



LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
COMPREHENSIVE PLAN AMENDMENT  
**and**  
ZONING HEARING  
AGENDA

Wednesday, February 16, 2022

9:30AM

CPA2021-00007

PROPERTY RIGHTS ELEMENT - ADOPTION

CPA2021-00002

ALICO WEST AREA 9 CENTERPLACE – ADOPTION

CPA2021-00013

LUCKETT LANDING – ADOPTION

REZ2021-00008

KW ELECTRIC INC

**Z-22-002**

**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(ADOPTION HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, February 16, 2022. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2021-00002 Alico West Area 9/Centerplace: Amend Policy 15.1.16 by striking paragraph 8 to remove the twenty-five percent unit limitation on single family and zero lot line dwelling units.

CPA2021-00007 Property Rights Element: Amend the Lee Plan to add a Property Rights Element as required by Florida Statute § 163.3177(6)(i).

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, by calling 239-533-2328. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

## NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, February 16, 2022 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.

### **REZ2021-00008 / KW ELECTRIC INC**

Request to rezone 1.80± acres from Community Commercial District (CC) and Residential Single-Family District (RS-1) to Community Commercial District (CC).

Located at 14580 N Cleveland Ave., North Fort Myers Planning Community, Lee County, FL

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

**If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.**

**Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.**

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.**

**In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, [ADArequests@leegov.com](mailto:ADArequests@leegov.com) or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.**

CPA2021-00007

PROPERTY RIGHTS  
ELEMENT



**Summary Sheet**  
**PROPERTY RIGHTS ELEMENT, CPA2021-00007**

**Request:**

The purpose of these amendments is to incorporate a Property Rights Element into the Lee Plan as required by Florida Statute § 163.3177(6)(i), which states that “each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.” The element must be adopted prior to the adoption of any other plan amendment initiated after July 1, 2021.

**Transmittal Hearing:**

A motion was made to transmit CPA2020-00007 as recommended by staff. The motion was passed 5 to 0.

**Public Comments:**

There was no public comment.

**State Reviewing Agency Objections, Recommendations, and Comments:**

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO),
- Florida Department of Environmental Protection (DEP),
- Florida Department of Transportation (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC)

There were no objections or comments concerning the proposed amendments.

**Staff Recommendation:**

Staff recommends that the BoCC adopt the proposed amendments as shown underlined on page one of the staff report.

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
Property Rights Element  
(CPA2021-00007)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE PROPERTY RIGHTS ELEMENT (CPA2021-00007) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 25, 2021; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 8, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Property Rights Element (CPA2021-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the December 8, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on February 16, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Property Rights Element Ordinance (CPA2021-00007)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, to incorporate a Property Rights Element into the Lee Plan as required by Florida Statute §163.3177(6)(i), which states that "each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making." This amendment is known as Property Rights Element (CPA2021-00007).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

## SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

## SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 16<sup>th</sup> day of February 2022.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L Pendergrass, Chair

DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

Exhibit A: Adopted revisions to Property Rights Element (Adopted by BOCC February 16, 2022)

CAO Draft 1/11/2022

## EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.**

The purpose of these amendments is to incorporate a Property Rights Element into the Lee Plan as required by Florida Statute §163.3177(6)(i), which states that “each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.”

In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

# STAFF REPORT FOR CPA2021-00007: PROPERTY RIGHTS ELEMENT



## Text Amendments to the Lee Plan

### Recommendation:

Transmit

### Amendment Type:

County-Initiated

BoCC Direction: 8/17/21

### Hearing Dates:

LPA: 10/25/2021

BoCC #1: 12/8/2021

BoCC #2: 2/16/2022

### PURPOSE

The purpose of these amendments is to incorporate a Property Rights Element into the Lee Plan as required by Florida Statute § 163.3177(6)(i), which states that “each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.” The element must be adopted prior to the adoption of any other plan amendment initiated after July 1, 2021.

### SUMMARY

A Property Rights Element is now a compulsory component of Florida Statutes that regulate local comprehensive plans. The statute provides a Model Statement of Rights to incorporate into local comprehensive plans, but also allows each local government to adopt its own property rights element as long as it does not conflict with the language provided in the Model Statement. Staff’s recommendation is to incorporate the Model Statement of Rights provided by the Florida Legislature verbatim into a new *Property Rights Element* of Lee Plan.

### RECOMMENDATION

Staff recommends the Board of County Commissioners **adopt** the following language to the State Reviewing Agencies for adoption into the Lee Plan:

In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

## **PART 1 BACKGROUND**

Adoption of a property rights element into the County's comprehensive plan is a new requirement of House Bill 59 (§ 163.3177(6)(i), Fla. Stat.), passed during the 2021 Florida Legislative Session, signed into law by the Governor, and incorporated into Florida's Community Planning Act. This new statutory requirement provides that "each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making." The statute goes on to require this new element to be adopted prior to the adoption of any other Lee Plan amendment (public or private) initiated after July 1, 2021.

The Board of County Commissioners directed staff to draft a property rights element to incorporate into the Lee Plan at their August 17, 2021 regular board meeting. This direction authorized staff to prepare the amendments needed to maintain consistency with Florida Statutes and to route the draft amendments through the required public hearings.

## **PART 2 DISCUSSION AND ANALYSIS**

Effective July 1, 2021 every county in Florida is required to include in its comprehensive plan a property rights element. The purpose of the element is to ensure that private property rights are considered in local decision making.

As listed in § 163.3177(6)(i), Fla. Stat., a local government may adopt its own property rights element or use the following statement of rights:

*The following rights shall be considered in local decision making:*

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
- 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.*
- 4. The right of a property owner to dispose of his or her property through sale or gift.*

Although use of alternate language or modifications to the Model Statement of Rights provided in the statutes is permitted, staff recommends adopting the Model Statement of Rights into the Lee Plan as the County's new Property Rights Element. This recommendation is made with consideration of advice from the Lee County Attorney's Office that adoption of the Model Statement would provide the County with the best legal defense against any challenges to its adoption. Adopting the Model Statement decreases the chance of the proposed amendments being challenged or considered to not be in compliance with state statutes. In addition to



avoiding possible legal or compliance challenges, using the provided language will result in the shortest possible review and adoption time, thereby avoiding delaying other publicly or privately initiated amendments.

The proposed statement of rights is consistent with Lee County's current practices concerning private property rights and will not substantially affect review time or application requirements. Florida Statutes already require Lee County to consider private property rights as provided in the sections below:

*163.3161(10) - It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must ultimately be determined in a judicial action.*

*187.101(3) - The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.*

An analysis of the House Bill 59 confirms that the explicit purpose of the property rights element is to further the protections of private property rights from Government actions; the new provisions of § 163.3177 add to the previously existing sections of the statutes by specifically requiring a property rights element in the County's comprehensive plan.

## CONCLUSION

Staff recommends that the Board of County Commissioners **transmit** the proposed amendments as shown underlined on page one of this staff report. These amendments address the new statutory requirements of § 163.3177(6)(i), Fla. Stat., are consistent with Lee County policies and practices, further the protections of private property rights, and, without adoption of a property rights element, Lee County would not be able to process any future amendments to the Lee Plan.

## PART 3

## AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: October 25, 2021

### A. LOCAL PLANNING AGENCY REVIEW

Staff provided a presentation of the proposed amendment, which detailed the purpose of the amendment, the content, and the decision by County staff to utilize language provided by the State. Following the applicant's presentation, Mr. Blacksmith made a comment regarding the purpose of the amendment. Mr. Stouder asked staff if the amendment deviates from what the County currently does regarding property rights. Staff responded that the County already currently considers property rights as required by state statutes, but that recent legislation necessitates this amendment.

There was no public comment concerning the proposed amendment at the LPA hearing.

### B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2021-00007. The motion passed 4 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>ABSENT</u>
ALICIA OLIVO	<u>ABSENT</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDER	<u>AYE</u>
HENRY ZUBA	<u>ABSENT</u>

**PART 4**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by January 12, 2022.

**A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO),
- Florida Department of Environmental Protection (DEP),
- Florida Department of Transportation (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC)

There were **no objections or comments** concerning the proposed amendments.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the proposed amendments as shown underlined on page one of the staff report.

CPA2021-00002

ALICO WEST AREA  
9/CENTERPLACE

**Summary Sheet**  
**ALICO WEST AREA 9/CENTERPLACE, CPA2021-00002**

**Request:**

Amend Lee Plan Policy 15.1.16 by striking paragraph 8 to remove the 25% limitation on single family and zero lot line dwelling units on land in Area 9 within the University Community future land use category.

**Transmittal Hearing:**

A motion was made to transmit CPA2020-00002 as recommended by staff. The motion was passed 5 to 0.

**Public Comments:**

There was no public comment.

**State Reviewing Agency Objections, Recommendations, and Comments:**

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO),
- Florida Department of Environmental Protection (DEP),
- Florida Department of Transportation (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC)

There were no objections or comments concerning the proposed amendments.

**Staff Recommendation:**

Staff recommends that the BoCC adopt the proposed amendment as provided in Attachment 1.

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**

Alico West Area 9 / Centerplace  
(CPA2021-00002)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE ALICO WEST AREA 9/CENTERPLACE (CPA2021-00002) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 25, 2021; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 8, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Alico West Area 9/Centerplace (CPA2021-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the December 8, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on February 16, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Alico West Area 9/Centerplace Ordinance (CPA2021-00002)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policy 15.1.16 by striking paragraph 8 to remove the 25% limitation on single family and zero lot line dwelling units on land in Area 9 within the University Community future land use category known as Alico West Area 9/Centerplace (CPA2021-00002).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

## SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

## SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____



DONE AND ADOPTED this 16<sup>th</sup> day of February 2022.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L Pendergrass, Chair

DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

Exhibit A: Adopted revisions to Alico West Area 9/Centerplace (Adopted by BOCC  
February 16, 2022)

CAO Draft 1/11/2022

## **EXHIBIT A**

**Note:** Text depicted with underscore represents additions to the Lee Plan.  
**Strike-through** text represents deletions from the Lee Plan.

**PROPOSED TEXT AMENDMENTS**

**POLICY 15.1.16:** For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
  - Residential: A maximum of 1,950 units
  - Retail: A maximum 200,000 square feet
  - Office/Research/Development: A maximum of 140,000 square feet
  - Hotel: 250 rooms
2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.
3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.
4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
5. **Connectivity to FGCU:** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to

accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

- 7. Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.

~~**8. Residential Uses:** Single family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.~~

- 9-8. Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.

- 10-9. Landscaping:** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

- 11-10. Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

- 12-11. Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.  
(Ordinance No. [10-40](#), [14-03](#), [17-10](#), [18-18](#))

# STAFF REPORT FOR CPA2021-00002: ALICO WEST AREA 9 / CENTERPLACE



## Privately Initiated Text Amendments to the Lee Plan

### Recommendation:

**Adopt**

### Applicant:

Alico Multifamily, LLC

### Representatives:

Stacy Ellis Hewitt, AICP  
Banks Engineering

Steve Hartsell

Pavese Law

### Amended Element(s):

Future Land Use

### Hearing Dates:

LPA: 10/25/2021

BoCC #1: 12/8/2021

BoCC #2: 2/16/2022

### Attachment(s):

1: Text Amendments

### REQUEST

Amend Lee Plan Policy 15.1.16 by striking paragraph 8 to remove the 25% limitation on single family and zero lot line dwelling units on land in Area 9 within the University Community future land use category.

### SUMMARY

Lee Plan Policy 15.1.16 is specific to land identified in the Lee Plan as Area 9, more commonly known for its development as "CenterPlace". CenterPlace, outlined on the aerial map below, is located on the south side of Alico Road, approximately 0.9 miles east of Ben Hill Griffin Parkway.



Policy 15.1.16 sets forth development standards for this property, one of which is a limitation on the percentage of total dwelling units that can be single-family and zero lot line. This limitation is provided in paragraph 8 of Policy 15.1.16; the request is to delete this limitation.

The requested Lee Plan amendment is necessary to accommodate a hybrid multi-family development, new to Lee County's residential market, which is considered "single-family" by Land Development Code definition, regardless of the multi-family product being proposed. The request does not change the maximum number of residential dwelling units allowed within CenterPlace.

## PART 1 STAFF DISCUSSION AND ANALYSIS

### BACKGROUND

The University Community future land use category was initially adopted into the Lee Plan in 1992 to guide the growth in the area surrounding Florida Gulf Coast University (FGCU). In 2010, an expansion of the University Community future land use designation was approved to include CenterPlace and development standards, specific to CenterPlace, were adopted into Policy 15.1.16. The development standards are intended to ensure development in CenterPlace is designed to enhance and support the University; these standards have been incorporated into the zoning conditions, as appropriate, for the CenterPlace planned development.

The intent of Policy 15.1.16, when considered in full, is to promote development of CenterPlace with a mix of uses, including multiple types of residential dwelling units. In order to achieve this intent, Policy 15.1.16, paragraph 8, restricts the number of single-family and zero lot line dwelling units to 25% of the 1,950 units permitted in CenterPlace. This limitation was established to ensure the development of a variety of dwelling unit types to meet the needs of university faculty, staff, and students. Since 2010, a mixture of single and multiple family dwelling units, as well as commercial uses, have been approved and/or developed within CenterPlace.

### REQUEST

The applicant is proposing to develop one of the remaining vacant parcels within CenterPlace as a hybrid multiple-family development, but cannot proceed without an amendment to Policy 15.1.16. The proposed development consists of “detached, multiple-family” dwelling units with shared common infrastructure (drainage, landscaping, open spaces, parking, etc.); this type of unit is defined in the Land Development Code as “single-family.” To allow this type of unit, the applicant is requesting an amendment to delete paragraph 8 (shown below) of Policy 15.1.16:

- 8. Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development

The proposed amendment does not change the number of residential or non-residential development that may be approved within CenterPlace; however, it does allow for the development of an additional housing option supportive of the University. The intent of Policy 15.1.16 is not compromised with paragraph 8 being deleted; multiple types of uses, including multiple types of residential dwelling units, will continue to be required in CenterPlace by the Lee Plan.

### LEE PLAN ANALYSIS

Lee Plan **Policy 1.1.9** describes the University Community future land use category. FGCU is the primary use within this category and all surrounding development (within the University

Community future land use category) must be designed to enhance and support FGCU. Residential uses, not to exceed 6,510 dwelling units pursuant to Policy 15.1.4, are permitted in the University Community future land use category. CenterPlace, located north of the FGCU, contains existing and expanding residential uses, including single and multi-family housing types. The proposed amendment will not increase the number of dwelling units permitted within the University Community future land use category or within the CenterPlace development. The amendment, however, will allow for a housing type not currently common in Lee County and that supports FGCU.

Policy 1.1.9 also requires that development within the University Community be subject to “cooperative master planning with, and approved by, the FGCU president or their designee.” While there is no formal approval process for the FGCU president to make such an approval, the applicant presented the proposed text amendment and resulting development to FGCU with Lee County Staff present. Following the meeting, FGCU found the proposed amendments to be “compatible with University activities.”

**Objective 2.2** directs new growth to “portions of the future urban areas where adequate public facilities exist or are assured, and where compact and continuous development patterns can be created.” CenterPlace is located in an area with existing and planned development, including commercial, residential, and educational uses. The current public facilities and services are adequate, and will not be impacted by the proposed request, as the density is not being increased.

**Goal 15** of the Lee Plan provides additional detail about the development of the University Community future land use category and addresses transportation and public facilities, housing types, land uses, surface water management, and wildlife habitats. Policy 15.1.16 requires all lands within CenterPlace to “be designed to enhance and support the University,” while Policy 15.1.2 states that “the University Community will provide a mix of housing types” in order to accommodate the needs of the University personnel, administration, and students. In addition, development thresholds set forth in Policy 15.1.16, paragraph 1, provide the amount and type of development permitted in CenterPlace to a maximum of 1,950 residential units, 200,000 square feet of retail, 140,000 square feet of office, and 250 hotel rooms.

A mix of housing types will continued to be required within the University Community even with the deletion Policy 15.1.16, paragraph 8, which limits the number of single family residences within the CenterPlace development. The current development pattern within CenterPlace is already established with a mix of residential dwelling unit types. The most recent development order under review within CenterPlace (DOS2021-00049) indicates that as of September 13, 2021, 404 multi-family, 296 single-family, and 186 twin villas have either been built, approved, or in review.



The applicant has also filed for an amendment (ADD2021-00107) to the CenterPlace planned development zoning to allow for “detached, multiple-family” dwelling units with shared common infrastructure (drainage, landscaping, open spaces, parking, etc.). The Master Concept Plan submitted with ADD2021-00107 looks very much like a multiple-family development, and is consistent with the residential dwelling unit types envisioned for development within CenterPlace.

#### **ANALYSIS OF PUBLIC FACILITIES AND INFRASTRUCTURE AVAILABILITY:**

There are adequate public facilities and infrastructure to serve development contemplated by this amendment; the number of allowable units is not being increased, and thus, impacts to public facilities and infrastructure will not be substantially altered.

- Emergency Medical Services: Lee County EMS provides services to this area, and will not be impacted by this request.
- Fire: Service is provided by the San Carlos Park Fire Protection and Rescue Service, and is currently adequate for the area.
- Police: Lee County Sheriff’s South District Office in Bonita Springs provides service to this area, and will not be impacted by the proposed request.
- Public transit: LeeTran does not currently service this area, however the 2020 TDP identifies the area east of I-75, south of Alico Road and North of Corkscrew Road in the Estero Mobility on Demand (MoD) Zone. It is anticipated that this service will be implemented in 2025.
- Schools: Lee County’s School District facilities will not be negatively impacted by the proposed request.
- Solid Waste: No impacts are expected for Lee County Solid Waste, which currently provides service to this area.
- Water and Sewer: Lee County Utilities, the service provider for this area, has adequate capacity.

#### **TRANSPORTATION ANALYSIS:**

A short range (5 years) and long range (20+ years) level of service (LOS) analysis was provided for consideration with the amendment request. It should be noted that the analysis is based on build-out of all 1,950 dwelling units as single-family units. Based on existing approvals, this build-out is not possible.

The short range LOS analysis indicates that Alico Road from Three Oaks Parkway to I-75 is projected to operate at LOS “D” without the project and LOS “F” with the project in Year 2025.

The long range LOS analysis indicates Alico Road from Ben Hill Griffin Parkway to the site is projected to operate at LOS “D” without the project and LOS “F” with the project. Alico Road from Three Oaks Parkway to Ben Hill Griffin Parkway, Ben Hill Griffin Parkway/Treeline Avenue from Estero Parkway to Daniels Parkway, I-75 from Corkscrew Road to Alico Road, Three Oaks



Parkway from Estero Parkway to Alico Road are projected to operate at LOS “F” with and without the project.

## **CONCLUSIONS**

The Lee Plan, with the proposed amendment to delete paragraph 8 of Policy 15.1.16, will continue to provide appropriate growth management policy for areas within the University Community future land use category to guide development surrounding FGCU, specifically in Centerplace. The development pattern within CenterPlace has been established, therefore the assurance that the 1,950 dwelling units will support and enhance FGCU is no longer necessary. In addition, the development that will result from the proposed amendment will add to the diversity of housing types in proximity to FGCU, consistent with the University Community future land use category.

**For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *transmit* the proposed amendment as shown in Attachment 1.**

**PART 2**  
**LOCAL PLANNING AGENCY**  
**REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: October 25, 2021

**A. LOCAL PLANNING AGENCY REVIEW**

The applicant's representatives provided a presentation of the proposed amendment, the subject property, surrounding properties, consistency with the Lee Plan, and the applicant's meetings with FGCU representatives. Staff did not give a presentation. Following the applicant's presentation, LPA members asked several questions regarding the nature of the proposed development, and parcel size. There was also a brief discussion regarding the prevalence of this type of community, and whether it is specific to Lee County.

There was no public comment concerning the proposed amendment at the LPA hearing.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners transmit CPA2021-00002. The motion passed 3 to 0.

<b>RAYMOND BLACKSMITH</b>	<u><b>AYE</b></u>
<b>DUSTIN GARDNER</b>	<u><b>AYE</b></u>
<b>JAMES M. INK</b>	<u><b>ABSENT</b></u>
<b>ALICIA OLIVO</b>	<u><b>ABSENT</b></u>
<b>DON SCHROTENBOER</b>	<u><b>ABSTAIN</b></u>
<b>STAN STOUDE</b>	<u><b>AYE</b></u>
<b>HENRY ZUBA</b>	<u><b>ABSENT</b></u>

**PART 3**  
**BOARD OF COUNTY COMMISSIONERS**  
**TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: December 8, 2021

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment and staff recommendation.

There was no public comment concerning the proposed amendment.

**B. Transmittal Hearing:**

A motion was made to transmit CPA2021-00002 as recommended by staff and the LPA. The motion passed 5 to 0.

**VOTE:**

<b>BRIAN HAMMAN</b>	<u><b>AYE</b></u>
<b>FRANK MANN</b>	<u><b>AYE</b></u>
<b>JOHN MANNING</b>	<u><b>AYE</b></u>
<b>CECIL L. PENDERGRASS</b>	<u><b>AYE</b></u>
<b>RAY SANDELLI</b>	<u><b>AYE</b></u>

**PART 4**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by January 12, 2022.

**A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO),
- Florida Department of Environmental Protection (DEP),
- Florida Department of Transportation (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC)

There were **no objections or comments** concerning the proposed amendments.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

**PROPOSED TEXT AMENDMENTS**

**POLICY 15.1.16:** For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
  - Residential: A maximum of 1,950 units
  - Retail: A maximum 200,000 square feet
  - Office/Research/Development: A maximum of 140,000 square feet
  - Hotel: 250 rooms
2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.
3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.
4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
5. **Connectivity to FGCU:** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to

accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

- 7. Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.
- 8. Residential Uses:** ~~Single family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.~~
- 9-8. Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
- 10-9. Landscaping:** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.
- 11-10. Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.
- 12-11. Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.  
(Ordinance No. [10-40](#), [14-03](#), [17-10](#), [18-18](#))



## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Alico West Area 9/CenterPlace

Project Description: Amend Policy 15.1.16 to delete .8 to remove the 25%/487 unit limitation on single-family dwelling units and zero lot line units for Area 9 and renumber remaining sections.

State Review Process: ☐ State Coordinated Review ☒ Expedited State Review ☐ Small-Scale Text\*

\*Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.

**APPLICANT – PLEASE NOTE:**

**A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.**

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

RECEIVED  
OCT 04 2021  
COMMUNITY DEVELOPMENT

1. **Name of Applicant:** Alico Multifamily LLC  
 Address: 2101 W. Commercial Blvd. Suite 4800  
 City, State, Zip: Fort Lauderdale, FL 33309  
 Phone Number: c/o 239-770-2527/239-939-5490 E-mail: c/o shewitt@bankseng.com
2. **Name of Contact:** Stacy Ellis Hewitt, AICP, Banks Engineering  
 Address: 10511 Six Mile Cypress Pkwy Suite 101  
 City, State, Zip: Fort Myers, FL 33966  
 Phone Number: 239-770-2527/239-939-5490 E-mail: shewitt@bankseng.com
3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. Alico West Area 9

**4a. Does the proposed change affect any of the following areas?**

If located in one of the following areas, provide an analysis of the change to the affected area.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Acquisition Area<br>[Map 1 Page 4]   | <input type="checkbox"/> Burnt Store Marina Village<br>[Map 1 Page 2]                       | <input type="checkbox"/> Urban Infill and Redevelopment<br>[Map 15]   |
| <input type="checkbox"/> Agricultural Overlay<br>[Map 30]     | <input type="checkbox"/> Environmental Enhancement and<br>Preservation Communities [Map 17] | <input type="checkbox"/> Urban Reserve Area [Map 1 Page 4]            |
| <input type="checkbox"/> Airport Mitigation Lands<br>[Map 3]  | <input type="checkbox"/> Mixed Use Overlay<br>[Map 1 Page 6]                                | <input type="checkbox"/> Water Dependent Overlay<br>[Map 1 Page 2]    |
| <input type="checkbox"/> Airport Noise Zone<br>[Map 1 Page 5] | <input type="checkbox"/> Planning Communities Map<br>[Map 1 Page 2]                         | <input type="checkbox"/> Private Recreational Facilities<br>[Goal 16] |



#### 4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- |  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> N/A                  | <input type="checkbox"/> Bayshore [Goal 18]         | <input type="checkbox"/> Boca Grande [Goal 19]   | <input type="checkbox"/> Buckingham [Goal 20]          |
| <input type="checkbox"/> Caloosahatchee Shores [Goal 21] | <input type="checkbox"/> Olga [Goal 22]             | <input type="checkbox"/> Captiva [Goal 23]       | <input type="checkbox"/> Greater Pine Island [Goal 24] |
| <input type="checkbox"/> Lehigh Acres [Goal 25]          | <input type="checkbox"/> North Captiva [Goal 26]    | <input type="checkbox"/> NE Lee County [Goal 27] | <input type="checkbox"/> Alva [Goal 28]                |
| <input type="checkbox"/> North Olga [Goal 29]            | <input type="checkbox"/> North Fort Myers [Goal 30] | <input type="checkbox"/> Page Park [Goal 31]     | <input type="checkbox"/> San Carlos Island [Goal 32]   |
| <input type="checkbox"/> Southeast Lee County [Goal 33]  | <input type="checkbox"/> Tice [Goal 34]             |  |  |

#### Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon).

2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**

- Sanitary Sewer
- Potable Water
- Surface Water/Drainage Basins
- Parks, Recreation, and Open Space
- Public Schools

#### Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

#### Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

#### Internal Consistency with the Lee Plan

- Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
- List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
- Describe how the proposal affects adjacent local governments and their comprehensive plans.
- List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

#### Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

#### SUBMITTAL REQUIREMENTS

*Clearly label all submittal documents with the exhibit name indicated below.*

#### MINIMUM SUBMITTAL ITEMS

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8)
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)





Professional Engineers, Planners & Land Surveyors

**Alico West Area 9/CenterPlace  
Comprehensive Plan Amendment  
Pre-Application Zoom Meeting Minutes  
EXHIBIT "T3"**

**Date:** January 29, 2021 at 10:30 a.m.

**County Staff:** Brandon Dunn, Mikki Rozdolski, Nic DeFilippo, Tyler Griffin, Lili Wu

**Applicant Representatives:** Steve Hartsell, Tom Lehnert, Stacy Ellis Hewitt, Ted Treesh, Peter Olesiewicz, Chris Stephens

Pre-application meeting was held to discuss potential plan text amendment and administrative zoning amendment. January 6, 2021 memorandum package was provided to facilitate discussion.

1. Amend/delete plan policy 15.1.16.8 to eliminate the 25% Limit on single-family.
2. Administrative amendment to the Center Place MPD to provide for the 140 unit Marquesa detached multi-family/"single-family" development.

Staff included were to discuss if there may be any transportation or environmental impacts from the proposed amendment.

- There was consensus confirmed by the County environmental staff that the property is already developed and there would be no environmental impacts.
- County transportation staff raised questions about the transportation impact of allowing more single family units which generate higher trips than multi family.
- Applicant pointed out that the original limitation was not due to traffic impacts but was due to the dwelling unit type.
- Applicant recognized that the transportation analysis would need to be done and that it is probably possible to reduce the overall project density/intensity so that there would be no net increase in trips even if additional single-family units are permissible.
- Applicant acknowledged that any reduction in the overall number of units would need to be coordinated with the other property owners.
- There were no other transportation questions, or any other questions from the staff present.
- County staff indicated that they were expecting the administrative zoning amendment to be filed concurrently with the plan amendment and that they would be coordinated together.

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## **Minutes of Meetings with FGCU representatives regarding Proposed CPA**

5-26-2021

### **ATTENDEES:**

#### **May 7, 2021** – First (Phone) Meeting:

Steve Hartsell, on behalf of Alico Multifamily, LLC, met by phone with Katherine Green, VP University Advancement and Executive Director of the FGCU Foundation.

#### **May 24, 2021** – Second (Virtual) Meeting by ZOOM:

Katherine Green, VP FGCU Advancement and Executive Director of the FGCU Foundation; Tom Mayo, Facilities Management, FGCU; David Vazquez, FGCU Vice President, Administrative Services and Finance and Executive Director, Financing Corporation.

Mikki Rozdolski , Lee County Planning Manager; Tyler Griffin , Lee County Planner;

Peter Olesiewicz, Marquesa Capital Properties; Steve Hartsell, Pavese Law Firm; Tom Lehnert, Banks Engineering; Sean O'Connor, Maronda Homes;

### **MEETINGS MINUTES**

Alico Multifamily, LLC, is developing the 16.18 acre parcel west of CenterPlace Blvd south of Alico Road (STRAP# 12-46-25-L2-190C1.0000) [Shown as Proposed Marquesa Development C on the Area 9 Alico West Entitlement Exhibit attached] and will be amending the MPD Zoning. Steve explained that Lee Plan Policy 15.1.16.11 requires the agent for planned development rezoning requests to conduct two meetings with the FGCU President/designee.

Alico Multifamily, LLC proposes an innovative multi-family rental community to be built on a single parcel containing numerous one, two and three bedroom units served by shared infrastructure (e.g., multi-family parking lots and drive aisles, sidewalks, shared solid waste receptacles, common drainage, common landscaping, open spaces, and amenities). See the attached Marquesa-Alico Multifamily Site Plan. Although the project functions as detached multi-family, it falls under the LDC single-family definition. The proposed design adds to the diversity of the residential options and meets the intent of the University Community. If the 25% limit on single-family discussed below is removed, Alico Multifamily, LLC will be able to provide a unique detached multi-family product (defined as “single family units”) on a single lot that will provide even more housing diversity to meet the housing needs of the University Community.

The first meeting, May 7, 2021, was introductory and in preparation for the second required meeting on May 24, 2021. For the second meeting exhibits were provided to Ms. Green for the FGCU representatives along with a summary of the proposal to:

- Delete the 25% limit on single-family/zero lot line units through the attached Lee Plan text amendment to delete Policy 15.1.16.8 and reduce some retail square footage (CPA2021-00002); and
- File an Administrative MPD Amendment to the CenterPlace-Esplanade Lake Club MPD #Z-17-014 to allow the proposed “single-family” development (i.e., detached multi-family units) on the ±16.18 acres.

It outlined for FGCU the “detached multi-family” design (defined by Lee County LDC as “single-family”) previously discussed with Lee County staff with regard to eliminating the 25% (i.e., 487 unit) single-family limitation:

POLICY 15.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. ...The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards: ...

**8. Residential Uses: Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.**

The ±886-acre CenterPlace/Esplanade Lake Club MPD (Res.#Z-17-014, attached) is identified as “Area 9” in Policy 15.1.16.1. The MPD and that policy approved 200,000 SF retail, 140,000 SF office, 250 hotel rooms and 1,950 residential units that were required to be “multiple types of residential development.” The Area 9 Alico West Entitlement Exhibit shows current approved and proposed development parameters:

- Area 9 Entitlement Exhibit identifying proposed development parcels:
  - FGCU Donation parcel **A**
  - CenterPlace Apartments **B**– 300 multi-family units under construction
  - **Proposed Marquesa Development **C****
    - **140 “single-family” (i.e., detached multi-family)** (See attached Marquesa-Alico Multifamily site plan)
  - Convenience Store with development order approval **D**

- Future commercial parcel (E)
- Esplanade Residential (F) – 653 units per CDD report
  - 186 twin-villas
  - 467 single-family (lot sizes vary)

Policy 15.1.16 encourages diverse residential options for the University Community instead of uniform large lot, gated single-family development. The Area 9 Entitlement Exhibit shows that the policy was successful and less than 60% of the maximum number of units will be developed, and with an appropriate mix of uses and diversity of housing options to serve the University Community. As a result, this single-family cap is no longer necessary and eliminating it will allow the Alico Multifamily, LLC proposal to be a positive and appropriate addition to the University Community.

At the May 24, 2021, meeting, Steve Hartsell reviewed the proposal, showing the Proposed Marquesa-Alico Detached Multi-family Site Plan (4-27-2021) and the Area 9 Entitlement Exhibit to help orient the participants as to the location. Steve Hartsell and Peter Olesiewicz answered questions. The general consensus was that the proposed project would add to the diversity of housing that the University really needs in this area. David Vazquez, FGCU representative, will prepare a brief email indicating that the meetings were held and that FGCU has no objection to the proposed amendments.

[Email May 26, 2021 to Steve Hartsell; CC: Katherine Green, Michelle Kroffke]:

Good Afternoon,

Thank you for sharing the preliminary development plans for the Alico West Area 9/CenterPlace housing project at Lot C by Alico Multifamily LLC. We believe this project is compatible with University activities, as presented. Florida Gulf Coast University has no objection to this project.

Best of luck on your endeavor. Thank you.

**David Vazquez** | *Vice President,  
Administrative Services and Finance  
Executive Director, Financing Corporation*  
<https://www.fgcu.edu/adminservices/>



10501 FGCU Boulevard South, Fort Myers, FL 33965

**Alico West Area 9/CenterPlace  
Comprehensive Plan Amendment  
CPA2021-00002  
Proposed Text Changes  
Exhibit T4**

7-1-2021

*Amendment to Policy 15.1.16  
[Deletions shown by cross-hatching]:*

**POLICY 15.1.16:** For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. Mixed Use: Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
  - Residential: A maximum of 1,950 units
  - Retail: A maximum 200,000 square feet
  - Office/Research/Development: A maximum of 140,000 square feet
  - Hotel: 250 rooms
7. ...
8. ~~Residential Uses: Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.~~

[Renumber the remaining sections] ...



Professional Engineers, Planners & Land Surveyors

## **Alico West Area 9/CenterPlace Comprehensive Plan Amendment**

**CPA2021-00002**

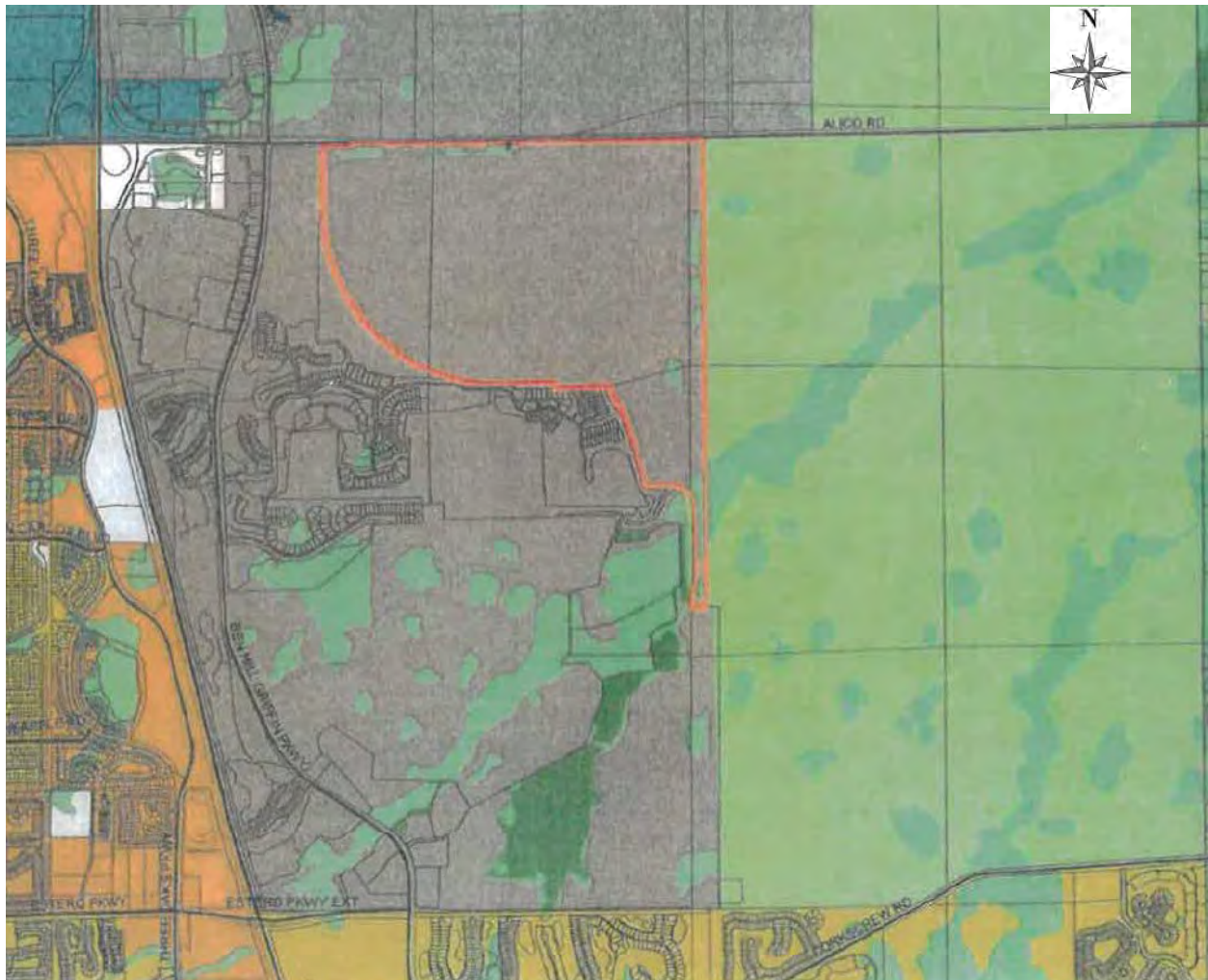
**Narrative and Lee Plan Consistency  
State & Regional Policy Plan Compliance**

**EXHIBITS "T6, T9 & T10"**

**Revised July 1, 2021**

### **INTRODUCTION**

The Alico West Area 9/CenterPlace property is ±886-acres located at the South side of Alico Road, about 0.9-mile East of Ben Hill Griffin Parkway, within the San Carlos Planning Community. The property is zoned Mixed Use Planned Development (MPD) known as CenterPlace MPD (aka Esplanade Lake Club) and is within the University Community future land use category.



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### Figure 1. Location of Subject Property

Lee Plan Policy 15.1.16.1 provides the following maximum intensities for Area 9: 1,950 residential units required to be “multiple types of residential development,” 200,000 SF retail, 140,000 SF office/research/development, and 250 hotel rooms which requires planned development rezoning approval. In order to encourage diverse residential options for the University Community and to discourage large lot, gated single-family golf course communities which in general do not serve the student body, faculty or support staff of the university; language was included in Policy 15.1.16.8 to limit single-family and zero-lot line residential uses within Area 9 to 25 percent or 487 of the 1,950 total dwelling units.

The CenterPlace MPD (aka Esplanade Lake Club) was originally rezoned to Mixed Use Planned Development by Z-14-021 and was subsequently amended by Resolution Z-17-014, ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2019-00078 and ADD2019-00098; and ADD2020-00148 and currently provides for the following intensities: 1,950 dwelling units (up to 487 dwelling units may be single family/zero lot line), 250 hotel rooms, 200,000 SF of retail, 110,000 SF of office, 20,000 SF of research and development and 10,000 SF of medical office.

The existing entitlements and current approved/proposed development parameters for Area 9 include a FGCU donation parcel, CenterPlace apartments (300 multi-family units under construction), a convenience store with development order approval, Esplanade residential development (186 twin-villas and 467 single-family with varying lot sizes – a total of 653 units per Community Development District Report), and a future commercial development parcel.

Now that Area 9 has received entitlements demonstrating that an appropriate mix of uses and diversity of housing options to serve the University Community are successfully being proposed, this single-family cap is no longer necessary, serves no benefit or purpose, and is proposed to be removed by a text amendment to Policy 15.1.16 to delete .8 to remove the 25%/487 unit limitation on single-family dwelling units and zero lot line units for Area 9. Please refer to the attached memorandum from TR Transportation Consultants, Inc. as discussed at the pre-application meeting. A concurrent application for an administrative amendment to the planned development will be filed to remove the single-family limitation language from the zoning.

The applicant owns ±16.17 acres located at the southwest corner of Alico Road and Centerplace Boulevard within the CenterPlace MPD and is identified as Tract C1, Esplanade Lake Club Phase 1 as recorded in Instrument number 2019000189935 of the Public Records of Lee County. The applicant is proposing the Marquesa development on this parcel: an innovative “single-family” rental community to be built on a single parcel containing numerous one-, two- and three-bedroom units served by shared infrastructure (e.g., parking lots, sidewalks, shared solid waste receptacles, common drainage, common landscaping, open spaces, and amenities). Although the project functions as detached multi-family, it falls under the LDC single-family definition. The proposed Marquesa design adds to the diversity of the residential options provided in Area 9 and meets the intent of the University Community. If the 25% limit on single-family is removed, Marquesa will be able to provide a unique “single-family” product on a single lot that will provide even more housing diversity to meet the housing needs of the University Community.

### VISION STATEMENT

*13. San Carlos - This community is located in the southern portion of Lee County, east of Hendry Creek, north of the Village of Estero and, for the most part, south of Alico Road. It also includes all lands designated University Community, located east of I-75. The majority of the land in this community is designated as Suburban and then Urban*



*Community with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are three distinct areas within this community: San Carlos Park, Island Park, and the university area. This community will continue to grow into a vibrant urban core for Lee County's high-tech research and development employment base.*

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has previously been found consistent with the University Community designation and provides a mix of uses that furthers the San Carlos vision statement. The proposed text amendment and concurrent administrative amendment to the planned development will continue to further the vision statement.

## **FUTURE LAND USE**

*POLICY 1.1.9: The University Community future land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the FGCU President or their designee.*

*Prior to development in the University Community future land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multiobjective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.*

*Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window Overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Specific policies related to the University Community are provided in Goal 15.*

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has previously been found consistent with Policy 1.1.9 and the proposed text amendment to remove the 25% limitation on single-family and zero lot line dwelling units will remain consistent. Approval of the text amendment will allow the proposed Marquesa development to proceed which will provide a unique "single-family" product that is designed to enhance and support the University Community by providing even more housing diversity to meet the housing needs of the University Community. FGCU has been informed and has no objection per attached minutes. The applicant is also coordinating with the adjacent developer.

## **POPULATION PROJECTIONS & TABLE 1(B) DISCUSSION**

Since the total number of dwelling units is not proposed to change as part of this text amendment, the request will have no impact on established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.



**GROWTH MANAGEMENT**

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has been found consistent and the requested text amendment will have no impact on the development's continued consistency with Development Location Objective 2.1, Policies 2.1.1 and 2.1.2.

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has been found consistent and the requested text amendment will have no impact on the development's continued consistency with Development Timing Objective 2.2, Policy 2.2.1.

**INFRASTRUCTURE AND SERVICES**

The San Carlos Park Fire Protection and Rescue Service District provides fire protection services for the subject property. Lee County EMS provides emergency medical services. Law enforcement services are provided by Lee County Sheriff's South District Office in Bonita Springs. The proposed text amendment does not affect these services. No change is proposed to the total dwelling units so there should be no impact on classroom needs for the Lee County School District. No impacts are anticipated to Lee County Solid Waste's service of the site. Lee Tran does not currently service the site. Lee County Utilities provides water and sewer services to the site and capacity has been previously verified. The proposed text amendment will not affect these services.

**RESIDENTIAL LAND USES**

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has been found consistent and the requested text amendment will have no impact on the development's continued consistency with Goal 5 and its implementing Objectives and Policies.

**COMMERCIAL LAND USES**

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has been found consistent and the requested text amendment will have no impact on the development's continued consistency with Goal 6 and its implementing Objectives and Policies.

**GOAL 15: UNIVERSITY COMMUNITY**

The existing CenterPlace MPD (aka Esplanade Lake Club) zoning has been found consistent and the requested text amendment will have no impact on the development's continued consistency with Goal 15 and its implementing Objectives and Policies. Approval of the text amendment will allow the proposed Marquesa development to proceed which will provide a unique detached multi-family product that will provide even more diversity to the mix of housing types to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development, furthering consistency with Policies 15.1.2 and 15.1.3.

**CONCLUSIONS**

The requested text amendment remains consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. The existing University Community Objectives and Policies relating to Area 9 were based upon sound planning principles and the requested text amendment is minor in nature and has no impact on the previous findings.

**ADJACENT LOCAL GOVERNMENTS & THEIR COMPREHENSIVE PLANS**

The requested text amendment will have no affect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is the

Village of Estero.

## **STATE POLICY PLAN AND REGIONAL POLICY PLAN**

### **State Comprehensive Plan**

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the requested text amendment has no impact on the existing consistency and general furtherance of the adopted State Comprehensive Plan.

### **Strategic Regional Policy Plan (SRPP)**

The text amendment remains consistent with and generally furthers the Strategic Regional Policy Plan. The request furthers the following Strategic Regional Policy Plan goal.

#### **Affordable Housing Element**

*Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.*

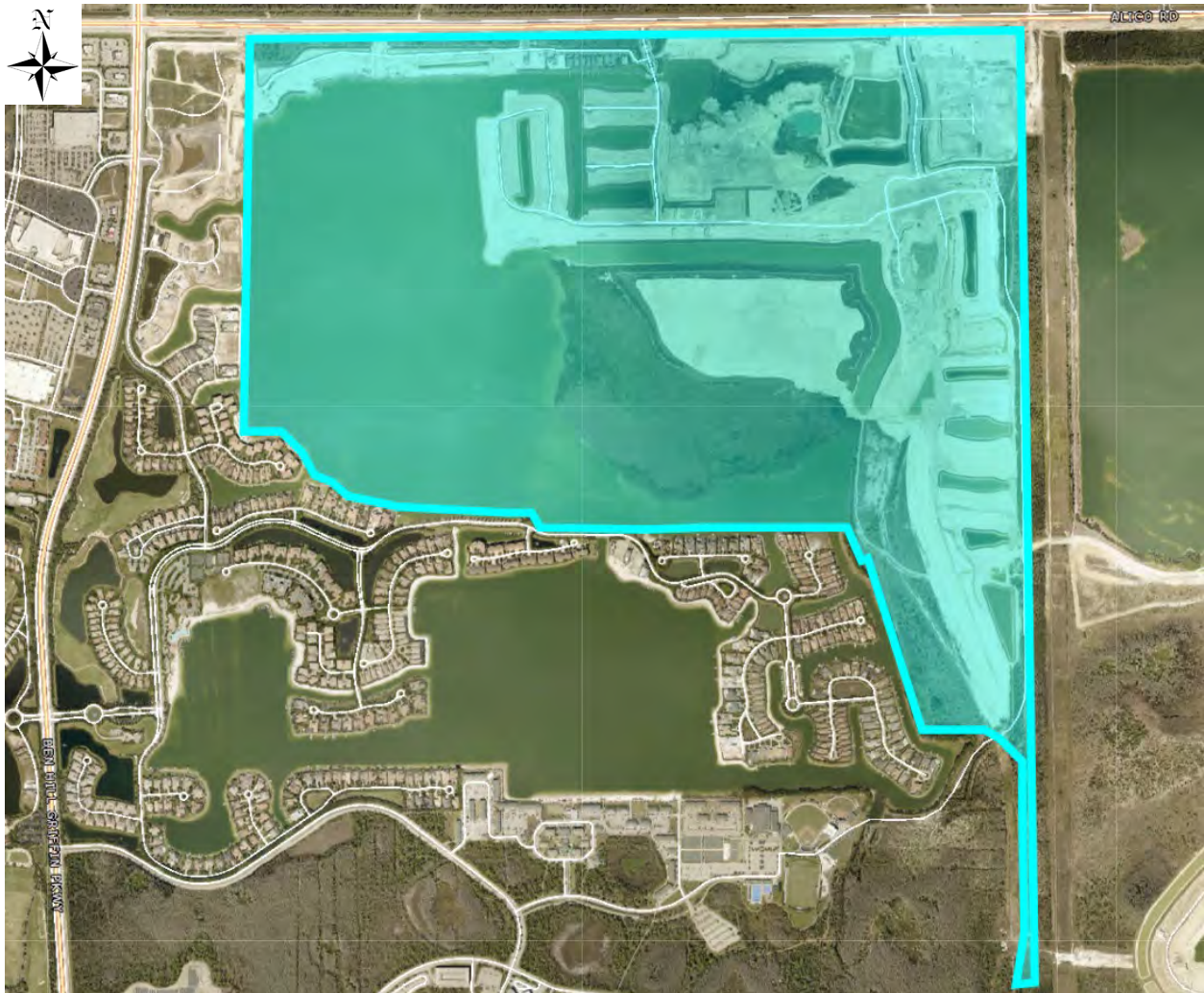
The proposed text amendment will allow for additional innovative housing type options to the university area, furthering this goal.



Professional Engineers, Planners & Land Surveyors

**Alico West Area 9/CenterPlace  
Comprehensive Plan Amendment**  
CPA2021-00002  
**Environmental Impacts Analysis**  
**Exhibit T7**

The Alico West Area 9/CenterPlace property is already heavily disturbed by previously permitted development as shown in the below aerial with the site outlined in blue. The proposed text amendment will not result in any increased environmental impacts and will have no bearing on the previously analyzed and permitted environmental impacts analysis.



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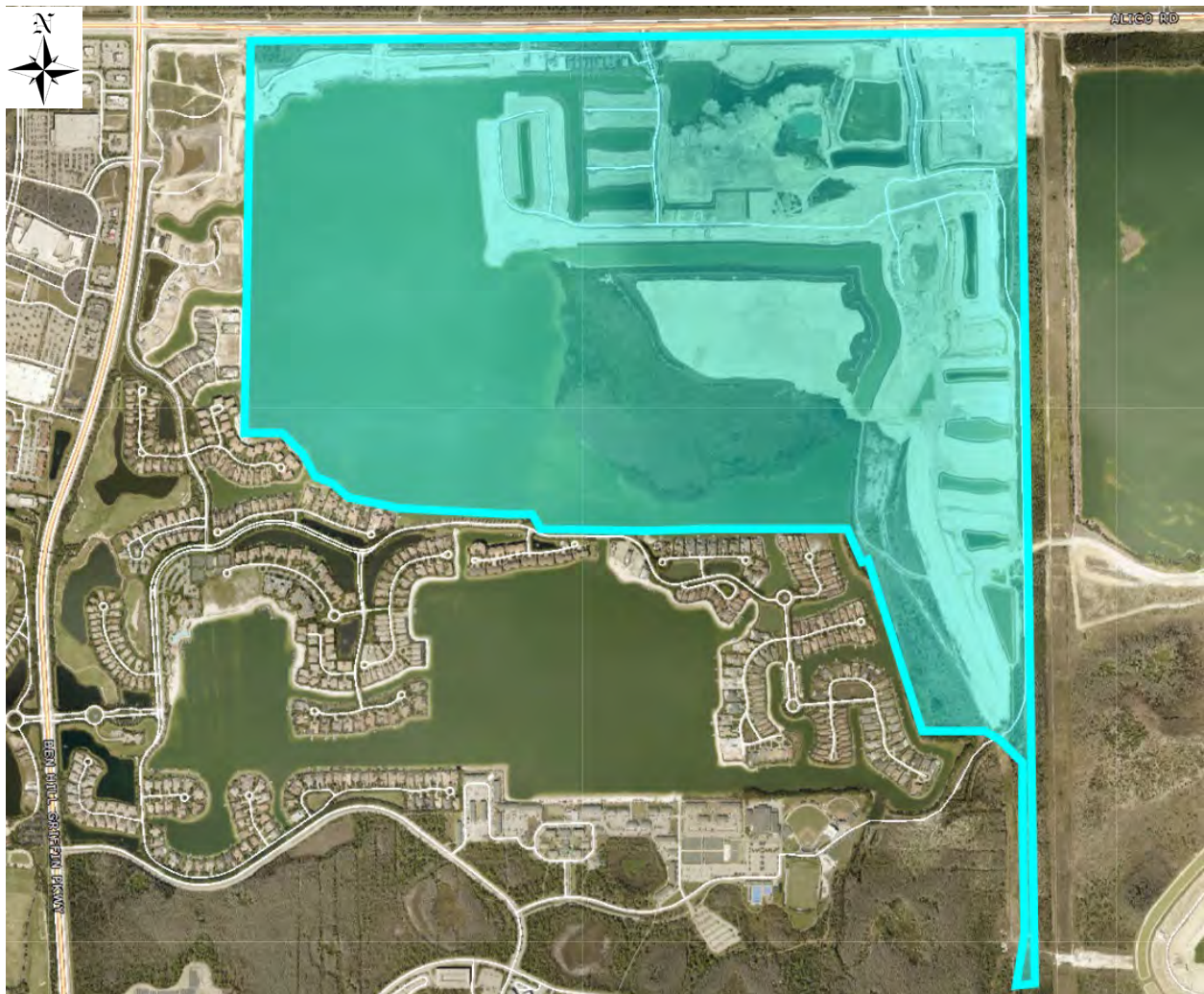




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**Alico West Area 9/CenterPlace  
Comprehensive Plan Amendment**  
CPA2021-00002  
**Historic Resources Impacts Analysis**  
**Exhibit T8**

The Alico West Area 9/CenterPlace property is already heavily disturbed by previously permitted development as shown in the below aerial with the site outlined in blue. The proposed text amendment will not result in any increased historic resources impacts and will have no bearing on the previously analyzed and permitted historic resources impact analysis.



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TRAFFIC ENGINEERING  
TRANSPORTATION PLANNING  
SIGNAL SYSTEMS/DESIGN

## MEMORANDUM

TO: Ms. Stacey Hewitt, AICP  
Banks Engineering, Inc.

FROM: Ted B. Treesh  
President

DATE: July 30, 2021

RE: Alico West Area 9/CenterPlace  
Comprehensive Plan Traffic Analysis  
Lee County, Florida

TR Transportation Consultants, Inc. has completed the following transportation analysis to support the Comprehensive Plan Amendment to the Alico West Area 9/CenterPlace project to remove the Text Amendment to Policy 15.1.16.8 that restricts the number of Single Family Dwelling units to 25% of the total approved Dwelling Unit count of 1,950 units. The current Future Land Use for this subject site is approved for a density of 1,950 residential dwelling units along with commercial and office uses. However, there is a Text Amendment in the Plan that limits the number of Single Family Dwelling Units to 25% of the total residential dwelling unit count, or 487 total units ( $0.25 \times 1,950$ ). The remaining units are Multi-Family Dwelling Units.

This analysis demonstrates that the transportation facilities within a three-mile radius of the site will not be impacted if the 25% restriction to Single Family Dwelling units is removed from the Conditions and the site could be developed with up to 1,950 Single Family Dwelling Units under the "worst case" analysis. Under Zoning Resolution Z-17-014 and ADD2017-00139, Alico West Area 9/CenterPlace is approved for the following development intensities:

- 487 Single Family Dwelling Units
- 1,463 Multi-Family Dwelling Units
- 200,000 square feet of Retail uses
- 110,000 square feet of Office uses
- 10,000 square feet of Medical Office uses
- 20,000 square feet of Research & Development Uses
- 250 rooms of Hotel

The Amendment would only impact the residential uses and not change the total number of Dwelling Units that could be constructed. The total number of Dwelling Units that could be constructed would remain at 1,950 units however, the restriction on the number of Single Family Dwelling Units would be removed. Therefore, in order to ensure a “worst case” analysis, the trip generation of the residential units was assumed to be entirely Single Family Detached Homes.

## TRIP GENERATION

Consistent with the traffic study prepared for the most recent Comprehensive Plan Amendment and Rezoning application, similar Land Use Codes were utilized to generate the weekday P.M. peak hour trip generation. The most recent Comprehensive Plan Amendment Traffic Study completed for this project was prepared by David Plummer & Associates and is dated February 8, 2017. In that report, the trip generation for the residential uses was determined based on the development intensity of 487 Single Family Dwelling Units and 1,120 Multi-Family Dwelling Units. There was a reduction to the trip generation of the residential uses due to the Internal Capture of trips between the residential uses and the commercial uses within this development. The same internal capture that was utilized in the 2017 analysis was utilized in this analysis.

The following tables represent the trip generation of the project under the current limitation of 487 Single Family Dwelling Units as included in the 2017 CPA Traffic Study prepared by David Plummer & Associates. Copies of the relevant pages of this report are attached to this memorandum for reference. The trip generation for 1,950 Single Family Dwelling Units was then prepared based on the current Institute of Transportation Engineer’s *Trip Generation Report*, 10<sup>th</sup> Edition, and the same internal capture rate applied in the 2017 CPA traffic study was applied to the Single Family Dwelling unit trip generation.

**Table 1** reflects the weekday P.M. peak hour trip generation of the residential portion of the project that was included in the 2017 CPA Traffic Study. Also reflected is the Internal Capture trips from the residential uses that were included in that report.

**Table 1**  
**Trip Generation As Approved**  
**Alico West Area 9/CenterPlace**

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Residential Dwelling Units (1,950 Total Dwelling Units)	763	416	1,179
Internal Capture Trips	-352	-191	-543
External Trips	411	225	636

Source: Centerplace Comprehensive Plan Amendment Traffic Study Addendum dated February 8, 2017

800 Apartments, 663 Multi-Family units & 487 Single Family Units

Internal Capture Percentage is  $543 \div 1,179 = 46\%$



**Table 2** reflects the weekday P.M. peak hour trip generation of the residential portion of the project that would be permitted under the Future Land Use Plan with the removal of the Text Amendment that limits the number of Single Family Dwelling Units to 25% of the total dwelling unit count. As previously discussed, in order to assume “worst case” in terms of trip generation, all 1,950 residential dwelling units were assumed to be Single Family Dwelling units for purposes of this analysis. The same Internal Capture percentage utilized in the 2017 CPA traffic study was carried forward to the Single Family trip generation since the total number of units and the commercial floor areas do not change with this Amendment.

**Table 2**  
**Trip Generation As Proposed**  
**Alico West Area 9/CenterPlace**

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Residential Dwelling Units (1,950 Single Family Dwelling Units)	1,109	651	1,760
Internal Capture Trips	-510	-300	-810
External Trips	599	351	950

Internal Capture Percentage is  $810 \div 1,760 = 46\%$

**Table 3** represents the trip generation increase in the project that can be anticipated if the restriction of Single Family Dwelling Units is removed from the Future Land Use for the subject site. Again, the number of commercial trips generated from the project will not change as a result of this Amendment as the floor area and uses that were previously analyzed are not changing.

**Table 3**  
**External Trip Generation Increase**  
**Alico West Area 9/CenterPlace**

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Proposed Residential Dwelling Units (1,950 Single Family Dwelling Units)	599	351	950
Approved Residential Dwelling Units (1,950 Total Dwelling Units)	-411	-225	-636
Net Trip Increase	188	126	314

Internal Capture Percentage is  $810 \div 1,760 = 46\%$

**Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, roadway improvements within the vicinity of the subject site shown on the 2045 Financially Feasible Plan were the extension of Airport Haul Road between Alico Road south to Corkscrew Road as a new 2-Lane roadway and the Alico Road Connector that would extend Alico Road north and east to connect to S.R. 82. Other planned improvements in the Study Area include the extension of Three Oaks Parkway from Alico Road to Daniels. The Lee County 2045 Highway Cost Feasible Plan map is attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area. The additional P.M. peak hour trips to be generated from the project as shown in Table 3 were then added to the projected 2045 volumes as shown in the model. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the attached Lee County *Generalized Peak Hour Directional Service Volumes* table for Lee County roadways and the FDOT *Q/LOS Manual Service Volumes* (Table 7) for FDOT roadways.

The results of the analysis indicate that the additional project trips that will be generated as a result of the project being analyzed as 100% Single Family Dwelling Units for the residential portion of the site will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. Several roadway segments are shown to operate below these LOS standards in 2045 in the Background traffic conditions and not as a result of adding the additional trips from the project. Therefore, no changes to the adopted 2045 Long Range Transportation plan are required as result of the proposed elimination of the cap on Single Family Dwelling units within the project. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

**Short Range Impacts (5-year horizon)**

The 2020/2021-2024/2025 Lee County Transportation Capital Improvement Plan and the 2022-2026 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. The only two projects funded for construction in the Study Area are the Three Oaks Parkway North Extension from Alico Road to Daniels Parkway and the Alico Road Extension from Green Meadow Boulevard to S.R. 82.



The trip generation for the Short Term analysis was based on the site being developed with approximately 1,025 Single Family Dwelling units. This was determined by utilizing the same proportion of development levels assumed in the 2017 Plummer CPA Traffic analysis. The trips anticipated to be generated from the 1,025 Single Family Dwelling Units were determined by utilizing Land Use Code 210 – Single Family Detached Housing, from the ITE Trip Generation Report as previously referenced. **Table 4** illustrates the weekday P.M. peak hour traffic volumes that were assumed to be generated in the Short Term analysis. The Short Term Analysis included in the 2017 Plummer CPA Traffic Study assumed a certain level of commercial office and retail development so the trip reductions for Internal Capture were carried through to this analysis as well.

**Table 4**  
**Trip Generation – Short Term Analysis**  
**Alico West Area 9/CenterPlace**

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Proposed Residential Dwelling Units (1,025 Single Family Dwelling Units)	598	351	949
Internal Capture Trips	-215	-127	-342
Net New Trips	383	224	607

Internal Capture Percentage is  $342 \div 949 = 36\%$

**Table 3A** and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on surrounding roadways based on the uses that would be permitted under the proposed land use designation. From Table 4A, the only roadway segment that is shown to experience a Level of Service deficiency in 2025 with the project is Alico Road between Three Oaks Parkway and I-75. This Level of Service deficiency may be alleviated with the connection of Three Oaks Parkway to Daniels Parkway to the north.

### **Conclusion**

The proposed Comprehensive Plan Amendment to remove the limitation on the number of Single Family Dwelling Units within the project meets the requirements set forth by the Lee County Comprehensive Plan and Land Development Code in that there is sufficient capacity available to accommodate the new trips that will be generated by the proposed development as a result of the project being analyzed as all Single Family Dwelling Units.

No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Amendment. In addition, the change to the land use will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan.

Attachments

# APPENDIX

**TABLES 1A & 2A**  
**2045 LRTP IMPACT ANALYSIS**

RECEIVED  
AUG 23 2021

COMMUNITY DEVELOPMENT

**TABLE 1A**  
**LEVEL OF SERVICE THRESHOLDS**  
**2045 LONG RANGE TRANSPORTATION ANALYSIS - ALICO WEST AREA 9/CENTERPLACE**

ROADWAY	ROADWAY SEGMENT	2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
		# Lanes	Roadway Designation	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME
Alico Rd	E. of Airport Haul Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	E. of Ben Hill Griffin Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	E. of I-75	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Three Oaks Pkwy	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Lee Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Gator Rd	6LD	Arterial	0	400	2,840	2,940	2,940
Ben Hill Griffin Pkwy	N. of Alico Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of Alico Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	S. of FGCU Blvd	4LD	Arterial	0	250	1,840	1,960	1,960
	S. of Estero Pkwy	4LD	Arterial	0	250	1,840	1,960	1,960
Treeline Ave	N. of Terminal Access Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
I-75	S. of Alico Rd	6LF	Freeway	0	3,280	4,570	5,620	6,130
	N. of Alico Rd	6LF	Freeway	0	3,280	4,570	5,620	6,130
	N. of Terminal Access Rd	6LF	Freeway	0	4,280	5,570	6,620	7,130
Estero Pkwy	E. of Three Oaks Pkwy	4LD	Arterial	0	250	1,840	1,960	1,960
Three Oaks Pkwy	N. of Alico Rd	4LD	Arterial	0	250	1,840	1,960	1,960
	S. of Alico Rd	4LD	Arterial	0	250	1,840	1,960	1,960
	N. of Estero Pkwy	4LD	Arterial	0	250	1,840	1,960	1,960

- Denotes the LOS Standard for each roadway segment

\* Level of Service Thresholds for Lee County roadways were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

\* Level of Service Thresholds for state maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

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COMMUNITY DEVELOPMENT

TABLE 2A  
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS  
ALICO WEST AREA 9/CENTERPLACE

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 314 VPH IN= 188 OUT= 126

ROADWAY	ROADWAY SEGMENT	2045	COUNTY PCS / FDOT SITE #	AADT	K-100 FACTOR	100TH HIGHEST HOUR PK DIR	D	PM PK HR	2045		PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ	
		FSUTMS AADT		BACKGROUND TRAFFIC		2-WAY VOLUME		PEAK DIRECTION	TRAFFIC VOLUMES & LOS	LOS			TRAFFIC VOLUMES & LOS	LOS
Alico Rd	E. of Airport Haul Rd	37,787	53	37,787	0.101	3,816	0.52	WEST	1,832	C	3%	5	1,837	C
	E. of Ben Hill Griffin Pkw	43,005	53	43,005	0.101	4,344	0.52	WEST	2,085	D	92%	173	2,258	F
	E. of I-75	69,739	53	69,739	0.101	7,044	0.52	WEST	3,381	F	50%	94	3,475	F
	E. of Three Oaks Pkwy	79,870	53	79,870	0.101	8,067	0.52	WEST	3,872	F	28%	53	3,925	F
	E. of Lee Rd	58,013	53	58,013	0.101	5,859	0.52	WEST	2,812	C	26%	49	2,861	D
	E. of Gator Rd	50,781	53	50,781	0.101	5,129	0.52	WEST	2,462	C	26%	49	2,511	C
Ben Hill Griffin Pkwy	N. of Alico Rd	40,724	71	40,724	0.131	5,335	0.51	SOUTH	2,614	F	17%	32	2,646	F
	S. of Alico Rd	54,451	71	54,451	0.131	7,133	0.51	SOUTH	3,495	F	24%	45	3,540	F
	S. of FGCU Blvd	40,072	71	40,072	0.131	5,249	0.51	SOUTH	2,572	F	13%	24	2,596	F
	S. of Estero Pkwy	27,174	71	27,174	0.131	3,560	0.51	SOUTH	1,744	C	6%	11	1,755	C
Treeline Ave	N. of Terminal Access R	38,493	61	38,493	0.116	4,465	0.62	NORTH	2,768	F	13%	24	2,792	F
I-75	S. of Alico Rd	120,564	120055	120,564	0.090	10,851	0.577	NORTH	8,261	F	10%	18	6,279	F
	N. of Alico Rd	83,668	120184	83,668	0.090	7,530	0.588	NORTH	4,428	C	12%	23	4,451	C
	N. of Terminal Access R	126,427	120184	126,427	0.090	11,378	0.588	NORTH	6,690	E	12%	23	6,713	E
Estero Pkwy	E. of Three Oaks Pkwy	33,958	53	33,958	0.101	3,430	0.52	WEST	1,646	C	7%	13	1,659	C
Three Oaks Pkwy	N. of Alico Rd	4,483	72	4,483	0.117	525	0.6	NORTH	315	C	5%	9	324	C
	S. of Alico Rd	40,465	72	40,465	0.117	4,734	0.6	NORTH	2,840	F	6%	11	2,851	F
	N. of Estero Pkwy	33,460	72	33,460	0.117	3,915	0.6	NORTH	2,349	F	3%	5	2,354	F

\* The K-100 and D factors for County maintained roadways were obtained from Lee County Traffic Count Report.

\* The K-100 and D factors for FDOT maintained roadways were obtained from Florida Traffic Online resource.

**TABLES 3A & 4A**  
**5-YEAR SHORT TERM**  
**IMPACT ANALYSIS**



**TABLE 3A**  
**LEVEL OF SERVICE THRESHOLDS**  
**SHORT TERM ANALYSIS - ALICO WEST AREA 9/CENTERPLACE**

ROADWAY	ROADWAY SEGMENT	2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
		# Lanes	Roadway Designation	LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
Alico Rd	E. of Airport Haul Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	E. of Ben Hill Griffin Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	E. of I-75	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Three Oaks Pkwy	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Lee Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	E. of Gator Rd	6LD	Arterial	0	400	2,840	2,940	2,940
Ben Hill Griffin Pkwy	N. of Alico Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of Alico Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	S. of FGCU Blvd	4LD	Arterial	0	250	1,840	1,960	1,960
	S. of Estero Pkwy	4LD	Arterial	0	250	1,840	1,960	1,960
Treeline Ave	N. of Terminal Access Rd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
I-75	S. of Alico Rd	6LF	Freeway	0	3,280	4,570	5,620	6,130
	N. of Alico Rd	6LF	Freeway	0	3,280	4,570	5,620	6,130
	N. of Terminal Access Rd	6LF	Freeway	0	4,280	5,570	6,620	7,130



**TABLE 4A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
SHORT TERM ANALYSIS - ALICO WEST AREA 9/CENTERPLACE**

TOTAL PROJECT TRAFFIC PM = 607 VPH IN= 383 OUT= 224

FDOT Sta.	K	D	FDOT Sta. #	K	D
51	0.110	0.610	120118	0.090	0.540
517	0.110	0.610	126053	0.090	0.530
126061	0.090	0.530	126010	0.090	0.530
120055	0.090	0.540	124177	0.090	0.540
459	0.110	0.610	126060	0.090	0.530
124414	0.090	0.530	124514	0.090	0.530
72	0.117	0.600			

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR BASE YR	2018/2019 ADT	YRS OF GROWTH <sup>1</sup>	ANNUAL RATE	2020				2025			
						PK HR		PK SEASON		PK HR PK SEASON		PERCENT	
						PEAK DIR. <sup>2</sup>	VOLUME	LOS	PROJECT	PM PROJ	+ PM PROJ	BCKGRND	LOS
Alico Rd	E. of Airport Haul Rd	120118	7,000	4	2.74%	379	458	C	3%	11	470	C	
	E. of Ben Hill Griffin Pkwy	120118	7,000	4	2.74%	379	458	C	92%	352	810	C	
	E. of I-75	126053	24,802	5	2.00%	1,240	1,425	C	50%	192	1,616	C	
	E. of Three Oaks Pkwy	126010	37,915	5	4.39%	2,242	2,901	D	28%	107	3,008	F	
	E. of Lee Rd	124177	20,500	5	3.20%	1,166	1,409	C	26%	100	1,509	C	
	E. of Gator Rd	124177	20,500	5	3.20%	1,166	1,409	C	26%	100	1,509	C	
Ben Hill Griffin Pkwy	N. of Alico Rd	126060	25,500	5	2.00%	976	1,101	C	17%	65	1,166	C	
	S. of Alico Rd	124514	33,500	5	2.00%	1,121	1,262	C	24%	92	1,354	C	
	S. of FGCU Blvd	71	19,400	5	2.00%	1,409	1,587	C	13%	50	1,637	C	
	S. of Estero Pkwy	517	19,600	4	2.00%	1,266	1,428	C	6%	23	1,451	C	
Treeline Ave	N. of Terminal Access Rd	126061	22,225	5	2.00%	1,097	1,236	C	13%	50	1,285	C	
I-75	S. of Alico Rd	120055	84,500	6	2.00%	4,593	5,172	D	10%	38	5,210	D	
	N. of Alico Rd	120055	84,500	6	2.00%	4,593	5,172	D	12%	46	5,218	D	
	N. of Terminal Access Rd	120055	84,500	6	2.00%	4,593	5,172	C	12%	46	5,218	C	
Estero Pkwy	E. of Three Oaks Pkwy	459	15,800	4	2.44%	1,168	1,349	C	7%	27	1,376	C	
Three Oaks Pkwy	N. of Alico Rd						469	C	5%	19	488	C	
	S. of Alico Rd	124414	15,100	5	2.00%	763	859	C	6%	23	882	C	
	N. of Estero Pkwy	72	16,500	5	2.00%	1,264	1,423	C	3%	11	1,435	C	

<sup>1</sup> AGR for all roadways was calculated based the historical traffic data obtained from Lee County Traffic Count Report and Florida Traffic Online webpage

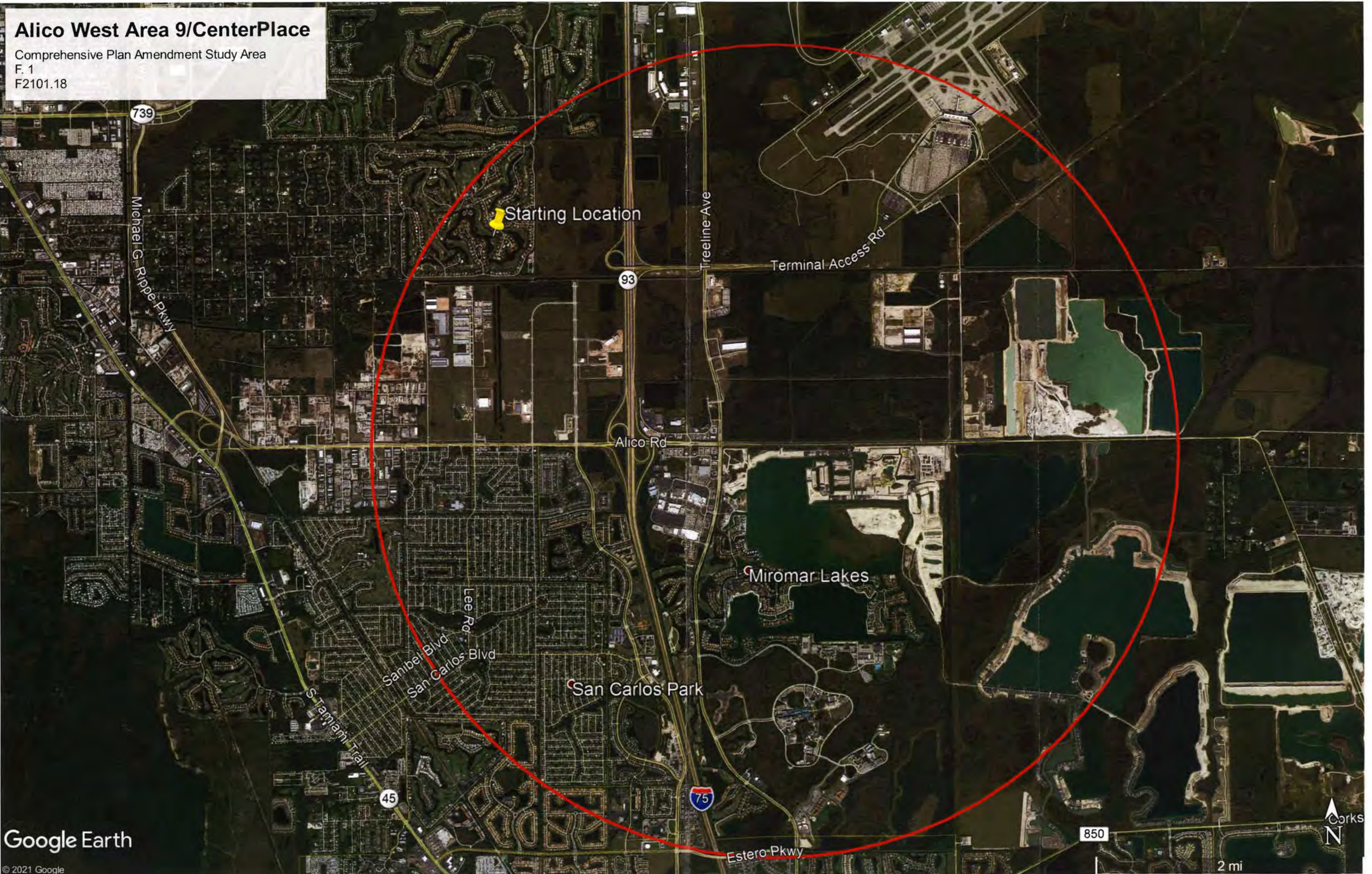
<sup>2</sup> 2019 peak hour peak season peak direction traffic volumes were obtained from the 2020 Public Facilities Level of Service and Concurrency Report

## **STUDY AREA MAP**



# Alico West Area 9/CenterPlace

Comprehensive Plan Amendment Study Area  
F. 1  
F2101.18





**DAVID PLUMMER COMPREHENSIVE  
PLAN AMENDMENT ADDENDUM  
TRAFFIC STUDY  
DATED February 8, 2017**

**CENTERPLACE**  
**COMPREHENSIVE PLAN AMENDMENT**  
**TRAFFIC STUDY ADDENDUM**

**Project #15568**

**February 8, 2017**

**Prepared by:**  
**DAVID PLUMMER & ASSOCIATES, INC.**  
**2149 McGregor Boulevard**  
**Fort Myers, Florida 33901**



### CPA Development Parameters

The development parameters analyzed in the initial CPA traffic study included scenarios for both a long range (2040) analysis and a short range (2021) analysis of the development. Full build-out of CenterPlace was assumed for the long range analysis. The development parameters used in the initial CPA traffic study for both the long range and short range scenarios, as shown in Exhibit 3 of the CenterPlace CPA Transportation Methodology Outline, are included as Appendix A.

The revised development parameters are outlined as follows. The revised development parameters, along with the previously analyzed development parameters, are shown in Exhibit 1 of this addendum.

### CenterPlace Revised Development Parameters

<u>Land Use</u>	<u>Short Range</u>	<u>Buildout</u>
Residential		
Single-Family/Zero Lot Line	225 du	487 du
Apartments	600 du	800 du
Other Multi-Family	<u>200 du</u>	<u>663 du</u>
Total	1,025 du	1,950 du
Hotel	-----	250 rooms
Retail	75,000 sq.ft.	200,000 sq.ft.
Office		
General	55,000 sq.ft.	110,000 sq.ft.
Medical	-- sq.ft.	10,000 sq.ft.
Total	55,000 sq.ft.	120,000 sq.ft.
Research & Development	10,000 sq.ft.	20,000 sq.ft.

### Trip Generation

Exhibit 2 shows the estimated trip generation for the revised CenterPlace buildout parameters. Exhibit 3 shows the estimated trip generation for the revised CenterPlace short-range development parameters. The trip generation estimates were based on ITE Trip Generation, 9<sup>th</sup> Edition, using the Online Traffic Impact Study Software (OTISS). The internal capture of trips has been developed consistent with the NCHRP Report 684/8-51 Internal Trip Capture Estimation Tool. The detailed AM peak hour and PM Peak hour OTISS worksheets, which include reductions for internal capture, are included in Appendix B for the long-range, buildout parameters and Appendix C for the short-range, five year parameters.

The trip generation associated with the long-range buildout development program reflected in the initial CPA traffic study (April 22, 2016 traffic study and November 17, 2016 sufficiency response) is derived from Exhibit 3 from the report titled CenterPlace Rezoning Traffic Study, dated Revised November 30, 2016, and included in Appendix D.

The trip generation associated with the short-range, five year analysis as reflected in the initial CPA traffic study (April 22, 2016 traffic study and November 17, 2016 sufficiency response) is shown in Exhibit 4 from the CPA Traffic Study dated April 22, 2016, is included in Appendix E.

As summarized below, the net external trips generated by the revised CenterPlace development parameters, in both the long-range and short-range scenarios, are less than those of the previous development parameters.

Trip Generation Comparison  
(Net New External)

	<u>PM Peak</u>	<u>Daily</u>
Long-Range		
Initial Development Program	1,590	20,313
Revised Development Program	1,278	18,562
Short-Range		
Initial Development Program	924	11,290
Revised Development Program	765	9,993

Long-Range & Short-Range Analysis

Based on the findings that the revised development program generates fewer external trips than the previous development program reflected in the CPA traffic study dated April 22, 2016 and the subsequent November 17, 2016 sufficiency response, no update of the road segment analysis is necessary for either the long range or short range analyses. The road segment analysis provided in the previous reports represent a "maximum impact" assessment.

**EXHIBIT 1**

**CENTERPLACE CPA  
REVISED DEVELOPMENT PROGRAM**

<u>Land Use</u>	<u>Initial Program</u>		<u>Proposed Program</u>	
	<u>Short-Range</u>	<u>Long-Range</u>	<u>Short-Range</u>	<u>Long-Range</u>
<b>Residential (du)</b>				
Apartment	1,000	1,555	600	800
Other Multi-Family	0	120	200	663
Single Family – Zero Lot Line	<u>200</u>	<u>275</u>	<u>225</u>	<u>487</u>
<b>Total</b>	1,200	1,950	1,025	1,950
 Hotel (Rooms)	 0	 250	 --	 250
 <b><u>Non-Residential</u></b>				
Retail (Square Feet)	75,000	200,000	75,000	200,000
General Office (Square Feet)	20,000	75,000	55,000	110,000
Research & Development (Square Feet)	10,000	20,000	10,000	20,000
Medical Office (Square Feet)	0	10,000	--	10,000



**EXHIBIT 2**

**CENTERPLACE CPA - REVISED BUILDOUT**

**ITE TRIP GENERATION  
REVISED TRIP GENERATION SCENARIO**

	<u>LUC</u>	<u>SIZE</u>	<u>AM PEAK HOUR</u>			<u>PM PEAK HOUR</u>			<u>DAILY</u>
			In	Out	Total	In	Out	Total	Total
Residential									
Apartments	220	800 d.u.	79	317	396	298	160	458	4,972
Internal Capture			2	10	12	130	70	200	1,161
External			77	307	384	168	90	258	3,811
Single Family - Zero Lot Line	210	487 d.u.	88	263	351	275	162	437	4,506
Internal Capture			3	9	12	125	73	198	1,098
External			85	254	339	150	89	239	3,408
Multifamily	230	663 d.u.	40	194	234	190	94	284	3,335
Internal Capture			2	7	9	97	48	145	915
External			38	187	225	93	46	139	2,420
Hotel	310	250 rooms	78	55	133	77	73	150	1,864
Internal Capture			8	5	13	18	17	35	309
External			70	50	120	59	56	115	1,555
Retail	820	200,000 sq. ft.	148	90	238	457	496	953	10,656
Internal Capture			23	14	37	267	289	556	3,937
Pass-by			16	10	26	19	9	28	672
External			109	66	175	171	198	369	6,048
Office	710	110,000 sq. ft.	182	25	207	34	168	202	1,411
Internal Capture			29	4	33	12	57	69	353
External			153	21	174	22	111	133	1,058
Medical Office	720	10,000 sq. ft.	19	5	24	10	27	37	194
Internal Capture			5	1	6	7	20	27	95
External			14	4	18	3	7	10	99
Research & Development	760	20,000 sq. ft.	27	5	32	5	30	35	264
Internal Capture			5	1	6	3	17	20	100
External			22	4	26	2	13	15	164
<b>TOTAL</b>			661	954	1,615	1,346	1,210	2,556	27,202
<b>INTERNAL CAPTURE</b>			77	51	128	659	591	1,250	7,968
<b>DRIVEWAY VOLUME</b>			584	903	1,487	687	619	1,306	19,234
<b>PASS-BY</b>			16	10	26	19	9	28	672
<b>NET NEW EXTERNAL</b>			568	893	1,461	668	610	1,278	18,562
Multi-modal trips to FGCU (10%)			57	89	146	67	61	128	1,856
External trips			511	804	1,315	601	549	1,150	16,706
Percent Peak to Daily					7.9%			6.9%	

**Footnotes**

(1) ITE Trip Generation, 9th Edition, using OTISS software.

**EXHIBIT 3**

**CENTERPLACE CPA - REVISED SHORT RANGE**

**ITE TRIP GENERATION  
REVISED TRIP GENERATION SCENARIO**

	<u>LUC</u>	<u>SIZE</u>	<u>AM PEAK HOUR</u>			<u>PM PEAK HOUR</u>			<u>DAILY</u>
			In	Out	Total	In	Out	Total	Total
Residential									
Apartments	220	600 d.u.	60	238	298	226	122	348	3,760
Internal Capture			1	5	6	65	35	100	578
External			59	233	292	161	87	248	3,182
Single Family - Zero Lot Line	210	225 d.u.	42	125	167	137	81	218	2,215
Internal Capture			1	4	5	58	34	92	501
External			41	121	162	79	47	126	1,714
Multifamily	230	200 d.u.	15	75	90	71	35	106	1,176
Internal Capture			1	3	3	35	17	52	308
External			14	72	86	36	18	54	868
Hotel	310	0 rooms	0	0	0	0	0	0	0
Internal Capture			0	0	0	0	0	0	0
External			0	0	0	0	0	0	0
Retail	820	75,000 sq. ft.	81	50	131	237	257	494	5,633
Internal Capture			10	6	16	122	132	254	1,792
Pass-by			9	6	15	11	6	17	387
External			62	38	100	104	119	223	3,454
Office	710	55,000 sq. ft.	105	14	119	24	116	140	833
Internal Capture			14	2	16	6	31	37	166
External			91	12	103	18	85	103	667
Medical Office	720	0 sq. ft.	0	0	0	0	0	0	0
Internal Capture			0	0	0	0	0	0	0
External			0	0	0	0	0	0	0
Research & Development	760	10,000 sq. ft.	15	3	18	3	17	20	149
Internal Capture			2	0	2	1	8	9	42
External			13	3	16	2	9	11	107
<b>TOTAL</b>			<b>318</b>	<b>505</b>	<b>823</b>	<b>698</b>	<b>628</b>	<b>1,326</b>	<b>13,766</b>
<b>INTERNAL CAPTURE</b>			<b>29</b>	<b>20</b>	<b>48</b>	<b>287</b>	<b>257</b>	<b>544</b>	<b>3,387</b>
<b>DRIVEWAY VOLUME</b>			<b>289</b>	<b>485</b>	<b>775</b>	<b>411</b>	<b>371</b>	<b>782</b>	<b>10,379</b>
<b>PASS-BY</b>			<b>9</b>	<b>6</b>	<b>15</b>	<b>11</b>	<b>6</b>	<b>17</b>	<b>387</b>
<b>NET NEW EXTERNAL</b>			<b>280</b>	<b>479</b>	<b>759</b>	<b>400</b>	<b>365</b>	<b>765</b>	<b>9,993</b>
Multi-modal trips to FGCU (10%)			28	48	76	40	37	77	999
External trips			252	431	683	360	329	689	8,993
Percent Peak to Daily					7.6%			7.7%	

**Footnotes**

(1) ITE Trip Generation, 9th Edition, using OTISS software.

**DAVID PLUMMER CPA TRAFFIC  
STUDY  
TRIP DISTRIBUTION**



ROADWAY	FROM	TO	(1) # of Lanes	(3) LOS Std	Directional Peak Hr. Vol.		Build-out Project Traffic		Directional Pk. Hr. Volume	
					NE	SW	FSUTMS	%	NE	SW
ALICO ROAD	THREE OAKS PKWY	I-75	6D	E	2,947	3,324	4,682	28.0%	196	216
	I-75	BEN HILL GRIFFIN PKWY	6D	E	1,884	1,824	3,457	50.4%	353	389
	BEN HILL GRIFFIN PKWY	PROJECT ENTRANCE (S)	4D	E	216	235	15,426	92.2%	446	712
	PROJECT ENTRANCE (S)	AIRPORT HAUL RD	4D	E	212	230	428	2.6%	20	18
	AIRPORT HAUL RD	GREEN MEADOW RD	2	E	212	230	428	2.6%	20	18
BEN HILL GRFFIN PKWY / TREELINE AVE	CORKSCREW RD	ESTERO PKWY	4D	E	1,707	1,287	1,029	6.1%	43	47
	ESTERO PKWY	FGCU ENTRANCE	4D	E	1,870	1,411	2,135	12.8%	89	99
	FGCU ENTRANCE	COLLEGE CLUB DR	4D	E	1,952	1,472	2,581	15.4%	108	119
	COLLEGE CLUB DR	ALICO RD	6D	E	2,506	1,891	3,950	23.6%	165	182
	ALICO RD	TERMINAL ACCESS RD	4D	E	2,180	1,645	2,918	17.4%	135	122
CORKSCREW RD	THREE OAKS PKWY	I-75	4D	E	2,439	2,539	489	2.9%	20	23
	I-75	BEN HILL GRIFFIN PKWY	6D	E	1,823	1,897	542	3.2%	23	25
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	519	540	21	0.1%	1	1
	WILDCAT RUN DR	ALICO RD	2	E	336	349	0	0.0%	0	0
ESTERO PARKWAY	US 41	THREE OAKS PKWY	4D	E	870	898	141	0.8%	6	7
	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4D	E	1,554	1,618	1,105	6.6%	51	46
I-75	CORKSCREW RD	ALICO RD	6	D	3,521	2,722	1,601	9.6%	67	74
	ALICO RD	DANIELS PKWY	6	D	3,054	2,380	2,032	12.1%	94	85
THREE OAKS PARKWAY	CORKSCREW RD	ESTERO PARKWAY	4D	E	1,448	1,285	1,001	6.0%	42	46
	ESTERO PKWY	SAN CARLOS BLVD	4D	E	1,119	993	434	2.6%	18	20
	SAN CARLOS BLVD	ALICO RD	4D	E	973	863	929	5.6%	39	43

Footnotes:

FSUTMS

ITE Trip Gen - Net New

**FDOT GENERALIZED PEAK HOUR  
DIRECTIONAL VOLUMES FOR  
FLORIDA'S URBANIZED AREAS**



TABLE 7

Generalized **Peak Hour Directional** Volumes for Florida's  
Urbanized Areas

January 2020

January 2021

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	830	880	**	2	2,230	3,100	3,740	4,080	
2	Divided	*	1,910	2,000	**	3	3,280	4,570	5,620	6,130	
3	Divided	*	2,940	3,020	**	4	4,310	6,030	7,490	8,170	
4	Divided	*	3,970	4,040	**	5	5,390	7,430	9,370	10,220	
						6	6,380	8,990	11,510	12,760	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	370	750	800	2	2,270	3,100	3,890	4,230	
2	Divided	*	730	1,630	1,700	3	3,410	4,650	5,780	6,340	
3	Divided	*	1,170	2,520	2,560	4	4,550	6,200	7,680	8,460	
4	Divided	*	1,610	3,390	3,420	5	5,690	7,760	9,520	10,570	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane + 1,000					
Non-State Signalized Roadways - 10%						Ramp Metering + 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
1	Divided	Yes	No	+5%		1	Undivided	580	890	1,200	1,610
1	Undivided	No	No	-20%		2	Divided	1,800	2,600	3,280	3,730
Multi	Undivided	Yes	No	-5%		3	Divided	2,700	3,900	4,920	5,600
Multi	Undivided	No	No	-25%							
—	—	—	Yes	+ 5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding directional volumes in this table by 1.2						Lanes	Median	Exclusive left lanes	Adjustment factors		
						1	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE <sup>2</sup>						<sup>1</sup> Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Paved Shoulder/Bicycle Lane Coverage											
		B	C	D	E						
0-49%		*	150	390	1,000						
50-84%		110	340	1,000	>1,000						
85-100%		470	1,000	>1,000	**						
PEDESTRIAN MODE <sup>2</sup>						<sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Sidewalk Coverage											
		B	C	D	E						
0-49%		*	*	140	480						
50-84%		*	80	440	800						
85-100%		200	540	880	>1,000						
BUS MODE (Scheduled Fixed Route) <sup>3</sup>						<sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
(Buses in peak hour in peak direction)											
Sidewalk Coverage											
		B	C	D	E						
0-84%		> 5	≥ 4	≥ 3	≥ 2						
85-100%		> 4	≥ 3	≥ 2	≥ 1						
						<sup>4</sup> Cannot be achieved using table input value defaults.					
						<sup>5</sup> Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
						Source: Florida Department of Transportation Systems Implementation Office <a href="https://www.fdot.gov/planning/systems/">https://www.fdot.gov/planning/systems/</a>					

**LEE COUNTY GENERALIZED LEVEL  
OF SERVICE VOLUMES**

## c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

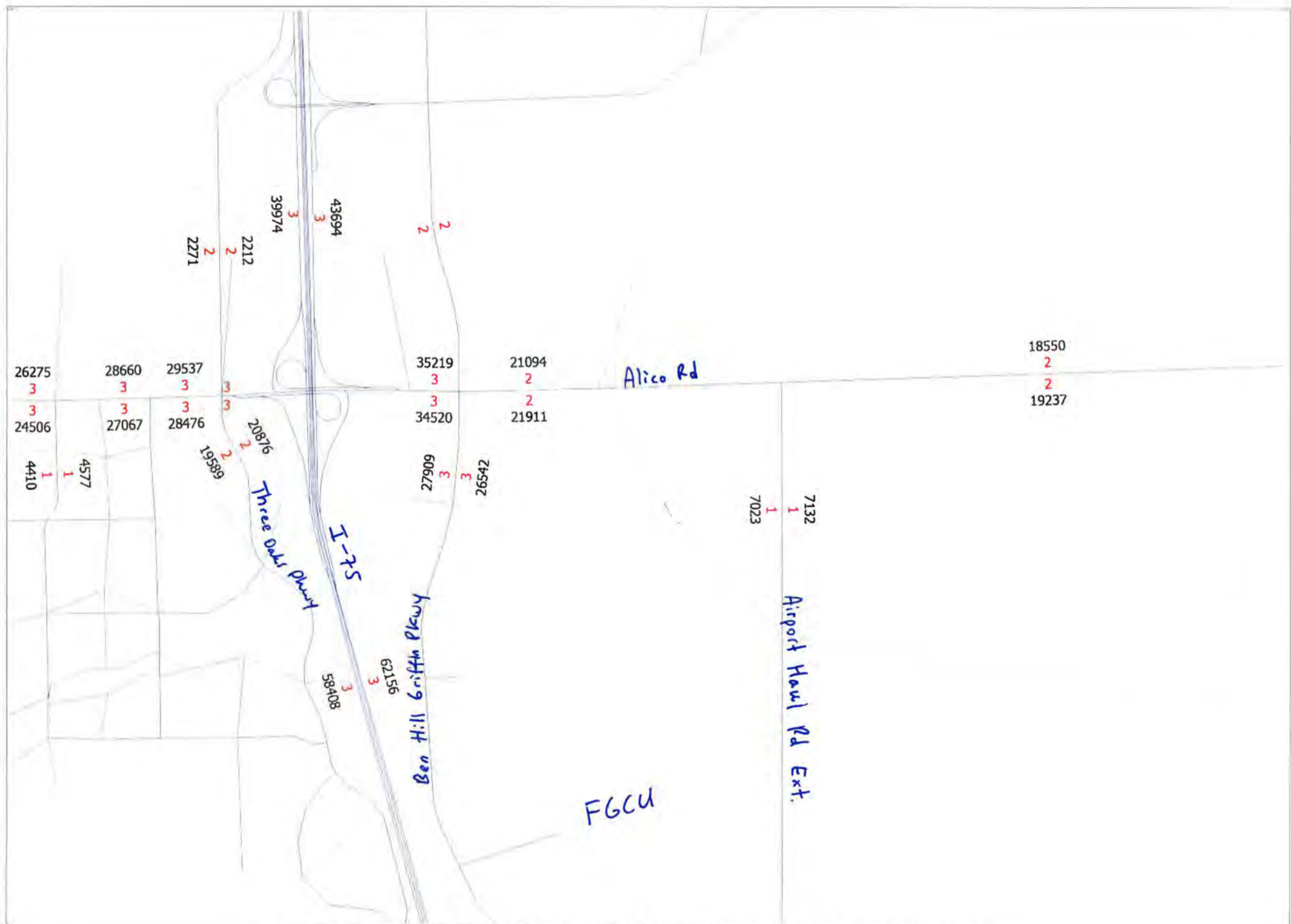
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.



**2045 LRTP COST FEASIBLE  
ROADWAY NETWORK LAND AND  
VOLUMES  
FSUTMS DR1RPM**



2045 LRTP COST FEASIBLE ROADWAY NETWORK LANES AND VOLUMES



2045 LRTP COST FEASIBLE ROADWAY NETWORK LANES AND VOLUMES

2212  
2  
2271

Three Oaks Pkwy

I-75

Ben Hill Griffin Pkwy

Alico Rd

29537  
3  
3  
28476

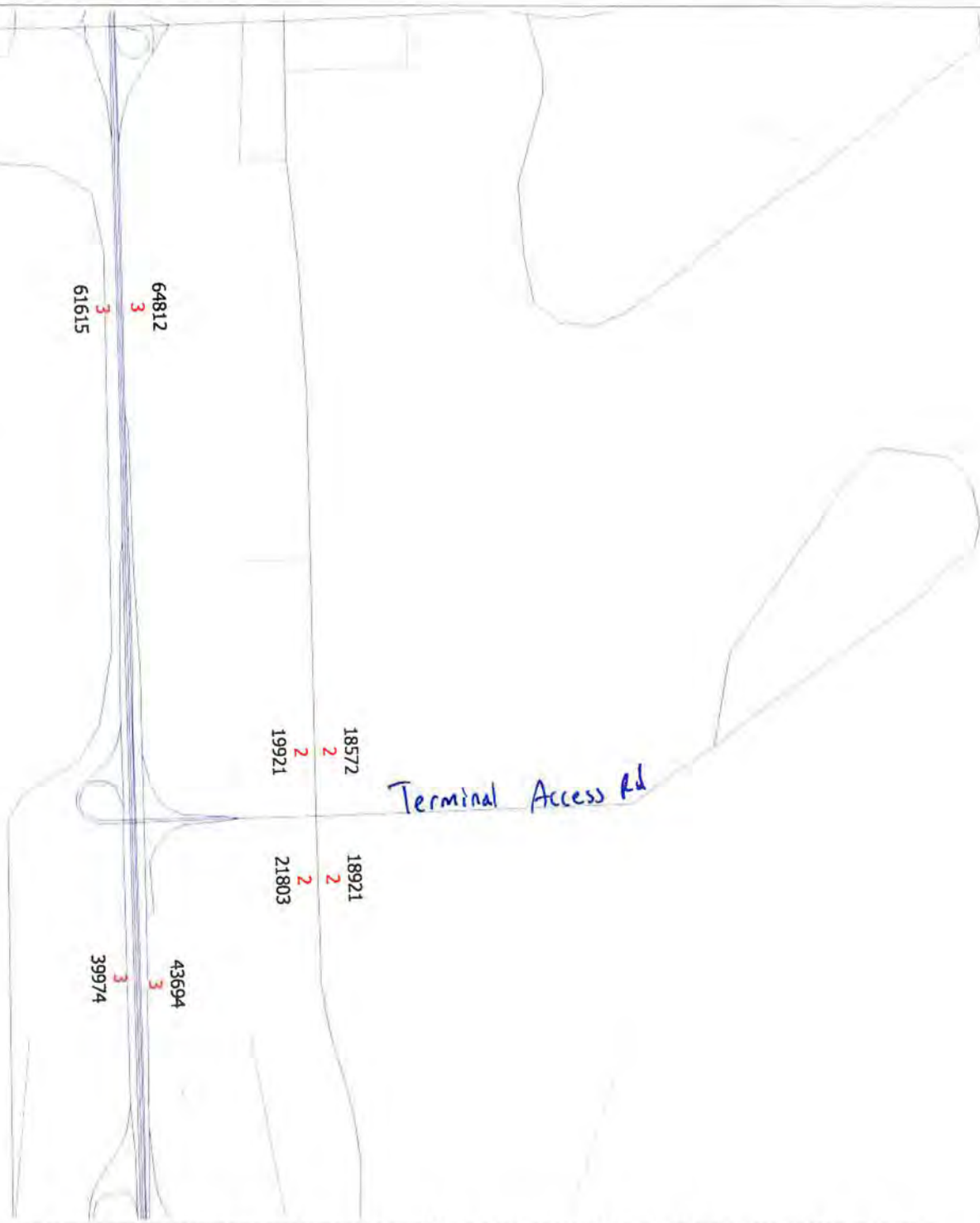
39792  
3  
3  
40078

35219  
3  
3  
34520

20876  
2  
19589

27909  
3  
3  
26542

2045 LRTP COST FEASIBLE ROADWAY NETWORK LANES AND VOLUMES



2045 LRTP COST FEASIBLE ROADWAY NETWORK LANES AND VOLUMES

**TRAFFIC DATA FROM THE FLORIDA  
TRAFFIC ONLINE WEBPAGE**



2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL  
 CATEGORY: 1200 LEE COUNTYWIDE

MOCF: 0.90

WEEK	DATES	SF	PSCF
* 1	01/01/2020 - 01/04/2020	0.91	1.01
* 2	01/05/2020 - 01/11/2020	0.89	0.99
* 3	01/12/2020 - 01/18/2020	0.86	0.96
* 4	01/19/2020 - 01/25/2020	0.85	0.94
* 5	01/26/2020 - 02/01/2020	0.84	0.93
* 6	02/02/2020 - 02/08/2020	0.83	0.92
* 7	02/09/2020 - 02/15/2020	0.82	0.91
* 8	02/16/2020 - 02/22/2020	0.85	0.94
* 9	02/23/2020 - 02/29/2020	0.88	0.98
*10	03/01/2020 - 03/07/2020	0.91	1.01
*11	03/08/2020 - 03/14/2020	0.95	1.06
*12	03/15/2020 - 03/21/2020	0.98	1.09
*13	03/22/2020 - 03/28/2020	1.08	1.20
14	03/29/2020 - 04/04/2020	1.18	1.31
15	04/05/2020 - 04/11/2020	1.28	1.42
16	04/12/2020 - 04/18/2020	1.38	1.53
17	04/19/2020 - 04/25/2020	1.31	1.46
18	04/26/2020 - 05/02/2020	1.25	1.39
19	05/03/2020 - 05/09/2020	1.18	1.31
20	05/10/2020 - 05/16/2020	1.12	1.24
21	05/17/2020 - 05/23/2020	1.11	1.23
22	05/24/2020 - 05/30/2020	1.11	1.23
23	05/31/2020 - 06/06/2020	1.10	1.22
24	06/07/2020 - 06/13/2020	1.09	1.21
25	06/14/2020 - 06/20/2020	1.09	1.21
26	06/21/2020 - 06/27/2020	1.09	1.21
27	06/28/2020 - 07/04/2020	1.10	1.22
28	07/05/2020 - 07/11/2020	1.11	1.23
29	07/12/2020 - 07/18/2020	1.11	1.23
30	07/19/2020 - 07/25/2020	1.10	1.22
31	07/26/2020 - 08/01/2020	1.08	1.20
32	08/02/2020 - 08/08/2020	1.06	1.18
33	08/09/2020 - 08/15/2020	1.05	1.17
34	08/16/2020 - 08/22/2020	1.04	1.16
35	08/23/2020 - 08/29/2020	1.04	1.16
36	08/30/2020 - 09/05/2020	1.03	1.14
37	09/06/2020 - 09/12/2020	1.03	1.14
38	09/13/2020 - 09/19/2020	1.02	1.13
39	09/20/2020 - 09/26/2020	1.00	1.11
40	09/27/2020 - 10/03/2020	0.99	1.10
41	10/04/2020 - 10/10/2020	0.97	1.08
42	10/11/2020 - 10/17/2020	0.96	1.07
43	10/18/2020 - 10/24/2020	0.95	1.06
44	10/25/2020 - 10/31/2020	0.95	1.06
45	11/01/2020 - 11/07/2020	0.95	1.06
46	11/08/2020 - 11/14/2020	0.95	1.06
47	11/15/2020 - 11/21/2020	0.95	1.06
48	11/22/2020 - 11/28/2020	0.94	1.04
49	11/29/2020 - 12/05/2020	0.93	1.03
50	12/06/2020 - 12/12/2020	0.92	1.02
51	12/13/2020 - 12/19/2020	0.91	1.01
52	12/20/2020 - 12/26/2020	0.89	0.99
53	12/27/2020 - 12/31/2020	0.86	0.96

\* PEAK SEASON

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2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL  
 CATEGORY: 1275 LEE I75

MOCF: 0.87

WEEK	DATES	SF	PSCF
* 1	01/01/2020 - 01/04/2020	0.91	1.05
* 2	01/05/2020 - 01/11/2020	0.86	0.99
* 3	01/12/2020 - 01/18/2020	0.81	0.93
* 4	01/19/2020 - 01/25/2020	0.79	0.91
* 5	01/26/2020 - 02/01/2020	0.78	0.90
* 6	02/02/2020 - 02/08/2020	0.77	0.89
* 7	02/09/2020 - 02/15/2020	0.76	0.87
* 8	02/16/2020 - 02/22/2020	0.80	0.92
* 9	02/23/2020 - 02/29/2020	0.84	0.97
*10	03/01/2020 - 03/07/2020	0.89	1.02
*11	03/08/2020 - 03/14/2020	0.93	1.07
*12	03/15/2020 - 03/21/2020	0.98	1.13
*13	03/22/2020 - 03/28/2020	1.14	1.31
14	03/29/2020 - 04/04/2020	1.31	1.51
15	04/05/2020 - 04/11/2020	1.47	1.69
16	04/12/2020 - 04/18/2020	1.64	1.89
17	04/19/2020 - 04/25/2020	1.53	1.76
18	04/26/2020 - 05/02/2020	1.43	1.64
19	05/03/2020 - 05/09/2020	1.33	1.53
20	05/10/2020 - 05/16/2020	1.23	1.41
21	05/17/2020 - 05/23/2020	1.19	1.37
22	05/24/2020 - 05/30/2020	1.16	1.33
23	05/31/2020 - 06/06/2020	1.13	1.30
24	06/07/2020 - 06/13/2020	1.09	1.25
25	06/14/2020 - 06/20/2020	1.06	1.22
26	06/21/2020 - 06/27/2020	1.07	1.23
27	06/28/2020 - 07/04/2020	1.08	1.24
28	07/05/2020 - 07/11/2020	1.09	1.25
29	07/12/2020 - 07/18/2020	1.10	1.26
30	07/19/2020 - 07/25/2020	1.08	1.24
31	07/26/2020 - 08/01/2020	1.07	1.23
32	08/02/2020 - 08/08/2020	1.05	1.21
33	08/09/2020 - 08/15/2020	1.04	1.20
34	08/16/2020 - 08/22/2020	1.04	1.20
35	08/23/2020 - 08/29/2020	1.03	1.18
36	08/30/2020 - 09/05/2020	1.03	1.18
37	09/06/2020 - 09/12/2020	1.03	1.18
38	09/13/2020 - 09/19/2020	1.03	1.18
39	09/20/2020 - 09/26/2020	1.01	1.16
40	09/27/2020 - 10/03/2020	1.00	1.15
41	10/04/2020 - 10/10/2020	0.98	1.13
42	10/11/2020 - 10/17/2020	0.97	1.11
43	10/18/2020 - 10/24/2020	0.97	1.11
44	10/25/2020 - 10/31/2020	0.97	1.11
45	11/01/2020 - 11/07/2020	0.97	1.11
46	11/08/2020 - 11/14/2020	0.97	1.11
47	11/15/2020 - 11/21/2020	0.97	1.11
48	11/22/2020 - 11/28/2020	0.96	1.10
49	11/29/2020 - 12/05/2020	0.94	1.08
50	12/06/2020 - 12/12/2020	0.93	1.07
51	12/13/2020 - 12/19/2020	0.91	1.05
52	12/20/2020 - 12/26/2020	0.86	0.99
53	12/27/2020 - 12/31/2020	0.81	0.93

\* PEAK SEASON

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FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0118 - ALICO RD, E OF BEN HILL GRIFFIN PKWY

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	7800 F	E 3900	W 3900	9.00	53.80	38.00
2019	7800 C	E 3900	W 3900	9.00	54.90	38.00
2018	7400 C	E 3600	W 3800	9.00	55.20	43.50
2017	7400 F	E 3700	W 3700	9.00	54.90	52.70
2016	7000 C	E 3500	W 3500	9.00	54.80	52.70
2015	4200 C	E 2100	W 2100	9.00	55.50	42.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6010 - ALICO RD, 1000' W OF I-75 PTMS 2010 LCPR 10

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
		-----	-----			
2020	47000 S	0	0	9.00	53.40	4.80
2019	48500 F	0	0	9.00	53.30	3.40
2018	48114 C	0	0	9.00	52.40	3.40
2017	44000 F	0	0	9.00	52.40	4.30
2016	43896 C	E 22423	W 21473	9.00	52.40	4.90
2015	37915 C	E 18433	W 19482	9.00	59.80	5.20
2014	28000 F	E	W	9.00	59.80	3.00
2013	29213 C	E 12064	W 17149	9.00	59.80	4.20
2012	27084 C	E 9725	W 17359	9.00	57.50	3.90
2011	25406 C	E 10942	W 14464	9.00	57.50	3.10
2010	26061 C	E 11693	W 14368	10.10	57.46	3.40
2009	27337 C	E 12407	W 14930	10.19	54.58	4.30
2008	25831 C	E 11650	W 14181	10.77	53.61	8.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4177 - ALICO ROAD, EAST OF S.R. 45 / U.S. 41

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR	
2020	24000	S	E	12500	W	11500	9.00	53.80	9.60
2019	24000	F	E	12500	W	11500	9.00	54.90	9.60
2018	23000	C	E	12000	W	11000	9.00	55.20	9.60
2017	22500	T	E	11500	W	11000	9.00	54.90	4.40
2016	21500	S	E	11000	W	10500	9.00	54.80	8.30
2015	20500	F	E	10500	W	10000	9.00	55.50	8.30
2014	19700	C	E	10000	W	9700	9.00	55.20	8.30
2013	21500	S	E	10500	W	11000	9.00	55.00	4.00
2012	21500	F	E	10500	W	11000	9.00	55.30	4.20
2011	21500	C	E	10500	W	11000	9.00	55.20	4.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0055 - SR 93/I 75, SOUTH OF ALICO ROAD

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	94500 C	N 47500	S 47000	9.00	57.70	12.90
2019	109000 C	N 54500	S 54500	9.00	58.70	10.40
2018	106500 C	N 54000	S 52500	9.00	59.00	10.20
2017	101500 C	N 50500	S 51000	9.00	58.10	9.90
2016	100500 C	N 50000	S 50500	9.00	58.10	9.10
2015	93000 C	N 46000	S 47000	9.00	56.80	11.20
2014	84500 C	N 42500	S 42000	9.00	56.40	9.40
2013	81500 C	N 41000	S 40500	9.00	57.70	8.00
2012	74000 C	N 37500	S 36500	9.00	56.40	10.50
2011	70000 C	N 35000	S 35000	9.00	55.80	9.50
2010	70500 C	N 35000	S 35500	9.64	55.58	9.70
2009	70000 S	N 35500	S 34500	9.40	55.84	13.60
2008	71000 F	N 36000	S 35000	9.07	55.79	17.00
2007	72000 C	N 36500	S 35500	9.29	52.37	17.00
2006	78000 C	N 39000	S 39000	8.72	54.35	17.00
2005	76000 C	N 38000	S 38000	8.90	52.90	13.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0184 - SR-93/I-75, 1.7 MI S OF DANIELS PKWY U/P, LEE CO

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	93954 C	N 46449	S 47505	9.00	58.80	12.10
2019	108459 C	N 53666	S 54793	9.00	58.70	9.90
2018	106243 C	N 52504	S 53739	9.00	59.00	8.30
2017	102014 C	N 50580	S 51434	9.00	59.80	9.40
2016	98964 C	N 49086	S 49878	9.00	59.80	9.10
2015	89417 C	N 44274	S 45143	9.00	58.40	9.10
2014	77211 C	N 38722	S 38489	9.00	58.40	8.40
2013	71794 C	N 35681	S 36113	9.00	58.40	8.40
2012	71868 C	N 35966	S 35902	9.00	56.20	8.30
2011	70160 C	N 35176	S 34984	9.00	55.60	8.40
2010	67723 C	N 33359	S 34364	9.78	54.70	8.60
2009	54500 F	0	0	9.40	55.84	13.60
2008	54884 C	N 28740	S 26144	8.79	56.75	16.50
2007	55702 C	N 29310	S 26392	8.79	56.75	16.50
2006	56478 C	N 29511	S 26967	8.79	56.75	16.50
2005	54009 C	N 28021	S 25988	8.80	54.70	15.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6061 - BEN HILL GRIFFIN/TREELINE AVE, N OF MIDFIELD TERMINAL RD, PTMS 2061, LCPR 61

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	23000 S	0	0	9.00	53.40	4.80
2019	23500 F	0	0	9.00	53.80	3.40
2018	23403 C	0	0	9.00	53.30	3.40
2017	21000 F	0	0	9.00	55.20	4.30
2016	21149 C	N 10554	S 10595	9.00	56.10	4.90
2015	22225 C	N 10877	S 11348	9.00	55.80	5.20
2014	25317 C	N 13002	S 12315	9.00	55.80	3.00
2013	24507 C	N 12603	S 11904	9.00	55.80	4.20
2012	23689 C	N 12214	S 11475	9.00	56.20	3.90
2011	24181 C	N 12585	S 11596	9.00	57.50	3.10
2010	24091 C	N 12451	S 11640	9.68	53.97	3.40
2009	24860 C	N 12833	S 12027	10.49	57.35	4.30
2008	26207 C	N 13554	S 12653	10.37	60.09	3.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4414 - THREE OAKES PKWY, S OF ALICO RD LC 414

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	16000 E	N	S	9.00	53.40	5.30
2019	16200 C	N 9000	S 7200	9.00	53.30	5.30
2018	16500 C	N 8800	S 7700	9.00	53.30	5.70
2017	13900 T			9.00	53.20	4.00
2016	14500 S	N 7800	S 6700	9.00	56.10	3.90
2015	15100 F	N 8100	S 7000	9.00	55.50	3.90
2014	14400 C	N 7700	S 6700	9.00	52.00	3.90
2013	11900 S	N 6300	S 5600	9.00	54.60	3.50
2012	11400 F	N 6000	S 5400	9.00	52.80	3.50
2011	11400 C	N 6000	S 5400	9.00	53.20	3.50
2010	11100 S	N 5700	S 5400	10.28	55.69	5.60
2009	11300 F	N 5800	S 5500	10.29	55.14	5.60
2008	11700 C	N 6000	S 5700	10.77	53.61	5.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

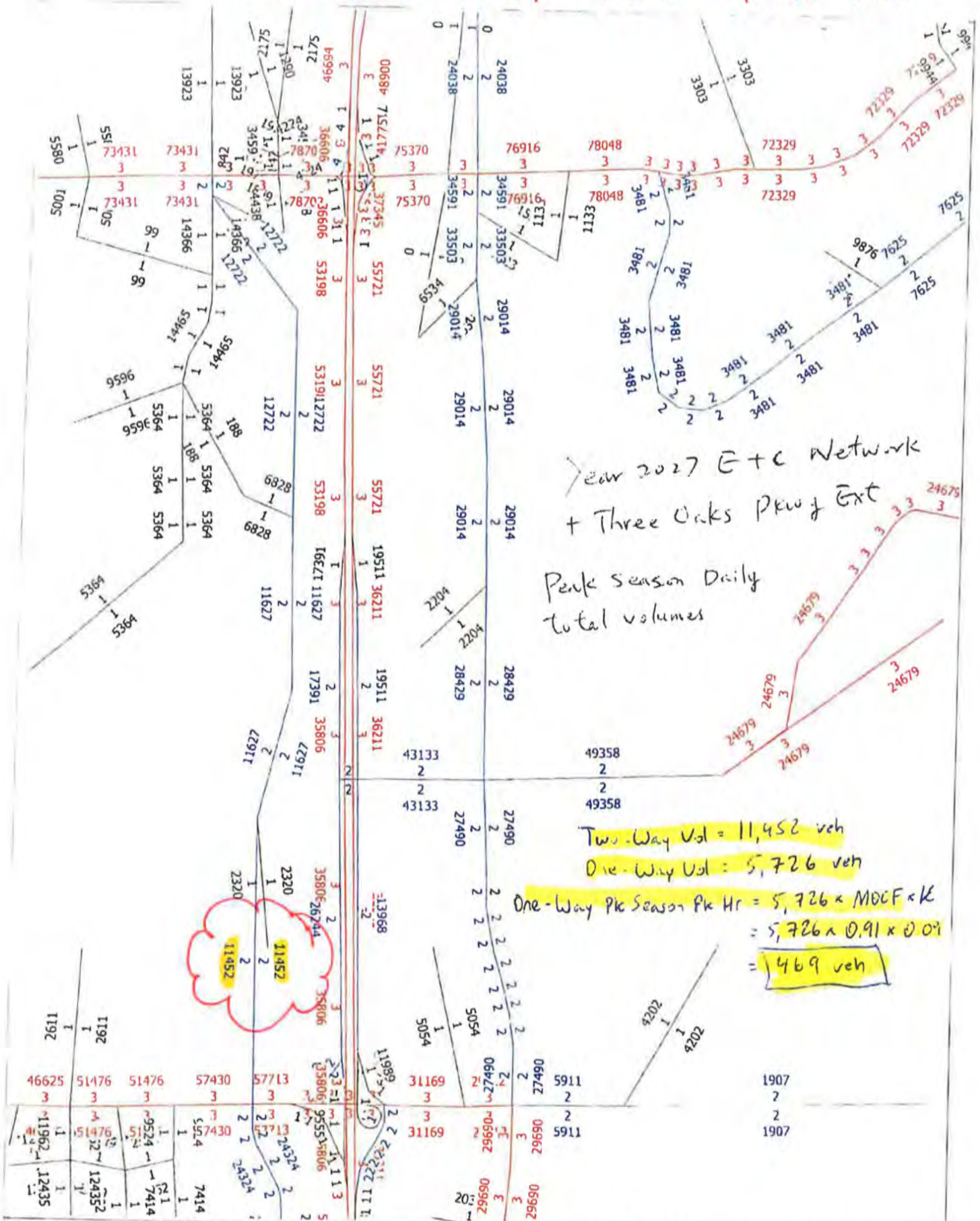
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

**THREE OAKS PKWY VOLUMES**  
**NORTH OF ALICO ROAD**  
**2027 E + C NETWORK VOLUMES**  
**MODEL PLOT**



# Three Oaks Pkwy - N. of Alico Rd.



(Licensed to Florida Department of Transportation)

YEAR 2027 E+C Network Volumes  
PSWDT

**LEE COUNTY TRAFFIC COUNT  
REPORT DATA**

Updated 2/24/21

## Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
BAYSHORE RD (SR 78)	W OF HART RD	<u>104</u>					28600	29900		30800	30900	24200
BAYSHORE RD (SR 78)	W OF WILLIAMSBURG DR	<u>64</u>	19300	18400	20100	21000	22900	23900	21900	26300	28100	25800
BELL BLVD	N OF IMMOKALEE RD	202										
BELL BLVD	S OF LEELAND HEIGHTS BV	203	7900	9500	8100	8800	9600	9900	10000	10800	12300	12700
BEN HILL GRIFFIN	S OF ALICO RD	514				29900		22800		24400	28400	21500
BEN HILL GRIFFIN	N OF ESTERO PKWY	<u>71</u>			18800	19100	19400	20800	21000	22000	25200	21000
BEN HILL GRIFFIN	N OF CORKSCREW RD	517	17300	16200	15100	19500	19600		21200		18900	
BETH STACEY RD	S OF HOMESTEAD RD	220	6800		7700		7500		7500		7700	
BONITA BEACH RD	E OF HICKORY BLVD	132										10500
BONITA BEACH RD	E OF VANDERBILT RD	<u>7</u>	23600	23500	23400	24600	25700	25900	25600	25000	25100	22500
BONITA BEACH RD	W OF SPANISH WELLS	131										24700
BONITA BEACH RD	E OF RACE TRACK RD	130										29300
BONITA BEACH RD	W OF I-75	<u>42</u>	24200	26100	28800	35100	35300		36400	38900	40500	37900

Updated 2/24/21

## Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
ESTERO BLVD	@ BIG CARLOS PASS BR.	274			9600				9400		10200	
ESTERO BLVD	N OF DENORA ST	<u>44</u>	13500	13700	13500	13500	12700	12400			11000	11400
ESTERO PKWY	W OF BEN HILL GRIFFIN PKW	459	11800		15700		15800		19500		17400	
ESTERO PKWY	E OF US 41	465	8300		8200		11500		16200		15700	
FIDDLESTICKS BLVD	S OF DANIELS PKWY	276				7200		7700		7800		7700

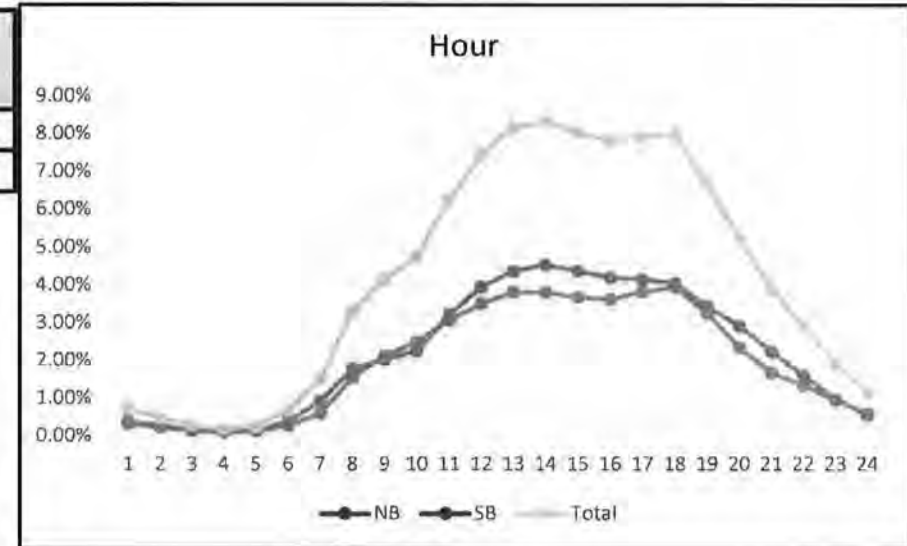
# PCS 71 - Ben Hill Griffin Pkwy north of Estero Pkwy

2020 AADT = 21,000 VPD

Hour	NB	SB	Total
0	0.33%	0.39%	0.72%
1	0.22%	0.26%	0.48%
2	0.13%	0.16%	0.30%
3	0.09%	0.11%	0.19%
4	0.13%	0.13%	0.25%
5	0.27%	0.38%	0.65%
6	0.59%	0.92%	1.51%
7	1.54%	1.76%	3.30%
8	2.12%	2.02%	4.14%
9	2.48%	2.25%	4.73%
10	3.05%	3.20%	6.25%
11	3.50%	3.93%	7.43%
12	3.80%	4.36%	8.16%
13	3.79%	4.53%	8.32%
14	3.67%	4.37%	8.04%
15	3.61%	4.19%	7.81%
16	3.81%	4.14%	7.95%
17	3.93%	4.04%	7.97%
18	3.25%	3.43%	6.67%
19	2.35%	2.91%	5.25%
20	1.67%	2.23%	3.90%
21	1.33%	1.60%	2.93%
22	0.94%	0.96%	1.90%
23	0.55%	0.60%	1.15%

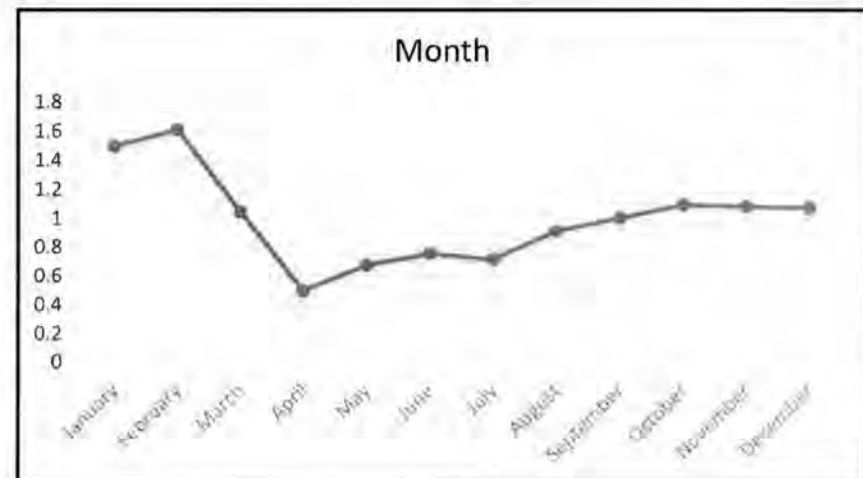
Month of Year	Fraction
January	1.5
February	1.61
March	1.05
April	0.5
May	0.68
June	0.76
July	0.72
August	0.92
September	1.01
October	1.1
November	1.09
December	1.08

Directional Factor		
AM	0.58	NB
PM	0.51	SB



Day of Week	Fraction
Sunday	0.83
Monday	0.99
Tuesday	1.04
Wednesday	1.04
Thursday	1.06
Friday	1.09
Saturday	0.95

Design Hour Volume		
#	Volume	Factor
5	3032	0.144
10	3010	0.143
20	2945	0.140
30	2920	0.139
50	2857	0.136
100	2759	0.131
150	2653	0.126
200	2563	0.122





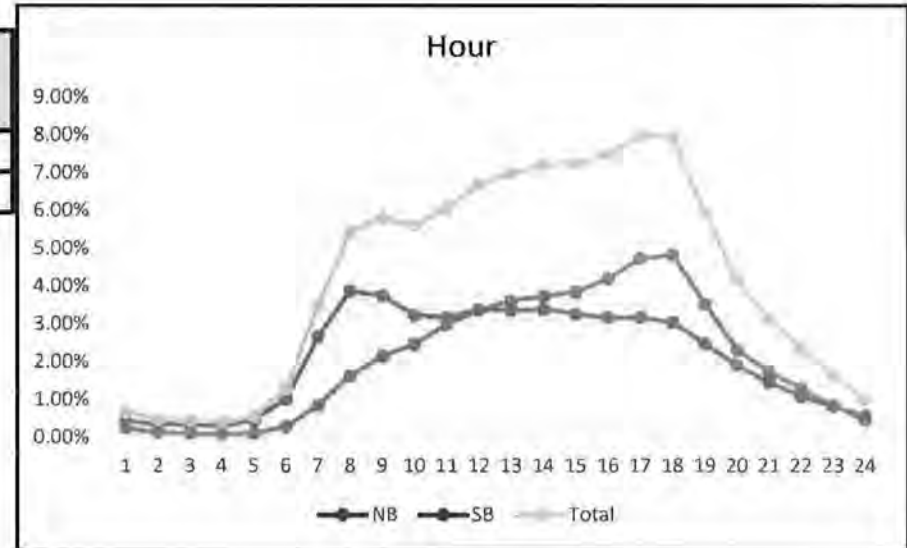
## PCS 72 - Three Oaks Pkwy south of Estero Pkwy

2020 AADT = 18,000 VPD

Hour	NB	SB	Total
0	0.25%	0.43%	0.68%
1	0.14%	0.34%	0.49%
2	0.10%	0.34%	0.45%
3	0.08%	0.30%	0.39%
4	0.10%	0.45%	0.56%
5	0.28%	1.01%	1.28%
6	0.85%	2.65%	3.47%
7	1.62%	3.86%	5.43%
8	2.14%	3.74%	5.80%
9	2.46%	3.22%	5.59%
10	2.98%	3.17%	6.07%
11	3.35%	3.36%	6.68%
12	3.61%	3.35%	6.99%
13	3.73%	3.38%	7.21%
14	3.84%	3.26%	7.26%
15	4.19%	3.15%	7.49%
16	4.72%	3.16%	7.99%
17	4.83%	3.04%	7.93%
18	3.53%	2.48%	5.96%
19	2.31%	1.92%	4.16%
20	1.73%	1.45%	3.12%
21	1.31%	1.08%	2.35%
22	0.85%	0.82%	1.65%
23	0.45%	0.57%	1.01%

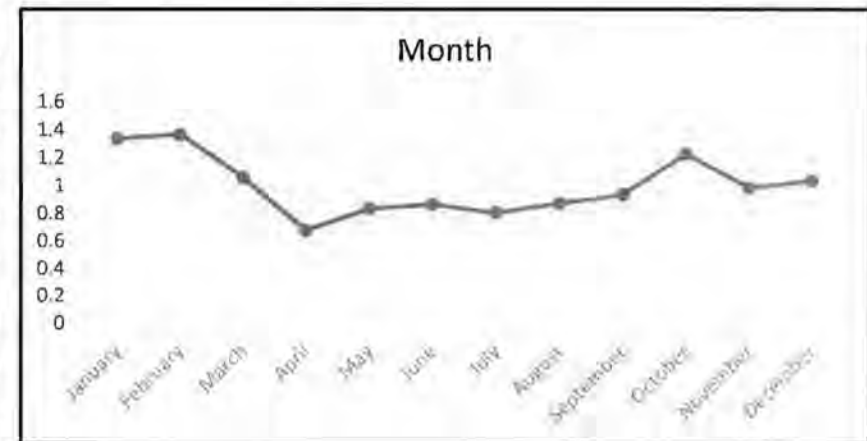
Month of Year	Fraction
January	1.34
February	1.37
March	1.06
April	0.68
May	0.84
June	0.87
July	0.81
August	0.88
September	0.94
October	1.23
November	0.99
December	1.04

Directional Factor		
AM	0.75	SB
PM	0.60	NB



Day of Week	Fraction
Sunday	0.71
Monday	1.04
Tuesday	1.13
Wednesday	1.07
Thursday	1.05
Friday	1.11
Saturday	0.86

Design Hour Volume		
#	Volume	Factor
5	2471	0.137
10	2440	0.136
20	2362	0.131
30	2329	0.129
50	2268	0.126
100	2106	0.117
150	1977	0.110
200	1901	0.106





## **TRIP GENERATION EQUATIONS**

## Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

Avg. Num. of Dwelling Units: 242

Directional Distribution: 63% entering, 37% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate

0.99

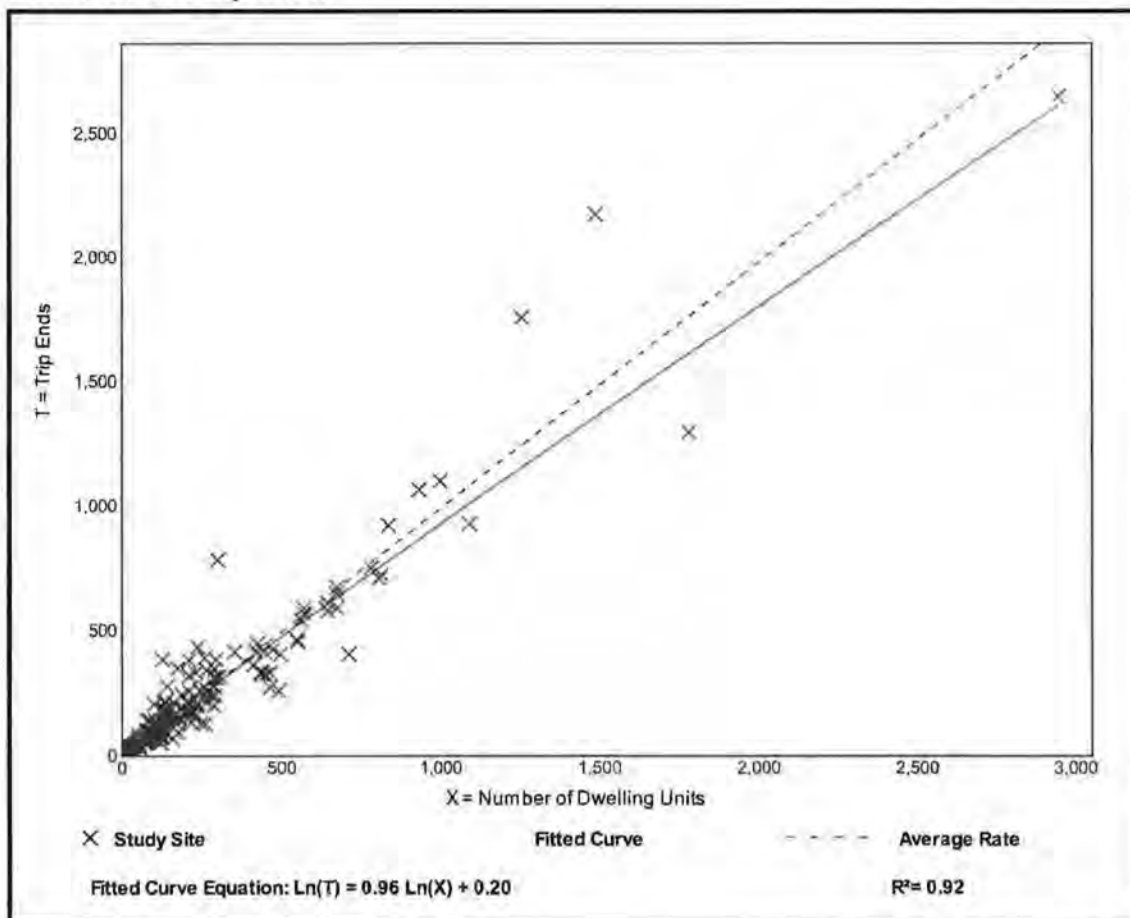
Range of Rates

0.44 - 2.98

Standard Deviation

0.31

### Data Plot and Equation



CPA2021-00013

LUCKETT LANDING

**Summary Sheet**  
**Lockett Landing, CPA2021-00013**

**Request:**

Amend the Future Land Use Map, Map 1-A, to re-designate 16.56± acres from the Industrial Development future land use category, to the Industrial Interchange future land use category.

**Public Comments:**

There was no public comment concerning the proposed amendment at the LPA Hearing.

**LPA Motion:**

A motion was made to recommend that the Board of County Commissioners **adopt** CPA2021-00013. The motion passed 7 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>ABSENT</u>
ALICIA OLIVO	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

**Staff Recommendation:**

Staff recommends that the BoCC ***transmit*** the proposed amendment as provided in Attachment 1.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2021-00013) PERTAINING TO LUCKETT LANDING; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("*Lee Plan*") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("*Board*"); and

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on January 24, 2022. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on February 16, 2022. At that hearing, the Board approved a motion to adopt proposed amendment CPA2021-00013 pertaining to Lockett Landing, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the northwest corner of the I-75 and Lockett Road interchange, between I-75 and Enterprise Parkway.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Lockett Landing (CPA2021-00013)".

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future

Land Use Map Series, Map 1-A, the Future Land Use Map to re-designate 16.56 ± acres from the Industrial Development Future Land Use category, to the Industrial Interchange Future Land Use category. The subject property is located between Enterprise Parkway and I-75, on the north side of Lockett Road. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as “support documentation” for the Lee Plan.

### **SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”**

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### **SECTION FOUR: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

### **SECTION FOUR: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### **SECTION FIVE: SEVERABILITY**

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### **SECTION SIX: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR**

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be re-numbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or his designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

### **SECTION SEVEN: EFFECTIVE DATE**

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida



Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 16<sup>th</sup> day of February 2022.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L Pendergrass, Chair

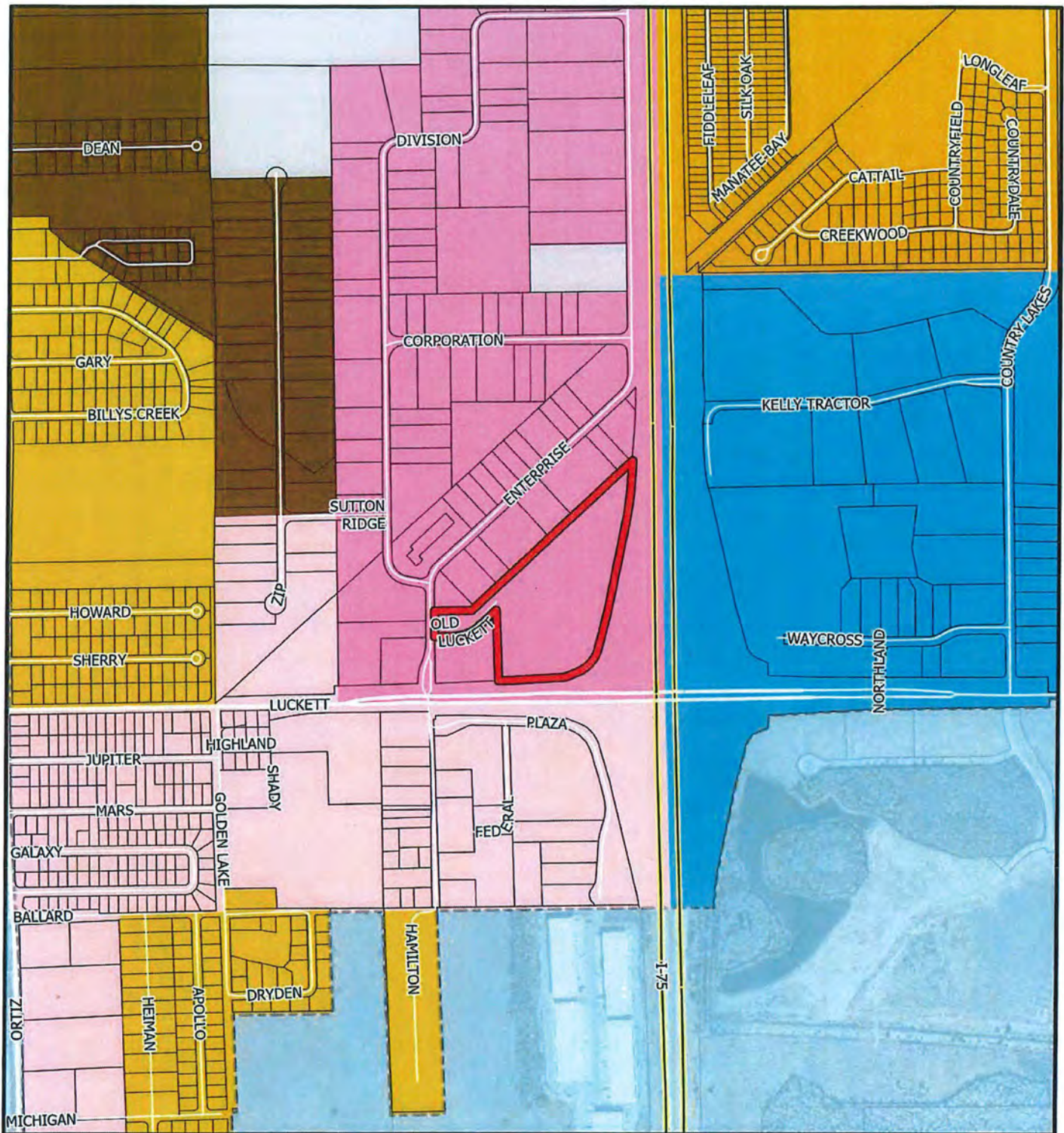
DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
Lee County Attorney's Office

CAO Draft 1/26/2022

# EXHIBIT A



CPA2021-00013 Lockett Landing

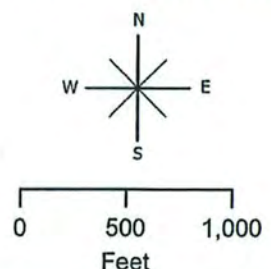
Existing Future Land Use



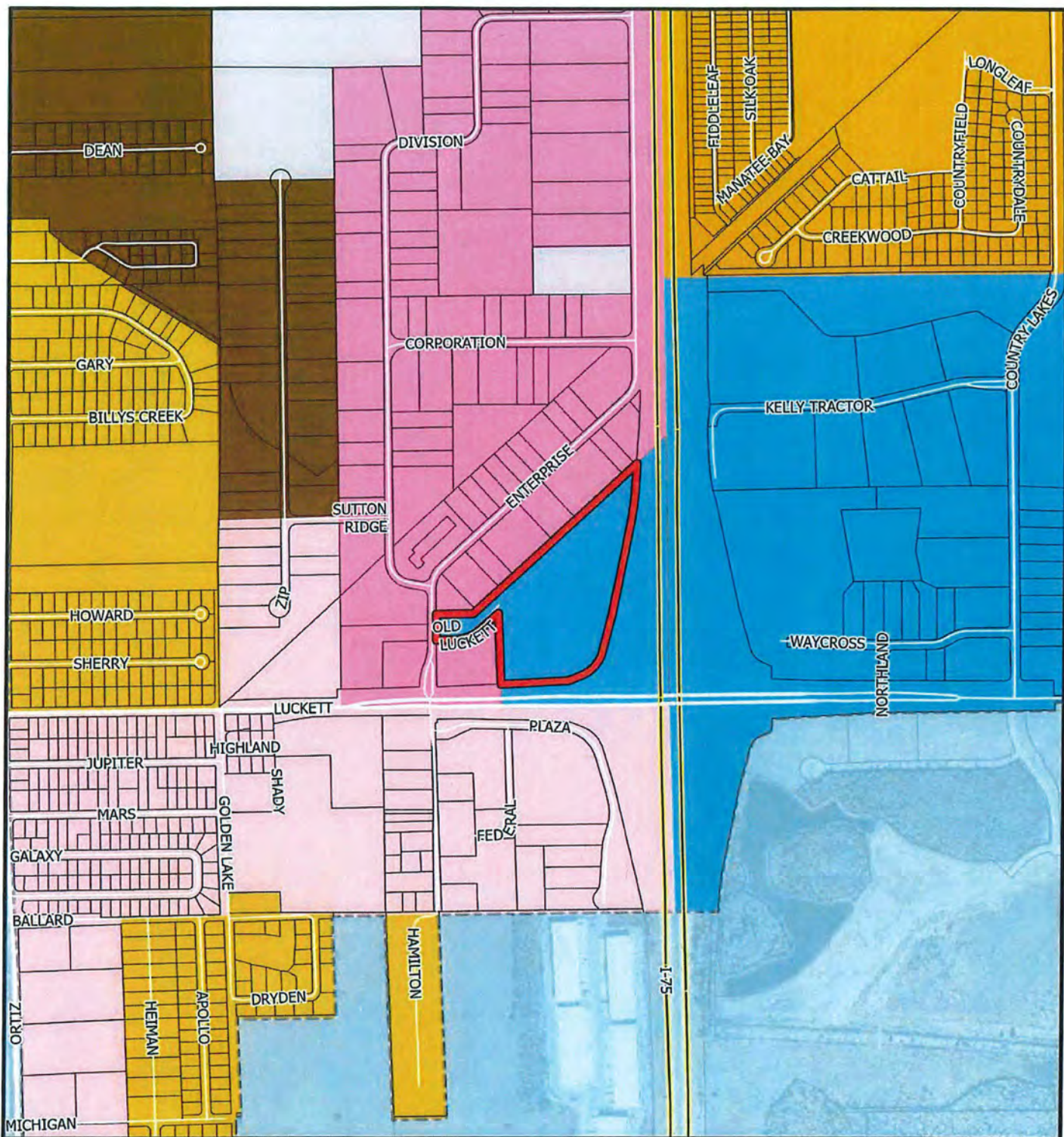
Map Generated: January 2022

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Industrial

- Public Facilities
- Industrial Interchange
- City Limits
- Subject Property







# CPA2021-00013 Lockett Landing

## Proposed Future Land Use

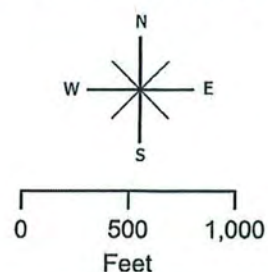


Lee County  
Southwest Florida

Map Generated: January 2022

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Industrial

- Public Facilities
- Industrial Interchange
- City Limits
- Subject Property





**STAFF REPORT FOR CPA2021-00013:**  
**LUCKETT LANDING**  
***Privately Initiated Small-Scale Map Amendment***



**Recommendation:**

Adopt

**Applicant:**

Ershig Properties, Inc.

**Representative:**

Quattrone & Associates,  
Inc.

**Property Location:**

9455 Old Lockett Drive

**Size:**

16.56± acres

**Planning District:**

#8 Fort Myers

**Commissioner District:**

District #5 (Frank Mann)

**Hearing Dates:**

LPA: 01/24/2022  
BoCC Transmittal:  
02/16/2022

**Attachments:**

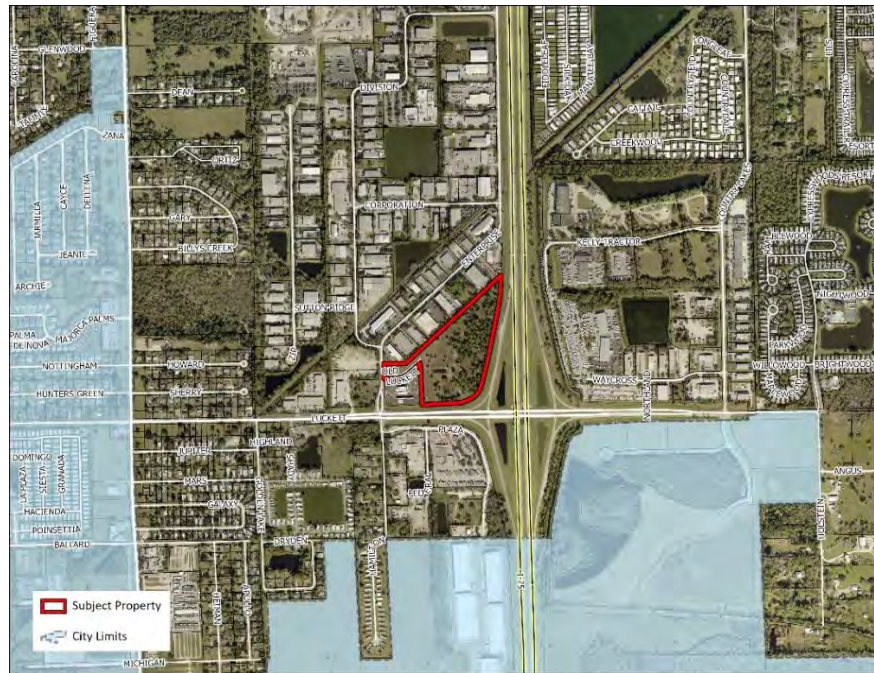
Existing Future Land Use  
Map  
Proposed Future Land Use  
Map

**REQUEST**

Amend the Future Land Use Map, Map 1-A, to re-designate 16.56 ± acres from the Industrial Development future land use category, to the Industrial Interchange future land use category. The subject property is located between Enterprise Parkway and I-75, on the north side of Lockett Road.

**SUMMARY**

The requested small-scale map amendment will change the future land use category for the subject property, at the I-75 and Lockett Road interchange. The main difference between the existing and proposed future land use categories is that the Industrial Interchange future land use category allows for additional commercial uses such as hotels, but not heavy industrial use, whereas the Industrial Development future land use category does allow heavy industrial uses, but limits types of commercial use. There is a concurrent rezoning application, which seeks to rezone 5.88± acres of the subject property from Commercial General (CG) to Commercial Highway (CH) in order to allow for a hotel use.



**RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendment as provided in Attachment 1. Note, the staff recommendation includes re-designating the FDOT and county right-of-ways east and south of the subject site making the Industrial Interchange contiguous with the Industrial Interchange future land use category on the east side of I-75.

## PART 1 STAFF DISCUSSION AND ANALYSIS

### SUBJECT PROPERTY

The subject property is located at the northwest corner of the I-75 and Luckett Road interchange, between I-75 and Enterprise Parkway. It is within the Fort Myers Planning District; Industrial Development future land use category; and, is currently zoned as General Commercial (CG).

### SURROUNDING PROPERTIES

Lands located to the north and west of the subject property, on the north side of Luckett Road, contain a mix of light industrial uses as well as a convenience store with fuel. These properties are within the Industrial Development future land use category and are zoned Light Industrial (IL) to the north, and CG to the west.

South of the subject property, south of Luckett Road, is a mixture of light industrial, commercial, and residential uses. These properties are within the Intensive Development future land use category; the commercial and light industrial uses are within Industrial Planned Developments (IPDs), and the residential uses are primarily zoned Agricultural (AG-2).

East of the subject property, east of I-75, are additional lands within the Industrial Interchange future land use category. These properties are a mixture of light industrial uses as well recreational vehicles (RV) sales and service. These properties are zoned IL, IPD and AG-2.

### LEE PLAN ANALYSIS

#### **Current and Proposed Future Land Use Category**

The subject property is currently designated as Industrial Development on the Future Land Use Map, which is described by Policy 1.1.7 of the Lee Plan.

**Policy 1.1.7** states that the Industrial Development future land use category “is reserved mainly for industrial uses and land use mixtures including industrial, manufacturing, research, recreational, and office (if specifically related to adjoining industrial uses)...”. The Industrial Development land use category has provisions to allow for a limited amount of commercial uses such as restaurants, retail, or service uses, but does not allow for hotels, which are commonly found surrounding interchange areas.

The proposed amendment is to re-designate the subject property and adjacent right-of-ways (measured to the centerline) to the Industrial Interchange future land use category. The interchange categories are described in Objective 1.3, with the Industrial Interchange future land use category being described specifically by Policy 1.3.1.

Lee Plan **Objective 1.3** describes special areas adjacent to the interchanges of Interstate 75 which maximize these critical access points. **Policy 1.3.1** states that the purpose of the Industrial Interchange future land use category is to *“allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate.”*

For industrial uses, the main difference between the Industrial Development and Industrial Interchange future land use categories is that the Industrial Development future land use category allows for heavy industrial and light industrial uses, and the Industrial Interchange future land use category only allows for light-industrial uses. Both future land use categories allow for limited commercial uses, however the Industrial Interchange future land use category specifically identifies *“visitor-serving commercial uses such as restaurants and hotels.”*

Goal 7 of the Lee Plan is to *“promote opportunities for well-planned industrial developments at suitable locations within the County.”* While industrial development would be appropriate for the subject property considering much of the surrounding development, the location of the subject property also makes it appropriate for the re-designation to the Industrial Interchange land use category in order to maximize this critical access point to I-75, consistent with Objective 1.3.

Properties located directly to the east of I-75 from the subject property are currently designated Industrial Interchange on the Future Land Use Map. This amendment will extend the future land use category from its current boundary, the centerline of I-75, to the western boundary of the subject property including the northern half of the Luckett Road right-of-way.

The re-designation of the subject property will allow for greater variation in developing the site and will continue to be compatible with existing and future development within the area, including the industrial, commercial, and tourist-oriented businesses as well as the nearby residential uses.

### **Growth Management/Compatibility**

Goal 2 discusses the need for appropriate growth management. **Objective 2.2** directs *“new growth to those portions of the future urban areas where adequate public facilities exist or are assured, and where compact contiguous development patterns can be created.”* The proposed development is located in an area with existing and planned development, including commercial and industrial uses. Furthermore, public facilities and services are in existence, and have adequate levels of service in regards to the subject property.

**Policy 2.2.1** expands on the necessity of adequate public services, specifically in regards to rezoning, and the availability and proximity of the road network; central sewer and water lines; community facilities and services, etc. The proposed development will have either no impact



(such as with Lee County schools), or a potential reduction in impacts (such as with transportation facilities). The proposed amendments are consistent with Goal 2, Objective 2.2, and Policy 2.2.1 of the Lee Plan.

Commercial development is addressed within **Policy 6.1.4** of the Lee Plan, which states that *“Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.”* The adjacent and immediately surrounding development consists of various commercial and industrial businesses and land uses, as well as convenience stations and a large travel center (Pilot Travel Centers). The allowable uses for the Industrial Interchange land use category are appropriate for the location, as it is adjacent to the I-75 and Lockett Road interchange. Due to the existing compatible development, and the existing public services and facilities the proposed amendment is consistent with Policy 6.1.4.

Additionally, the Industrial Interchange future land use category will continue to allow light industrial uses on the subject property. Given the surrounding uses, which include residential uses, south of Lockett Road, light industrial uses would be more appropriate than heavy industrial uses at this location.

#### **ANALYSIS OF PUBLIC FACILITIES AND INFRASTRUCTURE AVAILABILITY:**

There are adequate public facilities and infrastructure to serve future development consistent with the Industrial Interchange Future Land Use Category on the subject site. Including the Lee County and FDOT rights-of-way adjacent to the property will not change the impacts to public facilities and infrastructure as these areas will not be developed.

- Emergency Medical Services: The subject site is currently served by Lee County Emergency Medical Services (EMS). Lee County EMS has indicated that they will be able to provide adequate service to this property. The primary ambulance for this location is Medic 26, located 2.6 miles north. There are two additional EMS stations within 4 miles of the site.
- Fire: The subject property is within the boundaries of the Tice Fire Protection and Rescue Service District. There are no concerns regarding service availability.
- Police: The Lee County Sheriff's Office has indicated that they will be able to provide an adequate level of service to the subject property. Services will be provided from the Central District Offices in Fort Myers.
- Public transit: The subject property does not meet applicability standards for LeeTran. The property is not within one quarter mile of a fixed-route corridor, and there is no identified need for enhanced or additional transit services in the area.
- Schools: Lee County schools will not be impacted by the proposed amendment.

- Solid Waste: The Lee County Solid Waste Department currently has the appropriate capacity to provide service to the subject property. Disposal of waste will be completed at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.
- Water and Sewer: The subject property is located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are in operation adjacent to the property. However, developer-funded system enhancements, such as line extensions, may be required. Potable water service will be provided through the North Lee County Water Treatment Plant, while sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility.
- Transportation Facilities: Traffic generating potential will be reduced with the proposed amendment to the Future Land Use Map.

## CONCLUSIONS

Amending the Future Land Use Map to re-designate the 16.56± acre subject property from the Industrial Development Future Land Use category to the Industrial Interchange land use category, is consistent with the Lee Plan.

- The subject property is located adjacent to other properties that are designated Industrial Interchange.
- The subject property is located adjacent to the Lockett Road and I-75 interchange, making it an appropriate location for visitor-serving development.
- There is currently, and will continue to be, adequate public services to meet the demands of the Industrial Interchange future land use category.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed small-scale amendment as recommended by staff in Attachment 1.

**PART 2**  
**LOCAL PLANNING AGENCY**  
**REVIEW AND RECOMMENDATION**  
DATE OF PUBLIC HEARING: January 24, 2022

**A. LOCAL PLANNING AGENCY REVIEW**

The applicant's representative provided a presentation of the proposed amendment, including the requested land use category change and compatibility with the surrounding area. Following this, they answered several questions from LPA members regarding the traffic circulation analysis, general development plans of the site, and clarification regarding additional inclusion of acreage within the requested change. Staff followed up with a presentation for the proposed amendment, which included more information regarding compatibility with the Lee Plan. LPA members subsequently asked several questions regarding the concurrent zoning application and traffic impact, among other things. Staff also addressed a question regarding the inclusion of the additional acreage.

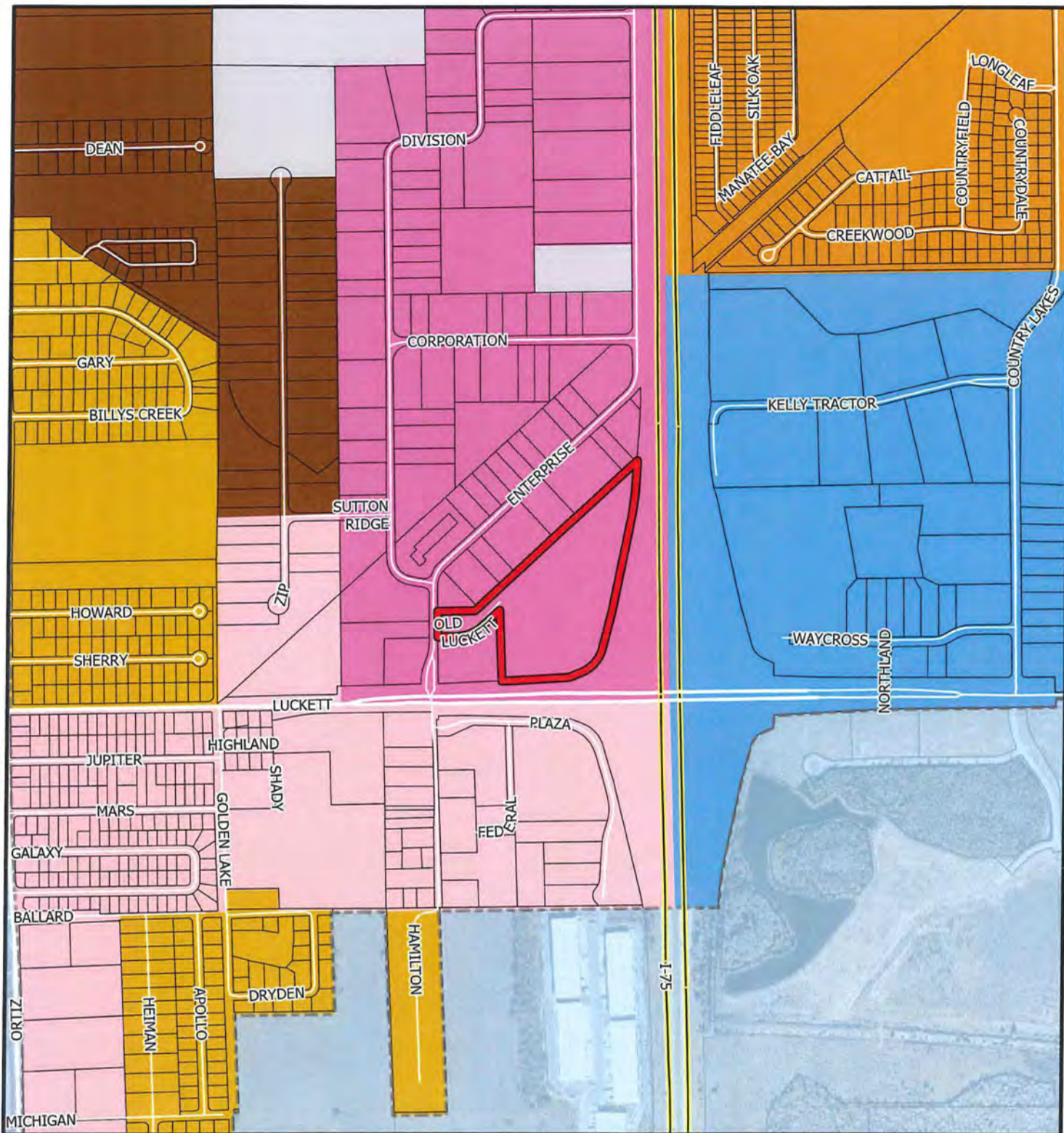
**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners **adopt** CPA2021-00013. The motion passed 7 to 0.

<b>RAYMOND BLACKSMITH</b>	<b>AYE</b>
<b>DUSTIN GARDNER</b>	<b>AYE</b>
<b>JAMES M. INK</b>	<b>ABSENT</b>
<b>ALICIA OLIVO</b>	<b>AYE</b>
<b>DON SCHROTENBOER</b>	<b>AYE</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>HENRY ZUBA</b>	<b>AYE</b>

# **ATTACHMENT 1**





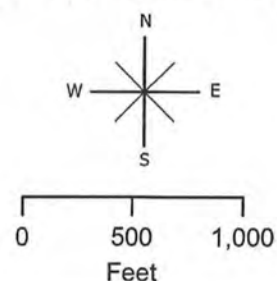
## CPA2021-00013 Lockett Landing

## Existing Future Land Use

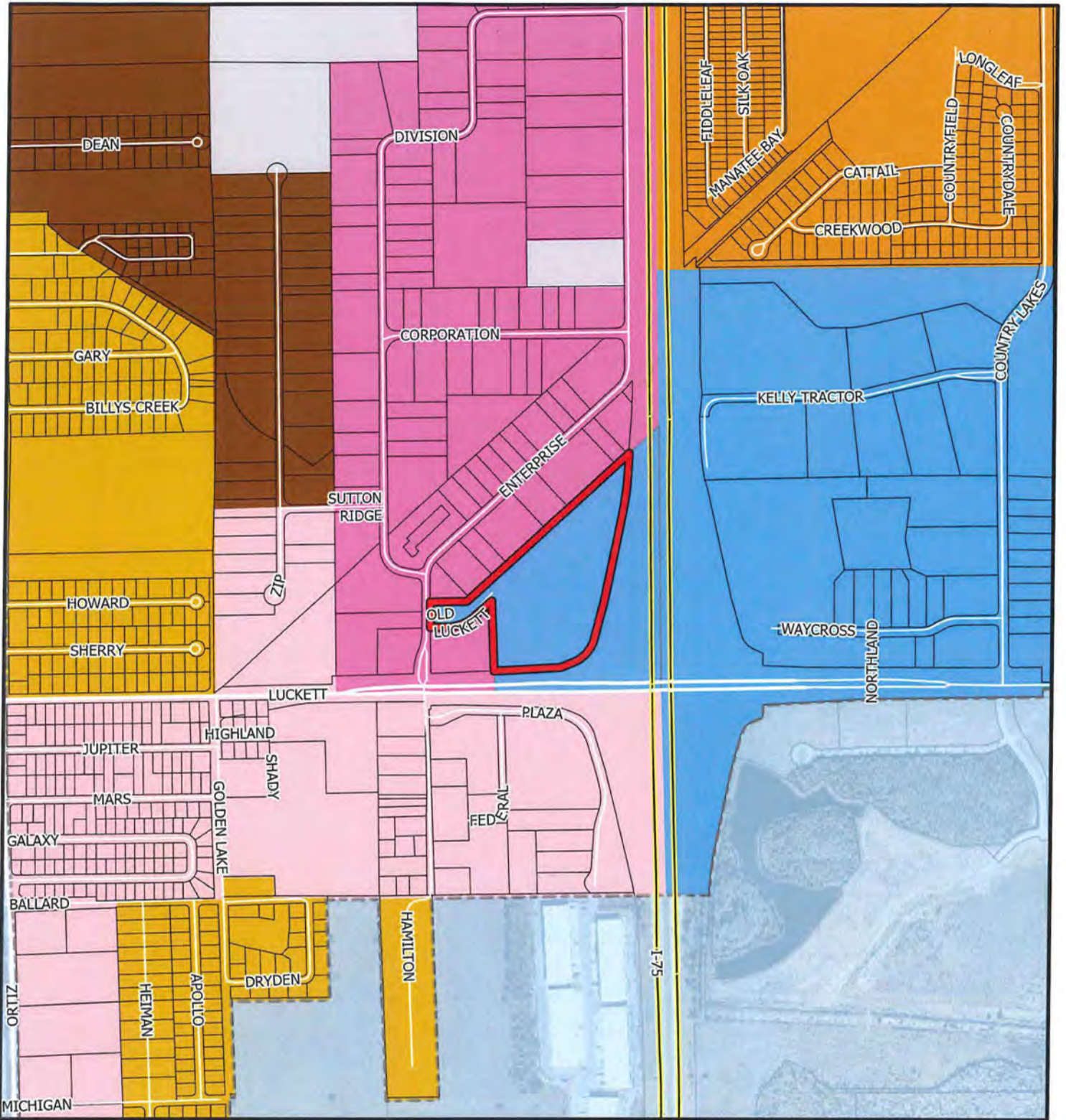


Map Generated: January 2022

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|---|--|
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| <span style="display: inline-block; width: 15px; height: 15px; background-color: #8B4513; border: 1px solid black;"></span> Central Urban         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #0000FF; border: 1px solid black;"></span> Industrial Interchange |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF8C00; border: 1px solid black;"></span> Urban Community       | <span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black;"></span> City Limits                                      |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFD700; border: 1px solid black;"></span> Suburban              | <span style="display: inline-block; width: 15px; height: 15px; border: 2px solid red;"></span> Subject Property                                    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> Industrial            |  |







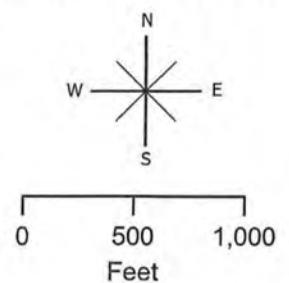
## CPA2021-00013 Lockett Landing

## Proposed Future Land Use



Map Generated: January 2022

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| <span style="display: inline-block; width: 15px; height: 15px; background-color: #8B4513; border: 1px solid black;"></span> Central Urban         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #6495ED; border: 1px solid black;"></span> Industrial Interchange |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF8C00; border: 1px solid black;"></span> Urban Community       | <span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black;"></span> City Limits                                      |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFD700; border: 1px solid black;"></span> Suburban              | <span style="display: inline-block; width: 15px; height: 15px; border: 2px solid red;"></span> Subject Property                                    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> Industrial            |  |





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<b>Surrounding Property Owners</b>	<b>Exhibit M3</b>
<b>Future Land Use Map – Existing &amp; Proposed</b>	<b>Exhibit M4</b>
<b>Map and Description of Existing Land Uses</b>	<b>Exhibit M5</b>
<b>Map and Description of Existing Zoning</b>	<b>Exhibit M6</b>
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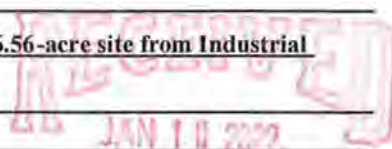




# APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Luckett Landing

Project Description: The application is requesting a map Amendment to change the 16.56-acre site from Industrial Development to Industrial Interchange.



Map(s) to Be Amended: Map 1, Page 1

COMMUNITY DEVELOPMENT

State Review Process: ☒ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. Name of Applicant: Ershig Properties, Inc

Address: P.O. Box 1127, 1800 N. Elm Street

City, State, Zip: Henderson, KY 42419

Phone Number: 270-826-0595

E-mail: dershig@ershigproperties.com

2. Name of Contact: Quattrone & Associates, Inc

Address: 4301 Veronica Shoemaker Blvd

City, State, Zip: Fort Myers, FL 33916

Phone Number: 239-936-5222

E-mail: permits@qainc.net

3. Owner(s) of Record: Luckett Landing, LLC

Address: \_\_\_\_\_

City, State, Zip: 1800 N. Elm Street, Henderson, KY 42419

Phone Number: 270-826-0595

E-mail: gpoole@ershigproperties.com

4. Property Location:

1. Site Address: 9455 Old Luckett Drive, Fort Myers, FL 33905

2. STRAP(s): 10-44-25-00-00011.0000

5. Property Information:

Total Acreage of Property: ±16.56

Total Acreage Included in Request: ±16.56

Total Uplands: ±16.56

Total Wetlands: 0

Current Zoning: CG

Current Future Land Use Category(ies): Grazing/Agriculture

Area in Each Future Land Use Category: ±16.56

Existing Land Use: Industrial Development

6. Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: N/A

Commercial Intensity: Per "LDC"

Industrial Intensity: Per "LDC"

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: N/A

Commercial Intensity: Per "LDC"

Industrial Intensity: Per "LDC"

## **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

**1. Traffic Circulation Analysis:** The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

- a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
  - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
  - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
  - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
- b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

**2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space
- e. Public Schools

**Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):**

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

**In addition to the above analysis, provide the following for potable water:**

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

**3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

#### **Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

#### **Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

#### **Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

#### **State Policy Plan and Regional Policy Plan**

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

#### **Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

#### **Planning Communities/Community Plan Area Requirements**

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

### **Sketch and Legal Description**

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. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

### **SUBMITTAL REQUIREMENTS**

***Clearly label all submittal documents with the exhibit name indicated below.***

***For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.***

#### **MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input type="checkbox"/>	Completed Application (Exhibit – M1)
<input type="checkbox"/>	Filing Fee (Exhibit – M2)
<input type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
<input type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

### **APPLICANT – PLEASE NOTE:**

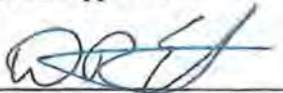
Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.



AFFIDAVIT

I, Don Ershig, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of Applicant

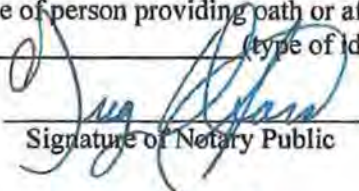
10-8-21

Date

Don Ershig-  
as Manager of Lockett Landing, LLC  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ onlinenotarization on \_\_\_\_\_ (date) by (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



Signature of Notary Public

Greg Oxford  
(Name typed, printed or stamped)



## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Don R. Ershig, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 9455 Old Lockett Drive and is the subject of an application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
Don R. Ershig, dba Lockett Landing, LLC	100%
1800 N. Elm Street	
Henderson, KY 42420	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Luckett Landing, LLC  
Property Owner

Don R. Ershig, Member Manager  
Print Name

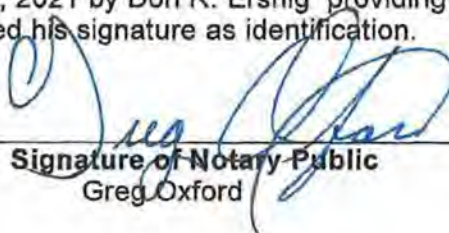
\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF KENTUCKY  
COUNTY OF HENDERSON

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of his physical presence, on October 7, 2021 by Don R. Ershig providing oath, who is personally known to me or who has produced his signature as identification.

STAMP/SEAL



  
\_\_\_\_\_  
Signature of Notary Public  
Greg Oxford



Date of Report: September 16, 2021

Buffer Distance: 500 feet 

Parcels Affected: 46

Subject Parcel: 10-44-25-00-00011.0000

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BAYROCK RINGLING LLC 1307 W MOREHEAD ST STE 208 CHARLOTTE NC 28208	10-44-25-00-00011.0010 5951 ENTERPRISE PKWY FORT MYERS FL 33905	PT OF S W 1/4 SEC 10 TWP 44 RNG 25 PORT OF LAND DESC IN OR 1307 PG 784	1
AAE PACIFIC PARK 129 W WILSON ST STE 100 COSTA MESA CA 92627	10-44-25-01-00000.0010 5061 LUCKETT RD FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 1 + 2 + 4	2
REAL BASSIL INC 1891 CHIMNEY CREEK PL SARASOTA FL 34235	10-44-25-01-00000.0030 5101 LUCKETT RD FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 3	3
AAE PACIFIC PARK 129 W WILSON ST STE 100 COSTA MESA CA 92627	10-44-25-01-00000.0050 5916 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 5 + 38	4
PEOPLES GAS SYSTEM 702 N FRANKLIN ST	10-44-25-01-00000.0060 5901 ENTERPRISE PKWY	BILLY CREEK COMMERCE CNTR	5

TAMPA FL 33602	FORT MYERS FL 33905	UNIT 1 PB 33 PG 116 LOT 6	
MATERIAL RECOVERY SERVICES INC 20842 KAIDON LN NORTH FORT MYERS FL 33917	<b>10-44-25-01-00000.0070</b> 5893 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 7 + 8	6
R2C2 LLC 21399 EDGEWATER DR PORT CHARLOTTE FL 33952	<b>10-44-25-01-00000.0090</b> 5877 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 9	7
JWMG INVESTEMENTS LLC MAYHUGH COMMERCIAL MANAGEMENT 13690 EAGLE RIDGE DR FORT MYERS FL 33912	<b>10-44-25-01-00000.0100</b> 5869 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 10 THRU 12	8
ATB ENTERPRISE PARKWAY LLC 6755 WILSON RD WEST PALM BEACH FL 33413	<b>10-44-25-01-00000.0130</b> 5845 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 13 + 14	9
JACK LYONS FAMILY LP PAT LYONS 8482 NW 96TH ST MEDLEY FL 33166	<b>10-44-25-01-00000.0150</b> 5811 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 15 THRU 18	10
NATIONAL RETAIL PROPERTIES LP 450 S ORANGE AVE STE 900 ORLANDO FL 32801	<b>10-44-25-01-00000.0190</b> 5797 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 19	11
NATIONAL RETAIL PROPERTIES LP 450 S ORANGE AVE STE 900 ORLANDO FL 32801	<b>10-44-25-01-00000.0200</b> 5789 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 20	12
MCMAHON WILLIAM P TR 670 MASON RIDGE CENTER DR #220 SAINT LOUIS MO 63141	<b>10-44-25-01-00000.0210</b> 5770-5792 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 21 THRU 23	13
VIXLER ENTERPRISES LLC 10052 BAVARIA RD FORT MYERS FL 33913	<b>10-44-25-01-00000.0240</b> 5796 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 24	14
RITTER INVESTMENTS LLC 5812 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-01-00000.0250</b> 5804 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 25	15
RITTER INVESTMENTS LLC 5812 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-01-00000.0260</b> 5812 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOTS 26 + 27	16
SOX DEVELOPMENT INC STAN GARCZYNSKI 39 POST RD HOOKSETT NH 03106	<b>10-44-25-01-00000.0280</b> 5828 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 28	17
GOLDEN EAGLE PROPERTIES LLC 7 FRANKLIN MCKAY DR ATTLEBORO MA 02703	<b>10-44-25-01-00000.0290</b> 5836 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 29	18
2018 BILLY CREEK LLC 28282 INDUSTRIAL RD STE 2 BONITA SPRINGS FL 34135	<b>10-44-25-01-00000.0300</b> 5844 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 30	19
HANATHAN LLC	<b>10-44-25-01-00000.0310</b>	BILLY CREEK COMMERCE	20



2220 OAKES BLVD NAPLES FL 34119	5852 ENTERPRISE PKWY FORT MYERS FL 33905	CNTR UNIT 1 PB 33 PG 116 LOT 31	
FAIRCLOTH PROPERTIES 11711 ISLE OF PALMS DR FORT MYERS BEACH FL 33931	<b>10-44-25-01-00000.0320</b> 5860 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 32	21
BJ HOLDINGS OF FORT MYERS LLC 4245 FOWLER ST FORT MYERS FL 33901	<b>10-44-25-01-00000.0330</b> 5868 ENTERPRISE PKWY FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 LOT 33	22
BILLY CREEK LOT OWNERS ASSN 530 CONSTRUCTION LN #1 LEHIGH ACRES FL 33936	<b>10-44-25-02-00000.00CE</b> SUBMERGED FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 1 PB 33 PG 116 TRACT A	23
5845 CORPORATION CIRCLE LLC 5890 STALEY RD FORT MYERS FL 33905	<b>10-44-25-02-00000.0720</b> 5845 CORPORATION CIR FORT MYERS FL 33905	BILLY CREEK COMMERCE CNTR UNIT 2 PB 34 PG 68 LOTS 72 + 73	24
COLE CW FORT MYERS FL LLC CAMPING WORLD - ANNA GOUMAS 250 PARKWAY DR STE 270 LINCOLNSHIRE IL 60069	<b>10-44-25-07-00000.0010</b> 4621/4681 WAYCROSS RD FORT MYERS FL 33905	B F INDUSTRIAL CENTER PB 47 PG 92 LOTS 1 THRU 4 + VAC ROW OR 3857/1078 + LOTS 29 THRU 34	25
KELLY TRACTOR CO 9651 KELLY TRACTOR DR FORT MYERS FL 33905	<b>10-44-25-08-00000.0080</b> 9650 KELLY TRACTOR DR FORT MYERS FL 33905	KELLY TRACTOR COMMERCE CENTER PB 60 PGS 18 + 19 LOTS 8 + 9 + INSTRUMENT 2021000025137	26
MITCHELL DANNY & MARGIE PO BOX 153060 CAPE CORAL FL 33990	<b>10-44-25-10-00000.1630</b> 5858 CORPORATION CIR FORT MYERS FL 33905	BILLY CREEK COMMERCE CENTER UNIT 5 PB 64 PGS 23 + 24 LOT 163	27
NORMARK PLAZA CML CONDO ASSN 21421 WIDGEON TER FORT MYERS BEACH FL 33931	<b>10-44-25-11-00000.00CE</b> NORMARK PLAZA COMMERICAL CONDO C/E FORT MYERS FL 33905	NORMARK PLAZA COMM CONDO DESC IN OR 4675 PG 3088 COMMON ELEMENTS	28
SUNTOSHI INC 7573 FAIRLINKS CT E SARASOTA FL 34243	<b>15-44-25-00-00003.0010</b> 5100 LUCKETT RD FORT MYERS FL 33905	PARL IN NW 1/4 OF NW 1/4 AS DESC OR 561/55 + DESC IN OR 1226 PG 252 LESS OR 1077/346 + E 25FT DESC IN OR 2365 PG 2138	29
RPR LAND HOLDINGS LLC 6061 HAMILTON DR FORT MYERS FL 33905	<b>15-44-25-00-00009.0000</b> 6061 HAMILTON DR FORT MYERS FL 33905	LUCKETT RD TRUCK + AUTO PL PB39 PG 39 LT 1LES E 45 FT +VAC R/W+ PARLS W + S ADJ	30
HAMILTON + LUCKETT OWNERS ASSN 5900 ENTERPRISE PKWY FORT MYERS FL 33905	<b>15-44-25-00-00016.00CE</b> 6120 FEDERAL CT FORT MYERS FL 33905	RETENTION PARCELS AND EAST 45 FT R/W ESMTS DESC OR 2498 PG 3483 + OR 2383 PG 3585 COMMON ELEMENTS	31
PILOT TRAVEL CENTERS LLC STORE 352 PO BOX 54470 LEXINGTON KY 40555	<b>15-44-25-03-00000.0020</b> 6050/6054 PLAZA DR FORT MYERS FL 33905	LUCKETT RD TRUCK + AUTO PLAZA PB 39 PG 39 LOTS 2 THRU 4	32
LUCKETT ROAD TRUCK + AUTO 5900 ENTERPRISE PKWY FORT MYERS FL 33905	<b>15-44-25-03-0000B.00CE</b> RIGHT OF WAY FORT MYERS FL 33905	LUCKETT RD TRUCK + AUTO PLAZA PB 39 PG 39 TRACTS B + R/W LESS VAC DESC IN OR 2368 PG 2265	33

ALENU INVESTMENTS LLC 2607 NE 189TH ST AVENTURA FL 33180	<b>10-44-25-11-00000.0010</b> 5900 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 1	34
RSP INVESTMENTS LLC 5898 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-11-00000.0020</b> 5898 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 2	34
PROCTOR WILLIAM EDWARD II 5896 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-11-00000.0030</b> 5896 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 3	34
TJL PROPERTIES LLC N7168 WINNEBAGO DR FOND DU LAC WI 54935	<b>10-44-25-11-00000.0040</b> 5894 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 4	34
TJL PROPERTIES LLC N7168 WINNEBAGO DR FOND DU LAC WI 54935	<b>10-44-25-11-00000.0050</b> 5892 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 5	34
ABS RECOVERY INCORPORATED PO BOX 50906 FORT MYERS FL 33994	<b>10-44-25-11-00000.0060</b> 5890 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 6	34
ABS RECOVERY INCORPORATED PO BOX 50906 FORT MYERS FL 33994	<b>10-44-25-11-00000.0070</b> 5888 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 7	34
ABS RECOVERY INCORPORATED PO BOX 50906 FORT MYERS FL 33994	<b>10-44-25-11-00000.0080</b> 5886 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 8	34
TJL PROPERTIES LLC N7168 WINNEBAGO DR FOND DU LAC WI 54935	<b>10-44-25-11-00000.0090</b> 5884 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 9	34
EB PROPERTIES INC 8275 NW 80TH ST MIAMI FL 33166	<b>10-44-25-11-00000.0100</b> 5882 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 10	34
5880 ENTERPRISE PARKWAY LLC 5880 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-11-00000.0110</b> 5880 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 11	34
ABS RECOVERY INCORPORATED INC 5886 ENTERPRISE PKWY FORT MYERS FL 33905	<b>10-44-25-11-00000.0120</b> 5878 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 12	34
TJL PROPERTIES LLC N7168 WINNEBAGO DR FOND DU LAC WI 54935	<b>10-44-25-11-00000.0130</b> 5876 ENTERPRISE PKWY FORT MYERS FL 33905	NORMARK PLAZA COMMERCIAL CONDO DESC IN OR 4675 PG 3088 UNIT 13	34





## **Luckett Landing**

<p>Narrative Description of Existing Land Uses Exhibit M5</p>
---

### **Subject Property**

The subject property is 16.56-acre parcel located at the northeast corner of Luckett Road and Enterprise Parkway northwest of the Luckett Road and I-75 exit ramp.

The lot was previously split from a 19.5 Acre parcel and a 7-Eleven site was constructed on 2.93 acres located near Enterprise Parkway. The property is bordered on the east by I-75

### **North and West**

To the northwest is Billy Creek Commerce Center, a well-established Light Industrial Subdivision.

### **Northeast**

To the northeast, across I-75, currently from north to south is a 317,509 sq ft garage and repair known as Kelly Tractor and 851,835 sq ft Auto Sales known as Camping World.

### **South**

To the south, across Luckett Rd. currently from east to west are a 13,069 sq ft Convenience Store, 5,720 sq ft service garage and a 3,000 sq ft canopy known as "Pilot Center", as well as a 10,560 sq ft service garage known as Southern Marine & RV sales.









### **Luckett Landing**

Narrative Description of Existing Zoning Exhibit M6
--

#### **Subject Property**

The subject property is 16.56-acres consisting of one vacant parcel. The current zoning is Commercial General (CG).

#### **West**

Property to the west is zoned Commercial General (CG), with a 4,663 sq ft Convenient Store, 4,048 sq ft Canopy with fuel pumps and an 1,866 sq ft canopy with fuel pumps.

#### **North and Northwest**

Properties to the north and northwest are zoned Light Industrial (IL) and part of Billy's Creek Industrial Park.

#### **East**

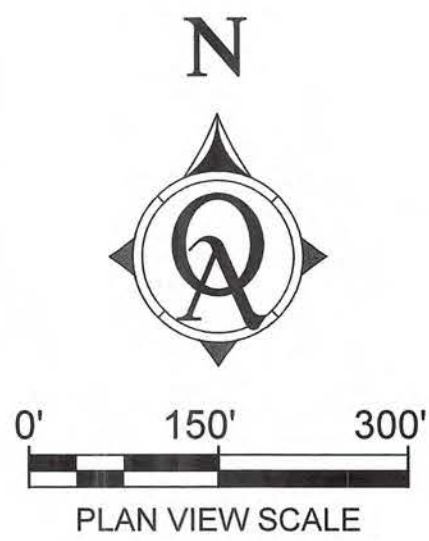
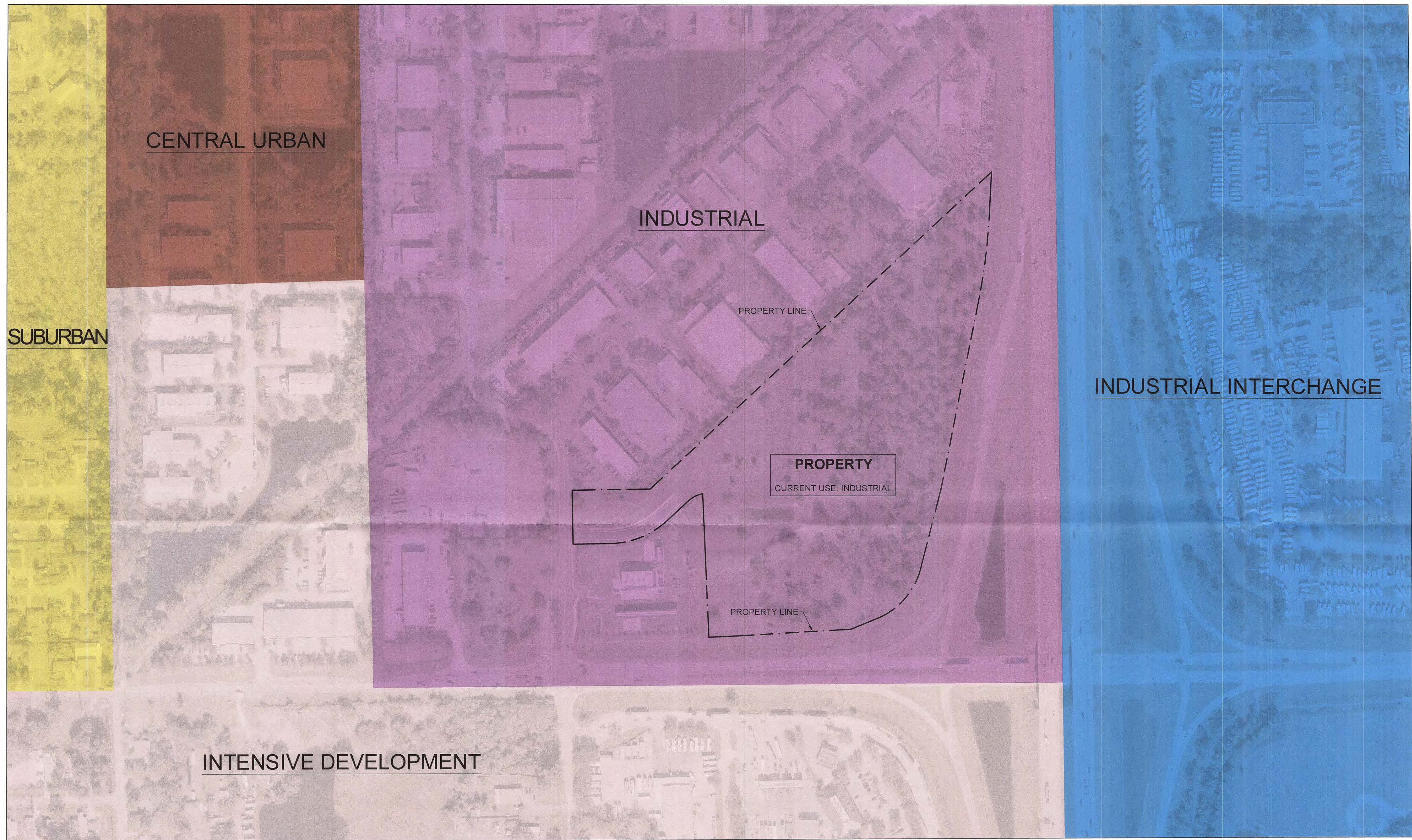
Properties to east and, across I-75 are zoned IPD and IL. To the northeast is an Industrial Planned Development known as, Kelly Tractor, IPD. The IPD is approved for 200,000 sq ft of Commercial Uses and 300,000 sq ft of Industrial Uses. South is Light Industrial (IL).

#### **South**

To the south, across Luckett Rd. is a 21.87-acre Industrial Planned Development known as, Luckett Rd IPD. The IPD is approved for 181,000 sq ft of Industrial Uses and 115,000 sq ft of Commercial Uses, of which 50,000 sq ft may be a hotel.



P:\2018 Projects\191106 LUCKETT LANDING HOTEL-NO PROJ-01-CADD FILES\08-COMPREHENSIVE & ZONING EXHIBIT\191106 BASE



**FUTURE URBAN AREAS**

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

**INTERCHANGE AREAS**

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange

**NEW COMMUNITY**

- New Community

**AIRPORT AREAS**

- Tradeport
- Airport

**NON-URBAN AREAS**

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland

**NOTES:**

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.
- FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2021.

See Chapter XIII and Lee County Administrative Code 13-2 for standards and procedures for administrative interpretations of the Lee Plan.

LUCKETT LANDING HOTEL  
FUTURE LAND USE MAP - EXISTING  
9455 OLD LUCKETT DRIVE  
FORT MYERS, FLORIDA 33905

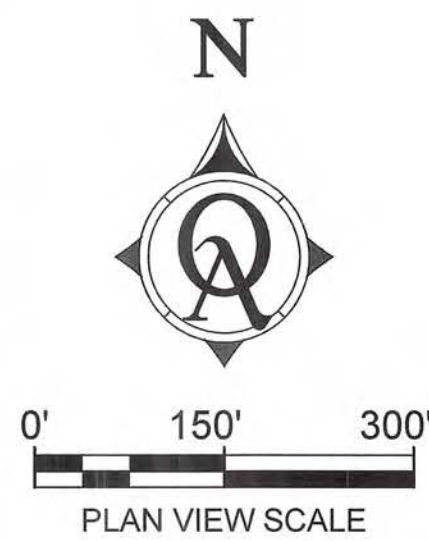
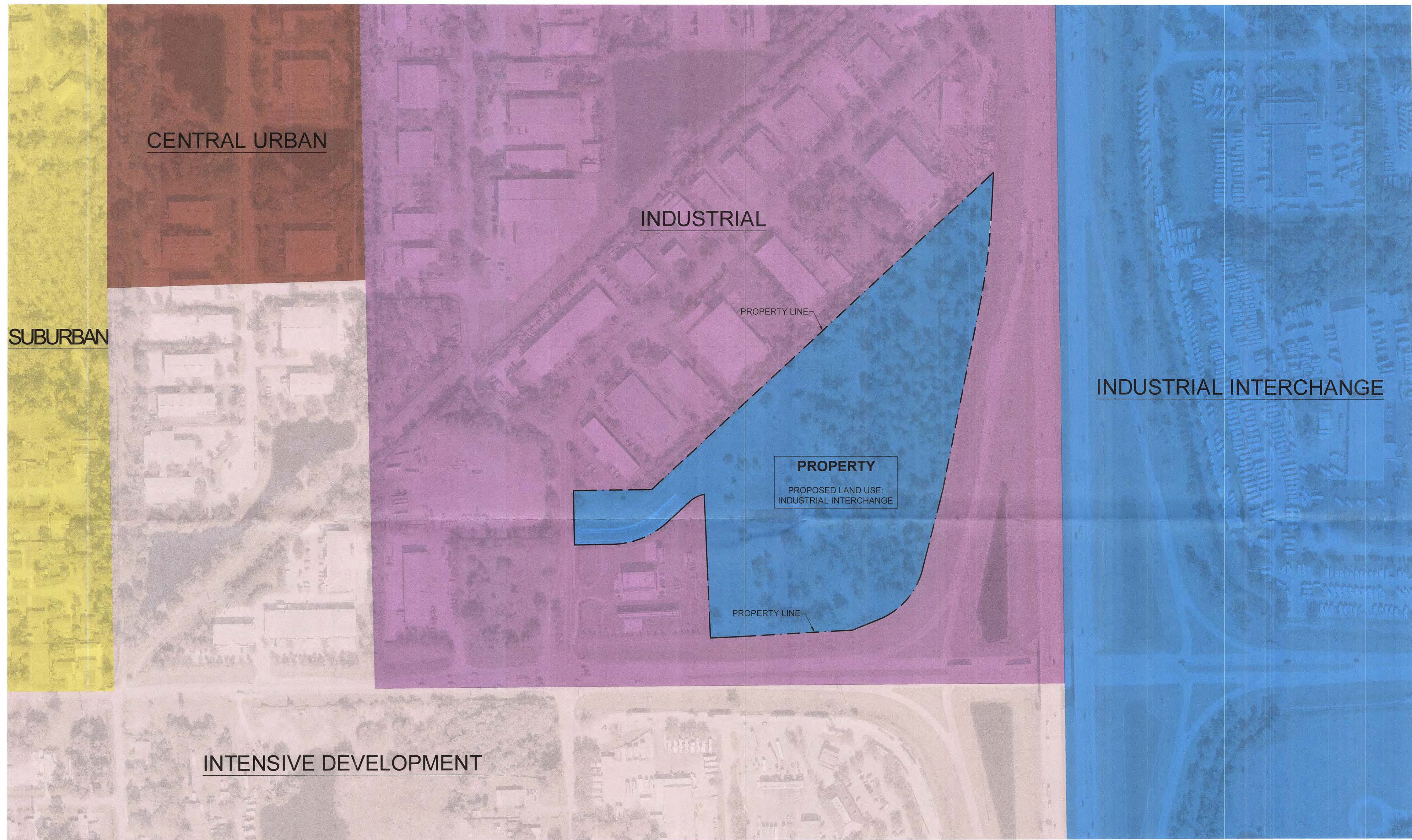
**Quatrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9465

MICHELLE SALBERG  
FL REG #70375  
VALID ONLY WITH STAMPED SEAL  
SAVED BY: Joe  
SAVED ON: 10/8/21

M4  
EXISTING  
FUTURE LAND  
USE MAP



P:\2019 Projects\191108 LUCKETT LANDING HOTEL\NO PROJ\01-CADD FILES\08-COMPREHENSIVE & ZONING EXHIBIT\191108 BASE



- FUTURE URBAN AREAS**
- Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
  - Commercial
  - Industrial
  - Public Facilities
  - University Community
  - Burnt Store Marina Village
  - Destination Resort Mixed Use Water Dependent

- INTERCHANGE AREAS**
- Industrial Interchange
  - General Interchange
  - General Commercial Interchange
  - Industrial Commercial Interchange
  - University Village Interchange
  - New Community
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Tradeport
  - Airport

- NON-URBAN AREAS**
- Rural
  - Rural Community Preserve
  - Coastal Rural
  - Outer Island
  - Open Lands
  - Density Reduction/Groundwater Resource
  - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
  - Conservation Lands - Wetland

- NOTES:**
- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.
  - FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2021.

See Chapter XIII and Lee County Administrative Code 13-2 for standards and procedures for administrative interpretations of the Lee Plan.

LUCKETT LANDING HOTEL FUTURE LAND USE MAP - PROPOSED 9455 OLD LUCKETT DRIVE FORT MYERS, FLORIDA 33905		COMMENT
Quattrone & Associates, Inc. Engineers, Planners, & Development Consultants 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222 Certificate of Authorization Number: 9465	MICHELLE SALBERG FL REG #70375 VALID ONLY WITH STAMPED SEAL SAVED BY: Joe SAVED ON: 10/8/21 M4 PROPOSED FUTURE LAND USE MAP	DATE



**LEGAL DESCRIPTION & SKETCH**  
**LUCKETT LANDING**  
**SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST**  
**LEE COUNTY, FLORIDA**

**DESCRIPTION:**

A TRACT OR PARCEL OF LAND AS DESCRIBED IN INSTRUMENT 2019000174295, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; LEE COUNTY STRAP NUMBER 10-44-25-00-000.11.0000; LYING IN THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE FROM SAID POINT OF COMMENCEMENT RUN N 89°08'02" E ALONG THE CENTERLINE OF LUCKETT ROAD AND THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 1362.50 FEET; THENCE LEAVING SAID CENTERLINE, RUN N 00°59'03" W A DISTANCE OF 123.18 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID LUCKETT ROAD; THENCE CONTINUE N 00°59'03" W ALONG THE EAST BOUNDARY OF BILLY CREEK COMMERCE CENTER, UNIT ONE, AS RECORDED IN PLAT BOOK 33, PAGE 116, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 290.00 FEET TO THE POINT OF BEGINNING THENCE FROM SAID POINT OF BEGINNING RUN N 00°59'03" W ALONG SAID EAST BOUNDARY LINE OF BILLY CREEK COMMERCE CENTER, UNIT ONE, A DISTANCE OF 160.00 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BILLY CREEK COMMERCE CENTER, UNIT ONE; THENCE RUN N 89°08'40" E ALONG THE SOUTH BOUNDARY LINE OF LOT 6 OF SAID BILLY CREEK COMMERCE CENTER, A DISTANCE OF 230.60 FEET; THENCE N 47°14'35" E ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID BILLY CREEK COMMERCE CENTER, A DISTANCE OF 1373.10 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE I-75 EXIT RAMP TOWARD LUCKETT ROAD, BEING THE SOUTH CORNER OF LOT 20 OF SAID BILLY CREEK COMMERCE CENTER, UNIT ONE; THENCE RUN ALONG SAID EXIT RAMP RIGHT-OF-WAY, THE FOLLOWING SEVEN (7) COURSES: (1) S 03°01'27" W A DISTANCE OF 122.75 FEET TO THE POINT OF A CURVATURE OF A 1,815.86 FEET RADIUS CURVE TO THE RIGHT, BEING CONCAVE WESTERLY, HAVING A DELTA ANGLE OF 08°20'18", A CHORD BEARING AND LENGTH OF S 07°11'36" W AND 264.03 FEET; (2) THENCE RUN 264.26 FEET ALONG THE ARC OF SAID CURVE; (3) THENCE S 11°21'45" W A DISTANCE OF 559.31 FEET; (4) THENCE S 14°21'13" W A DISTANCE OF 230.27 FEET TO A POINT OF A NON-TANGENT CURVATURE OF 216.00 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE NORTHWESTERLY, HAVING A DELTA ANGLE OF 56°22'43", A CHORD BEARING AND LENGTH OF S 39°33'07" W AND 204.07 FEET; (5) THENCE RUN 212.54 FEET ALONG THE ARC OF SAID CURVE; (6) THENCE S 67°44'28" W A DISTANCE OF 84.66 FEET; (7) THENCE S 86°41'26" W A DISTANCE OF 350.32 FEET; THENCE S 87°32'53" W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID LUCKETT ROAD A DISTANCE OF 70.61 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, RUN N 02°27'05" W A DISTANCE OF 440.07 FEET; THENCE S 47°16'03" W A DISTANCE OF 145.11 FEET TO THE POINT OF CURVATURE OF A 250.00 FEET RADIUS CURVE TO THE RIGHT, BEING CONCAVE NORTHERLY, HAVING DELTA ANGLE OF 41°46'20", A CHORD BEARING AND LENGTH OF S 68°09'12" W AND 178.26 FEET; THENCE RUN 182.27 FEET ALONG THE ARC OF SAID CURVE; THENCE S 89°02'22" W A DISTANCE OF 109.77 FEET TO THE POINT OF BEGINNING

SAID LANDS BEING 16.55 ACRES (MORE OR LESS)

**NOTES:**

1. COORDINATES & DIMENSIONS BASED ON A BOUNDARY SURVEY BY THIS FIRM, DATED JULY 08, 2021.
2. BEARINGS AND COORDINATES ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983 (2011 ADJUSTMENT). THE BASIS OF BEARINGS IS THE EAST LINE OF BILLY CREEK COMMERCE CENTER AS WHICH BEARS N 00°59'03" W. BEARING OF SAID LINE IS N 01°00'29" W IN INSTRUMENT 2019000174295.
3. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
4. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
5. THIS IS NOT A BOUNDARY SURVEY.



Digitally signed  
by Darren  
Townsend  
Date: 2021.11.17  
11:54:53 -05'00'

DARREN TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6476

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



**AIM Engineering & Surveying, Inc.**  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
www.aimengr.com  
PHONE (239) 332-4569  
TOLL FREE (800) 226-4569  
LICENSED BUSINESS No. 3114

**LEGAL DESCRIPTION & SKETCH**  
**LUCKETT LANDING**

DRAWN: CH 11-16-2021		CHECKED: DT 11-17-2021		CLIENT: QUATTRONE & ASSOCIATES	
PROJECT NO.: 15-0402	SECTION: 10	TOWNSHIP: 44 S	RANGE: 25 E	COUNTY: LEE	SHEET 1 OF 2

# LEGAL DESCRIPTION & SKETCH

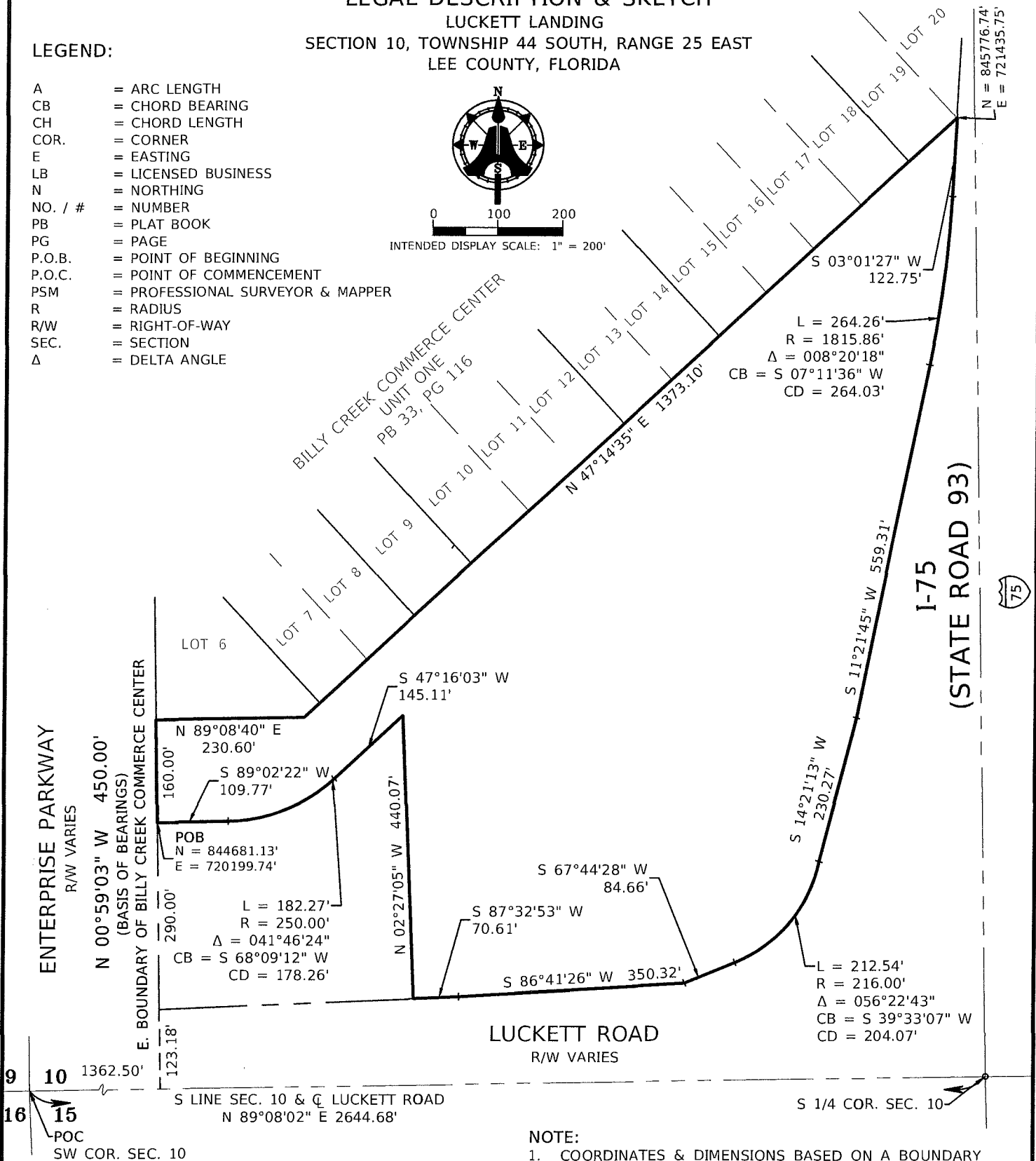
LUCKETT LANDING  
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

## LEGEND:

A	= ARC LENGTH
CB	= CHORD BEARING
CH	= CHORD LENGTH
COR.	= CORNER
E	= EASTING
LB	= LICENSED BUSINESS
N	= NORTHING
NO. / #	= NUMBER
PB	= PLAT BOOK
PG	= PAGE
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
PSM	= PROFESSIONAL SURVEYOR & MAPPER
R	= RADIUS
R/W	= RIGHT-OF-WAY
SEC.	= SECTION
Δ	= DELTA ANGLE



INTENDED DISPLAY SCALE: 1" = 200'



NOT VALID WITHOUT THE ATTACHED DESCRIPTION.



**AIM Engineering & Surveying, Inc.**  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
www.aimengr.com  
PHONE (239) 332-4569  
TOLL FREE (800) 226-4569  
LICENSED BUSINESS No. 3114

## LEGAL DESCRIPTION & SKETCH LUCKETT LANDING

DRAWN: CH 11-16-2021	CHECKED: DT 11-17-2021	CLIENT: QUATTRONE & ASSOCIATES
PROJECT NO.: 15-0402	SECTION: 10	TOWNSHIP: 44 S
RANGE: 25 E	COUNTY: LEE	SHEET 2 OF 2

Prepared by and Return to:  
Jamie L. Cox  
Stites & Harbison, PLLC  
400 W. Market Street, Suite 1800  
Louisville, Kentucky 40205

Parcel ID # 10-44-25-0-00011.0000

#### WARRANTY DEED

This Warranty Deed is made this 31st day of December, 2007, between HALEX CORPORATION, a Florida corporation, having an address of 2059 Trade Center Way, Naples, Florida 34109, as to an undivided fifty percent (50%) interest, and ERSHIG PROPERTIES, INC., a Kentucky corporation, having an address of 1800 N. Elm Street, Henderson, Kentucky 42420, as to an undivided fifty percent (50%) interest, as tenants in common (collectively, the "Grantors") and LUCKETT LANDING, LLC, a Florida limited liability company, having an address of 1800 N. Elm Street, Henderson, Kentucky 42420 (the "Grantee").

WITNESSETH, that Grantors, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration paid to Grantors by Grantee, the receipt and sufficiency of which the Grantors do hereby acknowledge, have granted, bargained and sold to Grantee and Grantee's heirs and assigns forever the following described land located in Lee County, Florida:

SEE EXHIBIT A ATTACHED HERETO AND MADE PART HEREOF

Subject to easements, restrictions and covenants of record and taxes for the current year. Grantors do fully warrant the title to said land, and will defend the same against the lawful claims of all person whomsoever.

(signatures on following page)

IN WITNESS WHEREOF, Grantors have hereunto set their respective hands and seals as of the day and year first above written.

Patricia Marino  
Patricia Marino  
Witness (print name)

Leidiana T. Llerena  
Leidiana T. Llerena  
Witness (print name)

HALEX CORPORATION, a Florida corporation

By Lauren Maxwell  
Lauren Maxwell, President

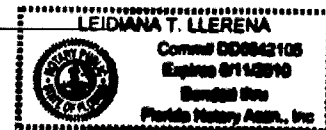
State of Florida )  
County of Collier )

The foregoing instrument was acknowledged before me this 4th day of December, 2007 by Lauren Maxwell as President of Halex Corporation, a Florida corporation, who is [personally known to me/produced Driver License identification].

Leidiana T. Llerena  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

(signatures continue on following page)



Tobi J. Wright

Tobi J. Wright  
Witness (print name)

Angie Peters

Angie Peters  
Witness (print name)

ERSHIG PROPERTIES, INC., a Kentucky corporation

By: DR EA  
Don R. Ershig, President

Commonwealth of Kentucky )  
County of Henderson )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 2007 by Don R. Ershig as President of Ershig Properties, Inc., a Kentucky corporation, who is [personally known to me/produced \_\_\_\_\_ as identification].

Patricia M. St. Pierre  
NOTARY PUBLIC

My commission expires: X 8-19-08





EXHIBIT A

Legal Description

**A TRACT OR PARCEL OF LAND IN THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BOUNDED BY I-75, LUCKETT ROAD AND BILLY CREEK COMMERCE CENTER UNIT ONE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°07'14" EAST ALONG THE CENTERLINE OF LUCKETT ROAD AND THE SOUTH LINE OF SAID SECTION 10 FOR 1362.48 FEET; THENCE NORTH 01°00'29" WEST FOR 123.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°00'29" WEST ALONG THE EAST BOUNDARY OF BILLY CREEK COMMERCE CENTER, UNIT ONE, AS RECORDED IN PLAT BOOK 33, PAGE 116, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 450.00 FEET; THENCE NORTH 89°07'14" EAST 230.60 FEET; THENCE NORTH 47°13'09" EAST FOR 1373.10 FEET; THENCE SOUTH 03°00'01" WEST ALONG THE WESTERLY RIGHT OF WAY OF I-75 FOR 122.75 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1815.86 FEET, DELTA ANGLE 08°20'18"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 264.27 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 11°20'19" WEST FOR 559.31 FEET; THENCE SOUTH 14°19'47" WEST FOR 230.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 216.00 FEET; DELTA ANGLE 56°22'43"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 212.54 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 67°43'02" WEST FOR 84.66 FEET; THENCE SOUTH 86°40' WEST ALONG THE NORTH RIGHT OF WAY OF LUCKETT ROAD FOR 350.32 FEET; THENCE SOUTH 87°31'27" WEST FOR 466.61 FEET TO THE POINT OF BEGINNING.**

Prepared by and Return to:  
Jamie L. Cox  
Stites & Harbison, PLLC  
400 W. Market Street, Suite 1800  
Louisville, Kentucky 40205

INSTR # 2008000009364, Pages 4  
Doc Type D, Recorded 01/11/2008 at 08:28 AM,  
Charlie Green, Lee County Clerk of Circuit Court  
Deed Doc. \$16787.40 Rec. Fee \$35.50  
Deputy Clerk GWAITE  
#1

Parcel ID # 10-44-25-0-00011.0000

### WARRANTY DEED

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WITNESSETH, that Grantors, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration paid to Grantors by Grantee, the receipt and sufficiency of which the Grantors do hereby acknowledge, have granted, bargained and sold to Grantee and Grantee's heirs and assigns forever the following described land located in Lee County, Florida:

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Subject to easements, restrictions and covenants of record and taxes for the current year. Grantors do fully warrant the title to said land, and will defend the same against the lawful claims of all person whomsoever.

(signatures on following page)

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*Patricia Marino*  
*Patricia Marino*

Witness (print name)

*Leidiana T. Llerena*  
*Leidiana T. Llerena*

Witness (print name)

HALEX CORPORATION, a Florida corporation

By *Lauren Maxwell*  
Lauren Maxwell, President

State of Florida )  
County of *Collier* )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of December, 2007 by Lauren Maxwell as President of Halex Corporation, a Florida corporation, who is [personally known to me/produced Driver License identification].

*Leidiana T. Llerena*  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_  
(signatures continue on following page)



Tobi J. Wright

Tobi J. Wright

Witness (print name)

Angie Peters

Angie Peters

Witness (print name)

ERSHIG PROPERTIES, INC., a Kentucky corporation

By: DR

Don R. Ershig, President

Commonwealth of Kentucky )  
County of Henderson )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 2007 by Don R. Ershig as President of Ershig Properties, Inc., a Kentucky corporation, who is [personally known to me/produced \_\_\_\_\_ as identification].

Patricia M. St. Pierre  
NOTARY PUBLIC

My commission expires:

8-19-08



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Legal Description

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**LeeClerk.ORG**

CHARLIE GREEN: CLERK OF COURT  
 2115 Second Street  
 P.O. Box 2278  
 Fort Myers, FL 33902  
 (239) 533-5000

Lee County - DBLive Transaction #: **100603223**

Receipt #: **585447**

Cashier Date: **1/11/2008 8:28:21 AM (GWAITE)**



Print Date:

1/11/2008 8:28:21 AM

Customer Information	Transaction Information	Payment Summary
() THE ERSHIG GROUP PO BOX 1127 HENDERSON, KY 42419  <b>RECEIVED            JAN 22 2008</b>	DateReceived: 1/10/2008 Source Code: Ft. Myers Office Q Code: Mail Return Code: Mail Trans Type: Recording Agent Ref Num:	Total Fees \$16822.90 Total Payments \$16822.90

### 1 Payments



CHECK 12833

\$16822.90

### 1 Recorded Items



(D) Deed

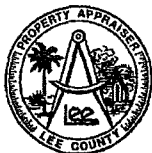
CFN:2008000009364 Date:1/11/2008 8:28:19 AM

From: **HALEX CORPORATION** To: **LUCKETT LANDING LLC**

Recording @ 1st=\$10 Add'l=\$8.50 ea.	4	\$35.50
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	3	\$0.00
Deed Doc Stamps @ \$0.70 per \$100	2398200	\$16787.40

### 0 Search Items

### 0 Miscellaneous Items



FILE - LUCKETT LANDING PROPERTY TAX  
CORPORATE FILE  
STATE OF FLORIDA

LEE COUNTY PROPERTY APPRAISER  
KENNETH M. WILKINSON, C.F.A.

MEMBER



International Association  
of Assessing Officers

Mailing Address:  
P.O. Box 1546  
Fort Myers, Florida 33902-1546

Physical Address:  
2480 Thompson Street  
Fort Myers, Florida 33901-3074

Telephone: (239) 533-6100

B 552140 V C

Facsimile: (239) 533-6160

www.leepa.org



February 11, 2008

10-44-25-00-00011.0000  
LUCKETT LANDING LLC  
1800 N ELM ST  
HENDERSON, KY 42420

RECEIVED  
FEB 15 2008

Site Address:

5151 LUCKETT RD  
FORT MYERS, FL 33905

Legal Description:

PT OF S W 1/4 AS DESC IN OR 1307 PG  
784

**SALES VERIFICATION FORM - Vacant Land**

Through recorded documents it has come to our attention that you were involved in a recent property transaction. Please complete the following questionnaire so that we may arrive at a fair market value for the property.

Date of Sale: 12/31/2007 Sales Price: \$ 2,398,200

Was this a vacant parcel of land at time of sale?

Yes ☒ No ☐

If no, were the structures demolished *after* the sale?

Yes ☐ No ☐

What was the approximate time period after the sale that the structure was/is to be demolished.

What was the approximate cost of demolition? \$ N/A

Date parcel went under contract? N/A

Does the sale price reflect the total consideration for the property?

Yes ☒ No ☐

Was the property exposed on the open market by a realtor, newspaper ads, sign on property, etc.?

Yes ☒ No ☐

Did the buyer *assume* any outstanding special assessments (*sewer, etc.*)?

Yes ☐ No ☒

If yes, what was the total amount assumed? \$ \_\_\_\_\_

Were any *pre-paid fees* conveyed with the purchase price (*water, sewer, etc.*)?

Yes ☐ No ☒

If yes, what was the amount per unit? \$ \_\_\_\_\_ Total amount \$ \_\_\_\_\_

Was any other real estate included with this purchase price?

Yes ☐ No ☒

Was this an exchange or trade of properties? (*1031, etc.*)

Yes ☒ No ☐

Did the property require significant fill? If yes, approximate dollar amount \$ \_\_\_\_\_

Yes ☐ No ☒

Was the Seller a business partner, family member, etc.?

Yes ☐ No ☒

Were architectural plans, zoning change fees, etc. included in the purchase price? If yes,

Yes ☐ No ☒

approximate dollar amount \$ N/A

What is the intended use for this parcel N/A

Does this parcel contain a significant amount of wetland area? Please specify \_\_\_\_\_

Yes ☐ No ☒

Signature: William Boscher Business Phone Number 270 1826 0595

*Tax/Legal Administration*  
Please note any comments concerning this sale on the reverse side and return the completed form in the self-addressed envelope enclosed or if preferred by facsimile (239) 533-6091. Should you need any assistance please contact me at (239) 533-6461 or email: StephensA@LeePA.Org. Thank you,

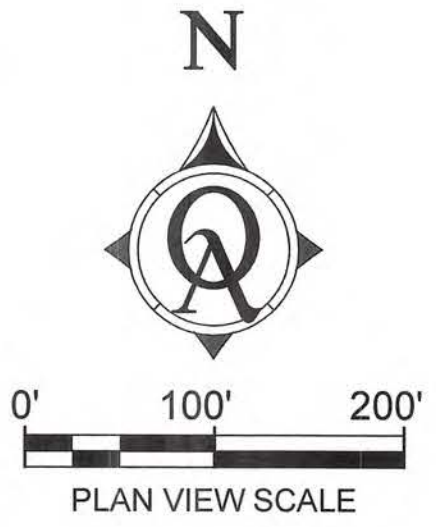
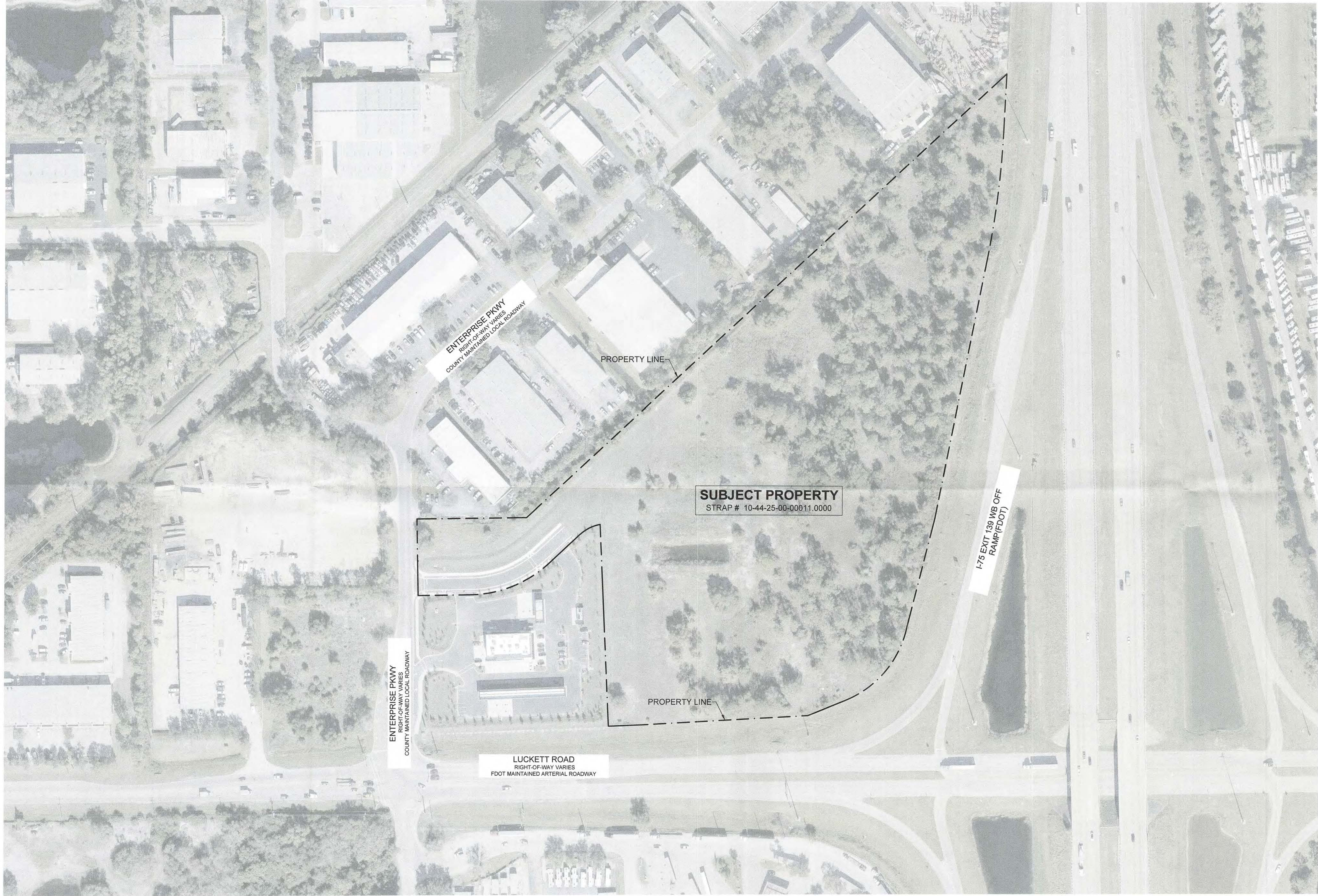
Andrea Stephens

Andrea Stephens, CFE

*This document filed 03-03-08*



\\009\PROJECTS\2019 Projects\191106 LUCKETT LANDING HOTEL-NO PROJ1-CADD FILES\08-COMPREHENSIVE & ZONING EXHIBIT\191106 BASE



NOTE:

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2019.

**Quatrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9465

MICHELLE SALBERG  
FL REG #70375  
VALID ONLY WITH STAMPED SEAL  
SAVED BY: Gabriela  
SAVED ON: 9/28/21

LUCKETT LANDING HOTEL  
AERIAL MAP  
9465 OLD LUCKETT DRIVE  
FORT MYERS, FLORIDA 33905

DATE	COMMENT

M9  
AERIAL

191106 BASE





## **Luckett Landing**

Lee Plan Analysis  
Exhibit M I I

### **Request**

The proposed Lee Plan Map Amendment is to re-designate approximately 16.56 ± acres from the Industrial Development Future Land use to Industrial Interchange Future Land use category. The Map Amendment is being filed concurrently with a request to rezone 5.88 acres from Commercial General (CG) to Commercial Highway (CH) for the purpose of developing the site with a hotel. The companion CH rezoning will demonstrate compliance with the Lee County Land Development code. The surrounding area have been mostly developed with a mixture of Industrial and Commercial uses.

### **Existing and Surrounding Conditions**

The subject property is located at the northeast corner of Luckett Road and Enterprise Parkway northwest of the Luckett Road and I-75 exit ramp. The property presently is vacant.

The property is located within the Fort Myers Planning Community and has a future land use classification of Industrial Development. According to the Lee Plan, although commercial and industrial development may be moving south along US 41, the Fort Myers Planning Community is expected to remain an administrative, financial, and cultural center for the rest of Lee County.

### **Lee Plan Consistency**

As discussed in detail below, the proposed Map Amendment will be consistent with the following goals, objectives, standards and policies set forth in the Lee Plan:

#### Future Land Use Element

**OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS.** Special areas adjacent to the interchanges of Interstate 75 that maximize critical access points will be designated on the Future Land Use Map. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Policy 1.3.2. (Ordinance No. 94-30, 99-18, 00-22, 16-02, 17-13, 18-05)

**POLICY 1.3.1:** The Industrial Interchange areas allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate. (Ordinance No. 98-09)

**The site is presently designated as Industrial on the FLU map. The area has been widely developed with industrial and commercial uses since the designation of Industrial Development Future Land Use. The Luckett Road corridor has seen some changes and growth and is slated to continue to do so with widening from a 2-lane to a 4-lane highway traveling west by the year 2040. The subject area is**



located in the proximity of Interstate I-75 and has the necessary public services and infrastructure available to support the Industrial and Commercial Uses. Changing the property to the Industrial Interchange future land use will provide opportunities for development of visitor-serving commercial facilities. Property abutting I-75 to the east of this project is already located within the Industrial Interchange future land use category. The change will be consistent with the intent of the Industrial Interchange land use category and consistent and compatible with the existing Future Land Use Map.

From a transportation perspective, interchanges are a vital link in the system for Commercial Uses that generally require accesses to an Arterial or Major Collector or have close proximity to Major Intersections.

Convenient access to a major highway provides business park tenants with an easy way to link customers and employees to their base of operations. For industrial park tenants, interchanges are an attractive location because they minimize the distance semi-trucks must travel in order to reach the highway or Interstate System. This proximity decreases travel and delivery time predictability for goods and services. Locating industrial parks near interchanges can be attractive to local communities because it minimizes the amount of semi-truck traffic on local roads and locates high noise generating facilities away from residential areas.

**POLICY 1.3.7:** The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The county reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

**In 2013, FDOT completed the expansion of I-75 and Exit 139, Luckett Road. The proposed change of the subject parcel to the Industrial Interchange land use will have no impact on the existing access points or access control of Luckett Road.**

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16, Table 1(b), and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning Community 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. This policy will be implemented as follows:

- I. For each Planning Community the county will maintain a parcel-based database of existing





land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.

2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning Community.

3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the county must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved. (Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20, 19-13)

**The acreage allocation table will not need to be modified as the project area is already accounted for in the total Industrial acreage within the Fort Myers Planning community.**

TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Lee County	Northeast Lee	Boca Grande	Bonita	Fort Myers	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers	Gateway/	Daniels
	Totals	County		Spring	Shores				Beach		Airport	Parishway
Intensive Development	1,361				5		27		250			
Central Urban	14,766				225				230			
Urban Community	16,396	520	485		637						250	
Suburban	16,623				1,810				85			
Outlying Suburban	4,301	30			498	20	2	500				1,438
Sub-Outlying Suburban	1,657				279						227	
Commercial												
Industrial	79								39		20	
Public Facilities	1							1				
University Community	850											
Destination Resort Mixed Use Water Dependent	3											
Burnt Store Marina Village	4					4						
Industrial Interchange												
General Interchange	169										29	58
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community	2,100	1,200									900	
Airport												
Tradeport	9										9	
Rural	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100											
Coastal Rural	1,300											
Outer Island	202	5			1			150				
Open Lands	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	711									94	
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	80,979	4,664	485		4,855	1,250	29	651	604		1,529	3,116
Commercial	12,793	177	52		400	50	17	125	150		1,100	440
Industrial	6,620	26	3		400	5	26		300		3,100	10
<b>Non Regulatory Allocations</b>												
Public	82,570	7,100	421		2,005	7,000	20	1,961	350		7,752	2,477
Active AG	24,208	5,100			550	150						20
Passive AG	43,591	12,229			2,305	109					1,241	20
Conservation	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant	24,461	1,953			61	931	34		45		282	151
<b>Total</b>	<b>357,175</b>	<b>33,463</b>	<b>1,572</b>		<b>11,718</b>	<b>12,731</b>	<b>259</b>	<b>4,340</b>	<b>2,197</b>		<b>17,951</b>	<b>7,967</b>
Population Distribution (unincorporated Lee County)	495,000	9,266	1,531		34,178	3,270	225	530	5,744		19,358	16,375



**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)

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

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

**POLICY 2.1.5:** Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these uses during the rezoning process and propose mitigation measures for adverse impacts. (Ordinance No. 99-15, 19-02)

**Objective 2.1 and implementing policy 2.1.1, 2.1.2 and 2.1.5 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The Industrial Interchange FLU category is a future urban area and has the full range of urban services available directly at the subject property, including water, sewer and roadway capacity. Development in this location provides for a compact and contiguous growth pattern.**

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No. 94-30, 00-22, 17-19)

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

**The primary access to the site will be provided by Lockett Rd., a County arterial roadway. A secondary access will be provided by Enterprise Parkway, a Local County maintained road. The subject property is located within the Lee County Utilities franchise area for potable water and central sewer, and they have indicated they have adequate capacity available to provide service. Urban services are available at or near the project site. Schools, EMS, fire and sheriff's office**



services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element.

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

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ordinance No. 94-30, 98-09, 10-20)

**The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed Industrial Interchange FLU map designation. Development of the site with commercial uses will not further burden any public facilities. This amendment proposes to revise the table 1 (b) acreage allocation, to increase the acreage by 16.56 +/- acres to accommodate the proposed change in FLU categories, and a corresponding reduction in acreage is proposed in the Industrial Development FLU category community.**

**OBJECTIVE 2.11: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Ordinance No. 07-16)

**The modification is to a FLU category which permits industrial uses in addition to commercial land uses is addressing the carrying capacity of the Lee Plan FLU map. Providing for the in-demand use of more commercial development central to urban services and employment and where capacity exists to accommodate this growth is consistent with good land use planning strategies**



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

**STANDARD 4.1.1: WATER.**

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

**The subject property is within the Lee County Utilities water franchise area as depicted on Lee Plan Map 6 of the Lee Plan. Potable water will be provided from the North Lee County Water Treatment Plant. A letter stating that this plant has adequate capacity available to provide service to the proposed development is provided as part of this application.**

**STANDARD 4.1.2: SEWER.**

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

**The proposed development is within the Lee County Utilities sewer franchise area as depicted on Lee Plan Map 7 of the Lee Plan. Wastewater treatment will be provided from the City of Fort Myers's North Water Reclamation Facility. A letter stating that this facility has adequate capacity available to provide service to the proposed development is provided as part of this application.**

**STANDARD 4.1.4: ENVIRONMENTAL FACTORS.**

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection,



South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

**The proposed land use change will have no impact on environmentally sensitive lands. Whether the site is developed with industrial and commercial uses under the Industrial development land use or with a mix of hotel, industrial and commercial uses permitted within the Industrial Interchange land use, efforts will be made to preserve and protect any wetlands or environmentally sensitive areas that may be encountered on site. A native indigenous vegetation preserve area will be provided in accordance with Lee County Land Development Code requirements and the development will comply with all State and local permitting requirements for preservation or mitigation of wetlands in either case. Refer to the Environmental Analysis for more information.**

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

**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. (Ordinance No. 94-30, 11-18)

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

**The parcel is adjacent to the Industrial Interchange land use category to the east. Existing zoning and developed uses in the surrounding area are primarily industrial with some commercial development. The principal land uses for Industrial Interchange are light industry, office and research which are very similar to the existing uses already permitted within the current land use category and will therefore continue to be compatible. One of the only differences in the land use category change is the added flexibility to add visitor serving hotel and restaurant uses. These uses are appropriate in this location due to the proximity to the interstate.**

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

**The subject parcel is in an area where capacity exists on the adjacent roadway network. A signalized intersection is located at Luckett Road and Enterprise Parkway, providing access to the site.**



As discussed in the attached traffic analysis, the change in land use is not expected to substantially increase, and may actually decrease the number of potential new trips generated by the development at buildout. Whether developed within the Industrial Development or the Industrial Interchange Land Use, the site is expected to generate a very similar amount of traffic and therefore will have no impact on the traffic-carrying capacity of the adjacent roadway network.

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

The change in land use will not have any impact on landscaping, open space or buffering on the subject site. In either case the proposed development will provide adequate open space and buffering as required by the Land Development Code (LDC). Commercial portions of the project will also meet the landscape design criteria established for commercial developments in the LDC.

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

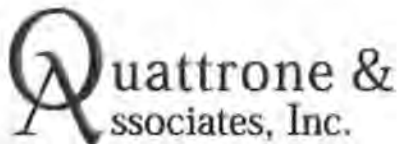
The proposed land use change is consistent with Goal 4 and Goal 7 and will maintain land development regulations protecting the public health, safety and welfare. The project site is an appropriate location for industrial development, compatible with surrounding uses, and in an area where adequate public services are provided. The change to Industrial Interchange will allow flexibility in site design and serve to effectively balance industrial development with service commercial uses appropriate for the area adjacent I-75.

Regardless of the uses the natural resources on the site will be protected in accordance with requirements of the Land Development Code.

**OBJECTIVE 7.1:** All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ordinance No. 94-30)

Approval of the change in land use will not have any significant impact on the surrounding roadway network. As discussed in the Traffic Circulation Analysis, changing to the Industrial Interchange Land Use does not represent an increase in intensity and is not expected to generate additional traffic creating new deficiencies. The project will require development order approvals prior to site development activities. Compliance with the land development code will ensure protection of the health, safety and welfare of the public. Site specific trip generation will be evaluated at the time of development order and any necessary improvements to the surrounding roadway network or required turn lanes will be addressed.





**GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS.** Establish and maintain specified transportation LOS standards. (Ordinance No. 98-09, 99-15, 00-08, 17-13)

**POLICY 37.1.3:** Lee County will use the most current Highway Capacity Manual, FDOT Quality Level of Service Handbook, and other best practices to calculate LOS. (Ordinance No. 98-09, 99-15, 07-09, 17-13)

**The proposed land use change will have no impact on the Level of Service of the Adjacent roads. As discussed in the attached traffic analysis, the change in land use is not expected to substantially increase, and will likely decrease the number of potential new trips generated by the development at buildout. Whether developed within the Industrial Development or the Industrial Interchange Land Use, a Level of Service Analysis will be completed at the time of local development order based on the specific development parameters and the development will comply with all transportation requirements of the LDC.**

**GOAL 54: CONSERVATION.** To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

**POLICY 54.1.2:** In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime

**The development will be required to meet all requirements of the current code and will comply with all native vegetation preservation requirements in accordance with the Land Development Code requirements.**

**POLICY 54.1.6:** Maintain development regulations that require new development to connect to a reuse water system if a system is near the development and has sufficient capacity. (Ordinance No. 91-19, 94-30, 00-22, 17-19)

**There are no Reuse mains in the vicinity of this site.**

**POLICY 95.1.3:** LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

- a. Sanitary Sewer – The site will provide Sanitary Sewer, meeting all the requirements in accordance with LDC requirements for development**
- b. Potable Water – The site will provide Potable Water, meeting all the requirements in accordance with LDC requirements for development**



c. **Surface Water/Drainage Basins** – The property will include controlled discharge into the Billy's Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

d. **Parks, Recreation, and Open Space** – The industrial and Industrial Interchange FLUC do not allow for residential dwelling units so there is no provision needed for parks, recreation or open space.

e. **Public Schools** – The Industrial and Industrial Interchange FLUC do not allow for residential dwelling units so there is no provision needed for public schools.

**POLICY 125.1.2:** New development and additions to existing development must not degrade surface and ground water quality. (Ordinance No. [00-22](#), [18-28](#))

**GOAL 14i: IDENTIFICATION AND EVALUATION.** To provide for the identification and evaluation of the historic resources of Lee County.

Reference exhibit M13 and site there are no resources listed on national register or any other recorded cultural or historic resources.

Although a portion of the site falls within the Archaeological Sensitivity Level 2, the proposed land use change will have no impact on the historic or archaeological resources of Lee County. The land use change to Industrial Interchange will not increase the allowable development intensity or potential development footprint. Historic or archaeological impacts will be avoided in either case and a certificate to dig has been requested from Lee County in accordance with LDC requirements for development.

### Conclusion

The Future Land Use change from Industrial to Industrial Interchange is an appropriate request, compatible with the surrounding area and compliant with the Goals and Objectives of the Lee Plan. The change will allow flexibility in the uses for the subject site but will not provide for additional intensity, nor provide any new deficiencies or impact the public health, safety or welfare. The change to Industrial Interchange and will continue to protect the natural resources and environmental features of the property through compliance with the Land Development Code, and will efficiently utilize the existing public facilities and services in the area.



**Lockett Landing**  
Environmental Analysis  
Exhibit M12

The ±16.56 ac site is primarily vacant disturbed land with an access roadway. The existing vegetation is upland pine flatwoods with a small area of cypress near the south east of the site bordering the right of way. The site is bordered by roadways and commercial and industrial development. There is no evidence of listed species utilizing the site for habitat. Refer to the attached Environmental Report with FLUCCS map and species survey prepared by Bear Paws Environmental Consulting for more details.

The change in land use from Industrial to Industrial Interchange will not have an effect on the environmental aspects of the site. In both cases, the development intensity will be similar, indigenous preserve areas will be provided in accordance with the Land Development code, wetland impacts will be avoided or mitigated in accordance with SFWMD and county requirements, and any listed species, if encountered will be addressed per local and state requirements.



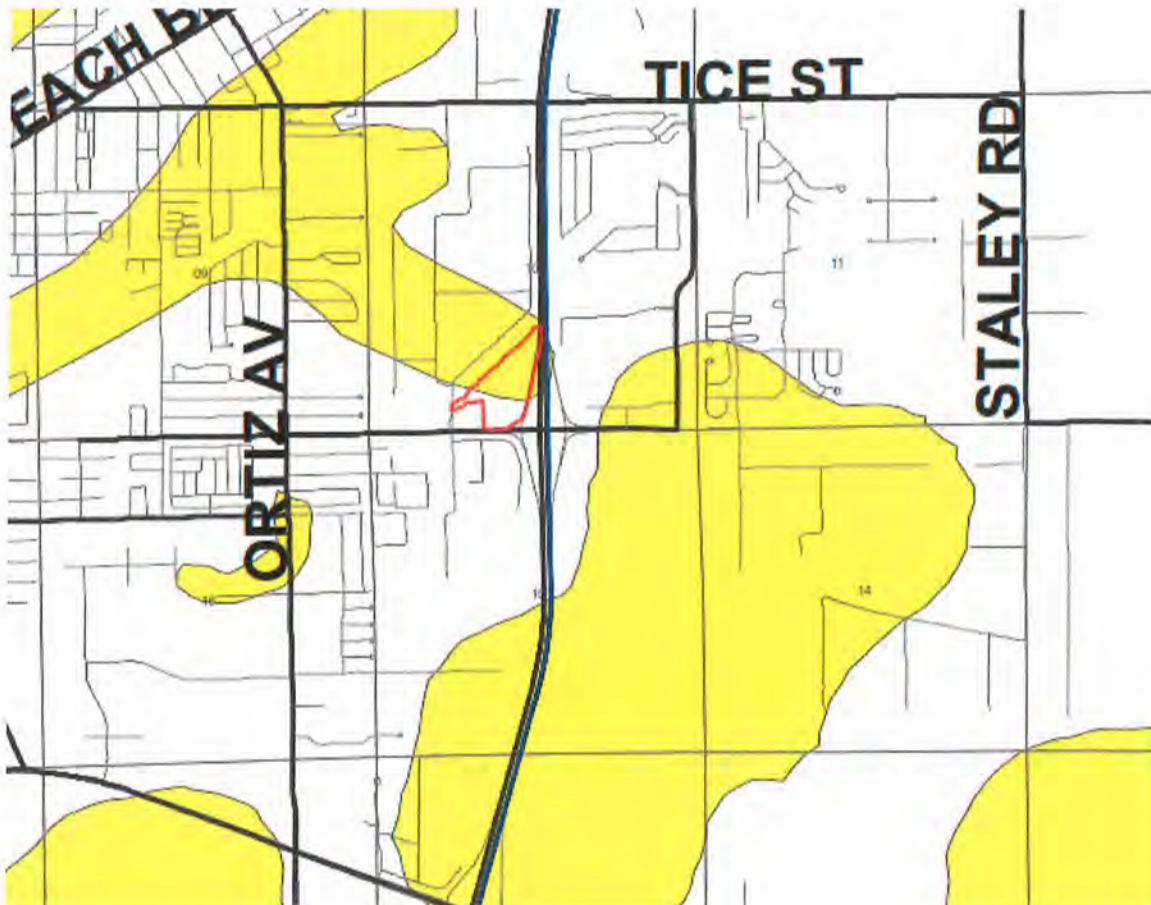
**Luckett Landing**  
Historical Resources Impact Analysis  
Exhibit M13

**Florida Master Site File**

Per the Florida Master Site File, there are not any previously recorded cultural or historic resources located within 150 feet of the subject property.

**Archaeological Sensitivity Map**

A portion of the subject property is identified as being archaeologically sensitive 2 on the Lee County Archaeological Sensitivity Map dated December 2014. See below.





**Luckett Landing**  
Existing and Future Public Facilities Impacts Analysis  
Exhibit M14 and Exhibit M16

**Potable Water and Sanitary Sewer**

The subject property is within Lee County Utilities (LCU)

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Maps 6 and 7 of the Lee Plan. LCU owns and maintains existing potable water and wastewater lines along the adjacent streets. North Lee County Water Treatment Plant will provide potable water service to the proposed development while the City of Fort Myers' North Water Reclamation Facility will provide wastewater service.

Lee County utilities has sufficient capacity to provide water and sewer service at buildout for both the existing Industrial land use as well as the proposed Interchange land use to include hotel. As similar uses could be developed in both land use categories, the difference in the expected water and sewer demand would be only due to the addition of the hotel and is summarized below.

Per F.A.C. 64E-6, hotel: 100 gallons per day per hotel room + 750 gpd for self-service laundry per machine.

(111 hotel rooms x 100 = 11,100 gpd) and 3 machines (750 gpd x 3 machines= 2250 gpd) the proposed project can expect an average potable water and sanitary sewer demand of 13,350 GPD.

Water and sewer demand for the balance of the property would remain unchanged whether in the Industrial or Industrial Interchange land use.

According to the 2020 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 50.9 million gallons per day (MGPO) and is projected to operate at 54.3 MGPO in 2024. Therefore, there is sufficient capacity within the existing water distribution system to serve the project at build-out.

According to the City of Fort Myers comprehensive plan, the City of Fort Myers's North Water Reclamation Facility is permitted with a capacity of 12.0 million gallons per day (MGPD) and is currently operating at approximately 6.9 MGPO. Therefore, there is sufficient capacity within the existing plant to serve the increase in demand to the City's system from the project at build-out.

**Surface Water/Drainage Basins**

The existing site is a vacant parcel without permitted stormwater management facilities. The site is generally flat and historic sheet flow is overland to the north and east through the Billy's creek Commerce master surface water management system into Billy's Creek watershed and eventually the Caloosahatchee River.

The subject site is currently in a FEMA Zone X, which does not have an established base flood elevation.



The change in land use from Industrial to Industrial Interchange will not allow increased intensity or change the developable area. In either case, the proposed development will include a surface water management system which will provide both stormwater attenuation and water quality treatment. The surface water management system will include controlled discharge into the Billy's Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

The change in land use will have no impacts on the design or function of the surface water management system, drainage basin, discharge rates, nutrient loadings, water quality or flood zone.

#### **Parks, Recreation and Open Space**

As the existing and requested uses on the subject parcel are commercial and industrial, the proposed Future Land Use Map Amendment will have no impact on Regional Parks, Recreation or Open Space.

#### **Public Schools**

The requested Future Land Use Map Amendment provides for a change from Industrial & commercial uses to industrial and commercial uses with hotel. Commercial and Industrial uses do not generate impacts to the public school system.





Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Boulevard, Fort Myers, FL 33912  
239.936.5222 | [QAINC.NET](http://QAINC.NET) | f 239.936.7228

## LUCKETT LANDING

# TRAFFIC CIRCULATION ANALYSIS FOR COMPREHENSIVE PLAN AMENDMENT EXHIBIT M15

October 1, 2021

Prepared By:  
Michelle Salberg P.E.

QAI Project # 191106





**Luckett Landing**  
STRAP#: 10-44-25-00-00011.0000  
9455 Old Luckett Drive  
Fort Myers, FL 33905

The subject property is a 16.56 acre parcel located at the northeast corner of Luckett Road and Enterprise Parkway, north west of the Luckett Road I-75 exit ramp.

The property is currently within the **Industrial Development** Future Land Use category and zoned CG. The applicant proposes to amend the Future Land Use Map of the Lee Plan to redesignate the 16.56 acres to the **Industrial Interchange** Future Land Use Category. The property owner desires to amend the existing zoning from Commercial General (CG) to Commercial Highway (CH) for a 5.88 Ac portion of the property where a hotel and small outparcel are planned. The area to be rezoned will consist of the hotel (3.33 Ac +/-), outparcel (0.56 Ac +/-) and access road and drainage (1.99 Ac +/-).

The purpose of this analysis is to determine the potential traffic impacts of the land use change and will demonstrate that the proposed change will result in a similar or reduced number of trips.

### EXISTING CONDITIONS

The Industrial Development future land use category allows retail, service and commercial uses as long as these uses do not exceed 20% of the total acreage within the Industrial Development future land use of the planning community. In this case, the entire 16.56 acre parcel could presently be developed with commercial retail uses, provided they are permitted within CG zoning. These uses include high trip generators such as restaurants, fast food, and retail.

Shopping Center, a high trip generator allowing a mixture of uses was considered as a conservative example for the existing condition analysis. The development buildout was estimated at approximately 10,000 sf per acre. The trip generation is summarized below.

ITE estimates that up to 30% of traffic to a shopping center of comparable size may be considered "pass by" in other words vehicles already traveling the adjacent roadways. The shopping center trips have been reduced by 30% in both scenarios.

#### LUC 820 – Shopping Center (16.56 AC)

165,000 sf approximate at buildout

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
810 – Shopping Center (30% pass by reduction)	102	62	265	286	2958	2958

### PROPOSED DEVELOPMENT

The Industrial Interchange future land use allows light industrial, research and office uses, as well as visitor serving commercial uses such as hotels, retail and restaurants. With exception of the hotel, the property could be developed with a similar mix of uses in either the Industrial Development or the Industrial Interchange land use. The proposed hotel site will take up approximately 3.33 Acres. To compare the





effects of the land use change, trip generation for the hotel was considered, and the balance of the remaining land was assumed to be Shopping Center consistent with the existing condition analysis above.

**LUC 310 – Hotel (3.33 Ac)**

**LUC 820 – Shopping Center (13.23 AC)**

**III (Number of Rooms)**

**132,300 sf approximate at buildout**

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
<b>310 - Hotel</b>	30	21	29	28	413	413
<b>810 – Shopping Center (30% pass by reduction)</b>	95	58	225	244	2545	2545
<b>Total</b>	125	79	254	272	2958	2958

For both scenarios, the trip generation was determined using OTISS software which references the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 10<sup>th</sup> Edition. Best fit equations were used for all time periods.

## LONG AND SHORT RANGE IMPACTS

The Lee County Metropolitan Planning Organization's 2040 Long Range Plan and the County's Capital Improvement Plan was reviewed. The only future roadway improvement planned in the vicinity of the project is the widening from 2 to 4 lanes of Ortiz Blvd from Martin Luther King Blvd and Luckett Road from Ortiz to I-75 which is currently in final design.

Based on the above trip generation analysis, the amendment will result in no substantial increase in expected trips and will therefore have no impacts on the MPOs long range transportation plan, the County's Short Term capital improvement program, or the projected level of service of any of the roadways within the project area.

## CONCLUSION

From a traffic and intensity perspective the change in land use represents a lateral move, and will not allow for more intense development on the subject property. The expected trips at buildout when changing from the Industrial Development to the Industrial Interchange land use are not anticipated to increase substantially. With the proposed zoning change and development of a hotel on 3.33 acres of the property, the overall trips for the subject property at buildout are expected to decrease from what is currently allowable although there appears to be a minimal increase in the AM Peak hour trips with the addition of the hotel.

It is important to note that the above analysis represents just a conservative example of what could potentially be built. A variable mix of industrial and commercial uses could be developed in both land use categories. However, there are no additional uses allowable with the Industrial Interchange Land Use that would generate any substantial trip increases due to the land use change.



Additional traffic analysis will be done at the time of Development Order to determine the specific impacts to the surrounding roadway system and whether site specific turn lanes or improvements are warranted.

## REFERENCES

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- *Trip Generation by OTISS Online Traffic Impact Study Software*
- *Institute of Transportation Engineers Trip Generation, 10<sup>th</sup> Edition*

Luckett Landing Trip Generation

## VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
310 - Hotel	General	Rooms	111	Weekday, Peak Hour of	Best Fit (LIN)	30	21	51
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.50(X) - 5.34$	59%	41%	
310(1) - Hotel	General	Rooms	111	Weekday, Peak Hour of	Best Fit (LIN)	29	28	57
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.75(X) - 26.02$	51%	49%	
310(2) - Hotel	General	Rooms	111	Weekday	Best Fit (LIN)	413	413	826
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban				$T = 11.29(X) - 426.97$	50%	50%	
820 - Shopping Center	General	1000 Sq. Ft. GLA	132.3	Weekday, Peak Hour of	Best Fit (LIN)	135	83	218
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.50(X) + 151.78$	62%	38%	
820(1) - Shopping Center	General	1000 Sq. Ft. GLA	132.3	Weekday, Peak Hour	Best Fit (LOG)	321	348	669
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			of Adjacent Street	$\ln(T) = 0.74\ln(X) + 2.89$	48%	52%	
820(2) - Shopping Center	General	1000 Sq. Ft. GLA	132.3	Weekday	Best Fit (LOG)	3636	3636	7272
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban				$\ln(T) = 0.68\ln(X) + 5.57$	50%	50%	
820(3) - Shopping Center	General	1000 Sq. Ft. GLA	165	Weekday, Peak Hour of	Best Fit (LIN)	145	89	234
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.50(X) + 151.78$	62%	38%	
820(4) - Shopping Center	General	1000 Sq. Ft. GLA	165	Weekday, Peak Hour of	Best Fit (LOG)	378	409	787
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban			Adjacent Street Traffic,	$\ln(T) = 0.74\ln(X) + 2.89$	48%	52%	
820(5) - Shopping Center	General	1000 Sq. Ft. GLA	165	Weekday	Best Fit (LOG)	4226	4226	8452
Data Source: Trip Generation Manual, 10th Ed	Urban/Suburban				$\ln(T) = 0.68\ln(X) + 5.57$	50%	50%	





Lee County  
*Southwest Florida*

Board of County Commissioners

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Cecil L. Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

September 21, 2021

Shelly Stalnos  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33901

Re: Letter of Service Availability – Lockett Interchange

Ms. Stalnos,

I am in receipt of your letter requesting a Letter of Service Availability for the commercial development located at the northwest corner of Lockett Road and Interstate 75. This property is identified as STRAP 10-44-25-00-00011.0000.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 26, located 2.6 miles north; there are two additional EMS stations within 4 miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes  
Director, Public Safety



***Carmine Marceno***  
Sheriff



*"Proud to Serve"*

**State of Florida**  
**County of Lee**

September 17, 2021

Shelly Stalnos  
Quattrone & Associates  
4301 Veronica Shoemaker Blvd.  
Fort Myers, FL 33916

Ms. Stalnos,

The Lee County Sheriff's Office has reviewed your request for a Small-Scale Comprehensive Plan Amendment for a 16.56-acre property located west of Interstate 75 and north of Lockett Road.

The proposed amendment to change the current Future Land Use of Parcel 10-44-25-00-00011.0000 from Industrial Development to Industrial Interchange would not affect the ability of the Lee County Sheriff's Office to provide core levels of service at this time.

Law enforcement services will be provided from our Central District offices in Fort Myers. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment. Please contact Crime Prevention Specialist Beth Schell at (239) 477-1676 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in cursive script that reads "Stan Nelson".

Stan Nelson  
Director, Planning and Research



*"The Lee County Sheriff's Office is an Equal Opportunity Employer"*  
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



## Board of County Commissioners

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Cecil L. Pendergrass  
District Two

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District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

September 17, 2021

Quattrone & Associates  
Attn: Shelly Stalnos, Permitting Coordinator  
4301 Veronica Shoemaker Blvd  
Fort Myers, FL 33916

RE: Comprehensive Plan Amendment for Parcel 10-44-25-00-00011.0000

Request for Letter of Service Availability

Dear Ms. Stalnos:

The Lee County Solid Waste Department is capable of providing solid waste collection service for Parcel 10-44-25-00-00011.0000. Disposal of the solid waste generated from the offices, hotel, a multifamily units will be performed at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please ensure compliance with Solid Waste Ordinance No. 11-27 and LCLDC 10-261 for space requirements of garbage and recycling containers and accessibility of the collection vehicles. While there is no requirement in Ordinance No. 11-27 for bulk waste storage, please consider some additional space for the storage of bulk waste items that may not fit into a dumpster (mattress, appliance, furniture disposal etc.).

Garbage and recycling collections require the hotel owner/or the Management Company to secure a service agreement for the collection and an agreement for the lease of waste containers from the County's MSW and Recycling Collection Franchise Hauler.

Solid Waste Ordinance (11-27) establishes that the Property Owner(s) will be responsible for all future applicable solid waste assessments and fees.

Sincerely,

*Justin Lighthall*

Justin Lighthall  
Public Utilities Manager

Kevin Ruane  
*District One*

September 22, 2021

Cecil L. Pendergrass  
*District Two*

Ray Sandelli  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wesch  
*County Attorney*

Donna Marie Collins  
*County Hearing Examiner*

Shelly Stalnos  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Blvd  
Fort Myers, FL 33916

**RE: Comprehensive Plan Amendment for Parcel 10-44-25-00-00011.0000**  
**Request for Letter of Service Availability**

Ms. Stalnos,

LeeTran has reviewed your request for service availability in regards to a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

- Subject area is not within one-quarter mile of a fixed-route corridor
- Closest bus stop is not within one-quarter mile of a bus stop
- The 2016 TDP does not identify the need for enhanced or additional transit services in the area

Proposed future development does not currently meet applicability outlined in Sec. 10-442 and Sec. 10-443. Developer will not be required to connect to and improve transit facilities because planning action does not trigger relevant Lee County Land Development Code.

If transit services have been modified within one-quarter mile of the subject parcels at time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or [jpuente@leegov.com](mailto:jpuente@leegov.com).

Sincerely,

*Jorge J. Fuente*

Jorge J. Fuente, Transit Service Planner  
Lee County Transit





**BOARD OF COUNTY COMMISSIONERS**

John E. Manning  
*District One*

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*County Manager*

Richard Wm Wesch  
*County Attorney*

Donna Marie Collins  
*County Chief  
Hearing Examiner*

November 17, 2020

Via E-Mail

Hunter Hoskins  
Quattrone & Associates  
4301 Veronica Shoemaker Blvd  
Fort Myers, FL 33916

**RE: Potable Water and Wastewater Availability  
Luckett Landing Hotel, 5151 Luckett Road  
STRAP # 10-44-25-00-00011.0000**

Dear Ms. Hoskins:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 12,850 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the

approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review and SFWMD only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

**LEE COUNTY UTILITIES**



Mary McCormic  
Technician Senior  
239-533-8532  
UTILITIES ENGINEERING



Tice Fire & Rescue District  
9351 Workmen Way  
Fort Myers, FL 33905  
239.694.2380  
TRoss@TiceFire.com



SEPTEMBER 21, 2021

**Shelly Stalnos**  
Quattrone & Associates  
Fort Myers, FL 33916

RE: Comprehensive Plan Amendment for Parcel 10-44-25-00-00011.0000 Request for Letter of Service Availability

To whom it may concern,

The above referenced project is within the boundaries of the Tice Fire Protection and Rescue Service District. The District is the primary response agency for this location for all medical, fire, hazardous material and confine space emergencies. I look forward to working with you as this project proceeds. If you have any questions or need any further information, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to read "Ted Ross".

**Ted Ross**  
FIRE CHIEF



**Luckett Landing**  
State and Regional Policy Plan  
Exhibit M18

**State Comprehensive Plan**

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

**187.201(6) PUBLIC SAFETY. —**

**(a) Goal. —***Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.*

**(b) Policies:**

**9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.**

**CONSISTENCY:** The Lee County Sheriff's has provided a letter of service availability for this site.

**22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.**

**23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.**

**CONSISTENCY:** The map amendment from Industrial Development to Industrial Interchange will allow, in addition to industrial development, development of hotels on the site, providing evacuation options for local residents, in an area that is outside the Coastal High Hazard Zone.

**187.201(7) WATER RESOURCES. —**

**(a) Goal. —***Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*

**(b) Policies:**

**5. Ensure that new development is compatible with existing local and regional water supplies.**

**CONSISTENCY:** The site is within Lee County Utilities service area and presently has sufficient capacity to provide potable and sanitary sewer service according to the letter of service availability. The sites potable water will be provided through North Lee County Water Treatment Plant and the Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility.



**10. Protect surface and groundwater quality and quantity in the state.**

**CONSISTENCY:** The change from Industrial Development to Industrial Interchange will have no impact on the surface water or groundwater quality or quantity. In either case the site development will be required to adhere to all water treatment and storm water management policies in the LDC which are consistent with State policies.

**187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS. —**

**(a) Goal. —***Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.*

**(b) Policies:**

- 1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.**
- 3. Prohibit the destruction of endangered species and protect their habitats.**
- 4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.**

**CONSISTENCY:** The Project site has been disturbed and partially developed. The indigenous preserve areas will be provided in accordance with the Land Development code, wetland impacts will be avoided or mitigated in accordance with SFWMD and county requirements.

There were no endangered species found on site according to Bear Paws Environmental PSS.

**187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE. —**

**(a) Goal. —***All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.*

**(b) Policies:**

- 2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.**

**CONSISTENCY:** The site is serviced by the Lee County Solid Waste Department with adequate capacity.

**(15) LAND USE. —**

**(a) Goal. —***In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.*

**(b) Policies:**





- 1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.***
- 2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.***

**CONSISTENCY:** The change from Industrial Development to Industrial Interchange will provide flexibility in the allowable uses to adapt to the development patterns in the project area and provide needed commercial uses along the I-75 corridor. In either case the project development will be required to protect the water supply and environmental resources on the site.

***(17) PUBLIC FACILITIES. —***

***(a) Goal. —Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.***

***(b) Policies:***

- 1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.***
- 2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.***
- 3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.***

**CONSISTENCY:** As indicated throughout this application, adequate public facilities already exist in the project area. The property is partially developed. The future land use change will provide flexibility in the allowable uses to encourage completion of development of the site, where public facilities already exist.



**Luckett Landing**  
Justification of Proposed Amendment  
Exhibit M19

The applicant is requesting an amendment to Lee Plan Map I, Page I Future Land Use map to add a  $\pm 16.56$ -acre site into the Industrial Interchange Future Land Use. The subject property is located at the northeast corner of Luckett Road and Enterprise Parkway, northwest of the Luckett Road and I-75 exit ramp. The property presently is vacant. The property currently is within the Industrial Development Future Use Category and zoned CG.

The applicant proposes to amend the future Land Use Map of the Lee Plan to redesignate approximately  $\pm 16.56$  acres from the Industrial Development Future Land Use Category to the Industrial Interchange Future Land Use Category. The property owner desires to amend the existing zoning from Commercial General (CG) to Commercial Highway (CH) for a portion of the property to develop a hotel.

The Industrial Interchange Future Land Use category will allow for the conventional rezoning to Commercial Highway (CH). The companion conventional rezoning will demonstrate compliance with the density standards for the Industrial Interchange Future Land Use Category. The balance of the site would be utilized for a variety of industrial, commercial and hotel uses consistent with the uses permitted in the Industrial Interchange Future Land Use Category.

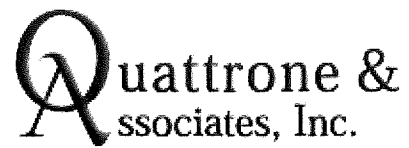
Development of commercial and industrial uses on the subject property represents one of the desirable and economically viable land uses in this location due to the proximity to I-75 and Luckett Rd. This Industrial Interchange land use pattern is consistent with sites opposite I-75 that already carry the Industrial Interchange Future Land Use category. Exhibit M5 identifies the various existing and planned land uses that abut the site.

The applicant intends on developing the property with a mixture of commercial and industrial uses and the proposed Map Amendment is being filed concurrently with an application to rezone the subject property to CH to allow those uses.

The Lee Plan encourages development along Interstate Highway Interchange areas adjacent to Interstate 75 to maximize critical access points. Documentation has been provided in the Lee Plan Analysis that the proposed request is consistent with these Policies as a result of the subject property:

- Being located along an Interstate 75;
- Having adequate infrastructure and urban services available; and
- Being consistent with Policies specifically pertaining to the Industrial Interchange including:

*"The Industrial Interchange areas allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate."*



In conclusion, the subject property meets all the locational criteria for Industrial Interchange and commercial highway zoning and the proposed Map Amendment is consistent with all Goals, Policies, and Objectives of the Lee Plan.



**LUCKETT LANDING HOTEL**

**ENVIRONMENTAL ASSESSMENT &  
SPECIES SURVEY REPORT**

*August 2021*

Prepared For:

Quattrone & Associates  
c/o: Michelle Salberg  
4301 Veronica Shoemaker Boulevard  
Fort Myers, FL 33916  
Phone: 239-936-5222  
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Prepared By:



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1599 Covington Circle East  
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## Introduction

An environmental assessment and species survey was conducted on the Lockett Landing Hotel property August 11, 2021. The 16.45± acre site is located in Section 10, Township 44S, and Range 25E, of Lee County, Florida. More specifically, the site is located immediately west of I-75 and north of Lockett Road, in Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The species survey was also provided to inspect the property for any and all potential listed species that could inhabit the site. The most recent surveys conducted on-site have been provided specifically in the areas where the proposed soils borings are to be taking place. Updated surveys covering the entire property, including preserve areas, will be provided prior to any on-site development.

Listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any Audubon's crested caracara (*Caracara plancus audubonii*) or bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial and industrial developments, undeveloped vacant land, and forested land. The survey was conducted mid-morning; the temperatures were in the low-mid 80's, with light breezes, and partly cloudy skies.

## Background

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

## **Methodology**

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

## **Existing Site Conditions**

*Boundary* – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 16.45± acres.

*Soils* - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Myakka Fine Sand (NRCS #11; non-hydric), Boca Fine Sand (NRCS #13; hydric), Pineda Fine Sand (NRCS #26; hydric), and Malabar Fine Sand (NRCS #34; hydric), soils. Myakka Fine Sand soil is considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

*Vegetation Descriptions* – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately 0.66± acres of wetlands and 0.13± acres of "other surface water" communities on-site during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.



## FLUCFCS Codes & Community Descriptions

### *Uplands*

*The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.*

### **FLUCFCS 310                      Herbaceous – 8.17± Acres**

This easement area bisects the property and accounts for 8.17± acres of the property. This community should be considered uplands by regulatory agencies. The canopy is mostly open with widely scattered slash pine (*Pinus elliotii*) and live oak (*Quercus virginiana*). The sub-canopy is also mostly open with widely scattered Brazilian pepper (*Schinus terebinthifolius*) and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with dog fennel (*Eupatorium capillifolium*), false buttonweed (*Spermacoce floridan*), cogon grass (*Imperata cylindrica*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus sp.*), wedelia (*Sphagneticola trilobata*), sandspur (*Cenchrus echinatus*), broomsedge (*Andropogon virginicus*), flattop goldenrod (*Euthamia caroliniana*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), poison ivy (*Toxicodendron radicans*), and grapevine (*Vitis rotundifolia*). This community should be considered uplands by regulatory agencies.

### **FLUCFCS 420                      Mixed Upland Forest – 6.93± Acres**

This upland community type occupies approximately 6.93± acres of the property. The canopy is dominated by slash pine (*Pinus elliotii*), with live oak (*Quercus virginiana*), melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), and mimosa (*Albizia julibrissin*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), cocoplum (*Chrysobalanus icaco*), and beauty-berry (*Callicarpa americana*). The groundcover contained Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), cogon grass (*Imperata cylindrica*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), sandspur (*Cenchrus echinatus*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

### **FLUCFCS 743                      Spoil Areas – 0.21± Acres**

This upland habitat type occupies 0.21± acres of the property and surround the borrow lake on-site. The canopy and sub-canopy is open. The ground cover includes broomsedge (*Andropogon virginicus*), Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), cogon grass (*Imperata cylindrica*), hairy beggar-ticks (*Bidens alba*), bahia grass (*Paspalum notatum*), St. Augustine grass (*Stenotaphrum secundatum*), and other various opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), and peppervine (*Ampelopsis arborea*). This community would be considered uplands by regulatory agencies.

### **FLUCFCS 814                      Roadways – 0.35± Acres**

This paved roadway occupies 0.35± acres of the property which includes the main access road, which was developed at part of the previously permitted adjacent site design. This community would be considered uplands by the regulatory agencies.

### *Wetlands*

*The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.*

#### **FLUCFCS 624 Cypress, Slash Pine, Laurel Oak Wetlands – 0.66± Acres**

This wetland community type occupies approximately 0.66± acres of the property. The canopy contains bald cypress (*Taxodium distichum*), slash pine (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), with scattered laurel oak (*Quercus laurifolia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), and wax myrtle (*Myrica cerifera*). The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), rosy camphorweed (*Pluchea rosea*), black needlerush (*Juncus roemerianus*), beakrush (*Cyperus sp.*), yellow-eyed grass (*Xyris floridana*), and sawgrass (*Cladium jamaicense*), flatsedge (*Cyperus ligularis*). Commonly observed vines include Japanese climbing fern (*Lygodium japonicum*), and greenbriar (*Smilax spp.*). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

### *Other Surface Waters (OSW)*

*The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.*

#### **FLUCFCS 742 Borrow Lake – 0.13± ac.**

This excavated OSW habitat type occupies approximately 0.13± acres of the property. The canopy is open. The sub-canopy is mostly open with widely Carolina willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), and saltbush (*Baccharis halimifolia*) along the edges. The ground cover contains cat-tail (*Typha latifolia*), maidencane (*Panicum hemitomon*), water hyacinth (*Eichhornia crassipes*), torpedo grass (*Panicum repens*), and spikerush (*Eleocharis spp.*). This community was artificially created and would be considered other surface waters by the regulatory agencies.

**Table 1. FLUCFCS Community Table**

FLUCFCS Code	Community Description	Habitat Type	Acres
310	Herbaceous	Upland	8.17± Ac.
420	Mixed Upland Hardwoods	Upland	6.93± Ac.
624	Cypress – Pine – Oak	Wetland	0.66± Ac.
742	Borrow Lake	OSW	0.13± Ac.
743	Spoil Areas	Upland	0.21± Ac.
814	Roadway	Upland	0.35± Ac.
<b>Total</b>			<b>16.45± Ac.</b>

### **Protected Species Results**

A protected species survey was conducted on the property to identify any potential listed species that could inhabit the site. During this field survey for protected species, there were no nest-like structures or tree cavities were noted. There were no burrowing owl (*Athene cunicularia floridana*), and/or gopher tortoise (*Gopherus polyphemus*) burrows identified on-site. There several other burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus*), that were identified, but not flagged in the field; there was no evidence that these burrows were being used by gopher tortoises.

There were several non-listed species identified while conducting the protected species survey, among those were mourning doves (*Zenaidura macroura*) and an eastern cottontail rabbit (*Sylvilagus floridanus*). The various listed

species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table. Please see the Protected Species Survey Map, attached as Exhibit E.

### **Mitigation Discussion**

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. This parcel lies within the service area of several mitigation banks; currently, credits at these banks are going for \$130,000 to \$150,000 depending on whether they are herbaceous or forested credits.



## **Summary**

In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species.

Wetland locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the wetland lines are flagged, surveyed by professional land surveyor, and approved by the regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The determination of ecological system classifications, functions, values, and boundaries, is an inexact science, and different individuals and agencies may reach different conclusions; therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

**Table 3: Listed Species by Habitat with Current Status**

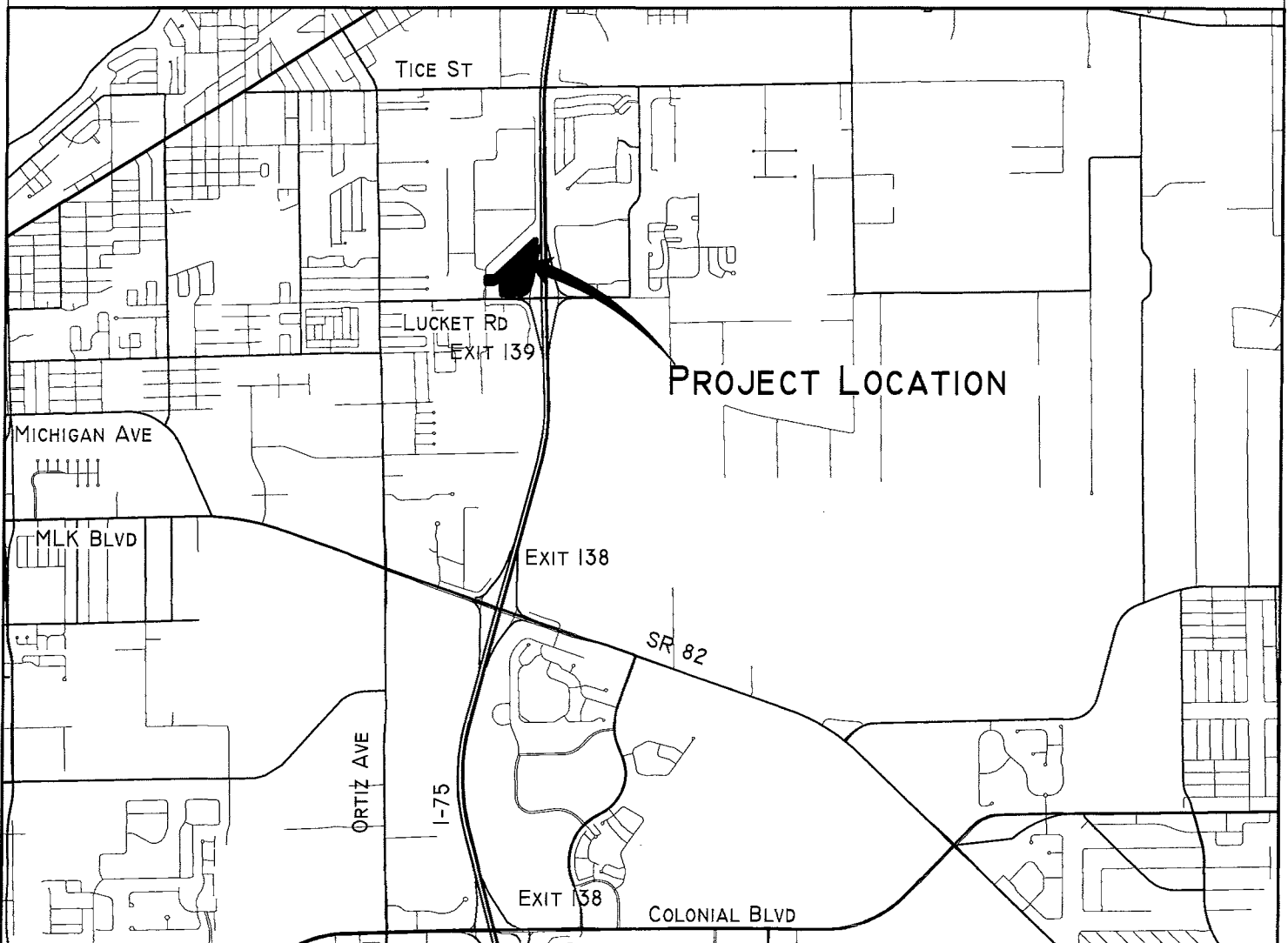
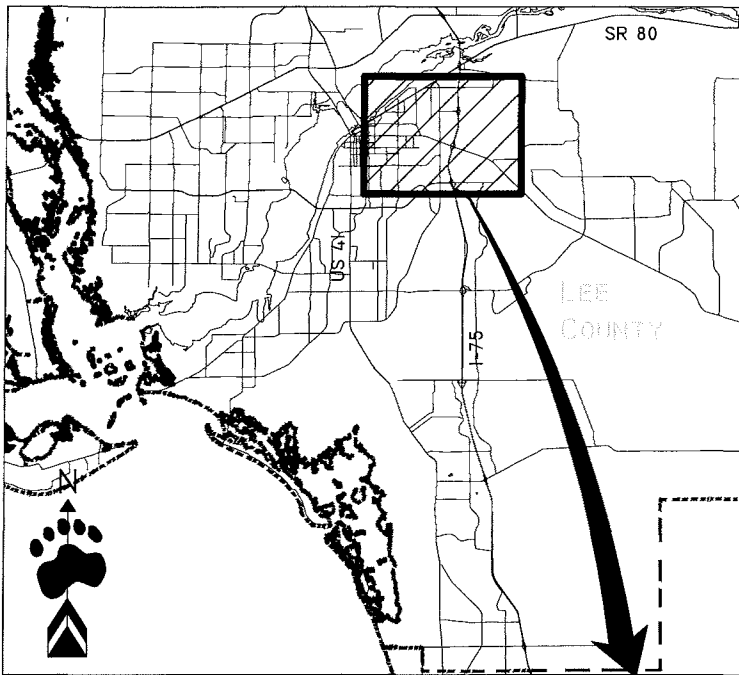
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
310	Herbaceous	Burrowing owl	<i>Athene cunicularia floridana</i>	90	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
420	Mixed Uplands	Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	90	--	--	--	T	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	90	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	90	--	--	--	SAT	T
		Hand adder's tongue fern	<i>Ophioglossum palmatum</i>	90	--	--	E	--	--
		Simpson's stopper	<i>Myrcianthes fragrans var. simpsonii</i>	90	--	--	T	--	--
		Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	90	--	--	--	SAT	T
624	Cypress – Pine – Cabbage Palm	Little blue heron	<i>Egretta caerulea</i>	90	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	90	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	90	--	--	--	--	SSC
		American alligator	<i>Alligator mississippiensis</i>	90	--	--	--	SAT	SSC
742	Borrow Area	Everglades mink	<i>Mustela vison evergladensis</i>	90	--	--	--	--	T
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	90	--	--	--	--	T
		Limpkin	<i>Aramus guarauna</i>	90	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	90	--	--	--	--	SSC
		Snail kite	<i>Rostrhamus sociabilis</i>	90	--	--	--	E	E
		Snowy egret	<i>Egretta thula</i>	90	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	90	--	--	--	--	SSC
743	Spoil Area	Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
814	Trail	N/A	--	90	--	--	--	--	--

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

**EXHIBIT A**  
**Project Location Map**





DRAWN BY:	DATE:	CATEGORY
BWS	8/27/21	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
10/44S/25E		LEE

Luckett Landing Hotel

Location Map

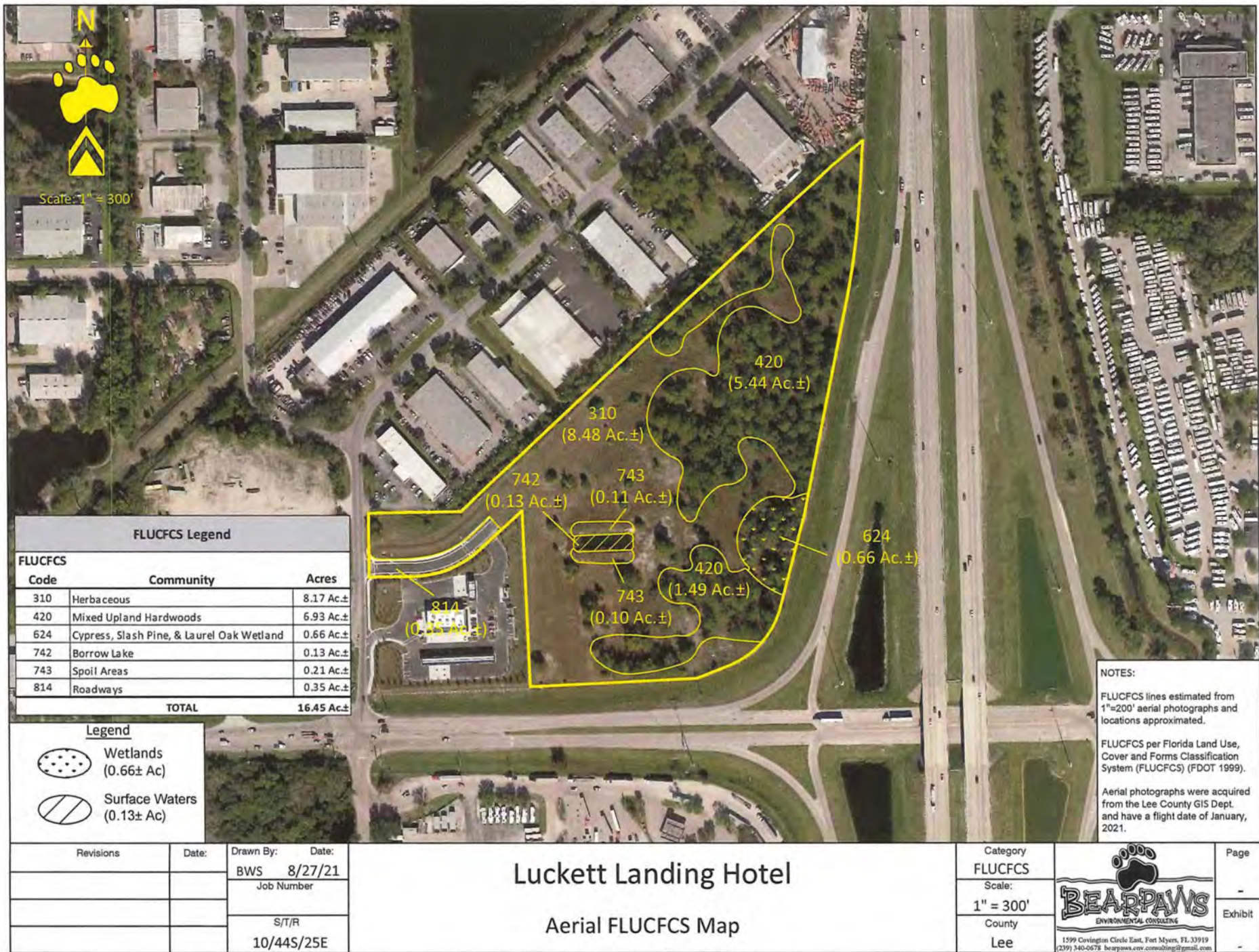


PAGE

EXHIBIT

**EXHIBIT B**

**FLUCFCS Map with Aerial**



# FLUCFCS Legend

## FLUCFCS

Code	Community	Acres
310	Herbaceous	8.17 Ac.±
420	Mixed Upland Hardwoods	6.93 Ac.±
624	Cypress, Slash Pine, & Laurel Oak Wetland	0.66 Ac.±
742	Borrow Lake	0.13 Ac.±
743	Spoil Areas	0.21 Ac.±
814	Roadways	0.35 Ac.±
TOTAL		16.45 Ac.±

## Legend



Wetlands  
(0.66± Ac)



Surface Waters  
(0.13± Ac)

## NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2021.

Revisions

Date:

Drawn By:

Date:

BWS 8/27/21

Job Number

S/T/R

10/44S/25E

Lockett Landing Hotel

Aerial FLUCFCS Map

Category  
FLUCFCS

Scale:

1" = 300'

County

Lee



Page

-

Exhibit

-



**EXHIBIT C**

**FLUCFCS Map**



Scale: 1" = 300'

FLUCFCS Legend		
FLUCFCS		
Code	Community	Acres
310	Herbaceous	8.17 Ac.±
420	Mixed Upland Hardwoods	6.93 Ac.±
624	Cypress, Slash Pine, & Laurel Oak Wetland	0.66 Ac.±
742	Borrow Lake	0.13 Ac.±
743	Spoil Areas	0.21 Ac.±
814	Roadways	0.35 Ac.±
TOTAL		16.45 Ac.±

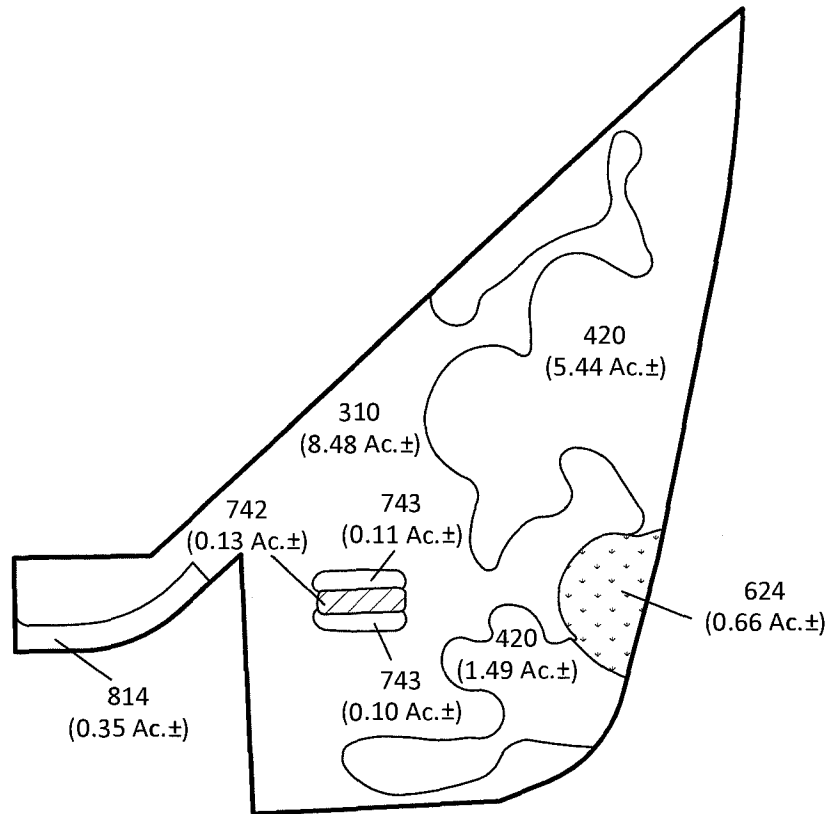
Legend



Wetlands  
(0.66± Ac)



Surface Waters  
(0.13± Ac)



NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	8/27/21
		Job Number	
		S/T/R	
		10/44S/25E	

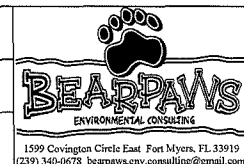
## Lockett Landing Hotel

### FLUCFCS Map

Category  
FLUCFCS

Scale:  
1" = 300'

County  
Lee



Page

-

Exhibit

-

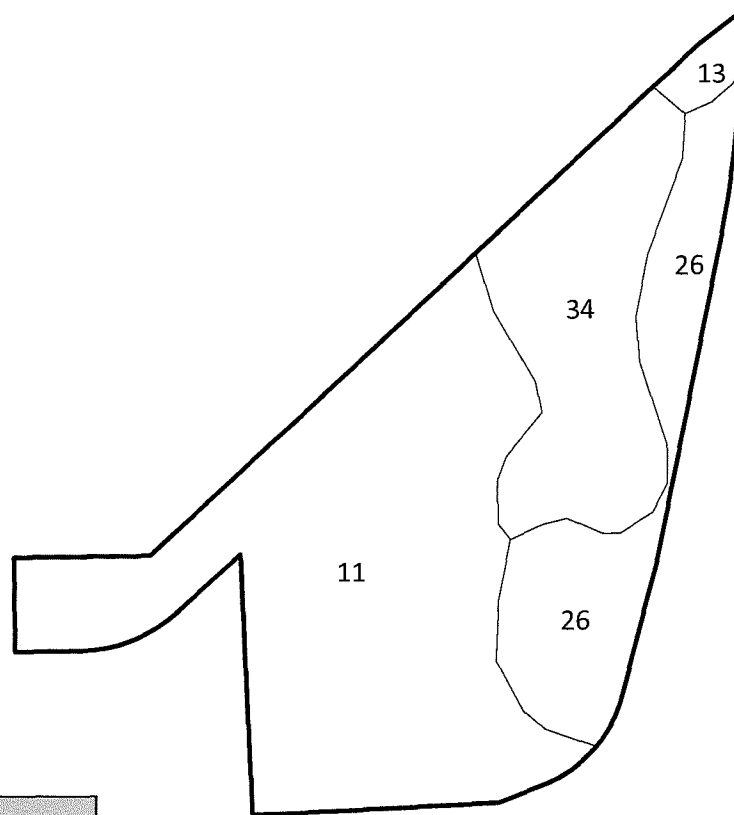
**EXHIBIT D**

**NRCS Soils Map**





Scale: 1" = 300'



### NRCS Soils Legend

Soil No	Description	Status
11	Myakka Fine Sand	Non-Hydric
13	Boca Fine Sand	Hydric
26	Pineda Fine Sand	Hydric
34	Malabar Fine Sand	Hydric

### NOTES

Soils were acquired from LABINS  
and are from the NRCS.

## Lockett Landing Hotel

### Soils Map

Revisions	Date:	Drawn By:	Date:
		BWS	8/27/21
		Job Number	
		S/T/R	
		10/44S/25E	

Category  
Soils

Scale:  
1" = 300'

County  
Lee



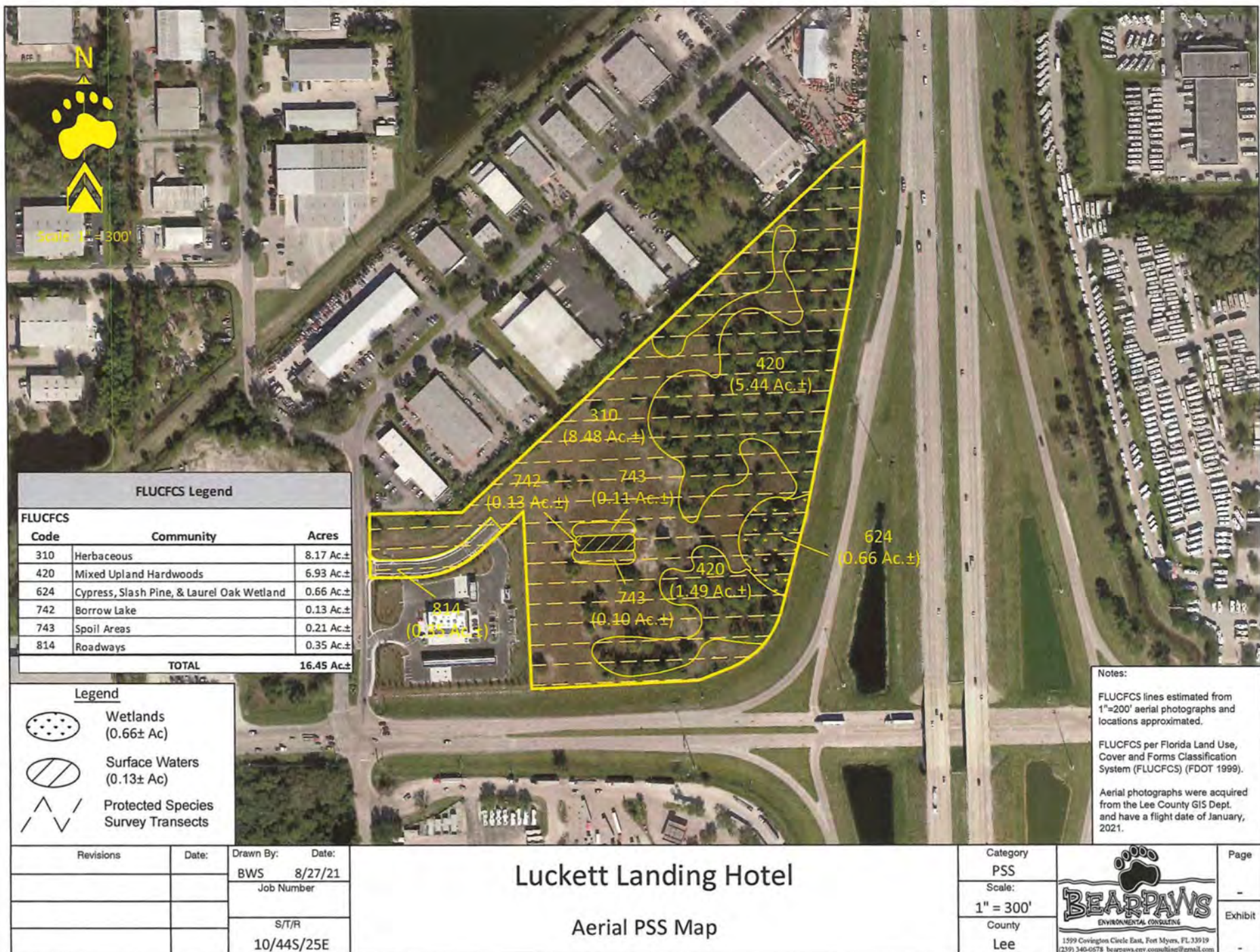
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-

Exhibit

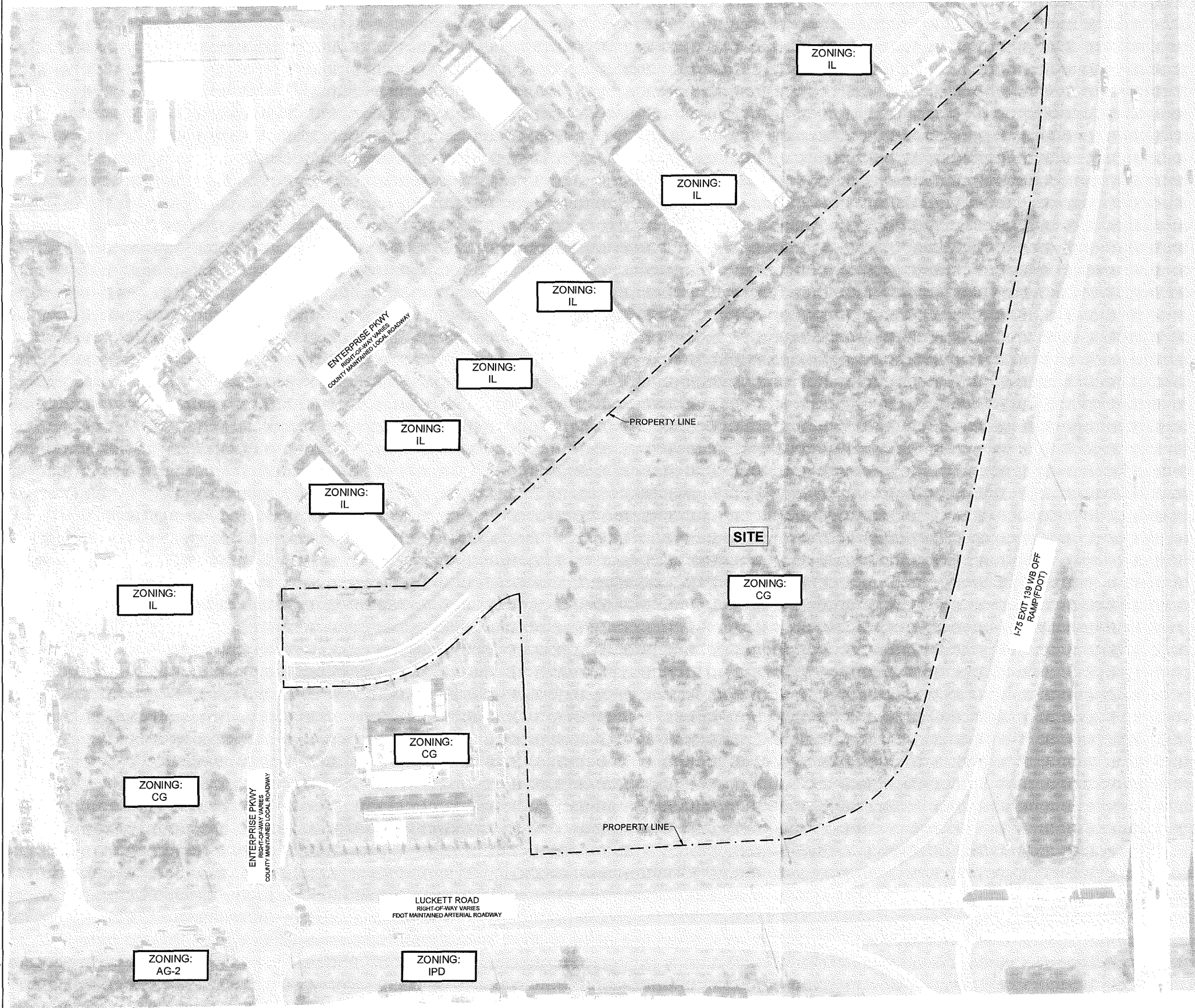
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**EXHIBIT E**  
**Protected Species Survey Map**



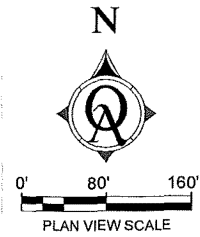


\\map\projects\2019\Projects\191106 LUCKETT LANDING HOTEL\NO PRODT-CADD FILES\COMPREHENSIVE & ZONING EXHIBIT\191106 BASE



NOTES:

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2019.
- ZONING DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED JUNE 2019.



LUCKETT LANDING HOTEL  
EXISTING ZONING  
9465 OLD LUCKETT DRIVE  
FORT MYERS, FLORIDA 33905

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9465

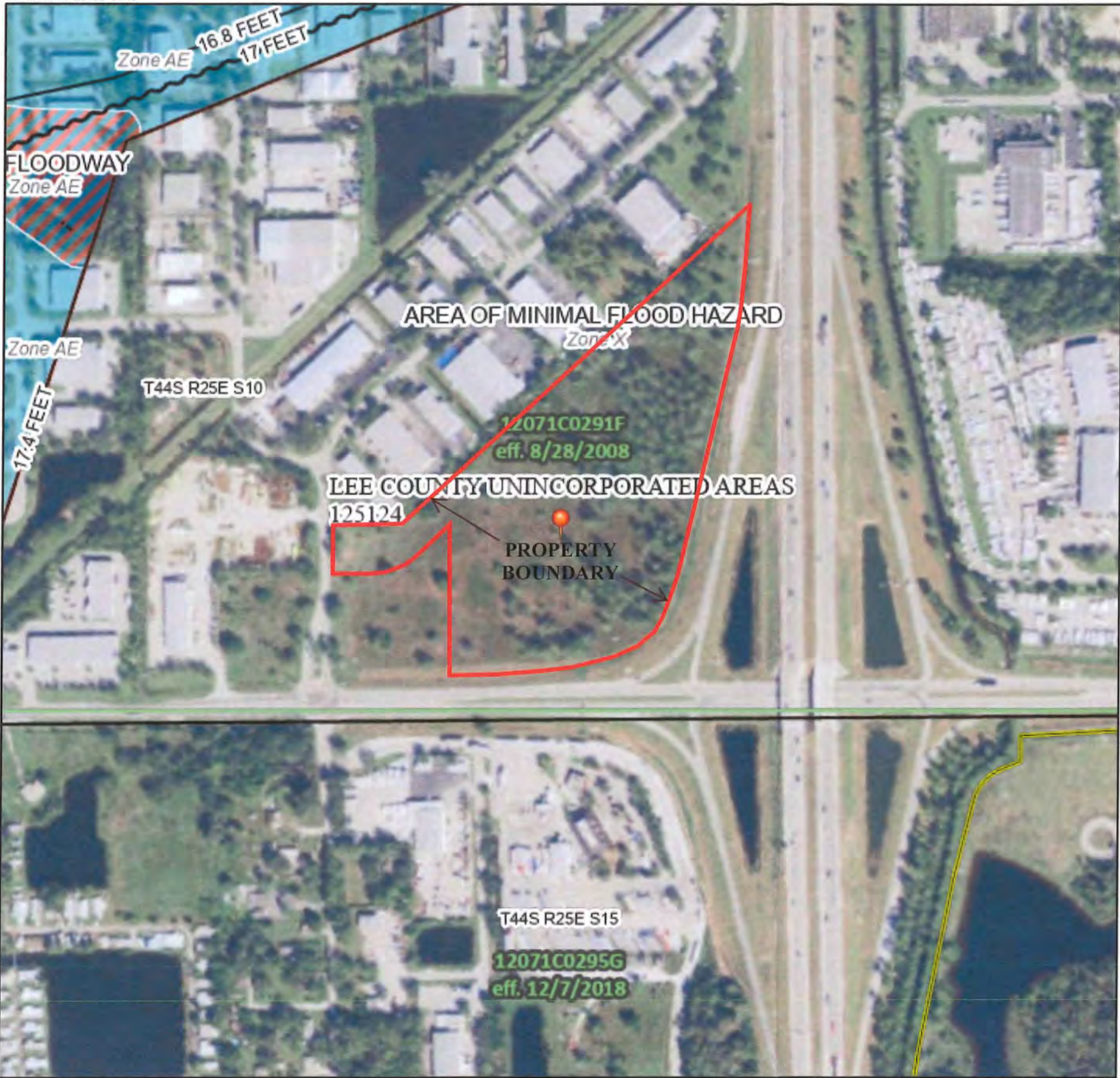
MICHELLE SALBERG  
FL REG #70375  
SAVED BY: Gabriela  
SAVED ON: 8/28/21  
M6  
EXISTING  
ZONING MAP



# National Flood Hazard Layer FIRMette



81°48'25"W 26°39'44"N



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

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## 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
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

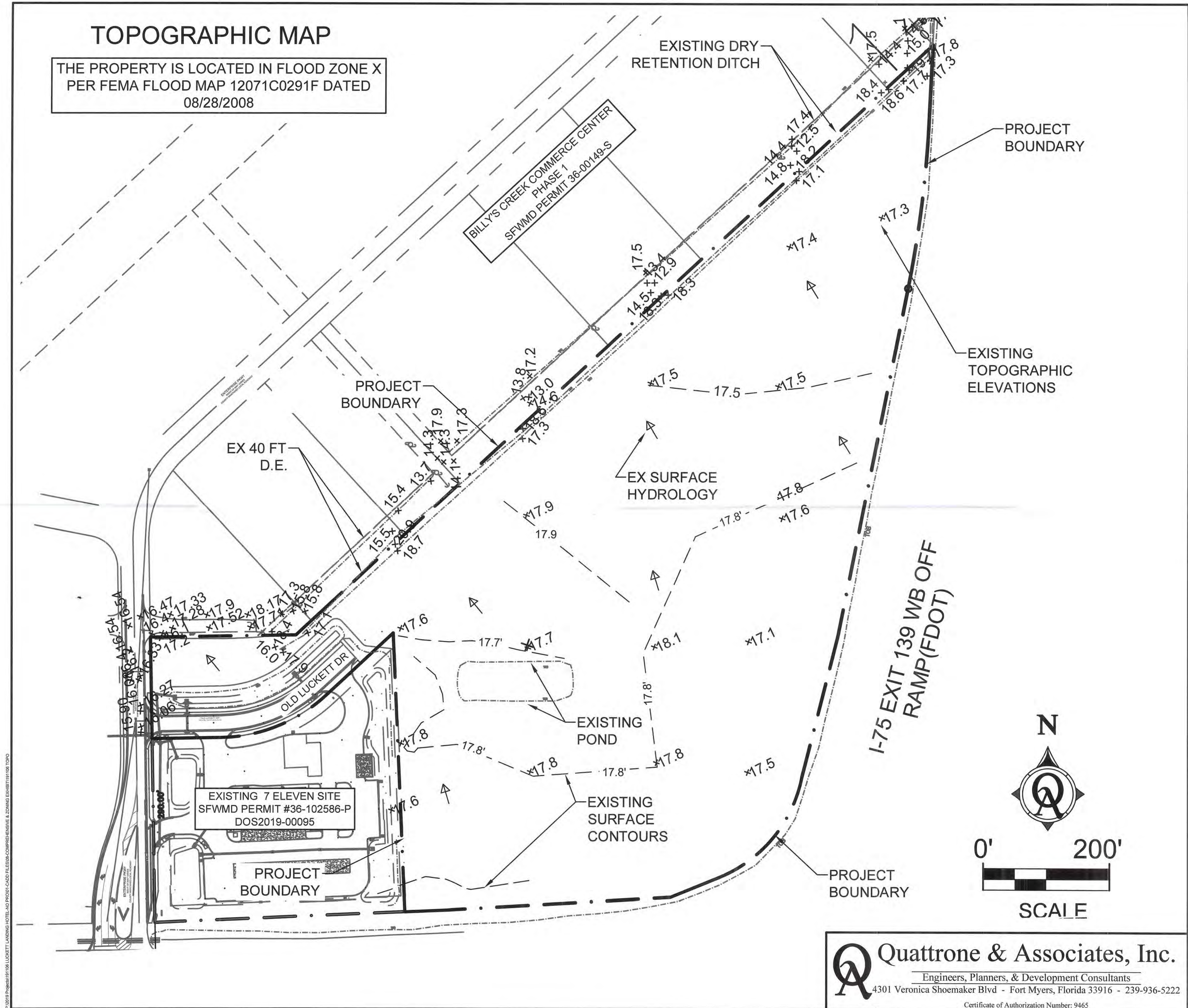
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/16/2021 at 7:15 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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.



# TOPOGRAPHIC MAP

THE PROPERTY IS LOCATED IN FLOOD ZONE X  
PER FEMA FLOOD MAP 12071C0291F DATED  
08/28/2008





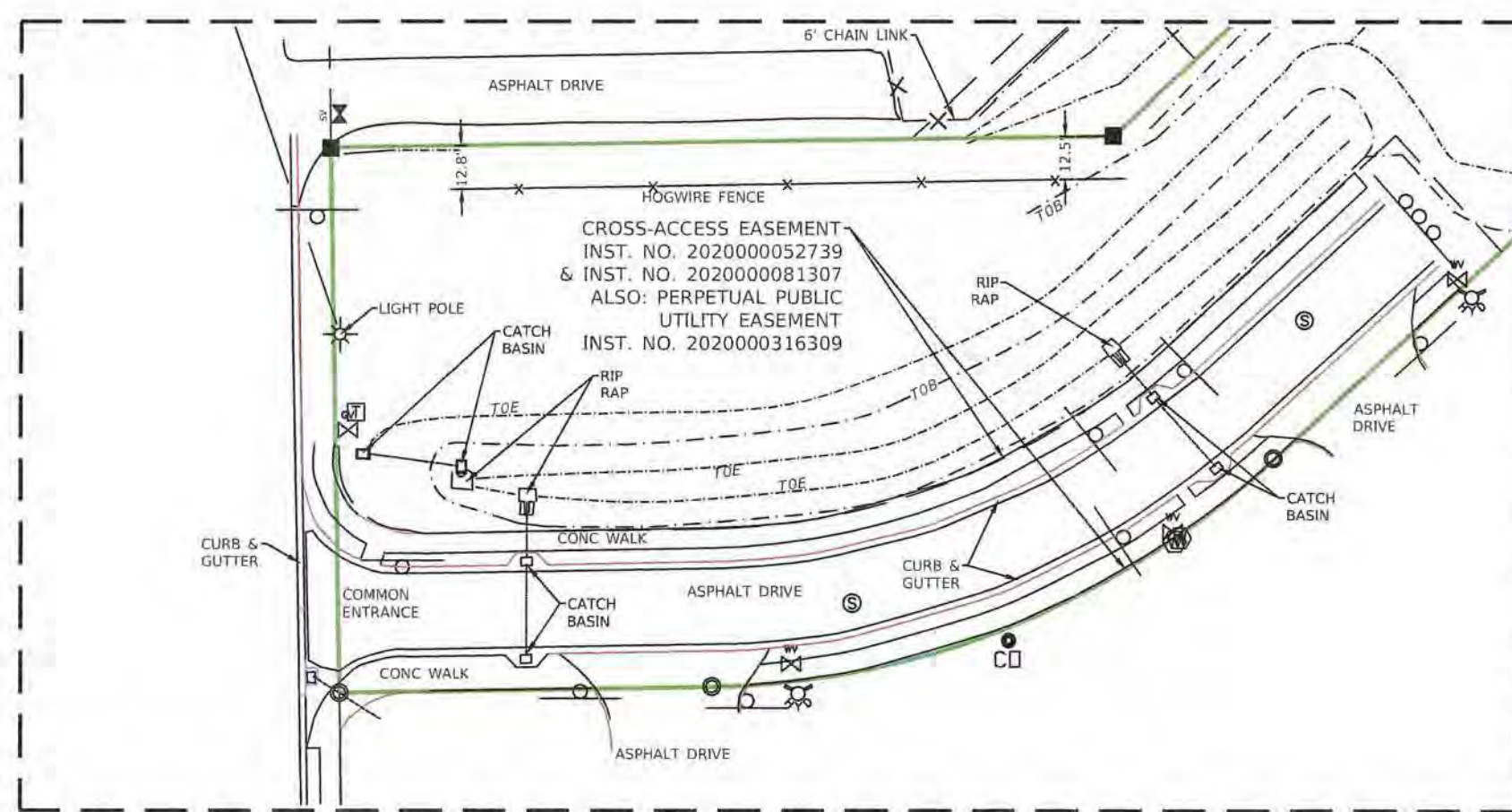
## DESCRIPTION OF LANDS SURVEYED (FROM TITLE CERTIFICATION DATED SEPTEMBER 24, 2021 AT 5:00 PM):

A TRACT OR PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE FROM SAID POINT OF COMMENCEMENT RUN N89°07'14"E ALONG THE CENTERLINE OF LUCKETT ROAD AND THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 1362.48 FEET; THENCE LEAVING SAID CENTERLINE, RUN N01°00'29"W A DISTANCE OF 123.00 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID LUCKETT ROAD; THENCE CONTINUE N01°00'29"W ALONG THE EAST BOUNDARY OF BILLY CREEK COMMERCE CENTER, UNIT ONE, AS RECORDED IN PLAT BOOK 33, PAGE 116, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 290.00 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING RUN N01°00'29"W ALONG SAID EAST BOUNDARY LINE OF BILLY CREEK COMMERCE CENTER, UNIT ONE, A DISTANCE OF 160.00 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BILLY CREEK COMMERCE CENTER, UNIT ONE; THENCE RUN N89°07'14"E ALONG THE SOUTH BOUNDARY LINE OF LOT 6 OF SAID BILLY CREEK COMMERCE CENTER, A DISTANCE OF 230.60 FEET; THENCE N47°13'09"E ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID BILLY CREEK COMMERCE CENTER, A DISTANCE OF 1373.10 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID 1-75 EXIT RAMP TOWARD LUCKETT ROAD, BEING THE SOUTH CORNER OF LOT 20 OF SAID BILLY CREEK COMMERCE CENTER, UNIT ONE; THENCE RUN ALONG SAID EXIT RAMP RIGHT-OF-WAY, THE FOLLOWING SEVEN (7) COURSES: (1) 503°00'01"W, A DISTANCE OF 122.75 FEET TO THE POINT OF A CURVATURE OF A 1,815.86 FEET RADIUS CURVE TO THE RIGHT, BEING CONCAVE WESTERLY, HAVING A DELTA ANGLE OF 08°20'18", A CHORD BEARING AND LENGTH OF 507°10'09"W AND 264.03 FEET; (2) THENCE RUN 264.26 FEET ALONG THE ARC OF SAID CURVE; (3) THENCE S 11°20'19"W A DISTANCE OF 559.31 FEET; (4) THENCE S14°19'47"W A DISTANCE OF 230.27 FEET TO A POINT OF A NON-TANGENT CURVATURE OF 216.00 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE NORTHWESTERLY, HAVING A DELTA ANGLE OF 56°22'43", A CHORD BEARING AND LENGTH OF 539°31'40"W AND 204.07 FEET; (5) THENCE RUN 212.54 FEET ALONG THE ARC OF SAID CURVE; (6) THENCE S67°43'02"W A DISTANCE OF 84.66 FEET; (7) THENCE S66°40'00"W A DISTANCE OF 350.32 FEET; THENCE S87°31'27"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID LUCKETT ROAD A DISTANCE OF 70.61 FEET, THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, RUN N02°28'33"W A DISTANCE OF 440.07 FEET, THENCE S47°14'35"W A DISTANCE OF 145.11 FEET TO THE POINT OF CURVATURE OF A 250.00 FEET RADIUS CURVE TO THE RIGHT, BEING CONCAVE NORTHERLY, HAVING DELTA ANGLE OF 41°46'20", A CHORD BEARING AND LENGTH OF S68°07'44"W AND 178.26 FEET; THENCE RUN 182.27 FEET ALONG THE ARC OF SAID CURVE; THENCE S89°00'54"W A DISTANCE OF 109.77 FEET TO THE POINT OF BEGINNING.

## NOTES:

- THIS SURVEY IS AN UPDATE OF PREVIOUS SURVEYS BY THIS FIRM DATED JUNE 12, 2006, AND SUBSEQUENTLY UPDATED OCTOBER 28, 2015.
- ALL PHYSICAL FEATURES SHOWN HEREON WERE LOCATED IN THE FIELD, UNLESS OTHERWISE NOTED, BY THE SURVEY FIELD CREW AS RECORDED IN FIELD BOOKS: 1040, PAGES 61-71; 1472, PAGES 23-25, & 80; AND 1735, PAGES 1-2, THE LAST DAY OF FIELD WORK WAS JULY 08, 2021.
- A TITLE CERTIFICATION, PREPARED BY PAVESSE LAW FIRM, DATED SEPTEMBER 24, 2021 AT 5:00 PM, WAS PROVIDED. ALL PLOTTABLE EASEMENTS AS DISCLOSED IN THIS CERTIFICATION ARE MAPPED HEREIN.
- BEARINGS, COORDINATES AND DISTANCES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983 (2011), THE BASIS OF BEARING OF BEARING IS THE EAST LINE OF BILLY CREEK COMMERCE CENTER HAVING A BEARING OF N 00°59'03" W AS MEASURED BETWEEN FOUND MONUMENTATION.
- PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY 125124 PANEL NO. 0291 F, HAVING AN EFFECTIVE DATE OF AUGUST 28, 2008.
- NO SEARCH FOR VISIBLE EVIDENCE OF EXISTING OR FORMER AREAS OF FACILITIES WHICH MAY HAVE INVOLVED USE OR STORAGE OF HAZARDOUS OR TOXIC SUBSTANCES WAS MADE.
- NO WETLAND AREAS OR JURISDICTIONAL WETLANDS, IF ANY, WERE LOCATED FOR THIS SURVEY.
- NO UNDERGROUND UTILITIES OR IMPROVEMENTS, IF ANY, WERE LOCATED OTHER THAN THOSE SHOWN HEREON.
- UNDERGROUND ENCROACHMENTS INCLUDING FOUNDATIONS (IF ANY) WERE NOT LOCATED.
- THE PLAT OF BILLY CREEK COMMERCE CENTER, UNIT ONE AS RECORDED IN PLAT BOOK 33, PAGE 116 RESERVES A 6-FOOT PUBLIC UTILITY EASEMENT (NOT MAPPED) AROUND THE BOUNDARY OF EACH BUILDING SITE AND WITHIN 6 FEET OF ANY SIDE LINES OF DRAINAGE EASEMENTS WITHIN SAID PLAT.
- ALL DISTANCES, AND COORDINATES ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
- SURVEYED PARCEL ACREAGE: 16.55 ACRES MORE OR LESS.
- ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FL.
- LIMITED ACCESS RIGHT OF WAY DEPICTED PER FDOT STATE ROAD NO. 93 (INTERSTATE 75) RIGHT OF WAY MAP, SECTION 12075-000, DATED NOVEMBER 22, 2006.



DETAIL "A"  
SCALE: 1 INCH = 50 FEET



P.O.C.  
SW CORNER, SECTION 10  
1/2" IR, NO I.D. IN PAVEMENT  
CUT-OUT NOT RECOVERED DURING  
SURVEY UPDATE. VERIFIED POSITION  
FROM RECOVERED REFERENCES  
(CCRs 82537, 86558, 87870)

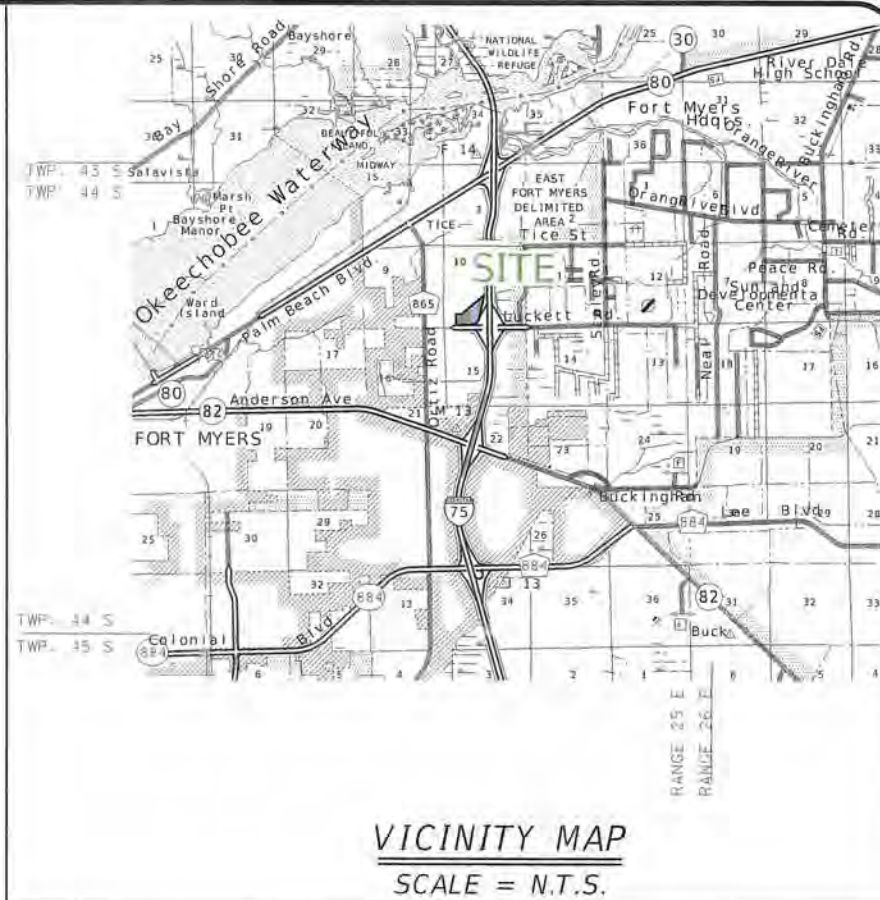


Digitally signed  
by Darren  
Townsend  
Date: 2021.11.17  
11:58:18 -05'00'

BOUNDARY SURVEY LYING IN  
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA



100 0 100 100 200  
INTENDED DISPLAY SCALE = 1" = 100'



VICINITY MAP  
SCALE = N.T.S.

## LEGEND:

- (C) = CALCULATED
- (D) = DEED
- (F) = FIELD DATA
- (P) = PLAT DATA
- (R) = RIGHT-OF-WAY MAP DATA
- A = ARC LENGTH
- BOC = BACK OF CURB
- CB = CHORD BEARING
- CCR = CERTIFIED CORNER RECORD
- CH = CHORD LENGTH
- CM = CONCRETE MONUMENT
- CONC. = CONCRETE
- D.O.T. = DEPARTMENT OF TRANSPORTATION
- E = EASTING
- ENG = ENGINEERING
- EOP = EDGE OF PAVEMENT
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- FLA. = FLORIDA
- FND = FOUND
- I.D. = IDENTIFICATION
- IR = IRON ROD
- IRC = IRON ROD W/ CAP
- INC. = INCORPORATED
- INST. = INSTRUMENT NUMBER
- INV. = INVERT
- LB = LICENSED BUSINESS
- LLC = LIMITED LIABILITY COMPANY
- LP = LIGHT POLE
- N = NORTHING
- N/F = NOW OR FORMERLY
- NGVD = NATIONAL GEODETIC VERTICAL DATUM
- NO. = NUMBER
- N.T.S. = NOT TO SCALE
- O.A.L. = OVERALL LENGTH
- OHW = OVERHEAD WIRE
- ORB = OFFICIAL RECORD BOOK
- PB = PARKER-KALON
- PK = PLAT BOOK
- PG = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R = RADIUS
- R/W = RIGHT-OF-WAY
- SIRC = SET 5/8" IRON ROD W/ CAP STAMPED "AIM ENG LB 3114"
- TOB = TOP OF BANK
- TOE = TOE OF BANK
- UTS = UNDERGROUND TELEPHONE SERVICE
- W = WITH
- WPP = WOOD POWER POLE
- } = TERMINUS UNKNOWN
- Δ = DELTA ANGLE
- = CLEANOUT
- ⊗ = FIRE HYDRANT
- ⊕ = GAS VALVE
- ⊙ = LIGHT POLE
- ⊗ = SANITARY MANHOLE
- ⊗ = SANITARY SEWER VALVE
- ⊙ = SIGN
- ⊗ = TELECOMMUNICATIONS PEDESTAL
- ⊗ = WATER METER
- ⊗ = WATER VALVE

I:\Net\15-0401\_Luckett\Working\2107\_CWH\_BND\15-0401\_P1302.dwg, 11/17/2021, 11:04:44 AM

NO	DATE	BY	REVISIONS
1	0-11-21	CMH	TITLE CERTIFICATION / EASEMENTS
2	11-17-21	CMH	STATE PLANE COORDINATES
3			
4			
5			

PREPARED BY: AIM ENGINEERING AND SURVEYING, INC.  
SEE ELECTRONIC SIGNATURE ABOVE  
DARREN TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6476  
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND  
SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.



AIM Engineering & Surveying, Inc.  
CIVIL \* SANITARY \* TRANSPORTATION \* DEVELOPMENT \* PROJECT MANAGEMENT  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
TOLL FREE 800-226-4569  
PHONE 239-332-4569  
www.aimengr.com  
CERTIFICATE OF AUTHORIZATION NO. 3114

CLIENT:	
QUATTRONE & ASSOCIATES, INC.	
PROJECT:	
LUCKETT LANDING	
DRAWN:	
CH	07-08-2021
CHECKED:	
DT	07-08-2021

COUNTY:	
LEE	
SECTION:	
10	44
TOWNSHIP:	
10	44
RANGE:	
10	44
FILE NAME:	
15-0401	15-0401

ANY REVISIONS, ALTERATIONS, AND OR CHANGES TO DRAWINGS WITHOUT THE WRITTEN CONSENT OF APPROVAL BY AIM ENGINEERING & SURVEYING, INC. IS PROHIBITED!	
LUCKETT LANDING BOUNDARY SURVEY	
SHEET 1 OF 1	



REZ2021-00008  
KW ELECTRIC  
INC

# **Staff Summary**

CASE NUMBER & NAME: REZ2021-00008 / KW Electric Inc

REQUEST: Request to rezone 1.80± acres from Community Commercial District (CC) and Residential Single-Family District (RS-1) to Community Commercial District (CC).

RESOLUTION NUMBER: Z-22-002

LOCATION: 14580 N Cleveland Ave., North Fort Myers Planning Community, Lee County, FL.

OWNER: KW Electric Inc

APPLICANT: KW Electric Inc

AGENT: Scott Bostrom  
KW Electric Inc.  
1206 Riding Rocks Ln.  
Punta Gorda, FL 33950

HEARING EXAMINER  
RECOMMENDATION: Approve

PARTICIPANTS (1): Gina Boivin

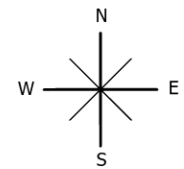
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REZ2021-00008

Aerial

 Subject Property



0 250  
Feet





## Summary of Hearing Examiner Recommendation

### **KW ELECTRIC, INC.**

(By KW Electric, Inc.)

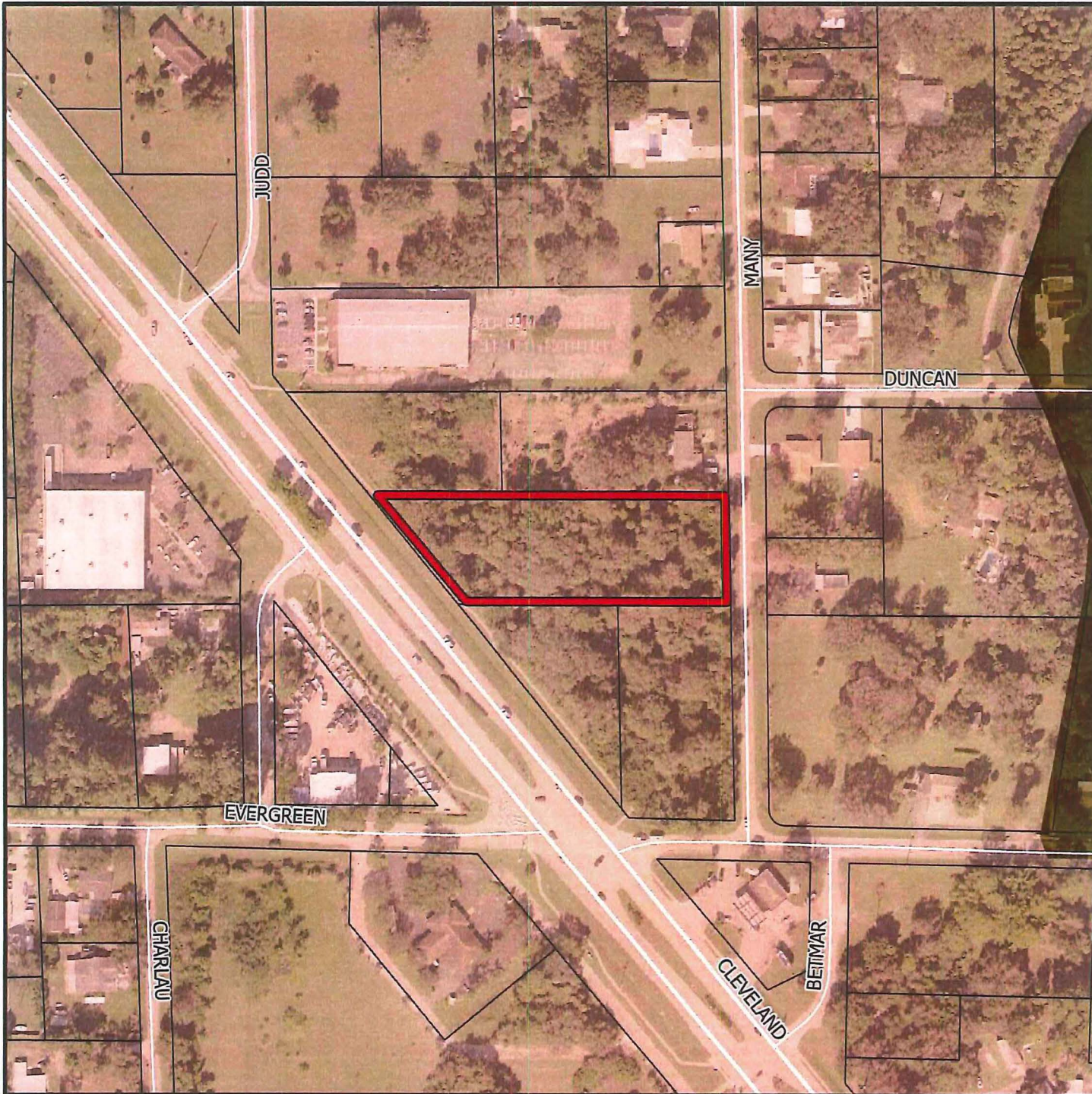
Request:	Rezone 1.08 acre parcel from Community Commercial and Residential Single Family to Community Commercial.
Location:	14580 North Cleveland Avenue  North Fort Myers Planning Community  (District 4)
Size:	1.80 $\pm$ acres
Recommendation:	Approve
Public Concerns:	Use of Many Road by commercial businesses

#### **Hearing Examiner Remarks:**

The request seeks a unified commercial zoning designation on property with frontage on US 41 and Many Road.



The property lies within a Commercial Corridor and Mixed Use Overlay along a heavily traveled state highway. While commercial uses are appropriate, FDOT denied direct access to US 41. As a result, Many Road, a local road in a residential neighborhood will serve as the only access. Attention to site design during development order permitting will ensure adequate buffering and separation from the adjacent residential neighborhood.

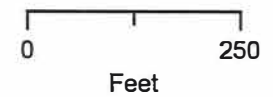
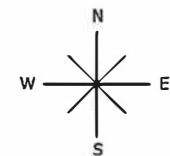
*Detailed recommendation follows*



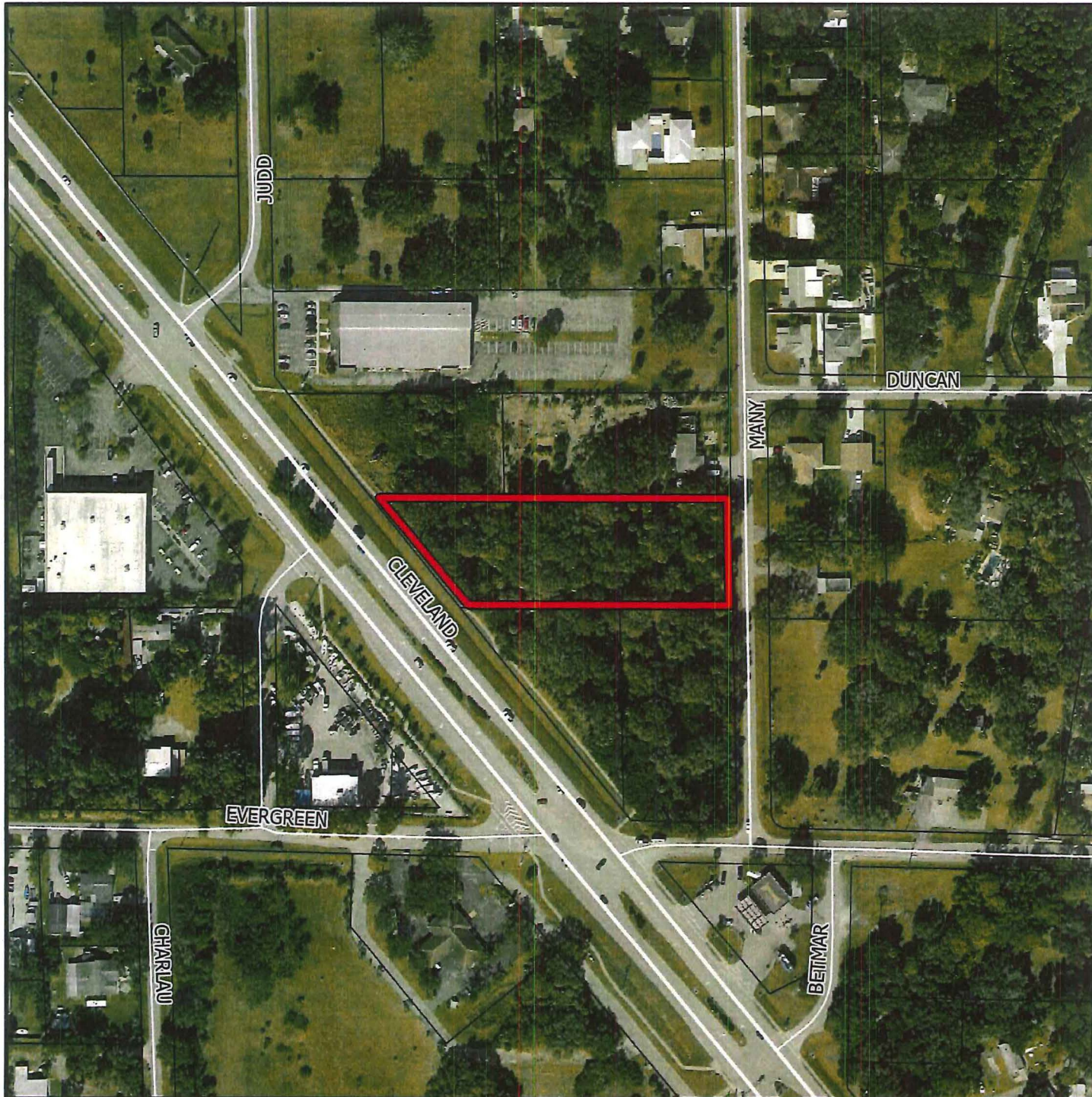
REZ2021-00008

Future Land Use

-  Subject Property
-  Intensive Development
-  Central Urban



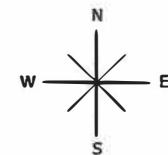




REZ2021-00008

Aerial

 Subject Property




0 250  
Feet

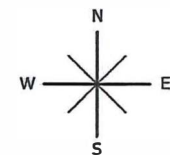




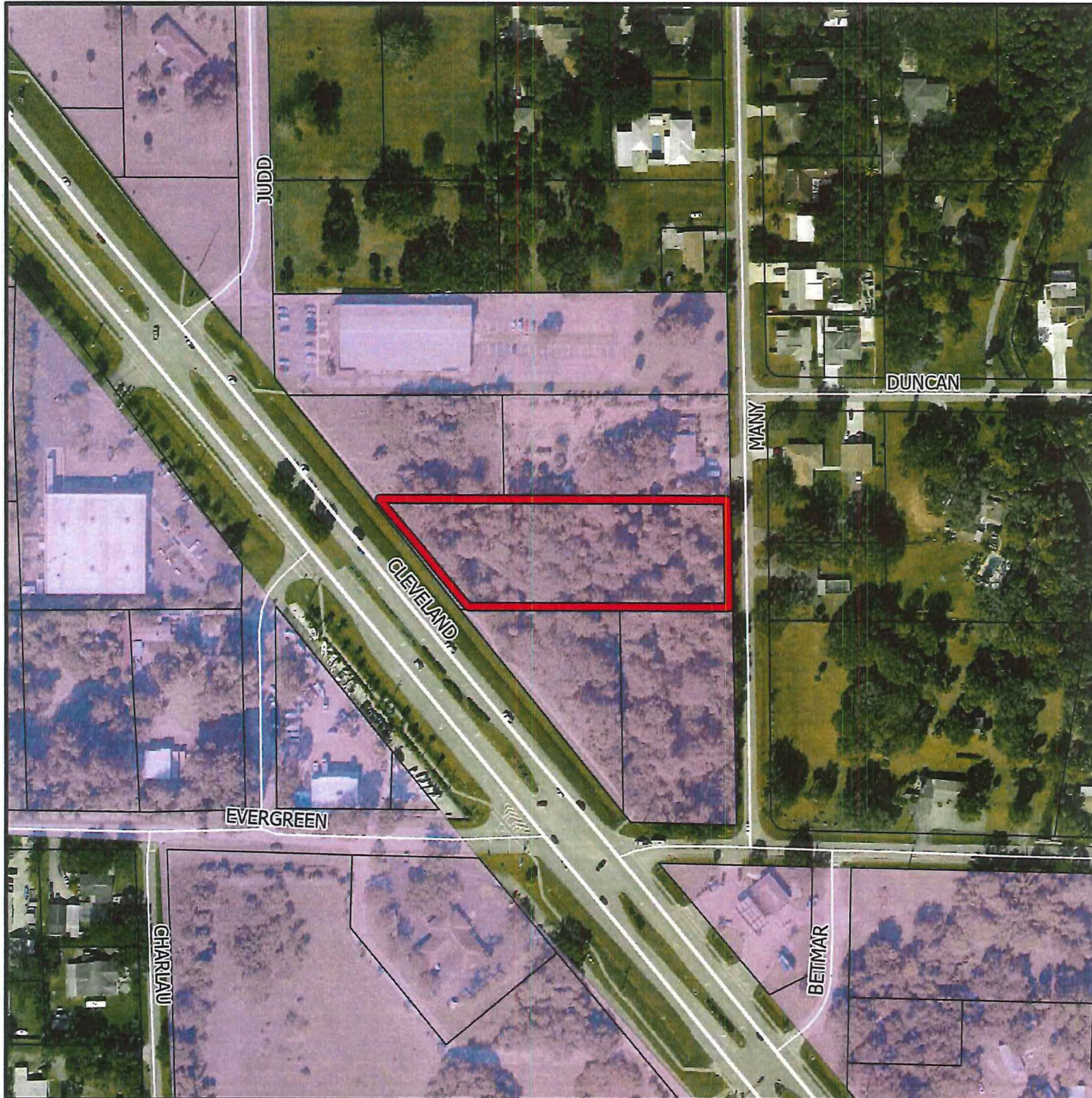
REZ2021-00008

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 250  
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** REZ2021-00008

**Regarding:** KW ELECTRIC, INC.

**Location:** 14580 North Cleveland Avenue  
North Fort Myers Planning Community  
(District 4)

**Hearing Date:** January 6, 2022

**I. Request**

Rezone 1.80± acres from Community Commercial and Residential Single Family to the Community Commercial district.

The property legal description is set forth in Exhibit A.

**II. Hearing Examiner Recommendation**

Approve.

**III. Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone property in North Fort Myers.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to the facts presented at hearing. The record must contain substantial competent evidence to support the Hearing Examiner's recommendation.

The Hearing Examiner's recommendation of approval follows below.

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<sup>1</sup> LDC 34-145(d)(4)a.



### **Synopsis of Request**

This is a request to rezone 1.80 acres on US 41 to the Community Commercial (CC) district on U.S. 41 in the North Fort Myers Planning District. Currently the property bifurcated into two zoning districts: commercial and residential.

The split zoning designation allows for commercial uses adjacent to U.S. 41 and residential uses along Many Road. The rezoning of the property will result in a single commercial zoning designation on the property.

The proposed CC zoning district is a “conventional” zoning district. Therefore, it is not possible to impose conditions on approval. The CC use regulation table will govern the uses permitted, subject to limitations imposed by the Lee Plan.<sup>2</sup> Deviations from the LDC may only be granted by variance.<sup>3</sup> The Lee Plan encourages conventional zoning districts within the Mixed Use Overlay.<sup>4</sup>

The Department of Community Development staff recommended approval, finding the proposed CC zoning district satisfies LDC review criteria.

### **Zoning History**

The majority of the site was rezoned from residential to commercial development over 35 years ago. The portion of the site fronting on Many Road remains zoned residential single family.

The North Fort Myers Community Plan classifies the property within the U.S. 41/Cleveland Avenue Commercial Corridor.<sup>5</sup> The site is also within a Mixed Use Overlay.<sup>6</sup>

There is a pending development order application to construct a 6,336 square foot commercial building and related site improvements.<sup>7</sup>

### **Character of the Area**

The property lies within the North Fort Myers Planning Community, where the County seeks to improve livability and economic vitality.<sup>8</sup> The property is also within a Mixed Use Overlay dominated by commercial development patterns.<sup>9</sup>

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<sup>2</sup> LDC 34-621.

<sup>3</sup> LDC 34-621 (a)(2).

<sup>4</sup> Lee Plan Policies 1.1.1, 11.2.4.

<sup>5</sup> LDC 33-1566.

<sup>6</sup> Lee Plan Map 1, Page 6.

<sup>7</sup> DOS 2021-00177.

<sup>8</sup> Lee Plan Goal 30.

<sup>9</sup> Lee Plan Objective 11.2 Mixed Use Overlays are in locations appropriate for mixed use and are proximate to public transit routes, education facilities, recreation opportunities and existing residential, shopping and employment centers.

The site's western boundary is located on the U.S. 41 commercial corridor and surrounded by commercial development along the highway frontage.<sup>10</sup> The east property boundary fronts on Many Road. Single family dwellings line both sides of Many Road.

A full complement of public services, facilities and infrastructure serves the area, including public water, sewer, law enforcement, fire and emergency medical services and transit.

### **Consistency with the Lee Plan**

The property's future land use designation is Intensive Development. These areas are found along major arterial roadways and are suited to accommodate greater intensities of development.<sup>11</sup> Consistent with this designation, the CC zoning district permits consumer oriented commercial facilities providing a wide range of services.<sup>12</sup> Uses authorized in the CC district generally create greater impacts on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.<sup>13</sup> County staff addresses those issues during site development permitting.

### **Compatibility**

Commercial development patterns dominate both sides of U.S. 41.<sup>14</sup> Large scale commercial centers lie a short distance to the north at the intersection of U.S. 41 and Pine Island Road.

The site borders commercially zoned property to the north and south.<sup>15</sup> Many Road runs along its east boundary. Many Road is a local street within an established residential neighborhood. Once developed, the site will utilize Many Road as its sole access because FDOT denied a driveway connection to US 41. Special attention to site design at the development order stage will ensure commercial activity on the property is adequately buffered from the homes along Many Road.<sup>16</sup>

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<sup>10</sup> Property to the north and south are vacant and zoned for commercial development.

<sup>11</sup> Lee Plan Policy 1.1.2.

<sup>12</sup> LDC 34-841(g).

<sup>13</sup> LDC 34-841(g), 34-844 Some uses permitted in the CC district include animal clinics, automobile service stations, bar and cocktail lounges, clubs, indoor flea markets, convenience food and beverage store with fuel pumps, night clubs, fast food restaurants, vehicle and equipment dealers (Group II), and mini-warehouse.

<sup>14</sup> The U.S. 41 road corridor in North Fort Myers is a commercial artery serving the surrounding communities and traveling public.

<sup>15</sup> The property immediately north and south of the site are vacant but zoned for commercial uses. Therefore, residential use of the property is unlikely. Lee Plan Policy 5.1.2.

<sup>16</sup> In order to avoid impacts on residential land uses along Many Road, site design should include gradients of intensity to provide the necessary transition from the commercial corridor.

The CC zoning district envisions commercial development serving a wide market area.<sup>17</sup> The proposed CC district complements emerging development patterns along U.S. 41 and serves as a transition from the highway to residential uses to the east.<sup>18</sup>

Commercial development triggers LDC building design criteria to enhance aesthetics and community character.<sup>19</sup> These standards include architecture, lighting, landscaping, and buffering. The property's location within a Mixed Use Overlay provides relief from some standards to promote urban design and compact development patterns.<sup>20</sup> However, development must comply with LDC landscape requirements for specific uses notwithstanding the Mixed Use Overlay in the North Fort Myers planning community.<sup>21</sup>

### **Urban Services**

The site is ideally located for commercial development because of its proximity to urban services and infrastructure.<sup>22</sup> The property fronts on two roadways: a state maintained divided arterial and a local road. Public water and sanitary sewer service are available from Lee County Utilities and the Florida Governmental Utility Authority. The Lee County Sheriff's Office North District substation, Lee County EMS/Medic, and North Fort Myers Fire District Station 2 are located within two miles from the site. Lee Tran bus route 140 runs along U.S. 41 with an existing stop approximately 500 feet to the north.<sup>23</sup>

### **Transportation**

The LDC does not require a Traffic Impact Statement for applications to rezone property to conventional zoning districts. County staff will evaluate transportation related impacts during the development order review.<sup>24</sup> The North Fort Myers Community Plan requires the site plan to accommodate future interconnections to adjacent commercial properties.<sup>25</sup> The Mixed Use Overlay also favors connections to adjacent uses.<sup>26</sup> Adjacent properties north and south of the site are currently vacant. Connections between properties will be addressed during site permitting.

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<sup>17</sup> LDC 34-841(g); Lee Plan Objective 2.1, Policies 5.1.5, 6.1.4.

<sup>18</sup> Lee Plan Goal 6, Objective 2.1, and Policy 5.15. The property meets the Lee Plan definition of infill development. Lee Plan Glossary and Policy 6.1.7.

<sup>19</sup> LDC 10-600 *et seq.* Development along commercial corridors in the North Fort Myers Planning Community is also subject to special design standards. LDC 33-1571 *et seq.*

<sup>20</sup> Lee Plan Policy 11.2.4.

<sup>21</sup> LDC 33-1581(a). See LDC 10-424, 10-425.

<sup>22</sup> Lee Plan Policy 2.2.1.

<sup>23</sup> The route runs seven days a week providing opportunities for future employees to access the site using transit.

<sup>24</sup> LDC 10-154.

<sup>25</sup> LDC 33-1538.

<sup>26</sup> Lee Plan Policy 11.2.2.



Florida Department of Transportation has sole authority to grant driveway access to US 41. Absent FDOT approval, site access will be limited to Many Road and possible interconnections with adjacent undeveloped properties once they seek development approval. The staff report confirms FDOT denied direct access to U.S. 41. Therefore, until there is an interconnection to adjacent properties, Many Road serves as the only means of access to the site.

Development will be subject to road impact fees. The developer will be responsible for site-related impacts to the road network.<sup>27</sup>

### **Environmental**

There are no areas of critical environmental importance on the property. Development must conform to LDC open space, landscaping, and water management requirements.<sup>28</sup> Because the property is within a Mixed Use Overlay, the LDC offers flexibility in site design to promote urban forms of development.<sup>29</sup>

### **Public Concerns**

At hearing a Many Road resident expressed concerns regarding commercial traffic on neighborhood roadways. She noted development pressures on larger commercial tracts had the potential to adversely affect the character of the Many Road neighborhood.<sup>30</sup>

### **Conclusion**

The Hearing Examiner concurs with staff's analysis and recommendation of approval. The request for CC zoning meets the LDC criteria for approval.

## **IV. Findings and Conclusions**

Based on the testimony and exhibits presented in the record, the Hearing Examiner makes the following findings and conclusions:

The requested Community Commercial zoning district:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 30, and 158, Objectives 2.1, 2.2, 4.1, 6.1, 11.2, 30.2, and Policies 1.1.1, 1.1.2, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 11.2.1, 11.2.4, 11.2.5, 30.2.5, 30.2.6, 39.2.1.

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<sup>27</sup> Lee Plan Policies 38.1.6, 39.1.1.

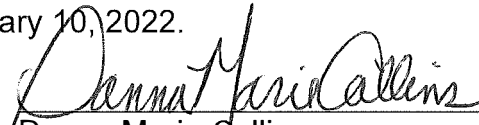
<sup>28</sup> Lee Plan Policy 6.1.6.

<sup>29</sup> Lee Plan Policy 11.2.5; LDC 10-425.

<sup>30</sup> She did not object to the subject application.

- B. Complies with the Land Development Code. Lee Plan Policy 11.2.5, LDC 34-621, 34-841(g), 34-844.
- C. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 1.1.2, 2.2.1, 5.1.5, 6.1.4., 6.1.6, 6.1.7, 11.2.1; LDC 10-425, 33-1581.
- D. Will have sufficient access to support development. Lee Plan Policies 6.1.5;
- E. Expected Impacts to transportation facilities will be addressed by existing County regulations and conditions of development order approval. Lee Plan Policies 2.2.1, 6.1.1.
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources.
- G. The site will be served by public services and infrastructure. Lee Plan Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, 11.2, and Policies 2.2.1, 6.1.1 and Standards 4.1.1 and 4.1.2, Maps 6, 7.

Date of Recommendation: January 10, 2022.

  
Donna Marie Collins  
Chief Hearing Examiner

Lee County Hearing Examiner  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398

**Exhibits to Hearing Examiner's Recommendation**

Exhibit A Legal Description and Vicinity Map  
Exhibit B Exhibits Presented at Hearing  
Exhibit C Hearing Participants  
Exhibit D Information

**Exhibit A**

**LEGAL DESCRIPTION AND VICINITY MAP**



## EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH  
**PORTION OF LOT 51, AND ALL OF LOT 50, MARIANA PARK;**  
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
(PLAT BOOK 9, PAGE 111) PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA.

*DESCRIPTION:*

A PLOT OR PARCEL OF LAND BEING DESCRIBED AS: ALL OF LOT 50, AND A PORTION OF LOT 51, MARIANA PARK, AS RECORDED IN PLAT BOOK 9, PAGE 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ALONG THE WEST RIGHT OF WAY LINE OF MANY ROAD (50 FEET WIDE), AND THE NORTHEAST CORNER OF LOT 50, OF THE AFORESAID MARIANA PARK FOR A POINT OF BEGINNING; THENCE RUN S.00°58'51"E. ALONG SAID WEST RIGHT OF WAY LINE OF MANY ROAD (50 FEET WIDE) TO THE SOUTHEAST CORNER OF SAID LOT 50 FOR 165.00 FEET; THENCE RUN N.89°57'11"W. TO A POINT ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF N. CLEVELAND AVENUE (ALSO KNOWN AS US 41 "TAMIAMI TRAIL") (200 FEET WIDE), FOR 402.22 FEET; THENCE RUN N.39°33'12"W. ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO A POINT LYING ALONG THE NORTH LINE OF LOT 51, OF THE AFORESAID MARIANA PARK, FOR 214.11 FEET; THENCE RUN S.89°57'11"E. TO AFORESAID WEST RIGHT OF WAY LINE OF MANY ROAD (50 FEET WIDE AND THE NORTHEAST CORNER OF LOT 50, MARIANA PARK, AS RECORDED IN PLAT BOOK 9, PAGE 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 535.74 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,406.93 SQUARE FEET, MORE OR LESS.

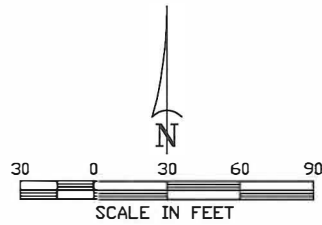


PHILLIP M. MOULD  
LS6515  
09/27/2021

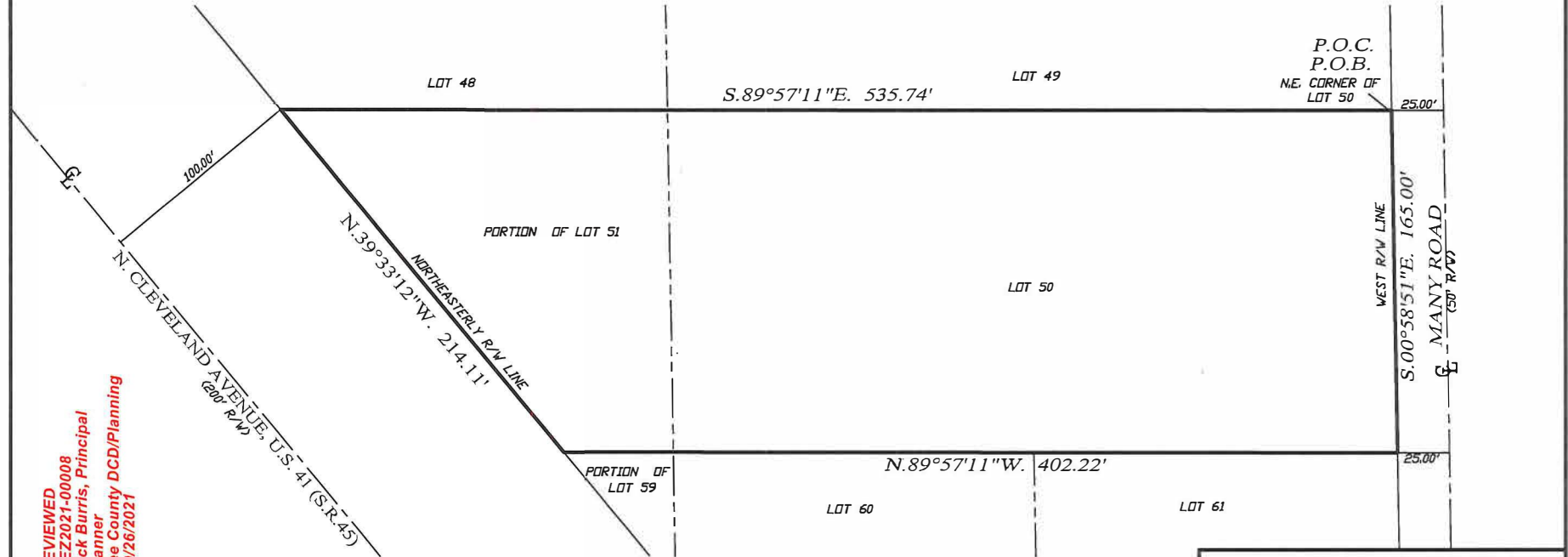
REVIEWED  
REZ2021-00008  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
10/26/2021

SHEET 2 OF 2

REVIEWED  
 REZ2021-00008  
 Rick Burris, Principal  
 Planner  
 Lee County DCD/Planning  
 10/26/2021



SKETCH TO ACCOMPANY DESCRIPTION:  
**PORTION OF LOT 51, AND ALL OF LOT 50,  
 MARIANA PARK;**  
 SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
 (PLAT BOOK 9, PAGE 111)  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA



SEE EXHIBIT " A", SHEET 2 OF 2 FOR DESCRIPTION  
 THIS IS NOT A BOUNDARY SURVEY

LEGEND:  
 P.U.E. PUBLIC UTILITY EASEMENT  
 D.E. DRAINAGE EASEMENT  
 R/W RIGHT-OF-WAY  
 C CENTERLINE  
 P.O.C. POINT OF COMMENCEMENT  
 P.O.B. POINT OF BEGINNING

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

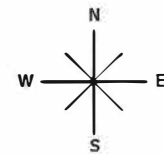
CERTIFICATE OF AUTHORIZATION: LB #6921			
DRAWN:	CHECK:	SCALE	PROJ. #
PMM	FBH	1"=60'	14580 NCA LEGAL
SKETCH DATE		FILE NO.	SHT.- 1
09/27/2021		45-23-4	OF - 2



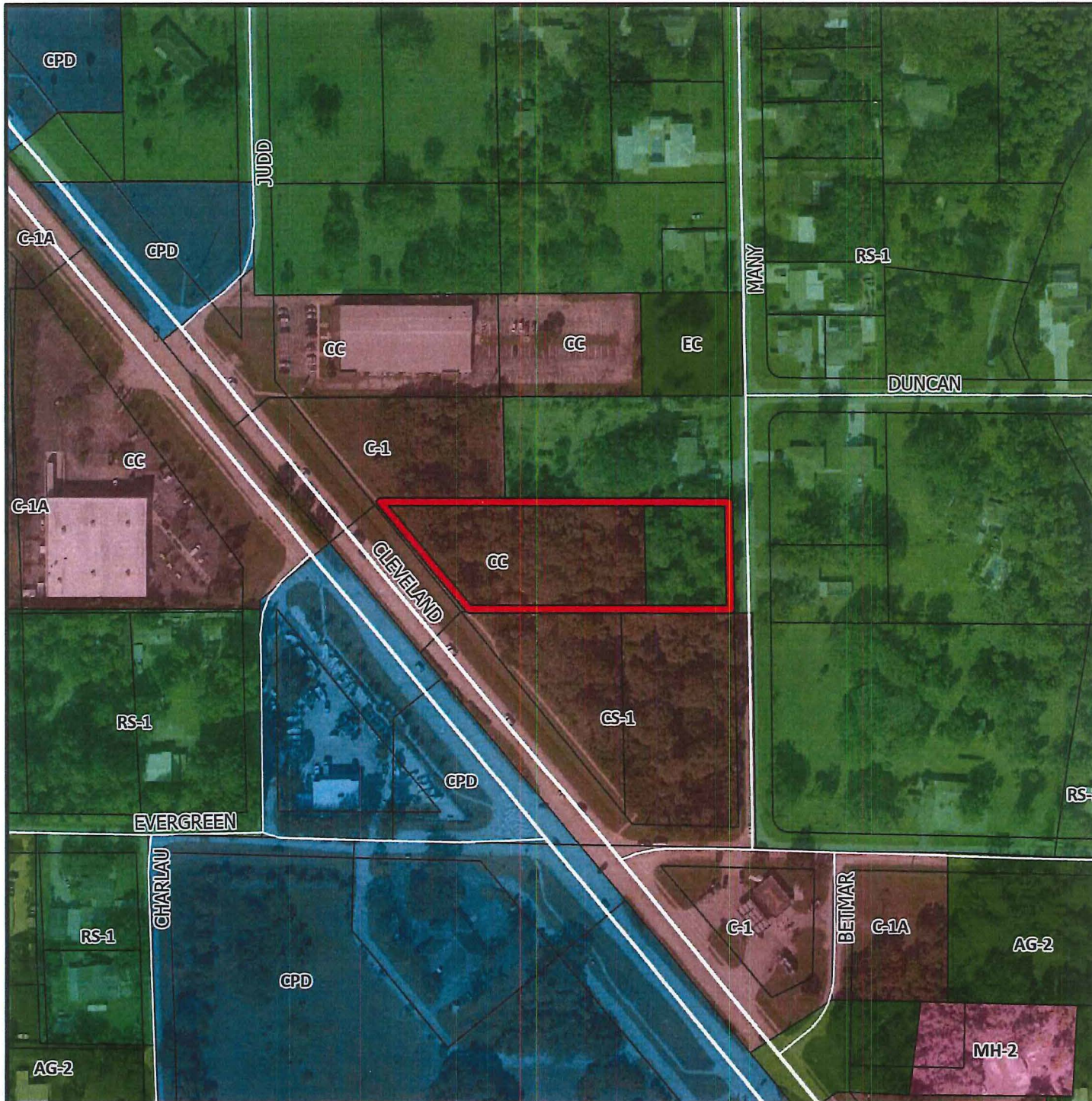
REZ2021-00008

Zoning

 Subject Property



0 250  
Feet





**Exhibit B**

**EXHIBITS PRESENTED AT HEARING**

**STAFF EXHIBITS**

1. *DCD Staff Report with attachments:* Prepared by Courtney Gordon, Planner, date stamped received September 23, 2021 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Résumé:* For Courtney Gordon, Planner with Community Development (2 pages – 8.5"x11")

**APPLICANT EXHIBITS**

None

**Exhibit C**

**HEARING PARTICIPANTS**

County Staff:

1. Courtney Gordon, Senior Project Planner

Applicant Representatives:

1. Scott Bostrom

Public Participants:

1. Gina Boivin

**Exhibit D**  
**INFORMATION**

**UNAUTHORIZED COMMUNICATIONS**

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

**HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS**

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

**COPIES OF TESTIMONY AND TRANSCRIPTS**

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.



**Lee County, Florida**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ZONING SECTION**  
**STAFF REPORT**

**Case Number: REZ2021-00008**  
**Case Name: KW Electric, Inc.**  
**Area to be Rezoned: +/- 1.80 Acres**  
**Case Type: Conventional Rezoning**  
**Sufficiency Date: October 29, 2021**  
**Hearing Date: January 6, 2022**

**REQUEST:**

An application has been submitted by KW Electric, Inc. to request a conventional rezoning for +/- 1.80 acres from Community Commercial district (CC) and Residential Single-Family district (RS-1) to Community Commercial district (CC).

The subject property is located at 14580 North Cleveland Avenue, North Fort Myers, FL, 33903, North Fort Myers Community Plan Area, Lee County, FL (District # 4), STRAP Number 03-44-24-02-00000.0500. The legal description for this property can be found in Attachment E.

**SUMMARY:**

Staff recommends **APPROVAL** of the applicant's request.

**HISTORY OF PARCEL:**

The subject property is approximately +/-1.80 acres and is currently split with two zoning designations: Community Commercial district (CC) and Residential Single-Family district (RS-1). The west portion of the property that abuts U.S. 41/North Cleveland Avenue is zoned Community Commercial district (CC) and was originally rezoned from Residential Single-Family district (RS-1) to Community Commercial district (CC) by Resolution ZAB-85-099 (Attachment K). The east portion of the property that abuts Many Road is zoned Residential Single-Family district (RS-1). When Resolution ZAB-85-099 was adopted to rezone the subject property to Community Commercial district (CC), it was recommended to rezone the property only to within 130 feet of Many Road due to concerns with potential intrusion of commercial development on the adjacent existing residential area on Many Road. This action resulted in leaving a 165-foot by 130-foot portion of the parcel zoned Residential Single-Family district (RS-1).

The subject property is not currently developed and is covered in thick vegetation. An application was filed on November 23, 2021, for a development order, DOS2021-00177, to permit the construction of a 6,336 square foot commercial building and all related site improvements. At the time this staff report was drafted, DOS2021-00177 was still under review. There have not been any previous applications or approvals for development orders, building permits, or vegetation removal for the subject property. There are no active code enforcement violations on the subject property.

The development of this parcel for commercial use is challenging due to the split zoning of the property. Land Development Code Section 34-616(b) states, "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.” In addition to this, the applicant has indicated that Florida Department of Transportation (FDOT) has denied direct access to U.S. 41/North Cleveland Avenue; therefore, the property must be accessed by Many Road (Attachment M).

#### **CHARACTER OF THE AREA:**

The subject property is located on U.S. 41/North Cleveland Avenue, approximately three quarters of a mile north of Pondella Road. The property is a through lot and has approximately 215 feet of frontage along U.S. 41/North Cleveland Avenue, a State-maintained arterial road, and approximately 165 feet along Many Road, a County-maintained minor collector road. The subject property is located in the North Fort Myers Community Plan Area and the North Fort Myers Commercial Corridor (Commercial Corridor).

When Resolution ZAB-85-099 was approved to rezone only the west portion of the subject property to Community Commercial district (CC), Goal 30 of the Lee Plan, which establishes the objectives and policies for development within the North Fort Myers Community Plan Area, had not yet been created. Lee County Ordinance Number 09-11 was approved in February 2009 to adopt Comprehensive Plan Amendment, CPA2007-00056, adopting the North Fort Myers Community Plan. Lee County Ordinance Number 12-01 was adopted in January 2012 to adopt land development regulations specific to the North Fort Myers Community Plan Area, including the North Fort Myers Commercial Corridor.

Land Development Code Section 33-1537 defines the Commercial Corridor as, “all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers Planning Community: U.S. 41/Cleveland Avenue, Old 41/Tamiami Trail, Pine Island/Bayshore Road, Hancock Bridge Parkway, and Pondella Road.” Land Development Code Section 33-1596 establishes use regulations for all commercially zoned properties in the Commercial Corridor. Certain uses may not be permitted in less intense commercial zoning designations, such as Community Commercial district (CC) and Special Commercial Office district (CS-1), on properties not located within the Commercial Corridor.

Additionally, when Resolution ZAB-85-099 was adopted, the Mixed Use Overlay had not yet been established. Lee County Ordinance 07-15 was approved in May 2007 to adopt Comprehensive Plan Amendment, CPA2007-00037, which amended the Future Land Use Map to include an overlay area depicting where mixed use development will be allowed.

These amendments to the Lee Plan and Land Development Code establish conditions for the subject property and surrounding properties that did not exist when Resolution ZAB-85-099 was approved.

The following are the surrounding zoning districts and existing land uses:

#### *North*

The properties to the immediate north of the subject property are zoned Commercial district (C-1) and Residential Single-Family district (RS-1). The C-1 zoned property to the north is undeveloped, but due to it being located in the Commercial Corridor and Mixed Use Overlay, it has the potential to be developed with any of the uses permitted in the Commercial Corridor and may apply the property development

regulations established for the Mixed Use Overlay. The RS-1 zoned property is in the Mixed Use Overlay and is developed with a single-family residence. There is a Walmart Supercenter and other commercial retailers on a property zoned Commercial Planned Development (CPD) less than one-half mile to the north at the southeast corner of U.S. 41/North Cleveland Avenue and Pine Island Road.

#### *East*

Properties to the immediate east of the subject property are separated by Many Road and are zoned Residential Single-Family district (RS-1). They are developed with single-family residences.

#### *South*

The two properties to the south of the subject property are zoned Special Commercial Office district (CS-1) and are located within the Commercial Corridor and the Mixed Use Overlay. Both properties are currently undeveloped; however, due to being located in the Commercial Corridor and Mixed Use Overlay, they have the potential to be developed with any of the permitted uses in the Commercial Corridor and may apply the property development regulations established for the Mixed Use Overlay.

#### *West*

The properties to the west of the subject property are separated by U.S. 41/North Cleveland Avenue and are zoned Community Commercial district (CC) and Commercial Planned Development (CPD). These properties are located in the Commercial Corridor and within the Mixed Use Overlay. The CC zoned property is developed with a tool and equipment retailer and the CPD is developed with a boat dealer that provides boat sales, service, and repair.

### **ANALYSIS:**

#### Conventional Rezoning

Lee County Land Development Code (LDC) Section 34-145(d)(4)a.1 establishes the decision-making criteria for conventional rezoning requests. Before recommending approval of a conventional rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a future urban area category.

The applicant has provided a written narrative and supplemental information that describes the request, provides an analysis of Lee Plan policies, and demonstrates compliance with the Land Development



Code (Attachment D). The following is an analysis of the request based on the decision-making criteria established by LDC Section 34-145(d)(4)a.1:

a) Compliance with the Lee Plan

Policy 1.1.2 describes the Intensive Development category as areas located along major arterial roads and by virtue of their location and the availability and potential levels of public services, these areas are well suited to accommodate high densities and intensities of residential, commercial, limited light industrial, and office uses. The subject property is located in the Intensive Development category and the majority of the subject property is already zoned Community Commercial district (CC). Rezoning the entire subject property to Community Commercial district (CC) will facilitate development on the property which is consistent with the Intensive Development future land use category. Staff finds the proposed rezoning consistent with Lee Plan Policy 1.1.2.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to those portions of the future urban areas in compact and contiguous growth patterns where adequate public facilities exist or are assured. Policy 2.2.1 indicates that rezonings 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 and uses; and any other relevant facts affecting public health, safety and welfare. The subject property is located on U.S. 41/North Cleveland Avenue, between the major intersections of U.S. 41/North Cleveland Avenue and Pine Island Road and U.S. 41/North Cleveland Avenue and Pondella Road, and is located within the Commercial Corridor and the Mixed Use Overlay. Florida Governmental Utility Authority and Lee County Utilities have provided letters indicating the ability to provide wastewater and water services respectively, to the subject property (Attachments G and H). The subject property will be served by Lee County EMS, the North Fort Myers Fire District, and the Lee County Sheriff. Lee County Transit (LeeTran) has indicated that the property is within one-quarter mile of route 140, which operates in the north and southbound directions on U.S. 41/North Cleveland Avenue (Attachment F). There is a bus stop approximately 500 feet to the north on the northbound side of U.S. 41/North Cleveland Avenue. Staff finds the proposed rezoning consistent with Lee Plan Objectives 2.1 and 2.2.

Objective 5.1 requires all development approvals for residential, commercial, and industrial land uses to be consistent with the policies of Objective 5.1, the general standards under Goal 4, and other provisions of the Lee Plan. Policy 5.1.5 intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The closest residential uses are to the immediate north of the Residential Single-Family district (RS-1) portion of the subject property and to the east of the subject property, separated by Many Road. The subject property is in the Commercial Corridor and the Mixed Use Overlay. LDC Section 33-1596 establishes additional uses for commercially zoned properties located in the Commercial Corridor that are not permitted on properties outside of the Commercial Corridor. The Mixed Use Overlay permits relief from certain property development regulations such as lot dimensions, setbacks, buffering, and open space; however, LDC Section 33-1581 establishes that properties in the Mixed Use Overlay must provide the minimum landscape requirements established in LDC Section 10-425. Additional review of the requirements will be conducted at time of Development Order. Staff finds the request consistent with Lee Plan Policy 5.1.5.

Goal 6 establishes objectives and policies to permit orderly and well-planned commercial development at appropriate locations with the County. The proposed rezoning to Community Commercial district (CC) will allow the subject property to be developed with commercial uses as intended in the Commercial Corridor. Policy 6.1.1 requires that all applications for commercial development be reviewed and evaluated with regard to traffic and access impacts, landscaping and detailed site planning, screening and buffering, availability and adequacy of services and facilities, impact on adjacent land uses and surrounding neighborhoods, proximity to other similar centers, and environmental considerations. The applicant has indicated they intend to comply with the landscape buffer requirements established by the LDC (Attachment M). The applicant has provided letters of availability for both wastewater and water (Attachments G and H), and they have also indicated the impact of their business on the adjacent residential will be minimal (Attachment M). Additional review will be conducted at the time of Development Order. Staff finds the proposed rezoning to be consistent with Policy 6.1.1.

Policy 6.1.4 indicates that commercial development will only be approved when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. The subject property is a through lot which fronts U.S. 41/North Cleveland Avenue, a State-maintained major arterial road to the west and Many Road, a County-maintained minor collector road to the east. The proposed rezone to Community Commercial district (CC) is appropriate for the location as the subject property is located within the Intensive Development future land use category, the Commercial Corridor, and Mixed Use Overlay. The properties to the north, south, and west of the subject property are also in the Commercial Corridor and Mixed Use Overlay. All adjacent zoning designations and development are commercial, with the exception of the residentially zoned properties on Many Road, to the immediate north and east of the subject property. Staff finds the proposed rezoning to be consistent with Policy 6.1.4.

Policy 6.1.6 requires land development regulations which require commercial development to provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses. Development of the property will be subject to regulations established in Chapters 33, 34, and 10 of the LDC. The applicant has indicated they will comply with regulations established by the Land Development Code (Attachments L and M). Additional review of the requirements will be conducted at time of Development Order. Staff finds the request to be consistent with Policy 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way as to open new areas to premature, scattered or strip development. Development of the subject property will not open new areas to premature, scattered or strip development as it is located in an urban area of the County. It is also located in the Intensive Development future land use category, the Commercial Corridor, and Mixed Use Overlay; each of which are areas that have been designated for commercial development. Staff finds the request to be consistent with Policy 6.1.7.

Objective 11.2 identifies the Mixed Use Overlay as locations appropriate for mixed use development that are generally located in proximity to public transit routes, education facilities, recreation opportunities, and existing residential, shopping and employment centers.

Policy 11.2.4 encourages the use of conventional zoning districts within the Mixed Use Overlay to promote continued development. Policy 11.2.5 requires Lee County to maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses. The Community Commercial district (CC) is intended to permit a wide range of services, financial and others, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Staff finds the request to be consistent with Objective 11.2.

Goal 30 establishes the Objectives and Policies for development in the North Fort Myers Community Plan Area. The intent of Goal 30 is to improve livability and vitality in the North Fort Myers Community Plan Area by: promoting compact, mixed use development; revitalizing older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. Policy 30.2.5 establishes that certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the Land Development Code requiring enhanced landscaping, greater buffering, and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Policy 30.2.6 establishes that development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use development standards allowed within the Mixed Use Overlay. The subject property is located in the North Fort Myers Community Plan Area, within the Commercial Corridor, and in the Mixed Use Overlay. Adjacent uses include both commercial and residential uses, with the residential uses confined to Many Road. Staff finds the proposed rezoning consistent with Policies 30.2.5 and 30.2.6.

Objective 61.3 establishes that Lee County will continue to provide sufficient performance and/or design standards for development to be protective of the function natural drainage systems. Policy 61.3.6 requires developments to provide surface water management systems, acceptable programs for maintenance, and post-development conditions that reflect natural surface water flow rate, direction quality, hydroperiod, and drainage basin. The applicant has indicated they will comply with Lee Plan Policy 61.3.6 (Attachment L). Additional review of these requirements will be conducted at the time of Development Order. Staff finds the request consistent with Lee Plan Policy 61.3.6.

Goal 125 requires that water quality be maintained or improved for the protection of the environment and people of Lee County. Policy 125.1.2 requires that new development or additions to existing development must not degrade surface and ground water quality. The applicant has indicated a commitment to adhere to Lee Plan Policy 125.1.2 (Attachment L). Staff finds the request consistent with Lee Plan Policy 125.1.2.

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

Property development regulations are established in Chapters 33, 34, and 10 of the Land Development Code. The subject property meets the lot width, lot depth, and minimum lot size established by LDC Section 34-845 for the Community Commercial district (CC). The Community Commercial district (CC) requires a minimum lot width of 100 feet, a minimum lot depth of 100 feet, and a minimum lot area of 20,000 square feet. The subject property has an average lot width of +/- 190 feet, an average lot depth of +/-442 feet, and is approximately 79,600 square feet. The subject property is located in the Mixed Use Overlay and may apply alternative



property development regulations including smaller lot size, reduced setbacks and buffers, and increased lot coverage.

c) Compatibility with existing and planned uses in the surrounding area

The proposed rezoning to Community Commercial district (CC) is consistent with the Lee Plan for development of this area. The subject property is located in the Commercial Corridor, the Mixed Use Overlay, and the Intensive Development future land use category as designated by the Lee Plan. The properties to the north, south, and west of the subject property are also in the Commercial Corridor and Mixed Use Overlay. The property to the north of the subject property that fronts U.S. 41/North Cleveland Avenue is zoned Commercial district (C-1) and is undeveloped with the exception of a billboard. The property to the north that fronts Many Road is zoned Residential Single-Family district (RS-1) and is developed with a single-family residence. The properties across the street on Many Road are zoned Residential Single-Family district (RS-1) and are developed with single-family residences. The property to the south of the subject property is zoned Special Commercial Office district (CS-1) and is currently undeveloped. Properties to the west of the subject property and across U.S. 41/North Cleveland Avenue are zoned Community Commercial district (CC) and Commercial Planned Development (CPD) and are developed respectively with, a tool and equipment retailer and a boat dealer that provides boat sales, repairs and service. The LDC establishes buffering and separation requirements for any uses that may potentially have compatibility issues with adjacent properties.

d) Sufficiency of Access

The subject property is a through lot with frontage on U.S. 41/North Cleveland Avenue, a State-maintained arterial roadway, on the west property line, and Many Road, a County-maintained minor collector, on the east property line. The applicant has indicated that they will be required to expand Many Road and intend on providing this improvement (Attachment M). The Land Development Code establishes regulations for access requirements and will address any potential access issues at time of development order review.

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

The applicant has indicated the proposed use of the subject property is an office for Contractors and builders, Group II. No variances or deviations have been requested from the Land Development Code. At the time of development order review, traffic impacts will be reviewed as required by the Land Development Code. Any potential traffic-related issues will be addressed by requirements of the LDC before development order approval and impacts to roadway system may be required to be offset with development-related traffic improvements.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

No significant impacts have been identified as part of the proposed rezoning. During the development order review, the applicant will be required to comply with the landscaping and open space requirements established by Land Development Code Chapters 10 and 34, and those found in Chapter 33 specific to the North Fort Myers Community Plan Area.

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

Urban services are defined by the Lee Plan as: the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

*Public sewer and water:* The subject property is located within the Florida Governmental Utility Authority Wastewater franchise area and the Lee County Utilities Water franchise area. The applicant has provided a sewer availability letter from Florida Governmental Utility Authority (Attachment G) and a water availability letter from Lee County Utilities (Attachment H) indicating that there are wastewater and water lines in operation in the vicinity of the subject property, but that developer-funded system enhancements may be required at time of development.

*Paved streets and roads:* The subject property is a through lot and has approximately 215 feet of frontage along U.S. 41/North Cleveland Avenue, a State-maintained arterial road, and approximately 165 feet along Many Road, a County-maintained minor collector road.

*Public transit and pedestrian facilities:* LeeTran has indicated that the subject property is within one-quarter mile of LeeTran Route 140 which operates in the north and southbound directions of U.S. 41/North Cleveland Avenue. The closest LeeTran Stop is #12105. At the time of development order approval, the applicant may be required to make necessary improvements to comply with the Land Development Code (Attachment F).

*Parks and recreation facilities and community facilities:* Judd Community Park has a softball field, tennis courts, a playground, pavilions, and a dog park and is located three miles to the west on Parkview Court.

*Police, fire, and emergency services:* The subject property will be provided urban levels of police, fire and emergency services. The Lee County Sheriff's Office North District substation and Lee County EMS Medic are located at 121 Pondella Road which is approximately one and a half miles from the subject property. The subject property is located in the North Fort Myers Fire District; Station 2 is located at 1280 Barrett Road and is approximately two miles from the subject property.

*Schools:* The subject property is served by the School District of Lee County and is located in West Zone W-1. J. Colin English Elementary School is located within a mile and a half of the subject property; however, this request will not generate impact on classroom demands as dwelling units are not permitted in the proposed Community Commercial (CC) zoning district. The School District of Lee County has indicated they have no comments with regard to the proposed rezone (Attachment I).

*Urban Surface water management:* All future development will be required to comply with the Land Development Code, including all provisions for surface water management.

*Bicycle and Pedestrian Facilities:* The subject property is a through lot with frontage on U.S. 41/North Cleveland Avenue to the west and Many Road to the east. U.S. 41/North Cleveland Avenue has pedestrian and bicycle facilities within the right-of-way. All future development of the subject property will be required to comply with the Land Development Code.

**CONCLUSION:**

Staff has reviewed the proposed conventional rezoning for +/- 1.80 acres from Community Commercial district (CC) and Residential Single-Family district (RS-1) to Community Commercial district (CC) and has determined it to be consistent with the Lee Plan. Staff has reviewed the request and determined that the request complies with the review criteria as established by Land Development Code Section 34-145(d)(4)a.1:

- a) Complies with the Lee Plan;
- b) Meets this Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

**ATTACHMENTS:**

- A. Expert Witness Information
- B. Aerial, Future Land Use, and Current Zoning Maps
- C. Mixed Use Overlay Map
- D. Applicant's Request Statement
- E. Legal Description and Boundary Survey
- F. Lee Tran Memorandum
- G. Florida Governmental Utility Authority Sewer Availability Letter
- H. Lee County Utilities Water Availability Letter
- I. School District of Lee County Email
- J. North Fort Myers Meeting Minutes
- K. ZAB-85-099
- L. Zoning Response Letter
- M. Revised Zoning Response Letter
- N. Environmental Staff Report