EXHIBITS

CASE # DCI2022-00027

CASE NAME: MIVO NORTH FORT MYERS

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 # DCI2022-00027

APPLICANT	STAFF
#1 9.2 48 Hour power point	#1 Staff Report
#2 MCP	#2 power point
#3	#3
#4	#4
#5	#5
#6	#6
#7	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

Perez, Maria

From: Ebrahimi, Sina <sina.ebrahimi@kimley-horn.com>
Sent: Tuesday, January 17, 2023 9:02 AM
To: Hearing Examiner
Cc: Toussaint, Tracy; Vanbuskirk, Peter; Monaghan, Alyssa; IAN SLAVIN; Jeff Wright; Workman, Elizabeth; Perez, Maria
Subject: [EXTERNAL] DCI2022-00027/MIVO North Fort Myers
Attachments: 48 Letter_MIVO NFM_20230117_FINAL.pdf

Good Morning!

Please find attached the 48-hour letter for the referenced Project that is scheduled for the January 19, 2023 HEX Meeting. We appreciate your kind consideration of this rezoning petition.

Kindly reach out if you have any questions or need any additional information.

Thank you!

Kimley»Horn
Sina Ebrahimi, PE
1412 Jackson Street, Suite 2, Fort Myers, FL 33901
Direct: 239 984 6524 | Mobile: 954 464 3806 | www.kimley-horn.com
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APPLICANT'S
EXH # a
APPLICANT'S

Kimley»Horn

January 17, 2023

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Fort Myers, FL 33901

RE: ***MIVO North Fort Myers***
DCI2022-00027
Applicants 48-Hour Letter

Dear Hearing Examiner:

Please accept this as the Applicant's 48-hour letter.

The applicant has reviewed the staff report and has found the following discrepancies in the Staff Report:

1. **Page 1 – History of Parcel.** The staff report states in the beginning of this section that the property is 19.23+/- acres. The total acreage of the property is 19.41 +/- acres.
2. **Page 2 – History of Parcel.** At the end of this section, it states that the Applicant is proposing to rezone the C-1A parcel of the project, northern parcel, to CPD which is incorrect. The Applicant is requesting to change both the C-1A parcel and the CPD parcel to RPD.
3. **Page 4 – Deviation 1.** Applicant has submitted an updated Master Concept Plan removing the wet detention lake and is proposing a dry detention. Kindly requesting to withdraw this deviation.
4. **Page 8 – Subsection B.** This section also states changing the current zoning of the C-1A parcel to CPD when the Applicant is requesting RPD.
5. **Attachment E Conditions Section A (2) –** Requesting to remove Single-Family Residential Tracts (R-1) from Schedule of Uses.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,

Sina Ebrahimi, P.E.
Agent for Applicant

Kimley»Horn

MIVO North Fort Myers

DCI2022-00027

HEX Hearing January 19, 2023

Applicant's Witness List

1. Sina Ebrahimi, P.E. (CV attached)
2. Peter Van Buskirk, P.E., AICP (CV attached)
3. Ian Slavin, Applicant

Kimley»Horn

MIVO NORTH FORT MYERS

DCI2022-00027

HEX Hearing January 19, 2023

Applicant's Exhibit List

1. Applicant's PowerPoint Presentation
2. Copy of Master Concept Plan

*Copies of these exhibits will be provided at the Hearing.

MIVO North Fort Myers
DCI2022-00027

Lee County HEX Hearing
January 19, 2023

APPLICANT'S EXHIBIT
#1

Project Team

MIVO Development Group, LLC - Applicant

- Ian Slavin

Kimley-Horn and Associates, Inc. – Civil/Land Use

- Sina Ebrahimi, P.E.
- Peter Van Buskirk, AICP, P.E.

Henderson Franklin – Project Attorney

- Jeff Wright, Esq.

TR Transportation Consultants, Inc. – Transportation

- Yury Bykau, P.E.
- Ted Treesh, P.E.

Abode Studio LLC – Architect

- John Babbitt, AIA

Atlantic Ecological Services, LLC – Environmental

- Jody Sisk

T2 Utility Engineers – Surveyor

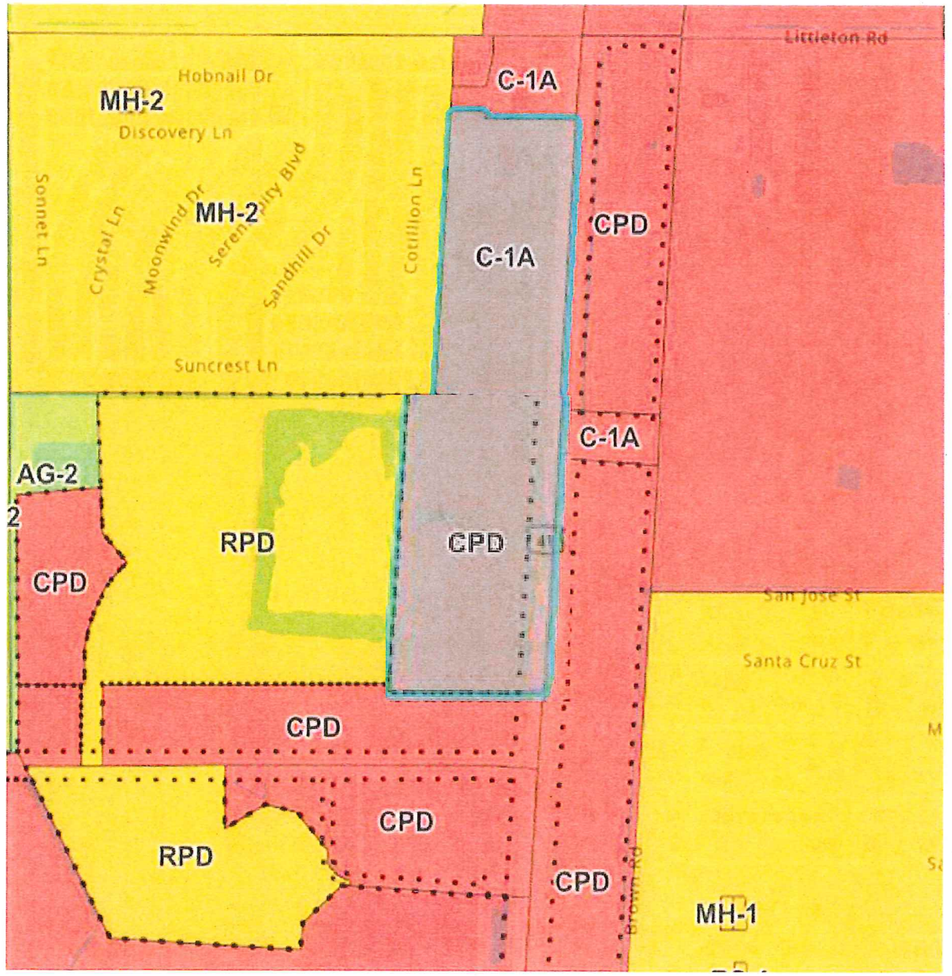
- Scott Urquhart, PSM

Summary of Request

- Rezone a 19.41 +/- acre parcel from C-1A and CPD to Residential Planned Development (RPD) to allow for a 285-unit multifamily community
  - 95 of the units will require approval through the Density Bonus Program

Property Data

- Southwest corner of Littleton Rd and N Cleveland Ave
  - 15781 N Cleveland Ave, North Fort Myers, FL, 33903
  - STRAP Number: 34432400000013020
- 19.41 +/- acres
- Zoning: C-1A Commercial District and Commercial Planned Development (CPD)
- Future Land Use: Central Urban
- Within the Mixed-Use Overlay District
- Within the North Fort Myers Planning Community
- Existing Approval allows for commercial, retail, office, and hotel/motel, assisted living facility uses



Current Property Approvals

Administrative Amendment (PD) ADD2020-00054

- Master Concept Plan Option 1
  - 100,000 SF max Retail uses
  - 7,500 SF max Restaurant uses
  - 120 Room Hotel/Motel max
- Master Concept Plan Option 2
  - 83,500 SF max Medical Office uses
  - 24,000 SF max Retail, Banks, Restaurant uses
  - 120 Room Hotel/Motel *OR* 110 Unit Assisted Living Facility *OR* 128 du max. multi-family development
- Building Heights
  - 2 Story, 45 Feet
  - 6 Story, 75 Feet for Hotel/Motel only

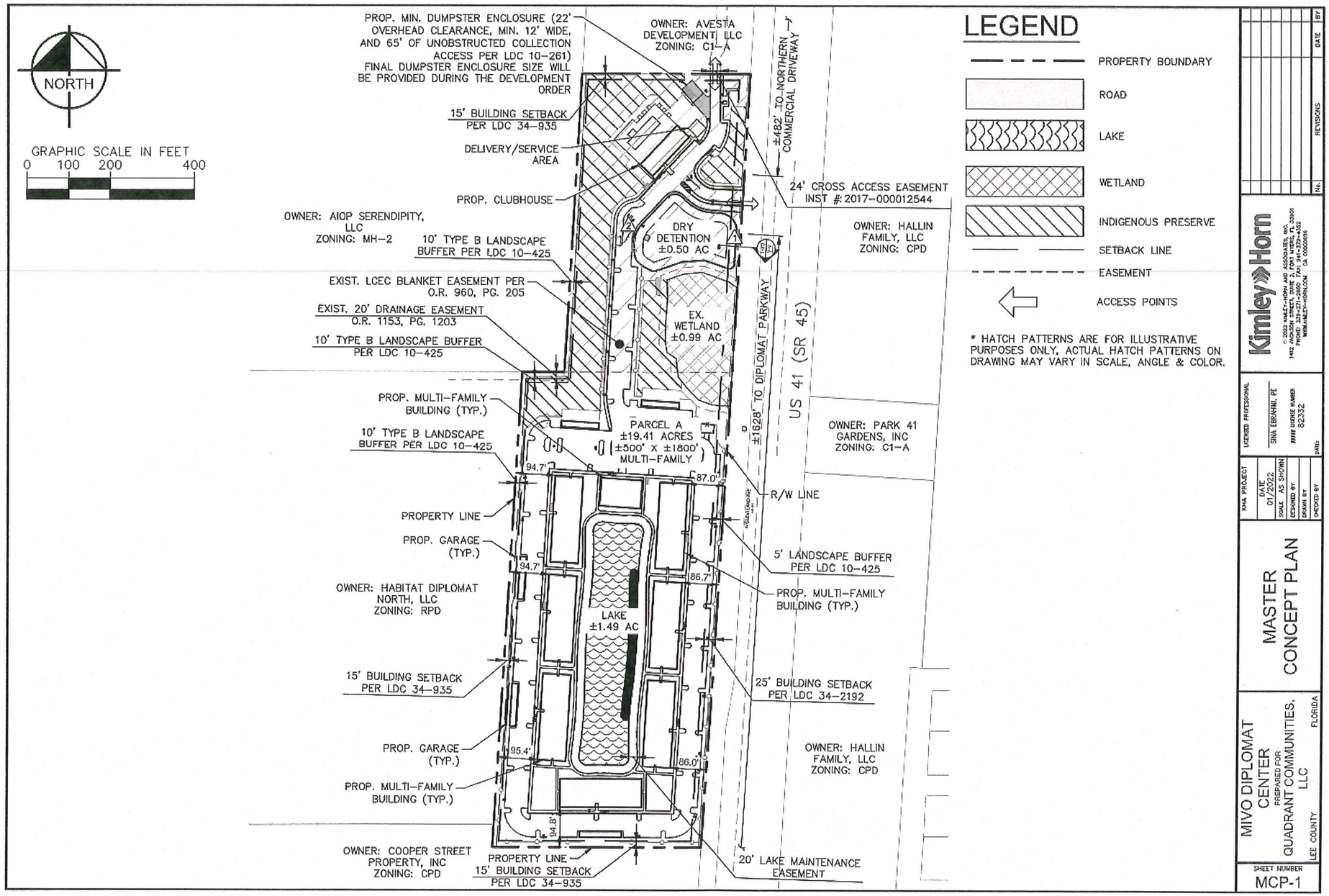
Project Background

- Proposed Zoning: Residential Planned Development (RPD)
- Multi-family development consisting of 8 buildings with a total of 285 units
- Amenity Center with surface parking
- Parking Garages
- .99 +/- acres of non-impacted wetlands
- Provides 285 multifamily units helping to fulfill the demand for housing in Lee County
- Provides multifamily units for the area offering the desired variety of housing types

Development Concept Plan

- Proposed Uses:
  - Multi-family community with an amenity center
- Density: 14.68 DU/Ac
- 8 Buildings
  - 285 units
- Open Space: 10.8 +/- acres
  - 0.99 +/- acres of preserved wetlands

Master Concept Plan



Requested Deviations

- LDC Section 10-329(d)(1) – Request to allow for excavation to occur no less than 25 feet from existing property line
  - This Request has been withdrawn
- LDC Section 34-1748(5) – Request to allow a standard gate entrance with a visitor lane and residents lane for entering and a single exiting lane to accommodate for a three point turn around movement for a single unit (SU) vehicle as specified in the AASHTO Green Book current edition, rather than a single U-turn movement at the ingress side of the gate or gatehouse.
  - Staff recommends approval of this deviation request with the following conditions:
    - 6. Turnaround

      At time of development order the applicant must submit an autoturn analysis that demonstrates sufficient area is provided to allow a three point turning movement, on the ingress side of the proposed entry gate, for a single unit truck (SU) as specified in the ASASHTO Green Book, current edition.
    - 7. Turnaround Signage and Striping

      At time of development order, the plans must include signage and pavement striping that reserves the area required to execute a three point turning movement on the ingress side of the proposed entrance gate.

Proposed Staff Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "MIVO Diplomat Center", prepared by Kimley-Horn and Associates, Inc., stamped 09/09/2022, 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 285 dwelling units of which 95 are bonus density units, residential accessory uses, and amenity center.

Proposed Staff Conditions

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

   a. Schedule of Uses

   Single-Family Residential Tracts (R-1)*

   Accessory uses, buildings, and structures

   Dwelling unit: Multi-family

   Entrance gates and gatehouse

   Essential services

   Essential service facilities: Group I

   Excavation: Water retention

   Recreation facilities: Personal, Private on-site

   Signs

Proposed Staff Conditions

b. Site Development Regulations

Amenity Center

Minimum Setback:

Preserve: 20 feet from wetland, 30 feet from upland preserves

Building and accessory structures: 15 feet

Multi-family

Minimum lot size: 10,000 square feet

Minimum lot width: 100 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Street: 25 feet

Side: 15 feet

Accessory Structure: 15 feet

Rear: 15 feet

Waterbody: 25 feet

Preserve: 30 feet

Maximum building height: 60 feet

Maximum lot coverage: 45 percent

Proposed Staff Conditions

3. Open Space

Prior to the issuance of the first development order, the open space table must depict 2.73 acres of indigenous preserve area, 0.99 acres of wetlands, and a total open space area of 10.83 acres.

4. Recording of Conservation Easement

A conservation easement must be recorded for all created, restored, and/or preserved indigenous preserve areas prior to the issuance of the first development order. The conservation easements must be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency acceptable to Lee County with third party enforcement rights.

5. Wetland Impacts

Prior to the issuance of the first development order, if the formal jurisdictional wetland determination or the South Florida Water Management District Environmental Resource Permit indicates a different wetland acreage, the project density and bonus density must be revised in compliance with Lee Plan Policy 1.1.3 and Table 1(b).

Proposed Staff Conditions

6. Turnaround

At time of development order the applicant must submit an autoturn analysis that demonstrates sufficient area is provided to allow a three point turning movement, on the ingress side of the proposed entry gate, for a single unit truck (SU) as specified in the ASASHTO Green Book, current edition.

7. Turnaround Signage and Striping

At time of development order, the plans must include signage and pavement striping that reserves the area required to execute a three point turning movement on the ingress side of the proposed entrance gate.

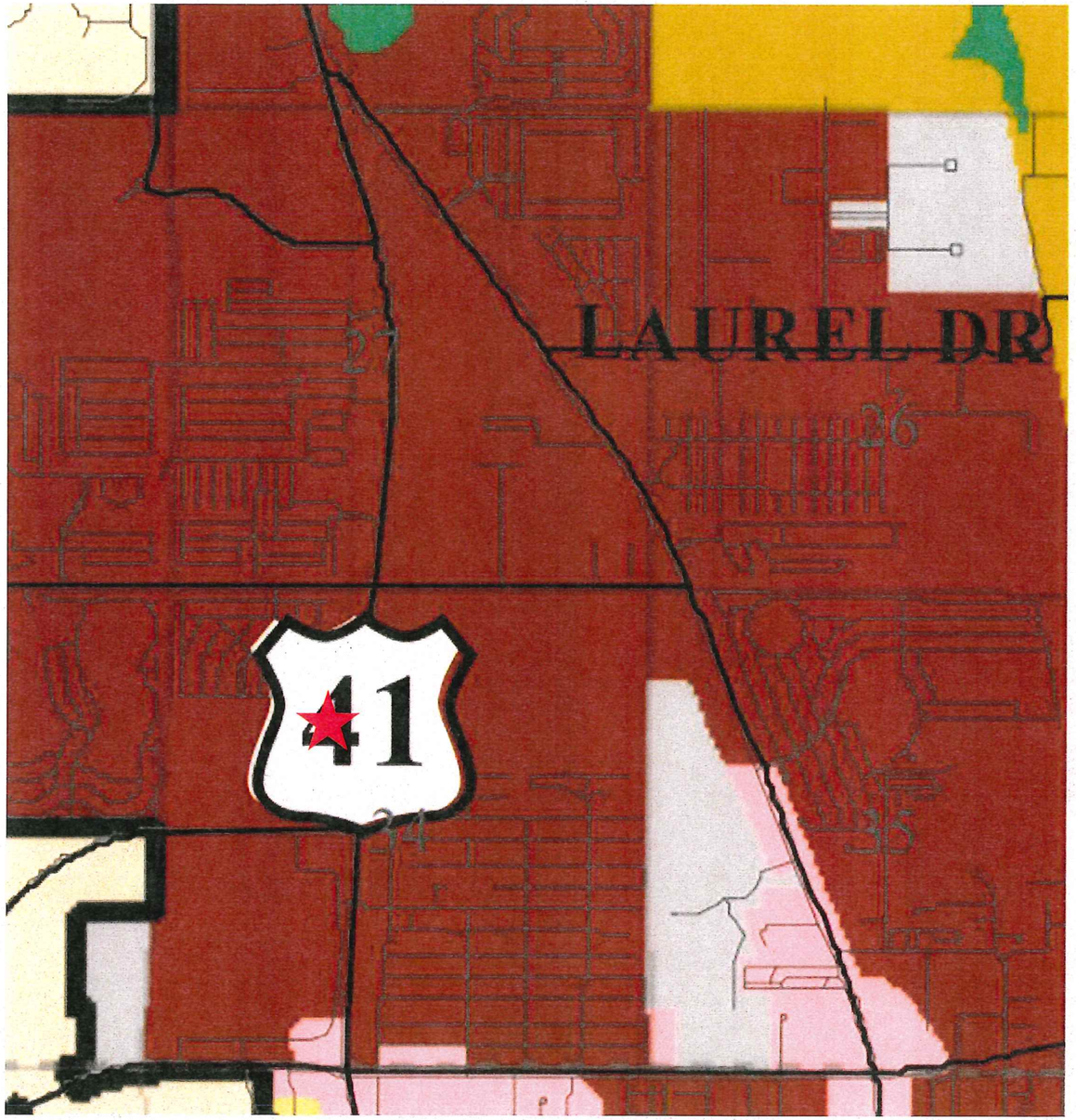
Aerial Map

LEGEND
BOUNDARY
GRAPHIC SCALE IN FEET
0 500 1000 2000
NORTH
LITTLETON ROAD
N. CLEVELAND AVENUE
DIPLOMAT PARKWAY E
Kimley»Horn
PROJECT LOCATION MAP
DATE
JULY-2022
PROJECT NO.
042884002
DESIGN ENGINEER:
SINA EBRAHIMI, P.E.
SHEET NUMBER
EX-1

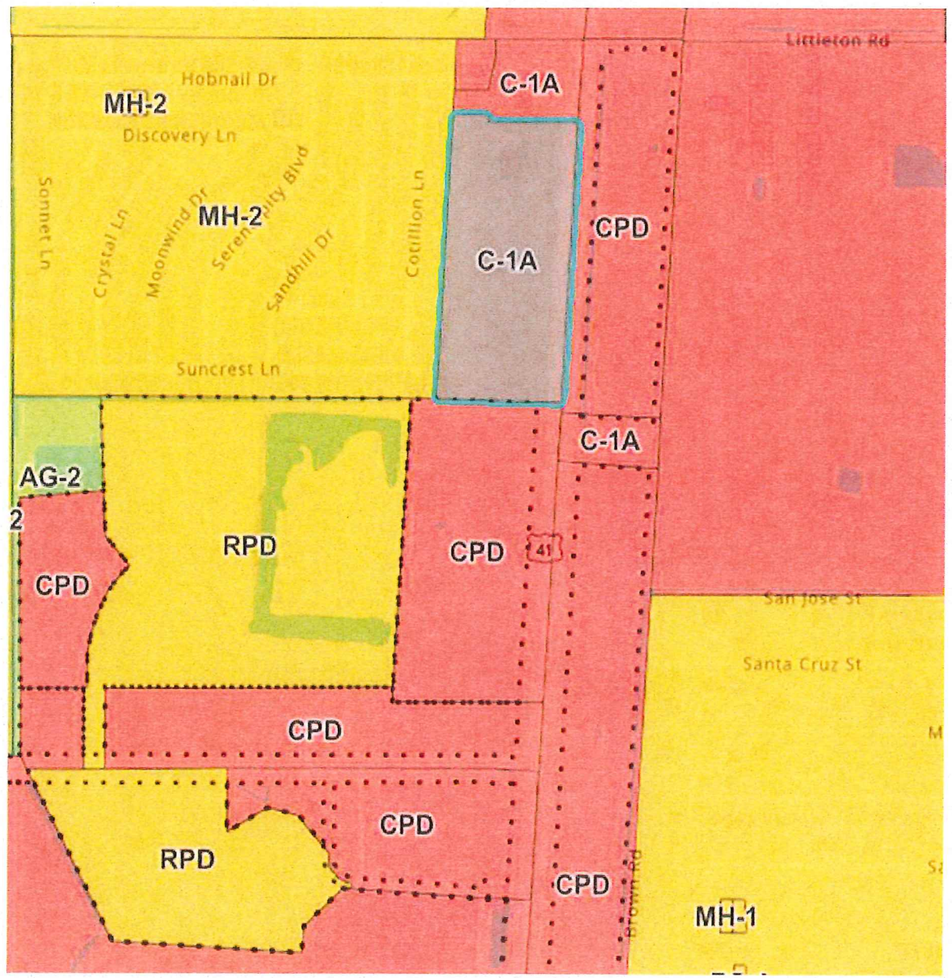
Future Land Use

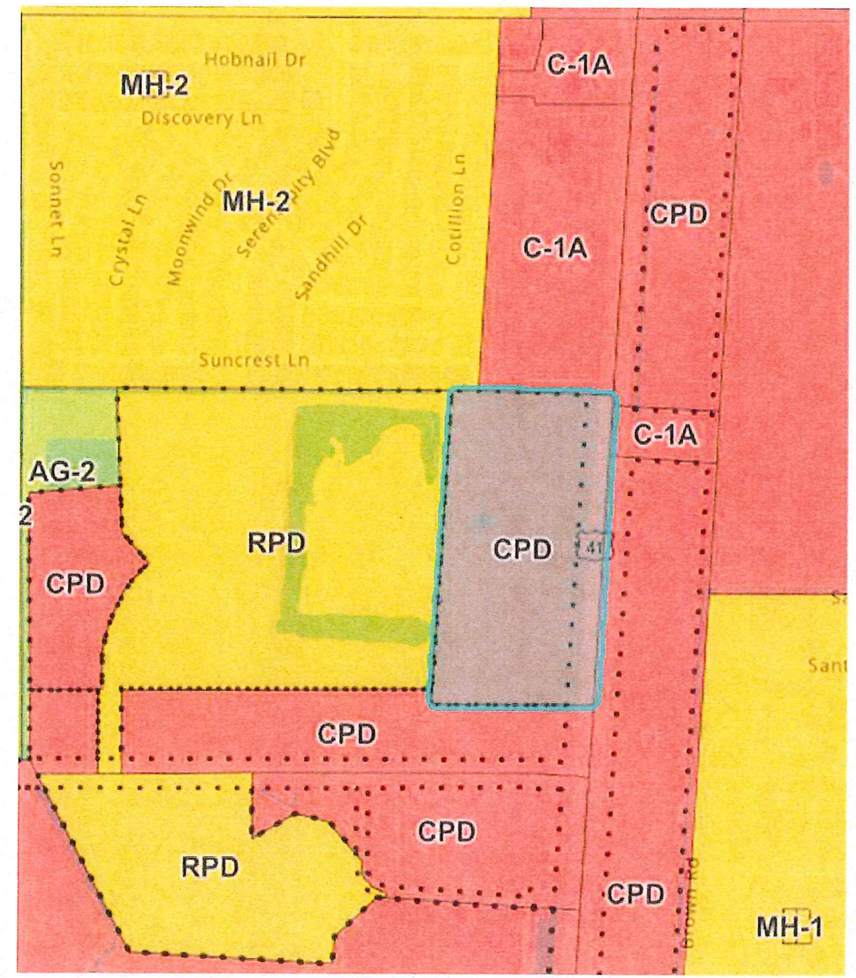
FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

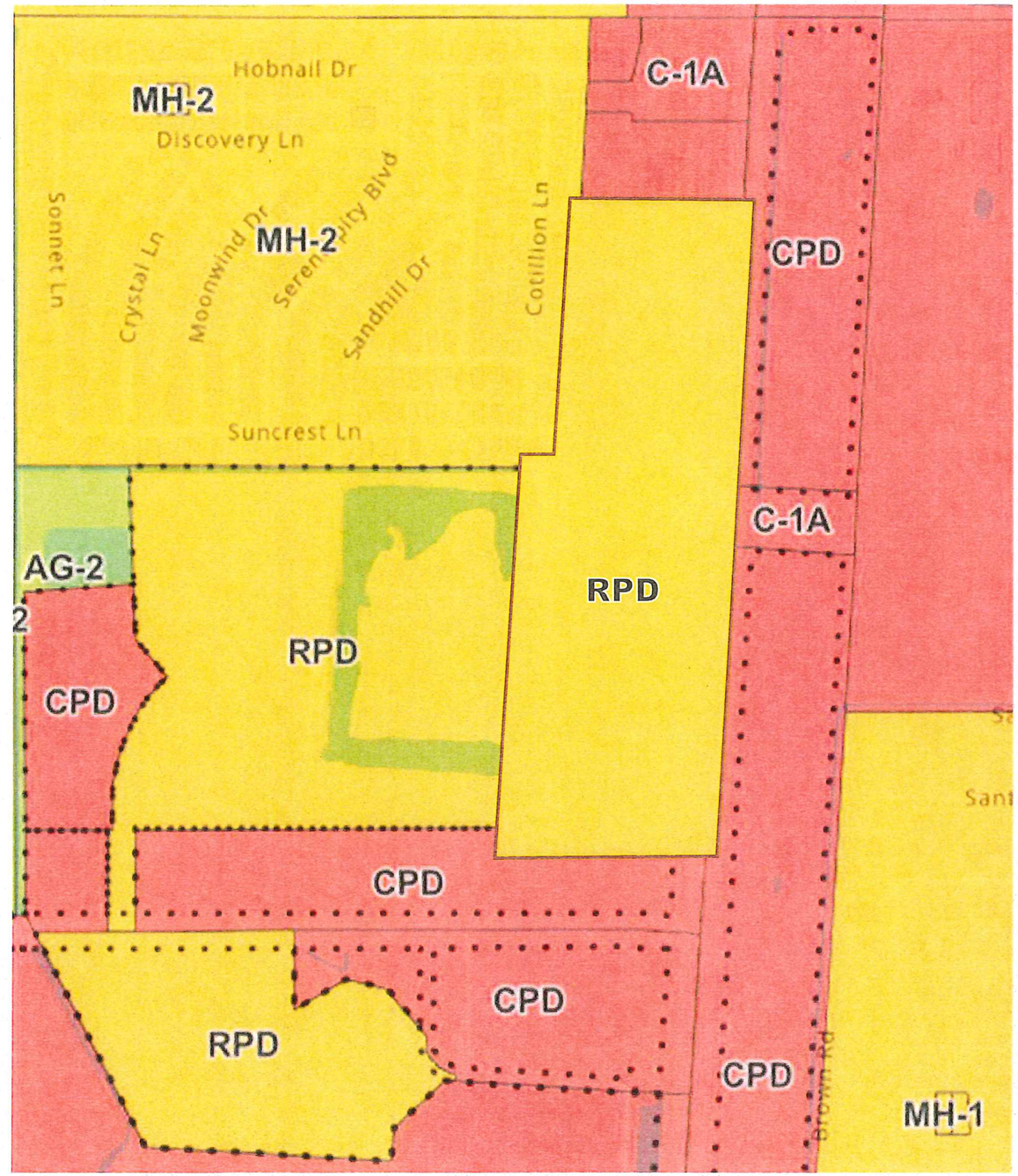


Existing Zoning





Proposed Zoning



MA4

Traffic Impact Statement

On page 11 of the Traffic Impact Statement provided to the County by Transportation Consultants, Inc. provides the following conclusion:

"The Level of Service analysis conducted as part of this report indicates US 41 and Littleton Road to operate above the minimum adopted Level of Service in 2026 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."

FLUCCS Map

Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\habitat cleveland rd.mxd

Image Source: ESRI 2020
Date: 4-25-22

0 100 200 Feet

N

Habitat Map
Cleveland Road Property
Lee County, Florida

ATLANTIC ECOLOGICAL SERVICES

WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

Compatible with Surrounding Land Uses

	Current Land Use	Zoning	Future Land Use
North	Medical Office	C1-A	Central Urban
West	Serendipity Mobile Home Park, Vacant Land	MH-2, RPD	Central Urban
South	Vacant Land	CPD	Central Urban
East	US Hwy 41, Vacant Land	C1-A, CPD	Central Urban

Lee Plan Consistency

Goal/Policy/Objective

- FLU Policy 1.1.3 – Central Urban Future Land Use
  - "Urban Core"
  - Most "Heavily Settled"
  - Encourages Mixed Use (FLU Goal 11)

Proposed Project

- Compatible with surrounding land uses
- Will provide multi-family residential housing supporting the encouraged mixed use
- Density within the max density

Lee Plan Consistency

Goal/Policy/Objective

- FLU Objective 2.1 – Development Location
- FLU Objective 2.2 – Development Timing
- FLU Policy 2.2.1

Proposed Project

- Project is north of Merchant's Crossing Shopping Center, Wal-Mart, and similar services to support proposed residential development
- Proposed development has sufficient supporting emergency, potable water, sewer, and transportation services available
- Currently this area consists of manufactured and single family homes. The proposed project will help to meet the demand for multi-family units in this area and variety of housing.

Lee Plan Consistency

Goal/Policy/Objective

- Objective 4.1 – Water, Sewer, and Environmental Standards
- Policy 4.1.1
- Policy 4.1.2

Proposed Project

- Adequate public facilities and services available
  - Water/sewer
  - EMS/fire/police
  - Road network
- No impacts to property's wetlands

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

April 18, 2022

Justin Napolitano
Kimley-Horn and Associates, Inc.
1412 Jackson Street, Suite 2
Fort Myers, FL 33901

RE: **Potable Water Availability**
15781 N. Cleveland Avenue MF, 15781 N. Cleveland Ave
STRAP # 34-43-24-00-00001.3020

Dear Mr. Napolitano:

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

Your firm has indicated that this project will consist of 291 multi-family residential units with an estimated flow demand of approximately 58,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

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

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lee-county.com
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fgua
FLORIDA GOVERNMENTAL UTILITY AUTHORITY

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

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

10/29/2021

Sina Ebrahimi
Kimley-Horn & Associates, Inc
1412 Jackson Street Suite 2
Fort Myers, FL 33901
sina.ebrahimi@kimley-horn.com

RE: Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 22-005 NFMD
Parcel ID No.: 34-43-24-00-00001.3020
15781 N. Cleveland Avenue, North Fort Myers, FL 33903
15781 N. Cleveland Avenue MF

Dear Mr. Ebrahimi:

Via Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 291 multi-family units with an estimated wastewater flow demand of 58,200 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

Lee Plan Consistency

Goal/Policy/Objective

- FLU Policy 5.1.3
  - High Density Developments near:
  - Employment/Shopping Centers
  - Parks and Schools
  - Transit/Bicycle Facilities

Proposed Project

- Located along a County designated Commercial Corridor consisting of:
  - Shopping centers and commercial uses providing employment opportunities
- Schools in close proximity
- Two (2) parks within less than 2 ½ miles
- Lee Transit bus stop(s) access

MA6

Lee Plan Consistency

Goal/Policy/Objective

- FLU Policy 5.1.5, 5.1.6, and 5.1.7
  - Compatibility with adjacent properties, buffering, open space, community facilities

Proposed Project

- Northern portion of property includes 1-story amenity center with surface parking and indigenous preserve
- Multi-family units designed centrally located on southern portion of property providing additional buffering to adjacent properties
- Buffering, open space, landscaping, recreational facilities comply with Lee County LDC
- Access to dog park, playground, and walking trail
- Connectivity to external trail along US 41 and sidewalks to the north providing connectivity to Littleton Road's commercial uses

Lee Plan Consistency

Goal/Policy/Objective

- Goal 124 – Wetlands
  - Objective 124.1
- Goal 125 – Water Quality
  - Policy 125.1.2

Proposed Project

- Wetlands are proposed to be preserved as an indigenous preserve
- Design improvements consider dry detention to enhance water quality

LDC Consistency

Regulation

- Chapter 33 – Planning Community Regulations
  - North Fort Myers Planning Community

Proposed Project

- Appropriate location and consistent with the North Fort Myers Planning Community goals, objectives, and policies
- Conditions presented in the master concept plan provide safeguards to the public interest through adequate perimeter open space and setbacks
- Compatible with surrounding land uses
- Proposed project was presented to the North Fort Myers Design Review Panel and North Fort Myers Community Planning Panel on July 5, 2022.

LDC Consistency

Regulation

- Sec. 34-411 - General Standards
- Sec. 34-413 - Density or intensity of use

Proposed Project

- Proposed density of 14.68 dwelling units per acre is consistent with the Central Urban Future Land Use
- Proposed density is compatible with surrounding developments
- Consistent with the Mixed Use Overlay development requirements
- Adequate roadway capacity
- Potable water and sewer services available

Complies with Findings/Review Criteria

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

Findings	COMPLIANCE
Consistent with Lee Plan	✓
Meets the LDC and other applicable County regulations or qualifies for deviations	✓
Compatible with existing and planned uses in the surrounding area	✓
Sufficient Access to support the proposed development intensity	✓
Expected impacts on transportation facilities will be addressed by existing County regulations	✓
Will not adversely affect environmentally sensitive areas and natural resources	✓
Will be served by urban services if located in Future Urban area category	✓

Complies with Findings/Review Criteria

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

Findings	COMPLIANCE
Proposed mixture of uses is appropriate at the proposed location	✓
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	✓
Each requested deviation enhances the achievement of the objective of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare	✓

Thank you for your kind consideration of this request

Questions?

Perez, Maria

From: Ebrahimi, Sina <sina.ebrahimi@kimley-horn.com>
Sent: Monday, January 23, 2023 6:42 PM
To: Hearing Examiner; Workman, Elizabeth
Cc: Toussaint, Tracy; Vanbuskirk, Peter; Monaghan, Alyssa; IAN SLAVIN; Jeff Wright; Perez, Maria
Subject: [EXTERNAL] RE: DCI2022-00027/MIVO North Fort Myers
Attachments: MIVO - Master Concept Plan (24x36).pdf; MIVO - Master Concept Plan (11x17).pdf

Categories: Maria Handled This

Good Afternoon. Please see attached revised MCP for the above referenced project. This revision was per our HEX presentation removing the reference to deviation 1 as this was withdrawn from the request. Let me know if anything else is needed at this point.

Thank you,

Kimley»Horn
Sina Ebrahimi, PE
1412 Jackson Street, Suite 2, Fort Myers, FL 33901
Direct: 239 984 6524 | Mobile: 954 464 3806 | www.kimley-horn.com
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From: Ebrahimi, Sina
Sent: Tuesday, January 17, 2023 9:02 AM
To: hex@leegov.com
Cc: Toussaint, Tracy <TToussaint@leegov.com>; Vanbuskirk, Peter <Peter.Vanbuskirk@kimley-horn.com>; Monaghan, Alyssa <Alyssa.Monaghan@kimley-horn.com>; IAN SLAVIN <ian@mivodevelopment.com>; Jeff Wright <Jeff.Wright@henlaw.com>; Workman, Elizabeth <EWorkman@leegov.com>; mperez@leegov.com
Subject: DCI2022-00027/MIVO North Fort Myers

Good Morning!

Please find attached the 48-hour letter for the referenced Project that is scheduled for the January 19, 2023 HEX Meeting. We appreciate your kind consideration of this rezoning petition.

Kindly reach out if you have any questions or need any additional information.

Thank you!

Kimley»Horn
Sina Ebrahimi, PE
1412 Jackson Street, Suite 2, Fort Myers, FL 33901
Direct: 239 984 6524 | Mobile: 954 464 3806 | www.kimley-horn.com
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APPLICANT'S
EXH # 2

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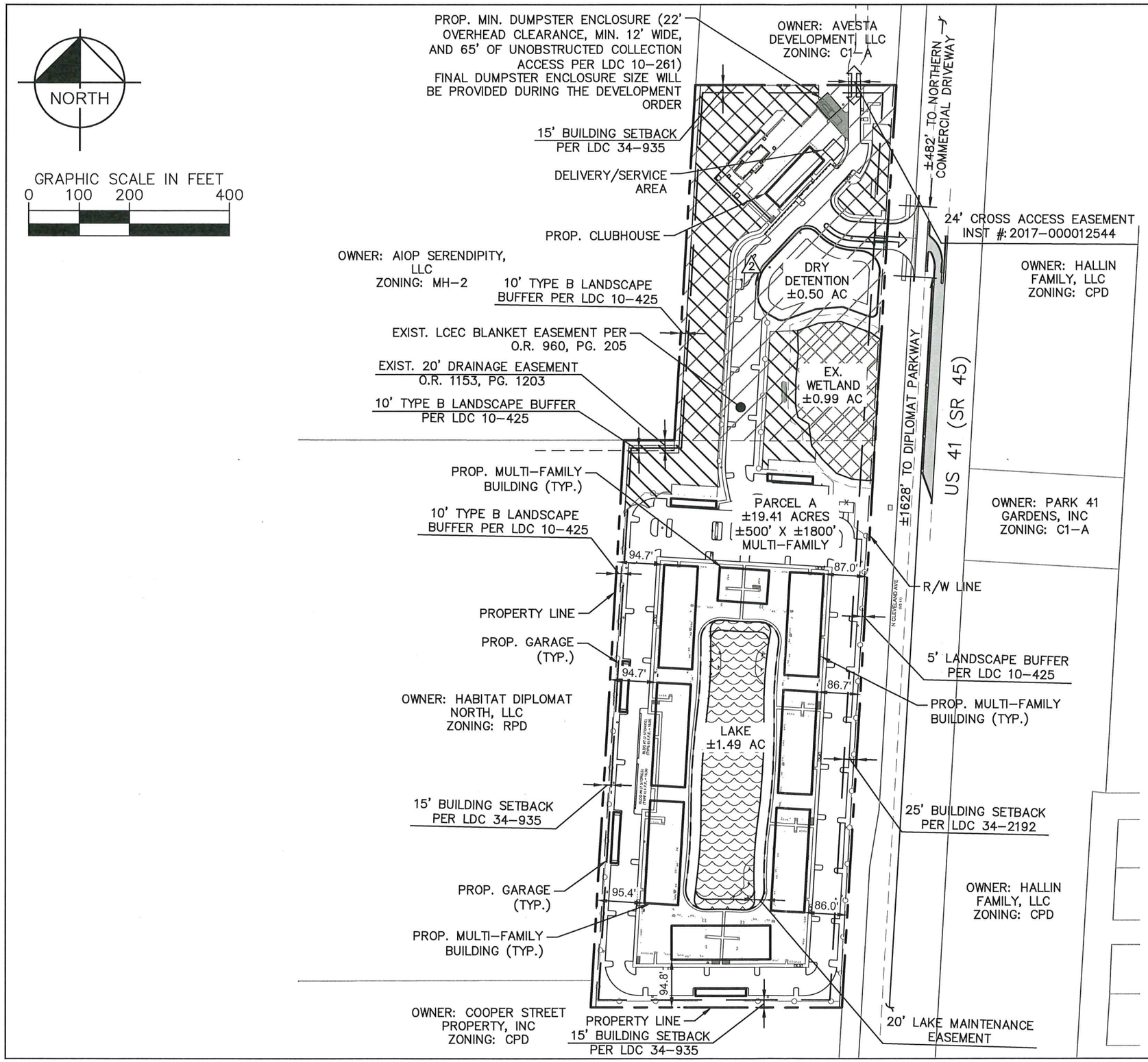


LEGEND

- PROPERTY BOUNDARY
- ROAD
- LAKE
- WETLAND
- INDIGENOUS PRESERVE
- SETBACK LINE
- EASEMENT
- ACCESS POINTS

* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.

No.	REVISIONS	DATE	BY

Kimley»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 2, FORT MYERS, FL 33901
PHONE: 239-271-2650 FAX: 941-379-4352
WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL
SINA EBRAHIMI, PE
LICENSE NUMBER 82332
DATE:

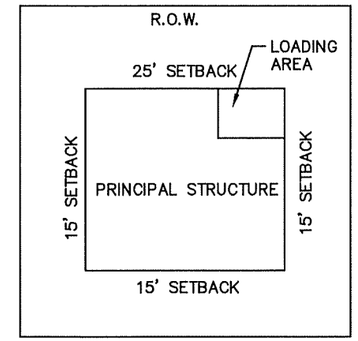
KHA PROJECT
DATE 01/2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

MASTER CONCEPT PLAN

MIVO DIPLOMAT CENTER
PREPARED FOR
QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
MCP-1

2023 JAN 24 AM 8:19
LEE COUNTY
HEARING EXAMINER



1. SETBACKS, LOT COVERAGES, AND BUILDING HEIGHTS PER RESIDENTIAL PLANNED DEVELOPMENT AND MIXED-USE OVERLAY REGULATION TABLES

TYPICAL LOT INFORMATION

NTS

OPEN SPACE TABLE

	AREA (AC.)	OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC.)
PARCEL A***	-	-	5.12
DRY DETENTION	-	-	0.50
LAKE	-	-	1.49
WETLAND	-	-	0.99
INDIGENOUS VEGETATION**	-	1.94**	2.73
TOTAL PROPERTY	19.41	3.88*	10.83

*OPEN SPACE MEETS 20% REQUIREMENT PER LCD CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415

**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% OF THE TOTAL OPEN SPACE REQUIREMENT PER LDC 10-415

***PARCEL A INCLUDES ALL OTHER OPEN SPACE

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 2, FORT MYERS, FL 33901
PHONE: 239-271-2650 FAX: 941-379-4352
WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL
SINA EBRAHIMI, PE
LICENSE NUMBER 82332
DATE:

KHA PROJECT
DATE 01/2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

MASTER CONCEPT PLAN DETAILS

MIVO DIPLOMAT CENTER
PREPARED FOR
QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
MCP-2

Lee County
Southwest Florida

DCI2022-00027
MIVO North Fort Myers

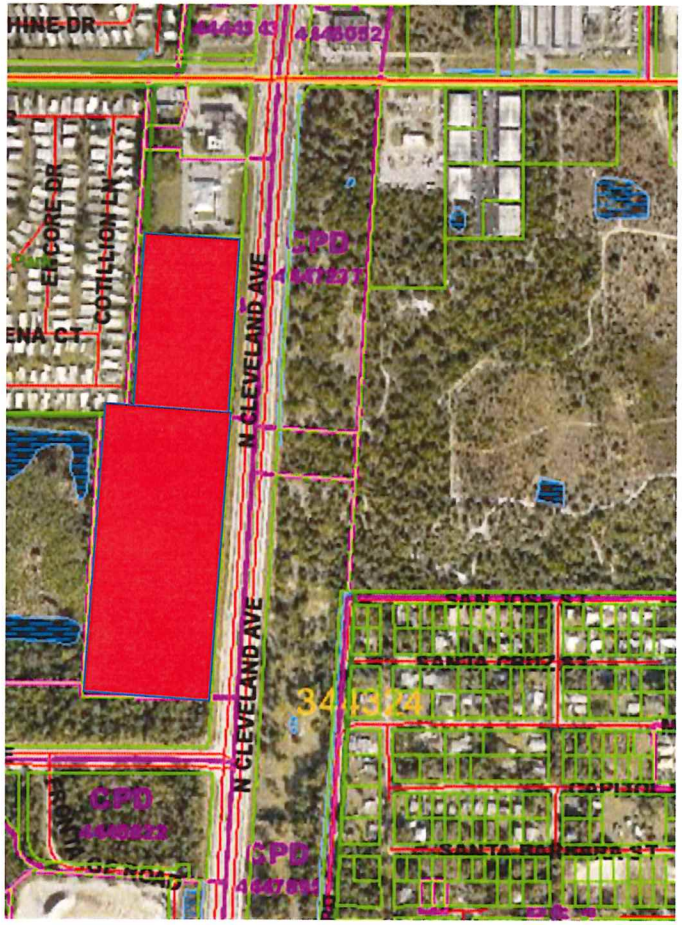
Staff Presentation

January 19, 2023

STAFF'S EXHIBIT #) 2

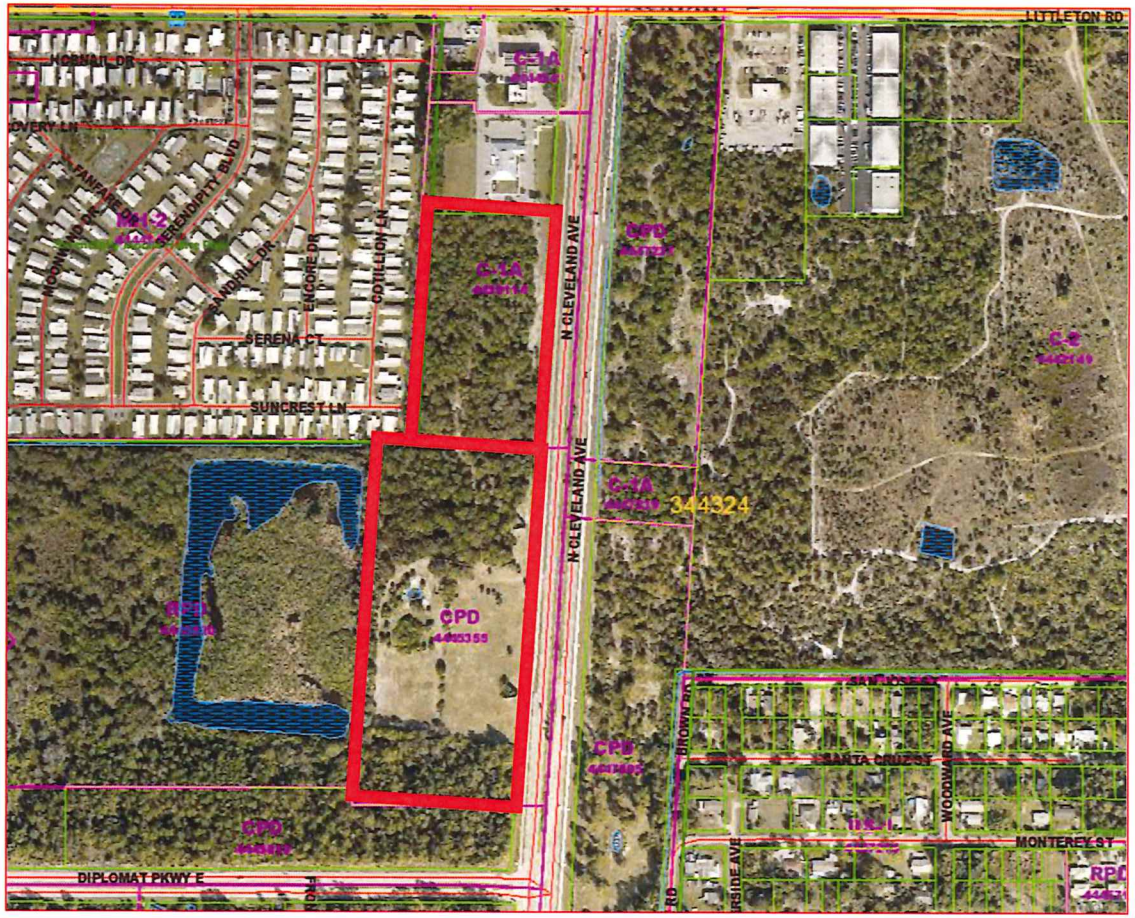
Request and Recommendation

- Rezone ±19.41 acres from Commercial (C-1A) and Commercial Planned Development (CPD) to Residential Planned Development (RPD).
- Permit a maximum of 285 dwelling units which includes 95 bonus density units.
- Staff recommends **APPROVAL** with conditions



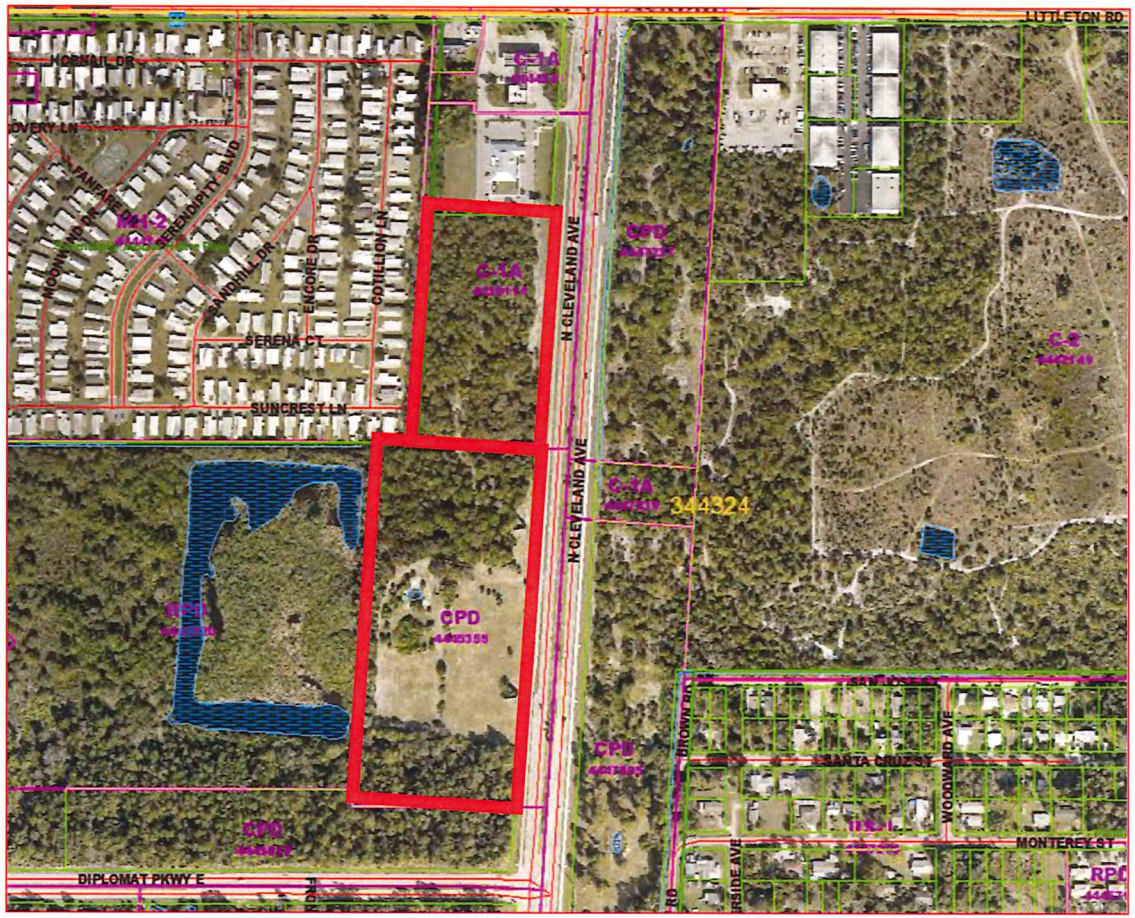
Property History and Character of the Area

- Frontage on North Cleveland Avenue
- Property designated Central Urban on Future Land Use Map
- C-1A portion approved for mobile home/travel trailer park (Z-69-160).
- CPD rezoned from AG-2 for a mix of commercial with a 75 feet/six story hotel and 45 feet/two stories remaining commercial (Z-09-025).
- County adopts Mix Use Overlay, Lee Plan Map 1, Page 6.



Property History and Character of the Area

- Request for administrative amendment to Z-09-025 to allow an additional use option of 128 multi-family (MF) dwelling units with a maximum height for the MF units to be 75 feet/six stories consistent with the previously approved hotel use.
- Current request adds the C-1A zoned property located to the north to the CPD portion and rezone a total of 19.41 acres to RPD.



Surrounding Uses

North:

- C-1A- medical office and convenience food and beverage store with gas pumps

East:

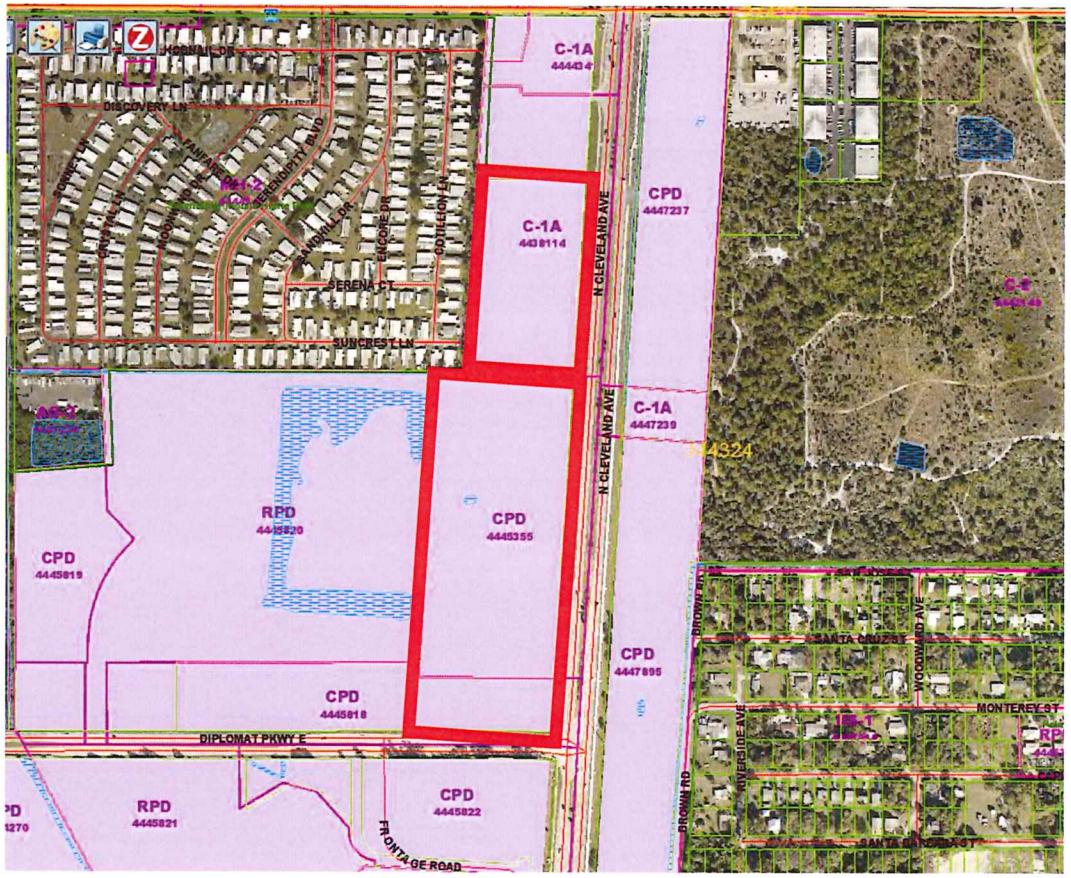
- North Cleveland Avenue an arterial road maintained by FDOT
- Vacant CPD and C-1A – approved for 120 room hotel, service and office, and retail uses (approved DOS2007-00201)

South:

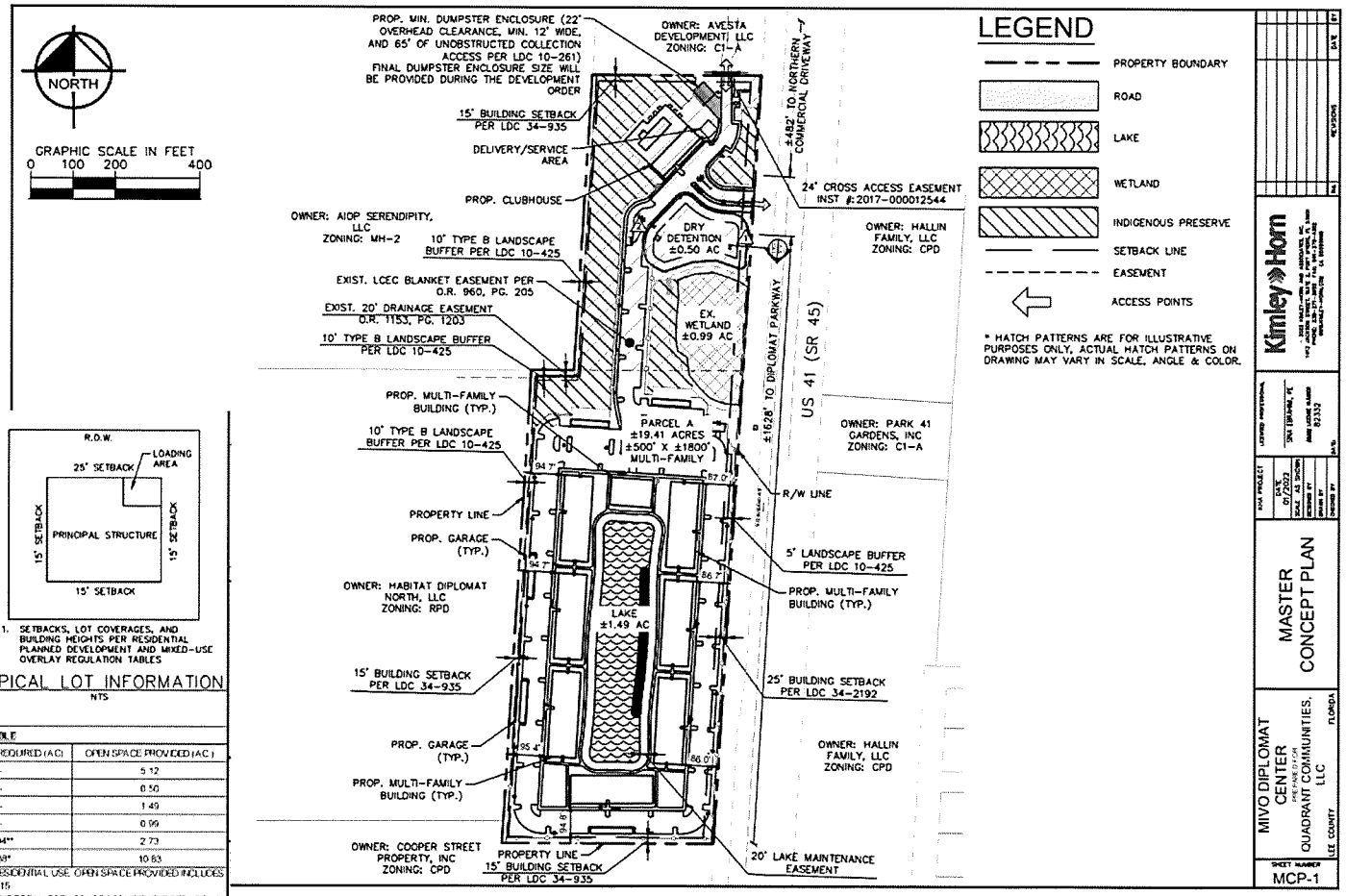
- RPD/CPD – 120-room hotel, 469 dwelling units, and commercial. Amendment for assisted living facility (400-unit), 138 dwelling units, and medical office.
- Diplomat Parkway East an arterial road maintained by the City of Cape Coral
- Merchants Crossing Shopping Plaza

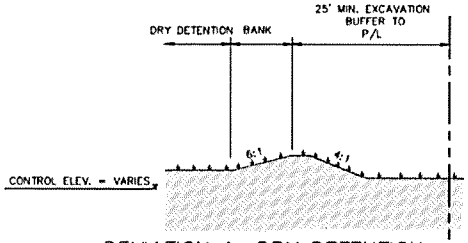
West:

- RPD/CPD – 120-room hotel, 469 dwelling units, and commercial. Amendment for assisted living facility (400-unit), 138 dwelling units, and medical office.
- MH-2 – Part of the original zoning approval per Z-69-160. Area further to the west is within the City of Cape Coral.



Master Concept Plan





DEVIATION 1: DRY DETENTION SECTION A–A

NTS

NOTES:
1. TOP OF BANK LOCATION & ELEVATION WILL VARY DEPENDING ON EX GROUND ELEVATION.

1. SETBACKS, LOT COVERAGES, AND BUILDING HEIGHTS PER RESIDENTIAL PLANNED DEVELOPMENT AND MIXED-USE OVERLAY REGULATION TABLES

TYPICAL LOT INFORMATION

NTS

OPEN SPACE TABLE			
	AREA (AC)	OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC)
PARCEL A***	-	-	5.12
DRY DETENTION	-	-	0.50
LAKE	-	-	1.49
WETLAND	-	-	0.99
INDIGENOUS VEGETATION**	-	1.94**	2.73
TOTAL PROPERTY	19.41	3.88*	10.63

*OPEN SPACE MEETS 20% REQUIREMENT PER LDC CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415

**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% OF THE TOTAL OPEN SPACE REQUIREMENT PER LDC 10-415

***PARCEL A INCLUDES ALL OTHER OPEN SPACE

Lee Plan Compliance

- Request complies with the Lee Plan
  - Consistent with FLU Designation **(Policy 1.1.3)**
  - 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)**
  - 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)**
  - Development in MUO should provide connections to adjacent uses (**Policy 11.2.2**)
  - Proposed multi-family will compliment the mix commercial and residential uses proposed and existing in the area **(Policy 30.1.3)**
  - Affordable housing in Central Urban FLU, within walking distance of transit service, recreational facilities, and commercial uses, and located where central water and sewer service is available (**Policy 30.1.4**)
  - Encourages properties in MUO to utilize bonus density (**Policy 11.2.6**)

Residential Dwelling Units

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE WITH IMPACTS TO WETLANDS	UNITS
CENTRAL URBAN	18.42 Acres @ 10 Du/Acre	184.20 Du
WETLANDS	0.99 Acres @ 0.05 Du/ acres	0.0495 Du
TOTAL: 184 DU		

FUTURE LAND USE CATEGORY	MAXIMUM BONUS DENSITY RANGE WITH NO IMPACTS TO WETLANDS	UNITS
CENTRAL URBAN	18.42 Acres @ 15 Du/Acre	276.3 Du
WETLANDS[1]	0.99 Acres @ 15 Du/ acres	14.85 Du
TOTAL: 291 DU (INCLUDES 97 BONUS DU)		

[1] Dwelling units may be relocated to developable contiguous uplands designated Central Urban per Lee Plan Policy 1.5.1 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetland.

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 North Cleveland Avenue (arterial roadway)
   - Cross access proposed to the north per recorded easement (attachment N)
   - 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.**
   - Compared to previous commercial/residential approval, Z-09-025, the request will reduce the traffic impacts
   - Sufficient capacity is projected on North Cleveland Avenue to accommodate trips generated by residential development
   - 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 not located within the Coastal High Hazard Area per Lee Plan Map 5-A.

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.
- Buildings are clustered to the south portion the development and amenity area focused on the north portion setback from the MH-1 residential development that has a lower height.

LDC Compliance

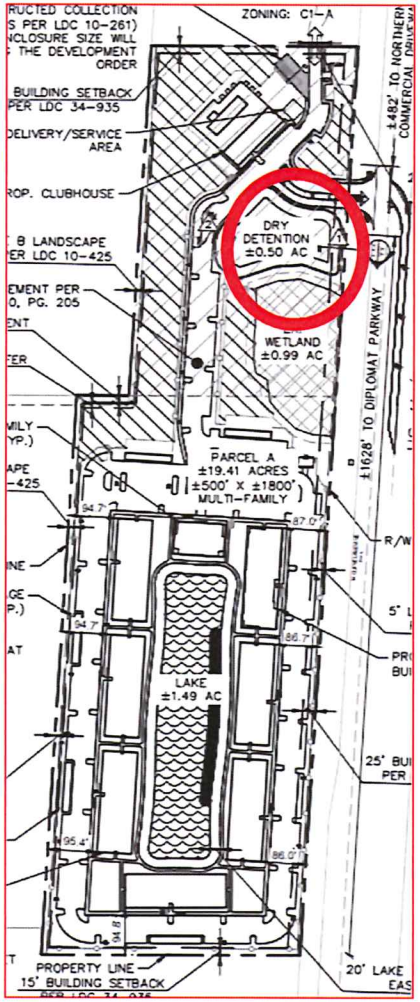
- LDC Section 34-2175 requires any building over 45-feet-in-height must demonstrate that the additional height is required to increase common open space for the purpose of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.
- LDC Section 10-425 requires large developments to provide 20% open space.
  - Applicant is required 3.88 acres and is providing 10.83 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 2.73 acres of indigenous uplands and 0.99 acres of wetland preservation.
- 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 required buffers.

LDC Compliance/Deviations

Deviation #1 relief from LDC Section 10-329(d)(1), which requires excavation to occur no less than 50 feet from a collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line.

Staff recommends applicant WITHDRAW Deviation #1 due to the LDC not requiring dry detentions to meet excavation setbacks.

Applicant agrees per Applicant's 48-hour letter.



LDC Compliance/Deviations

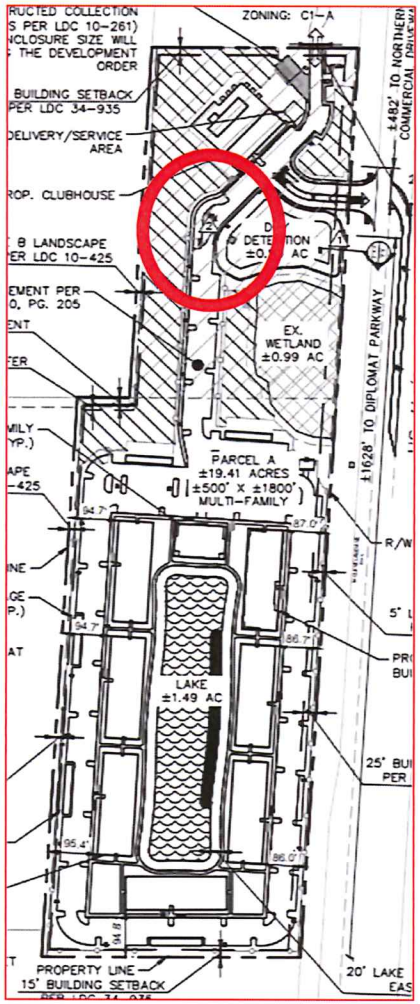
Deviation #2 relief from LDC Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse.

The applicant is proposing a standard gate entrance with a visitor lane and residents lane for entering and a single exiting lane to accommodate for a three point turn around movement for a single unit (SU) vehicle as specified in the AASHTO Green Book current edition, rather than a single U-turn movement at the ingress side of the gate or gatehouse.

Staff's Revised Request:

Deviation (2) seeks relief from Lee County 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 a three point turning movement for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition.

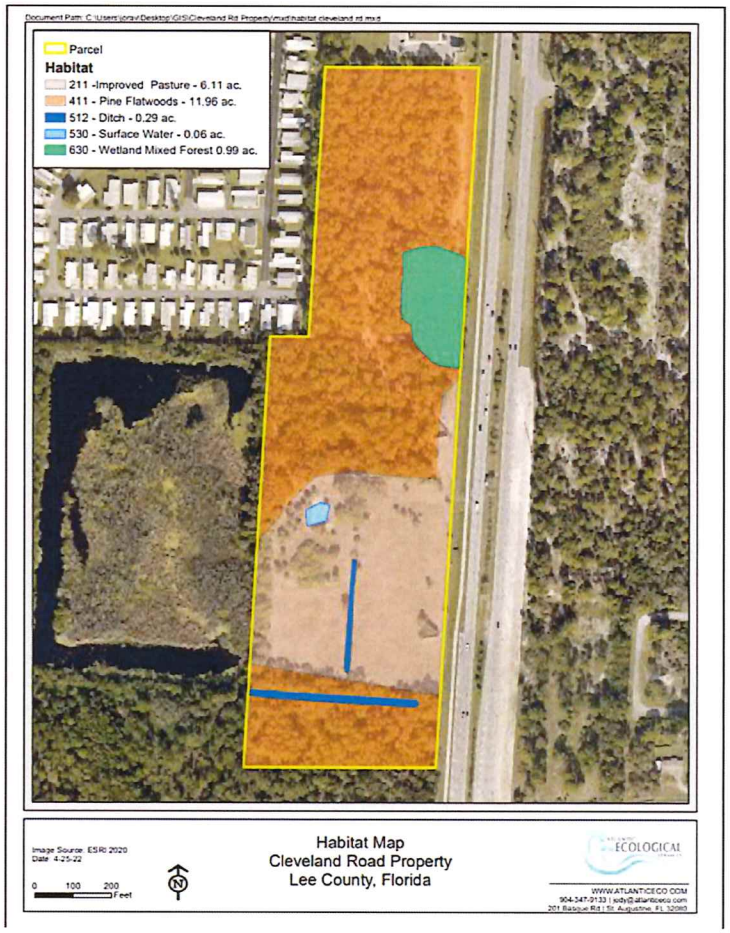
Staff recommends APPROVAL, as conditioned per #6 and #7.



Environmentally Sensitive Areas

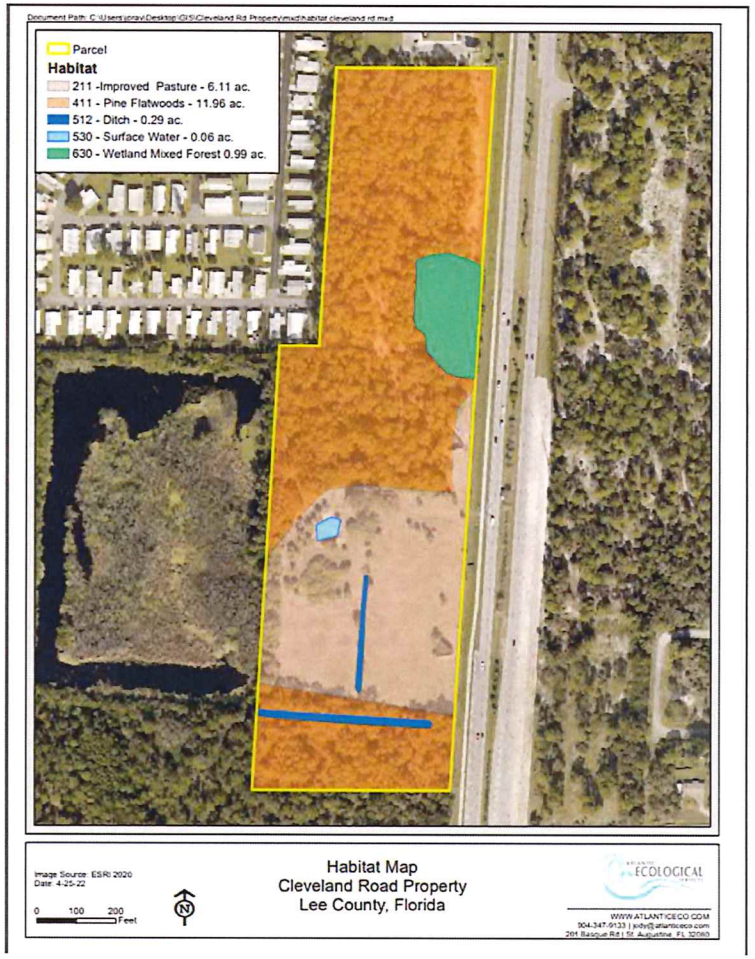
Wetlands

- Formal jurisdictional wetland determination has not been issued.
- Applicant is not proposing to impact the wetland.
- Lee Plan Policy 124.1.2 states that every reasonable effort is required to avoid or minimize adverse impacts on wetlands through clustering development and other site planning techniques.
  - Clustering – a development design technique that concentrates a group of buildings or uses in specific areas to allow the remaining area to be used for open space, buffering, joint-parking, recreation, water management, or protection of environmentally sensitive areas. (Lee Plan definition)
- Lee Plan Policy 124.1.2 states no development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits. (condition 5)



Environmental Considerations

- No indication of protected species
- Indigenous vegetative communities present
- Open space provided in compliance with LDC, as conditioned
- Applicant must verify the wetland acreage at time of first development order to ensure the density, including bonus density, is in compliance with the Lee Plan (condition 5).
- Buffers compliant with LDC



Surface Water Management

- Lee Plan Policy 125.1.2 – must not degrade surface and ground water quality.
- Lee Plan Policy 125.1.4 - if there is potential for lowering the existing water quality below state and federal water quality standards the applicant must submit monitoring data.
- Lee Plan Policy 60.1.1 – surface water management systems are required to protect or enhance groundwater.
- Lee Plan Policy 126.1.4 – surface water management systems maintain or improve surface water flows, groundwater levels, and lake levels at or above existing conditions.
- Lee Plan Policies 60.4.1 and 60.4.2 – using existing or designed green infrastructure to provide water quality.

Compatibility/Access/Traffic Impacts

- Request is compatible with surrounding uses
- Two access points to support development
    - North Cleveland Avenue and Littleton Road are projected to operate above the minimum level of service standard in 2026 with or without the project.
    - LDC establishes design standards for roads providing access to development
    - North Cleveland Avenue is a State maintained arterial road
- Proposed development will reduce the trips as compared to the current commercial approval by 80 percent in PM peak hour and 65 percent in AM peak hour. Further reduction is expected due to the C-1A parcel being added to the existing CPD.

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
HEARING EXAMINER
2023 JAN -5 AM 11:08

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

Case Number: DCI2022-00027
Case Name: MIVO North Fort Myers
Area to be Rezoned: +/- 19.41 Acres
Case Type: Minor Planned Development Rezoning
Sufficiency Date: October 26, 2022
Hearing Date: January 19, 2023

REQUEST:

Kimley-Horn has filed an application to rezone approximately 19.41 acres from Commercial (C-1A) and Commercial Planned Development (CPD) to a Residential Planned Development (RPD) to permit a maximum of 285 units of which 95 are bonus density units not to exceed 60 feet in height.

The subject property is located on the west side of North Cleveland Avenue (US 41) 0.50 miles north of the intersection of Pine Island Road and North Cleveland Avenue (US 41). The property is located in the North Fort Myers Community Plan area. The applicant has indicated the property's address is 15781 North Cleveland Avenue. 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 95 bonus density units, with the conditions and deviations found in Attachment E of the staff report.

HISTORY OF PARCEL:

The subject property's ±19.23 acres is split into two zoning districts, C-1A (6.37 acres) and CPD (12.86 acres). The C-1A portion of the property was previously approved for a mobile home and travel trailer park per Resolution Z-69-160 (see Attachment L). It was later converted from BU-1A to C-1A. Resolution Z-09-025 rezoned the CPD portion from Agricultural (AG-2) to CPD to allow two different options for uses. The first option allowed retail, a 120-room hotel, and restaurants and option two allowed medical offices, retail, banks and restaurants, a 120-room hotel or 110-unit assisted living facility within the 12.86 acres (see Attachment L). The commercial uses were limited to 107,500 square feet with 100,000 square feet of retail and a maximum of 7,500 square feet of restaurants and the 120-room hotel for option one. The second option limited the commercial use to 107,500 square feet, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks, and restaurants and either a hotel room with 120 rooms or an assisted living facility with a maximum of 110-units. The height allowed for the hotel was 75 feet/six stories and 45 feet/two stories for all other uses. Subsequent to the approval of Resolution Z-09-025, the County adopted the Mixed Use Overlay (MUO) to designate appropriate areas for mixed uses in proximity to public transit routes, education facilities, recreation opportunities, existing residential, and

Staff's Exhibit # 1

shopping and employment centers. Lee Plan Map 1, Page 6 established the MUO areas, and depicts the subject property as being within the overlay in its entirety (see Attachment C). The applicant requested an administrative amendment to Resolution Z-09-025 to allow an additional use option of 128 multi-family dwelling units with a maximum height for the multi-family units to be 75 feet/six stories consistent with the hotel use previously approved (see Attachment L). The current request is to add the 6.37 acres of C-1A zoned property located to the north of the CPD portion and rezone a total of 19.41 acres to CPD to allow 285 multi-family dwelling units that include 95 bonus density units.

CHARACTER OF THE AREA:

The property is located west of North Cleveland Avenue (US 41), south of Littleton Road and north of Pine Island Road in the North Fort Myers Community Plan area. This area is primarily within the Central Urban Future Land Use Category per the Lee Plan. The properties in this area that abut North Cleveland Avenue are commercially-zoned and surrounded by quarter-to-half-acre mobile home and single-family residential lots. West of the subject property is land that is within the City of Cape Coral's jurisdiction and abuts Diplomat Parkway East and Northeast Pine Island Road. The parcels in this area are within the MUO along US 41 that extends from Littleton Road to the Caloosahatchee River and abuts North Cleveland Avenue (US 41). North Cleveland Avenue and North Tamiami Trail converge approximately 1.25 miles north of the subject property to become North Tamiami Trail. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

Immediately north of the subject property is a medical office and a convenience food and beverage store that are zoned C-1A and in the Central Urban Future Land Use Category per the Lee Plan.

East

The subject property abuts North Cleveland Avenue, an arterial road maintained by the Florida Department of Transportation. Further east are vacant CPD and C-1A properties that have been approved for a maximum 120 room hotel, 68,500 square feet of service and office uses and 70,000 square feet of retail per Resolution Z-08-007 (see Attachment M). Development Order DOS2007-00201 has been approved and extended until February 21, 2025.

South

The subject property abuts the commercial portion of the RPD/CPD that wraps around the subject property along the west side. Further south is Diplomat Parkway East, an arterial road, maintained by the City of Cape Coral. On the opposite side of Diplomat Parkway East is Merchants Crossing Shopping Plaza.

West

The subject property abuts a RPD/CPD-zoned property and Mobile Home (MH-2) residential property to the west. The RPD/CPD property is vacant and approved per Resolution Z-06-004 for 468 dwelling units, 200,000 square feet of commercial and a 120-room hotel (see Attachment M). An amendment was approved by Resolution Z-11-002 for a 400-unit Assisted Living Facility, 138 dwelling units, and 500,000

square feet of medical office (see Attachment L). The MH-2 property located to the northwest is part of the original rezoning approved by Resolution Z-69-160 (see Attachment N). The area further to the west is within the City of Cape Coral.

Availability of Urban 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 urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a letter of availability for potable water from Lee County Utilities and sewer availability letter from Florida Governmental Utility Authority. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for the proposed development; however, developer funded system enhancements such as line extensions may be required (see Attachment I).

Public transit and pedestrian facilities: A sidewalk is located on the west and east side of North Cleveland Avenue. The developer will be required to install and connect pedestrian facilities along the property's boundaries in conformance with LDC Section 10-256. The site is located along LeeTran Routes 595, 590, and 140. Route 595 and 590 loop around the vicinity of the subject property, serving North Fort Myers. Route 140 connects North Fort Myers to South Fort Myers along Cleveland Avenue. The central bus station is located at Merchants Crossing approximately a quarter mile south of the subject property.

Police, fire, and emergency services: North Fort Myers Fire Department Station #1 is located north of the subject property at 2900 Trail Dairy Circle. Lee County EMS Station #31 is located at 2860 Garden Street located northeast of the subject property. The Lee County Sheriff's Office is located southeast of the subject property at 121 Pondella Road.

Property Development Regulations & Off-Street Parking

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

Staff finds the proposed property development appropriate within each respective development tract on the MCP, with the exception of the applicant not providing property development regulations for the amenity center.

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 two deviations from the LDC with corresponding justification (see Attachment G).

Deviation #1:

The applicant has requested relief from LDC Section 10-329(d)(1), which requires excavation to occur no less than 50 feet from a collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line. Development Services staff have provided a memorandum addressing this deviation and have recommended the request be withdrawn due to the referenced section pertaining to excavations (see Attachment F). LDC Section 10-329(a) requires excavations, except moving materials for purposes of surface water drainage (swales, ditches, or dry retention), or landscaping provided that the excavated materials are not removed from the premises and no blasting is proposed, to meet excavation setbacks. The initial MCP submitted by the applicant included a wet detention lake adjacent to North Cleveland Avenue (US 41). In subsequent submittals, the wet detention lake was revised to dry detention. The dry detention area is not required to meet the excavation setbacks in LDC Section 10-329(a); therefore, the deviation request is not applicable. Staff recommends WITHDRAWAL of Deviation #1 and the applicant must revise the MCP to remove all references to Deviation #1.

Deviation #2:

The applicant has requested relief from 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. The applicant is proposing a standard gate entrance with a visitor lane and residents lane for entering and a single exiting lane to accommodate for a three point turn around movement for a single unit (SU) vehicle as specified in the AASHTO Green Book current edition, rather than a single U-turn movement at the ingress side of the gate or gatehouse. The applicant indicates in the deviation justification that the current layout provided on the MCP depicts a mail kiosk and trash compactor near the front of the development prior to the gates; therefore, the only vehicles anticipated to frequently enter the gate are moving trucks and pedestrian vehicles where a three-point turnaround will be provided. In addition, the applicant states that on-site management staff will be available to assist in allowing vehicles through the gate to turn around if necessary. Development Services staff have provided a memorandum addressing this deviation and have recommended approval with conditions (see Attachment F). Staff is recommending that the deviation request be revised to state the following:

> *Deviation (2) seeks relief from Lee County 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 a three point turning movement for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition.*

Recommended conditions:

> *At time of development order, the applicant must submit an autoturn analysis that demonstrates sufficient area is provided to allow a three-point turning movement on the ingress side of the proposed entry gate for a single unit truck (SU) as specified in the ASASHTO Green Book current edition.*

At time of development order, the plans must include signage and pavement striping that reserves the area required to execute a three-point turning movement on the ingress side of the proposed entrance gate.

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 G). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is within the Central Urban Future Land Use Category (FLUC) per the Lee Plan. **Lee Plan Policy 1.1.3** characterizes Central Urban as the "urban core" of the County that is heavily settled and has the greatest range and highest levels of public services. Residential uses are allowed at a density range of four dwelling units per acres to ten dwelling units per acre, with a maximum total density of fifteen

dwelling units per acre. The density may increase to 20 units per acre by utilizing Greater Pine Island Transfer of Development 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 Central Urban FLUC. The subject property is located within an area comprised of commercial uses abutting North Cleveland Avenue that consist of retail shopping plazas, medical offices, convenience food and beverage stores, and grocery stores. The properties abutting the commercial uses consist of mobile home residential communities and single-family quarter-acre and half-acre subdivisions located east and west of the subject property. The proposed multi-family units will provide the variety needed in this area. Therefore, as conditioned, staff finds the request **CONSISTENT with Policy 1.1.3 and Lee Plan Objective 11.1.**

As described in **Lee Plan Policy 1.6.5**, the Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2045. The Lee Plan currently allocates sufficient residential acreages within the Central Urban Land Use category to permit the potential residential acreages. This finding is not a guarantee that there will be sufficient allocations for commercial development in the future. Further determinations will be made at time of local development order review. Therefore, the request is **CONSISTENT with Policy 1.6.5.**

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the variety of surrounding uses to support the proposed multi-family dwelling units. 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 and Policy 2.2.1 and 4.1.1 and 4.1.2 Standards**.

Lee Plan Policies 5.1.3, 5.1.5 and 5.1.6 focus on the location of high density residential that is near employment and shopping centers, parks, schools and accessible to 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 employment and shopping centers as well as accessible transit stops to support the future residents. The applicant has provided a Master Concept Plan stamped received on September 9, 2022 that demonstrates compliance with open space and buffering to protect the surrounding uses. The proposed height of the multi-family structures is 60 feet. The applicant has designed the site to focus the multi-family structures within the southern portion of the development away from the mobile home park located to the west of the proposed development with wetland preservation, dry detention and a one-story clubhouse to minimize impacts on the surrounding uses. It should be noted that the subject property is currently approved for six-story multi-family units with a maximum building height of 75 feet per ADD2020-00054. The applicant is proposing to reduce the height to 60 feet for four-story multi-family units. Therefore, as conditioned, staff finds the request **CONSISTENT with Policies 5.1.3, 5.1.5, and 5.1.6.**

The proposed development is within the Mixed Use Overlay (MUO) per Lee Plan Map 1, Page 6. Development in the MUO should accommodate connections to adjacent uses in accordance with **Lee Plan Policy 11.2.2.** Internally, the applicant has indicated that sidewalks will be provided to connect residents to the amenity area, the residential area and to the external sidewalks along North Cleveland Avenue. Externally, the applicant is providing an interconnecting road on the MCP at the northeastern corner of the development. The proposed interconnect between the existing developments to the northeast per

Instrument #2017-000012544, as well as a further connection to Littleton Road provides the necessary connectivity to demonstrate compliance with Lee Plan Policy 11.2.2 (see Attachment N).

Lee Plan Policy 11.2.6 encourages properties in the MUO to utilize bonus density. The applicant is applying for an additional 95 units through the bonus density program to provide increased density supporting 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). Below are tables outlining permissible density on the subject property:

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE WITH IMPACTS TO WETLANDS	UNITS
CENTRAL URBAN	18.42 Acres @ 10 Du/Acre	184.20 Du
WETLANDS[1]	0.99 Acres @ 0.05 Du/ acres	0.0495 Du
	TOTAL: 184 DU	

FUTURE LAND USE CATEGORY	MAXIMUM BONUS DENSITY RANGE WITH NO IMPACTS TO WETLANDS	UNITS
CENTRAL URBAN	18.42 Acres @ 15 Du/Acre	276.3 Du
WETLANDS[1]	0.99 Acres @ 15 Du/ acres	14.85 Du
	TOTAL: 291 DU (INCLUDES 97 BONUS DU)	

The applicant is requesting that the 18.42 acres designated Central Urban permit the maximum obtainable density with utilization of the Lee County Bonus Density Programs. The Central Urban areas permit a maximum of 15 units per acre with bonus density, or five additional units per acre, which equates to an additional 97 dwelling units. The applicant is requesting 95 bonus density units which equates to 14.89 units per acre which is under the 15 unit per acre range per the Lee Plan Table 1(a). In addition, preserve freshwater wetland acreage may be relocated to the developable uplands designated Central Urban per Lee Plan Policy 1.5.1 and Table 1(a), Note 8. The subject property has 0.99 acres of freshwater wetlands that have not been formally determined by the South Florida Water Management District (SFWMD). The applicant may use the bonus density for preserved freshwater wetlands; however, if the formal jurisdictional wetland determination or Environmental Resource Permit (ERP) determines a change in the wetland acreage, this will affect the density calculation. Staff has recommended a condition tied to the development order issuance that requires verification of the wetland acreage to determine the maximum number of dwelling units. 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. The developer will determine program options at time of local development order approval. LDC Section 2-147 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 pertaining to bonus density:

[1] Dwelling units may be relocated to developable contiguous uplands designated Central Urban per Lee Plan Policy 1.5.1 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetland.

a) **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 sufficient frontage to support access from North Cleveland Avenue (US 41) (arterial roadway) which is the proposed primary entrance. Cross access is proposed to the north which has a recorded easement, Instrument #2017-000012544 (see Attachment N). The cross access connects to a medical office and gas station to the north. The gas station has access onto Littleton Road, which is a major collector. At either access points the traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

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

The Applicant's Traffic Impact Statement (TIS) compares the approved trip generation per Resolution Z-09-025 and ADD2020-00054, which that approved hotel and commercial uses on the 12.86-acre CPD portion only, to the current rezoning based on 285 dwelling units, that that includes the 95 bonus density units. The applicant indicates that the proposed request of 285 dwelling units will reduce the traffic impacts of the development by approximately 65 percent in the AM peak hour, 80 percent in the PM peak hour, and approximately 75 percent over the entire weekday compared to the currently approved zoning. If the 6.59-acre C-1A parcel to the north is added to the CPD, then the trips will be reduced even further according to the TIS. The Applicant's TIS takes into consideration the Level of Service (LOS) for North Cleveland Avenue (US 41) and Littleton Road to operate above the minimum adopted LOS in 2026 with and without the proposed project. The Applicant's Traffic Impact Statement confirms the proposed development will not have an adverse impact on the surrounding roadway network. Sufficient capacity is projected on North Cleveland Avenue (US 41) to accommodate the trips anticipated to be generated by the proposed development on the subject site. North Cleveland Avenue (US 41) and Littleton Road are projected to operate above the minimum Level of Service standard in 2026 both with and without the project. The applicant has provided correspondence from Lee County Utilities and Florida Government Utility Authority stating that the utility has existing potable water and sanitary sewer capacity and infrastructure in operation adjacent to the subject property.

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.**

According to Lee Plan Map 5-A, the subject property is not located within the Coastal High Hazard Area.

d) **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).

The applicant proposes a Master Concept Plan (MCP) depicting the general location of multi-family buildings and clubhouse, internal loop roadway, and access points to North Cleveland Avenue (US 41) and the development to the north, as well as open space and buffering (see Attachment D). The planned development rezoning process includes the opportunity to include special conditions that reasonably relate to the proposed development and its expected impacts on public services, facilities, and public health, safety and general welfare. If approved, conditions must be adopted as part of the zoning resolution and approved master concept plan which governs the planned development.

The primary focus of compatibility for this project is the transition from the high density residential uses on the subject property to the abutting existing low density mobile home single-family uses to the northwest and proposed Assisted Living Facility or wet detention to the southwest per Resolution Z-11-002. The applicant has designed the site to have increased setbacks along the northwest property line to provide separation from the mobile home park and the clubhouse. The southern portion of the proposed development depicts parking along the southwest property line with a ten-foot-wide buffer between the uses which is in compliance with LDC Section 10-425(f)2. The more intense portion of the proposed development is focused within the southern portion of the development which was previously approved for commercial retail, medical office, hotel or Assisted Living Facility (ALF) with the maximum height approved at 75 feet for the hotel or ALF. The proposed maximum height for the multi-family units per the property development regulations is 60 feet. The approved ALF to the west of the subject property is approved at a height of 45 feet, with approved residential uses at a height of 35 feet with wet detention separating the residential units from the subject property by approximately 500 feet approved administrative amendment ADD2019-00085.

Currently, Development Order DOS2022-00141 proposes multi-family buildings with a perimeter setback ranging between 84 feet and 103 feet from property lines with a maximum potential height of 60 feet for the multi-family buildings. The proposed development is within the MUO, which does not have required setbacks for structures; rather the required MUO buffers per LDC Section 10-425 establish the setbacks. For compatibility purposes, staff has conditioned setbacks per the applicant's property development regulations to ensure compatibility with surrounding uses. The applicant did not provide height regulations for the amenity center, but the development order application indicates that it is proposed to be one-story; therefore, staff has conditioned the amenity center to a maximum height of 35 feet to be consistent with the multi-family residential property development regulations per LDC Section 34-715. LDC required landscape buffering will be required at time of local development order approval as the applicant does not propose a deviation. Additional measures of mitigation including traffic impact, drainage and stormwater management, open space, fire protection, and outdoor lighting will be reviewed at time of local development order approval to ensure that there is no negative visual encroachment to the surrounding uses.

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

The proposed development is located in the North Fort Myers Community Plan area. **Lee Plan Goal 30** focuses on improving the livability and economic vitality in the North Fort Myers Community Plan area by promoting compact, mixed use development in the form of town and neighborhood centers to revitalize older neighborhoods and commercial corridors. **Lee Plan Policy 30.1.3** encourages a diversity of housing types in North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the MUO. The proposed development is within a commercial corridor as defined in LDC Section 33-1566 and is within the MUO. The applicant is proposing to develop a multi-family product that will provide housing diversity within the North Fort Myers Plan area and add to the workforce to support the commercial uses, shopping plazas, and medical facilities within the area. **Lee Plan Policy 30.1.4** encourages affordable housing options on property within the Central Urban Future Land Use Category; located where central water and sewer are available; and within walking distance of mass transit, commercial, and personal services, and parks and recreational facilities. The property is close to retail shopping plazas to the north and south along North Cleveland Avenue (US 41), as well as medical offices and LeeTran bus stops providing access to several fixed routes. **Lee Plan Policy 30.2.4** notes that Littleton Road and North Cleveland Avenue (US 41) are within Neighborhood Centers that are appropriate for moderate intensity, pedestrian-oriented, mixed use development. As mentioned previously, the site is being designed to have internal and external pedestrian connectivity so that residents have access to public transit and to provide walkability within the community. **Lee Plan Policy 30.2.5** focuses on enhanced landscaping, greater buffering, and shading of parking areas, improved commercial signage, enhanced architectural quality and compatibility, and incentives for quality development. The applicant is providing the required buffers per LDC Section 10-425, and the applicant is providing increased setbacks between the amenity center and the property to the west, as well as from North Cleveland Avenue (US 41) by proposing dry detention and preservation areas abutting the arterial roadway. There are no deviations from architectural requirements, buffers, or open space sought by this request. LDC Section 33-1532 requires a publicly-advertised informational meeting to be held within the planning community area. The applicant held a meeting at the North Fort Myers Recreational Center on July 5, 2022 (see Attachment G).

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 transition between the abutting residential uses to the northwest to the maximum permitted density proposed on site is mitigated by the increased setbacks from the amenity center. The transition from the proposed multi-family development to the southwest with the approved height of the ALF, hotel, and the over 500-foot setback provides the justification for the proposed height of 60 feet for the multi-family residential units. As stated, the proposed development is within the MUO and must provide code minimum landscaping and open space per LDC Section 10-425 and the applicant is complying with the required buffers and open space per the MCP.

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 J). Development Services Section staff has reviewed the applicant's TIS and has provided separate memorandum concerning the project's transportation impacts (see Attachment K). In summary, the vehicular trip generation associated with the request includes 143 new trips in the PM peak hour (90 in, 53 out) and 111 new trips in the AM peak hour (26 in, 85 out). Staff concludes that the proposed project will not have a detrimental impact on the surrounding roadway system. 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 applicant provide a Protected Species Survey that included a Florida Land Use Cover and Classification System (FLUCCS) map. The FLUCCS depicts the presence of wetlands on the site. The applicant is protecting approximately 0.99 acres of wetlands that have not been verified by the SFWMD. The environmental staff report indicates that the applicant has agreed to staff's recommended condition that the density may be subject to change if SFWMD determines a different acreage of wetlands. This will affect the base density as well as the bonus density if wetlands are impacted in accordance with Lee Plan Policy 1.5.1 and Table 1(a) Note 8. As conditioned, the project does not propose adverse impacts to environmentally critical or sensitive areas and natural resources. There were no protected species observed on the site. The applicant is meeting the required open space and buffers per LDC Section 10-425. The Environmental Staff Report is attached as Attachment H of this report.

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 RPD rezoning is consistent with the Central Urban future land use designation and the applicable goals, objectives and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings and does not contravene the North Fort Myers Community Plan desire to add to the workforce to support the commercial uses, shopping plazas, and medical facilities within the community planning area. Staff recommends **APPROVAL** of the request to rezone the subject property from C-1A and CPD to RPD with the conditions attached as Attachment E 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. Development Regulations, Conditions and Deviations
F. Development Services Deviation Analysis Memorandum
G. Applicant's
   Project Narrative
   Bonus Density Narrative
   Schedule of Uses
   Property Development Regulations
   Schedule of Deviations
   Stormwater Narrative
   Public Information Meeting
H. Environmental Sciences Staff Report
   Applicant's Protected Species Survey

I. Utility Availability Letter
J. Applicant's Transportation Impact Statement
K. Development Services Transportation Memorandum
L. Prior Zoning Resolutions
M. Abutting property Zoning Resolutions
N. Cross Access Easement Instrument #2017-000012544

Attachment A

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

Case Number: **DCI2022-00027**
Project Name: **MIVO North Fort Myers**
Hearing Examiner Date: **January 19, 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.

Rebecca Sweigert, Principal 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.

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY OF A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

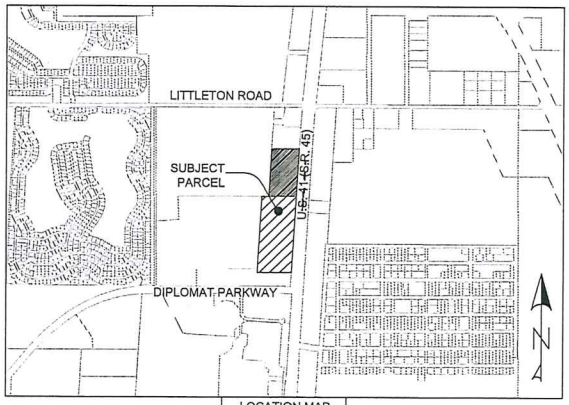
NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2 UES, INC. IS LB-8336.
2. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
3. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
4. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
5. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
6. ALL HORIZONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE WESTERLY RIGHT OF WAY LINE OF US 41(CLEVELAND AVENUE) BEING S03°25'16"W AS MEASURED.
7. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
8. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
9. SURVEYED PARCEL CONTAINS 845510.28 SQUARE FEET OR 19.41 ACRES, MORE OR LESS.
10. DATE OF LAST FIELD WORK: 4-14-2022; FIELD BOOK 583, PAGE 56.
11. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
14. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY"; NO SURVEY WAS MADE OF ADJOINING LANDS.
15. NO SUBSURFACE UTILITY INVESTIGATION OR EXPLORATION WAS CONDUCTED AS PART OF THIS SURVEY. ONLY ABOVE GROUND UTILITIES WE LOCATED AND MAPPED AS SHOWN.
16. ELEVATIONS SHOWN HEREON ARE BASED ON TIES TO NGS BENCHMARK "E 532 (PID AJ7559) ELEVATION = 17.52 FEET (NAVD 88).
17. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" AS PER FLOOD INSURANCE RATE MAP 12071C0259F, LEE COUNTY, 125124 0259 F, EFFECTIVE DATE AUGUST 28, 2008; REVISED TO REFLECT LOMR JANUARY 3, 2021.
18. BACKGROUND AERIAL IMAGE SHOWN IN THIS TOPOGRAPHIC SURVEY MAP WAS OBTAINED FROM THE LEE COUNTY GOVERNMENT GIS WEBSITE, DATED 2021, RELATIVE POSITIONAL ACCURACY OF AERIAL IMAGERY WAS NOT FIELD VERIFIED. IMAGE IS FOR INFORMATIONAL PURPOSES ONLY.
19. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 80' OR SMALLER.

TITLE COMMITMENT NOTES

I HAVE REVIEWED THE CHICAGO TITLE INSURANCE COMPANY TITLE INSURANCE COMMITMENT, FILE NUMBER CC-48181-4909, ORDER NUMBER 9853437, REVISION #1 DATED NOVEMBER 11, 2021. ALL ENCUMBRANCES, EXCEPT LIENS, IDENTIFIED IN SCHEDULE B, SECTION II OF THE TITLE INSURANCE COMMITMENT HAVE BEEN SHOWN OR NOTED ON THE MAP OF SURVEY. SEE THE FOLLOWING COMMENTS:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
   - NO KNOWN MATTERS.
2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable. NOTE: 2021 Real Property Taxes in the gross amount of $128.37 are paid, under Tax I.D. No. 34-43-24-00-00001.3020.
   - NOT A MATTER OF SURVEY.
3. Standard Exceptions:
   A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
   - ANY KNOWN MATTERS AS SHOWN ON SURVEY.
   B. Rights or claims of parties in possession not shown by the public records.
   - NOT A MATTER OF SURVEY.
   C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
   - NOT A MATTER OF SURVEY.
   D. Taxes or assessments which are not shown as existing liens in the public records.
   - NOT A MATTER OF SURVEY.
4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
   - NOT A MATTER OF SURVEY.
5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
   - NOT A MATTER OF SURVEY.
6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.
   - NOT A MATTER OF SURVEY.
7. Easement in favor of Florida Power and Light Company recorded July 5, 1962 in Official Records Book 137, Page 487.
   - DOES NOT AFFECT SUBJECT PROPERTY.
8. This item intentionally deleted.
9. Right of Way Easement in favor of Lee County Electric Co-Operative, Inc. recorded June 29, 1973 in Official Records Book 960, Page 205.
   - SEE CROSS-HATCHED AREA ON SHEETS 2 AND 3. THE OVERHEAD POWER CROSSING THROUGH THE PROPERTY AS DETERMINED BY THE LOCATION OF EXISTING POLES, FALLS WITHIN THIS AREA. HOWEVER, THE WIDTH OF THE EASEMENT DESCRIBED IS TWELVE FEET WHICH WOULD ONLY LEAVE APPROXIMATELY 6-7 FEET OF THE EASEMENT IN THE DESCRIBED EASEMENT AREA.
10. Drainage Easement as set forth in Warranty Deed recorded April 19, 1976 in Official Records Book 1135, Page 183 and in Corrective Warranty Deed recorded August 11, 1976 in Official Records Book 1153, Page 1203.
   - 20-FOOT DRAINAGE EASEMENT AS SHOWN ON SURVEY.
11. This item intentionally deleted.
12. Memorandum of Lease Agreement recorded April 20, 2000 in Official Records Book 3245, Page 4819 and Official Records Book 3245, Page 4820.
   - LEASE AGREEMENT NOT A MATTER OF SURVEY, PHYSICAL LOCATION OF LEASE CANNOT BE MAPPED.
13. Ingress/Egress Easement Agreement recorded February 8, 2008 in Instrument No. 2008-000036064, as affected by Notice of Relocation of Easement recorded December 1, 2016 in Instrument No. 2016-000252985 and Corrective Notice of Relocation Easement recorded January 18, 2017 in Instrument No. 2017-000012544.
   - 24-FOOT CROSS-ACCESS EASEMENT ABUTS NORTHERLY PROPERTY LINE AS SHOWN ON SURVEY.
14. Drainage Easements as set forth in Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303.
   - 20-FOOT DRAINAGE AS SHOWN ON SURVEY.



LOCATION MAP
N.T.S.

PROJECT LOCATION
NOT TO SCALE

LEGAL DESCRIPTION: (AS PROVIDED IN TITLE COMMITMENT)

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiami Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

ALTA CERTIFICATION

To:
Quadrant Communities, LLC
Cobb Cole
Chicago Title Insurance Company
Hallin Famey, LLC
Sanibel Captiva Community Bank
Cheifler & Hagan, P.A.
Old Republic National Title Insurance Company
Pavese Law Firm

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 7a, 8, 9, 10, 11, 13, 16, 17 and 19 of Table "A" thereof. The fieldwork was completed on 10-18-21.

SIGNATURE_____ DATE_____

LEGEND:

- FOUND CONCRETE MONUMENT
- FOUND IRON ROD & CAP
- FIRE HYDRANT
- GAS MARKER
- ELECTRIC METER
- ELECTRIC DOX
- SIGN POST
- CATCH BASIN
- CONCRETE UTILITY POLE
- GUY ANCHOR
- TOE OF SLOPE
- TOP OF BANK
- TRAFFIC SIGNAL BOX
- FIBER OPTIC BOX
- WOOD POST
- FENCE - BARBED WIRE
- FENCE - CHAIN LINK / U.O.N.
- FENCE - WOOD / U.O.N.
- LIGHT POLE
- WOOD UTILITY POLE
- TELEPHONE RISER
- TELEPHONE VAULT
- WATER VALVE

ABBREVIATIONS:

ASPH. = ASPHALT
BND. = BOUNDARY
(C) = CALCULATED
CONC. = CONCRETE
CONT. = CONTROL
CLF = CHAIN LINK FENCE
CMP = CORRUGATED METAL PIPE
COR. = CORNER
EL. = ELEVATION
EOP = EDGE OF PAVEMENT
FNC. = FENCE
FND = FOUND
FT. = FEET
CONC. = CONCRETE
CMP = CORRUGATED METAL PIPE
I.D. = IDENTIFICATION
INSTR = INSTRUMENT
INV. = INVERT
IR&C = IRON ROD AND CAP
LB = LICENSED BUSINESS
(M) = MEASURED
MON. = MONUMENT
NAVD = NORTH AMERICAN VERTICAL DATUM (1988)
OHP = OVER HEAD POWER
O.R. = OFFICIAL RECORD BOOK / PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PT. = POINT
RCP = REINFORCED CONCRETE PIPE
(R) = RECORD
RW = RIGHT OF WAY
T.C. = TITLE COMMITMENT
TOB = TOP OF BANK
TOE = TOE OF SLOPE
US = UNITED STATES
U.O.N. = UNLESS OTHERWISE NOTED
VRS = VIRTUAL REFERENCE STATION
W/ = WITH
± = MORE OR LESS
** = STAMPING OF CAP OR DISK

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS ___ DAY OF _____, 2022

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

REVISION	DATE
ADD TOPO	12-8-2021
REVISED TITLE COMMITMENT	12-14-2021

FOR: QUADRANT COMMUNITIES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

COUNTY:	LEE	DWG. DATE:	11-2-21
SEC.	34-43S-24E	SURVEY DATE:	10-18-21
PROJECT NUMBER:	210905	DRAWN BY:	R.J.O.
DWG. NUMBER:	ALTA 15781	CHECKED BY:	S.U.

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

ATTACHMENT B

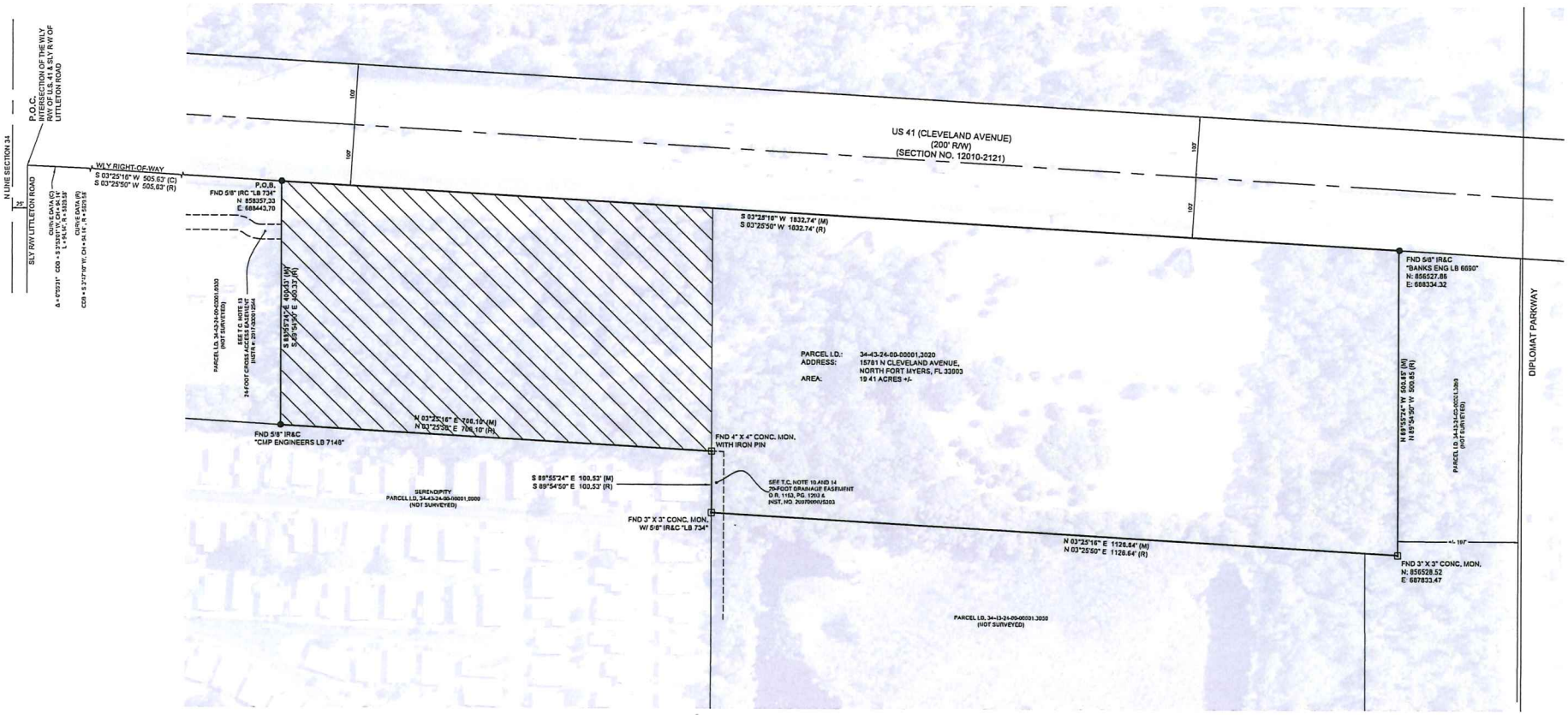
DCI2022-00027 Lee County ePlan

Additional Info Dated 07-06-2022

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

80 0 40 80
1 inch = 80 ft.
INTENDED DISPLAY SCALE



CROSS-HATCH REPRESENTS THE EASEMENT AREA DESCRIBED IN OFFICIAL RECORDS BOOK 960, PAGE 205 LYING ON SUBJECT PROPERTY. SEE TITLE COMMITMENT NOTE 9.

BOUNDARY DETAIL

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

FOR: QUADRANT COMMUNITIES, LLC
353 MARSHALL AVENUE, SUITE I
ST. LOUIS, MO 63119

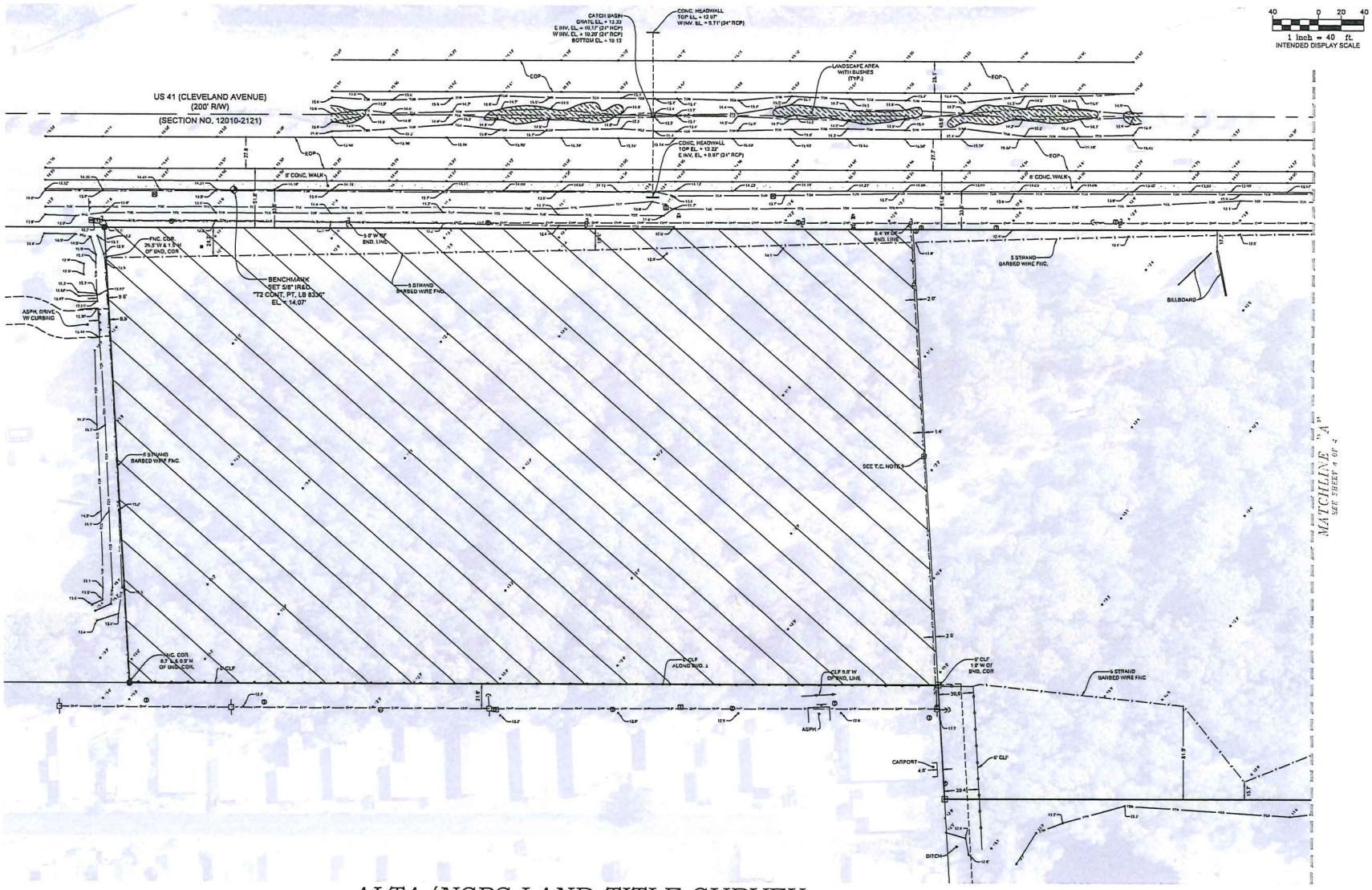
	DATE	REVISION
1	12-8-2021	ADD TOPO
2	4-18-2022	ADD ADDITIONAL TOPO
3		

COUNTY:	LEE	DWG. DATE:	11-2-21
SEC.	34-43S-24E	SURVEY DATE:	10-18-21
PROJECT NUMBER:	210905	DRAWN BY:	R.J.O.
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DCI2022-00027 Lee County ePlan

Additional Info Dated 07-06-2022



CROSS-HATCH REPRESENTS THE EASEMENT AREA DESCRIBED IN OFFICIAL RECORDS BOOK 960, PAGE 205 LYING ON SUBJECT PROPERTY. SEE TITLE COMMITMENT NOTE 9.

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

IMPROVEMENT & TOPO DETAIL

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

FOR: QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE I
ST. LOUIS, MO 63119

REVISION	DATE
1 ADD TOPO	12-6-2021
2 ADD ADDITIONAL TOPO	4-19-2022
3	

COUNTY:	LEE	DWG. DATE:	11-2-21
SEC.	34-43S-24E	SURVEY DATE:	10-18-21
PROJECT NUMBER:	210905	DRAWN BY:	R.J.O.
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

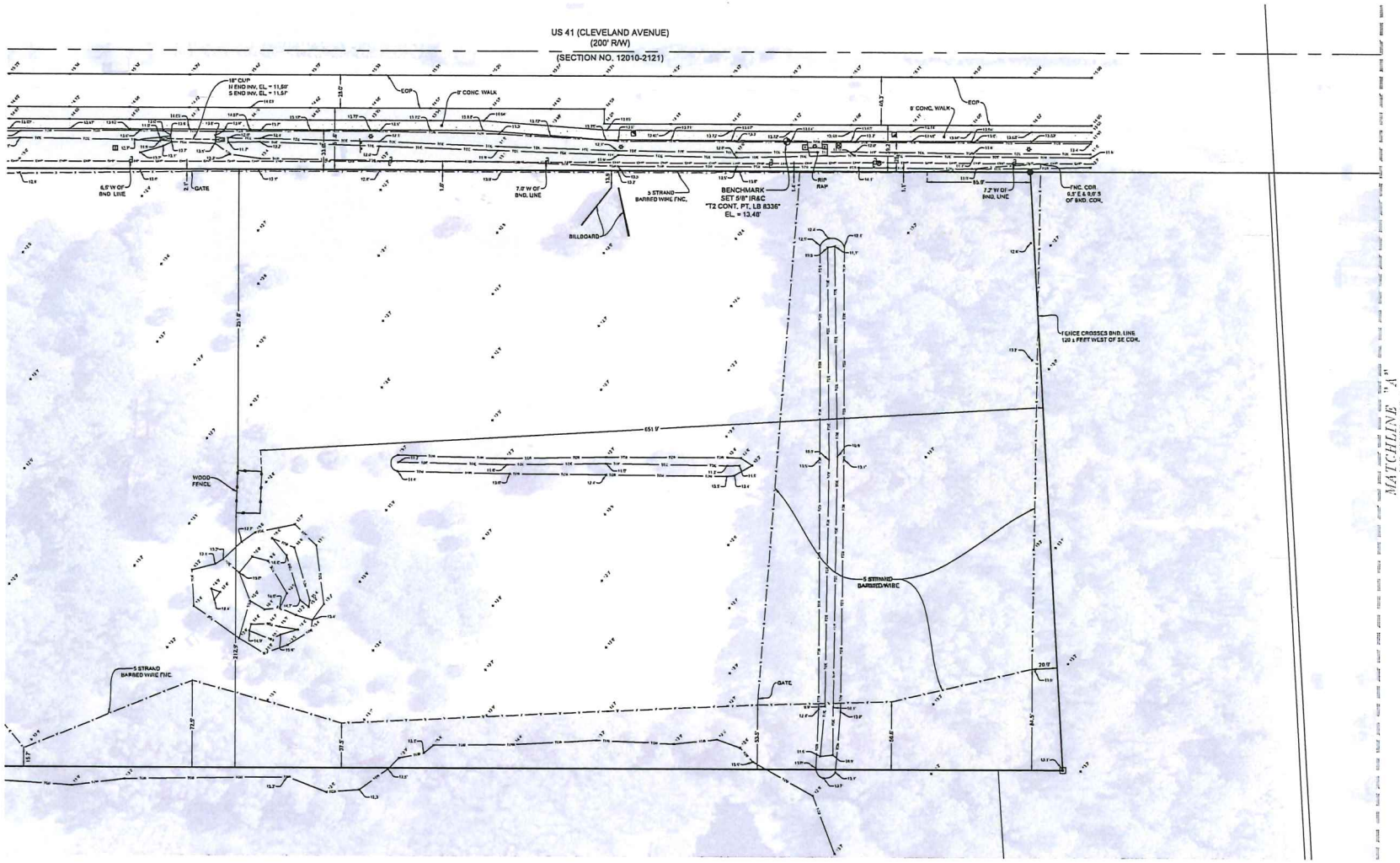
DCI2022-00027 Lee County ePlan

Additional Info Dated 07-06-2022

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

40 0 20 40
1 inch = 40 ft.
INTENDED DISPLAY SCALE



IMPROVEMENT & TOPO DETAIL

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

COUNTY:	LEE	DWG. DATE:	11-2-21	REVISION		DATE	
SEC.	34-43S-24E	SURVEY DATE:	10-18-21	ADD TOPO	1	12-5-2021	
PROJECT NUMBER:	210906	DRAWN BY:	R.J.O.	ADD ADDITIONAL TOPO	2	4-18-2022	
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.		3		

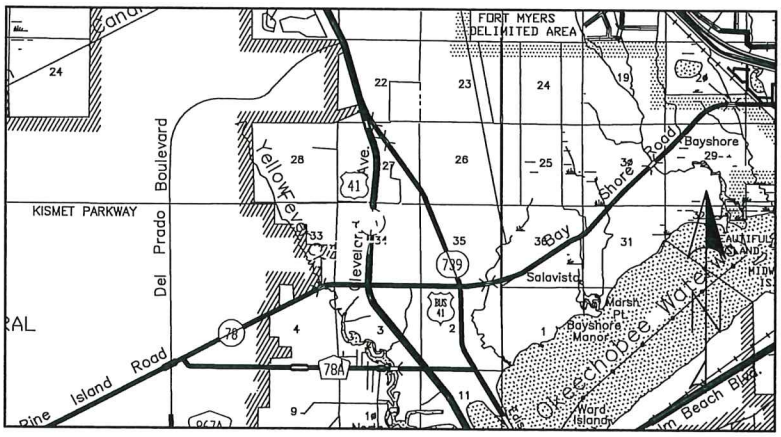
ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

FOR: QUADRANT COMMUNITIES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

4 of 4

SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
(NOT TO SCALE)

DESCRIPTION:

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiani Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

NOTES:

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2UES, INC. IS LB-8336.
2. BEARINGS SHOWN ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41, BEING S 03°25'50" W.
3. LEGAL DESCRIPTION AND SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS AND DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. NOT VALID WITHOUT ALL SHEETS.

SCOTT R. URQUHART
LICENSED HUMBER 6524
STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

Digitally signed by Scott R. Urquhart, P.S.M.
Date: 2022.04.19 10:35:51 -04'00'

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS ___ DAY OF _____, 2022

REVIEWED
DCI2022-00027
Hunter Searson, GIS Planner
Lee County Government
7/22/2022

SEE SHEET 2 OF 2 FOR SKETCH

FOR:	KIMLEY HORN
DWG DATE:	4-18-2022
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
REV. DATE:	
COUNTY:	LEE
PROJECT NO.:	210906
DRAWING NO.:	210906 SKD
REVISION:	

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

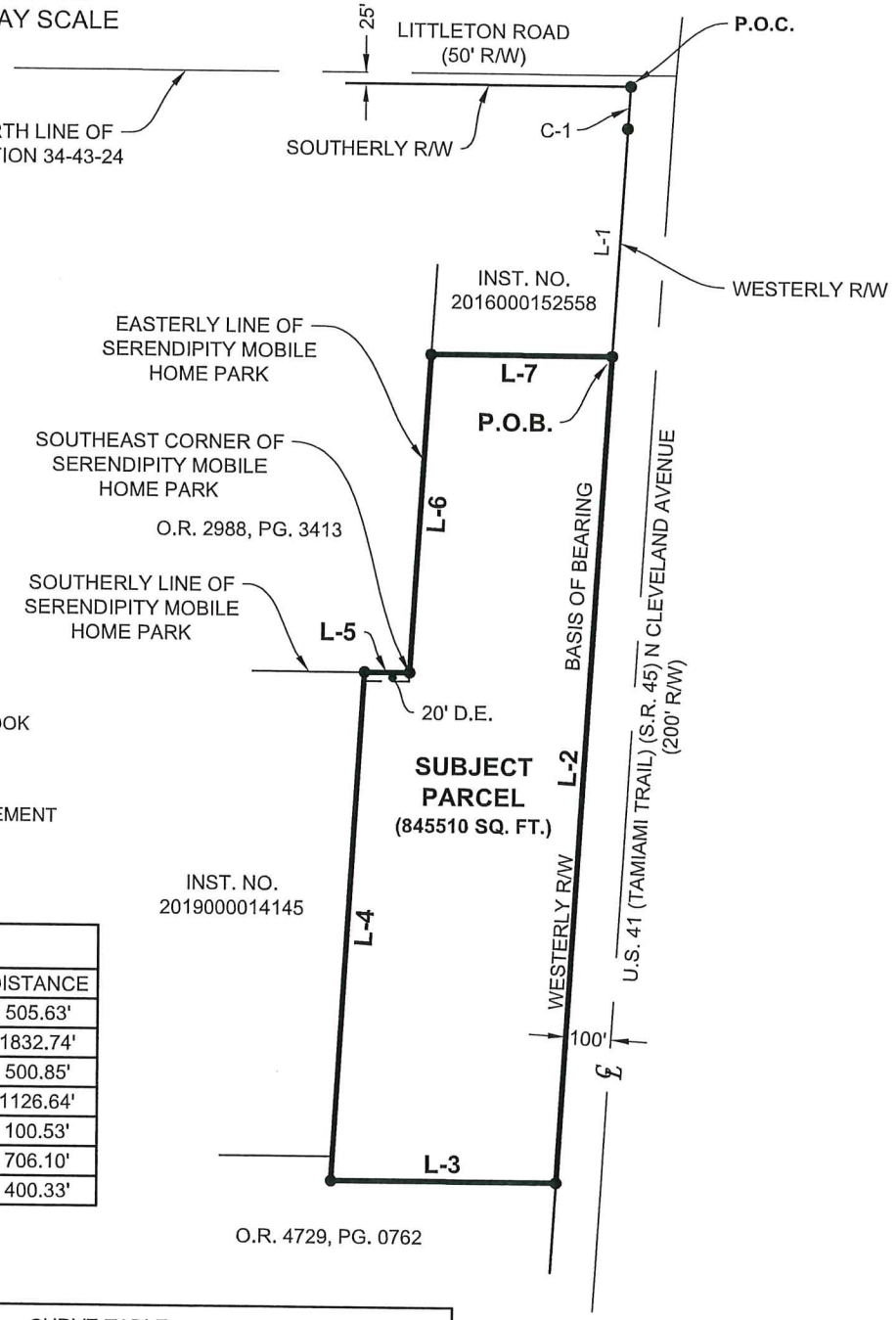
J:\FTM02DATA\2021\210906 - QUADRANT - DIPLOMAT SURVEY\DRAWING\210906 SKD.DWG 4/19/2022 9:58 AM

SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

400 0 200 400

1 inch = 400 ft.
INTENDED DISPLAY SCALE



ABBREVIATIONS

C-X = CURVE NUMBER
FT. = FOOT
INC. = INCORPORATED
INST. = INSTRUMENT
L-X = LINE NUMBER
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORD BOOK
NO. = NUMBER
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
REV. = REVISION
R/W = RIGHT-OF-WAY

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 03°25'50" W	505.63'
L-2	S 03°25'50" W	1832.74'
L-3	N 89°54'50" W	500.85'
L-4	N 03°25'50" E	1126.64'
L-5	S 89°54'50" E	100.53'
L-6	N 03°25'50" E	706.10'
L-7	S 89°54'50" E	400.33'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	94.14'	5829.58'	00°55'31"	S 03°47'10" W	94.14'

SEE SHEET 1 OF 2 FOR DESCRIPTION

FOR: KIMLEY HORN

COUNTY: LEE
PROJECT NO.: 210906
DRAWING NO.: 210906 SKD
REVISION:
DWG DATE: 4-18-2022
DRAWN BY: R.J.O.
CHECKED BY: S.U.
REV. DATE:

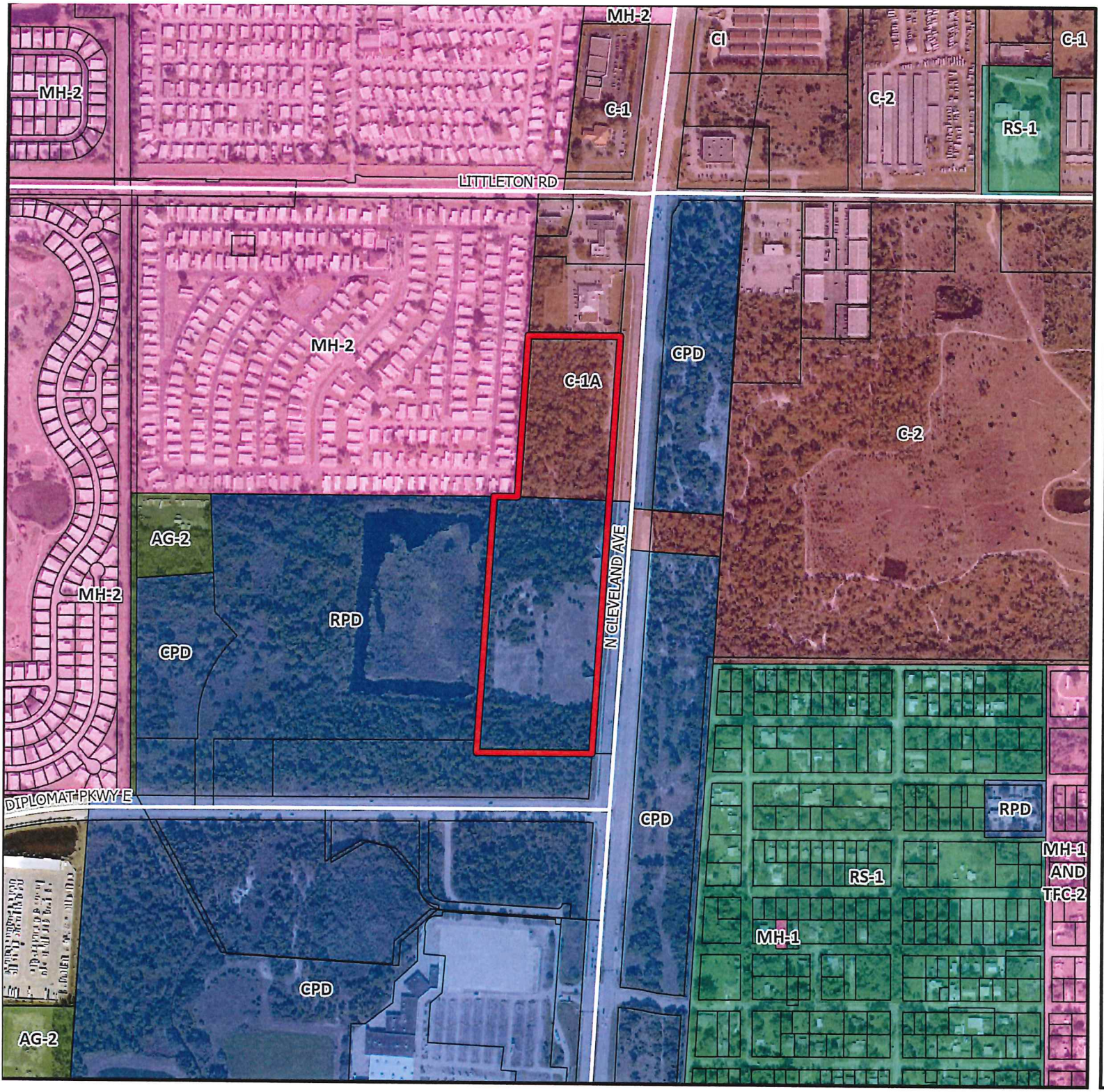
SKETCH & DESCRIPTION
OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

J:\FTM02DATA\2021\210906 - QUADRANT - DIPLOMAT SURVEY\DRAWING\210906 SKD.DWG 4/19/2022 9:58 AM

DCI2022-00027

Zoning



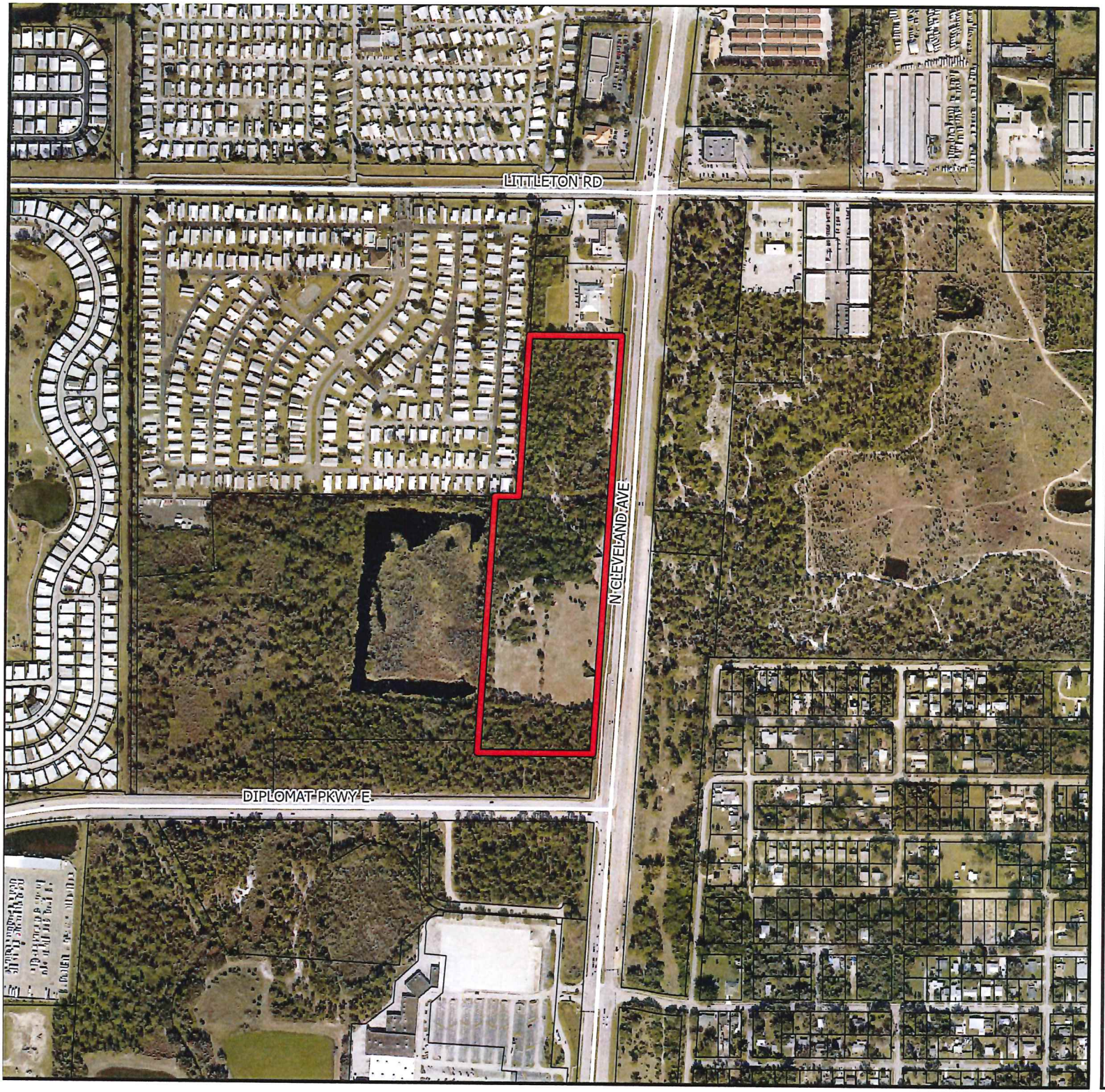
Subject Property

N
W
E
S

0
1,000
Feet

Lee County
Southwest Florida

ATTACHMENT C



DCI2022-00027

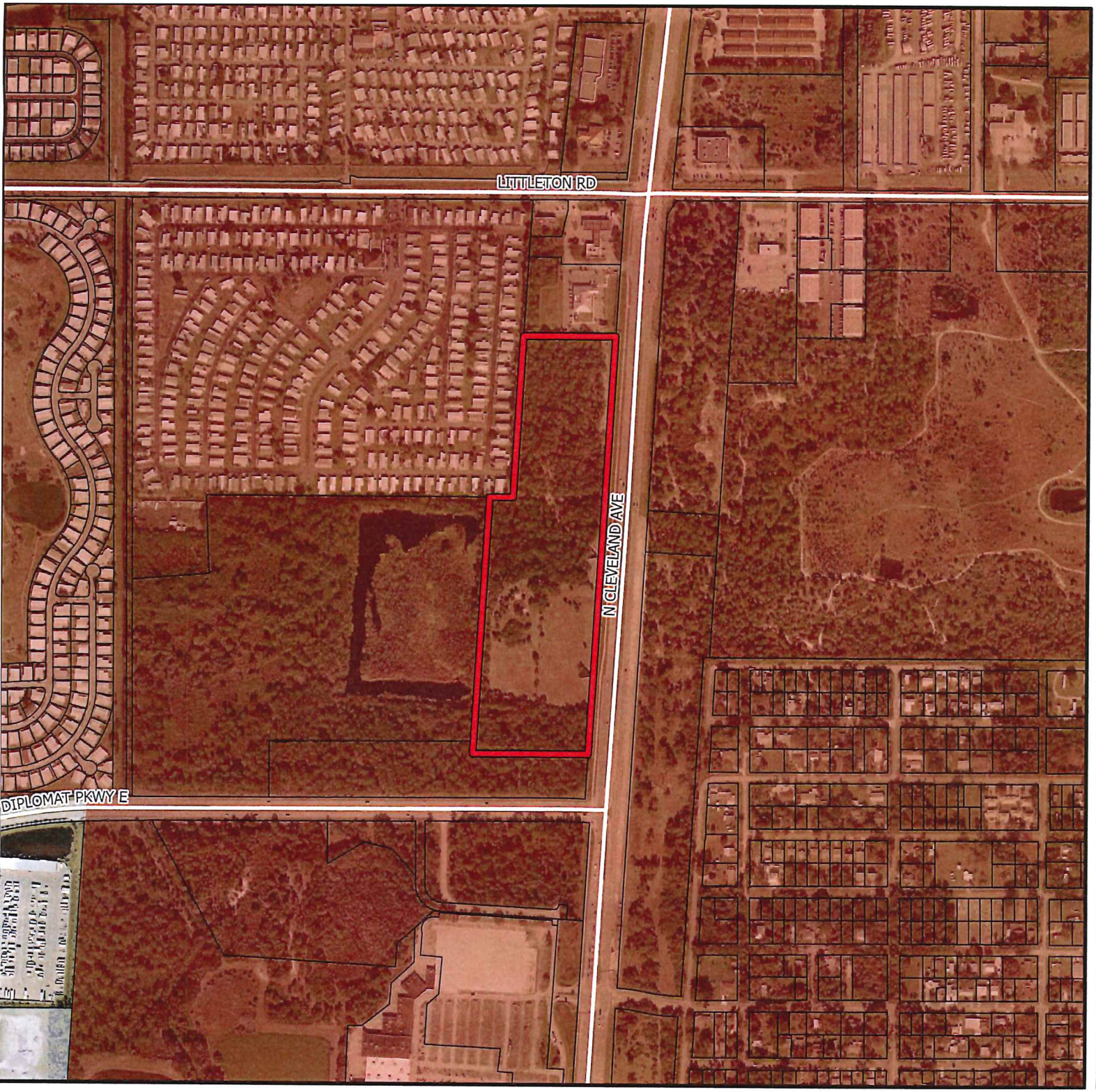
Aerial

Subject Property

N
W
E
S

0
1,000
Feet

Lee County
Southwest Florida



DCI2022-00027

Future Land Use

Subject Property

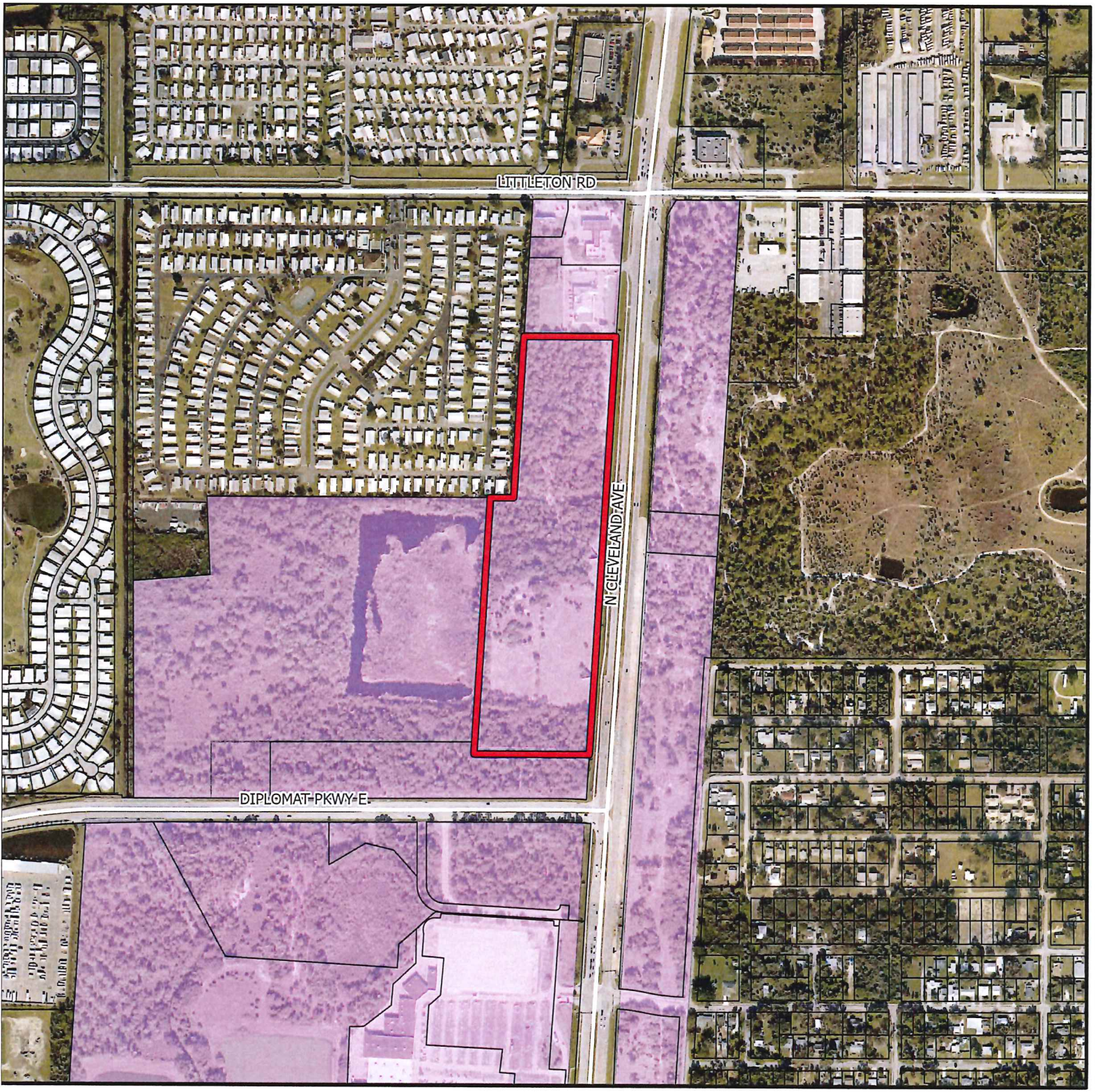
Central Urban

Public Facilities

N
W E
S

0 1,000
Feet

Lee County
Southwest Florida



DCI2022-00027

Mixed Use Overlay

Subject Property

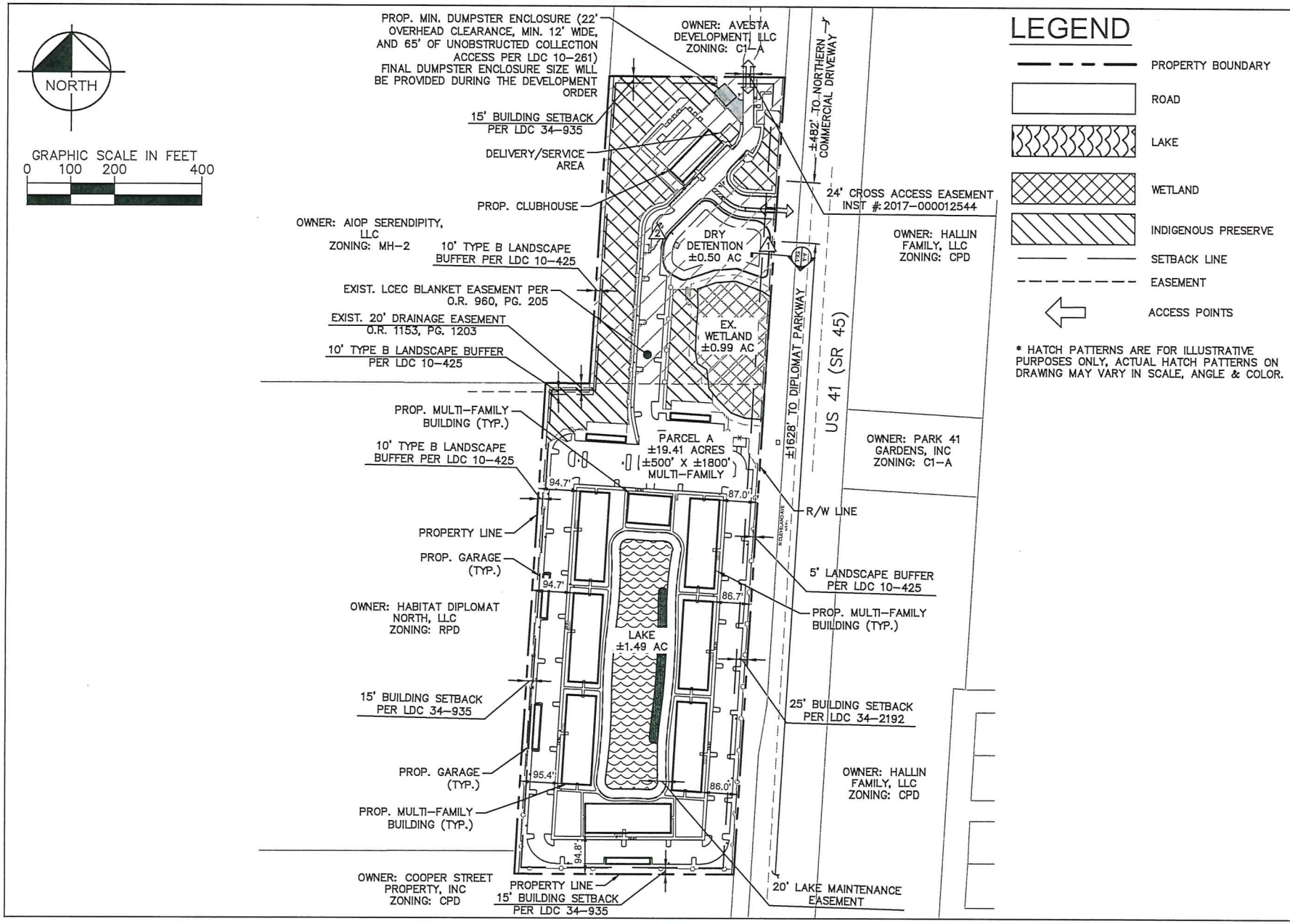
Mixed Use Overlay

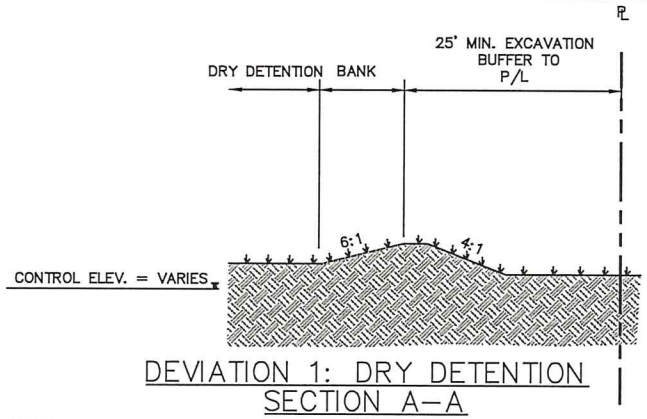
N
W
E
S

0 1,000
Feet

Lee County
Southwest Florida

ATTACHMENT D

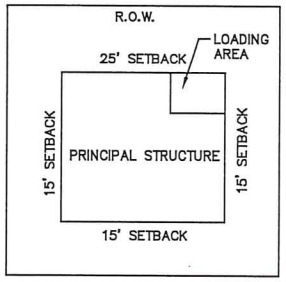




DEVIATION 1: DRY DETENTION SECTION A–A

NTS

NOTES:
1. TOP OF BANK LOCATION & ELEVATION WILL VARY DEPENDING ON EX GROUND ELEVATION.



1. SETBACKS, LOT COVERAGES, AND BUILDING HEIGHTS PER RESIDENTIAL PLANNED DEVELOPMENT AND MIXED–USE OVERLAY REGULATION TABLES

TYPICAL LOT INFORMATION

NTS

OPEN SPACE TABLE

	AREA (AC.)	OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC.)
PARCEL A***	-	-	5.12
DRY DETENTION	-	-	0.50
LAKE	-	-	1.49
WETLAND	-	-	0.99
INDIGENOUS VEGETATION**	-	1.94**	2.73
TOTAL PROPERTY	19.41	3.88*	10.83

*OPEN SPACE MEETS 20% REQUIREMENT PER LCD CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415

**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% OF THE TOTAL OPEN SPACE REQUIREMENT PER LDC 10-415

***PARCEL A INCLUDES ALL OTHER OPEN SPACE

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 2100, FORT MYERS, FL 33901
PHONE: 239-271-2650 FAX: 941-379-4332
WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL: SINA EBRAHIMI, PE
HHH LICENSE NUMBER 82332
DATE:

KHA PROJECT
DATE 01/2022
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

MASTER CONCEPT PLAN DETAILS

MIVO DIPLOMAT CENTER
PREPARED FOR
QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
MCP-2

ATTACHMENT E

MIVO North Fort Myers RPD – DCI2022-00027

Attachment E – Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "MIVO Diplomat Center", prepared by Kimley-Horn and Associates, Inc., stamped 09/09/2022, 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 285 dwelling units of which 95 are bonus density units, residential accessory uses, and amenity center.

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

   a. Schedule of Uses

      Single-Family Residential Tracts (R-1)
      Accessory uses, buildings, and structures
      Dwelling unit:
      - Multi-family

      Entrance gates and gatehouse
      Essential services
      Essential service facilities:
      - Group I

      Excavation:
      - Water retention

      Recreation facilities:
      - Personal
      - Private on-site

      Signs

   b. Site Development Regulations

      Amenity Center
      Minimum Setback:
      Preserve: 20 feet from wetland and 30 feet from upland preserves
      Building and accessory structures: 15 feet

      Multi-family
      Minimum lot size: 10,000 square feet
      Minimum lot width: 100 feet
      Minimum lot depth: 100 feet

      Minimum Setbacks:

Street: 25 feet
Side: 15 feet
Accessory Structure: 15 feet
Rear: 15 feet
Waterbody: 25 feet
Preserve: 30 feet

Maximum building height: 60 feet
Maximum lot coverage: 45 percent

3. Open Space.
Prior to the issuance of the first development order, the open space table must depict 2.73 acres of indigenous preserve area, 0.99 acres of wetlands, and a total open space area of 10.83 acres.

4. Recording of Conservation Easement.
A conservation easement must be recorded for all created, restored, and/or preserved indigenous preserve areas prior to the issuance of the first development order. The conservation easements must be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency acceptable to Lee County with third party enforcement rights.

5. Wetland Impacts.
Prior to the issuance of the first development order, if the formal jurisdictional wetland determination or the South Florida Water Management District Environmental Resource Permit indicates a different wetland acreage, the project density and bonus density must be revised in compliance with Lee Plan Policy 1.1.3 and Table 1(b).

Turnaround.
6. At time of development order the applicant must submit an autoturn analysis that demonstrates sufficient area is provided to allow a three point turning movement, on the ingress side of the proposed entry gate, for a single unit truck (SU) as specified in the ASASHTO Green Book, current edition.

7. Turnaround Signage and Striping.
At time of development order, the plans must include signage and pavement striping that reserves the area required to execute a three point turning movement on the ingress side of the proposed entrance gate.

Section B. – Deviations

1. **Deviation (1)** seeks relief from LDC Section 10-329(d)(1), which requires excavation to occur no less than 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street, to allow for excavation to occur no less than 25 feet from North Tamiami right-of-way line.

This deviation is withdrawn.

2. **Deviation (2)** seeks relief from 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

a three-point turning movement for a single unit truck (SU) vehicle as specified in the AASHTO Green Book, current edition.

This deviation is **APPROVED** subject to Conditions 6 and 7.

ATTACHMENT F

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: 12/9/2022

To: Beth Workman

From: Brian Roberts BR

Subject: DCI2022-00027 Mivo North Fort Myers

The applicant is proposing to rezone 19.41+/- acres from Commercial Planned Development (CPD) and Commercial District (C-1A) to Residential Planned Development (RPD) to allow development of 285 dwelling units, of which 95 is bonus density, six garages/storage units, and site related infrastructure. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards and Section 34-1748 requirements for entrance gates and gatehouses as detailed in the Land Development Code (LDC) and offers the following comments:

Deviation (1) seeks to deviate from Lee County LDC Section 10-329(d)(1) which requires excavation to occur no less than 50 feet from existing property line and collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line.

Staff recommends that the request be **WITHDRAWN**

The referenced section applies to excavations. LDC 10-329(a) requires all excavations except moving materials for purposes of surface water drainage (swales, ditches, or dry retention), or landscaping, provided that the excavated materials are not removed from the premises and no blasting is proposed to meet excavation setbacks. The applicant's initial Master Concept Plan included a wet detention lake adjacent to US41. In a subsequent submittal, the wet detention lake was converted to dry detention. The dry detention area is not required to meet the excavation setbacks in LDC 10-329(a), therefore, the deviation request is not applicable. Furthermore, the applicant stated in their response letter dated July 6, 2022 that the requested deviation has been removed and lakes would comply with setback requirements. Staff recommends the Master Concept Plan be revised to remove the reference to deviation (1).

Deviation (2) is a request to deviate from Lee County 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, must be provided on the ingress side of the gate or gatehouse.

Staff recommends the deviation request be revised as follows:

Deviation (2) seeks to deviate from Lee County 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 a three point turning movement for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition.

Staff recommends **APPROVAL** with **conditions:**

At time of development order the applicant must submit an autoturn analysis that demonstrates sufficient area is provided to allow a three point turning movement, on the ingress side of the proposed entry gate, for a single unit truck (SU) as specified in the ASASHTO Green Book current edition.

At time of development order the plans must include signage and pavement striping that reserves the area required to execute a three point turning movement on the ingress side of the proposed entrance gate.

In the justification submitted by the applicant the improvements to provide the three point turn will be provided in area reserved for the mail kiosk and trash compactor on the ingress side of the proposed gate. Additionally, the applicant has stated that on-site management staff will be available to assist in allowing vehicles through the gate to turn around if necessary. Staff recommends the following condition to ensure sufficient room is reserved on the ingress side of the gate:

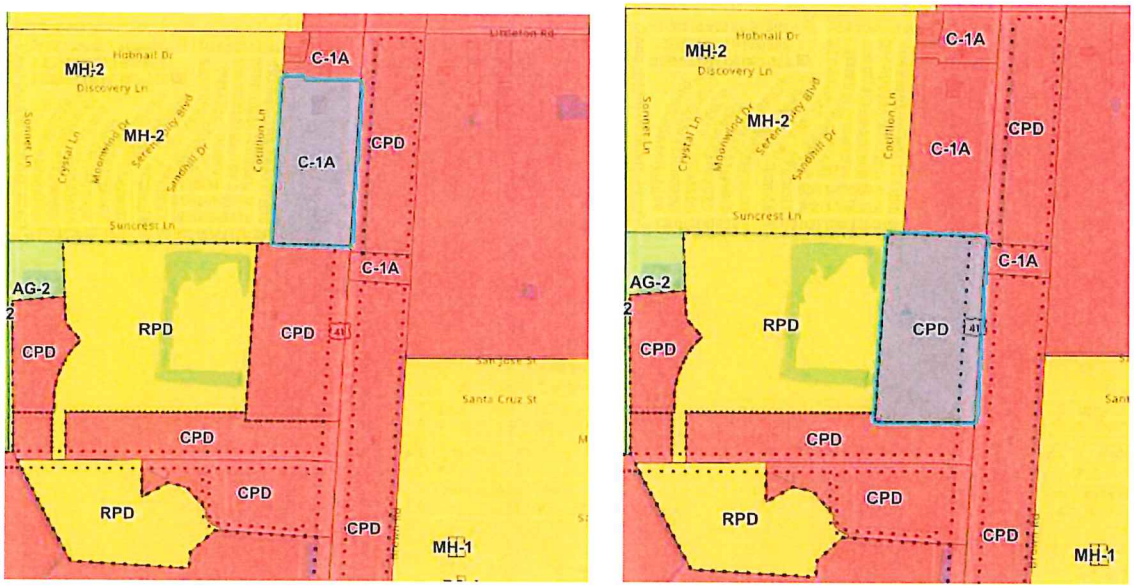
Please contact me if you have any further questions.

ATTACHMENT G

Introduction

The proposed project is located in the Central Urban Future Land Use category, North Fort Myers Community Plan Area, and the Mixed Use Overlay district. The applicant is requesting a rezoning of one (1) parcel from its two (2) existing zoning districts C-1A and CPD to a Residential Planned Development (RPD). The subject property's STRAP ID is 34432400000013020. The proposed MIVO North Fort Myers Development is a multi-family development consisting of approximately 285 apartment units (assuming approval of the requested 95 bonus density units) with surface parking and six (6) detached single story parking garages/storage units. The project site contains approximately 19.41 +/- acres with 0.99 +/- acres of said acreage being wetlands that are not planned to be impacted.

Subject Property Identified on Lee County Zoning Map



The subject property's surrounding area uses include mobile home park and RPD to the west, commercial uses to the north, south, and east which include, but are not limited to, convenience store/gas station, medical offices, self-storage units, shopping center, and automotive services. The MIVO development will provide the area with the missing multi-family units which support the encouraged diversity of housing types and residential use adjacent to retail and services in the Mixed Use Overlay consistent with Lee Plan Policy 30.1.3. Additionally, not only is the proposed project providing this area of North Fort Myers with multi-family dwelling units, but the project also includes the use of the use of the encouraged bonus density program through the County to achieve the desired maximum number of dwelling units, consistent with Lee Plan Policy 11.2.6.

Letters of availability have been acquired for the site confirming there is sufficient infrastructure to serve the proposed project through Lee County Utilities (LCU), Florida Governmental Utility Authority (FGUA), and Lee County Electric Cooperative (LCEC).

Comprehensive Plan Consistency

The proposed development has found to be consistent with the Lee County Comprehensive Plan based on the following analyses:

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

> The subject property is located in the Central Urban Future Land Use category and supports Lee Plan Policy 1.1.3 by providing additional variety of housing to the area which supports the encouraged mixed-use.

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. (Ord. No. 94-30, 00-22)

> The subject property is proposed to be rezoned to Residential Planned Development, contiguous with the properties to the west which have zoning designations of RPD and MH-2. The subject property is just north of the Merchants Crossing Shopping Center, Walmart, and similar businesses needed to serve the proposed development's residents. There is direct access to existing utility services along North Cleveland Avenue via an extension of services consistent with Objective 2.1.

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. (Ord. No. 94-30, 00-22, 17-19)

> The proposed project includes development in a future urban area with adequate public facilities to support the development. The proper permitting for a development order will be applied for as well as the concurrency requirements of the Lee County Land Development Code will be met.

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 subject property is located directly along North Cleveland Avenue providing immediate access to a commercial corridor, central sewer, and water lines. The subject property is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The subject property is approximately one (1) mile from the Carrie D. Robinson Littleton Elementary School, 2.5 miles from J. Colin English Elementary School, and about four (4) miles to North Fort

Myers High School. The subject property is compatible with its surrounding properties as it shares the same land use of Central Urban.

POLICY 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 a Fla. Admin. Code R. 62-550).
2. If the proposed development lies within the boundaries a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), then the development must be connected to that utility.
3. The development 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.
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
    - Request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
    - Establish a community water system for the development; or
    - Develop at an intensity that does not require a community water system.

7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

    The subject property is located within Lee County Utilities Future Water Service Area as depicted on Map 4A of the Lee County Comprehensive Land Use Plan. There is an existing 16-inch watermain adjacent to the property along N. Cleveland Avenue that will be used to service the property. A looped 10-inch watermain is being proposed throughout the property to provide adequate water and fire services to the proposed development. A Potable Water Letter of Availability has been obtained from Lee County which shows that the existing infrastructure has the capacity to handle the proposed development.

POLICY 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 ¼ mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within ¼ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
    - Request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
    - Establish a self-provided sanitary sewer system for the development;
    - Develop at an intensity that does not require sanitary sewer service; or
    - If no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fl. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

The subject property is located within the Florida Governmental Utility Authority's Sanitary Sewer Service Area. There is an existing 8-inch force main adjacent to the property along N. Cleveland Avenue that will be used to service the property. An 8-inch gravity sewer main is being proposed throughout the property to provide adequate sanitary sewer services to the proposed multi-family development. The gravity system will then connect to an onsite private lift station which will connect to the existing 8-inch force main along N. Cleveland Avenue. A Sanitary Sewer Letter of Availability has been obtained from Florida Governmental Utility Authority which shows that the existing infrastructure has capacity to handle the proposed development.

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. (Ord. No. 94-30)

The proposed multi-family project is located along a designated commercial corridor which consists of shopping centers and commercial uses which provides employment opportunities. As stated above there are schools near the subject property and there are two (2) parks within less than 2 ½ miles of the subject property (North Fort Myers Community Park and Judd Community Park). LeeTran bus stops are available south of the subject property. Running north / south along North Cleveland Avenue is a shared use path for bicycling and walking.

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 mobile home park to the west of the subject property abuts the northern portion of the subject project which includes a 1-story amenity center with parking and the remaining area is designated as an indigenous preserve. The proposed multi-family development is designed so that the apartment buildings are located on the southern portion of the subject property, centrally located, with parking spaces surrounding the buildings providing additional buffering from the existing mobile home park exceeding the required setback per the Lee County Land Development Code. The property is currently approved for 6-story multi-family units with a maximum building height of 75 feet per the Administrative Amendment (PD) ADD2020-00054 to Zoning Resolution Z-09-025. The proposed RPD is requesting 4-story multi-family units with a maximum of 60 feet – providing stricter height limitations for the subject property.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)

The proposed development will comply with all required open space, buffering, landscaping, and recreation areas per the North Fort Myers Planning Community standards, Lee Plan, and Lee County Land Development Code.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The residents will have direct access to a dog park, playground, and a walking trail around the lake. The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

The proposed development would provide for an additional type of housing in the area encouraged by Lee Plan Comprehensive Plan Goal 11. The area has surrounding commercial uses near the development supporting reduced trip lengths and a shared use path traverses north / south along the Project's east boundary. This supports the encouraged variety of transportation options.

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

The project will extend internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road.

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 applicant is applying for an additional 95 units through the bonus density program to provide increased density, though not the maximum allowable through the Central Urban Future Land Use via the bonus density program. The project is

Goal 30 NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

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

> As stated in the Introduction, the subject property is in the North Fort Myers Community Plan Area. The proposed use of the subject property is to provide multi-family development consisting of up to 285 apartment units. Currently in the surrounding area there are mobile home parks, single-family residential, and commercial uses. Allowing for this project will provide the desired diversity of housing in the North Fort Port Myers Community Plan Area per Lee Plan Policy 30.1.3.

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. 09-11, 18-18)

> While affordable housing is not specifically identified in this Residential Planned Development, it is expected that an increase in market rate multi-family will result in additional supply to the area. Also, multi-family may be more attainable than single-family homes.

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred.

> Currently along N. Cleveland Avenue are commercial land uses. The proposed development will make available multi-family residential for this area providing the corridor a mix of uses as desired by Policy 30.2.4. The development will provide internal sidewalks to connect to the existing external sidewalks/trail along US 41 and will also extend sidewalks to the north connecting to the existing development which provides connectivity to Littleton Road

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring

enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

The proposed development is within the North Fort Myers Community Planning Area which consists of specific buffering standards to provide consistency with new and existing developments. The proposed development is designed to meet all buffering requirements on the Lee Plan and the Lee County Land Development Code.

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

The proposed development is being designed to meet the North Fort Myers Planning Community and Mixed-Use overlay standards including all other necessary standards per the Lee County Land Development Code.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater. (Ordinance No. 07-12, 18-28.)

The proposed development consists of interconnected dry and wet ponds to handle the surface water runoff that is created due to the development. These ponds are used to protect and enhance the groundwater by being designed to removed pollutants such as nitrogen and phosphorus from the surface water runoff that will eventually drawdown from the site into the groundwater. These pollutant removal efforts are in the form of providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. Also, the dry ponds will be designed so that the bottoms of the ponds are at minimum 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater consistent with Lee Plan Policy 60.1.1:

POLICY 125.1.2: New Development and additions to existing development must not degrade surface and ground water quality. (Ordinance No. 00-22, 18-28)

The proposed development meets the proposed water quality standards set forth by the South Florida Water Management District Criteria. The proposed wet and dry ponds will provide all of the required water quality treatment for this development to ensure that the surface and ground water quality will not be degraded which is consistent with Lee plan Policy 125.1.2.

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. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface and ground water quality by meeting the required water quality standards per South Florida Water Management District. The proposed development consists of multiple drainage elements that minimizes the nutrient loading and pollution of freshwater and estuarine systems. These drainage elements include providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the

removal of pollutants. The dry ponds are designed so that the bottoms of the ponds are 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater.

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. (Ordinance No. 00-22, 18-28)

The proposed development consists of raising the site above existing ground elevation and adding stormwater infrastructure in the form of catch basins, conveyance pipes, and wet and dry retention areas. The proposed stormwater infrastructure will improve the surface water flows by providing proper conveyance of the stormwater runoff, and will maintain all existing groundwater levels.

Lee County Land Development Code Consistency

The proposed development has been found consistent with the Lee County Land Development Code based on the following analyses:

Section 34-145(d)(4)a.1.a) Complies with the Lee Plan

The proposed development has been found consistent with the Lee Plan. Please see Comprehensive Plan Consistency above.

Section 34-145(d)(4)a.1.b) Meets this Code and other applicable County regulations or qualifies for deviations.

The proposed development meets the Lee County Land Development Code and does not require any deviations.

Section 34-145(d)(4)a.1.c) Is compatible with existing and planned uses in the surrounding area.

Yes, the proposed development has been found consistent with the existing and planned uses in the surrounding area per the Lee Plan and Land Development Code Consistency reviews. The development will provide a less intense project than what the property is currently entitled for.

Section 34-145(d)(4)a.1.d) Will provide access sufficient to support the proposed development intensity.

The Applicant is proposing improvements to US 41 by providing a left turn in lane to the property providing ease of access to the site and reducing any interruptions to traffic traveling north on US 41.

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.

The proposed development would produce 1,902 trips per day which is significantly less than what the property's current approved number of trips at 7,657 trips per day.

Section 34-145(d)(4)a.1.f) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The project will not adversely affect environmentally critical or sensitive areas and natural resources on the site. The development conserves existing wetlands on the northern portion of the property as an indigenous preserve.

Section 34-145(d)(4)a.1.g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The proposed development is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The property is served by Lee County Sheriff – North and is within the North Fort Myers Fire District. The Fire Station is approximately 3.9 miles from the site.

Sec. 34-145(d)(4)a.2.a) The proposed use or mix of uses is appropriate at the proposed location.

Yes, the subject property's proposed use of Residential Planned Development (RPD) is consistent with the surrounding properties. West of the subject property is an existing RPD and a Mobile Home Park (MH-2). To the north, south, and east of the subject property are developed, and some undeveloped, commercial properties providing a mix of uses to serve the proposed project and existing developments. The proposed use of the subject property is multi-family units. By adding multi-family units, it will provide another type of housing to this area, meeting the purpose and intent of the Lee County Land Development Code.

Sec. 34-145(d)(4)a.2.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.

The proposed development will consist of the necessary safeguards to protect the public from any negative impacts. The proposed project will provide the required buffering per the Lee County Land Development Code, sufficient supporting infrastructure, and any reasonable measures necessary to protect the health, safety, and welfare of the proposed developments residents and surrounding property owners.

Sec. 34-145(d)(4)a.2.c.1) Enhances the achievement of the objectives of the planned development.

The proposed development facilitates state of the art site planning to improve the quality of the environment and ensure the most economical use of land and public resources. The proposed development also stimulates the integration of new development within the surrounding land uses and visual harmony will be maintained. The proposed mix of residential uses encourages compatible uses to be developed on the site and promotes patterns of land use that support economical provision of infrastructure.

Sec. 34-145(d)(4)a.2.c.2) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The proposed development is consistent with this Code and all other applicable County regulations. Its intent is to implement the goals, objectives, and policies of the Lee Plan while providing some degree of flexibility in planning and designing developments to promote protection of the public, health, safety, and welfare.

Introduction

The subject property is approximately 19.41 acres in size and is located at 15781 N Cleveland Avenue in North Fort Myers, Florida (STRAP ID 34432400000013020). The subject property holds a Central Urban Future land use, is in the North Fort Myers Community Plan Area, and the County's Mixed Use Overlay district. The applicant is requesting a rezoning from the parcel's current zoning districts of C1-A and CPD to Residential Planned Development (RPD). The proposed project is a multi-family development with parking garages referred to as the MIVO North Fort Myers (the "Project'). The applicant is requesting 95 bonus density units through the County's bonus density program with the RPD rezoning application to obtain a total of +/-285 units. This is below the allowable maximum density. The Central Urban future land use allows for four (4) to ten dwelling units per acre (10 du/acre), with a maximum of fifteen dwelling units per acre (15 du/acre) (shown on Lee Plan Table 1(a) below).

Lee Plan Consistency

According to Lee Plan Policy 1.1.3, the Central Urban future land use is considered the "urban core" of Lee County and consist of areas that are heavily settled and have, or will have, the highest levels of public services. The Central Urban future land use also encourages development to be mixed use. The project's surrounding area includes existing mobile home parks, single-family housing, and commercial uses. Therefore, providing multi-family housing in this area will successfully fill in the missing housing type of multi-family, expanding the encouraged mix of uses. As stated above the multi-family development project is 19.41 acres and is proposed to consist of +/-285 units which is consistent with the maximum total density of 15 du/acre in the Central Urban future land use.

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

TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES[1]

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM[2] (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY[3] (Dwelling Units per Gross Acre)
Intensive Development[14]	8	14	22
General Interchange[2]	8	14	22
Central Urban[15]	4	10	15

[3]These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.
[15]The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

The Project is consistent with Lee Plan Policy 11.2.6 which encourages the use of bonus density in the Mixed Use Overlay.

> **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.

Consistent with Lee Plan Policy 30.1.3, the proposed multi-family development would provide the missing multi-family housing which is currently not available in the subject property's surrounding area. There is existing commercial, retail, and service uses north and south of the subject property providing for the encouraged mix of uses.

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

Land Development Code Consistency

Consistent with Lee County Land Development Code Section 2-146 the applicant is proposing to use the County's Transfer of Development Rights (TDR) Program. Furthermore, the Project will not require ingress/egress through significantly lower density uses. Access is proposed to be directly from US 41 or Cleveland Ave. (an arterial roadway) via a left-in/right-in/right-out only access drive and a left turn in lane from US 41 lessening any potential interruptions of the traffic flow to the north.

The proposed development's increased density is not anticipated to have any adverse effects to existing and committed facilities. As shown in the attached Traffic Impact Statement – the proposed project would lessen the number of trips per day to 1,902 from the current entitlement's projection of 7,657 trips per day. The Applicant has received Letters of Availability reflecting sufficient capacity from Florida Governmental Utility Authority for water/wastewater, Lee County Electric Cooperative (LCEC), and from Lee County Utilities for potable water.

The Project would provide this area of North Fort Myers with multi-family units which are not currently available. The proposed 4-story multi-family units are situated on the southern portion of the property providing ample buffering from the existing mobile home park. Development directly adjacent to the mobile home park to the west is proposed to be a 1-story amenity center, an indigenous preserve, and surface parking. The project proposes connectivity to the existing trail along U.S. 41 and to the adjacent parcel to the north providing access to existing commercial uses and Littleton Road The project is found to be compatible with existing and planned surrounding land uses as explained in the included Request Statement's consistency justifications.

MIVO NORTH FT. MYERS APARTMENTS - UNIT MIX 05/20/2022

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
1	viii									
	A2	4	3	12	847	10164	12			
	B1	5	3	15	1086	16290		15		
	C1	1	3	3	1375	4125			3	30

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
2	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
3	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
4	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
5	ix									
	A2	3	3	9	847	7623	9			
	B1	2	3	6	1086	6516		6		
	C1	0	3	0	1375	0			0	15

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
6	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
7	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

bldg number	bldg/unit type	quantity	floors	quantity x floors	net rentable floor area	net rentable totals	1b/1b	2b/2b	3b/2b	
8	vii									
	A2	4	4	16	847	13552	16			
	B1	5	4	20	1086	21720		20		
	C1	1	4	4	1375	5500			4	40

289350	117	141	27	285

% 1B	% 2B	% 3B	
41%	49%	9%	100%

Property Development Regulation Table

	Minimum Lot Area and Dimensions			Minimum Building Setbacks					
Uses	Area (sf)	Depth (ft)	Width (ft)	Side (ft)	Rear (ft)	Local Street (ft)	Maximum Height (ft)	Minimum Building Separation (ft)	Maximum Lot Coverage (%)
Multi-Family	10,000	100	100	15	15	25	60	20	45

Notes:
(1) Improvements, referring to buildings and paved surfaces, must set back a minimum of 30 feet from the conservation easement.
(2) All building structures and accessory uses (excluding gates and fences) must set back a minimum of 15 feet from water bodies (i.e lakes, pond, canals)

DEVIATIONS & JUSTIFICATIONS

DEVIATION 1

Deviation (1) is a request to deviate from Lee County LDC Section 10-329 (d)(1) which requires excavation to occur no less than 50 feet from existing property line and collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line. LDC Section 10-104 (a) allows for this deviation request.

Justification

This deviation is requested to allow 25-foot excavation activities from adjacent private property and along Cleveland Ave, where current conditions do not present a risk to the public's health, safety, and welfare. The stormwater detention areas affected by this requirement are proposed in locations where abutting either an existing swale or drainage canal allowing for a proper buffer thus not creating any concern with excavations up to 25' within property lines or right-of-way lines in reference to existing or proposed structures. In addition, due to the limited access points, geometry of property, and in order to maximize development area, stormwater detention areas should be considered along the property boundaries of the site which pushes them closer to the property line. Proper protection along areas of concern will be addressed during the Development Order process meeting LDC requirements.

DEVIATION 2

Deviation (2) is a request to deviate from Lee County 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, must be provided on the ingress side of the gate or gatehouse.

Justification

This deviation is requested to allow for a standard gate entrance with a visitor lane and residents lane for entering and a single exiting lane to accommodate for a three point turn around movement for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, rather than a single U-turn movement at the ingress side of the gate or gatehouse. Based on the current layout provided in the MCP, the mail kiosk, and trash compactor are being proposed near the front of the development prior to the gates, therefore the only vehicles anticipated to frequently enter the gate are moving trucks and pedestrian vehicles. Should these vehicles require to turn around at the gate, the entry will be designed to accommodate for a three-point turn movement, which is typical with the proposed type of development. Alternatively, if these vehicles need to turn around at the gate, there will be management staff on-site to assist in allowing the vehicle to enter and exit the facilities. In addition, due to the traffic patterns anticipated for the proposed development, providing an open pavement condition can create unsafe conditions with vehicular traffic patterns and

potential of vehicular staging, therefore it is recommended to move forward with dissuading a single turning movement in front of the entrance to the development. An autoturn analysis will be provided at the time of development order, showing proper three point turn movements for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition.

Schedule of Uses

Accessory apartment

Administrative Offices

Dwelling Unit:

- Multiple-family building

Entrance gates and gatehouse

Residential accessory uses

Signs

Electrical

Phone

Water

Sewer

Excavation:

- Lake excavation

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ENGINEER'S DRAINAGE STATEMENT
MIVO DIPLOMAT CENTER
NORTH FORT MYERS, FLORIDA

PROJECT DESCRIPTION

The proposed project includes construction of +/-285-unit multi-family apartment buildings located on +/-19.41 acres of vacant land including approximately 18.42 acres of uplands and 0.99 acres of wetlands. The site is situated on the western side of North Cleveland Avenue, south of Littleton Road, north of Diplomat Parkway East in North Fort Myers, Florida. The proposed improvements will include multi-family apartment buildings, surface parking, maintenance building, garages, club house, amenities and associated drainage infrastructure. The property is located within a flood zone AE per Flood Insurance Rate Map 12071C0259F, Lee County, 1251240259 F, effective date August 28, 2008; revised to reflect LOMR on January 3, 2021. The average October high ground water table elevation is estimated to be 11.0 FT NAVD88.

EXISTING CONDITIONS

Historically, the site is located within the Yellow Fever Creek East Branch Watershed. Looking at the existing topography and flow ways for the property, the site is generally flat and appears to sheet flow from north to south east to an existing on-site drainage ditch as well as the existing drainage ditch off Cleveland Ave. The existing ditch fronting the property along Cleveland Ave. appears to collect the runoff from Cleveland Ave. right of way that is owned and maintained by FDOT. The site also includes an existing 20-foot drainage easement located on the north western portion of the property that appears to be part of the existing drainage system for the adjacent residential development "Serendipity". The subject property is estimated to be at a similar elevation of this drainage easement and does not receive any additional flows from this easement. It is anticipated this drainage easement will remain as part of the proposed improvements and will not be impacted by the proposed development. The proposed project does not anticipate using this water body as an outfall source for the surface water design. Based on the existing site conditions, no adjacent run off appears to be routed through the subject property. The subject property has a 0.99-acre wetland that will

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remain protected as part of the project improvements. The existing water table elevation on the subject property is +/- 11.00' NAVD88, the water table elevation is expected to be unaffected due to the proposed development.

PROPOSED CONDITIONS

The proposed project includes a multi-family development that includes multi-family apartment buildings, garages, amenities, and associated stormwater infrastructure. Runoff from the multi-family development is collected in the surface water management system via storm pipes and will convey this runoff to the proposed on-site wet and dry retention ponds that will be owned and maintained by the property owner. The proposed ponds will be used to provide the required treatment and attenuation based on South Florida Water Management District and Lee County requirements. The proposed development will have no adverse stormwater impacts to the surrounding properties and will follow the design standards set forth by Lee County and South Florida Water Management District. The proposed development will not impact the existing onsite wetland and will plan to preserve the wetland. The proposed outfall is anticipated to be via a spreader swale that conveys water to the existing wetland. The wetland will then outfall all excess runoff to the existing FDOT maintained drainage ditch along N. Cleveland Avenue which has been accepted by FDOT per a pre-application meeting held with the department.

Sina Ebrahimi

Digitally signed by Sina Ebrahimi
DN: CN=Sina Ebrahimi, email=Sina.Ebrahimi@KimleyHorn.com, O=KIMLEY-HORN AND ASSOCIATES INC., C=US
Date: 2022.07.06 16:37:25-04'00'

Sina Ebrahimi, P.E.
Florida Registration # 82332

Kimley-Horn and Associates, Inc.
1412 Jackson St, Suite 2
Fort Myers, Florida 33901

Kimley»Horn

Phone: 239-271-2650
Registry No. 696

Ebrahimi, Sina

From: Monaghan, Alyssa
Sent: Monday, July 11, 2022 7:47 AM
To: Ebrahimi, Sina; Napolitano, Justin; ian@mivodevelopment.com
Subject: FW: Agenda July 5, 2022 NFMDRP/PP Meeting

Importance: High

Good morning,

Please see below the minutes from the North Fort Myers Community Planning Panel meeting for MIVO.

Best,
Alyssa

Alyssa Monaghan, CNU-A

Kimley-Horn | 800 SW 2nd Avenue, Suite 100, Gainesville, Florida 32601
Direct: 352 415 1886
Connect with us: Twitter | LinkedIn | Facebook | Instagram | Kimley-Horn.com

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From: Richard Thomas <mbuilder26@yahoo.com>
Sent: Sunday, July 10, 2022 11:53 AM
To: Charlie Krebs <chaslk70@comcast.net>; John Gardner <john@lciquotes.com>; Wayne Daltry <happyoldfogey@aol.com>; Richard Thomas <mbuilder26@yahoo.com>; Rudy Berndlmaier <rberndlmaier@kingindustries.com>
Cc: Monaghan, Alyssa <Alyssa.Monaghan@kimley-horn.com>; Jennifer Sapen <jennifers@barraco.net>
Subject: Agenda July 5, 2022 NFMDRP/PP Meeting

MINUTES

JOINT MEETING OF THE NORTH FORT MYERS DESIGN REVIEW PANEL

AND

THE NORTH FOR MYERS COMMUNITY PLANNING PANEL

NORTH FORT MYERS RECREATION CENTER

2000 N. RECREATION WAY

NORTH FORT MYERS, FL

JULY 5, 2022

6:00 PM

ATTENDEES:

Panel Members: Richard Thomas, John Gardner

1. CALL TO ORDER: The meeting was called to order at 6:00 PM.

2. APPROVAL OF AGENDA: The agenda was approved as presented.

3. APPROVAL OF LAST MEETING MINUTES: The agenda was approved as presented

4. NEW BUSINESS:

-MIVO North Fort Myers-This project requests a Zoning Change and Development Order. The project is a multi-family development for 285 units consisting of 8-4 story buildings with 5-1 story parking garages on 19.41 acres on the West side of Rte. 41 South of Littleton . 6.54 acres are zoned C1A and the remainder CPD. The request is to rezone these parcels to RPD. Separation from the mobile home will be a buffer and indigenous growth. Outfall will be to the wetlands then to the 41 drainage ditch. There is a propose left turn lane along 41. FGUA will provide wastewater service. Member Gardner made a motion of "No Objection" to the rezoning but would like to see architectural design of the buildings due to their proximity to 41. The motion was seconded by Member Thomas. The motion was approved.
-Gully Creek-This project was previously approved for 230 single family units and 70 multi-family units. The request is to reduce the approved number to 219 single family units. There was also a request to add a location for model units. Member Gardner made a motion of "No Objection with attention to the Bayshore Rd. traffic issue". The motion was seconded by Member Thomas. The motion was approved.

5. OLD BUSINESS: There was no Old Business

6. OTHER BUSINESS: There was no Old Business.

7. ADJOUNMENT: The meeting was adjourned at 6:20 PM

THE NEXT MEETING WILL BE ON AUGUST 2,2022 -N. FT. MYERS REC. CENTER

ATTACHMENT H

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2022-00027
TYPE OF CASE: Residential Planned Development
CASE NAME: MIVO North Fort Myers RPD
TOTAL ACREAGE: 19.41± acres
SUFFICIENCY DATE: October 28, 2022
HEARING EXAMINER DATE: January 19, 2023

Request
The applicant is requesting to rezone the subject property from Commercial (C-1) and Commercial Planned Development (CPD) to a Residential Planned Development (RPD) to allow for 285 dwelling units (Subject to the approval of 95 bonus density units). The property is located within the North Fort Myers Community Planning area and mixed-use overlay district; west of North Cleveland Avenue, south of Littleton Road, and north of Diplomat Parkway East. According to the Lee Plan, the parcel is located within the Central urban Future Land Use Category.

Existing Conditions
As mentioned the site is located west of North Cleveland Avenue, south of Littleton Road, and north of Diplomat Parkway East. The applicant has submitted a Protected Species Survey (Exhibit A) that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering transects methodology used to survey the project and a detailed FLUCCS map (Exhibit B). There were no protected species observed on the site.

A portion of the project FLUCCS map demonstrates wetlands present onsite. The applicant is proposing to preserve the wetland area, and has agreed to the condition that density may be subject to change if South Florida Water Management District (SFWMD) determines a different acreage of wetlands. The applicant has stated within the narrative, that a meeting is being set onsite of the project area with SFWMD.

Staff recommends the following condition:

Prior to the issuance of the first development order, the project density must be revised if the formal jurisdictional determination or ERP issued by the SFWMD indicates a different acreage of wetlands.

Open Space
The applicant has provided a Master Concept Plan (MCP) dated January, 2022. The MCP depicts a minimum of 20% open space (3.88 Acres) and provides 10.83 acres of open space. The Land Development Code requires large multi-family developments within the mixed-use overlay to provide 20% (LDC 10-425(a)); 50% of their open space percentage requirement must be provided through the onsite preservation of existing native vegetation per LDC 10-415(b)(1)(a). The applicant has provided 2.73 acres of indigenous uplands and 0.99 acres of wetland preservation.

Subsequent to the 50% indigenous requirement, within the North Fort Myers Community Planning area, section 33-1582 of the LDC requires existing native trees to be preserved regardless of project size.

> *FLUCCS 630 (Wetland Mixed Forest)*
> *The 0.99 ± acre wetland area contains less than 10% exotic vegetation. Vegetation consist of slash pine, water oak, laurel oak, wax myrtle, maidencane, and fetter bush (Exhibit B).*
>
> *FLUCCS 411 (Mesic Pine Flatwoods)*
> *The 2.73 ± acre indigenous preserve consist of pine flatwoods with a canopy of slash pine and scattered laurel oak. Other species include cabbage palm, saw palmetto, wax myrtle, and grapevine. Overall coverage of exotic species was less than 25% and the area would be meet the classification of Mesic Flatwoods under LDC Sec. 10-701*

The applicant has provided additional open space than what is required through onsite preservation of upland and wetland areas, meeting LDC sections 10-425, 10-415(b), and 33-1582 (see below for the open space table).

OPEN SPACE TABLE			
	AREA (AC.)	OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC.)
PARCEL A***	-	-	5.12
DRY DETENTION	-	-	0.50
LAKE	-	-	1.49
WETLAND	-	-	0.99
INDIGENOUS VEGETATION**	-	1.94**	2.73
TOTAL PROPERTY	19.41	3.88*	10.83

*OPEN SPACE MEETS 20% REQUIREMENT PER LCD CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415
**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% OF THE TOTAL OPEN SPACE REQUIREMENT PER LDC 10-415
***PARCEL A INCLUDES ALL OTHER OPEN SPACE

Staff recommends the following condition:

Prior to the issuance of the first development order, the open space table must depict 2.73 acres of indigenous preserve area, 0.99 acres of wetlands, and a total property open space area of 10.83 acres .

Buffers

The proposed development abuts a mobile home community (MH-2) along the northwest property line. Along the southwest boundary, an existing residential planned development (RPD) is present. The required buffers are as follows:

> East – The east property line abuts the right-of-way of North Cleveland Avenue. The applicant is providing a 5-foot buffer along the east property line, in compliance with LDC 10-425(f).

West – The applicant is providing a 10-foot "Type B" landscape buffer between the subject property and the other multi-family and single-family properties abutting the west property line, per LDC 10-425(f).

North - The north property line abuts a commercial property that contains a 7-Eleven convenience store. The applicant is not required to provide a buffer along a commercial development within the mixed-use overlay (Section 10-425(f) of the LDC).

South – To the south of the project site, a vacant commercial planned development is present. The Land Development Code states that buffers are not required along property lines unless they abut a right-of-way or single family residence within the mixed-use overlay (LDC 10-425(f)).

Exhibits

A - Protected Species Survey received – July 6, 2022
B – FLUCCS Map – July 6, 2022

EXHIBIT A

Environmental Assessment

For

Cleveland Avenue Property
Lee County, Florida

AES Project #21-156

Prepared For:
Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Prepared By:
Atlantic Ecological Services, LLC
Mr. Jody Sisk
201 Basque Road
St. Augustine, FL 32080
(904) 347-9133

July 2022

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- Location Map
- Aerial Map
- Topographic Map
- Soils Map
- Habitat Map
- Wetland Map
- Listed Species Survey Map
- Site Plan

1.0 PROJECT INTRODUCTION

The Cleveland Avenue Property is located in Lee County, Florida, in Section 34, Township 43 South, Range 43 East. The subject property is approximately 19.41 acres in total size and consists of undeveloped land. The Property consists of the Lee County Parcel ID # 34-43-24-00-00001.3020. The subject property consists of one parcel located to the south of Littleton Rd, to the west of N Cleveland Ave, to the north of Diplomat Pkwy, and to the east of Cotillion Ln and a stormwater pond. (See attached Aerial Map and Topographic Map for details). The latitude and longitude coordinates for the approximate center of the project are 26° 41' 33.249" N 81° 54' 7.814" W was determined via Google Earth.

The Client for the project is:

Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Cleveland Avenue Property (herein referred to as the subject property). The field surveys were conducted on September 28, 2021. The subject property was reviewed to determine habitat type's present, boundaries of habitat types, wetland delineation, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

To comply with Lee County Ordinance 89-34, the environmental assessment was completed utilizing the following methodologies. Wetland delineations were completed in accordance with 62-340 F.A.C. Pedestrian transect surveys for the gopher tortoise were in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise* (Gopherus polyphemus) *Populations Found on Lands Slated for Development in Florida.* Surveys for the Florida burrowing owl were completed in accordance with the FWC Species Conservation Measure and Permitting Guidelines Florida Burrowing Owl Distribution and Survey Methodology. Preliminary crested caracara surveys were completed outside of the breeding season however sabal palm trees within open areas of the property were inspected for evidence of past nesting in accordance with the USFWS Crested Caracara Draft Survey Protocol Additional Guidance.

2.0 EXISTING SITE CONDITIONS

The subject property consists of undeveloped uplands, wetlands, and surface waters. The community and land use areas were categorized according to the Florida Department of

Transportation (FDOT) (1991) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Improved Pasture (FLUCCS 211) – The southern/central area (approximately 6.11 acres) of the subject property consist of managed pasture with scattered slash pine (*Pinus elliottii*) and cabbage palm (*Sabal palmetto*). Vegetation is predominately bahia grass (*Paspalum notatum*) with other weedy species such as dog fennel (*Eupatorium capillifolium*), Caesar's weed (*Urena lobata*), and beggar ticks (*Bidens alba*). This is not considered a Major indigenous plant community under LDC Sec. 10-701.

Mesic Pine Flatwoods (FLUCCS 411) – Forested upland areas (approximately 11.96 acres) consist of pine flatwoods with a canopy of slash pine and scattered laurel oak (*Quercus laurifolia*). Sub-canopy species include cabbage palm, saw palmetto (*Serona repens*), wax myrtle (*Morella cerifera*), grape vine (*Vitis* sp.), and Brazilian pepper (*Schinus terebinthifolius*). Overall coverage of exotic species was less than 25% and the area would be meet the classification of Mesic Flatwoods under LDC Sec. 10-701. Major indigenous plant communities of the County.

2.2 Wetlands

Wetland Mixed Forest (FLUCCS 630) – An isolated wetland area (0.99 acres onsite, with 0.14 acres offsite within the Cleveland Avenue right-of-way) is located along the eastern side of the subject property adjacent to N Cleveland Ave. The canopy consists of a mix of slash pine, water oak (*Quercus nigra*) and laurel oak. Sub-canopy species include fetter bush (*Lyonia lucida*), wax myrtle, maidencane (*Panicum hemitomon*), and cinnamon fern (*Osmunda cinnamomea*). Overall coverage of exotic species was less than 10% and the area would be meet the classification of Hardwood Swamp under LDC Sec. 10-701. Major indigenous plant communities of the County.

2.3 Surface Waters

Ditch (FLUCCS 512) – Two drainage ditches are located in the southern portion of the subject property.

Surface Waters (FLUCCS 530) – A surface water pond is located within the pasture in the center of the subject property. Cattail (*Typha latifolia*) and Brazilian pepper were growing within and at the edges of the pond.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Malabar fine sand (34)– This is a nearly level, poorly drained soil located on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The subsurface is 12 inches thick and is light gray and very pale brown fine sand. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches through extended dry periods. The available water capacity is low in the surface and subsurface layers.

Isles fine sand, depressional (39)– This is a nearly level, very poorly drained soil located in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark fine gray sand and is about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is medium in the surface layer and low in the substratum. Permeability is rapid.

Oldsmar fine sand, limestone substratum (50)– This is a nearly level, poorly drained soil in the flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface later is fine sand to a depth of 34 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry period. The available capacity is medium in the surface layer and subsoil and low in the subsurface layer. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. AES completed the wetland delineation on September 28, 2021.

Wetlands within the subject property are jurisdictional to the South Florida Water Management District (SFWMD). A small wetland (approximately 0.99 acres onsite and an additional 0.14 acres offsite within the Cleveland Avenue right-of-way) is located on, and adjacent to, the subject property. Please see the Wetland Map within Appendix I.

Based on the site plan no impacts are proposed to the wetland.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the Cleveland Avenue property, in Lee County, Florida.

Taxon	Common Name	Scientific Name	Protected
Birds	Northern cardinal	*Cardinalis cardinalis*	No
	Turkey vulture	*Cathartes aura*	No
Reptiles			
	Brown anole	*Anolis sagrei*	No
Mammals			
	Nine-banded armadillo	*Dasypus novemcinctus*	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on the Cleveland Avenue property, in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
Caracara cheriway	Audubon's	T	T	Moderate	Wet prairies with cabbage

	crested caracara				palms
Drymarchon couperi	Eastern indigo snake	T	T	Low	Pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps
Eumops floridanus	Florida bonneted bat	E	E	Moderate	Cliff crevices, tree cavities, and buildings
Gopherus polyphemus	Gopher Tortoise	T	T	Moderate	Longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes
Mycteria americana	Wood stork	T	T	High	Marshes, swamps, streams and mangroves
Picoides borealis	Red-cockaded woodpecker	E	E	Low	Mature pine forests
Puma concolor coryi	Florida Panther	E	E	Low	Forested areas that provide dense understory vegetation
Athene cunicularia floridana	Florida burrowing owl	T		Moderate	High sandy areas

E= Endangered; T=Threatened; SSC=Species of Special Concern; CS=Candidate Species

Those species listed as having a moderate likelihood of occurrence or higher in Table 6.1 are listed as such due to presence of suitable habitat.

The subject property lies within the Consultation Area for the crested caracara (*Caracara cheriway*). The species commonly occurs on dry or wet prairies with scattered cabbage palms and nests primarily in cabbage palms. The subject property contains dry prairie with scattered sabal palms. AES completed a preliminary nest survey while onsite and did not observe any active caracara nests within cabbage palms trees on the subject property.

The subject property lies within the Consultation Area for the Florida bonneted bat. The Florida bonneted bat roots in tree cavities, hollows, loose bark, or crevices. Prior to construction a limited roost survey should be completed to determine if the subject property contains roosting trees for the Florida bonneted bat.

The subject property provides suitable habitat for the gopher tortoise (*Gopherus polyphemus*). A 100% gopher tortoise survey was conducted on the subject property by an Authorized Gopher Tortoise Agent. No gopher tortoise burrows were observed onsite. Prior to development an updated 100% gopher tortoise (*Gopherus polyphemus*) burrow survey will be required.

The presence of the eastern indigo snake is unlikely due to the proximity to heavily trafficked roadways, lack of high-quality upland or wetland habitats, and the absence of gopher tortoise burrows within the property.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. Wetlands and surface waters within the subject property provide suitable foraging habitat for the wood stork. The nearest wood stork rookery is located approximately 4.5 miles to the east. All suitable foraging habitat within 18.6 miles of a know rookery is considered Core Foraging habitat. The project site is located within a Core Foraging Area for wood storks. Any impacts to suitable foraging habitat would require mitigation, however if mitigation bank credits will be purchased for wetland impacts, it will be sufficient to offset the loss of Core Foraging habitat and no additional consultation or permitting for impacts to the wood stork would be required.

AES completed a 100% pedestrian survey of suitable habitat for the Florida burrowing owl (*Athene cunicularia floridana*). No burrowing owl burrows were identified within the subject property. Prior to construction an updated survey will be required. If nests are identified then proper buffers around the nest should be incorporated until the nesting season is complete.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act (BGEPA). Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest eagle nest is approximately 1.38 miles from the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Plant Species

The protected plant species with some potential to occur on the subject property are listed in Table 6.2.1, below.

Table 6.2.1: Protected plant species with the potential to occur on the Cleveland Avenue Property in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FDACS	FWS		
Deeringothamnus pulchellus	Beautiful Pawpaw	E	E	Low	Open slash pine or longleaf pine flatwoods with wiregrass and dwarf live oak in the understory

LE= Least Endangered E= Endangered; T= Threatened; CE= Commercially Exploited

No federally protected plant species are expected to occur on the subject property.

7.0 SUMMARY

The Cleveland Avenue Property is located in Lee County, Florida. The subject property is approximately 19.41 acres and consists of pasture lands, forested uplands, 0.99 acres of isolated wetlands (additional 0.14 acres found within the Cleveland Avenue right-of-way) and 0.21 acres of surface waters. No wetland impacts are proposed.

The subject property provides suitable habitat for the crested caracara, Florida bonneted bat, gopher tortoise, and wood stork. A preliminary survey was completed for crested caracara nests and gopher tortoise burrows. No nests or burrows were observed. Prior to construction an updated survey for caracara nest, gopher tortoise burrows, and Florida bonneted bat roosting trees should be completed.

No other protected fauna species are anticipated within the project area. No federally protected flora species are anticipated on the subject property.

Technical Literature References

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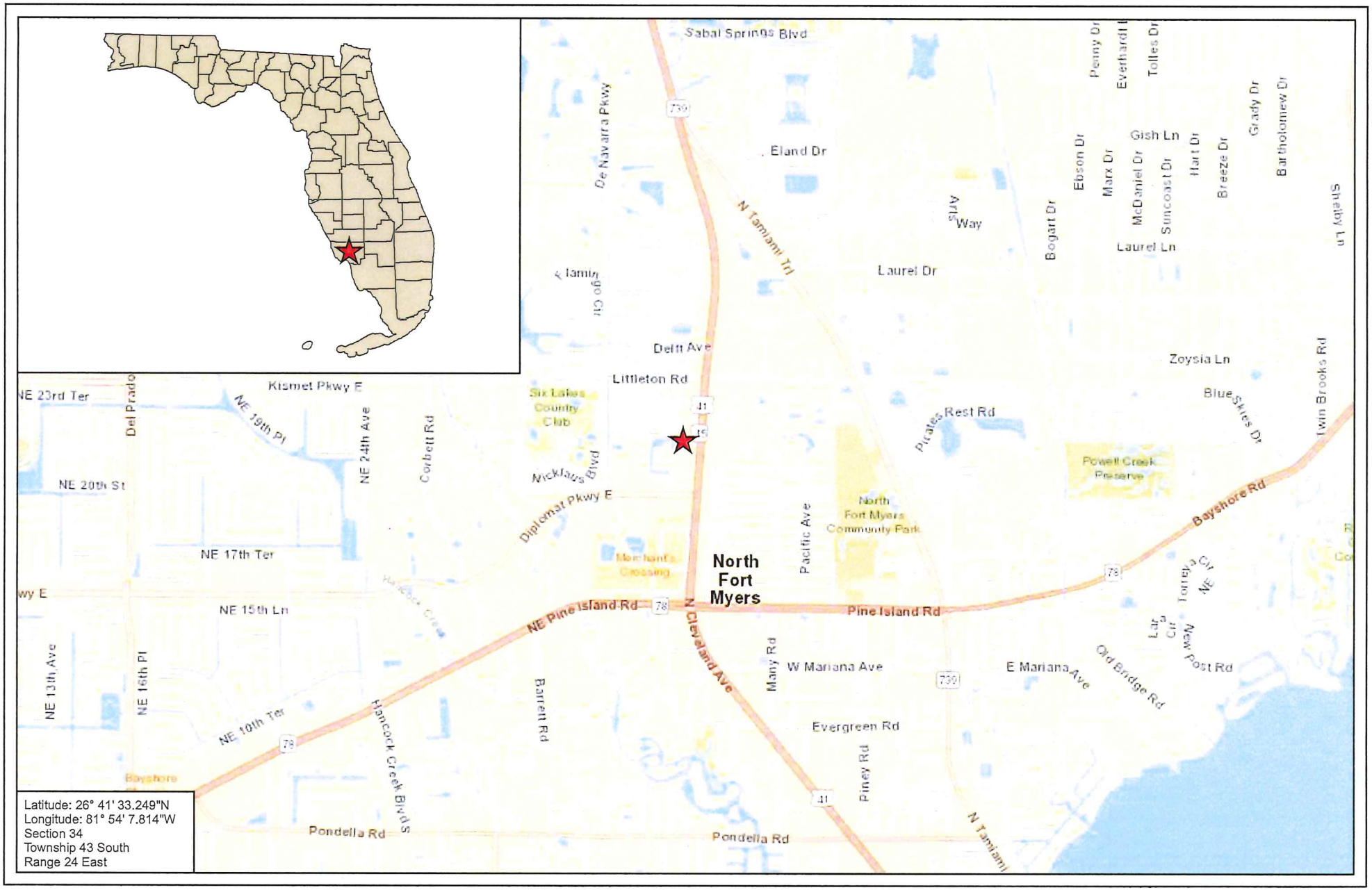
APPENDIX I

FIGURES



Latitude: 26° 41' 33.249"N
Longitude: 81° 54' 7.814"W
Section 34
Township 43 South
Range 24 East

Image Source: ESRI 2020
Date: 9-29-21

0 1,500 3,000 Feet

Location Map
Cleveland Ave Property
Lee County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\aerial cleveland rd.mxd

Image Source: ESRI 2020
Date: 9-24-21

0 100 200 Feet

N

Aerial Map
Cleveland Ave Property
Lee County, Florida

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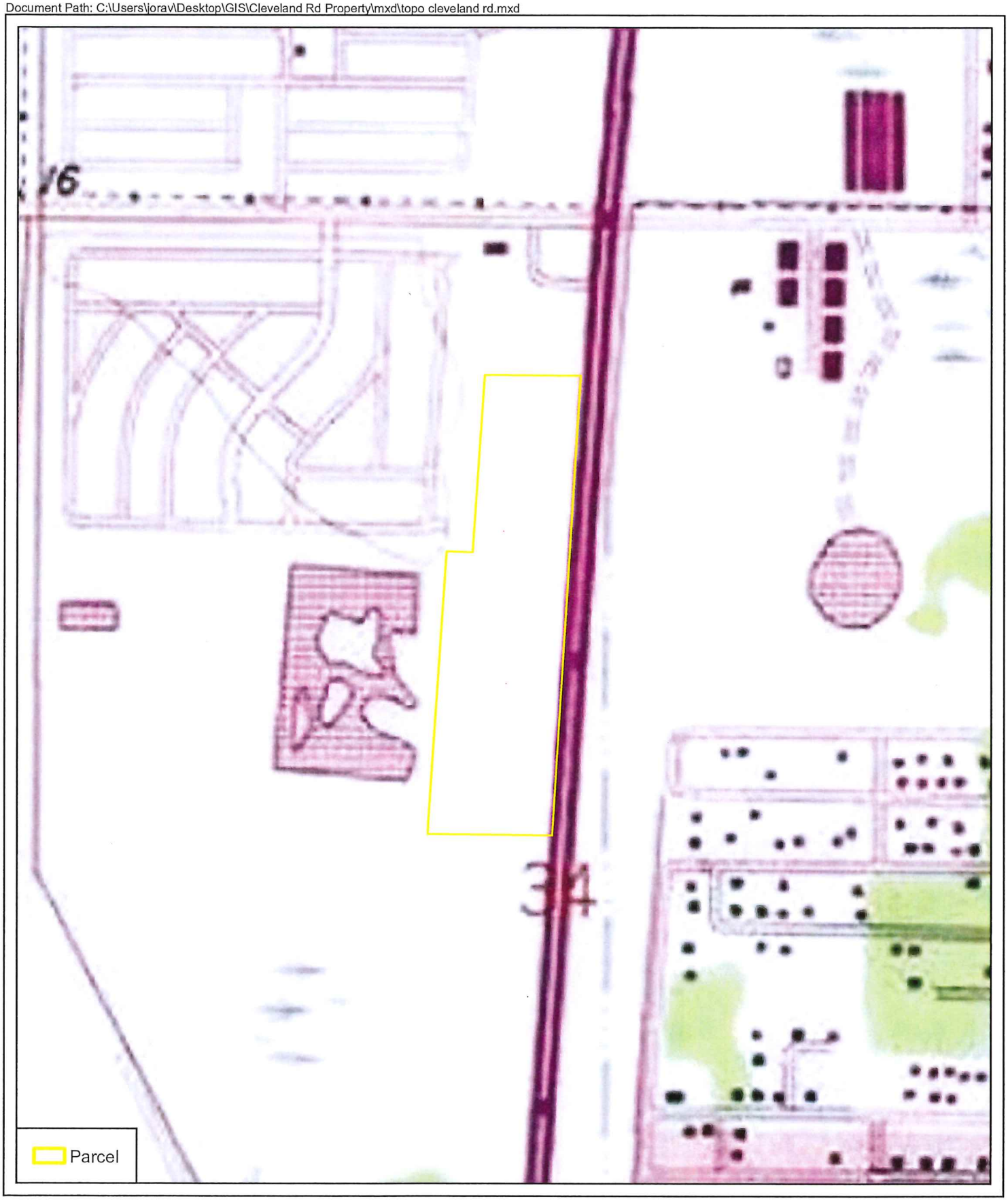

Image Source: ESRI 2020
Date: 9-29-21

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Topographic Map
Cleveland Ave Property
Lee County, Florida

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Image Source: ESRI 2020
Date: 9-29-21

0 100 200 Feet

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Soil Map
Cleveland Ave Property
Lee County, Florida

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Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\habitat cleveland rd.mxd

Image Source: ESRI 2020
Date: 7-1-22

0 100 200 Feet

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Habitat Map
Cleveland Road Property
Lee County, Florida

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Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\wetland cleveland rd.mxd

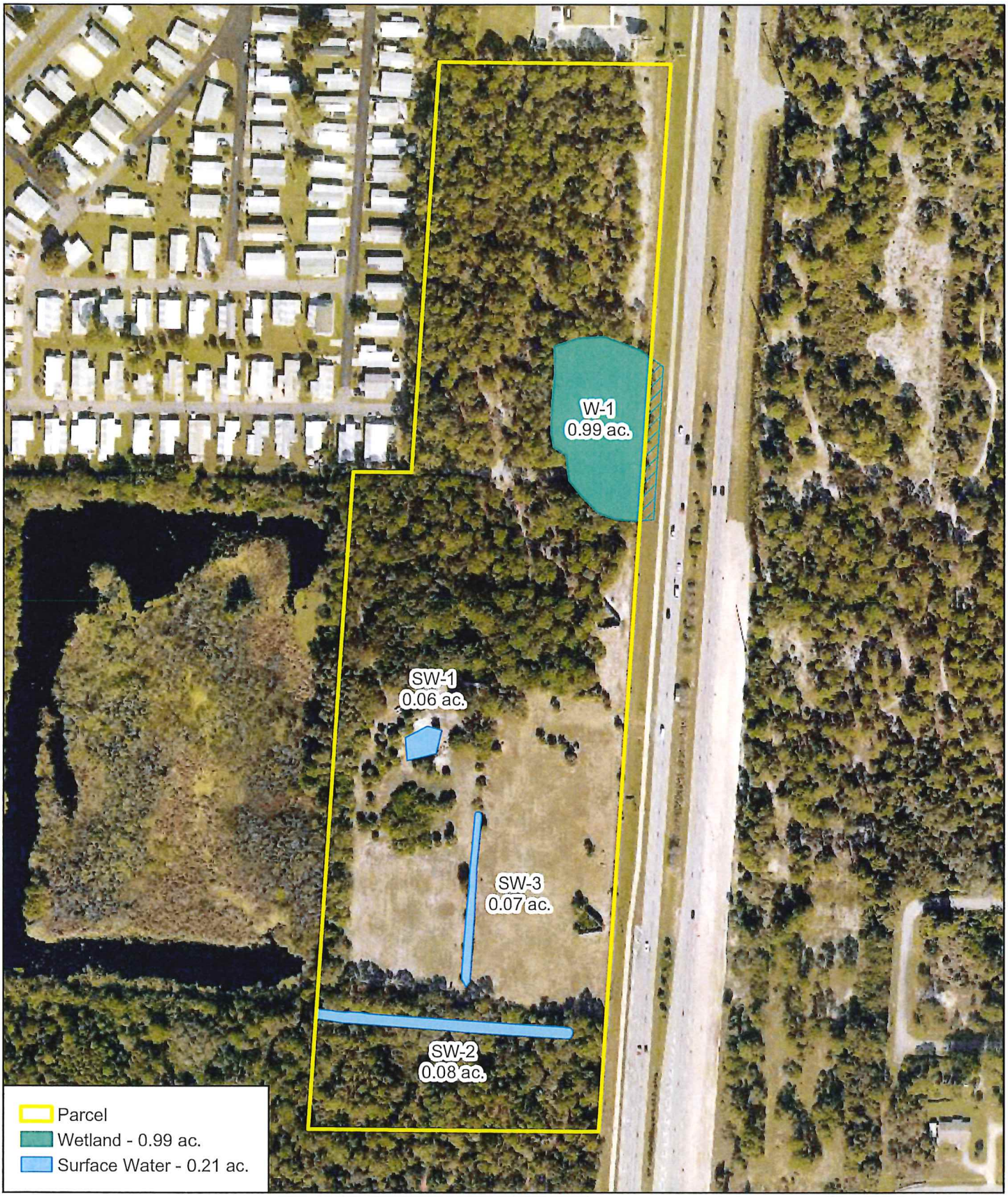

Image Source: ESRI 2020
Date: 4-25-22

0 100 200 Feet

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Wetland Map
Cleveland Road Property
Lee County, Florida

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Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\Listed Species Survey Map.mxd

Image Source: ESRI 2020
Date: 6-13-22

0 100 200 Feet

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Listed Species Survey Map
Cleveland Road Property
Lee County, Florida

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SANTA BARBARA-WHITAKER PUD DEVELOPMENT STANDARDS	PRINCIPAL STRUCTURES		ACCESSORY STRUCTURES	
DEVELOPMENT STANDARDS	REQUIRED	PROVIDED	REQUIRED	PROVIDED
RESIDENTIAL DENSITY				
MIN. LOT AREA				
MIN. LOT WIDTH				
MIN. FLOOR AREA				
SETBACKS:				
MIN. FROM SUNDET BLVD				
MIN. FROM WHITAKER RD				
MIN. FROM SANTA BARBARA BLVD				
MIN. SIDE YARD				
MIN. REAR YARD				
MIN. LAKE SETBACK(MEASURED FROM LAKE)				
MIN. PRESERVE SETBACK				
MIN. DISTANCE BETWEEN STRUCTURES				
MAX. HEIGHT ZONED				
MAX. HEIGHT ACTUAL				

PARKING CALCULATION TABLE						
USE	PARKING RATIO	UNITS	PARKING SPACES REQUIRED	PARKING SPACES PROVIDED	GARAGE UNITS PROVIDED	HANDICAP SPACES PROVIDED
RESIDENTIAL						
1- BEDROOM						
2- BEDROOM						
3-BEDROOM						
VISITOR SPACES						
TOTAL RESIDENTIAL						
TOTAL PARKING						

SITE DATE TABLE		
PROPERTY DATA:		
SITE ADDRESS		
ZONING		
FUTURE LAND USE		
CURRENT LAND USE		
SETBACKS:	REQUIRED	PROVIDED
FRONT(SRB2)		
REAR(NORTH)		
SIDE(EAST)		
SIDE(WEST)		

BUILDING DATA
BUILDING COUNT
UNIT COUNT PER BUILDING
UNIT MIX
1 BEDROOM
2 BEDROOM
3 BEDROOM
STUDIO
TOTAL

LAND USE SUMMARY			
PERVIOUS AREA			
CATEGORY	SQUARE FOOTAGE	TOTAL ACREAGE	PERCENTAGE OF TOTAL ACREAGE
LANDSCAPE/OPEN SPACE			
LAKE			
WETLAND/PERSERVE			
PERVIOUS AREA SUB-TOTAL			
IMPERVIOUS AREA			
CATEGORY	SQUARE FOOTAGE	TOTAL ACREAGE	PERCENTAGE OF TOTAL ACREAGE
BUILDING			
PAVE/LEIT/SIDEWALK			
POOL/POOL DECK			
IMPERVIOUS AREA SUB-TOTAL			
PROJECT AREA TOTAL			

RESIDENTIAL BUILDING PARAMETERS	
BUILDING TYPES	TYPE 1
NUMBER OF BLDGS(PER TYPES)	
NUMBER OF STORIES	
FIRST FLOOR UNITS	
SECOND FLOOR UNITS	
THIRD FLOOR UNITS	
TOTAL UNITS(PER BLDG)	
TOTAL UNITS(DEVELALL)	
GROUND FLOOR UNIT AREA(MIN-MAX)	
SECOND FLOOR UNIT AREA(MIN-MAX)	
THIRD FLOOR UNIT AREA(MIN-MAX)	
MINIMUM FLOOR AREA PER UNIT(SF)	
GROSS FLOOR AREA PER BLDG(SF)	
FIRE SPRINKLERS	
ZONED BUILDING HEIGHT (FT)	
ACTUAL BUILDING HEIGHT (FT)	

SITE INFORMATION
SITE AREA:
ZONING:
DENSITY:
TYPE OF USE:

NON-RESIDENTIAL BUILDING PARAMETERS				
BUILDINGS	CLUBHOUSE	GARAGE I	GARAGE II + MAINTENANCE	GARAGE III + HC ACCESSIBLE
UNITS PER BUILDING				
ZONED BLDG HEIGHT (FT)				
ACTUAL BLDG HEIGHT (FT)				
GROSS FLOOR AREA (SF)				
FIRE SPRINKLERS				

NORTH

GRAPHIC SCALE IN FEET
0 40 80 160

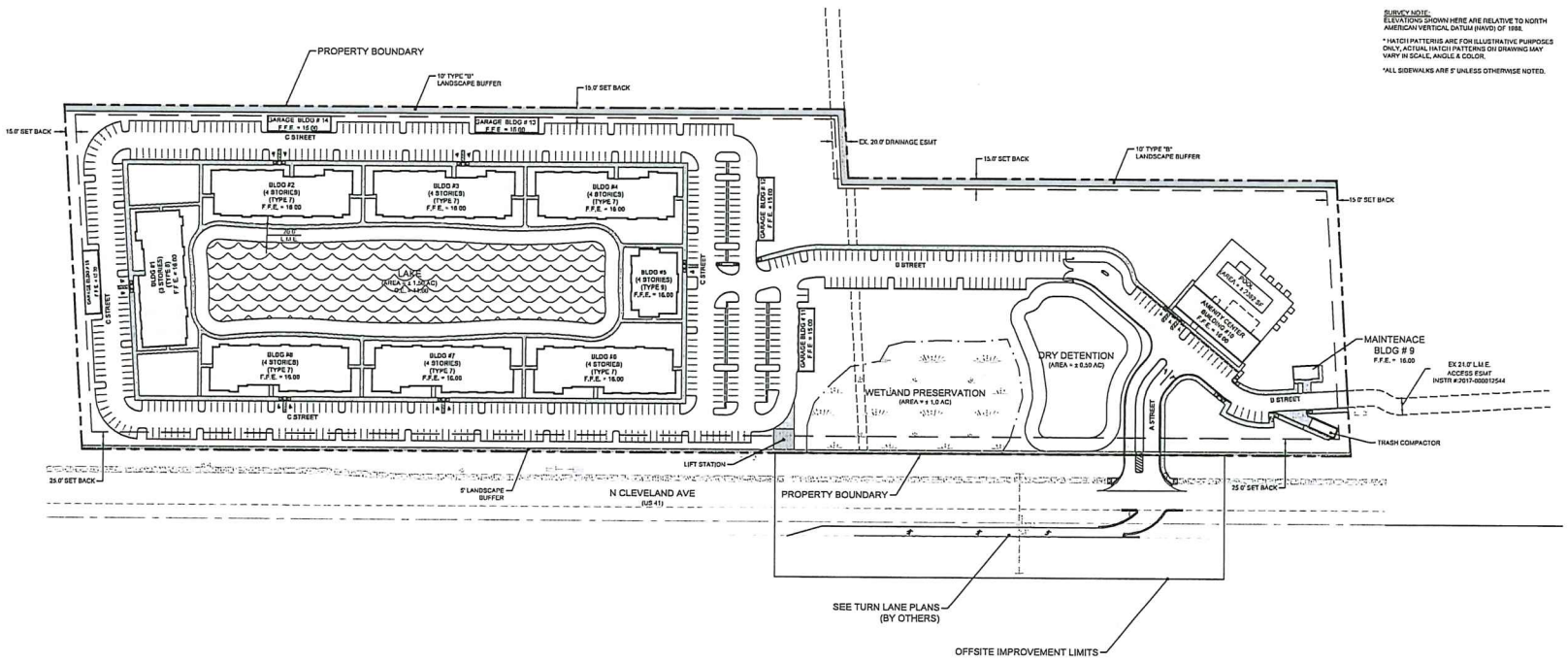
LEGEND

- PROPERTY BOUNDARY
- PROPOSED FENCE
- PROPOSED SWALE
- PROPOSED ASPHALT PAVEMENT (SEE SHEET C-24)
- PROPOSED CONCRETE SIDEWALK (SEE SHEET C-24)
- PROPOSED BRICK PAVERS (SEE SHEET C-24)
- PROPOSED LITTORAL SHELF
- 9.00 EXISTING ELEVATION
- 9.00 PROPOSED ELEVATION
- FLOW ARROW
- 5' CURB TRANSITION
- PROPOSED STORM STRUCTURE

SURVEY NOTE:
ELEVATIONS SHOWN HERE ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.

* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.

*ALL SIDEWALKS ARE 5' UNLESS OTHERWISE NOTED.



NO.	REVISIONS	DATE	BY

Kimley»Horn
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1412 JACKSON STREET, FORT MYERS, FLORIDA 33901
PHONE: 239-371-1500 FAX: 941-378-4132
WWW.KIMLEY-HORN.COM REGISTRY No. 35108

LICENSED PROFESSIONAL: SINA EBRAHIMI, P.E.
FLORIDA LICENSE NUMBER: LIC PROF 1 #
DATE:

KHA PROJECT 062884002
DATE: JUNE 2022
SCALE: AS SHOWN
DESIGNED BY: KHA
DRAWN BY: KHA
CHECKED BY: SE

SITE PLAN

MIVO CAPE CORAL APARTMENTS
PREPARED FOR
QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
C-07

Document Path: C:\Users\jorav\Desktop\GIS\Cleveland Rd Property\mxd\habitat cleveland rd.mxd

EXHIBIT B

Image Source: ESRI 2020
Date: 4-25-22

0 100 200 Feet

N

Habitat Map
Cleveland Road Property
Lee County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
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201 Basque Rd | St. Augustine, FL 32080

ATTACHMENT I

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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Cecil L Pendergrass
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Raymond Sandelli
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Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

April 18, 2022 Via E-Mail

Justin Napolitano
Kimley-Horn and Associates, Inc.
1412 Jackson Street, Suite 2
Fort Myers, FL 33901

RE: **Potable Water Availability**
15781 N. Cleveland Avenue MF, 15781 N. Cleveland Ave
STRAP # 34-43-24-00-00001.3020

Dear Mr. Napolitano:

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

Your firm has indicated that this project will consist of 291 multi-family residential units with an estimated flow demand of approximately 58,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

FGUA Operations Office

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

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

10/29/2021

Sina Ebrahimi
Kimley-Horn & Associates, Inc
1412 Jackson Street Suite 2
Fort Myers, FL 33901
sina.ebrahimi@kimley-horn.com

RE: Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 22-005 NFMD

Parcel ID No.: 34-43-24-00-00001.3020

15781 N. Cleveland Avenue, North Fort Myers, FL 33903

15781 N. Cleveland Avenue MF

Dear Mr. Ebrahimi:

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 291 multi-family units with an estimated wastewater flow demand of 58,200 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors
KEN CHEEK, P.E. Chair, Citrus County / PAM KEYES, P.E. Vice Chair, Lee County / SHANE PARKER, P.E., Hendry County / TAMARA RICHARDSON, P.E., Polk County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / Jody Kirkman, P.E., Marion County/ Robert Companion, P.E., Nassau County/ Heidi Petito, Flagler County

When you are ready to move forward with your project, please contact Shaddai Spencer, Development Services Technician at 407-629-6900 ext. 103 or via email at SSpencer@govmserv.com to receive the pre-development meeting document that is required to be completed.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W Black Digitally signed by Douglas W Black
Date: 2021.11.03 15:46:11 -04'00'

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

CC: Mike Currier, South Region Area Manager

Encl.

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

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Development Services Division

Pre-Development Meeting Information

Purpose:

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

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

What to Expect:

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

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings may take place at the local office and/or via video conference call or Microsoft Teams.

Meeting Requests:

Please call or e-mail Paul Arnett, Development Services Coordinator to request a meeting at PArnett@govmserv.com, office: (407) 629-6900, or cell: (407) 885-1756.

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

You will also be requested to provide a preliminary site utility plan for staff review.

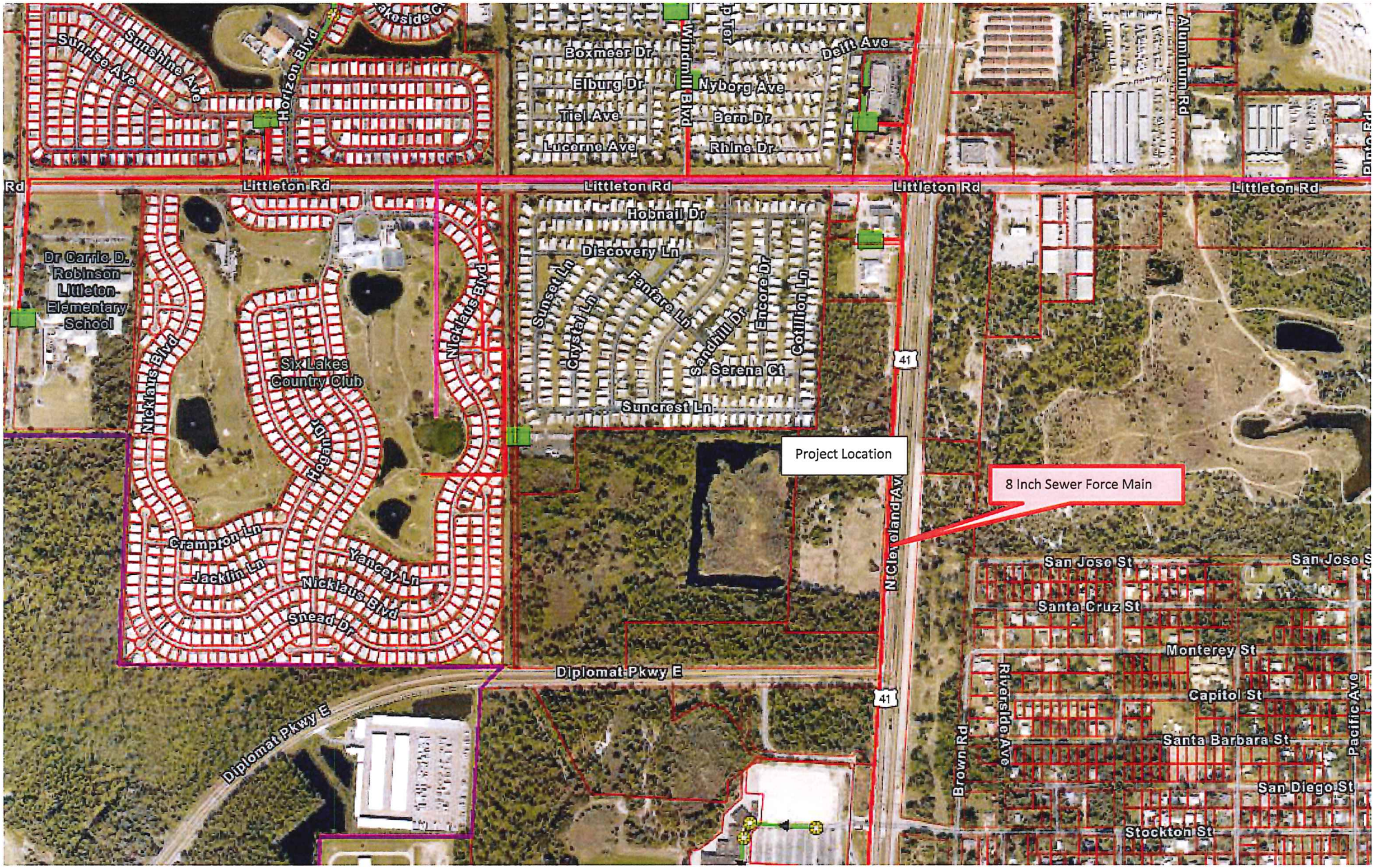
Prior to submitting utility construction plans for approval, you MUST complete the pre-development meeting document. Plans submitted to the FGUA without this completed document will not be reviewed until this meeting takes place.

10/8/2021

STRAP/PID #: 34-43-24-00-00001.3020

Project Name: 22-005 NFMD 15871 N. Cleveland Avenue MF

Property Address: 15781 N. Cleveland Avenue, North Fort Myers, FL 33903



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

LOA ID: 22-005 NFMD

FGUA Fee Statement
Letter of Availability and/or Locate Request

Property Address or PID: 34-43-24-000000.13020

System: North Fort Myers 416

Development/Project Name: 15781 N Cleveland Ave., North Fort Myers, FL 33903

Date: October 22, 2021

County: Lee

LOA ID: 22-005 NFMD

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

Fees based on:

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

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

Fees Due: $ -

	Payment History	**Date**	**Check Date**	**Check #**	**Payer Name**	**Amount**
0	Letter and Locate Map	**10/22/2021**	**10/20/2021**	**4553**	**TDM CONSULTING INC**	**$ 100.00**
1	Map Only					
2	Letter Only					

ATTACHMENT J

TR TRANSPORTATION CONSULTANTS, INC

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

MIVO NORTH FORT MYERS

(PROJECT NO. F2110.15)

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

November 30, 2021

TRANSPORTATION CONSULTANTS, INC

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TR TRANSPORTATION CONSULTANTS, INC

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 15781 North Cleveland Avenue (US 41) in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Approximately 12.86 acres out of the 19.45 acre subject site is governed by Zoning Resolution No. Z-09-025 as well as Administrative Amendment No. ADD2020-00054, which permit the site to be developed with up to 107,500 square feet of commercial uses and 120 hotel/motel rooms. In lieu of 120 hotel/motel rooms, the Resolutions also permit the site to be developed with up to 128 multi-family residential dwelling units or an assisted living facility (ALF) with a maximum of 110 units. The remaining approximately 6.59 acres of the site is zoned as Commercial (C-1A). The applicant is proposing to rezone the entire 19.45 acre subject site to Residential Planned Development (RPD) to allow a development of up to 285 multi-family dwelling units on the property.

Access to the subject site is proposed to US 41 via a left-in/right-in/right-out only access drive. A cross access connection is also being proposed to be provided to the north as shown on the Master Concept Plan.

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.

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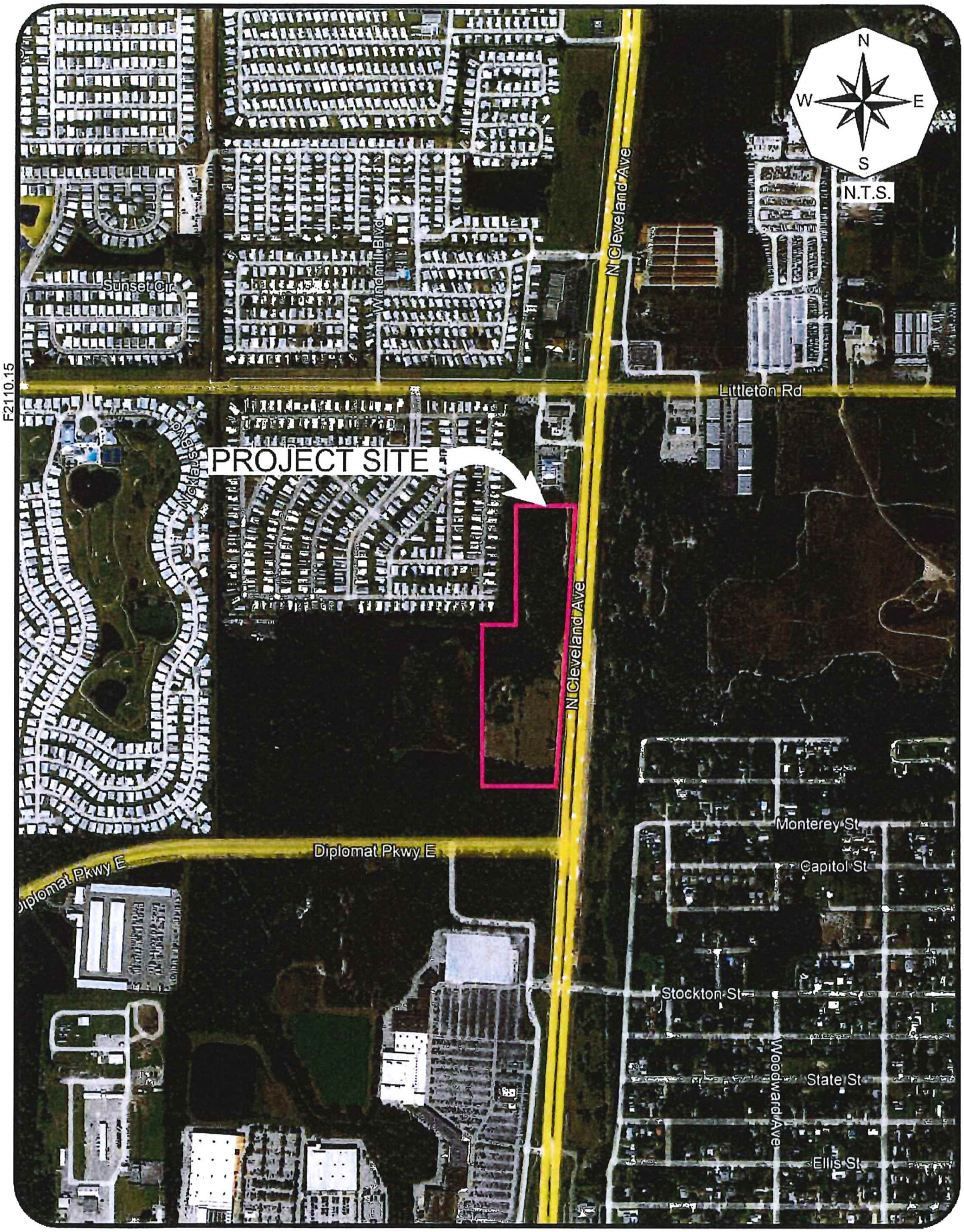


TR TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
MIVO NORTH FORT MYERS

Figure 1

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered by commercial uses to the north, US 41 to the east, vacant land to the south, and by Serendipity mobile home park and vacant land to the west.

North Cleveland Avenue (US 41) is a north/south four-lane divided arterial that borders the subject site to the east. US 41 has an Access Management Classification of Class 3, which requires a minimum connection spacing of 660 feet between driveway connections, 1,320 feet between directional median openings, and 2,640 feet between full median openings. US 41 has a posted speed limit of 55 mph and is under the jurisdiction of Florida Department of Transportation (FDOT).

Littleton Road is an east/west two-lane undivided major collector within the vicinity of the subject site. Littleton Road has a posted speed limit of 40 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the approximate 19.45 acre subject site to Residential Planned Development (RPD) to allow a development of up to 285 multi-family dwelling units on the property. As previously mentioned, approximately 12.86 acres out of the 19.45 acre subject site is governed by Zoning Resolution No. Z-09-025 as well as Administrative Amendment No. ADD2020-00054, which permit the site to be developed with up to 107,500 square feet of commercial uses and 120 hotel/motel rooms. In lieu of 120 hotel/motel rooms, the Resolutions also permit the site to be developed with up to 128 multi-family residential dwelling units or an assisted living facility (ALF) with a maximum of 110 units. However, the development scenario that includes a hotel option was utilized for the trip generation purposes of the approved development on site. **Table 1** summarizes the land uses utilized for the purposes of this analysis. It is important

to note that Table 1 does not include the potential approved commercial floor area that could be developed on the remaining 6.59 acres of the site that is currently zoned as Commercial (C-1A).

Table 1
Land Uses
MIVO North Fort Myers

Land Use	Approved Under Z-09-025 & ADD2020-00054 (12.86 Acres)	Proposed (19.45 Acres)
Commercial	107,500 Sq. Ft.	N/A
Hotel/Motel	120 Rooms *	N/A
Multi-Family Residential	128 Units *	285 Units

*In lieu of 120 hotel/motel rooms the site is also permitted to be developed with up to 128 multi-family residential dwelling units.

Access to the subject site is proposed to US 41 via a left-in/right-in/right-out only access drive. A cross access connection is also being proposed to be provided to the north as shown on the Master Concept Plan.

IV. TRIP GENERATION

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 821 (Shopping Plaza W/ Supermarket) was utilized for the trip generation purposes of the approved 107,500 square feet of commercial uses, Land Use Code 310 (Hotel) was utilized for the trip generation purposes of the approved hotel use and Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential 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 on the 12.86 acre portion of the site. Note, Table 2 also incorporated the reduction in trips due to "pass-by" traffic associated with the commercial uses. Consistent with the historical traffic studies completed for the commercial uses in the Lee County, the "pass-by" rate was limited to a maximum of 30%. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed on the 19.45 acre site.

Table 2
Trip Generation – Approved (Z-09-025 & ADD2020-00054)
Diplomat Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Plaza W/ Supermarket (107,500 Sq. Ft.)	235	144	379	452	491	943	9,686
Hotel (120 Rooms)	29	24	53	31	30	61	877
Total Trips	**264**	**168**	**432**	**483**	**521**	**1,004**	**10,563**
Less Commercial Pass-By (30%) *	-57	-57	-114	-141	-141	-282	-2,906
Net New Trips	**207**	**111**	**318**	**342**	**380**	**722**	**7,657**

* Consistent with Lee County guidelines, the pass-by rate for commercial uses was limited to 30%.

Table 3
Trip Generation – Proposed
MIVO North Fort Myers

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 (285 Dwelling Units)	26	85	111	90	53	143	1,902

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

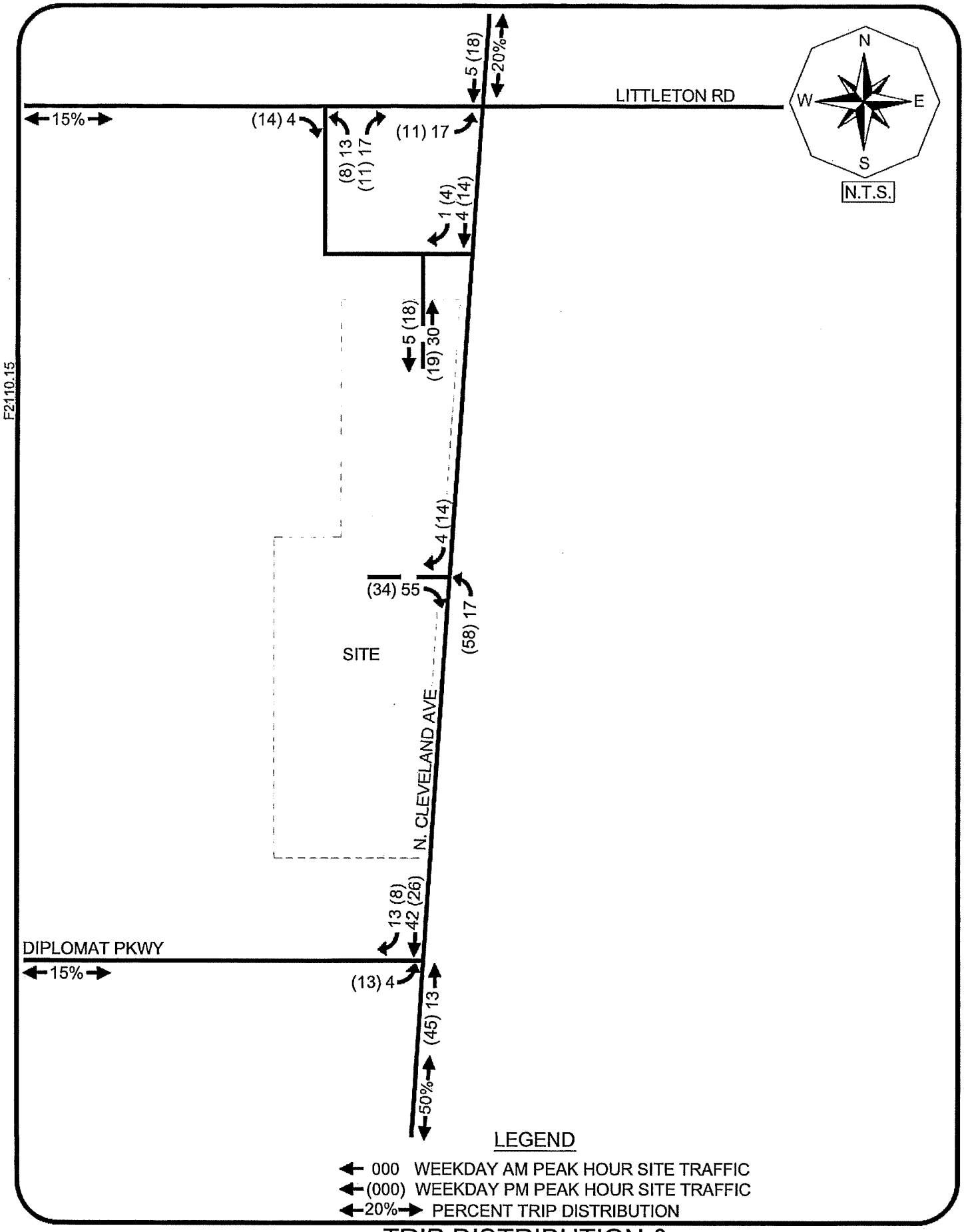
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	26	85	111	90	53	143	1,902
Approved Zoning	-207	-111	-318	-342	-380	-722	-7,657
Trip Reduction	**-181**	**-26**	**-207**	**-252**	**-327**	**-579**	**-5,755**

Note: Negative number represents a DECREASE in Trip Generation.

As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 65% in the AM peak hour, 80% in the PM peak hour and approximately 75% over the entire weekday from what is currently approved. Therefore, the proposed rezoning request will be a "down zoning" from what is currently permitted. Note, as previously mentioned the trip generation comparison did not include the potential approved commercial floor area that could be developed on the remaining 6.59 acres of the site that is currently zoned as Commercial (C-1A). Should this portion of the property be included in this analysis, the reduction in trips would be even greater than what is shown in Table 4.

V. TRIP DISTRIBUTION

The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives and surrounding intersections.



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TR TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION &
SITE TRAFFIC ASSIGNMENT
MIVO NORTH FORT MYERS

Figure 2

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 for Littleton Road were obtained from the ***Lee County Generalized Peak Hour Directional Service Volume Tables*** (June, 2016). The Level of Service threshold volumes for US 41 were obtained from the FDOT's ***Generalized Peak Hour Directional Volumes for Florida Urbanized Area, Table 7.*** Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the aforementioned service volume tables are located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2026 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 the latest ***Lee County Traffic Count Report*** and FDOT's ***Florida Traffic Online*** webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2026 without the development and year 2026 with the development.

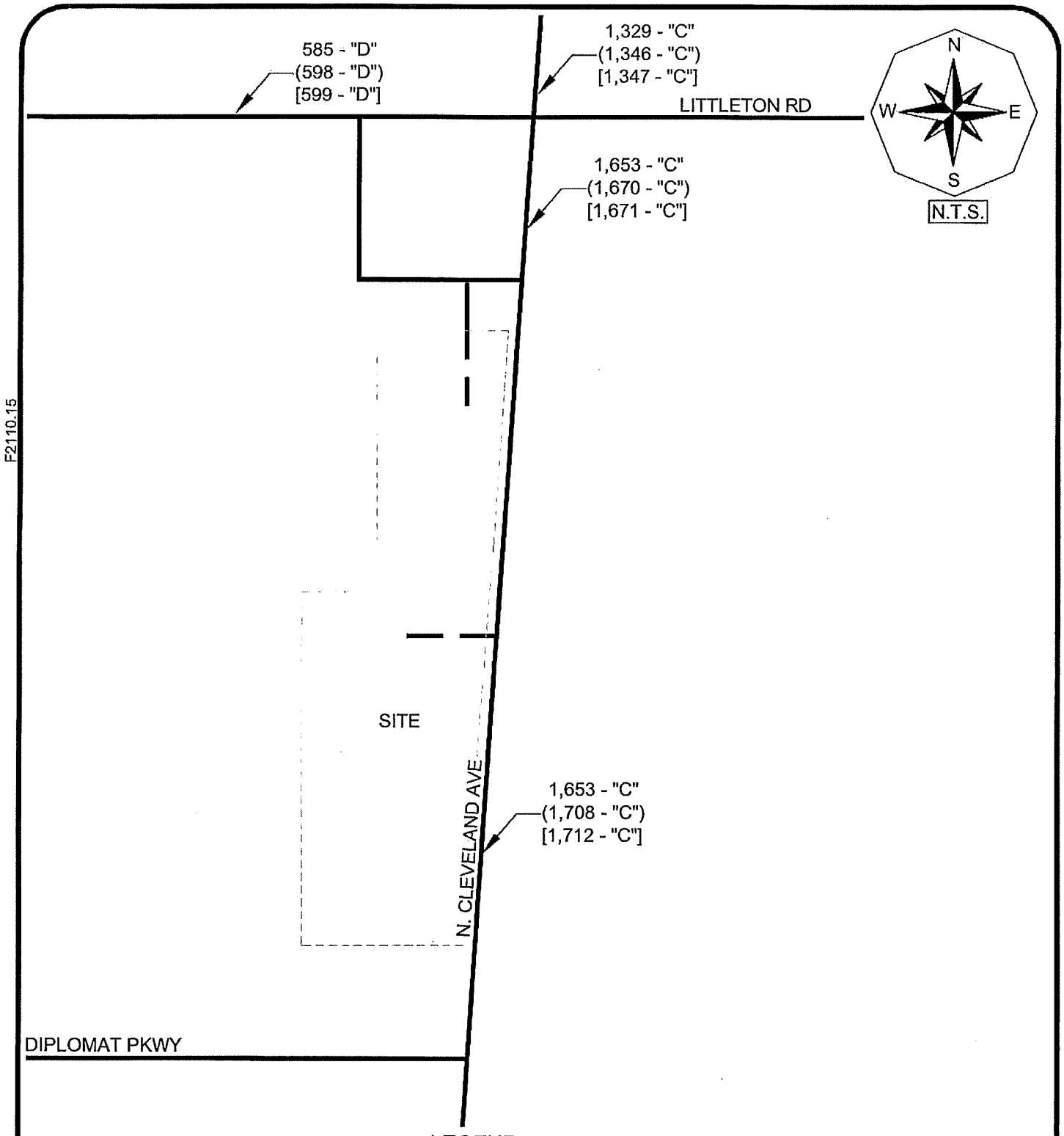
Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2026 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2020 ***Lee County Public Facilities Level of Service and Concurrency Report.***

Figure 3 indicates the year 2026 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 A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

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 2026 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadway segments are projected to operate above the minimum adopted Level of Service in 2026 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. As previously mentioned, the proposed rezoning request will be a "down zoning" from what is currently permitted.

Turn lane improvements at the proposed site access drives will be evaluated at the time the project seeks a Local Development Order approval.



LEGEND

XXX - "X" 2026 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION

(XXX -"X") 2026 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX -"X"] 2026 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

TR TRANSPORTATION CONSULTANTS, INC

2026 LEVEL OF SERVICE ANALYSIS
MIVO NORTH FORT MYERS

Figure 3

VIII. CONCLUSION

The proposed development is located 15781 North Cleveland Avenue (US 41) in Lee County, Florida. The proposed rezoning request will be a "down zoning" from what is currently permitted on site.

The Level of Service analysis conducted as part of this report indicates US 41 and Littleton Road to operate above the minimum adopted Level of Service in 2026 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.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
MIVO NORTH FORT MYERS

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	111 VPH	IN=	26	OUT=	85
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	143 VPH	IN=	90	OUT=	53

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
US 41	N. of Littleton Rd	4LD	0	0	2,005	2,100	2,100	20%	18	0.9%
	N. of Site	4LD	0	0	2,005	2,100	2,100	20%	18	0.9%
	S. of Site	4LD	0	0	2,005	2,100	2,100	65%	59	2.9%
Littleton Rd	W. of US 41	2LU	0	0	310	660	740	15%	14	4.4%

* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.
* Level of Service Thresholds for State roadways were obtained from the 2020 FDOT Generalized Service Volumes (Table 7).

- Denotes the LOS Standard for each roadway segment

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
MIVO NORTH FORT MYERS

TOTAL PROJECT TRAFFIC AM =	111	VPH	IN =	26	OUT=	85
TOTAL PROJECT TRAFFIC PM =	143	VPH	IN=	90	OUT=	53

ROADWAY	SEGMENT	PCS#	BASE YR ADT	LATEST ADT	YRS OF GROWTH	ANNUAL RATE	2019 PK HR PK SEASON PEAK DIR.[1]	2026 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2026 BCKGRND + AM PROJ VOLUME	LOS	2026 BCKGRND + PM PROJ VOLUME	LOS
US 41	N. of Littleton Rd	120079	20,500	25,000	15	2.00%	1,157	1,329	C	20%	17	18	1,346	C	1,347	C
	N. of Site	125029	27,000	31,500	15	2.00%	1,439	1,653	C	20%	17	18	1,670	C	1,671	C
	S. of Site	125029	27,000	31,500	15	2.00%	1,439	1,653	C	65%	55	59	1,708	C	1,712	C
Littleton Rd	W. of US 41	316	7,400	9,500	8	3.17%	470	585	D	15%	13	14	598	D	599	D

1 Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2020 Lee County Public Facilities Level of Service and Concurrency Report.

* AGR for Littleton Road was calculated based the historical traffic data obtained from 2020 Lee County Traffic Count Report.

* AGR for US 41 was calculated based the historical traffic data obtained from FDOT's Florida Traffic Online webpage.

LEE COUNTY GENERALIZED SERVICE VOLUMES TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

FDOT'S GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES

TABLE 7

TABLE 7

Generalized **Peak Hour Directional** Volumes for Florida's Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	370	750	800
2	Divided	*	730	1,630	1,700
3	Divided	*	1,170	2,520	2,560
4	Divided	*	1,610	3,390	3,420

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	150	390	1,000
50-84%	110	340	1,000	>1,000
85-100%	470	1,000	>1,000	**

PEDESTRIAN MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Sidewalk Coverage	B	C	D	E
0-49%	*	*	140	480
50-84%	*	80	440	800
85-100%	200	540	880	>1,000

BUS MODE (Scheduled Fixed Route)[3]

(Buses in peak hour in peak direction)

Sidewalk Coverage	B	C	D	E
0-84%	> 5	≥ 4	≥ 3	≥ 2
85-100%	> 4	≥ 3	≥ 2	≥ 1

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	C	D	E
2	2,230	3,100	3,740	4,080
3	3,280	4,570	5,620	6,130
4	4,310	6,030	7,490	8,170
5	5,390	7,430	9,370	10,220
6	6,380	8,990	11,510	12,760

Urbanized

Lanes	B	C	D	E
2	2,270	3,100	3,890	4,230
3	3,410	4,650	5,780	6,340
4	4,550	6,200	7,680	8,460
5	5,690	7,760	9,520	10,570

Freeway Adjustments

Auxiliary Lane	Ramp Metering
+ 1,000	+ 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
1	Undivided	580	890	1,200	1,610
2	Divided	1,800	2,600	3,280	3,730
3	Divided	2,700	3,900	4,920	5,600

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

[1]Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.

[2] Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.

[3] Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:
Florida Department of Transportation
Systems Implementation Office
https://www.fdot.gov/planning/systems/

TRAFFIC DATA FROM THE LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK FROM	TO	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD CAPACITY	2019 100TH HIGHEST HOUR LOS	2019 100TH HIGHEST HOUR VOLUME	FORECAST FUTURE LOS	FORECAST FUTURE VOLUME	NOTES
13500	IMPERIAL PKWY	COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,017	B	1,069	*
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,015	B	1,067	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	381	C	460	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	79	C	251	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	660	B	876	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	495	D	520	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	267	
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	277	C	291	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	*
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,202	B	2,318	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,161	B	2,340	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,131	B	2,240	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	630	B	662	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	630	B	665	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	650	D	706	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	417	C	439	*
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	326	B	401	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	273	C	287	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,153	B	1,212	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,114	B	1,170	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	964	B	1,022	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	964	A	1,013	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/GI	IONA LOOP RD	4LD	D	2,100	C	1,594	C	1,731	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,594	C	1,731	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,832	D	2,082	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,832	D	2,082	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	792	C	861	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970		1,187		1,260	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970		1,187		1,260	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	1,123	C	1,391	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,193	C	1,441	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,544	C	1,764	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,615	C	1,845	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	3,171	C	1,381	C	1,945	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	183	
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	68	C	71	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	134	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	156	B	275	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	156	B	301	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	108	A	141	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	590	C	620	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	427	C	449	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	427	C	461	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	C	136	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	B	764	C	803	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	749	C	788	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	382	B	402	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,175	C	1,310	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,199	C	1,310	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,701	C	2,056	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,774	C	1,824	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,361	B	1,421	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,607	C	1,180	C	1,254	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	954	B	1,006	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	395	C	418	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	197	C	207	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	173	C	185	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	607	E	657	Constrained

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK FROM	TO	ROAD TYPE	PERFORMANCE STANDARD LOS	CAPACITY	2019 100TH HIGHEST HOUR LOS	VOLUME	FORECAST FUTURE LOS	VOLUME	NOTES
30300	US 41 (S TAMIAMI TR)	BRIARCLIFF RD	SIX MILE PKWY	6LD	D	3,171	C	2,905	D	3,092	
30400	US 41 (S TAMIAMI TR)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	2,518	C	2,752	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	6LD	D	3,171	C	2,615	C	2,924	SR 739 6 laning Design & ROW
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH RD	6LD	D	3,171	C	2,615	D	3,100	SR 739 6 laning Design & ROW programmed
30700	US 41 (CLEVELAND AVE)	SOUTH RD	BOY SCOUT RD	6LD	D	3,171	C	2,734	D	3,100	SR 739 6 laning Design & ROW programmed
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	6LD	D	3,171	C	2,395	C	2,744	SR 739 6 laning Design & ROW programmed
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	6LD	D	3,171	C	2,395	C	2,744	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	4LD	D	2,100	D	2,068		2,347	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	4LD	D	2,100	D	2,068		2,347	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	4LD	D	2,100	D	2,068		2,347	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	4LD	D	2,100	C	1,439	C	1,556	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	4LD	D	2,100	C	1,439	C	1,556	
31400	US 41 (N TAMIAMI TR)	LITTLETON RD	BUS 41	4LD	D	2,100	C	1,157	C	1,374	
31500	US 41 (N TAMIAMI TR)	BUS 41	DEL PRADO BLVD	4LD	D	2,100	C	1,157	C	1,374	
31600	US 41 (N TAMIAMI TR)	DEL PRADO BLVD	CHARLOTTE CO. LINE	4LD	D	2,100	C	1,847	C	2,001	
27200	VETERANS MEM. PKWY	SR 78	CHIQUITA	4LD	D	2,040	A	818	A	860	
27300	VETERANS MEM. PKWY	CHIQUITA	SKYLINE	4LD	D	2,040		2,159		2,269	old count projection(2010)
27400	VETERANS MEM. PKWY	SKYLINE	SANTA BARBARA BLVD	6LD	D	3,080	A	2,179	B	2,290	*
27500	VETERANS MEM. PKWY	SANTA BARBARA BLVD	COUNTRY CLUB BLVD	6LD	D	3,080	B	2,764	B	2,905	
27600	VETERANS MEM. PKWY	COUNTRY CLUB BLVD	MIDPOINT BRDG TOLL P	6LD	D	3,080	B	2,830	B	2,975	
27700	VETERANS MEM. PKWY	MIDPOINT BRDG TOLL P	McGREGOR BLVD	4LB	D	4,000	D	3,149	D	3,310	
29000	W. 6TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	196	C	206	
29100	W. 12TH ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	C	234	C	246	
29200	W. 12TH ST	SUNSHINE BLVD	WILLIAMS AVE	2LN	E	860	C	76	C	168	old count projection(2010)
29300	W. 12TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	92	C	104	old count projection(2010)
29400	W. 14TH ST	SUNSHINE BLVD	RICHMOND AVE	2LN	E	860	C	48	C	54	old count projection(2010)
15200	WESTGATE BLVD	GUNNERY RD	LEE BLVD	2LN	E	860	D	724	D	780	
27900	WHISKEY CREEK DR	COLLEGE PKWY	SAUTERN DR	2LD	E	910	C	326	C	342	
28000	WHISKEY CREEK DR	SAUTERN DR	McGREGOR BLVD	2LD	E	910	C	326	C	342	
28200	WILLIAMS AVE	LEE BLVD	W. 6TH ST	2LN	E	860	D	589	D	627	
28300	WINKLER RD	STOCKBRIDGE DR	SUMMERLIN RD	2LN	E	860	C	461	C	537	old count(2010)
28400	WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,520	C	316	C	332	
28500	WINKLER RD	GLADIOLUS DR	BRANDYWINE CIR	2LN	E	880	B	593	B	625	Year 2010 data
28600	WINKLER RD	BRANDYWINE CIR	CYPRESS LAKE DR	2LN	E	880	B	592	B	622	
28700	WINKLER RD	CYPRESS LAKE DR	COLLEGE PKWY	4LD	E	1,780	D	778	D	817	
28800	WINKLER RD	COLLEGE PKWY	McGREGOR BLVD	2LN	E	800	B	350	B	395	old count projection(Year 2010)
28900	WOODLAND BLVD	US 41	AUSTIN ST	2LN	E	860	C	266	C	300	old count projection(2010)

* Previous Year Data

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial/Collector Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

TRAFFIC DATA FROM THE LEE COUNTY TRAFFIC COUNT REPORT

Updated 2/24/21

Daily Traffic Volume (AADT)

STREET	LOCATION	Station #	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
LITTLETON RD	W OF US 41	316	7400		6300		7600		8000		9500	
LITTLETON RD	W OF BUSINESS 41	315	6200		5100		6900		7400			
LUCKETT RD	W OF I - 75	317			11400			7300		7400		6900
LUCKETT RD	E OF I-75	506						6500		6200		6200
McGREGOR BLVD	@ SANIBEL TOLL PLAZA	320	15800		16300	23100						
McGREGOR BLVD	AT SANIBEL TOLL PLAZA	120					17900	20600	18400	18000	18200	16400
McGREGOR BLVD	E OF KELLY RD	38	15200	15600	15500	15800	16100	15600	15700	15900	15900	15300
McGREGOR BLVD (SR 867)	S OF PINE RIDGE RD	37	27400	27300	27400	27700	28300	28000	27600	27800	30000	25500
McGREGOR BLVD (SR 867)	N OF A&W BULB RD	126										32200

TRAFFIC DATA FROM FDOT'S FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5029 - SR 45/US 41, N OF DIPLOMAT PKWY E LC419

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	31500 C	N 15500	S 16000	9.00	52.80	4.10
2019	30000 C	N 14500	S 15500	9.00	53.30	4.70
2018	29500 C	N 14500	S 15000	9.00	53.30	4.30
2017	24000 C	N 12000	S 12000	9.00	53.20	4.90
2016	29500 C	N 14500	S 15000	9.00	56.20	4.10
2015	28500 C	N 14000	S 14500	9.00	54.50	3.90
2014	27000 C	N 13500	S 13500	9.00	54.60	3.70
2013	23500 C	N 11500	S 12000	9.00	59.70	5.30
2012	23500 C	N 11500	S 12000	9.00	54.30	4.30
2011	27500 C	N 13000	S 14500	9.00	55.00	4.00
2010	28500 C	N 13500	S 15000	10.32	57.60	4.50
2009	26000 C	N 12500	S 13500	10.24	54.47	5.20
2008	27000 C	N 13000	S 14000	10.37	58.94	3.90
2007	28500 C	N 13000	S 15500	10.16	54.76	5.30
2006	29000 C	N 13500	S 15500	10.23	54.38	7.30
2005	27000 C	N 12500	S 14500	10.30	54.10	6.70

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: 0079 - SR45/US41, SOUTH OF SR739 & N OF LITTLETON RD LC425

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	25000 C	N 12500	S 12500	9.00	52.80	4.90
2019	22500 C	N 11500	S 11000	9.00	53.30	4.90
2018	22500 C	N 11000	S 11500	9.00	53.30	5.40
2017	18200 C	N 9100	S 9100	9.00	53.20	5.50
2016	22000 C	N 11000	S 11000	9.00	56.20	4.70
2015	22000 C	N 11000	S 11000	9.00	54.50	4.80
2014	21000 C	N 10500	S 10500	9.00	54.60	3.80
2013	18500 C	N 9100	S 9400	9.00	59.70	5.00
2012	18500 C	N 9000	S 9500	9.00	54.30	4.80
2011	19600 C	N 9600	S 10000	9.00	55.00	5.20
2010	21000 C	N 10500	S 10500	10.32	57.60	5.20
2009	18200 C	N 9100	S 9100	10.24	54.47	4.50
2008	18800 C	N 9400	S 9400	10.37	58.94	4.80
2007	19400 C	N 9700	S 9700	10.16	54.76	6.10
2006	19600 C	N 9900	S 9700	10.23	54.38	6.30
2005	20500 C	N 10500	S 10000	10.30	54.10	6.50

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

Z-09-025

RESOLUTION NUMBER Z-09-025

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

WHEREAS, an application was filed by the property owner, Phyllis E. Hallin, Trustee, to rezone 12.86± acres from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Diplomat Center; and,

WHEREAS, a public hearing was advertised for July 1, 2009, but then continued and held July 24, 2009, August 13, 2009 and August 14, 2009, with the record held open until August 28, 2009, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00022; and

WHEREAS, a second public hearing was advertised and held on December 7, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 12.86± acres from AG-2 to CPD for:

1. A maximum of 107,500 s/f of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (Option 1); **or**

2. A maximum of 107,500 s/f of commercial uses, including 83,500 s/f of medical office and a maximum of 24,000 s/f of retail, banks and restaurants and either a hotel/motel with a maximum of 120 hotel/motel rooms (Option 2) or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (Option 2 - ALF Alternate).

Maximum building height requested is 2 stories/45 feet and 6 stories/75 feet for a hotel/motel use only. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. A Special Case finding was also requested. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

12/7/09 - Z-09-025

1. The development of this project must be substantially consistent with the 2-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Center, Option 1, Lee County, FL" and "Master Concept Plan, Diplomat Center, Option 2, Lee County, FL," both last revised August 28, 2009, date-stamped "Received Dec 16 2009 Community Development," and attached hereto as Exhibit C.

   This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Commercial Floor Area (CPD):

   Option 1: A maximum of 107,500 square feet of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (MCP Option 1); **or**

   Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and **either** a maximum 120 hotel/motel rooms (MCP Option 2) **or** an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 - ALF Alternate - per Condition 2).

   Prior to exceeding 67,500 square feet of commercial retail, the developer must connect to Littleton Road via the easement shown on the approved MCP. No individual retail building or tenant space may exceed 50,000 square feet in floor area. (See Note 2 in Condition 2 below.)

2. **Schedule of Uses**

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

   Accessory Uses and Structures
   Administrative Offices
   Agricultural Uses - See Condition #8.
   Animal, Clinic - Animal Kennel - No outdoor runs
   Assisted Living Facility (ALF) -- 110 units maximum assisted living units 4:1 equivalency ratio per LDC §34-§1494. Any such development must be consistent with LDC §§34-1411, 34-1414 and 34-1494.
   ATM (Automatic Teller Machine)
   Auto Parts Store - No installation
   Automobile Repair and Service - Groups I and II
   Automobile Service Station - Limited to 1 (See Note 1 below.)
   Banks and Financial Establishments, Groups I and II
   Bar or Cocktail Lounge, in conjunction with a hotel/motel only

Boats: Boat Parts Store Boat Repair, and Service, Boat Sales
Must be in compliance with LDC §34-1352.
Building Materials Sales
Business Services, Groups I and II - Excluding bail bonding and armored car services.
Car Wash - Limited to 1 (See Note 1 below.) - Only in conjunction with a Convenience Food and Beverage Store.
Clothing Stores, General - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Computer and Data Processing Services
Consumption on Premises, Indoor only. In conjunction with a Group III Restaurant or hotel/motel only. Outdoor seating with a special exception only (Public Hearing Required) - See Condition 11
Convenience Food and Beverage Store - Limited to 1 (See Note 1 below)
Cultural Facilities - Limited to art museums and galleries
Day Care Center, Adult, Child
Department Store - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Drive-through for any permitted use
Drug Store/Pharmacy - Limited to 1 stand alone
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting).*
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Groups I and II - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Funeral Home or Mortuary - with or without cremation
Health Care Facilities, Groups I, II and III (but not IV)
Hotel/Motel - Limited to a maximum 120 rooms
Household Office and Furnishings, Groups I and II - No outdoor display or storage
Laundry or Dry Cleaning, Group I only
Lawn and Garden Supply Stores - Limited to a maximum 50,000 s/f for each building. No unscreened outdoor display or storage as it relates to the Lawn and Garden Supply store. (See Note 2 below.)
Medical Offices
Nonstore Retailers, Groups I, II and III
Parcel and Express Services
Package Store - for stand-alone package stores - Limited to 1, but this conditions does not limit package stores as an accessory use and/or as part of a multi-occupancy plaza
Paint, Glass and Wallpaper Store - Limited to a maximum 50,000 s/f for each building. (See Note 2 below.) No outdoor display or storage.
Parking Lot, Accessory
Personal Services, Groups I, II, III and IV - Excluding massage parlors, steam or Turkish Baths, escort services, palm readers, fortune tellers or card readers or tattoo parlors.

Pet Services - No outdoor runs
Pet Shop - No outdoor runs
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Rental or Leasing Establishment, Groups I and II
Repair Shops, Groups I and II
Restaurants, Fast Food - Limited to one stand-alone fast food restaurant within the development, but no limit on the number of fast food restaurants within a multi-occupancy building.
Restaurants, Groups I, II and III
Self Service Fuel Pumps - Limited to a maximum of 16 pumps (See Note 1 below.)
Signs per Chapter 30 of the LDC (including existing billboards)
Social Services, Group I only
Specialty Retail Shops, Groups I, II, III and IV
Storage, Indoor only
Studios
Temporary Uses
Theater, Indoor
Used Merchandise Stores, Groups I and II
Variety Store - Limited to a maximum 50,000 s/f for each building(See Note 2 below.)
Wholesale Establishment, Group III only

NOTE 1: *For Automobile Service Station, Car Wash, Convenience Food and Beverage Store and/or Self Service Fuel Pumps, only one establishment with these uses will be allowed for the entire CPD.*

NOTE 2: *The phrase "limited to a maximum 50,000 square feet for each building" as used herein restricts the maximum individual size/space of the use to 50,000 square feet. There may be more than one 50,000 square foot building or space for the use group. For Example, there may be two or more clothing stores that exceed 50,000 square feet total, but the individual store or tenant space may not exceed 50,000 square feet..*

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks *

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	20 feet
Water body	25 feet

*(Minimum 30-foot setback for fire protection from indigenous pine flatwoods habitat as identified on the approved MCP.)

Accessory Use and Structure setbacks must comply with Lee County LDC §34-1171, *et seq.* and 34-2194.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 2 story/45 feet
6 stories/75 feet (hotel/motel only).

3. **CONCURRENCY**: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.

4. **NO BLASTING**: No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. **ACCESSORY USES**: Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. **TRAFFIC**: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. **LEE PLAN**: Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. **AGRICULTURAL USES**: Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

A. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

B. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

C. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

9. **WATER AND SEWER**: Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the development order submital.

10. **BUFFER ENHANCEMENT**: All required buffers must utilize 100% all native vegetation.

11. **CONSUMPTION ON PREMISES**:

    A. Consumption on premises (indoor) is permitted only in conjunction with a Group III Restaurant or hotel/motel.

    B. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

    C. Outdoor consumption on premises may only be approved by Special Exception. A public hearing is required. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.

12. **ACCESS TO US 41**: The proposed project access points on US 41 will be subject to approval of the Florida Department of Transportation.

13. **DESIGN STANDARDS**

    A. Prior to local development order approval, the exterior elevations must be done in substantial compliance with the Diplomat - Proposed Architectural Identity Exhibit, attached as Exhibit E.

    B. These designs are preliminary and subject to changes in conformance with this resolution and the Lee County LDC, including Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

14. **SOLID WASTE/RECYCLING**: Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application.

15. **INTERNAL SIDEWALKS**: Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

16. **SIGNAGE**: Proposed signage must be designed with a common architectural theme consistent with the applicable Diplomat - Proposed Architectural Identity Exhibit attached as Exhibit E.

17. **PLAT**: A plat in accordance with Florida Statutes Chapter 177 is required for the project unless one of the following requirements is met:

    A. It is developed as a single-entity ownership that only leases space within the project (with no out-parcels); or

    B. It is developed as a condominium under Florida Statutes Chapter 718; or

    C. A legal lot split is obtained in accordance with LDC §10-174(5).

    If required, the plat must be recorded in the Public Records of Lee County, Florida, before the first Certificate of Occupancy is issued for any building on the project site.

18. **INDIGENOUS VEGETATION**: Prior to local development order approval:

    A. The Developer's surveyor will stake the limits of the Indigenous Preserve, to include trees, and the 50-foot wide native tree buffer, as shown on the approved MCP, and the nearest proposed improvements, i.e., back of curb, toe of fill slope, back of retaining walls, etc., in the field. The Developer's representatives and Lee County Division of Environmental Sciences' (ES) staff will inspect the aforementioned stakes in the field for approval and document any specific construction methods that must be used to insure no impact to the Indigenous Preserves; and

    B. The development order plans must depict the 1.1-acre Northwest Indigenous Preserve, with a minimum of 0.28 acre credits taken, a minimum of 0.4-acre Southwest Indigenous Preserve, and a 0.31-acre native tree 50-foot wide right-of-way buffer, as field approved by ES staff, for a minimum total of 2.09 acres indigenous preserve/native tree buffer with credits taken; and

    C. The development order plans must depict the southeast corner of the northwest indigenous preserve containing the two heritage tree clusters being visible to vehicles entering the north project entrance off of U.S. 41. Any proposed parking and/or access road adjacent to these heritage tree clusters must provide open space area abutting this portion of the preserve and must be creatively designed to visually enhance the north project entrance. The open space area must incorporate native clump grasses and/or other native ground cover and may include other native vegetation, signage, ornamental features, sidewalks, etc., which compliment the preserve.

19. **HERITAGE TREES**: Prior to local development order approval, landscape plans must depict heritage trees located within the development footprint, that are determined to be of good health as per a Certified Arborist, must be incorporated in the internal open space (i.e., perimeter planting and/or enlarged landscape areas), or must be replaced with 20-foot-tall like species to a suitable open space area where final site design constraints (i.e., fill requirements, cross access, and entrance roads) do not allow preservation.

20. **DETENTION AREAS**: Prior to local development order approval, landscaping plan must depict dry detention area abutting the indigenous preserves planted to include native herbaceous vegetation and/or native clump grasses, in lieu of sod or seeding. The plan must include specific types, sizes (no bareroot), and densities (calculated at 3-foot on-center) to be reviewed by the ES and Lee County Division of Development Services Staff. Plantings may be clustered to assist with the function and maintenance of the water management facilities. Plantings may not be used to meet the general tree requirements.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona Fide Agricultural Uses
Exhibit E: Diplomat - Proposed Architectural Identity Exhibit

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3020

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The applicant has demonstrated that it meets the "Special Case" standard as set out in Lee Plan Policy 6.1.2 (8).

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of December, 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chair

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2010 JAN -5 AM 11:34

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41(STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5629.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1226.37 FEET TO THE POINT OF BEGINNING THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1112.01 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1126.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.52 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.55 FEET EAST OF SAID DESCRIBED CORNER; THENCE SOUTH 87°49'10" EAST FOR 399.74 FEET TO THE POINT OF BEGINNING.

[CONTAINING 12.86 ACRES MORE OR LESS.]

DCI2007-00022

Applicant's Legal Checked
by RSJ 4-30-08

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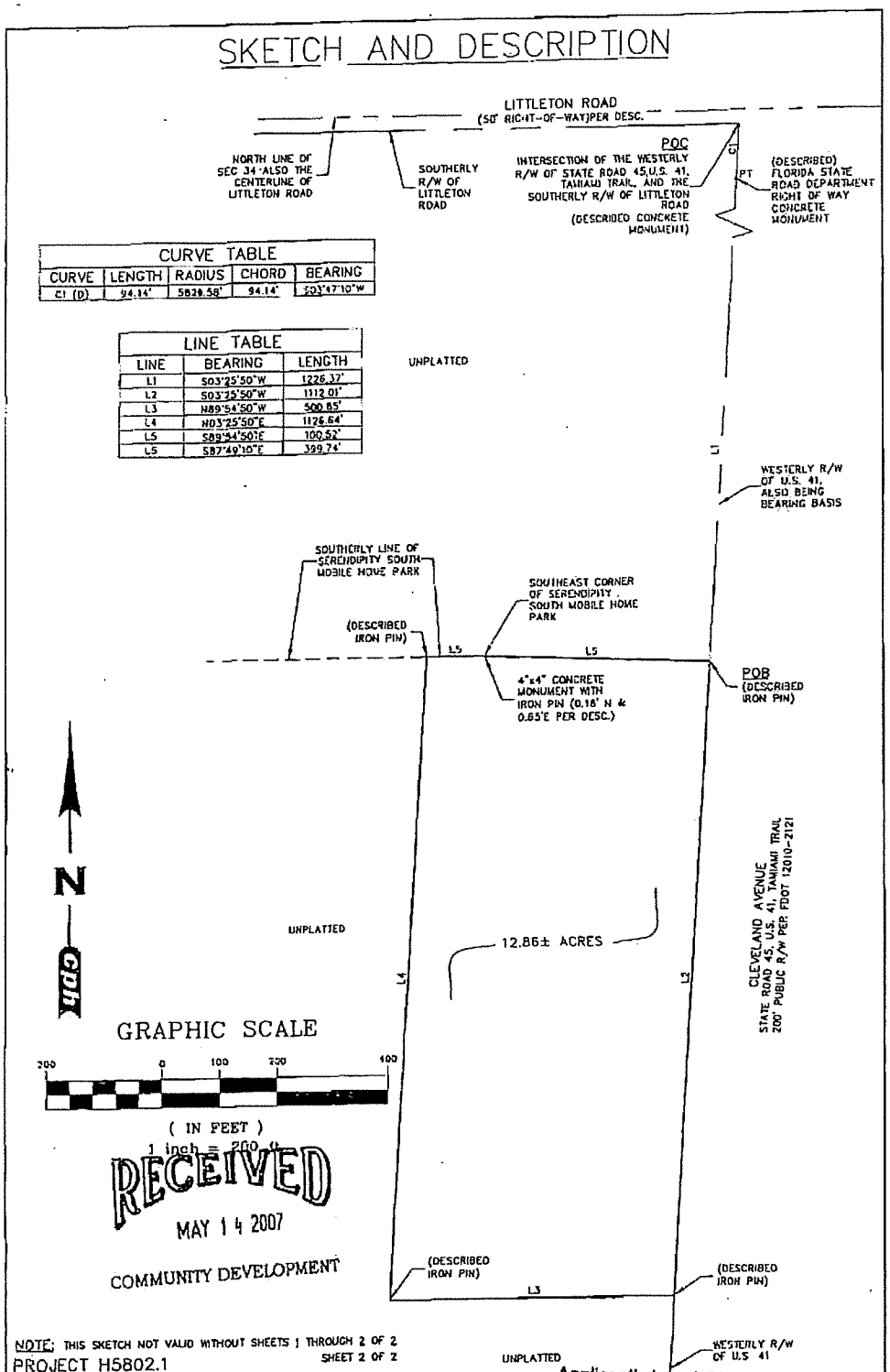
COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 1 of 2)

SKETCH AND DESCRIPTION



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MAY 14 2007
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NOTE: THIS SKETCH NOT VALID WITHOUT SHEETS 1 THROUGH 2 OF 2
SHEET 2 OF 2

PROJECT H5802.1

Applicant's Legal Checked
by BS 8/15/2007

DCI 2007-00022

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1 (D)	94.14'	5829.58'	94.14'	S03°47'10"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S03°25'50"W	1226.37'
L2	S03°25'50"W	1112.01'
L3	N89°54'50"W	500.65'
L4	N03°25'50"E	1126.64'
L5	S89°54'50"E	100.52'
L6	S87°49'10"E	399.74'

SKETCH AND DESCRIPTION

DIPLOMAT CENTER (less 6 acres)

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com

DRAWN	PLG	5/9/07	SEC-TWP-RNG
CHECKED	RGW	5/9/07	34-43S-18E

CPH #7143 © 2007

EXHIBIT "A"
(Page 2 of 2)

DCI2007-00022

Zoning Map

4/29/2009

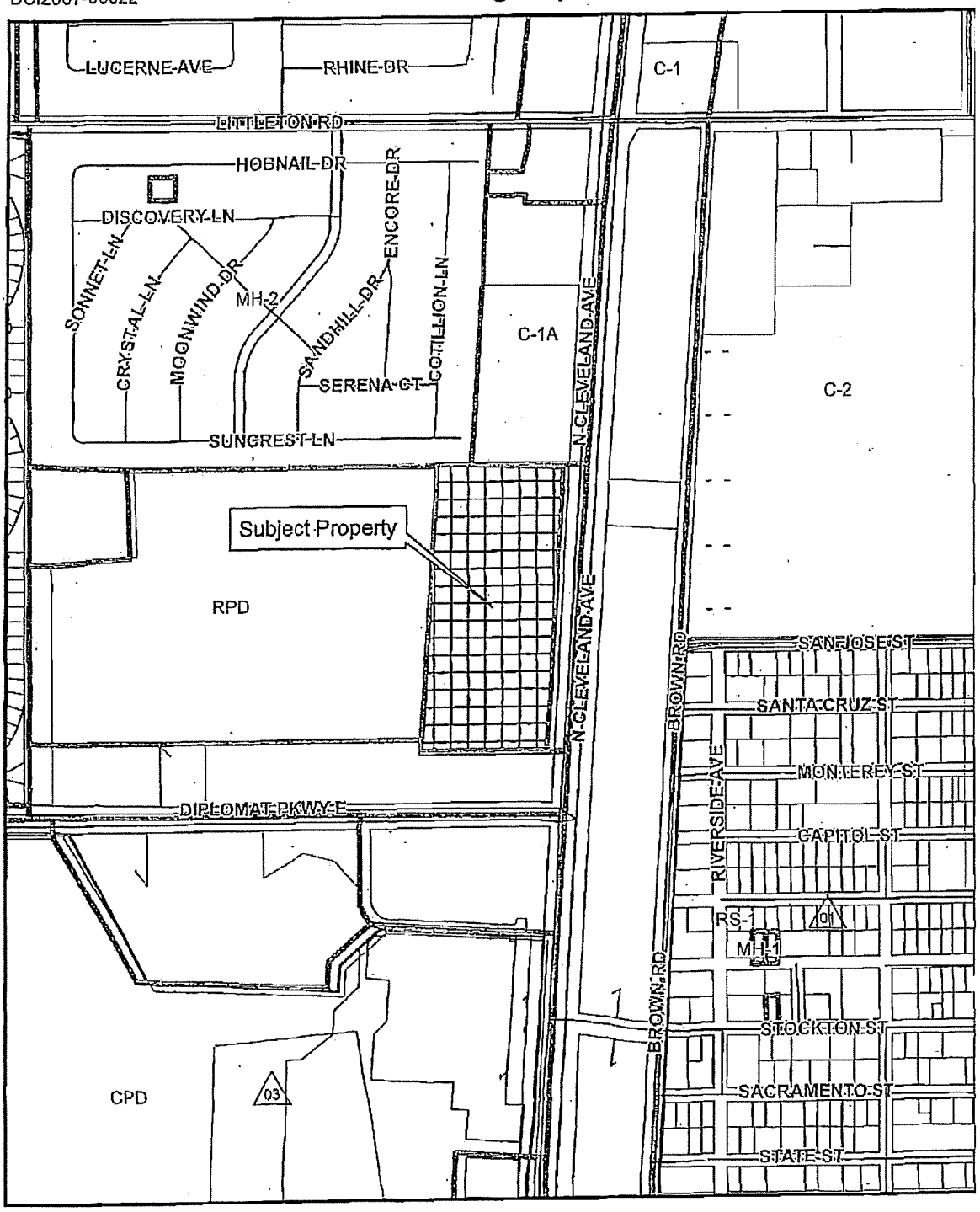

EXHIBIT "B"

250 125 0 250 500 Feet

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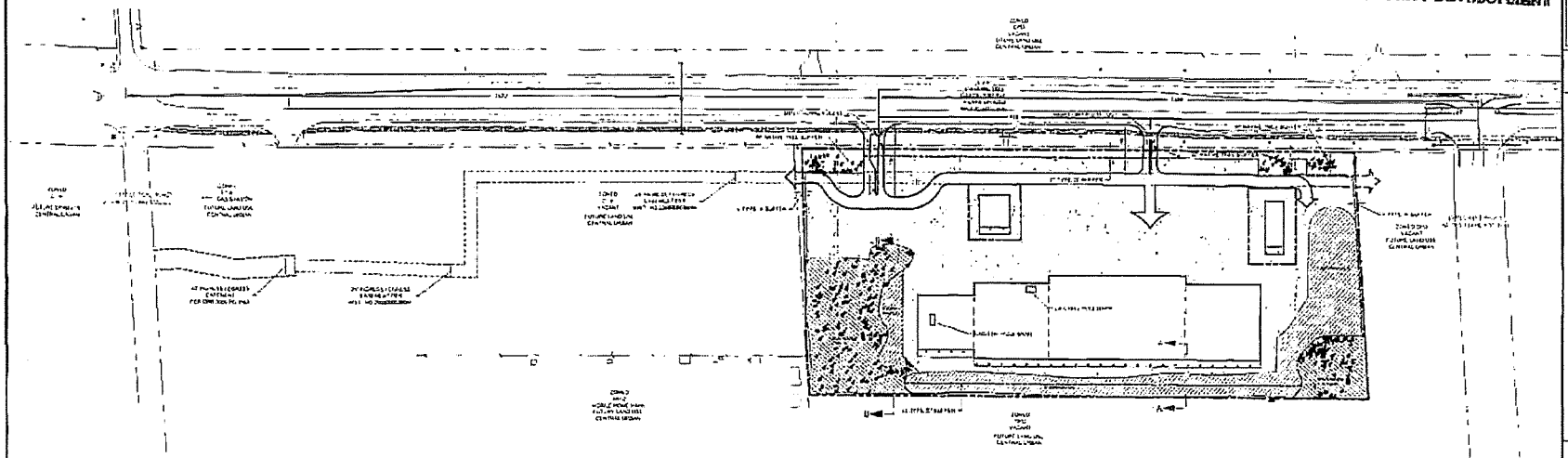
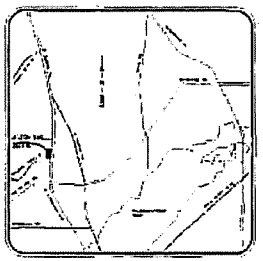
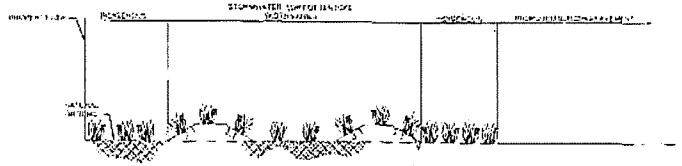
COMMUNITY DEVELOPMENT



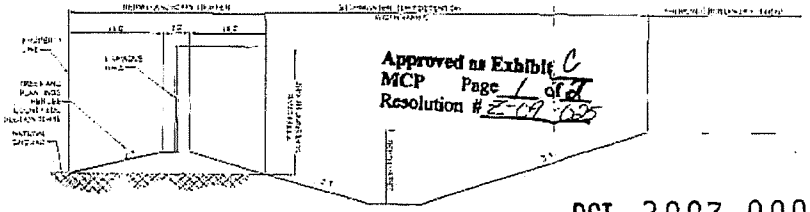
LEGEND



VICINITY MAP



SECTION 'B'-'B'
NTS



SECTION 'A'-'A'
NTS

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-09-025

DCI 2007-00022

cph

1	12/14/09	REVISED MCP PER LEE COUNTY COMMENTS
2	12/15/09	REVISED MCP PER CONCEPTUAL AREA WITH STAFF
3	12/16/09	REVISED MCP PER CONCEPTUAL POND FILL
4	12/16/09	REVISED MCP PER LEE COUNTY COMMENTS

Designed by	RMJ
Drawn by	RMJ
Checked by	JCP
Approved by	JCP
Scale	NTS
Date	11/06
Project	05-0107
File	05-0107MCP

MASTER CONCEPT PLAN

DIPLOMAT CENTER
OPTION 1
LEE COUNTY, FL

Sheet No
1 of 2

EXHIBIT "C"
(Page 1 of 2)

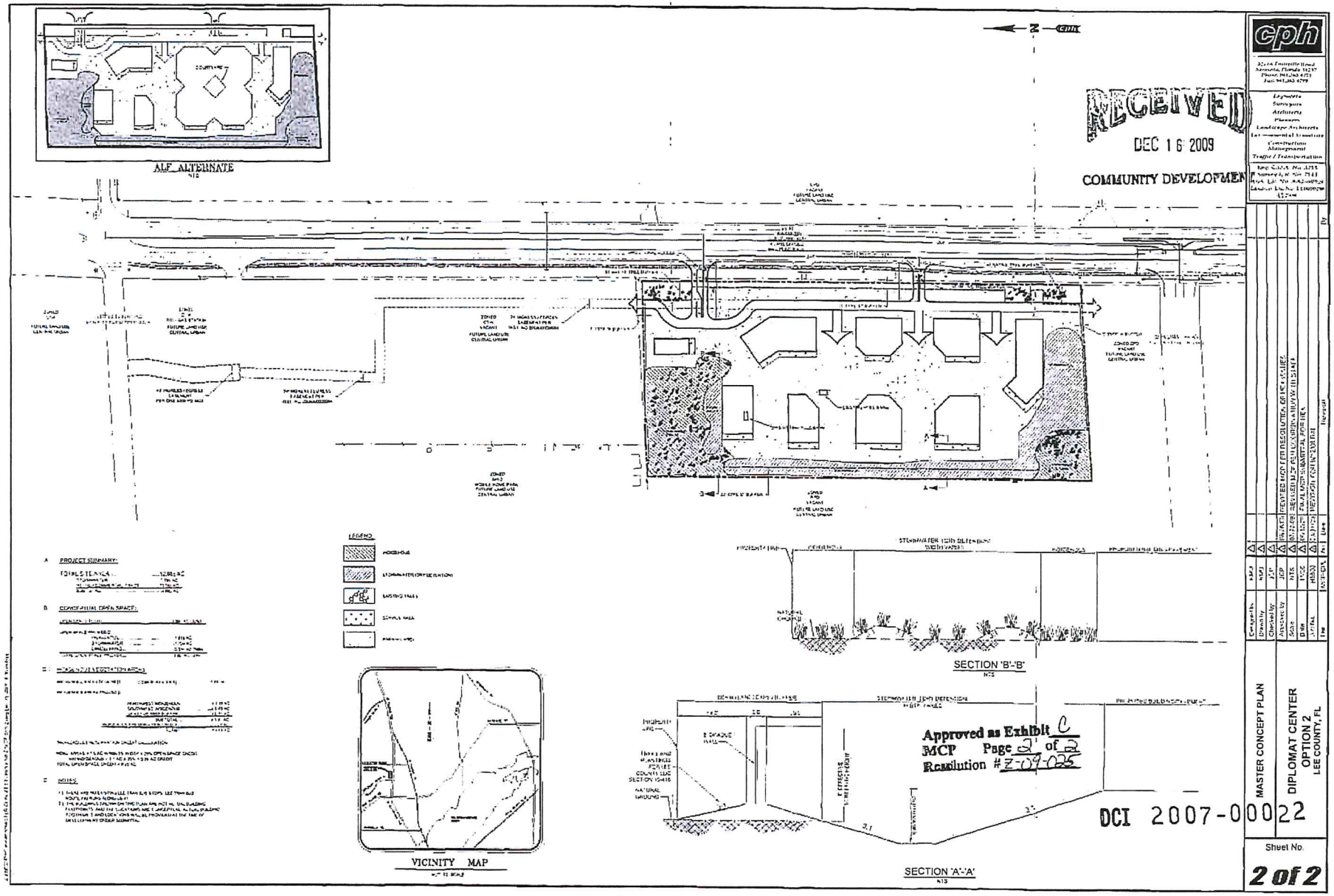


EXHIBIT "C"
(Page 2 of 2)

DCI 2007-00022

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BONA FIDE AGRICULTURAL USES AT TIME OF ZONING APPLICATION AFFIDAVIT

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned notary public, on this 16 day of May, 2008, personally appeared Phyllis Hallin, Managing Member, of the Hallin Family, LLC, who is personally known to me and who, after first being duly sworn, deposes and says that:

1. She is an authorized representative of the corporate entity that owns the Property described and shown in Exhibit "A" attached hereto and incorporated herein by reference.
2. The Property is currently being utilized for a bona fide agricultural purpose.
3. The specific agricultural activity occurring on the Property is production of feeder cattle. Production occurs over the entire 19.41 acres of the Property.
4. The specific location and type of ongoing agricultural use is set forth on the sketch of the Property attached hereto as Exhibit "B" and incorporated herein by reference.
5. Prior to the issuance of a development order for the property, the owner of the Property will provide written proof, acceptable to the Office of the Lee County Attorney, that agricultural use has been terminated on any portion of Property included in the development order application. Proof will be provided in the form of a sworn affidavit from the owner that specifically identifies the date the agricultural uses ceased, the legal description of the property subject to the development order, a statement from the owner acknowledging that all agricultural uses are illegal and prohibited on the portion of the Property subject to the development order, and a statement from the owner that the affidavit constitutes a covenant between the owner and the County that is binding on the owner, its assignees and successors in interest. Proof as to termination will also include a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

FURTHER AFFIANT SAYETH NAUGHT

Phyllis Hallin
Phyllis Hallin, Managing Member

The foregoing instrument was sworn to and subscribed before me this 16 day of May, 2008, by Phyllis Hallin, who is personally known to me or produced _____ as identification.

My Commission Expires: 09-06-2009

Andrea Vigil
Notary Public

ANDREA VIGIL
Comm# DD0468537
Expires 9/5/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc

EXHIBIT "D"
(Page 1 of 3)

EXHIBIT A

RECEIVED
APR 01 2009
COMMUNITY DEVELOPMENT

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41(STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 505.63 FEET TO A SET IRON PIN WITH CAP STAMPED LB-734 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1892.74 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1126.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.53 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.85 FEET EAST OF SAID DESCRIBED CORNER; THENCE NORTH 03°25'50" EAST ALONG THE EASTERLY LINE OF SAID SERENDIPITY SOUTH MOBILE HOME PARK FOR 705.10 FEET TO A SET IRON PIN; THENCE SOUTH 89°54'50" EAST FOR 400.33 FEET TO THE POINT OF BEGINNING.

(CONTAINING 845,501 SQUARE FEET, 19.41 ACRES MORE OR LESS.)

DCI 2007-00022

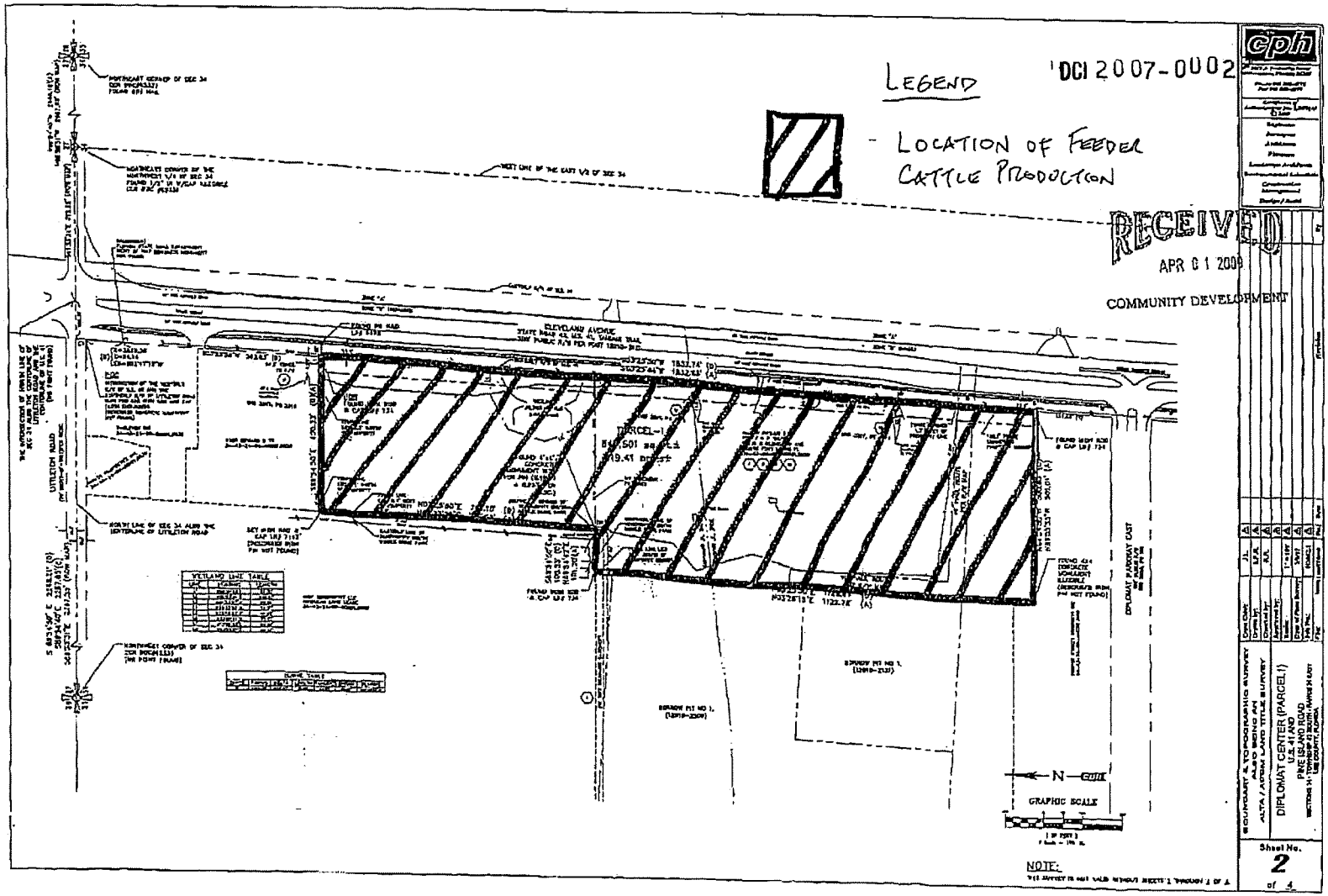


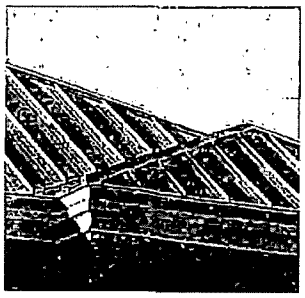
EXHIBIT "D"
(Page 3 of 3)

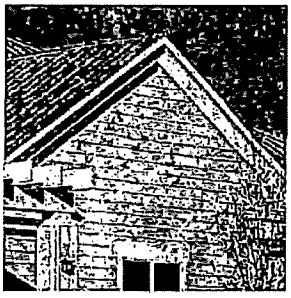
Diplomat ~ Proposed Architectural Identity

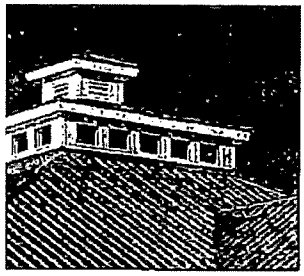
Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

Roof

- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs

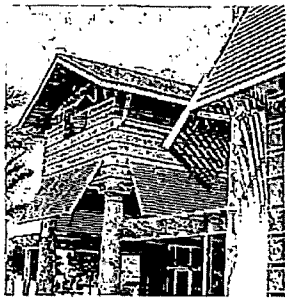


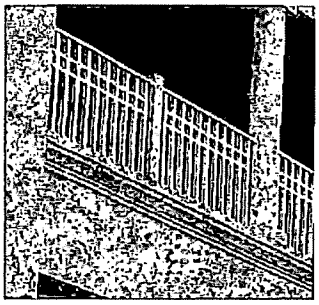




Decorative features

- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors



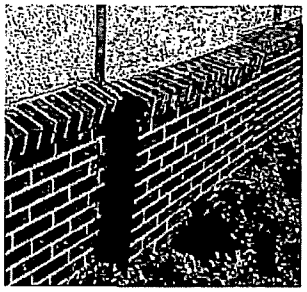


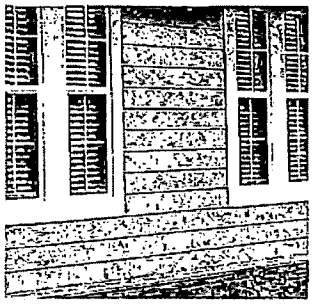
Windows

- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis

Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base





ADD2020-00054

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00054

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Hallin Family, LLC, filed an application for an administrative amendment to a Commercial Planned Development (CPD) on a project known as Diplomat Center to include the use of multi-family dwelling units as an alternate development option on property located at 15781 North Cleveland Avenue; and

WHEREAS, the applicant has indicated the property's current STRAP number is 34-43-24-00-00001.3020 (see Exhibit "A"); and

WHEREAS, the property was originally rezoned to CPD by Resolution Number Z-09-025, with no subsequent zoning actions to date; and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as well as the Mixed Use Overlay (MUO) and the North Fort Myers Planning Community, all designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, Option 1. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (100,000 square feet of retail use, 7,500 square feet of restaurant use) with a hotel/motel not to exceed 120 rooms; and

WHEREAS, Option 2. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (83,500 square feet of medical office use with 24,000 square feet of retail, bank and restaurant uses) in conjunction with a 120-room hotel/motel or an assisted living facility (ALF) not to exceed 110 units; and

WHEREAS, Resolution Z-09-024 approved two Master Concept Plans (MCPs) which correspond with the aforementioned enumerated development options; and

WHEREAS, subsequent to this action the County adopted the Mixed Use Overlay (MUO) to designate appropriate areas for mixed uses in proximity to public transit routes, education facilities, recreation opportunities, existing residential, shopping and employment centers; and

WHEREAS, Lee Plan Map 1, Page 6 establishes the MUO areas, which depicts the subject property as being within the overlay in its entirety (see Exhibit "B"); and

WHEREAS, the North Fort Myers community planning area establishes regulations in Chapter 33 of the LDC; and

WHEREAS, LDC Section 33-1537 defines and encourages mixed-use within the North Fort Myers community plan area; and

WHEREAS, the Lee Plan Glossary and Chapter 34 of the LDC establish similar definitions for mixed-use development; and

WHEREAS, the applicant requests to amend the schedule of uses to include the option of 128 multi-family dwelling units as a potential development scenario for Option 2 in the governing resolution, without the 120-unit hotel/motel or 110 unit ALF (see Exhibit "C"); and

WHEREAS, height regulations within the CPD limit the 120-unit hotel/motel use to 6 stories, 75-feet-high maximum; and

WHEREAS, the applicant requests the same height limitation apply to the proposed alternate multi-family development scenario; and

WHEREAS, LDC Section 34-934 lists multi-family dwelling units as permitted within CPD districts provided the multi-family is built in conjunction with a minimum 50,000 square feet of commercial or industrial uses; and

WHEREAS, a trip generation comparison analysis was completed to determine whether the proposed multi-family alternative would generate more vehicle trips than the development currently permitted by the governing resolution (see Exhibit "D"); and

WHEREAS, the traffic impact statement (TIS) concluded that development of 128 multi-family units would generate significantly less trips than the permitted 120-unit hotel/motel; and

WHEREAS, the Development Services Section has reviewed the TIS provided and deemed the TIS sufficient; and

WHEREAS, Policy 11.2.7 of the Lee Plan 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; and

WHEREAS, Lee Plan Policy 30.1.3 encourages a diversity of housing types in the North Fort Myers community plan area by supporting mixed-use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay; and

WHEREAS, 128-multi-family units would comply with the standard density range limitation set forth by the Central Urban future land use category, as applicable to the total ±12.86 acres of land comprising the subject CPD; and

WHEREAS, the requested multi-family height limitation is consistent with the existing hotel/motel height limitation and the proposed residential density is necessary to facilitate mixed-use within the MUO, as established by directive goals and policies within the Lee Plan; and

WHEREAS, the inclusion of multiple-family units to facilitate a mixed-use development, as conditioned, is consistent with Goals 11 and 30, Policy 1.1.3 and Vision Statement 19 of the Lee Plan; and

WHEREAS, the inclusion of multi-family units is in compliance with LDC provisions pertaining to the North Fort Myers community plan area (Chapter 33), planned development districts amendments and other applicable sections within Chapter 34; and

WHEREAS, the multi-family uses as proposed would be subject to substantial compliance with MCP Option 2, as approved by Resolution Z-09-025; and

WHEREAS, LDC Section 33-1532 requires that the applicant of an administrative amendment within the North Fort Myers community planning area conduct one publicly-advertised information session prior to a finding of application sufficiency; and

WHEREAS, the applicant appeared before the North Fort Myers Design Review Panel at the North Fort Myers Recreation Center on March 3, 2020 for public input (see Exhibit "E"); 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 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 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.

WHEREAS, it is also found that the proposed amendment will allow for internal capture of vehicular trips; will allow for urban forms of development as mixed-use; will not result in a substantial underutilization of public resources and public infrastructure committed to support the development; will not decrease the amount of native vegetation on preservation area below the amount required by Code; is consistent with applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **Condition 1., Option 2 of Resolution Z-09-025 is hereby amended in strikethrough and underline as follows:**

   Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and either a maximum of 120 hotel/motel rooms (MCP Option 2), or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 – ALF Alternate – per Condition 2).~~.~~, or a multi-family development with a maximum of 128 dwelling units (MCP Option 2).

2. **Condition 2.A. of Resolution Z-09-025 (Schedule of Uses) is hereby amended to include the following two uses:**

   Dwelling Unit, Multiple-family (128 units maximum in conjunction with at least 50,000 square feet of commercial uses)
   Residential accessory uses

3. **The maximum building height established in Condition 2.B. of Resolution Z-09-025 (Site Development Regulations) is hereby amended in strikethrough and underline as follows:**

   Maximum Building Height: 2 ~~story~~stories/45 feet~~.~~ (ALF and commercial uses).
   6 stories/75 feet (hotel/motel or multiple-family only).

4. **This approval is limited to alternatively permitting up to 128 multiple-family dwelling unit (without a hotel/motel or ALF) not to exceed six stories or 75 feet in building height, in accordance with the Master Concept Plan entitled "Master Concept Plan, Diplomat Center, Option 2, Lee County, FL," last revised August 28, 2009, date-stamped "Received Dec 16 2009 Community Development,".**

5. **The terms and conditions of Resolution Z-09-025 remain in full force and effect, except as amended herein.**

6. **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 6/23/2020

Audra Ennis, Zoning Manager

Exhibits
Exhibit A: STRAP Number
Exhibit B: MUO Map Exhibit
Exhibit C: Applicant's Narrative
Exhibit D: Traffic Impact Statement
Exhibit E: Public Information Session Summary
Exhibit F: Signed Waiver GEN2020-00174

EXHIBIT A

CASE NUMBER: ADD2020-00054

STRAP NUMBER

34-43-24-00-00001.3020

REVIEWED
ADD2020-00054
Daniel Munt, Planner
Lee County DCD
6/22/2020

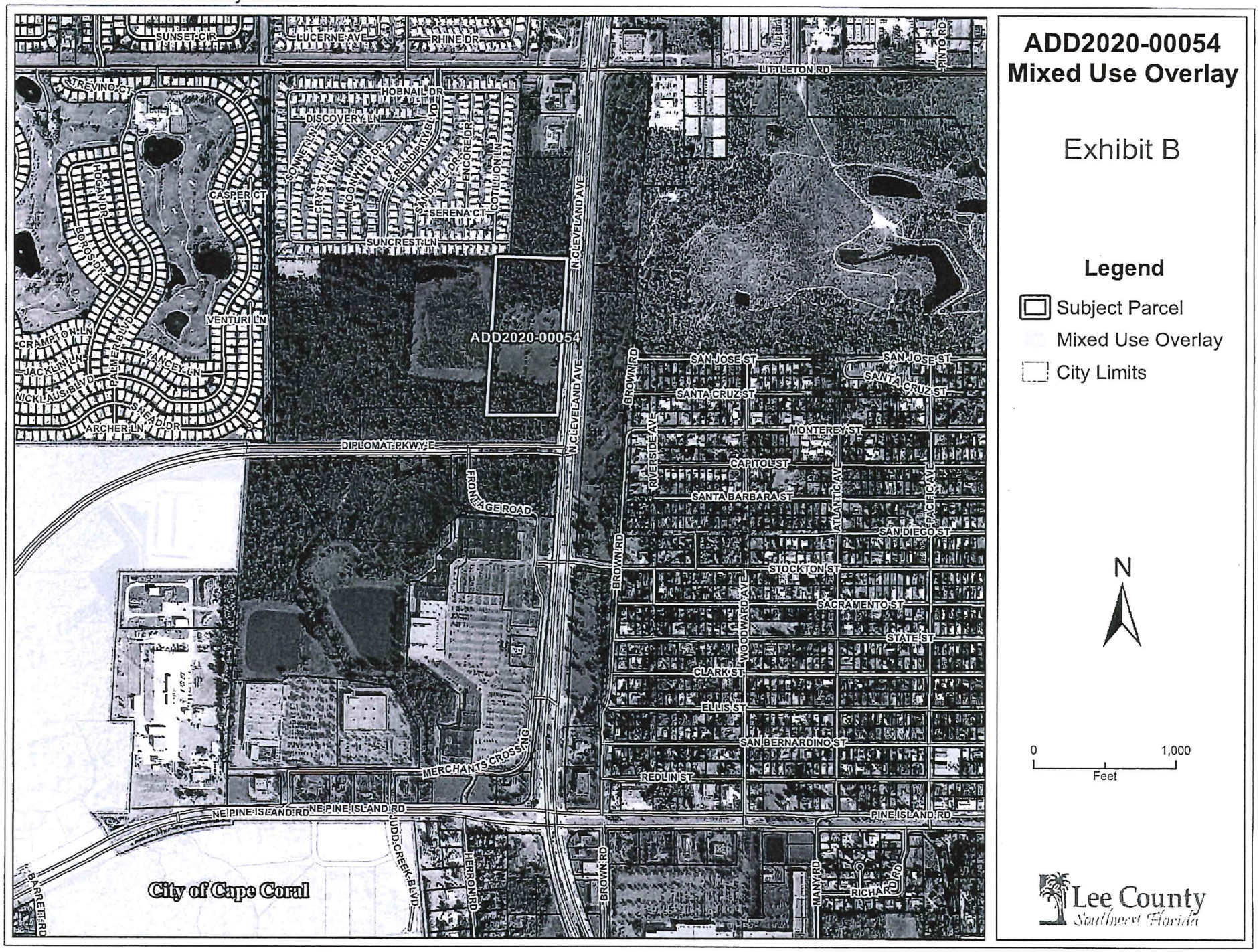

ADD2020-00054
Mixed Use Overlay
Exhibit B
Legend
Subject Parcel
Mixed Use Overlay
City Limits
N
0
1,000
Feet
Lee County
Southwest Florida
ADD2020-00054
SUNSET CIR
LUCERNE AVE
RHINE DR
LITTLETON RD
PINTO RD
TREVINO CT
HOBNAIL DR
DISCOVERY LN
CASPER CT
SERENA CT
SUNCREST LN
N CLEVELAND AVE
VENTURI LN
CRAMPTON LN
JACKLIN LN
NICKLAUS BLVD
ARCHER LN
DIPLOMAT PKWY E
FRONTAGE ROAD
SAN JOSE ST
SANTA CRUZ ST
MONTEREY ST
CAPITOL ST
SANTA BARBARA ST
SAN DIEGO ST
STOCKTON ST
SACRAMENTO ST
STATE ST
CLARK ST
ELLIS ST
SAN BERNARDINO ST
REDLIN ST
MERCHANTS CROSSING
NE PINE ISLAND RD
PINE ISLAND RD
BROWN RD
RIVERSIDE AVE
ATLANTIC AVE
PACIFIC AVE
WOODWARD AVE
MANY RD
RICHARD RD
HERRON RD
DUDD CREEK BLVD
BARRETT RD
City of Cape Coral

Exhibit C

ITEM 14 – Written Narrative

This request is to amend the zoning resolution Z-09-025 to allow up to 128 multiple-family dwelling units as a third alternative to Option 2 of Condition 1. Also amend condition 2 to allow the building height for the multiple family dwelling units to be up to 6 stories/75 feet. This alternative would be in lieu of a hotel/motel with a maximum 120 rooms OR an Assisted Living Facility (ALF) with a maximum of 110 units. Based on the attached traffic information, the 128 multiple-family dwelling units would generate less traffic than the hotel/motel or the ALF uses. Development of the multiple-family uses would be in conjunction with the minimum required 50,000 square feet of commercial uses and will be developed in compliance with the applicable conditions for development of Option 2 of Condition 1 and in compliance with all applicable LDC requirements. As required by Section 34-380 for amending an MCP administratively, the requested amendments will: (1) not result in underutilization of public resources or public infrastructure committed to support the development; (2) not result in reduction of total open space; (3) will not decrease preservation areas; and (4) will not adversely impact surrounding land uses.

TRIP GENERATION EQUATIONS

Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

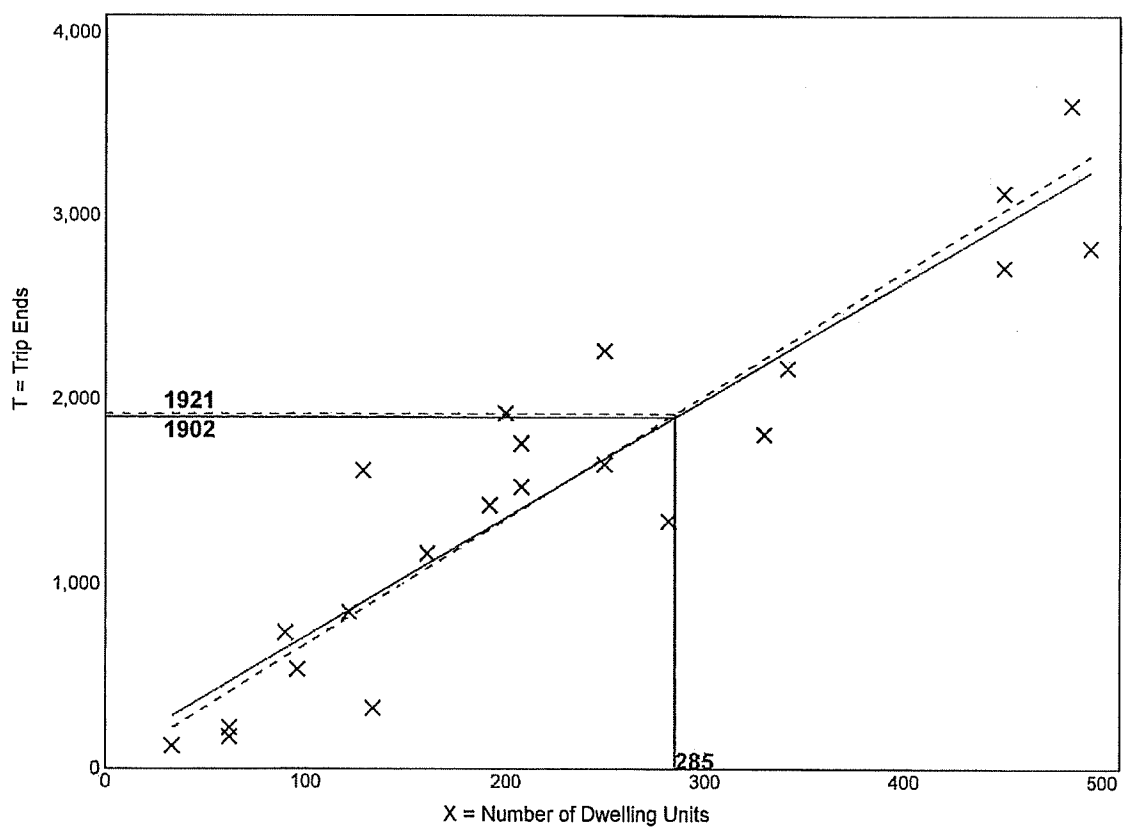
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

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	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



× Study Site ——— Fitted Curve - - - - Average Rate

Fitted Curve Equation: T = 6.41(X) + 75.31 **R^2= 0.86**

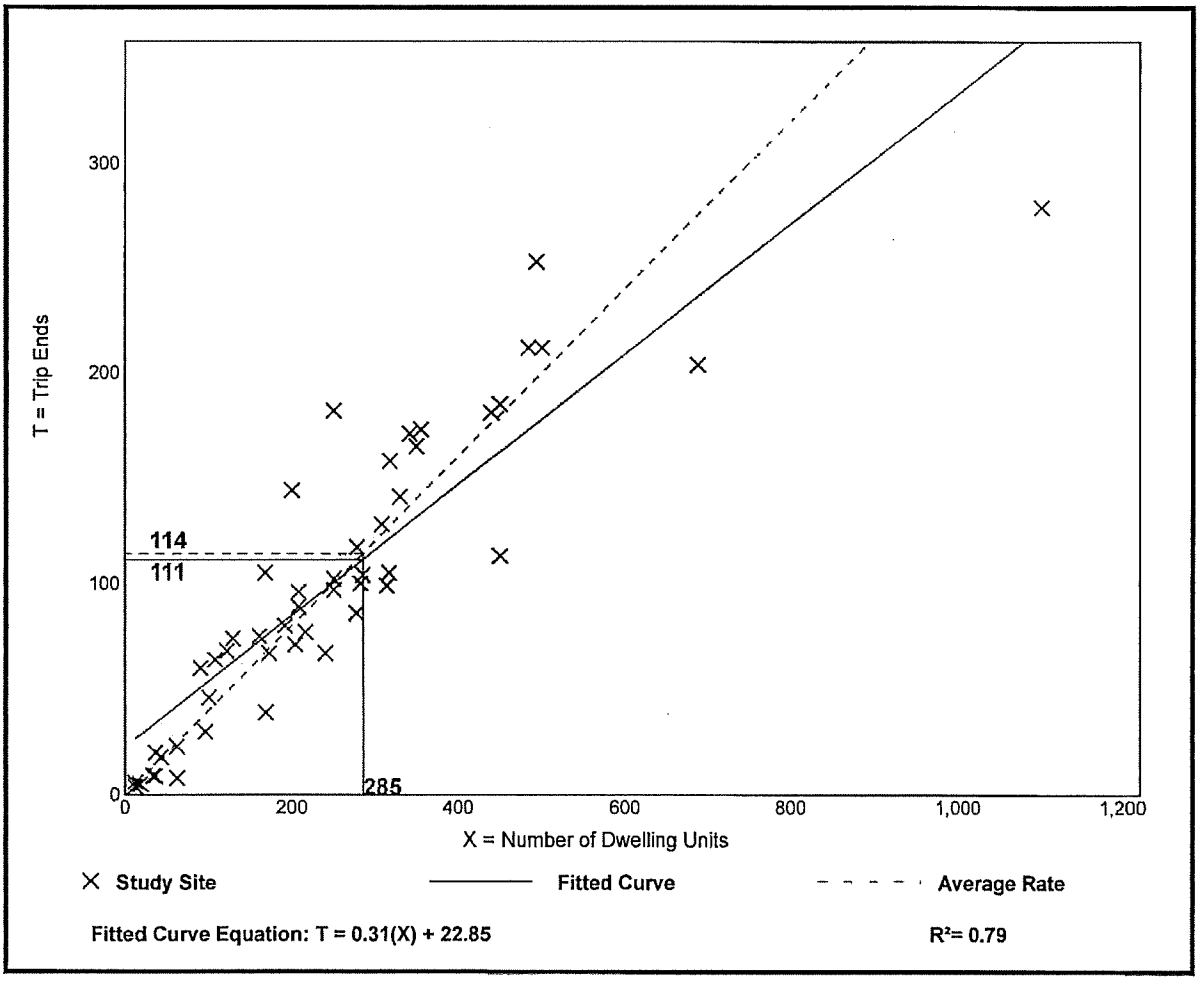
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

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	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Fitted Curve Equation: T = 0.31(X) + 22.85 **R^2= 0.79**

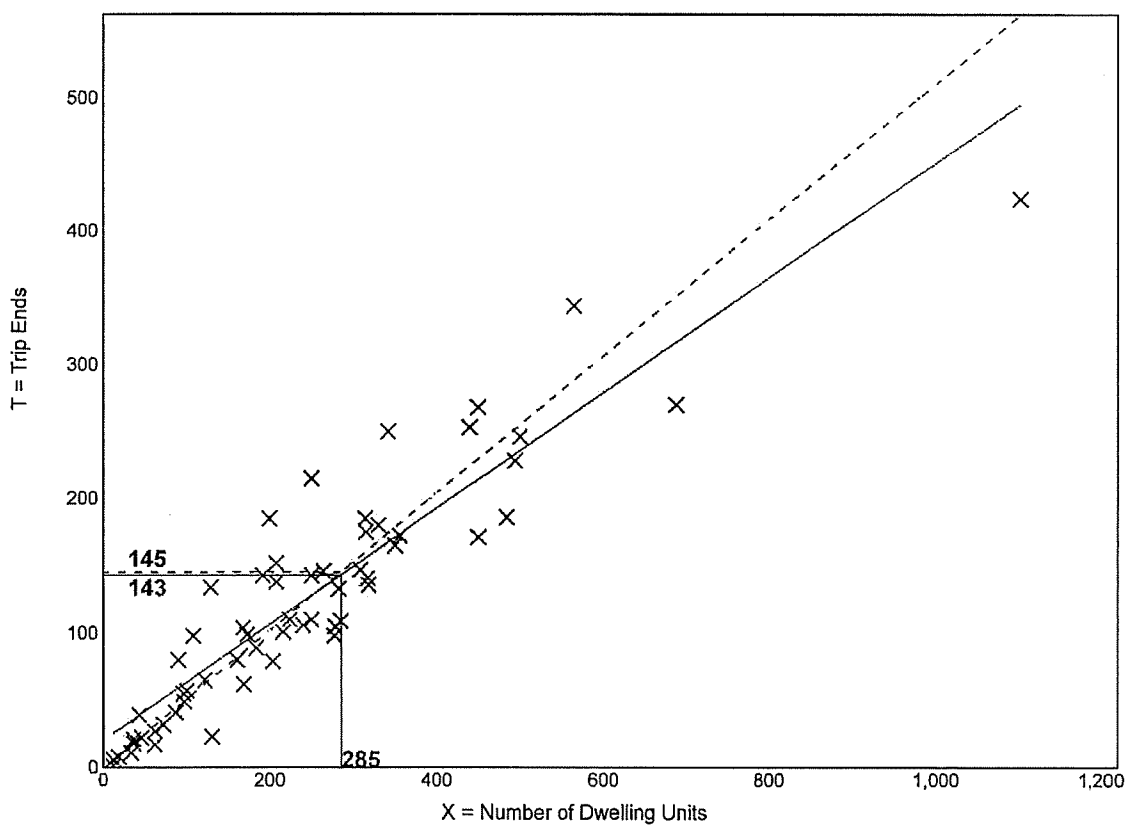
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

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	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - **Average Rate**

Fitted Curve Equation: T = 0.43(X) + 20.55 **R^2= 0.84**

Hotel
(310)

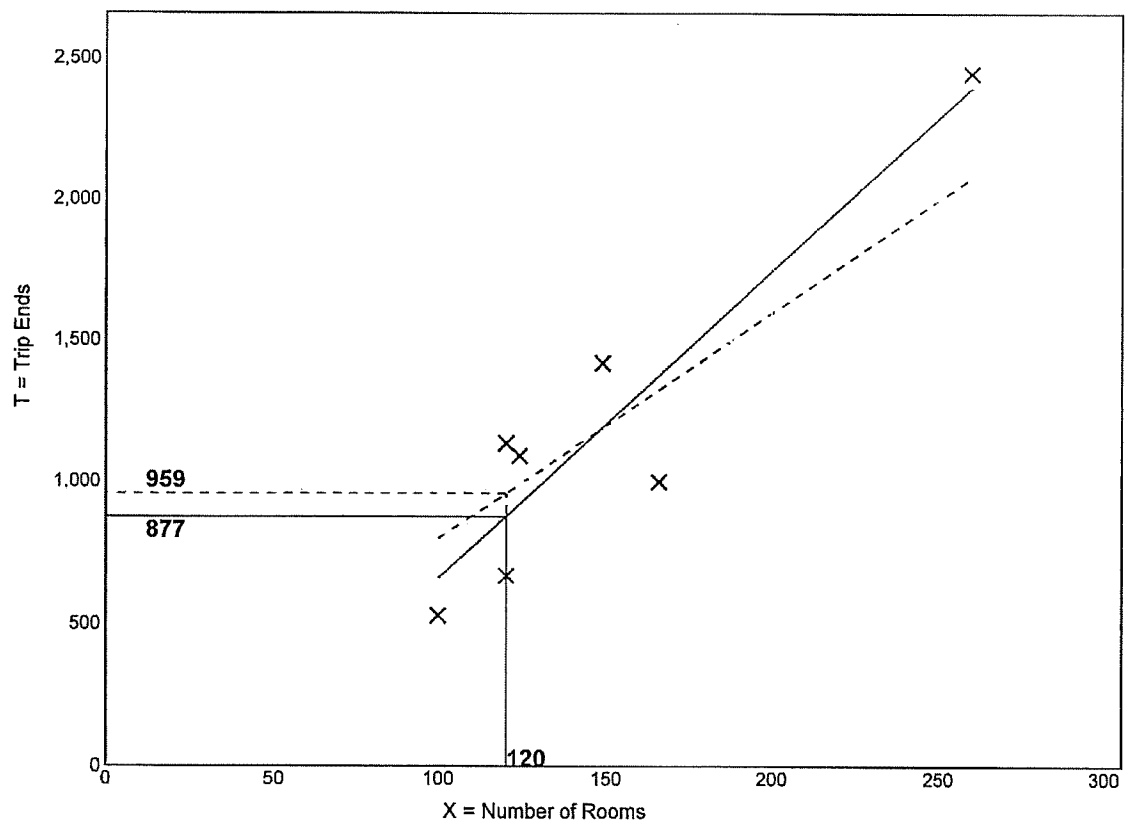
Vehicle Trip Ends vs: **Rooms**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - **Average Rate**

Fitted Curve Equation: T = 10.84(X) - 423.51 **R^2= 0.85**

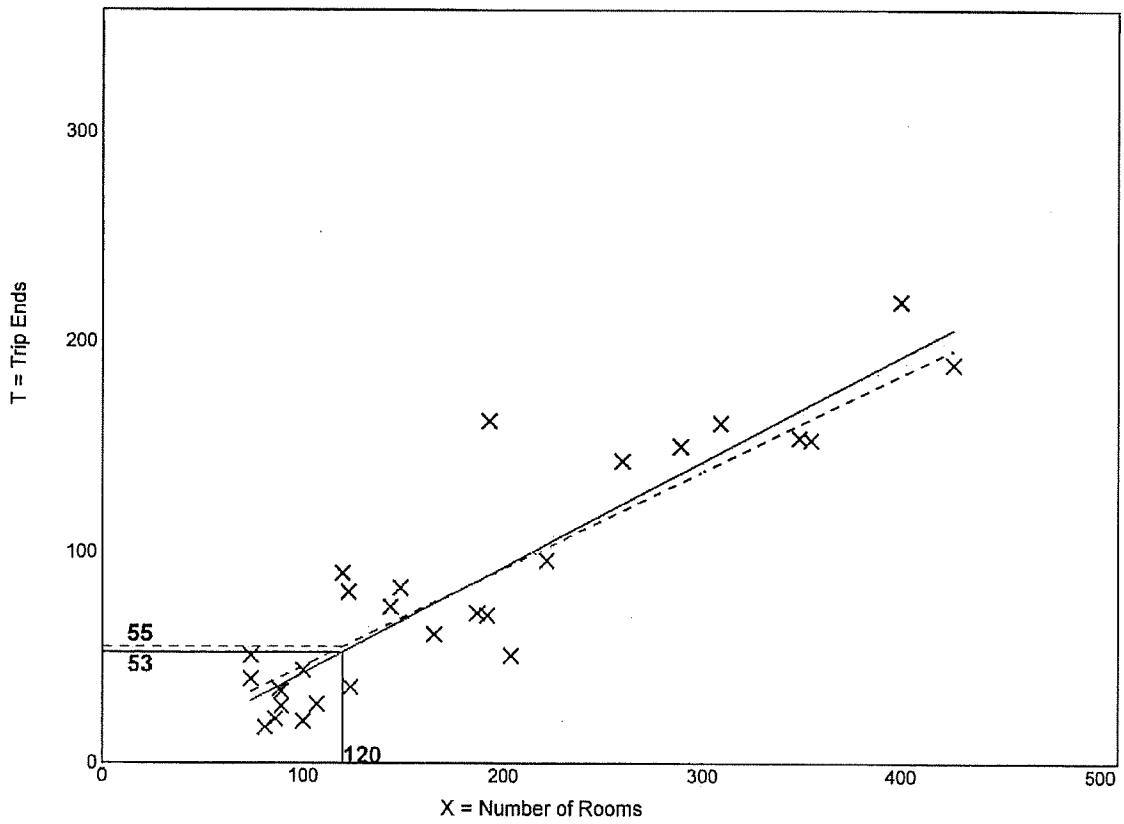
Hotel
(310)

Vehicle Trip Ends vs:	**Rooms**
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:	28
Avg. Num. of Rooms:	182
Directional Distribution:	56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - - **Average Rate**

Fitted Curve Equation: T = 0.50(X) - 7.45 **R^2= 0.84**

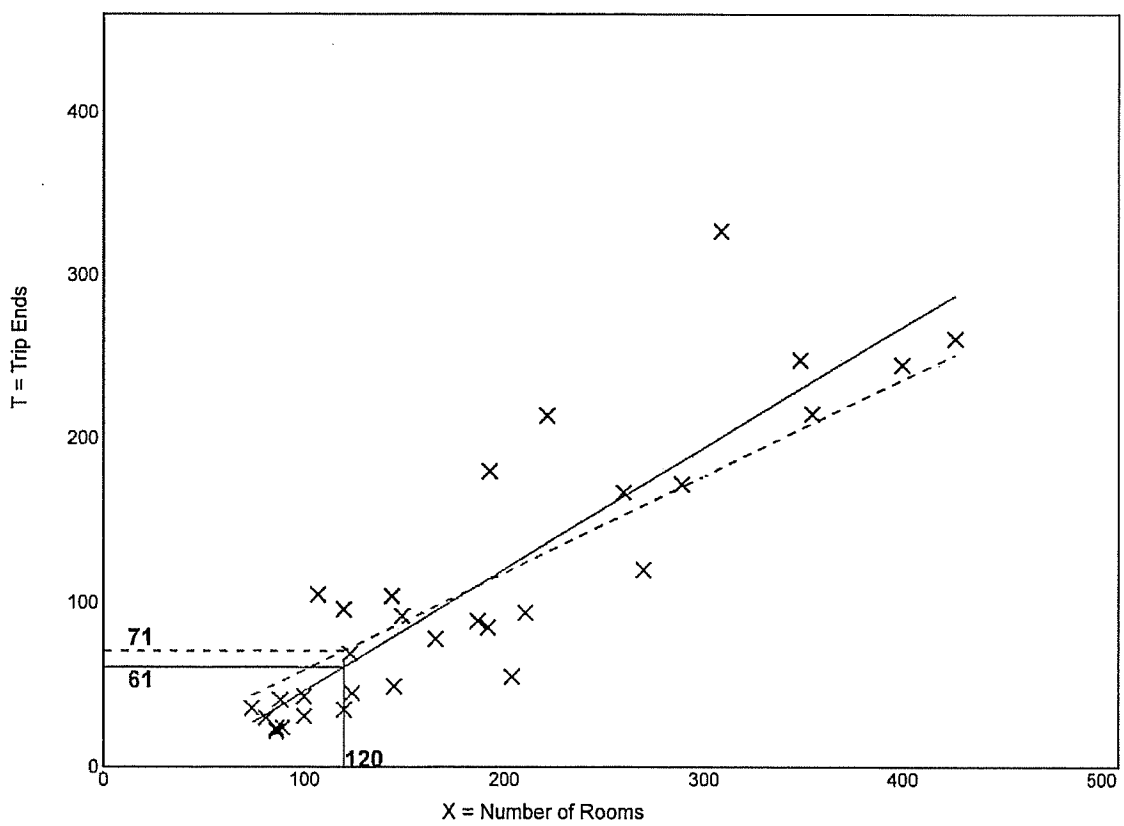
Hotel
(310)

Vehicle Trip Ends vs:	**Rooms**
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 Rooms:	186
Directional Distribution:	51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - - **Average Rate**

Fitted Curve Equation: T = 0.74(X) - 27.89 **R^2= 0.78**

Shopping Plaza (40-150k) - Supermarket - Yes
(821)

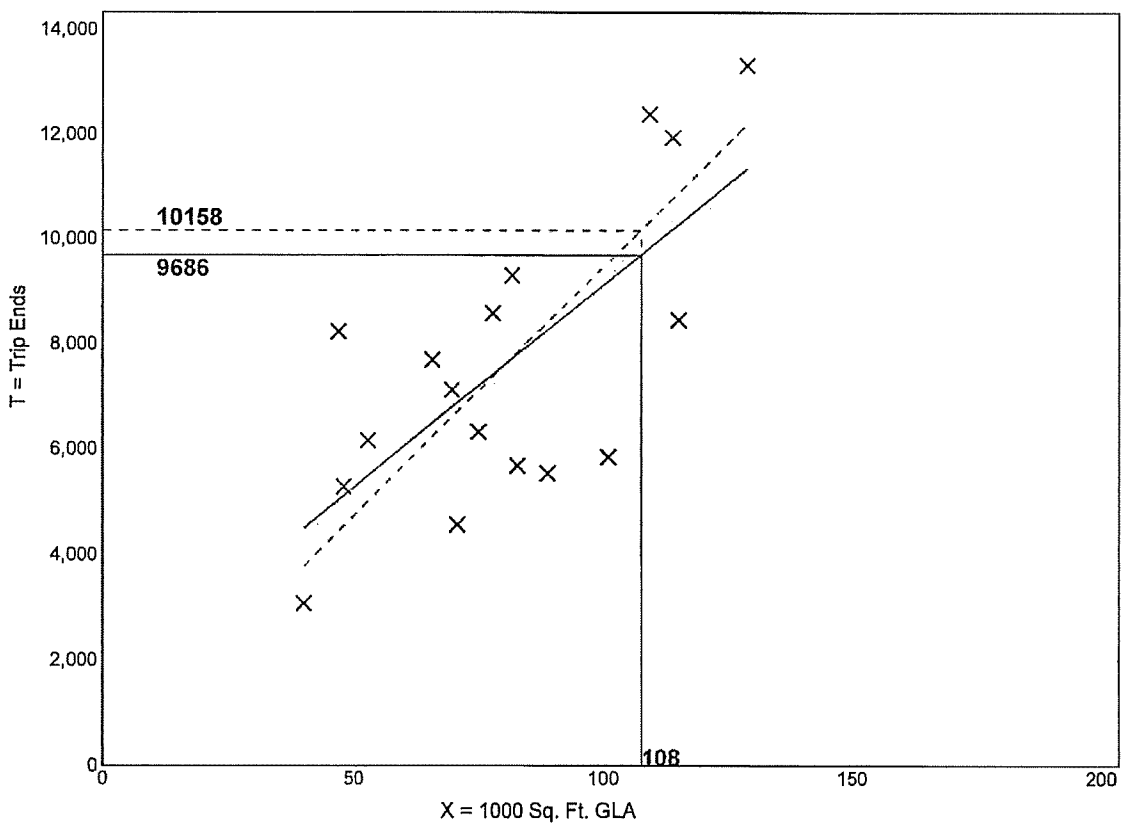
Vehicle Trip Ends vs: **1000 Sq. Ft. GLA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 17
Avg. 1000 Sq. Ft. GLA: 81
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
94.49	57.86 - 175.32	26.55

Data Plot and Equation



× Study Site ——— Fitted Curve - - - - - Average Rate

Fitted Curve Equation: T = 76.96(X) + 1412.79 **R^2= 0.50**

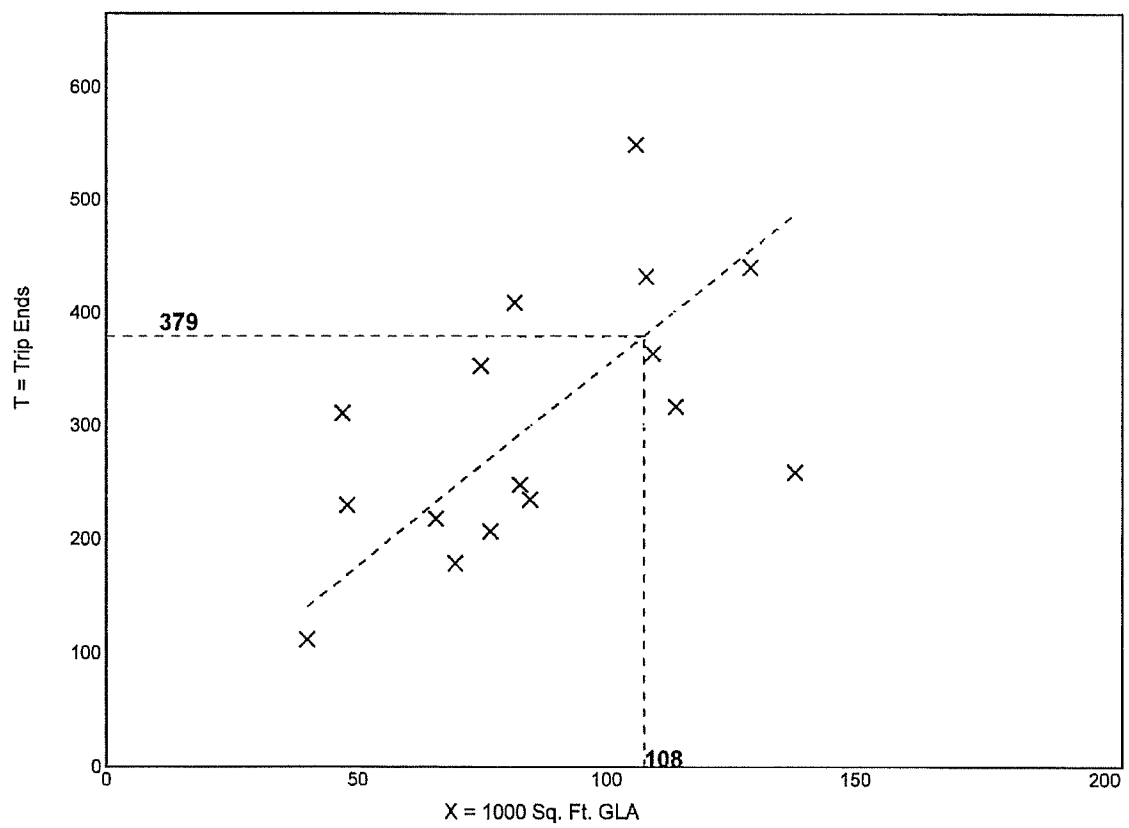
Shopping Plaza (40-150k) - Supermarket - Yes
(821)

Vehicle Trip Ends vs:	**1000 Sq. Ft. GLA**
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:	16
Avg. 1000 Sq. Ft. GLA:	86
Directional Distribution:	62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.53	1.88 - 6.62	1.17

Data Plot and Equation



× **Study Site** — — — — **Average Rate**

Fitted Curve Equation: Not Given R^2= ****

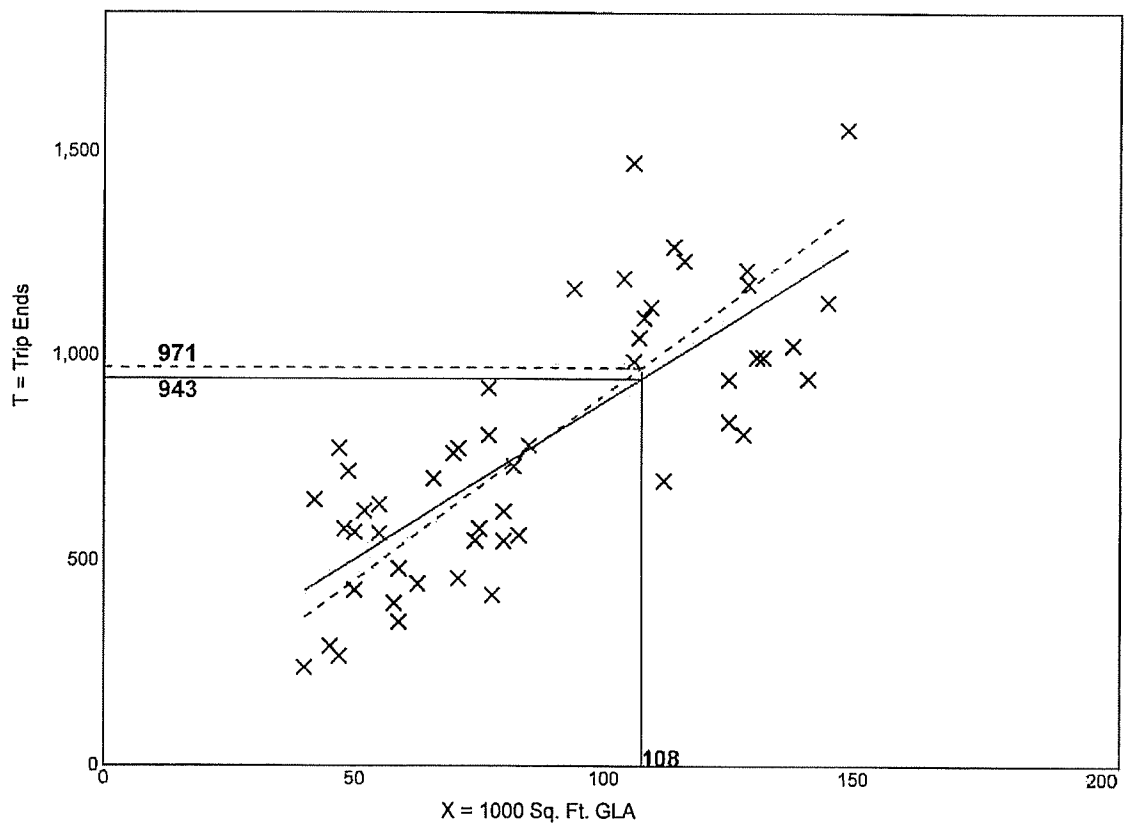
Shopping Plaza (40-150k) - Supermarket - Yes
(821)

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:	51
Avg. 1000 Sq. Ft. GLA:	87
Directional Distribution:	48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - - **Average Rate**

Fitted Curve Equation: T = 7.67(X) + 118.86 **R^2= 0.62**

TR TRANSPORTATION CONSULTANTS, INC

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 21, 2022

Mr. Sina Ebrahimi, P.E.
Kimley-Horn and Associates, Inc.
1412 Jackson Street
Fort Myers, FL 33901

RE: MIVO North Fort Myers
DCI2022-00027

Dear Mr. Ebrahimi:

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. *Since the project generates more than 100 trips per hour, the information for intersection Level of Service (LOS) analysis for the project's entrance and the intersections within one quarter of a mile must be provided for review.*

Acknowledged. Per discussion with the County Staff, intersection analysis was provided for the US 41 intersections with the proposed project's driveway and Littleton Road. The results of the capacity analysis at the signalized intersection of US 41 with Littleton Road indicate the intersection to operate at a Level of Service "D" both with and without the proposed development in the 2026 AM and PM peak hour traffic conditions. The results of the intersection analysis at the proposed project's driveway on US 41 indicate all movements to operate at an acceptable Level of Service under the build-out AM and PM peak hour traffic conditions. Therefore, no intersection improvements will be warranted as a result of this analysis.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

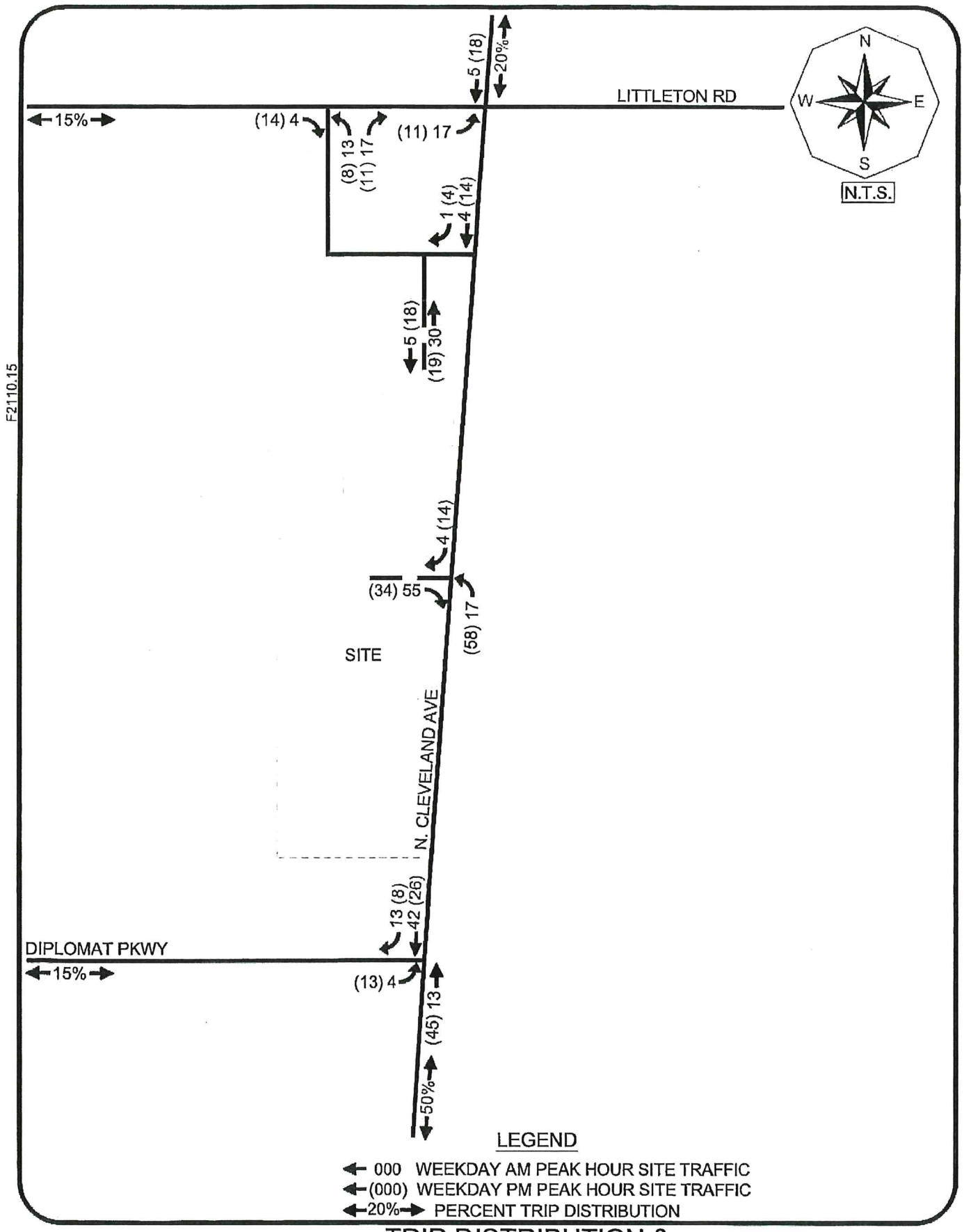
Yury Bykau, P.E.
Transportation Consultant

Attachments

K:\2021\10 October\15 MIVO Cape Coral Apartments - Lee County Rezone & DO\Sufficiency\6-21-2022 TIS Sufficiency.doc

FIGURE 2

SITE TRAFFIC ASSIGNMENT



TR TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION &
SITE TRAFFIC ASSIGNMENT
MIVO NORTH FORT MYERS

Figure 2

FDOT PEAK SEASON CORRECTION FACTOR

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
CATEGORY: 1200 LEE COUNTYWIDE

MOCF: 0.96

WEEK	DATES	SF	PSCF
1	01/01/2021 - 01/02/2021	0.96	1.00
2	01/03/2021 - 01/09/2021	1.00	1.04
3	01/10/2021 - 01/16/2021	1.04	1.08
4	01/17/2021 - 01/23/2021	1.02	1.06
5	01/24/2021 - 01/30/2021	1.01	1.05
6	01/31/2021 - 02/06/2021	0.99	1.03
* 7	02/07/2021 - 02/13/2021	0.98	1.02
* 8	02/14/2021 - 02/20/2021	0.97	1.01
* 9	02/21/2021 - 02/27/2021	0.96	1.00
*10	02/28/2021 - 03/06/2021	0.95	0.99
*11	03/07/2021 - 03/13/2021	0.94	0.98
*12	03/14/2021 - 03/20/2021	0.93	0.97
*13	03/21/2021 - 03/27/2021	0.94	0.98
*14	03/28/2021 - 04/03/2021	0.95	0.99
*15	04/04/2021 - 04/10/2021	0.96	1.00
*16	04/11/2021 - 04/17/2021	0.96	1.00
*17	04/18/2021 - 04/24/2021	0.97	1.01
*18	04/25/2021 - 05/01/2021	0.98	1.02
*19	05/02/2021 - 05/08/2021	0.99	1.03
20	05/09/2021 - 05/15/2021	1.00	1.04
21	05/16/2021 - 05/22/2021	1.01	1.05
22	05/23/2021 - 05/29/2021	1.02	1.06
23	05/30/2021 - 06/05/2021	1.02	1.06
24	06/06/2021 - 06/12/2021	1.03	1.07
25	06/13/2021 - 06/19/2021	1.04	1.08
26	06/20/2021 - 06/26/2021	1.06	1.10
27	06/27/2021 - 07/03/2021	1.07	1.11
28	07/04/2021 - 07/10/2021	1.08	1.13
29	07/11/2021 - 07/17/2021	1.10	1.15
30	07/18/2021 - 07/24/2021	1.09	1.14
31	07/25/2021 - 07/31/2021	1.09	1.14
32	08/01/2021 - 08/07/2021	1.09	1.14
33	08/08/2021 - 08/14/2021	1.08	1.13
34	08/15/2021 - 08/21/2021	1.08	1.13
35	08/22/2021 - 08/28/2021	1.08	1.13
36	08/29/2021 - 09/04/2021	1.07	1.11
37	09/05/2021 - 09/11/2021	1.07	1.11
38	09/12/2021 - 09/18/2021	1.06	1.10
39	09/19/2021 - 09/25/2021	1.04	1.08
40	09/26/2021 - 10/02/2021	1.03	1.07
41	10/03/2021 - 10/09/2021	1.01	1.05
42	10/10/2021 - 10/16/2021	0.99	1.03
43	10/17/2021 - 10/23/2021	0.98	1.02
44	10/24/2021 - 10/30/2021	0.98	1.02
45	10/31/2021 - 11/06/2021	0.97	1.01
46	11/07/2021 - 11/13/2021	0.97	1.01
47	11/14/2021 - 11/20/2021	0.96	1.00
48	11/21/2021 - 11/27/2021	0.96	1.00
49	11/28/2021 - 12/04/2021	0.96	1.00
50	12/05/2021 - 12/11/2021	0.96	1.00
51	12/12/2021 - 12/18/2021	0.96	1.00
52	12/19/2021 - 12/25/2021	1.00	1.04
53	12/26/2021 - 12/31/2021	1.04	1.08

* PEAK SEASON

11-MAR-2022 14:24:13 830UPD 1_1200_PKSEASON.TXT

TRAFFIC COUNTS

US 41 @ LITTLETON RD

US 41 @ Littleton 2-11-2021
Fort Myers FL
Thursday, February 11, 2021

Time	Southbound US 41						Westbound Littleton Rd						Northbound US 41						Eastbound Littleton Rd						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
4:00 PM	0	8	159	21	1	*188*	0	37	93	8	0	*138*	4	37	237	22	0	*300*	0	25	44	20	1	*89*	715
4:15 PM	1	3	181	15	1	*200*	0	33	61	11	0	*105*	2	14	231	36	2	*283*	0	26	39	24	0	*89*	677
4:30 PM	0	5	196	23	0	*224*	0	30	59	8	0	*97*	1	30	241	30	0	*302*	0	33	38	31	0	*102*	725
4:45 PM	0	7	158	18	0	*181*	0	44	60	6	0	*110*	1	28	238	25	0	*292*	0	17	39	14	0	*70*	653
Hourly Total	1	23	694	75	2	*793*	0	144	273	33	0	*450*	8	109	947	113	2	*1177*	0	101	160	89	1	*350*	2770
5:00 PM	3	7	168	30	0	*208*	0	37	57	11	0	*105*	1	30	235	31	1	*297*	0	23	47	29	0	*99*	709
5:15 PM	0	11	181	22	0	*214*	0	31	72	4	0	*107*	1	24	243	34	0	*302*	0	24	40	33	0	*97*	720
5:30 PM	0	10	177	15	0	*202*	0	30	95	8	0	*131*	1	34	227	33	0	*295*	0	18	42	17	0	*77*	705
5:45 PM	0	4	149	18	0	*171*	0	35	68	8	0	*111*	0	25	209	27	0	*261*	0	12	44	24	0	*80*	623
Hourly Total	3	32	675	85	0	*795*	0	133	292	29	0	*454*	3	113	914	125	1	*1155*	0	77	173	103	0	*353*	2757
6:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
6:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
6:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
6:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
7:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
7:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
7:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
7:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
8:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
8:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
8:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
8:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
9:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
9:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
9:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
9:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
10:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
10:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
10:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
10:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
11:00 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
11:15 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
11:30 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
11:45 PM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Hourly Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
DAILY TOTAL	4	55	1369	160	2	*1588*	0	277	565	62	0	*904*	11	222	1861	238	3	*2332*	0	178	333	192	1	*703*	5527
Cars	4	49	1333	160	0	*1546*	0	272	554	61	0	*887*	11	221	1842	228	0	*2302*	0	174	320	188	0	*682*	5417
Heavy Vehicles	0	6	36	0	2	*42*	0	5	11	1	0	*17*	0	1	19	10	3	*30*	0	4	13	4	1	*21*	110
Heavy Vehicle %	0.00%	10.91%	2.63%	0.00%	100.00%	*2.64%*	0.00%	1.81%	1.95%	1.61%	0.00%	*1.88%*	0.00%	0.45%	1.02%	4.20%	100.00%	*1.29%*	0.00%	2.25%	3.90%	2.08%	100.00%	*2.99%*	1.99%

DCI2022-00027 Lee County ePlan Additional Info Dated 07-06-2022

US 41 @ Littleton 2-11-2021
Fort Myers FL
Thursday, February 11, 2021

AM Peak Hour

Time	Southbound U Turns	Southbound Left Turns	Southbound Straight Through	Southbound Right Turns	Southbound Crosswalk Crossings	Southbound *Vehicle Approach Total*	Westbound U Turns	Westbound Left Turns	Westbound Straight Through	Westbound Right Turns	Westbound Crosswalk Crossings	Westbound *Vehicle Approach Total*	Northbound U Turns	Northbound Left Turns	Northbound Straight Through	Northbound Right Turns	Northbound Crosswalk Crossings	Northbound *Vehicle Approach Total*	Eastbound U Turns	Eastbound Left Turns	Eastbound Straight Through	Eastbound Right Turns	Eastbound Crosswalk Crossings	Eastbound *Vehicle Approach Total*	VEHICLE TOTAL
12:00 AM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
12:15 AM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
12:30 AM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
12:45 AM	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
Peak Hour Total	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0	0	0	0	0	*0*	0
PHF	0.000	0.000	0.000	0.000	0.000	*0.000*	0.000	0.000	0.000	0.000	0.000	*0.000*	0.000	0.000	0.000	0.000	0.000	*0.000*	0.000	0.000	0.000	0.000	0.000	*0.000*	0.000

PM Peak Hour

Time	Southbound U Turns	Southbound Left Turns	Southbound Straight Through	Southbound Right Turns	Southbound Crosswalk Crossings	Southbound *Vehicle Approach Total*	Westbound U Turns	Westbound Left Turns	Westbound Straight Through	Westbound Right Turns	Westbound Crosswalk Crossings	Westbound *Vehicle Approach Total*	Northbound U Turns	Northbound Left Turns	Northbound Straight Through	Northbound Right Turns	Northbound Crosswalk Crossings	Northbound *Vehicle Approach Total*	Eastbound U Turns	Eastbound Left Turns	Eastbound Straight Through	Eastbound Right Turns	Eastbound Crosswalk Crossings	Eastbound *Vehicle Approach Total*	VEHICLE TOTAL
4:30 PM	0	5	196	23	0	*224*	0	30	59	8	0	*97*	1	30	241	30	0	*302*	0	33	38	31	0	*102*	725
4:45 PM	0	7	158	16	0	*181*	0	44	60	6	0	*110*	1	28	238	25	0	*292*	0	17	39	14	0	*70*	653
5:00 PM	3	7	168	30	0	*208*	0	37	57	11	0	*105*	1	30	235	31	1	*297*	0	23	47	29	0	*99*	709
5:15 PM	0	11	181	22	0	*214*	0	31	72	4	0	*107*	1	24	243	34	0	*302*	0	24	40	33	0	*97*	720
Peak Hour Total	3	30	703	91	0	*827*	0	142	248	29	0	*419*	4	112	957	120	1	*1193*	0	97	164	107	0	*368*	2807
PHF	0.250	0.682	0.897	0.758	0.000	*0.923*	0.000	0.807	0.861	0.659	0.000	*0.952*	1.000	0.933	0.985	0.882	0.250	*0.988*	0.000	0.735	0.872	0.811	0.000	*0.902*	0.968

Total Vehicles On Leg	3693				
Vehicles Entering Intersection 1588			Vehicles Exiting Intersection 2105		
Southbound					
Cars	160	1333	49	4	0
Heavy	0	36	6	0	2
Total	160	1369	55	4	2

Total Vehicles on Leg 1650	Vehicles Entering Intersection 703	Vehicles Exiting Intersection 947	Eastbound	Cars	Heavy	Total
				0	1	1
				0	0	0
				174	4	178
				320	13	333
				188	4	192

Daily Volumes

Cars	Heavy	Total	Westbound	Vehicles Entering Intersection 904	Vehicles Exiting Intersection 626	Total Vehicles on Leg 1530
61	1	62				
554	11	565				
272	5	277				
0	0	0				
0	0	0				

Cars	0	11	221	1842	228
Heavy	3	0	1	19	10
Total	3	11	222	1861	238
Northbound					
Vehicles Entering Intersection 2332			Vehicles Exiting Intersection 1849		
Total Vehicles On Leg			4181		

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING VOLUMES SPREADSHEETS

DCI2022-00027 Lee County ePlan

Additional Info Dated 07-06-2022

Development of Future Year Background Turning Volumes

Intersection	**US 41 @ Littleton Rd**
Count Date	February 11, 2021
Build-Out Year	2026

PM Peak Hour

	NBLU	NBL	NBT	NBR	SBLU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	4	112	957	120	3	30	703	91	97	164	107	142	248	29
Peak Season Correction Factor	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
Current Peak Season Volumes	4	114	976	122	3	31	717	93	99	167	109	145	253	30
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	3.17%	3.17%	3.17%	3.17%	3.17%	3.17%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2026 Background Turning Volumes	**4**	**126**	**1,078**	**135**	**3**	**34**	**792**	**103**	**116**	**195**	**127**	**169**	**296**	**35**
Project Turning Volumes							18		11					
2026 Background + Project	**4**	**126**	**1,078**	**135**	**3**	**34**	**810**	**103**	**127**	**195**	**127**	**169**	**296**	**35**

DCI2022-00027 Lee County ePlan

Additional Info Dated 07-06-2022

Development of Future Year Background Turning Volumes

Intersection	**US 41 @ Site Access**
Count Date	February 11, 2021
Build-Out Year	2026

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	1,193	0	0	956	0	0	0	0	0	0	0
Peak Season Correction Factor	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
Current Peak Season Volumes	0	1,217	0	0	975	0	0	0	0	0	0	0
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5
2026 Background Turning Volumes	**0**	**1,344**	**0**	**0**	**1,076**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Project Turning Volumes	58					14			34			
2026 Background + Project	**58**	**1,344**	**0**	**0**	**1,076**	**14**	**0**	**0**	**34**	**0**	**0**	**0**

SYNCHRO SUMMARY SHEETS

US 41 @ LITTLETON RD

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr Background
06/21/2022

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	116	195	127	169	296	35	4	126	1078	135	3	34
Future Volume (vph)	116	195	127	169	296	35	4	126	1078	135	3	34
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	595		405	305		0		585		400		500
Storage Lanes	1		1	1		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	0.95	1.00	0.95	1.00	0.95	1.00
Frt			0.850		0.984					0.850		
Flt Protected	0.950			0.950				0.950				0.950
Satd. Flow (prot)	1770	1863	1583	1770	1833	0	0	1770	3539	1583	0	1770
Flt Permitted	0.153			0.319				0.950				0.950
Satd. Flow (perm)	285	1863	1583	594	1833	0	0	1770	3539	1583	0	1770
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)			147		3					115		
Link Speed (mph)		40			45				55			
Link Distance (ft)		745			972				902			
Travel Time (s)		12.7			14.7				11.2			
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
Adj. Flow (vph)	126	212	138	184	322	38	4	137	1172	147	3	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	126	212	138	184	360	0	0	141	1172	147	0	40
Turn Type	pm+pt	NA	Perm	pm+pt	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases	7	4		3	8		5	5	2		1	1
Permitted Phases	4		4	8						2		
Detector Phase	7	4	4	3	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	5.0
Minimum Split (s)	11.0	24.0	24.0	11.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	23.0	49.0	49.0	32.0	58.0		58.0	58.0	73.0	73.0	46.0	46.0
Total Split (%)	11.5%	24.5%	24.5%	16.0%	29.0%		29.0%	29.0%	36.5%	36.5%	23.0%	23.0%
Maximum Green (s)	17.0	43.0	43.0	26.0	52.0		52.0	52.0	67.0	67.0	40.0	40.0
Yellow Time (s)	4.0	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	2.0
Lost Time Adjust (s)	0.0	0.0	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	6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lag	Lag	Lag	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		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	3.0
Recall Mode	None	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		
Flash Dont Walk (s)		11.0	11.0		11.0				11.0	11.0		
Pedestrian Calls (#/hr)		0	0		0				0	0		
Act Effct Green (s)	53.2	37.9	37.9	64.1	43.7			52.0	109.5	109.5		9.9
Actuated g/C Ratio	0.27	0.19	0.19	0.32	0.22			0.26	0.55	0.55		0.05
v/c Ratio	0.67	0.60	0.33	0.59	0.90			0.31	0.61	0.16		0.46
Control Delay	65.4	81.0	8.8	57.4	99.8			61.8	34.7	7.7		108.0
Queue Delay	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Delay	65.4	81.0	8.8	57.4	99.8			61.8	34.7	7.7		108.0

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr Background
06/21/2022

Lane Group	SBT	SBR
Lane Configurations	↑↑	↱
Traffic Volume (vph)	792	103
Future Volume (vph)	792	103
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		575
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.95	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	3539	1583
Flt Permitted		
Satd. Flow (perm)	3539	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		115
Link Speed (mph)	55	
Link Distance (ft)	715	
Travel Time (s)	8.9	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	861	112
Shared Lane Traffic (%)		
Lane Group Flow (vph)	861	112
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)	61.0	61.0
Total Split (%)	30.5%	30.5%
Maximum Green (s)	55.0	55.0
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	Lead	Lead
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)	65.0	65.0
Actuated g/C Ratio	0.32	0.32
v/c Ratio	0.75	0.19
Control Delay	66.1	8.0
Queue Delay	0.0	0.0
Total Delay	66.1	8.0

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

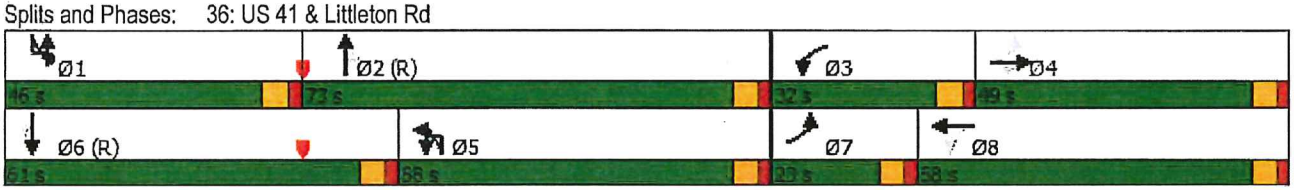
2026 PM Pk Hr Background
06/21/2022

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
LOS	E	F	A	E	F			E	C	A		F
Approach Delay		55.9			85.4				34.6			
Approach LOS		E			F				C			
Queue Length 50th (ft)	120	256	0	181	462			151	569	20		52
Queue Length 95th (ft)	170	350	55	242	572			225	729	70		99
Internal Link Dist (ft)		665			892				822			
Turn Bay Length (ft)	595		405	305				585		400		500
Base Capacity (vph)	204	400	455	345	478			460	1937	918		354
Starvation Cap Reductn	0	0	0	0	0			0	0	0		0
Spillback Cap Reductn	0	0	0	0	0			0	0	0		0
Storage Cap Reductn	0	0	0	0	0			0	0	0		0
Reduced v/c Ratio	0.62	0.53	0.30	0.53	0.75			0.31	0.61	0.16		0.11

Intersection Summary

Area Type: Other
Cycle Length: 200
Actuated Cycle Length: 200
Offset: 180 (90%), Referenced to phase 2:NBT and 6:SBT, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.90
Intersection Signal Delay: 53.2 Intersection LOS: D
Intersection Capacity Utilization 78.1% ICU Level of Service D
Analysis Period (min) 15

Splits and Phases: 36: US 41 & Littleton Rd



Lane Group	SBT	SBR
LOS	E	A
Approach Delay	61.3	
Approach LOS	E	
Queue Length 50th (ft)	544	0
Queue Length 95th (ft)	668	52
Internal Link Dist (ft)	635	
Turn Bay Length (ft)		575
Base Capacity (vph)	1150	592
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.75	0.19

Intersection Summary

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr With Project
06/21/2022

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
Lane Configurations												
Traffic Volume (vph)	127	195	127	169	296	35	4	126	1078	135	3	34
Future Volume (vph)	127	195	127	169	296	35	4	126	1078	135	3	34
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	595		405	305		0		585		400		500
Storage Lanes	1		1	1		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	0.95	1.00	0.95	1.00	0.95	1.00
Frt			0.850		0.984					0.850		
Flt Protected	0.950			0.950				0.950				0.950
Satd. Flow (prot)	1770	1863	1583	1770	1833	0	0	1770	3539	1583	0	1770
Flt Permitted	0.151			0.328				0.950				0.950
Satd. Flow (perm)	281	1863	1583	611	1833	0	0	1770	3539	1583	0	1770
Right Turn on Red			Yes			Yes				Yes		
Satd. Flow (RTOR)			147		3					115		
Link Speed (mph)		40			45				55			
Link Distance (ft)		745			972				902			
Travel Time (s)		12.7			14.7				11.2			
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
Adj. Flow (vph)	138	212	138	184	322	38	4	137	1172	147	3	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	138	212	138	184	360	0	0	141	1172	147	0	40
Turn Type	pm+pt	NA	Perm	pm+pt	NA		Prot	Prot	NA	Perm	Prot	Prot
Protected Phases	7	4		3	8		5	5	2		1	1
Permitted Phases	4		4	8						2		
Detector Phase	7	4	4	3	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	5.0
Minimum Split (s)	11.0	24.0	24.0	11.0	24.0		11.0	11.0	24.0	24.0	11.0	11.0
Total Split (s)	23.0	49.0	49.0	32.0	58.0		58.0	58.0	73.0	73.0	46.0	46.0
Total Split (%)	11.5%	24.5%	24.5%	16.0%	29.0%		29.0%	29.0%	36.5%	36.5%	23.0%	23.0%
Maximum Green (s)	17.0	43.0	43.0	26.0	52.0		52.0	52.0	67.0	67.0	40.0	40.0
Yellow Time (s)	4.0	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	2.0
Lost Time Adjust (s)	0.0	0.0	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	6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lag	Lag	Lag	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		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	3.0
Recall Mode	None	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		
Flash Dont Walk (s)		11.0	11.0		11.0				11.0	11.0		
Pedestrian Calls (#/hr)		0	0		0				0	0		
Act Effct Green (s)	54.3	38.4	38.4	64.0	43.7			52.0	109.0	109.0		9.9
Actuated g/C Ratio	0.27	0.19	0.19	0.32	0.22			0.26	0.54	0.54		0.05
v/c Ratio	0.71	0.59	0.33	0.58	0.90			0.31	0.61	0.16		0.46
Control Delay	68.6	80.3	8.7	56.9	99.8			61.8	34.9	7.7		108.0
Queue Delay	0.0	0.0	0.0	0.0	0.0			0.0	0.0	0.0		0.0
Total Delay	68.6	80.3	8.7	56.9	99.8			61.8	34.9	7.7		108.0

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

2026 PM Pk Hr With Project
06/21/2022

Lane Group	SBT	SBR
Lane Configurations		
Traffic Volume (vph)	810	103
Future Volume (vph)	810	103
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		575
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	0.95	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	3539	1583
Flt Permitted		
Satd. Flow (perm)	3539	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		115
Link Speed (mph)	55	
Link Distance (ft)	715	
Travel Time (s)	8.9	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	880	112
Shared Lane Traffic (%)		
Lane Group Flow (vph)	880	112
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)	61.0	61.0
Total Split (%)	30.5%	30.5%
Maximum Green (s)	55.0	55.0
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	Lead	Lead
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)	64.5	64.5
Actuated g/C Ratio	0.32	0.32
v/c Ratio	0.77	0.19
Control Delay	67.3	8.0
Queue Delay	0.0	0.0
Total Delay	67.3	8.0

Lanes, Volumes, Timings
36: US 41 & Littleton Rd

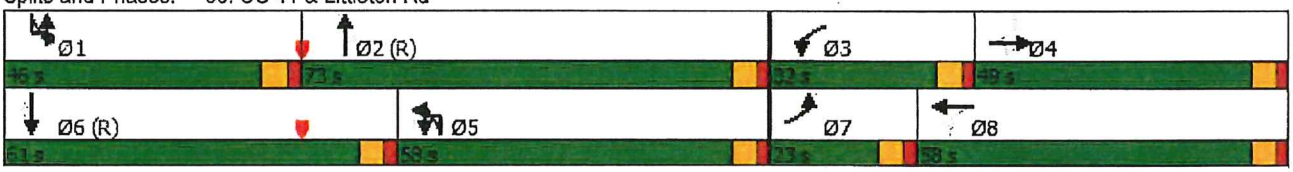
2026 PM Pk Hr With Project
06/21/2022

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL
LOS	E	F	A	E	F			E	C	A		F
Approach Delay		56.7			85.3				34.8			
Approach LOS		E			F				C			
Queue Length 50th (ft)	132	256	0	181	462			151	572	20		52
Queue Length 95th (ft)	184	350	55	242	572			225	729	70		99
Internal Link Dist (ft)		665			892				822			
Turn Bay Length (ft)	595		405	305				585		400		500
Base Capacity (vph)	204	400	455	350	478			460	1928	915		354
Starvation Cap Reductn	0	0	0	0	0			0	0	0		0
Spillback Cap Reductn	0	0	0	0	0			0	0	0		0
Storage Cap Reductn	0	0	0	0	0			0	0	0		0
Reduced v/c Ratio	0.68	0.53	0.30	0.53	0.75			0.31	0.61	0.16		0.11

Intersection Summary

Area Type: Other
Cycle Length: 200
Actuated Cycle Length: 200
Offset: 180 (90%), Referenced to phase 2:NBT and 6:SBT, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.90
Intersection Signal Delay: 53.7 Intersection LOS: D
Intersection Capacity Utilization 78.7% ICU Level of Service D
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 36: US 41 & Littleton Rd



Lane Group	SBT	SBR
LOS	E	A
Approach Delay	62.4	
Approach LOS	E	
Queue Length 50th (ft)	562	0
Queue Length 95th (ft)	#691	52
Internal Link Dist (ft)	635	
Turn Bay Length (ft)		575
Base Capacity (vph)	1141	588
Starvation Cap Reductn	0	0
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.77	0.19

Intersection Summary

SYNCHRO SUMMARY SHEETS

US 41 @ SITE ACCESS

HCM 2010 TWSC
40: US 41 & Site Access

2026 PM Pk Hr With Project
06/21/2022

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	0	34	58	1344	1076	14
Future Vol, veh/h	0	34	58	1344	1076	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	450	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	37	63	1461	1170	15

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	-	593	1185	0	-	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.94	4.14	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	0	449	585	-	-	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	-	449	585	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	13.7	0.5	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	585	-	449	-	-
HCM Lane V/C Ratio	0.108	-	0.082	-	-
HCM Control Delay (s)	11.9	-	13.7	-	-
HCM Lane LOS	B	-	B	-	-
HCM 95th %tile Q(veh)	0.4	-	0.3	-	-

ATTACHMENT K

DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Beth Workman, Planner, Principal

From: Lili Wu, Planner, Senior

Date: Nov. 16, 2022

Subject: MIVO North Fort Myers (DCI2022-00027) Transportation-Related Analysis

Proposed Development

This application is requesting to allow a maximum of 285 multi-family dwelling units.

Site Location

The subject site is located on the west side of US 41 between Littleton Rd and Diplomat Pkwy.

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
	In	Out	Total	In	Out	Total	(2-Way)
Multi-Family (285 units)	26	85	111	90	53	143	1,902

Roadway Section Traffic Operation Level of Service Analysis

It was assumed that the proposed development would be completed by 2026 (build-out year). Therefore, the roadway links significant impacted by the proposed development were analyzed for the 2026 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 2026	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
2. US 41/Littleton Rd

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 (2026)		
Roadway A	Roadway B	Impact Expected	Traffic Control	Hour	Existing	Future	Future + Project
US 41	Site Access	Yes	Two-Way Stop Controlled	PM	--	--	B
US 41	Littleton Rd	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 L

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00054

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Hallin Family, LLC, filed an application for an administrative amendment to a Commercial Planned Development (CPD) on a project known as Diplomat Center to include the use of multi-family dwelling units as an alternate development option on property located at 15781 North Cleveland Avenue; and

WHEREAS, the applicant has indicated the property's current STRAP number is 34-43-24-00-00001.3020 (see Exhibit "A"); and

WHEREAS, the property was originally rezoned to CPD by Resolution Number Z-09-025, with no subsequent zoning actions to date; and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as well as the Mixed Use Overlay (MUO) and the North Fort Myers Planning Community, all designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, Option 1. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (100,000 square feet of retail use, 7,500 square feet of restaurant use) with a hotel/motel not to exceed 120 rooms; and

WHEREAS, Option 2. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (83,500 square feet of medical office use with 24,000 square feet of retail, bank and restaurant uses) in conjunction with a 120-room hotel/motel or an assisted living facility (ALF) not to exceed 110 units; and

WHEREAS, Resolution Z-09-024 approved two Master Concept Plans (MCPs) which correspond with the aforementioned enumerated development options; and

WHEREAS, subsequent to this action the County adopted the Mixed Use Overlay (MUO) to designate appropriate areas for mixed uses in proximity to public transit routes, education facilities, recreation opportunities, existing residential, shopping and employment centers; and

WHEREAS, Lee Plan Map 1, Page 6 establishes the MUO areas, which depicts the subject property as being within the overlay in its entirety (see Exhibit "B"); and

WHEREAS, the North Fort Myers community planning area establishes regulations in Chapter 33 of the LDC; and

WHEREAS, LDC Section 33-1537 defines and encourages mixed-use within the North Fort Myers community plan area; and

WHEREAS, the Lee Plan Glossary and Chapter 34 of the LDC establish similar definitions for mixed-use development; and

WHEREAS, the applicant requests to amend the schedule of uses to include the option of 128 multi-family dwelling units as a potential development scenario for Option 2 in the governing resolution, without the 120-unit hotel/motel or 110 unit ALF (see Exhibit "C"); and

WHEREAS, height regulations within the CPD limit the 120-unit hotel/motel use to 6 stories, 75-feet-high maximum; and

WHEREAS, the applicant requests the same height limitation apply to the proposed alternate multi-family development scenario; and

WHEREAS, LDC Section 34-934 lists multi-family dwelling units as permitted within CPD districts provided the multi-family is built in conjunction with a minimum 50,000 square feet of commercial or industrial uses; and

WHEREAS, a trip generation comparison analysis was completed to determine whether the proposed multi-family alternative would generate more vehicle trips than the development currently permitted by the governing resolution (see Exhibit "D"); and

WHEREAS, the traffic impact statement (TIS) concluded that development of 128 multi-family units would generate significantly less trips than the permitted 120-unit hotel/motel; and

WHEREAS, the Development Services Section has reviewed the TIS provided and deemed the TIS sufficient; and

WHEREAS, Policy 11.2.7 of the Lee Plan 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; and

WHEREAS, Lee Plan Policy 30.1.3 encourages a diversity of housing types in the North Fort Myers community plan area by supporting mixed-use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay; and

WHEREAS, 128-multi-family units would comply with the standard density range limitation set forth by the Central Urban future land use category, as applicable to the total ±12.86 acres of land comprising the subject CPD; and

WHEREAS, the requested multi-family height limitation is consistent with the existing hotel/motel height limitation and the proposed residential density is necessary to facilitate mixed-use within the MUO, as established by directive goals and policies within the Lee Plan; and

WHEREAS, the inclusion of multiple-family units to facilitate a mixed-use development, as conditioned, is consistent with Goals 11 and 30, Policy 1.1.3 and Vision Statement 19 of the Lee Plan; and

WHEREAS, the inclusion of multi-family units is in compliance with LDC provisions pertaining to the North Fort Myers community plan area (Chapter 33), planned development districts amendments and other applicable sections within Chapter 34; and

WHEREAS, the multi-family uses as proposed would be subject to substantial compliance with MCP Option 2, as approved by Resolution Z-09-025; and

WHEREAS, LDC Section 33-1532 requires that the applicant of an administrative amendment within the North Fort Myers community planning area conduct one publicly-advertised information session prior to a finding of application sufficiency; and

WHEREAS, the applicant appeared before the North Fort Myers Design Review Panel at the North Fort Myers Recreation Center on March 3, 2020 for public input (see Exhibit "E"); 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 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 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.

WHEREAS, it is also found that the proposed amendment will allow for internal capture of vehicular trips; will allow for urban forms of development as mixed-use; will not result in a substantial underutilization of public resources and public infrastructure committed to support the development; will not decrease the amount of native vegetation on preservation area below the amount required by Code; is consistent with applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **Condition 1., Option 2 of Resolution Z-09-025 is hereby amended in strikethrough and underline as follows:**

   Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and either a maximum of 120 hotel/motel rooms (MCP Option 2), or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 – ALF Alternate – per Condition 2)~~.~~, or a multi-family development with a maximum of 128 dwelling units (MCP Option 2).

2. **Condition 2.A. of Resolution Z-09-025 (Schedule of Uses) is hereby amended to include the following two uses:**

   Dwelling Unit, Multiple-family (128 units maximum in conjunction with at least 50,000 square feet of commercial uses)
   Residential accessory uses

3. **The maximum building height established in Condition 2.B. of Resolution Z-09-025 (Site Development Regulations) is hereby amended in strikethrough and underline as follows:**

   Maximum Building Height: 2 ~~story~~stories/45 feet~~.~~ (ALF and commercial uses).
   6 stories/75 feet (hotel/motel or multiple-family only).

4. **This approval is limited to alternatively permitting up to 128 multiple-family dwelling unit (without a hotel/motel or ALF) not to exceed six stories or 75 feet in building height, in accordance with the Master Concept Plan entitled "Master Concept Plan, Diplomat Center, Option 2, Lee County, FL," last revised August 28, 2009, date-stamped "Received Dec 16 2009 Community Development,".**

5. **The terms and conditions of Resolution Z-09-025 remain in full force and effect, except as amended herein.**

6. **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 6/23/2020

Audra Ennis, Zoning Manager

Exhibits

Exhibit A: STRAP Number
Exhibit B: MUO Map Exhibit
Exhibit C: Applicant's Narrative
Exhibit D: Traffic Impact Statement
Exhibit E: Public Information Session Summary
Exhibit F: Signed Waiver GEN2020-00174

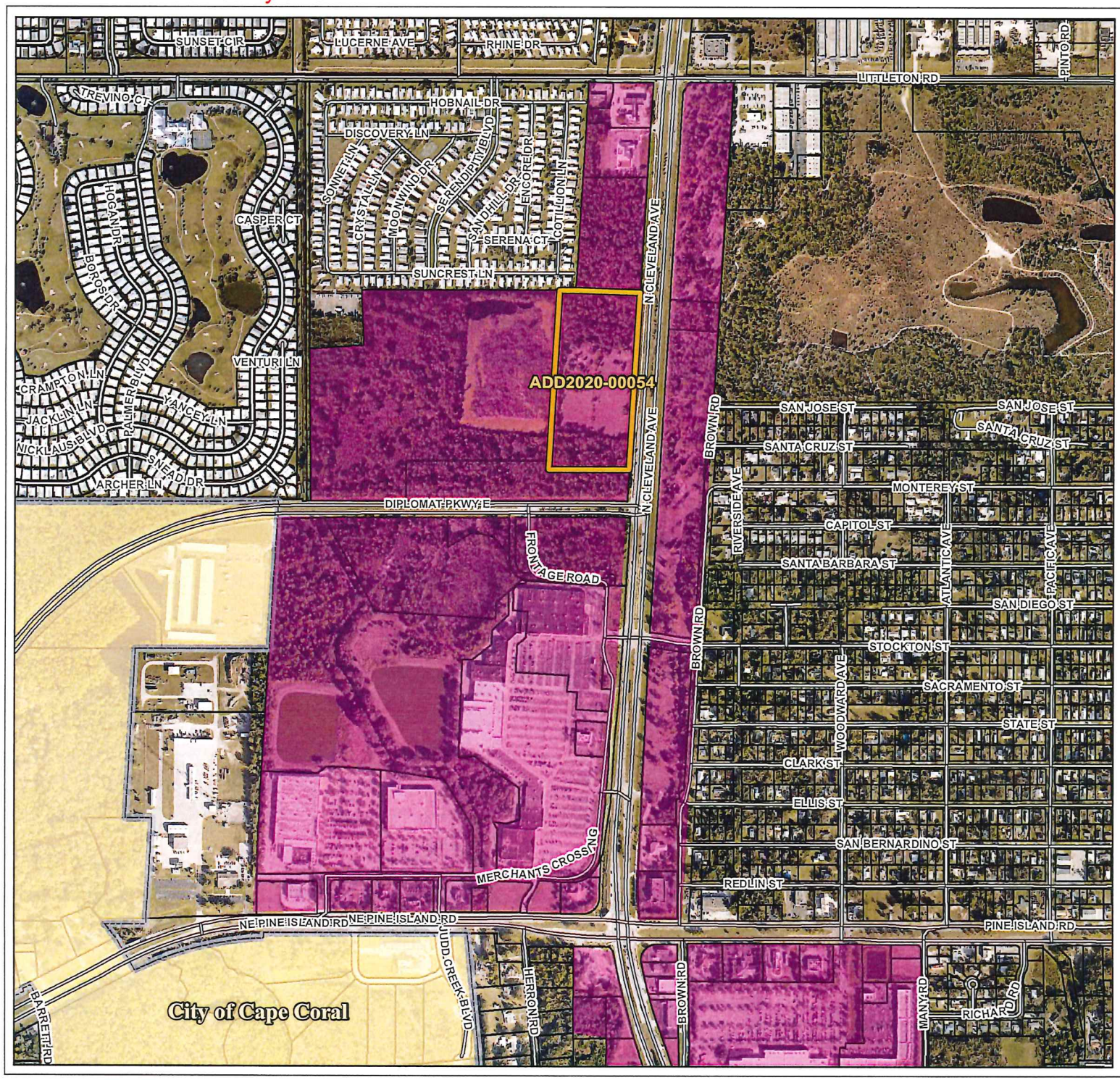
EXHIBIT A

CASE NUMBER: ADD2020-00054

STRAP NUMBER

34-43-24-00-00001.3020

REVIEWED
ADD2020-00054
Daniel Munt, Planner
Lee County DCD
6/22/2020



ADD2020-00054
Mixed Use Overlay

Exhibit B

Legend

- Subject Parcel
- Mixed Use Overlay
- City Limits

N

0 1,000
Feet

Lee County
Southwest Florida

Exhibit C

ITEM 14 – Written Narrative

This request is to amend the zoning resolution Z-09-025 to allow up to 128 multiple-family dwelling units as a third alternative to Option 2 of Condition 1. Also amend condition 2 to allow the building height for the multiple family dwelling units to be up to 6 stories/75 feet. This alternative would be in lieu of a hotel/motel with a maximum 120 rooms OR an Assisted Living Facility (ALF) with a maximum of 110 units. Based on the attached traffic information, the 128 multiple-family dwelling units would generate less traffic than the hotel/motel or the ALF uses. Development of the multiple-family uses would be in conjunction with the minimum required 50,000 square feet of commercial uses and will be developed in compliance with the applicable conditions for development of Option 2 of Condition 1 and in compliance with all applicable LDC requirements. As required by Section 34-380 for amending an MCP administratively, the requested amendments will: (1) not result in underutilization of public resources or public infrastructure committed to support the development; (2) not result in reduction of total open space; (3) will not decrease preservation areas; and (4) will not adversely impact surrounding land uses.

ADD2020-00054 Lee County ePlan

Exhibit D

TR TRANSPORTATION CONSULTANTS, INC

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

MEMORANDUM

TO: Mr. Timothy R. Kistel
TRK Real Estate Services

FROM: Yury Bykau, E.I.
Transportation Consultant

DATE: November 27, 2019

RE: Diplomat Center
Trip Generation Comparison

TR Transportation Consultants, Inc. has completed a trip generation comparison for the proposed amendment to the Zoning Resolution No. Z-09-025. The proposed amendment would allow a development of up to 128 multi-family dwellings units as a third alternative to the Option 2 of Condition 1 in the existing zoning. This alternative would be in lieu of a hotel/motel with a maximum of 120 rooms or an assisted living facility (ALF) with a maximum of 110 units.

A trip generation comparison was completed to determine if the proposed third alternative consisting of the multi-family residential dwelling units will generate more vehicle trips than what is currently permitted as part of Option 2 of Condition 1 in the Zoning Resolution No. Z-09-025. For analysis purposes, the trip generation comparison was completed between the 128 multi-family residential dwelling units and a 120 room hotel. It is important to note that the permitted 110 assisted living units are much lower in terms of trip generation than the permitted 120 room hotel. **Table 1** summarizes the land uses utilized for the trip generation comparison purposes of the proposed amendment.

Table 1
Land Uses
Diplomat Center

Land Use	Size
Proposed: Multi-Family Residential	128 Dwelling units
Permitted: Hotel	120 Rooms

ADD2020-00054 Lee County ePlan

The trip generation for the proposed and permitted uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 10th Edition. The trip generation for the proposed multi-family residential dwelling units was determined by referencing Land Use Code 220 (Multifamily Housing Low-Rise). Note, using LUC 220 represents the worst case scenario in terms of trip generation potential when compared to the other land uses in the multi-family category (LUC 221 (Mid-Rise) & LUC 222 (High-Rise)). The trip generation for the permitted hotel use was determined by referencing Land Use Code 310 (Hotel) and was based on the number of occupied rooms. The trip generation equations utilized from the aforementioned land uses are attached to this Memorandum for reference. **Table 2** and **Table 3** outline the anticipated weekday AM and PM peak hour trip generation of the permitted hotel use and the proposed multi-family residential alternative, respectively.

Table 2
Trip Generation – Permitted Use
Diplomat Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Hotel (120 Occupied Rooms)	46	34	80	43	44	87	1,468

Table 3
Trip Generation – Proposed Use
Diplomat Center

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 (128 Dwelling Units)	14	46	60	47	27	74	927

Table 4 provides a trip generation comparison of the subject site between the proposed multi-family residential alternative and permitted hotel as part of Option 2 of the Condition 1 in the Zoning Resolution No. Z-09-025.

Table 4
Trip Generation Comparison (Table 2 vs Table 3)
Diplomat Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Use	14	46	60	47	27	74	927
Permitted Use	-46	-34	-80	-43	-44	-87	-1,468
Resultant Trip Change	**-32**	**+12**	**-20**	**+4**	**-17**	**-13**	**-541**

ADD2020-00054 Lee County ePlan

As indicated by the trip generation comparison in Table 4, the trips generated by the proposed 128 multi-family residential units are less than the currently permitted 120 room hotel. Therefore, the proposed amendment to allow a development of up to 128 multi-family dwellings units as a third alternative to the existing Option 2 of Condition 1 will not have any additional transportation impacts. Hence, no further transportation analysis is required for the proposed amendment to Zoning Resolution No. Z-09-025.

Should you have any questions concerning this matter, please feel free to contact us.

Attachments

Exhibit E

Timothy Kistel

From:	Richard Thomas <mbuilder26@yahoo.com>
Sent:	Monday, March 9, 2020 10:33 AM
To:	Charlie Krebs; Debbie Jackow; Don Ferry; Jack Howerton; John Gardner; Ron Wilder; Wayne Daltry; Al Giacalone; Audra Ennis; Jack A. Hess; Laura Malcolm Lewis; Rudy Berndlmaier; Terry T.; Richard Thomas
Cc:	Timothy Kistel
Subject:	Minutes-March 3, 2020 NFMDRP/PP Meeting

MINUTES

JOINT MEETING OF THE NORTH FORT MYERS DESIGN REVIEW PANEL

AND

THE NORTH FORT MYERS COMMUNITY PLANNING PANEL

NORTH FORT MYERS RECREATION CENTER

MARCH 3, 2020

Attendees:

Panel Members: President Dick Thomas, John Gardner, Charles Krebs, Wayne Daltry, Rudy Berndlmaier

Presenter: Timothy Kistel-TRK Real Estate Services

CALL TO ORDER-The meeting was called to order by President Dick Thomas at 6:05 PM

1. APPROVAL OF AGENDA- The Agenda was approved as presented.

2. APPROVAL OF LAST MEETING MINUTES-The minutes were approved as presented.

3. NEW BUSINESS:

- Diplomat Center-Zoning Amendment-Timothy Kistel presented a proposal to amend County Resolution Z-09-025 to allow up to 128 multi-family residential dwelling units. Mr. Kistel indicated in the zoning type there is usually an allowance of 10 units per acre but only commercial and retail had been included in this resolution. He indicated that there had been several inquiries from developers with the interest in developing the property for residential use. After a period of discussion, a motion of " No Objection" was made by John Gardner and seconded by Wayne Daltry. The motion was approved.

4. OLD BUSINESS-There was no Old Business.

5. OTHER BUSINESS-There was no Other Business.

6. ADJOURNMENT-The meeting was adjourned at 6:20 PM.

NEXT MEETING APRIL 7, 2020 AT 6:00PM-NORTH FORT MYERS RECREATION CENTER

Exhibit F

GEN2020-00174

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
  - ☐ Development of Regional Impact **(34-202(b)(1))**
  - ☐ Planned Developments **(34-202(b)(2))**
  - ☒ Planned Development Amendment **(34-202(b)(2))**
  - ☐ Rezonings other than Planned Developments **(34-202(b)(3))**
  - ☐ Special Exceptions **(34-202(b)(5))**
  - ☐ Variances **(34-202(b)(6))**
  - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
  - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
  - ☐ Application Form and Contents **(10-153)**
  - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
  - ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 34-43-24-00-00001.3020
Name of Project: Diplomat Center

Name of Agent: Timothy R. Kistel, dba: TRK Real Estate Services
Street Address: 12244 Treeline Avenue, Suite 6
City, State, Zip: Fort Myers, FL 33913
Phone Number: 239-274-3303 Email Address: tim@kistel.net

Name of Applicant*: Hallin Family, LLC
Street Address: 417 West Minnesota Avenue
City, State, Zip: DeLand, FL 32720
Phone Number: 239-274-3303 Email Address: tim@kistel.net

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-203(a)(5)	New sketch and legal description
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The proposed amendment to the CPD will apply to the entire CPD. The Property depicted and described in the original, sealed sketch and description attached to the adopted Resolution (see attached) is not proposed to be changed. The Applicant requests that the previously-submitted and approved sketch and legal description attached to the Resolution be used for the proposed Amendment.

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

President, Hallin Family, LLC 5/21/2020

Signature of Applicant Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ **Request Denied**
- ☒ **Request Approved**
- ☐ **Request Approved Per Attached Comments**

Duly passed, adopted, and electronically signed on 6/9/2020

Audra Ennis, Zoning Manager

Director Signature Date

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41(STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1226.37 FEET TO THE POINT OF BEGINNING THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1112.01 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1126.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.52 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.55 FEET EAST OF SAID DESCRIBED CORNER; THENCE SOUTH 87°49'10" EAST FOR 399.74 FEET TO THE POINT OF BEGINNING.

[CONTAINING 12.66 ACRES MORE OR LESS.]

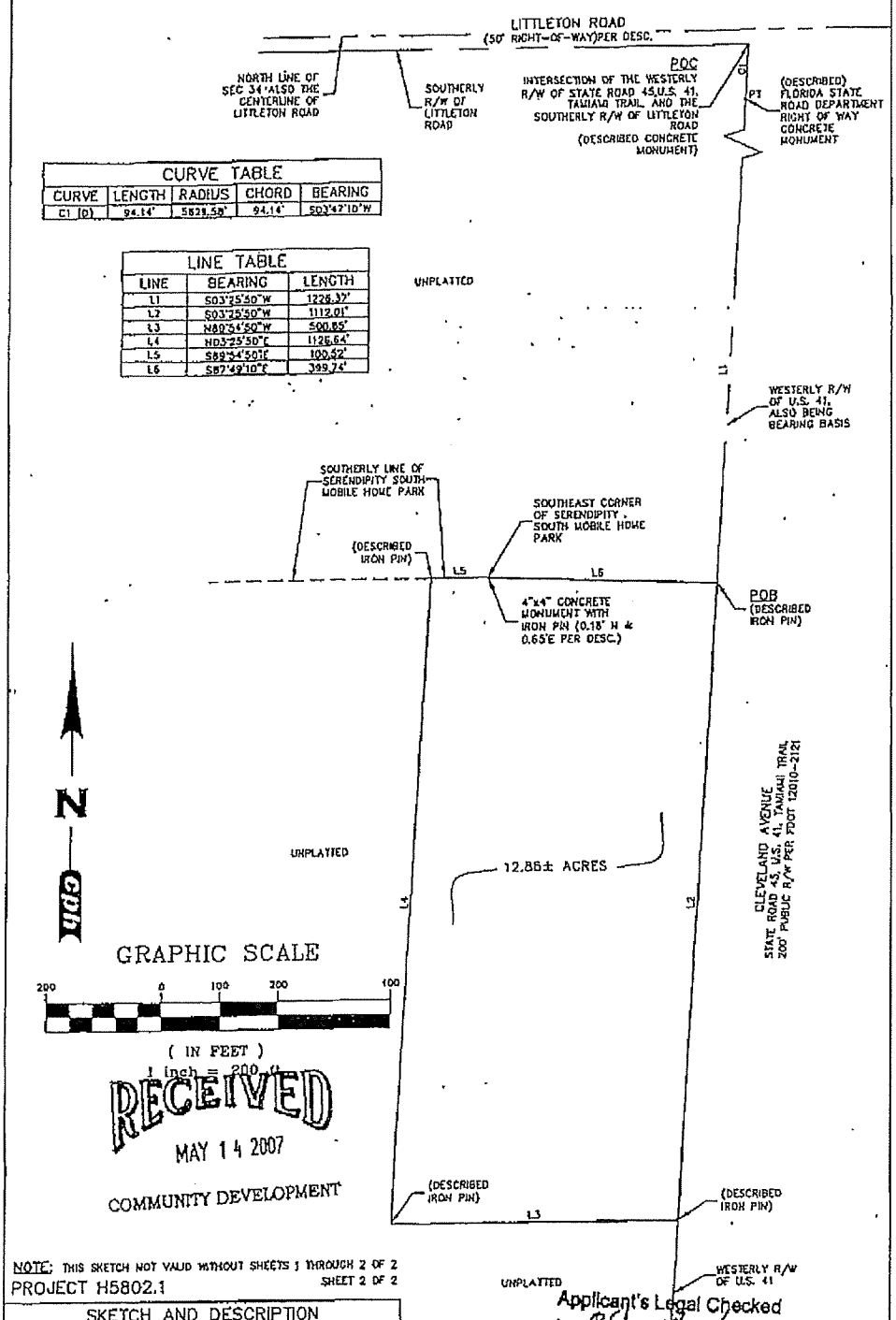
DCI2007-00022

Applicant's Legal Checked
by [illegible] 4-30-08

RECEIVED
APR 28 2008
COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 1 of 2)

SKETCH AND DESCRIPTION



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1 (D)	94.14'	5829.58'	94.14'	S03°47'10"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S03°25'50"W	1226.37'
L2	S03°25'50"W	1112.01'
L3	N89°54'50"W	500.85'
L4	N03°25'50"E	1126.64'
L5	S89°54'50"E	100.42'
L6	S87°49'10"E	399.74'

RECEIVED
MAY 14 2007
COMMUNITY DEVELOPMENT

NOTE: THIS SKETCH NOT VALID WITHOUT SHEETS 1 THROUGH 2 OF 2
PROJECT H5802.1 SHEET 2 OF 2

SKETCH AND DESCRIPTION

DIPLOMAT CENTER (less 6 acres)

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com

Applicant's Legal Checked
by BSL 8/15/2007

DCI 2007-00022

DRAWN	PLG	5/9/07	SEC-TWP-RNG
CHECKED	RGW	5/9/07	34-43S-18E

© 2007

EXHIBIT "A"
(Page 2 of 2)

RESOLUTION NUMBER Z-09-025

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

WHEREAS, an application was filed by the property owner, Phyllis E. Hallin, Trustee, to rezone 12.86± acres from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Diplomat Center; and,

WHEREAS, a public hearing was advertised for July 1, 2009, but then continued and held July 24, 2009, August 13, 2009 and August 14, 2009, with the record held open until August 28, 2009, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00022; and

WHEREAS, a second public hearing was advertised and held on December 7, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 12.86± acres from AG-2 to CPD for:

1. A maximum of 107,500 s/f of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (Option 1); **or**

2. A maximum of 107,500 s/f of commercial uses, including 83,500 s/f of medical office and a maximum of 24,000 s/f of retail, banks and restaurants and either a hotel/motel with a maximum of 120 hotel/motel rooms (Option 2) or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (Option 2 - ALF Alternate).

Maximum building height requested is 2 stories/45 feet and 6 stories/75 feet for a hotel/motel use only. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. A Special Case finding was also requested. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

12/7/09 - Z-09-025

1. The development of this project must be substantially consistent with the 2-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Center, Option 1, Lee County, FL" and "Master Concept Plan, Diplomat Center, Option 2, Lee County, FL," both last revised August 28, 2009, date-stamped "Received Dec 16 2009 Community Development," and attached hereto as Exhibit C.

   This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Commercial Floor Area (CPD):

   Option 1: A maximum of 107,500 square feet of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (MCP Option 1); **or**

   Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and **either** a maximum 120 hotel/motel rooms (MCP Option 2) **or** an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 - ALF Alternate - per Condition 2).

   Prior to exceeding 67,500 square feet of commercial retail, the developer must connect to Littleton Road via the easement shown on the approved MCP. No individual retail building or tenant space may exceed 50,000 square feet in floor area. (See Note 2 in Condition 2 below.)

2. **Schedule of Uses**

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

   Accessory Uses and Structures
   Administrative Offices
   Agricultural Uses - See Condition #8.
   Animal, Clinic - Animal Kennel - No outdoor runs
   Assisted Living Facility (ALF) -- 110 units maximum assisted living units 4:1 equivalency ratio per LDC §34-§1494. Any such development must be consistent with LDC §§34-1411, 34-1414 and 34-1494.
   ATM (Automatic Teller Machine)
   Auto Parts Store - No installation
   Automobile Repair and Service - Groups I and II
   Automobile Service Station - Limited to 1 (See Note 1 below.)
   Banks and Financial Establishments, Groups I and II
   Bar or Cocktail Lounge, in conjunction with a hotel/motel only

Boats: Boat Parts Store Boat Repair, and Service, Boat Sales
Must be in compliance with LDC §34-1352.
Building Materials Sales
Business Services, Groups I and II - Excluding bail bonding and armored car services.
Car Wash - Limited to 1 (See Note 1 below.) - Only in conjunction with a Convenience Food and Beverage Store.
Clothing Stores, General - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Computer and Data Processing Services
Consumption on Premises, Indoor only. In conjunction with a Group III Restaurant or hotel/motel only. Outdoor seating with a special exception only (Public Hearing Required) - See Condition 11
Convenience Food and Beverage Store - Limited to 1 (See Note 1 below)
Cultural Facilities - Limited to art museums and galleries
Day Care Center, Adult, Child
Department Store - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Drive-through for any permitted use
Drug Store/Pharmacy - Limited to 1 stand alone
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting).*
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Groups I and II - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)
Funeral Home or Mortuary - with or without cremation
Health Care Facilities, Groups I, II and III (but not IV)
Hotel/Motel - Limited to a maximum 120 rooms
Household Office and Furnishings, Groups I and II - No outdoor display or storage
Laundry or Dry Cleaning, Group I only
Lawn and Garden Supply Stores - Limited to a maximum 50,000 s/f for each building. No unscreened outdoor display or storage as it relates to the Lawn and Garden Supply store. (See Note 2 below.)
Medical Offices
Nonstore Retailers, Groups I, II and III
Parcel and Express Services
Package Store - for stand-alone package stores - Limited to 1, but this conditions does not limit package stores as an accessory use and/or as part of a multi-occupancy plaza
Paint, Glass and Wallpaper Store - Limited to a maximum 50,000 s/f for each building. (See Note 2 below.) No outdoor display or storage.
Parking Lot, Accessory
Personal Services, Groups I, II, III and IV - Excluding massage parlors, steam or Turkish Baths, escort services, palm readers, fortune tellers or card readers or tattoo parlors.

Pet Services - No outdoor runs
Pet Shop - No outdoor runs
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Rental or Leasing Establishment, Groups I and II
Repair Shops, Groups I and II
Restaurants, Fast Food - Limited to one stand-alone fast food restaurant within the development, but no limit on the number of fast food restaurants within a multi-occupancy building.
Restaurants, Groups I, II and III
Self Service Fuel Pumps - Limited to a maximum of 16 pumps (See Note 1 below.)
Signs per Chapter 30 of the LDC (including existing billboards)
Social Services, Group I only
Specialty Retail Shops, Groups I, II, III and IV
Storage, Indoor only
Studios
Temporary Uses
Theater, Indoor
Used Merchandise Stores, Groups I and II
Variety Store - Limited to a maximum 50,000 s/f for each building(See Note 2 below.)
Wholesale Establishment, Group III only

NOTE 1: *For Automobile Service Station, Car Wash, Convenience Food and Beverage Store and/or Self Service Fuel Pumps, only one establishment with these uses will be allowed for the entire CPD.*

NOTE 2: *The phrase "limited to a maximum 50,000 square feet for each building" as used herein restricts the maximum individual size/space of the use to 50,000 square feet. There may be more than one 50,000 square foot building or space for the use group. For Example, there may be two or more clothing stores that exceed 50,000 square feet total, but the individual store or tenant space may not exceed 50,000 square feet..*

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks *

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	20 feet
Water body	25 feet

*(Minimum 30-foot setback for fire protection from indigenous pine flatwoods habitat as identified on the approved MCP.)

Accessory Use and Structure setbacks must comply with Lee County LDC §34-1171, *et seq.* and 34-2194.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 2 story/45 feet
6 stories/75 feet (hotel/motel only).

3. **CONCURRENCY**: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.

4. **NO BLASTING**: No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. **ACCESSORY USES**: Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. **TRAFFIC**: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. **LEE PLAN**: Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. **AGRICULTURAL USES**: Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

A. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

B. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

C. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

9. **WATER AND SEWER**: Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the development order submital.

10. **BUFFER ENHANCEMENT**: All required buffers must utilize 100% all native vegetation.

11. **CONSUMPTION ON PREMISES**:

    A. Consumption on premises (indoor) is permitted only in conjunction with a Group III Restaurant or hotel/motel.

    B. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

    C. Outdoor consumption on premises may only be approved by Special Exception. A public hearing is required. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.

12. **ACCESS TO US 41**: The proposed project access points on US 41 will be subject to approval of the Florida Department of Transportation.

13. **DESIGN STANDARDS**

    A. Prior to local development order approval, the exterior elevations must be done in substantial compliance with the Diplomat - Proposed Architectural Identity Exhibit, attached as Exhibit E.

    B. These designs are preliminary and subject to changes in conformance with this resolution and the Lee County LDC, including Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

14. **SOLID WASTE/RECYCLING**: Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application.

15. **INTERNAL SIDEWALKS**: Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

16. **SIGNAGE**: Proposed signage must be designed with a common architectural theme consistent with the applicable Diplomat - Proposed Architectural Identity Exhibit attached as Exhibit E.

17. **PLAT**: A plat in accordance with Florida Statutes Chapter 177 is required for the project unless one of the following requirements is met:

    A. It is developed as a single-entity ownership that only leases space within the project (with no out-parcels); or

    B. It is developed as a condominium under Florida Statutes Chapter 718; or

    C. A legal lot split is obtained in accordance with LDC §10-174(5).

    If required, the plat must be recorded in the Public Records of Lee County, Florida, before the first Certificate of Occupancy is issued for any building on the project site.

18. **INDIGENOUS VEGETATION**: Prior to local development order approval:

    A. The Developer's surveyor will stake the limits of the Indigenous Preserve, to include trees, and the 50-foot wide native tree buffer, as shown on the approved MCP, and the nearest proposed improvements, i.e., back of curb, toe of fill slope, back of retaining walls, etc., in the field. The Developer's representatives and Lee County Division of Environmental Sciences' (ES) staff will inspect the aforementioned stakes in the field for approval and document any specific construction methods that must be used to insure no impact to the Indigenous Preserves; and

    B. The development order plans must depict the 1.1-acre Northwest Indigenous Preserve, with a minimum of 0.28 acre credits taken, a minimum of 0.4-acre Southwest Indigenous Preserve, and a 0.31-acre native tree 50-foot wide right-of-way buffer, as field approved by ES staff, for a minimum total of 2.09 acres indigenous preserve/native tree buffer with credits taken; and

    C. The development order plans must depict the southeast corner of the northwest indigenous preserve containing the two heritage tree clusters being visible to vehicles entering the north project entrance off of U.S. 41. Any proposed parking and/or access road adjacent to these heritage tree clusters must provide open space area abutting this portion of the preserve and must be creatively designed to visually enhance the north project entrance. The open space area must incorporate native clump grasses and/or other native ground cover and may include other native vegetation, signage, ornamental features, sidewalks, etc., which compliment the preserve.

19. **HERITAGE TREES**: Prior to local development order approval, landscape plans must depict heritage trees located within the development footprint, that are determined to be of good health as per a Certified Arborist, must be incorporated in the internal open space (i.e., perimeter planting and/or enlarged landscape areas), or must be replaced with 20-foot-tall like species to a suitable open space area where final site design constraints (i.e., fill requirements, cross access, and entrance roads) do not allow preservation.

20. **DETENTION AREAS**: Prior to local development order approval, landscaping plan must depict dry detention area abutting the indigenous preserves planted to include native herbaceous vegetation and/or native clump grasses, in lieu of sod or seeding. The plan must include specific types, sizes (no bareroot), and densities (calculated at 3-foot on-center) to be reviewed by the ES and Lee County Division of Development Services Staff. Plantings may be clustered to assist with the function and maintenance of the water management facilities. Plantings may not be used to meet the general tree requirements.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona Fide Agricultural Uses
Exhibit E: Diplomat - Proposed Architectural Identity Exhibit

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3020

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The applicant has demonstrated that it meets the "Special Case" standard as set out in Lee Plan Policy 6.1.2 (8).

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of December, 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chair

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2010 JAN -5 AM 11:35

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41(STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1226.37 FEET TO THE POINT OF BEGINNING THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1112.01 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1126.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.52 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.65 FEET EAST OF SAID DESCRIBED CORNER; THENCE SOUTH 87°49'10" EAST FOR 399.74 FEET TO THE POINT OF BEGINNING.

[CONTAINING 12.86 ACRES MORE OR LESS.]

DCI2007-00022

Applicant's Legal Checked
by RSA 4-30-08

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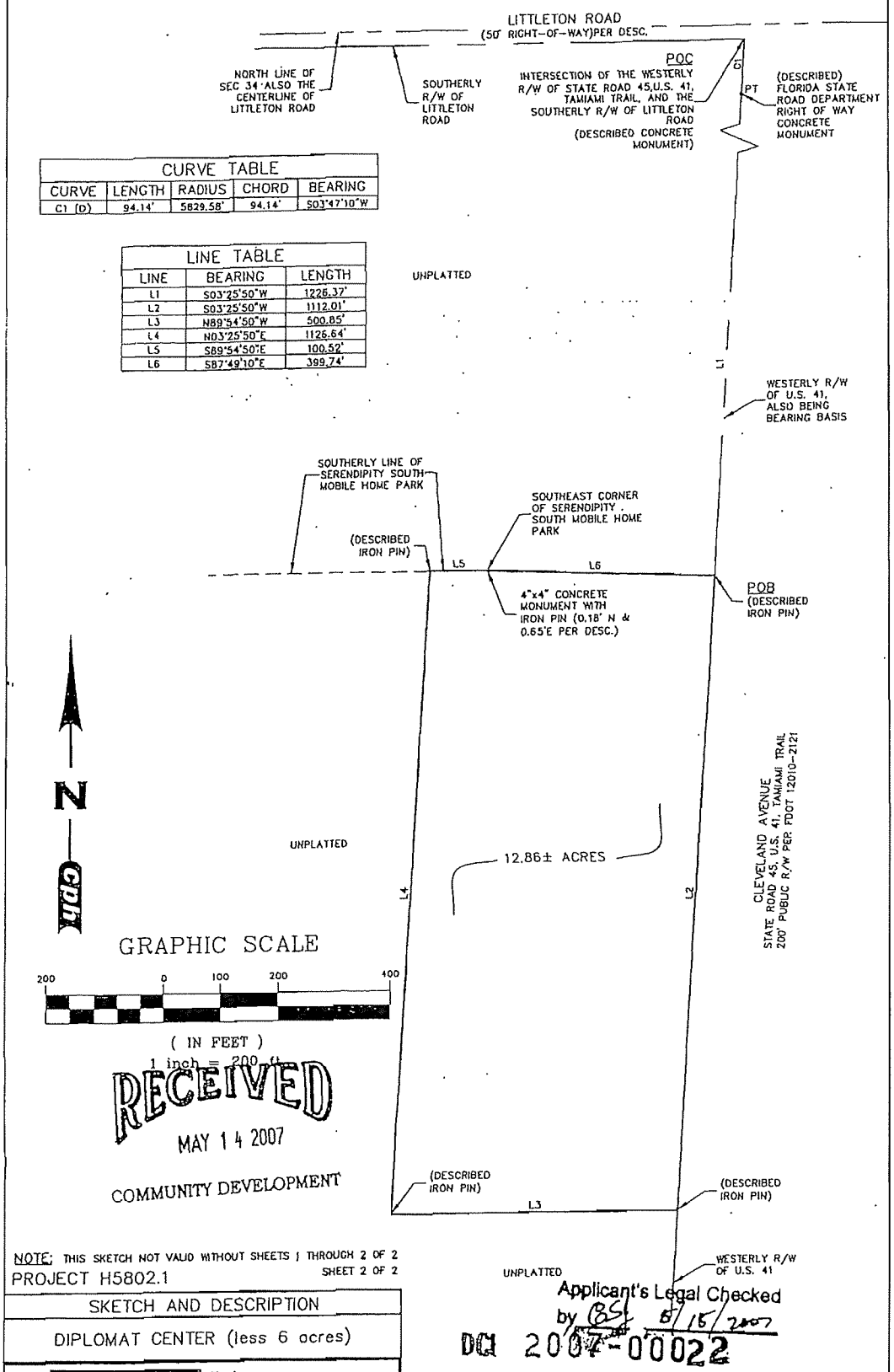
EXHIBIT "A"
(Page 1 of 2)

SKETCH AND DESCRIPTION



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1 (D)	94.14'	5829.58'	94.14'	S03°47'10"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S03°25'50"W	1226.37'
L2	S03°25'50"W	1112.01'
L3	N89°54'50"W	500.85'
L4	N03°25'50"E	1126.64'
L5	S89°54'50"E	100.52'
L6	S87°49'10"E	399.74'

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NOTE: THIS SKETCH NOT VALID WITHOUT SHEETS 1 THROUGH 2 OF 2
SHEET 2 OF 2

PROJECT H5802.1

Applicant's Legal Checked by BS 8/15/2007

DG 2007-00022

SKETCH AND DESCRIPTION

DIPLOMAT CENTER (less 6 acres)

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com

DRAWN	PLG	5/9/07	SEC-TWP-RNG
CHECKED	RGW	5/9/07	34-43S-18E

EXHIBIT "A"
(Page 2 of 2)

DCI2007-00022

Zoning Map

4/29/2009

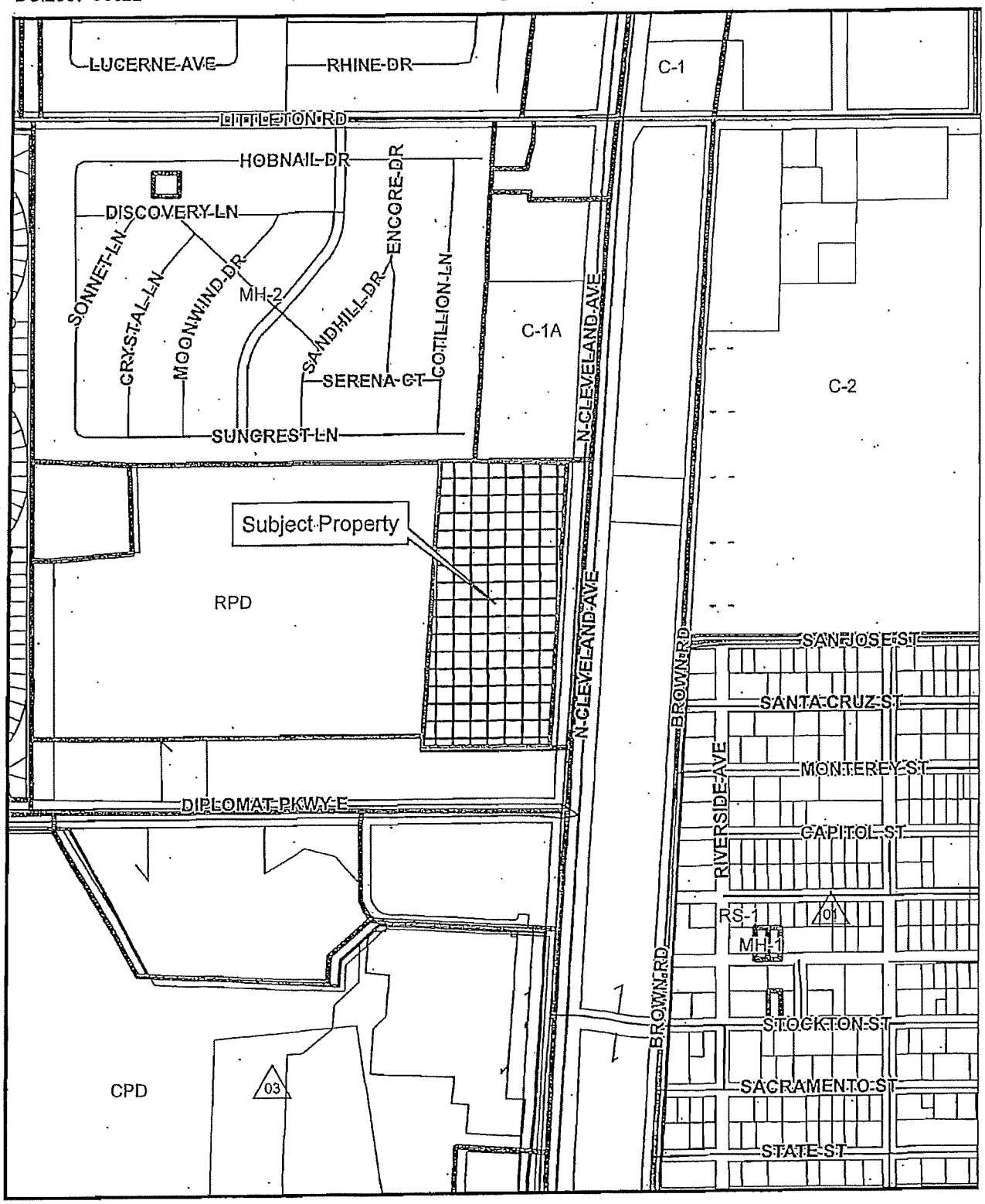
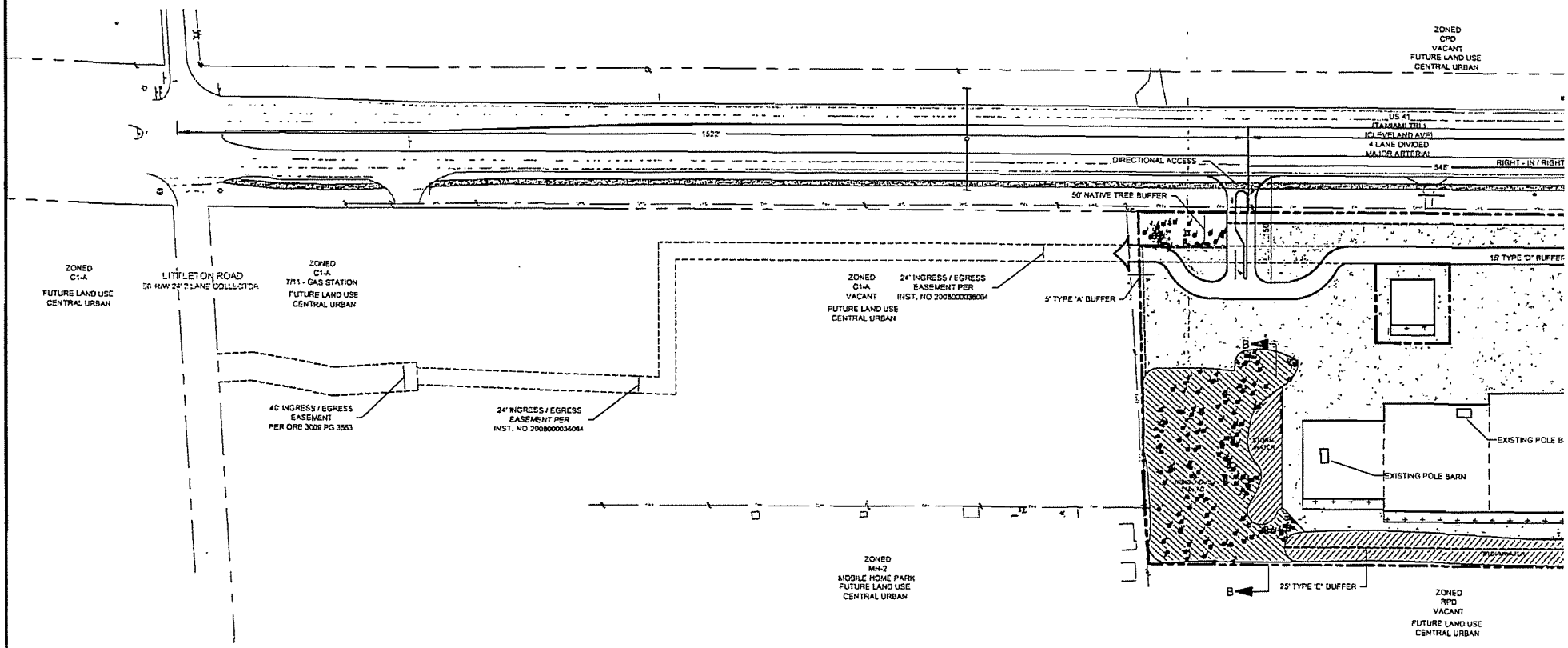


EXHIBIT "B"

250 125 0 250 500 Feet



A. PROJECT SUMMARY:

TOTAL SITE AREA .....12.86± AC
STORMWATER .....1.70± AC
RETAIL / COMMERCIAL TRACT .....11.16± AC
SUB TOTAL.....12.86± AC

B. CONCEPTUAL OPEN SPACE:

OPEN SPACE REQ'D .....3.86 AC (30%)

OPEN SPACE PROVIDED:
INDIGENOUS.....1.81± AC
STORMWATER .....1.70± AC
LANDSCAPING.....0.35± AC (MIN)
TOTAL OPEN SPACE PROVIDED.....3.86 AC (30%)

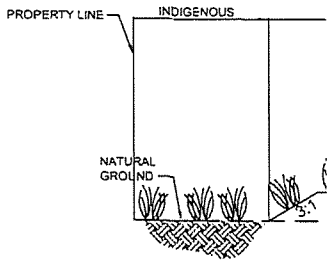
C. INDIGENOUS VEGETATION AREAS:

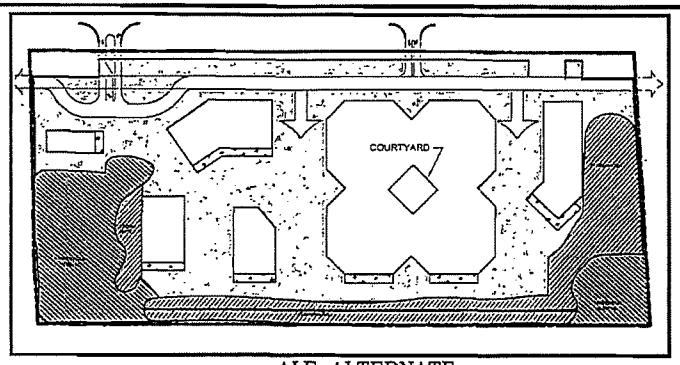
INDIGENOUS AREAS REQUIRED: .....(±3.86 ACRES X 0.5).....1.93 AC

INDIGENOUS AREAS PROVIDED

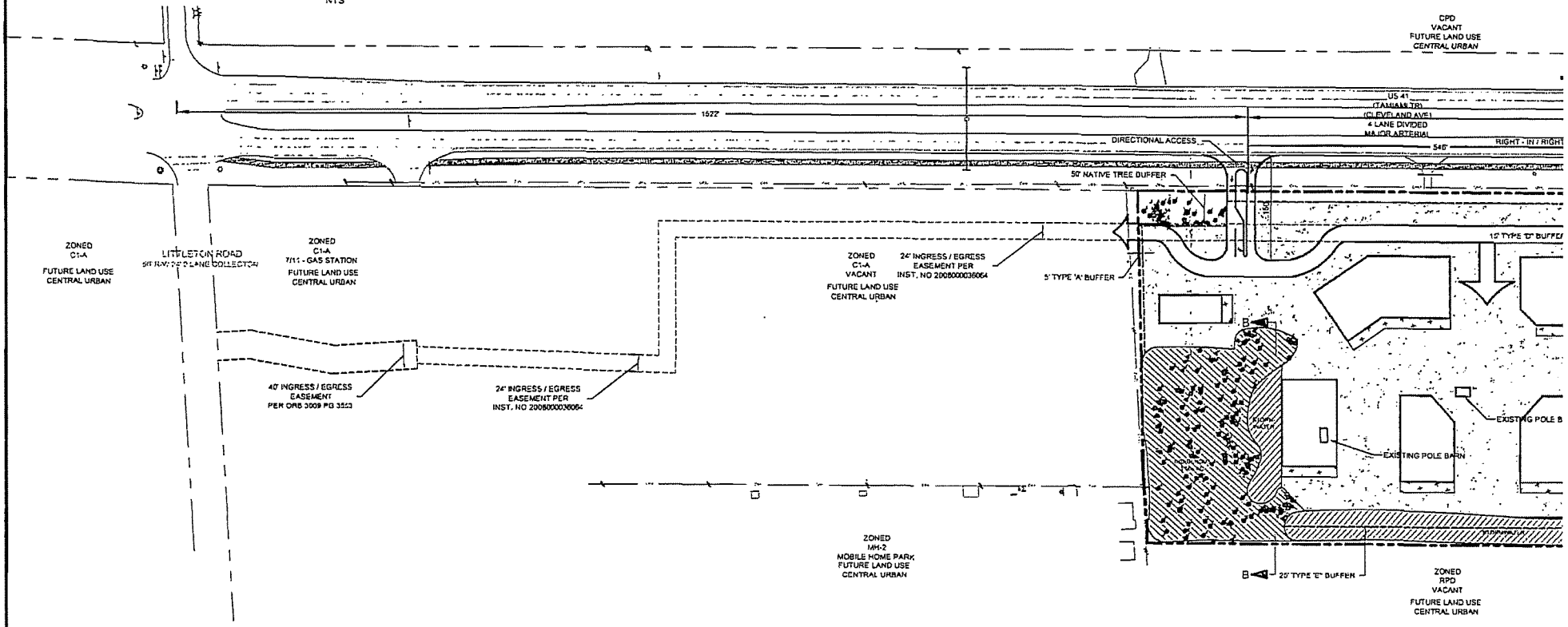
LEGEND:

- -INDIGENOUS
- -STORMWATER (DRY DETENTION)
- -EXISTING TREES
- -SERVICE AREA
- -PARKING AREA





ALF ALTERNATE
NTS



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-INDIGENOUS
-STORMWATER (DRY DETENTION)
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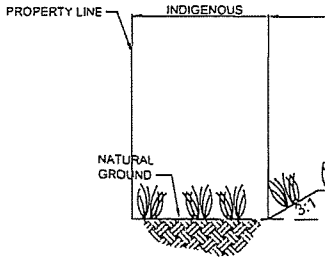
-PARKING AREA



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BONA FIDE AGRICULTURAL USES AT TIME OF ZONING APPLICATION AFFIDAVIT

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned notary public, on this 16 day of May, 2008, personally appeared Phyllis Hallin, Managing Member, of the Hallin Family, LLC, who is personally known to me and who, after first being duly sworn, deposes and says that:

1. She is an authorized representative of the corporate entity that owns the Property described and shown in Exhibit "A" attached hereto and incorporated herein by reference.
2. The Property is currently being utilized for a bona fide agricultural purpose.
3. The specific agricultural activity occurring on the Property is production of feeder cattle. Production occurs over the entire 19.41 acres of the Property.
4. The specific location and type of ongoing agricultural use is set forth on the sketch of the Property attached hereto as Exhibit "B" and incorporated herein by reference.
5. Prior to the issuance of a development order for the property, the owner of the Property will provide written proof, acceptable to the Office of the Lee County Attorney, that agricultural use has been terminated on any portion of Property included in the development order application. Proof will be provided in the form of a sworn affidavit from the owner that specifically identifies the date the agricultural uses ceased, the legal description of the property subject to the development order, a statement from the owner acknowledging that all agricultural uses are illegal and prohibited on the portion of the Property subject to the development order, and a statement from the owner that the affidavit constitutes a covenant between the owner and the County that is binding on the owner, its assignees and successors in interest. Proof as to termination will also include a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

FURTHER AFFIANT SAYETH NAUGHT

Phyllis Hallin
Phyllis Hallin, Managing Member

The foregoing instrument was sworn to and subscribed before me this 16 day of May, 2008, by Phyllis Hallin, who is personally known to me or produced _____ as identification.

My Commission Expires: 09·06·2009

Andrea Vigil
Notary Public

ANDREA VIGIL
Comm# DD0468637
Expires 9/6/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc

EXHIBIT "D"
(Page 1 of 3)

EXHIBIT A

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COMMUNITY DEVELOPMENT

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41(STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 505.63 FEET TO A SET IRON PIN WITH CAP STAMPED LB-734 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1832.74 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1126.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.53 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.65 FEET EAST OF SAID DESCRIBED CORNER; THENCE NORTH 03°25'50" EAST ALONG THE EASTERLY LINE OF SAID SERENDIPITY SOUTH MOBILE HOME PARK FOR 705.10 FEET TO A SET IRON PIN; THENCE SOUTH 89°54'50" EAST FOR 400.33 FEET TO THE POINT OF BEGINNING.

(CONTAINING 845,501 SQUARE FEET, 19.41 ACRES MORE OR LESS.)

DCI 2007-00022

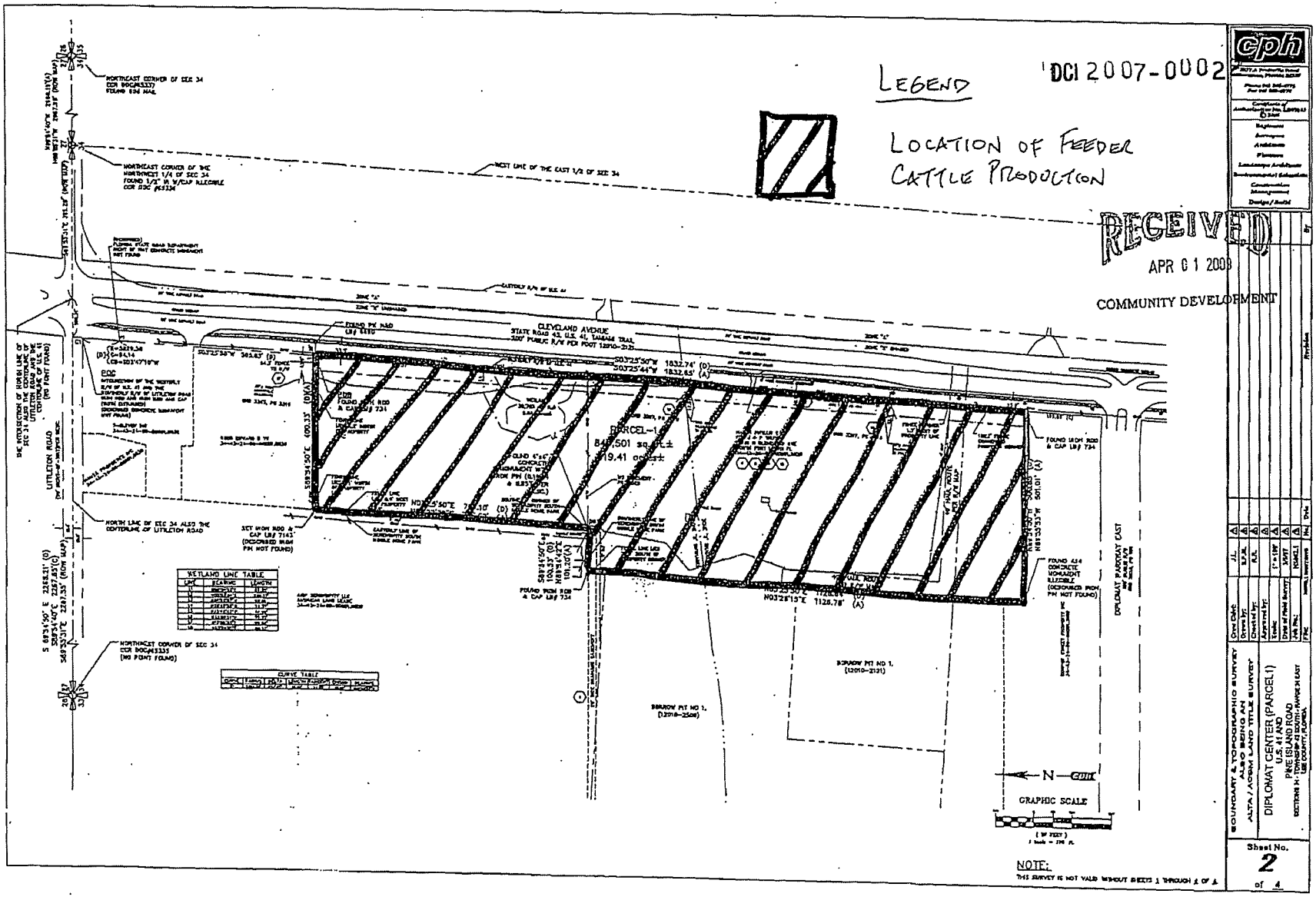


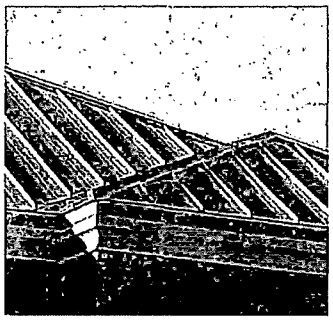
EXHIBIT "D"
(Page 3 of 3)

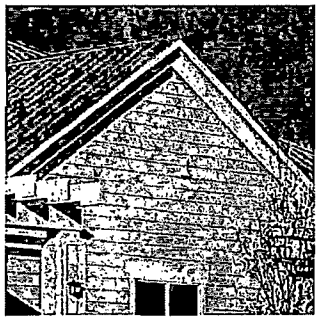
Diplomat ~ Proposed Architectural Identity

Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

Roof

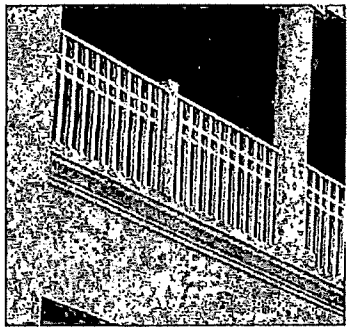
- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs





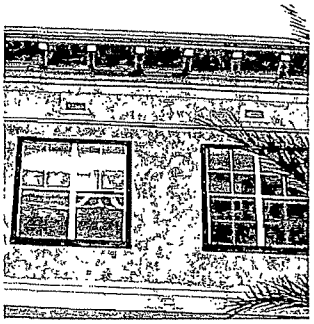
Decorative features

- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors



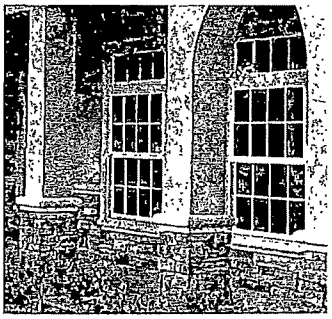
Windows

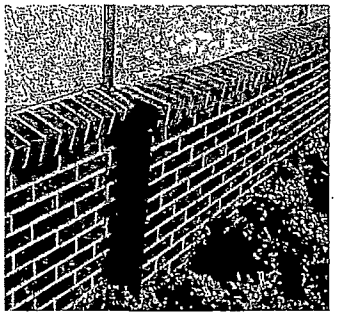
- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis

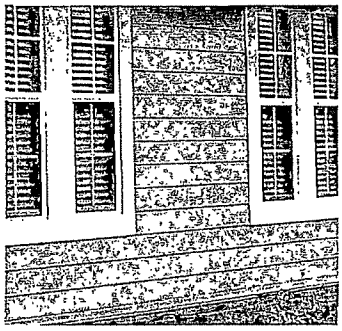


Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base







E.B. Rood

Serendipity South

34-43-24

RESOLUTION NO. Z-69-160

The following resolution was offered by Commissioner Bruce J. Scott, seconded by Commissioner Jim Sweeney, and upon poll of members present, the vote was as follows:

Julian Hudson	aye
Jim Sweeney	aye
Kenneth Daniels	aye
P. A. Geraci	aye
Bruce J. Scott	aye

WHEREAS, E. B. Rood has applied for a zoning change from GU to a Mobile Home and Travel Trailer Park and BU-2-A.

The North 1320 feet of the Northwest quarter of Sec. 34, Twp. 43S, Rge 24E, Lee County, Florida, lying west of US. Highway #41, except the easterly 200 feet thereof.

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that said request be denied, and

WHEREAS, this Board after reviewing the records and recomme ddations of the Zoning Board and having given an opportunity for interested persons to be heard, after being duly sworn according to law, and upon due and proper consideration having been given to this matter, does hereby set aside the Zoning Board's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning board to deny a zoning change from GU to a Mobile Home and Travel Trailer Park and BU-2-A be set aside and in lieu, thereof, the lands within the petition be changed to Mobile Home Park zoning with the exception for depth of 400 feet, which adjoins U.S. 41 which zoning shall be BU-1-A and with furthur stipulation that there be no entrances to the Mobile Home Park from U.S. 41 and this is approval as to site location only.

ATTACHMENT M

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00085

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Habitat Diplomat North, LLC filed an application for an administrative amendment to a Residential Planned Development and Commercial Planned Development on a project known as Diplomat North to clarify Condition 1 of Resolution Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel on property located North of Diplomat Parkway East, North Fort Myers Planning Community; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 34-43-24-00-00001.3030 (see Exhibit "A"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category and Mixed Use Overlay as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-06-004 (with subsequent amendments in case number ADD2007-00169 and Resolution Z-11-002); and

WHEREAS, Zoning Resolution Z-06-004 approved a rezoning of the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and 120 hotel rooms on property north and south of Diplomat Parkway East (see Exhibit "E"); and

WHEREAS, ADD2007-00169 approved amendments to the Master Concept Plan (MCP) and property development regulations pertaining to lot areas and dimensions for townhouse dwelling unit types with one deviation from required on-site space for the placement of garbage and recycling containers or receptacles (see Exhibit "D") and

WHEREAS, Zoning Resolution Z-11-002 approved an amendment to Resolution Z-06-005 (as amended by ADD2007-00169) to permit an optional Assisted Living Facility (ALF)/Continuing Care Facility (CCF) and standard dwelling units with up to 50,000 square feet of medical office for the northerly 35.2 acre RPD portion of the project (north of Diplomat Parkway East (see Exhibit "C"); and

WHEREAS, Condition 1 of Resolution Z-11-002 notes "the portion of the project on the north side of Diplomat parkway includes Commercial Development parcels 1, 2 and 3 (West 3 and East 3). It also includes 29.75 acres that may be developed either as an RPD or ALF/CCF, with or without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel"; and

WHEREAS, Condition 1 also states development must be substantially consistent with the 1-page Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)" AND the 1-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Parcel, Lee County, Florida"; and

WHEREAS, the 5.43-acre North CPD Parcel is identified on the amendment area inset map depicted on the Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)"; and

WHEREAS, both Master Concept Plans depict the 35.2± acres of land north of Diplomat Parkway East with alternate development scenarios as follows:

- ALF/CCF, Medical Office and Standard Residential Units (Z-11-002); or
- ALF/CCF and Medical Office (Z-11-002 Alternate ALF/CCF Inset); or
- Solely Standard Residential Units (ADD2007-00169); and

WHEREAS, Condition 1 of Z-11-002 as written is unclear that the intent is to allow the northerly 35.2 acres be optionally developed with RPD uses or ALF/CCF with or without commercial; and

WHEREAS, the applicant wishes to proceed with development under the Master Concept Plan approved by ADD2007-00169 (see Attachment "D") entitled "Diplomat Parcel, Lee County, Florida", without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel, which results in an overall decrease in development intensity on the subject property; and

WHEREAS, the requested amendment would be limited to clarify Condition 1 of Resolution Z-11-002; 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 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 Residential Planned Development and Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **This approval is limited to clarify Condition 1 of Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel and is hereby amended in strikethrough and underline as follows:**

   Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" ~~AND~~ OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a ~~29.75 acres~~ 35.2 acre site that may be developed either ~~as an RPD~~ with RPD uses, ~~or and~~ and/or ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43-acre North CPD Parcel.

2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

3. **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 8/16/2019 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits
Exhibit A: Legal Description
Exhibit B: Applicant's Narrative
Exhibit C: Resolution Z-11-002
Exhibit D: Administrative Amendment ADD2007-00169
Exhibit E: Resolution Z-06-004

EXHIBIT A

CASE NUMBER: ADD2019-00085

STRAP NUMBER

34-43-24-00-00001.3030

REVIEWED
ADD2019-00085
Daniel Munt, Planner
Lee County DCD
6/18/2019

Exhibit B

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

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Diplomat North Property RPD/CPD

Minor Administrative Amendment to Planned Development

Narrative of Request

Request Summary

The applicant is requesting a minor administrative amendment to the approved Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD) to codify and clarify condition 1 that the north 5.43-acre optional CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes.

The applicant has verified this interpretation with the Zoning Manager and believes that the language is clear and is requesting clarification to avoid any confusion in the future.

Background and Approval History

The subject property is located on the north side of Diplomat Parkway East, just west of its intersection with N. Cleveland Ave/U.S. 41. The site is located in the Central Urban future land use category and within the Mixed Use Overlay within the North Fort Myers planning community.

The property is a ±38-acre portion of the ±65-acre Diplomat Property RPD/CPD which received zoning approval via Zoning Resolution Z-06-004. The project was approved for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail.

The original zoning approval was later amended administratively by ADD2007-00169 which amended the Master Concept Plan, revised the site development regulations for townhouses and added a deviation to allow curbside garbage pickup.

On March 21, 2011, an amendment to the northern ±35.2-acre RPD was approved for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum 50,000 square feet of medical office space including a conversion table and an amendment to the master concept plan.

Condition 1 on page 2 of Z-11-002 states the following which the applicant submits makes it clear that residential is permitted on the north 5.43-acre optional CPD area:

- Development must be substantially consistent with the new master concept plan AND the master concept plan previously approved by ADD2007-00169

- The following text is in bold text within the resolution "NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD parcel."

Z-11-002, states that it is an amendment to the RPD/CPD and does not state anywhere that it is a rezoning a portion of the RPD to CPD. The legal descriptions attached to the resolution are the same RPD/CPD approved with the 2006 resolution and do not include a description for the north 5.43 acre CPD parcel. The 5.43 acre CPD is only depicted on the alternate MCP approved for the ALF/CCF.

ZVL2018-10080 was issued on December 21, 2018 stating that residential dwelling units were not allowed within the 5.43-acre CPD.

The ZVL determination would make the existing development order for residential development on the northern RPD (DOS2007-00255) for the property that is valid until 2023 inconsistent with the zoning since residential is not currently shown in the schedule of uses for the 5.43-acre north CPD. This was clearly not the intent of the rezoning which would be to add alternate entitlements to the property not remove existing entitlements. The alternate development plan approved by the 2011 zoning resolution never received development order approval. Residential development on the 5.43-acres would be less intense than 50,000 square feet of medical office.

A meeting was held on February 27, 2019 with Zoning staff, Zoning Manager and County Attorney's office to discuss the existing development order approval and that no paperwork to revoke the existing development order was provided during the zoning amendment. The currently approved residential development order furthers the fact that residential development is still allowed on the entire North RPD zoning area, including the 5.43-acre optional CPD.

An email was received from the Zoning Manager on March 7, 2019 that "Staff is in agreement that the 5.43 CPD area may be used for residential development as noted in Condition 1 of Z-11-002."

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area) except as permitted in chapter 2. This section of the code further specifies that "the Director may not approve a change that will: (1) Result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; (2) Result in a reduction of total open space provided on the master concept plan

by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; (3) Decrease preservation areas. Changes to buffer or landscaping areas are permitted but must provide equivalent or better (by comparison with the approved Master concept plan) landscape or buffering; or (4) Adversely impact surrounding land uses."

Conclusions

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). No changes are proposed to the existing intensity approved for the development. The request is simply to codify and clarify condition 1 that the north 5.43-acre CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes. The proposed amendment does not increase the height, density or intensity within the development; does not underutilize public resources or infrastructure, does not reduce open space, does not decrease preservation areas or buffers; and does not adversely impact surrounding land uses. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC.

Exhibit C

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may <u>not</u> be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories
Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet.
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size:	1,600 square feet
Lot Width:	16 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	10 feet 0 feet (for a common wall)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **<u>SOLID WASTE/RECYCLING</u>**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of these facilities will be reviewed at the time of local development order application (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner John E. Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Frank Mann
Frank Mann, Chair

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

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mw
2011 MAY -9 PM 2:00

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

ADD2019-00085 Lee County ePlan

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

Applicant's Legal Checked
by 11/08/06 CSF

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1" = 300'

COORDINATE TABLE

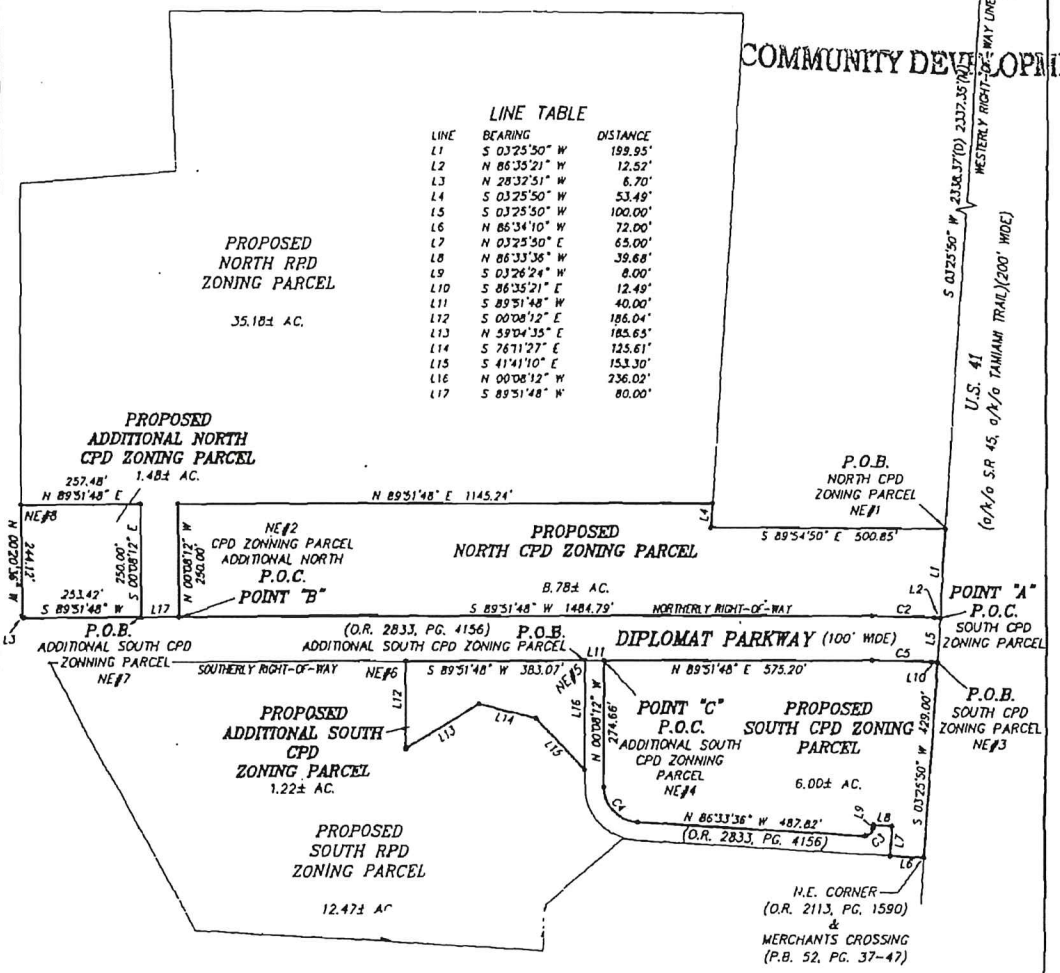
POINT	NORTHING	EASTING
NE#1	898827.93	908334.48
NE#2	898389.35	688697.19
NE#3	856228.53	688316.53
NE#4	858231.52	687602.01
NE#5	856231.43	687562.01
NE#6	898230.51	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	89°25'24"	120.87'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	128.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

— PREPARED NOVEMBER 2, 2006.

CSJ 11/4/08

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2618 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bietschmidt

EXHIBIT "A"
(Page 3 of 6)

ADD2019-00085 Lee County ePlan

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
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Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

ADD2019-00085 Lee County ePlan

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COMMUNITY DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

LINE TABLE

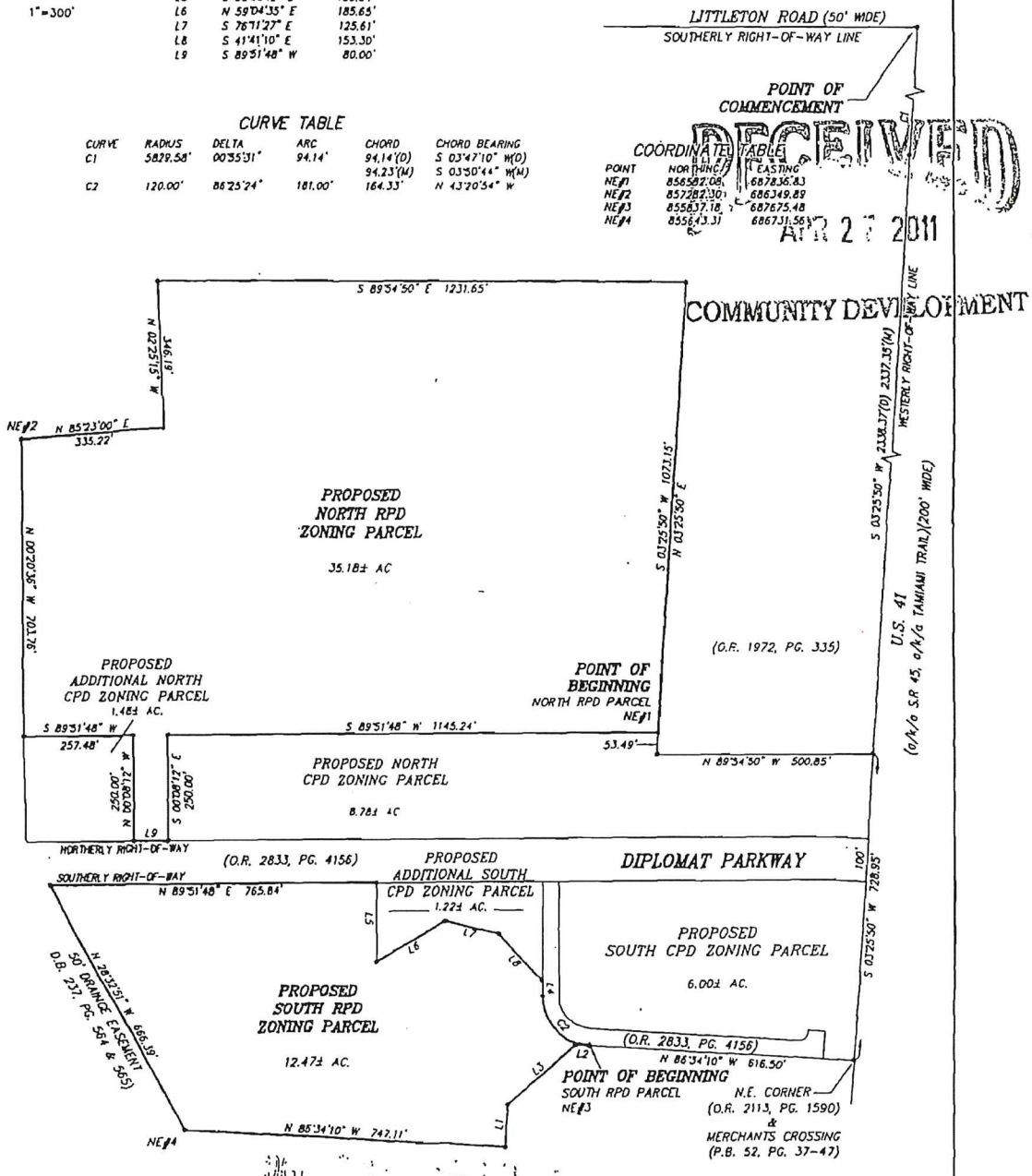
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



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APR 27 2011
COMMUNITY DEVELOPMENT

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
D.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

SKETCH

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED NOVEMBER 2, 2009

CSJ 11/6/06

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2618 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map
DCI2010-00015

Mapped:4/29/11

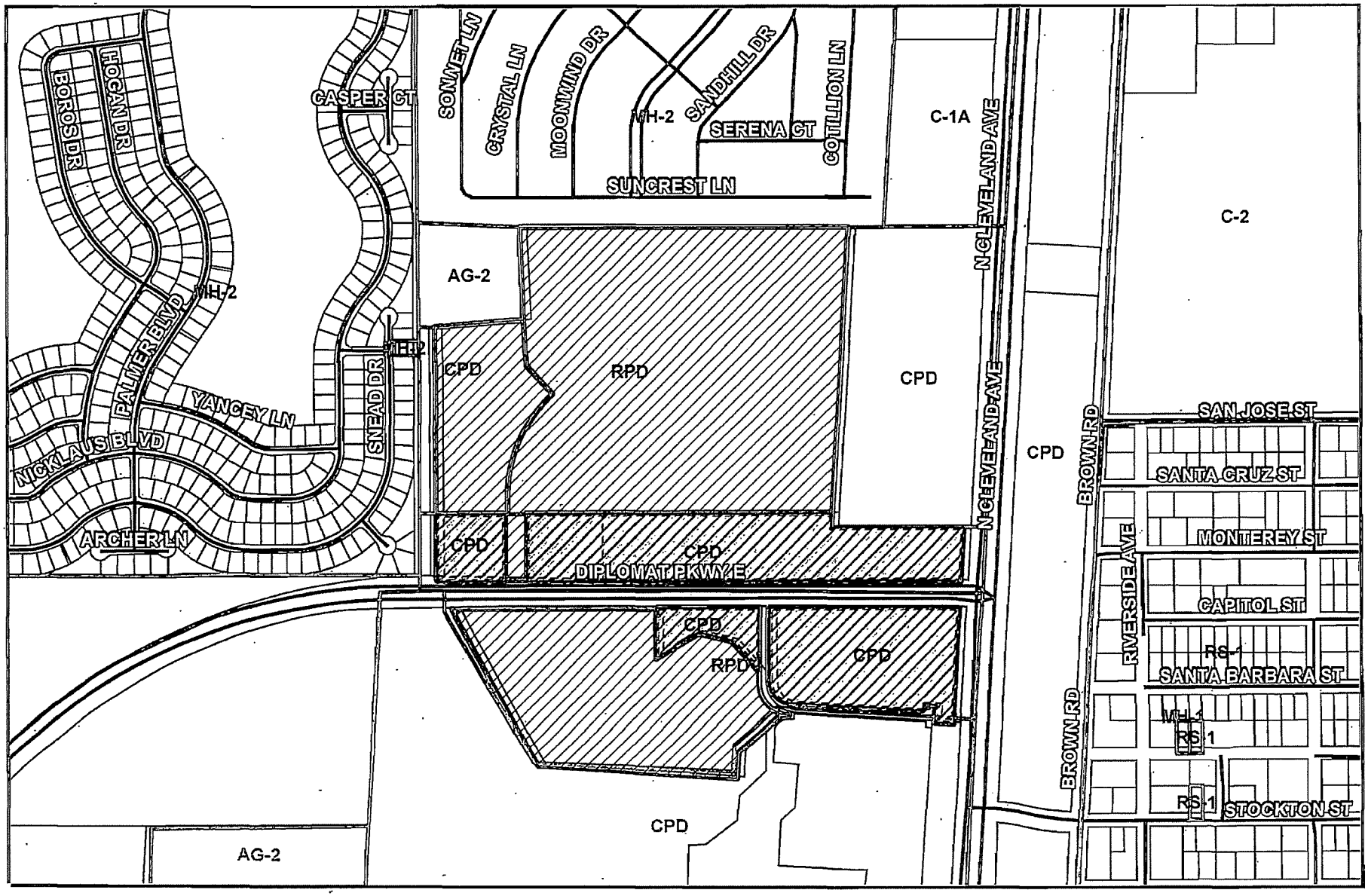
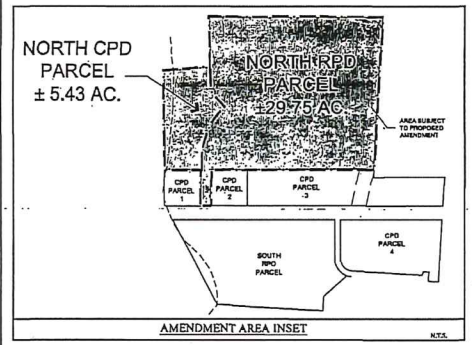


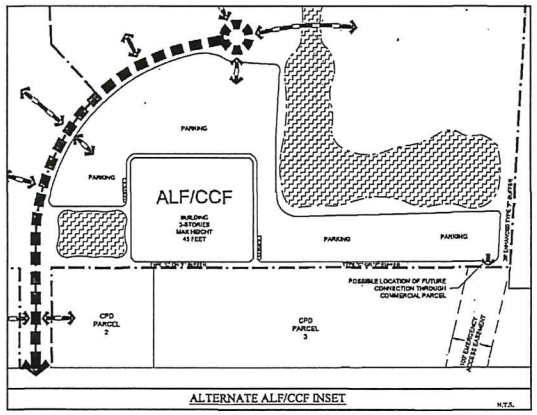
EXHIBIT "B"

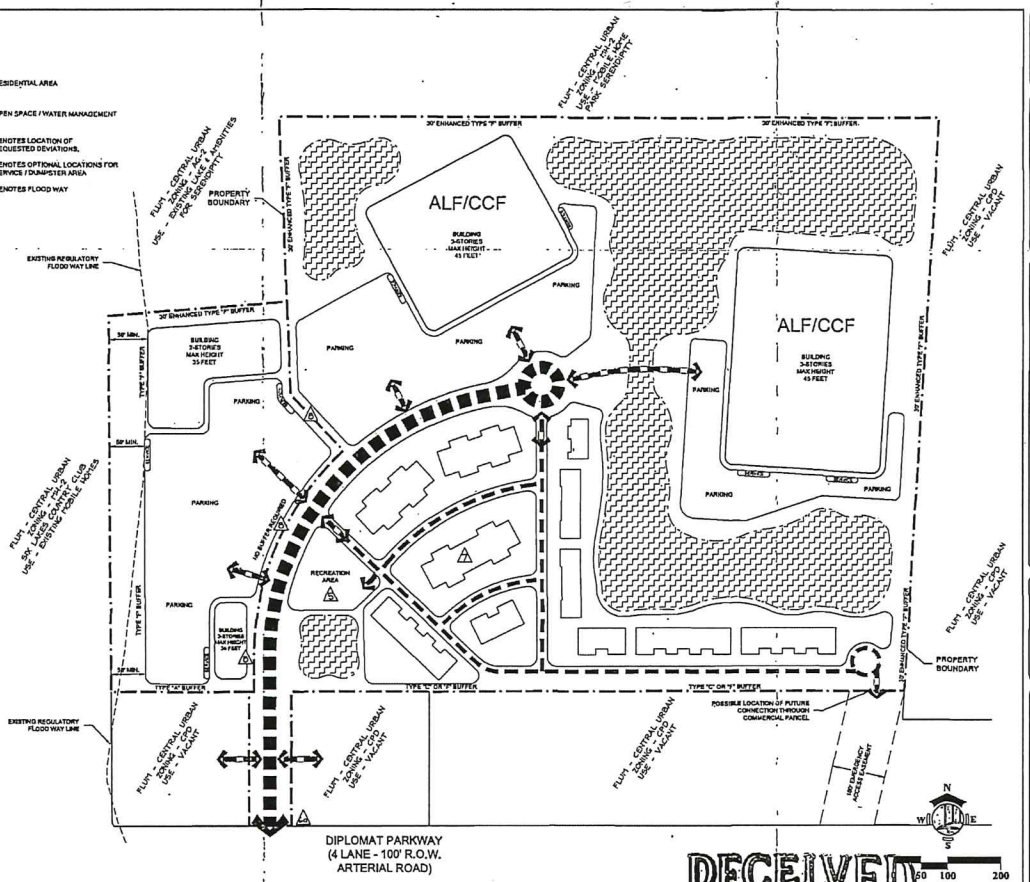
ADD2019-00085 Lee County ePlan



LEGEND:

- RESIDENTIAL AREA
- OPEN SPACE / WATER MANAGEMENT
- DENOTES LOCATION OF REQUESTED DEVIATIONS.
- SERVICE — DENOTES OPTIONAL LOCATIONS FOR SERVICE / DUMPSTER AREA
- DENOTES FLOOD WAY





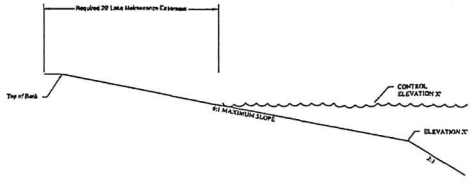


TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
TOTAL	35.18 AC.	TOTAL	13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER 2-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF / CCF	408 BEDS	
RESIDENTIAL	138 D.U.	
MEDICAL OFFICE	80,000 S.F.	

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS = 1 D.U.

400 SQ. FT. MEDICAL OFFICE = 1,200 SQ. FT. PROFESSIONAL OFFICE

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Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite
2481 FIRST STREET, SUITE 301
FORT MYERS, FLORIDA 33901
PH: (239) 278-4811 - FX: (239) 274-4894
EN-29944 CA-C2000021L

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)
Project Line 3

REVISIONS

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 8-06-10	8-23-10
R2	Revised per lee county sufficiency comments dated 10-14-10	10-25-10
R3	Revised per lee county comments	12-13-10
R4	Revised per HCE comments and conditions	1-7-11
R5	Final Adopted Plan	4-28-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO. 1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

EXHIBIT "C"
(Page 1 of 2)

EXHIBIT "C"
(Page 2 of 2)

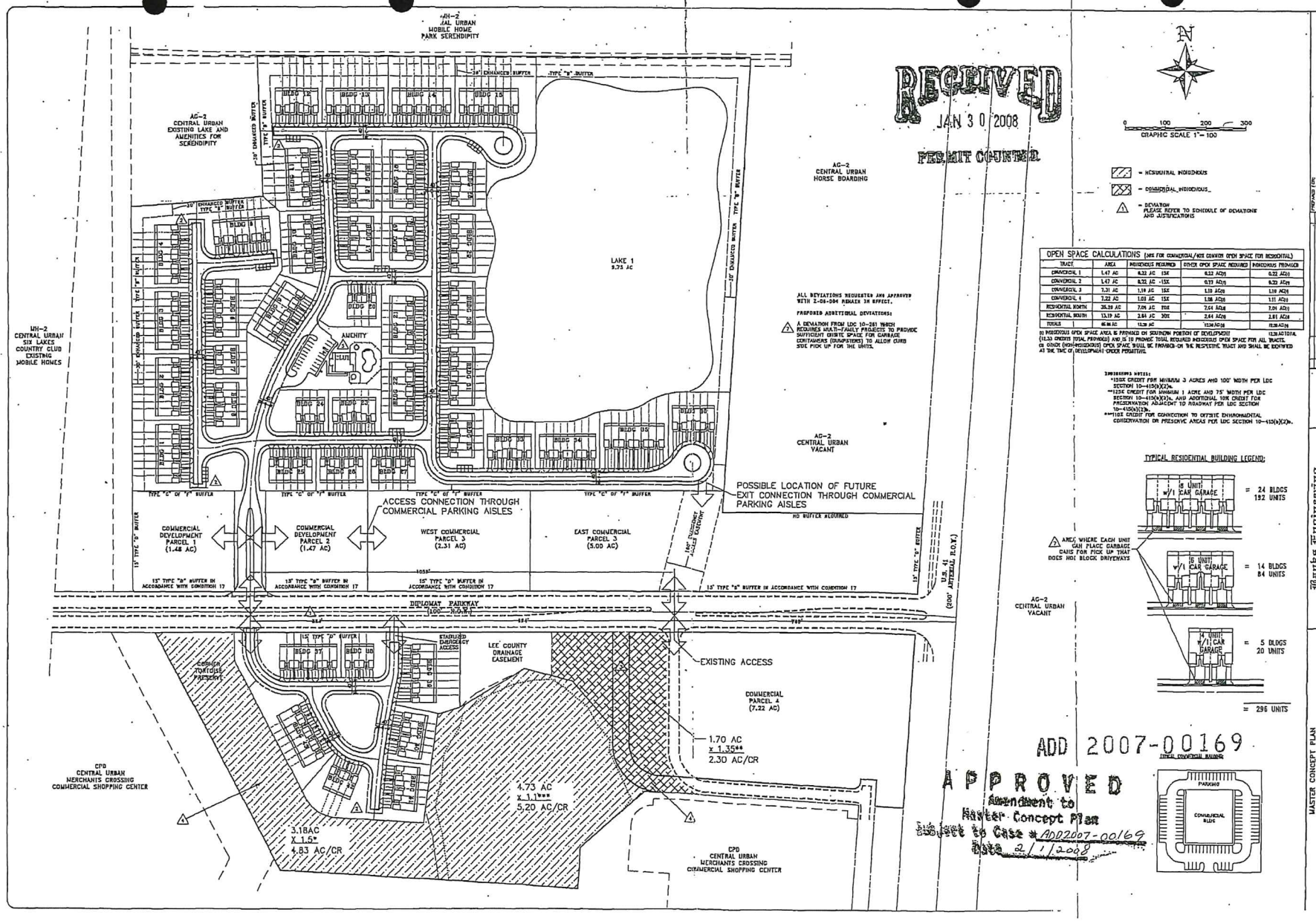

Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00169

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Athyrio Development Associates, LLC, filed an application for administrative approval to a Residential Planned Development/Commercial Planned Development (RPD/CPD) on a project known as Diplomat Parcel for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviations to the Land Development Code on property located at 15501 North Cleveland Avenue , described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 24 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as "Exhibit A".

WHEREAS, the property was originally rezoned in case number DCI2005-00055 (Z-06-004); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category 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

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 457 dwelling units pursuant to condition #1; and

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 200,000 square feet of commercial floor area; and

WHEREAS, the approved master concept plan contemplated filling in an existing lake; and

WHEREAS, the applicant has reconfigured the master concept plan providing for more detail of the residential uses, and utilization of the existing lake; and

WHEREAS, the Diplomat RPD/CPD provided land development regulations for townhouses per Condition 2; and

WHEREAS, the applicant proposes a revised set of land development regulations for their specific townhouse products; and

WHEREAS, these revised land development regulations are substantively the same and acceptable to staff; and

WHEREAS, the applicant requests a deviation from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project; and

WHEREAS, this request was reviewed and approved by the Department of Solid Waste and the Department of Public Works; and

WHEREAS; the deviation request enhances the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; 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 Diplomat Residential Planned Development/Commercial Planned Development (RPD/CPD) for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviation to the Land Development Code is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated JAN 30, 2007, Master Concept Plan for ADD2007-00169 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Condition 2 a. of Zoning Resolution #Z-06-004 is revised with the following Site Development Regulations for Townhouses.**

Minimum Lot Areas and Dimensions

Lot Size	**~~7,500~~ 1,600 square feet**
Lot Width	**~~75~~ 16 feet**
Lot Depth	**100 feet**

Minimum Setbacks

Street	**25 feet (public)/20 feet (private)**
Side	**~~5~~ 10 feet (Zero feet for common wall unit)**

Rear	**30 feet - All lots containing enhanced buffer. See Condition 13.** **20 feet - all other lots**
Water Body	**25 feet**

All Accessory Uses: Per the LDC

Setbacks from Preserves (All Structures) 25 feet per the LDC.

Minimum Perimeter Setbacks: 25 feet (30 feet - All lots containing enhanced buffer. See Condition 13.)

Minimum Building Separation ~~10~~ 20 feet

Maximum Building Height: 35 feet/2 stories

Maximum Lot Coverage: ~~45~~ 65%

3. **Deviation 7 seeks relief from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 1st day of February, A.D., 2008.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
SEP 25 2007
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

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Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by S 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
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L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
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L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
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C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

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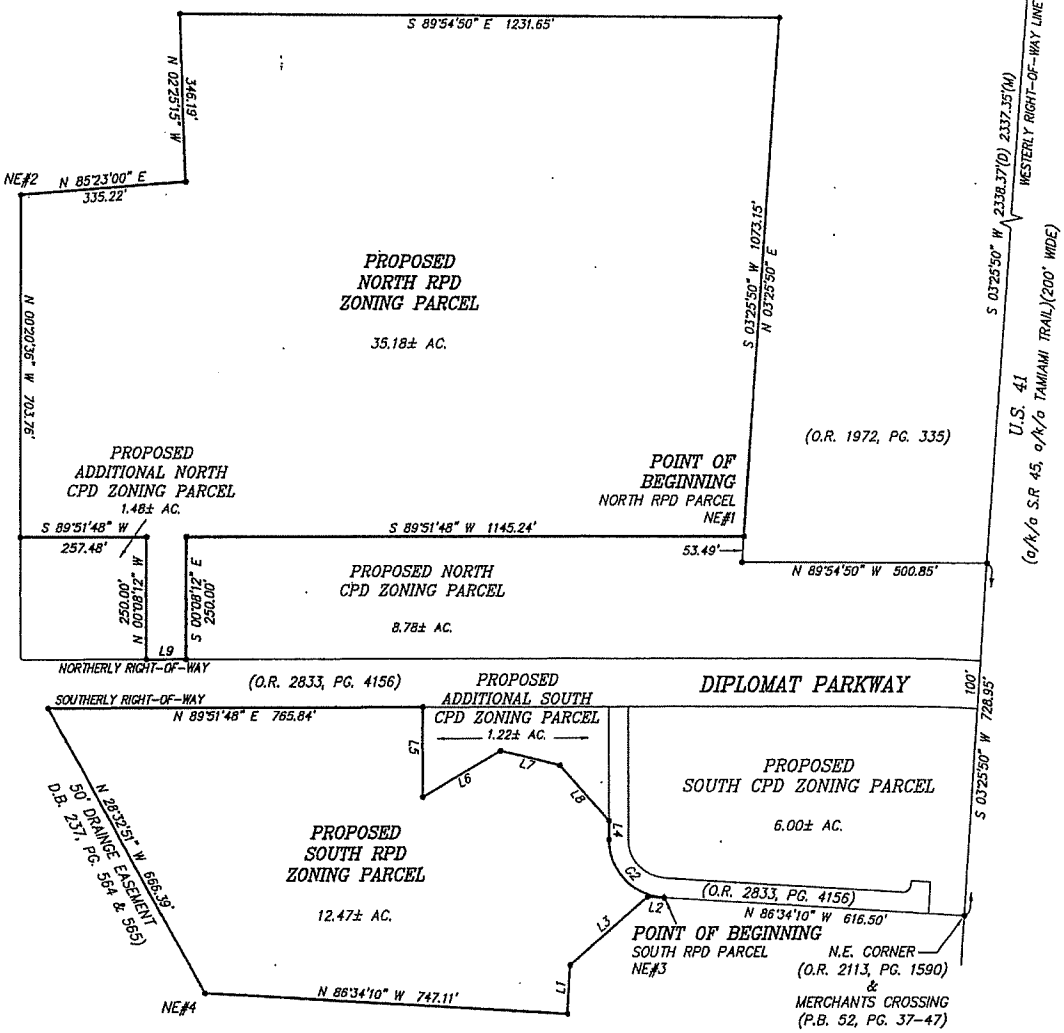
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

Applicant's Legal Checked
by 9/25/07

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 12, 2006.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

ADD2019-00085 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

COORDINATE TABLE

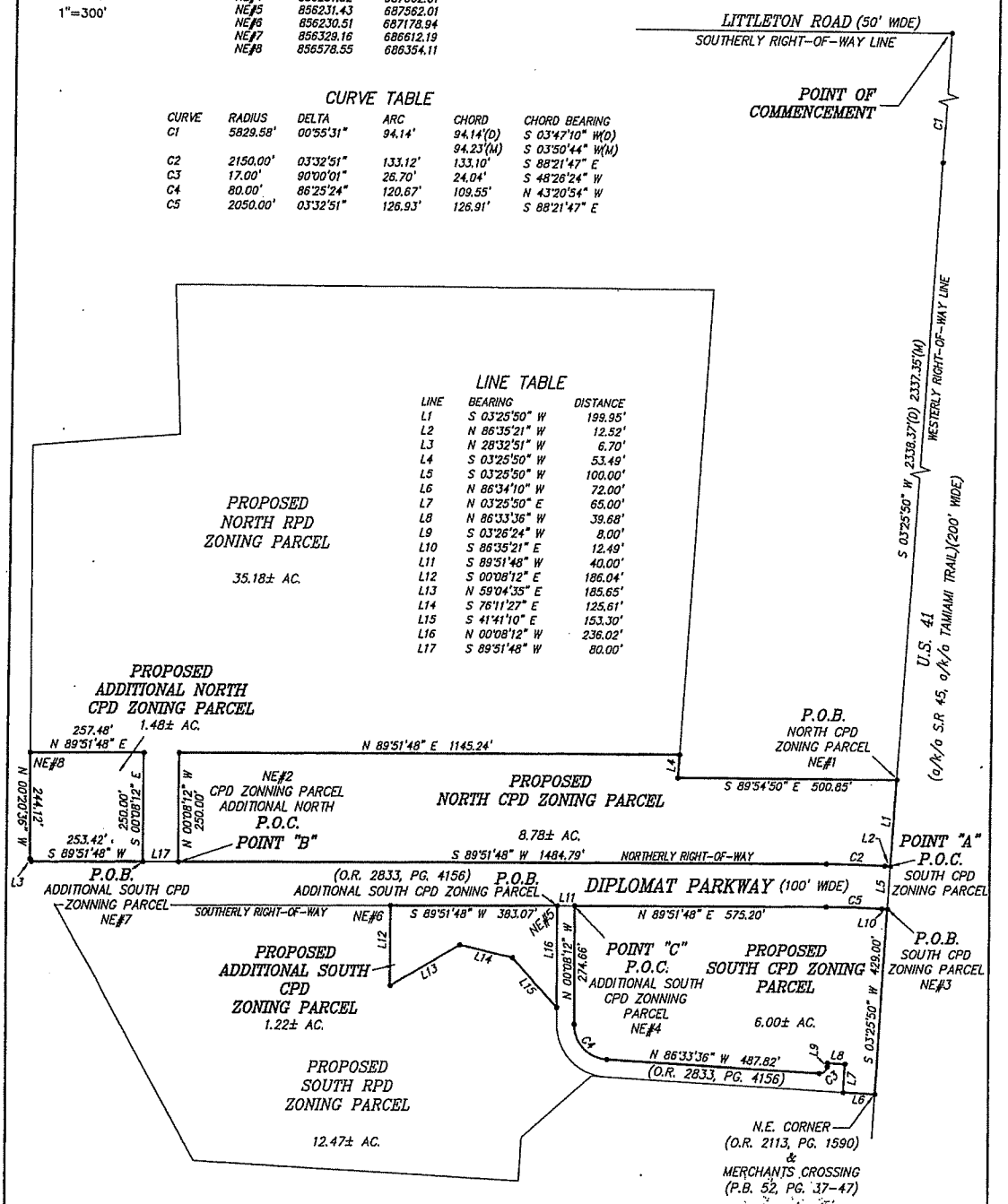
POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'



NOTES:
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3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

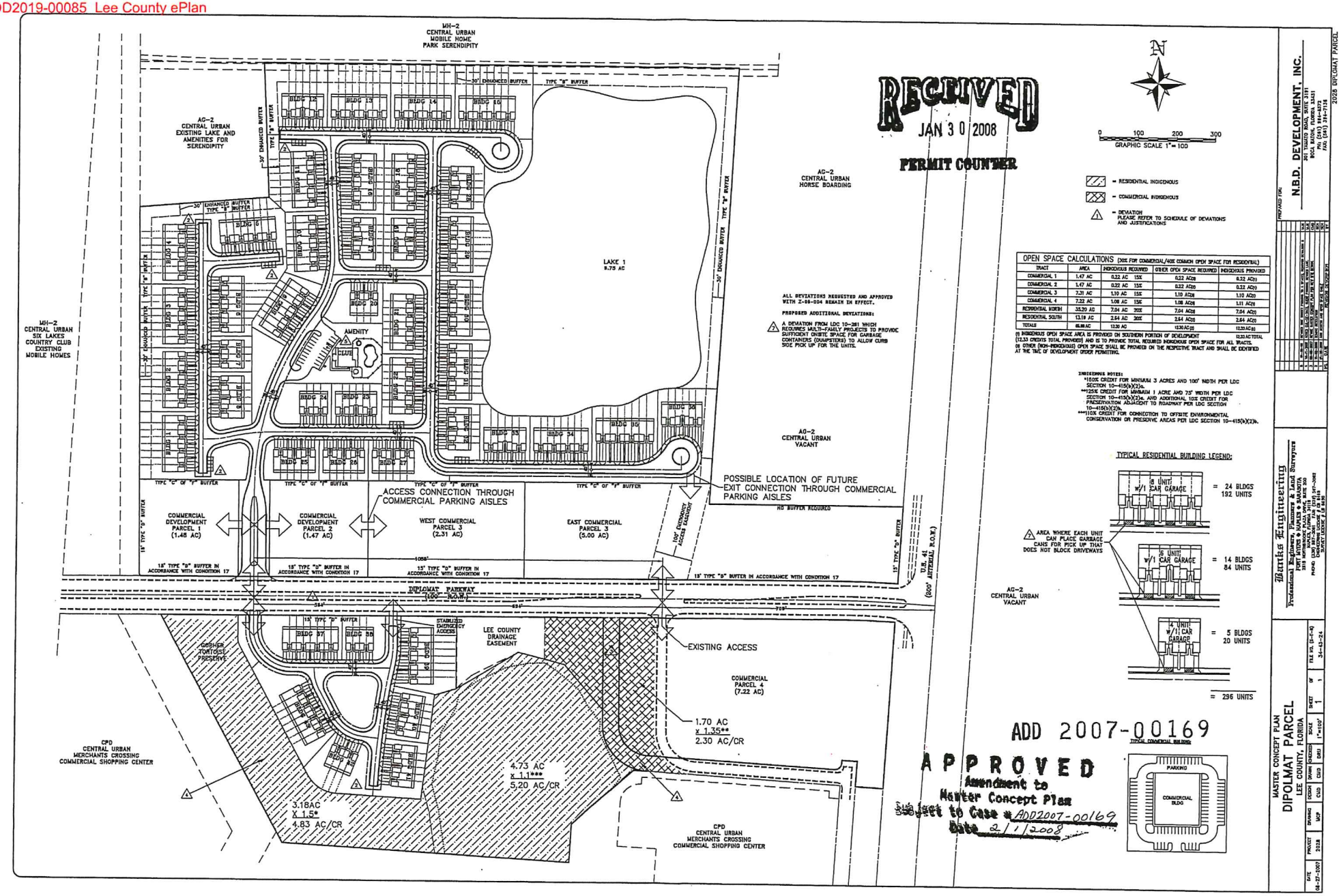
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED NOVEMBER 27, 2006

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2615 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Applicant's Legal Checked by 9/25/07


MH-2
CENTRAL URBAN
MOBILE HOME
PARK SERENDIPITY
AG-2
CENTRAL URBAN
EXISTING LAKE AND
AMENITIES FOR
SERENDIPITY
MH-2
CENTRAL URBAN
SIX LAKES
COUNTRY CLUB
EXISTING
MOBILE HOMES
AG-2
CENTRAL URBAN
HORSE BOARDING
AG-2
CENTRAL URBAN
VACANT
LAKE 1
9.75 AC
AMENITY
CLUB
BLDG 1
BLDG 2
BLDG 3
BLDG 4
BLDG 5
BLDG 6
BLDG 7
BLDG 8
BLDG 9
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BLDG 32
BLDG 33
BLDG 34
BLDG 35
BLDG 36
BLDG 37
BLDG 38
BLDG 39
BLDG 40
BLDG 41
30' ENHANCED BUFFER
TYPE "B" BUFFER
TYPE "C" OR "F" BUFFER
15' TYPE "D" BUFFER
NO BUFFER REQUIRED
ACCESS CONNECTION THROUGH
COMMERCIAL PARKING AISLES
POSSIBLE LOCATION OF FUTURE
EXIT CONNECTION THROUGH COMMERCIAL
PARKING AISLES
COMMERCIAL
DEVELOPMENT
PARCEL 1
(1.48 AC)
COMMERCIAL
DEVELOPMENT
PARCEL 2
(1.47 AC)
WEST COMMERCIAL
PARCEL 3
(2.31 AC)
EAST COMMERCIAL
PARCEL 3
(5.00 AC)
18' TYPE "D" BUFFER IN
ACCORDANCE WITH CONDITION 17
15' TYPE "D" BUFFER IN
ACCORDANCE WITH CONDITION 17
1058'
DIPLOMAT PARKWAY
100' R.O.W.
T.R.E. 41
(200' ARTERIAL R.O.W.)
STABILIZED
EMERGENCY
ACCESS
LEE COUNTY
DRAINAGE
EASEMENT
EXISTING ACCESS
COMMERCIAL
PARCEL 4
(7.22 AC)
1.70 AC
x 1.35**
2.30 AC/CR
4.73 AC
x 1.1***
5.20 AC/CR
3.18AC
X 1.5*
4.83 AC/CR
GOPHER
TORTOISE
PRESERVE
CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER
CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER
N
0 100 200 300
GRAPHIC SCALE 1" = 100'
= RESIDENTIAL INDIGENOUS
= COMMERCIAL INDIGENOUS
= DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS
AND JUSTIFICATIONS
ALL DEVIATIONS REQUESTED AND APPROVED
WITH Z-88-004 REMAIN IN EFFECT.
PROPOSED ADDITIONAL DEVIATIONS:
A DEVIATION FROM LDC 10-261 WHICH
REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE
SUFFICIENT ONSITE SPACE FOR GARBAGE
CONTAINERS (DUMPSTERS) TO ALLOW CURB
SIDE PICK UP FOR THE UNITS.
OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)
TRACT | AREA | INDIGENOUS REQUIRED | OTHER OPEN SPACE REQUIRED | INDIGENOUS PROVIDED
COMMERCIAL 1 | 1.47 AC | 0.22 AC 15% | 0.22 AC(2) | 0.22 AC(1)
COMMERCIAL 2 | 1.47 AC | 0.22 AC 15% | 0.22 AC(2) | 0.22 AC(1)
COMMERCIAL 3 | 7.31 AC | 1.10 AC 15% | 1.10 AC(2) | 1.10 AC(1)
COMMERCIAL 4 | 7.22 AC | 1.08 AC 15% | 1.08 AC(2) | 1.11 AC(1)
RESIDENTIAL NORTH | 35.20 AC | 7.04 AC 20% | 7.04 AC(2) | 7.04 AC(1)
RESIDENTIAL SOUTH | 13.19 AC | 2.64 AC 20% | 2.64 AC(2) | 2.64 AC(1)
TOTALS | 66.86 AC | 12.30 AC | 12.30 AC(2) | 12.33 AC(1)
(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT 12.33 AC TOTAL
(12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED
AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC
SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC
SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR
PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION
10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL
CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.
TYPICAL RESIDENTIAL BUILDING LEGEND:
8 UNIT
w/1 CAR GARAGE
= 24 BLDGS
192 UNITS
AREA WHERE EACH UNIT
CAN PLACE GARBAGE
CANS FOR PICK UP THAT
DOES NOT BLOCK DRIVEWAYS
6 UNIT
w/1 CAR GARAGE
= 14 BLDGS
84 UNITS
4 UNIT
w/1 CAR GARAGE
= 5 BLDGS
20 UNITS
= 296 UNITS
TYPICAL COMMERCIAL BUILDING
PARKING
COMMERCIAL
BLDG
ADD 2007-00169
APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00169
Date 2/1/2008
RECEIVED
JAN 30 2008
PERMIT COUNTER
N.B.D. DEVELOPMENT, INC.
Banks Engineering
Professional Engineers, Planners & Land Surveyors
MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA
2028 DIPLOMAT PARCEL

Exhibit E

RESOLUTION NUMBER Z-06-004

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

WHEREAS, Athyrio Development Associates, LLC, filed an application on behalf of the property owner, Richard K. Bennett, Successor Trustee of the North Trail Land Trust, to rezone 65± acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district, in reference to Diplomat Property RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on January 12, 2006, and January 13, 2006, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00055; and,

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

   Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (RPD): 381 dwelling units. An additional 76 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 75 units may only be sold to buyers who qualify as a moderate income household at the time of purchase. Moderate income households means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 47.65 acres of RPD. An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 381 (up to 457 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, Indoor only. No outdoor display.
Variety Store

b. **Site Development Regulations - RPD**

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer, See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

MULTI-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13.
	20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

COMMERCIAL

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Building Height: 50 feet/ 3 stories
35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. Concurrency.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. Model Home and Real Estate Sales.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. Agricultural Uses. No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

6. Blasting. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. Wireless Communication Facilities.

    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.

14. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Environmental. Prior to local development order approval:

a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,

c. The landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. Commercial Parcels North of Diplomat Parkway. Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.

6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

      1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

      2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

      3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and

2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan -Diplomat Parcel, Stamped Received November 3, 2006

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3030.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD/CPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. No agricultural uses currently exist on the property.

5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Janes made a motion to adopt the foregoing resolution, seconded by Commissioner Judah. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

ADD2019-00085 Lee County ePlan

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

2006 NOV 27 PM 3:20

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

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TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

ADD2019-00085 Lee County ePlan

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

Applicant's Legal Checked
by 11/08/06 csf

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N
1"=300'

COORDINATE TABLE

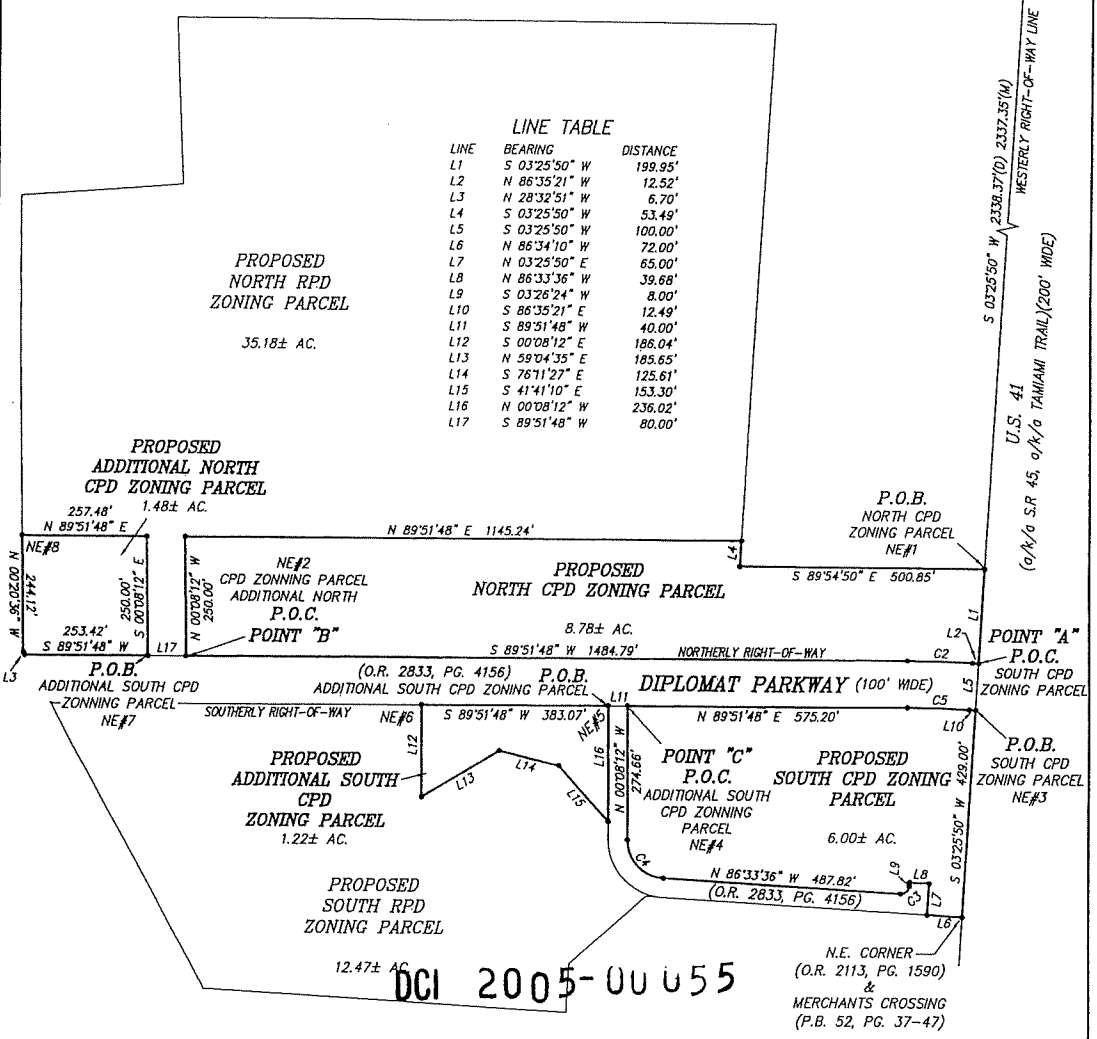
POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	688692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°28'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'



DCI 2005-00055

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

P.O.C.	INDICATES POINT OF COMMENCEMENT
P.O.B.	INDICATES POINT OF BEGINNING
O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
P.B.	INDICATES PLAT BOOK
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 2, 2006.

CSJ 11/4/06

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE – SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bielschmidt

ADD2019-00085 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2005-00055

ADD2019-00085 Lee County ePlan

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

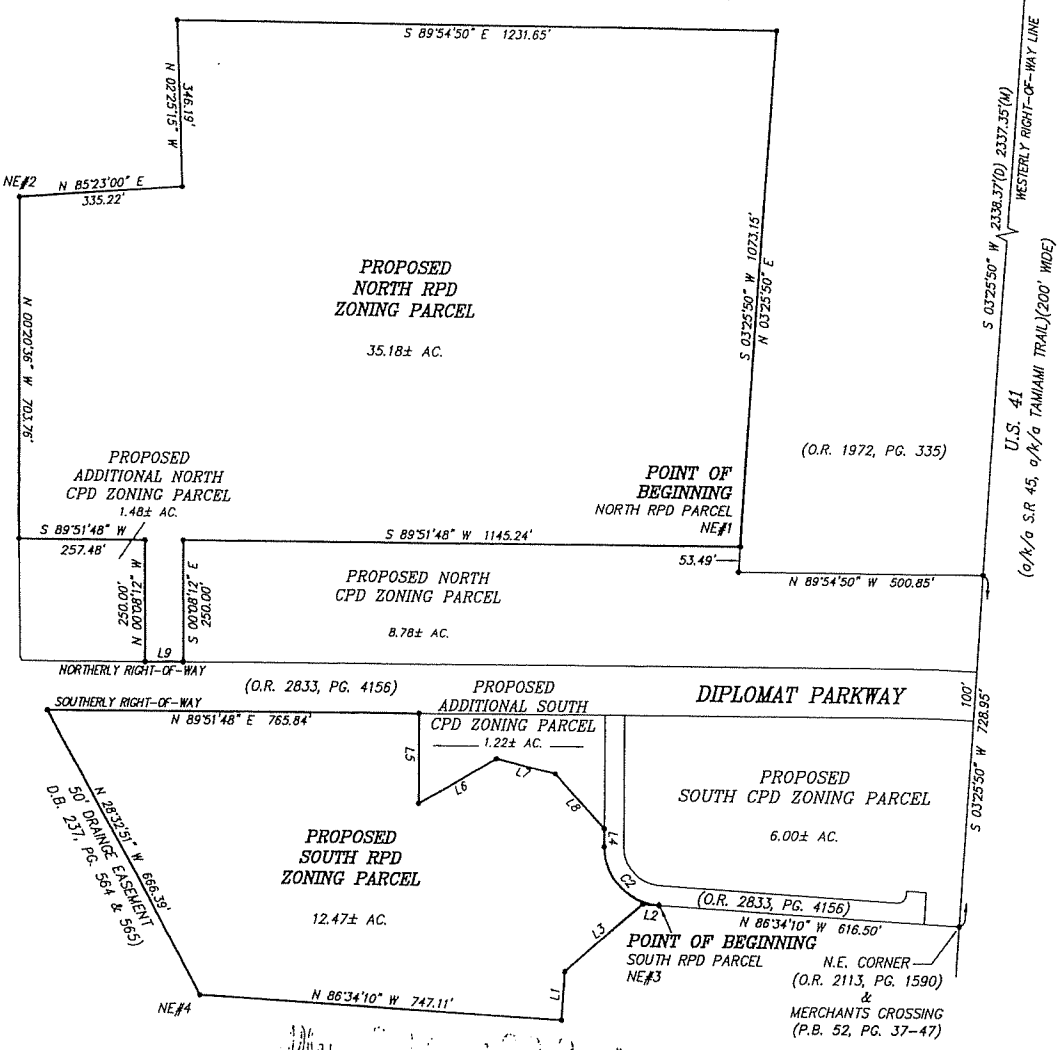
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

SKETCH

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2005

by CSJ 11/2/06

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

DCI 2005-00055

SHEET 3 OF 3

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PROPOSED ZONING MAP

Attachment B

12/7/2005

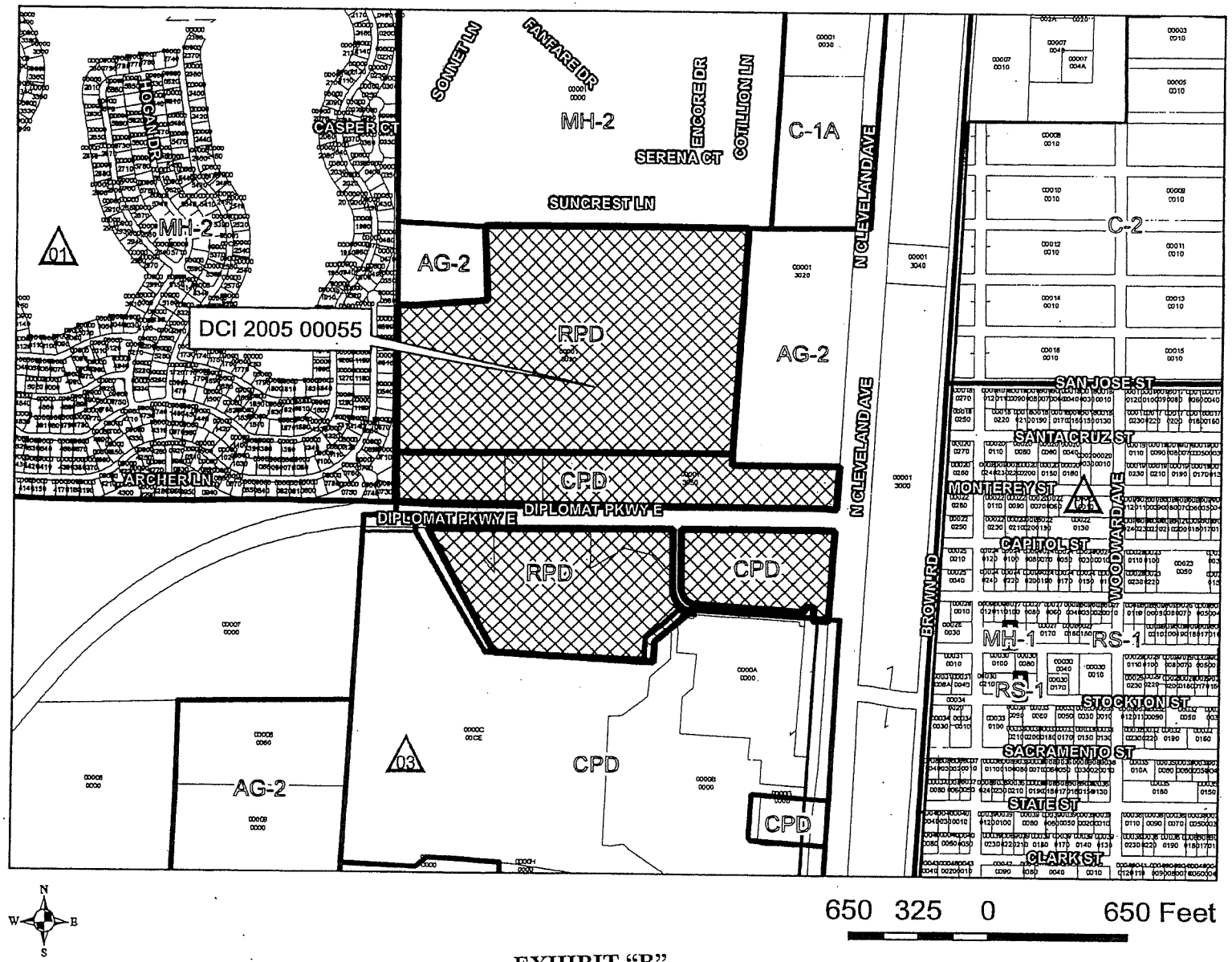


EXHIBIT "B"

Zoning Map

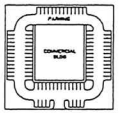
ADD2019-00085 Lee County ePlan

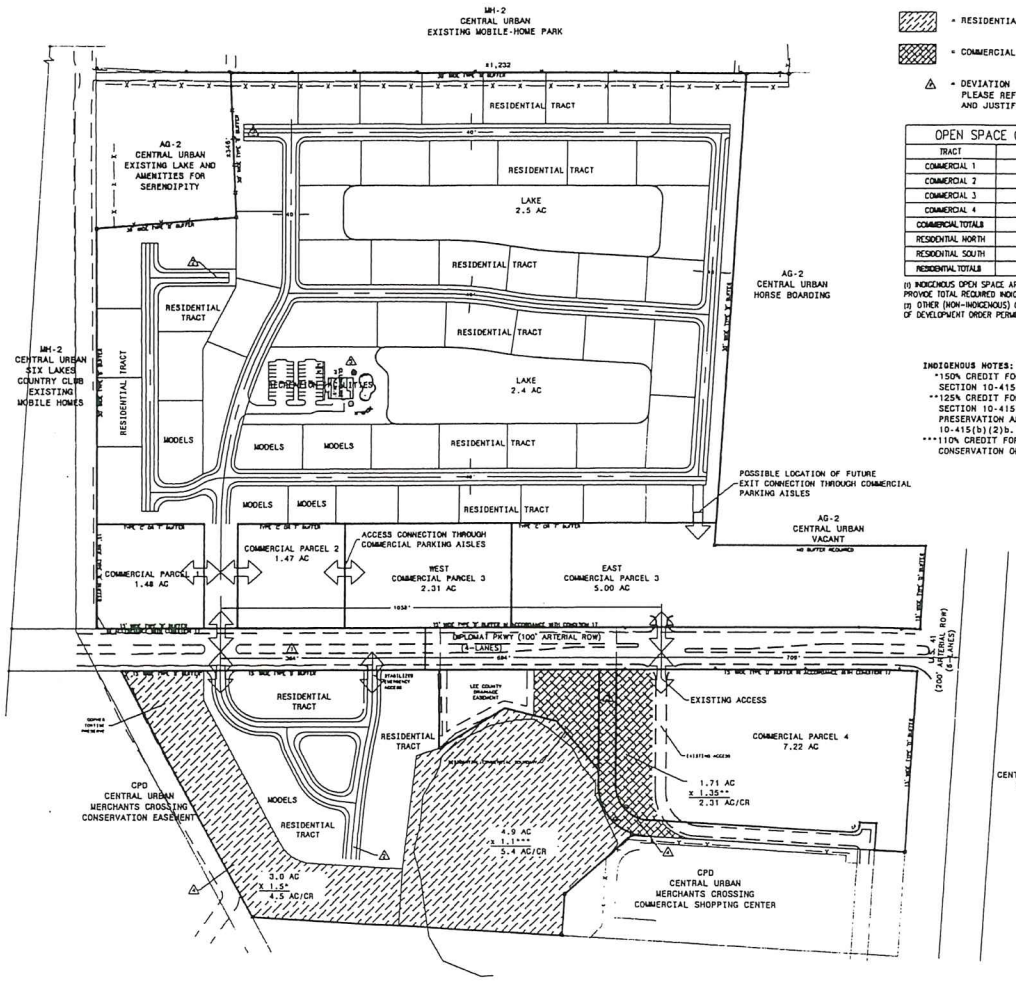
TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:





= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
- *150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
- **125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
- ***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

EXHIBIT C

N

0 300' 600'
GRAPHIC SCALE 1"= 300'

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-06-004

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 394-6572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/16/06	ZONING RESOLUTION	JGH
1	01/23/06	ADD NEGOTIATED OPEN SPACE TABLE	JGH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34108
PHONE: (239) 597-2061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 0446
SURVEY LICENSE # LB 6890

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24

RESOLUTION NUMBER Z-08-007

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

WHEREAS, an application was filed by the property owner, Hallin Family LLC, to rezone 27.25± acres from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Littleton Center CPD; and,

WHEREAS, a public hearing was advertised and held on June 5, 2008 and continued on July 9, 2008, August 15, 2008 and September 17, 2008, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00023; and

WHEREAS, a second public hearing was advertised and held on February 2, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 27.25± acres from AG-2 to CPD for 138,500 square feet of commercial floor area, including 70,000 square feet of retail, 68,500 square feet of office/restaurants/banks/self service fuel pumps and a maximum of 120 hotel rooms. Maximum height proposed is 1-story/45 feet (six stories/75 feet for a hotel). No development blasting is being requested. The Applicant indicates that the project will connect to public water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be substantially consistent with the single-page Master Concept Plan (MCP) entitled "Exhibit E - Site Plan, Littleton Center, Parcel 'B', Lee County, FL," dated 02/07, date-stamped "Received Feb 04 2009 Community Development," and the single-page plan entitled "Lot Line Exhibit, Littleton Center, Lee County , FL," dated 02/07, date-stamped "Received Apr 16 2008 Community Development," both attached hereto as Exhibit C, except as modified by the conditions below.

COPY

2-2-09Z

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area (CPD): 138,500 square feet of commercial floor area, which may include any combination of commercial retail and/or office uses, and a maximum of 120 hotel rooms.

No individual retail building may exceed 50,000 square feet in floor area.

2. **Schedule of Uses**

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

Accessory Uses and Structures
Administrative Offices
Agricultural Uses, pursuant to Condition 8
Animal Clinic, Animal Kennel - no outdoor runs
ATM (automatic teller machine)
Automobile Service Station *(see note below)*
Banks and Financial Establishments, Groups I and II
Boat Part Store - No boat repair, sales, or service
Boats, limited to boat parts store
Business Services, Groups I and II - excluding bail bonding and armored car services.
Clothing Store, General
Computer and Data Processing Services
Consumption on Premises - See Condition 11
Convenience Food & Beverage Stores *(see note below)*
Cultural Facilities - limited to Art Galleries and Museums
Daycare Center, Child, Adult
Department Store
Drive Through for Any Permitted Use - outside speakers may face either US 41 or to the side (northerly or southerly), but not face or be aimed towards the rear (easterly boundary) of the site.
Drug Store or Pharmacy, stand-alone, is limited to one for the entire CPD
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention (Not to include removal of excavated material from the site. *No blasting)*
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store - no outdoor display or storage
Hobby, Toy and Game Shop

Hotel/Motel - Maximum 120 Rooms - Special Exception (Public Hearing) Required.
Household and Office Furnishings, Groups I and II - no outdoor display or storage.
Laundry and Dry Cleaning, Group I only
Lawn and Garden Supply Store - no outdoor display or storage
Medical Office
Non-store retailers
Package Store - (for stand-alone stores, limited to two - one stand-alone package store and one stand-alone beer/wine only package store for the entire CPD). Package stores are allowed as accessory uses to drug stores
Parcel and Express Services
Parking Lot, Accessory, Temporary
Paint, Glass and Wallpaper - no outdoor display or storage
Personal Services, Groups I, II, III and IV
Excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortune Tellers or Card Readers or Tattoo Parlors.
Pet Shop, Pet Services - no outdoor runs.
Post Office
Printing and Publishing
Rental or Leasing Establishments, Groups I and II
Repair Shops, Groups I and II
Restaurant, Fast Food (Limited one such use for the entire CPD, and located within a multiple-occupancy commercial building only. No stand-alone fast food restaurants)
Restaurants, Groups I, II and III
Self-Service Fuel Pumps - limited to one location and to a maximum of 16 pumps for the entire CPD - *see note below*
Schools, Commercial
Signs in accordance with Chapter 30
Specialty Retail Shops, Groups I, II, III and IV
Storage, Indoor only
Studios
Supermarket
Temporary Uses
Used Merchandise Stores, Groups I and II
Variety Stores
Wholesale Establishment, Group III only

NOTE: For Automobile Service Station, Convenience Food & Beverage Store, and/or /Self Service Fuel Pumps, only <u>one</u> establishment with these uses will be allowed for the entire CPD.

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks (Except as shown on the lot line exhibit attached as Exhibit C.)

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	20 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC §§34-1171, *et seq.* and 34-2194.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet (Except as shown on the lot line exhibit attached as Exhibit C.)

Maximum Lot Coverage: 40%

Building Height:	1 story/45 feet 6 stories/75 feet for hotel/motel use only

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The Developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.

4. **NO BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. **ACCESSORY USES**

Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. **LEE COUNTY COMPREHENSIVE PLAN**

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b); be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

8. **AGRICULTURAL USES**

Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

(a) Bona fide agricultural uses that are in existence at the time of rezoning, and as described in Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

(b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County-approved requests for the removal of invasive exotic vegetation.

(c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the County that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the Public Records of the County at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

9. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the development order submital.

10. **BUFFER ENHANCEMENTS**

(a) All required buffers must utilize 100% all native vegetation.

(b) The US 41 buffer must be enhanced with a minimum of seven (7) canopy trees per linear 100 feet (No palms). Trees must be a minimum of 14 feet in height and 4 inches diameter at breast height at the time of planting.

11. **CONSUMPTION ON PREMISES**

(a) Consumption on premises (indoor) is permitted only in conjunction with a Group III Restaurant or Hotel/Motel.

(b) No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

(c) Outdoor consumption on premises may only be approved by Special Exception. A public hearing is required. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.

12. **ACCESS TO US 41**

The proposed project access points on US 41 will be subject to approval of the Florida Department of Transportation.

13. **DESIGN STANDARDS**

(a) Prior to local development order approval, the exterior elevations must be done in substantial compliance with the Littleton - Proposed Architectural Identity Exhibit, attached as Exhibit E.

(b) These designs are preliminary and subject to changes in conformance with this resolution and the LDC, including LDC Chapter 10, Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

(c) Developer must develop architectural/design guidelines ("Design Guidelines") that will be imposed on the entire property subject to the Commercial Planned Development. Developer must create a property owners association (POA) which will be obligated to require and cause compliance (without substantial deviation) with Design Guidelines via a declaration of Covenants, Conditions and Restrictions ("POA Documents"). Once the Design Guidelines are approved by Staff of Community Development, they must be incorporated into the POA Documents, recorded in public records and administered by such association, and kept in effect without amendment except as approved by Community Development Director for good cause only. No building permit will be issued unless design complies with Design Guidelines. The Design Guidelines must, without limitation, include the following:

(1) *Architectural style*. Must conform to the Design Guidelines, which specify a unified, coordinated architectural style for the project which blend with and complement existing architectural features of adjacent structures constructed under these standards.

(2) *Facade treatment*. In addition to the requirements of LDC §10-600, projects must use architectural relief, articulation or landscaping on building facades to reduce the bulk of buildings with walls longer than 75 feet that are either parallel to the street or perpendicular to the readily visible from the street. Buildings must be designed to be visually appealing from all directions. Buildings that are visible from more than one side at entrance driveways from U.S. Route 41 must use facade treatments on all viewable walls. Methods for providing architectural relief of blank walls must include one or more of the following:

a) Recessed or clearly defined entryways;
b) Varying roof lines, pitches and shapes;
c) Dormers, balconies, porches and staircases;
d) Transparent window or door areas or display windows that provide visibility into the building interior. No reflective or darkly tinted glass may be used on the ground level;
e) Overhangs, awnings and marquees;
f) Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings and wall murals;
g) Shrubs or vine trained to grow upright on wire or trellises next to blank walls; and
h) Architectural features such as cornices, articulated roof parapets, porticos, towers or other details that vary the building height.

(3) *Multiple-tenant buildings.* For multiple-tenant buildings, roof parapets must be varied in depth and height. Roof parapets must be articulated to provide visual diversity.

(4) *Out-parcels.* Exterior facades of out-parcels buildings must be treated as primary facades and must employ architectural, site and landscaping design elements that are common to the theme used on the main development on site including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and multiple-use or other larger buildings on-site, enhance visual impact of the buildings and to provide for safe and convenient vehicular and pedestrian access and movement on site.

(5) *Street furniture and public amenities.* Incorporation of street furniture and other pedestrian amenities in the design is encouraged. All accessories such as railings, trash receptacles, street furniture and bicycle racks must complement the building design and style.

(6) *Building Color.* A unified plan for exterior finishes, including specifications for materials and unified colors and accent colors.

(d) *Lighting.* Provide a coordinated lighting plan for the Commercial Planned Development. Provide pedestrian level lighting of building entryways.

(1) Lighting must be given a distinct architectural theme that complements the building's exterior. Light fixtures must be coordinated and complement the overall building development.

(2) Where possible, lighting can create focal points within projects. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Other than pedestrian lights fixtures, all other outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

14. TRAFFIC ANALYSIS

A traffic operational analysis will be performed as part of the LDC process for any local development order that either cumulatively (added to previous development orders approved as part of this resolution) exceeds 300 pm peak hour total trip ends or proposes any median modifications. The operational analysis will include the trips generated from the development addressed in the local development order application and the trips generated from previously-approved development orders covered under this resolution.

The analysis will also include the estimated trips from the balance of the development approved as part of this resolution so that the cost effectiveness of designing current required improvements to accommodate possible future improvements can be evaluated.

Should the analysis identify the need to extend, modify, or add turn lanes serving Stockton Road, the proposed connection between the intersection of US41/Diplomat Parkway to Brown Road, or on Littleton Road, to mitigate traffic impacts of the project covered under the local development order application, then those improvements will be considered site-related and not eligible for road impact fee credits. The individual turn lane improvements identified in the analysis may be constructed coincident with the need to extend, modify or add turn lanes.

15. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed during the local development order application review process.

16. **INTERNAL SIDEWALKS**

Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included as part of a Pedestrian Connectivity Plan in local development orders as part of construction of the project's infrastructure.

17. **PROTECTED SPECIES**

Prior to approval of any local development order for Development Area 1 or 2 as depicted in the MCP, if gopher tortoise burrows are located within these development areas, the applicant must relocate gopher tortoises to the on site 2.02± acre indigenous preserve within Development Area 3, or relocate gopher tortoises to a permitted recipient site within Lee County before pursuing off-site relocation options outside Lee County. Communication with Florida Fish and Wildlife Conservation Commission (FWC), Lee County and other public or private landowners documenting the Applicant's efforts to accomplish preservation or relocation within Lee County must be provided to Division of Environmental Sciences (ES) staff. A copy of the appropriate gopher tortoise permit issued by the Florida Fish and Wildlife Conservation Commission (FWC), if required, must be submitted to the Division of Environmental Sciences (ES) staff. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and ES Staff.

Prior to approval of any local development order for Development Area 3 as depicted in the MCP, if gopher tortoise burrows are located within this development area, the applicant must either propose to avoid the gopher tortoise burrows by a radius of 25 feet within the 2.02±-acre indigenous preserve, relocate gopher tortoises to the on site 2.02±-acre indigenous preserve, or relocate gopher tortoises to a permitted recipient site within Lee County before pursuing off-site relocation options outside Lee County. Communication with FWC, Lee County and other public or private landowners documenting the Applicant's efforts to accomplish preservation or relocation within Lee County must be provided to ES Staff. A copy of the appropriate gopher tortoise permit issued by the FWC, if required,

must be submitted to ES Staff. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and ES Staff.

Prior to any local development order for Development Area 3 as depicted in the MCP, development order plans must depict the 2.02±-acre Indigenous Preservation/Restoration Area as "Gopher Tortoise Preserve" if impacts to gopher tortoise burrows are avoided or an FWC on-site relocation permit is obtained.

18. **PROTECTED SPECIES MANAGEMENT PLAN**

Prior to local development order approval, a detailed gopher tortoise management plan as per LDC §10-474 for on-site preservation/ relocation or off-site relocation must be submitted for the ES Staff's review and approval. The management plan must also include:

The type of gopher tortoise permit obtained from FWC; and

The type of permanent physical barrier to be installed to deter gopher tortoises from entering the road and parking lot if gopher tortoises are preserved/relocated on-site. The permanent barrier may be a fence, native vegetation or a combination of these. The details of a permanent barrier must also be shown on the development order plans; and

Long term management activities that are necessary to maintain the required preserve area as suitable gopher tortoise habitat including types, densities, and maintenance of gopher tortoise foraging materials.

19. **OPEN SPACE**

Prior to local development order approval, the development order plans must delineate a minimum of 9.52 acres as common open space with no less than 30% open space proposed within each of the three development areas.

20. **DRY DETENTION/PRESERVE ISSUES**

Prior to local development order approval, native tree preservation areas may be depicted as dry detention provided the applicant submit to the ES Staff for review and approval detailed information, including, but not limited to: habitat type, hydrology, soils, vegetative species, storm event, etc., illustrating that the use of these areas as dry detention will not cause harm to existing native vegetation.

Development order plans must not depict the minimum 0.96-acre indigenous pine flatwoods preservation area as dry detention.

Any proposal to utilize the restored indigenous habitat as dry detention must be reviewed and approved by FWC and the ES Staff and must not affect the outcome of the applicant's ability to provide on site gopher tortoise preservation/relocation

21. **BUFFERS AND LANDSCAPING**

(a) Prior to local development order approval, the landscape plans must depict a Type A buffer proposed along the south property line of Development Area #1.

(b) Prior to local development order approval, the landscape plans must depict within the Indigenous Habitat Restoration Area (Development Area #3) Type F buffer plantings, installed along the east property line, planted to mimic natural canopy and understory and allow gopher tortoise movement.

22. **ACCESS TO LITTLETON ROAD**

Access to Littleton Road, per the approved MCP, is conceptual and optional. Access may be obtained through a future agreement with the neighboring property owner. Documentation of such an agreement must be provided to ES Staff and the Lee County Department of Transportation at the development order stage for any development of Development Area #3 on the approved MCP in order for the access point to be approved.

23. **SIGNAGE**

Proposed signage must be designed with a common architectural theme consistent with the applicable aspects of Littleton - Proposed Architectural Identity Exhibit attached as Exhibit E.

SECTION C. DEVIATIONS:

1. **Indigenous Native Vegetation** - Deviation (1) seeks relief from the LDC §10-415(b)(1)(a.) requirement to provide large developments, with existing indigenous native vegetation communities, to provide 50 percent of their open space percentage through the onsite preservation of existing native vegetative communities or (b.) If the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be met through the onsite preservation of existing native trees, to allow preservation of only 0.96 acres of existing indigenous vegetative communities and restoration of non-indigenous habitat to meet the indigenous requirement. This deviation is APPROVED, SUBJECT TO the following conditions:

(a) Prior to local development order approval, the development order plans must delineate:

(1) A minimum of 0.96 acres as indigenous preservation, 1.06 acres as indigenous restoration and 2.06 acres native tree preservation in substantial compliance with the approved MCP.

(2) The relocation of all sabal palms (minimum 8-foot clear truck) and replacement (like species, minimum 20 foot height) of all impacted heritage trees (native tree, minimum 20 caliper inch diameter at breast height) to the on-site native tree preserves.

(b) Prior to local development order and vegetation permit approvals, the exact configuration of the native tree preserves as depicted on the MCP must be staked by the Developer and field verified and approved by ES Staff to ensure the greatest preservation of existing native trees

(c) Prior to local development order approval, the Applicant must submit, for ES Staff review and approval, a detailed restoration plan for the 1.06-acre Indigenous Restoration Area meeting general restoration standards of LDC §10-423 and Chapter 14. The plan must include species types, densities, sizes at time of installation and planting schedule.

2. **Width of Buffer** - Deviation (2) seeks relief from the LDC §10-415(b)(1)b.5. requirement to provide projects greater than 5 acres in size that abut an arterial road and have existing native trees within 50 feet of the right of way must be designed to provide a 50-foot right of way buffer for preservation, to allow a LDC standard 15-foot-wide Type "D" buffer. This deviation is APPROVED, SUBJECT TO compliance with Condition 10 above.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona Fide Agricultural Uses
Exhibit E: Littleton Center CPD - Proposed Architectural Identity

The applicant has indicated that the STRAP number for the subject property are:
34-43-24-00-00001.3080 and 33-43-24-00-00001.3000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

c. is compatible with existing or planned uses in the surrounding area;

d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location;

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Nay
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of February, 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Ray Judah, Chair

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

CIRCUIT COURT LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS LEE COUNTY, FLORIDA
SEAL

RECEIVED
MINUTES OFFICE
CN
2009 FEB 12 PM 1:43

Description:

A tract of land lying is Section 34, Township 43 South, Range 24 East, Lee County, Florida, being described as follows.

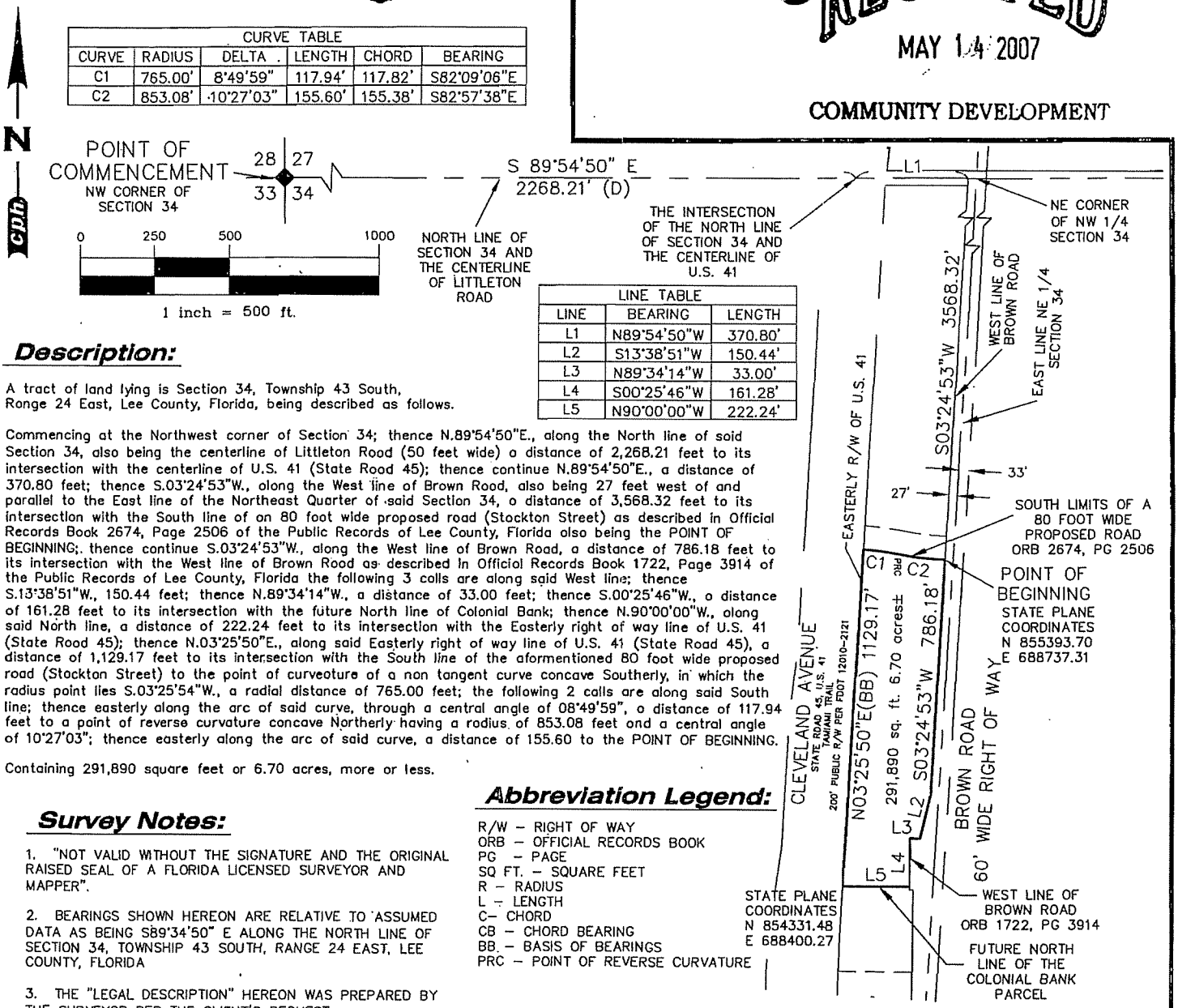
Commencing at the Northwest corner of Section 34; thence N.89°54'50"E., along the North line of said Section 34, also being the centerline of Littleton Road (50 feet wide) a distance of 2,268.21 feet to its intersection with the centerline of U.S. 41 (State Road 45); thence continue N.89°54'50"E., a distance of 370.80 feet; thence S.03°24'53"W., along the West line of Brown Road, also being 27 feet west of and parallel to the East line of the Northeast Quarter of said Section 34, a distance of 3,568.32 feet to its intersection with the South line of an 80 foot wide proposed road (Stockton Street) as described in Official Records Book 2674, Page 2506 of the Public Records of Lee County, Florida also being the POINT OF BEGINNING; thence continue S.03°24'53"W., along the West line of Brown Road, a distance of 786.18 feet to its intersection with the West line of Brown Road as described in Official Records Book 1722, Page 3914 of the Public Records of Lee County, Florida the following 3 calls are along said West line; thence S.13°38'51"W., 150.44 feet; thence N.89°34'14"W., a distance of 33.00 feet; thence S.00°25'46"W., a distance of 161.28 feet to its intersection with the future North line of Colonial Bank; thence N.90°00'00"W., along said North line, a distance of 222.24 feet to its intersection with the Easterly right of way line of U.S. 41 (State Road 45); thence N.03°25'50"E., along said Easterly right of way line of U.S. 41 (State Road 45), a distance of 1,129.17 feet to its intersection with the South line of the aformentioned 80 foot wide proposed road (Stockton Street) to the point of curveature of a non tangent curve concave Southerly, in which the radius point lies S.03°25'54"W., a radial distance of 765.00 feet; the following 2 calls are along said South line; thence easterly along the arc of said curve, through a central angle of 08°49'59", a distance of 117.94 feet to a point of reverse curvature concave Northerly having a radius of 853.08 feet and a central angle of 10°27'03"; thence easterly along the arc of said curve, a distance of 155.60 to the POINT OF BEGINNING.

Containing 291,890 square feet or 6.70 acres, more or less.

Applicant's Legal Checked
by CSJ 5/15/2007

RECEIVED
MAY 14 2007
COMMUNITY DEVELOPMENT

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	765.00'	8°49'59"	117.94'	117.82'	S82°09'06"E
C2	853.08'	10°27'03"	155.60'	155.38'	S82°57'38"E



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°54'50"W	370.80'
L2	S13°38'51"W	150.44'
L3	N89°34'14"W	33.00'
L4	S00°25'46"W	161.28'
L5	N90°00'00"W	222.24'

Description:

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Containing 291,890 square feet or 6.70 acres, more or less.

Abbreviation Legend:

R/W – RIGHT OF WAY
ORB – OFFICIAL RECORDS BOOK
PG – PAGE
SQ FT. – SQUARE FEET
R – RADIUS
L – LENGTH
C– CHORD
CB – CHORD BEARING
BB – BASIS OF BEARINGS
PRC – POINT OF REVERSE CURVATURE

Survey Notes:

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

2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING S89°34'50" E ALONG THE NORTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

3. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.

5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

CLIENT: HALLIN
PROJECT NUMBER: H5801
CADD DWG. FILE: H5801-SK04.DWG

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on April 24, 2007. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 61g17-6 of the Florida Administrative Code.

Robert G. Waldef, PLS
Professional Surveyor and Mapper
Florida Registration No. 5474

STATE OF FLORIDA
MAY 11 2007

REVISIONS	BY	DATE
SKETCH OF DESCRIPTION	SPM	4/24/07
ADDED STATE PLANE COORDINATES TO SKETCH	SPM	5/9/07

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
3277 Fruitville Road Suite A, Sarasota, Fl. 34237
Phone: 941.365.4771 Fax: 941.365.4779
Certificate of Authorization No. LB#7143

DCI 2007-00023

Description:

A tract of land lying in Section 34, Township 43 South, Range 24 East, Lee County, Florida, being described as follows.

Commencing at the Northwest corner of said Section 34; thence N.89°54'50"E., along the North line of said Section 34, also being the centerline of Littleton Road (50 feet wide) a distance of 2,268.21 feet to its intersection with the centerline of U.S. 41 (State Road 45); thence continue N.89°54'50"E., a distance of 370.80 feet; thence S.03°24'53"W., a distance of 25.04 feet to the intersection with the West line of Brown Road (60 feet wide) and the South line of Littleton Road, also being the POINT OF BEGINNING; thence S.03°24'53"W., along the West line of Brown Road, also being 27 feet west of and parallel to the East line of the Northeast Quarter of said Section 34, a distance of 1,390.79 feet to its intersection with the North line of lands described in Official Records Book 4181, Page 2619 of the Public Records of Lee County, Florida; thence N.86°33'45"W, along said North line., a distance of 271.94 to its intersection with the Easterly right of way line of U.S. 41 (State Road 45); thence N.03°25'50"E., along said Easterly right of way line of U.S. 41 (State Road 45), a distance of 1,268.64 feet to a point of curveature northerly having a radius of 5,629.58 feet and a central angle of 01°04'53"; thence northerly along the arc a distance of 106.25 feet to its intersection with the South line of Littleton Road; Thence S.89°55'31"E, along said South line of Littleton Road, a distance of 271.02 feet to the POINT OF BEGINNING.

Containing 375,746 square feet or 8.63 acres, more or less.

Applicant's Legal Checked
by CSJ 5-15-2007

RECEIVED
MAY 14 2007
COMMUNITY DEVELOPMENT

LINE TABLE		
LINE	BEARING	LENGTH
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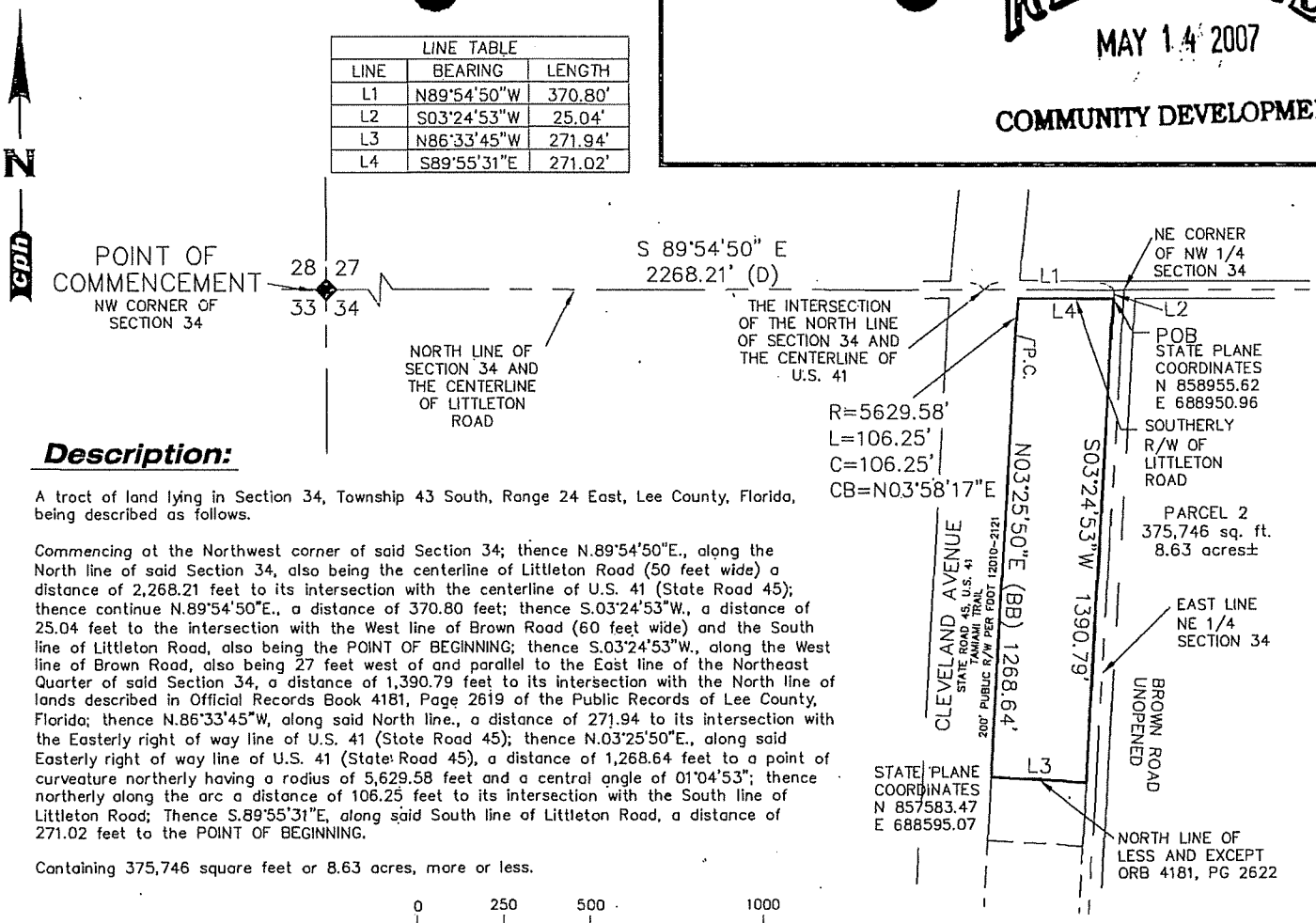
L2	S03°24'53"W	25.04'
L3	N86°33'45"W	271.94'
L4	S89°55'31"E	271.02'



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0 250 500 1000

1 inch = 500 ft.

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MAY 9 2007

Robert G. Waldref, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 6474

CLIENT: HALLIN
PROJECT NUMBER: H5801
CADD DWG. FILE: H5801–SK02.DWG

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REVISION	BY	DATE
SKETCH OF DESCRIPTION	SPM	4/24/07
ADDED STATE PLANE COORDINATES TO SKETCH	SPM	5/9/07

Certificate of Authorization No. LB#7143

DCI 2007-00023

Description:

A tract of land lying in Section 34, Township 43 South, Range 24 East, Lee County, Florida, being described as follows.

Commencing at the Northwest corner of said Section 34; thence S.89°54'50"E., along the North line of said Section 34, also being the centerline of Littleton Road (50 feet wide) a distance of 2,268.21 feet to its intersection with the centerline of U.S. 41 (State Road 45); thence continue S.89°54'50"E., a distance of 370.80 feet; thence S.03°24'53"W., along the West line of Brown Road (60 feet wide), a distance of 1597.83 to the POINT OF BEGINNING; thence continue S.03°24'53"W., along the West line of Brown Road, also being 27 feet west of and parallel to the East line of the Northeast Quarter of said Section 34, a distance of 1,915.50 feet to its intersection with a curve along the North limits of a 80 foot wide proposed road as recorded in Official Records Book 2674, Page 2506 of the Public Records of Lee County, Florida and a point of curvature of a non tangent curve concave Northeasterly, in which the radius point lies N.01°38'53"E., a radial distance of 773.08 feet; thence westerly along the arc of said curve, through a central angle of 10°36'59", a distance of 143.24 feet to the point of reverse curvature, having a radial distance of 845.00 feet; thence westerly along the arc of said curve, through a central angle of 08°49'59", a distance of 130.27 feet to its intersection with the Easterly right of way line of U.S. 41 (State Road 45); thence N.03°25'50"E., along said Easterly right of way line of U.S. 41 (State Road 45), a distance of 1,896.72 feet to its intersection with the South line of lands described in Official Records Book 4181, Page 2619 of the Public Records of Lee County, Florida; thence S.86°33'45"E, along said South line., a distance of 271.99 feet to the POINT OF BEGINNING.

Containing 519,194 square feet or 11.92 acres, more or less.

Applicant's Legal Checked
by CSB 5-15-2009

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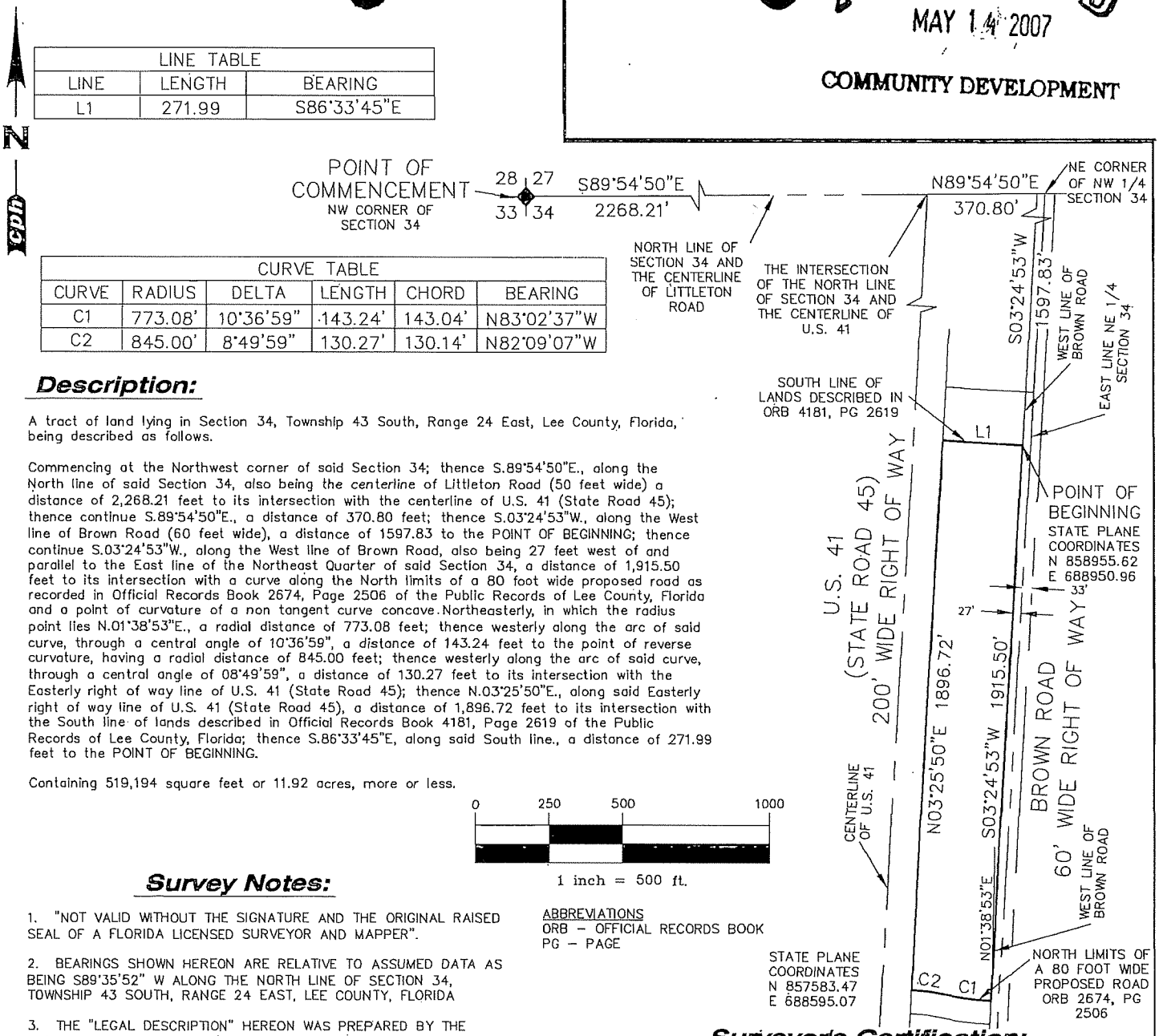
COMMUNITY DEVELOPMENT

LINE TABLE		
LINE	LENGTH	BEARING
L1	271.99	S86°33'45"E

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	773.08'	10°36'59"	143.24'	143.04'	N83°02'37"W
C2	845.00'	8°49'59"	130.27'	130.14'	N82°09'07"W



Description:

A tract of land lying in Section 34, Township 43 South, Range 24 East, Lee County, Florida, being described as follows.

Commencing at the Northwest corner of said Section 34; thence S.89°54'50"E., along the North line of said Section 34, also being the centerline of Littleton Road (50 feet wide) a distance of 2,268.21 feet to its intersection with the centerline of U.S. 41 (State Road 45); thence continue S.89°54'50"E., a distance of 370.80 feet; thence S.03°24'53"W., along the West line of Brown Road (60 feet wide), a distance of 1597.83 to the POINT OF BEGINNING; thence continue S.03°24'53"W., along the West line of Brown Road, also being 27 feet west of and parallel to the East line of the Northeast Quarter of said Section 34, a distance of 1,915.50 feet to its intersection with a curve along the North limits of a 80 foot wide proposed road as recorded in Official Records Book 2674, Page 2506 of the Public Records of Lee County, Florida and a point of curvature of a non tangent curve concave Northeasterly, in which the radius point lies N.01°38'53"E., a radial distance of 773.08 feet; thence westerly along the arc of said curve, through a central angle of 10°36'59", a distance of 143.24 feet to the point of reverse curvature, having a radial distance of 845.00 feet; thence westerly along the arc of said curve, through a central angle of 08°49'59", a distance of 130.27 feet to its intersection with the Easterly right of way line of U.S. 41 (State Road 45); thence N.03°25'50"E., along said Easterly right of way line of U.S. 41 (State Road 45), a distance of 1,896.72 feet to its intersection with the South line of lands described in Official Records Book 4181, Page 2619 of the Public Records of Lee County, Florida; thence S.86°33'45"E, along said South line., a distance of 271.99 feet to the POINT OF BEGINNING.

Containing 519,194 square feet or 11.92 acres, more or less.

0 250 500 1000

1 inch = 500 ft.

ABBREVIATIONS
ORB – OFFICIAL RECORDS BOOK
PG – PAGE

Survey Notes:

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

2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING S89°35'52" W ALONG THE NORTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

3. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS–OF–WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.

5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

CLIENT: HALLIN
PROJECT NUMBER: H5801
CADD DWG. FILE: H5801–SK03.DWG

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon–described property is true and correct to the best of my knowledge, information, and belief as prepared under my direction on April 24, 2007. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 61g17–6 of the Florida Administrative Code.

MAY 9 2007

Robert G. Woldref, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 6474.

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
500 West Fulton Street, Sanford, Fl. 32771 P.O. Box 2808, Sanford, Fl. 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

REVISION	BY	DATE
SKETCH OF DESCRIPTION	SPM	12/21/06
ADDED STATE PLANE COORDINATES TO SKETCH	SPM	5/9/07

Certificate of Authorization No: LB#7143

DCI 2007-00023

DCI2007-00023

Zoning Map

10/24/2007

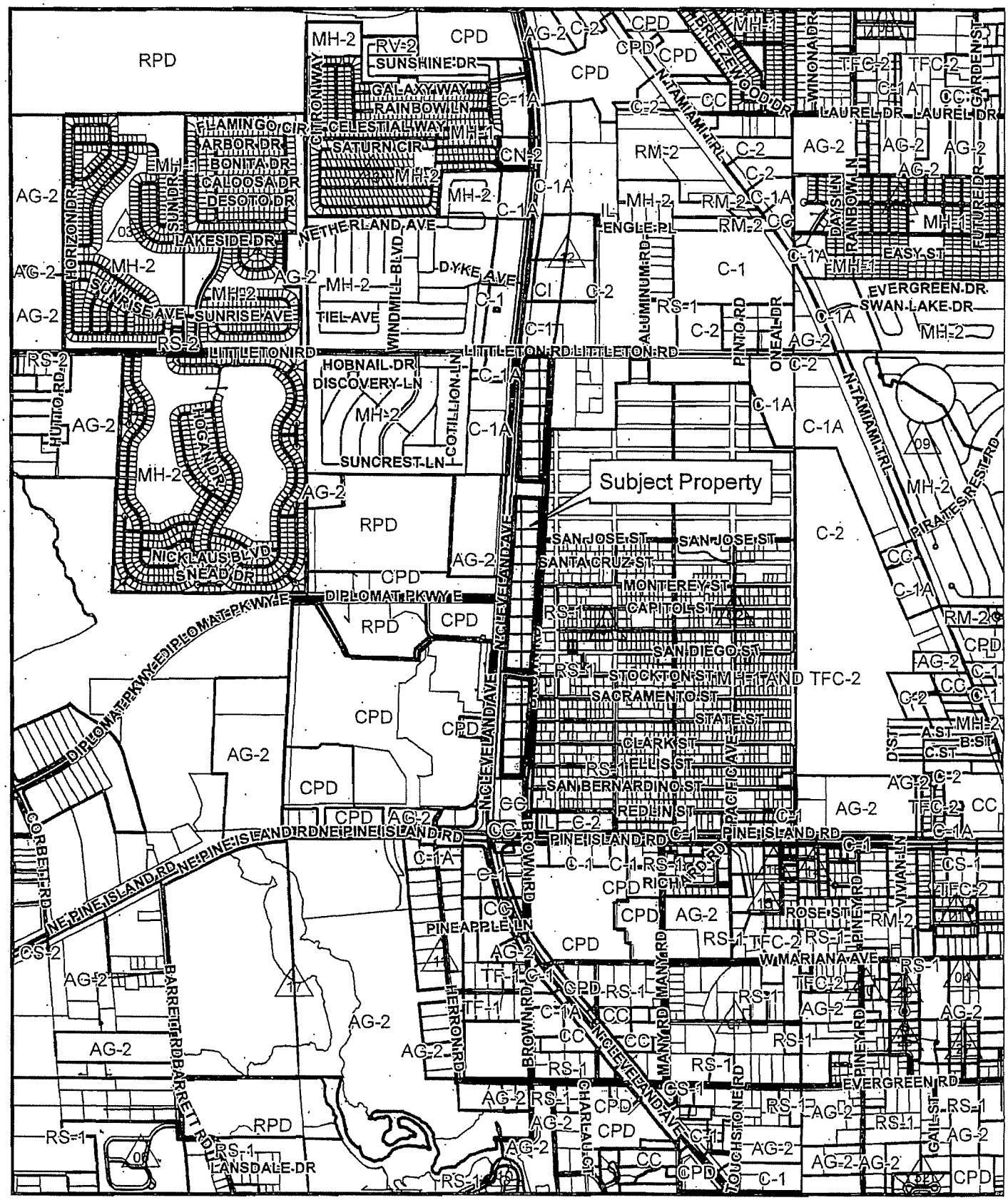
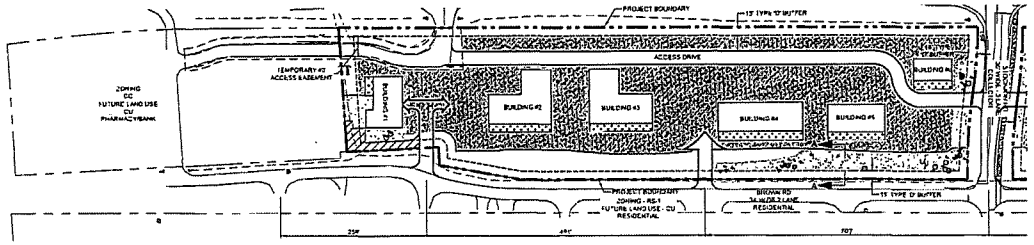
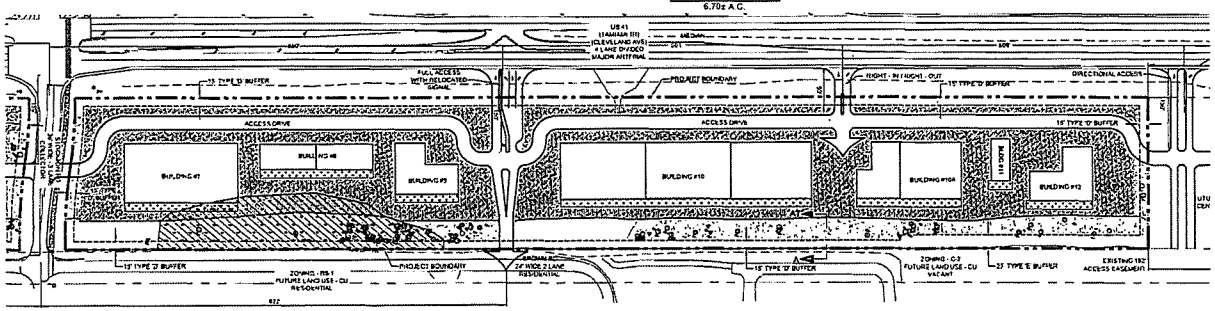


EXHIBIT "B"

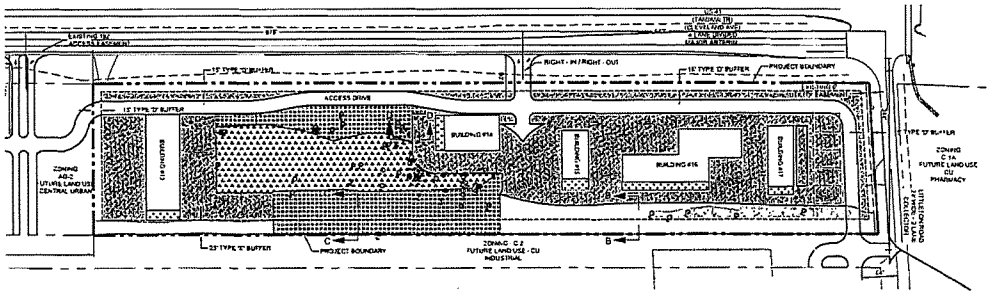
1,000 500 0 1,000 2,000 Feet



DEVELOPMENT AREA #1
6.70± A.C.



DEVELOPMENT AREA #2
11.92± A.C.



DEVELOPMENT AREA #3
8.63± A.C.

LEGEND

- WETLAND IMPACT
- INDIGENOUS HABITAT PRESERVATION
- INDIGENOUS HABITAT RESTORATION
- NATIVE TREE PRESERVATION / RESTORATION AREA
- SERVICE AREA
- PARKING AREA

TREE PRESERVATION LEGEND:

- PINE TREE
- PALM TREE
- OAK TREE

RETAIL / COMMERCIAL TRACT	6.70± AC
SUB TOTAL	6.70± AC
DEVELOPMENT AREA #2	
RETAIL / COMMERCIAL TRACT	11.92± AC
SUB TOTAL	11.92± AC
DEVELOPMENT AREA #3	
RETAIL / COMMERCIAL TRACT	8.63± AC
SUB TOTAL	8.63± AC

B. CONCEPTUAL OPEN SPACE

OPEN SPACE REQ'D: 8.17 AC (10 %)

OPEN SPACE PROVIDED:

DEVELOPMENT AREA #1	
TREE PRESERVATION	0.60± AC
DRY DETENTION	
(NOT INCLUDING TREE PRESERVATION)	0.64± AC
LANDSCAPING	1.02± AC
TOTAL	2.31± AC (35 %)
DEVELOPMENT AREA #2	
TREE PRESERVATION	1.26± AC
DRY DETENTION	
(NOT INCLUDING TREE PRESERVATION)	1.22± AC
LANDSCAPING	1.24± AC
TOTAL	3.84± AC (40 %)
DEVELOPMENT AREA #3	
TREE PRESERVATION	0.15± AC
DRY DETENTION	
(NOT INCLUDING TREE PRESERVATION	
INDIGENOUS RESTORATION OR PRESERVATION)	0.77± AC
INDIGENOUS RESTORATION	1.00± AC
INDIGENOUS PRESERVATION	0.16± AC
LANDSCAPING	0.29± AC
TOTAL	2.32± AC (26 %)
TOTAL OPEN SPACE PROVIDED	8.47 AC

C. INDIGENOUS VEGETATION AREAS

INDIGENOUS AREAS REQUIRED (26.17 ACRES X 0.15)	4.08± AC
INDIGENOUS AREAS PROVIDED	
DEVELOPMENT AREA #1 — NATIVE TREE PRESERVATION	0.96± AC
DEVELOPMENT AREA #2 — NATIVE TREE PRESERVATION	1.38± AC
DEVELOPMENT AREA #3 — NATIVE TREE PRESERVATION	0.16± AC
INDIGENOUS PRESERVATION	0.96± AC
INDIGENOUS RESTORATION	1.00± AC
TOTAL INDIGENOUS AREAS PROVIDED	4.46± AC

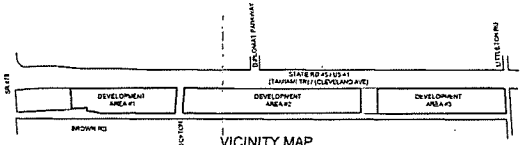
D. NOTES:

1.) THERE ARE NO EXISTING LEE TRAN BUS STOPS. LEE TRAN BUS ROUTE #18 RUNS ALONG US 41.

2.) INDIVIDUAL TRACTS OUTPARCELS SHALL PROVIDE LESS THAN 15% PERCENT OPEN SPACE. PER LDC SECTION 34-934 (HEIGHT OR REQUEST SPECIFIC DEVIATION JUSTIFICATION

3.) BUILDER TO LOT LINE EVERY 100' FOR INTERIOR PROPERTY LINES AND ADDITIONAL INFORMATION

4.) THE BUILDINGS SHOWN ON THIS PLAN ARE NOT ACTUAL BUILDING FOOTPRINTS. ACTUAL BUILDING FOOTPRINTS WILL BE PROVIDED AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL.



VICINITY MAP
1"=500'

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-08-007

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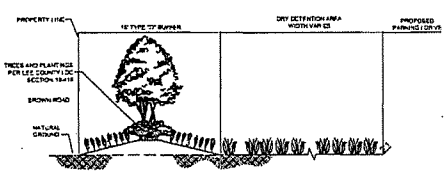
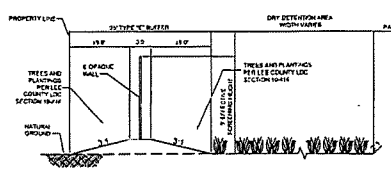
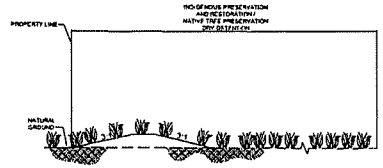
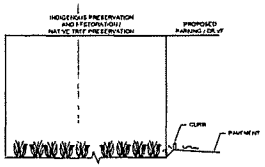








3277A Fruitville Road
Sarasota, FL 34237
Phone: 941.365.4773
Fax: 941.365.4779

Corporate Authorization No. 3213 ©2007

Engineers
Surveyors
Architects
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design / Build

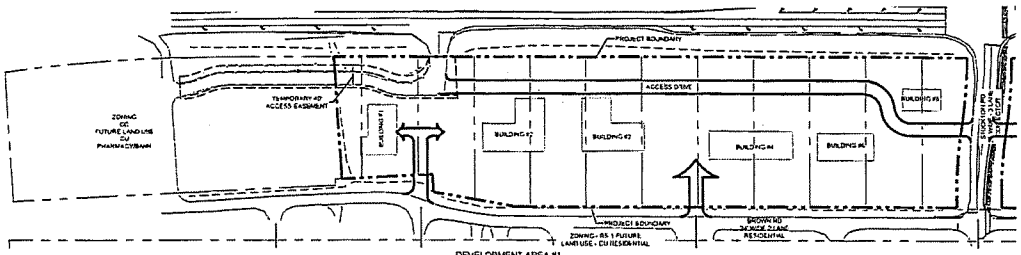
No.	Date	Revision	By
1			
2			
3			
4			
5			
6			

Designed by:	KMU
Drawn by:	KMU
Checked by:	JCP
Approved by:	JCP
Scale:	1" = 100'
Date:	02/07
Job No.:	H5803
File:	MCP

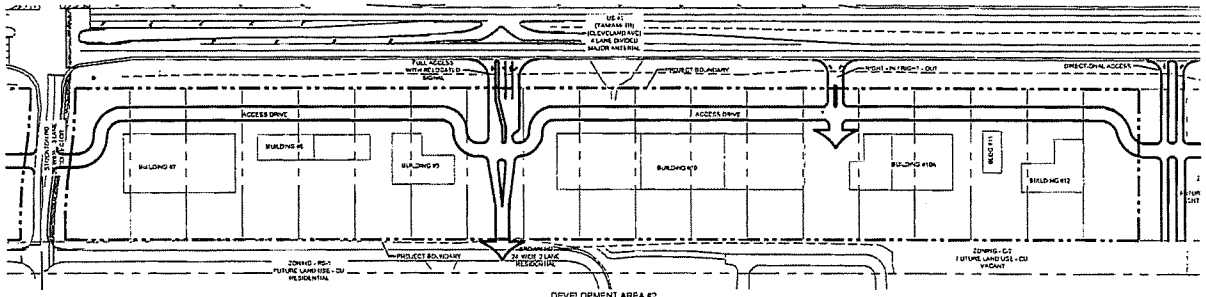
EXHIBIT E - SITE PLAN

LITTLETON CENTER
PARCEL 'B'
LEE COUNTY, FL

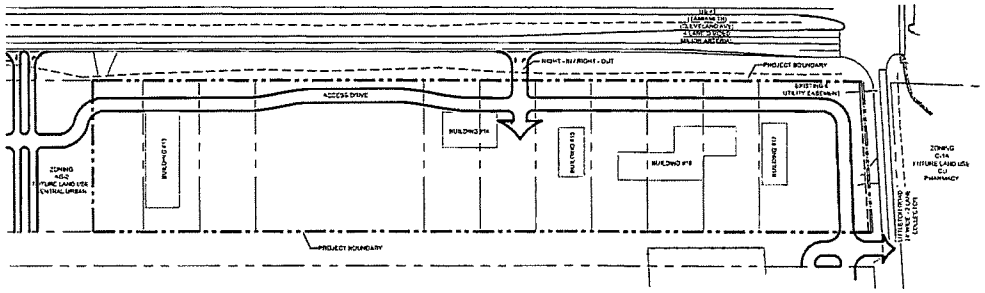
EXHIBIT "C"
(Page 1 of 2)



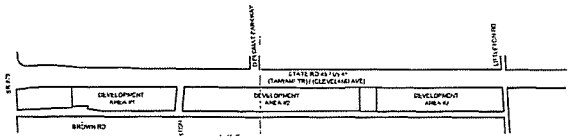
DEVELOPMENT AREA #1
8.70± A.C.



DEVELOPMENT AREA #2
11.92± A.C.



DEVELOPMENT AREA #3
6.63± A.C.



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APR 16 2008
COMMUNITY DEVELOPMENT
DCI 2007-00023

32974 Fruitville Road
Sarasota, FL 34232
Phone: 941.365.4771
Fax: 941.365.4779

Certificate of Authorization No. 3215
©2007

Engineers
Surveyors
Architects
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design/Build

Revision	Date	By

Designed by:	KMM	
Drawn by:	KMM	
Checked by:	JCP	
Approved by:	JCP	
Scale:	1" = 100'	
Date:	02/07	
Job No.:	H5603	
File:	MCP	

LOT LINE EXHIBIT

LITTLETON CENTER

LEE COUNTY, FL

Sheet No.

EXHIBIT "C"
(Page 2 of 2)

DCI 2007-00023

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MAY 15 2008

PERMIT COUNTER

BONA FIDE AGRICULTURAL USES AT TIME OF ZONING APPLICATION AFFIDAVIT

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned notary public, on this 16 day of May, 2008, personally appeared Phyllis Hallin, Managing Member, of Hallin Family, LLC, who is personally known to me and who, after first being duly sworn, deposes and says that:

1. She is an authorized representative of the corporate entity that owns the Property described and shown in Exhibit "A" attached hereto and incorporated herein by reference.
2. The Property is currently being utilized for a bona fide agricultural purpose.
3. The specific agricultural activity occurring on the Property is production of feeder cattle. Production occurs over approximately 24.25 acres of the Property. The remaining 3.0 acres, which is located in two pieces on the northern and middle parcels, are comprised of gopher tortoise habitat and wetlands, respectively.
4. The specific location and type of ongoing agricultural use is set forth on the sketch of the Property attached hereto as Exhibit "B" and incorporated herein by reference.
5. Prior to the issuance of a development order for the property, the owner of the Property will provide written proof, acceptable to the Office of the Lee County Attorney, that agricultural use has been terminated on any portion of Property included in the development order application. Proof will be provided in the form of a sworn affidavit from the owner that specifically identifies the date the agricultural uses ceased, the legal description of the property subject to the development order, a statement from the owner acknowledging that all agricultural uses are illegal and prohibited on the portion of the Property subject to the development order, and a statement from the owner that the affidavit constitutes a covenant between the owner and the County that is binding on the owner, its assignees and successors in interest. Proof as to termination will also include a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

FURTHER AFFIANT SAYETH NAUGHT

Phyllis Hallin

Phyllis Hallin, Managing Member

The foregoing instrument was sworn to and subscribed before me this 16 day of May, 2008, by Phyllis Hallin, who is personally known to me or produced _____ as identification.

My Commission Expires: 09·06·2009

Notary Public

ANDREA VIGIL
Comm# DD0488637
Expires 9/8/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc

EXHIBIT "D"

EXHIBIT A

A PARCEL OF LAND LYING IN THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, PROCEED SOUTH 89°54'50" EAST ALONG THE NORTH LINE OF SAID SECTION 34, WHICH IS ALSO THE CENTERLINE OF LITTLETON ROAD (50 FEET WIDE) FOR 2258.21 FEET TO AN INTERSECTION WITH THE CENTERLINE OF U.S. 41(STATE ROAD 45); THENCE CONTINUE SOUTH 89°54'50" EAST FOR 397.85 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 03°24'53" WEST FOR 25 FEET MORE OR LESS TO A CONCRETE POST ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LITTLETON ROAD AND THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 03°24'53" WEST 5261.34 FEET TO A CONCRETE MONUMENT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD; THENCE PROCEED NORTH 89°55'35" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 270.57 FEET MORE OR LESS TO A CONCRETE MONUMENT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. 41(STATE ROAD 45); THENCE [FOR A CHORD BEARING REFERENCE OF] NORTH 00°47'10" WEST [RUN] ALONG THE ARC OF A CURVE (RADIUS 2764.79', CORD [CHORD] 406.57') [AN ARC DISTANCE OF] 406.94 FEET MORE OR LESS TO A POINT OF TANGENCY AND A STATE ROAD RIGHT-OF-WAY MONUMENT; THENCE PROCEED NORTH 03°25'50" EAST 4748.50 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 TO A POINT OF TANGENCY AND A CONCRETE MONUMENT; THENCE [FOR A CHORD BEARING REFERENCE OF] NORTH 30°58'09" EAST [NORTH 03°58'09" EAST] [RUN] ALONG THE ARC OF A CURVE (RADIUS 5629.58' CHORD 105.83') [AN ARC DISTANCE OF] 105.85' TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. 41 WITH THE SOUTH RIGHT-OF-WAY LINE OF LITTLETON ROAD AND A CONCRETE MONUMENT; THENCE PROCEED SOUTH 89°54'50" EAST 298.05 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE LANDS CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED RECORDED IN O.R. BOOK 2629, PAGE 1367, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT THE LANDS CONVEYED TO LEE COUNTY BY WARRANTY DEED RECORDED IN O.R. BOOK 2674, PAGE 2506, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT THE LANDS CONVEYED TO PARK 41 COMMONS, INC., A FLORIDA CORPORATION, BY SPECIAL WARRANTY DEED RECORDED IN O.R. BOOK 4181, PAGE 2619, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT THE LANDS CONVEYED TO CALVIN GAETA DEVELOPMENT, INC., A FLORIDA CORPORATION, BY WARRANTY DEED RECORDED IN O.R. BOOK 2871, PAGE 919, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (CVS PARCEL)

LESS AND EXCEPT the following parcel (future Colonial Bank parcel):

A PARCEL OF LAND LYING IN THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 34; THENCE RUN N.03°24'53"E. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) FOR 33.21 FEET; THENCE RUN N.89°55'35"W. FOR 35.94 FEET; THENCE RUN N.00°25'47"E. FOR 12.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 78 (PINE ISLAND ROAD) AND ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE RUN N.89°55'35"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 78 FOR 235.74 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41); THENCE RUN NORTHERLY FOR 302.01 ALONG THE ARC OF A CURVE CONCAVE EASTERLY WITH A RADIUS OF 2764.79 AND A DELTA OF 06°15'31" TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE FOR 92.00 FEET ALONG THE ARC OF A CURVE CONCAVE EASTERLY WITH A RADIUS OF 2764.79 FEET AND A DELTA OF 01°55'29" TO A POINT OF TANGENCY; THENCE RUN N.03°25'50"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 191.30 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. 41 RUN N.90°00'00"E. FOR 222.24 FEET; THENCE ALONG THE WESTERLY RIGHT-OF- WAY LINE OF BROWN ROAD AS SHOWN 1N O.R. BOOK 1722, PAGES 3914-3915 THE FOLLOWING THREE COURSES; (1) S.00°25'47"W, FOR 11.66 FEET; (2) S.89°34'13"E. FOR 11.00 FEET; (3) S.00°25'47"W. FOR 273.86 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N.89°34'13"W. FOR 246.55 FEET TO THE POINT OF BEGINNING.

[CONTAINING 1,186,830 SQUARE FEET, 27.25 ACRES MORE OR LESS.]

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

[FOR CLARIFICATION, INFORMATION IN BRACKETS WAS PROVIDED BY SIGNING SURVEYOR.]

DCI 2007-00023

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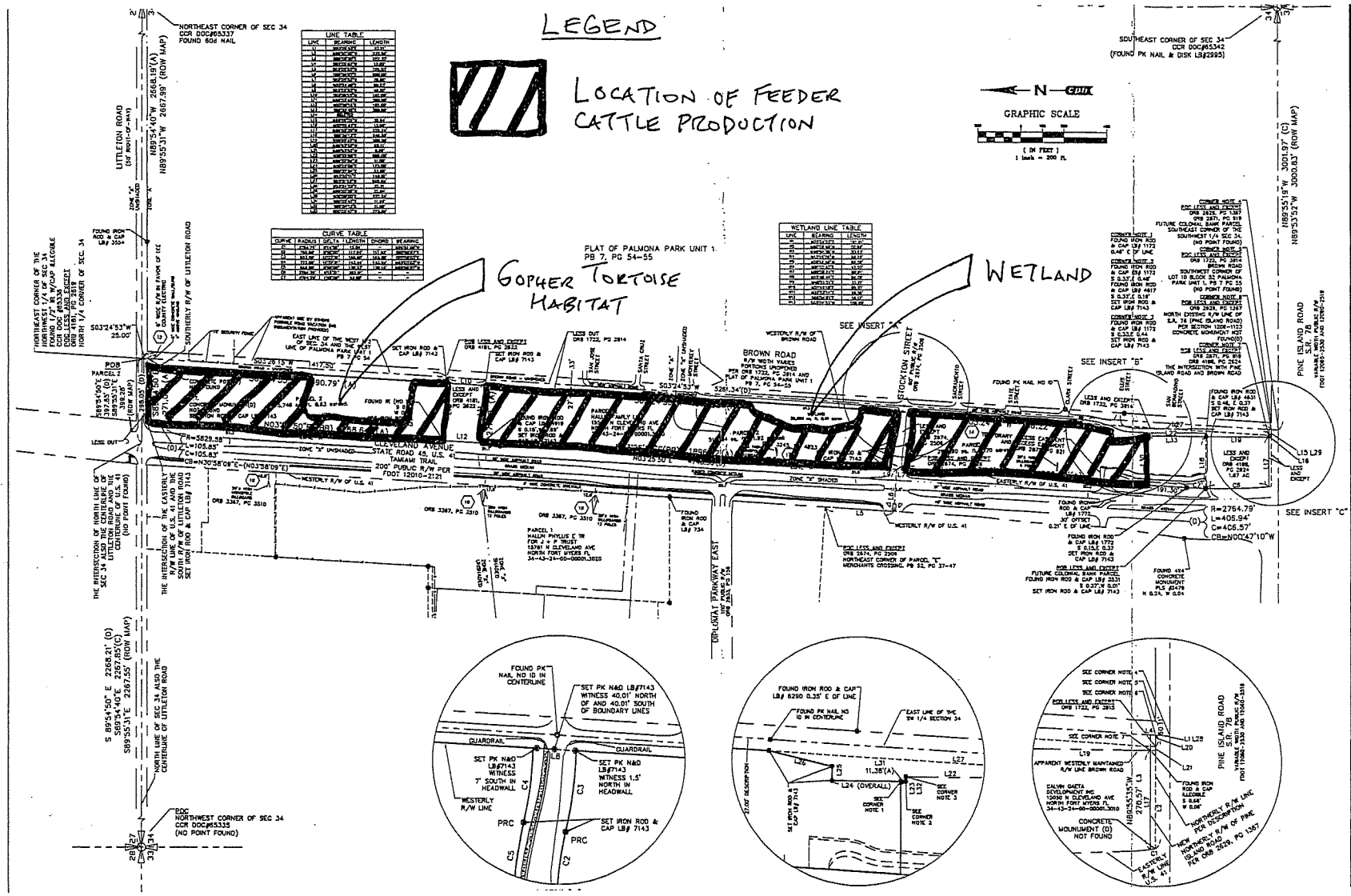

3277-A Fruitville Road
Sarasota, Florida 34237
Phone 941 365-4771
Fax 941 365-4779

Certificate of Authorization No. LB-671
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Engineers
Surveyors
Architects
Planners
Landscape Architects
Environmental Sciences
Construction Management
Design/Build

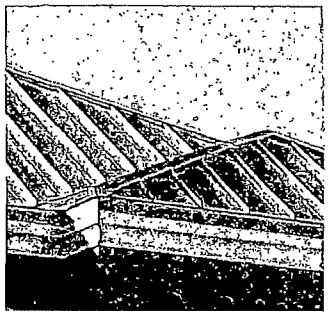
Crew Chief:		J.L.							
Drawn by:		S.P.N.							
Checked by:									
Approved by:									
Scale:		1"=200'							
Date of Field Survey:		2/13/07							
Job No.:		1658.0.1							
File:		1658\1-EASEMNS							

Littleton ~ Proposed Architectural Identity

Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

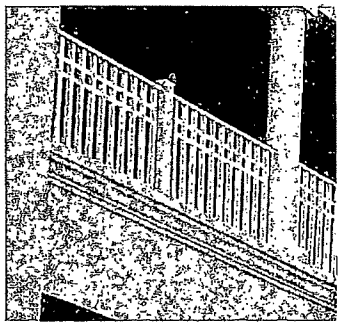
Roof

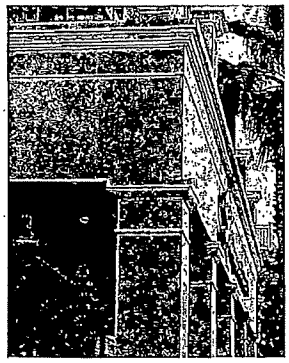
- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs



Decorative features

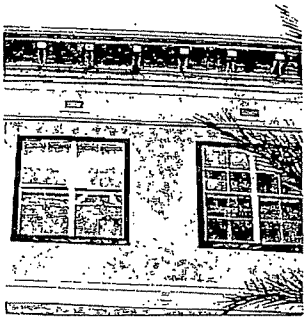
- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors





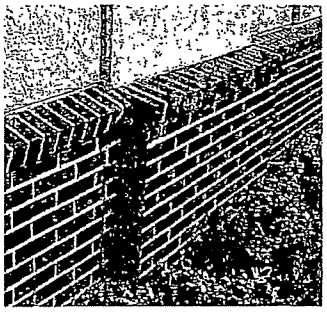
Windows

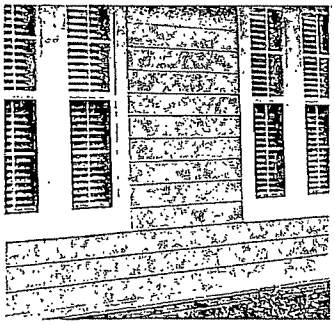
- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis



Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base





INSTR # 2017000012544, Doc Type EAS, Pages 6, Recorded 01/18/2017 at 02:20 PM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $52.50 Deputy Clerk TKING

ATTACHMENT N

CORRECTIVE NOTICE OF RELOCATION OF EASEMENT

THIS CORRECTIVE NOTICE OF RELOCATION OF EASEMENT (this "**Corrective Notice**"), is made effective as of the 12th day of January, 2017 (the "**Effective Date**"), by **AVESTA DEVELOPMENT, LLC**, a Florida limited liability company (hereinafter referred to as "**Owner**").

THIS CORRECTIVE NOTICE IS BEING EXECUTED IN ORDER TO CORRECT AN INADVERTENT ERROR MADE IN THE PREPARATION AND RECORDING OF THAT CERTAIN NOTICE OF RELOCATION OF EASEMENT, RECORDED ON DECEMBER 1, 2016 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS OFFICIAL RECORDS INSTRUMENT NUMBER 2016000252985 (HEREINAFTER REFERRED TO AS THE "NOTICE"). WHEN THE NOTICE WAS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON DECEMBER 1, 2016, THE PROPER EXHIBIT B, REFERENCED HEREIN BELOW, WAS NOT ATTACHED, AND WAS NOT RECORDED ALONG WITH THE REST OF THE NOTICE IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS CORRECTIVE NOTICE IS EXECUTED AND RECORDED SOLELY FOR THE PURPOSE OF ATTACHING THE PROPER EXHIBIT B, AND THUS RECORDING THE SUBJECT DOCUMENT IN ITS INTENDED ENTIRETY. FOLLOWING THIS PARAGRAPH, THE TERMS OF THIS CORRECTIVE NOTICE MIRROR THE TERMS OF THE NOTICE EXACTLY.

RECITALS:

A. Owner is the owner of certain real property located in Lee County, Florida, as more particularly described on Exhibit A attached hereto and made a part hereof (the "**Property**").

B. Owner's predecessor in interest, The ROOD FAMILY LIMITED PARTNERSHIP, a Florida limited partnership, 7-ELEVEN, Inc., f/k/a as the SOUTHLAND CORPORATION, a Texas corporation ("**7-11**"), and HALLIN FAMILY LLC, a Florida limited liability company ("**Hallin**") entered into that certain Ingress/Egress Easement Agreement dated February 6, 2008, and recorded as Instrument No. 2008000036064 in the Public Records of Lee County, Florida (the "**Easement Agreement**"). The Easement Agreement provides for a relocatable 24-foot ingress/egress easement across the Property and neighboring parcels owned by 7-11 and Hallin (the "**Easement**").

C. Section 5 of the Easement Agreement provides that the portion of the Easement that crosses each owner's property is relocatable, as to that portion only, by the respective owner that wishes to relocate that portion, in that owner's sole and absolute discretion. The said Section 5 provides that should such owner wish to relocate that portion of the easement that crosses that owner's property, such owner should record, in the Public Records of Lee, County, Florida, a Notice of Relocation of Easement like the instant Notice.

D. Pursuant to and in accordance with the terms of the Easement Agreement, Owner desires to relocate that portion of the Easement that crosses Owner's property (the Property) (the "Owner's Easement Portion") as more fully set forth herein.

NOW, THEREFORE, the Owner, intending to be legally bound, hereby sets forth the following information with respect to the relocation of the Owner's Easement Portion:

1. Recitals; Defined Terms. The Owner hereby acknowledges and agrees that the foregoing Recitals are true and correct and are incorporated herein by this reference. All capitalized terms not

otherwise defined in this Notice shall have the meaning ascribed to such terms in the Easement Agreement.

2. New Easement Area. Pursuant to Section 5 of the Easement Agreement, the Owner hereby relocates the Owner's Easement Portion such that the portion of the Easement the crosses the Owner's Property shall consist solely of a twenty-four foot (24 ft) as more particularly described on Exhibit B attached hereto and made a part hereof.

3. Full Force and Effect. Except as otherwise provided herein, the Easement Agreement, and the rights and obligations contained therein remain in full force and effect. Any conflict or contradiction between the terms of this Notice and the Easement Agreement shall be construed in favor of the terms of this Notice, and the subject matter thereof shall be determined on the basis of its/their meaning in this Notice.

4. Running of Benefits and Burdens. All provisions of this Notice, including the benefits and burdens, run with the Property and are binding upon and inure to the heirs, successor and assigns of the Owner.

{Signature Page Follows}

IN WITNESS WHEREOF, the Owner has caused this Corrective Notice of Relocation of Easement to be executed effective as of the Effective Date.

Signed, Sealed and Delivered
In the Presence of:

Nancy Turner
Name: Nancy Turner

Linda Robinson
Name: Linda Robinson

Nancy Turner
Name: Nancy Turner

Stacy Kaufman
Name: Stacy Kaufman

OWNER:

AVESTA DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: KIANOOSH KAVEH
AS IT'S: MANAGER

BY: ROHIT PANKHANIYA
AS IT'S: MANAGER

STATE OF FL)
) ss:
COUNTY OF Charlotte)

The foregoing instrument was executed and acknowledged before me on the 6th day of January, 2017, by Kianoosh Kaveh and Rohit Panhaniya, each as Managers of AVESTA DEVELOPMENT, LLC, a Florida limited liability company, on behalf of the company, who [X] are personally known to me or [__] who have produced _____ as identification.

[NOTARY SEAL]

Shelley Cunningham
Print Name: SHELLEY CUNNINGHAM
Notary Public, State and County Aforesaid
Commission #: FF 966079
My Commission Expires: June 28, 2020

SHELLEY CUNNINGHAM
MY COMMISSION # FF 966079
EXPIRES: June 28, 2020
Bonded Thru Notary Public Underwriters

Exhibit A

The Property

Parcel I:
A parcel of land lying in the Northwest Quarter (NW 1/4) of Section 34, Township 43 South, Range 24 East, Lee County, Florida, described as follows:

Beginning at a found concrete monument marking the intersection of the Westerly right of way of U.S. 41 (State Road No. 45) (Tamiami Trail) (200 feet wide) and the Southerly right of way of Littleton Road (50 feet wide) thence 94.14 feet along said Westerly right of way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing South 03°47'10" West to a found Florida State Road Department right of way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right of way for 505.63 feet to the Northeast corner of Parcel One described in Official Records Book 1972, Page 335; thence along the North line of Parcel One described in Official Records Book 1972, Page 335, North 89°54'50" West for 400.33 feet to the Easterly line of Serendipity South Mobile Home Park as described in Official Records Book 1135, Page 183; thence North 03°25'50" East along said Easterly line for 437.71 feet; thence South 89°54'50" East for 134.78 feet; thence North 13°25'50" East for 118.94 feet; thence North 00°05'10" East for 46.00 feet to the said Southerly right of way of Littleton Road; thence South 89°54'50" East along said Southerly right of way for 248.13 to the Point of Beginning;

LESS AND EXCEPT that portion described in Warranty Deed recorded in Official Records Book 2929, Page 2368, of the Public Records of Lee County, Florida.

Parcel II:
Non-exclusive easement for the benefit of Parcel I as created by Reciprocal Easement Agreement dated January 23, 1998, recorded March 6, 1998, in Official Records Book 2929, Page 2372, of the public records of Lee County, Florida for access over, under and across the land described therein; less and except any portion lying within Parcel I above described.

ALL-STATE LEGAL®

EXHIBIT
"B"
(1 of 2)

DESCRIPTION TO ACCOMPANY SKETCH:

CROSS ACCESS EASEMENT LYING IN A PORTION OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST,

LEE COUNTY, FLORIDA

SHEET 2 OF 2

SEE SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF LITTLETON ROAD (50 FEET WIDE) AND THE WEST RIGHT OF WAY LINE OF S.R. No. 45, (ALSO KNOWN AS: US HIGHWAY 41, TAMIAMI TRAIL & NORTH CLEVELAND AVENUE) 200 FEET WIDE BEING THE CUSP OF THE ARC OF A CURVE; THENCE RUN ALONG SAID WEST RIGHT OF WAY S.R. No. 45 ALONG THE ARC OF A CURVE 94.14 FEET, LEFT OF 5829.59 FOOT RADIUS, A CENTRAL DELTA ANGLE OF 00°55'31", A CHORD THAT BEARS S.03°47'10"W., AND CHORD DISTANCE OF 94.14 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE S.03°25'50"W. FOR 213.11 FEET; THENCE RUN N.89°54'50"W FOR 73.73 FEET TO THE POINT OF BEGINNING; THENCE RUN S.00°05'10"W. TO A POINT OF CURVATURE FOR 213.16 FEET; THENCE RUN ALONG THE ARC OF A CURVE FOR 34.08 FEET, LEFT OF 52.00 FOOT RADIUS, A CENTRAL DELTA ANGLE OF 37°32'50", A CHORD THAT BEARS S.18°51'35"W. AND A CHORD DISTANCE OF 33.47 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE 13.11 FEET, RIGHT OF RADIUS 20.00 FEET, A CENTRAL DELTA ANGLE OF 37°32'50", A CHORD THAT BEARS S.18°51'50"W. AND CHORD DISTANCE OF 12.87 FEET TO A POINT OF TANGENCY; THENCE RUN S.00°05'10"W. FOR 34.58 FEET; THENCE RUN N.89°54'50"W. FOR 24.00 FEET; THENCE RUN N.00°05'10"E. TO A POINT OF CURVATURE FOR 34.58 FEET; THENCE RUN ALONG THE ARC OF A CURVE FOR 28.83 FEET, LEFT OF 44.00 FOOT RADIUS, A CENTRAL DELTA ANGLE OF 37°32'50", A CHORD THAT BEARS N.18°51'50"E. AND A CHORD DISTANCE OF 28.32 TO A POINT OF REVERSE CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE 18.35 FEET, RIGHT OF 28.00 FOOT RADIUS, A CENTRAL DELTA ANGLE OF 37°32'50", A CHORD THAT BEARS N.18°51'50"E. AND A CHORD DISTANCE OF 18.02 FEET TO A POINT OF TANGENCY; THENCE RUN N.00°05'10"E. FOR 213.16 FEET; THENCE RUN S.89°54'50"E. FOR 24.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 7,078.06 SQUARE FEET, MORE OR LESS.

**NOT A BOUNDARY SURVEY

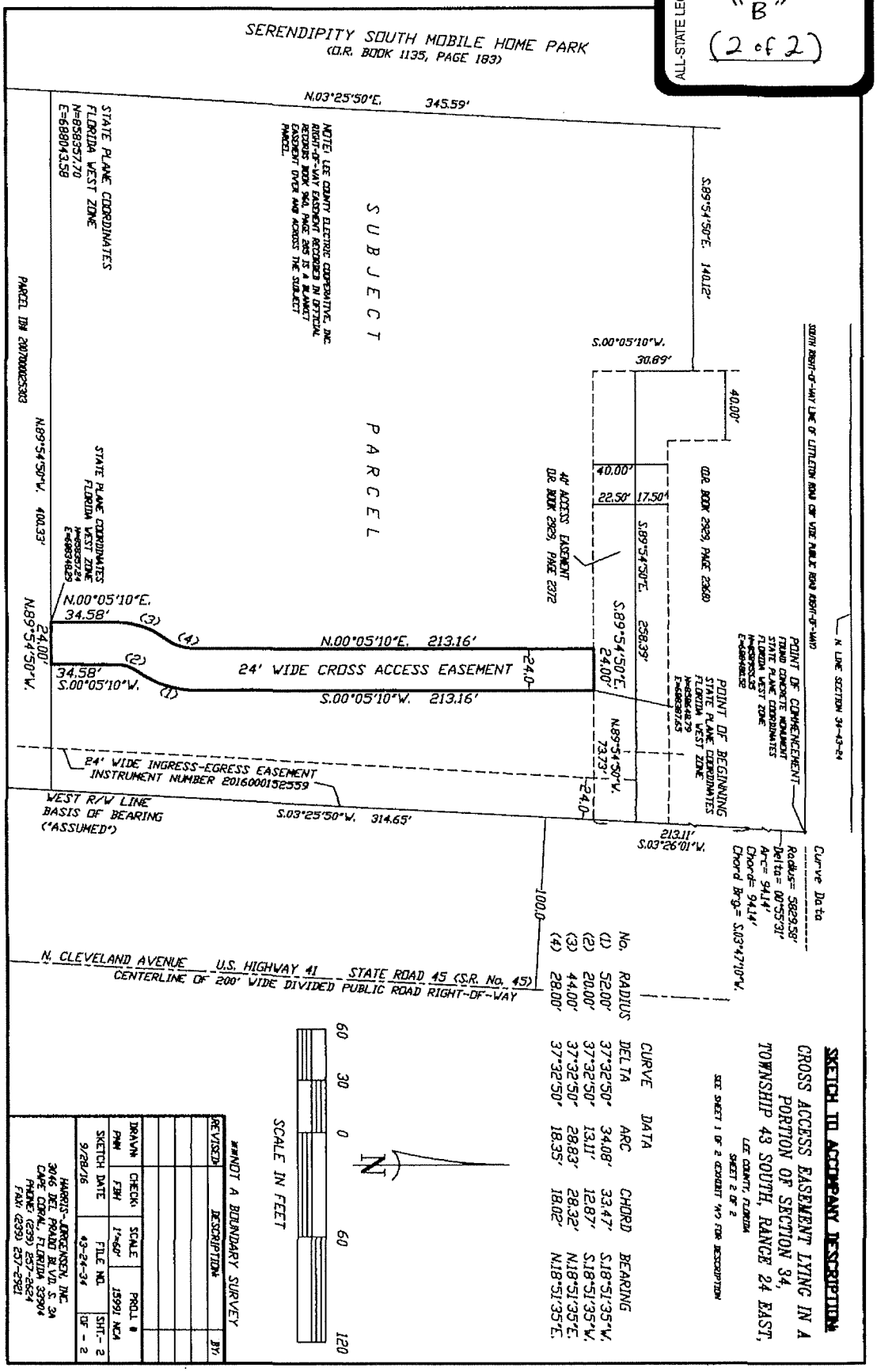
REVISED:	DESCRIPTION:	BY:

DRAWN:	CHECK:	SCALE	PROJ. #
PMM	FBH	1"=60'	15991 NCA
SKETCH DATE		FILE NO.	SHT.- 1
9/28/2016		43-24-34	OF - 2

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
9/28/2016

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

EXHIBIT "B" (2 of 2)

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