

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

WHEREAS, an application was filed by the property owner, Carissa, LLC, to rezone a 19.96± acre parcel from Commercial Planned Development (CPD) to Residential Planned Development (RPD) in reference to Carissa Minor RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on May 6, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2020-00013 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on June 16, 2021 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 19.96± acre parcel from CPD to RPD to allow a multifamily community with up to 260 dwelling units.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Carissa Minor RPD," prepared by Banks Engineering, date stamped submitted March 12, 2021, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the Lee Plan and LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The site may be developed with up to 260 multifamily dwelling units, which may include a maximum of 87 bonus density units, associated accessory uses and structures. Maximum building height is 50 feet.

2. Permitted Uses and Property Development Regulations

a. Schedule of Uses

Accessory Uses, Buildings and Structures

Entrance gate, gatehouses

Residential Accessory Uses

Administrative Offices

Clubs, Private

Dwelling Unit

Multiple-Family

Essential Services

Essential Service Facilities – Group I

Excavation, Water Retention

Fences, Walls

Home Occupation, No Outside Help

Models

Model Unit

Recreation Facilities

Personal

Private–On-site

Signs

Temporary Uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Width 100 feet

Lot Depth 100 feet

Lot Area 10,000 sq. ft.

Minimum Setbacks

Street (Public/Private) 25 feet/20 feet

Side Yard 20 feet

Rear Yard 20 feet

Waterbody (Principal/Accessory) 20 feet/5 feet*

Accessory Structures

Rear 5 feet

Side 5 feet

Maximum building height 50 feet

Maximum lot coverage 45%

*Swimming Pool Deck: 0 feet with hardened shoreline

3. Environmental Conditions

- a. Development order plans must depict 3.99 acres of indigenous open space (3.96 acres of wetland and 0.03 acres of upland) consistent with the MCP.

- b. Developer must submit a point map corresponding to staking in the field depicting the internal roadway between Preserves A, B and C prior to County issuance of a Vegetation Removal Permit.
- c. Developer must submit the payment receipt from Panther Island Mitigation Bank for the purchase of 7.23 acres of freshwater herbaceous credits with the first development order application.

4. Water Quality Monitoring

- a. Developer must submit a Water Quality Monitoring Plan with the first development order application. The Water Quality Monitoring Plan must be reviewed and approved by Lee County Division of Natural Resources prior to issuance of a development order. At a minimum, the Water Quality Monitoring Plan must establish:
 - i. Goals and Objectives of the Water Quality Monitoring Plan;
 - ii. An outfall monitoring schedule during the "wet" season of June through October, for Field Temperature, Total Kjeldahl Nitrogen, Total Nitrogen, Chlorophyll A, Nitrite, Nitrate, Phosphorus, Turbidity and Stage;
 - iii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction; and
 - iv. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. The plan must include notification to impacted residents and authorities.
- b. Developer must provide water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of state water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

If the project meets or exceeds state water quality monitoring standards for five consecutive years, developer may request to amend the water quality monitoring and reporting schedule. The request must be in writing and is subject to the review and approval of the Division of Natural Resources.

SECTION C. DEVIATIONS:

1. Refuse and Solid Waste Disposal Facilities.

Deviation (1) seeks relief from the LDC §10-261(a) requirement for a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow a minimum of 100 square feet for collection containers.

This deviation is APPROVED.

2. Location and Design of Parking Spaces.

Deviation (2) seeks relief from the LDC §34-2015(2)c which permits vehicle stacking for single-family, duplex, two-family, and townhouses where each dwelling unit has an appurtenant garage or driveway, to allow vehicle stacking in front of garages within the multifamily development.

This deviation is APPROVED SUBJECT TO the following conditions:

- a. Vehicle stacking is limited to locations noted on the MCP and must be in substantial compliance with the stacking detail depicted on the MCP; and
- b. Each set of stacked parking spaces must be assigned to the same unit.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The request for RPD zoning complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135; Objectives 2.1, 2.2, 4.1, 5.1, 61.3, 77.1, 77.3, and Policies 2.1.2, 2.2.1, 5.1.5, 5.1.7, 39.2.1, 135.9.5, 135.9.6; Lee Plan Vision Statement Paragraph 10, Map 16 and Table 1(b).
2. As conditioned herein, the RPD zoning designation:
 - a. Meets the standards set forth in the LDC and other regulations or qualifies for deviations. See LDC §§ 34-373, 34-411, 34-413, 34-491;
 - b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 5.1.5, 135.9.5; and LDC §34-411(j);
 - c. Will provide access to support the proposed development intensity. See Lee Plan Policies 39.2.1, 39.1.3; and LDC §34-411(d);
 - d. Existing regulations and conditions of approval address the expected impacts on transportation facilities. See Lee Plan Policy 135.9.6; LDC §§ 2-261 *et seq.*, 10-7(b);
 - e. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Objectives 77.1, 77.3, Policies 5.1.6, 54.1.3, 60.4.1, 60.4.2, 61.2.4, 61.3.6, 61.3.8, 61.3.10, 61.3.11, 77.3.4, 77.3.8, 123.2.3, 123.2.10, 126.2.1, 135.9.6, and Standard 4.1.4; and LDC §34-411(h); and

- f. Will be served by urban services including public water and sewer, paved streets, transit, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1 and 5.1; Policies 2.2.1, 5.1.3; and Standards 4.1.1, 4.1.2.
- 3. The proposed uses are appropriate at the location and constitutes infill development. Lee Plan Policies 2.1.1, 2.2.2, 5.1.3, 5.1.5; and LDC §34-411.
- 4. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policy 135.9.6; See LDC §34-411.
- 5. The recommended conditions are reasonably related to the impacts expected from the proposed development.
- 6. The deviations recommended for approval:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of June 2021.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Missy Flint
Deputy Clerk

BY: [Signature]
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Joseph Adams
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 JUN 21 PM 4:30



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND LYING IN
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH ONE QUARTER CORNER OF SAID SECTION 17; THENCE S.00°06'35"E. ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 17, FOR 658.74 FEET; THENCE S.88°56'52"W. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR 654.76 FEET; THENCE S.00°22'36"E. ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF A 60.00 FOOT WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 4609, PAGE 4248, LEE COUNTY PUBLIC RECORDS, FOR 664.60 FEET; THENCE N.88°48'50"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE CENTERLINE OF A 60.00 FOOT WIDE VIEWER'S ROAD AS DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 5, PAGE 669, SAID PUBLIC RECORDS, FOR 651.68 FEET; THENCE N.00°06'35"W. ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 17, FOR 30.00 FEET TO THE NORTH LINE OF SAID 60.00 FOOT WIDE VIEWER'S ROAD; THENCE N.88°52'35"E. ALONG SAID NORTH LINE FOR 98.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250.00 FEET WIDE); THENCE N.20°01'31"E. ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 1389.14 FEET; THENCE S.88°29'12"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR 576.42 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 19.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (A.K.A. BEN C. PRATT) AS BEARING N 20°01'31" E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 08-05-2020



Digitally signed by A.
Lee Hayne
Date: 2020.08.27
09:34:37 -04'00'

A. LEE HAYNE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 6338
DATE SIGNED 08-05-2020

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REVIEWED
DCI2020-00013
Rick Burris, Principal
Planner
Lee County DCD/Planning
12/28/2020

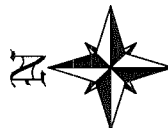
SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

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Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

EXHIBIT A

ENGINEERING LICENSE # EB 8469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM


$$1'' = 250'$$

OF
A PARCEL OF LAND LYING IN
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

- 1.) BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (A.K.A. BEN C. PRATT) AS BEARING N 20°01'31" E.
- 2.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- 4.) THE UNRECORDED SUBDIVISION PLAT OF SUBURBAN RANCHETTES IS DEPICTED IN OFFICIAL RECORDS BOOK 273, PAGES 94 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINE	BEARING	DISTANCE
L1	N 00°06'35" W	30.00'
L2	N 88°52'35" E	98.08'

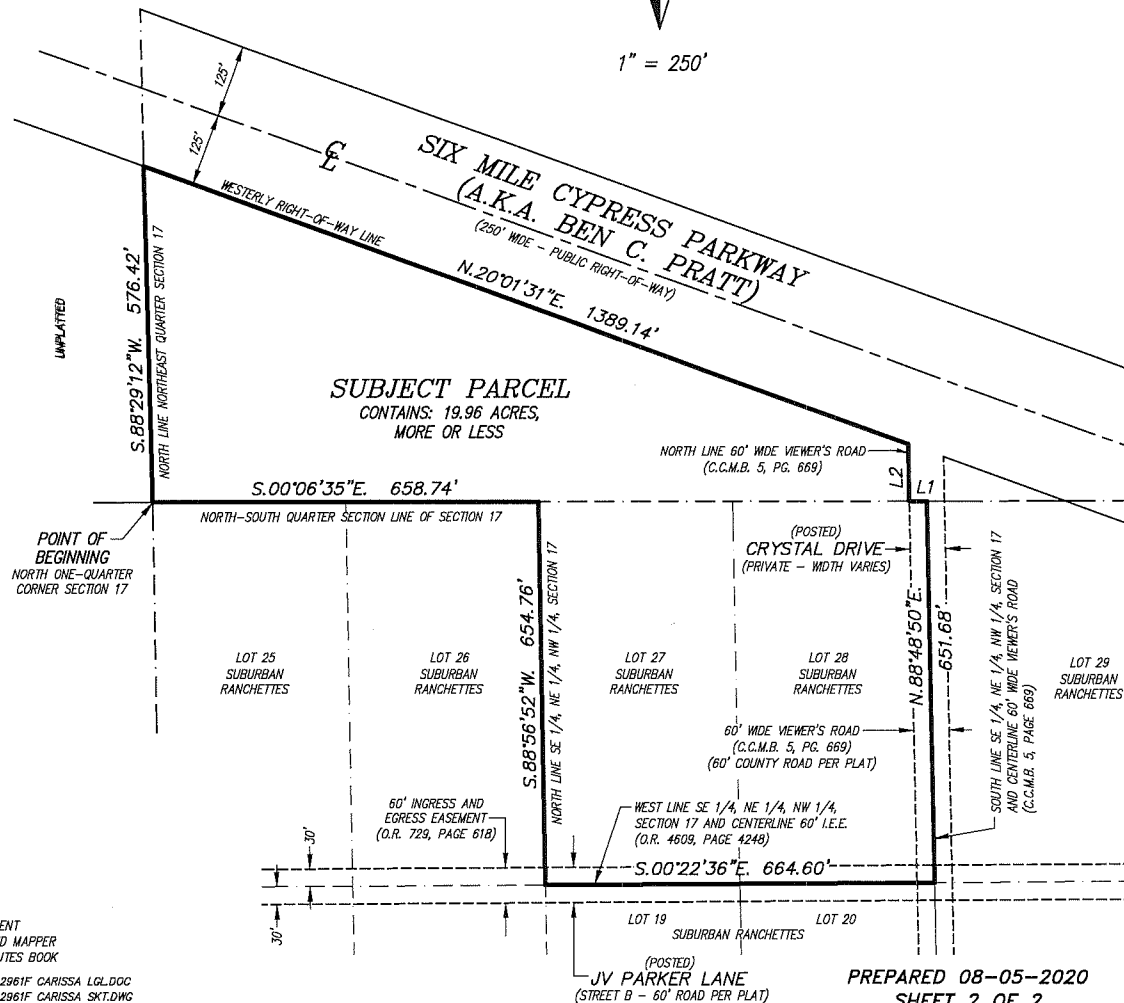
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Digitally signed by
A. Lee Hayne
Date: 2020.08.27
09:35:13 -04'00'

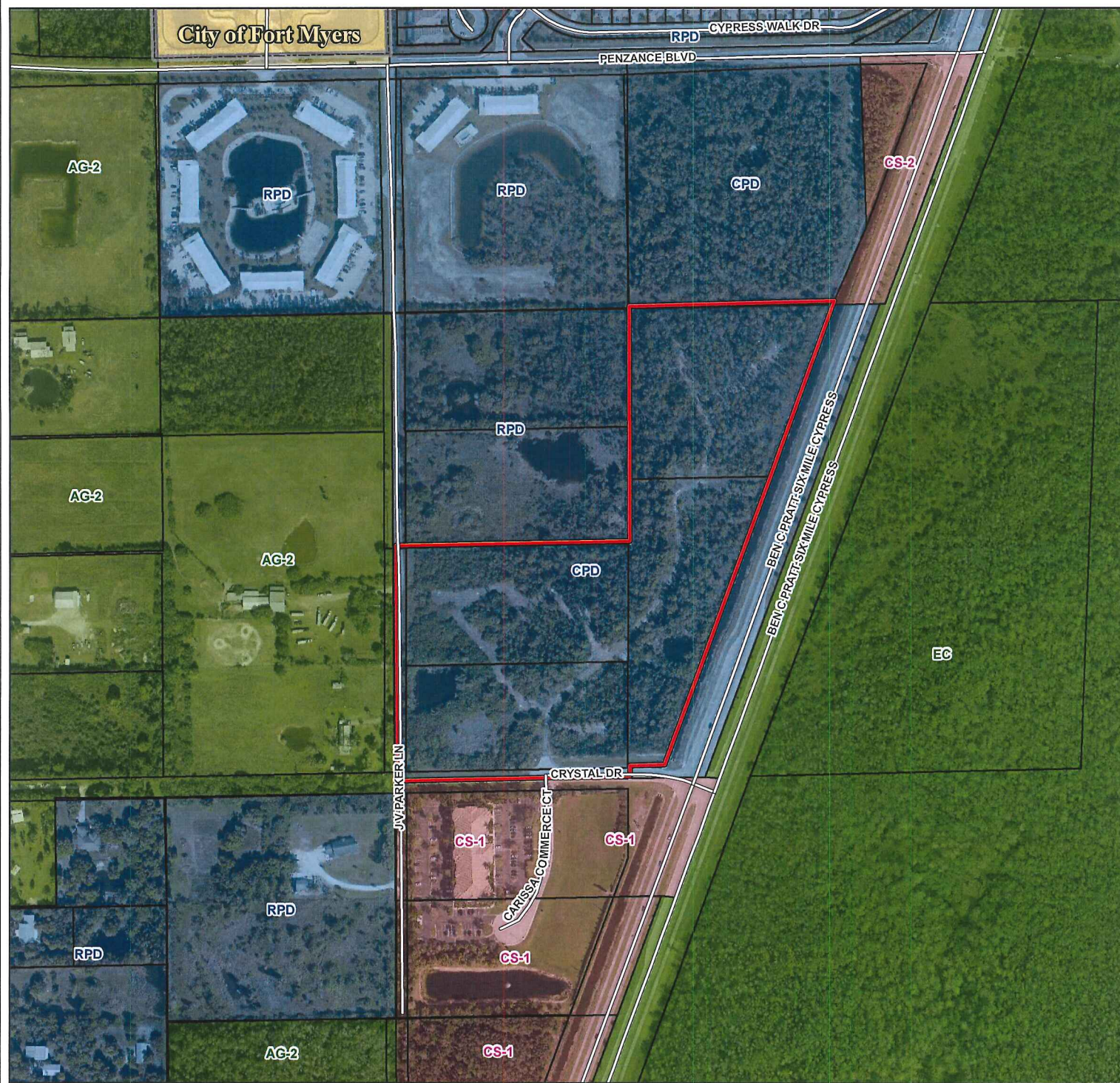
FLORIDA CERTIFICATION NO. 03330
 - DATE SIGNED: 08-05-2020
 - THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
 A FLORIDA LICENSED SURVEYOR AND MAPPER.

PG. INDICATES PAGE
C INDICATES CENTERLINE
A.K.A. INDICATES ALSO KNOWN AS
O.R. INDICATES OFFICIAL RECORDS
P.I. INDICATES POINT OF INTERSECTION
L1 INDICATES LINE DATA; SEE LINE TABLE
I.E.E. INDICATES INGRESS AND EGRESS EASEMENT
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
C.C.M.B. INDICATES COUNTY COMMISSIONERS MINUTES BOOK

S: \JOBS\29XX\2961F\SURVEYING\DESCRIPTIONS\2961F CARISSA LGL.DOC
S: \JOBS\29XX\2961F\SURVEYING\DESCRIPTIONS\2961F CARISSA SKT.DWG





PREPARED 08-05-2020
SHEET 2 OF 2



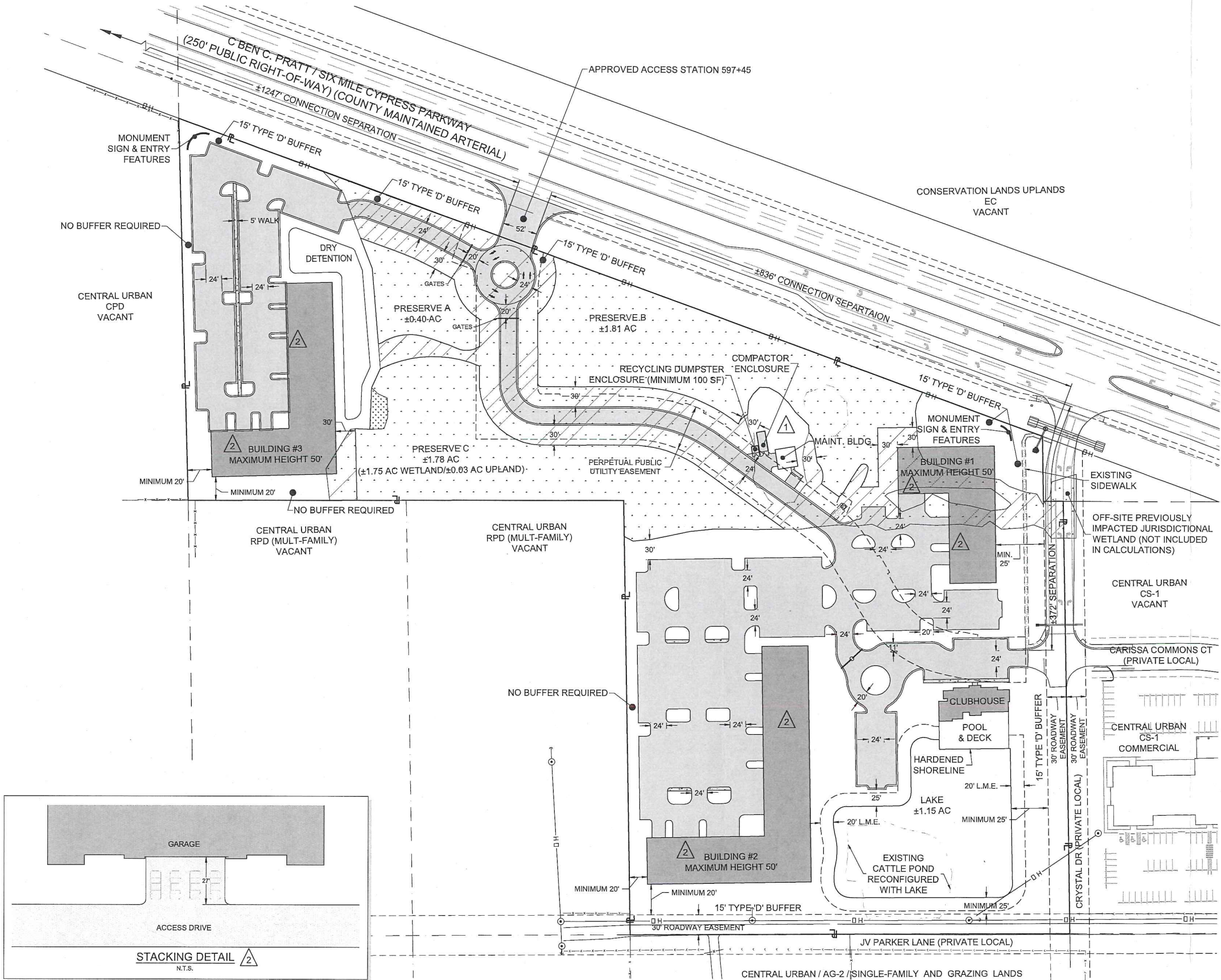
DCI2020-00013 Zoning

Legend

-  Subject Parcel
-  City Limits



0 240
Feet



LEGEND:

- EXISTING/PROPOSED WETLAND IMPACTS
- PERMITTED JURISDICTIONAL WETLAND LINE (6.62 AC WITHIN PROPERTY BOUNDARY)
- PRESERVED UPLANDS
- DEVIATION

PARKING CALCULATION:
DEVELOPMENT WILL COMPLY WITH LDC PARKING REQUIREMENTS.

DENSITY CALCULATION:

SITE AREA =	18.57 AC
EASEMENT/POTENTIAL R/W =	1.39 AC
TOTAL SITE AREA =	19.96 AC
TOTAL WETLAND IMPACTS =	2.66 AC
TOTAL SITE AREA (LESS IMPACTS) =	17.30 AC

NOTES:

SITE AREA: 19.96 AC
OPEN SPACE REQUIRED: 40%
19.96 X 0.4 = 7.98 ACRES REQUIRED
INDIGENOUS OPEN SPACE REQUIRED: 3.99 AC

PROVIDED:

LAKE: 1.15 AC (MAX 25% OF OPEN SPACE REQUIRED)
PRESERVES: 3.96 AC WETLAND + 0.03 AC UPLAND = 3.99 AC
OTHER OPEN SPACE: MINIMUM 2.84 AC
MINIMUM OPEN SPACE PROVIDED: 7.98 AC

DENSITY:

STANDARD DENSITY: 10 DU/AC
17.30 @ 10: 173
2.66 @ 1/20: 0.13

BONUS UP TO 15 DU/AC
17.30 @ 5: = 86.5
TOTAL: 260 DU

Approved as Exhibit C
MCP Page 1 of 1
Resolution # 2-21-006

DCI 2020-00013

NO.	DATE	REVISION DESCRIPTION	BY
2	3/08/2021	REVISED FOR PARKING DEVIATION WITHDRAWAL	TRL
1	10/23/2020	1ST SUBMITTAL	SDJ

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

MASTER CONCEPT PLAN							
CARISSA MINOR RPD							
LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9/08/2020	2961F	_MCP	SEH	SDJ	SEH	1"=160'	1