

ADMINISTRATIVE AMENDMENT (PD) ADD2022-00161

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Jarrod McCleary with CE-SITE filed an application for an administrative amendment on property zoned Mixed Planned Development (MPD), for a project known as ITEC, to request deviations from the following sections of the Land Development Code:

1. Section 10-329(d)(4), which requires banks of excavations permitted under this section to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table, to allow a four to one slope; and
2. Section 10-418(2)d.3, which states that native wetland trees may be substituted for up to 25 percent of the total number of herbaceous plants required; to allow 100 percent substitution for native wetland trees; and
3. Section 10-329(d)(1)a.3, which requires a 50-foot setback from any private property line under a separate ownership; to allow a 25-foot setback from the private property line to the east; and

WHEREAS, the applicant has indicated the property's current STRAP number is 06-46-26-L1-1000A.0000 (attached as Exhibit "A"); and

WHEREAS, the property was originally rezoned by Resolution Z-21-017; and

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

WHEREAS, the ITEC development is within the Airport Wildlife Hazard Protection Zone; and

WHEREAS, the Airport Wildlife Hazard Protection Zone allows for certain environmental relief within 10,000 feet of airports, as it pertains to wildlife attractants ((LDC 34-1110)(a)(9)); and

WHEREAS, pursuant to F.S. ch. 333 and FAA AC 150/5200-33B, any use of land or developments that attract birds and other wildlife that are hazardous to aircraft or airport operations are prohibited; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-380; and

WHEREAS, the applicant has requested to amend the design of the lakes to demonstrate compliance with FAA guidelines (see Exhibits "B" and "C"); and

WHEREAS, LDC Section 10-329(d)(4) requires banks of excavations to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table; and

WHEREAS, the applicant has requested Deviation #1 to allow 4:1 sloping to reduce wildlife habitats that would act as an attractant per FAA guidelines; and

WHEREAS, Lee County environmental staff has reviewed and recommended approval of the deviation with no conditions; and

WHEREAS, Lee Plan Objective 60.4 requires the incorporation of natural systems into surface water management systems to improve water quality; and

WHEREAS, LDC Section 10-418(2)d.3 states native wetland trees may be substituted for up to 25 percent of the total number of herbaceous plants required; and

WHEREAS, the applicant has requested Deviation #2 to allow substitution of 100 percent of the required littoral plantings with native wetland trees in order to reduce bird attractant habitats, while improving water quality; and

WHEREAS, Lee County environmental staff has reviewed and recommended approval of the deviation with no conditions; and

WHEREAS, Section 10-329(d)(1)a.3 of the LDC requires a 50-foot setback from any private property line under separate ownership unless granted an administrative deviation; and

WHEREAS, the applicant has requested Deviation #3 to allow a 25-foot setback from the abutting private property line under separate ownership to the east; and

WHEREAS, Development Services has reviewed and recommended approval of the request with no conditions; and

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

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Planned Development is **APPROVED subject to the following conditions:**

1. Development must be consistent with the Master Concept Plan entitled "ITEC MCP," a copy of which is attached hereto as Exhibit "B," and the Site Plan entitled "ITEC Northern Basin (Tracts A-O-Q) Lake Relief Request," a copy of which is attached hereto as Exhibit "C."
2. Prior to development order, plans must depict lakes sloped no less than four horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table.
3. Prior to development order, landscape plans must depict 100 percent substitution of required littoral plantings with native wetland trees within the littoral shelves surrounding the lakes.
4. Prior to development order, plans must depict a minimum setback of 25 feet from the private property boundary to the east.
5. The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect, except as amended herein.
6. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 4/6/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits:

A – Legal Description

B – MCP 9.20.2022

C – Site Plan (Tracts A-O-Q)

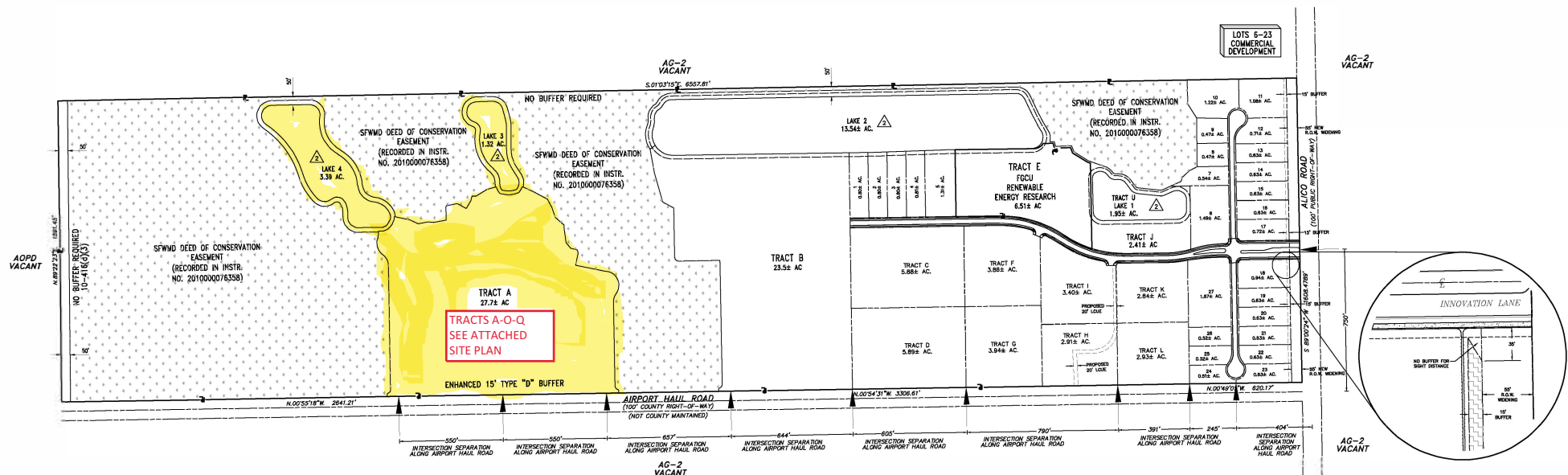
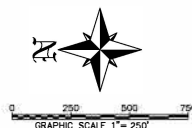
DESCRIPTION:

TRACTS A,O & Q ITEC UNIT TWO, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2019000170115, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVIEWED
ADD2022-00161
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/25/2022

EXHIBIT B

MCP



SUBDIVISION LAND USE AREAS:

TOTAL SITE AREA:	240.66	Ac.
PRESERVATION AREA:	96.52	Ac.
LAKE AREA:	20.18	Ac.
INTERNAL RIGHTS-OF-WAY:	7.04	Ac.
BUILDABLE AREA:	112.88	Ac.
OPEN SPACE:	107.74	Ac. (45%)

INDUSTRIAL FLOOR AREA:	1,200,000	SF
STAND ALONE RETAIL / COMMERCIAL (LOTS 1-9):	50,000	SF
TOTAL ANGLUARY RETAIL / COMMERCIAL:	150,000	SF
MAXIMUM BUILDING HEIGHT:	45	FT

LAND USE:

WATERPORT

WETLAND

NOTES:

1. NO LEE TRAIL ROUTE.
2. PARKING DELIVERY AND/OR SERVICE AREAS WILL BE LOCATED AT INDIVIDUAL SITES AT DEVELOPMENT ORDER SUBMITTAL IN ACCORDANCE WITH SECTION 34-1009 AND CHAPTER 10 OF THE LEE COUNTY LAND DEVELOPMENT CODES.

OPEN SPACE:

1. OPEN SPACE WILL BE PROVIDED IN ACCORDANCE WITH APPROVED DEVIATION #1 AND SHALL MEET THE MINIMAL DIMENSIONAL REQUIREMENTS PER CHAPTER 10 OF THE LEE COUNTY DEVELOPMENT CODE.

DEVIATIONS = $\triangle$ & $\triangle$

NO.	DATE	REVISION DESCRIPTION	BY
1	05-17-18	ADMM MODIFICATION	TIL
2	06-21-18	LAKE SLOPE REMOVAL	TIL

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

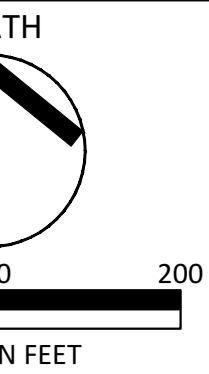
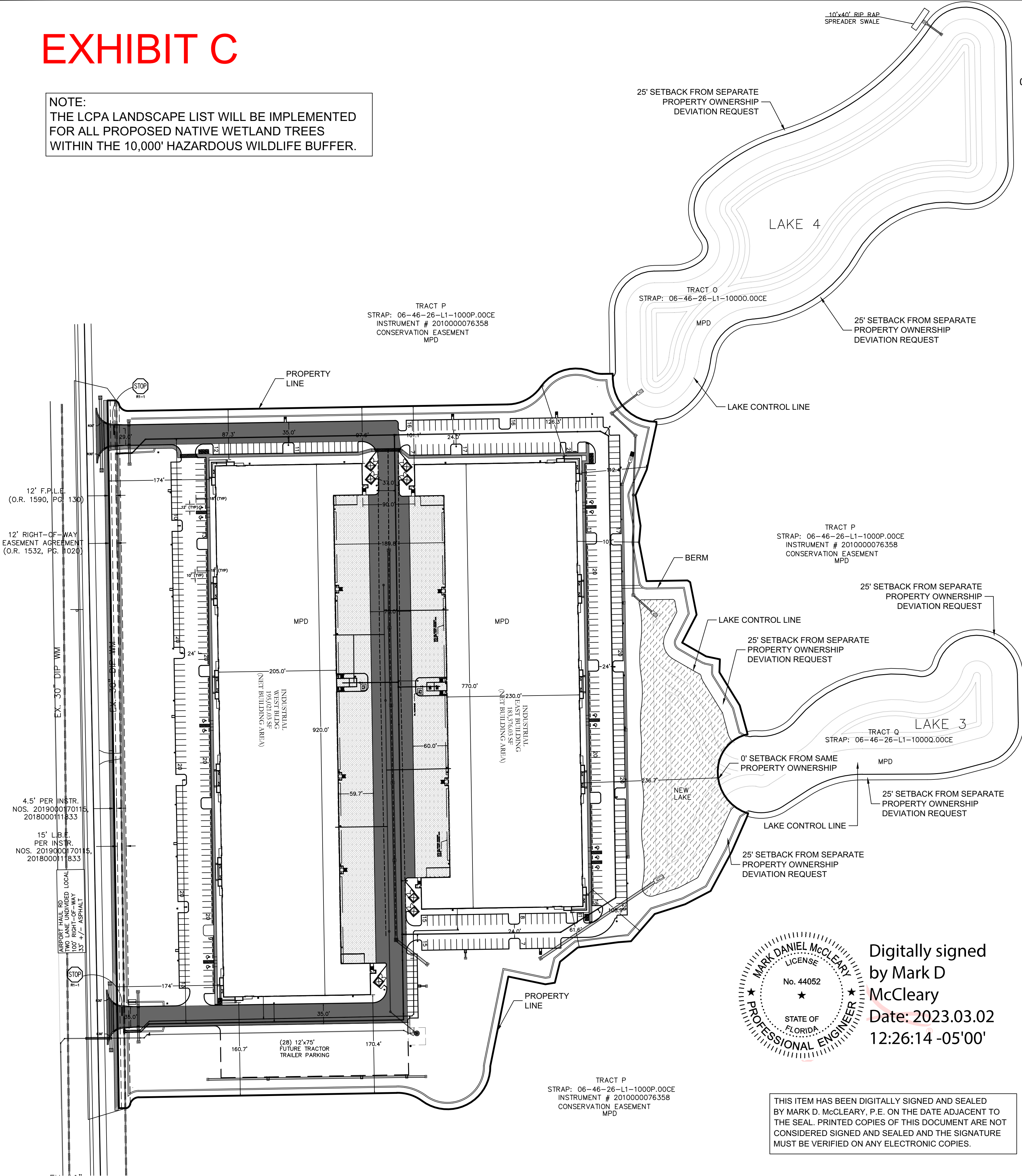
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33909
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 5469
SURVEY LICENSE # LS 6983
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
ALCO ITEC PARK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
4/12/2013	1480-ITEC	MCP	JLW		TIL	1"=250'	1

EXHIBIT C

NOTE:
THE LCPA LANDSCAPE LIST WILL BE IMPLEMENTED
FOR ALL PROPOSED NATIVE WETLAND TREES
WITHIN THE 10,000' HAZARDOUS WILDLIFE BUFFER.



ITEC UNIT TWO
TRACTS A, O, AND Q
OF
SECTION 6, TOWNSHIP 46 SOUTH,
RANGE 26 EAST
AS RECORDED IN INSTRUMENT NO. 2019000170115
PUBLIC RECORDS OF LEE COUNTY, FL

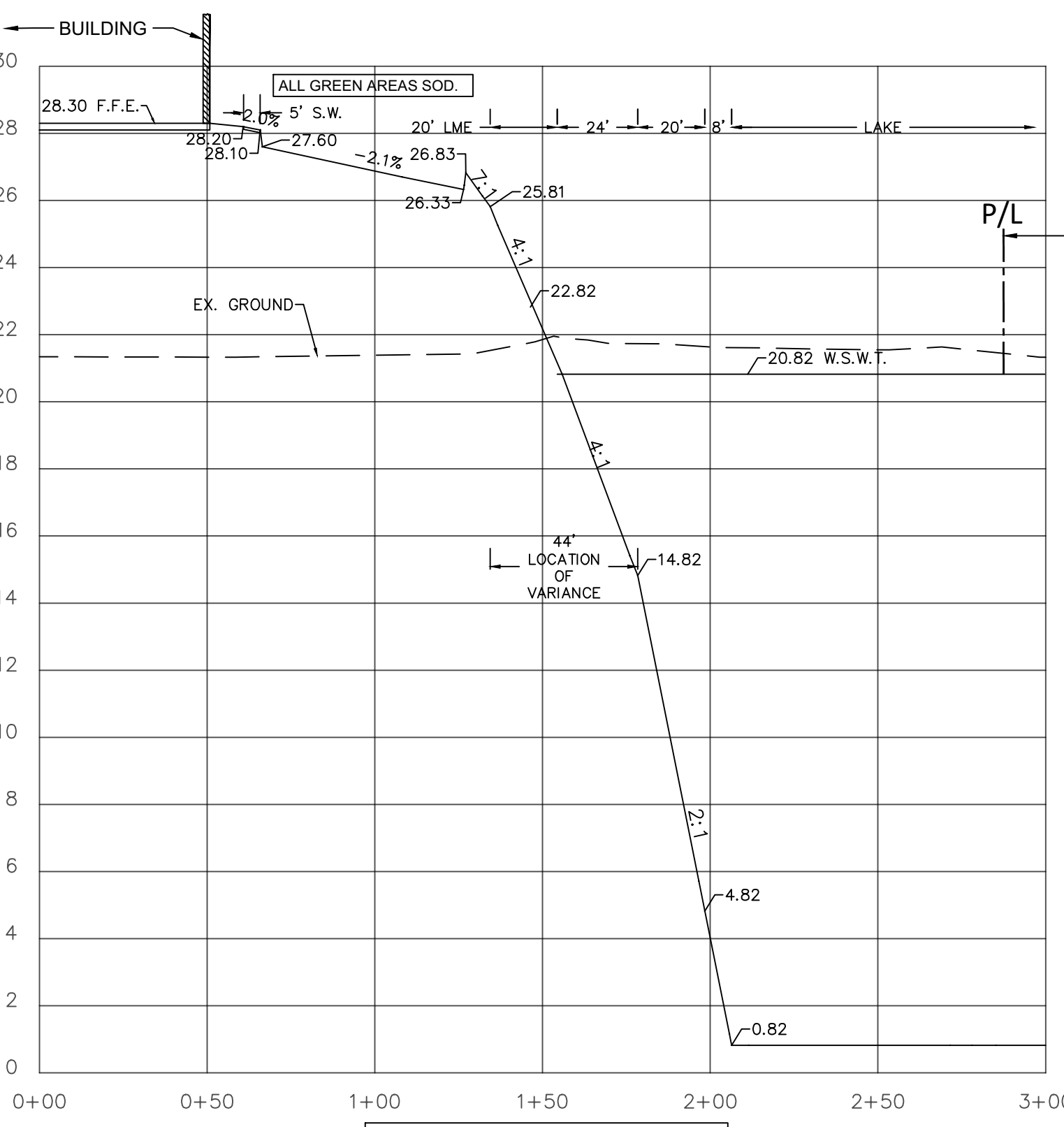
Variance Explanation:
The Lee County Land Development Code (see below) promotes flat lake bank slopes and littoral banks and plantings that are conducive for supporting wildlife in and around lakes. The flat littoral shelf and 6:1 lake bank allows for the aquatic wildlife to venture into this location and attract birds.
The relief sought is believed to be promoted by the Airport Authority when projects are this close to an airport as a safety measure. The distance from northernmost lake to the southern boundary of RSW is 1055 ft and from the southernmost lake is 2455 ft from the southern boundary of RSW. All are within the 5000 ft perimeter "A" where the separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated pursuant to the Advisory Circular- AC No: 150/5200-338, published by U.S. Department of Transportation Federal Aviation Administration regarding HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.
This project is directly south of RSW airport. Any condition or circumstance that causes bird attraction near airport can prove fatal to the traveling public.
The requests are to steepen the lake banks slopes as indicated in Sec. 10-329 - Excavations (d) Standard, (4) Bank Slopes required for the Planned littoral shelf (PLS) are in effort to reduce the attraction of birds, improve safety and promote water quality.
The relief sought to reduce the lake setback in LDC 10-329(d)(1)(a)(3) from 50' to 25' adjacent to Tract P as originally approved and partially constructed by the original developer, but documentation of same has not been found to date.

Considerations:
The project being located near RSW airport is the reason for this variance request and not the result of the landowner's actions. The variance will relieve the burden caused by the land development requirements. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare. The variance is consistent with the Lee Plan.

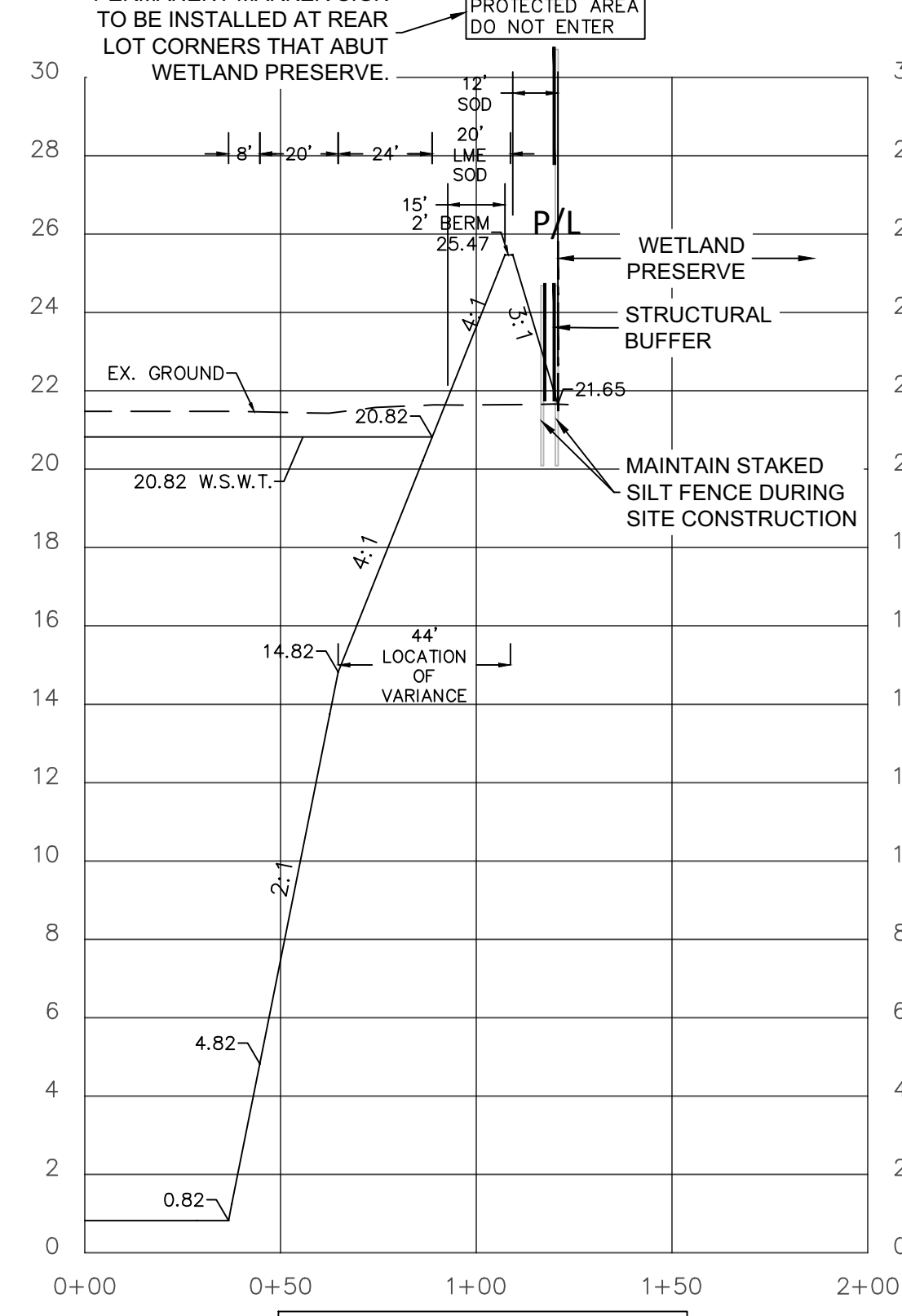
Sec. 10-329. - Excavations. (d) Standards. (4) Bank slopes.
Excavation bank slopes for new projects. The design of shorelines for retention and detention areas must be sinuous rather than straight, as described in division 6 of this article. The banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table. The slopes must be not greater than two horizontal to one vertical thereafter, except where the Director of Development Services determines that geologic conditions would permit a steeper slope at steeper than a two to one ratio. Excavation bank slopes must comply with the shoreline configuration, slope requirements and planting requirements for mimicking natural systems specified in section 10-418. Placement of backfill to create lake bank slopes is prohibited unless, prior to the issuance of a certificate of compliance, the applicant provides signed and sealed test reports from a geotechnical engineer certifying that the embankment was placed and compacted to its full thickness to obtain a minimum of 95 percent of the maximum dry density (modified Proctor) for embankments that will support structures, and 90 percent of maximum dry density (modified Proctor) for other embankments in accord with ASTM D1557.
An administrative deviation may be requested from the required six to one slope requirement to allow a slope no steeper than four to one. The deviation may be granted if the Director is satisfied that the enhanced slope protection measures proposed by the applicant will prevent erosion and scouring. Acceptable enhanced slope protection measures include, but are not limited to, use of enhanced herbaceous plantings in combination with an appropriate geosynthetic turf reinforcement mat or similar shoreline stabilization technique that does not include hardened structures such as those identified in section 10-418(3). The design technique used will be determined by the project engineer based upon evaluation of site specific conditions and the proposed development parameters. The deviation request may be processed under section 10-104 or in conjunction with a planned development zoning application.

Lee County Land Development Code
Sec. 10-418. - Surface water management systems. (2) Planted littoral shelf (PLS).
The following features are considered sufficient to mimic the function of natural systems, improve water quality and provide habitat for a variety of aquatic species, including wading birds and other waterfowl.
a. Size requirements. The PLS shoreline length must be calculated at 25 percent of the total linear feet of the lake at control elevation.
b. Location criteria.
1. The PLS should be concentrated at one location of the lake, preferably adjacent to a preserve area, to maximize its habitat value and minimize maintenance efforts. The required PLS may be divided and placed in multiple locations as long as no PLS area is smaller than 1,000 square feet. Whenever possible, the PLS must be located away from residential lots to avoid maintenance and aesthetic conflicts with residential users.
2. The PLS may be located adjacent to control structures and pipe outlets or inlets to maximize water quality benefits and not impede flow.
3. If contained within a lake the PLS must function as a typical freshwater marsh in ponds with slopes from 6(H) to 1(V) to not more than 4(H) to 1(V).
c. Shelf configuration.
1. The PLS must be designed to include a minimum of a 20 foot wide littoral shelf extending waterward of the control elevation at a depth of no greater than two feet below the control elevation.
2. A detailed cross section of the PLS must be depicted on the approved development order plan.
d. Plant selection.
1. Herbaceous plants must be selected based upon the expected water level fluctuations and maximum water depths in which the selected plants will survive. The PLS areas must be planted with at least four different native herbaceous plant species.
2. Plant calculations. The required number of herbaceous plants is calculated based upon placement spaced two foot on center for the total area encompassed by the PLS. The PLS must be planted with minimum two-inch liner container herbaceous plants.
The total number of plants for the PLS may be calculated by taking the total linear feet of shoreline multiplied by 25 percent, then multiplied by the 20-foot wide shelf and divided by four to obtain the two-foot on center spacing.
3. Native wetland trees may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) may be substituted for 100 herbaceous plants. Trees must meet the minimum standards set forth in section 10-420.
e. Shelf elevation. The design elevation of the PLS will be determined based upon the ability of the PLS to function as a marsh community and the ability of selected plants to tolerate the expected range of water level fluctuations.
f. Survival of plant materials. Trees and herbaceous plants must be maintained in perpetuity consistent with section 10-421(b).

Sec. 10-329. - Excavations. (d) Standards. (1) (a) (3).
(d) Standards. All new excavations for water retention and detention are subject to the following standards:
(1) Setbacks for water retention or detention excavations.
a. No excavations will be allowed within:
1. 25 feet of an existing or proposed street right-of-way line or easement for a local street unless granted an administrative deviation in accordance with section 10-104.
2. 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with section 10-104. The setback may be reduced to not less than 25 feet if the developer provides for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director.
3. 50 feet of any private property line under separate ownership unless granted an administrative deviation in accordance with section 10-104. The setback for an excavation from a private property line may not be less than 25 feet. This setback does not apply to lots developed concurrently with the excavation for water retention when part of a development order.

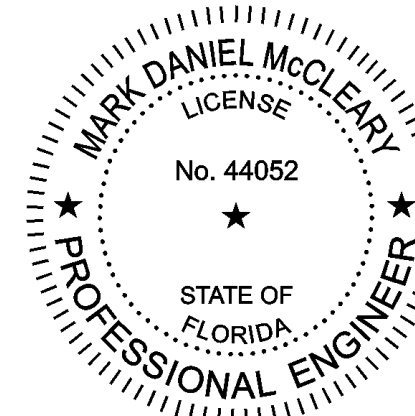


TYPICAL LAKE SECTION
NEXT TO DEVELOPMENT



TYPICAL LAKE SECTION
NEXT TO PRESERVE

Digitally signed
by Mark D
McCleary
Date: 2023.03.02
12:26:14 -05'00'



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED
BY MARK D. McCLEARY, P.E. ON THE DATE ADJACENT TO
THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND THE SIGNATURE
MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

date 03/02/2023
file name:
job:

No.	Date	Revisions

community engineering services, inc.

CE-SITE
EB-30108 • LB-7995
13650 Fiddiesticks Boulevard, PMB 202-389
Fort Myers, Florida 33912
Telephone: (239) 936-9777

ITEC NORTHERN BASIN (TRACTS A-O-Q)

LAKE RELIEF REQUEST

PREPARED FOR ITEC TRACT A OWNER, LLC
2415 DESOTA DR
FORT LAUDERDALE, FL 33301

scale: AS SHOWN

SHEET

1 OF 1

date: