

Lee County
Dept. of Community Development
Planning Section c/o Kate Burgess, AICP
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
JUN 05 2025

COMMUNITY DEVELOPMENT



RE: CPA2025-00001
Insufficiency Letter Response

Please accept the below responses to your letter dated April 4, 2025 regarding the comments for Honc 41 CPA.

Planning Review

1. Note: The disclosure of interest form only needs to be completed when the property owner or applicant is a Lee County Employee, Commissioner, or Hearing Examiner. If none of these conditions exist, this form is not necessary for this application.

RESPONSE: Thank you for the note/comment.

2. The noticing buffer map does not clearly depict which properties will be notified due to the overlapping boundaries. Identify the properties to be noticed by highlighting the property lines instead of the just shading the parcels.

RESPONSE: The variance report, including the buffer map was generated using LeePA.org. This is the standard format in which the maps are automatically produced through the Property Appraiser's website. The properties noticed are further identified in the provided mailing labels (Exhibit M3 - Map and Labels) as well as the PDF of the excel spreadsheet (Exhibit M3 - List) associated with the variance report.

3. Provide a Letter of Availability from Lee County's Department of Public Safety for Emergency Medical Services.

RESPONSE: Please see provided Letter of Availability from EMS.

Legal Description Review

4. The legal description provided is not a metes and bounds description. The sketch does not include two state plane coordinates, one at the point of beginning and at an opposing corner.

RESPONSE: Please see revised legal description and sketch.

5. The application for the wetland determination Permit No. 36-112182-P/Application No. 240816-45230 is sufficient for mapping wetland areas. A separate metes and bounds legal description for the perimeter of each land use designation is not required.

RESPONSE: Noted.

6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted, specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner.

RESPONSE: Please see revised legal description and sketch.

Environmental Review

7. Provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

RESPONSE: The project site is not located in a 100-year flood prone area as it is located in zone x as depicted within the FEMA flood map provided.

8. Provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.

RESPONSE: Please see attached FEMA flood map with the project boundary shown.

9. Provide an analysis of Lee Plan policies 124.1.2 and 126.1.4 in the Lee Plan Analysis.

RESPONSE: Please see revised narrative which is now inclusive of policies 124.1.2 and 126.1.4.

10. INFORMATIONAL COMMENT: The Environmental Impacts Analysis depicts several bald eagle nests. Please note that bald eagle nest LE-045 was declared abandoned, and LE-939A was declared lost. Eagle nest LE-045C was discovered during the 2023-2024 nesting season and is located southeast of the subject property. The subject property is still located more than 660 feet from the LE-045C nest.

RESPONSE: Thank you for the note/comment.

Zoning Review

11. INFORMATIONAL COMMENT: Per LDC Sec. 34-616(a)(9), when a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail. However, permitted uses and accessory uses are restricted to the uses permitted in the respective districts.

RESPONSE: Thank you for the note/comment. Additionally, a companion MPD rezone is forthcoming.

12. INFORMATIONAL COMMENT: Future development of the subject property must conform to the North

Fort Myers Community Plan Area regulations, found in LDC Chapter 33, Article VIII. Specifically, the subject property is within Neighborhood Center #2 as depicted on LDC Appendix I, Map 7, and is within Commercial Corridor, as depicted in LDC Chapter 33, Article VIII, Division 3.

RESPONSE: Thank you for the note/comment.

Please contact me directly at (239) 226-0024 or CindyL@en-site.com if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.



Cindy C. Leal Brizuela, AICP, MURP
Principal Planner

cc: Richard Akin, Esq. - Henderson Franklin

Enclosures:

1. Letter of Availability - EMS
2. Revised Legal Description
3. Revised Sketch of Legal Description
4. FEMA Exhibits
5. Revised Exhibit M12 - Lee Plan Analysis



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

May 29, 2025

Cindy C. Leal Brizuela
EnSite Incorporated
2401 First Street, Suite 201
Fort Myers, FL 33901

VIA ELECTRONIC MAIL

Re: 17701 N Tamiami Trail, Letter of Service Availability

Ms. Brizuela,

I am in receipt of your email requesting a Letter of Service Availability for a project to be located at 17701 N Tamiami Trail in North Fort Myers.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There is one ambulance located three miles from the proposed project location and two additional ambulances are located within five miles.

It is our opinion that EMS service availability for the location provided is adequate at this time.

Sincerely,

Paul Di Cicco
Deputy Director – EMS Chief

Enclosure:
Copy of proposed project location map



Board of County Commissioners

Lee County Emergency Medical Services
c/o Chief Benjamin Abes
Public Safety Director
2000 Main St #100
Fort Myers, FL 33901



HONC 41

**Comprehensive Plan Map Amendment
Letter of Availability Request**

Chief Abes,

We are writing to confirm that your agency is able to provide service to the subject property located at 17701 N Tamiami Trail, north of the intersection of N Tamiami Trail and Sabal Springs Blvd. The property is under one (1) STRAP (22-43-24-01-00001.0160) and is currently located within the Suburban future land use category. Due to the property's location and underlying zoning entitlements, the Applicant is requesting that the property be redesignating to the Central Urban future land use category. This process require verification from several service agencies that they have sufficient resources to support the change in future land use.

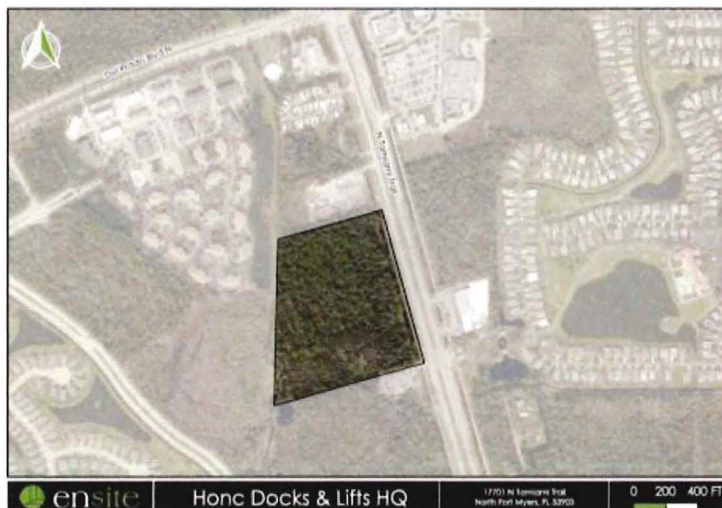


Figure 1. Aerial of Subject Property

Please contact me directly at (239) 226-0024 or Cindyl@En-Site.com if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.

Cindy C. Leal Brizuela, AICP, MURP
Principal Planner

planning | landscape architecture | engineering | urban design | sustainability

2401 First Street, Suite 201 | Fort Myers, Florida 33901
239.226.0024 | www.en-site.com

LEGEND:
 R/W RIGHT-OF-WAY
 C CENTERLINE
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 C.A. CROSS ACCESS EASEMENT
 I/E.E. INGRESS/EGRESS EASEMENT
 S.R. STATE ROAD

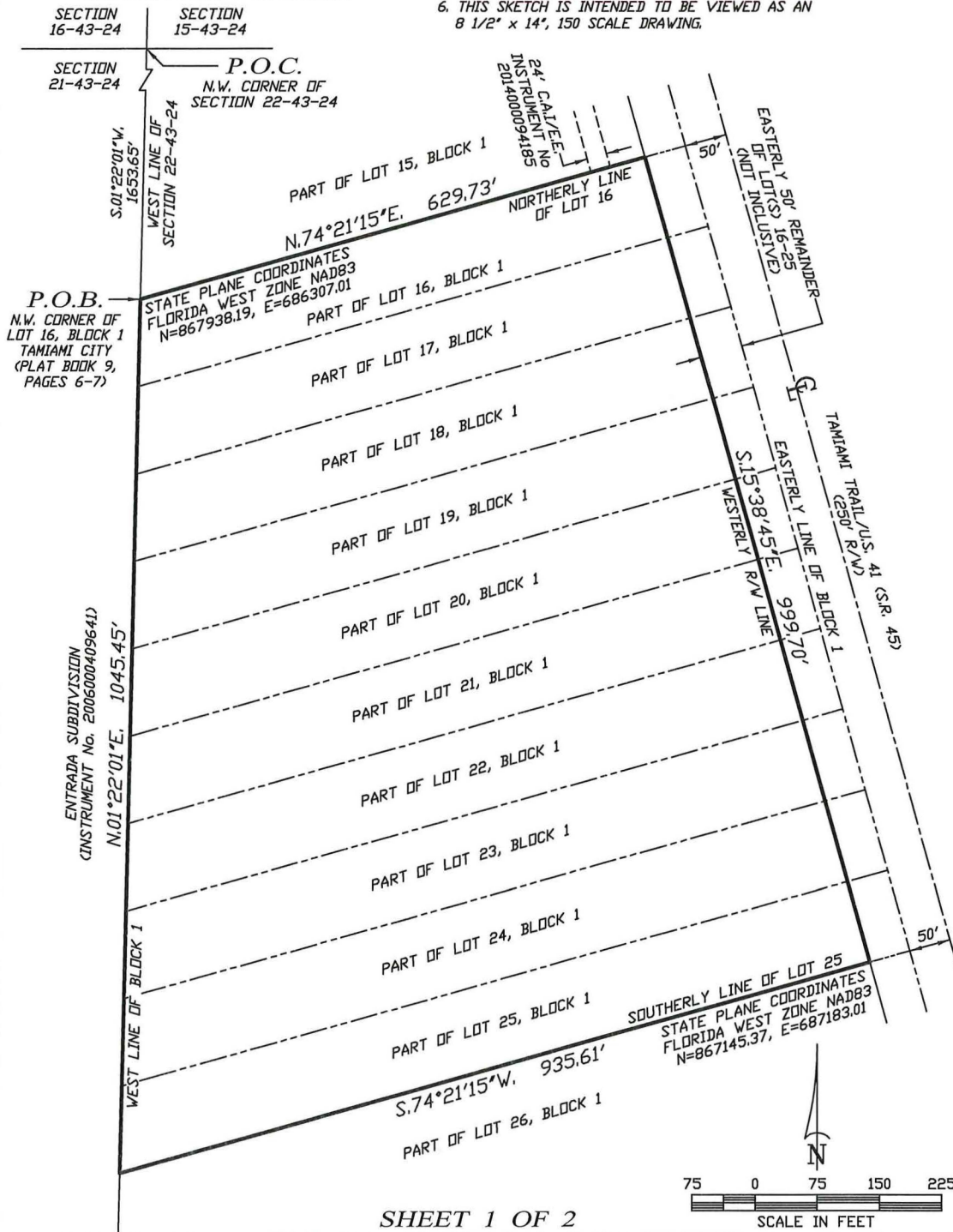
DRAWN: RBH	CHECK: PMM	SCALE: 1"=150'	PROJ. # TC-B1-L16
SKETCH DATE 5/14/25	FILE NO. 43-24-22	SHT.- 1 OF - 2	

HARRIS-JORGENSEN, LLC.
 3048 DEL PRADO BLVD. S., SUITE 100
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 257-2624
 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

SKETCH TO ACCOMPANY DESCRIPTION
 A PARCEL OF LAND BEING A PORTION OF
 LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25,
 BLOCK 1, TAMAMI CITY,
 (PLAT BOOK 9, PAGES 6-7)
 SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION
 THIS IS NOT A BOUNDARY SURVEY

- SKETCH / DESCRIPTION NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WESTERLY RIGHT-OF-WAY LINE OF TAMAMI TRAIL, AS BEING S.15°38'45"E.
 2. FIELD NOTES IN TAMAMI CITY.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50, FS 472.025, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 150 SCALE DRAWING.



DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25, BLOCK 1, TAMiami CITY,

(PLAT BOOK 9, PAGES 6-7)
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25, AS RECORDED IN PLAT BOOK 9, PAGES 6 THROUGH 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, THENCE RUN S.01°22'01"W. ALONG THE WEST LINE OF SAID SECTION TO THE NORTHWEST CORNER OF THE AFORESAID LOT 16, BLOCK 1, FOR 1,653.65 FEET, FOR A POINT OF BEGINNING; THENCE RUN N.74°21'15"E. ALONG THE NORTHERLY LINE OF SAID LOT 16 TO A POINT ALONG THE WESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (U.S. 41 / S.R. 45, 250.00 FEET WIDE), LYING 50.00 FEET WESTERLY OF THE EASTERLY LINE OF THE AFORESAID BLOCK 1, FOR 629.73 FEET; THENCE RUN S.15°38'45"E., 50.00 FEET WESTERLY, AS MEASURED ON A PERPENDICULAR AND PARALLEL TO SAID EASTERLY LINE OF BLOCK 1, TO A POINT ALONG THE SOUTHERLY LINE OF THE AFORESAID LOT 25, FOR 999.70 FEET; THENCE RUN S.74°21'15"W. ALONG SAID SOUTHERLY LINE TO THE WEST LINE OF SAID BLOCK 1, BEING A POINT ALONG THE AFORESAID WEST LINE OF SECTION 22, FOR 935.61 FEET; THENCE RUN N.01°22'01"E. ALONG SAID WEST LINE OF BLOCK 1 AND SECTION 22, FOR 1045.45 FEET; TO THE POINT OF BEGINNING.

CONTAINING 782,432 SQUARE FEET OR 17.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE AFORESAID WEST LINE OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AS BEING S.01°22'01"W.

Phillip M
Mould, LS6515,
State of Florida

Digitally signed by

Phillip M Mould,

LS6515, State of Florida

Date: 2025.05.16

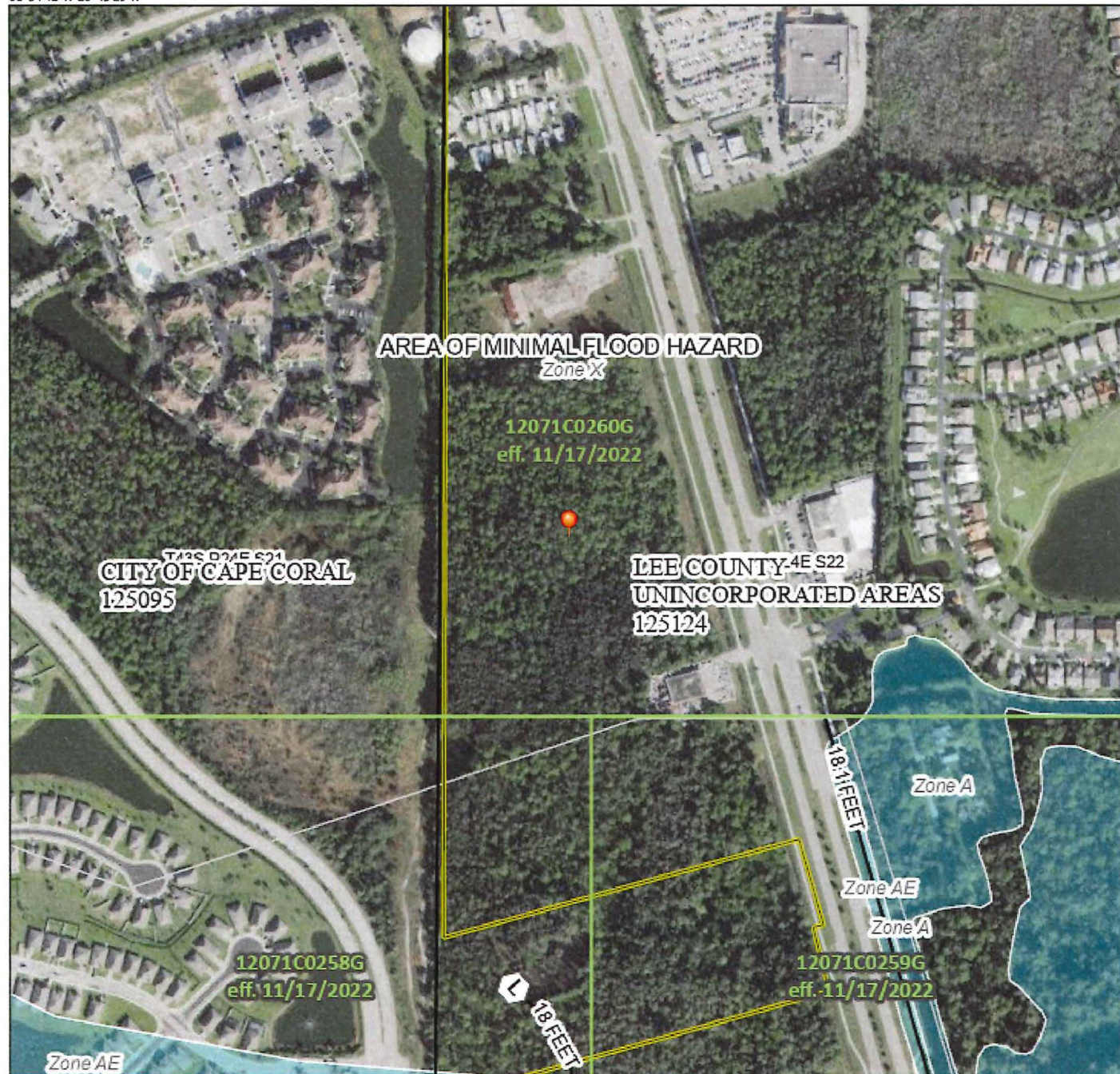
08:14:25 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
MAY 14, 2025

National Flood Hazard Layer FIRMette



81°54'42"W 26°43'29"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/17/2023 at 10:37 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMette



81°54'42"W 26°43'29"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

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SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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		With BFE or Depth Zone AE, AO, AH, VE, AR
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GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
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This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

I. BACKGROUND

The subject property is located at 17701 N Tamiami Trail, north of the intersection of N Tamiami Trail and Sabal Springs Blvd. The property is under one (1) STRAP (22-43-24-01-00001.0160). The zoning of the subject property is split; the segment of land adjacent to N Tamiami Trail is part of the CG zoning district whereas the remainder of the property is within the IL zoning district. The property is currently located within the Suburban future land use category.

II. REQUEST

Due to the property's location and underlying zoning districts, the Applicant is requesting that the property be redesignating to the Central Urban future land use category. The current Suburban FLU category prohibits the development of industrial uses per Lee Plan Policy 1.1.5, posing a conflict for the development of the IL-zoned portion of the site which comprises approximately 78% of the subject property.

III. LEE PLAN ANALYSIS

The proposed map amendment from Suburban to Central Urban is consistent with a number of goals, objectives, and policies outlined within the Lee Plan as well as regional and state plans as outlined below.

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 quasipublic, 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 Lee Plan describes the Central Urban category as the most heavily settled with the highest range of public services. This category permits light industrial uses and encourages mixed-use where appropriate. The companion Planned Development zoning application is inclusive of a master concept plan which depicts the proposed development, associated with this MCP is a Schedule of Uses which

is catered to the site and further specifies the commercial and industrial development program for the property.

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.

The property's location along N Tamiami Trail, a state-maintained arterial, supports Objective 2.1 by allowing for future development of the site to have readily available access to a number of utilities and services. Additionally, the subject property is located within the North Fort Myers community and abuts the City of Cape Coral, this unique location allows for residents of either community to easily traverse through N Tamiami Trail or Del Prado Blvd N, major roads in each respective community, in order to access the site.

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.

The subject property is currently in the Suburban future land use category which is defined as a Future Suburban area by the Lee Plan. The subject property is also surrounded by development and fits the definition of infill development per the Lee Plan. Infill projects already have public services available, making them ideal for development in terms of timing.

Goal 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.

Objective 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

Standard 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of

gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).

- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4A), then the development must be connected to that utility.**
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.**
- 4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.**
- 5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.**
- 6. If a development lies outside any service area as described above, the developer may:**
 - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;**
 - establish a community water system for the development; or**
 - develop at an intensity that does not require a community water system.**
- 7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.**

As outlined in Standard 4.1.1(1) any commercial or industrial project exceeding 30,000 SF of gross floor area per parcel must connect to public water. The subject property's companion Planned Development further defines the future development parameters of the site and specifies the industrial and commercial uses proposed for the property which include industrial and commercial development in excess of 30,000 SF, therefore the subject property will be complying with this standard by connecting to public water as further supported by the Lee County Utilities Letter of Availability.

Standard 4.1.2: SEWER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.**
- 2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.**
- 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.**
- 4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, II-16 April 2024 Future Land Use the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.**
- 5. If a development lies outside any service area as described above, the developer may:**
 - request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;**
 - establish a self-provided sanitary sewer system for the development;**
 - develop at an intensity that does not require sanitary sewer service; or**
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.**
- 6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.**

As outlined in Standard 4.1.2(1) any commercial or industrial project generating an excess of 5,000 gallons of wastewater per day must connect to public sanitary sewer system. The subject property's companion Planned Development further defines the future development parameters of the site and specifies the industrial and commercial uses proposed for the property which include industrial and commercial development in excess of 30,000 SF, therefore the subject property will be complying with

this standard by connecting to public wastewater as further supported by the forthcoming Florida Governmental Utility Authority Letter of Availability.

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.**

An environmental assessment of the site was conducted in November 2023 by Pennoni and the findings resulted in the conclusion that the property is heavily impacted by exotic vegetation. There are approximately 4.82 acres of wetlands across the 19.36-acre site and these lands feature exotic infestation with portions of the wetlands consisting solely of melaleuca or disturbed lands. The uplands on the site feature a similar range of exotic infestation; pine flatwoods are found on site but are made up of nearly 51-75% exotics and the area described as a palm hammock is made up of 26-50% exotic vegetation. Due to the absence of viable wetlands, or rare and unique uplands of high quality, the Applicant's improvement of the site will be inclusive of clearing the disturbed and exotic infested property while replanting with predominantly native vegetation for buffer areas and supplemental plantings throughout the site's designated open space.

Goal 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

The companion rezoning is being pursued as a Planned Development which further defines the development parameters for the limited commercial uses being proposed while allowing for flexibility for future commercial tenants which would further support proximate patrons. The subject property's current split zoning allows for commercial uses to be located along the eastern portion of the site, abutting N Tamiami Trail. The site's current partial commercial zoning along the arterial was previously impacted by a right-of-way taking which has resulted in a reduced depth for the commercially zoned area. As currently configured, the site's narrow commercial zoning promotes strip commercial development. The companion planned development zoning application alters this configuration by

creating additional depth for commercial tracts, effectively creating commercial outparcels to the industrial portion of the development. This creates a gradual transition from the more intense industrial uses proposed on the western portion of the site to more service/retail-oriented commercial being proposed along the eastern portion of the site abutting N Tamiami Trail. This configuration further separates any future industrial uses from the Sabal Springs residential community to the east of N Tamiami Trail.

Objective 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

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

Consistent with Policy 6.1.4, the proposed project is compatible with existing and planned adjacent uses. The proposed PD rezone clarifies the location and square footage of commercial uses which would provide additional growth in the North Fort Myers community at an appropriate location. This policy also requires that the proposed commercial uses be supported by public facilities; the property has direct access onto N Tamiami Trail which is a four-lane to five-lane state-maintained arterial roadway. Additionally, the project will be supported by urban services via Lee County Utilities for potable water and FGUA for sanitary sewer as noted in the provided Letter of Availability from LCU and forthcoming Letter of Availability from FGUA.

Policy 6.1.5: Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

Policy 6.1.5 protects the traffic-carrying capacity of roads and streets from incompatible commercial development. The companion Traffic Impact Study supports the assessment that the uses will not trigger a level of service deficiency for the adjacent road network. Alternatively, the proposed reconfiguration of uses and intensities results in a reduction in the maximum trip generation of the project via the partial conversion from commercial to industrial uses, which generally generate less trips than their retail and service-based counterparts.

Policy 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

Policy 6.1.6 requires commercial developments to “provide adequate and appropriate landscaping, open space, and buffering.” The companion MPD is inclusive of a Master Concept Plan which outlines the landscaping including open space and buffering being proposed. The project will provide appropriate landscaping, open space, and buffering as consistent with the Land Development Code at time of development order. Architectural standards are also reviewed at time of development order and are further governed by Chapter 33 regarding the North Fort Myers Commercial Corridor.

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

N Tamiami Trail features a mixture of commercial, industrial, and residential uses throughout the transportation corridor. The subject property features heavy commercial uses to the north of the site which services automobiles and appears to have an outdoor storage component based off recent aerials. Additionally, the property to the south of the site is a golf cart dealership which also features an outdoor/display component. The subject property abuts N Tamiami Trail to the east and further east are residential uses. Residential uses are also located immediately to the west of the subject property. This combination of abutting residential and commercial uses is addressed in the companion PD rezone’s Master Concept Plan. This plan further defines the project’s development program including open space, buffering, and setbacks, all of which are considered with the existing surrounding uses at the forefront. Additionally, the increased depth of the commercial tracts when compared to the existing commercially zoned portion of the site promotes the development of outparcels instead of the strip development currently supported by the narrow commercial zoning.

Policy 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

Consistent with Policy 6.1.8, the subject property is not located near an existing or planned school.

Goal 7: INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the County

The companion rezoning is being pursued as a Planned Development which further defines the development parameters for the limited industrial uses being proposed. The industrial uses being proposed are visibly shielded from pass by traffic through the site’s configuration as well as buffering and landscaping. The uses being proposed are also tailored to the site as further noted in the Schedule of Uses.

Policy 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

The industrial uses proposed are further defined by the Schedule of Uses in the companion MPD rezone. The site's location along an arterial supports the ability to easily access the site without having to traverse through residential corridors or communities. The location being proximate to Cape Coral and being located within the North Fort Myers community facilitates the commute for current and future employees who reside in either the City of Cape Coral or North Fort Myers. As described above, the mixture of surrounding adjacent uses have further defined the proposed buffers and setbacks which promote compatibility with the subject property's adjacent land uses.

Policy 7.1.4: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

The availability of planned services and facilities have been confirmed from numerous agencies via the supporting Letters of Availability which have been provided to the County for review. These agencies include LCU for water, FGUA for sewer (forthcoming), Lee County Solid Waste, the Lee County's Sheriff's Office, the local fire department and the County's School District.

Policy 7.1.6: Maintain land development regulations that require industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

Consistent with the LDC, buffering and screening from the adjacent residential will be achieved to address site compatibility. Additionally, due to the incorporation of commercial outparcels on the companion rezoning's Master Concept Plan, there won't be visibility to the industrial area from N Tamiami Trail given the commercial outparcels proposed between the industrial area and N Tamiami Trail.

POLICY 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

The subject property's location along N Tamiami Trail, a major transportation corridor, allows for any potential associated industrial traffic to be directed through the roadway and away from local streets feeding into predominantly residential areas.

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.

The subject property's location within the North Fort Myers Community will improve the economic vitality of the community; a major local business would be relocating their 6.5-acre headquarters in Cape Coral to North Fort Myers. This is an enhancement to the local economy of North Fort Myers and supports the business' growth which ultimately brings jobs to the community that currently requires North Fort Myers employees to traverse across the community via Pondella Road.

Policy 30.3.1: Encourage streetscape and landscape improvements along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard.

The property's frontage along N Tamiami Trail would traditionally require it to feature a 15-foot wide Type D right-of-way buffer along the frontage. Per LDC Table 10-416(d)(4), the Type D buffer requires a minimum of five (5) trees and a double-staggered hedge per 100 linear feet. However, Lee Plan 30.2.6 allows for developments within the Commercial Corridor Overlay (such as the proposed) to utilize the development standards for the Mixed-Use Overlay. Per LDC Sec. 10-425(f)(1) the buffer adjacent to the roadway is required to be 5-feet wide and planted with five (5) trees per 100-linear feet.

Policy 124.1.2: The County's wetlands protection regulations will be consistent with the following:

- 1. The County will not undertake an independent review at the development order stage of impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.**
- 2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.**

- 3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.**
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.**
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.**
- 6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.**

Consistent with the above policy's points one (1) through three (3), the subject property will obtain approval from South Florida Water Management District prior to any development which may impact wetlands or require any mitigation. A companion Master Concept Plan will be provided at time of Planned Development rezoning to further depict compliance with point four (4) above. The Applicant acknowledges points five (5) and six (6) – more specifically, that any non-residential land uses proposed on wetlands that have been or will be impacted will be consistent with the non-residential land uses permitted in the central urban FLU as this is proposed to be the immediately adjacent and least intense and upland category.

Policy 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions

The project will obtain approval from SFWMD consistent with the requirements of local Development Order permitting. Additionally, a surface water management plan will be provided at time of Planned Development rezoning to further describe surface water flows, groundwater levels and lake levels.