

EXHIBITS

CASE # REZ2022-00027

CASE NAME: CRYSTAL DRIVE REZONE

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

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

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

APPLICANTA. 48-Hour
#1 PowerPoint

#1 _____

#2 Email Response to Elizabeth
Fayher

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Staff Report

#2 PowerPoint

#3 Public Email from Elizabeth Fayher

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAMENUMBERDESCRIPTION_____

Perez, Maria

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Tuesday, May 9, 2023 8:51 AM
To: Hearing Examiner
Cc: Perez, Maria; Hickey, Lindsay; Danley Jr, Dirk; Adams, Joseph; Swindle, Amanda; Jacob, Michael; Boone, Tina; Schaefer, Lauren; Temerario, Erica
Subject: [EXTERNAL] RE: REZ2022-00027 Crystal Drive REZ
Attachments: REZ2022-00027-Crystal Drive Rezone-48-Hr Notice-Exhibit List.pdf

Good morning. 😊 I hope this email finds you well.

Attached please find the Applicant's 48 Hour Notice and Exhibit List for the above referenced case.

I look forward to the hearing.

Thank you and please take care,
Stacy



Stacy Ellis Hewitt, AICP
Director of Planning

C: 239-770-2527
P: 239-939-5490
F: 239-939-2523
E: shewitt@bankseng.com

10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

www.banksengfla.com

From: Perez, Maria <MPerez@leegov.com>
Sent: Monday, May 8, 2023 11:16 AM
To: Stacy Hewitt <SHewitt@BanksEng.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Prining, Jamie <JPrining@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; McNulty, Shawn <SMcNulty@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>
Subject: REZ2022-00027 Crystal Drive REZ

Good afternoon. Ms. Donna Marie Collins will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard May 11, 2023.

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

your exhibits.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one present. Thank you.

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

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

E-mail: perezmd@leegov.com

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, e-mail 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.

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



Professional Engineers, Planners & Land Surveyors

May 9, 2023

VIA ELECTRONIC MAIL ONLY

Ms. Donna Marie Collins, Esq.
Lee County Chief Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

Reference: **REZ2022-00027 – CRYSTAL DRIVE REZONE**
HEARING DATE: MAY 11, 2023
APPLICANT'S 48-HOUR NOTICE AND EXHIBIT LIST

Dear Madam Hearing Examiner:

The applicant has reviewed the Staff Report and attachments received April 26, 2023, and has identified no unresolved issues.

For the Applicant's Exhibit List, the Applicant will refer to the Lee County Land Development Code, the Lee Plan, the Staff Report including its Attachments and submitted application materials and intends to provide the following Exhibit at the hearing:

- Applicant's PowerPoint Presentation

I look forward to seeing you at the upcoming hearing.

Sincerely,
BANKS ENGINEERING

A handwritten signature in blue ink, appearing to read "Stacy Hewitt", is written over a faint, larger blue ink signature that is partially obscured.

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Lindsay Hickey
Dirk Danley, AICP
Joseph A. Adams, Esq.
Amanda L. Swindle, Esq.
Michael D. Jacob, Esq.

Crystal Drive Rezone

REZ2022-00027

Lee County Hearing Examiner Public Hearing

May 11, 2023

Stacy Ellis Hewitt, AICP



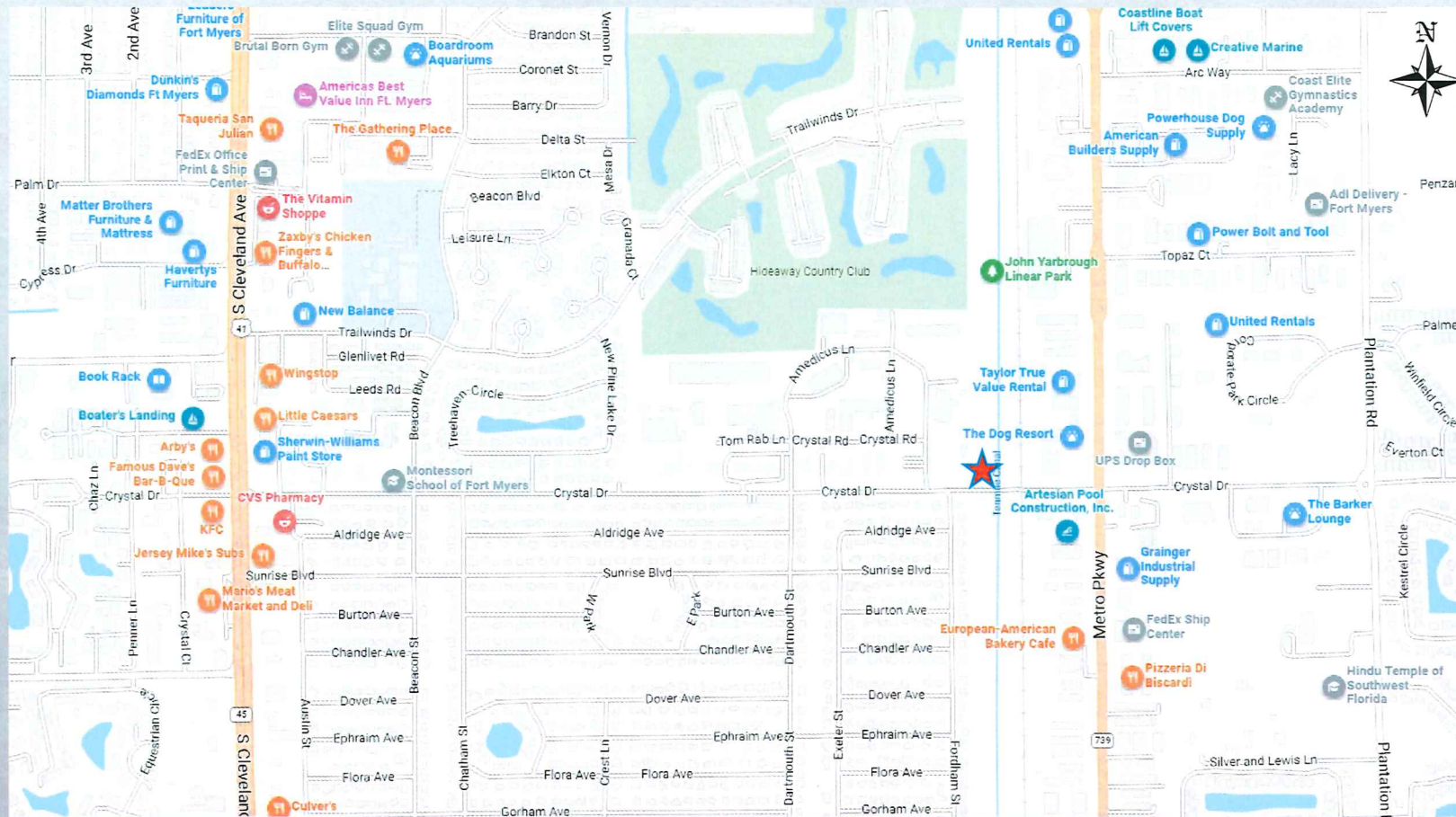
SUMMARY OF REQUEST

Applicant: Crystal Park, LLC

Planning District: South Fort Myers

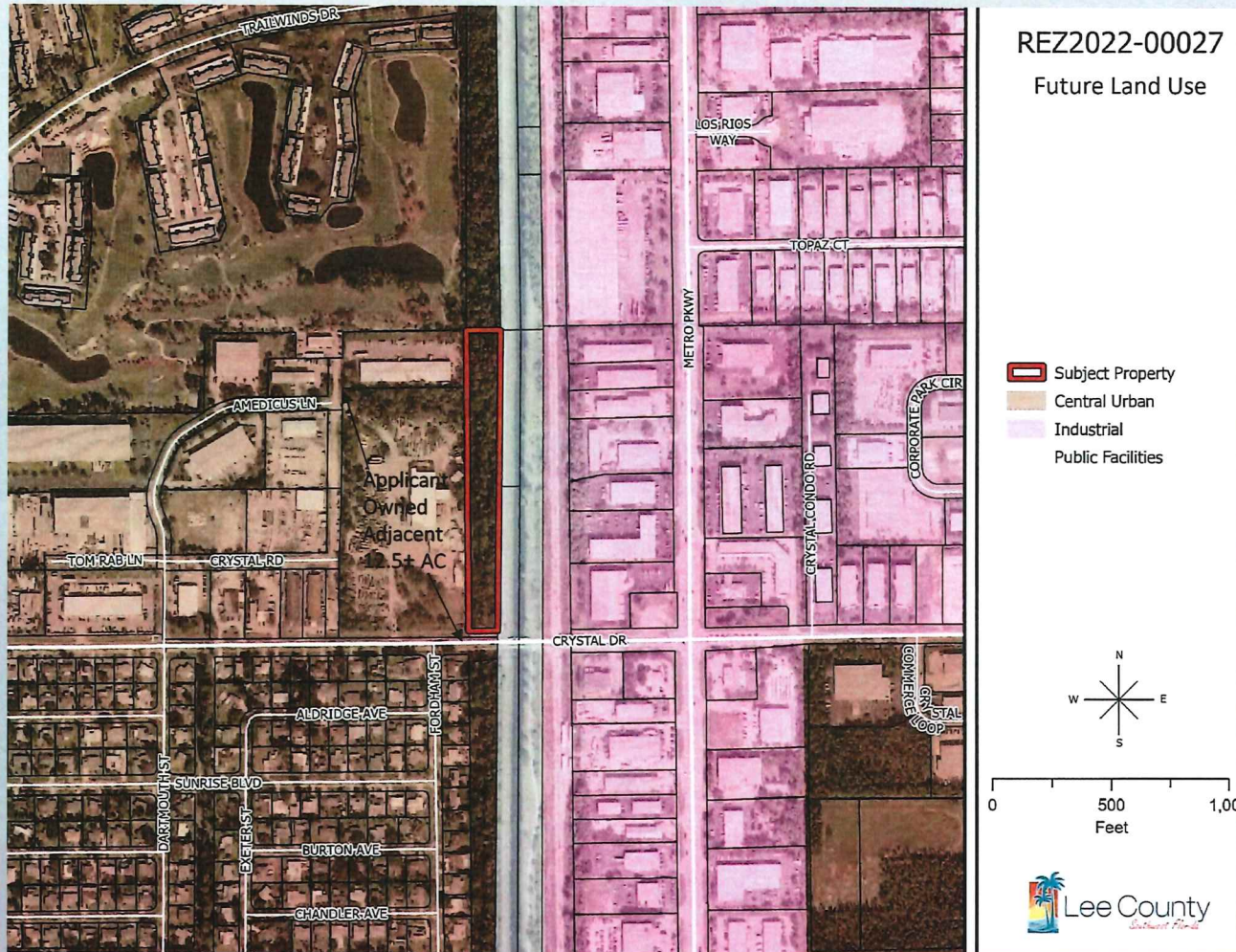
Request: Conventional Rezoning of 3.84± acres from Light Industrial (IL) and Agricultural District (AG-2) to Light Industrial District (IL).

PROJECT LOCATION



**★ North Side of Crystal Drive
750'± west of Metro Parkway**

FUTURE LAND USE



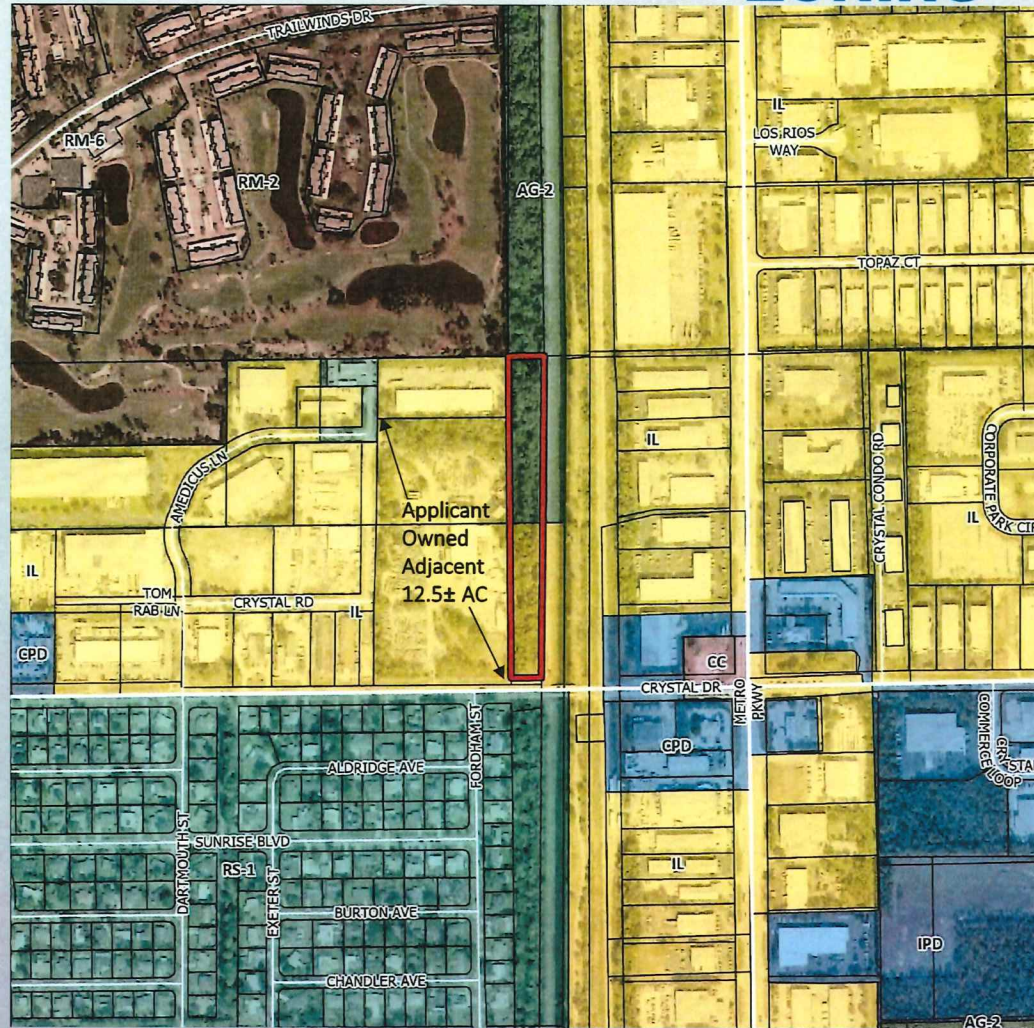
Crystal Drive: 2-lane county-maintained major collector

Crystal Road: 2-lane, non-county-maintained local

Metro Parkway: 4-lane, state-maintained arterial

- Access to property provided through Applicant's adjacent existing industrial business with existing access onto Crystal Drive & Crystal Road

ZONING



REZ2022-00027

Zoning

 Subject Property

Subject Parcel Split Zoning

South 1.8± acres IL

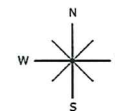
- Original Zoning

North 2.04± acres AG-2

Applicant's Adjacent

South Original IL Zoning

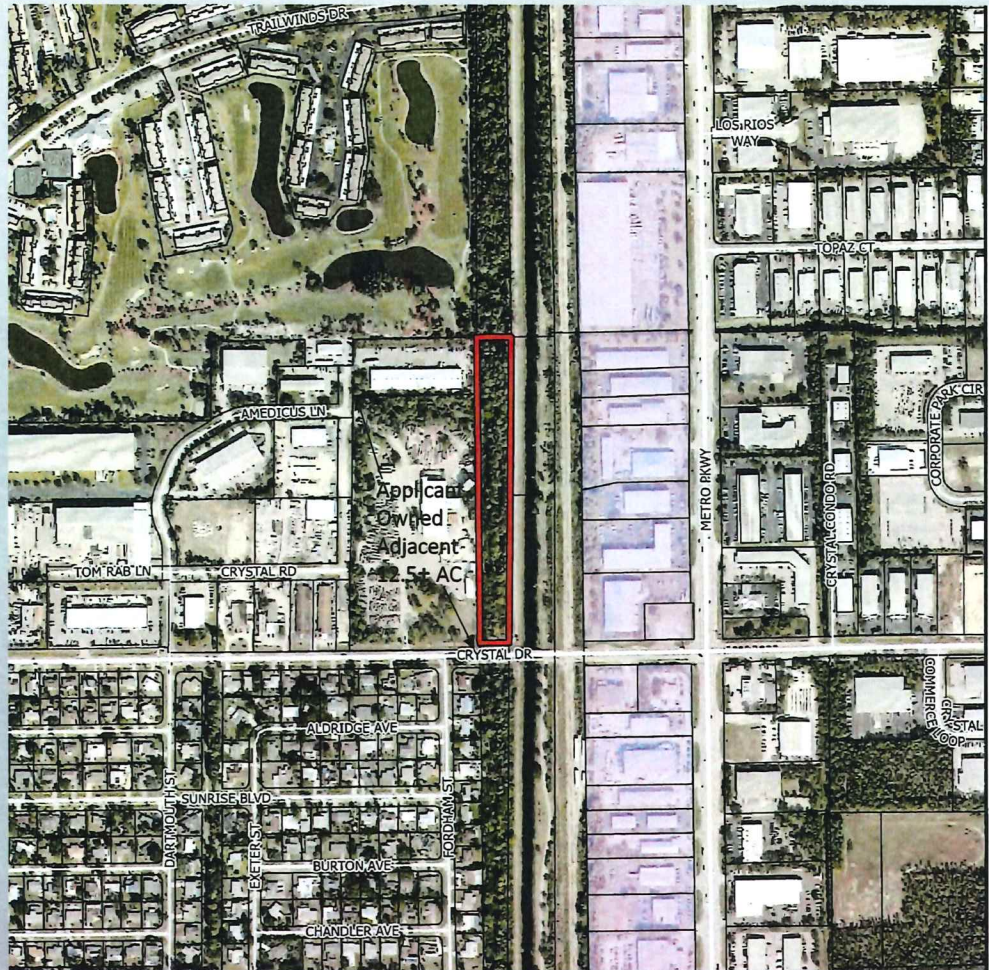
North Rezoned from AG-2 to IL in 1982 (ZAB-82-396 – Staff Report Attachment H)



0 500 1,000
Feet

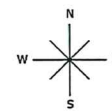


PROXIMITY TO MIXED USE OVERLAY



REZ2022-00027
Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 500 1,000
Feet



300'± from Mixed Use Overlay

STAFF REPORT

- Staff recommends approval
- Applicant in agreement with staff report and recommendation of approval
- Request to incorporate staff report with attachments as part of testimony

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan;

Policy 1.1.3 – Central Urban

- *Urban core of the county*
- *greatest range and highest levels of public services*
- *appropriate for residential, commercial, public and quasi-public, and limited **light industrial** land uses*
- *IL zoning & uses appropriate & compatible given existing IL zoning & uses on & surrounding site*
- *Expand development potential and provide employment opportunities*

Objective 2.1, Policy 2.1.1 – Development Location

- *Within second most intense designated Future Urban Area*
- *Promotes contiguous & compact growth pattern*
- *South ½ always has been zoned IL*
- *Provides one consistent zoning category for Applicant's property*

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan;

Objective 2.2, Policy 2.2.1 – Development Timing

- Promotes growth in Future Urban Area with adequate public facilities
 - ❖ Lee County Utilities has available capacity for water & sewer (Staff Report Attachment E)
 - ❖ Fire/EMS – South Trail Fire Station 61 & Lee County EMS Medic 1 – 1± mile
 - ❖ Lee County Sheriff's Office - 3.5± miles
 - ❖ Existing 12' shared use path adjacent to South and East property lines: Ten Mile Linear Park
 - ❖ Compact & contiguous development pattern
- South ½ always has been zoned IL
- Frontage on Crystal Drive (county-maintained major collector), with access provided by applicant's adjacent property to Crystal Drive and Crystal Road (non-county maintained local road)

Standards 4.1.1 – Water & 4.1.2 - Sewer

- Lee County Utilities has available capacity for water & sewer (Staff Report Attachment E)
- Demonstrate compliance with LDC at time of development order

Policy 5.1.5 – Protection of Residential Areas

- Area has always been industrial north of Crystal Drive
- Demonstrate compliance with LDC buffering, open space, setbacks, lighting, any supplemental regulations, etc. at time of development order

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan;

Goal 7, Policies 7.1.1, 7.1.3, 7.1.4, 7.1.6, 7.1.7, & 7.1.8 – Industrial Land Uses

- *IL zoning & uses appropriate & compatible given existing IL zoning, uses & traffic on & surrounding site*
- *Railroad to east & frontage on major collector roadway*
- *Existing public services & facilities*
- *Adequate buffering & screening, setbacks, open space & lighting addressed at time of DO*
- *Southern 640'± always zoned industrial across street from residential*
- *Nearest residential building to northwest 740'± & separated by golf course*
- *Consistent with Economic Element*

Objective 158.4, Policy 158.4.1

- *Encouraging retention & expansion of existing companies*
- *Provide one consistent zoning category for site*
- *Expand development potential & provide employment opportunities*

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

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

- *No deviations or variances are requested*
- *Meets dimensional requirements for IL*
- *Compliance with Land Development Code must be demonstrated at time of Development Order*

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

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

- *Area has always been industrial north of Crystal Drive*
- *IL zoning & uses appropriate & compatible given existing IL zoning & uses on & surrounding site*
- *Must meet LDC setbacks, open space, buffering, site lighting requirements & supplement regulations for specific uses*

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

- d) Will provide access sufficient to support the proposed development intensity;
 - *Frontage on Crystal Drive (county-maintained major collector)*
 - *Access provided by Applicant's adjacent property's access points to Crystal Drive & Crystal Road (non-county maintained local road)*
 - *Must demonstrate compliance with LDC at time of Development Order review*
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
 - *Any impacts will be adequately addressed by existing County regulations during Development Order review*

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
 - No indigenous vegetation or protected species (Staff Report Attachment I)
 - Must demonstrate compliance with LDC for environmental impacts, open space, buffering & landscaping at time of Development Order review
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.
 - Promotes growth in Future Urban Area with adequate public facilities
 - ❖ Lee County Utilities has available capacity for water & sewer (Staff Report Attachment E)
 - ❖ Fire/EMS – South Trail Fire Station 61 & Lee County EMS Medic 1 – 1± mile
 - ❖ Lee County Sheriff's Office - 3.5± miles
 - ❖ Existing 12' shared use path adjacent to South and East property lines: Ten Mile Linear Park

CONCLUSION

Based upon my experience, preparation of the request, and review of the staff report, it is my professional opinion that the requested rezoning:

- *Meets required findings & review criteria*
- *Is entitled to approval*

Questions?

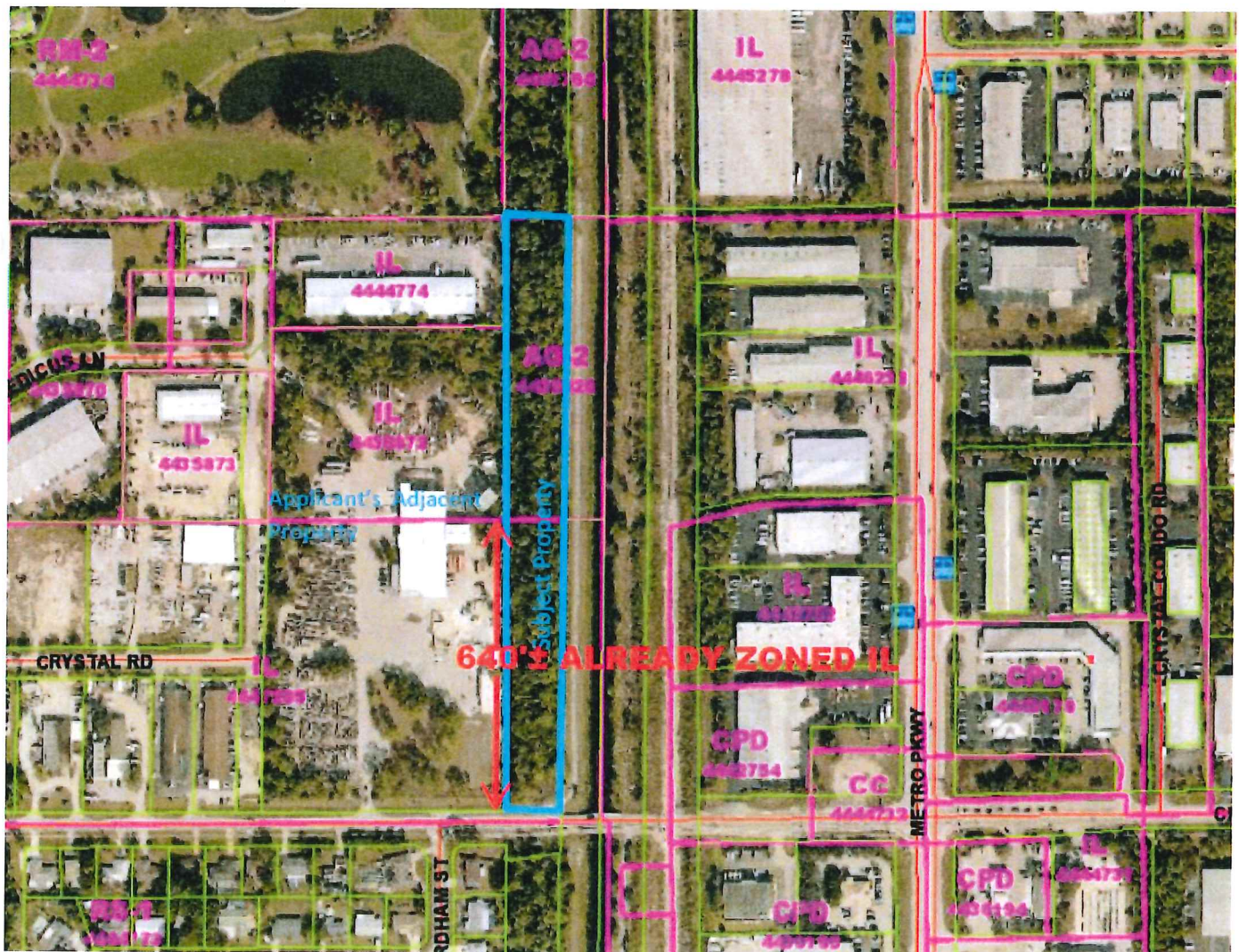
Stacy Hewitt

From: Stacy Hewitt
Sent: Friday, April 21, 2023 12:00 PM
To: eafayhee@yahoo.com
Subject: Crystal Drive Rezone (REZ2022-00027)

Happy Friday Elizabeth 😊 Thanks again for taking the time to call me regarding the proposed rezoning. Pursuant to our discussion and your request, below please find an exhibit showing the subject property and the portion that is already zoned IL – Light Industrial. The portion being rezoned from AG-2 is approximately 640 feet north of Crystal Drive. Please do not hesitate to contact me via cell or email if you have any questions or would like to discuss further.

Thank you and hope you have a great weekend.

Stacy
239-770-2527



Danley Jr, Dirk

From: Danley Jr, Dirk
Sent: Tuesday, May 9, 2023 9:55 AM
To: 'Elizabeth Fayhee'
Subject: RE: [EXTERNAL] Re: Dirk Contact
Attachments: OT4242LC_980545018_0.pdf

From: Elizabeth Fayhee <eafayhee@yahoo.com>
Sent: Tuesday, May 9, 2023 7:56 AM
To: Danley Jr, Dirk <DDanleyJr@leegov.com>
Subject: [EXTERNAL] Re: Dirk Contact

Thank you, Dirk, for all the time and patience you have given me regarding the Crystal Drive Rezone (REZ2022-00027).

I failed at viewing this case online through eConnect'?

I ask for a continuance' of the tentative meeting on May 11.

I don't know if this request is within my rights or not; but I do feel it should be.

I am a lone senior citizen striving to stay alive and have not planned for all the recent possible costly crises to my little home here in the Villas. The rezone letter came about the same time so called letter for LCU (turns out it was not LCU but in fact some contractor just saying they were LCU) stating that the county is replacing water piping and that I should contact a plumber as their replacing their pipes may well, flood my home. Already; I still struggle to get the rest of this huge tree out of my back yard; yet another gift with critters I did not ask or plan for and again, came from Ian and Yarbrough Park.

Well, then . hahahha tens of thousands of dollars that somehow I am responsible for ?. Emminant Domain comes to mind; but I don't really know. I do know that I nearly died on the corner of Fordham and Crystal being rammed by someone speeding on Crystal Drive. Of course, given Florida's stopsign laws; it was my fault. hahahah Mercy !

I see SO many crashes and kids and adults alike lives being threatened just by trying to enjoy 'the park'. The sidewalk has been unwalkable forever. I believe stoplights are needed here to slow these vehicles down before '.

Of course this rezoning will affect me and my home/realty.
Already, I am afraid to relax in my back yard. So.

I do sincerely thank you, Dirk and I do also ask for more time to look into this and to share with the many lives this rezoning will effect. I do believe if they knew...those that go to the park often; they would be at this meeting. I am just a bit pre-occupied trying to outlive the county's planning.

Respectfully;

Elizabeth Fayhee

On Thursday, May 4, 2023 at 10:10:52 AM EDT, Danley Jr, Dirk <ddanleyjr@leegov.com> wrote:

CRYSTAL DRIVE REZONE REZ2022-00027

*Conventional Rezoning Request
DCD Staff presentation*

Applicant Request

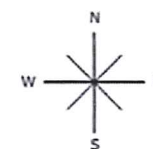
- Conventional rezoning of approximately 3.84 acres from Agricultural (AG-2) and Light Industrial (IL) to Light Industrial (IL).
- North side of Crystal Drive, approximately 750 feet west of Metro Parkway.



REZ2022-00027

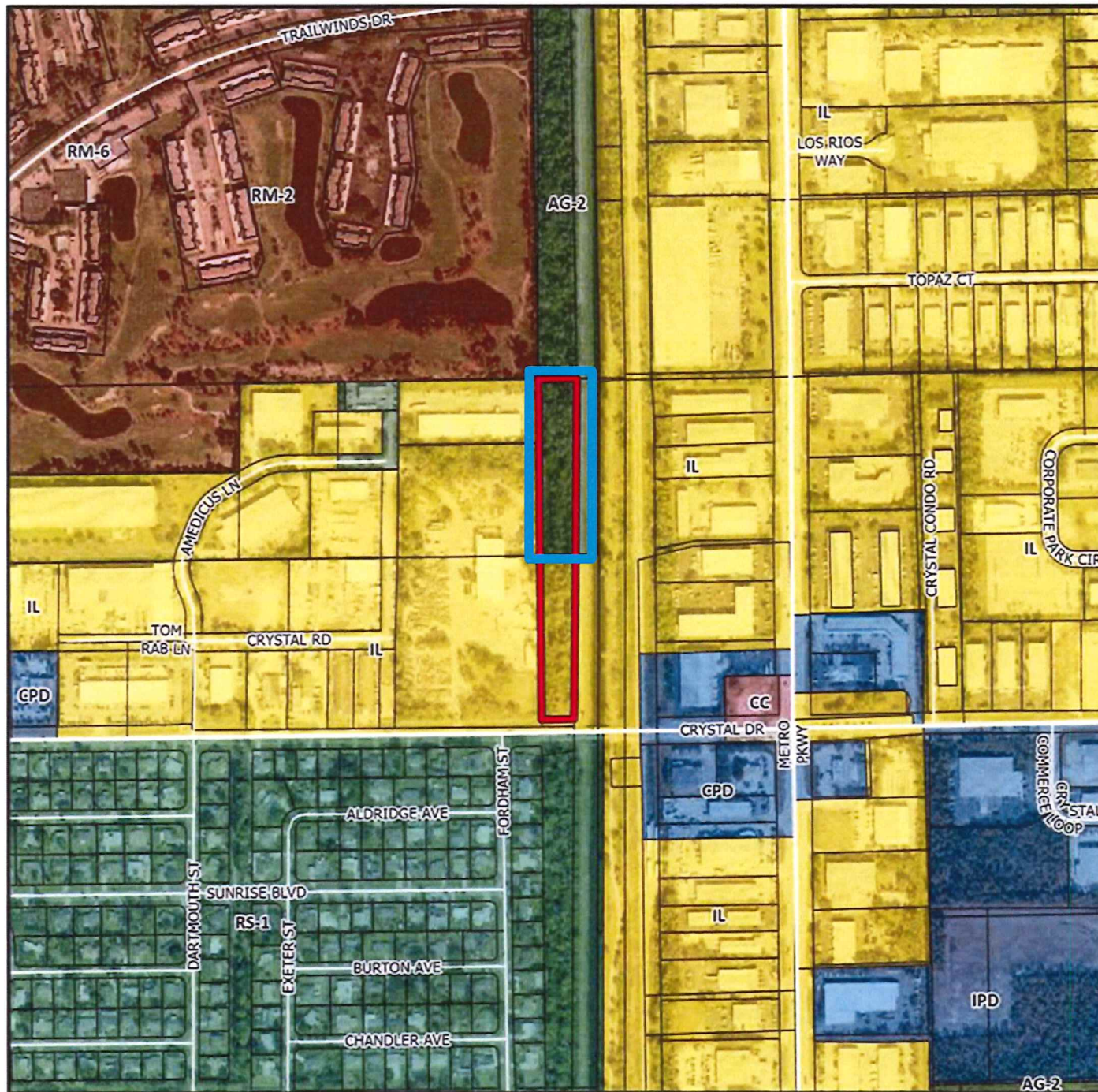
Zoning

 Subject Property



0 500 1,000
Feet

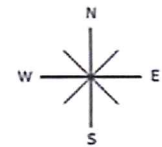




REZ2022-00027

Zoning

 Subject Property



0 500 1,000
Feet



Decision-Making Criteria



- LDC Section 34-145(d)(4) establishes the decision making criteria for rezoning requests.
 - Complies with the Lee Plan;
 - Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
 - Is compatible with existing and planned uses in the surrounding area;
 - Will provide access sufficient to support the proposed development intensity;
 - The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
 - Will not adversely affect environmentally critical or sensitive areas and natural resources; and
 - Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

Lee Plan Review

- Policy 1.1.3 – Central Urban future land use category
 - ▣ Urban Core of the County.
 - ▣ Considers Residential, Commercial, and Light Industrial Uses.
 - ▣ Southern $1.8 \pm$ acres of the subject property is already zoned IL.
 - ▣ The parcel adjacent to the west is zoned IL.

Lee Plan Review



- Objectives 2.1 and 2.2 -
 - ▣ Encourage new growth in future urban areas where adequate sufficient infrastructure exist.
 - ▣ Original zoning was approved in an area with sufficient infrastructure in an area where significant development is occurring today.

Lee Plan Review

- Goal 7 – Industrial Uses.
 - ▣ Policy 7.1.3 requires industrial land uses to be located in areas appropriate to their needs and constraints.
 - ▣ Policy 7.1.4 - timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.
 - ▣ Lee Plan Policy 7.1.6 - buffering and screening adjacent to residential areas so as to prevent visual blight and noise pollution.

Lee Plan Review



- Economic Element –

- Policy 7.1.8 - industrial land uses to be consistent with the goals, objectives, and policies of the Economic Element.
- Objective 158.4 and Policy 158.4.1 - encourage retention and expansion of existing companies.

Urban Services



- ❑ Water and Sewer by Lee County Utilities.
- ❑ Fire and Emergency Services 1 mile away. Sheriff's Substation 3.5 miles away.
- ❑ Surface water management in accordance with LDC chapter 10.
- ❑ Adjacent Roadway is on Lee Plan Map 3-D -
Bike/Ped Facilities in accordance with Chapter 10.

Recommendation



- Staff finds that the request:
 - ▣ Complies with the Lee Plan
 - ▣ Meets this Code and other applicable County regulations or qualifies for deviations;
 - ▣ Is compatible with existing and planned uses in the surrounding area;
 - ▣ Will provide access sufficient to support the proposed development intensity;
 - ▣ The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
 - ▣ Will not adversely affect environmentally critical or sensitive areas and natural resources; and
 - ▣ Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.
- Staff therefore recommends approval of this request.

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

Case Number: REZ2022-00027
Case Name: Crystal Drive Rezone
Area to be Rezoned: +/- 3.84 Acres
Case Type: Conventional Rezoning
Sufficiency Date: March 10, 2023
Hearing Date: May 11, 2023

LEE COUNTY
HEARING EXAMINER
2023 APR 26 PM 4:30

Summary of Request and Recommendation:

An application has been submitted by Banks Engineering, on behalf of Crystal Park LLC, to request a conventional rezoning for +/- 3.84 acres from Light Industrial (IL) and Agricultural district (AG-2) to Light Industrial district (IL).

The subject property is located on the north side of Crystal Drive, approximately 750 feet west of Metro Parkway, South Fort Myers Planning Community. The applicant has indicated the property's current STRAP Number is 13-45-24-00-00007.0000. A legal description and survey of the subject property is attached (see Attachment B).

The request to rezone this property if approved, will align the zoning district with the future land use designation.

Staff recommends **APPROVAL** of the applicant's request.

Property History and Character of the Area:

The subject property has split zoning with the north 2.04± acres zoned Agricultural (AG-2) and the south 1.8± acres already zoned Light Industrial (IL). The Lee County Property Appraiser's Office describes the property as former SAL Railroad right-of-way. The applicant owns the 12.5± acre parcel immediately to the west of the subject property, which is also zoned IL and is developed with two structures that house industrial uses.

The approval of the request will provide a single zoning category for the applicant's property and expand the allowable uses on the northern 2.04± acres while remaining consistent and compatible with surrounding uses.

There have been no zoning actions on the subject property.

Surrounding property is located in the Industrial Development, Public Facilities, and Central Urban future land use categories as designated by the Lee County Comprehensive Plan (Lee Plan) and is utilized accordingly with a mixture industrial uses (see Attachment C). The areas immediately surrounding the subject property can be characterized as follows:

North

Lands to the north of the subject property are vacant lands zoned Agricultural (AG-2) and are designated Central Urban by Lee Plan.

East

Lands to the east of the subject property are separated by Railroad Right-of-way and the Ten Mile Canal, are zoned Light Industrial (IL) and Commercial Planned Development (CPD), and are designated Industrial Development by Lee Plan. These lands are also located within the Mixed Use Overlay (MUO). The lands that are zoned IL are developed with a mix of industrial, warehousing and distribution, and commercial uses. The lands that are zoned CPD were rezoned by Resolution Z-97-075 (see Attachment G). These lands are developed with a mix of commercial uses.

West

Lands to the west of the subject property are zoned Light Industrial (IL) and are designated Central Urban by Lee Plan. These lands are developed with industrial uses similar to those along Metro Parkway. The northern portion of this property was rezoned from AG to IL in 1982 pursuant to Resolution Number ZAB-82-396 (see Attachment H).

South

Land to the south of the subject property is separated by Crystal Drive, is zoned Residential (RS-1), and is designated Central Urban by Lee Plan. This is a vacant strip of land along the 10 Mile Canal.

ANALYSIS:

Conventional Rezoning

Lee County Land Development Code (LDC) Section 34-145(d)(4)a.1 establishes the decision-making criteria for conventional rezoning requests. Before recommending approval of a conventional rezoning request, the Hearing Examiner must find the request:

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

The applicant has provided a written narrative and supplemental information that describes the request, provides an analysis of Lee Plan policies, and demonstrates compliance with the Land Development Code (Attachment D). The following is an analysis of the request based on the decision-making criteria established by LDC Section 34-145(d)(4)a.1:

a) Compliance with the Lee Plan

Policy 1.1.3 The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Predominant land uses in the Central Urban future land use category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre to ten dwelling units per acre, with a maximum total density of fifteen dwelling units per acre. The maximum total density may be increased to twenty dwelling units per acre utilizing Greater Pine Island Transfer of Development Units.

The Central Urban areas are appropriate for intense zoning categories as demonstrated by the existing IL zoning on and surrounding the site. The southern 1.8± acres of the subject property is already zoned IL as are several other parcels in the vicinity. The parcel adjacent to the west is zoned IL, as is the property adjacent to the south half of the east property line. Approval of the rezoning will provide one consistent zoning category for the site and will provide employment opportunities by expanding the development potential of the applicant’s property adjacent to existing industrial lands along Crystal Drive. The allowable uses in the IL zoning district are consistent with this Policy. **Staff finds the proposed rezoning consistent with Policy 1.1.3.**

Objective 2.1 of the Lee Plan states contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, 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** indicates that most residential, commercial, industrial, and public development is expected to occur within designated future urban areas on the Future Land Use Map. The subject property is located within the Central Urban future land use category, an area designated as a future urban area that has access to variety of public services. The proposed rezoning is located within a designated Future Urban Area and promotes contiguous and compact growth patterns by providing one consistent zoning category. Approval of the request will expand the development potential for the applicant’s property. **Staff finds the proposed rezoning consistent with Objective 2.1 and Policy 2.1.1.**

Objective 2.2 of the Lee Plan addresses development timing to 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** indicates that rezonings 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 and uses; and any other relevant facts affecting public health, safety and welfare. The southern 1.8± acres of the site are already zoned IL and the proposed rezoning will continue to promote growth in a Future Urban Area where adequate public facilities exist and where compact and contiguous development patterns can be created. The site has frontage on Crystal Drive (a county-maintained major collector roadway). Access will be provided through the applicant’s adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. **Staff finds the proposed rezoning consistent with Lee Plan Objective 2.2 and Policy 2.2.1.**

Standards 4.1.1 and 4.1.2 of the Lee Plan requires development exceeding certain thresholds to be connected to potable water service and sanitary sewer service if a property lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' (LCU) future potable water service and sanitary sewer area. The applicant has provided an availability letter from LCU stating water and sewer lines are located along Metro Parkway with available capacity (see Attachment E). **Staff finds the proposed rezoning to be consistent with Standards 4.1.1 and 4.1.2.**

Goal 7 intends to promote opportunities for well-planned industrial development at suitable locations within the County. **Lee Plan Policy 7.1.1** requires certain review criteria apply to all industrial rezoning and development order requests. These review items include environmental/pollution consideration, compatibility with residential areas and buffering, water quality and drainage, employment characteristics, access and impacts to transportation facilities, utility needs and sewage collection. Considering the site's southern 1.8± acres is zoned IL, and the surrounding properties are zoned IL, the area is appropriate for IL zoning and will remain compatible with neighboring uses. The rezoning is located adjacent to railroad right-of-way and on a major collector roadway. Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. **Staff finds the proposed rezoning consistent with Lee Plan Policy 7.1.1.**

Lee Plan Policy 7.1.3 requires industrial land uses to be located in areas appropriate to their needs and constraints. This property is surrounded by other industrial and heavy commercial zoning districts and uses, and is located in an area that is appropriate given the uses that the Light Industrial (IL) zoning district permits. **Staff finds the proposed rezoning consistent with Lee Plan Policy 7.1.3.**

Lee Plan Policy 7.1.4 states the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. The property is located in a future urban area where adequate services and facilities exist. **Staff finds the proposed rezoning consistent with Lee Plan Policy 7.1.4.**

Lee Plan Policy 7.1.6 indicates land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. Development of the property will be required to meet setbacks, open space, buffering and site lighting requirements contained in the LDC at the time of local development order approval. Hideaway Country Club is adjacent to the northwest, but the nearest residential building is 740± feet from the subject property and is separated by the golf course. There are existing single-family homes to the south across Crystal Drive, a county-maintained major collector roadway. The southern 640± feet of the subject property is zoned Light Industrial (IL). The applicant does not seek relief from any buffering or screening standards in the Land Development Code, and staff finds that these existing standards will adequately screen adjacent residential uses. Staff also notes that there are supplementary development regulations and separation requirements for specific uses that may be perceived as a nuisance to neighboring residential uses in the Land Development Code that would need to be followed if proposed on the property. **Staff finds the proposed rezoning consistent with Lee Plan Policy 7.1.6.**

Lee Plan Policy 7.1.7 indicates that industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. Crystal Drive is a major collector roadway whose primary function is to collect traffic from local and minor collector roads and distribute volume to the nearest arterial road. The north side of Crystal Drive has always been industrial in this area. The south side of Crystal Drive, east of the railroad right-of-way is commercial and industrial. Although there are single-family homes south of Crystal Drive, the area is not predominantly residential and industrial traffic already exists. **Staff finds the proposed rezoning consistent with Lee Plan Policy 7.1.7.**

Lee Plan Policy 7.1.8 requires all County actions related to industrial land uses to be consistent with the goals, objectives, and policies of the Economic Element. The requested rezoning is consistent with the goals, objectives, and policies of the Economic Element. **Objective 158.4** and **Policy 158.4.1** speak to encouraging retention and expansion of existing companies. The requested rezoning will bring the applicant's property into one consistent zoning category which will enable development of the site. **Staff finds the proposed rezoning consistent with Policy 7.1.8, Objective 158.4 and Policy 158.4.1.**

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

LDC Section 34-904 establishes property development regulations for conventional industrial districts. The IL district requires a minimum of 100 feet of lot width, 100 feet of lot depth, and a minimum lot area of 20,000 square feet. The subject property exceeds the lot dimensional requirements for the IL District. Additional regulations are established in Chapters 34 and 10 of the Lee County Land Development Code including maximum height, setbacks, buffer requirements, and open space. Compliance with design-related provisions of the Land Development Code must be demonstrated at the time of local development order.

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

The subject property is surrounded by industrial development within industrial and heavy commercial zoning districts. The Lee Plan supports future growth of this area to be partially industrial. The requested rezoning of the remaining agriculturally-zoned portion of the property to IL is compatible and consistent with the existing and planned uses in the surrounding area.

d) Sufficiency of Access

The subject property has frontage on Crystal Drive (a county-maintained, two lane major collector roadway). Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Approval of the rezoning will provide one consistent zoning category for the applicant's property. A traffic impact statement will be required at the time of development order approval to demonstrate that development of the property will not adversely affect the Level of Service of the surrounding road network.

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

Although no impacts are expected on transportation facilities as a result of the requested rezoning, since a portion of the site is already zoned for industrial development, any impacts on

transportation facilities will be adequately addressed by existing County regulations and will be addressed with the required traffic impact statement during local development order review.

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

Environmental Staff conducted a site inspection on November 29, 2022. The project site consists mainly of exotic vegetation. Canopy cover included Australian Pines, Earleaf Acacia, Ficus, and Melaleuca. Understory vegetation contained Brazilian Pepper and caesarweed. Environmental staff inspected the site for protected species and observed no protected species. No significant impacts have been identified as part of the proposed rezoning. Development of the property will be required to meet the LDC requirements regarding environmental impacts, open space, buffering and landscaping at the time of local development order approval (see Attachment I).

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

Urban services are defined by the Lee Plan as: the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: The subject property is located within the Lee County Utilities Water and Wastewater franchise areas. The applicant has provided a water and wastewater availability letter from Lee County Utilities (Attachment E) indicating that they have sufficient capacity to provide potable water and sanitary sewer service. The letter (Attachment E) states that there are wastewater and water lines in operation in the vicinity of the subject property, but that developer-funded system enhancements may be required at time of development.

Public transit and pedestrian facilities: LeeTran has indicated that the subject property is beyond one-quarter mile of a bus stop or a fixed-route corridor. Based on the current Transit LDC, no improvements are required by the developer at this time but will be reassessed at the time of DO or LDO.

Police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 Six Mile Cypress Parkway, approximately 3.5 miles from the site.

Bicycle and Pedestrian Facilities: The subject property is located on Map 3-D – Lee County Walkways and Bikeways. At the time of Development Order approval, the applicant must comply with the requirements of the Land Development Code.

CONCLUSION:

The requested rezoning from Light Industrial (IL) and Agricultural (AG-2) to exclusively Light Industrial (IL) is consistent with the Lee Plan and Land Development Code. The rezoning will not result in negative impacts to urban services, infrastructure or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not impact any aquatic preserves, or flood hazard areas; or adversely affect environmentally critical or sensitive areas and natural resources. Therefore, staff recommends **APPROVAL** of the applicant's request.

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, and Current Zoning Maps
- D. Applicant's Request Statement
- E. Lee County Utilities Availability Letter
- F. School District of Lee County Email
- G. Resolution Z-97-075
- H. Resolution ZAB-82-396
- I. Environmental Staff Report
- J. Map 3-D - Walkways and Bikeways

ATTACHMENT A

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

Case Number: REZ2022-00027

Project Name: Crystal Drive Rezone

Hearing Examiner Date: May 11, 2023

Lindsay Hickey, Technician I, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Dirk Danley, AICP, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Camryn Siverson, Planner, Environmental, 1500 Monroe Street, Fort Myers, FL 33901

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



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND LYING IN
SECTION 13, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(PER INSTRUMENT NUMBER 2020000015296)

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE S 89°12'59" W, ALONG THE NORTH LINE OF SAID QUARTER SECTION FOR 84.00 FEET TO A POINT ON THE WEST LINE OF FORMER I.D.D. TEN MILE CANAL (NOW KNOWN AS TEN MILE LINEAR PARK), AND THE **POINT OF BEGINNING**: THENCE S 00°29'37" W, ALONG SAID WEST LINE, ALSO BEING THE EAST LINE OF THE FORMER S.A.L. RAILROAD RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 108, PAGE 320 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 1271.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CRYSTAL DRIVE (100 FEET WIDE); THENCE S 89°21'30" W, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 120.48 FEET TO THE WEST LINE OF AFORESAID FORMER S.A.L. RAILROAD RIGHT OF WAY; THENCE N 00°31'01" W, ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1270.53 FEET TO THE AFORESAID NORTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE N 89°12'59" E, ALONG SAID NORTH LINE FOR 142.90 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE ASSUMED ON THE CENTERLINE OF CRYSTAL DRIVE AS BEARING N 89°21'30" E, PER FORT MYERS VILLAS UNIT NO. 2-B, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SAID PARCEL CONTAINS: 3.84 ACRES, MORE OR LESS.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

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

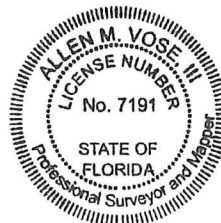
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Digitally signed by Allen M Vose III

Date: 2022.09.06 12:00:58 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 09-06-2022

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REVIEWED
REZ2022-00027
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/8/2023

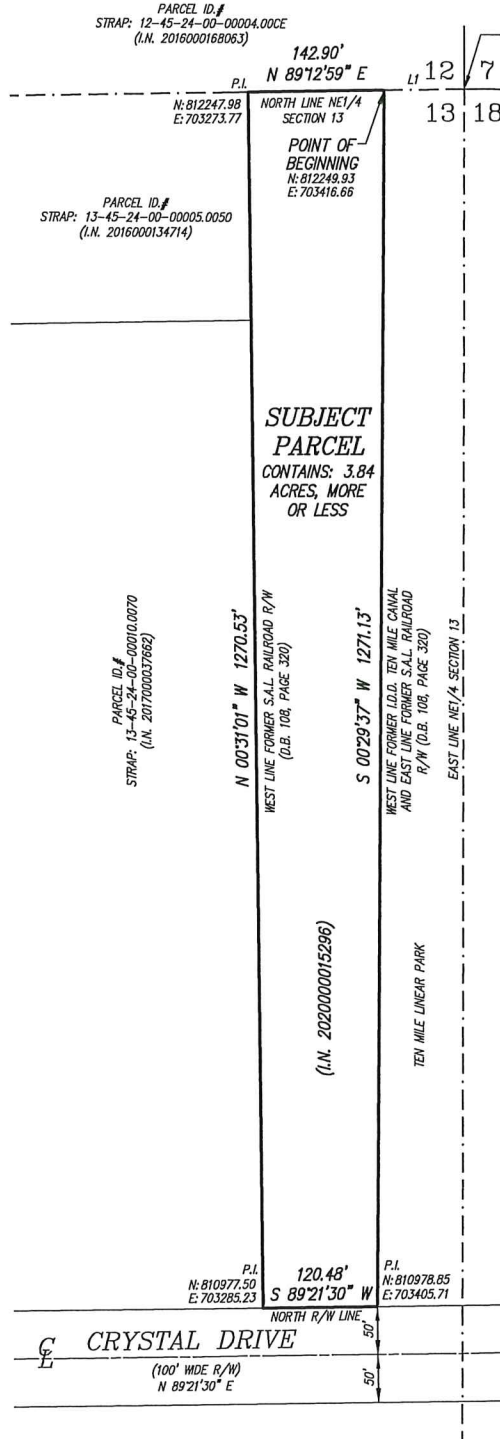
SHEET 1 OF 2

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SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 13, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(PER INSTRUMENT NUMBER 2020000015296)



1" = 150'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°12'59" W	84.00'

NOTES:

BEARINGS ARE ASSUMED ON THE CENTERLINE OF CRYSTAL DRIVE AS BEARING N 89°21'30" E, PER FORT MYERS VILLAS UNIT NO. 2-B, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

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

COORDINATES SHOWN HEREON ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA WEST ZONE NAD 83/2011 (CORS). THE SCALE FACTOR IS 0.99994666.

LEGEND:

C INDICATES CENTERLINE
D.B. INDICATES DEED BOOK
R/W INDICATES RIGHT-OF-WAY
I.N. INDICATES INSTRUMENT NUMBER
ID.# INDICATES IDENTIFICATION NUMBER
I.D.D. INDICATES IONA DRAINAGE DISTRICT
P.I. INDICATES POINT OF INTERSECTION
L1 INDICATES LINE DATA: SEE LINE TABLE
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
N: 812249.93 INDICATES THE "STATE PLANE COORDINATE SYSTEM"
E: 703416.66 FLORIDA WEST ZONE NAD 83/2011 (CORS)
CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION

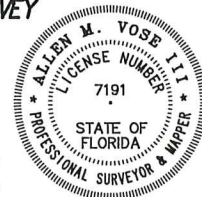
REVIEWED
REZ2022-00027
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/8/2023

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

Digitally signed by Allen M Vose III
Date: 2022.09.06 12:01:14 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191

- DATE SIGNED: 09-06-2022
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.



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S:_085\8850\SURVEYING\DESCRIPTIONS\8850 STRAP-13-45-24-00-00007.0000 SKT.DWG

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SURVEY LICENSE # LB 6880

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SKETCH OF DESCRIPTION
PORTION OF NE1/4 SECTION 13-45-24
LEE COUNTY, FLORIDA

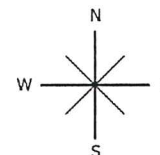
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09-06-2022	8850	STRAP SKT	AMY	AMY	1" = 150'	2	2	13-45-24

REZ2022-00027

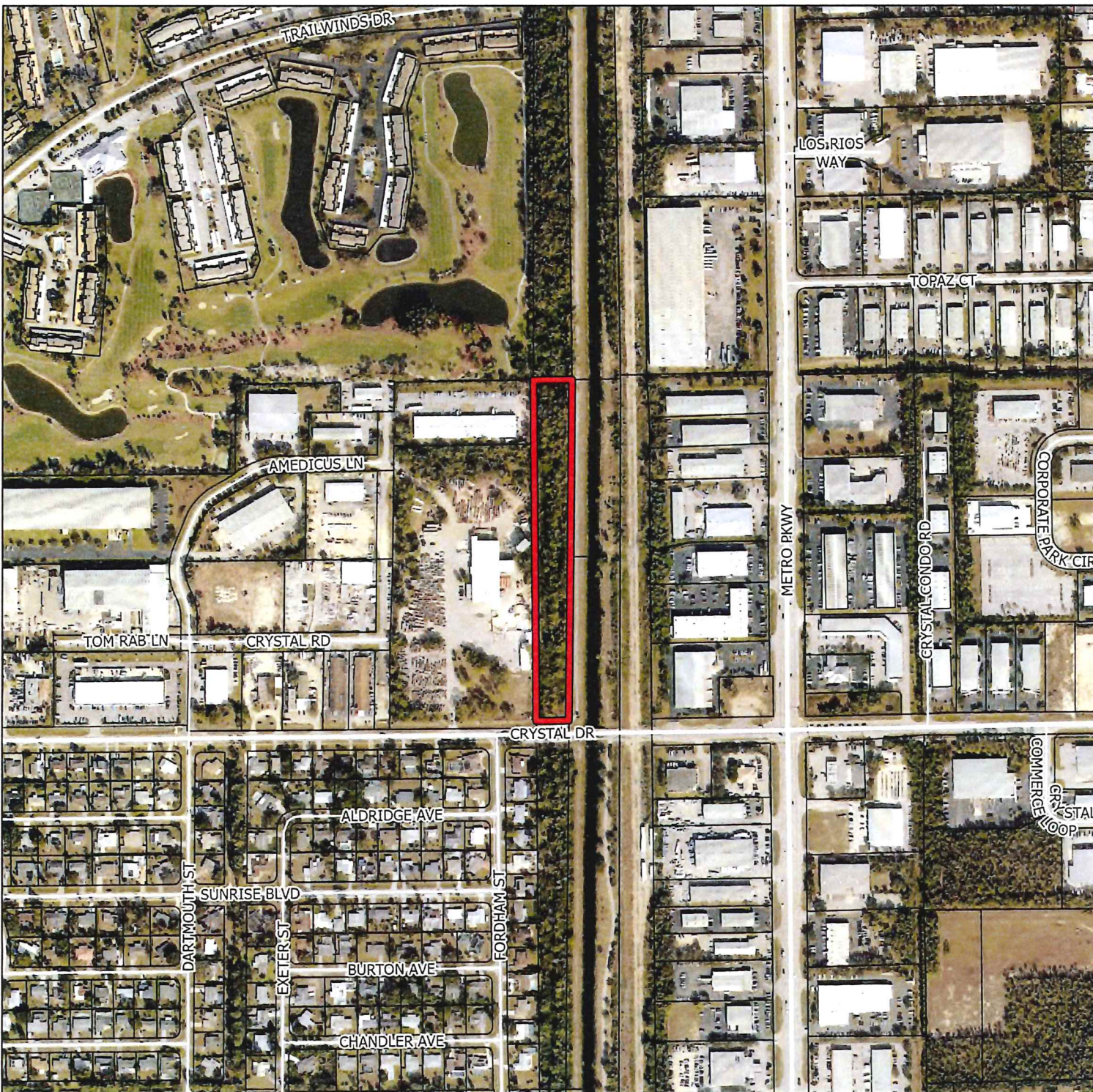
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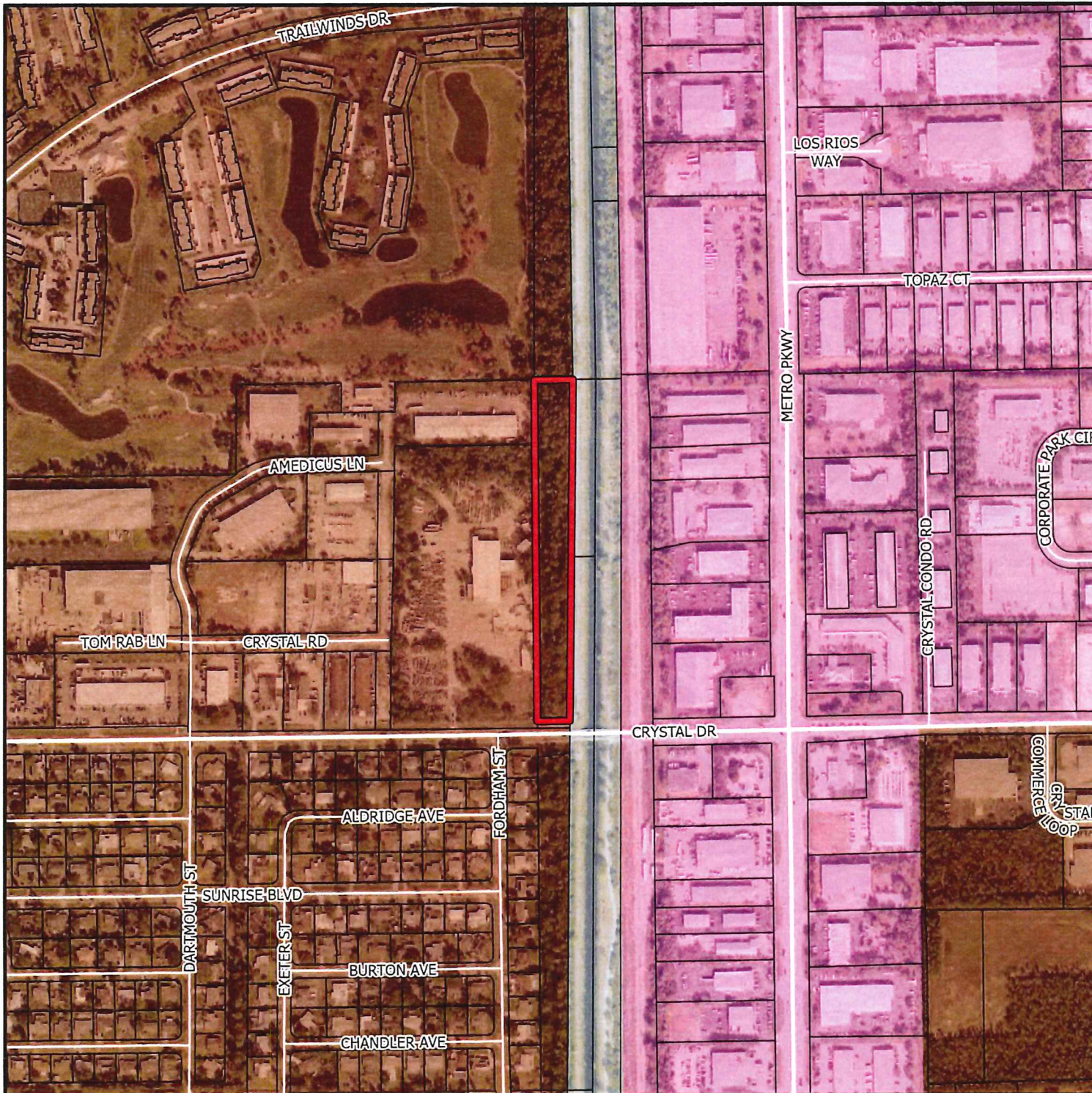
ATTACHMENT C

 Subject Property



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Feet

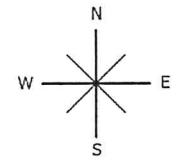




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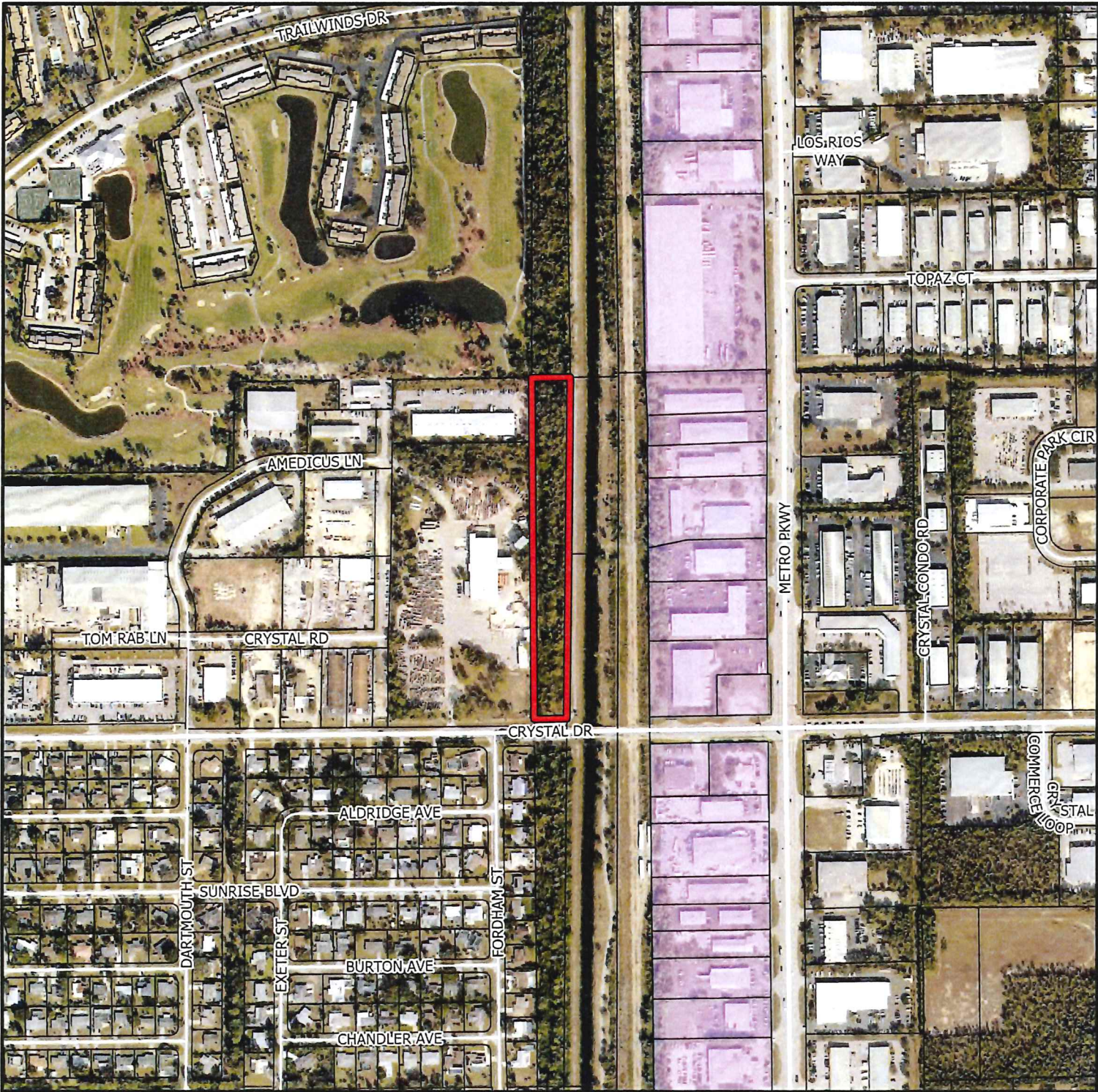
Future Land Use

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-  Central Urban
-  Industrial
-  Public Facilities



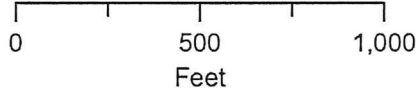
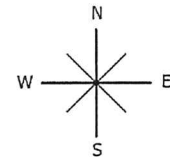
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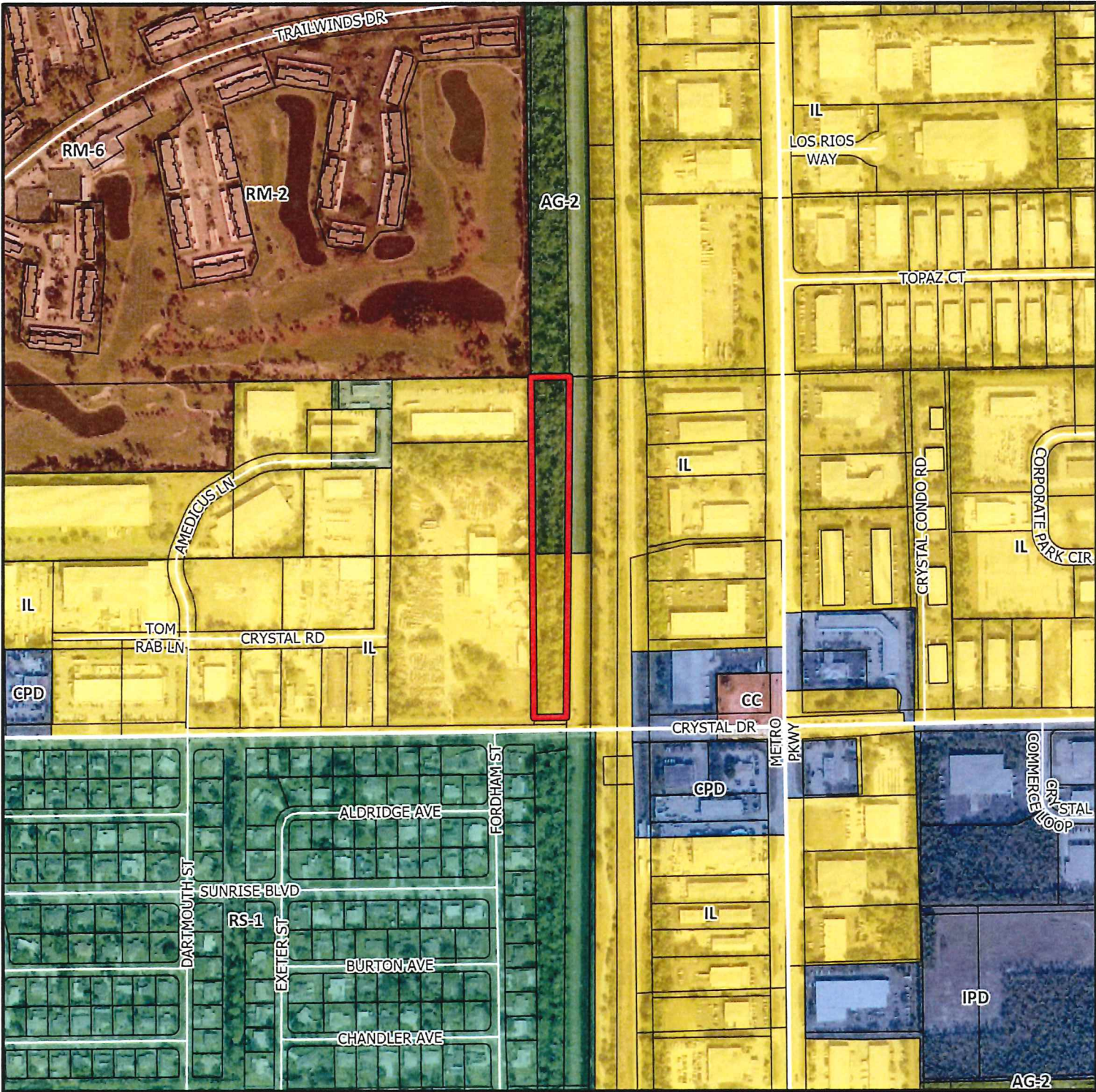




REZ2022-00027
Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay

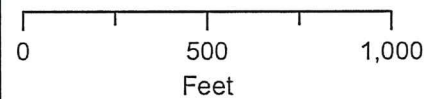
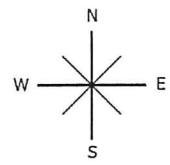


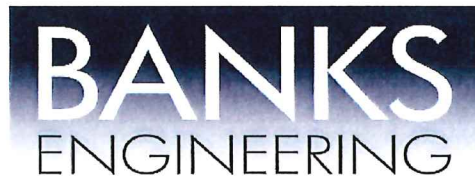


REZ2022-00027

Zoning

 Subject Property





ATTACHMENT D

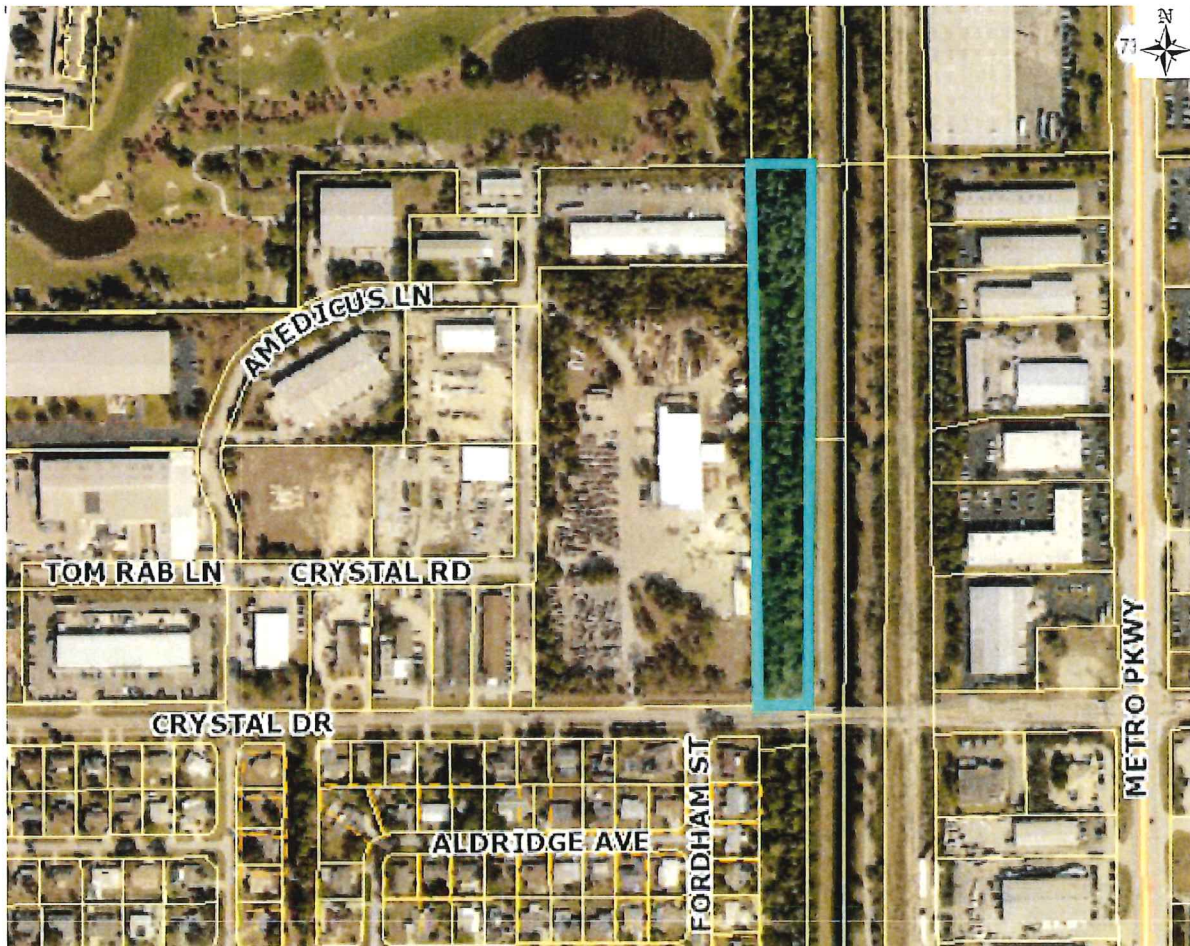
Professional Engineers, Planners & Land Surveyors

Crystal Drive Rezone

Narrative of Request

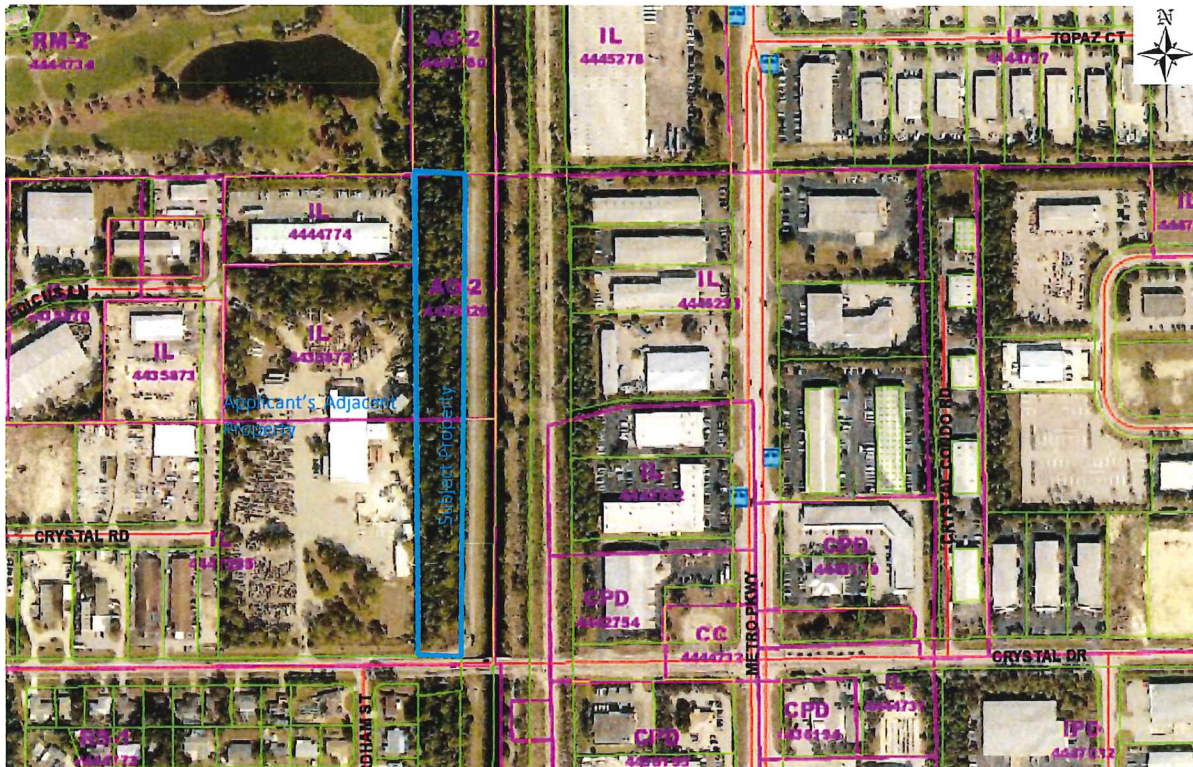
Introduction

The applicant, Crystal Park, LLC, is requesting approval of a conventional rezoning of approximately 3.84 acres located on the north side of Crystal Drive, approximately 750 feet west of Metro Parkway, from Light Industrial (IL) and Agricultural District (AG-2) to Light Industrial District (IL). The property is within the Central Urban Future Land Use Category within the South Fort Myers Planning District. The property is currently undeveloped as shown in the below aerial.



The subject property has split zoning as shown in the below zoning overlay with the north 2.04± acres zoned AG-2 and the south 1.8± acres already zoned IL (converted from IU industrial to IL industrial in 1978). The Lee County Property Appraiser's Office describes the property as former SAL Railroad right-of-way.

The subject 3.84± acres separate the existing business from the adjacent Lee County lands and railroad right-of-way to the east. The subject property will be developed under unified control with the applicant's adjacent property. The Approval of the request will provide one consistent zoning category for the applicant's property and expand the allowable uses on the northern 2.04± acres while remaining consistent and compatible with surrounding uses.



The property qualifies for the rezoning and the request meets the applicable required findings/review criteria set forth in Land Development Code section 34-145(d)(4)a.1. as follows:

(a) Complies with the Lee Plan

The proposed rezoning to IL is consistent with the Lee Plan. The southern half of the property has always been zoned industrial and deemed consistent with the Lee Plan.

The subject property is located in the Central Urban future land use category. The Comprehensive Plan describes the Central Urban future land use designation as follows:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/ acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Central Urban areas are appropriate for intense zoning categories as demonstrated by the existing IL zoning on and surrounding the site. The southern 1.8± acres of the subject property is already zoned IL as are several other parcels in the vicinity. The parcel adjacent to the west is zoned IL, as is the property adjacent to the south ½ of the east property line. Approval of the rezoning will provide one consistent zoning category for the site and will provide employment opportunities by expanding the development potential of the applicant's property adjacent to existing industrial lands along Crystal Drive. The allowable uses in the IL zoning district are consistent with this Policy. The proposed rezoning to IL is consistent with Policy 1.1.3.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are bypassed 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.

The southern ±1.8 acres of the property are already zoned IL. The proposed rezoning is located within a designated Future Urban Area and promotes contiguous and compact growth patterns by providing one consistent zoning category. Approval of the request will

expand the development potential for the applicant's property. The rezoning is consistent with Objective 2.1 and Policy 2.1.1.

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. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.

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

The southern 1.8± acres of the site are already zoned IL and the proposed rezoning will continue to promote growth in a Future Urban Area where adequate public facilities exist and where compact and contiguous development patterns can be created. The site has frontage on Crystal Drive (county-maintained major collector roadway). Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site. The rezoning is consistent with Objective 2.2 and Policy 2.2.1

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

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.

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. The submitted Letter of Availability demonstrates that there is sufficient capacity to serve development of the property. The applicant will be required to provide water service in accordance with the Lee County LDC at the time of local development order. The request is consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

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.

3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. The submitted Letter of Availability demonstrates that there is sufficient capacity to serve development of the property. The applicant will be required to provide sanitary sewer service in accordance with the Lee County LDC at the time of local development order. The request is consistent with Standard 4.1.2.

The existing IL zoning on the southern 1.8± acres is consistent with Goal 7 and its attendant Objectives and Policies and approval of the rezoning of the remainder of the property to IL will remain consistent.

GOAL 7: INDUSTRIAL LAND USES. *To promote opportunities for well-planned industrial development at suitable locations within the County.*

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

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

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to:*
 - a. *air emissions (rezoning and development orders);*
 - b. *impact and effect on environmental and natural resources (rezoning and development orders);*
 - c. *effect on neighbors and surrounding land use (rezoning);*
 - d. *impacts on water quality and water needs (rezoning and development orders);*
 - e. *drainage system (development orders);*
 - f. *employment characteristics (rezoning);*
 - g. *fire and safety (rezoning and development orders);*
 - h. *noise and odor (rezoning and development orders);*
 - i. *buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use (planned development rezoning and development orders);*
 - j. *impacts on transportation facilities and access points (rezoning and development orders);*
 - k. *access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
 - l. *utility needs (rezoning and development orders); and*
 - m. *sewage collection and treatment (rezoning and development orders)*

Given IL zoning on properties surrounding the site and on the site's south 1.8± acres, there is no question that the subject property is in an area identified as a suitable location for IL zoning. No variances are included with this rezoning request. Development of the property will be required to demonstrate compliance with the LDC and other applicable County regulations at the time of local development order approval. The rezoning will allow development of the property, increasing potential employment opportunities. The rezoning is located in close proximity to rail and on a major collector roadway. Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service

available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. The requested rezoning is consistent with Policy 7.1.1.

POLICY 7.1.2: Industrial developments requiring rezoning and meeting DCI thresholds must be developed as planned developments...

The proposed rezoning is only 3.84± acres and even if combined with the applicant's adjacent 12.5± acres, does not meet the thresholds for a development of county impact. A conventional rezoning application is consistent with Policy 7.1.2.

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

Given the site's southern 1.8± acres have always been zoned industrial and given the industrial zoning and uses on the surrounding properties, the area is appropriate for IL zoning and will remain compatible with neighboring uses. The request is consistent with Policy 7.1.3.

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

The site is located in a Future Urban area where adequate services and facilities exist. The site has frontage on Crystal Drive (county-maintained major collector roadway). Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site. The rezoning is consistent with Policy 7.1.4.

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

Development of the property will be required to meet setbacks, open space, buffering and site lighting requirements contained in the LDC at the time of local development order approval. There are also supplement development regulations for specific uses that would need to be followed if proposed on the property. Hideaway Country Club is adjacent to the northwest but the nearest residential building is 740± feet from the subject property and separated by the golf course. There are existing single-family homes to the south across Crystal Drive, a county-maintained major collector roadway, but the southern 640±' of the subject property is and has always been zoned industrial. The rezoning is consistent with Policy 7.1.6.

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

The north side of Crystal Drive has always been industrial in this area. The south side of Crystal Drive east of the railroad right-of-way is commercial and industrial. Although there are single-family homes south of Crystal Drive, the area is not predominantly residential and industrial traffic already exists. The request is consistent with Policy 7.1.7.

POLICY 7.1.8: All County actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic Element.

The requested rezoning is consistent with the goals, objectives, and policies of the Economic Element. Objective 158.4 and Policy 158.4.1 below demonstrate encouraging retention and expansion of existing companies. The requested rezoning will bring the applicant's property into one consistent zoning category which will enable development of the site. The requested rezoning is consistent with Policy 7.1.8, Objective 158.4 and Policy 158.4.1.

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the County's existing economic base.

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which assist existing companies in expansion efforts and new companies that desire to relocate to the County.

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

The southern 1.8± acres of the property are already zoned Light Industrial (IL). No variances are included with this rezoning request. Development of the property will be

required to demonstrate compliance with the LDC and other applicable County regulations at the time of local development order approval.

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

The southern 1.8± acres of the site and several of the surrounding properties are already zoned Light Industrial (IL), demonstrating appropriateness for industrial development of the property. This southern portion could be developed today. The proposed rezoning will have no impact on the compatibility with existing and planned uses in the surrounding area.

Adjacent to the north is an Agricultural (AG-2) zoned vacant strip of land within the Central Urban future land use category, owned by Hideaway Country Club adjacent to the northwest that is zoned Multi-Family (RM-2) and developed with the golf course. The nearest residential building is 740± feet from the subject property and separated by the golf course. Adjacent to the east is lands within the Public Facilities future land use category, zoned AG-2 and IL, developed with the John Yarbrough Linear Park, then lands within the Industrial Development future land use category, zoned IL and developed with the Seminole Gulf Railway, then lands zoned IL developed with industrial uses and lands zoned Commercial Planned Development (CPD) developed with commercial uses. Adjacent to the south is Crystal Drive, a county-maintained major collector roadway, then property zoned RS-1 with another vacant strip identified as former SAL railroad ROW then single family homes to the southwest. It should be noted that the southern 640± feet of the subject property across from these home has always been zoned industrial. The applicant owns the approximately 12.5 acre parcel adjacent to the west that is zoned Light Industrial (IL) and developed with approximately 29,768 square feet of industrial uses within 2 buildings, one built in 1964 and the other in 2001 under development order case number DOS2000-00116. The southern portion of this site was converted from IU industrial to IL industrial in 1978 and the northern portion was rezoned from AG to IL in 1982 pursuant to Resolution No. ZAB-82-396.

Development of the property will be required to meet setbacks, open space, buffering and site lighting requirements contained in the LDC at the time of local development order approval. There are also supplement development regulations for specific uses that would need to be followed if proposed on the property. Approval of the rezoning will remain consistent and compatible with existing and planned uses surrounding the property.

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

The site has frontage on Crystal Drive (county-maintained, 2-lane major collector roadway). Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Approval of the rezoning will provide one consistent zoning category for the applicant's property. A traffic impact statement will be required at the time of development order approval to demonstrate that development of the property will not adversely affect the Level of Service of the surrounding road network.

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

Although no impacts are expected on transportation facilities as a result of the requested rezoning since a portion of the site is already zoned for industrial development, any impacts on transportation facilities will be adequately addressed by existing County regulations and will be addressed with the required traffic impact statement during local development order review.

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

The rezoning of the subject property will not adversely affect environmentally critical or sensitive areas and natural resources. The southern 1.8± acres have always been zoned industrial and could be developed today. Development of the property will be required to meet the LDC requirements regarding environmental impacts, open space, buffering and landscaping requirements at the time of local development order approval.

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

The property is located within the Central Urban future land use category which is a Future Urban area. The applicant's existing development to the west is adequately served by existing urban services and the rezoning will have no impact on these existing services. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site.

In conclusion, the proposed rezoning from AG-2 and IL to IL is in compliance with the Lee County Comprehensive Plan, the Land Development Code and other applicable codes and regulations; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support the proposed development; the expected impact on transportation facilities will be addressed by existing County regulations; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services. Approval of the rezoning will provide one zoning category for the applicant's property and provide employment opportunities by expanding the potential for additional development in an existing industrial area along the Crystal Drive corridor while remaining consistent and compatible with the surrounding uses. For these reasons, the applicant respectfully submits that the rezoning request should be approved.



Lee County
Southwest Florida

ATTACHMENT E

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

September 1, 2022

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*

Natalie Figley
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: **Potable Water and Wastewater Availability
Crystal Drive Rezone, Railroad right-of way
STRAP # 13-45-24-00-00007.0000**

Dear Ms. Figley:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 1 industrial unit with an estimated flow demand of approximately 450 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

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

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

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

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

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

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

From: [Heredia, Jacqueline](#)
To: [Hickey, Lindsay](#)
Subject: RE: Additional info submitted for REZ2022-00027 / Crystal Drive Rezone
Date: Tuesday, March 28, 2023 10:28:55 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

ATTACHMENT F

Good Morning,

The School District has no comment REZ2022-00027 /Crystal Drive Rezone. The applicant is not proposing additional dwelling units nor are they proposing COP within 500' of school.

Please do not hesitate to reach out should you have any questions

Jacqueline Heredia

District Planning Specialist

2855 Colonial Blvd, Fort Myers, FL 33966

o: 239-335-1494

JacquelineHE@leeschools.net

www.leeschools.net

THE SCHOOL DISTRICT OF LEE COUNTY

PERSONAL | PASSIONATE | PROGRESSIVE



From: Princing, Jamie <JPrincing@leegov.com>

Sent: Thursday, February 16, 2023 11:09 AM

To: Hickey, Lindsay <LHickey@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Abes, Benjamin <Benjamin.Abes@leegov.com>; Alam, Md Rakibul <MAlam@leegov.com>; Beals, Nathan <NBeals@leegov.com>; Butt, Farhan <FButt@leegov.com>; David F. Hoel <Hoel@lcmcd.org>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; ext-Development Review (flylcpa.com) <developmentreview@flylcpa.com>; Dunn, Brandon <BDunn@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Holdaway, Britton <BHoldaway@leegov.com>; Heredia, Jacqueline <JacquelineHe@LeeSchools.net>; Lamey, Jason <JLamey@leegov.com>; Lee Tran Review <LeeTranReview@leegov.com>; Lighthall, Justin <JLighthall@leegov.com>; Regnaert, Armand <ARegnaert@leegov.com>; Roberts, Brian <BRoberts@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sarracino, Joseph <JSarracino@leegov.com>; Siverson, Camryn <CSiverson@leegov.com>; Solid Waste Division Website <SolidWaste@leegov.com>; Sulzer, Jessica

<JSulzer@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Talmage, John
<JTalmage@leegov.com>; Tapfumaneyi, Sandra <STapfumaneyi@leegov.com>; Workman, Elizabeth
<EWorkman@leegov.com>

Subject: Additional info submitted for REZ2022-00027 / Crystal Drive Rezone

NOTICE: This message originated from outside the District's network.

LEE COUNTY ZONING SECTION REVIEW *ePlan users: Please
note this submittal is available for review in ePlan**

DATE: February 16, 2023

Case Number: REZ2022-00027

Case Name: Crystal Drive Rezone

Planner: Lindsay Hickey

***REVIEWERS – Please review and E-mail your comments to
Lindsay Hickey LHickey@leegov.com no later than: **March 7, 2023****

The entire submittal is attached.

Thanks!!



Jamie Princing | Administrative Specialist

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8945

email: JPrincing@leegov.com

web: www.leegov.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.

RESOLUTION NUMBER Z-97-075

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

WHEREAS, Gerard A. McHale, Trustee filed an application for a rezoning from Light Industrial (IL) to Commercial Planned Development (CPD), in reference to Crystal Drive and Metro Parkway Commerce Center; and

WHEREAS, the subject property is located at 12180 Metro Parkway, and is described more particularly as:

LEGAL DESCRIPTION: In Section 18, Township 45 South, Range 25 East, Lee County, Florida:

Lots 1 & 2, Block B, METRO 88 SUBDIVISION, as recorded in Plat Book 39, Pages 19 & 20, of the Public Records of Lee County, Florida, lying in Section 18, Township 45 South, Range 25 East, Lee County, Florida; and

WHEREAS, the applicant has indicated the property's current STRAP number is 18-45-25-05-0000B.0010 & 18-45-25-05-0000B.0020; and

WHEREAS, Gerard A. McHale, Trustee, the owner of the subject parcel, authorized M. W. Morris & Associates, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on November 5, 1997 before the Lee County Hearing Examiner in Case No. 97-07-294.02Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on January 5, 1998 and February 2, 1998, before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES the rezoning from Light Industrial (IL) to Commercial Planned Development (CPD), as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject parcel must be in substantial compliance with the approved Master Concept Plan (MCP) for this development. The MCP is entitled "Crystal Drive and Metro Parkway Commercial Center," as prepared by M.W. Morris and Associates, Inc., dated June 1997, last revised October 8, 1997, and stamped received at the permit counter on October 14, 1997, except as modified herein.

2. The approved Schedule of Uses for this development includes only the following:

All uses permitted by right in the IL district as referenced in Table 34-940 of the LDC at the time of application as listed below:

ADMINISTRATIVE OFFICES
 ANIMAL CLINIC
 ANIMAL KENNEL, WHEN COMPLETELY ENCLOSED WITHIN A BUILDING
 CONTROL CENTER (including Humane Society)
 ATM (Automatic Teller Machine)
 AUTOMOBILE REPAIR AND SERVICE
 GROUP I
 GROUP II
 BLACKSMITH SHOP
 BROADCAST STUDIO, COMMERCIAL RADIO & TELEVISION
 BUILDING MATERIALS SALES
 BUS STATION/DEPOT
 BUSINESS SERVICES
 GROUP I
 GROUP II
 CATERERS
 CLEANING & MAINTENANCE SERVICES
 COLD STORAGE WAREHOUSE & PROCESSING PLANT (Including pre-cooling)
 COMMUNICATION TOWER
 100 FEET OR LESS IN HEIGHT
 COMPUTER AND DATA PROCESSING SERVICES
 CONTRACTORS & BUILDERS
 GROUP I
 GROUP II
 GROUP III
 EMERGENCY MEDICAL SERVICE (ambulance station)
 EMERGENCY OPERATIONS CENTER
 ENTRANCE GATES AND GATEHOUSES
 ESSENTIAL SERVICES
 ESSENTIAL SERVICE FACILITIES
 GROUP I
 EXCAVATION
 WATER RETENTION
 FIRE STATION
 GASOLINE DISPENSING SYSTEM, SPECIAL
 GOVERNMENT MAINTENANCE FACILITY
 HEALTH CLUB OR SPA
 LAUNDRY OR DRY CLEANING, GROUP II
 MACHINE SHOP
 MANUFACTURING, REPAIR OR WHOLESALE SALES OF:
 APPAREL
 COSMETICS, PERFUMES, ETC.
 ELECTRICAL MACHINERY & EQUIPMENT
 FOOD & KINDRED PRODUCTS
 GROUP III
 FURNITURE & FIXTURES
 LEATHER PRODUCTS
 GROUP II
 LUMBER & WOOD PRODUCTS
 GROUP II & IV
 MACHINERY
 GROUP I

GROUP II
 MEASURING, ANALYZING & CONTROLLING INSTRUMENTS
 NOVELTIES, JEWELRY, TOYS & SIGNS, GROUPS I, II AND III
 PAPER AND ALLIED PRODUCTS
 GROUP II
 GROUP III
 RUBBER & PLASTIC PRODUCTS
 GROUP II
 STONE, CLAY, GLASS OR CONCRETE PRODUCTS
 GROUP I
 GROUP III
 TEXTILE MILL PRODUCTS
 GROUPS I & II
 MASS TRANSIT DEPOT OR MAINTENANCE FACILITY (Government)
 MESSAGE ANSWERING SERVICE
 MINI-WAREHOUSE
 MOBILE HOME DEALERS
 MOTION PICTURE PRODUCTION STUDIOS
 NONSTORE RETAILERS, ALL GROUPS
 OXYGEN TENT SERVICES
 PARCEL & EXPRESS SERVICES
 PARKING:
 ACCESSORY
 TEMPORARY
 PARKS, PUBLIC & PRIVATE, GROUPS I AND II
 PERSONAL SERVICES, GROUP III
 PHOTO FINISHING LABORATORY
 PLACE OF WORSHIP
 POLICE OR SHERIFF STATION
 POST OFFICE
 PRINTING AND PUBLISHING
 PROCESSING AND WAREHOUSING
 RECYCLING FACILITY (DF)
 RELIGIOUS FACILITIES
 RENTAL OR LEASING ESTABLISHMENTS
 GROUP II
 GROUP III
 GROUP IV
 REPAIR SHOPS
 GROUPS I, II, III AND IV
 GROUP V
 RESEARCH AND DEVELOPMENT LABORATORIES
 GROUP II AND IV
 RESTAURANT
 GROUP I
 GROUP II
 RETAIL & WHOLESALE SALES, when clearing incidental & subordinate to a
 permitted principal use on the same premises
 SCHOOLS, COMMERCIAL
 SCHOOLS, NONCOMMERCIAL
 LEE COUNTY SCHOOL DISTRICT
 SIGNS IN COMPLIANCE WITH CHAPTER 30

SOCIAL SERVICES, GROUP II
 STORAGE
 INDOOR
 OPEN
 STUDIOS
 TRANSPORTATION SERVICES, GROUPS II, III AND IV
 VEHICLE AND EQUIPMENT DEALERS
 GROUP III
 GROUP IV
 GROUP V
 WAREHOUSE
 MINI-WAREHOUSE
 PRIVATE
 PUBLIC
 WHOLESALE ESTABLISHMENT
 GROUP III
 GROUP IV

In addition, the following uses are permitted by right:

BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I ONLY
 BOATS: BOAT PARTS STORE
 BOAT REPAIR AND SERVICE
 DRIVE-THRU FACILITY FOR ANY PERMITTED USE
 FACTORY OUTLET, POINT OF MANUFACTURE ONLY
 FARM EQUIPMENT SALES, STORAGE, RENTAL, OR SERVICE
 FENCES, WALLS
 FREIGHT AND CARGO HANDLING ESTABLISHMENTS
 HARDWARE STORE
 HEALTH CARE FACILITY, GROUP III with pharmacy as accessory use.
 INSURANCE COMPANIES
 PAINT, GLASS AND WALLPAPER (limited to sales primarily to the trades)
 USED MERCHANDISE STORES, GROUP II ONLY
 VEHICLE AND EQUIPMENT DEALERS, GROUP II (limited to lawnmower
 dealers)

3. Development of the subject property must comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

Minimum Setbacks - Buildings And Structures:

Street:	Variable (LDC Section 34-2192)
Side:	15 feet
Rear:	25 feet

Maximum Lot Coverage:	40 percent
-----------------------	------------

Maximum Building Height: Two habitable floors and 35 feet

4. Each development parcel within the Crystal Drive and Metro Parkway Commerce Center CPD must provide a minimum of 10 percent open space, in addition to the open space within the 50-foot-wide buffer required per Resolution 7-78-14. This will equal a total of 20 percent open space for the total CPD.
5. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
6. Approval of this rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
7. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.
8. The two uses of "Convenience Food and Beverage Store" and "Self Service Fuel Pumps" may be removed from the CPD approved in Zoning Resolution Z-97-030 and added to the permitted uses of this CPD by the simultaneous filing of Administrative Amendments deleting said uses from the list of permitted uses in CPD Z-97-030 and adding them to the list of permitted uses in this CPD. In any event, these uses cannot exist in both CPD's. This option to move uses will expire two years after the date of this resolution.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from the Lee County development standards as set forth below:

Deviation (1) - WITHDRAWN BY APPLICANT.

Deviation (2), from LDC Section-935(c)(2) which prohibits parking or internal roads or drives from being located closer than 25 feet from the development perimeter, to allow a 5-foot setback for an internal road along the northern property line, and to allow a 15-foot setback for an internal road along the southern property line, is hereby **APPROVED**.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
3. That the request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

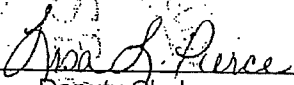
4. That the request is compatible with existing or planned uses in the surrounding area.
5. That approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
6. That, where applicable, the request will not adversely affect environmentally critical areas or natural resources.
7. That the proposed use or mix of uses is appropriate at the subject location.
8. That the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
9. That the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
10. That the requested deviation enhances the achievement of the objectives of the planned development.
11. That the requested deviation preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.
12. That, urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

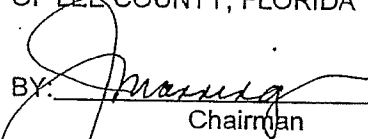
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of February, 1998.

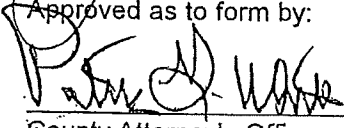
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

MINUTES DEPARTMENT
FILED FEB 4 1998
lp

SCHEDULE OF PERMITTED USES:

ALL USES PERMITTED BY RIGHT IN THE "A-1" DISTRICT AS LISTED ON TABLE 34-840 OF THE LEE COUNTY LAND DEVELOPMENT CODE, AND ALL OF THE FOLLOWING USES AS LISTED ON TABLE 34-834 OF THE LEE COUNTY LAND DEVELOPMENT CODE IN EFFECT AT DATE OF APPROVAL OF THIS PLANNED DEVELOPMENT:

1. AUTO PARTS STORE
2. BAKES AND FINANCIAL ESTABLISHMENTS, GROUP I ONLY
3. BOATL
4. BOAT PARTS STORE
5. BOAT REPAIR AND SERVICE
6. CAR WASH
7. CONVENIENCE FOOD & BEVERAGE STORE
8. DRIVE-THRU FACILITY FOR ANY PERMITTED USE
9. DRUGSTORE, PHARMACY
10. ESSENTIAL SERVICES, GROUPS I and II
11. FACTORY OUTLETS, PORT OF MANUFACTURE ONLY
12. FARM EQUIPMENT SALES, STORAGE, REPAIR, OR SERVICE
13. FENCES, WALLS
14. FRESH AND CURED MEAT HANDLING ESTABLISHMENTS
15. HARDWARE STORE, limited to sales primarily to the trades
16. HEALTHCARE FACILITY, GROUP II
17. HOUSEHOLD AND OFFICE FURNISHINGS, GROUP I ONLY
18. INSURANCE COMPANIES
19. MANUFACTURING OF FINISHED METAL PRODUCTS, GROUP II
20. MACHINERY, GROUPS I AND II, LIMITED TO ASSEMBLY OF FINISHED PRODUCT FROM COMPONENT PARTS
21. MEAT, POULTRY, FISH, AND SEAFOOD PROCESSING
22. MEAT, POULTRY, FISH, AND SEAFOOD SALES
23. MEAT, POULTRY, FISH, AND SEAFOOD STORAGE
24. MEAT, POULTRY, FISH, AND SEAFOOD STORAGE, GROUP I ONLY
25. MEAT, POULTRY, FISH, AND SEAFOOD STORAGE, GROUPS I and II
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WITHDRAWN

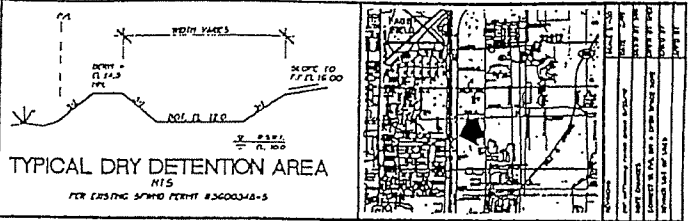
NOTIFICATION FOR DEVIATION #1:
THE ALLOCATION FOR 140,000 SQUARED FEET OF METRO PARKWAY SPACE ON METRO PARKWAY DOES NOT TAKE INTO CONSIDERATION EXISTING ACCESSWAYS TO BUSINESSES OR EXISTING PLATTED LOTS AS SMALL AS 100 FEET PROPERTY DEVICES. THIS PROPOSED DEVELOPMENT AREA CONSISTS OF 140,000 PLATTED LOTS, AT THE TIME OF PLATTING A DISCREPANCY OF 140,000 JOINT ACCESS PLACEMENT WAS ESTABLISHED BY LEE COUNTY FOR DEVELOPMENT AREA. THIS DEVIATION WILL ALLOW THE LEE COUNTY TO ESTABLISH ACCESS FROM PLATTED LOTS TO THE SUBDIVISION APPROVAL OF THIS PROPERTY BY LEE COUNTY.

WITHDRAWN

NOTIFICATION FOR DEVIATION #2:
THE ALLOCATION FOR 140,000 SQUARED FEET OF METRO PARKWAY SPACE ON METRO PARKWAY DOES NOT TAKE INTO CONSIDERATION EXISTING ACCESSWAYS TO BUSINESSES OR EXISTING PLATTED LOTS AS SMALL AS 100 FEET PROPERTY DEVICES. THIS PROPOSED DEVELOPMENT AREA CONSISTS OF 140,000 PLATTED LOTS, AT THE TIME OF PLATTING A DISCREPANCY OF 140,000 JOINT ACCESS PLACEMENT WAS ESTABLISHED BY LEE COUNTY FOR DEVELOPMENT AREA. THIS DEVIATION WILL ALLOW THE LEE COUNTY TO ESTABLISH ACCESS FROM PLATTED LOTS TO THE SUBDIVISION APPROVAL OF THIS PROPERTY BY LEE COUNTY.

NOTIFICATION FOR DEVIATION #3:
A DEVIATION FROM THE LAND DEVELOPMENT CODE, SECTION 34-835(012) - UNUSUAL SITUATIONS OF PAVEMENT FROM 14' TO 20' 11" MINIMUM PAVEMENT SETBACK FROM THE DEVELOPMENT PERMITTER, TO ALLOW A MINIMUM PAVEMENT SETBACK OF 12' 11" FROM THE PROJECT'S DEVELOPMENT PERMITTER AS SHOWN ON THE MAP.

NOTIFICATION FOR DEVIATION #4:
THE PLANNED 20' 11" SETBACK FOR PAVEMENT FROM THE ADJACENT VACANT PROPERTY DOES NOT ALLOW EFFECTIVE USAGE OF THE PLANNED JOINT ACCESS EASEMENT BETWEEN THE PARTIALS. THE LOCATION OF THE JOINT ACCESS EASEMENT ON A SHARED LOT LINE LIMITS DESIGN POSSIBILITIES FOR EFFECTIVE INTERNAL TRAFFIC CIRCULATION AND FIRE PROTECTION. CONSIDERATION OF PRACTICES IN THIS AREA IS TO CONSTRUCT PAVED FIRE ACCESS LANE DOWN THE PERMITS OF THE BUILDING SITE WHICH SERVICES AND PROTECT ADJACENT PROPERTIES WHILE MAINTAINING UNNECESSARY DUTY OF INFRASTRUCTURE.



LOCATION MAP

LEGAL DESCRIPTION:

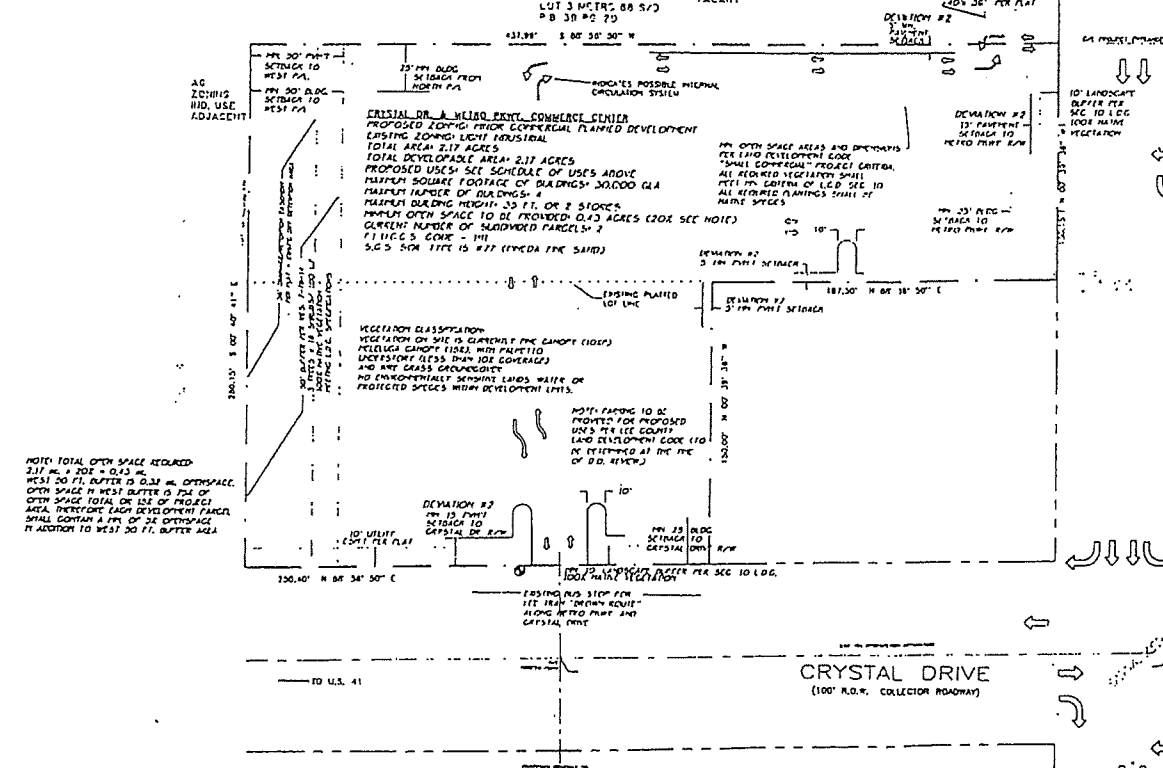
LOTS 1, & 2, BLOCK "B" OF "METRO 85", A SUBDIVISION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST, RECORDED IN PLAT BOOK 39, AT PAGE 40, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPOSED SURFACE WATER MANAGEMENT SYSTEM PLAN

THIS PROPERTY IS PART OF A SUBDIVISION WITH A SURFACE WATER MANAGEMENT SYSTEM. THIS SURFACE WATER MANAGEMENT SYSTEM IS APPROVED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) UNDER PERMIT #156-00348-5. EXCESS SURFACE WATER RUNOFF FROM THIS PROPERTY IS DIRECTED TO THE WEST DETENTION AREA FOR WATER QUALITY PRE-TREATMENT AND STORAGE FOR EVENTUAL DISCHARGE VIA PIPE AND PUMP-OUT INTO THE CANAL. THIS EXISTING DESIGN REQUIRED A FIRM FLOOR ELEVATION OF 16.0 MGD. EXISTING GROUND IS APPROX. 14.5 MGD. EACH BLENDING SITE REQUIRES APPROXIMATELY 1,000 G.P.D. OF TREATMENT. THE PROPERTY IS NOT WITHIN THE FIRM 100-YR FLOOD CONTOUR.

PROPOSED DEVELOPMENT REGULATIONS

PERMIT FOR 140,000 SQUARED FEET OF METRO PARKWAY SPACE ON METRO PARKWAY DOES NOT TAKE INTO CONSIDERATION EXISTING ACCESSWAYS TO BUSINESSES OR EXISTING PLATTED LOTS AS SMALL AS 100 FEET PROPERTY DEVICES. THIS PROPOSED DEVELOPMENT AREA CONSISTS OF 140,000 PLATTED LOTS, AT THE TIME OF PLATTING A DISCREPANCY OF 140,000 JOINT ACCESS PLACEMENT WAS ESTABLISHED BY LEE COUNTY FOR DEVELOPMENT AREA. THIS DEVIATION WILL ALLOW THE LEE COUNTY TO ESTABLISH ACCESS FROM PLATTED LOTS TO THE SUBDIVISION APPROVAL OF THIS PROPERTY BY LEE COUNTY.



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APPROVED

Station Concept Plan
Site Plan # 12-01-01
Subject to conditions in Resolution 2-22-16
Issuing Date: 12-22-2016

PROJECT # 12-01-01-01-01-01

PROJECT TYPE 12

CPD ZONING

CONFORMANCE ROADWAYS

GRAPHIC SCALE IN FEET

DWG. # 120014-001
DESIGNED BY: J. M. MORRIS
REVISED SEPT. 9, 1997
REVISED OCT. 6, 1997

PROJECT: CPD MASTER CONCEPT PLAN FOR CRISTAL DRIVE AND METRO PARKWAY COMMERCIAL CENTER LEE COUNTY, FLORIDA
DESIGNED BY: JOHN H. GRANT
DRAWN BY: J. M. MORRIS
CHECKED BY: J. M. MORRIS
DATE: 12-22-2016
SHEET: 1 OF 1

RESOLUTION NUMBER ZAB-82-396

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

WHEREAS, Currier Roofing Company, has properly filed an application for a District Boundary change in the AG District to IL with a variance from all minimum access requirements on a piece of property located at existing Currier Roofing Warehouse, North of Crystal Drive, East of Seaboard RR, South of Page Park, described more particularly as;

Sec. 13, Twp. 45S, Rge. 24E, Lee County, Florida
PARCEL "A"

A tract or parcel of land lying in the north half (N $\frac{1}{2}$) of the northeast quarter (NE $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of Section 13, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the southeast corner of said fraction of a section run S89°17'50" W along the south line thereof for 217.51 feet to a point on the westerly line of the former Seaboard Airline Railroad, as described in Deed recorded in Deed Book 108 at page 320 of the public records of Lee County and the point of beginning of the lands herein described. From said point of beginning run N 0°31'00" W along said westerly line for 421.00 feet; thence run S 89°17'50" W parallel with said south line of said fraction of a section for 517.56 feet to a point on the easterly line of a roadway easement 60 feet wide; thence run S0°29'30" W parallel with the west line of said fraction of a section along the easterly line of said roadway easement for 421.09 feet to a point on the south line of said fraction of a section; thence run N 89°17'50" E along said south line for 524.97 feet to the point of beginning. Containing 5.0 acres more or less.

TOGETHER WITH the hereinabove mentioned roadway easement 60 feet wide.

Bearings hereinabove mentioned are true from the centerline survey of State Road No. 45. (5 Acres)

WHEREAS, Edward A. Currier and Nell S. Currier, the owner of the subject parcel has given proper authorization to Peter Eckenrode to act as his agent, and has given him/her the authority to pursue this zoning action; and,

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

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of a District Boundary Change to IL with the condition that a 25 ft. landscaped buffer be placed on the north side of the property and approval of the variance from all minimum access requirements based on the fact that the proposed subject zoning is consistent with the LCCP, and with surrounding land use.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

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

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

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

The Board does hereby find that this is a logical extension and limit of an existing industrial pocket.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a change in zoning from AG to IL and grants the variance from all minimum access requirements.

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

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

DULY PASSED AND ADOPTED this 18th day of October, A.D., 1982.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurt
Deputy Clerk

BY: Mike Roeder
Chairman

Approved as to form by:

Robert Hartman
County Attorney

RESOLUTION NUMBER ZAB-82-396

HEARING NUMBER 82-7-35 (DCI)

ATTACHMENT I

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL SCIENCES STAFF REPORT

CASE NUMBER: REZ2022-00027
TYPE OF CASE: Rezoning
CASE NAME: Crystal Drive Rezone
TOTAL ACREAGE: 3.84 acres
SUFFICIENCY DATE: March 10, 2023
HEARING EXAMINER DATE: May 11, 2023

Request

The applicant has requested to rezone approximately 3.84 acre parcel that is currently zoned Agricultural (AG-2) to Light Industrial (IL). Environmental Sciences staff have reviewed the case and inspected the 3.84 acre parcel and provided the following analysis.

Protected Species and Indigenous Habitat

Environmental Staff conducted a site inspection on November 29, 2022. The project site consist mainly of exotic vegetation. Canopy cover included Australian Pines, Earleaf Acacia, Ficus, and Melaleuca. Understory vegetation contained Brazilian Pepper and caesarweed. Environmental Sciences staff inspected the site for protected species and observed no protected species.

Open Space and Landscaping

Depending on the amount of impervious proposed to support the use, the site may be considered a large project (10-1). The applicant will be required to provide 20% open space if the project is considered large. If the project is considered small, 10% open space is required. The applicant will be required to provide buffers per LDC Section 10-416(d). At time of development order, the applicant must comply with the LDC or seek a variance.

SUMMARY

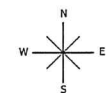
In order for the rezoning case to be considered for approval, the hearing examiner must make a number of findings per LDC Section 34-145(d)(4). One of the findings is that the proposed rezoning case will not adversely affect environmentally critical or sensitive areas and natural resources. As described, the 3.84 acre parcel did not contain protected species and no native vegetation. There were no environmentally sensitive areas on site. The applicant will be required to comply with all state and federal requirements. Therefore, this finding is being met.

LEE COUNTY WALKWAYS & BIKEWAYS

ATTACHMENT J

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

Ord. No. 17-13



0 1 2 3 4 5
Miles

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

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

Lee Plan Map 3-D

