	860	C	73	C	541		old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	IDLEWILD ST	2LN	E	860	C	93	C	98		
22600	RICH RD	SLATER RD	PRITCHETT PKWY	PRITCHETT PKWY	2LN	E	860	C	55	C	62		old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	E 12TH ST	2LN	E	860	C	79	C	91		*
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	GREENBRIAR BLVD	2LN	E	860	C	79	C	83		*
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	MAIN ST	2LD	D	970	F	1,055	F	1,176		Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	SUMMERLIN RD	4LD	D	2,100	C	1,055	C	1,176		PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	KELLY RD	2LD	D	970	C	744	C	847		
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	GLADIOLUS DR	4LD	D	2,100	C	744	C	847		
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	THREE OAKS PKWY	2LN	E	860	C	427	C	449		*
23260	SANIBEL BLVD	US 41	LEE RD	LEE RD	2LN	E	860	C	484	C	508		
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	TOLL PLAZA	2LN	E	1,140	E	944	E	992		
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	PALM ACRES	2LN	E	860	C	290	C	304		*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	METRO PKWY	4LD	D	2,100	C	1,778	C	1,950		
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	DANIELS PKWY	4LD	E	2,000	B	1,398	B	1,469		
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	WINKLER EXT.	4LD	E	1,900	B	1,149	B	1,352		
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	CHALLENGER BLVD	4LD	E	1,900	B	1,050	B	1,104		
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,050	A	1,104		
24000	SLATER RD	SR 78	NALLE GRADE RD	NALLE GRADE RD	2LN	E	1,010	C	402	C	423		*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	COLLEGE PKWY	2LD	E	910	D	644	D	677		*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	SR 78	2LN	D	970	C	643	C	610		PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	COUNTY LINE	2LN	C	820	C	564	C	460		PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	ORANGE RIVER BLVD	2LN	E	860	C	189	C	215		*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	BERKSHIRE RD	2LN	E	1,060	B	315	D	672		Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448		Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	PINELAND RD	2LN	E	1,060	C	551	D	652		Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	MAIN ST	2LN	E	1,060	C	551	D	648		
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306		
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306		
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	PINE RIDGE RD	6LD	E	3,000	A	1,919	A	2,149		
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	BASS RD	6LD	E	3,000	A	1,919	A	2,016		
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	GLADIOLUS DR	6LD	E	3,000	A	1,919	A	2,016		
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,454	C	1,552		
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	COLLEGE PKWY	6LD	E	2,880	B	1,783	B	1,874		
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	PARK MEADOW DR	6LD	E	2,880	B	1,916	B	2,014		
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	BOY SCOUT	6LD	E	2,880	B	1,916	B	2,014		
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	MATHEWS DR	4LD	E	1,820	D	1,260	D	1,324		
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	COLONIAL BLVD	4LD	E	1,820	D	1,260	D	1,324		
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53		
26100	SUNSHINE BLVD	SR 82	23RD ST SW	23RD ST SW	2LN	E	1,010	C	369	C	388		*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	LEE BLVD	2LN	E	1,010	C	369	C	388		*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	W 12TH ST	2LN	E	1,010	D	596	D	626		*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	W 75TH ST	2LN	E	860	D	623	D	655		
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	SUNSHINE BLVD	2LN	E	860	D	650	D	683		
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	ESTERO PKWY	4LD	E	1,940	B	1,230	B	1,413		
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	SAN CARLOS BLVD	4LD	E	1,940	A	623	B	724		
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	ALICO RD	4LD	E	1,940	A	633	B	976		
26800	TICE ST	SR 80	ORTIZ AVE	ORTIZ AVE	2LN	E	860	C	163	C	171		old count(2010)
26900	TICE ST	ORTIZ AVE	STALEY RD	STALEY RD	2LN	E	860	C	203	D	716		Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	DANIELS PKWY	4LD	E	1,980	A	1,272	A	1,510		Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	AMBERWOOD RD	4LD	E	1,980	A	880	A	924		
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	COLONIAL BLVD	4LD	E	1,980	A	880	A	924		
29800	US 41 (S TAMIAHI TR)	OLD 41	CORKSCREW RD	CORKSCREW RD	6LD	D	3,171	C	2,662	C	2,712		
29900	US 41 (S TAMIAHI TR)	CORKSCREW RD	SANIBEL BLVD	SANIBEL BLVD	6LD	D	3,171	C	2,422	C	2,485		
30000	US 41 (S TAMIAHI TR)	SANIBEL BLVD	ALICO RD	ALICO RD	6LD	D	3,171	C	2,623	C	2,686		
30100	US 41 (S TAMIAHI TR)	ALICO RD	ISLAND PARK RD	ISLAND PARK RD	6LD	D	3,171	C	2,623	C	2,730		
30200	US 41 (S TAMIAHI TR)	ISLAND PARK RD	BRIARCLIFF RD	BRIARCLIFF RD	6LD	D	3,171	C	2,605	D	3,092		

Updated 2/24/21		Daily Traffic Volume (AADT)											
STREET	LOCATION	Sta- tion #	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
PLANTATION RD	S OF COLONIAL BLVD	328	8000		11500		11000	14300	13100	12700	14900	8400	1
PLANTATION RD	N OF DANIELS PKWY	370				12400		14200		11900		12200	
PLANTATION RD	N OF SIX MILE CYPRESS	521				5500		6400		5100		4700	
SIX MILE CYPRESS PKWY	E OF US 41	386			29300								
SIX MILE CYPRESS PKWY	E OF METRO PKWY	387			26900	26700		30600		32700		29600	
SIX MILE CYPRESS PKWY	N OF DANIELS PKWY	388	13500		15400	17000	18200	20200	20500	21900	23300	19400	
SIX MILE CYPRESS PKWY	N OF WINKLER AVE	18	11800	11500	14000	15200	18000	17800	18300	19300	19900	17600	



DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Anthony Rodriguez, Manager

From: Lili Wu, Planner, Senior

Date: August 26, 2022

Subject: Homes at 81 West RPD (DCI2021-00026) Transportation-Related Analysis

Proposed Development

This application is requesting to rezone a 10 acre site from AG-2 to RPD to permit a maximum of 90 single family dwelling units.

Site Location & Existing Conditions

The subject site is located on the southeast quadrant of Penzance Blvd and Blasingim Rd intersection.

Site Access

Access to the project is provided via a proposed driveway and a proposed emergency driveway on Blasingim Rd.

Blasingim Rd is a non-county maintained local road.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday A.M and P.M peak hour traffic volumes.

Table 1
Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Single-family dwelling units (90 units)	18	50	68	57	33	90

Roadway Section & Intersection Traffic Operation Level of Service Analysis

The level of service (LOS) analysis for roadway section and intersection are not required for the application according to AC-13-17 because the project trip generation for AM & PM peak hours are less than 100 trips.

Conclusion

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

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2021-00026
TYPE OF CASE: Minor Planned Development
CASE NAME: 81 West RPD
TOTAL ACREAGE: 9.96 acres
SUFFICIENCY DATE: July 28, 2022
HEARING EXAMINER DATE: September 29, 2022

REQUEST

The applicant has requested to rezone approximately 9.96 acres of Agricultural zoned land to Residential Planned Development (RPD). The subject property is located in the Central Urban Future Land Use Category per the Lee Plan. The applicant is proposing 90 rental units within a common element or options that include single family, duplex and multi-family residences. The applicant has requested three deviations with one pertaining to environmental sciences (ES).

PROTECTED SPECIES ASSESSMENT

The applicant provided an Environmental Assessment that was conducted by Passarella and Associates, Inc. A field study was completed on February 26, 2021. The site consists of pastureland with no indigenous vegetative communities present. The environmental consultant has indicated that no protected species or evidence of nesting species were found on the site. The subject property is located within the core foraging area for wood storks, is within the Red Cockaded Woodpecker Consultation Area, and is not within the Florida Bonneted Bat Consultation Area or the Proposed Critical Habitat Area according to the Florida Fish and Wildlife Conservation Commission (FWCC) (Exhibit A).

OPEN SPACE

The proposed development is being designed so that the units are within a common element setting and not located within individual lots. In accordance with Land Development Code (LDC) Section 10-415, the applicant must provide 40% open space. The applicant has indicated on the Master Concept Plan received on August 4, 2022 that 40% open space will be provided.

SCREENING AND BUFFERING

In accordance with the Lee Plan Policies 5.1.5 and 5.1.6 the applicant must provide appropriate buffers per the LDC to ensure that high density and multi-family use developments have open space, buffering, and landscaping areas that are appropriate to their density and design. LDC Section 10-416(d) requires an applicant to provide a buffering area along the entire perimeter of the property whenever the proposed development abuts a different use. The subject property abuts Penzance Boulevard to the north which is a county maintained road that has a functional classification as a Major Collector. Blasingim Road is located to the west of the subject property and is a non-county maintained local road. The property to the south is zoned Agricultural (AG-2) and has an existing single family home. The property to the east is zoned Residential Planned Development with multi-family uses. The applicant is required to provide the following buffers or request deviations:

North and West:

Type-D buffer that is 15-foot-wide with five trees per 100 linear feet required and provided.

East:

No buffer required.

South:

Per LDC Section 10-416(d)(6), the proposed driveway is within 125 feet from a single-family residential uses and the applicant must provide a Type-F buffer (30-feet-in-width with ten trees per 100 linear feet and a double hedge planted a minimum of 20 feet from the property line or a 25-feet-in-width buffer with an eight-feet-in-height wall setback 25 feet from the property line with a minimum of five trees and 18 shrubs per 100 linear feet. The applicant has requested a deviation (deviation #2) from this section of the code to allow a 15-foot-wide buffer along the southern boundary up to the emergency vehicle turn around where a 7.5-foot-wide buffer is proposed with an eight foot solid wall. The shrubs will not be setback 20 feet but will be installed at 48 inches and maintained at 60 inches. This deviation is necessary due to the existing drainage easement that is located along the southern property line. Per LDC Section 10-421(a)5, no required plants must be located in any drainage easements. The buffer width may overlap a drainage easement by half of the required buffer width in accordance with LDC Section 10-421(a)2 but in this case the street stub out limits the buffer to 7.5 feet and does not comply with this section of the code. The applicant has provided cross sections on sheet two of the MCP that depict the southern buffer and the location of the buffer plantings.

(ES) staff recommend approval of Deviation #3 with the following condition:

Prior to development order approval, the development order plans must depict a 15-foot- wide buffer up to the terminal access stub where a 7.5-foot-wide buffer must be depicted. The landscape plans must depict ten trees per 100 linear feet and a double hedge row. The landscape plans must depict hedges specified at 48-inches-in-height and maintained at 60-inches-in-height.

ADDITIONAL DEVIATIONS DUE TO AIRPORT OPERATIONS

The site is within 10,000 feet from Page Field Airport and per the Federal Aviation Administration (FAA) Advisory Circular, if a development is within 10,000 feet from airport operations the surface water management areas must be steep-sided slopes and not littoral vegetation must be provided around the lakes. In addition, the landscape plantings must comply with the Lee County Port Authority Plant List (Attachment B). In order to comply with the Advisory Circular, deviations are necessary from lake bank slopes per LDC Section 10-329(d)(4) and LDC Section 10-418(2)(d)3.

LDC-329(d)4 requires the banks of excavated lakes to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table, to allow four horizontal to one vertical slopes and provide enhanced slope protection measures and design techniques determined by the project engineer at time of development order.

(ES) staff recommend approval of this deviation.

LDC Section 10-418(2)(d)3 allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous littorals required. One tree (minimum ten-foot-height; two-inch-caliper, and a four-foot spread) may be substituted for 100 herbaceous littoral plants. Rees must meet the minimum standards set forth in LDC Section 10-420. To allow 100 percent of the total number of herbaceous littorals required to be substituted with native wetland trees.

(ES) staff recommend approval with the following condition:

Prior to development order approval, all landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plan List.

Exhibit:

A - Protected Species Assessment

B - Lee County Port Authority Non-Compatible and Compatible Plan List

EXHIBIT A

PENZANCE AND BLASINGIM PARCEL DUE DILIGENCE ENVIRONMENTAL ASSESSMENT

March 2021

Prepared For:

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1.0 INTRODUCTION

This report has been prepared to assist in the due diligence review of the Penzance and Blasingim Parcel (Project) located in Section 8, Township 45 South, Range 25 East, Lee County (Exhibit 1). The Project totals 9.51± acres and is bordered to the north by Penzance Boulevard and low density, single-family residences and undeveloped forested land; to the east by Coral Woods Apartments; to the south by a single-family residence on a large lot; and to the west by Blasingim Road and single-family residences.

This assessment addresses vegetation communities, jurisdictional wetlands, and listed species for the Project. It also includes a discussion of permitting requirements for wetlands and listed species.

2.0 VEGETATION COMMUNITIES

Vegetation and land cover mapping for the Project was conducted using a 2020 rectified aerial. Groundtruthing of the vegetative communities was conducted on February 26, 2021 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Some species of invasive vegetation occur on-site, which include, but are not limited to Brazilian pepper (*Schinus terebinthifolius*), melaleuca (*Melaleuca quinquenervia*), java plum (*Syzygium cumini*), and cogongrass (*Imperata cylindrica*). AutoCAD 3D 2017 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project (Exhibit 2). A total of six vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project area. Photographs of these areas are provided as Exhibit 3 (Photographs 1 through 4). Table 1 provides the breakdown of the FLUCFCS codes by acreage for the Project, while a description of each of the classifications follows.

Table 1. Vegetative and Land Cover Types by FLUCFCS Code

FLUCFCS Code	Description	Acreage	Percent Total
205	Agricultural Operation Support Building	0.12	1.3
211	Improved Pasture	7.60	79.9
213	Forested Pastureland	0.38	4.0
514	Swale/Ditch	0.28	2.9
520	Pond	0.96	10.1
743	Perimeter Berm	0.17	1.8
Total		9.51	100.0

Agricultural Operation Support Building (FLUCFCS Code 205)

This land use includes the main access into the site, off of Blasingim Road, and a concrete block building with a covered feed lot enclosure for the cattle (Photograph 1).

Improved Pasture (FLUCFCS Code 211)

This land use comprises most of the property (79.9 percent) (Photograph 2). The canopy and sub-canopy strata are mostly open with scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), melaleuca (*Melaleuca quinquenervia*), caesarweed (*Urena lobata*), and queen palm (*Syagrus romanzoffiana*). The ground cover consists of St. Augustine grass (*Stenotaphrum secundatum*), bahiagrass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*), carpetgrass (*Axonopus* sp.), Mexican clover (*Richardia braziliensis*), broomsedge (*Andropogon virginicus*), dog fennel (*Eupatorium capillifolium*), spermacoce (*Spermacoce verticillata*), frog-fruit (*Phyla nodiflora*), Southern sida (*Sida acuta*), Asiatic pennywort (*Centella asiatica*), and dollarweed (*Hydrocotyle umbellata*).

Forested Pastureland (FLUCFCS Code 213)

The classification is located along the western boundary line and just north of the Agricultural Operation Support Building (FLUCFCS Code 205). The canopy vegetation in this community includes laurel oak (*Quercus laurifolia*), slash pine, queen palm, and Phoenix palm (*Phoenix reclinata*); while the sub-canopy contains caesarweed, Brazilian pepper, and woman's tongue tree (*Albizia lebbek*). The ground cover composition in this area is similar to Improved Pasture (FLUCFCS Code 213).

Ditch (FLUCFCS Code 514)

This land use runs along the eastern and southern boundary lines (Photograph 3). The canopy and sub-canopy vegetation along the perimeter of these areas contains slash pine, cabbage palm, earleaf acacia (*Acacia auriculiformis*), Brazilian pepper, cocoplum (*Chrysobalanus icaco*), and wax myrtle (*Morella cerifera*). The ground cover includes, but is not limited to, cattail (*Typha latifolia*), torpedograss (*Panicum repens*), Alabama swamp flatsedge (*Cyperus ligularis*), dollarweed, and Asiatic pennywort.

Lake (FLUCFCS Code 520)

This irregularly shaped land use is located in the center of the site (Photograph 4). The canopy is open, while the sub-canopy stratum includes scattered wax myrtle on the perimeter. The ground cover is mostly open water with scattered spatterdock (*Nuphar luteum*) and a fringe of torpedograss.

Perimeter Berm (FLUCFCS Code 743)

This land classification forms the eastern and southern boundary lines of the property (Photograph 3). The canopy and sub-canopy species composition is the same as that found along the Ditch (FLUCFCS Code 514). The ground cover in this area is open, except for scattered patches of bahiagrass, St. Augustine grass, and Alabama swamp flatsedge.

3.0 JURISDICTIONAL WETLANDS

The Project was reviewed for both state and federal jurisdiction using the State's "Delineation of the Landward Extent of Wetlands and Surface Waters" (2010); the U.S. Army Corps of Engineers (COE) "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)" (2010); and the Department of the Army and the

Environmental Protection Agency's The Navigable Water Protection Rule (NWPR) (85 Federal Register (FR) 22250). Based on the site review, no wetlands are anticipated to occur on-site; and approximately 1.24 acres or 13.0 percent of the Project may be considered South Florida Water Management District (SFWMD) jurisdictional "other surface waters" (OSW) (Exhibit 2). The OSWs are comprised of two FLUCFCS codes (Ditch (FLUCFCS Code 514) and Lake (FLUCFCS Code 520)). Table 2 provides a breakdown of the OSW acreages by FLUCFCS code for the Project.

Table 2. SFWMD Jurisdictional OSW by FLUCFCS Code

FLUCFCS Code	Description	Acreage
514	Ditch	0.28
520	Lake	0.96
Total		1.24

Assertion of wetland jurisdiction by the COE is subject to the COE Jurisdictional Determination (JD) Form Instructional Guidebook (2007) and the NWPR. The new NWPR became effective June 22, 2020.

The NWPR implements the overall objective of the Clean Water Act (Act) to restore and maintain the integrity of the nation's waters by maintaining federal authority over those waters that Congress determined should be regulated by the Federal government under its Commerce Clause powers, while adhering to Congress' policy directive to preserve states' primary authority over land and water resources. This Rule increases the predictability and consistency of jurisdiction by clarifying the scope of "waters of the United States" (WOTUS) federally regulated under the Act.

Under the NWPR the term WOTUS encompasses: The territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters. Under paragraph (a) of the NWPR the following are defined as jurisdictional WOTUS:

(a)(1) – Territorial seas and traditional navigable waters (TNWs), which are waters currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters that are subject to the ebb and flow of the tide;

(a)(2) – Tributaries, are defined as a river, stream, or similar naturally occurring surface water channel that contributes surface water flow to a water identified in (a)(1) above in a typical year either directly or through one or more waters identified in paragraphs (a)(2), (3), and (4).

(a)(3) – Lakes and ponds, and impoundments of jurisdictional waters, mean standing bodies of open water that contribute surface water flow to a water identified in paragraph (a)(2), (3), and (4).

(a)(4) – Adjacent wetlands means the following for waters identified in (a)(1), (2), and 3:

- (i) abut, meaning to touch at least one point or side;
- (ii) are inundated by flooding;
- (iii) are physically separated by a natural berm, bank, dune, or similar natural feature;
- (iv) are physically separated by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands in a typical year, such as through culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year.

Another rule changed on December 17, 2020 when the Environmental Protection Agency (EPA) approved the State of Florida's application to implement the Clean Water Act, Section 404 program, for certain water resources. The water resources to be administered by the State's FDEP are referred to as "assumed waters," while those that remain with the COE are called "retained waters." Retained waters generally include TNWs such as larger navigable rivers, coastal waters, and wetlands adjacent to such waters up to a 300-foot administrative boundary.

Pursuant to the passage of the Section 404 assumed waters rule and NWPR, the potential ditches and ponds on-site are not anticipated to be jurisdictional at the federal level due to their isolated condition. They do not appear to satisfy the definitions in the NWPR, as outlined above. Additionally, due to the Project distance from TNWs, it is likely that the federal jurisdictional determination (JD) would be conducted by the FDEP, rather than the COE, as potential assumed waters. Conducting JDs with the regulatory agencies to verify the extent of their jurisdiction was not within the scope of this assessment. However, having JDs completed as early in the development review process as possible is highly recommended.

A U.S. Geological Survey Quadrangle map is provided as Exhibit 4. This map shows the approximate topographic elevation of the site and surrounding areas.

The soils for the site have been mapped by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) (f.k.a. Soil Conservation Service) in the Soil Survey of Lee County (1984) and are illustrated in Exhibit 5. The NRCS soil delineations are general in character but do provide a certain level of information about the possible presence of wetlands on-site based on their hydric or non-hydric status. Hydric soils develop under predominately anaerobic soil conditions and generally support hydrophytic (i.e., wetland) vegetation.

The site consists of one soil classification, Oldsmar Sand (Soil Unit No. 33). The Hydric Soils of Florida Handbook (Florida Association of Environmental Scientists 2000) identifies Oldsmar Sand as a non-hydric soil type.

4.0 LISTED SPECIES

A preliminary listed species survey was conducted for the Project area to determine if the site is being utilized by wildlife species listed by the U.S. Fish and Wildlife Service (USFWS), the Florida Fish and Wildlife Conservation Commission (FWCC), and the Florida Department of

Agriculture and Consumer Services as threatened, endangered, or as species of special concern. No listed wildlife or plant species were observed within the Project area during the February 26, 2021 field survey.

A review of the FWCC documented occurrences of listed species was also conducted. The wildlife agencies' database information is updated on a periodic basis and, depending on the species, is current through different dates. The FWCC information is current through the noted dates for the following species: bald eagle (*Haliaeetus leucocephalus*) nest locations – 2020 (acquired November 2020); red-cockaded woodpecker (*Picoides borealis*) (RCW) locations – August 2017 (acquired December 2020); wading bird rookeries – 1999 (acquired December 2020); crested caracara (*Caracara cheriway*) – August 2017; Florida panther (*Puma concolor coryi*) telemetry – June 2018; and Florida black bear (*Ursus americanus floridanus*) telemetry – 2007 (acquired December 2020).

According to FWCC records, no listed species are documented on-site, or in proximity to the Project area (Exhibit 6).

The Florida Atlas of Breeding Sites for Herons and Their Allies (Runde *et al.* 1991) was referenced for the location of breeding colonies of both listed and non-listed wading birds including, but not limited to, snowy egret (*Egretta thula*), roseate spoonbill (*Platalea ajaja*), little blue heron (*Egretta caerulea*), wood stork (*Mycteria americana*), and tri-colored heron (*Egretta tricolor*). There was no reference to breeding rookeries located on the Project. The FWCC database for wading bird rookeries shows the closest wading bird location being approximately 2.5 miles northwest of the property (Exhibit 6). Only the cattle egret (*Bubulcus ibis*) was observed the day of the field survey.

The bald eagle has been delisted at both the state and federal levels but is still protected under the Bald and Golden Eagle Protection Act. The FWCC database for bald eagle nests shows that the nearest bald eagle nest is Nest LE-029, located approximately two miles north-northeast of the property (Exhibit 6). The bald eagle nest database is current through the 2016-2017 nesting season. The nest's distance is beyond the USFWS's and the FWCC's recommended 660-foot buffer protection zone for active and alternate bald eagle nests (FWCC 2008). No bald eagle nests were observed within or adjacent to the Project limits.

The USFWS Draft Standard Local Operating Procedures for Endangered Species Wood Storks (2002) recognizes a 30± kilometer (18.6± mile) zone surrounding a colony boundary as a core foraging area (CFA). According to the FWCC data, two wood stork colonies exist within 30± kilometers of the subject Project. Colony No. 619040 is located approximately eight miles north of the Project, and Colony No. 619041 is located approximately 9 nine miles north-northeast of the Project. Therefore, the Project is within the CFA for these two colonies (Exhibit 7).

The FWCC database (current through August 2017) shows the closest RCW location to be approximately two miles east-northeast of the Project and just within the USFWS consultation area boundary (Exhibit 8). The RCW is listed as endangered by the FWCC and the USFWS. However, the site does not contain suitable pine habitat which may be utilized by RCWs for foraging and nesting. As a result, this species is not anticipated to be an issue for the Project.

The Project lies within the USFWS consultation area for the Florida bonneted bat (*Eumops floridanus*) (Exhibit 9). The Florida bonneted bat is a federally listed endangered species. Although limited, the Project contains some potential Florida bonneted bat roosting and foraging habitat. Thus, specific surveys may be required by the USFWS to determine if the site is being utilized by the Florida bonneted bat.

According to the FWCC database, there are no Florida panther telemetry points located on the Project site (Exhibit 6), and the property is not located within the Florida panther focus area (Exhibit 10). The Florida panther is listed as endangered by the USFWS. No Florida panther signs (i.e., tracks, scrapes, dens, etc.) were observed on the property during the field survey. Due to the Project's urban landscape position and location outside the focus area, no habitat compensation will be required for the Florida panther.

5.0 WETLANDS AND LISTED SPECIES PERMITTING

5.1 Wetlands

A SFWMD Environmental Resource Permit (ERP) will be required if jurisdictional wetland and/or OSW impacts are proposed. The applicant will need to demonstrate to the state that the impacts were first avoided as much as possible and then minimized where feasible. Under the new NWPR, it is anticipated that no federal permit will be required for potential impacts to waters of the U.S. but this will likely need to be confirmed through the FDEP assumed waters JD process. However, due to the newness of these rules, there is little-to-no track record on how they are being interpreted by staff. As a result, early coordination with the SFWMD and the FDEP is recommended to confirm their limits of jurisdiction for this site.

If a federal permit is required, an alternatives analysis may be requested. This would include a review of alternative sites that were considered for the Project and why they were not acceptable. The remaining unavoidable impacts may require mitigation. The federal Section 404 process can run concurrent with the SFWMD ERP process and generally takes 18 to 24 months to complete. The federal process may take longer if consultation with the USFWS is required for federal listed species (e.g., wood stork and Florida bonneted bat).

No wetlands are anticipated to be found on-site; however, if some were to occur, consideration of secondary impacts may be requested by the agencies. Secondary impacts include violations of water quality standards, adverse impacts to wetland functions, impacts to uplands utilized for nesting or denning by wetland dependent listed species, impacts to historical and archaeological resources, and additional phases or activities closely linked to the proposed system. Water quality standards may be addressed in the design of the surface water management system. Adverse impacts to wetland functions may be addressed through structural or native undisturbed upland buffers adjacent to the preserved wetlands. Impacts to uplands utilized by wetland dependent listed species may be addressed through compliance with listed species guidelines established by the FWCC and the USFWS, or through appropriate mitigation measures.

No wetland mitigation requirements are anticipated for the Project area; but if the agencies were to assert jurisdiction over a portion of the site, then wetland compensation may be needed. Given the size of the property, the opportunity for providing on-site mitigation may not exist. Off-site wetland mitigation options include the purchase of wetland mitigation bank credits, preservation of wetland resources at risk for development within the same drainage basin, or other means of replacing lost wetland function that is amenable to the permitting agencies.

5.2 Listed Species

Listed species habitat compensation may be required for potential impacts resulting from development of the property, specifically for the wood stork, if 0.50 acre or more of federal jurisdictional impacts are proposed. Wood stork mitigation is generally required when jurisdictional impacts occur within a designated CFA. If required, wood stork mitigation is negotiated with the USFWS during the permitting process. In most cases, mitigation provided to offset waters of the U.S. impacts is sufficient to compensate for the loss of wood stork foraging habitat.

If species-specific surveys determine that the Florida bonneted bat is utilizing the site, mitigation may be required to compensate for potential impacts to bonneted bat habitat within the site.

6.0 SUMMARY

A total of six vegetative associations and land uses (i.e., FLUCFCS codes) have been identified within the Project site. No federal (i.e., FDEP) or state (i.e., SFWMD) wetlands are anticipated to occur on the property. Approximately 1.24 acres or 13.0 percent are potential SFWMD jurisdictional OSWs.

A field survey conducted on February 26, 2021 found no listed species on-site. Additionally, a review of the wildlife agencies data bases confirmed no recorded occurrences of listed species on or near the Project site. The property is within the 30 kilometer CFA of two wood stork nesting colonies and the Florida bonneted bat consultation area. If future development is proposed for the property, species-specific surveys may be requested to confirm the absence of one or more species. If a listed species is found on-site, habitat compensation may be required to offset impacts for these species.

7.0 REFERENCES

Department of the Army and Environmental Protection Agency. 2020. The Navigable Waters Protection Rule: Definition of "Waters of the United States." Federal Register/ Vol. 85, No. 77, Pg. 22250. April 21, 2020 Rules and Regulations.

- Florida Association of Environmental Soil Scientists. 2000. Hydric Soils of Florida Handbook, Third Edition. Victor W. Carlisle Ed.
- Florida Department of State. 2010. Delineation of the Landward Extent of Wetlands and Surface Waters. Chapters 62-340, F.A.C.
- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.
- Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan.
- Runde, D.E., J.A. Gore, J.A. Hovis, M.S. Robson, and P.D. Southall. 1991. Florida Atlas of Breeding Sites for Herons and Their Allies, Update 1986-1989. Nongame Wildlife Program Technical Report No. 10. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida.
- U.S. Army Corps of Engineers. 2007. Jurisdictional Determination Form Instructional Guidebook.
- U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). ERDC/EL TR-10-20.
- U.S. Department of Agriculture, Soil Conservation Service. 1984. Soil Survey of Lee County, Florida.
- U.S. Fish and Wildlife Service. 2002. Draft Standard Local Operating Procedures for Endangered Species Wood Storks. South Florida Ecological Services Office.

EXHIBIT 1
PROJECT LOCATION MAP

EXHIBIT 2

**AERIAL WITH FLUCFCS AND WETLANDS MAP
AERIAL WITH BOUNDARY**



LEGEND:



POTENTIAL SFWMD "OTHER SURFACE WATERS"
(1.24 Ac. ±)

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
211	IMPROVED PASTURE	7.60 Ac. ±	79.9%
205	AGRICULTURAL OPERATION SUPPORT BUILDING	0.12 Ac. ±	1.3%
213	FORESTED PASTURELAND	0.38 Ac. ±	4.0%
514	DITCH	0.28 Ac. ±	2.9%
520	LAKE	0.96 Ac. ±	10.1%
743	PERIMETER BERM	0.17 Ac. ±	1.8%
TOTAL		9.51 Ac. ±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY ESTIMATED FROM THE LEE COUNTY PROPERTY APPRAISER'S GIS WEBSITE.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

EXHIBIT 2. AERIAL WITH FLUCFCS AND WETLANDS MAP
PENZANCE AND BLASINGIM PARCEL

DRAWN BY	DATE
T.S.	2/26/21
REVIEWED BY	DATE
M.M.	2/26/21
REVISED	DATE

PASSARELLA & ASSOCIATES LLC

EXHIBIT 3
FLUCFCS CODE PHOTOGRAPHS



Photograph 1. Agricultural Operation Support Building (FLUCFCS Code 205)



Photograph 2. Improved Pasture (FLUCFCS Code 211) looking East (Typ.)

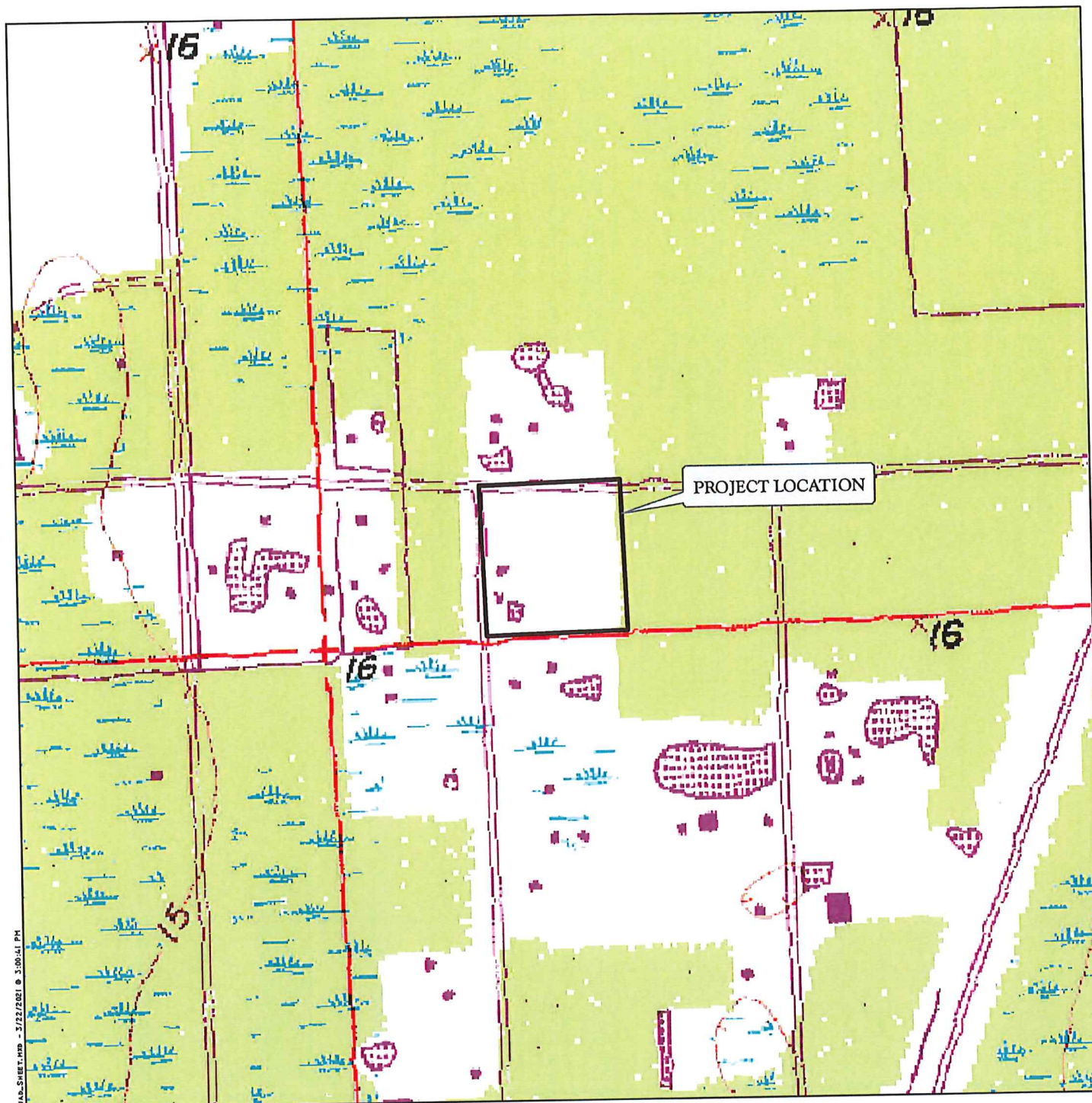


Photograph 3. Ditch (FLUCFCS Code 514) and Berm (FLUCFCS Code 743) looking North



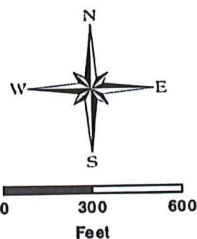
Photograph 4. Lake (FLUCFCS Code 520) looking Southeast

EXHIBIT 4
QUAD SHEET



LEGEND

 PENZANCE AND BLASINGIM PARCEL



NOTES:

COUNTY INFORMATION AND ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

DIGITAL RASTER GRAPHIC USGS TOPOGRAPHIC QUADRANGLES WERE ACQUIRED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE JULY 2007.

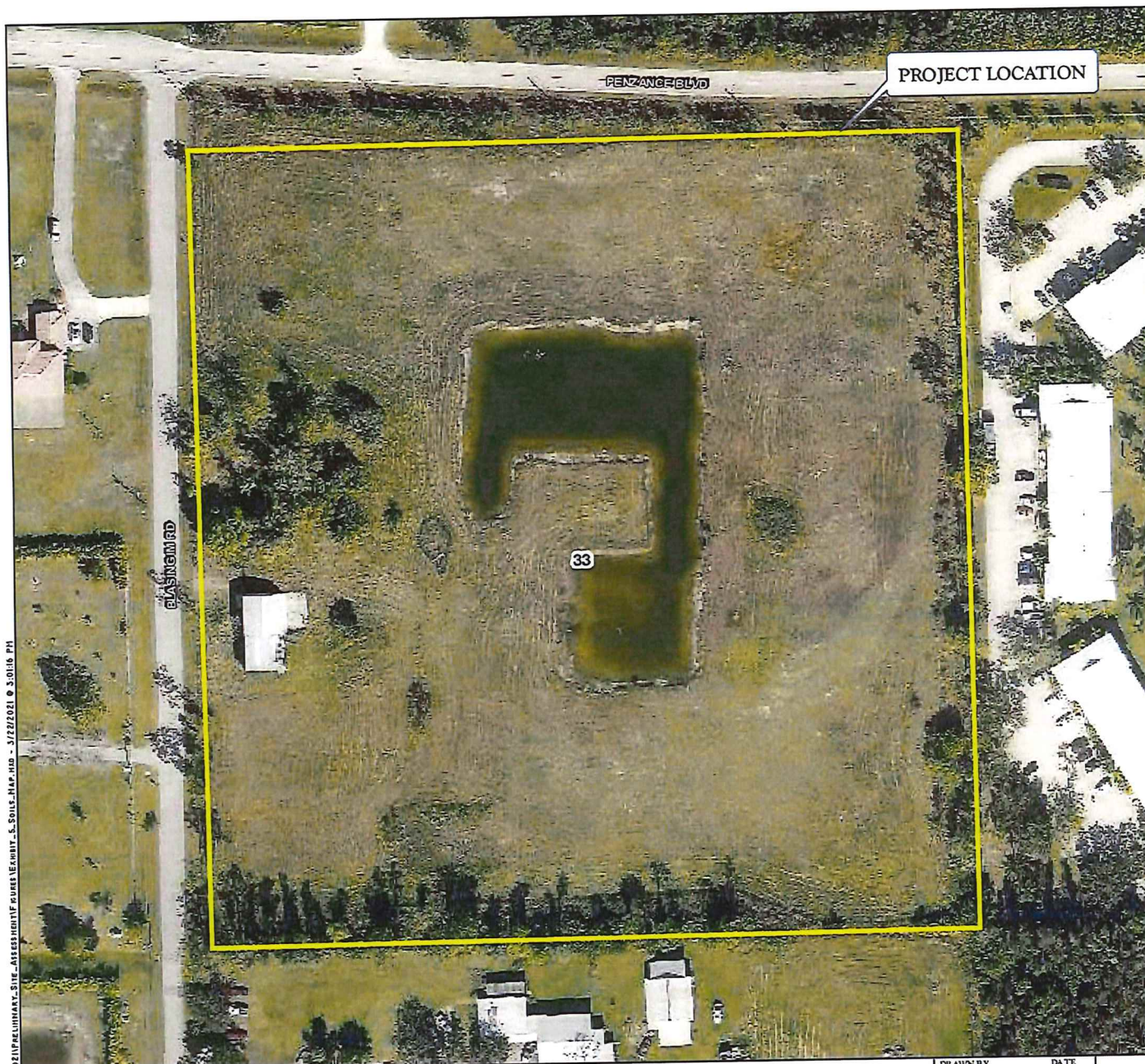
EXHIBIT 4. QUAD SHEET
PENZANCE AND BLASINGIM PARCEL

DRAWN BY	DATE
T.S.	3/3/21
REVIEWED BY	DATE
M.M.	3/3/21
REVISED	DATE

 **PASSARELLA & ASSOCIATES**

EXHIBIT 5

SOILS MAP



PASSARELLA
& ASSOCIATES^{INC.}

EXHIBIT 6

DOCUMENTED OCCURRENCES OF LISTED SPECIES

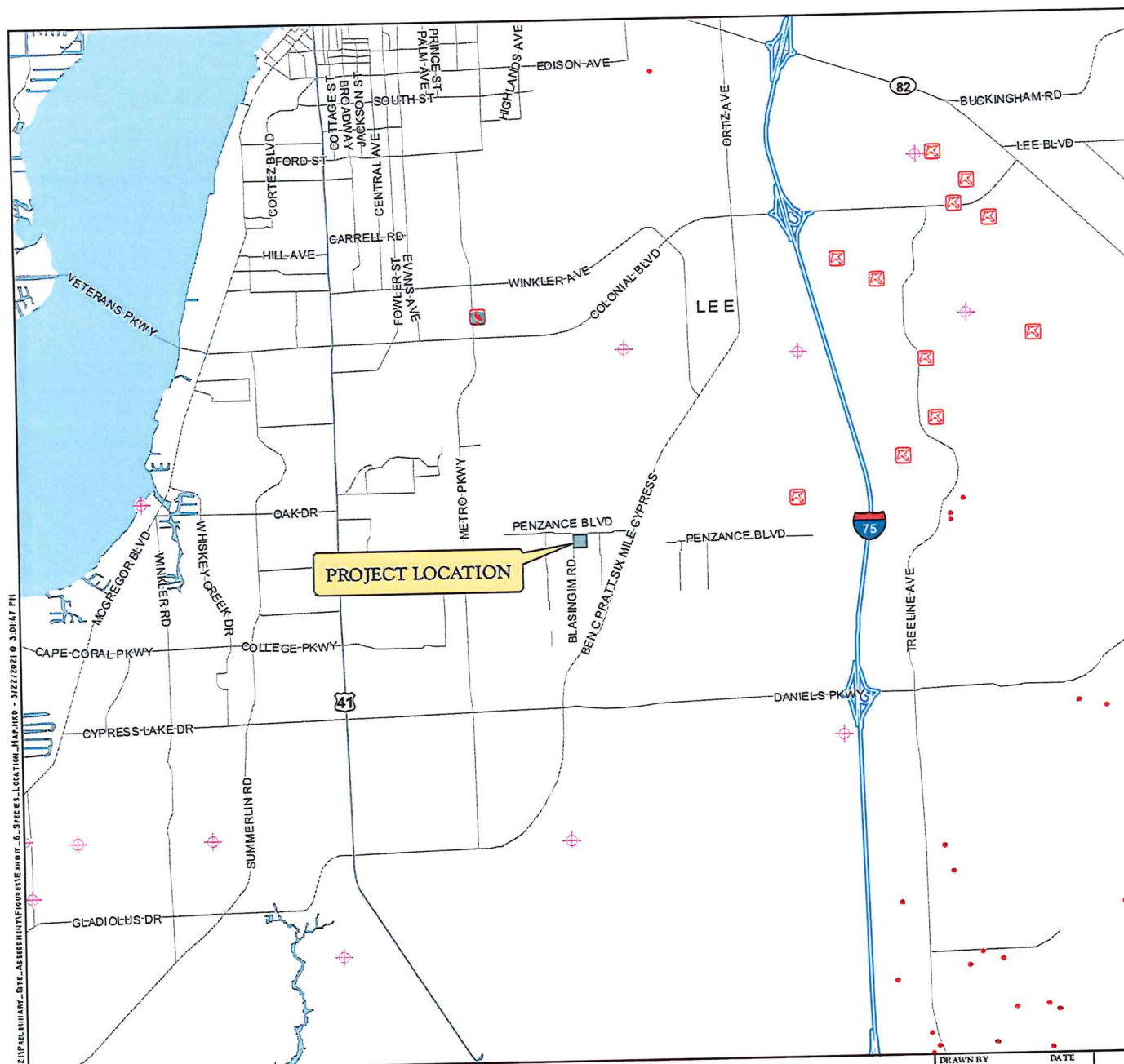
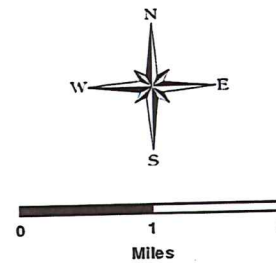


EXHIBIT 6. DOCUMENTED OCCURRENCES OF LISTED SPECIES
PENZANCE AND BLASINGIM PARCEL

DRAWN BY	DATE
T.S.	3/3/21
REVIEWED BY	DATE
M.M.	3/3/21
REVISED	DATE

LEGEND

	PENZANCE AND BLASINGIM PARCEL
	BALD EAGLE NEST LOCATION
	FLORIDA PANTHER TELEMETRY
	RED COCKADED WOODPECKER LOCATION
	WADING BIRD LOCATION



NOTES:

EAGLE NEST LOCATIONS WERE ACQUIRED FROM THE FWCC AND AUDUBON EAGLEWATCH ON NOVEMBER 2020 AND ARE CURRENT TO 2020.

BLACK BEAR LOCATIONS WERE ACQUIRED FROM THE FWCC ON DECEMBER 2020 AND ARE CURRENT TO 2007.

RED COCKADED WOODPECKER LOCATIONS
WERE ACQUIRED FROM THE FWCC ON
DECEMBER 2020.

WADING BIRD ROOKERIES WERE ACQUIRED FROM THE FWCC DECEMBER 2020 AND ARE CURRENT TO 1999.



EXHIBIT 7

**FLORIDA WOOD STORK NESTING COLONIES AND
18.6 MILE CORE FORAGING AREAS**

EXHIBIT 8

RCW CONSULTATION AREA WITH LOCATIONS

EXHIBIT 9

**FLORIDA BONNETED BAT CONSULTATION AREA
AND PROPOSED CRITICAL HABITAT MAP**

EXHIBIT 10

FLORIDA PANTHER ZONES WITH PANTHER FOCUS AREA

Trees/Palms				
Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Trees / Palms				
Florida Anise	Illicum floridanum	X		
Florida Soapberry	Sapindus saponaria	X		
Florida Thatch Palm	Thrinax radiata	X		
Green Buttonwood	Conocarpus erectus	X		
Gumbo Limbo	Bursera simaruba	X		
Jamacia caper	Capparis cynophallophora	X		
Jamaican Dogwood	Piscidia piscipula	X		
Loblolly Bay	Gordonia lasianthus	X		
Mahogany Swietenia	Swietenia mahogany	X		
Orange Geiger	Cordia sebestena	X		
Paurotis Palm	Acoelorrhaphe wrightii	X		
Royal Palm	Roystonea regia	X		
Silver Buttonwood	Conocarpus erectus var. sericeus	X		
Swamp Bay	Persea palustris	X		
Sweetgum	Liquidambar styraciflua	X		
Cabbage Palm	Sabal palmetto		X	
Cypress	Taxodium spp.		X	
Dahoon Holly (male only)	Ilex cassine		X	
Laurel Oak	Quercus laurifolia		X	
South Florida Slash	Pine Pinus elliottii var. densa		X	
Sweetbay Magnolia	Magnolia virginiana		X	
Yaupon Holly (male only)	Ilex vomitoria		X	
American Elm	Ulmus americana			X
Florida Silver Palm	Coccothrinax argentata			X
Live Oak	Quercus virginiana			X
Mastic	Mastichodendron foetidissimum			X

Pigeon Plum	Coccoloba diversifolia			X
Pond Apple	Annona glabra			X
Pop Ash	Fraxinua caroliniana			X
Red Maple	Acer rubrum			X
Satin Leaf	Chrysophyllum oliviforme			X
Sea Grape	Coccoloba uvifera			X
Southern Red Cedar	Juniperus silicicola			X
Wax Myrtle	Myrica cerifera			X

Non-Native Trees / Palms				
Bismark Palm	Bismarchia nobilis	X		
Blue Atlas Cedar	Cedrus atlantica 'Glauc	X		
Bottlebrush	Callistemon spp.	X		
Chinese Fan Palm	Livistona chinensis	X		
Crapemyrtle	Lagerstoemia spp.	X		
Floss Silk Tree	Chorisia speciosa	X		
Gold Tabebuia	Tabebuia chrysotricha	X		
Jaboticaba Tree	Myrciaria cauliflora	X		
Lignum Vitae	Guaiaacum sanctum	X		
Macarthur Palm	Ptychosperma macarthurii	X		
Montgomery palm	Veitchia montgomeryana	X		
Orange Geiger	Cordia sebestena	X		
Purple Tabebuia	Tabebuia impetiginosa	X		
Royal poinciana D	Delonix regia	X		
Shady Lady / Black Olive	Bucida buceras	X		
Silver Thatch Palm	Thrinax morrissi	X		
Verawood	Bulnesia arborea	X		
White Bird of Paradise	Strelitzia reginae	X		
Yellow Elder	Tecoma stans	X		

Shrubs				
Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Shrubs				
Adam's Needle	Yucca filamentosa	X		
Bahama Cassia	Cassia bahamensis	X		
Blue Porterweed	Statytarpheta urticifolia	X		
Coastal Sea Rocket	Cakile lanceolata	X		
Coral Bean E	Erythrina herbacea	X		
Gallberry/Inkberry	Ilex glabra	X		
Golden Dewdrop	Duranta erecta	X		
Jamacia caper	Capparis cynophallophora	X		
Maidenbush	Heterosavia bahamaensis	X		
Pitch Apple	Clusia rosea	X		
Rusty Lyonia	Lyonia ferruginea	X		
Small Leaf Clusia	Clusia guttifera	X		
Wild Cotton	Gossypium hirsutum	X		
Wild Sage	Lantana involucrate	X		
Dwarf Yaupon Holly (male only)	Ilex vomitoria		X	
Firebush	Hamelia patens		X	
Green Saw Palmetto	Serenoa repens		X	
Yellow Necklacepod	Sophora tomentosa var. truncata		X	
American Beautyberry	Callicarpa americana			X
Cocoplum	Chrysobalanus icaco			X
Florida Privet	Forestiera segregata			X
Myrsine	Myrsine cubana			X
Shiny Blueberry	Vaccinium myrsinites			X
Simpson Stopper	Myrcianthes fragrans			X
Spanish Stopper	Eugenia foetida			X
Walter's Viburnum	Viburnum obovatum			X

Wild Coffee	Psychotria nervosa			X
Wild Lime	Zanthoxylum fagara			X

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Non-Native Shrubs				
Blue Plumbago	Plumbago auriculata X	X		
Dwarf Poinciana	Caesalpinia pulcherrima X	X		
Golden Thryallis	Galphimia gracillis X	X		
Green Pitosporum	Pittosporum tobira 'Wheeleri' X	X		
Ixora "Nora Grant"	Ixora "Nora Grant" X	X		
Jatropha	Jatropha integerrima	X		
Yesterday-Today-Tomorrow	Brunfelsia grandiflora	X		

Wildflowers				
Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Wildflowers				
Adam's Needle	Yucca filamentosa	X		
Blanket Flower	Gaillardia pulchella	X		
Butterfly Weed	Asclepias tuberosa	X		
Button Snakeroot	Eryngium yuccifolium	X		
Florida Pennyroyal	Piloblephis rigida	X		
Leavenworth's Tickseed	Coreopsis leavenworthii	X		
Tropical Sage	Salvia coccinea	X		
Wild Petunia	Ruellia caroliniensis	X		
Beach Sunflower	Helianthus debilis		X	

Grasses & Groundcover				
Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Grasses & Groundcover				
Chalky Bluestem	Zamia pumila	X		
Coontie	Zamia pumila	X		
Dwarf Blue Porterweed	Statytarpheta jamaicensis	X		
Grassleaf Golden Aster	Pityopsis graminifolia	X		
Leather fern	Acrostichum danaeifolium	X		
Muhlygrass	Muhlenbergia capillaris	X		
Narrowleaf Blue-Eyed Grass	Sisyrinchium angustifolium	X		
Sunshine mimosa, powderpuff	Mimosa strigillosa	X		
Sword Fern	Nephrolepis exaltata	X		
Wiregrass	Aristida beyrichiana	X		
Fakahatchee Grass	Tripsacum dactyloides		X	
Sand Cordgrass	Spartina bakeri		X	
Golden Creeper	Ernodea littoralis			X
Gopher Apple	Licania michauxii			X
Purple Love Grass	Eragrostis spectabilis			X

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Non-Native Grasses & Groundcover				
African Iris	Dietes spp	X		
Blueberry Flax Lily	Dianella tasmanicata 'Variegata'	X		
Bulbine	Bulbine frutescens	X		
Crinum Lily	Crinum asiaticum	X		
Crown of Thorns	Euphorbia milii	X		
Dwarf Bougainvillea	Bougainvillea sp.	X		
Gulf Croton	Croton punctatus	X		

Imperial Bromeliad	Aechmea imperialis	X		
Lily of the Nile	Agapanthus orientalis	X		
Liriope "Emerald Goddess"	Liriope muscari	X		
Orange Bromeliad	Aechmea blanchetiana	X		
Purple Lantana	Lantana montevidensis	X		
Society Garlic	Tulbaghia violacea	X		
Variegated Ginger	Alpinia zerumbet "Variegata"	X		
Yellow Alder	Turnera ulmifolia	X		
Yellow Lantana	Lantana camara	X		
Fountain grass	Pennisetum setaceum			X
Indian hawthorn	Raphiolepis indica			X
Ligustrum	Ligustrum japonicum			X
Parson's juniper	Juniperus squamata expansa			X
Perennial Peanut	Arachis glabrata			X

Wetlands				
Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Wetland Plants				
Alligator Flag	Thalia geniculata X	X		
Cinnamon Fern	Osmunda cinnamomea X	X		
Knotted Spikerush	Eleocharis interstincta	X		
Lemon Bacopa	Bacopa caroliniana	X		
Perfumed Spiderlily	Hymenocallis latifolia X			
String Lily	Crinum americanum			
Water Hyssop	Bacopa monnieri			
Black Needle Rush	Juncus roemerianus X			X
Pickernelweed	Pontederi cordata X			X
Arrowhead, Duck Potato	Sagittaria spp.			X

MEMORANDUM

Date: 8/26/2022

To: Anthony Rodriguez, AICP

From: Brian Roberts *BR*

Subject: DCI2021-00026 Homes at 81 West

The applicant is proposing to rezone 10+/- acres from Agricultural (AG-2) to Residential Planned Development to allow development of 90 dwelling units to serve as rental homes with associated amenities. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

1. The MCP depicts primary access and an emergency only access to the subject property via Blasingim Road. Blasingim Road is a non-county maintained local roadway with a speed limit of 25 miles per hour. LDC Section 10-291(2) requires all development to abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC Section 10-296. At the time of development order the applicant will be required to meet LDC Section 10-291(2) and improvements may be required to Blasingim Road to meet the standards in LDC section 10-296. During the sufficiency review a maintenance entity for the roadway was not determined. LDC section 10-154(24) requires articles of incorporation or other legal documents for assignment of maintenance. The developer must submit a copy of the legal documents creating the legal mechanism to ensure that the drainage system, on-site bikeways, on-site pedestrian ways, roadways and rights-of-way are continuously maintained. These documents must meet the requirements set forth in Administrative Code 13-19. In typical residential development these requirements apply to onsite roadway and rights-of-ways to ensure that the residents and the public are provided adequate and safe access. Blasingim Road differs in that property ownership is shared with adjacent properties along the center line of the roadway. The proposed development of 90 dwelling units will generate a larger volume of traffic on Blasingim Road and Staff is concerned that the significant increase in traffic, as well as the location of the emergency access, has the potential to create a health, safety, and welfare concerns if the roadway is not properly maintained. In order to ensure that the roadway is maintained Staff recommends the following condition:

Prior to development order approval the applicant must submit a copy of legal documents creating the legal mechanism to ensure the continuous maintenance of Blasingim Road along the property frontage.

2. Deviation(1) seeks relief from LDC Section 10-291(3) which requires residential development of more than five acres to provide more than one means of ingress or egress for the development to allow only one access point and one emergency only access to the development. Staff recommends **APPROVAL** of the deviation **SUBJECT** to the following condition:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan

MEMORANDUM

may be obtained from the developer or developer's successor.

Prior to development order approval the applicant must demonstrate that the emergency only access consists of a stabilized surface with sufficient structural capacity to support an ambulance and fire truck.

The applicant has provided letters from Public Safety, the Lee County Sheriff's Office, and the South Trail Fire District. These letter are attached as Exhibit "A". Public Safety has no objection providing a sufficient stabilized surface is provided at the emergency only access to support an ambulance and fire truck. Staff has recommend this condition as part of the approval of Deviation (1).

3. Deviation (3) seeks relief from LDC Section 10-296(k)(1) which states dead-end streets, designed to be so permanently, must be closed at one end by a circular turn around for vehicles to allow a hammerhead design as shown on the MCP. Staff recommends **APPROVAL** of the deviation.

The applicant has provided letters from Public Safety, the Lee County Sheriff's Office, and the South Trail Fire District that do not object to the proposed hammerhead design.

4. Staff recommends the applicant revise the Master Concept Plan to remove the words "DRIVEWAY" and "INTERNAL DRIVE AISLE." A driveway is defined in LDC Section 10-1 as a type of access point which provides vehicle access from a street to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the street in a forward or backward motion. Based on the definition in the LDC the MCP does not depict a driveway. The plan depicts an accessway which is defined in LDC Section 10-1 as land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure.

Please contact me if you have any further questions.

Exhibit "A" – Letter of Review – Lee County Sherriff's Office, Public Safety, South Trail Fire District



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

June 15, 2022

Frank J. Feeney
Grady Minor
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Review of Deviation from LDC – Homes at 81 West

Mr. Feeney,

I am in receipt of your letter requesting a review of a deviation in the Land Development Code for the development known as Homes at 81 West. This property is a 10-acre parcel bearing STRAP 08-45-25-00-00003.0050 in Fort Myers. The deviation requested is within Section 10-291, regarding a proposed secondary emergency access from the development to Blasingim Road.

I have reviewed the Master Concept Plan for the project. The plan includes a primary access from Blasingim Road.

The second emergency access is proposed to be located at the southwestern corner of the parcel. This is proposed to be an emergency access gate with EVAC openers. The surface must be a stabilized surface capable of supporting an ambulance or a fire truck.

The Department of Public Safety consents to this deviation.

Should the plans change, a new analysis of this deviation would be required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Abes", with a stylized flourish at the end.

Benjamin Abes
Director, Public Safety

Carmine Marceno
Sheriff



"Proud to Serve"

**State of Florida
County of Lee**

June 21, 2022

Frank J. Feeney
Grady Minor
3800 Via Del Ray
Bonita Springs, FL 34134

Mr. Feeney,

The Lee County Sheriff's Office has reviewed your variance request in the Land Development Code for the development known as Homes at 81 West to allow secondary emergency access to the development from Blasingim Road.

The secondary emergency access would be located at the southwestern corner of the parcel and would serve as an emergency access gate with EVAC openers for law enforcement and other first responders.

This proposed change will not impact our ability to provide law enforcement services to this community, and therefore we have no objections.

Respectfully,

A handwritten signature in black ink that reads "Stan Nelson".

Stan Nelson
Director, Planning and Research



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



**SOUTH TRAIL FIRE PROTECTION
&
RESCUE SERVICE DISTRICT**
Established 1965

"Compassion, Commitment, Courage"

**Board of
Commissioners**

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Chairman

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Ken Brown
Commissioner

Administration

Gene Rogers
Fire Chief

Dave Bollen
Assistant Chief
Operations

Todd Anderson
Assistant Chief
Administration

June 24, 2022

Homes at 81 West Master Plan Deviation

To Whom It May Concern,

Please accept this notice as a Letter of No Objection for the roadway changes proposed by Grady Minor for the above referenced project. The proposed changes do not diminish or hinder emergency response and is acceptable to South Trail Fire District.

If there are any questions regarding this letter please contact me at your convenience.

Respectfully,

Nate Burley
Division Chief – Fire and Life Safety
South Trail Fire District

Homes at 81 West RPD**Surface Water Management Plan**

Written description of the surface water management plan as required by LCLDC Section 34-373(b)(1):

- a. The runoff characteristics of the property in its existing state;

Generally, the site topography conveys stormwater south and east towards two (2) existing ditches. The easterly ditch is a remnant agricultural ditch that is isolated and does not appear to be hydraulically connected downstream. The southerly ditch collects and conveys the majority of the site's stormwater westerly to a pipe crossing at Blasingham Road.

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

The site is proposed to include one (1) overall drainage basin. The proposed drainage system will include overland flow from yards and streets into a pipe network that will convey stormwater to a centrally located dry detention area. The outfall will include one (1) concrete control structure that will discharge to the existing conveyance ditch on the South side of the property. The site does not currently accept any offsite flows as there is a minimal berm on all sides of the property. Along the north side of the property (Penzance Blvd.) an existing ditch in the right-of-way is proposed to remain unchanged except for a proposed culvert pipe crossing at the entrance driveway to maintain the existing ditch drainage pattern. A pipe crossing is proposed on the west side of the property (Blasingham Road) at the proposed emergency access point/driveway as well to maintain the existing drainage pattern. There is an existing berm on the adjacent east property line that is proposed to be raised slightly by approximately two feet (2'). This eastern berm will also remove the existing onsite remnant agricultural ditch. The adjacent property has an existing ditch along the common property line to convey stormwater to their outfall and will not be impacted by this proposed improvement. A berm is proposed along the east half of the south property line; the adjacent property topography in this area generally conveys stormwater westerly into the existing conveyance ditch.

- c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;

Retention features include a stormwater pipe network including rear yard drains, ditch bottom inlets, and valley gutter inlets. Other features include a dry detention area and perimeter berm. The property will receive an Environmental Resource Permit (ERP) through the South Florida Water Management District (SFWMD) that will detail the surface water

management (SWM) system including operating assumptions. A property owner's association will be established to ensure maintenance of the SWM system.

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

Existing natural site features include the conveyance ditch along the southerly property. This conveyance ditch will remain and is proposed to be cleared of existing vegetation, reshaped, and sodded to provide efficient and sufficient conveyance for the subject site and adjacent southerly property. The water table for the site is estimated to be approximately 14.1' (NAVD) which matches the control elevation downstream of the Windsong project. The existing outfall ditch on the South side of the Homes at 81 West project is hydraulically connected to the conveyance ditch that receives the stormwater discharges from the Windsong project.

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

The site is not located in a floodway or immediately adjacent to any local streams or natural flow ways. However due to the existing topography and lack of sufficient roadside drainage in the general area it appears that the existing site may occasionally have standing water in some onsite low-lying areas. To ensure the proposed site is not inundated by high intensity rain events, the perimeter berm has been raised to the peak stage of the SFWMD 100-year storm event instead of the SFWMD 25-year storm event to preserve the historic basin storage and the finished floor elevations are set above the established FEMA flood elevation.

2400
BILLED
Prepared by:
N. Gluck, Lee County
Zoning and Development Review
PO Box 398
Fort Myers, FL 33901

OR2047

2595106

RESOLUTION NUMBER Z-88-216

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

PG2940

WHEREAS, B&K Associates has properly filed an application on a project known as Coral Woods for a rezoning from AG-2 to Residential Planned Development, to permit 96 dwelling units in eight (8) multi-family buildings, and a temporary sewage treatment plant, not to exceed 35 feet above average grade with two (2) habitable floors, on 9.98 total acres of land. The proposed development will also include a water management lake, swimming pool and tennis courts; and

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum required setback from project boundary or development perimeter when adjacent to land developed or vacant but zoned for uses incompatible with uses proposed for the RPD, from 25 feet to 15 feet (Section 431.C.2.).
- (2) Intersecting water mains - no less than ten (10) inches in diameter constructed in an external loop system with intersecting water mains installed every 2,000 feet to every 2,100 feet (Section D.7.d.3(c)(iii)).

WHEREAS, the subject property is located at 7260 Penzance Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 45 South, Range 25 East, Lee County, Florida:

The Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 08, Township 45 South, Range 25 East, Lee County, Florida. Subject to a road right-of-way over the East 30 feet thereof.

WHEREAS, the applicant has indicated the property's current STRAP number is 08-45-25-00-00003.0090; and

HEARING NUMBER 88-8-11 DCI

RESOLUTION NUMBER Z-88-216
Page 1 of 4

(5744L/59)

ATTACHMENT R]

12-12-88

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

WHEREAS, proper authorization has been given to Humphrey, Jones & Myers, P. A. by Bud Nelson of B & K Associates, the owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on August 1, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from AG-2 to Residential Planned Development, to permit 50 dwelling units and a temporary sewage treatment plant, not to exceed 35 feet above average grade with two (2) habitable floors, on 9.98 total acres of land. The proposed development will also include a water management lake, swimming pool and tennis courts; and

Approval is subject to the following conditions:

1. The Master Concept Plan is a one sheet plan titled "General Site Plan Layout for Coral Woods" prepared by Barbot and Associates, Drawing #1815, dated January, 1988, last revised on August 11, 1988 and stamped received December 5, 1988, except as modified herein.

2. The schedule of uses is limited to the following:

Administrative Offices (df)
Conventional multi-family units - total of 50
Essential Service Facility - Group II - limited to
temporary sewage disposal or treatment facilities
(to be removed when central service is available
within 1/4 mile)
Excavation, Water Retention
Recreational Facilities: Swimming Pool, Tennis Courts,
Similar Non-commercial Recreation Facilities
Temporary Construction Office
Signs in compliance with the Lee County Sign Ordinance

Any additional uses not listed herein shall be reviewed as an amendment to the Master Concept Plan.

OR2047

PG2942

3. When a central sewer system becomes available, the applicant shall connect to it and dismantle the on-site treatment plant and drainfield.

4. The following notation shall be removed from the site plan prior to final plan approval:

"Upon removal of the plant, utility site will be converted to another use after further discussions with Lee County."

5. The applicant shall modify the Master Concept Plan to reflect the corrected alignment of J. V. Parker Lane, prior to issuance of a preliminary development order.

6. The project sign (shown on the MCP) shall be located as shown, only until the county acquires the right-of-way along Penzance Road. At that time, without additional cost to the county, the applicant shall relocate the sign out of the right-of-way and in accordance with the Lee County Sign Ordinance.

7. Prior to final development order approval, the developer shall submit a landscaping and buffering plan which incorporates 100% native vegetation to meet the Development Standards Ordinance minimum buffering and landscaping requirements (D.S.O. Section C.5.).

8. The applicant or homeowners association shall initiate a hurricane awareness program to inform residents of hurricane hazards and actions to mitigate those hazards. The applicant shall also provide a disclosure statement indicating the vulnerability of the location to potential flooding in a category III or greater hurricane. To mitigate the potential impact on public shelters, the applicant shall participate in a fair share contribution to improve or upgrade existing public shelters. The dollar amount shall be based on the improvement of standard shelter spaces, as determined by the Department of Public Safety, and shall occur at the request of the Department.

9. Deviation #1 is APPROVED for parking, accessways, or driveways only. Deviation #2 is hereby APPROVED.

10. The applicant shall construct Phases I through IV as shown on the Master Concept Plan at the maximum rate of one phase per year. The applicant may elect slower phasing (e.g. one phase every two years or one phase every three years) at his own discretion. (This would be done administratively.) Remaining phases are approved as to concept and density. If, by January 1, 1992, the right-of-way alignment and reservation for Penzance Road at the northern boundary of the property has changed on the Official Lee County Trafficways Map, the applicant agrees that the Master Concept Plan for those remaining phases will be modified to incorporate the additional right-of-way reservation and/or alignment. If, as of January 1, 1992, the right-of-way alignment and reservation for Penzance Road at the northern boundary of the property has not increased from what is shown on the Master Concept Plan, the applicant may proceed with construction of the approved, remaining phases.

Site Plan 88-216 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Residential Planned Development zoning:

1. The proposed uses are, as conditioned herein, appropriate at the subject location;

2. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
3. All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development, and;
4. The deviations recommended for approval will not adversely affect the objectives of the development nor the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Bill Fussell, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 12th day of December, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charles J. Wauke
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JAN 03 89

CLERK CIRCUIT COURT
BY C. Wauke, D.C.

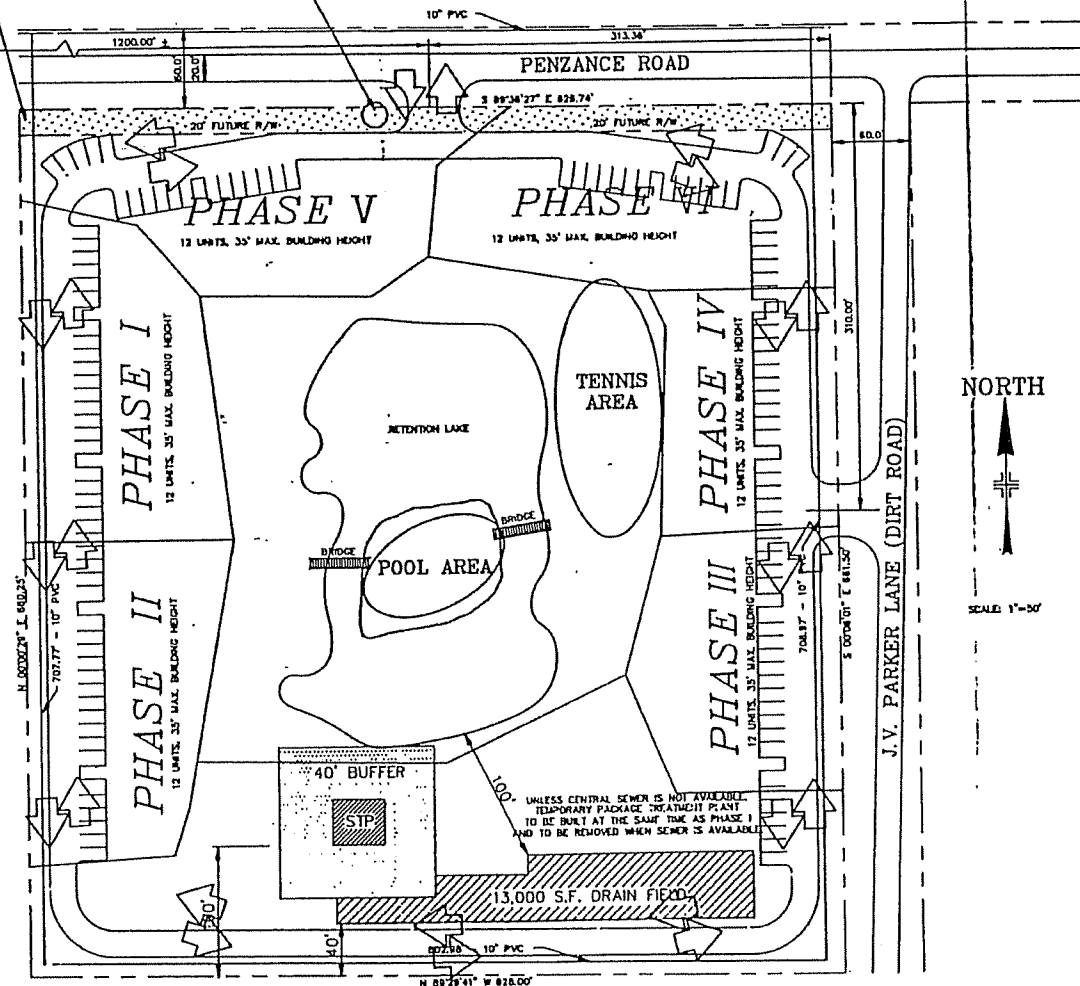
OR2047

PG2944

BUBBLE AND PHASING PLAN FOR CORAL WOODS

AREA RESERVED FOR FUTURE COUNTY
PURCHASE OR CONDEMNATION.
PERMITTED USES INCLUDE SIGNAGE AND
LANDSCAPING.

SIGN LOCATION



TOTAL AREA
OPEN SPACE
LAKE
UTILITY SITE *

9.975 ACRES
4.0 ACRES
1.04 ACRES
2.15 ACRES

APPROXIMATELY 121 PARKING SPACES

- * TREATMENT PLANT TO BE REMOVED WHEN CENTRAL SEWER IS AVAILABLE TO THE SITE.
- * UPON REMOVAL OF THE PLANT, UTILITY SITE WILL BE CONVERTED TO ANOTHER USE AFTER FURTHER DISCUSSIONS WITH LEE COUNTY.

SCHEDULE OF USES

- FROM AQ-2 TO RPD
- COMMERCIAL USES:
ADMINISTRATIVE OFFICES (40)
- DWELLING UNITS:
CONVENTIONAL MULTI-FAMILY BUILDINGS
- ESSENTIAL SERVICE FACILITY-GROUP B-SECTION 1001.13
- EXCAVATIONS, WATER RETENTION (SECTION 818)
- RECREATIONAL FACILITIES:
SWIMMING POOLS
TENNIS COURTS
OTHER SIMILAR RECREATIONAL FACILITIES WHICH ARE NON-COMMERCIAL
- SIGNS WHICH ARE IN COMPLIANCE WITH THE LEE COUNTY SIGN ORDINANCE
- TEMPORARY CONSTRUCTION OFFICE
- PHASES ARE TO BE DEVELOPED IN SEQUENCE OVER AN APPROXIMATE 7 YEAR BUILDOUT.

SCHEDULE OF DEVIATIONS

- MINIMUM REQUIRED SETBACK FROM PROJECT BOUNDARY OR DEVELOPMENT PERIMETER WHICH ADJACENT TO LAND DEVELOPED ON VACANT BUT ZONED FOR USES INCOMPATIBLE WITH USES PROPOSED FOR THIS RPD OF 25 FEET TO 10 FEET, SECTION 431.03.
- INTERSECTING WATER MARKS - NO LESS THAN TEN (10) INCHES IN DIAMETER CONSTRUCTED IN AN EXTERNAL LOOP SYSTEM WITH INTERSECTING WATER MARKS INSTALLED EVERY 2,000 FEET TO EVERY 2,100 FEET, SECTION 8.7.4 (3)(C)(iv).

APPROVED

Master Concept Plan

Site Plan # 88-11 Page 1 of 1

Subject to conditions in Resolution 2-98-216

Zoning Case # 88-8-11 DC-1

NOTE: ALL RECREATIONAL FACILITIES SHALL BE
CONSTRUCTED CONTEMPORANEOUSLY WITH PHASE I.

RECEIVED

DEC 3 1988

ZONING COUNTER

LAKE
TYPICAL SECTION
SCALE: 1"=100'

DWG. # 1815 JANUARY 1988
REVISED JULY 5, 1988
REVISED JULY 20, 1988
REVISED AUGUST 11, 1988

RECORDED & RECORD VERIFIED

W. B. L. L. L.
CLERK CIRCUIT COURT
LEE COUNTY, FLA.

FEB 7 11 08 AM '89

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

WHEREAS, B & K Associates, in reference to Coral Woods, has properly filed an application for an amendment to the Residential Planned Development zoning granted by Resolution Z-88-216, to allow modifications to the Master Concept Plan and the schedule of uses; and

WHEREAS, the subject property is located at 7260 Penzance Road, described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 45 South, Range 25 East, Lee County, Florida:

The Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 08, Township 45 South, Range 25 East, Lee County, Florida.

SUBJECT TO a road right-of-way over the East 30 feet thereof.

WHEREAS, the applicant has indicated the property's current STRAP number is 08-45-25-00-00003.0090; and

WHEREAS, proper authorization has been given to Humphrey & Knott, P.A., by B & K Associates, the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on Tuesday, May 12, 1992, subsequently continued to May 19, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions an amendment to the Residential Planned Development zoning granted by Resolution Z-88-216, to allow modifications to the Master Concept Plan and the schedule

of uses. Specifically requested is the elimination of Essential Services Facility, Group II use (Wastewater Treatment Plant). That use is to be replaced with 34 additional dwelling units.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the property shall be in accordance with the one-page Master Concept Plan for Coral Woods entitled, "Master Concept Plan for Coral Wood," last revised April 15, 1992 identified as "DWG #3015, stamped "Received April 16, 1992 Zoning Counter," except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.

2. The schedule of uses is limited to the following:

Ancillary Commercial Uses:

Administrative Offices (df), limited to one unit in Phase One only
is used as a Manager Office

Dwelling Units:

Conventional Multi-Family Buildings, limited to seven buildings, with a
maximum of 84 total units

Excavation, Water Retention (Section 508)

Recreational Facilities (All to be constructed in Phase I):

Swimming Pools

Tennis Courts

Other Similar Private, Non-Commercial Recreational Facilities

Signs, in compliance with the Lee County Sign Ordinance (and as limited
in Condition 6 of Zoning Resolution Z-88-216)

Temporary Construction Office, in compliance with the Zoning Ordinance

Any additional use requests shall require an amendment to the Master Concept Plan through a public hearing process.

3. Prior to the issuance of any certificate to allow occupancy of the forty-third unit, J V Parker Lane shall be improved to the standards of the Development Standards Ordinance for a privately maintained road from Penzance Road to the southerly property line. As part of this improvement, the access point onto J V Parker Lane shall be provided to serve the entire project.
4. Prior to Final Plan Approval, the Master Concept Plan shall be revised to show the roadway and secondary access improvements as part of Phase III or the phase of development which would implement Condition #3.
5. The terms and conditions of the original zoning resolution not amended herein and any applicable subsequent approval documents remain in full force and effect.

Site Plan 92-027 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of an amendment to modify the Master Concept Plan and the schedule of uses:

- A. That there exists changed conditions which make approval of the RPD amendment appropriate.

- B. That the amendment, as conditioned, will have no adverse impact on the intent of the Zoning Ordinance.
- C. That the amendment, as conditioned, will be consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the amendment, as conditioned, will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.
- E. That the amendment, as conditioned, will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That the amendment, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use as set forth elsewhere in the Zoning Ordinance.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John Manning, and seconded by Commissioner Douglas St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Abstain

DULY PASSED AND ADOPTED this 20th day of July, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charles J. Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

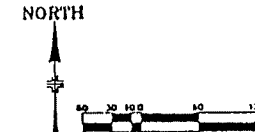
JUL 31 1992

CLERK CIRCUIT COURT
BY Charles J. Green D.C.

HEARING NUMBER 88-8-11-DCI(a)
(43362/R)

RESOLUTION NUMBER Z-92-027
Page 3 of 3

MASTER CONCEPT PLAN FOR CORAL WOOD



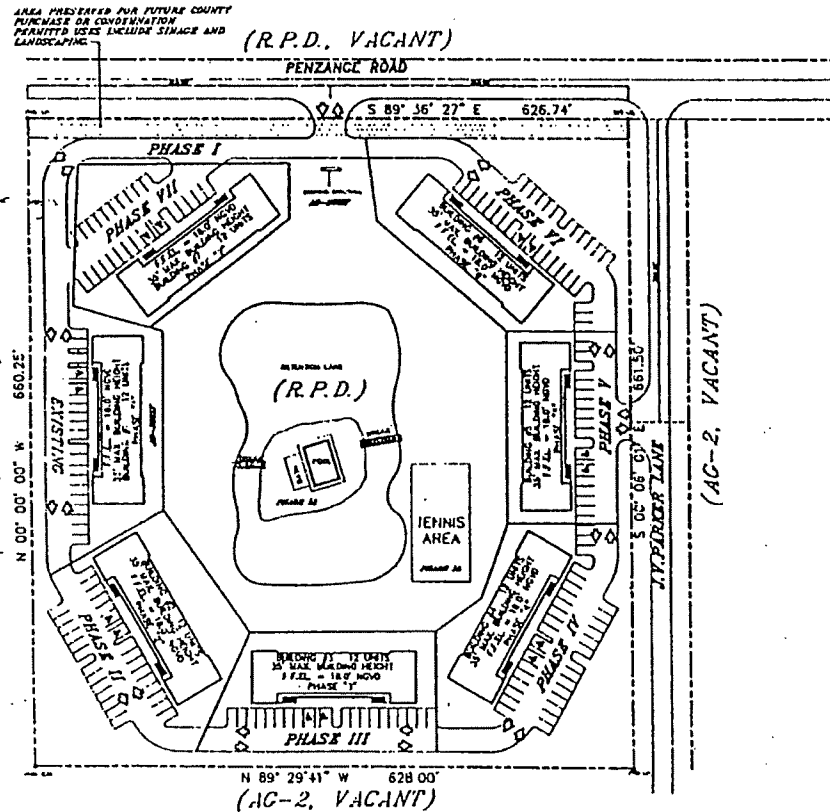
SCHEDULE OF DEVIATIONS

1. MINIMUM REQUIRED SETBACK FROM PROJECT BOUNDARY ON DEVELOPMENT PERMETER WHEN ADJACENT TO LAND DEVELOPED OR VACANT BUT ZONED FOR USES INCOMPATIBLE WITH USES PROPOSED FOR THIS RPD OF 25 FEET TO 15 FEET. SECTION 431.C.2. (PREVIOUSLY APPROVED RES. # 2-88-216)
2. INTERSECTION WATER MAINS - NO LESS THAN TEN (10) INCHES IN DIAMETER CONSTRUCTED IN AN EXTERNAL LOOP SYSTEM WITH INTERSECTING WATER MAINS INSTALLED EVERY 2,000 FEET TO EVERY 2,100 FEET. SECTION D.7.0.C.3(C)(4) (PREVIOUSLY APPROVED RES. # 2-88-216)

SCHEDULE OF USES

- A. COMMERCIAL USES:
ADMINISTRATIVE OFFICES (d1)
(ONE UNIT IN PHASE ONE IS USED AS A MANAGER OFFICE)
- B. UNITS AND UNITS:
CONVENTIONAL MULTI-FAMILY BUILDINGS
- C. RECREATION, WATER RETENTION (SECTION 516)
- D. RECREATIONAL FACILITIES:
SWIMMING POOLS
TENNIS COURTS
OTHER SIMILAR RECREATIONAL FACILITIES WHICH ARE NON-COMMERCIAL
- E. SHOPS WHICH ARE IN COMPLIANCE WITH THE LEE COUNTY SIGN ORDINANCE
- F. TEMPORARY CONSTRUCTION OFFICE
- G. PHASES ARE TO BE DEVELOPED IN SEQUENCE OVER AN APPROXIMATELY 7 YEAR BUILDOUT

NOTE: ALL RECREATIONAL FACILITIES SHALL BE CONSTRUCTED CONTEMPORANEOUSLY WITH PHASE I



TOTAL AREA 9.519 ACRES
OPEN SPACE 5.104 ACRES
LAKE 1.110 ACRES

APPROVED

Master Concept Plan

Site Plan # 21221 Page 1 of 1

Subject to conditions in Resolution 2-92-217

Zoning Code # 21-5-12.000

RECEIVED
APR 16 1992

ZONING COUNTER

DWG. # 2015
REVISED: OCTOBER 11, 1992
REVISED: JANUARY 8, 1992
REVISED: MARCH 11, 1992
REVISED: APRIL 15, 1992

LAKE
TYPICAL SECTION

RESOLUTION NUMBER Z-98-054

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

WHEREAS, Beverly Grady, Esquire, of Roetzel & Andress, filed an application, in reference to Coral Rock, to rezone a 9.969± parcel from Agricultural (AG-2) to Residential Planned Development (RPD) on behalf of the owners of the property, B & K Associates, in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on July 15, 1998 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # 98-04-029.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on August 31, 1998, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record, and the testimony of all interested persons.

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

SECTION A - REQUEST

The applicant filed a request to rezone a 9.969±-acre parcel, located in the central urban land use category and described in Exhibit A, from Agricultural (AG-2) to Residential Planned Development (RPD). The Lee County Board of County Commissioners APPROVES the Applicant's request, in accordance with the conditions specified in Section B.

SECTION B - CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan for Coral Rock," stamped received May 6, 1998; except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory uses and structures	
Administrative offices	
Clubs, private	
Dwelling units, maximum of 76 *	
duplex	single family
two family attached	townhouse
multiple-family building	zero lot line
Essential services	
Excavation, water retention	

8/31/98

Parking lot, accessory
Recreations facilities, private on site
Signs

*The MCP must be amended through the administrative amendment process if a use other than the 76 multiple-family units in six buildings is developed.

b. Site Development Regulations

Minimum setbacks:

Front:	20 feet from street right-of-way (ROW)
Building separation:	25 feet
Rear:	25 feet from principal structure
	15 feet from lot line or edge of water for pool decks and screen enclosures

Maximum building height: 35 feet or 2 habitable floors, whichever is less

The project must comply with parking requirements of the LDC.

Open Space: 6.55 acres/65.7 percent with 2.366 acres/23 percent indigenous preservation

3. Environmental Issues

- a. Prior to local Development Order (DO) approval, the butterfly orchid, its host tree and four other large South Florida pine trees located in the northwest corner of the property must be preserved along with the saw palmetto within the driplines of these trees. Only hand removal of other vegetation will be allowed under the dripline of the preserved trees.
- b. Prior to local DO approval, the entire site must be re-surveyed specifically for fox squirrel presence. The protected species survey must be prepared per LDC Section 10-473 and submitted to the Division of Planning, Environmental Sciences for review. If fox squirrel use of the site is verified, final management details per LDC Section 10-474 must be submitted.

4. Hurricane Preparedness

- a. Prior to local DO approval, the developer must establish a homeowner's/resident's association, which must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards.
- b. Prior to local DO approval, the developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

5. The project entrance on J.V. Parker Lane must align with the Coral Woods entrance, and the project entrance on Penzance Road must align with the access point approved in Zoning Resolution Z-97-020.
6. The Developer must provide a 20-foot-wide buffer area along the south perimeter property line. This buffer may be used for any combination of water management, open space and buffering purposes only. The buffer must contain a minimum of eight native trees per 100-foot-long buffer segment. These tree plantings must be no less than eight feet tall with a 3-inch caliper measured at three feet above the ground. The buffer area must also contain a continuous native shrub hedge a minimum of 36 inches high at time of planting. The hedge shrubs must be planted 24 inches on center.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC, may be required to obtain a local DO.
8. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.
9. This development must comply with all of the requirements of the LDC at the time of local DO approval, except as may be granted by deviations approved as part of this planned development.

SECTION C - EXHIBITS:

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

- | | |
|------------|--|
| Exhibit A: | The legal description and STRAP number of the property |
| Exhibit B: | The Master Concept Plan |
| Exhibit C: | Zoning Map |

SECTION E - FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.

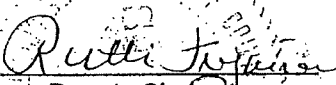
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.
4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

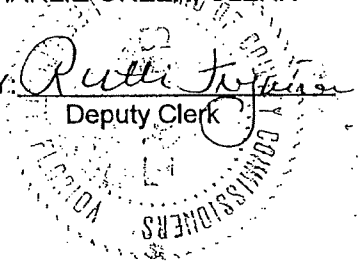
The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner John E. Albion, and seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John E. Albion	Aye

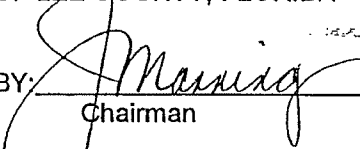
DULY PASSED AND ADOPTED this 31st day of August, 1998.

ATTEST:
CHARLIE GREEN, CLERK

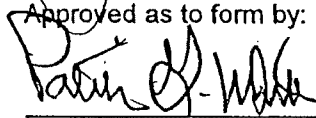
BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

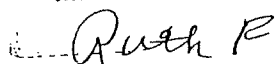
BY: 
Chairman

Approved as to form by:



County Attorney's Office

MINUTES DEPARTMENT


FILED SEP 03 1998

CASE NO: 98-04-029.02Z 01.01

Resolution No. Z-98-054
Page 4 of 4

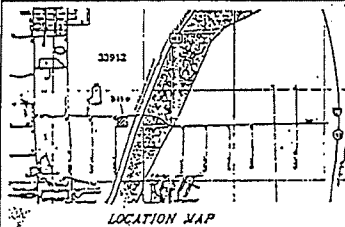
EXHIBIT "A"

LEGAL DESCRIPTION

The Southwest Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 08, Township 45 South, Range 25 East, Lee County, Florida.

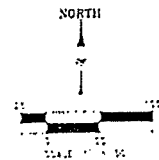
Said tract contains 9.969 acres, more or less and is subject to easements, restrictions and reservations of record.

The applicant has indicated that the STRAP number for the subject property is: 08-45-25-00-00004.0010



MASTER CONCEPT PLAN (R.P.D.) FOR CORAL ROCK

(AG - 2 VACANT)



SCHEDULE OF USES:

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- CLUBS
- PRIVATE
- RECREATION
- RESIDENTIAL
- TOURISM
- WATER RECREATION
- PARKING (LOT)
- ACCESSORY
- RECREATIONAL FACILITIES
- OTHER

APPROVED

Master Concept Plan

Site Plan # 98-054 Page 1 of 1

Subject to conditions in Resolution Z-98-054

Zoning Case # 98-04-029.02Z-01.01

NOTE: ALL RECREATIONAL FACILITIES SHALL
BE CONSTRUCTED CONTEMPORANEOUSLY
WITH PHASE I

EACH PHASE CONSTRUCTION PERIOD
APPROX (9-MONTHS TO 18-MONTHS)

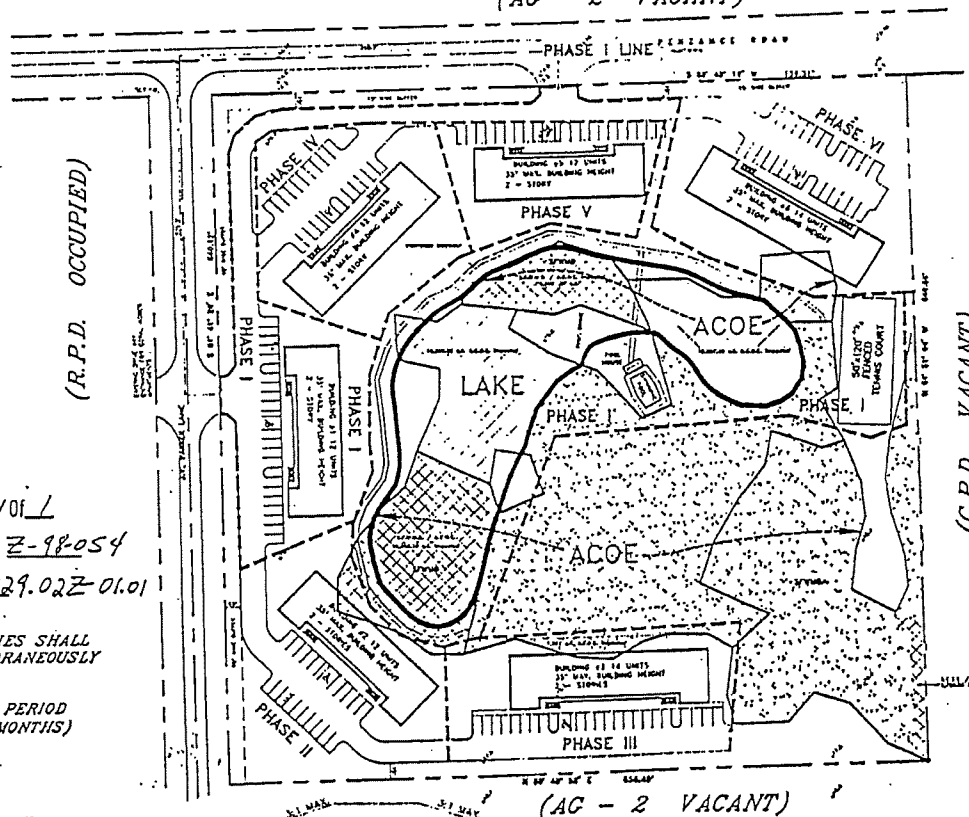
RECEIVED
MAY 6 1998

PERMIT COUNTY

PROJECT # 98-054 01.01
PROJECT TYPE 11

MAY 17 1998 WATER

LAKE
TYPICAL SECTION



JURISDICTIONAL WETLAND ANALYSIS

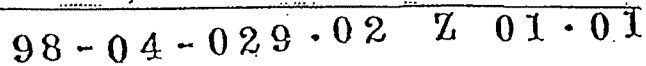
WETLAND TYPE	ACRES
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W2	0.00
W3	0.00
W4	0.00
W5	0.00
W6	0.00
W7	0.00
W8	0.00
W9	0.00
W10	0.00
W11	0.00
W12	0.00
W13	0.00
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W94	0.00
W95	0.00
W96	0.00
W97	0.00
W98	0.00
W99	0.00
W100	0.00

TOTAL AREA 9.000 ACRES
OPEN SPACE 6.550 ACRES (65.7%)
LAKE 1.367 ACRES
DWELLING UNITS: 70 MAX
BUILDINGS: NOT TO EXCEED 12 STORIES

PARKING CALC.

TYPE OF BUILDING	PER 100 SQ FT
RESIDENTIAL	1.0
COMMERCIAL	1.5
INDUSTRIAL	1.0
OFFICE	1.0
RETAIL	1.5
RESTAURANT	2.0
THEATER	1.0
CONVENTION	1.0
SPORTS	1.0
RECREATION	1.0
OTHER	1.0

EXHIBIT "B"



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

WHEREAS, Quattrone & Associates, Inc. filed an application on behalf of the property owner, Parker Lane Developments LLC, to rezone a 9.53 acre parcel from Agriculture (AG-2) to Residential Planned Development (RPD), in reference to Cypress Village; and,

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on September 18, 2013; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2012-00045 and recommended APPROVAL; and

WHEREAS, a second public hearing was advertised and held on November 18, 2013 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 9.53 acre parcel in the South Fort Myers Planning Community from AG-2 to RPD. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan Development must be substantially consistent with the single-page Master Concept Plan (MCP) entitled "Cypress Village," date-stamped "Received AUG 07 2013 Community Development," attached hereto as Exhibit "C," *except as modified by the conditions below.*

Development must comply with all requirements of the LDC at time of local development order approval, except as granted by deviation in the resolution of approval. If changes to the MCP are subsequently pursued, further review and approvals will be necessary.

2. Schedule of Uses and Site Development Regulations

- a. Schedule of Uses

Accessory uses and structures

Dwelling units: Townhouse

Multiple-family

(Up to a maximum of 92 units)

Entrance gates and gatehouse

Residential accessory uses

Excavation: Water retention

Timeshare units

- b. Site Development Regulations

Minimum Lot Size: 10,000 square feet

Minimum Lot depth: 100 square feet

Minimum Lot width: 100 square feet

Minimum Setbacks:

Street – public: 25 feet

Street – private: 20 feet

Side: 20 feet

Rear: 20 feet

Waterbody: 25 feet

Accessory Structures:

Side: 5 feet

Rear: 5 feet

Maximum lot coverage: 45%

Minimum open space: 40%

Maximum height: 40 feet

Minimum building separation: Buildings exceeding 35 feet in height must maintain additional building separation and setbacks consistent with §§34-2174(a) and 34-935(e)(4).

3. Environmental Conditions

- a. Protected Species and Management Plans. The application for local development approval must include a Big Cypress Fox Squirrel (BCFS) management plan prepared in accordance with §10-474. The BCFS plan must require the following:

(1) The property will be resurveyed for stick nests prior to any site clearing; and

(2) If potential nests/daybeds are located, the developer must conduct a five day BCFS survey to determine if the species is actively nesting; and

(3) If BCFS are actively nesting, no clearing or construction may occur within 125-feet of the nest tree (or the distance approved by the latest Florida Fish and Wildlife Conservation Commission (FWC) guidelines) until the nesting is deemed completed and approved by FWC or Lee county staff if the FWC is not able to respond in a timely manner.

- b. American Alligator/Wading Birds. The application for local development order approval must include American alligator and listed wading bird species management plans prepared in accordance with §10-474. Management plans must include an informational brochure for residents on living with American alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. The development order plans must also reflect the placement and details of signage that will be located between residential buildings and the lakes and preserves that will warn 1) alligators may be present, and 2) it is dangerous and illegal to feed or harass alligators. Similar warnings must be included in the deed restrictions.

- c. Landscape Plan. The landscape plan submitted with the application for local development order must depict:
 - (1) Type D buffer plantings along JV Parker Lane consistent with the MCP; and
 - (2) Preservation or on-site relocation of sabal palms and preservation or replacement of heritage trees in accordance with §10-415(b); and
 - (3) SFWMD required enhancements to the on-site preserved wetland area; and
 - (4) Dry detention areas abutting preserved wetlands planted with herbaceous native vegetation in accordance with §10-418(4). Plantings may be clustered to maintain the function of the water management system.
- 4. Natural Resources Conditions The application for local development order must include the following information:
 - a. Proof of positive hydraulic gradient for the offsite discharge and hydraulic capacity of the receiving drainage system (e.g., off-site culvert, ditch, swale, etc.); and
 - b. Evidence of attempts to secure agreement from downstream owners for cooperative long term maintenance of offsite drainage system.
- 5. Traffic Conditions
 - a. The connection separation between the driveways on JV Parker Lane must be 125 feet from edge of pavement to edge of pavement.
 - b. At the time of local development order approval, the plans must indicate that JV Parker Lane from the southern property line to Penzance Boulevard complies with the roadway design criteria set forth in §10-296. If portions of JV Parker Lane do not comply with these standards, they must be improved to meet LDC standards prior to the issuance of the first Certificate of Occupancy.
- 6. Vehicular/Pedestrian Impacts. Approval of this RPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. Lee Plan Consistency. Approval of this RPD zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), as well as the remainder of the Lee Plan.
8. Concurrency. Approval of this RPD rezoning request does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer must demonstrate compliance with concurrency requirements prior to issuance of a local development order.
9. Agricultural Uses. Existing bona fide agricultural uses in the form of cattle grazing may continue, subject to the following:
 - a. The bona fide agricultural use of 9.53 acres in existence when the applicant filed this request for rezoning may continue in the areas depicted on Exhibit "D," until a local development order is approved for the area containing the agricultural uses.
 - b. Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed, but those areas may not be cleared or expanded. Violations of this condition will require restoration in accordance with §10-423. This prohibition of clearing or expansion of agricultural use is not intended to preclude County approved requests for removal of invasive exotic vegetation.
 - c. Prior to issuance of a local development order for the portion of the site that contains the agricultural use, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - (1) Termination of agricultural use on the property included in the development order application/approval. Proof must include a sworn affidavit from the person/entity holding title to the property setting forth:
 - a) the date the agricultural uses ceased;
 - b) the legal description of the property subject to the development order approval;
 - c) an affirmative statement acknowledging that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow agricultural uses on the property until the property is rezoned to permit agricultural uses; and,

- d) that the affidavit constitutes a covenant between the owner and the County that is binding on the owner, their assignees and successors in interest.

The affidavit must be properly recorded in the public of the County at the owner's expense.

- (2) Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.
10. Solid Waste Management. The development order plans for vertical development must include facilities in compliance with §10-261 and Lee County Solid Waste Ordinance No. 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

SECTION C. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Agricultural Uses at Time of Zoning Application

SECTION D. FINDINGS AND CONCLUSIONS:

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

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18th day of November, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Rebecca Whit*
Deputy Clerk

BY: *Larry Kiker*
Larry Kiker, Chair

Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



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E.F. GAINES SURVEYING SERVICES, INC.

NOV 08 2012

COMMUNITY DEVELOPMENT

DCI 2012-00045

Description of part of Lot 25 and part of Lot 26, Suburban Ranchettes (unrecorded),
being part of the NE 1/4 of the NE 1/4 of the NW 1/4 of
Section 17, Township 45 South, Range 25 East, Lee County, Florida

All that part of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 17, Township 45 South, Range 25 East, Lee County, Florida being more particularly described as follows:

BEGINNING at the northeast corner of the Northwest one-quarter of said Section 17;
Thence along the east line of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 17, S.00°03'52"E. for 662.91 feet to the south line of the south half of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 17;
Thence along said south line S.88°48'51"W. for 625.11 feet to a line lying 30 feet easterly of and parallel with (as measured at right angles to) the west line of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 17;
Thence along said parallel line N.00°21'18"W. for 662.55 feet to the north line of the north half of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 17;
Thence along said north line N.88°47'12"E. for 628.47 feet to the Point of Beginning of the Parcel herein described;

Bearings are based on the north line of the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 17 being N.88°47'12"E.

Parcel contains 9.535 Acres, more or less.

Prepared by:

E.F. Gaines Surveying Services, Inc.

11.19.12

APPROVED

LEGAL

WAT

Elizabeth F. Gaines, PSM
Florida License No. LS4576

Ref.: E.F.Gaines Drawing No. 0310-004 (sketch)

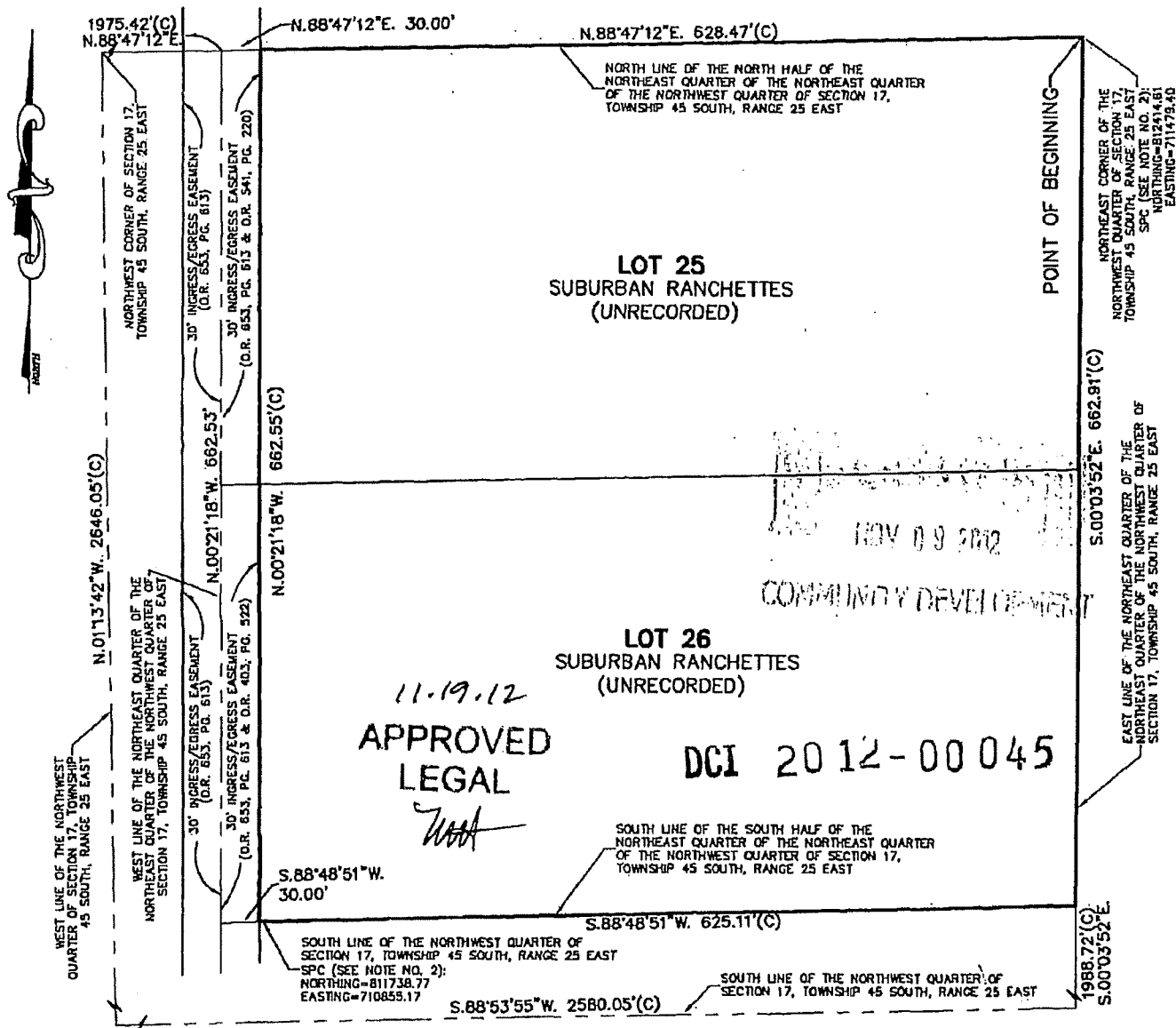
Not valid without the signature and original raised seal of the above named Florida Professional Surveyor and Mapper

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E.F. Gaines Surveying Services, Inc. - 5235 Ramsey Way, Suite 10 - Fort Myers, Florida 33907
P: 239-418-0126 - F: 239-418-0127 - www.EFGaines.com

NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.
2. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE (SPC) SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS A SKETCH TO ACCOMPANY A LEGAL DESCRIPTION (SEE ATTACHED). THIS IS NOT A BOUNDARY SURVEY.



THIS IS A SKETCH OF PART OF LOTS 25 AND 26, SUBURBAN RANCHETTES (UNRECORDED) LOCATED IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA (SEE ATTACHED FOR LEGAL DESCRIPTION). THIS SKETCH WAS PREPARED FOR THE BENEFIT OF PARKER LANE DEVELOPMENTS AND QUATTRONE & ASSOCIATES, INC.

PREPARED BY:

ELIZABETH F. GAINES, PSM FL LICENSE NO. LS 4576

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF THE ABOVE FLORIDA PROFESSIONAL SURVEYOR & MAPPER.

E.F. Gaines Surveying Services, Inc.

5235 Ramsey Way, Suite 10

Fort Myers, Florida 33907

Phone: 239-418-0126 Fax: 239-418-0127

CLIENT: PARKER LANE DEVELOPMENTS

DATE: NOVEMBER 7, 2012

SCALE: 1"= 120'

PROJECT NUMBER: 0310

DRAWING FILE: 0310-004

REVISIONS/DATE:

SHEET 1 OF 1

DCI2012-00045

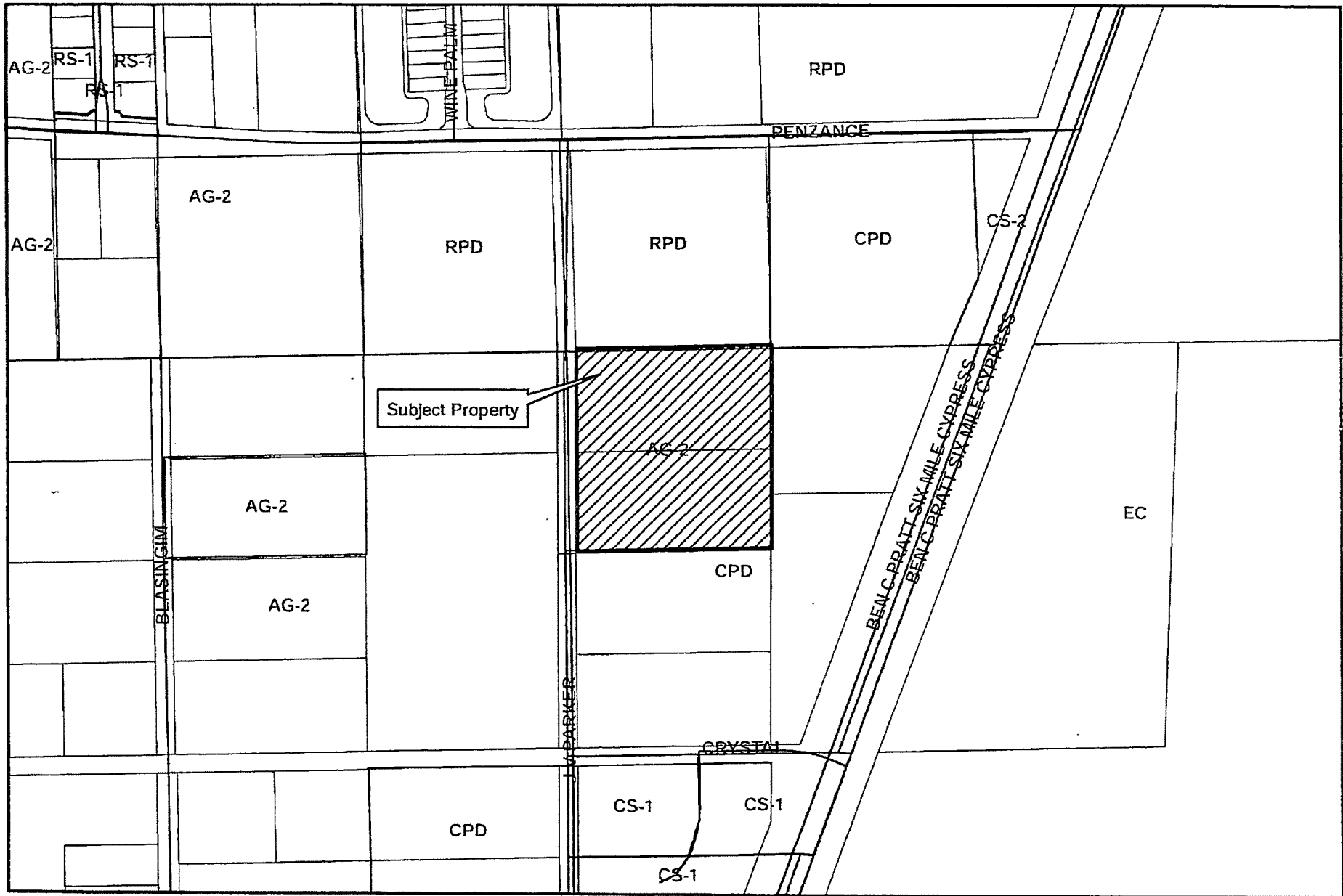
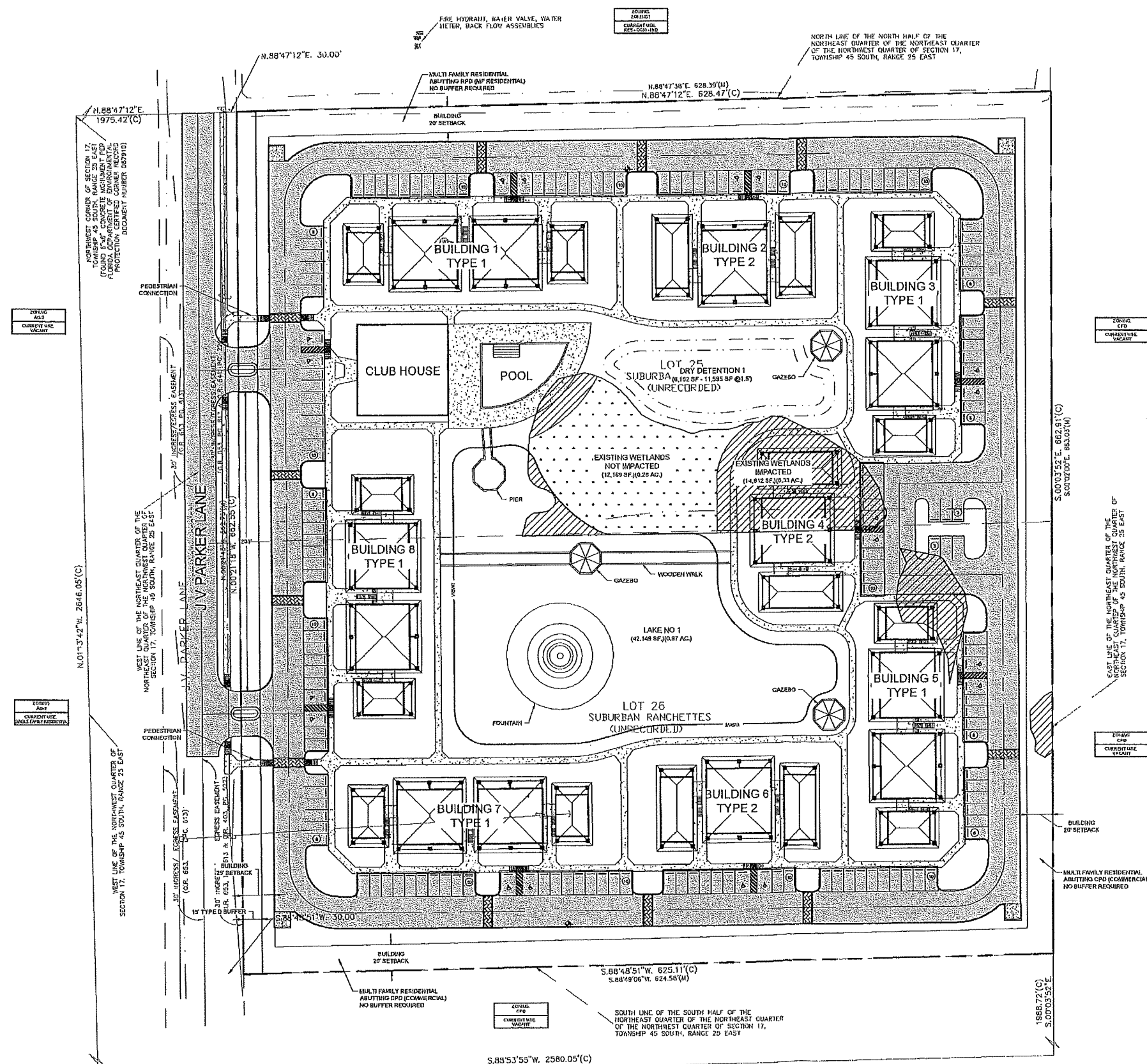


EXHIBIT B



0 200 400 Feet

LOCATED IN SECTION 17, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA



Map of Charlotte County, Virginia, showing the location of the proposed site. The map includes major roads like US-17, US-221, and US-421, and features like the Pamlico River and Lake Roanoke. A box labeled 'SITE' is located near the Pamlico River, south of the 'FUTURE MOUTH' area. A north arrow is in the bottom left corner.

CYPRESS VILLAGE RPD
LOCATION MAP
(NOT TO SCALE)

ZONING/REZONING
AG-2 to RPD

STRAP #'s
17-45-25-01-00000.0250 & 17-45-25-01-00000.0260

PROJECT ACREAGE
9.53 ACRES (415,326 SF)

PROJECT INTENSITY
BUILDINGS: 92 UNITS / 48,900 SF FOOTPRINT

OPEN SPACE
REQUIRED
40.0% = 166,130 SF (3.81 ACES)

DEVIATIONS
NONE REQUESTED

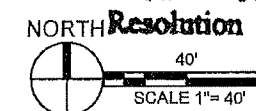
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AUG 07 2013

COMMUNITY DEVELOPMENT

DCI 2012-00045

Approved as Exhibit C
MCP Page 1 of 1
Resolution # E-13-025



Q **Quattrone & Associates, Inc.**
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAIinc.net

AGRICULTURAL USES AT TIME OF ZONING APPLICATION

The undersigned swears or affirms under oath, deposes and says:

1. that he is the fee owner, trustee, managing member or authorized representative of the property commonly known as STRAP# 17-45-25-01-00000.0250 & 17-45-25-01-00000.0260 and legally described in Exhibit "A".
2. that livestock pasture currently exists on the property occupying 9.53 acres, or the entire parcel as identified by the sketch accompanying legal description.

FURTHER AFFIANT SAYETH NAUGHT. Parker Lane Developments, LLC.

BY: Ramstar Select Developments, Inc., Its Manager

BY:

R. Nicolucci
Signature of Owner or Representative

X Roy Nicolucci, PRES
Printed Name and Title

X
Name of Entity/Corporation

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 29 day of OCTOBER, 2012, by
Roy Nicolucci, who is personally known to me ~~or who has produced~~
as President of Ramstar Select Developments, Inc., as Manager of
Parker Lane Developments, LLC, on behalf of the company ~~as identification.~~

Derek Sorrenti
Signature of person taking oath or affirmation

DEREK SORRENTI
Name typed, printed or stamped

NOTARY PUBLIC - ONTARIO
Title or rank

N/A
Serial number, if any

EXHIBIT D

NOV 09 2012
001 2012-00045
COMMUNITY DEVELOPMENT



E.F. GAINES SURVEYING SERVICES, INC.

DCI 2012-00045
COMMUNITY DEVELOPMENT

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Parcel contains 9.535 Acres, more or less.

Prepared by:

E.F. Gaines Surveying Services, Inc.

Elizabeth F. Gaines, PSM
Florida License No. LS4576

11.19.12
APPROVED
LEGAL



Ref.: E.F. Gaines Drawing No. 0310-004 (sketch)

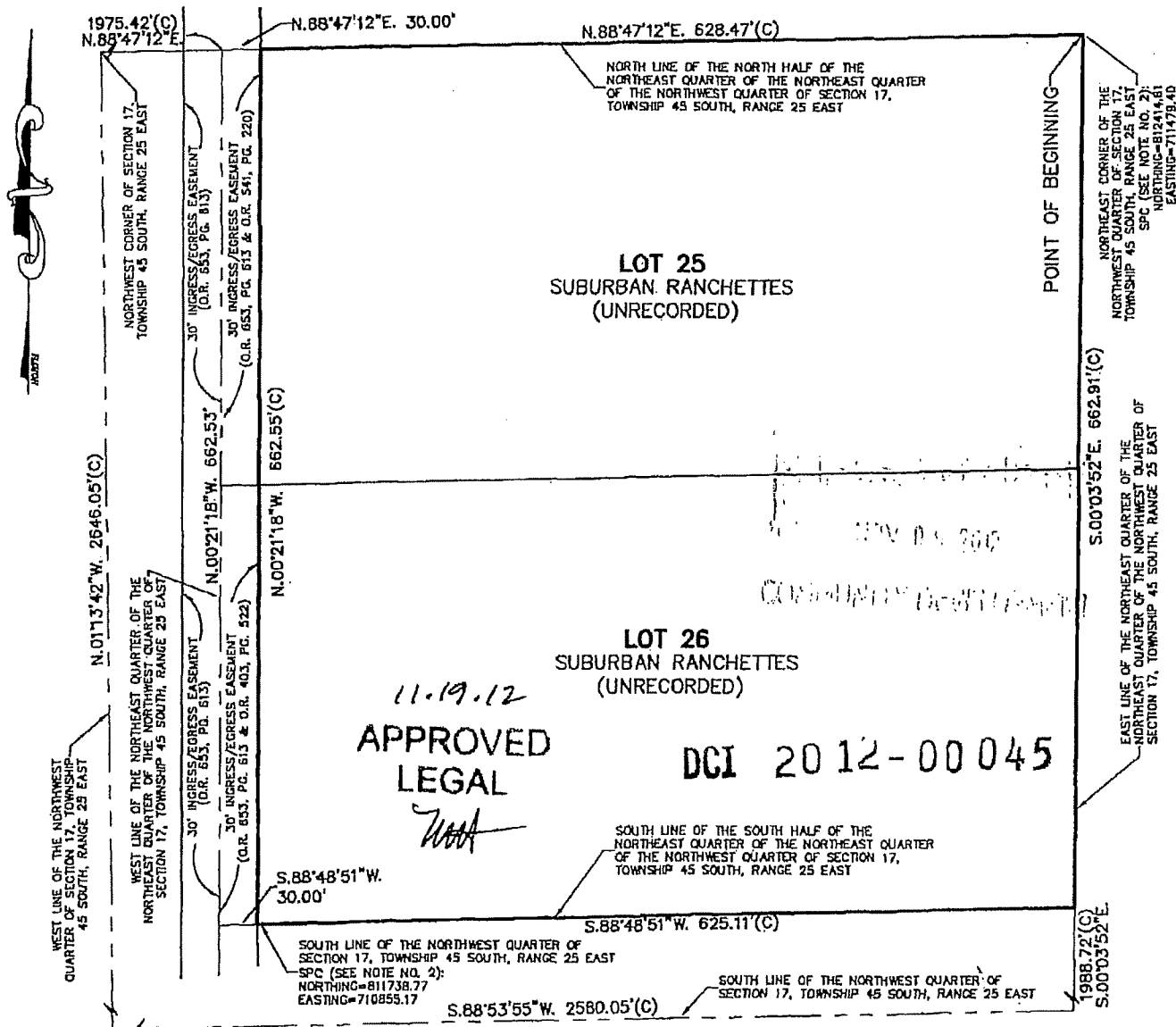
Not valid without the signature and original raised seal of the above named Florida Professional Surveyor and Mapper

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E.F. Gaines Surveying Services, Inc. - 5235 Ramsey Way, Suite 10 - Fort Myers, Florida 33907
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PREPARED BY:

Elizabeth F. Gaines
ELIZABETH F. GAINES, PSM FL LICENSE NO. LS 4576

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF THE ABOVE FLORIDA PROFESSIONAL SURVEYOR & MAPPER.

E.F. Gaines Surveying Services, Inc.

**5235 Ramsey Way, Suite 10
Fort Myers, Florida 33907**

Phone: 239-418-0126 Fax: 239-418-0127

CLIENT: PARKER LANE DEVELOPMENTS

DATE: NOVEMBER 7, 2012

SCALE: 1" = 120'

PROJECT NUMBER: 0310

DRAWING FILE: 0310-004

REVISIONS/DATE:

SHEET 1 OF 1

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

WHEREAS, Quattrone & Associates, Inc., filed an application on behalf of the property owners, listed in attached Exhibit A, to rezone a 20.96± acre parcel from Residential Planned Development (RPD) and Agricultural (AG-2) to RPD in reference to Oak Villages RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on February 22, 2018. On February 22, 2018, at the request of the Applicant, the Hearing Examiner continued the hearing until May 3, 2018. On May 3, 2018, at the request of the Applicant, the Hearing Examiner continued the hearing until June 5, 2018. On June 5, 2018, June 8, 2018, July 20, 2018 and August 13, 2018, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before September 14, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the request and the evidence in the record for Case #DCI2017-00010 and recommended APPROVAL with conditions; and

WHEREAS, a second public hearing was advertised for December 5, 2018 before the Lee County Board of Commissioners. On December 5, 2018, at the request of the applicant, the Lee County Board of Commissioners continued the hearing until February 6, 2019. On February 6, 2019, the public hearing was held; and

WHEREAS, the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons, remanded the case back to the Hearing Examiner for further consideration; and

WHEREAS, a third public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on May 1, 2019. On May 1, 2019, the Hearing Examiner continued the hearing for additional time on May 2, 2019. On May 2, 2019, the public hearing was held; and

WHEREAS, the Hearing Examiner gave full consideration to the revised request and the evidence in the record and recommended APPROVAL of the Request with conditions; and

WHEREAS, a fourth public hearing was advertised and held on December 4, 2019 before the Lee County Board of Commissioners; and

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 20.96± acre parcel from RPD and AG-2 to RPD, to allow 262 residential dwelling units (255 multi-family units and 7 single-family units, inclusive of 52 bonus density units).

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit B. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

a. Master Concept Plan

Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Master Concept Plan and Open Space Exhibit," prepared by Quattrone & Associates, Inc., date stamped received December 9, 2019, and attached hereto as Exhibit D, except as modified by the conditions below. Development must comply with all requirements of the LDC and the Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

b. Approved Development Parameters

The development approved herein is as follows:

- i. Maximum of 262 dwelling units (7 single-family and 255 multi-family), and a 6,000 square foot clubhouse. The approval includes 52 bonus density units. At the time of local development order, the developer must demonstrate how bonus density units are being achieved in accordance with the LDC and Lee County Administrative Code.
- ii. Area B is limited to 66 dwelling units.
- iii. Proposed changes to the location or use of single-family parcels must go through the public hearing process.

2. Uses and Site Development Regulations

a. Permitted Uses within this Planned Development:

Accessory Uses and Structures

Administrative Office

Club, private (limited to Clubhouse only)

Community Garden

Dwelling unit:

Single-family (limited to two existing and five proposed single-family lots in Area B)

Multi-family (not permitted on single-family lots)

Townhouse (not permitted on single-family lots)

Entrance Gates and Gatehouse

Essential Services

Essential Services Facilities, Group I

Excavation: Water retention
 Fences and Walls
 Home Occupation
 Models: Model Unit (not permitted on single-family lots)
 Parking Lot: accessory
 Real Estate Sales Office (not permitted on single-family lots)
 Recreational Facilities: Personal and Private- On-site
 Residential Accessory Uses
 Signs
 Stable - private (limited to the two existing single-family lots)
 Temporary Uses, limited to construction trailers during construction

b. Site Development Regulations:

Minimum Lot Area and Dimensions:

Lot Area:	Single-Family	11,000 square feet
	Multiple-Family	10,000 square feet
	Townhouse	2,000 square feet

Lot Width:	Single-Family	75 feet
	Multiple-Family	100 feet
	Townhouse	20 feet

Lot Depth:	Single-Family	150 feet
	Multiple-Family	80 feet
	Townhouse	80 feet

Maximum Building Height:

Development Area A	45 feet
Development Area B	35 feet

Maximum Lot Coverage:

Single-Family	40%
Multiple-Family	60%
Townhouse	50%

Minimum Building Separation:

one-half the height of the taller of the two adjacent buildings, or 20 feet, whichever is greater

Minimum Setbacks:

Street:	25 feet
Single-Family	50 feet (5 new lots on Blasingim Rd)
Side:	
Single-Family	7.5 feet
Multiple-Family	20 feet
Townhouse	7.5 feet
Rear:	20 feet
Water Body:	25 feet

Development Perimeter (not street right-of-way or easement): 20 feet

3. Open Space

Development order plans must illustrate a minimum of 8.04 acres of open space, inclusive of 0.97 acres of indigenous open space, in the multi-family development area.

4. Indigenous Preserve Plantings

Prior to development order approval, landscape plans must demonstrate indigenous preserve plantings meet a modified Type B buffer planting that contains 5 trees per 100 linear feet and 18 shrubs per 100 linear feet. The shrubs must be maintained at a minimum height of 36 inches.

5. Dry Retention Areas

Prior to development order approval, landscape plans must depict the dry detention areas planted to include Cypress (*Taxodium* spp.), Laurel Oak (*Quercus laurifolia*), and Green Buttonwood (*Conocarpus erectus*). The trees must be planted 10 feet in height, 2-inch caliper with a 4-foot spread and installed 10-foot on center. General tree credits can be applied at a one-to-one ratio for trees installed in the dry detention areas.

6. Littoral Plants

To implement Deviations 3 and 4, trees must be substituted for up to 100% of the total number of required herbaceous littoral plants. One tree (minimum 10 foot in height, 2-inch caliper, with a 4-foot spread) may be substituted for 100 littoral plants. The 5-foot compensatory littoral shelf must be incorporated into the planted littoral shelf.

7. Compensatory Littoral Plants

Prior to development order approval, compensatory littoral plants must be substituted for up to 100% of the total number of required herbaceous plants. One tree (minimum 10-foot in height, 2-inch caliper, with a 4 foot spread) may be substituted for 100 littoral plants. The 5 foot compensatory littoral shelf must be incorporated into the planted littoral shelf.

8. FAA Wildlife Hazardous Buffer Zone

Prior to development order approval, all landscape plants shown on the landscape plan must meet the Lee County Port Authority Compatible and Non-Compatible Plant List updated April 2016.

9. Development Permits

County development permits do not establish a right to obtain permits from state or federal agencies. Further, county permits do not establish liability on the county if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions resulting in violation of state or federal law.

10. Crystal Drive

Oak Villages RPD may not be administratively amended nor may its development order authorize improvements (road construction, widening, or sidewalks) to Crystal Drive west of the project's Crystal Drive entrance, except as required by the LDC.

11. Construction Traffic

Construction traffic for the multi-family development area must use Six Mile Cypress Parkway to Crystal Drive to access the property.

12. Sidewalks

The project must have internal and external sidewalks as depicted on the MCP to connect to bike paths on Six Mile Cypress Parkway. This condition is in addition to LDC requirements.

13. Maintenance of JV Parker Lane

The developer must maintain the portions of JV Parker Lane adjacent to the property until such time that a maintenance entity is created to maintain all of JV Parker Lane.

14. Vehicular Access to Blasingim Road

Access to Blasingim Road is limited to single-family lots. No access to Blasingim Road is permitted from the multi-family portion of the development.

15. Lakes

Prior to development order approval, proposed engineer drawings for the project's lakes must include the following:

- a. Lake bank slopes must be 4:1;
- b. Cross-section drawn to same scale as the engineer drawings depicting the 4:1 lake bank slope and the reinforcement mechanism to ensure stability; and
- c. Lake maintenance plan.

SECTION C. DEVIATIONS:

1. Driveway Separation

Deviation (1) seeks relief from the LDC §10-285(a) requiring all connections of streets, access roads or accessways to be in accordance with minimum standards of Lee Plan Policy 40.1.2 Table 1 requiring a minimum driveway separation of 330 for Collector Roads, to allow 310 feet from the eastern edge of pavement of the project entrance to the western edge of pavement of JV Parker Lane. This deviation is APPROVED.

2. Lake Bank Sloping

Deviation (2) seeks relief from the LDC §10-329(d)(4) requiring shorelines of excavations for retention and detention areas to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table, to allow shorelines of excavations for retention and detention areas within the Airport Wildlife Hazard Protection Zone to be sloped at a ratio of four horizontal to one vertical from the top of bank to a water depth two feet below the dry season water table with enhanced stabilization methods such as geosynthetic turf reinforcement mat or other appropriate slope protection. This deviation is APPROVED SUBJECT TO condition 15.

3. Littoral Shelf Plantings

Deviation (3) seeks relief from the LDC §10-418(2) requiring all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, and to deviate from LDC §10-418(2)(d)(3), to allow 100% of herbaceous plants to be substituted for native wetland trees. This deviation is APPROVED SUBJECT TO condition 6.

4. Hardened Shoreline Structures

Deviation (4) seeks relief from the LDC §10-418(3) requiring hardened shorelines to be compensated with littoral zones equal to the linear footage of the shoreline structure and 5 foot-wide with herbaceous wetland plants, to eliminate the requirement for additional littoral zones. This deviation is APPROVED SUBJECT TO condition 6.

5. Bikeways and Pedestrian Ways

Deviation (5) seeks relief from the LDC §10-256 (Bikeways and Pedestrian Ways) and LDC §10-296(e)(l) (Street Design and Construction Standards, Road Design, Urban Roadway), requiring new developments to construct bikeway and pedestrian facilities and for Urban Local Streets in Residential Central Urban land use areas to have 20 feet of pavement (10 foot lane widths), Shared On-Road Bicycle Facility, 6-foot Planting Strip, and a 5 foot wide Pedestrian Facility (sidewalk), to allow Blasingim Road to be a minimum of 18 feet wide (9 foot lane widths), to not require additional improvements for on-road bicycle facilities, to provide a 6-foot wide planting strip but to not require plantings, and to not require a 5-foot wide pedestrian facility (sidewalk). This deviation is DENIED.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The requested RPD complies with the Lee Plan. See Lee Plan Goals 2, 4, 5, and 135; Objectives 2.1, 2.2, and Policies 1.1.3, 1.7.6, 2.1.1, 2.1.2, 2.2.1, 4.1.1, 4.1.2, 5.1.3, 135.1.4; Lee Plan Vision Statement Paragraph 15, Map 1, Map 16, Table 1(b);
2. As conditioned, the RPD zoning designation:
 - a. Will meet the standards set forth in the LDC and other applicable County regulations. See Lee Plan Goals 2, 4, 5, 135; Objectives 2.1, 2.2, and Policies 2.1.1, 2.2.1, 4.1.1, 4.1.2, 5.1.3, 5.1.6, 135.1.4; LDC §34-411 *et seq.*;
 - b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1; and LDC §§ 34-411(c),(l);
 - c. Will not adversely affect environmentally critical or sensitive areas or natural resources. See LDC §§ 34-411(g-h);

- d. Will be served by urban services including public water and sewer, paved streets, and public transit. See Lee Plan Objectives 2.1, 2.2, and 4.1; Policies 2.2.1, 5.1.3; and Standards 4.1.1, 4.1.2;
- e. Will provide sufficient access to support the proposed development intensity. See Lee Plan Policies 2.2.1, 39.2.1; and LDC §34-411(d);
- f. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval. See LDC §34-411(d);
- g. The proposed uses are appropriate at the proposed location. See Lee Plan Goal 5, Policies 2.1.1, 2.1.2, 5.1.3; and LDC §§ 34-411(k),(n);
- h. 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. See LDC §§ 34-932 (b-c); 34-83(a)(4)(a)(3); and
- i. The deviations, as conditioned:
 - i. Enhance the objectives of the planned development; and
 - ii. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

John Manning	Aye
Cecil Pendergrass	Nay
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 4th day of December 2019.

ATTEST:
LINDA DOGGETT, CLERK

BY: *Melissa Butler*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Brian Hamman*
Brian Hamman, Chair

Frank Mann V. Chas

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Joseph Adams

Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
MB
2020 JAN -2 PM 2:24

Oak Village FKA Cypress Villages

RPD Rezoning

STRAP#: 17-45-25-01-00000.0210, 17-45-25-01-00000.013A,

17-45-25-01-00000.015A, 17-45-25-01-00000.0140

12270 J V Parker Lane, Fort Myers FL 33966

12291, 12345, 12361 Blasingim Rd. Fort Myers, FL 33966

Multi Owner List

1. Cadet Hangar LLC
16575 Gator Rd.
Fort Myers, FL 33966
Philip Destaven
Acquired: 01/27/2016
2. Stephen B + LuAnn Moss
12291 Blasingim Rd
Fort Myers, FL 33966
239-565-7873
Steve.moss@lenhar.com
Acquired: 09/18/1999
3. Kenneth E + Karen E Trask
12345 Blasingim Rd
Fort Myers, FL 33966
(239)980-1495
ken@trassurveying.com
Acquired: 05/28/1998
4. Cypress Villages LLC
4301 Veronica Shoemaker
Fort Myers, FL 33916
Al Quattrone
Al@qainc.net
Acquired: 03/29/2016



Trask Surveying, P.A.

Land Surveyors

Applicant's Legal Checked
by DR 12/18/19

A PARCEL OF LAND LYING IN
SECTION 17, T-45-S, R-25-E,
LEE COUNTY, FLORIDA.

(OVERALL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING A PART OF LOTS 13, 14 & 15, 21 & 22 UNRECORDED SUBURBAN RANCHETTES SUBDIVISION AND BEING THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2016000032649, OFFICIAL RECORDS BOOK 4762, PAGE 647, OFFICIAL RECORDS INSTRUMENT 2013000094707, OFFICIAL RECORDS INSTRUMENT 2013000252780, OFFICIAL RECORDS BOOK 3079, PAGE 1412 AND OFFICIAL RECORDS BOOK 2966, PAGE 2062, LEE COUNTY, FLORIDA PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE N.88°53'57"E. ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER FOR 1290.72 FEET; THENCE N.00°40'27"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 330.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°40'27"W. ALONG SAID FRACTION LINE FOR 330.86 FEET; THENCE N.88°53'56"E. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 647.58 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, BEING THE CENTERLINE OF JV PARKER LANE (60' WIDE INGRESS-EGRESS EASEMENT); THENCE N.00°22'25"W. ALONG SAID EAST LINE AND THE CENTERLINE OF JV PARKER LANE, FOR 632.10 FEET; THENCE S.88°53'12"W. ALONG THE SOUTH LINE OF CRYSTAL DRIVE, PARALLEL WITH AND 30 FEET SOUTHERLY OF (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 961.71 FEET; THENCE S.00°46'48"E., ALONG THE COMMON BOUNDARY OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3079, PAGE 1412 AND THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2014000058107, SAID PUBLIC RECORDS, FOR 301.00 FEET; THENCE S.88°53'59"W. ALONG THE SOUTH LINE OF THE NORTH HALF OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 310.13 FEET TO THE EAST LINE OF BLASINGIM ROAD (60' WIDE INGRESS-EGRESS EASEMENT); THENCE S.00°57'52"E. ALONG SAID EAST LINE, PARALLEL WITH AND 30.00 FEET EASTERLY OF (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17 (BEING THE CENTERLINE OF BLASINGIM ROAD), FOR 661.73 FEET; THENCE N.88°53'52"E. ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 617.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 913197.30 SQUARE FEET OR 20.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 17 AS BEARING N.88°53'49"E.

TRASK SURVEYING, P.A.
FLORIDA LICENSED BUSINESS LB8082

Kenneth E. Trask
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE LS4684

AUGUST 15, 2018

5.2.04.00
DCI 2017-00010
COUNTY DEPARTMENT

SHEET 1 OF 2

12345 Blasingim Road • Fort Myers, FL 33966

EXHIBIT B

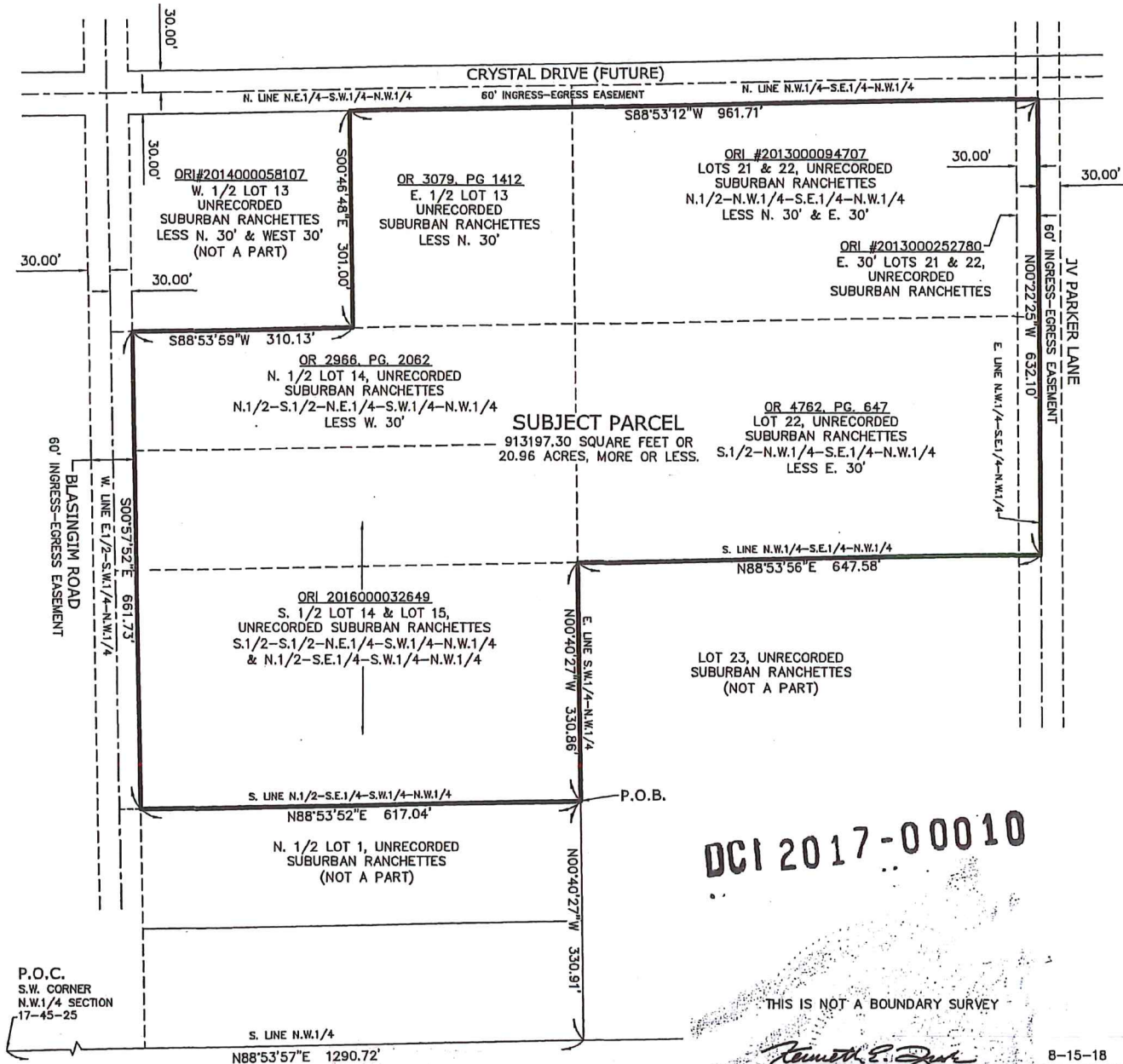
Applicant's Legal Checked

by DP 12/18/17



SKETCH TO ACCOMPANY DESCRIPTION

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



DCI 2017-00010

THIS IS NOT A BOUNDARY SURVEY

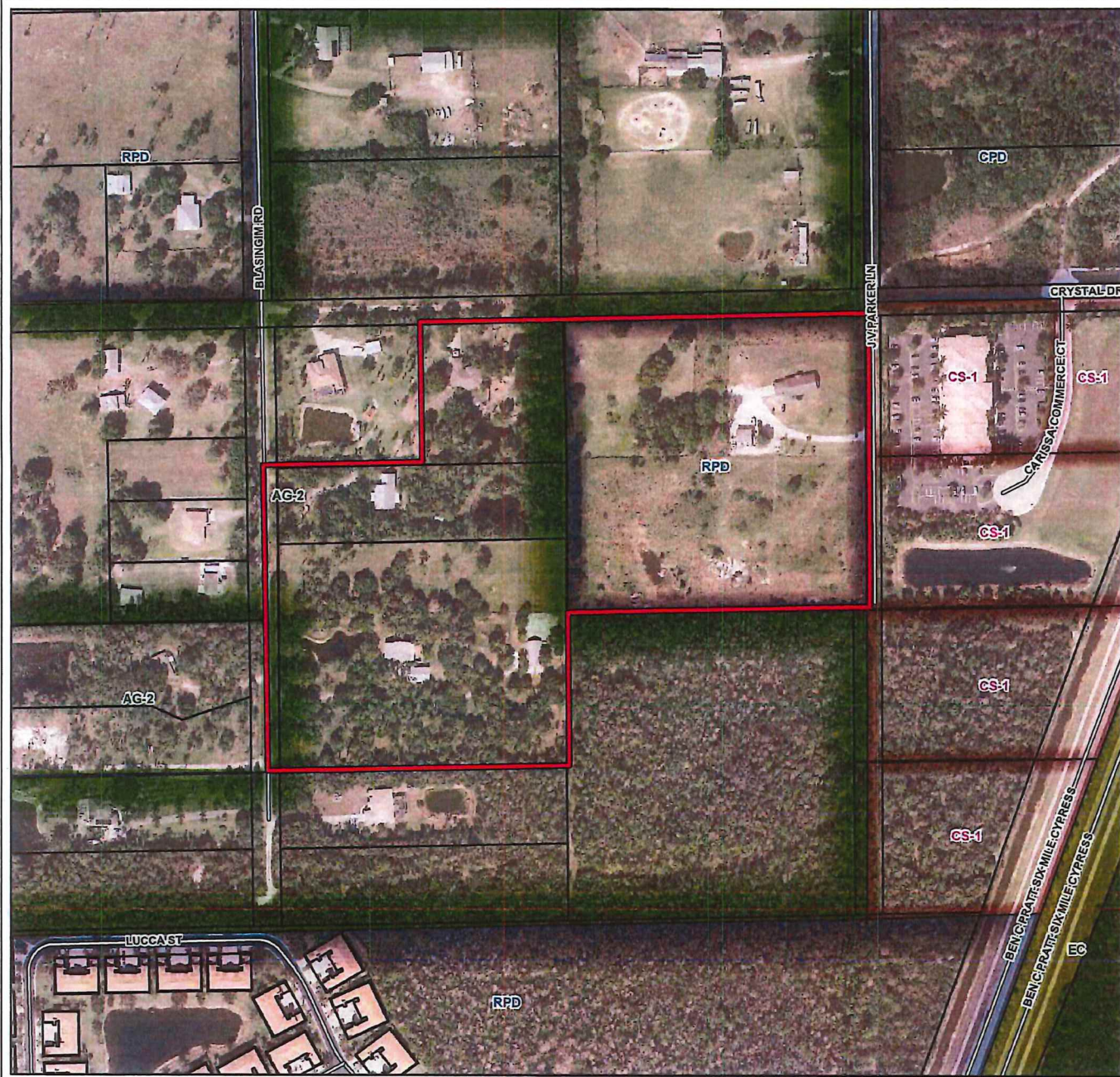
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

8-15-18
DATE

LEGEND

- LS LICENSED SURVEYOR
- LB LICENSED BUSINESS
- OR OFFICIAL RECORDS BOOK
- PG PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

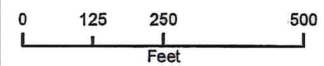
				
Trask Surveying, P.A.				
Land Surveyors				
Florida Licensed Business No. LB6082				
12345 Blasینگ Road				
Fort Myers, Florida 33966				
(239) 980-1495				
date	dwg	scale	job#	sheet
8-15-18	15-79SK-BND	1"=200'	15-79	2 OF 2



DCI2017-00010
Zoning

Legend

-  Subject Parcel
-  Parcel Boundary



OAK VILLAGES RPD (FKA CYPRESS VILLAGES)

LOCATED IN SECTION 17, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

PROJECT SUMMARY:

REZONING REQUEST

RPD & AG2 TO RPD

STRAP #'s

17-45-25-01-00000.013A; .0140; .015A; 0210

PROJECT ACREAGE

20.96 AC. TOTAL PROJECT AREA

PROJECT INTENSITY

210 BASE UNITS (208 MULTIFAMILY + 2 SINGLE FAMILY)
52 BONUS DENSITY UNITS
262 TOTAL UNITS (255 MULTIFAMILY + 7 SINGLE FAMILY) (12.50 U/A)

REQUIRED OPEN SPACE BREAKDOWN

20.96 AC. TOTAL PROJECT AREA
3.78 AC. LESS SINGLE FAMILY LOT AREA
0.44 AC. LESS JV PARKER ACCESS EASEMENT
16.74 AC. MULTIFAMILY AREA
6.70 AC. 40% OPEN SPACE REQUIREMENT
8.04 AC. 48% TOTAL OPEN SPACE PROVIDED

PROVIDED OPEN SPACE BREAKDOWN

3.61 AC. INDIGENOUS REQUIRED = 50% OF OPEN SPACE
0.97 AC. INDIGENOUS OPEN SPACE PROVIDED

DEVIATIONS

- 1) LDC 10-285(a) DRIVEWAY SEPARATION
- 2) LDC 10-329(d)(4) BANK SLOPES
- 3) LDC 10-418(2) PLANTED LITTORAL SHELF
- 4) LDC 10-418(3) HARDENED SHORELINE
- 5) LDC 10-296(e)(1) STREET DESIGN & CONSTRUCTION STANDARDS

Approved as Exhibit D
MCP Page 1 of 2
Resolution # 2-18-006

LEGEND:

WETLAND TREES (MIN. 10 FT 2-IN CAL, 4 FT SPREAD TO BE INSTALLED ON LAKE BANKS @ 1 TREE PER 100 REQUIRED LITTORAL PLANTS (TREES TO BE PLANTED BETWEEN CONTROL ELEV. TO +1 FT ABOVE CONTROL)

4:1 SLOPES SHALL BE STABILIZED WITH GEOSYNTHETIC TURF REINFORCEMENT MAT OR OTHER APPROVED METHOD

WSWT
DRY SEASON
WATER TABLE

PERIMETER
BERM

SLOPE BREAK

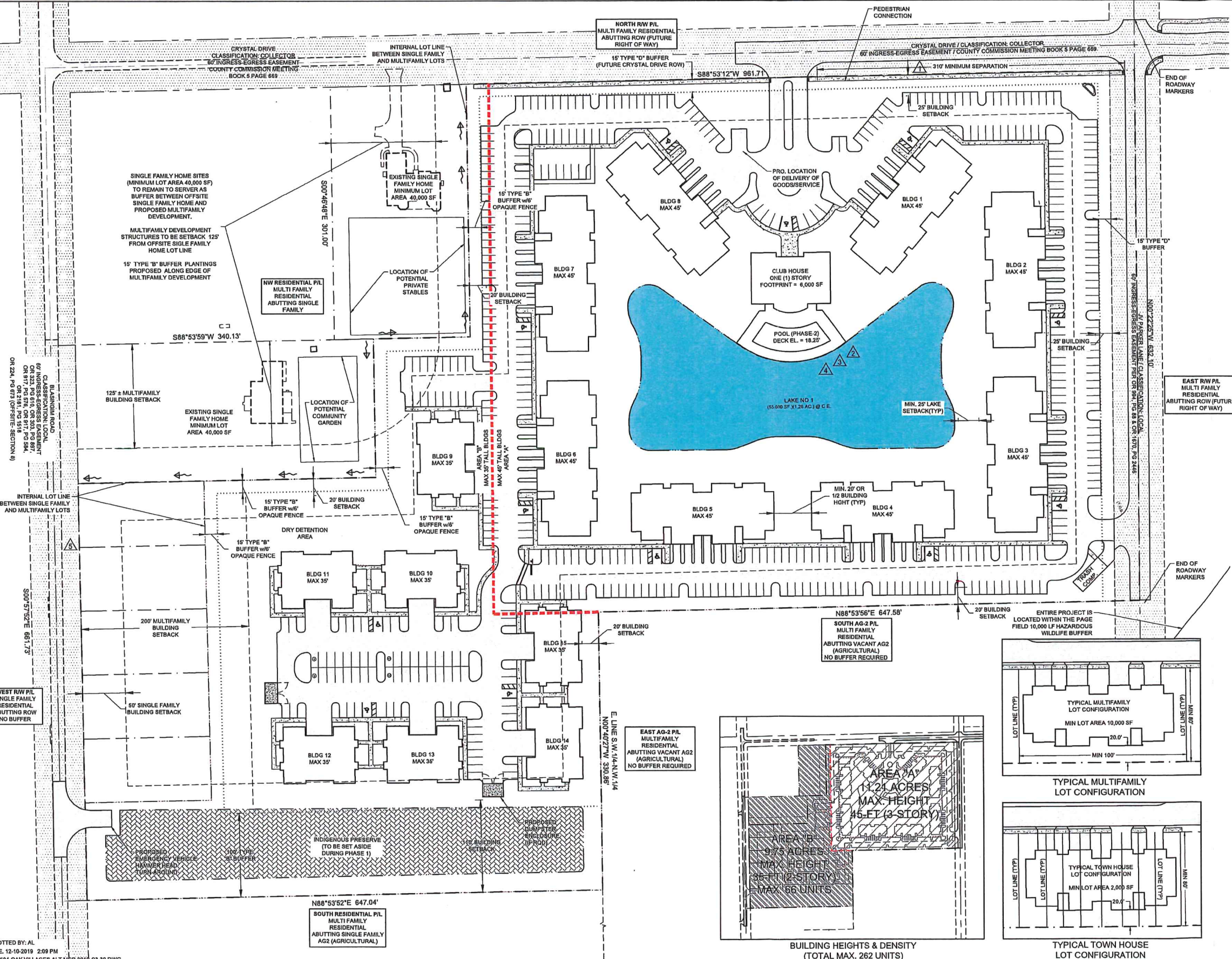
DEVIATION #2
TYPICAL LAKE BANK SECTION

PROPOSED PROPERTY LINE
PROPOSED LANDSCAPE BUFFERS
PROPOSED BUILDING SETBACKS
PROPOSED TOP OF LAKE
PROPOSED CONCRETE SIDEWALK
EASEMENTS
CENTERLINE OF ROAD

RECEIVED
DEC 08 2018
60' 120'
PLAN VIEW SCALE



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net



PL2016 Projects\160504 OAK VILLAGES PHASE 3 - ACTIVE\01-CADD FILES\00-QAI CADD - VERSION F160504-OAK VILLAGES ALT MCP 2019-03-30

PLOTTED BY: AL
TUE. 12-10-2019 2:09 PM
160504-OAK VILLAGES ALT MCP 2019-03-30.DWG

OAK VILLAGES RPD (FKA CYPRESS VILLAGES)

LOCATED IN SECTION 17, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

OPEN SPACE EXHIBIT

PROJECT SUMMARY:

REZONING REQUEST

RPD & AG2 TO RPD

STRAP #'s

17-45-25-01-00000.013A; .0140; .015A; 0210

PROJECT ACREAGE

20.96 AC. TOTAL PROJECT AREA

PROJECT INTENSITY

210	BASE UNITS (208 MULTIFAMILY + 2 SINGLE FAMILY)
52	BONUS DENSITY UNITS
262	TOTAL UNITS (255 MULTIFAMILY + 7 SINGLE FAMILY) (12.50 U/A)

REQUIRED OPEN SPACE BREAKDOWN

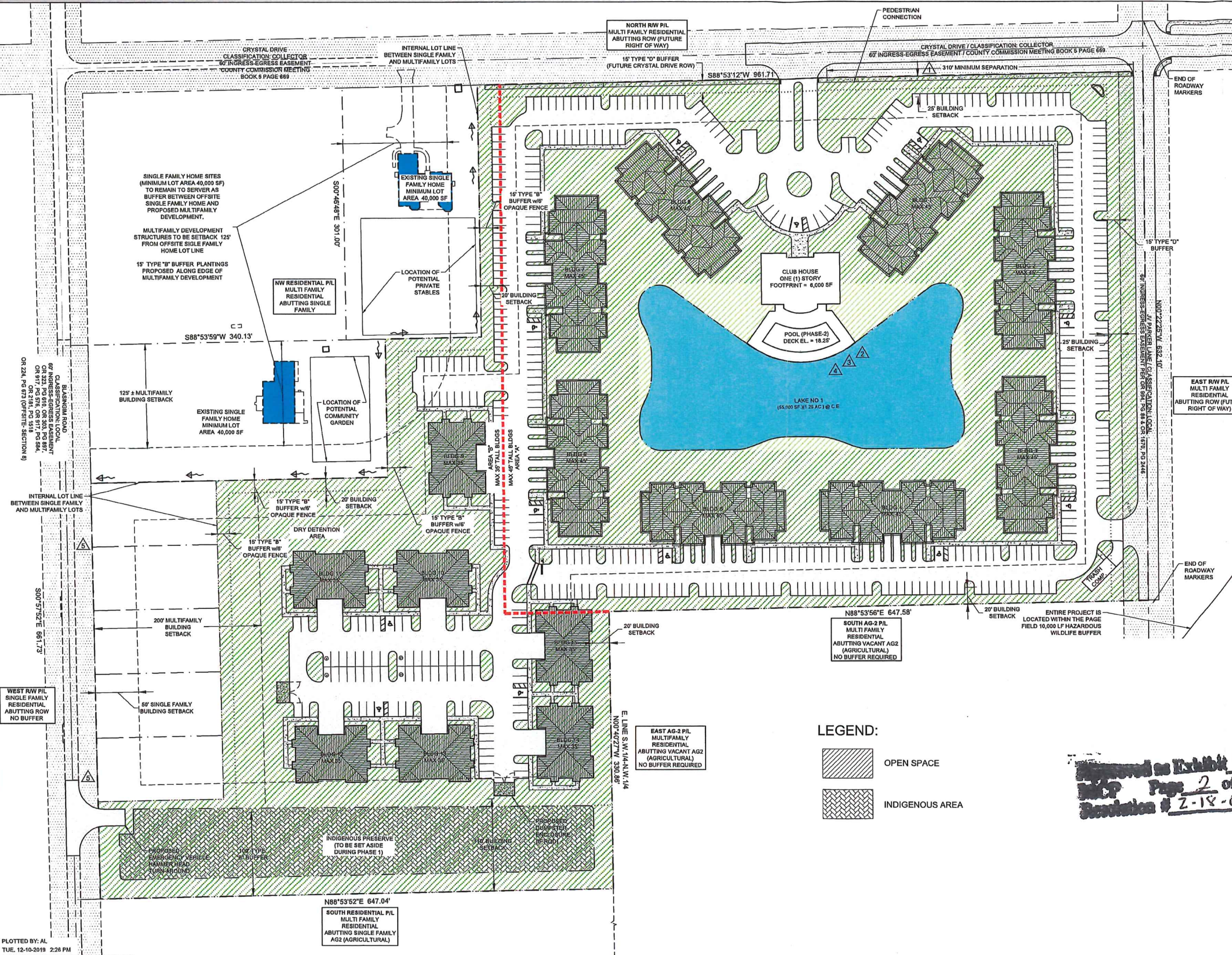
20.96 AC.	TOTAL PROJECT AREA
3.78 AC.	LESS SINGLE FAMILY LOT AREA
0.44 AC.	LESS JV PARKER ACCESS EASEMENT
16.74 AC.	MULTIFAMILY AREA
6.70 AC.	40% OPEN SPACE REQUIREMENT
8.04 AC.	48% TOTAL OPEN SPACE PROVIDED

PROVIDED OPEN SPACE BREAKDOWN

3.61 AC.	INDIGENOUS REQUIRED = 50% OF OPEN SPACE
0.97 AC.	INDIGENOUS OPEN SPACE PROVIDED

DEVIATIONS

- 1) LDC 10-285(a) DRIVEWAY SEPARATION
- 2) LDC 10-329(d)(4) BANK SLOPES
- 3) LDC 10-418(2) PLANTED LITTORAL SHELF
- 4) LDC 10-418(3) HARDENED SHORELINE
- 5) LDC 10-296(e)(1) STREET DESIGN & CONSTRUCTION STANDARDS



LEGEND:

- OPEN SPACE
- INDIGENOUS AREA

Approved as Exhibit D
MCP Page 2 of 2
Resolution # 2-18-004

RECEIVED
DEC 09 2019

COMMUNITY DEVELOPMENT

DCI 20 17-00 010

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.3222 | QAInc.net

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

WHEREAS, an application was filed by the property owner, Carissa, LLC, to rezone a 19.96± acre parcel from Commercial Planned Development (CPD) to Residential Planned Development (RPD) in reference to Carissa Minor RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on May 6, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2020-00013 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on June 16, 2021 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 19.96± acre parcel from CPD to RPD to allow a multifamily community with up to 260 dwelling units.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Carissa Minor RPD," prepared by Banks Engineering, date stamped submitted March 12, 2021, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the Lee Plan and LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

2. Permitted Uses and Property Development Regulations

a. Schedule of Uses

Accessory Uses, Buildings and Structures

Entrance gate, gatehouses

Residential Accessory Uses

Administrative Offices

Clubs, Private

Dwelling Unit

Multiple-Family

Essential Services

Essential Service Facilities – Group I

Excavation, Water Retention

Fences, Walls

Home Occupation, No Outside Help

Models

Model Unit

Recreation Facilities

Personal

Private—On-site

Signs

Temporary Uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Width 100 feet

Lot Depth 100 feet

Lot Area 10,000 sq. ft.

Minimum Setbacks

Street (Public/Private) 25 feet/20 feet

Side Yard 20 feet

Rear Yard 20 feet

Waterbody (Principal/Accessory) 20 feet/5 feet*

Accessory Structures

Rear 5 feet

Side 5 feet

Maximum building height 50 feet

Maximum lot coverage 45%

*Swimming Pool Deck: 0 feet with hardened shoreline

3. Environmental Conditions

- a. Development order plans must depict 3.99 acres of indigenous open space (3.96 acres of wetland and 0.03 acres of upland) consistent with the MCP.

- b. Developer must submit a point map corresponding to staking in the field depicting the internal roadway between Preserves A, B and C prior to County issuance of a Vegetation Removal Permit.
- c. Developer must submit the payment receipt from Panther Island Mitigation Bank for the purchase of 7.23 acres of freshwater herbaceous credits with the first development order application.

4. Water Quality Monitoring

- a. Developer must submit a Water Quality Monitoring Plan with the first development order application. The Water Quality Monitoring Plan must be reviewed and approved by Lee County Division of Natural Resources prior to issuance of a development order. At a minimum, the Water Quality Monitoring Plan must establish:
 - i. Goals and Objectives of the Water Quality Monitoring Plan;
 - ii. An outfall monitoring schedule during the "wet" season of June through October, for Field Temperature, Total Kjeldahl Nitrogen, Total Nitrogen, Chlorophyll A, Nitrite, Nitrate, Phosphorus, Turbidity and Stage;
 - iii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction; and
 - iv. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. The plan must include notification to impacted residents and authorities.
- b. Developer must provide water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of state water quality standards, plots of parameters, and recommendations. Results must be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

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

SECTION C. DEVIATIONS:

1. Refuse and Solid Waste Disposal Facilities.

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

This deviation is APPROVED.

2. Location and Design of Parking Spaces.

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

This deviation is APPROVED SUBJECT TO the following conditions:

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

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The request for RPD zoning complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135; Objectives 2.1, 2.2, 4.1, 5.1, 61.3, 77.1, 77.3, and Policies 2.1.2, 2.2.1, 5.1.5, 5.1.7, 39.2.1, 135.9.5, 135.9.6; Lee Plan Vision Statement Paragraph 10, Map 16 and Table 1(b).
2. As conditioned herein, the RPD zoning designation:
 - a. Meets the standards set forth in the LDC and other regulations or qualifies for deviations. See LDC §§ 34-373, 34-411, 34-413, 34-491;
 - b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 5.1.5, 135.9.5; and LDC §34-411(j);
 - c. Will provide access to support the proposed development intensity. See Lee Plan Policies 39.2.1, 39.1.3; and LDC §34-411(d);
 - d. Existing regulations and conditions of approval address the expected impacts on transportation facilities. See Lee Plan Policy 135.9.6; LDC §§ 2-261 *et seq.*, 10-7(b);
 - e. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Objectives 77.1, 77.3, Policies 5.1.6, 54.1.3, 60.4.1, 60.4.2, 61.2.4, 61.3.6, 61.3.8, 61.3.10, 61.3.11, 77.3.4, 77.3.8, 123.2.3, 123.2.10, 126.2.1, 135.9.6, and Standard 4.1.4; and LDC §34-411(h); and

- f. Will be served by urban services including public water and sewer, paved streets, transit, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1 and 5.1; Policies 2.2.1, 5.1.3; and Standards 4.1.1, 4.1.2.
- 3. The proposed uses are appropriate at the location and constitutes infill development. Lee Plan Policies 2.1.1, 2.2.2, 5.1.3, 5.1.5; and LDC §34-411.
- 4. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policy 135.9.6; See LDC §34-411.
- 5. The recommended conditions are reasonably related to the impacts expected from the proposed development.
- 6. The deviations recommended for approval:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of June 2021.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Missy Flint
Deputy Clerk

BY: [Signature]
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Joseph A. Adams
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 JUN 21 PM 4:30



Professional Engineers, Planners & Land Surveyors

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

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

BEGINNING AT THE NORTH ONE QUARTER CORNER OF SAID SECTION 17; THENCE S.00°06'35"E. ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 17, FOR 658.74 FEET; THENCE S.88°56'52"W. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 654.76 FEET; THENCE S.00°22'36"E. ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF A 60.00 FOOT WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 4609, PAGE 4248, LEE COUNTY PUBLIC RECORDS, FOR 664.60 FEET; THENCE N.88°48'50"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE CENTERLINE OF A 60.00 FOOT WIDE VIEWER'S ROAD AS DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 5, PAGE 669, SAID PUBLIC RECORDS, FOR 651.68 FEET; THENCE N.00°06'35"W. ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 17, FOR 30.00 FEET TO THE NORTH LINE OF SAID 60.00 FOOT WIDE VIEWER'S ROAD; THENCE N.88°52'35"E. ALONG SAID NORTH LINE FOR 98.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250.00 FEET WIDE); THENCE N.20°01'31"E. ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 1389.14 FEET; THENCE S.88°29'12"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 576.42 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 19.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (A.K.A. BEN C. PRATT) AS BEARING N 20°01'31" E.

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

DESCRIPTION PREPARED: 08-05-2020



Digitally signed by A.
Lee Hayne
Date: 2020.08.27
09:34:37 -04'00'

A. LEE HAYNE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 6338
DATE SIGNED 08-05-2020
S:\Jobs\29XX\2961F\Surveying\Descriptions\2961F CARISSA LGL.doc
S:\Jobs\29XX\2961F\Surveying\Descriptions\2961F CARISSA SKT.dwg

REVIEWED
DCI2020-00013
Rick Burris, Principal
Planner
Lee County DCD/Planning
12/28/2020

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

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

EXHIBIT A

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

$$1'' = 250'$$


PG. INDICATES PAGE
C. INDICATES CENTERLINE
A.K.A. INDICATES ALSO KNOWN AS
O.R. INDICATES OFFICIAL RECORDS
P.I. INDICATES POINT OF INTERSECTION
L1 INDICATES LINE DATA: SEE LINE TABLE
I.E.E. INDICATES INGRESS AND EGRESS EASEMENT
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
C.M.B.B. INDICATES COUNTY COMMISSIONERS MINUTES BOOK

S:\JOBS\29XX\2961F\SURVEYING\DESCRIPTIONS\2961F CARISSA LGL.DOC
S:\JOBS\29XX\2961F\SURVEYING\DESCRIPTIONS\2961F CARISSA SKT.DWG

- 1.) BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (A.K.A. BEN C. PRATT) AS BEARING N 20°13'1" E.
- 2.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- 4.) THE UNRECORDED SUBDIVISION PLAT OF SUBURBAN RANCHETTES IS DEPICTED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINE	BEARING	DISTANCE
L1	N 00°06'35" W	30.00'
L2	N 88°52'35" E	98.08'

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

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

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

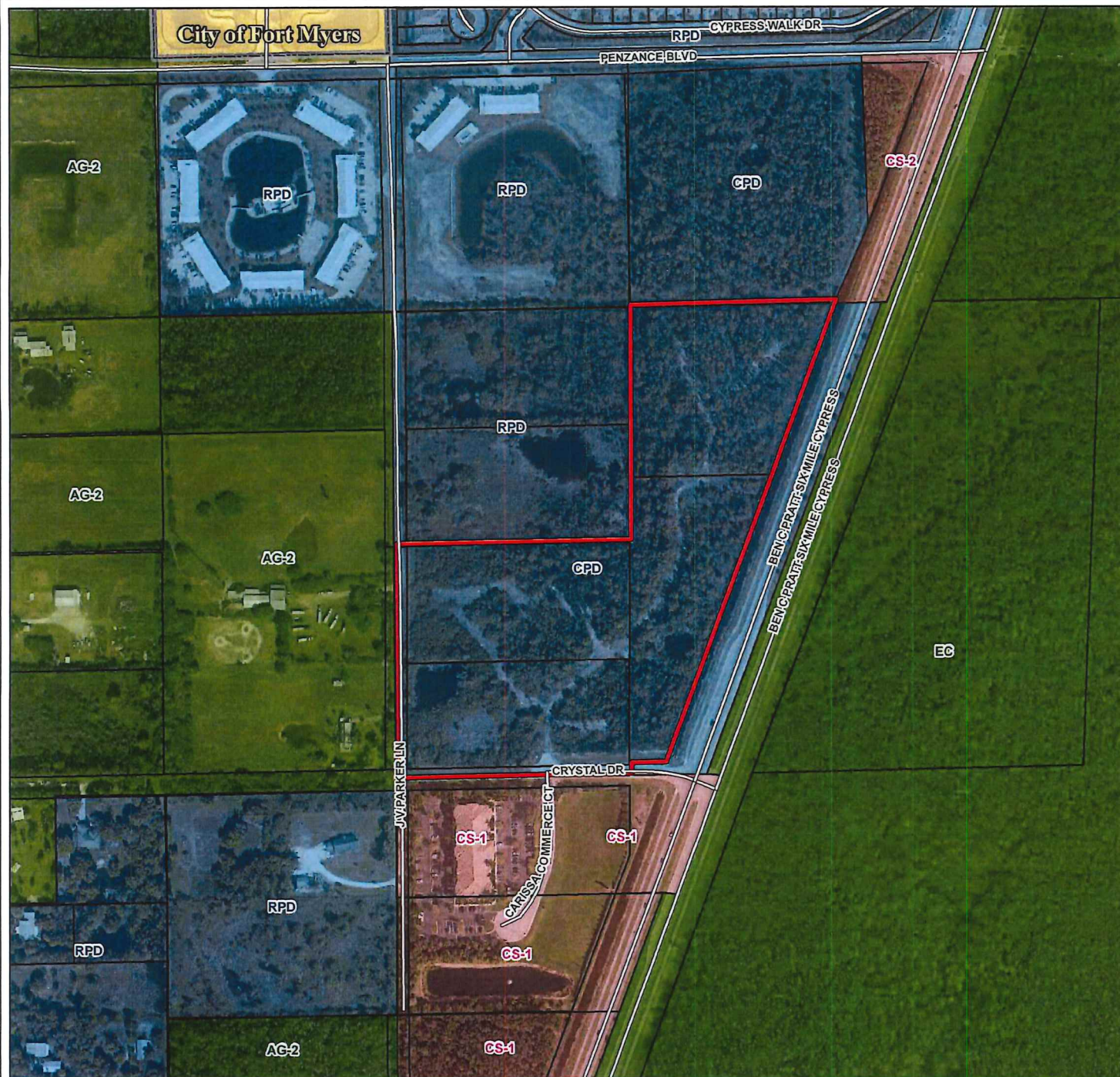
DCI2020-00013 Zoning

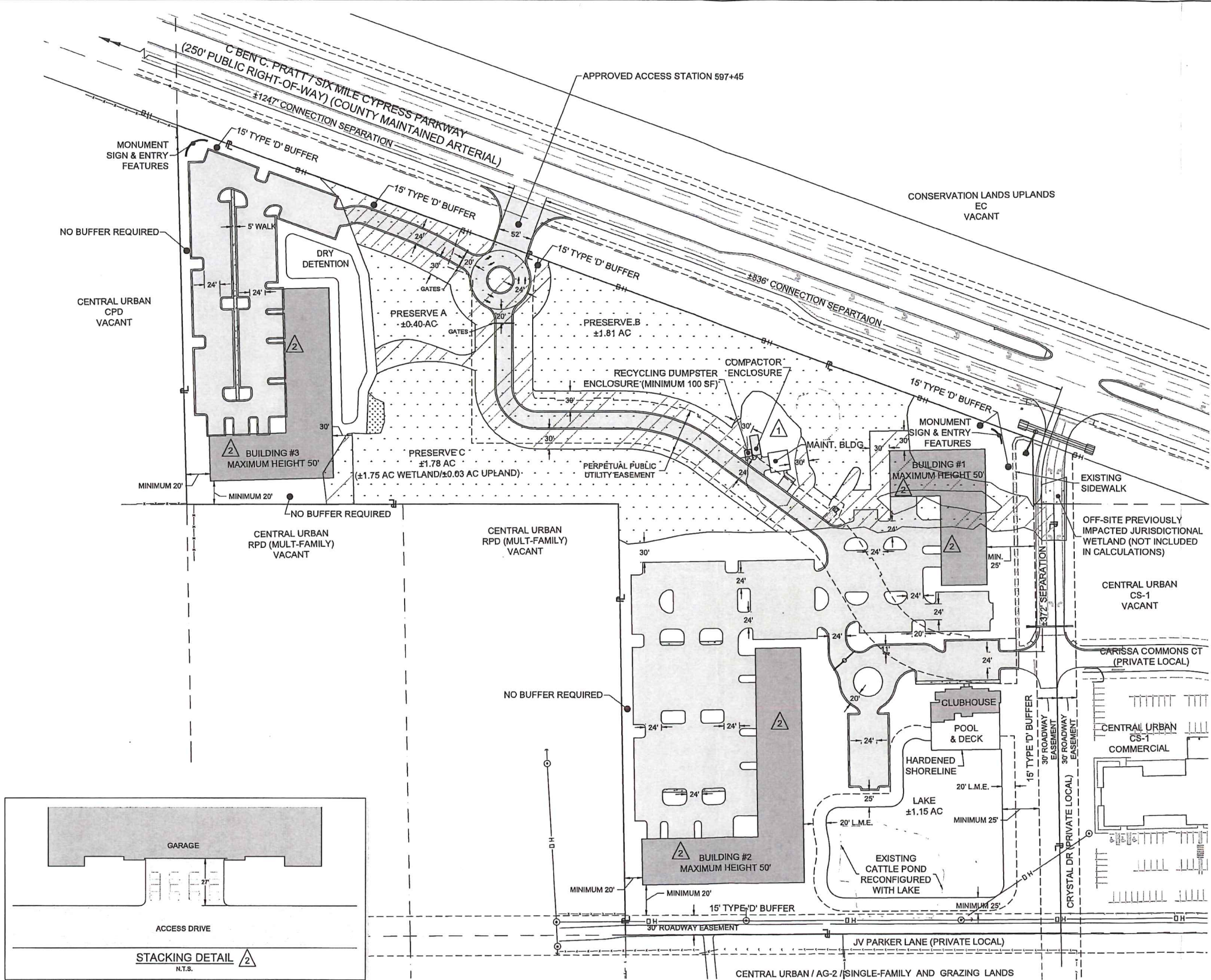
Legend

-  Subject Parcel
-  City Limits



0 240
Feet





DCI 2020-00013

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

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

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 939-5400 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
CARISSA MINOR RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9/08/2020	2961F	_MCP	SEH	SDJ	SEH	1"=160'	1

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

WHEREAS, Lennar Homes filed an application on behalf of the property owners, Catherine and David Parker, to rezone a 18.55± acre parcel from Agriculture (AG-2) to Residential Planned Development (RPD) in reference to Parker Lane RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on December 9, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2021-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on February 2, 2022 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 18.55± acre parcel from AG-2 to RPD, to allow the development of up to 90 dwelling units with accessory uses.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Parker Lane RPD," prepared by DeLisi Fitzgerald, Inc., dated September 3, 2021, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Approved Development Parameters: Project density is limited to a maximum of 90 single-family dwelling units.

2. Permitted Uses and Property Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Dwelling Unit, Single-Family
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation - Water Retention
Fences and Walls
Home Occupation
Models: Model Unit, Model Home, Model Unit (See Condition 3)
Parking Lot, Accessory
Real Estate Sales Office (See Condition 3)
Recreation Facilities, Private, On Site, Personal
Signs
Temporary uses

b. Site Development Regulations

Residential Development

Lot Size

Minimum Lot Area:	4,500 square feet
Minimum Lot Depth:	115 feet
Minimum Lot Width:	40 feet

Setbacks

Development Perimeter	5 feet
Street	20 feet
Street (on corner lots)	15 feet

Side	5 feet
Rear	10 feet
Rear Accessory Setbacks	5 feet
Waterbody	20 feet
Waterbody Accessory Setbacks	20 feet

<u>Maximum Lot Coverage</u>	50%
-----------------------------	-----

<u>Maximum Height</u>	35 feet
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3. Model Units/ Real Estate Sales

Real Estate Sales are limited to clubhouses and model units. Hours of operation for model units and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.

4. Project Storm Water Outfall to JV Parker Lane

Developer must design the storm water management system to outfall to the south via JV

Parker Lane.

SECTION C. DEVIATIONS:

1. Excavation Standards Deviation (1) seeks relief from the LDC §10-329(d)(1)a.3. requirement to provide no excavation within 50 feet of a private property line under separate ownership, to allow a minimum setback of 25 feet. This deviation is APPROVED SUBJECT TO the following condition:

A double hedgerow and berm, with a minimum total height of four feet is required where the excavation setback to property under separate ownership is less than 50 feet. In no instance may the setback be less than 25 feet.

2. Street Design and Construction Standards Deviation (2) seeks relief from the LDC §10-296(e)(1)i.4.iii. requiring Crystal Drive to be constructed as an urban minor collector roadway from its current terminus to the project entrance, to allow Crystal Drive to be constructed consistent with the typical section requirements of LDC §10-296 (e)(2)h.4 for a suburban minor collector roadway with open drainage in 60 feet of existing right-of-way as depicted on the Master Concept Plan. This deviation is APPROVED SUBJECT TO the following condition:

Developer must design and construct the required sidewalk inside the property line, parallel, or in close proximity to, the right-of-way to accommodate the roadside drainage swale on Crystal Drive. Developer must provide an easement meeting County standards over the property necessary to support the alternative plan. The County will review alternative on-site locations of the sidewalk and easement during development order review.

3. Street Design and Construction Standards Deviation (3) seeks relief from the LDC §10-296(k)(1), requiring dead-end streets to be constructed with a circular turnaround for vehicles, to eliminate the requirement for circular turnarounds in four locations depicted on the Master Concept Plan where there is less than 150 feet of roadway to the nearest intersection. This deviation is APPROVED.
4. Lot Depth Deviation (4) seeks relief from the LDC §10-703, requirement which illustrates how to measure lot depth, to allow the lot depth for three dead-end street lots on the MCP to be measured consistent with the detail on MCP Sheet 2. This deviation is APPROVED.
5. Required Street Access Deviation (5) seeks relief from the LDC §10-291(3), requiring two means of ingress or egress to any residential subdivision greater than 5 acres, to allow for one means of ingress and egress for the development. This deviation is APPROVED SUBJECT TO the following conditions:

- a. The emergency only access must be designed with a minimum 20 foot clear width. The access must be stabilized and include signage designating the emergency access route. Developer must submit a letter of no objection to the design from Lee County Public Safety, Lee County Sheriff's Office and the Fire District with jurisdiction prior to development order approval.
- b. Developer must record a notice to future property owners in the public records prior to the issuance of a local development order allowing construction of project

access. The notice must articulate the emergency access plan and provide information on where property owners may obtain a copy of the plan.

- c. The development order application must include documentation confirming the developer submitted a Crime Prevention through Environmental Design report to the Lee County Sheriff's Department.
6. Excavation Standards Deviation (6) seeks relief from the LDC §10-329 (d)(4), requiring banks of excavations to be sloped at a ratio not greater than 6:1 to allow for 4:1 lake bank slopes. This deviation is APPROVED.
7. Planted Littoral Shelf/Surface Water Management Systems Deviation (7) seeks relief from the LDC §10-418(2)d, requiring littoral areas to be planted with herbaceous plant material to allow no herbaceous plants in littoral areas on the water management lake. This deviation is APPROVED SUBJECT TO the following condition:

Development order landscape plans must depict 100% of required littorals substituted with native wetland trees planted around surface water management lakes. One native wetland tree must be substituted for 100 littoral plants based on LDC littoral plant calculations. Native wetland trees must be specified at ten-feet-in-height, two-inch caliper, and a four-foot canopy spread.

8. Planted Littoral Shelf/Surface Water Management Systems Deviation (8) seeks relief from the LDC §10-418(2)d.3, requiring a maximum of 25 percent of required herbaceous plants on littoral areas to be converted to wetland trees, to allow for the conversion of 100 percent of required littoral plantings to wetland trees. This deviation is APPROVED SUBJECT TO the following condition:

Development order landscape plans must depict 100% of required littorals substituted with native wetland trees planted around surface water management lakes. One native wetland tree must be substituted for 100 littoral plants based on LDC littoral plant calculations. The native wetland trees must be specified at ten-feet-in-height, two-inch caliper, and a four-foot canopy spread.

9. Excavation Standards Deviation (9) seeks relief from the LDC §10-329(d)(1)a.1., requiring lakes to be setback a minimum 25 feet from local road rights-of-way, to allow the proposed lake to be set back a minimum of 20 feet from the right-of-way. This deviation is APPROVED SUBJECT TO the following condition:

Where the excavation setback from a local road right-of-way is less than 25 feet, developer must implement measures to prevent wayward vehicles using guardrails, berms, swales, vegetation or other methods determined suitable by the Director.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested rezoning to RPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 60.3, 77.1, 77.3, 126.2; Policies 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.7, 135.1.9, 135.9.5, 135.9.6; Lee Plan Maps 1, 6, 7.
2. As conditioned, the Parker Lane RPD:
 - a. Meets the LDC and other County regulations or qualifies for deviations. LDC §§10-474, 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932;
 - b. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 5.1.5, 135.9.5, 135.9.6; LDC §34-411.
 - c. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Policies 39.1.1; LDC §§2-261 *et seq.*, 10-287, 34-411(d).
 - d. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goals 77, 125; Objectives 77.1, 77.3, 126.2; Policies 61.3.1, 61.3.6, 61.3.11, 126.2.1, Standard 4.1.4; and LDC §34-411(h).
 - e. Will be served by urban services adequate to serve the proposed land use. Lee Plan Glossary, Lee Plan Maps 6, 7, Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5; Policies 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 135.1.9.
4. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies: 5.1.5, 5.1.6, 126.2.1 and 135.9.6; LDC §34-411.
5. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.6; LDC §34-932.
6. The nine requested deviations, as conditioned:
 - a. Enhance the objectives of the planned development, and
 - b. Preserve and promote protection of public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public

hearing.

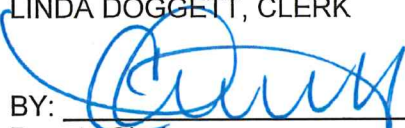
Commissioner Ruane made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

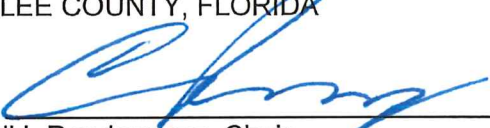
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of February 2022.

ATTEST:
LINDA DOGGETT, CLERK

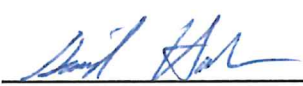
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chair

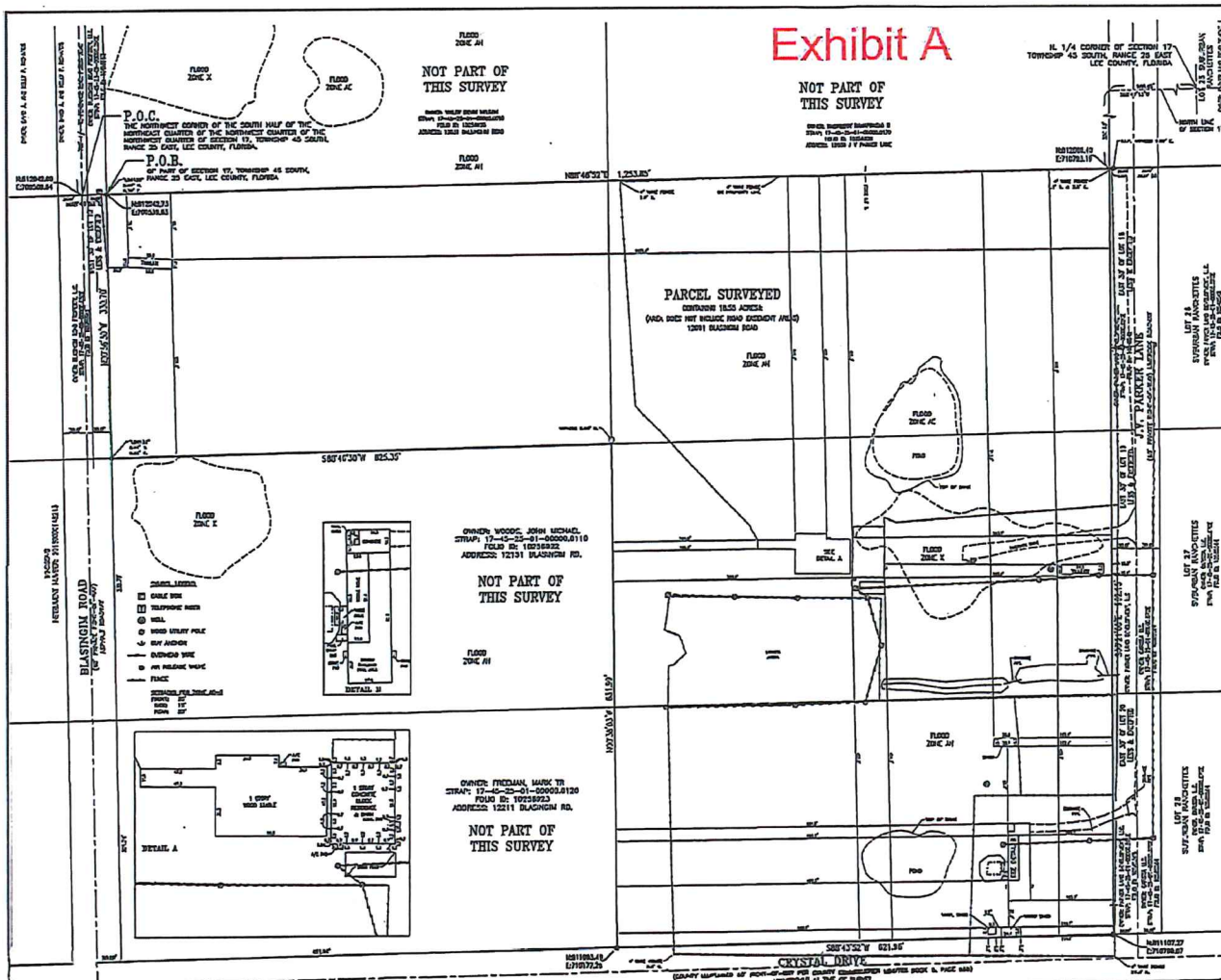


APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

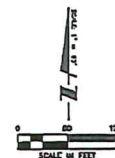

David W. Halverson
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2022 FEB 10 AM 8:57

NOT PART OF
THIS SURVEY

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REVIEWED
DCI2021-00010
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/23/2021

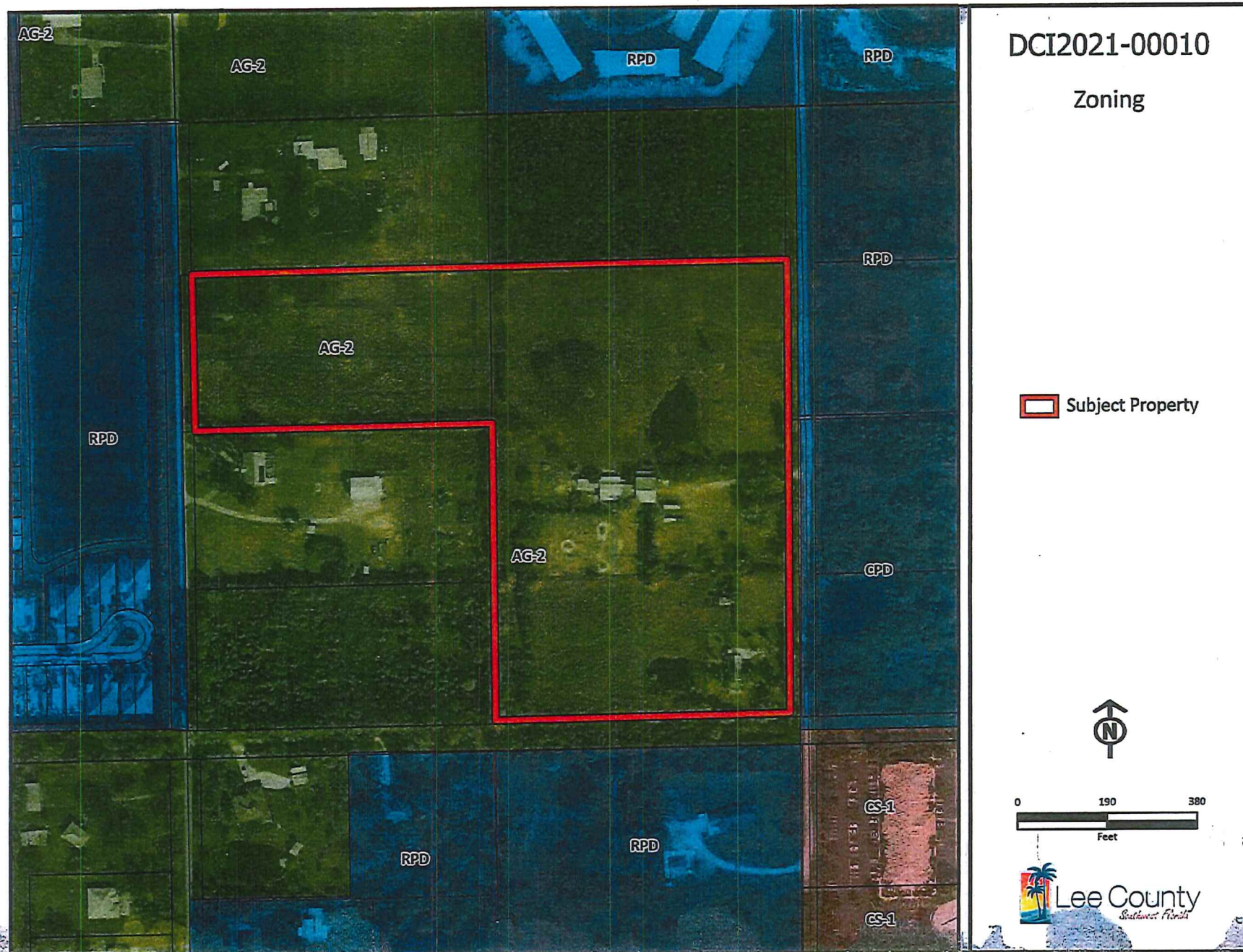
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Stantec
5221 Pricas Bay Boulevard, Suite 200, Regina, Saskatchewan S4S 0Y5
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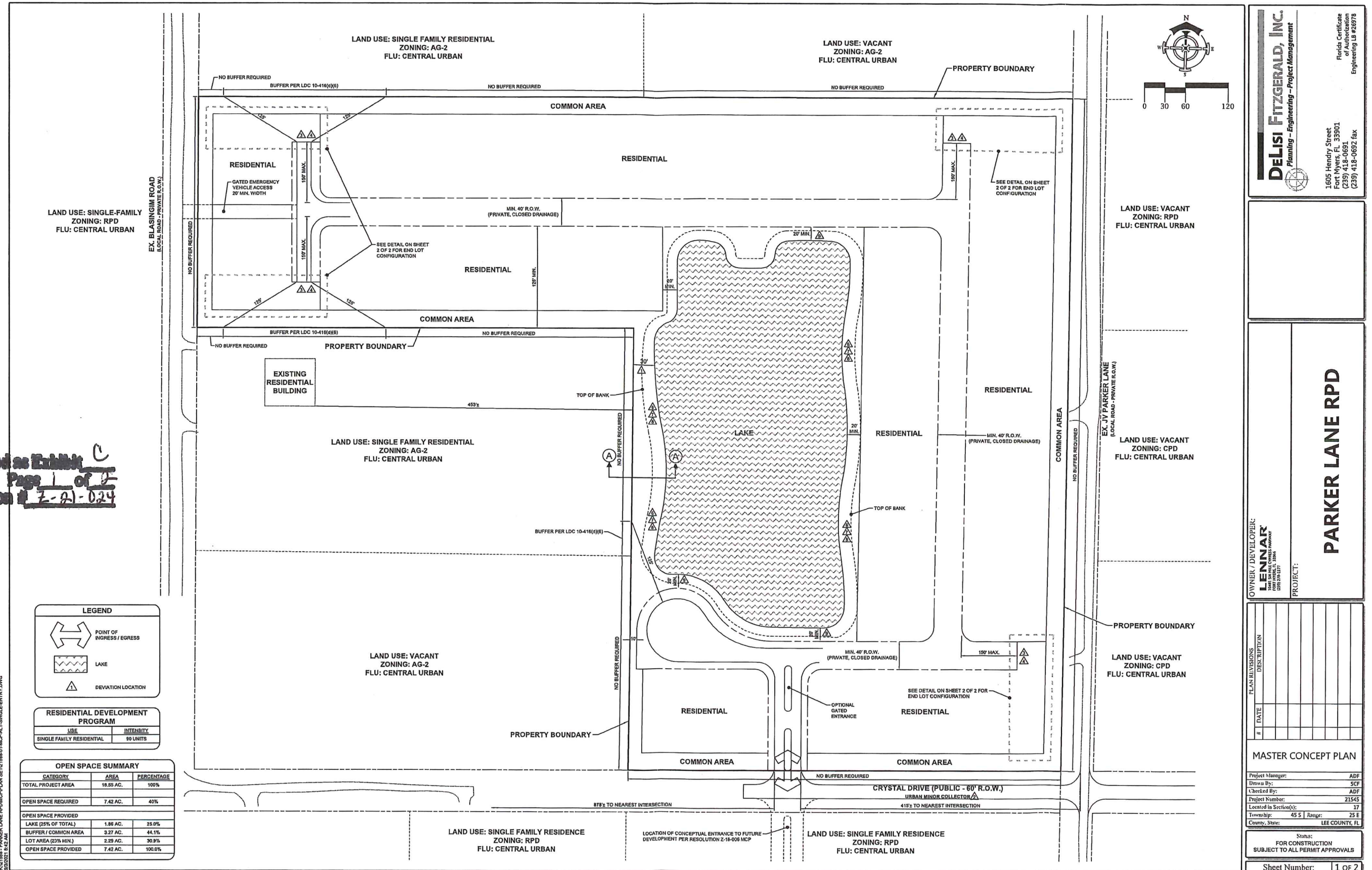
MAP OF BOUNDARY SURVEY
OF PART OF SECTION 17, TOWNSHIP 45 SOUTH
RANGE 25 EAST, 1ST. COUNTY, FLORIDA.

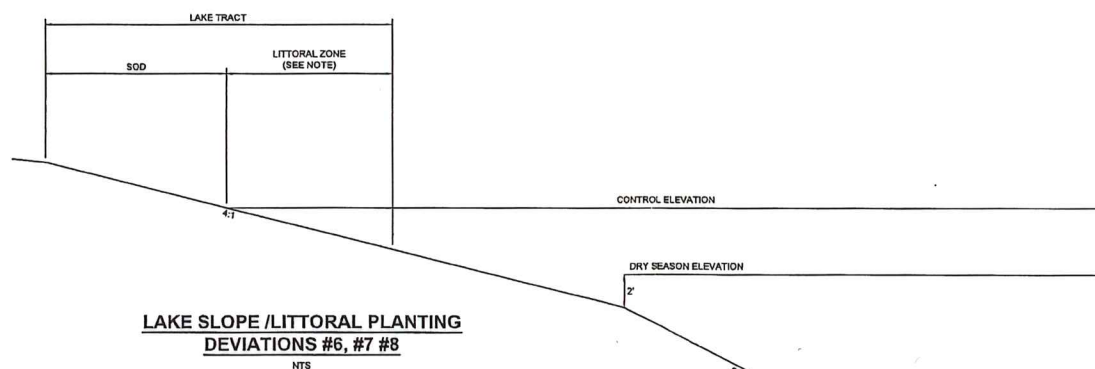
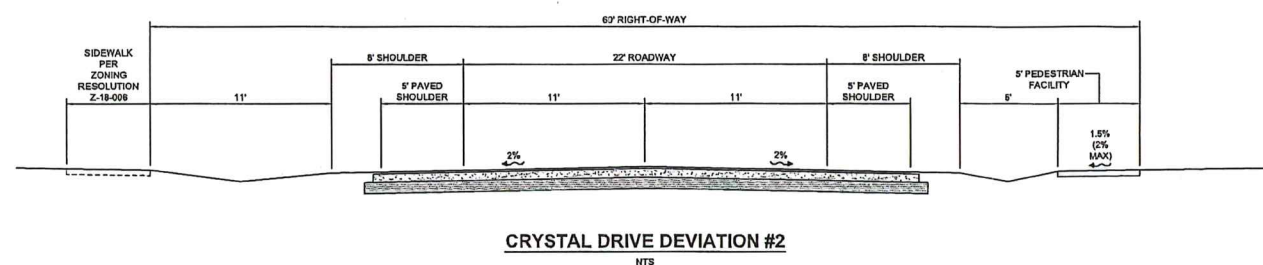
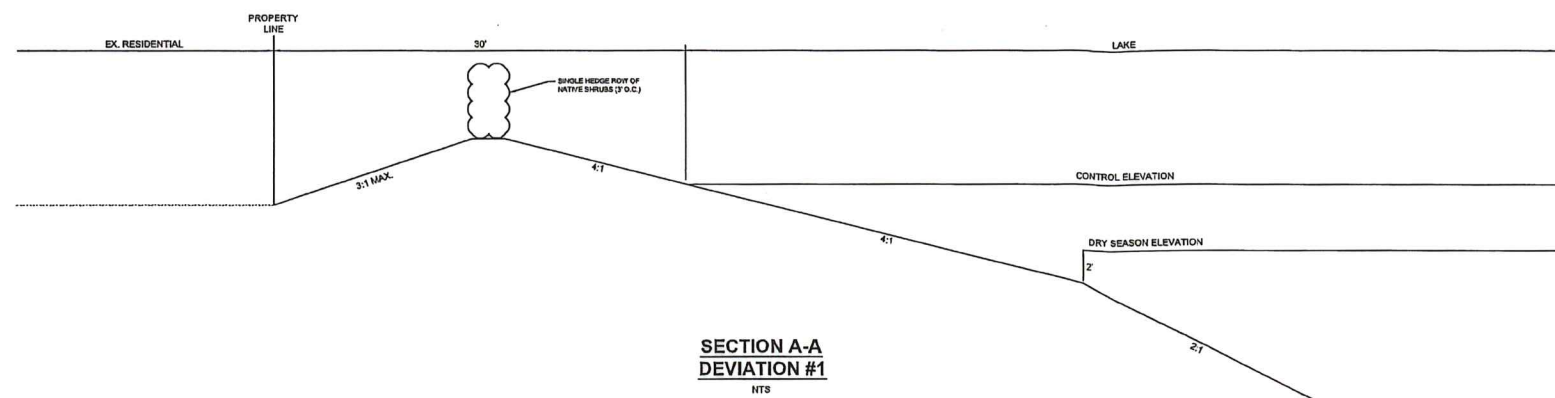
DATE 08/20		CLIENT LENNAR HOMES, LLC	
MEASUREMENT 1" x 6"			
CHECK REFERENCE FILE NO.	PROJECT NO. 215615900	PLAT NUMBER 1 of 1	FILE NO. 215615900-S01

Exhibit B

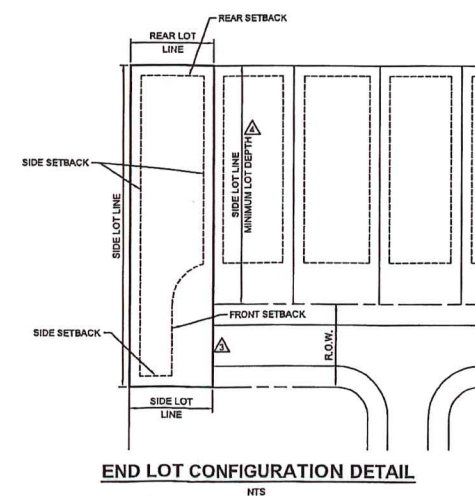
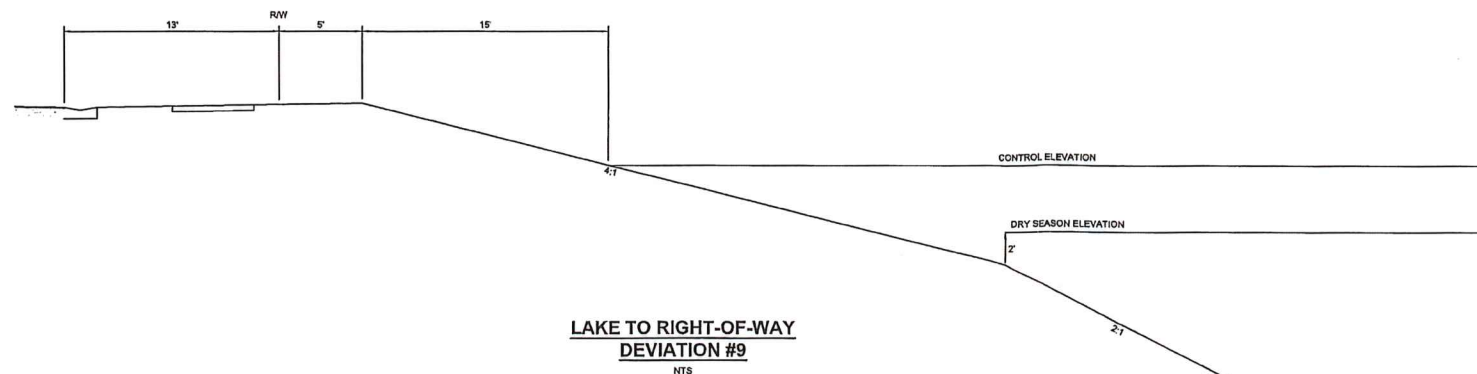


Additional info dated 09-03-2021





NOTE:
ALL REQUIRED LITTORAL PLANTINGS FOR THE
LITTORAL ZONE SHALL BE WETLAND TREES.
NO HERBACEOUS PLANTINGS ALLOWED.



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management



1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate
of Authorization
Engineering LE #28978

OWNER / DEVELOPER: LENNAR 19841 SHAWL CYPRESS PARKWAY FORT MYERS, FL 33906 (239) 274-5117	PARKER LANE RPD PROJECT:
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[illegible]

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00107

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Alico Multifamily, LLC filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as The Villas at Gulf Coast within CenterPlace MPD to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF to allow the development of the site with 140 villas type single-family detached and attached dwellings on the 16.17± acre parcel on property located within the CenterPlace MPD and known as The Villas at CenterPlace, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-17-014 and was subsequently amended by ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098 ADD2020-00148, ADD2021-00019, ADD2021-00068 and ADD2021-00198(A); and

WHEREAS, the subject property is located in the University Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Lee Plan Policy 15.1.16, paragraph 8 limited the number of single-family and zero-lot-line dwelling units in Area 9 of the University Community district (where the CenterPlace MPD is located) to 25 percent of the total approved dwelling units in the planned development; and

WHEREAS, a Comprehensive Plan Amendment (CPA2021-00002) deleting paragraph 8 of Lee Plan Policy 15.1.16 was applied for in conjunction with this application and was approved by the Board of County Commissioners on February 16, 2022 (see Attachment "E"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant requests to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF; and

WHEREAS, the applicant plans to develop this 16.17± Acre parcel with 140 villa type single-family detached and attached dwellings; and

WHEREAS, the site will not be subdivided and all of the dwelling units will be on the same single tract; and

WHEREAS, the applicant proposes to have a central location for the solid waste and recycling and proposed a trash compactor for the development; and

WHEREAS, parking, landscaping, buffers, storm water management and other aspects of this development will comply with the regulations applicable to multiple-family developments; and

WHEREAS, this amendment will not change the total number of residential dwelling units approved for this development; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Use Planned Development to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated January 11, 2022. Master Concept Plan for ADD2021-00107 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolution and subsequent amendments remain in full force and effect, except as amended herein.**
3. **Development for Tract C-1 must be in compliance with the Property Development Regulations attached hereto as Exhibit "C."**
4. **The development on Tract C-1 must be in substantial compliance with the site Plan attached hereto as Exhibit "D."**
5. **Landscaping, buffers, and storm water management for Tract C-1 must be in compliance with the requirements for multiple-family development.**
6. **This development must install a trash compactor and must provide the space required for recyclable collection in accordance with the requirements for a multiple family development. Curbside collection will not be available for this development.**

7. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 3/24/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Master concept Plan
Exhibit "C" Property Development Regulations for Tract C-1
Exhibit "D" Site Plan for Tract C-1
Exhibit "E" Ordinance 22-04 (CPA2021-00002)

Exhibit A



Professional Engineers, Planners & Land Surveyors

**The Villas at Gulf Coast
within CenterPlace MPD**

Legal Description

TRACT C1, ESPLANADE LAKE CLUB PHASE 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED AS OFFICIAL RECORD INSTRUMENT NO. 2019000189935, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBER: 12-46-25-L2-190C1.0000

REVIEWED
ADD2021-00107
Hunter Searson, GIS
Planner
Lee County Government
8/3/2021

• SERVING THE STATE OF FLORIDA •

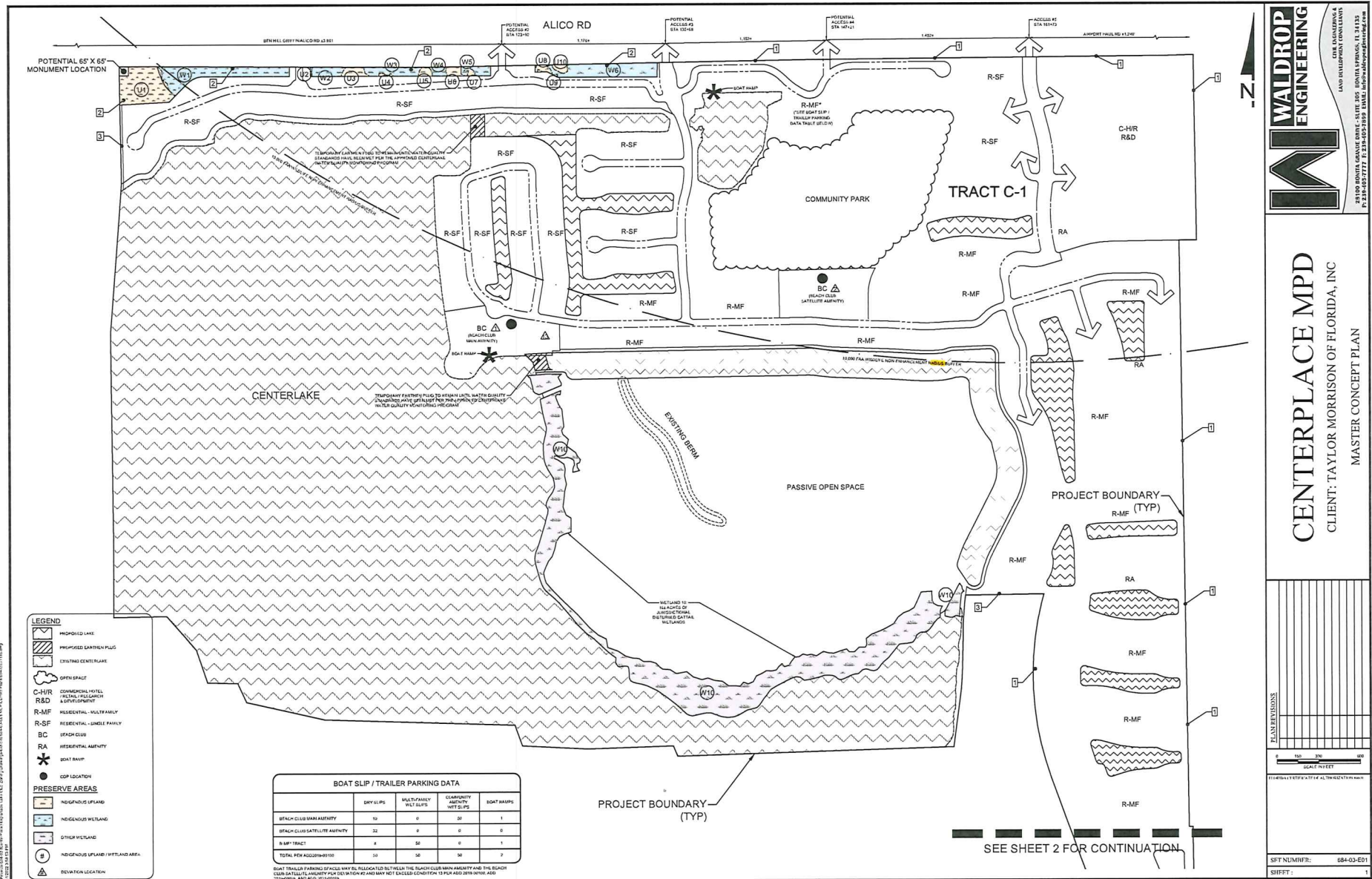
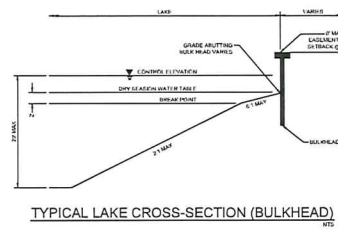


Exhibit "B"

SFT NUMBER:	084-03-EC
SHIFT:	





Professional Engineers, Planners & Land Surveyors

**The Villas at Gulf Coast
within CenterPlace MPD**

ADD2021-00107

Property Development Regulations for Tract C-1

Revised January 2022

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Front Setback*	Minimum Side Setback*	Minimum Rear Setback*	Maximum Building Height	Maximum Lot Coverage	Minimum Building Separation	Minimum Accessory Setback*
16 AC	460'	460'	20'	7.5'	10'	45'	55 Percent	10'	5'

*Setbacks are measured from property boundaries.

Exhibit "C"

• SERVING THE STATE OF FLORIDA •

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



LEE COUNTY ORDINANCE NO. 22-04

Alico West Area 9 / Centerplace
(CPA2021-00002)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE ALICO WEST AREA 9/CENTERPLACE (CPA2021-00002) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 25, 2021; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 8, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Alico West Area 9/Centerplace (CPA2021-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the December 8, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on February 16, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Alico West Area 9/Centerplace Ordinance (CPA2021-00002)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policy 15.1.16 by striking paragraph 8 to remove the 25% limitation on single family and zero lot line dwelling units on land in Area 9 within the University Community future land use category known as Alico West Area 9/Centerplace (CPA2021-00002).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

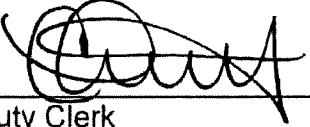
The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Mann, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

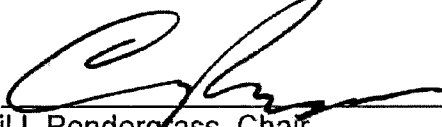
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

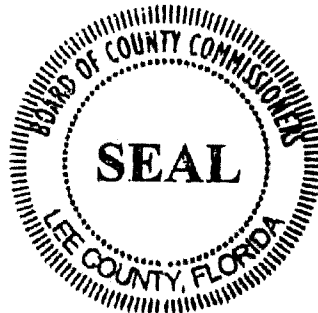
DONE AND ADOPTED this 16th day of February 2022.

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Cecil L. Pendergrass, Chair



DATE: 2-17-22

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

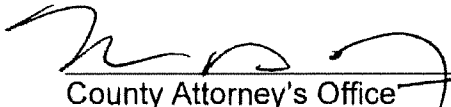

County Attorney's Office

Exhibit A: Adopted revisions to Alico West Area 9/Centerplace (Adopted by BOCC
February 16, 2022)

2022 FEB 17 PM 1:28

EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.**

EXHIBIT A

PROPOSED TEXT AMENDMENTS

POLICY 15.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
 - Residential: A maximum of 1,950 units
 - Retail: A maximum 200,000 square feet
 - Office/Research/Development: A maximum of 140,000 square feet
 - Hotel: 250 rooms
2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.
3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.
4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
5. **Connectivity to FGCU:** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to

EXHIBIT A

accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.

- ~~8. **Residential Uses:** Single family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.~~

- ~~9-8. **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.~~

- ~~10-9. **Landscaping:** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.~~

- ~~11-10. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.~~

- ~~12-11. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.~~

(Ordinance No. ~~10-40, 14-03, 17-10, 18-18~~)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 21, 2022

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-04, which was filed in this office on February 17, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

RECEIVED

By Chris Jagodzinski at 9:13 am, Feb 21, 2022

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 22-04
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD
DESCRIPTOR: Planning

OTHER KEYFIELD
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Alico West Area 9 Ord
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

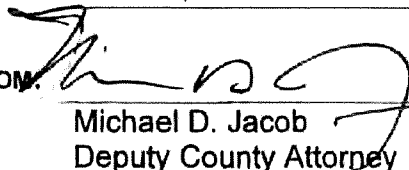
VIA HAND DELIVERY

DATE: February 16, 2022

To: Commissioner Pendergrass

Chair, Board of County
Commissioners

FROM:


Michael D. Jacob
Deputy County Attorney

**RE: Lee County Ordinance Amending the Lee County Comprehensive Plan
Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)
Adoption Hearing – February 16, 2022**

On February 16, 2022, the Board of County Commissioners adopted the above ordinances amending the Lee County Comprehensive Plan. The originals are attached to this memorandum for execution. Kindly execute the ordinances at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on each of the attached ordinances and email a copy of the fully executed ordinances with all exhibits to my attention.

Insofar as State Statute mandates that the ordinances reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinances arrive in Tallahassee no later than February 25, 2022.

Joyce, attached please find the Data Retrieval Forms for each ordinance. Kindly include the amendments in the Lee County Ordinance History.

Thank you for your assistance.

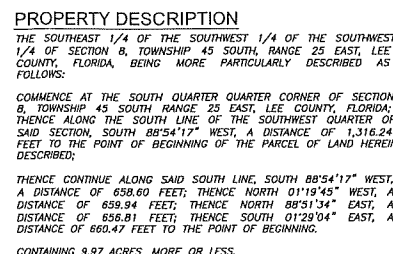
MDJ:tlb

Attachments:

Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)

cc via email only: Joyce Conatser, Senior Fiscal Officer
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Manager, Minutes Department
Mikki Rozdolski, Section Manager, Planning
Brandon Dunn, Principal Planner, Planning
Janet Miller, Administrative Specialist/DCD
Debbie Carpenter, Administrative Specialist/DCD
Andrea Eggen, Legal Administrative Specialist (for ordinance history)

MINUTES
2022 FEB 17 PM 1:27



NOTES:

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR THE FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FOOT NETWORK AND REFER TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 34 NORTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 08°34'12" W.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE OPINION LETTER PREPARED BY BOLANOS TRUXTON, P.A., DATED 2/7/2022.
3. THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE, HAVING A BASE FLOOD ELEVATION THAT RANGES BETWEEN 16.0' AND 16.5' (NAVD83), AND ZONE X, HAVING NO BASE FLOOD ELEVATION, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP # 120710C4280, DATED 12/7/18. FLOOD ZONE LINES SHOWN HEREON WERE TAKEN FROM A LEE COUNTY GIS FILE AND ARE ASSUMED TO BE APPROXIMATE.
4. CERTAIN FEATURES REPRESENTED BY SYMBOLS MAY NOT BE SHOWN AT THEIR TRUE LOCATION AND/OR SCALE IN ORDER TO BE ABLE TO DEPICT THEM ON THIS MAP.
5. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
6. THIS SURVEY DOES NOT ADDRESS ANY ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE OR JURISDICTIONAL WETLANDS, IF ANY, EXCEPT AS SHOWN ON THIS SURVEY.
7. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
8. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND THE ADDITIONAL SIGNATURE AND SEAL OF THE COUNTY CLERK. THIS SURVEY MAY BE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.
9. UNLESS OTHERWISE NOTED, BELOW GROUND UTILITIES AND FOUNDATIONS WERE NOT LOCATED FOR THE PURPOSES OF THIS SURVEY.
10. BY SIGNING BELOW I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-J.0051, F.A.C., PURSUANT TO CHAPTER 472.021, FLORIDA STATUTES.
11. THE FIELDWORK WAS COMPLETED ON 5 FEBRUARY 2021.

POC
N: 812410.44
E: 711478.51
SOUTH QUARTER CORNER
PER CCR 087911
FCM 3"X3" NO ID

[illegible]

REVISION: UPDATED PER NEW TITLE ORDINANCE (8-13-22)
 REVISION: UPDATED PER NEW TITLE ORDINANCE (8-13-21)

 **GradyMinor**

C. Grady Minor and Associates, P.A.
 3800 Via Del Rey
 Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 260000266

Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	CMPE
SCALE:	1" = 20'
DATE:	5/18/2021
FILE:	20-218-BS.DWG
SHEET:	1 of 1

BOUNDARY SURVEY

A PARCEL OF LAND

LYING IN
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SIGNED

Digitally signed by Donald L. Saintenoy III, PSM
Date: 2022.05.13 11:47:42 -0400

DONALD L. SAINTENOY III, P.S.M.
FL LICENSE #6761
FOR THE FIRM

Exhibit A

PROPERTY DESCRIPTION

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 45 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, SOUTH 88°54'17" WEST, A DISTANCE OF 1,316.24 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 88°54'17" WEST, A DISTANCE OF 658.60 FEET; THENCE NORTH 01°19'45" WEST, A DISTANCE OF 659.94 FEET; THENCE NORTH 88°51'34" EAST, A DISTANCE OF 656.81 FEET; THENCE SOUTH 01°29'04" EAST, A DISTANCE OF 660.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.97 ACRES, MORE OR LESS.

NOTES:

- 1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 88°54'17" W.
- 2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
- 3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

REVIEWED
DCI2021-00026
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/11/2022

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	CMPB
SCALE:	1" = 120'
DATE:	5/18/2021
FILE:	20-218-S&L
SHEET:	1 of 2

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2

NOT A SURVEY



Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

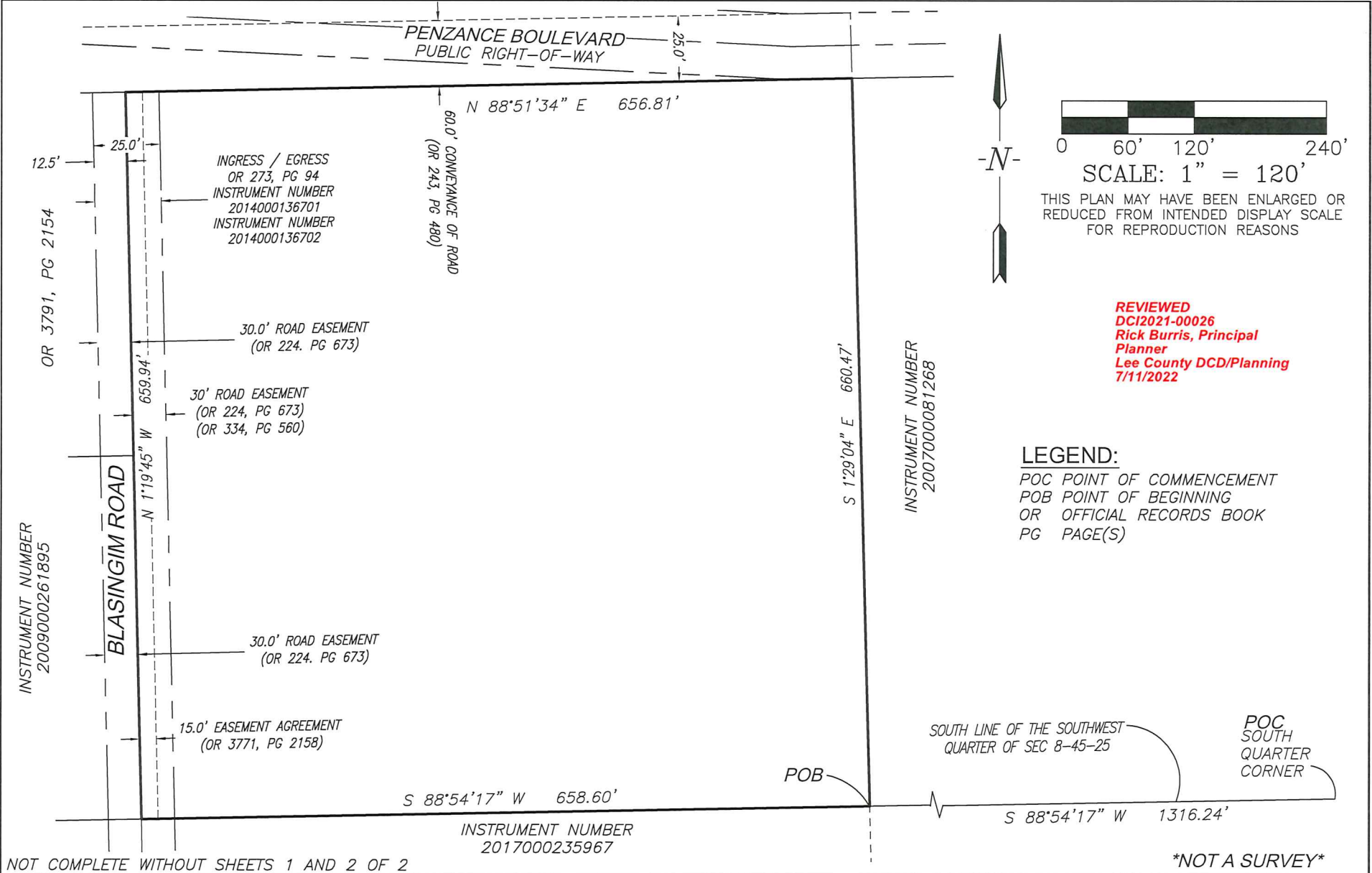
PARCEL OF LAND

LYING IN
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SIGNED

Digitally signed by
Donald L. Saintenoy
III, PSM
Date: 2021.05.24
08:07:00 -04'00'

DONALD L. SAINTENOY III, P.S.M
FL LICENSE #6761
FOR THE FIRM



Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

PARCEL OF LAND

LYING IN
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	CMPB
SCALE:	1" = 120'
DATE:	5/18/2021
FILE:	20-218-S&L
SHEET:	2 of 2

G:\SURVEY\PROJECT SURVEY 2020\218 - PENZANCE BLVD DO (CMPB)\SURVEY\SKETCH & LEGALS\20-218-S&L.DWG