

May 6, 2024

Ms. Donna Marie Collins
Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905

Via e-mail: hex@leegov.com

**RE: Sunniland Town Center CPD
DCI2023-00010**

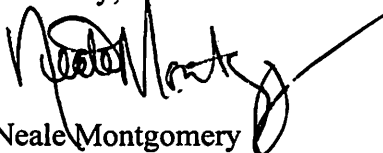
Dear Ms. Collins,

Please accept this letter as the response to the Order for Post Hearing Written Submissions issued on April 25, 2024. The staff and the applicant have been communicating, and it is the applicant's understanding that the staff and the applicant are in agreement. The revised Master Concept Plan is attached hereto. The document has been date stamped by DCD, and the conditions have been revised to reflect the date of the current MCP.

The current set of conditions are included herewith. The conditions include the revisions discussed at the hearing on 4/25/2024.

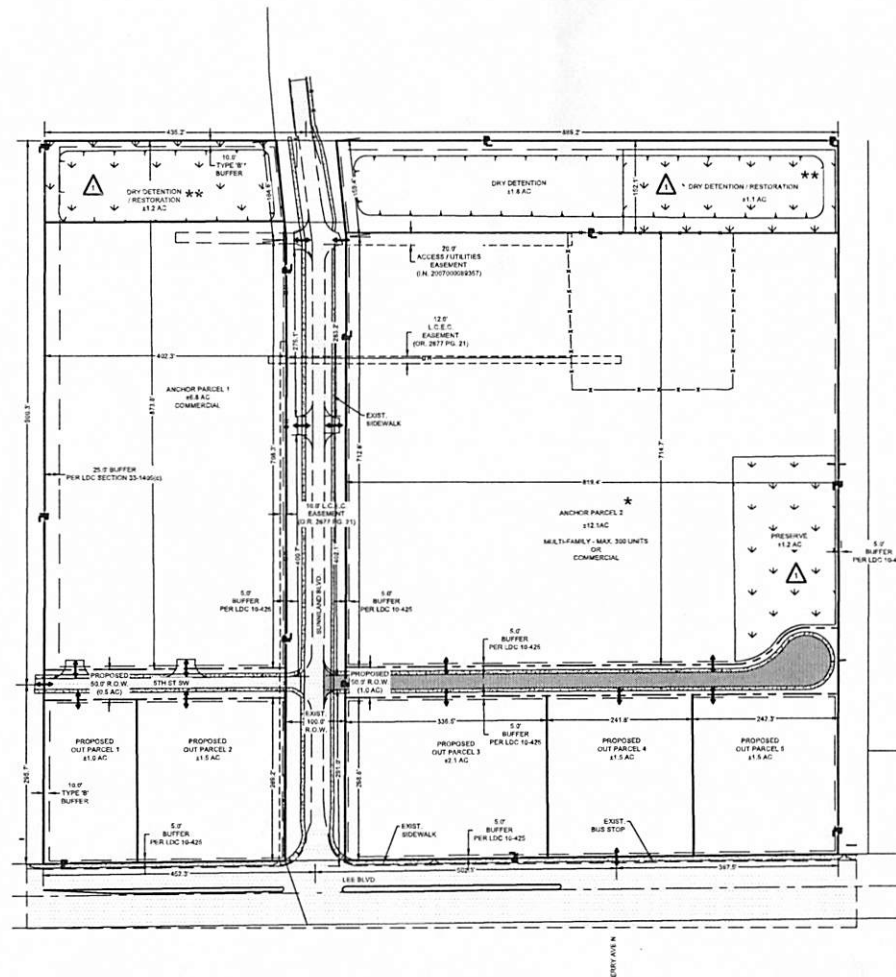
Your consideration of this matter is greatly appreciated.

Sincerely,



Neale Montgomery

Cc: Dan DeLisi (via e-mail: dan@delisi-inc.com)
Elizabeth Workman (via e-mail: EWorkman@leegov.com)
Jamie Prining (via e-mail: JPrining@leegov.com)
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Darenda Marvin (via e-mail: dm Marvin@wmgdevelopment.com)



LEGEND	
	PRIORITISE
	DEVATION
	ACCESS POINT
PROJECT SIZE	
PRIORITISATION/STATION	433 AC
DRY DETENTION	418 AC
POLE AREA	418 AC
COMMERCIAL AREA	414 AC
COMMUNITY DENSITY	207 SQ FT
RESIDENTIAL AREA	417 AC
RESIDENTIAL DENSITY	417 AC
REQUIRED OPEN SPACE	
MIX USE OVERLAY: 20% OF 33 AC = 6.7 AC	
<u>REQUIRED INDIVIDUOUS PRESERVE</u>	
10% OF 433 AC	
<u>PROVIDED OPEN SPACE</u>	
COMMERCIAL PAVEMENT	10% 118 AC = 11.8 AC
DRY DETENTION	118 AC = 11.82 AC
BUFFERS	7.3 AC
PRIORITISATION/STATION	433 AC
TOTAL	7.88 AC
<u>NOTE</u>	
ANCHOR PAVEMENT MAY BE DEVELOPED WITH EITHER 300' SWELLING UNITS OR COMMERCIAL	
**	
RESTORATION AREA SUFFICIENT ABATEMENT FOR VIOLET-26288	
ANCHOR POINT-02628	

WMG DEVELOPMENT
1200 NETWORK CENTRE DRIVE, SUITE 3
EFFINGHAM, IL 62401

EE 4-29-2024 REVISED PER HEN
 SP 5-3-2023 REVISED PER COUNTY COMMENTS
 NEL DATE REVISION DESCRIPTION

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

10811 7th Mile Cypress Parkway
Fort Myers, Florida 33908
PHONE: (238) 830-8490 FAX: (238) 830-2522
ENGINEERING LICENSE # EB 0458
SURVEY LICENSE # LB 0490
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
SUNNILAND
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
1/6/2023	8844	_MCP		KG		AS SHOWN	01

Attachment S – Conditions

Sunniland Town Center CPD – DCI2023-00010

Section A. - Request

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled "Sunniland" last revised ~~May 1, 2024~~~~November 19, 2023~~, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of either:

1. 265,000 square feet of commercial floor area and 100,000 square feet of Mini Warehouse uses, or
2. 100,000 square feet of commercial uses, 100,000 square feet of Mini Warehouse uses and 300 residential dwelling units (only on Parcel 2) with a maximum commercial building height of 35 feet and residential building height of 45 feet.

Section B. - Conditions

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

a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Amusement Parks
Animal Clinic or Kennel
Auto Parts Store
ATM (Automatic Teller Machine)
Automobile Repair & Service – Group I
Automobile Service Station
Bait & Tackle Shop
Banks and Financial Establishments – Groups I & II
Bar and Cocktail Lounge
Boat Parts Store
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services, Groups I & II
Car Wash
Cleaning & Maintenance Services (no repairs)
Clothing Stores, General
Clubs: Commercial, Fraternal, and Private
Continuing Care Facilities

Consumption on Premises (limited to outparcels along Lee Boulevard)
Contractors & Builders – Group I & II
Convenience Food and Beverage Store limited to one with a maximum 24 self-service fuel pumps
Cultural Facilities
Department Store
Day Care Center, Child or Adult
Drive-through Facility for any permitted use
Drugstore, Pharmacy
Dwelling Units, Multi-Family (Parcel 2 only)
EMS, Fire, or Sheriff's Station
Essential Services
Entrance Gates and Gatehouse (Parcel 2 only)
Excavation, Water Retention
Fences and Walls
Food Stores – Groups I & II
Food and Beverage Service, Limited
Funeral Home (without a crematory)
Gift and Souvenir Shop
Hardware Store
Health Care Facilities – All Groups
Hobby, Toy, and Game Shops
Home Occupation
Household and Office Furnishings – All Groups
Insurance Companies
Laundromat
Laundry or Dry Cleaning – Group I
Lawn and Garden Supply Stores
Library
Medical Office
Motion Picture Production Studio
Nightclubs
Non-store Retailers
Package Store – limited to two for entire CPD
Paint, Glass and Wallpaper
Parking Lot, Accessory
Personal Services – Groups I, II, & III
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office

Printing and Publishing
 Real Estate Sales Office
 Recreation Facilities, Private on-site – (for Parcel 2 only, in conjunction with multi-family use)
 Recreation Facilities, Commercial, Group I
 Religious Facilities
 Rental and Leasing Establishment – Groups I & II
 Repair Shops – Groups I & II
 Research and Development Laboratories – Group II
 Restaurants – Group I, II, & III
 Restaurants – Fast Food
 Schools, Commercial and Noncommercial
 Signs
 Specialty Retail Shops – All Groups
 Social Services – Group I
 Storage, Indoor
 Transportation Services – Group II
 Theater, Indoor
 Used Merchandise Stores – Groups I
 Variety Store
 Vehicle & Equipment Dealers – Groups II
 Warehouse, Mini-Warehouse

b. Site Development Regulations

Anchor Parcels

Minimum lot size:	2.5 acres
Minimum lot width:	200 feet
Minimum lot depth:	200 feet

Outparcels:

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

Maximum lot coverage:	45 percent
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Maximum Residential Building Height:	45 feet
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Maximum Commercial Building Height:	35 feet
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Minimum Building Separation: 20 feet

Setbacks:	
Development Perimeter:	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody:	25 feet
Preserve:	20 feet (30 feet for fire dependent indigenous plant communities)

Minimum Open Space: 20 percent

3. Platting and Subdividing

~~The subject property may only be subdivided after recording of a plat of the property in the Official Records of Lee County, Florida.~~

4. Package Store

~~Package Stores are limited to the outparcels as shown on the Master Concept Plan and must be located greater than 500 feet away from the property line of Sunshine Elementary School.~~

5. Sidewalk Improvements

- a. Prior to the issuance of the Certificate of Completion for a development order subsequent to the Limited Development Order for violation abatement (Condition 8) Parcel 1 and Parcel 2, a five-foot-wide sidewalk must be installed along Sunniland Boulevard. The sidewalk must extend along the project's entire frontage on Sunniland Boulevard. This is a site-related improvement and not eligible for Road Impact Fee Credits.
- b. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Concurrency

- a. ~~Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1b.~~
- b. ~~Prior to the issuance of a local development order, the proposed project must meet the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan.~~

7. Open Space

Prior to the issuance of a local development order, that landscape plans must depict 7.06.7 acres of open space with 3.5 acres of preservation and restoration indigenous open space, consistent with the Master Concept Plan.

8. Violation Abatement

- a. The following conditions codify the abatement required by VIO2021-06268 and VIO2021-06269. If the conditions are not met, the restoration criteria of Chapter 14 of the LDC will apply in full and will be monitored ~~through the Code Enforcement violation process as outlined in 2. below:~~

1. ~~Prior to the issuance of the first development order for any phase of development, the applicant must obtain a Limited Development Order to plant the abatement trees and must receive a Certificate of Compliance for the abatement plantings~~either property subject to the above code violations, landscape plans for the specific violation must depict:
 - a. ~~Landscape plans must depict new~~ New abatement plantings consisting of 215 Cabbage Palms, 49 Live Oaks, and four South Florida slash pines. Live oaks and South Florida slash pines must be Florida No. 1 or better per amended Grades and Standards for Nursery Plants, Parts I and II and be a minimum six feet in height with a minimum trunk diameter of one inch measured at three feet above the ground and a minimum canopy diameter of two feet at installation.
 - b. ~~The landscape plans must depict nine~~ Nine Live Oaks specified at 20 feet in height with a minimum of four-inch caliper and a minimum eight-foot canopy must be installed to replace the removed heritage trees.
 - c. ~~Landscape plans must depict an~~ An above-ground irrigation system in the restoration areas, which may be removed one year after the issuance of a Certificate of Compliance~~for the Limited Development Order.~~
2. The Limited Development Order must include a five-year monitoring plan for the restoration areas with monitoring reports describing the conditions of the restored areas submitted annually for five years.

9. Gopher Tortoises

Machines are prohibited within the 1.2-acre preservation area.

10. Parcel 1 Buffers

Prior to the issuance of a development order for Parcel 1 , the development order plans must depict the following:

- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and double hedge row along the north property line; and
- b. a 25-foot-wide buffer with seven trees and 33 groundcovers per 100 linear feet and a double hedge row along the west property line. Palms are limited to a maximum of 25 percent of the buffer tree requirement. Hedges must be specified at 48 inches in height at time of installation and be maintained at 72 inches in height. Groundcovers must be a minimum one-gallon container size at time of planting.

11. Parcel 2 Buffers

Prior to the issuance of a development order for Parcel 2, the development order plans must depict the following:

- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and a double hedge row along the north property line; and
- b. a five-foot-wide buffer with five trees per 100 linear feet along the east property line.

12. The first Development Order application for vertical construction (buildings/structures that generate traffic), must include the design for a traffic signal including required turn lanes at the intersection of Sunniland and Lee Boulevards. Concurrent with the review of the development order, the County and Developer will enter into a signalization agreement that includes turn lane designs or provide a stipulation in the DO that will include the proportionate share obligations of the Developer and the County for both design and construction of the signal including required turn lanes . The Signalization Agreement will be required to be executed by all parties by the time the first Certificate of Occupancy of the first dwelling unit or a Certificate of Completion for vertical commercial construction.

Section C. – Deviations

~~1. Deviation 1 is withdrawn.~~

1. Deviation ~~2~~1 seeks relief from the LDC Section 10-415(b), which requires large developments with existing indigenous native vegetation communities to provide 50 percent of the required open space percentage as onsite indigenous preservation, to allow preservation of indigenous native vegetation communities and areas that do not meet the indigenous definition but are restored to create indigenous areas onsite to satisfy this requirement. The deviation is approved, subject to Condition 8.