

EXHIBITS

CASE # DCI2022-00019

CASE NAME: RESURGENCE BREWERY &
ROCK GYM

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

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS _____

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

EXHIBITS

Case # DCI2022-00019

APPLICANT
9, 2/8 Hour b. Exh list STAFF

#1 aerial overlay

#1 Staff Report

#2.

#2

power point

#3

#3

#4

#4

#5

#5

#6

#6

#7

#7

#8

#8

#9

#9

#10

#10.

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

#

#

#

#

#

#

Perez, Maria

From: Ahmad Kareh <akareh@haleyward.com>
Sent: Monday, January 30, 2023 10:07 AM
To: Hearing Examiner
Cc: Perez, Maria; Mendez, Adam; Noel Davies
Subject: [EXTERNAL] DCI2022-00019 / Resurgence Brewery & Rock Gym
Attachments: Zoning Matters.pdf

Importance: High

Dear Ms. Rivera:

As requested by your office, please see the attached letter listing the two requested modifications to the CONDITIONS of the STAFF REPORT for the above referenced case.

As stated in the letter, Mr. Mendez is in agreement with these changes.

Thank you for your consideration.



Ahmad Kareh, PE, MSCE
Senior Vice President | Regional Manager
t: 239.481.1331 m: 239.691.2500
a: 13041 McGregor Blvd., Fort Myers, FL 33919



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From: Perez, Maria <MPerez@leegov.com>
Sent: Thursday, January 26, 2023 2:34 PM
To: Ahmad Kareh <akareh@haleyward.com>; ghitters@burgwardt.com.ar; jeffware@resurgencebrewing.com; noel.davies@daviesduke.com; Mendez, Adam <AMendez@leegov.com>
Cc: Carpenter, Deborah <DCarpenter@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Pringing, Jamie <JPringing@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Boone, Tina <TBoone@leegov.com>; Schaefer, Lauren <LSchaefer@leegov.com>; Mendez, Adam <AMendez@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Adams, Joseph <JADAMS@leegov.com>; Jacob, Michael <MJacob@leegov.com>
Subject: DCI2022-00019 / Resurgence Brewery & Rock Gym

Good afternoon. Ms. Amanda L. Rivera will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard February 1, 2023.

I have attached instructions on how to submit 48-hour notice and the exhibit list. Please do not pre-label

your exhibits.

A court reporter will be present.

We have upgraded our equipment in our hearing room. I have attached the new project layout so PowerPoint Presentations may be prepared to fit the screen. Thank you.

MARIA D. PEREZ
ADMINISTRATIVE SPECIALIST SENIOR
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:
CES INC

January 30, 2023

VIA E-MAIL ONLY hex@leegov.com

Ms. Amanda L. Rivera, Hearing Examiner
Hearing Examiner's Office
Lee County
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Resurgence Brewery & Rock Gym
DCI2022-00019
Haley Ward Project Number 2011255.001(21-59)

Dear Ms. Rivera:

Per Ms. Donna Marie Collins, Chief Hearing Examiner's Memorandum dated January 29th, 2016, the applicant is requesting the following two (2) changes to the Staff Report:

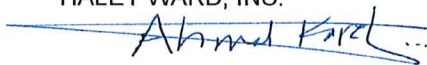
1. Page 3 of 3 of the Conditions: Condition b. of Deviation #1 to read "Offsite Sidewalks along Exchange Lane (Eliminate Molly Lane), which connects to".
2. Pages 2 & 3 of 3 of the Conditions: Bullet 5 of Condition (4).
 - Alcoholic beverages may not be consumed within areas solely dedicated to recreation activities (i.e. rock climbing), **except within** ~~Demarcated~~ seating and observation areas **provided the foregoing COP-related conditions are all met. may permit COP within the Rock Gym provided Appropriate signage shall be is** utilized to deter alcoholic beverage consumption **in the prohibited areas. and the balance of COP-related conditions are met.**

Mr. Mendez has been notified of these requested changes, and he agrees with these changes/modifications.

If you should have any questions regarding the above matter, please do not hesitate to call me.

Very truly yours,

HALEY WARD, INC.


Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
ARK/js

Ms. Amanda L. Rivera, Hearing Examiner | Zoning Matters | 01-30-2023 | 2011255.001(21-59)

13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM



Perez, Maria

From: Ahmad Kareh <akareh@haleyward.com>
Sent: Monday, January 30, 2023 10:02 AM
To: Hearing Examiner
Cc: Perez, Maria; Mendez, Adam; Noel Davies
Subject: [EXTERNAL] DCI2022-00019 / Resurgence Brewery & Rock Gym
Attachments: Exhibits List.pdf

Importance: High

Dear Ms. Rivera:

As requested by your office, please see the attached letter listing the Exhibits which will be utilized by our team during the upcoming hearing.

Thank you.



Ahmad Kareh, PE, MSCE
Senior Vice President | Regional Manager
t: 239.481.1331 m: 239.691.2500
a: 13041 McGregor Blvd., Fort Myers, FL 33919



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Cc: Carpenter, Deborah <DCarpenter@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Prining, Jamie <JPrining@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Boone, Tina <TBoone@leegov.com>; Schaefer, Lauren <LSchaefer@leegov.com>; Mendez, Adam <AMendez@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Adams, Joseph <JADAMS@leegov.com>; Jacob, Michael <MJacob@leegov.com>
Subject: DCI2022-00019 / Resurgence Brewery & Rock Gym

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I have attached instructions on how to submit 48-hour notice and the exhibit list. Please do not pre-label your exhibits.

A court reporter will be present.

We have upgraded our equipment in our hearing room. I have attached the new project layout so PowerPoint Presentations may be prepared to fit the screen. Thank you.

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ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:  CES INC

January 30, 2023

VIA E-MAIL ONLY hex@leegov.com

Ms. Amanda L. Rivera, Hearing Examiner
Hearing Examiner's Office
Lee County
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Resurgence Brewery & Rock Gym
DCI2022-00019
Haley Ward Project Number 2011255.001(21-59)

Dear Ms. Rivera:

Per Ms. Donna Marie Collins, Chief Hearing Examiner's Memorandum dated January 28th, 2016, the following is a list of the Exhibits that will be utilized during the upcoming hearing for the above referenced project:

1. Master Concept Plan.
2. Aerial & Proposed Overlay with Proposed Pedestrian Route.
3. Updated Conditions Page.

If you have any questions regarding this matter, please do not hesitate to call me.

Very truly yours,

HALEY WARD, INC.

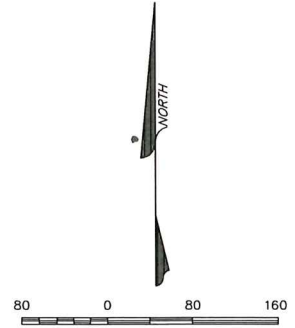
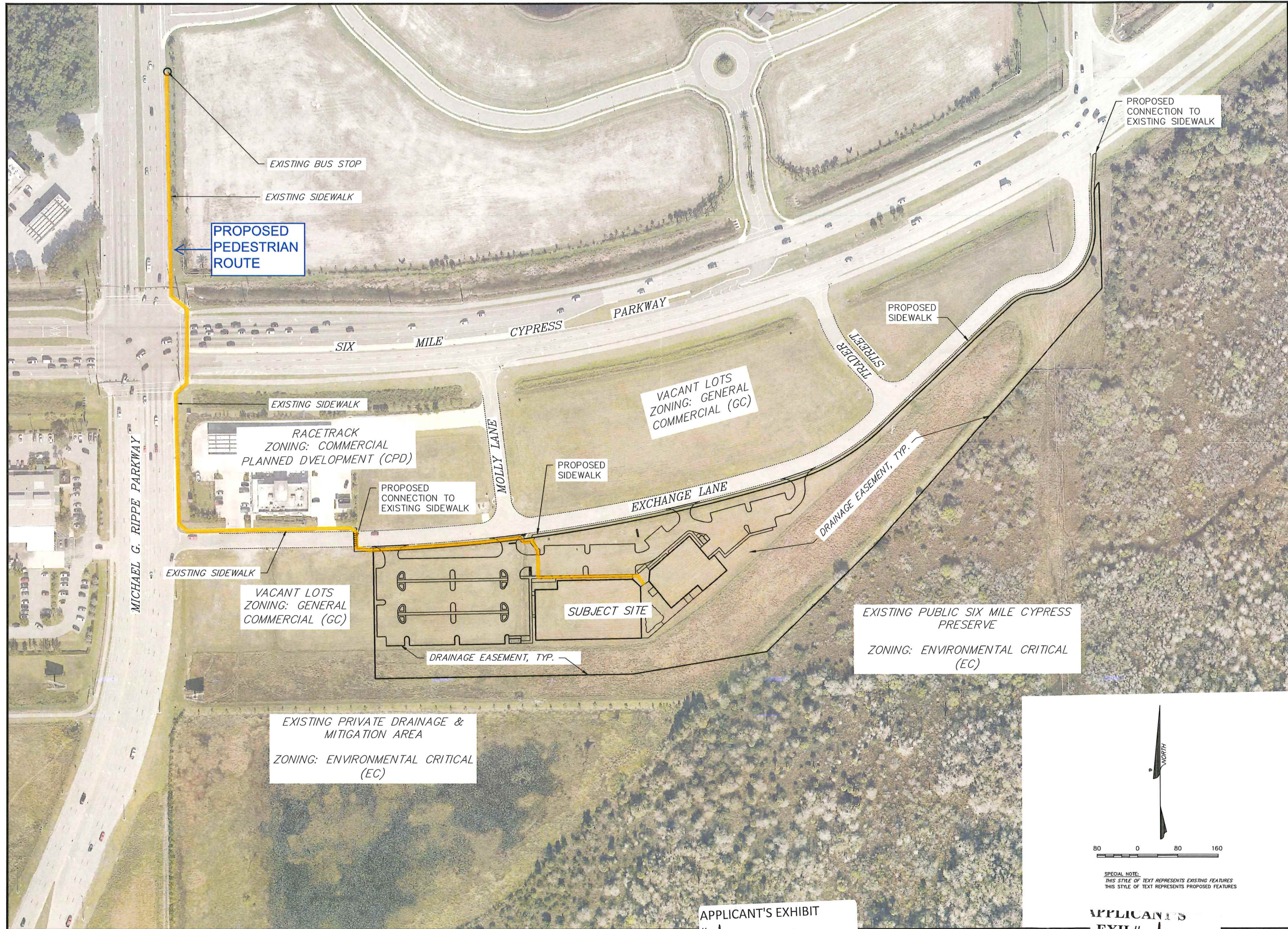


Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
ARK/js

Ms. Amanda L. Rivera, Hearing Examiner | List of Exhibits | 01.30.2023 | 2011255.001(21-59)

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SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

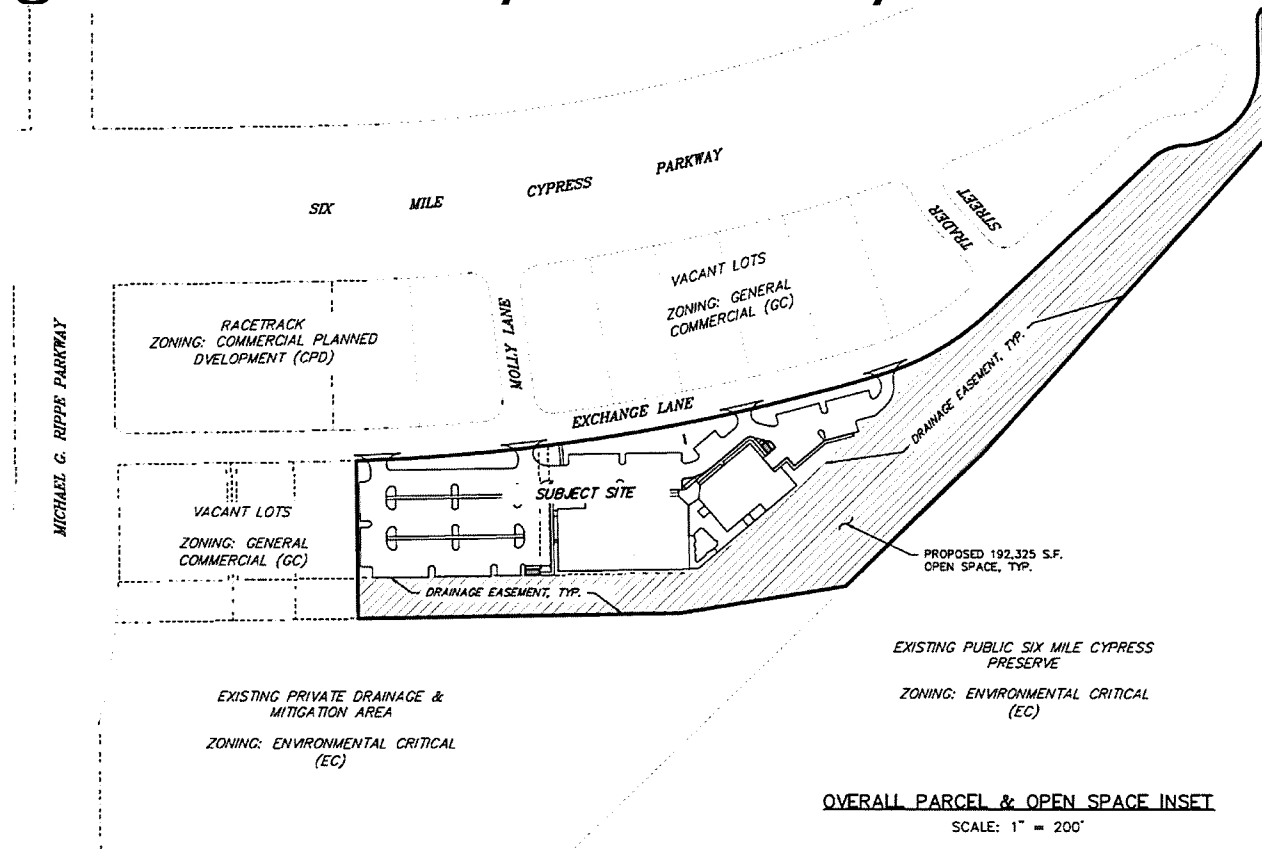
APPLICANT'S EXHIBIT
1

APPLICANT'S
EXH # 1
0612021-00019

 HALEY WARD, INC. ENGINEERING ENVIRONMENTAL SURVEYING WWW.HALEYWARD.COM PHONE: (239) 481-1331 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32664 & EB3267 DRAFTING BY: B.J. HOFLAND DESIGNED BY: B.J. HOFLAND APPROVED BY: A.R. KAREH PROJECT NO: 2011255.001(21-59) DATE: DECEMBER 05, 2022 SCALE: 1" = 80'	RESURGENCE BREWERY & ROCK GYM SITE ADDRESS: 6090-6150 EXCHANGE LANE FORT MYERS, FL 33912 SECTION 30, T 45S, R 25E, LEE COUNTY, FLORIDA	STATUS
	DATE: _____	FILE: 30-45-25
LOCATION: P:\F\2011255-KULBACKS_IN\001-6090-6150 EXCHANGE LN FM RESURGENCE BREWERY&GYM-ARK02-CAD_DRAWINGS\CIVIL\RESURGENCE_DO (2011255.001) 21-59.DWG(C-1 AER, plotted 23/01/26 2:21:51 PM, bholland		

RESURGENCE BREWERY & ROCK GYM
KULBACKS, INC. 3601 SENECA STREET, SUITE 100
WEST SENECA, NY 14224 | PHONE: (716)-913-5773
AHMAD R. KAREH, STATE OF FLORIDA,
PROFESSIONAL ENGINEER, LICENSE NO. 43324

Resurgence Brewery & Rock Gym

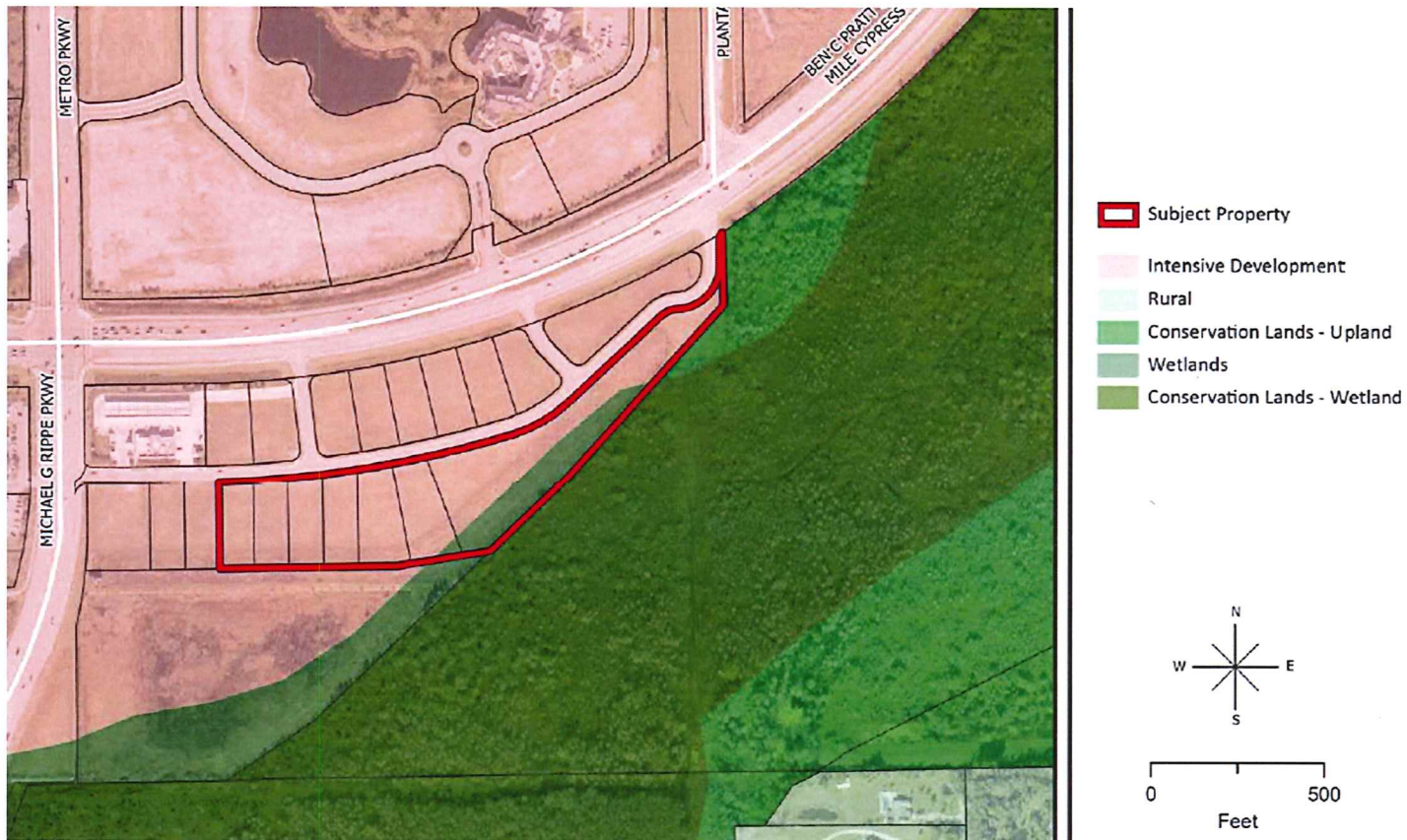


DCI2022-00019

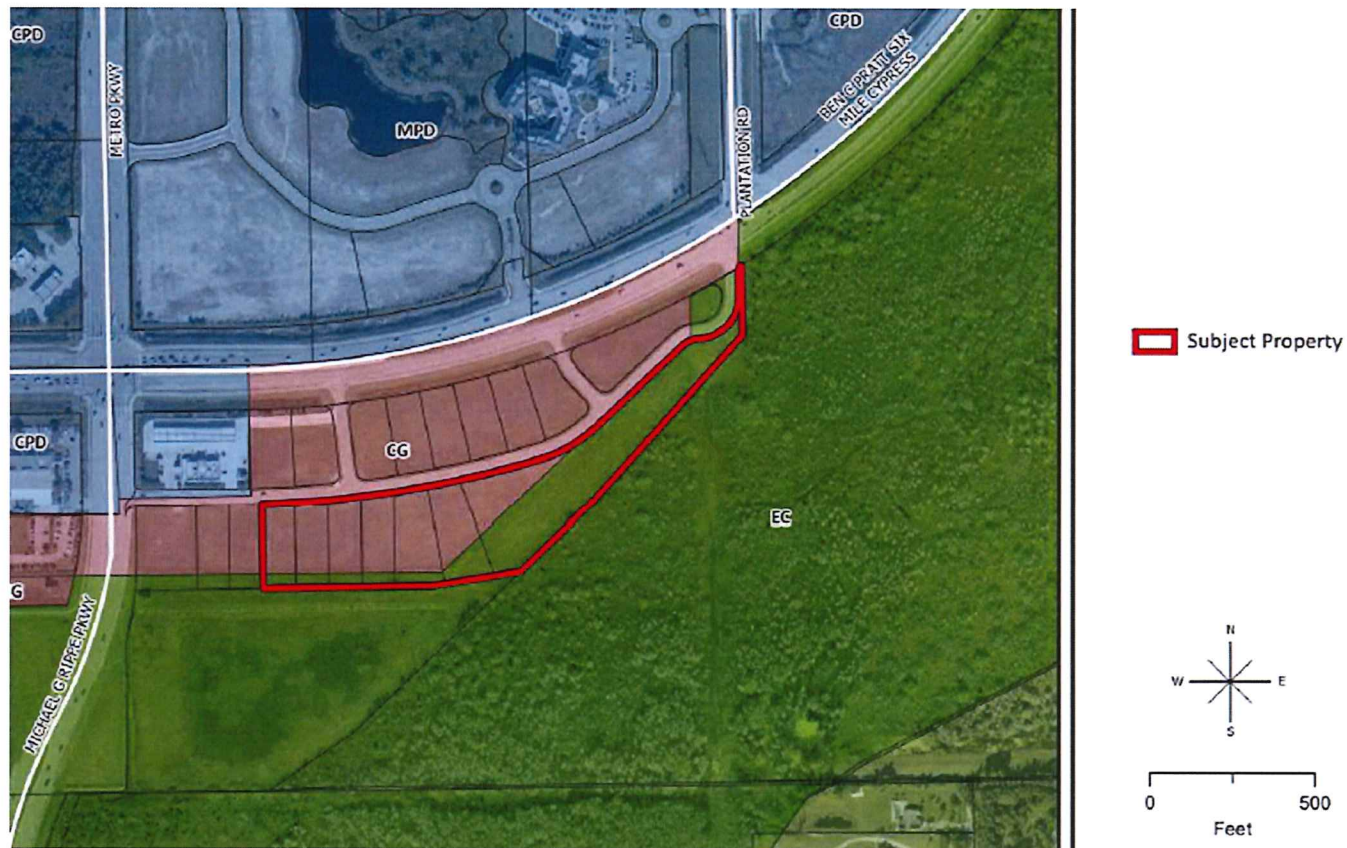
6090-6150 Exchange Lane

STAFF'S EXHIBIT #) 2
DCI 2022-00019

Future Land Use



Zoning

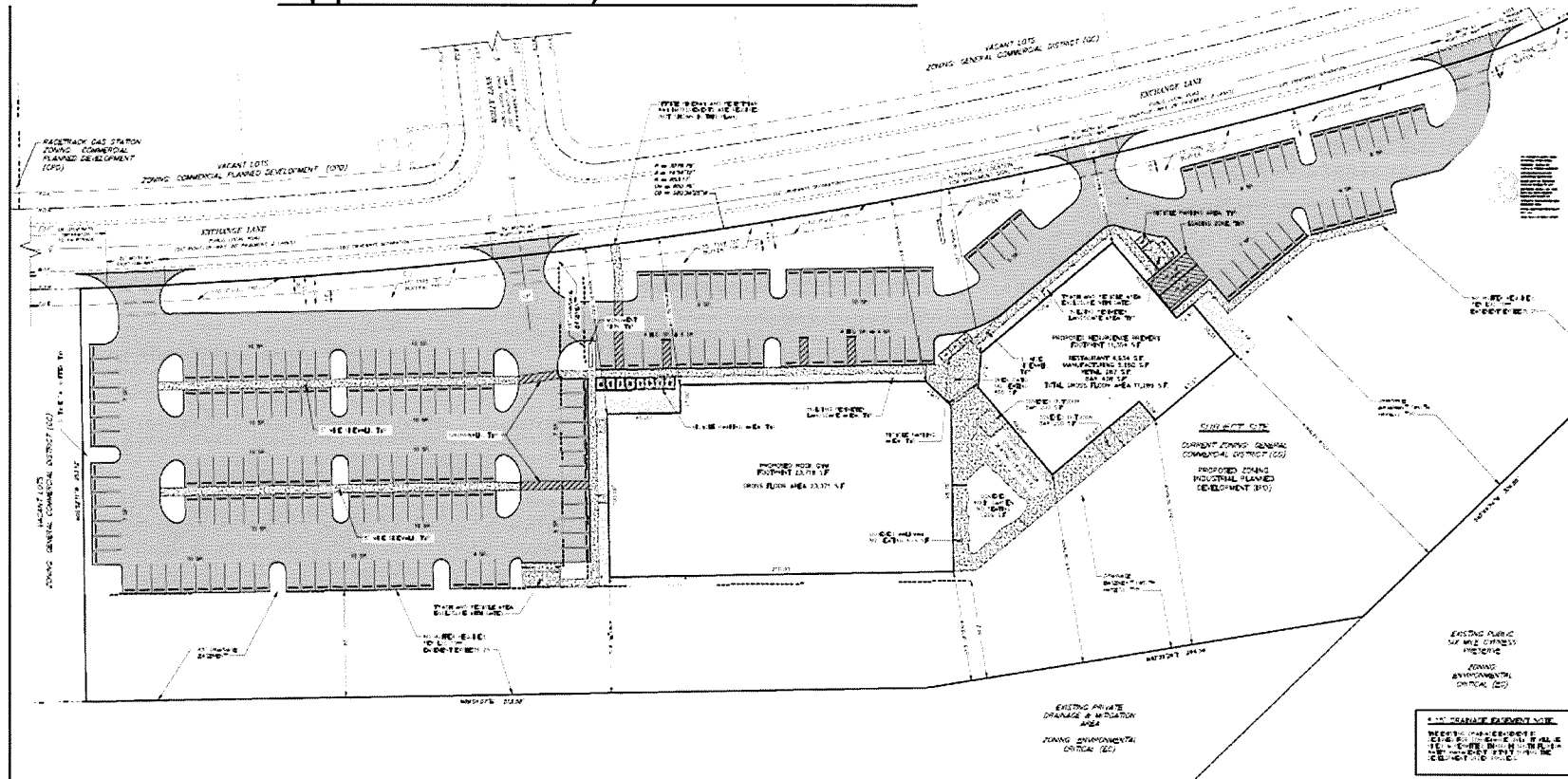


Surrounding Area

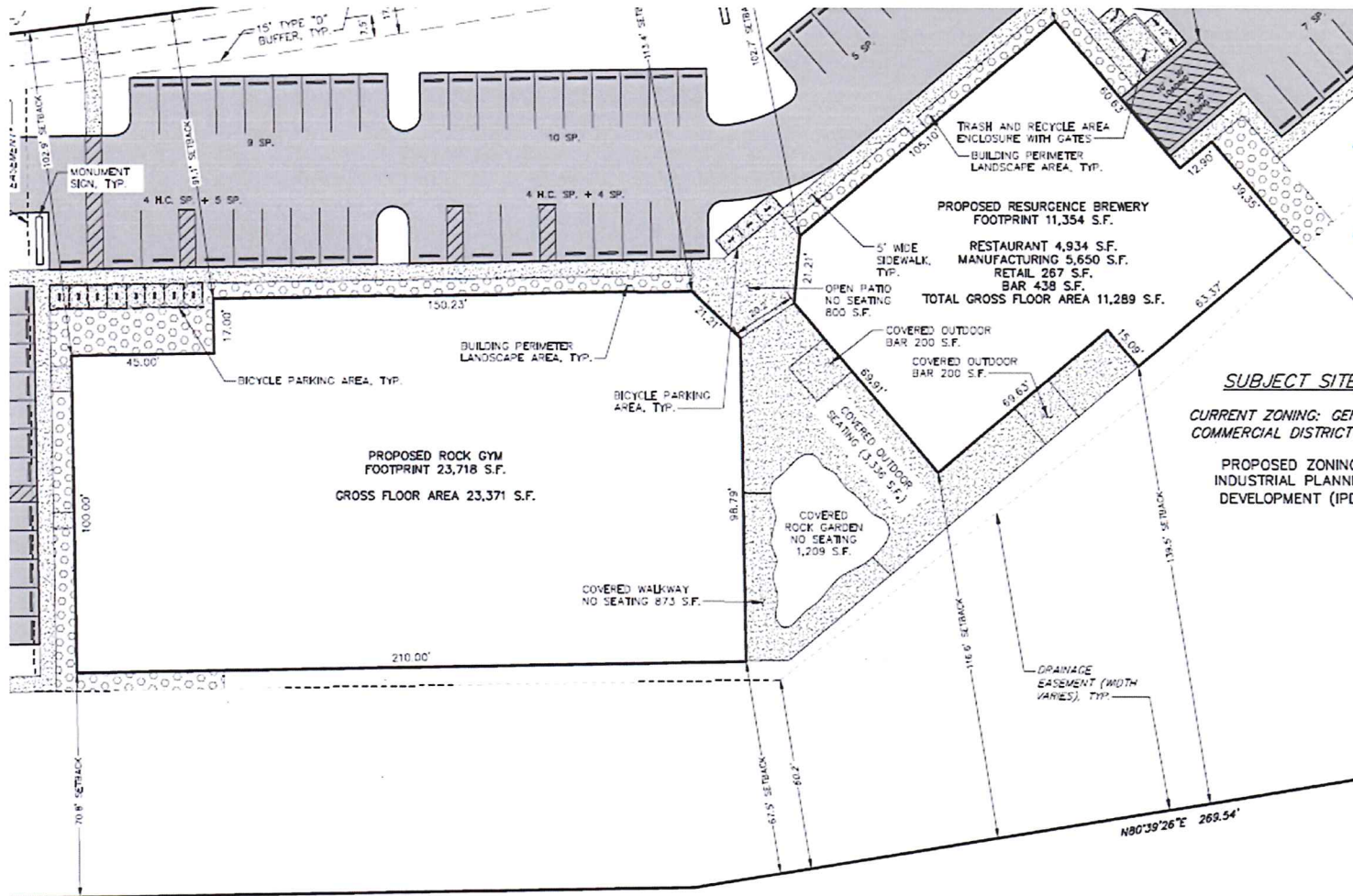


Approve as CPD, with conditions

Approve as CPD, with conditions



Recommended Conditions



- Open Space

- COP

- Manufacturing

- TIS

- Former EC District

SUBJECT SITE
CURRENT ZONING: GEN.
COMMERCIAL DISTRICT

PROPOSED ZONING:
INDUSTRIAL PLANNED
DEVELOPMENT (IPD)

Deviation

SCHEDULE OF DEVIATIONS:

1. THE APPLICANT IS REQUESTING A DEVIATION FROM SECTION 34-2020.(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES BY 5%. THE REDUCTION IS JUSTIFIED PER SECTION 34-2020.(c)(3) OF THE LEE COUNTY LAND DEVELOPMENT CODE.

• MCP – Attachment D

TOTAL CODE PARKING SPACES REQUIRED PER TABLE 34-2020.
PARKING DEVIATION REQUEST (5%)**

207.55 SP.
- 10.38 SP.

REQUIRED PARKING SPACES (CALCULATED)
REQUIRED PARKING SPACES
TOTAL PROVIDED

197.17 SP.
198 SP.
200 SP.

• Attachment F - Pg. 26

Applicant's 48-Hour Letter

RE: Resurgence Brewery & Rock Gym
DCI2022-00019
Haley Ward Project Number 2011255.001(21-59)

Dear Ms. Rivera:

Per Ms. Donna Marie Collins, Chief Hearing Examiner's Memorandum dated January 29th, 2016, the applicant is requesting the following two (2) changes to the Staff Report:

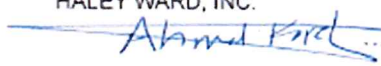
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Mr. Mendez has been notified of these requested changes, and he agrees with these changes/modifications.

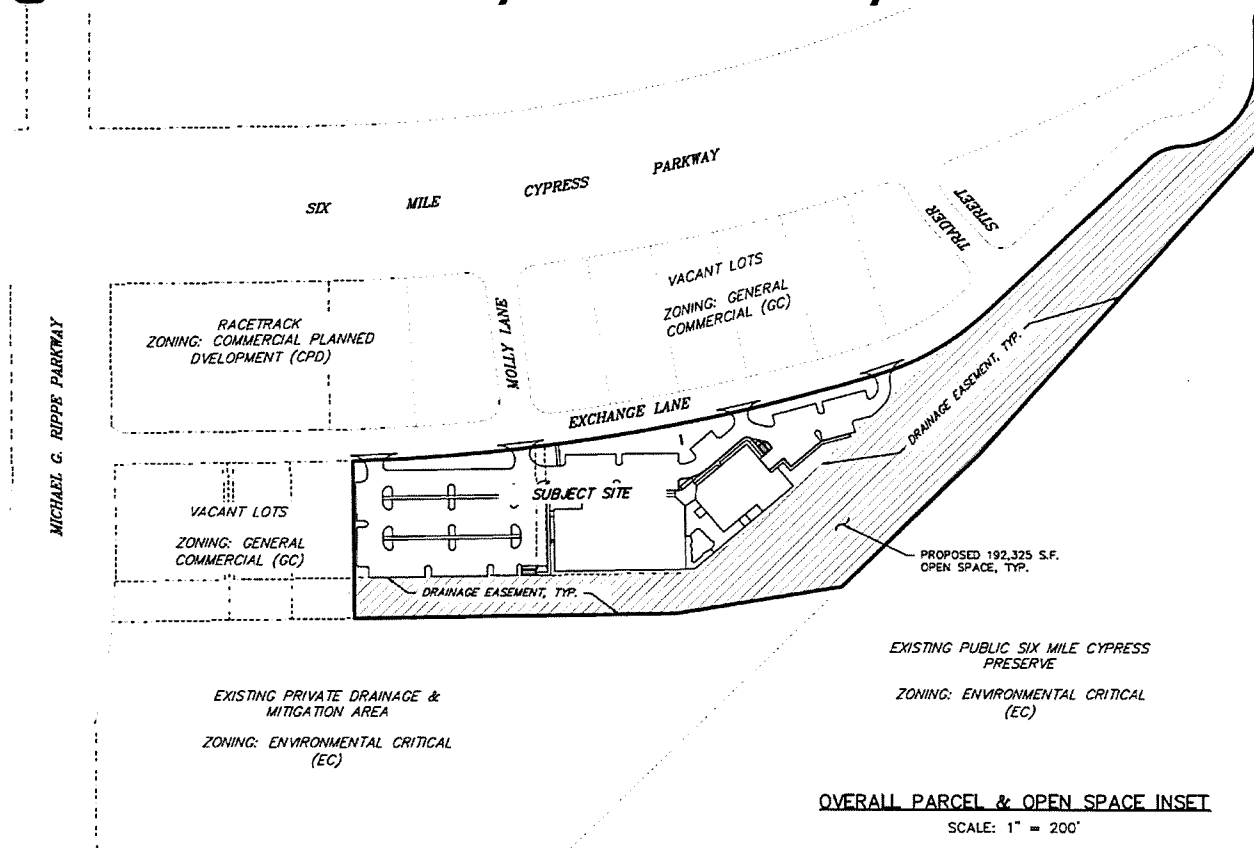
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Very truly yours,

HALEY WARD, INC.


Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
ARK/js

Resurgence Brewery & Rock Gym



DCI2022-00019

6090-6150 Exchange Lane

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

Case Number: DCI2022-00019

Case Name: Resurgence Brewery & Rock Gym

Area to be Rezoned: +/- 8.13 Acres

Case Type: Minor Planned Development Rezoning

Sufficiency Date: November 22, 2022

Hearing Date: February 1, 2023

REQUEST:

Haley Ward, Inc. c/o Ahmad R. Kareh, P.E., has filed an application to rezone approximately 8.13 acres from General Commercial (CG) and Environmentally Critical (EC) to Industrial Planned Development (IPD) permit a mixture uses including manufacturing of food and kindred products, a restaurant and bar, commercial recreation and other commercial services.

The subject property is located within the Lake at Metro subdivision, generally located at the intersection of Ben C Pratt/Six Mile Cypress Parkway and Metro/Michael G Rippe Parkway. The property is located in the South Fort Myers Planning District, Commissioner District #2. The applicant has indicated the property's address is 6090-6150 Exchange Lane. A legal description and boundary survey of the subject property are attached as Attachment B of this report.

SUMMARY:

Staff recommends the subject property be alternatively **APPROVED** as a **Commercial Planned Development (CPD) District**, with the conditions and deviations found in Attachment E of this report. The CPD District is most appropriate for the proposed mix of uses requested by the applicant as further detailed in this report.

HISTORY OF PARCEL:

The subject property's ±8.13 acres is split into two zoning districts, CG (±3.73 acres) and EC (±4.39 acres). Resolution Z-80-373, adopted in October of 1980, rezoned the subject CG portion of the property. Resolution ZAB-82-270 rezoned the EC portion of the subject property in August of 1982 (see Attachment K for Resolutions). The EC rezoning of the subject property (Preservation (PR) District, as converted to EC in 1986) was part of an overall 2,550-acre rezoning to preserve the Six Mile Cypress Slough. The site is an assemblage of platted lots (Lots 11 through 17) of Lakes at Metro subdivision, recorded with Lee County Instrument number 2016000225108 in October of 2016. The portion of the property, which is zoned EC is entirely within a drainage and utility easement serving the subdivision according to the boundary survey provided (see Attachment B). The site is vacant and there is no record of previous development activity.

Staff's Exhibit # 1

CHARACTER OF THE AREA:

The subject property is located in a heavily settled area of the county where three arterial roads intersect, Ben C Pratt/Six Mile Cypress Parkway, Metro Parkway and Michael G Rippe Parkway. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

Lands to the north of the subject property are located in the Intensive Development Future Land Use category and are zoned General Commercial (CG) and Commercial Planned Development (CPD). The CG areas are currently vacant and the CPD designation is developed with a RaceTrac convenience store with fuel pumps.

East

Land to the east of the subject property is the adjacent swath of the Six Mile Cypress Slough Preserve, zoned Environmentally Critical (EC) and located within the Conservation Wetlands and Uplands Future Land Use categories, respectively.

South

Land to the south is located in the Intensive Development and Wetlands Future Land Use categories and is zoned Environmentally Critical (EC). This parcel is currently under private ownership and is vacant.

West

Lands to the west of the subject property are located within the Intensive Development Future Land Use category and are zoned General Commercial (CG). These are adjacent platted parcels, which are also vacant within the Lakes at Metro subdivision.

Availability of Urban Services

Public Services are defined by the Lee Plan as *“the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a public water and sewer availability letter from Lee County Utilities. Potable water and wastewater utility lines are available in proximity of the subject property, with sufficient capacity available for the proposed development (see Attachment H).

Paved streets and roads: The subject property has ±1,700 feet of road frontage on Exchange Lane, a county-maintained local road, which provides immediate linkage to Ben C Pratt/Six Mile Cypress Parkway and Metro Parkway/Michael G Rippe Parkway, each of which are county-maintained arterial roads.

Public transit and pedestrian facilities: Pedestrian facilities including sidewalks are located these arterial segments as well as the north side of Exchange Lane adjacent to the RaceTrac gas station. The developer will be required to install and connect pedestrian facilities along the property's boundaries in conformance with LDC Section 10-256. The site is located serviced by Lee Tran Route 80 and is depicted on Lee Plan Map 3-D, Lee County Walkways & Bikeways with on-road bikeways, shared-use path and sidewalks within close proximity (see Attachment L).

Police, fire, and emergency services: The South Trail Fire and Rescue District Station #63 is located approximately ¾ mile from the subject property. The Lee County Sheriff's Office Central Substation is located approximately ½ mile from the subject property, and this station includes Lee County EMS Station #80.

ANALYSIS:

The impetus of this request is the desired mix of a restaurant/bar, commercial recreation and food and kindred product manufacturing (brewery component) to form a cohesive mixed-use project known as Resurgence Brewery. This particular mix of uses is only obtainable in a Mixed use Planned Development (MPD) District according to Table 34-934. The MPD District requires minimum qualifying thresholds, which the project does not meet with the intended floor areas allocations (see LDC Section 34-940). The Conventional industrial zoning districts Light Industrial (IL) and General Industrial (IG) permit both indoor and outdoor recreation and the sought after manufacturing uses but not the use of a standard restaurant. The nexus as to why the IPD District omits commercial recreation from obtainability is arguably a scrivener's error. This may be evidenced by the fact that several IPD approvals within the county include the permitted use of commercial recreation within their respective zoning resolutions. Detection of this inconsistency does not warrant those who administer the code the ability to override the current codification; therefore, a Land Development Code Amendment would be necessary to accommodate commercial recreation use in future IPD approvals. Fortunately, in evaluation of the applicant's use objectives, staff identifies rezoning to the Commercial Planned Development (CPD) District a viable solution given the codified exception to uses listed in Table 34-934, as outlined in LDC Section 34-938(b) below:

Industrial uses not listed in section 34-934 as permitted uses in the commercial planned development (CPD) zoning district may be permitted by the Board of County Commissioners as part of an approved CPD provided the floor area of the unlisted uses does not exceed 50,000 square feet of floor area or the aggregate floor area of the other uses on the approved schedule of uses, whichever is less.

Staff recommends including the unlisted use of Food and Kindred Product Manufacturing, Group II, to the proposed schedule of uses, with a corresponding condition that ensures the floor area specifications listed in the above regulation are met. It should be noted that manufacturing of Food and Kindred Products, Group III, is currently listed as obtainable in the CPD District, as well as requested Manufacturing of Novelty, Jewelry, Toys and Signs. As currently proposed, the floor area allocations on the MCP are consistent with the above-referenced regulation. Use of a CPD District would also provide a solution for the use of Cultural Facilities and Personal Services Group II, as desired in the applicant's schedule of uses, as these uses are not listed as obtainable uses within the IPD District (see Attachment F). Furthermore,

the purpose and intent statement for the IPD District states, “*the principal use of any industrial planned development is the manufacture of goods and materials, and the storage and wholesale distribution of such goods and materials.*” The master concept plan demonstrates the majority floor area dedicated to commercial uses, including restaurant, bar and commercial recreation. LDC Section 34-938(a)(1) applies in general to all industrial uses in CPD Districts, and limits the steps or degree of processing that can take place. The project will be subject to this general provision and its implementation at time of development order and building permit review similar to all other industrial uses that are permitted in CPD Districts. Recommended Condition (5) of Attachment E pertains to the maximum scale and operational characteristic of the unlisted use.

For these reasons, staff recommends approval of a CPD District in lieu of an IPD District.

Property Development Regulations & Off-Street Parking

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (see Attachment F). Staff finds the proposed property development appropriate as depicted in detail on the MCP. Sufficient off-street parking spaces is demonstrated in accordance with LDC Section 34-2020(b), as exhibited in Attachment F (see Parking Calculations, P. 26), with the following companion deviation.

Proposed Deviations

Deviation means a departure from a specific regulation of LDC Chapter 34, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant proposes a schedule containing one deviations from the LDC with a corresponding justification (see Attachment F).

Deviation #1:

Seeks relief from LDC §34-2020(b) minimum required off-street parking for non-residential uses, to allow a five percent reduction in the total required parking. The applicant justifies the deviation meets the threshold for an administrative reduction based on the project’s proximity to multimodal transportation listed in LDC §34-2020(c). Staff recommends **APPROVAL** of the deviation subject to the conditions contained in Attachment E.

Review Criteria

LDC Section 34-145 establishes the review criteria for 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 applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured by the established criteria.

a) Compliance with the Lee Plan

The subject property is located in the South Fort Myers Planning District and Intensive Development Future Land Use category. **Policy 1.1.2** of the Lee Plan establishes that *"By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate."* As proposed, the applicant seeks a mixture of commercial and industrial land uses within an appropriate area, contextually, which demonstrates compliance with this policy. Therefore, as conditioned, staff finds the request **CONSISTENT with Policy 1.1.2**.

As described in **Lee Plan Policy 1.6.5**, the Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of

generalized land uses for the year 2045. The Lee Plan currently allocates sufficient commercial and industrial acreages within the South Fort Myers Planning District to accommodate the project acreage. This finding is not a guarantee that there will be sufficient allocations for commercial development in the future, further determinations will be made at time of local development order review. Therefore, the request is **CONSISTENT with Policy 1.6.5**.

Lee Plan Objective 2.1 and Policy 2.1.1 promote contiguous and compact growth patterns within designated future urban areas to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. **Lee Plan Objective 2.2 and Policy 2.2.1** seek to direct new growth to portions of future urban areas where adequate public facilities and services exist, where compact and contiguous development patterns can be created, and where compatibility with surrounding land uses is assured. The subject property is located within a designated future urban area that is adequately served by existing road and utility infrastructure. The subject property and subdivision at large is an infill area within a heavily settled area of the county. The property will be served by Lee County Utilities for both potable water and wastewater consistent with **Lee Plan Standards 4.1.1 and 4.1.2**. The subject property will be provided with police, fire protection and emergency services. Staff finds that the request is **CONSISTENT with Objectives 2.1 and 2.2, Policies 2.1.1, and 2.2.1, and Standards 4.1.1 and 4.1.2 of the Lee Plan**.

Goal 6 promotes orderly and well-planned commercial development at appropriate locations in the county. **Policy 6.1.1** requires development approvals for commercial land uses to be consistent with various policies, including traffic and access impacts, screening and buffering, adequacy of urban services, compatibility with surrounding land uses, proximity to other similar centers and environmental considerations. **Policy 6.1.4** states that *“commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.”* As detailed in this report, the request is compatible with surrounding land uses and urban services are available to serve the proposed development. **Policies 6.1.5 through 6.1.11** address traffic, buffering, architecture and open space, prohibiting premature scattered development, school safety, commercial entitlements, redevelopment incentives and revitalization directives. As further expanded in the criteria analysis below, Staff finds that the request is **CONSISTENT with Goal 6**.

Goal 7 intends to promote orderly well-planned industrial development within appropriate locations in the county. **Lee Plan Policy 7.1.1** requires certain review criteria apply to all industrial rezoning and development order requests, which is effectuated by the LDC and other applicable regulations. These review items include environmental/pollution consideration, compatibility with residential areas and buffering, water quality and drainage, employment characteristics, access and impacts to transportation facilities, utility needs and sewage collection. The subject property proposes a limited schedule of industrial uses, which will not create an adverse impact on the surrounding environs. The rezoning-related factors are considered as part of the analysis contained herein. Staff finds that the request is **CONSISTENT with Policy 7.1.1**.

Lee Plan Policies 7.1.3 and 7.1.5 require industrial land uses to be located in areas appropriate to their needs and constraints and require the timing and location of industrial development to be

permitted only with the availability and adequacy of existing or planned services and facilities. The location and timing elements for consideration are evidenced by the existing services and facilities previously detailed in this report. The request is **CONSISTENT** with Lee Plan Policies **7.1.3** and **7.1.5**, and in cumulative, **Goal 7** of the Lee Plan.

Mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities are encouraged by **Goal 11** in order to provide:

- diversified land development;
- a variety of housing types;
- greater connectivity between housing; and
- workplaces, retail businesses, and other destinations;
- reduced trip lengths, more transportation options and pedestrian and bicycle-friendly environments.

The project facilitates a mixed-use development scheme that aligns with this goal. Staff finds the request to be **CONSISTENT** with **Goal 11**.

Land Development Code Compliance

Staff finds the proposed planned development rezoning, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically departed from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

b) Compatibility with existing and planned uses in the surrounding area

Staff finds the subject request to be compatible with existing and planned uses given the relative lack of conflict due to the ample distance between residential land uses and significantly less intense nonresidential uses in the surrounding area. The subdivision in which the subject property is located is encompassed by the Six Mile Cypress Slough Preserve and an Arterial Road network.

c) Sufficiency of Access and Transportation Impacts

The applicant has demonstrated sufficient access to the property via Exchange Lane. The applicant has also provided a traffic impact statement (TIS) concerning trip generation expected

by the project (see Attachment I) acceptable to Development Services staff. Development Services has issued a memorandum concerning the project's transportation impacts (see Attachment J). In summary, Ben C Pratt/Six Mile Cypress Parkway will operate at a Level of Service (LOS) B with the project, which is a sufficient LOS according to the Lee Plan. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with existing county regulations.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

The site has been previously disturbed and mitigated. The project does not propose adverse impacts to environmentally critical or sensitive areas and natural resources, therefore the applicant obtained and approved submittal waiver (see Attachment G). The Environmental Staff Report is also attached as Attachment G of this report.

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the requested rezoning. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

- 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 the deviation, as conditioned:
 - 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.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The recommended

CPD rezoning is consistent with the Intensive Development Future Land Use category and the applicable goals, objectives and policies of the Lee Plan, and achieves the use objectives sought by the applicant.

The request, as conditioned, is appropriate in the context of its surroundings and conversion of the EC-portion of the property will not change the underlying purpose of the property, as conditioned.

Staff recommends **APPROVAL** of the request to rezone the subject property from CG, and EC to **CPD** with the conditions attached as Attachment E of this report.

ATTACHEMENTS:

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations, Conditions and Deviations
- F. Applicant's
 - Project Narrative
 - Schedule of Uses
 - Property Development Regulations
 - Schedule of Deviations
 - Parking Calculations
 - Stormwater Narrative
- G. Environmental Sciences Staff Report
 - SFWMD Permit: 36-02664-S
 - GEN2022-00186
 - Open Space Table
- H. Utility Availability Letter
- I. Applicant's Transportation Impact Statement (TIS)
- J. Development Services Transportation Memorandum
- K. Prior Zoning Resolutions
- L. Lee Plan Map 3-D, Annotated

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

Case Number: DCI2022-00019

Project Name: Resurgence Brewery & Rock Gym

Hearing Examiner Date: February 1, 2023

Adam Mendez, Planner, Senior, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning. Current resume is on file with the Hearing Examiner.
- 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.

Camryn Siverson, 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, the Lee Plan, zoning, environmental 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, Planner, Principal, 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, the Lee Plan, zoning, environmental 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.

Dirk Danley, AICP, Planner, Principal, 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, 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.

Anthony R. Rodriguez, AICP, Zoning Manager, 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, 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.

Marcus Evans P.E., 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.

Brian Roberts P.E., Plan Reviewer, 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 the Lee County Land Development Code, Lee Plan, zoning, civil engineering and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.



ATTACHMENT B

HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:  CES INC

Description of a Parcel of Land
Lying in
Section 30, Township 45 South, Range 25 East
(Lots 11 through 17, Lake at Metro Subdivision)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 30, Township 45 South, Range 25 East, being Lots 11 through 17, Lake at Metro a subdivision as shown in the plat thereof recorded in instrument number 2016000225108 and further described as follows:

Commencing at the northwest corner of Lot 18 of said subdivision; thence N89°07'49"E along the south line of Exchange Lane, a 50 foot public right-of-way as described in Official Record Book 2730 at page 768 and the north line of said Lot 18 for 36.93 feet to the beginning of a curve concave to the northwest having a radius of 3278.79 feet; thence northeasterly along the arc of said curve to the left and the southerly line of said Exchange Lane and the north line of said Lot 18 through a central angle of 01°06'08" for 63.08 feet to the northwest corner of Lot 17 and the Point of Beginning; thence continue along said curve and along the south line of said Exchange Lane and along the northerly line of Lots 17, 16, 15, 14, 13, 12, and 11 of said subdivision through a central angle of 14°54'32" for 853.17 feet to a point of compound curve concave to the northwest having a radius of 445.00 feet; thence northeasterly along the arc of said curve and the southeasterly line of said Exchange Lane and the northerly line of said lot 11 through a central angle of 26°37'09" for 206.74 feet to a point of tangency; thence N46°30'00"E along the southeasterly line of said Exchange Lane and along the northwesterly line of said Lot 11 for 353.13 feet to the beginning of a curve concave to the southeast having a radius of 80.79 feet; thence northeasterly along the arc of said curve and the southeasterly line of said Exchange Lane and the northwesterly line of said Lot 11 through a central angle of 40°30'59" for 57.13 feet to a point of reverse curve concave to the northwest having a radius of 125.79 feet; thence northeasterly and northerly along the arc of said curve and the southeasterly line of said Exchange Lane and the northwesterly line of said Lot 11 through a central angle of 88°11'05" for 193.61 feet to a point of tangency; thence N01°10'06"W along the easterly line of said Exchange Lane for 70.55 feet to the beginning of a curve concave to the southeast having a radius of 30.00 feet; thence northeasterly along the arc of said curve and the easterly line of said Exchange Lane and the westerly line of said Lot 11 through a central angle of 48°11'23" for 25.23 feet
Continued...

Sheet 1 of 3





Description of a Parcel of Land
Lying in
Section 30, Township 45 South, Range 25 East
Six Mile Cypress Subdivision
(Lots 11 through 17, Lake at Metro Subdivision)

Continued...

to the northeasterly corner of said Lot 11 and a point on the southeasterly right-of-way of Six Mile Parkway (250 feet wide), said point also being on the east line of the Southwest One Quarter (SW 1/4) of said Section 30; thence S01°10'06"E along the east line of said Lot 11 and the east line of the Southwest One Quarter (SW 1/4) of said Section 30 for 210.27 feet to the easterly most corner of said Lot 11; thence S41°49'54"W along said the southeasterly line of said Lot 11 for 680.01 feet; thence S45°49'54"W along said southeasterly line for 304.89 feet to the south corner of said Lot 11; thence S80°39'26"W along the south line of said Lots 11, 12 and 13 for 269.54 feet; thence S89°01'07"W along the south line of said lots 13, 14, 15, 16 and 17 for 513.58 feet to the southwesterly corner of said Lot 17; thence N00°52'11"W along the west line of said Lot 17 for 253.12 feet to the Point of Beginning.

Parcel contains 8.13 acres (353,984 square feet) more or less.

Bearings are based on the record plat of Lake at Metro with the southeasterly line of Lot 11 as bearing S41°49'54"W.

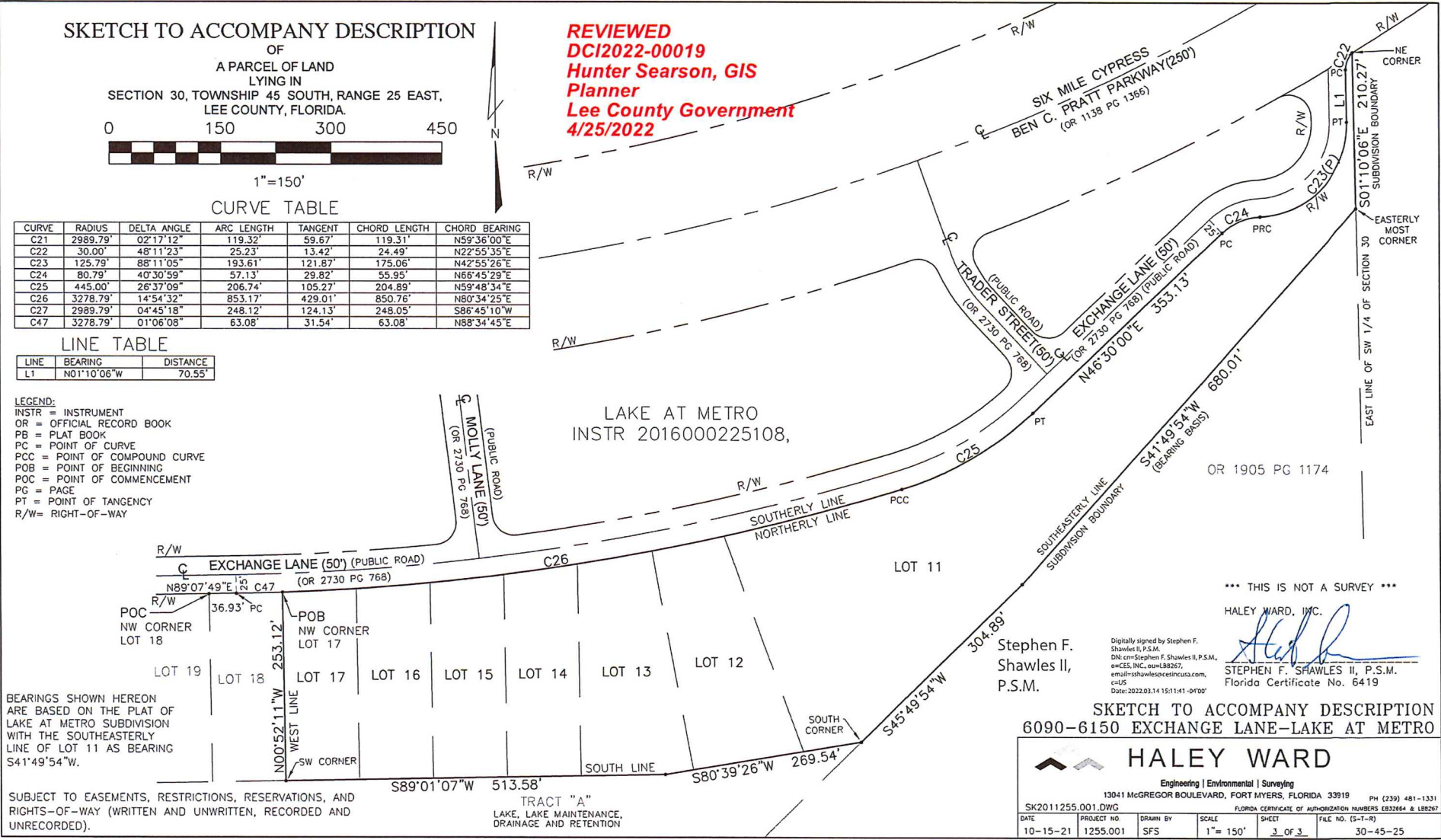
REVIEWED
DCI2022-00019
Hunter Searson, GIS
Planner
Lee County Government
4/25/2022

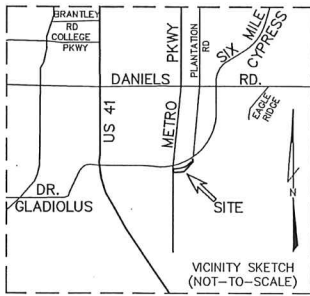
Stephen F.
Shawles II,
P.S.M.

Digitally signed by Stephen F.
Shawles II, P.S.M.
DN: cn=Stephen F. Shawles II,
P.S.M., o=CES, INC., ou=LB8267,
email=sshawles@cesincusa.com,
c=US
Date: 2022.03.14 15:10:00 -04'00'

Haley Ward, Inc. (LB8267)

Stephen F. Shawles II, P.S.M. 6419
Professional Surveyor and Mapper
State of Florida





NOTES CORRESPONDING TO AN OPINION OF TITLE, PREPARED BY NOEL J. DAVIES, ESQ. OF DAVIES/DUKE, WITH AN EFFECTIVE DATE OF MARCH 11TH, 2022.

LEE COUNTY ORDINANCE NO. 86-14 RECORDED NOVEMBER 30, 1990, IN O.R. BOOK 2189, PAGE 3281; AND AMENDED BY ORDINANCE NO. 86-38 IN O.R. BOOK 2189, PAGE 3334, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

NOTICE OF DEVELOPMENT ORDER APPROVAL RECORDED IN INSTRUMENT NUMBER 2008000259578, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

ALL MATTERS CONTAINED ON THE PLAT OF LAKE AT METRO, AS RECORDED IN INSTRUMENT NUMBER 2016000225108, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKE AT METRO RECORDED IN INSTRUMENT NUMBER 2016000225108, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

SURVEY NOTES:

SURVEY BASED ON AN OPINION OF TITLE PREPARED BY NOEL J. DAVIES, ESQ. OF DAVIES/DUKE, WITH AN EFFECTIVE DATE OF MARCH 11TH, 2022, THE RECORD PLAT OF LAKE AT METRO AND FOUND MONUMENTATION.

BEARINGS SHOWN HEREON ARE BASED ON SAID RECORD PLAT WITH THE SOUTHEASTERLY LINE OF LOT 11 AS BEARING S41°49'54"W.

CO-ORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE CO-ORDINATE SYSTEM FLORIDA WEST ZONE NAD 1983/2011 ADJUSTMENT HOLDING CONTROL POINT DG4691 AT PAGE FIELD.

ELEVATIONS SHOWN HEREON BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND NGS BENCHMARK H-240.

DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

THIS PARCEL LIES IN FLOOD ZONE AE WITH BASE FLOOD ELEVATION OF 13.6', PER FLOOD INSURANCE RATE MAP NUMBER 12071004386, PANEL DATE 12-07-18, INDEX DATE BEING 12-07-18 (COMMUNITY NAME: LEE COUNTY AND COMMUNITY NUMBER 125124). FEMA IS IN THE PROCESS OF MODIFYING THE FLOOD MAPS FOR THIS COUNTY AT THE TIME OF THIS SURVEY. FLOOD ZONES AND BASE FLOOD ELEVATIONS ARE SUBJECT TO CHANGE.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH YELLOW CAP BEARING CORPORATION NO. LB8267.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED. IRRIGATION LINES ARE NOT LOCATED.

WETLANDS, IF ANY, WERE NOT LOCATED. THIS SURVEY DOES NOT REFLECT ANY ENVIRONMENTAL MATTERS. TREES ARE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY. THE DECLARATION OF CONDOMINIUM OR MATTERS REGARDING THE CONDOMINIUM WERE NOT REVIEWED.

SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:15,000).

PARCEL CONTAINS 8.13 ACRES (353,984 SQUARE FEET), MORE OR LESS.

DATE OF LAST FIELD WORK: 11-03-2021.

LOT 11 ADDRESS: 6150 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0110

LOT 12 ADDRESS: 6140 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0120

LOT 13 ADDRESS: 6130 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0130

LOT 14 ADDRESS: 6120 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0140

LOT 15 ADDRESS: 6110 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0150

LOT 16 ADDRESS: 6100 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0160

LOT 17 ADDRESS: 6090 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0170

SURVEY PLAT

OF
A PARCEL OF LAND
LYING IN
SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DESCRIPTION AS SHOWN IN TITLE COMMITMENT:

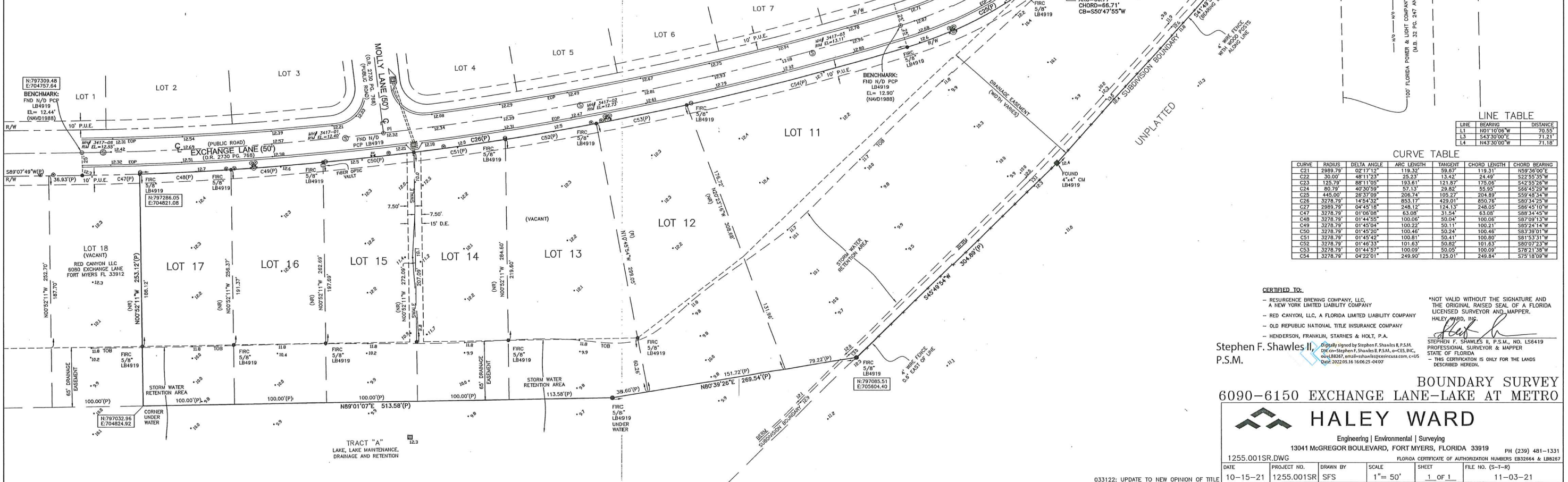
LOTS 11, 12, 13, 14, 15, 16 AND 17, LAKE AT METRO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2016000225108, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGEND

(C) = CALCULATED
(D) = DEED
(F) = CALCULATED FROM FIELD MEASUREMENTS
(M) = MEASURED
(NR) = NON RADIAL
(P) = PLAT
(R) = RADIAL
BLD = BUILDING
BM = BENCH MARK
CB = CHORD BEARING
CBS = CONCRETE BLOCK STRUCTURE
CG = CURB AND GUTTER
CLF = CHAINLINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
COR = CORNER
CPP = CORRUGATED PLASTIC PIPE
DE = DRAINAGE EASEMENT
DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION
D/H = DRILL HOLE
ELEV = ELEVATION
EOD = EDGE OF GRAVEL
EOP = EDGE OF PAVEMENT
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE
FCM = FOUND CONCRETE MONUMENT
FTE = FINISHED FLOOR ELEVATION
FIRC = FOUND IRON ROD WITH CAP
FND = FOUND
FT = FENCE TIE
GR = GUARD RAIL
IE = INVERT ELEVATION
IR = IRON ROD
IRC = IRON ROD & CAP
INSTR = INSTRUMENT NUMBER
MHW = MEAN HIGH WATER LINE
N/D = N/A
NAVOD = NORTH AMERICAN VERTICAL DATUM
OR = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PAGE = PAGE
PI = POINT OF INTERSECTION
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PT = POINT OF TANGENCY
PU = PUBLIC UTILITY EASEMENT
PRM = PERMANENT REFERENCE MONUMENT
PVC = POLYVINYL CHLORIDE FENCE
R/W = RIGHT-OF-WAY
TOB = TOP OF BANK
TOE = TOP OF EASEMENT
UG = UTILITY EASEMENT
VG = VALLEY GUTTER

SYMBOLS

○ = TELEPHONE RISER
○ = WOOD POWER POLE
○/H = OVER HEAD LINES
III = CATCH BASIN
W = WATER VALVE
W = WATER METER
G = GUY WIRE
S = SANITARY SEWER CLEANOUT
S = SIGN
B = BOLLARD
E = EXISTING ELEVATION
C = CONCRETE PAD
E = ELECTRIC BOX
E = ELECTRIC METER
E = CABLE TELEVISION BOX
F = FIRE HYDRANT
C = CONCRETE POWER POLE
T = TRAFFIC SIGNAL BOX
T = TITLE EXCEPTION NUMBER
S = STORM SEWER MANHOLE
W = WOOD POLE WITH POWER METER
T = TRAFFIC SIGNAL POLE
G = GAS VALVE
U = UNDERGROUND CABLE MARKER
P = PARKING BUMPER
I = INDICATES TRAFFIC FLOW DIRECTION
S = SEWER VALVE
M = MAIL BOX
I = IRRIGATION VALVE
W = WELL
E = MITERED END SECTION
B = BOLLARD



LINE TABLE			
LINE	BEARING	DISTANCE	
L1	N01°10'08"W	70.55'	
L3	S43°30'00"E	71.21'	
L4	N43°30'00"W	71.18'	

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C21	2989.79'	02°17'12"	119.32'	59.67'	119.31'	N59°36'00"E
C22	30.00'	48°11'23"	25.23'	13.42'	24.49'	S22°55'35"W
C23	125.79'	88°11'05"	193.61'	121.87'	175.05'	S42°35'25"W
C24	60.30'	40°30'59"	57.13'	28.82'	58.95'	S68°43'25"W
C25	445.00'	26°37'09"	206.74'	105.27'	204.89'	S59°48'34"W
C26	3276.79'	14°54'32"	853.17'	429.01'	850.76'	S60°34'25"W
C27	2989.79'	04°45'18"	248.12'	124.13'	248.05'	S88°45'10"W
C47	3276.79'	01°06'08"	63.08'	31.54'	63.05'	S88°34'45"W
C48	3276.79'	01°44'55"	100.06'	50.04'	100.05'	S87°09'13"W
C49	3276.79'	01°45'04"	100.22'	50.11'	100.21'	S87°24'14"W
C50	3276.79'	01°45'20"	100.46'	50.24'	100.46'	S87°39'01"W
C51	3276.79'	01°45'42"	100.81'	50.41'	100.80'	S87°53'31"W
C52	3276.79'	01°46'33"	101.63'	50.82'	101.63'	S88°07'23"W
C53	3276.79'	01°44'57"	100.09'	50.05'	100.09'	S78°21'38"W
C54	3276.79'	04°22'01"	249.90'	125.01'	249.84'	S75°18'09"W

CERTIFIED TO:

- RESURANCE BREWERY COMPANY, LLC,
A NEW YORK LIMITED LIABILITY COMPANY
- RED CANYON, LLC, A FLORIDA LIMITED LIABILITY COMPANY
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
- HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

Stephen F. Shawles II,
P.S.M.

*NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
HALEY WARD, INC.

STEPHEN F. SHAWLES II, P.S.M., NO. LS6419
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
- THIS CERTIFICATION IS ONLY FOR THE LANDS
DESCRIBED HEREON.

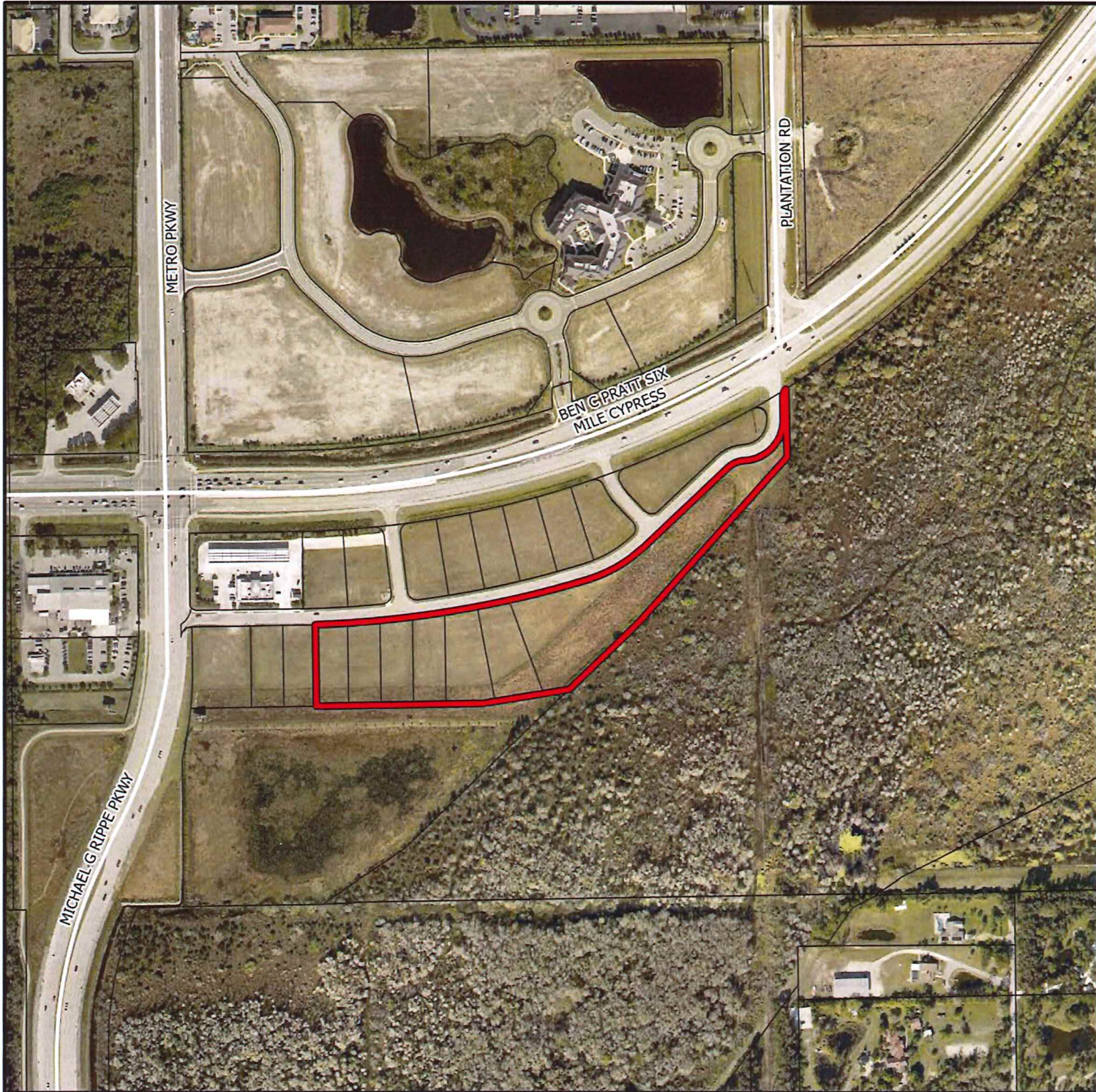
BOUNDARY SURVEY
6090-6150 EXCHANGE LANE-LAKE AT METRO

HALEY WARD

Engineering | Environmental | Surveying
13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331
1255.001SR.DWG FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB3264 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
10-15-21	1255.001SR	SFS	1" = 50'	1 OF 1	11-03-21

033122: UPDATE TO NEW OPINION OF TITLE

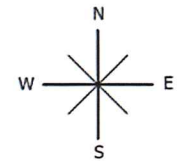


DCI2022-00019

Aerial

ATTACHMENT C

 Subject Property



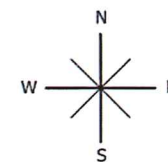
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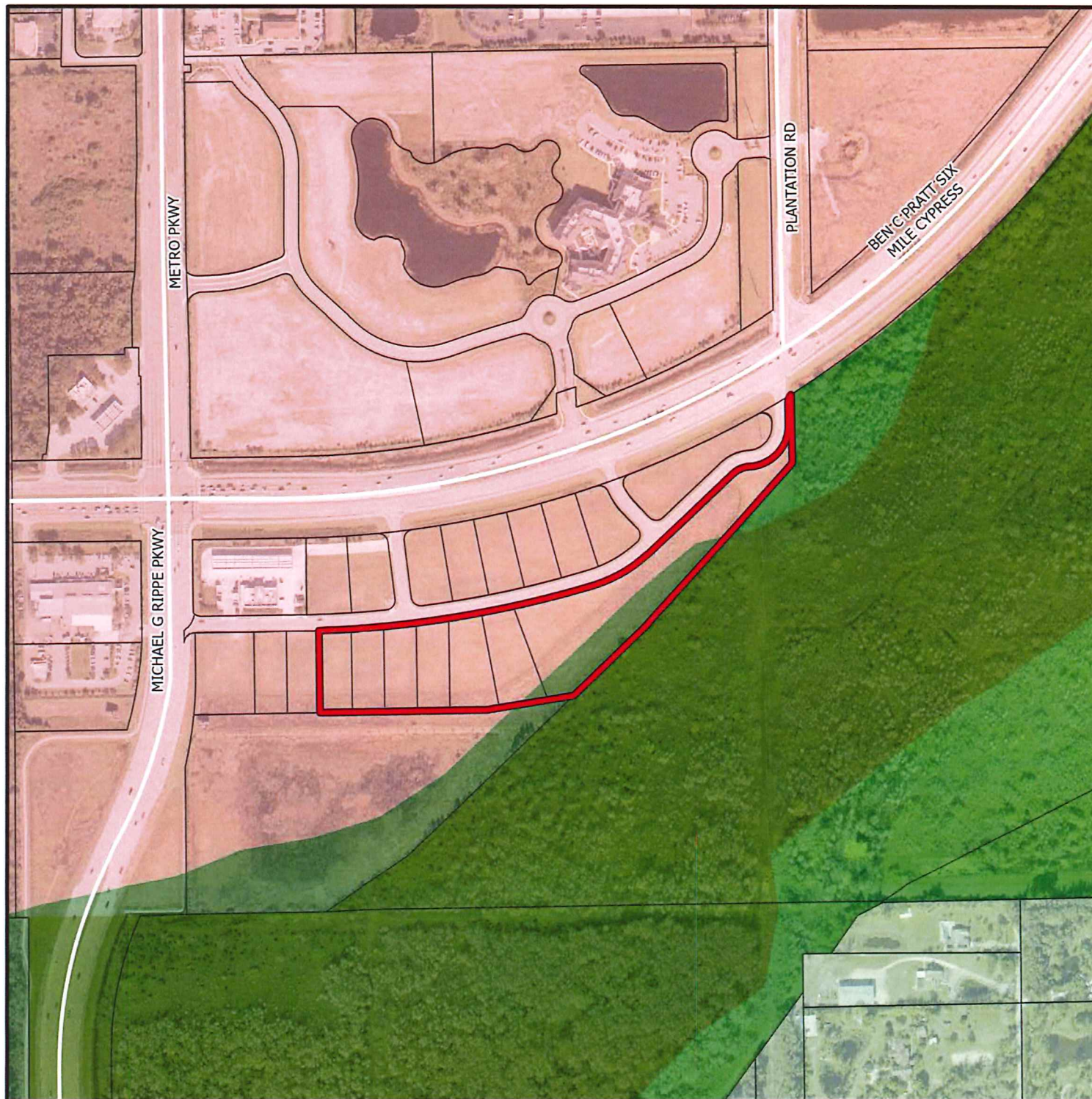
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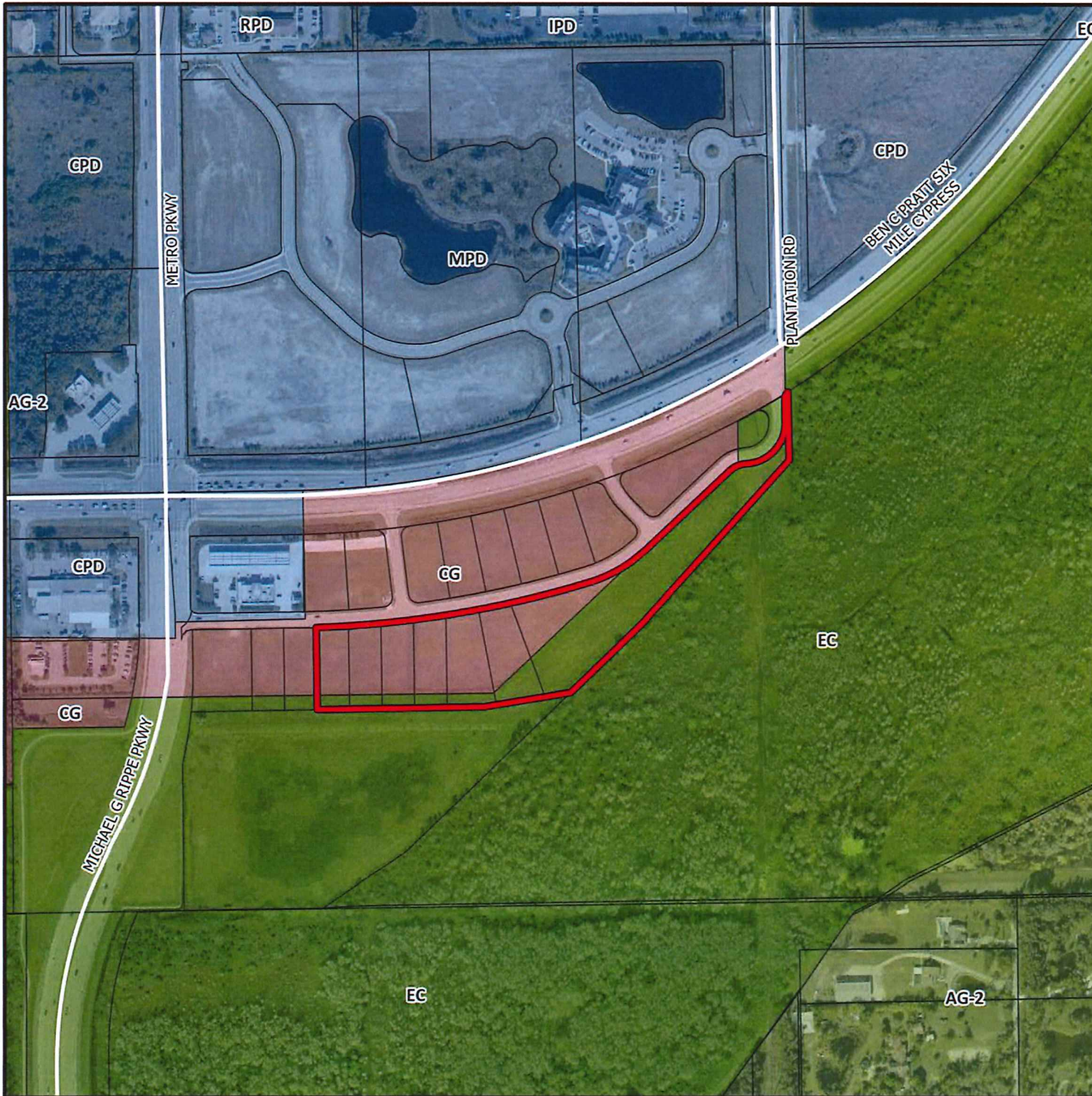
Future Land Use

-  Subject Property
-  Intensive Development
-  Rural
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



0 500
Feet

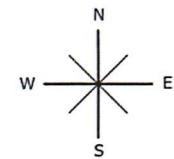




DCI2022-00019

Zoning

 Subject Property



0 500
Feet



Conditions

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

(1) Master Concept Plan and Development Parameters

- (a) Development of the subject property must be substantially consistent with the one-page Master Concept Plan Entitled “Resurgence Brewery and Rock Gym Master Concept Plan” last revised 10/21/2022, attached hereto as Attachment D.

Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

(2) Schedule of Uses and Property Development Regulations

(a) Schedule of Uses

Accessory uses and structures
Administrative offices
Bar or cocktail lounge (subject to Condition 4)
Business services, Group I
Commercial, schools (limited to a maximum of 100 students)
Consumption on premises (subject to Condition 4)
Cultural facilities
Essential services
Essential service facilities, Group I
Excavation:
 Water retention
Fences, Walls
Food and kindred products, manufacturing, Groups II & III (subject to Condition 5)
Incidental and subordinate retail and wholesale
Novelty, jewelry, toys and signs, manufacturing, Groups I, II & III
Parking lot:
 Accessory
Personal services, Group II
Printing and publishing
Recreational facilities, commercial, Groups I & IV (excluding gun ranges)
Restaurants, Groups I, II, III & IV
Signs
Social services, Group II
Temporary uses
Transportation services, Groups II & III (excluding bus stations/depots and bus terminals)

(b) Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	8 acres
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Building Setbacks and Maximum Building Heights:

Street:	25 feet
Side:	25 feet
Rear:	25 feet
Maximum building height	45 feet
Maximum lot coverage	40 percent

(3) Open Space

Prior to local development order approval, the project must depict a minimum of ± 54 percent open space in substantial compliance with the MCP.

(4) Consumption on Premises

Consumption on Premises of Alcoholic Beverages is limited to the following:

- The hours for the sale or service of alcoholic beverages are limited to between 10AM and 2AM daily.
- Outdoor Consumption on Premises is limited to the 400 square feet of cumulative covered outdoor seating depicted on the Master Concept Plan unless an administrative approval/amendment or special exception for reconfiguration or expansion is approved in accordance with LDC Section 34-1264.
- Consumption of Alcoholic Beverages is permitted in conjunction with all listed Restaurant Groups, including the annotated outdoor restaurant seating on the MCP. Recreation Commercial, Group IV (indoor only) and a bar or cocktail lounge not exceeding 438 square feet as denoted on the MCP.
- If the sale or service of nonalcoholic beverages and/or full service meals elapses prior to the sale or service of alcoholic beverages, the sale or service and consumption on premises must be confined to the 438-square-foot bar.
- Alcoholic beverages may not be consumed within areas solely dedicated to recreation activities (i.e. rock climbing). Demarcated seating and observation areas may permit COP within the Rock Gym provided appropriate signage is

utilized to deter alcoholic beverage consumption and the balance of COP-related conditions are met.

(5) Food and Kindred Product Manufacturing

The use of food and kindred product manufacturing, as listed in the schedule of uses and all ancillary equipment must be confined to a maximum floor area of 5,650 square feet, as annotated on the Master Concept Plan. Future expansion of the brewery manufacturing component may be considered, subject to LDC §34-938, provided that the brewery is subordinate in terms of floor area to the cumulative commercial uses onsite (i.e. commercial recreation/restaurant/bar etc.)

(6) Traffic Impact Statement

Traffic impact statements for local development orders within the planned development will not incorporate internal trip capture into project trip generation calculations.

(7) Former EC District

All lands formerly zoned EC within the boundary of the subject property are currently encumbered in drainage and utility easements, as depicted on the boundary survey, may not be used for any purpose other than the easements' intended purpose, including open space, drainage and utilities. Nothing in this condition may be construed so as to permit improvements in the easement contrary to the terms of the easement or interferes with the use of the easement. Proposed amendments to the MCP to utilize these areas to the contrary must be sought through the public hearing process.

Deviations

Deviation #1

Seeks relief from LDC §34-2020(b) minimum required off-street parking for non-residential uses, to allow a five percent reduction of the over total required parking.

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

- a. The site must accommodate bicycle racks containing no less than 12 bicycle spaces.
- b. Offsite sidewalks along Exchange and Molly Lane, which connect to the shared use path along Ben C Pratt Six Mile Cypress Parkway, must be provided at time of development order approval.
- c. All Lee Tran bus stop improvements required by the LDC, according to the proposed development, must be fulfilled without deviation.



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

RESURGENCE BREWERY & ROCK GYM

INDUSTRIAL PLANNED DEVELOPMENT

REQUEST STATEMENT NARRATIVE ACCOMPANYING REZONING REQUEST

To Verify Compliance With

THE LEE PLAN AND THE LEE COUNTY LAND DEVELOPMENT CODE

Haley Ward Project Number 2011255.001 (21-59)

Submitted By:

Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
Haley Ward, Inc.
13041 McGregor Boulevard
Fort Myers, FL 33919





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1.0 NARRATIVE SUMMARY

1.1 Project & Site Information

Applicant:	Resurgence Brewing Company, LLC
Site Address:	6090-6150 Exchange Lane, Fort Myers, FL 33912
Planning Community:	#15 (South Fort Myers)
Future Land Use:	Future Urban – Intensive Development
Haley Ward Project Number:	2011255.001(21-59)
Site Location:	South of Six Mile Cypress Parkway, and East of Michael G. Rippe Parkway

1.2 Introduction to the Narrative

For clarity purposes, the relevant quoted sections of the Lee County Land Development Code and Lee Plan are in *italics*, and the Haley Ward response/compliance narrative is in **bold**.

1.2.1 Nature of Request & Statement of Intent

The intent of this Application for Planned Development Public Hearing is to rezone the subject parcels at 6090-6150 Exchange Lane, Fort Myers, Florida 33912 from General Commercial District (CG) to Industrial Planned Development (IPD). Specifically, this Narrative is intended to address the requirements put forth in the Lee County Land Development Code (LDC), Chapter 34 (Zoning), ARTICLE IV (Planned Developments), DIVISION 2 (Application and Procedure for Approval), Section 34-373.(a)(5) (Application), which reads as follows:

Lee County, Florida, Land Development Code Chapter 34 – ZONING, ARTICLE IV. - PLANNED DEVELOPMENTS, DIVISION 2. - APPLICATION AND PROCEDURE FOR APPROVAL, Section 34-373. - Application

(a) Minimum required information for planned development zoning applications...

(5) 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 and the Land Development Code. This narrative must 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.

This Narrative explains (1st) the nature of this request, (2nd) the qualifications for rezoning, (3rd) how the proposed development complies with the relevant Sections of the Lee Plan, and (4th) how the proposed development complies with the Design Standards set forth in Lee County Land Development Code (LDC).

Specifically, this Narrative shows compliance with the Lee Plan – A Vision for 2045 (Chapter I), Future Land Use (Chapter II), and Transportation (Chapter III).



Additionally, this Narrative shows compliance with LDC Zoning Design Standards Requirements (LDC Chapter 34, Division 3, Section 34-411.) as well as the LDC Zoning Planned Development Requirements (LDC Chapter 34, Division 9, Section 34-931. through Section 34-941.) while keeping in mind the LDC Zoning/Hearing decision-making guidelines (LDC Chapter 34, Division 4, Section 34-145.(d)(3), and Section 34-145.(d)(4)).

1.2.2 Qualifications & Justification for Industrial Use Rezoning

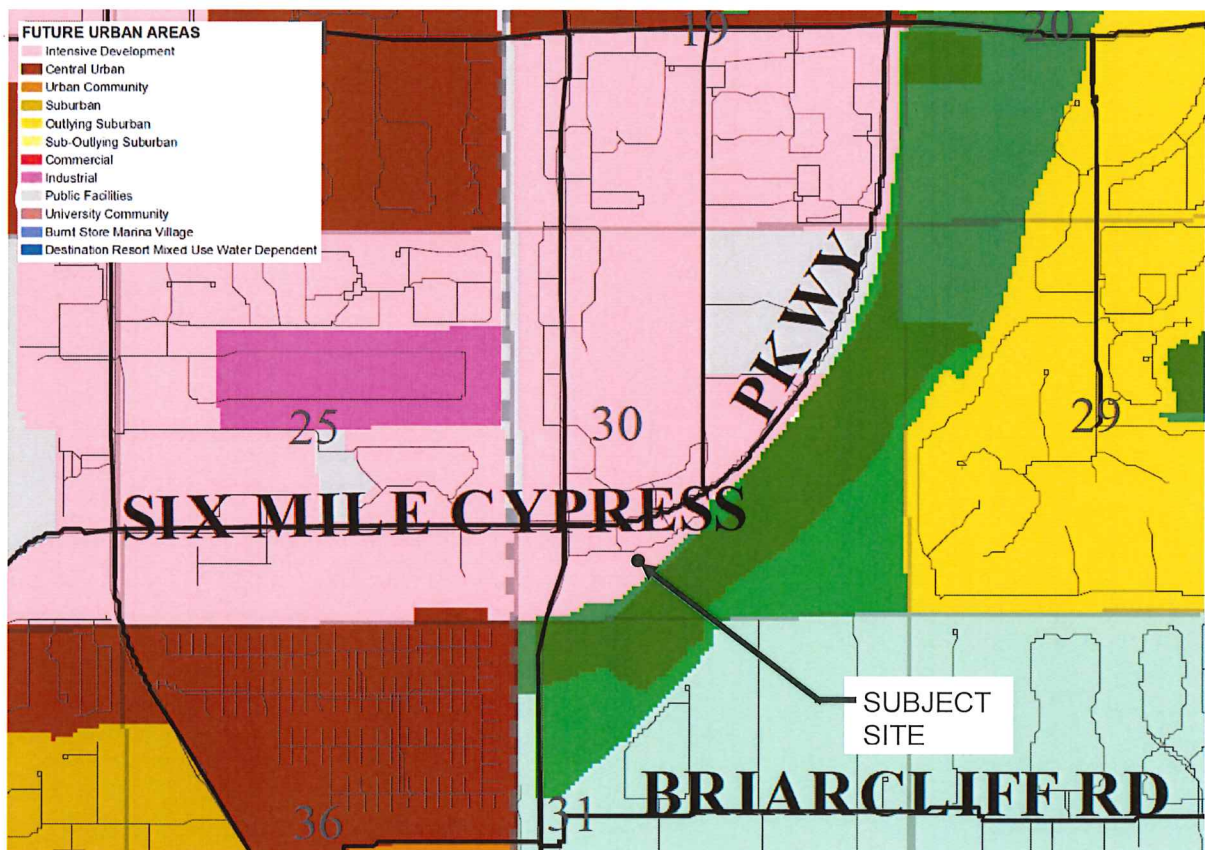
This proposed rezoning will be for the purpose of constructing “Resurgence Brewery & Rock Gym” a multifaceted development including recreational uses, retail uses, manufacturing uses, food & beverage uses, service uses, accessory and subordinate uses, and other uses as described in the schedule of uses included with this narrative. The proposed Industrial Planned Development (IPD) zoning is an allowed zoning within the “Intensive Development” future land use area (Lee Plan Map 1). The subject site is currently zoned as General Commercial District (CG) which does not allow the manufacturing uses associated with the proposed brewery. Hence, this application is submitted.



2.0 COMPLIANCE WITH THE LEE PLAN REQUIREMENTS

2.1 Introduction to the Lee Plan Compliance

The Lee Plan provides an overarching vision for Lee County. The relevant sections for this application can be found in Chapter I, Chapter II / Goals 1, 4, 7, and Chapter III / Goal 37. This section of the Narrative demonstrates compliance and consistency with these relevant parts of the Lee Plan. The site is within the South Fort Myers planning community, and is designated as “Intensive Development” on the Future Land Use Map.





2.2 Lee County – A Vision for 2045 (Chapter I)

2.2.1 Vision Compliance

Chapter I: Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year 2045.

A primary consideration for rezoning appropriateness and approval is the project's consistency with the Lee Plan. The Lee County Land Development Code regulations state that the Hearing Examiner and the Board of County Commissioners are to consider whether the rezoning request is consistent with the goals, objectives, policies and intent of the Lee Plan. As demonstrated in the narrative below, the project is consistent with the Lee Plan.

2.3 Future Land Use (Chapter II)

2.3.1 Goal 1: Future Land Use Map

Maintain and enforce a Future Land Use Map...the proposed distribution, location, and extent of future land uses... in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl...

The proposed development is within the future land use designation that permits the proposed uses and is contiguous with existing similarly zoned properties (CG & CPD).

OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS.

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. ...commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 1.1, where appropriate.

The proposed development, a mixed use IPD with a distinctly commercial flavor, is precisely the type of development encouraged within the Intensive Development Future Land Use.

2.3.2 Goal 2: Growth Management

Goal 2: Growth Management. To provide for an economically feasible plan which coordinates the location and timing of new development...

Objective 2.1: Development Location. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of service, prevent development patterns where large tracts of land are by-passed in favor of development more distant from the service and existing communities.

The subject site lies on the edge of the developed area of South Fort Myers with all infrastructure being existing and sufficient. The proposed development is centrally located near the intersection of two arterial roadways.



Objective 2.2: Development Timing. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created...

As stated above the subject site is fully served with adequate public facilities. Please refer to the attached Letter of Availability, and Traffic Impact Statement & Traffic Impact Mitigation Plan.

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

The subject site is well served with all required public facilities/infrastructure and is compatible with the surrounding land uses.

2.3.3 Goal 4: General Development Standards

Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.

Standard 4.1.1: Water. Any new...industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system... The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

The subject site is well served with all required public facilities/infrastructure. Please refer to the attached Letter of Availability.

Standard 4.1.2: Sewer. Any new.... industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system...

The subject site is well served with all required public facilities/infrastructure. Please refer to the attached Letter of Availability.

Standard 4.1.3: Reuse.

Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within ¼ mile from any part of the development.

Reuse water is not available for this site. Please refer to the attached Letter of Availability

Standard 4.1.4: Environmental Factors.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental



problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site. Ensure development minimizes the need for expansion and construction of street and utility improvements.

The subject site is made of disturbed land with no environmentally sensitive areas or relevant existing natural resources. The proposed development will not require an expansion of the currently existing roadway system or any utility improvements.

2.3.4 Goal 7: Industrial Land Uses

To promote opportunities for well-planned industrial development at suitable locations within the county.

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

1. The development must comply with local, state, and federal air, water, and noise pollution standards.

The proposed uses of Rock Gym, Brewery, Restaurant, & Bar will have negligible effect on air, noise, and water pollution. Stormwater runoff will be pre-treated via the future sodded swales areas, prior to discharge to the existing master stormwater management system.

2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.

The site has no adjacent residential uses or zonings.

3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.

The site has no adjacent residential uses or zonings.

4. Contamination of ground or surface water will not be permitted.

The proposed uses of Rock Gym, Brewery, Restaurant, & Bar will have negligible effect on water pollution. Non-point-source Stormwater runoff will be pre-treated via future sodded swale system.

5. Applications for industrial development will be reviewed and evaluated as to:

a. air emissions (rezoning and development orders);

The brewery (manufacturing) use will not produce any significant air emissions.

b. impact and effect on environmental and natural resources (rezoning and development orders);

No natural resources exist on the site.



c. effect on neighbors and surrounding land use (rezoning);

South and East of the Subject Site lies the Six Mile Cypress Slough Preserve. All proposed development will be placed sixty (60) feet or more from the preserve due to the existing drainage easement.

West of the Subject Site lies vacant commercially zoned lots. North of the Subject Site lies vacant commercially zoned lots across Exchange Lane.

d. impacts on water quality and water needs (rezoning and development orders);

The proposed uses of Rock Gym, Brewery, Restaurant, & Bar will have negligible effect on water pollution. Non-point-source Stormwater runoff will be pre-treated via future sodded swale system.

e. drainage system (development orders);

Stormwater runoff will be pre-treated via future sodded swale system before discharging into the existing master stormwater management system.

f. employment characteristics (rezoning);

The proposed uses of Rock Gym, Brewery, Restaurant, & Bar will provide a diverse employment opportunities.

g. fire and safety (rezoning and development orders);

The proposed development has adequate access and fire truck maneuvering access and will be provided with all required fire hydrants.

h. noise and odor (rezoning and development orders);

The proposed uses of Rock Gym, Brewery, Restaurant, & Bar will have negligible noise and odor impacts on the adjacent properties.

i. buffering and screening....(planned development rezoning and development orders);

The proposed development will provide all required buffers.

j. impacts on transportation facilities and access points (rezoning and development orders);

The proposed development is within a larger commercial subdivision with existing access roadways that have been designed to accommodate the proposed types of traffic generation.

k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);

Located just southeast of the intersection of Michael G. Rippe Parkway and Six Mile Cypress Parkway, the proposed development situated for optimal access to major thoroughfares.

l. utility needs (rezoning and development orders); and m. sewage collection and treatment (rezoning and development orders).

Utility services are already available adjacent the site (see the attached Letter of Availability).



POLICY 7.1.2: Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

1. promote compatibility and screening;

The proposed uses are adjacent to existing and future commercial use. Moreover, the proposed development will be provided with the required buffers.

2. reduce dependence on the automobile;

The proposed cohesive development of complementary uses will result in internal trip capture reducing the total number of trips on the adjacent roadways.

3. promote pedestrian movement within the development;

The proposed development is supplied with internal sidewalks for pedestrian movements.

4. utilize joint parking, access and loading facilities;

The proposed uses share parking and loading areas.

5. avoid negative impacts on surrounding land uses and traffic circulation;

The proposed uses will have no adverse impacts on the adjacent land uses and traffic circulation.

6. protect natural resources; and

No natural resources exist on the subject site.

7. provide necessary facilities and services where they are inadequate to serve the proposed use.

All services and facilities are adequate for the proposed use.

POLICY 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

See responses above under Section 2.3.4.. The site is optimally located for access and is compatible with the adjacent uses.

POLICY 7.1.4: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

All services and facilities are adequate for the proposed use.

POLICY 7.1.5: Permit agriculturally-related industrial uses ...

N/A

POLICY 7.1.6: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

There are no adjacent residential uses or zonings



POLICY 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

The proposed site has no adjacent residentially zoned or residentially used properties, and access to the site is provided through the adjacent commercially zoned properties.

POLICY 7.1.10: All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan.

N/A

2.3.5 Goal 11: Mixed Uses

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

POLICY 11.1.1: Developments located within the Intensive Development....future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial.

The proposed development, a mixed use IPD with a distinctly commercial flavor, is precisely the type of development encouraged by Goal 11. The proposed uses of Rock Gym, Brewery, Restaurant, & Bar is a cohesive development of complementary uses that will result in internal trip capture reducing the total number of trips on the adjacent roadways and accommodates multiple transportation options.



2.4 Transportation (Chapter III)

2.4.1 Goal 37: Level of Service

GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS. Establish and maintain specified transportation LOS Standards.

OBJECTIVE 37.1: GENERAL STANDARDS. Monitor non-regulatory (LOS) standards in Policy 95.1.3 on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.

POLICY 37.1.1: LOS "E" is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. LOS standards for the State Highway System during peak travel hours are "D" in urbanized areas and "C" outside urbanized areas.

The proposed uses have negligible impacts to the adjacent roadways. See the attached Traffic Impact Statement & Traffic Impact Mitigation Plan.



3.0 COMPLIANCE WITH LEE COUNTY LAND DEVELOPMENT CODE (LDC)

3.1 Introduction to LDC Compliance

This Section of the Narrative shows compliance with LDC Zoning Design Standards Requirements (LDC Chapter 34, Division 3, Section 34-411) as well as the LDC Zoning Planned Development Requirements (LDC Chapter 34, Division 9, Section 34-931 through Section 34-936) while keeping in mind the LDC Zoning/Hearing decision-making guidelines (LDC Chapter 34, Division 4, Section 34-145.(d)(3), and Section 34-145.(d)(4)).

3.2 Zoning Design Standards Requirements (LDC Section 34-411)

Lee County, Florida - Land Development Code Chapter 34 – ZONING, ARTICLE IV. - PLANNED DEVELOPMENTS, DIVISION 3. - DESIGN STANDARDS, Section 34-411. - General standards

(a) All planned developments must be consistent with the provisions of the Lee Plan.

The subject development is consistent with the applicable provisions of the Lee Plan. See preceding Sections.

(b) Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter apply to all planned developments. All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted if requested as part of the application for a planned development in accordance with Section 34-373.(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377.(b)(4). Amendments to approved master concept plans may be reviewed pursuant to Section 34-380.

The subject development will be developed in accordance with the provisions of all applicable county development regulations in force at the time of this application. No deviations are requested as part of this planned development rezoning to Industrial Planned Development (IPD).

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

The subject development minimizes the negative effects of the land use on surrounding properties by situating the proposed mixed use development adjacent to commercial zoned areas. The subject site has the sufficient size to provide all required infrastructure on-site.

(d) The tract or parcel shall have access to existing or proposed roads:

(1) In accordance with chapter 10 and as specified in the Lee Plan transportation element;



(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and

(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The subject site has access to existing roads with sufficient capacity/level of service. Please refer to the provided Traffic Impact Statement & Traffic Impact Mitigation Plan.

- (e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The subject site has frontage along Exchange Lane, a local roadway that is not a Lee Tran route.

- (f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development will not create or increase hazards including noise, glare, dust, odor, air, or water pollutants to persons or properties.

- (g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The proposed development will not affect the natural, historic or archaeological features of the site, since none are existing.

- (h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

The subject site provides more than the required open space according to the current regulations.

- (i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The subject site does not impact the surrounding properties in any adverse way. All adjacent parcels are vacant and zoned General Commercial.



- (j) *Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

The subject site is developed in a compatible fashion with the surrounding developments.

- (k) *Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

This element is not applicable.

- (l) *In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.*

This element is not applicable.

- (m) *In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.*

No conflicting uses within the development are proposed.

- (n) *Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.*

The buildings have been designed to provide variety in bulk and mass.

- (o) *Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.*

The subject site will be developed to provide the required number of parking spaces. See the attached Master Concept Plan.

- (p) *Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.*

This element will be handled during the Development Order process.



3.3 Planned Development Specific Compliance (Division 9)

3.3.1 General Planned Development Districts (Section 34-931)

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE VI. - DISTRICT REGULATIONS, DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS, Section 34-931. – Purpose and intent.

(a) The general purpose and intent of the various planned development districts is set forth in Section 34-612(2). The purpose and intent of specific planned development districts is set forth in subsections (b) through (k) of this Section.

(f) IPD industrial planned development district. (1) The intent of the IPD district is to further the general purpose of planned developments set forth in Section 34-612(2) as it relates to industrial development. (2) The principal use of any industrial planned development is the manufacture of goods and materials, and the storage and wholesale distribution of such goods and materials. However, for the welfare of the public and for the efficiency of the local economic structure, the IPD district permits many services and activities not allowed elsewhere and a limited number of commercial uses intended to serve principally the employees or patrons of businesses within the IPD. (3) In the industrial development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

Acknowledged. The proposed IPD will have a coordinated mix of commercial and industrial uses. The brewery use requires industrial zoning.

3.3.2 Land Use in Planned Development Districts (Section 34-932)

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE VI. - DISTRICT REGULATIONS, DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS, Section 34-932. - Regulation of land use in planned developments.

(a) All uses of land, water and structures permitted in a planned development are subject to the general requirements for planned developments, an adopted master concept plan and various special conditions, as required.

Acknowledged. Please refer to the Master Concept Plan provided.

(b) Special conditions may be formulated and applied to address unique aspects of the parcel in the protection of a bona fide public interest. The source of such restrictions may include good planning practice as well as those specifications set forth in the application documents, policy and standards set forth in the Lee Plan.

No special conditions are warranted.

(c) All special conditions must be reasonably related to the proposed development and to any reasonably expected impacts on public services and facilities and the public safety, health and general welfare. Such special conditions should be pertinent to the mitigation of these impacts. All conditions must be adopted as part of the zoning resolution and as an appendix to the approved master concept plan, engineered mine site plan set, or regulating plan that governs the planned development.

No special conditions are warranted.

(d) The standards for use and development of a planned development will be set forth in the zoning or MEPD resolution and its attachments, and, unless modified through the schedule of deviations, where applicable (see Section 34-412) or as provided in



Chapter 32, such standards may not be less restrictive than the minimum standards set forth elsewhere in this chapter, Chapter 12, or other applicable development regulations.

Acknowledged. Please refer to this narrative and the provided documentation for compliance to all applicable standards.

- (e) Areas devoted to various uses must be designated on the concept plan or mine site plan set. The application for a planned development must include a schedule detailing the uses desired, identifying such uses by citing the enumerated uses of one or more conventional zoning districts, use activity groups (Section 34-622), and defined uses (Section 34-2).

Please see the Schedule of Proposed Uses shown on the Master Concept Plan.

3.3.3 Permitted Uses & Use Regulations (Sections 34-933 & 34-934)

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE VI. - DISTRICT REGULATIONS, DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS, Section 34-933. - Permitted uses.

Except in the MEPD and PRFPD districts, or where otherwise specifically indicated to the contrary, the uses listed in Section 34-934, pertaining to use regulations for planned development districts, may be permitted in the indicated districts when consistent with the goals, objectives and policies of the Lee Plan for the land use category in which the property is located, and when approved on the enumerated documentation of the master concept plan. Uses that are not specifically listed in Section 34-934. may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use.

The proposed uses are permitted within CPD or IPD zoning; however, Lee County Staff recommended proceeding through the Industrial Planned Development (IPD) process for this particular combination of uses.

3.3.4 Development Regulations (Sections 34-935 & 34-936)

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE VI. - DISTRICT REGULATIONS, DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS, Section 34-935. - Property development regulations.

- (a) Minimum area for planned developments.

Acknowledged. Please refer to the Property Development Regulations table provided.

- (b) Minimum setbacks of structures and buildings from development perimeter boundaries.

Acknowledged. Please refer to the Property Development Regulations table provided.

- (c) Uses permitted within required perimeter setback. Street stubs required by Chapter 10, bikeways and pedestrian walks, sidewalks, jogging and equestrian paths, and park furniture, including gazebos and picnic shelters, are permitted within required perimeter setbacks.

Acknowledged.



(e) *Minimum lot size, dimensions and setbacks.*

Acknowledged. Please refer to the Master Concept Plan provided.

(f) *Height of buildings.*

(1) *Except as restricted by Section 34-2175., height of buildings in all other planned developments will vary in accordance with the land use classification of the subject property according to the Lee Plan land use plan map as follows:*

(2) *In the suburban, outlying suburban and rural land use categories and in any other land use category in which a planned development is appropriate, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories...*

Single story structures are proposed. See the attached Property Development Regulations table.

(g) *Open space. See Section 34-414(a) for definitions pertaining to open space.*

(4) *Industrial planned developments.*

b. *In IPD districts, where the principal uses are open, area extensive, or productive of various noxious spillovers such as dust, odors, glare, noise and vibration and visual blight, the open space requirement shall be concentrated at the perimeter and used mainly for buffering, screening and landscaping.*

Acknowledged. See the Master Concept Plan for this information.

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE VI. - DISTRICT REGULATIONS, DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS, Section 34-936. - General conditions for all land uses.

(a) *Compliance with use restrictions. Only those land uses enumerated in the documentation to the master concept plan are permitted in a planned development. The conditions of approval in the applicable zoning resolution shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.*

Acknowledged. Please refer to the Master Concept Plan provided.

(b) *Parking. Unless governed by alternative standards established by special conditions or by chapter 32, parking for any use in this planned development will be governed by article VII, division 26, of this chapter in accordance with the actual use.*

Acknowledged. Please refer to the parking calculations shown on the Master Concept Plan provided.

(c) *Signs. Signage for any use in a planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.*

Acknowledged.

(d) *Sale of alcoholic beverages. Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of article VII, division 5, of this chapter and other special conditions set forth at the time of planned development approval.*

Acknowledged.

(e) *Outdoor display of goods. Except in RPD and MHPD developments, all open display of goods for sale shall be set back from public rights-of-way no less than 25 feet. In the*



RPD and MHPD districts, the outdoor display or storage of goods for retail sale is prohibited.

This element is not applicable.

- (f) *Outdoor storage of goods. Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely visually buffered.*

This element is not applicable.

- (g) *Lighting. Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose and shall not create conditions of glare outside the area designated for commercial uses.*

Acknowledged.

- (h) *Bikeways and pedestrian ways. Unless governed by alternative standards established by special conditions, bicycle paths and pedestrian ways must be located and constructed in accordance with the requirements set forth in chapter 10.*

Acknowledged.

3.4 Zoning/Hearing Specific Compliance (Section 34-145)

3.4.1 Zoning Considerations Compliance (Section 34-145.(d)(3))

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE II. - ADMINISTRATION, DIVISION 4. - HEARING EXAMINER, Section 34-145. - Functions and authority.

(d) Zoning Matters.

(3) Considerations. In reaching a decision, the Hearing Examiner must consider the following:

- a. *Testimony and evidence from the Applicant;*

Please see this Narrative.

- b. *Testimony and evidence from Staff, including the Staff Report and attachments;*

Forthcoming.

- c. *Testimony and evidence from participants;*

Forthcoming.

- d. *The Lee Plan;*

Acknowledged. Please see this Narrative.

- e. *This Code; and*

Acknowledged. Please see this Narrative.

- f. *Applicable regulations.*

Acknowledged. Please see this Narrative.



3.4.2 Rezoning Compliance (Section 34-145.(d)(4)a)

Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE II. - ADMINISTRATION, DIVISION 4. - HEARING EXAMINER, Section 34-145. - Functions

(d) Zoning Matters

(4) Findings/review criteria.

a. Before recommending approval for:

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

a. Complies with the Lee Plan;

The proposed development meets or exceeds all applicable Lee Plan Goals, Policies, and Objectives. See Narrative above.

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

The proposed development meets both applicable Chapters 10 & 34 regulations. See Narrative above.

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

The proposed development will create the best fit for the subject site, being adjacent to existing commercial zoned properties and near two major arterial roadways intersection.

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

The proposed development is already served with sufficient access through the existing subdivision roadway system.

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

The proposed development does not abut any major roadways and has existing access through the existing subdivision roadway system.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The subject site is made of disturbed vacant land with no environmentally sensitive areas or existing natural resources.

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

The subject site is already served by public water & sewer systems, and a public network of roadways.

(2) Planned Development Rezoning. The Hearing Examiner must also find:

a. The proposed use or mix of uses is appropriate at the proposed location;

The proposed mix of uses is compatible with the adjacent uses.

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.

Acknowledged.



- c. *If the application includes deviations pursuant to Section 34-373.(a)(9), that each requested deviation.*
Not Applicable.
- d. *Compact PD in Southeast Lee County.*
No compact development is planned. Not Applicable.
- e. *Mine excavation planned development.*
No mining is proposed. Not Applicable.



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4.0 NARRATIVE CONCLUSION

4.1 Summary of Request & Intent

The intent of this Application for Planned Development Public Hearing is to rezone the subject parcel at 6090-6150 Exchange Lane, Fort Myers, Florida 33912 from General Commercial (CG) to Industrial Planned Development (IPD).

Specifically, this Narrative is intended to address the requirements put forth in the Lee County Land Development Code (LDC), Chapter 34 (Zoning), ARTICLE IV (Planned Developments), DIVISION 2 (Application and Procedure for Approval), Section 34-373.(a)(5) (Application Narrative).

4.2 Summary of Qualifications for Rezoning

This proposed rezoning will be for the purpose of constructing a mixed use Brewery, Restaurant, Rock Gym, & Bar, along with parking, and circulation areas. The proposed Industrial Planned Development (IPD) zoning is an allowed zoning within the "Intensive Development" future land use area (Lee Plan Map 1).

A primary consideration for rezoning appropriateness and approval is the project's consistency with the Lee Plan. The Lee County Land Development Code regulations state that the Hearing Examiner and the Board of County Commissioners are to consider whether the rezoning request is consistent with the goals, objectives, policies and intent of the Lee Plan.

As demonstrated in the narrative above, the project is consistent with the Lee Plan and the Lee County Land Development Code. Furthermore, the proposed rezoning is compatible with the adjacent existing land zoning and land uses.

4.3 Compliance Summary & Request of Consideration

This Narrative explained (1st) the nature of this request, (2nd) the qualifications for rezoning, (3rd) how the proposed development complies with the relevant Sections of the Lee Plan, and (4th) how the proposed development complies with the Design Standards set forth in Lee County Land Development Code (LDC).

The information contained in this narrative clearly shows that the proposed rezoning request meets or exceeds all of the requirements of the Lee Plan, and the Lee County Land Development Code.

Haley Ward, Inc. respectfully requests that the Hearing Examiner and the Board of County Commissioners duly consider evidence set forth in the Narrative above in support of this rezoning request, specifically in consideration of whether the rezoning request is consistent with the goals, objectives, policies and intent of the Lee Plan, and is in compliance with the Lee County Land Development Code.





SCHEDULE OF PROPOSED USES *:

- | | |
|---|--|
| • Accessory Uses, Buildings, and Structures | (LDC 34-1171 To 34-1176) |
| • Administrative Offices | (LDC 34-2 & 34-934) |
| • Bar or Cocktail Lounge | (LDC 34-934 & 34-1263 & 1264) |
| • Business Services | (LDC 34-622(c) (5) Group I) |
| • Commercial Schools | (LDC 34-622(c) (45)) |
| • Consumption on Premises (C.O.P.) | (LDC 34-1264) |
| • Cultural Facilities | (LDC 34-622(c) (10)) |
| • Essential Service Facilities | (LDC 34-622(c) (13) Groups I, II, & III) |
| • Essential Services and Facilities | (LDC 34-1611) |
| • Excavation, Water Retention | (LDC 34-1651(d)) |
| • Fences, Walls | (LDC 34-1741 To 34-1747) |
| • Food and Kindred Products,
Manufacturing | (LDC 34-622(c) (15) Groups I, II, & III) |
| • Incidental and Subordinate Retail &
Whole Sale | (LDC 34-934) |
| • Novelty, Jewelry, Toys, and Signs
Manufacturing | (LDC 34-622(c) (29) Groups I, II, & III) |
| • Outdoor Seating C.O.P. | (LDC 34-1264) |
| • Personal Services | (LDC 34-622(c) (33) Group II) |
| • Printing & Publishing | (LDC 34-622(c) (36)) |
| • Recreational Facilities, Commercial | (LDC 34-622(c) (38) Groups I, III, & IV) |
| • Restaurants | (LDC 34-622(c) (43) Groups I, II, III, & IV) |
| • Signs | (LDC 30-6) |
| • Social Services | (LDC 34-622(c) (46) Group II) |
| • Temporary Uses | (LDC 34-3041 & 34-3044) |
| • Transportation Services(excluding Bus
Stations/Depots and Bus Terminals) | (LDC 34-622(c) (53) Groups II & III) |

*ALL USES ARE SUBJECT TO THE PARKING REQUIREMENTS SET FORTH IN LDC 34-2020., AND ARE NOT PERMITTED UNLESS THE REQUIRED PARKING IS PROVIDED.





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PROPOSED PROPERTY DEVELOPMENT REGULATIONS

FOR

RESURGENCE BREWERY & ROCK GYM

MINIMUM LOT SIZE	= 348,480 S.F. = 8.0 AC.
MINIMUM LOT WIDTH	= 100 FEET
MINIMUM LOT DEPTH	= 100 FEET
MINIMUM STREET SETBACK	= 25 FEET
MINIMUM SIDE SETBACK	= 25 FEET
MINIMUM REAR SETBACK	= 25 FEET
MAXIMUM BUILDING COVERAGE	= 40%
MAXIMUM BUILDING HEIGHT AT SETBACK	= 45 FEET
REQUIRED MINIMUM OPEN SPACE	=106,195 S.F. = 30%
PROPOSED OPEN SPACE	=192,325+ S.F.= 54%+
NORTH BUFFER	15' WIDE TYPE "D"
EAST BUFFER	NONE
SOUTH BUFFER	NONE
WEST BUFFER	5' WIDE TYPE "A"

PROPERTY DEVELOPMENT REGULATIONS | 10.06.2022 | 2011255.001(21-59)



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DEVIATION AND WRITTEN JUSTIFICATION

APPLICANT IS REQUESTING A DEVIATION FROM SECTION 34-2020.(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES BY 5% PER SECTION 34-2020.(c)(3).

SECTION 34-2020.(c)(3) Bicycle and pedestrian facilities and amenities. The minimum required parking for a use may be reduced by five percent if bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a continuous bicycle path and pedestrian accommodations, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).

JUSTIFICATION:

- A. THE SUBJECT SITE IS ADJACENT TO THE EXISTING SHARED USE PATH ALONG SIX MILE CYPRESS PARKWAY. SEE ATTACHED LEE PLAN MAP 3-D.
- B. ON-SITE SIDEWALKS ARE PROPOSED FROM THE ON-SITE USES TO THE EXCHANGE LANE RIGHT-OF-WAY AS SHOWN IN THE MASTER CONCEPT PLAN.
- C. OFF-SITE SIDEWALKS WILL BE PROVIDED DURING THE DEVELOPMENT ORDER ALONG EXCHANGE LANE AND MOLLY LANE TO CONNECT TO THE SHARED USE PATH ALONG SIX MILE CYPRESS PARKWAY.
- D. BICYCLE RACKS ARE PROVIDED ON-SITE AND ARE SHOWN ON THE MASTER CONCEPT PLAN.

Deviation & Written Justification | 10.21.2022 | 2011255.001(21-59)



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PARKING CALCULATIONS FOR RESURGENCE BREWERY & ROCK GYM

SUBJECT SITE REQUIRED VEHICLE PARKING SPACES:

THE PROPOSED USES DO NOT EXIST IN THEIR EXACT FORM IN THE LEE COUNTY LAND DEVELOPMENT CODE. AS REQUESTED BY COUNTY STAFF, THE PROPOSED USES OF BREWERY AND ROCK GYM ARE SPLIT INTO COMPONENTS THAT ARE SIMILAR TO USES RECOGNIZED BY THE LEE COUNTY LAND DEVELOPMENT CODE, AND THEN SUMMED FOR A TOTAL PARKING REQUIREMENT. AS SUCH, PER THE LEE COUNTY LAND DEVELOPMENT CODE SECTION 34-2020.(b):

PROPOSED USE	CRITERIA*	AREA	REQUIRED
BREWERY MANUFACTURING	1.5 SP. / 1,500 S.F.	5,650 S.F.	5.65 SP.
BREWERY BAR	14.0 SP. / 1,000 S.F.	838 S.F.	11.73 SP.
BREWERY RESTAURANT	12.5 SP. / 1,000 S.F.	4,934 S.F.	61.68 SP.
BREWERY OUTDOOR SEATING	12.5 SP. / 1,000 S.F.	3,336 S.F.	41.70 SP.
RETAIL SMALL PRODUCTS	1.0 SP. / 350 S.F.	267 S.F.	0.76 SP.
ROCK GYM, INDOOR	3.5 SP. / 1,000 S.F.	23,371 S.F.	81.80 SP.
ROCK GYM, OUTDOOR	3.5 SP. / 1,000 S.F.	1,209 S.F.	4.23 SP.
TOTAL CODE PARKING SPACES REQUIRED PER TABLE 34-2020.			207.55 SP.
PARKING DEVIATION REQUEST (5%)**			- 10.38 SP.

REQUIRED PARKING SPACES (CALCULATED)	197.17 SP.
REQUIRED PARKING SPACES	198 SP.
TOTAL PROVIDED	200 SP.

SUBJECT SITE REQUIRED ACCESSIBLE / ADA SPACES:

SUBJECT SITE REQUIRED ADA SPACES	6 H.C. SP.
SUBJECT SITE PROPOSED ADA SPACES	8 H.C. SP.

SUBJECT SITE REQUIRED BICYCLE SPACES:

5% X 207.55 VEHICLE SPACES	10.38 BICYCLE SP.
SUBJECT SITE PROPOSED BICYCLE SPACES	12 BICYCLE SP.

* CRITERIA UTILIZED ARE FOR MULTIPLE-USE DEVELOPMENT.

** SEE DEVIATION & WRITTEN JUSTIFICATION FOR DETAILS.

Parking Calculations | 10.21.2022 | 2011255.001(21-59)



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Resurgence Brewery & Rock Gym

STORMWATER MANAGEMENT NARRATIVE

**TO ACCOMPANY THE APPLICATION FOR
INDUSTRIAL PLANNED DEVELOPMENT**

HALEY WARD PROJECT NUMBER
2011255.001 (21-59)

June 17, 2022

Prepared By:

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Introduction:

The subject site is located south of Six Mile Cypress Parkway and east of Michael G. Rippe Parkway. There is an existing stormwater infrastructure serving the subject site as part of ERP Permit # 36-02664-S (copy attached), which includes a master stormwater management system as detailed in the above-mentioned permit. Any supplemental quality treatment that is required by SFWMD will be designed & shown during the Development Order process.

The Lee Plan outlines goals, objectives, and policies that outline the parameters of development in Lee County. Below are the relevant sections from the Lee Plan *(in italics)* related to stormwater management followed by a brief narrative describing this project's compliance with these stormwater management goals, objectives, and policies of the Lee Plan.

OBJECTIVE 60.3: CRITICAL AREAS. *The Six Mile Cypress Basin (as defined in the LDC, Chapter 10) and the DR/GR land use category are both identified as "critical areas for surface water management." The County will maintain existing regulations to protect the unique environmental and water resource values of these areas.*

POLICY 60.3.1: *The County will maintain provisions in the LDC, Chapter 10, that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin.*

The proposed development is a part of an existing permitted subdivision with its own master stormwater management system. Any runoff from the proposed development will go through two (2) steps of treatment prior to being discharged into the Six Mile Cypress Slough.

POLICY 60.3.2: *The County will maintain the elimination of the exemptions in its development regulations for agricultural uses and small subdivisions within the "critical areas for surface water management" and will continue to subject these uses to an appropriate review process.*

The proposed development is not requesting an exemption from the required water quality requirements and will provide all the required water quality per South Florida Water Management District Criteria.

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.*

This project will have no direct impacts to natural drainage systems. All of the project's stormwater will be routed through on-site swales as needed for quality pre-treatment before discharging into the master stormwater management system.



POLICY 61.3.6: *Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.*

The subject site is already included in ERP Permit # 36-02664-S, which includes a master stormwater management system as detailed in the above-mentioned permit that takes care of the above requirements.

POLICY 61.3.11: *Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.*

All of the project's stormwater will be routed through on-site swales as needed for quality treatment before discharging into the master stormwater management system that includes retention/detention facilities.

GOAL 125: WATER QUALITY. *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

All of the project's stormwater will be routed through on-site swales as needed for quality treatment before discharging into the master stormwater management system that includes retention/detention facilities. Water quality considerations are also addressed in the master drainage system.

POLICY 125.1.2: *New development and additions to existing development must not degrade surface and ground water quality.*

The proposed project will provide on-site water quality pre-treatment prior to discharging into the master stormwater management system where all required best practices will be implemented to ensure surface and groundwater quality is not degraded.

POLICY 125.1.3: *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.*

All of the project's stormwater will be routed through on-site swales as needed for quality pre-treatment before discharging into the master stormwater management system that includes retention/detention facilities. Water quality considerations are also addressed in the master stormwater management system.



POLICY 125.1.4: *Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.*

Although the proposed development is being rezoned to Industrial Planned Development (for zoning purposes); the use of the proposed parking lots is purely a commercial use with no reason to believe that the potential runoff will have any hazardous materials. The existing and the proposed stormwater management systems will provide the required level of water quality, which will be permitted through South Florida Water Management District.

SECTION LDC 34-373(b)(1) A written description of the surface water management plan that includes:

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

The subject site currently sheetflows into the stormwater management system associated with ERP Permit # 36-02664-S.

- 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 proposed drainage system will provide on-site quality pre-treatment in swales prior to discharging into the existing master stormwater management system. The existing offsite flows will be directed through the site to the master stormwater management system outlined in ERP Permit # 36-02664-S.

- 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;*

There are no existing natural features on-site to be incorporated into the proposed drainage system.

Furthermore, the master stormwater management system is already in place and operational. In addition, the master stormwater management system is already encompassed by drainage easements which are maintained by the active Lake at Metro Property Owners Association, Inc.

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

There are no natural features on-site to be preserved. Moreover, this project is a part of an overall stormwater management system where the water table is already set at 10' N.G.V.D. in ERP Permit # 36-02664-S.



- 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 subject property is not subject to seasonal inundation or inundation by a stream swollen by the rains of a 100-year storm event.



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

SITE AREA DATA TABLE:

AREA NAME:	AREA (S.F.)	AREA (AC.)
TOTAL PERVIOUS AREA	= 232,125 S.F.	= 5.33 AC.
TOTAL IMPERVIOUS AREA	= 121,859 S.F.	= 2.80 AC.
TOTAL PARCEL AREA	= 353,984 S.F.	= 8.13 AC.

NOTE: SINCE THE TOTAL IMPERVIOUS AREA IS MORE THAN 2 ACRES, THIS PROJECT IS CONSIDERED A LARGE DEVELOPMENT PER LDC SECTION 10-1., AND REQUIRES A MINIMUM OF 30% OPEN SPACE PER LDC SECTION 10-415.(a).

BUILDINGS PERIMETER

LANDSCAPE CALCULATIONS:

BUILDINGS FOOTPRINTS	= 35,072 S.F.
REQUIRED AREA	= 3,508 S.F.
PROVIDED AREA	= 3,600 S.F.

Supplemental Calculations | 10.21.2022 | 2011255.001(21-59)

13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM



ATTACHMENT G

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2022-00019
TYPE OF CASE: Industrial Planned Development
CASE NAME: Resurgence Brewery & Rock Gym
TOTAL ACREAGE: 8.13 Acres
SUFFICIENCY DATE: November 22, 2022
HEARING EXAMINER DATE: February 1, 2023

Request

The applicant is requesting to rezone the subject property from General Commercial District (CG) and Environmentally Critical District (EC) to Industrial Planned Development (IPD) to develop a rock gym and brewery. The property is not within a community planning area. It is south of Six Mile Cypress, and east of Michael G. Rippe Parkway. According to the Lee Plan, the parcels are located in the Intensive Development Future Land Use Category.

Existing Conditions

As mentioned the site is located east of Michael G Rippe and south of Six Mile Cypress. The site is currently vacant, with an existing drainage easement permitted through South Florida Water Management (SFWMD) permit: 36-02664-S (Attachment A). The applicant has submitted a waiver (GEN2022-00186) from Land Development Code (LDC) sections 34-373(a)(4)(b, c, and d)(Attachment B). The waiver has been approved due to the parcels history of being filled, platted, maintained, and cleared.

Open Space

The applicant is requesting to develop a brewery and a recreational rock climbing gym. Due to the amount of impervious being proposed, the project meets the "large development" definition within the Land Development Code (10-1). A large commercial development is required to provide 30% open space. Per the open space table, the applicant is providing 54% open space (Attachment C).

Buffers

The proposed development abuts environmentally critical zoned land along the east and south, commercial along the west property line, and a right-of-way along the north property line. The required buffers are as follows:

East - The east property line abuts vacant environmentally critical lands. No buffer is required along the east property boundary.

West – To the west are vacant commercially zoned parcels of land. Section 10-416(d) of the Land Development Code requires a 5-foot Type A buffer. The applicant is meeting section 10-416(d) of the LDC.

North - The north property line abuts Exchange Lane right-of-way. Per LDC Section 10-416(d) requires industrial uses to provide a 15-foot Type D buffer along right-of-ways.

South - To the south of the project parcel, vacant environmentally critical zoned parcels are present. The applicant is proposing to leave the existing 65-foot drainage easement along the south boundary. According to section 10-416(d) no buffer is required. The applicant has demonstrated compliance with 10-416(d).

Attachments

A – SFWMD Permit: 36-02664-S

B – GEN2022-00186

C – Open Space Table



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

March 4, 2005

RECEIVED MAR - 7 2005

Ahmad R. Kareh, P.E.
Bean, Whitaker, Lutz, and Kareh Inc
13041 McGregor Blvd.,
Fort Myers, FL 33919

Subject: The Lake at Metro
Application No: 050203-18
Lee County, Section 30, Township 45S, Range 25W

Dear Mr. Kareh:

The staff has completed a review of the above referenced application. The District's project analysts are Shona M. Gibson, E.I. and Marie Dessources. Based on the information submitted staff has determined the current Permit #36-02664-S issued on January 13, 1994 is still active. A new permit or permit modification is not required as long as development of the project proceeds within the conditions and scope outlined in the original District Permit.

Please be aware if the ACOE requires any changes to the development which are outside the scope of the permit, or inconsistent with any condition outlined in the original permit, a permit modification will be required.

Staff strongly recommends the system be certified and transferred to the operational phase. Please submit a Surface Water Management Construction Completion Certification for Projects Permitted Before October 3 1995 (SFWMD Form #0881 B).

A refund for the permit fee in the amount of \$2000.00 will be processed when a request for withdrawal for application # 050203-18 is submitted and processed.

If you have any questions about the above comments, please contact the appropriate analysts at (239) 338-2929.

Sincerely,

Shona Gibson, E.I.
Staff Engineer
Lower West Coast Service Center

Marie Dessources
Environmental Analyst
Lower West Coast Service Center

Enclosure: Surface Water Management Construction Completion Certification for Projects Permitted Before October 3 1995

C: Juan Hitters, Red Canyon, LLC
Parke Lewis, W. Dexter bender & Associates, Inc.

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Ireola M. Bayue

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

March 4, 2005



South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

CON 24

Permit No. 36-02664-S

January 19, 1994

HARRIS V M - TRUSTEE
(SIX MILE CYPRESS SUBDIVISION)
PO BOX 2366
FT MYERS, FL 33902

Dear Permittee:

Enclosed is your Permit as authorized by the Governing Board of the South Florida Water Management District at its meeting on 01/13/94.

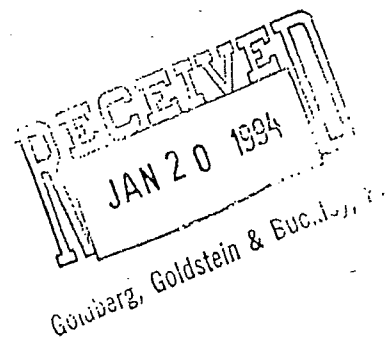
Special conditions to your Permit require reports to be filed with this District. Please read these conditions and use the enclosed form(s), as applicable, for your submittal of these required reports.

It is requested that you read your Permit thoroughly and understand its contents and conditions. If you have any questions, please do not hesitate to contact this office.

Sincerely,


Vern Kaiser
Deputy Clerk
Regulation Department

Enclosure: (1)



Governing Board:
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt

William Hammond
Betsy Krant
Allan Milledge

Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad

Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director



South Florida Water Management District

Certification For Stormwater Discharge

Form #0111
Rev. 7/91

SURFACE WATER MANAGEMENT PERMIT NO. 36-02664-S
(NON-ASSIGNABLE)

Date Issued: JANUARY 13, 1994

Authorizing: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO
SERVE A 35.21 ACRE COMMERCIAL PROJECT DISCHARGING TO SIX MILE
CYPRESS SLOUGH.

Located In: LEE COUNTY, SEC. 30 TWP. 45S RGE. 25E

Issued To: V.M. HARRIS, TRUSTEE
(SIX MILE CYPRESS SUBDIVISION)
PO BOX 2366
FORT MYERS, FL 33902-2366

This Permit is issued pursuant to Application for Permit No. 920430-1 dated April 16, 1992. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any work or structure involved in the Permit. Said Application, including all plans and specifications attached thereto, as addressed by the Staff Report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this Permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

Special Conditions are as follows:

SEE SHEETS 2-4 OF 6 - 21 SPECIAL CONDITIONS.
SEE SHEETS 5-6 OF 6 - 12 LIMITING CONDITIONS.

Filed with the Clerk of the South
Florida Water Management District

South Florida Water Management
District, by its Governing Board

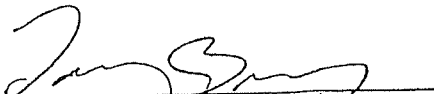
On

1-18-94

By


Deputy Clerk

By


Assistant Secretary

SPECIAL CONDITIONS

- 1 . MINIMUM BUILDING FLOOR ELEVATION: BASIN: DEVELOPED SITE - 15.00 FEET NGVD.
- 2 . MINIMUM ROAD CROWN ELEVATION: BASIN: DEVELOPED SITE - 13.30 FEET NGVD.
- 3 . DISCHARGE FACILITIES:
 - 1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
 - 1-.5' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.4' NGVD.
 - 24 LF OF 1.25' DIA. RCP CULVERT.

RECEIVING BODY : SIX MILE CYPRESS SLOUGH

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.
- 4 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
- 5 . MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
- 6 . THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
- 7 . PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
- 8 . FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
- 9 . A BENCHMARK SHALL BE PROVIDED IN THE VICINITY OF THE CONTROL STRUCTURE AND A DESCRIPTION PROVIDED TO THE DISTRICT WHEN CERTIFYING CONSTRUCTION COMPLETION OF THE DRAINAGE FACILITIES.
10. PRIOR TO FEBRUARY 12, 1994, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL BE NOTIFIED BY THE PERMITTEE OR AUTHORIZED AGENT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE/DURATION.
11. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT)

BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.

12. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT OF THAT COMPLETION DATE AND SUBMIT CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). SUCH CERTIFICATION MAY CONSIST OF WORDING IN PARAGRAPH 3.1.7 "CONSTRUCTION COMPLETION CERTIFICATION" OF THE CURRENT BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. IF THE CERTIFICATION LANGUAGE USED IS DIFFERENT FROM THE SUGGESTED LANGUAGE, A SET OF RECORD DRAWINGS CONSISTING OF ELEVATIONS, LOCATIONS AND DIMENSIONS OF COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL ALSO BE SUBMITTED.
13. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF SIX MILE CYPRESS PARK ASSOCIATION, INC..
14. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
15. THE PERMITTEE SHALL SUBMIT TO THE SFWMD COPIES OF ALL NECESSARY PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION FOR ANY PROPOSED WORKS REQUIRING A WETLAND RESOURCE PERMITTING AUTHORIZATION. SUBMITTALS SHALL BE CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.
16. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
17. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
18. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 2 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

19. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEDICATED AS CONSERVATION AND COMMON AREAS IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/Common AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/Common AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF SIX MILE CYPRESS COMMERCIAL PARK ASSOCIATION, INC. AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN THE PERMIT FILE, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

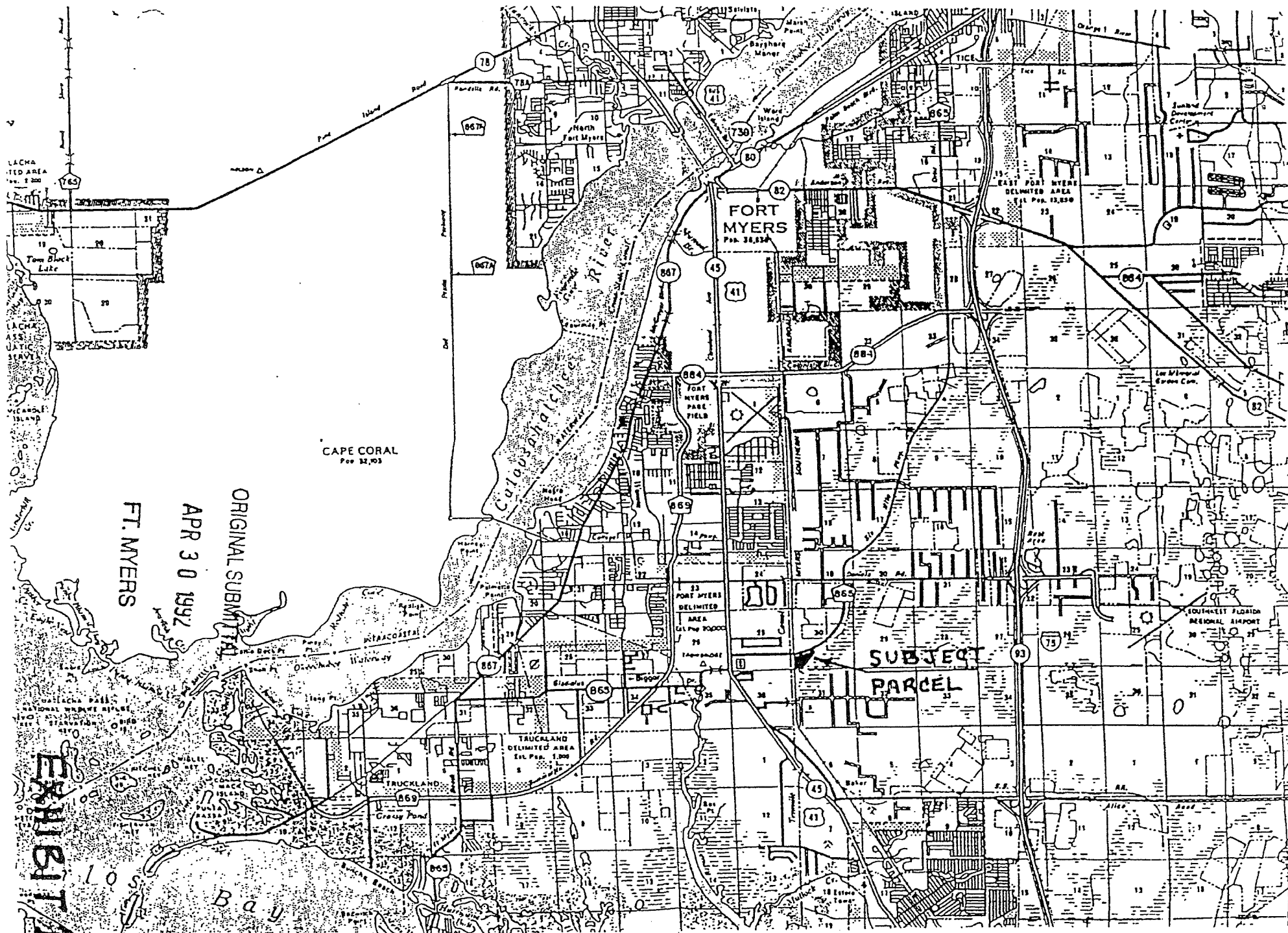
20. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, A SURFACE WATER MANAGEMENT PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
21. PRIOR TO ANY CONSTRUCTION ON THE INDIVIDUAL LOTS, THE APPLICANT(S) MUST SUBMIT PAVING, GRADING, AND DRAINAGE PLANS TO THE DISTRICT FOR REVIEW AND APPROVAL. IMPERVIOUS COVERAGE ON EACH LOT SHALL NOT EXCEED 70 EACH APPLICATION WILL BE REVIEWED AS A GENERAL PERMIT MODIFICATION TO THE ORIGINAL PERMIT.

LIMITING CONDITIONS

- 1 . THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
- 2 . WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-302. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED INCLUDING TOTAL VOLUME DISCHARGED, DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
- 3 . THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION, THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
- 4 . THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
- 5 . ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
- 6 . ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
- 7 . OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
- 8 . NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE

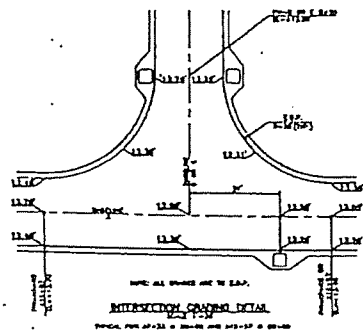
AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.

- 9 . THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.



ORIGINAL SUBMITTAL
APR 30 1992
FT. MYERS

EXHIBIT A



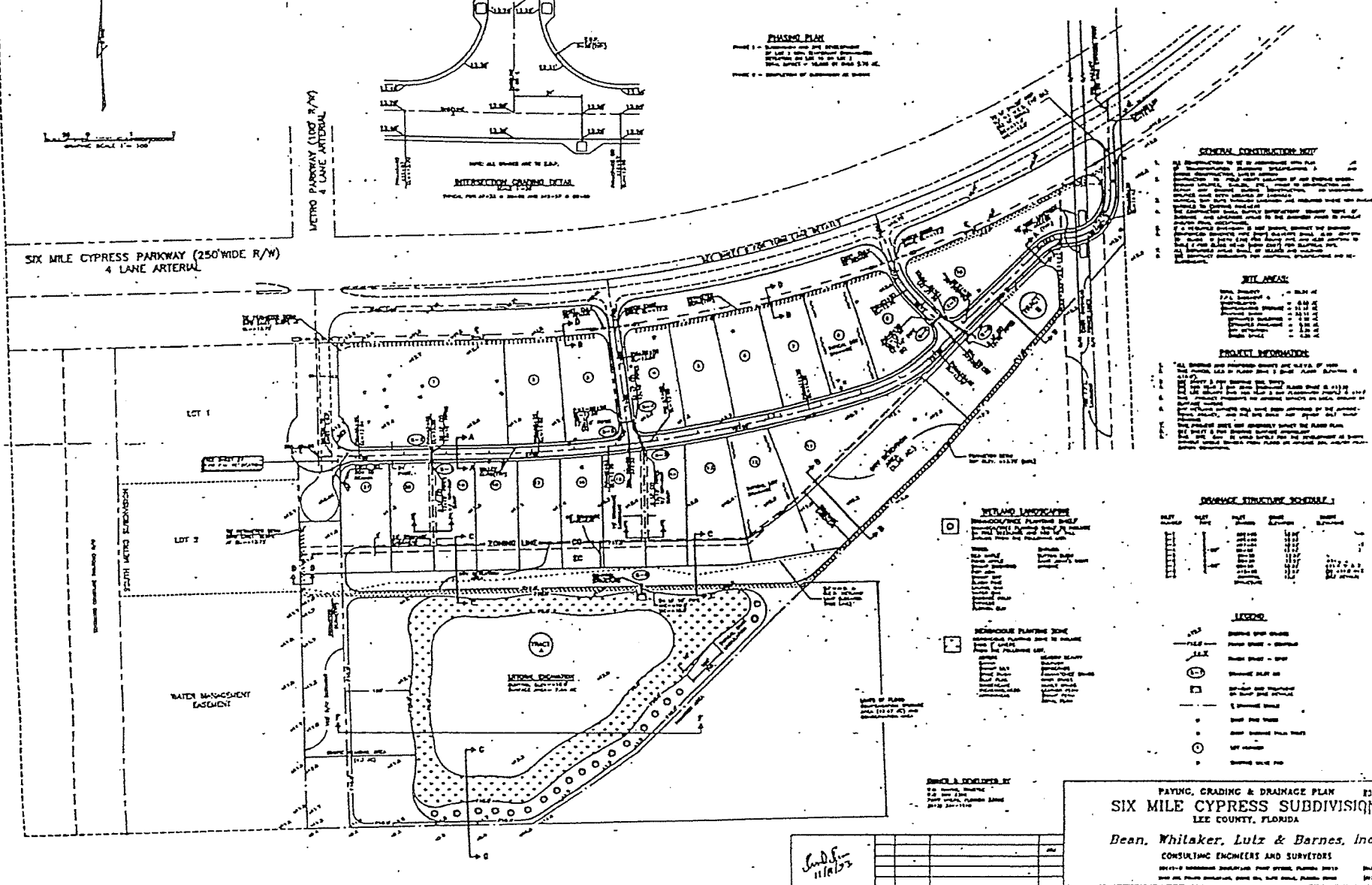
PHASING PLAN

FRONT 1 - DEMOLITION AND JOY DEVELOPMENT
ON LOT 2 CON. EXISTING STRUCTURES
REMOVED ON LOT 2 TO BE LAY 2
THE- ASPECT - MASS OF BARS 270 AC.

FRONT 2 - RECONSTRUCTION OF BUILDINGS AT FRONT

SIX MILE CYPRESS PARKWAY (250' WIDE R/W)
4 LANE ARTERIAL

RETRO PLEURAL (100% R/M)
4 LANE ARTERIAL



GENERAL CONSTRUCTION NOTY

XIII. ANALYSIS

PROJECT INFORMATION:

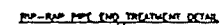
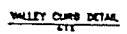
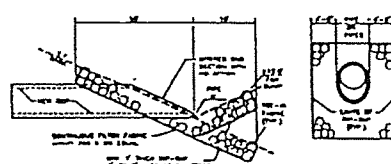
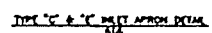
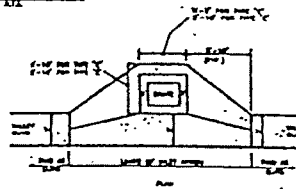
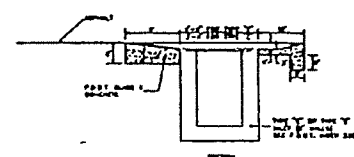
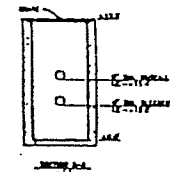
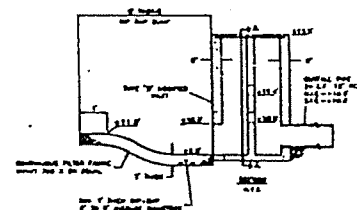
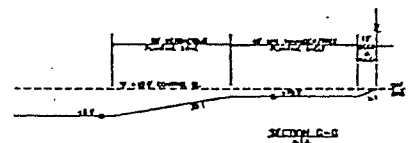
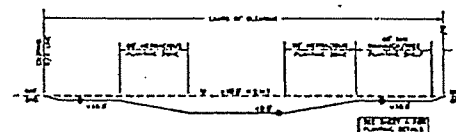
DEBRACE YOURSELF IMMEDIATELY

14579

PAVING, GRADING & DRAINAGE PLAN SHEET 1
SIX MILE CYPRESS SUBDIVISION
LEE COUNTY, FLORIDA

Bean, Whilaker, Lutz & Barnes, Inc
CONSULTING ENGINEERS AND SURVEYORS

FORM NO. 104-1 (Rev. 1-1-60)

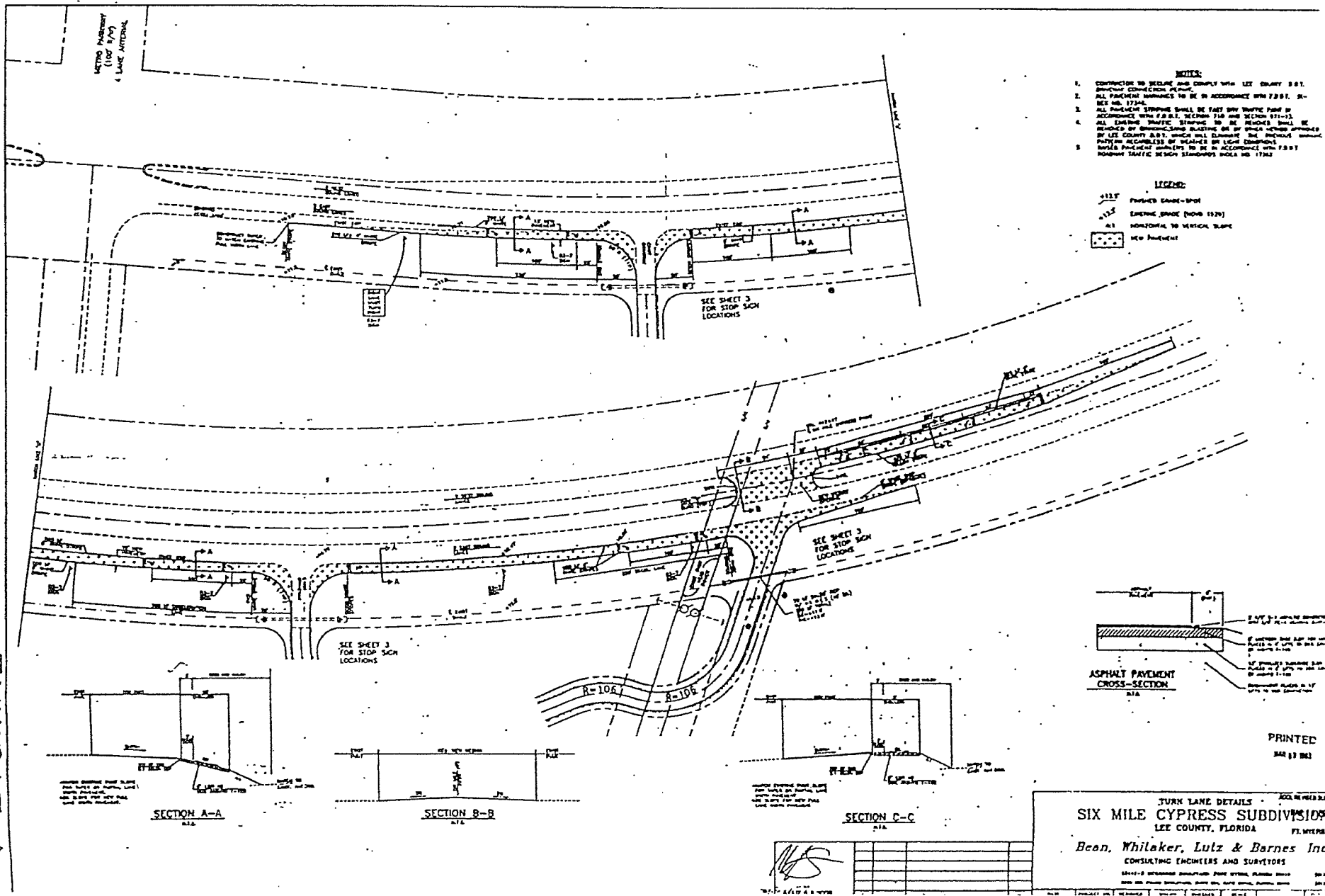
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DESIGNED & DEVELOPED BY
 Dr. J. H. H. H. H. H.
 P. O. Box 1234
 1234 Main St., New York, N.Y. 10001
 (212) 123-4567

PAVING, GRADING & DRAINAGE SECTIONS & DETAILS
SIX MILE CYPRESS SUBDIVISION
LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS

12/6/93



STAFF REPORT DISTRIBUTION LIST

PROJECT: SIX MILE CYPRESS SUBDIVISION
APPLICATION NUMBER: 920430-1

INTERNAL DISTRIBUTION

Reviewer:

X Craig A. Medlock
X Karen M. Johnson
X Clayton R. Miller, P.E.
X Karen M. Johnson
X T. Bates
X B. Colavecchio - REG
X M. Cruz
X F. Davis - LMD
X J. Golden
X B. Malone - LMD
X C. Merriam - GPA
X R. Mireau - OMD
X P. Rhoads - EVR
X C. Rinaldi - LMD
X R. Robbins
X R. Rogers - REG
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D. Thatcher
W. Van Voorhess
P. Walker - GPA
X K. Wallace
X A. Waterhouse
X Area Engineer
X Day File
X Enforcement
X Field Representative
X Office of Counsel
X Permit File

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Ms. Annie Betancourt
Ms. Valerie Boyd
Mr. William Hammond
Ms. Betsy Krant
Mr. Allan Milledge
Mr. Eugene K. Pettis
Mr. Nathaniel P. Reed
X Ms. Leah Schad
Mr. Frank Williamson, Jr.

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Applicant:
V.M. HARRIS, TRUSTEE

X Applicant's Consultant:
BEAN WHITAKER LUTZ BARNES INC

X Engineer, County of:
LEE

Engineer, City of:

X Local Drainage District:
NOT APPLICABLE

COUNTY

X Lee -Development & Review
 -Div of Natural Resources Mgmt
 -Mosquito Control

BUILDING AND ZONING

OTHER

X B&M Plumbing, Inc. (Janice Milson)
 Dept of Natural Resources (K.Alvarez)
X Div of Recreation and Park - District 8
 F.G.F.W.F.C.
X Florida Audubon - Charles Lee
 Port St. Lucie Planning Division
X S.W.F.R.P.C. - Glenn Heath
 Sierra Club - Central Florida Group



South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

December 17, 1993

V.M. Harris, Trustee
P.O. Box 2366
Fort Myers, FL 33902-2366

Dear Sir or Madam:

Subject: Application No. 920430-1, Six Mile Cypress Subdivision,
Lee County, S30/T45S/R25E

Enclosed is a copy of this District's staff report covering the request for permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 13, 1994.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 17th day of December 1993 in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lamb".

Steve Lamb
Director
Regulation Department

CERTIFIED MAIL #P 253 287 821
RETURN RECEIPT REQUESTED

Governing Board:
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt

William Hammond
Betsy Krant
Allan Milledge

Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad

Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director



Form #0300
Rev. 7/93

South Florida Water Management District

Notice Of Rights

NOTICE OF RIGHTS

Enclosed is a copy of the Staff Review Summary regarding the subject permit application, which is this agency's Notice of Proposed Agency Action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action which is proposed in the enclosed Notice of Proposed Agency Action/Staff Review Summary, may petition for an administrative hearing in accordance with the requirements of Rule 40E-1.521, Florida Administrative Code, and be filed with (received by) the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406. Petitions for administrative hearing on the above application must be filed within **fourteen (14) days of actual receipt** of this Notice of Proposed Agency Action. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

A party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission. Review under section 373.114, Florida Statutes, is initiated by filing a request for review with the Land and Adjudicatory Commission and serving a copy on the Department of Environmental Protection and any person named in the Order within applicable statutory timeframes. This review is appellate in nature and limited to the record below.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

CIRCUIT COURT

Section 373.617(2), Florida Statutes, provides:

Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking with just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on competent substantial evidence shall proceed in accordance with Chapter 120.

40E-1.521 Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by filing a petition with the District Clerk within the applicable timeframes set forth in this chapter. The term petition includes any application or other document which expresses a request for formal proceedings.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of agency action or notice of proposed agency action;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petition for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewith, which have been timely filed, which establish that the petitioner is a substantially affected party, and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presiding officer of the administrative hearing. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History --- New 9-3-81, Amended 5-11-93.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

DRAFT

Subject to Governing Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:
JANUARY 13, 1994

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 920430-1

PROJECT NAME: SIX MILE CYPRESS SUBDIVISION

LOCATION: LEE COUNTY
S30/T45S/R25E

APPLICANT'S NAME: V.M. HARRIS, TRUSTEE

OWNERS NAME AND ADDRESS: V.M. HARRIS, TRUSTEE
PO BOX 2366
FORT MYERS, FL 33902-2366

DEVELOPER: V.M. HARRIS, TRUSTEE

ENGINEER: BEAN WHITAKER LUTZ BARNES INC

II. PROJECT DESCRIPTION

PROJECT AREA: 35.21 acres DRAINAGE AREA: 23.11 acres

DISTRICT DRAINAGE BASIN: SIX MILE CYPRESS SLOUGH

RECEIVING BODY: SIX MILE CYPRESS SLOUGH

CLASSIFICATION: CLASS III

SPECIAL DRAINAGE DISTRICT: NOT APPLICABLE

PURPOSE:

This application is a request for Construction and Operation of a surface water management system to serve a 35.21 acre commercial project discharging to the Six Mile Cypress Slough. Staff recommends approval of the request with conditions.

EXISTING FACILITIES:

There are no surface water management facilities on this project site. The site lies within the Six Mile Cypress watershed at the southern end of the Six Mile Cypress Slough with flow patterns running generally northeast to southwest. Existing site elevations vary from approximately 11.3' NGVD in the southwest to approximately 13.7' NGVD in the northeast. All of the existing site lies below the 100 year storm event stage in this part of the Six Mile Cypress Slough Basin.

PROPOSED FACILITIES:

The applicant proposes to construct the infrastructure for a 23.11 acre development within a 35.21 acre parcel. The ultimate project will consist of 21 commercial lots to be developed by the individual lot owners. This application proposes to construct an access road, a surface water management system with 5.36 acre dry detention area designed to treat and attenuate stormwater, the associated drainage facilities to convey stormwater, and a 7.64 acre lake on the south 1/2 of the project designed to provide compensating storage. A total of 11.47 acres in the south 1/2 of the project is dedicated to providing the required compensation for basin storage lost to the adjacent slough as a result of the proposed construction. Compensating storage is a requirement of any project site that encroaches into a known floodplain and acts as an "importer" of basin runoff. Essentially, the amount of storage available to the basin in it's pre-developed state must be available in the post-developed state and floodplain conveyance cannot be reduced. The design of this project provides the required compensating storage.

Another requirement of a site which encroaches into the floodplain is that it must detain the runoff from the 100 year-3 day rainfall event, with no uncontrolled discharge. This project design meets this criteria.

The required water quality treatment for the Six Mile Cypress Subdivision is provided in the backbone surface water management system to be constructed at this time. Treatment is provided for 2.5" times the percentage impervious over the 23.11 acre developed site.

Prior to construction authorization for the individual lots, the applicant(s) must submit paving, grading, and drainage plans to the District for review and compliance approval. Each lot will be limited to an impervious coverage of 70% as indicated in Special Condition No. 21. Lots which exceed this percentage will be required to provide additional treatment on their sites.

BASIN INFORMATION:

Basin	Area Acres	WSWT Elev (ft, NGVD)	Normal/Dry Ctrl Elev (ft, NGVD)	Method of Determination
DEVELOPED SITE	23.11	10.00	10/10	WATER TABLE CONTOUR MAP

DISCHARGE STRUCTURE INFORMATION:Water Quality Structures:

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft, NGVD)
DEVELOPED SITE	1	CIRCULAR ORIFICE	.33' dia.	10.00
DEVELOPED SITE	1	CIRCULAR ORIFICE	.5' dia.	11.40

Discharge Culverts:

Basin	Str. #	Description
DEVELOPED SITE	1	24' long, 1.25' dia. RCP

Receiving Body:

Basin	Str. #	Receiving Body
DEVELOPED SITE	1	SIX MILE CYPRESS SLOUGH

III. PROJECT EVALUATION**Discharge Rate:**

As shown in the table below, the proposed project discharge is within the allowable limit for the area.

Design Storm Frequency: 25YEAR-3DAY Design Rainfall: 10.30 inches

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft, NGVD)
DEVELOPED SITE	1.34	SIX MILE CYPRESS SLOUGH (37 CSM)	1.2	13.1

WATER QUALITY:

Water quality treatment is provided for 2.5" times the percentage impervious for the 23.11 acre developed site.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
DEVELOPED SITE	5.36 acres DRY DETENTION	1.99	2.30

ROAD DESIGN:

As shown in the following table, minimum road center lines have been set at or above the calculated design storm flood elevation.

Design Storm Freq: 10YEAR-1DAY Design Rainfall: 6.40 inches

Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
DEVELOPED SITE	12.1	13.2

FINISHED FLOORS:

As shown in the following table, minimum finished floor elevations have been set above the calculated design storm flood elevation.

Design Storm Frequency: 100YEAR-3DAY Design Rainfall: 12.90 inches

Basin	Flood Elevation (ft., NGVD)	FEMA Elevation (ft., NGVD)	Minimum Design Elev (ft., NGVD)
DEVELOPED SITE	13.6	n/a	13.7

IV. ENVIRONMENTAL ASSESSMENT

The project site contains disturbed uplands and melaleuca wetlands. The subject property was previously cleared and the uplands revegetated with a variety of upland grasses. The wetland area, measuring approximately 7.7 acres, consists of hydric melaleuca. The melaleuca is very dense and as a result understory vegetation is lacking. However, adventitious rooting is evident on the bases of the melaleuca trees, indicating that the area experiences prolonged standing water. As a result of the severe melaleuca invasion, the onsite wetland is in poor condition. The project site is located adjacent to the Six Mile Cypress Slough Preserve.

The project as proposed includes the construction of surface water management

facilities to serve a commercial development. Under the proposed development plan, the onsite wetlands will be cleared of melaleuca. A floodplain compensation storage area will be created within the existing melaleuca wetland. The existing wetland area will have all melaleuca trees removed and will be scraped down approximately 1' to 3' below existing grade. The control elevation will be set at approximately 10.0' NGVD.

To offset the proposed wetland impacts resulting from creation of the floodplain compensation area, the applicant is proposing to create a 100' wide littoral area around the perimeter of the excavation. This littoral area will consist of a 40' wide hammock/tree planting shelf and a 60' wide herbaceous planting zone.

Water quality treatment will be provided prior to discharge from the developed portions of the site into the wetland mitigation area.

The proposed wetland impacts and mitigation activities are located within Waters of the State and the applicant filed with the Department of Environmental Regulation (DER) for a dredge and fill permit prior to the effective date of the Operating Agreement. To avoid conflicting or duplicative mitigation/monitoring requirements, District staff has deferred final review of the proposed mitigation plan to DER staff. The recent submittal to the DER includes plans for the planting of vegetative zones within the littoral areas. Zone A will consist of tree plantings with cypress, red maple, laurel oak, dahoon holly and pop ash. Zone B will consist of mixed tree shrub and herbaceous plantings. Zone C will include herbaceous plantings only. Zone D will consist of the western exotic removal area. Within this zone the existing grade will be lowered approximately 1' and seeded with fast growing groundcover such as knot-grass to prevent regrowth of the melaleuca. The wetland creation area will be monitored pursuant to DER guidelines.

WETLAND INVENTORY -**NEW PHASE - SIX MILE CYPRESS SUBDIVISION****ONSITE**

	Cypress	Marsh	Trans.	Mix Forest	Totals
Total Wet. AC	0	0	7.7	0	7.7
Wet. Preserved					0
Wet. Impacted			7.7		7.7
Wet. Disturbed					0
Wet. Improved			4.3		4.3
Wet. Created		3.26		.1	3.36
		Uplands			
Other Compensation		N/A			

SYSTEM OPERATION:

Six Mile Cypress Commercial Park Association, Inc.

PROPOSED LAND USE(S):

Commercial

WATER USE PERMIT STATUS:

No irrigation of landscaped areas is proposed at this time.

POTABLE WATER SUPPLIER:

Lee County Utilities

WASTE WATER SYSTEM/SUPPLIER:

Lee County Utilities

DRI STATUS:

This project is not a DRI.

SAVE OUR RIVERS:

The project is adjacent to lands previously purchased under the Six Mile Cypress Slough Aquisition program administered by Lee County and the Save Our Rivers program.

SWIM BASIN:

The project is not within nor does it discharge directly to a designated SWIM basin.

RIGHT-OF-WAY PERMIT STATUS:

A Right-of-Way Permit is not required for this project.

ENFORCEMENT ACTIVITY:

There has been no enforcement activity associated with this application.

THIRD PARTY INTEREST:

No third party has contacted the District with concerns about this application.

WELL FIELD ZONE OF INFLUENCE:

The project is not located within the zone of influence of a wellfield.

PRIMARY ISSUES RESOLVED:

1. Floodplain encroachment (compensating storage)
2. Wetland impacts
3. Wetland mitigation

V. APPLICABLE LAND AREA

The TOTAL PROJECT site consists of 35.21 acres. An FP&L easement, listed as OTHER, is 0.63 acres of the site. The site area to be developed is 23.11 acres.

WTMT acreage consists of 5.36 acres dry detention; a 7.64 acre lake for compensating storage and a 3.83 acre area excavated for exotic removal and for compensating storage.

The PRESERVED acreage figure includes the 100' wide littoral planting areas and the area of melaleuca removal with no littoral plantings.

PROJECT

	<u>TOTAL PROJECT</u>	<u>PREVIOUSLY PERMITTED</u>	<u>THIS PHASE</u>	
TOTAL ACRES	35.21	.00	35.21	acres
WTRM ACREAGE	16.83	.00	16.83	acres
PAVEMENT	8.96	.00	8.96	acres
BUILD COVERAGE	4.50	.00	4.50	acres
PRESERVED	7.66	.00	7.66	acres
PERVIOUS	21.75	.00	21.75	acres
OTHER	.63	.00	.63	acres

VI. STAFF RECOMMENDATION

The Staff recommends that the following be issued:

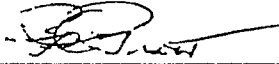
AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 35.21 ACRE COMMERCIAL PROJECT DISCHARGING TO SIX MILE CYPRESS SLOUGH.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached Standard Limiting and Special Conditions.

VII. STAFF REVIEW

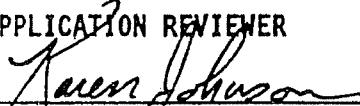
AREA MANAGER


Benjamin C. Pratt, P.E, P.L.S.



NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

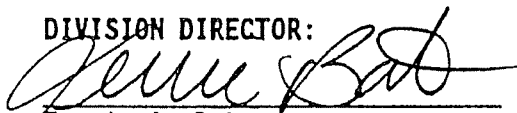
APPLICATION REVIEWER


Karen M. Johnson

SUPERVISING PROFESSIONAL


Karen M. Johnson

DIVISION DIRECTOR:


Terrie A. Bates

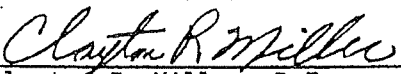
DATE: 12-14-93

SURFACE WATER MANAGEMENT DIVISION APPROVAL

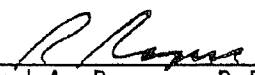
APPLICATION REVIEWER


Craig A. Medlock

SUPERVISING PROFESSIONAL


Clayton R. Miller, P.E.

DIVISION DIRECTOR


Richard A. Rogers, P.E.

DATE: 12/16/93

LIMITING CONDITIONS

- 1 . THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
- 2 . WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-302. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED INCLUDING TOTAL VOLUME DISCHARGED, DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
- 3 . THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION, THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
- 4 . THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
- 5 . ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
- 6 . ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
- 7 . OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
- 8 . NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO

OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.

- 9 . THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE REponsIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

- 1 . MINIMUM BUILDING FLOOR ELEVATION: BASIN: DEVELOPED SITE - 15.00 FEET NGVD.
- 2 . MINIMUM ROAD CROWN ELEVATION: BASIN: DEVELOPED SITE - 13.30 FEET NGVD.
- 3 . DISCHARGE FACILITIES:
1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
1-.5' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.4' NGVD.
24 LF OF 1.25' DIA. RCP CULVERT.

RECEIVING BODY : SIX MILE CYPRESS SLOUGH

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.
- 4 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM:
- 5 . MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
- 6 . THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
- 7 . PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
- 8 . FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
- 9 . A BENCHMARK SHALL BE PROVIDED IN THE VICINITY OF THE CONTROL STRUCTURE AND A DESCRIPTION PROVIDED TO THE DISTRICT WHEN CERTIFYING CONSTRUCTION COMPLETION OF THE DRAINAGE FACILITIES.
10. PRIOR TO FEBRUARY 12, 1994, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL BE NOTIFIED BY THE PERMITTEE OR AUTHORIZED AGENT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE/DURATION.

11. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
12. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT OF THAT COMPLETION DATE AND SUBMIT CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). SUCH CERTIFICATION MAY CONSIST OF WORDING IN PARAGRAPH 3.1.7 "CONSTRUCTION COMPLETION CERTIFICATION" OF THE CURRENT BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. IF THE CERTIFICATION LANGUAGE USED IS DIFFERENT FROM THE SUGGESTED LANGUAGE, A SET OF RECORD DRAWINGS CONSISTING OF ELEVATIONS, LOCATIONS AND DIMENSIONS OF COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL ALSO BE SUBMITTED.
13. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF SIX MILE CYPRESS PARK ASSOCIATION, INC..
14. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
15. THE PERMITTEE SHALL SUBMIT TO THE SFWMD COPIES OF ALL NECESSARY PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION FOR ANY PROPOSED WORKS REQUIRING A WETLAND RESOURCE PERMITTING AUTHORIZATION. SUBMITTALS SHALL BE CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.
16. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
17. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
18. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 2 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS

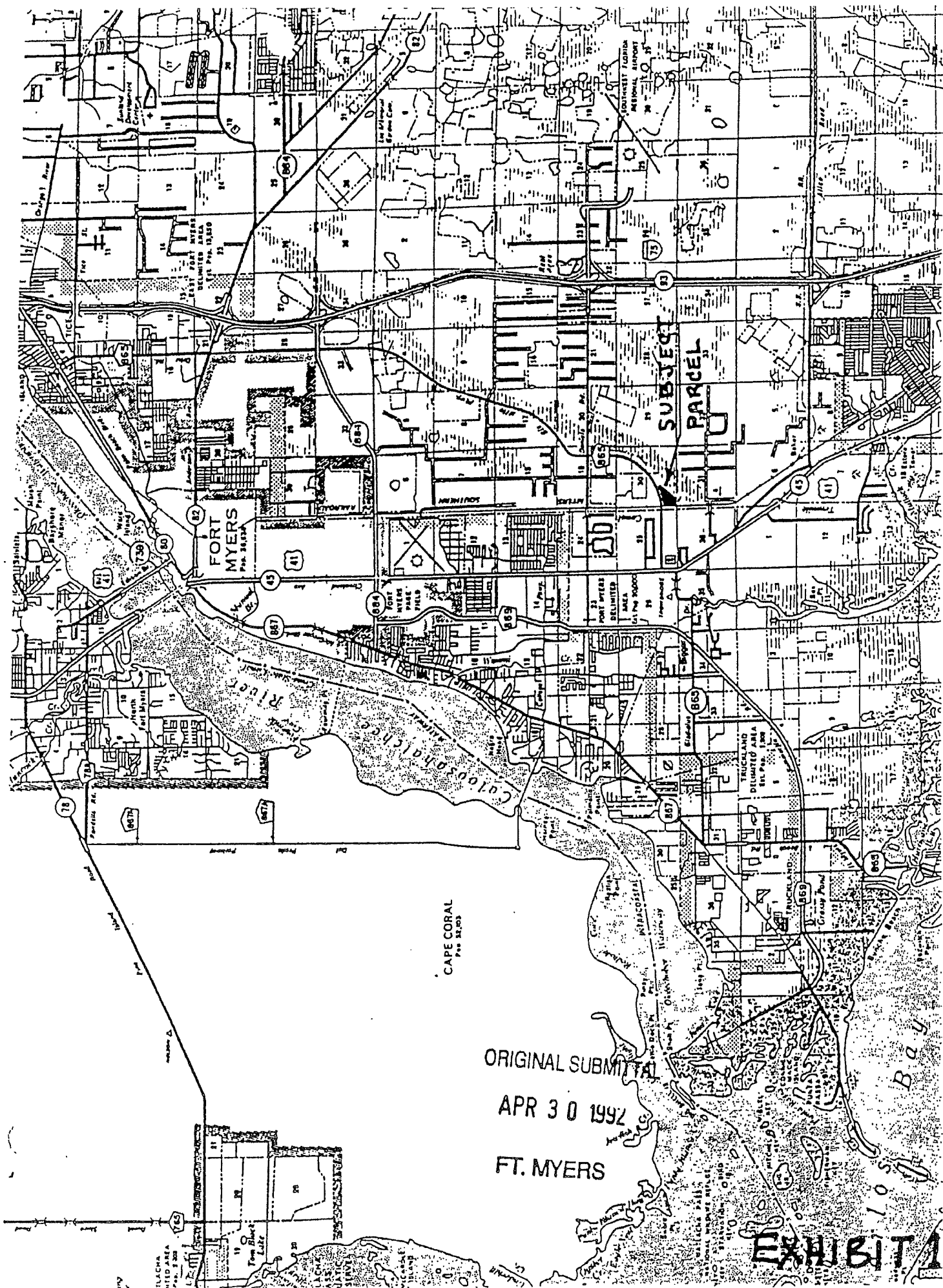
INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

19. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEDICATED AS CONSERVATION AND COMMON AREAS IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/Common AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/Common AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF SIX MILE CYPRESS COMMERCIAL PARK ASSOCIATION, INC. AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN THE PERMIT FILE, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

20. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, A SURFACE WATER MANAGEMENT PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
21. PRIOR TO ANY CONSTRUCTION ON THE INDIVIDUAL LOTS, THE APPLICANT(S) MUST SUBMIT PAVING, GRADING, AND DRAINAGE PLANS TO THE DISTRICT FOR REVIEW AND APPROVAL. IMPERVIOUS COVERAGE ON EACH LOT SHALL NOT EXCEED 70%. EACH APPLICATION WILL BE REVIEWED AS A GENERAL PERMIT MODIFICATION TO THE ORIGINAL PERMIT.



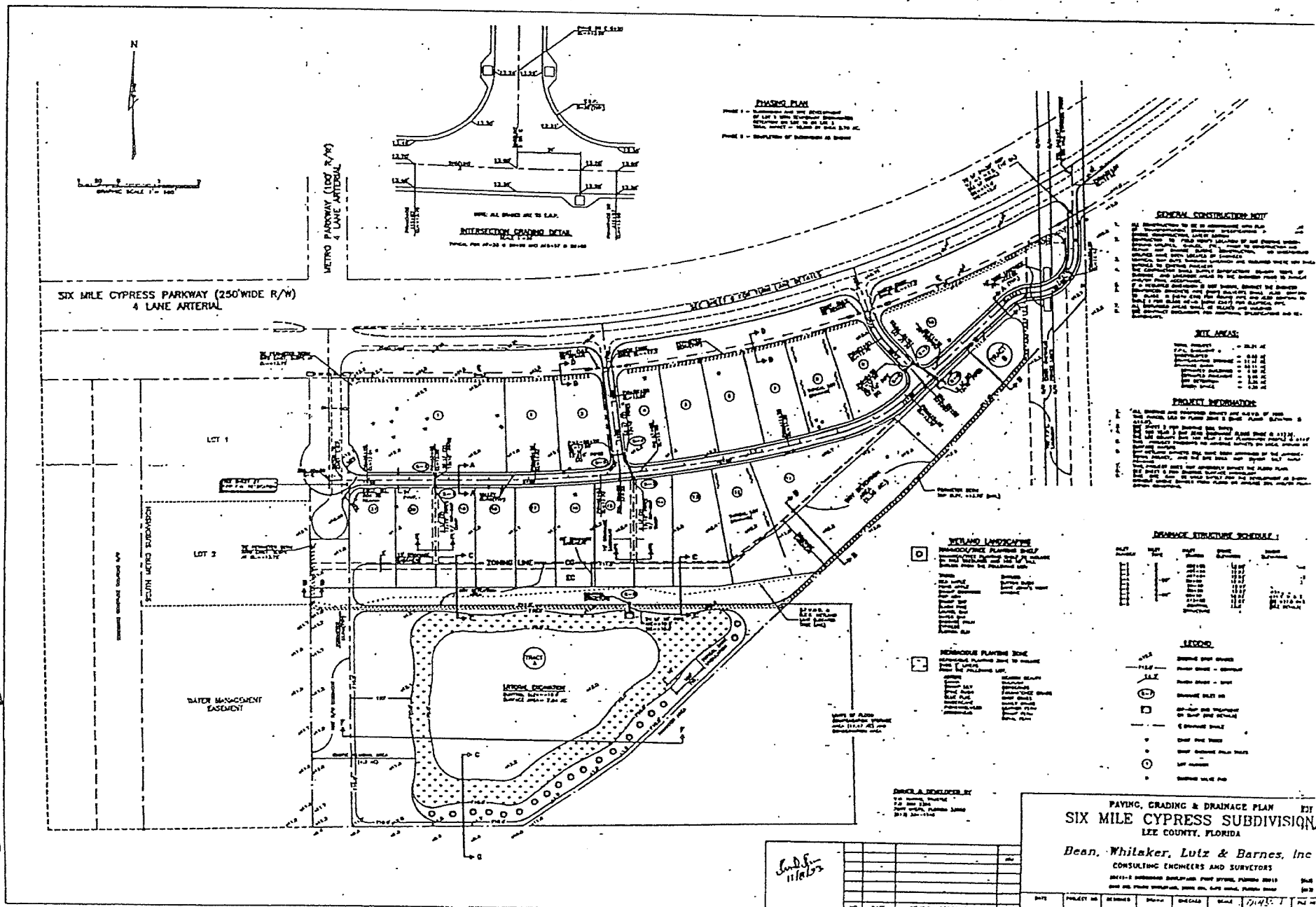
ORIGINAL SUBMITTAL

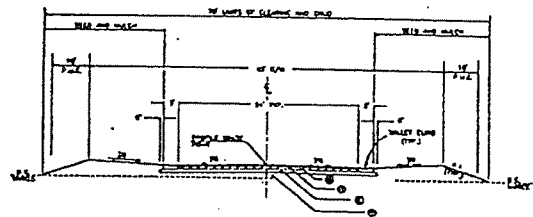
APR 30 1992

FT. MYERS

EXHIBIT A

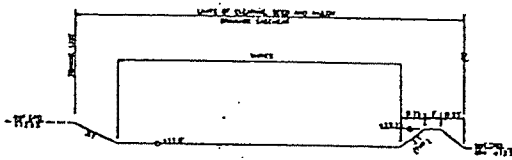
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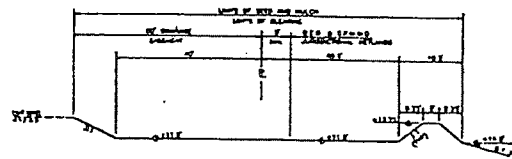


1. 12" CONC. BASE
2. 4" ASPHALT SURF.
3. 6" SUBGRADE
4. 12" CONC. CURB
5. 4" ASPHALT SURF.
6. 6" SUBGRADE

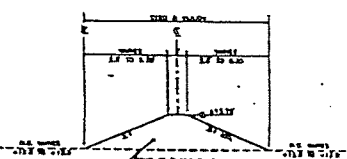
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A-A



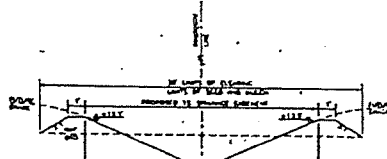
SECTION B-B



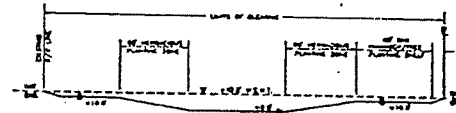
SECTION C-C



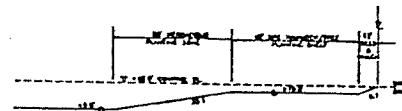
TYPICAL PERIMETER DRAIN
SECTION D-D



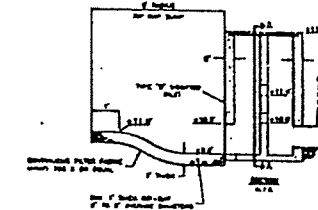
SECTION E-E



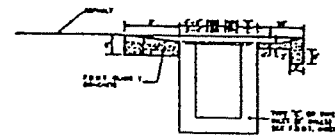
SECTION F-F
TYPICAL LANE & DRIVE CROSS SECTION
A-A



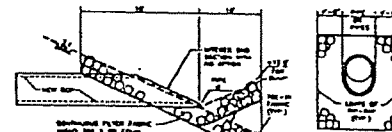
SECTION G-G



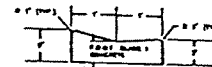
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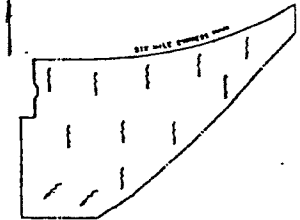
TYPE "C" & "D" INLET APRON DETAIL
A-A



RIP-RAP PIPE END TREATMENT DETAIL
A-A



VALLEY CURVE DETAIL
A-A



PRE DEVELOPMENT
SURFACE MICROGRAPH
A-A

DESIGNED & DEVELOPED BY
S. J. LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
10111-S BROADWAY, SUITE 100, TAMPA, FLORIDA 33601
PH: 813-281-1111 FAX: 813-281-1112

PAVING, GRADING & DRAINAGE SECTIONS & DETAILS
SIX MILE CYPRESS SUBDIVISION
LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS

10111-S BROADWAY, SUITE 100, TAMPA, FLORIDA 33601

PH: 813-281-1111 FAX: 813-281-1112

NO.	DATE	REVISION DESCRIPTION	BY
1	11-08-98	REVISED	SWY
2			
3			
4			
5			
6			
7			
8			
9			
10			

STAFF REPORT DISTRIBUTION LIST

PROJECT: SIX MILE CYPRESS SUBDIVISION
APPLICATION NUMBER: 920430-1

INTERNAL DISTRIBUTION

Reviewer:

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X Karen M. Johnson
X Clayton R. Miller, P.E.
X Karen M. Johnson
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X M. Cruz
X F. Davis - LMD
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X Enforcement
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Mr. Frank Williamson, Jr.

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Applicant:
V.M. HARRIS, TRUSTEE

X Applicant's Consultant:
BEAN WHITAKER LUTZ BARNES INC

X Engineer, County of:
LEE

Engineer, City of:

X Local Drainage District:
NOT APPLICABLE

COUNTY

X Lee -Development & Review
 -Div of Natural Resources Mgmt
 -Mosquito Control

BUILDING AND ZONING

OTHER

X B&M Plumbing, Inc. (Janice Milson)
 Dept of Natural Resources (K.Alvarez)
X Div of Recreation and Park - District 8
 F.G.F.W.F.C.
X Florida Audubon - Charles Lee
 Port St. Lucie Planning Division
X S.W.F.R.P.C. - Glenn Heath
 Sierra Club - Central Florida Group

GEN2022-00186

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☐ Public Hearing - General Requirements (34-202)
- ☐ Public Hearing - Mining Excavation Planned Development (12-110)
- ☒ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact (34-202(b)(1))
 - ☒ Planned Developments (34-202(b)(2))
 - ☐ Planned Development Amendment (34-202(b)(2))
 - ☐ Rezoning other than Planned Developments (34-202(b)(3))
 - ☐ Special Exceptions (34-202(b)(5))
 - ☐ Variances (34-202(b)(6))
 - ☐ Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
 - ☐ Private Recreational Facilities Planned Development (34-941(g))
- ☐ Development Order - Submittal Requirements (10-152)
- ☐ Application Form and Contents (10-153)
 - ☐ Additional Required Submittals (10-154)
- ☐ Limited Review Development Order - Submittal Requirements (10-152)
- ☐ Required Submittals (10-175)
- ☐ Administrative Action Application Requirements [34-203]
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 30-45-25-L4-29000.0110 thru 0170

Name of Project: Resurgence Brewery & Rock Gym

Name of Agent: Haley Ward, Inc. c/o Ahmad Kareh, P.E.

Street Address: 13041 McGregor Boulevard

City, State, Zip: Fort Myers, FL 33919

Phone Number: (239) 481-1331 Email Address: akareh@haleyward.com

Name of Applicant*: The Same as Above

Street Address: _____

City, State, Zip: _____

Phone Number: _____ Email Address: _____

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

SEE ATTACHED.

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-373.(a)(4)b., c., & d.	Description of Existing Conditions
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The subject site is a vacant parcel of land. It is platted. It has been cleared and filled in the past.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant

March 30, 2022

Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

☐
☐
☒

Request Denied

X Request Approved X

Request Approved Per Attached Comments

Electronically signed on 4/25/2022 by
Anthony R. Rodriguez, AICP, Zoning Manager
Lee County Department of Community Development

Director Signature

Date

ATTACHMENT H



BOARD OF COUNTY COMMISSIONERS

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District One

Cecil L. Pendergrass
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Frank Mann
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County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

March 2, 2022

Via E-Mail

Benjamin Hofland
Haley Ward, inc.
13041 McGregor Blvd
Fort Myers, FL 33919

RE: **Potable Water and Wastewater Availability
Resurgence Brewery & Rock Gym
STRAP # 30-45-25-L4-29000.0110, 30-45-25-L4-29000.0120,
30-45-25-L4-29000.0130, 30-45-25-L4-29000.0140, 30-45-25-L4-29000.0150, 30-
45-25-L4-29000.0160, and 30-45-25-L4-29000.0170,**

Dear Ms. Hofland:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B 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 2 commercial units with an estimated flow demand of approximately 13,180 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



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

of service. Lee County Utilities will commit to serve only upon receipt of all appropriate 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 Zoning 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



HALEY WARD®

ENGINEERING | ENVIRONMENTAL | SURVEYING

Traffic Impact Statement & Traffic Impact Mitigation Plan

Resurgence Brewery & Rock Gym

Haley Ward Project Number 2011255.001(21-59)

Introduction

The following Traffic Impact Statement and Traffic Impact Mitigation Plan corresponds with Resurgence Brewery and Rock Gym, a development which will consist of a mixed use Industrial Planned Development consisting of a Rock Gym (LUC 434), a Restaurant (LUC 930), Brewery (LUC 140), Bar (LUC 975), and a small retail space (LUC 899) associated with the brewery.

The proposed development includes all associated parking, drainage, utilities, landscaping and signage. The site is located south of Six Mile Cypress Parkway (public arterial road) and east of Michael G. Rippe Parkway (public arterial road). The site access is by way of Exchange Lane (public local road) with four proposed driveway connection locations.

Each of the proposed uses is considered in this traffic analysis. All traffic analysis in this report are based upon the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, which is currently used to estimate traffic volume as required by Lee County Land Development Code.

Assumptions

1. Basis of design is the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, as required by Lee County Land Development Code.
2. Traffic distribution will be reflective of the configuration of the adjacent roadways. Trip distribution has been determined using route distributions via OTISS PRO software.

Traffic & Trip Generation Calculations

Please see Appendix A (attached) for tables, equations, and calculations for deriving the traffic generation results found below.

Please see Appendix B (attached) for the site location map, Master Concept Plan, and traffic distribution sketch.

Please see Appendix C (attached) for the existing roadway data and other supporting documents.





Traffic & Trip Generation Results

Project Impacts:

The governing (worst-case) traffic for the new traffic generated by the proposed development occurs on a Weekday Peak Hour of Adjacent Traffic, with 94 entering trips and 74 exiting trips and a total of 168 trip ends.

The worst-case primary or diverted trip count of **168 total trip ends** occurring on a Weekday Peak Hour of Adjacent Traffic (WK- PAT – PM), at peak adjacent hour is less than 300, and warrants a “Traffic Impact Statement providing information regarding the development’s traffic generation and impacts at the development’s access points onto the adjacent street system”, and not an assessment of the “impact on the surrounding road system”, according to Section 10-286. of the Lee County Land Development Code.

Turn Lane Analysis:

The results of the turn lane analysis do not warrant the construction of any off-site roadway improvements at the access points to Exchange Lane.
See the turn lane warrant form attached.

Link Analysis for Six Mile Cypress Parkway (Public Arterial):

According to the Public Facilities Level of Service and Concurrency 2021 Report, for Six Mile Cypress Parkway between Metro Parkway & Daniels Parkway, the 2020 100th highest hour directional traffic is **1,481 v.p.h. (LOS “B”)**. Based on a projected buildout in 2024, the future 100th highest peak hour directional flow (year 2024 background traffic) along Six Mile Cypress Parkway is **1,556 v.p.h. (LOS “B”)**.

The worst-case new directional primary traffic generated by the proposed development is **94 v.p.h**

Thus, the projected post-development (2024) directional peak season, peak hour volume is **1,556+ 94 = 1,650 v.p.h.**, which is still below the capacity limit of 1,740 v.p.h. for LOS B as shown in the Link Specific Volumes on Arterials table page 5. **Hence, no roadway link improvements are required as a result of the proposed development.**





Conclusion

This Traffic Impact Statement and Traffic Impact Mitigation Plan corresponds with Resurgence Brewery and Rock Gym, a development which will consist of a mixed use Industrial Planned Development consisting of a Rock Gym (LUC 434), a Restaurant (LUC 930), Brewery (LUC 140), Bar (LUC 975), and a small retail space (LUC 899) associated with the brewery. The proposed development includes all associated parking, drainage, utilities, landscaping and signage. The site is located south of Six Mile Cypress Parkway (public arterial road) and east of Michael G. Rippe Parkway (public arterial road). The site access is by way of Exchange Lane (public local road) with four proposed driveway connection locations.

Based on our traffic analysis, we have concluded that this project:

1. Requires a Traffic Impact Statement involving the adjacent street system (provided by this report and its attachments).
2. Does not warrant the construction of any off-site roadway improvements at any access points.
3. Does not require roadway link improvements.

March 18, 2022

Ahmad R. Kareh, P.E., M.S.C.E.
Florida License Number 43324

P:\FL\2011255-KULBACKS_INC\001-6090-6150 EXCHANGE LN FM RESURGENCE BREWERY&GYM-ARK\02-CAD_DRAWINGS\CIVIL\TIS\TIS.DOCX



**Traffic Impact Statement
&
Traffic Impact Mitigation Plan**

APPENDIX A

~ CALCULATIONS & TABLES ~

Turn Lane Analysis Using the AC-11-4 Turn Lane Policy

For Exchange Lane (Public Local Road)

Speed Limit = 30 mph; 12 enter left, 12 enter right, 10 exit left, 9 exit right

<u>Local Street Warrant Criteria Description</u>	<u>Proposed Value(s)</u>	<u>Warrant</u>
Deceleration and Left Turn Lanes		
Left Turn Lane for Entering left turn traffic from Local Street		
Posted speed limit of the arterial street $\geq$ 30 mph and the peak hour left movement is $\geq$ 60	30mph & 12 vph	--
Two-way peak season, peak hour through volume > 500 & the number of entering left turning movements is $\geq$ 60	0 vph & 12 vph	--
Available Sight Distance is less than 200' ?	500'	--
Traffic control of the access point connection is a traffic signal.	NO	--
Left turn lane for entering traffic		NOT REQUIRED
Left Turn Lane for Exiting left turn traffic from site to Local Street		
The posted speed limit $\geq$ 30 m.p.h.	30mph	X
The number of P.A.T. left turning movements from the access driveway $\geq$ 90	10 vph	--
Traffic control of the access point connection is a traffic signal.	NO	--
Left turn lane for exiting traffic		NOT REQUIRED
Deceleration and Right Turn Lanes		
Right Turn Lane for Entering right turn traffic from Local Street		
The posted speed limit $\geq$ 30 m.p.h.	30mph	X
The number of P.A.T. entering right turning movements $\geq$ 60	12 vph	--
Available Sight Distance is less than 200' ?	500'	--
Traffic control of the access point connection is a traffic signal.	NO	--
Right turn lane for entering traffic		NOT REQUIRED
Right Turn Lane for Exiting Right turn traffic from site to Local Street		
The posted speed limit $\geq$ 30 m.p.h.	30mph	X
The number of P.A.T. exiting right turning movements from the access driveway $\geq$ 120	9 vph	--
Traffic control of the access point connection is a traffic signal.	NO	--
Right turn lane for exiting traffic		NOT REQUIRED

LINK ANALYSIS

DIRECTIONAL GROWTH ANALYSIS (CONCURRENCY REPORT):

ROADWAY SEGMENT DESIGNATION:

Six Mile Cypress Parkway from Metro Parkway to Daniels Parkway

CURRENT 100TH HIGHEST HOUR DIRECTIONAL TRAFFIC VOLUME 1,481 VPH

FUTURE 100TH HIGHEST HOUR DIRECTIONAL TRAFFIC VOLUME 1,556 VPH

PROJECTED BACKGROUND V.P.H. 1,556 VPH

PROJECT NEW DIRECTIONAL TRAFFIC 94 TRIPS

PROJECTED POST DEVELOPMENT LEVEL OF SERVICE 1,650 VPH

LEVEL OF SERVICE ANALYSIS

LEVEL OF SERVICE SECTION:

Six Mile Cypress Parkway from Metro Parkway to Daniels Parkway

EXISTING LEVEL OF SERVICE B (0 v.p.h - 1,740 v.p.h.)

FUTURE PRE-DEVELOPMENT LEVEL OF SERVICE B (0 v.p.h - 1,740 v.p.h.)

FUTURE POST-DEVELOPMENT LEVEL OF SERVICE B (0 v.p.h - 1,740 v.p.h.)

Scenario - 1

Scenario Name: PM-PAT

User Group:

Dev. phase: 1

No. of Years to

Project Traffic : 2

Analyst Note:

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
434 - Rock Climbing Gym	General	1000 Sq. Ft. GFA	23.37	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	22	16	38
Data Source: Trip Generation Manual, 11th	Urban/Suburban				1.64	57%	43%	
930 - Fast Casual Restaurant	General	1000 Sq. Ft. GFA	4.94	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN)	40	33	73
Data Source: Trip Generation Manual, 11th	Urban/Suburban				$T = 17.96(X) - 15.94$	55%	45%	
140 - Manufacturing	General	1000 Sq. Ft. GFA	5.65	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN)	0	0	0
Data Source: Trip Generation Manual, 11th	Urban/Suburban				$T = 0.87(X) - 17.50$	31%	69%	
975 - Drinking Place	General	1000 Sq. Ft. GFA	0.84	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	6	3	9
Data Source: Trip Generation Manual, 11th	Urban/Suburban				11.36	66%	34%	
899 - Liquor Store	General	1000 Sq. Ft. GFA	0.27	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6	Best Fit (LOG)	13	13	26
Data Source: Trip Generation Manual, 11th	Urban/Suburban				$\ln(T) = 0.47\ln(X) + 3.91$	50%	50%	
930(1) - Fast Casual Restaurant	General	1000 Sq. Ft. GFA	3.34	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN)	24	20	44
Data Source: Trip Generation Manual, 11th	Urban/Suburban				$T = 17.96(X) - 15.94$	55%	45%	

VEHICLE TO PERSON TRIP CONVERSION**BASELINE SITE VEHICLE CHARACTERISTICS:**

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
434 - Rock Climbing Gym	100	100	1	1	57	43
930 - Fast Casual Restaurant	100	100	1	1	55	45
140 - Manufacturing	100	100	1.3	1.3	31	69
975 - Drinking Place	100	100	1	1	66	34
899 - Liquor Store	100	100	1	1	50	50
930(1) - Fast Casual Restaurant	100	100	1	1	55	45

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips	
	Entry	Exit	Entry	Exit	Entry	Exit
434 - Rock Climbing Gym	22	16	0	0	22	16
		38	0	0		38
930 - Fast Casual Restaurant	40	33	0	0	40	33
		73	0	0		73
140 - Manufacturing	0	0	0	0	0	0
		0	0	0		0
975 - Drinking Place	6	3	0	0	6	3
		9	0	0		9
899 - Liquor Store	13	13	0	0	13	13
		26	0	0		26
930(1) - Fast Casual Restaurant	24	20	0	0	24	20
		44	0	0		44

VEHICLE TRIPS AFTER MULTI-MODAL ADJUSTMENT

MODE SHARE:

Land Use	Personal Passenger Vehicle		Truck		Other Modes	
	Entry (%)	Exit (%)	Entry (%)	Exit (%)	Entry (%)	Exit (%)
434 - Rock Climbing Gym	100%	100%	0%	0%	0%	0%
930 - Fast Casual Restaurant	100%	100%	0%	0%	0%	0%
140 - Manufacturing	100%	100%	0%	0%	0%	0%
975 - Drinking Place	100%	100%	0%	0%	0%	0%
899 - Liquor Store	100%	100%	0%	0%	0%	0%
930(1) - Fast Casual Restaurant	100%	100%	0%	0%	0%	0%

OCCUPANCY:

Land Use	Vehicle	
	Entry	Exit
434 - Rock Climbing Gym	1.00	1.00
930 - Fast Casual Restaurant	1.00	1.00
140 - Manufacturing	1.00	1.00
975 - Drinking Place	1.00	1.00
899 - Liquor Store	1.00	1.00
930(1) - Fast Casual Restaurant	1.00	1.00

ADJUSTED VEHICLE TRIPS:

Land Use	Entry				Exit			
	Person Trips	Vehicle Mode Share (%)	Vehicle Occupancy	Vehical Trips	Person Trips	Vehicle Mode Share (%)	Vehicle Occupancy	Vehical Trips
434 - Rock Climbing Gym	22	100%	1.00	22	16	100%	1.00	16
930 - Fast Casual Restaurant	40	100%	1.00	40	33	100%	1.00	33
140 - Manufacturing	0	100%	1.00	0	0	100%	1.00	0
975 - Drinking Place	6	100%	1.00	6	3	100%	1.00	3
899 - Liquor Store	13	100%	1.00	13	13	100%	1.00	13
930(1) - Fast Casual Restaurant	24	100%	1.00	24	20	100%	1.00	20

INTERNAL VEHICLE TRIP REDUCTION

LAND USE GROUP ASSIGNMENT:

Land Use	Land Use Group
434 - Rock Climbing Gym	Cinema
930 - Fast Casual Restaurant	Resturant
140 - Manufacturing	Others
975 - Drinking Place	Resturant
899 - Liquor Store	Retail
930(1) - Fast Casual Restaurant	Resturant

BALANCED PERSON TRIPS:

434 - Rock Climbing Gym					930 - Fast Casual Restaurant				
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>====	Unconstrained Demand	UIPTC	PAF	Persons Entry	
16	1	10.3333333333333	2	0	0	1	1	40	
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit	
22	1	10.6666666666666	2	1	1	2.66666666666665	1	33	
434 - Rock Climbing Gym					140 - Manufacturing				
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>====	Unconstrained Demand	UIPTC	PAF	Persons Entry	
16	1	0	0	0	0	0	1	0	
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit	
22	1	0	0	0	0	0	1	0	
434 - Rock Climbing Gym					975 - Drinking Place				
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>====	Unconstrained Demand	UIPTC	PAF	Persons Entry	

16	1	10.3333333333333	2	0	0	1	1	6
Persons Exit	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit
22	1	10.6666666666666	2	0	0	2.66666666666665	1	3
434 - Rock Climbing Gym								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	899 - Liquor Store
16	1	21	3	1	1	4	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	13
22	1	26	6	1	1	4	1	Persons Exit
434 - Rock Climbing Gym								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	930(1) - Fast Casual Restaurant
16	1	10.3333333333333	2	0	0	1	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	24
22	1	10.6666666666666	2	1	1	2.66666666666665	1	Persons Exit
930 - Fast Casual Restaurant								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	140 - Manufacturing
33	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	0
40	1	0	0	0	0	0	1	Persons Exit
930 - Fast Casual Restaurant								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	975 - Drinking Place
33	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	6
40	1	0	0	0	0	0	1	Persons Exit
930 - Fast Casual Restaurant								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	899 - Liquor Store
33	1	13.6666666666666	4	2	2	16.6666666666666	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	13
40	1	9.66666666666666	4	1	1	9.66666666666666	1	Persons Exit
930 - Fast Casual Restaurant								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	930(1) - Fast Casual Restaurant
33	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	24
40	1	0	0	0	0	0	1	Persons Exit
140 - Manufacturing								
Persons Exit	PAF	UIPTC	Unconstrained Demand	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	975 - Drinking Place
0	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	6
0	1	0	0	0	0	0	1	Persons Exit
140 - Manufacturing								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	899 - Liquor Store
0	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained Demand	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	13
0	1	0	0	0	0	0	1	Persons Exit
140 - Manufacturing								
Persons Exit	PAF	UIPTC	Unconstrained	====> BALANCED ==>==	Unconstrained Demand	UIPTC	PAF	930(1) - Fast Casual Restaurant
0	1	0	0	0	0	0	1	Persons Entry
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	24
0	1	0	0	0	0	0	1	Persons Exit

0	1	0	0	0	0	0	0	1	20
975 - Drinking Place				====> BALANCED ==>>>				899 - Liquor Store	
Persons Exit	PAF	UIPTC	Unconstrained	0	Unconstrained Demand	UIPTC	PAF	Persons Entry	
3	1	13.666666666666666	0	0	2	16.666666666666668	1	13	
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit	
6	1	9.666666666666666	1	1	1	9.666666666666666	1	13	
975 - Drinking Place				====> BALANCED ==>>>				930(1) - Fast Casual Restaurant	
Persons Exit	PAF	UIPTC	Unconstrained Demand	0	Unconstrained Demand	UIPTC	PAF	Persons Entry	
3	1	0	0	0	0	0	1	24	
Persons Entry	PAF	UIPTC	Unconstrained	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit	
6	1	0	0	0	0	0	1	20	
899 - Liquor Store				====> BALANCED ==>>>				930(1) - Fast Casual Restaurant	
Persons Exit	PAF	UIPTC	Unconstrained Demand	1	Unconstrained Demand	UIPTC	PAF	Persons Entry	
13	1	9.666666666666666	1	1	2	9.666666666666666	1	24	
Persons Entry	PAF	UIPTC	Unconstrained Demand	<<<== BALANCED <<<==	Unconstrained Demand	UIPTC	PAF	Persons Exit	
13	1	10.666666666666666	2	2	3	13.666666666666666	1	20	

INTERNAL PERSON TRIPS:

434 - Rock Climbing Gym

Internal Person Trips From	Entry	Exit	Total
930 - Fast Casual Restaurant	1	0	1
140 - Manufacturing	0	0	0
975 - Drinking Place	0	0	0
899 - Liquor Store	1	1	1
930(1) - Fast Casual Restaurant	1	0	1
Total Internal Person Trips	3	1	4

930 - Fast Casual Restaurant

Internal Person Trips From	Entry	Exit	Total
434 - Rock Climbing Gym	0	1	1
140 - Manufacturing	0	0	0
975 - Drinking Place	0	0	0
899 - Liquor Store	1	2	4
930(1) - Fast Casual Restaurant	0	0	0
Total Internal Person Trips	1	3	4

140 - Manufacturing

Internal Person Trips From	Entry	Exit	Total
434 - Rock Climbing Gym	0	0	0
930 - Fast Casual Restaurant	0	0	0
975 - Drinking Place	0	0	0
899 - Liquor Store	0	0	0
930(1) - Fast Casual Restaurant	0	0	0
Total Internal Person Trips	0	0	0

975 - Drinking Place

Internal Person Trips From	Entry	Exit	Total
434 - Rock Climbing Gym	0	0	0
930 - Fast Casual Restaurant	0	0	0
140 - Manufacturing	0	0	0

899 - Liquor Store	1	0	1
930(1) - Fast Casual Restaurant	0	0	0
Total Internal Person Trips	1	0	1

899 - Liquor Store

Internal Person Trips From	Entry	Exit	Total
434 - Rock Climbing Gym	1	1	1
930 - Fast Casual Restaurant	2	1	4
140 - Manufacturing	0	0	0
975 - Drinking Place	0	1	1
930(1) - Fast Casual Restaurant	2	1	4
Total Internal Person Trips	5	4	9

930(1) - Fast Casual Restaurant

Internal Person Trips From	Entry	Exit	Total
434 - Rock Climbing Gym	0	1	1
930 - Fast Casual Restaurant	0	0	0
140 - Manufacturing	0	0	0
975 - Drinking Place	0	0	0
899 - Liquor Store	1	2	4
Total Internal Person Trips	1	3	4

INTERNAL VEHICLE TRIPS AND CAPTURE:**434 - Rock Climbing Gym**

Total Internal Person Trips	3	1	4
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	3	1	4
Total External Vehicle Trips	19	15	34
Internal Vehicle Trip Capture	14%	6%	11%

930 - Fast Casual Restaurant

Total Internal Person Trips	1	3	4
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	1	3	4
Total External Vehicle Trips	39	30	69
Internal Vehicle Trip Capture	2%	9%	5%

140 - Manufacturing

Total Internal Person Trips	0	0	0
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	0	0	0
Total External Vehicle Trips	0	0	0
Internal Vehicle Trip Capture	0%	0%	0%

975 - Drinking Place

Total Internal Person Trips	1	0	1
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	1	0	1
Total External Vehicle Trips	5	3	8
Internal Vehicle Trip Capture	17%	0%	11%

899 - Liquor Store

Total Internal Person Trips	5	4	9
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	5	4	9
Total External Vehicle Trips	8	9	17
Internal Vehicle Trip Capture	38%	31%	35%

930(1) - Fast Casual Restaurant

Total Internal Person Trips	1	3	4
Vehicle Mode Share	100%	100%	-
Vehicle Occupancy	1.00	1.00	-
Total Vehicle Internal Trips	1	3	4
Total External Vehicle Trips	23	17	40
Internal Vehicle Trip Capture	4%	15%	9%

PASS-BY VEHICLE TRIP REDUCTION

Land Use	External Vehicle Trips		Pass-by Vehicle Trip %		Pass-by Vehicle Trips	
	Entry	Exit	Entry (%)	Exit (%)	Entry	Exit
434 - Rock Climbing Gym	19	15	0.00%	0.00%	0	0
930 - Fast Casual Restaurant	39	30	0.00%	0.00%	0	0
140 - Manufacturing	0	0	0.00%	0.00%	0	0
975 - Drinking Place	5	3	0.00%	0.00%	0	0
899 - Liquor Store	8	9	0.00%	0.00%	0	0
930(1) - Fast Casual Restaurant	23	17	0.00%	0.00%	0	0

DIVERTED VEHICLE TRIP REDUCTION

Land Use	External Vehicle Trips		Diverted Vehicle Trip %		Diverted Vehicle Trips	
	Entry	Exit	Entry (%)	Exit (%)	Entry	Exit
434 - Rock Climbing Gym	19	15	0.00%	0.00%	0	0
930 - Fast Casual Restaurant	39	30	0.00%	0.00%	0	0
140 - Manufacturing	0	0	0.00%	0.00%	0	0
975 - Drinking Place	5	3	0.00%	0.00%	0	0
899 - Liquor Store	8	9	0.00%	0.00%	0	0
930(1) - Fast Casual Restaurant	23	17	0.00%	0.00%	0	0

EXTRA VEHICLE TRIP REDUCTION

Land Use	(External - (Pass-by + Diverted)) Vehicle Trips		Extra Vehicle Trip Reduction %		Extra Reduced Vehicle Trips	
	Entry	Exit	Entry (%)	Exit (%)	Entry	Exit
434 - Rock Climbing Gym	19	15	0.00%	0.00%	0	0
930 - Fast Casual Restaurant	39	30	0.00%	0.00%	0	0
140 - Manufacturing	0	0	0.00%	0.00%	0	0
975 - Drinking Place	5	3	0.00%	0.00%	0	0
899 - Liquor Store	8	9	0.00%	0.00%	0	0
930(1) - Fast Casual Restaurant	23	17	0.00%	0.00%	0	0

NEW VEHICLE TRIPS

Land Use	New Vehicle Trips		
	Entry	Exit	Total
434 - Rock Climbing Gym	19	15	34

930 - Fast Casual Restaurant	39	30	69
140 - Manufacturing	0	0	0
975 - Drinking Place	5	3	8
899 - Liquor Store	8	9	17
930(1) - Fast Casual Restaurant	23	17	40

Land Use	New Vehicle Trips (PPV)		
	Entry	Exit	Total
434 - Rock Climbing Gym	19	15	34
930 - Fast Casual Restaurant	39	30	69
140 - Manufacturing	0	0	0
975 - Drinking Place	5	3	8
899 - Liquor Store	8	9	17
930(1) - Fast Casual Restaurant	23	17	40

Land Use	New Vehicle Trips (Truck)		
	Entry	Exit	Total
434 - Rock Climbing Gym	0	0	0
930 - Fast Casual Restaurant	0	0	0
140 - Manufacturing	0	0	0
975 - Drinking Place	0	0	0
899 - Liquor Store	0	0	0
930(1) - Fast Casual Restaurant	0	0	0

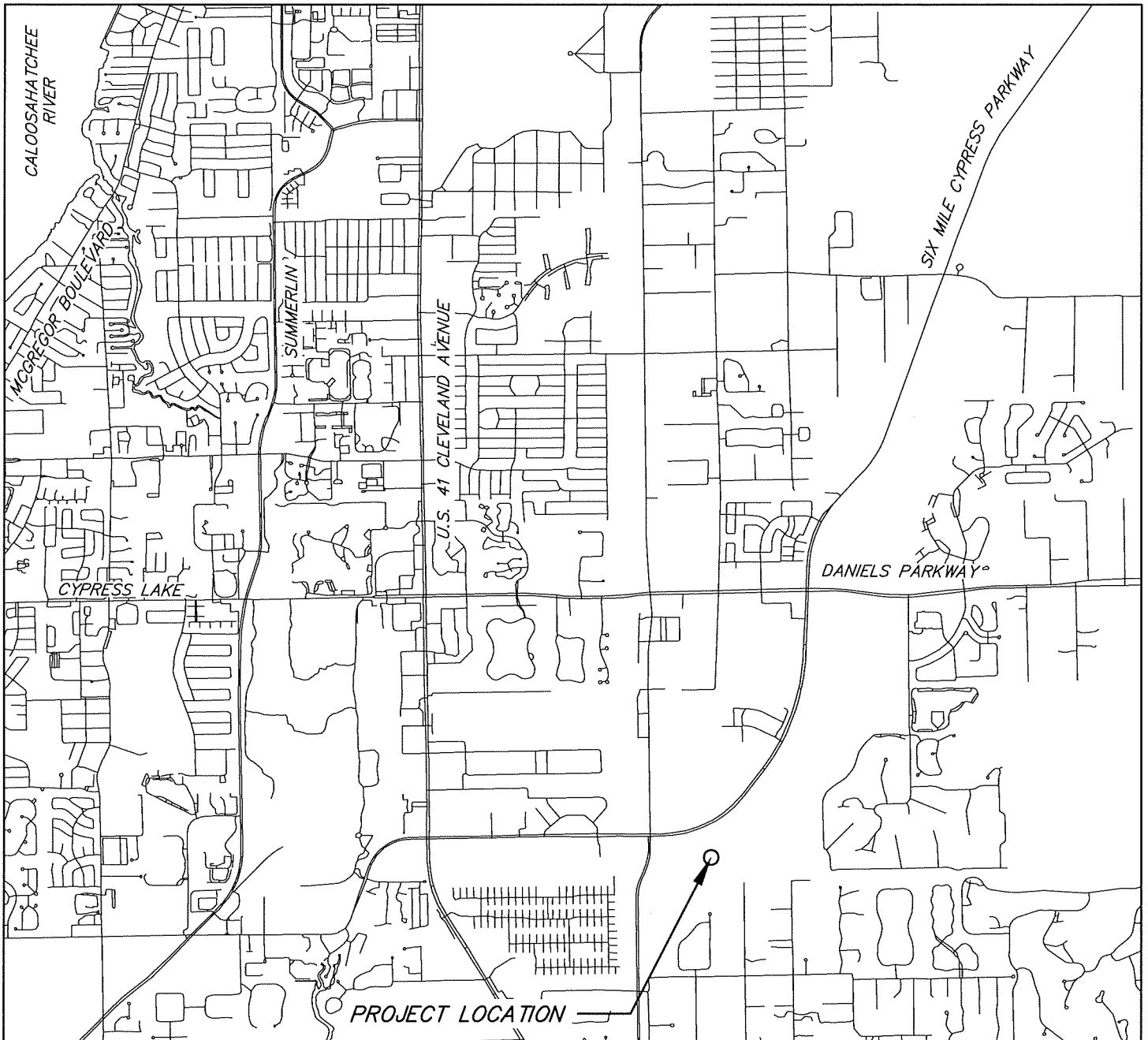
RESULTS

Site Totals	Entry	Exit	Total
Vehicle Trips Before Reduction	105	85	190
Vehicle Trips After Multi-modal Adjustment	105	85	190
Internal Vehicle Trips	11	11	22
External Vehicle Trips	94	74	168
Internal Vehicle Trip Capture	10%	13%	12%
Pass-by Vehicle Trips	0	0	0
Diverted Vehicle Trips	0	0	0
Extra Reduced Vehicle Trips	0	0	0
New Vehicle Trips	94	74	168
PPV	94	74	168
Truck	0	0	0
Person Trips by Other Modes	0	0	0

**Traffic Impact Statement
&
Traffic Impact Mitigation Plan**

APPENDIX B

~ GRAPHICAL TRAFFIC DISTRIBUTION ~



SITE LOCATION MAP

SCALE: N.T.S.

PARCEL STRAP NUMBER:

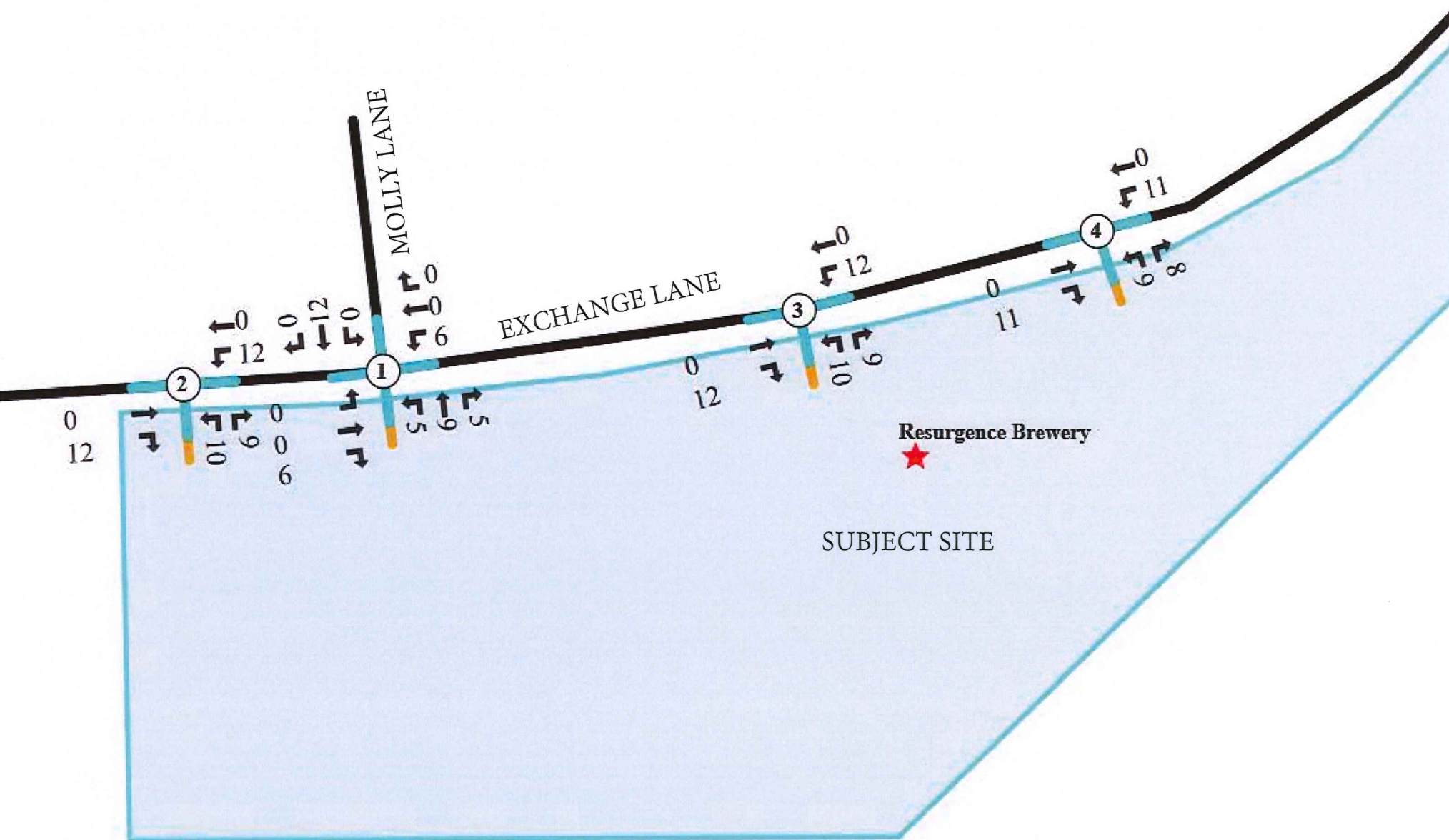
30-45-25-L4-29000.0110
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 30-45-25-L4-29000.0150
 30-45-25-L4-29000.0160
 30-45-25-L4-29000.0170

ADDRESS:

6150 EXCHANGE LANE, FORT MYERS FL 33912
 6140 EXCHANGE LANE, FORT MYERS FL 33912
 6130 EXCHANGE LANE, FORT MYERS FL 33912
 6120 EXCHANGE LANE, FORT MYERS FL 33912
 6110 EXCHANGE LANE, FORT MYERS FL 33912
 6100 EXCHANGE LANE, FORT MYERS FL 33912
 6090 EXCHANGE LANE, FORT MYERS FL 33912

RESURGENCE BREWERY AND ROCK GYM

SECTION 30 TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



OTISS PRO Turns Exhibit

**Traffic Impact Statement
&
Traffic Impact Mitigation Plan**

APPENDIX C

~ COUNTY DATA AND SUPPORTING INFORMATION ~

9/23/2021

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

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	E	644	Constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,621	D	2,037	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,580	C	1,855	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	489	C	535	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	293	D	552	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	293	C	308	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	285	C	414	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	740	D	778	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	510	C	536	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,101	B	1,176	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,094	B	1,150	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	77	C	89	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	77	C	81	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970	F	1,022	F	1,151	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,022	C	1,151	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	689	C	767	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	689	C	767	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	448	C	471	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	D	591	D	621	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	937	E	985	
23400	SHELL POINT BLVD	McGREGOR BLVD	PALM ACRES	2LN	E	860	C	294	C	309	*
23500	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,089	B	1,272	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,481	B	1,556	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,089	B	1,272	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,038	B	1,091	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,038	A	1,091	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	399	C	419	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	640	D	673	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	652	C	831	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	B	460	B	669	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	211	C	237	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	712	E	813	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	712	E	809	
24900	SUMMERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,896	A	2,126	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,896	A	1,993	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,896	A	1,993	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,517	C	1,618	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,489	B	1,565	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,526	B	1,604	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,526	B	1,604	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,189	D	1,250	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,189	D	1,250	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	443	C	466	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	443	C	466	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	730	E	767	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	600	D	630	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	E	855	F	1,012	Copperhead
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,502	B	1,685	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	855	B	964	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	855	B	1,198	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	199	C	209	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	188	D	701	Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,050	A	1,288	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	799	A	840	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	793	A	833	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,020	C	2,273	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	1,901	C	2,354	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,069	C	2,812	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,069	C	2,467	

9/23/2021

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

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
30200	US 41 (S TAMiami TR)	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	3,171	C	2,334	C	2,623	
30300	US 41 (S TAMiami TR)	BRIARCLIFF RD	SIX MILE PKWY	6LD	D	3,171	C	2,334	C	2,623	
30400	US 41 (S TAMiami TR)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	2,067	C	2,323	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	6LD	D	3,171	C	2,456	C	2,759	SR 739 6 laning Design & ROW programmed
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH RD	6LD	D	3,171	C	2,456	C	2,759	SR 739 6 laning Design & ROW programmed
30700	US 41 (CLEVELAND AVE)	SOUTH RD	BOY SCOUT RD	6LD	D	3,171	C	2,447	C	2,752	SR 739 6 laning Design & ROW programmed
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	6LD	D	3,171	C	1,895	C	2,130	SR 739 6 laning Design & ROW programmed
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	6LD	D	3,171	C	1,895	C	2,130	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	4LD	D	2,100	C	1,942	F	2,215	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	4LD	D	2,100	C	1,942	F	2,215	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	4LD	D	2,100	C	1,942	F	2,215	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	4LD	D	2,100	C	1,550	C	1,756	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	4LD	D	2,100	C	1,550	C	1,756	
31400	US 41 (N TAMiami TR)	LITTLETON RD	BUS 41	4LD	D	2,100	C	1,362	C	1,606	
31500	US 41 (N TAMiami TR)	BUS 41	DEL PRADO BLVD	4LD	D	2,100	C	1,362	C	1,606	
31600	US 41 (N TAMiami TR)	DEL PRADO BLVD	CHARLOTTE CO. LINE	4LD	D	2,100	C	1,378	C	1,714	
27200	VETERANS MEM. PKWY	SR 78	CHIQUITA	4LD	D	2,040	A	905	A	951	
27300	VETERANS MEM. PKWY	CHIQUITA	SKYLINE	4LD	D	2,040	A	1,188	A	1,249	
27400	VETERANS MEM. PKWY	SKYLINE	SANTA BARBARA BLVD	6LD	D	3,080	A	2,091	B	2,198	*
27500	VETERANS MEM. PKWY	SANTA BARBARA BLVD	COUNTRY CLUB BLVD	6LD	D	3,080	B	2,881	B	3,028	
27600	VETERANS MEM. PKWY	COUNTRY CLUB BLVD	MIDPOINT BRDG TOLL P	6LD	D	3,080	B	2,756	B	2,897	
27700	VETERANS MEM. PKWY	MIDPOINT BRDG TOLL P	MCGREGOR BLVD	4LB	D	4,000	D	2,997	D	3,150	
29000	W. 6TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	184	C	194	
29100	W. 12TH ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	C	234	C	246	*
29200	W. 12TH ST	SUNSHINE BLVD	WILLIAMS AVE	2LN	E	860	C	76	C	168	old count projection(2010)
29300	W. 12TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	92	C	104	old count projection(2010)
29400	W. 14TH ST	SUNSHINE BLVD	RICHMOND AVE	2LN	E	860	C	48	C	54	old count projection(2010)
15200	WESTGATE BLVD	GUNNERY RD	LEE BLVD	2LN	E	860	D	636	D	692	
27900	WHISKEY CREEK DR	COLLEGE PKWY	SAUTERN DR	2LD	E	910	C	284	C	299	
28000	WHISKEY CREEK DR	SAUTERN DR	MCGREGOR BLVD	2LD	E	910	C	284	C	299	
28200	WILLIAMS AVE	LEE BLVD	W. 6TH ST	2LN	E	860	D	760	D	799	
28300	WINKLER RD	STOCKBRIDGE DR	SUMMERLIN RD	2LN	E	860	C	461	C	537	old count(2010)
28400	WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,520	C	341	C	358	
28500	WINKLER RD	GLADIOLUS DR	BRANDYWINE CIR	2LN	E	880	B	593	B	625	Year 2010 data
28600	WINKLER RD	BRANDYWINE CIR	CYPRESS LAKE DR	2LN	E	880	B	500	B	526	
28700	WINKLER RD	CYPRESS LAKE DR	COLLEGE PKWY	4LD	E	1,780	D	774	D	813	
28800	WINKLER RD	COLLEGE PKWY	MCGREGOR BLVD	2LN	E	800	B	350	B	395	old count projection(Year 2010)
28900	WOODLAND BLVD	US 41	AUSTIN ST	2LN	E	860	C	266	C	300	old count projection(2010)

* previous year data

- County-Maintained Collector Roadway - Unincorporated Lee County
- County-Maintained Arterial Roadway - Unincorporated Lee County
- County-Maintained Arterial/Collector Roadway - Incorporated Lee County
- State-Maintained Arterial Roadway - Unincorporated Lee County

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
PINE ISLAND RD/ BAYSHORE RD (SR 78)	SANTA BARBARA BLVD	DEL PRADO BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	DEL PRADO BLVD	BARNETT RD	5	2.1	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	BARNETT RD	US 41	2	0.5	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	US 41	BUSINESS 41	2	1.2	4LD	0	0	1,320	1,700	1,700	0	0	2,450	3,140	3,140
	BUSINESS 41	HART RD	2	1.1	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	HART RD	BREWERS RD	2	0.4	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	BREWERS RD	SLATER RD	2	0.8	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	SLATER RD	I-75	2	2.9	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	I-75	NALLE RD	2	0.6	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
PONDELLA RD	NALLE RD	SR 31	2	2.7	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
	SR 78	WESTWOOD RD	5	0.9	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	WESTWOOD RD	ORANGE GROVE BLVD	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ORANGE GROVE BLVD	US 41	2	1.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
SAN CARLOS BLVD	US 41	BUS 41	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ESTERO BLVD	MAIN ST	4	0.6	2LB	960	1,040	1,040	1,040	1,040	1,750	1,890	1,890	1,890	1,890
	MAIN ST	SUMMERLIN RD	4	2.5	4LD	0	900	1,780	1,780	1,780	0	1,640	3,250	3,250	3,250
	SUMMERLIN RD	KELLY RD	4	1.1	2LN	60	850	900	900	900	110	1,550	1,640	1,640	1,640
SANIBEL CAUSEWAY	KELLY RD	McGREGOR BLVD	4	0.6	4LN	150	1,810	1,810	1,810	1,810	280	3,300	3,300	3,300	3,300
	SANIBEL SHORELINE	TOLL PLAZA	4	2.9	2LN	100	220	440	620	1,140	180	390	780	1,090	2,010
SIX MILE CYPRESS	US 41	METRO PKWY	4	1.8	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	METRO PKWY	DANIELS PKWY	4	1.8	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	DANIELS PKWY	CHALLENGER BLVD	4	4.4	4LD	800	1,000	1,000	1,000	1,000	1,360	2,320	2,320	2,320	2,320
	CHALLENGER BLVD	WAL-MART INTERSECTION	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
	WAL-MART INTERSECTION	COLONIAL BLVD	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
SLATER RD	SR 78	NALLE GRADE RD	2	4.0	2LN	120	290	490	660	1,010	230	550	930	1,250	1,910
SR 31	SR 80	SR 78	2 & 3	1.4	2LN	640	1,300	1,300	1,300	1,300	1,120	2,270	2,270	2,270	2,270
	SR 78	N. RIVER RD	2	1.3	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
	N. RIVER RD	COUNTY LINE	2	2.0	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
SR 80	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	1,650	1,820	1,820	1,820	0	2,710	3,000	3,000	3,000
	ORTIZ AVE	I-75	1	1.2	6LD	0	2,550	2,760	2,760	2,760	0	4,190	4,520	4,520	4,520
	I-75	SR 31	3	2.7	6LD	1,830	2,820	2,820	2,820	2,820	2,920	4,640	4,640	4,640	4,640
	SR 31	BUCKINGHAM RD	3	2.5	4LD	1,150	1,880	1,880	1,880	1,880	1,890	3,080	3,080	3,080	3,080
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	MITCHELL AVE	JOEL BLVD	3	4.0	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	JOEL BLVD	COUNTY LINE	3	2.2	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
STRINGFELLOW RD	1ST AVE	PINE ISLAND RD	6	7.9	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINE ISLAND RD	PINELAND RD	6	3.3	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINELAND RD	MAIN ST	6	3.7	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970

MEMORANDUM

TO: Mr. Benjamin Hofland
Haley Ward

FROM: Reid C. Fellows, P.E.
Vice President

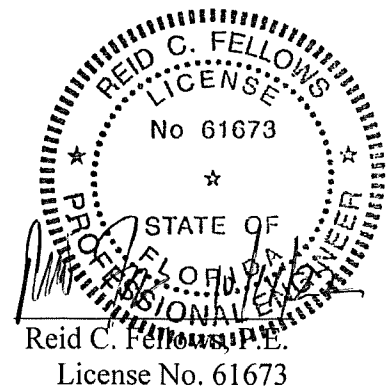
DATE: October 14, 2022

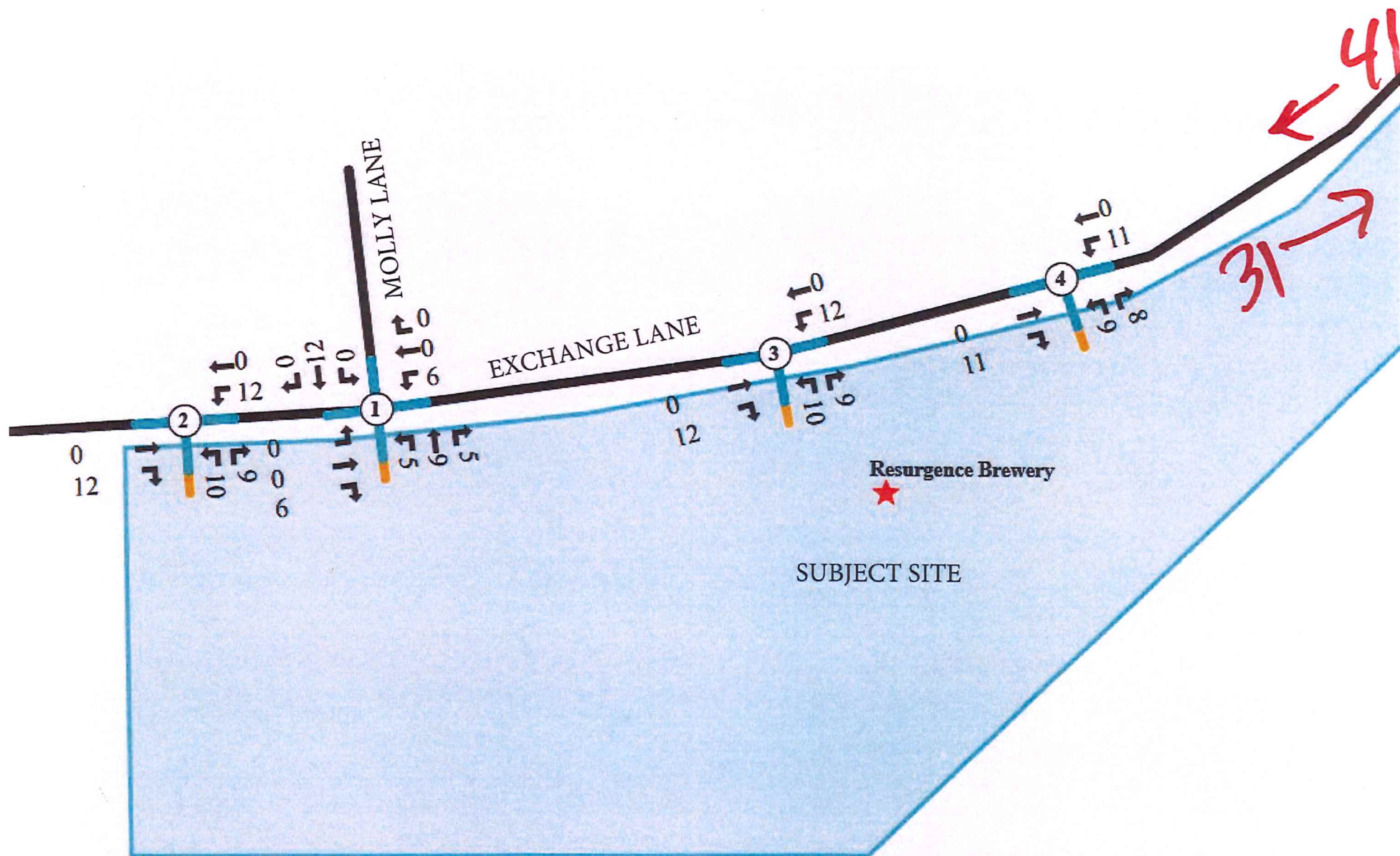
RE: Six Mile Cypress/Planation Road Intersection
Level of Service Analysis

TR Transportation Consultants, Inc. has completed a Level of Service Analysis for the intersection of Six Mile Cypress and Planation Road utilizing the *HCS 2022*© program. Background traffic was utilized from a turning movement count conducted on January 12, 2022. Project related trips were obtained from the report Traffic Impact Statement for the Resurgence Brewery and Rock Gym dated March 18, 2022.

Should you have any questions concerning this matter, please feel free to contact me.

Attachments





OTISS PRO Turns Exhibit



Google Earth

1000 ft



Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

Six Mile Cypress @ Plantation Road
January 12, 2022
2028

	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	3	6	10	0	239	223	848	0	4	701	19
Peak Season Correction Factor	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Current Peak Season Volumes	0	3	6	11	0	258	241	916	0	4	757	21
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	6	6	6
2028 Background Turning Volumes	0	3	7	12	0	291	271	1,032	0	5	853	24
Project Turning Volumes	14	5	12	0	18	0	0	0	0	23	0	0
2028 Background + Project	14	8	19	12	18	291	271	1,032	0	28	853	24

HCS Two-Way Stop-Control Report

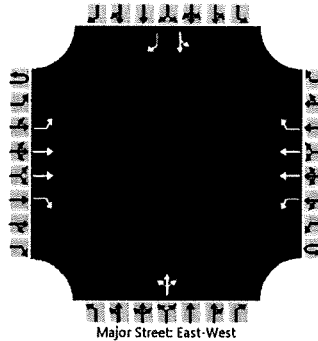
General Information

Analyst	RCF
Agency/Co.	TR Transportation
Date Performed	09/23/22
Analysis Year	2028
Time Analyzed	PEAK With Project
Intersection Orientation	East-West
Project Description	

Site Information

Intersection	Six Mile Cypress/Plantation Road
Jurisdiction	Lee County
East/West Street	Six Mile Cypress
North/South Street	Plantation Road
Peak Hour Factor	0.91
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	2	1	0	1	2	1		0	1	0		0	1	1
Configuration		L	T	R		L	T	R			LTR			LT		R
Volume (veh/h)	9	262	1032	0	2	26	853	24		14	8	19		12	18	291
Percent Heavy Vehicles (%)	3	3			3	3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized	No				No								No			
Median Type Storage	Left + Thru								1							

Critical and Follow-up Headways

Base Critical Headway (sec)	6.4	4.1			6.4	4.1				7.5	6.5	6.9		7.5	6.5	6.9
Critical Headway (sec)	6.46	4.16			6.46	4.16				7.56	6.56	6.96		7.56	6.56	6.96
Base Follow-Up Headway (sec)	2.5	2.2			2.5	2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)	2.53	2.23			2.53	2.23				3.53	4.03	3.33		3.53	4.03	3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		298				31					45			33		320
Capacity, c (veh/h)		625				553					0			38		538
v/c Ratio		0.48				0.06								0.86		0.59
95% Queue Length, Q ₉₅ (veh)		2.6				0.2								3.2		3.8
Control Delay (s/veh)		15.9				11.9								259.4		21.0
Level of Service (LOS)		C				B								F		C
Approach Delay (s/veh)	3.3				0.4								43.3			
Approach LOS	A				A								E			



DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Adam Mendez, Planner, Senior

From: Lili Wu, Planner, Senior

Date: Dec. 13, 2022

Subject: Resurgence Brewery & Rock Gym (DCI2022-00019) Transportation-Related Analysis

Proposed Development

This application is requesting to allow the development of a brewery, rock gymnasium (recreational facility), and other related uses within the subject property.

Site Location

The subject site is located at the southeast corner of the intersection of Metro Pkwy/Six Mile Cypress Pkwy.

Site Access

Access to the property will be provided by proposed driveways on Exchange Ln.

Exchange Ln is a 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 peak hour traffic volumes.

Table 1
Trip Generation (New Trips)

Land Use	Weekday Peak Hour		
	In	Out	Total
Proposed Development	94	74	168

Roadway Section Traffic Operation Level of Service Analysis

It was assumed that the proposed development would be completed by 2028 (build-out year). Therefore, the roadway links significant impacted by the proposed development were analyzed for the 2028 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Significant Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2028	Future + Project
Six Mile Cypress Pkwy	From Metro Pkwy to Daniels Pkwy	No	B	B	B

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site access, and intersections expected to be most impacted by the proposed development. In this case, using trip assignment described in the applicant's final traffic study, the following intersection is expected to be significantly impacted by the proposed development:

1. Six Mile Cypress Pkwy/Plantation Road

Table 3 describes the intersection that is expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

**Table 3: Roadway Intersection(s) Immediately Adjacent to Subject Site
Expected to be significantly Impacted by Proposed Development**

Intersection		Significant		Peak	Level of Service (2028)		
Roadway A	Roadway B	Impact Expected	Traffic Control	Hour	Existing	Future	Future + Project
Six Mile Cypress Pkwy	Plantation Road	No	Two-way Stop Controlled	PM	--	--	F (SB left approach)

Conclusion

The intersection level of service (LOS) analysis indicates the south bound left approach in the intersection of Six Mile Cypress Pkwy/Plantation Rd will operate at LOS “F” with the project.

Recommended Conditions:

Traffic impact statements for local development orders within the planned development will not incorporate internal trip capture into project trip generation calculations.

RESOLUTION NUMBER Z-80-373

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Cox, and seconded by Zoning Board Member Terrell, and upon poll of the members present the vote was as follows:

Thomas C. Smith	AYE	Robert Terrell	AYE
Thad Taylor	NAY	Truman A. Morris	AYE
Chuck Ross	AYE	Tom Cox	AYE
Monty Bishop	AYE		

WHEREAS Morton Goldberg, Trustee has requested a change in zoning from AG to IL and CG with a variance from the section and 1/4 section line setback.

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held, as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved with the stipulation that it be developed in accordance with the site plan and the DCI recommendations.

UPON APPEAL, the following resolution was offered by Commissioner _____, and seconded by Commissioner _____, and upon poll of the members present the vote was as follows:

R. Doug Taylor
Harry Rodda
Roland Q. Roberts
Wade H. Scaffie
R.L. Steele

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board (No appeal was filed.)

PASSED AND ADOPTED THIS 28th DAY OF October, 19 80 by the Lee County Zoning Board.
PASSED AND ADOPTED THIS _____ DAY OF _____, 19____ by the Lee County Commissioners

RESOLUTION NUMBER Z-80- 373

APPROVED AS TO FORM

By Thomas M. Burchett
OFFICE OF COUNTY ATTORNEY

HEARING NUMBER 80-9-19 (DCI)

LEGAL DESCRIPTION
Morton Goldberg, Trustee
80-9-19 (DCI)
Z-80-373

SUBJECT PROPERTY: Proposed IL: The SW 1/4 of the NW 1/4 together with the N 1/2 of the SW 1/4 LESS the NE 1/4 of the NE 1/4 of the SW 1/4, Sec. 30, Twp. 45S, Rge. 25E, lying N of proposed Six Mile Parkway (S.R. 80-B) centerline as recorded in OR Book 1179, Pgs. 188 and 189, of the Lee County, Florida Public Records, further described as follows: From the NW corner of Gov. Lot 4, the same being the SW 1/4 of the SW 1/4 of Sec. 30, Twp. 45S, Rge. 25E; run S 01 deg. 03 min. 25 sec. E along the W line of said lot for 40.15 ft. to the POB of the herein described centerline. From said POB run N 89 deg. 07 min. 49 sec. E along said centerline for 1122.17 ft. to a point of curvature at Station 426+ 73.73 ft.; thence run NEly along said centerline, along the arc of a curve to the left of radius 2864.79 ft. for 2543.28 ft. to a point of tangency at Station 452+ 17.01 ft. and the end of the herein described centerline.

Proposed CG: The SW 1/4 of Sec. 30, Twp. 45S, Rge. 25E, lying S of proposed Six Mile Parkway (S.R. 80-B) centerline as recorded in OR Book 1179, Pgs. 188 and 189 of the Lee County, Florida Public Records, further described as follows: From the NW corner of Gov. Lot 4, the same being the SW 1/4 of the SW 1/4 of Sec. 30, Twp. 45S, Rge. 25E; run S 01 deg. 03 min. 25 sec. E along the W line of said lot for 40.15 ft. to the POB of the herein described centerline. From said POB run N 89 deg. 07 min. 49 sec. E along said centerline for 1122.17 ft. to a point of curvature at Station 426+ 73.73 ft.; thence run NEly along said centerline along the arc of a curve to the left of radius 2864.79 ft. for 2543.28 ft. to a point of tangency at Station 452+ 17.01 ft. and the end of the herein described centerline. LESS the S 600.00 ft. of the E 1800.00 ft. and the S 500.00 ft. of the W 300.00 ft. of the E 2100.00 ft. and the (S 400.00 ft. LESS the E 2100.00 ft.)

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, LEE COUNTY BOARD OF COUNTY COMMISSIONERS, has properly filed an application for a District Boundary Change from AG, RM-2 and CG to P. R. on a parcel of property located in Section 26, 27, 34, 35; Township 44S, Range 25E and Sections 3, 4, 8, 9, 17, 19, 20, 29, 30, 31; Township 45S, Range 25E, Lee County, Florida, (the Six Mile Cypress Strand is located approximately two (2) miles East of the present Lee County-Page Field Airport, running from Highway 82 SW to a point approximately one-half mile N of where the Ten Mile Canal intersects Briarcliff Road) described more particularly as;

A tract or parcel of land lying in Section 26, 27, 34 and 35, Township 44 South, Range 25 East and in Section 3, 4, 8, 9, 17, 19, 20, 29, 30 and 31, Township 45 South, Range 25 East, Lee County, Florida which tract or parcel is described as follows:

From the quarter corner on the north line of said Section 26 run S 89° 35' 52" E along the north line of said section for 1,123.12 feet to an intersection with the southwesterly line (100 feet from the centerline) of Immokalee Road (State Road No. 82) and the Point of Beginning.

From said Point of Beginning run southeasterly along said southwesterly line along the arc of a curve to the right of radius 4,811.07 feet (chord bearing S 62° 11' 58" E) (delta 09° 34' 08") for 803.49 feet; thence run S 23° 30' W for 1,186.07 feet; thence run N 72° 30' W for 765 feet; thence run S 04° 30' W for 800 feet; thence run S 33° 00' E for 930 feet; thence run S 36° 00' W for 825 feet; thence run S 26° 00' W for 660 feet; thence run S 38° 30' W for 570 feet; thence run S 56° 15' W for 1,355.00 feet to the south line of said Section 26 on the centerline of proposed Colonial Boulevard Extension (250 feet wide) (State Road No. 884); thence continue S 56° 15' W through said Section 35 for 913.60 feet to a concrete post; thence run S 35° 45' W for 947.88 feet to a concrete post on a line common to said Sections 34 and 35; thence continue S 35° 45' W for 180 feet; thence run S 75° 15' W for 620 feet; thence run S 33° 30' W for 1,435 feet; thence run S 40° 15' E for 232 feet; thence run S 34° 11' 10" W for 328.06 feet; thence run N 82° 45' W for 268 feet; thence run S 43° 45' W for 295 feet; thence run S 25° 00' W for 1,410.00 feet to an intersection with the easterly line of State Road No. 93 (Inter-

state 75); thence run S 52° 00' W for 705.78 feet intersecting the westerly line of said road at 352.37 feet; thence run S 05° 00' W for 255 feet to a concrete post on the line common to said Sections 34 and 3; thence continue S 05° 00' W in said Section 3 for 100 feet to a concrete post; thence run S 38° 00' W for 260 feet to a concrete post; thence run S 19° 00' W for 740 feet to a concrete post; thence run S 07° 45' E for 345 feet to a concrete post; thence run S 22° 15' W for 630 feet to a concrete post; thence run S 31° 30' W for 430 feet to a concrete post; thence run S 23° 30' W for 1,125.00 feet to a concrete post; thence run S 48° 00' E for 100 feet to a concrete post; thence run S 27° 24' 50" W for 550.50 feet to a concrete post; thence run S 62° 30' W for 590 feet to a concrete post; thence run S 73° 00' W for 25 feet to a concrete post on the line common to said Sections 3 and 4; thence continue S 73° 00' W in said Section 4 for 1,720.00 feet to a concrete post passing through concrete posts at 573.31 feet and 1,142.66 feet; thence run S 31° 34' 01" W for 318.19 feet to a concrete post; thence run S 01° 45' E for 260' per survey; thence run S 34° 15' W for 185 feet to a concrete monument on the line common to said Sections 4 and 9; thence continue S 34° 15' W in said Section 9 for 115 feet to a concrete post; thence run S 52° 30' W for 675 feet to a concrete post; thence run S 34° 45' W for 227.02 feet to an intersection with the north-south quarter section line in said Section 9; thence continue S 34° 45' W for 1,352.98 feet to a concrete post; thence run S 68° 00' E for 340 feet to a concrete post; thence run S 17° 28' 25" W for 781.49 feet to an intersection with the east-west quarter section line of said Section 9; thence continue S 17° 28' 25" W for 81.59 feet to a concrete post; thence run S 88° 30' W for 335 feet to a concrete post; thence run S 11° 30' W for 590 feet to a concrete post; thence run S 25° 45' W for 705 feet to a concrete post; thence run S 30° 00' W for 1,600.00 feet to a concrete post on the line common to said Sections 9 and 16; thence run S 88° 41' 12" W along said line for 250 feet to the southwest corner of said Section 9; thence run S 03° 34' 15" W along the east line of said Section 17 for 740 feet to a concrete post; thence run S 24° 45' W for 1,285.00 feet to a concrete post; thence run S 29° 45' W for 878.03 feet to an intersection with the east-west quarter section line of said Section 17; thence continue S 29° 45' W for 261.97 feet to a steel pin in the root of a pine tree; thence run S 08° 00' W for 940 feet to a concrete post; thence run S 31° 00' W for 635 feet to ½" steel pipe in palmetto roots; thence run S 40° 30' E for 275 feet to a concrete post; thence run S 40° 28' 14" W for 466.98 feet to a concrete post; thence run N 84° 30' W for 285 feet to a concrete post; thence run S 22° 30' W for 465 feet to a concrete post in the centerline of a dike along the line common to said Sections 17 and 20; thence continue S 22° 30' W for 235 feet to a concrete post; thence run S 68° 00' E for 220 feet to a concrete post; thence run S 21° 01' 44" W for 460.12 feet to a concrete post; thence run N 85° 30' W for 130 feet to a concrete post; thence run S 06° 15' W for 1,845.00 feet to a concrete post on the north line of lands described in deed

recorded in Official Records Book 1154 at page 970 passing through concrete posts at 635 feet and 1,230 feet along said line; thence run S 30° 19' 22" W for 475.39 feet to an intersection with the southerly line of Daniels Road (100 feet from the centerline) as described in deed recorded in Official Record Book 1405 at page 590 of said Public Records; thence run S 08° W for 718 feet; thence run S 24° 08' W for 1,769.00 feet; thence run S 10° 23' W for 28.09 feet to an intersection with a line common to said Sections 20 and 29; thence continue S 10° 23' W for 971.91 feet; thence run S 20° 53' W for 1,107.00 feet; thence run S 36° 08' W for 1,183.00 feet; thence run S 46° 23' W for 412.21 feet to an intersection with a line common to said Sections 29 and 30; thence continue S 46° 23' W for 257.78 feet; thence run S 34° 23' W for 715.36 feet to an intersection with the south line of the northeast quarter (NE $\frac{1}{4}$) of the of the southeast quarter (SE $\frac{1}{4}$) of said Section 30; thence continue S 34° 23' W for 44.64 feet; thence run S 40° 08' W for 1,010.00 feet; thence run S 62° 53' W for 1,208.13 feet to an intersection with the line common to said Sections 30 and 31; thence continue S 62° 53' W for 97.87 feet; thence run S 34° 38' 00" W for 289.20 feet to an intersection with the north-south quarter section line of said Section 31; thence continue S 34° 38' W for 565.8 feet; thence run S 44° 23' 00" W for 1,200.00 feet; thence run S 48° 23' 00" W for 199.53 feet to an intersection with the west line of the east half (E $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of said Section 31; thence continue S 48° 23' 00" W for 980.47 feet; thence run S 84° 38' W for 348.06 feet to an intersection with the east line of Seaboard Coast Line Railroad as described in deed recorded in Deed Book 70 at page 293 of said Public Records; thence run N 00° 39' 44" W along said east line of said Railroad for 2,376.27 feet to an intersection with said line common to said Sections 30 and 31; thence run N 00° 40' 09" W along said east line of said Railroad for 660.57 feet; thence run N 89° 01' 07" E for 1,485.76 feet; thence run N 46° 30' 00" E for 1,043.91 feet to an intersection with the east line of a Florida Power & Light Company right-of-way easement (100 feet wide); thence run N 01° 10' 06" W along said westerly line for 120 feet to an intersection with the southeasterly line of Six Mile Cypress Parkway (250 feet wide); thence run northeasterly along said southeasterly line along the arc of a curve to the left of radius 2,989.79 feet (chord bearing N 50° 00' 02" E) (delta 23° 28' 16") for 1,224.76 feet to a concrete post marking a point of tangency on said southeasterly line; thence run N 38° 15' 54" E along said southeasterly line for 511.50 feet to an intersection with the east-west quarter section line of said Section 30; thence continue N 38° 15' 54" E along said southeasterly line for 229.34 feet to a concrete post marking a point of curvature in said southeasterly line; thence continue northeasterly along said southeasterly line along the arc of a curve to the left of radius 5,854.58 feet (chord bearing N 24° 46' 01" E) (delta 26° 59' 45") for 2,758.47 feet to a concrete post on the line

common to said Sections 19 and 30, passing through concrete posts at 689.62 feet, 1,379.24 feet and 2,068.86 feet along said arc; thence continue northeasterly along said southeasterly line along said arc of said curve to the left of radius 5,854.58 feet (chord bearing N 06° 45' 51" E) (delta 09° 00' 34") for 920.61 feet to a concrete post marking a point of tangency on the easterly line of said Parkway; thence run N 02° 15' 34" E along said easterly line for 1,636.67 feet to an intersection with said southerly line of Daniels Road passing through concrete posts at 545.56 feet and 1,091.12 feet along said line; thence continue N 02° 15' 34" E along said easterly line for 250.41 feet to the northerly line of said Daniels Road; thence continue N 02° 15' 34" E along said easterly line for 510.28 feet to a concrete post marking a point of curvature; thence northeasterly along said southeasterly line along the arc of a curve to the right of radius 2,739.79 feet (chord bearing N 08° 38' 27" E) (delta 12° 45' 45") for 610.28 feet to a concrete post on the line common to said Sections 19 and 20; thence continue northeasterly along said southeasterly line along said arc of a curve to the right of radius 2,739.79 feet (chord bearing N 28° 42' 47" E) (delta 27° 22' 56") for 1,309.37 feet to a concrete post marking a point of tangency in said southeasterly line, passing through a concrete post at 654.69 feet; thence run N 42° 24' 15" E along said southeasterly line for 354.88 feet to a concrete post on the line common to said Sections 17 and 20; thence continue N 42° 24' 15" E along said southeasterly line for 788.36 feet to a concrete monument marking a point of curvature; thence continue northeasterly along said southeasterly line along the arc of a curve to the left of radius 2,989.79 feet (chord bearing N 33° 36' 57" E) (delta 17° 34' 36") for 917.18 feet to a concrete post on the north line of the south half (S½) of the southwest quarter (SW¼) of said Section 17; thence continue northeasterly along said southeasterly line along said arc of a curve to the left of radius 2,989.79 feet (chord bearing N 22° 25' 35" E) (delta 04° 48' 08") for 250.59 feet to a concrete post marking a point of tangency; thence run N 20° 01' 31" E along said southeasterly line for 4,010.00 feet to a concrete post on the line common to said Sections 8 and 17, passing through concrete posts at 561.51 feet, 1,172.03 feet, 1,558.59 feet, 2,061.51 feet, 2,590.94 feet and 3,261.51 feet; thence continue N 20° 01' 31" E along said southeasterly line for 710.08 feet to a concrete post on the south line of Airport Road (60 feet wide) as described in deed recorded in Deed Book 243 at page 480 of said Public Records; thence continue N 20° 01' 31" E along said southeasterly line for 2,132.23 feet to a concrete post on the eastwest quarter section line of said Section 8, passing through concrete posts at 563.46 feet, 710.42 feet and 1,441.44 feet; thence continue N 20° 01' 31" E along said southeasterly line for 827 feet to a concrete post marking a point of curvature in said southeasterly line; thence northeasterly along the arc of a curve to the right of radius 5,604.58 feet (chord bearing N 24° 56' 09" E) (delta 09°

49' 16") for 960.68 feet to a concrete post on the line common to said Sections 8 and 9; thence continue northeasterly along said southeasterly line along said arc of said curve to the right of radius 5,604.58 feet (chord bearing N 32° 45' 28" E) (delta 05° 49' 23") for 569.60 feet to a concrete post marking a point of tangency in said southeasterly line; thence run N 35° 40' 10" E along said southeasterly line for 684.23 feet to a concrete post on the line common to said Sections 4 and 9; thence continue N 35° 40' 10" E along said southeasterly line for 2,967.68 feet to a concrete post, passing through concrete posts at 433.58 feet, 1,016.16 feet, 1,733.58 feet, 2,433.58 feet; thence run N 52° 30' E for 2,215.00 feet to a concrete post, passing through concrete posts at 738.33 feet and 1,476.66 feet; thence run N 62° 56' 05" E for 807.48 feet to a concrete post, passing through a concrete post at 582.26 feet; thence run N 24° 56' 43" E for 780 feet to a concrete post on the line common to said Sections 3 and 4; thence continue N 24° 56' 43" E for 576.8 feet to a concrete post on a line common to said Sections 3 and 34; thence continue N 24° 56' 43" E for 53.2 feet; thence run N 10° 00' E for 585 feet; thence run N 30° 30' E for 735 feet; thence run N 38° 30' E for 335 feet; thence run N 84° 30' E for 295 feet; thence run N 49° 25' E for 870.64 feet to an intersection with the southwesterly line of said State Road No. 93 (Interstate-75); thence run N 00° 03' 39" E for 1,561.33 feet to a point on the northeasterly line of said right-of-way; thence run N 34° 39' 59" E for 281.29 feet; thence run N 38° 00' E for 1,320.00 feet; thence run N 87° 00' E for 378.52 feet; thence run N 38° 30' E for 230 feet; thence run N 70° 00' E for 300 feet to an intersection with the southerly line of the Interstate-75/Colonial Boulevard interchange right-of-way; thence run N 05° 41' 40" W for 301.06 feet to a concrete post on the north line of said right-of-way; thence run N 09° 00' W for 90 feet; thence run N 46° 30' E for 315 feet; thence run N 83° 15' E for 170 feet; thence run S 68° 00' E for 165 feet; thence run S 32° 30' E for 300.21 feet to an intersection with said north line of said right-of-way; thence run N 89° 07' 17" E along said north line for 115 feet; thence run N 14° 00' E for 1,205.00 feet; thence run N 15° 00' W for 575 feet; thence run N 35° 48' 01" E for 957.76 feet to a concrete monument marking the quarter corner common to said Sections 26 and 27; thence run N 37° 00' E for 565 feet; thence run N 44° 30' E for 600 feet; thence run N 64° 30' E for 415 feet; thence run S 85° 00' E for 147.62 feet to an intersection with the east line of the west half (W $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of said Section 26; thence continue S 85° 00' E for 272.38 feet; thence run N 31° 30' E for 390 feet; thence run N 46° 45' E for 1,045.00 feet; thence run S 73° 30' E for 730 feet; thence run N 31° 00' 46" E for 884.94 feet to the Point of Beginning.

LESS the hereinabove mentioned rights-of-way for Colonial Boulevard, Interstate 75, Airport Road and Daniels Road. Containing 2,065 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone as derived from Florida Department of Transportation centerline surveys for Six Mile Parkway.

WHEREAS, a public hearing was legally and properly held before the Local Planning Authority was found to be consistent with the Lee County Comprehensive Plan,

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

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended the change in zoning to P.R. with the exception of the following seven parcels which the boundaries of acquisition are disputed:

- 1) Luxborough Investment, Inc. in Section 31, Township 45 South, Range 25 East, Lee County, Florida;
- 2) Bruce Bartholomew in 31-45-25-00-00002.100
- 3) Dr. Ackdoe in 9-45-25-00-00001.000
- 4) Lee County Banks, Trustee in 20-45-25-00-00003.000
- 5) Eagle Ridge Subdivision in 20-45-25-00-00002.000
- 6) U.S. Homes in 20-45-25-00-0000-3.3000
- 7) Morton Zemel in 29-45-25-00-00001.2000;
in 26-44-25-00-00001.0000
in 26-44-25-00-00001.0010
in 26-44-25-00-00001.0020
in 26-44-25-00-00001.0030

based on

- 1) Watery depression or slough in central Lee County.
- 2) The 2550 acre Cypress Strand is one of the last major Cypress complexes in Lee County.
- 3) The Cypress Strand is the receiving body for a 57 square mile drainage basin.

- 4) Areas immediately adjacent to the Cypress Strand are coming under increasing and in several cases immediate development pressure.
- 5) Problems inherent in the conversions of wetland to urban areas include: lowering groundwater tables by channeling sheet flow and adding impervious surfaces disrupts the quality, the quantity and the timing of water in the strand and can destroy water supplier or resource functions.
- 6) The ecologic functions found naturally in our local environment cannot be separated from our material or economic well being.

WHEREAS, an appeal was timely filed by the Division of Community Development.

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

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons.

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

- 1) THAT, the Six Mile Cypress Strand is a watery depression or slough in central Lee County.
- 2) THAT, the 2,550 acre Cypress Strand is one of the last major Cypress complexes in Lee County. Other Cypress wetlands in this area have been destroyed by over drainage, development, logging or fire.

- 3) THAT, the Cypress Strand is the receiving body for a 57 square mile drainage basin. The Strand performs several important water resource functions including freshwater retention, aquifer recharge, natural flood control, freshwater stabilization of Estero Bay and important wildlife habitat.
- 4) THAT, the areas immediately adjacent to the Cypress Strand are coming under increasing and in some cases immediate development pressure. Developers are seeking residential and commercial zoning within the primary flow way in the Six Mile Cypress Strand.
- 5) THAT, such development would be inconsistent with the adopted Lee County Comprehensive Plan and the Florida Statutes through the Local Government Comprehensive Planning Act which prohibits development that is inconsistent with the adopted Comprehensive Plan.
- 6) THAT, the problems created in the conversion of wetlands to urban uses by development pressures include, but are not limited to;
 - a) Lowering groundwater tables by channeling sheet flow and adding impervious surfaces disrupts the quality, quantity and timing of water in the Strand and can destroy water resource functions, and
 - b) Destroying wetlands can effect local micro climates.

- 7) THAT, the Ecologic functions found naturally in our local environment cannot be separated from our material or economic well-being. Lee County has established an economy which is inextricably tied to its natural resource base. The community must have the following resources to survive;
- a) Freshwater supplies-aquifer recharge
 - b) Flood control-stormwater retention
 - c) Properly timed quality freshwater flowing into its estuaries
 - d) Diversity in our flora and fauna
 - e) Scenic beauty and scientific study for our wetland areas and said resource are provided by the area delineated in this resolution.

That the above concerns are consistently the purpose and intent of the Preservation District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does reject the recommendations of the Zoning Board and grants P. R. District with the exception of the U.S. Homes parcel, legal description of which is attached as Exhibit A, LD-82-270 and incorporated herein.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner Averill, and seconded by Commissioner Roeder, and upon being put to a vote, was as follows:

Ernest Averill	Aye
Roland Q. Roberts	Aye
Harry Rodda	Absent
Mike Roeder	Aye
Wade H. Scaffa	Absent

RESOLUTION NUMBER ZAB-82-270

DULY PASSED AND ADOPTED THIS 16th day of August, 1982,
A.D., 1982.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurtz
Deputy Clerk

BY: [Signature]
Chairman

APPROVED AS TO FORM BY:

[Signature]
COUNTY ATTORNEY

EXHIBIT "A" - LD-82-270

LEGAL DESCRIPTION

Cross Creek Parcel A

A parcel of land lying in Section 20, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 20 run South 88°54'28" West along the North line of Section 20 for 2,091.48 feet to the point of beginning of the herein described parcel. From the said point of beginning continue South 88°54'28" West along said North line of Section 20 for 1,060.37 feet to the West line of the East Half (E.½) of the East Half (E.½) of the Northwest Quarter (N.W.¼) of Section 20; thence South 00°00'12" East along aforesaid West line for 2,545.05 feet; thence North 88°57'31" East for 562.28 feet; thence Northerly in the following described bearings and distances, (1) North 05°02'15" East for 163.61 feet, (2) North 28°24'17" East for 97.16 feet, (3) North 66°26'17" West for 25.00 feet, (4) North 06°59'41" East for 281.31 feet, (5) North 18°33'26" East for 190.00 feet, (6) North 06°54'47" West for 81.52 feet, (7) North 24°32'48" West for 114.54 feet, (8) North 05°44'07" East for 81.42 feet, (9) North 07°26'44" West for 116.43 feet, (10) North 10°18'21" East for 230.97 feet, (11) North 05°04'55" East for 226.03 feet, (12) North 06°44'08" East for 139.27 feet, (13) North 21°07'27" East for 85.70 feet, (14) North 03°47'36" West for 102.99 feet, (15) North 58°58'56" East for 27.77 feet, (16) North 17°22'09" East for 407.78 feet, (17) North 02°12'31" West for 128.79 feet, (18) North 34°51'57" East for 120.92 feet, (19) North 66°43'48" East for 128.83 feet to the point of beginning.

Containing 41.3 acres of land more or less.

Bearings herein above are based on the North line of Section 20 being South 88°54'28" West.

LEGAL DESCRIPTION

Cross Creek Parcel B

A parcel of land lying in Section 20, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 20 run South 88°54'28" West along the North line of Section 20 for 3,151.85 feet to the West line of the East Half (E.½) of the East Half (E.½) of the Northwest Quarter (N.W.¼) of Section 20; thence South 00°00'12" East along aforesaid West line for 2,545.05 feet; thence North 88°57'31" East for 562.28 feet to the point of beginning of the herein described parcel. From the said point of beginning continue North 88°57'31" East for 1,004.40 feet; thence South 01°02'17" East for 80.71 feet to the Northerly right-of-way of Daniels Road (S.R. 867-A); thence South 82°52'47" West along said Northerly right-of-way of Daniels Road for 426.08 feet to the point of a curve; thence continue along said right-of-way and also along the arc of a curve to the right having a radius of 5,579.58 feet (central angle 06°08'48", chord bearing South 85°57'11" West, chord distance 598.29 feet) for 598.58 feet; thence North 05°02'15" East for 158.09 feet to the point of beginning.

Containing 3.0 acres of land more or less.

Bearings herein above are based on the North line of Section 20 being South 88°54'28" West.

LEGAL DESCRIPTION

100 Foot Setback Area

A parcel of land lying in Section 20, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 20 run South 88°54'28" West along the North line of Section 20 for 2,091.48 feet to the point of beginning of the herein described parcel. From the said point of beginning run southerly the following described bearings and distances, (1) South 21°48'35" West for 141.62 feet; (2) South 34°51'57" West for 58.84 feet, (3) South 02°12'31" East for 112.51 feet, (4) South 17°22'09" West for 474.76 feet, (5) South 03°47'36" East for 55.31 feet, (6) South 21°07'27" West for 95.17 feet, (7) South 06°44'08" West for 126.66 feet, (8) South 05°04'55" West for 228.15 feet, (9) South 10°18'21" West for 219.46 feet, (10) South 07°26'44" East for 112.36 feet, (11) South 05°44'07" West for 65.91 feet, (12) South 24°32'48" East for 102.99 feet, (13) South 06°54'47" East for 119.63 feet, (14) South 18°33'26" West for 202.47 feet, (15) South 06°59'41" West for 271.21 feet, (16) South 14°21'43" East for 46.85 feet, (17) South 28°24'17" West for 76.48 feet, (18) South 05°02'15" West for 132.28 feet, thence South 88°57'31" West for 100.57 feet; thence Northerly the following described bearings and distances, (1) North 05°02'15" East for 163.61 feet, (2) North 28°24'17" East for 97.16 feet, (3) North 66°26'17" West for 25.00 feet, (4) North 06°59'41" East for 281.31 feet, (5) North 18°33'26" East for 190.00 feet, (6) North 06°54'47" West for 81.52 feet, (7) North 24°32'48" West for 114.54 feet, (8) North 05°44'07" East for 81.42 feet, (9) North 07°26'44" West for 116.43 feet, (10) North 10°18'21" East for 230.97 feet, (11) North 05°04'55" East for 226.03 feet, (12) North 06°44'08" East for 139.27 feet, (13) North 21°07'27" East for 85.70 feet, (14) North 03°47'36" West for 102.99 feet, (15) North 58°58'56" East for 27.77 feet, (16) North 17°22'09" East for 407.78 feet, (17) North 02°12'31" West for 128.79 feet, (18) North 34°51'57" East for 120.92 feet, (19) North 66°43'48" East for 128.83 feet to the point of beginning.

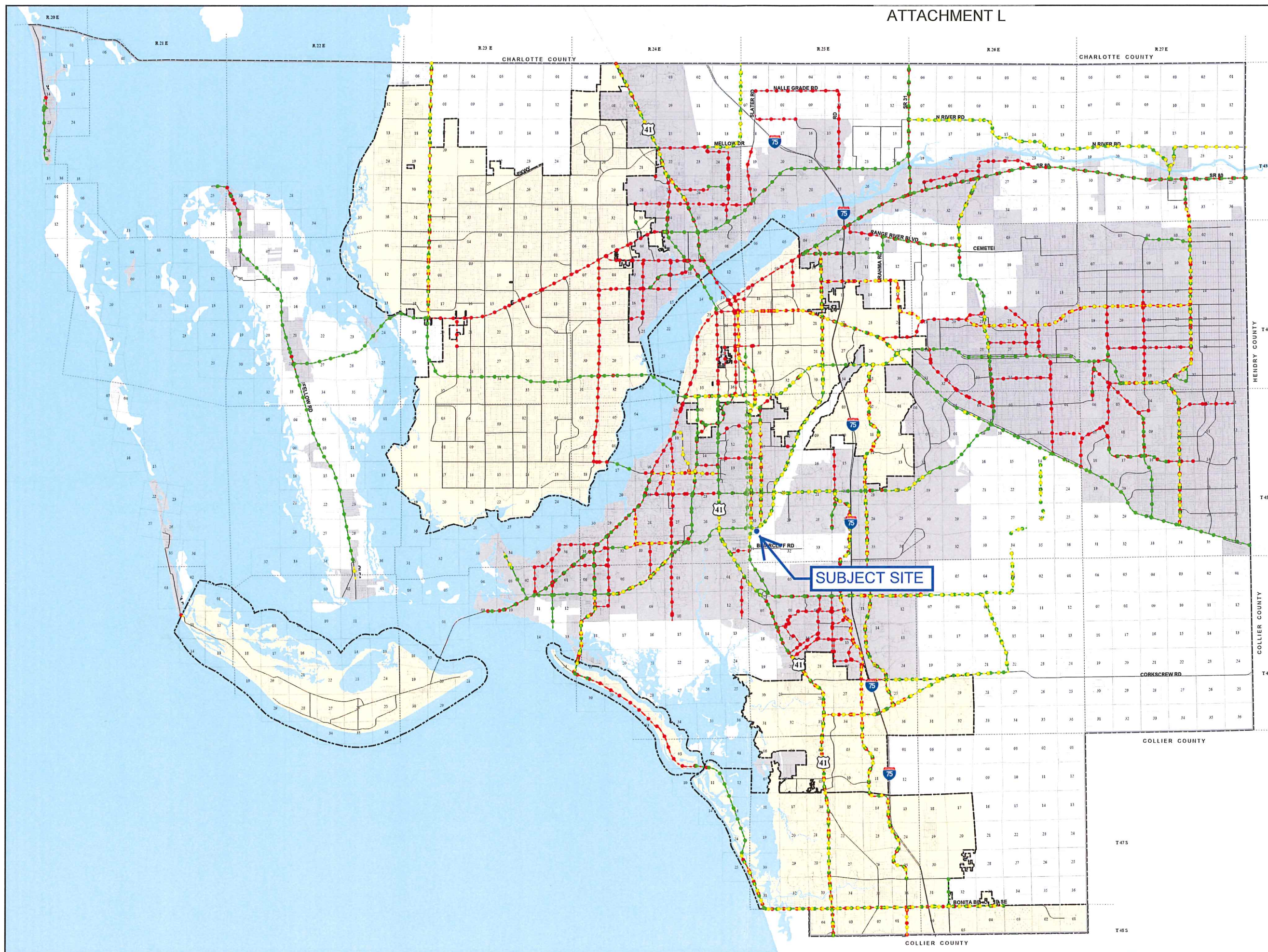
Containing 6.0 acres of land more or less.

Bearings herein above are based on the North line of Section 20 being South 88°54'28" West.

[illegible]

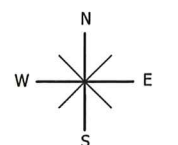
ATTACHMENT L

LEE COUNTY WALKWAYS & BIKEWAYS



- Sidewalk
- Shared Use Path
- On-Road Bikeway
- Future Urban/Suburban Areas*
- City Limits

Ord. No. 17-13



Map Generated: November 2021
City limits current to date of map generation
Note: This map depicts both existing and proposed walkways and bikeways maintained by Lee County and the Florida Department of Transportation.

* Pedestrian facilities are planned on all streets in Future Urban/Suburban areas.

Lee Plan Map 3-D