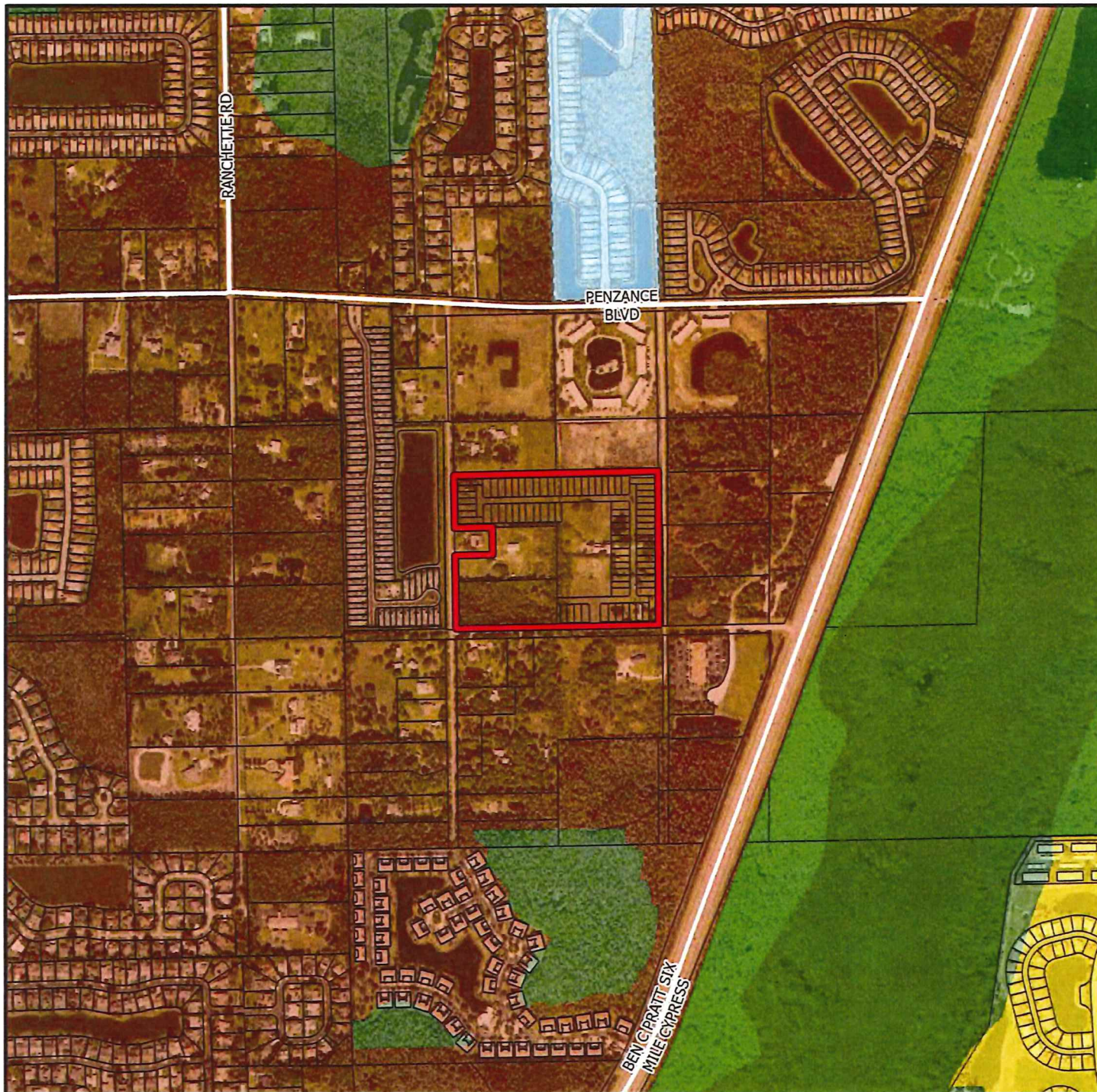


Summary of Hearing Examiner Recommendation

PRATTS PRESERVE RPD

The request seeks to add acreage and single family dwellings to an approved Residential Planned Development. The request retains approved access to the Crystal Drive Extension and remains within the permissible density range.

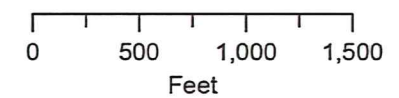
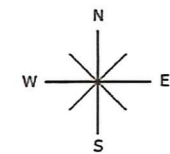
Detailed recommendation follows



DCI2022-00055

Future Land Use

-  Subject Property
-  City Limits
-  Central Urban
-  Outlying Suburban
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



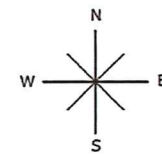
DCI2022-00055

Aerial



 City Limits

 Subject Property



0 500 1,000 1,500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00055

Regarding: PRATTS PRESERVE RPD

Location: South of Penzance Boulevard between Blasingim Road
and JV Parker Lane
South Fort Myers Planning Community
(District 2)

Hearing Date: April 20, 2023

I. Request

Rezone 26.7± acres from Residential Planned Development (RPD) and Agricultural (AG-2) to RPD to allow for development of 135 dwelling units with accessory uses.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

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

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 26.7± acres from Agriculture (AG-2) to the Pratt's Preserve RPD.

In preparing a recommendation for the Board, Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to the evidence and testimony presented. There must be substantial competent evidence in the record to support the recommendation to the Board.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

¹ LDC §34-145(d)(4)a.

Request Summary and Zoning History

The 26.7± acre property is located west of Six Mile Cypress Parkway off the Crystal Road Extension, between J V Parker Lane and Blasingim Road.

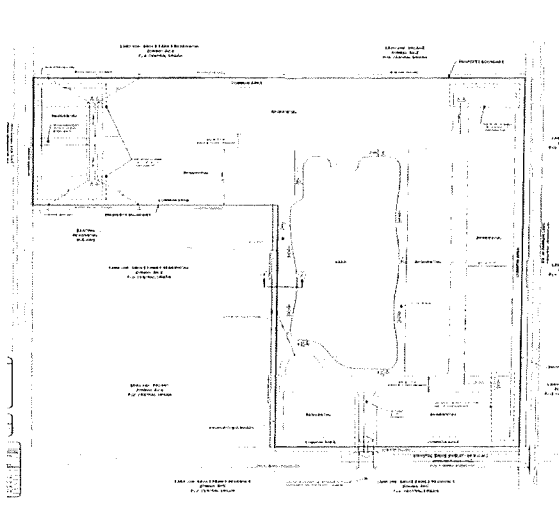
A large portion of the site was rezoned to RPD in 2022 to permit 90 single family residences on 18.55± acres.² Applicant obtained a plat and development order consistent with that approval.³

The request adds 8.15± acres zoned AG-2 to the previously approved RPD and seeks an additional 45 units. The resulting project will be 135 single family homes on 26.7± acres.

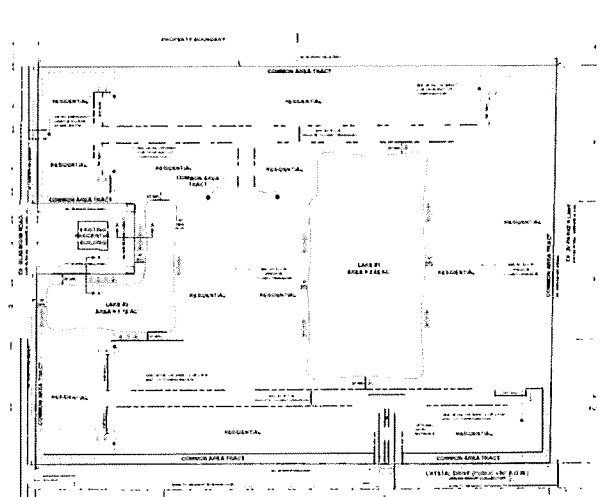
Maximum building heights will remain at 35 feet. The project retains primary access on Crystal Drive with an emergency access on Blasingim Road.

Staff recommended approval, finding the proposed RPD satisfies LDC review criteria.

Parker Lane (Resolution Z-21-026)



Pratt's Preserve (Current Request)



Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;

² Z-21-024 approved Feb. 2, 2022; See Staff Report (pg. 1, Attachment G). The project was previously referred to as the Parker Lane RPD.

³ See Staff Report (pg. 1, *referencing* DOS2022-00003); Applicant's Ex. 1 (slide 4).

- B. Meets the LDC 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.⁴

If the request involves planned development zoning, the Hearing Examiner must also find:

- H. The proposed use or mix of uses is appropriate at the proposed location;
- I. Recommended conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on the public's interest expected from the proposed development; and
- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.⁵

Character of Surrounding Area

Zoning requests must be compatible with existing/planned uses in the area and minimize potential negative effects on neighboring property.⁶

The property lies within the South Fort Myers Planning District. The district is characterized by intense uses and a broad range of urban services.⁷ Employment centers, residential development, and public facilities predominate the planning district.⁸ The Six Mile Cypress corridor continues to emerge as a focal point for

⁴ LDC §34-145(d)(4)(a)(1).

⁵ LDC §34-145(d)(4)(a)(2).

⁶ LDC §34-145(d)(4), §34-411; Lee Plan Policies 5.1.5, 135.9.5, 135.9.6.

⁷ Lee Plan Map 1-B; See Lee Plan Policy 1.1.3.

⁸ There are two fire stations and sheriff station within three miles of the site. See Staff Report (pg.5-6).

residential and commercial development. The request to expand the RPD promotes contiguous and compact growth patterns in the area.⁹

The proposed site design is compatible with the surrounding area, largely comprised of residential development ranging from 5 to 13 dwelling units per acre.¹⁰

Lee Plan Consistency

Planned developments must be consistent with the Lee Plan.¹¹

The Lee Plan Future Land Use Map classifies the property as Central Urban.¹² The Central Urban land use category is the second most intense under the Lee Plan, representing the county's "urban core." Central Urban areas typically contain a variety of housing types, commercial uses, and infrastructure.¹³ Permissible density ranges from 4 to 10 dwellings per acre but may be as high as 20 units per acre under certain circumstances.¹⁴ The proposed density of 5.2 units per acre falls well within the permissible range.

The Board previously found the RPD consistent with the Lee Plan and compatible with the surrounding area.¹⁵ The subject request to add residences on new acreage does not negate the Board's prior findings.

Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity.¹⁶ Existing regulations or conditions of approval must address expected impacts on transportation facilities.¹⁷

The Master Concept Plan retains a single project entrance from the Crystal Drive Extension. Crystal Drive connects to the county road network at Six Mile Cypress Parkway.¹⁸ The Crystal Drive extension is under construction.¹⁹

⁹ Lee Plan Objectives 2.1 and 2.2.

¹⁰ See Applicant's Ex. 1 (slide 10); DeLisi Testimony.

¹¹ Lee Plan Policy 2.1.2; LDC §34-411(a).

¹² Lee Plan Map 1-A, Policy 1.1.3.

¹³ The Central Urban category offers the greatest range and highest levels of urban services and infrastructure. Lee Plan Policy 1.1.3.

¹⁴ Developers may increase maximum density to 20 dwellings per acre when utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.3.

¹⁵ Z-21-024.

¹⁶ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

¹⁷ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

¹⁸ There is a median opening at the intersection of Crystal Drive and Six Mile Cypress Parkway allowing all turning movements.

¹⁹ DeLisi Testimony.

The Traffic Impact Statement demonstrates area roadways will operate at acceptable levels of service at project buildout.²⁰ The report concludes the project will mitigate its impacts to the county's transportation network through the payment of impact fees. Site-related improvements will be evaluated during local development order review.²¹

Environmental

Planned development design should reflect creative use of open space.²² Developers must make an effort to protect and preserve natural site features.²³

The site is cleared, formerly used for grazing. There are no protected species on-site.²⁴ The Master Concept Plan reflects compliance with LDC open space requirements.²⁵

Onsite wetlands consist of low areas within existing pastureland.²⁶ Applicant will mitigate wetland impacts off-site.²⁷

The South Florida Water Management District issued an environmental resource permit for the RPD portion of the site.²⁸ Applicant will modify this permit to include the proposed land and units.²⁹

Public Services

The Lee Plan requires the availability of urban services be evaluated during the rezoning process. Urban services are the services, facilities, capital improvements, and infrastructure necessary to support development.³⁰

A broad range of services and infrastructure are available to serve the project. Services include potable water and sanitary sewer, schools, libraries, medical facilities, law enforcement, fire, and emergency medical service.³¹

²⁰ See Staff Report (Attachment L: Pratt's Preserve Traffic Impact Statement prepared by David Plummer & Associates, Inc. dated Dec. 29, 2022); (Attachment M: Memo from Dept. of Community Development dated March 13, 2023).

²¹ Developer must address site related improvements, including turn lanes, if warranted during the development order process. Lee Plan Objective 39.1, Policy 39.1.1, LDC §10-287.

²² LDC §34-411(h).

²³ LDC §34-411(g).

²⁴ See Staff Report (Attachment Q: Environmental Staff Report).

²⁵ Condition 5 addresses open space to ensure 10.68 acres is provided.

²⁶ Danley Testimony; DOS2022-00003; Staff Ex. 2 (slide 8).

²⁷ DeLisi and Danley Testimony; Staff Ex. 2 (slide 8); Staff Report (Attachment Q).

²⁸ Danley Testimony; See Staff Report (pg. 4); Lee Plan Policy 125.1.2.

²⁹ DeLisi Testimony.

³⁰ Lee Plan Glossary definition of urban services.

³¹ South Trail Fire & Rescue Services District will provide fire and emergency medical services. Law Enforcement will be supplied by Lee County Sheriff's Central District offices. Lee County Utilities potable water lines are in operation adjacent to the site. Sanitary sewer services will be provided by the City of Fort Myers. See Staff Report (pg. 5-6, Attachment N, O and P).

Public Participation

No members of the public appeared at hearing.

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts to adjacent residential properties.³² Accordingly, the proposed RPD will be subject to conditions of approval. Conditions must be plausibly related to the impacts anticipated from the proposed development and be pertinent to mitigation of those impacts on public health, safety, and welfare.³³

Deviations

“Deviations” are departures from the land development regulations.³⁴ The RPD zoning application includes nine deviations from the LDC. All deviations are carried forward from prior approval. Requested deviations pertain to excavation setbacks, right of way design, cul-de-sac requirements, ingress/egress, and lake bank design criteria.

The Hearing Examiner's standard of review for deviations requires a finding that the deviation:

1. Enhances the objectives of the planned development; and
2. Preserves and promotes public health, safety, and welfare.³⁵

Staff found the deviations meet LDC criteria for approval.³⁶

The Hearing Examiner agrees with staff's recommendations finding the requested deviations meet LDC review criteria.³⁷

Conclusion

The Hearing Examiner recommends approval of the RPD subject to conditions set forth in Exhibit B.

³² Lee Plan Policy 135.9.6.

³³ LDC §34-932(b).

³⁴ LDC §34-2.

³⁵ LDC §34-377(a)(4).

³⁶ See Staff Report (pg. 1-2, 6-8); Danley Testimony.

³⁷ LDC §34-373(a)(9), §34-377(a)(4).

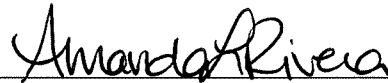
IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner makes the following findings and conclusions:

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

- F. The requested deviations, as conditioned:
1. Enhance the objectives of the planned development, and
 2. Preserve and promote protection of public health, safety, and welfare.

Date of Recommendation: May 18, 2023.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

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

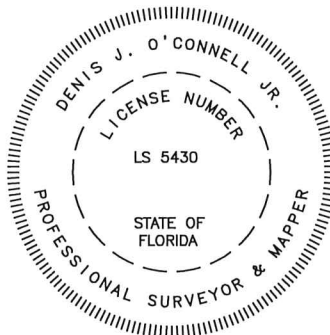
LEGAL DESCRIPTION:

LOT 10, LOT 12, LOT 18, LOT 19, LOT 20 AND A PORTION OF LOT 11 OF THAT CERTAIN UNRECORDED SUBDIVISION KNOWN AS SUBURBAN RANCHETTES, BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6"x6" CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE S.00°04'17"E., ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 1326.11 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE S.88°50'31"W., ALONG SAID SOUTH LINE ALSO BEING THE CENTERLINE OF CRYSTAL DRIVE, A 60 FOOT RIGHT OF WAY, A DISTANCE OF 1303.76 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE N.00°39'02"W., ALONG THE WEST LINE OF SAID FRACTION, FOR A DISTANCE OF 30.00' TO THE SOUTHEAST CORNER OF SAID LOT 12 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.88°50'31"W., ALONG THE SOUTH LINE OF SAID LOT 12, FOR A DISTANCE OF 622.03 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BLASINGIM ROAD, A 60 FOOT RIGHT OF WAY; THENCE N.00°56'24"W., ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 458.60 FEET; THENCE N.88°48'09"E., A DISTANCE OF 231.00 FEET; THENCE N.00°56'24"W., A DISTANCE OF 173.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 11; THENCE S.88°48'09"W., ALONG SAID NORTH LINE, FOR A DISTANCE OF 231.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11 AND A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BLASINGIM ROAD; THENCE N.00°56'24"W., ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 330.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N.88°46'58"E., ALONG THE NORTH LINE OF SAID LOT 10 AND LOT 18, FOR A DISTANCE OF 1253.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 18 AND THE WEST RIGHT OF WAY LINE OF JV PARKER LANE, A 60.00 FOOT RIGHT OF WAY; THENCE S.00°21'37"E., ALONG SAID WEST RIGHT OF WAY, FOR A DISTANCE OF 963.79 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE S.88°50'31"W., ALONG THE SOUTH LINE OF SAID LOT 20, FOR A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.

TOTAL COMBINED AREA OF PARCELS SURVEYED IS 26.695 ACRES, MORE OR LESS.

REVIEWED
DCI2022-00055
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/31/2023



Denis
O'Connell

Digitally signed
by Denis
O'Connell
Date:
2022.11.10
11:09:55 -05'00'

BY: _____
DENIS J. O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

NOTES:

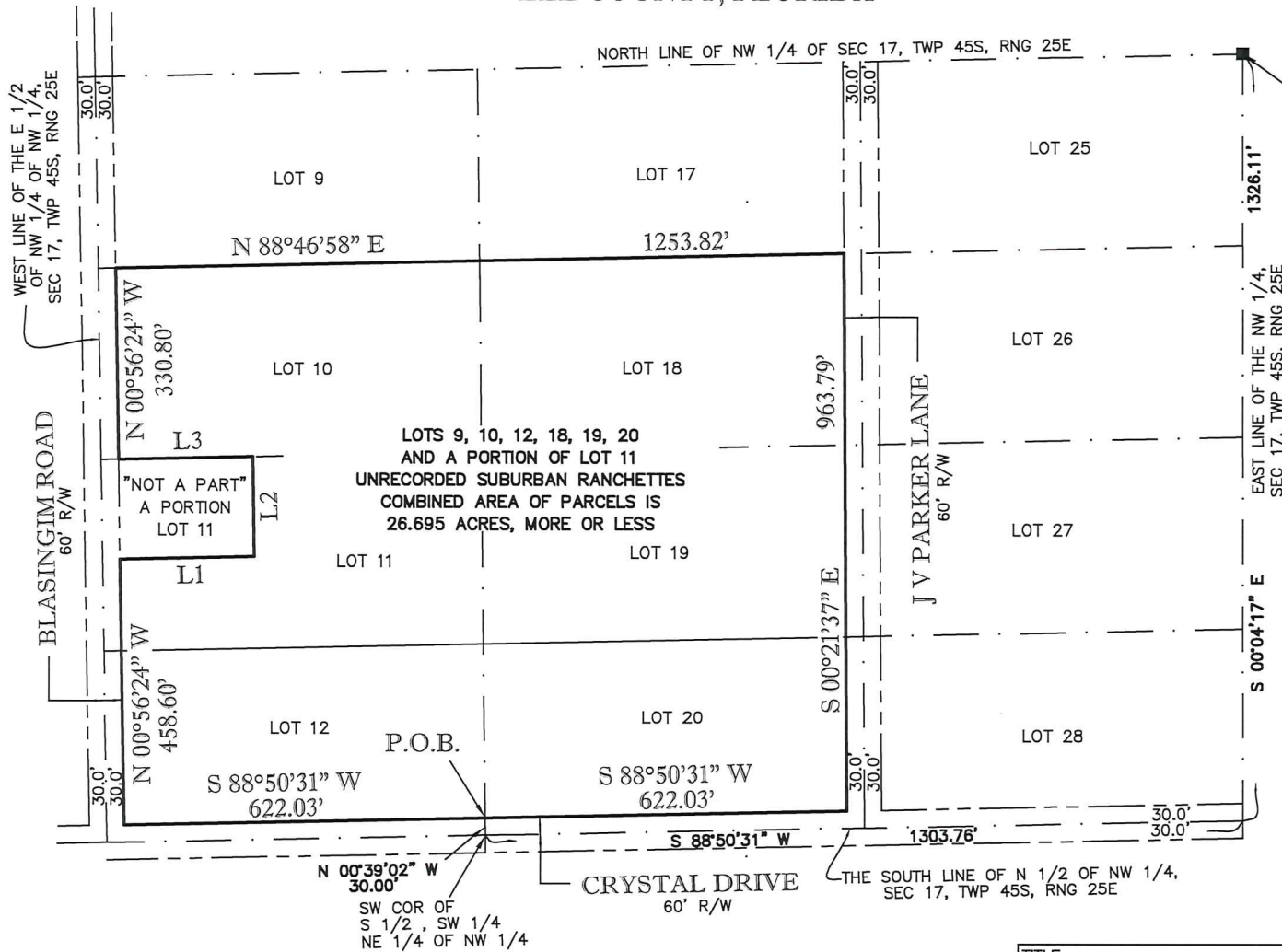
1. BEARINGS ARE BASED ON THE RIGHT OF WAY LINE OF BLASINGIM ROAD AS BEARING N 00°56'24" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

TITLE: LEGAL DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #805 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 15330sk.dwg	FIELD BOOK/PAGE: 686/21	PROJECT NO.: 15330	SHEET: 1 OF 2
EXHIBIT DATE: 11/09/22	DRAWN BY: BUD	SCALE: 1" = 300'	CHECKED BY: DJO
		FILE NO. (S-T-R) 17-45-25	

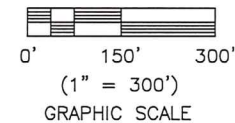
SKETCH AND DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°48'09" E	231.00'
L2	N 00°56'24" W	173.00'
L3	S 88°48'09" W	231.00'



P.O.C.
FCM 6x6 NO ID
NE CORNER OF THE NW 1/4
SEC 17, TWP 45S, RNG 25E
(FCM 3x3 NO ID 4.2' SW)



NOTE:
LOTS SHOWN RELATE TO THE
UNRECORDED PLAT OF
SUBURBAN RANCHETTES

REVIEWED
DCI2022-00055
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/31/2023

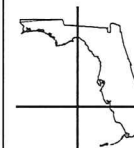
NOTES:

1. BEARINGS ARE BASED ON THE RIGHT OF WAY LINE OF BLASINGIM ROAD AS BEARING N 00°56'24" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R/W = ROADWAY EASEMENT
FCM = FOUND CONCRETE MONUMENT
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE

TITLE: SKETCH OF DESCRIPTION



METRON
SURVEYING & MAPPING, LLC

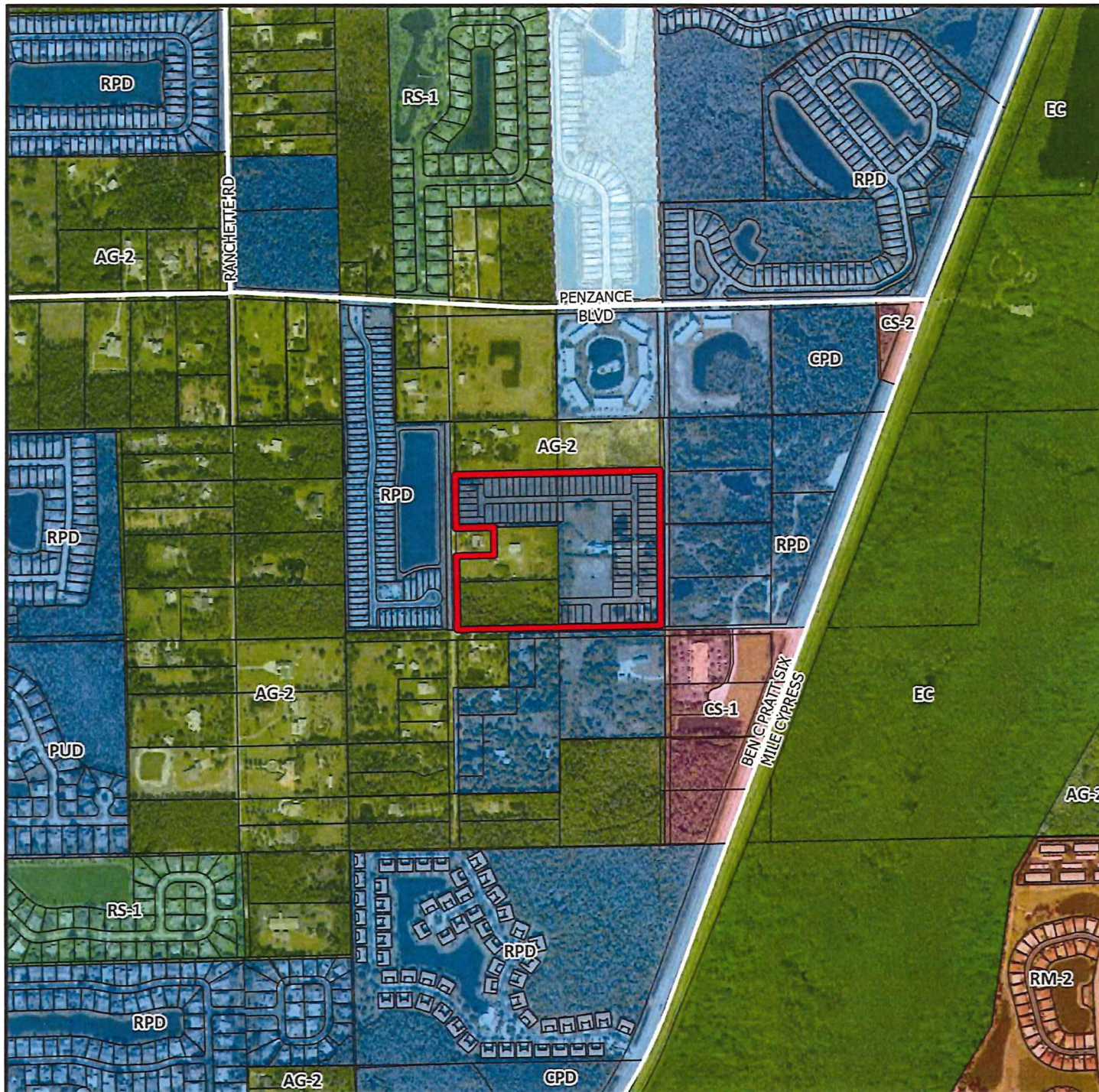
LAND SURVEYORS - PLANNERS

LB# 7071

10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
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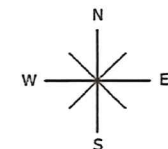


DCI2022-00055

Zoning

 Subject Property

 City Limits



0 500 1,000 1,500
Feet



Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP) and Development Intensity

- a. MCP. Development must be consistent with the two-page MCP entitled "Parker Lane RPD," prepared by DeLisi Fitzgerald, Inc., dated 12/19/2022 except as modified by the conditions below.
- b. Land Development Code (LDC) and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except where deviations are granted herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.
- c. Development Parameters. The RPD is limited to a maximum of 135 single-family dwelling units and accessory uses.

2. Uses and Development Regulations

a. Schedule of Uses

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

b. Site Development Regulations

Lot Size

Minimum Lot Area: 4,500 square feet

Minimum Lot Depth:	115 feet
Minimum Lot Width:	40 feet
<u>Setbacks</u>	
Development Perimeter	5 feet
Street	20 feet
Street (on corner lots)	15 feet
Side	5 feet
Rear	10 feet
Rear Accessory Setbacks	5 feet
Waterbody	20 feet
Waterbody Accessory Setbacks	20 feet
<u>Maximum Lot Coverage</u>	50 percent
<u>Maximum Height</u>	35 feet

3. Model Units/ Real Estate Sales

Real Estate Sales are limited to clubhouses and model units. Hours of operation for model units/real estate sales are limited to 8 a.m. to 8 p.m., daily.

4. Open Space

Development order plans must depict 40% (10.68 acres) of open space.

5. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

DEVIATIONS

1. Excavation Standards. **Deviation (1)** seeks relief from LDC §10-329(d)(1)a.3., which requires no excavation within 50 feet of a private property line under separate ownership, to allow a minimum setback of 25 feet.

Hearing Examiner Recommendation: Approve, *subject to* the following condition:

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

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

Hearing Examiner Recommendation: Approve, *subject to* the following condition:

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

3. Street Design and Construction Standards. **Deviation (3)** seeks relief from LDC §10-296(k)(1), requiring dead-end streets to be constructed with a circular turnaround for vehicles, to eliminate the requirement for circular turnarounds in four locations depicted on the Master Concept Plan where there is less than 150 feet of roadway to the nearest intersection.

Hearing Examiner Recommendation: Approve

4. Lot Depth. **Deviation (4)** seeks relief from LDC §10-703, which illustrates how to measure lot depth, to allow the lot depth for three dead-end street lots on the MCP to be measured consistent with the detail on MCP Sheet 2.

Hearing Examiner Recommendation: Approve

5. Required Street Access. **Deviation (5)** seeks relief from LDC §10-291(3), which requires two means of ingress or egress to any residential subdivision greater than 5 acres, to allow for one means of ingress and egress for the development.

Hearing Examiner Recommendation: Approve, subject to the following conditions:

- a. The emergency only access must be designed with a minimum 20 foot clear width. The access must be stabilized and include signage designating the emergency access route. Developer must submit a letter of no objection to the design from Lee County Public Safety, Lee County Sheriff's Office and the Fire District with jurisdiction prior to development order approval.
 - b. Developer must record a notice to future property owners in the public records prior to the issuance of a local development order allowing construction of project access. The notice must articulate the emergency access plan and provide information on where property owners may obtain a copy of the plan.
 - c. The development order application must include documentation confirming the developer submitted a Crime Prevention through Environmental Design report to the Lee County Sheriff's Department.
6. Excavation Standards. **Deviation (6)** seeks relief from LDC §10-329 (d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1 to allow for 4:1 lake bank slopes.

Hearing Examiner Recommendation: Approve

7. Planted Littoral Shelf/Surface Water Management Systems. **Deviation (7)** seeks relief from LDC §10-418(2)d, which requires littoral areas to be planted with herbaceous plant material to allow no herbaceous plants in littoral areas on the water management lake.

Hearing Examiner Recommendation: Approve, subject to the following condition:

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

8. Planted Littoral Shelf/Surface Water Management Systems **Deviation (8)** seeks relief from LDC §10-418(2)d.3, which permits a maximum of 25 percent of required

herbaceous plants on littoral areas to be converted to wetland trees, to allow for the conversion of 100 percent of required littoral plantings to wetland trees.

Hearing Examiner Recommendation: Approve, *subject to* the following condition:

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

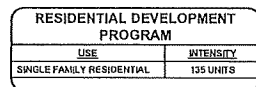
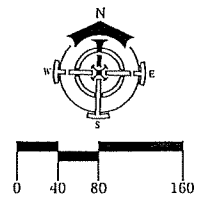
9. Excavation Standards. **Deviation (9)** seeks relief from LDC §10-329(d)(1)a.1., which requires lakes to be setback a minimum 25 feet from local road rights-of-way, to allow the proposed lake to be set back a minimum of 20 feet from the right-of-way.

Hearing Examiner Recommendation: Approved, *subject to* the following condition:

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

Exhibits to Conditions:

B1 Master Concept Plan dated 12/19/2022

C:\21568 - PARKER LANE RPO\MCPI\MCP (WOODS)\PLAN SET\21568-01-MCP.DWG

DELISI FITZGERALD, INC.
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A Division of RESPEC Company LLC

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Fort Myers, FL 33901
(239) 418-0651
(239) 418-0692 fax

Florida
Registry License
Number 33253

PARKER LANE RPD

EXHIBIT B-1

OWNER / DEVELOPER:
LENNAR

[illegible]

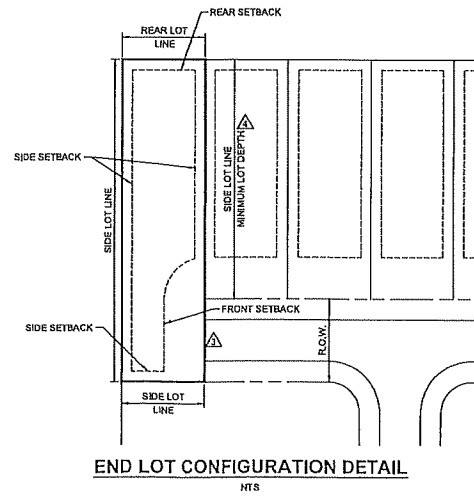
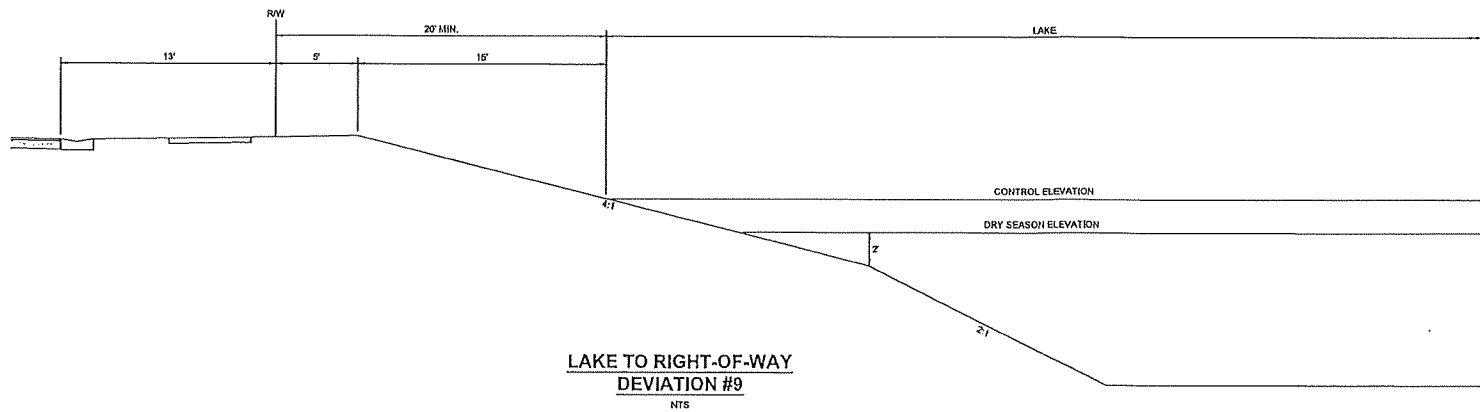
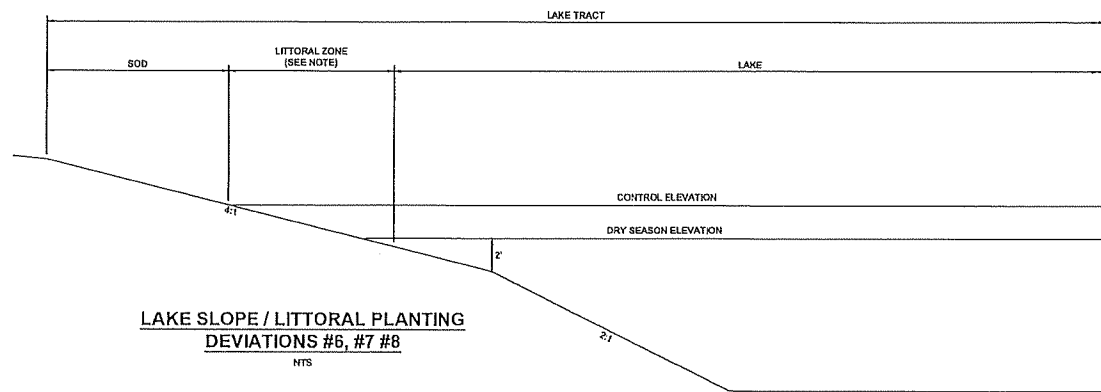
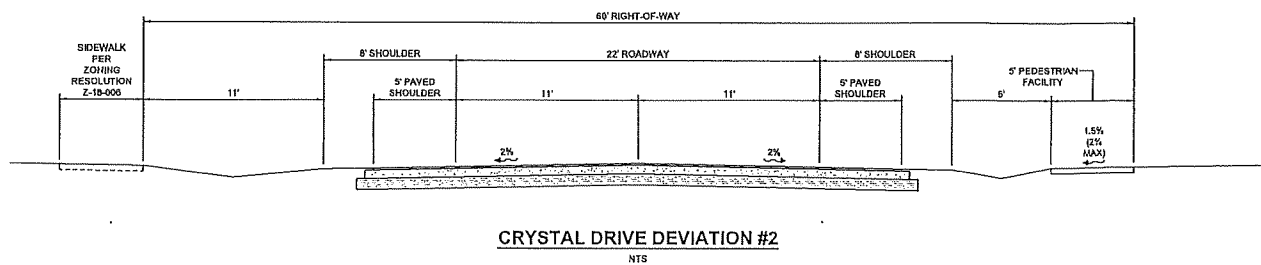
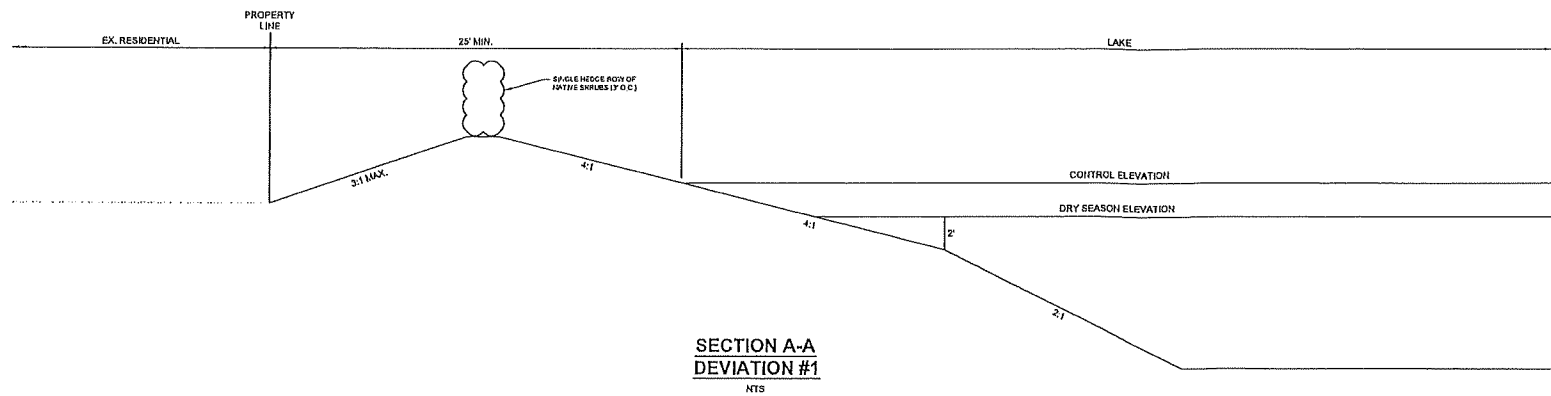
MASTER CONCEPT PLAN

Project Manager:	ADF
Drawn By:	CAS
Checked By:	ADF
Project Number:	21568
Located in Section(s):	17
Township: 45 S	Range: 25 E
County, State:	LEE COUNTY, FL

Status:

Sheet Number:	1 of 2
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12/19/2025 11:38 AM



DELISI FITZGERALD, INC.
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(239) 418-0691
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Florida
Registry License
Number 33255

OWNER / DEVELOPER:
LENNAR
LAKELAND, FL 33809
CONTRACT # 21486-03

PROJECT:
PARKER LANE RPD

PLAN REVISIONS	DESCRIPTION
#	DATE

MASTER CONCEPT PLAN DETAILS

Project Manager: AOF
Drawn By: CAS
Checked By: AOF
Project Number: 21568
Located in Section: 27
Township: 45 S Range: 25 E
County, State: LEE COUNTY, FL

Status:

Sheet Number: 2 of 2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received April 5, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County staff for Pratt's Preserve Residential Planned Development (RPD), DCI2022-00055 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Olga Ramos with Pavese Law Firm, to Hearing Examiner and Maria Perez, with copies to Dan DeLisi, Dirk Danley, Jr., and Neale Montgomery, Esq., dated Monday, April 17, 2023 501 PM (2 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Pratt's Preserve RPD Zoning Amendment, dated April 20, 2023 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Dan DeLisi
2. Neale Montgomery, Esq.

Public Participants:

None

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.