

**M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: June 12, 2023

**TO: Board of County Commissioners FROM: Donna Marie Collins
Lee County Chief Hearing Examiner**

**RE: GATOR RECREATION
Hearing Examiner Recommendation**

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

GATOR RECREATION

DCI2022-00024

HEARD: June 1, 2023

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office
Joseph Adams, Esq. / County Attorney's Office
Anthony Rodriguez, AICP / Zoning Section
Adam Mendez / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Jamie Prancing / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

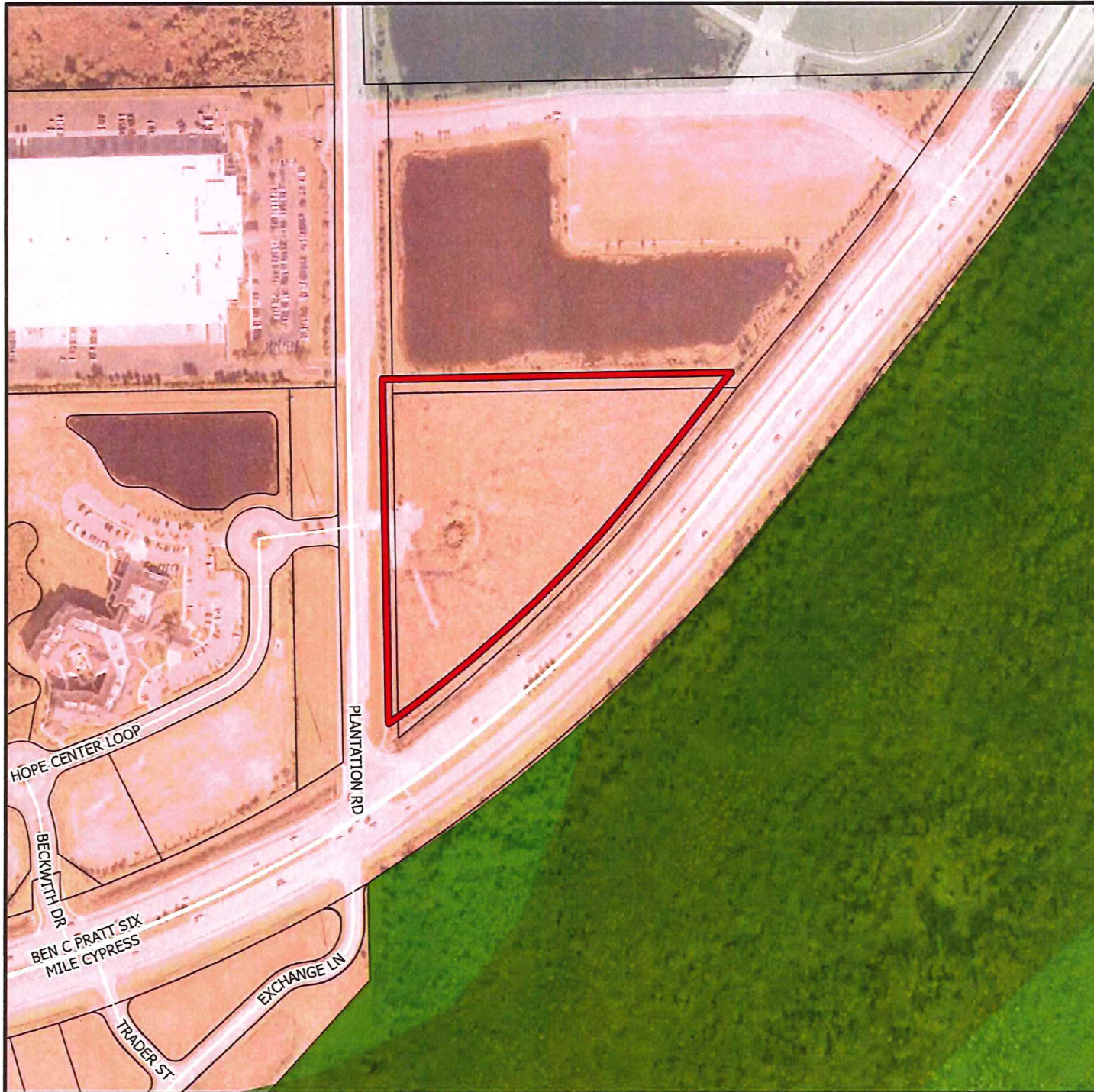
Summary of Hearing Examiner Recommendation

GATOR RECREATION

The property is in the Intensive Development Future Land Use category, which permits the most intense development possible under the Lee Plan. These areas are considered suited for high density and intensity of development.

The site is also located within a Mixed Use Overlay. The Overlay is desirable for mixed-use development due to the proximity of public transit, shopping, and employment centers.

Detailed recommendation follows



DCI2022-00024


Future Land Use

 Subject Property

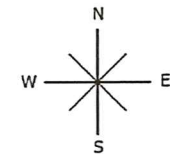
Intensive Development

Public Facilities

 Conservation Lands - Upland

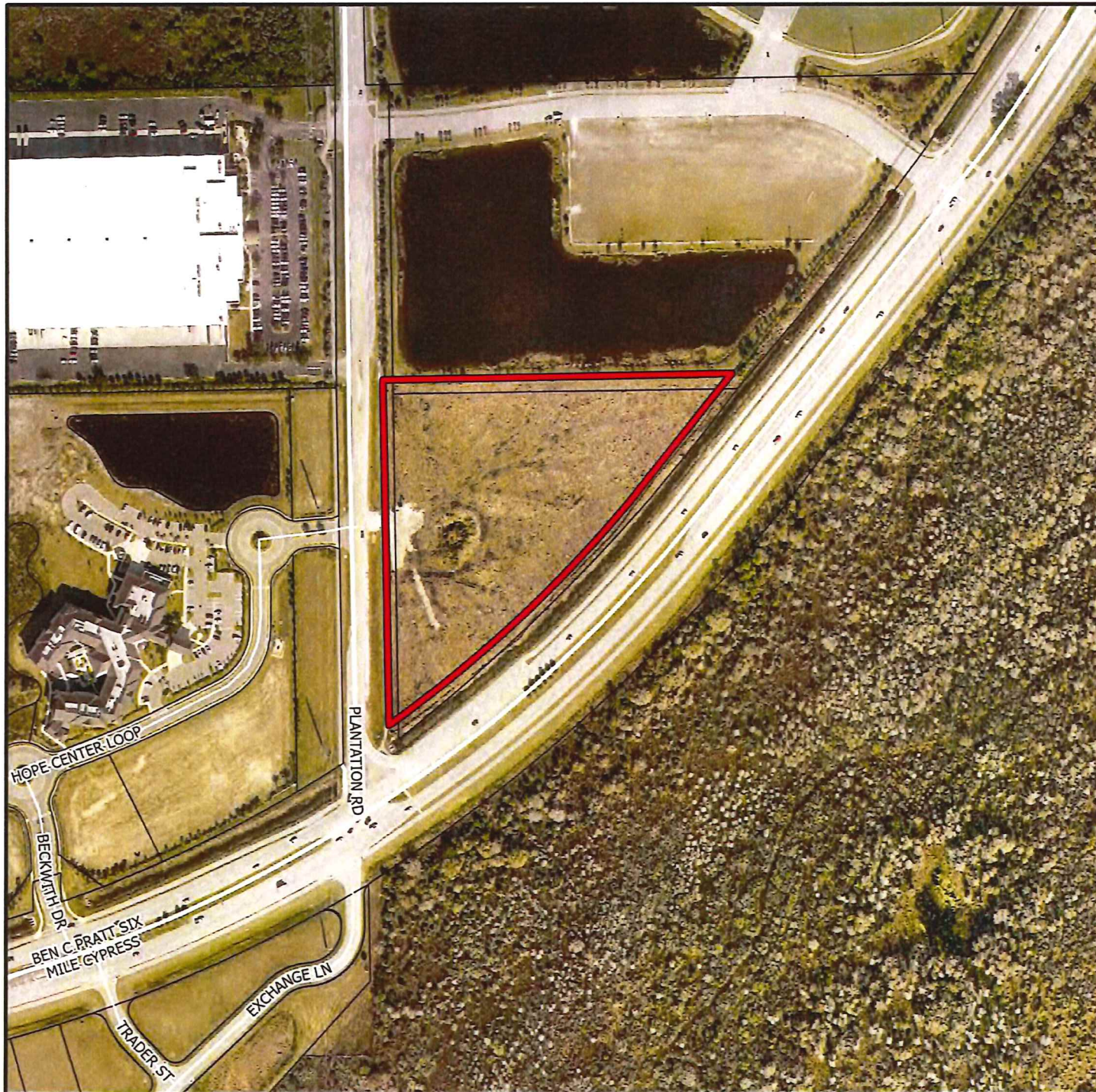
 Wetlands

 Conservation Lands - Wetland



0 500
Feet

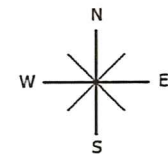




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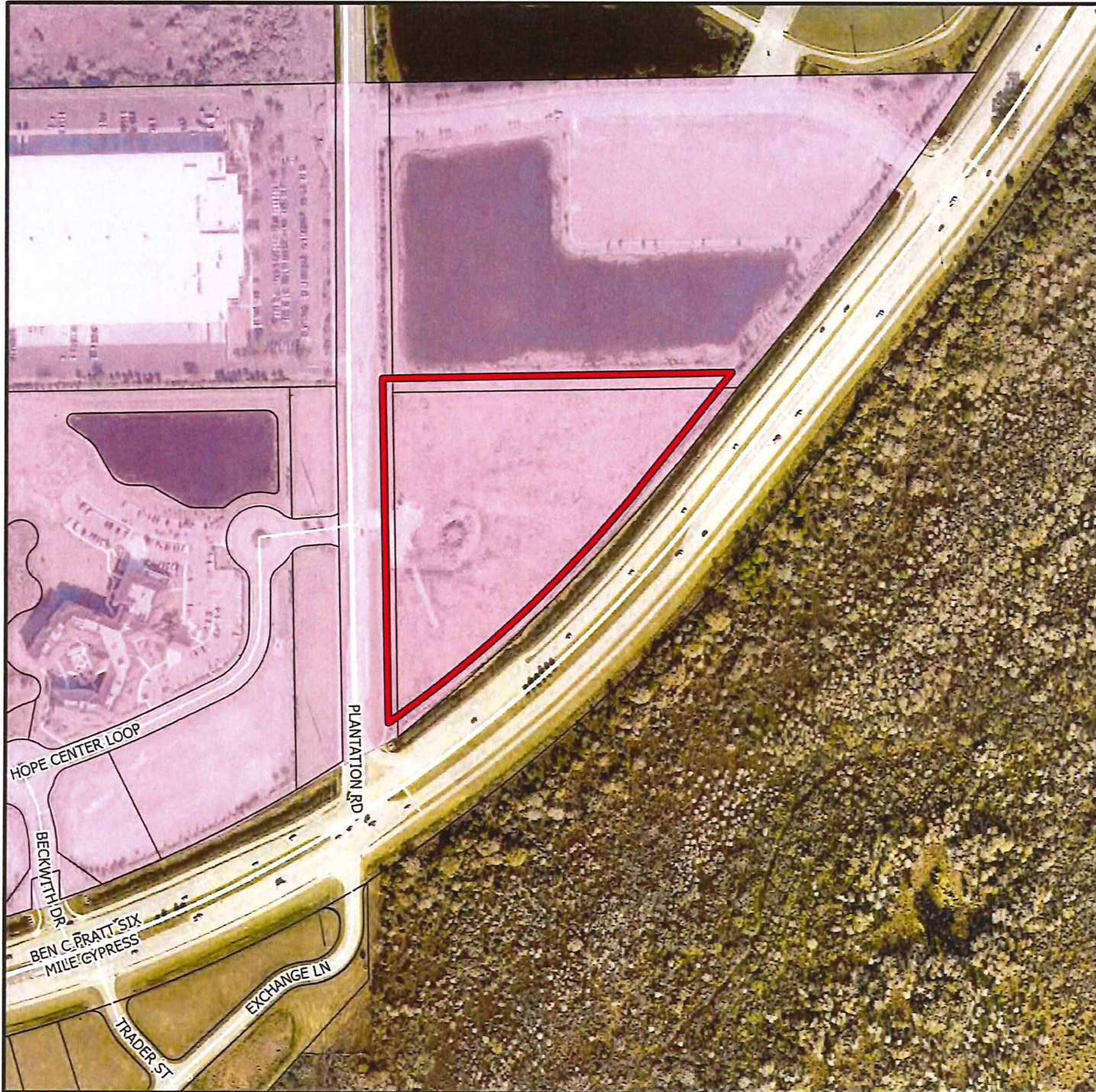
Aerial

 Subject Property





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Feet

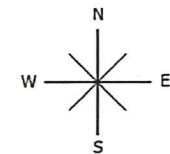




DCI2022-00024

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00024

Regarding: **GATOR RECREATION**

Location: 14300-320 Ben C. Pratt Six Mile Cypress Parkway
South Fort Myers Planning Community

District 2

Hearing Date: April 6, 2023 (Not Heard)

Continued Date: June 1, 2023

I. Request

Rezone 7.1 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 90,000 square feet of commercial, office, and retail land uses, 70,000 square feet of commercial recreation, 250 hotel rooms, and 210 multi-family units, including 111 bonus density units.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

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

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property to the Mixed Use Planned Development (MPD) district.

In preparing a recommendation, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The Hearing Examiner may also take judicial notice of prior zoning decisions.² The record must contain substantial competent evidence to support the recommendation.

¹ LDC 34-145(d)(4) a.

² Lee County Administrative Code AC 2-6, §2.3D(4)(b).

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

Synopsis of Request

The request seeks to rezone 7.1 acres from the Commercial Planned Development (CPD) district to MPD in South Fort Myers.

Proposed development parameters include 90,000 square feet of commercial, office, and retail land uses, 70,000 square feet commercial recreation, 250 hotel rooms, and 210 multiple family dwelling units, which includes up to 111 bonus density units.

Bonus density means an increase in density above the standard range permitted by the Lee Plan.³ Density bonus may be achieved through the County's "Bonus Density Housing Program" and Transfer Development Rights (TDR) credits. Applicant intends to use a combination of both.

The Master Concept Plan (MCP) depicts three primary structures surrounded by surface parking. One structure is identified as a mixed use building containing hotel, and commercial/retail land uses. This building will be up to 100 feet in height. The MCP depicts another structure as a parking garage 60 feet in height. The MCP depicts a third structure labeled "commercial & residential" at 135 feet in height.

Maximum building heights will be 135 feet.

Staff recommends approval with conditions.

Character of Area

The area is densely settled with medical and commercial offices, a hospital, high school, assisted living, commercial, multi-family residential and the Lee County Sports Complex. (Hammond Stadium).

Two arterial roadways border the property: Six Mile Cypress Parkway and Plantation Road. Hope Preserve MPD is developing across Plantation Road to the west. Hope Preserve is approved for medical office, retail, and assisted living. Across Six Mile Cypress Parkway is the Six Mile Cypress Slough. South and west of the property is the Metro Parkway intersection and Sun Harvest Citrus, a retail operation/tourist attraction.

History

The Board rezoned the property to CPD in 2005. Approved development parameters include 81,400 sq. ft commercial land uses. The commercial square

³ LDC §2-143.

footage includes a 60,400 sq. ft recreation complex and an outparcel approved to develop up to 21,000 sq. ft of commercial land uses.

The Board later adopted Lee Plan amendments establishing the Mixed Use Overlay, which includes the site.

Lee Plan

The property is in the South Fort Myers planning district. The property is in the Intensive Development Future Land Use category, the most intense under the Lee Plan. Intensive Development areas are located along major arterial roads with access to a wide array of services. These areas are considered suited for high density and intensity of development.⁴

Mixed Use Overlay

The site is also located within a Mixed Use Overlay.⁵ The Mixed Use Overlay is desirable for mixed use development due to the proximity of public transit, shopping, and employment centers.

Medical/commercial office uses, schools, and a sports complex are in the immediate vicinity. Gulf Coast Hospital lies to the north at the intersection of Metro and Daniels Parkway. Large commercial shopping centers are located at the intersections of Six Mile Cypress Parkway, U.S. 41, and Daniels Parkway.

Lee Tran Route 80 travels along Plantation Road on the site's west boundary.⁶ There is a transit stop in proximity to the project. Sidewalks and bicycle lanes on Plantation Road and Six Mile Cypress Parkway connect to similar facilities on Metro and Daniels Parkways.⁷

Bonus Density

Standard density permits up to 14 dwelling units on the site.⁸ Applicant proposes an additional 111 units via bonus density. This brings the permissible unit count to 210 multifamily dwellings.

The Board has discretion to approve a rezoning request with/without bonus density.⁹ The Board also has discretion to limit the number of units using bonus density to less than the maximum total density allowed, or the Board may impose

⁴ See Lee Plan Table 1(a).

⁵ Lee Plan Map 1-C: Mixed Use Overlay.

⁶ Lee Plan Policy 39.1.3.

⁷ Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways.

⁸ Intensive Development areas may develop up to 14 units per acre by right, with a maximum total density of 22 dwellings per acre. Maximum total density may be further increased to 30 dwellings per acre utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.2.

⁹ LDC §2-147(b)(4).

reasonable conditions, if the proposed density is contrary to public health, safety, and welfare.¹⁰

Density bonus is achievable through Affordable Housing Programs or Transfer of Development Rights.¹¹

The Affordable Housing Program allows bonus density via site built affordable housing or by contributing to the County's Affordable Housing Trust Fund.

Transferable development units may be achieved from sending parcels located in the Greater Pine Island Planning Community, the Southeast Lee County DR/GR, or wetlands. A transferable development unit is a dwelling unit severed from a sending parcel transferred for use on a receiving parcel.

Greater Pine Island Transfer of Development Units provide the greatest bonus density, incentivizing growth on inland sites served by public services and infrastructure.¹² Properties located outside the Coastal High Hazard Area are expressly preferred receiving areas for TDU credits.

Requests for bonus density must meet the following criteria:

- (1) Additional traffic will not travel through areas with significantly lower densities to reach the nearest collector or arterial road. Evidence in the record confirms project traffic directly accesses Six Mile Cypress Parkway and Plantation Road.
- (2) Existing/committed public facilities are not so overwhelmed that a density increase would be contrary to public interest. Evidence in the record confirms there are adequate public services and infrastructure. See discussion under the heading "Public Services and Infrastructure."
- (3) Storm shelters or other mitigation is provided if the development is in a Coastal High Hazard Area. The property is not in the Coastal High Hazard Area.
- (4) The resulting development will be compatible with existing/planned surrounding land uses.¹³

Record evidence demonstrates the proposed MPD including bonus density meets stated criteria.

¹⁰ LDC §2-147(c).

¹¹ LDC Chapter 2 Article IV (Bonus Density), Division 2 (Bonus Density Program) and Division 3 (Transferable Development Units). See LDC §2-143(a). See also Lee County Administrative Code 13-5.

¹² Hereinafter "TDUs," LDC §§ 2-151, 2-152. Heightened density encouraged in intense urban categories outside coastal high hazard areas and with access to services and infrastructure.

¹³ See discussion on compatibility *infra*.

Compatibility

The County evaluates compatibility during the zoning process.¹⁴ Compatibility exists when land uses can exist in proximity and no one use unduly negatively impacts another.¹⁵ Planned development zoning is useful when integrating new development with surrounding land uses.¹⁶ The planned development zoning district allows flexibility in site design to address potential incompatibilities with neighboring development.¹⁷

Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and nature of surrounding land uses.¹⁸ While at first blush, the request may seem overly intense. Development parameters include 160,000 sq. ft. floor area for commercial, retail, and recreation use, 250 hotel rooms, and 210 dwelling units on roughly seven acres. Proposed building heights will be 60, 100, and 135 feet. However, the property is located at the confluence of the most intense land use designations: Intensive Development and Mixed Use Overlay.

Surrounding properties north and west are densely settled with a variety of land uses.¹⁹ A broad range of infrastructure and services are available to the property, including potable water, sewer, transit, medical facilities, education, law enforcement, fire, and emergency medical services.²⁰ Accordingly, the property is ideally suited for intense development.²¹

LDC

Development must comply with County land development regulations or seek deviations. A “deviation” is a departure from a land development regulation.²² Applicants requesting relief from code standards must demonstrate the deviation enhances the planned development and will not cause a detriment to the public.²³ Applicant seeks a single deviation from the LDC pertaining to perimeter setbacks.

Applicant offered testimony and evidence in support of the deviation consistent with the LDC standard of review.²⁴ Staff recommends approval of the deviation.

¹⁴ LDC 34-145(d)(4).

¹⁵ Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6.

¹⁶ LDC 34-612(2).

¹⁷ *Id.*

¹⁸ LDC 34-413.

¹⁹ The project constitutes infill development, consistent with development patterns in the area.

²⁰ Lee Plan Objectives 2.1 and 2.2.

²¹ Lee Plan Objectives 2.1, 2.2; The request is consistent with the Intensive Development future land use designation and location in a Mixed Use Overlay.

²² LDC §34-2.

²³ LDC §34-373(a)(9).

²⁴ LDC §34-377(a)(4).

The LDC requires the Hearing Examiner to recommend approval, approval with modifications or denial of a requested deviation based upon a finding that the deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare.²⁵ The perimeter setback deviation applies in two locations on the MCP. One adjacent to the Plantation Road right-of-way, and the other adjacent to the Lee County Sports Complex campus.

The deviation enhances the planned development by maximizing development potential in an area that encourages increased density and intensity of development. A large open space area on the adjacent sports complex campus reduces the need for separation between land uses.

The Hearing Examiner finds the requested deviation meets the LDC criteria for approval.

Development will be subject to impact fees for road, park, school, fire, and emergency medical services.²⁶

Transportation

Zoning requests must provide sufficient access to support the proposed development parameters. County regulations and conditions of approval must address the expected impacts to transportation facilities.

The property fronts two arterial roadways: Six Mile Cypress Parkway and Plantation Road.²⁷ The MCP depicts a driveway on both roadways.²⁸ Plantation Road and Six Mile Cypress Parkway are County maintained arterial roadways.²⁹ Access to Six Mile Cypress Parkway is governed by a Controlled Access Resolution.³⁰

The Traffic Impact Statement (TIS) assumed the most intense combination of uses when calculating the project's impacts on the county road network.³¹ The TIS concludes many of the roadways/intersections impacted by the project will operate at adopted levels of service at buildout in 2028. The transportation analysis reveals minor street approach movements operate below adopted levels of service

²⁵ *Id.*

²⁶ LDC Chapter 2, Article VI.

²⁷ Lee County Administrative Code 11-1.

²⁸ The MCP shows two access drives serving the property: (1) one full access driveway from Plantation Road and one directional access to Six Mile Cypress Parkway. The Six Mile Cypress access allows for left-in, right-in, and right-out turning movements consistent with the Six Mile Cypress Controlled Access Resolution, as amended. See Staff Report Attachment J: Traffic Impact Statement for Gator Recreational MPD prepared by TR Transportation Consultants, Inc. dated June 30, 2022.

²⁹ The access is consistent with the governing controlled access resolution. LDC §10-298

³⁰ Posted speed limit on Six Mile Cypress Parkway is 50 mph. The speed limit on Plantation Road is 45 mph. See Staff Report Attachment J,

³¹ Assuming most intense trip generators allows for a conservative estimate of project impacts.

at buildout.³² However, this condition exists in 2028 both with *and without* the proposed development.³³

As a mixed use project, interaction between uses potentially reduces overall trip generation. This interaction is called “internal capture.” Internal capture means trips typically coming from external sources will originate from uses within the project, reducing project impact on surrounding roadways. In keeping with conservative assumptions, Applicant analyzed impacts without credit for internal capture.

The proposed MPD is consistent with the Lee Plan, which encourages the County to direct high intensity land uses to parcels abutting transit corridors.³⁴ The project will be integrated with surrounding development by means of automobile, transit, pedestrian, and bicycle connections.³⁵

The County examines site related improvements during development order review.³⁶ Development will be subject to road impact fees.³⁷

Transit

Lee Tran Route 80 runs along Metro, Plantation, and Six Mile Cypress Parkways.³⁸ Project design must comply with LDC requirements to facilitate transit access.³⁹

Environmental

Requests to rezone property must not adversely affect environmentally sensitive areas or natural resources.

The site is cleared with no environmental features of note. Buffers and landscaping within open space areas must follow Xeriscape principles and consist of native landscape to conserve water.⁴⁰

³² Staff Report Attachment J.

³³ The County will not require special mitigation to address level of service issues because they are considered existing transportation deficiencies.

³⁴ Lee Plan Policies 39.1.3, 39.2.1, 43.1.3; *See also* Lee Plan Policy 158.3.1.

³⁵ The site is served by access from two arterial roadways, Lee Tran Route 80. and sidewalks/on road bikeway on Plantation Road. Lee Plan Policies 39.2.1, 43.1.3.

³⁶ Lee Plan Objective 39.1, Policy 39.1.1.

³⁷ LDC §2-265.

³⁸ Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. An improved transit stop is located on Plantation Road in front of the Arthrex facility (northwest of the site). *See* Lee Plan Policies 43.1.1, 158.3.1.

³⁹ LDC §10-442(b) requires projects proposing 30,000 square feet or greater commercial floor area must provide a paved walkway to the nearest bus stop and install a bicycle storage rack, signage, and a landing pad within the road right of way or dedicated easement.

⁴⁰ Lee Plan Objective 126.2, Policy 126.2.1, LDC §10-421.

The property lies within a critical area for surface water management.⁴¹ Development in the Six Mile Cypress Watershed Basin must be consistent with the findings/conclusions set forth in the Six Mile Cypress Watershed Plan.⁴² Recommended conditions require developer to prepare a Water Quality Monitoring Plan.⁴³

The Hearing Examiner finds the proposed MPD will not harm environmentally sensitive areas or natural resources.

Public Infrastructure and Services

The Lee Plan requires an evaluation of services and infrastructure during the zoning process. Public services include the services, facilities, and infrastructure necessary to support development.⁴⁴

The South Fort Myers Planning District serves as the County's urban core. Consequently, a broad range of services and infrastructure are available to serve the project.⁴⁵ Services and infrastructure include paved roads, bike paths, public water and sewer, transit, medical facilities, law enforcement, fire, and emergency medical service.⁴⁶ Healthcare, commercial, and government/recreational employment centers, libraries, and schools are within reasonable distances from the site.⁴⁷

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect the County's water resources.⁴⁸ The MPD will be subject to several conditions of approval designed to address impacts reasonably anticipated from development.⁴⁹

Public Participation

There was no public participation at the hearing.

⁴¹ Lee Plan Objective 60.3: Six Mile Cypress Basin.

⁴² LDC §10-321(f); *See also* Lee Plan Policy 60.3.1.

⁴³ *See* Condition 7

⁴⁴ Lee Plan Glossary definition of public services.

⁴⁵ Lee Plan Objectives 2.1 and 2.2. Available public services include water, sewer, schools, libraries, transit, recreation, medical facilities, police, fire, and EMS.

⁴⁶ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2. Fire protection services provided by South Trail Fire & Rescue Services District (Station 63). Emergency Medical Services provided by Medic Station 80. Lee County Sheriff will supply Law Enforcement. Lee County Utilities has potable water and sanitary sewer lines adjacent to the site. Lee Plan Map 3-D: Lee County Walkways & Bikeways.

⁴⁷ Medical office centers and a hospital are located on Daniels Parkway, Metro Parkway and Plantation Road. A surgical supply company is across Plantation Road.

⁴⁸ Lee Plan Policies, 5.1.5, 135.9.6, LDC 34-411, 34-932.

⁴⁹ LDC 34-83(b)(4) a.3.

Conclusion

The Hearing Examiner concurs with the staff finding that the requested Gator Recreation MPD meets LDC approval criteria.

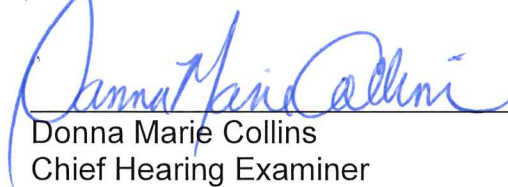
IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

- A. The proposed Gator Recreation MPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 159, Objectives 2.2, 5.1, 11.1, 11.2, 60.3, 77.2, Policies 1.1.2, 2.1.2, 5.1.2, 5.1.3, 5.1.6, 5.1.7, 6.1.3, 11.1.1, 11.1.2, 11.2.1, 11.2.2, 39.1.3, 39.2.1, Maps 1, 3-D, 4-A, and 4-B.
- B. *As conditioned*, the MPD:
 - 1. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, 30, 34.
 - 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 1.1.2, 2.1.2, 2.2.1, 6.1.3, 6.1.4, 6.1.7, 161. 2..2, 161.3.2, 161.4.3.
 - 3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objectives 11.2, 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 6.1.5, 11.2.1, 39.1.1, 39.2.1; LDC §34-411(d) and (e).
 - 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 77, Objectives 60.3, 60.4, 77.2, 77.3, Policies 61.2.4, 61.3.11, 77.3.1, 77.3.2, 77.3.5, Standard 4.1.4.
 - 5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Goals 2, 4, 5, 6, 11, 95, Objectives 2.1, 5.1, 6.1, 11.1, 158.3, Policies 2.2.1, 5.1.3, 6.1.4, 11.2, 39.1.3, 43.1.1, 43.1.3, Standards 4.1.1, 4.1.2 and Maps 4-A, 4-B; LDC §34-411(d).
- C. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 4, 5, 6, 11, 158, Objectives 2.1, 11.1, 11.2, 158.2, Policies 1.1.2, 2.1.1, 2.1.2, 5.1.2, 5.1.3, 5.1.4, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 11.2.1, 39.1.3, 161.2.2, 161.3.2.

- D. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Further, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Goals 5, 6, 77, Policies 6.1.3, 77.3.2, 77.3.5; LDC §§34-377(a)(3), 34-411, 34-932.
- E. As conditioned, the requested deviation:
1. Enhances the planned development, and
 2. Preserves and promotes the LDC's intent to protect public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4)

Recommendation dated: June 12, 2023.



Donna Marie Collins
Chief Hearing Examiner

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

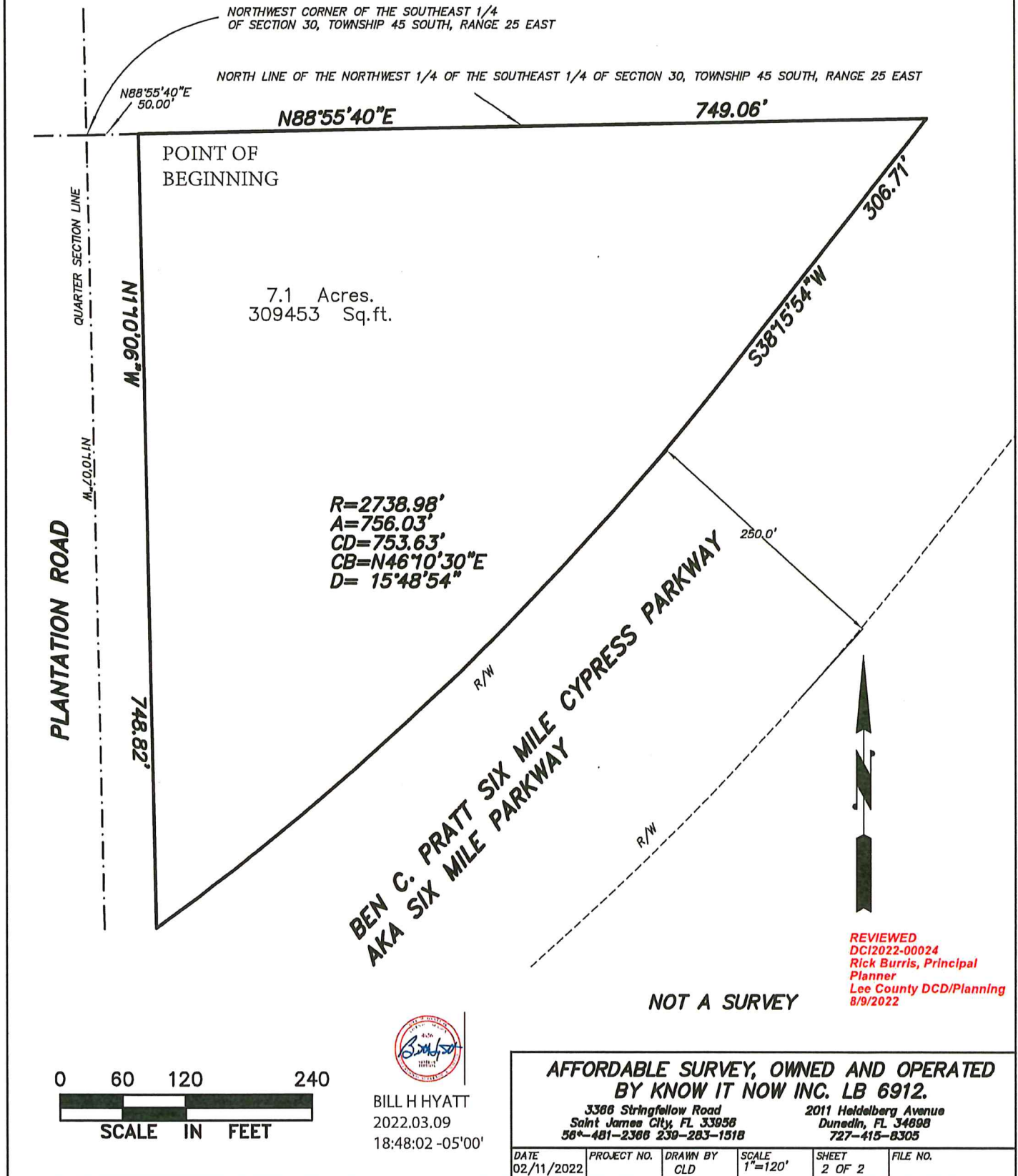
Exhibits to Hearing Examiner's Recommendation

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

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

SKETCH AND DESCRIPTION



SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

ALL OF THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING NORTHWESTERLY OF SIX MILE PARKWAY IN LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST. LEE COUNTY, FLORIDA; THENCE NORTH 88°55'40" EAST, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG SAID LINE, FOR A DISTANCE OF 749.06 FEET; THENCE SOUTH 38°15'54" WEST, FOR A DISTANCE OF 306.71 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 2,738.98 FEET (DELTA 15°48'54") (CHORD BEARING SOUTH 46°10'30" WEST) (CHORD 753.63 FEET) FOR A DISTANCE OF 756.03 FEET; THENCE NORTH 01°10'06" WEST, FOR A DISTANCE OF 748.82 FEET TO THE POINT OF BEGINNING. CONTAINING 309,453 SQUARE FEET OR 7.10 ACRES, MORE OR LESS.

REVIEWED
DCI2022-00024
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/9/2022



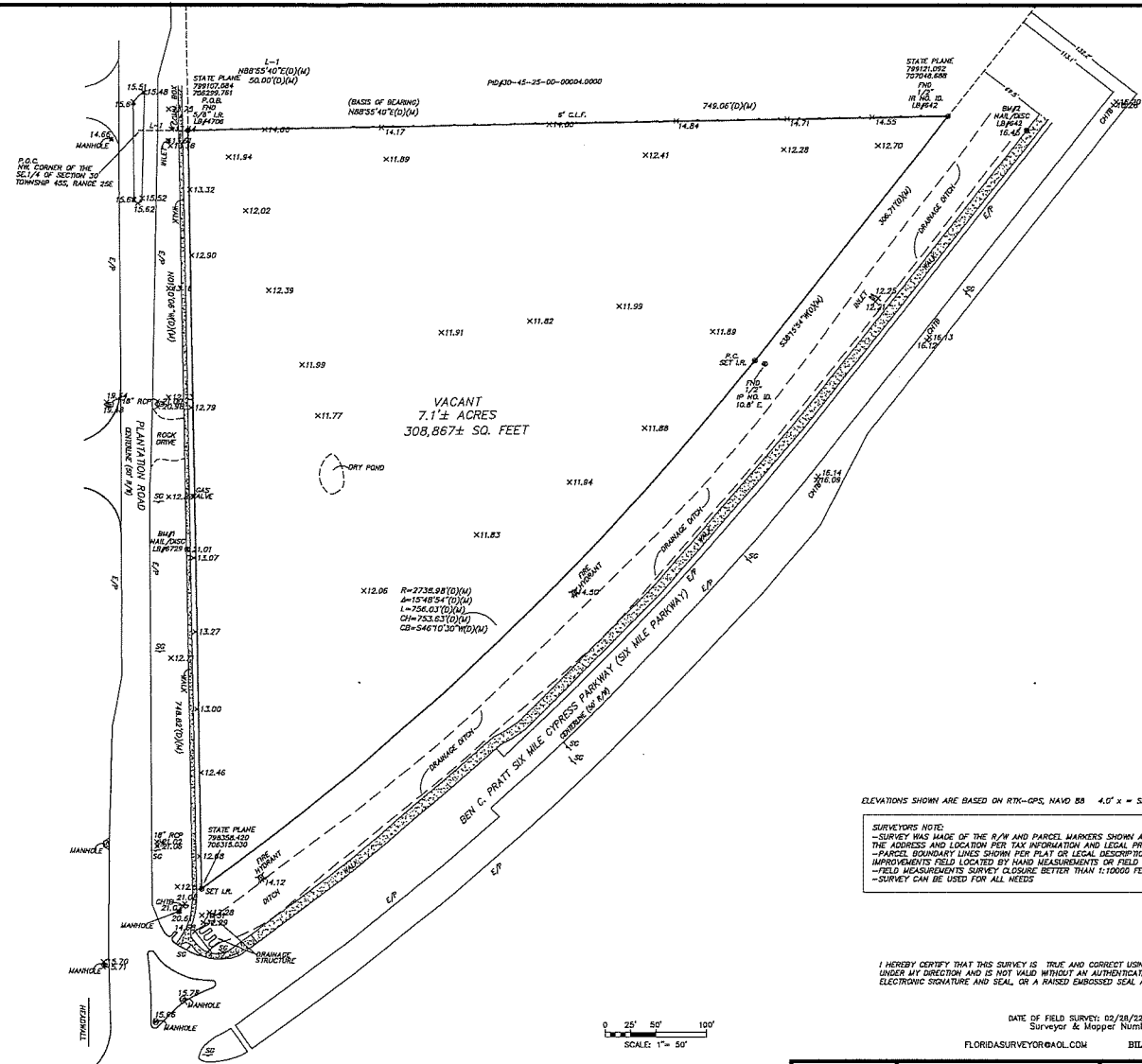
BILL H HYATT
2022.03.09
18:48:25 -05'00'

AFFORDABLE SURVEY, OWNED AND OPERATED
BY KNOW IT NOW INC. LB 6912.

3366 Stringfellow Road
Saint James City, FL 33956
561-481-2366 239-283-1518

2011 Heidelberg Avenue
Dunedin, FL 34698
727-415-8305

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO.
02/11/2022		CLD	1"=120'	1 OF 2	



PLANTATION RD.
FORT MYERS, FL 33912

ALL THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30,
TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING NORTHWESTERLY OF THE SIX MILE
CYPRESS PARKWAY IN LEE COUNTY, FLORIDA.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 45 NORTH RANGE 20 EAST, LEFLO COUNTY, FLORIDA, THENCE NORTH 89°33'40" EAST, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN, THENCE CONTINUE EASTERLY ALONG SAID LINE, FOR A DISTANCE OF 748.05 FEET, THENCE SOUTH 30°15'54" WEST, FOR A DISTANCE OF 306.71 FEET; TO THE POINT OF INTERSECTION WITH A NONTANGENT CURVE. THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 2,738.98 FEET DELTA 154°08' (CHORD 1,000.00 FEET) TO THE POINT OF INTERSECTION OF SAID CURVE WITH A TANGENT OF 726.03 FEET, THENCE NORTH 01°10'06" WEST, FOR A DISTANCE OF 748.82 FEET TO THE POINT OF BEGINNING.

EFFECTIVE DATE OF TITLE CERTIFICATION: APRIL 8, 2022 AT 5:00 PM

FEMA MAP 12071C0436G AND 0436G
FLOOD ZONE AH
DATE: 12-07-18
BASE ELEV. 13.5' & 14'

(C) 2019  DANGER ENTRANCE  NO ENTRY  NO ENTRY

BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
FLORIDA AGRICULTURAL CO-OP STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER
THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR -
THIS INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THE PURPOSES OF THE EASEMENTS
AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

LEADER: (S) CALIBRATED OR CHECKED FOR LIGHT LOSS, US COGNOMENT SCALE, DEPT. OF LAND ENGINEERING, CONDUCTED, NEW
SURVEYING INSTRUMENTS, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2

ELEVATIONS SHOWN ARE BASED ON RTX-GPS, NAVD 88 4.0' x = SPOT ELEVATIONS

SURVEYORS NOTE:
-SURVEY WAS MADE OF THE R/W AND PARCEL MARKERS SHOWN AND MATCHES THE ADDRESS AND LOCATION PER TAX INFORMATION AND LEGAL PROVIDED US.
-PARCEL BOUNDARY LINES SHOWN PER PLAT OR LEGAL DESCRIPTION WITH THE IMPROVEMENTS FIELD LOCATED BY HAND MEASUREMENTS OR FIELD EQUIPMENT
-FIELD MEASUREMENTS SURVEY CLOSURE BETTER THAN 1:10000 FEET
-SURVEY CAN BE USED FOR ALL NEEDS

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT USING FIELD SURVEY
UNDER MY DIRECTION AND IS NOT VALID WITHOUT AN AUTHENTICATED
ELECTRONIC SIGNATURE AND SEAL OR A RAISED EMBOSSED SEAL AND SIGNATURE

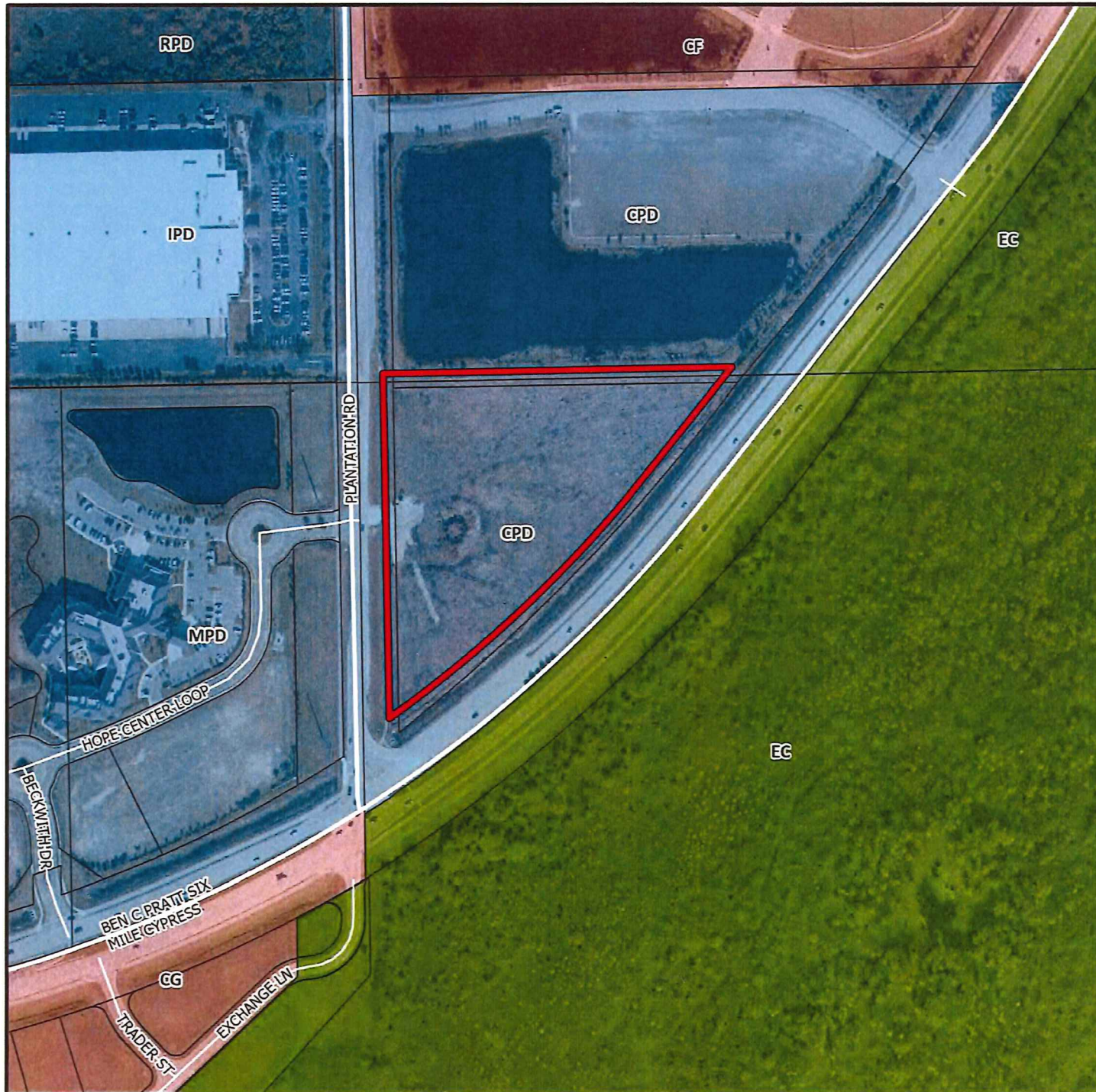
DATE OF FIELD SURVEY: 02/28/22
Surveyor & Mapper Number 4636
DASURVEYOR@AOL.COM BILL HYATT

AFFORDABLE SURVEYS
239-283-1518
OWNED AND OPERATED BY KNOW IT NOW, INC.

Florida Business Certificate Of
Authorization Number LB 6912
MAILING 1497 MAIN STREET, #321, DUNEDIN, FL 34698
[HTTP://WWW.KNOXTHOXY.PRO](http://www.knoxthoxy.pro) [HTTP://WWW.FLORIDA-SURVEYOR.COM](http://www.florida-surveyor.com)
LOCATION = 3306 STRINGFELLOW ROAD, SAINT JAMES CITY, FL 33956

CERTIFIED EXCLUSIVELY TO THE BELOW PARTIES:
GATOR REC

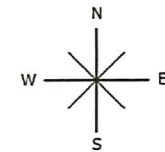
NO.	DATE	



DCI2022-00024

Zoning

 Subject Property



0 500
Feet



Contractors and builders, Group I
Cultural facilities
Department store
Drive through facility for any permitted use
Drug store
Dwelling unit:
Multi-family building (subject to Conditions 4, 6)
Entrance gates and gatehouses
EMS, fire, or sheriff's station
Essential services
Essential service facilities, Group I
Excavation: Water retention
Fences, Walls
Food and beverage service limited
Food stores, All Groups
Gasoline dispensing system, special
Gift and souvenir shop
Hardware store
Health care facilities, Groups I, II & III
Hobby, toy, and game shops
Hotel (250 maximum rooming units)
Household and office furnishings, Groups I, II & III
Insurance companies
Laundromat
Laundry or dry cleaning, Groups I and II
Medical Office
Motion picture production studio
Nightclubs
Non-store retailers, All Groups
Package store
Paint, glass, and wallpaper store
Parking lot:
Accessory
Commercial
Garage, public
Park-and-ride
Temporary
Personal services, Groups I, II, III & IV (Excluding Steam or Turkish baths,
Escort services, Palm readers, Fortunetellers or Card readers)
Pet services
Pharmacy
Place of worship
Post office
Real estate sales office
Recreational facilities, commercial, All Groups (excluding gun ranges)
Restaurants, All Groups

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by Hearing Examiner

CONDITIONS

1. Master Concept Plan and Development Parameters

Master Concept Plan (MCP). Development must be consistent with the two-page MCP entitled "Gator Recreation Complex" received June 1, 2023, except as modified by conditions below. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved in this resolution. Changes to development parameters, conditions, or MCP may require further development approvals.

Approved Development Parameters. The Gator Recreation MPD is approved to develop 90,000 square feet of commercial, office and retail land uses, 70,000 square feet of commercial recreation land uses, 250 hotel rooms, and up to 210 multiple family dwelling units, including 111 bonus density units. Dwelling units are subject to Condition 6.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Accessory uses and structures
Administrative offices
Animal clinic or kennel
ATM (Automatic Teller Machine)
Auto parts store (no installation)
Banks and financial establishments, All Groups
Bar or cocktail lounge
Business services, Group I
Cleaning and maintenance services
Clothes stores, general
Clubs:
 Commercial
 Fraternal
 Membership organization
 Private
Computer and data processing services
Consumption on premises

Restaurant, fast food
Retail and wholesale ancillary to an approved use
Signs
Specialty retail shops, All Groups
Storage, indoor
Studios
Temporary uses
Theater, indoor
Transportation services, Groups II, III & IV
Used merchandise stores, All Groups
Variety store
Warehouse
 Hybrid
 Mini
 Private
 Public
Wholesale establishments, Groups I & III

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	0
Lot Width:	0 feet
Lot Depth:	0 feet

Minimum Building Setbacks and Maximum Building Height

Street	0 feet
Side	0 feet
Rear	0 feet

Maximum building heights:	
Mixed-Use Building	100 feet
Commercial & Residential Building	135 feet
Parking Garages	50 or 60 feet, as noted on MCP

3. Open Space

Development order plans must depict 20 percent or 1.42 acres of open space in substantial compliance with the MCP.

4. Transportation Impacts

Buildings with multi-family units may not be less than four habitable stories in accordance with ITE Land Use Code 221 (Multifamily Housing – Mid-Rise).

5. Parking Garage

In addition to LDC architectural requirements, the eastern façade of the parking garage (facing Ben C Pratt/Six Mile Parkway) and all building facades of the parking garage adjacent to Plantation Road must provide additional design treatments.

Design treatments may include a combination of landscaped trellises, opaque covers, and permanent landscaping or other features. The surface of exposed parking aisles/drives must be finished with specialty pavers or colored stamped concrete with nonreflective, matte surface. Final facade design is subject to the Director's discretion, in meeting the objective to obscure view of multi-tier parking from the right-of-way.

6. Project Density

The MPD must be developed with not less than 50 dwelling units and may not exceed 99 standard units. Developer may obtain the right to develop an additional 57 dwelling units through either option under the Lee County Bonus Density Program. Developer may further increase project density by 54 units using Greater Pine Island Transferable Development Units, up to a project maximum of 210 dwelling units.

7. Water Quality Monitoring Plan

Development order application submittals must include a Water Quality Monitoring Plan for review by the Division of Natural Resources. The Water Quality Monitoring Plan must establish the following:

- a. Goals and Objectives of the Plan
- b. Constituents to be monitored and an outfall monitoring schedule during wet season and dry season.
- c. Baseline monitoring event completed prior to commencement of construction.
- d. Underground storm water chamber maintenance schedule with a requirement that maintenance records be submitted to the Division of Natural Resources.
- e. Annual reporting schedule of water quality monitoring data to the Division of Natural Resources for a minimum of five years. The annual report must include a comparison of state water quality standards, plots of parameters, and recommendations. Developer must report monitoring results as an

Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources. After five years of meeting or exceeding state water quality standards, Developer may file a written request to amend monitoring/reporting requirements subject to review and approval by the Division of Natural Resources.

- f. A contingency plan in the event monitoring discloses an exceedance of state water quality standards. The contingency plan must include notification to impacted residents and applicable authorities.

8. Connection to County Property.

The pedestrian and vehicular connections to County property depicted on the MCP are located outside the perimeter boundary of the subject property. Developer must obtain approval from Lee County Parks and Recreation and DOT to incorporate these connections. Lee County DOT may limit vehicular access to Plantation Road to a single access upon execution of a cross access agreement.

9. State and Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATION

1. Perimeter Setbacks. Deviation 1 seeks relief from LDC §34-935(b)(1) b. which requires varying setbacks from the development perimeter based on building height, to allow perimeter setbacks that align with height and building locations on the MCP.

Hearing Examiner Recommendation: Approved, limited to perimeter setbacks shown on the MCP. Further reductions to setbacks must be obtained through the public hearing process.

Exhibits to Conditions:

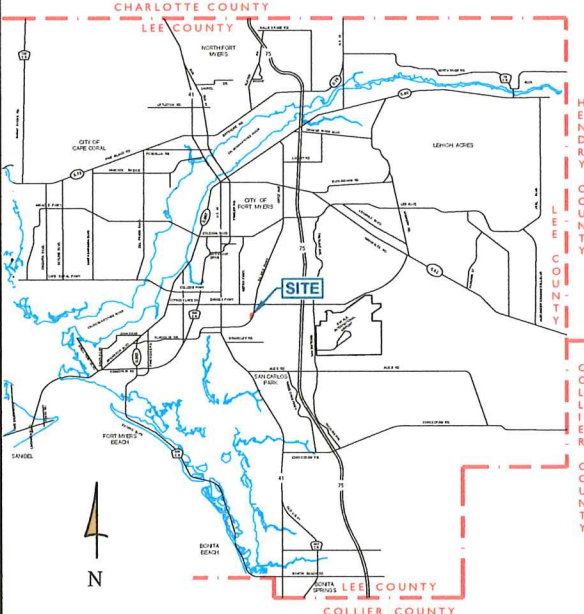
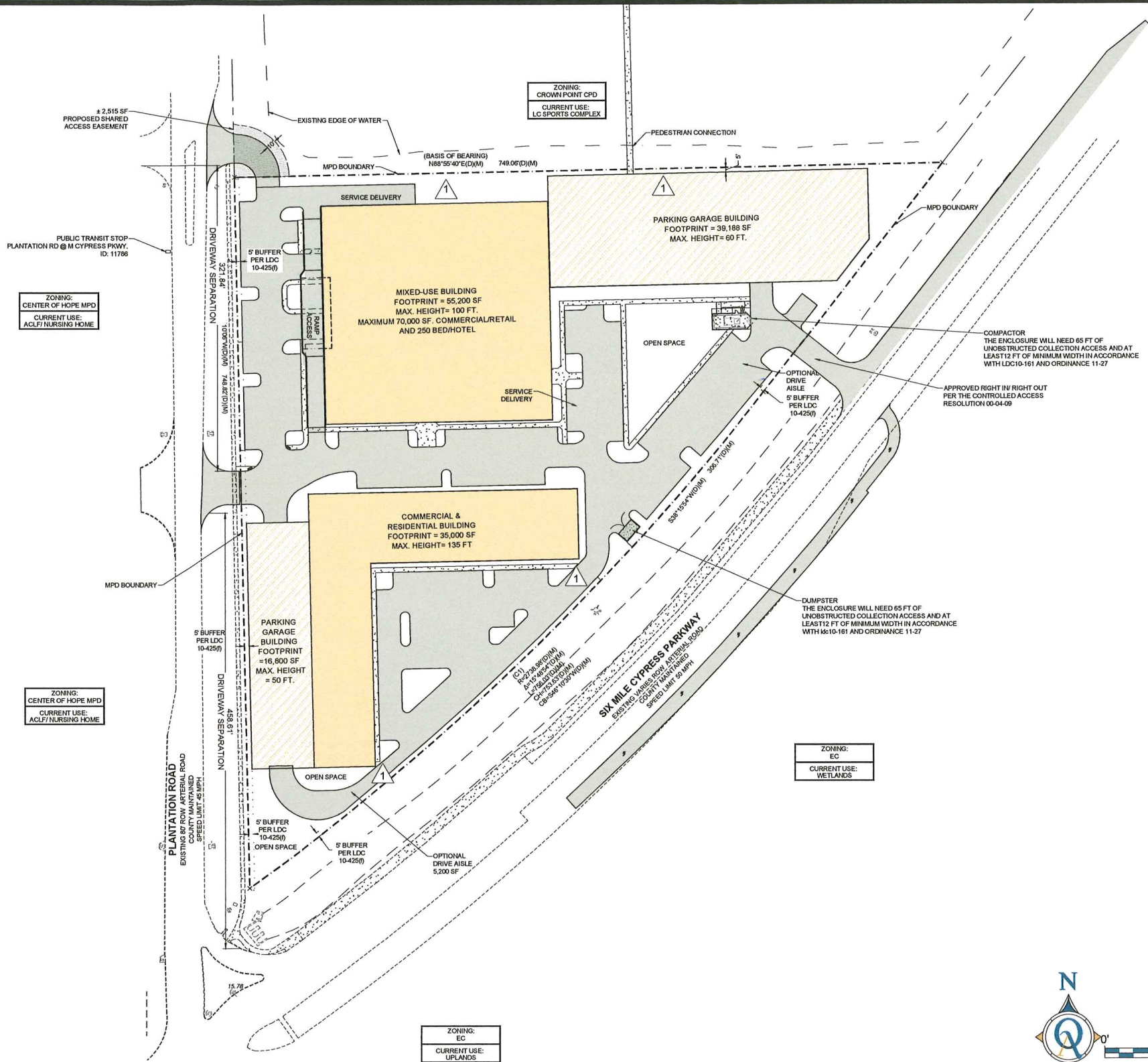
B1 Master Concept Plan entitled "Gator Recreation Complex" received June 1, 2023

GATOR RECREATION COMPLEX

LOCATED IN SECTION 30, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2023 JUN -1 PM 3:08

MASTER CONCEPT PLAN



LOCATION MAP (NOT TO SCALE)

PROJECT SUMMARY:

ZONING
FUTURE LAND USE INTENSIVE DEVELOPMENT WITHIN THE MIXED USE OVERLAY TO MPD (MIXED PLANNED DEVELOPMENT)

STRAP #'s
30-45-25-00-00002.0000

PROJECT ACREAGE
7.1 ACRES (309,276 SF)

PROJECT INTENSITY
MAXIMUM FLOOR AREAS:
90,000 SF COMMERCIAL, OFFICE AND RETAIL
70,000 SF COMMERCIAL* - RECREATIONAL
MAXIMUM HEIGHT: 135 FT.
MAXIMUM HOTEL ROOMS : 250
MAXIMUM RESIDENTIAL UNITS: 210
*(BOWLING / CONVENTION CENTER)

OPEN SPACE:
MINIMUM 20% = 1.42 ACRE (61,855 SF)
OPEN SPACE PROVIDED 20% = 1.42 ACRE (61,855 SF)
APPLICANT MAY REDUCE OPEN SPACE TO 15% WITH THE PURCHASE OF GREATER PINE ISLAND TRANSFER OF DEVELOPMENT UNITS (TDU'S) IN ACCORDANCE WITH 10-425(a)(2)

DEVIATIONS
PERIMETER SETBACKS

NOTE:
THIS CONCEPT PLAN ASSUMES FOR UNDERGROUND STORMWATER STORAGE CHAMBERS.

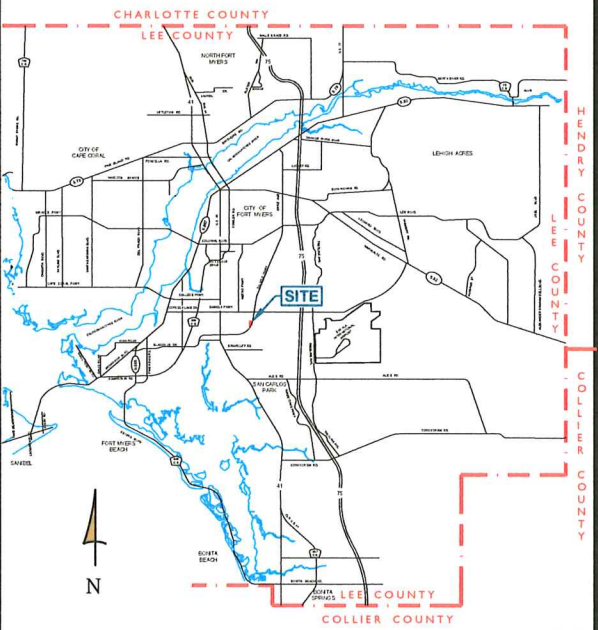
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd | Fort Myers, Florida 33916 | 239-936-5222 | QAInc.net

GATOR RECREATION COMPLEX

LOCATED IN SECTION 30, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2023 JUN -1 PM 3:09

OPEN SPACE EXHIBIT



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

OPEN SPACE SUMMARY

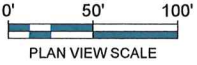
LAND USE	AREA
REQUIRED OPEN SPACE 20% OF THE MPD	= 1.42 AC. (61,855.2 SF)
PROVIDED OPEN SPACE = 1.42 AC. (61,855 SF) REQUIREMENTS TO BE REDUCED THROUGH THE USE GREATER PINE ISLAND TRANSFER OF DEVELOPMENT UNITS (TDUs)	

PLAN LEGEND

OPEN SPACE	
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NOTES

- 1) THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
- 2) ALL ACREAGE/SQUARE FOOTAGE ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.



PLAN VIEW SCALE

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd | Fort Myers, Florida 33916 | 239-936-5222 | QAInc.net

P:\2021\PROJECTS\GATOR RECREATION COMPLEX\SIX MILE (OLD #40720)\ACTIVE\CHCADD FILES\99-04\CADD - CONCEPTS\2023\MPX10409.MXD

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Senior Planner, date received March 22, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County Staff for Gator Recreation, DCI2022-00024, South Fort Myers Community (multiple pages – 8.5"x11") [color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Sharon Hrabak, to Maria Perez, Al Quattrone, James Ink, and Adam Mendez, dated Wednesday, May 31, 2023, 1:00 PM (3 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared by Quattrone and Associates for Gator Recreation Mixed Planned Development Rezoning, Lee County Hearing Examiner Public Hearing, dated Thursday, June 1, 2023 (multiple pages – 8.5"x11") [color]
2. *Master Concept Plan:* Prepared by Quattrone and Associates for Gator Recreation Complex (1 page – 24"x36")
3. *Pending Architectural Rendering:* (1 page – 24"x36")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Sharon Hrabak
2. Al Quattrone

Public Participants:

None

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

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

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

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

COPIES OF TESTIMONY AND TRANSCRIPTS

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