



Engineers, Planners & Development Consultants

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September 13, 2023

Mr. Joseph Sarracino, Planner
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
SEP 19 2023
COMMUNITY DEVELOPMENT

RE: **CPA2023-00007**

Dear Mr. Sarracino,

Please find attached a set of revised plans for the above-mentioned project per your comments dated August 25, 2023. Below are written responses to the comments.

APPLICATION MATERIALS COMMENTS

1. Please provide a letter of service availability from the appropriate agency providing Solid Waste service. Please reach out to Justin Lighthall at JLighthall@leegov.com for this request.

Response: Please see attached letter from Solid Waste.

2. Please discuss the potential future use of the subject property.

Response: Facilitates neighborhood re-development with like commercial uses, such as auto repair and service.

LEE PLAN ANALYSIS COMMENTS

3. Please analyze Lee Plan Policies 11.1.1 and 11.2.2.

Response: Please see revised Lee Plan Analysis

4. Please include expanded analysis of Policy 11.2.1(5) within the Lee Plan Analysis of the application.

Response: Please see revised Lee Plan Analysis

If you have any questions regarding the above responses or any of the attachments, please contact our office at (239) 936-5222.

Sincerely,
Quattrone & Associates, Inc.

Al Quattrone, P.E.
President
Email: al@qainc.net
Attachments:
Lee Plan Analysis
Solid Waste Letter



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

September 19, 2023

Quatrone & Associates, Inc
Attn: Sharon Hrabak, Permitting Manager
4301 Veronica Shoemaker Blvd
Fort Myers, FL

**RE: Letter of Service Availability – McGregor Blvd Comprehensive Plan
Amendment Strap # 16-45-24-00-00007.0060, 16-45-24-00-00005.0000, 16-45-
24-00-00006.0010**

Dear Ms. Hrabek:

The Lee County Solid Waste Department is capable of providing solid waste collection service for future changes of extending the Mixed-Use Overlay Boundary on the west of McGregor Blvd. and North of College Parkway through the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

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

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

McGregor-Mixed Use Overlay

Lee Plan Analysis
Exhibit M12

Request

The 2-acre +/- site is located on the west side of McGregor Blvd. and north of College within the South Fort Myers Planning Community. Its Future Land Use Classification is Intensive Development. The overall site consists of three parcels as seen in the aerial below.



Figure 1. Subject Property Location Map

Existing and Surrounding Conditions

The subject property is located within the South Fort Myers Planning Community. It consists of three C-I zoned parcels. The surrounding area has been developed with a mixture of Residential, Commercial and institutional uses. Future Land Use designations, zoning and current adjacent uses are identified in the table below.

	North	South	East	West
FLU	Central Urban & Intensive Development	Intensive Development	Intensive Development w./Mixed Use	Central Urban & Intensive Development
Zoning	C-I & RS-I	C-I & RS-I	C-I & MPD	RS-I
Actual Use	Auto Repair * Business Services w./Retail * SF	Retail * Medical * Auto Repair	Office * Retail * Bar & Lounge	SF



Extension of and Compatibility with Existing Development Patterns and Surrounding Uses:

The proposed mixed-use overlay amendment will advance a more efficient use of the land via alternative land development standards that incentivize a more efficient use of the property. Thus, the amendment facilitates neighborhood re-development with like commercial uses.

The subject property abuts McGregor, a major roadway connecting employment and activity centers to the North Fort Myers city-center and to the South Fort Myers metropolitan area. Existing uses along McGregor Blvd are a range of residential, commercial retail, commercial office, professional office and institutional activities. Due to the de-minimis size of the property and of its existing commercial uses, the roadway has sufficient capacity to serve the subject property. The proposed amendment is consistent with sound planning practices promoting infill and allowing intensification along major corridors to ensure an efficient use of public infrastructure.

As identified on the following pages, the proposed incorporation of the Mixed-Use overlay over the 2-acre Intensive Future Land Use property will serve to promote a more intensive urban redevelopment that is consistent, compatible and complementary to the surrounding land uses and development patterns.

Lee Plan Consistency Narrative

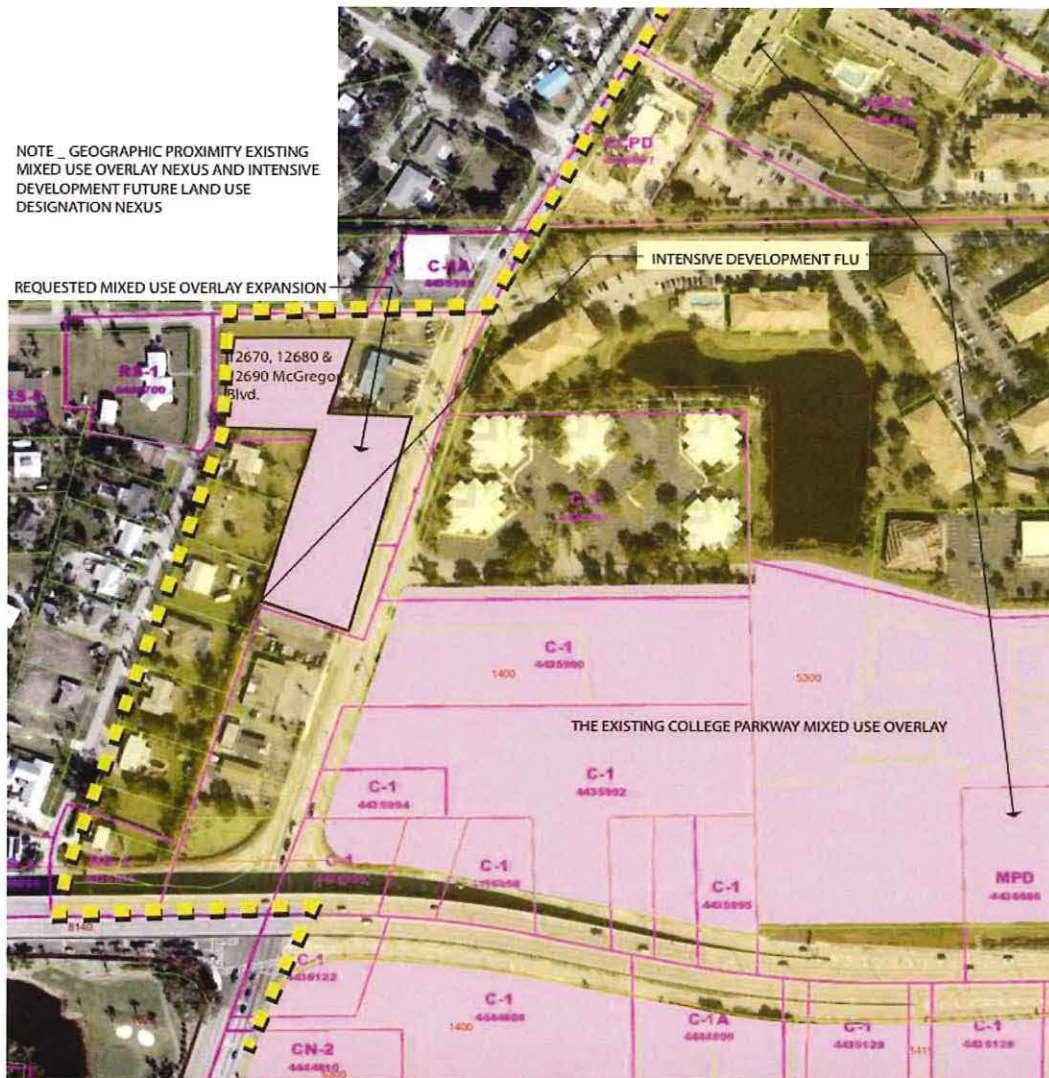
Future Land Use Element

POLICY 1.1.1: *The Future Land Use Map depicts the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County through the year 2045.*

RESPONSE _Existing buildings within the project limits are 30 + years old and in some cases predate current rules for setbacks and buffers. Incorporating the properties into the mixed-use overlay would allow these properties to be redeveloped in accordance with the new land development requirements. The mixed-use overlay would be appropriate for this area.

POLICY 1.1.2: *The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94- 30, 09-06, 10-10, 16-07, 21-09)*

NOTE _ GEOGRAPHIC PROXIMITY EXISTING MIXED USE OVERLAY NEXUS AND INTENSIVE DEVELOPMENT FUTURE LAND USE DESIGNATION NEXUS



RESPONSE _ The subject property is located in close proximity to two arterial roadways (McGregor Blvd. and College Pkwy). Urban services are available and adequate to serve the development, as demonstrated in the letters of availability provided by Lee County Utilities, Lee Tran, Lee County Schools, Iona McGregor Fire District, Lee County Solid Waste Division, Lee County Emergency Medical Services, and the Lee County Sheriff's Office. The property is adjacent to the College Parkway Mixed-Use Overlay district which consists of conventional and mixed use planned development zoned projects and high-density MF residential and commercial use. Consisting of long-standing commercial suitable for redevelopment, the subject two acre property is ideally suited for the Mixed Use Overlay in

that the reduced development standards will serve as sound incentives for greater urbanized, compact growth. This is consistent with Policy I.1.2.

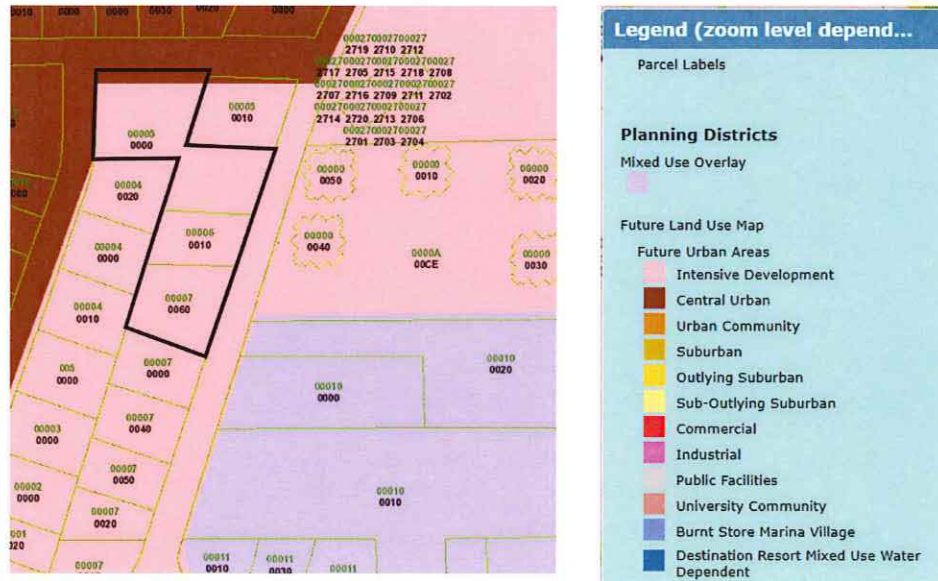


Figure 2. FLUM-Proximately to Existing Mixed-Use Overlay

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. (Ordinance No. 94-30, 00-22)*

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

POLICY 2.1.2: *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Ord. No. 00-22)*

RESPONSE _ The request for a mixed-use overlay designation for the subject property is reasonable and conforms to accepted professional land use practices and principles. The site location is ideal for incentivized commercial redevelopment since it is near the



intersection of two arterial roadways (McGregor Blvd. and College Pkwy) and is classified as a Future Intensive Development land use. The surrounding McGregor and College Parkway properties are built-out with uses including retail, professional office, restaurants and multi-Family. The property has a zoning designation of C-1. Adding the 2-acre property to the Mixed-Use Overlay is consistent with Objective 2.1: Development Location, Policy 2.1.1 and Policy 2.1.2 because it incentivizes appropriate commercial uses based on accepted professional planning practices.

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 Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No.94-30, 00-22, 17-19)*

POLICY 2.2.1: *Rezoning's and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ordinance No. 94-30, 00-22)*

RESPONSE _ The subject property is located within the Intensive Development urban land use. The property has more than adequate public facilities. The property has frontage on an arterial roadway (McGregor Blvd) near the intersection with an Arterial roadway (College Parkway) that is signalized. Lee County Utilities has existing potable water and sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability, which is included with the application. Tanglewood Riverside School Elementary School is ±2.7 miles from the site, Cypress Lake Middle School is ±1.8 miles from the site and Cypress Lake High School is ±2.3 miles from the site. Iona-McGregor Fire Station 74 and EMS Medic 84 are located ±0.7 mile from the property at 6061 South Pointe Blvd. Lee County Sheriff's Office West District Substation is ±3.8 miles from the site. There is existing development to the north, south, east and west. Approval of the requested Map Amendments will allow for incentivized urban infill development providing a compact and contiguous development pattern, consistent with Objective 2.2 and Policy 2.2.1

POLICY 2.2.2: *Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

1. *Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
2. *Whether a given proposal is for land so far beyond existing development or adequate public*



facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and

RESPONSE _ The subject property is zoned C-1 (Commercial District), which permits a mix of residential and commercial uses. As such, is perfectly suited for the Mixed Use Overlay, The request is consistent with Objective 2.2: Development Timing, Policy 2.2.1, and Policy 2.2.2

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15, 17-13)

STANDARD 4.1.1: WATER.

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, FAC.

RESPONSE _ The subject property is located within the Lee County Utilities future water service area as depicted on Lee Plan Map 4-A. Lee County Utilities has existing potable water distribution lines in place adjacent to the subject property (see Letter of Service Availability). Water treatment and distribution will be provided through the Corkscrew Water Treatment Plant. The requested Map is consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

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

RESPONSE _ The subject property is located within the Lee County Utilities future sewer service area as depicted on Lee Plan Map 4-B. Lee County Utilities has existing sanitary sewer collection lines in place adjacent to the subject property (see Letter of Service Availability). Sanitary Sewer treatment service will be provided through the Fort Myers South Water Reclamation Facility. The requested Map and Text Amendments are consistent with Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

RESPONSE _ The proposed land use change will not negatively impact environmental protection policies and standards because the 2-acre property is completely developed; it does not contain natural features. The amendment is consistent with Standard 4.1.4.

GOAL 6: COMMERCIAL LAND USES. *To permit orderly and well-planned commercial development at appropriate locations within the county. (Ordinance No. 94-30)*

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

a. Traffic and access impacts (rezoning and development orders);

- RESPONSE _ The parcel has direct access onto McGregor Blvd.

c. Screening and buffering (planned development rezoning and development orders);

- RESPONSE _ The mixed-use overlay allows for reduced ROW and Adjacent Property Sec. 10-416 Buffering. The amendment advances a more efficient use of the land and thus encourages re-development.

d. Availability and adequacy of services and facilities (rezoning and development orders);

- RESPONSE _ As documented by Lee County Utilities the project has access to water and sanitary sewers.

e. Impact on adjacent land uses and surrounding neighborhoods (rezoning)

- RESPONSE _ The amendment does not change the existing non-residential to residential west boundary interface. Hence no unanticipated impacts are expected at the subject location.

f Proximity to other similar centers (rezoning);

- RESPONSE _ The property adjoins commercial facilities and uses, including restaurants, business, and personal services.

g. Environmental considerations (rezoning and development orders).

- RESPONSE _ The property is comprised of improved commercial uses absent of critical or sensitive environmental site characteristics.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- Provide visual harmony and screening.

- RESPONSE _ The mixed-use overlay allows for continued ROW and Adjacent Property Buffering.
- *Reduce dependence on the automobile.*
 - RESPONSE _ The mixed-use overlay may end up reducing automobile dependence depending of the final re-development of the property.
- *Promote pedestrian movement within the development.*
 - RESPONSE _ The mixed-use overlay may end up promoting internal pedestrian movement depending if the property is re-developed as a uniform project; code required sidewalks will promote pedestrian traffic based on the final re-development plan.
- *Utilize joint parking, access and loading facilities.*
 - RESPONSE _ The mixed-use overlay may end up promoting joint parking, access and loading depending if the property is re-developed as a uniform project.
- *Avoid negative impacts on surrounding land uses and traffic circulation.*
 - RESPONSE _ The mixed-use overlay amendment does not create new negative impacts on the surrounding land uses and circulation due to the underlying land use and zoning remain the same with or without the mixed use overlay.
- *Protect natural resources;*
 - RESPONSE _ The property is comprised of improved commercial uses absent of critical or sensitive environmental site characteristic. The overlay amendment does not impact natural resources.
- *Provide necessary services and facilities where they are inadequate to serve the proposed use.*
 - RESPONSE _ As documented by Lee County Utilities the project has access to water and sanitary sewers, along with fire and other public safety services.

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

- RESPONSE _ The mixed-use overlay amendment does not present new and/or unanticipated compatibility and public services and facilities impacts on surrounding land uses. This is because the underlying land use and zoning remain the same and, that the property's di minimus size eliminates potential unanticipated impacts.

POLICY 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include but are not limited to frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements. (Ordinance No. 94-30, 00-22)*

- RESPONSE _ The mixed-use overlay amendment does not create new and/or unanticipated McGregor Blvd. traffic circulation because the underlying land use and zoning remain the same and, that the properties small size reduces noticeable traffic impacts.

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

- RESPONSE _ Any project that occurs via the mixed-use overlay amendment will meet all LDC rules and regulations.

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

- RESPONSE _ The mixed-use overlay amendment for an existing commercial property does not open up new and premature, scattered strip development.

POLICY 6.1.8: *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Ord. No. 00-22, 17-13)*

- RESPONSE _ The mixed-use overlay amendment is for an existing and developed commercial property that is not located near existing or planned schools.

POLICY 6.1.11: *Encourage the upgrading or revitalization of deteriorating commercial areas but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access. (Ord. No. 94-30, 17-13, 21-09)*

- RESPONSE _ The mixed-use overlay amendment's development standards encourages the upgrading of the property; the small size of the property serves to avoid an inappropriate use potential.

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

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

- I. Located within the extended pedestrian shed of established transit routes; and,



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

- RESPONSE _ The mixed-use overlay amendment advances and is consistent with 11.2.1. Lee Tran Routes 30 run along College Parkway, with an existing bus stop #10210 @ 0.1 mile to the south. There are existing sidewalks on both sides of McGregor Blvd., and an existing bike lane. The site access has existing access to an arterial roadway. The portion of the site proposed for inclusion in the Mixed-Use Overlay is within the Intensive Development future land use category. The submitted letters of review and recommendation demonstrate that adequate public facilities and infrastructure are available. Being along McGregor Blvd and with less than 300-ft in depth, any new development t project under the Mixed-Use Overlay will not intrude into predominately single-family residential neighborhoods. The subject property and the properties to the north, south and east have existing commercial zoning along the McGregor Blvd. frontage. During the development order review will need to provide “visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources. The request is consistent with Policy 11.2.1

POLICY 11.2.2: Development in the Mixed-Use Overlay should accommodate connections to adjacent uses. (Ord. No. 07-15, 17-13)

- RESPONSE _ The parcel(s) are currently developed and if redeveloped during the development order review will need to meet all LDC rules and regulations.

POLICY 11.2.3: At the discretion of the Board of County Commissioners, the Mixed-Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed-Use Overlay or immediately adjacent to a Mixed-Use Overlay. (Ord. No. 07-15, 17-13)

- RESPONSE _ The mixed-use overlay amendment is adjacent to and well within one-quarter mile distance of an existing Mixed Use Overlay boundary.

Conclusion

In conclusion, the proposed Map Amendment is consistent with accepted professional planning principles and practices, is consistent with the intent of the Objective 11.2 Mixed-use Overlay and is consistent with Lee Plan goals, objectives and policies.