

EXHIBITS

CASE # DCI2022-00018

CASE NAME: GRAND BAY MINOR MPD

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.

EXHIBITS

Case # DCI2022-00018

APPLICANT

9, 248-Hour

#1 power point

#2 MCP 24x36

#3 Z-88-319

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Staff Report

#2 power point

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

Dickey

NUMBER

1

DESCRIPTION

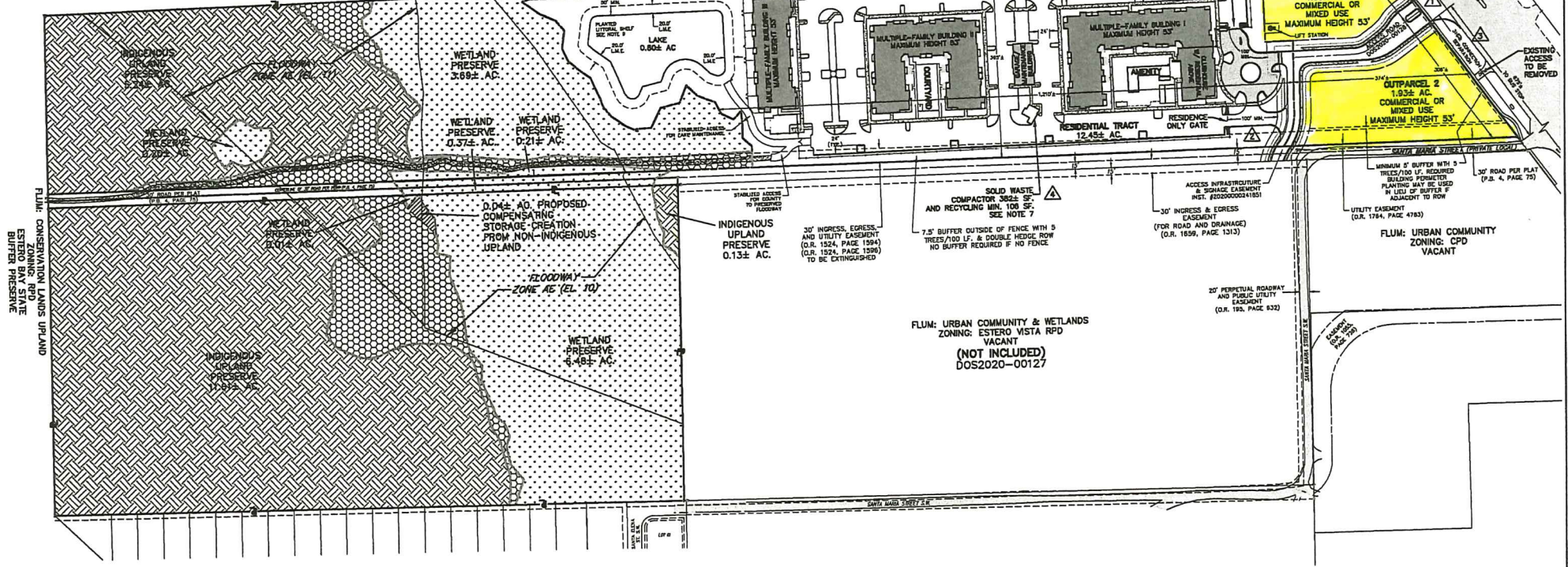
191905-Tamiami Trail

Garcia & Dickey
Cannock Parcel

- NOTES:**
1. SITE AREA: 46.33± AC.
 2. OPEN SPACE REQUIRED: 20%
INDIGENOUS REQUIRED: 50%
9.27 AC.
4.84 AC.
 3. OPEN SPACE PROVIDED:
INDIGENOUS UPLAND PRESERVE 18.98± AC.
WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
NON-INDIGENOUS UPLAND PRESERVE 3.02± AC.
COMPENSATING STORAGE IN PRESERVE 30.63± AC.
LAKE (MAXIMUM 20% OF OPEN SPACE) 0.80± AC.
OPEN SPACE PROVIDED: 31.42± AC.

- LEGEND:**
- INDIGENOUS UPLAND PRESERVE 18.98± AC.
 - WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
TOTAL 10.96± AC.
 - UPLAND PRESERVE (NON-INDIGENOUS) 3.02± AC.
 - PRESERVED FLOODWAY ZONE FOR MULLOCK CREEK FLOW-WAY
 - EX. DIRT TRAIL
 - DEVIATION

4. ADJACENT PRIVATE RIGHT-OF-WAY
WETLAND PRESERVE (NON-INDIGENOUS)
WITHIN ADJACENT R.O.W. 0.37± AC.
5. NO BUFFERS REQUIRED INTERNAL TO MPD
6. MAXIMUM 300 DU (INCLUDING 114 BONUS DENSITY UNITS) & 30,000 OF COMMERCIAL
BUILDING MAXIMUM 144 "DU INCLUDING 75 BONUS DENSITY UNITS
* MAXIMUM OF 25 DU MAY BE BUILT AS MIXED USE ON OUTPARCEL 1 OR 2
- BUILDING II & III
MAXIMUM 150 DU INCLUDING 38 BONUS DENSITY UNITS
LIMITED TO SITE BUILT AFFORDABLE HOUSING UNITS
7. SOLID WASTE COMPACTOR AND RECYCLING AREA MUST HAVE A MINIMUM OVERHEAD
CLEARANCE OF 22 FEET AND A MINIMUM 12 FOOT WIDE UNOBSTRUCTED ACCESS OPENING
8. SEE SHEET 2 OF 2 PROPOSED 17.44± AC. PERPETUAL STORMWATER DRAINAGE & ACCESS EASEMENT
9. LAKE MUST DEMONSTRATE A PLANTED LITTORAL SHELF THAT FUNCTIONS AS A TYPICAL
FRESHWATER MARSH CONSISTENT WITH LDC AT TIME OF DEVELOPMENT ORDER.

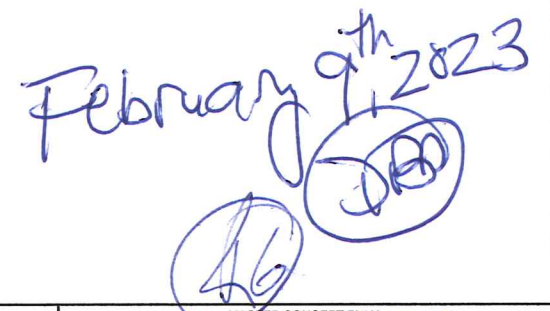


		BANKS ENGINEERING		18911 SW 14th STREET, SUITE 200 MIAMI, FLORIDA 33186 PHONE: (305) 550-5400 FAX: (305) 550-2223 ENGINEERING LICENSE # 18,849 SURVEYING LICENSE # 18,849 WWW.BANKSENG.COM		MASTER CONCEPT PLAN GRAND BAY-MINOR MPD LEE COUNTY, FLORIDA							
1	DATE	1ST SURVEYOR RESPONSE	2ND			DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
			BY			3/2/2022	8433CB	MCP	KWK	JLS	BEH	1"=240'	1 OF 2

PUBLIC'S EXHIBIT # _____
 David Dickey
 0012022-00015

February 9th 2023

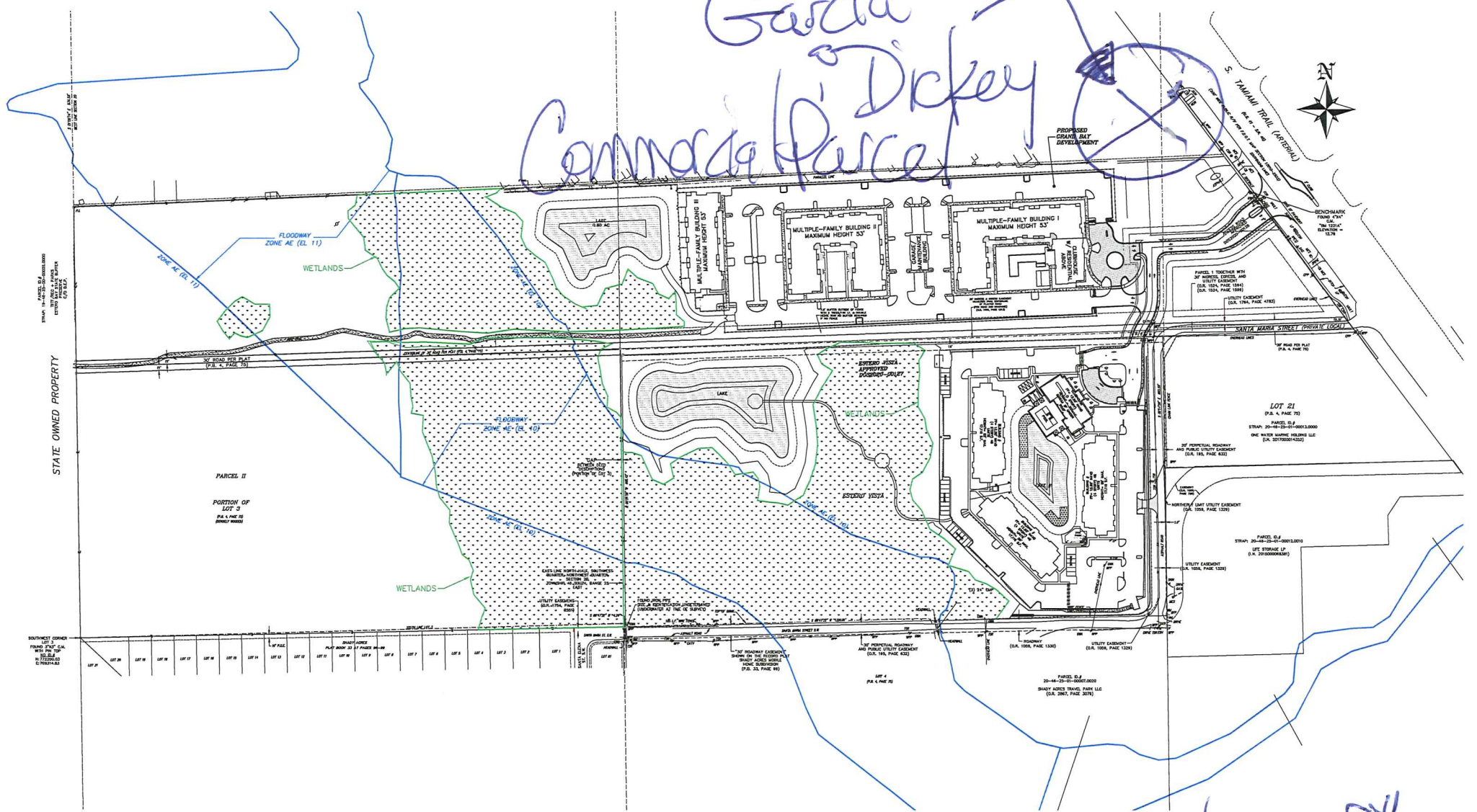
Garcia
et Dickey
real force



MASTER CONCEPT PLAN GRAND BAY-MINOR MPD LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/20/2022	8433GB	MCP	KWK	JLS	SEH	1"=240'	2 OF 2

19190 S. Tamiami Trail

Garcia & Dickey
Commercial Parcel



February 9th
2023

Perez, Maria

From: Laurie L. Plue <laurieplue@paveselaw.com>
Sent: Monday, February 6, 2023 5:12 PM
To: Hearing Examiner
Cc: Steve Hartsell; Kurt Kehoe; Workman, Elizabeth; Dunn, Brandon; Evans, Marcus; Adams, Joseph; Stacy Hewitt; Roberts, Brian; DeFilippo, Nicholas
Subject: [EXTERNAL] 48-Hour Letter - Grand Bay Minor CPD - DCI2022-00018
Attachments: 48-Hr HEx Ltr - DCI2022-00018 2-6-2023.pdf

Good afternoon,

Attached please find the Applicant's 48-hour letter for Grand Bay Minor CPD (DCI2022-00018) for the hearing dated February 9, 2023. It has been bookmarked for your ease of reference. Thank you.



Laurie L. Plue
Legal Assistant to Steven C. Hartsell, Esq.
PAVESE LAW FIRM
1833 Hendry Street (33901)
Post Office Box 1507 Fort Myers, FL 33902
Direct 239.336.6244 Fax 239.332.2243
laurieplue@paveselaw.com
Visit our website: www.paveselaw.com

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APPLICANT'S
EXH # 01

February 6, 2023

Ms. Amanda Rivera
Deputy Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905

Via Email: hex@leegov.com

RE: Grand Bay Minor CPD; Case Number: DCI2022-00018
48-Hour Letter - Hearing Examiner Hearing Date: February 9, 2023
(Our Client File #94679.001)

Dear Ms. Rivera:

Please be advised that Pavese Law Firm along with the Experts listed below represent Freeland FL Holdings, LLC, and Grand Bay Ft. Myers MF, LLC/The NRP Group LLC, in their application to rezone 46.33 acres to Mixed Use Planned Development (MPD) with three deviations.

A. EXPERT WITNESSES:

Stacy Hewitt, AICP, Project Planner, Banks Engineering, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, FL 33966

- 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, Lee Plan, Zoning, Site Planning, and land use planning, and as they relate to Lee County zoning and 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 and other participants as part of the subject application.

Kenneth W. Kellum, P.E., Project Engineer, Banks Engineering, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, FL 33966

- 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, Lee Plan, Civil Engineering and Drainage, and Site Planning, as they relate to Lee County zoning and 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 and other participants as part of the subject application.

Yury Bykau, P.E., Project Traffic Planner, TR Transportation Consultants, Inc., 2726 Oak Ridge Court, Suite 503, 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, Lee Plan, and Traffic and Transportation Planning as they relate to Lee County zoning and planning.
- The Zoning Traffic Study 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 and other participants as part of the subject application.

Ashley Palmer, Project Ecologist, W. Dex Bender and Associates, 4470 Camino Real Way, Suite 101, Fort Myers, FL 33966

- 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 Environmental Science, Ecology and Buffering with regard to the Lee Plan, Lee County Land Development Code and State of Florida wildlife and protected species regulations as they relate to Lee County zoning and 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 and other participants as part of the subject application.

Kurt Kehoe, Sr. V.P. Operations, The NRP Group, 801 International Parkway, Lake Mary, FL 32746

- Current resume will be filed with the Hearing Examiner.
- Seeking to be qualified as an expert witness in land development operations and planning, and as they relate to Lee County development.
- 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 and other participants as part of the subject application.

The Applicant also reserves the right to rely upon and call any of the Expert Witnesses listed by the Staff Expert Witness List submitted with the Staff Report, as that may be added to or supplemented.

B. NOTICE OF OUTSTANDING ISSUES

In regard to the Staff Report and attachments issued on January 25, 2023, the Applicant has been actively coordinating with Staff and submits the following clarifications and/or corrections shown in strike-through/underline text:

1. Staff Report

- a. Page 1, 1st Paragraph, Line 4 and: typo: ...~~not to exceed 53~~ 56 feet in height.
[This also applies to Page 15, 2nd paragraph, Line 2.]
- b. Page 3, 2nd underlined heading from bottom: typo and clarification:
Property Development Regulations & Off Street Parking

Consistent with Mixed Use Overlay tables in LDC Sections 34-715 and 34-845 the Applicant's property development regulations in Attachment J **do not propose a maximum lot coverage**,. Staff's proposed conditions in **Attachment F include a maximum lot coverage of 45 percent** and the **Applicant requests that this be removed as outlined in 3.a below**.

- c. Page 5, 1st Paragraph, beginning on Line 4: clarification that Attachment I – Development Services Section Memorandum does not recommend any revisions to Deviation 2 and recommends approval as proposed by Applicant.

~~... Staff has revised the deviation request to state that a paved turnaround must be provided at the resident only access gate that has a turnaround radius designed for a passenger car instead of a single unit truck. This is because the main gate will be designated as the required entrance for delivery and service vehicles seeking access to the site. In the applicant's justification, the applicant prepares a condition to require signage stating that the secondary access is for resident use only. According to Development Services staff analysis, although signage can be provided, it is not completely effective in preventing access to the gate by non-residents and guests inadvertently using the access point. If a non-resident tries to access the development through the southern gate, a suitable turnaround should be provided to prevent backing maneuvers into the vehicle queuing area, which may be occupied by vehicles seeking entrance to the site. Thus, a suitable turnaround will prevent the potential for backup movements.~~

~~Development Services staff have provided a memorandum addressing this deviation and have recommended approval with conditions (see Attachments I and F). Staff recommends that the deviation request be revised to state the following:~~

~~Deviation (2) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow no turn-around a paved turn-around, having a turning radius sufficient to accommodate a passenger car as specified in the~~

~~Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.~~

Staff recommends approval of the deviation, ~~as revised~~, subject to the following conditions...

- d. Page 11, 1st Table, 4th row, middle column typo: 0.17 Acres @ 20 1 Du/20 Acres
- e. Page 11, 3rd Table, 3rd row, third column typo: 32.28 – 72.6336 Du
- f. Page 13, Response to Number 4 end of 2nd paragraph; and Page 19 Response to a) last sentence Clarification: ... *The buffers being provided comply with the Mixed Use Overlay code per LDC Section 10-425, providing a five-foot right-of-way buffer and ten-foot Type-B buffers between on-site residential and abutting single-family residential uses. The applicant is enhancing the 10' Type "B" buffer by providing an opaque fence or wall with the required buffer vegetation planted on the outside of the wall.*
[Similarly on Page 16, 6th paragraph (North Buffer), Line 3]
- g. Page 14, 4th paragraph, Line 7 clarification: Only 0.04 acre of wetland impacts are within the CHHA: ...~~except for approximately 0.17~~ 0.04 acres of wetland impacts.

2. Applicant's Proposed Revisions to Conditions & Deviations (Staff Report Attachment F) - attached and described below:

- a. Page 5, 21st line [Remove lot coverage consistent with Mixed Use Overlay]: ...~~Maximum lot coverage: 45 percent~~ No Maximum...
- b. Page 6, #8.a.: Request revisions to match LDC §10-291(3):

~~The developer must record a A notice to all future property owners; must be recorded by the developer in the public records; prior to the issuance of a local development order allowing construction of the access to the development. The notice must detail articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.~~

- c. Page 7, **Section B – Deviations** – [Clarifications])
 - 1. Deviation 1 ... *This Deviation is APPROVED subject to Condition-~~98~~.*
 - 2. Deviation (2) seeks relief from Land Development Code (LDC) Section 34-1748(5) which requires a paved turnaround having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified I the AASHTO Green Book current edition, to be provided on the ingress side of the

gate or gatehouse to allow **no turnaround for the southern gate at the secondary resident only access point.** ~~a paved turnaround, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.~~

This deviation is APPROVED subject to Condition ~~10~~9.

3. *Deviation (3) is WITHDRAWN **as unnecessary.***

4. *Deviation (4)...This deviation is APPROVED subject to Condition ~~11~~10.*

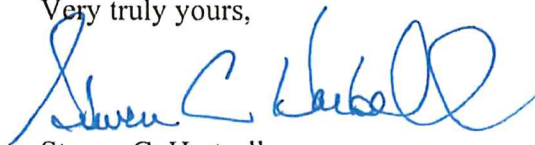
Attachments:

- Conditions and Deviations - redlined and clean version of the Applicant's proposal.
- Boundary Survey submitted with application.
- Protected Species Management Plan submitted with application.

C. EXHIBIT LIST [to be entered into evidence at the hearing]

Exhibit	Applicant's PowerPoint Presentation
Exhibit	Master Concept Plan (24" x 36")

Very truly yours,



Steven C. Hartsell
Florida Bar #0305030

SCH:llp

Encl.: Exhibits as noted

cc: Kurt Kehoe, Senior VP Operations, The NRP Group *via email*
Beth Workman, Lee County Principal Planner, Zoning *via email*
Brandon Dunn, Lee County Principal Planner, Planning *via email*
Brian Roberts, P.E., Lee County Development Services *via email*
Marcus Evans, P.E. Lee County Engineer, Infrastructure Planning *via email*
Nic DeFilippo, Lee County Senior Environmental Planner, Planning *via email*
Joe Adams, Lee County Attorney's Office *via email*
Stacy Hewitt, AICP, Banks Engineering *via email*

Grand Bay Minor MPD - DCI2022-00018

Attachment F - Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "Grand Bay-Minor MPD", prepared by Banks Engineering, last revised December 30, 2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 300 dwelling units, of which 114 are bonus density units, not to exceed 56-feet-in-height and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

- Residential Tract

- Accessory uses and structures

- Administrative Offices

- Clubs: private

- Community Gardens

- Dwelling unit: Multi-family

- Entrance gates and gatehouse

- Essential services

- Essential service facilities: Group I

- Excavation: Water retention

- Fences, walls

- Home Occupation

- Models: Model unit

- Real Estate Sales Office

- Recreation facilities:

- Personal

- Private on-site

- Parking Lot:

- Accessory

- Temporary

- Residential accessory uses

- Signs

- Temporary Use

- Outparcels 1 and 2

- Accessory uses and structures

- Administrative Offices

Agricultural services: office/base operations
 Aircraft food services and catering
 Animals:
 Clinic or Kennel (no outdoor runs)
 Control Center (including Humane Society)
 ATM (automatic teller machine)
 Auto parts store
 Automobile repair and service, all groups
 Automobile service station
 Bait and tackle shop
 Banks and financial establishments: Groups I and II
 Bar or cocktail lounge, subject to LDC Section 34-1264
 Boarding House
 Boats:
 Boat parts
 Boat rental
 Boat sales
 Boat Storage (dry)
 Boatyard
 Broadcast studio, commercial radio, and television
 Building material sales
 Business services: Groups I and II
 Bus station/depot
 Caretaker's residence (limited to one)
 Car wash
 Cleaning and maintenance services
 Clothing stores, general
 Clubs:
 Country
 Commercial
 Fraternal, membership organization
 Private
 Cold storage, pre-cooling, warehouse and processing plant
 Communication facility, wireless
 Community Gardens
 Community Residential Homes
 Computer and data processing services
 Consumption on premises
 Continuing care facilities
 Contractors and builders: Groups I and II
 Convenience food and beverage store
 Cultural facilities
 Day care center, child, adult
 Department Store

Drive-through facility for any permitted use
 Drugstore, pharmacy
 Dwelling unit: live-work, townhouse, multiple-family building
 Entrance gates and gatehouse
 Emergency operations center
 EMS, fire or sheriff's station
 Essential services
 Essential service facilities: Group I
 Excavation: Water retention; oil or gas
 Excess spoil removal
 Factory outlets (point of manufacture only)
 Farm equipment, sales, storage, rental, or service
 Fences, walls
 Fish house, wholesale
 Flea market:
 Open
 Indoor
 Food and beverage service, limited
 Food stores: Group I and II
 Funeral home and mortuary (with or without a crematory)
 Gasoline dispensing system, special
 Gift and souvenir shop
 Hardware store
 Health care facilities: Group I, Group II, Group III
 Hobby, toy, and game shops
 Home care facilities
 Home occupation
 Hospice
 Household and office furnishings, all groups
 Insurance companies
 Laundry or dry cleaning: Group I and II
 Lawn and garden supply stores
 Library
 Maintenance facilities (government)
 Medical office
 Mobile home dealers
 Models: Model unit
 Motion picture production studio
 Nightclubs
 Non-store retailers, all groups
 Parcel and express services
 Package store
 Paint, glass, and wallpaper
 Parks: Group I and II
 Parking lot:
 Accessory
 Commercial
 Garage, public
 Park-and-ride, temporary
 Personal services: Group I through IV

- Pet services
- Pet shop
- Pharmacy
- Photofinishing laboratory
- Place of worship
- Post office
- Printing and publishing
- Real estate sales office
- Recreation facilities:
 - Commercial, groups I, III
 - Commercial, group IV
 - Personal; private - on-site
 - Private: off-site
- Religious facilities
- Rental or leasing establishments: Group I through III
- Repair Shops, Groups I through IV
- Research and development laboratories: Group I through IV
- Residential accessory uses
- Restaurant, fast food
- Restaurants: Group I through IV
- Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Rooming house
- Schools:
 - Commercial
 - Noncommercial
- Self-service fuel pumps
- Signs
- Social services: Group I, Group II
- Special retail shops: Group 1 through IV
- Storage: Indoor only; Storage, open
- Studios
- Temporary use
- Theatre, indoor or outdoor (drive in)
- Transportation services: Group II and III
- Used merchandise stores: Group I through IV
- Variety store
- Vehicle and equipment dealers: Groups I through V
- Warehouse:
 - Mini warehouse
 - Private
 - Public
 - Cold storage only
- Wholesale establishment: Groups I through IV

b. Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Lot Area and Dimensions:

Minimum lot size: 0 square feet
Minimum lot width: 25 feet
Minimum lot depth: 0 feet

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: 0 feet

Rear yard: 0 feet

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: ~~45 percent~~ No Maximum

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

Minimum Building Separation: 20 feet

3. Open Space, Indigenous Open Space, Preservation, and Compensatory Storage.

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;
- c) Non-Indigenous Upland Preserve 3.02 acres;
- d) Compensating Storage in Preserve 0.04 acres; and
- e) Lake (Maximum of 25% Open Space) 0.80 acres.

4. Wetland Creation.

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

5. Indigenous Habitat Management Plan.

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

6. Surface Water Quality Monitoring.

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- iv) Identify the monitoring point locations.
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

7. Culvert Replacement.

- c. Prior to issuance of local development order, the Developer must apply to replace the four 36-inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

8. Ingress and Egress.

- a. ~~The developer must record a~~ notice to all future property owners, must be recorded by the developer in the public records, prior to the issuance of a local development order allowing construction of the access to the development. The notice must ~~detail~~ articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
- b. Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

9. Turnaround.

- a. As part of the local development order approval, the developer must provide signage stating that the southern access point is a resident only access.
- b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.

10. Solid Waste.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Section B. - Deviations

1. **Deviation 1** seeks relief from Lee County Land Development Code (LDC) Section 10- 291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

This deviation is **APPROVED** subject to Condition 98.

- ~~4.~~ 2. **Deviation (2)** seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turnaround, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse to allow no turnaround for the southern gate at the secondary resident only access point. a paved turnaround, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.

This deviation is **APPROVED** subject to Condition 409.

- ~~2.~~ 3. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10- 285, which requires that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

This deviation is **WITHDRAWN** as unnecessary.

- ~~3.~~ 4. **Deviation 4** seeks relief from Lee County Land Development Code (LDC) Section 10- 261(a), which requires a new multifamily residential development to provide sufficient on- site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to Condition 4410.

Grand Bay Minor MPD - DCI2022-00018

Attachment F - Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "Grand Bay-Minor MPD", prepared by Banks Engineering, last revised December 30, 2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 300 dwelling units, of which 114 are bonus density units, not to exceed 56-feet-in-height and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

- Residential Tract

- Accessory uses and structures

- Administrative Offices

- Clubs: private

- Community Gardens

- Dwelling unit: Multi-family

- Entrance gates and gatehouse

- Essential services

- Essential service facilities: Group I

- Excavation: Water retention

- Fences, walls

- Home Occupation

- Models: Model unit

- Real Estate Sales Office

- Recreation facilities:

- Personal

- Private on-site

- Parking Lot:

- Accessory

- Temporary

- Residential accessory uses

- Signs

- Temporary Use

- Outparcels 1 and 2

- Accessory uses and structures

- Administrative Offices

Agricultural services: office/base operations
Aircraft food services and catering
Animals:
 Clinic or Kennel (no outdoor runs)
 Control Center (including Humane Society)
ATM (automatic teller machine)
Auto parts store
Automobile repair and service, all groups
Automobile service station
Bait and tackle shop
Banks and financial establishments: Groups I and II
Bar or cocktail lounge, subject to LDC Section 34-1264
Boarding House
Boats:
 Boat parts
 Boat rental
 Boat sales
 Boat Storage (dry)
 Boatyard
Broadcast studio, commercial radio, and television
Building material sales
Business services: Groups I and II
Bus station/depot
Caretaker's residence (limited to one)
Car wash
Cleaning and maintenance services
Clothing stores, general
Clubs:
 Country
 Commercial
 Fraternal, membership organization
 Private
Cold storage, pre-cooling, warehouse and processing plant
Communication facility, wireless
Community Gardens
Community Residential Homes
Computer and data processing services
Consumption on premises
Continuing care facilities
Contractors and builders: Groups I and II
Convenience food and beverage store
Cultural facilities
Day care center, child, adult
Department Store

- Drive-through facility for any permitted use
- Drugstore, pharmacy
- Dwelling unit: live-work, townhouse, multiple-family building
- Entrance gates and gatehouse
- Emergency operations center
- EMS, fire or sheriff's station
- Essential services
- Essential service facilities: Group I
- Excavation: Water retention; oil or gas
- Excess spoil removal
- Factory outlets (point of manufacture only)
- Farm equipment, sales, storage, rental, or service
- Fences, walls
- Fish house, wholesale
- Flea market:
 - Open
 - Indoor
- Food and beverage service, limited
- Food stores: Group I and II
- Funeral home and mortuary (with or without a crematory)
- Gasoline dispensing system, special
- Gift and souvenir shop
- Hardware store
- Health care facilities: Group I, Group II, Group III
- Hobby, toy, and game shops
- Home care facilities
- Home occupation
- Hospice
- Household and office furnishings, all groups
- Insurance companies
- Laundry or dry cleaning: Group I and II
- Lawn and garden supply stores
- Library
- Maintenance facilities (government)
- Medical office
- Mobile home dealers
- Models: Model unit
- Motion picture production studio
- Nightclubs
- Non-store retailers, all groups
- Parcel and express services
- Package store
- Paint, glass, and wallpaper
- Parks: Group I and II
- Parking lot:
 - Accessory
 - Commercial
 - Garage, public
 - Park-and-ride, temporary
- Personal services: Group I through IV

Pet services
Pet shop
Pharmacy
Photofinishing laboratory
Place of worship
Post office
Printing and publishing
Real estate sales office
Recreation facilities:
 Commercial, groups I, III
 Commercial, group IV
 Personal; private - on-site
 Private: off-site
Religious facilities
Rental or leasing establishments: Group I through III
Repair Shops, Groups I through IV
Research and development laboratories: Group I through IV
Residential accessory uses
Restaurant, fast food
Restaurants: Group I through IV
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Rooming house
Schools:
 Commercial
 Noncommercial
Self-service fuel pumps
Signs
Social services: Group I, Group II
Special retail shops: Group 1 through IV
Storage: Indoor only; Storage, open
Studios
Temporary use
Theatre, indoor or outdoor (drive in)
Transportation services: Group II and III
Used merchandise stores: Group I through IV
Variety store
Vehicle and equipment dealers: Groups I through V
Warehouse:
 Mini warehouse
 Private
 Public
 Cold storage only
Wholesale establishment: Groups I through IV

b. Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Lot Area and Dimensions:

Minimum lot size: 0 square feet
Minimum lot width: 25 feet
Minimum lot depth: 0 feet

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: 0 feet

Rear yard: 0 feet

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: No Maximum

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

Minimum Building Separation: 20 feet

3. Open Space, Indigenous Open Space, Preservation, and Compensatory Storage.

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;
- c) Non-Indigenous Upland Preserve 3.02 acres;
- d) Compensating Storage in Preserve 0.04 acres; and
- e) Lake (Maximum of 25% Open Space) 0.80 acres.

4. Wetland Creation.

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

5. Indigenous Habitat Management Plan.

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

6. Surface Water Quality Monitoring.

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- iv) Identify the monitoring point locations.
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

7. Culvert Replacement.

- c. Prior to issuance of local development order, the Developer must apply to replace the four 36-inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

8. Ingress and Egress.

- a. A notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
- b. Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

9. Turnaround.

- a. As part of the local development order approval, the developer must provide signage stating that the southern access point is a resident only access.
- b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.

10. Solid Waste.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Section B. - Deviations

1. **Deviation 1** seeks relief from Lee County Land Development Code (LDC) Section 10- 291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

This deviation is **APPROVED** subject to Condition 8.

2. **Deviation (2)** seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turnaround, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse to allow no turnaround for the southern gate at the secondary resident only access point.

This deviation is **APPROVED** subject to Condition 9.

3. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10- 285, which requires that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

This deviation is **WITHDRAWN** as unnecessary.

4. **Deviation 4** seeks relief from Lee County Land Development Code (LDC) Section 10- 261(a), which requires a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to Condition 10.



Grand Bay

Section 20, Township 46 South, Range 25 East
Lee County, Florida

Protected Species Management Plan

June 2022

Prepared for:

NRP Holdings, LLC
1228 Euclid Avenue 4th Floor
Atlanta, GA 30309

Prepared by:

DexBender
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680

INTRODUCTION

The 46.33± acre project is located within a portion of Section 20, Township 46 South, Range 25 East, Lee County, Florida. The parcel is bordered to the west by portions of the Estero Bay Buffer Preserve, to the east by US-41 and undeveloped land, and to the north by existing residential development. Undeveloped land and existing residential development is present to the south. An existing road right-of-way bisects the property.

SITE CONDITIONS

The site consists primarily of pine flatwoods and mixed hardwood wetlands that have been invaded by exotics. By 1979, a small area of clearing was present in the western portion of the site. Clearing in the eastern portion of the site was also initiated prior to 1979 and continued through the 1990's.

PROTECTED SPECIES SURVEY

Gopher Tortoise

A total of 41 potentially occupied gopher tortoise burrows were found during the January 10, 2022 listed species survey (Figure 1). The majority of the burrows are located in the western portion of the site. A total of nine potentially occupied gopher tortoise burrows were found in proposed development footprint. Based on 80 percent survey coverage in that portion of the site, it is estimated that 11 potentially occupied gopher tortoise burrows occur within this general area. Using the FWC standard burrow occupancy correction factor of 0.5 gopher tortoises per burrow, it is estimated that five to six gopher tortoises are present within the proposed development area.

Florida Bonneted Bat

A total of 23 dead slash pine trees containing potential cavities entrances were identified during the January 10, 2022 listed species survey. All but one of these trees were located within the preserve in the western portion of the site. The vast majority of identified potential cavity entrances appear to be less than approximately two inches in diameter, very shallow, and do not penetrate the heartwood of the snag. No evidence of Florida bonneted bat (*Eumops floridanus*) utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed.

PROTECTED SPECIES MANAGEMENT

Gopher Tortoise

Prior to the initiation of development activities a gopher tortoise burrow survey of the development footprint will be conducted in accordance with current Florida Fish and Wildlife Conservation Commission (FWC) guidelines. If the survey determines there are ten or fewer potentially occupied gopher tortoise burrows that will be impacted by

SECTION: 20
TOWNSHIP: 46 S
RANGE: 25 E

0 100 200
SCALE FEET



- Potentially Occupied Gopher Tortoise Burrow (41)
■ Tree with Cavity (23)

Notes:

1. Property boundary and surveyed wetland lines provided by Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by SPWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.

Total 46.33 ac.

June 22, 2022 11:50:30 a.m.
Drawing: NRP1PLAN.DWG

Figure 1. Protected Species and
Development Footprint Map

Grand Bay

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

development activities, the land owner will obtain a 10 or Fewer Burrows permit from the FWC and relocate the gopher tortoises to the upland preserve in the western portion of the site. In the event there are more than ten potentially occupied gopher tortoise burrows that will be impacted by development activities, the land owner will obtain a Conservation permit from the FWC and relocate the gopher tortoises to the FWC approved off-site recipient site as specified by the FWC permit. Lee County Environmental Sciences will be provided a copy of the FWC gopher tortoise permit prior to excavation of the burrows.

With the exception of potentially occupied gopher tortoise burrows located within 25 feet of the development footprint, all gopher tortoise burrows within the upland preserves will remain undisturbed. The management of the upland preserves are anticipated to improve the quality of gopher tortoise habitat within those preserves.

Florida Bonneted Bat

Prior to the initiation of development activities a cavity tree survey of the development footprint will be conducted. The trees containing potential Florida bonneted bat roost cavities will be visually inspected (peeped) using a small high resolution wide angle video camera capable of operating in low light conditions mounted on an extendable pole. All videos will be carefully examined for evidence of Florida bonneted bats or their guano. In the event that evidence of Florida bonneted bat utilization of a roost cavity is detected, the landowner will coordinate with the United States Fish and Wildlife Service (FWS) on appropriate additional surveys and conservation measures that are required to prevent a "take" of this species. Lee County Environmental Sciences will be provided a copy of the cavity tree survey and FWS's recommendations (if any) on required future conservation measures for the Florida bonneted bat.

Grand Bay Minor MPD

DCI2022-00018

Applicant's PowerPoint Presentation



Hearing Examiner Public Hearing

February 9, 2023

APPLICANT'S EXHIBIT

1

Counsel

Steve Hartsell



Applicant Representatives

Counsel: Steven C. Hartsell, Esq.



Applicant Representative: Kurt P. Kehoe
Senior Vice President



Planner: Stacy Ellis Hewitt, AICP
Engineer: Kenneth W. Kellum, P.E.



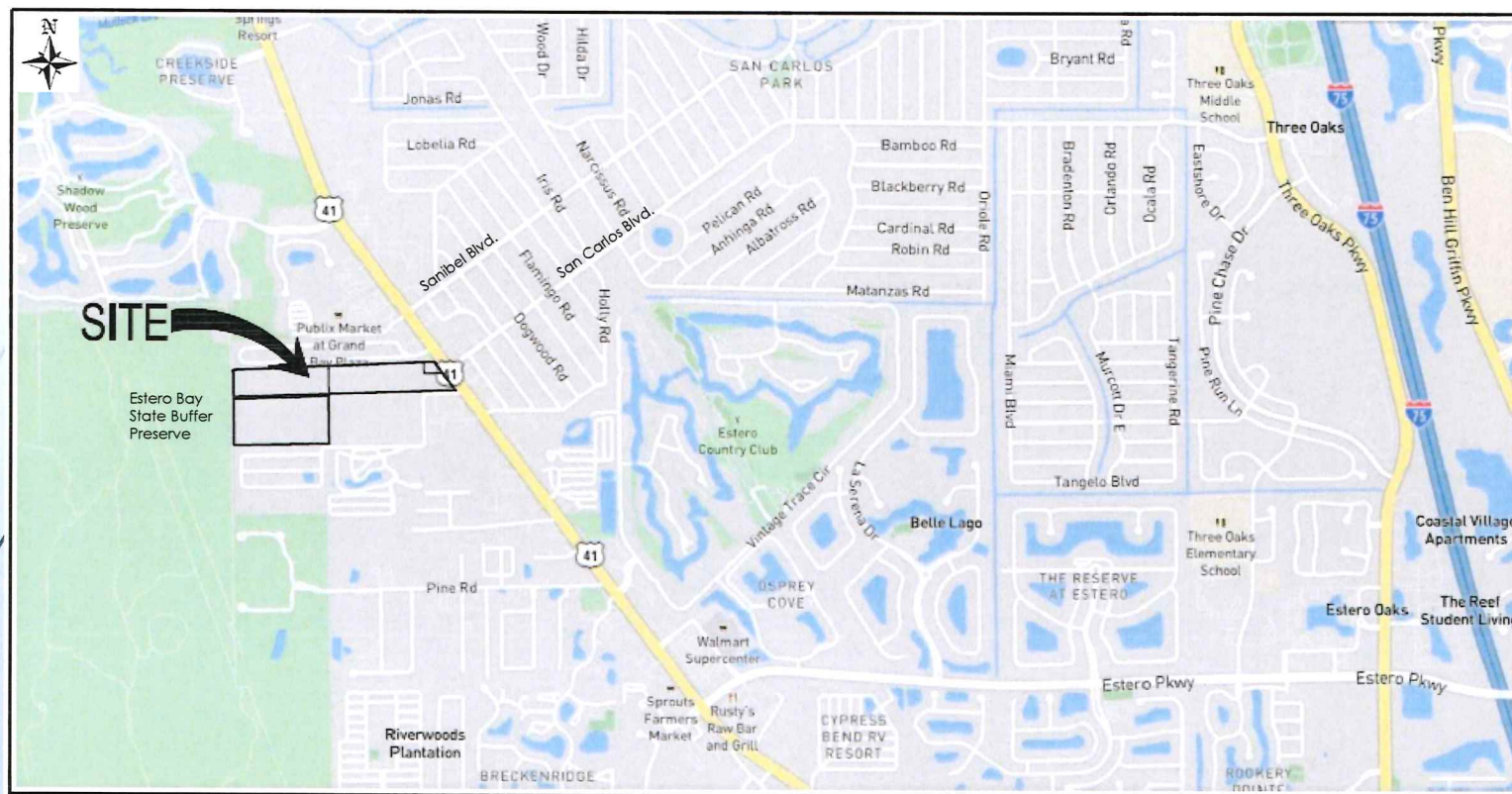
Environmental: Ashley Palmer, Ecologist



Transportation: Yury Bykau, PE



Area Location Map



- West side of U.S. 41/S. Tamiami Trail (arterial) at intersection with San Carlos Boulevard (major collector – intersection scheduled for signalization by FDOT)
- Four Parcels - Overall site 46.33 ac

Introduction

- Request to rezone ±46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed-Use Planned Development (MPD) to allow a maximum of 30,000 square feet of commercial retail or office uses and 300 dwelling units (186 dwelling units, with 114 units of bonus density) with a maximum height of 56 feet.
 - Clustered development on eastern side of property
 - Allows for substantial preservation on the west side (30.63± ac/66%± of site) within Coastal High Hazard Area, adjacent to Estero Bay State Buffer Preserve
 - In conjunction with a concurrent Map Amendment to add 15.64 acres to the Mixed Use Overlay Map and a Text Amendment to Policy 5.1.10 to allow transfer of density from the preserved Rural lands to the Mixed Use Overlay area in the Urban Community lands.

Staff Report

- Staff Recommends Approval with conditions
- Applicant in agreement with proposed conditions as amended by 48-hour notice
- Request to incorporate staff report and attachments and 48-hour notice as part of testimony and evidence

Applicant Representative

Kurt P. Kehoe

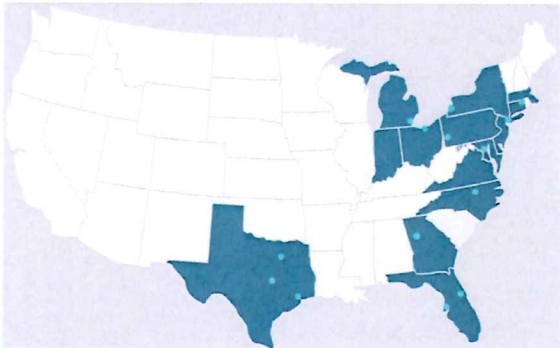




2022 **NMHC** 50
TOP 10 BUILDER
& DEVELOPER
2022 NMHC 50

MHN
MULTI-HOUSING NEWS
RANKED #3
2021 Top Multifamily
Development Firms

MULTIFAMILY
PILLARS OF THE
INDUSTRY
AWARDS
2020
WINNER
Multifamily
Builder of
the Year



Product Type
Market Rate
11900 Marquina Boulevard
Fort Myers, FL 33913
Las Palmas

Apartment
Homes/Units
300



St. Petersburg, FL
1701 Central
Product Type
Market Rate
Apartment
Homes/Units
243

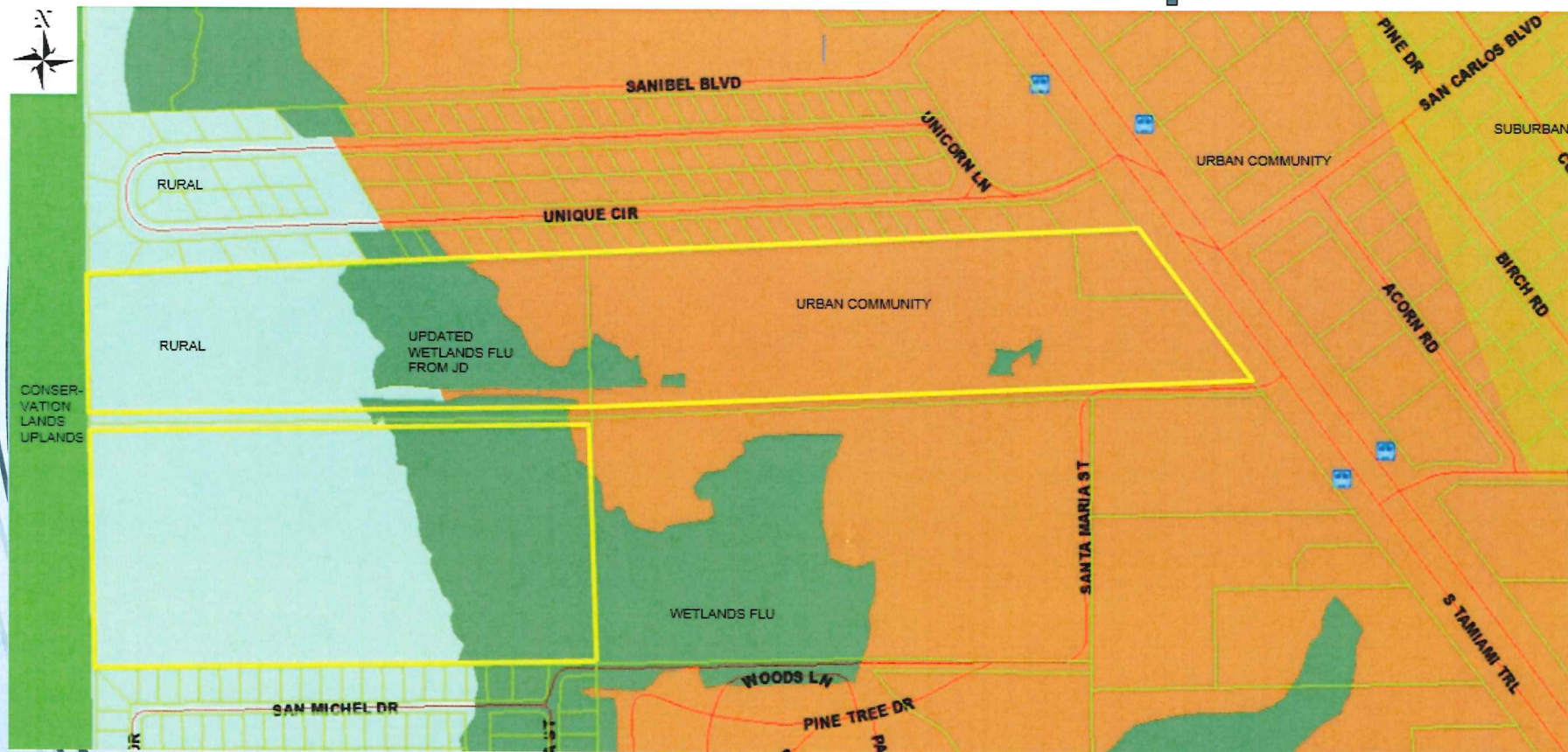


Land Use & Planning

Stacy Ellis Hewitt, AICP

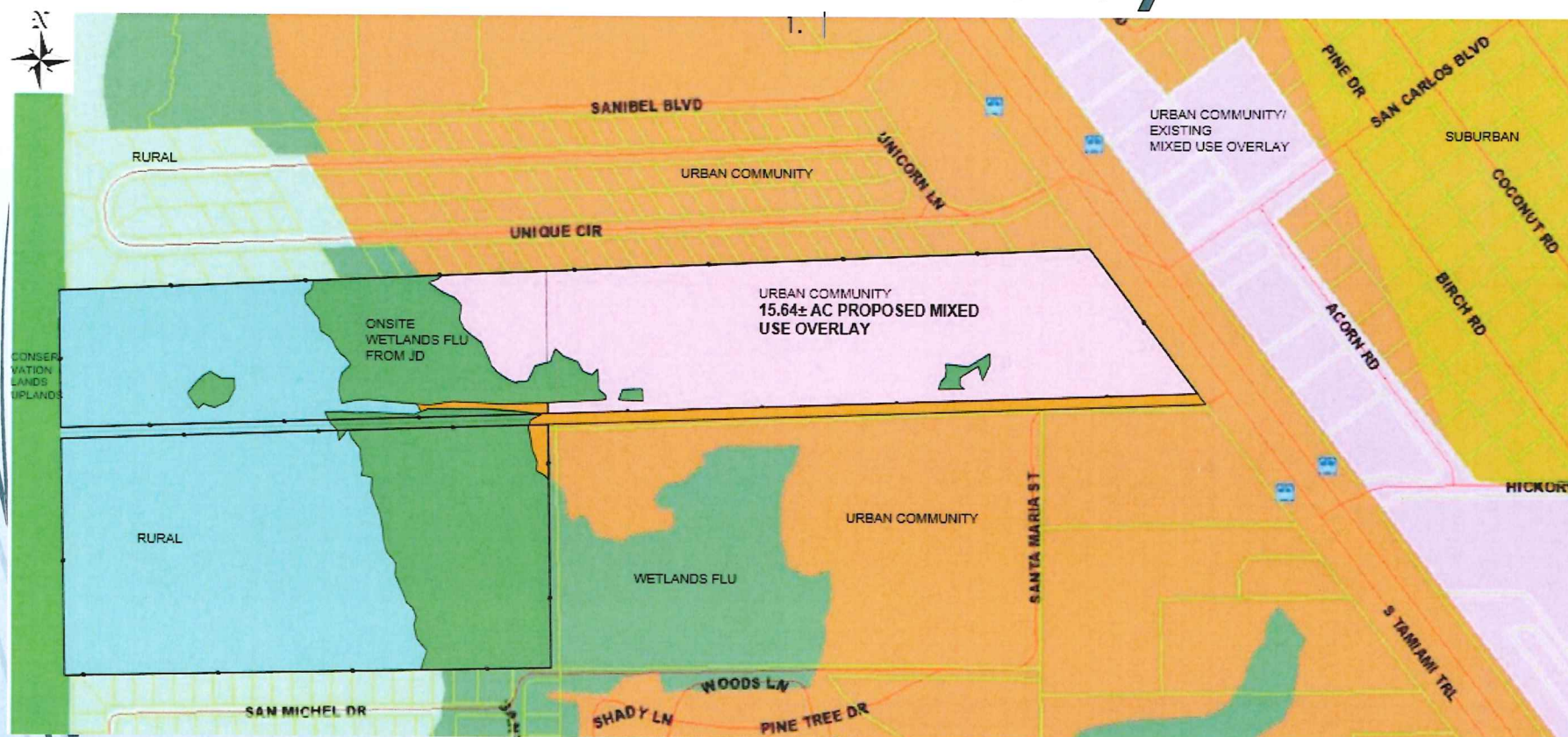


Future Land Use Map



- 3 Future Land Use Categories:
 - Urban Community
 - Rural
 - Wetlands

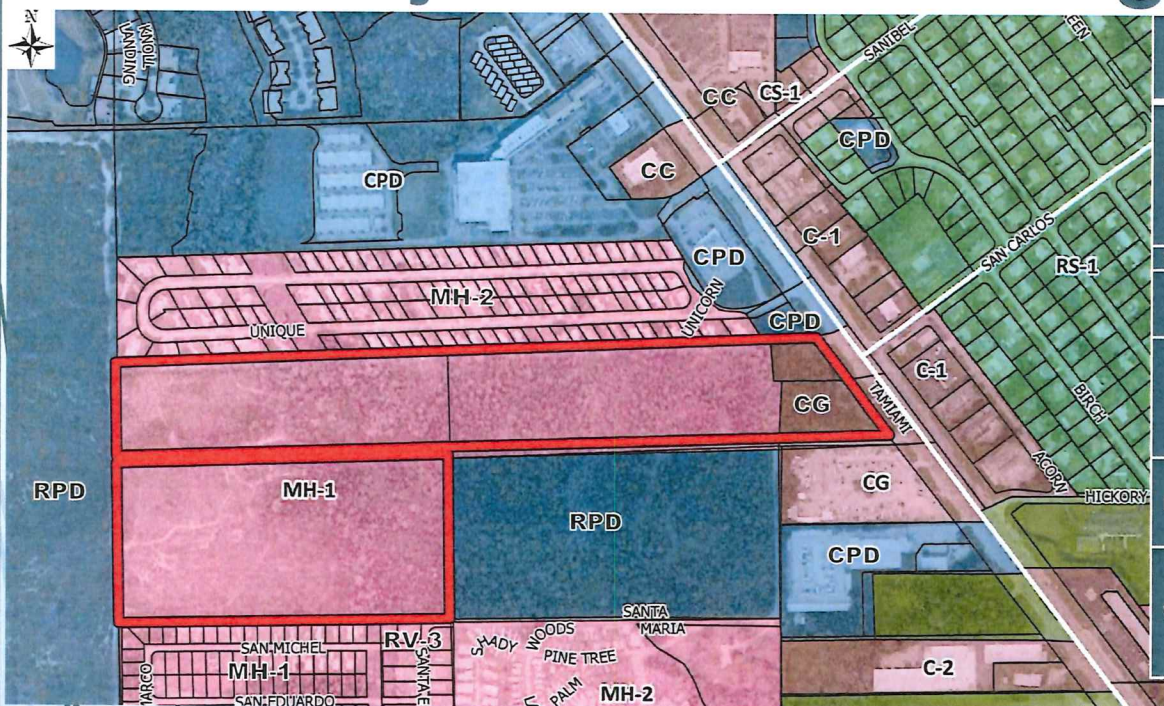
Mixed Use Overlay



- 15.64 ac proposed for MUO are within Urban Community FLUC

Subject & Surrounding Zoning & Use

12



	Surrounding Future Land Use/Mixed Use Overlay	Surrounding Zoning	Surrounding Use
North	Urban Community, Rural & Wetlands	CPD fronting S. Tamiami Trail/US 41 then MH-2	Vacant commercial then Walgreens fronting US 41 then Shelter Pines Mobile Home Village (platted density 8.62± du/ac & built density 7.05± du/ac)
South			
Western portion	Rural & Wetlands	MH-1 and RV-3	Calusa Cove RV Park platted for 6.55± du/ac
Eastern portion	Urban Community & Wetlands	Estero Vista RPD & CG	DO for 144 Multi-family (including bonus density) under construction then Santa Maria Street & Marina Mikes Boat sales
East	US 41 then Urban Community & Mixed Use Overlay	C-1	Church, shopping centers, car wash
West	Conservation Lands Upland	RPD	Estero Bay State Buffer Preserve

➤ Subject Property

- 2.73± ac zoned CG
- 43.6± ac zoned MH-1
- Vacant with dirt trail
- Approved DO for shared access to U.S. 41 aligning with San Carlos Boulevard – under construction by Estero Vista
 - FDOT scheduled to construct traffic signal

Concurrent CPA Requests

- CPA2022-00006 - Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay
- CPA2022-0007 - Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes
 - Allows for Clustered development on eastern side of property
 - Allows for substantial preservation on the west (30.63± ac/66%±) within Coastal High Hazard Area, adjacent to the Estero Bay State Buffer Preserve
- Staff and Local Planning Agency Found consistent with Lee Plan
 - BOCC Unanimously Approved Transmittal

1/18/23

Text Amendment

- Overall site has 3 Future Land Use Categories
 - Urban Community, Rural & Wetlands
- Literal interpretation of 5.1.10.3 would have prevented transfer of 21 Rural du's abutting Estero Bay State Buffer Preserve to Urban Community to east
- Approval facilitates preservation of western 30.63± acres and moves density out of Rural
- Staff requested additional amendments to align policy with Lee Plan's definition of density and standard Lee County density practices
 - Removes arbitrary 1992 project specific language
- Request is consistent with Policy 5.1.10, as amended

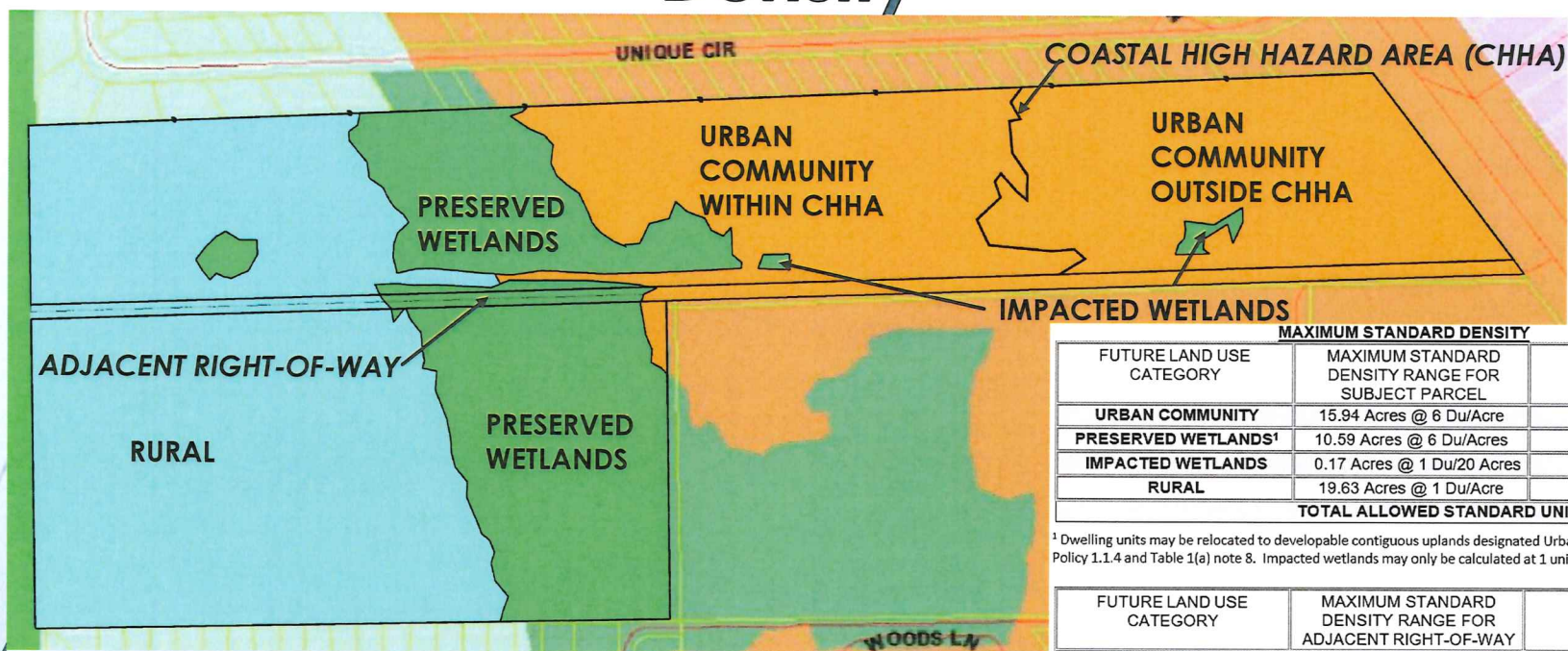
PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

Policy 5.1.10: In those instances where contiguous land under single ownership is divided within two or more land use categories ~~by the adoption or revision of the Future Land Use Map~~, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category ~~for each portion of the land~~. This density can be allocated ~~The dwelling units may be distributed~~ across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

1. ~~The planned development zoning is utilized; and~~
2. ~~No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
3. ~~The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
4. ~~The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

Density



MAXIMUM STANDARD DENSITY		
FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR SUBJECT PARCEL	UNITS
URBAN COMMUNITY	15.94 Acres @ 6 Du/Acre	95.64 Du
PRESERVED WETLANDS ¹	10.59 Acres @ 6 Du/Acre	63.54 Du
IMPACTED WETLANDS	0.17 Acres @ 1 Du/20 Acres	0.01 Du
RURAL	19.63 Acres @ 1 Du/Acre	19.63 Du
TOTAL ALLOWED STANDARD UNITS: 178.82 DU		

¹ Dwelling units may be relocated to developable contiguous uplands designated Urban Community per Lee Plan Policy 1.1.4 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetlands.

MAXIMUM STANDARD DENSITY		
FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR ADJACENT RIGHT-OF-WAY	UNITS
URBAN COMMUNITY	0.65 Acres @ 6 Du/Acre	3.9 Du
PRESERVED WETLANDS	0.37 Acres @ 6 Du/Acre	2.22 Du
RURAL	0.51 Acres @ 1 Du/ acres	0.51 Du
TOTAL: 6.63 DU		

MAXIMUM BONUS DENSITY FOR RIGHT-OF-WAY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING [*]	0.68 Acres @ 4 Du/Acre	2.72 Du
TRANSFERRABLE DWELLING UNITS ^{*,**}	0.34 Acres @ up to 4 - 9 Bonus Du/Acre	1.36 - 3.06 Du
SUB-TOTAL		4.08 - 5.78

MAXIMUM: 12.41 DU WITH BONUS DENSITY

^{*}0.31 acres uplands and 0.37 acres preserved wetlands within Coastal High Hazard²

^{**}8.07 acres located outside of Coastal High Hazard Area

^{***}Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

MAXIMUM BONUS DENSITY FOR SUBJECT PROPERTY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING [*]	18.46 Acres @ 4 Du/Acre	73.84 Du
TRANSFERRABLE DWELLING UNITS ^{*,**}	8.07 Acres @ 4 - 9 Bonus Du/Acre	32.28 - 72.63 Du
SUB-TOTAL		106.12 - 146.47

MAXIMUM: 325.29 DU WITH BONUS DENSITY

^{*}7.87 acres uplands and 10.59 acres preserved wetlands within Coastal High Hazard²

² Per Lee Plan Policy 101.3.7, bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

^{**}8.07 acres located outside of Coastal High Hazard Area

^{***}Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

Conditions of Approval

- Condition 1 requires compliance with Master Concept Plan & Land Development Code.

- ❖ 300 dwelling units of which 114 are bonus density units
- ❖ 30,000 SF Commercial

- Condition 2.a Schedule of Uses

- Residential Tract: Multi-family & associated uses
- Outparcels 1 & 2: MPD uses in LDC Table 34-934 except Dwelling Units limited to live-work, townhouse or multi-family and some commercial uses removed at request of staff.

- Condition 2.b Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Minimum lot size: 0 square feet
Minimum lot width: 25 feet
Minimum lot depth: 0 feet

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: 0 feet

Rear yard: 0 feet

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: No Maximum

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

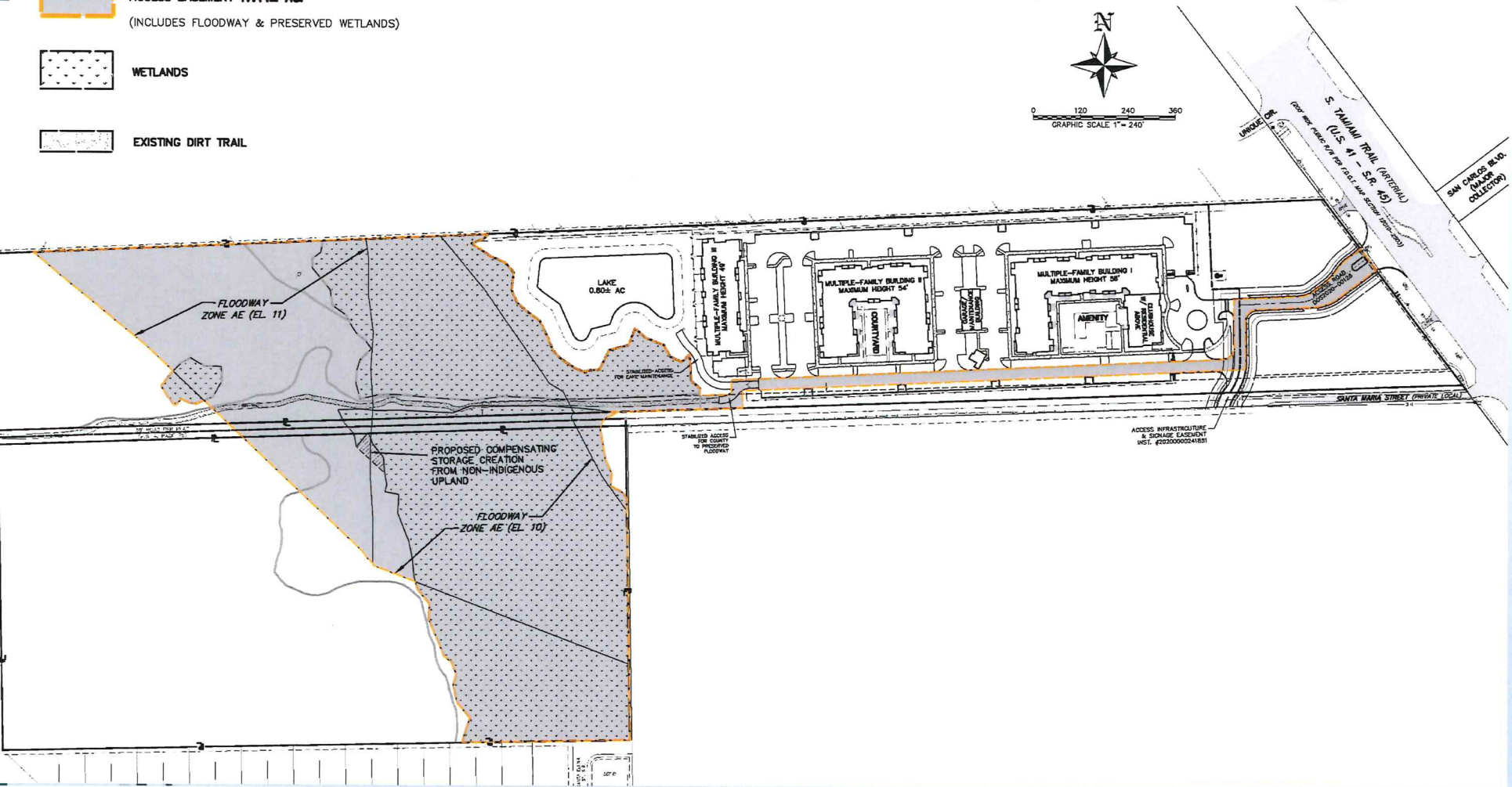
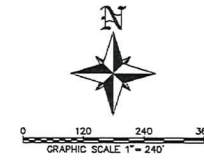
Minimum Building Separation: 20 feet

9. LAKE MUST DEMONSTRATE A PLANTED LITTORAL SHELF THAT FUNCTIONS AS A TYPICAL FRESHWATER MARSH CONSISTENT WITH LDC AT TIME OF DEVELOPMENT ORDER.



Master Concept Plan Page 2

-  PROPOSED LEE COUNTY PERPETUAL
STORMWATER DRAINAGE &
ACCESS EASEMENT 17.44± AC.
(INCLUDES FLOODWAY & PRESERVED WETLANDS)
-  WETLANDS
-  EXISTING DIRT TRAIL



Conditions of Approval

- Environmental Presentation will address:
 - Condition 3 which requires Open Space consistent with MCP
 - Condition 4 requires compensating storage/wetland creation
 - Condition 5 requires Species Management Plan & Indigenous Management Plan - Environmental
- Engineering Presentation will address:
 - Condition 4 requires compensating storage/wetland creation
 - Condition 6 requires Surface Water Quality Monitoring
 - Condition 7 requires Culvert Replacement
- 3 Deviations which enhance the achievements of the planned development & protect the public health, safety & welfare:
 - Conditions 8 regarding ingress/egress Deviation 1
 - Condition 9 regarding resident only gate turnaround Deviation 2
 - Condition 10 regarding Solid Waste Deviation 4

Public Facilities, Services & Infrastructure

Fire: San Carlos Park Fire Protection & Rescue Service Station 51 is 0.76± mile from site

Emergency Medical Services: Lee County EMS – Medic 9 is 0.9± mile from site +3 additional stations within 5 miles

Utilities: Lee County Utilities has sufficient water & sewer capacity & lines in operation adjacent to site

Public Transit: LeeTran Routes 240, 660, and 140 (Sunday service only), bus stop within ¼ mile

Schools: San Carlos Park Elementary School 2.5± miles from site, Three Oaks Middle School: 2.7± miles & Island Park High School: 3.6± miles

Police: Lee County Sheriff's Office: sufficient capacity for service. South District offices in Bonita Springs

Roads: 491'± U.S. 41/S. Tamiami Trail (arterial) at proposed signalized intersection with San Carlos Blvd (major collector), 2 connections to shared access road, parking lot interconnect through commercial to Unique Circle.

Drainage Improvements: 17.44± acres proposed perpetual stormwater drainage & access easement

Pedestrian: Sidewalk & bike lane located east & west side of U.S. 41/S. Tamiami Trail, shared access under construction with sidewalk

Parks: Karl Drews Park & Community Center: 1.3± miles, San Carlos Community Pool: 1.4± miles, Three Oaks Park: 2.9± miles, Koreshan State Park: 3± miles, Estero River Scrub-Estero Bay Preserve: 3.3± miles, Estero Park: 3.5± miles, & South County Regional Library: 4.1± miles

Employment/Shopping: Along U.S. 41/S. Tamiami Trail: restaurants, businesses & shopping centers, most notable: Grand Bay Plaza Publix 3± minutes to north

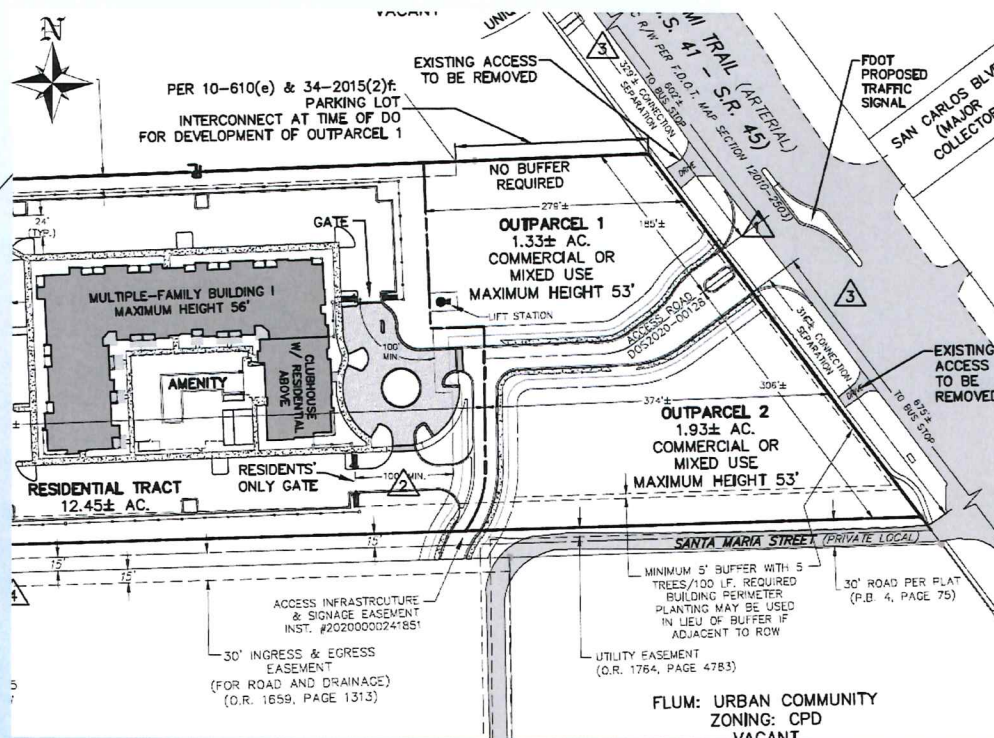
Deviation 1

1. **Deviation 1** seeks relief from Lee County Land Development Code (LDC) Section 10- 291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

8. Ingress and Egress.

- A notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
- Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

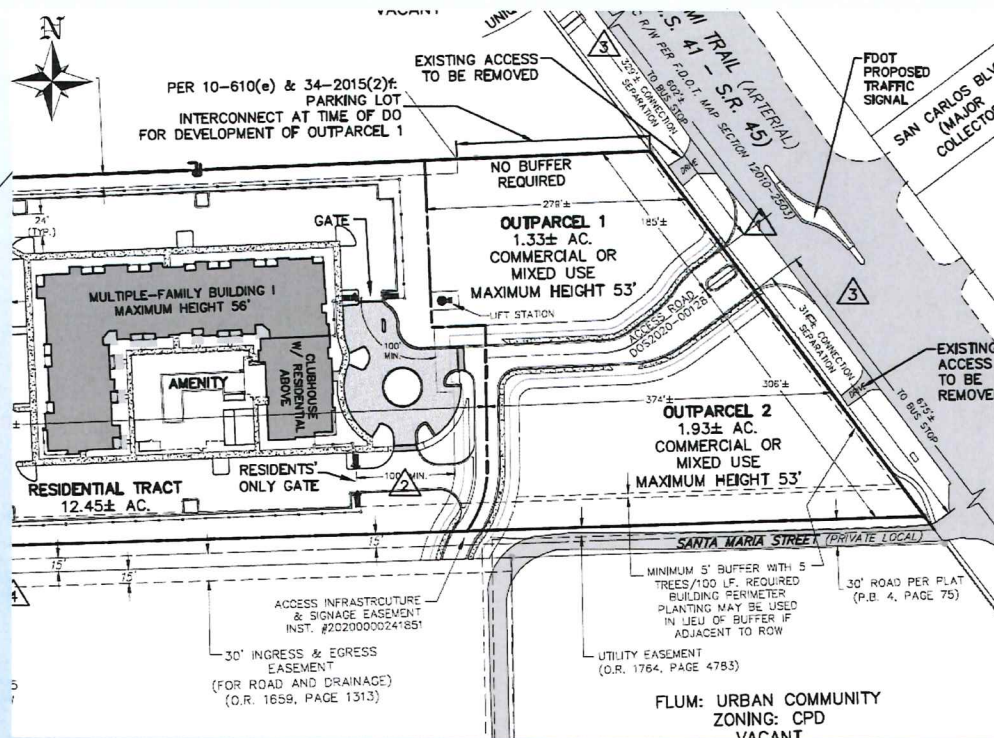
This deviation is **APPROVED** subject to Condition 8.



- Shared access road under construction
- 2 residential connections
- Interconnect with Estero Vista
- Parking lot interconnect to north at time of DO for Outparcel 1

This deviation is **APPROVED** subject to Condition 9.

- a. As part of the local development order approval, the developer must provide signage stating that the southern access point is a resident only access.
- b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.



- Resident Only Access Gate
- Minimal traffic
- Unique configuration

Deviation 4

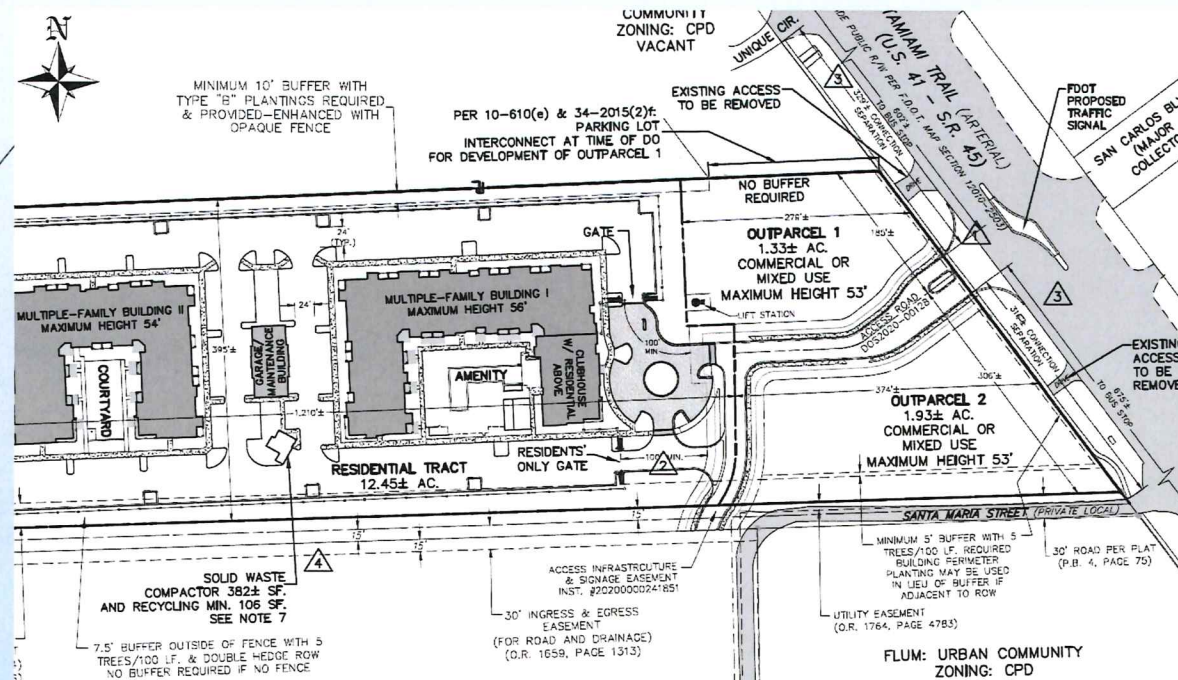
➤ Deviation 3 WITHDRAWN as unnecessary

4. Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to Condition 10.

10. Solid Waste.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.



- **Compactor provided**
- **Allowable administrative deviation**
- **One central location for pickup**

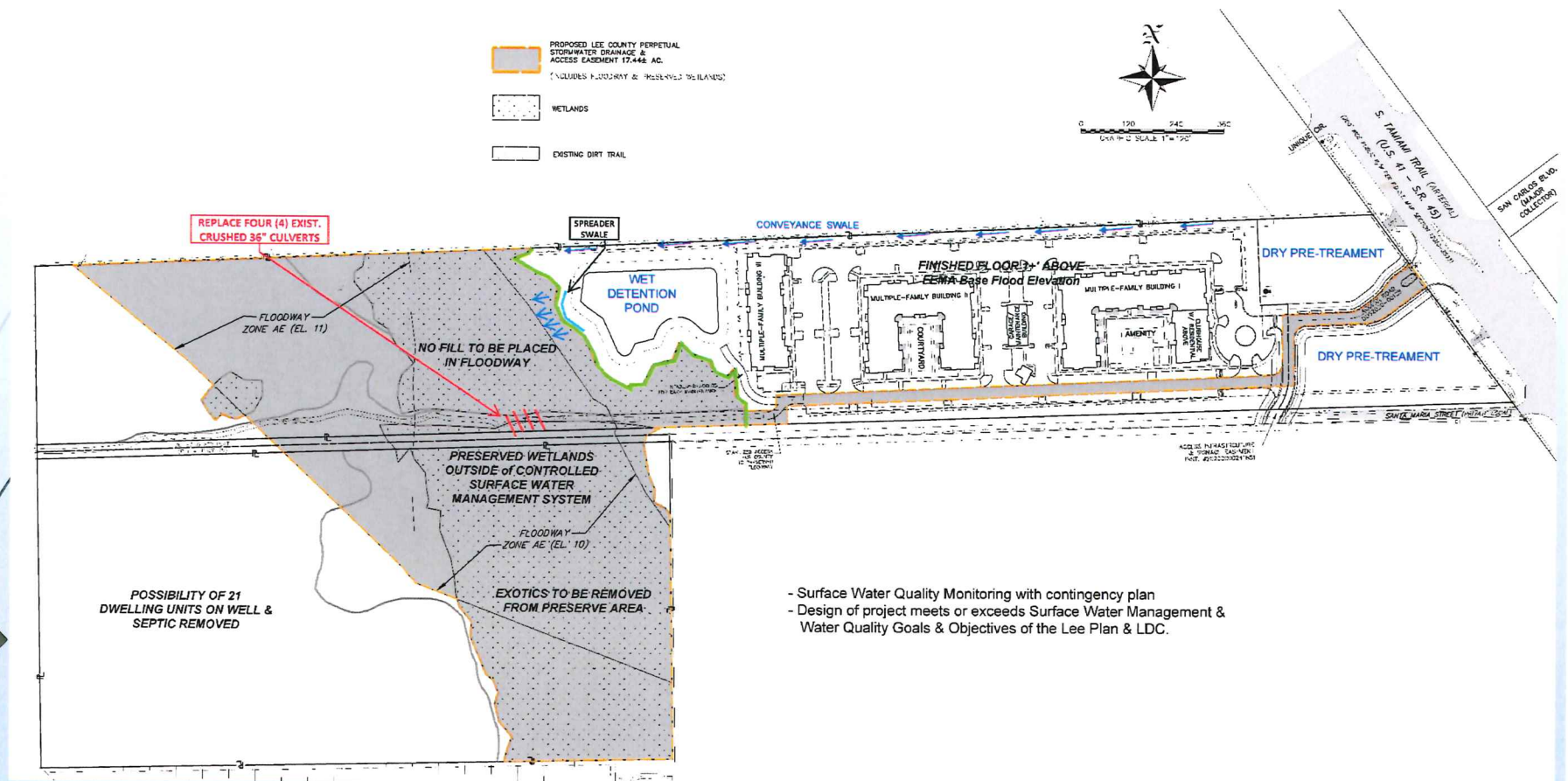
Engineering

Kenneth W. Kellum, PE



Stormwater Management

- Mullock Creek Flow-way enhancements:
 - Replacing 4 old & crushed 36" culverts
 - Exotic removal
 - No Fill in Floodway & Finished Floor minimum 1' above FEMA base flood elevation
- Conveyance swale along north & preserved wetlands outside of controlled surface water management system so offsite flows pass through
- Wet & dry detention areas & wetland preserves provide treatment & filtration for flows entering flow-way
- Approval removes potential for 21 dwelling units on well & septic in Rural adjacent to Mullock Creek flow-way & Estero Bay State Buffer Preserve
- Surface Water Quality Monitoring with contingency plan
- In my expert opinion, the project meets or exceeds Surface Water Management & Water Quality Goals & Objectives of the Lee Plan & LDC.



- Surface Water Quality Monitoring with contingency plan
- Design of project meets or exceeds Surface Water Management & Water Quality Goals & Objectives of the Lee Plan & LDC.

Stormwater Management

Conditions

4. Wetland Creation.

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

6. Surface Water Quality Monitoring.

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- iv) Identify the monitoring point locations.
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

7. Culvert Replacement.

- c. Prior to issuance of local development order, the Developer must apply to replace the four 36-inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.



Environmental

Ashley Palmer, Ecologist





<u>FLUCCS</u>	<u>Description</u>	<u>Acres</u>
411E	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E1	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
517E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
	Total	46.33 ac.

Total	46.33 ac.
--------------	------------------

Notes:

1. Property boundary and surveyed wetland lines provided by Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

June 22, 2022 11:50:30 a.m.
Drawing: NRP1PLAN.DWG

Figure 1. Protected Species and Development Footprint Map

Grand Bay

DDEXBENDER
ENVIRONMENTAL CONSULTING

Environmental

Existing site

Pine flatwoods and mixed hardwood wetlands that have been invaded by exotics.

Preservation

30.63± acres of forested uplands and wetlands will be placed in a conservation easement.

- 10.59± acres of wetlands
- 20± acres of uplands
- 0.04± acre of wetland creation

Protected Species

Gopher tortoises: 41 potentially occupied gopher tortoise burrows were identified during the protected species survey.

- Nine of these burrows are located within the proposed development footprint and will be relocated through an FWC permit.

Florida Bonneted bat: 23 potential cavity trees were identified during the protected species survey.

- One of these trees is within the proposed development footprint and will be visually inspected for evidence of Florida bonneted bat utilization. The landowner will coordinate with the United States Fish and Wildlife Service (FWS) on appropriate measures if utilization of a roost cavity is detected.

We anticipate possible reduction in number of burrows due to flooding from Hurricane Ian.

Prior to initiation of development activities, a gopher tortoise burrow survey and a cavity tree survey will be conducted within the development footprint.

Conditions

3. Open Space, Indigenous Open Space, Preservation, and Compensatory Storage.
Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:
 - a) Indigenous Upland Preserve 16.98 acres;
 - b) Wetland Preserve (Non-Indigenous) 10.59 acres;
 - c) Non-Indigenous Upland Preserve 3.02 acres;
 - d) Compensating Storage in Preserve 0.04 acres; and
 - e) Lake (Maximum of 25% Open Space) 0.80 acres.
4. Wetland Creation.
Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.
5. Indigenous Habitat Management Plan.
Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

In my expert opinion, project meets or exceeds Environmental & Resource Protection Goals & Objectives of the Lee Plan & LDC.

Transportation

Yury Bykau, PE



Transportation

- TIS as per Zoning Application – 300 Multi-Family Units & 30,000 Sq. Ft. Commercial
- Link LOS Analysis
 - US 41 & San Carlos Blvd – future w/project LOS “D” or better.
- FDOT is constructing a traffic signal at US 41 & San Carlos Blvd intersection.
- US 41 & San Carlos Blvd Intersection (signal) - future w/project LOS “D”.
- In my expert opinion, project is consistent with the Lee Plan & LDC Transportation Element.

Land Use & Planning

Stacy Ellis Hewitt, AICP



Minimum Requirements for Bonus Density

LDC Section 2-146(b) & (e)

(b)(1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road

- ✓ Traffic will not travel through residential before reaching U.S. 41/Tamiami Trail (arterial)

(b) (2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest

- ✓ Adequate water & sewer capacity available (Attachment L)
- ✓ Will not have an adverse impact on surrounding road network (Staff Report Attachment M & N)

(b)(3) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in section 2-483

- ✓ Appropriate mitigation pursuant to LDC demonstrated as part of DO.

(b)(4) The resulting development will be compatible with existing and planned surrounding land uses.

- ✓ Compatible with existing & planned uses
- ✓ Urban Community allows up to 96' height, max. 56' requested, staggered
 - ✓ Buildings I & II, 95'± setback, Building 3 oriented so narrow portion to north with min. 29' setback
 - ✓ Enhanced buffering & setbacks
- ✓ Drainage improvements – public health, safety & welfare

...

(e) TDUs may not be utilized on property located within the Coastal High Hazard Area as defined in section 2-483 or located within Bayshore, Buckingham, Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Community, TDUs may only be used as described in section 2-154.

- ✓ No TDUs proposed within CHHA

Findings for Zoning Matters

LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan

- ✓ **Policy 1.1.4 – Urban Community**: Relatively intense residential and commercial uses - future development encouraged to be mixed use – consistent with density
- ✓ **Policy 1.4.1 – Rural**: Removes 21 potential DU on well & septic
- ✓ **Policy 1.5.1** – Wetlands Preserved with only minor isolated impacts: 1 DU/20 AC / Table 1(a), Footnote 8(b) preserved wetlands transfer to Urban Community at underlying density
- ✓ **Objective 2.1, Policy 2.1.1 - Development Location**: Contiguous & compact & conserves land & natural resources
- ✓ **Objective 2.2, Policy 2.2.1 - Development Timing**: Adequate public facilities such as water & sewer, EMS, fire, sheriff, schools & parks
- ✓ **Policy 4.1.4**: Only 4.63 AC indigenous preserve required, providing 16.98 AC indigenous upland & 10.59 wetlands
- ✓ **Policy 5.1.3, 5.1.5 & 5.1.6** : High density near employment, shopping, parks, schools, mass transit & bicycle facilities, Buffer to north enhanced with opaque fence or wall, building orientation, setback & extensive preserve
- ✓ **Policy 5.1.10** : Consistent once CPA approved
- ✓ **6.1.6 & 6.1.7** : Proposed commercial already zoned CG

Findings for Zoning Matters

LDC Section 34-145(d)(4)a.1.

[continued]

- ✓ **Objective 11.1, Policy 11.1.1 – Mixed Use Development:** mixed use with sufficient infrastructure & connectivity as encouraged
- ✓ **Policy 11.2.2 – Mixed Use Overlay:** accommodate connection to adjacent uses
- ✓ **Policy 11.2.6 – Mixed Use Overlay:** utilize bonus density to encourage compact and functional development pattern
- ✓ **Policy 11.2.7 – Mixed Use Overlay:** infill development using non-residential uses in density calculations

Meets Policy 11.2.1 criteria for adding property to Mixed Use Overlay:

1. Located within the extended pedestrian shed (1/2 mile/2,640') of established transit routes
 - ✓ **Route 240 & Route 140 Sunday only along U.S. 41 with bus stops 200'± to north & 320'± to south**
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways (U.S. 41)
 - ✓ **Shared access road with Estero Vista RPD to south**
 - ✓ **Future parking lot interconnect required between commercial outparcel & CPD to north which connects to Unique Drive & commercial uses to north**
3. Located within the Intensive Development, Central Urban, or ✓ **Urban Community** future land use categories; and,
4. Availability of ✓ **adequate public facilities and infrastructure;** and
5. Will not intrude into predominately single-family residential neighborhoods.
 - ✓ **Not predominately single-family: Multiple-family under construction to south and relatively high-density mobile homes & vacant commercial to N**

Findings for Zoning Matters

LDC Section 34-145(d)(4)a.1.

[continued]

- ✓ Objective 59.1, Policies 59.1.4 & 59.1.9; Policy 60.4.3; Objective 61.3, Policies 61.3.2 & 61.3.3: enhances & preserves flow-way & uplands adjacent to Estero Bay State Buffer Preserve – removes exotics & replaces culverts identified by Lee County
- ✓ Goal 101, Objective 101.1, Policy 101.1.1: improves function of natural system as defense against flooding, compatible with wildlife habitat
- ✓ Policy 101.1.2: preserve majority of wetlands outside of water management system
- ✓ Policy 101.3.2: 0.04± ac isolated poor quality wetland impact within CHHA (to be permitted by SFWMD which will deem uplands) associated with public facilities: county access to Mullock Creek flow-way. Compensating storage provided
- ✓ Policies 101.3.6 & 101.3.7: only site-built affordable housing utilized in CHHA
- ✓ Policies 125.1.2, 125.1.3 & 125.1.4: water quality monitoring & drainage design minimizes nutrient loading & pollution

Findings for Zoning Matters

LDC Section 34-145(d)(4)a.1.

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

- ✓ Complies with LDC
- ✓ Complies with Bonus Density Criteria
- ✓ Meets LDC Section 34-940(a) – MPD meets or exceeds at least two thresholds:

(1) residential at least 50 DU; (2) commercial at least 30,000 SF

(3) Community Facilities: 17.44± acres proposed perpetual stormwater drainage & access easement

Qualifies for 3 proposed deviations

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

- ✓ Compatible with existing & planned uses, appropriate setbacks, buffers & building orientation

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

- ✓ Proposed access sufficient, interconnect to south & north, will not adversely impact surrounding Road network

Findings for Zoning Matters

LDC Section 34-145(d)(4)a.1.

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

- ✓ Will not have an adverse impact on surrounding road network
- ✓ Further evaluated at time of DO

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

- ✓ Only 4.63 AC indigenous preserve required (10%), providing 30.63± acre preserve (66%)

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

- ✓ Located in Future Urban area where adequate urban services exist

Findings for Planned Developments

LDC Section 34-145(d)(4)a.2.

a) The proposed use or mix of uses is appropriate at the proposed location;

- ✓ Appropriate infill development at signalized intersection of arterial (U.S. 41/S. Tamiami Trail) across from major collector (San Carlos Boulevard)
- ✓ Clustered multi-family development removes potential for well & septic in CHHA & allows preservation of Mullock Creek flow-way & abutting lands adjacent to Estero Bay State Buffer Preserve
- ✓ Within allowable density range, commercial in area already zoned CG

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

- ✓ Applicant and Staff agree on proposed conditions

c) That each requested deviation:

1. Enhances the achievement of the objectives of the planned development; and
2. Protects the public health, safety and welfare.

- ✓ Applicant and Staff agree that proposed deviations meet criteria

Conclusion

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

- consistent with the intent of the Lee Plan, Land Development Code and other applicable codes or regulations
- appropriate at the subject location and is consistent and compatible with surrounding uses
- is entitled to approval of the requested rezoning to Mixed Use Planned Development
- Thank you. We are available for questions.

NOTES:

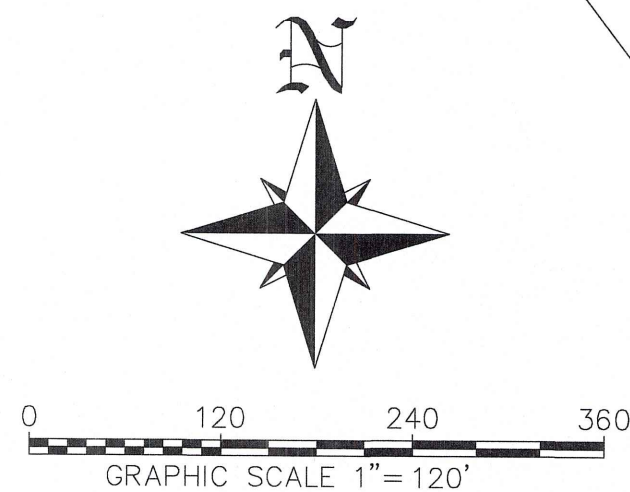
1. SITE AREA: 46.33± AC.
2. OPEN SPACE REQUIRED : 20%
INDIGENOUS REQUIRED: 50%
INDIGENOUS UPLAND PRESERVE 16.98± AC.
WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
NON-INDIGENOUS UPLAND PRESERVE 3.02± AC.
TOTAL PRESERVATION AREA 30.63± AC.
3. OPEN SPACE PROVIDED:
LAKE (MAXIMUM 25% OF OPEN SPACE) 0.80± AC.
OPEN SPACE PROVIDED: 31.42± AC.
4. ADJACENT PRIVATE RIGHT-OF-WAY 1.53± AC.
WETLAND PRESERVE (NON-INDIGENOUS) 0.37± AC. WITHIN R.O.W.
WITHIN ADJACENT R.O.W. 0.37± AC.
5. NO BUFFERS REQUIRED INTERNAL TO MPD
6. MAXIMUM 300 DU (INCLUDING 114 BONUS DENSITY UNITS) & 30,000 OF COMMERCIAL BUILDING I MAXIMUM 144 *DU (INCLUDING UP TO 76 BONUS DENSITY UNITS WITH OPTION DETERMINED AT DO AND 18 BONUS DENSITY UNITS LIMITED TO SITE BUILT AFFORDABLE HOUSING UNITS)
- * MAXIMUM OF 25 DU MAY BE BUILT AS MIXED USE ON OUTPARCEL 1 OR 2

BUILDING II & III

- MAXIMUM 156 DU (INCLUDING 20 BONUS DENSITY UNITS LIMITED TO SITE BUILT AFFORDABLE HOUSING UNITS)
7. SOLID WASTE COMPACTOR AND RECYCLING AREA MUST HAVE A MINIMUM OVERHEAD CLEARANCE OF 22 FEET AND A MINIMUM 12 FOOT WIDE UNOBSTRUCTED ACCESS OPENING
 8. SEE SHEET 2 OF 2 PROPOSED 17.44± AC. PERPETUAL STORMWATER DRAINAGE & ACCESS EASEMENT
 9. LAKE MUST DEMONSTRATE A PLANTED LITTORAL SHELF THAT FUNCTIONS AS A TYPICAL FRESHWATER MARSH CONSISTENT WITH LDC AT TIME OF DEVELOPMENT ORDER.

LEGEND:

- INDIGENOUS UPLAND PRESERVE 16.98± AC.
- WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
0.37± AC. WITHIN R.O.W.
TOTAL 10.96± AC.
- UPLAND PRESERVE (NON-INDIGENOUS) 3.02± AC.
- PRESERVED FLOODWAY ZONE FOR MULLOCK CREEK FLOW-WAY
- EX. DIRT TRAIL
- DEVIATION



FLUM: URBAN COMMUNITY, RURAL & WETLANDS
ZONING: MH-2
SHELTERING PINES MOBILE HOME VILLAGE

FLUM: URBAN
COMMUNITY
ZONING: CPD
VACANT

MINIMUM 10' BUFFER WITH
TYPE "B" PLANTINGS REQUIRED
& PROVIDED-ENHANCED WITH
OPAQUE FENCE

PER 10-610(e) & 34-2015(2)f
PARKING LOT
INTERCONNECT AT TIME OF DO
FOR DEVELOPMENT OF OUTPARCEL 1

EXISTING ACCESS
TO BE REMOVED

EXISTING ACCESS
TO BE REMOVED

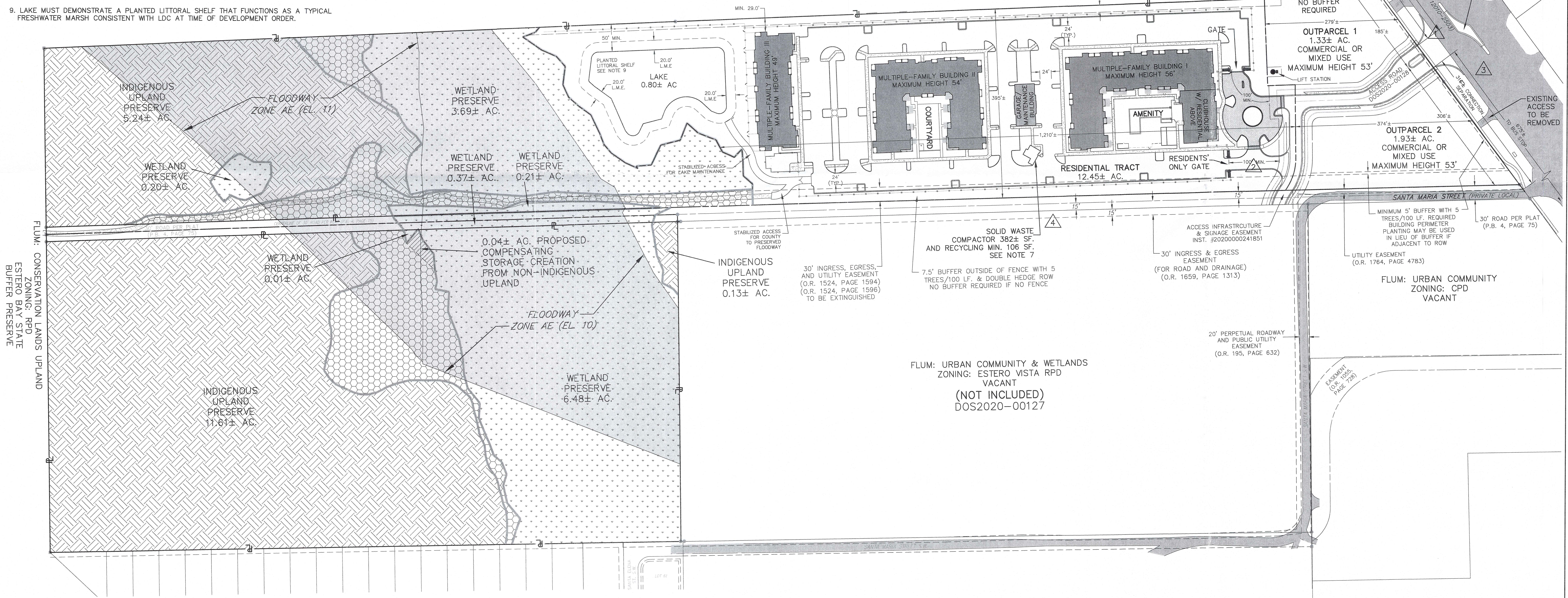
NO BUFFER
REQUIRED

OUTPARCEL 1
1.33± AC.
COMMERCIAL OR
MIXED USE
MAXIMUM HEIGHT 53'

OUTPARCEL 2
1.93± AC.
COMMERCIAL OR
MIXED USE
MAXIMUM HEIGHT 53'

FLUM: URBAN COMMUNITY
ZONING: CPD
VACANT

FLUM: URBAN COMMUNITY & WETLANDS
ZONING: ESTERO VISTA RPD
VACANT
(NOT INCLUDED)
DOS2020-00127



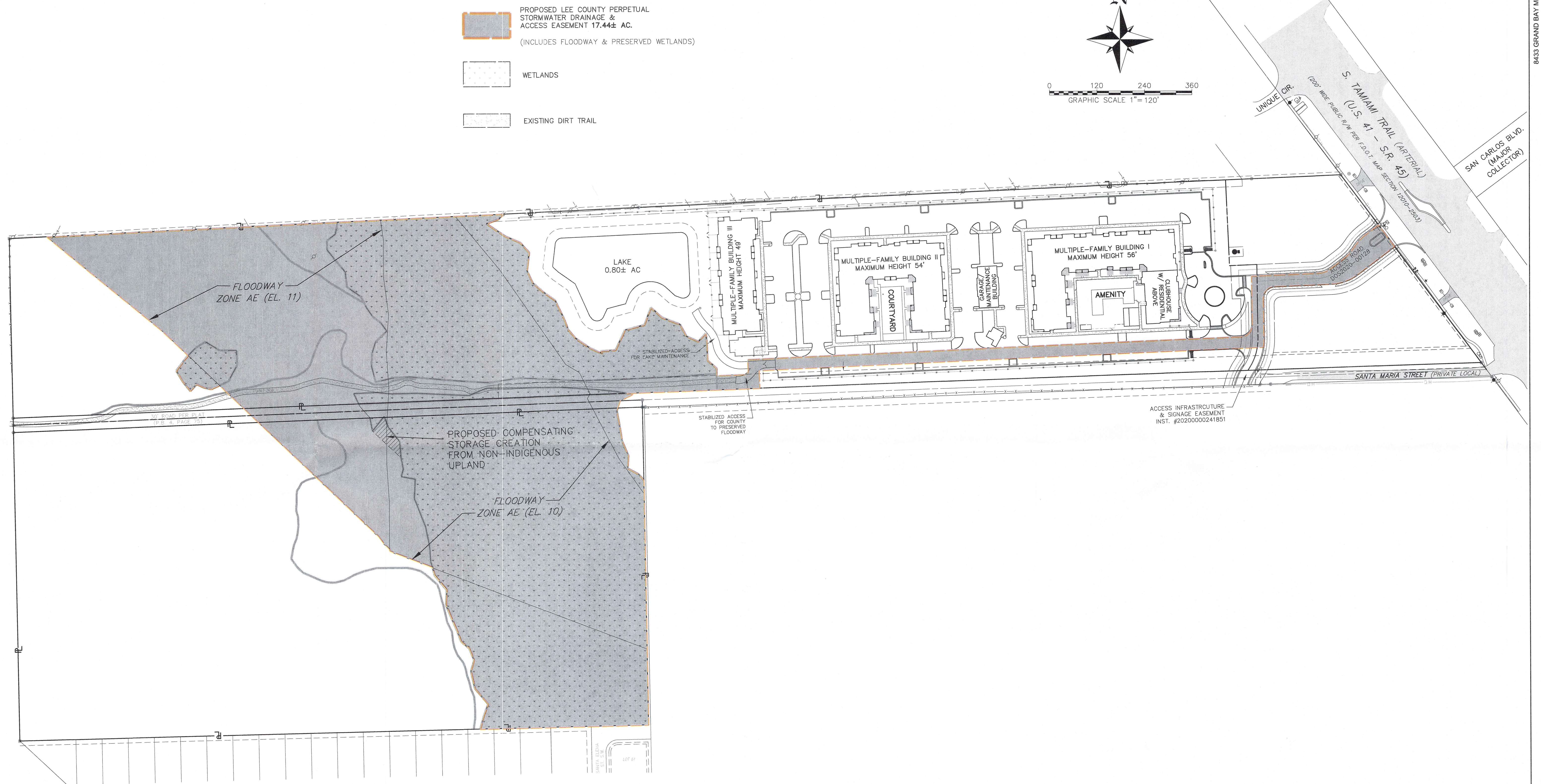
NO.	DATE	REVISION DESCRIPTION	BY
2	12/30/2022	POST-SUFFICIENCY SUBMITTAL	SEH
1	6/17/2022	1ST SUFFICIENCY RESPONSE	SEH

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ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
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MASTER CONCEPT PLAN
GRAND BAY-MINOR MPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/2/2022	8433GB	MCP	KWK	JLS	SEH	1"=120'	1 OF 2



2	12/30/2022	POST-SUFFICIENCY SUBMITTAL					SE
1	6/11/2022	1ST SUFFICIENCY RESPONSE					SE
NO.	DATE	REVISION DESCRIPTION					

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MASTER CONCEPT PLAN
GRAND BAY-MINOR MPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/2/2022	8433GB	MCP	KWK	JLS	SEH	1"=120'	2 OF 2

Prepared by:
N. Gluck, Lee County
Zoning & Development Review Division
P.O. Box 398
Fort Myers, FL 33902

RESOLUTION NUMBER Z-88-319

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

WHEREAS, John Latzman has properly filed an application for a rezoning from MH-2 to Commercial Planned Development (CPD) to permit various commercial and office uses (office building and model home center) not to exceed 35 feet above average grade, on .54 acres of land.

NOTE: If approved, the Master Concept Plan for the CPD will deviate from the following Lee County Standards:

1. Requirement that all commercial and industrial uses shall provide a continuous visual screen of at least 8 feet in height along any lot line abutting residential use, to a D type buffer;
2. Minimum setback between structures and the centerline of an arterial street with frontage road of 1/2 right-of-way (100 feet) plus 40 feet plus 25 feet, to 1/2 right-of-way (100 feet) plus 25 feet;
3. Requirement that access streets be constructed parallel to certain arterial and collector streets, to require no frontage road;
4. Minimum required building separation between two or more principal buildings of 1/2 the sum of their heights, or 20 feet, whichever is greater, to 14 feet; and
5. Requirement that structures and pavement be set back from the development perimeter a distance equal to the width of a minimum buffer area or 15 feet, whichever is greater, to 10 feet for parking along the east property line and 20 feet for a structure along the west property line.
6. Requirement that a "C" type buffer be accompanied by a fence or wall, constructed so that visibility through it is not more than 25% percent when viewed at right angles, to permit a 15 foot wide vegetative buffer, without a fence or wall, but with a planting density equal to a "D" type buffer; and

WHEREAS, the subject property is located at 19100 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 46 South, Range 25 East, Lee County, Florida:

A tract of land lying in Lot 02, San Carlos Grove Tract, Section 20, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Beginning at the intersection of the South line of the North 274.20 feet of Lot 02, San Carlos Grove Tract, according to plat recorded in Plat Book 04, at Page 75, Public Records of Lee County, Florida, and the Southwesterly line of U.S. Highway #41, run S.87°28'40"W. along said South line for 208.10 feet; THENCE run N.32°31'20"W. for 98.64 feet to a point on a curve; THENCE run Northeasterly along the arc of a curve to the left of radius 390 feet (chord distance of 167.86 feet-chord bearing of N.65°27'10"E.) for 169.19 feet to said Southwesterly line of U.S. Highway #41; THENCE run S.36°58'30" along said Southwesterly line for 179.98 feet to the POINT OF BEGINNING. Containing 0.54 acres, more or less.

SUBJECT TO an easement for public utilities over and across the South 6 feet thereof.

WHEREAS, the applicant has indicated the property's current STRAP number is 20-46-25-05-00000.00C0; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on January 10, 1989; and

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

WHEREAS, in the legislative process the Lee County Board of County Commissioners 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 of County Commissioners does hereby APPROVE a rezoning from MH-2 to Commercial Planned Development (CPD) to permit various commercial and office uses (office building and model home center) not to exceed 35 feet above average grade, on .54 acres of land; and

Approval is conditioned to the following:

1. The Master Concept Plan is a one-sheet plan entitled "Master Concept Plan, John Latzman", prepared by John Latzman, dated December 9, 1988, and stamped received December 9, 1988, except as modified herein. This approval does not relieve the development from compliance with the zoning regulations and all other applicable state and local development regulations, except for those specifically approved as part of this development.
2. The schedule of uses shall be amended prior to final plan approval to show only the following uses:
 1. Banks and Financial Establishments - all groups
1001.03
 2. Business Services, all groups except Group II
1001.33
 3. Cleaning and Maintenance Services
1001.07
 4. Clothing Stores, General
1001.08
 5. Clubs, Commercial, Membership Organizations, except fraternal organizations.
511
 6. Contractors and Builders, Groups I & II except no outside storage.
1001.09
 7. Cultural Facilities
1001.10
 8. Food Stores, Group I only. No convenience stores with gas pumps.
1001.16
 9. Laundry or Dry Cleaning, Group I
1001.24
 10. Health Care Facilities, Group III
1001.20 & 524
 11. Household/Office Furnishings except Group 3
1001.22
 12. Insurance Companies
1001.23
 13. Model homes, Model Units and Model Display Center
533
 14. Non-Store Retailers, all groups
1001.30
 15. Offices, Medical
 16. Paint, Glass & Wallpaper Store
 17. Personal Services - all groups
1001.33
 18. Place of Worship
537
 19. Religious Facilities
537
 20. Rental Establishments, all groups EXCEPT Groups 3 and 4
1001.40

21. Repair Shops - all groups EXCEPT Groups 2 and 3 and EXCEPT automobile repairs.
1001.40
 22. Research and Development Laboratories, Group IV only.
1001.41
 23. Schools, Commercial
1001.45
 24. Specialty Retail Shops - Groups I, II, III, IV
1001.47
 25. Storage, indoor, enclosed
536
 26. Studios
1001.49
 27. Used Merchandise Stores - Groups I & II, indoor only.
1000.54.
3. The maximum height of structures shall be limited to 35 feet above average grade, and the maximum floor area of both buildings shall be 4,500 square feet. The floor area may have to be reduced to meet the parking and open space requirements of the Zoning Ordinance.
 4. The required 30% open space shall be delimited on the Master Concept Plan prior to issuance of a preliminary development order.
 5. The large pine trees on this site shall be preserved wherever practicable and incorporated into the open space and buffer plan.
 6. A Type "D" buffer of all native vegetation shall be provided and maintained along the western perimeter of the site.
 7. A 15 foot-wide vegetative buffer with type "D" plantings shall be provided and maintained along the southern perimeter and identified as such on the Master Concept Plan.
 8. The centerline of the project's access (Unique Circle) shall be at least one hundred ninety-six (196) feet from the centerline of U.S. 41. No access shall be allowed onto U.S. 41.
 9. Prior to final plan approval, the applicant shall submit to the Zoning & Development Review Division an executed Covenant of Unified Control, subject to approval by the Division.
 10. Deviations (1) through (6) are APPROVED.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. The subject property is an irregularly shaped parcel containing approximately .54 acres and is within a zone known and designated as MH-2. It's Lee Plan designation is Urban Community.
- B. The residents of the adjoining Sheltering Pines Mobile Home Park, through their Homeowners Association, have discussed the uses proposed by the Applicant with him and have no objection to the project proposed.
- C. The owner of the adjoining land to the north is in favor of the Applicant's proposal.
- D. No objections were received by Staff or by the Hearing Examiner in connection with the current proposal.
- E. The proposed Commercial Planned Development, conditioned as set out in the Staff Report concerning everything except the uses to be allowed, is consistent with the Lee Plan.
- F. The proposed Commercial Planned Development, conditioned as set out in the Staff Report, is compatible with the zoning of adjacent real estate.

G. Lee County Department of Transportation and Engineering has examined and approved the proposed Commercial Planned Development and recommends that it be given relief from certain requirements, all as set out in the Staff Report.

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. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Ray Judah	NAY
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 13th day of February, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bigelow
Chairman

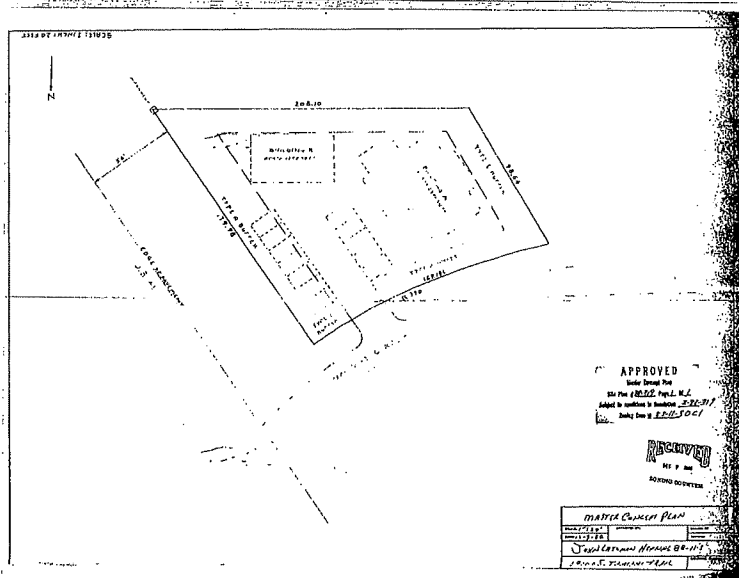
Approved as to form by:

County Attorney's Office

FILED

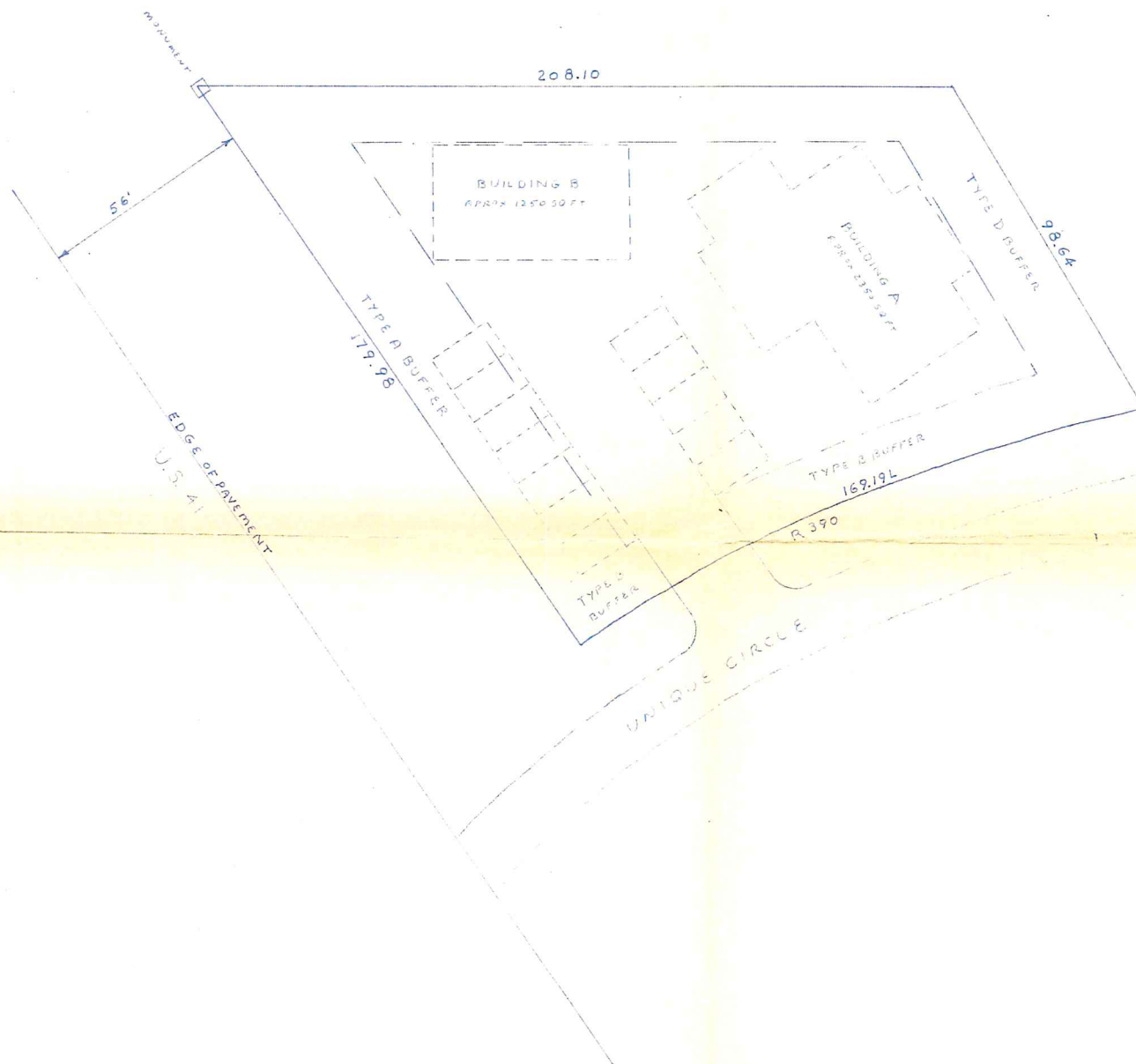
JAN 21 89

CLERK CIRCUIT COURT
BY Charlie Green, D.C.



SCALE: 1"=20 FEET

N



APPROVED

Master Concept Plan

Site Plan # 88-319 Page 1 of 1

Subject to conditions in Resolution Z-88-319

Zoning Case # 88-11-30C1

RECEIVED
DEC 9 1988

ZONING COUNTER

MASTER CONCEPT PLAN

SCALE: 1"=20'

APPROVED BY:

DRAWN BY:

DATE: 2-9-88

REVISED

JOHN LATAMAN HEARING 88-11-3

19100 S. TAMiami TRAIL

DRAWING NUMBER



DCI2022-00018

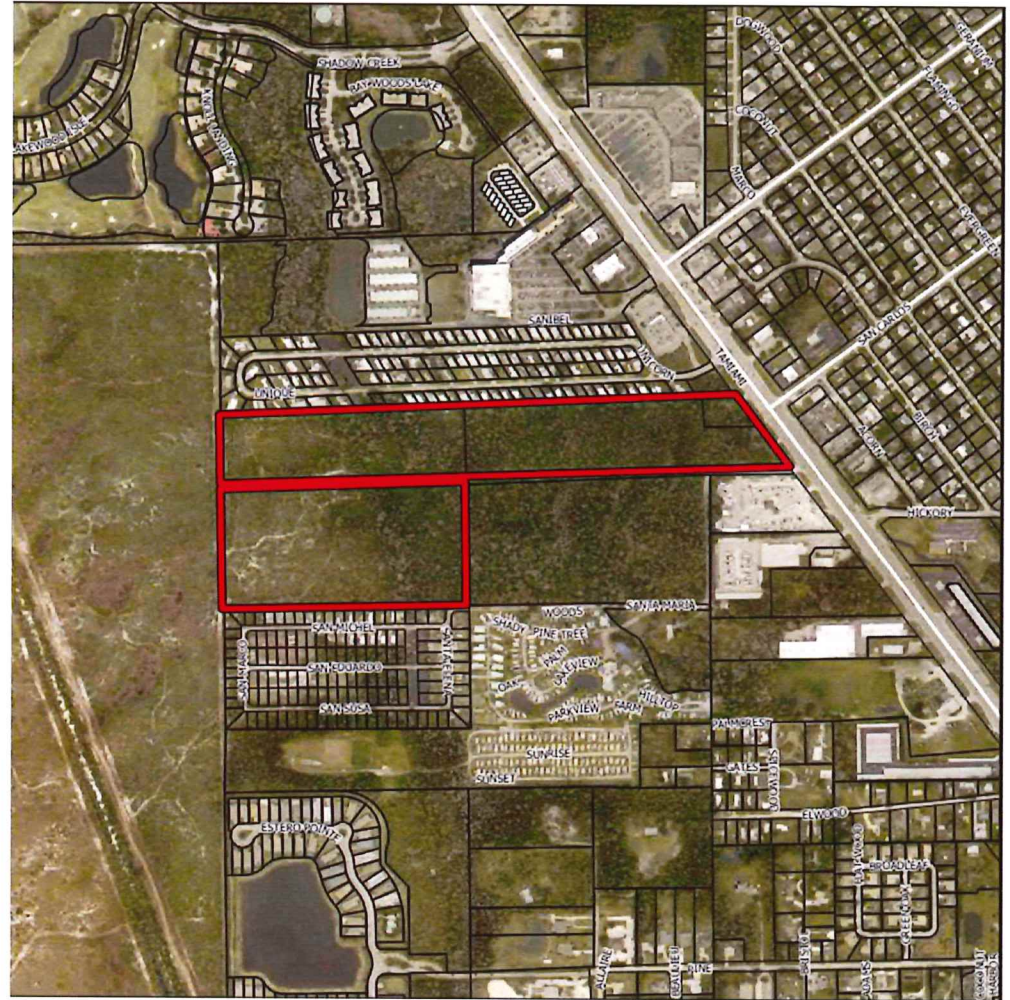
Grand Bay Minor Mixed Use Planned Development

Staff Presentation

February 9, 2023

Lee County
Southwest Florida

- DCI2022-00018 Grand Bay Minor Mixed Use Planned Development



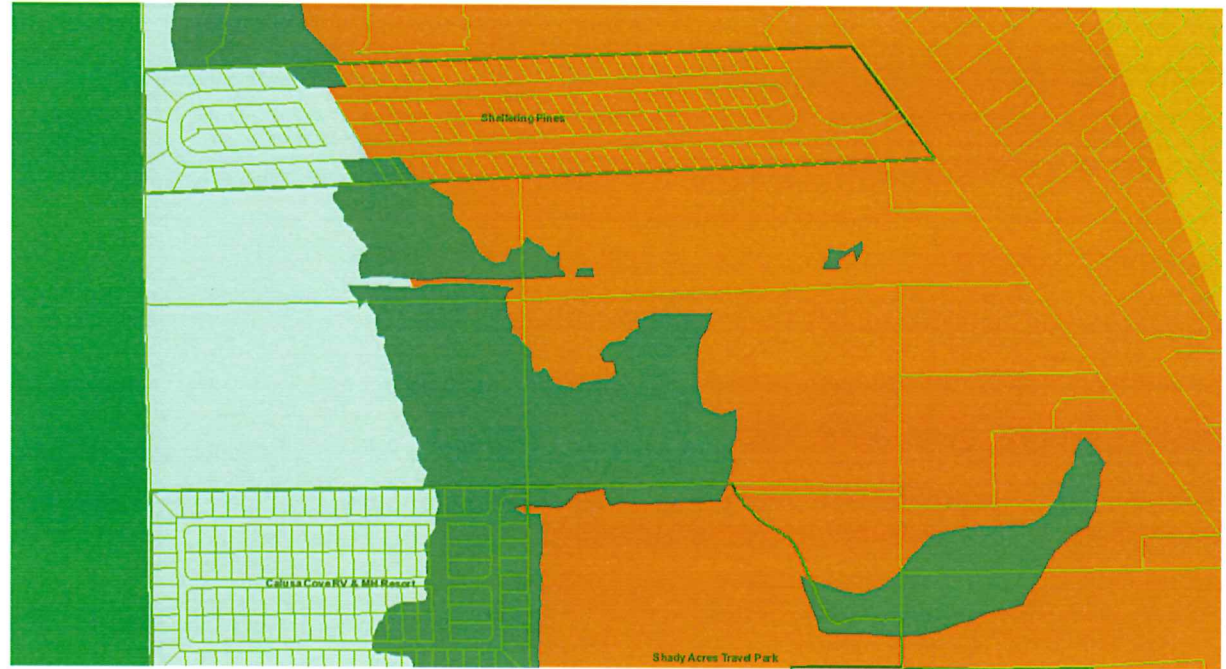
Property History and Character of the Area

- Frontage on South Cleveland Avenue (US 41)
- Property designated Rural, Wetlands and Urban Community on Future Land Use Map
- CG portion approved for automobile and boats sales and storage (Z-AB-84-241).
- Remainder of the property was rezoned to MH-1 to allow mobile homes (Z-68-050).



Comprehensive Plan Amendments

- Text amendment (CPA2022-00007) amend Lee Plan Policy 5.1.10 to align with current county practices for calculating and allocating density of property that is divided into two or more land use categories as defined in the Lee Plan.



Comprehensive Plan Amendments

- Map amendment (CPA2022-00006) to revise the Mix Use Overlay Map 1-C to include 15.64 acres of the subject property, excluding wetlands located in the western portion of the property.



Surrounding Uses

North:

- MH-1 – Sheltering Pines 8.62 du/acre Z-62-003
- CPD – 4,500 square feet of commercial uses (Z-88-319)
- CPD – Grand Bay Shopping Plaza (Z-95-005)

East:

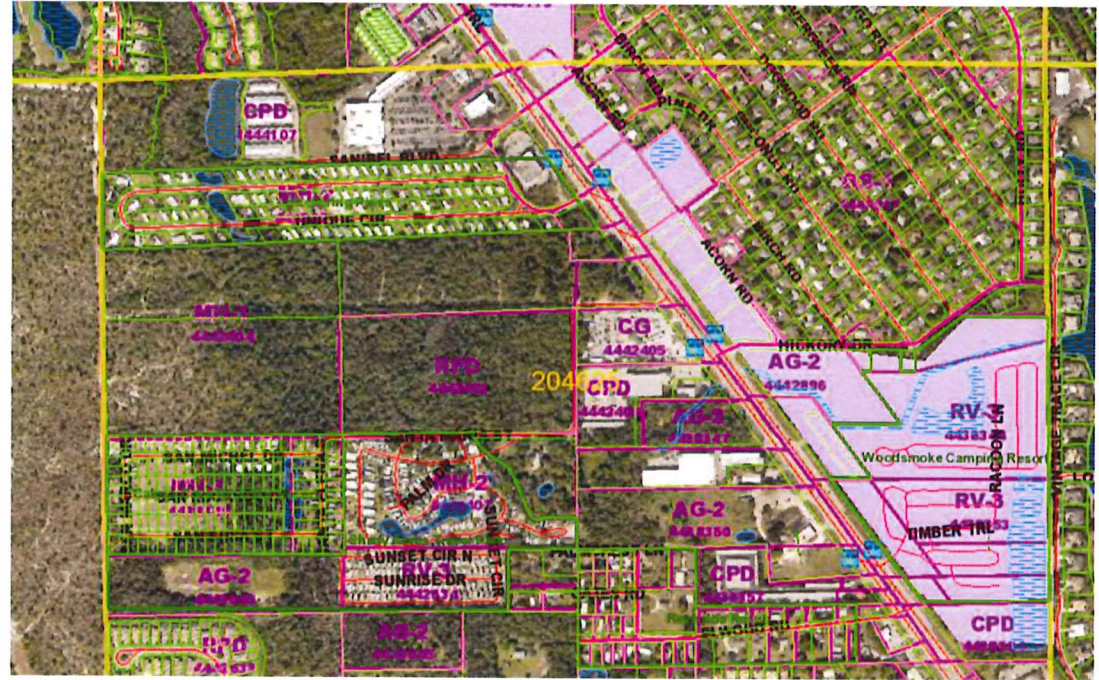
- South Cleveland Avenue (US 41) an arterial road maintained by FDOT
- C-1 zoned properties – church, gas station, car wash, shopping plaza all in Mixed Use Overlay.

South:

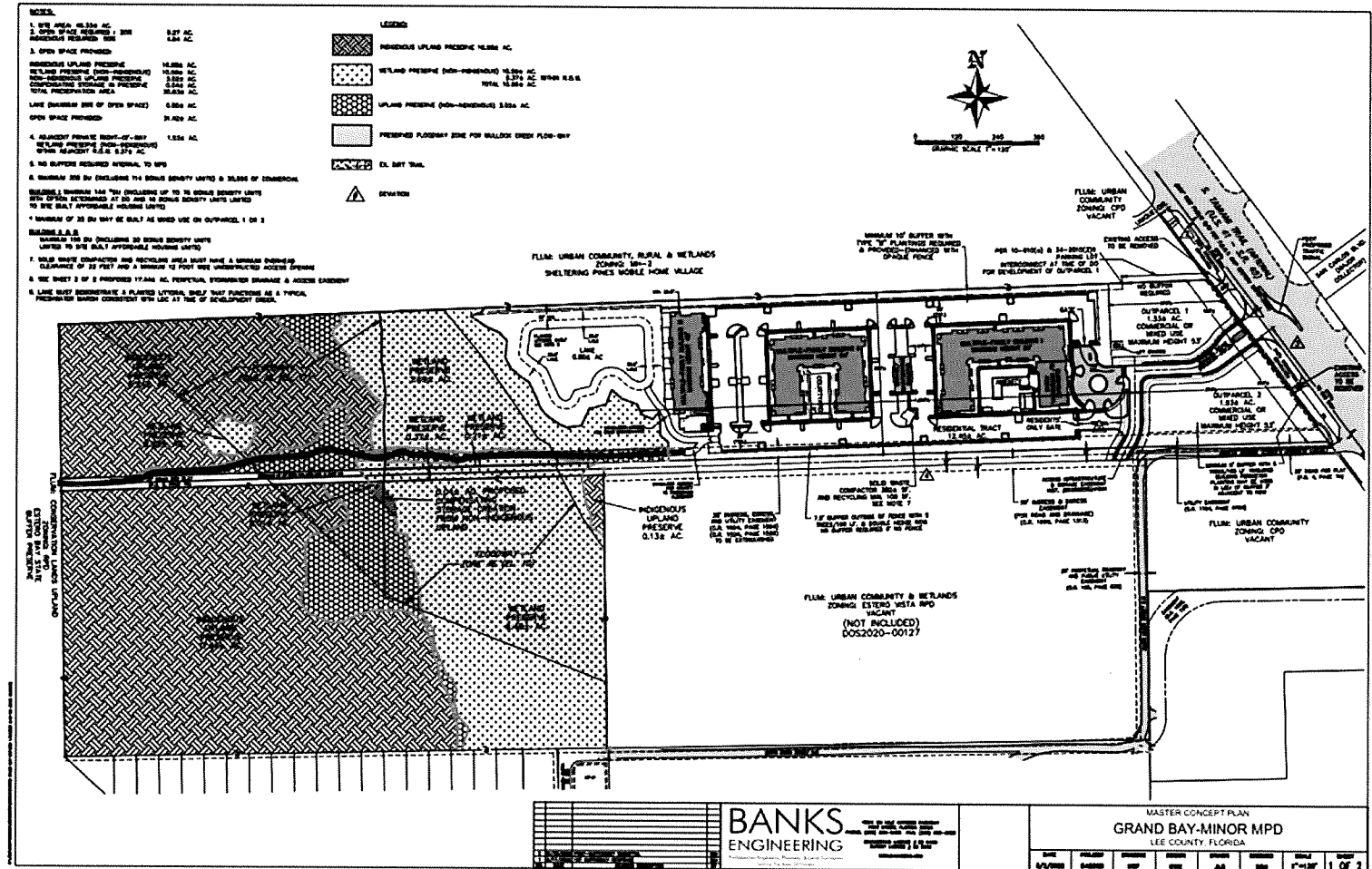
- Santa Maria Street, private local road
- Boat sales and service, storage facility, auto parts store, and cell tower
- Estero Vista RPD, 144 multi-family units including 21 bonus density units
- MH-1 and RV-3 – mobile home and recreational vehicle called Calusa Cove RV Park.

West:

- Estero Bay Buffer Preserve, zoned RPD, and within the Conservation Land Uplands future land use category



Master Concept Plan

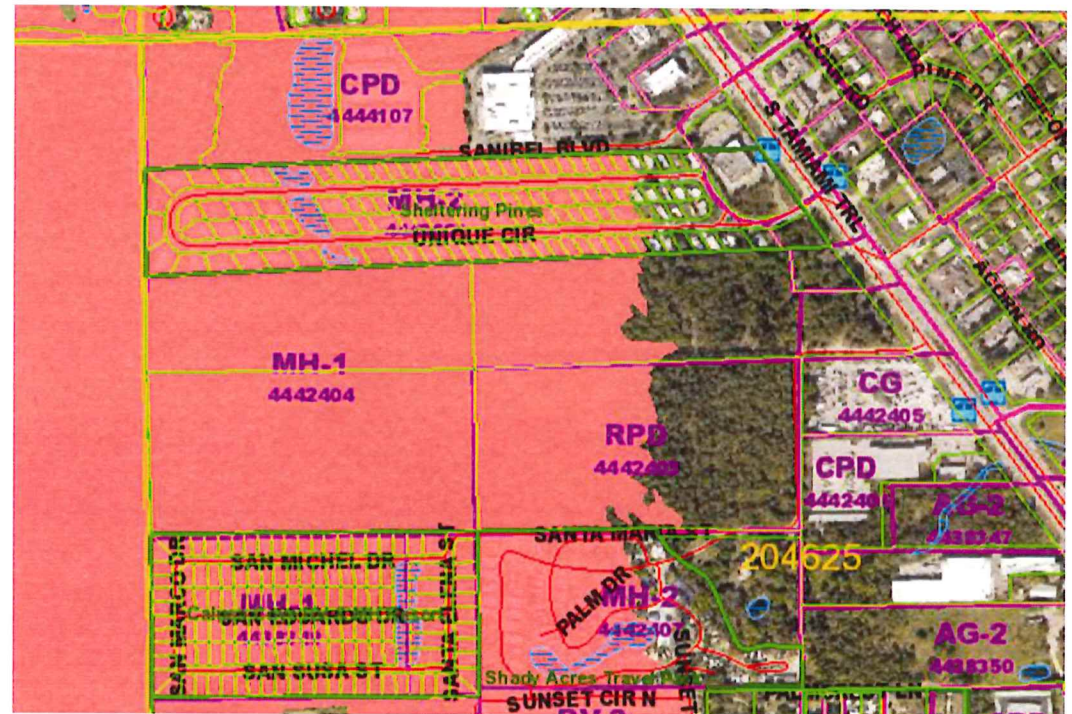


Lee Plan Compliance

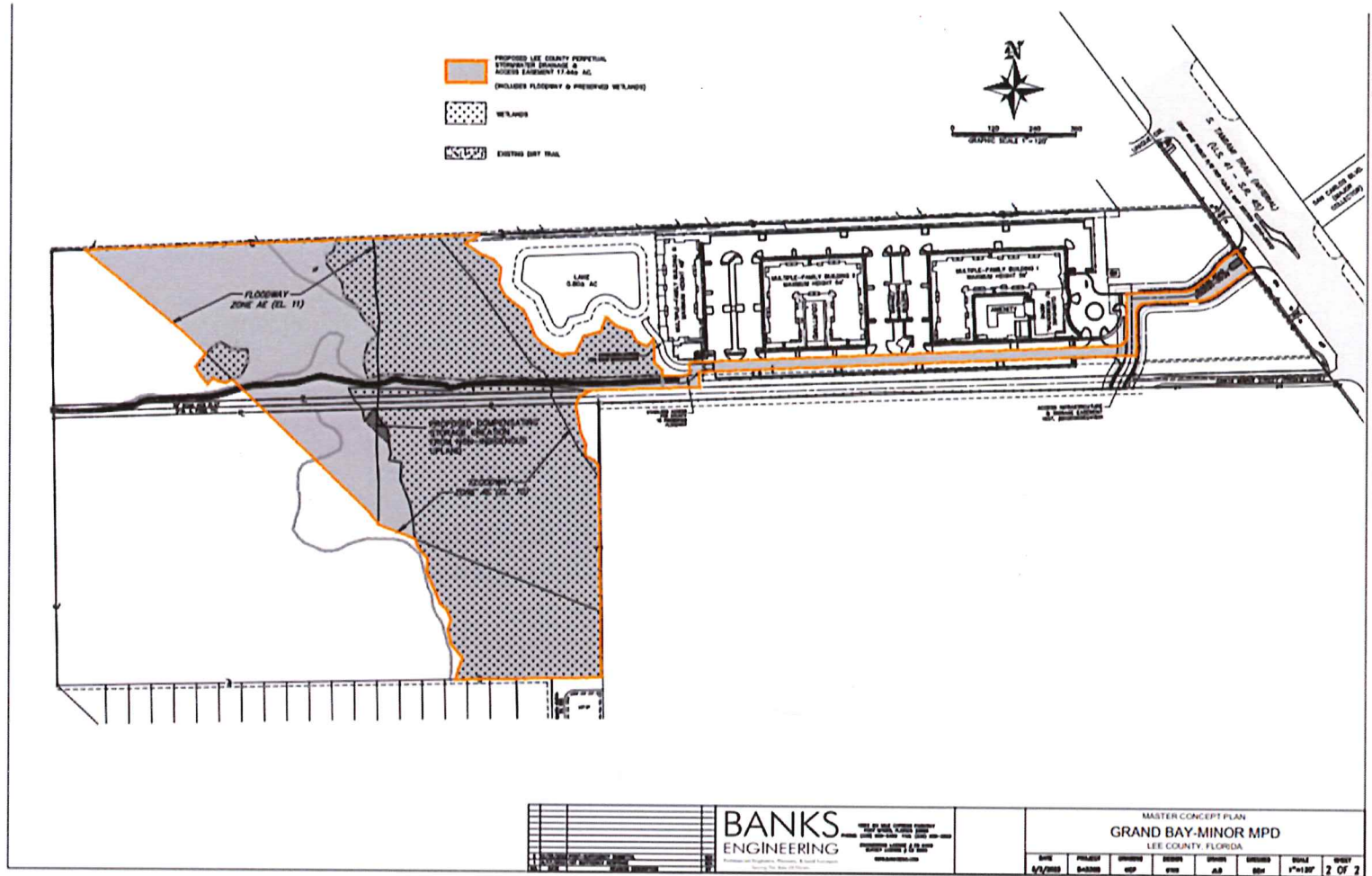
- Request complies with the Lee Plan
 - Consistent with FLU Designation (**Policy 1.1.4, 1.4.1, and 1.5.1**)
 - Promotes contiguous/compact growth patterns in future urban areas (**Policies 2.1.2 and 2.1.2**)
 - Adequate facilities/services/infrastructure exists to support development (**Objective 2.2 and Policies 2.2.1, Standards 4.1.1 and 4.1.2**)
 - Protects environmentally sensitive areas and integrates the development to ensure the functionality of the natural features of the site (**4.1.4**).
 - Compatible with existing/planned residential uses (**Policy 5.1.5**)
 - Designed around existing site limitations with adequate open space and buffers (**Policies 5.1.2 and 5.1.6**)
 - Provides a variety of housing units within the Urban Community FLUC (**Policy 11.1**)
 - Development in MUO should provide connections to adjacent uses (**Policy 11.2.2**)
 - Encourages properties in MUO to utilize bonus density (**Policy 11.2.6**)

Lee Plan Compliance

- Protects and enhances Coastal High Hazard Area (CHHA) by preserving and restoring the Mullock Creek flow-way (**Lee Plan Policy 101.1.1 and 101.1.2**).
- Development is focused in the CHHA uplands with the exception of 0.17 acres of wetland impacts. A portion of the impacts have been approved per SFWMD for road improvements and the remainder are proposed impacts for Lee County drainage easement access to maintain Mullock Creek. (**Lee Plan Policy 101.3.2, 101.3.4, 101.3.6, and 101.3.7**).
- Stormwater management designed to pretreat onsite before discharging into the wetland with final outfall to Mullock Creek flowway. (**Lee Plan Objectives 61.2, 61.3 and Policies 59.1.4, and 59.1.9, and 61.3.2 and 61.3.5**).



Master Concept Plan



Residential Dwelling Units

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR SUBJECT PARCEL	UNITS
URBAN COMMUNITY	15.94 Acres @ 6 Du/Acre	95.64 Du
PRESERVED WETLANDS	10.59 Acres @ 6 Du/Acres	63.54 Du
IMPACTED WETLANDS	0.17 Acres @ 1 Du/ 20 Acres	0.01 Du
RURAL	19.63 Acres @ 1 Du/Acre	19.63 Du
TOTAL ALLOWED STANDARD UNITS: 178.82 DU		
FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR ADJACENT RIGHT-OF-WAY	UNITS
URBAN COMMUNITY	0.65 Acres @ 6 Du/Acre	3.9 Du
PRESERVED WETLANDS	0.37 Acres @ 6 Du/Acre	2.22 Du
RURAL	0.51 Acres @ 1 Du/ acres	0.51 Du
TOTAL: 6.63 DU		

¹ Dwelling units may be relocated to developable contiguous uplands designated Urban Community per Lee Plan Policy 1.1.4 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetlands.

² Per Lee Plan Policy 101.3.7, bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

Residential Dwelling Units

MAXIMUM BONUS DENSITY FOR SUBJECT PROPERTY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	18.46 Acres @ 4 Du/Acre	73.84 Du
TRANSFERRABLE DWELLING UNITS**, ***	8.07 Acres @ 4 - 9 Bonus Du/Acre	32.28 - 72.63 Du
SUB-TOTAL		106.12 - 146.47
MAXIMUM: 325.29 DU WITH BONUS DENSITY		

*7.87 acres uplands and 10.59 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

***Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

Residential Dwelling Units

MAXIMUM BONUS DENSITY FOR RIGHT-OF-WAY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	0.68 Acres @ 4 Du/Acre	2.72 Du
TRANSFERRABLE DWELLING UNITS**, ***	0.34 Acres @ 4 - 9 Bonus Du/Acre	1.36 – 3.06 Du
SUB-TOTAL		4.08 – 5.78 Du
MAXIMUM: 12.41 DU WITH BONUS DENSITY		

*0.31 acres uplands and 0.37 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

*** Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

Bonus Density

LDC 2-147 Bonus Density Review Criteria:

- a) **The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**
- Frontage on South Cleveland Avenue (arterial roadway)
 - Cross access proposed to the north
 - Access points will not travel through significantly lower densities to reach nearest collector or arterial
- b) **Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.**
- Sufficient capacity is projected on South Cleveland Avenue to accommodate trips generated by residential and commercial development. FDOT proposing a traffic signal.
 - Letters of availability have been provided stating that there is sufficient capacity and infrastructure for potable water and sanitary sewer.

Bonus Density

LDC 2-147 Bonus Density Review Criteria (continued):

c) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in LDC Section 2-483.

- The subject property is located within the Coastal High Hazard Area per Lee Plan Map 5-A. Storm shelters or other appropriate mitigation will be provided pursuant to LDC requirements which will be demonstrated at time of development order.

d) The resulting development will be compatible with existing and planned surrounding land uses.

- The proposed design per the MCP demonstrates that the development is compatible with the surrounding uses through the setbacks and positioning of the buildings.
- The MCP depicts the residential buildings reducing in height toward the environmentally sensitive area with commercial uses adjacent to US 41.

LDC Compliance

- LDC Section 34-2175(b)(2) buildings may be as tall as 95-feet above minimum flood elevation with no more than eight habitable stories.
- LDC Section 10-425 requires large developments to provide 20% open space.
 - Applicant is required 9.27 acres and is providing 31.42 acres of open space.
- LDC Section 10-415(a) requires half of the required open space to be provided as indigenous native vegetation.
 - Applicant is providing 16.98 acres of indigenous open space, 10.59 acre of non-indigenous wetland preserve, 3.02 acres of non-indigenous upland preserve, and 0.04 acre of compensating storage in the preserve.
- LDC Section 10-425(f) requires five-foot-wide right-of-way buffers and ten-foot-wide buffers abutting residential uses.
 - Applicant is providing code minimum buffers with an enhanced buffer between the subject property and the residential use to the north (10-foot-wide, Type-B buffer with an opaque fence).

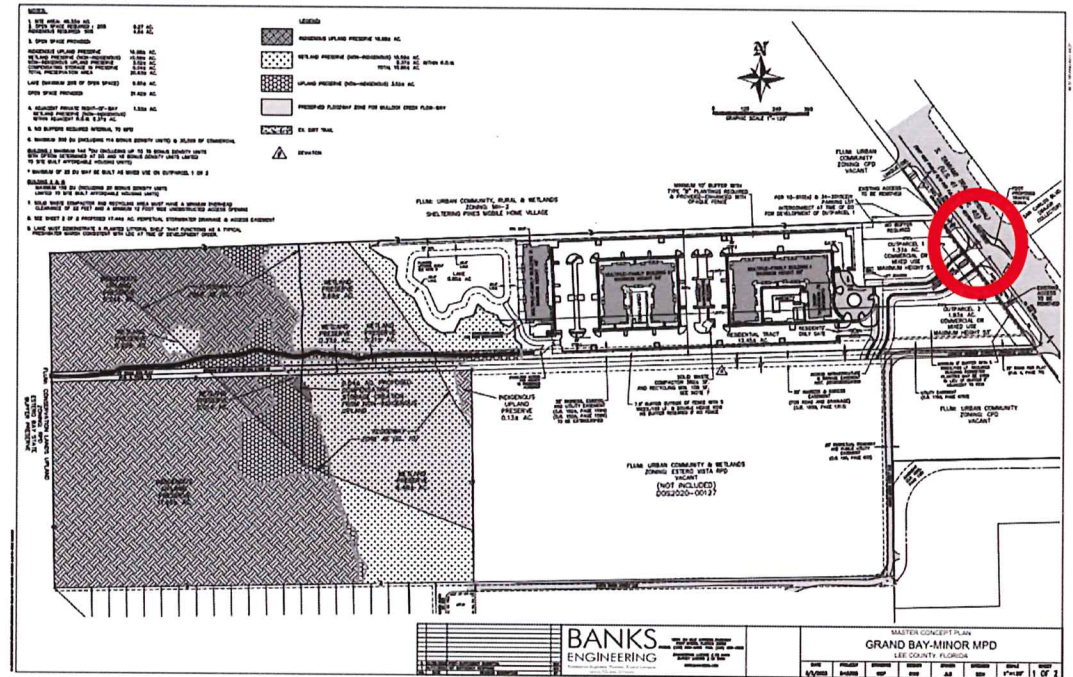
LDC Compliance/Deviations

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

Staff recommends applicant APPROVAL of Deviation #1 subject to Condition 8.

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Prior to development order approval, the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.



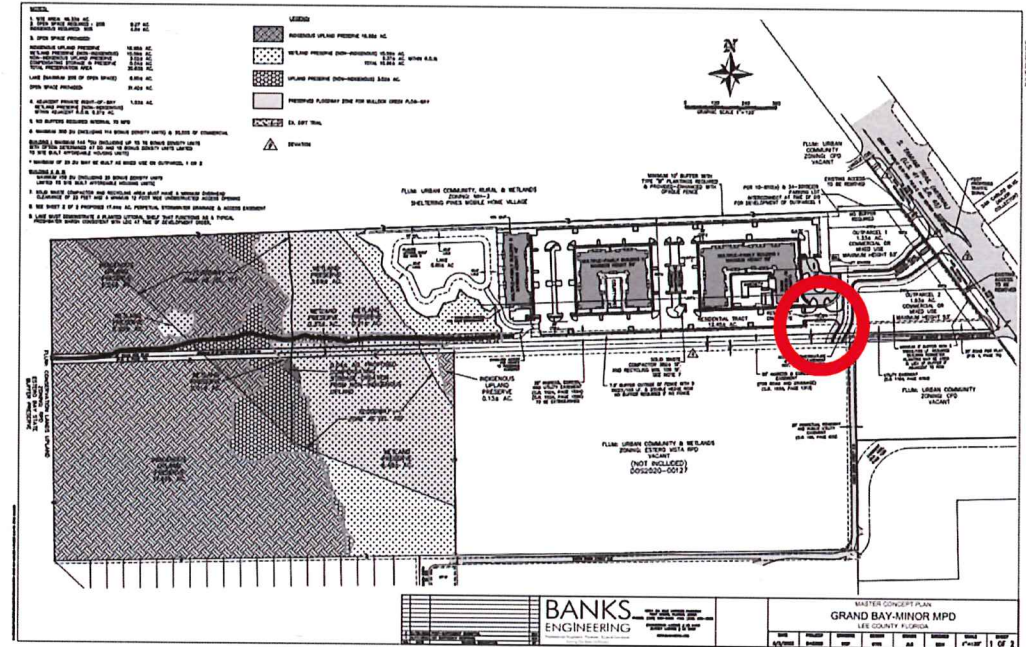
LDC Compliance/Deviations

Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow no turnaround for the southern gate at the secondary resident-only access point.

Staff recommends **APPROVAL** subject to Condition 9.

Prior to local development order approval, the plans must depict signage stating that the southern access point is a resident-only access.

Prior to local development order approval that includes the resident-only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.



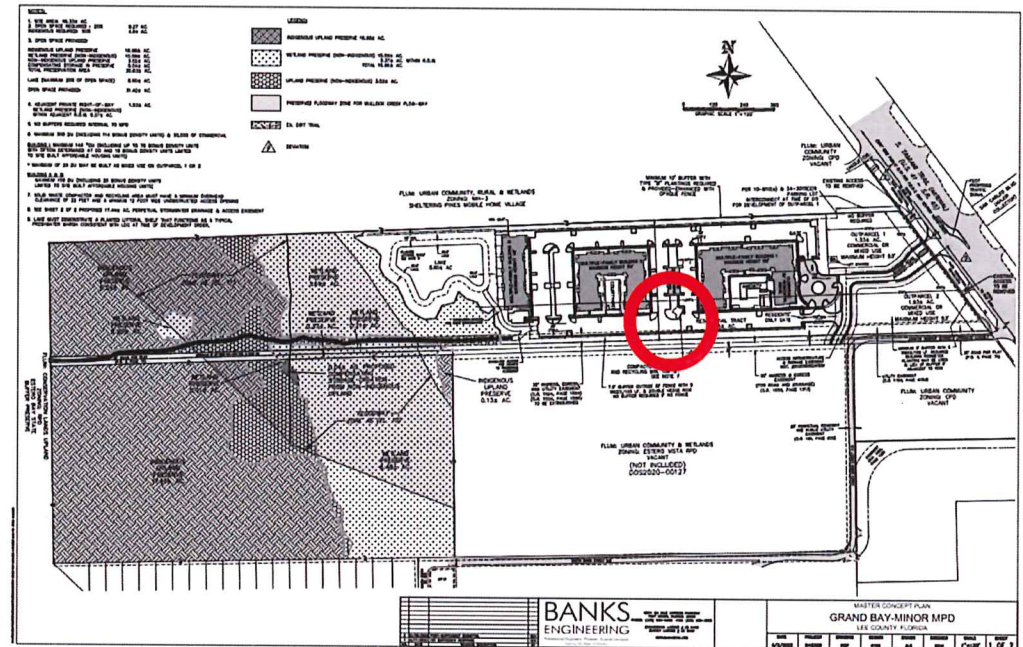
LDC Compliance/Deviations

Deviation #3 **WITHDRAWN.**

Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Staff recommends **APPROVAL** subject to Condition 10.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.



Compatibility/Access/Traffic Impacts

- Request is compatible with surrounding uses
- Access to South Tamiami Trail is subject to FDOT approval. Further evaluation of the traffic impacts will take place at time of development order review.
- Residential in PM peak hour is 150 trips and AM peak hour 116 trips. The commercial uses will add 120 trips in the PM peak hour and 41 trips in the AM peak hour.
- Proposed development will not have a detrimental impact on the surrounding roadway system.

Applicant's 48-hour Letter

Staff agrees with the applicant's 48-hour letter.

Findings and Conclusion

- The subject request, as conditioned:
 - Is consistent with the Lee Plan
 - Meets the Land Development Code and other County regulations, or qualifies for deviations
 - Is compatible with existing and planned uses in the surrounding area
 - Will have access sufficient to support proposed development density
 - Will have expected transportation impacts addressed by County regulations and conditions of approval
 - Will not adversely affect environmentally critical and sensitive areas or natural resources
 - Will be served by urban services
 - Includes an appropriate mix of uses at the proposed location
 - Includes conditions that provide sufficient safeguards to public interest and that are reasonably related to the expected impacts of the proposed developments
 - Includes deviations that enhance the achievement of the objectives of the planned development and protect public health, safety, and welfare in accordance with the intent of the LDC.
- Staff recommends **APPROVAL** of the request

Questions?

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

LEE COUNTY
HEARING EXAMINER
2023 JAN 25 PM 3:33

Case Number: DCI2022-00018
Case Name: Grand Bay Minor Mixed Use Planned Development
Area to be Rezoned: +/- 46.33 Acres
Case Type: Minor Planned Development Rezoning
Sufficiency Date: October 26, 2022
Hearing Date: February 9, 2023

REQUEST:

Banks Engineering has filed an application to rezone approximately 46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to a Mixed Use Planned Development (MPD) to permit a maximum of 300 units, of which 114 are bonus density units, and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

The subject property is located on the west side of South Cleveland Avenue (US 41) at the northwest corner of the intersection of Santa Maria Street and South Cleveland Avenue (US 41). The site consists of four parcels, with one parcel separated by a 30-foot platted right-of-way. The subject property is located in Urban Community, Rural, and Wetlands Future Land Use Categories per Lee Plan Map 1-A. There are two amendments (CPA) currently under review. CPA2022-00006 is a map amendment to revise the Mix Use Overlay (Map 1-C) to include 15.64 acres of the subject property, excluding the wetlands located in the western portion of the subject property (see Attachment E). CPA2022-00007 is a text amendment to amend Lee Plan Policy 5.1.10 to align this policy with current county practices for calculating and allocating the density of property that is divided into two or more land use categories as defined in the Lee Plan Glossary (see Attachment E). A legal description and boundary survey of the subject property are attached as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, including approval of 114 bonus density units, with the conditions and deviations found in Attachment F of the staff report.

HISTORY OF PARCEL:

The subject property's ±46.33 acres is split into two zoning districts: CG (2.73 acres) and MH-1 (43.60 acres). The CG portion of the property was previously rezoned from Agricultural (AG) and MH-1 to CG (Resolution ZAB-84-241) to allow automobile and/or boat sales with storage. Resolution Z-68-050 rezoned the remainder of the subject property from General Use (GU) to Mobile Home Subdivision (MH-1) to allow mobile homes. There is an approved development order (DOS2020-00128) providing pedestrian and automobile connection to the approved adjacent development to the south called Estero Vista (see Attachment G). The connection aligns with the San Carlos Boulevard intersection, which is located east of the subject property. The approved access will provide a two-lane roadway in compliance with the LDC standards with turn lane improvements which include a left-in movement that currently does not exist at Santa Maria Street. The Florida Department of Transportation is proposing signalization at the intersection of San Carlos Boulevard and South Tamiami Trail (US 41).

Staff's Exhibit # 1

CHARACTER OF THE AREA:

The property is located west of South Tamiami Trail (US 41), north of the Estero Parkway/US 41 intersection and south of the Sanibel Boulevard/US 41 intersection. The subject property is located within the Urban Community, Rural, and Wetlands Future Land Use Categories per the Lee Plan (see Attachment C). The properties in this area that abut South Tamiami Trail are commercially-zoned with residential subdivisions consisting of multi-family, single-family, or mobile home types of residential located adjacent to the commercial uses. East of the subject property is South Tamiami Trail (US 41) with commercial uses consisting of a church, shopping centers, and a car wash to the east. West of the subject property are conservation lands that are part of the Estero Bay State Buffer Preserve zoned Residential Planned Development. South of the property are a Mobile Home Park, Recreational Vehicle Park, and Estero Vista, which is approved for multi-family units, all of which are west of the CG-zoned property abutting South Tamiami Trail (US 41). North of the subject property is a vacant Commercial Planned Development, a Walgreens abutting South Tamiami Trail (US 41), and a mobile home village located to the west of Walgreens. Property immediately surrounding the subject property is depicted in Attachment C report and can be characterized as follows:

North

The north property line abuts vacant Commercial Planned Development approved for 4,500 square feet of commercial uses, (per Resolution Z-88-319), and Sheltering Pines Mobile Home Village, approved per Resolution Z-62-003 with platted density of 8.62 dwelling units per acre. Further north is Grand Bay Plaza shopping center that was approved per Resolution Z-95-005, as amended, for a mix of commercial uses with a maximum intensity of 142,800 square feet of commercial uses including 48,000 square feet of mini-warehouse use.

East

The east property line abuts South Tamiami Trail (US 41), which is a State maintained arterial roadway that has an existing sidewalk, bike lane, and LeeTran bus stops for routes 240, 660, and 140 Sunday service. East of South Tamiami Trail (US 41) is the intersection of San Carlos Boulevard, which is a County-maintained major collector where a traffic signal is proposed by FDOT. The properties located north and south of this intersection are zoned commercial (C-1) and are located within the Mixed Use Overlay per Lee Plan Map 1-C. North of the intersection is New Day Christian Church, while commercial uses to the south of the intersection consist of two shopping centers, a car wash, a multiple use shopping center, and a Circle K with gas pumps. Further east are properties zoned Residential (RS-1) with single-family homes and a daycare.

South

South of the subject property is Santa Maria Street, which is a private local road. On the opposite side of Santa Maria Street, abutting South Tamiami Trail (US 41), is Marina Mike's boat sales and service, Life Storage facility, and a Napa Auto Parts store, all of which are zoned CG. South and west of Santa Maria Street is Estero Vista Residential Planned Development (RPD), which is approved per Resolution Z-05-016 for 144 multi-family units, including bonus density, with a maximum height of 55 feet. The zoning resolution approved two access points onto Santa Maria Street; however, subsequent to this approval, it was determined that Santa Maria Street could not support the roadway improvements to stormwater drainage, water, and sewer necessary to support the development. Therefore, ADD2020-00104 approved an updated Master Concept Plan and a revised access connection to South Tamiami Trail located through the subject property South Tamiami Trail (US 41) aligning with San Carlos Boulevard. The intersection is proposed to be signalized by FDOT. An emergency access only onto Santa Maria Street was also included

in the zoning amendment (see Attachment H). Estero Vista was subsequently issued a development order (DOS2020-00127) for 144 multi-family dwelling units, including 21 bonus density units, with three four-story buildings at a maximum height of 55 feet and a clubhouse, with an interconnection to the subject property (see Attachment H). Southwest of the subject property are MH-1 and RV-3 zoned properties that are developed with the Calusa Cove RV Park.

West

The west property line abuts the Estero Bay Buffer Preserve, which is zoned RPD and is within the Conservation Land Uplands future land use category.

Availability of Urban Public Services

Public 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.”* The level of public services currently serving the subject property are as follows:

Public water and sewer: The subject property is located within the Lee County Utilities future water service area as depicted on Lee Plan Map 4-A. The applicant has provided a letter of availability for potable water from Lee County Utilities (LCU) indicating that there are potable water lines in operation adjacent to the subject property (see Attachment L). The subject property is also located in the Lee County Utilities future sewer services area as depicted on Lee Plan Map 4-B with service provided through the Three Oaks Water Reclamation Facility. Lee County Utilities has existing sewer lines in operation adjacent to the subject property and has provided a letter of availability (see Attachment L).

Public transit and pedestrian facilities: A sidewalk and bike lane is located on the east and west side of South Tamiami Trail (US 41). The developer will be required to install and connect to pedestrian facilities along the property's boundaries in conformance with LDC Section 10-256. The site is located along LeeTran Routes 240, 660, and 140 (Sunday service only) (see Attachment L).

Police, fire, and emergency services: San Carlos Fire Station 51 and EMS Medic 9 are located 0.8 miles from the property at 8013 Sanibel Boulevard. Lee County Sheriff's Office Central District Substation is 5.8 miles from the subject property. As part of the comprehensive plan map and text amendment, the applicant received letters of review and recommendation from Lee County Public Safety, The School District of Lee County, Lee County Sheriff's Office, Lee County Solid Waste, LeeTran, and San Carlos Fire Protection and Rescue Service District demonstrating adequate public facilities exist (see Attachment L).

Property Development Regulations & Off-Street Parking

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (see Attachment J).

Staff finds the proposed property development appropriate within each respective development tract on the MCP.

Proposed Deviations

Deviation means a departure from a specific regulation of LDC Chapter 34, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with LDC Section 34-373(a)(9). Based on the findings

established in LDC Section 34-377(a)(4), each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant proposes a schedule containing four deviations from the LDC with corresponding justification (see Attachment F).

Deviation #1:

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3), which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single connection to US 41 and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.

Development Services staff recommend the language of the deviation be revised to delete the reference to the interconnection to Estero Vista (see Attachment I). The applicant has not demonstrated legal access to utilize the emergency only access. Therefore, staff recommends the following:

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

The applicant has provided a MCP that depicts two access points to an internal roadway approved under DOS2020-00128 which provides a singular access point to US 41. The second access point to comply with LDC Section 10-610(e) is being provided to the north. This access connects Outparcel 1 and the adjacent property, which ultimately connects to Unique Circle, which is a non-county maintained roadway. There is an unrestricted access easement granted to the public for ingress and egress, and roadway and utility easements. The easement states that the grantor does not obligate the County, its successors or assigns to accept of the roadway for continued maintenance or bring the substandard roadway up to County standards (see Attachment O). This area is narrow in width and does not meet County roadway standards for access.

Staff recommends the following conditions for **APPROVAL** of Deviation #1:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Prior to development order approval, the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

Deviation #2:

Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow no turnaround for the southern gate at the secondary resident-only access point.

The applicant is requesting to waive the required turnaround for the southern gate, which is a secondary access intended for resident access only. The requirement, per LDC Section 34-1748(5), requires the applicant to provide a turning radius sufficient to accommodate a U-turn for a single unit truck at a gate or gatehouse. Development Services staff have provided a memorandum addressing this deviation (see Attachment I). Staff has revised the deviation request to state that a paved turnaround must be provided at the resident only access gate that has a turnaround radius designed for a passenger car instead of a single unit truck. This is because the main gate will be designated as the required entrance for delivery and service vehicles seeking access to the site. In the applicant's justification, the applicant prepares a condition to require signage stating that the secondary access is for resident use only. According to Development Services staff analysis, although signage can be provided, it is not completely effective in preventing access to the gate by non-residents and guests inadvertently using the access point. If a non-resident tries to access the development through the southern gate, a suitable turnaround should be provided to prevent backing maneuvers into the vehicle queuing area, which may be occupied by vehicles seeking entrance to the site. Thus, a suitable turnaround will prevent the potential for backup movements.

Development Services staff have provided a memorandum addressing this deviation and have recommended approval with conditions (see Attachments I and F). Staff recommends that the deviation request be revised to state the following:

Deviation (2) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow ~~no turn-around~~ a paved turn-around, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.

Staff recommends approval of the deviation, as revised, subject to the following conditions:

Prior to local development order approval, the plans must depict signage stating that the southern access point is a resident-only access.

Prior to local development order approval that includes the resident-only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.

Deviation #3:

Deviation 3 seeks relief from Lee County Land Development Code (LDC) Section 10- 285, which requires principal arterial roadways in Future Urban areas to provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

South Tamiami Trail (US 41) is a State-maintained arterial roadway. The applicant is requesting to reduce the intersection connection separation requirements on a road that is controlled by the Florida Department of Transportation. Lee County is not authorized to grant deviations on State right-of-way. At time of development order, the applicant will be required to provide an approved FDOT access permit.

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

Deviation #4:

Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Staff recommends **APPROVAL** with the following condition:

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment J). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is within the Urban Community, Wetlands, and Rural Future Land Use Categories (FLUC) per the Lee Plan. **Lee Plan Policy 1.1.4** characterizes Urban Community as a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in the Lee Plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained, which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in **Lee Plan Objective 11.1**, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acres (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. Approximately 15.94 acres of the subject property are within the Urban Community FLUC, which would allow a base density of 95.64 dwelling units. In addition, future development in this category is encouraged to be mixed use, as described in **Lee Plan Objective 11.1**, providing a variety of housing units within the Urban Community FLUC. The subject property is located within an area comprised of commercial uses abutting South Tamiami Trail (US 41) that consist of retail shopping plazas, medical offices, convenience food and beverage stores, churches and grocery stores. The properties abutting the commercial uses consist of mobile home residential communities, vacant multi-family residential planned development, and single-family half-acre lots east of the subject property. The properties east of South Tamiami Trail (US 41) are within the Mixed Use Overlay per Lee Plan Map1-C and the applicant has requested a map amendment to add the subject property to the Mix Use Overlay. The proposed multi-family units with the variety of commercial uses existing and proposed abutting South Tamiami Trail (US 41) will provide the variety needed to complement the existing uses in the area. Therefore, as conditioned, staff finds the request **CONSISTENT with Lee Plan Policy 1.1.4 and Lee Plan Objective 11.1**.

The central portion of the site, which is within the Mullock Creek floodway, is in the Wetlands FLUC. Lee Plan Policy 1.5.1 describes uses within the Wetlands FLUC as very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of the Lee Plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acres), except as otherwise provided in Table 1(a) and Chapter XIII of the Lee Plan. It should be noted, as it is relevant to this case, that Table 1(a), Note 8 states that higher densities may be allowed under the following circumstances where wetlands are preserved on the subject property:

- a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or
- b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of one dwelling units per 20 acres. Planned Developments or Developments Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-00018.

Dwelling units will be relocated to developable contiguous uplands designated Urban Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands, while impacted wetlands will be calculated at the standard Wetlands density of one dwelling unit per 20 acres. Approximately 0.17 acres of wetlands are proposed to be impacted (0.01 du) and 10.59 acres of wetlands are proposed to be preserved (63.54 du).

The west portion of the subject property within the Rural future land use category as described in **Lee Plan Policy 1.4.1**. The Rural FLUC is described as areas to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with **Lee Plan Policy 10.1.4**. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural FLUC is one dwelling unit per acre (1 du/acre). The west portion of the property, abutting the Estero Bay State Buffer Preserve, is within the Rural FLUC and Coastal High Hazard Area per the Lee Plan Map-5A. The applicant is proposing to preserve this area and utilize **Lee Plan Policy 5.1.10**, as amended by CPA2022-00007, to preserve 30 acres and allow the transfer of density to the eastern portion of the site.

The applicant is requesting a maximum of 300 dwelling units, which is consistent with the maximum density is 338 dwelling units allowed in the Urban Community, Wetlands, and Rural future land use categories for the 46.33-acre site and 1.53 acres of adjacent private right-of-way. Therefore, the applicant's request of 300 dwelling units is consistent with Policies 1.1.4, 1.4.1, and 1.5.1.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the variety of surrounding uses available to support the request. The applicant has designed the site to preserve 30 acres of land consisting of uplands and wetlands to be restored. The proposed commercial development area abuts an arterial road that is compatible with the surrounding existing or proposed land uses. The development is focused in the future urban FLUC in order to cluster the impact and preserve the floodway and abutting indigenous upland areas that are located adjacent to the conservation lands to the west. As mentioned, there is access to potable water and sewer and the property is in close proximity to schools, parks, and other services to demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2, Policy 2.2.1, and, Standards 4.1.1 and 4.1.2**.

Lee Plan Standard 4.1.4 seeks to protect environmentally sensitive areas, and the development will be integrated and properly oriented to ensure the functionality of the natural features of the site. The site includes a total of 11.13 acres of jurisdictional wetlands associated with the Mullock Creek flow-way that runs from the northwest to the southeast through the center of the site. Approximately 10.76 acres of these wetlands are within the 46.33-acre project boundary, and 0.37 acres are within the adjacent 30-foot private roadway easement that bisects the site from east to west and is proposed to be vacated. There are 41 gopher tortoise burrows on the site, with nine of them located to the east of the flow-way and the remainder to the west of the flow-way. West of the flow-way is 16.96 acres of indigenous upland that are proposed for preservation and will provide habitat for the 31 gopher tortoise burrows, and the 10.96 acres of wetland preserve that will be restored to create habitat and compensatory stormwater storage within the Coastal High Hazard Area. A total of 0.17 acres of wetland impacts are proposed. Approximately 0.13 acres of the 0.17 acres of wetlands to be impacted have been permitted through the South Florida Water Management District (SFWMD) as part of the drainage and compensatory storage site work (Permit #36-104286-P). The 0.04 acres of wetland impacts located within the Coastal High Hazard Area will be permitted through SFWMD, and compensatory storage is proposed outside of the non-indigenous uplands adjacent to the wetlands in the floodway per the Master

Concept Plan stamped received on January 9, 2023. The applicant has demonstrated compliance with **Lee Plan Standard 4.1.4.**

Lee Plan Policies 5.1.3, 5.1.5 and 5.1.6 focus on the locating high density residential uses near employment and shopping centers, parks, schools and mass transit while protecting encroachment of uses that are destructive to the character and integrity of the surrounding uses. As mentioned previously, the proposed project has a plethora of newby employment and shopping centers, as well as accessible transit stops to support the future residents and utilize the proposed commercial component proposed on the subject property. The applicant has provided a Master Concept Plan that demonstrates compliance with open space and buffer requirements to protect the surrounding uses. The proposed maximum height of the multi-family structures is 56 feet. The applicant has designed the site to depict staggered building heights that increase from 49 feet to 56 feet toward the commercial uses and South Tamiami Trail (US 41). Estero Vista, located to the south, is approved for 55-feet-high buildings, so the proposed staggered building heights will be compatible to the south and to the north. As shown on the MCP, building III is the closest building to the north property line. The abutting property to the north is Sheltering Pines Mobile Home Village. The applicant has oriented Building III so that the narrow portion of the building is the closest to the north property line with a minimum 29-foot setback, which exceeds the requirements of LDC Section 34-2174(a) by increasing the typical multi-family setback of 20 feet by $\frac{1}{2}$ foot for every one foot over 35 feet. The Mixed Use Overlay requires a ten-foot buffer between residential uses consisting of a Type-B buffer (five trees per 100 linear feet and a double staggered hedge). The applicant is enhancing this buffer by providing an opaque fence or wall with the required buffer vegetation planted on the outside of the wall. The western 30 acres will be preserved, thereby providing environmental and water quality enhancements between Estero Bay State Buffer Preserve to the west and the Mullock Creek floodway. Per LDC Section 10-425, a five foot right-of-way buffer will be provided as shown on the MCP. Therefore, as conditioned, staff finds the request **CONSISTENT with Policies 5.1.3, 5.1.5, and 5.1.6.**

The applicant has a concurrent Text Amendment that was transmitted to the State reviewing agencies by the Board of County Commissioners on January 18, 2023, this text amendment proposes to amend Lee Plan Policy 5.1.10 as follows:

~~POLICY 5.1.10: In those instances where contiguous land under single ownership is divided within two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated. The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in the future land use category.~~

- ~~1. The planned development zoning is utilized; and~~
- ~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
- ~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

The subject property has been in the same ownership since 1968. The intent of the policy revision is to preserve environmentally sensitive areas without diminishing the owner's ability to develop the site with allowable density that is transferred from the non-urban FLUC to the urban FLUC. This also allows the applicant to cluster the development to provide greater setbacks from neighboring properties. Furthermore, it ensures that the subject property is under single ownership at time of the planned development to allow the density and intensity to be reviewed cohesively. The applicant has provided a MCP that demonstrates this cohesive design. Therefore, the request is **CONSISTENT with pending Policy 5.1.10**, as amended.

The eastern three acres of subject property is proposed to be developed as a mix of commercial and residential. The applicant will be required to provide landscaping, buffering, and open space per LDC Section 10-425 for the Mixed Use Overlay. The buffering will consist of a five-foot-wide buffer abutting South Tamiami Trail (US 41) and 20 percent of the site must be open space. Proposing commercial within the east portion of the development will not create strip development or scattered commercial. The existing zoning district for the three acres is General Commercial (CG) and as described previously, the surrounding uses that abut South Tamiami Trail (US 41) are primarily commercial with shopping centers, churches, convenience food and beverage stores, and restaurants with access to the arterial road. Staff finds the request **CONSISTENT with Goal 6 and Policies 6.1.6 and 6.1.7**.

The applicant has requested to amend the Mixed Use Overlay (MUO) Map to extend the overlay to the west within the Urban Community future land use category. Sufficient infrastructure exists to support the development per the submitted letters of availability and public facilities recommendations. Development in the MUO should accommodate connections to adjacent uses in accordance with **Lee Plan Policy 11.2.2**. The applicant is providing a parking lot interconnect with the property to the north for the development of Outparcel 1 as depicted on the Master Concept Plan, which is in compliance with LDC Sections 10-610(e) and 34-2015(2)f. In addition, connectivity to the adjacent development to the south has been reviewed and approved per DOS2020-00128. The applicant is demonstrating consistency with **Lee Plan Policies 11.1.1, 11.2.1, and 11.2.2**.

Lee Plan Policy 11.2.6 encourages properties in the MUO to utilize bonus density. The applicant is applying for an additional 114 units through the bonus density program to provide increased density supporting Policy 11.2.6. The utilization of bonus density, including Greater Pine Island Transfer Density Units and alternative property development regulations and buffers, results in a compact and functional development pattern that is consistent with **Lee Plan Policy 11.2.6**. *Density* means an existing or projected relationship between numbers of dwelling or housing units (Du) and land area (LDC Section 34-2, Definitions).

Lee Plan Policy 11.2.7 states that development, redevelopment, and infill development located within the Mixed-Use Overlay may use the area of non-residential uses in their density calculations. Compliance with this policy is dependent on the comprehensive plan map amendment to expand the MUO west to the portion of the subject property outside of the Wetland FLUC. Once the map amendment has been adopted by the Board of County Commissioners, the proposed development will be consistent with **Lee Plan Policy 11.2.7**.

Below are tables outlining permissible standard density and maximum bonus density ranges for each future land use category including impacted wetland density calculations and adjacent private right-of-way for the proposed development:

MAXIMUM STANDARD DENSITY

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR SUBJECT PARCEL	UNITS
URBAN COMMUNITY	15.94 Acres @ 6 Du/Acre	95.64 Du
PRESERVED WETLANDS¹	10.59 Acres @ 6 Du/Acres	63.54 Du
IMPACTED WETLANDS	0.17 Acres @ 20 Du/Acres	0.01 Du
RURAL	19.63 Acres @ 1 Du/Acre	19.63 Du
TOTAL ALLOWED STANDARD UNITS: 178.82 DU		

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR ADJACENT RIGHT-OF-WAY	UNITS
URBAN COMMUNITY	0.65 Acres @ 6 Du/Acre	3.9 Du
PRESERVED WETLANDS	0.37 Acres @ 6 Du/Acre	2.22 Du
RURAL	0.51 Acres @ 1 Du/ acres	0.51 Du
TOTAL: 6.63 DU		

MAXIMUM BONUS DENSITY FOR SUBJECT PROPERTY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	18.46 Acres @ 4 Du/Acre	73.84 Du
TRANSFERRABLE DWELLING UNITS**, ***	8.07 Acres @ 4 - 9 Bonus Du/Acre	32.28 - 72.36 Du
SUB-TOTAL		106.12 - 146.47
MAXIMUM: 325.29 DU WITH BONUS DENSITY		

*7.87 acres uplands and 10.59 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

*** Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

¹ Dwelling units may be relocated to developable contiguous uplands designated Urban Community per Lee Plan Policy 1.1.4 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetlands.

² Per Lee Plan Policy 101.3.7, bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

MAXIMUM BONUS DENSITY FOR RIGHT-OF-WAY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	0.68 Acres @ 4 Du/Acre	2.72 Du
TRANSFERRABLE DWELLING UNITS**, ***	0.34 Acres @ up to 4 - 9 Bonus Du/Acres	1.36 - 3.06 Du
SUB-TOTAL		4.08 - 5.78
MAXIMUM: 12.41 DU WITH BONUS DENSITY		

*0.31 acres uplands and 0.37 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

*** Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

The bonus density incentive programs include the Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5, and the transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5. As noted, Lee Plan Policy 101.3.7 only allows site built affordable housing to be considered within the Coastal High Hazard Areas. The applicant has provided a bonus density exhibit that depicts the Coastal High Hazard Area, the three different future land use categories, and the location of the types of bonus density units proposed on the site (see Attachment J). LDC Section 2-147(b)(4) requires applications for planned development rezoning requests relying on bonus density to increase densities above the Lee Plan standard density range to specifically request the use of bonus density and comply with the following review criteria per LDC Section 2-146 pertaining to bonus density:

- a) **Applicants must comply with the minimum requirements set forth herein to be eligible to participate in the bonus density program through use of one of the following incentive programs:**
- 1. Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5.**
 - 2. Transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5.**

The applicant is requesting through the rezoning of the property to allow a maximum of 114 bonus density units that include Affordable Housing Program units in accordance with the site-built provisions or the cash contribution provisions (not in Coastal High Hazard Area) and Transfer Development Rights (TDR) program. The proposed development plan includes a minimum of 20-38 site-built affordable housing units (see Attachment J). The remainder will depend on final unit count and will be demonstrated at time of development order. The overall site qualifies for up to 152 bonus density units.

- b) **The following are the minimum requirements for the bonus density program:**

- 1. The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**

The subject property has direct access to South Tamiami Trail (US 41), an arterial State road and San Carlos Boulevard, a major collector. As mentioned previously, FDOT is proposing intersection improvements, including a traffic signal for this intersection. Since there is direct access to arterial and major collector roadways, the traffic generated from the development will not be traveling through areas with lower densities.

2. Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.

The applicant has designed the project to cluster the development in the eastern half of the site with commercial tracts abutting South Tamiami Trail (US 41) and the multi-family residential buildings decreasing in height from east to west. The Traffic Impact Statement (TIS) submitted by the applicant demonstrates that all roadways are projected to operate above the minimum adopted Level of Service (see Attachment M). Staff have reviewed the TIS and concluded that the proposed project will not have a detrimental impact on the surrounding uses and the access was subject to FDOT approval (see Attachment N). The applicant provided letters of availability for potable water and sewer stating that there were adequate sanitary sewer and potable water lines adjacent to the property (see Attachment L).

3. Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in LDC Section 2-483.

According to Lee Plan Map 5-A, a portion of the property is located within the Coastal High Hazard Area (see Attachment P). Storm shelters or other appropriate mitigation will be provided pursuant to LDC requirements which will be demonstrated as part of the development order for the subject property.

4. The resulting development will be compatible with existing and planned surrounding land uses.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another (LDC Section 34-2).

As described in previous sections, the subject property abuts a mix of commercial and residential uses. LDC Section 34-2175(b)(2) allows heights up to 95 feet within the Urban Community future land use category. The maximum height being proposed on the subject property is 56 feet. To the north is a mobile home park, and the proposed buildings are proposed to be set back 95 feet for buildings I and II with building III being setback back 29 feet for a narrow portion of the building. The setbacks exceed the requirements per LDC Section 34-2174(a). The western half of the property is being preserved for water quality and storage improvements as well as enhancements for wildlife abutting the Estero Bay State Buffer Preserve and Mullock Creek flow-way. The buffers being providing comply with the Mixed Use Overlay code per LDC Section 10-425, providing a five-foot right-of-way buffer and ten-foot Type-B buffer between on-site residential and abutting residential uses.

Per LDC Section 2-146(e):

- e) TDUs may not be utilized on property located within the Coastal High Hazard Area as defined in section 2-483 or located within Bayshore, Buckingham,**

Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Community. TDUs may only be used as described in section 2-154.

The applicant is proposing TDUs outside of the Coastal High Hazard Area (see Attachment J). The subject property is not located within any of the planning communities.

Based on the above analysis, the request complies with the established review criteria for approval of bonus density.

The western portion of the property is within the Coastal High Hazard Area (CHHA), Rural and Wetlands future land use categories. The applicant is proposing water retention, buildings and parking within a small portion of the CHHA and Urban Community future land use category. The remainder of the land east of the development will be preserved for water quality and enhancements for Mullock Creek flow-way and habitat for wildlife abutting the Estero Bay State Buffer Preserve which is all within the CHHA. Development is focused within the CHHA uplands, except for approximately 0.17 acres of wetland impacts. A portion of the impacts have been approved through a SFWMD permit for the road improvements and the remainder are impacts associated with County access to the preserve for maintenance to Mullock Creek flow-way, which could be considered a public facility in compliance with **Lee Plan Policy 101.3.2**. In any case, the applicant will be providing a State permit for all impacts and will demonstrate mitigation through the development order and vegetation removal permit process. Staff recommends a condition to address the impacts to wetlands. The applicant is proposing site-built bonus density within the CHHA and is not transferring density to the site from Greater Pine Island transferrable density units. Staff finds the request **CONSISTENT with Goal 101 and Policies 101.1.1, 101.1.2, 101.3.2, 101.3.4, 101.3.6, and 101.3.7.**

The subject property is undeveloped with the exception of the dirt road that runs east to west. The Mullock Creek flow-way bisects the property at a diagonal from north to south. There are wetlands on the east and west sides of the flowway. The applicant is proposing to preserve the land west of the Mullock Creek flow-way. The area east of Mullock Creek consists of 15.71 acres of uplands, and drainage runs from the east to the west draining from South Tamiami Trail (US 41) to Mullock Creek. The applicant is proposing a drainage system that will preserve the existing drainage patterns and will not block any runoff from adjacent properties. The drainage within the development will be collected into a catch basin and pipe system and detained in an on-site wet detention pond. The wetland preserves will remain outside of the stormwater management system and the pretreated stormwater will discharge into the wetland system and into Mullock Creek. The lake and swales will be planted with littorals to provide for water quality. The property is within the FEMA flood zone and the applicant is proposing to design the finish floor elevations at one foot above FEMA base flood elevation in compliance with FEMA requirements. No fill will be placed within the Mullock Creek floodway. The applicant is proposing approximately 17.44 acres of public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. Impacts to wetlands will be mitigated through the SFWMD Environmental Resource Permit process. Staff finds the request **CONSISTENT with Objectives 59.1, 61.2 and 61.3 and Policies 59.1.4, 59.1.9, 61.3.2, and 61.3.5.**

Environmental Sciences

Environmental Sciences zoning staff has provided a memorandum (see Attachment K). As mentioned, the site is located west of Tamiami Trail and south of Shelter Pines Mobile Home Park within the San Carlos Planning Community. Staff conducted a site inspection on August 1, 2022. The site is currently vacant. The applicant has submitted a Protected Species Survey that includes

the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering transects methodology used to survey the project (see Exhibit A). During staff's inspection, there were protected species observed on the site. The applicant has indicated in the protected species survey that there are a total of 41 potentially occupied gopher tortoise burrows and identified 23 snags containing potential roost cavities. The applicant is proposing to relocate any gopher tortoises within the impact area, to an on-site preserve through Lee Plan Policy 123.8.1.

Open Space

The applicant is requesting 300 dwelling units (including 114 bonus density units) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet. Per CPA2022-00007, the applicant may transfer dwelling units located in the Rural FLUC from preserved wetlands to developable uplands under common ownership at the same underlying density as permitted for those uplands. In addition, CPA2022-00006 extends the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail (U.S. 41). Large projects within the Mixed Use Overlay are required to provide a minimum of 20 percent open space, half of which must be indigenous preserve. The applicant will have to provide 20 percent open space subject to the approval of CPA2022-00006 and CPA2022-00007.

Indigenous Open Space Preservation

Policy 5.1.6 requires large projects within the Mixed Use Overlay to provide 20 percent open space, of which 50 percent must be indigenous. The applicant is required to provide 4.64 acres of indigenous open space and is providing 16.98 acres of preserved uplands. The applicant has provided a MCP dated January 9, 2023 that depicts 16.98 acres of indigenous open space.

Wetlands

The applicant was issued a formal jurisdictional wetland determination (Permit # 36-107223-P) on June 7, 2022 (see Attachment K, Exhibit B). Wetlands delineated on the property totaled 11.13 acres, consisting primarily of tributary wetlands (see Attachment K, Exhibit B). The applicant provided a FLUCCS map as part of the protected species survey and the formal jurisdictional wetland determination. The applicant has indicated in the application materials that 0.17 acres of wetlands will be impacted. Due to the size and quality of the wetlands, no wetland mitigation is required or proposed per the South Florida Water Management District (*SWERP Handbook Volume 1 Section 10.2.2.1*) (Attachment K, Exhibit C).

Staff recommends the following indigenous open space condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;***
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;***
- c) Non-Indigenous Upland Preserve 3.02 acres;***
- d) Compensating Storage in Preserve 0.04 acres; and***
- e) Lake (Maximum of 25% Open Space) 0.80 acres.***

Indigenous Habitat Management Plan

The applicant has not provided an Indigenous Habitat Management Plan (IHMP), although the applicant has agreed to provide an IHMP prior to the issuance of the first development order or vegetation permit.

Staff recommends the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation and demonstrate compliance with Lee Plan Policy 101.1.1:

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

Buffers

The proposed development abuts commercially-zoned land along the east, vacant residentially-zoned to the west, multi-family residential and mobile home uses along the south property line, and mobile home uses along the north property line. Subject to the approval of CPA2022-00006 and CPA2022-00007, the required buffers are as follows :

East – The east area of the property abuts S. Tamiami Trail (U.S. 41). The applicant is demonstrating compliance with LDC 10-425(f)(1) and proposing a 5-foot right-of-way buffer.

West - No buffer required along a portion of the west property line where the Indigenous preserve is located.

North - The north property line abuts Sheltering Pines Mobile Home Village. Per LDC Section 10-425(f)(2) requires a 10-foot, Type “B” buffer along single-family residences. The applicant is providing a 10-foot buffer and with “Type B” plantings. The proposed buffer is meeting code required buffer criteria.

South - The south property line abuts a 30’ Ingress and Egress easement. The applicant is providing a 7.5-foot buffer outside of the fenced in area.

Natural Resources

The Lee County Division of Natural Resources has provided a staff memorandum with supporting attachments that analyzes the proposed development and the effect it will have on the flow-way and wetlands. (see Attachment Q). The proposed development is within the Mullock Creek watershed and is bisected by a Mullock Creek tributary, which conveys off-site flows through the property. The Mullock Creek watershed is impaired for Iron, Selenium, Enterococci, and Copper. Lee Plan Policy 125.1.2 states new development and additions to existing development must not degrade surface and ground water quality. The proposed stormwater management system will provide pretreatment on the two commercial or mixed use parcel sites prior to discharging into the main stormwater management system. The wet detention pond will then discharge into the Mullock Creek wetlands on the east side of the flowway and then ultimately into Mullock Creek. Lee Plan Policy 125.1.4 states developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. To address consistency with Lee Plan Policies 125.1.2 and 125.1.4, the applicant has proposed a condition requiring approval of a water quality monitoring plan prior to issuance of development order. The proposed surface water management system is consistent with Lee Plan Policies 60.4.2 and 125.1.3.

In order to maintain consistency with these policies staff recommends the following conditions:

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;**
- ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.**
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.**
- iv) Identify the monitoring point locations.**
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.**
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.**

The Mullock Creek tributary, which conveys off-site flows through the property, is bordered by wetlands and within a FEMA Regulatory Floodway. An existing elevated east/west dirt road bisects the Floodway and four 36 inch culverts under the dirt road function to convey offsite flows. The Lee County 2018 Flood Study Report, prepared by Johnson Engineering, was developed following the two major rain events during the summer of 2017. The first being Invest 92L, occurring in late August and then followed by Hurricane Irma on September 10th. The Report documented conditions in the field where flooding had occurred and mapped locations where impediments to flow existed that could be remedied quickly, or where deficiencies in structural components may have facilitated flooding. The Report discovered four 36-inch culverts under the east/west dirt road that were damaged and impeding off-site flows (Observation ID#708, Appendix A, Page 1). The applicant has agreed to apply for the necessary permits and replace the four damaged culverts in order to restore off-site conveyance capacity. To address the replacement of the four 36-inch culverts, staff recommends the following condition:

Prior to issuance of local development order, the Developer must apply to replace the four 36 inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Occupancy (CO) for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

The project is proposing no impacts within the FEMA Regulatory Floodway and will preserve and restore all wetlands in the Floodway. The preservation of this area is consistent with Lee Plan Policy 60.4.3, which encourages the preservation of existing natural flowways and the restoration of historic flow-ways. In addition, the applicant will remove exotic vegetation and be responsible for the long-term maintenance of the Floodway consistent with Lee Plan Policy 61.3.3, which requires that floodways be as unobstructed as possible. These improvements, along with the replacement of the damaged culverts within the FEMA floodway, will lessen flooding impacts in the area.

A 30-foot-wide platted roadway known as Santa Maria Street runs east/west through the property. The western portion of Santa Maria Street was never constructed, but would provide Lee County access to the Floodway if necessary. The applicant has requested to vacate this plated roadway (VAC2023-00004) and Natural Resources Staff has conditionally approved the vacation request if a replacement drainage and access easement is provided. As part of the petition to vacate, a drainage and access easement must be reviewed and recorded in favor of Lee County. The drainage and access easement must include language to permit Lee County access to the floodway to allow the right, but not the obligation, to maintain the floodway consistent with Lee Policy 61.3.3 and LDC Section 10-328.

A large portion of the property is located within the Coastal High Hazard Area (CHHA), as shown on Lee Plan Map 5-A. The Lee Plan defines the CHHA as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The subject property contains 11.13 acres of wetlands, of which 11.00 acres are located in the CHHA, per the SFWMD formal wetland determination issued on June 7, 2022 (36-107223-P). Lee Plan Policy 101.1.1 requires that development within the CHHA be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. Policy 101.1.2 speaks to the protection and conservation of environmentally sensitive coastal areas that include wetlands, mangrove stands, undeveloped tidal creeks, and critical wildlife habitat. The preservation and restoration of wetlands and the Mullock Creek flow-way are consistent with Policies 101.1.1 and 101.1.2. In addition, the preservation of uplands west of the flow-way maintains onsite gopher tortoise habitat consistent with Policies 101.1.1 and 101.1.2. The applicant is also proposing to offset 0.04 acres of wetland impacts by creating 0.04 acres of wetlands that will be graded to match the existing grade of the adjacent floodway and will be planted with native wetland vegetation if natural recruitment does not take place within two growing seasons. The proposed wetland creation will provide compensatory storage to offset the 0.04 acres of wetland impacts. This proposed mitigation strategy is not required by the Lee Plan or Land Development Code, but was proposed by the applicant to further demonstrate consistency with Lee Plan Policy 101.1.1. To that end, staff recommends the following condition:

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

Land Development Code Compliance

Staff finds the proposed planned development rezoning to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and

- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

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

As previously detailed, staff finds the requested rezoning to be compatible with existing and planned uses in the surrounding area, as conditioned. The applicant has designed the MCP to depict the staggering of height of each building toward the preserve area. As described in previous sections, the subject property abuts commercial uses and a residential planned development (Estero Vista) with 55-foot-high multi-family buildings abutting a recreational vehicle park to the south. LDC Section 34-2175(b)(2) allows heights up to 95 feet within the Urban Community future land use category. The maximum height being proposed on the subject property is 56 feet. To the north is a mobile home park, and the proposed buildings are proposed to be set back 95 feet for buildings I and II, with building III being set back 29 feet for a narrow portion of the building. The setbacks exceed the requirements of LDC Section 34-2174(a). The western half of the property is being preserved for water quality and storage improvements as well as enhancements for wildlife abutting the Estero Bay State Buffer Preserve and Mullock Creek flow-way. The buffers being provided comply with the Mixed Use Overlay code per LDC Section 10-425, providing a five-foot right-of-way buffer and ten-foot Type-B buffers between on-site residential and abutting residential uses.

b) Sufficiency of Access and Transportation Impacts

The applicant has provided a traffic impact statement (TIS) concerning trip generation expected by the project (see Attachment M). Development Services Section staff has reviewed the applicant's TIS and has provided separate memorandum concerning the project's transportation impacts (see Attachment N). In summary, the vehicular trip generation associated with the 300 multi-family dwelling units includes 150 new trips in the PM peak hour (95 in, 55 out) and 116 new trips in the AM peak hour (28 in, 88 out). The vehicular trip generation associated with the 30,000 square foot commercial uses includes 120 new trips in the PM peak hour (60 in, 60 out) and 41 new trips in the AM peak hour (26 in, 15 out). Staff concludes that the proposed project will not have a detrimental impact on the surrounding roadway system. The access to South Tamiami Trail (US 41) is subject to FDOT approval. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with existing county regulations.

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

The site includes a total of 11.13 acres of jurisdictional wetlands associated with Mullock Creek flow-way that runs from the northwest to the southeast. There are two isolated low quality wetlands to the east, 10.76 acres of these wetlands are within the 46.33-acre project boundary and 0.37 acres are within the adjacent 30-foot private right-of-way that bisects the site and is proposed to be vacated. The environmental consultant identified 41 gopher tortoise burrows, with nine located on the east side of the flow-way and the remainder on the west side. The applicant has provided a Protected Species

Management Plan (see Attachment K). Preservation of 10.96 acres of wetlands and 16.98 acres of indigenous uplands will provide habitat for wildlife once the restoration is complete and exotics are removed. In addition to the on-site preservation, non-indigenous uplands, a compensatory storage area, and dirt road off-site will be restored resulting in 30 acres of preservation. A total of 0.17 acres of wetland impacts are proposed, of which 0.13 acres have been permitted through SFWMD permit #36-104286-P associated with the permitting for the access to the site. The remaining impacts will be permitted through the subject property to support the County access to the flow-way for maintenance. The applicant is proposing compensatory storage for the on-site impacts to the wetlands, but the applicant anticipates no mitigation will be required from SFWMD due to the low quality of the wetlands. The compensatory storage area is proposed to be graded to match existing grade of the adjacent floodway area and will be allowed to naturally recruit native species through native seed sources in the vicinity. The applicant is proposing 17.44 acres of community public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands since the subject property is located in a floodway and Coastal High Hazard Area. The minor 0.04-acre impact that is within the Coastal High Hazard Area is only to allow for access for Lee County to the existing dirt road to the floodway and adjacent preserved wetlands and to provide access for the lake maintenance easement associated with the surface water management system.

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the requested rezoning. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation, as conditioned:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The MPD rezoning is consistent with the Urban Community, Rural, and Wetlands future land use designation and the applicable goals, objectives and policies of the Lee Plan including the comprehensive plan amendments that were transmitted to the State on January 18, 2023. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the subject property from MH-1 and CG to MPD with the conditions attached as Attachment F of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, Current Zoning, and Mixed Use Overlay Maps
- D. Master Concept Plan
- E. CPA2022-00006 and CPA2022-00007
- F. Development Regulations, Conditions and Deviations
- G. DOS2020-00128 approved for pedestrian and automobile connections
- H. Estero Vista access ADD2020-00104 and DOS2020-00127
- I. Development Services Deviation Analysis Memorandum
- J. Applicant's
 - Project Narrative
 - Bonus Density Narrative and Exhibit
 - Schedule of Uses
 - Property Development Regulations
 - Schedule of Deviations
 - Stormwater Narrative
- K. Environmental Sciences Staff Report
 - Applicant's Protected Species Survey
 - Applicant's Protected Species Management Plan
- L. Letters of Availability
- M. Applicant's Transportation Impact Statement and FDOT Traffic Signal Analysis
- N. Development Services Transportation Memorandum
- O. Roadway Easement OR2190 PG2470
- P. Coastal High Hazard Area map
- Q. Natural Resources Memorandum

Attachment A

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

Case Number: DCI2022-00018
Project Name: Grand Bay Minor MPD
Hearing Examiner Date: February 9, 2023

Beth Workman, Principal Planner, 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, Lee Plan, and Environmental Sciences.
- 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.

Brandon Dunn, Principal Planner, Planning, 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 and Lee Plan.
- 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.

Brian Roberts, P.E., Plan Reviewer, Development Services, 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 and Lee Plan.
- 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.

Marcus Evans, P.E., Engineer, Infrastructure Planning, 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 and Lee Plan.
- 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.

Nic DeFilippo, Senior Environmental Planner, Planning, 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, Lee Plan, and Environmental Sciences.
- 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.

ATTACHMENT B



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND
LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF LOTS 2 AND 3, SAN CARLOS GROVE TRACT, RECORDED IN PLAT BOOK 4, PAGE 75, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL I

COMMENCING AT THE NORTHWEST CORNER SAID SECTION 20; THENCE S 01°00'14" E ALONG THE WEST LINE OF SAID SECTION FOR 934.55 FEET TO AN INTERSECTION WITH A LINE LYING 934.2 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF SAID SECTION, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE N 87°26'16" E ALONG SAID PARALLEL LINE FOR 2,806.25 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (STATE ROAD 45 – 200 FEET WIDE); THENCE S 36°56'36" E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 491.36 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 2; THENCE S 88°00'17" W ALONG SAID SOUTH LINE FOR 3,094.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 01°00'14" W ALONG THE WEST LINE OF SAID LOT 2 AND SAID WEST LINE OF SECTION 20 FOR 375.05 FEET **POINT OF BEGINNING**.

AND

PARCEL II

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT LYING S 01°00'14" E FOR 30.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 88°00'17" E ALONG THE NORTH LINE OF SAID LOT 3 FOR 1,325.25 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S 00°53'51" E ALONG SAID EAST LINE FOR 665.37 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3; THENCE S 88°47'22" W ALONG SAID SOUTH LINE FOR 1,323.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N 01°00'14" W ALONG THE WEST LINE OF SAID LOT 3 AND SAID WEST LINE OF SECTION 20 FOR 647.21 FEET TO THE **POINT OF BEGINNING**.

GROSS AREA CONTAINS: 46.33 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS), WHEREIN THE WEST LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARS S 01°00'14" E. THE SCALE FACTOR IS 0.999944648.

DESCRIPTION PREPARED: 03-03-2021

Digitally signed by Allen M Vose III
Date: 2021.03.03 14:00:00 -05'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 03-03-2021

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REVIEWED
DCI2022-00018
Hunter Searson, GIS
Planner
Lee County Government
4/14/2022

SHEET 1 OF 2

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SURVEY LICENSE # LB 6690

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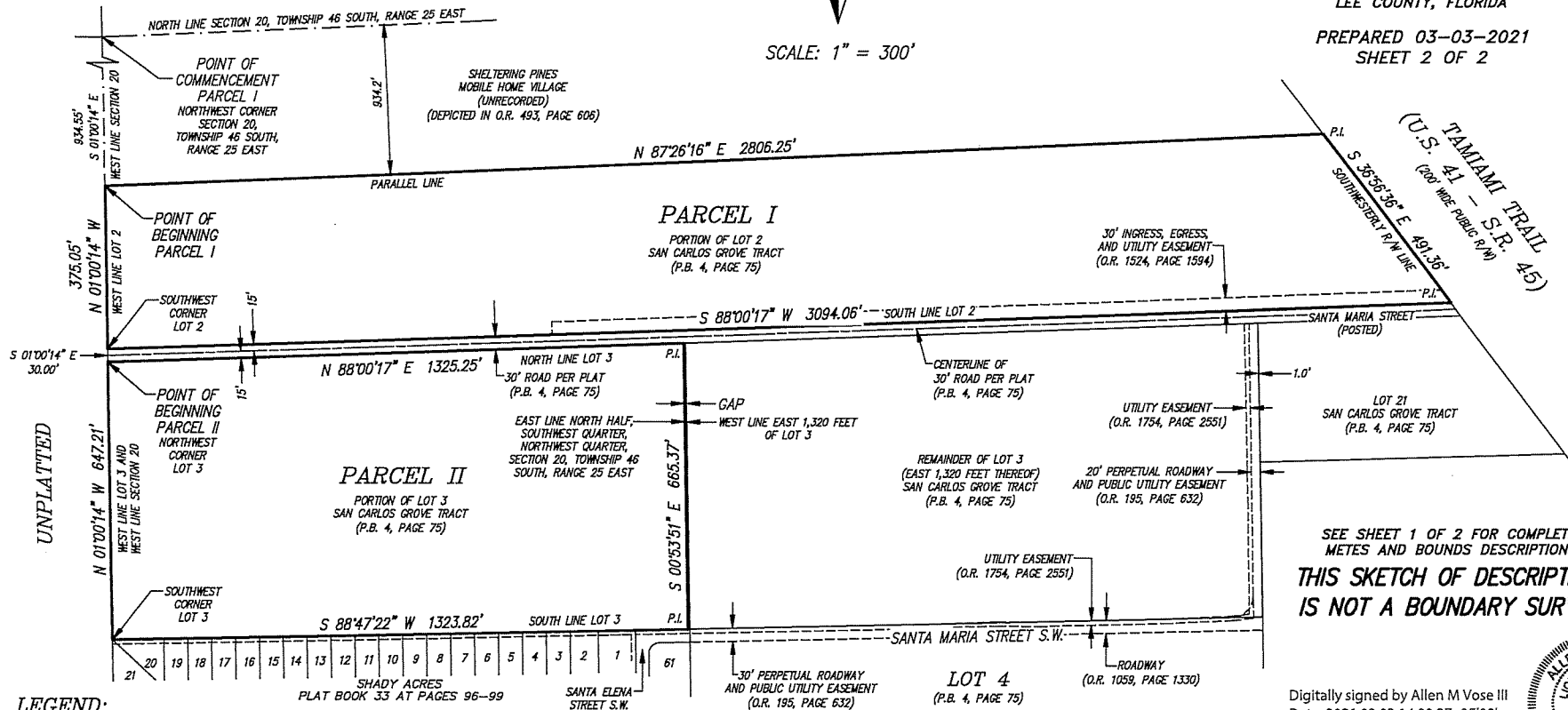


SCALE: 1" = 300'

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

PREPARED 03-03-2021
SHEET 2 OF 2



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

Digitally signed by Allen M Vose III
Date: 2021.03.03 14:00:27 -05'00'



ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
- DATE SIGNED: 03-03-2021
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.

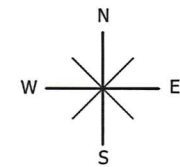
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DCI2022-00018

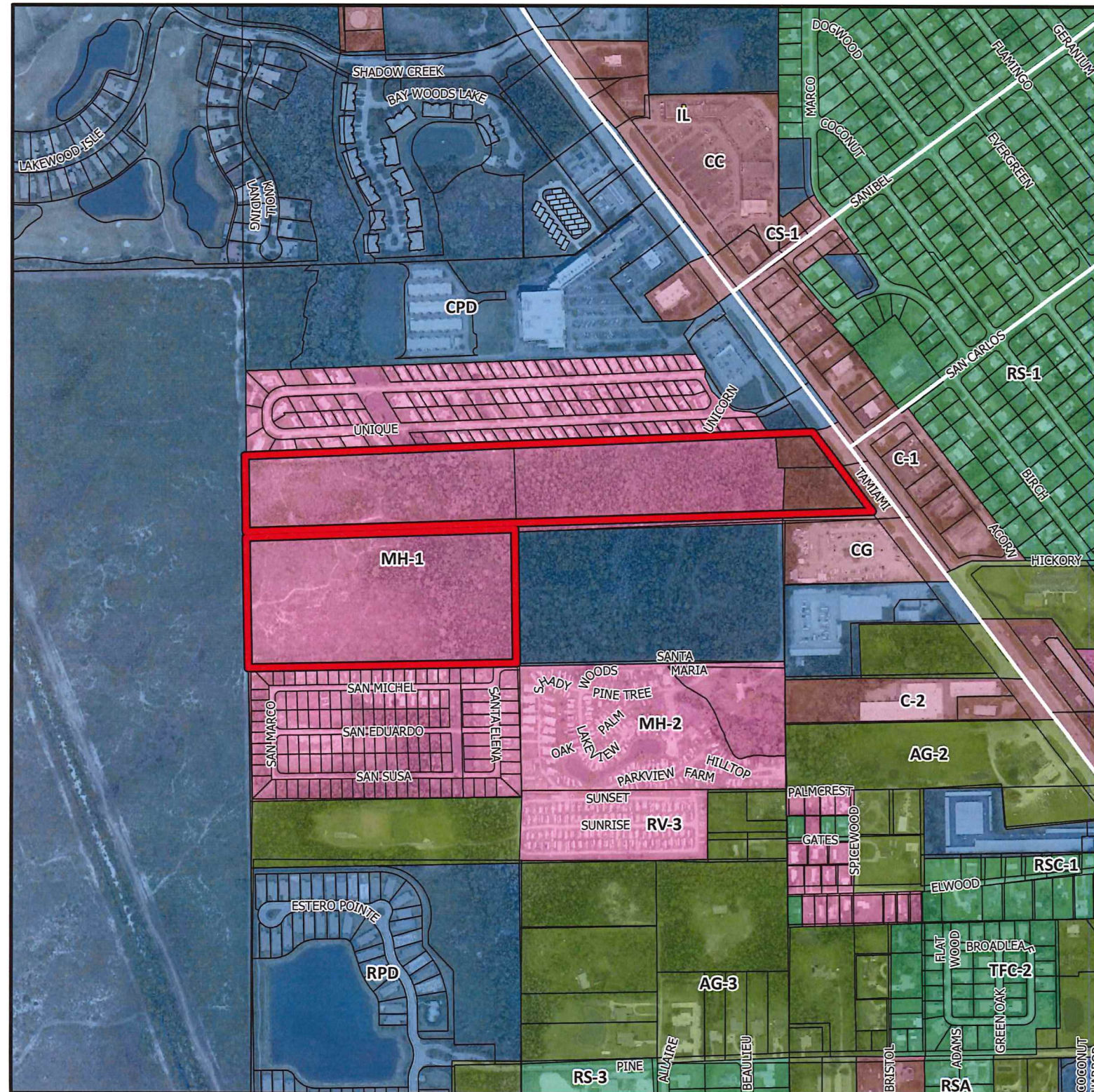
Zoning

ATTACHMENT C

 Subject Property



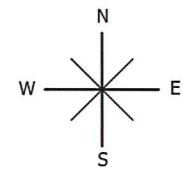
0 500 1,000
Feet



DCI2022-00018

Aerial

 Subject Property



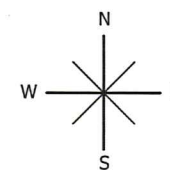
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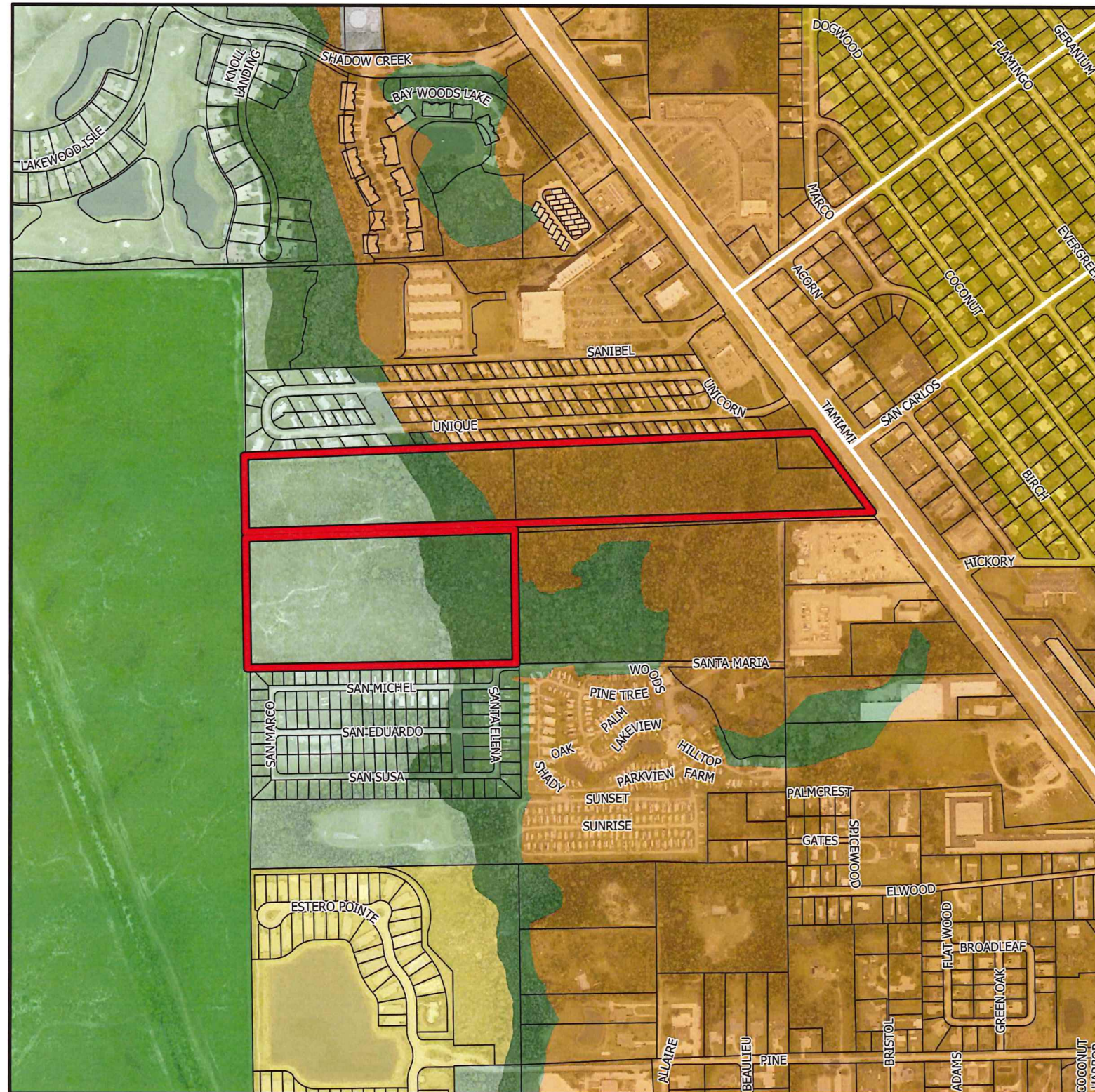
DCI2022-00018

Future Land Use

-  Subject Property
-  Urban Community
-  Suburban
-  Sub-Outlying Suburban
-  Public Facilities
-  Rural
-  Conservation Lands - Upland
-  Wetlands



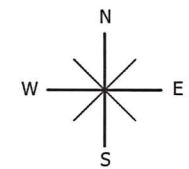
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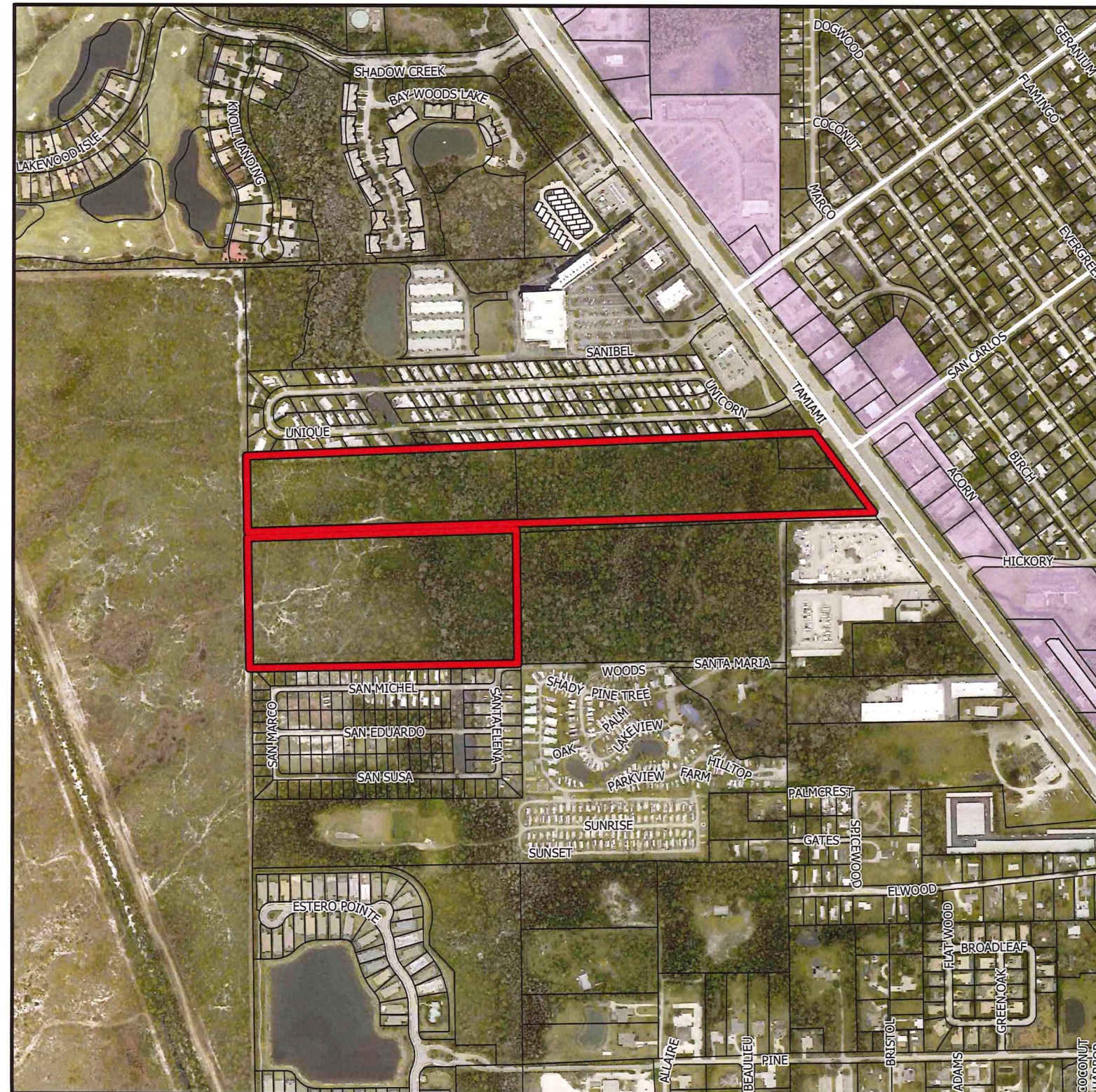
DCI2022-00018

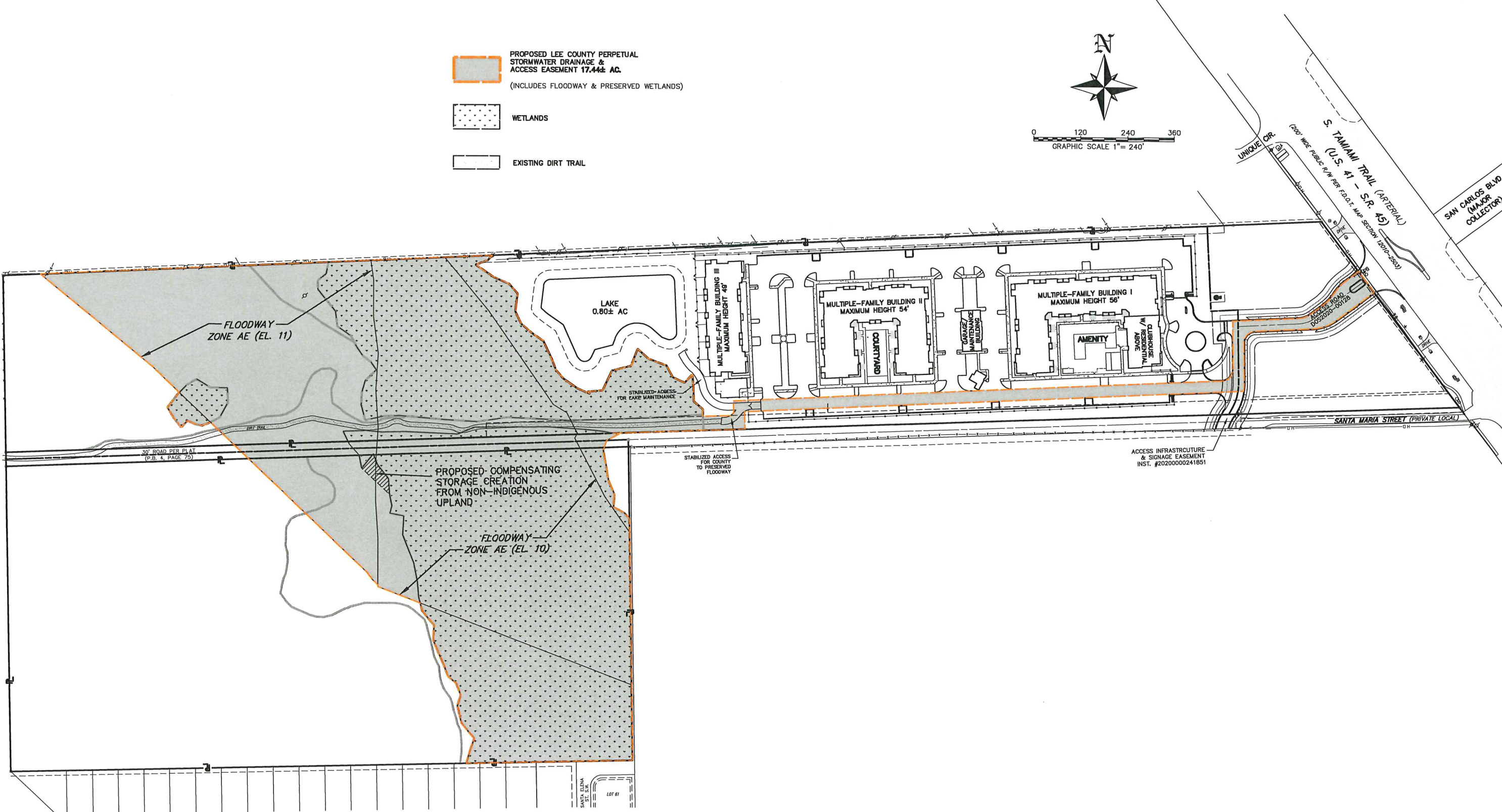
Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 500 1,000
Feet





NO.	DATE	REVISION DESCRIPTION
2	12/30/2022	POST-SUFFICIENCY SUBMITTAL
1	6/17/2022	1ST SUFFICIENCY RESPONSE

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SURVEY LICENSE # LB 8690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN GRAND BAY-MINOR MPD LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/2/2022	8433GB	MCP	KWK	JLS	SEH	1"=240'	2 OF 2

ATTACHMENT E

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, January 18, 2023. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2021-00016 River Hall: Amend the Future Land Use Map designation from Sub-Outlying Suburban to Rural on 11.94 acres; Rural to Sub-Outlying Suburban on 32.4 acres; Sub-Outlying Suburban to Outlying Suburban on 276.63 acres; Rural to Outlying Suburban on 45.68 acres; Sub-Outlying Suburban to Suburban on 25.2 acres with a change in density of +489 units. The subject property is located on the south side of Palm Beach Boulevard (State Road 80), approximately 0.8 miles east of Buckingham Road.

CPA2022-00006 and CPA2022-00007 Grand Bay Map and Text Amendments: Amend Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail, across from the intersection with San Carlos Boulevard, to include 15.64± acres and amend Policy 5.1.10 to align with current county practices for calculating the density of property that is divided into two or more land use categories.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

CPA2022-00006

&

CPA2022-00007

Grand Bay

**SUMMARY SHEET FOR
CPA2022-00006/CPA2022-00007 – GRAND BAY
TRANSMITTAL HEARING**

REQUEST:

- Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay.
- Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

The requested amendments will allow for a mixed use development on the west side of US 41 across from San Carlos Boulevard in San Carlos Park. As proposed in the concurrent rezoning, the proposed development will have up to 300 multi-family residential dwelling units (including bonus density), and 30,000 square feet of commercial uses clustered on the eastern side of the property allowing for substantial preservation within the Coastal High Hazard Area, adjacent to the Estero Bay Preserve State Park.

LPA PUBLIC HEARING:

The LPA discussed the proposed amendments and various merits of the case, including bonus density, traffic, access, and surrounding uses.

LPA PUBLIC INPUT:

No members of the public addressed the LPA concerning the proposed amendments.

LPA MOTIONS:

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2022-00006 and CPA2022-00007. The motion passed 5 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>ABSENT</u>
ALICIA OLIVO	<u>ABSENT</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUER	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

STAFF RECOMMENDATION: Staff recommends that the BoCC **transmit** the proposed amendments as provided in Attachment 1 of the staff report.

STAFF REPORT FOR CPA2022-00006 & CPA2022-00007: GRAND BAY



Privately Initiated Map & Text Amendments to the Lee Plan

Recommendation:

Transmit

Applicant:

Grand Bay Ft Myers MF LLC

Representatives:

Stacy Ellis Hewitt, AICP
Banks Engineering

Property Location:

West side of US 41 at San
Carlos Boulevard

Size:

± 15.64 acres

Planning District:

#13 - San Carlos

Commissioner District:

District #3

Hearing Dates:

LPA: 12/12/2022
BoCC #1: 01/18/2023
BoCC #2: TBD

Attachment(s):

1: Proposed Amendments

REQUEST

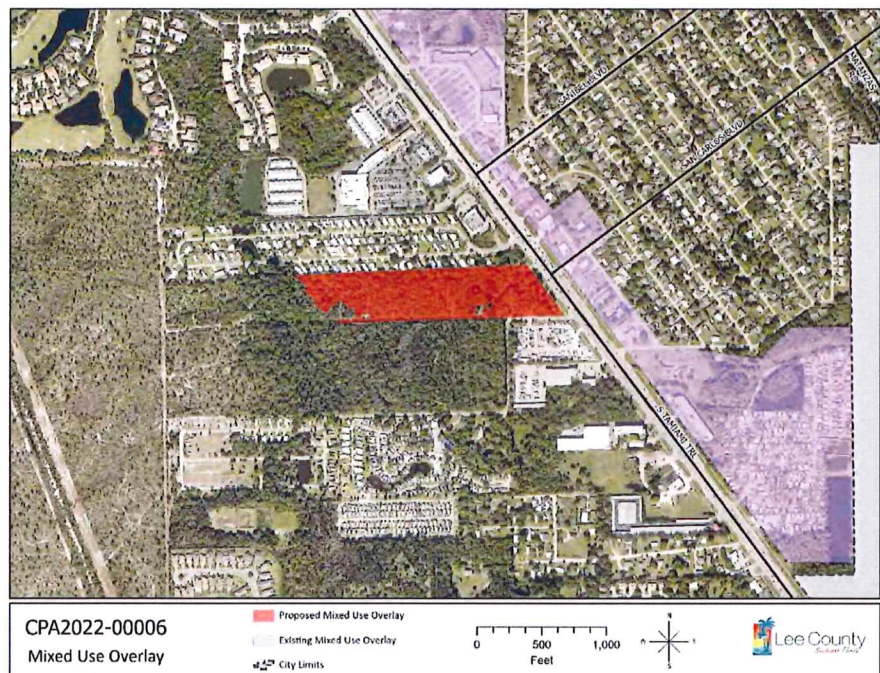
- Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay.
- Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

SUMMARY OF AMENDMENTS

The requested amendments will allow for a mixed use development which, as proposed in the concurrent rezoning, will have up to 300 multi-family residential dwelling units (including bonus density), and 30,000 square feet of commercial uses clustered on the eastern side of the property allowing for substantial preservation within the Coastal High Hazard Area, adjacent to the Estero Bay Preserve State Park.

PROJECT LOCATION

- The proposed text amendments to Policy 5.1.10 will apply county-wide.
- The proposed amendment to Map 1-C will apply only to the subject located on the west side of US41 at the intersection of San Carlos Boulevard and US41, as shown below.



RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments to the Lee Plan as provided in Attachment 1 based on the analysis and findings provided in this staff report.

PART 1 - STAFF REVIEW

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2022-00018) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The concurrent rezoning request is to rezone ±46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed-Use Planned Development (MPD) to allow a maximum of 300 dwelling units (179 dwelling units, with 121 units of bonus density) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet.

If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant MUST demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

DISCUSSION AND ANALYSIS – MAP AMENDMENT

The applicant is proposing an amendment to Lee Plan Map 1-C to expand the Mixed Use Overlay to the subject property. The properties to the east of the subject property across US-41 are currently in the Mixed Use Overlay.

Subject Property

The subject property consists of approximately 15.64 acres located on the west side of US 41, directly across from San Carlos Blvd. The subject property is part of a larger proposed mixed-use development project that is the subject of a concurrent rezoning, DCI2022-00018. The subject property is currently zoned GC along Us 41, with the remainder being in the MH-1 (mobile home residential district). The subject property is within the Urban Community and Wetland future land use categories.

Surrounding Properties

To the **west** of the subject property exists the remainder (majority) of the Grand Bay project property that is subject to the concurrent rezoning. These lands are currently in the Rural and Wetlands future land use categories and are zoned MH-1. The boundary of the concurrent rezoning extends approximately 990 feet to the west of lands proposed to be added to the Mixed Use Overlay. Further to the west is Estero Bay Preserve State Park within the Conservation Lands (Upland) future land use category.

North of the subject property is the Sheltering Pines Mobile Home Village, an existing mobile home development in the Urban Community, Rural, and Wetlands future land use categories zoned MH-2. The Sheltering Pines Mobile Home Village has a platted density of roughly 8.62 dwelling units per acre and a built density of roughly 7.05 dwelling units per acre, both of which are above the maximum of the standard density range for properties in the Urban Community future land use category. Also to the north, along the US 41 frontage, is a vacant parcel in the Urban Community future land use category zoned CPD.

Further north are several commercial properties with a range of commercial retail and office uses, each within the Urban Community future land use category and zoned CPD.

To the **east**, across US-41, are several commercial properties ranging in size between approximately 1/3 of an acre to 1 acre. These properties are in the Urban Community future land use category, the Mixed

Use Overlay, and are zoned C-1. Further to the east is San Carlos Park, a large area of primarily single-family homes in the Urban Community and Suburban future land use categories. These homes are zoned RS-1.

To the **south** is Calusa Cove RV Park, platted for 131 dwelling units and a density of roughly 6.55 dwelling units per acre. Several of the platted lots border the concurrent rezoning DCI are inhabited, but the majority of the lots remain vacant. Also to the south is a multi-family housing complex with bonus density approved by ADD2020-00104 and is currently under construction pursuant to local Development Order DOS2020-00127. This multi-family development is within both the Urban Community and Wetlands future land use categories. Further to the south is the Shady Acres RV Travel Park.

Lee Plan Analysis

As previously stated, the applicant is requesting to add approximately 15.64 acres to the Mixed Use Overlay as identified on Lee Plan Map 1-C. All additions to the Mixed Use Overlay must be reviewed for consistency with **Policy 11.2.1**, which provides criteria that must be met to add land to the Mixed Use Overlay. Policy 11.2.1 is provided below, followed by an analysis of each criteria.

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

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

Located within the extended pedestrian shed of established transit routes: The subject property is located on US 41 and is served by LeeTran Route 240. Existing sidewalks allow pedestrian access from the development to the nearest bus stop, which is less than 200 feet, or .05 miles, from the subject property. As defined in the Lee Plan, Pedestrian Shed is ¼ mile and an extended pedestrian shed is ½ mile. Therefore the subject property is within the extended pedestrian shed of an existing LeeTran route.

Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways: The subject property is directly south of commercially zoned property. A connection can be made in the future from the subject property to Unique Circle. Access to Unique Circle will provide residents access to significant commercial development and pedestrian services without having to use US-41. The commercial uses that can be accessed through the proposed interconnection include multiple pharmacies, a grocery store, a self-service gas station, multiple restaurants, a self-storage facility, and other miscellaneous commercial offerings. The proposed interconnect also provides pedestrian access to a sidewalk that connects to two bus stops along US-41. The applicant is proposing a shared access road with the multi-family development to the south, creating a connection between the two neighborhoods.

Staff recommends that the companion rezoning application be conditioned to provide an access easement through the neighboring, vacant parcel to connect to Unique Circle. The access easement will also assure consistency with this criteria and with **Policy 11.2.2**.

Located within the Intensive Development, Central Urban, or Urban Community future land use categories: The subject property is located within the Urban Community future land use category. It should be noted that portions of the overall Grand Bay rezoning project site are within the Rural and Wetlands future land use categories, however these areas are not be included in the expansion of the Mixed-use Overlay.

A Jurisdictional Determination from South Florida Water Management District was provided by the applicant confirming that the proposed expansion of the Mixed Use Overlay does not include any lands within the Wetlands future land use category.

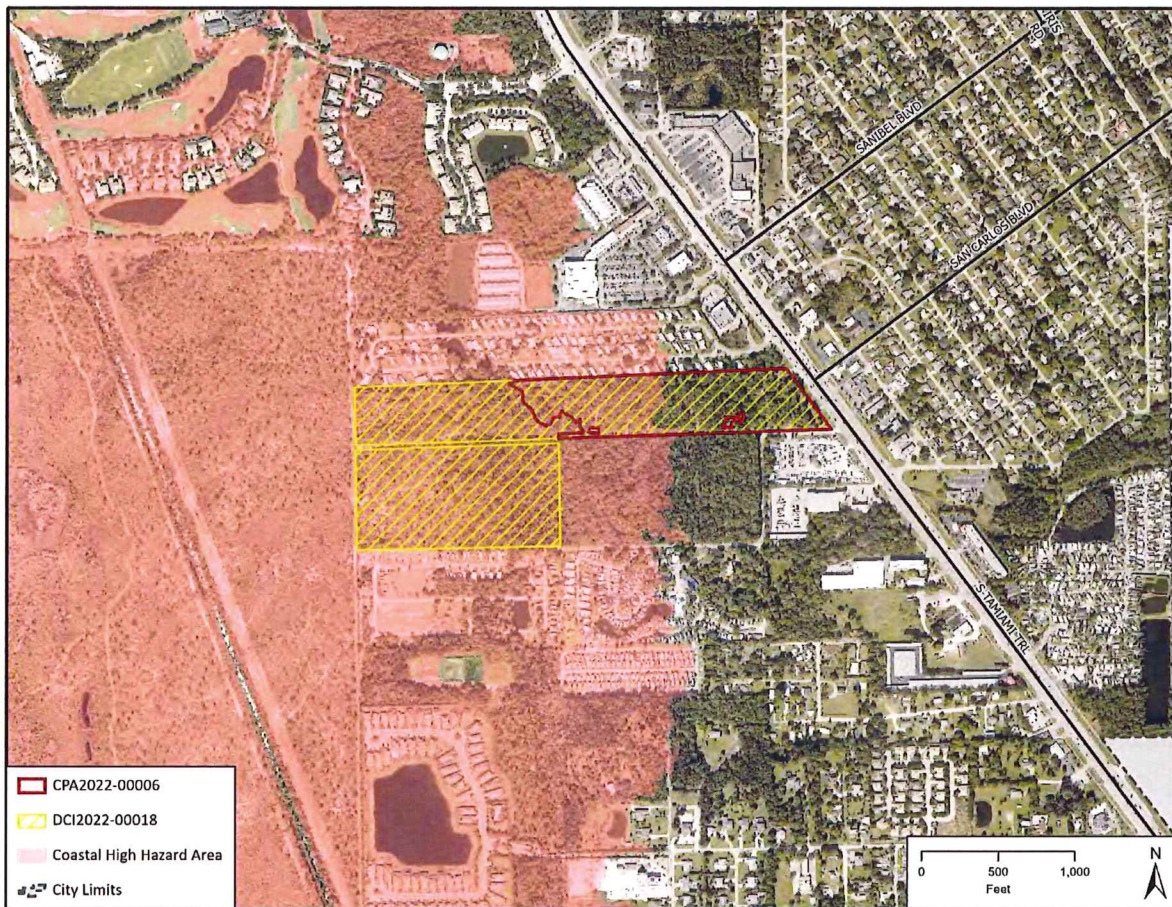
Availability of adequate public facilities and infrastructure: All necessary public facilities serving the subject property are able to provide service as provided for in the “public facilities impact” section of this report.

Will not intrude into predominately single-family residential neighborhoods: The south of the subject property is bordered by a multi-family development that is currently under construction and the north of the subject property is bordered by a relatively high-density mobile home park. Neither of the bordering uses are incompatible with mixed-use development.

As discussed above, adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1. In addition to Policy 11.2.1, which must be reviewed for all proposed expansions of the Mixed Use Overlay, the Lee Plan must be reviewed for consistency with other Goals, Objectives, and Policies based on specific characteristics of the subject property.

The subject property is within the Urban Community future land use category. As previously stated, lands that were identified as wetlands by the Jurisdictional Determination are not included in the request to be added to the Mixed Use Overlay. **Policy 1.1.4**, describing the Urban Community future land use category, provides that “predominant land uses in this 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.” Adding the subject property to the Mixed Use Overlay will further the ability of future development to be mixed use in an area that is appropriate based on availability of public services and infrastructure as well as compatibility with adjacent uses as discussed above in the analysis of Policy 11.2.1. The proposed amendments are consistent with and further Policy 1.1.4 of the Lee Plan.

As shown below, the subject property contains approximately 7.11 acres within the Coastal High Hazard Area (CHHA). There are no Goals, Objectives, or Policies in the Lee Plan that prohibit the Mixed Use Overlay from being added to lands within the CHHA. Currently there are approximately 938.07 acres of land within the Mixed Use Overlay that is also in the CHHA. Staff also notes that the development standards typically allowed in the Mixed Use Overlay, and as demonstrated in the concurrent rezoning case, facilitates clustering development to the eastern side of the property, out of the CHHA as much as possible.



Public Facilities Impact

- Fire: The subject property is served by San Carlos Park Fire Protection and Rescue Service District. The nearest station is station 51 approximately 0.76 miles from the subject property with a response time of less than three minutes. The district is able to provide fire suppression, emergency medical services, fire prevention and public education service.
- Emergency Medical Services (EMS): Lee County Emergency Medical Services will provide service to the subject property. Lee County EMS has indicated that they can adequately serve the property. The primary ambulance for the location is Medic 9, located 0.9 miles east. There are three additional EMS stations located within 5 miles of the property.
- Utilities: The subject property is located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are in operation adjacent to the property, but developer-funded system enhancements may be required to provide service to the subject parcel. Sanitary sewer service will be provided by Three Oaks Water Reclamation Facility.
- Public Transit: The subject property is within one-quarter mile and adjacent of a fixed route. The closest bus stop is also within one-quarter mile of the property and the area is identified as an area of need for enhanced or additional transit services. Developer funded system enhancements may be required at time of development order.

- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property, and has indicated that there is sufficient capacity for service. Law enforcement will be provided from the South District offices in Bonita Springs.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.
- Traffic: The short range and long range level of service (LOS) analyses indicate that all roadways within a three-mile radius are anticipated to operate at or better than the adopted LOS standard for 2027 and 2045. US 41 is an arterial road maintained by the State of Florida.

The proposed amendments to Map 1-C, adding 15.64 acres to the Mixed Use Overlay, is consistent with the Lee Plan.

DISCUSSION AND ANALYSIS – TEXT AMENDMENT

In addition to the proposed map amendment, a text amendment to Lee Plan Policy 5.1.10 is proposed. Policy 5.1.10 outlines how to calculate density on properties that are divided into two or more future land use categories. With the exception of policies that are related to the calculation of density within various overlays, there are no other policies in the Lee Plan that discuss how to calculate density for properties with multiple future land use categories.

When calculating density, Policy 5.1.10 allows the total number of dwelling units on a property with two or more future land use categories to be the sum of the dwelling units allowed for each land use category. The policy also specifies how the allowable density can be "allocated" across the property by defining four standards that must be followed: 1) development must be a planned development; 2) the development may not place more dwelling units within future non-urban areas than would otherwise be allowed; 3) the land within the development must have been under single ownership at the time this policy was adopted: August 7, 1992; and 4) the resulting planned development protects environmentally sensitive land, if present on the property.

The proposed amendment will align Policy 5.1.10 with the Lee Plan's definition of density and standard density calculation practices within Lee County. The proposed amendments are provided below followed by an analysis of the changes.

Policy 5.1.10: In those instances where contiguous land under single ownership is divided within to two or more land use categories ~~by the adoption or revision of the Future Land Use Map~~, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category ~~for each portion of the land~~. This density can be allocated ~~The dwelling units may be distributed~~ across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

1. The planned development zoning is utilized; and

~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~

~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

While providing clarity by differentiating between allowable units (the total number of units permitted on any piece of land) and density (the number of units allowed per acre), the proposed amendment maintains how the allowable number of dwelling units are calculated on a property with two or more future land use category designations. The proposed amendment also maintains the limitation on the number of dwelling units within future non-urban areas which helps to address compatibility with adjacent future non-urban areas with lower allowable densities.

The proposed amendment will eliminate the requirement for a planned development. As previously stated this is the only policy that addresses calculating density for properties with multiple future land use categories. While use of planned development rezonings for projects with multiple future land use categories is common, it is not practicable to require use of a planned development rezoning in every case. Some projects are smaller and do not meet the thresholds that require a planned development and there are also cases that do not involve rezoning but require the calculations of density on properties with multiple future land use categories such as lot splits, which can be done administratively. To fully enforce this requirement would mean that a planned development rezoning would be required for every lot split of properties with multiple future land use categories.

The proposed amendment will also eliminate the requirement that all lands within the development were under single-ownership on August 7, 1992 and replaces it with the requirement that land is contiguous. This requirement was project specific and is otherwise arbitrary.

Staff has reviewed the Lee Plan and has not identified any Goals, Objectives, or Policies that would be internally inconsistent with the proposed amendments.

CONCLUSIONS

Staff has reviewed the proposed amendments and finds that adding the subject property to the Mixed Use Overlay is consistent with the Lee Plan as the property is in close proximity to established transit routes, can provide connections to adjacent uses, is within the Urban Community future land use category, has adequate public facilities and infrastructure available, and does not intrude into predominately single-family neighborhoods. Additionally, the proposed amendments to Policy 5.1.10 maintain the intent of allowing the density of multiple land use categories to be summed and allocated across the site, while eliminating internal inconsistencies and arbitrary past ownership requirements.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: December 12, 2022

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, impact analysis, access to the property, surrounding uses, consistency with the Lee Plan, and concurrent rezoning.

During the applicant's presentation members of the LPA asked about access to adjacent properties, traffic, bonus density, and lands within the concurrent rezoning that are proposed to be preserved. These questions were clarified by the applicant's representative during their presentation.

Following this, staff made a presentation addressing the requested amendments, subject property, and consistency with the Lee Plan and staff recommendation.

Members of the LPA had questioned why this amendment did not qualify as a small scale amendment. Staff provided the proposed text amendment to Policy 5.1.10 had county wide implications and precluded this application from being processed as small scale amendment.

No members of the public addressed the LPA concerning the proposed amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2022-00006 and CPA2022-00007. The motion passed 5 to 0.

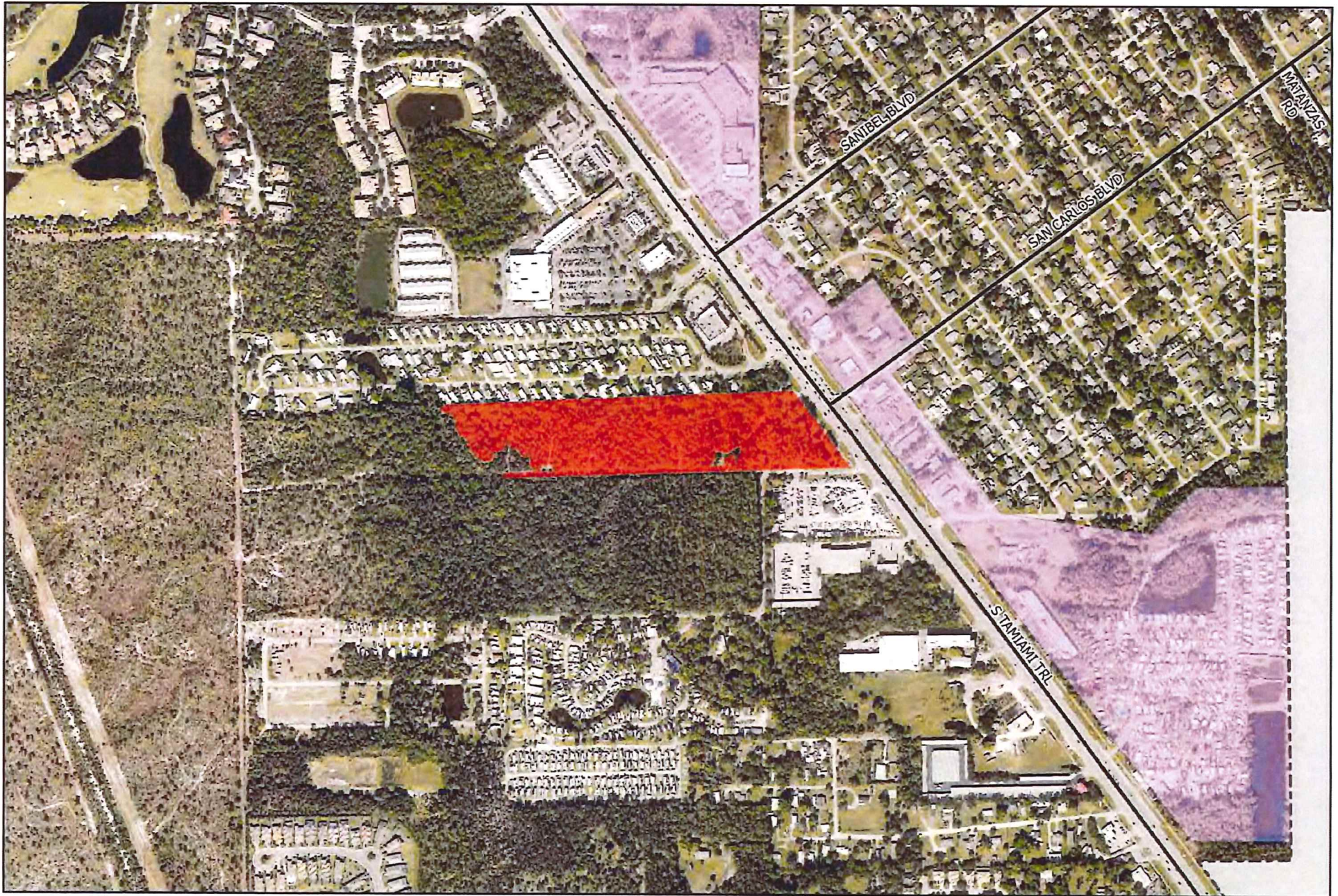
RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	AYE
JAMES M. INK	ABSENT
ALICIA OLIVO	ABSENT
DON SCHROTENBOER	AYE
STAN STOUDE	AYE
HENRY ZUBA	AYE

C. STAFF RECOMENDDATION

Staff recommends that the Board of County Commissioners ***transmit*** the amendments to the Lee Plan as provided in Attachment 1.

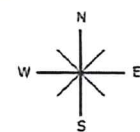
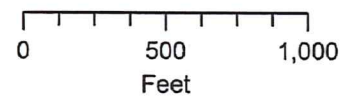
ATTACHMENT 1

- **Map Amendments (CPA2022-00006)**
- **Text Amendments (CPA2022-00007)**



CPA2022-00006
Mixed Use Overlay

-  Proposed Mixed Use Overlay
-  Existing Mixed Use Overlay
-  City Limits



PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

Policy 5.1.10: In those instances where ~~contiguous land under single ownership is divided withinto~~ two or more land use categories ~~by the adoption or revision of the Future Land Use Map,~~ the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category ~~for each portion of the land.~~ This ~~density can be allocated~~ The dwelling units may be distributed across the property provided ~~that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.~~

- ~~1. The planned development zoning is utilized; and~~
- ~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
- ~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
- ~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

ATTACHMENT F

Grand Bay Minor MPD – DCI2022-00018

Attachment F – Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled “Grand Bay-Minor MPD”, prepared by Banks Engineering, last revised December 30, 2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 300 dwelling units, of which 114 are bonus density units, not to exceed 56-feet-in-height and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

- Residential Tract

- Accessory uses and structures

- Administrative Offices

- Clubs: private

- Community Gardens

- Dwelling unit: Multi-family

- Entrance gates and gatehouse

- Essential services

- Essential service facilities: Group I

- Excavation: Water retention

- Fences, walls

- Home Occupation

- Models: Model unit

- Real Estate Sales Office

- Recreation facilities:

- Personal

- Private on-site

- Parking Lot:

- Accessory

- Temporary

- Residential accessory uses

- Signs

- Temporary Use

- Outparcels 1 and 2

- Accessory uses and structures

- Administrative Offices

Agricultural services: office/base operations
Aircraft food services and catering
Animals:
 Clinic or Kennel (no outdoor runs)
 Control Center (including Humane Society)
ATM (automatic teller machine)
Auto parts store
Automobile repair and service, all groups
Automobile service station
Bait and tackle shop
Banks and financial establishments: Groups I and II
Bar or cocktail lounge, subject to LDC Section 34-1264
Boarding House
Boats:
 Boat parts
 Boat rental
 Boat sales
 Boat Storage (dry)
 Boatyard
Broadcast studio, commercial radio, and television
Building material sales
Business services: Groups I and II
Bus station/depot
Caretaker's residence (limited to one)
Car wash
Cleaning and maintenance services
Clothing stores, general
Clubs:
 Country
 Commercial
 Fraternal, membership organization
 Private
Cold storage, pre-cooling, warehouse and processing plant
Communication facility, wireless
Community Gardens
Community Residential Homes
Computer and data processing services
Consumption on premises
Continuing care facilities
Contractors and builders: Groups I and II
Convenience food and beverage store
Cultural facilities
Day care center, child, adult
Department Store

Drive-through facility for any permitted use
Drugstore, pharmacy
Dwelling unit: live-work, townhouse, multiple-family building
Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities: Group I
Excavation: Water retention; oil or gas
Excess spoil removal
Factory outlets (point of manufacture only)
Farm equipment, sales, storage, rental, or service
Fences, walls
Fish house, wholesale
Flea market:
 Open
 Indoor
Food and beverage service, limited
Food stores: Group I and II
Funeral home and mortuary (with or without a crematory)
Gasoline dispensing system, special
Gift and souvenir shop
Hardware store
Health care facilities: Group I, Group II, Group III
Hobby, toy, and game shops
Home care facilities
Home occupation
Hospice
Household and office furnishings, all groups
Insurance companies
Laundry or dry cleaning: Group I and II
Lawn and garden supply stores
Library
Maintenance facilities (government)
Medical office
Mobile home dealers
Models: Model unit
Motion picture production studio
Nightclubs
Non-store retailers, all groups
Parcel and express services
Package store
Paint, glass, and wallpaper
Parks: Group I and II
Parking lot:
 Accessory
 Commercial
 Garage, public
 Park-and-ride, temporary
Personal services: Group I through IV

- Pet services
- Pet shop
- Pharmacy
- Photofinishing laboratory
- Place of worship
- Post office
- Printing and publishing
- Real estate sales office
- Recreation facilities:
 - Commercial, groups I, III
 - Commercial, group IV
 - Personal; private – on-site
 - Private: off-site
- Religious facilities
- Rental or leasing establishments: Group I through III
- Repair Shops, Groups I through IV
- Research and development laboratories: Group I through IV
- Residential accessory uses
- Restaurant, fast food
- Restaurants: Group I through IV
- Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Rooming house
- Schools:
 - Commercial
 - Noncommercial
- Self-service fuel pumps
- Signs
- Social services: Group I, Group II
- Special retail shops: Group 1 through IV
- Storage: Indoor only; Storage, open
- Studios
- Temporary use
- Theatre, indoor or outdoor (drive in)
- Transportation services: Group II and III
- Used merchandise stores: Group I through IV
- Variety store
- Vehicle and equipment dealers: Groups I through V
- Warehouse:
 - Mini warehouse
 - Private
 - Public
 - Cold storage only
- Wholesale establishment: Groups I through IV

b. Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Lot Area and Dimensions:

Minimum lot size: 0 square feet
Minimum lot width: 25 feet
Minimum lot depth: 0 feet

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: 0 feet

Rear yard: 0 feet

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: 45 percent

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

Minimum Building Separation: 20 feet

3. Open Space, Indigenous Open Space, Preservation, and Compensatory Storage.

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;
- c) Non-Indigenous Upland Preserve 3.02 acres;
- d) Compensating Storage in Preserve 0.04 acres; and
- e) Lake (Maximum of 25% Open Space) 0.80 acres.

4. Wetland Creation.

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

5. Indigenous Habitat Management Plan.

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

6. Surface Water Quality Monitoring.

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- iv) Identify the monitoring point locations.
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

7. Culvert Replacement.

- c. Prior to issuance of local development order, the Developer must apply to replace the four 36-inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

8. Ingress and Egress.

- a. The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
- b. Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

9. Turnaround.
 - a. As part of the local development order approval, the developer must provide signage stating that the southern access point is a resident only access.
 - b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.
10. Solid Waste.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Section B. – Deviations

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

This deviation is **APPROVED** subject to Condition 9.

1. **Deviation (2)** seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turnaround, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse to allow a paved turnaround, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.

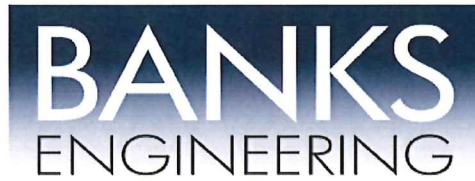
This deviation is **APPROVED** subject to Condition 10.

2. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10-285, which requires that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

This deviation is **WITHDRAWN**.

3. **Deviation 4** seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to Condition 11.



Professional Engineers, Planners & Land Surveyors

Grand Bay Minor MPD

Schedule of Deviations and Justifications

Deviation (1): Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres and commercial or industrial development of more than 10 acres must provide more than one means of ingress or egress for the development; to allow the two residential access connections to the access road approved under DOS2020-00128 which provides a single connection to US 41 and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.

Justification: This deviation is requested to accommodate the onsite approved access road (DOS2020-00128) and interconnect to the approved Estero Vista (DOS2020-00127) development to the south. Although the subject property has some frontage along Santa Maria Street, connection is not proposed due to several reasons. Santa Maria Street is an existing, private, substandard narrow roadway within a 30-foot easement that intersects U.S. 41 and provides access to over 300 transient RV sites. The proposed access road provides adequate access to the proposed Grand Bay MPD project (maximum 300 dwelling units) and the Estero Vista RPD development (144 dwelling units) and the proposed 30,000 square feet of commercial. The design meets the intent of the LDC by providing two connection points to the residential tract of Grand Bay onto the access road, one being resident only that will still accommodate access to Lee County and emergency vehicles. The site design provides for turnaround between the two connection points. The commercial or mixed use parcels will have their own separate connections. The access road ends with a connection into Estero Vista RPD to the south which provides a two-way turnaround outside of the entrance gates, providing two access points into the Estero Vista development with an emergency only stabilized access connection onto Santa Maria Street. The connection to US 41 is 56-foot wide and while the DO approved 20' lanes on either side of a 16' median, the proposed site design provides a 16-foot wide entrance lane, 16-foot median and 24-foot wide exit lanes due to feedback received from FDOT. The original Estero Vista RPD zoning approval Z-05-016 proposed access onto Santa Maria Street, but it was determined that the site could not be developed with access onto Santa Maria because it was physically impossible to install the required roadway improvements, stormwater drainage, water and sewer necessary to develop the site. An amendment to Estero Vista RPD in zoning resolution ADD2020-00104 approved the relocated access through the Grand Bay site. See attached exhibit demonstrating the adequate traffic flow. A notice to all future property owners will be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice will articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of

abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

Deviation (2): Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) requirement that a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, must be provided on the ingress side of the gate or gatehouse; to allow no turnaround for the southern gate at the secondary resident only access point.

Justification: This deviation is requested to accommodate the unique nature and minimum traffic associated with the resident only southern access point onto the access road. The gate will be located on the internal private parking accessway. The gate is setback a minimum of 100 feet from the access road easement and provides a connection to the roundabout located between the project's two connection points onto the access road. The primary access point for the project is located at the northern access point onto where guests, trucks, and most residents will enter the project. The northern main entrance is designed to comply with the required truck turn-around. The secondary southern access will be restricted to residents only with minimal use. The applicant proposes a condition that, as part of the local development order approval, the developer shall provide signage stating that this secondary access is limited for use by residents only and direct all other traffic to please use the main entrance located to the north and must demonstrate no objection from the Fire Department. All other requirements under LDC Section 34-1748 will be met. The gate is not located on a publicly dedicated street or right-of-way. Access for emergency vehicles will be accommodated. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

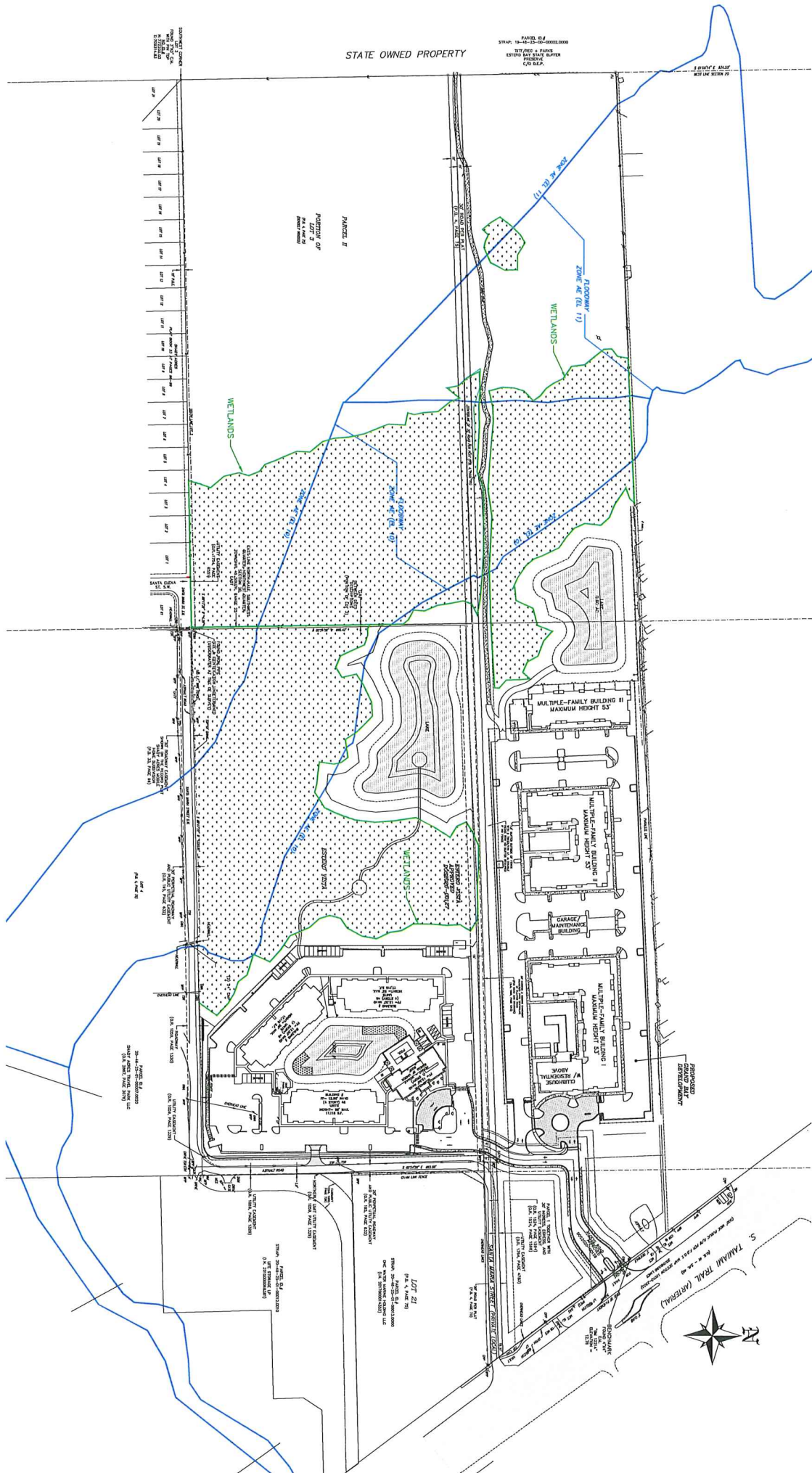
Deviation (3): Deviation 3 seeks relief from Lee County Land Development Code (LDC) Section 10-285 requirement that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

Justification: This deviation is requested to accommodate the location of the project's access onto U.S. 41 at the intersection with San Carlos Boulevard which is proposed to be signalized by FDOT. The access location and design has been reviewed and approved under DOS2020-00128. U.S. 41 is a state maintained arterial roadway and is subject to FDOT permitting. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

Deviation (4): Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a) requirement for a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25

units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary to allow one central location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The provided collection area has been situated off the internal roadway as shown on the Master Concept Plan. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. Written approval from Lee County Solid Waste will be provided prior to development order approval. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.



**LEE COUNTY
DOT RIGHT-OF-WAY
PERMIT REQUIRED**

UTILITY PERMIT REQUIRED
Plan is not approved for location or placement of utilities. All work in county right-of-way and easements must be permitted prior to commencing work.

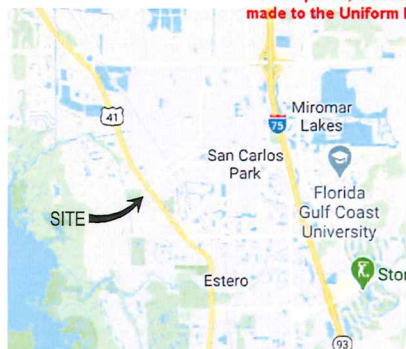
Development Order Approval does not vest nor guarantee that changes will not be required, if subsequent changes are made to the Uniform Lee County Fire Code.

****FINAL INSPECTION REQUIRED****
At the completion of the improvements, please submit a Letter of Substantial Compliance to schedule a Final Inspection.

**VEGETATION PERMIT REQUIRED
PRIOR TO ANY SITE WORK**
Protective barricades must be constructed and inspected prior to permit issuance. Please contact Division of Development Services (239)-533-8585.

**REMOVAL OF EXCAVATED FILL
MATERIAL FROM THE SITE IS
NOT AUTHORIZED**

Please Note: Final Development Order does not confer approval for signage



GENERAL LOCATION MAP



LOCATION MAP

SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SITE INFORMATION

PROJECT AREA: 20.44 ACRES
PARCEL STRAP NO.: 20-46-25-01-00007.0000
PARCEL ADDRESS: 4058 SANTA MARIA STREET
FORT MYERS, FL 33908
CURRENT ZONING: RPD
PROPOSED USE: MULTI-FAMILY RESIDENTIAL

FREELAND

PREPARED FOR:

GEORGE T. FREELAND
4830 GRIFFIN BLVD
FORT MYERS, FLORIDA 33908

UTILITY SERVICE PROVIDERS

WATER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FL 33901
PH (239) 533-8181

SEWER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FL 33901
PH (239) 533-8181

ELECTRIC:
FLORIDA POWER AND LIGHT
15824 WINKLER ROAD
FORT MYERS, FL 33901
PH (239) 415-1002

PHONE:
CENTURY LINK
2620 CARGO STREET
FORT MYERS, FL 33901
PH (239) 366-2114

FIRE PROTECTION:
SAN CARLOS PARK FIRE DISTRICT
10591 BEN HILL GRIFFIN PKWY.
FORT MYERS, FL 33913
PH (239) 267-7525
FAX (239) 267-7565

SOLID WASTE DISPOSAL:
FLORIDA RECYCLING SERVICES INC.
2465 HIGHLAND AVE.
FORT MYERS, FL 33916
(239) 332-8500

PROJECT CONTACTS

CIVIL ENGINEER:
KENNETH W. KELLUM, P.E.
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY.
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5480

SURVEYOR:
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY.
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5480

TRAFFIC:
TR TRANSPORTATION CONSULTANTS, INC.
2728 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-6056
PHONE: (239) 278-3000

LANDSCAPE ARCHITECT:
GREGORY J. DISERIO, RLX
DAVID M. JONES, JR. AND ASSOCIATES, INC
2221 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
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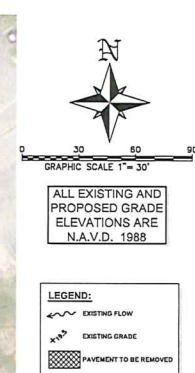
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5480 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6680
WWW.BANKSENG.COM

Digitally
signed by
Kenneth W.
Kellum
Date:
2021.09.21
14:04:20
+04'00'
KENNETH W. KELLUM, P.E.
FL REG# 47657

APPROVED
DOS2020-00128
Ohdet Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

NO.	DATE	REVISION	DESCRIPTION
04	9/23/2021	REVISED FOR LCU COMMENTS	END
03	12/28/2020	REVISED FOR SPWD COMMENTS	END
02	09/24/2021	REVISED FOR SPWD COMMENTS	END
01	07/16/2021	REVISED FOR LCU COMMENTS	END

ATTACHMENT G



APPROVED
DCS 2020-00128
Ondel Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

2	3/20/2021	REVISED PER LCDS COMMENTS.	SOL
1	3/18/2020	REVISED PER LCD COMMENTS.	SOL

BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serve the State Of Florida.

10011 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33950
PHONE: (239) 938-5480 FAX: (239) 938-2523

ENGINEERING LICENSE # 01 5469
SURVEY LICENSE # LD 8690

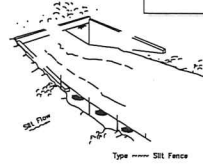
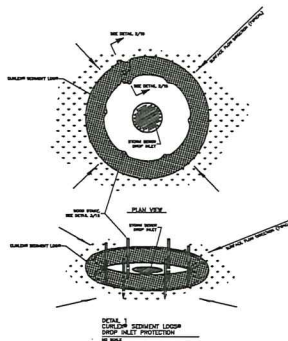
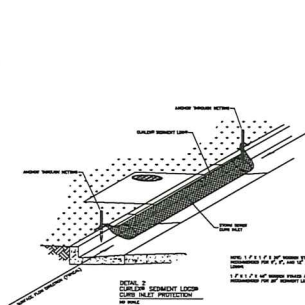
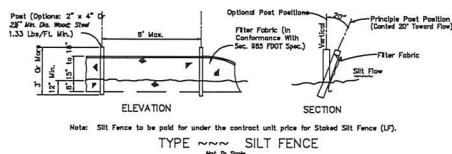
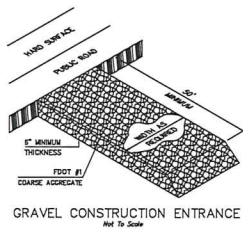
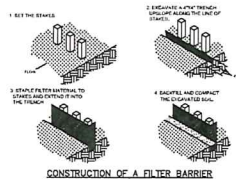
WWW.BANKSENG.COM

KENNETH W. KELLUM, P.E.
 61 BED 47847

AERIAL & EXISTING CONDITIONS

FREELAND

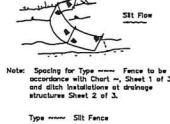
LEE COUNTY, FLORIDA



Do not deploy in a manner that all fences will act as a dam across permanent flowing watercourses. Silt fences are to be used at upland locations and turbidity barriers used at permanent bodies of water.

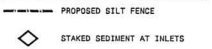
SILT FENCE APPLICATIONS

Not To Scale



ALL EXISTING AND PROPOSED GRADE ELEVATIONS ARE N.A.D. 1988

LEGEND:



- GENERAL NOTES:**
- PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY, APPROPRIATE EROSION CONTROL DEVICES SHALL BE INSTALLED TO CONTROL AND REDUCE SOIL EROSION AND SEDIMENT TRANSPORT TO OFF SITE AREAS. THE CONTRACTOR SHALL MAINTAIN THESE DEVICES THROUGHOUT THE DURATION OF CONSTRUCTION. ALL DEVICES SHALL REMAIN IN PLACE UNTIL THE SURROUNDING AREAS ARE ESTABLISHED.
 - THE FOLLOWING MINIMUM REQUIREMENTS ARE RECOMMENDED: (REFERENCE FLORIDA DEVELOPMENT MANUAL, FDM, PPS 8-301 TO 8-500).
 - BMP 1.01 - TEMPORARY GRAVEL CONSTRUCTION ENTRANCE
 - BMP 1.02 - SILT FENCE
 - BMP 1.03 - STORM INLET DRAIN PROTECTION
 - APPROPRIATE INLET PROTECTION TO PREVENT EROSION IS REQUIRED FOR ALL INLETS THROUGH OUT SITE CONSTRUCTION.
 - SILT FENCE SHALL BE INSTALLED ALONG THE PROPERTY LINE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

APPROVED
DOS2020-00128
Ohdet Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

PREPARED FOR:
GEORGE T. FREELAND
4830 GRIFFIN BLVD
FORT MYERS, FLORIDA 33908

NO.	DATE	REVISION DESCRIPTION	BY
01	9/23/2021	REVISED PER SPINNO COMMENTS	KLW
02			
03			
04			
05			
06			
07			
08			
09			
10			

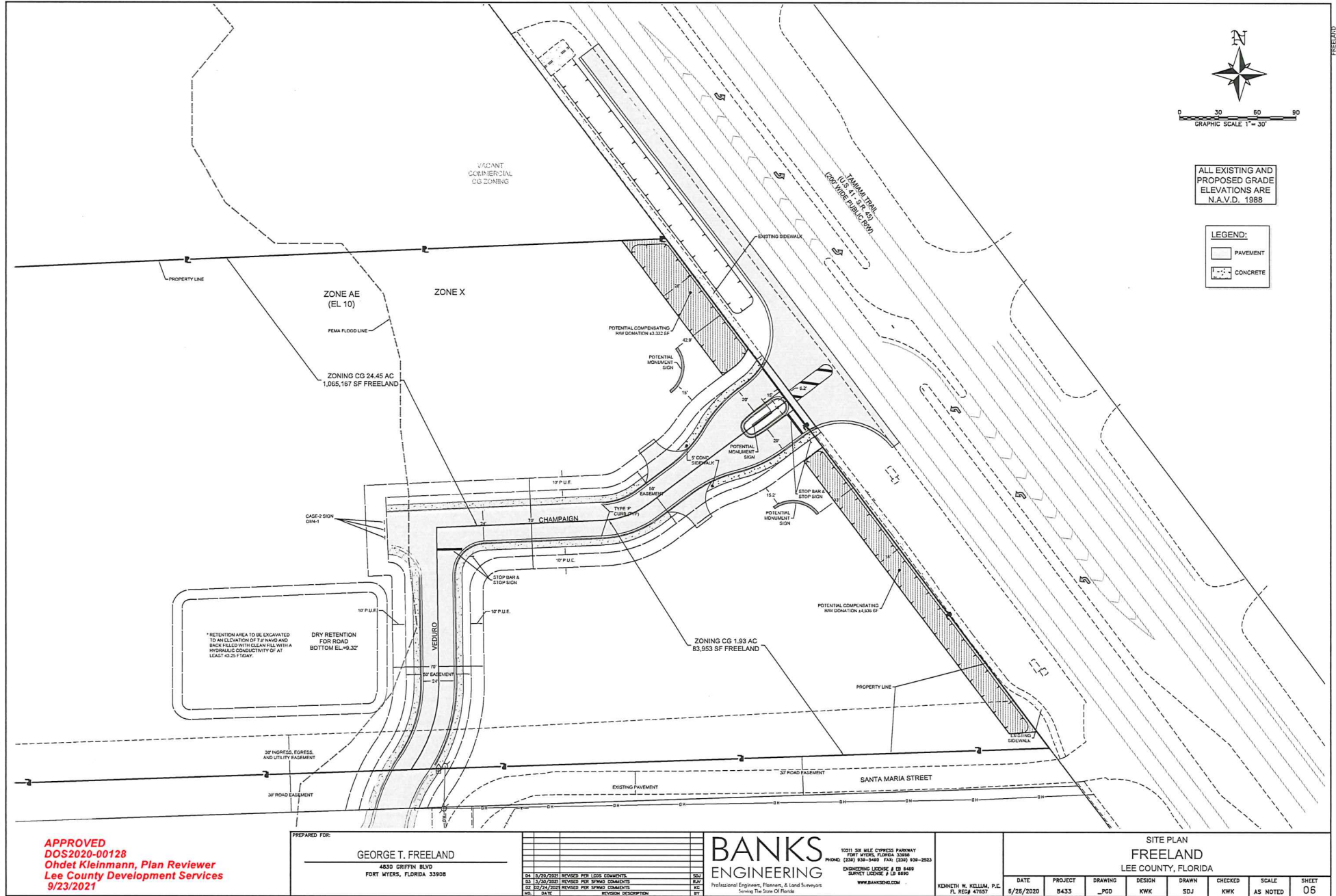
BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

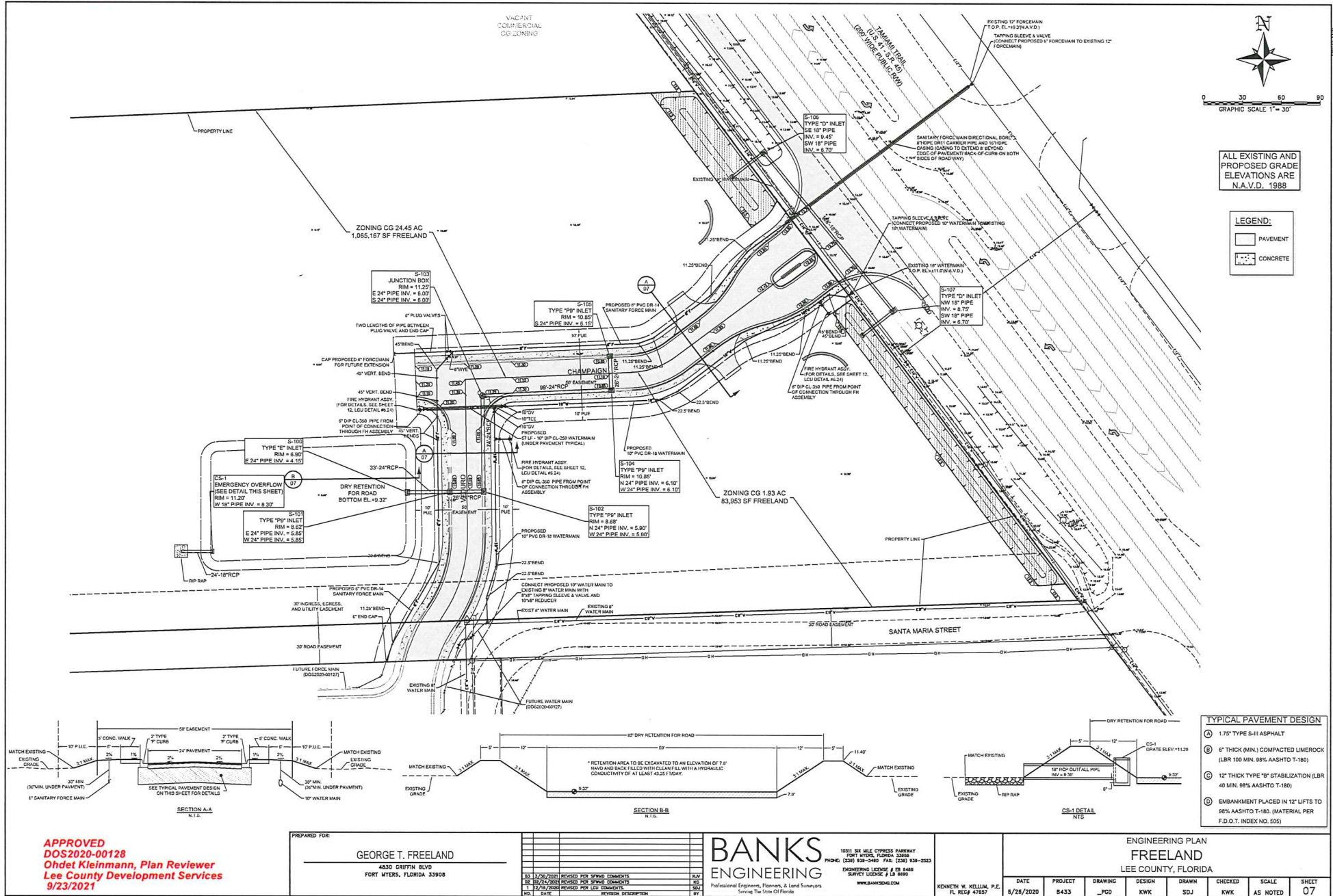
10201 SW 50th STREET, SUITE 100
FORT MYERS, FLORIDA 33908
PHONE: (239) 939-5460 FAX: (239) 939-5533
REGISTERED LICENSE # 10 8469
WWW.BANKSENGLON.COM

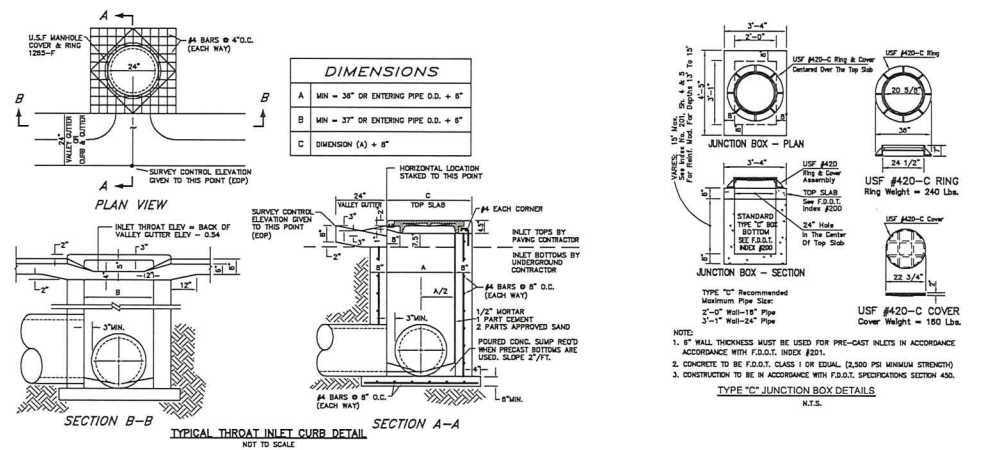
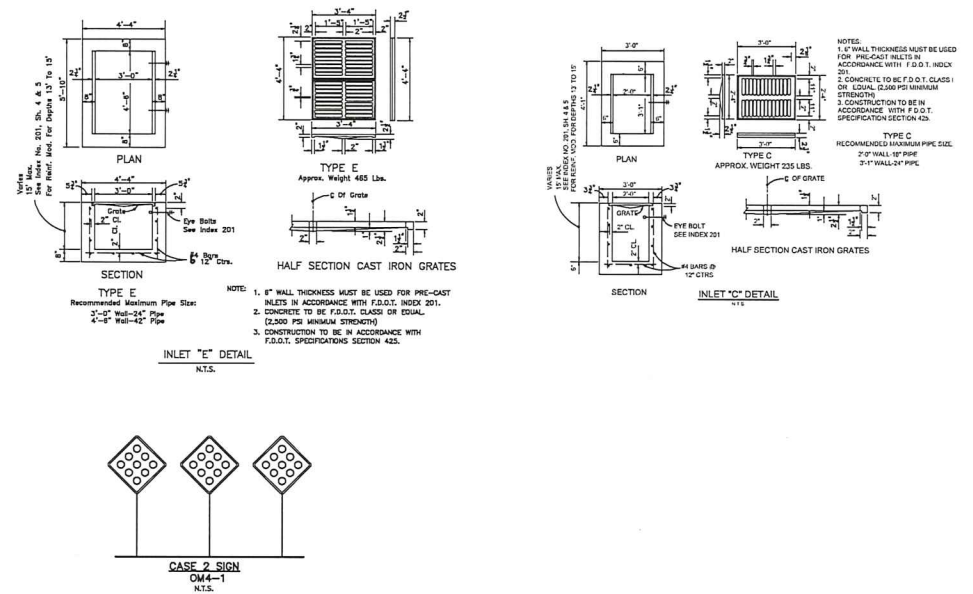
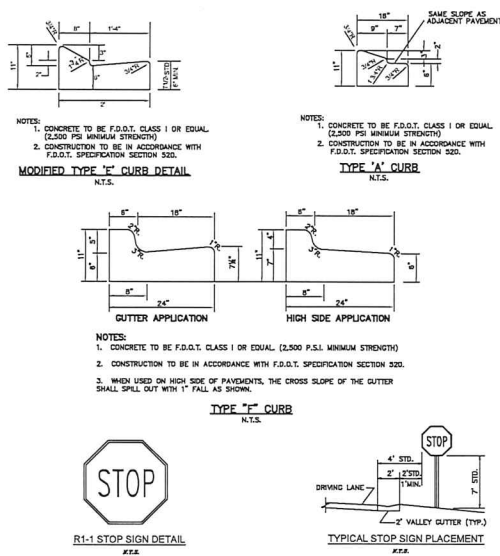
KENNETH W. KELLUM, P.E.
FL REG # 47837

BEST MANAGEMENT PLAN							
FREELAND							
LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9/28/2020	B433	_BMP	KWK	SDJ	KWK	AS NOTED	03

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/26/2020	8433		KWK	SDJ	KWK	NTS	05







APPROVED
DOS2020-00128
Ohdet Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

PREPARED FOR:
GEORGE T. FREELAND
4830 GRIFFIN BLVD
FORT MYERS, FLORIDA 33908

NO.	DATE	REVISION DESCRIPTION	BY
102	03/24/2020	REVISED FOR SPWING COMMENTS	ME
103	03/24/2020	REVISION DESCRIPTION	ME

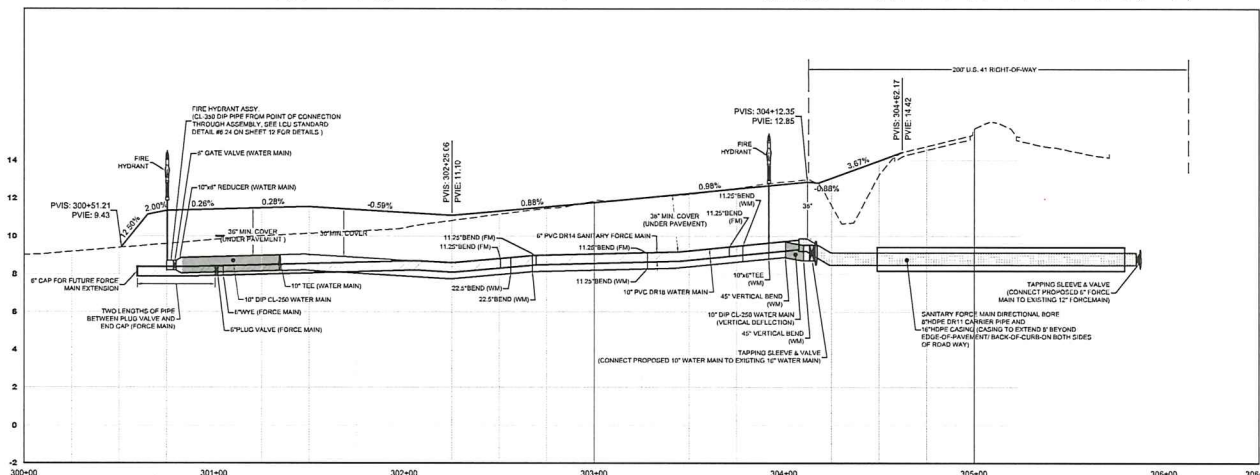
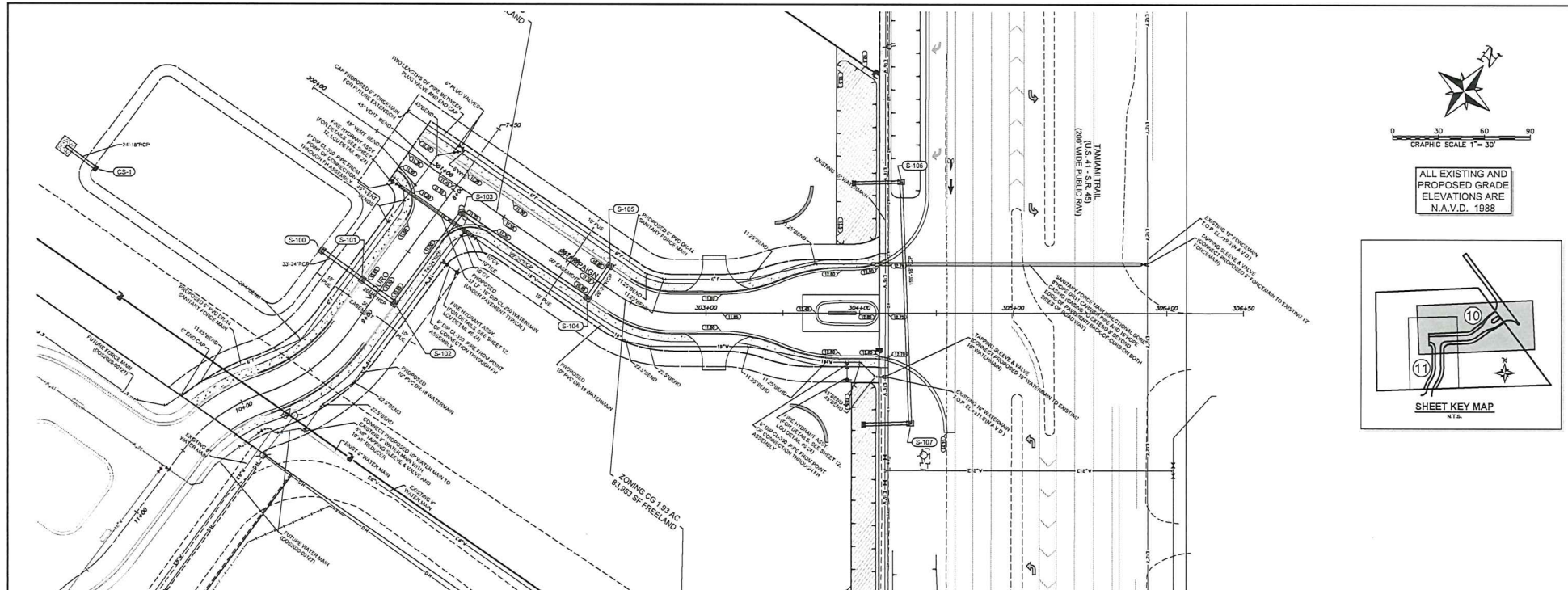
BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10011 SR 94E EXPRESS PARKWAY
FORT MYERS, FLORIDA 33908
PHONE: (239) 938-5400 FAX: (239) 938-2555
ENGINEERING LICENSE # 18 8480
SURVEY LICENSE # 14 8480
WWW.BANKSINC.COM

KENNETH W. KELLAM, P.E.
FL REG# 47657

DRAINAGE & PAVING DETAILS
FREELAND
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/28/2020	8433	_JGD-DETAILS	KWK	SDJ	KWK	N.T.S.	08



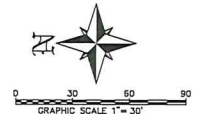
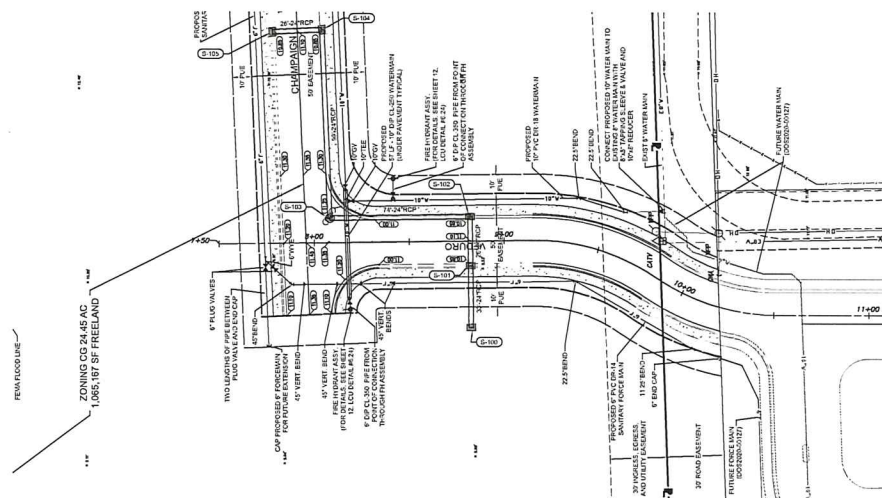
APPROVED
DOS2020-00128
Ondet Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

PREPARED FOR:
GEORGE T. FREELAND
4830 GRIFFIN BLVD
FORT MYERS, FLORIDA 33908

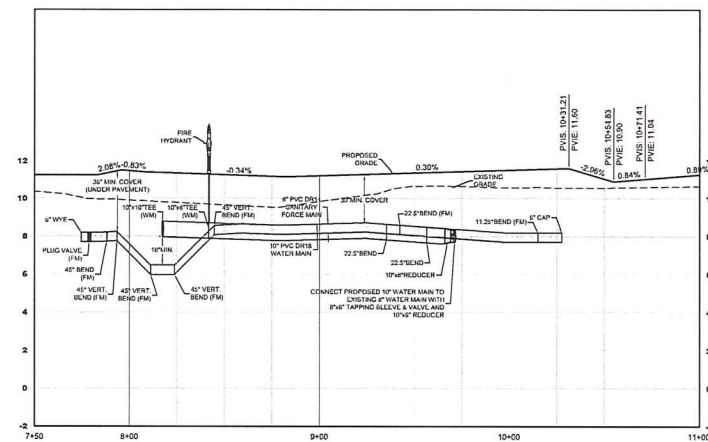
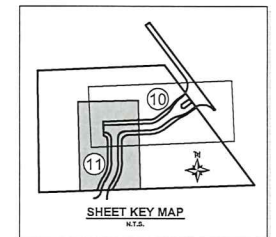
NO.	DATE	REVISION	DESCRIPTION
1	12/17/2020	REVISED FOR LSC COMMENTS	
2	12/23/2020	REVISED FOR LSC COMMENTS	

BANKS ENGINEERING
10311 DE WILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33908
PHONE: (239) 938-5442 FAX: (239) 938-2523
ENGINEERING LICENSE # 10 8488
SURVEYING LICENSE # 13 8690
WWW.BANKSENGINEERING.COM

PLAN & PROFILE (1) FREELAND LEE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	CHECKED	SCALE
8/28/2020	8433	_MUP	KWK	SDJ	AS NOTED
					SHEET 10



ALL EXISTING AND
PROPOSED GRADE
ELEVATIONS ARE
N.A.V.D. 1988



APPROVED
DOS2020-00128
Ohdet Kleinmann, Plan Reviewer
Lee County Development Services
9/23/2021

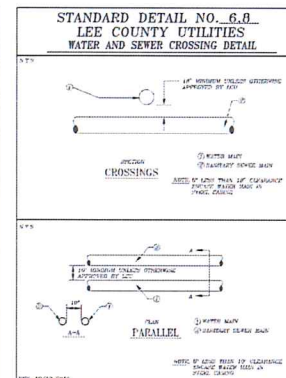
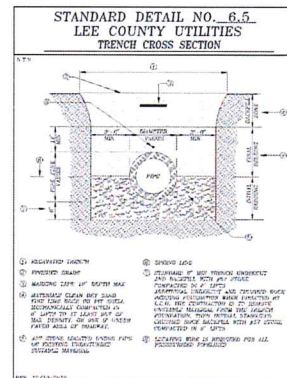
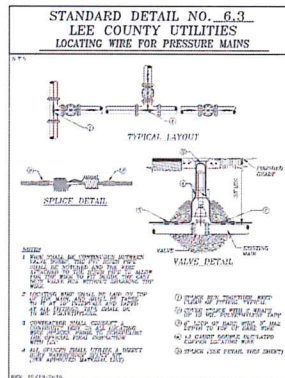
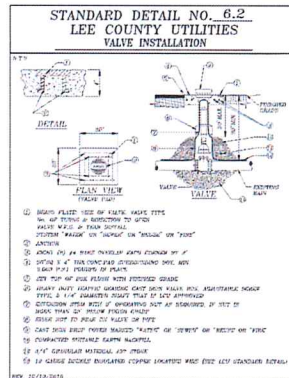
PREPARED FOR:
GEORGE T. FREELAND
4830 GRIFFIN BLVD
FORT MYERS, FLORIDA 33908

NO.	DATE	REVISION DESCRIPTION	BY
1	10/17/2020	REVISED FOR L&S COMMENTS	SDJ
2	03/26/2021	REVISED FOR L&S COMMENTS	SDJ
3	05/20/2021	REVISED FOR L&S COMMENTS	SDJ

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10311 56 MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33908
PHONE: (239) 938-5480 FAX: (239) 938-2523
ENGINEERING LICENSE # 80840
SURVEY LICENSE # LA 8660
WWW.BANKSENG.COM

KENNETH W. KELLUM, P.E. FL REG# 47857		DATE 6/28/2020	PROJECT 8433	DRAWING _MUP	DESIGN KWK	DRAWN SDJ	CHECKED KWK	SCALE AS NOTED	SHEET 11
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PLAN & PROFILE (2)
FREELAND
LEE COUNTY, FLORIDA



STANDARD DETAIL NO. 6.12

LEE COUNTY UTILITIES

RESTRAINED LENGTH SCHEDULE

6.12

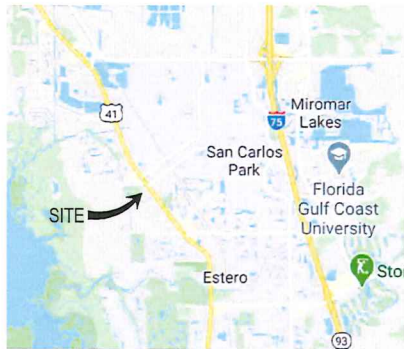
RESTRAINED LENGTH SCHEDULE

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849"	849"	849"	849"	849"
852"	852"	852"	852"	852"
855"	855			

ESTERO VISTA

PREPARED FOR:

ESTERO VISTA LLC
4099 TAMiami TRAIL N, SUITE 200
NAPLES, FLORIDA 34103



GENERAL LOCATION MAP



LOCATION MAP

SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SITE INFORMATION

PROJECT AREA: 20.44 ACRES
PARCEL STRAP NO.: 20-46-25-01-00007.0000
PARCEL ADDRESS: 4099 SANTA MARIA STREET
FORT MYERS, FL 33908
CURRENT ZONING: RPD
PROPOSED USE: MULTI-FAMILY RESIDENTIAL

UTILITY SERVICE PROVIDERS

WATER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FL 33901
PH (239) 533-8181

SEWER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FL 33901
PH (239) 533-8181

ELECTRIC:
FLORIDA POWER AND LIGHT
15824 WINKLER ROAD
FORT MYERS, FL 33901
PH (239) 415-1300

PHONE:
CENTURY LINK
2800 CARGO STREET
FORT MYERS, FL 33901
PH (239) 366-2114

FIRE PROTECTION:
SAN CARLOS PARK FIRE DISTRICT
10591 BEN HILL GRIFFIN PKWY.
FORT MYERS, FL 33913
PH (239) 567-7525
FAX (239) 267-7505

SOLID WASTE DISPOSAL:
FLORIDA RECYCLING SERVICES INC.
2465 HIGHLAND AVE.
FORT MYERS, FL 33916
(239) 332-8500

PROJECT CONTACTS

CIVIL ENGINEER:
KENNETH W. KELLUM, P.E.
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY.
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490

SURVEYOR:
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY.
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490

TRAFFIC:
TR TRANSPORTATION CONSULTANTS, INC.
2728 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9358
PHONE: (239) 278-3000

LANDSCAPE ARCHITECT:
GREGORY J. DISERIO, RLA
DAVID M. JONES, JR. AND ASSOCIATES, INC.
221 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901

SHEET INDEX	
#	TITLE
01	COVER SHEET
02	AERIAL & EXISTING CONDITIONS
03	PRE-DEVELOPMENT DRAINAGE MAP
04	BEST MANAGEMENT PLAN
05	GENERAL NOTES
06	PROJECT NOTES & LEGEND
07	MASTER SITE PLAN
08	MASTER DRAINAGE PLAN
09	PAVING, GRADING & DRAINAGE PLAN
10	CROSS SECTIONS
11	DRAINAGE & PAVING DETAILS
12	DRAINAGE & PAVING DETAILS
13	MASTER UTILITY PLAN
14	PLAN & PROFILE (1)
15	PLAN & PROFILE (2)
16	PLAN & PROFILE (3)
17	LCU WATER DETAILS
18	LCU SANITARY SEWER DETAILS
19	LCU PUMP STATION DETAIL
20-29	LCU PUMP STATION ELECTRICAL DETAILS
30	SURVEY

Please Note: Final Development Order
does not confer approval for signage

Development Order Approval does not
warrant nor guarantee that changes will not
be required. If subsequent changes are
made to the Uniform Lee County Fire Code.

****FINAL INSPECTION REQUIRED****
At the completion of the improvements, please
submit a Letter of Substantial Compliance to
schedule a Final Inspection.

REMOVAL OF EXCAVATED FILL
MATERIAL FROM THE SITE IS
NOT AUTHORIZED

UTILITY PERMIT REQUIRED
Plan is not approved for location of
placement of utilities. All work in county
right-of-way and easements must be
permitted prior to commencing work.

VEGETATION PERMIT REQUIRED
PRIOR TO ANY SITE WORK
Protective barricades must be constructed and
inspected prior to permit issuance. Please
contact Division of Development Services
(239) 533-8585.

APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

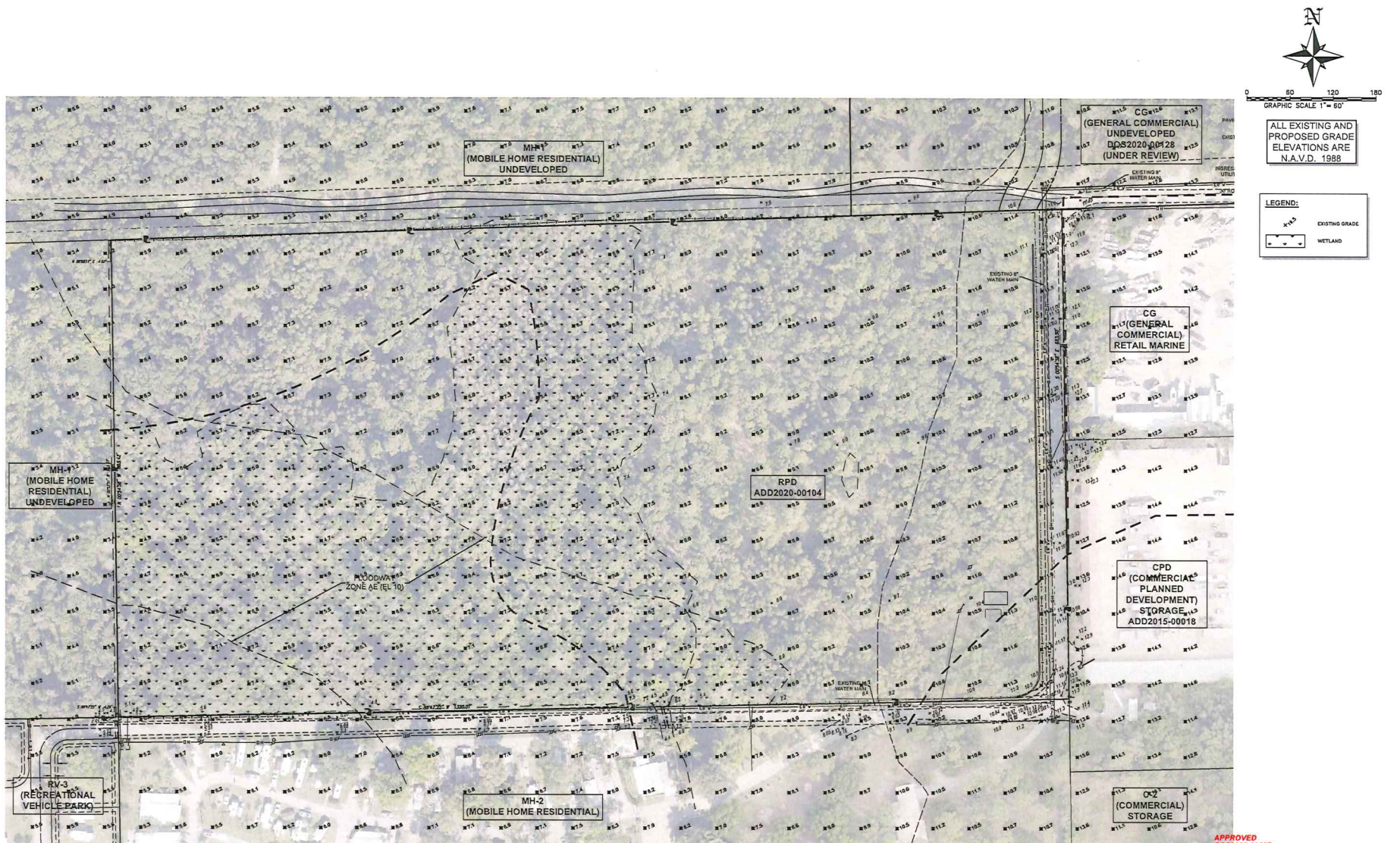


Digitally signed
by Kenneth W
Kellum
Date:
2021.07.13
11:28:45 -04'00'
KENNETH W. KELLUM, P.E.
FL REG# 47657

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

NO.	DATE	REVISION DESCRIPTION	BY
3	8/15/2021	REVISED PER LEE COUNTY COMMENTS.	SKJ
2	4/29/2021	REVISED PER LCU COMMENTS.	SKJ
1	12/24/2020	REVISED PER LCU COMMENTS.	SKJ



APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

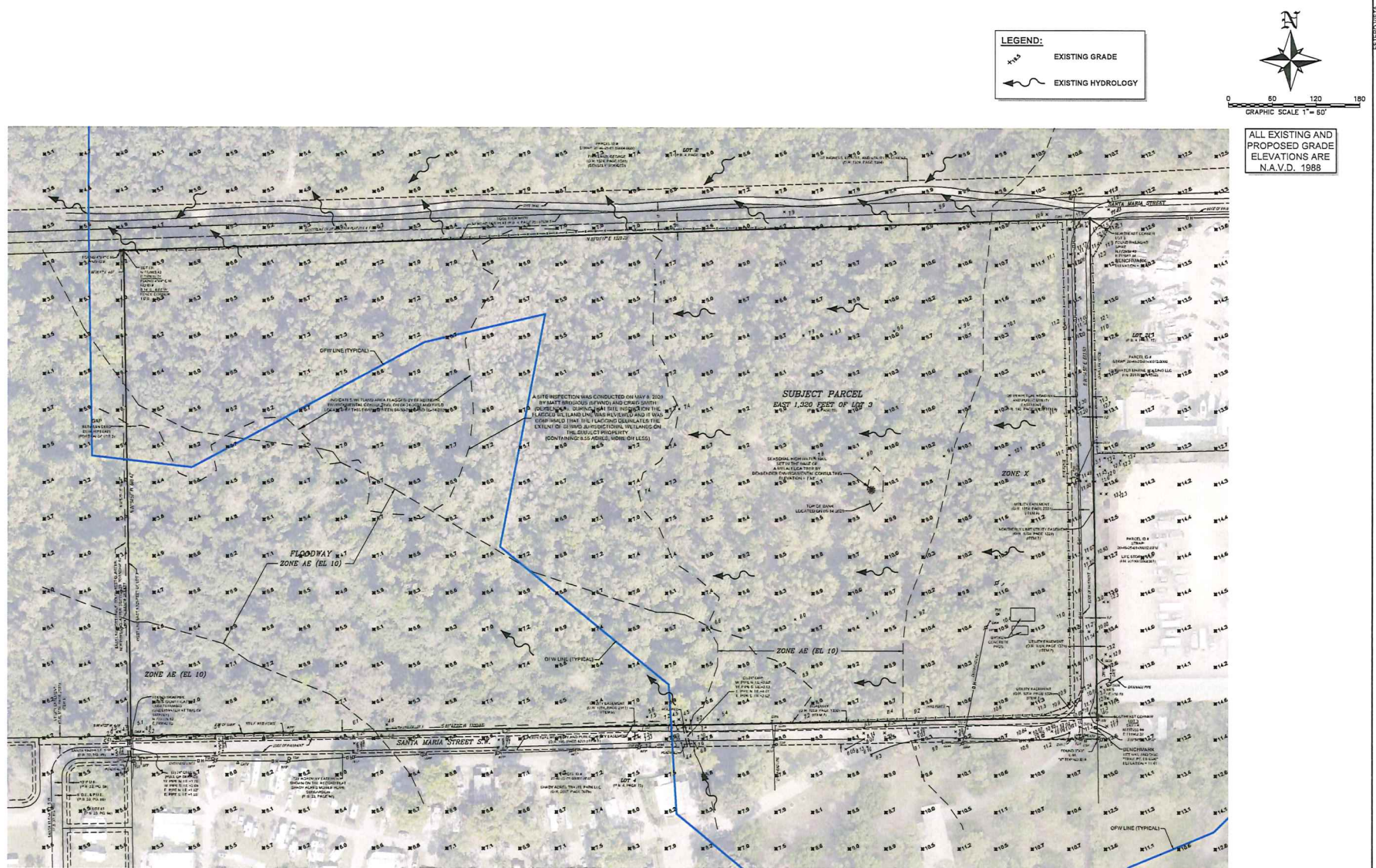
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMiami TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY
1	6/15/2021	REVISED FOR LEE COUNTY COMMENTS	SDJ
2	6/15/2021	REVISED FOR LEE COUNTY COMMENTS	SDJ
3	7/19/2021	REVISED FOR LEE COUNTY COMMENTS	SDJ

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ENGINEERING LICENSE # 12,849
SURVEY LICENSE # LA 5690
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KENNETH W. KELLAM, P.E.
FL REG #1057

AERIAL & EXISTING CONDITIONS							
ESTERO VISTA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/26/2020	8433	_EX-COND	KWK	SDJ	KWK	AS NOTED	02



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DOS2020-00127
John Maltbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

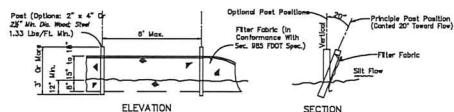
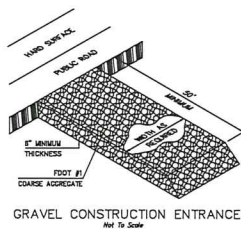
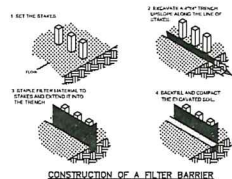
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMiami TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY

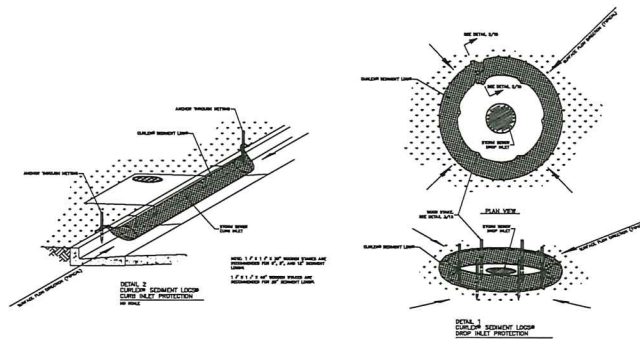
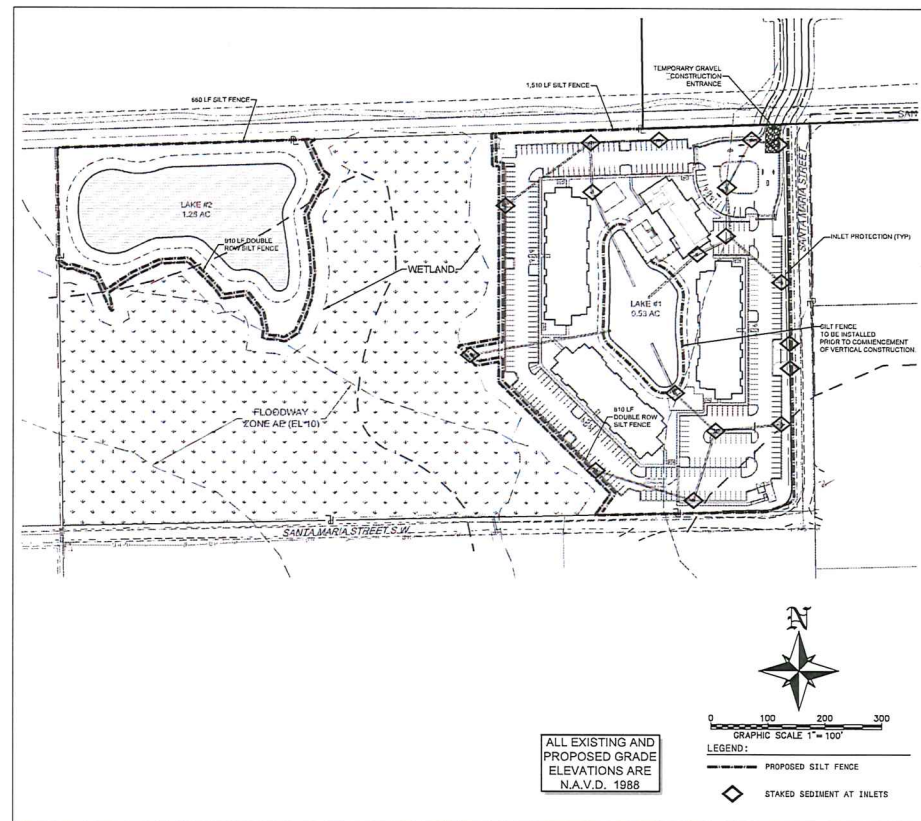
BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10301 SIX MILE CRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 938-3480 FAX: (239) 938-2033
DRAINAGE LICENSE # 13 8485
SURVEY LICENSE # L3 9490
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KENNETH W. KELLUM, P.E.
FL REG# 47857

PRE-DEVELOPMENT DRAINAGE MAP							
ESTERO VISTA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/28/2020	B433	_PRE-DEV-DR	KWK	SDJ	KWK	AS NOTED	03



Note: Silt Fence to be paid for under the contract unit price for Staked Silt Fence (LF).
TYPE ~~~~ SILT FENCE
Not To Scale



Do not deploy in a manner that silt fences will act as a dam across permanent flowing watercourses. Silt fences are to be used at upland locations and turbidity barriers used at permanent bodies of water.

SILT FENCE APPLICATIONS

Not To Scale

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ENGINEERING LICENSE # 10 6405
SURVEY LICENSE # 10 5690
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KENNETH W. KELLUM, P.E.
FL REG # 47857

BEST MANAGEMENT PLAN
ESTERO VISTA
LEE COUNTY, FLORIDA

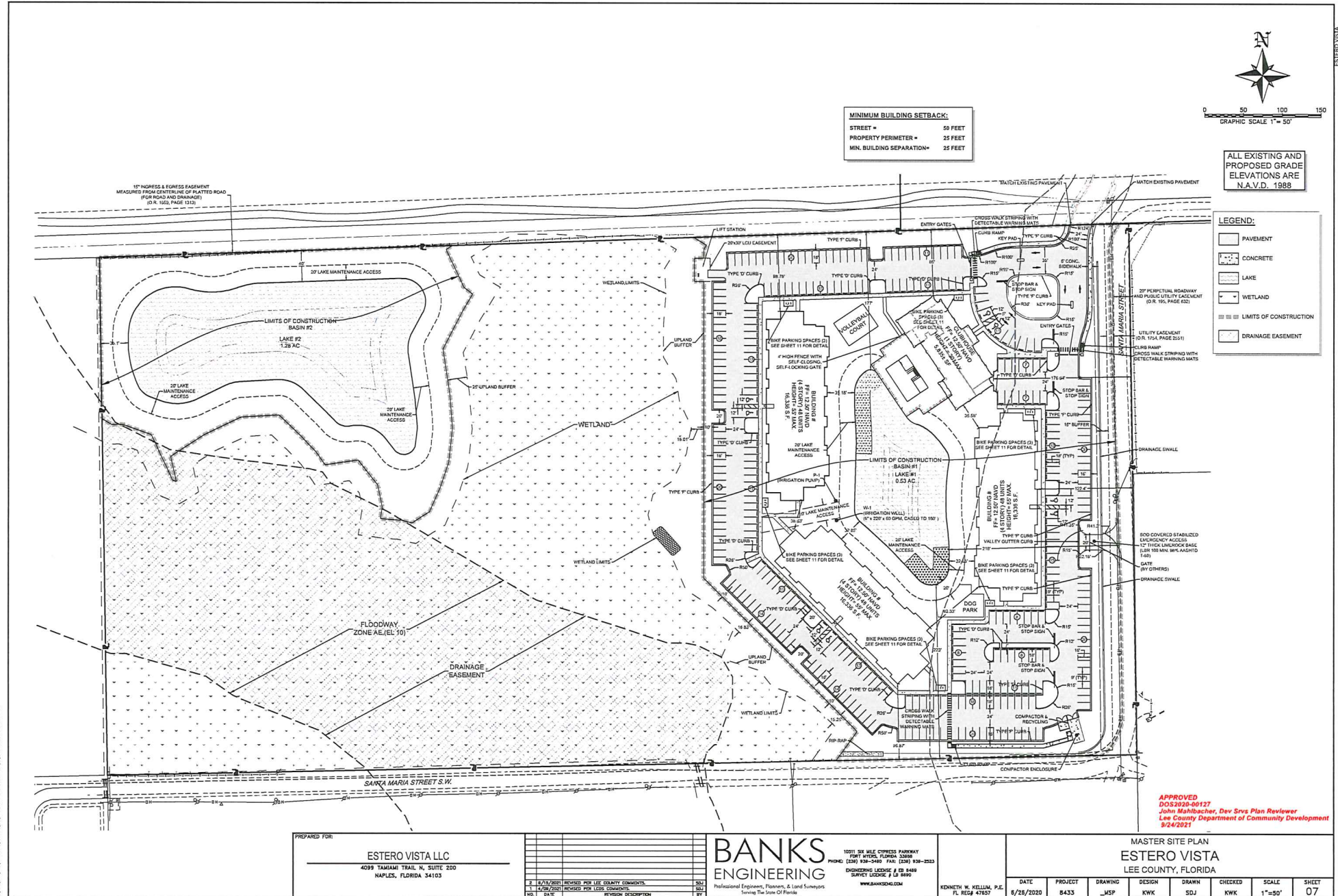
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8/28/2020	8433	_BMP	KWK	SDJ	KWK	AS NOTED	04

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DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
8/24/2021

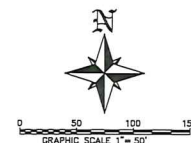
- GENERAL NOTES:
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, APPROPRIATE EROSION CONTROL DEVICES SHALL BE INSTALLED TO CONTROL AND REDUCE SOIL EROSION AND SEDIMENT TRANSPORT TO OFF SITE AREAS. THE CONTRACTOR SHALL MAINTAIN THESE DEVICES THROUGHOUT THE DURATION OF CONSTRUCTION. ALL DEVICES SHALL REMAIN IN PLACE UNTIL THE SURROUNDING AREAS ARE ESTABLISHED.
 - THE FOLLOWING MINIMUM REQUIREMENTS ARE RECOMMENDED: (REFERENCE FLORIDA DEVELOPMENT MANUAL, FDOT, PPS 8-301 TO 8-500).
 - BMP 1.01 - TEMPORARY GRAVEL CONSTRUCTION ENTRANCE
 - BMP 1.05 - SILT FENCE
 - BMP 1.08 - STORM INLET DRAIN PROTECTION
 - APPROPRIATE INLET PROTECTION TO PREVENT EROSION IS REQUIRED FOR ALL INLETS THROUGH OUT SITE CONSTRUCTION.
 - SILT FENCE SHALL BE INSTALLED ALONG THE PROPERTY LINE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

[illegible]

KENNETH W. KELLUM, P.E. FL. REG# 43882	9/24/2021 PROJECT NOTES & LEGEND ESTERO VISTA LEE COUNTY, FLORIDA							
	DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
	6/28/2020	8433		KWK	SDJ	KWK	NTS	06

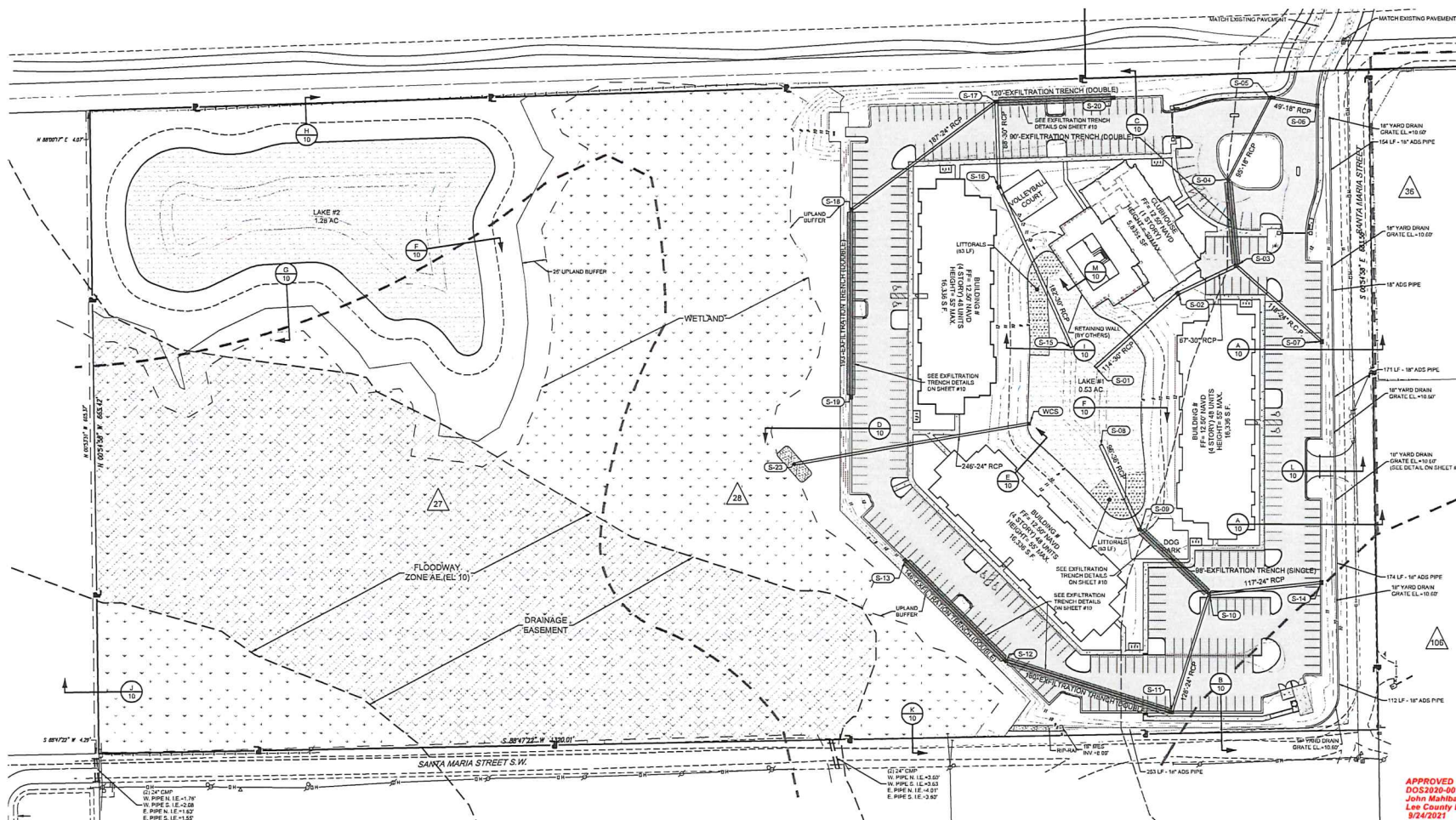


NATIONAL RESOURCES CONSERVATION SERVICES HYDROLOGIC SOIL GROUPS:
 27 - POMPAHO FINE SAND - A/D
 28 - IMMOKALEE SAND - B/D
 35 - IMMOKALEE SAND - URBAN LAND COMPLEX - B/D
 106 - DAYTONA SAND - URBAN LAND COMPLEX - A



ALL EXISTING AND
 PROPOSED GRADE
 ELEVATIONS ARE
 N.A.V.D. 1988

- LEGEND:
- PAVEMENT
 - CONCRETE
 - LAKE
 - WETLAND
 - N.R.C.S. SOIL
 - N.R.C.S. SOIL LINE
 - DRAINAGE EASEMENT



APPROVED
 DOS2020-00127
 John Mahbacher, Dev Svcs Plan Reviewer
 Lee County Department of Community Development
 8/24/2021

PREPARED FOR:
ESTERO VISTA LLC
 4099 TAMiami TRAIL N, SUITE 200
 NAPLES, FLORIDA 34103

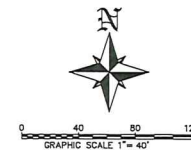
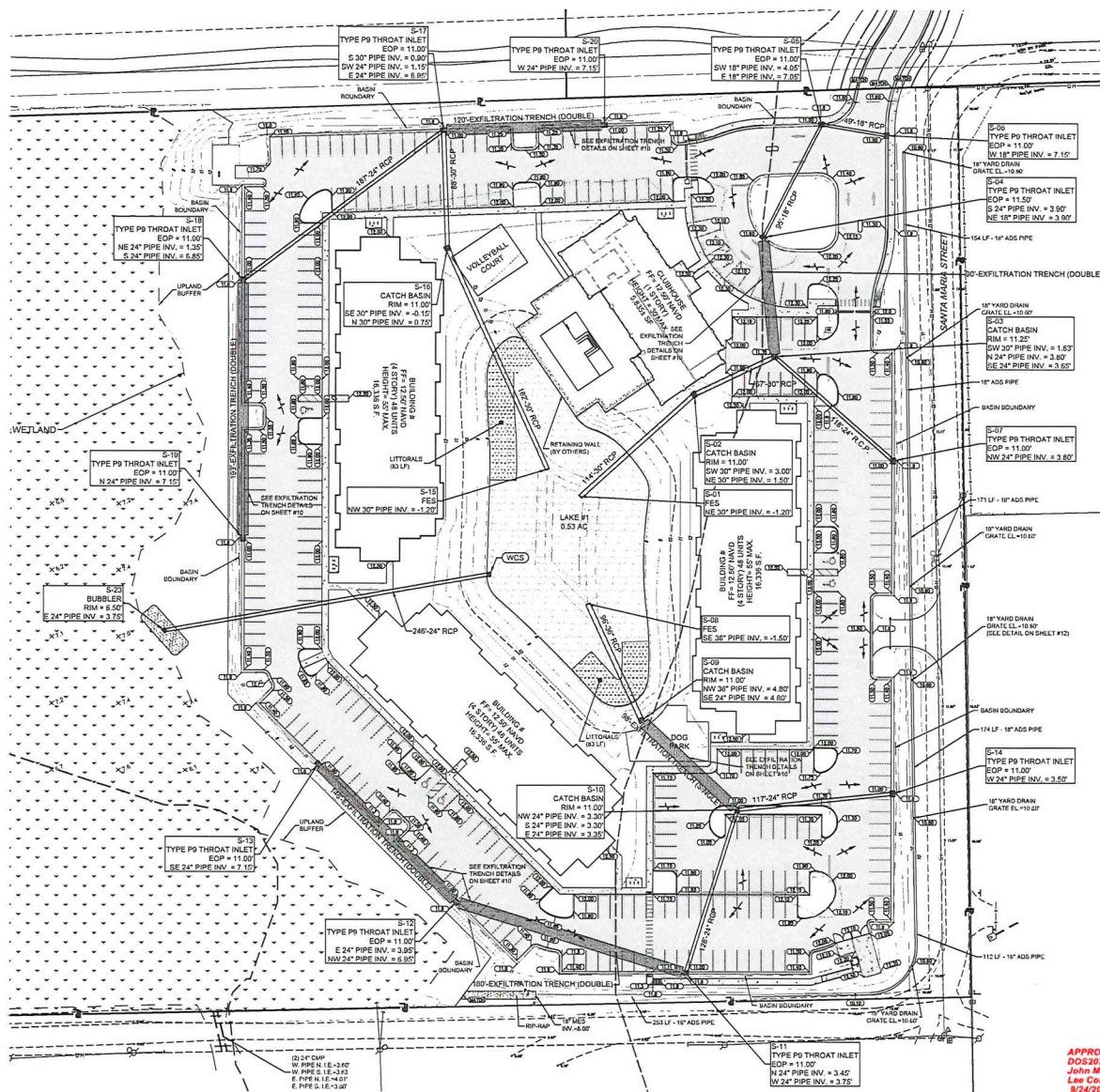
NO.	DATE	REVISION DESCRIPTION	BY
1	4-08-2021	REVISED PER LDCS COMMENTS	SKJ
2			
3			
4			
5			
6			
7			
8			
9			
10			

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 SURVEY LICENSE # 13 5690
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KENNETH W. KELLUM, P.E.
 FL REG # 47857

MASTER DRAINAGE PLAN ESTERO VISTA LEE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED
8/26/2020	B433	_PGD	KWK	SDJ	KWK
SCALE	SHEET				
1"=50'	08				



ALL EXISTING AND
PROPOSED GRADE
ELEVATIONS ARE
N.A.V.D. 1988

LEGEND:

- PAVEMENT
- CONCRETE
- LAKE
- WETLAND
- BASIN BOUNDARY

SANTA MARIA STREET SWALE VELOCITY CALCULATION:

Manning Equation:
Swale (Assume flowing full)
 $Q = (1.486/n)A R^{2/3} S^{1/2}$

2.46 cfs $\Rightarrow$ $V = 8.82$ fps

$n =$ Manning's n value = 0.090 Channel Lining: Maintained Grass

$R =$ Hydraulic Radius (A/P) = 0.47

$A =$ Area = 3.00 sf

$P =$ Wetted Perimeter = 6.32 ft

$S =$ Slope = 0.0030

$Z =$ 10.5 ft

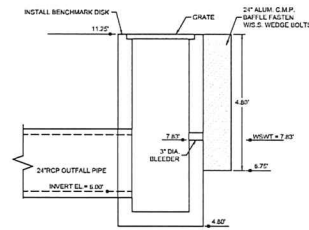
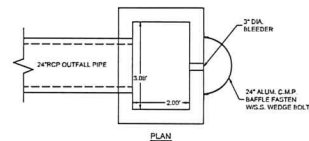
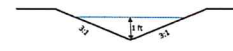
$Z_b =$ 9 ft

$L =$ 574 ft

$S_v =$ 3 : 1

$S_h =$ 3 : 1

$b =$ 1.00 ft



APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
8/24/2021

CONTROL STRUCTURE
(MODIFIED TYPE 'C' STRUCTURE)

PREPARED FOR:
ESTERO VISTA LLC
4099 TAMPAH TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY
1	4-08-2021	REVISED PER LCCS COMMENTS	SDJ
2			

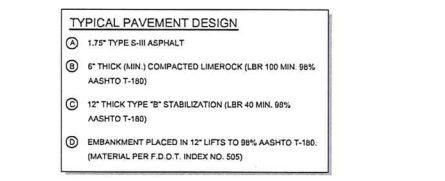
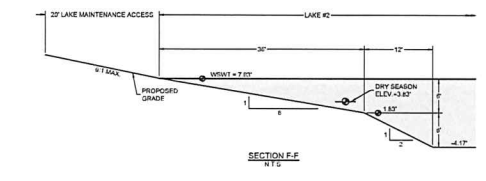
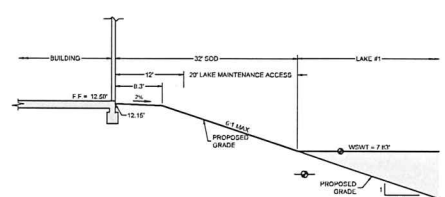
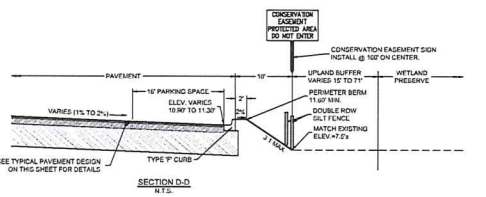
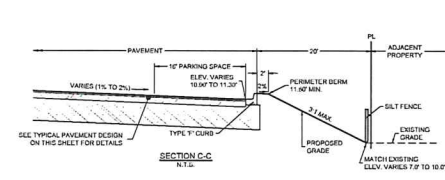
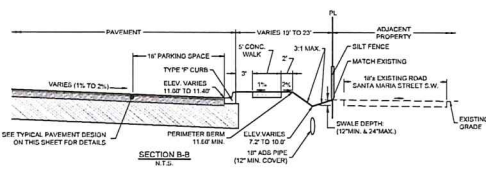
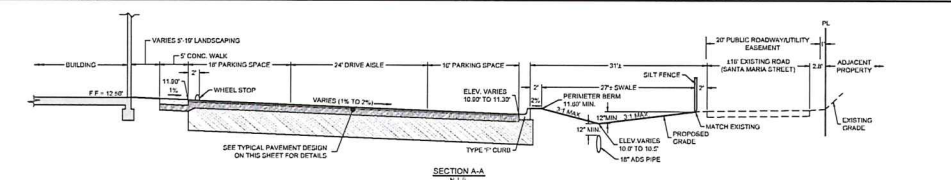
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ENGINEERING LICENSE #18 8408
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KENNETH W. KELLUM, P.E.
FL REG #47857

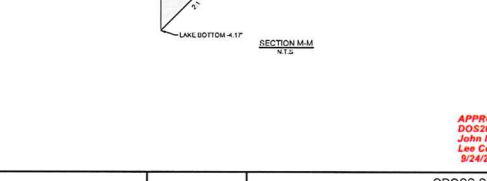
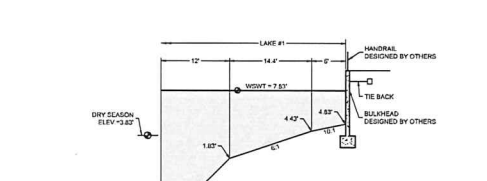
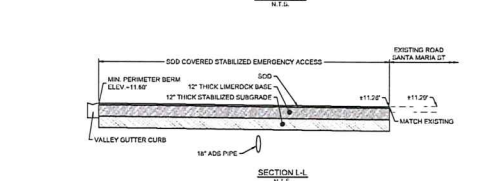
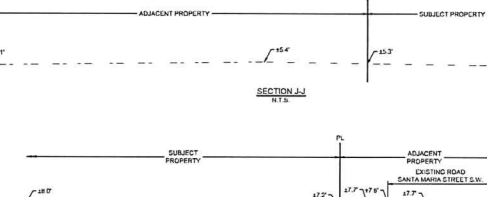
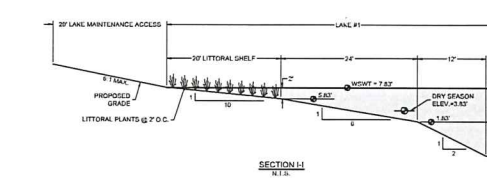
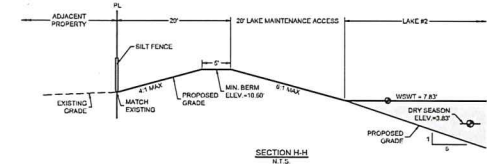
PAVING, GRADING & DRAINAGE PLAN
ESTERO VISTA
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/25/2020	8433	_JPD	KWK	SDJ	KWK	1"=40'	09



TYPICAL PAVEMENT DESIGN

- ① 1.75" TYPE S-III ASPHALT
- ② 6" THICK (MIN.) COMPACTED LIMEROCK (LBR 100 MIN. 98% AASHTO T-190)
- ③ 12" THICK TYPE "B" STABILIZATION (LBR 40 MIN. 98% AASHTO T-190)
- ④ EMBANKMENT PLACED IN 12" LIFTS TO 98% AASHTO T-190. (MATERIAL PER F.D.O.T. INDEX NO. 505)



APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
8/24/2021

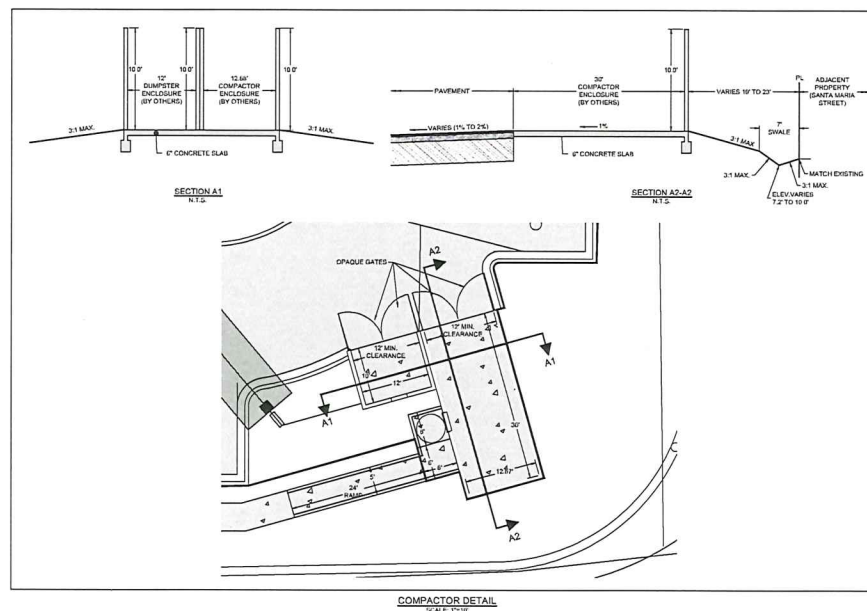
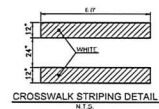
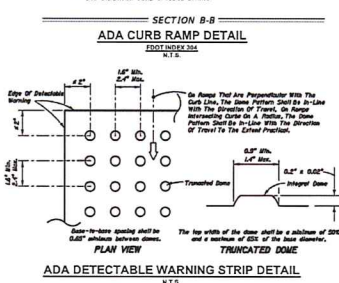
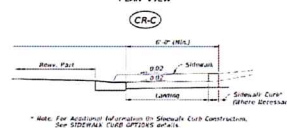
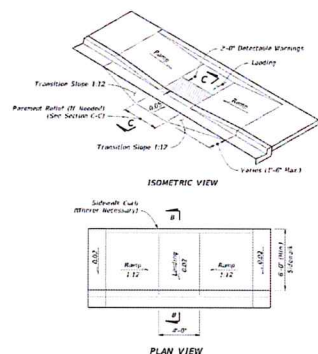
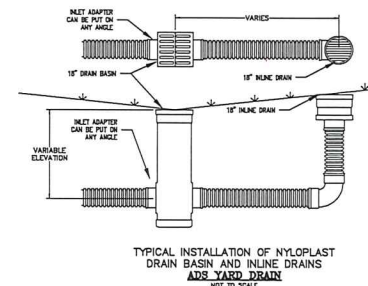
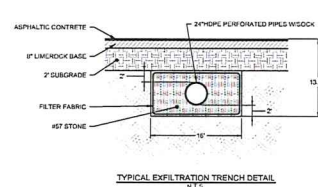
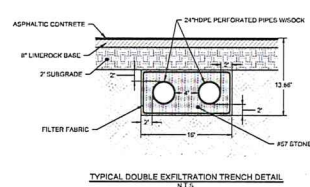
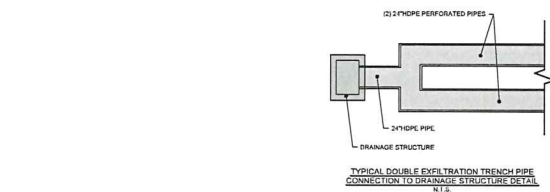
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMiami TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY
1	4/29/2021	REVISED PER LDR COMMENTS	SDJ
2			
3			
4			
5			
6			
7			
8			
9			
10			

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SURVEY LICENSE # LA 5690
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CROSS SECTIONS ESTERO VISTA LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
8/28/2020	B433	_XSEC	KWK	SDJ	KWK	N.T.S.	10		





APPROVED
DOS2020-00127
John Mahbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
8/26/2021

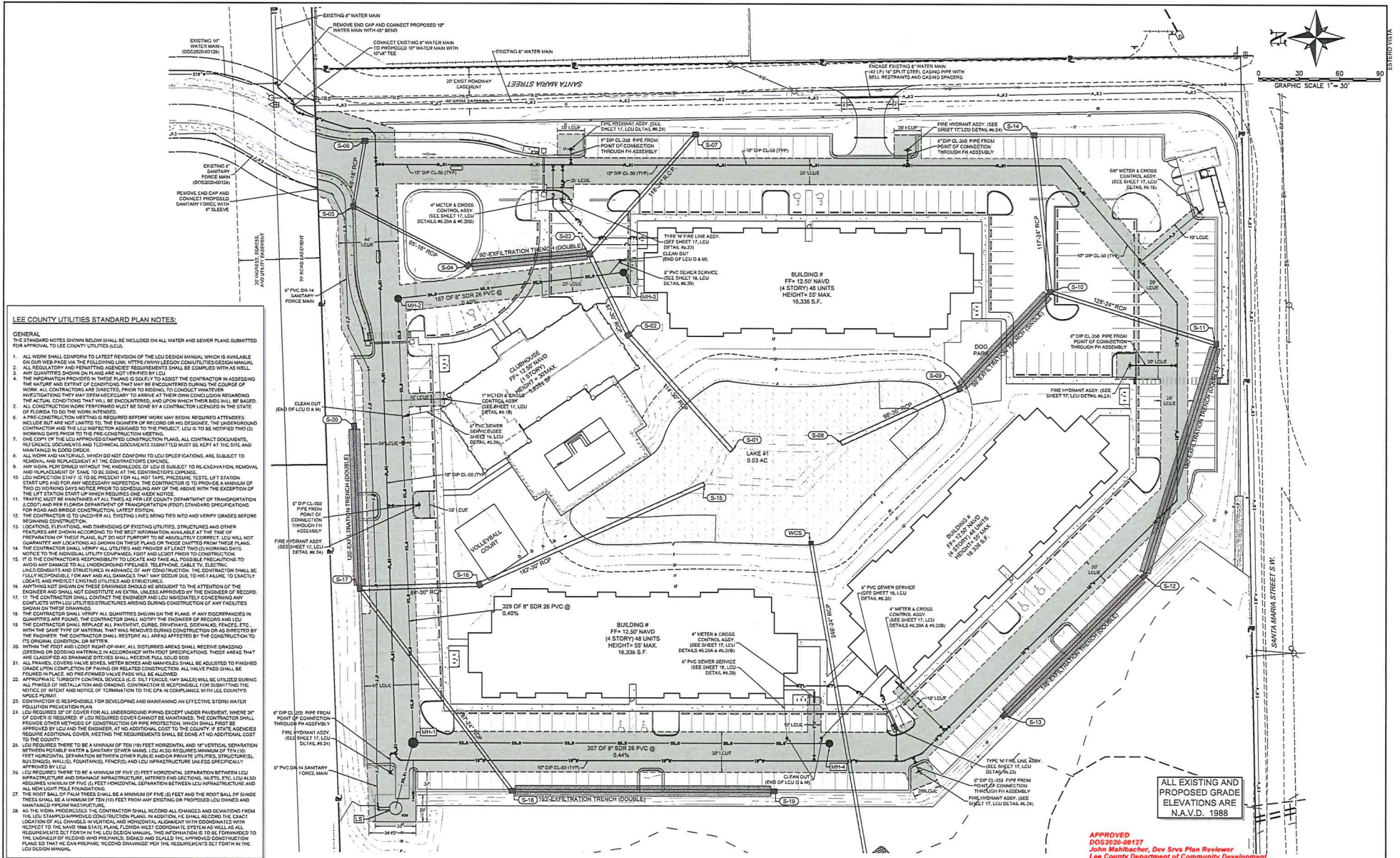
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMAMI TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	DESIGNED BY
1	8/15/2021	REVISED FOR LEE COUNTY COMMENTS	SDJ

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10511 5th MILE EXPRESS PARKWAY
FORT MYERS, FLORIDA 33905
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ENGINEERING LICENSE # 10 8488
SURVEY LICENSE # LS 5890
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KENNETH W. KELLUM, P.E.
FL REG# 47857

DRAINAGE & PAVING DETAILS					
ESTERO VISTA LEE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED
8/28/2020	8433	_PGD-DETAILS	KWK	SDJ	KWK
SCALE	SHEET				
N.T.S.	12				



PREPARED FOR:
ESTERO VISTA LLC
4099 TAMPAH TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

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Serving The State Of Florida

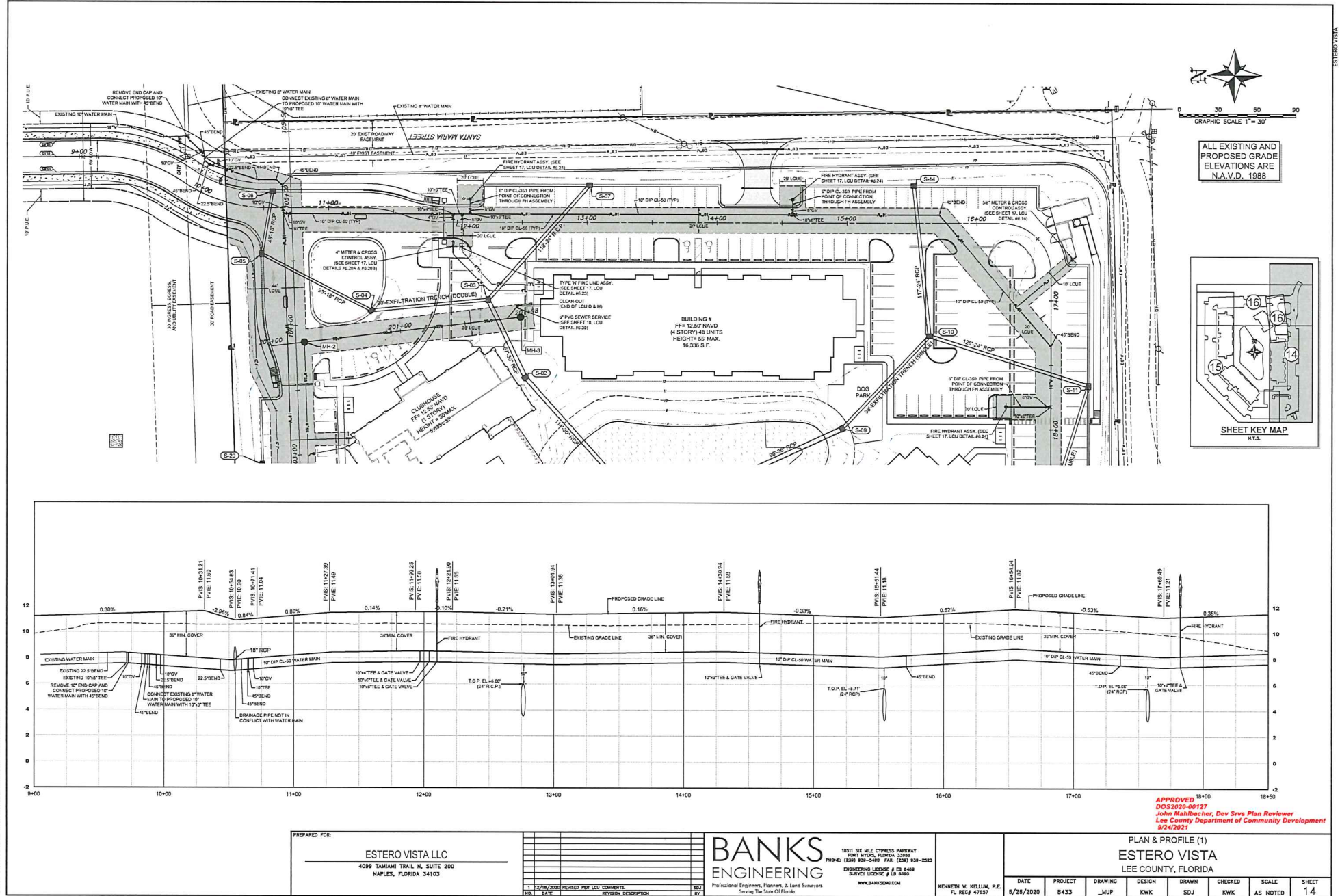
10511 DE WILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33908
PHONE: (239) 938-5482 FAX: (239) 938-2523
COMMERCIAL LICENSE # 18 848
SURVEY LICENSE # 18 8690
WWW.BANKSENG.COM

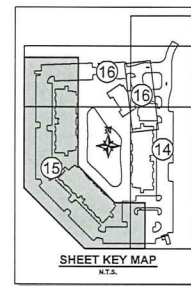
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FL REG# 47857

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DOS2020-00127
John Mankacher, Dev Srvs Plan Reviewer
Lee County Department of Community Development
8/24/2021

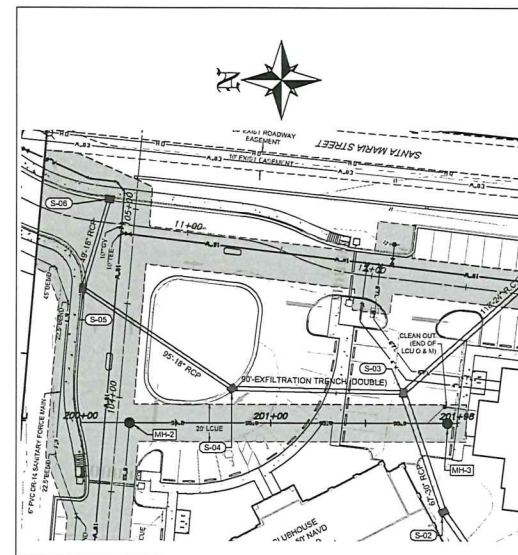
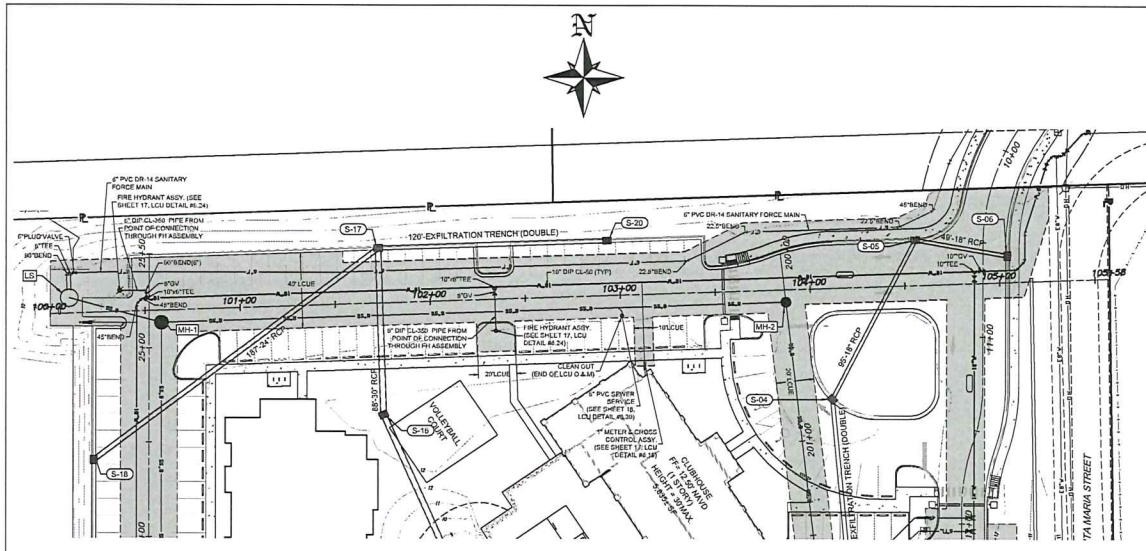
MASTER UTILITY PLAN
ESTERO VISTA
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/28/2020	8433	_MUP	KWK	SDJ	KWK	AS NOTED	13



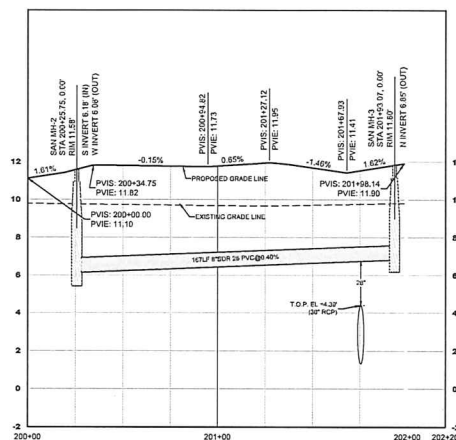
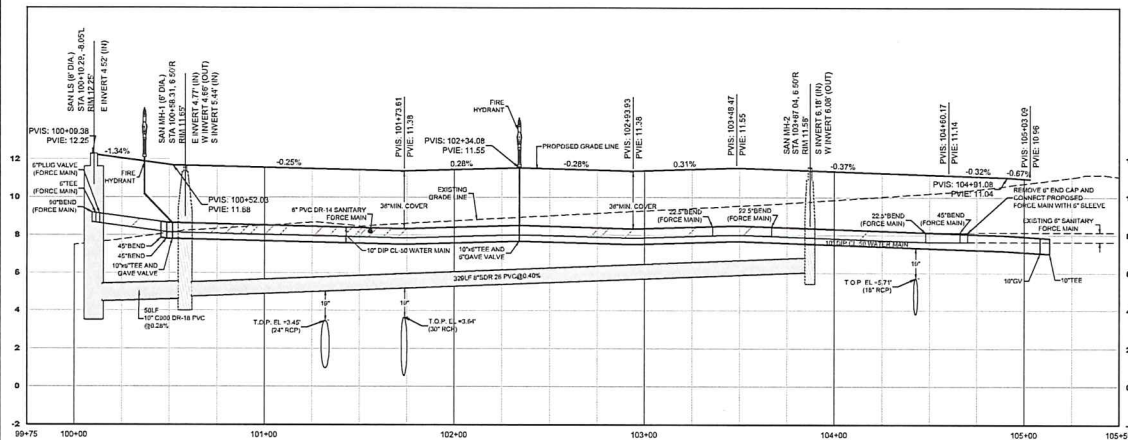
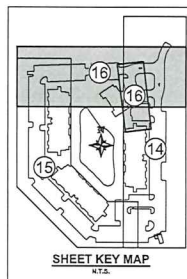


PLAN & PROFILE (2) ESTERO VISTA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/28/2020	R433	WIP	KWK	SO.1	KWK	AS NOTED	15



0 30 60 90
GRAPHIC SCALE 1" = 30'

ALL EXISTING AND
PROPOSED GRADE
ELEVATIONS ARE
N.A.V.D. 1988



APPROVED
DOS2020-00127
John Mainbachner, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

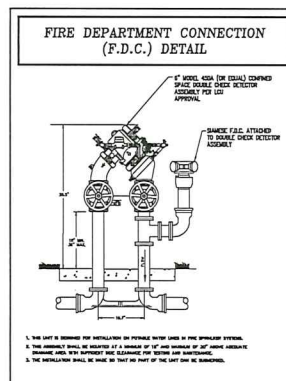
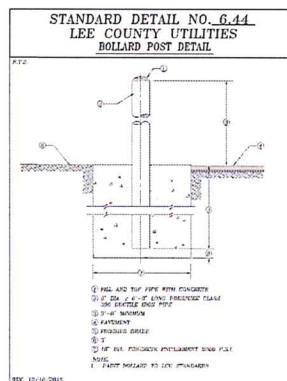
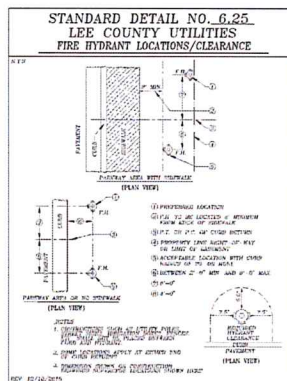
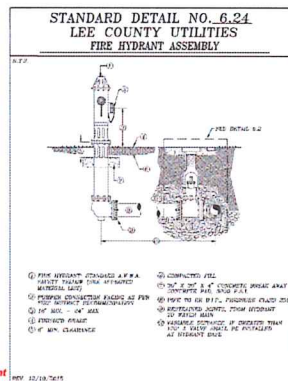
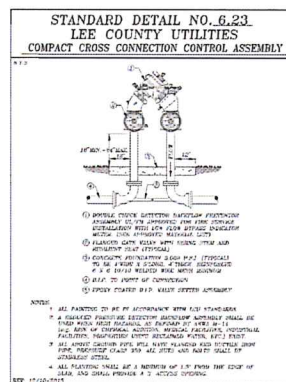
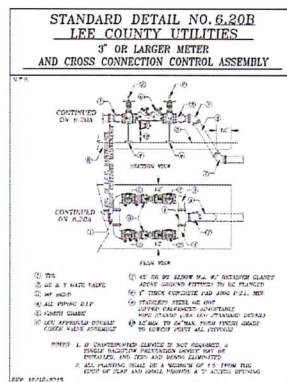
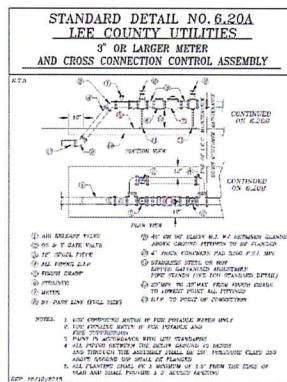
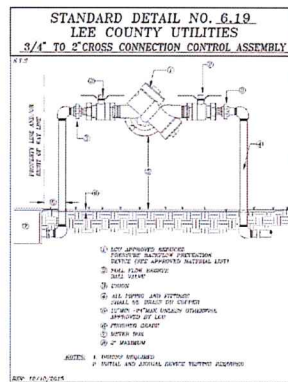
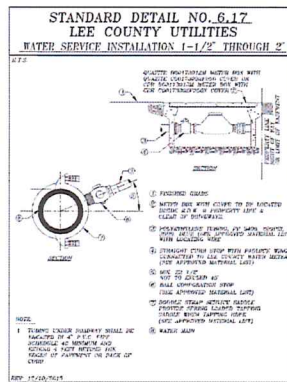
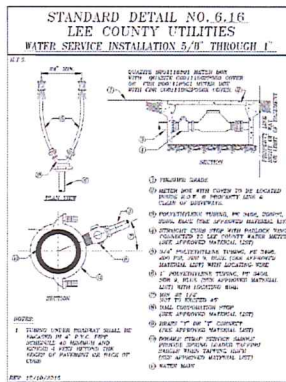
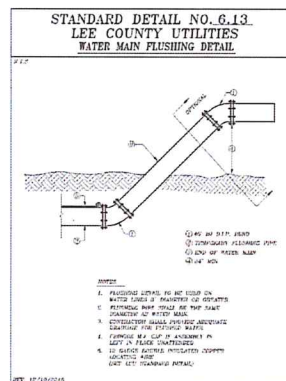
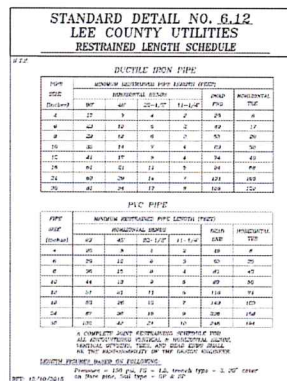
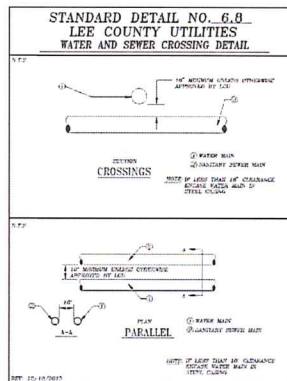
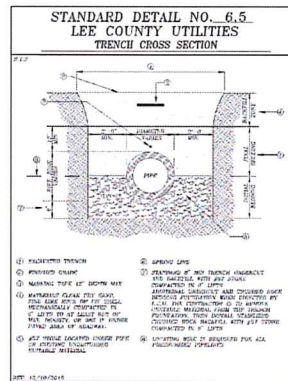
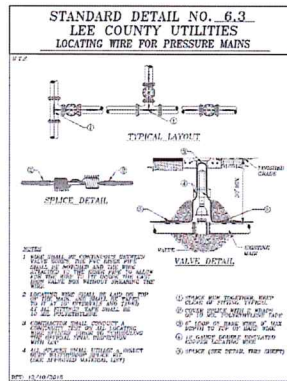
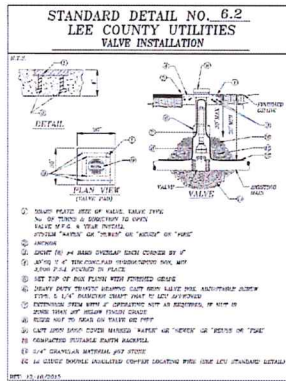
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMAMIA TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY
1	12/18/2020	REVISED PER LCU COMMENTS	SDJ
2			
3			
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PLAN & PROFILE (3)					
ESTERO VISTA LEE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED
8/28/2020	8433	_MUP	KWK	SDJ	KWK
SCALE	SHEET				
AS NOTED	16				



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DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

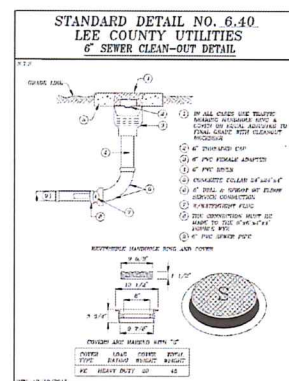
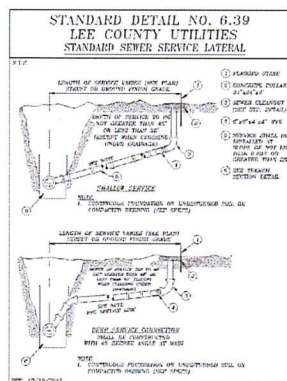
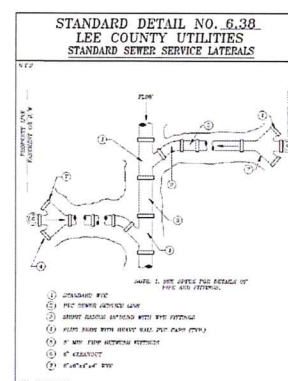
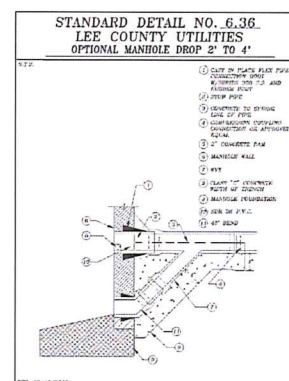
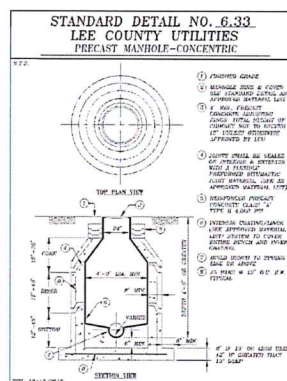
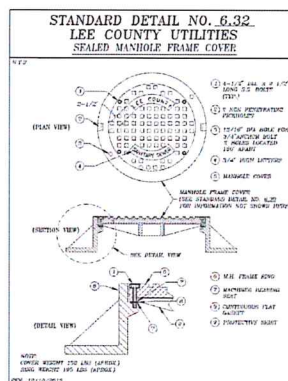
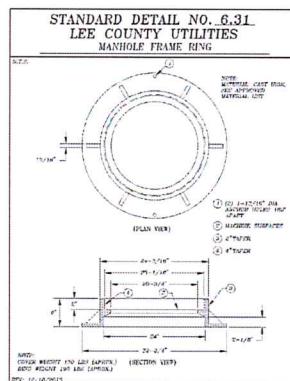
PREPARED FOR:
ESTERO VISTA LLC
4099 TAMPAH TRAIL N, SUITE 200
NAPLES, FLORIDA 34103

NO.	DATE	REVISION DESCRIPTION	BY
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2	09/24/2021	REVISED FOR LCU COMMENTS	SLJ

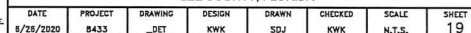
BANKS ENGINEERING
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KENNETH W. KELLUM, P.E.
FL REG # 47657
DATE: 8/26/2020
PROJECT: B433
DRAWING: _DET
DESIGN: KWK
DRAWN: SLJ
CHECKED: KWK
SCALE: N.T.S.
SHEET: 17

LCU WATER DETAILS
ESTERO VISTA
LEE COUNTY, FLORIDA



PREPARED FOR: ESTERO VISTA LLC 4099 TAMPAH TRAIL N, SUITE 200 NAPLES, FLORIDA 34103		BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving The State Of Florida 10111 SW 41LE CYPRESS PARKWAY FORT MYERS, FLORIDA 33908 PHONE (239) 359-7445 FAX (239) 359-2533 ENGINEERING LICENSE # EB 6449 SURVEY LICENSE # LS 5890 WWW.BANKSENG.COM		9/24/2021 LCU SANITARY SEWER DETAILS ESTERO VISTA LEE COUNTY, FLORIDA								
NO. DATE REVISION DESCRIPTION BY					8/26/2020	8433	DRAWING DET	DESIGN KWK	DRAWN SDJ	CHECKED KWK	SCALE N.T.S.	SHEET 18



DUPLEX PUMP STATION ELECTRICAL DRAWING INDEX

STANDARD DRAWINGS

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E-2 ELECTRICAL SYMBOLS LEGEND & ABBREVIATIONS

DUPLEX PUMP STATION SITES

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E-4 STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION ELECTRICAL EQUIPMENT RACK ELEVATION
E-5 STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION ELECTRICAL Riser DIAGRAM
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E-10 STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION CONTROL PANEL ELEMENTARY DRAWING
E-11 STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION DATA COLLECTOR INSTALLATION DRAWING

STANDARD DETAIL DRAWINGS

ES-1 JUNCTION BOX AND TERMINAL STRIP INSTALLATION AT CONTROL PANEL LOCATION
ES-2 GROUNDING DETAILS
ES-3 STREAMER RETARDING FIXTURE AIR TERMINAL FIXTURE POLE MOUNTED
ES-4 LEVEL TRANSMITTER DETAIL
ES-5 TERMINATION OF SHIELDED INSTRUMENT CONTROL CABINET DETAIL
ES-6 INSTRUMENT GROUNDING & SURGE PROTECTION DETAIL
ES-7 UNDERGROUND CONDUIT INSTALLATION
ES-8 GROUND ROD INSTALLATION DETAIL

GENERAL NOTE:

SITE SPECIFIC CONDITIONS DETERMINE THE CLASSIFICATION OF PUMP STATION IN ACCORDANCE WITH FDEP STANDARDS AND MUST BE DETERMINED BY THE DESIGN ENGINEER FOR EACH SPECIFIC PROJECT.

SUBMITTAL REQUIREMENT:

LEE COUNTY UTILITIES REQUIRES PUMP STATION SUBMITTALS BE PROVIDED FOR THEIR REVIEW TO ENSURE COMPLIANCE WITH THE LCU PUMP STATION STANDARDS.

ELECTRICAL DRAWING INDEX

E-1

NOTE:

THIS DRAWING IS A LEE
COUNTY STANDARD DETAIL
AND THEREFORE DOES NOT
NEED TO BE SIGNED AND SEALED

APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

		LEE COUNTY SOUTHWEST FLORIDA ENGINEERING 1500 MONROE STREET FORT MYERS, FLORIDA 33901
SHEET TITLE: DUPLEX PUMP STATION DRAWING INDEX		
TITLE: STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION		
PROJECT: WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD		
PROJECT NO: 208V-3Ø DPS	FILE NAME: Duplex 208 3P	SHEET NUMBER: 1 of 10

CONTROL/ELEMENTARY SYMBOLS

- NORMALLY OPEN CONTACT
NORMALLY CLOSED CONTACT
LIMIT SWITCH, NORMALLY OPEN
LIMIT SWITCH, NORMALLY CLOSED
PRESSURE SWITCH, NORMALLY OPEN
PRESSURE SWITCH, NORMALLY CLOSED
FLAT SWITCH, NORMALLY OPEN
FLAT SWITCH, NORMALLY CLOSED
FLOW SWITCH, NORMALLY OPEN
FLOW SWITCH, NORMALLY CLOSED
TEMPERATURE SWITCH, NORMALLY OPEN
TEMPERATURE SWITCH, NORMALLY CLOSED
NORMALLY OPEN, TIMED TO CLOSE CONTACT
NORMALLY CLOSED, TIMED TO OPEN CONTACT
NORMALLY CLOSED, TIMED TO CLOSE CONTACT
NORMALLY OPEN, TIMED TO OPEN CONTACT
ANALYZER INDICATOR TRANSMITTER
ALARM RELAY
ALARM TIMER
CONTROL RELAY
FLOW INDICATOR TRANSMITTER (TOTALIZER)
FLOW SWITCH HIGH/LOW
LIQUID LEVEL SWITCH
LEVEL INDICATOR TRANSMITTER
LIMIT SWITCH OR LEVEL SWITCH
MOTOR SWITCH MANUAL
MOTOR STARTER
PRESSURE GAUGE
PROCESS FLOW TIMER
PRESSURE SWITCH
TEMPERATURE SWITCH
TIMING RELAY
SURGE SUPPRESSION DEVICE
SOLENOID VALVE
VIBRATION SWITCH
TORQUE SWITCH
ZERO SPEED SWITCH
ALARM INDICATING LIGHT
RUN INDICATING LIGHT
MOMENTARY CONTACT PUSHBUTTON
MOMENTARY BREAK PUSHBUTTON OR RESET
KEYED SWITCH
MAINTAINED CONTACT ON-OFF SWITCH
START/STOP (S/P) CONTROL SWITCH
MAINTAINED CONTACT
FUSE
MOLDED CASE CIRCUIT BREAKER
CONTROL POWER TRANSFORMER
REMOTE TERMINAL BLOCK POINT
COPPERWELD GRD. ROD
HAND OFF REMOTE CONTROL STATION
HAND OFF AUTO CONTROL STATION
MOTOR STRIP HEATER

ELECTRICAL PLAN SYMBOLS

- WALL OUTLET BOX AND 20 AMP SINGLE POLE SWITCH ("s" INDICATES SWITCHES) 48" TO CENTERLINE
WALL OUTLET BOX AND 20 AMP 3-WAY SWITCH ("s" INDICATES SWITCHES) 48" TO CTR LINE.
MANUAL MOTOR STARTING SWITCH WITH OVERLOADS AND PILOT LIGHT. NEMA 4X TYPICAL.
WALL OUTLET BOX AND 20 AMP SWITCH WITH WEATHERPROOF COVER OR ENCLOSURE.
WALL OUTLET BOX AND 20 AMP DUPLEX RECEPTACLE 18" TO CENTERLINE
WALL OUTLET BOX AND 20 AMP DUPLEX RECEPTACLE 48" AFF OR AS NOTED.
WALL OUTLET BOX AND 20 AMP GFCI DUPLEX RECEPTACLE AT 18" TO CENTERLINE. WP INDICATES WEATHERPROOF COVER PLATE.
WALL OUTLET BOX AND 20 AMP GFCI RECEPTACLE MOUNTED 48" AFF OR AS NOTED.
WALL OUTLET BOX AND DOUBLE 20 AMP DUPLEX RECEPTACLES 18" TO CENTERLINE
FLUSH MOUNTED JUNCTION BOX (SURFACE IN MECH/ELEC SPACES OR ABOVE CEILINGS).
BRANCH CIRCUIT CONDUIT AND WIRE GENERALLY SURFACE MOUNTED, CONCEALED ABOVE CEILINGS
SLASH MARKS INDICATE NUMBER OF CONDUCTORS. (MARKS SHOWN TO AID CONTRACTOR IN BIDDING, THE CONTRACTOR SHALL PROVIDE THE REQUIRED CONDUCTORS UNDER THE CONTRACT SUM WHETHER OR NOT SHOWN). SHORT SLASHES INDICATE PHASE CONDUCTOR OR SWITCH LEG. LONG INDICATE NEUTRAL CONDUCTOR. GREEN GROUND CONDUCTOR NOT SHOWN. ALL CONDUITS REQUIRE COPPER GROUND CONDUCTOR. TWO CONDUCTORS PLUS GROUND REQUIRED, MINIMUM.
CONDUIT AND WIRE CONCEALED IN FLOOR SLAB OR UNDERGROUND.
BRANCH CIRCUIT PANELBOARD AS NOTED; SEE PANEL SCHEDULES
DISCONNECT SWITCH SIZE PER EQUIPMENT NAME PLATE OR AS NOTED; FOR DISCONNECTS SERVING MOTOR LOADS OF 10HP OR GREATER AND FOR ALL MOTOR LOADS SERVED THROUGH VARIABLE FREQUENCY DRIVES; PROVIDE SURGE SUPPRESSION DEVICE EQUAL TO SO.-D. SP3650 OR EQUAL AT DISCONNECT.
MOTOR CONNECTION
MANUAL TRANSFER SWITCH OR REVERSING SWITCH

LIGHTING FIXTURES SYMBOLS

- LED FIXTURE POLE MOUNTED SEE DETAIL.

SYSTEM SYMBOL LEGEND

- SYSTEMS CABINET AS NOTED OR MARKED.
LIGHTNING PROTECTION AIR TERMINAL, STREAMER RETARDING TYPE.
STREAMER RETARDING AIR TERMINAL MOUNTED TO LIGHT POLE.

SINGLE LINE DIAGRAM SYMBOLS

- VOLTMETER
POWER FACTOR METER
KILOWATT METER
AMMETER
THREE PHASE VOLT SWITCH
THREE PHASE AMP SWITCH
CURRENT TRANSMITTER
KILOWATT TRANSMITTER
POWER FACTOR TRANSMITTER
LOCAL CONTROL PANEL
GROUND FAULT INTERRUPTER
WATT HOUR METER
FUSE
CAPACITOR
DRAW-OUT CIRCUIT BREAKER
MOLDED CASE CIRCUIT BREAKER
TYPICAL STARTER CONTROL, SEE SWITCHGEAR CONTROL DIAGRAMS FOR EXACT TYPE.
ELECTRIC A.C. MOTOR, NO. INDICATES HORSEPOWER.
ELECTRIC D.C. MOTOR, NO. INDICATES HORSEPOWER.
SERVICE OR EQUIPMENT GROUND.
NON-FUSIBLE DISCONNECT SWITCH, 30A, 3P UNLESS OTHERWISE INDICATED.
NON-FUSIBLE DISCONNECT SWITCH, 30A, 3P UNLESS OTHERWISE INDICATED, WITH REMOTE CONTROL STATION AS REQUIRED BY ELEMENTARY DIAGRAMS OR SPECS.
LIGHTING PANELBOARD
POWER PANELBOARD
KIRK KEY INTERLOCK
CURRENT TRANSFORMERS
POTENTIAL TRANSFORMERS
MANUAL OR AUTOMATIC TRANSFER SWITCH

ABBREVIATIONS LIST

- AMPS
AMP FRAME
AMPS INTERRUPTING CURRENT
ALUM
AMP TRIP
AUTOMATIC TRANSFER SWITCH
AVAILABLE
AMERICAN WIRE GAUGE
CONDUIT
CABINET
CATEGORY
CONVERSION
CELLULAR ROUTER COMMUNICATION CABINET
COPPER
CU
DEPTH
DIAMETER
DRAWINGS
ETHERNET
EXTERNAL
FIBER OPTIC CONVERSION CABINET
FLORIDA POWER AND LIGHT
GROUND
HEIGHT
HERTZ
INSTRUMENTATION AND CONTROLS
INPUT/OUTPUT
INSTRUMENT
INTERNAL
KILOVOLT-AMPERES (1VA*10^-3)
LEE COUNTY UTILITIES
LIGHT
MILLIAMPS (1A*10^-3)
MAGNETIC CIRCUIT BREAKER
MINI
NEMA
NATIONAL ELECTRIC CODE
NATIONAL ELECTRIC MANUFACTURERS ASSOCIATION
NOT TO SCALE
POLE
PHASE
PROPORTIONAL INTEGRAL DERIVATIVE
PROGRAMMABLE LOGIC CONTROLLER
PRODUCTION WELL
MINI POWER ZONE
SCHEDULE
SERVICE ENTRANCE
SURGE PROTECTION DEVICE
STAINLESS STEEL
TEMPERATURE OR TEMPORARY
TSP
TYPICAL
U.C.
UPS
VOLTS
VA
VOLT-AMPERES (APPARENT POWER)
VOLTS ALTERNATING CURRENT
VDC
VARIABLE FREQUENCY DRIVE
WATTS (REAL POWER)
PUMP CONTROL PANEL
WITH
TRANSFORMER
INCHES
FEET
NUMBER
11"x17" SHEET
8.5"x11" SHEET
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

E-2

ELECTRICAL SYMBOLS LEGEND & ABBREVIATIONS

NOTE:
THIS DRAWING IS A LEE COUNTY STANDARD DETAIL AND THEREFORE DOES NOT NEED TO BE SIGNED AND SEALED

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DOS2020-00127
John Mahlbacher, Dev Sys Plan Reviewer
Lee County Department of Community Development
8/24/2021

LEE COUNTY SOUTHWEST FLORIDA 1500 MONROE STREET FORT MYERS, FLORIDA 33901

LEE COUNTY UTILITIES ENGINEERING

SHEET TITLE: DUPLEX PUMP STATION NOTES & ABBREVIATIONS

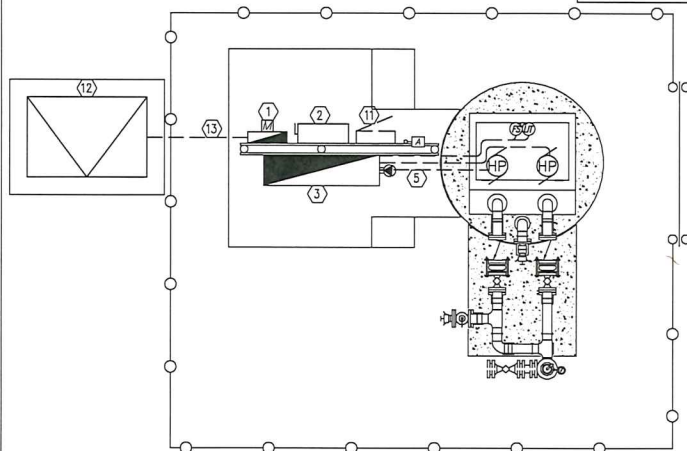
TITLE: STANDARD 208V-30 (0-30HP) DUPLEX PUMP STATION

PROJECT: WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD

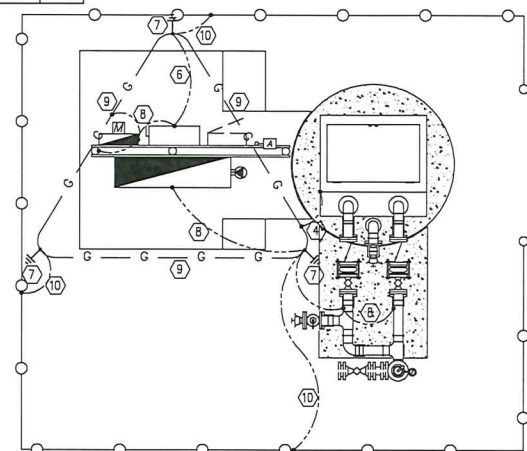
PROJECT NO: 208V-30 DPS FILE NAME: Duplex 208 3P SHEET NUMBER: 2 of 10

MINIMUM EQUIPMENT RACK LAYOUT BASED ON THE FOLLOWING:
ADJUST EQUIPMENT RATINGS AND DIMENSIONS FOR SPECIFIC PUMP STATION
HORSEPOWER AND SERVICE SIZE (MINIMUM 100A SERVICE SIZE). IN NO CASE SHALL
DIMENSIONS BE PERMITTED TO BE REDUCED IN SIZE.

EQUIPMENT	SIZE	H(IN)	W(IN)	D(IN)
UTILITY MAIN DISCONNECT (0-2HP)	100A	21	12	7
UTILITY MAIN DISCONNECT (3HP-10HP)	200A	30	20	9
UTILITY MAIN DISCONNECT (15HP-30HP)	400A	47	27	11
PUMP STATION CONTROL PANEL (0-2HP)	150AFC 100AFC	48	60	16
PUMP STATION CONTROL PANEL (3HP-10HP)	250AFC 250AFC	48	60	16
PUMP STATION CONTROL PANEL (15HP-30HP)	400AFC 350AFC	48	60	16



POWER PLAN



BONDING & GROUNDING PLAN

GENERAL NOTES

- 1.) ALL EQUIPMENT SHALL BE HUNG ON EQUIPMENT RACK. OPEN WINDOW CUTTING OF ENCLOSURE BOTTOMS IS NOT PERMITTED.
- 2.) REFERENCE SINGLE LINE DRAWING FOR CONDUIT AND WIRE SIZE.
- 3.) ALL U.G. CONNECTIONS TO BE VIA EXOTHERMIC WELD (CADWELD) UNLESS INDICATED OTHERWISE.
- 4.) ALL REQUIRED BONDS MAY NOT BE SHOWN; PROVIDE ADDITIONAL BONDS TO ALL DEVICES, INSTRUMENTS, CABINETS, CONTROL VALVES, ETC. AS REQUIRED TO COMPLY WITH UL AND NEC.

KEYNOTES

- 1.) ALUMINUM DIRECT READING UTILITY METER.
- 2.) MAIN SERVICE DISCONNECT.
- 3.) DEP COMPLIANT PUMP CONTROL PANEL WITH PORTABLE GENERATOR RECEPTACLE.
- 4.) BOND TO HINGE CORNER OF HATCH FRAME. DRILL TAP AS REQUIRED.
- 5.) (3) MINIMUM 2" CONDUITS INTO WETWELL. (2) FOR SUBMERSIBLE PUMP CABLES, (1) FOR FLOATS AND LIT CABLES. CORE DRILL NEW PENETRATIONS THROUGH WETWELL. PATCH ALL WITH HYDROCEMENT.
- 6.) TINNED STRANDED COPPER ELECTRIC SERVICE MAIN GROUNDING ELECTRODE CONDUCTOR. SIZE PER SITE SPECIFIC SERVICE REQUIREMENTS.
- 7.) 20" DRIVEN GROUND ROD WITH INSPECTION TEST WELL (SEE DETAIL). TYPICAL.
- 8.) #2 TINNED SOLID COPPER BOND. TYPICAL.
- 9.) #2/0 TINNED STRANDED COPPER COUNTERPOISE LOOP GROUND. TYPICAL.
- 10.) #2/0 TINNED SOLID BARE BOND TO GROUND GRID.
- 11.) PROVIDE SPACE FOR FUTURE 120/208V 3PH-4WIRE RANDBORD.

STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION
POWER, BONDING & GROUNDING PLAN

LIGHTNING PROTECTION LEGEND:

- LP — MAIN ROOF/DOWN CONDUCTOR
TYPICAL
- G — #2/0 TINNED BARE COPPER
COUNTERPOISE LOOP GROUND.
- #2 TINNED SOLID COPPER BOND
TO EQUIPMENT/CABINETS ETC.

E-3

NOTE:

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APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021



LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
FORT WALKER, FLORIDA 33601

LEE COUNTY
UTILITIES
ENGINEERING

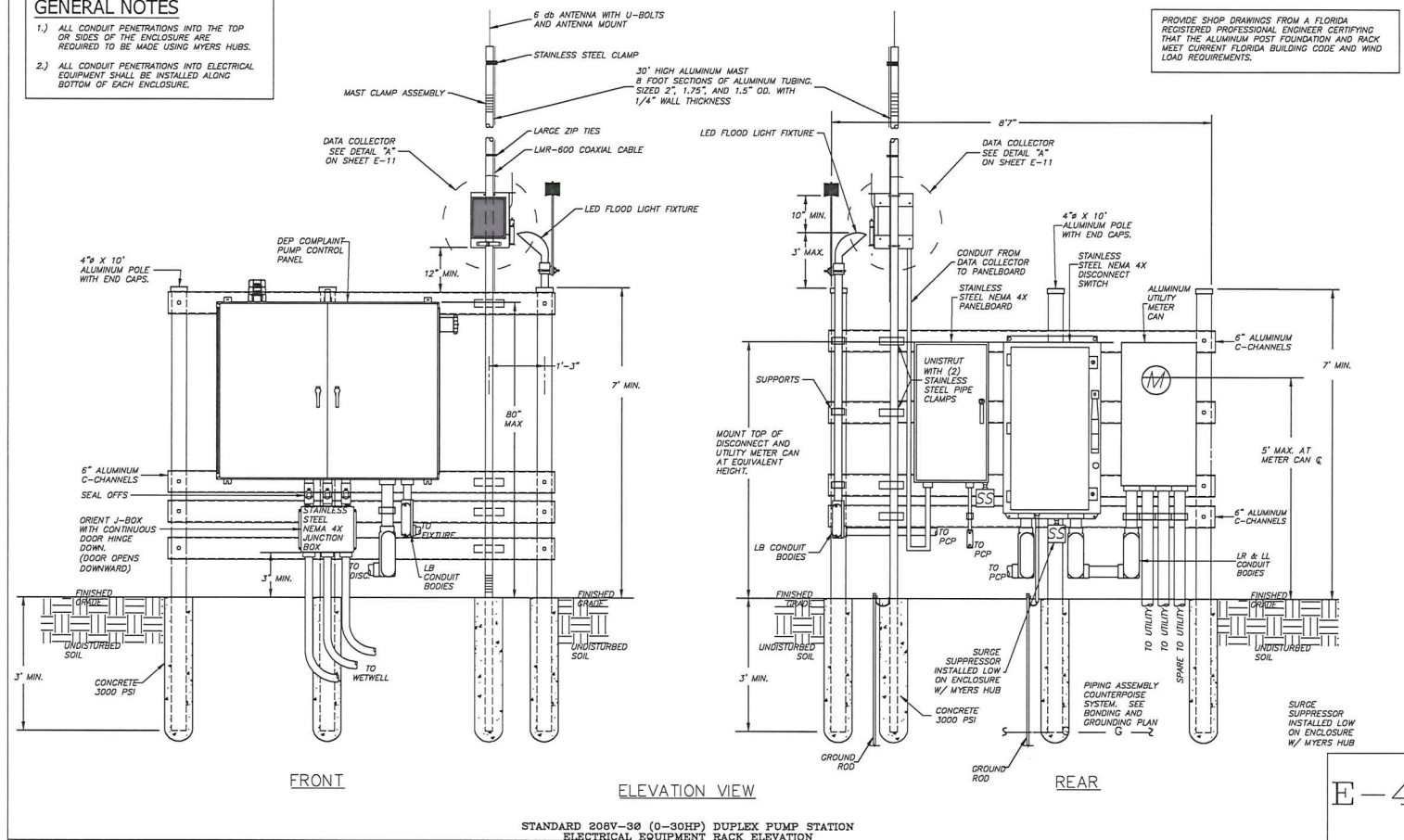
SHEET TITLE: DUPLEX PUMP STATION
POWER BONDING & GROUNDING PLAN
TITLE: STANDARD 208V-3Ø (0-30HP) DUPLEX
PUMP STATION

PROJECT: WASTE WATER DUPLEX, TRIPLEX PUMP STA.
MASTER PUMP STATION DESIGN STANDARD

PROJECT NO: 208V-3Ø DPS FILE NAME: Duplex 208 3P SHEET NUMBER: 3 of 10

- 1.) ALL CONDUIT PENETRATIONS INTO THE TOP OR SIDES OF THE ENCLOSURE ARE REQUIRED TO BE MADE USING MYERS HUBS.
- 2.) ALL CONDUIT PENETRATIONS INTO ELECTRICAL EQUIPMENT SHALL BE INSTALLED ALONG BOTTOM OF EACH ENCLOSURE.

PROVIDE SHOP DRAWINGS FROM A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFYING THAT THE ALUMINUM POST FOUNDATION AND RACK MEET CURRENT FLORIDA BUILDING CODE AND WIND LOAD REQUIREMENTS.



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APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021



LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
FORT MYERS, FLORIDA 33901

SHEET TITLE:	DUPLEX PUMP STATION ELECTRICAL EQUIPMENT RACK ELEVATION
TITLE:	STANDARD 208V-30 (0-30HP) DUPLEX PUMP STATION

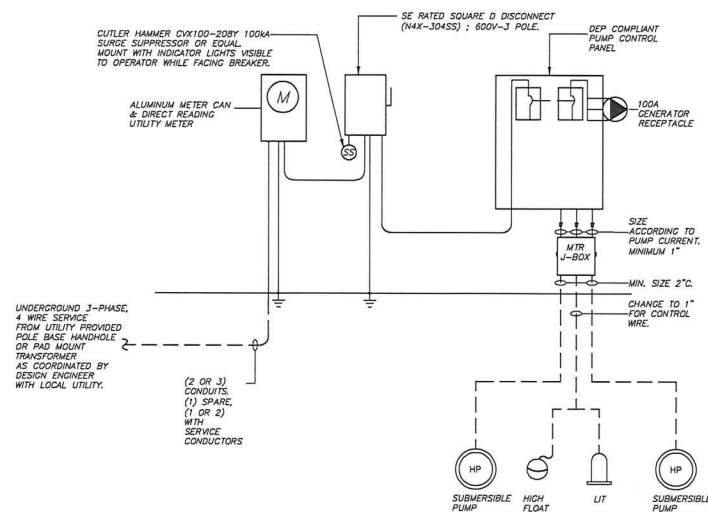
PROJECT: WASTE WATER DUPLEX, TRIPLEX PUMP STA.

PROJECT NO: 208V-30 DPS	FILE NAME: Duplex 208 3P	SHEET NUMBER: 4 of 10
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SERVICE SIZE:	CONDUIT SIZE:	CONDUCTOR SIZE:	GROUND SIZE:
100A	(1)2"	(4)#3	(1)#8
200A	(1)2.5"	(4)#3/0	(1)#3
400A	(2)2.5"	(4)#3/0 IN EACH	(1)#3 IN EACH

1.) MINIMUM EQUIPMENT AIC RATINGS:
240V SERVICE 35,000AIC
480V SERVICE 65,000AIC
EQUIPMENT AIC RATINGS SHOWN TO ESTABLISH
MINIMUM ACCEPTABLE RATING. DESIGNER TO
COORDINATE REQUIRED AIC RATINGS WITH SITE
SPECIFIC ELECTRICAL SERVICE CHARACTERISTICS
AND IN NO CASE LOWER THAN ESTABLISHED
MINIMUMS.

2.) THIS PLAN DOES NOT INDICATE ALL CONDUIT &
WIRE REQUIRED; SEE ADDITIONAL REQUIREMENTS ON
ELEMENTARY & PLAN DRAWINGS.



GENERIC SINGLE LINE DRAWING- REVISE ACCORDINGLY TO PROVIDE SITE SPECIFIC DETAILS INCLUDING UTILITY COORDINATION, SERVICE SIZE AND GENERATOR SIZE. SIZE SERVICE, GENERATOR, CONDUIT AND WIRE PER SITE SPECIFIC WELL HORSEPOWER.

N.T.S.

STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION
ELECTRICAL RISER DIAGRAM

PANEL: LP		BUS: 100A, 60A MCB		VOLTAGE: 120/208V, 3P, 4W	
MOUNTING: WALL MOUNT		POLES: 18		35,000AIC MIN	
LOCATION: EQUIPMENT RACK				NEMA 4X SS ENCLOSURE	
CIR. NO.	DESCRIPTION	TRIP	POLES	REMARKS	
1	DATA COLLECTOR HUB AMI	20	1		
2	SPARE	20	1		
3	SPARE	20	1		
4	SPARE	20	1		
5	SPARE	20	1		
6	SPARE	20	1		
7	SPARE	20	1		
8	SPARE	20	1		
9-17	SPACE	20	1		
10-12	SPACE	20	1		
14, 16, 18	SURGE SUPPRESSION	30	1		
PROVIDE PANEL WITH 35KAIC RATING. PROVIDE PANEL WITH EXTERNAL CUTLER HAMMER CVX100 SERIES SPD					

N.T.S.

E-5

NOTE:
THIS DRAWING IS A LEE
COUNTY STANDARD DETAIL
AND THEREFORE DOES NOT
NEED TO BE SIGNED AND SEALED



LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET

LEE COUNTY
UTILITIES
ENGINEERING

1500 MONROE STREET FORT MYERS, FLORIDA 33907

SHEET TITLE: DUPLEX PUMP STATION
ELECTRICAL RISER DIAGRAM

TITLE: STANDARD 208V-30 (0-30HP) DUPLEX
PUMP STATION

PROJECT:	WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD
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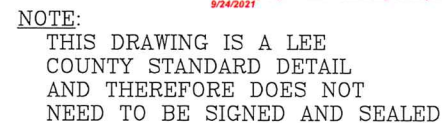
PROJECT NO.:
208V-30 DPS

FILE NAME:	Duplex 208 3P
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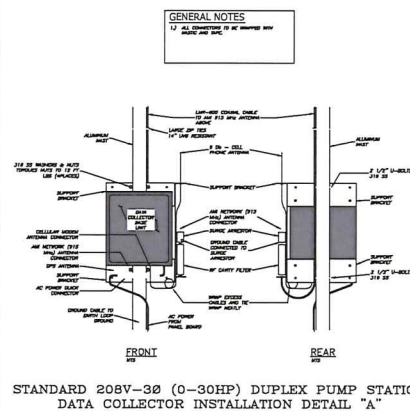
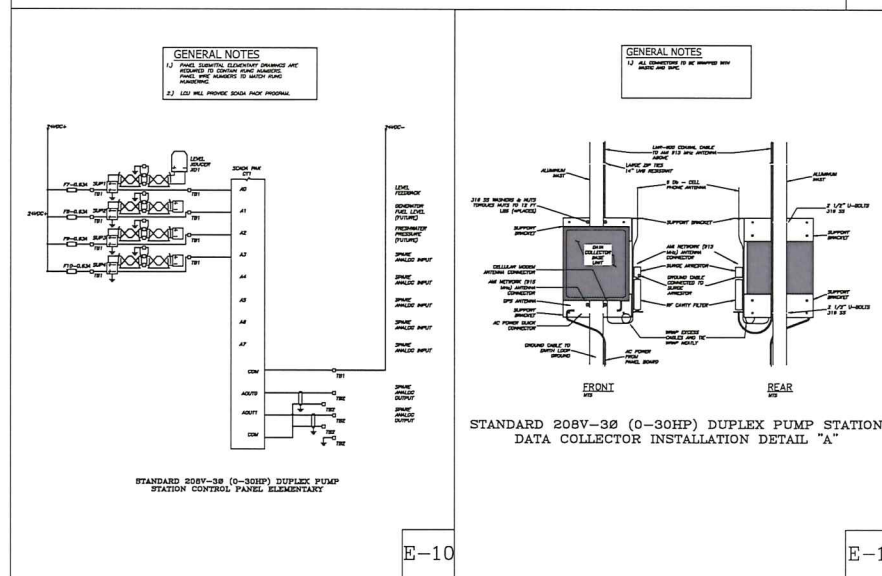
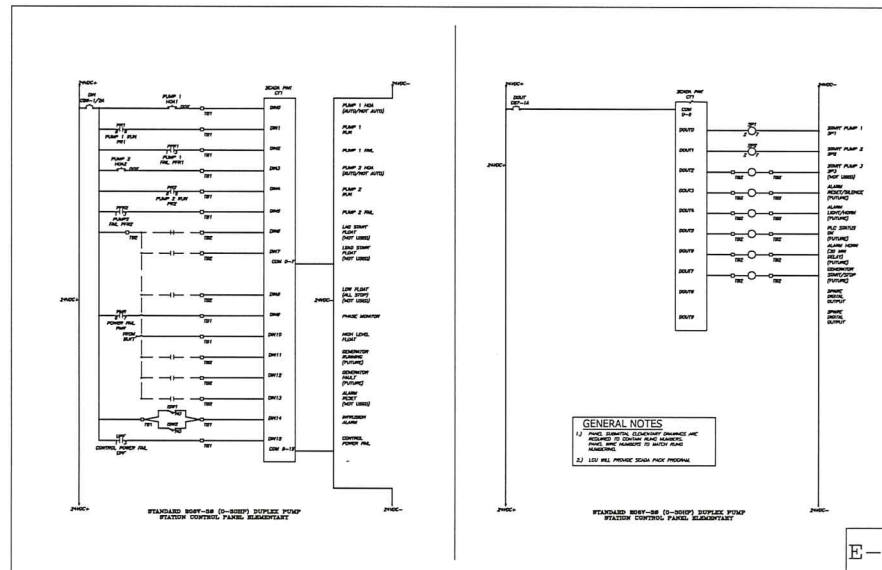
SHEET NUMBER:
5 of 10



October 21, 2020 2:14 PM S:\Utilities\ENGINEERING\ACAD\LCU-CAD-Stnds\151209 LCU STD DETAILS\Underconstruction\Lift Station Stds\LCU Duplex 208V 3PH Duplex Std\Duplex 208 3P.dwg

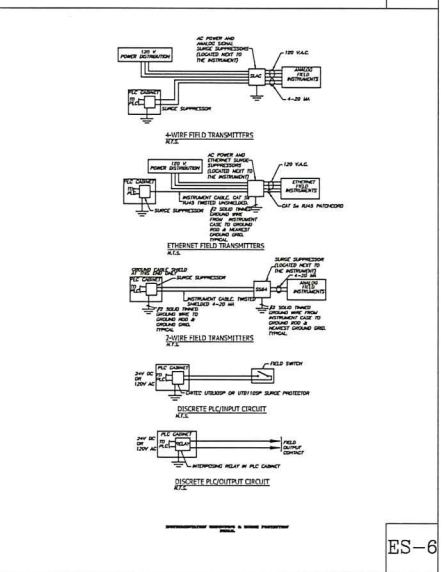
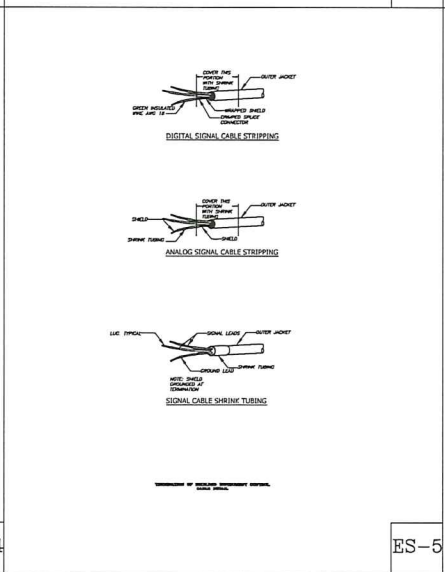
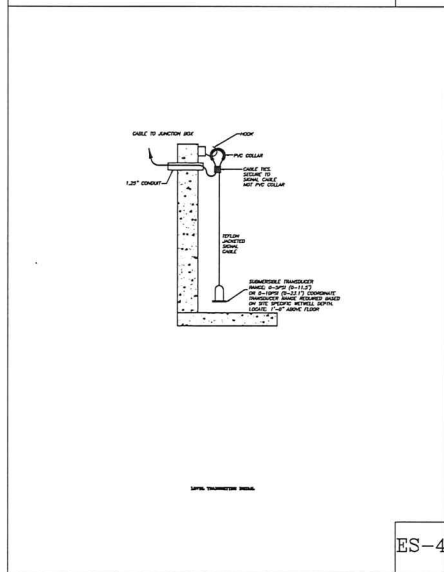
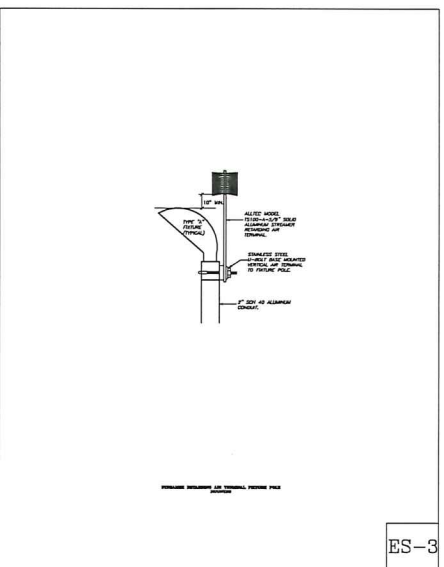
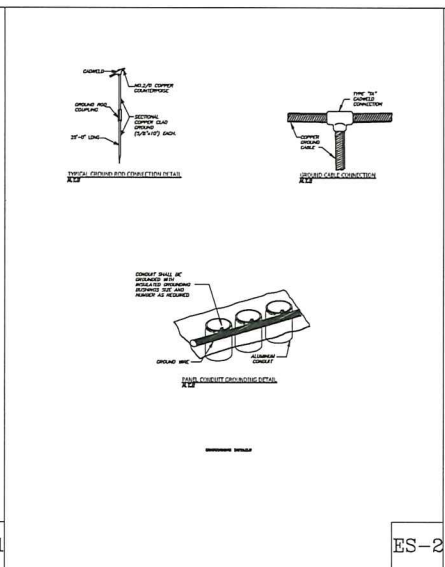
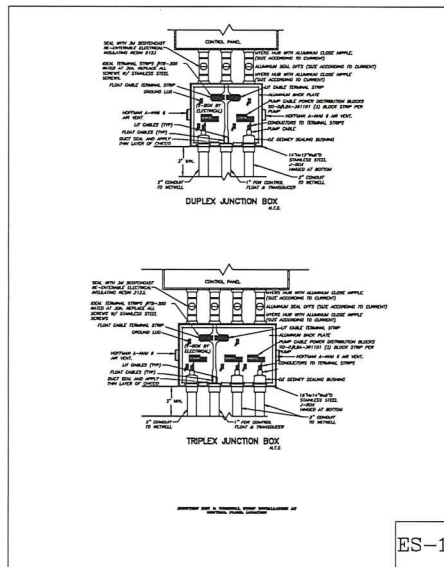


	LEE COUNTY SOUTHWEST FLORIDA 1500 MONROE STREET	LEE COUNTY UTILITIES ENGINEERING	FORT MYERS, FLORIDA 33901
SHEET TITLE: DUPEX PUMP STATION ELECTRICAL DIAGRAMS			
TITLE: STANDARD 208V-30 (0-30HP) DUPEX PUMP STATION			
PROJECT: WASTE WATER DUPEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD			
PROJECT NO: 208V-30 DPS	FILE NAME: Duplex 208 3P	SHEET NUMBER: ..7 of 10	



NOTE:
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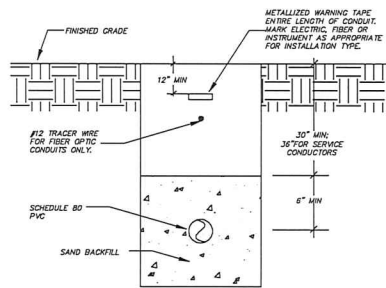
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	SHEET TITLE: DUPLEX PUMP STATION ELEVATION & ELECTRICAL DIAGRAMS TITLE: STANDARD 208V-3Ø (0-30HP) DUPLEX PUMP STATION PROJECT: WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD	
PROJECT NO: 208V-3Ø DPS	FILE NAME: Duplex 208 3P	SHEET NUMBER: 8 of 10



APPROVED
DOS2020-00127
John Mahlbacher, Dev Srvc Plan Reviewer
Lee County Department of Community Development
8/24/2021

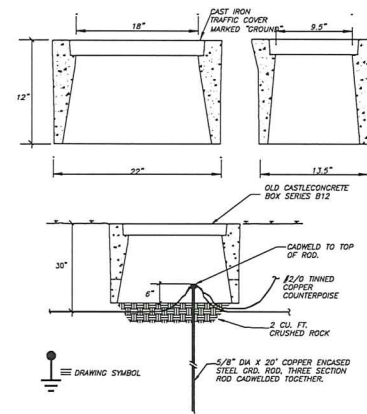
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	LEE COUNTY SOUTHWEST FLORIDA 1500 MONROE STREET FORT MYERS, FLORIDA 33901	LEE COUNTY UTILITIES ENGINEERING
SHEET TITLE:	DUPLUX PUMP STATION TYPICAL DETAILS	
TITLE:	STANDARD 208V-30 (0-30HP) DUPLEX PUMP STATION	
PROJECT:	WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD	
PROJECT NO:	208V-30 DPS	SHEET NUMBER 9 of 10
FILE NAME:	Duplex 208 3P	



UNDERGROUND CONDUIT INSTALLATION DETAIL

ES-7



GROUND ROD INSTALLATION DETAIL

ES-8

APPROVED
DOS2020-00127
John Mahlbacher, Dev Svcs Plan Reviewer
Lee County Department of Community Development
9/24/2021

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	LEE COUNTY SOUTHWEST FLORIDA 1500 MONROE STREET FORT WERTH, FLORIDA 33601	LEE COUNTY UTILITIES ENGINEERING
SHEET TITLE:	DUPLIX PUMP STATION TYPICAL DETAILS	
TITLE:	STANDARD 208V-30 (0-30HP) DUPLEX PUMP STATION	
PROJECT:	WASTE WATER DUPLEX, TRIPLEX PUMP STA. MASTER PUMP STATION DESIGN STANDARD	
PROJECT NO:	208V-30 DPS	FILE NAME: Duplex 208 3P
		SHEET NUMBER: 10 OF 10

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00104

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Esterovista, LLC filed an application for an administrative amendment to a Residential Planned Development on a project known as Esterovista, LLC/San Carlos Property to:

- 1- Revise the Master Concept Plan to:
 - a. Relocate buildings out of Coastal High Hazard Area;
 - b. Reduce the number of buildings from 10 to 3;
 - c. Remove access points from Santa Maria Street and provide only an emergency access on Santa Maria Street;
 - d. Provide a new access point from a shared drive to the north.
- 2- Amend conditions 5, 7, 9, 10, and 17 of Resolution Z-05-016;
- 3- Delete conditions 11, 12, and 13 of Resolution Z-05-016;
- 4- Delete Deviations 2 and 3 of Resolution Z-05-016 and grant a new deviation 4;
- 5- Amend Development Standards of Resolution Z-05-016.

on property located 4098 Santa Maria Street, described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution number Z-05-016; and

WHEREAS, the subject property is located in the Urban Community and Wetlands Future Land Use Categories as designated by the Lee Plan; and

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

WHEREAS, the applicant requested to modify the Master Concept Plan to remove all residential units from the Coastal High Hazard Area and relocate them to the eastern portion of the site; and

WHEREAS, the applicant proposes to reduce the number of residential buildings from 10 to 3; and

WHEREAS, the applicant proposes to relocate the access to the site from Santa Maria Street to a shared drive located at the northeast corner of the property, while using Santa Maria Street for emergency access only, as depicted on Exhibit "B"; and

WHEREAS, the proposed changes to the Master Concept Plan make some of the approved conditions and deviations unnecessary, while requiring some additional conditions and deviations, and modifications to some of the existing conditions; and

WHEREAS, the existing Site Development Regulations do not provide for a waterbody setback and are proposed to be updated to include said setback; and

WHEREAS, Lee County Department of Transportation reviewed and approved to new access point to the site; and

WHEREAS, Lee County Department of Natural Resources and Zoning Section's Environmental staff proposed new conditions, which are included herein; and

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Residential Planned Development to revise the Master Concept Plan, modify conditions, deviations and Site Development Regulations is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated 07/08/2020. The Master Concept Plan for ADD2020-00104 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**

2. **Conditions 11, 12, and 13 of Resolution Z-05-016 have been withdrawn and rendered null and void.**

3. **Condition 5 of Resolution Z-05-016 is amended and supplemented as follows:**

To ensure that no bonus density units are located within the Coastal High Hazard area of the subject site, units must be allocated as depicted on the approved MCP attached as Exhibit B.

Prior to development order approval, density calculations must be provided to demonstrate consistency with the Lee Plan Table 1(a). The applicant must provide a jurisdictional wetlands determination or an ERP confirming the onsite wetlands and any impacts to wetlands.

4. **Condition 7 of Resolution Z-05-016 is amended as follows:**

To ensure compatibility of the maximum height proposed by the applicant with the surrounding neighborhood, the maximum height of 55 feet and four stories is only permitted if the south setback is increased to a minimum of 96 feet and the 15' type "D" buffer along the south property line outside of the preservation area provides the following enhancements: increase tree size at planting from 10' to 12' and increase shrub size at planting from 24" to 48" and instead of being maintained at 36", to allow them not to be pruned to reduce height to provide visual screening.

5. Condition 9 of Resolution Z-05-016 is amended as follows:

Prior to local development order approval, the development order must delineate preservation of a minimum of 8.55 acres of wetlands that includes 2.41 acres existing indigenous wetlands and a minimum of 1.69 acres of indigenous uplands, in substantial compliance with the attached MCP. The development order must also indicate that all exotic vegetation within the preserved areas will be eradicated by hand removal methods only.

6. Condition 10 of Resolution Z-05-016 is amended as follows:

Prior to local development order approval, the development order must delineate a minimum of 15.33 acres of open space, which includes a minimum of 4.1 acres of indigenous preservation in substantial compliance with the MCP.

7. Condition 17 of Resolution Z-05-016 is amended as follows:

As part of the site development of Esterovista, the developer must re-pave Santa Maria Street from U.S. 41 to the main project entrance to maintain a driving surface of 20 feet wide, as required by the LDC, if the project is required to provide an access connection other than emergency only onto Santa Maria Street. This re-paving must be completed prior to the issuance of the first Certificate of Compliance for the project. In the event an MSTU or MSBU is established for the improvement and maintenance of Santa Maria Street, the applicant will pay a pro-rata share of the cost of maintaining the entire length of Santa Maria Street, based on the number of approved units that rely on this road for primary access.

8. The following conditions are new and are in addition to the conditions of Resolution Z-05-016:

Condition 18: As part of local development order approval, a drainage easement must be submitted for review and approval which permits Lee County access to the floodway to allow for the right but not the obligation to maintain the floodway per LDC Section 10-328.

Condition 19: *Prior to the issuance of a development order, the landscape plans must depict a total of 8.18 acres of open space that includes 4.10 acres of indigenous preserve (1.69 acres indigenous upland and 2.41 acres of indigenous wetland) and 4.10 acres of general open space. The landscape plan must also include 6.14 acres of non-indigenous wetland preserve.*

Condition 20: *Prior to the issuance of a development order, the preserve management plan must include the following:*

- a. An exotic removal narrative that provides the exotic removal method and frequency that prohibits kill in place and stockpiling within preserve limits; and*
- b. An exotic removal map depicting the mechanical (FLUCCS E4 only) and hand-removal (FLUCCS E1-E3), stockpile (outside of preserve) and staging areas (outside of preserve); and*
- c. Access to the preserve for long term maintenance.*

- 9. Deviations 2 and 3 of Resolution Z-05-016 have been withdrawn and rendered null and void.
- 10. The following deviation has been granted by this amendment:

Deviation #4: *A deviation from LDC Section 10-261(a) solid waste facilities provision of container spaces, which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; requiring 1,168 SF for the proposed 144 multi- family units to allow a compactor and minimum 12’x12’ (144 SF) enclosure for recyclables.*

- 11. Condition 2b (Site Development Regulations) of Resolution Z-05-016 has been revised as follows:

Minimum lot size:	20 acres
Minimum lot width:	683 feet
Minimum lot depth:	1,320 feet
Minimum Building Setbacks:	
Street:	50 feet
Property Perimeter:	25 feet
<u>Minimum waterbody setbacks:</u>	
<u>Principal/Accessory:</u>	<u>20 feet/5 feet</u>
<u>Swimming Pool Deck:</u>	<u>0 feet with hardened shoreline</u>
Maximum building height:	55 feet (four stories)
Minimum building separation:	25 feet
Maximum lot coverage:	20 percent

12. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
13. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 12/23/2020

Anthony R. Rodriguez, AICP, Principal Planner, Interim Zoning
Manager

Attachments: Exhibit "A" STRAP Number
Exhibit "B" Master Concept Plan

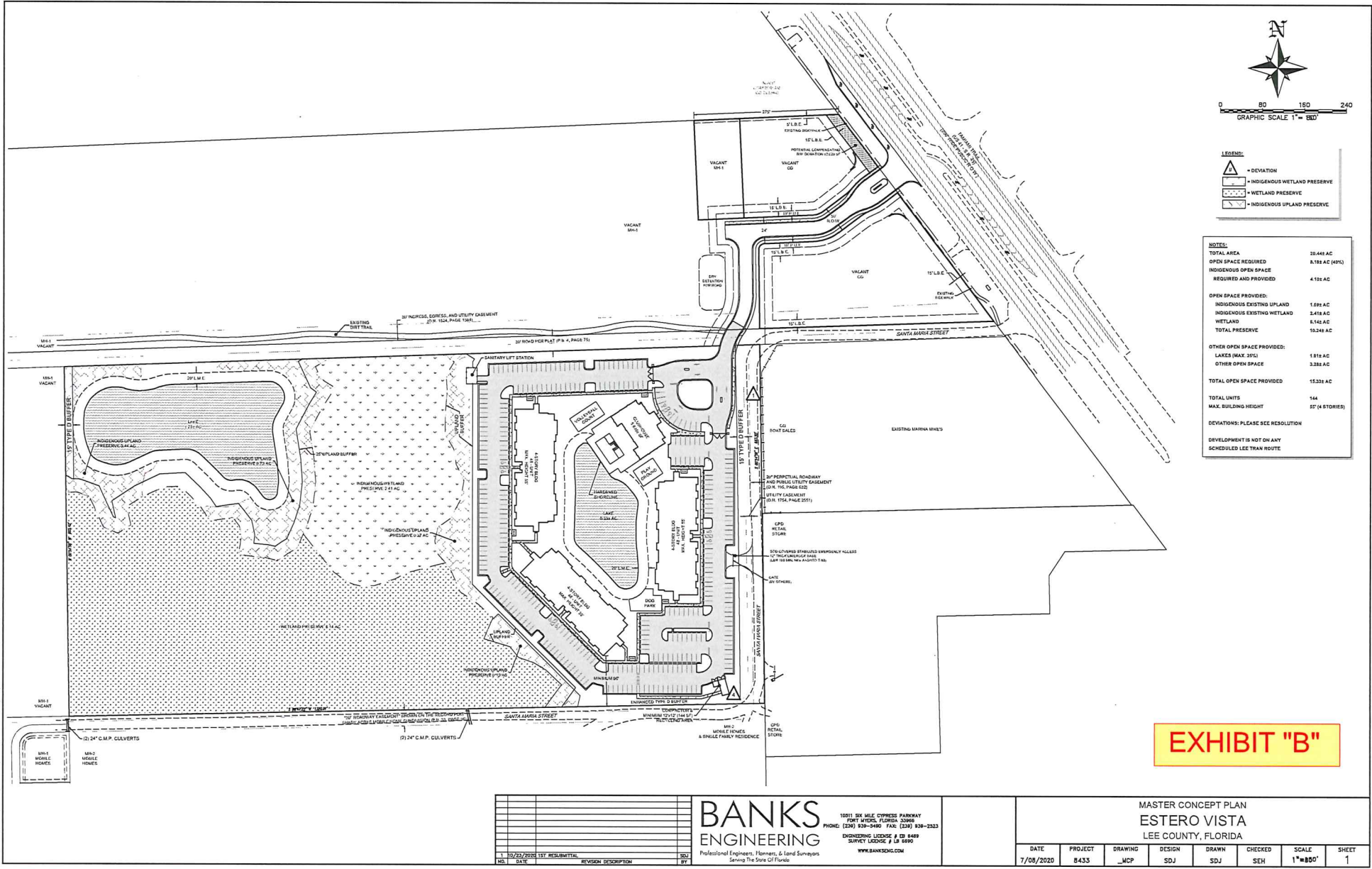
EXHIBIT A

CASE NUMBER: ADD2020-00104

STRAP NUMBER

20-46-25-01-00007.0000

REVIEWED
ADD2020-00104
Daniel Munt, Planner
Lee County DCD
7/29/2020



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Department of Community Development
Development Services Section

MEMORANDUM

Date: 11/4/2022

To: Beth Workman

From: Brian Roberts *BR*

Subject: DCI2022-00018 Grand Bay Minor MPD

The applicant is proposing to rezone 46.3+/- acres from Mobile Home District (MH-1) and General Commercial District (CG) to Mixed Use Planned Development (MPD) to allow development of 300 dwelling units and 30,000 square feet of commercial retail or office uses. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

Deviation (1): Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres and commercial or industrial development of more than 10 acres must provide more than one means of ingress or egress for the development; to allow the two residential access connections to the access road approved under DOS2020-00128 which provides a single connection to US 41 and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.

Staff recommends the language of the deviation be revised to delete the reference to the interconnection to Estero Vista. The applicant has not demonstrated legal access to utilize the emergency only access.

Staff recommends the following:

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres and commercial or industrial development of more than 10 acres must provide more than one means of ingress or egress for the development; to allow the two residential access connections to the access road approved under DOS2020-00128 which provides a single connection to US 41, ~~and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.~~

Staff recommends **APPROVAL** of the revised request with the following conditions:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's Office and San Carlos Fire and Rescue District.

MEMORANDUM

At time of the development of Outparcel 1 the development order must show an interconnection to the adjacent parcel to the north.

The Master Concept Plan shows two access points to an internal roadway approved under DOS2020-00128. This roadway only provides a singular access point to US41. Additional access in accordance with LDC 10-610(e), which requires commercial uses to provide vehicle, pedestrian, and bike interconnections between adjacent commercial developments, will be provide with the future development of Outparcel 1 and the adjacent property to the north and ultimately provide access to Unique Circle. Unique Circle is a non-county maintained right-of-way, however, a roadway and utility easement granting the public unrestricted access is recorded in OR2190 PG2470. The subject parcel is narrow in width, US41 access is controlled by FDOT, and it is not feasible to provide an additional access point to the State-maintained arterial roadway. Staff recommends that the MCP be revised to depict an interconnection.

Deviation (2): Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) requirement that a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, must be provided on the ingress side of the gate or gatehouse; to allow no turnaround for the southern gate at the secondary resident only access point.

Staff recommends **APPROVAL** with the following condition:

At time of a development order submittal the applicant must provide signage indicating the gate is resident access only and directs all other traffic to the main entrance to the north.

Prior to development order approval the applicant must provide a letter of no objection from the San Carlos Fire and Rescue District.

The proposed deviation is limited to the southern resident only access gate. The northern main access gate as depicted on the MCP will comply with the requirements in LDC Section 34-1748 at time of development order. Additionally, the resident only gate is setback 100 feet from the access road right-of-way and Staff has recommended a condition requiring signage to notify non-residents and direct traffic to the northern main gate to provide additional safeguards.

Deviation (3): Deviation 3 seeks relief from Lee County Land Development Code (LDC) Section 10-285 requirement that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

Staff recommends the deviation be **WITHDRAWN**.

The access to US41 is provided via an access road that was approved in DOS2020-00128. US41 is a State-maintained right-of-way and under the jurisdiction of FDOT. There is a stipulation in the

MEMORANDUM

development order approval letter (DOS2020-00128) that requires the developer to submit the approved FDOT access and drainage permit prior to any construction inside the FDOT right-of-way. For these reasons a deviation is not required and Staff recommends the applicant withdraw the request.

Deviation (4): Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a) requirement for a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Staff recommends **APPROVAL** with the following condition:

Prior to development order approval the applicant must provide a letter of no objection from Lee County Solid Waste.

Please contact me if you have any further questions.



Professional Engineers, Planners & Land Surveyors

Grand Bay Minor RPD

DCI2022-00018

Narrative of Request

Revised December 2022

Introduction/Request

The applicant is requesting approval of a rezoning of 46.33± acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed Use Planned Development (MPD) to allow a maximum of 300* dwelling units (including 114 bonus density units) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet.

*Includes 13 dwelling units (including 6 bonus density units) from 1.53±-ac of the adjacent 30-foot platted private right-of-way.

The property is located at the northwest corner of the intersection of Santa Maria Street (local) and S. Tamiami Trail/US 41 (arterial) across from the intersection with San Carlos Boulevard (major collector) which is proposed for signalization. The site consists of four parcels separated by a 30-foot platted right-of-way as demonstrated in the below aerial. The property is within the San Carlos Planning District and is currently undeveloped except for a dirt road.

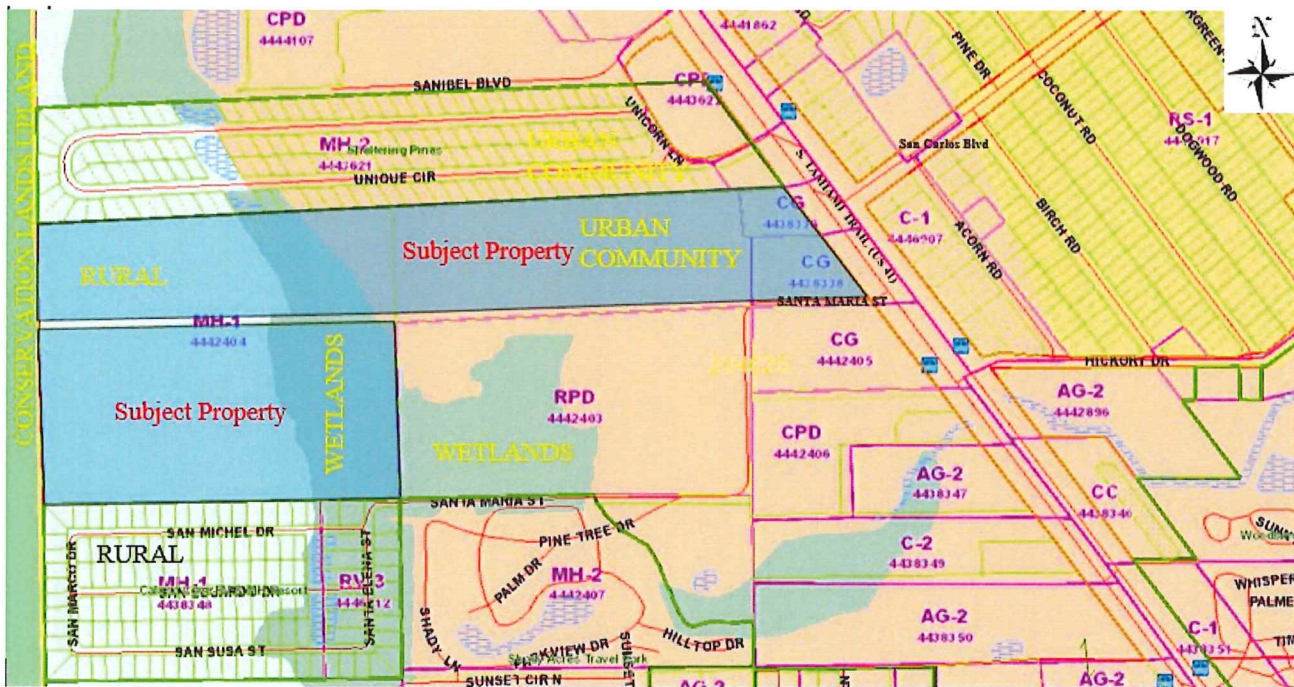


There are concurrent Comprehensive Plan Map and Text Amendment applications under review to extend the Mixed-Use Overlay boundary to the west on S. Tamiami Trail to include the development area (minus wetlands) totaling 15.64± acres fronting S. Tamiami Trail and Text Amendment to Policy 5.1.10 to revise

timing requirement for single ownership of property that is divided into two or more land use categories.

Background

The eastern ±2.73 acres of the subject property fronting on S. Tamiami Trail are currently zoned General Commercial District (CG) by resolution ZAB-84-24 and the balance of the property to the west is currently zoned MH-1 by resolution Z-68-050. The proposed site access onto S. Tamiami Trail/US 41 has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection to the approved adjacent development to the south (Estero Vista) and aligns with San Carlos Boulevard intersection. This proposed access will provide a 2-lane roadway constructed to LDC Standards connecting to US 41 with a left-in/right-in/right-out access drive connection, providing a left-in movement, which does not exist at Santa Maria Street. The left turn lane that will serve the proposed access is already located within the median of US 41. FDOT is proposing signalization of the S. Tamiami Trail/US 41 and San Carlos Boulevard intersection. Mullock Creek floodway bisects the site from the northwest to the southeast. The surrounding area has been previously developed with a mixture of commercial and residential uses and properties to the east are within the Mixed-Use Overlay. The subject property is an appropriate location for infill commercial and residential development. Below is an image, followed by a table, identifying the future land use and Mixed-Use Overlay designations, zoning and uses of the subject property and the surrounding properties.



	<i>Future Land Use/Mixed Use Overlay</i>	<i>Zoning</i>	<i>Use</i>
Subject Property Existing	Urban Community, Rural & Wetlands	CG (±2.73 acres) and MH-1 (±43.6 acres)	Vacant commercial and residential
Subject Property Proposed	Proposed inclusion in Mixed Use Overlay	Mixed Use Planned Development	Commercial & residential Mixed Use

	<i>Surrounding Future Land Use/Mixed Use Overlay</i>	<i>Surrounding Zoning</i>	<i>Surrounding Use</i>
<i>North</i>	Urban Community, Rural & Wetlands	CPD fronting S. Tamiami Trail/US 41 then MH-2	Vacant commercial then Walgreens fronting US 41 then Sheltering Pines Mobile Home Village (platted density 8.62± du/ac & built density 7.05± du/ac)
<i>South</i>			
<i>West 1/2</i>	Rural & Wetlands	MH-1 and RV-3	Calusa Cove RV Park platted for 6.55± du/ac
<i>East 1/2</i>	Urban Community & Wetlands	Estero Vista RPD & CG then MH-2	Vacant with DO for 144 Multi-family (including bonus density) then Santa Maria Street and Marina Mikes Boat sales – further south is Shady Acres RV Travel Park
<i>East</i>	US 41 then Urban Community & Mixed Use Overlay	C-1	Church, shopping centers, car wash
<i>West</i>	Conservation Lands Upland	RPD	Estero Bay State Buffer Preserve

The surrounding zoning and uses are described in more detail below:

North

Adjacent to the north is a vacant commercial parcel fronting S. Tamiami Trail (US 41) zoned John Latzman CPD (Commercial Planned Development) approved by zoning resolution number Z-88-319 for 4,500 square feet of commercial uses. The remainder of the north property line abuts the Sheltering Pines Mobile Home Village zoned Mobile Home Residential (MH-2) by Z-62-003. North of Sanibel Blvd is Grand Bay Plaza shopping center with Publix, CVS, 41 Diner, Subway and various shops (San Carlos Park Center CPD originally approved by Z-95-005, last amended by ADD2019-00173, with 142,800 square feet of commercial approved including 48,000 square feet of mini-warehouse use).

South

Adjacent to the south is Santa Maria Street (private local) then General Commercial (CG) zoning abutting S. Tamiami Trail developed with Marina Mikes boat sales and service then Life Storage and Napa Auto Parts store. Adjacent to the south and west of Santa Maria Street is Estero Vista Residential Planned Development (RPD) which was approved by zoning resolution Z-05-016 for 144 multi-family units including bonus density with a maximum height of 55 feet. The zoning was last amended by zoning resolution ADD2020-00104 which approved and updated Master Concept Plan and revised access connection to be provided through the subject property's approved access road connection to S. Tamiami Trail/U.S. 41 across from San Carlos Boulevard which is proposed for signalization by FDOT and an emergency only access onto Santa Maria Street. The original zoning had proposed two access points onto Santa Maria Street, which is a narrow roadway that intersects U.S. 41 and is located in a 30-foot easement. It was determined that the site could not be developed with access onto Santa Maria because it was physically impossible to install the required roadway improvements, stormwater drainage, water and sewer necessary to develop the site. Estero Vista received development order approval (DOS2020-00127) for 144 multiple-family dwelling units (including 21 bonus density units) in 3 four-story buildings with a maximum height of 55 feet with a clubhouse and interconnect with the subject property. Further south of Estero Vista are lands zoned Mobile Home MH-2 developed with Shady Acres RV Travel Park. To the south of the western ½ of the proposed RPD are lands zoned Mobile Home MH-1 and RV-3 developed with the Calusa Cove RV Park.

East

Adjacent to the east is S. Tamiami Trail/US 41 (arterial roadway) with existing sidewalk, bike lane and paved shoulder and Lee Tran routes 240, 600 and 140-Sunday. Across S. Tamiami Trail is the intersection with San Carlos Boulevard (major collector) where a traffic signal is proposed by FDOT and properties within the Mixed-Use Overlay zoned Commercial C-1 on both sides of the intersection. New Day Christian Church is north of this intersection and commercial parcels to the south of the intersection consist of two shopping centers, a car wash, a multiple-occupancy center and a Circle K with gas pumps. Behind the commercial parcels are properties zoned Residential Single-Family RS-1 developed with primarily single-family homes and a daycare.

West

Adjacent to the west is lands within the Conservation Lands Uplands future land use category, zoned Estero River Bay RPD which is now within the Estero Bay State Buffer Preserve.

Land Development Code Analysis

The proposed rezoning to MPD complies with the Land Development Code (LDC) Section 2-146 minimum requirements for the Bonus Density Program as follows:

- (a) Applicants must comply with the minimum requirements set forth herein to be eligible to participate in the bonus density program through use of one of the following incentive programs:*
- (1) Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5.*
 - (2) Transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5.*

The rezoning request includes a request for a maximum of 114 bonus density units utilizing a combination of the Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions and the Transfer of Development Rights (TDR) program. Please refer to the Preliminary Density Calculations. The development plan includes a minimum of 20 - 38 site-built affordable housing units. The remainder will depend on final unit count and will be demonstrated at the time of development order. The site qualifies for up to 152 bonus density units.

b) Minimum requirements:

- (1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and*

The traffic generated by this request will have direct access to S. Tamiami Trail/US 41 (arterial) and San Carlos Boulevard (major collector) where a traffic signal is proposed. The traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

- (2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest; and*

The subject property clusters development within a designated future urban area where adequate public facilities exist. The site has frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its

intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized by FDOT. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service. Lee County Utilities has existing potable water and sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. San Carlos Park Elementary School is ± 2.5 miles from the site, Three Oaks Middle School is ± 2.7 miles from the site and Island Park High School is ± 3.6 miles from the site. San Carlos Park Fire Station 51 and EMS Medic 9 are located ± 0.8 mile from the property at 8013 Sanibel Blvd. Lee County Sheriff's Office Central District Substation is ± 5.8 miles from the site. Letters of review and recommendation from Lee County Public Safety, The School District of Lee County, Lee County Sheriff's Office, Lee County Solid Waste, Lee Tran, and San Carlos Park Fire Protection and Rescue Service District obtained for the concurrent Map and Text Amendments are attached demonstrating adequate public facilities exist to accommodate the density increase.

(3) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in section 2-483.

Portions of the subject property are located within the Coastal High Hazard Area. Storm shelters or other appropriate mitigation will be provided pursuant to LDC requirements which will be demonstrated as part of the development order for the subject property.

(4) The resulting development will be compatible with existing and planned surrounding land uses.

The subject property and the properties to the north and south have existing commercial zoning along the S. Tamiami Trail/US 41 frontage. The Estero Vista RPD to the south has been approved for multi-family development with a maximum height of 55 feet since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. Pursuant to LDC Section 34-2175(b)(2), the Urban Community future land use category allows heights up to 95 feet. The proposed maximum height will be limited to 49 feet for Building III which is closest to the north property line, 54 feet for Building II and 56 feet for Building I and 53 feet for Outparcels 1 and 2. While the site abuts mobile home lots within Shelter Pines Mobile Home Village to the north, the site design provides approximately 95 feet of setback to proposed multi-family buildings I and II. Building III orients the narrow portion of the building to the north with a minimum 29-foot setback which exceeds the intent of LDC Section 34-2174(a) by increasing the typical multi-family setback of 20 feet by $\frac{1}{2}$ foot for every 1 foot over 35 feet. The Mixed-Use Overlay requires a minimum 10-foot buffer with Type B buffer plantings (5 trees per 100 linear feet and a double hedge row) where the abutting single-family residences are. The MCP proposes an enhancement to this buffer by providing an opaque fence or wall with the required vegetation planted on the outside. The western 30 $\pm$ acres of the site will be preserved providing environmental and water quality enhancements between the adjacent Estero Bay State Buffer Preserve and the Mullock Creek flowway. A minimum 5-foot buffer with 5 trees per 100 linear feet will be provided abutting rights-of-way as shown on the attached MCP. The requested minor MPD provides compatible infill mixed use development.

c) Assisted living facilities are eligible for bonus density through the TDR Program or through the Affordable Housing Program when annual rental rates, including all services, do not exceed the levels established for eligible households. Where the cash-contribution bonus density option is

used, the cash contribution must be applied for each dwelling unit or its equivalent unit, as provided in section 34-1494, built above the standard density.

The rezoning request does not include assisted living facilities.

d) The barrier and coastal islands, including but not limited to Gasparilla Island, Cayo Costa, North Captiva, Captiva Island, Buck Key, and Black Island are not eligible to receive bonus density, with the following exceptions:

(1) Only the portion of Greater Pine Island defined in the Lee Plan as Pine Island Center is eligible to receive Greater Pine Island TDUs subject to this article and the Lee Plan. Suburban designated lands within the Greater Pine Island Planning Community are not eligible receiving lands for any TDUs.

(2) Work force housing may be developed on barrier islands within the Mixed Use Overlay if transit is available and bonus density is approved through the Affordable Housing Program.

Not applicable.

e) TDUs may not be utilized on property located within the coastal high hazard area as defined in section 2-483 or located within the Bayshore, Buckingham, Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Planning Community, TDUs may only be used as described in section 2-154.

No TDUs are proposed on property located within the coastal high hazard area. Portions of the property are located within the Coastal High Hazard Area (CHHA) and the property is not located within any of the listed Planning Communities. No TDUs are proposed to be utilized on the portion of the property located within the CHHA. The preliminary density calculations demonstrate there are a total of 19.14± acres of uplands and preserved wetlands within the Urban Community future land use category and within the CHHA which results in a standard density up to 6 units per acre or 115 + 21 dwelling units transferred from the Rural future land use category = a range of 136 standard density units within the CHHA. Buildings II and III are within the CHHA and propose a total of 156 dwelling units so the remaining 20 units will be bonus density in accordance with the Affordable Housing site-built provisions. The remaining maximum 144 dwelling units are proposed outside of the CHHA consisting of 50 standard density units, 76 bonus units (may be any bonus density option to be determined at the time of development order) and 18 units will be bonus density in accordance with the Affordable Housing site-built provisions. A maximum of 25 of the 94 bonus density units may be developed as mixed use on Outparcel 1 or 2.

The property qualifies for the rezoning to MPD and 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 applicant has filed a companion Map and Text Amendment applications that are being reviewed concurrently with this planned development zoning application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The property is located within the San Carlos Planning District and lies within the Urban Community, Wetlands and Rural future land use categories. The proposed rezoning to Minor RPD is consistent with the following goals, objectives, standards and policies of the Lee Plan:

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this 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 one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

Footnote 8 of Table 1(a): Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or*
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.*

The subject property is divided into three land use categories with the portion generally east of the Mullock Creek floodway lying within the Urban Community category. Adequate infrastructure and public services are available to support the proposed mixed-use planned development encouraged by the Urban Community future land use category. The proposed uses are consistent with the mixture of relatively intense commercial and residential uses that characterize this future land use category and the commercial

uses proposed are consistent with the existing CG zoning of the property. The site is appropriate for the Mixed-Use Overlay proposed by the concurrent Map Amendment as properties to the east are already included and the surrounding area provides a variety of existing residential, employment, shopping, service and civic uses within the pedestrian shed of the site.

The portion of the property generally located around the Mullock Creek floodway lies within the Wetlands category and the CHHA. Dwelling units will be relocated to developable contiguous uplands designated Urban Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands and impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres.

The western portion of the subject property is located within the Rural future land use category and the CHHA and is zoned for residential uses (existing MH-1 zoning). This Rural land could be developed with 21 dwelling units on well and septic and would require a road crossing of the Mullock Creek floodway for access. The MPD proposes to utilize Policy 5.1.10 as amended by the concurrent Text Amendment which will allow preservation of 30± acres of the site including the Rural lands and transferring the density to the eastern portion of the site.

The Preliminary Density Calculations show that property has a maximum density of 338 dwelling units consistent with the standard and maximum total densities allowed in the Urban Community, Rural and Wetlands future land use categories for the 46.33± acre site and 1.53± acres of adjacent private right-of-way. The request is for a maximum of 300 dwelling units therefore, the proposed rezoning to minor MPD is consistent with Policies 1.1.4, 1.4.1 and 1.5.1.

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, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

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

The proposed clustered development is located within a designated future urban area with existing development to the north, south and east with development order approval for additional development to the south. Approval of the requested Minor MPD will allow a contiguous and compact development by clustering the proposed commercial and residential uses to the eastern portion of the site which will allow preservation of the western ±30 acres adjacent to state preserve lands and remove density from the Rural future land use designation. The requested Minor MPD 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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

POLICY 2.2.1: Rezoning and DRI 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 proposed MCP clusters the development in the designated future urban portion of the site where adequate public facilities exist. The site has frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service. Lee County Utilities has existing potable water and sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. San Carlos Park Elementary School is ± 2.5 miles from the site, Three Oaks Middle School is ± 2.7 miles from the site and Island Park High School is ± 3.6 miles from the site. San Carlos Park Fire Station 51 and EMS Medic 9 are located ± 0.8 mile from the property at 8013 Sanibel Blvd. Lee County Sheriff's Office Central District Substation is ± 5.8 miles from the site. There is existing development to the north, south and east with approval for additional development to the south. Approval of the requested Minor MPD will allow for infill development providing a compact and contiguous development pattern, 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 Fla. Admin. Code R. 62-550).*
- 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 w(see Map 4-A), 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 future water service area as depicted on Lee Plan Map 4-A. Lee County Utilities has existing potable water lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. Potable water service will be provided through the Pinewood Water Treatment Plant. The requested Minor MPD 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 4-B), 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...*

The subject property is located within the Lee County Utilities future sewer service area as depicted on Lee Plan Map 4-B. Lee County Utilities has existing sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. Sanitary Sewer service will be provided through the Three Oaks Water Reclamation Facility. The requested Minor MPD is consistent with Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

- 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*
- 2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*
- 3. Ensure development minimizes the need for expansion and construction of street and utility improvements.*

The site includes a total of 11.13 acres of jurisdictional exotic wetlands associated with the Mullock Creek flow-way that runs from the northwest to the southeast through the site and includes 2 small isolated low quality wetlands to the east. 10.76 acres of these wetlands are within the 46.33 acre project boundary and 0.37 acres are within the adjacent 30' private right-of-way that bisects the site which is proposed to be vacated. The submitted Protected Species Assessment identifies 41 potentially occupied gopher tortoise burrows with 9 to the east of the flow-way and the remainder in the western portion of the site. 10.96± acres of wetlands and 16.98± acres of indigenous uplands and gopher tortoise habitat within and to the west of the Mullock Creek floodway are proposed for preservation and exotic treatment along with non-indigenous uplands, compensating storage area and the existing dirt road area outside of the development footprint resulting in 30± acres of preservation. Minor impacts to 0.17± acre of Hydric Disturbed Land low quality wetlands are proposed. 0.13± acre of these received approval for impact under SFWMD permit number 36-104286-P associated with the permitted access for the site. The clustered site proposes to impact 0.04± acres of an isolated exotic wetland to allow the western preservation area. Since these minimal impacts are to isolated low quality wetlands less than ½ acre in size that are not utilized by listed species, no wetland mitigation is required or proposed. Compensating storage for the 0.04± acre impact that is within the Coastal High Hazard Area will be created out of non-indigenous uplands adjacent to the wetlands in the floodway as shown on the proposed Master Concept Plan. The 9 potentially occupied gopher tortoise burrows to the east of the flow-way are within the proposed clustered development footprint. At the time of development, the applicant will relocate any gopher tortoises in accordance with FWC current guidelines with the intent to relocate any to the upland preserve portion of the site. See submitted Protected Species Management Plan. Preservation of the Rural uplands also eliminates the potential for 21 single-family homes that could have been developed with septic tanks which is an improvement for the impaired Mullock Creek watershed. The proposed Minor MPD is consistent with Standard 4.1.4.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions;

environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

The requested Minor MPD and concurrent Map and Text Amendments facilitate the transfer of density to the eastern portion of the site adjusting the density location and design to relocate dwelling units including bonus density to the eastern portion of the property. The westerly portion of the subject property is located within the CHHA and the proposed MCP clusters development to the east and preserves the western 30± acres including the floodway and adjacent wetlands and uplands resulting in appropriate adjustments to the development's density location and site design. The development will demonstrate compliance with Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation. The requested rezoning to Minor MPD is consistent with Policy 5.1.2.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

There are existing commercial developments offering employment and shopping opportunities all along S. Tamiami Trail/US 41 with restaurants, businesses and shopping centers, most notable being Grand Bay Plaza Publix only 3 minutes to the north. San Carlos Park Elementary School is 2.5± miles from the site, Three Oaks Middle School is 2.7± miles from the site and Island Park High School is 3.6± miles from the site. Karl Drews Park and Community Center is within 1.3± miles, San Carlos Community Pool is 1.4± miles, Three Oaks Park is within 2.9± miles, Koreshan State Park is within 3± miles, Estero River Scrub-Estero Bay Preserve is within 3.3± miles and Estero Park is within 3.5± miles of the site. South County Regional Library is located 4.1± miles from the site. Lee Tran Routes 240, 600 and 140-Sunday run along US 41 at this location with existing bus stops ±602' to the north and ±675' to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The requested rezoning to Minor MPD is consistent with Policy 5.1.3.

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

The requested minor MPD provides compatible infill mixed use development. Pursuant to LDC Section 34-2175(b)(2), the Urban Community future land use category allows heights up to 95 feet. The proposed maximum height will be limited to 49 feet for Building III which is closest to the north property line, 54 feet for Building II and 56 feet for Building I and 53 feet for Outparcels 1 and 2. The Estero Vista RPD to the south has been approved for multi-family development with a maximum height of 55 feet since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. While the site abuts mobile home lots within Shelter Pines Mobile Home Village to the north, the site design provides approximately 95 feet of setback to proposed multi-family Buildings I and II. Building III orients the narrow portion of the building to the north with a minimum 29-foot setback which exceeds the intent of LDC Section 34-2174(a) by increasing the

typical multi-family setback of 20 feet by ½ foot for every 1 foot over 35 feet. The Mixed-Use Overlay requires a minimum 10-foot buffer with Type B buffer plantings (5 trees per 100 linear feet and a double hedge row) where the abutting single-family residences are. The MCP proposes an enhancement to this buffer by providing an opaque fence or wall with the required vegetation planted on the outside. The western 30± acres of the site will be preserved providing environmental and water quality enhancements between the adjacent Estero Bay State Buffer Preserve and the Mullock Creek floodway. A minimum 5-foot buffer with 5 trees per 100 linear feet will be provided abutting rights-of-way as shown on the attached MCP. The requested minor MPD is consistent with Policy 5.1.5.

POLICY 5.1.10: In those instances where contiguous land under single ownership is divided with into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

- 1. — The planned development zoning is utilized; and*
- 2. — No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- 3. — The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
- 4. — The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.*

The applicant has a concurrent Text Amendment under review requesting to amend Policy 5.1.10 as shown in strike-through and bold underline text above to revise the timing requirement for single ownership of property that is divided into two or more land use categories and to clarify the language as recommended by staff. The overall subject property has been in the same family ownership since 1968 by various individuals or organizations, but same underlying family ownership of the Freeland's. Literal interpretation of this Policy language would not allow the transfer of 21 dwelling units from the Rural lands abutting a state preserve to the Urban Community lands to the east allowing preservation of the western 30± acres of the site which is above and beyond LDC requirements. The portion of the Policy requested to be changed was added at the end of the review process and resulted in this unintended impact on the subject property. The requested language ensures that the subject property is under single-ownership at the time of planned development application so that density and intensity can be properly allocated at the time of zoning and not be affected if future potential outparcels change ownership during or after development. The main purpose of the 3rd requirement in this policy is to clarify that properties divided by barriers such as the Caloosahatchee River are not contiguous. The requested clarification will promote sound planning by allowing properties to cluster development and preserve natural resources. The requested minor MPD is consistent with intent of the existing language in Policy 5.1.10 and will be consistent upon adoption of the proposed Text Amendment.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

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

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

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

The eastern 3± acres of the subject property are already zoned General Commercial (CG) and the proposed Minor MPD keeps commercial or mixed-use development on that portion of the property. The proposed project meets the general standards under Goal 4 as demonstrated in the above analysis. The Master Concept Plan proposes development consistent with the Mixed Use Overlay pending approval of the concurrent comprehensive plan amendments. The Outparcels will be required to provide the minimum 20% open space. Minimum 5' buffers with five trees per 100 linear feet will be provided adjacent to rights-of-way external to the MPD. Required building perimeter planting may be used in lieu of this buffer if adjacent to the right-of-way. Where adjacent to an existing mobile home lot, a minimum 10' buffer with type "B" buffer plantings will be provided. No internal buffers are proposed within the MPD. The majority of the area proposed for commercial use is already zoned CG allowing infill development. The proposed Minor MPD remains consistent with Goal 6 and its Objectives and Policies.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The portion of the property proposed to be added to the Mixed-Use Overlay with the concurrent Map Amendment is within the Urban Community future land use category and sufficient infrastructure exists to support development as demonstrated by the submitted letters of review and recommendation. The site access has received development order approval under DOS2020-00128 which provides connectivity to the adjacent development to the south. Per LDC Section 10-610(e) and 34-2015(2)f, a parking lot interconnect will be provided to the north at the time of development order for development of proposed Outparcel 1. The mixed use planned development proposes both residential and commercial uses. The requested Minor MPD is consistent with Objective 11.1 and Policy 11.1.1.

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

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

Lee Tran Routes 240, 600 and 140-Sunday run along S. Tamiami Trail/US 41 at this location with existing bus stops ±602' to the north and ±675' to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The site access has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the adjacent Estero Vista development to the south without accessing an arterial roadway. Per LDC Section 10-610(e) and 34-2015(2)f, a parking lot interconnect will be provided to the north at the time of development order for development of proposed Outparcel 1. The portion of the site proposed for inclusion in the Mixed-Use Overlay is within the Urban Community future land use category. The submitted letters of review and recommendation demonstrate that adequate public facilities and infrastructure are available. The proposal will not intrude into predominately single-family residential neighborhoods. While the site abuts mobile home lots within Shelter Pines Mobile Home Village to the north, the site is not located in a predominantly single-family neighborhood. The subject property and the properties to the north and south have existing commercial zoning along the S. Tamiami Trail/US 41 frontage. The property to the south that has been approved for multi-family development with a maximum height of 55 feet since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. The requested Minor MPD is consistent with Policy 11.2.1.

POLICY 11.2.2: Development in the Mixed-Use Overlay should accommodate connections to adjacent uses.

The site access has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the adjacent development to the south. Per LDC Section 10-610(e) and 34-2015(2)f, a parking lot interconnect will be provided to the north at the time of development order for development of proposed Outparcel 1. The request is consistent with Policy 11.2.2.

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

The overall site has extraordinary circumstances that make a planned development application more appropriate to allow the clustered mixed use planned development and preservation of 30± acres of Rural lands and adjacent wetlands abutting the state preserve lands and providing further protection of the Mullock Creek floodway.

POLICY 11.2.6: Properties in a Mixed-Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and

additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

The proposed Minor MPD provides a compact and functional development that includes a request to utilize bonus density including Greater Pine Island TDUs and additional development incentives such as alternate property development regulations and buffers to encourage a compact and functional development pattern consistent with Policy 11.2.6.

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed-Use Overlay may use the area of non-residential uses in their density calculations.

The proposed zoning applies this Policy pending approval of the requested Map Amendment as demonstrated in the submitted Preliminary Density Calculations. The request will be consistent with Policy 11.2.7 upon adoption of the concurrent Map Amendment.

GOAL 101: COASTAL AREAS. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.

POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

The western portion of the subject property is located within the Rural future land use category and the CHHA and is zoned for residential uses (existing MH-1 zoning). This Rural land could be developed with 21 dwelling units on well and septic and would require a road crossing of the Mullock Creek floodway for access. The MPD proposes to utilize Policy 5.1.10 as amended by the concurrent Text Amendment which will allow preservation of 30± acres of the site including the Rural lands and transferring the density to the eastern portion of the site. This preserved 30± acres provides environmental and water quality enhancements between the adjacent Estero Bay State Buffer Preserve and the Mullock Creek flowway. The wetland preserve areas will remain outside of the proposed site stormwater management system and will continue to remain available to receive off-site flows. The proposed treatment and control of exotic vegetation that will be accomplished by this request, the removal of the need for an access road crossing, and the proposed drainage and access easement protects and enhances the drainage conveyance. The proposed project only includes minor impacts to small isolated wetlands but results in a signification reduction of developable area and results in onsite gopher tortoise habitat which overall furthers Policy 101.1.2. The request is consistent with Policies 101.1.1 and 101.1.2.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

The clustered site proposes to impact 0.04± acre of isolated exotic wetlands within the CHHA to allow the western 30± acre preservation area. Since these minimal impacts are to isolated low quality wetlands less than ½ acre in size that are not utilized by listed species, no wetland mitigation is required or proposed. Compensating storage for the 0.04± acre impact that is within the Coastal High Hazard Area will be created out of non-indigenous uplands adjacent to the wetlands in the floodway as shown on the proposed Master Concept Plan. The proposed compensatory storage creation area(s) will be graded to match the existing grade of the adjacent floodway area. The newly graded compensatory storage area(s) will be allowed to naturally recruit native wetland plant species. The area(s) will be monitored for the recruitment of native plant species. If after two growing seasons appropriate native wetland vegetation has not recruited into the area, native supplemental plantings will be installed. Exotic and nuisance vegetation will be treated or removed. Preservation of the Rural uplands also eliminates the potential for 21 single-family homes that could have been developed with septic tanks and would have required access through the floodway which is an improvement for the impaired Mullock Creek watershed. The Lee Plan Glossary does not define public facilities, but defines Public Services as follows: *The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development. Public services as used in this plan include, but are not limited to: public sewer and water; paved streets and roads; public transit; parks and recreation facilities; police, fire, and emergency services; surface water management; schools; and, community facilities such as senior citizens' centers, libraries, and community centers.* The applicant proposes 17.44± acres of community public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. The minor 0.04± acre impact that is within the Coastal High Hazard Area is only to allow for access for Lee County to the existing dirt road to the floodway and adjacent preserved wetlands and to provide access for the lake maintenance easement for the surface water management system. The request is consistent with Policy 101.3.2.

POLICY 101.3.4: Encourage new residential development, as required by the Land Development Code, to provide continuing information to residents concerning hurricane evacuation and shelters.

The development will demonstrate compliance with Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation. The request is consistent with Policy 101.3.4.

POLICY 101.3.6: Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Area.

POLICY 101.3.7: Bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

Western portions of the property are located within the Coastal High Hazard Area (CHHA). No TDUs are proposed to be utilized on the portion of the property located within the CHHA. The preliminary density calculations demonstrate there are a total of 19.14± acres of uplands and preserved wetlands within the Urban Community future land use category and within the CHHA which results in a standard density up to 6 units per acre or 115 + 21 dwelling units transferred from the Rural future land use category = 136 standard density units within the CHHA. Buildings II and III are within the CHHA and propose a total of 156 dwelling units so the remaining 20 units will be bonus density in accordance with the Affordable Housing site-built provisions. The remaining maximum 144 dwelling units are proposed outside of the CHHA consisting of 50 standard density units, 76 bonus units (may be any bonus density option to be determined at the time of development order) and 18 units will be bonus density in accordance with the Affordable

Housing site-built provisions. A maximum of 25 of these 94 bonus density units may be developed as mixed use on Outparcel 1 or 2. The proposed Minor MPD is consistent with Policies 101.3.6 and 101.3.7.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

POLICY 59.1.4: Continue to develop, update, and improve technical information, with the assistance of the USDA Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency (FEMA), SFWMD, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events.

POLICY 59.1.9: Maintain the floodplain management plan and analyze the flooding problem in the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation.

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow-ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. POLICY 59.1.3: Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources.

POLICY 61.3.2: Maintain floodplains to minimize the potential loss of life and damage to property by flooding.

POLICY 61.3.5: The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations.

The ±46.33-acre site is bordered on the east by Tamiami Trail (US-41 / SR 45) and vacant land zoned (RPD), to the south by a retail boat facility, the vacant RPD and a RV park, to the west by the Estero Bay State Buffer Preserve, and to the north by the Sheltering Pines Mobile Home Village. The entire site is undeveloped with the exception of a dirt road from east to west. The Mullock Creek floodway bisects the site. Mullock Creek is bordered by wetlands. The portion of the site to the west of Mullock Creek is not proposed to be developed. The area east of the Mullock Creek wetlands consists of 15.71± acres of uplands. These uplands drain generally from east to west from Tamiami Trail to Mullock Creek. There are also two small, isolated wetland areas with a total area of ±0.17 acres located on the eastern portion of the site. There are existing stormwater swales along the ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the west until it discharges into the Mullock Creek flowway. The property has an existing stormwater management permit on the eastern 5.97± acres (South Florida Water Management District Individual Environmental Resource Permit No. 36-104286-P) for a stormwater management system

serving 0.91 acres of commercial and 5.06 acres of future development for construction of an access road to support the future multi-use commercial development, including sidewalks, underground utilities, and a dry retention pond with 0.14 acre of permitted wetland impact. A Lee County development order (DOS2020-00128) was also approved for construction of an access road, watermain and forcemain extensions and other support infrastructure. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties. The offsite flow will be maintained by the project. The proposed drainage within the development will be collected into a catch basin and pipe system and detained in an on-site proposed wet detention pond. A vegetated swale will be provided along the north property line to be demonstrated at the time of development order. The Master Concept Plan note 9 states that the lake must demonstrate a planted littoral shelf that functions as a typical freshwater marsh consistent with the LDC at time of development order. The two commercial or mixed use parcels will provide at the time of their development ½" of pretreatment on their sites prior to discharging into the main water management system. The wet detention pond will discharge to the Mullock Creek wetlands on the east side of the flow way and then into Mullock Creek. The wetland preserve areas will remain outside of the proposed site stormwater management system and will continue to remain available to receive off-site flows. The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation. No fill will be placed within the Mullock Creek floodway. The applicant proposes 17.44± acres of community facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. The Grand Bay project will receive approval for an Environmental Resource Permit from the South Florida Water Management District. The site includes a total of 11.13 acres of jurisdictional exotic wetlands associated with the Mullock Creek flow-way that runs from the northwest to the southeast through the site and includes 2 small isolated low quality wetlands to the east. 10.76 acres of these wetlands are within the 46.33 acre project boundary and 0.37 acres are within the adjacent 30' private right-of-way that bisects the site which is proposed to be vacated. 10.96± acres of wetlands and 16.98± acres of indigenous uplands and gopher tortoise habitat within and to the west of the Mullock Creek floodway are proposed for preservation and exotic treatment along with non-indigenous uplands, compensating storage area and the existing dirt road area outside of the development footprint resulting in 30± acres of preservation. The clustered site proposes minor impacts to 0.17± acre of Hydric Disturbed Land low quality wetlands are proposed. 0.13± acre of these received approval for impact under SFWMD permit number 36-104286-P associated with the permitted access for the site. Preservation of the Rural uplands also eliminates the potential for 21 single-family homes that could have been developed with septic tanks which is an improvement for the impaired Mullock Creek watershed. The request is consistent with Policies 59.1.3, 59.1.4, 59.1.9, 61.3.2 and 61.3.5.

OBJECTIVE 123.8: GOPHER TORTOISES. Restore and maintain secure, viable populations of Gopher Tortoises in Lee County.

POLICY 123.8.1: Protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with Florida Fish and Wildlife Conservation Commission requirements.

The submitted Protected Species Assessment identifies 41 potentially occupied gopher tortoise burrows with 9 to the east of the flow-way and the remainder in the western portion of the site. 10.96± acres of wetlands and 16.98± acres of indigenous uplands and gopher tortoise habitat within and to the west of the Mullock Creek floodway are proposed for preservation and exotic treatment along with non-indigenous uplands, compensating storage area and the existing dirt road area outside of the development footprint resulting in 30± acres of preservation. The 9 potentially occupied gopher tortoise burrows to the east of

the flow-way are within the proposed clustered development footprint. At the time of development, the applicant will relocate any gopher tortoises in accordance with FWC current guidelines with the intent to relocate any to the upland preserve portion of the site. See submitted Protected Species Management Plan. The request is consistent with Objective 123.8 and Policy 123.8.1.

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

POLICY 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

GOAL 126: WATER RESOURCES. Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability.

POLICY 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.

POLICY 126.1.5: Cooperate with appropriate agencies to develop and implement an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems.

POLICY 126.1.6: The county will continue to support a monitoring program of existing baseline conditions of water resources.

A vegetated swale will be provided along the north property line to be demonstrated at the time of development order. The Master Concept Plan note 9 states that the lake must demonstrate a planted littoral shelf that functions as a typical freshwater marsh consistent with the LDC at time of development order. The two commercial or mixed use parcels will provide at the time of their development ½" of pretreatment on their sites prior to discharging into the main water management system. The wet detention pond will discharge to the Mullock Creek wetlands on the east side of the flow way and then into Mullock Creek. The applicant proposes the following condition regarding water quality monitoring. The requested rezoning is consistent with Policies 125.1.3, 125.1.4, 126.1.4, 126.1.5 and 126.1.6.

Water Quality Monitoring.

- a. Developer must submit a Water Quality Monitoring Plan with the first development order application. The Water Quality Monitoring Plan must be reviewed and approved by Lee County Division of Natural Resources prior to issuance of a development order. At a minimum, the Water Quality Monitoring Plan must

establish:

- i. Goals and Objectives of the Water Quality Monitoring Plan;
 - ii. An outfall monitoring schedule during the “wet” season of June through October, for constituents of concern approved by Lee County Division of Natural Resources;
 - iii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction; and
 - iv. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. The plan must include notification to impacted residents and authorities.
- b. Developer must provide water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of state water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- If the project meets or exceeds state water quality monitoring standards for five consecutive years, developer may request to amend the water quality monitoring and reporting schedule. The request must be in writing and is subject to the review and approval of the Division of Natural Resources.

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

The site will be developed in compliance with the Comprehensive Plan and the Land Development Code. The proposed Minor MPD qualifies for the requested deviations as outlined in the submitted Schedule of Deviations and Justifications. The requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety, and welfare. Compliance with design-related provisions of the Land Development Code will be demonstrated at the time of Local Development Order.

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

The subject property and the properties to the north and south have existing commercial zoning along the S. Tamiami Trail/US 41 frontage. The Estero Vista RPD to the south has been approved for multi-family development with a maximum height of 55 feet since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. Pursuant to LDC Section 34-2175(b)(2), the Urban Community future The proposed maximum height will be limited to 49 feet for Building III which is closest to the north property line, 54 feet for Building II and 56 feet for Building I and 53 feet for Outparcels 1 and 2. While the site abuts mobile home lots within Shelter Pines Mobile Home Village to the north, the site design provides approximately 95 feet of setback to proposed multi-family Buildings I and II. Building III orients the narrow portion of the building to the north with a minimum 29-foot setback which exceeds the intent of LDC Section 34-2174(a) by increasing the typical multi-family setback of 20 feet by ½ foot for every 1 foot over 35 feet. The Mixed-Use Overlay requires a minimum 10-foot buffer with Type B buffer plantings (5 trees per 100 linear feet and a double hedge row) where the abutting single-family residences are. The MCP proposes an enhancement to this buffer by providing an opaque fence or wall with the required vegetation planted on the outside. The western 30± acres of the site will be preserved providing environmental and water quality enhancements between the adjacent Estero Bay State Buffer Preserve and the Mullock Creek flowway. A minimum 5-foot buffer with 5 trees per 100 linear feet will be provided abutting rights-of-way as shown on the attached MCP. The requested minor MPD provides compatible infill mixed use development.

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

The site currently has access to S. Tamiami Trail/US 41 (arterial roadway) and Santa Maria Street (local roadway). The site access has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the adjacent Estero Vista development to the south. This proposed access will provide a 2-lane roadway constructed to LDC Standards connecting to US 41 with a left-in/right-in/right-out access drive connection, providing a left-in movement that does not presently exist at Santa Maria Street. The left turn lane that will serve the proposed access is already located within the median of US 41. The site's permitted access is across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized by FDOT. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service.

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

The site has frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service. Any expected impacts on transportation facilities will be adequately addressed during the development order application process by existing county regulations.

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

The site includes a total of 11.13 acres of jurisdictional exotic wetlands associated with the Mullock Creek flow-way that runs from the northwest to the southeast through the site and includes 2 small isolated low quality wetlands to the east. 10.76 acres of these wetlands are within the 46.33 acre project boundary and 0.37 acres are within the adjacent 30' private right-of-way that bisects the site which is proposed to be vacated. The submitted Protected Species Assessment identifies 41 potentially occupied gopher tortoise burrows with 9 to the east of the flow-way and the remainder in the western portion of the site. 10.96± acres of wetlands and 16.98± acres of indigenous uplands and gopher tortoise habitat within and to the west of the Mullock Creek floodway are proposed for preservation and exotic treatment along with non-indigenous uplands, compensating storage area and the existing dirt road area outside of the development footprint resulting in 30± acres of preservation. Minor impacts to 0.17± acre of Hydric Disturbed Land low quality wetlands are proposed. 0.13± acre of these received approval for impact under SFWMD permit number 36-104286-P associated with the permitted access for the site. The clustered site proposes to impact 0.04± acres of an isolated exotic wetland to allow the western preservation area. Since these minimal impacts are to isolated low quality wetlands less than ½ acre in size that are not utilized by listed species, no wetland mitigation is required or proposed. Compensating storage for the 0.04± acre impact that is within the Coastal High Hazard Area will be created out of non-indigenous uplands adjacent to the wetlands in the floodway as shown on the proposed Master Concept Plan. The proposed compensatory storage creation area(s) will be graded to match the existing grade of the adjacent floodway area. The newly graded compensatory storage area(s) will be allowed to naturally recruit native wetland plant species. The area(s) will be monitored for the recruitment of native plant species. If after two growing

seasons appropriate native wetland vegetation has not recruited into the area, native supplemental plantings will be installed. Exotic and nuisance vegetation will be treated or removed. The 9 potentially occupied gopher tortoise burrows to the east of the flow-way are within the proposed clustered development footprint. At the time of development, the applicant will relocate any gopher tortoises in accordance with FWC current guidelines with the intent to relocate any to the upland preserve portion of the site. See submitted Protected Species Management Plan. Preservation of the Rural uplands also eliminates the potential for 21 single-family homes that could have been developed with septic tanks which is an improvement for the impaired Mullock Creek watershed. The Lee Plan Glossary does not define public facilities, but defines Public Services as follows: *The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development. Public services as used in this plan include, but are not limited to: public sewer and water; paved streets and roads; public transit; parks and recreation facilities; police, fire, and emergency services; surface water management; schools; and, community facilities such as senior citizens' centers, libraries, and community centers.* The applicant proposes 17.44± acres of community public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. The minor 0.04± acre impact that is within the Coastal High Hazard Area is only to allow for access for Lee County to the existing dirt road to the floodway and adjacent preserved wetlands and to provide access for the lake maintenance easement for the surface water management system.

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

The proposed MCP clusters development on the easterly portion of the property located within the Urban Community future land use category which is a Future Urban area. This property is already zoned for commercial and residential development and is adequately served by existing urban services. The site has frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service. Lee County Utilities has existing potable water and sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. San Carlos Park Elementary School is ±2.5 miles from the site, Three Oaks Middle School is ±2.7 miles from the site and Island Park High School is ±3.6 miles from the site. San Carlos Park Fire Station 51 and EMS Medic 9 are located ±0.8 mile from the property at 8013 Sanibel Blvd. Lee County Sheriff's Office Central District Substation is ±5.8 miles from the site. Letters of review and recommendation from Lee County Public Safety, The School District of Lee County, Lee County Sheriff's Office, Lee County Solid Waste, Lee Tran, and San Carlos Park Fire Protection and Rescue Service District obtained for the concurrent Map and Text Amendments are attached demonstrating adequate public facilities exist. Karl Drews Park and Community Center is within 1.3± miles, San Carlos Community Pool is 1.4± miles, Three Oaks Park is within 2.9± miles, Koreshan State Park is within 3± miles, Estero River Scrub-Estero Bay Preserve is within 3.3± miles and Estero Park is within 3.5± miles of the site. South County Regional Library is located 4.1± miles from the site.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed mix of uses are appropriate at the proposed location. The site is already zoned for commercial and residential development and the proposed MCP clusters development on the easterly portion of the property located within the Urban Community future land use category. The proposed mix of uses are appropriate at the location with frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized. The proposed schedule of uses includes several of the uses allowed within the Mixed-Use Planned Development zoning category except limits the dwelling units to live work, townhome or multi-family. Multi-family uses with a maximum height of 55 feet have been approved on the Estero Vista RPD to the south and the subject request proposes a maximum height of 53 feet.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.***

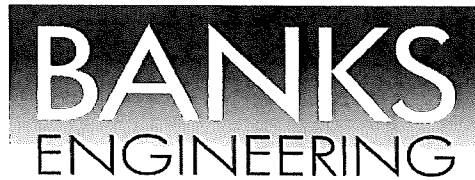
Conditions of approval will require the MPD to be consistent with the proposed MCP which provides sufficient safeguards to the public interest.

- c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:***

- 1)Enhances the achievement of the objectives of the planned development; and
2)Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.***

Please see attached Schedule of Deviations and Justifications that demonstrates that each of the four requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

In conclusion, the proposed rezoning to minor MPD allows for clustered infill development resulting in the western 30± acres of the site being preserved providing environmental and water quality enhancements between the adjacent Estero Bay State Buffer Preserve and the Mullock Creek flowway. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code and other applicable codes and 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. The proposed use is appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. Each of the four requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the rezoning request from MH-1 and CG to minor MPD should be approved.



Professional Engineers, Planners & Land Surveyors

Grand Bay Minor MPD Preliminary Density Calculations

DCI2022-00018

Revised December 2022

Below calculations demonstrate the maximum density that can be requested for the site including the adjacent private right-of-way is 338 dwelling units (186 standard units and 152 bonus units). The request is for a maximum of 300 dwelling units (186 standard units and 114 bonus units).

The request includes the subject property 46.33± acres and the adjacent private right-of-way 1.53± acre.

PART 4**TYPES OF LAND AREA ON PROPERTY**

A. Gross Acres (total area within described parcel)		46.33± Acres
1. Submerged land subject to tidal influence	0	Acres
2. a. Preserved freshwater wetlands	10.59± Acres	
b. Impacted wetlands	0.17± Acres	
c. Preserved saltwater wetlands	0 Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)	10.76± Acres	
3. R-O-W providing access to non-residential uses ¹⁶	0 Acres	
4. Non-residential use areas ^{(1) (2)}	3±* Acres	
*3± ac commercial included in residential acreage pending concurrent CPA map amendment to add ±15.64 acres of property to MUO		
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).	0 Acres	
C. Gross residential acres. (A minus B) ⁽³⁾	46.33± Acres	
D. Gross residential acres (by Land Use Category)		
1. a. Intensive Development – upland		Acres
2. a. Central Urban – upland		Acres
3. a. Urban Community or Suburban – upland	15.94±	Acres
b. Urban Community or Suburban – preserved freshwater wetlands	10.59±	Acres
c. Urban Community or Suburban – impacted wetlands	0.17±	Acres
4. a. Suburban – upland		Acres
5. a. Outlying Suburban – upland		Acres
6. a. Sub-Outlying Suburban – upland		Acres
7. a. Rural , Outer Island, Rural Community Preserve – upland	19.63±	Acres
8. a. Open Lands – upland		Acres
9. a. Resource – upland		Acres
10. a. Wetlands		Acres
11. a. New Community – upland		Acres
12. a. University Community – upland		Acres
13. a. Coastal Rural – upland		Acres
TOTAL (should equal "C" above)	46.33±	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.

- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5

RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Urban Community

		Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	<u>15.94±</u> x <u>6</u> equals		<u>95.64</u>
b. Total preserved freshwater wetlands acres (from Part 4, D.)	<u>10.59±</u> x <u>6</u> equals		<u>63.54</u>
c. Total impacted wetlands acres (from Part 4, D.)	<u>0.17±</u> x <u>1/20</u> equals		<u>0.01</u>
d. Total Allowed Standard Units ⁽¹⁾			<u>159.19</u>
2. Bonus Units [2-143]			
a. Site-built Affordable Housing up to 4 du/ac 18.46 (7.87+10.59)*			<u>73.84</u>
b. Transferrable Dwelling Units + 4 du/ac x 8.07**			<u>32.28</u>
Additional GPITDU up to 5 du/ac with GPITDU x 8.07**			<u>40.35</u>
c. Sub-total			<u>146.47</u>
* 7.87 acres uplands & 10.59 acres preserved wetlands within Coastal High Hazard Area			
**8.07 acres located outside of Coastal High Hazard Area			

A. Future Land Use Category: Rural

		Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	<u>19.63</u> x <u>1</u> equals		<u>19.63</u>
b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____ equals		_____
c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____ equals		_____
d. Total Allowed Standard Units ⁽¹⁾			<u>19.63</u>
2. Bonus Units [2-143] N/A			
3. Total Permitted Units ⁽¹⁾			<u>325</u>

Note:

- ⁽¹⁾ Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

1.53 AC Adjacent Private Right-Of-Way Additional Density Calculations:

A. Future Land Use Category: Urban Community

		Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	<u>0.65±</u> x <u>6</u> equals		<u>3.9</u>
b. Total preserved freshwater wetlands acres (from Part 4, D.)	<u>0.37±</u> x <u>6</u> equals		<u>2.22</u>
c. Total impacted wetlands acres (from Part 4, D.)	<u>0</u> x <u>1/20</u> equals		<u>0</u>
d. Total Allowed Standard Units ⁽¹⁾			<u>6.12</u>
2. Bonus Units [2-143]			
a. Site-built Affordable Housing up to 4 du/ac x 0.68 (0.31+0.37)*			<u>2.72</u>
b. Transferrable Dwelling Units + up to 4 du/ac x 0.34**			<u>1.36</u>
Additional GPITDU up to 5 du/ac with GPITDU x 0.34**			<u>1.7</u>
c. Sub-total			<u>5.78</u>
* 0.31 acres uplands & 0.37 acres preserved wetlands within Coastal High Hazard Area			
**0.34 acres located outside of Coastal High Hazard Area			

A. Future Land Use Category: Rural

1. Standard Units

- a. Total upland acres (from Part 4, D.)
- b. Total preserved freshwater wetlands acres (from Part 4, D.)
- c. Total impacted wetlands acres (from Part 4, D.)
- d. **Total Allowed Standard Units ⁽¹⁾**

Lee Plan Table 1(a)		Units
Max. standard density		
0.51	x 1 equals	0.51
	x _____ equals	
	x _____ equals	
		0.51

2. Bonus Units [2-143] N/A

3. Total Permitted Units ⁽¹⁾

13

Note:

⁽¹⁾ Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

Total maximum 338 dwelling units (186 standard units and 152 bonus units).

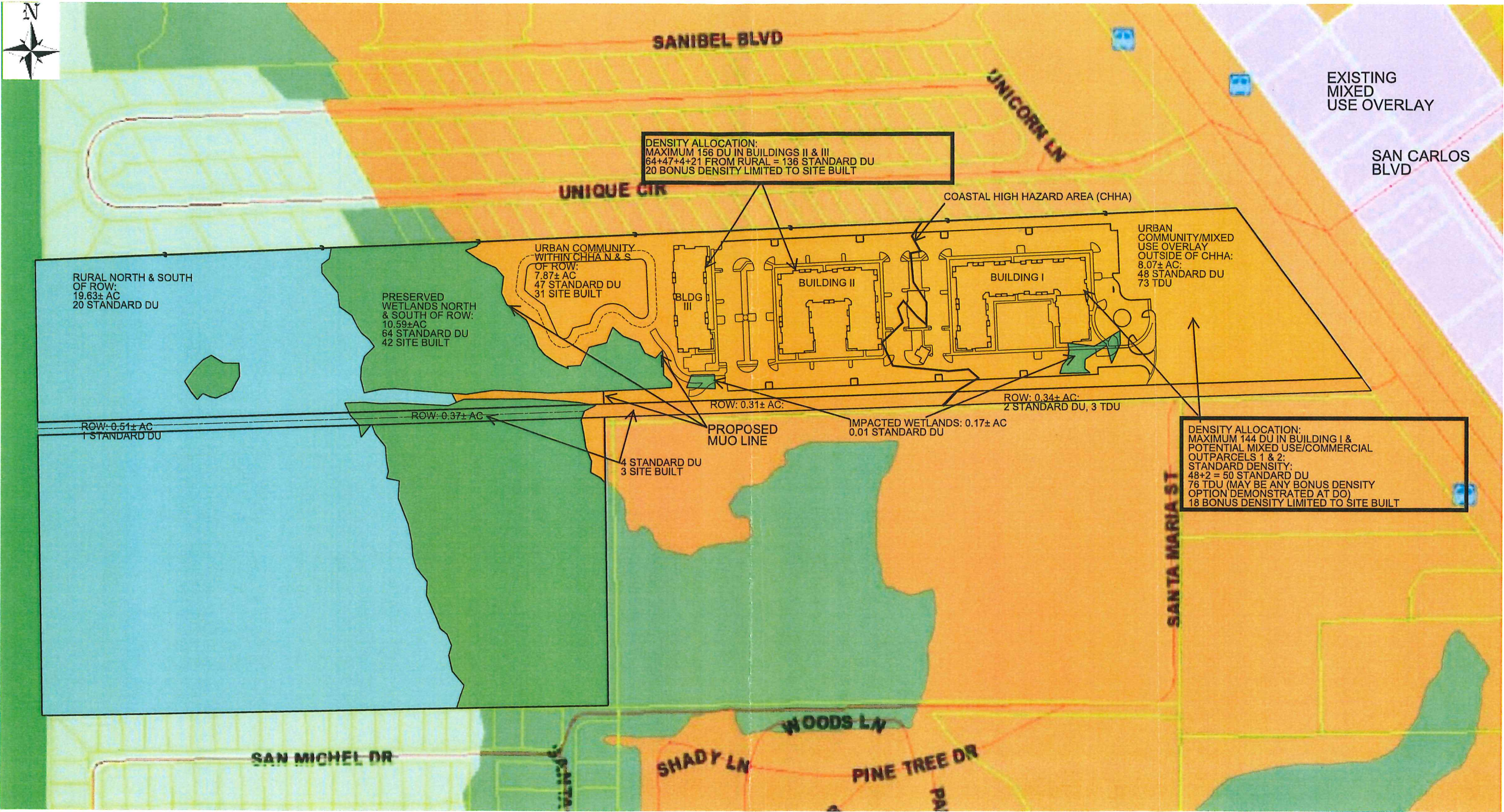
The request is for a maximum of 300 dwelling units (186 standard units and 114 bonus units).

See Attached Density Exhibit Map for illustration of density generation and allocation.

Category	Project Acres	Potential Future ROW Vacation Acres	Total Acreage with ROW	Standard Density	Bonus Density	Total Density /Acre	Project Standard Units	Project Bonus Units	Total Project Units	Potential ROW Standard Units	Potential ROW Bonus Units
Rural	19.63	0.51	20.14	1	0	1	19.63	0	19.63	0.51	0
Preserved Wetlands in CHHA	10.59	0.37	10.96	6	4	10	63.54	42.36	105.9	2.22	1.48
Impacted Wetlands	0.17	0	0.17	0.05	0	0.05	0.01	0.00	0.01	0	0
Urban Community	8.07	0.34	8.41	6	9	15	48.42	72.63	121.05	2.04	3.06
Urban Community in CHHA	7.87	0.31	8.18	6	4	10	47.22	31.48	78.7	1.86	1.24
Total	46.33	1.53	47.86				178.82	146.47	325.29	6.63	5.78

	Standard Units	Bonus Units	Total Units
Project	179	146.47	325
Potential ROW	7	6	13
Total	186	152	338

GRAND BAY MINOR MPD - DENSITY EXHIBIT
DCI2022-00018 - REVISED DECEMBER 2022





Professional Engineers, Planners & Land Surveyors

Grand Bay Minor MPD

DCI2022-00018

Schedule of Uses

Revised June 2022

Residential Tract

Accessory uses and structures
Administrative offices
Clubs: private
Community gardens
Dwelling unit: multiple-family building
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Home occupation
Models: Model unit
Real estate sales office
Recreation facilities: Personal: Private – On-site
Parking lot: Accessory; temporary
Residential accessory uses
Signs in accordance with chapter 30
Temporary use

Outparcels 1 and 2

Accessory uses and structures
Administrative offices
Agricultural services: office/base operations
Aircraft food services and catering
Animals: clinic or kennel; control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store
Automobile repair and service, all groups
Automobile service station
Bait and tackle shop
Banks and financial establishments: Group I and Group II
Bar or cocktail lounge
Bed and breakfast
Boarding house
Boats: boat parts; boat rental; boat sales; boat storage (dry); boatyard
Broadcast studio, commercial radio, and television
Building material sales
Business services: Group I and Group II
Bus station/depot
Caretaker's residence
Car wash
Cemetery, columbarium, mausoleum
Cleaning and maintenance services
Clothing stores, general
Clubs: country; commercial; fraternal, membership organization; private
Cold storage, pre-cooling, warehouse and processing plant
Communication facility, wireless
Community gardens
Community residential homes
Computer and data processing services
Consumption on premises
Continuing care facilities
Contractors and builders: all groups
Convenience food and beverage store
Cultural facilities
Day care center, child, adult
Department store
Dormitory
Drive-through facility for any permitted use
Drugstore, pharmacy

Dwelling unit: live-work; townhouse, multiple-family building
Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities: Group I, Group II, Group III
Excavation: Water retention; oil or gas
Excess spoil removal
Factory outlets (point of manufacture only)
Farm equipment, sales, storage, rental, or service
Fences, walls
Fish house, wholesale
Fishing piers
Flea market: Open; indoor
Food and beverage service, limited
Food stores: Group I, Group II
Forestry tower
Fraternity house
Funeral home and mortuary (with or without a crematory)
Gasoline dispensing system, special
Gift and souvenir shop
Golf driving range
Hardware store
Health care facilities: Group I, Group II, Group III, Group IV
Heliport or helistop
Hobby, toy, and game shops
Home care facilities
Home occupation
Hospice
Household and office furnishings, all groups
Insurance companies
Laundry or dry cleaning: Group I, Group II
Lawn and garden supply stores
Library
Maintenance facilities (government)

Medical office
Mobile home dealers
Models: Model unit
Motion picture production studio
Nightclubs
Non-store retailers, all groups
Parcel and express services
Package store
Paint, glass, and wallpaper
Parks: Group I, Group II
Parking lot: Accessory; commercial; garage, public; park-and-ride, temporary
Personal services: Group I, Group II, Group III, Group IV
Pet services
Pet shop
Pharmacy
Photofinishing laboratory
Place of worship
Plan nursery
Post office
Printing and publishing
Real estate sales office
Recreation facilities: Commercial, groups I, III; commercial, groups IV; personal; private – on-site; Private – off-site
Religious facilities
Rental or leasing establishments: Group I, Group II and Group III
Repair Shops, Groups I, II, III & IV
Research and development laboratories: Group I, Group II, Group III, Group IV
Residential accessory uses
Restaurant, fast food
Restaurants: Group I, Group II, Group III, Group IV
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Roaming house
Schools: Commercial; noncommercial
Self-service fuel pumps

Signs in accordance with chapter 30

Social services: Group I, Group II

Special retail shops: Group 1, Group II, Group III, Group IV

Storage: Indoor only; storage, open

Studios

Temporary use

Theatre, indoor or outdoor (drive in)

Timeshare units

Transportation services: Group II, Group III

Used merchandise stores: Group I, Group II, Group III, Group IV

Variety store

Vehicle and equipment dealers: Groups I, II, III, IV, and V

Warehouse: High cube; mini warehouse; private; public; cold storage only

Wholesale establishment: Groups I, III and IV



Professional Engineers, Planners & Land Surveyors

Grand Bay Minor MPD Property Development Regulations

DCI2022-00018 - Revised December 2022

Minimum Lot Area and Dimensions for Commercial/Multiple-Family/Mixed Use buildings:

Area:	0 square feet
Width:	25 feet
Depth:	0 feet

Minimum Building Setbacks:

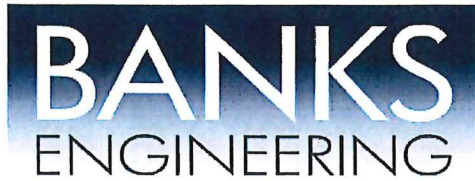
Development Perimeter:	15 feet
Shelter Pines Mobile Home Village:	20 feet plus 1/2' for every 1' over 35 feet in height (27 feet if height is 49 feet)
Side Yard	0 feet
Rear Yard	0 feet
Waterbody	20 feet
Preserve:	20 feet
Street:	
Private	20 feet
Public	25 feet

Accessory Structures:	
Rear:	5 feet
Side:	5 feet

Maximum Lot Coverage:	N/A
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Maximum Building Height:	
Building I:	56 feet
Building II:	54 feet
Building III:	49 feet
Outparcels:	53 feet

Minimum Building Separation:	20 feet
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Professional Engineers, Planners & Land Surveyors

Grand Bay Minor MPD

Schedule of Deviations and Justifications

Deviation (1): Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres and commercial or industrial development of more than 10 acres must provide more than one means of ingress or egress for the development; to allow the two residential access connections to the access road approved under DOS2020-00128 which provides a single connection to US 41 and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.

Justification: This deviation is requested to accommodate the onsite approved access road (DOS2020-00128) and interconnect to the approved Estero Vista (DOS2020-00127) development to the south. Although the subject property has some frontage along Santa Maria Street, connection is not proposed due to several reasons. Santa Maria Street is an existing, private, substandard narrow roadway within a 30-foot easement that intersects U.S. 41 and provides access to over 300 transient RV sites. The proposed access road provides adequate access to the proposed Grand Bay MPD project (maximum 300 dwelling units) and the Estero Vista RPD development (144 dwelling units) and the proposed 30,000 square feet of commercial. The design meets the intent of the LDC by providing two connection points to the residential tract of Grand Bay onto the access road, one being resident only that will still accommodate access to Lee County and emergency vehicles. The site design provides for turnaround between the two connection points. The commercial or mixed use parcels will have their own separate connections. The access road ends with a connection into Estero Vista RPD to the south which provides a two-way turnaround outside of the entrance gates, providing two access points into the Estero Vista development with an emergency only stabilized access connection onto Santa Maria Street. The connection to US 41 is 56-foot wide and while the DO approved 20' lanes on either side of a 16' median, the proposed site design provides a 16-foot wide entrance lane, 16-foot median and 24-foot wide exit lanes due to feedback received from FDOT. The original Estero Vista RPD zoning approval Z-05-016 proposed access onto Santa Maria Street, but it was determined that the site could not be developed with access onto Santa Maria because it was physically impossible to install the required roadway improvements, stormwater drainage, water and sewer necessary to develop the site. An amendment to Estero Vista RPD in zoning resolution ADD2020-00104 approved the relocated access through the Grand Bay site. See attached exhibit demonstrating the adequate traffic flow. A notice to all future property owners will be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice will articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of

abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

Deviation (2): Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) requirement that a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, must be provided on the ingress side of the gate or gatehouse; to allow no turnaround for the southern gate at the secondary resident only access point.

Justification: This deviation is requested to accommodate the unique nature and minimum traffic associated with the resident only southern access point onto the access road. The gate will be located on the internal private parking accessway. The gate is setback a minimum of 100 feet from the access road easement and provides a connection to the roundabout located between the project's two connection points onto the access road. The primary access point for the project is located at the northern access point onto where guests, trucks, and most residents will enter the project. The northern main entrance is designed to comply with the required truck turn-around. The secondary southern access will be restricted to residents only with minimal use. The applicant proposes a condition that, as part of the local development order approval, the developer shall provide signage stating that this secondary access is limited for use by residents only and direct all other traffic to please use the main entrance located to the north and must demonstrate no objection from the Fire Department. All other requirements under LDC Section 34-1748 will be met. The gate is not located on a publicly dedicated street or right-of-way. Access for emergency vehicles will be accommodated. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

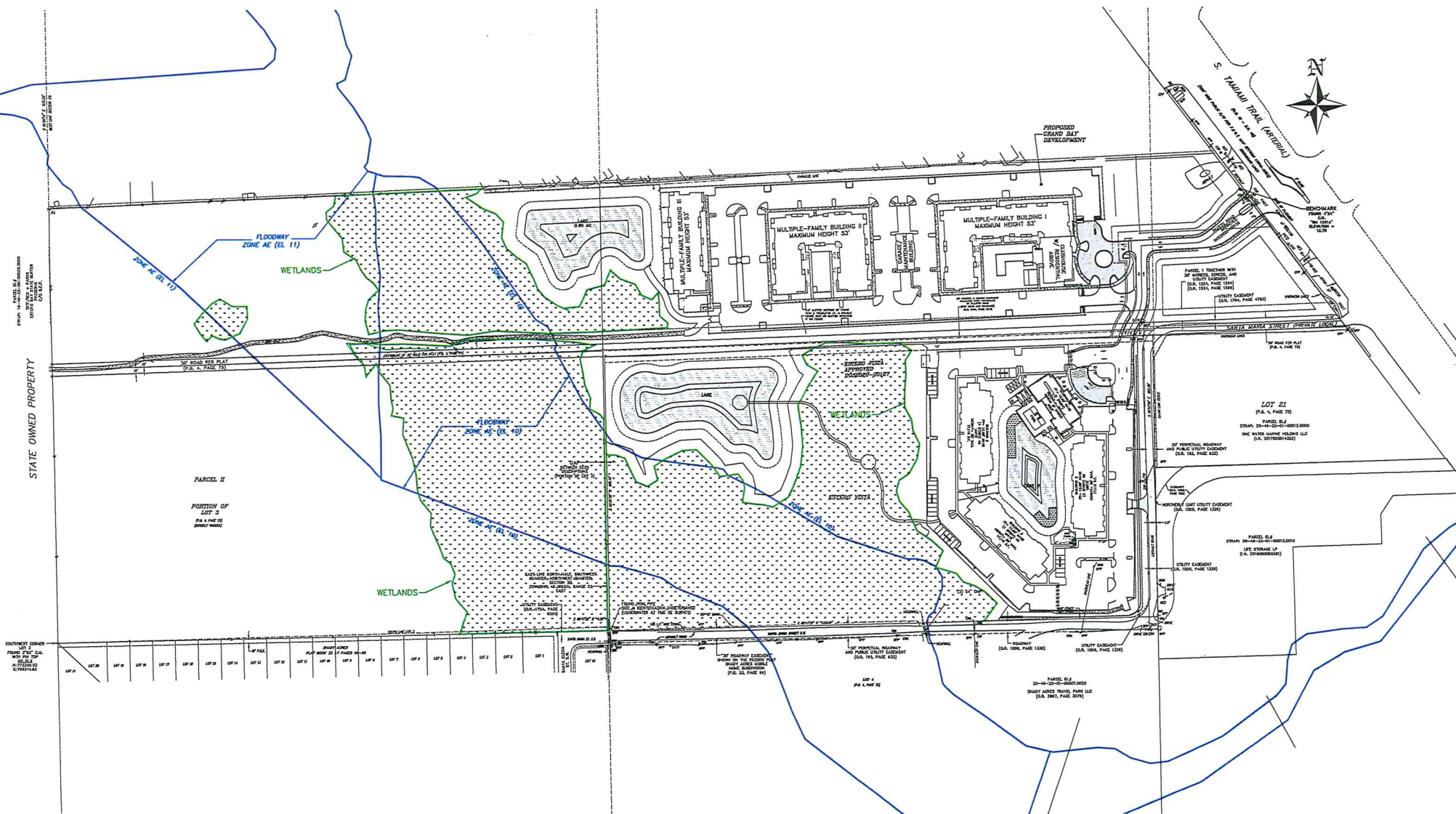
Deviation (3): Deviation 3 seeks relief from Lee County Land Development Code (LDC) Section 10-285 requirement that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

Justification: This deviation is requested to accommodate the location of the project's access onto U.S. 41 at the intersection with San Carlos Boulevard which is proposed to be signalized by FDOT. The access location and design has been reviewed and approved under DOS2020-00128. U.S. 41 is a state maintained arterial roadway and is subject to FDOT permitting. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare.

Deviation (4): Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a) requirement for a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25

units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary to allow one central location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The provided collection area has been situated off the internal roadway as shown on the Master Concept Plan. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. Written approval from Lee County Solid Waste will be provided prior to development order approval. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety, and welfare. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.





Professional Engineers, Planners & Land Surveyors

Grand Bay MPD

DCI2022-00018

Description of Surface Water Management Plan

LDC Sec. 34-373(b)(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;

The ± 46.33 -acre site is bordered on the east by Tamiami Trail (US-41 / SR 45) and vacant land zoned (RPD), to the south by a retail boat facility, the vacant RPD and a RV park, to the west by the Estero Bay State Buffer Preserve, and to the north by the Sheltering Pines Mobile Home Village. The entire site is undeveloped with the exception of a dirt road from east to west. The Mullock Creek floodway bisects the site. Mullock Creek is bordered by wetlands. The portion of the site to the west of Mullock Creek is not proposed to be developed. The area east of the Mullock Creek wetlands consists of $15.71 \pm$ acres of uplands. These uplands drain generally from east to west from Tamiami Trail to Mullock Creek. There are also two small, isolated wetland areas with a total area of ± 0.17 acres located on the eastern portion of the site. There are existing stormwater swales along the ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the west until it discharges into the Mullock Creek flowway. The property has an existing stormwater management permit on the eastern $5.97 \pm$ acres (South Florida Water Management District Individual Environmental Resource Permit No. 36-104286-P) for a stormwater management system serving 0.91 acres of commercial and 5.06 acres of future development for construction of an access road to support the future multi-use commercial development, including sidewalks, underground utilities, and a dry retention pond with 0.14 acre of permitted wetland impact. A Lee County development order (DOS2020-00128) was also approved for construction of an access road, watermain and forcemain extensions and other support infrastructure.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained; The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties. The offsite flow will be maintained by the project. The proposed drainage within the development will be collected into a catch basin and pipe system and detained in an on-site proposed wet detention pond. A vegetated swale will be provided along the north property line to be demonstrated at the time of development order. The Master Concept Plan note 9 states that the lake must demonstrate a planted littoral shelf that functions as a typical freshwater marsh consistent with the LDC at time of development order. The two commercial or mixed use parcels will provide at the time of their development $\frac{1}{2}$ " of pretreatment on their sites prior to discharging into the main water management system. The wet detention pond will discharge to the Mullock Creek wetlands on the east side of the flow way and then into Mullock Creek. The wetland preserve areas will remain outside of the proposed site stormwater management system and will continue to remain available to receive off-site flows.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance; The water management system will consist of a proposed on-site wet detention pond. If the property remains under single ownership, that owner will maintain the drainage system consistent with the South Florida Water Management District permit that will be required. If the property ownership does not remain under a single owner, then an association would be formed to maintain the drainage system.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate; Except for the two small, isolated wetlands, all of the other on-site exotic infested wetlands, the Mullock Creek floodway and all of the area on the west side of Mullock Creek will be preserved. The applicant proposes exotic treatment consistent with the approved adjacent indigenous management plan for Estero Vista and 0.04± acre of compensating storage created from non-indigenous uplands adjacent to the existing wetlands within the floodway to offset the 0.04± acre isolated poor quality wetland impact within the Coastal High Hazard Area. The total area to be preserved totals 30.62± acres. The water table elevations will be maintained by appropriately setting the wet detention pond outfall structure at the established water control elevation.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding. The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation. No fill will be placed within the Mullock Creek floodway. The applicant proposes 17.44± acres of community facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. A total of 30.62± acres of wetlands, uplands and compensating storage within and adjacent to the west of the floodway are proposed to remain undeveloped.

ATTACHMENT K

Lee County, Florida DEPARTMENT OF COMMUNITY DEVELOPMENT ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2022-00018
TYPE OF CASE: Minor Mixed-Use Planned Development (MPD)
CASE NAME: Grand Bay Minor MPD
TOTAL ACREAGE: 46.33±
SUFFICIENCY DATE: October 26, 2022
HEARING EXAMINER DATE: January 11, 2023

Request

The applicant is requesting to rezone the subject property from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed-Use Planned Development (MPD) to develop 300 dwelling units and 30,000 square feet of commercial retail or office uses. The property is located in Fort Myers, is west of S. Tamiami Trail, and south of Shelter Pines Mobile Home. According to the Lee Plan, the parcels are located in the Urban Community, Wetlands, and Rural Future Land Use Category. The applicant has requested two Comprehensive Plan Amendments (CPA). CPA2022-00006 (Map Amendment) is being requested to amend Lee Plan Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail. CPA2022-00007 (Text Amendment) is being requested to amend Policy 5.1.10, to the Lee Plan to adjust the allowable dwelling units for single ownership of properties that are divided into two or more land use categories. Both CPA's are ready to go before the Board of County Commissioners for adoption. The proposed CPA text amendments will affect how Environmental Sciences zoning staff review the concurrent rezoning request. The proposed language changes are as follows:

POLICY 5.1.10: In those instances where contiguous land is divided within two or more land use categories, the allowable number of dwelling units will be the sum of the allowable dwelling units for each land use category. The dwelling units may be distributed across the property provided that;- the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area future land use category does not exceed the density allowed in that future land use category.

Existing Conditions

As mentioned the site is located west of Tamiami Trail and south of Shelter Pines Mobile Home Park within the San Carlos Community Planning area. Staff conducted a site inspection on August 1, 2022. The site is currently vacant. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering transects methodology used to survey the project (see Exhibit A). During staff's inspection, there were protected species observed on the site. The applicant has indicated in the protected species survey that there are a total of 41 potentially occupied gopher tortoise burrows and 23 snags identified containing potential roost cavities. The applicant is proposing to relocate any gopher tortoises within the impact area, to an onsite preserve through Lee Plan Policy 123.8.1.

Open Space

The applicant is requesting 300 dwelling units (including 114 bonus density units) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet. Per CPA2022-00007, the applicant may transfer dwelling units located in the Rural FLUC from preserved wetlands to developable uplands under common ownership at the same underlying density as permitted for those uplands. In addition, CPA2022-00006 extended the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail (U.S. 41). Large projects within the mixed-use overlay are required to provide a minimum of 20% open space, half of which is indigenous preserve. The applicant will have to provide 20% subject to the approval of CPA2022-00006 and CPA2022-00007.

Indigenous Open Space Preservation

Policy 5.1.6 requires large projects within the mixed use overlay to provide 20% open space, of which 50% must be indigenous. The applicant is required to provide 4.64 acres of indigenous open space and is providing 16.98 acres of preserved uplands. The applicant has provided a MCP dated June 17, 2022 that depicts 16.98 acres of indigenous open space.

Wetlands

The applicant was issued a formal jurisdictional wetland determination (Permit # 36-107223-P) on June 7, 2022 (see Exhibit B). Wetlands delineated on the property totaled 11.13 acres consisting primarily of tributary wetlands (see Exhibit B). The applicant provided a FLUCCS map as part of the protected species survey and the formal jurisdictional wetland determination. The applicant has indicated in the planned development application that 0.17 acres of wetland will be impacted. Due to the size and quality of the wetlands, no wetland mitigation is required or proposed per the South Florida Water Management District (*SWERP Handbook Volume 1 Section 10.2.2.1*) (Exhibit C).

Staff recommends the following indigenous open space condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 16.96 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan dated June 17, 2022 per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres ;***
- b) Wetland Preserve (Non-Indigenous) 10.59 acres ;***
- c) Non-Indigenous Upland Preserve 3.02 acres ;***
- d) Compensating Storage in Preserve 0.04 acres; and***
- e) Lake (Maximum of 25% Open Space) 0.80 acres.***

Indigenous Habitat Management Plan

The applicant has not provided an Indigenous Habitat Management Plan (IHMP), although the applicant has agreed to provide an IHMP prior to the issuance of the first development order or vegetation permit.

Staff provide the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation and demonstrate compliance with Lee Plan Policy 101.1.1:

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

Buffers

The proposed development abuts agriculturally zoned land along the east, single family along west property line, natural waterway along the south property line, and right-of-way along the north property line. Subject to the approval of CPA2022-00006 and CPA2022-00007, the required buffers are as follows :

East – The east area of the property abuts S. Tamiami Trail (U.S. 41). The applicant is demonstrating compliance with LDC 10-425(f)(1) and proposing a 5-foot right-of-way buffer.

West - No buffer required along a portion of the west property line where the Indigenous preserve is located.

North - The north property line abuts Sheltering Pines Mobile Home Village. Per LDC Section 10-425(f)(2) requires a 10-foot, Type “B” buffer along single-family residences. The applicant is providing a 10-foot buffer and with “Type B” plantings. The proposed buffer is meeting code required buffer criteria.

South - The south property line abuts a 30’ Ingress and Egress easement. The applicant is providing a 7.5-foot buffer outside of the fenced in area.

Attachments

A - Protected Species Assessment

B - SFWMD Formal Wetland Determination Permit 36-107223-P

C- ERP SWERP Manual 2020

Grand Bay

Section 20, Township 46 South, Range 25 East
Lee County, Florida

Protected Species Assessment

June 2022

Prepared for:

**NRP Holdings, LLC
1228 Euclid Avenue 4th Floor
Atlanta, GA 30309**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 46.33± acre project is located within a portion of Section 20, Township 46 South, Range 25 East, Lee County, Florida. The parcel is bordered to the west by portions of the Estero Bay Buffer Preserve, to the east by US-41 and undeveloped land, and to the north by existing residential development. Undeveloped land and existing residential development is present to the south. An existing road right-of-way bisects the property.

SITE CONDITIONS

The site consists primarily of pine flatwoods and mixed hardwood wetlands that have been invaded by exotics. By 1979, a small area of clearing was present in the western portion of the site. Clearing in the eastern portion of the site was also initiated prior to 1979 and continued through the 1990's.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2021 digital 1" = 200' scale aerial photography. The property boundary was obtained from Banks Engineering and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the boundary on the aerial photography. Nine vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E1	Pine Flatwoods invaded by Exotics (10-25%)	12.86
411E3	Pine Flatwoods invaded by Exotics (51-75%)	3.40
411E4	Pine Flatwoods invaded by Exotics (76-90%)	5.03
416	Scrubby Pine Flatwoods	0.72
450	Mixed Exotic Upland Forests	11.93
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88
619	Exotic Wetland Hardwoods	0.71
740H	Hydric Disturbed Areas	0.17
8146	Dirt Road	1.63
Total		46.33

FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10-25%)

This upland habitat is located in the western portion of the site and characterized by a relatively open canopy of slash pine (*Pinus elliotii*) and a groundcover strata dominated

0 100 200
SCALE FEET



<u>FLUCCS</u>	<u>Description</u>	<u>Acreage</u>
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
	Total	46.33 ac.

Total	<u>46.33 ac.</u>
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June 13, 2022 4:21:27 p.m.
Drawing: NRP1PLAN.DWG

1. Property boundary and surveyed wetland lines provided by Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Figure 1. Protected Species Assessment Map

Grand Bay

DD**EXBENDER**
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

by saw palmetto (*Serenoa repens*). Additional vegetative species present in this association include rusty lyonia (*Lyonia ferruginea*), wiregrass (*Aristida* sp.), broomsedge (*Andropogon* sp.), penny royal (*Piloblephis rigida*), pinweed (*Lechea* sp.), grapevine (*Vitis* sp.), greenbrier (*Smilax* sp.), and dwarf live oak (*Quercus minima*). Very widely scattered sand live oak (*Quercus geminata*) and Chapman oak (*Quercus chapmanii*) are also present. Exotic vegetation, primarily downy rose myrtle (*Rhodomyrtus tomentosa*) and ear-leaf acacia (*Acacia auriculiformis*), has invaded portions of these areas. Numerous pine tree snags are also present in this habitat type.

FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10-25%)

This upland habitat is located in the western portion of the site and characterized by a relatively open canopy of slash pine (*Pinus elliotii*) and a groundcover strata dominated by saw palmetto (*Serenoa repens*). Additional vegetative species present in this association include rusty lyonia (*Lyonia ferruginea*), wiregrass (*Aristida* sp.), broomsedge (*Andropogon* sp.), penny royal (*Piloblephis rigida*), pinweed (*Lechea* sp.), grapevine (*Vitis* sp.), greenbrier (*Smilax* sp.), and dwarf live oak (*Quercus minima*). Very widely scattered sand live oak (*Quercus geminata*) and Chapman oak (*Quercus chapmanii*) are also present. Exotic vegetation, primarily downy rose myrtle (*Rhodomyrtus tomentosa*) and ear-leaf acacia (*Acacia auriculiformis*), has invaded portions of these areas. Numerous pine tree snags are also present in this habitat type.

FLUCCS Code 411E3, Pine Flatwoods Invaded by Exotics (51-76%)

The canopy and midstory in portions of the upland pine flatwoods are currently dominated by earleaf acacia. Slash pine is present in the canopy and saw palmetto dominates the ground cover stratum.

FLUCCS Code 411E4, Pine Flatwoods Invaded by Exotics (76-90%)

In these upland areas the canopy and midstory consists almost entirely of earleaf acacia, java plum (*Syzygium cumini*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). Scattered slash pine, cabbage palm (*Sabal palmetto*), and myrsine (*Rapanea punctata*) are also present. Saw palmetto, grapevine, greenbrier, and leaf duff are common in the ground cover.

FLUCCS Code 416, Scrubby Pine Flatwoods

Similar in composition to the pine flatwoods habitat describe above, this upland habitat includes a greater amount of sand live oak along with myrtle oak (*Quercus myrtifolia*), and Chapman oak. Blueberry (*Vaccinium myrsinites*), greenbrier, dwarf live oak and hog plum (*Ximenia americana*) are also present.

FLUCCS Code 450, Exotic Upland Hardwoods

The eastern portion of the site that was partly cleared is currently dominated by exotics such as earleaf acacia, Australian pine (*Casuarina equisetifolia*), and Brazilian pepper. Java plum, woman's tongue (*Albizia lebbek*), and mother-in-law's tongue (*Sansevieria hyacinthoides*) are also common. Widely scattered slash pine, cabbage palm, myrsine, saw palmetto, and wild coffee (*Psychotria nervosa*) are also present. Leaf duff is common ground cover.

FLUCCS Code 617E4, Mixed Wetland Hardwoods Invaded by Exotics (76-90%)

The canopy and midstory of this wetland association are dominated by exotic vegetation including melaleuca, bishopwood (*Bischofia javanica*), Java plum, and Brazilian pepper. Native species such as laurel oak (*Quercus laurifolia*), cypress (*Taxodium* sp.), red maple (*Acer rubrum*), willow (*Salix caroliniana*), and cabbage palm are also present. Additional species in this association include myrsine, buttonbush (*Cephalanthus occidentalis*), and pond apple (*Annona glabra*). Groundcover vegetation includes swamp fern (*Blechnum serrulatum*), leather fern (*Acrostichum* sp.), chain fern (*Woodwardia virginica*), swamp lily (*Crinum americanum*), smartweed (*Polygonum punctatum*), wild coffee, and false nettle (*Boehmeria cylindrica*).

FLUCCS Code 619, Exotic Wetland Hardwoods

This wetland habitat is dominated by melaleuca and Brazilian pepper. Scattered cabbage palm, slash pine, wild coffee, and myrsine are also present.

FLUCCS Code 740H, Hydric Disturbed Land

Two small areas of wetland created by land disturbance are located adjacent to the existing dirt road. Canopy and midstory species present in this area consist of widely scattered Australian pine, melaleuca, and cabbage palm. Ground cover species include white-top sedge (*Rhynchospora colorata*), torpedo grass (*Panicum repens*), yellowtop (*Flaveria linearis*), saw-grass (*Cladium jamaicense*), and water-hyssops (*Bacopa caroliniana*).

FLUCCS Code 8146, Dirt Road

A dirt road bisects the majority of the subject parcel. When present, vegetation includes very widely scattered slash pine in the canopy along with groundcover species such as false buttonweed (*Spermacoce* sp.), Bahia grass (*Paspalum notatum*), St. Augustine grass, smutgrass (*Sporobolus indicus*), and rustweed (*Polypremum procumbens*).

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart in the proposed development areas. Transects were spaced approximately 100 feet apart in the western uplands and meandering transects were conducted through the exotic dominated mixed wetlands hardwoods (FLUCCS Code 617E4). The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed

species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. Most of the subject parcel was surveyed for listed species during the morning and mid-day hours of January 10, 2022. During the survey the weather was warm and mostly sunny. As indicated on the attached Protected Species Assessment Map, the eastern 700± feet of the subject parcel was surveyed for listed species on October 29, 2020 during review of SFWMD Permit No. 36-104286-P. This area of exotic vegetation was also briefly reinspected during the January 10, 2022 listed species survey event.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 46.33± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to conducting the protected species survey, a search of the FWC listed species database was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411E1	50-80	Gopher Frog (<i>Rana areolata</i>)*	√	√
411E3		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
411E4		Gopher Tortoise (<i>Gopherus polyphemus</i>)		
		Red-cockaded Woodpecker (<i>Picoides borealis</i>)		√
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)		√
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√

Table 2. Listed Species That Could Potentially Occur On-site (continued)

SURVEY RESULTS

Gopher Tortoise

A total of 41 potentially occupied gopher tortoise burrows were found during the listed species survey. The majority of the burrows are located in the western portion of the site. A total of nine potentially occupied gopher tortoise burrows were found in proposed development footprint which is located east of the areas of mixed wetland hardwoods (FLUCCS Code 617E4). Based on 80 percent survey coverage in that portion of the site, it is estimated that 11 potentially occupied gopher tortoise burrows occur within this general area. Using the FWC standard burrow occupancy correction factor of 0.5 gopher tortoises per burrow, it is estimated that five to six gopher tortoises are present within the proposed development area.

Florida Bonneted Bat

A total of 23 dead slash pine trees containing potential cavities entrances were identified (Figure 1). The vast majority of identified potential cavity entrances are less than approximately two inches in diameter, very shallow, and do not appear to penetrate the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. No live trees with cavities or artificial structures were observed on-site.

Other Listed Species

No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non-listed species of wading birds within the onsite wetlands. In addition to the site inspections, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 7, 2022

** Delivered via email*

Noam Magence *
NRP Holdings LLC
1228 Euclid Avenue 4th Floor
Cleveland, OH 44115

Subject: Grand Bay
Petition for Formal Determination of Wetlands and Surface Waters
Permit No. 36-107223-P
Application No. 220216-33230
Lee County

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on June 6, 2022 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (www.sfwmd.gov/ePermitting).

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Lawrence", enclosed within a blue oval.

Melissa M. Lawrence, P.E.
Bureau Chief, Environmental Resource Bureau

**South Florida Water Management District
Formal Wetland Determination Permit No. 36-107223-P
Date Issued: June 7, 2022**

Project Name: Grand Bay

Petitioner: Noam Magence
NRP Holdings LLC
1228 Euclid Avenue
4th Floor
Cleveland, OH 44115

Application No. 220216-33230

Location: Lee County, See Exhibit 1

Acres: 47.86

Expiration Date: June 7, 2027

Type: Certified Survey

Project Summary

The application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201 Florida Administrative Code (F.A.C.), for a 47.86 acre property known as Grand Bay. The methodology used for the determination is consistent with Rule 62-340 F.A.C.

Project Site Description

The 47.86 acre property is located in Section 20, Township 46 South, Range 25 East, Lee County, Florida. More specifically, the property is located on the west side of U.S. 41 (South Tamiami Trail), approximately 1.1 miles north of Estero Parkway in Estero, Florida. A Location Map is attached as Exhibit 1.0. The property is surrounded by single family homes to the north and south, commercial development to the east, and undeveloped forested uplands and wetlands to the west. These wetlands, as well as wetlands on the property, are considered as tributary wetlands to the Estero River, which is an Outstanding Florida Water (OFW). An aerial photograph depicting the property is attached as Exhibit 2.0.

Formal Determination of Wetlands and Other Surface Waters

On February 16, 2022, the District received a request for a formal determination of the boundary of wetlands and OSW on a 47.86 acre property known as Grand Bay. The landward extent of wetlands and OSW was established by DexBender Environmental Consulting and verified by District staff, Matt Brosious, CWE, on March 31, 2022. Wetlands, as defined by Subsection 373.019(27) F.S. and Rule 62-340 F.A.C., were identified on the property. No OSW were identified on the property. Wetlands on the property were delineated using the methods established in Rule 62-340 F.A.C.; more specifically, the wetlands were delineated using the B and D tests. Wetlands delineated on the property totaled 11.13 acres. A specific purpose survey depicting the wetlands on the property is attached as Exhibit 3.0. Wetland delineation information, including wetland data point location map, wetland data forms, and representative photographs of the wetlands and upland areas can be found in the permit file. Wetland data forms were filled out by District staff on March 31, 2022.

Wetland Description:

The wetlands identified on the property totaled 11.13 acres (Exhibit 3.0). The wetland canopy and sub-canopy generally consisted of laurel oak, pine, red maple, and cabbage palm with varying degrees of exotic vegetation. Ground cover was mostly absent, except for widely scattered swamp fern. The wetland was delineated using the B and D tests. As mentioned above, the wetlands on the property are considered as tributary wetlands of the Estero River.

Soil Types and Hydrologic Indicators:

Based on the National Resource Conservation Service (NRCS) data, the property contains two historically mapped hydric soils. The mapped hydric soils on the property include Pompano Fine Sand, Frequently Ponded (Map Unit 27) and Copeland Fine Sand, Frequently Ponded (Map Unit 45). A soils map is attached as Exhibit 4.0. Soil pit data is included within the wetland data forms which were filed out on March 31, 2022.

Hydrologic Indicators observed during the delineation included Hydric Soil Indicator A7 (Mucky Mineral) starting at the soil surface and adventitious rooting on melaleuca trees.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and other surface waters within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Distribution List

Bernard G Freeland, Freeland FL Holdings LLC

Dan F Underhill, DexBender *

Florida Department of Environmental Protection SLERC *

Lee County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 220216-33230 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Aerial With Inspection Boundary](#)

[Exhibit No. 3.0 Wetland Certified Survey](#)

[Exhibit No. 4.0 Soils Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

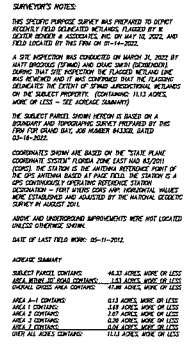
MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

OF
FIELD DELINEATED WETLAND FLAGS LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

[illegible]

BANKS
ENGINEERING

DATE	PROJECT	DRAWN
6-15-2018	SEALING	SPY W

A circular professional seal for Allen M. Vose III, a Professional Surveyor & Mapper in the State of Florida. The seal features the text "ALLEN M. VOSE III" at the top, "LICENSE NUMBER 7191" in the center, and "STATE OF FLORIDA" and "PROFESSIONAL SURVEYOR & MAPPER" at the bottom.



Professional Surveyor & Mapper Seal

708
711
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KEY	OF	FILE NO. (S-E-R)
1	1	37-44-25

In assessing the likelihood of use of a site by listed species, the sufficiency of proposed survey methodology, and any information provided as reasonable assurance under this section, the Agency will consider comments and recommendations received from the FWC, the U.S. Fish and Wildlife Service, comments from the applicant, and other water-resource related public comments. Scientific literature, and technical assistance documents such as the “*Florida Wildlife Conservation Guide*” at: myfwc.com/conservation/value/fwcg/ (2011), management plans, recovery plans, and habitat and conservation guidelines also will be considered.

10.2.2.1 Compliance with **sections 10.2.2 through 10.2.3.7 and 10.2.5 through 10.3.8, below**, will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

- (a) The wetland is used by endangered or threatened species;
- (b) The wetland is located in an area of critical state concern designated pursuant to Chapter 380, F.S.;
- (c) The wetland is connected by standing or flowing surface water at seasonal high water level to one or more wetlands, and the combined wetland acreage so connected is greater than one half acre; or
- (d) The Agency establishes that the wetland to be impacted is, or several such isolated wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife.

10.2.2.2 Alterations in wholly-owned ponds that were entirely constructed in uplands and that are less than one acre in area and alterations in drainage ditches that were constructed in uplands will not be required to comply with the provisions of **sections 10.2.2 through 10.2.2.3, 10.2.3 through 10.2.3.7, and 10.2.5 through 10.3.8 below**, unless those ponds or ditches provide significant habitat for endangered or threatened species. This means that, except in cases where those ponds or ditches provide significant habitat for endangered or threatened species, the only environmental criteria that will apply to those ponds or ditches are those included in **sections 10.2.2.4 and 10.2.4 through 10.2.4.5, below**. This provision shall only apply to those ponds and ditches that did not require a permit under Part IV, Chapter 373, F.S., or that were constructed for purposes other than mitigation pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

10.2.2.3 The assessment of impacts expected as a result of proposed activities on the values of functions will be based on a review of scientific literature, ecologic and hydrologic information, and field inspection. When assessing the value of functions that any wetland or other surface water provides to fish, wildlife, and listed species, the factors that the Agency will consider are:

- (a) Condition – this factor addresses whether the wetland or other surface water is in a high quality state or has been the subject of past alterations in hydrology, water quality, or vegetative composition. However, areas impacted by activities in violation of an Agency rule, order, or permit adopted or issued pursuant to Chapter 373, F.S., or Part VIII of Chapter 403, F.S. (1984 Supp.) as amended, will be evaluated as if the activity had not occurred;
- (b) Hydrologic connection – this factor addresses the nature and degree of off-site connection, which may provide benefits to off-site water resources through detrital export, base flow maintenance, water quality enhancement or the provision of nursery habitat;

SECTION: 20
TOWNSHIP: 46 S
RANGE: 25 E

0 100 200
SCALE FEET



- Notes:
1. Property boundary and surveyed wetland lines provided by Banks Engineering.
 2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
 3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
Total		46.33 ac.

May 20, 2022 10:06:57 a.m.
Drawing: NRP1PLAN.DWG

Vegetation Map

Grand Bay

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



BOARD OF COUNTY COMMISSIONERS

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Frank Mann
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Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

March 15, 2022

Via E-Mail

Jennifer Sheppard
Banks Engineering, Inc.
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: **Potable Water and Wastewater Availability
Grand Bay, 19200 S. Tamiami Trail
STRAP # 20-46-25-01-00005.0000, 20-46-25-01-00004.0000,
20-46-25-01-00004.0010, and 20-46-25-01-00006.0000**

Dear Ms. Sheppard:

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 may be required.

Your firm has indicated that this project will consist of 300 multi-family residential units and 30,000 SF of commercial with an estimated flow demand of approximately 79,500 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 Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks 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 Development Review, SFWMD, and 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



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

March 11, 2022

Stacy Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy., Suite 101
Fort Myers, FL 33966

Re: Letter of Service Availability – Grand Bay

Ms. Hewitt,

I am in receipt of your letter requesting a Letter of Service Availability for Grand Bay. This property consists of four parcels located west of the intersection of US 41 and San Carlos Boulevard.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 9, located 0.9 miles east; there are three additional EMS stations within 5 miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

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

Sincerely,

Benjamin Abes
Director, Public Safety



San Carlos Park Fire Protection and Rescue Service District

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911
Office **239.267.7525**
Fax **239.267.7505**

March 10, 2022

Banks Engineering
Ms. Stacy Ellis Hewitt, AICP
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Re: Grand Bay

Dear Ms. Ellis Hewitt,

Thank you for this opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department with a Property Protection Class (PPC) of 2/2X. The district consists of a 52 square mile area with 4 stations staffed 24/7 with 59 full time firefighters, which also provide non-transport Advanced Life Support (ALS) services and supported by an administrative staff.

The property in question, located at 19200 S. Tamiami Trail, just south of Sanibel Boulevard, on the west side of US 41, is within the jurisdiction of the San Carlos Park Fire District and is located approximately .76 miles from our station 51 located at 8013 Sanibel Boulevard, Fort Myers, FL 33967. With a response time of less than 3 minutes.

We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education service. If you require additional information, please do not hesitate to contact my office at (239) 267.7525. Trusting this meets with your approval, I remain,

Yours in Service,

A handwritten signature in blue ink, appearing to read "D. Cambareri", is written over a horizontal line.

David Cambareri,
Fire Chief



Professional Engineers, Planners & Land Surveyors

March 4, 2022

Mr. David Cambareri, Fire Chief
San Carlos Park Fire District
19591 Ben Hill Griffin Parkway
Fort Myers, Florida 33913

REFERENCE: GRAND BAY - LETTER OF AVAILABILITY
PROPERTY ADDRESS: 19200 S. TAMiami TRAIL & ACCESS UNDETERMINED
STRAP NO.: 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000

Dear Chief Cambareri:

We are seeking an amendment to the Lee County Comprehensive Plan to add 14.77± acres of a 46.33± site into the Mixed-Use Overlay and an associated text amendment for allow Rural density to be transferred to Urban Community for the proposed Grand Bay Minor Residential Planned Development. The application is intended to extend the Mixed-Use Overlay boundary on S. Tamiami Trail across from San Carlos Boulevard intersection to the west to include two parcels to accommodate a mixture of multi-family residential and commercial uses with an associated text amendment. If approved, the request will result in a maximum increase of 45 residential dwelling units. Please find below the property information, including a property location map, for your use:

Property Information:

Total Acreage of Property: ±46.33	Total Acreage Included in Request: ±14.77
Total Uplands: ±13.38 ac of 14.77	Total Wetlands: ±1.39 ac of 14.77
Current Zoning: CG & MH-1	Current Future Land Use Category(ies): Urban Community & Wetlands
Area in Each Future Land Use Category: Urban Community: ±13.38 ac	Wetlands: ±1.39 ac
Existing Land Use: Vacant	

Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 284 du	Commercial Intensity: ±30,000 SF
-----------------------------------	----------------------------------

Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 329 du	Commercial Intensity: ±30,000 SF
-----------------------------------	----------------------------------



As part of the approval process, Lee County requires a letter from your agency determining the adequacy/provision of existing/proposed support facilities, including fire protection with adequate response times to serve the increase in demand.

At your earliest convenience, please forward a letter verifying that the increase in demand will be adequately served. If you have any questions or I may be of further assistance, please feel free to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

SEH:jms

ATTACHMENT L



3401 Metro Parkway
Fort Myers, FL 33901
Phone: (239) 533-0340

Kevin Ruane
District One

March 10, 2022

Cecil L. Pendergrass
District Two

Stacy Ellis Hewitt, AICP

Ray Sandelli
District Three

Banks Engineering
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33966

Brian Hamman
District Four

RE: Grand Bay - Letter of Service Availability

Frank Mann
District Five

**Property Address: 19200 S. Tamiami Trail & Access Undetermined
STRAP NO.: 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000**

Roger Desjarlais
County Manager

Ms. Hewitt,

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

LeeTran has reviewed your request for service availability in regards to a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

- Subject area is within one-quarter mile, and adjacent of a fixed-route corridor
- Closest bus stop, #11744 is within one-quarter mile of the subject parcels
- The 2016 TDP does identify the need for enhanced or additional transit services in the area

Proposed future development does not currently meet applicability outlined in Sec. 10-442 and Sec. 10-443. Developer will not be required to connect to and improve transit facilities because planning action does not trigger relevant Lee County Land Development Code.

If transit services have been modified within one-quarter mile of the subject parcels at time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

Attached is a map of our route serves in relation to the subject parcels. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or jpuente@leegov.com.

Sincerely,

Jorge J Puente

Jorge J Puente, Transit Service Planner
Lee County Transit



Development Review

LOSA Proposed Development Grand Bay

-  Bus Stops
-  Bus Routes
-  Development Review



0 0.06
Miles





Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

March 7, 2022

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Banks Engineering
Attn: Stacy Ellis Hewitt, Director of Planning
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: Grand Bay – Letter of Availability 19200 S. Tamiami Trail & Access Undetermined

Request for Letter of Service Availability

Dear Ms. Hewitt:

The Lee County Solid Waste Department is capable of providing solid waste collection service for Parcel 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000. Disposal of the solid waste generated from the multi-family residential and commercial units will be performed at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please ensure compliance with Solid Waste Ordinance No. 11-27 and LCLDC 10-261 for space requirements of garbage and recycling containers and accessibility of the collection vehicles. While there is no requirement in Ordinance No. 11-27 for bulk waste storage, please consider some additional space for the storage of bulk waste items that may not fit into a dumpster (mattress, appliance, furniture disposal etc.).

Garbage and recycling collections require the commercial owner the Management Company to secure a service agreement for the collection and an agreement for the lease of waste containers from the County's MSW and Recycling Collection Franchise Hauler.

Solid Waste Ordinance (11-27) establishes that the Property Owner(s) will be responsible for all future applicable solid waste assessments and fees.

Sincerely,

Justin Lighthall

Justin Lighthall
Public Utilities Manager



THE SCHOOL DISTRICT OF LEE COUNTY

Linda Jo Sanders

Operations Coordinator

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1473 C: 239.738.6084

March 9, 2022

Banks Engineering
Jennifer Sheppard
Permitting Manager & Planner
10511 Six Mile Cypress Pkwy Ste 101
Fort Myers, FL 33966

RE: Grand Bay Amendment

Dear Ms. Sheppard,

This letter is in response to your request for concurrency review dated March 7, 2022 for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 45 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is 0.116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 5 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

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

Thank you and if I may be of further assistance, please contact me at 239-335-1473.

Sincerely,

LJ Sanders

Linda Jo Sanders

Operations Coordinator

BOARD MEMBERS: **DEBBIE JORDAN**, CHAIR, DISTRICT 4 | **BETSY VAUGHN**, VICE CHAIR, DISTRICT 6 | **MARY FISCHER**, DISTRICT 1
MELISA W. GIOVANNELLI, DISTRICT 2 | **CHRIS N. PATRICCA**, DISTRICT 3 | **GWYNETTA S. GITTENS**, DISTRICT 5
CATHLEEN O'DANIEL MORGAN, DISTRICT 7 | **KENNETH A. SAVAGE, Ed.D.**, SUPERINTENDENT | **KATHY DUPUY-BRUNO, ESQ.**, BOARD ATTORNEY

Carmine Marceno
Sheriff



State of Florida
County of Lee

"Proud to Serve"

March 7, 2022

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Ms. Hewitt,

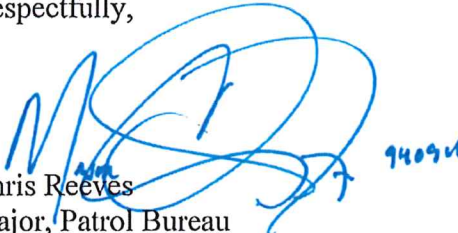
The Lee County Sheriff's Office has reviewed your Lee County Comprehensive Plan amendment request to add 14.77 +/- acres of a 46.33 +/- site into the Mixed Use Overlay and an associated text amendment for Rural density to be transferred to Urban Community for the proposed Grand Bay Minor Residential Planned Development.

The proposed change would increase the number of residential dwelling units from 284 to 329 and maintain commercial development at 30,000 square feet. This proposed change will not impact our ability to provide law enforcement services to this community.

Law enforcement services will be provided from our South District offices in Bonita Springs. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,


Chris Reeves
Major, Patrol Bureau



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



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

GRAND BAY

(PROJECT NO. F2202.02)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

February 25, 2022



CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located at the northwest corner of US 41 and Santa Maria Street in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Approximately 45 acres of the site is currently zoned as Mobile Home Residential (MH-1) with the remaining 3 acres of the site zoned as Commercial General (CG). The applicant is proposing to rezone the entire 48 acre subject site to Mixed Use Planned Development (MPD) to permit a development of up to 300 multi-family dwelling units and approximately 30,000 square feet of retail uses. Access to the subject site is proposed to US 41 opposite of San Carlos Boulevard via a single connection. A cross access connection is also being proposed to Santa Maria Street to the south.

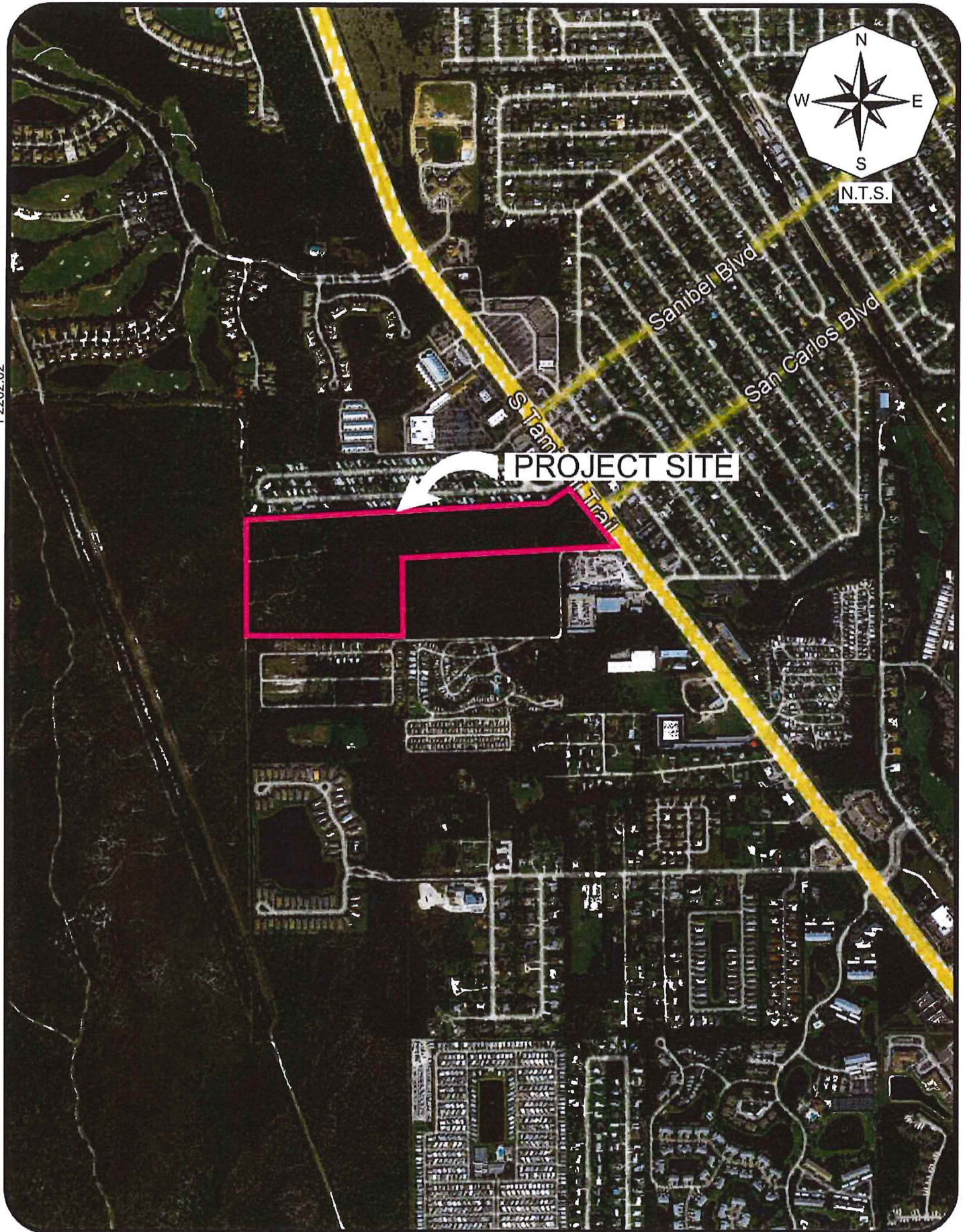
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The overall site is bordered by residential uses to the north and south, US 41 to the east and by vacant land to the west.

US 41 is a north/south six lane divided arterial that borders the subject site to the east. US 41 has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT). US 41 has an Access Management Classification of Class 5, which requires a minimum connection spacing of 440 feet and signal spacing of 2,640 feet.

F2202.02



III. PROPOSED DEVELOPMENT

Approximatively 45 acres of the site is currently zoned as Mobile Home Residential (MH-1), which allows the site to be developed with up to 135 mobile home units at a density of 3 dwelling units per acre. The remaining 3 acres of the site is currently zoned as Commercial General (CG), which allows the site to be developed with up to 30,000 square feet of commercial retail uses at a density of 10,000 square feet per acre. The applicant is proposing to rezone the entire 48 acre subject site to Mixed Use Planned Development (MPD) to permit a development of up to 300 multi family dwelling units and 30,000 square feet of commercial retail uses. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Uses
Grand Bay

Land Use	Permitted	Proposed
Mobile Home Park	135 Dwelling Units (3 DU/Acre)	N/A
Retail	30,000 Sq. Ft. (10,000 Sq. Ft./Acre)	30,000 Sq. Ft. (10,000 Sq. Ft./Acre)
Multi-Family Housing	N/A	300 Dwelling Units

Access to the subject site is proposed to US 41 opposite of San Carlos Boulevard via a single connection. A cross access connection is also being proposed to Santa Maria Street to the south. FDOT is constructing a traffic signal at the intersection of US 41 and San Carlos Boulevard in 2022 as part of the Safety Improvement to this section of US 41. Attached to this report is the email correspondence with FDOT regarding this improvement for reference.

IV. TRIP GENERATION

The trip generation for the approved and proposed zoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the residential uses, Land Use Code 822 (Strip Retail Plaza <40k) was utilized for the trip generation purposes of the permitted/proposed 30,000 square feet of commercial retail uses and Land Use Code 240 (Mobile Home Park) was utilized for the trip generation purposes of the mobile home uses. The trip generation equations utilized from these land uses are attached to the Appendix for reference.

Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed. Table 2 and Table 3 also both incorporate reduction in trips due to "pass-by" traffic for retail uses under each scenario. Consistent with historical traffic studies in Lee County, the pass-by rate for this use was limited to 30%.

Table 2
Trip Generation – Approved
Grand Bay

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Mobile Home Park (135 Units)	12	43	55	48	29	77	888
Retail Strip Plaza (<40k) (30,000 Sq. Ft.)	35	24	59	85	85	170	1,496
Total Trips	47	67	114	133	114	247	2,384
Less Retail Pass-by (30%)	-9	-9	-18	-25	-25	-50	-449
New Trips	38	58	96	108	89	197	1,935

Table 3
Trip Generation – Proposed
Grand Bay

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing (Low-Rise) (300 Units)	28	88	116	95	55	150	1,998
Retail Strip Plaza (<40k) (30,000 Sq. Ft.)	35	24	59	85	85	170	1,496
Total Trips	63	112	175	180	140	320	3,494
Less Retail Pass-by (30%)	-9	-9	-18	-25	-25	-50	-449
New Trips	54	103	157	155	115	270	3,045

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).

Table 4
Trip Generation Comparison– Approved Zoning vs Proposed Zoning
Table 2 vs Table 3

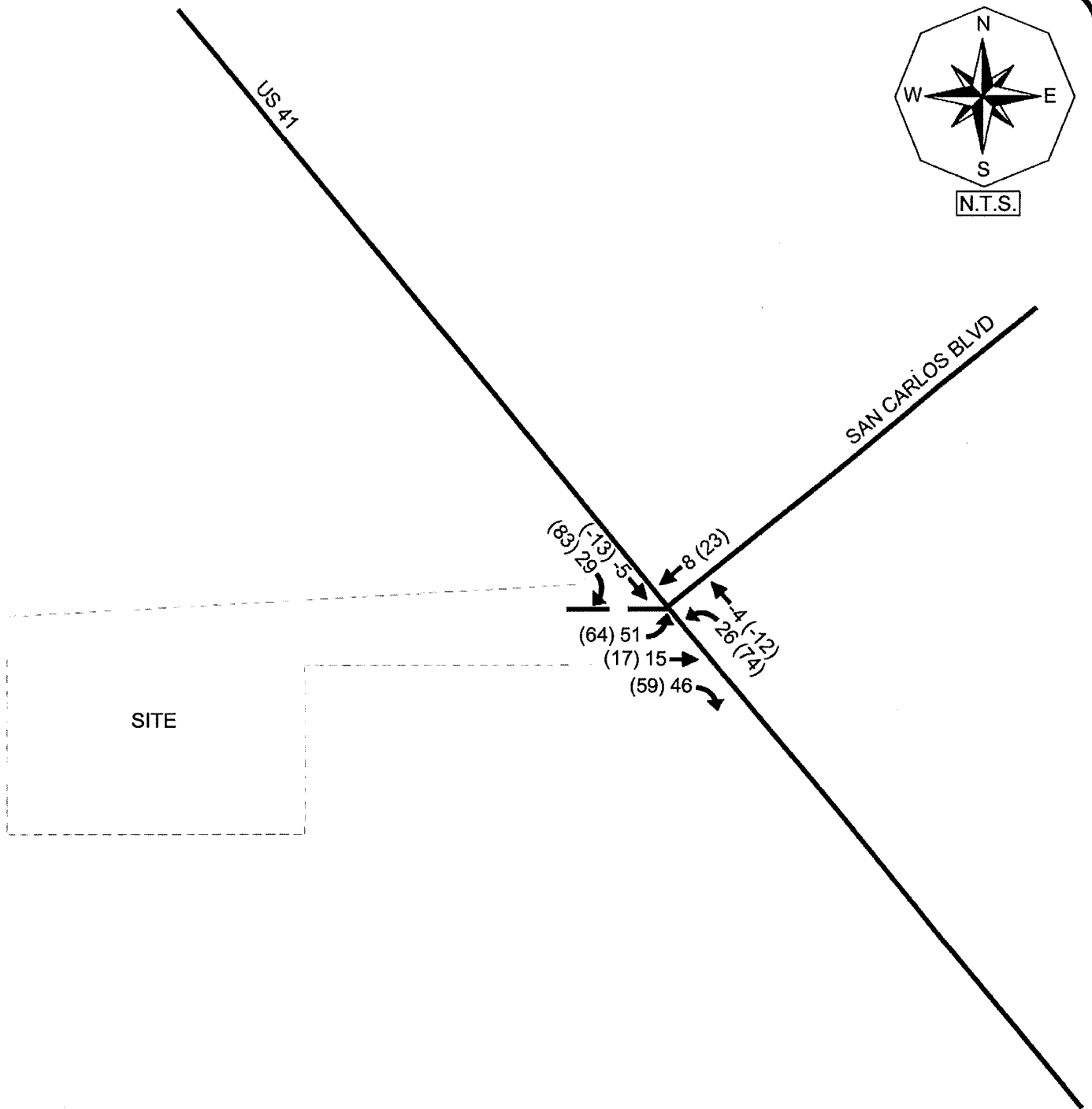
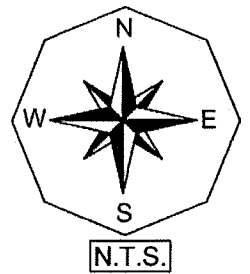
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	54	103	157	155	115	270	3,045
Approved Zoning	-38	-58	-96	-108	-89	-197	-1,935
Trip Reduction	16	45	61	47	26	73	1,110

Note: Negative number represents an INCREASE in Trip Generation.

V. TRIP DISTRIBUTION

The additional trips the proposed development is anticipated to generate (Table 3) were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).

F2202.02



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (April, 2016). Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development.

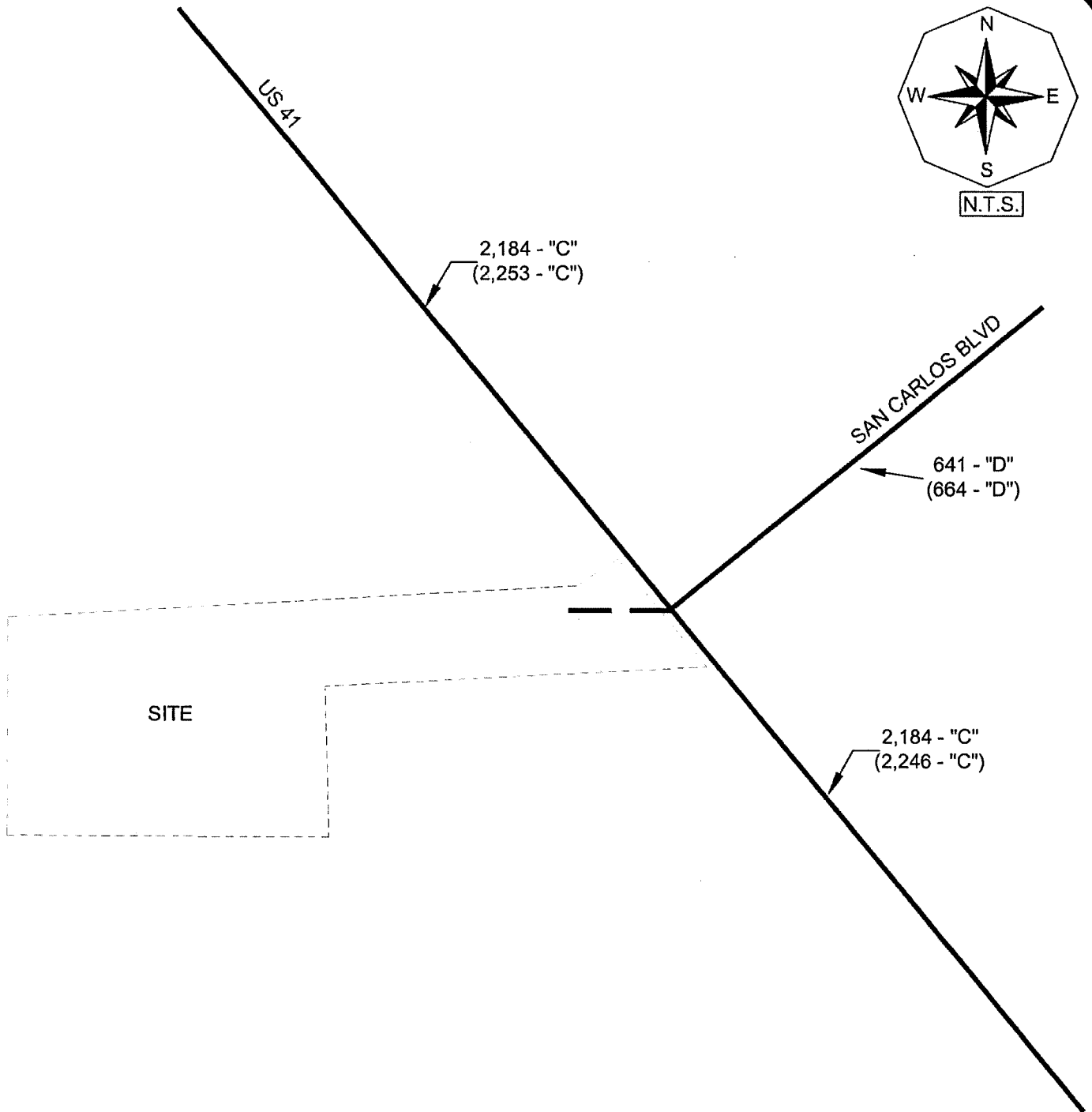
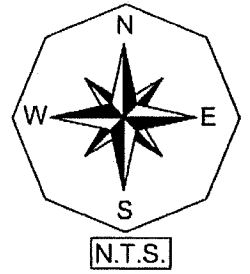
VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2027 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data obtained from FDOT’s *Florida Traffic Online* webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2027 without the development and year 2027 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2021 DRAFT *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2027 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday P.M. peak hour with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

F2202.02



LEGEND

XXX - "X" 2027 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC AND LEVEL OF SERVICE
DESIGNATION

(XXX -"X") 2027 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PEAK PROJECT
TRAFFIC AND LEVEL OF SERVICE
DESIGNATION

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2027 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadways are projected to operate above the minimum adopted Level of Service in 2027 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

VIII. CONCLUSION

The proposed development is located at the northwest corner of US 41 and Maria Street in Lee County, Florida. The Level of Service analysis conducted as part of this report indicates all roadways to operate above the minimum adopted Level of Service in 2027 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
GRAND BAY

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	157 VPH	IN=	54	OUT=	103
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	270 VPH	IN=	155	OUT=	115

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
US 41	N. of Site Access	6LD	0	400	2,840	2,940	2,940	45%	70	2.5%
	S. of Site Access	6LD	0	400	2,840	2,940	2,940	40%	62	2.2%
San Carlos Blvd	E. of US 41	2LU	0	0	310	660	740	15%	23	7.5%

* Level of Service thresholds were obtained from the Lee County Generalized Peak Hour Directional Service Volumes tables (April, 2016).

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
GRAND BAY**

TOTAL PROJECT TRAFFIC AM =	157	VPH	IN =	53	OUT=	103
TOTAL PROJECT TRAFFIC PM =	270	VPH	IN=	155	OUT=	115

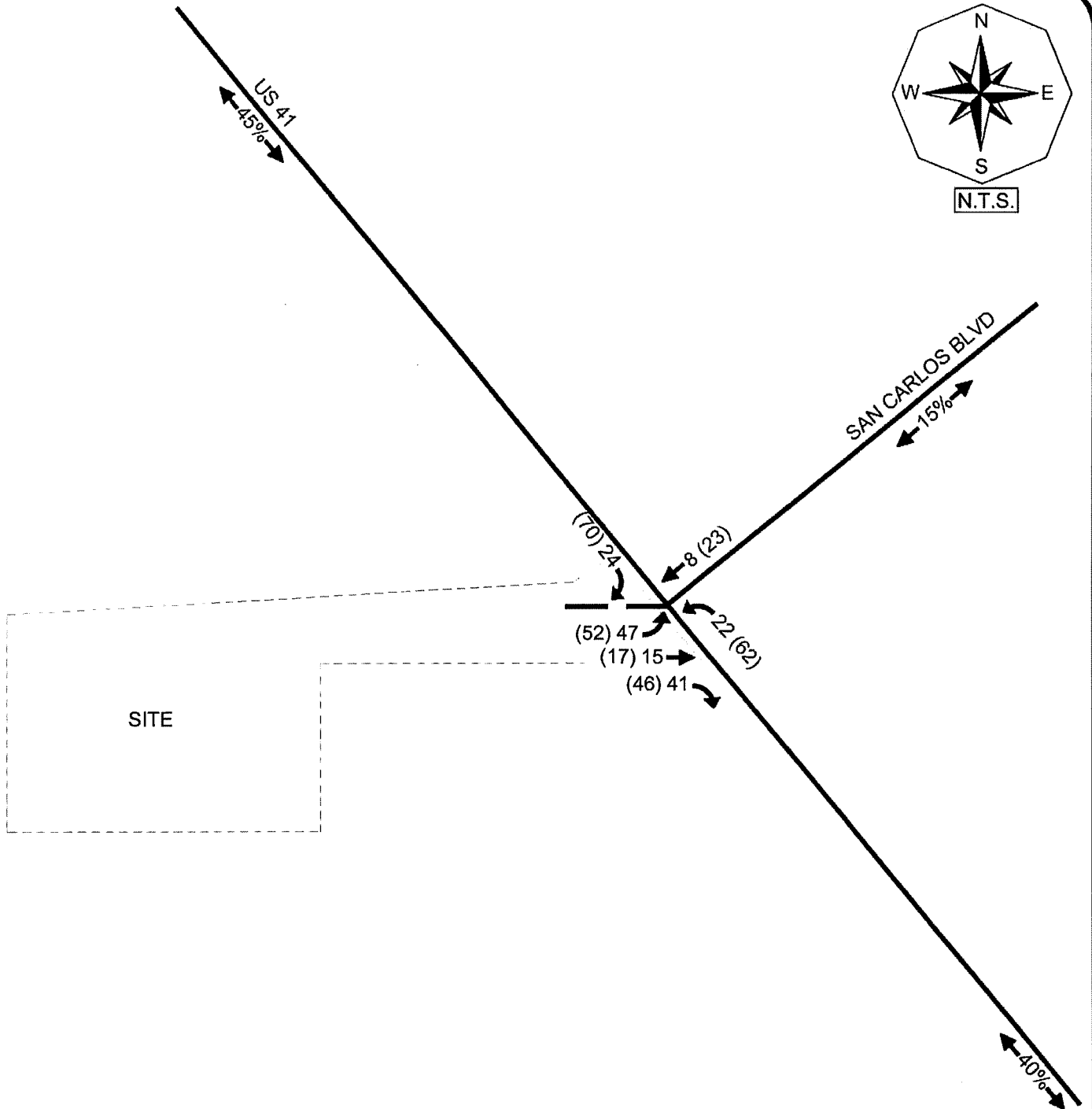
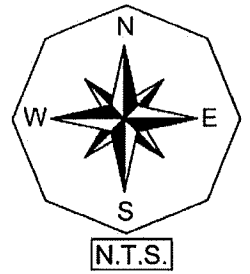
								2020	2027					2027		2027	
			BASE YR	LATEST	YRS OF	ANNUAL	PK HR	PK HR	PK SEASON	PERCENT			BCKGRND		BCKGRND		
							PK SEASON	PEAK DIRECTION	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ				
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>Sta#</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	<u>PEAK DIR.¹</u>	<u>VOLUME</u>	<u>LOS</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>VOLUME</u>	<u>LOS</u>	<u>VOLUME</u>	<u>LOS</u>	
US 41	N. of Site Access	120034	46,000	42,500	15	2.00%	1,901	2,184	C	45%	46	70	2,230	C	2,253	C	
	S. of Site Access	126025	40,670	48,000	12	2.00%	1,901	2,184	C	40%	41	62	2,225	C	2,246	C	
San Carlos Blvd	E. of US 41	124617	5,300	8,400	9	5.25%	448	641	D	15%	15	23	656	D	664	D	

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2021 Draft Lee County Public Facilities Level of Service and Concurrency Report.

* AGR was calculated based the historical traffic data obtained from FDOT's Florida Traffic Online webpage.

FIGURES A-1 & A-2

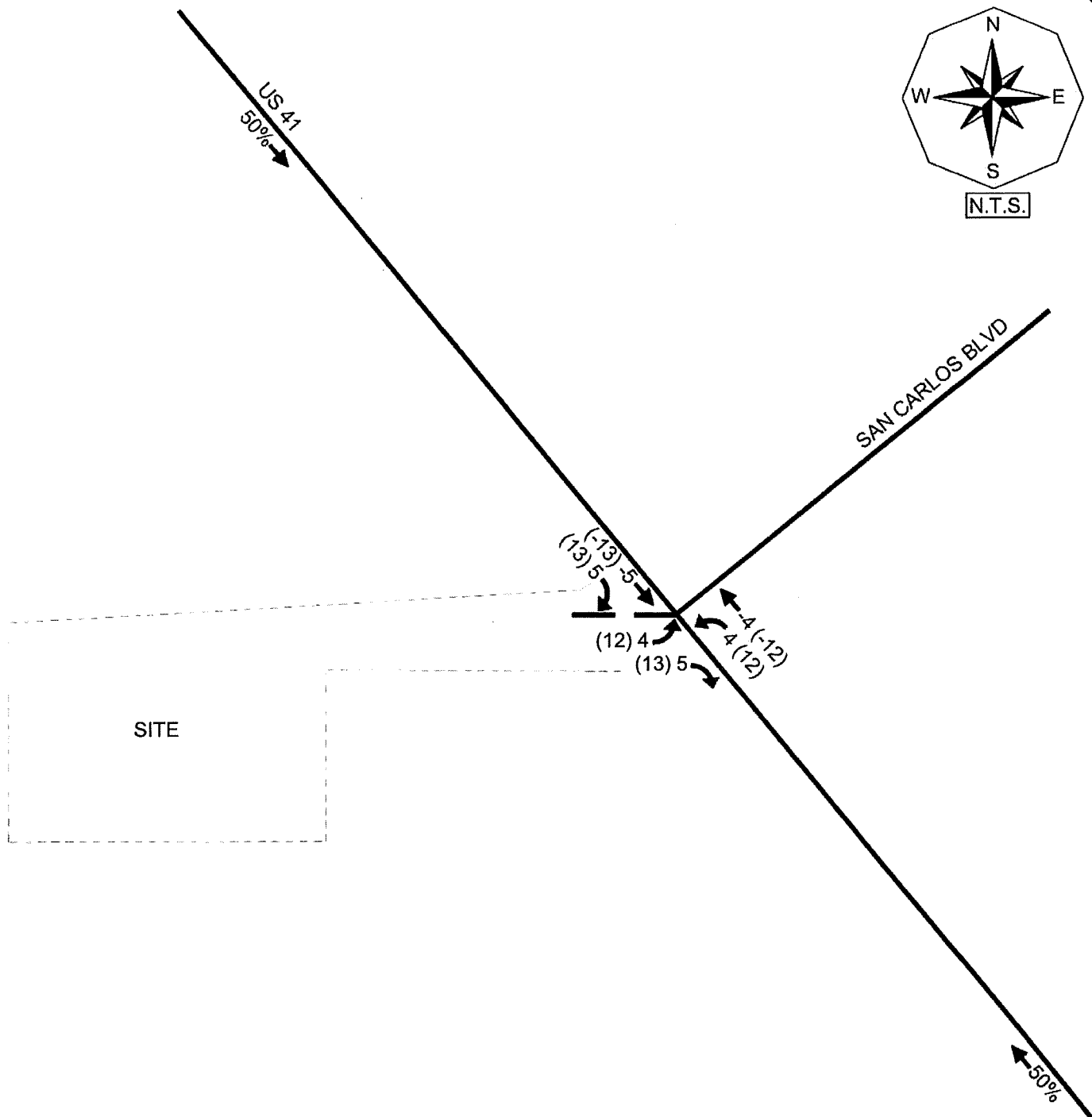
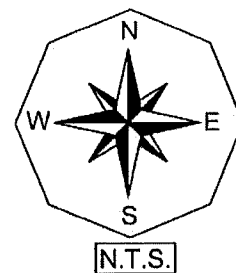
F2202.02



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

F2202.02



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% ONE-WAY TRIP DISTRIBUTION

**LEE COUNTY GENERALIZED PEAK
HOUR DIRECTIONAL SERVICE
VOLUMES TABLE**

**TRAFFIC DATA FROM THE 2021
DRAFT LEE COUNTY PUBLIC
FACILITIES LEVEL OF SERVICE AND
CONCURRENCY REPORT**

9/23/2021

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	E	644	Constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,621	D	2,037	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,580	C	1,855	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	489	C	535	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	293	D	532	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	293	C	308	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	285	C	414	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	740	D	778	PDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	510	C	536	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,101	B	1,176	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,094	B	1,150	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	77	C	89	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	77	C	81	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970	F	1,022	F	1,151	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,022	C	1,151	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	689	C	767	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	689	C	767	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	448	C	471	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	D	391	D	621	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	937	E	985	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	294	C	309	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,512	C	1,764	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,481	B	1,556	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,069	B	1,272	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,038	B	1,091	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,038	A	1,091	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	399	C	419	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	640	D	673	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	652	C	831	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	B	460	B	669	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	211	C	237	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	712	E	813	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	712	E	809	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,896	A	2,126	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,896	A	1,993	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,896	A	1,993	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,517	C	1,618	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,489	B	1,565	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,526	B	1,604	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,526	B	1,604	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,189	D	1,250	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,189	D	1,250	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	443	C	466	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	443	C	466	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	730	E	767	*
26300	SUNSHINE BLVD	W 12TH ST	W 5TH ST	2LN	E	860	D	600	D	630	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	E	855	F	1,012	Copperhead
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,502	B	1,685	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	855	B	964	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	855	B	1,198	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	199	C	209	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	188	D	701	Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,050	A	1,288	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	799	A	840	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	793	A	833	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,020	C	2,273	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	1,901	C	2,354	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,069	C	2,812	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,069	C	2,467	

**TRAFFIC DATA FROM FDOT'S
FLORIDA TRAFFIC ONLINE**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0034 - SR 45/US 41, NW OF SANIBEL BOULEVARD

LC424

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	42500	C	N 21000		S 21500	9.00	52.80	5.30
2019	54000	C	N 26500		S 27500	9.00	53.30	3.70
2018	49000	C	N 24500		S 24500	9.00	53.30	5.00
2017	48000	C	N 23500		S 24500	9.00	53.20	4.00
2016	48500	C	N 24500		S 24000	9.00	56.20	4.00
2015	45000	C	N 22500		S 22500	9.00	54.50	4.00
2014	42000	C	N 21000		S 21000	9.00	54.60	3.50
2013	39500	C	N 19500		S 20000	9.00	59.70	4.20
2012	41000	C	N 20500		S 20500	9.00	54.30	3.40
2011	40000	C	N 20000		S 20000	9.00	55.00	3.30
2010	38500	C	N 19000		S 19500	10.32	57.60	3.30
2009	41000	C	N 20500		S 20500	10.24	54.47	3.90
2008	44500	C	N 22500		S 22000	10.37	58.94	4.60
2007	53500	F	N 26500		S 27000	10.16	54.76	3.80
2006	50500	C	N 25000		S 25500	10.23	54.38	3.80
2005	46000	C	N 23000		S 23000	10.30	54.10	8.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6025 - US 41, 500' S OF HICKORY DR, PTMS 105, LCPR 25

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2020	48000 S	0	0	9.00	52.80	5.30
2019	50000 F	0	0	9.00	53.30	3.90
2018	50261 C	0	0	9.00	53.30	5.00
2017	40500 X	0	0	9.00	53.20	4.00
2016	39500 E	0	0	9.00	56.20	4.30
2015	38500 E	0	0	9.00	54.50	3.90
2014	38000 X			9.00	54.60	3.30
2013	37500 E	N 0	S 0	9.00	59.70	3.90
2012	37000 S	0	0	9.00	53.00	4.10
2011	37000 F	N 0	S 0	9.00	53.00	3.60
2010	39114 C	N 19100	S 20014	10.18	52.96	3.50
2009	40293 C	N 19799	S 20494	10.29	54.98	4.40
2008	40670 C	N 20031	S 20639	10.44	54.81	4.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4617 - E. CARLOS BLVD., EAST OF S.R. 45 / U.S. 41

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2020	8400 E	E	W	9.00	59.30	3.90
2019	8400 F	E 4300	W 4100	9.00	53.30	3.90
2018	8400 C	E 4300	W 4100	9.00	53.30	3.90
2017	8800 T	E 4300	W 4500	9.00	53.20	4.20
2016	8600 S	E 4200	W 4400	9.00	60.30	4.40
2015	9000 F	E 4400	W 4600	9.00	55.50	4.40
2014	8600 C	E 4200	W 4400	9.00	55.20	4.40
2013	5300 S	0	0	9.00	55.00	3.30
2012	5300 F	0	0	9.00	55.30	2.90
2011	5300 C	E 0	W 0	9.00	55.20	2.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FDOT EMAIL CORRESPONDENCE

Yury Bykau

From: Ted Treesh
Sent: Friday, February 25, 2022 11:41 AM
To: Yury Bykau
Subject: FW: Permit #2020-A-192-00046 SR 45 MP 10.343 Freeland



Ted Treesh
TR Transportation Consultants, Inc.
2726 Oak Ridge Ct. STE 503
Fort Myers, FL 33901
239-278-3090 x 1 (o)
239-278-1906 (f)
239-292-6746 (c)
www.trtrans.net

From: Clark, Mark [mailto:Mark.Clark@dot.state.fl.us]
Sent: Monday, November 22, 2021 3:58 PM
To: Ted Treesh <tbt@trtrans.net>
Cc: Ken Kellum <KKellum@BanksEng.com>; Schaill, Leanna <Leanna.Schaill@dot.state.fl.us>; tlehnert@bankseng.com; James Alsbrook <jAlsbrook@nrpgroup.com>; Pugh, Sean <Sean.Pugh@dot.state.fl.us>; Mak, Josephine <Josephine.Mak@dot.state.fl.us>
Subject: RE: Permit #2020-A-192-00046 SR 45 MP 10.343 Freeland

Ted,

The project is in phase 4 review and slated to go to LET in the summer of next year, with construction expected to begin in the fall of 2022. The design plans do not include improvements for the access under review for the Freeland site, as the design plans are already in the phase 4 review, it's highly doubtful any changes can be made to the design plans without impacting the project's time scheduled. I sent over the concept design for the driveway for the Freeland parcel to the design team and they provided the list below regards impacts to the current design:

- Mast Arm 1-2 in the SW quadrant will need to be relocated.
- Mast Arm 1-1 in the NE quadrant will need to be revised to include a double-arm.
- Pedestrian poles on west leg will need to be relocated.
- Crosswalk on west leg will need to be provided.
- Traffic signal cabinet in SW quadrant will need to be relocated.
- Proposed electrical power service location will be impacted. Alternative location will need to be identified.
- Conduit and pull box locations will require adjustments.
- Work effort related to these adjustments include:
 - SUE to clear new mast arm location

- o Structural design for new mast arm loadings
- o Utility coordination for power service and overhead crossings

Please note this list is not all inclusive, these are the items were identified under this initial review.

Mark Clark
Access Management Specialist
FDOT SWIFT SunGuide Center
10011 Daniels Parkway
Fort Myers, Florida 33913
mark.clark@dot.state.fl.us
 (239) 225-1981 Office
 (863) 272-3366 Cell



From: Ted Treesh <tbt@trtrans.net>
Sent: Friday, November 19, 2021 10:58 AM
To: Clark, Mark <Mark.Clark@dot.state.fl.us>
Cc: Ken Kellum <KKellum@BanksEng.com>; DeBoy, Brian T <Brian.Deboy@dot.state.fl.us>; Schaill, Leanna <Leanna.Schaill@dot.state.fl.us>; tlehnert@bankseng.com; James Alsbrook <jAlsbrook@nrpgroup.com>
Subject: RE: Permit #2020-A-192-00046 SR 45 MP 10.343 Freeland

Mark, attached is our plans that are coming back into FDOT in the next week or so.

How far along is the project to install a signal at this location? Will that project take into account our driveway and install the necessary traffic signal equipment to account for our connection?

Let us know. We hope to start building this this once the permit is received or soon thereafter.

Let us know.

Thanks



TRIP GENERATION EQUATIONS

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

6.74

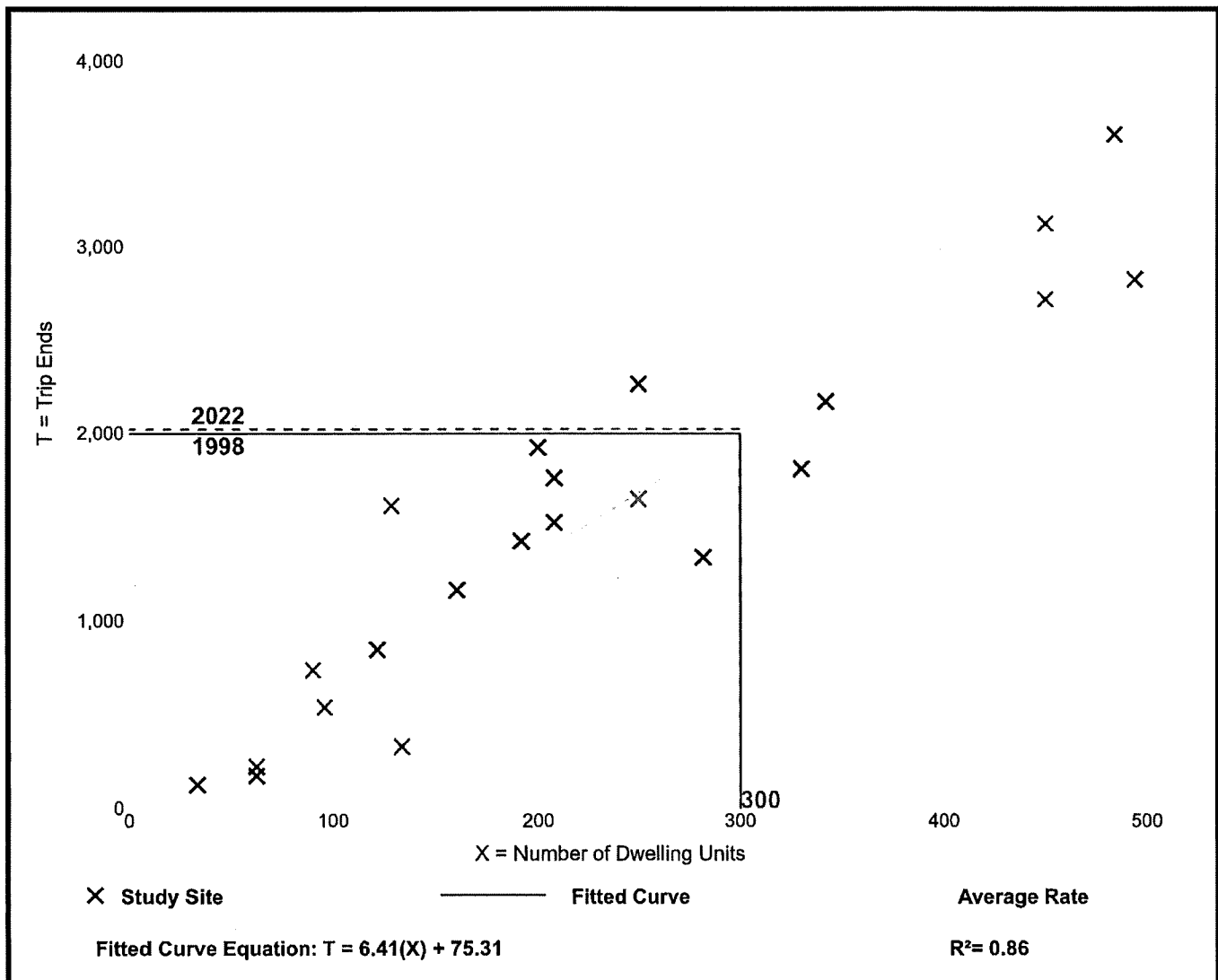
Range of Rates

2.46 - 12.50

Standard Deviation

1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.40

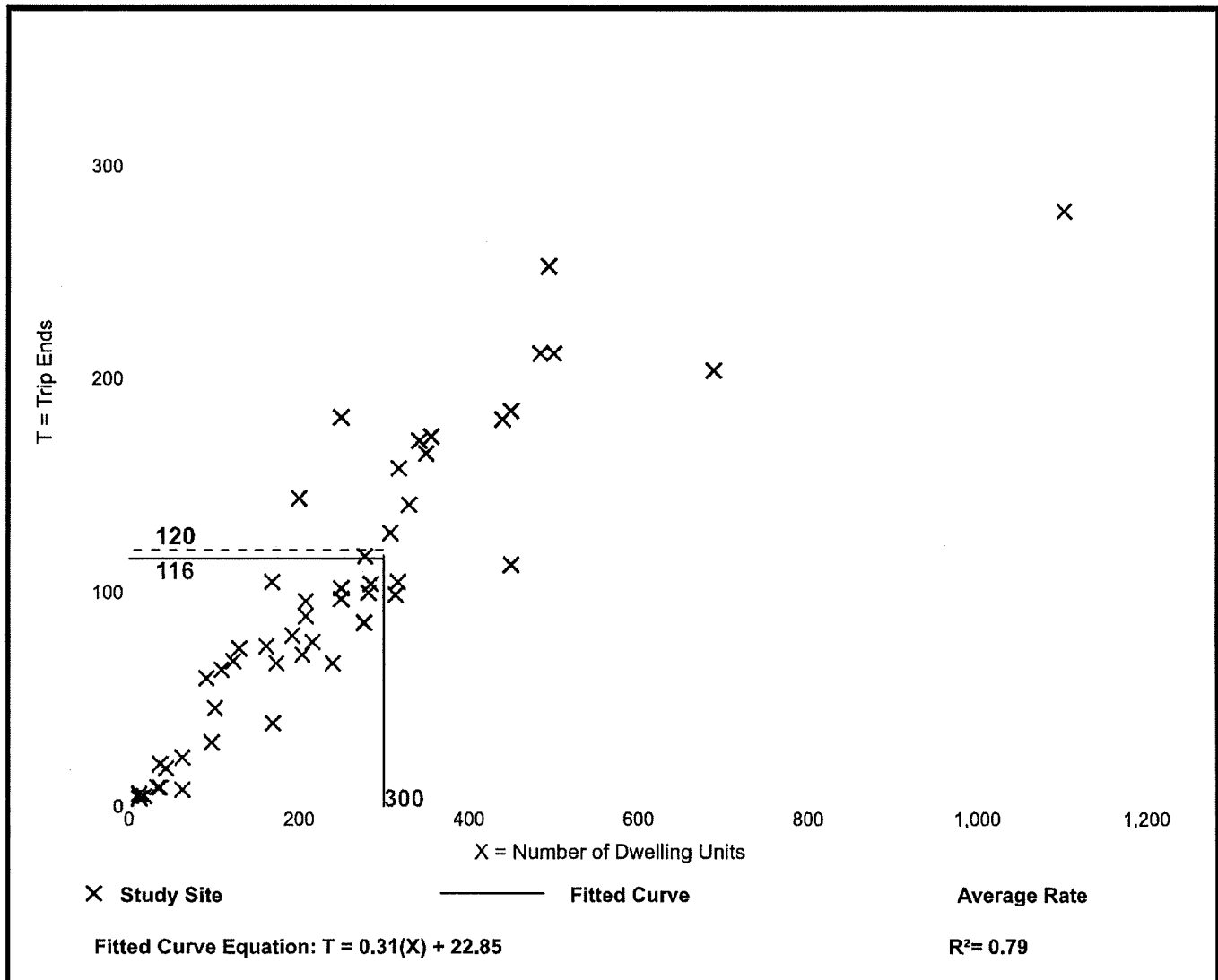
Range of Rates

0.13 - 0.73

Standard Deviation

0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.51

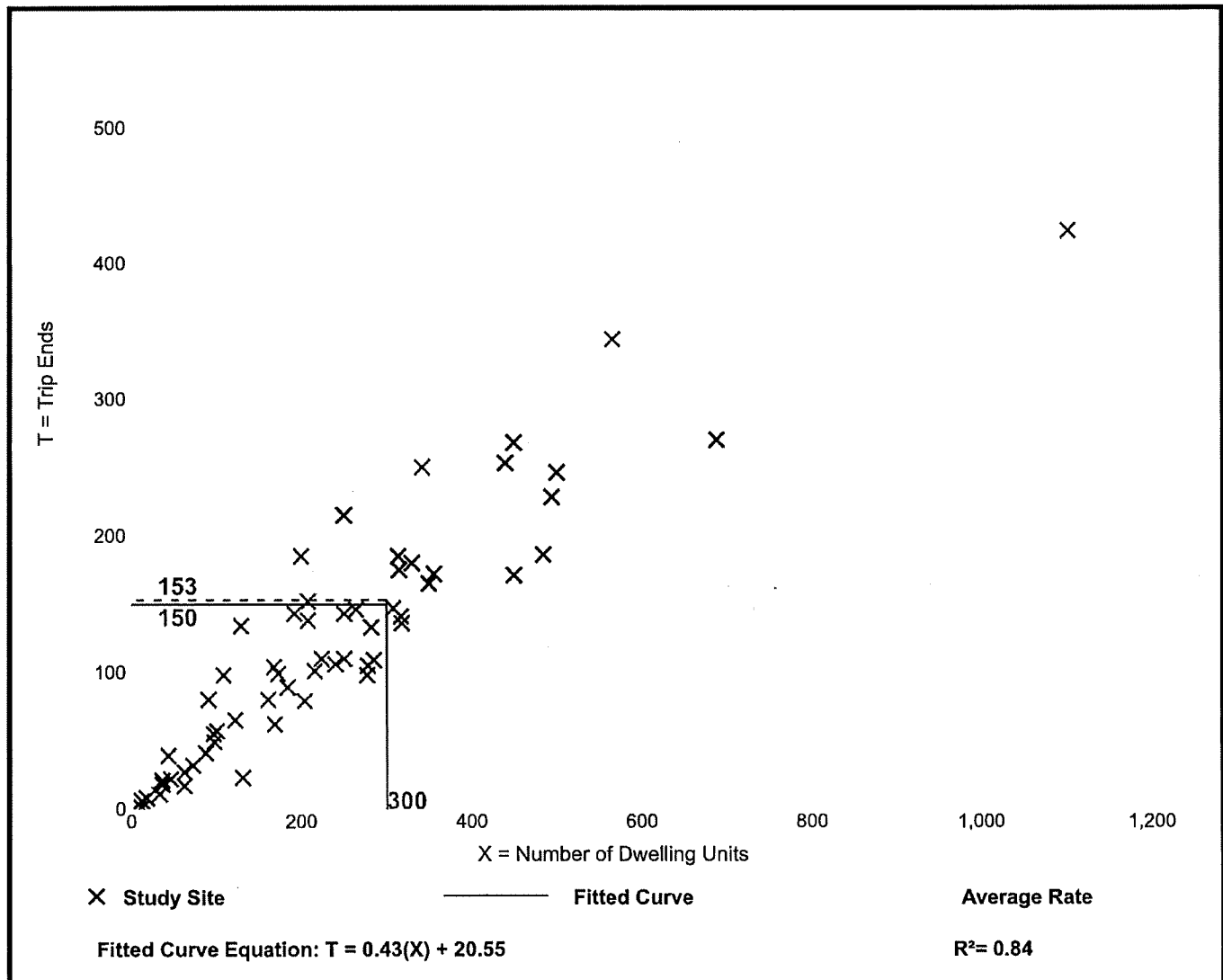
Range of Rates

0.08 - 1.04

Standard Deviation

0.15

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

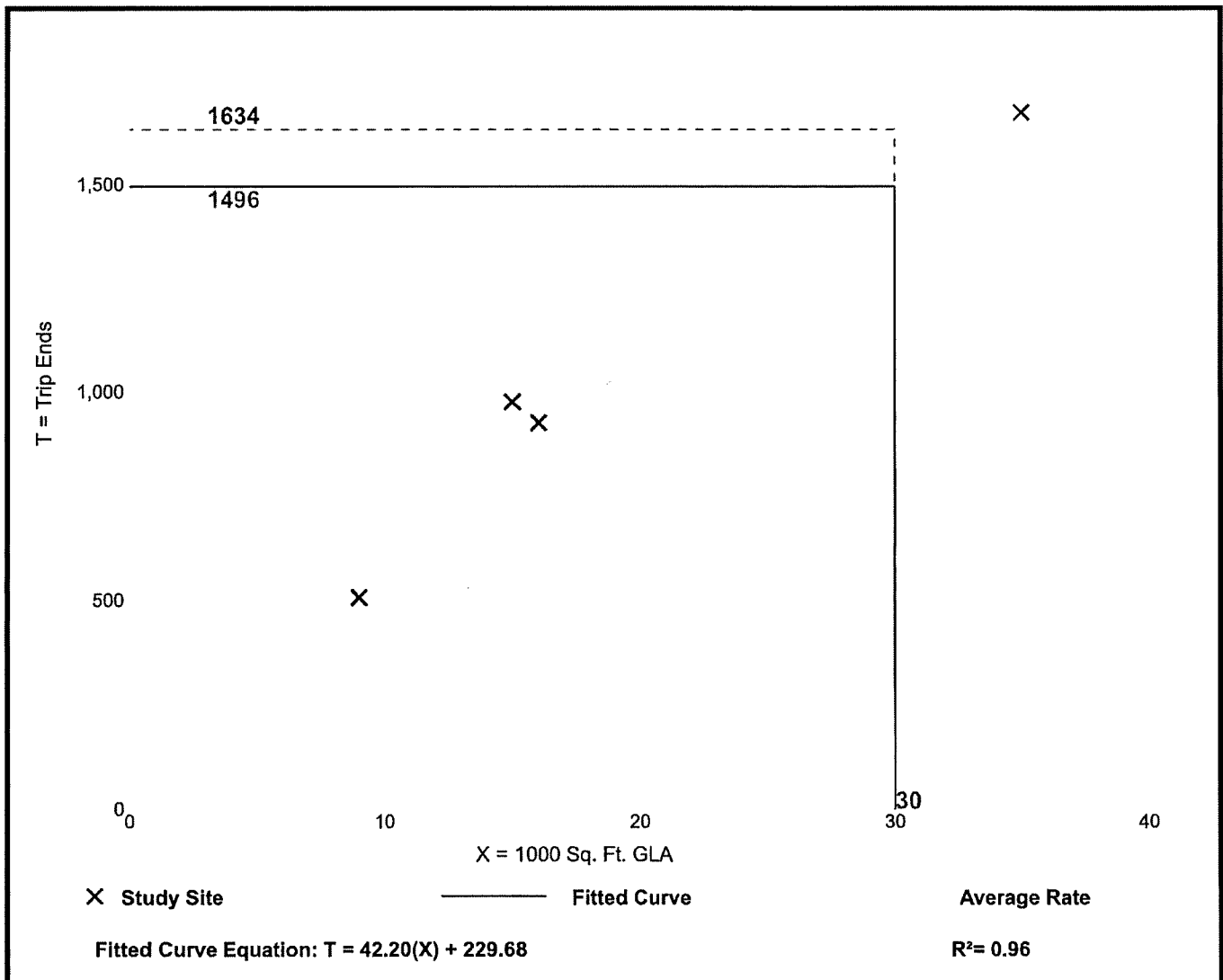
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size



(822)

On a: Weekday,

One Hour Between 7 and 9 a.m.

General Urban/Suburban

5

18

60% entering, 40% exiting

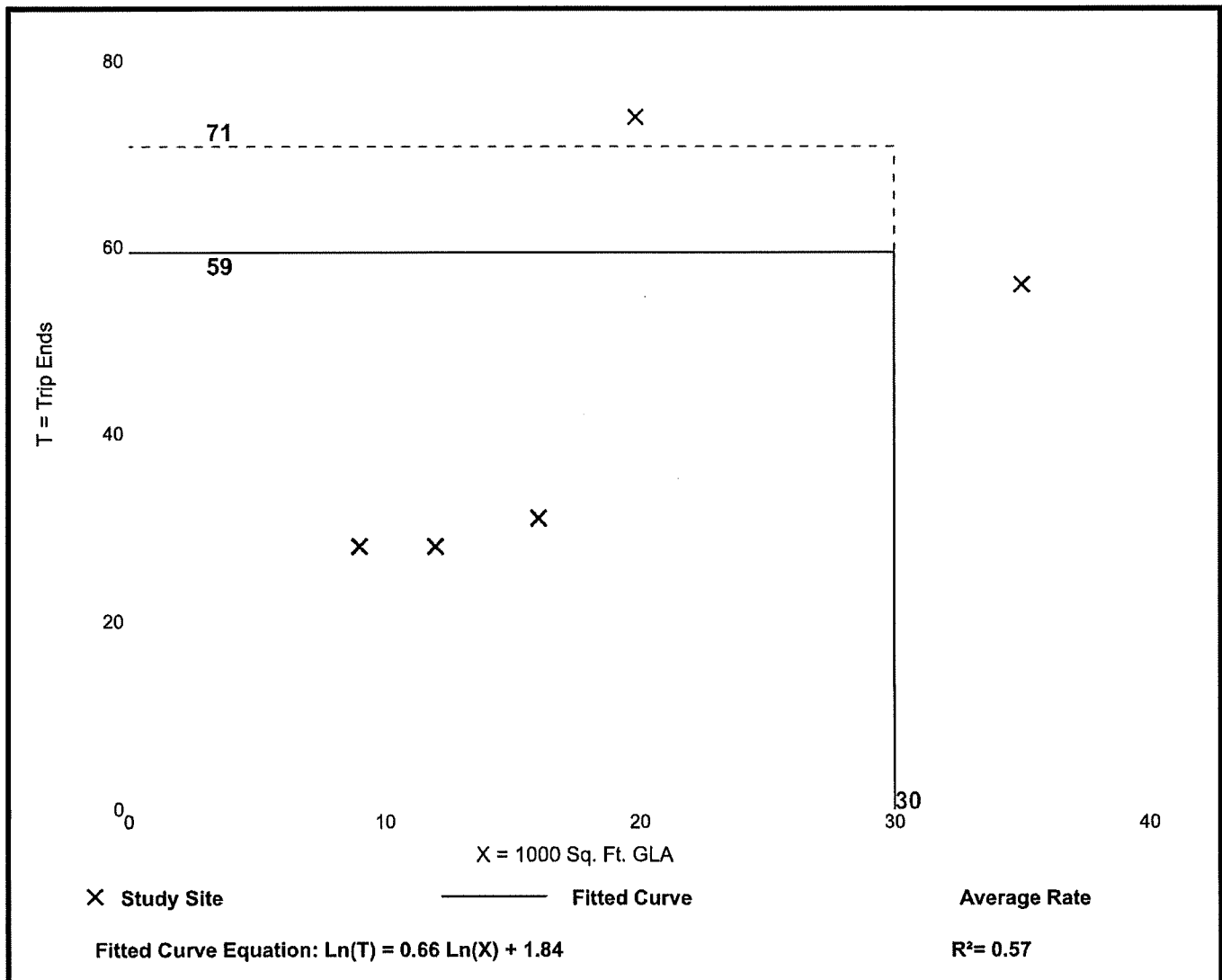
Vehicle Trip Generation per 1000 Sq. Ft. GLA

Standard Deviation

0.94

Data Plot and Equation

Caution – Small Sample Size



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 25

Avg. 1000 Sq. Ft. GLA: 21

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate

6.59

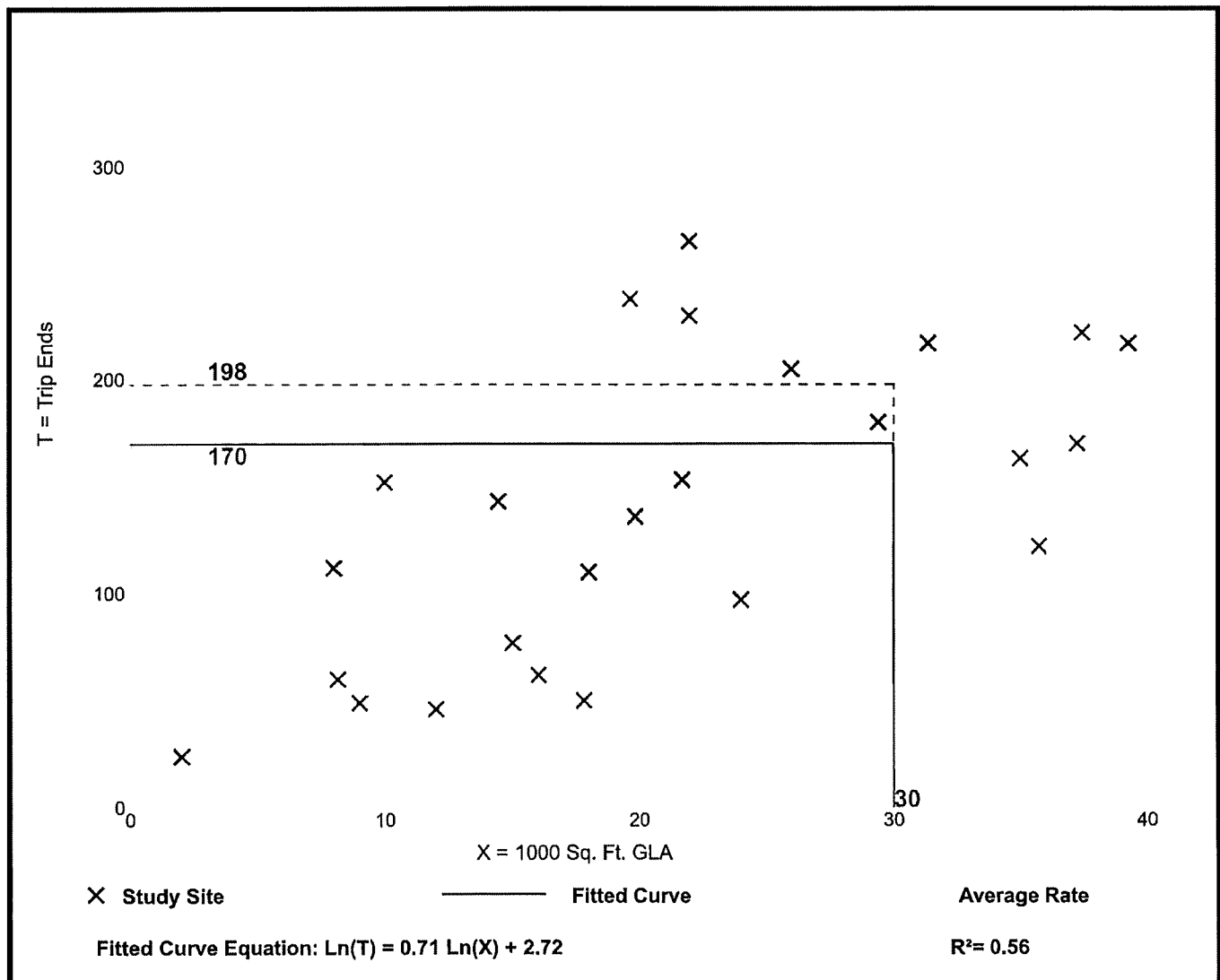
Range of Rates

2.81 - 15.20

Standard Deviation

2.94

Data Plot and Equation



Mobile Home Park (240)

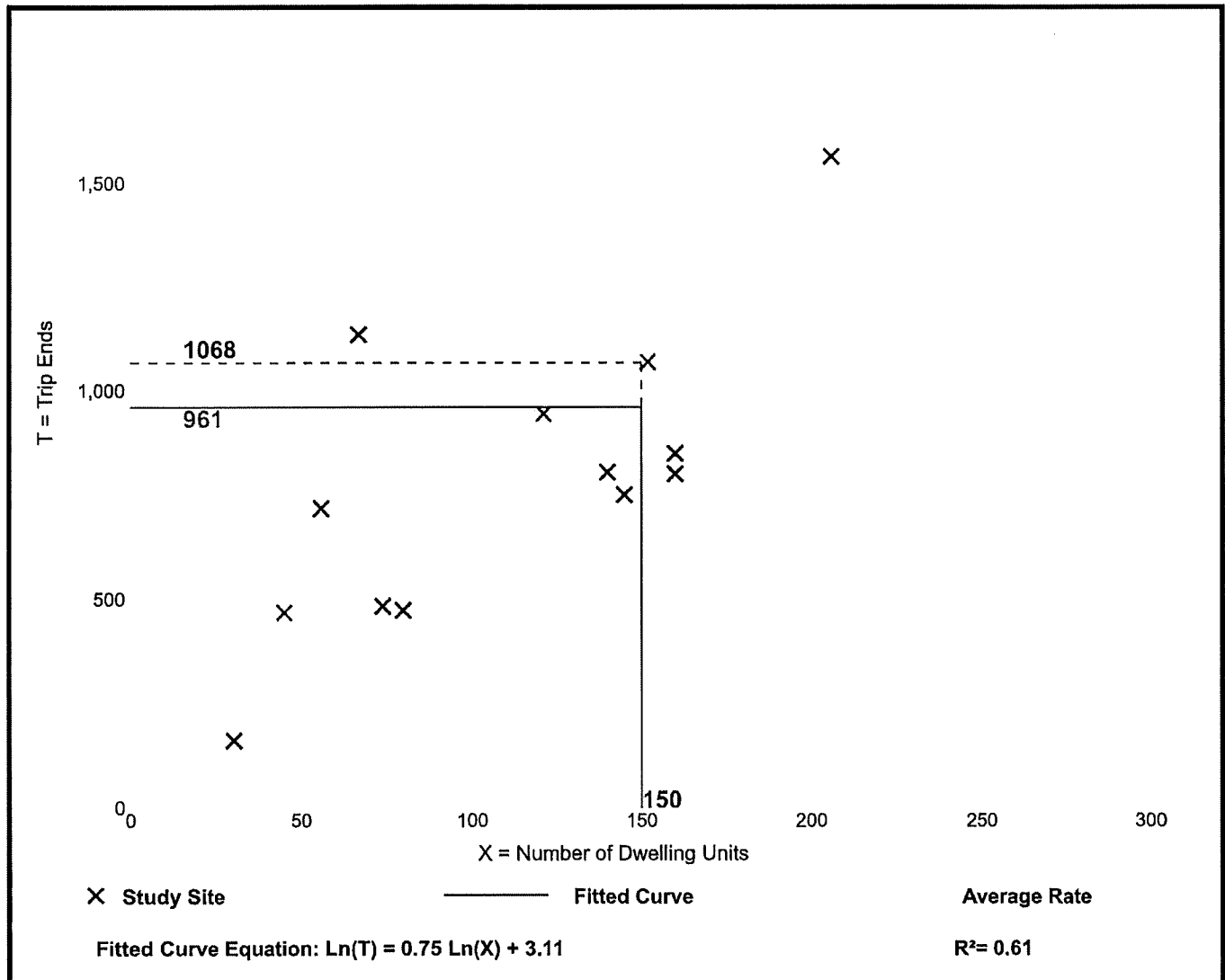
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 13
Avg. Num. of Dwelling Units: 110
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.12	5.00 - 16.96	2.91

Data Plot and Equation



Mobile Home Park (240)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 9

Avg. Num. of Dwelling Units: 150

Directional Distribution: 21% entering, 79% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.39

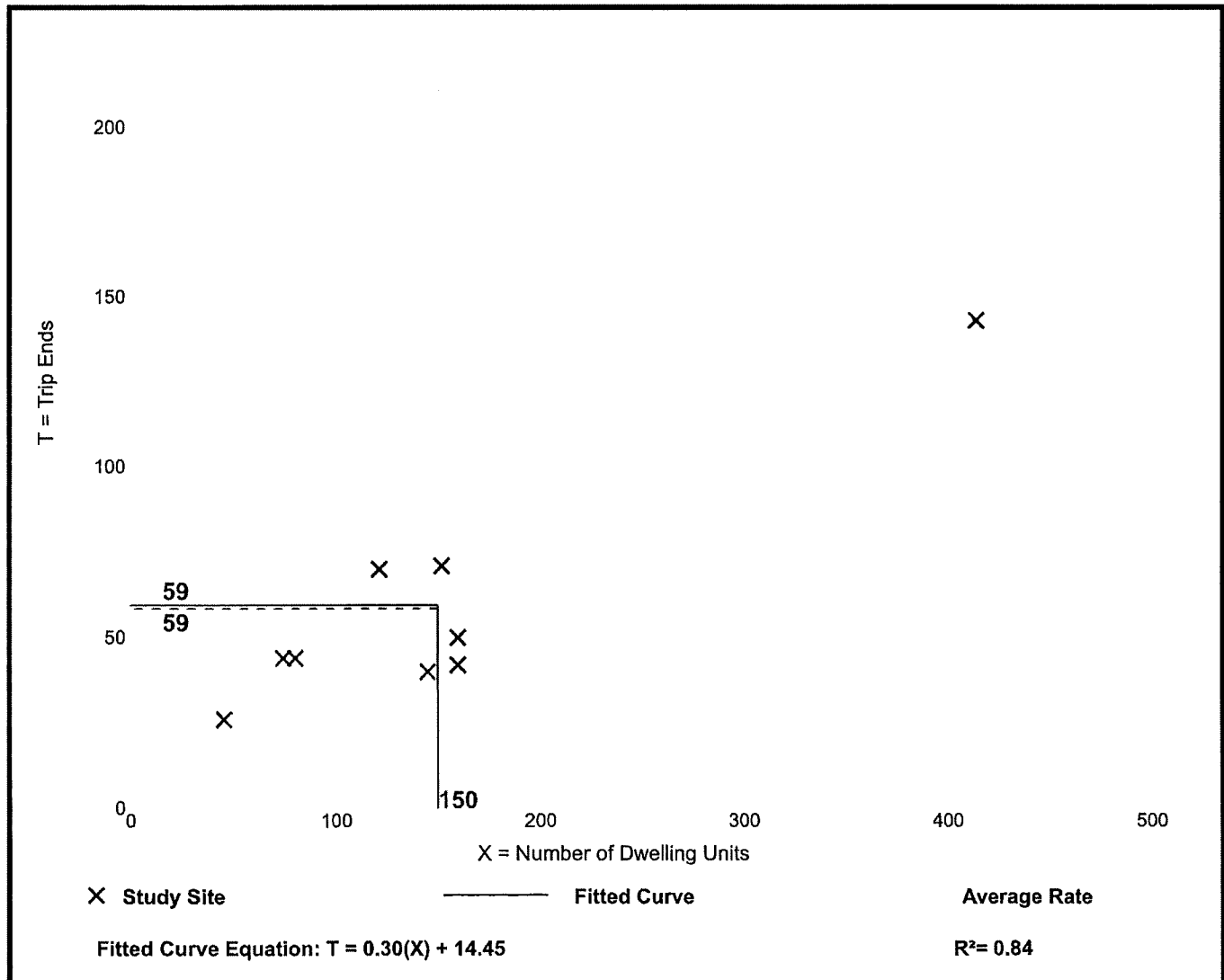
Range of Rates

0.26 - 0.59

Standard Deviation

0.12

Data Plot and Equation



Mobile Home Park (240)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 9

Avg. Num. of Dwelling Units: 150

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.58

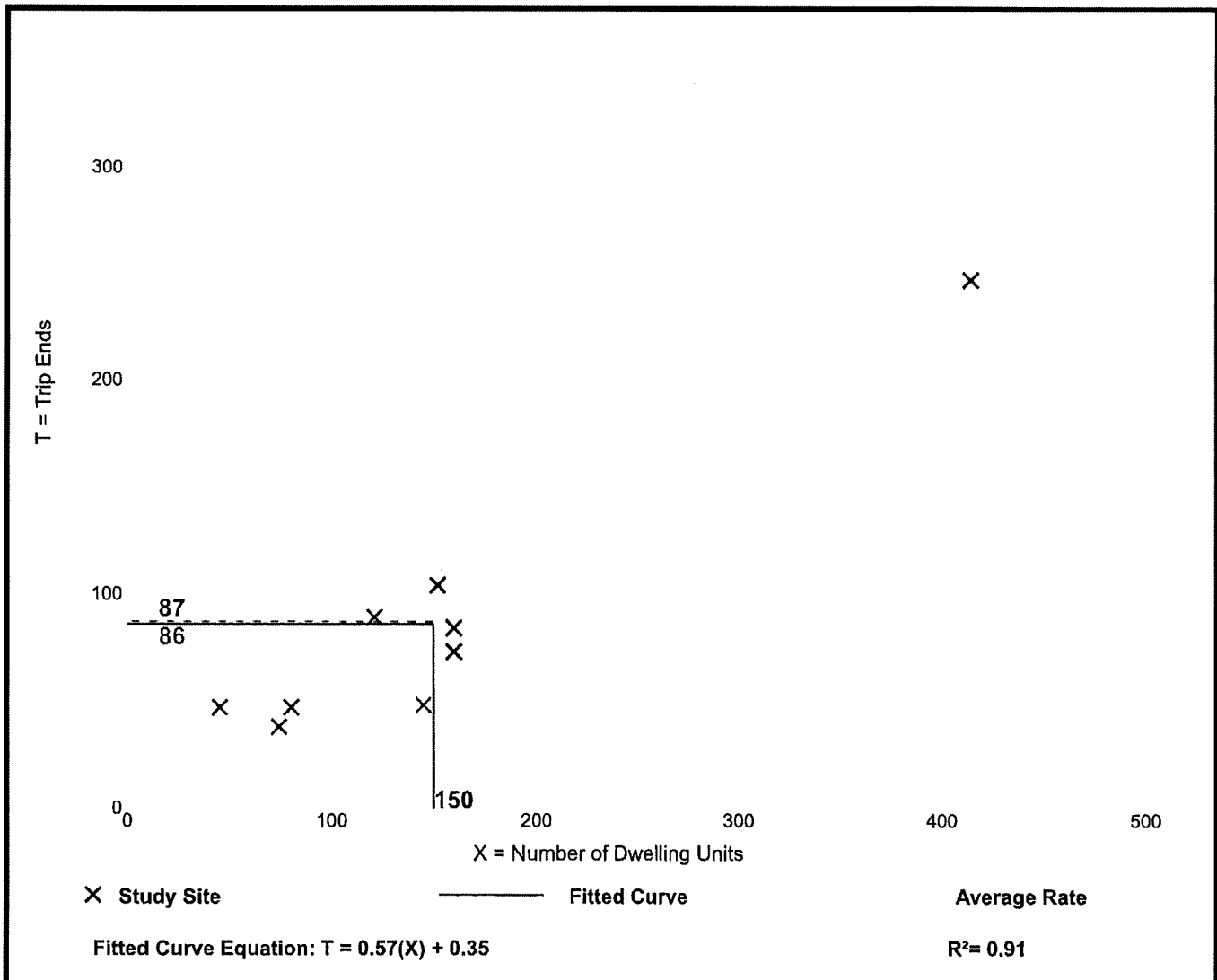
Range of Rates

0.33 - 1.04

Standard Deviation

0.15

Data Plot and Equation



ATTACHMENT M



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

June 3, 2022

Ms. Stacy Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

RE: Grand Bay MPD
DCI2022-00018

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

1. *The trip generation from the proposed uses will increase trips from the approved uses; however, Table 4 shows trip reduction. Please revise for consistency.*

Acknowledged. Revised **Table 4** is shown below.

Table 4
Trip Generation Comparison– Approved Zoning vs Proposed Zoning
Table 2 vs Table 3

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	54	103	157	155	115	270	3,045
Approved Zoning	-38	-58	-96	-108	-89	-197	-1,935
Resultant Trip Change	+16	+45	+61	+47	+26	+73	+1,110

Note: Positive number represents an INCREASE in Trip Generation.

2. *Since the project will generate more than 100 trips per hour, the information of level of service (LOS) for the project's entrance and the intersections within a quarter mile are required.*

Acknowledged. Note, FDOT is constructing a traffic signal at the intersection of US 41 and San Carlos Boulevard (with construction slated to begin in the fall of 2022) as part of their milling and resurfacing project on this section of US 41 (Project ID#444640-1-32-01). Therefore, the intersection analysis was performed at the intersection of US 41 with the proposed shared access drive opposite of San Carlos Boulevard based on the future signalized conditions at this location. The analysis also included the future traffic volumes from the build-out of the Estero Vista project (144 multi-family dwelling units) that will share the access to US 41 with the proposed Grand Bay MPD project. **Table 5** below indicates the anticipated trip generation of the build-out of the Estero Vista project, which will consist of 4-story multi-family residential buildings.

Table 5
Trip Generation
Estero Vista – 144 MF Dwelling Units

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Mid-Rise (144 Dwelling Units)	12	40	52	34	23	57	640

Attached **Figure 4** illustrates the anticipated trip distribution as well as the assignment of the Estero Vista project related trips to the shared access drive on US 41. Note, the intersection analysis was completed based on the PM peak hour conditions since the weekday PM peak hour for both Estero Vista and Grand Bay MPD projects represents the highest number of trips entering and exiting the shared access on US 41. The existing traffic volumes at US 41 and San Carlos Boulevard intersection as well the diverted traffic volumes as a result of the future signal at this location were obtained from the attached FDOT's *Traffic Signal Warrant Study* prepared by Traffic Engineering Data Solutions, Inc. The volumes utilized for the intersection analysis can be found on the attached *Development of Future Year Background Turning Movement Volumes* spreadsheet.

Attached *SYNCHRO*® summary sheets indicate the future signalized intersection of US 41 with San Carlos Boulevard to operate at an acceptable Level of Service "D" in 2027 with the proposed development traffic added to the intersection in the PM peak hour conditions.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,



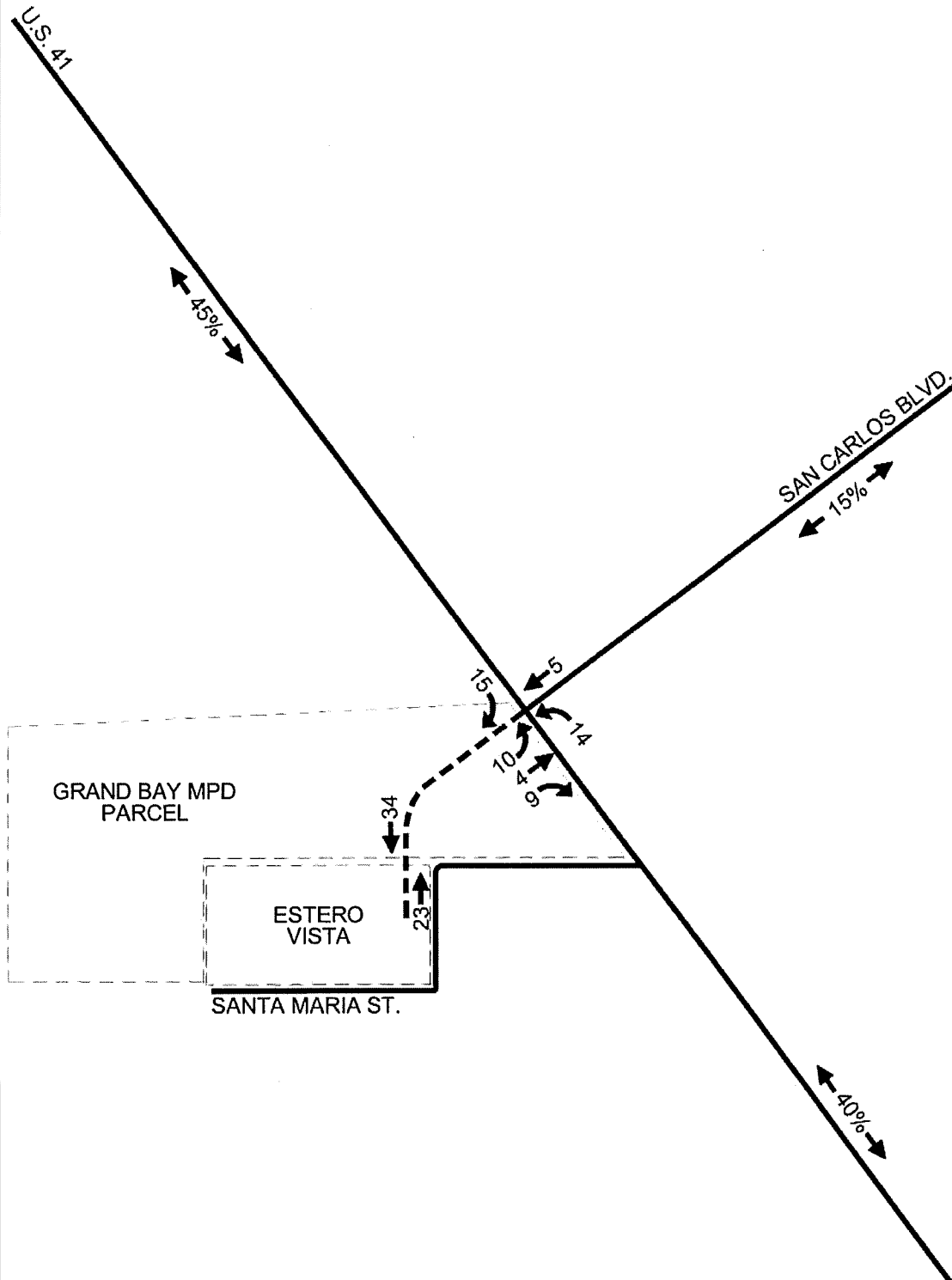
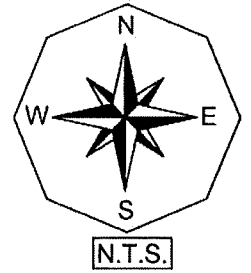
Yury Bykau, P.E.
Transportation Consultant

Attachments

FIGURE 4

SITE TRAFFIC ASSIGNMENT OF

ESTERO VISTA PROJECT

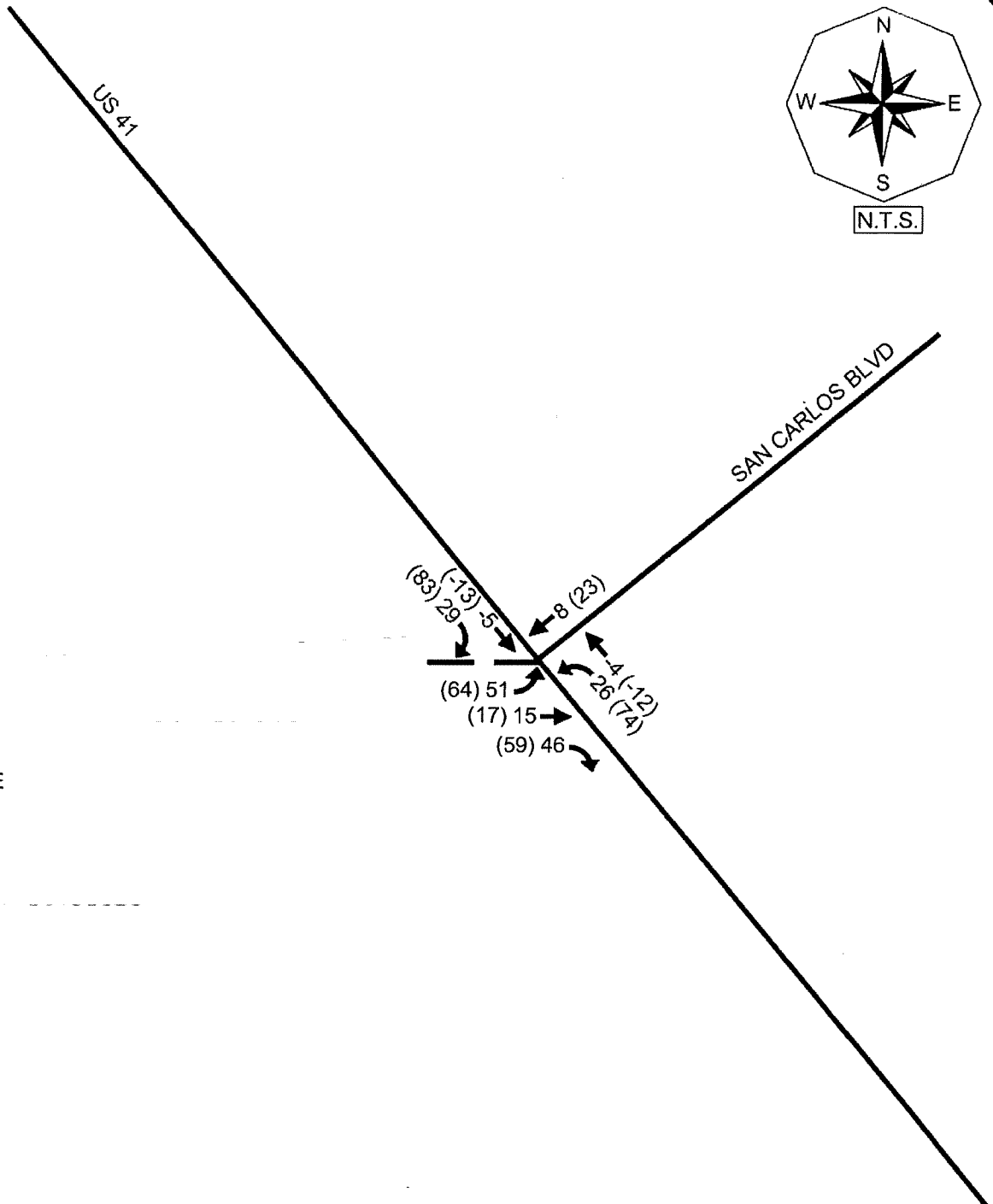
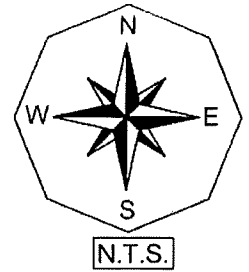


LEGEND

- ← 000 WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← XX% PERCENT TRIP DISTRIBUTION

FIGURE 2
TRAFFIC ASSIGNMENT OF
GRAND BAY MPD

F2202.02



SITE

LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC

**FDOT TRAFFIC SIGNAL WARRANT
STUDY
US 41 @ SAN CARLOS BLVD
PREPARED BY
TRAFFIC ENGINEERING DATA
SOLUTIONS**

TRAFFIC SIGNAL WARRANT STUDY

U.S. 41 at San Carlos Boulevard
Section 12010-000 – M.P. 10.403
Lee County

Prepared for:

FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT 1 TRAFFIC OPERATIONS

P.O. Box 1249
801 North Broadway Avenue, MS 1-8
Bartow, Florida 33831-1249



Continuing Services Contract for Traffic Operations
Financial Project Identification Number: 420112-1-32-03
Contract Number: C-9074
TEDS Contract Number: 10870
Task Work Order: 216

Prepared by:
Traffic Engineering Data Solutions, Inc.
80 Spring Vista Drive
DeBary, Florida 32713

May 2020

This item has been digitally signed and sealed by

Digitally signed by
Robert Agrusa
DN: c=US, o=TRAFFIC
ENGINEERING DATA
SOLUTIONS INC.,
ou=A01427D000001
6843DDAAAE00009D
F7, cn=Robert Agrusa
Date: 2020.05.13
17:47:30 -04'00'

On the date adjacent to the seal

Printed copies of this document are not considered
signed and sealed and the signature must be verified
on any electronic copies.

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EXECUTIVE SUMMARY

A Traffic Signal Warrant Study was conducted for the intersection of U.S. 41 at San Carlos Boulevard located in Fort Myers (Lee County), Florida, to determine if a traffic signal should be installed at the intersection. Currently, this intersection operates under minor-street STOP control.

Based on the results of the traffic signal warrant analysis, a review of crash history, field observations, engineering judgement, and other considerations, it is recommended that a **traffic signal be installed at the intersection of U.S. 41 and San Carlos Boulevard. In conjunction with signalization at this location, the current two-way directional median opening shall be modified to a full median opening. Additionally, it is recommended that a signal coordination plan be developed with the existing signalized intersection at U.S. 41 and Sanibel Boulevard to appropriately interconnect both signals. Lastly, it is recommended that alternative traffic control measures be considered at the U.S. 41 and Hickory Drive intersection, including the modification of the existing full median opening to a two-way directional opening.**

4

TRAFFIC SIGNAL WARRANT ANALYSIS

A traffic signal warrant analysis was undertaken for the study intersection of U.S. 41 and San Carlos Boulevard. Information surrounding the evaluation of this location, including the procedures and findings of this analysis, are provided below.

As previously shown, San Carlos Boulevard is a collector-type facility that provides connection from residential communities near Three Oaks Parkway, which parallels Interstate 75 (I-75) on the west side, to the commercial corridor of U.S. 41. The typical grid pattern of the local street network in this area has identified many street connections onto San Carlos Boulevard, and thus, making this road as one of the primary east/west routes to/from U.S. 41 in this general area. Based upon its attractiveness, traffic volumes have increased over the years as well as the frequency of vehicle crashes. In this study, a review of crash data at this study intersection was conducted and revealed that this intersection has had an on-going trend of crashes that may be potentially correctable with a traffic signal. As part of the initial effort to minimize crashes and improve safety at this location, the existing two-way directional left-turn median opening was installed on U.S. 41 as a remedial measure. However, since potentially correctable crashes have continued at this location, this intersection was further evaluated herein to determine if an alternative traffic control device, specifically a traffic signal, would be appropriate at this location.

It should be noted that due to the close proximity of San Carlos Boulevard with other immediate parallel facilities, specifically Hickory Drive located 800 feet to the south, it was critical to include these other roads in this warrant analysis, as well as determining potential impacts. For example, there are numerous streets connecting San Carlos Boulevard with Hickory Drive. Due to the close accessibility between these two roads, the installation of a traffic signal at San Carlos Boulevard will likely affect the current full median opening at Hickory Drive, which was found to have a pattern of angle crashes that could potentially be correctable with a directional median opening. To improve safety conditions in the general area, the full median opening at Hickory Drive may need to be modified to at least a two-way directional opening along U.S. 41. Although outbound left-turns would be prohibited from both side streets, any vehicle can turn right and then proceed to the next median opening to make a U-turn which is located no farther than 850 feet in either direction along U.S. 41 and would have the benefit of a signalized U-turn.

Based upon the above information, traffic volumes, geometric conditions, and crash data at the San Carlos Boulevard intersection were analyzed, summarized, and then compared with the warrants for the installation of a traffic signal contained within the MUTCD and MUTS.

As part of this analysis, the northbound and southbound approaches of U.S. 41 were used as the major street, and the westbound approach along San Carlos Boulevard was used as the minor street. Based on the posted/critical speed of 50 mph on U.S. 41, the 70% volume criteria were applied to the analysis. Additionally, the existing one-lane approach on the San Carlos Boulevard approach was utilized in the analysis. Also, when considering crash history for the signal warrant analysis, the information during the 12-month period from August 1, 2017 to August 1, 2018, was used for this warrant. During this period, there were five (5) crashes susceptible to correction by the installation of a traffic signal.

To appropriately develop traffic volumes at San Carlos Boulevard, other affected roadways in the area were considered, including Sanibel Boulevard (currently signalized) located approximately 900 feet to the north and Hickory Drive. Due to the close proximity of these two (2) facilities and their connection to San Carlos Boulevard via internal neighborhood streets, it was presumed that traffic on these roads would likely be redistributed to the San Carlos Boulevard approach to utilize the signalized intersection. The methodology involving this redistribution of traffic is provided below.

The initial component of estimated approach volumes considered existing traffic from Hickory Drive. At Hickory Drive, any redistribution of traffic would likely coincide with modifications of the existing full median opening at U.S. 41 to a two-way directional opening. As stated above, this presumption is reasonable when considering the results of the crash data and delay study for this location. Modifying the current opening to a two-way directional opening would re-route or divert westbound left-turning and through vehicles towards San Carlos Boulevard either at the existing northbound left-turn/U-turn lane on U.S. 41 or through internal roads towards the San Carlos Boulevard approach to make a westbound left turn to travel south on U.S. 41. Based upon expected driver behavior and patterns, it was estimated that 75 percent of these existing left-turns and throughs will be re-routed onto the San Carlos Boulevard approach. Additionally, all current westbound right-turning volumes at San Carlos Boulevard were considered in the estimate of approach volumes, including the number of existing right-turning vehicles that are making a U-turn at the Sanibel Boulevard intersection to travel southbound on U.S. 41. The determination of these U-turns was based upon traffic counts that were collected at the Sanibel Boulevard intersection in January 2020 for a similar 8-hour time period as San Carlos Boulevard and documented in the **Appendix**. Based upon limited driveways between San Carlos Boulevard Sanibel Boulevard, it was estimated that 75 percent of these existing U-turns would be considered left-turns on the San Carlos Boulevard approach. Lastly, consideration was given to the redistribution of trips from the Sanibel Boulevard intersection. Although there is a traffic signal at U.S. 41, traffic along Sanibel Boulevard on the east side of U.S. 41 can still connect with San Carlos Boulevard through local streets. Thus, a conservative (low) estimate of 10 percent of the existing westbound left-turn movement at this signalized location was considered to be diverted onto the San Carlos Boulevard approach. A summary of the estimated San Carlos Boulevard approach volumes is provided in **Table 8**.

Table 8
San Carlos Approach Volume Calculations
U.S. 41 at San Carlos Boulevard

	Hickory WBLT+Th (Existing)	Hickory WBLT+Th (75% Diverted)	Sanibel NB U- Turn (Existing)	Sanibel NB U- Turn (75% Diverted)	Sanibel WBLT (Existing)	Sanibel WBLT (10% Diverted)	San Carlos WBLT (Includes Hickory and Sanibel Diversion)	San Carlos WBRT (Existing)	San Carlos WBRT (after Adjustment for U-turns)	San Carlos WB Approach Total
6-7 AM	82	62	13	10	33	3	75	123	113	188
7-8 AM	80	60	16	12	44	4	76	168	156	232
8-9 AM	77	58	22	17	68	7	82	140	123	205
12-1 PM	45	34	25	19	92	9	62	79	60	122
1-2 PM	37	28	33	25	105	11	64	81	56	120
3-4 PM	50	38	25	19	152	15	72	80	61	133
4-5 PM	52	39	38	29	179	18	86	60	31	117
5-6 PM	34	26	27	20	180	18	64	70	50	114

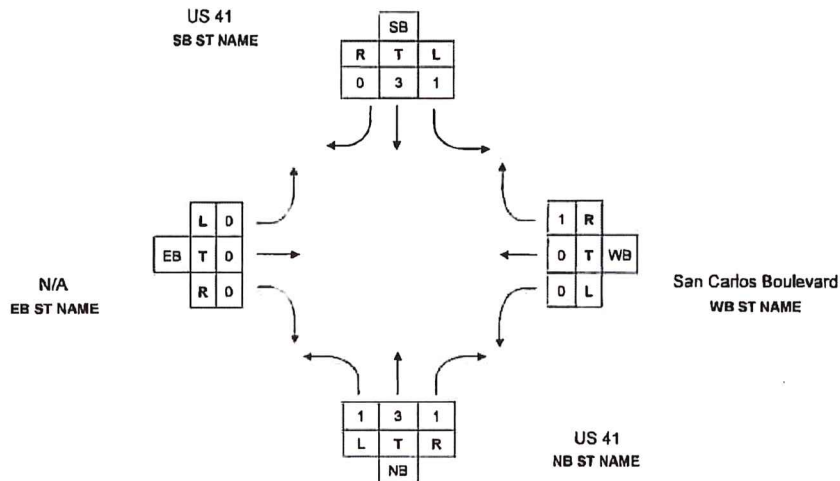
**TRAFFIC COUNT DATA FOR
US 41 @ SAN CARLOS BLVD**

FLORIDA DEPARTMENT OF TRANSPORTATION

SUMMARY OF VEHICLE MOVEMENTS

SECTION 12010 CITY Fort Myers COUNTY Lee
 STATE ROUTE US 41 INTERSECTING ROUTE San Carlos Boulevard
 OBSERVER TEDS DATE 1/30/2020 MILEPOST 10.403
 WEATHER Sunny ROAD CONDITION Good
 REMARKS

FORM COMPLETED BY CML DATE 03/09/20



TIME	NORTHBOUND					SOUTHBOUND					TOTAL	EASTBOUND					WESTBOUND					TOTAL
BEGIN/END	L	T	R	U	TOT	L	T	R	U	TOT	N/S	L	T	R	U	TOT	L	T	R	U	TOT	E/W
6:00 - 7:00	0	795	16	18	829	24	1,650	0	1	1,675	2,504	0	0	0	0	0	0	0	123	1	124	124
7:00 - 8:00	0	1,484	37	34	1,555	35	2,845	0	2	2,882	4,437	0	0	0	0	0	0	0	168	0	168	168
8:00 - 9:00	0	1,461	47	26	1,534	39	2,760	0	2	2,801	4,335	0	0	0	0	0	0	0	140	0	140	140
12:00 - 1:00	0	1,991	89	28	2,108	53	1,903	0	8	1,984	4,072	0	0	0	0	0	0	0	79	0	79	79
1:00 - 2:00	0	2,023	106	33	2,162	42	1,908	0	4	1,954	4,116	0	0	0	0	0	0	0	81	0	81	81
3:00 - 4:00	0	2,420	126	36	2,582	58	1,957	0	3	2,018	4,800	0	0	0	0	0	0	0	80	0	80	80
4:00 - 5:00	0	2,706	187	29	2,922	50	1,945	0	7	2,002	4,924	0	0	0	0	0	0	0	60	0	60	60
5:00 - 6:00	0	2,849	164	32	3,045	73	2,003	0	9	2,085	5,130	0	0	0	0	0	0	0	70	0	70	70
TOTAL	0	15,729	772	236	16,737	374	16,971	0	36	17,381	34,118	0	0	0	0	0	0	0	801	1	802	802

Percentage	0%	94%	5%	1%		2%	93%	0%	0%			0%	0%	0%	0%		0%	0%	100%	0%		
Average	0	1,966	97	30	2,092	47	2,121	0	5	2,173		0	0	0	0	0	0	0	100	0	100	
Maximum	0	2849	187	36		73	2845	0	9			0	0	0	0		0	0	168	1		
Minimum	0	795	16	18		24	1650	0	1			0	0	0	0		0	0	60	0		

FDOT PEAK SEASON FACTOR

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
 CATEGORY: 1201 US41

WEEK	DATES	SF	MOCF: 0.98 PSCF
1	01/01/2021 - 01/02/2021	1.00	1.02
2	01/03/2021 - 01/09/2021	1.02	1.04
3	01/10/2021 - 01/16/2021	1.03	1.05
4	01/17/2021 - 01/23/2021	1.02	1.04
5	01/24/2021 - 01/30/2021	1.01	1.03
6	01/31/2021 - 02/06/2021	1.00	1.02
7	02/07/2021 - 02/13/2021	0.99	1.01
* 8	02/14/2021 - 02/20/2021	0.98	1.00
* 9	02/21/2021 - 02/27/2021	0.98	1.00
*10	02/28/2021 - 03/06/2021	0.97	0.99
*11	03/07/2021 - 03/13/2021	0.97	0.99
*12	03/14/2021 - 03/20/2021	0.96	0.98
*13	03/21/2021 - 03/27/2021	0.97	0.99
*14	03/28/2021 - 04/03/2021	0.97	0.99
*15	04/04/2021 - 04/10/2021	0.98	1.00
*16	04/11/2021 - 04/17/2021	0.98	1.00
*17	04/18/2021 - 04/24/2021	0.98	1.00
*18	04/25/2021 - 05/01/2021	0.99	1.01
*19	05/02/2021 - 05/08/2021	0.99	1.01
*20	05/09/2021 - 05/15/2021	0.99	1.01
21	05/16/2021 - 05/22/2021	0.99	1.01
22	05/23/2021 - 05/29/2021	1.00	1.02
23	05/30/2021 - 06/05/2021	1.00	1.02
24	06/06/2021 - 06/12/2021	1.01	1.03
25	06/13/2021 - 06/19/2021	1.01	1.03
26	06/20/2021 - 06/26/2021	1.02	1.04
27	06/27/2021 - 07/03/2021	1.03	1.05
28	07/04/2021 - 07/10/2021	1.04	1.06
29	07/11/2021 - 07/17/2021	1.05	1.07
30	07/18/2021 - 07/24/2021	1.05	1.07
31	07/25/2021 - 07/31/2021	1.04	1.06
32	08/01/2021 - 08/07/2021	1.04	1.06
33	08/08/2021 - 08/14/2021	1.03	1.05
34	08/15/2021 - 08/21/2021	1.03	1.05
35	08/22/2021 - 08/28/2021	1.03	1.05
36	08/29/2021 - 09/04/2021	1.03	1.05
37	09/05/2021 - 09/11/2021	1.03	1.05
38	09/12/2021 - 09/18/2021	1.03	1.05
39	09/19/2021 - 09/25/2021	1.02	1.04
40	09/26/2021 - 10/02/2021	1.01	1.03
41	10/03/2021 - 10/09/2021	0.99	1.01
42	10/10/2021 - 10/16/2021	0.98	1.00
43	10/17/2021 - 10/23/2021	0.98	1.00
44	10/24/2021 - 10/30/2021	0.99	1.01
45	10/31/2021 - 11/06/2021	0.99	1.01
46	11/07/2021 - 11/13/2021	1.00	1.02
47	11/14/2021 - 11/20/2021	1.00	1.02
48	11/21/2021 - 11/27/2021	1.00	1.02
49	11/28/2021 - 12/04/2021	1.00	1.02
50	12/05/2021 - 12/11/2021	1.00	1.02
51	12/12/2021 - 12/18/2021	1.00	1.02
52	12/19/2021 - 12/25/2021	1.02	1.04
53	12/26/2021 - 12/31/2021	1.03	1.05

* PEAK SEASON

11-MAR-2022 14:24:13

830UPD

1_1201_PKSEASON.TXT

**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING
MOVEMENT VOLUMES
SPREADSHEET**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

US 41 @ San Carlos Blvd/Site Access
January 30, 2020
2027

	PM Peak Hour													
	NBLU	NBL	NBT	NBR	SBLU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	32	0	2,849	164	9	73	2,003	0	0	0	0	64	0	50
Peak Season Correction Factor	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03
Current Peak Season Volumes	33	0	2,934	169	9	75	2,063	0	0	0	0	66	0	52
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	0.00%	0.00%	0.00%	5.25%	5.25%	5.25%
Years to Build-out	7	7	7	7	7	7	7	7	7	7	7	7	7	7
2027 Background Turning Volumes	38	0	3,370	194	10	86	2,370	0	0	0	0	94	0	74
Esteros Vista Build-out Traffic Volumes		14						15	10	4	9		5	
2027 Total Background Turning Volumes	38	14	3,370	194	10	86	2,370	15	10	4	9	94	5	74
Project Turning Volumes		74	-12				-13	83	64	17	59		23	
2027 Total Background + Project	38	88	3,358	194	10	86	2,357	98	74	21	68	94	28	74

SYNCHRO RESULTS
US 41 @ SAN CARLOS BLVD

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr Background
06/03/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	10	4	9	94	5	74	38	14	3370	194	10	86
Future Volume (vph)	10	4	9	94	5	74	38	14	3370	194	10	86
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0		400		470		400
Storage Lanes	1		0	0		0		1		1		1
Taper Length (ft)	50			50				50				50
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.91	1.00	0.91	1.00	0.91	1.00
Frt		0.893			0.942					0.850		
Flt Protected	0.950				0.973			0.950				0.950
Satd. Flow (prot)	1805	1697	0	0	1741	0	0	1774	4893	1599	0	1785
Flt Permitted	0.564				0.822			0.950				0.950
Satd. Flow (perm)	1072	1697	0	0	1471	0	0	1774	4893	1599	0	1785
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)		10			20					211		
Link Speed (mph)		30			30				50			
Link Distance (ft)		544			576				1048			
Travel Time (s)		12.4			13.1				14.3			
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	0%	0%	0%	2%	1%	6%	1%	2%	1%
Adj. Flow (vph)	11	4	10	102	5	80	41	15	3663	211	11	93
Shared Lane Traffic (%)												
Lane Group Flow (vph)	11	14	0	0	187	0	0	56	3663	211	0	104
Turn Type	Perm	NA		Perm	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases		4			8		5	5	2		1	1
Permitted Phases	4			8						2		
Detector Phase	4	4		8	8		5	5	2	2	1	1
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0		24.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	24.0	24.0		24.0	24.0		14.0	14.0	112.0	112.0	14.0	14.0
Total Split (%)	16.0%	16.0%		16.0%	16.0%		9.3%	9.3%	74.7%	74.7%	9.3%	9.3%
Maximum Green (s)	18.0	18.0		18.0	18.0		8.0	8.0	106.0	106.0	8.0	8.0
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0			0.0			0.0	0.0	0.0		0.0
Total Lost Time (s)	6.0	6.0			6.0			6.0	6.0	6.0		6.0
Lead/Lag							Lead	Lead	Lag	Lag	Lead	Lead
Lead-Lag Optimize?							Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None		None	None		None	None	C-Max	C-Max	None	None
Walk Time (s)	7.0	7.0		7.0	7.0				7.0	7.0		
Flash Dont Walk (s)	11.0	11.0		11.0	11.0				11.0	11.0		
Pedestrian Calls (#/hr)	0	0		0	0				0	0		
Act Effct Green (s)	18.0	18.0			18.0			7.7	106.0	106.0		8.0
Actuated g/C Ratio	0.12	0.12			0.12			0.05	0.71	0.71		0.05
v/c Ratio	0.09	0.07			0.96			0.62	1.06	0.18		1.09
Control Delay	60.7	34.1			113.3			97.8	56.8	1.1		182.6
Queue Delay	0.0	0.0			0.0			0.0	0.0	0.0		0.0

Baseline

Synchro 10 Report
Page 1

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr Background
06/03/2022



Lane Group	SBT	SBR
Lane Configurations	↑↑↑	↑
Traffic Volume (vph)	2370	15
Future Volume (vph)	2370	15
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		290
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.91	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	4893	1599
Flt Permitted		
Satd. Flow (perm)	4893	1599
Right Turn on Red		Yes
Satd. Flow (RTOR)		65
Link Speed (mph)	50	
Link Distance (ft)	939	
Travel Time (s)	12.8	
Peak Hour Factor	0.92	0.92
Heavy Vehicles (%)	6%	1%
Adj. Flow (vph)	2576	16
Shared Lane Traffic (%)		
Lane Group Flow (vph)	2576	16
Turn Type	NA	Perm
Protected Phases	6	
Permitted Phases		6
Detector Phase	6	6
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	24.0	24.0
Total Split (s)	112.0	112.0
Total Split (%)	74.7%	74.7%
Maximum Green (s)	106.0	106.0
Yellow Time (s)	4.0	4.0
All-Red Time (s)	2.0	2.0
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	6.0	6.0
Lead/Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes
Vehicle Extension (s)	3.0	3.0
Recall Mode	C-Max	C-Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	108.8	108.8
Actuated g/C Ratio	0.73	0.73
v/c Ratio	0.73	0.01
Control Delay	14.1	0.0
Queue Delay	0.0	0.0

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr Background
06/03/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Total Delay	60.7	34.1			113.3			97.8	56.8	1.1		182.6
LOS	E	C			F			F	E	A		F
Approach Delay		45.8			113.3				54.4			
Approach LOS		D			F				D			
Queue Length 50th (ft)	10	4			166			55	~1436	0		~114
Queue Length 95th (ft)	31	27			#328			#115	#1491	23		#242
Internal Link Dist (ft)		464			496				968			
Turn Bay Length (ft)								400		470		400
Base Capacity (vph)	128	212			194			94	3457	1191		95
Starvation Cap Reductn	0	0			0			0	0	0		0
Spillback Cap Reductn	0	0			0			0	0	0		0
Storage Cap Reductn	0	0			0			0	0	0		0
Reduced v/c Ratio	0.09	0.07			0.96			0.60	1.06	0.18		1.09

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 140

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.09

Intersection Signal Delay: 42.6

Intersection LOS: D

Intersection Capacity Utilization 102.1%

ICU Level of Service G

Analysis Period (min) 15

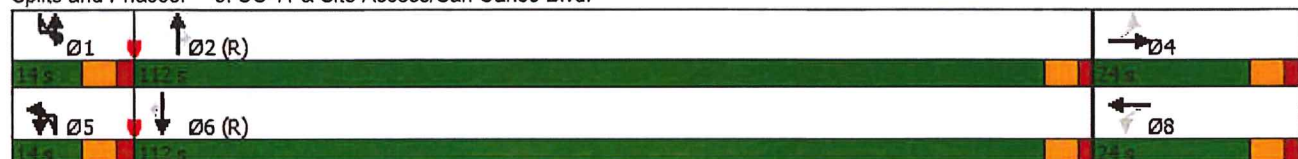
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: US 41 & Site Access/San Carlos Blvd.



Lanes, Volumes, Timings
 3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr Background
 06/03/2022



Lane Group	SBT	SBR
Total Delay	14.1	0.0
LOS	B	A
Approach Delay	20.5	
Approach LOS	C	
Queue Length 50th (ft)	526	0
Queue Length 95th (ft)	576	0
Internal Link Dist (ft)	859	
Turn Bay Length (ft)		290
Base Capacity (vph)	3548	1178
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.73	0.01
Intersection Summary		

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr W/Project
06/03/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	74	21	68	94	28	74	38	88	3358	194	10	86
Future Volume (vph)	74	21	68	94	28	74	38	88	3358	194	10	86
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0		400		470		400
Storage Lanes	1		0	0		0		1		1		1
Taper Length (ft)	50			50				50				50
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.91	1.00	0.91	1.00	0.91	1.00
Frt		0.886			0.949					0.850		
Flt Protected	0.950				0.977			0.950				0.950
Satd. Flow (prot)	1805	1683	0	0	1762	0	0	1782	4893	1599	0	1785
Flt Permitted	0.493				0.731			0.950				0.950
Satd. Flow (perm)	937	1683	0	0	1318	0	0	1782	4893	1599	0	1785
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)		35			17					211		
Link Speed (mph)		30			30				50			
Link Distance (ft)		544			576				1048			
Travel Time (s)		12.4			13.1				14.3			
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	0%	0%	0%	2%	1%	6%	1%	2%	1%
Adj. Flow (vph)	80	23	74	102	30	80	41	96	3650	211	11	93
Shared Lane Traffic (%)												
Lane Group Flow (vph)	80	97	0	0	212	0	0	137	3650	211	0	104
Turn Type	Perm	NA		Perm	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases		4			8		5	5	2		1	1
Permitted Phases	4			8						2		
Detector Phase	4	4		8	8		5	5	2	2	1	1
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0		24.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	24.0	24.0		24.0	24.0		14.0	14.0	112.0	112.0	14.0	14.0
Total Split (%)	16.0%	16.0%		16.0%	16.0%		9.3%	9.3%	74.7%	74.7%	9.3%	9.3%
Maximum Green (s)	18.0	18.0		18.0	18.0		8.0	8.0	106.0	106.0	8.0	8.0
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0			0.0			0.0	0.0	0.0		0.0
Total Lost Time (s)	6.0	6.0			6.0			6.0	6.0	6.0		6.0
Lead/Lag							Lead	Lead	Lag	Lag	Lead	Lead
Lead-Lag Optimize?							Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None		None	None		None	None	C-Max	C-Max	None	None
Walk Time (s)	7.0	7.0		7.0	7.0				7.0	7.0		
Flash Dont Walk (s)	11.0	11.0		11.0	11.0				11.0	11.0		
Pedestrian Calls (#/hr)	0	0		0	0				0	0		
Act Effct Green (s)	18.0	18.0			18.0			8.0	106.0	106.0		8.0
Actuated g/C Ratio	0.12	0.12			0.12			0.05	0.71	0.71		0.05
v/c Ratio	0.71	0.42			1.23			1.44	1.06	0.18		1.09
Control Delay	96.1	44.8			190.0			294.9	55.4	1.1		182.6
Queue Delay	0.0	0.0			0.0			0.0	0.0	0.0		0.0

Baseline

Synchro 10 Report
Page 1

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr W/Project
06/03/2022




Lane Group	SBT	SBR
Lane Configurations	↑↑↑	↑
Traffic Volume (vph)	2357	98
Future Volume (vph)	2357	98
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		290
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.91	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	4893	1599
Flt Permitted		
Satd. Flow (perm)	4893	1599
Right Turn on Red		Yes
Satd. Flow (RTOR)		107
Link Speed (mph)	50	
Link Distance (ft)	939	
Travel Time (s)	12.8	
Peak Hour Factor	0.92	0.92
Heavy Vehicles (%)	6%	1%
Adj. Flow (vph)	2562	107
Shared Lane Traffic (%)		
Lane Group Flow (vph)	2562	107
Turn Type	NA	Perm
Protected Phases	6	
Permitted Phases		6
Detector Phase	6	6
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	24.0	24.0
Total Split (s)	112.0	112.0
Total Split (%)	74.7%	74.7%
Maximum Green (s)	106.0	106.0
Yellow Time (s)	4.0	4.0
All-Red Time (s)	2.0	2.0
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	6.0	6.0
Lead/Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes
Vehicle Extension (s)	3.0	3.0
Recall Mode	C-Max	C-Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	106.0	106.0
Actuated g/C Ratio	0.71	0.71
v/c Ratio	0.74	0.09
Control Delay	15.2	1.3
Queue Delay	0.0	0.0

Lanes, Volumes, Timings
3: US 41 & Site Access/San Carlos Blvd.

2027 PM Pk Hr W/Project
06/03/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Total Delay	96.1	44.8			190.0			294.9	55.4	1.1		182.6
LOS	F	D			F			F	E	A		F
Approach Delay		68.0			190.0				60.7			
Approach LOS		E			F				E			
Queue Length 50th (ft)	77	56			~240			~182	~1427	0		~114
Queue Length 95th (ft)	#164	117			#413			#326	#1481	23		#242
Internal Link Dist (ft)		464			496				968			
Turn Bay Length (ft)								400		470		400
Base Capacity (vph)	112	232			173			95	3457	1191		95
Starvation Cap Reductn	0	0			0			0	0	0		0
Spillback Cap Reductn	0	0			0			0	0	0		0
Storage Cap Reductn	0	0			0			0	0	0		0
Reduced v/c Ratio	0.71	0.42			1.23			1.44	1.06	0.18		1.09

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 150

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.44

Intersection Signal Delay: 49.3

Intersection LOS: D

Intersection Capacity Utilization 103.1%

ICU Level of Service G

Analysis Period (min) 15

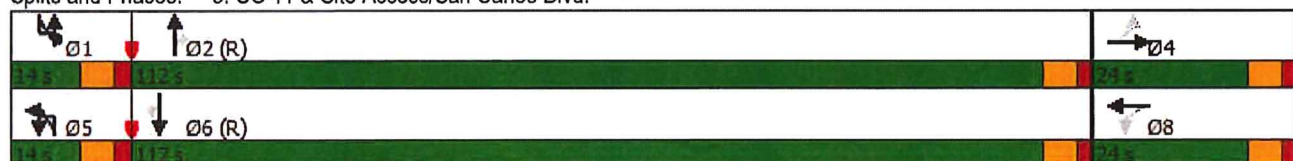
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: US 41 & Site Access/San Carlos Blvd.





Lane Group	SBT	SBR
Total Delay	15.2	1.3
LOS	B	A
Approach Delay	21.0	
Approach LOS	C	
Queue Length 50th (ft)	520	0
Queue Length 95th (ft)	569	18
Internal Link Dist (ft)	859	
Turn Bay Length (ft)		290
Base Capacity (vph)	3457	1161
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.74	0.09
Intersection Summary		

TRIP GENERATION EQUATIONS

Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 11

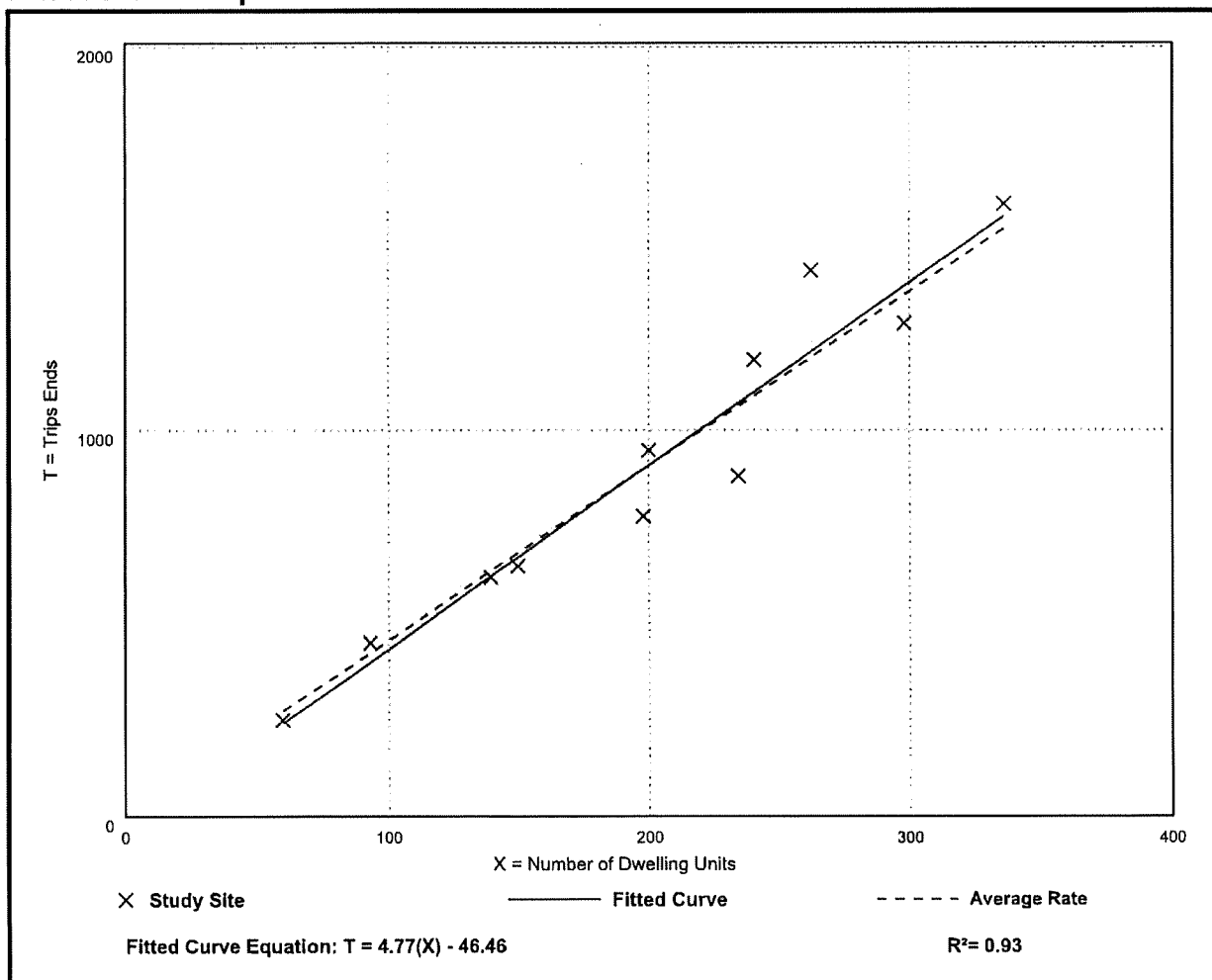
Avg. Num. of Dwelling Units: 201

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 30

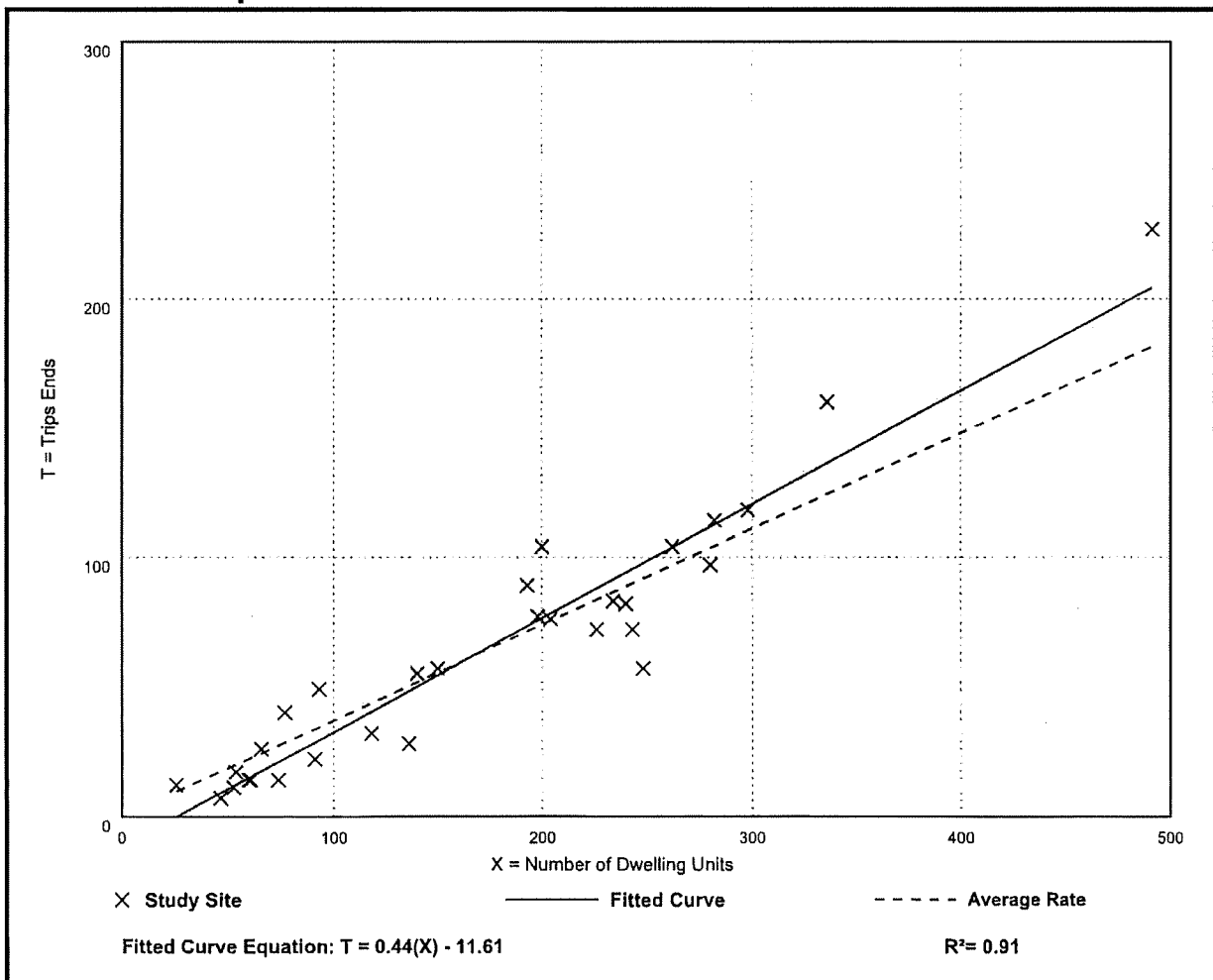
Avg. Num. of Dwelling Units: 173

Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

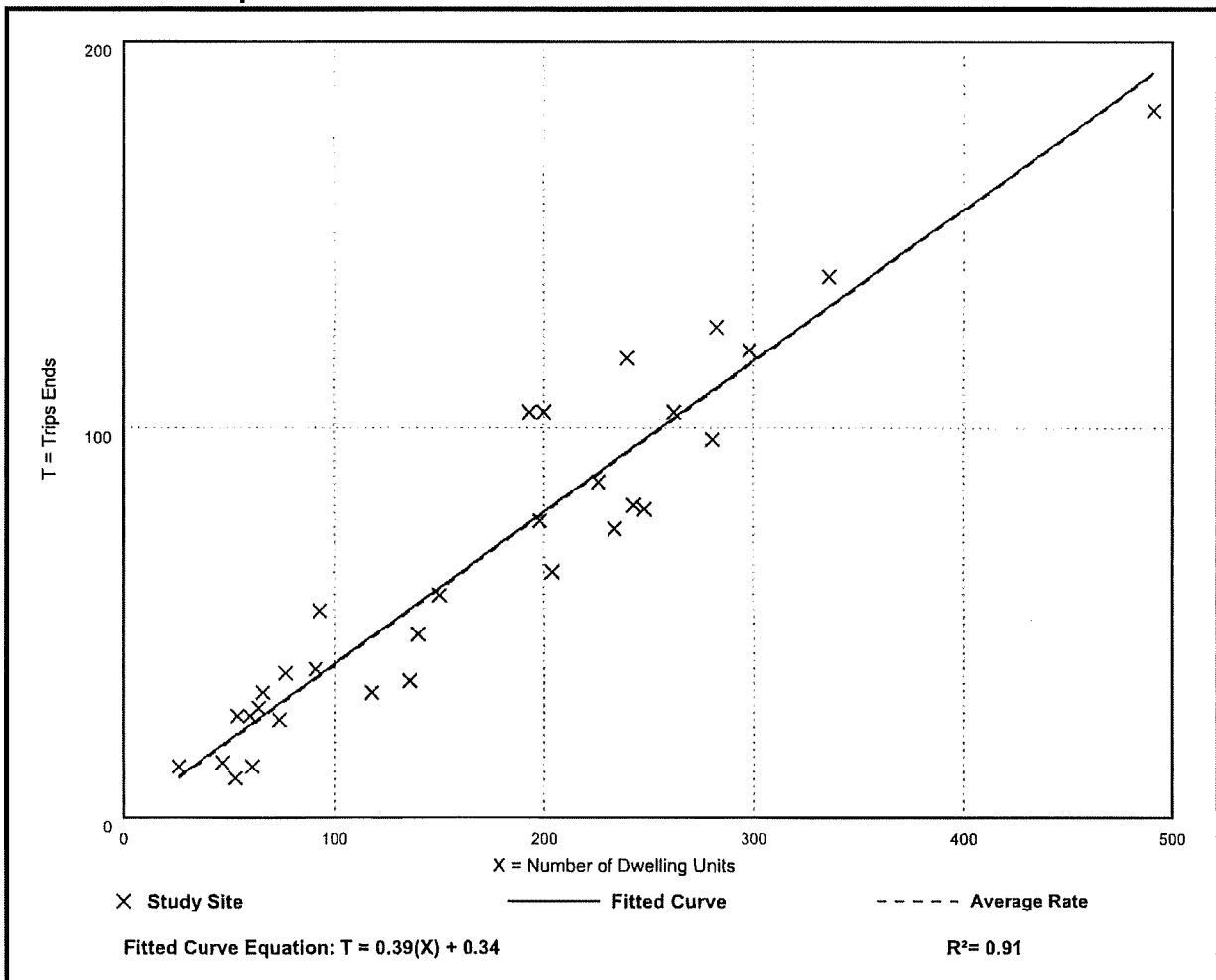
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation





DEPARTMENT OF COMMUNITY
DEVELOPMENT



Memo

To: Beth Workman, Planner, Principal

From: Lili Wu, Planner, Senior

Date: Nov. 16, 2022

Subject: Grand Bay Minor MPD (DCI2022-00018) Transportation-Related Analysis

Proposed Development

This application is requesting to allow a maximum of 300 multi-family dwelling units and 30,000 sf of commercial or office uses.

Site Location

The subject site is located at the northwest corner of the intersection of US 41 and Santa Maria St.

Site Access

Access to the property will be provided by one proposed driveway on US 41

US 41 is an arterial maintained by State.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hour and daily traffic volumes.

Table 1
Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Multi-Family (300 units)	28	88	116	95	55	150	1,998
Commercial (30,000 sf)	26	15	41	60	60	120	1,047
Total	54	103	157	155	115	270	3,045

Roadway Section Traffic Operation Level of Service Analysis

It was assumed that the proposed development would be completed by 2027 (build-out year). Therefore, the roadway links significant impacted by the proposed development were analyzed for the 2027 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Significant Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2027	Future + Project
US 41	North of Site	No	C	C	C
	South of Site	No	C	C	C

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site access, and intersections expected to be most impacted by the proposed development. In this case, using trip assignment described in the applicant's final traffic study, the following intersection is expected to be significantly impacted by the proposed development:

1. US 41/Site Access/San Carlos Blvd

Table 3 describes the intersection that is expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

**Table 3: Roadway Intersection(s) Immediately Adjacent to Subject Site
Expected to be significantly Impacted by Proposed Development**

Intersection		Significant		Peak	Level of Service (2027)		
Roadway A	Roadway B	Impact Expected	Traffic Control	Hour	Existing	Future	Future + Project
US 41	Site Access/San Carlos Blvd	Yes	Traffic Signal	PM	--	D	D

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system.

The proposed project's driveway on US 41 subjects to the approval of FDOT.

ATTACHMENT O

THIS DOCUMENT WAS PREPARED BY:
Atty. John Spear
9200 Bonita Beach Road, P.O. Box 2207
Bonita Springs, FL. 33959
(813)-947-1102

2946494

GRANT OF ROADWAY AND UTILITY EASEMENT

15.00 -
This GRANT OF ROADWAY AND UTILITY EASEMENT, made by
SHELTERING PINES IMPROVEMENT ASSOCIATION, INC., a Florida
Corporation, hereinafter referred to as Grantor, entered into
this 24th day of October, 1990, does hereby grant to
the public for unrestricted access, the use and enjoyment
thereof, for ingress and egress, the use of roadway and utility
easements situated on Grantor's property in Lee County, Florida;
said roadway and easements being located and described as set
forth in Exhibit "A", which is attached hereto and made a part
hereof.

1. The above easements shall not be limited or abridged in
any manner whatsoever by the Grantor.
2. Subject to any additional existing easements covering
the land herein described, Grantor covenants that he is
lawfully seized and possessed of the described real
property (See Exhibit "A"), has good and lawful right
and power to sell, convey and/or encumber it, and that
the property is free and clear of all liens and other
encumbrances.
3. Grantor by executing this GRANT OF ROADWAY AND UTILITY
EASEMENT does not obligate the County, its successors
or assigns for acceptance of the roadway for continued
maintenance or bringing the substandard roadway up to
County standards. Any and all maintenance to the
roadway or streetlights shall only be performed after
an accumulation of adequate revenue or upon the
authorization of an assessment by the Board of County
Commissioners.

IN WITNESS WHEREOF, SHELTERING PINES IMPROVEMENT
ASSOCIATION, INC., Grantor, has caused this document to be

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. HANSHAW, D.C.

OR2190 PG2470

executed in its name by a duly authorized officer.

WITNESSES:

SHELTERING PINES IMPROVEMENT
ASSOCIATION, INC.

Susan H. Flory
Susan D. Gubb

By: DuWayne Boudin
DuWAYNE BOUDIN, President

OR2190 PG2471

STATE OF FLORIDA

COUNTY OF LEE

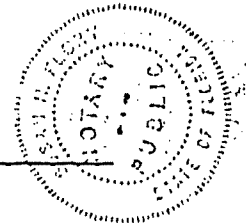
BEFORE ME, personally appeared DuWAYNE BOUDIN, as the
President of SHELTERING PINES IMPROVEMENT ASSOCIATION, INC., to
me well known, and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to me
that he executed said instrument for the purposes expressed
therein.

WITNESS my hand and official seal, this 24th day of
October, 1990.

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: MAY 7, 1994.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Susan H. Flory
Notary Public



APPROVED AS TO FORM:

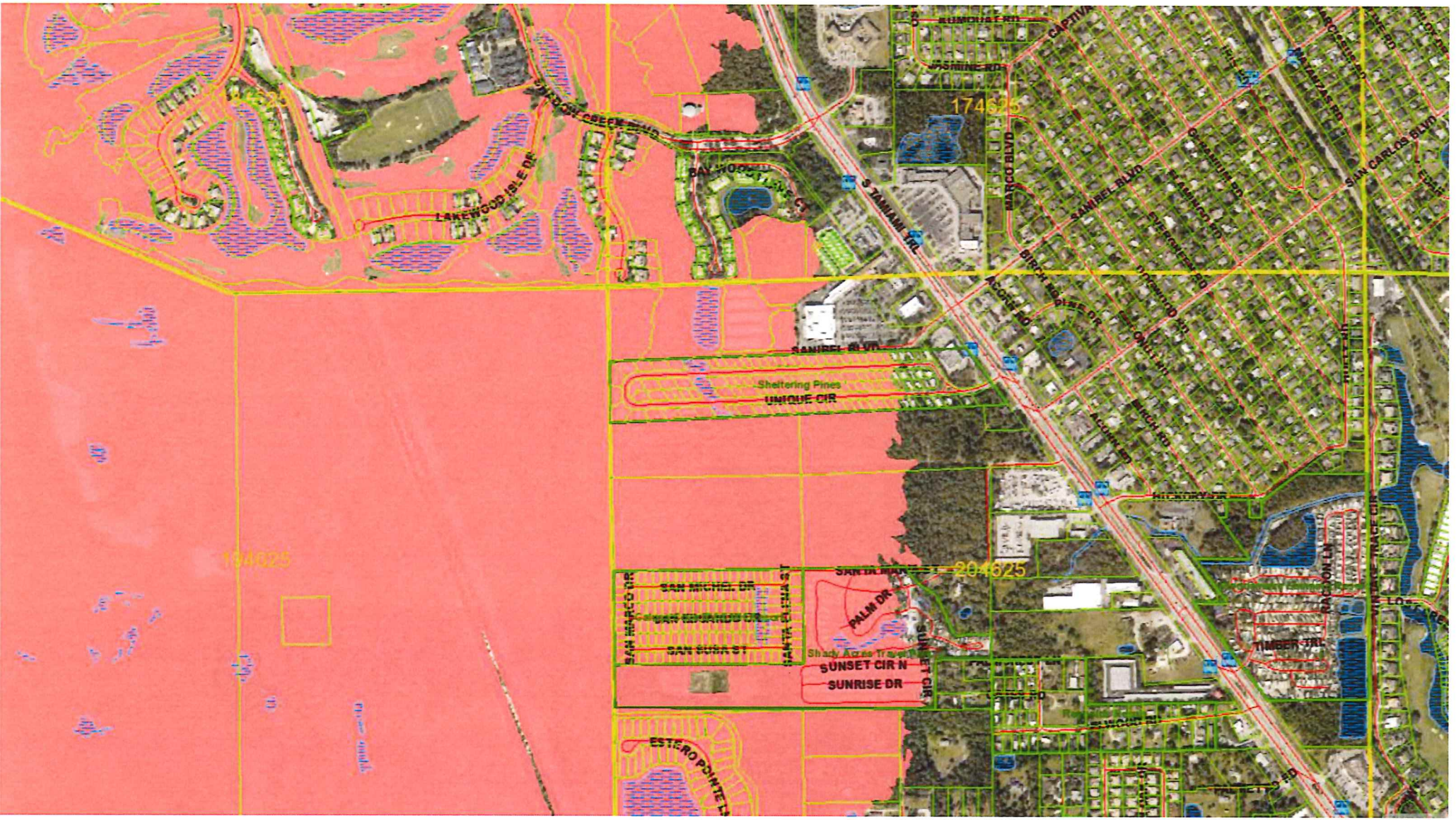
By: [Signature]
Office of County Attorney

EXHIBIT A

All roads and streets in Sheltering Pines Mobile Home Village, being a parcel in the North one-half (½) of Section 20, Township 46 South, Range 25 East, Lee County, Florida, according to the map or plat thereof recorded in Official Records Book 493, Pages 607 and 608, of the Public Records of Lee County, Florida.

OR2190 PG2472

CHARLIE GREEN LEE CITY FL
90 DEC -5 PM 1:18



Date: January 17, 2023

To: Beth Workman, Principal Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2022-00018
Natural Resources Staff Report and Conditions for Grand Bay Minor RPD
STRAP# 20-46-25-01-00005.0000, 20-46-25-01-00004.0000, 20-46-25-01-00004.0010,
20-46-25-01-00006.0000

The request is to rezone 46.33± acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed Use Planned Development (MPD) to allow a maximum of 300 dwelling units and 30,000 square feet of commercial uses. The proposed development is within the Mullock Creek watershed and bisected by a Mullock Creek tributary, which conveys offsite flows through the property. The Mullock Creek watershed is impaired for Iron, Selenium, Enterococci, and Copper. Lee Plan policy 125.1.2 states, new development and additions to existing development must not degrade surface and ground water quality. The proposed stormwater management system will provide pretreatment on the two commercial or mixed use parcels sites prior to discharging into the main stormwater management system. The wet detention pond will then discharge into the Mullock Creek wetlands on the east side of the flowway and then ultimately into Mullock Creek. Lee Plan policy 125.1.4 states, developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. To address consistency with Lee Plan policies 125.1.2 and 125.1.4 the applicant has proposed a condition requiring approval of a water quality monitoring plan prior to issuance of development order. The proposed surface water management system is consistent with Lee Plan policies 60.4.2 and 125.1.3.

In order to maintain consistency with these policies staff recommends the following conditions:

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, Dissolved Oxygen,
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- iv) Identify the monitoring point locations
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the

Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.**

The Mullock Creek tributary, which conveys offsite flows through the property, is bordered by wetlands and within a FEMA Regulatory Floodway. An existing elevated east west dirt road bisects the Floodway and four 36 inch culverts under the dirt road function to convey offsite flows. The Lee County 2018 Flood Study Report, prepared by Johnson Engineering, was developed following the two major rain events during the summer of 2017. The first being Invest 92L occurring in late August and then followed by Hurricane Irma on September 10th. The Report documented conditions in the field where flooding had occurred and mapped locations where impediments to flow existed that could be remedied quickly, or where deficiencies in structural components may have facilitated flooding. The Report discovered four 36-inch culverts under the east/west dirt road that were damaged and impeding offsite flows (Observation ID#708, Appendix A, Page 1). The applicant has agreed to apply for the necessary permits and replace the four damaged culverts in order to restore offsite conveyance capacity. To address the replacement of the four 36 inch culverts staff recommends the following condition:

Prior to issuance of local development order, the Developer must apply to replace the four 36 inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

The project is proposing no impacts within the FEMA Regulatory Floodway and will preserve and restore all wetlands in the Floodway. The preservation of this area is consistent with Lee Plan policy 60.4.3 which encourages the preservation of existing natural flowways and the restoration of historic flowways. In addition, the applicant will remove exotic vegetation and be responsible for the long-term maintenance of the Floodway consistent with Lee Plan policy 61.3.3 which requires that floodways be as unobstructed as possible. These improvements along with the replacement of the damaged culverts within the FEMA floodway will lesson flooding impacts in the area.

A 30' plated roadway known as Santa Monica Street runs east west through the property. The western portion of Santa Monica Street was never constructed, but would provide Lee County access to the Floodway if necessary. The applicant has requested to vacate this plated roadway (VAC2023-00004) and Natural Resources Staff has conditionally approved the vacation request only if the applicant provides a replacement drainage and access easement. As part of the petition to vacate, a drainage and access easement must be reviewed and recorded in favor of Lee County. The drainage and access easement must include language to permit Lee County access to the floodway to allow the right, but not the obligation, to maintain the floodway consistent with Lee Plan policy 61.3.3 and LDC 10-328.

A large portion of the property is located within the Coastal High Hazard Area (CHHA), as seen on Lee Plan Map 5-A. The Lee Plan defines the CHHA as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The subject property contains 11.13 acres of wetlands, of which 11.00 acres are located in the CHHA, per the SFWMD formal wetland determination issued on June 7, 2022 (36-107223-P). Lee Plan policy 101.1.1 requires that development within the CHHA be compatible with natural systems, such as,

water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. Policy 101.1.2 speaks to the protection and conservation of environmentally sensitive coastal areas that include wetlands, mangrove stands, undeveloped tidal creeks, and critical wildlife habitat. The preservation and restoration of wetlands and the Mullock Creek flowway are consistent with policies 101.1.1 and 101.1.2. In addition, the preservation of uplands west of the flowway maintain onsite gopher tortoise habitat consistent with policy 101.1.1 and 101.1.2. The applicant is also proposing to offset 0.04 acres of wetland impacts by creating 0.04 acres of wetlands that will be graded to match the existing grade of the adjacent floodway and will be planted with native wetland vegetation if natural recruitment does not take place within two growing seasons. The proposed wetland creation will provide compensatory storage to offset the 0.04 acres of wetland impacts. This proposed mitigation strategy is in not required by the Lee Plan or Land Development Code but was proposed by the applicant to further demonstrate consistency with Lee Plan policy 101.1.1. Staff recommends the following condition:

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

Attachments

- I. Conditional Vacation Request Approval Letter
- II. Lee County 2018 Flood Study Report Observation ID#708, Appendix A, Page 1
- III. Aerial Map depicting the Floodway and approximate location of damaged pipes



Board of County Commissioners

Kevin Ruane
District One

| (239) 533-8124

Cecil L. Pendergrass
District Two

January 11, 2023

Ray Sandelli
District Three

Jennifer Sheppard
10511 Six Mile Cypress Parkway
Suite 101
Fort Myers, FL 33966

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Re: Request for a Letter of Review and Recommendation for Right of Way on Strap No.
20-46-25-01-00004.0000

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Dear Ms. Sheppard:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of Right of Way as shown on Strap No. 20-46-25-01-00004.0000. This letter is based on the conditions within DCI2022-00018 with conditions the pipes will be replaced and a drainage easement granted to Lee County.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY DIVISION OF NATURAL RESOURCES

A handwritten signature in black ink, appearing to read "Phil Gillogly", is written over a light blue horizontal line.

Phil Gillogly
Project Manager

S:\Natural Resources\SURFACE\DOCUMENT\vac2000-220.docx

FIELD OBSERVATIONS BY JOHNSON ENGINEERING IN NOVEMBER AND DECEMBER 2017 FOR IMPEDIMENTS TO FLOW							
Observation ID	Findings	Observation	LatDD	LongDD	Watershed	Address	Consultant Remarks
1618	Shoaling under US 41 bridge for at least half of the length. Some areas only a cou	Sediment	-81.853988	26.499469	JEI - Ten Mile Canal (South)	16800 S Tamiami Trl Fort Myers 33908	
1619	Severe shoaling opposite the RV Park main outfall.	Sediment	-81.854347	26.497364	JEI - Ten Mile Canal (South)	16800 S Tamiami Trl Fort Myers 33908	
1692	Sediment in canal	Sediment	-81.853689	26.501823	JEI - Ten Mile Canal (South)	16320 Old Us 41 Fort Myers 33912	Spot removal sediment in canal
880	Erosion and sediment at weir	Erosion	-81.836583	26.475407	JEI - Mullock Creek	Submerged Fort Myers	Sediment removal at weir and upstream
1675	Trees and debris in ten mile canal	Other	-81.854535	26.502559	JEI - Ten Mile Canal (South)	16521 S Tamiami Trl Fort Myers Fl 33908	
1787	trees in creek	Debris	-81.828679	26.474586	JEI - Mullock Creek	Railroad R/W Fort Myers 33967	EMDD Area Spot Tree removal needed
887	sediment and vegetation in creek	Sediment	-81.832688	26.473616	JEI - Mullock Creek	7157 Greenwood Park Cir 32 Fort Myers 33967	EMDD Area 1800 LF needs widened, cleaned,
1720	trees in ditch	Debris	-81.840299	26.505162	JEI - Ten Mile Canal (South)	16300 S Pebble Ln Fort Myers 33912	Tree Removal in addition to sediment in ditch
1717	debris upstream side	Debris	-81.846655	26.505687	JEI - Ten Mile Canal (South)	16501 Michael G Rippe Pkwy Fort Myers	To be addressed in the current County mainte
1718	debris on weir	Debris	-81.845139	26.505367	JEI - Ten Mile Canal (South)	16100 Rainforest Ln Fort Myers 33912	To be addressed in the current County mainte
1788	trees in creek	Debris	-81.824526	26.475086	JEI - Mullock Creek	7525 Garry Rd Fort Myers 33967	EMDD Area
1848	debris at culvert	Debris	-81.846537	26.505885	JEI - Ten Mile Canal (South)	16100 Rainforest Ln Fort Myers 33912	Remove debris from culvert
1251	trees and sediment	Sediment	-81.828165	26.510529	JEI - Ten Mile Canal (South)	15951 Quail Trl Fort Myers 33912	Not addressed in the current County maintena
1688	debris at inlet and downstream	Debris	-81.821785	26.460566	JEI - Mullock Creek	19137 Holly Rd Fort Myers 33967	EMDD Area
1092	vegetation in flow way covered by linear features	Vegetation	-81.808507	26.555723	JEI - Six Mile Cypress	Right Of Way Fort Myers	
1449	erosion at each end of culvert	Erosion	-81.822196	26.493014	JEI - Ten Mile Canal (South)	Railroad R/W Fort Myers	Severe erosion
900	Partial vegetation blockages in 11 parallel culverts	Vegetation	-81.824712	26.527651	JEI - Six Mile Cypress	14589 Eagle Ridge Dr Fort Myers 33912	County maintained.
1079	outfall surrounded by vegetation and covered with debris	Vegetation	-81.803991	26.555823	JEI - Six Mile Cypress	Renaissance C/E Fort Myers	Remove vegetation and debris from outfall str
1723	erosion around MES	Erosion	-81.810042	26.493123	JEI - Ten Mile Canal (South)	8901 Alico Rd Fort Myers 33912	Erosion issues
1732	Debris in inlet	Debris	-81.837268	26.546675	JEI - Six Mile Cypress	7040 Daniels Pkwy Fort Myers 33912	Remove debris from inlet
1733	Debris in inlet	Debris	-81.836819	26.546658	JEI - Six Mile Cypress	7040 Daniels Pkwy Fort Myers 33912	Remove debris from inlet
1734	Sediment buildup at outfall	Sediment	-81.836832	26.546475	JEI - Six Mile Cypress	7040 Daniels Pkwy Fort Myers 33912	Remove sediment from in front culvert
1778	Inlet covered by +6" of soil and roots.	Sediment	-81.830548	26.534664	JEI - Six Mile Cypress	7532 Woodland Bend Cir Fort Myers 33912	
1791	trees in creek	Debris	-81.821008	26.475153	JEI - Mullock Creek	8000 Cypress Dr N Fort Myers 33967	EMDD Area Tree removal needed
1899	vegetation at cross drain	Vegetation	-81.838474	26.517626	JEI - Ten Mile Canal (South)	7000 Briarcliff Rd Fort Myers 33912	Remove vegetation from cross drain
1912	sediment	Sediment	-81.826328	26.517271	JEI - Ten Mile Canal (South)	15620 Country Ct Fort Myers 33912	remove sediment from culvert
1914	debris on and around inlet	Debris	-81.82732	26.517272	JEI - Ten Mile Canal (South)	7710 Briarcliff Rd Fort Myers 33912	
1915	debris on and around inlet	Debris	-81.827553	26.517266	JEI - Ten Mile Canal (South)	7650 Briarcliff Rd Fort Myers 33912	
1916	debris on and around inlet	Debris	-81.827874	26.517246	JEI - Ten Mile Canal (South)	7650 Briarcliff Rd Fort Myers 33912	
1922	debris and vegetation at culvert	Vegetation	-81.832018	26.518316	JEI - Ten Mile Canal (South)	15486 Briar Ridge Cir Fort Myers 33912	Remove debris and vegetation from cross drai
895	Erosion around both ends of weir	Erosion	-81.8227	26.539523	JEI - Six Mile Cypress	7541-7991 Georgian Bay Cir Fort Myers 33912	
1768	damaged structure and sediment	Damaged Structure	-81.813356	26.493169	JEI - Ten Mile Canal (South)	16371 Lee Rd Fort Myers 33912	
1769	erosion	Erosion	-81.814976	26.493042	JEI - Ten Mile Canal (South)	8500 Alico Rd Fort Myers 33912	Erosion issues
1836	debris	Debris	-81.838963	26.547007	JEI - Six Mile Cypress	13489 Ben C Pratt Six Mile Cypress Pkwy Fort Myers Fl 3391	Remove debris from wier
708	damaged culverts and debris and vegetation in flow way	Damaged Structure	-81.834566	26.460057	JEI - Mullock Creek	4050 Santa Maria St Fort Myers 33908	
1259	Culvert blocked sediment and vegetation	Vegetation	-81.805833	26.53144	JEI - Six Mile Cypress	14670 Old Hickory Blvd Fort Myers 33912	Remove vegetation from end of cross drain
1731	Sediment buildup at outfall.	Sediment	-81.837267	26.546444	JEI - Six Mile Cypress	7040 Daniels Pkwy Fort Myers 33912	Remove sediment at culvert
1740	Debris covering inlet	Debris	-81.834151	26.546446	JEI - Six Mile Cypress	13101 Ben C Pratt Six Mile Cypress Pkwy Fort Myers 33912	Remove debris from inlet
1748	Inlet not apparent	Debris	-81.832204	26.546249	JEI - Six Mile Cypress	13690 Eagle Ridge Dr Fort Myers 33912	Remove vegetation and sediment from structu
1749	Vegetation around inlet	Vegetation	-81.831966	26.546453	JEI - Six Mile Cypress	13690 Eagle Ridge Dr Fort Myers 33912	
1772	damaged structure	Damaged Structure	-81.818578	26.493052	JEI - Ten Mile Canal (South)	Alico Rd Fort Myers 33912	Repair structure
1781	Slight amount of debris at culvert ends	Debris	-81.830586	26.536246	JEI - Six Mile Cypress	7541-7991 Georgian Bay Cir Fort Myers 33912	
1786	vegetation and sediment at outfall pipes	Sediment	-81.832285	26.473904	JEI - Mullock Creek	7220 Coolidge Rd Fort Myers 33967	EMDD AREA
1892	Culvert does not exist or is buried bad. No connection under maintenance access	Other	-81.806094	26.531645	JEI - Six Mile Cypress	19470 Cromwell Ct 205 Fort Myers 33912	Remove sediment from both ends of culvert
1893	Culvert partly blocked. Sediment and vegetation	Vegetation	-81.806071	26.531447	JEI - Six Mile Cypress	19470 Cromwell Ct 205 Fort Myers 33912	Remove vegetation from end of cross drain
430	Debris at weir	Debris	-81.873532	26.49534	JEI - Hendry Creek	6227 Deer Run Fort Myers 33908	
449	sediment and vegetation in culvert	Sediment	-81.858372	26.497725	JEI - Hendry Creek	16901 Island Park Rd Fort Myers 33908	





Grand Bay



Approximate Location of Damaged Pipes



Floodway



Lee County
Southwest Florida

