



Professional Engineers, Planners & Land Surveyors

March 22, 2024

Mr. Dirk Danley, Jr., AICP
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD
DCI2023-00050
1st Sufficiency Response**

Dear Dirk:

This letter is written in response to the review comments dated January 18, 2024.

With this letter we are submitting the following additional information requested for the project:

1. Revised Narrative of Request
2. Revised Proposed Schedule of Uses, Property Development Regulations, Conditions and Deviations
3. Approved Submittal Requirement Waiver GEN2023-00477
4. Updated FGUA LOA
5. Solid Waste No Objection Email
6. Revised 3-Page Master Concept Plan (MCP)
7. Conceptual Gate Exhibits
8. Revised Schedule of Deviations & Justifications
9. Revised TIS
10. Survey with Commercial Parcels for Density Calculations Only
11. Letter of Authorization from owner of South Diplomat RPD allowing phased indigenous

Presented below are responses to each review comment:

ZONING

Comment 1: Please confirm that 150 dwelling units are proposed on the south parcel, and this amendment does not intend to remove this density.

Response: **No changes are proposed to the density on the south parcel as outlined in condition 1: 105 dwelling units plus an additional 21 affordable dwelling units.**

Comment 2: Please provide evidence of Public Information Meeting in accordance with LDC Section 33-1532.

Response: **The Public Information Meeting is Scheduled for March 27, 2024. The required**

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summary will be submitted under separate cover as soon as possible.

Comment 3: An exhibit in the narrative references the western parcel as "RPD, Optional CPD", but staff records indicate that this parcel is still zoned Commercial Planned Development (CPD). Please revise this exhibit.

Response: Please see attached revised narrative.

Comment 4: Please provide a single Master Concept Plan Document that includes alternates as additional sheets within the document. Please be aware that LDC Section 34-380(g) states that *"An updated Master Concept Plan of the entire planned development boundary must be submitted for attachment to the resolution adopting the amendment. This is required whether or not the amendment will affect the entire planned development project or just one parcel."*

Response: Please see attached revised MCP.

Comment 5: With the amendment to Condition 22 (Open Space), the open space calculation on the Original Master Concept Plan Sheet will need to be amended.

Response: Please see attached revised MCP and revised Condition 14. Condition 22 is now proposed to be deleted.

Comment 6: The proposed change to Condition 9 appears to be inconsistent with the requested Deviation 10. Please clarify.

Response: Existing condition 8 references LDC Section 34-2147(a) which states, "*Subject to conditions set forth in Section 34-2175, any building or structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided every required street, side, waterbody, and rear setback is increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation. requires additional setbacks.*" The condition language utilized building separation instead of setback. The proposed revised condition will clarify that additional building setbacks (not separation) are required for increased height and remove the reference to building separation which is separately dealt with in Deviation 10 and LDC Section 34-935(e)(4).

Comment 7: Please provide a letter of no objection from Lee County Solid Waste in support of the amended language of Deviation 7.

Response: Please see attached email from Lee County Solid Waste providing no objection to Deviation 7.

Comment 8: Condition 19 appears to state that the conditions of ADD2020-00034 are not superseded by the proposed amendment. Please clarify.

Response: Pursuant to follow up discussions with staff, the conditions 3, 4 & 5 from

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ADD2020-00034 have been added to the attached revised proposed conditions and deviations document as proposed conditions 25, 26 & 27.

Comment 9: Please confirm that both proposed gates meet the requirements of LDC Section 34-1748.

Response: Please see attached revised MCP and conceptual gate exhibits.

PLANNING

Comment 1: Please provide an updated Level of Service Analysis from FGUA. The LOA provided is expired.

Response: Please see attached updated Letter of Availability from FGUA.

Comment 2: Please remove the reference to bonus density from the density calculation if no bonus density is being requested.

Response: Please see attached revised Narrative of Request. Pursuant to follow up discussions with staff, the bonus density reference is still included, but the bullet identifies only the requested density.

Comment 3: Staff notes that requested density can be met without taking density from the adjacent commercial parcels if the western parcel under the drainage easement is included in the rezoning request. Please explain why the applicant is choosing to use the density from the commercial parcels instead.

Response: As discussed, the applicant coordinated with staff prior to submittal and agreed to not add additional property (western drainage parcel) to the PD at this time since density can be met within the original PD boundary and is agreeable by all parties. The submitted letter of authorization specifically includes language regarding the density transfer from Commercial parcels 1 and 2.

Comment 4: If the applicant still chooses to use density from the adjacent commercial parcels, please include the parcels in the legal description of the application to verify the stated acreage of the parcels.

Response: As discussed, the applicant is not proposing to revise the RPD zoning legal description and sketch. Please see attached Boundary Survey signed on 3/22/23 labeled "Survey with Commercial Parcels for Density Calculations Only" which includes an acreage summary on page 1 of 2 above the revision notes that verifies the acreage of these commercial parcels.

ENVIRONMENTAL SCIENCES

Comment 1: Indicate if the request will supersede any of the previous zoning approvals and if so, provide case numbers.

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Response: Pursuant to discussions with Staff, the intent would be to supersede previous zoning approvals. Please see attached revised proposed revisions to conditions and deviations document condition 19. Case numbers are as follows: Z-06-004/DCI2005-00055, Z-11-002/DCI2010-00015, ADD2007-00169, ADD2019-00085, ADD2019-00181 & ADD2020-00034.

Comment 2: Deviation 8 applies for the entire CPD/RPD requesting relief from LDC Section 10-416(d) for internal buffering. Clarify if this deviation must remain and apply to the portion of the planned development not included in the subject request. If so, provide an additional deviation if the Mixed-Use Overlay buffer per LDC Section 10-425(f)(1) which would only pertain to the subject request.

Response: Please see attached revised proposed conditions and deviations document. Deviation 8 was added with Z-11-002 and was for the subject property only, not the entire CPD/RPD as evidenced by the deviation references on the MCP approved by Z-11-002. It was specifically for the internal north CPD which is no longer needed. The application is proposing to revise Deviation 8 for the new request from 10-425(f)(1) and this deviation will remain for the subject property only.

Comment 3: Indicate if the applicant is requesting to not provide any internal buffers whether it be 15-foot-right-of-way buffer for Parcels 1-3, five-foot-right-of-way buffers per LDC Section 10-425(f)(1), and internal buffers between commercial uses per LDC Section 10-416(d). It may be helpful to provide a deviation request for the subject submittal and a deviation request for the portions outside of the scope of the subject submittal.

Response: Please see attached revised proposed conditions and deviations document. Deviation 8 was added with Z-11-002 and was for the subject property only, not the entire CPD/RPD as evidenced by the deviation references on the MCP approved by Z-11-002. It was specifically for the internal north CPD which is no longer needed. The application is proposing to revise Deviation 8 for the new request from 10-425(f)(1) and this deviation will remain for the subject property only.

TIS

Comment 1: TIS must include the analysis of Level of Service on Diplomat Parkway.

Response: See revised TIS that includes this analysis.

Comment 2: As the project generates between 100 and 300 peak-hour trips, information regarding the Level of Service of the site accesses and all intersections within one-quarter of a mile shall be provided.

Response: See revised TIS that includes this analysis.

Comment 3: It is imperative that the comprehensive scope of the development, encompassing both the north and south sectors, be duly incorporated into the TIS. Notably, there exist additional commercial out parcels and residential units on both sides of Diplomat Pkwy, following the Master Concept Plan (MCP) and Zoning Application Z-

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11-002.

Response: See revised TIS that includes the other uses that are not being modified as part of this zoning amendment that include the three commercial parcels on the north side of Diplomat Parkway and the residential parcel and commercial parcel on the south side of Diplomat Parkway.

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments

SEH:jms



Professional Engineers, Planners & Land Surveyors

Diplomat House f/k/a North Diplomat RPD Amendment

Narrative of Request

DCI2023-00050 – Revised March 2024

Introduction/Request

The applicant, Diplomat Fort Myers, LLC, is requesting approval of an amendment to 35.18± acres of the Diplomat North RPD/CPD from the Z-11-002/ADD2019-00085 approvals to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; to allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay. The site is located on the north side of Diplomat Parkway E. (City of Cape Coral maintained arterial), 0.31± mile west of its intersection with N. Cleveland Ave/U.S. 41 (State maintained arterial).

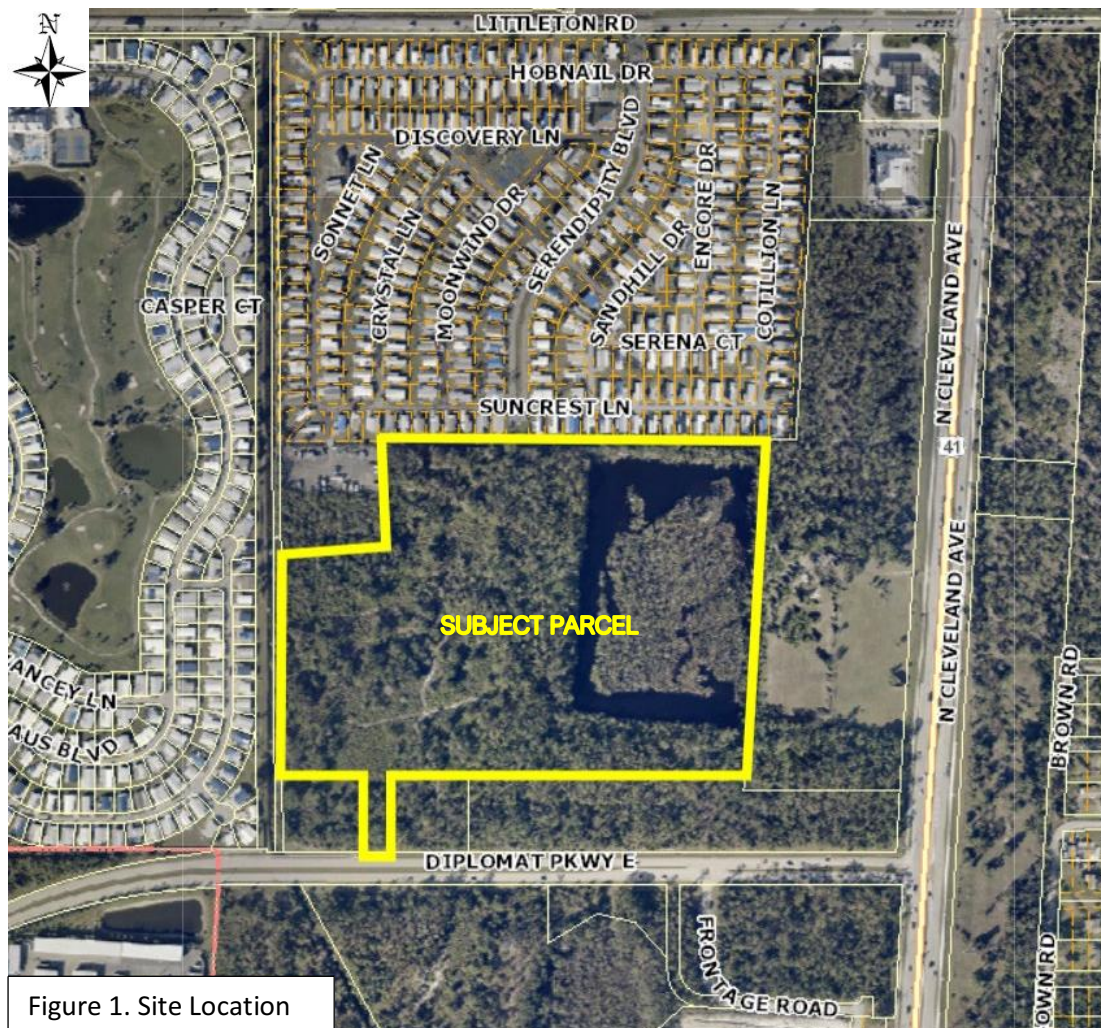


Figure 1. Site Location

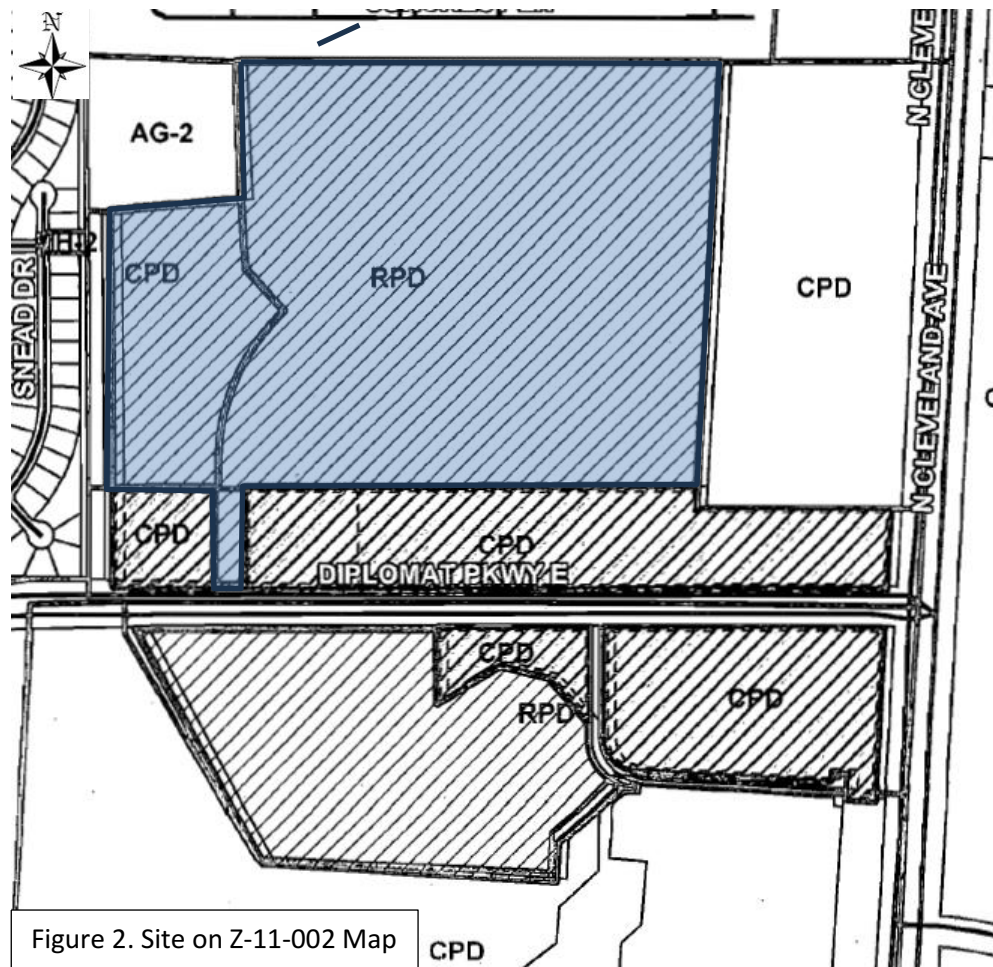
The subject property is a 35.18±-acre portion of STRAP number 34-43-24-00-00001.3030 which consists of the north RPD portion of the Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD). The remainder of this STRAP number consists of Commercial Parcels 1 and 2 of the RPD/CPD. The property is within the Central Urban future land use category and the Mixed Use Overlay within the North Fort Myers Community Planning Area. The property is currently vacant with an existing borrow lake with active South Florida Water Management District (SFWMD) and Development Order (DO) permits for development as outlined below.

Background

The 65.13±-acre Diplomat Property RPD/CPD covers property north and south of Diplomat Parkway East. The property was originally rezoned from AG-2 to RPD/CPD December 21, 2006, by resolution number Z-06-004 which granted approval for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail and 120 hotel rooms. This approval allowed for the indigenous preservation requirements for the entire development to be located within the southern parcel and a single access point with secondary emergency access.

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, zoning resolution Z-11-002 approved an amendment to the northern ±35.18-acre RPD to allow for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a 5.43± acre north optional CPD with a maximum 50,000 square feet of commercial, a conversion table, and an amendment to the master concept plan. The following image shows the overall Diplomat Property RPD/CPD as attached to Z-11-002 with the subject property highlighted.



ADD2019-00085 was approved on April 16, 2019, to clarify condition 1 of Z-11-002 that the northerly 35.18 acres may be optionally developed with RPD uses consistent with the MCP approved by ADD2007-00169 or ALF/CCF with or without the 5.43-acre CPD parcel consistent with the MCP approved by Z-11-002.

Although not applicable to the property included in this application, the following amendments to the planned development have also been approved:

ADD2019-00181 was approved on October 31, 2019, for an Alternate MCP to reflect existing schedule of uses which allows single family/duplex/two-family townhomes and clarify maximum height of 35 feet for the southern (south of Diplomat Parkway) parcel.

ADD2020-00034 was approved on June 22, 2020, for an amendment to Commercial Parcels 3 and 4 to remove references to commercial site location standards, amend schedule of uses to allow multi-family and establish a conversion ratio for commercial intensity to residential density for a maximum of 116 dwelling units.

Development Order DOS2007-00255 and Concurrency CNC2007-00291 on the subject property were approved on June 17, 2008 for 252 multi-family dwelling units in 36 buildings and a 1,980 SF clubhouse w/swimming pool & spa that is currently still in effect on the subject property and valid through February 28, 2030. The subject property also has an active South Florida Water

Management District (SFWMD) permit on the site (36-05906-P). There is an existing active development order on the southern RPD (DOS2007-00267 valid through February 15, 2030) as well as an active SFWMD permit (36-06259-P). Both of the active development orders were approved under the ADD2007-00169 MCP which is proposed to remain along with the Alternate Diplomat South RPD MCP and the proposed Alternate North RPD MCP. Copies of the existing MCPs are included with this application and have been incorporated as pages 2 and 3 of 3 of the proposed MCP per staff's request.

In 2022, the following applications were filed by a previous applicant on the subject property, along with the 1.53± acre parcel that is a 25-foot wide strip of land along the western boundary within a drainage easement (STRAP No. 34-43-24-00-00001.306A). This adjacent strip is not included with the subject application. These applications were withdrawn upon submittal of this request:

- REZ2022-00021 – Conventional rezoning
- VAR2022-00021 - Variance
- ADD2022-00143 – Administrative Deviations

The previous applicant also filed a development order under case number DOS2022-00156 which will either be revised or withdrawn, and a new development order application filed for concurrent review. Upon approval of the new development order for the site, DOS2007-00255 will be withdrawn.

Land Development Code Analysis

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

(a) Complies with the Lee Plan

The proposed amendment to the RPD/CPD is consistent with the Lee Plan. The subject property is located in the Central Urban future land use category and within the Mixed Use Overlay where existing public facilities exist. The Lee Plan describes the Central Urban future land use designation as follows:

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

The proposed amendment will facilitate infill development within the Central Urban future land use category, the second-most intense future land use category. Central Urban properties are the "urban core" of the county, with high levels of service to support intense development. Although conventional

rezonings are encouraged within the Mixed Use Overlay to promote continued redevelopment, the nature and history of the subject property requires continuation of the planned development zoning. The proposed amendment will allow the applicant to develop a multi-family neighborhood on a previously permitted site providing multi-family housing options near a major intersection of two arterial roadways, Diplomat Parkway East, and North Cleveland Avenue (U.S. 41) where there are existing public services. The Central Urban future land category allows up to 10 standard density units per acre, up to 15 dwelling units per acre utilizing bonus density or up to 20 dwelling units per acre utilizing Greater Pine Island Transfer of Development Units (GPITDU). The subject property is 35.18± acres. The current property owner has agreed to allow residential density to be transferred to the subject property from Commercial Parcels 1 (1.48± acre) and 2 (1.47± acre) with no impact to the allowable commercial on these parcels, consistent with the Mixed Use Overlay. Maximum density potential that could be requested on the total combined 38.13± acres is 381 standard dwelling units or total maximum of 763 if included 191 bonus density units and 191 GPITDUs. The applicant is requesting:

- 360± dwelling units standard density

The existing zoning allows 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial on the subject property. The applicant is requesting approval for a multi-family neighborhood consisting of 360 dwelling units in an area where increased densities are encouraged. The requested height increase from 50 feet to 60 feet is appropriate in this area and is consistent with the height approved for the development to the east. Pursuant to Lee County Land Development Code (LDC) Section 34-2175(b)(1), the Central Urban future land use category allows a height up to 135 feet. The proposed amendment is consistent with Policy 1.1.3.

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded..

Table 1(b) indicates that the North Fort Myers planning district has 2,225 acres allocated for residential development within the Central Urban future land use category. The subject property has existing approvals for residential development within the North Fort Myers planning community. The proposed amendment is consistent with Policy 1.6.5.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

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

The proposed amendment is located within a designated Future Urban Area and has been approved for development since 2006 and promotes contiguous and compact growth patterns. The site's inclusion in the Mixed Use Overlay further demonstrates that it is appropriate for infill development with existing residential development along the north and west and commercial and/or multi-family development approved to the south and east. Infrastructure is available to support the proposed amendment. The proposed amendment is consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

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

North: Adjacent to the north is Serendipity Mobile Home Park and storage area on one commonly owned parcel within the Central Urban future land use category zoned Mobile Home Residential District (MH-2).

West: Adjacent to the west is a 25-foot drainage ditch parcel then Six Lakes Country Club Mobile Home Park with individual mobile home lots separated by 58± feet of their common elements within the Central Urban future land use category zoned Mobile Home Residential District (MH-2).

South: Adjacent to the south are vacant Commercial Parcels 1, 2 and 3 of the same Diplomat Property zoning as the subject property zoned CPD within the Central Urban future land use category and within the Mixed Use Overlay. These parcels, along with Commercial Parcel 4 south of Diplomat, allow for up to 200,000 SF of commercial development. The ownership is fractured as Commercial Parcels 3 and 4 of the RPD/CPD are no longer under common ownership with the subject property. Commercial Parcels 3 and 4 also have the option to convert commercial to up to 116 multi-family residential. Residential density is proposed to be transferred from Commercial Parcels 1 and 2 to the subject property with no impact to the commercial development allowed. The Diplomat Property south RPD across Diplomat Parkway is approved for 105 dwelling units with an additional 21 dwelling units for moderate income households. There is an active development order for the development of 44 multiple-family dwelling units and the indigenous preserve for the entire RPD/CPD.

East: Adjacent to the east is the MIVO North Fort Myers RPD which is within the Central Urban future land use category and within the Mixed Use Overlay. Zoning resolution Z-23-003 approved a rezoning from C-1A and CPD to RPD to allow for up to 285 multiple-family dwelling units (including

95 bonus density units) with a maximum height of 60 feet. The development order for development of the site is under review under case number DOS2022-00141.



Figure 3. Mixed Use Overlay

The proposed amendment is to allow for infill development promoting a compact and contiguous development pattern as evidenced by the property's inclusion within the Mixed Use Overlay and existing development approvals. The existing Diplomat Property RPD/CPD zoning included approval of deviation 6.a. from requiring 2 access points by allowing the main access onto Diplomat Parkway East and the emergency access easement at the southeast corner of the property to serve as the

second access. This previously approved access configuration is proposed to remain. The main access to Diplomat Parkway East, a 4-lane, divided City maintained arterial, aligns with the proposed access to the RPD/CPD on the south side of Diplomat Parkway East and the emergency access aligns with the existing frontage road on the south side of Diplomat Parkway East. The site is located within the Lee County Utilities Water service area and Florida Governmental Utility Authority Wastewater service area. There are existing water and sewer facilities adjacent to the site and letters of availability are included with the application demonstrating that sufficient capacity is available to serve the site. An analysis of the excessive availability and proximity of public facilities and services is below:

Facility Type	Name	Distance from site
Fire	North Fort Myers Fire Station 2	2.6± miles
Fire	North Fort Myers Fires Station 1	4.3± miles
EMS	Lee County EMS Medic 31	3± miles
EMS	Lee County EMS Medic 7	2.7± miles
Sheriff	Lee County Sheriffs Office, North District	2.7± miles
School	Dr. Carrie D. Robinson Littleton Elementary School	1.7± miles
School	Diplomat Elementary School	3± miles
School	Diplomat Middle School	3.3± miles
School	North Fort Myers High School	3.4± miles
Park	Judd Community Park	2.3± miles
Park	North Fort Myers Recreation Center	2.9± miles
Park	Mary Moody Park	3.3± miles
Park	Kurt Donaldson Community Park	3.4± miles
Park	North Fort Myers Community Pool	3.5± miles
Transit	Lee Tran Route 595	0 feet
Transit	Lee Tran Transfer Station/ Routes 590 & 140	0.5± mile
Bikeways	Existing Bike lanes on Diplomat Pkwy	0 feet

Shopping/Employment	Merchants Crossing	0.6± mile
Shopping/Employment	Walmart Shopping Center	1± mile

There are two fire stations, two EMS stations and a Sheriff substation within close proximity to the site. There are several schools and parks near the property. Lee Tran Route 595 runs along the project's frontage with a Lee Tran transfer station located approximately ½ mile south of the site at Merchants Crossing that connects to Routes 590 and 140. Merchants Crossing and the nearby Walmart Shopping Center provide shopping and employment opportunities. There are existing bike lanes on Diplomat Parkway East. Development of the site with multi-family residential or a mixture of commercial, assisted living facility and multi-family residential were previously found compatible with surrounding land uses and the proposed amendment remains compatible with surrounding land uses. The proposed amendment is consistent with Objective 2.2 and Policy 2.2.1.

STANDARD 4.1.1: WATER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).*
- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*

The site is located within the Lee County Utilities Water service area. There are existing water facilities located nearby at US 41 and a letter of availability is included with the application. The development will connect to Lee County Utilities for potable water service. The project is consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
- 2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*

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

The site is located within the Florida Governmental Utility Authority Wastewater service area. There are existing sewer facilities located nearby at US 41 and a letter of availability is included with the application. The development will connect to Florida Governmental Utility Authority for sanitary sewer service. The project is consistent with Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

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

2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.

3. Ensure development minimizes the need for expansion and construction of street and utility improvements.

The only sensitive land on the parcel is an existing mapped FEMA floodway located on the western portion of the site. The MCP keeps development outside of the FEMA floodway and no fill will be placed within the floodway. Condition 23 will continue to require preservation of native vegetation within the floodway. The existing zoning includes deviation 3 from LDC Section 10-415(b)(1)a which requires that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirement through on-site preservation of existing native vegetation communities to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement and allowed the preservation area for the entire RPD/CPD to be located within the portion of the development south of Diplomat Parkway. The existing approved indigenous preserve provides for 12.33 acres of indigenous preserve utilizing credits and includes a gopher tortoise preserve if required and accounts for 7.04 acres of indigenous preserve for the subject property. Given the site is now within the Mixed Use Overlay, its open space requirement is reduced from the previous 40 percent to 20 percent. The 35.18 acre parcel now requires a total of 7.04 acres of open space of which 50% or only 3.52 acres is required to be indigenous. As noted on the open space notes on the proposed Alternate Diplomat North RPD MCP, 0.55 acres of indigenous open space is provided on site within the FEMA floodway. Only the portion of the floodway with FLUCCS code 411 as identified on the submitted FLUCCS map are included. This area meets the minimum 0.5 acre/average 50-foot width allowing for 110% credit for a total of 0.61± acre/credit provided on site. This leaves a total of 2.91 acres remaining required indigenous. The indigenous open space provided on the south RPD for the residential north per existing DOS2007-00267 is 7.03 acres. The applicant proposes to provide 2.92 acre/credit phased portion of the upland indigenous

preserve on the south RPD parcel to be provided before certification of completion of DO for the north RPD. Utilizing 135% credit for minimum 1 acre/75' width (125%) plus an additional 10% for being adjacent to the offsite preserve to the west for a total of 135% credit, this equates to a minimum of 2.16 acres for the 2.92 AC/CR. The remainder of the southern preserve will be provided upon development of the southern parcel. The subject application results in an increase in overall indigenous open space provided, although the Mixed Use Overlay reduces the amount required. An excerpt from DOS2007-00267 plans demonstrating the approved overall preserve is included with the application for reference. A letter of authorization from the property owner to the south is provided demonstrating permission for the applicant to provide the phased portion of the south preserve. The project is consistent with Standard 4.1.4.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community

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.

The proposed development will not meet DCI thresholds and is located within the Mixed Use Overlay but the nature and history of the project approvals make it more appropriate to amend the existing planned development in lieu of a conventional rezoning request for the project. No physical constraints or hazards exist on site as demonstrated by the previous approvals for development on the site. Portions of the western property line are within a FEMA floodway. The density and site design have been adjusted from the existing approvals to avoid this area and no fill will be placed in the floodway. The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation. As evidenced by the above summary of existing public facilities and the project's location within the Mixed Use Overlay, it is near employment and shopping centers, is close to parks and schools and is accessible to mass transit and bicycle facilities demonstrating the appropriateness for residential development of the site. The requested amendment remains consistent with Policies 5.1.1, 5.1.2 and 5.1.3.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

The subject property abuts existing residential areas to the north and west and has existing approval for multi-family or a mixture of multi-family, assisted living facility and commercial development which has been found compatible with these adjacent uses. Adjacent to the north is the Serendipity Mobile Home Park on one commonly owned parcel within the Central Urban future land use category zoned Mobile Home Residential District (MH-2). Adjacent to the west is a drainage ditch then Six Lakes Country Club Mobile Home Park with individual mobile home lots within the Central Urban future land use category zoned Mobile Home Residential District (MH-2). The existing RPD zoning for the subject property provides enhanced Type "F" buffers (10 trees per 100 linear feet and double staggered hedge row) along both the north and west property lines. There is a 20± foot drainage ditch along the north property line within the subject property. The Mixed Use Overlay only requires a 10-foot wide buffer with Type "B" buffer plantings (5 trees/100 linear feet and a double staggered hedge row) abutting single-family residential. Serendipity Mobile Home Park is considered multi-family since the units are not located on individual lots. Although no buffer is required, the proposed MCP demonstrates that the 30-foot enhanced buffer will continue to be provided along the 20± foot drainage ditch along the north property line where onsite residential uses are proposed abutting Serendipity Mobile Home Park. Where the onsite lake abuts the adjacent Serendipity Mobile Home Park, a 10-foot wide buffer with Type "B" buffer plantings will be provided adjacent to the 20± foot drainage ditch, although no buffer is required. Adjacent to the west, Six Lakes Country Club's mobile home lot lines are separated by 58± feet of drainage and common elements within the Six Lakes Country Club development, then an adjacent 25' drainage ditch parcel. The lot lines are 83± feet from the subject property's west property line. The onsite FEMA floodway within the western portion of the subject property varies in width from 17± feet on the south to a maximum of 90± feet providing for additional separation between the proposed development and the existing mobile home lots. No buffer is required in this area and the existing indigenous vegetation within the floodway is required to be retained per Condition 23.a and will provide appropriate buffering. No buffers are required or provided to the existing storage area to the northwest, the commercial parcels to the south, or the multi-family to the east. The proposed amendment remains compatible with the surrounding uses and continues to protect the adjacent residential neighborhoods. The proposed amendment is consistent with Policy 5.1.5.

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.

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 proposed MCP provides adequate open space, buffering, landscaping and recreation areas appropriate for the proposed density and design. The internal sidewalks provide access to walkways to directly accessible common open space areas along the internal lake to the east and the internal clubhouse and recreation area to the west. The requested amendment is consistent with Policies 5.1.6 and 5.1.7.

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

POLICY 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.

The subject property's inclusion in the Mixed Use Overlay demonstrates that it has been identified as an appropriate location for mixed use located in proximity to public transit, schools, recreation, existing residential, shopping and employment centers as demonstrated in the above public facilities analysis. The existing planned development provides commercial zoning on 8.78± acres to the south between the subject property and Diplomat Parkway East with an option for multi-family on commercial parcels 3 and 4. The proposed main access onto Diplomat Parkway East will continue to provide connection to the commercial parcels as well as the emergency only access. Connections to the north and west are not possible due to existing drainage ditches. The requested amendment is consistent with Objective 11.2 and Policies 11.2.2 and 11.2.4.

POLICY 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.

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.

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.

The Mixed Use Overlay allows for urban forms of development and a variety of uses. The amendment will allow development of the subject property at a more appropriate multi-family density while leaving the adjacent CPD zoned parcels to provide a variety of uses. The requested amendment will allow the subject property to utilize the Mixed Use Overlay land development regulations consistent with Policy 11.2.5. Although bonus density is not proposed at this time, Policies 11.2.5 through 11.2.7 demonstrate the appropriateness of increasing the density, increasing the height, and support the request for reduced building separation in new deviation 10. Increasing the density above the 8 dwelling units per acre currently allowed encourages a more compact and functional development pattern where existing public facilities exist. These Policies encourage bonus density which would allow up to 20 dwelling units per acre so the maximum standard density of 10 units per acre on the subject property is appropriate for the site. Additional density is also proposed to be included from the adjacent commercial parcels 1 and 2 with no impact on the allowable commercial use consistent with Policy 11.2.7. The requested amendment is consistent with these Policies.

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.

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.

The requested amendment will facilitate the proposed infill development of the subject property which has been approved for development since 2006 yet has remained vacant. The request will add multi-family housing to the diversity of housing types in the area on a site that is adjacent to and interconnects with parcels zoned for retail and service uses. The amendment will accommodate investment to revitalize development in this area stabilizing and enhancing the existing neighborhoods while preserving natural resources such as the floodway and providing indigenous preservation. The requested amendment is consistent with Goal 30 and Policy 30.1.3.

POLICY 61.3.3: Keep floodways as unobstructed as possible.

A portion of the western property line is within a FEMA floodway. Although the existing development orders for the site reflect development in this area, the proposed amended MCP removes

development from the floodway and no fill is proposed and exotic vegetation will be removed from within the FEMA floodway. The proposed amendment is consistent with Policy 61.3.3.

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

While Goal 125 is not self-implementing, the applicant will comply with the fertilizer ordinance which protects surface and groundwater. The site is not near any wellfield protection zones. The drainage system within the development has existing SFWMD and DO approval which will be modified to reflect the updated development plan which reduces impervious area and increases open space. Stormwater will be treated by dry detention or wet detention before discharging. Pursuant to SFWMD Environmental Resource Permit Applicant's Handbook Volume II, Part IV-Stormwater Quality, 4.1.1, issuance of the ERP ensures that surface and ground water quality won't be adversely impacted. The request furthers Policies 125.1.2 and 125.1.3.

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County.

OBJECTIVE 135.1: HOUSING AVAILABILITY. To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.

Approval of the requested amendment will allow development of the site with townhouse or multi-family units at an appropriate density to facilitate development of the site adding the alternative housing options to the residential product mix in the area, consistent with the Central Urban future land use category and the Mixed Use Overlay. The requested amendment is consistent with Goal 135, Objective 135.1 and Policy 135.1.9.

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

The proposed amendment is within the Mixed Use Overlay and has had existing development approval since 2006. The project continues to qualify for the existing approved deviations and

demonstrates compliance with the proposed revised deviations and new deviations as outlined in the submitted Schedule of Deviations and Justifications. The requested amendment is consistent with the North Fort Myers Planning Community regulations contained in the LDC. Consistent with LDC Section 33-1532, the applicant is presenting the proposed amendment within the North Fort Myers Planning Community at a publicly advertised meeting. Prior to finding of sufficiency, the applicant will provide the required public informational meeting summary providing proof of advertising and a summary of any concerns or issues raised at the meeting; and a proposal for how the applicant will respond to any issues that are raised.

The site does not abut any existing large lot residential subdivisions so LDC Sections 33-1541 through 33-1545 are not applicable. Diplomat Parkway is not a designated commercial corridor or town center so the remaining community regulations do not apply to the subject property.

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

The subject property has existing approvals for development of multi-family or a mixture of multi-family, assisted living facility and commercial uses which were found compatible with existing and planned uses in the surrounding area.

The subject property abuts existing residential areas to the north and west and has existing approvals for multi-family or a mixture of multi-family, assisted living facility and commercial uses which were found compatible with existing and planned uses in the surrounding area. The requested amendment will remain compatible. The subject property and all surrounding properties are within the Central Urban future land use category. The subject property and properties to the east and south are also within the Mixed Use Overlay. Adjacent to the north is the Serendipity Mobile Home Park on one commonly owned parcel zoned Mobile Home Residential District (MH-2). Adjacent to the west is a drainage ditch then Six Lakes Country Club Mobile Home Park with individual mobile home lots zoned Mobile Home Residential District (MH-2). The existing RPD zoning for the subject property provides enhanced Type "F" buffers (10 trees per 100 linear feet and double staggered hedge row) along both the north and west property lines. There is a 20± foot drainage ditch along the north property line within the subject property. The Mixed Use Overlay only requires a 10-foot wide buffer with Type "B" buffer plantings (5 trees/100 linear feet and a double staggered hedge row) abutting single-family residential. Serendipity Mobile Home Park is considered multi-family since the units are not located on individual lots. Although no buffer is required, the proposed MCP demonstrates that the 30-foot enhanced buffer will continue to be provided along the 20± foot drainage ditch along the north property line where onsite residential uses are proposed abutting Serendipity Mobile Home Park. Where the onsite lake abuts the adjacent Serendipity Mobile Home Park, a 10-foot wide buffer with Type "B" buffer plantings will be provided adjacent to the 20± foot drainage ditch, although no buffer is required. Adjacent to the west, Six Lakes Country Club's mobile home lot lines are separated by 58± feet of drainage and common elements within the Six Lakes Country Club development, then an adjacent 25' drainage ditch parcel. The lot lines are 83± feet from the subject property's west property line. The onsite FEMA floodway within the western portion of the subject property varies in width from 17± feet on the south to a maximum of 90± feet providing for additional separation between the proposed development and the existing mobile home lots. No buffer is required in this area and the existing indigenous vegetation within the floodway is required to be retained per Condition 23.a and will provide appropriate buffering. No buffers are required or provided to the

existing storage area to the northwest, the commercial parcels to the south, or the multi-family to the east. The proposed amendment remains compatible with the surrounding uses.

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

Access will be provided to the site from Diplomat Parkway East, a 4-lane, divided City of Cape Coral maintained arterial roadway. The 2006 Diplomat Property RPD/CPD zoning included approval of deviation 6.a. from requiring 2 access points by allowing the main access onto Diplomat Parkway East and the emergency access easement at the southeast corner of the property to serve as the second access. The previously approved access configuration is proposed to remain which serves the subject property and the adjacent commercial parcels along Diplomat Parkway. The main access to Diplomat Parkway East aligns with the proposed access to the RPD/CPD on the south side of Diplomat Parkway East and the emergency access aligns with the existing frontage road on the south side of Diplomat Parkway East. The access configuration has existing development approvals and continues to provide access sufficient to support the proposed development intensity. The TIS submitted with this application demonstrates that the requested amendment results in a reduction in trips from that which is currently approved on the site, which further demonstrates that the provided access is sufficient.

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

The subject property has existing approvals for development of multi-family or a mixture of multi-family, assisted living facility and commercial uses. The site has had development order approval since 2008. The TIS submitted with this application demonstrates that the requested amendment results in a reduction in trips from that which is currently approved on the site. The TIS also concludes that the amendment will not have a detrimental impact on the surrounding roadway system. The Level of Service analysis indicates U.S. 41 will operate above the minimum adopted Level of Service in 2027 with and without the proposed development and no roadway capacity improvements are warranted as a result of the request. There is sufficient roadway capacity projected to accommodate the request and mitigation will be provided by the payment of road impact fees. Diplomat Parkway E is now a City maintained roadway, so the applicant proposes a minor revision to condition 11 which requires a proportionate share of costs of the intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat since it is no longer a County maintained roadway. The revised language states this will be provided if requested by the appropriate authority of Florida Department of Transportation or City of Cape Coral. The remainder of conditions related to access and transportation are proposed to remain. Any potential impacts on transportation facilities can and will be addressed adequately through these existing conditions of approval and Lee County regulations at the time of local development order approval.

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

The proposed amendment will not adversely affect environmentally critical or sensitive areas and natural resources. The site has been approved for development since 2006. The only sensitive land on the parcel is an existing mapped FEMA floodway located on the western portion of the site. The MCP keeps development outside of the FEMA floodway and no fill will be placed within the floodway. Condition 23 will continue to require preservation of native vegetation within the floodway. The existing zoning includes deviation 3 from LDC Section 10-415(b)(1)a which requires that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirement through on-site preservation of existing native vegetation communities to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement and allowed the preservation area for the entire RPD/CPD to be located within the portion of the development south of Diplomat Parkway. The existing approved indigenous preserve provides for 12.33 acres of indigenous preserve utilizing credits and includes a gopher tortoise preserve if required and accounts for 7.04 acres of indigenous preserve for the subject property. Given the site is now within the Mixed Use Overlay, its open space requirement is reduced from the previous 40 percent to 20 percent. The 35.18 acre parcel now requires a total of 7.04 acres of open space of which 50% or only 3.52 acres is required to be indigenous. As noted on the open space notes on the proposed Alternate Diplomat North RPD MCP, 0.55 acres of indigenous open space is provided on site within the FEMA floodway. Only the portion of the floodway with FLUCCS code 411 as identified on the submitted FLUCCS map are included. This area meets the minimum 0.5 acre/average 50-foot width allowing for 110% credit for a total of 0.61± acre/credit provided on site. This leaves a total of 2.91 acres remaining required indigenous. The indigenous open space provided on the south RPD for the residential north per existing DOS2007-00267 is 7.03 acres. The applicant proposes to provide 2.92 acre/credit phased portion of the upland indigenous preserve on the south RPD parcel to be provided before certification of completion of DO for the north RPD. Utilizing 135% credit for minimum 1 acre/75' width (125%) plus an additional 10% for being adjacent to the offsite preserve to the west for a total of 135% credit, this equates to a minimum of 2.16 acres for the 2.92 AC/CR. The remainder of the southern preserve will be provided upon development of the southern parcel. The subject application results in an increase in overall indigenous open space provided, although the Mixed Use Overlay reduces the amount required. An excerpt from DOS2007-00267 plans demonstrating the approved overall preserve is included with the application for reference. A letter of authorization from the property owner to the south is provided demonstrating permission for the applicant to provide the phased portion of the south preserve.

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

The property is located within the Central Urban future land use category which is a Future Urban area and is located within the Mixed Use Overlay where sufficient public facilities exist. Existing levels of urban services as defined in the Lee Plan are available and adequate to service the proposed amendment. Details of the existing urban services are discussed in detail on pages 7 through 9 under consistency discussion on Policy 2.2.1. The site is located within the Lee County Utilities Water service area and Florida Governmental Utility Authority Wastewater service area. There are existing water and sewer facilities adjacent to the site and letters of availability are included with the application demonstrating that sufficient capacity is available to serve the site. There are two fire stations, two EMS stations and a Sheriff substation within close proximity to the site. There are

several schools and parks near the property. Lee Tran Route 595 runs along the project's frontage with a Lee Tran transfer station located approximately ½ mile south of the site at Merchants Crossing that connects to Routes 590 and 140. Merchants Crossing and the nearby Walmart Shopping Center provide shopping and employment opportunities. There are existing bike lanes on Diplomat Parkway East.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

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

The site has already had zoning and development order approval for multi-family since 2008 demonstrating appropriateness of the use at this infill location. The proposed amendment increases the density and height which is appropriate in the Mixed Use Overlay while also increasing open space and indigenous preservation where reductions are allowed.

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 revised conditions of approval provided with this amendment will continue to provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and***
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.***

The project continues to qualify for the existing approved deviations and demonstrates compliance with the proposed revised deviations and new deviations as outlined in the submitted Schedule of Deviations and Justifications. All existing and proposed deviations enhance the achievement of the objectives of the planned development and protect the public health, safety and welfare.

In conclusion, the proposed amendment is in compliance with the Lee Plan, the Land Development Code and other applicable codes and regulations; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support the proposed development; the expected impact on transportation facilities will be addressed by existing County regulations; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services. The use is appropriate for the location as demonstrated by existing approvals; the proposed revised conditions continue to provide sufficient safeguards to the public interest and are reasonably related to the expected impacts and the existing and proposed deviations enhance the achievement of the objectives of the planned development and protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the amendment should be approved.

Attachments:

- Existing South DO approval showing overall indigenous preserve titled: Pages from Diplomat South-DO Approved Plans-DOS2007-00267
- Proposed Revisions to Schedule of Uses, PDR and Conditions



Professional Engineers, Planners & Land Surveyors

Diplomat House f/ka Diplomat North RPD Amendment Schedule of Deviations and Justifications

DCI2023-00050 – Revised March 2024

Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are included in the submitted Schedule of Uses, Property Development Regulations and Conditions document with minor language clarifications shown in strike-through/underline. Revisions to Deviations 7 and 8 are proposed and new Deviations 9 and 10 are provided below with justifications.

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi-family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) 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.

Request to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary for the multi-family option only since the townhome option was previously approved for curbside pickup. The amended request is for the multi-family to allow one central location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection.

LDC Section 10-261 (a) provides the breakdown between garbage and recyclable area for the first 25 dwelling units (DU), then combines the requirement for DU over 25. The recyclable calculation for the first 25 DU is 96 SF out of 216 SF total so 44%. 44% of 8 is 3.5 SF per unit for recyclable collection for each dwelling unit above 25.

First 25 DU = 96 SF

360 DU – 25 DU = 335 DU

335 DU x 3.5 SF = 1,172.5 SF

Total: 1,268.5 SF recyclable collection area required

Provided: 144 SF recyclable collection area provided

Consistent with LDC 10-261(d), sufficient space for the compactor and receiver is provided. According to Lee County's 2022 Concurrency Report, historic level-of-service demand for recyclables has consistently been 0.6 pounds/person/day for 2018 through 2021. According to U.S. Census bureau Population Estimates, July 1, 2021, the number of persons per household for 2016-2020 is 2.58 pph. 360 DU x 2.58 pph = 929 people.

SERVING SOUTHWEST FLORIDA FOR OVER 30 YEARS

929x.6lbs recyclables/person/day = 557.4 lbs/day * 365 = 203,451 lbs/year / 52 = 3,913 lbs/week/2 for 2 collections per week = 1,957 lbs. According to the following excerpts from the Volume-to-Weight Conversion Factors from U.S. Environmental Protection Agency Office of Resource Conservation and Recovery dated April 2016, commingled recyclables are estimated at 262 pounds per cubic yard. 1,957 lbs/262lbs per CY = 7.47 CY. The provided minimum 144 square feet allows for adequate room for an 8 CY dumpster (Waste Pro dimensions: 86" width X 82" depth X 75" height) with required minimum 2' clearance on all sides (7.17' + 4' X 6.84' + 2' = 94.75').

Volume-to-Weight Conversion Factors
U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
April 2016

Standard Volume-to-Weight Conversion Factors

Recyclable Materials	Volume	Estimated Weight (lbs)
Containers (Plastic bottles, Aluminum cans, Steel cans, Glass bottles) and Paper		
Commingled Recyclables	cubic yard	262

The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect public health, safety and welfare. The provided collection area has been situated off the internal roadway internal to the site. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. Written approval from Lee County Solid Waste will be provided prior to development order approval. The development will coordinate with Lee County Solid Waste regarding the frequency of service at the time of development. This deviation has previously been approved and has proven successful. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC ~~§10-416(d)(3)~~ **10-425(f)(1)** requirement ~~that a Type C/F for a five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet 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 North RPD project to internal rights-of-way by a private road.~~ This deviation is APPROVED.
- Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD.**

Justification: Deviation 8 was added specifically for the North CPD Parcel with Z-11-002 and was for the subject property only, not the entire CPD/RPD as evidenced by the deviation references on the MCP approved by Z-11-002. It was specifically for the internal North CPD which is no longer needed. The application is proposing to revise Deviation 8 for the new request from 10-425(f)(1) and this deviation will remain for the subject property only. The site is located within the Mixed Use Overlay which only requires buffers along rights-of-way and single-family uses. The North RPD property is separated from the external rights-of-way of Diplomat Parkway E by 250± feet of commercial parcels and from N. Cleveland Ave./U.S. 41 by 500± feet of the adjacent RPD. There is an internal private right-of-way within the RPD where the applicant proposes this deviation to allow no right-of-way buffer internal to the site. LDC Section 10-416(d) is titled "buffering adjacent property" and subsection (1) states that a buffering area is required along the perimeter of the proposed development. The proposed internal private rights-of-way should not be required to provide a buffer since they are internal to the RPD. Portions of this internal private right-of-way function as parking lot aisles furthering justification of the request. The Mixed Use Overlay does not require buffers to the CPD adjacent to the south. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.

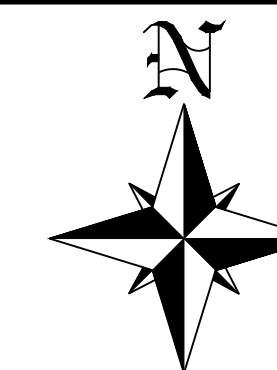
9. **Backout parking within internal right-of-way – New Deviation 9 seeks relief from LDC §34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.**

Justification: This deviation is requested to allow backout parking spaces for the dwelling units and guests limited to the location shown on the MCP and will include a maximum 47 spaces. The backout parking is located in one specific area on the internal privately owned and maintained right-of-way within the gated development. Parking spaces will comply with the parking space dimensions set forth in section 34-2016(1) at the location of backout parking. The posted speed limit will be 25 miles per hour or less. The right-of-way provides a seamless connection and extension to the remainder of the parking lot aisles within the development and will function in the same manner. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety, and welfare.

10. **Minimum Building Separation – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.**

Justification: This deviation is requested to accommodate the proposed updated master concept plan for the updated multi-family development plan. The site is located within the Mixed Use Overlay and within the Central Urban future land use category which are

appropriate for a more urban setting. Building heights are allowed up to 135 feet in these Central Urban areas within the Mixed Use Overlay and conventional zoning districts are encouraged which do not have a minimum building separation requirement. Lee Plan Policy 11.2.5 states in part that Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development. Policy 11.2.6 states in part that properties in a Mixed Use Overlay are eligible for development incentives to encourage a compact and functional development pattern. The requested increased height and reduced building separation are consistent with these Policies. The existing property development regulations allow for reductions in building separation below the requirements of LDC Section 34-935(e)(4). The north multi-family allows a building height of 50 feet with a building separation of $\frac{1}{2}$ the building height (but not less than 15 feet) or 25 feet which allows a 50% reduction. The ALF allows a building height of 45 feet with a building separation of $\frac{1}{2}$ building height or 22.5 feet which allows a 50% reduction from what this code would require. The north and south RPDs allow for single-family, duplex, two-family attached and recreation buildings with a maximum height of 35 feet with a building separation of 10 feet which allows a 71% reduction from what this code would require. The subject request is to allow a building height of 60 feet with a building separation of 20 feet which is a 67% reduction from what this code requires. The requested minimum 20 foot building separation allows adequate room for safety, allows for increased open space and recreation areas, and ensures the economic viability of the development. The recent approval for MIVO North Fort Myers adjacent to the east was approved for multi-family with a maximum height of 60 feet and does not have a minimum building separation included in the resolution, however the approved MCP demonstrates the compact nature and reduced building separation which is appropriate for this area. The requested deviation enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.



0 100 200 300
GRAPHIC SCALE 1" = 100'

NORTH RPD OPEN SPACE:

- OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)
- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY
- ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
3.52-0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH
PER DOS2007-00267: (7.03 AC)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE MET FOR CERTIFICATION OF COMPLETION OF D.O. FOR
SOUTH RPD: 2.92 AC/135% CREDIT* MINIMUM 2.18 AC = 1.35% CREDIT FOR
MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TYPE TEXTS DEVIATES FROM D052007-00267 OPEN SPACE TABLE				
NORTH RPD APPROVED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	15%	0.22 AC(2)
COMMERCIAL 2	1.48 AC	0.22 AC	15%	0.22 AC(2)
COMMERCIAL 3	7.31 AC	1.10 AC	15%	1.10 AC(2)
COMMERCIAL 4	7.22 AC	1.08 AC	15%	1.08 AC(2)
RESIDENTIAL NORTH	35.16 AC	3.52 AC	10%	3.52 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	20%	2.49 AC(2)
TOTALS	65.13 AC	12.14 AC		12.14 AC(2)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT 12' 2.23% 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 IDEALLY AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(3) NORTH RPD PROVIDES 0.55% AC INDIGENOUS WITHIN FLOODWAY ON SITE WITH 110% CREDIT FOR MINIMUM 1/2 AC/RES'50' WIDTH = 0.61 AC CREDIT.

(4) 2.92 AC/CREAT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC 135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.

INDIGENOUS NOTES:

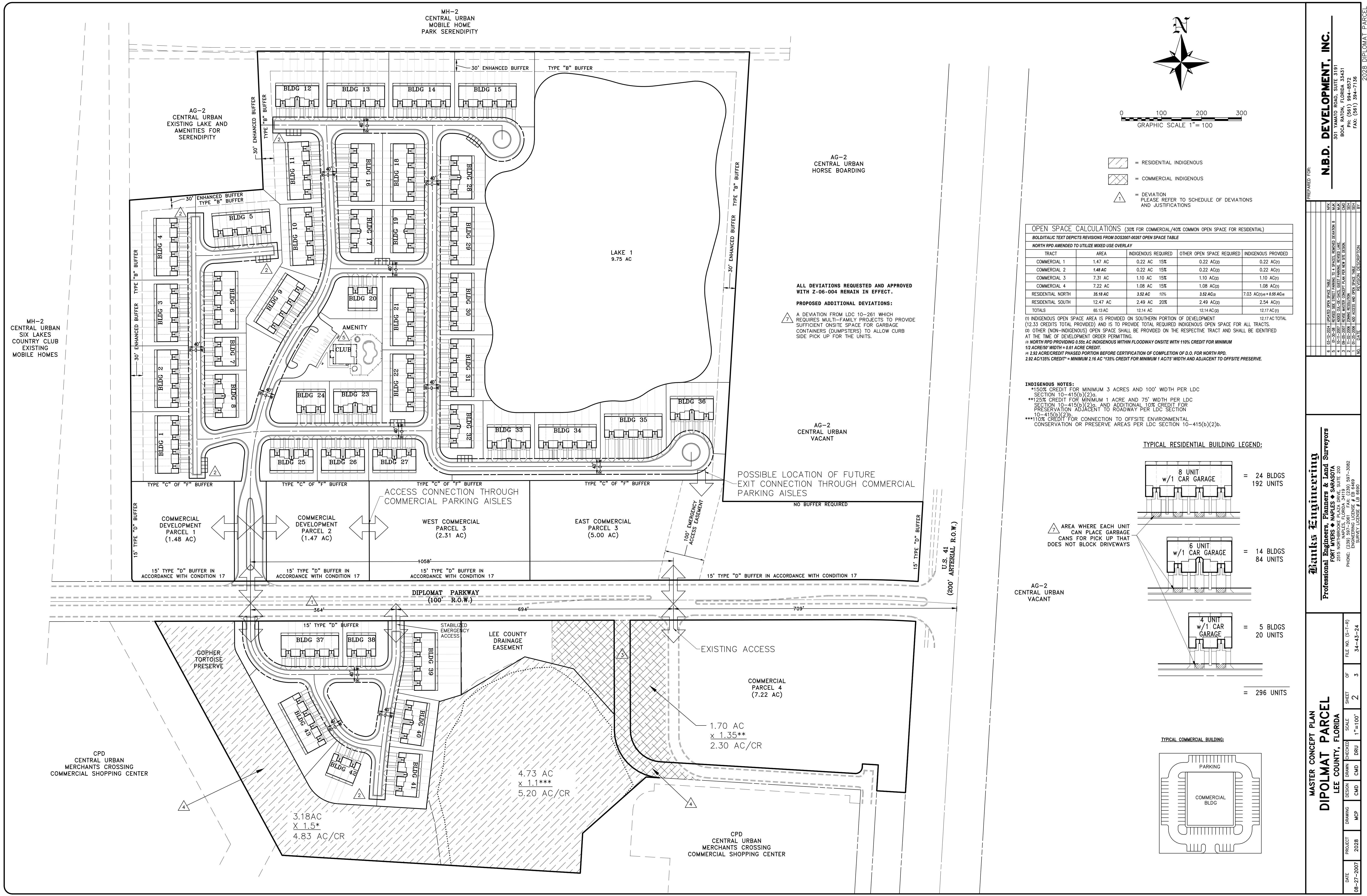
- INDUSTRY NOTES:**
- ***15% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
 - ***125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
 - ***10% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

LEGEND:

DEVIATIONS:

5. TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- 6a. TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
7. TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
8. TO ALLOW NO INTERNAL R.O.W. BUFFER
9. TO ALLOW BACKOUT PARKING INTO R.O.W.
10. TO ALLOW MINIMUM BUILDING SEPARATION OF 20'

 INDIGENOUS PRESERVATION



Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA
2515 NORTHBROOK PLAZA DRIVE, SUITE 200
PHONE (239) 597-2061 FAX (239) 597-2082
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LS 6020

DATE	PROJECT	DRAWING	DESIGN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-R)
08-27-2007	2028	MCP			1"=100'	2	3	34-43-24

PREPARED FOR:

2028 DIPLOMAT PARCEL

DATE

08-27-2007

PROJECT

2028

DRAWING

MCP

DESIGN

CHECKED

SCALE

1"=100'

SHEET

2

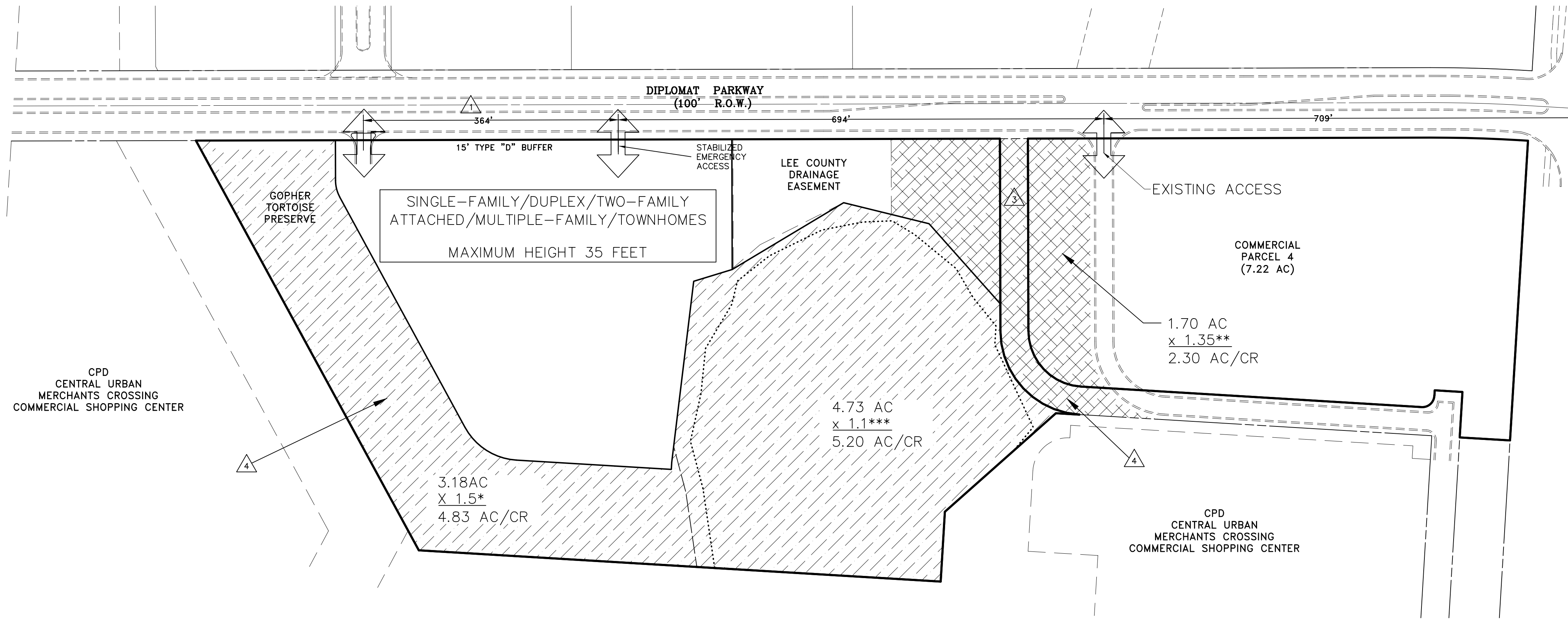
OF

3

FILE NO. (S-R)

34-43-24

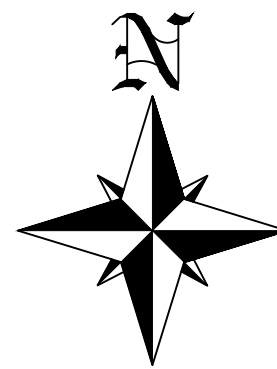
N.B.D. DEVELOPMENT, INC.
301 YAMATO ROAD, SUITE 119
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136



OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00287 OPEN SPACE TABLE				
NORTH RPD AMENDED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 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)
RESIDENTIAL NORTH	35.18 AC	3.52 AC	3.52 AC(2)	7.03 AC(1) + 0.55 AC(2)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	12.14 AC	12.14 AC(2)	12.17 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (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.
(3) NORTH RPD PROVIDING 0.55% AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
(4) 2.92 ACRE CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD.
2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)g.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)g. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)g.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)g.



0 100 200 300
GRAPHIC SCALE 1" = 100'

- = RESIDENTIAL INDIGENOUS
- = COMMERCIAL INDIGENOUS
- = DEVIATION PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

ALTERNATE DIPLOMAT SOUTH RPD MCP

DIPLOMAT PARCEL

LEE COUNTY, FLORIDA

DATE
10/28/2019

PROJECT
2028

DRAWING
MCP

DESIGN
SEH

DRAWN
SDJ

CHECKED
SWM

SCALE
1"=100'

SHEET
3

OF
3

FILE NO. (S-R)
34-43-24

PREPARED FOR:

LEE COUNTY HOUSING AUTHORITY

14170 WARNER CIRCLE
NORTH FORT MYERS, FL 33903

Banka Engineering

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ NAPLES ♦ SARASOTA

2515 NORTHBROOK PLAZA DRIVE, SUITE 200

PHONE (239) 597-2061 FAX (239) 597-2082

ENGINEERING LICENSE # EB 6469

SURVEY LICENSE # LS 10220

NO.

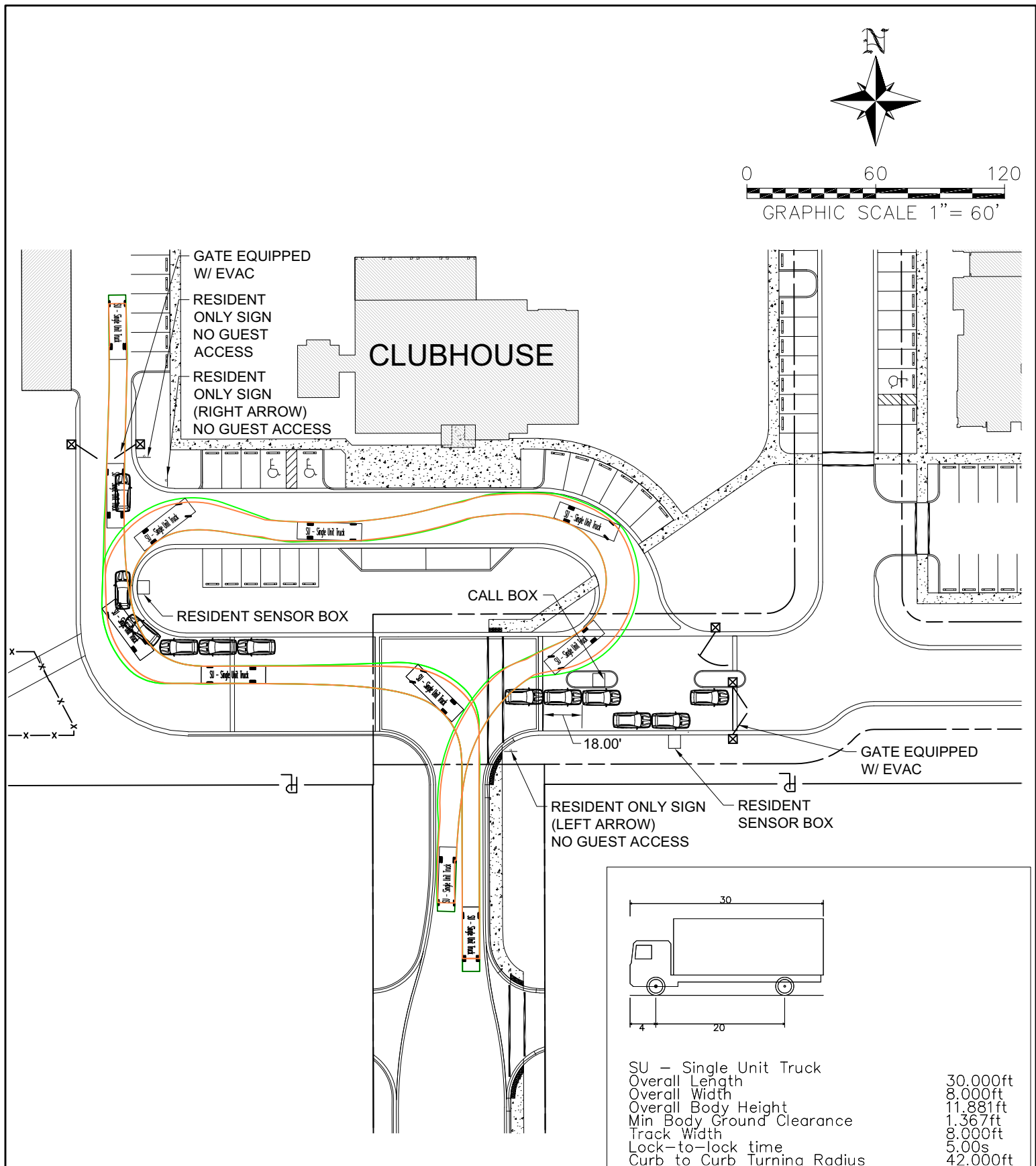
DATE

REVISION DESCRIPTION

BY

CHK

BY



BANKS
ENGINEERING

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

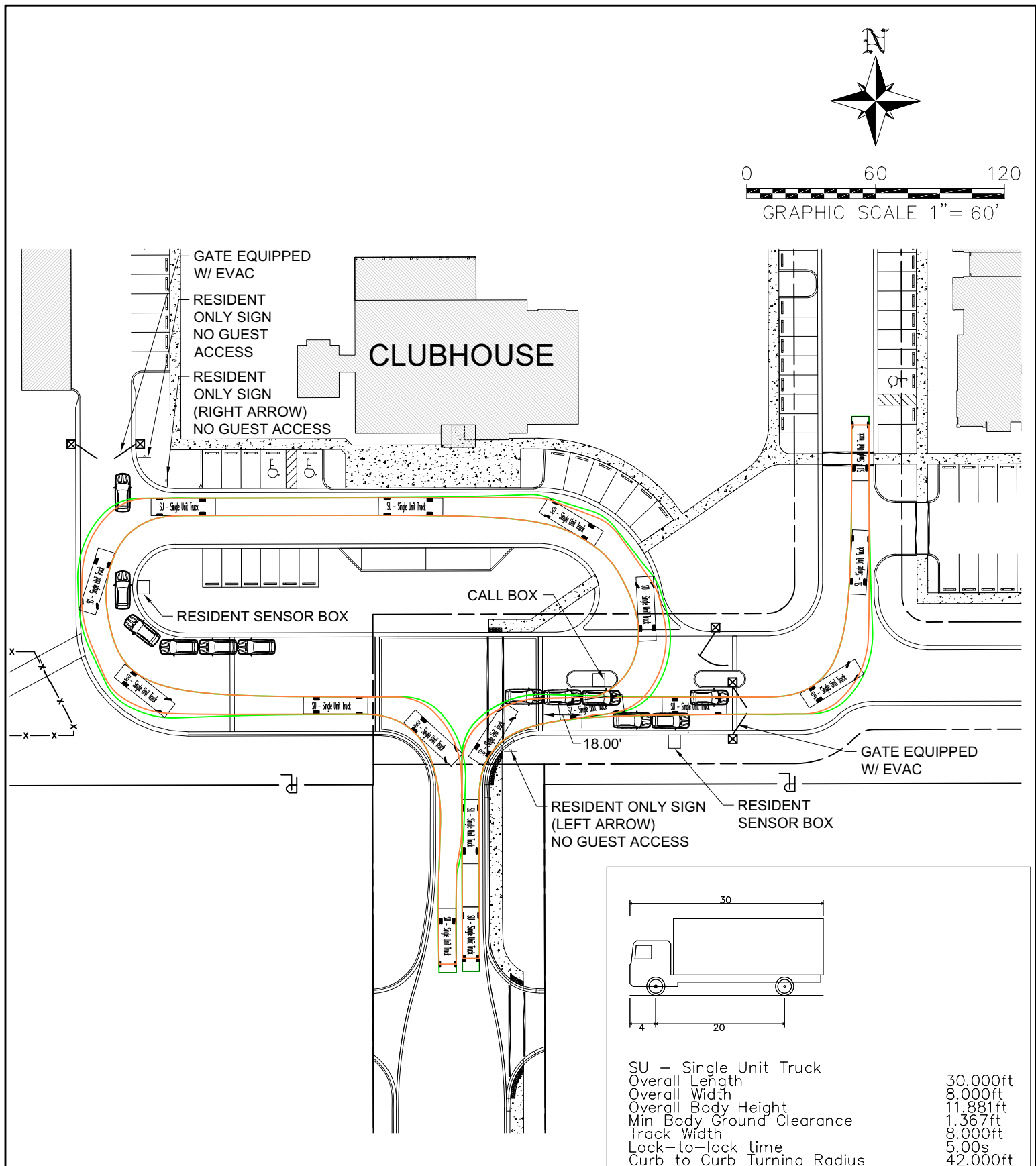
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

CONCEPTUAL GATE EXHIBIT (WEST)

DIPLOMAT HOUSE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/12/2024	2028TW	_EXH	SWM	NFK	SWM	1"=60'	1



BANKS
ENGINEERING

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

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

CONCEPTUAL GATE EXHIBIT (EAST)

DIPLOMAT HOUSE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/12/2024	2028TW	_EXH	SWM	NFK	SWM	1"=60'	1

**FGUA Operations Office**

FGUA
c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819
(877) 552-3482 Toll Free
(407) 629-6900 Tel

January 25, 2024

Samuel W. Marshall
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966
smarshall@bankseng.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 24-029 NFMD

Parcel ID No.: 34-43-24-00-00001.3030

Diplomat Pkwy E., North Fort Myers FL 33903

Diplomat North

Dear Mr. Marshall:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 360 multi-family residential units with an estimated wastewater disposal demand of 90,000 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

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 of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

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Letter of Availability
Page 2 of 3

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

 Digitally signed by Douglas W Black
Date: 2024.02.27 10:41:32 -05'00'

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

FGUA Board of Directors

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Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application 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-application meeting may be 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 pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, 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 Development Technician, Development Coordinator, Real Property Coordinator and utility system 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 will take place via Microsoft Teams.

Meeting Requests:

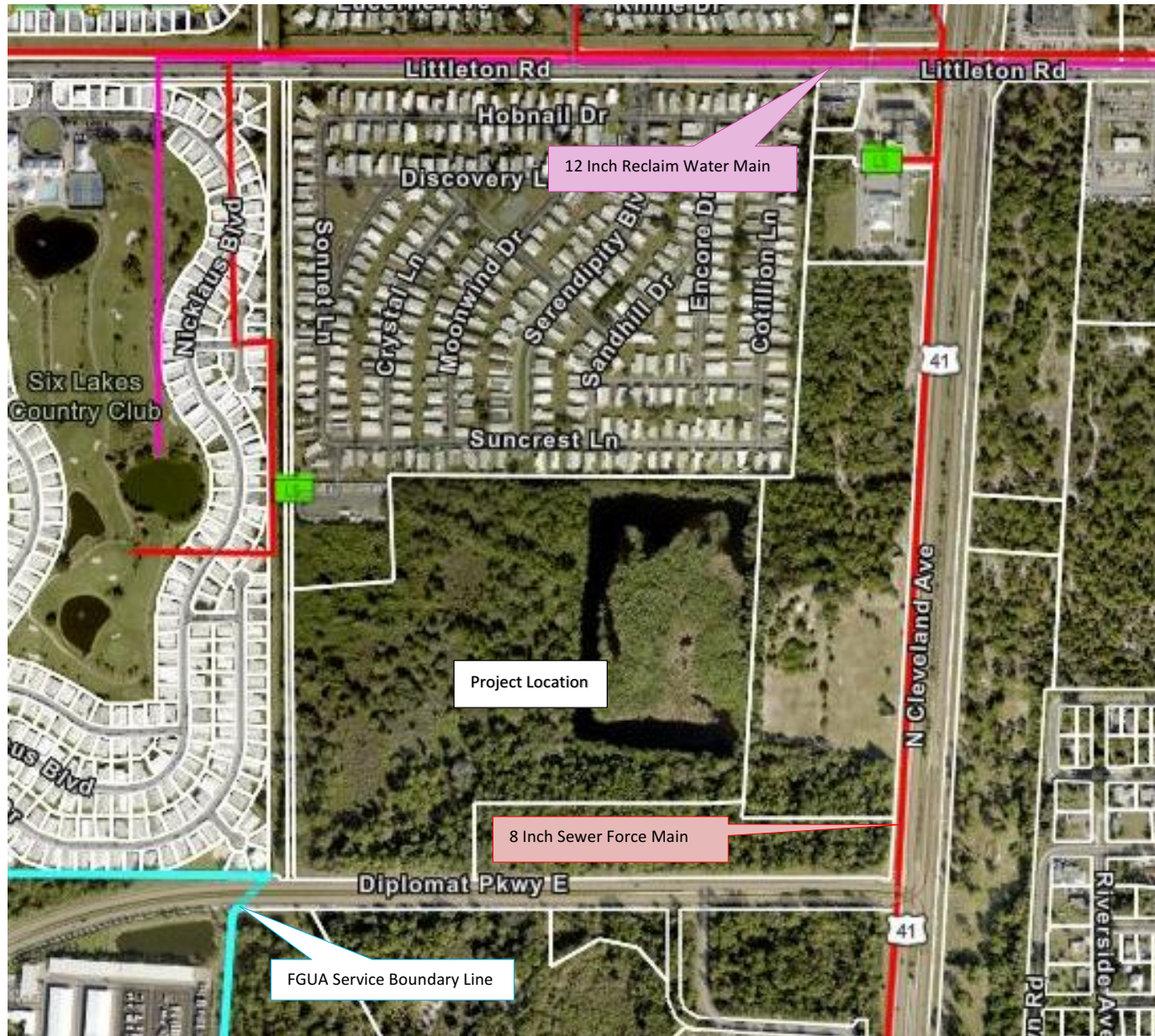
Please e-mail Development Services to request a meeting at devservices@fgua.com.

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

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

FGUA Board of Directors

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



FGUA Fee Statement

Letter of Availability and/or Locate Request

Property Address or PID: 34-43-24-00-00001.3030System: North Fort MyersDevelopment/Project Name: Diplomat NorthDate: January 25, 2024County: LeeLOA ID: 24-029 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

<i>FGUA</i>	G/L Code	Fees	Total fees	Amount Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

<i>Payment History</i>	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	1/25/2024	1/23/2024	36202	Banks Engineering	\$ 100.00
1 Map Only					
2 Letter Only					