



CPA2023-00006

43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086

May 23, 2023

Anthony Rodriguez, AICP
Section Manager
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
MAY 22 2023
COMMUNITY DEVELOPMENT

**Reference: Application for Comprehensive Plan Amendment - Map
± 3.50-acres at 308 Evergreen Road, North Fort Myers
Lee County STRAP #03-44-24-07-00000.0240**

Dear Mr. Rodriguez,

Attached herewith is a completed application and associated support material for a Comprehensive Plan Amendment – Map.

Please find attached the following items in relation to this application:

1. One (1) copy of the completed Application for a Comprehensive Plan Amendment – Map, Exhibit M1;
2. One (1) copy of the notarized Disclosure of Interest Affidavit, Exhibit M2;
3. One (1) copy of the Surrounding Property Owners List, Mailing Labels and Map for all parcels within 500 feet of the Subject Property, Exhibit M3;
4. One (1) copy of the Existing Future Land Use Map, Exhibit M4;
5. One (1) copy of the Map and Description of Existing Land Uses of the Subject Property and Surrounding Properties, Exhibit M5;
6. One (1) copy of the Map and Description of Existing Zoning of the Subject Property and Surrounding Properties, Exhibit M6;
7. One (1) signed and sealed Legal Description and Sketch of the Description for each FLUC Proposed, Exhibit M7;
8. One (1) copy of the Warranty Deed of the Subject Property, Exhibit M8;
9. One (1) copy of the Aerial Map showing the Subject Property and Surrounding Properties, Exhibit M9;
10. One (1) copy of the Authorization Letter from the Property Owner(s) Authorizing the Applicant to Represent the Owner, Exhibit M10;

11. One (1) copy of the Proposed Amendment, Exhibit M11;
12. One (1) copy of the Lee Plan Analysis, Exhibit M12;
13. One (1) copy of the Environmental Impacts Analysis, Exhibit M13;
14. One (1) copy of the Historic Resources Impact Analysis, Exhibit M14;
15. One (1) copy of the Public Facilities Impacts Analysis, Exhibit M15;
16. One (1) copy of the Traffic Circulation Analysis, Exhibit M16;
17. One (1) copy of the Existing and Future Conditions Analysis – Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools, Exhibit M17;
18. One (1) copy of the Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities – Fire Protection, Emergency Medical Services, Law Enforcement, Solid Waste, Mass Transit, Lee County Schools, Exhibit M18;
19. One (1) copy of the State Policy Plan and Regional Policy Plan, Exhibit M19;
20. One (1) copy of the Justification of Proposed Amendment, Exhibit M20;
21. One (1) copy of the Planning Communities/Community Plan Area Requirements, Exhibit M21;
22. One (1) copy of the notarized Authorization to Represent Affidavit, Exhibit M22; and
23. A check for the Comprehensive Plan Map Amendment (less than 10 acres) Filing Fee (\$1,500.00).

Your time and attention to this matter is greatly appreciated. Should County staff require additional information or have any questions regarding this submittal, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Senior Planner



CPA 2023-00006
**APPLICATION FOR A COMPREHENSIVE
PLAN AMENDMENT - MAP**

Project Name: 308 Evergreen

Project Description: Request to amend Lee Plan Map 1-C Mixed Use Overlay Map

Map(s) to Be Amended: 1-C

State Review Process: ☒ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. **Name of Applicant:** 308 Evergreen Road, LLC, Randy Krise, Managing Member

Address: 16 Winewood Ct

City, State, Zip: Fort Myers, FL 33919

Phone Number: 239-633-8672

E-mail: randy@krisecg.com

2. **Name of Contact:** Veronica Martin, TDM Consulting, Inc.

Address: 43 Barkley Cir, Suite 200

City, State, Zip: Fort Myers, FL 33907

Phone Number: 239-433-4231

E-mail: vmartin@tdmconsulting.com

3. **Owner(s) of Record:** 308 Evergreen Road, LLC

Address: 16 Winewood Ct

City, State, Zip: Fort Myers, FL 33919

Phone Number: 239-633-8672

E-mail: randy@krisecg.com

4. **Property Location:**

1. Site Address: 308 Evergreen Road, North Fort Myers, FL 33903

2. STRAP(s): 03-44-24-07-00000.0240

5. **Property Information:**

Total Acreage of Property: 3.50 AC

Total Acreage Included in Request: 3.50 AC

Total Uplands: 3.50 AC

Total Wetlands: 0

Current Zoning: RS-1

Current Future Land Use Category(ies): Intensive Development

Area in Each Future Land Use Category: 3.50 AC

Existing Land Use: Single-family residential

6. **Calculation of maximum allowable development under current Lee Plan:**

Residential Units/Density: 49 units
14 du/ac

Commercial Intensity: NA

Industrial Intensity: NA

7. **Calculation of maximum allowable development with proposed amendments:**

Residential Units/Density: 49 units

Commercial Intensity: NA

Industrial Intensity: NA

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M2)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Existing Future Land Use Map (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Proposed Amendments (Exhibit – M11)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M16)
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<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M19)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M20)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

APPLICANT – PLEASE NOTE:

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239) 533-8585.

AFFIDAVIT

I, Randy L. Krise, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

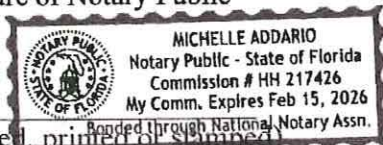
Randy L. Krise
Signature of Applicant Date

Randy L. Krise
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 5/17/23 (date) by Randy Krise
(name of person providing oath or affirmation), who is personally known to me or who has produced
(type of identification) as identification.

Michelle Addario
Signature of Notary Public



(Name typed, printed or stamped)

EXHIBIT M2

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Randy L. Krise, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 308 Evergreen Road, North Fort Myers, FL and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NONE	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

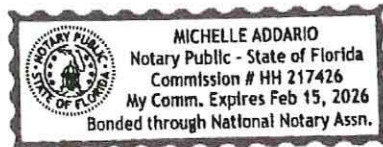
Randy L. Krise
Property Owner
Randy L. Krise
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

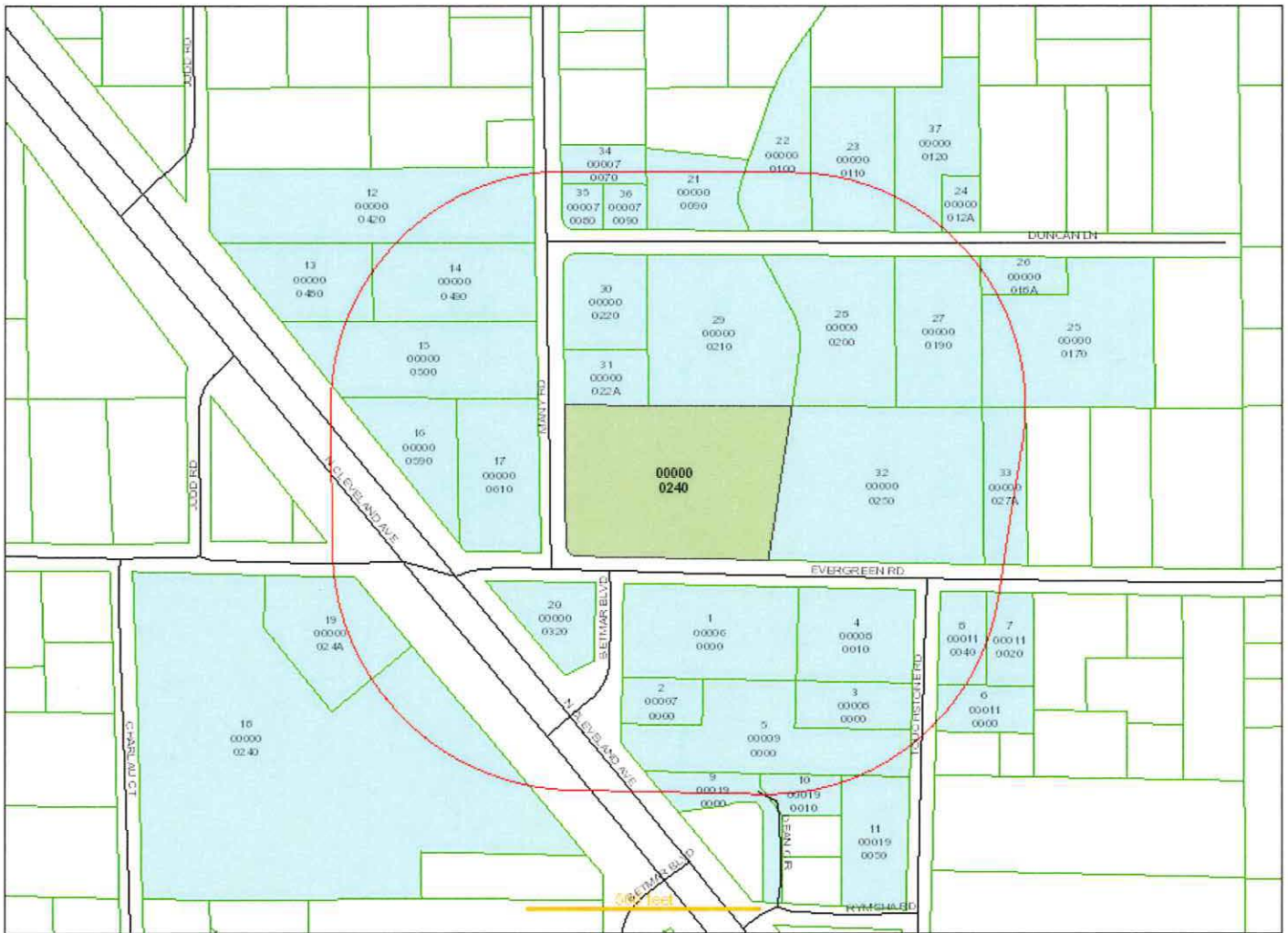
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 2/2/23 (date) by Randy Krise (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Michelle Addario
Signature of Notary Public

EXHIBIT M3



Date of Report: January 11, 2023

Buffer Distance: 500 feet

Parcels Affected: 37

Subject Parcel: 03-44-24-07-00000.0240

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
VALLADARES DIAZ YUDIEL + 1717 SW 1ST AVE CAPE CORAL FL 33991	03-44-24-00-00006.0000 285 EVERGREEN RD NORTH FORT MYERS FL 33903	S 200 FT OF N 250 FT OF W 385 FT OF E 1350 FT OF S E 1/4	1
LEWIS ANITA L 3956 ARLINGTON ST FORT MYERS FL 33901	03-44-24-00-00007.0000 1412 BETMAR BLVD NORTH FORT MYERS FL 33903	W 175 FT OF E 1355 FT OF S 110 FT OF N 360 FT OF S E 1/4	2
MENENDEZ CUESTA RAFAEL + 1451 TOUCHSTONE RD NORTH FORT MYERS FL 33903	03-44-24-00-00008.0000 1451 TOUCHSTONE RD NORTH FORT MYERS FL 33903	S 100 FT OF N 350 FT OF W 250 FT OF E 965 FT OF S E 1/4	3
VA FLORIDA CONSTRUCTIONS CORP 1629 SE 12TH ST CAPE CORAL FL 33990	03-44-24-00-00008.0010 1455 TOUCHSTONE RD NORTH FORT MYERS FL 33903	S 200 FT OF N 250 FT OF W 250 FT OF E 965 FT OF S E1/4	4
LEWIS ANITA L 3956 ARLINGTON ST FORT MYERS FL 33901	03-44-24-00-00009.0000 1401 TOUCHSTONE RD NORTH FORT MYERS FL 33903	PAR IN NE 1/4 OF S E 1/4 DESC IN OR 552 PG 647 AKA EVERGREEN RENTAL PARK	5
GREER GLORIA 1408 TOUCHSTONE RD	03-44-24-00-00011.0000 1408 TOUCHSTONE RD	S 100 FT OF N 350 FT OF W 255 FT OF E 670 FT	6

N FT MYERS FL 33903	NORTH FORT MYERS FL 33903	OF S E 1/4	
MAYFIELD JOAN C 257 EVERGREEN RD NORTH FORT MYERS FL 33903	03-44-24-00-00011.0020 257 EVERGREEN RD NORTH FORT MYERS FL 33903	W 100 FT OF E 545 FT OF S 200 FT OF N 250 FT OF SE 1/4	7
MAYFIELD JOAN C 257 EVERGREEN RD NORTH FORT MYERS FL 33903	03-44-24-00-00011.0040 259 EVERGREEN RD NORTH FORT MYERS FL 33903	W 125 FT OF E 670 FT OF S 200 FT OF N 250 FT OF SE 1/4	8
LEWIS ANITA L 3956 ARLINGTON ST FORT MYERS FL 33901	03-44-24-00-00019.0000 1379 DEAN CIR NORTH FORT MYERS FL 33903	PARCEL LYING E OF US 41 N AS DESC IN OR 3508/2422 AS PARCEL A-2	9
A ISACSON COLLEEN 19650 LAN SHELL DR NORTH FORT MYERS FL 33917	03-44-24-00-00019.0010 1396 DEAN CIR NORTH FORT MYERS FL 33903	PAR IN NE 1/4 OF SE 1/4 W OF HWY AS DESC IN OR 556 PG 515	10
BELL WAYNE C 1385 TOUCHSTONE RD NORTH FORT MYERS FL 33903	03-44-24-00-00019.0050 1385 TOUCHSTONE RD NORTH FORT MYERS FL 33903	FR SW COR OF NE 1/4 OF SE 1/4 N 604.78 E 478.68 TO POB TH N 275/E 125/S 275/W 125	11
ALL SOULS EPISCOPAL CHURCH INC 14640 N CLEVELAND AVE NORTH FORT MYERS FL 33903	03-44-24-02-00000.0420 14640 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 LOTS 42 + 43 LESS US 41	12
CRIAZZO ANGELA R + 5821 CRYSTAL LAKE LN UNIT 104 NORTH FORT MYERS FL 33917	03-44-24-02-00000.0480 14630 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 LOT 48 LESS ST RD 45	13
BUCK STACY LYNN & 1563 MANY RD NORTH FORT MYERS FL 33903	03-44-24-02-00000.0490 1563 MANY RD NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 LOT 49	14
KW ELECTRIC INC 1206 RIDING ROCKS LANE PUNTA GORDA FL 33950	03-44-24-02-00000.0500 14580 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 LOTS 50 + 51 LESS STATE RD	15
AZIMA ALI A TR 4358 HARBOR BLVD PORT CHARLOTTE FL 33952	03-44-24-02-00000.0590 14520 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 PORT OF LOT 59 + LOT 60 LESS RD R/W	16
AZIMA ALI A TR 4358 HARBOR BLVD PORT CHARLOTTE FL 33952	03-44-24-02-00000.0610 14500 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MARIANA PARK PB 9 PG 111 LOT 61 LESS ST.RD.R/W.	17
LEE MEMORIAL HEALTH SYSTEM AMBULATORY FACILITIES MGMT 4211 METRO PARKWAY SUITE 100 FORT MYERS FL 33916	03-44-24-03-00000.0240 14451 N CLEVELAND AVE NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 POR LOTS 24-25-26 DESC IN OR 1816/1862 LESS R/W OR 1824/3910	18
BOOMER SOONER CORP 14487 N CLEVELAND AVE NORTH FORT MYERS FL 33903	03-44-24-03-00000.024A 14487 N CLEVELAND AVE NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 PT LTS 24 31+32 W OF US41 DESC OR1769/4628	19
EDISON PETROLEUM INC 8673 LITTLETON RD NORTH FORT MYERS FL 33903	03-44-24-03-00000.0320 14490 N CLEVELAND AVE NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 LOT 32 E OF SR 41 LS R/W OR 38/258	20
OWEN JEANNETTE T 310 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.0090 310 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 3 LOT 9 LESS N 150 FT	21
ROBERTS CURTIS R 304 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.0100 304 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 10	22
WESTBERRY TERESA 268 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.0110 268 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 11	23
ST HILAIRE DANIEL J & 248 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.012A 254 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANNA PARK 2ND ADDN PB 10 PG 37 PT 12 E 80 FT OF S 120 FT	24
BOUFFARD JENNIFER B & 287 DUNCAN LN	03-44-24-07-00000.0170 287 DUNCAN LN	MARIANA PARK 2ND ADDN PB 10 PG 37	25

NORTH FORT MYERS FL 33903	NORTH FORT MYERS FL 33903	LOT 17 + S 243.14 FT OF LOT 18	
GRAVES DAVID H & LISA M 291 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.018A 291 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 THE N 80 FT LOT 18	26
DUNTON JULIA L L/E 295 DUNCAN LANE N FORT MYERS FL 33903	03-44-24-07-00000.0190 295 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 19	27
MORE MICHELLE 299 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.0200 299 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 20	28
PARKER DARRYL 303 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00000.0210 303 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 21	29
DJEJ PROPERTIES LLC 5235 SKYLARK CT CAPE CORAL FL 33904	03-44-24-07-00000.0220 1664 MANY RD NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 22 LESS 022A	30
HAMILTON BOB + 7824 EBSON DR NORTH FORT MYERS FL 33917	03-44-24-07-00000.022A 1660 MANY RD NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 PT 22 S 112.21 FT	31
BETHANY LUTHERAN CHURCH INC 264 EVERGREEN RD NORTH FORT MYERS FL 33903	03-44-24-07-00000.0250 264/266 EVERGREEN RD NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOTS 25 + 26	32
BARRY JOHN F JR & PEGGY L 250 EVERGREEN RD NORTH FORT MYERS FL 33903	03-44-24-07-00000.027A 250 EVERGREEN RD NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADD PB 10 PG 37 W 1/2 LOT 27	33
COPELAND SCOTT A & KRISTA 1668 MANY RD NORTH FORT MYERS FL 33903	03-44-24-07-00007.0070 1668 MANY RD NORTH FORT MYERS FL 33903	MARIANA PK 2ND ADDN PB 10 PG 37 PT LOT 7 DESC OR 1298 PG 2324	34
UNKNOWN HEIRS OF 314 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00007.0080 314 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PK 2ND ADDN PB 10 PG 37 LOT 8 REPLT LOT 7 + 8	35
BRADDOCK JAMES E & 312 DUNCAN LN NORTH FORT MYERS FL 33903	03-44-24-07-00007.0090 312 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PK 2ND ADDN PB 10 PG 37 LOT 9 REPLT LOT 7 + 8	36
FARRY ROBERT & ALICE 503 PANGOLA DR NORTH FORT MYERS FL 33903	03-44-24-L2-00000.0120 258 DUNCAN LN NORTH FORT MYERS FL 33903	MARIANA PARK 2ND ADDN PB 10 PG 37 LOT 12 LESS PAR 012A + LOT PT 4 S 66 OF THE E 80 FT	37

VALLADARES DIAZ YUDIEL +
1717 SW 1ST AVE
CAPE CORAL FL 33991

LEWIS ANITA L
3956 ARLINGTON ST
FORT MYERS FL 33901

MENENDEZ CUESTA RAFAEL +
1451 TOUCHSTONE RD
NORTH FORT MYERS FL 33903

VA FLORIDA CONSTRUCTIONS CORP
1629 SE 12TH ST
CAPE CORAL FL 33990

LEWIS ANITA L
3956 ARLINGTON ST
FORT MYERS FL 33901

GREER GLORIA
1408 TOUCHSTONE RD
N FT MYERS FL 33903

MAYFIELD JOAN C
257 EVERGREEN RD
NORTH FORT MYERS FL 33903

MAYFIELD JOAN C
257 EVERGREEN RD
NORTH FORT MYERS FL 33903

LEWIS ANITA L
3956 ARLINGTON ST
FORT MYERS FL 33901

A ISACSON COLLEEN
19650 LAN SHELL DR
NORTH FORT MYERS FL 33917

BELL WAYNE C
1385 TOUCHSTONE RD
NORTH FORT MYERS FL 33903

ALL SOULS EPISCOPAL CHURCH INC
14640 N CLEVELAND AVE
NORTH FORT MYERS FL 33903

CRIAZZO ANGELA R +
5821 CRYSTAL LAKE LN UNIT 104
NORTH FORT MYERS FL 33917

BUCK STACY LYNN &
1563 MANY RD
NORTH FORT MYERS FL 33903

KW ELECTRIC INC
1206 RIDING ROCKS LANE
PUNTA GORDA FL 33950

AZIMA ALI A TR
4358 HARBOR BLVD
PORT CHARLOTTE FL 33952

AZIMA ALI A TR
4358 HARBOR BLVD
PORT CHARLOTTE FL 33952

LEE MEMORIAL HEALTH SYSTEM
AMBULATORY FACILITIES MGMT
4211 METRO PARKWAY SUITE 100
FORT MYERS FL 33916

BOOMER SOONER CORP
14487 N CLEVELAND AVE
NORTH FORT MYERS FL 33903

EDISON PETROLEUM INC
8673 LITTLETON RD
NORTH FORT MYERS FL 33903

OWEN JEANNETTE T
310 DUNCAN LN
NORTH FORT MYERS FL 33903

ROBERTS CURTIS R
304 DUNCAN LN
NORTH FORT MYERS FL 33903

WESTBERRY TERESA
268 DUNCAN LN
NORTH FORT MYERS FL 33903

ST HILAIRE DANIEL J &
248 DUNCAN LN
NORTH FORT MYERS FL 33903

BOUFFARD JENNIFER B &
287 DUNCAN LN
NORTH FORT MYERS FL 33903

GRAVES DAVID H & LISA M
291 DUNCAN LN
NORTH FORT MYERS FL 33903

DUNTON JULIA L L/E
295 DUNCAN LANE
N FORT MYERS FL 33903

MORE MICHELLE
299 DUNCAN LN
NORTH FORT MYERS FL 33903

PARKER DARRYL
303 DUNCAN LN
NORTH FORT MYERS FL 33903

DJEJ PROPERTIES LLC
5235 SKYLARK CT
CAPE CORAL FL 33904

HAMILTON BOB +
7824 EBSON DR
NORTH FORT MYERS FL 33917

BETHANY LUTHERAN CHURCH INC
264 EVERGREEN RD
NORTH FORT MYERS FL 33903

BARRY JOHN F JR & PEGGY L
250 EVERGREEN RD
NORTH FORT MYERS FL 33903

COPELAND SCOTT A & KRISTA
1668 MANY RD
NORTH FORT MYERS FL 33903

UNKNOWN HEIRS OF
314 DUNCAN LN
NORTH FORT MYERS FL 33903

BRADDOCK JAMES E &
312 DUNCAN LN
NORTH FORT MYERS FL 33903

FARRY ROBERT & ALICE
503 PANGOLA DR
NORTH FORT MYERS FL 33903

308 Evergreen Road
Existing Future Land Use Map
Exhibit M4

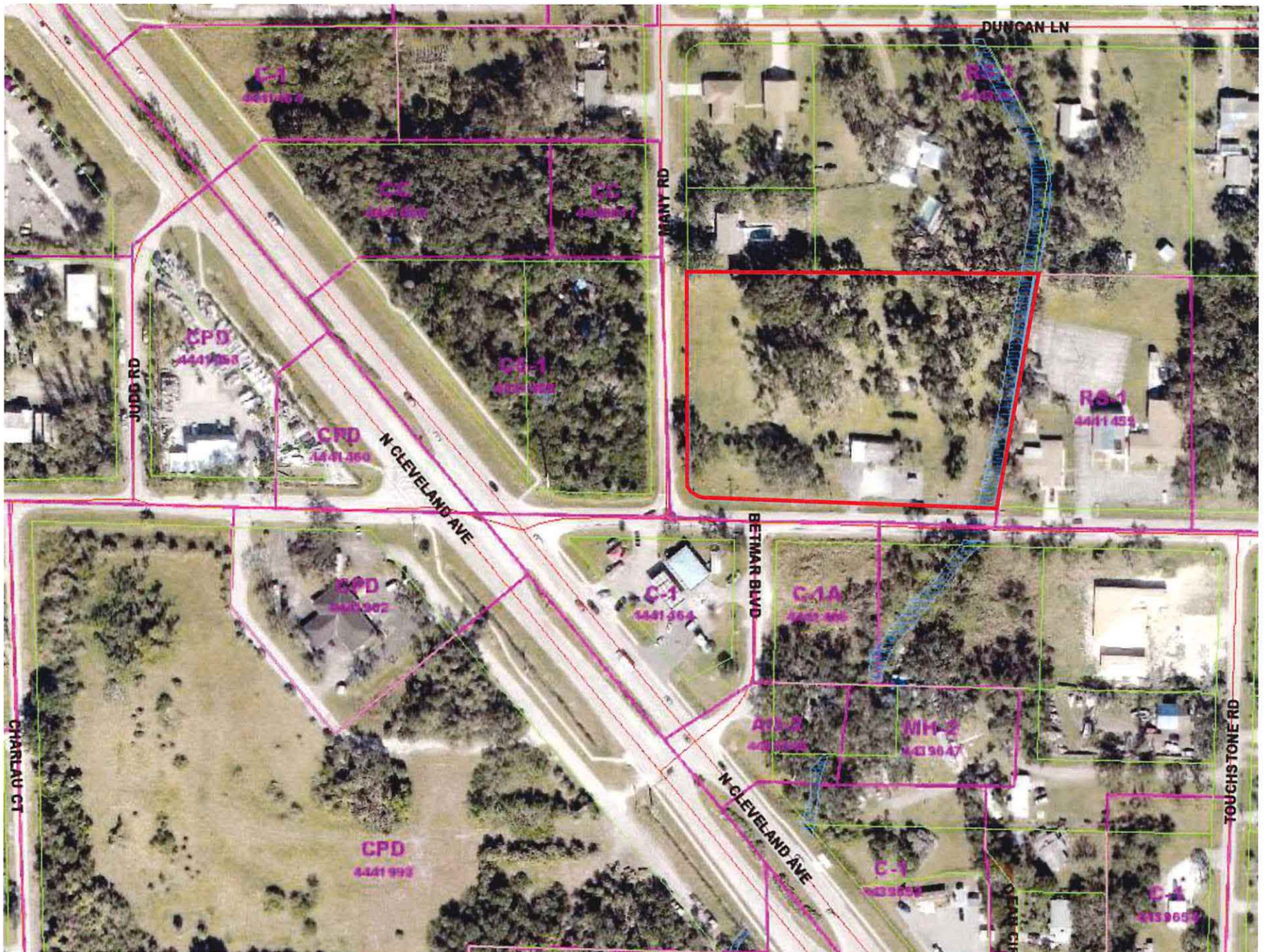


- Intensive Development
- Central Urban

308 Evergreen Road, North Fort Myers
Map and Description of Existing Land Uses
Exhibit M5



308 Evergreen Road
Existing Zoning Map
Exhibit M6

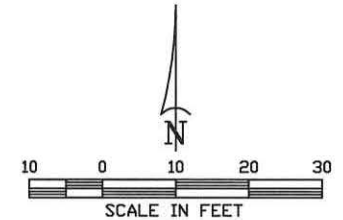


NOT A BOUNDARY SURVEY
SEE EXHIBIT "A" FOR DESCRIPTION
TO ACCOMPANY THIS SKETCH

LOT 22

LOT 21

SKETCH TO ACCOMPANY DESCRIPTION OF:
**LOT 23 & 24, MARIANA PARK,
2ND ADDITION,**
(PLAT BOOK 10, PAGE 37)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA



SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTH RIGHT-OF-WAY LINE OF EVERGREEN ROAD, AS BEING N.88°54'59"W.
2. FIELD NOTES IN MARIANA PARK, 2ND ADDITION.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 60 SCALE DRAWING.

MP-2A-23

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FL. 33904
239-257-2624

P.O.C. / P.O.B.
N.W. CORNER
LOT 23

S.89°43'00"E. 496.36'(P)
S.89°46'37"E. 496.36'(S)

LOT 23

LOT 24

N.00°57'19"W. 300.63'(S)
N.00°53'40"W. 324.76'(P)

Curve number 1 (S)

Radius= 25.00'
Delta= 87°57'40"
Arc= 38.38'
Chord= 34.72'
Chord Brg.= N.44°56'09"W.

N.88°54'59"W. 407.44'(S)
N.88°51'20"W. 431.66'(P)

NORTH R/W LINE

S.10°11'02"W. 336.24'(S)
BUMBUM CREEK±

LOT 25

LEGEND:

P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
(C)	CURVE NUMBER
R/W	RIGHT-OF-WAY
CL	CENTERLINE
(S)	SURVEYED
(P)	PLAT

EVERGREEN ROAD
(50' R/W)

MANY ROAD
(50' R/W)

EAST R/W LINE

25.00'

25.00'

25.00'

25.00'

"EXHIBIT A"

DESCRIPTION TO ACCOMPANY SKETCH:

*LOT 23 & 24, MARIANA PARK,
2ND ADDITION,*

(PLAT BOOK 10, PAGE 37)

PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

LOT 23 AND LOT 24, MARIANA PARK, 2ND ADDITION, AS RECORDED IN PLAT BOOK 10, PAGE 37, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF LOT 23, OF SAID MARIANA PARK, 2ND ADDITION, FOR A POINT OF BEGINNING; THENCE RUN S.89°46'37"E. (S.89°43'00"E. PER PLAT) TO A POINT ALONG THE CENTERLINE THREAD OF STREAM OF BUM BUM CREEK FOR 496.36 FEET; THENCE RUN S.10°11'02"W. ALONG SAID CENTERLINE OF BUM BUM CREEK TO A POINT ALONG THE NORTH RIGHT OF WAY LINE OF EVERGREEN ROAD (50 FEET WIDE) FOR 336.24 FEET; THENCE RUN N.88°54'59"W. (N.88°51'20"W. PER PLAT), ALONG SAID NORTH RIGHT OF WAY LINE, TO A POINT OF CURVATURE, FOR 407.44 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 38.38 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 87°57'40", A CHORD THAT BEARS N.44°56'09"W., AND A CHORD DISTANCE OF 34.72 FEET; THENCE RUN N.00°57'19"W. (N.00°53'40"W. PER PLAT) ALONG THE EAST RIGHT OF WAY LINE OF MANY ROAD (50 FEET WIDE) TO THE AFORESAID NORTHWEST CORNER OF LOT 23, FOR 300.63 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 152,099.01 SQUARE FEET, OR 3.49 ACRES,
MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2023.05.17
08:41:06 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/17/2023

MP-2A-23

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FL. 33904
239-257-2624

EXHIBIT M8

Prepared by:

Prepared by and return to:

Title Unlimited of Florida, LLC

Laura Whiteley

12995 S. Cleveland Avenue, Suite 8

Ft. Myers, Florida 33907

File Number: 22-0247

General Warranty Deed

Made this December 2, 2022 A.D. By **Claromente Holdings, LLC, a Florida Limited Liability Company**, 2340 Vanderbilt Beach Road Suite 10-425, Naples, Florida 34109, hereinafter called the grantor, to **308 Evergreen Road, LLC, a Florida Limited Liability Company**, whose post office address is: 16 Winewood Ct., Fort Myers, Florida 33919, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 23 and 24, MARIANA PARK SECOND ADDITION, according to the map or plat thereof, as recorded in Plat Book 10, Page(s) 37, of the Public Records of Lee County, Florida.

Parcel ID Number: 03-44-24-07-00000.0240

Also known as: 308 Evergreen Road, North Fort Myers, Florida 33903

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2022.

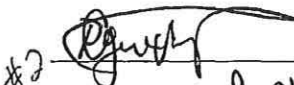
Prepared by:
Prepared by and return to:
Title Unlimited of Florida, LLC
Laura Whiteley
12995 S. Cleveland Avenue, Suite 8
Ft. Myers, Florida 33907
File Number: 22-0247

General Warranty Deed


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

Signed, sealed and delivered in our presence:

#1 
Witness Printed Name Roberto Torres

#2 
Witness Printed Name Cynthia Lightcap

Claromente Holdings, LLC, a Florida Limited Liability Company

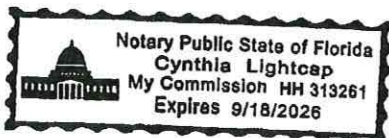
 (Seal)
Jesse Decicco, Manager

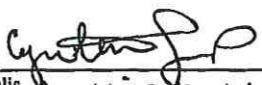
State of Florida

County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of November, 2022, by Jesse Decicco, Manager of Claromente Holdings, LLC, a Florida Limited Liability Company, who is/are personally known to me or who has produced Drivers License as identification.

SEAL




Notary Public
Print Name: Cynthia Lightcap
My Commission Expires: 09/18/2026

308 Evergreen Road
Aerial Map
Exhibit M9



EXHIBIT M10

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Randy L. Krise (name), as Managing Member (owner/title) of 308 Evergreen Road, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

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

Randy L. Krise
Signature

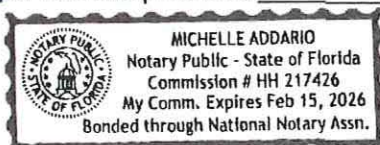
2-2-2023
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 2 day of Feb, 2023, by Randy Krise (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Michelle Addario
Signature of Notary Public



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

Proposed Amendment – Exhibit M11

The Applicant, 308 Evergreen Road, LLC, is requesting to amend Lee Plan Map 1-C Mixed Use Overlay Map. The Applicant is requesting to add the ±3.5-acre property located at 308 Evergreen Road into the Mixed Use Overlay.

Lee Plan Policy 11.2.3 states that “At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. The subject property is adjacent to the Mixed Use Overlay to the south and west.



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086

308 Evergreen Road
Future Land Use Amendment - Map
Lee Plan Analysis, Exhibit M12

The Applicant, 308 Evergreen Road, LLC, is requesting to amend Lee Plan Map 1-C, Mixed Use Overlay Map. The Applicant is requesting to add the ± 3.5 -acre property located at 308 Evergreen Road into the Mixed Use Overlay. The subject property is located on the north side of Evergreen Road, on the east side of Many Road, approximately 230 feet east of N. Cleveland Avenue in the North Fort Myers Planning Community. The Applicant intends to redevelop the subject property as a true mixed use development with neighborhood commercial uses on the first floor and multi-family uses on the second and third floors. The property is an ideal location as a transition between the more intensive uses that are permitted along an arterial roadway in the intensive development future land use category and the existing uses in the Central Urban future land use category east of Bum Bum Creek.

***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. 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. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The subject property has a future land use classification of Intensive Development. Although not located on a major arterial roadway, the site is approximately 230 feet east of N. Cleveland Avenue. The Intensive Development future land use category has the highest level of urban services and promotes mixed-use developments. This rezoning request is consistent with **Policy 1.1.2.**

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

Policy 2.1.1: *Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

Policy 2.1.2: *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.*

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.*

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.*

Policy 2.2.2: *Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel.*

The property is in an area of North Fort Myers that is heavily settled and has the highest level of urban services. Commercial uses are generally located on or in proximity to N. Cleveland Avenue with residential uses extending out. Redeveloping a 3.5-acre single-family lot in the Intensive Development future land use category into a mixed-use development promotes contiguous and compact growth patterns, contains urban sprawl, and conserves land, water, and natural resources. Urban services are available and adequate to service the proposed commercial development. This rezoning request is consistent with **Objective 2.1, Policy 2.1.1, Policy 2.1.2, Objective 2.2, Policy 2.2.1, and Policy 2.2.1.**

Fire/EMS:	North Fort Myers Fire District, Station 2, located at 1280 Barrett Rd., is approximately 1.8 miles away.
Police:	Lee County Sheriff's Office, located at 121 Pondella Rd, is approximately 1.1 miles away.
Solid Waste:	The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro.
Public Transit:	Lee Tran Route 140 services this segment of N. Cleveland Avenue. There is an existing bus shelter located approximately 0.13 miles southeast of the property on N. Cleveland Avenue.
Public Schools:	The property is within the Lee County School District West Zone, District Area 4.
Public Parks:	The property is approximately 0.4 miles southeast from Judd Community Park.
Water:	LCU has provided a letter of availability to serve the mixed-use development.
Wastewater:	FGUA has provided a letter of availability to serve the mixed-use development.

Objective 4.1: Water, Sewer, and Environmental Standards. *Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

Standard 4.1.1: Water.

(2) *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*

(3) *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.*

Lee County Utilities (LCU) has provided a Letter of Availability confirming that potable water lines are located adjacent to the subject property and that LCU has the capacity to serve the proposed development. This is consistent with **Standard 4.1.1.**

Standard 4.1.2: Sewer.

(2) *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*

Florida Governmental Utility Authority (FGUA) has provided a Letter of Availability confirming that sanitary sewer lines are located adjacent to the subject property and that FGUA has the capacity to serve the proposed development. This is consistent with **Standard 4.1.2.**

Objective 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

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

Policy 5.1.6: *Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.*

The applicant is proposing to rezone the property from RS-1 to C-1A to permit a mixed-use development of neighborhood commercial and multi-family residential uses. In addition to residential uses, the C-1A zoning district permits commercial uses similar to those in the CN-3

zoning district per LDC Table 38-844. The CN-3 Neighborhood Commercial District is described as “the suitable location for a broad range of small-scale retail, office and personal service facilities adjacent to and within future residential neighborhoods without the need to obtain CPD zoning. To protect the residential character of adjoining neighborhoods, certain potentially incompatible uses such as, but not limited to, convenience stores and fuel pumps are prohibited in the CN-3 district.” It should be noted that convenience stores are permitted in the C-1A zoning district, but fuel pumps require a special exception.

The subject property is in the Intensive Development future land use category and in the Mixed-Use Overlay. Surrounding zoning includes RS-1 to the north and east, C-1, C-1A, and AG-2 south of Evergreen Road, and CS-1 and CC west of Many Road. Surrounding uses include single-family homes to the north, a place of worship to the east, a gas station and vacant land south of Evergreen Road, and vacant land west of Many Road. The Mixed-Use Overlay includes the subject property, the properties along N. Cleveland Avenue, and those lots south of Evergreen Road to Touchstone Road.

Bum Bum Creek is located along the east property line. A 50-foot wide buffer is required abutting a natural waterway. Other code-required buffers will be required to the north property line and rights-of-way. In addition, open space and indigenous preserve will also be required at time of local development order permitting.

Mixed Use Overlay (LDC Section 10-425)

Open Space:

Large developments = 20%

Small developments = 10%

Buffers:

ROW buffer: 5-foot wide buffer with 5 trees per 100 linear feet

Single-family buffer: 10-foot wide buffer with Type B plantings (5 trees per 100 linear feet and a double staggered hedge row to be maintained at 36” high)

The C-1A zoning district, a conventional zoning district that permits both commercial and residential uses is appropriate at this location – in the Intensive Development future land use category, in the Mixed-Use Overlay. The buffers, setbacks, open space requirements, and other development standards are sufficient to safeguard the existing and proposed uses in the surrounding area. This is consistent with Lee Plan **Objective 5.1, Policy 5.1.5, and Policy 5.1.6.**

Goal 6: Commercial Land Uses: To permit orderly and well-planned commercial development at appropriate locations within the county.

Objective 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan.

Policy 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);
- b. Landscaping and detailed site planning (development orders);
- c. Screening and buffering (planned development rezoning and development orders);
- d. Availability and adequacy of services and facilities (rezoning and development orders);

- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- f. Proximity to other similar centers (rezoning); and*
- g. Environmental considerations (rezoning and development orders).*

Policy 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

Policy 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

The applicant is proposing to rezone the property from RS-1 to C-1A to permit a mixed-use development of neighborhood commercial and multi-family residential uses. In addition to residential uses, the C-1A zoning district permits commercial uses similar to those in the CN-3 zoning district per LDC Table 38-844. The CN-3 Neighborhood Commercial District is described as “the suitable location for a broad range of small-scale retail, office and personal service facilities adjacent to and within future residential neighborhoods without the need to obtain CPD zoning. To protect the residential character of adjoining neighborhoods, certain potentially incompatible uses such as, but not limited to, convenience stores and fuel pumps are prohibited in the CN-3 district.” It should be noted that convenience stores are permitted in the C-1A zoning district, but fuel pumps require a special exception.

The subject property is in the Intensive Development future land use category and in the Mixed-Use Overlay. Surrounding zoning includes RS-1 to the north and east, C-1, C-1A, and AG-2 south of Evergreen Road, and CS-1 and CC west of Many Road. Surrounding uses include single-family homes to the north, a place of worship to the east, a gas station and vacant land south of Evergreen Road, and vacant land west of Many Road. The Mixed-Use Overlay includes the subject property, the properties along N. Cleveland Avenue, and those lots south of Evergreen Road to Touchstone Road.

Bum Bum Creek is located along the east property line. A 50-foot wide buffer is required abutting a natural waterway. Other code-required buffers will be required to the north property line and rights-of-way. In addition, open space and indigenous preserve will also be required at time of local development order permitting.

Mixed Use Overlay (LDC Section 10-425)

Open Space:

Large developments = 20%

Small developments = 10%

Buffers:

ROW buffer: 5-foot wide buffer with 5 trees per 100 linear feet

Single-family buffer: 10-foot wide buffer with Type B plantings (5 trees per 100 linear feet and a double staggered hedge row to be maintained at 36" high)

Urban services are available and adequate to service the proposed mixed-use development. In addition, the surrounding roadway network, including Evergreen Road, Many Road, and N. Cleveland Avenue, is sufficient for traffic circulation.

The C-1A zoning district, a conventional zoning district that permits both commercial and residential uses is appropriate at this location – in the Intensive Development future land use category, in the Mixed-Use Overlay. The buffers, setbacks, open space requirements, and other development standards are sufficient to safeguard the existing and proposed uses in the surrounding area. This is consistent with Lee Plan **Goal 6, Objective 6.1, Policy 6.1.1, Policy 6.1.4, Policy 6.1.6, and Policy 6.1.7.**

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 land use categories and at appropriate locations where sufficient infrastructure exists to support development.*

Policy 11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community 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 (including research and development use).*

Objective 11.2: Mixed Use Overlay. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes, education facilities, recreation opportunities, and existing residential, shopping, and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*

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

- 1. Located within the extended pedestrian shed of established transit routes;*
- 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways;*
- 3. The property is located with the Intensive Development, Central Urban, or Urban Community future land use category;*
- 4. Availability of adequate public facilities and infrastructure;*
- 5. Will not intrude into predominately single-family residential neighborhoods.*

Policy 11.2.3: *At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.*

Policy 11.2.4: *Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.*

Policy 11.2.5: *Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.*

The subject property is located in the Intensive Development future land use category along a minor collector and local road, approximately 230 feet east of North Cleveland Avenue. The property is adjacent to the Mixed Use Overlay to the south and west. Only the street rights-of way of Evergreen Road and Many Road separates the subject property from properties within the Mixed Use Overlay. The Applicant intends to redevelop the subject property as a true mixed use development with neighborhood commercial uses on the first floor and multi-family residential use on the second and third floors. The applicant is submitting a conventional rezoning application from RS-1 to C-1A, which permits both neighborhood commercial and residential uses.

Urban services are available and adequate to serve the proposed development. In addition, other public service providers have provided letters of determination confirming the availability and adequacy of service. A traffic impact study demonstrates that the addition of this development into the mixed use overlay will not degrade the level of service of the existing roadway network and will allow vehicular access to nearby shopping and employment opportunities without accessing arterial roads. This request is consistent with **Lee Plan Goal 11, Objective 11.1, Policy 11.1.1, Objective 11.2, Policy 11.2.1, Policy 11.2.3, Policy 11.2.4, and Policy 11.2.5.**

Objective 17.3: *Public Input. To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

Policy 17.3.1: *Educate the public regarding comprehensive planning and sound planning principles by requiring public information meetings.*

Policy 17.3.2: *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

Policy 17.3.3: *Public information meetings required pursuant to the provisions of this subelement must be held within the established community plan area boundary that is affected by the amendment.*

Policy 17.3.4: *For required public information meetings, the applicant must provide the following:*

- *Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- *Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- *At the meeting, a general overview of the text or map amendment and effect thereof.*
- *After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary*

of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised.

A Public Information Meeting was held at the North Fort Myers Recreation Center on April 4, 2023. A Notice of Meeting was posted in the News-Press on March 21, 2023 and a public notice sign was posted on the property. This rezoning request was presented at the North Fort Myers Design Review Panel's monthly meeting. A meeting summary is included with this rezoning request. This is consistent with **Objective 17.3, Policy 17.3.1, Policy 17.3.2, Policy 17.3.3, and Policy 17.3.4.**

Goal 30: North Fort Myers Community Plan. *Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.*

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

The subject property has a future land use classification of Intensive Development and is in the Mixed-Use Overlay per Lee Plan Map 1, Page 6. Bum Bum Creek along the east property line provides a natural barrier separating the Intensive Development future land use category to the north, west, and south from the Central Urban future land use category to the east. Surrounding development and/or zoning includes commercial to the west and south, residential to the north, and place of worship to the east. The proposed rezoning of C-1A, which permits a mix of neighborhood commercial and multi-family residential uses is compatible with existing and planned uses in the surrounding area and is consistent with the goals, objectives and policies of the North Fort Myers Planning Community – **Goal 30 and Policy 30.1.3.**

Goal 60: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

Policy 60.1.1: *Require design of surface water management systems to protect or enhance the groundwater.*

Policy 60.4.1: *Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

Goal 61: Protection of Water Resources. *To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring Community Facilities and Services that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.*

Policy 61.2.4: *Encourage surface water management plans that mimic the functions of natural systems.*

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.*

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.*

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.*

The property is not located in a flow-way, nor does it contain wetlands. A Development Order and SFWMD Environmental Resource Permit will be required. Water quantity, water quality and attenuation will be provided by inter-connected dry detention areas prior to discharge to Bum Bum Creek. Paving, grading, and drainage plans will be required at that time. Best Management Practices will be observed and surface water management will comply with the requirements of the LDC, the Lee Plan, and any other regulatory agencies as required. This is consistent with **Lee Plan Goal 60, Policy 60.1.1, Policy 60.4.1, Goal 61, Policy 61.2.4, Objective 61.3, Policy Policy 61.3.6 and Policy 61.3.11.**

Goal 135: Meeting Housing Needs. *To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County.*

Objective 135.1: Housing Availability. *To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.*

The statistics for available housing needed in Lee County keeps increasing. The applicant is requesting to rezone a 3.5-acre single-family lot to C-1A to permit a mix of neighborhood commercial and multi-family development. This will increase the variety of housing available in North Fort Myers. This is consistent with Lee Plan **Goal 135 and Objective 135.1.**

The Applicant has met the criteria to expand the Mixed Use Overlay.

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

1. Located within the extended pedestrian shed of established transit routes;

Lee Tran has provided a Letter of Determination stating that the subject property is within one-quarter mile of a fixed-route corridor (North Cleveland Avenue). Pedestrian facilities will be required on Evergreen Road at time of Development Order permitting.

2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways;

Many Road, a two-lane minor collector road, is located along the west property line and provides vehicular access to the Walmart supercenter and other shopping and employment opportunities north of the subject property. Evergreen Road, a two-lane local road, connects N. Cleveland Avenue to N. Tamiami Trail (Business 41). Pedestrian facilities will be required along the property lines of both Many Road and Evergreen Road at time of Development Order permitting.

3. The property is located with the Intensive Development, Central Urban, or Urban Community future land use category;

The property is located within the Intensive Development future land use category.

4. Availability of adequate public facilities and infrastructure;

All public service providers have provided letters of availability and/or letters of determination confirming availability and adequacy to serve the proposed development. In addition, the Traffic Impact Statement demonstrates that the proposed amendment does not alter or diminish the level of service of the surrounding roadway network.

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

Nearby uses include a gas station, place of worship, single-family residential, and vacant lots with commercial zoning. The subject property is bordered by commercial zoning to the west along a major arterial roadway, which is currently in the mixed use overlay. The property to the south includes a gas station and vacant land with both C-1A and AG-2 zoning. Those properties are also within the mixed use overlay. A Place of Worship with RS-1 zoning is located to the east and single-family homes with RS-1 zoning are located to the north. There are a mix of zoning districts and uses in this transitional area.



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Environmental Impacts Analysis – Exhibit M13

The ±3.5-acre subject property has historically been used for a single-family residence and the property has been routinely mowed. A Protected Species Survey with Location Map, FLUCFCS Map, Soils Map, and Protected Species Survey Map is included with this Analysis. The report identified the existing FLUCFCS code as #110 – Residential Low Density. No protected species were located on-site; however, several heritage live oaks and sabal palms were located on-site and will be required to comply with the Land Development Code at time of Development Order permitting.

The only area of interest on the subject property is a natural waterway (Bumbum Creek) that borders the western property line. Amending Lee Plan Map 1-C will not have any impacts to the environmental conditions of the property.

PROTECTED SPECIES SURVEY

Site Address:
308 Evergreen Road
North Fort Myers, FL 33903

Rezoning

STRAP # 03-44-24-07-00000.0240

Lee County Unincorporated

Prepared For:

TDM CONSULTING INC.

43 Barkley Circle
Fort Myers, FL 33907

Prepared by:



6681 Rich Road
North Fort Myers, FL 33917
(239) 246-8706

Introduction

An environmental scientist from Landesco, pllc conducted a field investigation on a 3.41 ± acre parcel on January 26, 2023. The project site is located in portions of Section 03, Township 44, Range 24E, in North Fort Myers, Florida, South of Pine Island Road, East of North Cleveland Avenue. See attached project location map (Exhibit A).

The purpose of this survey was to inspect the property for potential listed species that could inhabit the site. These listed (endangered, threatened, etc.) species are regulated by the United States Fish & Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

This report is for the exclusive use of TDM Consulting Inc., and their consultants. No other person or agency may rely upon the information, analysis, or conclusions contained herein without their consent.

Survey Method

The initial field investigation of the property was performed on January 26, 2023. Table 1 below shows date, time and weather conditions during the survey. A series of North/South and East/West pedestrian transects were completed across the parcel in compliance with Lee County and Florida Fish and Wildlife Conservation Commission (FWC) guidelines. Transects were spaced approximately 20-30 feet apart. In addition, periodic “stop-look-listen” and quiet stalking methods were also conducted. Any evidence of protected species were obtained through direct observation, and signs such as tracks, nests, and scat were noted. Table 3 shows listed species that could potentially occur on-site.

The location of listed species nests and/or burrows were recorded with a handheld GPS unit with an estimated accuracy of five to ten feet. The Protected Species Survey Map (Exhibit E) depicts the approximate location of the survey transects and the results of the survey.

Table 1. Field time & conditions

Date	Weather Conditions	Time of Day
January 26, 2023	Sunny, & 71 °F	Early afternoon hours

Existing Site Conditions

Site Description - The boundary is approximate and is based on Lee County Property Appraiser information. The developed project site is assumed to be roughly 3.41 ± acres. In general, the majority of the site is open land with trees one building. Please refer to the enclosed FLUCFCS map (Exhibit C).

Soil Type - Soils on this property have been mapped by the National Resources Conservation Service, United States Department of Agriculture. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of a wetland area. According to these mappings, the parcel is underlain by (64) Brynwood fine sand, non-hydric; (138) Wabasso sand, non-hydric. Please see attached NRCS Soil Map (Exhibit D).

Vegetative Classifications - Predominant vegetation association was determined during a site inspection on January 26, 2023. Vegetation is one parameter utilized in determining the presence of potential wetlands. These mappings are general in nature, but could reflect whether an area would be considered as wetlands by the regulatory agencies. Wetland communities generally include the presence of wetland hydrology, wetland vegetation, and hydric soils. Vegetation association was identified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Florida Department of Transportation (FDOT 1999). The following descriptions of the FLUCFCS association are provided below, and correspond with the attached FLUCFCS Map (Exhibit C).

Table 2. FLUCFCS Community Table

FLUCFCS Code	Community Description	Acres
110	Residential Low Density	3.41 ± Ac.
	Total	3.41 ± Ac.

FLUCFCS Code 110, Residential Low Density (3.41 ± acres)

The canopy consists of primarily of Sabal Palm (*Sabal palmetto*), Live Oak (*Quercus virginiana*), Myrtle Oak (*Quercus myrtifolia*), Laurel Oak (*Quercus myrtifolia*), Slash Pine (*Pinus elliottii*). Sub-Canopy scattered Sabal Palm. Ground cover bar ground, Bahia grass (*Paspalum notatum*), Floratam grass (*Stenotaphrum secundatum*), Ragweed (*Ambrosia*), Burnweed (*Erechtites*), Squareweed (*Mitracarpus*), Carpet grass (*Axonopus*), and other various opportunistic weedy species.

Potential Listed Species

The protected species survey was conducted by an environmental scientist from Landesco, pllc on January 26, 2023. Locations of any trees containing cavities, discovered on-site, were added to the Protected Species Survey Map (Exhibit E). Table 3 below shows the potential listed species that could occur on-site.

Table 3. Listed Species That Could Potentially Occur On-site

FLUCFCS CODE	Species Names	Scientific Name	Present	Absent	Percent Survey Coverage
110	N/A	N/A	-	-	-

Bald Eagle (*Haliaeetus leucocephalus*)

The U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission no longer list the bald eagle as a threatened or endangered species. However, the bald eagle is still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

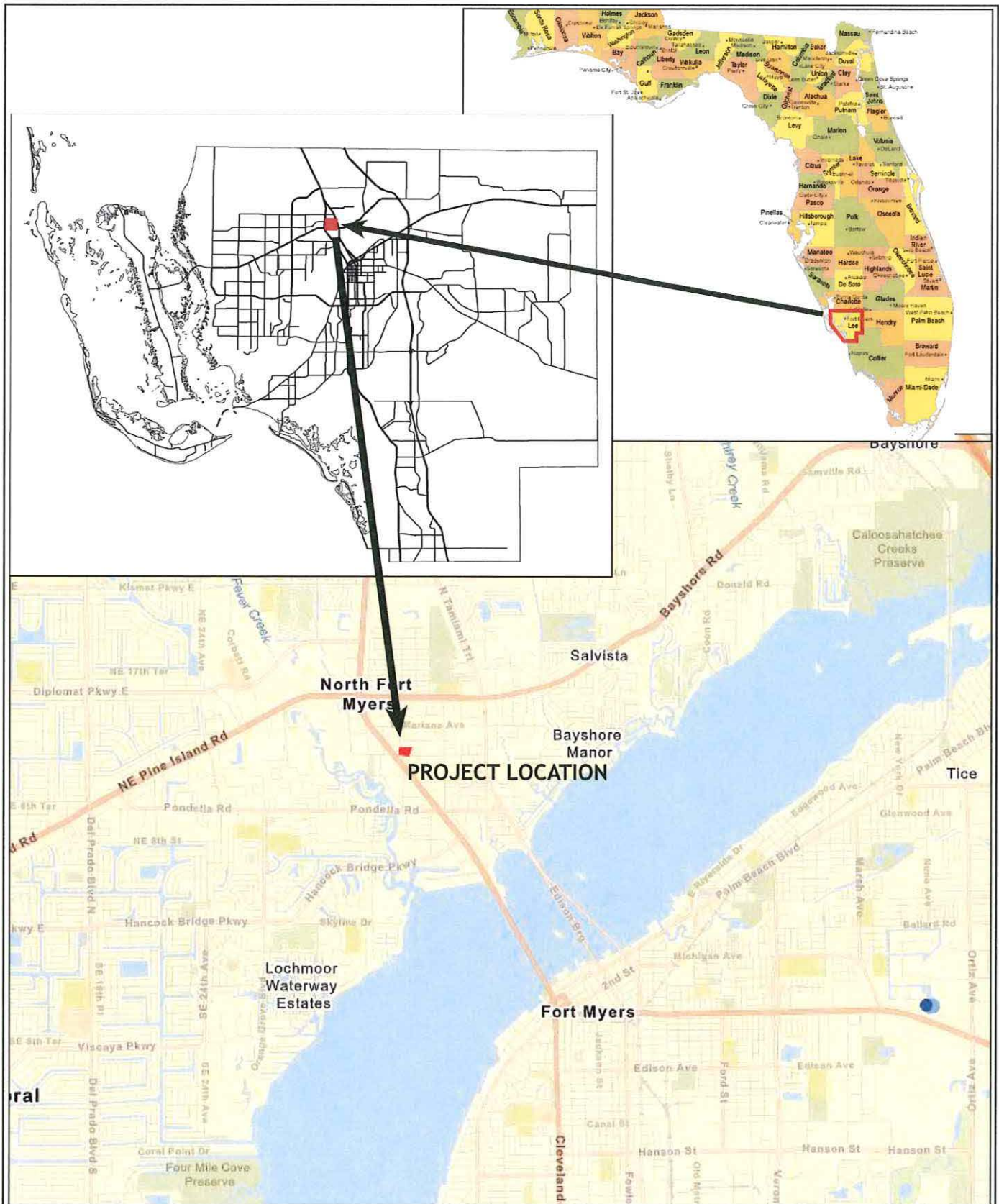
The USFWS regulates construction activities with 660' of a Bald Eagle nest. After reviewing the Florida Fish and Wildlife Conservation Commission (FWC) website, there is not any recorded Bald Eagle nest located with 660' of the subject property. The closest Bald Eagle Nest (LE-043a) to the project site is approximately 0.88 miles to the Southwest. This nest was destroyed for 2022 nesting season, not all eagle nests in Florida have been documented by FWC.

Survey Results

The parcel was mainly open land with heritage Live Oaks, and Sabal Palms scattered throughout. No protected species were found on-site during time of inspection. No burrows, nests or nest-like structures were found during inspection.

Exhibit A

Project Location Map




DRAWN BY: CEK	DATE: 01/24/2023	PROJECT LOCATION MAP		PAGE 5 of 13
S/T/R 03/44/24E	COUNTY: LEE			EXHIBIT A

Exhibit B

**Project Boundary with
Aerial Map**



Notes:

Aerial photographs were acquired through Lee County Property Appraiser's office with flight a date of January, 2022.

DRAWN BY:
CEK

DATE:
01/24/2023

S/T/R
03/44/24E

COUNTY:
LEE

PROJECT BOUNDARY WITH AERIAL MAP



PAGE
7 of 13

EXHIBIT
B

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit C

FLUCFCS Map



Scale: 1" = 200'



Notes:

1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in January 2023.

FLUCFCS Code	Community Description	Acres
110	Residential Low Density	3.41± Ac.
	Total	3.41± Ac.

DRAWN BY: CEK	DATE: 01/24/2023	FLUCFCS MAP		PAGE 9 of 13
S/T/R 03/44/24E	COUNTY: LEE			EXHIBIT C

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit D

NRCS Soils Map



Exhibit E

Protected Species Survey Map



Scale: 1" = 200'



Legend
--- Transect Lines

Notes:
1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in January 2023.

FLUCFCS Code	Community Description	Acres
110	Residential Low Density	3.41± Ac.
Total		3.41± Ac.



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Historic Resources Impact Analysis – Exhibit M14

Florida Master Site File

Per the Florida Master Site File, no previously recorded cultural or historic resources are located within 500 feet of the subject property. See the attached email and map.

Archaeological Sensitivity Map

The subject property is identified as being located within Archaeological Sensitivity Level 2 according to the Lee County Archaeological Sensitivity Map, dated December 2014. See attached Map.

Analysis

Amending Lee Plan Map 1-C Mixed Use Overlay Map to include the subject property will have little to no impacts on the Historic or Archaeological Sensitivity level of the property.

Veronica Martin

From: Fowler, Christopher G. <Christopher.Fowler@DOS.MyFlorida.com>
Sent: Friday, April 21, 2023 10:33 AM
To: Veronica Martin
Subject: RE: 308 Evergreen Rd, North Fort Myers
Attachments: map.pdf

Good morning Veronica,



I searched the address you provided with a 500-foot buffer. There were no previously recorded resources within the search area. I attached a map for your reference. Let me know if you have any questions. Have a great weekend.

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

Kind regards,

CHRIS FOWLER

Assistant Supervisor | Florida Master Site File | Bureau of Historic Preservation | Division of Historical Resources |
Florida Department of State | 500 South Bronough Street | Tallahassee, Florida
32399 | 850.245.6327 | 1.800.847.7278 | Fax: 850.245.6439 | flheritage.com

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Thursday, April 20, 2023 6:52 PM
To: Fowler, Christopher G. <Christopher.Fowler@DOS.MyFlorida.com>
Subject: 308 Evergreen Rd, North Fort Myers

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Chris,

Can you please let me know if there are any archaeological or historic resources on the 3.5-acre parcel at 308 Evergreen Road, North Fort Myers?

Thank you.

Veronica Martin

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...



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Legend




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- HistoricalBridges
- HistoricalCemeteries
- ResourceGroups
- FloridaStructures

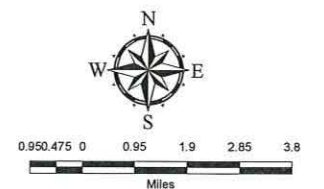
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Lee County Archaeological Sensitivity Map

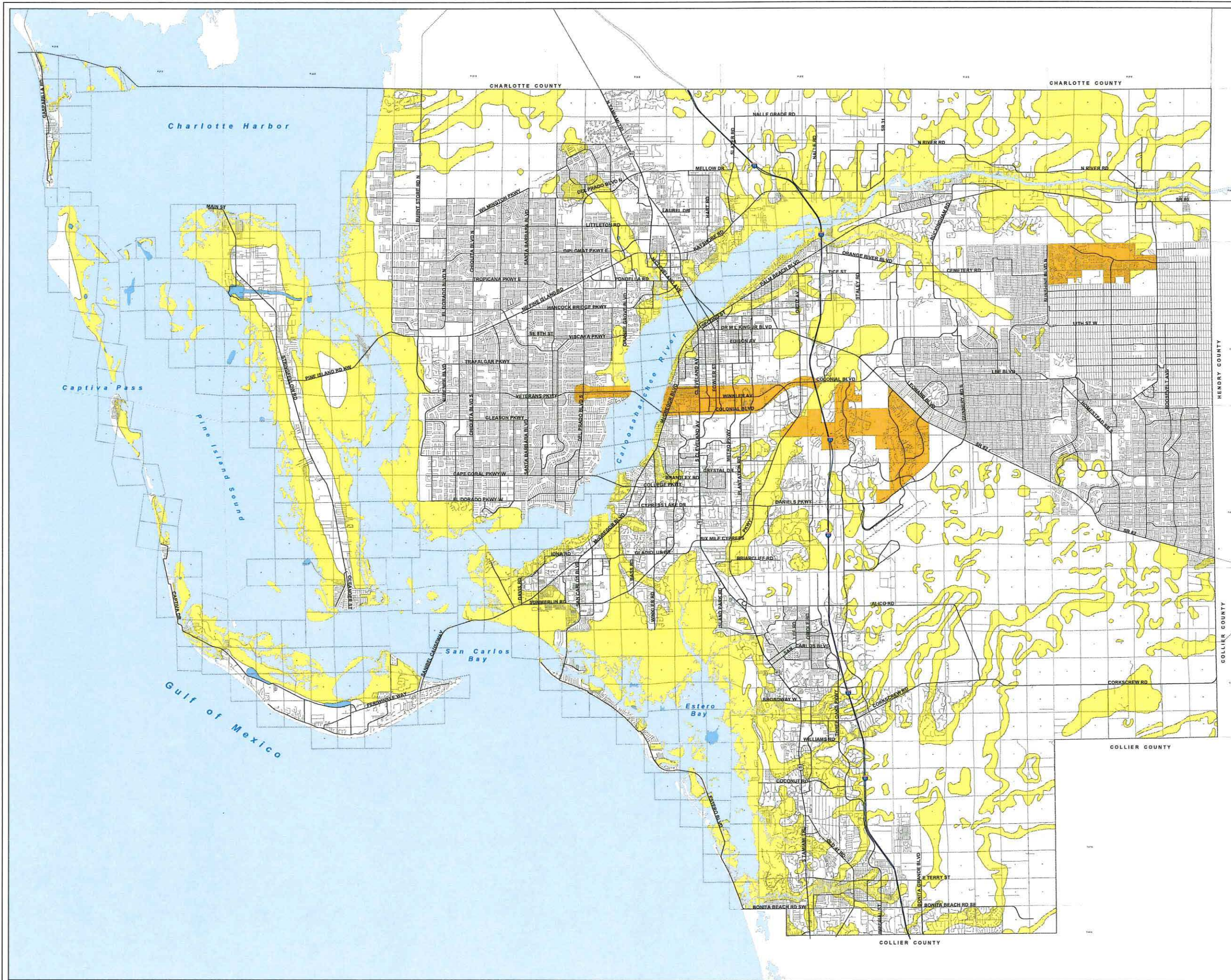
Legend

-  Sensitivity Level 1
-  Sensitivity Level 2
-  Previously Surveyed



Map Generated: December 2014

Adopted December 21, 1988
Land Development Code Chapter 22-106





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308 Evergreen Mixed-Use Overlay

Public Facilities Impacts Analysis Exhibit M15

The Public Facilities Impacts Analysis required for this Comprehensive Plan Amendment – Map Application includes:

1. Traffic Circulation Analysis (Exhibit – M16)
2. Existing and Future Conditions Analysis (Exhibit – M17)
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools
3. Letters from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: (Exhibit – M18)
 - a. Fire protection
 - b. Emergency medical service (EMS) provisions
 - c. Law enforcement
 - d. Solid Waste
 - e. Mass Transit
 - f. Schools

Please refer to Exhibits M16, M17, and M18 for the Analyses found therein.

**ZONING TRAFFIC IMPACT STATEMENT
FOR A PROPOSED
3.5-ACRE MIXED-USE DEVELOPMENT**

308 Evergreen Road

PREPARED FOR:

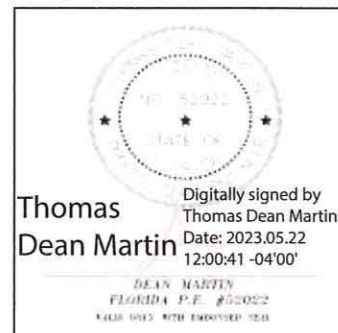
**Mr. Randy Krise, Managing Member
308 Evergreen Road, LLC.
16 Winewood Court
Fort Myers, FL 33919**

PREPARED BY:



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Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
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May 2023



1. PURPOSE

OBJECTIVE

This report has been prepared in accordance with the Lee County Department of Community Development and the Lee County Land Development Code criteria as outlined in the Lee County Traffic Impact Statement Guidelines and the Lee County Turn Lane Policy for projects seeking Zoning approval. This report analyzes the anticipated traffic conditions of the proposed development in order to determine any adverse roadway impacts associated with the addition of 308 **308 Evergreen Road.**

The subject parcel per the most recent Boundary Survey provided by Harris-Jorgensen is 3.49 acres.

This Traffic Impact Statement is based on the assumption that the proposed facility will be completed in 2024.

2. SITE DESCRIPTION

SITE LOCATION

308 Evergreen Road is a 3.49-acre project located north of Evergreen Road and east of US 41 in Section 03, Township 44 South, Range 24 East, Lee County, Florida (see Exhibit 1). The applicant proposes to construct 24,000 square feet of commercial uses and forty-four (44) multi-family residential dwelling units (within the same building) on the site.

Access to the proposed development will be provided by one (1) proposed full-access driveway connection to Evergreen Road.

3. OBSERVATIONS

3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 11th Edition of the Trip Generation Manual, Land Use Code 230 (Low-Rise Residential with Ground Floor Commercial) using the average rates shown in the tables. Note that the trips generated represent the total trips that enter or exit the site. Any trips internal to the site between residential and commercial components (internal capture) are not included.

Table 1. Raw Trip Generation – Proposed LR Residential w/GF Commercial (LUC 230)

<u>44 Dwelling Units:</u>	
A.	Daily Average Vehicle Trip Ends, Weekday $T = 3.44 (44) = 152$ (76 entering, 76 exiting)
B.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 0.44 (44) = 19$ (4 entering, 15 exiting)
C.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 0.36 (44) = 16$ (11 entering, 5 exiting)

Source: TDM, 2023

Because the average number of dwelling units surveyed is 365 or above (versus the proposed forty-four) and because of the limited number of studies (two), these results could be considered unreliable. Therefore, in an attempt to generate more reliable trip generations, the uses will be separated and internal capture considered. Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 11th Edition of the Trip Generation Manual, Land Use Codes 220 (Multi-Family Housing Low-Rise) and 822 (Strip Retail Plaza < 40k) using the average rates or the fitted curve equations shown in the tables.

Table 2. Raw Trip Generation – Proposed Multi-Family Housing (LUC 220)

44 Dwelling Units:

- A. Daily Average Vehicle Trip Ends, Weekday
 $T = 6.74 (44) = 297$ (149 entering, 148 exiting)
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 0.40 (44) = 18$ (4 entering, 14 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 0.51 (44) = 22$ (14 entering, 8 exiting)

Source: TDM, 2023

Table 3. Raw Trip Generation – Strip Retail Plaza (LUC 822)

24,000 Square Feet of Gross Leasable Area:

- A. Daily Average Vehicle Trip Ends, Weekday
 $T = 42.20 (24.000) = 1,013$ (506 entering, 507 exiting)
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $\ln (T) = 0.66 \ln (24.000) + 1.84 = 51$ (31 entering, 20 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $\ln (T) = 0.71 \ln (24.000) + 2.72 = 145$ (72 entering, 73 exiting)

Source: TDM, 2023

Table 4. Raw Trip Generation – Total Proposed Development

Table 1 + Table 2:

- A. Daily Average Vehicle Trip Ends, Weekday
 $297 + 1,013 = 1,310$ (655 entering, 655 exiting)
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $18 + 51 = 69$ (35 entering, 34 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $22 + 145 = 167$ (86 entering, 81 exiting)

Source: TDM, 2023

Because the proposed mixed-use development includes retail and residential uses, internal capture must be considered. Internal capture accounts for the interaction among and between complimentary land uses and reduces not only the project's impact to the surrounding roadway network but also the driveway turning movements. Per ITE Trip

Generation Manual, 3rd Edition, Table 6.1, internal capture is estimated at 14% for the AM Peak and at 26% for the PM Peak (using From Retail to Residential since the retail component is the dominant use). Table 5 below accounts for the project's internal capture.

Table 5. Raw Trip Generation – Total Proposed Development (Including Internal Capture)

Table 4 x 0.86 for AM Peak and 0.74 for PM Peak:

- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $69 \times 0.86 = 59$ (30 entering, 29 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $167 \times 0.74 = 124$ (64 entering, 60 exiting)

Source: TDM, 2023

Table 5 above would be used for any turn-lane analyses. However, not all the trips indicated in Table 5 above will be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called “pass-by” traffic, reduce the development's overall impact on the surrounding roadway system but do not decrease the actual driveway volumes. For this project, 26% of the traffic from Table 5 above is assumed to be A.M. pass-by traffic while 30% (Lee County allowed maximum) of the traffic from Table 5 above is assumed to be P.M. pass-by traffic. Table 6 below accounts for the project's “pass-by” trips and will be used for the requisite concurrency analysis. Note that LUC 822 does not appear in the 2021 pass-by appendices, but LUC 820 (Shopping Center) does. Based on the similarity of these LUCs, it is reasonable to infer that the pass-by percentages for LUC 820 will also apply to LUC 822.

Table 6. Raw Trip Generation – Prop. Dev. (Including Internal Capture and Pass-By)

Table 5 x 0.74 for AM Peak and 0.70 for PM Peak:

- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $59 \times 0.74 = 44$ (22 entering, 22 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $124 \times 0.74 = 92$ (47 entering, 45 exiting)

Source: TDM, 2023

Based on this, the development will be analyzed using the criteria established for developments generating less than one hundred (100) vehicle trips during the peak hour as outlined in the Lee County Traffic Impact Guidelines for re-zonings.

3.2 TRIP DISTRIBUTION

As previously stated herein, access to the proposed development will be provided by one (1) proposed full-access driveway connection to Evergreen Road.

Since Evergreen Road accesses the nearest arterial street (US 41) to the west and accesses another arterial street (North Tamiami Trail) to the east, it is estimated for this report that 90% of traffic will enter and exit the proposed development from/to the west and 10% of traffic will enter and exit the proposed development from/to the east.

3.3 EXISTING TRAFFIC CONDITIONS

US 41 is the nearest arterial road being indirectly accessed. Based on the 2022 Traffic Count Report prepared by the Lee County Department of Transportation, traffic on US 41 near the proposed development heads south 69% of the time and north 31% of the time in the A.M. peak. In the P.M. peak, traffic near the proposed development heads north 66% of the time and south 34% of the time.

US 41 is classified by the Lee County Comprehensive Plan as a four-lane divided State-maintained arterial road. Per the 2022 Lee County Concurrency Report, it has an existing “C” Level of Service near the proposed development with a 2021 peak direction of flow volume of one thousand three hundred sixty-two (1,362) vehicles per hour, a Performance Standard “D” Level of Service, and a Performance Standard Capacity of two thousand one hundred (2,100) vehicles per hour.

North Tamiami Trail is also an arterial road being indirectly accessed. Based on the 2022 Traffic Count Report prepared by the Lee County Department of Transportation (using traffic count station #1 for US 41 since data does not exist for North Tamiami Trail), traffic on North Tamiami Trail near the proposed development heads south 69% of the time and north 31% of the time in the A.M. peak. In the P.M. peak, traffic near the proposed development heads north 66% of the time and south 34% of the time.

North Tamiami Trail is classified by the Lee County Comprehensive Plan as a six-lane undivided State-maintained arterial road. Per the 2022 Lee County Concurrency Report, it has an existing “C” Level of Service near the proposed development with a 2021 peak direction of flow volume of one thousand seven hundred fifteen (1,715) vehicles per hour, a Performance Standard “D” Level of Service, and a Performance Standard Capacity of three thousand one hundred seventy-one (3,171) vehicles per hour.

Evergreen Road is being directly accessed. It has a posted speed limit of thirty (30) miles per hour near the proposed development. It is classified as a two-lane undivided County-maintained local street.

3.4 *LEVEL OF SERVICE ANALYSIS (US 41)*

The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of US 41 during the peak season following the build-out year below the Performance Standard Level of Service (see attached 100th Highest Hour Level of Service Calculation).

3.5 *LEVEL OF SERVICE ANALYSIS (NORTH TAMIAMI TRAIL)*

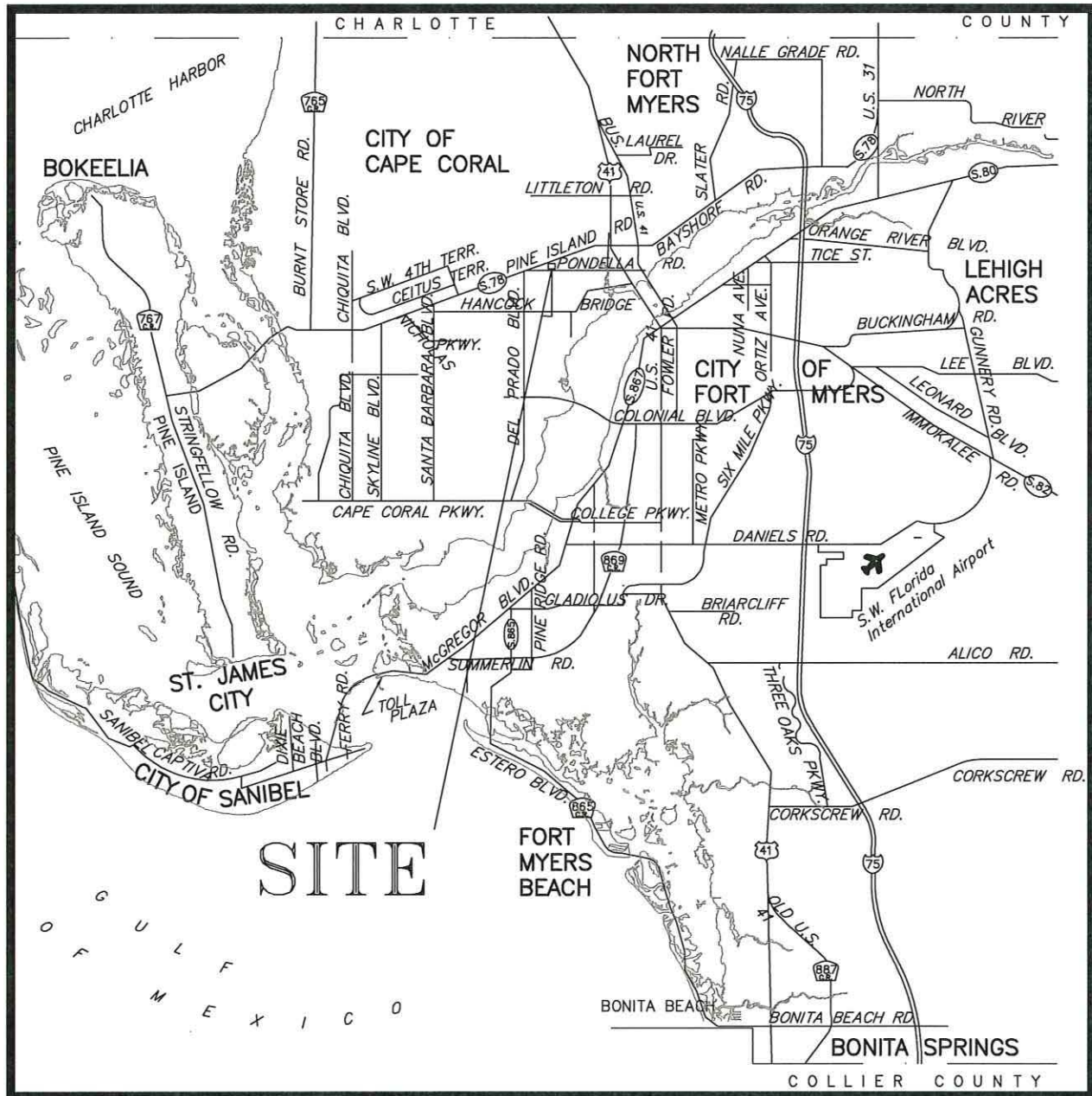
The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of North Tamiami Trail during the peak season following the build-out year below the Performance Standard Level of Service (see attached 100th Highest Hour Level of Service Calculation).

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION NORTH TAMiami TRAIL

ENGINEER:	TDM Consulting, Inc. Dean Martin, P.E.
DATE:	May 10, 2023
PROJECT NAME:	308 Evergreen Road
PROJECT LOCATION:	Between Pondella and PIR
PERMANENT COUNTING STATION NUMBER:	1
100TH HOUR V.P.H.	
(Year & Rate) =	2021 1,715
YEAR FOLLOWING PROJECT CONSTRUCTION:	2025
ADJUSTMENT FACTOR =	
Count & Yr_{min}	
Count & Yr_{max}	
Adjustment Factor =	(0 / 0 #####) ⁴ 1.000
ADJUSTED 100TH HOUR V.P.H. =	1,715 x 1.000 1,715
EXISTING LEVEL OF SERVICE =	C
	47 (P.M. Entering) x 10% x 69%
PROJECT V.P.H. =	(South-Bound) 3
TOTAL V.P.H. =	1,715 + 3 1,718
LEVEL OF SERVICE =	C
COMMENTS:	Growth Adjustments are not Required

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION US 41

ENGINEER:	TDM Consulting, Inc. Dean Martin, P.E.	
DATE:	May 10, 2023	
PROJECT NAME:	308 Evergreen Road	
PROJECT LOCATION:	Between Pondella and PIR	
PERMANENT COUNTING STATION NUMBER:	1	
100TH HOUR V.P.H.		
(Year & Rate) =	2021	1,362
YEAR FOLLOWING PROJECT CONSTRUCTION:		2025
ADJUSTMENT FACTOR =		
Count & Yr_{min}		
Count & Yr_{max}		
Adjustment Factor =	(0 / 0 #####) ⁴	1.000
ADJUSTED 100TH HOUR V.P.H. =	1,362 x 1.000	1,362
EXISTING LEVEL OF SERVICE =		C
	47 (P.M. Entering) x 90% x 69%	
PROJECT V.P.H. =	(South-Bound)	29
TOTAL V.P.H. =	1,362 + 29	1,391
LEVEL OF SERVICE =		C
COMMENTS:	Growth Adjustments are not Required	



LOCATION SKETCH
N.T.S.

EXHIBIT 1
TRAFFIC IMPACT STATEMENT
LOCATION MAP
308 EVERGREEN ROAD
FORT MYERS, FL, 33903

SOURCE: TDM, 05/23



43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com
Certificate of Authorization # 29086

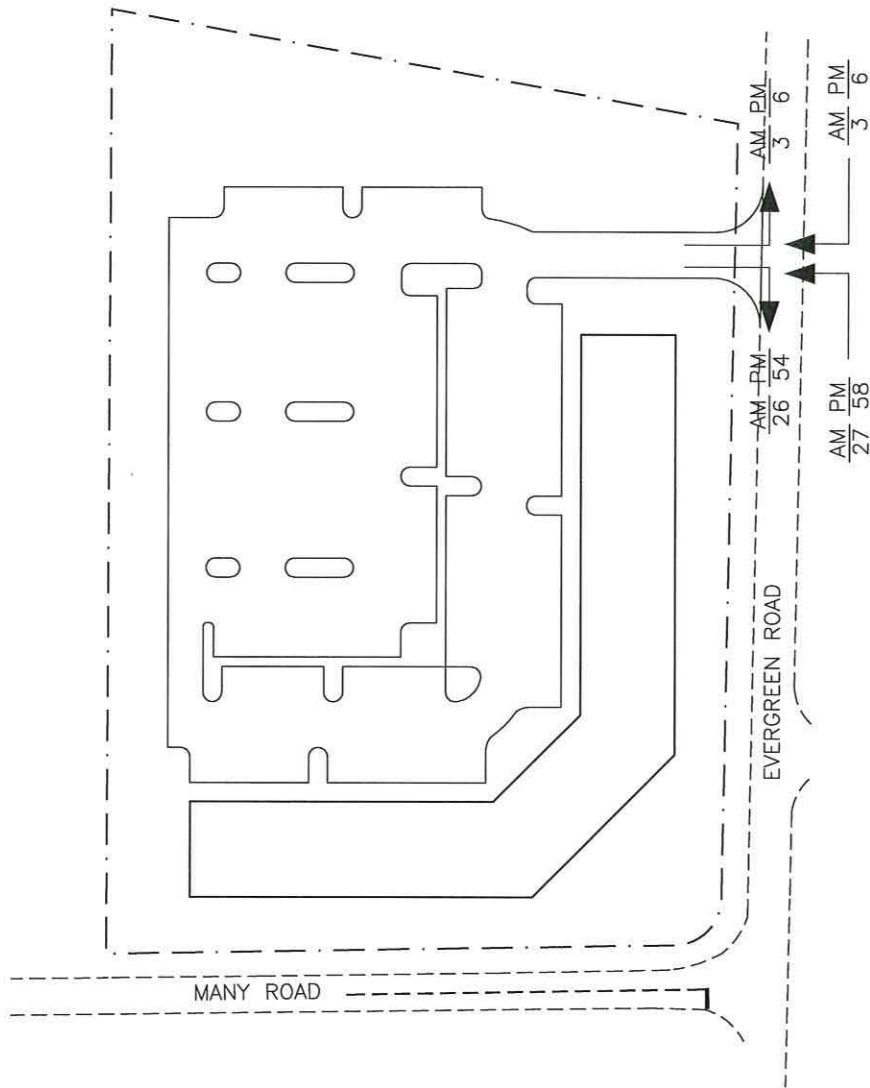
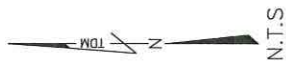


EXHIBIT 2
TRAFFIC IMPACT STATEMENT
PEAK HOUR TRAFFIC DISTRIBUTION
308 EVERGREEN ROAD
NORTH FORT MYERS, FL 33903

SOURCE: TDM, 05/23



43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com
Certificate of Authorization # 29086



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

308 Evergreen Road Mixed-Use Overlay

Level of Service Analyses for Potable Water, Sanitary Sewer, Surface Water Drainage, Parks, Recreation and Open Space, and Public Schools Exhibit M17

Potable Water and Sanitary Sewer

As a proposed development abutting an established mixed-use district, both potable water and sanitary sewer service the development. Per F.A.C. 64E-6.008 Table 1, the expected demand for the proposed 24,000 square foot commercial use is 0.1 GPD per square foot while the expected demand for the proposed forty-four (44) multi-family residential dwelling units (assume 50% two-bedroom units and 50% three-bedroom units) is 250 GPD per dwelling unit. Therefore, the proposed development can expect an average potable water and sanitary sewer demand of $(24,000 \times 0.1) + (44 \times 250) = 2,400 \text{ GPD} + 11,000 \text{ GPD} = 13,400 \text{ GPD}$.

Daily Peak Demand = Average Demand $\times 1.3 = 13,400 \text{ GPD} \times 1.3 = 17,420 \text{ GPD}$

Hourly Peak Demand = Average Demand $\times 4 = 13,400 \text{ GPD} \times 4 = 53,600 \text{ GPD} = 2,233 \text{ GPH} = 37.2 \text{ GPM}$

The proposed development is within the Lee County Utilities (LCU) potable water franchise area. LCU owns and maintains existing potable water lines along the parcel's frontages with Evergreen Road and with Manny Road. LCU's North Lee County Water Treatment Plant will provide potable water service to the proposed development.

The proposed development is within the Florida Governmental Utility Authority (FGUA) franchise area. FGUA owns and maintains existing wastewater lines along the parcel's frontage with Evergreen Road. FGUA's Del Prado Wastewater Treatment Plant will provide wastewater service to the proposed development.

According to the 2021 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 50.9 million gallon per day (MGPD) and is projected to operate at 32.6 MGPD in 2025. Therefore, there is sufficient capacity within the existing water distribution system to serve the 13,400 GPD increase in demand to LCU's system from the project at build-out.

According to the 2021 Lee County Concurrency Report, FGCU's wastewater distribution system is permitted with a capacity of 4.25 million gallon per day (MGPD) and is projected to operate at 4.8 MGPD in 2025.

Surface Water Drainage

Water quantity, water quality, and attenuation will be provided by inter-connected dry detention areas prior to discharge to Bum Bum Creek. Stormwater runoff from the impervious areas will be directed to the dry detention areas via catch basins and culverts. The parcel will require a SFWMD Environmental Resource Permit if the proposed impervious surface area exceeds two (2) acres.

The property in its existing state has no defined drainage pattern and appears to sheetflow to Bum Bum Creek without benefit of any water quality treatment or attenuation. The property is mostly pervious, with most rainfall likely infiltrating the soil prior to discharge to Bum Bum Creek.

Post-development stormwater discharge from the property will be to Bum Bum Creek to mimic pre-development drainage patterns. There is no noticeable drainage flow from adjacent properties entering the property.

The proposed dry detention areas, culverts, catch basins, and control structures will be owned and maintained by the property owners in perpetuity.

The property is in an AE Flood Zone. Finished floor elevations of the proposed buildings on the property will be elevated to at least 1' above the flood elevation.

Parks, Recreation, and Open Space

Per the 2021 Public Facilities Level of Service and Concurrency Report, the Required Capacity for Parks and Recreation is 5,316 acres of regional parks and 295 acres of community parks. The Available Capacity is currently at 7,064 acres of regional parks and 832 acres of community parks. The subject property is located near North Shore Park, located on US 41 south of the property, and near North Fort Myers Community Park, located on North Tamiami Trail northeast of the property. The proposed small development doesn't diminish the available capacity of Parks and Recreation.

Public Schools

Per the Concurrency Letter provided by the School District of Lee County, the development does not significantly impact the capacity of the public schools. Per the Letter, a total of seven (7) school-aged children would be expected to utilize the public school system from the proposed development. The Letter states that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available in the adjacent CSA. The addition of this small development to the Mixed Use Overlay has minimal impacts to the overall capacity of Lee County Schools.



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

March 23, 2023

Via E-Mail

Cecil L Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

Veronica Martin
TDM Consulting, Inc.
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

RE: **Potable Water Availability**

STRAP # 03-44-24-07-00000.0240
308 Evergreen

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water 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 24,000 commercial units with an estimated flow demand of approximately 12,400 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water 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 North Lee County Water Treatment Plant.

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

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

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

March 23, 2023

Page 2

Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

March 29, 2023

Veronica Martin
TDM Consulting, Inc.
43 Barkley Cir., Suite 200
Fort Myers, FL 33907
vmartin@tdmconsulting.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 23-037 NFMD

Parcel ID No.: 03-44-24-07-00000.0240

308 Evergreen Rd, North Fort Myers, FL, 33903

308 Evergreen Rd

Dear Ms. Martin:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 24,000 SF office and 44 two-bedroom units with an estimated wastewater disposal demand of 12,400 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

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Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County



Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

FGUA Board of Directors

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3/24/2023

Project Name: 308 Evergreen Rd

STRAP/PID #: 03-44-24-07-00000.0240

Property Address: 308 Evergreen Rd, North Fort Myers, FL, 33903



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 23-037 NFMD



FGUA Fee Statement

Letter of Availability and/or Locate Request

Property Address or PID: 03-44-24-07-00000.0240

System: North Fort Myers 416

Development/Project Name: 308 Evergreen Rd

Date: March 27, 2023

County: Lee

LOA ID: 23-037 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0 Letter of Utility Location Availability and Locate Map	\$	100.00
1 Utility Availability Map (Map Only)	\$	75.00
2 Letter of Utility Location Availability (Letter Only)	\$	25.00

FGUA	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

Payment History	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	3/27/2023	3/16/2023	5618	TDM Consulting Inc.	\$ 100.00
1 Map Only					
2 Letter Only					

TDM CONSULTING INC
1713 WHITTLING CT
FORT MYERS, FL 33901-9665

5618
63-751/631 10831

DATE 3/16/23

PAY
TO THE
ORDER OF

FGUA

\$ 100.00

One Hundred & 00/100

DOLLARS

Photo
Safe
Deposit
Cafe en back



Wells Fargo Bank, N.A.
Florida
wellsfargo.com

FOR

Form A - 308 Evergreen Rd

T. Q. Martz

⑈0000005618⑈ ⑆063107513⑆ 3903233645⑈

EXHIBIT M18

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Chairman

Danny Ballard
Vice-Chairman

Robert Hoke
Sec. - Treasurer

Tom Mere

Mike Galewood



P.O. Box 3507 * 2900 Trail Dairy Circle
N. Ft. Myers, FL 33918-3507
(239) 997-8654 (239) 995-3757 fax

Administration

David Rice
Fire Chief

John Meredith
Asst. Fire Chief

Rick Jones
Fire Marshal

Monique Brooks
Office Manager

May 16, 2023

Letter of Adequacy and Support

Veronica Martin
TDM Consulting Inc.
43 Barkley Circle, Suite 200
Ft. Myers, FL 33907

Ms. Martin:

The North Fort Myers Fire Department has reviewed the information provided by TDM Consultants pertaining to the submission of a Comprehensive Plan Amendment requesting to add the 3.5 acres located @ 308 Evergreen Rd. to the Mixed-use Overlay Map.

The North Fort Myers Fire Department has no objection to this amendment and can adequately protect this property. If you have any further questions, please contact our office @239-731-1931.

Respectfully,

Rick Jones
Fire Marshal



Lee County
Southwest Florida

Board of County Commissioners

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District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

May 16, 2023

Veronica Martin
TDM Civil Engineering
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

Re: Letter of Service Availability – 308 Evergreen Road

Ms. Martin,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment. The property is located at 308 Evergreen Road, and bears STRAP 03-44-24-07-00000.0240.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There are two ambulances located 1.1 miles south. There are two other locations within five miles of the property.

It is our opinion that the EMS service availability for the proposed development of this property is adequate at this time. Should the plans change, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

Veronica Martin

From: Lighthall, Justin <JLighthall@leegov.com>
Sent: Tuesday, May 16, 2023 7:52 AM
To: Veronica Martin
Subject: RE: 308 Evergreen

Hi Veronica,

The Lee County Solid Waste Department is capable of providing solid waste collection service for the future Mixed-Use Development at 308 Evergreen Road. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

Let me know if you need any additional information.

Regards,



Justin Lighthall | Manager, Public Utilities

Solid Waste Department

6431 Topaz Ct, Fort Myers, FL 33966

office: (239) 533-8007

email: JLighthall@leegov.com

web: www.leegov.com/solidwaste

Connect With Us On Social Media



From: Veronica Martin <vmartin@tdmconsulting.com>

Sent: Monday, May 15, 2023 2:05 PM

To: Lighthall, Justin <JLighthall@leegov.com>

Subject: [EXTERNAL] 308 Evergreen

Hi Justin,

I'm submitting a future land use map amendment to add the 3.5-acre property at 308 Evergreen Road, North Fort Myers into the Mixed-Use Overlay. I'm

required to get a letter of adequacy from solid waste stating that there's adequate facilities to support a mixed-use development on that property.

Lot size: 3.5 acres

Total commercial: maximum 24,000 sf

Total residential units: maximum 49 multi-family units

Please let me know if you need additional information. Thank you for your time.

Veronica Martin

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...



43 Barkley Circle, Suite 200

Fort Myers, FL 33907

Phone 239-433-4231 Fax 239-433-9632

www.tdmcivilengineering.com

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

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



Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

May 16, 2023

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

308 Evergreen Rd

LeeTran has received the request regarding the subject property in Fort Myers. After reviewing the site and comparing the location with our existing and planned route locations according to the LeeTran 2021 Transit Development Plan (TDP), the following is determined:

The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 11620. If this becomes a DO or LDO type D, within service, an extension of the current pad to meet the 8ft x 30ft requirement, a pedestrian walkway is needed from the proposed development, a bicycle storage rack is needed, and unsure if curbing meets the code, and will need to be determined by the developers' engineer. Therefore, the developer would be required to make the necessary improvements based on the current Lee County Transit LDC 10-442 (a)(1) but will be reassessed at the time of DO/LDO.

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

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz, Planner
Lee County Transit

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

May 22, 2023

Veronica Martin
TDM Consulting
43 Barkley Circle, Suite 200
Fort Myers, FL 33907


Ms. Martin,

The Lee County Sheriff's Office has reviewed your Lee Plan amendment request that would add a 3.5-acre property at 308 Evergreen Road in North Fort Myers to the Lee County mixed-use overlay.

The property, which is currently zoned single family residential, would be allowed a maximum of 49 multi-family units and 24,000 square feet of commercial space. This Agency evaluated your request solely on its ability to provide law enforcement service to the project. Based on that criterion, the proposed change would not affect our ability to provide law enforcement services to the project and surrounding area.

Law enforcement services will be provided from our North District offices in North Fort Myers. At the time of application for a development order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment. Please contact Community Response Unit Crime Prevention Practitioner Kim Swanson at (239) 477-1617 with any questions regarding the CPTED study.

Respectfully,


Chris Reeves
Major, Patrol Bureau



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



THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia

District Planning Specialist

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1494

May 23, 2023

RE: Multifamily Concurrency Review in N. Fort Myers

Dear Michelle Veronica:

This letter is in response to your request for concurrency review dated May 19, 2023 for the subject property in North Fort Myers on Evergreen Road, in regard to educational impact west zone.

This development is a request for 49 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 7 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

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

Sincerely,

Jacqueline Heredia, District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Evergreen
OWNER/AGENT TDM Consulting Inc
ITEM DESCRIPTION Mixed Use Planned Development
LOCATION 308 Evergreen Road N. Ft. Myers FL
ACRES 3.50
CURRENT FLU
CURRENT ZONING

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	49	

STUDENT GENERATION

	SF	MF	MH	Projected Students
Elementary School	0.072	0.066		3.23
Middle School	0.043	0.033		1.62
High School	0.038	0.031		1.52

Source: Lee County School District, September 8, 2018 letter

CSA SCHOOL NAME 2022/23

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	14,234	14,026	208	3	205	99%
South CSA, Middle	7,293	6,912	381	2	379	95%
South CSA, High	9,536	8,492	1,044	2	1042	89%

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Jacqueline Heredia, Planning Specialist



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

State Policy Plan and Regional Policy Plan – Exhibit M19

Florida Department of Economic Opportunity – Comprehensive Plan

There are no State Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.

Southwest Florida Regional Planning Council (SWFRPC)

There are no Regional Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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Justification of Proposed Amendment – Exhibit M20

The Applicant, 308 Evergreen Road, LLC, is requesting to amend Lee Plan Map 1-C, Mixed Use Overlay Map. The Applicant is requesting to add the ±3.5-acre property located at 308 Evergreen Road into the Mixed Use Overlay. The subject property is located on the north side of Evergreen Road, on the east side of Many Road, approximately 230 feet east of N. Cleveland Avenue in the North Fort Myers Planning Community.

The subject property has a Future Land Use classification of Intensive Development. **Lee Plan Policy 1.1.2** states that “*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.*”

Objective 11.1: Mixed Use Development. *Allow and encourage mixed use development within certain land use categories and at appropriate locations where sufficient infrastructure exists to support development.*

Policy 11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community 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 (including research and development use).*

Lee Plan Objective 11.2: Mixed Use Overlay states that “*The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes, education facilities, recreation opportunities, and existing residential, shopping, and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*”

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

1. Located within the extended pedestrian shed of established transit routes;

Lee Tran has provided a Letter of Determination stating that the subject property is within one-quarter mile of a fixed-route corridor (North Cleveland Avenue). Pedestrian facilities will be required on Evergreen Road at time of Development Order permitting.

2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways;

Many Road, a two-lane minor collector road, is located along the west property line and provides vehicular access to the Walmart supercenter and other shopping and employment opportunities north of the subject property. Evergreen Road, a two-lane local road, connects N. Cleveland Avenue to N. Tamiami Trail (Business 41). Pedestrian facilities will be required along the property lines of both Many Road and Evergreen Road at time of Development Order permitting.

3. The property is located with the Intensive Development, Central Urban, or Urban Community future land use category;

The property is located within the Intensive Development future land use category.

4. Availability of adequate public facilities and infrastructure;

All public service providers have provided letters of availability and/or letters of determination confirming availability and adequacy to serve the proposed development. In addition, the Traffic Impact Statement demonstrates that the proposed amendment does not alter or diminish the level of service of the surrounding roadway network.

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

Nearby uses include a gas station, place of worship, single-family residential, and vacant lots with commercial zoning. The subject property is bordered by commercial zoning to the west along a major arterial roadway, which is currently in the mixed use overlay. The property to the south includes a gas station and vacant land with both C-1A and AG-2 zoning. Those properties are also within the mixed use overlay. A Place of Worship with RS-1 zoning is located to the east and single-family homes with RS-1 zoning are located to the north. There are a mix of zoning districts and uses in this transitional area.

Lee Plan Policy 11.2.3 states that *“At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.”* The subject property is adjacent to the Mixed Use Overlay to the south and west. Only the street right-of way widths of Evergreen Road and Many Road separates the subject property from properties within the Mixed Use Overlay. Please see the Exhibit below.





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**308 Evergreen Road, North Fort Myers
Public Information Meeting Summary, Exhibit M21**

A public information meeting was held at the North Fort Myers Community Planning & Design Review Panel's monthly meeting on Tuesday, April 4, 2023 at the North Fort Myers Recreation Center, 2000 Recreation Way, North Fort Myers. The meeting was publicly advertised in the News-Press on March 21, 2023 and a public notice sign was posted on the property. A copy of the meeting minutes from the NFM Design Review Panel, including the names of board members present, is included with this summary. No one from the public attended the meeting so a sign-in sheet wasn't necessary.

TDM staff presented the request for a Conventional Rezoning of 308 Evergreen Road from RS-1 (single-family) to C-1A (commercial). In addition, the proposed Comprehensive Plan Amendment to add the subject property to the Mixed-Use Overlay Map was discussed. A color aerial of the property was provided, including a description of the surrounding zoning districts, surrounding uses, and properties currently within the Mixed-Use Overlay.

Comments and Questions:

1. Why introduce commercial uses at this location?

The property owner wants to provide a true mixed-use development with general commercial, retail and service-oriented businesses on the first floor with 2 stories of apartments above. He thinks this is a great location, one block east of US 41, in the Intensive Development Future Land Use category.

2. With so many other commercial properties in North Fort Myers, why bring commercial uses into a residential neighborhood.

TDM discussed the property owner's vision, surrounding uses and zoning districts, and reiterated the explanation above.

The NFM Design Review Panel were not in favor of either application. The board members thought introducing commercial uses into this neighborhood was a bad idea. Although a vote isn't required, the board members voted not to support the comp plan amendment or the rezoning.

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

MARTIN VERONICA
43 BARKLEY CIR, SUITE 200
FORT MYERS, FL 33907

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared
Kaitlyn Felty, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

NOTICE OF MEETING

TDM Consulting, Inc. will be presenting
 a Conventional Rezoning with Special
 Exception application at the North Fort
 Myers Community Planning & Design
 Review Panel meeting on April 4, 2023
 at 6:00 pm. The meeting will be held at
 the North Fort Myers Recreation
 Center, 2000 Recreation Way, North
 Fort Myers. The applicant, 308
 Evergreen Road, LLC, is requesting to
 rezone the 3.50-acre property at 308
 Evergreen Road from RS-1 (Single-
 Family Residential) to CN-2 (Neighbor-
 hood Commercial) plus a Special Excep-
 tion to permit multi-family dwelling
 units in the CN-2 zoning district.
 AD # 5632283 March 21, 2023

NOTICE OF MEETING TDM Consulting, Inc. will be
 presenting a Conventional Rezoning with Special Exception
 application at the North Fort Myers Community Planning

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated in the issues of or by publication on
 the newspaper's website, if authorized, on :

03/21/2023

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in said
 newspaper editions dated:

Sworn to and Subscribed before me this 21st of March 2023,
 by legal clerk who is personally known to me.

Kaitlyn Felty
 Affiant

Nicole Jacobs
 Notary State of Wisconsin County of Brown
8-21-26
 My commission expires

of Affidavits 1

This is not an invoice

NICOLE JACOBS
 Notary Public
 State of Wisconsin

Veronica Martin

From: Richard Thomas <mbuilder26@yahoo.com>
Sent: Monday, April 10, 2023 11:24 AM
To: Charlie Krebs; John Gardner; Wayne Daltry; Rudy Berndlmaier; Richard Thomas
Cc: Veronica Martin; Daniel DeLisi; Julie Zamora
Subject: Minutes April 4, 2023 NFMDRP/PP Meeting

MINUTES
JOINT MEETING OF THE NORTH FORT MYERS DESIGN
REVIEW PANEL
AND
THE NORTH FOR MYERS COMMUNITY PLANNING PANEL

NORTH FORT MYERS RECREATION CENTER
2000 N. RECREATION WAY
NORTH FORT MYERS, FL

APRIL 4, 2023

6:00 PM

ATTENDEES:

Panel Members: Richard Thomas, Charles Krebs, Rudy Berndlaier

1. CALL TO ORDER: The meeting was called to order at 6:10 PM.
2. APPROVAL OF AGENDA: The agenda was approved as presented.
3. APPROVAL OF LAST MEETING MINUTES: The agenda was approved as presented
4. NEW BUSINESS:

-956 Pondella Road-Rezoning-This request is for the rezoning of 956, 950 and 957 Pondella Road from RS-1 to CG. The area is Suburban with surrounding uses of CC, CG and RS-1. Also

requested is an Administrative Variance from a 14' setback. Member Krebs made a motion of "No Objection". Member Berndlmaer seconded the motion . The motion was approved.

-308 Evergreen Road LLC-This project proposes a building with commercial on the first floor and residential on the second floor and a rezoning from CM-2 to C-1A and adding the to the Mixed Use Overlay. Surrounding properties are primarily residential. Member Krebs made a motion "Object to Commercial in a Primarily Residential". Member Thomas seconded the motion. The motion was approved.

-Barrett Park RPD-Lee County Housing Authority is proposing to redevelop the existing single family to multifamily. The property is already non-conforming with 50 units where 40 is allowed, The proposal is for Urban Community of 200 units on 20 acres. Member Krebs made a motion of "No Objection". The motion was seconded by member Berndlmaer. The motion was approved.

-Slater Road- Southern Gulf Construction Rezone-This project proposes to rezone the property from AG-2 to Industrial Planned Development. The structural concrete company proposes to uses the existing building for offices and a portion of the property for storage of small equipment storage. All buffers will meet County requirements and the storage area will have a fence around it. Member Krebs made a motion to "Explore a rezone to CPD instead" Member Thomas seconded the motion. The motion was approved.6. OLD BUSINESS: There was no Old Business

7. OTHER BUSINESS: There was no Old Business

8. ADJOURNMENT: The meeting was adjourned at 6:50 PM

THE NEXT MEETING WILL BE ON MAY 2, 2023 -N. FT. MYERS REC. CENTER



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EXHIBIT M22

AUTHORIZATION TO REPRESENT

Please be advised that VERONICA MARTIN, SENIOR PLANNER, and DEAN MARTIN, P.E., with TDM Consulting, Inc., 43 Barkley Circle, Suite 200, Fort Myers, FL 33907, are hereby authorized to represent Randy L. Krise, Managing Member of 308 Evergreen Road, LLC, the Applicant, in all application to Lee County Development Services regarding the property located at 308 Evergreen Road, North Fort Myers, Florida.

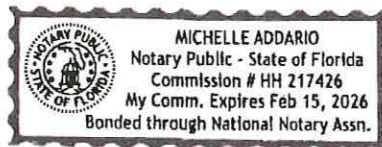
308 Evergreen Road, LLC

By: Randy L. Krise
Randy L. Krise, Manager

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 2 day of Feb, 2023, by Randy L. Krise (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Michelle Addario
Signature of Notary Public