



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

Wednesday, June 7, 2023

9:30AM

DCI2022-00015
Z-23-020

SS BUILDING

DRI2022-00004 & DCI2022-00052
Z-23-018

MIROMAR LAKES MPD/DRI

DCI2022-00029
Z-23-013

TITAN CORKSCREW MINE IPD

DCI2021-00019
Z-23-011

OAK PARK VILLAGE MHPD

DCI2022-00005
Z-23-021

ALICO CROSSING

CPA2022-00006 & CPA2022-00007

GRAND BAY - ADOPTION

DCI2022-00018
Z-23-008

GRAND BAY MINOR MPD

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, June 7, 2023 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.

DCI2022-00015 / SS Building

Rezone 2.5± acres from Commercial (CC) to Commercial Planned Development (CPD) to convert part of an existing office building to a Public Warehouse.

Located at 3650 Colonial Blvd., Fort Myers Planning Community, Lee County, FL.

DRI2022-00004 & DCI2022-00052 / Miromar Lakes MPD/DRI

Request to convert a portion of the existing commercial intensity to residential density. The amendment will result in the reduction of 125,000 sq. ft. of retail floor area, 315,000 sq. ft. of office, 40,000 sq. ft. of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units.

Located at along Ben Hill Griffin, north of Estero Pkwy. and south of Alico Rd., San Carlos Planning Community, Lee County, FL.

DCI2022-00029 / Titan Corkscrew Mine IPD

Request to amend the existing Industrial Planned Development (IPD) zoning to allow for an increase in mine depth of up to 80 feet, or to the top of the confining layer, whichever is reached first. No impact to the mine footprint is proposed.

Located at 21751 Corkscrew Rd., Southeast Lee County Planning Community, Lee County, FL.

DCI2021-00019 / Oak Park Village MHPD

Request to rezone 51.19± acres from Mobile Home Conservation Residential (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to unify the Oak Park Village Cooperative within one planned development and codify past zoning conditions into the unified MHPD.

Located at 21961 and 21981 Pearl St., Northeast Lee County Planning Community, Lee County, FL.

DCI2022-00005 / Alico Crossing

Request to rezone approximately 46.7± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for 475 dwelling units, 200,000 square feet of commercial uses, and 250 hotel rooms.

Located at East side of the Three Oaks Pkwy. Extension north of Alico Rd., Gateway/Airport Planning Community, Lee County, FL.

DCI2022-00018 / Grand Bay Minor MPD

Request to rezone 46.33± acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed Use Planned Development (MPD) to allow a maximum of 300 dwelling units (186 dwelling units, with 114 units of bonus density) and 30,000 square feet of commercial retail or office uses with a maximum height of 56 feet.

Located at 19200 S. Tamiami Trl, 4050 Santa Maria St., San Carlos Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendations 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. Any document intended to be presented by a participant of record must be provided to the County Attorney's Office (LSchaefer@leegov.com) and the Department of Community Development (JPrincing@leegov.com) no later than two (2) days before the date of the hearing.

Any document that a Participant of Record intends to submit must have been submitted as part of the Record in the hearing before the Hearing Examiner or the document is relevant new evidence that was not known or could not have been reasonably discovered by the Participant at the time of the hearing before the Hearing Examiner. All other documents will not be accepted by the Board.

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 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.

**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, June 7, 2023. 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:

CPA2022-00006 and CPA2022-00007 Grand Bay Map and Text Amendments: Amend Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail, across from the intersection with San Carlos Boulevard, to include 15.64± acres and amend Policy 5.1.10 to align with current county practices for calculating the density of property that is divided into two or more land use categories.

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. 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.

DCI2022-00015
SS BUILDING

Staff Summary

CASE NUMBER & NAME: DCI2022-00015 / SS Building

REQUEST: Request to rezone 2.5± acres from Commercial (CC) to Commercial Planned Development (CPD) to convert part of an existing office building to a Public Warehouse.

RESOLUTION NUMBER: Z-23-020

LOCATION: 3650 Colonial Blvd., Fort Myers Planning Community, Lee County, FL

OWNER: SS BUILDING LLC

APPLICANT: Michael Roeder


AGENT: Michael Roeder
1625 Hendry Street
Fort Myers, FL 33901

HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

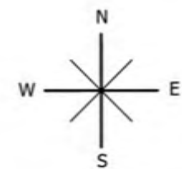
PARTICIPANTS: (0) None

DCI2022-00015

Aerial

 Subject Property

 City Limits



0 250 500 750
Feet



**M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

TO: Board of County Commissioners (BOCC) **DATE:** April 27, 2023
FROM: Donna Marie Collins
Chief Hearing Examiner

**RE: Modification to Hearing Examiner Recommendation
DCI2022-00015 – SS BUILDING**

The Hearing Examiner's Recommendation is modified as follows:

CONDITIONS

2. Schedule of Uses and Property Development Regulations

a. Schedule of Permitted Uses

Accessory uses and structures.
Administrative offices
ATM (Automatic Teller Machine)
Business services, Group I
Caretaker's Residence
Fences, Walls
Essential services
Essential service facilities, Group I
Parking lot:
 Accessory
Signs
Warehouse, private, mini and hybrid
Temporary uses

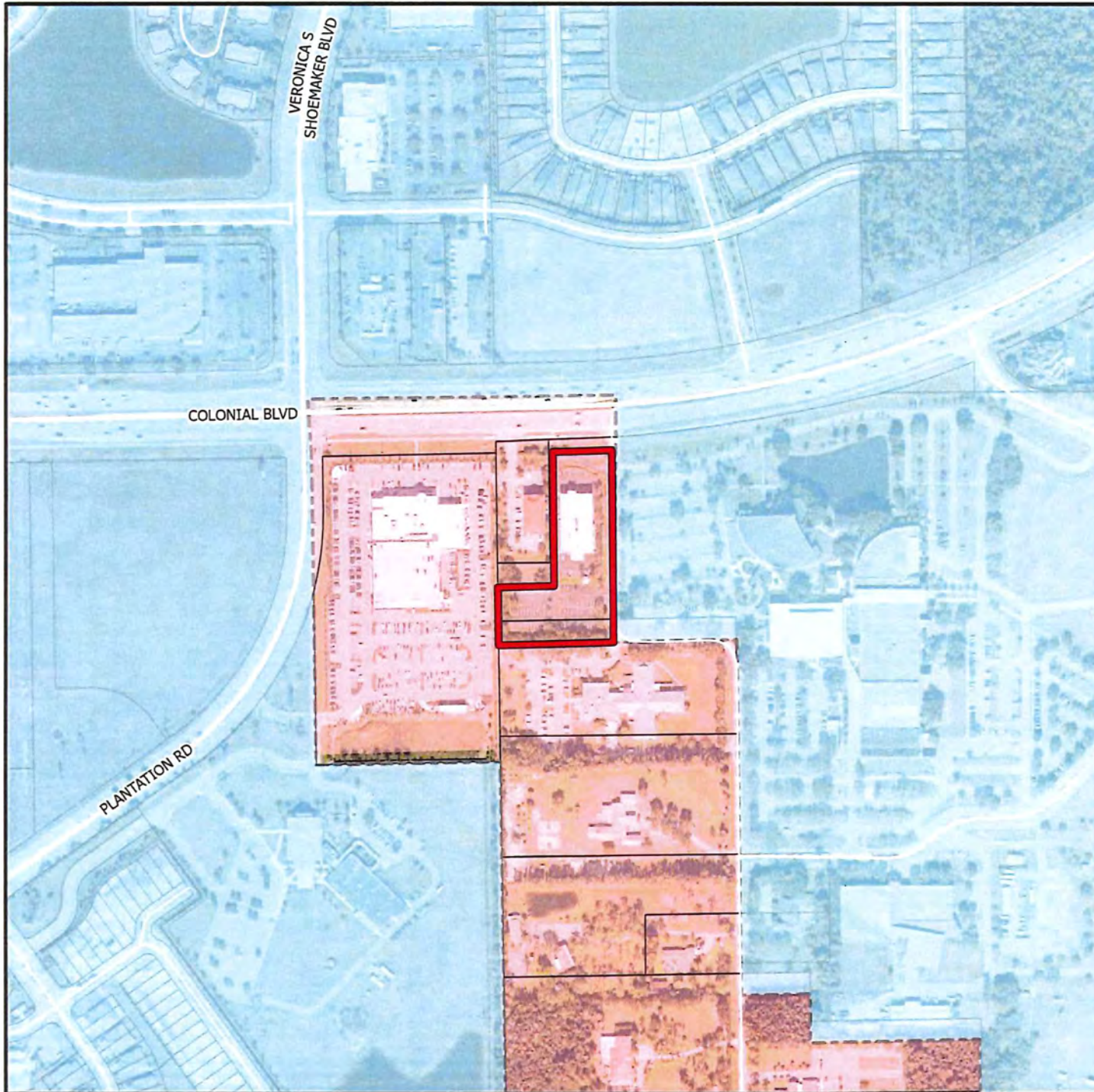
Copies Provided to: Michael Jacob, Esq., Deputy County Attorney
Joseph Adams, Esq., Assistant County Attorney
Anthony Rodriguez, AICP, MPA, Manager
Adam Mendez, Senior Planner
Applicant's Representatives
Jamie Prining, Community Development
Hearing Participants

Summary of Hearing Examiner Recommendation

SS BUILDING

The request seeks to convert an existing building to a public warehouse facility. The site has been improved with the building and associated landscaping since 1980. The proposed Commercial Planned Development zoning district is less intense than current zoning designation. Accordingly, the project remains compatible with surrounding development.

Detailed recommendation follows.




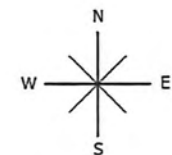
DCI2022-00015

Future Land Use

 Subject Property

 Intensive Development

 City Limits



0 250 500 750
Feet




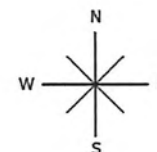


DCI2022-00015

Aerial

 Subject Property

 City Limits



0 250 500 750
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00015

Regarding: **SS BUILDING**

Location: 3650 Colonial Boulevard
South Fort Myers Planning Community
(District 2)

Hearing Date: April 20, 2023

I. Request

Rezone 2.5 acres from Community Commercial (CC) to Commercial Planned Development (CPD) to allow the conversion of an existing 30,000 square-foot office building to a public warehouse.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves as an advisor to the Board of County Commissioners (Board) on applications to rezone property to a planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 2.5 acres to the Commercial Planned Development district.

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 facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Synopsis of Request

The request seeks approval of a CPD on 2.5 acres on Colonial Boulevard. The site is improved with a 30,000 square foot office building and parking lot.

¹ LDC 34-145(d)(4) a.

The proposed plan of development converts the building to a public warehouse facility. Building height will remain at 35 feet.

Staff recommended approval, subject to conditions.

Zoning History

The property has been zoned Community Commercial (CC) since 1979 and improved with a 30,000 square foot office building in 1984.

Lee Plan

The property fronts Colonial Boulevard, which hosts a variety of land uses, mainly within the incorporated limits of the City of Fort Myers. Abutting lands west and south are designated Intensive Development. Lands classified Intensive Development are suited for high intensity development due to ready access to public services and infrastructure.²

The existing CC zoning designation permits a wide range of medium to large scale commercial centers.³ Applicant seeks to redevelop the site, converting the existing office building into a public warehouse. Public warehouses are not permitted in the CC district, thereby motivating the application to rezone the site.

Compatibility with surrounding land uses

Compatibility exists when land uses can exist in proximity to each other and no one use unduly negatively impacts another use.⁴

The current CC zoning district is intended to permit a wide range of services and generally creates significant impacts on surrounding land uses.⁵ The uses requested are less intense than those permitted in the CC district.

² Lee Plan Policy 1.1.2 Permitted density ranges from eight to 14 dwellings per acre but may be as high as 30 units per acre under certain circumstances.

³ LDC 34-841(g). The CC district permits development of medium- to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes. In addition to retail sales, the CC district permits a wide range of services in commercial centers or evolving business districts. The commercial uses permitted in the CC district are designed to serve wide areas and large populations. The permitted uses are expected to create greater impacts on surrounding land uses, requiring buffering and transition in intensity to less intense uses.

⁴ Florida Statutes s. 163.3164(9); The Lee Plan offers benchmarks from which to measure compatibility, particularly in the context of uses adjacent to established residential development. Lee Plan Policies 5.1.5, 135.9.5, 135.9.6.

⁵ LDC 34-841(g).

Abutting properties are improved with commercial development and a worship center. The plan of development proposes no changes to the existing building and parking area.

The proposed use is compatible with surrounding land uses.

Transportation

The property is located at the intersection of Colonial Boulevard and Deer Run Farms Road.⁶ Although the site fronts Colonial Boulevard, its access is limited to Deer Run Farms Road.⁷

Public warehouses are low traffic generators and not anticipated to create negative offsite impacts.⁸

Environmental

The site has no environmental features of note.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.⁹ The Lee Plan requires an evaluation of available public services during the rezoning process.¹⁰

Services and infrastructure are available along Colonial Boulevard. Specifically transit, public water, sanitary sewer, police, fire protection, and emergency medical services.¹¹

Public

No members of the public attended the hearing.

⁶ Lee County Administrative Code 11-1. Colonial Boulevard is a six-lane divided arterial. Deer Run Farms Road is a privately maintained local road.

⁷ The developed site has two driveway accesses to Deer Run Farms Road.

⁸ The proposed warehouse use represents a reduction traffic and commercial intensity than the uses permitted under the existing CC zoning designation Testimony of Michael Roeder AICP.

⁹ Public services and infrastructure available to serve the project will include public water (Lee County Utilities), sewer (FGUA), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

¹⁰ Lee Plan Policy 2.2.1.

¹¹ Lee Plan Objectives 53.1, 56.1, Policies 1.1.4, 6.1.4; The property lies within the South Trail Fire Control and Rescue District, Station on Crystal Drive. However, fire and EMS services are provided by Fort Myers Fire District from Station 16, one mile north of the property on Veronica S. Shoemaker Boulevard. Lee County Sheriff provides law enforcement service. City of Fort Myers provides potable water and sanitary sewer service to the site. Lee Tran Route 110 runs along Colonial Boulevard with a stop in front of the property.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.¹² Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.¹³

The proposed CPD is subject to conditions of approval. The conditions reasonably relate to the impacts anticipated from the development.¹⁴

LDC Compliance – Deviations

Applications to rezone property must meet the LDC and other County regulations or qualify for deviations. A “deviation” is a departure from a land development regulation.¹⁵ Applicants must demonstrate each requested deviation enhances the planned development and will not cause a detriment to the public.¹⁶

The request seeks three deviations from LDC standards. The deviations pertain to street design and construction standards, buffers, and parking lot interconnections.

Staff recommended approval of two of the three deviations, finding only two deviations advance the objectives of the planned development and protect public health, safety, and welfare.¹⁷ Staff recommends denial of the deviation from LDC street design and construction standards.

The request to deviate from street design and construction standards is premature. Applicant may seek an administrative deviation at the time of development order review. The remaining deviations meet the standard for approval.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

- A. The proposed SS Building Commercial Planned Development complies with the Lee Plan. Lee Plan Goals 2, 6, 77, Objectives 2.1, 2.2, 6.1, Policies 1.1.2, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.8.

¹² Lee Plan Policy 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC 34-377(a)(3), and 34-932(b and c).

¹³ LDC 34-932(c).

¹⁴ LDC 34-83(b)(4) a.3.

¹⁵ LDC §34-2.

¹⁶ LDC §34-373(a)(9).

¹⁷ LDC 34-373(a)(9), 34-377(a)(4).

B. *As conditioned*, the proposed CPD:

1. Meets the Land Development Code and other county regulations or qualifies for deviations.
2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, Policies 1.1.2, 2.1.1, 2.2.1, 6.1.4, 6.1.7.
3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1.
4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goal 77, Objective 77.2, and Policies 6.1.6.
5. Will be served by public services including transit, paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, 6.1, 53.1, 56.1, Policies 2.2.1, 6.1.5, 39.2.1, Standards 4.1.1 and 4.1.2.
6. The proposed use is appropriate at the location. Lee Plan Goals 6, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 6.1.4, 6.1.7, 6.1.8.

C. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development.

D. *As conditioned*, the deviations:

1. Enhance the planned development; and
2. Preserve and promote the intent of the LDC to protect public health, safety, and welfare.

Recommendation dated: April 27, 2023.



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 Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E, Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2989.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 535.94 feet; thence S89°27'53"W along the south line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.

Said parcel contains 2.58 acres, more or less.

**Charles E.
Tolton**

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Assoc., Inc., ou=Survey,
email=c.tolton@ctasurveying.com,
c=US
Date: 2022.09.01 10:35:05 -04'00'



**Charles E. Tolton, P.S.M.
Florida Registration No. 4582**

**REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/6/2022**

REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County CDD/Planning
10/6/2022

Charles E.
Tolton

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c=US
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Date: 09/01/2022

Charles E. Tolton, P.S.M.
Florida Registration No. 4382

SCALE: 1" = 100'
DATE: 08/31/2022
DRAWN BY: DMP
CHECK BY: C.E.T.
FIELD BY: T.S. & P.J.H.
F.B. 17B P.O. 48
JOB NO.: CTA 07007

CTA

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING LAND SURVEYING
3508 RADIO ROAD, SUITE E
NAPLES, FLORIDA 34104
(239) 793-8833
EMAIL: C.Tolton@ctasurveying.com



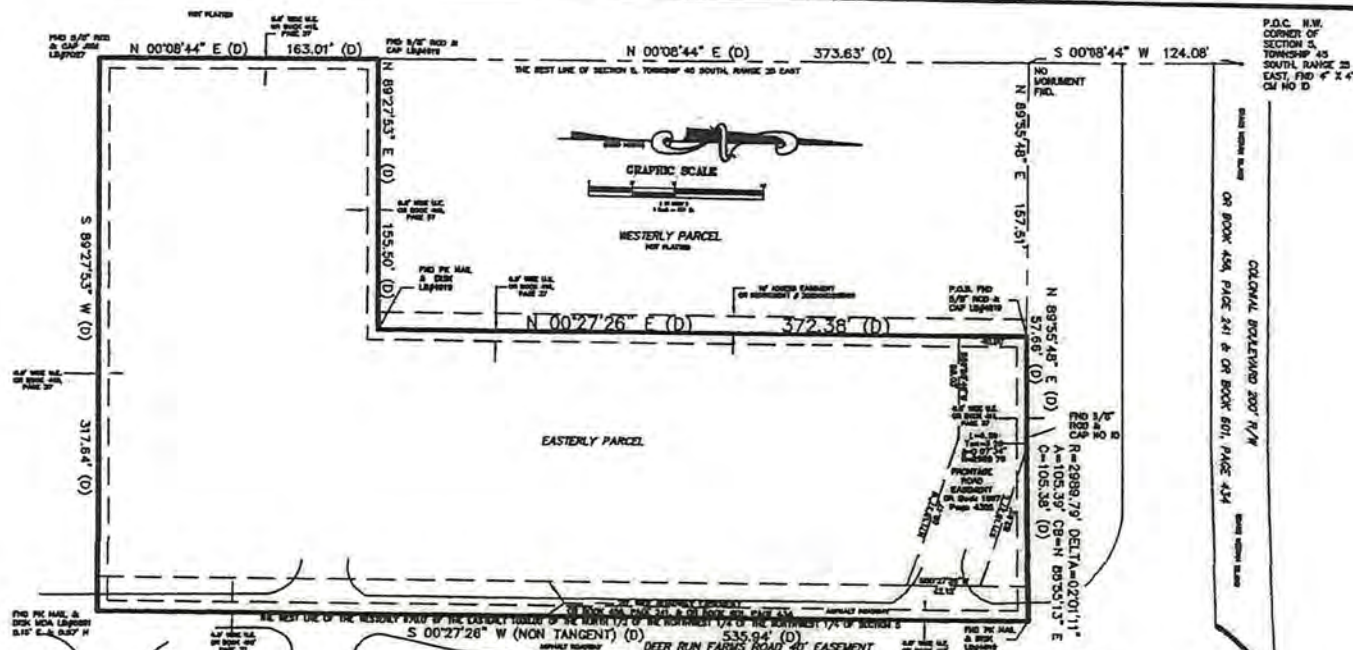
REVISIONS

Certified To:

KHOSROW MOAVENI

SKETCH TO ACCOMPANY
DESCRIPTION
NOT A BOUNDARY SURVEY

SHEET:
2
OF
2

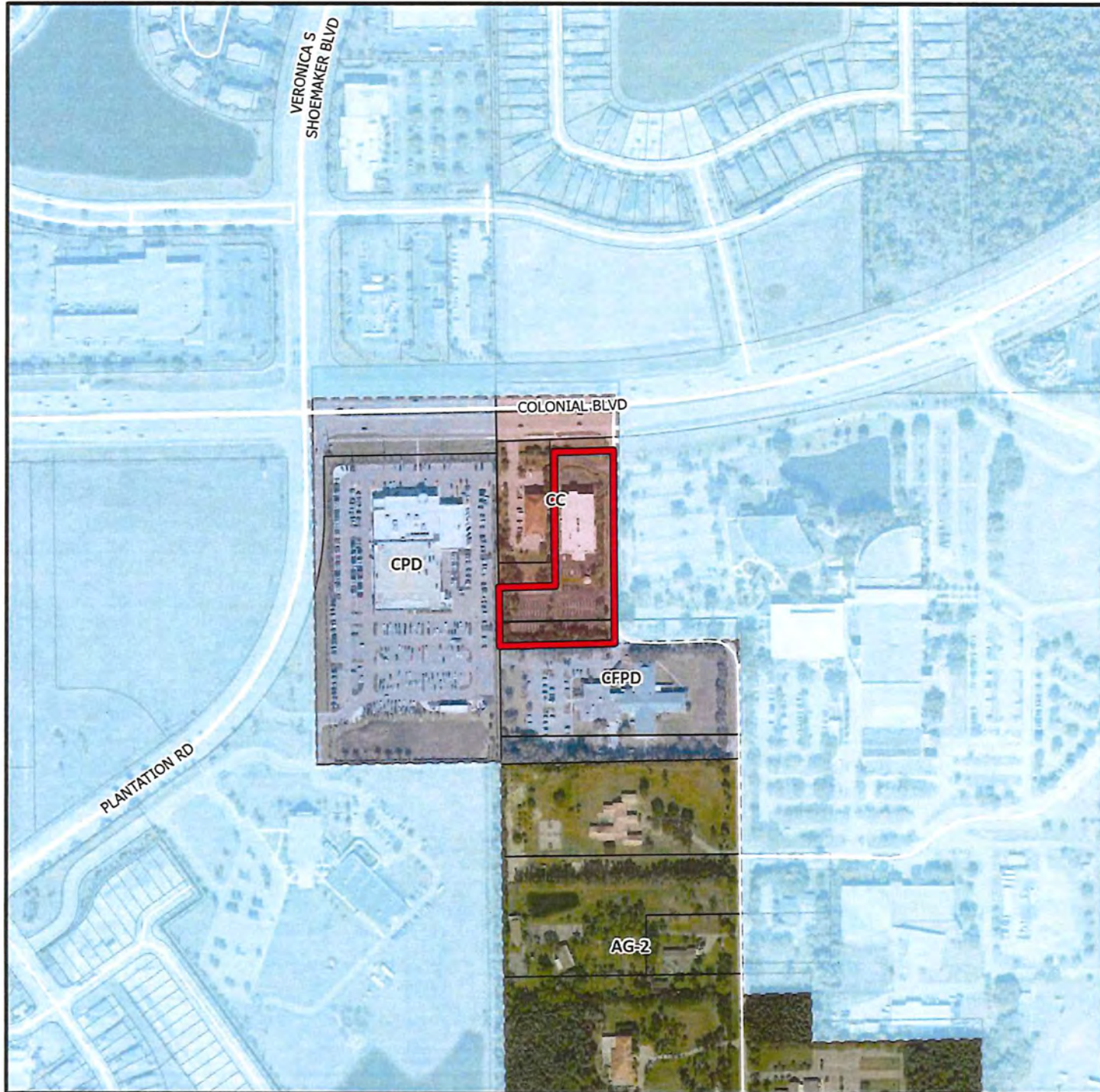


DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E
Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2989.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 535.94 feet; thence S89°27'53"W along the south line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.
Said parcel contains 2.58 acres, more or less.

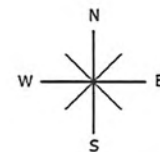


DCI2022-00015

Zoning

 Subject Property

 City Limits



0 250 500 750
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by Hearing Examiner

CONDITIONS

1. Master Concept Plan and Development Parameters

Master Concept Plan (MCP). Development of the subject property must be substantially consistent with the two-page MCP entitled "Master Concept Plan SS Building CPD" dated January 2023. (Exhibit B1).

Compliance with Lee Plan and Land Development Code (LDC). Further development activity must comply with the Lee Plan and LDC, except where deviations have been approved herein. Amendments to the MCP and conditions of approval may require further development approvals.

Approved Development Parameters. Development intensity is limited to $\pm 30,000$ square feet of general office and warehouse uses.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Permitted Uses

Accessory uses and structures.
Administrative offices
ATM (Automatic Teller Machine)
Business services, Group I
Fences, Walls
Essential services
Essential service facilities, Group I
Parking lot:
 Accessory
Signs
Warehouse, private, mini and hybrid
Temporary uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

Area: 2.58 acres
Width: 160 feet
Depth: 535 feet

Minimum Setbacks, Maximum Building Height, and Maximum Lot Coverage

Arterial Street	50 feet
Local Street	20 feet
Side	15 feet
Rear	25 feet
Maximum building height	35 feet (two stories)
Maximum lot coverage	15 percent

3. Open Space

Development order plans must depict 38% (0.98 acres) of open space.

4. State and Federal Permits

County development permits do not create rights to permits from state or federal agencies and do not create liability if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Street Design and Construction Standards. Deviation 1 seeks relief from LDC §10-296, which requires all development abut and have access to a street designed, constructed, or improved to meet certain standards, to allow site access from the existing roadways that were designed/constructed prior to adoption of LDC 10-296.

Hearing Examiner recommends denial of Deviation 1. Applicant may seek relief from the requirement during development order permitting per LDC §10-104.

2. Buffers. Deviation 2 seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer between commercial projects, to allow no buffer along a segment of the west property line where an existing asphalt driveway is bisected by the common property line.

Hearing Examiner Recommendation: Approved, limited to existing conditions.

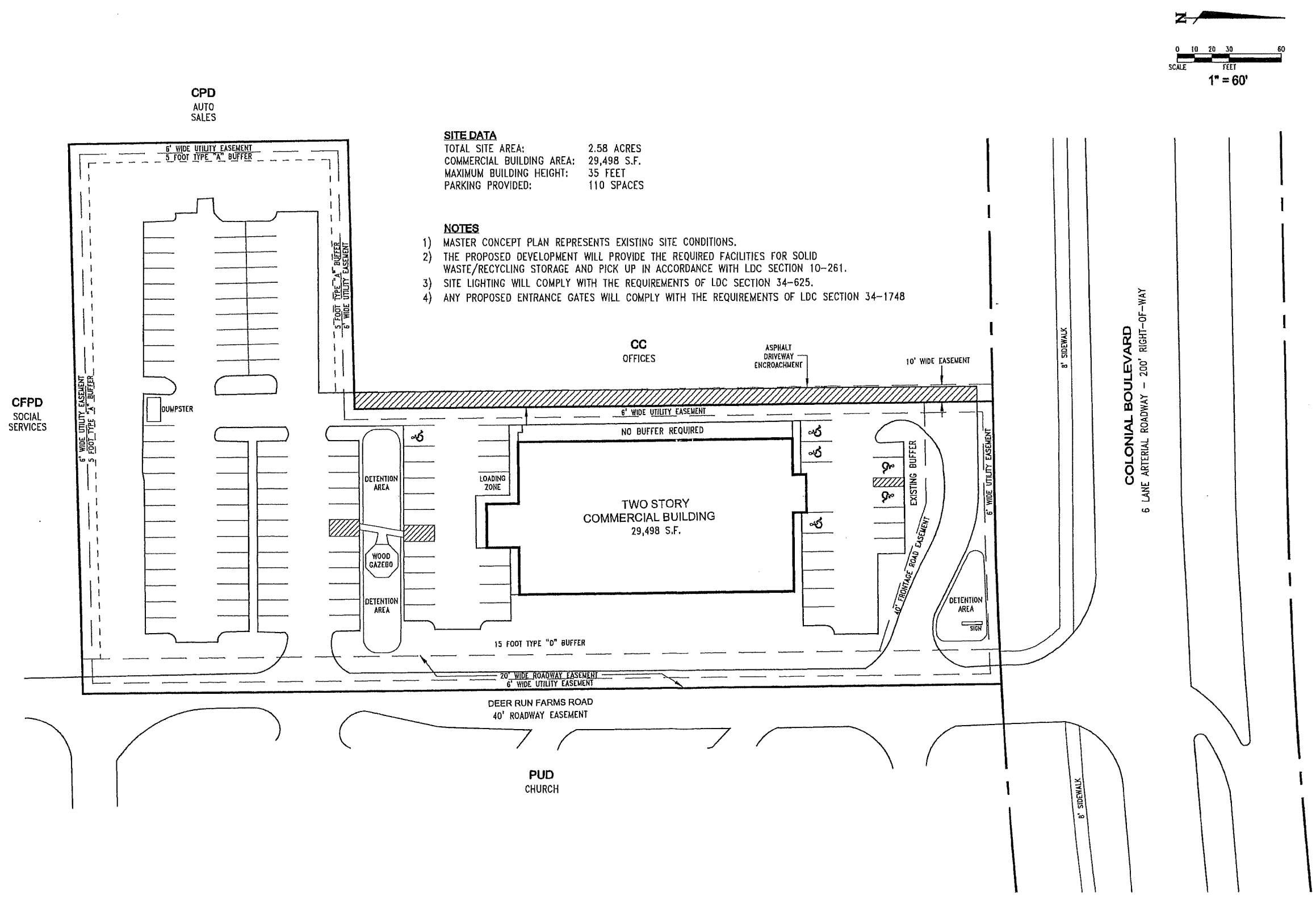
3. Parking Lot Interconnections. Deviation 3 seeks relief from LDC §34-2015(2)f, which requires adjacent commercial uses to provide parking lot interconnections for automobile traffic, to allow no interconnection to the south and west.

Hearing Examiner Recommendation: Approved, limited to existing development and addition of mini-warehouse use.

Exhibits to Conditions:

B1 Master Concept Plan entitled "SS Building CPD" dated January 2023.

EXHIBIT B-1



SITE DATA

TOTAL SITE AREA: 2.58 ACRES
COMMERCIAL BUILDING AREA: 29,498 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 110 SPACES

NOTES

- 1) MASTER CONCEPT PLAN REPRESENTS EXISTING SITE CONDITIONS.
- 2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.
- 3) SITE LIGHTING WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-625.
- 4) ANY PROPOSED ENTRANCE GATES WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-1748

DATE		REVISION	
FILE #	2201MCP	DATE	01/23
SCALE	NOTED	SCALE	NOTED
DESIGN	GFM	DESIGN	GFM
DRAWN	GFM	DRAWN	GFM
CHECK	GFM	CHECK	GFM



GARY F. MULLER, AICP
1482 ARCTIC DRIVE • FT. MYERS, FLORIDA 33919 • (239) 365-6772

SEC 05, TWP 45S., RGE 25E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
SS BUILDING CPD

DWG. NO.
2201
SHEET 1 OF 2

LEGEND

- ⊕ REQUESTED DEVIATION
⊠ OPEN SPACE AREA

IMPERVIOUS AREA CALCULATIONS

BUILDING AREA: 0.34 ACRES
PAVEMENT & SIDEWALKS: 1.22 ACRES
TOTAL IMPERVIOUS AREA: 1.56 ACRES

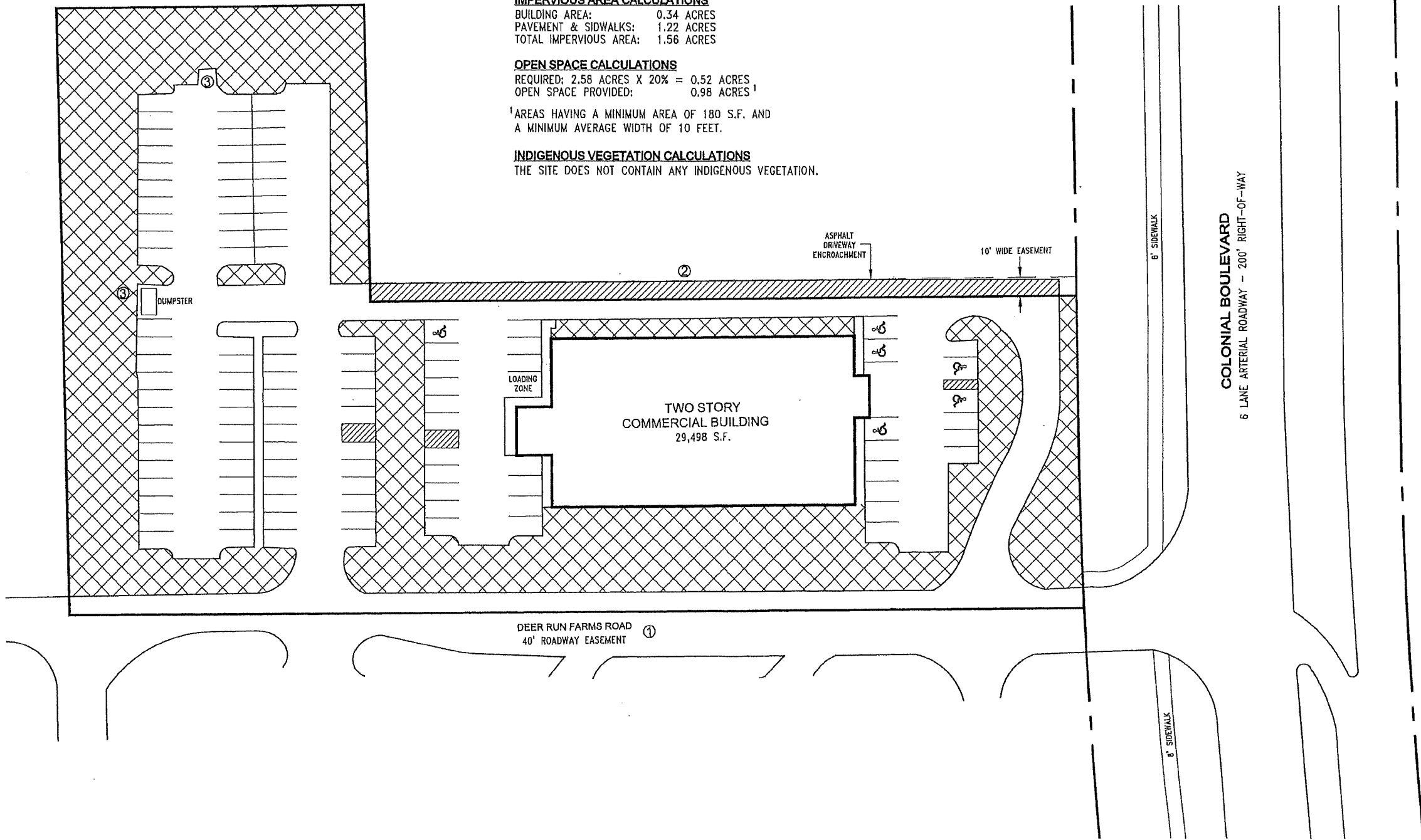
OPEN SPACE CALCULATIONS

REQUIRED: 2.58 ACRES X 20% = 0.52 ACRES
OPEN SPACE PROVIDED: 0.98 ACRES¹

¹AREAS HAVING A MINIMUM AREA OF 180 S.F. AND
A MINIMUM AVERAGE WIDTH OF 10 FEET.

INDIGENOUS VEGETATION CALCULATIONS

THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



FILE #	2201MCP	REVISION	DATE
DATE	01/23		
SCALE	NOTED		
DESIGN	GFN		
DRAWN	GFN		
CHECK	GFN		

gfm **GARY F. MULLER, AICP**
1482 ARISTYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 385-6772

SEC 05, TWP 45S., RGE 25E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
SS BUILDING CPD

DWG. NO.
2201
SHEET 2 OF 2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Senior Planner, date received April 5, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County Staff for SS Building, DCI2022-00015, 3650 Colonial Boulevard (multiple pages 8.5"x11") [color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Michael Roeder with Knott-Ebelini-Hart Law Firm, to Hearing Examiner, with copies to Adam Mendez and Khosrow Moaveni, dated Tuesday, April 18, 2023, 10:51 AM (2 pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Khosrow Moaveni
2. Michael Roeder

Exhibit E
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.

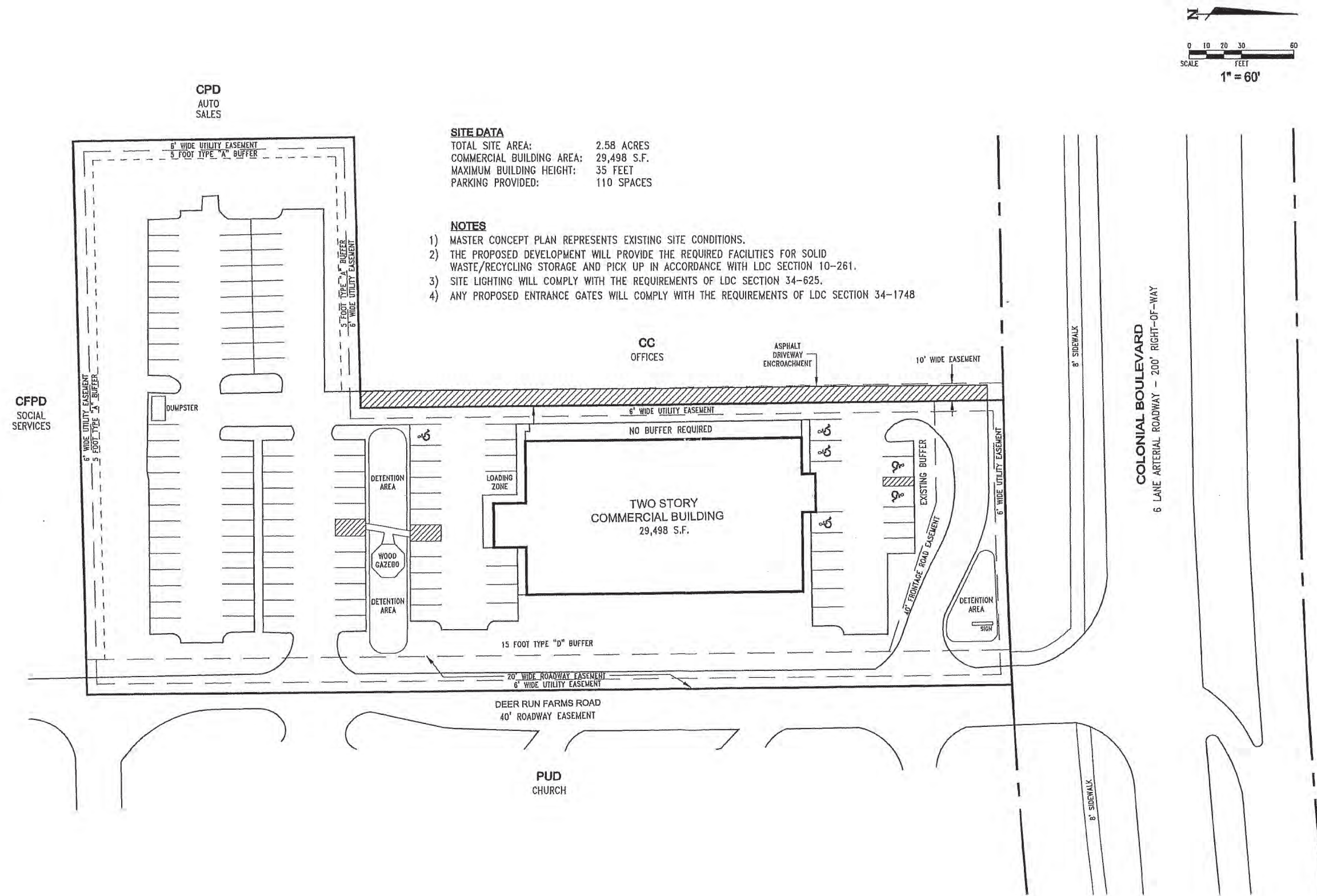
HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- 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 is 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.

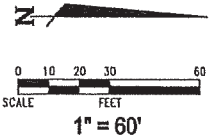
EXHIBIT B-1



<p>MASTER CONCEPT PLAN</p> <p>SS BUILDING CPD</p>	<p>SEC 05, TWP 45S., RGE 2SE, LEE COUNTY, FLORIDA</p>	 <p>GARY F. MULLER, AICP 1482 ARCTIC DRIVE • FT. MYERS, FLORIDA 33918 • (239) 565-0772</p>	FILE # 2201 MCP	REVISION	DATE
			DATE 01/23		
			SCALE NOTED		
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			CHECK		

LEGEND

- ⊕ REQUESTED DEVIATION
- ⊠ OPEN SPACE AREA



IMPERVIOUS AREA CALCULATIONS

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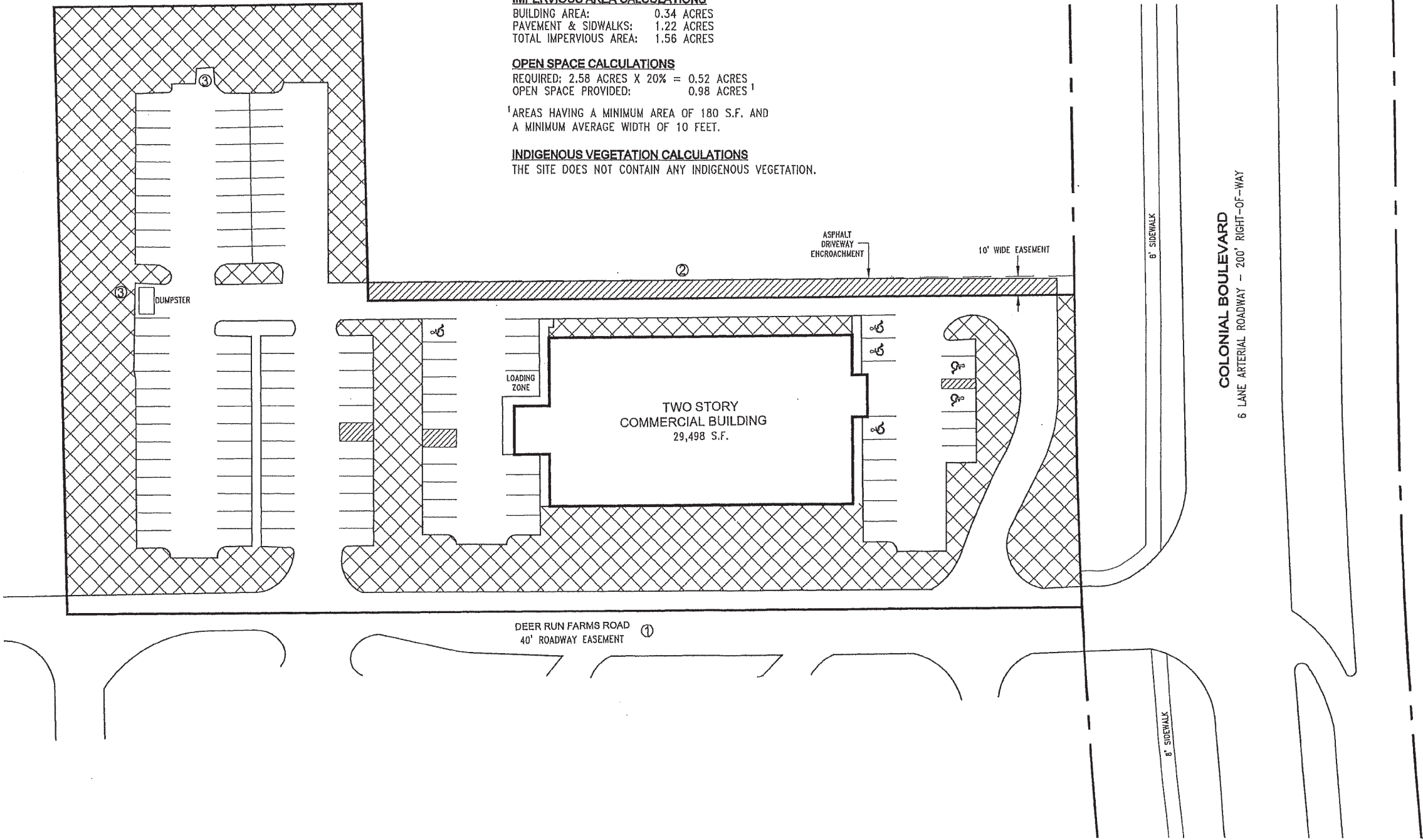
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A MINIMUM AVERAGE WIDTH OF 10 FEET.

INDIGENOUS VEGETATION CALCULATIONS

THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



FILE # 2201MCP	REVISION	DATE
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DESIGN GFM	DRAWN GFM	
CHECK GFM		
GARY F. MULLER, AICP		
1482 ARISTYLE DRIVE - FT. MYERS, FLORIDA 33919 - (239) 385-6772		
SEC 05, TWP 45S., RGE 25E.		
LEE COUNTY, FLORIDA		
MASTER CONCEPT PLAN		
SS BUILDING CPD		
DWG. NO. 2201		
SHEET 2 OF 2		

Conditions

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

(1) Master Concept Plan and Development Parameters

- (a) Development of the subject property must be substantially consistent with the two-page Master Concept Plan Entitled “Master Concept Plan SS Building CPD” dated 01/2023, attached hereto as Attachment D.

Development intensity is limited to ±30,000 square feet of general office and warehouse uses.

Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

(2) Schedule of Uses and Property Development Regulations

(a) Schedule of Uses

Accessory uses and structures

Administrative offices

ATM (Automatic Teller Machine)

Business services, Group I, limited to government agencies (offices only)

Fences, Walls

Essential services

Essential service facilities, Group I

Parking lot:

Accessory

Signs

Warehouse, private, mini and hybrid

Temporary uses

(b) Property Development Regulations

Minimum Lot Area and Dimensions

Area:	2.58 acres
Width:	160 feet
Depth:	535 feet

Minimum Setbacks, Maximum Building Height and Maximum Lot Coverage:

Arterial Street:	50 feet
Local Street:	20 feet
Side:	15 feet
Rear:	25 feet
Maximum building height:	35 feet (two stories)
Maximum lot coverage:	15 percent

(3) Open Space

Prior to the issuance of any development order on the subject property, the development order plans must depict 38% (0.98 acres) of open space.

Deviations

Deviation #1:

Seeks relief from LDC §10-296, which requires that all development must abut and have access to a public or private street designed, and constructed or improved to meet certain standards, to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296.

Staff recommends **DENIAL** of Deviation #1 (see Attachment G).

Deviation #2:

Seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer to be provided between commercial projects, to allow no buffer along a specific segment of the western property line where existing asphalt driveway is bisected by the common property line.

Staff recommends **APPROVAL** of Deviation #2, limited to existing conditions (see Attachment H).

Deviation #3:

Seeks relief from LDC §34-2015(2)f, which requires that adjacent commercial uses must provide parking lot interconnections for automobile traffic, to allow no interconnections to the south and west.

Staff recommends **APPROVAL** of Deviation #3, subject to the condition the deviation is limited to existing development.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2022-00015

Case Name: SS Building

Area to be Rezoned: +/- 2.58 Acres

Case Type: Planned Development Rezoning

Sufficiency Date: February 13, 2023

Hearing Date: April 20, 2023

REQUEST:

Michael Roeder, on behalf of SS Building, LLC, has filed an application to rezone approximately 2.5 acres from Community Commercial (CC) to Commercial Planned Development (CPD) to permit conversion of an existing 30,000 square-foot office building to a public warehouse.

The subject property is located at 3650 Colonial Boulevard in Fort Myers, on the south side of Colonial Boulevard near its intersection with Plantation Road (Commissioner District #2). The applicant has indicated the property's current STRAP Number is 05-45-25-00-00001.0020. A legal description, sketch and boundary survey of the subject property are attached as Attachment B of this report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request with the conditions and deviations found in Attachment E.

HISTORY OF PARCEL:

In September of 1979, the subject property was originally rezoned from the former Agricultural (AG) District to the Community Commercial (CC) District by Resolution Z-79-234 (see Attachment J). The subject property received Development Order approval in Case Number 85-07-012-00D and the principal building's first year on tax roll is 1986. The applicant submits that the building on the subject property has served as the main service facility for the Social Security Administration for over thirty years, and that in 2021 the ground floor, which functioned as the main service facility, was relocated off-site. The applicant submits that the second floor of the building continues to provide administrative offices for the Social Security Administration.

CHARACTER OF THE AREA:

The subject property is among the very few unincorporated lands that front upon Colonial Boulevard, a roadway that is primarily fronted by property within the City Limits of Fort Myers. Select contiguous lands stretch southward along Deer Run Farms Road to the northern extent of the (unincorporated) South Fort Myers Planning District. Adjacent property which is not within City Limits is located in the Intensive Development Future Land Use category, as designated by the Lee County Comprehensive Plan (Lee Plan).

Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North and East

Land to the north and east of the subject property is located in the City of Fort Myers. Immediately east is surface parking for the 106-acre McGregor Baptist church campus. To the north, across Colonial Boulevard, are vacant outparcels south of a two-family attached residential development.

South

Land to the south of the subject property is located in the Intensive Development Future Land Use category and is zoned Community Facilities Planned Development (CFPD). Development on this parcel supports a mental health and substance abuse treatment clinic.

West

Lands to the west of the subject property are located in the Intensive Development Future Land Use category and are zoned Community Commercial (CC) and Commercial Planned Development (CPD). The CPD District was approved via Resolution Z-15-027 and is currently developed with an automobile dealership on 9.79 acres. The abutting CC District at 3620 Colonial Boulevard is developed with a multi-tenant office building and ancillary improvements.

Availability of Public Services

Public services are defined by the Lee Plan as “the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development” The following details the level of public services currently serving the subject property:

Public water and sewer: The applicant submits that the existing development is served by the City of Fort Myers for both potable water and sanitary sewer. No increase in demand for these services is expected to facilitate the limited-use planned development rezoning; therefore, the applicant obtained a submittal waiver for the LDC-required utility letters.

Paved streets and roads: The subject property is served by Deer Run Farms Road a non-county maintained local road with connection to Colonial Boulevard, an arterial roadway.

Public transit and pedestrian facilities: Lee Tran Route 110 provides public transit services along Colonial Boulevard and a bus stop and bus shelter is located directly north of the subject property’s front lot line.

Police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. The subject property is located in the South Trail Fire District, with the nearest Station (#61) located at 2100 Crystal Drive, approximately 4 miles southwest. The applicant submits that the Fort Myers Fire District services the property. Fort Myers Fire Station #16 is located one mile north of the subject property at 3980/4000 Veronica S Shoemaker Boulevard. Both fire station also contains EMS dispatch. The Lee County Sheriff’s Office also serves the subject property.

ANALYSIS:

The request seeks a planned development rezoning to facilitate the use of a public warehouse, and other principal storage uses within unoccupied areas of the recently vacated Social Security Administration main service facility. Few conventional commercial districts permit the use of a public warehouse and deviations from the LDC are necessary to memorialize existing development on the subject property. The requested principal storage uses are defined below:

Mini-warehouse means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals or businesses for a fee. The storage units must be used solely as dead storage depositories for personal property, inventory and equipment and not for any other use. See Warehousing, public and Storage, dead.

Warehouse, public means indoor storage units available to the general public at a fee for the dead storage of farm products, furniture and other household goods or commercial or private goods of any nature. Access to the storage units is from interior door(s) and individual exterior overhead doors are not provided. See also Mini-warehouse.

Warehouse, Hybrid means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals for a fee or through individual ownership. In addition to dead storage depositories for personal property, individual storage units may also include ancillary accommodations such as restrooms, mezzanines, or other improvements to create occupiable space, as defined by the Florida Building Code, for personal hobby or recreation space for individual unit tenants or owners. See Mini-warehouse, Warehouse, public and Storage, dead.

While interior and exterior modifications may be required to facilitate defined storage uses, no expansion of the existing building is proposed by this request. The applicant obtained submittal waivers for maps of existing conditions and a zoning-level traffic impact statement on the basis that no changes were proposed and the storage uses would generate significantly less traffic than the historic office use (see Attachment I). Therefore, the applicant has proposed a schedule of uses that is limited to align with the justification to waive certain submittal requirements (see Attachment F). The second floor of the building continues to be utilized by the Social Security Administration for administrative offices.

As currently zoned, the purpose and intent of the CC district is established in LDC Section 34-841(a) “to permit the designation of suitable locations for medium to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods. This district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.”

Property Development Regulations

The applicant proposes property development regulations including maximum heights, minimum setbacks, maximum lot coverage and a minimum lot size, which are attached in Attachment F of this report. The property development regulations are generally restrictive and memorialize existing development.

Master Concept Plan

The application proposes a two-page Master Concept Plan (MCP), which demonstrates the existing site conditions. Page 2 is a graphic representation of the open space and impervious area calculations. The two-story commercial building is listed at 29,498 square feet and is served by 112 off-street parking spaces (see Attachments B and D).

Proposed Deviations

Deviation means a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant has provided a schedule of deviations with corresponding justifications found in Attachment F of the report.

Deviation #1:

Seeks relief from LDC §10-296, which requires that all development must abut and have access to a public or private street designed, and constructed or improved to meet certain standards, to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296. The Development Services section has reviewed the applicant's request and has determined the justification does not sufficiently establish a basis that the granting of the deviation will preserve and promote public health, safety and welfare. Furthermore, if the applicant does not intend to further develop the property then a Development Order will not be warranted, negating the need for the requested deviation.

Staff recommends **DENIAL** of Deviation #1 (see Attachment G).

Deviation #2:

Seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer to be provided between commercial projects, to allow no buffer along a specific segment of the western property line where existing asphalt driveway is bisected by the common property line.

Staff recommends **APPROVAL** of Deviation #2 to memorialize existing conditions (see Attachment H).

Deviation #3:

Seeks relief from LDC §34-2015(2)f, which requires that adjacent commercial uses must provide parking lot interconnections for automobile traffic, to allow no interconnections to the south and west.

Staff recommends **APPROVAL** of Deviation #3, subject to the condition the deviation is limited to existing development.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured by the established criteria.

a) Compliance with the Lee Plan

The subject property is located in the South Fort Myers Planning District and Intensive Development Future Land Use category. **Policy 1.1.2** of the Lee Plan establishes that *"By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate."* The applicant seeks a schedule of uses to facilitate mixture of office and public warehouse uses for efficient reuse of an existing development. Staff finds the request **CONSISTENT with Policy 1.1.2**.

Lee Plan Objective 2.1 and Policy 2.1.1 promote contiguous and compact growth patterns within designated future urban areas to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. **Lee Plan Objective 2.2 and Policy 2.2.1** seek to direct new growth to portions of future urban areas where adequate public facilities and services exist, where compact and contiguous development patterns can be created, and where compatibility with surrounding land uses is assured. The subject property is located within a designated future urban area and has been served by existing road and utility infrastructure for decades. The request seeks reuse of existing development with a land use that is recognized as less demanding on supporting infrastructure. The property will be served by the City of Fort Myers for both potable water and wastewater consistent with **Lee Plan Standards 4.1.1 and 4.1.2**. The subject property will be provided with police, fire protection and emergency services. Staff finds that the request is **CONSISTENT with Objectives 2.1 and 2.2, Policies 2.1.1, and 2.2.1, and Standards 4.1.1 and 4.1.2 of the Lee Plan**.

Goal 6 promotes orderly and well-planned commercial development at appropriate locations in the county. **Policy 6.1.1** requires development approvals for commercial land uses to be consistent with various policies, including traffic and access impacts, screening and buffering, adequacy of urban services, compatibility with surrounding land uses, proximity to other similar centers and environmental considerations. **Policy 6.1.4** 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."* As detailed in this report, the request is compatible with surrounding land uses and urban services are available to serve the proposed development. **Policies 6.1.5 through 6.1.11** address traffic, buffering, architecture and open space, prohibiting premature scattered development, school safety, commercial entitlements, redevelopment incentives and revitalization directives. As further expanded in the criteria analysis below, Staff finds that the request is **CONSISTENT** with **Goal 6**.

b) Land Development Code Compliance

County regulations which are not specifically departed from as part of this planned development request will apply to the balance of applicable LDC, Code of Ordinances and Administrative Code

provisions. If future deviations are proposed, each will be evaluated with established LDC review criteria. Staff finds the proposed planned development rezoning to be in compliance with the LDC, including regulations which pertain to:

- Use, including supplemental regulations;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

c) Compatibility with existing and planned uses in the surrounding area

Staff finds the requested rezoning to be compatible with existing and planned uses in the Colonial Boulevard corridor. Adjacent properties are similar or greater in intensity and the site does not abut residentially-zoned property. Under this request, the site will continue to operate within the parameters of the existing conditions.

d) Sufficiency of Access and Transportation Impacts

As previously noted, the applicant obtained submittal waiver approval concerning transportation impacts on the basis that the proposed limited schedule of uses will clearly generate less of equivalent impacts as compared to the existing zoning district potential.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

No further improvements are proposed; therefore, the request will not disturb environmentally critical or sensitive areas and natural resources. Environmental staff have reviewed the request and additional environmental analysis is contained in Attachment G of this report.

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to public (urban) services to accommodate the development possible within the requested rezoning. Future improvements required as part of development order approval will further improve urban services and pedestrian facilities.

h) Supplemental Planned Development Criteria

Staff finds the proposed development to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) The requested deviation, as conditioned:

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

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria, as conditioned. The CPD zoning is consistent with the Intensive Development Future Land Use Category and the applicable goals, objectives and policies of the Lee Plan. Staff recommends **APPROVAL**, as conditioned, of the request to rezone the subject property **from CC to CPD**.

ATTACHEMENTS:

- A. Expert Witness Information
- B. Legal Description, Sketch and Boundary Survey
- C. Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations, Conditions and Deviations
- F. Applicant's Submittals
 - Project Narrative
 - Schedule of Uses
 - Property Development Regulations
 - Schedule of Deviations
- G. Development Services Memoranda
- H. Environmental Staff Report
- I. Signed Submittal Item Waivers (GEN2022-00117 & Gen2022-00454)
- J. Resolution Z-79-234
- K. LCPA Memorandum

DRI2022-00004

&

DCI2022-00052

MIROMAR

LAKES

MPD/DRI

Staff Summary

CASE NUMBER & NAME: DRI2022-00004 & DCI2022-00052 / Miromar Lakes MPD/DRI

REQUEST: Request to convert a portion of the existing commercial intensity to residential density. The amendment will result in the reduction of 125,000 sq. ft. of retail floor area, 315,000 sq. ft. of office, 40,000 sq. ft. of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units.

RESOLUTION NUMBER: Z-23-018

LOCATION: Located along Ben Hill Griffin, north of Estero Pkwy. and south of Alico Rd., San Carlos Planning Community, Lee County, FL.

OWNER: MIROMAR LAKES LLC

APPLICANT: Miromar Lakes, LLC

AGENT: Daniel DeLisi, AICP
DeLisi, Inc.
520 27th Street
West Palm Beach, FL 33407

HEARING EXAMINER
RECOMMENDATION: Approve request to amend Miromar Lakes MPD and DRI Development Order

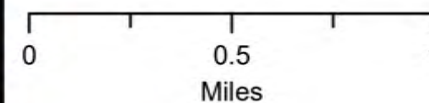
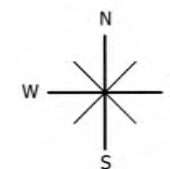
PARTICIPANTS: (0) None

DRI2022-00005
DCI2022-00052

Aerial

 Subject Property

 City Limits



Summary of Hearing Examiner Recommendation

MIROMAR LAKES MPD/DRI

Hearing Examiner Remarks

The request adjusts the approved development parameters of Miromar Lakes MPD and DRI in response to market demand. The Board first approved the mixed-use project in 1999. In the nearly 24 years since, a shift in market demand motivates the request to convert commercial, hotel, research/development and multi-family uses to single family residential.

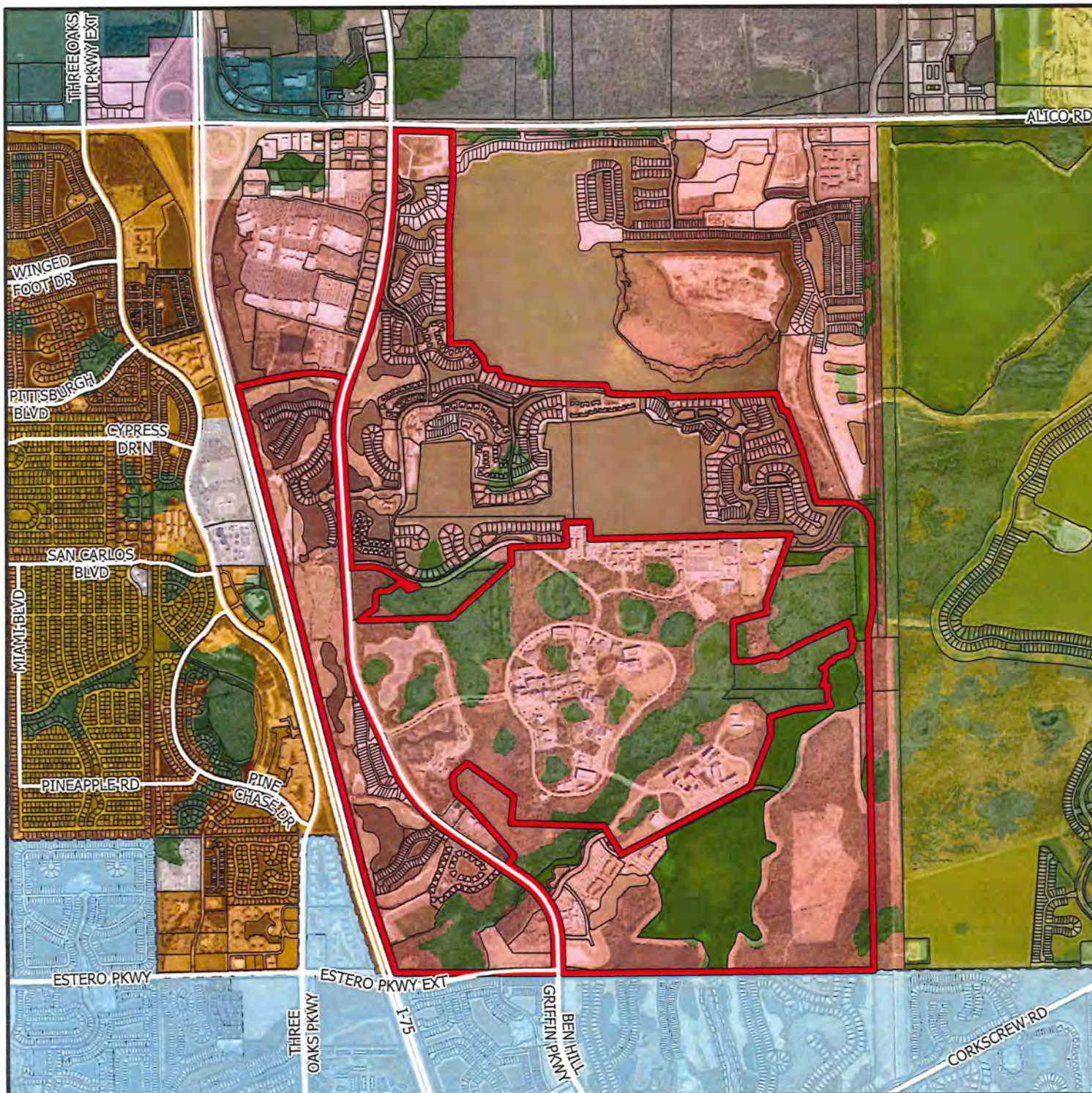
The Hearing Examiner recommends approval of the request.

Proposed amendments to the DRI development order are consistent with the Lee Plan and LDC.¹ Overall project impacts are unaffected by the changes. Reductions in non-residential land uses and multi-family offset transportation impacts anticipated from the proposed increase in single family dwellings. The amended DRI Development Order codifies previous amendments, acknowledging statutory extensions to build out.

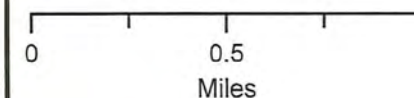
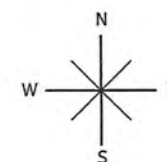
¹ 380.06(7), F.S.

DCI2022-00052

Future Land Use



- Subject Property
- Urban Community
- Suburban
- Public Facilities
- University Community
- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Tradeport
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- City Limits




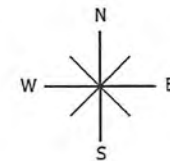


DCI2022-00052

Aerial

 Subject Property

 City Limits



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Miles






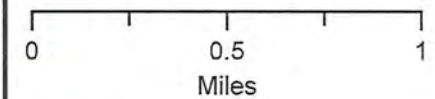
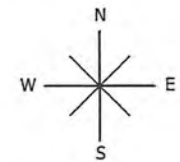
Lee County
Southwest Florida



DCI2022-00052

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay
-  City Limits



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00052 & DRI2022-00004

Regarding: **MIROMAR LAKES MPD/DRI**

Location: East and west of Ben Hill Griffin Parkway and south of Alico Road
San Carlos Planning Community
(District 2)

Hearing Date: April 13, 2023

Record Closed: April 20, 2023

I. Request

Amend the zoning and DRI development order approvals to convert a portion of commercial intensity to residential density. The amendment calls for reducing approved floor area of retail uses by 125,000 square feet, office uses by 315,000 square feet, research and development uses by 40,000 square feet and hotel by 300 rooms. The request increases residential land uses by 466 single family units.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve request to amend Miromar Lakes MPD and DRI Development Order.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.² In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend the table of land uses within the Miromar Lakes Mixed Use Planned Development (MPD) and Development of Regional Impact (DRI).

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 facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

² LDC 34-145(d)(4) a.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

Request

The request adjusts the approved development parameters of Mirror Lakes MPD/DRI in response to changes in market demand. The Board first approved the mixed-use project in November 1999. In the nearly 24 years since, a shift in market demand motivates the request to convert unrealized commercial, hotel, research/development, and multifamily land uses to residential single family. Prior zoning and DRI approvals allow for conversion of multifamily to single family dwellings but did not provide for conversion of non-residential land uses to residential.

The 1,793 +/- acre MPD/DRI is approved for 2,600 residential units, 250,000 square feet retail commercial, 340,000 square feet office and 450 hotel rooms. The anticipated intensity of commercial development has not come to fruition while the demand for single family dwellings exceeds prior estimates. Accordingly, the request increases approved residential units by 466 dwellings (total 3,066).

Simultaneous reductions in approved non-residential land uses, ensure no change in offsite transportation impacts. Proposed reductions include retail uses by 125,000 square feet, office uses by 315,000 square feet, research/development by 40,000 square feet, multi-family residential by 426 dwellings, and hotel rooms by 300.

If approved, development parameters will be as follows:

Dwelling units	3,066 units
Retail commercial	125,000 sq. ft
Office commercial	25,000 sq. ft
Research and development	zero
Hotel	150 rooms

Residential uses will consist of 1,592 single family and 1,474 multifamily dwelling units.

The request includes no additional deviations from LDC.

The request includes amendments to the DRI development order memorializing extensions to build out dates.

Character of Area

The Ben Hill Griffin Parkway corridor is nearly built out with variety of residential and commercial land uses. Miromar surrounds the campus of Florida Gulf Coast

University. Major commercial centers lie to the north and south at the intersections of Ben Hill Griffin Parkway with Alico and Corkscrew Roads. The proposed change constitutes infill development consistent with existing development patterns.³

Lee Plan

Planned developments must be consistent with the Lee Plan.

The property is designated University Community and Wetlands under the Lee Plan future land use map.⁴ The approved land uses approved remain consistent with the Lee Plan. Proposed increases in residential dwellings and corresponding reductions in non-residential uses do not change prior findings of consistency. The change in development parameters do not impact wetland areas on the Master Concept Plan (MCP) or DRI Map H. Undeveloped tracts previously earmarked for residential uses accommodate the requested increase in single family dwellings.⁵

LDC

One purpose of planned development zoning is to integrate new development with surrounding land uses.⁶ Another purpose is to further the goals of the Lee Plan while providing flexibility in planning and design.⁷ The proposed changes to the project must comply with County land development regulations or seek deviations. In this instance, Applicant proposes no additional deviations from the LDC.⁸

Environmental/Natural Resources

Applicant proposes no changes to development areas.

The Hearing Examiner finds the requested amendments to the MPD/DRI will not harm environmentally critical/sensitive areas or natural resources.

Transportation/traffic

The transportation studies concluded the revised development parameters will not negatively impact surrounding roadways.⁹ Proposed reductions in nonresidential land uses offset the transportation impacts of increasing the number of single-

³ The amended MPD proposes additional residential dwelling units expanding housing inventory in the area. Lee Plan Goals 5, 11, 135, 158, Policies 5.1.5, 135.1.9, 135.9.5.

⁴ Lee Plan Policy 1.1.9, Objective 1.5.

⁵ Residential uses are encouraged in the University Community.

⁶ LDC 34-612(2).

⁷ LDC 34-411(a), 34-612(2); Planned developments must be consistent with the Lee Plan. Lee Plan Policy 2.1.2.

⁸ LDC 34-2.

⁹ Staff Report Attachment G Memorandum by Ted B. Treesh, President TR Transportation Consultants, Inc. The amended development parameters have a similar trip generation to the uses proposed for elimination, resulting in a slight reduction in peak hour trips.

family dwellings. Accordingly, no road improvements are necessary to accommodate projected trip generation.

Developer must address site related improvements during the development order review process.¹⁰

Public Services and Infrastructure

Public services are the services, facilities, and infrastructure necessary to support development.¹¹ The Lee Plan requires an evaluation of the availability of public services during the rezoning process.¹²

The Lee Plan encourages compact and contiguous development patterns in areas with services/infrastructure to support new development.¹³ The property fronts on Alico Road and Ben Hill Griffin Parkway, which are County maintained arterial roadways.¹⁴ Lee County Utilities has potable water and sanitary sewer infrastructure in place to serve the project. Lee Tran Route 60 provides transit service along Ben Hill Griffin Parkway and Alico Road.

The San Carlos Park Fire Protection and Rescue Service District provides fire and emergency medical services to the area.¹⁵ The Lee County Sheriff provides law enforcement services to the community. Schools, parks, libraries, community facilities, shopping and employment centers are located within reasonable distances.¹⁶

Conditions

The Miromar Lakes MPD/DRI is subject to conditions of approval designed to address impacts reasonably anticipated from development.¹⁷ No changes to previously approved conditions are necessary to address request. An updated MCP and DRI Map H reflect the changes proposed in the request. (Exhibits B1, B2)

¹⁰ Lee Plan Objective 39.1 and Policy 39.1.1.

¹¹ Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

¹² Lee Plan Policy 2.2.1.

¹³ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.

¹⁴ The Lee Plan designates on road bikeways and shared use paths for cyclists and pedestrians on both roadways. Lee Plan Maps 3-D, 4-E.

¹⁵ San Carlos Park Fire Protection and Rescue Service District Station 53 located on Ben Hill Griffin Parkway. This station also provides emergency medical services.

¹⁶ Staff Report and Staff Report Attachment E.

¹⁷ LDC 34-83(b)(4) a.3, 34-377(a)(2)c.

Public

One member of the public attended the hearing but did not speak on the record.

Conclusion

Hearing Examiner recommends approval of the requested amendments to the Miromar Lakes MPD and DRI Development Order. The proposed revisions are consistent with the Lee Plan and LDC.¹⁸

Reductions in multi-family and nonresidential land uses offset transportation impacts anticipated from the proposed increase in single-family dwellings. The amended DRI Development Order codifies previous amendments, acknowledging statutory extensions to build out.

Hearing Examiner Note: Hearing Examiner recommends the County Attorney work with Applicant to prepare a codified development order with exhibits prior to final Board hearing.

IV. Findings and Conclusions


Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested amendment to the Miromar Lakes MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 15, 77, 95, 135, 158; Objectives 2.1, 2.2, 4.1, 5.1, 77.1, 77.3, 126.2, 135.1, and Policies 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.7, 5.1.10, 15.1.2, 15.1.7, 15.1.11, 15.1.16, 135.1.9, 135.9.5, 135.9.6, 158.1.7; Lee Plan Maps 1-A, 3-D, 4-A, 4-B, and Table 1(a).
- B. As conditioned, the amendments to the MPD zoning approvals:
 - 1. Are consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - 2. Are compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 158.1, and Policies 5.1.2, 5.1.3, 5.1.5, 135.1.9, 135.9.5, 135.9.6, 158.1.7; LDC 34-411, 34-413, and
 - 3. Provides sufficient road access to support proposed development intensity.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective

¹⁸ 380.06(7), F.S

- 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC 2-261 *et seq.*, 34-411(d) and (e).
5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 123, 125, and Standard 4.1.4.
6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 95.1.3.
- C. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 15; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.2, 5.1.5, 5.2.4, 15.1.7, 135.9.5, 135.9.6
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.2, 5.1.5, 61.3.8, 135.9.6, 158.1.7; LDC 34-377(a)(3), 34-411 and 34-932(c).
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC 34-373(a)(9), 34-377(a)(4)
- F. The requested change to the DRI development order is consistent with the Lee Plan and Land Development Code.

Date of Recommendation: April 25, 2023.


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 Recommended Conditions
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP



HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

EXHIBIT A

HM PROJECT #2000106X

7/25/2011

REF. DWG. #A-1583-1

PAGE 2 OF 2

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF $54^{\circ}31'33''$, SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF $S.28^{\circ}05'29''E.$, FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN $S.00^{\circ}49'43''E.$ ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

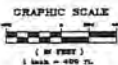
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 78°20'54" E	527.81'
L2	N 79°14'37" E	501.77'
L3	N 84°34'28" E	384.54'
L4	S 85°27'53" E	381.51'
L5	S 74°21'08" E	208.82'
L6	E 80°28'53" E	800.15'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	17728.80'	1211.87'	1211.72'	N 18°15'30" W	04°29'42"
C2	3075.00'	1773.94'	1284.80'	S 58°20'42" W	23°44'16"
C3	2099.00'	712.36'	713.82'	S 13°47'58" E	20°33'03"
C4	2875.00'	1548.58'	1550.16'	S 38°42'54" E	31°16'48"
C5	1325.00'	1260.94'	1213.90'	S 28°05'29" E	54°31'33"

NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED
BASED UPON THE BANKS ENGINEERING, INC. PARCEL
DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR,
SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTESS, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772





BY Thomas M. Murphy
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

* NOT A SURVEY *

LEGEND

LEGEND
POC POINT OF DISMISSED
POB POINT OF BEGINNING

FIELD BOOK		
		
		
		
		
DATE	REVISOR	DATE

MIROMAR LAKES

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	PARTY CHIEF:	DATE:
	DRAWN BY: TH	DATE: 7/03
	CHECKED BY: TMM	DATE: 7/03
	VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1"=400'



HVM
HOLE MONTES

950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No. 1772

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

DRAWING NO.	A-1583-1
PROJECT NO.	DD-106X
REFERENCE NO.	MIR-WEST-1



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 1 OF 4

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN

N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 960.80 FEET; THENCE CONTINUE N.19°49'36"E., FOR A DISTANCE OF 21.27 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 34.30 FEET; THENCE RUN N81°31'53"E FOR A DISTANCE OF 59.36 FEET; THENCE RUN N86°42'41"E FOR A DISTANCE OF 91.78 FEET; THENCE RUN N50°02'46"E FOR A DISTANCE OF 136.19 FEET; THENCE RUN N58°59'16"E FOR A DISTANCE OF 150.29 FEET; THENCE RUN

N03°34'13"E FOR A DISTANCE OF 280.42 FEET; THENCE RUN N44°21'15"E FOR A DISTANCE OF 65.32 FEET; THENCE RUN N85°08'17"E FOR A DISTANCE OF 193.00 FEET; THENCE RUN N53°18'11"E FOR A DISTANCE OF 221.46 FEET; THENCE RUN N85°09'35"E FOR A DISTANCE OF 62.26 FEET; THENCE RUN S40°09'41"E FOR A DISTANCE OF 165.57 FEET; THENCE RUN N70°32'55"E FOR A DISTANCE OF 188.24 FEET, TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 21°55'50" AND BEING SUBTENDED BY A CHORD OF 323.36 FEET AT A BEARING OF N68°42'47"W, FOR AN ARC LENGTH OF 325.34 FEET; THENCE RUN N57°44'54"W FOR A DISTANCE OF 288.84 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 650.00 FEET, THROUGH A CENTRAL ANGLE OF 35°46'31" AND BEING SUBTENDED BY A CHORD OF 399.30 FEET AT A BEARING OF N75°38'09"W, FOR AN ARC LENGTH OF 405.86 FEET; THENCE RUN S86°28'35"W FOR A DISTANCE OF 239.42 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 70.71 FEET AT A BEARING OF S41°28'35"W, FOR AN ARC LENGTH OF 78.54 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2370.30 FEET; TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49

FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SADI SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,396.66 ACRES, MORE OR LESS.

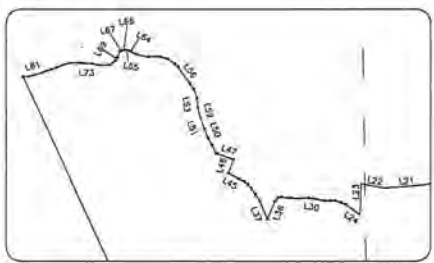
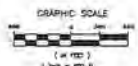
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.

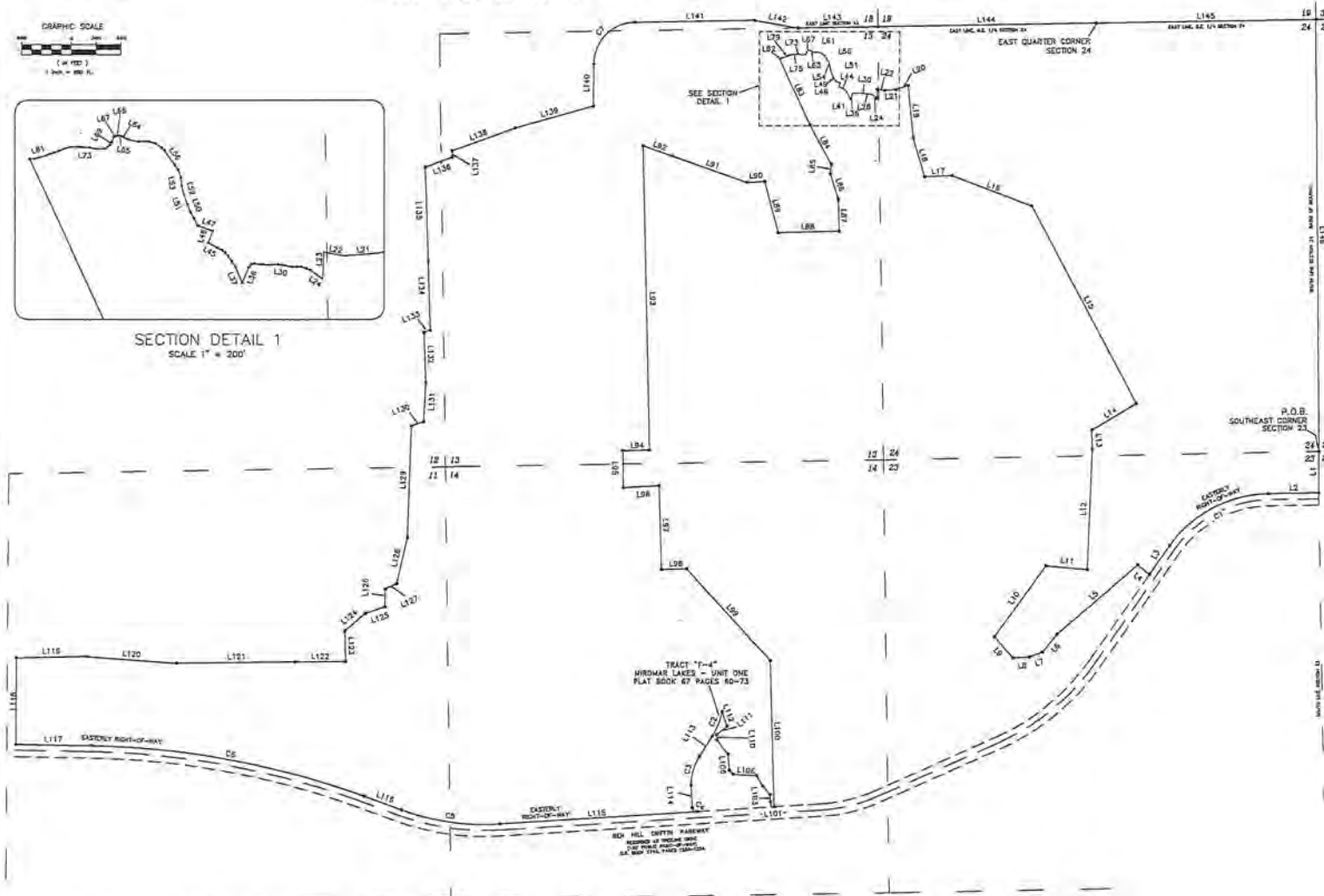
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



SECTION DETAIL 1
SCALE 1" = 200'

NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 - 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000 & MIROMAR LAKES-UNIT 1, TRACT "F-4", PLAT BOOK 67, PAGES 60-73



* NOT A SURVEY *

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L101	N 89°44'39" W	501.77	L234	N 25°24'22" E	13.38
L102	N 02°49'43" W	203.93	L235	N 01°01'34" W	20.81
L103	N 35°11'19" E	453.99	L236	N 19°40'05" W	21.28
L104	N 28°37'17" E	180.44	L237	N 22°34'25" W	20.44
L105	N 49°45'02" W	283.60	L238	N 30°18'15" W	21.25
L106	N 51°25'43" W	225.00	L239	N 17°17'45" W	18.27
L107	N 20°02'25" W	170.81	L240	N 30°34'35" W	16.74
L108	N 03°28'59" W	168.52	L241	N 19°13'24" W	49.27
L109	N 49°19'44" E	244.71	L242	N 20°29'10" W	18.83
L110	N 54°55'12" E	107.49	L243	N 30°25'51" W	69.33
L111	N 00°09'14" W	491.87	L244	N 32°03'53" W	548.81
L112	N 87°48'55" E	1484.81	L245	N 84°06'27" W	113.75
L113	N 88°17'13" E	233.72	L246	N 12°51'40" W	320.64
L114	N 27°47'37" E	631.31	L247	N 08°47'05" W	388.25
L115	N 02°11'50" E	2164.05	L248	N 01°12'51" W	211.83
L116	N 21°22'50" E	1025.79	L249	N 22°24'23" E	844.88
L117	N 07°12'31" W	538.88	L250	N 02°55'16" W	211.27
L118	N 71°40'00" E	489.13	L251	N 18°43'35" E	260.89
L119	N 64°37'10" E	848.68	L252	N 18°43'35" E	275.30
L120	N 01°11'50" W	326.27	L253	N 08°46'05" W	358.81
L121	N 04°47'10" W	173.24	L254	N 09°58'18" W	355.15
L122	N 10°20'25" W	18.08	L255	N 30°01'42" W	455.42
L123	N 86°40'48" W	198.81	L256	N 01°12'52" W	538.88
L124	N 32°22'24" E	61.49	L257	N 08°17'15" W	103.71
L125	N 10°10'15" E	18.38	L258	N 01°43'44" W	258.15
L126	N 18°58'33" E	22.35	L259	N 47°43'12" W	1504.05
L127	N 01°35'10" W	17.30	L260	N 08°27'35" W	1788.06
L128	N 05°05'30" E	22.22	L261	N 01°12'24" W	34.30
L129	N 10°34'22" E	21.89	L262	N 01°51'53" E	53.38
L130	N 02°21'09" E	21.88	L263	N 08°47'41" E	91.19
L131	N 04°17'29" W	27.24	L264	N 30°01'48" E	138.11
L132	N 03°00'00" E	32.88	L265	N 58°58'18" E	130.29
L133	N 02°58'24" E	24.74	L266	N 02°58'15" E	268.45
L134	N 14°38'33" W	12.31	L267	N 44°31'15" E	68.32
L135	N 02°58'49" W	15.93	L268	N 02°58'15" E	184.09
L136	N 67°08'11" W	87.25	L269	N 53°18'11" E	351.46
L137	N 37°13'24" E	68.16	L270	N 02°58'15" E	32.76
L138	N 37°13'24" E	15.84	L271	N 02°58'15" E	168.91
L139	N 51°45'20" E	13.81	L272	N 72°23'30" E	188.24
L140	N 02°11'09" E	17.27	L273	N 2°42'44" W	788.04
L141	N 54°40'58" E	13.65	L274	N 89°18'25" W	550.42
L142	N 40°38'51" E	19.08	L275	N 01°51'24" W	2185.10
L143	N 37°17'53" E	14.42	L276	N 02°12'43" E	491.58
L144	N 23°04'13" E	22.74	L277	N 01°51'41" E	800.25
L145	N 02°11'09" E	40.77	L278	N 01°51'41" E	714.61
L146	N 10°43'07" E	50.50	L279	N 01°51'41" E	847.10
L147	N 10°10'42" E	63.38	L280	N 04°18'45" E	1091.79
L148	N 02°41'30" E	22.23	L281	N 02°10'25" E	143.24
L149	N 62°03'39" E	27.78	L282	N 02°18'12" E	358.52
L150	N 02°58'15" E	13.81	L283	N 04°18'45" E	176.19
L151	N 69°29'09" E	38.35	L284	N 40°48'12" E	222.81
L152	N 78°09'54" E	38.83	L285	N 19°01'17" E	248.77
L153	N 84°35'54" E	29.80	L286	N 04°18'45" E	248.84
L154	N 71°01'55" E	38.05	L287	N 24°28'51" E	135.17
L155	N 72°18'28" E	22.80	L288	N 02°18'28" E	322.81
L156	N 54°40'23" E	72.52	L289	N 08°18'13" E	133.00
L157	N 47°40'48" E	14.33	L290	N 19°42'36" E	157.25
L158	N 05°29'29" E	31.81	L291	N 01°18'14" E	40.81
L159	N 01°05'51" E	27.57	L292	N 08°02'24" E	212.22
L160	N 08°17'51" E	18.08	L293	N 02°18'28" E	84.17
L161	N 01°01'18" W	22.89	L294	N 08°18'28" E	844.89
L162	N 11°20'25" E	41.19	L295	N 08°18'28" E	122.75
L163	N 20°22'25" E	16.25	L296	N 08°18'28" E	344.08
L164	N 28°12'19" E	12.27	L297	N 08°18'28" E	88.20
L165	N 02°43'29" E	13.88	L298	N 02°43'29" E	202.27
L166	N 19°10'17" W	8.24	L299	N 19°43'44" E	678.45
L167	N 25°28'33" W	11.25	L300	N 08°46'05" E	216.07
L168	N 71°45'45" W	11.80	L301	N 02°58'15" E	1441.66
L169	N 38°03'27" W	13.21	L302	N 09°57'25" W	533.07
L170	N 02°58'15" W	22.74	L303	N 02°58'15" E	580.10
L171	N 02°58'15" W	28.80	L304	N 02°58'15" E	253.72
L172	N 01°12'51" E	25.00	L305	N 02°58'15" E	584.17
L173	N 01°12'51" E	11.92	L306	N 02°58'15" E	1243.70

CURVE	ANGLE	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	147°58.00	54°31'51"	1351.23	N 28°05'29" W	1403.88
C2	830.00	21°55'50"	223.34	N 88°47'48" W	235.34
C3	150.00	35°18'51"	398.30	N 75°26'10" W	425.46
C4	35.00	59°02'00"	25.71	S 41°32'29" W	78.94
C5	100.00	27°44'39"	203.14	N 08°20'42" E	211.79
C6	100.00	19°11'27"	1308.88	N 10°37'05" E	1314.54
C7	50.00	89°53'24"	128.49	S 49°18'43" E	778.58

LEGEND			
PC	POINT OF COMMENCEMENT		
POB	POINT OF BEGINNING		
REMOVE TRACT F-4	3/3/23	TW	
LETTER	REVISION	DATE	REV BY

SKETCH & LEGAL

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	
PARTY CHIEF:	DATE:
DRAWN BY: JNH	DATE: 3/3/2023
SHEET 1	OF SHEET 5
SEC-TOWN-RSDE	



6200 Whiskey Creek Dr.
PL. Myers, FL 33518
Phone: (258) 855-1200
Florida Certificate of Authorization No.1772


MIROMAR LAKES
SKETCH FOR LEGAL DESCRIPTION

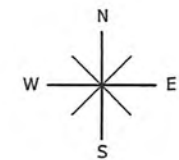
DRAWING NO.	A-1582-2
PROJECT NO.	2023.517
FILE NAME	202311.Sk.dwg

DCI2022-00052

Zoning

 Subject Property

 City Limits



0 0.5 1
Miles



Lee County
Southwest Florida

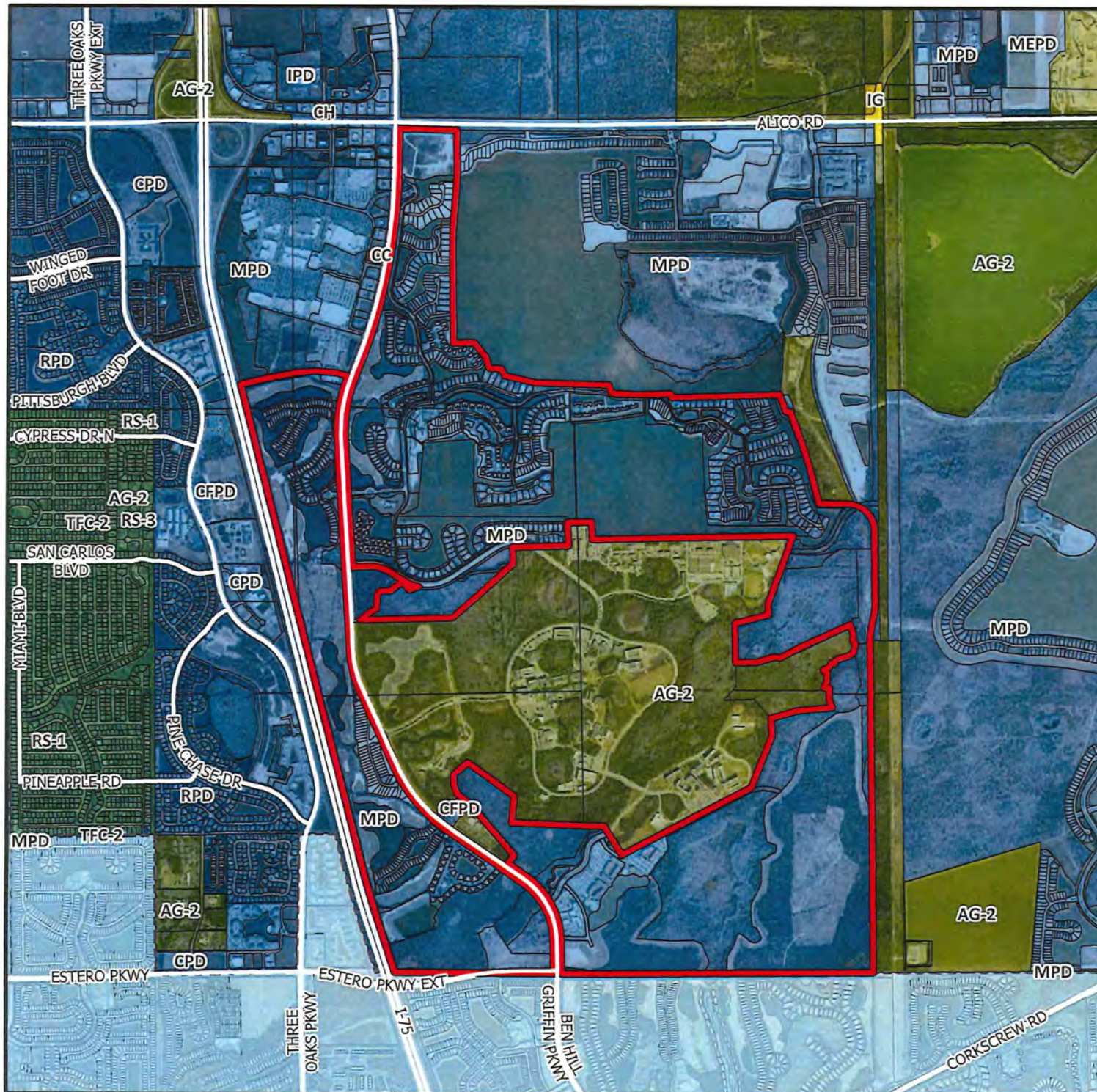


Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS Miromar Lakes MPD

CONDITIONS

Condition 1 of Resolution Z-13-020, as amended is revised as follows:

1.a. Development of this project must comply with the following:

- i. Master Concept Plan (MCP). Development must be consistent with the Master Concept Plan entitled "Miromar Lakes DRI Mixed Planned Development" prepared by DeLisi Fitzgerald, Inc., dated on April 14, 2023 attached as Exhibit B1, except as modified by the conditions below.

The remainder of Condition 1a. is not changed.

1.b. Approved Development Parameters.

Dwelling units	3,066 units
Retail commercial	125,000 sq. ft
Office commercial	25,000 sq. ft
Research and development	zero
Hotel	150 rooms

Residential uses will consist of 1,592 single family and 1,474 multifamily dwelling units.

The remainder of Condition 1. is not changed.

DEVIATIONS

There are no changes to the deviations approved in Resolution Z-13-020, as amended.

MIROMAR LAKES DRI DEVELOPMENT ORDER

The Miromar Lakes DRI Development Order including DRI Map H is amended as set out in Exhibit B2.

Exhibits to Conditions

B1 Master Concept Plan dated April 14, 2023

B2 Proposed Amendments to Miromar Lakes DRI development order including Map H (Map H dated April 14, 2023)

C1	COMMERCIAL 1
CS	COMMERCIAL SOUTH
MU	MIXED USE
R	RESIDENTIAL

GC GOLF COURSE

R 2 RESIDENTIAL 2

 CONCEPTUAL LAKE LOCATION

 CO CONSERVATION AREA

⑧ DEVIATION

 CONCEPTUAL CLUB LOCATIONS*^{COP} CONSUMPTION ON PREMISES

— CONCEPTUAL GOLF TRAIL OR BOARDWALK

← BHG PKWY ACCESS

<u>DESCRIPTION</u>	<u>UNITS</u>
RESIDENTIAL ('R', 'R 2', 'MU', 'C1' AND 'CS') (INCLUDES LAKES)	
SINGLE FAMILY UNITS	1,592 UNITS
MULTI-FAMILY UNITS	1,474 UNITS
TOTAL UNITS	3,066 UNITS
COMMERCIAL/OFFICE/HOTEL ('C1', 'CS' AND 'MU')	
RETAIL COMMERCIAL (GFA)	125,000 SQ FT
HOTEL ROOMS	150 ROOMS
OFFICE (GFA)	25,000 SQ FT

<u>DESCRIPTION</u>	<u>ACRES</u>
RESIDENTIAL ("R", "R 2", AND "GC")	963
COMMERCIAL/OFFICE/HOTEL ("C1" AND "CS")	84
MIXED USE ("ML")	109
LAKES/MISCELLANEOUS RECREATION/BUFFERS	292.3 ±
CONSERVATION AREAS "CO" (INCLUDES WETLAND BUFFERS)	344.7 ±
TOTAL ACRES	1,793

1. NORTHERN CROSSING OF THE CONSERVATION AREA WILL BE REMOVED, CONTINGENT ON SUCCESSFUL PERMITTING OF THE SOUTHERN CROSSING.
2. ACCESS POINTS TO THE FUTURE ESTERO PARKWAY EXTENSION EAST OF BEN HILL GRIFFIN PARKWAY ARE LIMITED TO THE THREE (3) LOCATIONS SHOWN ON THE MCP, AND WILL GENERALLY ALIGN WITH EXISTING GOLF COURSE HOLES AND MARKWARD CROSSING WITHIN THE GRADEZZA COMMUNITY TO THE SOUTH.

EXHIBIT B-1

EXHIBIT B2

DRI Development Order Amendments Strike Through Underline Format

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of 1-75, north of Corkscrew Road, south of Alico Road, on either side of Ben Hill Griffin Parkway. The site is 1,793.646 +/- acres. Miromar is a mixed use development that will consist of: ~~2,600~~3,066 residential units, ~~250~~125,000 square feet of retail, ~~450~~150 hotel rooms, ~~340~~25,000 square feet of office, 250 wet slips, 400 dry slips, ~~40,000 square feet of research and development~~, and all accessory uses to these uses. In addition, there will be 312 acres of lakes/buffers and recreation, and a minimum of 338 of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive recreation. The legal description of the project is set forth in Exhibit A. The assessment was based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation commenced upon completion of all necessary permitting. The project buildout date is ~~April 3, 2028~~September 4, 2050. The termination date is ~~April 3, 2033~~September 2, 2055.

- L. House Bill 7207 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, Miromar Lakes DRI qualified for the four-year extension of its build out date from December 31, 2020 to December 31, 2024. Under Lee County Resolution concurrency is also extended to December 31, 2024, consistent with the build out extension. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review.

In accordance with SB2156, and Emergency Orders 12-140, 120192, 120217, 120199, Miromar Lakes DRI qualified for the extension of its build out date from December 31, 2024, to April 3, 2028. Under Lee County Resolution concurrency is also extended to April 3, 2028, consistent with the build out extension. The extension of the DRI's compliance date does not constitute a substantial deviation and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review. [Miromar Lakes DRI qualified for additional extensions placing the buildout date and Termination Dates at September 4, 2050 and September 2, 2055 respectively.](#)

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled [Date of Commission Hearing], the Ninth Amendment to the Miromar Lakes Development of Regional Impact is hereby approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Miromar Lakes, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations including future amendments.

D. TRANSPORTATION

1. Significant Impacts

(a) Assessment Parameters

The traffic impact assessment for the project assumes the following development parameters:

	Phase I (2004)	Buildout (2028)
Residential		
Single Family (ITE LUC 210)	314 D.U.	700 <u>1,592</u> D.U.
Multi-Family	1,100 D.U. Total	1,900 <u>1,474</u> D.U.
Total apartments (LUC 220)	200 D.U.	200 D.U.
Residential Condominiums (LUC 230)	900 D.U.	1,700 <u>1,274</u> D.U.
Non-Residential		
--Service/Office (LUC 710)	400 <u>25,000</u> sq. ft.	340 <u>25,000</u> sq. ft.
--General Retail (LUC 820)	160,000 sq. ft.	250 <u>125,000</u> sq. ft.
--Hotel (LUC 310)	350 rooms	450 <u>150</u> rooms
--Industrial/R&D (LUC 760)	0 sq. ft.	40,000 sq. ft.
-- Golf Course (LUC 430)	36 <u>18</u> holes	36 <u>18</u> holes
-- Community Use (LUC 495) Golf Clubhouse	20,000 sq. ft.	20,000 sq. ft.
-- Beach Park (LUC 415)	10 acres	10 acres
(Including a Beach Clubhouse for use of residents and their guests.)		

7 Land Use Conversion

The approved parameters, as specified in this Development Order, may be modified by the Developer without further amendment to this Development Order, subject to the conditions of Paragraph D.1.a. and as set forth below.

- (a) Single Family units can be converted to multi-family units, and multi-family units can be converted to single-family units and any type of multi-family unit and other unit types permitted under the zoning can be constructed as long as the conversion of residential unit types does not result in a significant change as that term is defined in paragraph D.1.a. The current ITE manual will be used to determine whether or not there is 5% or less increase in net new external p.m. trips. This conversion may occur without further DRI or substantial deviation review.
- (b) Office use may be converted to Research and Development (R&D) at a ratio of 1,000 square feet of Office to 1,100 square feet of Research and Development, unless the current ITE manual would require an adjustment to the conversion rate set forth herein. There is no limitation on the conversion of Office use to Research and Development (R&D) at the above ratio.
- (c) The amount of conversion must be reported as part of the subsequent biennial monitoring reports to the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity.
- (d) Any other conversion must occur through the DRI amendment process.

G. COMPREHENSIVE PLAN CONSISTENCY.

1. Lee County may not issue a local Development Order unless the Development Order is consistent with the County's Comprehensive Plan, Land Development Code, University Window Overlay, Ben Hill Griffin Parkway Access Management Plan, and Concurrency Management System.
2. The proposed commercial development is limited to no more than ~~1,140,000~~150,000 square feet of commercial retail, ~~and~~ office, ~~hotel, and~~ ~~research and development~~ uses, ~~and~~ 150 hotel rooms. This includes commercial located within property designated as CI, C-S, and MU on Map H. All commercial ancillary uses are included in this limitation; no residential or recreational ancillary uses or parking structures serving commercial or residential development are included in this amount. If multiple local development orders are requested, it is the developer's responsibility to provide a cumulative total of square footage from previous development order approvals prior to the issuance of the requested local development order.

III.

- L. Buildout and Termination Dates. The project has a buildout date of September 4, 2050~~April 3, 2028~~, and a termination date of December September 2, 2055~~April 3, 2033~~. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Section 380.06(15)(g) are applicable.

EXHIBIT B2

Clean Version DRI Development Order Amendments

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of 1-75, north of Corkscrew Road, south of Alico Road, on either side of Ben Hill Griffin Parkway. The site is 1,793.646 +/- acres. Miromar is a mixed use development that will consist of: 3,066 residential units, 125,000 square feet of retail, 150 hotel rooms, 25,000 square feet of office, 250 wet slips, 400 dry slips, , and all accessory uses to these uses. In addition, there will be 312 acres of lakes/buffers and recreation, and a minimum of 338 of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive recreation. The legal description of the project is set forth in Exhibit A. The assessment was based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation commenced upon completion of all necessary permitting. The project buildout date is September 4, 2050. The termination date is September 2, 2055.

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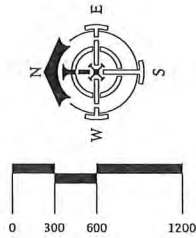
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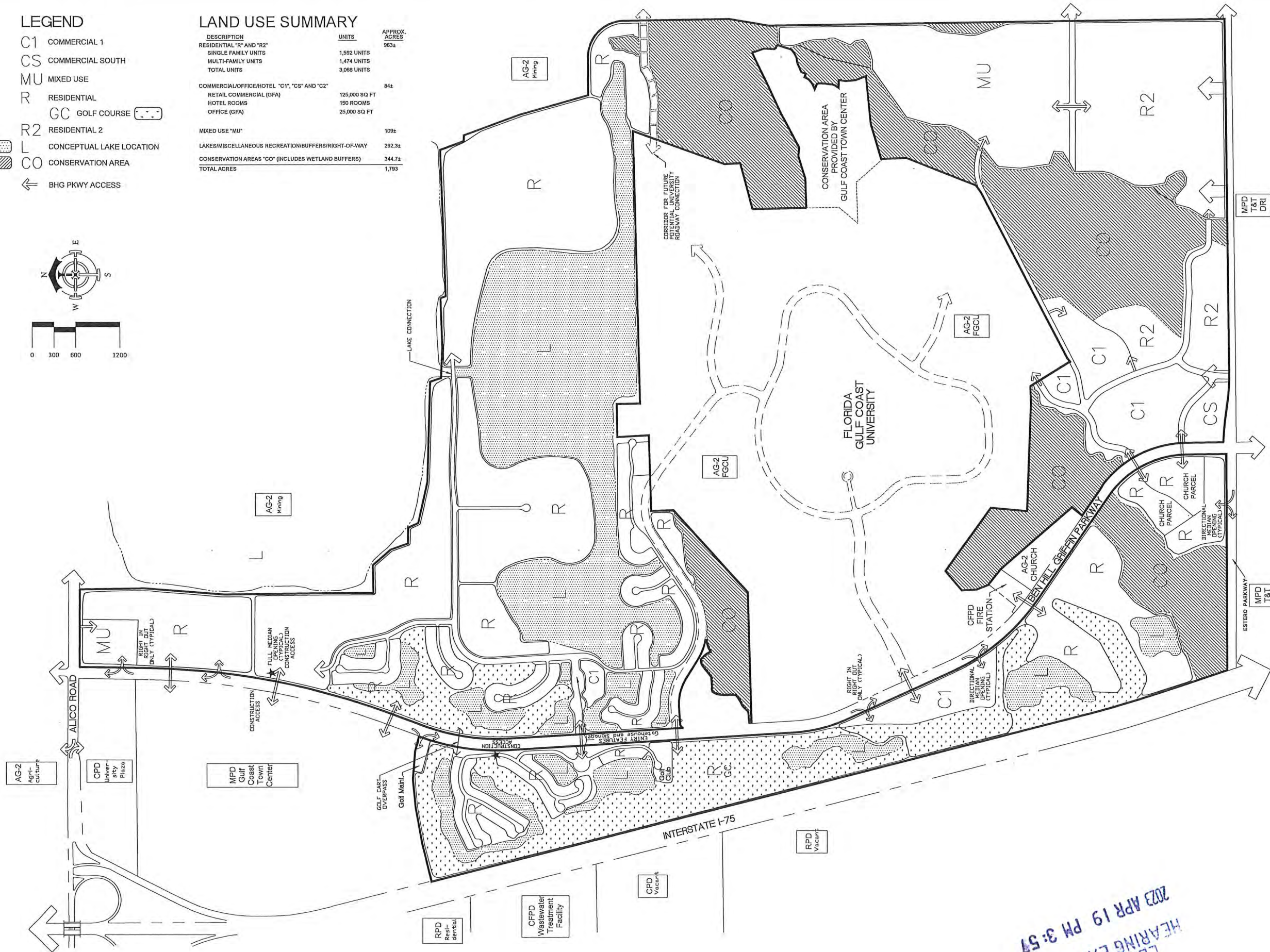
LEGEND

- C1 COMMERCIAL 1
CS COMMERCIAL SOUTH
MU MIXED USE
R RESIDENTIAL
R2 RESIDENTIAL 2
L CONCEPTUAL LAKE LOCATION
CO CONSERVATION AREA
BHG PKWY ACCESS



LAND USE SUMMARY

DESCRIPTION	UNITS	APPROX. ACRES
RESIDENTIAL "R" AND "R2"		963±
SINGLE FAMILY UNITS	1,592 UNITS	
MULTI-FAMILY UNITS	1,474 UNITS	
TOTAL UNITS	3,066 UNITS	
COMMERCIAL/OFFICE/HOTEL "C1", "CS" AND "C2"		84±
RETAIL COMMERCIAL (GFA)	125,000 SQ FT	
HOTEL ROOMS	150 ROOMS	
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MIXED USE "MU"		109±
LAKE/MISCELLANEOUS RECREATION/BUFFERS/RIGHT-OF-WAY		292.3±
CONSERVATION AREAS "CO" (INCLUDES WETLAND BUFFERS)		344.7±
TOTAL ACRES		1,793



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization:
Engineering LB #: 26978



PROJECT:
MIROMAR LAKES
MIROMAR LAKES, FL

DATE	DESCRIPTION

MAP H
APRIL 14, 2023

Project Manager: _____
Drawn By: GWS
Checked By: _____
Project Number: 21248
Cad File: _____
Xref: _____
Xref: _____

Status:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number: 01

2023 APR 19 PM 3:57
LEE COUNTY
HEARING EXAMINER

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received March 29, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Post Hearing Submittal:* Revised Findings and Conclusions of Law (4 pages – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Olga Ramos, with Pavese Law Firm, dated Tuesday, April 11, 2023, 10:50 AM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Miromar Lakes MPD/DRI, DCI2022-00052/DRI2022-00004, Hearing Examiner, dated 4/13/2023 (multiple pages – 8.5"x11")
2. *Written Submissions:* Email from Olga Ramos to Hearing Examiner and Maria Perez, with copies to Neale Montgomery, Esq., Dan DeLisi, Chahram Badamtchian, Mark Geschwendt, dated Wednesday, April 19, 2023, 3:42 PM (multiple pages – 8.5"x11" and 11"x17") {post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian, Senior Planner

Applicant Representatives:

1. Dan DeLisi, AICP
2. Neale Montgomery, Esq.
3. Ted Treesh

Exhibit E
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 is 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.

LEGEND

- C1 COMMERCIAL 1
CS COMMERCIAL SOUTH
MU MIXED USE
R RESIDENTIAL
GC GOLF COURSE
- R 2 RESIDENTIAL 2
L CONCEPTUAL LAKE LOCATION
CO CONSERVATION AREA
DEVIATION
* CONCEPTUAL CLUB LOCATIONS
* COP CONSUMPTION ON PREMISES
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← BHG PKWY ACCESS

LAND USE SUMMARY

DESCRIPTION	UNITS
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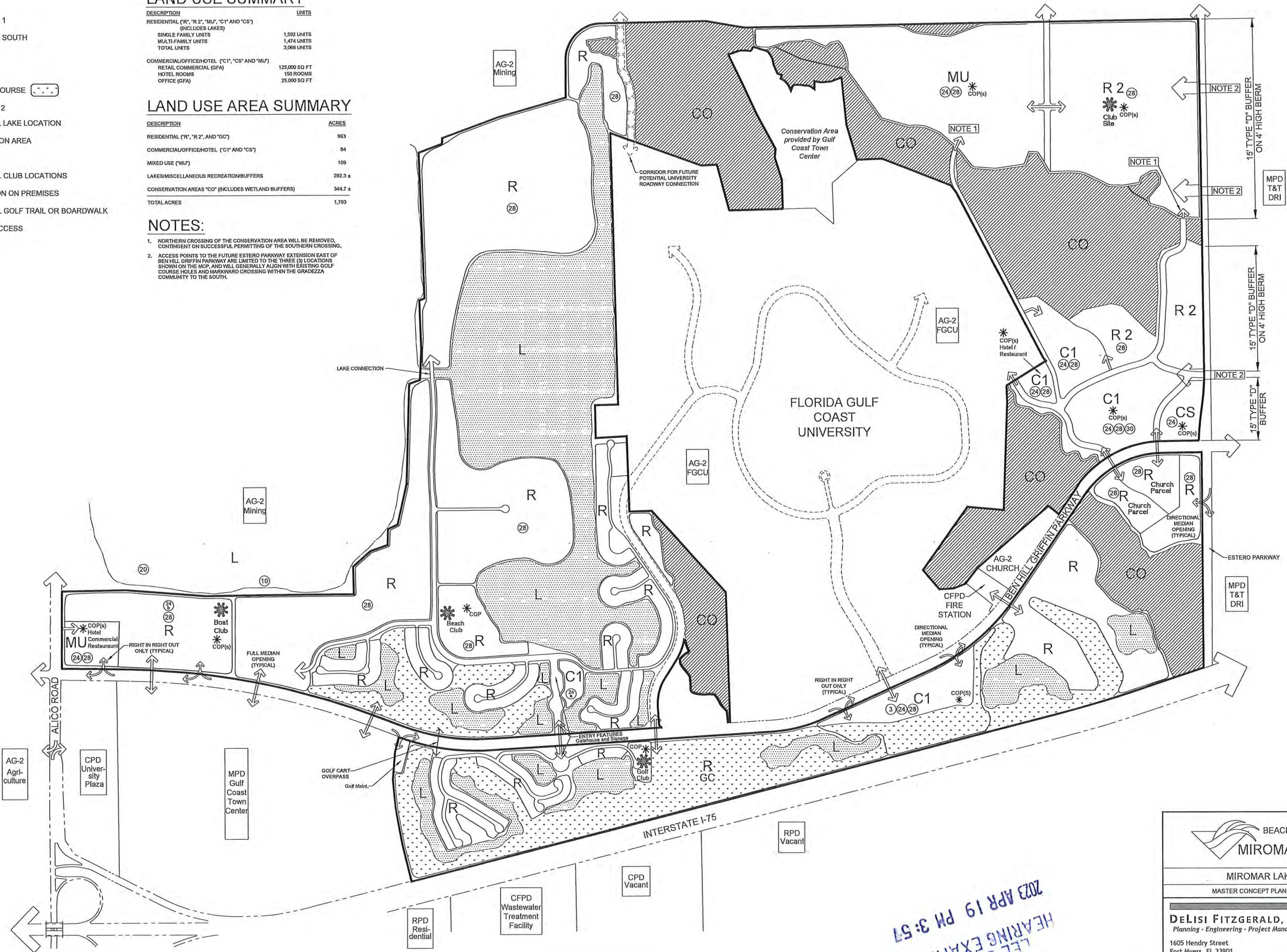


EXHIBIT B-1

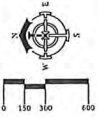
BEACH & GOLF CLUB
MIROMAR LAKES

MIROMAR LAKES DRI

MASTER CONCEPT PLAN - APRIL 14, 2023

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

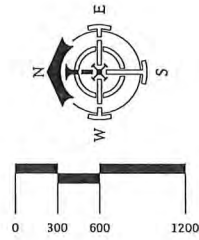
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax



2023 APR 19 PM 3:57
HEARING EXAMINER
LEE COUNTY

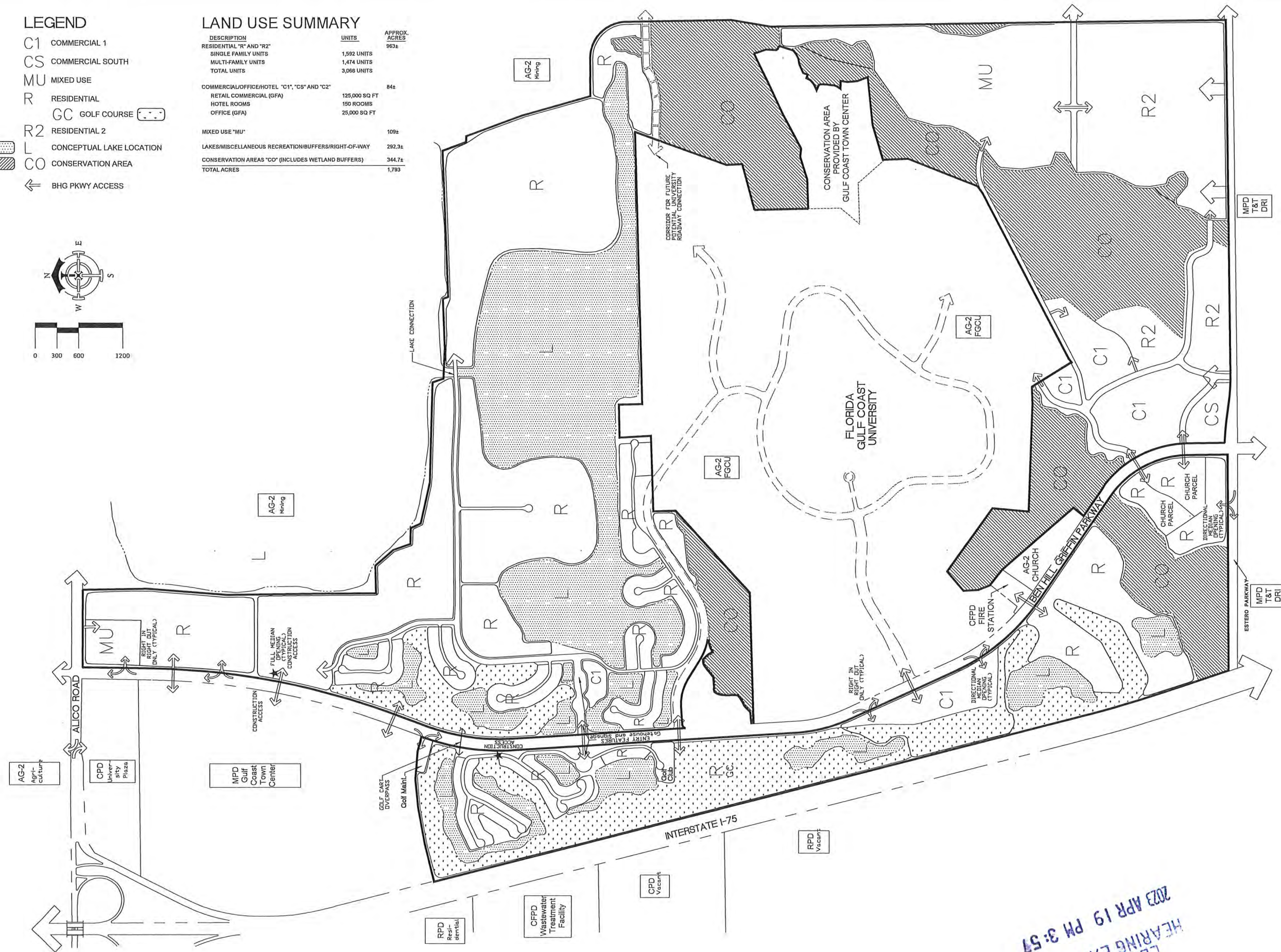
LEGEND

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LAND USE SUMMARY

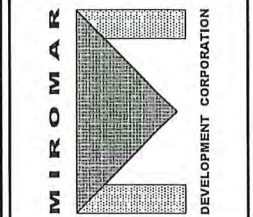
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Florida Certificate of Authorization:
Engineering LB #: 26978



BEACH & GOLF CLUB
MIROMAR LAKES

PROJECT:
MIROMAR LAKES
MIROMAR LAKES, FL

EXHIBIT B2

[illegible]

LEE COUNTY
HEARING EXAMINER
2023 APR 19 PM 3:57

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/CCI and DRI Amendment
CASE NUMBER: DCI2022-00052 and DRI2022-00004
HEARING EXAMINER DATE: April 13, 2023
SUFFICIENCY DATE: January 30, 2023

Applicant: Delisi, Inc. in reference to Miromar Lakes MPD/DRI.

Request: Request to convert a portion of the existing commercial intensity to residential density. The amendment will result in the reduction of 125,000 square feet of retail floor area, 315,000 square feet of office, 40,000 square feet of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units.

Location: The subject property is located on the east and west sides of Ben Hill Griffin Parkway and south of Alico Road, San Carlos Planning Community, Lee County, FL (District #2). A legal description for the subject property is attached as Exhibit "H".

Summary

Staff recommends APPROVAL of the applicant's request to amend the zoning of the subject property and the DRI Development Order. The applicant is not requesting any new deviations. All conditions and deviations of Resolution Z-13-020, as amended, will remain in full force and effect.

Character of the Area

The area is one of the fastest growing areas in Lee County, and the development patterns in the area are being influenced by Florida Gulf Coast University and Southwest Florida International Airport. The area is being developed with residential, commercial retail, office, hotel, industrial and research and development uses.

To the north, across Alico Road, there is a large development, known as Florida Gulf Coast Technology Center (Z-18-011). This is a 727-acre mixed use development approved for 240 hotel rooms; 650,000 square feet of retail floor area; 400,000 square feet of office floor area, including medical office; and 3,897,000 square feet of industrial floor area. To the east of Florida Gulf Coast Technology there is a large parcel zoned AG-2. To the east of the AG-2 zoned land there is a 240 acre site known as FGCU Innovation Hub (Alico ITEC Business Park), approved for 1510,000 commercial and industrial uses (Resolution Z-21-017).

To the east, there is an 886-acre parcel zoned mixed use development, known as CenterPlace MPD (Z-22-020), approved for 1,950 dwelling units; 200,000 square feet of retail; 110,000 square feet of office; 20,000 square feet of research & development; 10,000 square feet of medical office; and 250 hotel/motel rooms. To the east of CenterPlace Development there is a 2,960.03-acre parcel zoned Mixed Use Planned Development (MPD) (Z-15-021, Wildblue), approved for 1,096 dwelling units and 40,000 square feet of commercial development. There is also a large lake to the northeast of this project that was donated to the County as a part of the Wildblue rezoning in 2015.

To the south property abuts a 921-acre parcel zoned Mixed Use Planned Development known as Timberland and Tiburon MPD (Z-12-002), approved for 2,895 residential units, 200 hotel rooms, 90,000 square feet of retail commercial.

To the west, across Ben Hill Griffin Pkwy, is Gulf Coast Town Center MPD (Z-20-030) approved for 1,566,000 square feet of retail commercial, 270,000 square feet of office, 250 hotel rooms, and 600 units residential multiple-family.

To the north of Gulf Coast Town Center, there is a development known as University Plaza (Z-15-009), and across Alico Road, there is another development known as Jetway Tradeport MPD (Z-19-004) approved for 75,000 square feet of office, 120,000 square feet of commercial retail, 300 hotel rooms, 29,000 square feet of industrial uses.

Analysis

The subject site, which consists of 1,800± acres, is currently approved for 2,600 residential units, 250,000 square feet of retail commercial, 340,000 square feet of office, and 450 rooms hotel via Resolution Z-13-020.

The number of residential units approved for this site is expected to be met soon and expected commercial intensity has not been realized. The request is to convert a portion of the existing commercial intensity to residential density. The additional residential density requested by this application will be used within the already approved residential areas on the Master Concept Plan. Therefore, the existing Master Concept Plan approved by Resolution Z-13-020, as amended, will remain in full force and effect.

Resolution Z-13-020 and the approved DRI Development Order allow conversion of uses between different types of residential units, but there is no provision to convert from commercial to residential.

The request can be summarized as follows:

Land Use	Approved (Z-13-020)	Proposed
Single Family Residential	700 units	1,592 units
Multiple-Family Residential	1,900 units	1,474 units
Retail	250,000 sq. ft.	125,000 sq. ft.
Office	340,000 sq. ft.	25,000 sq. ft.
Research and Development	40,000 sq. ft.	0 sq. ft.
Hotel	450 rooms	150 rooms

Environmental

Environmental staff reviewed this request and recommended approval with no additional conditions.

Transportation

Infrastructure Planning staff has reviewed this project and has recommended approval (Attachment D).

It is anticipated that this amendment will not increase the weekday P.M. trip generation of the overall project. This amendment will reduce the daily two-way number of trips from 29,404 trips to 27,553 trips.

Lee Plan

The property is within the University Community (Policy 1.1.9) and Wetlands (Objective 1.5) Future Land Use categories. The proposed amendment request is consistent with the University Community Future Land Use category. The proposed densities and intensities as well as mix of uses are in keeping with the University Community Future Land Use category. The applicant is required to obtain all necessary State and Federal Permits for any activity within the wetlands.

This development promotes contiguous and compact growth patterns, contains urban sprawl and minimizes the costs of services. Adequate public services exist. Sewer and water are available to the site. The property has direct frontage on Ben Hill Griffin Parkway, which is a major north-south arterial road (Objective 2.2).

This development provides a variety of housing options. Retail and office portions of this development will provide employment opportunities. The requested rezoning is CONSISTENT with Goal 15, Policies 15.1.1 and 15.1.2 of the Lee Plan.

This is a Mixed Use Planned Development which complements the University Community. Most of the surrounding properties are either developed or entitled with similar mixes of uses. The requested amendment is CONSISTENT with Policy 15.1.7 of the Lee Plan.

This development was designed in compliance with the requirements of Policy 15.1.16. Density, intensity, number of residential dwelling units, type of uses, etc., are designed to comply with the requirement of this Policy. Streets have sidewalks on both sides. Bike paths will be provided throughout the development. The requested amendment is CONSISTENT with Policy 15.1.16 of the Lee Plan.

The project complements the existing character of the neighborhood. This project's residential component is adjacent to the residentially-zoned areas of neighboring developments and the commercial component is mostly along Ben Hill Griffin Parkway. The requested amendment is CONSISTENT with Policy 15.1.9.5 of the Lee Plan.

Urban Services:

Public transportation, LeeTran Bus Route 60 travels along Alico Road to Ben Hill Griffin Pkwy to Florida Gulf Coast University (see Bus Route Map attached hereto as Attachment "F"). Fire protection is provided by San Carlos Park Fire District, located at 19591 Ben Hill Griffin Pkwy, 3 miles from the subject property. This fire station also contains an EMS substation. Sheriff's station is located at 1770-754 Ben C Pratt/Six Mile Cypress within four miles of the subject property. South Lee County Regional Library, on Three Oaks Pkwy, is within 4 miles of the project. Three Oaks Elementary School located on Cypress View Drive, Three Oaks Middle School located to the west of the project on Three Oaks Pkwy, and Estero High School located on Williams Road are the closest public schools to this site. Water and sewer services from Lee County Utilities are connected to the site. (Lee Plan Standards 4.1.1 and 4.1.2). Estero Regional Park is approximately 8 miles from the development; and Three Oaks Community Park is within 4 miles of this site.

Deviations:

The applicant is not requesting any additional deviations beyond those previously approved.

Conditions:

1. The chart in Condition 1(b) of Resolution Z-13-020 is hereby revised as follows:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single-Family Residential	1,592 du	3,066	
Multiple-Family Residential	1,474 du		
Retail Commercial	125,000 sq ft (GFA)		
Office	25,000 sq ft (GFA)		
Hotel	150 rooms		
Research & Development	-0-		
Lakes/Miscellaneous	N/A		312
Recreation/Buffers			
Conservation Areas	N/A		344.7

2. Property Development Regulations, Schedule of Uses, Master Concept Plan, and all conditions and deviations approved via Resolution Z-13-020, as amended, will remain in full force and effect unless amended herein.
3. Resolution Z-13-020, Administrative Amendments, including final plan approvals and deviations for existing developments within Miromar Lakes MPD are still valid including:

ADD2020-00072

ADD2017-0020

ADD2017-00079(b)

ADD2017-00036

ADD2016-00025

ADD2015-00209

ADD2014-00213

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by Land Development Code Section 34-145(d)(4)a.1, staff offers the following findings and conclusions:

The request, as conditioned:

- Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.9, 15.1.1, 15.1.2, 15.1.7, 15.1.16, and 135.9.5; Objectives 1.5, and 2.2, Goal 15, and Standards 4.1.1 and 4.1.2;
- Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;

- Will not adversely affect environmentally critical or sensitive areas and natural resources;
- Will be served by urban services, as defined in the Lee Plan;
- The proposed mix of uses is appropriate at the proposed location; and
- The conditions approved via Resolution Z-13-020, as amended, provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Conclusion

Lee County staff has reviewed the proposed amendment request and recommends approval of the DCI and DRI amendments. The uses, density and intensity proposed by this request are consistent with the Lee Plan and compatible with surrounding existing land uses.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Resolution Z-13-020, DRI Development Order and Amendments
- D. Memorandum from Lee County Section of Infrastructure Planning
- E. Application and Narrative
- F. LeeTran Bus Route Map
- G. TIS
- H. Legal Description

cc: Applicant
County Attorney
Zoning File

DCI2022-00029

TITAN

CORKSCREW

MINE IPD

Staff Summary

CASE NUMBER & NAME: DCI2022-00029 / Titan Corkscrew Mine IPD

REQUEST: Request to amend the existing Industrial Planned Development (IPD) zoning to allow for an increase in mine depth of up to 80 feet, or to the top of the confining layer, whichever is reached first. No impact to the mine footprint is proposed.

RESOLUTION NUMBER: Z-23-013

LOCATION: 21751 Corkscrew Rd., Southeast Lee County Planning Community, Lee County, FL

OWNER: ESTERO HOLDINGS LLC

APPLICANT: Titan Florida LLC c/o Kelly Folsom

AGENT: Cindy Leal Brizuela
Morris Depew Associates
2914 Cleveland Ave.
Fort Myers, FL 33901

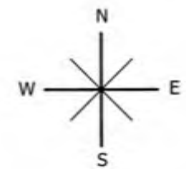
HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

PARTICIPANTS: (0) None

DCI2022-00029

Aerial

 Subject Property



0 1,000 2,000
Feet

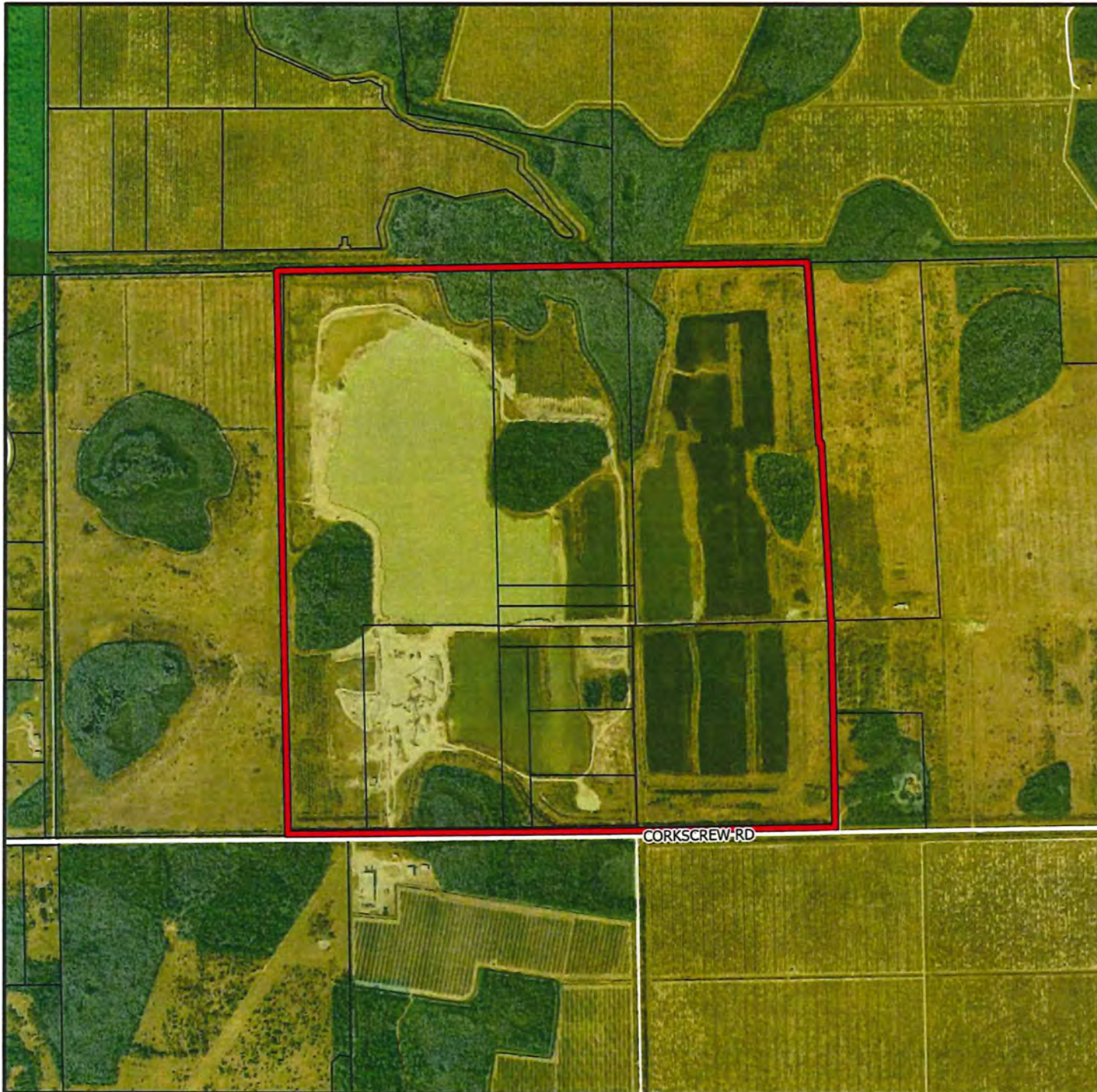


Summary of Hearing Examiner Recommendation

TITAN CORKSCREW MINE IPD

Applicant seeks to increase the depth of an existing mining operation. There will be no expansion to the mining footprint or change to operations.

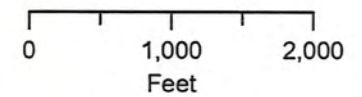
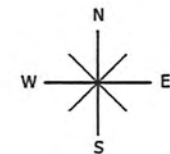
Detailed recommendation follows



DCI2022-00029

Future Land Use

-  Subject Property
-  Density Reduction/Groundwater Resource
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



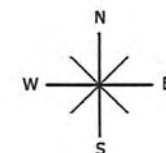
ATTACHMENT B



DCI2022-00029

Aerial

 Subject Property



0 1,000 2,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00029

Regarding: TITAN CORKSCREW MINE IPD

Location: 21751 Corkscrew Road
Southeast Lee County Planning Community
(District 2)

Hearing Date: March 23, 2023
Record Closed: April 7, 2023

I. Request

Amend an existing approved construction materials mine totaling 602± acres to increase mine depth from 50 feet to 80 feet or the top of the confining layer, whichever is reached first. There is no proposed change to the existing mine footprint.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend Industrial Planned Development (IPD) zoning on 602± acres to increase mine depth from 50 to 80 feet.

In preparing a recommendation to the Board, the Hearing Examiner applies the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to the testimony and evidence in the hearing record. The record must include substantial competent evidence to support the recommendation.

¹ LDC §34-145(d)(4)a.

Discussion supporting the Hearing Examiner's recommendation on the Titan Corkscrew Mine IPD follows.

Summary of the Request

The request seeks to increase mining depth on lands zoned IPD without increasing the mining footprint. There are no proposed changes to the mine operation, physical plant, processing equipment, excavation slopes, access, landscaping, buffering, or equipment used to excavate the material.²

The site fronts Corkscrew Road along its southern boundary. The Lee County line is approximately two miles east, with Alico Road six and a half miles west.



The Mine Site Plan reflects excavation in three phases across five areas. Site features include administrative offices, scale house, staging areas, vehicle/equipment maintenance building, and wetland/preservation areas. Access is limited to Corkscrew Road.³ Mining areas are separated from Corkscrew Road by a fenced berm and internal haul road.

² See Staff Report (pg. 4-5).

³ The proposed site plan shows an existing single driveway onto Corkscrew Road.

Accordingly, review of the subject request is limited to:

- 1) Traffic;⁷
- 2) Surface/Groundwater Modeling;⁸
- 3) Soil Boring;⁹
- 4) Surrounding Properties;¹⁰
- 5) Impacts;¹¹ and
- 6) Permits.¹²

Staff recommended approval of the request with conditions.

The Hearing Examiner recommends approval, finding Applicant satisfied LDC review criteria for a limited amendment to an existing mine.

History

The property was historically used for citrus farming.¹³ In 1999, a Special Exception and General Excavation Permit approved excavation/mining on 291.7± acres.¹⁴

In 2001, the county rezoned 602± acres from Agricultural (AG-2) to IPD and issued a General Excavation Permit.¹⁵ The IPD approved sand/rock processing, horticultural incineration, and related uses to a maximum depth of 50 feet, with conditions. Applicant estimates existing approvals yield approximately 17 million cubic yards of excavated material.¹⁶

Mining operations occur on the site under an active development order and various mining permits.¹⁷

⁷ LDC §12-121(j)(1)c.1: An updated traffic impact statement (TIS) that addresses traffic associated with the increased production of mining that is projected to result from the proposed depth increase. The updated TIS must include an updated level of service analysis and evaluation of site-related improvements, if any, necessitated by the increased production.

⁸ LDC §12-121(j)(1)c.2: Integrated surface and groundwater modeling must be provided that analyzes the impacts of the additional mine depth on groundwater and surface water resources and natural systems.

⁹ LDC §12-121(j)(1)c.3: Soil boring analysis demonstrating the depth of limerock materials and the depth of the confining layer.

¹⁰ LDC §12-121(j)(1)c.4: A list of surrounding property owners and map.

¹¹ LDC §12-121(j)(1)c.5.

¹² LDC §12-121(j)(1)c.6: A complete copy of existing permits, pending permit applications, and correspondence with federal and state permitting agencies.

¹³ See Staff Report (pg. 3).

¹⁴ See 99-04-035.06S (Staff Report Attachment F).

¹⁵ See Z-01-016 (Staff Report Attachment F).

¹⁶ Akin Testimony (Transcript pg. 52).

¹⁷ See Staff Report (pg. 3, referencing DOS2012-00010). The development order expires November 20, 2027 but has a pending extension request.

Character of Area

The property is in the Density Reduction/Groundwater Resource (DR/GR) land use category. Predominant uses on surrounding lands are limerock mining, conservation, agriculture, and residential.

A detailed summary of surrounding land uses follows below.

North: The 6,675± acre property to the north is known as the Kingston Development. It is approved through a settlement agreement to allow 10,000 dwelling units with amenities, 700,000 square feet of commercial uses, public facilities, and 240-room hotel/transient lodging units.¹⁸

Two mines are located farther north along S.R. 82, the Bell Road Mine and Troyer Brothers Mine.¹⁹

South: The southern property boundary abuts Corkscrew Road. Lands south of Corkscrew Road are zoned Agricultural (AG-2) within the DR/GR. Farm operations occupy these properties.

The Corkscrew Trace Airpark sits southwest of the site. The Airpark is a privately-owned, four-thousand-foot turf runway.²⁰

East: Agriculturally zoned lands to the east are in the DR/GR and Wetlands land use categories, owned by Lee County or private citizens. These properties host single family homes or farmlands. Residences are buffered from mining operations by county owned lands except for one single-family home adjacent to the mine's southeast boundary.²¹

West: Properties along the western boundary are zoned AG-2 in the DR/GR and Wetlands future land use categories. They are county owned. Corkscrew Estates sits approximately 2,000 feet farther west.²²

Lee Plan

Planned developments must be consistent with the Lee Plan.²³ Zoning approval is consistent with the Lee Plan if the proposed uses further the goals, objectives, and

¹⁸ See Staff Report (pg. 2).

¹⁹ *Id.*

²⁰ *Id.*

²¹ Testimony reflects the adjoining landowner has offered no objection to the request. Smith Testimony (Transcript pg. 40).

²² Corkscrew Estate features large lot residential development. See Staff Report (pg. 2).

²³ LDC §34-378(a), §34-411(a), §34-491, §34-901(2).

policies of the Lee Plan.²⁴ Mining activities must adhere to specified Lee Plan policies.²⁵

Lee Plan maps designate the property within the Southeast Lee County Planning Community.²⁶ Natural resource extraction operations are expressly permitted within this community.²⁷

The Lee Plan encourages industrial development opportunities in suitable locations.²⁸ The Plan also directs protection of areas with commercially valuable natural resources while minimizing adverse effects of extraction through efficient use of land.²⁹

Mines are the primary providers of building materials such as ready mix concrete, road base, asphalt, and concrete blocks. These materials are necessary to support regional construction projects. Applicant identified numerous construction projects in proximity to the mine in need of aggregate material.³⁰

The DR/GR area was established to protect surface and groundwater.³¹ The Plan requires land uses in the DR/GR to be compatible with maintaining surface and ground water at historic levels.³²

The request meets Lee Plan's directives as follows:

- Soil borings identified the site as a valuable source of limerock.³³
- Deepening excavation within the mine's existing footprint maximizes the opportunity to meet regional resource demands while mitigating the need to open new lands to mining activity. This results in a more efficient use of land.³⁴
- Mining depth is conditioned to prevent breach of the confining layer.³⁵
- Preservation areas have been placed under conservation easement.³⁶
- The mine's adopted surface/groundwater monitoring program will continue with deeper excavation.³⁷

²⁴ Lee Plan Chapter XIII.a.

²⁵ See LDC §12-107.

²⁶ Lee Plan Maps 1-B, 2-A, Goal 33.

²⁷ Lee Plan Goal 33.

²⁸ Lee Plan Goal 7.

²⁹ Lee Plan Goal 10.

³⁰ Akin Testimony (Transcript pg. 53).

³¹ Lee Plan Policy 1.4.5; See Goal 63.

³² *Id.*

³³ Lee Plan Goal 10; Staff Report (Attachment G).

³⁴ Smith Testimony (Transcript pg. 47).

³⁵ Lee Plan Policy 10.1.1; See Condition 6.

³⁶ Lee Plan Policy 10.2.5; Sorrells, Smith, and Roberts Testimony (pg. 18, 45, 50, & 60); Applicant's Ex. 1 (slide 45).

³⁷ Lee Plan Policies 10.2.1, 10.2.2.

- The request provides a finite resource needed to meet regional growth demands.³⁸
- The mine provides jobs through resource extraction as well as construction projects that utilize the extracted material.³⁹

Traffic⁴⁰

Applicants seeking to increase depth of an approved mine footprint must provide a traffic impact statement (TIS).⁴¹ The TIS must include an updated level of service analysis and evaluation of site-related impacts.⁴²

Trip Generation

Mine trip generation rates are directly proportional to demand for material.⁴³ Applicant's TIS concluded the request does not produce additional trips or affect levels of service on Corkscrew Road.⁴⁴

Applicant's transportation expert testified the request increases the depth of mining areas but does not increase the processing plant capacity.⁴⁵ Applicant asserts the plant's capacity controls the quantity of material transported from the site.

Staff agreed the request does not result in new traffic impacts beyond what current approvals contemplate.⁴⁶ Applicant must provide additional traffic studies at the time of mine development order (MDO) review.⁴⁷

Access/Level of Service

The request retains a single access to Corkscrew Road. Applicant installed turn lanes on Corkscrew Road pursuant to prior development approvals.⁴⁸ Scheduled improvements to Corkscrew Road include widening to four to six lanes along various segments.⁴⁹ These improvements will improve safety for the traveling public. Traffic studies reflect Corkscrew Road operates at acceptable levels of service with the requested mining activity.⁵⁰

³⁸ Akin Testimony (Transcript pg. 53).

³⁹ Lee Plan Goal 158.

⁴⁰ Applicant's transportation expert was Ted Treesh, President of TR Transportation Consultants, Inc.

⁴¹ LDC §12-121(j)(1)c.1.

⁴² *Id.*

⁴³ Treesh Testimony (Transcript pg. 13-16).

⁴⁴ Applicant's Ex. 3: TIS dated May 19, 2022 by TR Transportation Consultants, Inc. (pg. 4-5).

⁴⁵ Treesh Testimony (Transcript pg. 12-15).

⁴⁶ Staff Report (pg. 10, Attachment H), Roberts Testimony (Transcript pg.61).

⁴⁷ A MDO amendment must be approved prior to commencing activities authorized by this zoning amendment. Review of the MDO amendment is limited to incorporating specific changes approved herein. See LDC §12-121(j)(5).

⁴⁸ Treesh Testimony (Transcript pg. 13).

⁴⁹ See Applicant's Ex. 3: TIS dated May 19, 2022 by TR Transportation Consultants, Inc. (pg. 3).

⁵⁰ See *Id.*; Applicant's Ex. 1 (slide 11).

Applicant is subject to annual traffic monitoring pursuant to development order requirements. Applicant will continue to be held to this requirement.⁵¹

Surface/Groundwater Modeling

Applicant's experts concluded the requested depth increase would not affect surface or groundwater levels.⁵²

Surface Water⁵³

The property has been approved for mining since 1999.⁵⁴ Applicant obtained an environmental resource permit from the South Florida Water Management District ("SFWMD") in 2001 consistent with original zoning approvals.⁵⁵ The permit conditions stormwater containment, water quality monitoring, site reclamation, wetland creation, and other impacts to surface waters.⁵⁶ The SFWMD recently approved Applicant's permit amendment to increase mining depth to 80 feet.⁵⁷

The water management system consists of a perimeter berm.⁵⁸ The berm and water management features ensure project stormwater remains on the property, even during storm events.⁵⁹ The design of the mine's surface water management system avoids negative impacts to water resources.⁶⁰

The requested depth increase does not pose changes to the mine's lakes size or configurations. Accordingly, the increase to mining depth does not alter the current water management system or present off-site impacts.⁶¹

⁵¹ The request does not negate the existing development order imposing this requirement. Treesh and Akin Testimony (Transcript pg. 15).

⁵² Lee Plan Goal 63; Shute and Martin Testimony (Transcript pg. 21-34).

⁵³ Applicant's surface water expert was Ryan Shute, PE, Morris Depew Associates.

⁵⁴ See Staff Report (pg. 10, Attachment F); Z-01-016.

⁵⁵ SFWMD Permit # 36-03663-P; Shute Testimony (Transcript pg. 21-22).

⁵⁶ Lee Plan Objective 10.2, Policy 10.2.6

⁵⁷ SFWMD Permit #36-108258-P, issued Feb. 20, 2023; Staff Report (Attachment L); Shute Testimony (Transcript pg. 22). Environmental Resource Permits (ERPs) are required to prevent flooding, protect water quality from stormwater pollution, and protect wetlands and other surface waters. This permitting process entails detailed review by engineers, geologists, environmental professionals. Issuance of permit is an indication that the project would be consistent with the Florida Coastal Zone Management Program and the Clean Water Act.

⁵⁸ The design of the mine's water management system accommodates zero discharge from the site during active mining, including storm events. Shute Testimony (Transcript pg. 23-24). See Lee Plan Policy 125.1.3.

⁵⁹ Berm design contains surface waters for a 25-year/3-day storm event without discharge. Shute Testimony (pg. 23-24).

⁶⁰ Applicant updated its Pollution Prevention Plan in December 2022. See Staff Report (Attachment K); Lee Plan Goal 60, Objective 10.2, Policies 10.2.6, 33.2.7, 60.1.1, 60.1.3.

⁶¹ Shute Testimony (Transcript pg. 23-24).

Ground Water⁶²

Applicant's hydrogeologist expert conducted groundwater-modeling exercises using site data to determine the impact of deepening the mine on aquifer water levels and water quality.⁶³

Modeling evaluates changes in water levels resulting from the proposed increase in mine depth.⁶⁴ The model simulations allow comparisons between existing conditions and conditions during/post mining. In all simulations, modeling results demonstrated no adverse effect to ground water levels, wetlands, or flow-ways.⁶⁵ Dewatering is prohibited.⁶⁶ Applicant is subject to water quality monitoring under the SFWMD environmental resource permit and county development order approvals.⁶⁷

Soil Boring⁶⁸

The LDC requires a soil boring analysis demonstrating the depths of limerock materials and the confining layer.⁶⁹

Applicant's geotechnical expert compiled comprehensive data on the site's geology, which confirmed the presence of aggregate quality limestone.⁷⁰ Numerous core samples confirmed the presence of limestone at depths ranging from 80 to 140 feet.⁷¹ The depth limitation to 80 feet ensures the integrity of the confining unit and avoids direct connections between the water table aquifer and the underlying sandstone aquifer.

⁶² Applicant's expert was hydrogeologist Kirk Martin.

⁶³ Lee Plan Objective 10.2, Policy 33.2.7. Applicant utilized seven monitoring wells and three staff gauges. Applicant had decades worth of site-specific data at its disposal from monitoring wells in place. Applicant applied site data along with data from regional sources in the models. See Applicant's Ex. 1 (slides 28-38); Staff Report (Attachment J)

Lee Plan Policy 33.2.7; Groundwater models are simulations of an area's water budget. Models are tools to assess impacts to a hydrologic system when the system. Applicant used the recently calibrated MIKE SHE/MIKE11 model for South Lee County completed as part of the South Lee County Watershed Initiative. Martin Testimony (Transcript pg. 30-33); Staff Report (Attachment G); Applicant's Ex. 1 (slides 28-38).

⁶⁴ All models considered the gradients of the water table aquifer in the region as well as fluctuations in the water table.

⁶⁵ See Staff Report (Attachment G: Water Science Associates Technical Memorandum, dated May 6, 2022).

⁶⁶ See Condition 5. Public hearing approval is required if Applicant seeks to dewater. Lee Plan Policies 10.1.1, 33.1.5.

⁶⁷ Akin and Smith Testimony (Transcript pg. 43, 49). The request does not alter existing water quality monitoring requirements.

⁶⁸ Applicant's soil boring expert was hydrogeologist Kirk Martin. (Transcript pg. 8, 27).

⁶⁹ LDC §12-121(1)(j)(1)c.3.

⁷⁰ Data collection included seven borings in 1998 to a depth of 50 feet, five borings in 2000 to 50 feet, and 15 borings in 2002 to depths between 85-145 feet with detailed lithologic assessment. Data confirmed limestone to depths ranging from 80 – 140 feet. See Staff Report (Attachment G: Report of Geotechnical Exploration and Recommendations prepared by Allied Engineering & Testing, Inc., dated Oct. 30, 2002); Applicant's Ex. 1 (slide 25); Martin Testimony (Transcript pg. 27).

⁷¹ *Id.*

Surrounding Properties⁷²

Applicant provided a list of surrounding property owners and map consistent with this LDC requirement.⁷³

Impacts

The LDC requires applicants for excavation depth increases to describe impacts anticipated from the request.⁷⁴

Mine Operations⁷⁵

The request poses no changes to mine operations, equipment used, or hours of operation. Applicant updated the Hazardous Materials Emergency Plan.⁷⁶ The requested depth increases the quantity of excavated material by 17 million cubic yards.⁷⁷

Neighboring Uses⁷⁸

The LDC requires an analysis of the proposed depth increase on *existing* neighboring uses.⁷⁹ The Lee Plan directs the County to promote opportunities for industrial development in *suitable locations*.⁸⁰ Industrial land uses must be located in areas appropriate for their special needs and constraints, including compatibility with neighboring uses.⁸¹

Mining operations have occurred on-site for decades. The record contains no evidence of negative off-site impacts. Neighboring lands host predominantly agricultural operations. There are two other mines in the general vicinity. A unique feature of the property is its distance from residential development.⁸²

Existing setbacks accomplish the Lee Plan directive to protect residential land uses.⁸³

⁷² LDC §12-121(j)(1)c.4. Lee Plan Policy 10.2.3. Confining units are composed of clay material with low hydraulic conductivity.

⁷³ See Staff Report (Attachment G).

⁷⁴ LDC §12-121(j)(1)c.5.

⁷⁵ LDC §12-121(j)(1)c.5.i.

⁷⁶ See Staff Report (Attachment K).

⁷⁷ Akin Testimony (Transcript pg. 52); Smith Testimony (Transcript pg. 37). Testimony reflects the requested depth increase doubles the amount of material the mine is expected to produce.

⁷⁸ LDC §12-121(j)(1)c.5.ii.

⁷⁹ *Id.*

⁸⁰ Lee Plan Goal 7.

⁸¹ Lee Plan Policy 7.1.3.

⁸² Lee Plan Policy 10.2.1. The Kingston development was discussed as *prospective* development. The LDC limits review of the request to *existing* neighboring uses.

⁸³ Lee Plan Policies 5.1.5, 10.2.4, 135.9.5 and 135.9.6. There is a single family residence in close proximity, but Applicant indicated no objection has been raised by the owner. Smith testimony (Transcript pg. 40).

Hydrogeologic Conditions⁸⁴

Applicant's hydrogeologist expert concluded the proposed increase to mine depth of 80 feet or the confining layer presents no adverse impact to on-site conditions.⁸⁵

Environmental⁸⁶

Applicants seeking to increase mine depths within existing footprints must describe impacts to wetlands/watershed protection and wildlife conservation.⁸⁷

Applicant's expert ecologist identified the site's composition as 83 percent mining operations/lakes.⁸⁸ Indigenous wetland and upland habitats comprise 82.99 acres, with the majority under conservation easement.⁸⁹ Conservation easements ensure perpetual management of indigenous habitat areas.⁹⁰ Indigenous areas remain subject to an approved Indigenous Management Plan.⁹¹ Together, the conservation easement and Management Plan ensure protection of environmentally sensitive features of the site.

The protected species survey revealed various species on-site, mostly within the conservation area.⁹² Applicant must provide a Protected Species Management Plan at the time of development order review.⁹³

Transportation Routes⁹⁴

The request proposes no changes that impact existing transportation routes.⁹⁵

Permits

Applications for mine depth increases must include a complete copy of existing permits and pending permit applications.⁹⁶

⁸⁴ LDC §12-121(j)(1)c.5.iii.

⁸⁵ Martin Testimony (Transcript pg. 29-34).

⁸⁶ LDC §12-121(j)(1)c.5.iv-v.

⁸⁷ LDC §312-121(j)(1)c.5.iv-v.

⁸⁸ Sorrells Testimony (Transcript pg. 18). Mr. Sorrells stated 498.41 acres of the 602 acre site is occupied by active or previously mined lakes or mining operations.

⁸⁹ *Id.* 75.51 acres identified as under conservation easement to SFWMD.

⁹⁰ Lee Plan Policy 123.2.8

⁹¹ *Id.*

⁹² Sorrells Testimony (Transcript pg. 17-20).

⁹³ The Hearing Examiner inquired about references to Florida panther and limpkin in the record, which were not mentioned at hearing. Mr. Sorrells clarified that those species were observed during other fieldwork and not during the protected species survey. Mr. Sorrells testified the Florida panther would be address in the management plan at time of development order. Sorrells Testimony (pg. 20-21).

⁹⁴ LDC §12-121(j)(1)c.5.vi. .

⁹⁵ See Applicant's Ex. 3; Staff Report (Attachment H).

⁹⁶ LDC §12-121(1)(j)(1)c.6.

Applicant provided the requisite information to satisfy this requirement.⁹⁷

Public Services

The IPD has access to a host of urban services including paved roads, fire protection, emergency medical services, and law enforcement. The site accesses Corkscrew Road, an arterial road.⁹⁸

Estero Fire Protection and Rescue District provides fire protection and emergency medical services.⁹⁹ The Lee County Sheriff's South District serves the project.

Operations will continue to utilize onsite wells and septic system.¹⁰⁰

Deviations

"Deviations" are departures from the land development regulations.¹⁰¹ The Hearing Examiner's standard of review for deviations requires a finding that the deviation:

1. Enhances the achievement of the objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.¹⁰²

The request carries forward one approved deviation pertaining to excavation lake bank slopes.¹⁰³ Staff recommended approval of the deviation.¹⁰⁴ Applicant does not request new deviations.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect the county's water resources.¹⁰⁵ Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.¹⁰⁶ The Hearing Examiner

⁹⁷ See Applicant's Ex. 1 (slide 44-46); Smith Testimony (Transcript pg. 39).

⁹⁸ See Staff Report (Attachment H).

⁹⁹ See Staff Report (pg. 15). Estero Fire Protection and Rescue District Station 45 is 2.3± miles west of the site. The nearest Lee County Sheriff station is 13.6± miles to the southwest.

¹⁰⁰ The DR/GR is a Non-Urban Area. Lee Plan Objective 1.4, Policy 1.4.5, Standards 4.1.1, 4.1.2. See Staff Report (pg. 10).

¹⁰¹ LDC §34-2.

¹⁰² LDC §34-377(a)(4); See also Lee Plan Policy 2.2.1.

¹⁰³ Deviation 1 permits a lake bank slope of 4:1 rather than 6:1 with suitable native wetland vegetation. This deviation was previously approved.

¹⁰⁴ See Staff Report (pg. 10).

¹⁰⁵ Lee Plan Goal 10, Objective 10.1, Policies 5.1.5, 7.1.1, 7.1.2, 135.9.6 LDC §34-145(d)(4)a.2.(b), LDC §34-377(a)(3), §34-411, and §34-932(c).

¹⁰⁶ LDC §34-932(b).

recommends the IPD be subject to several conditions designed to address impacts reasonably anticipated from the mine operation.¹⁰⁷

Public

No members of the public attended the hearing.

Conclusion

The Lee Plan and LDC require mine requests to balance the critical need for material resources with the potential effects of extraction on the human/natural environments and hydrology of the surrounding area. Applicant provided competent substantial evidence to support finding this balance is met, as conditioned.¹⁰⁸

The Hearing Examiner recommends approval, finding the requested depth increase is consistent with the Lee Plan and meets LDC review criteria.

IV. Findings and Conclusions

Based upon testimony and evidence in the record, the Hearing Examiner finds the Titan IPD meets the following review criteria:

A. The proposed IPD zoning district, *as conditioned*:

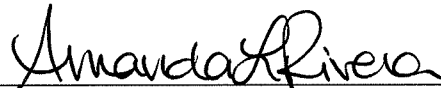
1. Complies with the Lee Plan; (Goals 4, 7, 10, 60, 61, 63, 69, 123, 124, 125, 126, 127, 158, Objectives 1.4, 1.5, 124.1, 4.1, 10.1, 10.2, 33.1, 61.3, Policies 1.4.1, 1.4.5, 7.1.3, 7.1.6, 7.1.8, 10.1.1, 10.1.6, 10.2.4, 10.2.8, 33.1.7)
2. Meets the LDC and other applicable County regulations or qualifies for deviation;
3. Is compatible with existing and planned uses in the surrounding area;
4. Will provide access sufficient to support the proposed development intensity; (Lee Plan Policy 7.1.3)
5. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval; (Lee Plan Policies 7.1.1, 7.1.2, 7.1.3, 7.1.5, 39.1.1);
6. Will not adversely affect environmentally critical or sensitive areas and natural resources; (Lee Plan Policy 125.1.3) and
7. Will be served by urban services including paved roads, fire, EMS, and police even though not located in an urban area. (Lee Plan Policies 7.1.3, 7.1.5)

¹⁰⁷ LDC §34-83(a)(4)a.3, §34-377(a)(3); Lee Plan Goals 10, 33, 61, Objective 62.2, Policies 5.1.5, 60.1.1, 61.2.6.

¹⁰⁸ The record contains documentary evidence and testimony detailing proposed impacts of the requested depth increase.

- B. The proposed mix of uses is appropriate at the proposed location. (Lee Plan Goals 7, 10, 33, 158, Objective 10.1, Policies 1.4.5, 7.1.3, 10.1.1, LDC 34-145(d)(4)a.2.a))
- C. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. (Lee Plan Objective 69.3, Policies 7.1.8, 10.2.4, 135.9.5, 135.9.6, LDC 34-145(d)(4)a.2.b), 34-932)
- D. The requested deviation enhances achievement of the objectives of the planned development and preserves/promotes the intent of the LDC to protect public health, safety, and welfare. (LDC 34-145(d)(4)a.2.c))

Date of Recommendation: May 18, 2023.



Amanda L. Rivera
Deputy 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 Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

DESCRIPTION:
(FROM TITLE CERTIFICATION)

BASED ON DEED RECORDED AS CLERK'S INSTRUMENT NUMBER 2016000258359
A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 46 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N.01°13'13"W., A DISTANCE OF 50.00
FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE N.89°19'02"E., ALONG SAID
RIGHT-OF-WAY LINE, A DISTANCE OF 2105.09 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE
N.01°13'13"W., LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5237.22 FEET TO THE NORTH LINE OF SAID
SECTION 22; THENCE N.88°56'31"E. ALONG SAID NORTH LINE, A DISTANCE OF 3111.57 FEET TO THE NORTHWEST
CORNER OF SAID SECTION 23; THENCE N.88°57'38"E., ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF
1760.08 FEET; THENCE S.03°51'12"E., A DISTANCE OF 1680.00 FEET; THENCE N.88°58'13"E., A DISTANCE OF 19.38
FEET; THENCE S.03°17'23"E., A DISTANCE OF 1624.28 FEET; THENCE N.88°00'56"E., A DISTANCE OF 4.19 FEET;
THENCE S.01°09'27"E., A DISTANCE OF 838.86 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF
LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000055213, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA; THENCE CONTINUING S.01°09'27"E., ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF
1115.12 FEET TO AN INTERSECTION WITH THE SAID NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD, SAID
INTERSECTION BEING THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE S.88°51'50"W., ALONG SAID
NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1841.39 FEET TO AN INTERSECTION WITH THE SECTION LINE
COMMON TO SAID SECTIONS 22 AND 23; THENCE S.89°19'02"W., CONTINUING ALONG SAID NORTHERLY
RIGHT-OF-WAY LINE, A DISTANCE OF 3187.66 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.
CONTAINING 600.51 ACRES, MORE OR LESS.

SURVEY NOTES:

DESCRIPTION FROM TITLE CERTIFICATION, PREPARED BY OLD REPUBLIC NATIONAL INSURANCE
COMPANY, FILE NO. 20052479, DATED AUGUST 18, 2022 @ 11:00 P.M.

ORIENTATION BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, BEARING
N. 89°19'02" E, PER FLORIDA GRID, WEST ZONE.

WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER, THIS MAP IS NOT VALID.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE GRID, WEST ZONE, NAD 83/2011.

THIS IS NOT A SURVEY

REVIEWED
DC12022-00029
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/25/2022

PREPARED BY:

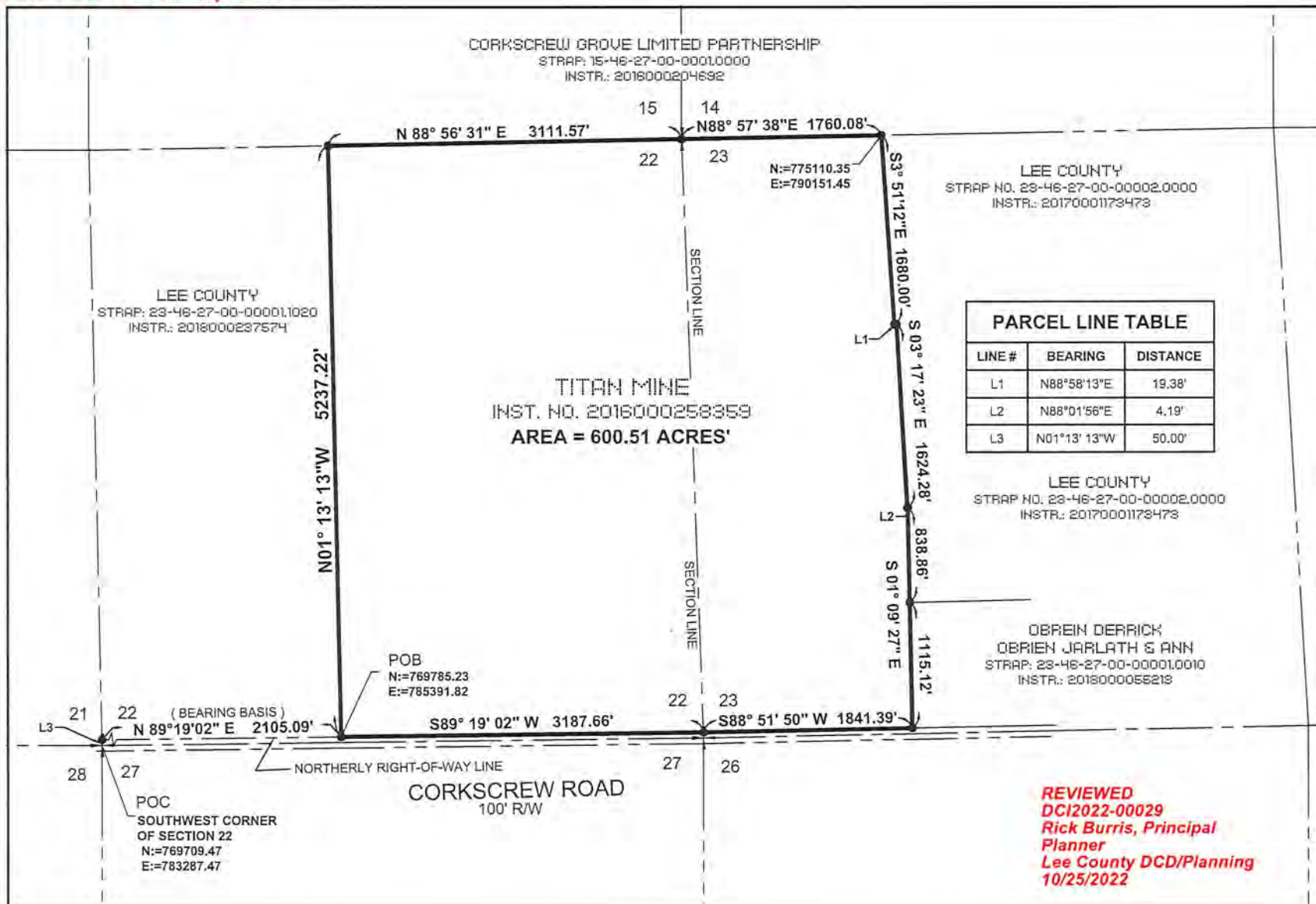


PSM 6347

THOMAS M. ROOKS JR., P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2022.09.23
15:18:01 -04'00'

PROJECT:	TITAN MINE
LOCATION:	SECTION 22 & 23 TWP. 46 R. 27
CLIENT:	TITAN
CONSULTANT:	 ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS P.O. BOX 1000, 1000 N. 10TH AVE., SUITE 100, TAMPA, FL 33604 Fort Myers 2814 Cleveland Avenue Fort Myers, Florida 33901 (941) 337-0100 Fax: (941) 337-0884 Toll Free: 800-321-1541 Tallahassee 113 South Monroe Street 1st Floor Tallahassee, Florida 32301 Toll Free: 800-321-1541 Dustin 5597 Highway 90 3450 23rd Sarasota Beach, Florida 34238 Toll Free: 800-321-1541
REVISIONS	DATE
ADD ACREAGE	04-15-2020
SURVEYOR OF RECORD	09-23-2022
PROJECT MANAGER:	T.M.R.
DRAWING BY:	A.M.R./T.A.B.
JURISDICTION:	LEE COUNTY
DATE:	9/23/2022
SHEET TITLE:	SKETCH AND DECIPTION
SHEET NUMBER:	1 OF 2
JOB/FILE NUMBER:	18058



PROJECT: **TITAN MINE**

LOCATION: **SECTION 22 & 23
TWP. 46 R. 27**

CLIENT: **TITAN**

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
111 CANAL STREET • FORT MYERS, FLORIDA 33901
TEL: 888-333-7241 • FAX: 888-333-7241

Tallahassee 113 South Monroe Street, 1st Floor, Tallahassee, Florida 32301
Fort Myers 2014 Cleveland Avenue, Fort Myers, Florida 33901
Destin 597 Highway 99, Unit 201, Destin, Florida 32541

REVISIONS	DATE
ADD ACREAGE	04-15-2020
SURVEYOR OF RECORD	09-23-2022

PROJECT MANAGER: **T.M.R.**

DRAWING BY: **A.M.R./T.A.B.**

JURISDICTION: **LEE COUNTY**

DATE: **11/11/2019**

SHEET TITLE: **SKETCH AND DECEIPTION**

SHEET NUMBER: **2 OF 2**

SCALE 1"=1000'

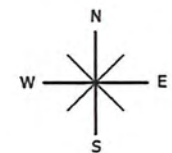
JOB/FILE NUMBER: **18058**



DCI2022-00029

Zoning

 Subject Property



0 1,000 2,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

1. **Master Concept Plan (MCP) and Mine Duration**

- a. MCP. Development must be consistent with the two-page MCP entitled "Corkscrew Mining IPD," last revised April 04, 2023, except as modified by the conditions below.
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation herein. Subsequent changes to this resolution or the MCP may require additional approvals.
- c. Mine Duration. This IPD received approval to operate mining excavations for a maximum of 31 years from the date of approval of Zoning Resolution Z-01-016 (April 30, 2001). The date has been extended and may continue to be extended consistent with the LDC. If Developer does not maintain a valid Excavation/Mining Operations Permit (Mining Operation Permit), the mine must cease operations and complete the public hearing process prior to reestablishing the use.

2. **Schedule of Uses and Development Regulations**

The following limits apply to the project and uses:

a. **Schedule of Uses**

Primary Permitted Use:

Excavation: Mining

Accessory Uses to the Primary Permitted Use:

Administrative Office

Auto Repair and Service, All Groups LDC (limited to the maintenance and repair of vehicles and equipment for the mining operations vehicles and equipment)

Contractors and Builders, Group III only (further limited to the land clearing and mining operation contemplated in this IPD)

Entrance Gate and Gatehouse

Excavation, water retention

Manufacturing of: Stone, clay, glass, and concrete products: Group IV only (limited to the processing of the mined materials of sand and limerock)

Scale House

Self-Service Fuel Pumps (further limited by Note 24 of LDC §34-934 to two pumps for the on-site business to provide fuel for their own fleet of vehicles and equipment)

Signs, in accordance with LDC Chapter 30

Storage: Storage, open

b. Site Development Regulations

Site operations must be setback 250 feet from non-residential property lines. Setbacks from residential property must be in accordance with the most restrictive requirement found in the LDC.

3. Alligator Signage

Development order plans must include the location and verbiage of signs prohibiting the feeding or harassment of alligators.

4. Mine Operation Permit (MOP)

Developer must submit a copy of the Certificate to Dig prior to approval of an Excavation/MOP.

5. De-Watering Prohibited

The IPD does not permit de-watering. A public hearing is required to allow de-watering.

6. Maximum Depth

The maximum permitted excavation depth is the lesser of 80 feet or the depth of the confining layer.

7. Hours of Operation

6:00 a.m. to 6:00 p.m., Monday through Saturday (excluding holidays).

8. Helicopter Pad

Developer must meet with the Department of Public Safety and agree to the location of a designated helicopter landing zone and the means of access for the Emergency Medical Services Unit, unless the previously approved location remains viable.

9. **Road Repair**

The MOP permit holder must repair damages to roadways directly attributable to this mining operation.

10. **Road Impact Fees**

Developer is subject to road impact fees for mining/excavation uses, provided such fee is adopted/applicable within the duration of the excavation/mining operation.

11. **Truck Access**

Until the proposed road improvements on Corkscrew Road are completed, trucks entering/leaving the mine must be instructed to use Alico Road to access I-75/US 41 rather than Corkscrew Road. Developer or their successors must instruct all trucks using the mine to observe this rule and cooperate with other regulatory agencies in its enforcement. "Instruction" includes signs posted and clearly visible at the scale house, the office, and the egress point onto Corkscrew Road.

12. **Right-of-Way Buffer**

Developer must maintain a 15-foot right-of-way (type D) buffer along Corkscrew Road in addition to the citrus grove. If the citrus grove is no longer maintained, Developer must obtain administrative approval to install a visual buffer comparable to the grove's buffering effect.

13. **Development Approvals**

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

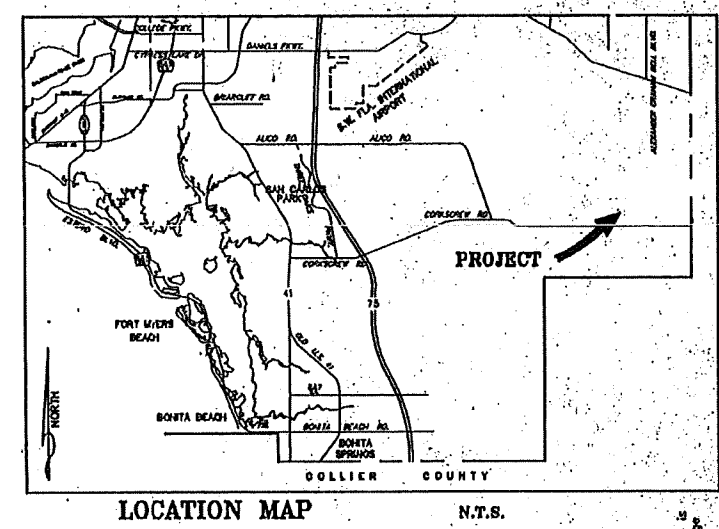
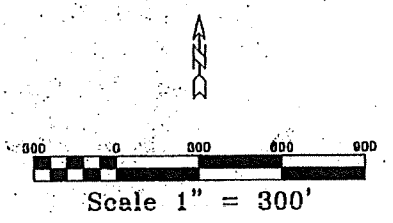
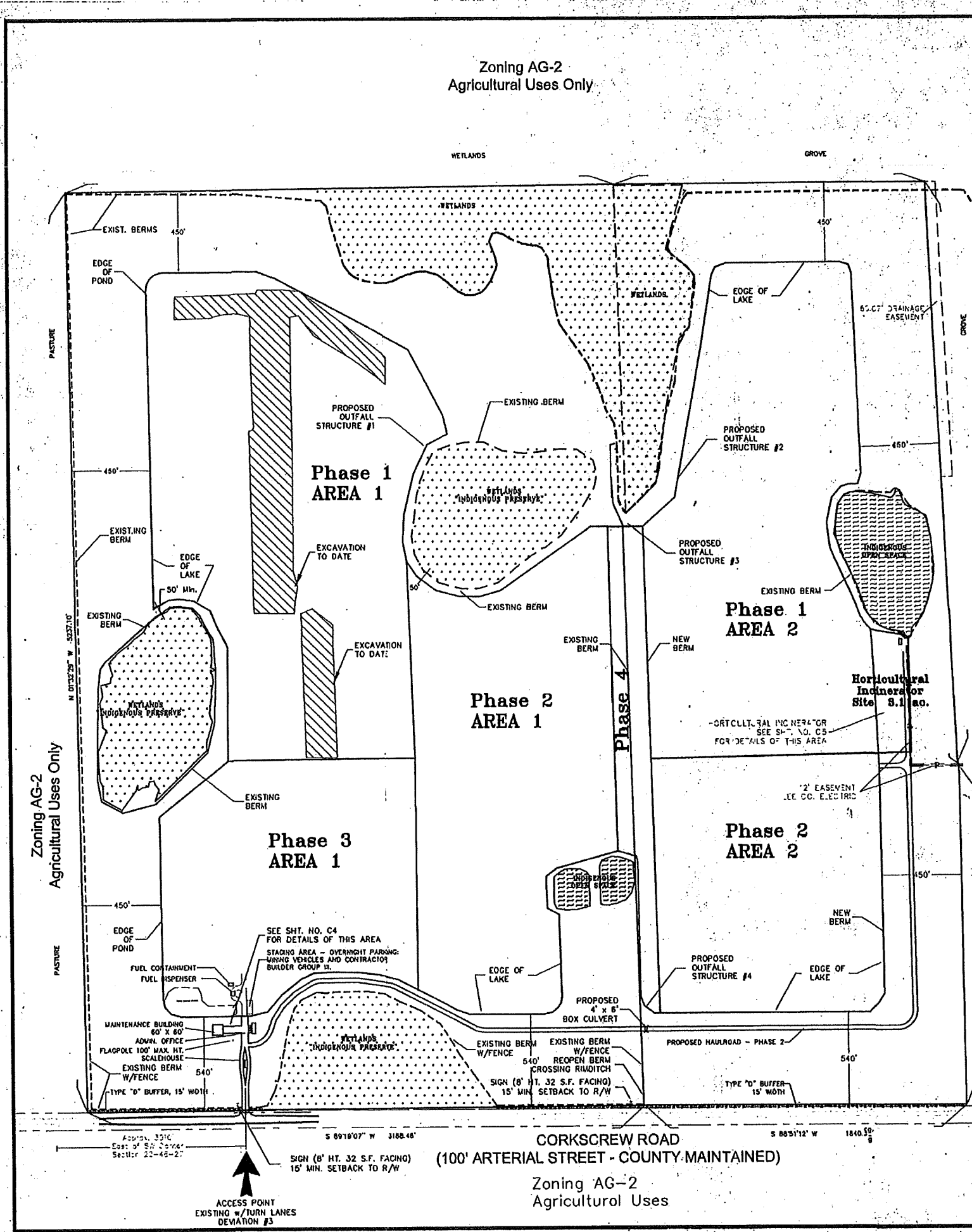
DEVIATIONS

1. **Lake Bank Slope**. Deviation (1) seeks relief from the LDC§10-329(d)(4) requirement to provide a bank slope of 6:1; to allow a bank slope of 4:1 with suitable native wetland vegetation as required.

HEX Recommendation: Approve

Exhibits to Conditions:

B1 Master Concept Plan revised April 4, 2023



Zoning AG-2
Agricultural Use only

Zoning AG-2
Agricultural Use w/HOUSE.

DEVIATIONS:
1. Slopes: Request deviation from LOC Sec. 10-329(d)(4) which requires bank slope of 8:1 to allow a 4:1 slope with suitable native wetland vegetation as required.

DESCRIPTION OF OPERATION:
Mining
Mining activity is anticipated for 31 years. Phasing of the operation is shown on the Master Concept Plan. Each ten-year phase of Areas 1 & 2 will operate at the same time as similar designated phase in other area (i.e. Phase 1, Area 1 together with Phase 1, Area 2). Reclamation will commence within 6 months after completion in any area and be completed within 12 months of completion of the phase or operation abandonment. Upon completion of Phase 2, Area 2 and Phase 3, Area 1, the excavation will commence with installation of all drainage control structures completed. The method of excavation by dragline will continue to be used to extract the material without dewatering. Material will be excavated (Wet Method) by dragline stockpiled in windrow immediately adjacent to the pit for a period of 5 days to allow the moisture to dissipate and return to the pit. It is then loaded onto outgoing trucks for offsite distribution.
Processing Materials
This activity is anticipated as a small portion of the material is limestone for 3' in depth in certain areas of the proposed lake. Blasting of this layer will be required prior to removal on a periodic basis as encountered. Crushing, washing and screening operations are proposed to be located in the upland area near the active excavation area. It should be noted that only a small portion of the excavated material is forecast by the borings to need processing. Most material will be bank run fill material excavated stockpiled and transloaded onto delivery trucks. Also, sand screening for septic tank drainfield sand is proposed in the upland area near the active excavation area. As much as 10' of vertical profile may be useable, but due to changing soil conditions it is not consistently graded enough to rely on full time certification of gradation. When identified during excavation the personnel will perform field testing of percolation rates. If suitable then screening operations would commence for that pocket of material in its wet excavated condition from the stockpile formed by excavation equipment adjacent to the immediate area of excavation.
Horizontal Air Curtain Incinerator
This operation is proposed to be located in the upland area near the eastern edge of the property a minimum of 250' setback to side property line. Truck traffic will be optimized by loading outgoing trucks with fill, after unloading horticultural material.

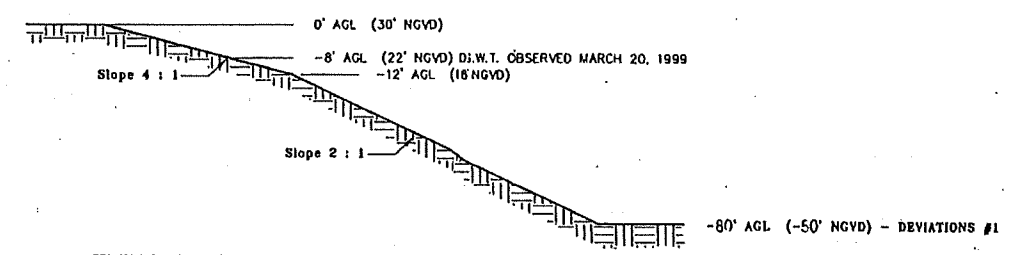
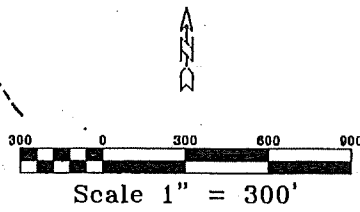
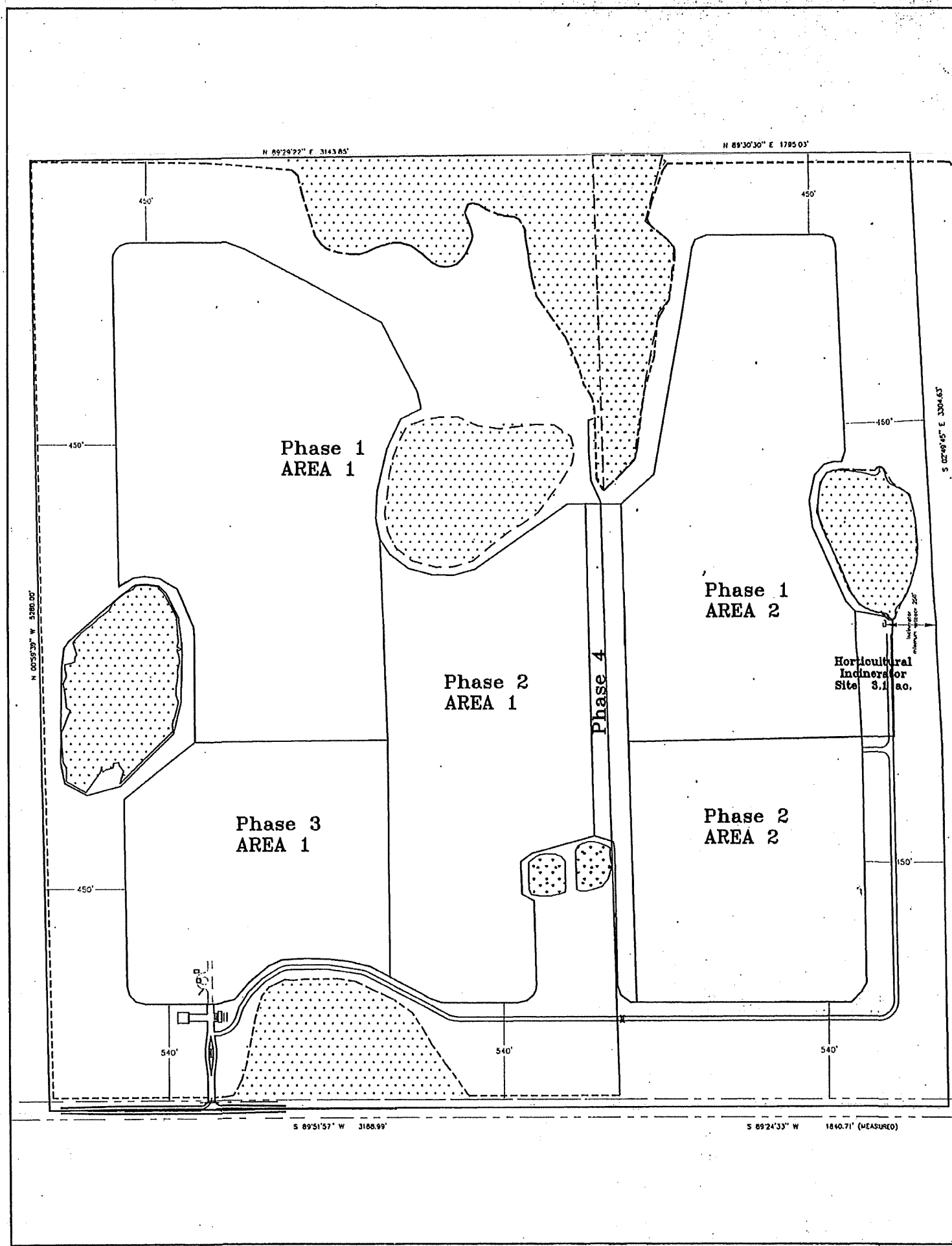
CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and shows to the best of my knowledge and belief all information required by the requirements of this Land Development Code.

Surveying
Real Estate
Engineering
Construction
Land Investment Services, Inc.
An Intangible Development Corporation
2040 Clarke Avenue
Fort Myers, FL 33905
Phone: (813) 983-8244
Facsimile: (813) 983-8222

CORKSCREW MINING IPD
Section 22 & 23, Twp. 46, Rge. 27
MASTER CONCEPT PLAN

SCALE:
1"=300'-0"
DATE:
APRIL 4, 2023
SHEET
Z1

MASTER CONCEPT PLAN & PROPOSED MINING PLAN



TYPICAL SLOPE DETAIL

CORKSCREW MINING IPD Section 22 & 23, Twp. 46, Rge. 27 REHABILITATION & RECLAMATION PLAN	
SCALE: 1"=300'-0"	DATE: APRIL 4, 2023
SHEET Z2	
Construction Engineering Real Estate Surveying Land Investment Services, Inc. An Investment Development Corporation 2040 Clarke Avenue Ft. Myers, FL 33905 Phone: (941) 693-9244 Facsimile: (941) 693-9828	
1. REVISED 2. REVISED	10/25/00 05/04/23

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Brain Roberts, Plan Reviewer, date received March 8, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County Staff, for DCI2022-00029, Titan Corkscrew Mine IPD, (multiple pages – 8.5"x11")[color]
3. *Written Submissions:* Email from Jamie Princing, to Hearing Examiner, Cindy Leal Brizuela, Maria Perez, B. Smith, R. Shute, Richard Akin, Esq., Brian Roberts, Anthony Rodriguez, Elizabeth Workman, Nicholas DeFilippo, Rebecca Sweigert, Brandon Dunn, Marcus Evans, Farhan Butt, Rakibul Alam, Phil Gillogly, dated Friday, April 7, 2023 8:52 AM (2 pages – 8.5"x11"){post hearing submittal}

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Cindy Leal Brizuela with Morris Depew, to Hearing Examiner and Maria Perez, with copies to Ben Smith, Ryan Shute, Richard Akin, and Brian Roberts, dated Monday, March 20, 2023 1:51 PM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for DCI2022-00029, Titan Corkscrew Mine IPD, dated March 23, 2023 (multiple pages – 8.5"x11")[color]
2. *Master Concept Plan:* Prepared by Land Investment Services, Inc., for Corkscrew Mining IPD, last revised 12/12/2000 (2 pages – 11"x17")
3. *Traffic Impact Statement:* Prepared by TR Transportation Consultants, Inc., for Titan Florida Corkscrew Road Mine IPD, dated May 19, 2022 (multiple pages – 8.5"x11")
4. *Written Submissions:* Email from Cindy Leal Brizuela with Morris and Depew, to Hearing Examiner, with copies to Maria Perez, Brian Roberts, Ben Smith, Ryan Shute, Richard Akin, Esq., dated Wednesday, April 5, 2023 1:00 PM (3 pages – 8.5"x11" & 2 pages – 11"x17") {post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Brian Roberts

Applicant Representatives:

1. Richard Akins, Esq.
2. Kirk Martin
3. Ryan Shute
4. Ben Smith
5. Jesse Sorrells
6. Ted Treesh

Public Participants:

None

Exhibit E
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

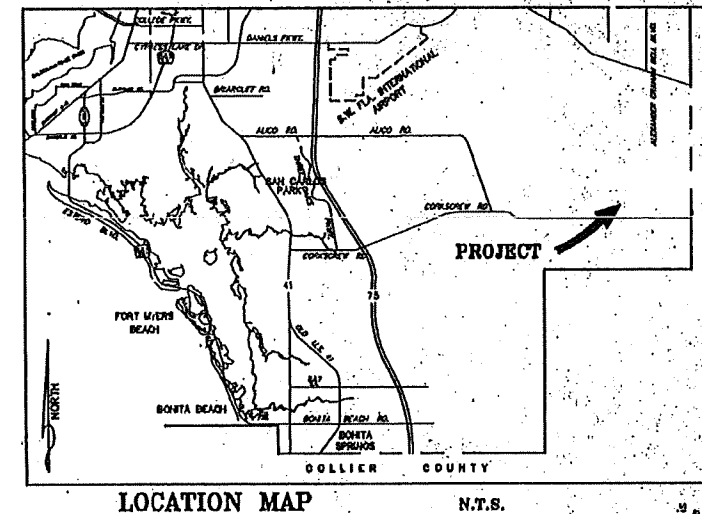
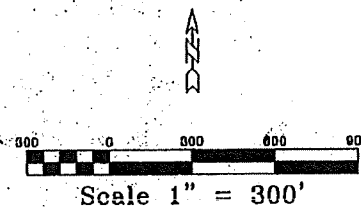
- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the 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.

DCI2022-00029

Zoning AG-2
Agricultural Uses Only



CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and shows to the best of my knowledge and belief all information required by the requirements of this Land Development Code.

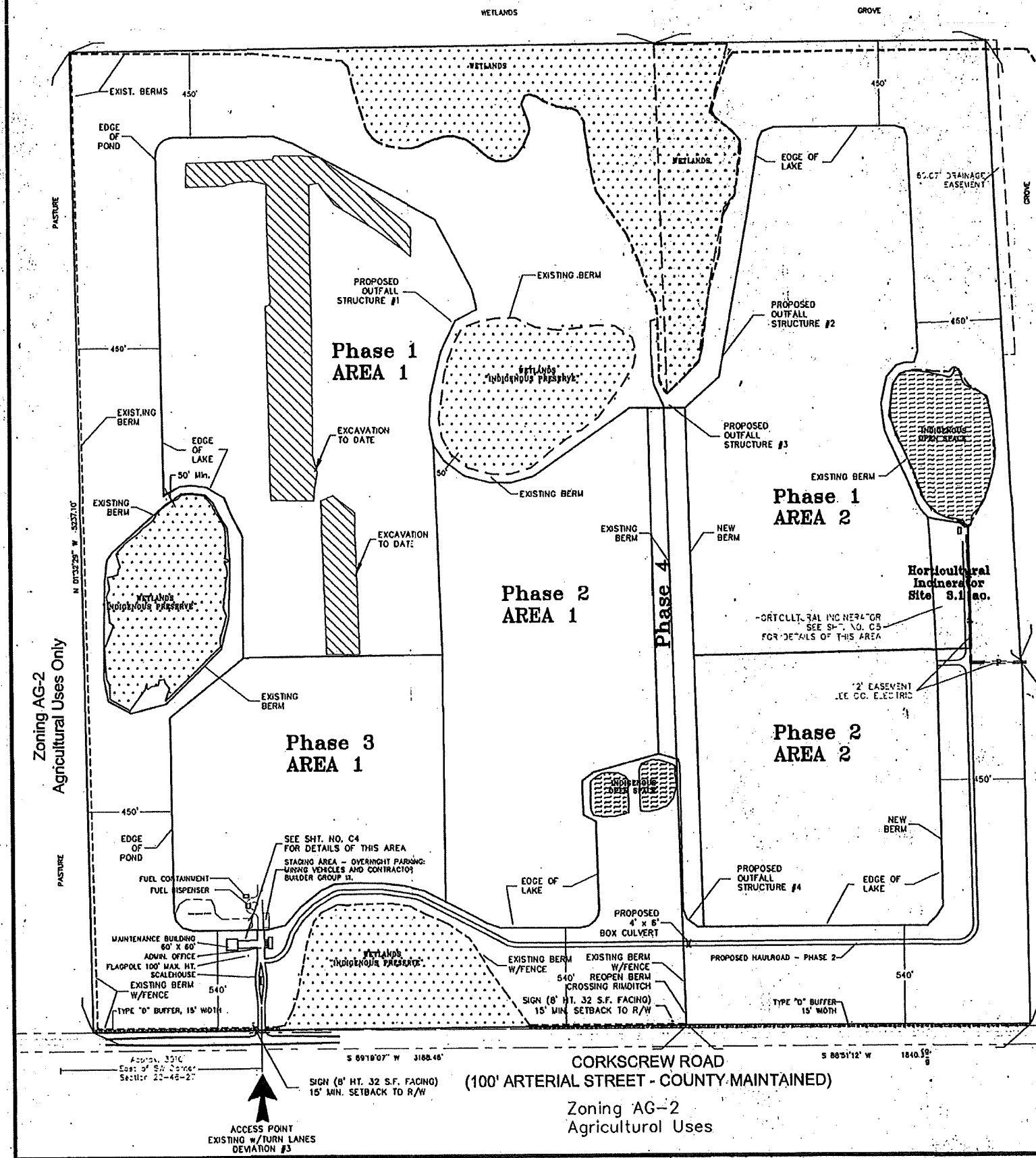
Real Estate
Surveying
Construction
Engineering
Land Investment Services, Inc.
An Intangible Development Corporation
2040 Clarke Avenue
Fort Myers, Fla. 33905
Phone: (813) 933-9244
Facsimile: (813) 933-9222

CORKSCREW MINING IPD
Section 22 & 23, Twp. 46, Rge. 27
MASTER CONCEPT PLAN

SCALE:
1"=300'-0"
DATE:
APRIL 4, 2023
SHEET

Z1

EXHIBIT B-1



Zoning AG-2
Agricultural Use only

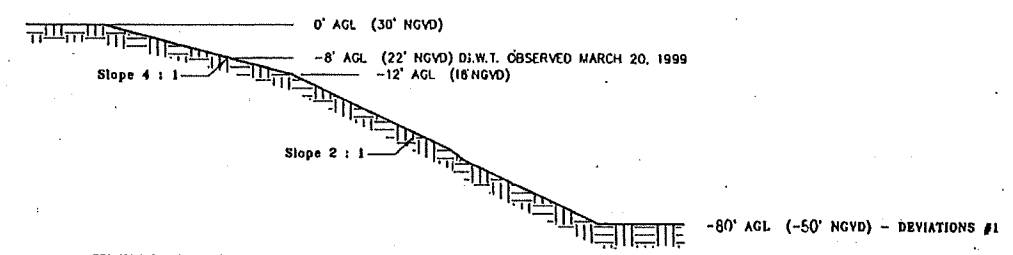
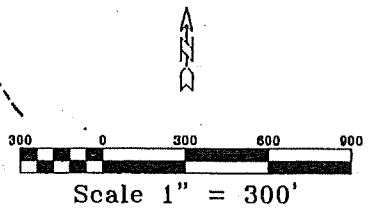
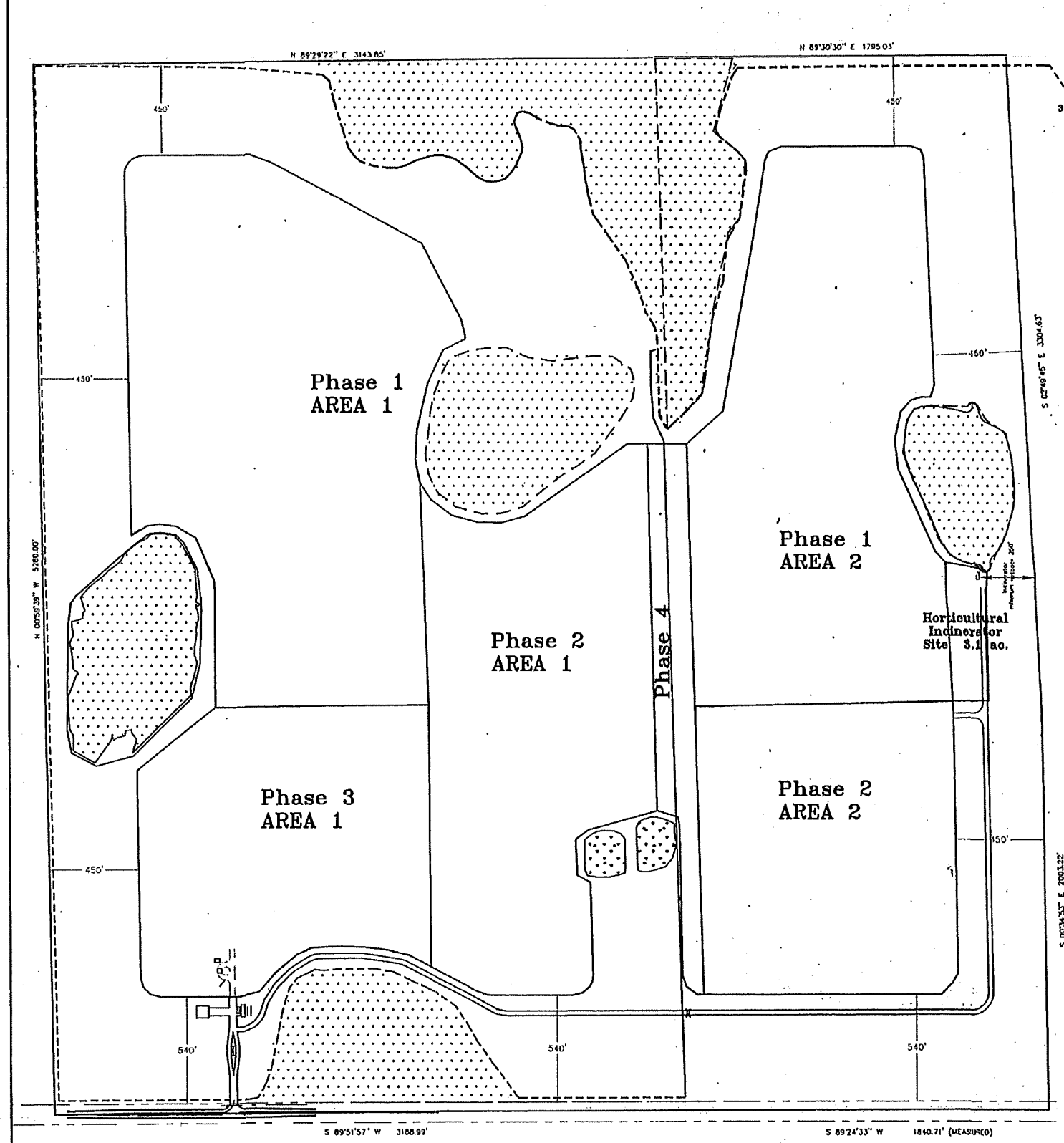
Zoning AG-2
Agricultural Use w/HOUSE.

DEVIATIONS:
1. Slopes: Request deviation from LOC Sec. 10-329(d)(4) which requires bank slope of 8:1 to allow a 4:1 slope with suitable native wetland vegetation as required.

DESCRIPTION OF OPERATION:
Mining
Mining activity is anticipated for 31 years. Phasing of the operation is shown on the Master Concept Plan. Each ten-year phase of Areas 1 & 2 will operate at the same time as similar designated phase in other area (i.e. Phase 1, Area 1 together with Phase 1, Area 2). Reclamation will commence within 6 months after completion in any area and be completed within 12 months of completion of the phase or operation abandonment. Upon completion of Phase 2, Area 2 and Phase 3, Area 1, the excavation will commence with installation of all drainage control structures completed. The method of excavation by dragline will continue to be used to extract the material without dewatering. Material will be excavated (Wet Method) by dragline stockpiled in windrow immediately adjacent to the pit for a period of 5 days to allow the moisture to dissipate and return to the pit. It is then loaded onto outgoing trucks for offsite distribution.
Processing Materials
This activity is anticipated as a small portion of the material is limestone for 3' in depth in certain areas of the proposed lake. Blasting of this layer will be required prior to removal on a periodic basis as encountered. Crushing, washing and screening operations are proposed to be located in the upland area near the active excavation area. It should be noted that only a small portion of the excavated material is forecast by the borings to need processing. Most material will be bank run fill material excavated stockpiled and transloaded onto delivery trucks. Also, sand screening for septic tank drainfield sand is proposed in the upland area near the active excavation area. As much as 10' of vertical profile may be useable, but due to changing soil conditions it is not consistently graded enough to rely on full time certification of gradation. When identified during excavation the personnel will perform field testing of percolation rates. If suitable then screening operations would commence for that pocket of material in its wet excavated condition from the stockpile formed by excavation equipment adjacent to the immediate area of excavation.
Horizontal Air Curtain Incinerator
This operation is proposed to be located in the upland area near the eastern edge of the property a minimum of 250' setback to side property line. Truck traffic will be optimized by loading outgoing trucks with fill, after unloading horizontal incinerator material.

MASTER CONCEPT PLAN & PROPOSED MINING PLAN

DCI2022-00029



TYPICAL SLOPE DETAIL

CORKSCREW MINING IPD	
Section 22 & 23, Twp. 46, Rge. 27	
REHABILITATION & RECLAMATION PLAN	
SCALE:	1"=300'-0"
DATE:	APRIL 4, 2023
SHEET	Z2
Construction Engineering Real Estate Surveying	
Land Investment Services, Inc.	
An Innovative Development Corporation	
2040 Clarke Avenue	
P.O. Box 33905	
Tallahassee, FL 32305	
Phone: (904) 893-9244	
Fax: (904) 893-9828	
10/25/00	
05/04/23	

SECTION A. REQUEST

The applicant has filed a request to amend Zoning Resolution Z-01-016 to allow an increase of the maximum excavation depth to the lesser of 80 feet, the depth of the confining layer, or the permitted depth approved by the South Florida Water Management District. This request does not change the existing mining footprint, mining operation plan, physical plant, or equipment on-site.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Corkscrew Mining IPD," stamped "~~Received Dec 14 2000,~~" received ~~last revised 12/12/00~~ 02/23/2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

This mining operation is approved to operate for a maximum of 31 years from the date ~~of this zoning approval~~ of approval of Zoning Resolution Z-01-016. This may be extended ~~through the public hearing process as may be~~ provided for in the LDC (as may be amended). In the event, that a valid Excavation/Mining Operations Permit (Mining Operation Permit) is not maintained for this operation, then the mining operation must cease operations and will be required to go through the public hearing process prior to reestablishing the use.

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

- a. Schedule of Uses (replacing that on the approved Master Concept Plan:

Primary Permitted Use:

EXCAVATION: Mining (LDC §§ 34-1651, 34-1671)

Accessory Uses to the Primary Permitted Use:

ADMINISTRATIVE OFFICE

~~AGRICULTURAL USES: limited to existing cattle grazing and citrus groves~~

AUTO REPAIR AND SERVICE [LDC §34-622(c)(2)], All Groups LDC §34-1351(limited to the maintenance and repair of vehicles and equipment for the mining operations vehicles and equipment)

CONTRACTORS AND BUILDERS [LDC §34-622(c)(9)], Group III only (LDC §§34-1352, 34-3001 *et seq.*) (further limited to the land clearing and mining operation contemplated in this planned development)

ENTRANCE GATE AND GATEHOUSE

EXCAVATION, water

retention

MANUFACTURING of:

Stone, clay, glass and concrete products [LDC §34-622(c)(48)]: Group IV only (limited to the processing of the mined materials of sand and limerock)

SCALE HOUSE

SELF-SERVICE FUEL PUMPS (further limited by Note 24 of LDC §34-934 to

two pumps for the on-site business to provide fuel for their own fleet of vehicles and equipment)

SIGNS, in accordance with LDC Chapter 30

STORAGE: Storage, open (LDC§ 34-3001 *et seq.*)

b. Site Development Regulations

As provided for in Note 13 of the approved Plan, setbacks for all operations must be 250 feet from any non-residential property line. Additionally, setbacks from any residentially used property must also be in accordance with the most restrictive requirement found in LDC§§ 34-1682 and 34-2443.

3. Prior to local development order approval, the location and verbiage of signs prohibiting the feeding or harassment of alligators must be shown on the development order plans for the Division of Planning / Environmental Sciences staff review and approval.
4. A copy of the Certificate to Dig must be submitted as part of and prior to the approval of an Excavation/Mining Operations Permit (Mining Operation Permit).
5. No de-watering of this site has been approved as part of this planned development. A new public hearing will be necessary prior to allowing any de-watering of the site.
6. The maximum permitted excavation depth for this operation is the lesser of 50 80 feet, the depth of the confining layer, or the permitted depth approved by the South Florida Water Management District.
7. ~~Blasting is permitted only in accordance with state law as part of this planned development. Before the commencement of blasting as part of this mining operation, the Applicant must provide Development Review Staff with a copy of the permit from the State Fire Marshal's Office authorizing such blasting. In the event no permit is required through the State Fire Marshal's Office, Applicant must notify Development Review Staff prior to commencing any blasting incidents on this site. Blasting is limited to 10:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. (Staff recommends removal of this condition as blasting is regulated by the Office of the State Fire Marshal)~~
8. The hours of operation of this excavation will be limited to 12-hour days, six days per week: 6:00 a.m. to 6:00 p.m., Monday through Saturday, excluding holidays.
9. Prior to the approval of a local development order, the operator must meet with the Department of Public Safety and agree to the location of a designated helicopter landing zone and the means of access for the Emergency Medical Services Unit, unless the same location continues to be used as has been previously approved.
10. ~~An acceptable written agreement requiring the mining operator to provide adequate fire protection, including providing necessary equipment to be kept on-site during the actual mining operations and accessory activities, must be approved by the Estero Fire Department. A copy of the approved agreement must be provided as part of the Excavation/Mining Operations Permit (Mining Operation Permit) application, otherwise the permit application will be considered insufficient. (Staff recommends removal of this condition as it was satisfied at the time of Mine Operation Permit.)~~
11. ~~Prior to the issuance of a building permit for the machine shop, the Pollution Prevention~~

12. ~~Section of Lee County's Division of Natural Resources must conduct a site assessment and approve the proposed location and site development of the machine shop. In addition, Applicant must prepare and submit for approval to the Pollution Prevention Section of the Division of Environmental Resources a safety plan relating to the storage, use and disposal of various chemical compounds in the machine shop.~~ (Staff recommends removal of this condition as it was satisfied at the time of Mine Operation Permit and the applicant has provided an updated Pollution Prevention Plan as part of this amendment.)
13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
14. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
14. Any damage directly attributable to this mining operation to the improved or unimproved roadways must be repaired by the holder of the excavation/mining operation permit.
15. The Applicant will be subject to any duly adopted roads impact fee for mining/excavation uses, provided such fee is adopted and applicable within the duration of the excavation/mining operation.
16. Until such time as the proposed road improvements on Corkscrew Road are completed, trucks entering or leaving the mine shall be instructed not to use Corkscrew Road, west of Alico Road, for access to or from I-75 or U.S. 41 and must instead be instructed to use Alico Road. The owner and/or operator of the mine and/or their successors must instruct all trucks using the mine to observe this rule and cooperate with the other regulatory agencies in its enforcement. "Instruction" includes signs posted and clearly visible at the scale house, the office, and the egress point onto Corkscrew Road.
17. In addition to the citrus grove, a 15 foot right-of-way buffer (type D) is required along Corkscrew Road. In the event the citrus grove is no longer maintained, the Applicant must submit for administrative approval to install a visual buffer comparable to the buffering affect of the citrus grove.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC§ 34-1682(7)b ~~10-329(d)(4)~~ requirement to provide a bank slope of 6:1; to allow a bank slope of 4:1 is recommended for APPROVAL, with suitable native wetland vegetation as required.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00029

CASE NAME: TITAN CORKSCREW MINE IPD

TYPE OF CASE: INDUSTRIAL PLANNED DEVELOPMENT - AMENDMENT

HEARING EXAMINER DATE: MARCH 23, 2023

SUFFICIENCY DATE: JANUARY 11, 2023

REQUEST:

The applicant seeks to amend an existing approved construction materials mine totaling approximately 602± acres to allow for an increase in mine depth from 50 feet to 80 feet, or the top of the confining layer, whichever is reached first. There is no proposed change to the existing mine footprint previously approved.

The subject property is located at 21751 Corkscrew Road, Southeast Lee County Planning Community, Lee County, FL. (District #2). The legal description for this property can be found in Attachment "C."

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment "D." The applicant is not requesting a time extension or additional deviations as part of this amendment.

HISTORY OF PARCEL, CHARACTER OF THE AREA:

The subject property is located, in Sections 22 and 23, Township 46 South, Range 27 East. The property is approximately 602 acres and includes thirteen STRAP numbers.

Table 1 - STRAP Numbers & Ownership per the Lee County Property Appraiser

STRAP No.	Owner of Record	Acreage
22-46-27-00-00001.0000	Estero Holdings, LLC	178.95
22-46-27-00-00001.3000	Estero Holdings, LLC	54.28
22-46-27-00-00001.2000	Estero Holdings, LLC	85.40
22-46-27-00-00001.2010	Estero Holdings, LLC	5.46
22-46-27-00-00001.2020	Estero Holdings, LLC	5.46
22-46-27-00-00001.2030	Estero Holdings, LLC	5.46

STRAP No.	Owner of Record	Acreage
22-46-27-00-00001.2040	Estero Holdings, LLC	10.00
22-46-27-00-00001.2050	Estero Holdings, LLC	13.76
22-46-27-00-00001.2060	Estero Holdings, LLC	13.76
22-46-27-00-00001.2070	Estero Holdings, LLC	10.91
23-46-27-00-00002.0030	Estero Holdings, LLC	134.41
23-46-27-00-00001.0030	Estero Holdings, LLC	79.68

The subject parcel was an active citrus grove prior to the conversion to a mining operation, is within the Density Reduction/Groundwater Resource (DR/GR) and Wetlands future land use categories, and is zoned Industrial Planned Development (IPD).

The property to the north is zoned Agricultural (AG-2) and was the subject of a request to rezone the property to IPD and approve a general mining permit. This request was denied in Resolution Number Z-18-008. The property is now currently known as Kingston Development. A Development Agreement, pursuant to stipulation of settlement, was recorded on June 22, 2022 which allows for the development of up to 10,000 residential units with amenities, 700,000 square feet of commercial floor area, public facilities and 240 hotel or other transient lodging units on approximately 6,675 +/- acres to the north and east of the subject property. Further to the north, adjacent to State Route 82, are the existing Bell Road Mine and Troyer Brothers Mine.

To the east of the subject property are lands owned by Lee County and private citizens. These lands are in the DR/GR and Wetlands future land use categories, are zoned Agricultural (AG-2), and include existing single-family residences and lands previously used for farming. The existing single-family homes are buffered from the mining operation by property owned by Lee County with the exception of a single-family residence that is adjacent to the mine on the southeast property line.

The subject property abuts Corkscrew Road on the south boundary. Further to the south is property zoned Agricultural (AG-2) in the DR/GR and Wetlands future land use categories. The properties are currently being farmed. Kingston Development, referenced above, includes properties across Corkscrew Road to the southeast of the subject property. To the southwest is an existing airstrip known as Corkscrew Trace Airpark. Corkscrew Trace Airpark is a privately-owned, four-thousand-foot, turf runway. There is no control tower or facilities available. The currently approved Master Concept Plan allows a maximum height limitation of 100 feet for processing equipment. The site currently uses an 86-foot dragline and will continue to use the same processing equipment to excavate to the new proposed depth.

Lee County owns all property abutting the western boundary of the subject site. It is zoned Agricultural (AG-2) and is in the DR/GR and Wetlands future land use categories. Approximately 2,000 feet to the west of the subject site is Corkscrew Estates, which consists of large lot residential development in the Agricultural (AG-2) zoning district.

Table 2 – Abutting Zoning, Future and Existing Land Use

	Future Land Use	Zoning	Existing Land Use
North	DR/GR* & Wetlands	AG-2	Kingston Development, currently row crops Z-18-008 Mining - Denied
East	DR/GR* & Wetlands	AG-2	Lee County-owned land and private single-family residences
South	DR/GR* & Wetlands	AG-2	Corkscrew Road, Farming uses, Kingston Development, Corkscrew Trace Airpark
West	DR/GR* & Wetlands	AG-2	Lee County-owned land, Corkscrew Estates (2,000 feet +/-)

* DR/GR – Density Reduction/Groundwater Resource

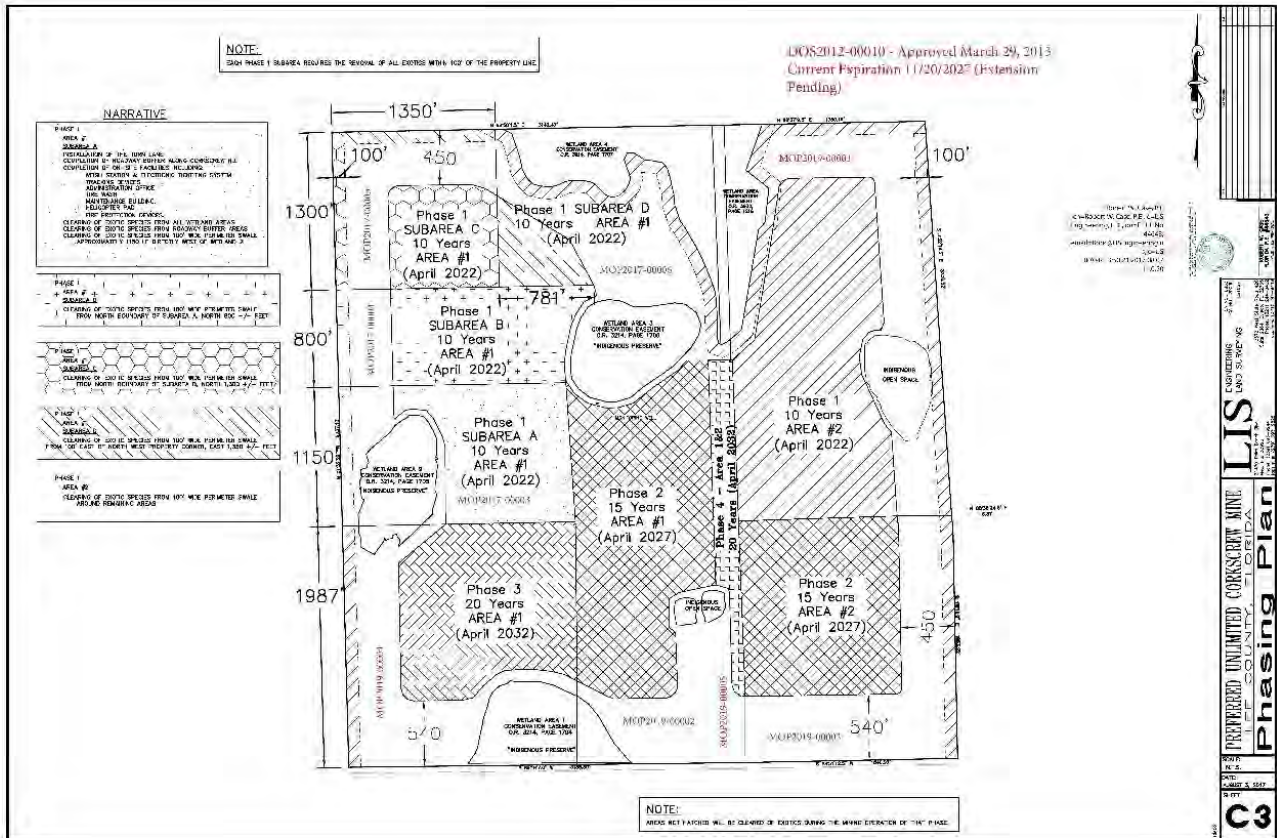
Mining was originally approved on the subject parcel in Hearing Examiner’s decision 99-04-035.06S (Attachment “F”). This approval granted a Special Exception in the Agricultural (AG-2) district to allow an Excavation/Mining operation on 291.7 +/- acres, as well as a General Excavation Permit. Prior to the Special Exception approval, the subject property was used for citrus farming. The subject parcel was rezoned in Zoning Resolution Number Z-01-016 (Attachment “F”), which approved a change from Agricultural (AG-2) to Industrial Planned Development (IPD), and a General Excavation Permit for 602 +/- total acres. This approval granted mining and excavation operations including processing of sand and rock, horticultural incineration, and related uses to a maximum depth of 50 feet with conditions. The current mining operation is operating under DOS2012-00010 (expires 11/20/27 with extension pending) and several mine operating permits subsequently issued for each phase of operation as shown below in Figure 1 below.

Portions of the site lay within Archaeological Sensitivity Zone 2 and are within the Airspace Notification Zone (25’-125’ AMSL) because of its proximity to the Corkscrew Trace Airpark.

ANALYSIS

The applicant has provided a request statement that describes nature of the application (Attachment “G”). In the request statement, the applicant notes the intent of the project is to amend the existing Industrial Planned Development (IPD) zoning to allow for an increase in mine depth to 80 feet, or the top of the confining layer, whichever is reached first. The current approval limits mining depth to 50 feet. Land Development Code (LDC) Section 12-121(j) allows limited amendments to existing mine zoning approvals. LDC Section 12-121(j)(1)c allows the limited amendment procedure for an increase in depth within the approved mining footprint only. The Land Development Code defines existing mines in Section 12-121(a) as mine operations approved by the Board of County Commissioners or Hearing Examiner prior to September 1, 2008 and meeting the following criteria:

Figure 1 – Current Development Order and Mine Operating Permit Approvals



- (1) Approved by special exception under Chapter 34; **or**
- (2) Approved as an Industrial Planned Development under chapter 34 and has a valid/current master concept plan in place; **and**
- (3) The right to pursue mining activity has not expired under the terms and conditions of the zoning approval.

Zoning Resolution Number Z-01-016 was approved on April 30, 2001, prior to the September 1, 2008 requirement. The Resolution includes a valid Master Concept plan and established a 31-year operation timeframe from the date of zoning approval. The current mining operation does meet the existing mine definition requirements and is eligible to pursue an increase in depth though the limited amendment process as detailed in LDC Section 12-121(j)(1)c.

The applicant has provided soil boring data (Attachment "G") collected in 2002 that demonstrates that limestone extends beyond the currently approved depth of 50 feet and in most locations beyond the requested 80-foot depth. The additional depth will allow the excavation of an additional 17,000,000 cubic yards of material. There are no proposed changes to the mine operation, physical plant, processing

equipment, or equipment used to excavate the material. The applicant has provided an updated Master Concept Plan (MCP) to reflect the requested depth increase. This MCP is attached as Attachment “E.” The MCP provided reflects a maximum 80-foot excavation depth. The MCP does not show any change to the mine footprint, excavation slopes, physical plant location, access, landscaping or buffering. There are no changes to the “Description of Operation” on Sheet 1 of MCP.

Planned Development Rezoning:

Section 12-121(j)(2) of the LDC requires a request for a limited amendment to an existing mine to be processed in accordance with the procedures set forth in Sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request.

LDC Section 34-145(d) establishes the review criteria for all rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public’s interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Development Pattern Considerations:

The subject parcel is located in the Southeast Lee County Planning Community (**Goal 33**) as defined in the Lee Plan. The Southeast Lee County Planning Community includes natural resource extraction operations as allowable land uses. Additionally, it seeks to enhance and protect natural resources such as regional flow-ways and natural habitat corridors. The applicant is only requesting an increase of the excavation

depth to a maximum of 80 feet, or the top of the confining layer, whichever is reached first. There are no additional impacts proposed to flow-ways or natural habitat corridors. A Technical Memorandum, provided by Water Science Associates is included as Attachment-1 of the Natural Resources Staff Report (Attachment “J”). This memorandum addresses the requirements in LDC Section 12-121(j)(1)(c).2 and includes integrated surface and groundwater models to assess potential adverse impacts, delineation of underlying lithologies, documentation that the proposed depth will not breach the confining layer, historic water level data, and a description of the monitoring system for surface and groundwater levels. An updated Environmental Assessment Report (Exhibit A, Environmental Staff Report (Attachment “I”)) was provided that addresses the existing land uses and vegetative cover, the use of the site by protected wildlife species, and conservation of indigenous habitat on-site. These reports will be discussed in detail below. Staff finds that the applicant’s request is in harmony with the Lee Plan vision for this area.

Policy 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to the aquifer and are suitable for wellfield development. The Lee Plan requires new land uses that require rezoning or a development order to maintain surface and groundwater levels at historic levels and to demonstrate this requirement by utilizing hydrologic modeling. This model must show no adverse impact will occur to properties located upstream, downstream or adjacent to the site. The Technical Memorandum, provided by Water Science Associates, through the utilization of hydrologic models, existing data, and existing water quality monitoring concluded that the “proposed deepening of the mine to 80 feet below land surface (30 feet below the currently permitted depth limit of 50 feet) will result in negligible changes in water levels that will not result in any adverse impacts to the existing legal uses or environmental receptors.” Permitted land uses in the DR/GR future land use category include resource extraction. Staff finds that the proposed request is consistent with **Policy 1.4.5** of the Lee County Comprehensive Plan.

Objective 1.5: The lands designated Wetlands on the Future Land Use Map are lands designated as such in accordance with Sec. 373.019(27), Fla. Stat. through the use of the unified state delineation methodology. All development in Wetlands must be consistent with **Goal 124** of the Lee County Comprehensive Plan. The subject property does not propose any additional wetland impacts to the area identified as wetlands and delineated for conservation in prior approvals as part of this request. Additionally, the requested increase in the excavation depth to 80 feet has been approved by the South Florida Water Management District in Permit Number 36-108258-P, dated February 20, 2023, attached as Attachment “L”. Staff finds that the proposed request is consistent with **Objective 1.5** and **Goal 124** of the Lee County Comprehensive Plan.

Standard 4.1.4 requires developers/applicants to prepare an environmental assessment to examine existing conditions, address existing or anticipated environmental problems, and propose means to protect, conserve, or preserve the environment and natural resources. As detailed above, the applicant did provide an updated environmental assessment and hydrological analysis. The reports concluded that the amendment request does not create any anticipated environmental problems as a result of the request to increase the mine depth to 80 feet. There are no additional structures or changes to the natural

features of the site. Staff finds that the proposed request is consistent with **Standard 4.1.4** of the Lee County Comprehensive Plan.

Objective 5.1: This objective requires all development approvals for residential, commercial and industrial land uses to be consistent with **Policies 5.1.1 through 5.1.10** and the general standards in **Goal 4**. **Policy 5.1.5** is applicable to the proposed development and seeks 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. Existing and future residential development includes Corkscrew Estates to the west, Kingston to the north and east, and one single-family residence adjacent to the southeast property line. Corkscrew Estates is approximately 2,000 +/- feet to east of the subject property. Kingston is in the planning stages and has not yet received development order approvals. The proposed amendment does not change the existing mine footprint or mine operation and will not encroach further on existing and future residential development. Staff finds that the proposed request is consistent with **Objective 5.1**.

Goal 7: The purpose of **Goal 7** is to promote opportunities for well-planned industrial development at suitable locations within the County. The proposed rezoning does not seek to add any additional industrial uses and will utilize the previously approved processing facilities associated with the existing resource excavation activities. Staff finds that the proposed request is consistent with **Goal 7**.

Goal 10: Seeks to protect areas containing commercially valuable natural resources from incompatible urban development while ensuring natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and other natural resources. The request seeks to allow an increased excavation depth for the existing mining operation and does not propose a change in the mining footprint, physical plant, buffering, or landscaping from previous approvals. The increase in depth will provide additional resources without expanding the mining operation, which reduces the potential to create adverse effects on surrounding land uses and other natural resources. **Objective 10.1** requires natural resource extraction operations to minimize or eliminate adverse effects through efficient use of land, natural resources, and reclamation. The specific goal of this request is to increase the allowable excavation depth, within the existing footprint, to allow extraction of critical resources through the efficient use of the land. The mining depth will be conditioned to prevent any breach of the confining layer in accordance with **Policy 10.1.1**. Existing preserve areas and indigenous areas will continue to provide wildlife habitat and connect to abutting natural systems. There is no impact proposed to the existing wetlands and indigenous areas previously approved, therefore the requested amendment will not create adverse effects to wildlife in accordance with **Policy 10.1.5**. **Policy 10.2.1** requires natural resource extraction operations to provide a monitoring system to measure surface and groundwater levels and quality to assess any degradation of surface and groundwater resources. A baseline monitoring plan was established in 2008 after coordination with the mine operator, consultants, and Lee County Staff that included the location of wells to be installed. The current mining operation has maintained an active ground and surface water monitoring program since 2008. Currently, the monitoring program includes eight monitoring wells, ten piezometers, and six staff gauges. The current monitoring program documents rainfall, historic water levels at the site, and water quality monitoring. Groundwater and surface water

quality was most recently collected in 2021 and indicates no violation of water quality standards. As previously discussed, the applicant has provided an environmental assessment meeting the requirements detailed in **Policy 10.2.2**. Mining pit depths are determined on case-by-case basis depending on neighboring uses, hydrogeologic conditions, wetland and watershed protections, wildlife and transportation routes in accordance with **Policy 10.2.4**. The applicant has provided geotechnical borings demonstrating that limerock is available to the requested depth and has provided a technical analysis that concludes that there will be no adverse impacts to onsite or off-site water levels, wetland hydroperiods, flow-way performance, or adjacent land uses. Additionally, there is no proposed change to the wetlands or surface features that were previously approved. **Policy 10.2.8** requires expanded sites to submit a reclamation plan. The proposed amendment will not change the previously approved reclamation plan. The increase in depth will not impact the previously approved reclamation plan that will be implemented at the conclusion of mining activities. Based on the above information, Staff finds that the proposed request is consistent with **Goal 10** and its attendant objectives and policies.

Goals 60, 61, and 63: The existing development was authorized by the South Florida Water Management District (SFWMD) through Permit Number 36-03663-P. The approval permitted the construction and operation of a stormwater management system serving 381.42 acres. This permit was modified in April 2001 to expand the operation to 602.09 acres with a maximum depth of 50 feet. SFWMD Permit Number 36-108258-P was issued February 20, 2023 to allow an excavation depth of 80 feet (Attachment “L”). The proposed amendment has been reviewed by Environmental and Natural Resources Staff with regard to surface water management, land use planning on a watershed basis, protection of water resources, and potential groundwater impacts. Environmental and Natural Resources Staff have provided supplementary reports that are attached as Attachment “I” and Attachment “J”, respectively. The applicant has provided an environmental assessment and a hydrogeologic report which was reviewed by Staff and is detailed in the discussion of **Goal 10** above. The proposed amendment is for an increase in depth only and proposes no changes to the previously approved surface water management system. The development proposal will restrict regulated substances within the extension area in quantities greater than those listed in LDC Section 14-208. There will be no wastewater effluent disposal, liquid waste disposal or solid waste disposal associated with the increase in depth. Staff finds that the proposed request is consistent with **Goals 60, 61, and 63**.

Goals 125, 126 and 127: Require that water quality be maintained or improved for the protection of the environment and people of Lee County by maintaining high water quality, identifying, controlling and eliminating water pollution, preventing degradation of ground water quality, and providing for monitoring, wellfield protection and maintenance of the best possible air quality. The applicant has provided an environmental assessment, ground water monitoring wells, a hydrogeologic report, and surface water monitoring locations. The applicant has also provided an updated Pollution Prevention Plan (Attachment “K”) that includes best management practices to further protect against spills and protect the environment and water resources from contamination. The existing mine activities operate under an existing FDEP Air Permit. Staff finds that the proposed request is consistent with **Goals 125, 126, and 127**.

Goal 158: Lee County will achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life. The subject mining operation has been active in Lee County since 2008 and provides employment opportunities for its residents as well as residents in surrounding counties. The subject mining operation supports Lee County by providing much needed resources and is a regional supplier of limerock for seven counties. Staff finds that the proposed request is consistent with **Goal 158**.

Natural Resources Considerations:

Natural Resources Staff has provided a Staff Report (Attachment “J”) for the proposed amendment. In that report, Natural Resources Staff notes compliance with several Lee Plan requirements previously discussed above. The Staff Report notes that the applicant has provided water level data to demonstrate consistent water levels over of the existing mining operation since 2008. This includes groundwater level monitoring data and a surface water monitoring program consisting of monitoring wells, piezometers, and staff gauges. The most recent collection of groundwater and surface water quality occurred in 2021 and indicates no violation of the required standards.

To evaluate any future potential change in water level as a result for the requested increase in the excavation depth, the applicant provided an analysis of the MIKE SHE/MIKE 11 model at four locations. The proposed model simulations mirrored the currently permitted simulations at all four locations. Based on this analysis, the proposed deepening of the mine excavation will not result in adverse impacts to existing legal uses or environmental receptors.

In summary, the Natural Resources Staff report concludes that the proposed request is consistent with the requirements of the Lee Plan and Land Development Code.

Environmental Considerations:

Environmental Staff has provided a Staff Report (Attachment “I”) addressing the impacts of the amendment request. The proposed request does not change the mine footprint, existing wetlands or indigenous uplands. The existing 75.51-acre conservation easement dedicated to South Florida Water Management will not be impacted. The applicant submitted an Environmental Assessment dated September 2022 attached as Exhibit “A” to the Environmental Staff Report. The assessment describes the Florida Land Use Cover and Forms Classification System for the existing vegetation onsite. A site inspection conducted in 2019 and a follow-up inspection conducted in 2020 revealed signs of Florida Panther and limpkin utilizing the indigenous preservation areas. Environmental Staff concluded that no additional conditions are needed and that an increase in the mine depth will not negatively affect the preserve areas or listed species.

Transportation Considerations:

The subject site has a single direct access to Corkscrew Road as shown on the approved Master Concept Plan and approved development order (DOS2010-00010). Development Services Staff has reviewed the

proposed amendment and has provided a transportation-related analysis attached as Attachment “H.” The analysis concluded that the proposed amendment to allow an increase in the excavation depth will not have a detrimental impact on the surrounding roadway system. The amendment does not propose any change to the processing plant capacity and will not impact the trip generation of the site.

Urban Services:

The subject property is serviced by Estero Fire Protection and Rescue District. Estero Fire Station 45 is located approximately 2.3 miles to the west. The subject property is in the Lee County Sheriff’s South District and the nearest Sheriff’s station is approximately 13.6 miles to the southwest of the subject property. The proposed development utilizes an existing well for water and an existing septic system for wastewater. The request, as conditioned, is consistent with Lee Plan **Standards 4.1.1** and **4.1.2**.

Deviation Requests:

The MCP provided by the applicant includes deviation requests that were requested in case number DCI2000-00057. A review of the Hearing Examiner’s Recommendation for the case shows that deviations number 2 through 6 were withdrawn at the Hearing. Zoning Resolution Z-01-016 only approved a single deviation and this approval is carried forward in the recommended conditions and deviations attached as Attachment “D.” Staff recommends the applicant for this zoning action remove all deviations from the MCP to avoid confusion. There are no additional deviations requested as part of this amendment.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request, as conditioned:

- a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and increase in depth are compatible with existing and proposed uses, and meets or exceeds the objectives and policies above.

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

The applicant is not seeking additional deviations as part of this request.

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

The request is to allow a deeper mine depth at an existing mining operation that has been in operation since 2013 and was originally approved for mining operation in 1999.

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

There is current access provided via Corkscrew Road. Staff finds that there is sufficient access to the proposed development.

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

This amendment does not propose any change to the current mine operation plan, physical plant, or mining equipment. As a result, Staff has determined that the amendment will not have a detrimental impact on the surrounding roadways.

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

Staff has reviewed the potential environmental impacts and has determined that additional conditions are not needed to protect the existing conservation easement, indigenous area, or protected species.

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

Additionally,

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

The proposed mining operations are appropriate at their location given the consistency with the Lee Plan Policies for development in the Density Reductions/Ground Water Resources, and the Southeast Lee County Community Plan Area. The subject property is currently an existing mining operation.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and as conditioned the public's interests are sufficiently addressed.

- c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

There are no additional deviations requested as part of this zoning request. One existing deviation, previously approved, is carried forward as part of this request.

Staff, therefore, recommends approval of this amendment to the planned development request, as conditioned in Attachment “D.”

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps
 - Zoning
 - Future Land Use
 - Aerial
- C. Legal Description
- D. Recommended Conditions and Deviations
- E. Master Concept Plan, received 02/23/2023
- F. Zoning Actions
 - Special Exception #99-04-035.06S 01.01
 - Zoning Resolution Number Z-01-016
- G. Applicant’s Supporting Documentation
 - Summary Narrative
 - Soil Borings
- H. Memorandum from Infrastructure/Planning, February 13, 2023
- I. Memorandum from Zoning Division – Environmental Review
 - Exhibit-A – Environmental Assessment, Rev. Sept 2022
- J. Natural Resources Staff Report and Conditions, February 24, 2023
 - Attachment 1 – Technical Memorandum, May 6, 2022
- K. Pollution Prevention Plan, December 2022
- L. South Florida Water Management District Permit 36-108258-P, February 20, 2023

DCI2021-00019

OAK PARK

VILLAGE

MHPD

Staff Summary

CASE NUMBER & NAME: DCI2021-00019 / Oak Park Village MHPD

REQUEST: Request to rezone 51.19± acres from Mobile Home Conservation Residential (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to allow unify the Oak Park Village Cooperative within one planned development and codify past zoning conditions into the unified MHPD.

RESOLUTION NUMBER: Z-23-011

LOCATION: 21961 and 21981 Pearl Street, Northeast Lee County Planning Community, Lee County, FL

OWNER: OAK PARK VILLAGE CO-OP INC

APPLICANT: OAK PARK VILLAGE CO-OP INC

AGENT: Fred Drovdlc
RVi Planning + Landscape Architecture
1514 Broadway, Ste. 201
Fort Myers, FL 33901


HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

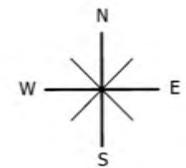
PARTICIPANTS: (0) None



DCI2021-00019

Aerial

 Subject Property



0 1,000
Feet

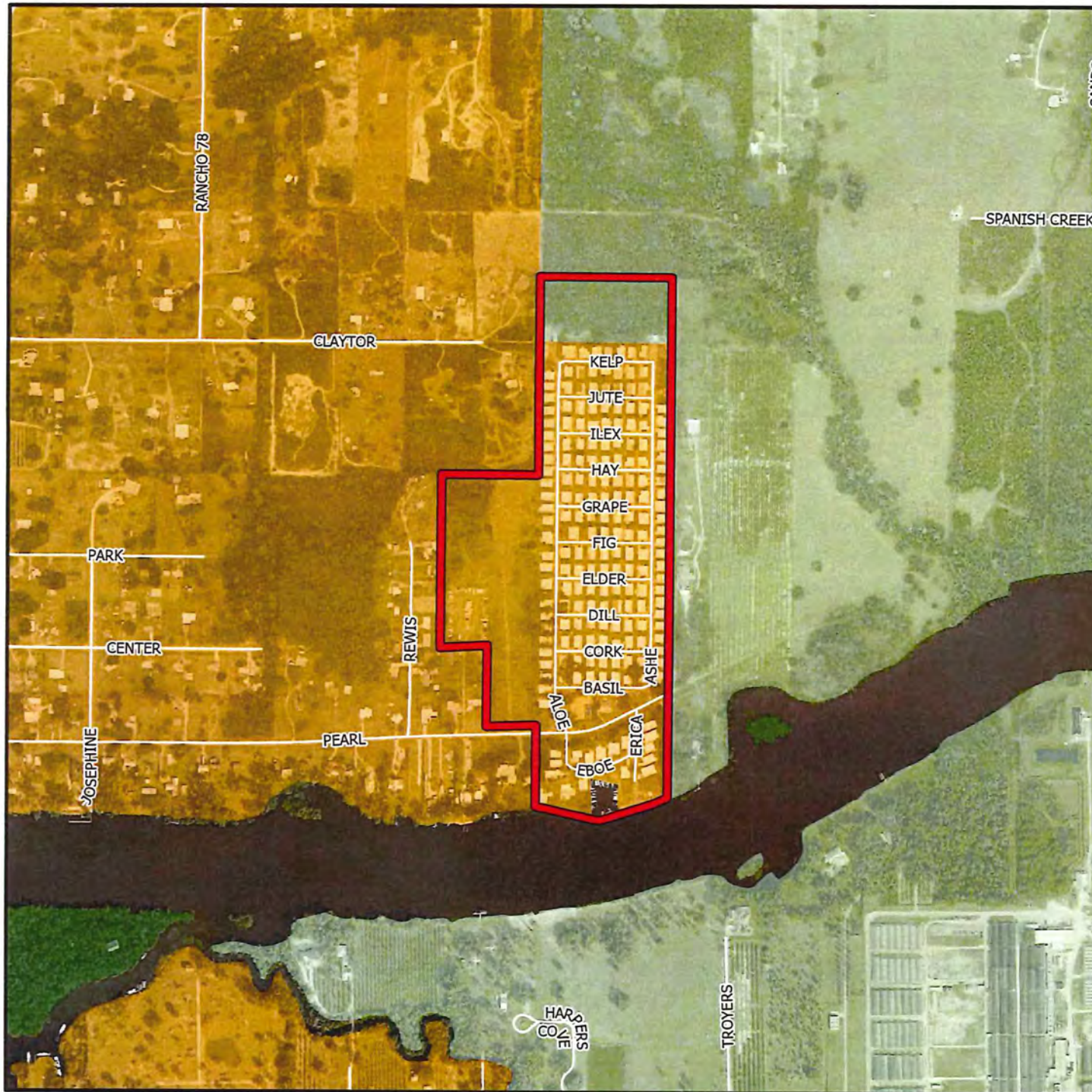


Summary of Hearing Examiner Recommendation

OAK PARK VILLAGE MHPD





Applicant seeks to expand the Oak Park Village mobile home community by adding outdoor storage areas for residents. No additional units are requested.

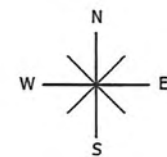
Detailed recommendation follows



DCI2021-00019

Future Land Use

-  Subject Property
-  Urban Community
-  Rural
-  Wetlands



0 1,000
Feet

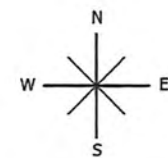




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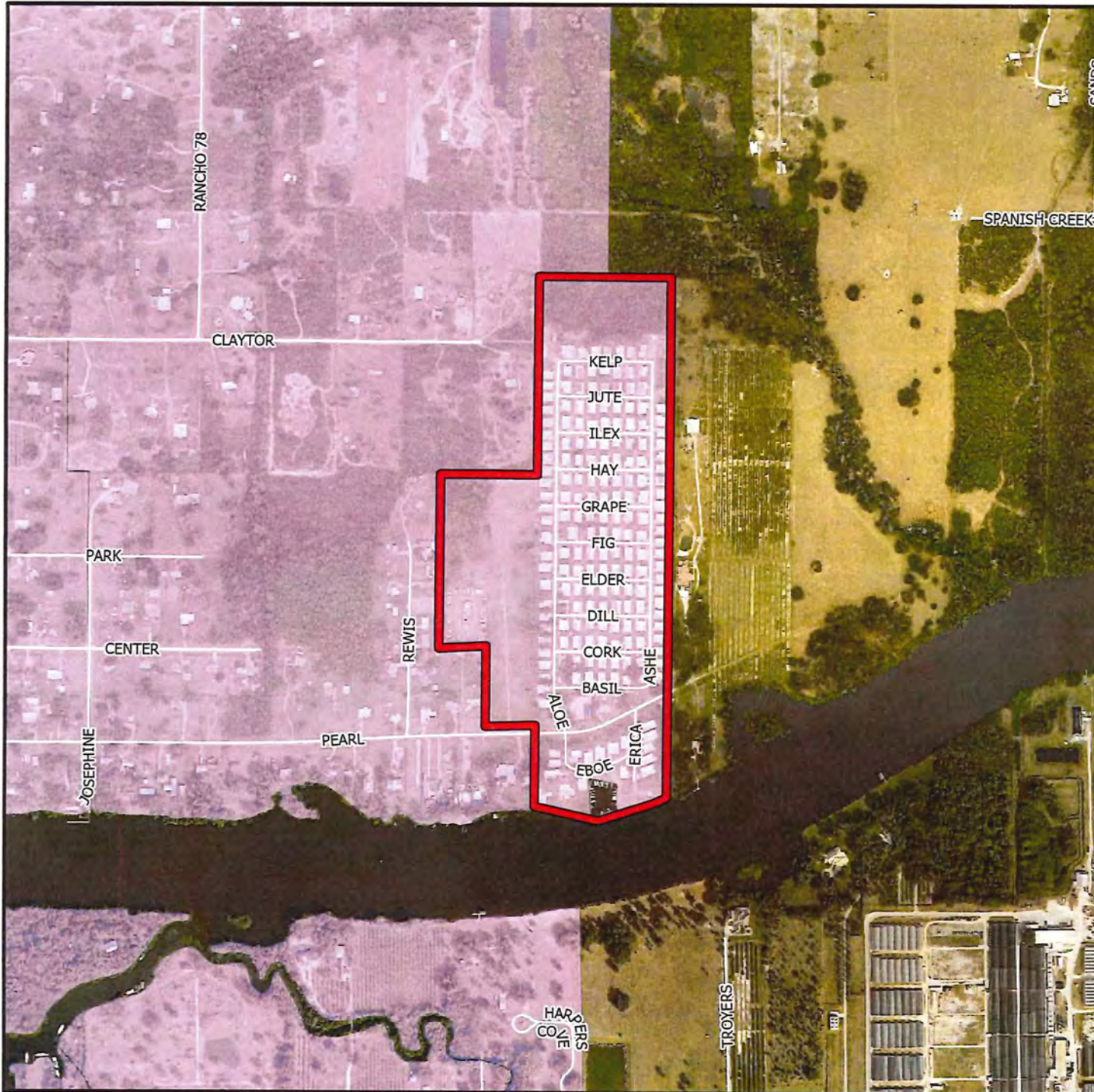
Aerial

 Subject Property



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


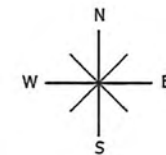


DCI2021-00019

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



0 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00019

Regarding: OAK PARK VILLAGE MHPD

Location: 21961 and 21981 Pearl Street
Northeast Planning Community
(District 5)

Hearing Date: February 23, 2023

I. Request

Rezone 51.19± acres from Mobile Home Conservation (MHC-1) and Mobile Home Planned Development (MHPD) to MHPD to:

- Combine two zoning districts and codify previous zoning approvals into a single resolution;
- Expand accessory storage area associated with the Oak Park Village;
- Establish a different access point to the storage area; and
- Allow for new well locations as depicted on the Master Concept Plan.

The final development plan includes a mobile home park with 208 dwelling units, accessory uses, and an ancillary open storage area.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to MHPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code

¹ LDC §34-145(d)(1)(a) & (2)(a).

(LDC), and other applicable County regulations to the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to transportation facilities, natural resources, and urban services.³ The Hearing Examiner's recommendation must be based on competent and substantial evidence.⁴

Discussion supporting the recommendation of approval of the proposed MHPD follows below.

Synopsis of Request

The 51.19± acre property is in the Northeast Lee County Planning Community, Alva Plan Area.

The property has been partially developed with mobile homes since the 1970s.⁵ Applicant identifies the site by three general areas: (1) the existing Oak Park Village north of Pearl Street; (2) two vacant lots adjoining Oak Park Village to the west; and (3) the existing Oak Park Village south of Pearl Street with docking facility.⁶



² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

⁴ Lee Co. Admin. Code 2-6, 3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).

⁵ See Staff Report (pg. 1). MHC-1 lands were rezoned by Resolution Z-70-056 with a Special Permit for a Mobile Home Park. See Staff Report (Attachment F). The property was then approved for a Special Exception/Variance in SEZ2000-00008/VAR2000-00064 to allow a sewage disposal system. See Staff Report (Attachment G). The property was then rezoned in Resolution Z-05-077 and VAR2004-00031 from Agricultural (AG-2), Mobile Home Residential (MH-2), and Commercial (C-1) to Mobile Home Conservation District (MHC-2) with a variance to allow a 10-foot setback for Parcel 2. See Staff Report (Attachment H).

⁶ The existing park was declared a lot of record by operation of Ordinance 86-36.

The existing Oak Park Village site retains its MHC-1 conventional zoning. Applicant acquired the western lots with the intent to develop 25 single-family residences.⁷ The Board rezoned the lots to MHPD consistent with that development plan.⁸ Applicant later secured approval to permit storage on the MHPD lots before constructing residences to meet residents' demands.⁹

Applicant now seeks to unify Oak Park Village zoning and permit open storage on the two adjacent lots. The request does not increase density. In fact, the request reduces density from previous approvals.¹⁰ The proposed site plan consists of the existing 208 dwelling units, accessory uses, a multi-slip docking facility, and the new open storage area.¹¹

The proposed MHPD retains existing access on Pearl Street with an emergency access to the open storage area.

Staff recommended approval, finding the proposed MHPD satisfies LDC review criteria.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC 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. Addresses impacts on transportation facilities through County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area.¹²

⁷ Z-07-072A approved up to 25 single family dwelling units.

⁸ *Id.*

⁹ ADD2014-00216A permitted storage areas accessed by a gravel drive prior to development of residences.

¹⁰ Z-07-072A permitted 25 dwelling units. The request removes single family units.

¹¹ See Applicant's Ex. 2: Master Concept Plan.

¹² LDC §34-145(d)(4)(a)(1).

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) promote the LDC's intent to protect public health, safety, and welfare.¹³

Character of the Area

The property is located in Alva, north of Pearl Street and east of Broadway Street. Vacant and residential lands surround the site. The southern boundary abuts the Caloosahatchee Canal/River.

Lee Plan Consistency and Compatibility

All planned developments must be consistent with the Lee Plan.¹⁴ Rezoning requests must be compatible with existing/planned uses in the surrounding area.¹⁵ Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.¹⁶

The Lee Plan Future Land Use Map classifies the site as Urban Community.¹⁷ Urban Community areas are characterized by a mix of relatively intense commercial and residential uses.¹⁸ Predominant land uses are residential, commercial, public, and light industrial.¹⁹ The request retains residential uses consistent with the Urban Community category.

The site lies within the Alva/Northeast Lee County Planning Community.²⁰ The proposal to support residential uses by offering on-site storage complies with planning community directives to retain the area's rural heritage.²¹ The request proposes no increase in density or physical development. Providing residents with storage options adjacent to their homes reduces transportation needs to access stored items elsewhere.

¹³ LDC §34-145(d)(4)(a)(2).

¹⁴ LDC 34-411(a).

¹⁵ LDC §34-145(d)(4)(a).

¹⁶ LDC §34-411(c) and (i).

¹⁷ See Lee Plan Map 1-A, Policy 1.1.4; Staff Report (Attachment B).

¹⁸ Lee Plan Policy 1.1.4.

¹⁹ *Id.*

²⁰ Lee Plan Map 1-B and 2-A; Lee Plan Goal 27-28.

²¹ Lee Plan Goal 27-28, Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2; Staff Report (pg. 5).

Applicant provided sufficient evidence to demonstrate the request is consistent with the Lee Plan.

Rezoning requests must also demonstrate compatibility with the surrounding area. Applicant proposes to continue an established development in operation since the 1970s. County regulations ensure adjoining residents are buffered from storage areas by a visual screen.²² Neighbors are further protected because the storage area is only accessible from within the project.²³

The request is compatible with neighboring uses and consistent with the Lee Plan.

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²⁴ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²⁵

The project retains existing access from Pearl Street.²⁶ Residents will access the outdoor storage area from within the MHPD.²⁷ Emergency vehicles can access the storage area via an easement connecting to Pearl Street.²⁸

Applicant demonstrated the request provides sufficient access to support proposed development.²⁹

Applicant obtained a waiver from providing a Traffic Impact Statement because the request does not create additional traffic impacts.³⁰ Staff concluded the request does not have a detrimental impact on the surrounding roadway system.³¹

²² LDC §34-3005(b), Z-07-072 deviation carried forward to Deviation 2.

²³ Routing traffic through the site ensures neighboring properties are not traversed by Oak Park residents accessing the storage area. See Staff Report (pg. 4), Lee Plan Policy 5.1.5.

²⁴ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

²⁵ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

²⁶ This segment of Pearl Street is a non-county maintained local road. See Staff Report (Attachment P).

²⁷ See Staff Report (pg. 5); Testimony of Fred Drovdlc and Dirk Danley.

²⁸ See MCP, Condition 7.

²⁹ LDC §34-145(d)(4)(a)(1)(d); Staff Report (pg. 5, Attachment O-P).

³⁰ See Staff Report (pg. 5, Attachment O-P). The request does not propose more units, and the storage area is solely for residents' use. Accordingly, no new traffic will be generated by the request. Further, the property is currently permitted for development of 25 single family residences. The request removes the ability to develop residential units on the adjoining lots, thereby reducing potential transportation impacts.

³¹ See Staff Report (pg. 5, Attachment J).

Environmental and Natural Resources

Planned development design should reflect creative use of open space.³² Developers must protect and preserve natural site features.³³ New development must not degrade surface water quality.³⁴

Most of the site is improved with mobile homes. Applicant obtained waivers from environmental submittals given existing site conditions and the minimal impact the request poses.³⁵

The site plan denotes conservation areas on the northern and western boundaries.³⁶ Open space is peppered throughout to accommodate site constraints.³⁷ Applicant seeks a deviation for open space to recognize the existing park developed prior to LDC requirements.³⁸

The request must be compliant with the Manatee Protection Plan since boats may be in the proposed storage area and the project has an existing multi-slip facility.³⁹ Staff concluded the request remains consistent with the Plan.⁴⁰

The proposal does not pose impacts to surface or ground waters.⁴¹ Future development may require permitting from South Florida Water Management District.⁴²

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.⁴³ The Lee Plan requires an evaluation of available urban services during the rezoning process.⁴⁴

³² LDC §34-411(h).

³³ LDC §34-411(g).

³⁴ Lee Plan Policy 125.1.2.

³⁵ See Staff Report (Attachment O).

³⁶ See MCP. Conservation easements were previously recorded encompassing the 4+ acre portion in the north and the 1.1± acres along the west.

³⁷ See MCP.

³⁸ The LDC requires 40 percent open space, Applicant is providing 26 percent. Area A developed prior to the LDC regulation. Staff found overall the project provides 52 percent open space. See Staff Report (Attachment R).

³⁹ See Staff Report (pg. 5, Attachment S).

⁴⁰ See Staff Report (Attachment S); Lee Plan Policy 128.4.6.

⁴¹ See Staff Report (pg. 5); Lee Plan Policy 115.1.2.

⁴² *Id.*

⁴³ Lee Plan Glossary. Public services include public water/sewer, paved streets/roads, public transit, parks and recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

⁴⁴ Lee Plan Policy 2.2.1.

A host of urban services and infrastructure serve the property including roads, on-site wastewater treatment, police, fire, and emergency medical services.⁴⁵

Deviations

"Deviations" are departures from LDC regulations.⁴⁶ Applicant seeks six deviations.⁴⁷ Most were previously approved or necessary to recognize existing site conditions. Staff supports the requested deviations.

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.⁴⁸

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes the requested deviations meet approval criteria.⁴⁹

Conditions

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on the public health, safety, and welfare.⁵⁰

The MHPD will be subject to several conditions of approval. The conditions relate to impacts anticipated from the project.⁵¹ The Hearing Examiner recommends:

1. Revisions to conditions to improve clarity; and
2. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.

⁴⁵ See Staff Report (pg. 5); Lee Plan Standards 4.1.1, 4.1.2, Policy 2.2.1. On-site wells serve the site.

⁴⁶ LDC §34-2.

⁴⁷ Applicant originally sought seven but withdrew one.

⁴⁸ LDC §34-145(d)(4).

⁴⁹ LDC §34-377(a)(4).

⁵⁰ LDC §34-932(b).

⁵¹ LDC §34-83(b)(4)a.3.

Public

The LDC and Lee Plan require zoning applicants to hold an informational meeting in the Northeast Lee County Planning Community.⁵² Applicant held two meetings.⁵³

No members of the public appeared at hearing.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation the requested rezoning to MHPD meets LDC approval criteria.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. *As conditioned herein*, the proposed rezoning to MHPD:

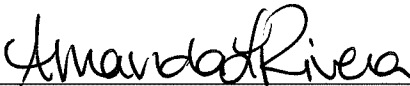
1. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 27, 28, 39, 125, 135, Objectives 2.1, 2.2, 5.1, 135.1, and Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 27.1.6, 27.1.8, 28.1.7, 115.1.2, 128.4.6, 135.1.9; Lee Plan Maps 1A-B, 2A.
2. Complies with the LDC and other County regulations. See, LDC Chapters 10 and 34;
3. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5; LDC 34-411(c), (i), and (j).
4. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, Objectives 4.1, 77.1, Policy 5.1.2, Standard 4.1.4, LDC 34-411(h).
5. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Policies 39.1.1; LDC 2-261 *et seq.*, 10-287, 34-411(d).

⁵² Lee Plan Policies 27.1.6, 27.1.8, 28.1.7. The meeting must be held before county staff can deem the application sufficient.

⁵³ The first meeting was held on May 5, 2021, with a subsequent meeting on September 24, 2021. See Staff Report Attachment M-N.

6. Will be served by urban services. See, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1 and Standards 4.1.1 and 4.1.2; LDC 34-411(d).
- B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Objective 39.1; LDC 34-411(d).
- C. The proposed mix of uses is appropriate at the proposed location. See, Lee Plan Policies 1.1.4, 2.1.1, 5.1.5, and 135.1.9.
- D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, Lee Plan Policies 5.1.5; See *also*, LDC Chapters 10 and 34.
- E. As conditioned herein, the deviations:
 1. Enhance the objectives of the planned development; and
 2. Promote the intent of the LDC to protect the public health, safety, and welfare. See, 34-377(b)(4).

Date of Recommendation: May 8, 2023.


Amanda L. Rivera
Deputy 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 Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST, THENCE S 00°16'01" W, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 1641.70' TO THE POINT OF BEGINNING;

THENCE S 89°25'49" E, ALONG THE NORTH BOUNDARY OF THE WEST HALF 1/2 OF THE S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST, A DISTANCE OF 649.17'; THENCE S 00°18'48" W, A DISTANCE OF 2582.93'; TO THE TOP OF BANK OF THE CALOOSAHATCHEE RIVER; THENCE CONTINUE ALONG SAID TOP OF BANK THE FOLLOWING THREE COURSES, S 66°21'41" W FOR 76.91', S 72°21'37" W FOR 279.78' AND N 77°08'56" W FOR 321.48' TO THE WEST BOUNDARY OF BLOCK A OF THAT CERTAIN SUBDIVISION KNOWN AS FRANCIS W. PERRY'S SUBDIVISION, AS FILED AND RECORDED IN PLAT BOOK 1, PAGE 18; THENCE N 00°19'03" E, ALONG THE WEST BOUNDARY OF SAID BLOCK A, A DISTANCE OF 403.20', TO A POINT ON THE NORTH RIGHT OF WAY LINE OF PEARL STREET; THENCE S 88°30'57" W, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 245.11'; THENCE N 00°23'02" E, ALONG THE WESTERN BOUNDARY OF BLOCK K, OF THAT CERTAIN SUBDIVISION KNOWN AS A.M. STEVENS SUBDIVISION, AS FILED AND RECORDED IN PLAT BOOK 1, PAGE 28, A DISTANCE OF 401.36'; THENCE S 87°05'04" W, A DISTANCE OF 232.15', TO THE WEST BOUNDARY OF BLOCK J; THENCE N 00°21'29" E, ALONG THE WEST BOUNDARY OF SAID BLOCK J, A DISTANCE OF 861.48', TO THE NORTHWEST CORNER OF BLOCK J AND ALSO BEING THE SOUTH LINE OF RANCHO 78 SUBDIVISION; THENCE S 89°47'05" E, ALONG THE NORTH BOUNDARY OF BLOCK J, A DISTANCE OF 231.13, TO THE NORTHWEST CORNER OF BLOCK K; THENCE S 89°38'13" E, ALONG THE NORTH BOUNDARY OF BLOCK'S K AND L, A DISTANCE OF 244.56', TO THE NORTHEAST CORNER OF BLOCK L AND ALSO BEING THE EAST 1/4 CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST; THENCE N 00°20'32" E, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 657.57'; THENCE N 00°25'37" E, ALONG THE EAST BOUNDARY OF SAID SECTION, A DISTANCE OF 330.49'; TO THE POINT OF BEGINNING.

CONTAINING 51.19 ACRES MORE OR LESS.

REVIEWED
DCI2021-00019
Hunter Searson, GIS
Planner
Lee County Government
2/7/2022

KENNETH PUFAHL

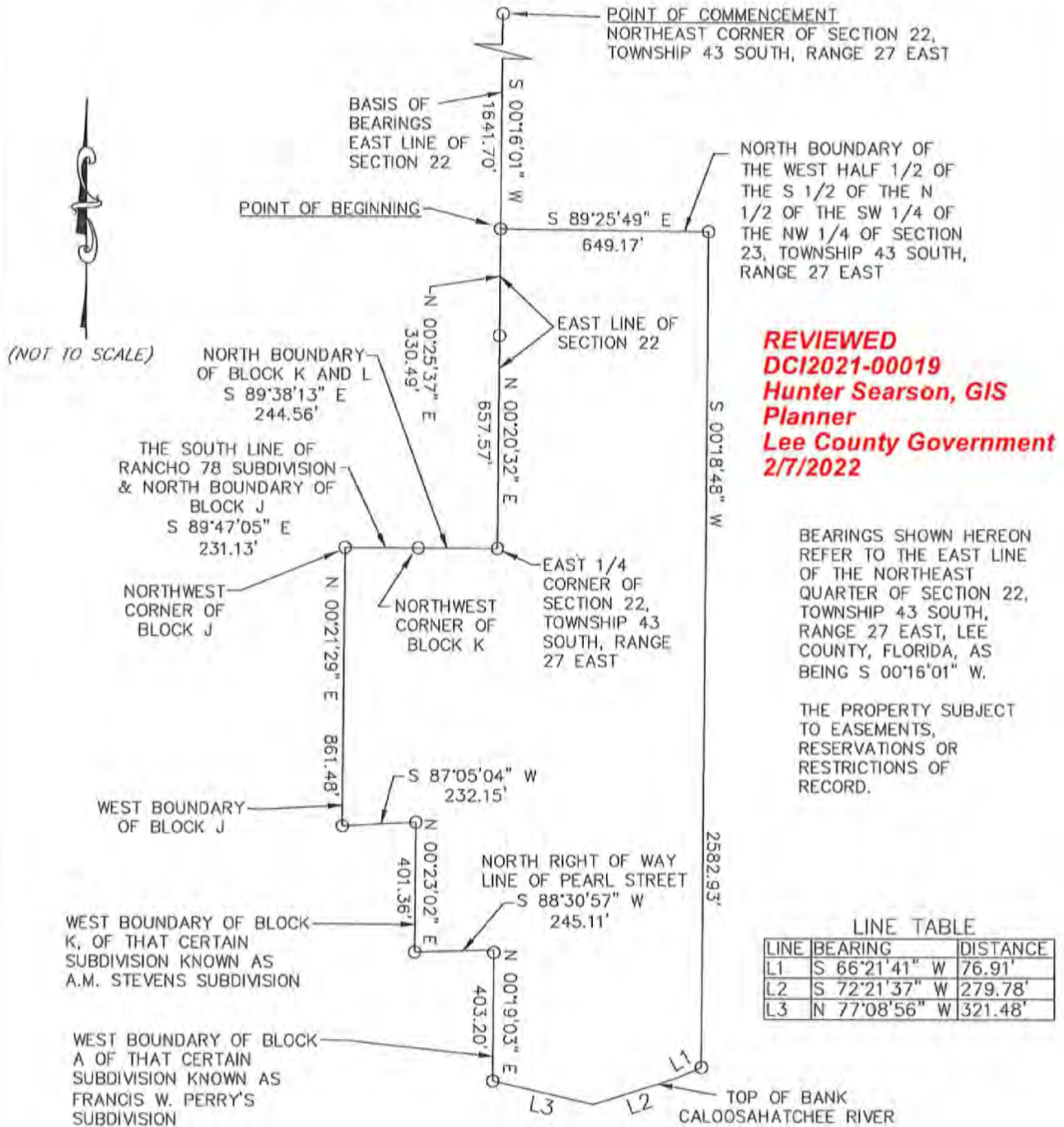
Digitally signed by KENNETH PUFAHL
Date: 2021.10.18 12:28:43 -04'00'

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 10/18/2021

Exhibit A

SKETCH TO ACCOMPANY DESCRIPTION



*** THIS IS NOT A SURVEY ***

KENNETH PUFahl

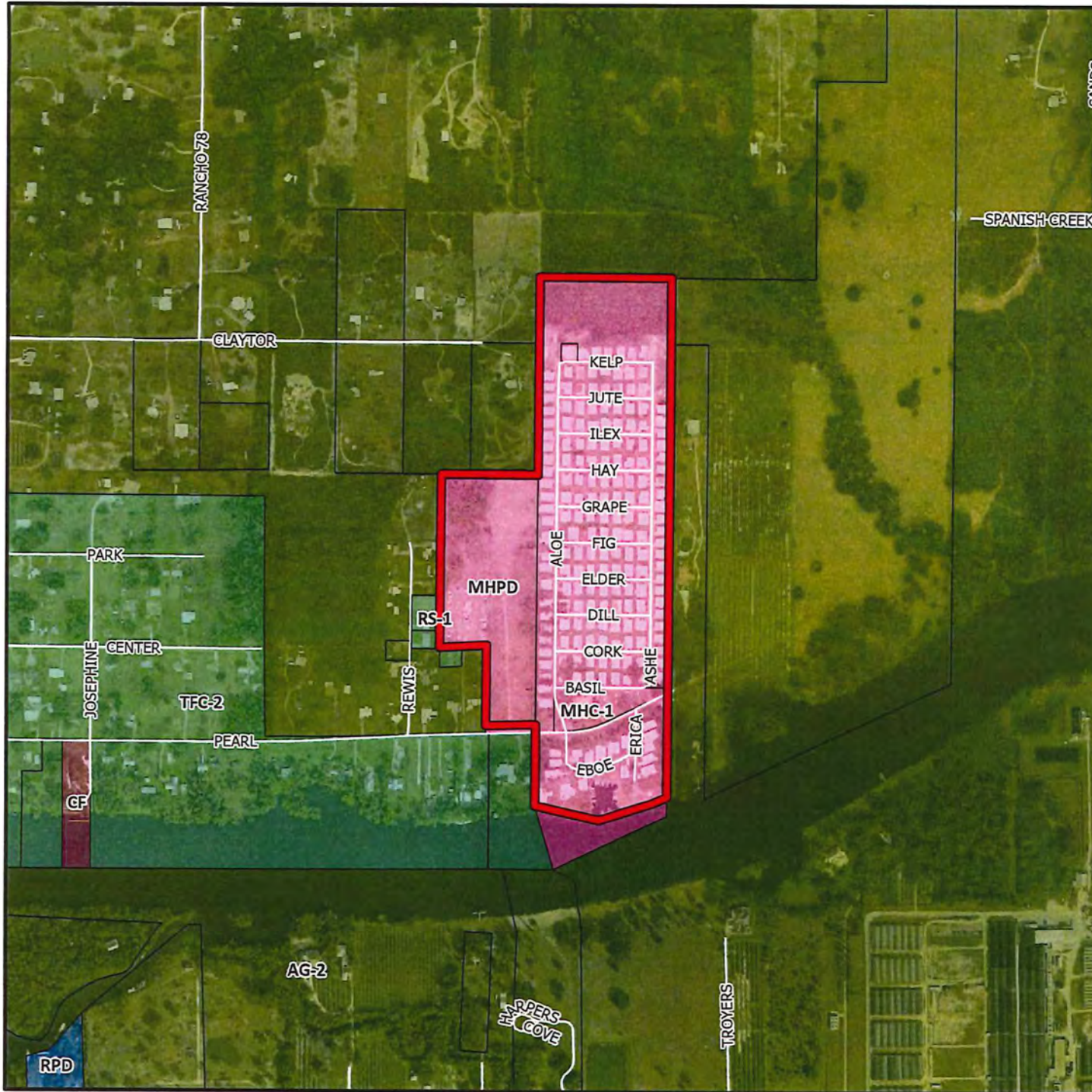
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Date: 2021.10.18 12:35:22 -04'00'

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 10/18/2021

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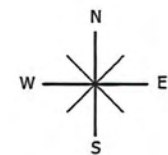
PROJECT No: 20-0039
DATE: 10/18/2021
SHEET 2 OF 2



DCI2021-00019

Zoning

 Subject Property



0 500 1,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be substantially consistent with the one-page MCP entitled "Master Concept Plan, Oak Park Village MHPD," prepared by Waldrop Engineering, last revised 11/16/2022 (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval except where granted by deviation herein. Subsequent amendments to this resolution or MCP may be subject to further development approvals.
- c. Development Parameters. The MHPD is approved for a maximum of 208 mobile home dwelling units, with accessory uses, multi-slip docking facility, and an ancillary open storage area.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Accessory Uses and Structures, Including Cabanas (Maximum of 500 Square Feet)

Administrative Offices

Club, Private, On-Site with the following Accessory Uses

- Consumption on Premises
- Food And Beverage Service, Limited
- Personal Services, Group I
- Community Gardens

Dwelling Unit, Mobile Home (Limited to 208 Dwelling Units)

Entrance Gates or Gatehouses

Essential Services

Essential Service Facilities: Group I and Group II (Subject to Condition 4)

Excavation: Water Retention

Fences, Walls

Multi-Slip Docking Facility (For Resident Use Only)

Parking Lot: Accessory

Real Estate Sales Office

Recreational Facilities, Personal, Private On-Site
Signs

Storage, Open (Limited to Trailers, RVs, Boats, and Other Vehicles/Goods
of The Oak Park Village Co-Op Residents)

Temporary Uses

b. Site Development Regulations

Lot Size

Area A: Existing Mobile Home Park⁵⁴

Area B: Outdoor Storage and Recreation Area

Minimum Lot Area: 10,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Setbacks

Development Perimeter 15 feet

Pearl Street 25 feet

Maximum Lot Coverage 60 percent⁵⁵

Maximum Height 35 feet

3. Ordinance 86-36 Designation

The county previously recognized the MHPD residential portion as a lot of record under Ordinance 86-36. This resolution does not supersede the 86-36 designation.

4. Wastewater Treatment Facility

This resolution codifies SEZ2000-00008 and VAR2000-00064, which permits an on-site sewage disposal system (Essential Service Facilities, Group II) for the MHPD.

5. Clubhouse Parking

This resolution codifies VAR2000-00032, which reduces the parking requirement for the clubhouse from 59 parking spaces to 26 spaces.

⁵⁴ Property development regulations must be consistent with LDC §34-3274(3).

⁵⁵ Except as specified in LDC §34-3274(3).

6. Outdoor Storage Area

The "Open Storage" area identified on the MCP is subject to the following:

- a. Use. Oak Park Village Mobile Home Park (Co-Op) residents have exclusive use. Storage is not open to the public.
- b. Location. Permitted within the existing footprint as depicted on the MCP.
- c. Unit Limitation. Limited to a maximum of 120 units. Units may include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or similar vehicles. Prohibited items for storage includes construction or farm equipment/materials, box trucks (rental/moving vehicles), utility/service trucks, tractor-trailer or semi-trailer trucks or any truck and trailer combination. Boats sitting on trailers will be counted as one unit.
- d. Maintenance. Must be maintained in a dust-free manner.
- e. Enclosure. Must be enclosed by a six-foot high chain link fence.
- f. Buffer. A 15' Type "C" buffer must be provided along the southern and western boundaries of the Open Storage area, except for the gate. Plantings must include shrubs a minimum of 60 inches in height at the time of planting to provide a visual screen and may not be pruned to reduce height.
- g. Maintenance Facility. A maintenance building/shed is permitted for use by Oak Park Village facilities managers to care for equipment serving MHPD property. The facility may not exceed 1,000 square feet. It may not be used for repairs or mechanical work on stored units, or for private storage of personal items of Oak Park residents.
- h. Vehicle Maintenance Prohibited. Maintenance, repairs, or other mechanical work is prohibited on stored items.

7. Oak Park Village Access

Access for the MHPD is limited to the existing Oak Park Village entrances on Pearl Street consistent with the Special Permit issued in Zoning Resolution Z-70-56 and the site plan development order approved March 13, 1984.

8. Environmental Conditions

Developer must submit the following prior to development order approval for development beyond the existing footprint of the open storage area:

- a. A current protected species survey as required by LDC §10-473, including species specific Florida scrub jay and gopher tortoise surveys, as well as required state or federal permits.
- b. A Florida scrub jay management plan per LDC §10-474 and Federal requirements if Florida scrub jay or evidence thereof are identified.
- c. Development order plans must depict upland conservation area as "Gopher Tortoise Preserve" if impacts to gopher tortoise burrows are avoided or a FWC on-site relocation permit is obtained.
- d. Development order plans must depict the 1.1± acre xeric oak community (Florida Land Use Classification Code 421) located north of the open storage area. The xeric oak community must be labeled "Upland Conservation Easement Area."
- e. This resolution recognizes Developer complied with the recordation of two conservation easements for (i) the 1.1± acre xeric oak community and (ii) the 4± acres of scrub oak habitat located within Strap #23-43-27-00.-00002.0010.
- f. Prior to buffer vegetation installation for the outdoor storage area, staff must perform a site inspection to ensure no listed species utilize the area where vegetation is to be installed. If listed species utilization is observed, necessary surveys, FWC or US Fish and Wildlife Service (FWS) approvals/permits will be required. If no listed species utilization is observed, no further surveys, FWC, or FWS approvals/permits are required. Buffer installation can only remove exotics. Native vegetation is to remain. Buffer area work may only occur outside Florida scrub jay nesting season (March 1-June 31).

9. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

DEVIATIONS

1. Withdrawn
2. **Storage Facilities**. Deviate from LDC §34-3005(b)(1), which requires commercial/ industrial outdoor storage to be shielded behind a continuous visual screen at least eight feet in height when visible from a residential use/zoning district; to allow a 6-foot high chain link fence with 60-inch landscaping to enclose the storage area.

HEX Recommendation: Approval

3. **Open Space**. Deviate from LDC §34-935(g)(1)a, which requires 40 percent of the project's total area to be common open space; to allow 13 acres, or 26 percent of the project, to be common open space as depicted on the MCP.

HEX Recommendation: Approval

4. **Perimeter Setback**. Deviate from LDC §34-935(b)(1)b, which requires buildings/ structures be set back from the development perimeter fifteen (15) feet if the property is zoned MHPD; to allow minimum setbacks of structures/buildings from development perimeter boundaries to be ten (10) feet for the existing Oak Park Village MHPD Boundary area consistent with the approved variance in Resolution Z-05-077.

HEX Recommendation: Approval

5. **Lot Dimensions**. Deviate from LDC §34-935(e)(1)a where in MHPD districts, if the development contains/consists of a conventional subdivision for mobile homes, the lot dimensions and area specified in §34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas/dimensions are approved by the Board of County Commissioners; to allow property dimensions consistent with the original subdivision as official lots of record.

HEX Recommendation: Approval

6. **Setbacks**. Deviate from LDC §34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in MHPDs where the front, side, and rear setback for the MH-1, MH-2, MH-3, or MH-4 mobile home district shall apply as

appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow setbacks as follows:

AREA A – EXISTING OAK PARK VILLAGE

Minimum Setbacks:

Consistent with LDC §34-3274(3)

AREA B – OUTDOOR STORAGE AND RECREATION AREA

Minimum Setbacks:

Pearl (Offsite) Street: 25 feet

Park perimeter (MHPD boundary AREA B):

15 feet Outdoor Storage Area: 15 feet

Water Body: 5 feet (MHC-1 regulations)

HEX Recommendation: Approval

7. **Right-of-Way Width.** Deviate from LDC §10-296(a), which requires public and private streets to be designed, constructed, and improved in accordance with the specifications set out in this section; to allow an 18-feet-wide accessway as shown on the MCP to provide access to the existing open storage area.

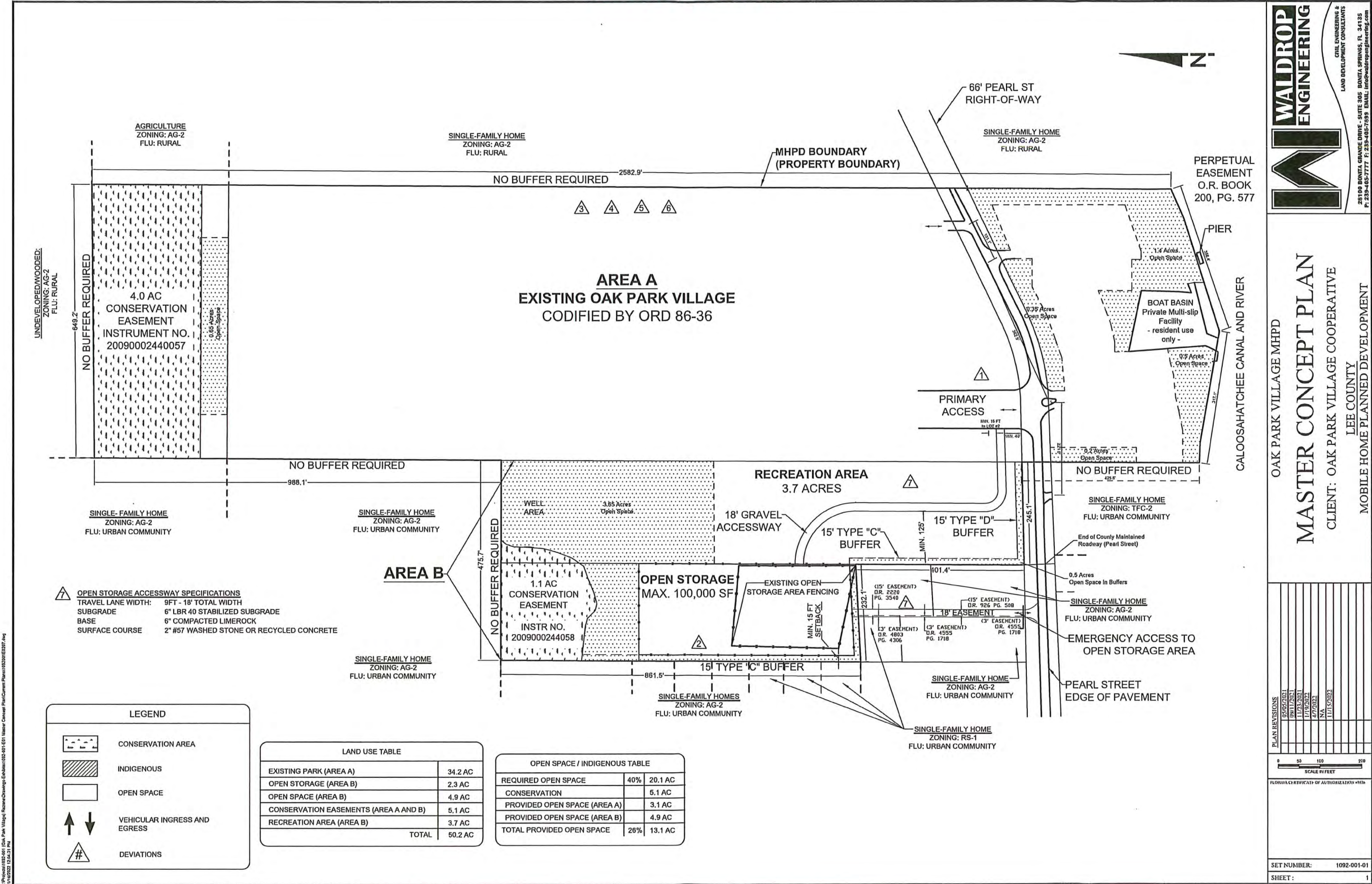
HEX Recommendation: Approval, subject to the following conditions:

- The accessway must be designed to meet requirements established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.
- At the time of development order, the accessway surface must be designed to provide a sufficiently stabilized limestone or gravel access to the open storage area based on the anticipated vehicle usage and adequately drained.
- Developer must demonstrate the accessway design and construction is sufficient to accommodate the anticipated vehicle usage prior to development.

Exhibits to Conditions:

B1 Master Concept Plan dated 11/16/2022

Additional Info Dated 11-16-2022



F:\Projects\1092-001 (Oak Park Village) Master Concept Plan\Current Plans\1092-001-01-01 Master Concept Plan\1092-001-01-01 Master Concept Plan.dwg
11/16/2022 12:43:31 PM

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received February 9, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County Staff, for Oak Park Village MHPD, DCI2021-00019, dated February 23, 2023 (multiple pages – 8.5"x11")[color]
3. *Revised Conditions:* In Attachment C of Staff Report (6 pages – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Fred Drovdic, to Maria Perez, with copy to Dirk Danley, Jr., dated Tuesday, February 21, 2023 11:19 AM (3 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared by RVI Planning and Landscape Architecture, for Oak Park Village MHPD, DCI2021-00019, dated February 23, 2023 (multiple pages – 8.5"x11")[color]
2. *Master Concept Plan:* Prepared by Waldrop Engineering, last revised November 15, 2022 (1 page – 11"x17")
3. *Master Concept Plan with Aerial:* Prepared by Waldrop Engineering, last revised November 15, 2022 (1 page – 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Fred Drovdlc
2. James Ink

Public Participants:

None

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

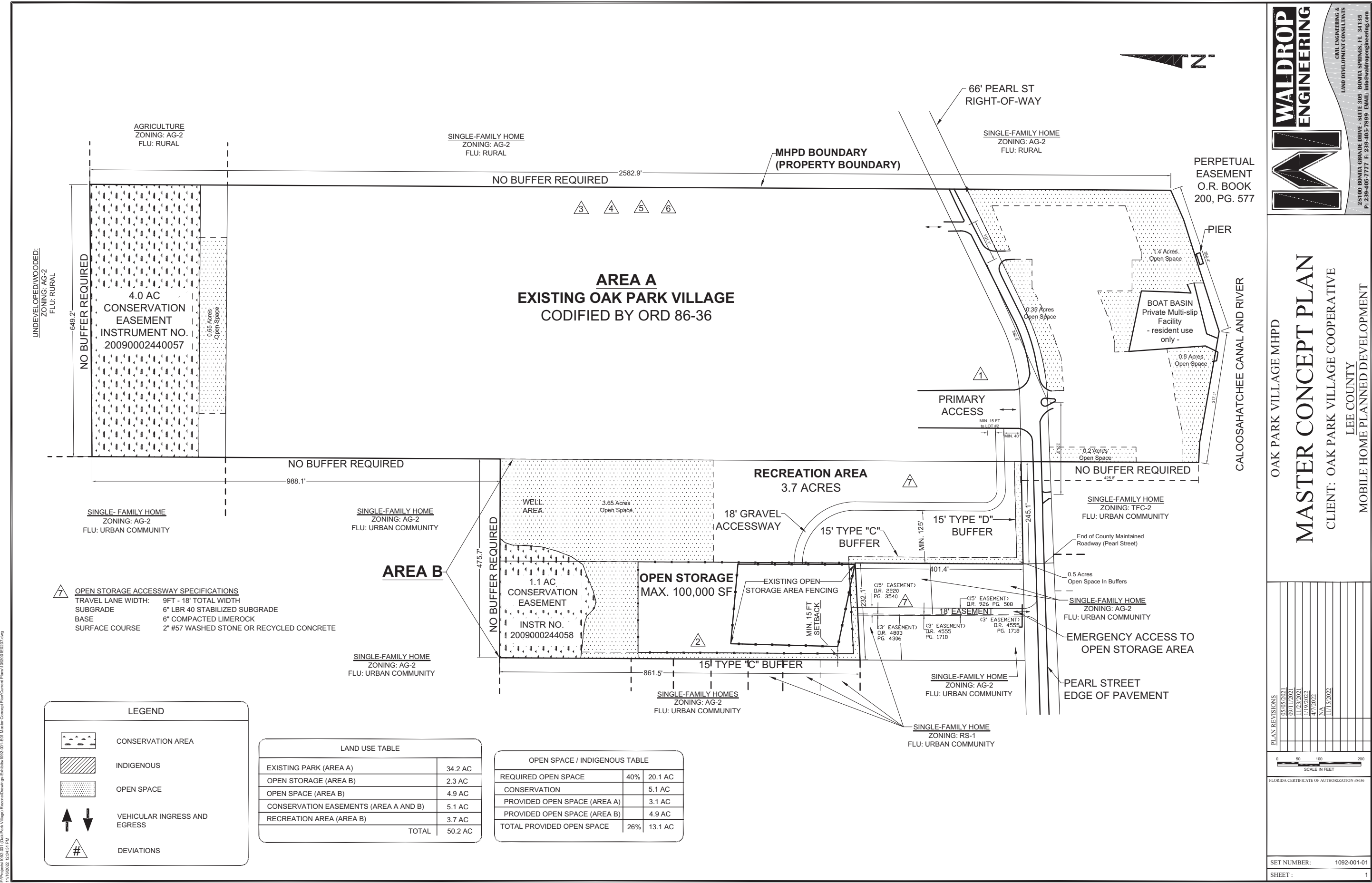
The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

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.



A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan, Oak Park Village MHPD" prepared by Waldrop Engineering, dated last revised on 11/15/2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Project density is limited to the development of a maximum of 208 mobile home dwelling units, with accessory uses and an ancillary open storage area.

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

- a. Schedule of Uses

ACCESSORY USES AND STRUCTURES, INCLUDING CABANAS

(maximum of 500 square feet)

ADMINISTRATIVE OFFICES

CLUB, PRIVATE, ON-SITE WITH THE FOLLOWING ACCESSORY USES

- CONSUMPTION ON PREMISES
- FOOD AND BEVERAGE SERVICE, LIMITED
- PERSONAL SERVICES, GROUP I
- COMMUNITY GARDENS

DWELLING UNIT, MOBILE HOME (LIMITED TO 209 DWELLING UNITS)

ENTRANCE GATES OR GATEHOUSES

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES: GROUP I AND GROUP II (SUBJECT TO CONDITION 4)

EXCAVATION: WATER RETENTION

FENCES, WALLS

MULTI-SLIP DOCKING FACILITY (FOR THE USE OF RESIDENTS ONLY)

PARKING LOT: ACCESSORY

REAL ESTATE SALES OFFICE

RECREATIONAL FACILITIES, PERSONAL, PRIVATE ON-SITE

SIGNS

STORAGE, OPEN (LIMITED TO TRAILERS, RVS, BOATS, AND OTHER VEHICLES/GOODS OF THE OAK PARK VILLAGE CO-OP RESIDENTS)

TEMPORARY USES

- b. Site Development Regulations

Lot Size

AREA A: EXISTING MOBILE HOME PARK

Property development regulations must be in accordance with LDC Section 34-3274(3)).

AREA B – OUTDOOR STORAGE AND RECREATION AREA

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks

Development Perimeter	15 feet
Pearl Street	25 feet

<u>Maximum Lot Coverage</u>	60 percent, except as specified in LDC Section 34-3274(3)
-----------------------------	---

<u>Maximum Height</u>	35 feet
-----------------------	---------

3. 86-36 Designation

The residential portion of the has been recognized as an 86-36 park and are subject to the relevant portions of the Land Development Code as it pertains to the 86-36 Ordinance designation. Approval of this resolution does not intend to supersede this designation.

4. Wastewater Treatment Facility

This resolution recognizes and codifies the approval of SEZ2000-00008 and VAR2000-00064 which permits an on-site sewage disposal system (Essential Service Facilities, Group II) for the mobile home park.

5. Clubhouse Parking

This resolution recognizes and codifies the variance approved in VAR2000-00032 which reduces the required number of parking spaces for the clubhouse from 59 parking spaces to 26 spaces.

6. Outdoor Storage Area

- A. The accessory storage area may be used by the residents of the Oak Park Village Mobile Home Park (Co-Op) only.

- B. The approved area for the accessory outdoor storage area is permitted within the existing footprint as depicted on the MCP. The outdoor accessory storage area may not be altered or increased.
- C. The accessory storage area is limited to a maximum of 120 units where units include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or the like. Storage of construction or farm equipment or materials, box trucks (rental/moving vehicles), utility/service trucks, tractor-trailer or semi-trailer trucks or any truck and trailer combination are prohibited. Boats sitting on trailers will be considered as one unit.
- D. The accessory storage area must be maintained in a dust-free manner.
- E. The accessory storage area must be enclosed by a six-foot high chain link fence.
- F. A 15' Type "C" buffer must be provided along the southern and western boundaries of the accessory storage area with the exception of the gate. The plantings must include shrubs, a minimum of 60 inches in height at the time of planting, intended to provide a visual screening and may not be pruned to reduce height.
- G. A maintenance building or shed, a maximum of 1,000 square feet, is permitted but may not be used for repairs or mechanical work on stored units or for private storage of personal items of Oak Park residents. It is intended to be used by facilities managers of Oak Park Village for equipment to care for the Oak Village property.
- H. Maintenance, repairs or other mechanical work is prohibited on items in the accessory storage area.

7. Oak Park Village Access

Access points for the MHPD will be limited to the existing Oak Park Village entrances on Pearl Street as it currently exists consistent with the Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan approval of development order 3-13-84.

8. Environmental Conditions

Prior to local development order approval for any development beyond the existing footprint of the open storage area, the applicant must submit the following for review and approval:

- a) A current protected species survey as required by LDC Section 10-473, including species-specific Florida scrub jay and gopher tortoise surveys, as well as any required state and/or federal permits.
- b) A Florida scrub jay management plan per LDC Section 10-474 and Federal requirements if Florida scrub jay or evidence thereof are identified on the site.
- c) Development order plans must depict the upland conservation area as "Gopher Tortoise Preserve" if impacts to gopher tortoise burrows are avoided or a FWC on-site relocation permit is obtained.

- d) Development order plans must depict the 1.1± acre xeric oak community (Florida Land Use Classification Code 421) located north of the open storage area. The xeric oak community must be labeled "Upland Conservation Easement Area."
- e) Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for Development Services review and approval, a draft conservation easement for the 1.1± acre xeric oak community located within the 11.54± acres project site. Lee County must be a party of record within the conservation easement dedication. Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for DES review and approval of a conservation easement for the 4± acres of scrub oak habitat located within Strap #23-43-27-00.-00002.0010. Lee County must be a party of record within the conservation easement dedication. This condition was previously satisfied.
- f) The two required conservation easements must be recorded in the public records within 90 days of the Lee County Board of County Commission action approving the zoning request. This condition was previously satisfied.
- g) Prior to approval of a (limited) development order for installation of required buffer vegetation for the outdoor storage area, staff must perform a site inspection to ensure there is no listed species utilization of the area along the perimeter of the existing open storage where vegetation is to be installed. If listed species utilization is observed then all necessary surveys, FWC and/or US Fish and Wildlife Service (FWS) approvals and/or permits will be required. If no listed species utilization is observed, then no further surveys, FWC and/or FWS approvals and/or permit will be required at that time, but buffer installation will involve the removal of exotics only, all native vegetation is to remain and installation of the required buffer plantings. Buffer area work may only occur outside Florida scrub jay nesting season (March 1- June 31).

B. Deviations

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

Staff recommends **withdrawal** of this deviation.

2. Deviate from LDC Section 34-3005(b)(1), which requires all commercial or industrial outdoor storage to be shielded behind a continuous visual screening at least eight feet in height when visible from a residential use or residential zoning district; to allow a 6-foot high chain link fence with 60-inch landscaping to enclose the storage area.

Staff continues to recommend **approval** of this deviation recommends the carryover of previously approved conditions for this proposed use.

3. Deviate from Section 34-935(g)(1)a. which requires 40 percent of the total area of the project to be common open space; to allow 13 acres, or 26 percent of the project, to be common open space as depicted on the MCP.

Staff recommends **approval** of this deviation.

4. Deviate from Section 34-935(b)(1)b. which requires all buildings and structures to be set back from the development perimeter a distance equal to fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and buildings from development perimeter boundaries to be ten (10) feet for the existing Oak Park Village MHPD Boundary area consistent with the approved variance in Resolution Z-05-077.

Staff recommends **approval** of this deviation.

5. Deviate from Section 34-935(e)(1)a. where in the MHPD districts, if the development contains or consists of a conventional subdivision for mobile homes, the lot dimensions and area specified in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow property dimensions consistent with the original subdivision as official lots of record.

Staff recommends **approval** of this deviation.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments where the front, side and rear setback for the MH-1, MH-2, MH-3 or MH-4 mobile home district shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow setbacks as follows:

AREA A – EXISTING OAK PARK VILLAGE

Minimum Setbacks:

Oak Park Village Mobile Home Park subject to LDC Section

AREA B – OUTDOOR STORAGE AND RECREATION AREA

Minimum Setbacks:

Pearl (Offsite) Street: 25 feet

Park perimeter (MHPD boundary for AREA B): 15 feet Outdoor

Storage Area: 15 feet

Water Body: 5 feet (MHC-1 regulations)

Staff recommends **approval** of this deviation.

7. Deviate from Section 10-296(b), which requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume,

privately maintained, accessway not required to meet 10-296(b) except a gravel road with 18-foot width (9-foot travel lanes) per LDC Section 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Development Services on privately maintained roadways."

Development Services Staff recommends that the deviation language be modified as below:

Deviation (7) seeks relief from Lee County Land Development Code (LDC) Section 10-296(a), which requires all public and private streets to be designed, constructed, and improved in accordance with the specifications set out in this section, to allow an 18-foot-wide accessway as shown on the MCP to provide access to the existing open storage area.

Development Services Staff recommends approval of this deviation, subject to the following conditions:

- *The accessway must be designed to meet the requirements established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.*
- *At the time of development order, the accessway surface must be designed to provide a sufficiently stabilized limestone or gravel access to the open storage area based on the anticipated vehicle usage and adequately drained.*
- *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2021-00019
CASE NAME: OAK PARK VILLAGE MHPD
TYPE OF CASE: MINOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: FEBRUARY 23, 2023
SUFFICIENCY DATE: DECEMBER 20, 2022

REQUEST:

An application has been submitted by Fred Drovdlc, AICP of RVI Planning on behalf Oak Park Village Cooperative, Inc. C/O John Schouwink to request a rezoning of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to: combine the two existing zoning districts and codify all previous zoning approvals into a single resolution, expand the accessory storage area associated with the Oak Park Village, establish a different access point to the storage area, and allow for new well locations as depicted on the Master Concept Plan. The final development plan for the subject property will include a mobile home park with 208 dwelling units, accessory uses, and an ancillary open storage area.

The subject property is located at 21961 and 21981 Pearl Street, Northeast Lee County Planning Community, Alva Community Plan Area, Lee County, FL. (District #5), STRAP Numbers 22-43-27-02-000J0.0000, 22-43-27-02-000K0.0000, and 23-43-27-02-00000.00CE.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is located to the north and south side of Pearl Street, approximately 2/3 mile to the east of Broadway Street. The property is divided into the Mobile Home Conservation District (MHC-1) to the east, and Mobile Home Planned Development (MHPD) to the west.

The MHC-1 portion was rezoned by Resolution Z-70-056, which rezoned a portion of the property from AU (AG-2, as converted) to RU-3A and BU-2A (CT and C-1 as converted) with a Special Permit for a Mobile Home Park, with conditions (Attachment F). The subject property was then approved for a Special Exception and Variance in SEZ2000-00008/VAR2000-00064 to allow for Essential Service Facilities, Group II for a sewage disposal system for the mobile home park (Attachment G). The subject property was then rezoned in Resolution Z-05-077 and VAR2004-00031 from Agricultural (AG-2), Mobile Home Residential (MH-2), and Commercial (C-1) to Mobile Home Conservation District (MHC-2) with a variance to allow a 10-foot setback for Parcel 2 (Attachment H).

The portion zoned Mobile Home Planned Development (MHPD) was originally zoned by Resolution Z-07-072A to allow up to 25 single-family dwelling units, accessory uses, and open storage for the use of the residents of the community (Attachment I). ADD2014-00216A approved an amendment to allow a phasing plan for the planned development, with conditions (Attachment J).

The majority of the surrounding properties are developed with low density residential and agricultural uses. The surrounding development patterns can be characterized as follows:

North and West:

Properties to the north and west are zoned Agricultural (AG-2) and are in the Urban Community future land use category. These properties are developed with large lot residential uses.

East:

Properties to the east are zoned Agricultural (AG-2) and are in the Rural future land use category. These properties are developed with large lot residential and agricultural uses.

South:

To the south of the subject property is the Caloosahatchee River.

The subject property is also located in the Alva Community Plan Area and is subject to the Objectives and Policies of Goal 27 of the Lee Plan.

ANALYSIS

The applicant has provided a request statement that describes the nature of the request (Attachment D). The applicant requests a rezoning of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to:

- I. Combine all properties under common ownership of the Oak Park Village Cooperative into a unified MHPD by amending and combining the Mobile Home Planned Development (Resolution Z-07-072A) and the existing MHC-1 zoned Oak Park Village Mobile Home Park.
- II. Codify past zoning conditions, variances and administrative amendments in to the unified MHPD establishing development parameters that reflect the existing development and desired long-range buildout plan for the two western parcels according to the qualification of the existing park as an official lot of record.
- III. Establish a development plan for the two parcels abutting the existing park:
 - a. Remove the single-family use from the schedule of uses and amend the master concept plan to remove the single-family lots and the phasing plan.
 - b. Add Private, on-site recreational facilities and green space.
 - c. Expand the outdoor stage area and amend condition 17 established in Resolution Z-07-072A.
 - d. Modify Access points.
 - e. Allow for new well locations.

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Master Concept Plan:

The applicant has provided a Master Concept Pan which depicts the area previously approved through Ordinance 86-36, recreation areas, the expanded storage area, the proposed access between the residential area and storage area, the existing boat basin and multi-slip docking facility, and deviations that are being sought for approval as part of this rezoning request (Attachment U).

86-36 Designation:

Ordinance 86-36 was approved by the Lee County Board of County Commissioners on December 3, 1986 to address Mobile Home Parks that were made non-conforming by the implementation of the Zoning Ordinance approved by Ordinance 86-17 (Attachment K). Subsequent to the approval of Ordinance 86-36, the lots, setbacks, density, open space, and roadways of Oak Park Mobile Home Village were recognized as conforming (Attachment L). This rezoning request includes land protected

by the Ordinance 86-36, and staff aims to retain the 86-36 designation by noting these areas on the Master Concept Plan.

Development Pattern Considerations:

The subject property is in the Urban Community future land use category, which is described in Lee Plan Policy 1.1.4 as a mixture of relatively intense commercial and residential uses, and have a distinctly urban character. The subject property is currently developed with mobile home residential neighborhood on the eastern half of the development and the western half is a mix of accessory open storage and outdoor recreation space. The mix of uses is appropriate to the future land use category, as these uses are typical in the urban areas of the County. Staff finds the proposed use consistent with Policy 1.1.4.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages clustered mixed use development within Lee County where sufficient infrastructure exists. The subject property has historically been used as a residential community and the applicant has demonstrated that the request does not significantly increase demand on County infrastructure. Staff finds this Planned Development Rezoning consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Goal 5 of the Lee Plan establishes Objectives and Policies to provide sufficient land to accommodate the projected population to the year 2045 in attractive and safe neighborhoods with a mix of housing types and prices.

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist or requires density and design to be adjusted accordingly to be sensitive to such constraints. This policy notes physical constraints include flood, storm, or hurricane hazards, environmental limitations, or characteristics that may endanger the residential community. The subject property does not have significant physical constraints to limit development. The subject property is not located in a Coastal High Hazard Area and is located in Flood Insurance Rate Map (FIRM) Zone AE-EL 10 and X-Shaded. Staff notes that there is no intent to expand residential uses as part of this rezoning. Regardless of the lack of physical constraints evident on the subject property, the applicant will be required to meet the requirements of Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation. Staff finds the proposed development consistent with Lee Plan Policy 5.1.2.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. Two changes to the subject property that should be considered in the context of external impacts include the expansion of the open storage area and the creation of a new route for the community to access the storage area. The storage area is intended expand northward further into the Oak Park Village property. The western boundary of the open storage area runs along residential uses. Resolution Z-07-072A approved a deviation for an alternative landscaping and screening design, and staff continues to recommend approval of this deviation as part of this request. Additionally, it should be noted that the community has elected to move the primary access to the storage area from an access point off of Pearl Street to an internally accessed easement which will provide benefit to the properties that neighbor the Oak Village Community. Staff finds the proposed rezoning consistent with Lee Plan Policy 5.1.5.

The subject property is in the Northeast Lee County and Alva Community Plan Areas as described in Goal 27 and Goal 28 of the Lee Plan. Both plans aim to maintain, enhance, and support the heritage and rural character of the area. Policies 27.1.6, 27.1.8, and 28.1.7 aim to enhance coordination within Northeast Lee County and Alva by promoting planning coordination and requiring public meetings for zoning actions in both the Alva and North Olga Community Plan Areas. The applicant provided the requisite meetings in both Alva and North Olga, and did not receive any significant feedback about the rezoning (Attachments M and N). Staff finds the request consistent with Goals 27 and 28 and Lee Plan Policies 27.1.7, 27.1.8, and 28.1.7.

Policy 115.1.2 requires new development and additions to existing development to not degrade surface and ground water quality. No additional impacts to surface and ground water quality are anticipated as part of this request. Future development of the property will require an Environmental Resource Permit from the South Florida Water Management District, and will be required to comply with state and local regulations as it pertains to water quality. The applicant has not requested deviations from any water quality requirements. Staff finds this planned development rezoning request consistent with Policy 115.1.2.

Policy 128.4.6 establishes the requirement for compliance with the Manatee Protection Plan as it pertains to boat slips in multi-slip docking facilities. Natural Resources staff provided analysis on the existing docking facility, and the potential for more slips associated with the storage area (Attachment S). Staff finds the request consistent with Policy 128.1.6.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a county wide basis through the planned development process. The proposed rezoning does not increase or decrease the already approved 208 dwelling units, which are intended to remain in the development. Staff finds the proposed rezoning consistent with Goal 135 and Policy 135.1.9.

Transportation Considerations:

The applicant has requested a waiver from the traffic impact statement due to the fact that the rezoning request will not increase trips (Attachment O). Infrastructure Planning staff provided a memorandum concurring with the de minimis impact on the roadway infrastructure (Attachment P).

Urban Services:

The subject property is serviced by the Alva Fire and EMS station, which is approximately 1.36 miles south, and a Sheriff's station 10.1 miles south of the property. The existing development is serviced by on-site wells and wastewater treatment.

DEVIATION REQUESTS:

The applicant seeks the following deviations for consideration as part of this Planned Development Rezoning (Attachment Q):

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

Staff recommends **withdrawal** of this deviation and recommends the following condition that recognizes the previous Variance approval:

- This resolution recognizes and codifies the variance approved in VAR2000-00032 which reduces the required number of parking spaces for the clubhouse from 59 parking spaces to 26 spaces.
2. Deviate from LDC Section 34-3005(b)(1), which requires all commercial or industrial outdoor storage to be shielded behind a continuous visual screening at least eight feet in height when visible from a residential use or residential zoning district; to allow a 6-foot high chain link fence with 60-inch landscaping to enclose the storage area.

This deviation was approved by Resolution Z-07-072(a) and required a Type "C" buffer along the southern and western property lines of an open storage area, but required plantings to be a minimum 60 inches during installation. Staff continues to recommend **approval** of this deviation recommends the carryover of previously approved conditions for this proposed use.

3. Deviate from Section 34-935(g)(1)a. which requires 40 percent of the total area of the project to be common open space; to allow 13 acres, or 26 percent of the project, to be common open space as depicted on the MCP.

Environmental staff provide comment on the proposed deviation and notes that the applicant is bringing the site the greatest compliance possible while providing 52 percent open space overall (Attachment R). Staff recommends **approval** of this deviation.

4. Deviate from Section 34-935(b)(1)b. which requires all buildings and structures to be set back from the development perimeter a distance equal to fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and buildings from development perimeter boundaries to be ten (10) feet for the existing Oak Park Village MHPD Boundary area consistent with the approved variance in Resolution Z-05-077.

Staff recommends **approval** of this deviation.

5. Deviate from Section 34-935(e)(1)a. where in the MHPD districts, if the development contains or consists of a conventional subdivision for mobile homes, the lot dimensions and area specified in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow property dimensions consistent with the original subdivision as official lots of record.

It is staff's intent that the site plan, lot dimensions and setbacks approved pursuant to Ordinance 86-36 continue to be applicable to this property. Staff recommends **approval** of this deviation.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments where the front, side and rear setback for the MH-1, MH-2, MH-3 or MH-4 mobile home district shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow setbacks as follows:

AREA A – EXISTING OAK PARK VILLAGE

Minimum Setbacks:

Oak Park Village Mobile Home Park subject to LDC Section

AREA B – OUTDOOR STORAGE AND RECREATION AREA

Minimum Setbacks:

Pearl (Offsite) Street: 25 feet

Park perimeter (MHPD boundary for AREA B): 15 feet

Outdoor Storage Area: 15 feet

Water Body: 5 feet (MHC-1 regulations)

It is staff's intent that the site plan, lot dimensions and setbacks approved pursuant to Ordinance 86-36 continue to be applicable to this property. Staff recommends **approval** of this deviation.

7. Deviate from Section 10-296(b), which requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) except a gravel road with 18-foot width (9-foot travel lanes) per LDC Section 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Development Services on privately maintained roadways."

Development Services Staff recommends that the deviation language be modified as below:

***Deviation (7)** seeks relief from Lee County Land Development Code (LDC) Section 10-296(a), which requires all public and private streets to be designed, constructed, and improved in accordance with the specifications set out in this section, to allow an 18-foot-wide accessway as shown on the MCP to provide access to the existing open storage area.*

Development Services Staff recommends approval of this deviation, subject to the following conditions:

- *The accessway must be designed to meet the requirements established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.*
- *At the time of development order, the accessway surface must be designed to provide a sufficiently stabilized limestone or gravel access to the open storage area based on the anticipated vehicle usage and adequately drained.*
- *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request:

- a) Complies with the Lee Plan

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and density is compatible with existing and proposed uses, and meets or exceeds the objectives and policies above.

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

Except as deviated from herein, staff finds the proposed rezoning meets this Code and other County regulations.

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

The uses surrounding the subject property includes residential development and agricultural uses. As conditioned, the proposed use is consistent with surrounding existing and planned uses.

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

Access to this development is proposed from Pearl Street. Staff finds that the roadway system provides sufficient access to the proposed development.

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

Staff has reviewed the transportation impacts of the development, and has concluded that the request does not impact the roadway network in the area.

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

Staff has reviewed the potential environmental impacts and has determined that the requirements of the Land Development Code and Lee Plan, as well as recommended conditions of approval, sufficiently protect existing environmentally critical areas.

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

Additionally,

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

The proposed uses are similar to what exists today. The changes proposed by the applicant to the subject property are minimal, and as conditioned, staff finds the proposed uses consistent with surrounding area.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and, as conditioned, the public's interests are sufficiently addressed.

- c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

Staff recommends approval of the deviations sought by the applicant.

Staff, therefore, recommends approval of this rezoning request of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) as conditioned in Attachment C.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Resolution Z-70-056
- G. SEZ2000-00008 and VAR2000-00064
- H. Resolution Z-05-077 and VAR2004-00031
- I. Resolution Z-07-072A
- J. ADD2014-00216A
- K. Ordinance 86-36
- L. 86-36 Designation Map
- M. Alva Community Planning Meeting
- N. North Olga Community Planning Meeting
- O. Waiver of Submittal Requirements
- P. Infrastructure Planning Memorandum
- Q. Applicant Proposed Deviations and Conditions
- R. Environmental Memorandum
- S. Natural Resources Memorandum
- T. Development Services Memorandum
- U. Master Concept Plan

DCI2022-00005

ALICO

CROSSING

Staff Summary

CASE NUMBER & NAME: DCI2022-00005 / Alico Crossing

REQUEST: Request to rezone approximately 46.7± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for 475 dwelling units, 200,000 square feet of commercial uses, and 250 hotel rooms.

RESOLUTION NUMBER: Z-23-021

LOCATION: Located at East side of the Three Oaks Pkwy. Extension north of Alico Rd., Gateway/Airport Planning Community, Lee County, FL.

OWNER: THREE OAKS LAND COMPANY LLC C/O: STOCK INVESTMENTS

APPLICANT: Stock Development, LLC

AGENT: Daniel DeLisi, AICP
DeLisi, Inc.
520 27th Street
West Palm Beach, FL 33407

HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

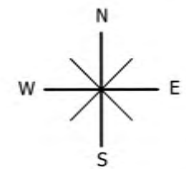
PARTICIPANTS: (2) Alan Freeman
Heather Goren



DCI2022-00005

Aerial

 Subject Property



0 500 1,000 1,500
Feet

Summary of Hearing Examiner Recommendation

ALICO CROSSING MPD

The request constitutes infill development in an area with a variety of land uses. The introduction of multi-family residential uses within the General Interchange expands housing options.

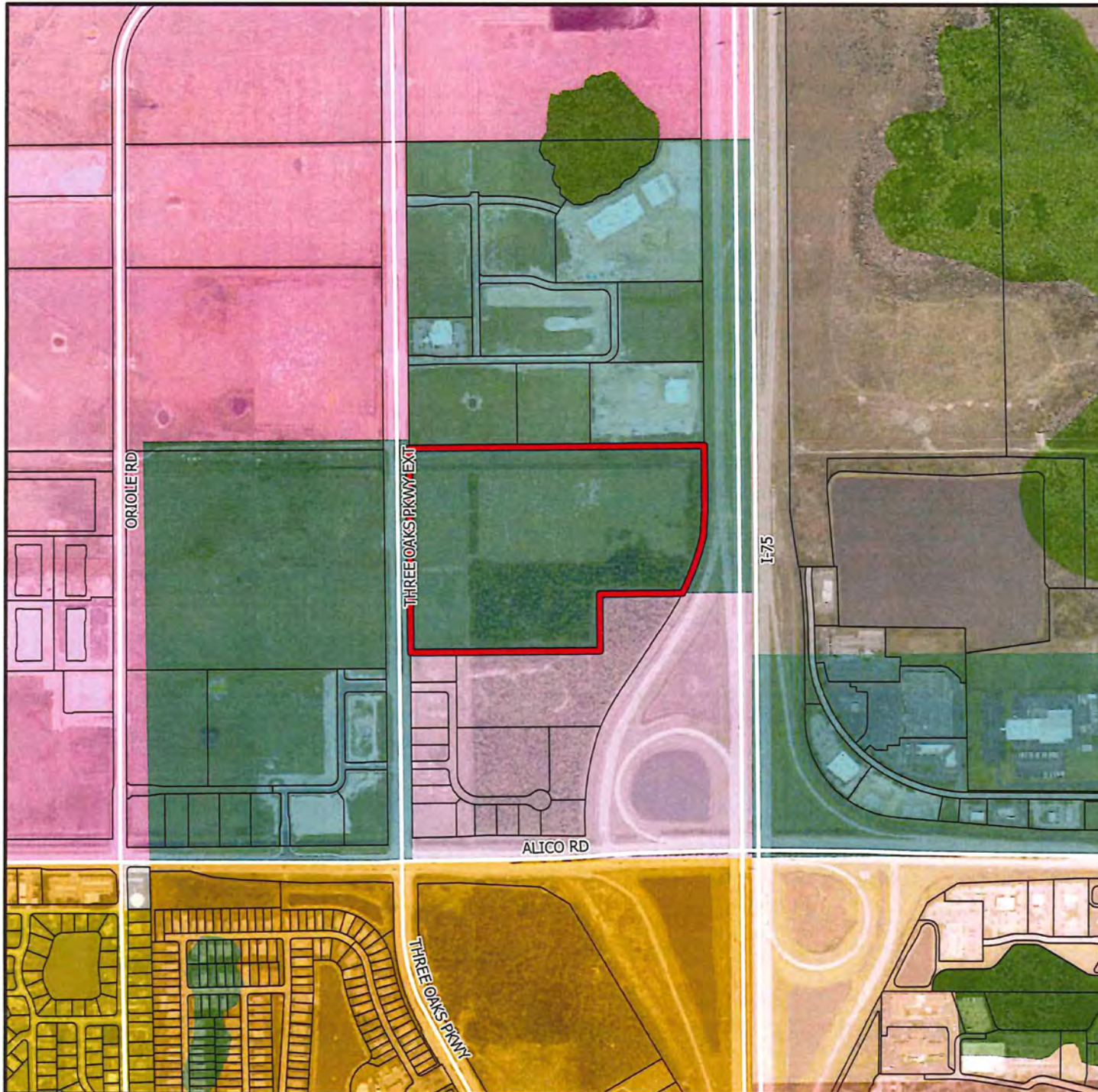
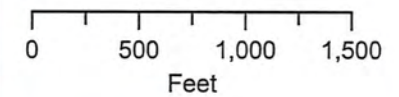
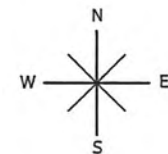
Staff and the Hearing Examiner do not support the requested parking deviation for the multifamily component of the project.

Detailed recommendation follows.

DCI2022-00005

Future Land Use


-  Subject Property
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  University Community
-  General Interchange
-  University Village Interchange
-  Industrial Commercial Interchange
-  Tradeport
-  Wetlands

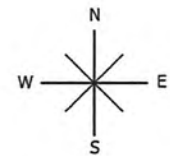




DCI2022-00005

Aerial

 Subject Property



0 500 1,000 1,500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00005

Regarding: **ALICO CROSSING MPD**

Location: 16541 Three Oaks Park
Gateway/Airport Planning Community
(District #2)

Hearing Date: **April 27, 2023**

I. Request

Rezone 46.7 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 475 residential units, 200,000 square feet of commercial floor area, and 250 hotel rooms.

Applicant requests deviations to address FAA guidelines in the Airport Wildlife Hazard Protection Zone and a deviation to reduce parking requirements for the residential use.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 46.7 acres to the Mixed Use Planned Development District.

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 facts adduced at hearing. The Hearing Examiner

¹ LDC §34-145(d)(4) a.

may take judicial notice of prior zoning decisions.² The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

Request

The request seeks to rezone 46.7 acres to the Mixed Use Planned Development District (MPD) to develop up to 475 dwellings, 200,000 square feet retail/office commercial, and 250 hotel rooms.

The request includes alternate Master Concept Plans (MCPs) featuring two development scenarios.

Both MCPs depict:

- (1) A single access to Three Oaks Parkway.
- (2) Connections to a reverse frontage road connecting properties north and south.
- (3) Commercial land uses abutting Three Oaks Parkway.
- (4) Open space tract along the southwest boundary of the site.

MCP Alternate A accommodates 475 multi-family units on 37.2 acres, 200,000 square feet commercial, and 250 hotel units. The site plan locates commercial and hotel uses along Three Oaks Parkway and residential to the east. A large water retention pond lies between the residential tract and the interstate.

MCP Alternate B accommodates 475 multi-family units on 30.5 acres, 200,000 square feet commercial, and 250 hotel units. A residential tract separates development areas slated for commercial and hotel uses along Three Oaks Parkway and the interstate.

The request includes four deviations from LDC criteria. Building heights will not exceed 75 feet for commercial office uses, 35 feet for retail uses, and 55 feet for residential buildings.³

Staff recommended approval with conditions.

Character of Area

The property lies in the Gateway/Airport Planning District north of Alico Road, and west of the Interstate. The area is characterized by ongoing development activity.⁴

² Lee County Administrative Code AC 2-6, 2.3D(4)(b).

³ LDC §§34-935(d), 34-2175(b)(4).

⁴ Lee Plan Policy 1.1.1.

The subject property is zoned Commercial Planned Development (CPD) with entitlements to develop retail, office, and hotel uses. Most property north of Alico Road has development entitlements for hotels, light industrial and commercial uses.

The request adds multifamily residential to the array of land uses permitted on the site. Multifamily residential development is underway across Three Oaks Parkway from the property.

History

The site is vacant and zoned CPD with frontage on the northern extension of Three Oaks Parkway. Existing CPD zoning approvals date back to 2003.⁵ Approved development parameters currently permit 300,000 square feet commercial retail, 51,000 square feet office, and 125 hotel rooms.⁶

Lee Plan

Planned developments must be consistent with the Lee Plan.⁷

The property lies within the General Interchange future land use category in the northwest quadrant of the Alico Road/I-75 Interchange.⁸ General Interchange areas are intended for a broad range of land uses including uses that expand the County's economic base.⁹ Pursuant to recent amendments to the Lee Plan, the General Interchange category permits residential land uses. Multifamily residential is permissible at densities ranging from eight to 14 units per acre. Maximum densities may be as high as 22 dwelling units per acre.¹⁰

The Economic Element of the Lee Plan encourages industrial and commercial uses to expand the County's economic base.¹¹ The proposed commercial/industrial uses contribute to a positive business climate and creates additional employment opportunities.¹² The Lee Plan also encourages development of a diverse mix of housing.¹³

The Airport/Gateway Planning District is developing with commercial and industrial land uses. Mixed use development is ideal at this location given the proximity of

⁵ Z-03-017.

⁶ Zoning approvals allow for conversion of approved square footage for additional retail and hotel rooms with limitations.

⁷ LDC 34-411(a).

⁸ Lee Plan Objective 1.3, Policies 1.1.7, 1.3.4; Lee Plan Map 1, page 1 or 8.

⁹ Lee Plan Policies 1.3.1, 1.3.2, 158.3.5.

¹⁰ *Id.* General Interchange areas may be the recipient of transfer of development rights from wetlands and the Southeast Lee County planning district. Lee Plan Policies 33.3.2, 124.1.1, 124.2.2.

¹¹ Lee Plan Objectives 158.3, 158.4, Policy 158.3.2.

¹² Lee Plan Goal 158 Objective 158.3 and Policy 158.3.5; *see also*, Lee Plan Table 1(b).

¹³ Lee Plan Policies 135.1.9, 158.1.9.

major transportation corridors, employment, and shopping centers.¹⁴ The site has access to public services and infrastructure including public water and sanitary sewer, paved roads, and police, fire, and emergency medical services.¹⁵

Compatibility

One of the purposes of “planned development” zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.¹⁶ The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.¹⁷ The plan of development includes commercial, hotel, and residential land uses. Commercial uses are appropriate when compatible with surrounding development.¹⁸ Surrounding lands feature residential, commercial, and industrial land uses. The site constitutes infill development consistent with existing development patterns.¹⁹

A portion of the property lies within the Airport Noise Zone Overlay and subject to airport related noise.²⁰ Construction within Airport Noise Zone C requires public disclosure of the potential for noise incidental to airport operations.²¹ Airport proximity prompts deviations to reduce wildlife attractants hazardous to air navigation.²²

LDC

A planned development zoning district is appropriate because the request meets the definition of Development of County Impact.²³ Planned development zoning

¹⁴ Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413.

¹⁵ Lee Plan Policies 2.2.1, 2.2.2, 6.1.1, 6.1.3, LDC 34-411(i) and (j). Potable water service will be provided by Green Meadows Water Treatment Plant. Sanitary sewer service provided by Three Oaks Water Reclamation Facility. The site has access paved roadways. The closest transit route is Lee Plan Route 60 with stops approximately a half mile south on Alico Road.

¹⁶ Another purpose is to provide flexibility in development design. LDC §34-612(2).

¹⁷ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.

¹⁸ Lee Plan Policy 6.1.4.

¹⁹ Lee Plan Policies 5.1.3, 6.1.7. The zoning request is consistent with emerging development patterns in the area. See Lee Plan Glossary definition - infill. Proposed multifamily residential uses expands housing options on the Alico Road corridor. Lee Plan Goals 5, 11, 135, 158, Objective 135.1.

²⁰ Specifically, Airport Noise Zone C. Lee Plan Objective 1.6, Policy 1.6.1, Lee Plan Map 1, page 5 of 7; LDC Appendix C – Map 1: SWFIA Airport Noise Zone Map.

²¹ LDC §§34-1104(a)(3), 34-1104(b).

²² Lee Plan Objective 47.2, Policies 47.2.1, 47.2.2, LDC 34-1110(a)(8) and (9). See requested deviations from excavation bank slopes and littoral plantings.

²³ LDC 34-2: Development of County Impact means development that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or upon its natural resources. See also 34-341(a). Lee Plan Policies 2.1.1, 5.1.1; LDC §34-612(2). The planned development district affords flexibility in site design.

integrates new development with surrounding land uses.²⁴ Planned developments further the goals of the Lee Plan while providing flexibility in planning and design.²⁵

Development must comply with County land development regulations or seek deviations. The request seeks three deviations from the LDC.²⁶ “Deviations” are departures from land development regulations.²⁷ Applicants must demonstrate each deviation enhances the planned development and will not cause a detriment to the public.²⁸

Requested deviations seek relief from code required excavation bank slopes, littoral plantings, and parking. Applicant offered testimony/evidence in support of each deviation.²⁹ Staff recommended approval of bank slope and littoral planting deviations but denial of the parking deviation. The Hearing Examiner agrees with staff’s recommendation, finding only two of the three deviations meet LDC approval criteria.³⁰

Disputed Parking Deviation

The LDC requires: (1) two parking spaces per multifamily unit, (2) 10% additional parking spaces to accommodate guests, and (3) four spaces for every 1,000 square feet of clubhouse. The code allows for up to a 10% reduction in parking for non-residential land uses but does not offer relief to residential development.³¹ Hence, Applicant requests a deviation from parking standards for multifamily development.

Applicant proposes 1.75 parking spaces per multifamily unit and no parking for guests or the clubhouse.³² The requested deviation reduces required parking by

²⁴ LDC §34-612(2).

²⁵ LDC §§34-411(a), 34-612(2); Planned developments must be consistent with the Lee Plan. Lee Plan Policy 2.1.2.

²⁶ Applicant withdrew a fourth deviation at hearing. The parties agreed the withdrawn deviation was duplicative.

²⁷ LDC §34-2.

²⁸ LDC §34-373(a)(9).

²⁹ LDC §34-377(a)(4).

³⁰ The Hearing Examiner may recommend approval, approval with modifications or denial of requested deviations based upon findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).

³¹ LDC §34-2020(c).

³² This amounts to eliminating approximately 80 spaces for the clubhouse and 95 spaces for guests of project residents. Testimony at hearing asserted many residents walk to the clubhouse, eliminating need for the code driven parking requirement for the clubhouse. In the alternative, Applicant posited that only non-amenity areas of the clubhouse should provide parking stating again that residents can walk.

more than 25%.³³ Applicant offered no testimony on how the 25% reduction in parking protects public health safety and welfare.³⁴

In support of the deviation Applicant offered (1) examples of code parking requirements from 11 counties and (2) a survey of six apartment communities in southwest Florida.³⁵ The examples show Lee County imposes among the highest parking requirements of the counties offered as comparison. The examples were metropolitan counties with expansive transit systems.³⁶ Areas served by established transit networks facilitate access to employment and other services without an automobile. Lee County is not similar to the counties offers as comparison in this respect.

The survey of six apartment complexes demonstrated wide swings in parking rates for similar sized projects, diminishing the usefulness of the data.³⁷

County has administratively approved a 2% reduction in clubhouse parking in the past.³⁸ There is no history of deviations from resident and guest parking requirements.

Applicant's request for a 25% reduction in project parking far exceeds even the 10% reduction permitted for commercial developments. An LDC amendment is necessary to authorize parking deviations to this degree. Absent comprehensive study, it is not reasonable to conclude the requested reduction protects public health, safety, and welfare.

³³ A multifamily project with 475 units must provide 1045 spaces per code plus additional spaces to support a clubhouse. This number represents parking at a rate of 2.0 spaces per unit, plus 10% guest parking. Applicant testified at hearing the LDC requires an additional 80 parking spaces to support the project clubhouse as proposed. (Testimony of Dan DeLisi.) This brings code required parking to 1125 spaces. The deviation caps parking at 1.75 spaces per unit with no parking for guests or the clubhouse for a total of 831.25 spaces, a 26.1% reduction in required parking. Applicant testified the site plan would distribute the (reduced) spaces throughout the project including the clubhouse area.

³⁴ Applicant suggests less parking allows for the possibility of more green space, enhancing the planned development.

³⁵ Evidence included multifamily parking requirements for the following counties: Pinellas, Broward, Orange, Seminole, Miami-Dade, Hillsborough, Duval, Sarasota, Palm Beach, and Pasco.

³⁶ Miami-Dade, Broward, Palm Beach, Pinellas, Hillsborough, and Orange counties host the largest transit systems in the state with interconnections to metropolitan areas in Pasco, Manatee, Sarasota, and Seminole Counties. Lee County does not offer transit service on the same level as the metropolitan areas offered as examples, making it more likely residents will rely on automobiles.

³⁷ Applicant's transportation consultant surveyed six apartment projects in southwest Florida during the midnight hour to determine occupant parking usage. Observations at this hour do not reflect clubhouse parking usage or guest demand. At best, it reflects overnight guest demand on one night. It was noteworthy no apartment communities constructed by Stock Development were included among the six examples; Especially since Applicant PowerPoint referenced Stock's apartment portfolio of nine projects, four of which are located in southwest Florida.

³⁸ Testimony of Dirk Danley, AICP.

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

The property was cleared to support agricultural activities that have been ongoing for decades.³⁹ The majority of the site is improved pasture. Remaining forested areas are infested with exotics.⁴⁰ The MCPs depict open space, buffers and preserve areas that will be enhanced/restored with native vegetation.⁴¹ Once removed, the property must remain free of exotic vegetation.⁴²

Transportation

Transportation studies concluded project traffic will not negatively impact surrounding roadways.⁴³ The proposed change from CPD to MPD introduces uses that reduce anticipated trips by 28%.⁴⁴ The property will be served by a single access to Three Oaks Parkway. Interior drives interconnect with adjacent development to the north and south.

No road improvements are necessary to accommodate projected trip generation. The project will pay its fair share of transportation impacts with road impact fees.⁴⁵ Developer must address site related improvements at the development order stage of development.⁴⁶

The median opening depicted on the MCP is contingent on County implementation of the Three Oaks Parkway Access Management Plan. Staff recommends conditions to govern driveway alignment and future contributions toward signalization of the intersection at the project entrance.⁴⁷

³⁹ Staff Report Attachment S.

⁴⁰ *Id.* Protected Species Assessment prepared by DexBender dated September 2021.

⁴¹ See MCP alternatives A and B. Lee Plan Goal 77, Objectives 77.3, 126.2, Policies 77.3.1, 123.2.9, 126.2.1. Applicant must provide 8.53 acres indigenous open space. The MCPs include a 4.60-acre indigenous preserve area. The preserve area consists of 3.51 acres existing indigenous vegetation and 1.09 acres restored indigenous. Staff Report Attachment S. The proposed Indigenous Restoration Plan details the restoration and preservation planting plans includes removal of exotic species and supplementing the area with native plantings.

⁴² Lee Plan Policies 123.2.9, 123.2.11.

⁴³ Testimony of Ted Treesh. Staff Report Attachment N.

⁴⁴ Staff Report Attachment D, Request Statement.

⁴⁵ Lee Plan Policies 38.1.1, 38.1.5. Staff Report Attachments N, O. Traffic Impact Statement prepared by TR Transportation Consultants, Inc., and Memorandum from Md Rakibul Alam, Senior Transportation Planner to Dirk Danley, Jr. Principal Planner dated March 21, 2023.

⁴⁶ Lee Plan Objective 39.1 and Policy 39.1.1.

⁴⁷ See Condition 7.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.⁴⁸ The Lee Plan requires an evaluation of public services during the rezoning process.⁴⁹

The property fronts Three Oaks Parkway, a County maintained arterial roadway with sidewalks.⁵⁰ Both MCP alternatives depict a single driveway to Three Oaks Parkway and a frontage road connecting to adjacent property to the north and south. Lee County Utilities has potable water and sanitary sewer infrastructure in place.⁵¹

The San Carlos Fire Control & Rescue Service District and Lee County EMS provide fire and emergency medical services to the area.⁵² The Lee County Sheriff provides law enforcement services.⁵³ Schools, parks, community facilities, shopping, and employment centers are within reasonable distances.⁵⁴

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.⁵⁵

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁵⁶ Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.⁵⁷ The MPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.⁵⁸

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

⁴⁸ Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

⁴⁹ Lee Plan Goal 95 and Policy 2.2.1.

⁵⁰ Lee Plan Map 3-D.

⁵¹ Staff Report Attachment R.

⁵² San Carlos Park Fire Control & Rescue Service District Station within .9 miles. Lee County EMS Station within 4.52 miles.

⁵³ Lee County Sheriff Office within 5 miles north of the property.

⁵⁴ Staff Report Attachment D.

⁵⁵ LDC Chapter 2, Article VI.

⁵⁶ Lee Plan Policies 5.1.5, 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC §§34-377(a)(3), 34-411, and 34-932(c).

⁵⁷ LDC 34-932(b).

⁵⁸ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1.

Public

Two members of the public attended the hearing and spoke in support of the project.

Conclusion

The Hearing Examiner recommends approval subject to conditions in Exhibit B. The Hearing Examiner finds the requested MPD district meets LDC criteria and, as conditioned, is compatible with surrounding development.⁵⁹

The Hearing Examiner revised conditions for clarity, and compliance with state law and has removed LDC references applicable by virtue of Condition 1.

IV. Findings and Conclusions


Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested Alico Crossings MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 95, 125, 135, 158; Objectives 2.1, 4.1, 5.1, 6.1, 77.1, 77.2, 126.2, 135.1, and Policies 1.3.2, 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 135.1.9, 135.9.6, Lee Plan Maps 1-A, 1-B, 1-E, 3-D, 4-A, 4-B, and Table 1(a).
- B. As conditioned, the MPD zoning designation:
 - 1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 5.1.3, 6.1.4, 135.9.6; LDC 34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Policy 6.1.5.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC 2-261 *et seq.*, 34-411(d) and (e).
 - 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 77, 125, Objectives 77.3, 126.2, Policies 6.1.6, 77.3.1, 126.2.1, and Standard 4.1.4.

⁵⁹ Lee Plan Policy 6.1.4.

- 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policy 2.2.1, Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 135.1.9, 135.9.6.
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1, 123.2.9, 135.9.6; LDC 34-377(a)(3), 34-411 and 34-932(c). Objective 47.2, Policy 47.2.1, 47.2.2.
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC 34-373(a)(9), 34-377(a)(4).

Recommendation dated: May 8, 2023.



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 Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

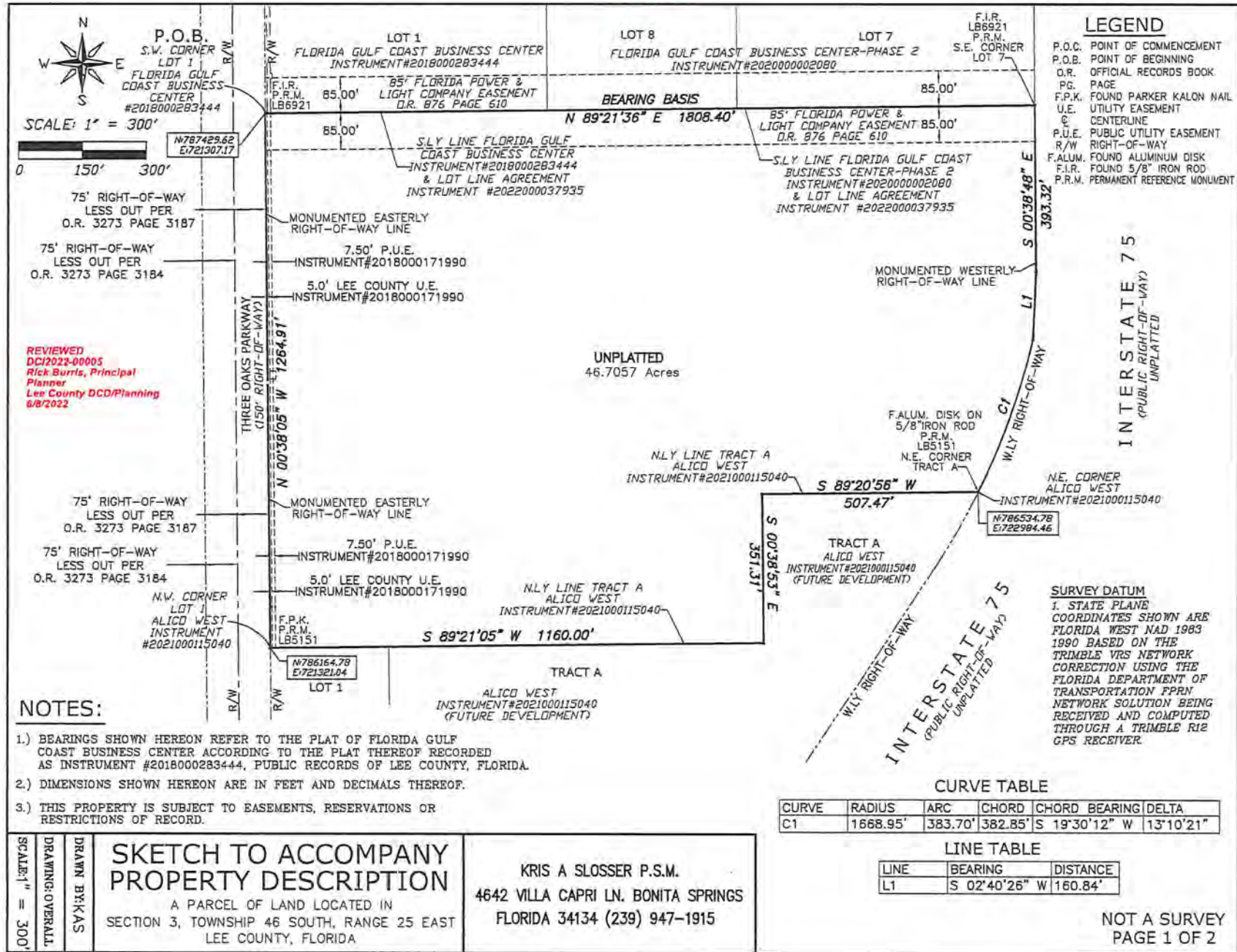


EXHIBIT A

OVERALL PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, FLORIDA GULF COAST BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2018000283444, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A POINT ON THE OCCUPIED EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (150 FOOT WIDE) ACCORDING TO SAID PLAT OF FLORIDA GULF COAST BUSINESS CENTER AND THE BEGINNING OF A LOT LINE AGREEMENT AS DESCRIBED IN INSTRUMENT #2022000037935 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N 89°21'36" E ALONG SAID LOT LINE AGREEMENT AND THE SOUTH LINE OF SAID FLORIDA GULF COAST BUSINESS CENTER FOR A DISTANCE OF 1808.40 FEET TO THE SOUTHEAST CORNER OF LOT 7, FLORIDA GULF COAST BUSINESS CENTER-PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2020000002080 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A POINT ON THE OCCUPIED WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (WIDTH VARIES) AS SHOWN ON SAID PLAT OF FLORIDA GULF COAST BUSINESS CENTER-PHASE 2 AND THE END OF SAID LOT LINE AGREEMENT; THENCE S 00°38'48" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 393.32 FEET; THENCE S 02°40'26" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 160.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE WESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1668.95 FEET THROUGH A CENTRAL ANGLE OF 13°10'21", SUBTENDED BY A CHORD OF 382.85 FEET AT A BEARING OF S 19°30'12" W FOR A DISTANCE OF 383.70 FEET TO THE NORTHEAST CORNER OF TRACT "A", ALICO WEST, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2021000115040 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 89°20'56" W ALONG SAID TRACT "A" FOR A DISTANCE OF 507.47 FEET; THENCE S 00°38'53" E ALONG SAID TRACT "A" FOR A DISTANCE OF 351.31 FEET; THENCE S 89°21'05" W ALONG SAID TRACT "A" FOR A DISTANCE OF 1160.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID PLAT OF ALICO WEST AS RECORDED IN INSTRUMENT NUMBER 2021000115040 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID THREE OAKS PARKWAY(150 FOOT WIDE) ACCORDING TO THE PLAT OF SAID ALICO WEST; THENCE N 00°38'05" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1264.91 TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF FLORIDA GULF COAST BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2018000283444, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 89°21'36" E.

PARCEL CONTAINS 46.7057 ACRES MORE OR LESS



Digitally signed
by KRIS A
SLOSSER
Date:
2022.03.30
14:31:33 -04'00'

REVIEWED
DCI2022-00005
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/8/2022

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

NOT A SURVEY
PAGE 2 OF 2

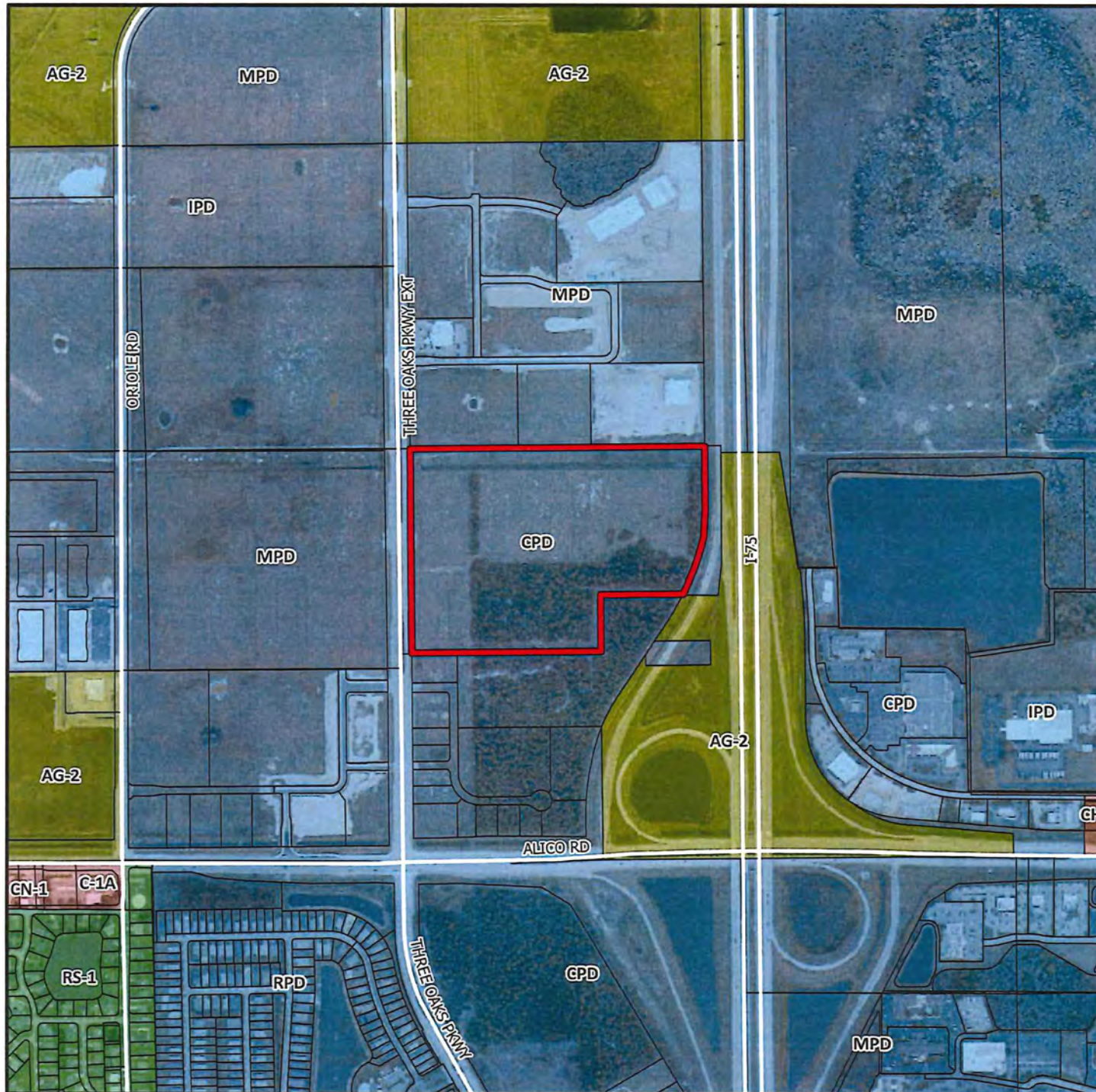
DRAWING: OVERALL

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OVERALL PARCEL PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

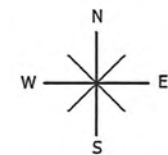
KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915



DCI2022-00005

Zoning

 Subject Property



0 500 1,000 1,500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the Master Concept Plans (MCPs) entitled "Alico Crossroads" prepared by DeLisi Fitzgerald, Inc., dated July 7, 2022, except as modified by conditions below. (MCP A - Exhibit B1, MCP B – Exhibit B2)

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Changes to the MCP or conditions of approval may require further development approvals.

Approved Development Parameters. The project may construct up to 475 multifamily dwelling units, up to 200,000 square feet commercial uses, and a 250-room hotel/motel.

2. Permitted Uses and Property Development Regulations.

- a. Schedule of Uses

Residential Areas

Accessory Uses and Structures

Administrative Offices

Club, Private

Dwelling Unit:

Multiple-Family Building

Essential Services

Essential Service Facilities, Group I

Excavation: Water Retention and dry detention

Fences and Walls

Gates and Gatehouse

Home Occupation

Parking Lot: Accessory

Real Estate Sales Office

Recreational Facilities: Personal, Private On-site

Residential Accessory Uses

Signs

Temporary Uses

Commercial

Accessory Uses

Administrative Offices

ATM (automatic teller machine)
Auto Parts Store
Automobile repair and service, Groups I and II
Automotive service station
Banks and financial establishments, Groups I and II
Bar or cocktail lounge, accessory to Hotel/Motel and Restaurant use
Boats:
 Boat sales
Broadcast studio, commercial radio, and television
Building material sales
Business Services, Groups I and II
Car Wash, accessory to Convenience Food and Beverage Store or
 Automobile Service Station
Cleaning and maintenance services
Clothing stores, general
Computer and Data Processing Services
Convenience food and beverage store
Consumption on premises
Contractors and builders, Groups I and II
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy
EMS, fire, or sheriff's station
Essential service facilities, Group I
Excavation, Water retention
Fences and Walls
Food and beverage service, limited.
Food stores, Groups I and II
Hardware store
Health care facility, Groups I, II, and III
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, and III
Laundromat
Laundry or dry cleaning, Group I
Lawn and garden supply store
Library
Medical office
Non-store retailers, all groups
Package store
Paint, glass, and wallpaper
Parcel and express services

Parking lot:

- Accessory
- Commercial
- Garage, public parking
- Park-and-ride

Personal services, Groups I, II, III, and IV excluding escort services, palm readers, tattoo parlors, massage parlors, and steam and Turkish baths.

Pet services

Pet shop

Pharmacy

Post office

Recreation facilities, Commercial, Groups I and III

Rental or leasing establishments, Groups I, II, and III

Repair shops, Groups I and II

Research and development laboratories, Group II and IV

Restaurant, fast food

Restaurants, Groups I, II, III, and IV

Schools, commercial and non-commercial

Self-service fuel pumps

Signs

Social services, Group I

Specialty retail shop, Groups I, II, III, and IV

Storage, indoor

Studios

Supermarket

Used merchandise stores, Group I

Variety store

Vehicle and equipment dealers, Groups I, II, III

Warehouse:

- Mini warehouse

- Private

- Public

Wholesale establishment, Groups III and IV

b. Site Development Regulations

Lot Area and Dimensions

Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet

Setbacks

Right-of-Way Setback	25 feet – Three Oaks Parkway
	20 feet – All other roads

Perimeter Setback	25 feet
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Side Yard Setback	10 feet
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Rear Yard Setback	20 feet
Waterbody Setback	20 feet
Preserve Setback	20 feet
Minimum Building Separation	
Commercial	½ sum of building height. Minimum 10 feet
Residential	35 feet
Maximum Building Height	
Commercial	75 feet (office) 35 feet (retail)
Residential	55 feet
Lot Coverage	45 Percent

3. Open Space Calculation

The first development order application must include plans depicting 17.25 acres open space consistent with the MCPs.

4. Wetland Restoration

The first development order application must include plans depicting 1.09 acres of restored wetlands and 4.60 acres of indigenous preserve area in substantial compliance with the MCPs A & B and consistent with the following breakdown:

Native Indigenous	3.51 Acres
Indigenous Restoration	1.09 Acres
Total Indigenous	4.60 Acres

5. Indigenous Restoration Plan

- a. The first development order application must include an indigenous management plan in compliance with the LDC.
- b. The first development order application must include a schedule for indigenous preservation and restoration to be completed within five consecutive years.
- c. The first development order application must include a map depicting the location of mechanical and hand-removal methods of exotic vegetation.
- d. The vegetation removal permit application must include survey point maps depicting preservation and restoration areas and mechanical clearing limits.

6. Enhanced Three Oaks Parkway Buffer

The site plans submitted with the first development order application must depict a 20-foot-wide Type D landscape buffer along the length of the west property line.

7. Three Oaks Parkway Access:

- a. The full median opening shown on the MCPs are contingent upon implementation of the Three Oaks Parkway Access Management Plan, once officially adopted, and future decisions made by the County regarding installation of a traffic signal, alteration, or elimination of the median opening. Project access must align with the access points outlined on the approved MCPs until the Board of County Commissioners adopt the Three Oaks Access Management Plan.
- b. If the County deems it necessary to install a traffic signal at this location, the developer or subsequent property owner's association will be responsible for a proportionate share of the total cost of the traffic signal improvement.

8. Notification of Potential Noise Impact

The following disclosures are intended to alert prospective property owners, developers, and residents that the property lies within Airport Noise Zone C and may be subject to noise created by and incidental to airport operations:

The developer, successor or assign acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code §34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code §34-1104(b).

9. State and Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Excavation Bank Slopes. Deviation 1 seeks relief from LDC §10-329 (d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1, to allow 4:1 ratio.

Hearing Examiner recommendation: Approved.

2. Withdrawn.

3. Planted Littoral Shelves. Deviation 3 seeks relief from LDC §10-418(2)d.3, which permits a maximum of 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the required number of herbaceous plants.

Hearing Examiner recommendation: Approved.

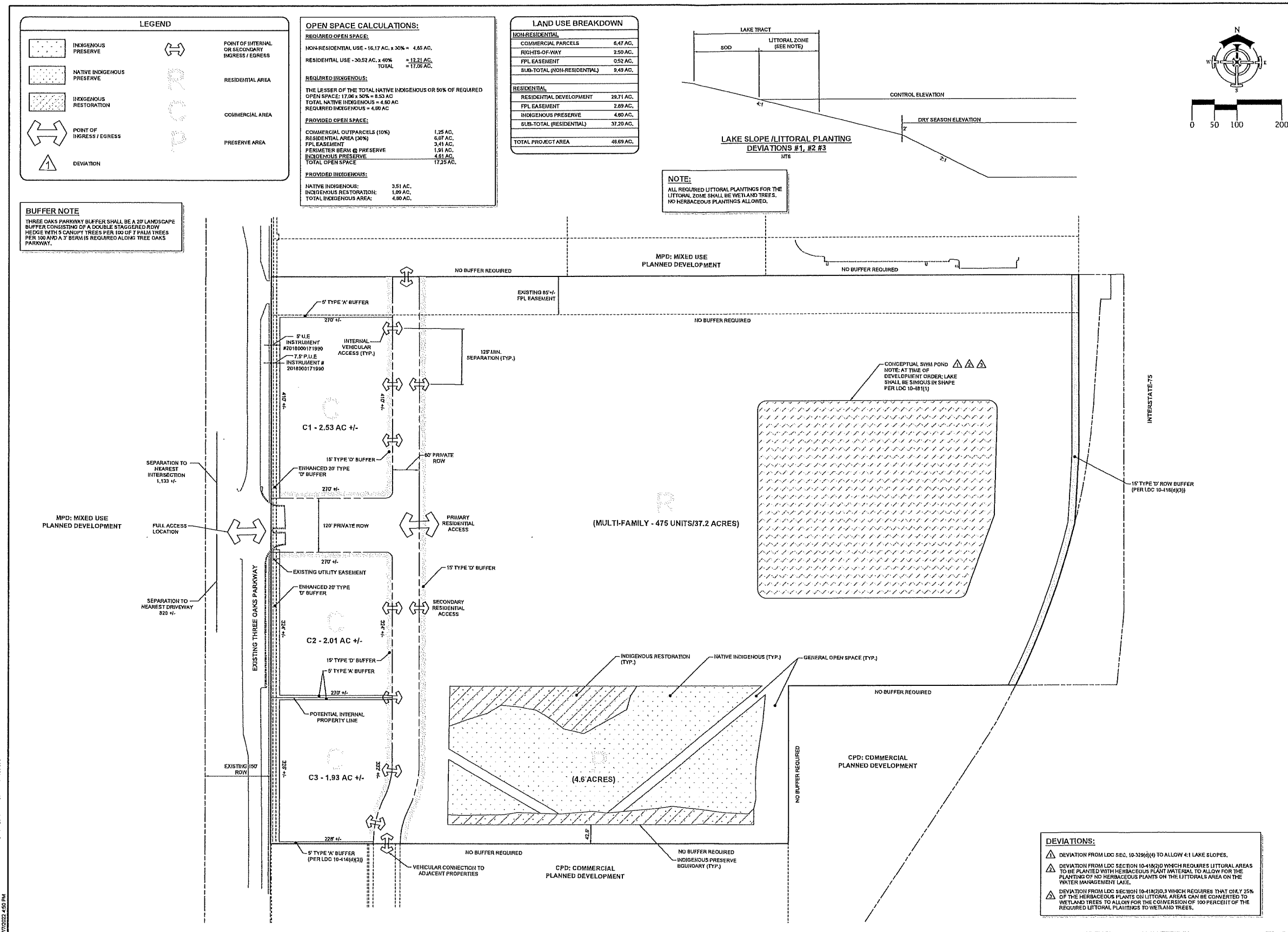
4. Parking. Deviation from LDC §34-2020(a), which requires multi-family units to provide 2 spaces per unit plus an additional 10% for guest parking and an additional 4 spaces for every 1,000 square feet of clubhouse, to allow for a total parking requirement of 1.75 spaces per unit for the entire residential portion of the development including the clubhouse.

Hearing Examiner recommendation: Denied.

Exhibits to Conditions:


B1 MCP - A

B2 MCP - B



PROFESSIONAL ENGINEERING FIRM

DELISI FITZGERALD, INC.
Planning • Engineering • Project Management



1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax
(239) 418-0693

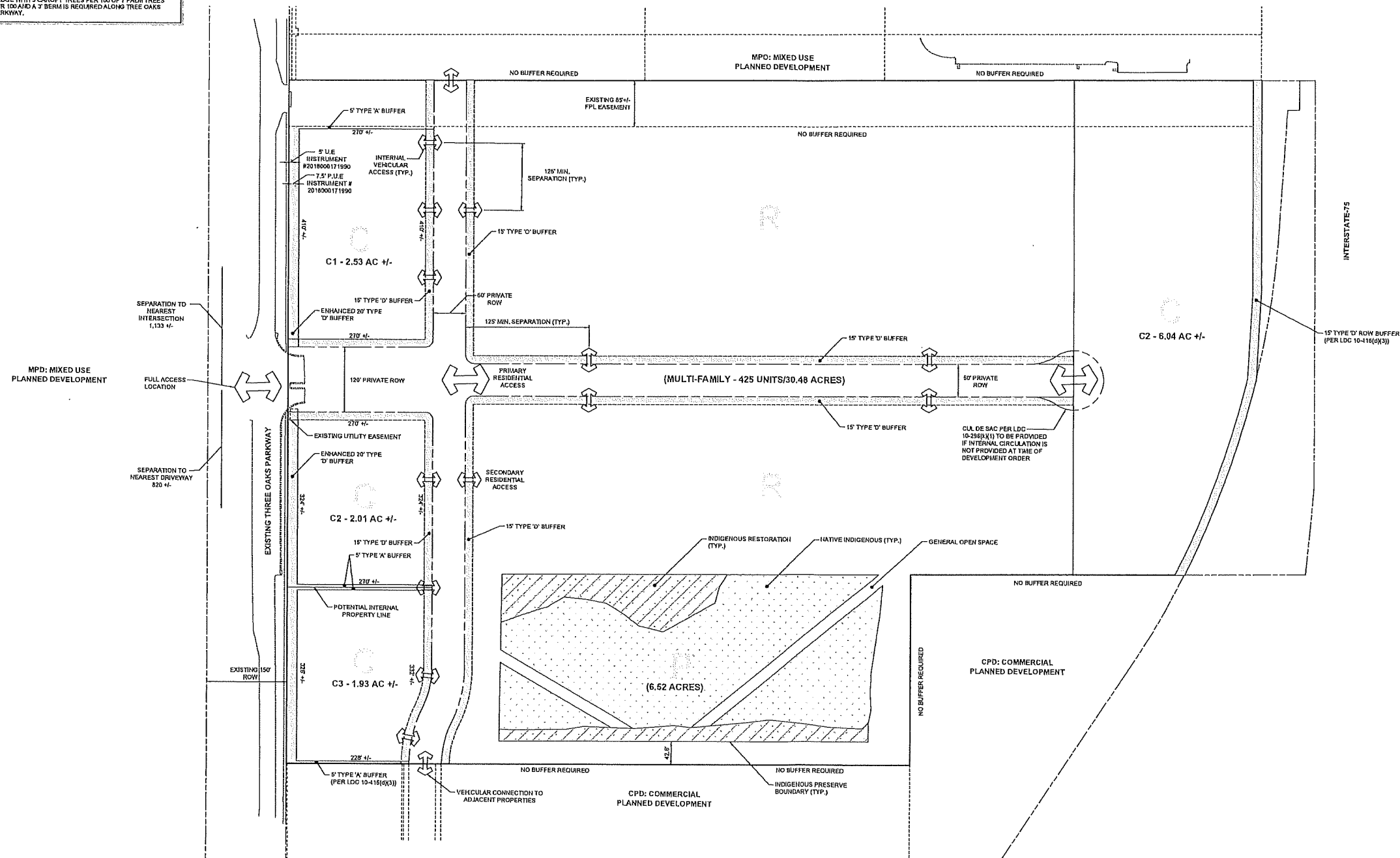
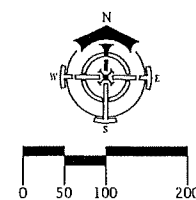
Florida Certificate
No. 10000
Engineering LB #68978

OWNER / DEVELOPER:
STOCK DEVELOPMENT, LLC
2639 PROFESSIONAL CIRCLE, SUITE 101
NASHVILLE, TN 37203
(615) 552-7344


PROJECT:

MASTER CONCEPT PLAN
A

EXHIBIT B-1



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management



1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0681
(239) 418-0682 fax

Florida Certificate
of Authorization
Engineering ID #26378

ENGINEER OF RECORD:
JOHN T. WOJDAK, P.E. (FOR THE FIRM)
FLORIDA P.E. NO. 58217

OWNER / DEVELOPER:
STOCK DEVELOPMENT, LLC
2639 PROFESSIONAL CIRCLE, SUITE 101
NASHVILLE, TN 37203
(615) 592-7344

PROJECT:

ALICO CROSSROADS

[illegible]

MASTER CONCEPT PLAN
B

Project Manager:	JTW
Drawn By:	JBC
Checked By:	JTW
Project Number:	21570
Part of Section of:	03
Township:	46 S Range: 25 E
County, State:	LEE COUNTY, FL

FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number:	1
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EXHIBIT B2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received April 12, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by DCD Staff, for Alico Crossing MPD, DCI2022-00005 (multiple pages – 8.5"x11") [color]
3. *Administrative Amendment:* ADD2022-00167, adopted 3/24/2023 by Anthony R. Rodriguez, AICP, CPM, Zoning Manager (3 double-sided pages – 8.5"x11" and 1 page – 11"x17")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Olga Ramos, to Hearing Examiner and Maria Perez, with copies to Neale Montgomery, Dan DeLisi, Gelder Keith, John Wojdak, Ted Treesh, Dirk Danley, Jr., and Marcus Evans, dated Tuesday, April 25, 2023, 8:36 AM (3 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Alico Crossing MPD, DCI2022-00005 (multiple pages – 8.5"x11") [color]
2. *Appendix from Parking Study:* Land Use: 221 Multifamily Housing (Mid-Rise) (1 double-sided page – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Daniel DeLisi
2. Keith Gelder
3. Ted Treesh
4. John Wojdak

Public Participants:

1. Alan Freeman
2. Heather Goren

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

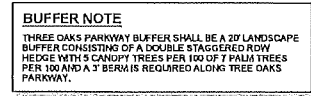
The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

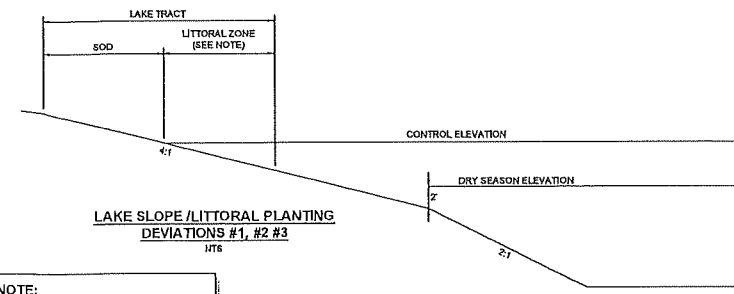
- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants is 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

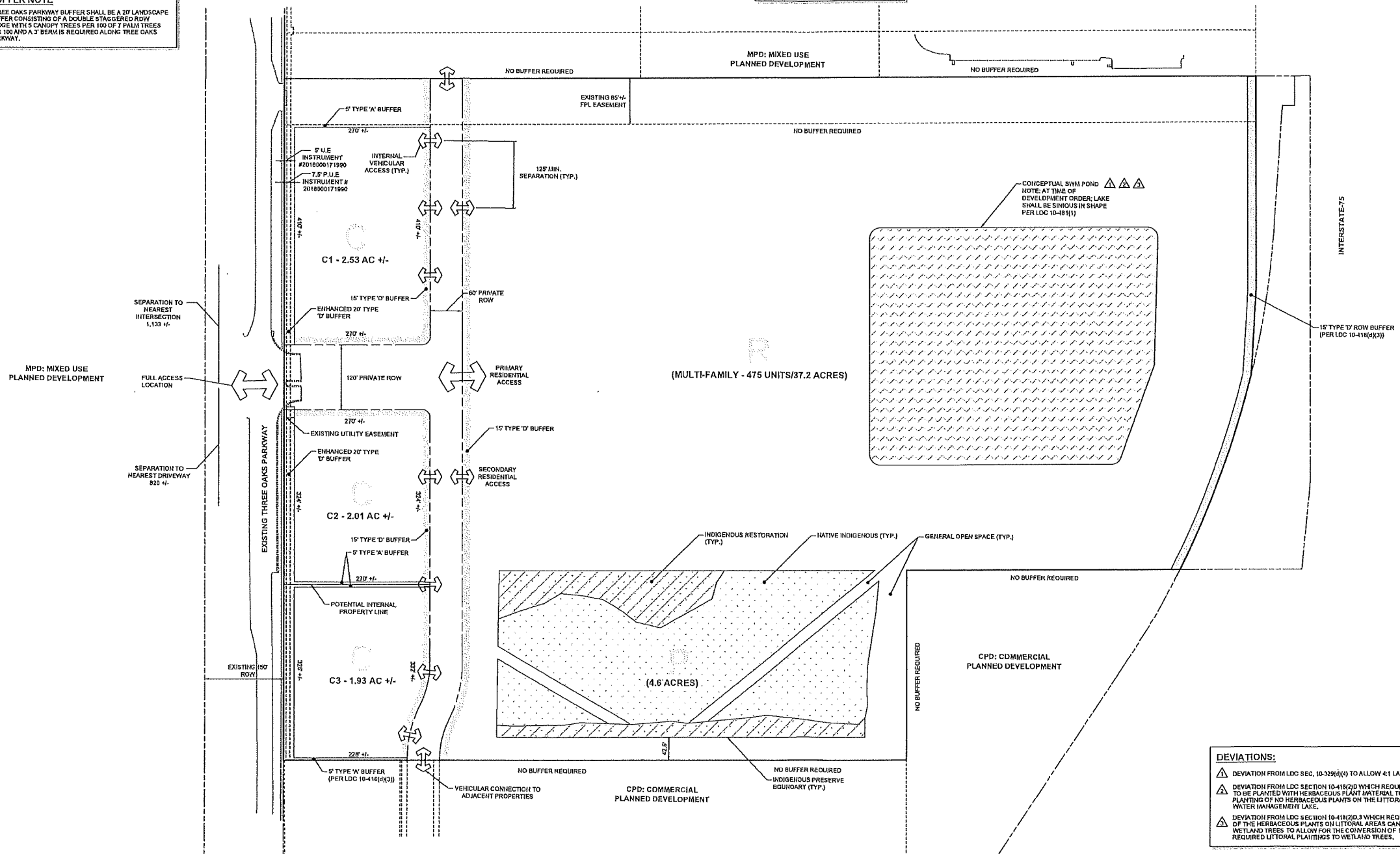
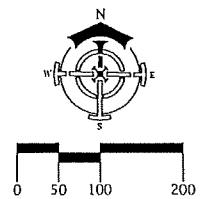
- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.



LAND USE BREAKDOWN	
NON-RESIDENTIAL	
COMMERCIAL PARCELS	6.47 AC.
RIGHTS-OF-WAY	2.59 AC.
PPL EASEMENT	0.52 AC.
SUB-TOTAL (NON-RESIDENTIAL)	9.49 AC.
RESIDENTIAL	
RESIDENTIAL DEVELOPMENT	29.71 AC.
PPL EASEMENT	2.89 AC.
INDIGENOUS PRESERVE	4.60 AC.
SUB-TOTAL (RESIDENTIAL)	37.20 AC.
TOTAL PROJECT AREA	46.69 AC.




NOTE:
ALL REQUIRED LITTORAL PLANTINGS FOR THE
LITTORAL ZONE SHALL BE WETLAND TREES.
NO HERBACEOUS PLANTINGS ALLOWED.



DEVIATIONS:	
⚠	DEVIATION FROM LDC SEC. 10-329(d)(4) TO ALLOW 1 LAKE SLOPES.
⚠	DEVIATION FROM LDC SECTION 10-418(d) WHICH REQUIRES UTTORAL AREAS BE PLANTED WITH HERBACEOUS PLANTS TO PLANT MATERIAL TO ALLOW FOR THE PLANTING OF NO HERBACEOUS PLANTS ON THE UTTORALS AREA ON THE WATER MANAGEMENT LAKE.
⚠	DEVIATION FROM LDC SECTION 10-418(d) WHICH REQUIRES THAT ONLY 25% OF THE HERBACEOUS PLANTS ON UTTORAL AREAS CAN BE CONVERTED TO WETLAND TREES TO ALLOW FOR THE CONVERSION OF 100 PERCENT OF THE REQUIRED UTTORAL PLANTINGS TO WETLAND TREES.

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management



1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate
of Authorization
Engineering LB #26978

ENGINEER OF RECORD:
JOHN T. WOODWARD, P.E. FOR THE FIRM
FLORIDA E. & N. 39227

OWNER / DEVELOPER: STOCK DEVELOPMENT, LLC 2639 PROFESSIONAL CIRCLE, SUITE 200 NAPLES, FL 34113 (239) 552-7344	ALICO CROSSROADS PROJECT:
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[illegible]

MASTER CONCEPT PLAN
A

Project Manager:	JTW
Drawn By:	JBC
Checked By:	JTW
Project Number:	21570
Part of Section(s)	03
Township: 46 S	Range: 25 E
County, State:	LEE COUNTY, FL

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Sheet Number: 1

LEGEND

INDIGENOUS PRESERVE

NATIVE INDIGENOUS PRESERVE

BUFFER NOTE

THREE OAKS PARKWAY BUFFER SHALL BE A 20' LANDSCAPE BUFFER CONSISTING OF A DOUBLE STAGGERED ROW HEDGE WITH 5 CANOPY TREES PER 100' OF 7 PALM TREES PER 100 AND A 3' BERM IS REQUIRED ALONG TREE OAKS PARKWAY.

OPEN SPACE CALCULATIONS:

REQUIRED OPEN SPACE:

NON-RESIDENTIAL USE - 16.17 AC. x 30% = 4.85 AC.
RESIDENTIAL USE - 30.52 AC. x 40% = 12.21 AC.
TOTAL = 17.06 AC.

REQUIRED INDIGENOUS:

THE LESSER OF THE TOTAL NATIVE INDIGENOUS OR 50% OF REQUIRED OPEN SPACE: 17.06 x 50% = 8.53 AC
TOTAL NATIVE INDIGENOUS = 4.60 AC
REQUIRED INDIGENOUS = 4.60 AC

PROVIDED OPEN SPACE:

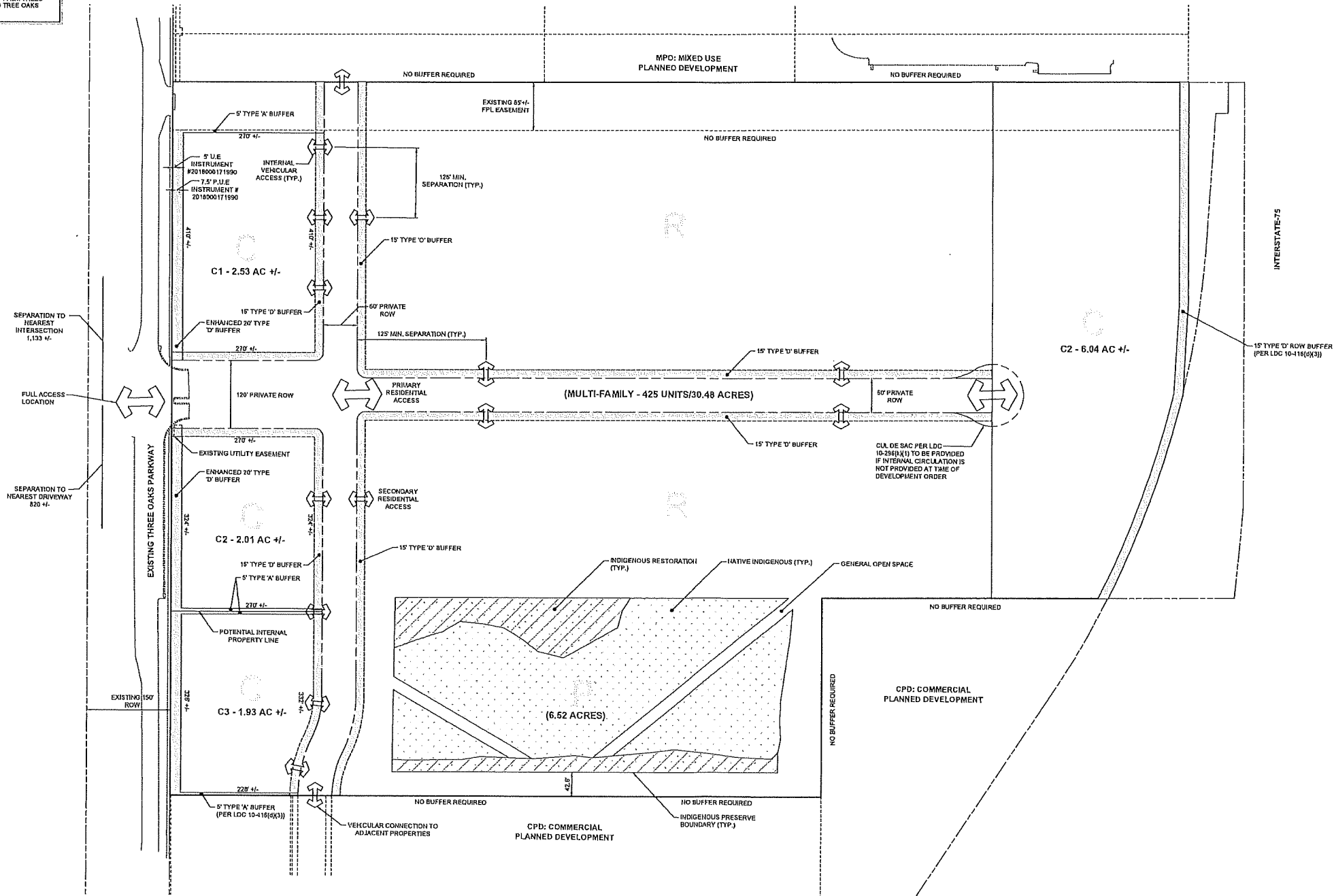
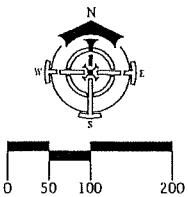
COMMERCIAL OUTPARCELS (10%) 1.25 AC.
RESIDENTIAL AREA (30%) 6.07 AC.
FPL EASEMENT 3.41 AC.
PERIMETER BERM @ PRESERVE 1.91 AC.
INDIGENOUS PRESERVE 4.61 AC.
TOTAL OPEN SPACE 17.25 AC.

PROVIDED INDIGENOUS:

NATIVE INDIGENOUS: 3.51 AC.
INDIGENOUS RESTORATION: 1.09 AC.
TOTAL INDIGENOUS AREA: 4.60 AC.

LAND USE BREAKDOWN

NON-RESIDENTIAL	
COMMERCIAL PARCELS	12.51 AC.
RIGHTS-OF-WAY	2.50 AC.
FPL EASEMENT	1.20 AC.
SUB-TOTAL (NON-RESIDENTIAL)	16.21 AC.
RESIDENTIAL	
RESIDENTIAL DEVELOPMENT	22.15 AC.
FPL EASEMENT	2.21 AC.
RIGHT-OF-WAY	1.52 AC.
INDIGENOUS PRESERVE	4.60 AC.
SUB-TOTAL (RESIDENTIAL)	30.48 AC.
TOTAL PROJECT AREA	46.69 AC.



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
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Florida Certificate of Authorization
Engineering LB #26978

ENGINEER OF RECORD:
JOHN T. WOODARD, P.E. (FOR THE BRM)
FLORIDA P.E. NO. 34217

NOT VALID WITHOUT SEAL, LICENSE, AND DATE

OWNER / DEVELOPER:
STOCK DEVELOPMENT, LLC
10000 INTERNATIONAL CIRCLE, SUITE 101
FORT MYERS, FL 33901
(239) 552-7344

PROJECT:
ALICO CROSSROADS

MASTER CONCEPT PLAN
B

Project Manager: JTW
Drawn By: JBC
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Project Number: 21570
Part of Section #: 03
Township: 46 S Range: 25 E
County, State: LEE COUNTY, FL

Status:
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A. Conditions

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "Alico Crossroads" prepared by DeLisi Fitzgerald, Inc., dated 7/7/2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The development is allowed a maximum of 475 multiple-family residential dwelling units, a maximum total gross floor area of 200,000 square feet of commercial uses, and a 250-room hotel/motel use.

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

- a. Schedule of Uses

- Residential Areas**

- Accessory Uses and Structures

- Administrative Offices

- Club, Private

- Dwelling Unit:

- Multiple-Family Building

- Essential Services

- Essential Service Facilities, Group I

- Excavation: Water Retention and dry detention

- Fences and Walls

- Gates and Gatehouse

- Home Occupation

- Parking Lot: Accessory

- Real Estate Sales Office

- Recreational Facilities: Personal, Private On-site

- Residential Accessory Uses

- Signs

- Temporary Uses

- Commercial**

- Accessory Uses

- Administrative Offices

- ATM (automatic teller machine)

Auto Parts Store
Automobile repair and service, Groups I and II
Automotive service station
Banks and financial establishments, Groups I and II
Bar or cocktail lounge, Accessory to Hotel/Motel and Restaurant use
Boats:
 Boat sales
Broadcast studio, commercial radio and television
Building material sales
Business Services, Groups I and II
Car Wash, Accessory to Convenience Food and Beverage Store or
 Automobile Service Station
Cleaning and maintenance services
Clothing stores, general
Computer and Data Processing Services
Convenience food and beverage store
Consumption on premises, in accordance LDC Section 34-1264
Contractors and builders, Groups I and II
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy
EMS, fire or sheriff's station
Essential service facilities, Group I
Excavation, Water retention
Fences and Walls
Food and beverage service, limited
Food stores, Groups I and II
Hardware store
Health care facility, Groups I, II, and III
Hobby, toy and game shops
Hotel/motel
Household and office furnishings, Groups I, II, and III
Laundromat
Laundry or dry cleaning, Group I
Lawn and garden supply store
Library
Medical office
Non-store retailers, all groups
Package store
Paint, glass and wallpaper
Parcel and express services

- Parking lot
 - Accessory
 - Commercial
 - Garage, public parking
 - Park-and-ride
- Personal services, Groups I, II, III, and IV excluding escort services, palm readers, tattoo parlors, massage parlors, and steam and Turkish baths
- Pet services
- Pet shop
- Pharmacy
- Post office
- Recreation facilities, Commercial, Groups I and III
- Rental or leasing establishments, Groups I, II, and III
- Repair shops, Groups I and II
- Research and development laboratories, Group II and IV
- Restaurant, fast food
- Restaurants, Groups I, II, III, and IV
- Schools, commercial and non-commercial
- Self-service fuel pumps
- Signs
- Social services, Group I
- Specialty retail shop, Groups I, II, III, and IV
- Storage, indoor
- Studios
- Supermarket
- Used merchandise stores, Group I
- Variety store
- Vehicle and equipment dealers, Groups I, II, III
- Warehouse:
 - Mini-warehouse
 - Private
 - Public
- Wholesale establishment, Groups III and IV

b. Site Development Regulations

Lot Area and Dimensions	
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet

Setbacks

Right-of-Way Setback	25 feet – Three Oaks Parkway 20 feet – All Other Roads
Perimeter Setback	25 feet
Side Yard Setback	10 feet
Rear Yard Setback	20 feet
Waterbody Setback	20 feet
Preserve Setback	20 feet
Minimum Building Separation	
Commercial	½ sum of the building height Minimum 10 feet
Residential	35 feet
Maximum Building Height	
Commercial	75 feet (office) 35 feet (retail)
Residential	55 feet
Lot Coverage	45 Percent

3. Open Space Calculation:

- a. Prior to the issuance of the first development order, the development order plans must depict 17.25 acres of open space as described on the Master Concept Plan.

4. Wetlands Restoration:

- a. Prior to the issuance of the first development order, the development order plans must depict a total of 1.09 acres of restored wetlands and a total of 4.60 acres of indigenous preserve area in substantial compliance with the Master Concept Plan A & B per the following breakdown:

Native Indigenous:	3.51 Acres
Indigenous Restoration:	1.09 Acres
Total Indigenous Area:	4.60 Acres

5. Indigenous Restoration Plan:

- a. Prior to the issuance of the first development order, the applicant must provide an indigenous management plan in compliance with Section 10-474 of the Land Development Code.

- b. Prior to the issuance of the first development order, the development order plans must include a schedule for the indigenous preservation and restoration to be completed within at least five consecutive years.
 - c. Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.
 - d. The applicant must submit with the vegetation removal permit survey point maps depicting the preservation and restoration areas and mechanical clearing limits.
- 6. Enhanced Three Oaks Parkway Buffer:
 - a. Prior to the issuance of the first development order, the development order plans must depict a 20-foot-wide Type D landscape buffer along entirety of the west property line.
- 7. Three Oaks Parkway Access:
 - a. The full median opening as shown on the Master Concept Plan is contingent upon the implementation of the Three Oaks Parkway Access Management Plan, once it is officially adopted, and any future decisions made by the County regarding the installation of a traffic signal, alteration or elimination of the median opening. Until the Access Management Plan is adopted, access must align with the access points outlined on the Master Concept Plan that has been approved.
 - b. In the event that the County deems it necessary to install a traffic signal at this location, the developer or subsequent property owner's association will be responsible for a proportionate share of the total cost of the traffic signal improvement.
- 8. Airport Compatibility:
 - a. The developer, successor or assign acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code Section 34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code Section 34-1104(b).
 - b. The Southwest Florida International Airport is in proximity to this (insert plat/condominium/development, as appropriate). There is potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code 34-1104.

B. Deviations

1. Deviation (1) seeks relief from LDC Section 10-329 (d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1 slope, to allow for 4:1 lake bank slopes.

Staff recommends **approval** of this deviation.

2. Deviation (2) seeks relief from LDC Section 10-418(2)d, which requires littoral areas to be planted with herbaceous plant material, to allow for the planting of no herbaceous plants on the littorals area on the water management lake.

Staff recommends **withdrawal** of this deviation.

3. Deviation (3) seeks relief from LDC Section 10-418(2)d.3, which permits a maximum of 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the total required number of herbaceous plants.

Staff recommends **approval** of this deviation.

4. Deviation from Section 34-2020(a), which requires that multi-family units provide 2 spaces per unit plus an additional 10% for guest parking and an additional 4 spaces for every 1,000 square feet of clubhouse area, to allow for a total parking requirement of 1.75 spaces per unit for the entire residential portion of the development including the clubhouse area.

Staff recommends **denial** of this deviation.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00005

CASE NAME: ALICO CROSSING MIXED USE PLANNED DEVELOPMENT

TYPE OF CASE: MINOR PLANNED DEVELOPMENT

HEARING EXAMINER DATE: APRIL 27, 2023

SUFFICIENCY DATE: FEBRUARY 22, 2023

REQUEST:

An application has been submitted by Daniel DeLisi, AICP of DeLisi, Inc. on behalf of Stock Development LLC, to request a rezoning of approximately 46.7 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 475 residential units, 200,000 square feet of commercial floor area, and 250 hotel rooms. The applicant seeks deviations to address FAA guidelines as it pertains to lake bank design in the Airport Wildlife Hazard Protection Zone, and also seeks a deviation to allow a reduction in parking requirements for the proposed use.

The subject property is located at 16541 Three Oaks Parkway, Gateway/Airport Planning Community, Lee County, FL. (District #2), STRAP Number 03-46-25-00-00001.1080.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C. Of the four deviations requested by the applicant, staff recommends approval of three from LDC Sections 10-329(d)(4), 10-418(2)d, and 10-418(2)d.3, which all pertain to lake bank design in the Airport Wildlife Hazard Protection Zone. The fourth deviation seeks relief from the minimum parking requirements in LDC Section 34-2020 for multiple family uses. Based on the analysis provided by staff, this deviation is recommended for denial.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property was rezoned by Resolution Z-03-017 to a Commercial Planned Development (CPD), to allow a maximum of 300,000 square feet of commercial retail uses, 51,000 square feet of office uses, and 125 hotel rooms, with an option to increase the commercial retail square footage to 377,000 square feet with a corresponding 31,000 square foot reduction of office uses, and an optional development plan of 348,000 square feet of commercial and office uses and 200 hotel rooms (Attachment G). The planned development was amended two times by Resolution Z-08-029 and Resolution Z-08-035 to extend approval of the MCP for an additional five years and amend the project boundary to reflect conveyance of land to the State for the widening of Interstate 75 (Attachments H and I). The property still remains undeveloped and is being used for agricultural purposes.

The subject property is located between Interstate 75 and Three Oaks Parkway, and is approximately 1,200 feet north of Alico Road. Three Oaks Parkway is a County-maintained arterial roadway and will

serve as the primary means of ingress and egress for the parcel. This area has been under significant development along the Alico Road and Three Oaks Corridors over the last decade and now contains significant commercial and industrial development.

The subject property is in the General Interchange future land use category; as such, the request must be found consistent with Lee Plan Policy 1.3.2. The subject property is also located in the Gateway/Airport Planning Community.

The following characterizes surrounding zoning districts and land uses:

North:

Property to the north is zoned Mixed Use Planned Development (MPD) and is in the Industrial Commercial Interchange future land use category. The planned development was approved by Resolution Z-18-001 and was last amended by ADD2020-00139 (Attachment J). This property is developed with several office buildings.

East:

Property to the east is separated by Interstate 75, is zoned Mixed Use Planned Development (MPD) and is in the Tradeport Future Land Use Category. This planned development was originally approved by Resolution Z-05-029, and was most recently amended by Resolution Z-21-009 (Attachment K). This property is currently developing the backbone infrastructure for future development.

South:

Property to the south is zoned Commercial Planned Development (CPD) and is in the General Interchange future land use category. This planned development was approved by Resolution Z-05-019 and was last amended by Resolution Z-19-035 (Attachment L). This property is under development for commercial and multiple-family residential uses.

West:

Property to the west is separated by Three Oaks Parkway and is zoned Mixed Use Planned Development (MPD) and is in the Industrial Commercial Interchange future land use category. This planned development was approved by Resolution Z-20-002 (Attachment M) but the property still remains undeveloped.

ANALYSIS

The applicant seeks to rezone approximately 46.7 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 475 residential units, 200,000 square feet of commercial floor area, and 250 hotel rooms. The applicant seeks deviations to address FAA guidelines as it pertains to lake bank design, and also seeks a deviation to allow a reduction in parking requirements for the proposed use. The applicant provided a request statement detailing the nature of the rezoning request, and how the request meets the decision making criteria for planned development rezoning requests (Attachment D).

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Master Concept Plan:

The applicant has provided a two-page Master Concept Plan with MCP alternates for the subject property (Attachment T). Both plans detail the same access point at Three Oaks Parkway, and roadway connections to the planned developments to the north and south. They also both depict the same outparcels along Three Oaks Parkway and the same preserve along the property to the south.

The eastern portion of the development differs between the two plans. "Master Concept Plan A" depicts a single anchor parcel designated for residential uses, and "Master Concept Plan B" splits the same area into three parcels including two residential tracts and a commercial tract located along the eastern boundary of the property.

Development Pattern Considerations:

The subject property is in the General Interchange future land use category as described in Lee Plan Policy 1.3.2. This category considers a broad range of uses intended for the traveling public including retail commercial uses, but also considers a maximum standard density of 14 units per acre for

residential uses. The proposed development does consider a range of commercial uses but also proposes a project density of 12.8 units per acre. Staff finds the request consistent with Policy 1.3.2.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. The subject property is located in a transitioning area that has experienced considerable growth, including recent zoning approvals for higher density projects adjacent to the subject property. Policy 2.2.1 encourages clustered mixed use development within Lee County where sufficient infrastructure exists. The applicant has provided sufficient documentation to demonstrate that the available infrastructure would support the development intensity that is proposed (see Attachments N, O and R). Staff finds this Planned Development Rezoning consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Goal 5 of the Lee Plan establishes Objectives and Policies to provide sufficient land to accommodate the project population to the year 2045 in attractive and safe neighborhoods with a mix of housing types and prices.

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist or require density and design to be adjusted accordingly to be sensitive to such constraints. This policy notes physical constraints include flood, storm, or hurricane hazards, environmental limitations, or characteristics that may endanger the residential community. The subject property does not have significant physical constraints to limit development of the property. The subject property is not located in a Coastal High Hazard Area or floodway and is located in Flood Insurance Rate Map (FIRM) Zone X. Regardless of the lack of physical constraints evident on the subject property, the applicant will be required to meet the requirements of Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation at the time of application for a local development order. This includes the determination of necessary hurricane sheltering, and mitigation of impacts to state evacuation times. The northwestern portion of the property is also within the Airport Notification Zone B. The Land Development Code Sections 34-1104 through 34-1110 establish additional requirements for properties near Southwest Florida International Airport, which the proposed development will need to demonstrate compliance with at the time of development order. Staff finds the request consistent with Lee Plan Policy 5.1.2.

Lee Plan Policy 5.1.3 states that during the rezoning process, high-density residential developments should be directed to locations near employment and shopping centers that are accessible to mass transit and bicycle facilities, and are close to parks and schools. In the area are significant employment centers to the north and west, and retail shopping to the east including Gulf Coast Town Center. Staff finds the request consistent with Lee Plan Policy 5.1.3.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The surrounding development patterns include a mixture of residential, commercial and industrial uses. There are multiple-family uses under construction to the south, which are a similar product to the proposed residential development on the subject property. Staff finds the request consistent with Lee Plan Policy 5.1.5.

Goal 6 of the Lee Plan establishes objectives and policies to facilitate orderly and well-planned commercial development at appropriate locations within the county.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, provide screening and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be located in proximity to other similar centers, and properly mitigate environmental considerations. The applicant has provided the requisite information for staff review to assist in making the findings for approval. Additional review will be performed at the time of Development Order. Staff finds the request to be consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses, as well as existing and programmed services and facilities. The mix of commercial and residential uses are consistent with the surrounding properties and the surrounding development pattern. Staff finds that the request is consistent with Policy 6.1.4.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. Development of the subject property with commercial uses will not open new areas to premature, scattered, or strip development, as it is located in an urban and developed area of the County. The subject property is in an area of the county that experiencing significant growth, and development exists to the north and south of the subject property. Staff finds this request consistent with Policy 6.1.7.

Goal 11 of the Lee Plan establishes Objectives and Policies to encourage mixed use development to diversify land use types, facilitate a variety of housing types, and increase connectivity between housing, employment and retail, while reducing vehicle trip lengths and providing greater access to alternative means of transportation. Objective 11.1 allows and encourages mixed use development within future land use categories at appropriate locations where sufficient infrastructure exists to support the development. The request proposes a mix of uses within a single cohesive development with employment and residential uses within the same district and there is sufficient infrastructure for existing and future development. Staff finds this request consistent with Objective 11.1.

Goal 125 of the Lee Plan establishes objectives and policies to ensure that water quality is maintained or improved for the environment and people of Lee County. Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards. Policies 125.1.2 and 125.1.3 require new development to not degrade surface and groundwater quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges. Staff finds the request consistent with Goal 125, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a county-wide basis through the planned development process. This rezoning request considers up to 475 multiple-family dwelling units which assists in meeting the housing needs of the county. Staff finds the proposed rezoning consistent with Goal 135 and Policy 135.1.9.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate and employment opportunities for the residents of Lee County. Staff notes that this rezoning request will provide additional employment opportunities for the area, additional housing adjacent to employment areas. Staff finds this planned development consistent with Goal 158.

Environmental Considerations:

Environmental staff provided analysis of the proposed request (Attachment S). Staff recommends the following conditions to ensure that the correct indigenous open space is provided:

- *Prior to the issuance of the first development order, the development order plans must depict 17.25 acres of open space per the following breakdown:*

<u>OPEN SPACE CALCULATIONS:</u>	
<u>REQUIRED OPEN SPACE:</u>	
NON-RESIDENTIAL USE - 16.17 AC. x 30% = 4.85 AC.	
RESIDENTIAL USE - 30.52 AC. x 40%	= 12.21 AC.
TOTAL	= 17.06 AC.
<u>REQUIRED INDIGENOUS:</u>	
THE LESSER OF THE TOTAL NATIVE INDIGENOUS OR 50% OF REQUIRED OPEN SPACE: 17.06 x 50% = 8.53 AC	
TOTAL NATIVE INDIGENOUS = 4.60 AC	
REQUIRED INDIGENOUS = 4.60 AC	
<u>PROVIDED OPEN SPACE:</u>	
COMMERCIAL OUTPARCELS (10%)	1.25 AC.
RESIDENTIAL AREA (30%)	6.07 AC.
FPL EASEMENT	3.41 AC.
PERIMETER BERM @ PRESERVE	1.91 AC.
INDIGENOUS PRESERVE	4.61 AC.
TOTAL OPEN SPACE	17.25 AC.
<u>PROVIDED INDIGENOUS:</u>	
NATIVE INDIGENOUS:	3.51 AC.
INDIGENOUS RESTORATION:	1.09 AC.
TOTAL INDIGENOUS AREA:	4.60 AC.

- *Prior to the issuance of the first development order, the applicant must provide an indigenous management plan in compliance with Section 10-474 of the Land Development Code.*
- *Prior to the issuance of the first development order, the development order plans must depict a total of 1.09 acres of restored wetlands and a total of 4.60 acres of indigenous preserve area in substantial compliance with the Master Concept Plan A & B per the following breakdown:*

<u>PROVIDED INDIGENOUS:</u>	
NATIVE INDIGENOUS:	3.51 AC.
INDIGENOUS RESTORATION:	1.09 AC.
TOTAL INDIGENOUS AREA:	4.60 AC.

Environmental staff also recommends the following conditions for the Indigenous Restoration Plan to ensure compliance with the Land Development Code and Lee Plan:

- *Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Indigenous Restoration Plan.*
- *Prior to the issuance of the first development order, the development order plans must include a schedule for the indigenous preservation and restoration to be completed within at least five consecutive years.*

- *Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.*
- *The applicant must submit with the vegetation removal permit survey point maps depicting the preservation and restoration areas and mechanical clearing limits.*

Environmental staff also notes that the applicant intends to carry forward an enhanced buffer along Three Oaks Parkway from previous approval and recommends the following condition:

- *Prior to the issuance of the first development order, the development order plans must depict a 20-foot-wide Type D landscape buffer along entirety of the west property line.*

Transportation Considerations:

The applicant has provided a traffic impact statement for the proposed development detailing an analysis of impacts to the surrounding transportation system (Attachment N). Infrastructure planning staff has provided an analysis of the applicant's traffic impact statement (Attachment O) and has determined that the proposed project will not have a detrimental impact to the surrounding roadway system. Infrastructure Planning Staff recommends the following conditions for approval of this request:

- *The development is allowed a maximum of 475 multiple-family residential dwelling units in buildings not less than three-stories in height, a maximum total gross floor area of 200,000 square feet commercial use, and 250-room hotel/motel use.*
- *The full median opening as shown on the Master Concept Plan is contingent upon the implementation of the Three Oaks Parkway Access Management Plan, once it is officially adopted, and any future decisions made by the County regarding the installation of a traffic signal, alteration or elimination of the median opening. Until the Access Management Plan is adopted, access must align with the access points outlined on the Master Concept Plan that has been approved.*
- *In the event that the County deems it necessary to install a traffic signal at this location, the developer or subsequent property owner's association will be responsible for a proportionate share of the total cost of the traffic signal improvement.*

Bicycle and Pedestrian Facilities:

The subject property is located along Three Oaks Parkway which is located on Lee Plan Map 3-D. At the time of local development order, the applicant will be required to demonstrate compliance with the requirements of Chapter 10 as it pertains to bicycle and pedestrian facilities.

Urban Services:

The subject property is serviced by the San Carlos Park Fire District approximately 0.9 miles to the west, and EMS station, which is approximately 4.52 miles west of the property, and a Sheriff's station 4.94 miles north of the property. The proposed development will have access to Lee County Utilities

for both water and wastewater (Attachment P). The request is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

DEVIATION REQUESTS:

The applicant seeks the following deviations as part of this planned development rezoning (Attachment F). Staff provides the following analysis on the following deviation requests:

1. Deviation (1) seeks relief from LDC Section 10-329 (d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1 slope, to allow for 4:1 lake bank slopes.

The applicant has requested the deviation in accordance with the Airport Wildlife Hazard Protection Zone. Staff recommends **approval** of this deviation.

2. Deviation (2) seeks relief from LDC Section 10-418(2)d, which requires littoral areas to be planted with herbaceous plant material, to allow for the planting of no herbaceous plants on the littorals area on the water management lake.

The applicant has requested the deviation in accordance with the Airport Wildlife Hazard Protection Zone. Staff notes that the required plantings should still be required, to allow for the conversion sought in Deviation '3'. Staff recommends **withdrawal** of this deviation.

3. Deviation (3) seeks relief from LDC Section 10-418(2)d.3, which permits a maximum of 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the total required number of herbaceous plants.

The applicant has requested the deviation in accordance with the Airport Wildlife Hazard Protection Zone. Staff recommends **approval** of this deviation.

4. Deviation (4) seeks relief from Section 34-2020(a), which requires that multi-family units provide 2 spaces per unit plus an additional 10% for guest parking and an additional 4 spaces for every 1,000 square feet of clubhouse area, to allow for a total parking requirement of 1.75 spaces per unit for the entire residential portion of the development including the clubhouse area.

Development Services provided analysis on the proposed deviation (Attachment Q) and notes that the reduction in parking is assumed by the applicant to meet the combined parking needs of residents, guests, and users of any amenities of an unknown maximum gross floor area. The applicant provided a parking demand study of six multiple-family developments within the County to provide evidence to support the proposed deviation.

Development Services notes lack of staff concurrence on the methodology for the parking demand study and that the time of the year that the parking demand study took place was not peak season for Lee County.

Staff also notes that the ITE has higher fluctuation in parking rates for multiple-family developments that exceed 200 units that range from 0.58 to 2.50 spaces per unit and that parking requirements for multiple family uses are unique to Lee County based on seasonal fluctuations in population.

The parking rates required by the Land Development Code are reasonable to consider for the proposed use. Reduction in parking space requirements may result to potential injury to site use that may be required to park in areas not designated for parking, with pedestrian ambulatory obstructions, and inadequate lighting. Alternatively, neighboring property owners may also face parking related issues if site users seek parking offsite.

Staff recommends **denial** of the deviation. A more extensive review of the deviation request and the parking demand study can be found within Attachment Q, and the report provides the rationale for staff's recommendation of denial.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request:

- a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and density are compatible with existing and proposed uses, and meet or exceed the objectives and policies above.

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

The applicant seeks four deviations and three of the four are supported by staff. With the exception of these deviations, staff finds that the request meets or exceeds County regulations.

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

The mix of uses surrounding the subject property includes a mix of industrial, residential and commercial uses. The proposed mix of uses is consistent with surrounding existing and planned uses.

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

Access is proposed on Three Oaks Parkway, a County-maintained Arterial roadway. Staff finds that there will be sufficient access to support the community.

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

Staff has reviewed the transportation impacts of the development, and has concluded that the request does not significantly impact the roadway network in the area.

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

Staff has reviewed the potential environmental impacts and has determined that the request, as conditioned, meets the requirements of the Land Development Code and Lee Plan and sufficiently protects existing environmentally critical areas.

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

Additionally, staff has concluded:

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

The proposed mix of uses is similar to those surrounding the subject property.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and sufficiently address the public's interest expected from the proposed development.

- c) That each requested deviation enhances the achievement of the objectives of the planned development and reserves and promotes the general intent of the Land Development Code to protect the public health, safety and welfare:

Staff is recommending approval of three of the four proposed deviations. Staff does not find that the requested deviation from the parking requirements in LDC Section 34-2020 enhances the achievement of the objectives of the planned development. Staff notes concerns over the public health, safety, and welfare with approval of this deviation.

Staff, therefore, recommends approval of this rezoning request from Commercial Planned Development (CPD) as conditioned in Attachment C. Staff recommends denial of Deviation 4 which reduces the required parking for multiple-family uses.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Applicant Proposed Deviations and Conditions
- G. Resolution Z-03-017
- H. Resolution Z-08-029
- I. Resolution Z-08-035
- J. Florida Gulf Coast Business Center

- Resolution Z-18-001
- ADD2020-00139
- K. Resolution Z-21-009
- L. Resolution Z-19-035
- M. Resolution Z-20-002
- N. Traffic Impact Statement
- O. Infrastructure Planning Memorandum
- P. Parking Demand Study
- Q. Development Services Analysis – Parking Demand Study
- R. Letter of Utility Availability
- S. Memorandum from Environmental Sciences
- T. Master Concept Plan

CPA2022-00006

&

CPA2022-00007

Grand Bay
Text & Map
Amendments

SUMMARY SHEET
CPA2022-00006 & CPA2022-00007 – GRAND BAY
ADOPTION HEARING

REQUEST:

- Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay.
- Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

The requested amendments will allow for a mixed use development on the west side of US 41 across from San Carlos Boulevard in San Carlos Park. As proposed in the concurrent rezoning, the proposed development will have up to 300 multi-family residential dwelling units (including bonus density), and 30,000 square feet of commercial uses clustered on the eastern side of the property allowing for substantial preservation within the Coastal High Hazard Area, adjacent to the Estero Bay Preserve State Park.

PUBLIC INPUT:

No members of the public addressed the Board of County Commissioners concerning the proposed amendment.

TRANSMITTAL HEARING:

A motion was made to transmit CPA2022-00006 and CPA2022-00007 as recommended by staff and the LPA. The motion passed 3 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>ABSENT</u>
KEVIN RUANE	<u>ABSENT</u>
RAY SANDELLI	<u>AYE</u>

STATE REVIEW:

The State Reviewing Agencies had no objections to the amendments.

STAFF RECOMENDATION:

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

LEE COUNTY ORDINANCE NO. ____
Grand Bay
(CPA2022-0006 Map and CPA2022-00007 Text)

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 GRAND BAY (CPA2022-00006 AND CPA2022-00007) 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 December 12, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 18, 2023. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Grand Bay (CPA2022-00006 and CPA2022-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 18, 2023 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on June 7, 2023, 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 "Grand Bay Ordinance (CPA2022-00006 Map and CPA2022-00007 Text)."**

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:

CPA2022-00006 (Map): Amends Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail, across from the intersection with San Carlos Boulevard, to include 15.64± acres, and

CPA2022-00007 (Text): Amends Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

The Ordinance is known as Grand Bay (CPA2022-00006 Map and CPA2022-00007 Text).

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	_____
Mike Greenwell	_____

DONE AND ADOPTED this 7th day of June 2023.

ATTEST:
KEVIN C. KARNES, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Brian Hamman, Chair

DATE: _____

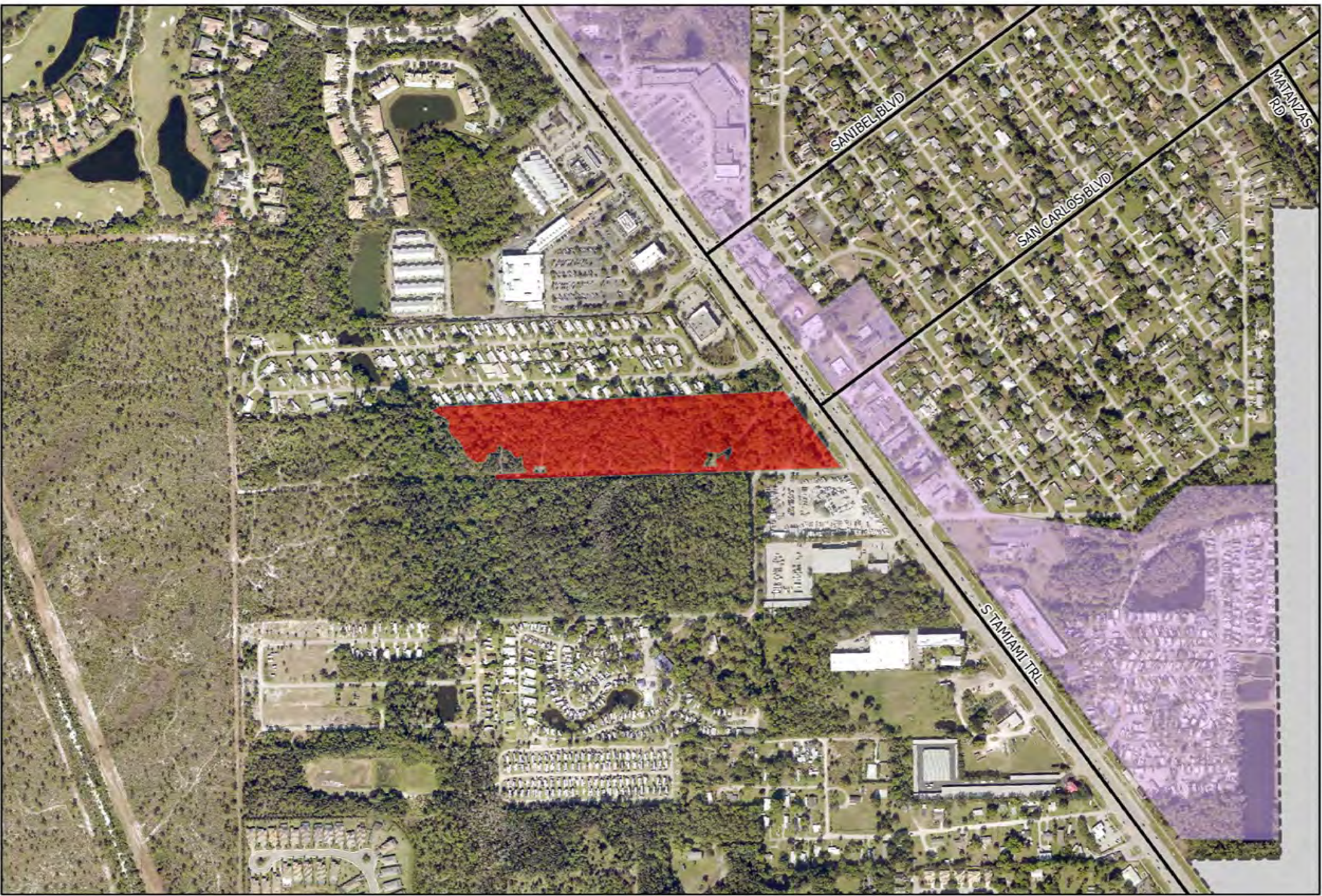
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office




Exhibit A (Adopted by BOCC June 7, 2023):
Adopted existing Future Land Use Map 1-C
Adopted revisions to Proposed Future Land Use Map 1-C
Adopted revisions to Text

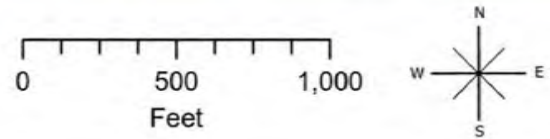
EXHIBIT A

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



CPA2022-00006
Mixed Use Overlay

-  Proposed Mixed Use Overlay
-  Existing Mixed Use Overlay
-  City Limits



PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

Policy 5.1.10: In those instances where contiguous land under single ownership is divided withintø two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

1. ~~The planned development zoning is utilized; and~~
2. ~~No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
3. ~~The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
4. ~~The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

STAFF REPORT FOR CPA2022-00006 & CPA2022-00007: GRAND BAY



Privately Initiated Map & Text Amendments to the Lee Plan

Recommendation:

Adopt

Applicant:

Grand Bay Ft Myers MF LLC

Representatives:

Stacy Ellis Hewitt, AICP
Banks Engineering

Property Location:

West side of US 41 at San
Carlos Boulevard

Size:

± 15.64 acres

Planning District:

#13 - San Carlos

Commissioner District:

District #3

Hearing Dates:

LPA: 12/12/2022
BoCC #1: 01/18/2023
BoCC #2: 06/07/2023

Attachment(s):

1: Proposed Amendments

REQUEST

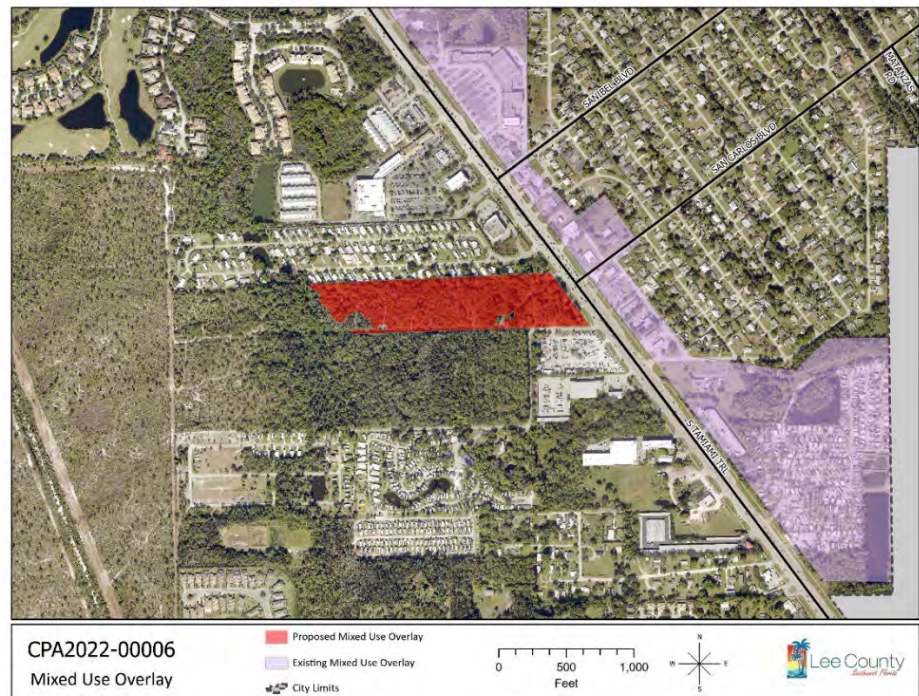
- Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay.
- Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

SUMMARY OF AMENDMENTS

The requested amendments will allow for a mixed use development which, as proposed in the concurrent rezoning, will have up to 300 multi-family residential dwelling units (including bonus density), and 30,000 square feet of commercial uses clustered on the eastern side of the property allowing for substantial preservation within the Coastal High Hazard Area, adjacent to the Estero Bay Preserve State Park.

PROJECT LOCATION

- The proposed text amendments to Policy 5.1.10 will apply county-wide.
- The proposed amendment to Map 1-C will apply only to the subject located on the west side of US41 at the intersection of San Carlos Boulevard and US41, as shown below.



RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as provided in Attachment 1 based on the analysis and findings provided in this staff report.

PART 1 - STAFF REVIEW

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2022-00018) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.”

The concurrent rezoning request is to rezone ±46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed-Use Planned Development (MPD) to allow a maximum of 300 dwelling units (179 dwelling units, with 121 units of bonus density) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet.

If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant **MUST** demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

DISCUSSION AND ANALYSIS – MAP AMENDMENT

The applicant is proposing an amendment to Lee Plan Map 1-C to expand the Mixed Use Overlay to the subject property. The properties to the east of the subject property across US-41 are currently in the Mixed Use Overlay.

Subject Property

The subject property consists of approximately 15.64 acres located on the west side of US 41, directly across from San Carlos Blvd. The subject property is part of a larger proposed mixed-use development project that is the subject of a concurrent rezoning, DCI2022-00018. The subject property is currently zoned GC along US 41, with the remainder being in the MH-1 (mobile home residential district). The subject property is within the Urban Community and Wetland future land use categories.

Surrounding Properties

To the **west** of the subject property exists the remainder (majority) of the Grand Bay project property that is subject to the concurrent rezoning. These lands are currently in the Rural and Wetlands future land use categories and are zoned MH-1. The boundary of the concurrent rezoning extends approximately 990 feet to the west of lands proposed to be added to the Mixed Use Overlay. Further to the west is Estero Bay Preserve State Park within the Conservation Lands (Upland) future land use category.

North of the subject property is the Sheltering Pines Mobile Home Village, an existing mobile home development in the Urban Community, Rural, and Wetlands future land use categories zoned MH-2. The Sheltering Pines Mobile Home Village has a platted density of roughly 8.62 dwelling units per acre and a built density of roughly 7.05 dwelling units per acre, both of which are above the maximum of the standard density range for properties in the Urban Community future land use category. Also to the north, along the US 41 frontage, is a vacant parcel in the Urban Community future land use category zoned CPD.

Further north are several commercial properties with a range of commercial retail and office uses, each within the Urban Community future land use category and zoned CPD.

To the **east**, across US-41, are several commercial properties ranging in size between approximately 1/3 of an acre to 1 acre. These properties are in the Urban Community future land use category, the Mixed

Use Overlay, and are zoned C-1. Further to the east is San Carlos Park, a large area of primarily single-family homes in the Urban Community and Suburban future land use categories. These homes are zoned RS-1.

To the **south** is Calusa Cove RV Park, platted for 131 dwelling units and a density of roughly 6.55 dwelling units per acre. Several of the platted lots border the concurrent rezoning DCI are inhabited, but the majority of the lots remain vacant. Also to the south is a multi-family housing complex with bonus density approved by ADD2020-00104 and is currently under construction pursuant to local Development Order DOS2020-00127. This multi-family development is within both the Urban Community and Wetlands future land use categories. Further to the south is the Shady Acres RV Travel Park.

Lee Plan Analysis

As previously stated, the applicant is requesting to add approximately 15.64 acres to the Mixed Use Overlay as identified on Lee Plan Map 1-C. All additions to the Mixed Use Overlay must be reviewed for consistency with **Policy 11.2.1**, which provides criteria that must be met to add land to the Mixed Use Overlay. Policy 11.2.1 is provided below, followed by an analysis of each criteria.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. Located within the extended pedestrian shed of established transit routes; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure; and
5. Will not intrude into predominately single-family residential neighborhoods.

Located within the extended pedestrian shed of established transit routes: The subject property is located on US 41 and is served by LeeTran Route 240. Existing sidewalks allow pedestrian access from the development to the nearest bus stop, which is less than 200 feet, or .05 miles, from the subject property. As defined in the Lee Plan, Pedestrian Shed is ¼ mile and an extended pedestrian shed is ½ mile. Therefore the subject property is within the extended pedestrian shed of an existing LeeTran route.

Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways: The subject property is directly south of commercially zoned property. A connection can be made in the future from the subject property to Unique Circle. Access to Unique Circle will provide residents access to significant commercial development and pedestrian services without having to use US-41. The commercial uses that can be accessed through the proposed interconnection include multiple pharmacies, a grocery store, a self-service gas station, multiple restaurants, a self-storage facility, and other miscellaneous commercial offerings. The proposed interconnect also provides pedestrian access to a sidewalk that connects to two bus stops along US-41. The applicant is proposing a shared access road with the multi-family development to the south, creating a connection between the two neighborhoods.

Staff recommends that the companion rezoning application be conditioned to provide an access easement through the neighboring, vacant parcel to connect to Unique Circle. The access easement will also assure consistency with this criteria and with **Policy 11.2.2**.

Located within the Intensive Development, Central Urban, or Urban Community future land use categories: The subject property is located within the Urban Community future land use category. It should be noted that portions of the overall Grand Bay rezoning project site are within the Rural and Wetlands future land use categories, however these areas are not be included in the expansion of the Mixed-use Overlay.

A Jurisdictional Determination from South Florida Water Management District was provided by the applicant confirming that the proposed expansion of the Mixed Use Overlay does not include any lands within the Wetlands future land use category.

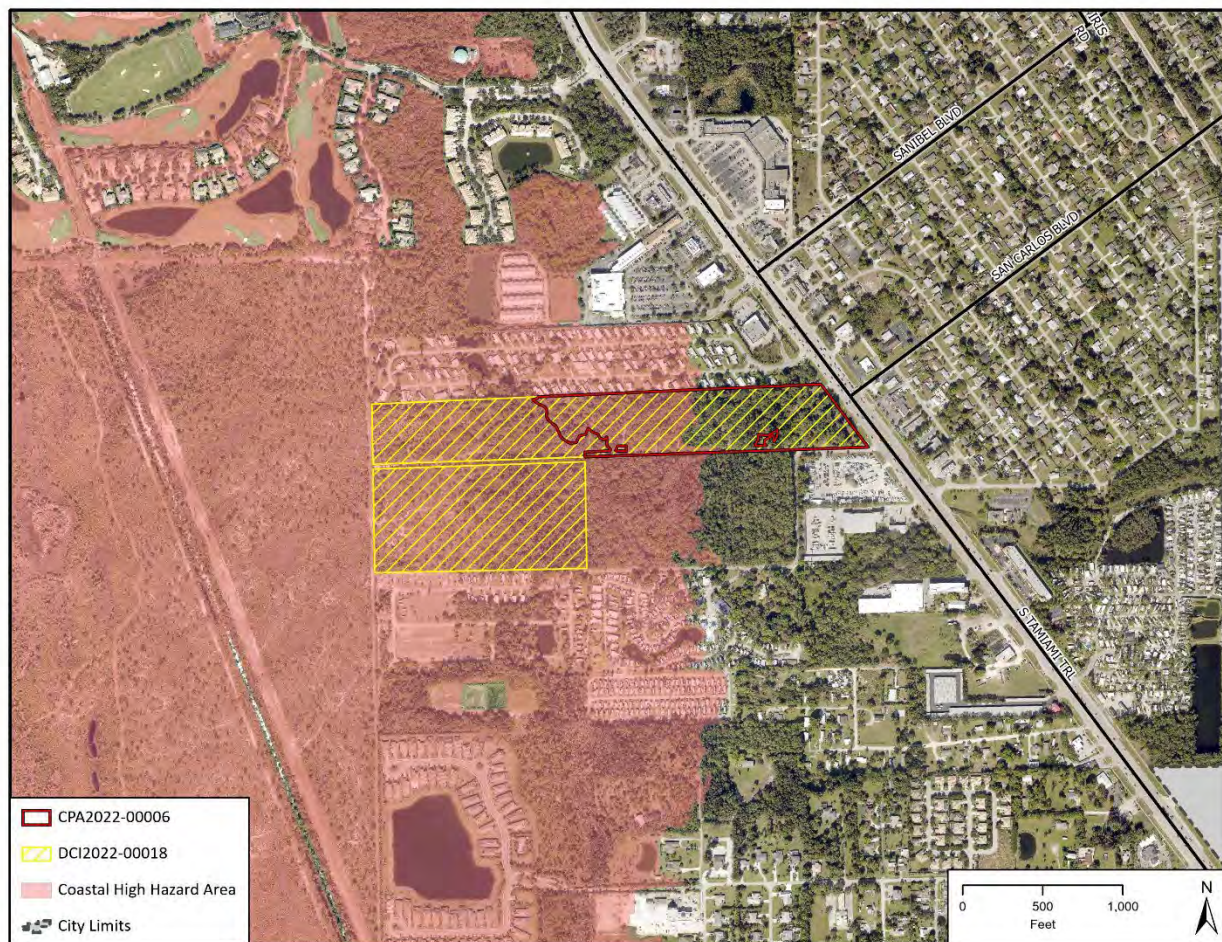
Availability of adequate public facilities and infrastructure: All necessary public facilities serving the subject property are able to provide service as provided for in the “public facilities impact” section of this report.

Will not intrude into predominately single-family residential neighborhoods: The south of the subject property is bordered by a multi-family development that is currently under construction and the north of the subject property is bordered by a relatively high-density mobile home park. Neither of the bordering uses are incompatible with mixed-use development.

As discussed above, adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1. In addition to Policy 11.2.1, which must be reviewed for all proposed expansions of the Mixed Use Overlay, the Lee Plan must be reviewed for consistency with other Goals, Objectives, and Policies based on specific characteristics of the subject property.

The subject property is within the Urban Community future land use category. As previously stated, lands that were identified as wetlands by the Jurisdictional Determination are not included in the request to be added to the Mixed Use Overlay. **Policy 1.1.4**, describing the Urban Community future land use category, provides that “predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial **with future development encouraged to be mixed use**, as described in Objective 11.1, where appropriate.” Adding the subject property to the Mixed Use Overlay will further the ability of future development to be mixed use in an area that is appropriate based on availability of public services and infrastructure as well as compatibility with adjacent uses as discussed above in the analysis of Policy 11.2.1. The proposed amendments are consistent with and further Policy 1.1.4 of the Lee Plan.

As shown below, the subject property contains approximately 7.11 acres within the Coastal High Hazard Area (CHHA). There are no Goals, Objectives, or Policies in the Lee Plan that prohibit the Mixed Use Overlay from being added to lands within the CHHA. Currently there are approximately 938.07 acres of land within the Mixed Use Overlay that is also in the CHHA. Staff also notes that the development standards typically allowed in the Mixed Use Overlay, and as demonstrated in the concurrent rezoning case, facilitates clustering development to the eastern side of the property, out of the CHHA as much as possible.



Public Facilities Impact

- **Fire:** The subject property is served by San Carlos Park Fire Protection and Rescue Service District. The nearest station is station 51 approximately 0.76 miles from the subject property with a response time of less than three minutes. The district is able to provide fire suppression, emergency medical services, fire prevention and public education service.
- **Emergency Medical Services (EMS):** Lee County Emergency Medical Services will provide service to the subject property. Lee County EMS has indicated that they can adequately serve the property. The primary ambulance for the location is Medic 9, located 0.9 miles east. There are three additional EMS stations located within 5 miles of the property.
- **Utilities:** 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, but developer-funded system enhancements may be required to provide service to the subject parcel. Sanitary sewer service will be provided by Three Oaks Water Reclamation Facility.
- **Public Transit:** The subject property is within one-quarter mile and adjacent of a fixed route. The closest bus stop is also within one-quarter mile of the property and the area is identified as an area of need for enhanced or additional transit services. Developer funded system enhancements may be required at time of development order.

- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property, and has indicated that there is sufficient capacity for service. Law enforcement will be provided from the South District offices in Bonita Springs.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.
- Traffic: The short range and long range level of service (LOS) analyses indicate that all roadways within a three-mile radius are anticipated to operate at or better than the adopted LOS standard for 2027 and 2045. US 41 is an arterial road maintained by the State of Florida.

The proposed amendments to Map 1-C, adding 15.64 acres to the Mixed Use Overlay, is consistent with the Lee Plan.

DISCUSSION AND ANALYSIS – TEXT AMENDMENT

In addition to the proposed map amendment, a text amendment to Lee Plan Policy 5.1.10 is proposed. Policy 5.1.10 outlines how to calculate density on properties that are divided into two or more future land use categories. With the exception of policies that are related to the calculation of density within various overlays, there are no other policies in the Lee Plan that discuss how to calculate density for properties with multiple future land use categories.

When calculating density, Policy 5.1.10 allows the total number of dwelling units on a property with two or more future land use categories to be the sum of the dwelling units allowed for each land use category. The policy also specifies how the allowable density can be "allocated" across the property by defining four standards that must be followed: 1) development must be a planned development; 2) the development may not place more dwelling units within future non-urban areas than would otherwise be allowed; 3) the land within the development must have been under single ownership at the time this policy was adopted: August 7, 1992; and 4) the resulting planned development protects environmentally sensitive land, if present on the property.

The proposed amendment will align Policy 5.1.10 with the Lee Plan's definition of density and standard density calculation practices within Lee County. The proposed amendments are provided below followed by an analysis of the changes.

Policy 5.1.10: In those instances where contiguous land under single ownership is divided within to two or more land use categories ~~by the adoption or revision of the Future Land Use Map~~, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category ~~for each portion of the land. This density can be allocated~~ The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

~~1. The planned development zoning is utilized; and~~

~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~

~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

While providing clarity by differentiating between allowable units (the total number of units permitted on any piece of land) and density (the number of units allowed per acre), the proposed amendment maintains how the allowable number of dwelling units are calculated on a property with two or more future land use category designations. The proposed amendment also maintains the limitation on the number of dwelling units within future non-urban areas which helps to address compatibility with adjacent future non-urban areas with lower allowable densities.

The proposed amendment will eliminate the requirement for a planned development. As previously stated this is the only policy that addresses calculating density for properties with multiple future land use categories. While use of planned development rezonings for projects with multiple future land use categories is common, it is not practicable to require use of a planned development rezoning in every case. Some projects are smaller and do not meet the thresholds that require a planned development and there are also cases that do not involve rezoning but require the calculations of density on properties with multiple future land use categories such as lot splits, which can be done administratively. To fully enforce this requirement would mean that a planned development rezoning would be required for every lot split of properties with multiple future land use categories.

The proposed amendment will also eliminate the requirement that all lands within the development were under single-ownership on August 7, 1992 and replaces it with the requirement that land is contiguous. This requirement was project specific and is otherwise arbitrary.

Staff has reviewed the Lee Plan and has not identified any Goals, Objectives, or Policies that would be internally inconsistent with the proposed amendments.

CONCLUSIONS

Staff has reviewed the proposed amendments and finds that adding the subject property to the Mixed Use Overlay is consistent with the Lee Plan as the property is in close proximity to established transit routes, can provide connections to adjacent uses, is within the Urban Community future land use category, has adequate public facilities and infrastructure available, and does not intrude into predominately single-family neighborhoods. Additionally, the proposed amendments to Policy 5.1.10 maintain the intent of allowing the density of multiple land use categories to be summed and allocated across the site, while eliminating internal inconsistencies and arbitrary past ownership requirements.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: December 12, 2022

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, impact analysis, access to the property, surrounding uses, consistency with the Lee Plan, and concurrent rezoning.

During the applicant's presentation members of the LPA asked about access to adjacent properties, traffic, bonus density, and lands within the concurrent rezoning that are proposed to be preserved. These questions were clarified by the applicant's representative during their presentation.

Following this, staff made a presentation addressing the requested amendments, subject property, and consistency with the Lee Plan and staff recommendation.

Members of the LPA had questioned why this amendment did not qualify as a small scale amendment. Staff provided the proposed text amendment to Policy 5.1.10 had county wide implications and precluded this application from being processed as small scale amendment.

No members of the public addressed the LPA concerning the proposed amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2022-00006 and CPA2022-00007. The motion passed 5 to 0.

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

C. STAFF RECOMENDDATION

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

**PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING**

DATE OF PUBLIC HEARING: January 18, 2023

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments, location, Lee Plan consistency, and LPA and Staff recommendations. Following staff's presentation, the applicant's consultants provided a brief overview of the request and stated agreement with the staff recommendation.

No members of the public addressed the Board of County Commissioners concerning the proposed amendment.

B. BOARD ACTION:

A motion was made to transmit CPA2022-00006 and CPA2022-00007 as recommended by staff and the LPA. The motion passed 3 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>ABSENT</u>
KEVIN RUANE	<u>ABSENT</u>
RAY SANDELLI	<u>AYE</u>

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

Comments from the State Reviewing Agencies were due to Lee County by February 19, 2023.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Agriculture and Consumer Services

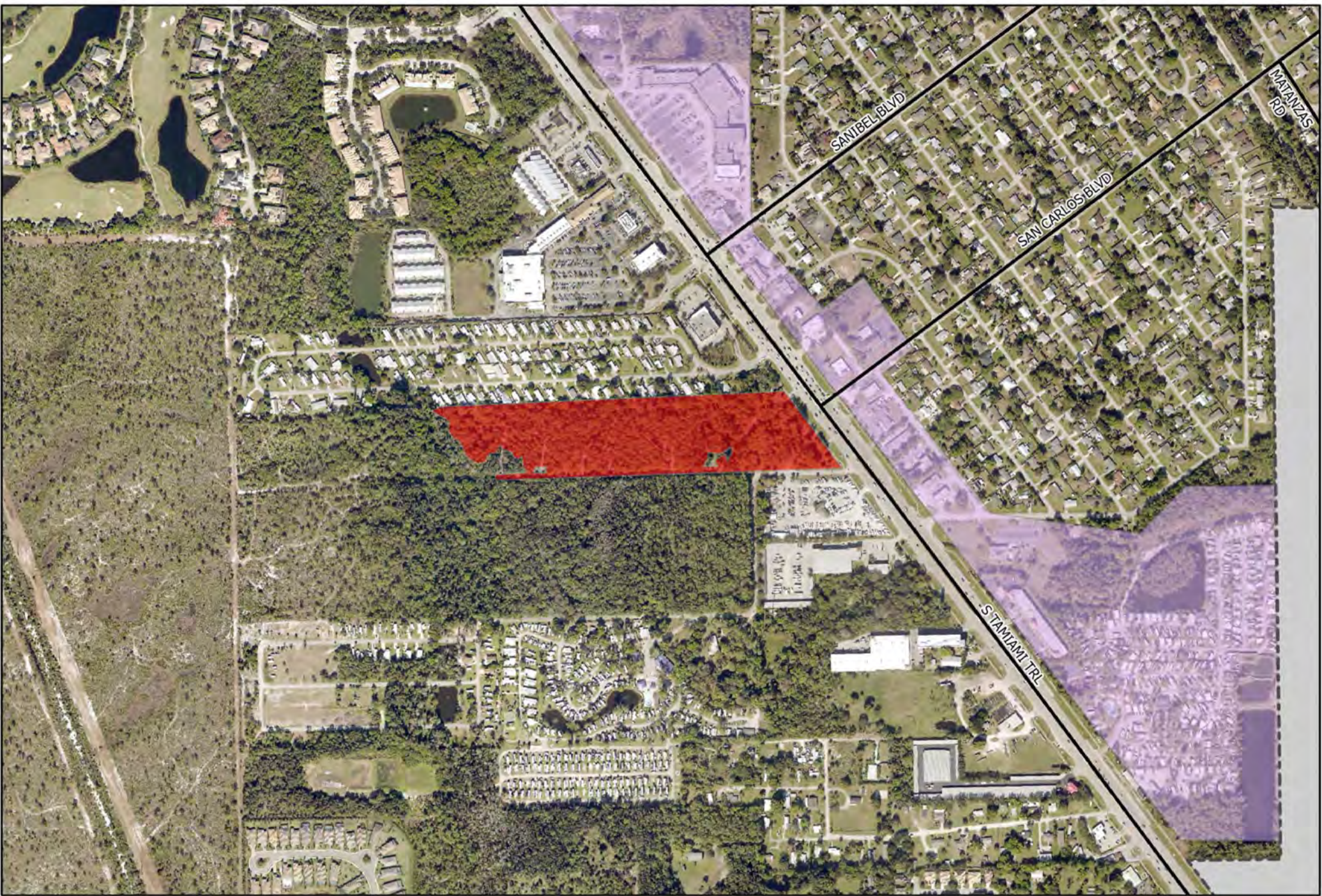
There were no objections or comments concerning the proposed amendments.

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.

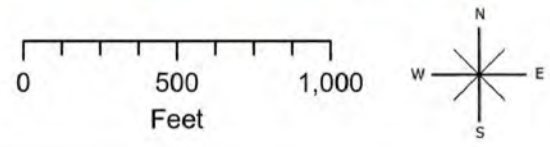
ATTACHMENT 1

- **Map Amendments (CPA2022-00006)**
- **Text Amendments (CPA2022-00007)**



CPA2022-00006
Mixed Use Overlay

- Proposed Mixed Use Overlay
- Existing Mixed Use Overlay
- City Limits



PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

Policy 5.1.10: In those instances where contiguous land under single ownership is divided withintø two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

1. ~~The planned development zoning is utilized; and~~
2. ~~No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
3. ~~The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
4. ~~The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

RECEIVED
NOV 16 2022

COMMUNITY DEVELOPMENT

Grand Bay

Comprehensive Plan Map & Text Amendments

October 2022



Professional Engineers, Planners & Land Surveyors

Exhibit M1

Completed Application

Grand Bay
Revised **October** 2022



Professional Engineers, Planners & Land Surveyors



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Grand Bay

Project Description: Applicant is requesting a Map Amendment to extend the Mixed Use Overlay boundary to the west on S. Tamiami Trail across from intersection with San Carlos Blvd. to include two parcels totaling 15.64± acres to accommodate a mixture of multi-family residential and commercial uses with concurrent Text Amendment to Policy 5.1.10.

Map(s) to Be Amended: Map 1-C

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

1. Name of Applicant: Grand Bay Ft Myers MF LLC

Address: c/o Banks Engineering, ATTN: Stacy Ellis Hewitt, 10511 Six Mile Cypress Parkway

City, State, Zip: Fort Myers, FL 33966

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 Parkway

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-770-2527/239-939-5490

E-mail: shewitt@bankseng.com

3. Owner(s) of Record: Freeland FL Holdings LLC

Address: c/o Bernard G. Freeland, 5333 Hickory Hollow Pkwy

City, State, Zip: Antioch, TN 37013

Phone Number: c/o 239-770-2527/239-939-5490

E-mail: c/o shewitt@bankseng.com

4. Property Location:

1. Site Address: 19200 S Tamiami Trl & Access Undetermined

2. STRAP(s): 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000

5. Property Information:

Total Acreage of Property: 46.33± ac

Total Acreage Included in Request: 15.64± ac

Total Uplands: 15.64± ac

Total Wetlands: _____

Current Zoning: CG & MH-1

Current Future Land Use Category(ies): Urban Community

Area in Each Future Land Use Category: 15.64± ac in Urban Community

Existing Land Use: Vacant

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

Residential Units/Density: 297 du*

Commercial Intensity: 30,000± SF

Industrial Intensity: N/A

*Total project: Assuming 2.73± acres currently zoned CG allocated towards commercial and remaining acreage residential

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 338 du*

Commercial Intensity: 30,000± SF

Industrial Intensity: N/A

*Total project: Assuming 3± acres commercial and residential density calculated on whole acreage

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 checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" 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, Noam Magence as Secretary of Grand Bay Ft Myers MF LLC 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.

Grand Bay Ft Myers MF LLC

[Signature]
Signature of Applicant

3/15/22
Date

Noam Magence, Secretary

Printed Name of Applicant

Ohio
STATE OF FLORIDA

Cityanaga
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 3/15/22 (date) by Noam Magence (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

[Signature]
Signature of Notary Public

Emma Samuels
(Name typed, printed or stamped)



Emma Samuels
Notary Public, State of Ohio
My Commission Expires:
June 30, 2026

Exhibit M3

Disclosure of Interest

Grand Bay



Professional Engineers, Planners & Land Surveyors

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Bernard G. Freeland as Manager of Freeland FL Holdings, LLC, 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 20-46-25-01-00004.0000, 20-46-25-01-00004.0010, 20-46-25-01-00005.0000 & 20-46-25-01-00006.0000 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
N/A	

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.



Property Owner

Bernard G. Freeland, Manager of Freeland FL Holdings, LLC

Print Name

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

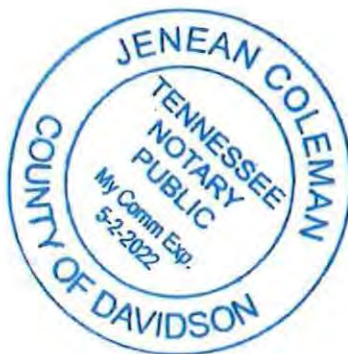
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 3-14-2022 (date) by Bernard Freeland (name of person providing oath or affirmation), who is personally known to me or who has produced Personally known to me (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public



**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Noam Magence as Secretary of Grand Bay Ft Myers MF LLC, 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 20-46-25-01-00004.0000, 20-46-25-01-00004.0010, 20-46-25-01-00005.0000 & 20-46-25-01-00006.0000 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
N/A	

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.

Grand Bay Ft Myers MF LLC


Applicant

Noam Magence, Secretary
Print Name

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

STATE OF ~~FLORIDA~~ ^{Ohio}
COUNTY OF ~~LEE~~ ^{Cuyahoga}

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 3/15/22 (date) by Noam Magence (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



Emma Samuels
Notary Public, State of Ohio
My Commission Expires:
June 30, 2026


Signature of Notary Public

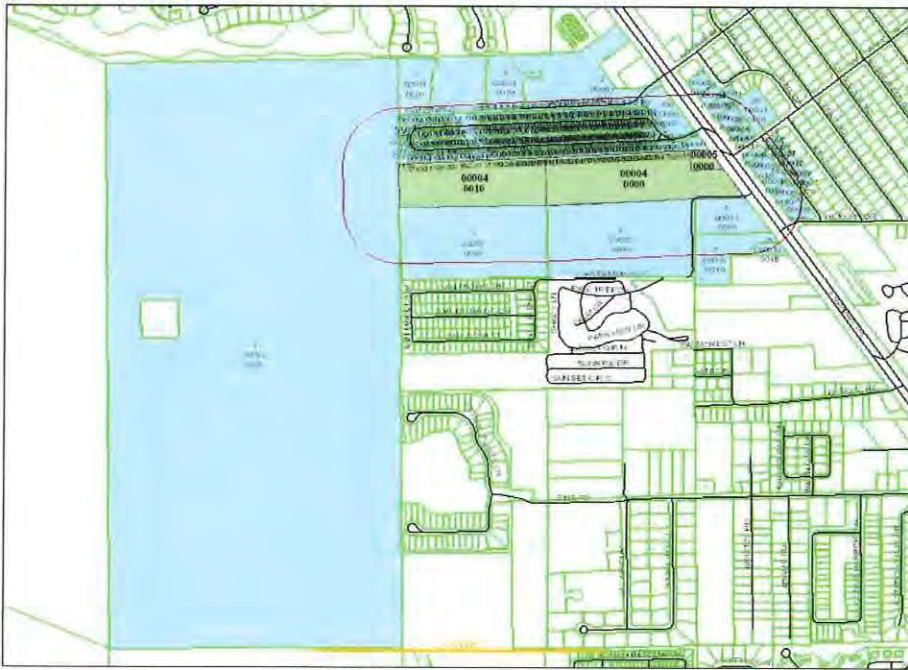
Exhibit M3

Surrounding Property Owners List, Map & Labels

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors



Date of Report: August 03, 2022
 Buffer Distance: 500 feet
 Parcels Affected: 150
 Subject Parcels: 20-46-25-01-00004.0000, 20-46-25-01-00004.0010, 20-46-25-01-00005.0000

[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
TITF/REC + PARKS DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	19-46-25-00-00002.0000 GOVT LOT FORT MYERS FL 33908	E 1/2 SEC 19 LESS 2.001 SEC 19	1
BLP GRAND BAY LLC 160 NW 26TH ST UT 201 MIAMI FL 33127	20-46-25-01-00001.0020 18990/100 S TAMiami TRL FORT MYERS FL 33908	SAN CARLOS GROVE TRACTS PB4PG75 PORT OF LOT 1 AS DESC IN OR 4197 PG 3941 LESS INST #2010000119996 + LESS INST #2011000143480	2
TITF/REC + PARKS DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	20-46-25-01-00001.0060 GOVT LOT FORT MYERS FL 33908	SAN CARLOS GROVE TRACTS PB 4 PG 75 DESC IN OR 4085 PG 3114	3
WILLOW PARTNERS LLC 317 GARDEN AVE HOLLAND MI 49424	20-46-25-01-00001.0070 7225 SANIBEL BLVD FORT MYERS FL 33908	PARL LOC IN NW 1/4 OF NW 1/4 OF SECT	4
FREELAND FL HOLDINGS LLC BERNARD G FREELAND 5333 HICKORY PKWY ANTIOCH TN 37013	20-46-25-01-00006.0000 ACCESS UNDETERMINED FORT MYERS FL	SAN CARLOS GROVE TRACTS PB 4 PG 75 LOTS PT 3 + 4	5
PSW ESTERO LLC 2647 S HOMER LAKE RD HOMER IL 61849	20-46-25-01-00007.0000 4098 SANTA MARIA ST FORT MYERS FL 33908	SAN CARLOS GROVE TRACTS PB 4 PG 75 E 1320 FT OF LOT 3 LESS RD R/W	6
LIFE STORAGE LP 6467 MAIN ST BUFFALO NY 14221	20-46-25-01-00012.0010 19400 S TAMiami TRL FORT MYERS FL 33908	SAN CARLOS GROVE TRACT PB 4 PG 75 LOTS 19 + 20 DESC IN OR 3742/3982 LESS OR 1972 PG 2906 LESS .001B	7
VJP HOLDINGS LP VINCENT SCOLA 17 GROVE TER SPARTA NJ 07871	20-46-25-01-00012.001B 19420 S TAMiami TRL FORT MYERS FL 33908	SAN CARLOS GROVE TRACT PB 4 PG 75 LOTS 19 + 20 DESC IN OR 3742/3982 LESS OR 1972 PG 2906	8
MARINA MIKE'S LLC 5671 HARBORAGE DR FORT MYERS FL 33908	20-46-25-01-00013.0000 19300 S TAMiami TRL FORT MYERS FL 33908	SAN CARLOS GROVE TRACTS PB 4 PG 75 LOT 21 LESS 13.001 + RD R/W	9
SHEBESH ANNA + 1017 N BROAD ST GRIFFITH IN 46319	20-46-25-03-00007.0010 19149 ACORN RD FORT MYERS FL 33967	SAN CARLOS PK UNIT 2 BLK 7 PB 10 PG 128 LOTS 1 THRU 3 INCL.	10
LIBAK CHRISTOPHER H + DONNA TR 8293 WINGED FOOT DR FORT MYERS FL 33967	20-46-25-03-00007.0040 19133 ACORN RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 2 BLK 7 PB 10 PG 128 LOTS 4 THRU 6	11
HOBBS MIRJAMA 19121 ACORN RD FORT MYERS FL 33967	20-46-25-03-00007.0070 19121 ACORN RD FORT MYERS FL 33967	SAN CARLOS PK UNIT 2 BLK 7 PB 10 PG 128 LOTS 7 + 8	12
RODRIGUEZ RAFAEL 2355 55TH ST SW NAPLES FL 34116	20-46-25-03-00007.0090 19113 ACORN RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 2 PB 10 PG 128 BLK 7 LOTS 9 + 10	13
BARRIOS MARIELL G 7468 SAN CARLOS BLVD ESTERO FL 33967	20-46-25-03-00007.0110 7468 SAN CARLOS BLVD FORT MYERS FL 33967	SAN CARLOS PK UNIT 2 BLK 7 PB 10 PG 128 LOTS 11 + 12	14
BRODBECK JOSEPH W & 19153 ACORN RD	20-46-25-03-00007.0470 19153 ACORN RD	SAN CARLOS PARK UNIT 2 BLK 7 PB 10 PG 128	15

FORT MYERS FL 33967	FORT MYERS FL 33967	LOTS 47 + 48	
SAN CARLOS VENTURE INC JOHN W MEYER CPA 1207 3RD ST S STE 4 NAPLES FL 34102	20-46-25-03-00008.0010 19133-147 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PARK UNIT 2 BLK 8 PB 10 PG 128 LOTS 1 THRU 5 + LOTS 10 THRU 14	16
COACH LLC TR PO BOX 110052 NAPLES FL 34108	20-46-25-03-00008.0060 7460 SAN CARLOS BLVD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 2 BLK 8 PB 10 PG 128 LOTS 6 THRU 9 LESS RD R/W	17
BARKIS SAN CARLOS CAR WASH INC 15834 BROTHERS CT FORT MYERS FL 33912	20-46-25-03-00008.0150 19136 ACORN RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 2 BLK 8 PB 10 PG 128 LTS 15 THRU 17+LTS35THRU37 LS R/W	18
ART REAL ESTATE HOLDINGS LLC 2135 IMPERIAL CR NAPLES FL 34110	20-46-25-03-00008.0180 19150 ACORN RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 2 BLK 8 PB 10 PG 128 LTS 18 THRU 21 + LTS 31 THRU 34	19
CIRCLE K STORES INC PO BOX 52085 DC-17 PHOENIX AZ 85072	20-46-25-03-00008.0220 19373 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PARK UNIT 2 BLK 8 PB 10 PG 128 LOTS 22 THRU 30 LESS R/W	20
NEW DAY CHRISTIAN CHURCH INC 19091 S TAMIAAMI TRL FORT MYERS FL 33908	20-46-25-04-00009.0010 19091 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PK UNIT 3 + 4 BLK 9 PB 11 PG 11 LOTS 1 - 3 + LTS 42 - 44	21
NEW DAY CHRISTIAN CHURCH INC 19091 S TAMIAAMI TRL FORT MYERS FL 33908	20-46-25-04-00009.0040 19089 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PK UNIT 3 + 4 BLK 9 PB 11 PG 11 LOTS 4 + 5 + 40 + 41	22
ADVANCE STORES CO INC #9333 TAX ACCOUNTING PO BOX 2710 ROANOKE VA 24001	20-46-25-04-00009.0060 19087 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PK UNIT 3 + 4 BLK 9 PB 11 PG 11 LOTS 6 THRU 9 + 36 THRU 39	23
EMBARQ FLORIDA INC PROPERTY TAX DEPT 1025 ELDORADO BLVD BROOMFIELD CO 80021	20-46-25-04-00009.0100 19071 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PK U 3 + 4 BLK 9 PB 11 PG 11 LTS 10 11 34 + 35 +SELY 30FT LTS 12 +33	24
OZTURK FAMILY INC 19051 S TAMIAAMI TRL FORT MYERS FL 33908	20-46-25-04-00009.0160 19051 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PARK UNIT 3 + 4 BLK 9 PB 11 PG 11 LOTS 16 17 18 + 19 + LOTS 26 THRU 29	25
CLOSE LARRY & LORINDA 6730 BRIARCLIFF RD FORT MYERS FL 33912	20-46-25-04-00009.0300 19059 S TAMIAAMI TRL FORT MYERS FL 33908	SAN CARLOS PARK UNIT 3 + 4 BLK 9 PB 11 PG 11 LOTS 13 THRU 15 + LT 12 N 10FT + 30 THRU 32 + LT 33 N 10FT	26
HANNAHS TERESA M + 15640 KINGSLEY RD NINILCHIK AK 99639	20-46-25-04-00011.0010 7386 PINE DR FORT MYERS FL 33967	SAN CARLOS PK UNIT 3 + 4 BLK 11 PB 11 PG 11 PT LOT 2 ALL 1	27
SAN CARLOS PARK ALLIANCE 7469 SAN CARLOS BLVD FORT MYERS FL 33967	20-46-25-04-00011.0130 7469 SAN CARLOS BLVD FORT MYERS FL 33967	SAN CARLOS PK UNIT 3 + 4 BLK 11 PB 11 PG 11 LOT 13	28
DICKEY DAVID B + 6514 WILLOW LAKE CIR FORT MYERS FL 33966	20-46-25-05-00000.00C0 19190 S TAMIAAMI TRL FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL OR 493 PG 607 UNNUMBERED TRACT	29
KOONTZ MARY E 2560 W DOUBLE DOWN CT BLOOMINGTON IN 47403	20-46-25-05-00001.0010 3842 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VLG BLK 1 OR 493 PG 607 LOT 1	30
PURTLEBAUGH JAMES K SR 8385 N FOX HOLLOW RD BLOOMINGTON IN 47408	20-46-25-05-00001.0020 3838 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 2	31
DECKARD DAVID + 8465 S OLD ST RD 37 BLOOMINGTON IN 47403	20-46-25-05-00001.0030 3834 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 3	32
PURTLEBAUGH JAMES KEITH 8385 N FOX HOLLOW RD BLOOMINGTON IN 47408	20-46-25-05-00001.0040 3830 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 4	33
TAYLOR BRUCE G 9 1/2 N LIMESTONE ST JAMESTOWN OH 45335	20-46-25-05-00001.0050 3826 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINE MOBILE HOME VILL BLK 1 OR 493 PG 607 LOT 5 LESS W 5 FT	34
ADKINS ROBIN 17900 JAYNE CT FORT MYERS FL 33913	20-46-25-05-00001.0060 3822 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 6 PLUS W 5 FT OF LOT 5	35
TOMAS LORENZO JOAQUIN 3814 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0070 3818 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 7	36
TOMAS LORENZO 3814 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0080 3814 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 8	37
VILLALPANDO MARIA DEL CARMEN 3810 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0090 3810 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 9	38
VILLALPANDO MARIA DEL CARMEN 3808 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0100 3808 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 10	39
PUPO MAXIMO O 3802 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0110 3802 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 11	40
RAMSEY RICHARD + 3798 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0120 3798 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 12	41
VILLA CRESCENCIO & 3794 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0130 3794 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 13	42
SANDLIN GARY M & DEBORAH J 3790 UNIQUE CIR SW FORT MYERS FL 33908	20-46-25-05-00001.0140 3790 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 14	43
MONTOYA JUAN RUIZ &	20-46-25-05-00001.0150	SHELTER PINES MOBILE HO.VL	44

3777 UNIQUE CIR FORT MYERS FL 33908	3786 UNIQUE CIR FORT MYERS FL 33908	BLK 1 OR 493 PG 607 LOT 15	
MUNOZ CONRADO 26650 ROBIN WAY BONITA SPRINGS FL 34135	20-46-25-05-00001.0160 3782 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 16	45
HAYMAN STANLEY G & LEILANI 239 THORNHILL RD COLUMBIA SC 29212	20-46-25-05-00001.0170 3778 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 17	46
TORRES ELIZABETH A 18414 FERN RD FORT MYERS FL 33967	20-46-25-05-00001.0180 3774 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 18	47
SHREWSBERRY ADA 344 SETTLEMENT LOOP STONEVILLE NC 27048	20-46-25-05-00001.0190 3770 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 19	48
APPELYARD LYNN & BARB 18094 DORAL DR FORT MYERS FL 33967	20-46-25-05-00001.0200 3766 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 20	49
MURILLO JUAN 19040 OCALA RD S FORT MYERS FL 33967	20-46-25-05-00001.0210 3762 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 21	50
GARCIA JOSE JAIME & ESTHER 3758 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0220 3758 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 1 OR 493 PG 607 LOT 22	51
HANSON BRIAN 31093 VIA GILBERTO TEMECULA CA 92592	20-46-25-05-00001.0230 3754 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 23	52
LOPEZ ALBERTO A & 3750 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0240 3750 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 1 OR 493 PG 607 LOT 24	53
KERN JAMES R 27530 WASHINGTON ST BONITA SPRINGS FL 34135	20-46-25-05-00001.0250 3746 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 25	54
SANTIAGO DE JESUS MARIO 3742 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0260 3742 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 1 OR 493 PG 607 LOT 26	55
SANTIAGO DE JESUS MARIO 3742 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00001.0270 3738 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 1 OR 493 PG 607 LOT 27	56
KORN ROBERT + 3528 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0010 19100 UNICORN LN FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 1	57
MURILLO RAFAEL 3833 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0020 3833 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO V BLK 2 OR 493 PG 607 LOT 2	58
PURTLEBAUGH ROBERT D 8535 N CROSSOVER BLOOMINGTON IN 47404	20-46-25-05-00002.0030 3829 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 3	59
DUARTE EDUARDO + 3825 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0040 3825 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 4	60
BLACK DONALD & ALEKSANDRA 20500 PINE TREE LANE ESTERO FL 33928	20-46-25-05-00002.0050 3821 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 5	61
ADKINS ROBIN 17900 JAYNE CT FORT MYERS FL 33913	20-46-25-05-00002.0060 3817 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 6	62
RAMOS DE YANEZ AMELIA 18511 GERANIUM RD FORT MYERS FL 33967	20-46-25-05-00002.0070 3813 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 7	63
UNKNOWN HEIRS OF 3809 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0080 3809 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 8	64
BAZAN ANTONIA 18612 DOGWOOD RD FORT MYERS FL 33967	20-46-25-05-00002.0090 3805 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 9	65
TOMAS LORENZO 3814 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0100 3801 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 10 + 11	66
CERDA LOERA LILIAN + 3793 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0120 3793 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 12	67
MYERS LAUREN A 3789 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0130 3789 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO.VL BLK 2 OR 493 PG 607 LOT 13	68
CALDERON JAVIER BRITO 3785 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0140 3785 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 2 OR 493 PG 607 LOT 14	69
WEILER SHIRLEY + 9077 MURCOTT DR. W FORT MYERS FL 33967	20-46-25-05-00002.0150 3781 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 15	70
RUIZ JUAN + 2145 S TAMAMI TRAIL # 94 ESTERO FL 33928	20-46-25-05-00002.0160 3777 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 2 OR 493 PG 609 LOT 16	71
JUAREZ RAMIRO 3773 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0170 3773 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 2 OR 493 PG 607 LOT 17	72
KAJY KENT 8495 LAUREL LAKES COVE NAPLES FL 34119	20-46-25-05-00002.0180 3769 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 18	73
VILLA GALVAN CRESENCIO &	20-46-25-05-00002.0190	SHELTER PINES MOBILE HO.VL	74

3757 UNIQUE CIR FORT MYERS FL 33908	3765 UNIQUE CIR FORT MYERS FL 33908	BLK 2 OR 493 PG 607 LOT 19 + 20	
VILLA CRESCENCIO & 3765 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0210 3757 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOTS 21 + 22	75
ZIMNICKI NICHOLAS 3749 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0230 3749 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 23	76
REMEDIOS RAMOS MARIA 3745 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0240 3745 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOT 24	77
DOOLEY DIANA 8130 LAKE SAN CARLOS CIR FORT MYERS FL 33967	20-46-25-05-00002.0250 3741 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VILLAGE BLK 2 OR 493 PG 607 LOT 25	78
OLIVEROS JUDITH 8418 WINGED FOOT DR FORT MYERS FL 33967	20-46-25-05-00002.025A 3737 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VILLAGE BLK 2 OR 493 PG 607 LOTS 25A + 25B	79
MCNIER WILLIAM M 3619 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0260 3619 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VILLAGE BLK 2 OR 493 PG 607 LOT 26	80
MECA TRUCKING INDUSTRY LLC 23660 WALDEN CENTER DR 203 BONITA SPRINGS FL 34134	20-46-25-05-00002.026A 3623 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VILLAGE BLK 2 OR 493 PG 607 LOTS 26A + 26B	81
PENDERGRAPH RACHEL 3615 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0270 3615 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M H VIL BLK 2 OR 493 PG 607 LOTS 27 + 28	82
PENDERGRAPH RACHEL KEITH JARVIS 3615 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0290 3607 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M H VIL BLK 2 OR 493 PG 607 LOT 29	83
PENDERGRAPH RACHEL 1623 ROOSEVELT AVE LEHIGH ACRES FL 33972	20-46-25-05-00002.0300 3603 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M H VIL BLK 2 OR 493 PG 607 LOT 30	84
RAMIREZ MIGUEL LOPEZ + PO BOX 366524 BONITA SPRINGS FL 34136	20-46-25-05-00002.0310 3599 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M H VIL BLK 2 OR 493 PG 607 LOTS 31 + 32	85
CUEVAS RIVERA GUSTAVO 4421 PINE RD #3 FORT MYERS FL 33908	20-46-25-05-00002.0330 3591 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOB HO VIL BLK 2 OR 493 PG 607 LOTS 33 + 34	86
BROUGHTON BARBARA L 3579 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0350 3579 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOB HOM VIL BLK 2 OR 493 PG 607 LOTS 35 + 36	87
SCOFIELD LAURIE 1309 RIDGE ST NAPLES FL 34103	20-46-25-05-00002.0370 3575 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 2 OR 493 PG 607-8 LOT 37	88
RIJO FRANKLYN 3571 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0380 3571 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 2 OR 493 PG 607-8 LOT 38	89
RESENDIZ NORMA & ENEMESIO 3567 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0390 3567 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HO VL BLK 2 OR 493 PG 607 LOT 39	90
JEFFREY E LEWIS TRUST + PO BOX 295 ESTERO FL 33929	20-46-25-05-00002.0400 3563 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 2 OR 493 PG 607 LOT 40	91
QUETEL VALERIE 3559 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0410 3559 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 2 OR 493 PG 607 LOT 41	92
OLIVIA NOE GIRON & 3555 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0420 3555 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 2 OR 493 PG 607 LOT 42	93
DELAPENA SUZANNA + PO BOX 695 ESTERO FL 33929	20-46-25-05-00002.0430 3551 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINE MOB HO VLG BLK 2 OR 493 PG 607 LOT 43	94
TOMLINSON DIANE 3547 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0440 3547 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 2 OR 493 PG 607 LOTS 44 + 45	95
BLACK DONALD & ALEKSANDRA 20500 PINE TREE LANE ESTERO FL 33928	20-46-25-05-00002.0460 3539 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 2 OR 493 PG 607 LOT 46	96
STROUSE ROBERT L 3535 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0470 3535 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VLGE BLK 2 OR 493 PG 607 LOT 47	97
ALTAMIRANO MARIA + 3531 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00002.0480 3531 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VLGE BLK 2 OR 493 PG 607 LOT 48	98
GERENCSEK STEVE + SUSAN 19106 UNICORN LN FORT MYERS FL 33908	20-46-25-05-00002.0490 19106 UNICORN LN FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 2 OR 493 PG 607 LOTS 49 + 50	99
REYNOLDS JAMES W JR & ILENE LEE A REYNOLDS 63 SOPER AVE NORTHPORT NY 11768	20-46-25-05-00003.0010 3624 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 1	100
NEVERS JENNIFER + PO BOX 695 ESTERO FL 33928	20-46-25-05-00003.0020 3620 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M H VILLAGE BLK 3 OR 493 PG 607 LOTS 2 + 3	101
DEJESUS ZENAI DA GONZALEZ 7447 MELLON RD FORT MYERS FL 33967	20-46-25-05-00003.0040 3612 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 3 OR 493 PG 607 LOT 4	102
LAMPILA JOHN T III & 14851 DAVID DR	20-46-25-05-00003.0050 3608 UNIQUE CIR	SHELTERING PINES MBH VIL BLK 3 OR 493 PG 607	103

FORT MYERS FL 33908	FORT MYERS FL 33908	LOT 5	
MARTINEZ MARIA 3604 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0060 3604 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 6	104
R&S INVESTMENT HOLDINGS LLC 2708 SANTA BARBARA BLVD CAPE CORAL FL 33914	20-46-25-05-00003.0070 3600 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MBH VIL BLK 3 OR 943 PG 607 LOT 7	105
JOHNSON LINDA B + 3596 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0080 3596 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 8	106
GOMEZ MARTINA 3592 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0090 3592 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 9	107
POLLOCK ROBERT H & JUDITH A 19087 PINE RUN LN FORT MYERS FL 33967	20-46-25-05-00003.0100 3588 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 3 OR 493 PG 607 LOT 10	108
CURTIS LYNNET J 3584 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0110 3584 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 11	109
CONSTANCE R BARBOUR TRUST + 15564 OMAI CT SW FORT MYERS FL 33908	20-46-25-05-00003.0120 3580 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 12	110
MURILLO JUAN 19040 Ocala RD S FORT MYERS FL 33967	20-46-25-05-00003.0130 3576 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 3 OR 493 PG 607 LOT 13	111
MCMAHON DANIEL W + 2311 WOODLAND ESTATES RD NAPLES FL 34117	20-46-25-05-00003.0140 3572 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HO VL BLK 3 OR 493 PG 607 LOT 14	112
JUDIIS INVESTMENTS LLC PO BOX 467 ESTERO FL 33929	20-46-25-05-00003.0150 3568 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 15	113
HERNANDEZ YURI D 3564 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0160 3564 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 3 OR 493 PG 607 LOT 16	114
NEVERS MELODEE A PO BOX 695 ESTERO FL 33929	20-46-25-05-00003.0170 3560 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 17	115
NEVERS MELODEE ANN PO BOX 695 ESTERO FL 33929	20-46-25-05-00003.0180 3556 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VLG BLK 3 OR 493 PG 607 LOT 18	116
UNKNOWN HEIRS OF 3552 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0190 3552 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HO VL BLK 3 OR 493 PG 607 LOT 19	117
GOMEZ LORENZO REYES & 3548 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0200 3548 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HO VL BLK 3 OR 493 PG 607 LOT 20	118
GOMEZ LORENZO R & CRISTINE 3548 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0210 3544 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HO VL BLK 3 OR 493 PG 607 LOT 21	119
REYES LORENZO + 3548 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0220 3540 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 22	120
WIN FALLON 3536 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0230 3536 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES MOB HM VL BLK 3 OR 493 PG 607 LOT 23	121
KORN ROBERT + 3528 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0240 3532 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 24	122
KORN ROBERT J 3528 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0250 3528 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 25	123
NANIA SUZANNE SYLVIA 20001 OAKS FAIRWAYS CT ESTERO FL 33928	20-46-25-05-00003.0260 3524 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 26	124
JEANNOTTE LAURA ROSE 3520 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00003.0270 3520 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOTS 27 + 28	125
FORBES MELVIN & CAROLYN 1118 E COUNTY RD 300N SULLIVAN IN 47882	20-46-25-05-00003.0290 3512 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 3 OR 493 PG 607 LOT 29 + 30	126
LANDEROS JAMIE RAMIERZ 3726 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00004.0010 3726 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 1 + 2	127
FAUSON JAMES & JULIE 1612 ALPHA ST LANSING MI 48910	20-46-25-05-00004.0030 3714 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 3 + 4	128
GOMEZ MARTINA 3592 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00004.0050 3710 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 5 + 6	129
REYES LORENZO F & 3702 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00004.0070 3702 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOB HO VL BLK 4 OR 493 PG 607-8 LOTS 7 + 8	130
ARANA MARTIN & HERIBERTA 3694 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00004.0090 3694 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOB HO VL BLK 4 OR 493 PG 607 LOTS 9 + 10	131
LENTZ DUANE & LUANNE 14036 FENWOOD CT ESTERO FL 33928	20-46-25-05-00004.0110 3686 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOB HO VL BLK 4 OR 493 PG 607 LOTS 11 + 12	132
STEFANIK RONALD J + 18414 FERN RD	20-46-25-05-00004.0130 3678 UNIQUE CIR	SHELTERING PINES MBH VIL BLK 4 OR 493 PG 607	133

FORT MYERS FL 33967	FORT MYERS FL 33908	LOTS 13 + 14	
CRUZ ENRIQUE NESTOSO & 21450 S TAMiami TRAIL # 65 ESTERO FL 33928	20-46-25-05-00004.0150 3666 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 15 + 16	134
BAUTISTA BENITO RAMIREZ & 3662 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00004.0170 3662 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 17 + 18	135
CONTRERAS HECTOR SILVA 164 NIMITZ ST NAPLES FL 34104	20-46-25-05-00004.0190 3650/3654 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 19 + 20	136
GOMEZ FIDENCIO R & JOSEFINA PO BOX 95 BONITA SPRINGS FL 34133	20-46-25-05-00004.0210 3646 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M H VL BLK 4 OR 493 PG 607 LOTS 21 + 22	137
JEFFREY E LEWIS TRUST + PO BOX 295 ESTERO FL 33929	20-46-25-05-00004.0230 3634 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 4 OR 493 PG 607 LOTS 23 + 24	138
TOMAS SANTIAGO 3721 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00005.0010 3721 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 5 OR 493 PG 607 LOTS 1 + 2	139
HUNTER KEVIN L 4665 E EARL YOUNG RD BLOOMINGTON IN 47408	20-46-25-05-00005.0030 3713 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 5 OR 493 PG 607 LOTS 3 + 4	140
PUGH DAVID 1438 SE 22ND ST CAPE CORAL FL 33990	20-46-25-05-00005.0050 3705 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VIL BLK 5 OR 493 PG 607-8 LOTS 5 + 6	141
SHADDUCK CATHERINE L 3697 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00005.0070 3697 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES M/H VIL BLK 5 OR 493 PG 607-8 LOTS 7 + 8	142
GOMEZ LORENZO REYES & 3548 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00005.0090 3667 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 5 OR 493 PG 607 LOTS 9 + 10	143
SCOTT JOHN WILLIAM PO BOX 98 ESTERO FL 33929	20-46-25-05-00005.0110 3659 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 5 OR 493 PG 607 LOTS 11 + 12	144
SIMON PABLO ESTEBAN 10411 STRIKE LN BONITA SPRINGS FL 34135	20-46-25-05-00005.0130 3651 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HO VL BLK 5 OR 493 PG 607 LOT 13	145
ARRENDONDO RAFAEL + 26330 LONDON LN BONITA SPRINGS FL 34135	20-46-25-05-00005.0140 3647 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES M/H VILG BLK 5 OR 493 PG 607 LOT 14	146
TOMAS SANTIAGO 3721 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00005.0150 3643 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VIL BLK 5 OR 493 PG 607 LOT 15	147
TOMAS ROSALIO PEDRO 3639 UNIQUE CIR FORT MYERS FL 33908	20-46-25-05-00005.0160 3639 UNIQUE CIR FORT MYERS FL 33908	SHELTER PINES MOBILE HOME VIL BLK 5 OR 493 PG 607 LOT 16	148
SHELTERING PINES IMPROVEMENT PO BOX 201 ESTERO FL 33928	20-46-25-05-0000A.00CE RIGHT OF WAY FORT MYERS FL 33908	SHELTERINES MOBILE HOME VILL OR 493 PG 607 ALL SLOUGH AREAS AND ALL ROADS LESS INST #2011000142219	149
WALGREEN CO REAL ESTATE PROPERTY TAX PO BOX 1159 DEERFIELD IL 60015	20-46-25-21-00000.0010 3501 UNIQUE CIR FORT MYERS FL 33908	SHELTERING PINES COMMERCIAL AS DESC IN INST# 2012000094517 LOT 1	150

TIITF/REC + PARKS
DEPT OF ENVIR PROTECTION
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399

BLP GRAND BAY LLC
160 NW 26TH ST UT 201
MIAMI FL 33127

TIITF/REC + PARKS
DEPT OF ENVIR PROTECTION
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399

WILLOW PARTNERS LLC
317 GARDEN AVE
HOLLAND MI 49424

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY PKWY
ANTIOCH TN 37013

PSW ESTERO LLC
2647 S HOMER LAKE RD
HOMER IL 61849

LIFE STORAGE LP
6467 MAIN ST
BUFFALO NY 14221

VJP HOLDINGS LP
VINCENT SCOLA
17 GROVE TER
SPARTA NJ 07871

MARINA MIKE'S LLC
5671 HARBORAGE DR
FORT MYERS FL 33908

SHEBESH ANNA +
1017 N BROAD ST
GRIFFITH IN 46319

LIBAK CHRISTOPHER H + DONNA TR
8293 WINGED FOOT DR
FORT MYERS FL 33967

HOBBS MIRIAMA
19121 ACORN RD
FORT MYERS FL 33967

RODRIGUEZ RAFAEL
2355 55TH ST SW
NAPLES FL 34116

BARRIOS MARIELL G
7468 SAN CARLOS BLVD
ESTERO FL 33967

BRODBECK JOSEPH W &
19153 ACORN RD
FORT MYERS FL 33967

SAN CARLOS VENTURE INC
JOHN W MEYER CPA
1207 3RD ST S STE 4
NAPLES FL 34102

COACH LLC TR
PO BOX 110052
NAPLES FL 34108

BARKIS SAN CARLOS CAR WASH INC
15834 BROTHERS CT
FORT MYERS FL 33912

ART REAL ESTATE HOLDINGS LLC
2135 IMPERIAL CR
NAPLES FL 34110

CIRCLE K STORES INC
PO BOX 52085 DC-17
PHOENIX AZ 85072

NEW DAY CHRISTIAN CHURCH INC
19091 S TAMIAMI TRL
FORT MYERS FL 33908

NEW DAY CHRISTIAN CHURCH INC
19091 S TAMIAMI TRL
FORT MYERS FL 33908

ADVANCE STORES CO INC #9333
TAX ACCOUNTING
PO BOX 2710
ROANOKE VA 24001

EMBARQ FLORIDA INC
PROPERTY TAX DEPT
1025 ELDORADO BLVD
BROOMFIELD CO 80021

OZTURK FAMILY INC
19051 S TAMIAMI TRL
FORT MYERS FL 33908

CLOSE LARRY & LORINDA
6730 BRIARCLIFF RD
FORT MYERS FL 33912

HANNAHS TERESA M +
15640 KINGSLEY RD
NINILCHIK AK 99639

SAN CARLOS PARK ALLIANCE
7469 SAN CARLOS BLVD
FORT MYERS FL 33967

DICKEY DAVID B +
6514 WILLOW LAKE CIR
FORT MYERS FL 33966

KOONTZ MARY E
2560 W DOUBLE DOWN CT
BLOOMINGTON IN 47403

PURTLEBAUGH JAMES K SR
8385 N FOX HOLLOW RD
BLOOMINGTON IN 47408

DECKARD DAVID +
8465 S OLD ST RD 37
BLOOMINGTON IN 47403

PURTLEBAUGH JAMES KEITH
8385 N FOX HOLLOW RD
BLOOMINGTON IN 47408

TAYLOR BRUCE G
9 1/2 N LIMESTONE ST
JAMESTOWN OH 45335

ADKINS ROBIN
17900 JAYNE CT
FORT MYERS FL 33913

TOMAS LORENZO JOAQUIN
3814 UNIQUE CIR
FORT MYERS FL 33908

TOMAS LORENZO
3814 UNIQUE CIR
FORT MYERS FL 33908

VILLALPANDO MARIA DEL CARMEN
3810 UNIQUE CIR
FORT MYERS FL 33908

VILLALPANDO MARIA DEL CARMEN
3808 UNIQUE CIR
FORT MYERS FL 33908

PUPO MAXIMO O
3802 UNIQUE CIR
FORT MYERS FL 33908

RAMSEY RICHARD +
3798 UNIQUE CIR
FORT MYERS FL 33908

VILLA CRESCENCIO &
3794 UNIQUE CIR
FORT MYERS FL 33908

SANDLIN GARY M & DEBORAH J
3790 UNIQUE CIR SW
FORT MYERS FL 33908

MONTOYA JUAN RUIZ &
3777 UNIQUE CIR
FORT MYERS FL 33908

MUNOZ CONRADO
26650 ROBIN WAY
BONITA SPRINGS FL 34135

HAYMAN STANLEY G & LEILANI
239 THORNHILL RD
COLUMBIA SC 29212

TORRES ELIZABETH A
18414 FERN RD
FORT MYERS FL 33967

SHREWSBERRY ADA
344 SETTLEMENT LOOP
STONEVILLE NC 27048

APPLEYARD LYNN & BARB
18094 DORAL DR
FORT MYERS FL 33967

MURILLO JUAN
19040 OCALA RD S
FORT MYERS FL 33967

GARCIA JOSE JAIME & ESTHER
3758 UNIQUE CIR
FORT MYERS FL 33908

HANSON BRIAN
31093 VIA GILBERTO
TEMECULA CA 92592

LOPEZ ALBERTO A &
3750 UNIQUE CIR
FORT MYERS FL 33908

KERN JAMES R
27530 WASHINGTON ST
BONITA SPRINGS FL 34135

SANTIAGO DE JESUS MARIO
3742 UNIQUE CIR
FORT MYERS FL 33908

SANTIAGO DE JESUS MARIO
3742 UNIQUE CIR
FORT MYERS FL 33908

KORN ROBERT +
3528 UNIQUE CIR
FORT MYERS FL 33908

MURILLO RAFAEL
3833 UNIQUE CIR
FORT MYERS FL 33908

PURTLEBAUGH ROBERT D
8535 N CROSSOVER
BLOOMINGTON IN 47404

DUARTE EDUARDO +
3825 UNIQUE CIR
FORT MYERS FL 33908

BLACK DONALD & ALEKSANDRA
20500 PINE TREE LANE
ESTERO FL 33928

ADKINS ROBIN
17900 JAYNE CT
FORT MYERS FL 33913

RAMOS DE YANEZ AMELIA
18511 GERANIUM RD
FORT MYERS FL 33967

UNKNOWN HEIRS OF
3809 UNIQUE CIR
FORT MYERS FL 33908

BAZAN ANTONIA
18612 DOGWOOD RD
FORT MYERS FL 33967

TOMAS LORENZO
3814 UNIQUE CIR
FORT MYERS FL 33908

CERDA LOERA LILIAN +
3793 UNIQUE CIR
FORT MYERS FL 33908

MYERS LAUREN A
3789 UNIQUE CIR
FORT MYERS FL 33908

CALDERON JAVIER BRITO
3785 UNIQUE CIR
FORT MYERS FL 33908

WEILER SHIRLEY +
9077 MURCOTT DR. W
FORT MYERS FL 33967

RUIZ JUAN +
2145 S TAMiami TRAIL # 94
ESTERO FL 33928

JUAREZ RAMIRO
3773 UNIQUE CIR
FORT MYERS FL 33908

KAJY KENT
8495 LAUREL LAKES COVE
NAPLES FL 34119

VILLA GALVAN CRESENCIO &
3757 UNIQUE CIR
FORT MYERS FL 33908

VILLA CRESENCIO &
3765 UNIQUE CIR
FORT MYERS FL 33908

ZIMNICKI NICHOLAS
3749 UNIQUE CIR
FORT MYERS FL 33908

REMEDIOS RAMOS MARIA
3745 UNIQUE CIR
FORT MYERS FL 33908

DOOLEY DIANA
8130 LAKE SAN CARLOS CIR
FORT MYERS FL 33967

OLIVEROS JUDITH
8418 WINGED FOOT DR
FORT MYERS FL 33967

MCNIER WILLIAM M
3619 UNIQUE CIR
FORT MYERS FL 33908

MECA TRUCKING INDUSTRY LLC
23660 WALDEN CENTER DR 203
BONITA SPRINGS FL 34134

PENDERGRAPH RACHEL
3615 UNIQUE CIR
FORT MYERS FL 33908

PENDERGRAPH RACHEL
KEITH JARVIS
3615 UNIQUE CIR
FORT MYERS FL 33908

PENDERGRAPH RACHEL
1623 ROOSEVELT AVE
LEHIGH ACRES FL 33972

RAMIREZ MIGUEL LOPEZ +
PO BOX 366524
BONITA SPRINGS FL 34136

CUEVAS RIVERA GUSTAVO
4421 PINE RD #3
FORT MYERS FL 33908

BROUGHTON BARBARA L
3579 UNIQUE CIR
FORT MYERS FL 33908

SCOFIELD LAURIE
1309 RIDGE ST
NAPLES FL 34103

RIJO FRANKLYN
3571 UNIQUE CIR
FORT MYERS FL 33908

RESENDIZ NORMA & ENEMESIO
3567 UNIQUE CIR
FORT MYERS FL 33908

JEFFREY E LEWIS TRUST +
PO BOX 295
ESTERO FL 33929

QUETEL VALERIE
3559 UNIQUE CIR
FORT MYERS FL 33908

OLIVIA NOE GIRON &
3555 UNIQUE CIR
FORT MYERS FL 33908

DELAPENA SUZANNA +
PO BOX 695
ESTERO FL 33929

TOMLINSON DIANE
3547 UNIQUE CIR
FORT MYERS FL 33908

BLACK DONALD & ALEKSANDRA
20500 PINE TREE LANE
ESTERO FL 33928

STROUSE ROBERT L
3535 UNIQUE CIR
FORT MYERS FL 33908

ALTAMIRANO MARIA +
3531 UNIQUE CIR
FORT MYERS FL 33908

GERENCSEK STEVE + SUSAN
19106 UNICORN LN
FORT MYERS FL 33908

REYNOLDS JAMES W JR & ILENE
LEE A REYNOLDS
63 SOPER AVE
NORTHPORT NY 11768

NEVERS JENNIFER +
PO BOX 695
ESTERO FL 33928

DEJESUS ZENaida GONZALEZ
7447 MELLON RD
FORT MYERS FL 33967

LAMPILA JOHN T III &
14851 DAVID DR
FORT MYERS FL 33908

MARTINEZ MARIA
3604 UNIQUE CIR
FORT MYERS FL 33908

R&S INVESTMENT HOLDINGS LLC
2708 SANTA BARBARA BLVD
CAPE CORAL FL 33914

JOHNSON LINDA B +
3596 UNIQUE CIR
FORT MYERS FL 33908

GOMEZ MARTINA
3592 UNIQUE CIR
FORT MYERS FL 33908

POLLOCK ROBERT H & JUDITH A
19087 PINE RUN LN
FORT MYERS FL 33967

CURTIS LYNNET J
3584 UNIQUE CIR
FORT MYERS FL 33908

CONSTANCE R BARBOUR TRUST +
15564 OMAI CT SW
FORT MYERS FL 33908

MURILLO JUAN
19040 Ocala RD S
FORT MYERS FL 33967

MCMAHON DANIEL W +
2311 WOODLAND ESTATES RD
NAPLES FL 34117

JUDIIS INVESTMENTS LLC
PO BOX 467
ESTERO FL 33929

HERNANDEZ YURI D
3564 UNIQUE CIR
FORT MYERS FL 33908

NEVERS MELODEE A
PO BOX 695
ESTERO FL 33929

NEVERS MELODEE ANN
PO BOX 695
ESTERO FL 33929

UNKNOWN HEIRS OF
3552 UNIQUE CIR
FORT MYERS FL 33908

GOMEZ LORENZO REYES &
3548 UNIQUE CIR
FORT MYERS FL 33908

GOMEZ LORENZO R & CRISTINE
3548 UNIQUE CIR
FORT MYERS FL 33908

REYES LORENZO +
3548 UNIQUE CIR
FORT MYERS FL 33908

WIN FALLON
3536 UNIQUE CIR
FORT MYERS FL 33908

KORN ROBERT +
3528 UNIQUE CIR
FORT MYERS FL 33908

KORN ROBERT J
3528 UNIQUE CIR
FORT MYERS FL 33908

NANIA SUZANNE SYLVIA
20001 OAKS FAIRWAYS CT
ESTERO FL 33928

JEANNOTTE LAURA ROSE
3520 UNIQUE CIR
FORT MYERS FL 33908

FORBES MELVIN & CAROLYN
1118 E COUNTY RD 300N
SULLIVAN IN 47882

LANDEROS JAMIE RAMIERZ
3726 UNIQUE CIR
FORT MYERS FL 33908

FAUSON JAMES & JULIE
1612 ALPHA ST
LANSING MI 48910

GOMEZ MARTINA
3592 UNIQUE CIR
FORT MYERS FL 33908

REYES LORENZO F &
3702 UNIQUE CIR
FORT MYERS FL 33908

ARANA MARTIN & HERIBERTA
3694 UNIQUE CIR
FORT MYERS FL 33908

LENTZ DUANE & LUANNE
14036 FENWOOD CT
ESTERO FL 33928

STEFANIK RONALD J +
18414 FERN RD
FORT MYERS FL 33967

CRUZ ENRIQUE NESTOSO &
21450 S TAMiami TRAIL # 65
ESTERO FL 33928

BAUTISTA BENITO RAMIREZ &
3662 UNIQUE CIR
FORT MYERS FL 33908

CONTRERAS HECTOR SILVA
164 NIMITZ ST
NAPLES FL 34104

GOMEZ FIDENCIO R & JOSEFINA
PO BOX 95
BONITA SPRINGS FL 34133

JEFFREY E LEWIS TRUST +
PO BOX 295
ESTERO FL 33929

TOMAS SANTIAGO
3721 UNIQUE CIR
FORT MYERS FL 33908

HUNTER KEVIN L
4665 E EARL YOUNG RD
BLOOMINGTON IN 47408

PUGH DAVID
1438 SE 22ND ST
CAPE CORAL FL 33990

SHADDUCK CATHERINE L
3697 UNIQUE CIR
FORT MYERS FL 33908

GOMEZ LORENZO REYES &
3548 UNIQUE CIR
FORT MYERS FL 33908

SCOTT JOHN WILLIAM
PO BOX 98
ESTERO FL 33929

SIMON PABLO ESTEBAN
10411 STRIKE LN
BONITA SPRINGS FL 34135

ARRENDONDO RAFAEL +
26330 LONDON LN
BONITA SPRINGS FL 34135

TOMAS SANTIAGO
3721 UNIQUE CIR
FORT MYERS FL 33908

TOMAS ROSALIO PEDRO
3639 UNIQUE CIR
FORT MYERS FL 33908

SHELTERING PINES IMPROVEMENT
PO BOX 201
ESTERO FL 33928

WALGREEN CO
REAL ESTATE PROPERTY TAX
PO BOX 1159
DEERFIELD IL 60015

Exhibit M4

Future Land Use Map

Grand Bay
Revised October 2022

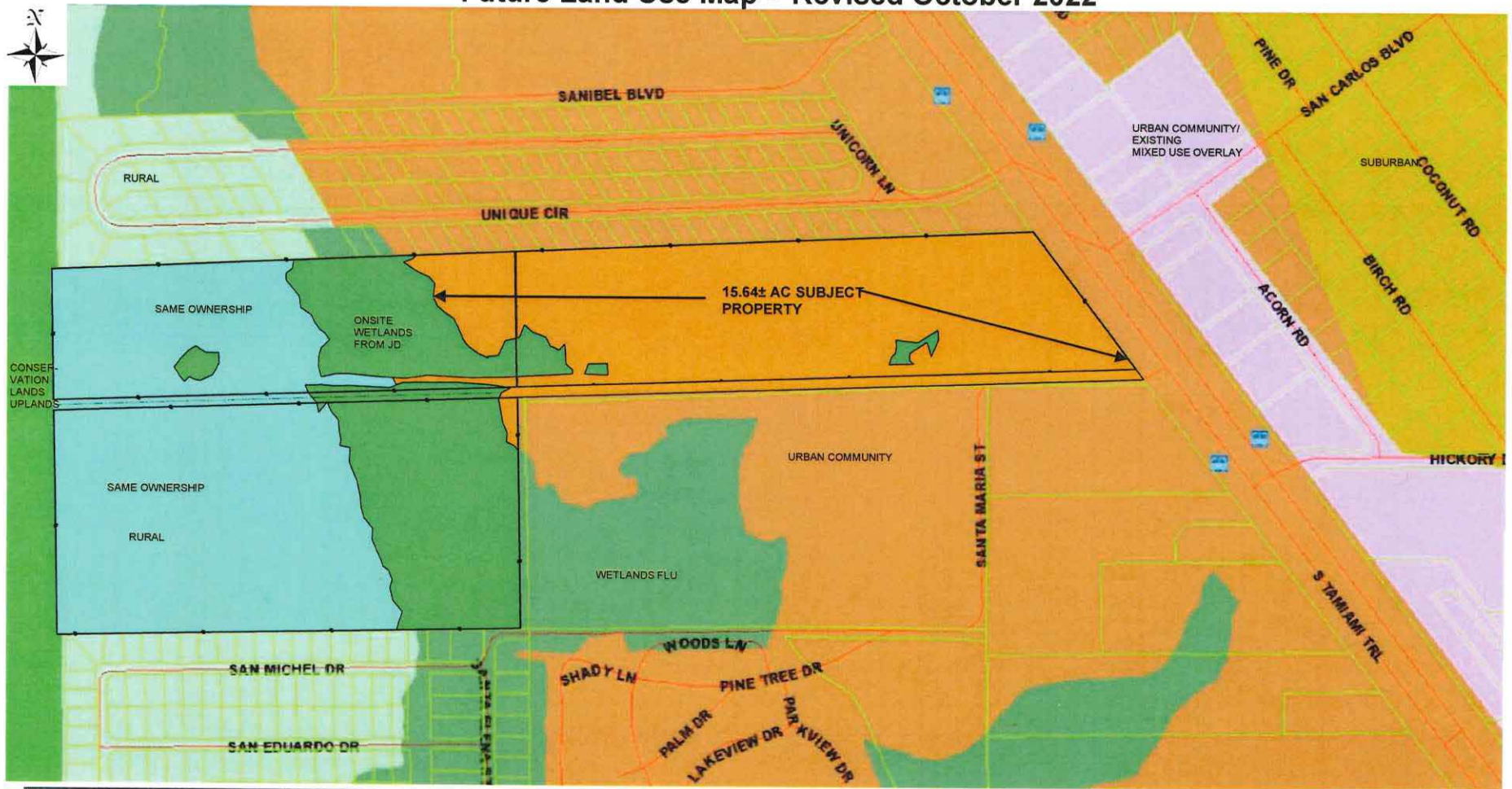


Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Future Land Use Map - Revised October 2022



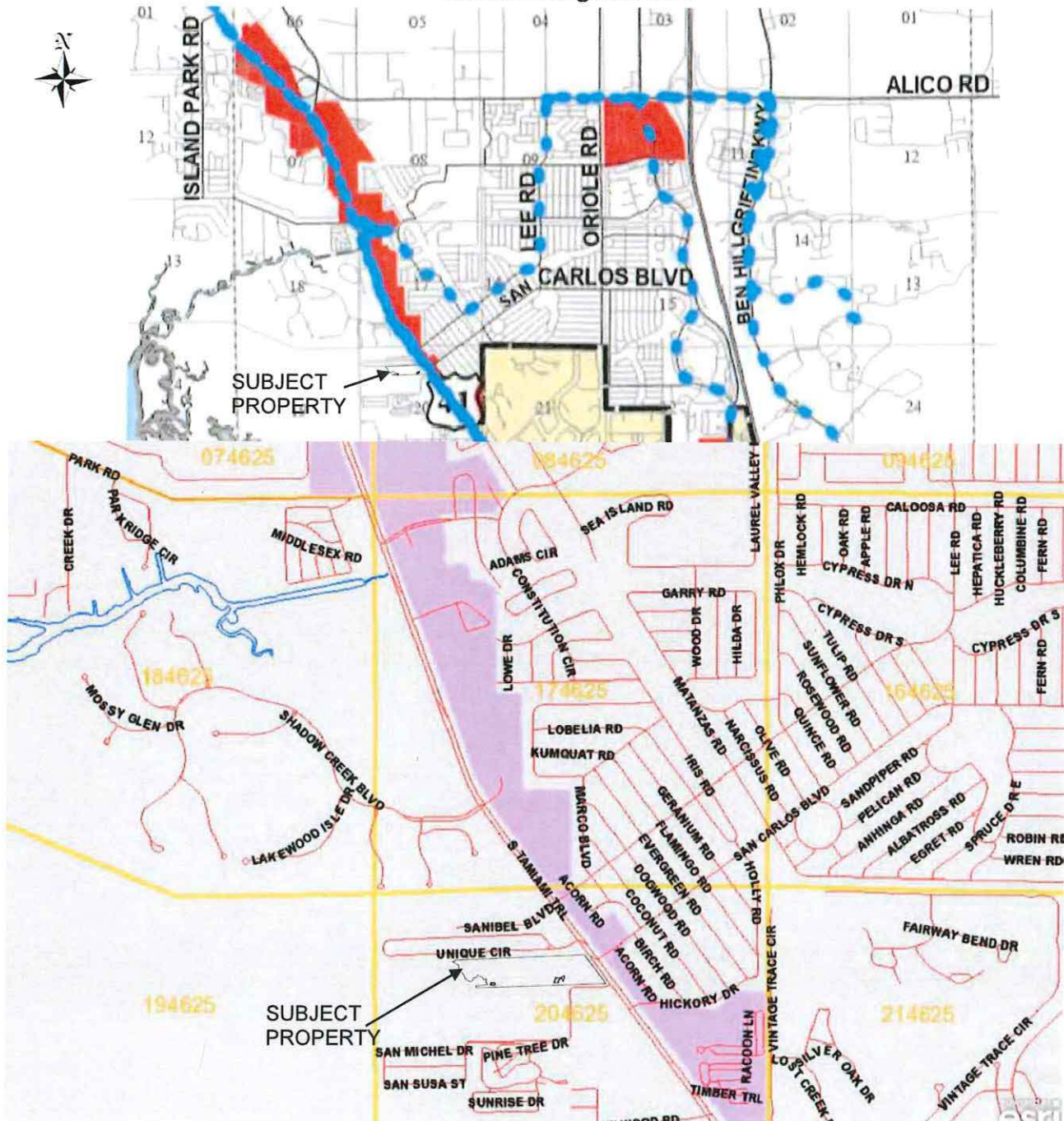
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Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Existing Mixed-Use Overlay - Lee Plan Map 1-C
Revised August 2022



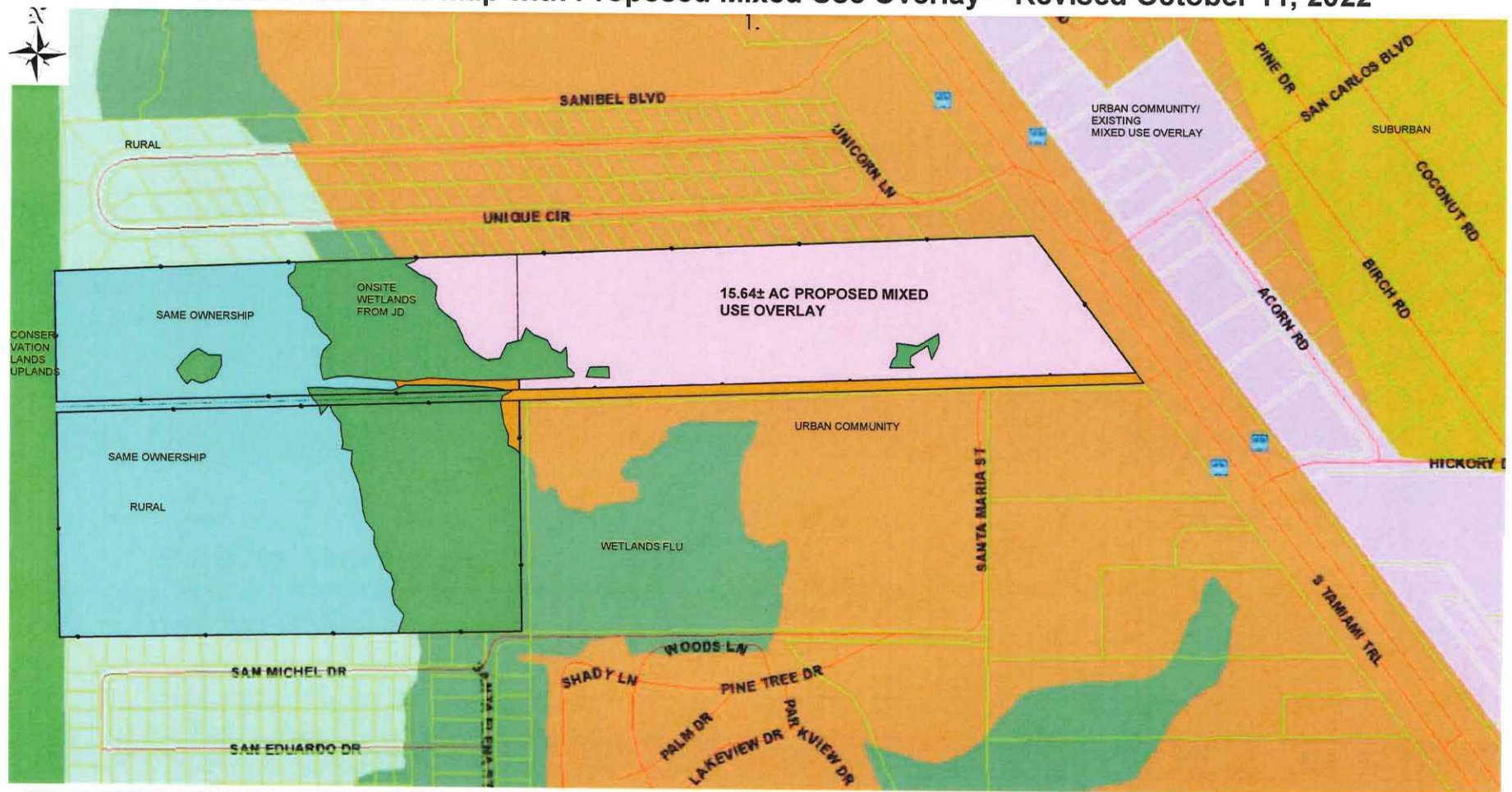


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Grand Bay Comprehensive Plan Amendment

CPA2022-00006 & CPA2022-00007

Future Land Use Map with Proposed Mixed Use Overlay – Revised October 11, 2022



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Exhibit M5

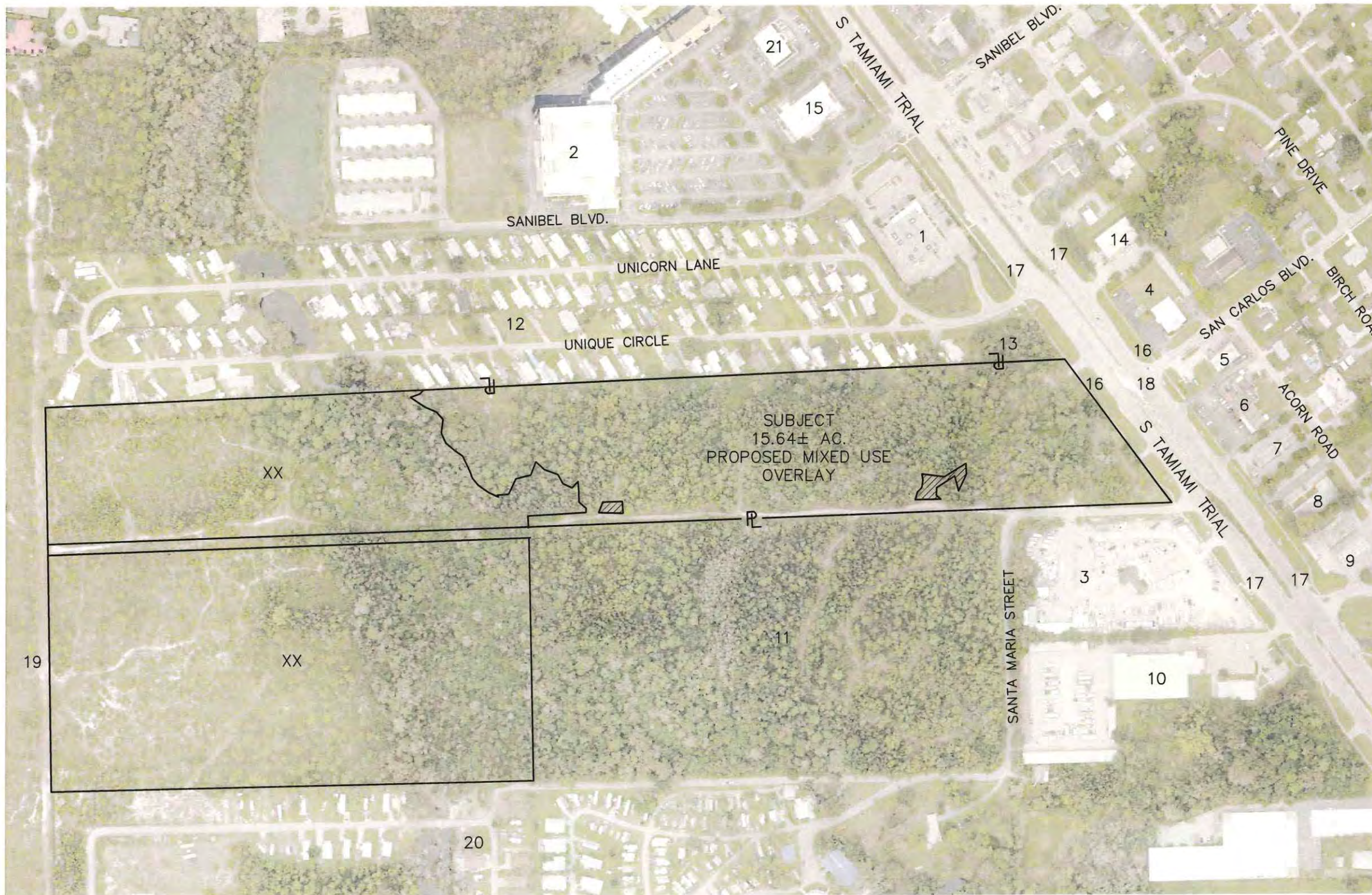
Map & Description of Existing Land Uses

Grand Bay
Revised August 2022



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S:\JOBS\84XX\8433GB\DOCUMENTS\ZONING\8433GB GRAND BAY AERIAL PHOTOGRAPH MAP.DWG 8/2/2022 2:06 PM JORGE SANCHEZ



0 300 600
GRAPHIC SCALE 1"= 300'

NOT INCLUDED



MAP ID	EXISTING USE
SUBJECT	VACANT COMMERCIAL & RESIDENTIAL
XX	SAME OWNERSHIP-VACANT RESIDENTIAL
1	WALGREENS
2	COMMUNITY SHOPPING CENTER/ GRAND BAY PLAZA/PUBLIX
3	MARINA MIKES
4	NEW DAY CHRISTIAN CHURCH
5	NEIGHBORHOOD SHOPPING CENTER
6	NEIGHBORHOOD SHOPPING CENTER
7	CARWASH
8	MULTIPLE OCCUPANCY CENTER
9	CIRCLE K WITH GAS PUMPS
10	LIFE STORAGE
11	DO FOR ESTERO VISTA 144 MF DU
12	SHELTER PINES MOBILE HOME VILLAGE
13	VACANT COMMERCIAL
14	ADVANCE DISCOUNT AUTO PARTS
15	CVS
16	EXISTING SIDEWALK, BIKE LANE & PAVED SHOULDER/PROPOSED SHARED USE PATH
17	LEE TRAN ROUTES 240, 600 & 140-SUNDAY
18	PROPOSED TRAFFIC LIGHT
19	ESTERO BAY STATE BUFFER PRESERVE
20	SHADY ACRES/BUEWAY RV VILLAGE
21	RESTAURANT (41 DINER)

NO.	DATE	REVISION DESCRIPTION	BY
2	7/29/2022	UPDATE BOUNDARY	SEH
1	6/20/2022	REVISED AREA	SEH

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
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FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

EXISTING USES AERIAL MAP GRAND BAY-COMPREHENSIVE PLAN AMENDMENT LEE COUNTY, FLORIDA								
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	
3/8/2022	8433GB	AERIAL	SEH	JLS	SEH	1"=300'	1	



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Grand Bay Comprehensive Plan Amendment

CPA2022-00006 & CPA2022-00007

Description of Existing Land Uses of the Subject Property and Surrounding Properties

Exhibit M5 - Revised August 2022

Subject Property

The subject property is the eastern 15.64± acres of the overall ±46.33-acre site. The property is located at the northwest corner of the intersection of Santa Maria Street and S. Tamiami Trail (US 41) across from its intersection with San Carlos Boulevard. The overall site consists of four parcels separated by a 30-foot platted right-of-way. There is a dirt road constructed east to west through the site. The proposed site access onto S. Tamiami Trail/US 41 has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the proposed adjacent development to the south. The access aligns with the San Carlos Boulevard intersection which is proposed for signalization by FDOT. Mullock Creek floodway bisects the site from the northwest to the southeast.

East

Adjacent to the east is S. Tamiami Trail (US 41-arterial roadway) with existing sidewalk, bike lane and paved shoulder and Lee Tran routes 240, 600 and 140-Sunday. Across S. Tamiami Trail is the intersection with San Carlos Boulevard (major collector) where a traffic signal is proposed. New Day Christian Church is north of this intersection and commercial parcels to the south of the intersection consist of two shopping centers, a car wash, a multiple-occupancy center and a Circle K with gas pumps. Behind the commercial parcels are primarily single-family homes and a daycare.

South

Adjacent to the south is Santa Maria Street (private local) then Marina Mikes boat sales and service then Life Storage and Napa Auto Parts store. Adjacent to the south and west of Santa Maria Street is vacant land that just received development order approval for 144 multiple-family dwelling units (including 21 bonus density units) in 3 four-story buildings with a clubhouse with an interconnect with the subject property's permitted proposed access. South of these properties is Shady Acres/Blueway RV Village.

West

Adjacent to the west is vacant property owned by the applicant. Further west of the overall project site is lands within the Estero Bay State Buffer Preserve.

North

Adjacent to the north is a vacant commercial parcel fronting S. Tamiami Trail (US 41) then Shelter Pines Mobile Home Village then Walgreens and Grand Bay Plaza shopping center with Publix, CVS, 41 Diner, Subway and various shops.

Exhibit M6

Map & Description of Existing Zoning

Grand Bay
Revised August 2022

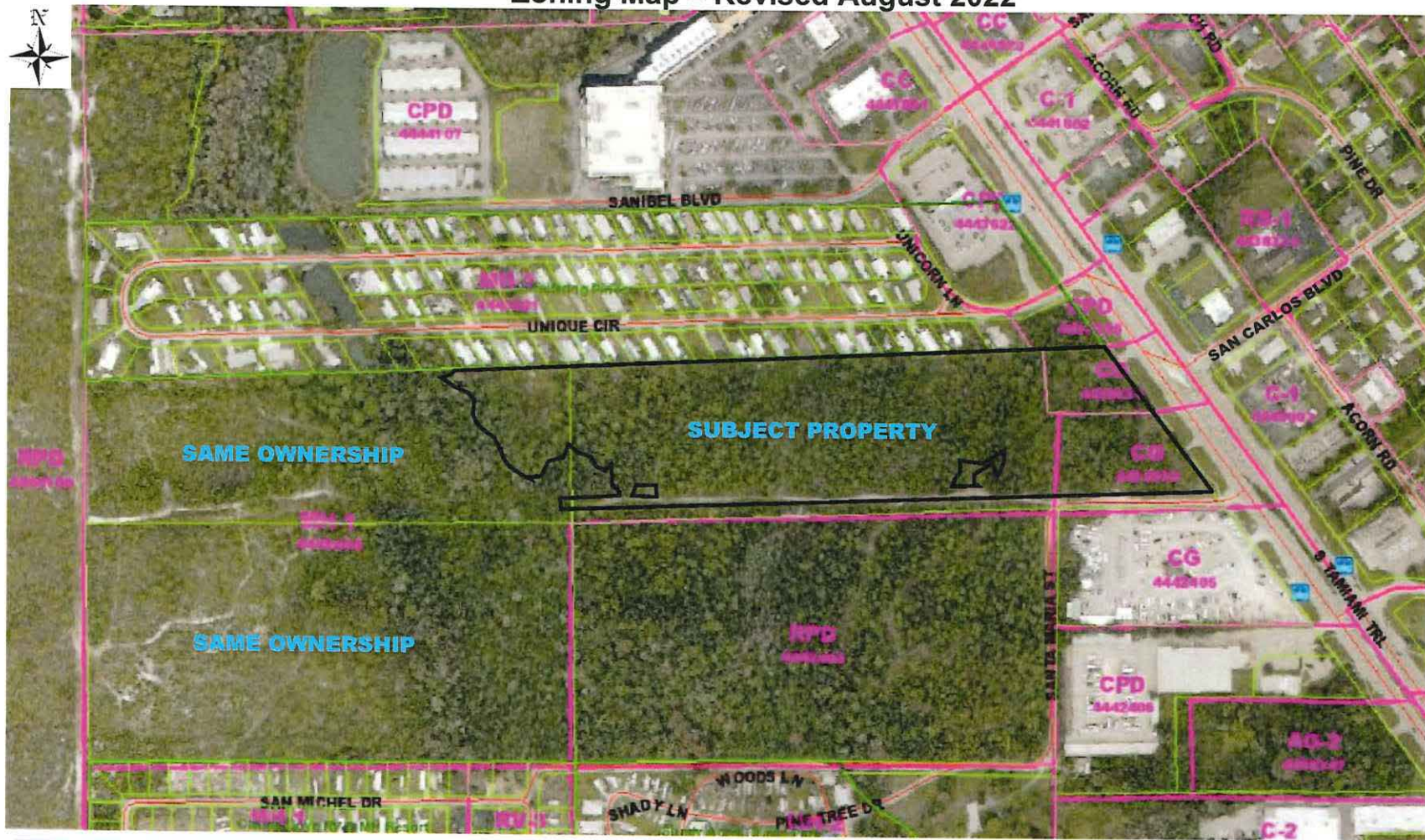


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Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Zoning Map – Revised August 2022



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Grand Bay Comprehensive Plan Amendment

CPA2022-00006 & CPA2022-00007

Description of Existing Zoning of Subject and Surrounding Properties

Exhibit M6 - Revised August 2022

Subject Property

The subject property is the eastern 15.64± acres of the overall ±46.33 acre site. The eastern ±2.73 acres of the subject property fronting on S. Tamiami Trail/US 41 is currently zoned General Commercial (CG) by resolution ZAB-84-241 and the balance of the property to the west is currently zoned Mobile Home Residential (MH-1) by resolution Z-68-050. The applicant is requesting to rezone the overall property to Minor Mixed Use Planned Development to allow development of the site with a maximum of 300 multi-family dwelling units (including 114 bonus density units and 186 standard units) and 30,000 square feet of commercial uses. The proposed site access onto S. Tamiami Trail/US 41 has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the proposed adjacent development to the south. The access aligns with the San Carlos Boulevard intersection which is proposed for signalization.

East

Adjacent to the east is S. Tamiami Trail (US 41-arterial roadway) then properties within the Mixed Use Overlay zoned Commercial C-1 on both sides of the intersection with San Carlos Boulevard (major collector). Further east is Residential Single-Family RS-1 zoned parcels.

South

Adjacent to the south is Santa Maria Street (private local) then General Commercial (CG) zoning abutting S. Tamiami Trail and Estero Vista Residential Planned Development (RPD) to the west of Santa Maria Street. The RPD was approved by zoning resolution Z-05-016 for 144 multi-family units including bonus density with a maximum height of 55 feet. The zoning was last amended by zoning resolution ADD2020-00104 which proposed connection to the subject property's approved proposed access point. Further south are lands zoned Mobile Home MH-2.

West

Adjacent to the west is property owned by the applicant that is zoned Mobil Home Residential (MH-1) then land zoned Estero River Bay RPD which was purchased by the State for conservation.

North

Adjacent to the north is a parcel fronting S. Tamiami Trail zoned John Latzman CPD (Commercial Planned Development) approved by zoning resolution number Z-88-319 for 4,500 square feet of commercial uses then Walgreens @ Unique Circle CPD. To the west of these CPDs is Shelter Pines Mobile Home Village zoned Mobile Home Residential (MH-2) by Z-62-003. North of Shelter Pines Mobile Home Village is San Carlos Park Center CPD originally approved by Z-95-005, last amended by ADD2019-00173, with 142,800 square feet of commercial approved including 48,000 square feet of mini-warehouse use.

Exhibits M12 & T7

Environmental Impacts Analysis

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors

NFP NATIONAL FLOOD INSURANCE PROGRAM	PANEL 0579F			
	FIRM			
	FLOOD INSURANCE RATE MAP			
	LEE COUNTY,			
	FLORIDA			
	AND INCORPORATED AREAS			
	PANEL 579 OF 685			
	(SEE MAP INDEX FOR FIRM PANEL LAYOUT)			
	CONTAINS			
	COMMUNITY LEE COUNTY	MAPNUMBER 75044	FIRM 579F	SHEET 1

NOTE TO USER: The Map Number group below should be used when placing map orders. The Community Number group above should be used in insurance applications for the subject community.

MAP NUMBER
12071C0579F

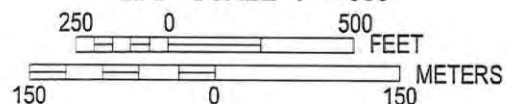
EFFECTIVE DATE
AUGUST 28, 2008

Federal Emergency Management Agency

- Legend
-  1% annual chance (100-Year) Floodplain
 -  1% annual chance (100-Year) Floodway
 -  0.2% annual chance (500-Year) Floodplain



MAP SCALE 1" = 500'



NFIP

PANEL 0579F

FIRM

FLOOD INSURANCE RATE MAP

LEE COUNTY,
FLORIDA
AND INCORPORATED AREAS

PANEL 579 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0579	F

**REVISED TO
REFLECT LOMR
EFFECTIVE: May 27, 2009**

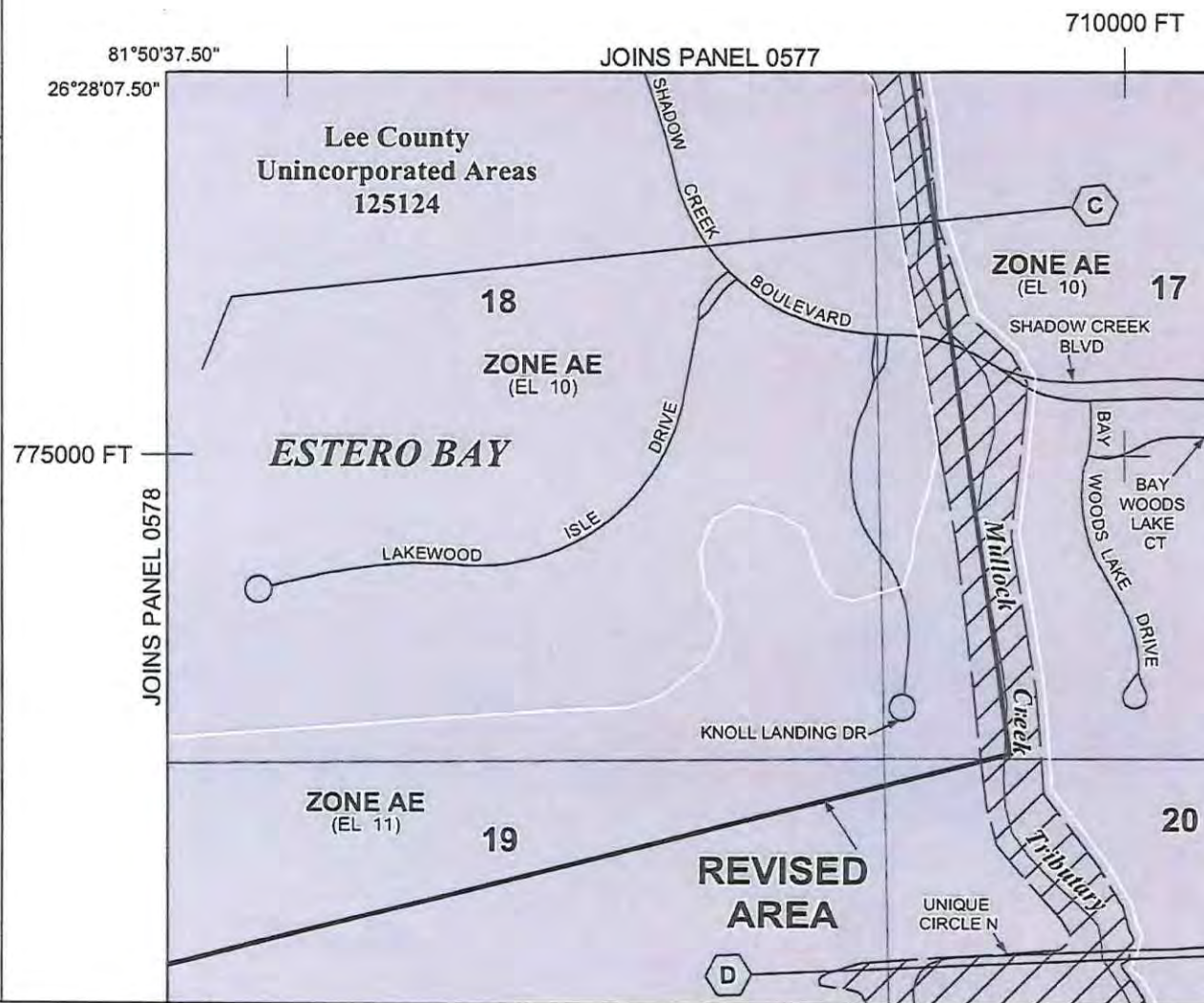
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



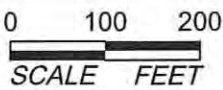
MAP NUMBER
12071C0579F

EFFECTIVE DATE
AUGUST 28, 2008

Federal Emergency Management Agency



SECTION: 20
TOWNSHIP: 46 S
RANGE: 25 E



Map Unit	Soil Name
7	Matlacha gravelly fine sand - Urban land complex
17	Daytona sand
27	Pompano fine sand, frequently ponded
28	Immokalee sand
45	Copeland fine sandy loam, frequently ponded
69	Matlacha gravelly fine sand
106	Daytona sand - Urban land complex

Notes:
1. Property boundary provided by Banks Engineering.
2. Soils information obtained from the NRCS Web Soil Survey.

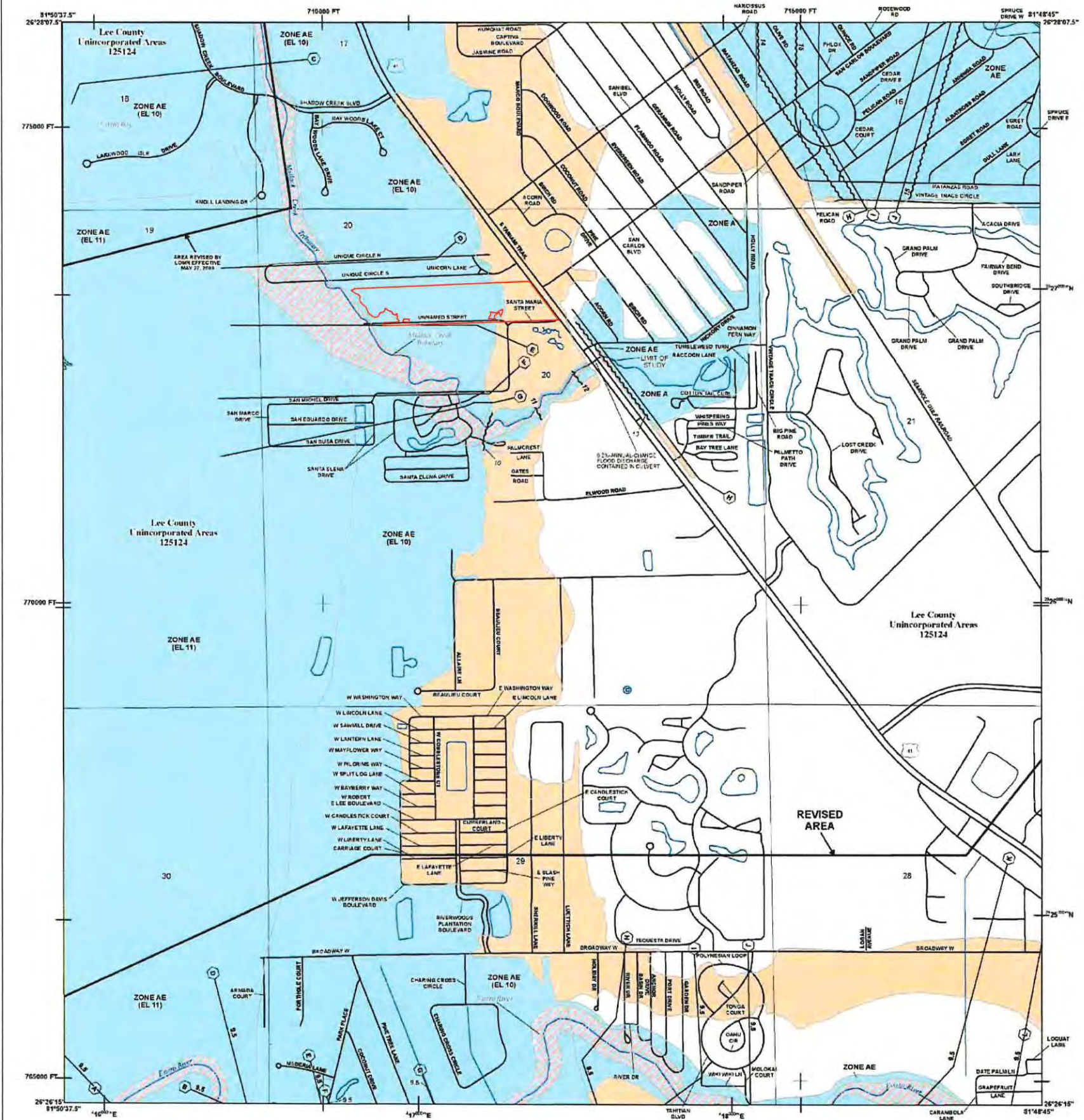
PERMIT USE ONLY, NOT FOR CONSTRUCTION

February 14, 2022 1:48:03 p.m.
Drawing: NRP1PLAN.DWG

Soils Map

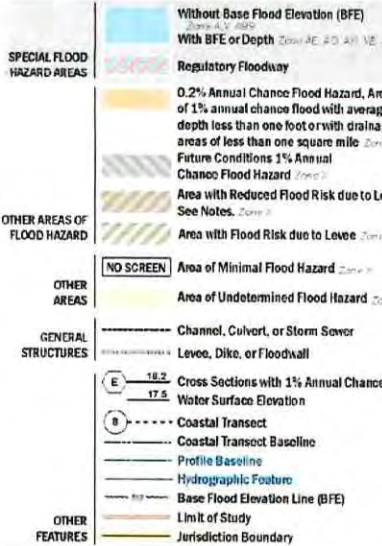
Grand Bay

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



FLOOD HAZARD INFORMATION

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)



NOTES TO USERS

For information and confirm about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM including future versions, the current map data for each panel must be used to order products. For the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance Assistance at 1-877-352-3602 or visit the FEMA Flood Map Service Center website at www.fema.gov/flood-maps. Available products may include previously issued editions of this Flood Insurance Rate Map, digital editions of this map. Many of these products can be ordered or obtained directly from the website.

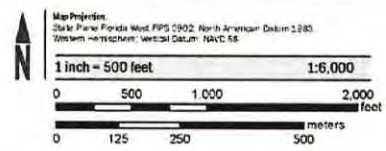
Communities are urged to obtain this FIRM panel and data a current copy of the adjacent panels as well as the current FIRM data. These may be obtained directly from the Flood Map Service Center or from other sources.

For community and jurisdiction map data refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-426-9922.

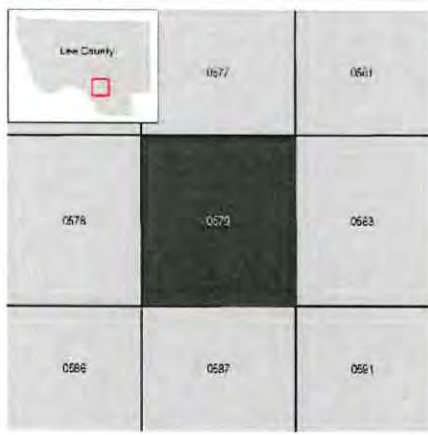
Base map information shown on this FIRM was provided in digital format by the Lee County GIS Department. The base map information was constructed based on orthorectified aerial photography produced at a scale of 1"=100' from aerial imagery from 1988 and updated using aerial photography from 2002 and 2009. The surface water features were also constructed based on orthorectified aerial photography produced at a scale of 1"=100' from aerial imagery from 1988.

Local vertical measurements were used to create this map. To obtain current measured information, please contact the Information Services Branch of the National Flood Insurance Program at (204) 713-3322 or visit the website at www.fema.gov.

SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA
and Incorporated Areas

PANEL 579 of 685

Revised to reflect LOMR
EFFECTIVE: October 20, 2021

VERSION NUMBER
2.1.3.0

MAP NUMBER
12071C0579F

EFFECTIVE DATE
AUGUST 28, 2008



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 7, 2022

** Delivered via email*

Noam Magence *
NRP Holdings LLC
1228 Euclid Avenue 4th Floor
Cleveland, OH 44115

**Subject: Grand Bay
Petition for Formal Determination of Wetlands and Surface Waters
Permit No. 36-107223-P
Application No. 220216-33230
Lee County**

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on June 6, 2022 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (www.sfwmd.gov/ePermitting).

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Lawrence", enclosed within a blue oval.

Melissa M. Lawrence, P.E.
Bureau Chief, Environmental Resource Bureau

**South Florida Water Management District
Formal Wetland Determination Permit No. 36-107223-P
Date Issued: June 7, 2022**

Project Name: Grand Bay

Petitioner: Noam Magence
NRP Holdings LLC
1228 Euclid Avenue
4th Floor
Cleveland, OH 44115

Application No. 220216-33230

Location: Lee County, See Exhibit 1

Acres: 47.86

Expiration Date: June 7, 2027

Type: Certified Survey

Project Summary

The application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201 Florida Administrative Code (F.A.C.), for a 47.86 acre property known as Grand Bay. The methodology used for the determination is consistent with Rule 62-340 F.A.C.

Project Site Description

The 47.86 acre property is located in Section 20, Township 46 South, Range 25 East, Lee County, Florida. More specifically, the property is located on the west side of U.S. 41 (South Tamiami Trail), approximately 1.1 miles north of Estero Parkway in Estero, Florida. A Location Map is attached as Exhibit 1.0. The property is surrounded by single family homes to the north and south, commercial development to the east, and undeveloped forested uplands and wetlands to the west. These wetlands, as well as wetlands on the property, are considered as tributary wetlands to the Estero River, which is an Outstanding Florida Water (OFW). An aerial photograph depicting the property is attached as Exhibit 2.0.

Formal Determination of Wetlands and Other Surface Waters

On February 16, 2022, the District received a request for a formal determination of the boundary of wetlands and OSW on a 47.86 acre property known as Grand Bay. The landward extent of wetlands and OSW was established by DexBender Environmental Consulting and verified by District staff, Matt Brosious, CWE, on March 31, 2022. Wetlands, as defined by Subsection 373.019(27) F.S. and Rule 62-340 F.A.C., were identified on the property. No OSW were identified on the property. Wetlands on the property were delineated using the methods established in Rule 62-340 F.A.C.; more specifically, the wetlands were delineated using the B and D tests. Wetlands delineated on the property totaled 11.13 acres. A specific purpose survey depicting the wetlands on the property is attached as Exhibit 3.0. Wetland delineation information, including wetland data point location map, wetland data forms, and representative photographs of the wetlands and upland areas can be found in the permit file. Wetland data forms were filled out by District staff on March 31, 2022.

Wetland Description:

The wetlands identified on the property totaled 11.13 acres (Exhibit 3.0). The wetland canopy and sub-canopy generally consisted of laurel oak, pine, red maple, and cabbage palm with varying degrees of exotic vegetation. Ground cover was mostly absent, except for widely scattered swamp fern. The wetland was delineated using the B and D tests. As mentioned above, the wetlands on the property are considered as tributary wetlands of the Estero River.

Soil Types and Hydrologic Indicators:

Based on the National Resource Conservation Service (NRCS) data, the property contains two historically mapped hydric soils. The mapped hydric soils on the property include Pompano Fine Sand, Frequently Ponded (Map Unit 27) and Copeland Fine Sand, Frequently Ponded (Map Unit 45). A soils map is attached as Exhibit 4.0. Soil pit data is included within the wetland data forms which were filed out on March 31, 2022.

Hydrologic Indicators observed during the delineation included Hydric Soil Indicator A7 (Mucky Mineral) starting at the soil surface and adventitious rooting on melaleuca trees.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and other surface waters within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Distribution List

Bernard G Freeland, Freeland FL Holdings LLC

Dan F Underhill, DexBender *

Florida Department of Environmental Protection SLERC *

Lee County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 220216-33230 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Aerial With Inspection Boundary](#)

[Exhibit No. 3.0 Wetland Certified Survey](#)

[Exhibit No. 4.0 Soils Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

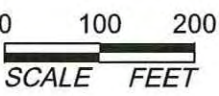
MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

SECTION: 20
TOWNSHIP: 46 S
RANGE: 25 E



- Notes:
- 1. Property boundary and surveyed wetland lines provided by Banks Engineering.
 - 2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
 - 3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
Total		46.33 ac.

May 20, 2022 10:06:57 a.m.
Drawing: NRP1PLAN.DWG

Vegetation Map

Grand Bay

Grand Bay

Section 20, Township 46 South, Range 25 East
Lee County, Florida

Protected Species Assessment

June 2022

Prepared for:

**NRP Holdings, LLC
1228 Euclid Avenue 4th Floor
Atlanta, GA 30309**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 46.33± acre project is located within a portion of Section 20, Township 46 South, Range 25 East, Lee County, Florida. The parcel is bordered to the west by portions of the Estero Bay Buffer Preserve, to the east by US-41 and undeveloped land, and to the north by existing residential development. Undeveloped land and existing residential development is present to the south. An existing road right-of-way bisects the property.

SITE CONDITIONS

The site consists primarily of pine flatwoods and mixed hardwood wetlands that have been invaded by exotics. By 1979, a small area of clearing was present in the western portion of the site. Clearing in the eastern portion of the site was also initiated prior to 1979 and continued through the 1990's.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2021 digital 1" = 200' scale aerial photography. The property boundary was obtained from Banks Engineering and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the boundary on the aerial photography. Nine vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E1	Pine Flatwoods invaded by Exotics (10-25%)	12.86
411E3	Pine Flatwoods invaded by Exotics (51-75%)	3.40
411E4	Pine Flatwoods invaded by Exotics (76-90%)	5.03
416	Scrubby Pine Flatwoods	0.72
450	Mixed Exotic Upland Forests	11.93
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88
619	Exotic Wetland Hardwoods	0.71
740H	Hydric Disturbed Areas	0.17
8146	Dirt Road	1.63
Total		46.33

FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10-25%)

This upland habitat is located in the western portion of the site and characterized by a relatively open canopy of slash pine (*Pinus elliotii*) and a groundcover strata dominated



- ⊕ Potentially Occupied Gopher Tortoise Burrow (41)
- ⊠ Tree with Cavity (23)

Notes:
1. Property boundary and surveyed wetland lines provided by Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydric Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
Total		46.33 ac.

June 13, 2022 4:21:27 p.m.
Drawing: NRP1PLAN.DWG

Figure 1. Protected Species Assessment Map

Grand Bay

by saw palmetto (*Serenoa repens*). Additional vegetative species present in this association include rusty lyonia (*Lyonia ferruginea*), wiregrass (*Aristida* sp.), broomsedge (*Andropogon* sp.), penny royal (*Piloblephis rigida*), pinweed (*Lechea* sp.), grapevine (*Vitis* sp.), greenbrier (*Smilax* sp.), and dwarf live oak (*Quercus minima*). Very widely scattered sand live oak (*Quercus geminata*) and Chapman oak (*Quercus chapmanii*) are also present. Exotic vegetation, primarily downy rose myrtle (*Rhodomyrtus tomentosa*) and ear-leaf acacia (*Acacia auriculiformis*), has invaded portions of these areas. Numerous pine tree snags are also present in this habitat type.

FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10-25%)

This upland habitat is located in the western portion of the site and characterized by a relatively open canopy of slash pine (*Pinus elliottii*) and a groundcover strata dominated by saw palmetto (*Serenoa repens*). Additional vegetative species present in this association include rusty lyonia (*Lyonia ferruginea*), wiregrass (*Aristida* sp.), broomsedge (*Andropogon* sp.), penny royal (*Piloblephis rigida*), pinweed (*Lechea* sp.), grapevine (*Vitis* sp.), greenbrier (*Smilax* sp.), and dwarf live oak (*Quercus minima*). Very widely scattered sand live oak (*Quercus geminata*) and Chapman oak (*Quercus chapmanii*) are also present. Exotic vegetation, primarily downy rose myrtle (*Rhodomyrtus tomentosa*) and ear-leaf acacia (*Acacia auriculiformis*), has invaded portions of these areas. Numerous pine tree snags are also present in this habitat type.

FLUCCS Code 411E3, Pine Flatwoods Invaded by Exotics (51-76%)

The canopy and midstory in portions of the upland pine flatwoods are currently dominated by earleaf acacia. Slash pine is present in the canopy and saw palmetto dominates the ground cover stratum.

FLUCCS Code 411E4, Pine Flatwoods Invaded by Exotics (76-90%)

In these upland areas the canopy and midstory consists almost entirely of earleaf acacia, java plum (*Syzygium cumini*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). Scattered slash pine, cabbage palm (*Sabal palmetto*), and myrsine (*Rapanea punctata*) are also present. Saw palmetto, grapevine, greenbrier, and leaf duff are common in the ground cover.

FLUCCS Code 416, Scrubby Pine Flatwoods

Similar in composition to the pine flatwoods habitat describe above, this upland habitat includes a greater amount of sand live oak along with myrtle oak (*Quercus myrtifolia*), and Chapman oak. Blueberry (*Vaccinium myrsinites*), greenbrier, dwarf live oak and hog plum (*Ximenia americana*) are also present.

FLUCCS Code 450, Exotic Upland Hardwoods

The eastern portion of the site that was partly cleared is currently dominated by exotics such as earleaf acacia, Australian pine (*Casuarina equisetifolia*), and Brazilian pepper. Java plum, woman's tongue (*Albizia lebbek*), and mother-in-law's tongue (*Sansevieria hyacinthoides*) are also common. Widely scattered slash pine, cabbage palm, myrsine, saw palmetto, and wild coffee (*Psychotria nervosa*) are also present. Leaf duff is common ground cover.

FLUCCS Code 617E4, Mixed Wetland Hardwoods Invaded by Exotics (76-90%)

The canopy and midstory of this wetland association are dominated by exotic vegetation including melaleuca, bishopwood (*Bischofia javanica*), Java plum, and Brazilian pepper. Native species such as laurel oak (*Quercus laurifolia*), cypress (*Taxodium* sp.), red maple (*Acer rubrum*), willow (*Salix caroliniana*), and cabbage palm are also present. Additional species in this association include myrsine, buttonbush (*Cephalanthus occidentalis*), and pond apple (*Annona glabra*). Groundcover vegetation includes swamp fern (*Blechnum serrulatum*), leather fern (*Acrostichum* sp.), chain fern (*Woodwardia virginica*), swamp lily (*Crinum americanum*), smartweed (*Polygonum punctatum*), wild coffee, and false nettle (*Boehmeria cylindrica*).

FLUCCS Code 619, Exotic Wetland Hardwoods

This wetland habitat is dominated by melaleuca and Brazilian pepper. Scattered cabbage palm, slash pine, wild coffee, and myrsine are also present.

FLUCCS Code 740H, Hydric Disturbed Land

Two small areas of wetland created by land disturbance are located adjacent to the existing dirt road. Canopy and midstory species present in this area consist of widely scattered Australian pine, melaleuca, and cabbage palm. Ground cover species include white-top sedge (*Rhynchospora colorata*), torpedo grass (*Panicum repens*), yellowtop (*Flaveria linearis*), saw-grass (*Cladium jamaicense*), and water-hyssops (*Bacopa caroliniana*).

FLUCCS Code 8146, Dirt Road

A dirt road bisects the majority of the subject parcel. When present, vegetation includes very widely scattered slash pine in the canopy along with groundcover species such as false buttonweed (*Spermacoce* sp.), Bahia grass (*Paspalum notatum*), St. Augustine grass, smutgrass (*Sporobolus indicus*), and rustweed (*Polypremum procumbens*).

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart in the proposed development areas. Transects were spaced approximately 100 feet apart in the western uplands and meandering transects were conducted through the exotic dominated mixed wetlands hardwoods (FLUCCS Code 617E4). The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed

species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. Most of the subject parcel was surveyed for listed species during the morning and mid-day hours of January 10, 2022. During the survey the weather was warm and mostly sunny. As indicated on the attached Protected Species Assessment Map, the eastern 700± feet of the subject parcel was surveyed for listed species on October 29, 2020 during review of SFWMD Permit No. 36-104286-P. This area of exotic vegetation was also briefly reinspected during the January 10, 2022 listed species survey event.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 46.33± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to conducting the protected species survey, a search of the FWC listed species database was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411E1	50-80	Gopher Frog (<i>Rana areolata</i>)*	√	√
411E3		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
411E4		Gopher Tortoise (<i>Gopherus polyphemus</i>)		√
		Red-cockaded Woodpecker (<i>Picoides borealis</i>)		√
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)		√
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√

SURVEY RESULTS

Gopher Tortoise

A total of 41 potentially occupied gopher tortoise burrows were found during the listed species survey. The majority of the burrows are located in the western portion of the site. A total of nine potentially occupied gopher tortoise burrows were found in proposed development footprint which is located east of the areas of mixed wetland hardwoods (FLUCCS Code 617E4). Based on 80 percent survey coverage in that portion of the site, it is estimated that 11 potentially occupied gopher tortoise burrows occur within this general area. Using the FWC standard burrow occupancy correction factor of 0.5 gopher tortoises per burrow, it is estimated that five to six gopher tortoises are present within the proposed development area.

Florida Bonneted Bat

A total of 23 dead slash pine trees containing potential cavities entrances were identified (Figure 1). The vast majority of identified potential cavity entrances are less than approximately two inches in diameter, very shallow, and do not appear to penetrate the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. No live trees with cavities or artificial structures were observed on-site.

Other Listed Species

No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non-listed species of wading birds within the onsite wetlands. In addition to the site inspections, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.

Exhibit M7

Signed/Sealed Legal Description & Sketch

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND
LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF LOT 2, SAN CARLOS GROVE TRACT, RECORDED IN PLAT BOOK 4, PAGE 75, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER SAID SECTION 20; THENCE S 01°00'14" E ALONG THE WEST LINE OF SAID SECTION FOR 934.55 FEET TO AN INTERSECTION WITH A LINE LYING 934.2 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF SAID SECTION; THENCE N 87°26'16" E ALONG SAID PARALLEL LINE FOR 1,041.21 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N 87°26'16" E ALONG SAID PARALLEL LINE FOR 1,765.03 FEET TO **POINT "A"**, SAID POINT LYING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (STATE ROAD 45 - 200 FEET WIDE); THENCE S 36°56'36" E ALONG SOUTH SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 491.36 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 2; THENCE S 88°00'17" W ALONG SAID SOUTH LINE FOR 1,768.76 FEET; THENCE N 00°53'51" W FOR 29.89 FEET; THENCE N 87°03'40" E FOR 81.86 FEET; THENCE N 86°25'09" E FOR 75.73 FEET TO **POINT "B"**; THENCE N 01°52'36" E FOR 11.39 FEET; THENCE N 49°04'10" W FOR 25.92 FEET; THENCE N 01°15'53" W FOR 29.47 FEET; THENCE N 04°50'56" W FOR 27.35 FEET; THENCE S 42°14'55" W FOR 23.53 FEET; THENCE N 65°52'23" W FOR 27.40 FEET; THENCE N 28°32'58" W FOR 28.85 FEET; THENCE N 69°30'27" W FOR 39.96 FEET; THENCE N 48°12'03" W FOR 31.30 FEET; THENCE S 21°12'15" W FOR 38.51 FEET; THENCE S 75°27'28" W FOR 42.23 FEET; THENCE S 25°17'36" W FOR 20.64 FEET; THENCE S 25°04'16" W FOR 25.76 FEET; THENCE S 85°27'12" W FOR 31.73 FEET; THENCE S 35°30'41" E FOR 5.94 FEET; THENCE N 66°03'17" W FOR 28.99 FEET; THENCE N 55°22'52" W FOR 35.73 FEET; THENCE N 40°05'40" W FOR 24.22 FEET; THENCE N 20°53'49" W FOR 23.40 FEET; THENCE N 25°44'29" W FOR 43.64 FEET; THENCE N 54°41'58" W FOR 30.97 FEET; THENCE N 48°56'50" W FOR 28.69 FEET; THENCE N 25°13'26" W FOR 28.83 FEET; THENCE N 06°51'00" E FOR 38.33 FEET; THENCE N 42°04'40" W FOR 27.55 FEET; THENCE N 66°47'38" W FOR 33.91 FEET; THENCE N 56°00'51" W FOR 47.86 FEET; THENCE N 69°32'40" E FOR 27.64 FEET; THENCE N 41°37'13" E FOR 14.07 FEET TO THE **POINT OF BEGINNING**.

LESS AND EXCEPT

PARCEL "A"

COMMENCING AT AFORESAID **POINT "A"**; THENCE S 43°37'00" W FOR 392.87 FEET TO THE **POINT OF BEGINNING**; THENCE S 02°29'42" E FOR 29.33 FEET; THENCE S 24°33'22" W FOR 50.07 FEET; THENCE N 15°36'57" W FOR 42.19 FEET; THENCE S 57°18'59" W FOR 59.16 FEET; THENCE S 01°45'20" W FOR 21.03 FEET; THENCE S 51°03'04" E FOR 16.18 FEET; THENCE S 88°52'20" W FOR 70.78 FEET; THENCE N 17°14'16" E FOR 21.57 FEET; THENCE N 42°59'46" E FOR 17.41 FEET; THENCE N 08°27'22" E FOR 20.25 FEET; THENCE N 08°50'05" W FOR 17.10 FEET; THENCE S 83°08'30" E FOR 62.73 FEET; THENCE N 58°27'39" E FOR 68.76 FEET TO THE **POINT OF BEGINNING**.

SHEET 1 OF 5

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

ALSO LESS AND EXCEPT

PARCEL "B"

COMMENCING AT AFORESAID **POINT "B"**; THENCE S 89°07'36" E FOR 34.64 FEET TO THE **POINT OF BEGINNING**; THENCE N 20°48'05" E FOR 31.08 FEET; THENCE N 88°26'28" E FOR 54.04 FEET; THENCE S 03°14'29" E FOR 32.77 FEET; THENCE N 88°07'23" W FOR 66.95 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 15.64 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE WEST LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARS S 01°00'14" E. THE SCALE FACTOR IS 0.999944648.

DESCRIPTION PREPARED: 07-19-2022.
DESCRIPTION REVISED: 07-28-2022



ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 08-04-2022

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S:\Jobs\84XX\8433GB\Surveying\Descriptions\8433GB GRAND BAY - MUO SKT.dwg

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
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10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

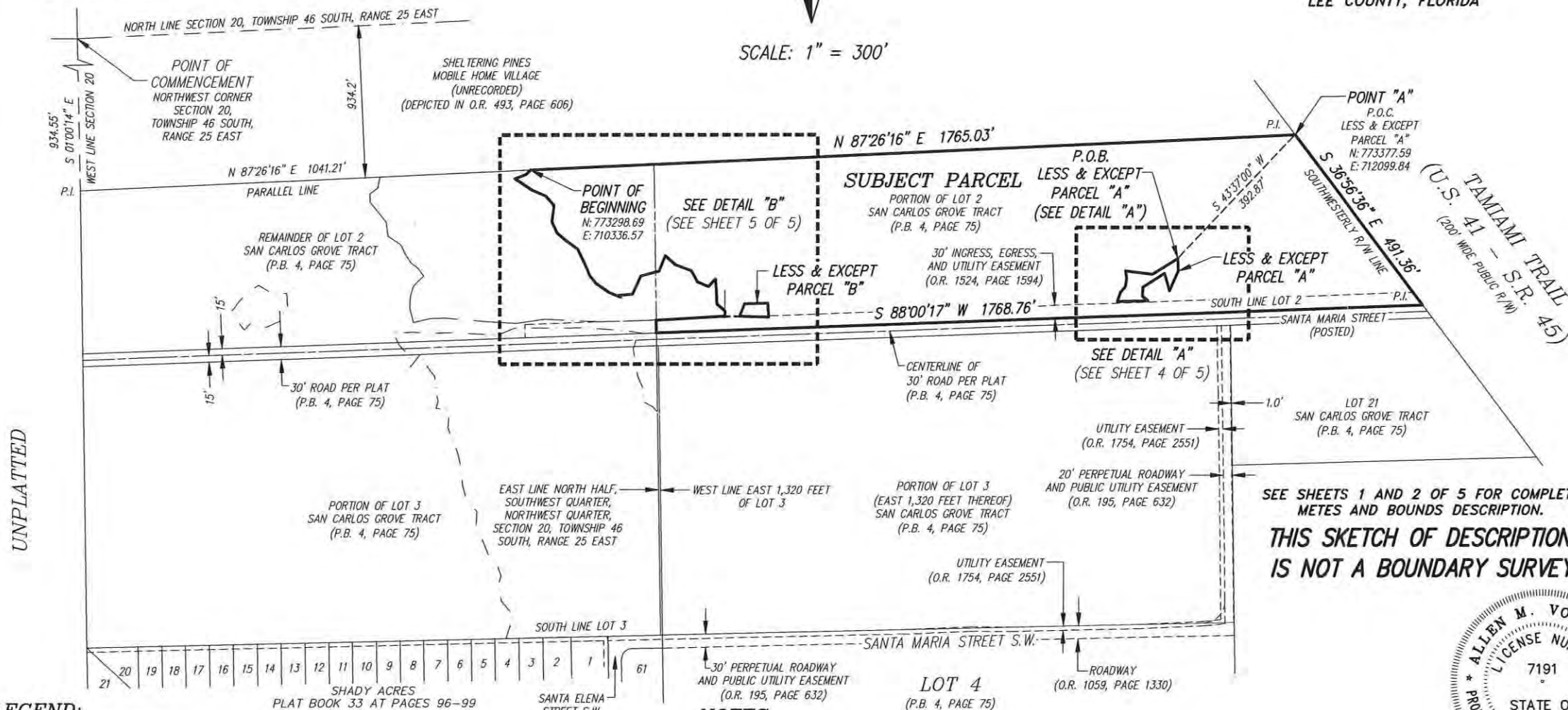
WWW.BANKSENG.COM

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



SCALE: 1" = 300'



SEE SHEETS 1 AND 2 OF 5 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**



ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191

— DATE SIGNED: 08-04-2022

— THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.

BANKS ENGINEERING

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

10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM



SCALE: 1" = 50'

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DETAIL "A"

SUBJECT PARCEL

PORTION OF LOT 2
SAN CARLOS GROVE TRACT
(P.B. 4, PAGE 75)
CONTAINING: 15.64 ACRES,
MORE OR LESS

N: 773064.68
E: 711707.93

LESS AND EXCEPT
PARCEL "A"
(NOT A PART)

POINT OF BEGINNING
LESS & EXCEPT
PARCEL "A"
N: 773093.16
E: 711828.82

POINT "A"
POINT OF COMMENCEMENT
LESS & EXCEPT
PARCEL "A"
N: 773377.59
E: 712099.84



LINE TABLE

LINE	BEARING	DISTANCE
L33	S 02°29'42" E	29.33'
L34	S 24°33'22" W	50.07'
L35	N 15°36'57" W	42.19'
L36	S 01°45'20" W	21.03'
L37	S 51°03'04" E	16.18'
L38	N 17°14'16" E	21.57'
L39	N 42°59'46" E	17.41'
L40	N 08°27'22" E	20.25'
L41	N 08°50'05" W	17.10'

LEGEND:

P.B. INDICATES PLAT BOOK
S.R. INDICATES STATE ROAD
R/W INDICATES RIGHT-OF-WAY
O.R. INDICATES OFFICIAL RECORDS
LB INDICATES LICENSED BUSINESS
P.I. INDICATES POINT OF INTERSECTION
P.O.C. INDICATES POINT OF COMMENCEMENT
LI INDICATES LINE DATA: SEE LINE TABLE
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
N: 773298.69 INDICATES THE "STATE PLANE COORDINATE SYSTEM
E: 710336.57 FLORIDA ZONE WEST NAD 83/2011 (CORS)
CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION
S: \JOBS\84XX\8433\SURVEYING\DESCRIPTIONS\8433GB GRAND BAY - MUO LGL.DOC
S: \JOBS\84XX\8433\SURVEYING\DESCRIPTIONS\8433GB GRAND BAY - MUO SKT.DWG

PREPARED 07-19-2022
REVISED 07-28-2022
SHEET 4 OF 5

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Professional Engineers, Planners, & Land Surveyors
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10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM



SCALE: 1" = 100'

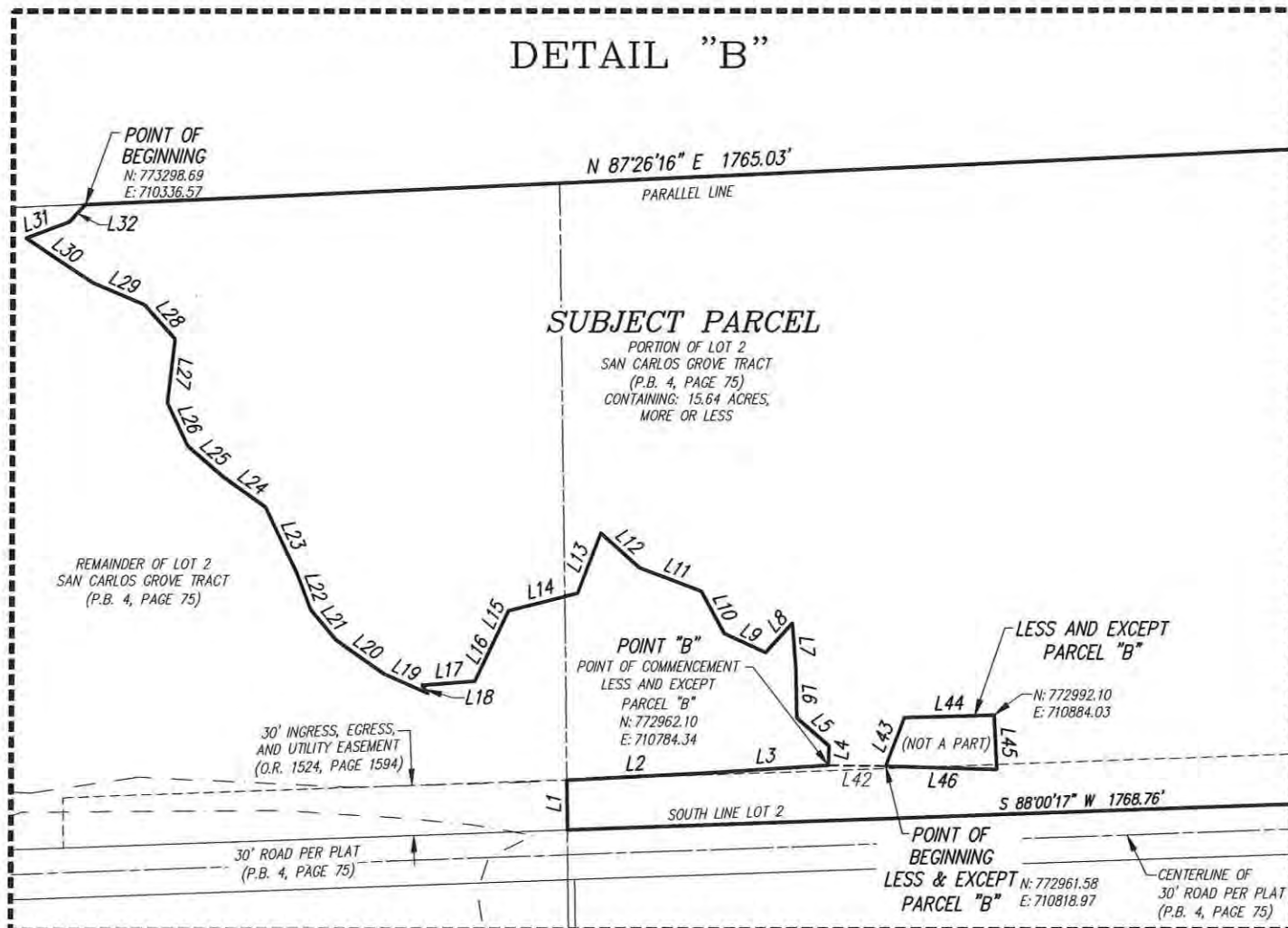
SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°53'51" W	29.89'
L2	N 87°03'40" E	81.86'
L3	N 86°25'09" E	75.73'
L4	N 01°52'36" E	11.39'
L5	N 49°04'10" W	25.92'
L6	N 01°15'53" W	29.47'
L7	N 04°50'56" W	27.35'
L8	S 42°14'55" W	23.53'
L9	N 65°52'23" W	27.40'
L10	N 28°32'58" W	28.85'
L11	N 69°30'27" W	39.96'
L12	N 48°12'03" W	31.30'
L13	S 21°12'15" W	38.51'
L14	S 75°27'28" W	42.23'
L15	S 25°17'36" W	20.64'
L16	S 25°04'16" W	25.76'
L17	S 85°27'12" W	31.73'
L18	S 35°30'41" E	5.94'
L19	N 66°03'17" W	28.99'
L20	N 55°22'52" W	35.73'
L21	N 40°05'40" W	24.22'
L22	N 20°53'49" W	23.40'
L23	N 25°44'29" W	43.64'
L24	N 54°41'58" W	30.97'
L25	N 48°56'50" W	28.69'
L26	N 25°13'26" W	28.83'
L27	N 06°51'00" E	38.33'
L28	N 42°04'40" W	27.55'
L29	N 66°47'38" W	33.91'
L30	N 56°00'51" W	47.86'
L31	N 69°32'40" E	27.64'
L32	N 41°37'13" E	14.07'
L42	S 89°07'36" E	34.64'
L43	N 20°48'05" E	31.08'
L44	N 88°26'28" E	54.04'
L45	S 03°14'29" E	32.77'
L46	N 88°07'23" W	66.95'

DETAIL "B"



LEGEND:

- P.B. INDICATES PLAT BOOK
- S.R. INDICATES STATE ROAD
- R/W INDICATES RIGHT-OF-WAY
- O.R. INDICATES OFFICIAL RECORDS
- LB INDICATES LICENSED BUSINESS
- P.I. INDICATES POINT OF INTERSECTION
- P.O.C. INDICATES POINT OF COMMENCEMENT
- LI INDICATES LINE DATA: SEE LINE TABLE
- P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
- N: 773298.69 INDICATES THE "STATE PLANE COORDINATE SYSTEM
- E: 710336.57 FLORIDA ZONE WEST NAD 83/2011 (CORS)
- CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION
- S: \JOBS\84XX\8433\SURVEYING\DESCRIPTIONS\8433GB GRAND BAY - MUO LGL.DOC
- S: \JOBS\84XX\8433\SURVEYING\DESCRIPTIONS\8433GB GRAND BAY - MUO SKT.DWG

PREPARED 07-19-2022
REVISED 07-28-2022
SHEET 5 OF 5

Exhibit M8

Copy of the Deeds of the Subject Property

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors

This instrument prepared by
and after recording return to:

Fredric J. Robbins, Esq.
Robbins, Kelly, Patterson & Tucker
312 Elm Street, Suite 2200
Cincinnati, Ohio 45202
(513) 721-3330

**THIS DEED IS BEING RE-RECORDED
TO CORRECT THE LEGAL DESCRIPTION
ATTACHED AS EXHIBIT "A" ON
INSTRUMENT NO. 2021000006560 AND
2021000009593**

WARRANTY DEED

This Indenture, made this 12 day of May, 2022, between GEORGE T. FREELAND (aka GEORGE FREELAND), a married man, whose post office address is 4830 Griffin Boulevard, Fort Myers, Florida 33908, Grantor, and FREELAND FL HOLDINGS, LLC, a Florida limited liability company, whose post office address is c/o Bernard G. Freeland, 5333 Hickory Hollow Parkway, Antioch, TN 37013, Grantee.

Witnesseth that said Grantor, for and in consideration of the sum of TEN DOLLARS, and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

Prior Instrument Reference: Instrument No. 2021000006560 and Instrument No. 2021000009593

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accrued if any, subject to easements, restrictions and reservations of record common to the subdivision.

The land described herein (You must make a selection):

XX is homestead property of the said Grantor.
is NOT homestead property of the said Grantor, nor is it contiguous to or a part of
homestead property of the said Grantor.

In Witness Whereof, the Grantor has hereunto set his hand the day and year first above written.

Signed, sealed and delivered
in our presence:

GB Miller
Printed Name Gloria Bigelow-Miller

George T. Freeland
GEORGE T. FREELAND

Carmen Sanchez
Printed Name Carmen Sanchez

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online
notarization, this 12 day of May, 2022, by GEORGE T. FREELAND



Notary Public

Malary K. Curran
Printed Notary Name

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced: _____

EXHIBIT "A"

PARCEL A: A parcel in Section 20, Township 46 South, Range 25 East, Lee County, Florida, lying in part of Lot 2 of SAN CARLOS GROVE TRACT, as recorded in Plat Book 4, Page 75 of the Public Records of Lee County, Florida, more particularly described as follows: From the point of intersection of the West line of said Section 20 with a line 934.2 feet (measured on a perpendicular to the North line of Lot 1 of SAN CARLOS GROVE TRACT) South of and parallel with the north line of Lot 1 of SAN CARLOS GROVE TRACT, said point of intersection being the POINT OF BEGINNING, thence East along said parallel line for 1,023 feet; thence South along a line parallel to the West line of said Section 20 to the centerline of a 30 foot roadway lying between Lot 2 and Lot 3 of SAN CARLOS GROVE TRACT as shown on said recorded plat of SAN CARLOS GROVE TRACT; thence West along said centerline to the West line of said Section 20; thence North along the West line of said Section 20 to the POINT OF BEGINNING;

and

PARCEL B: The North one-half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 20, Township 46 South, Range 25 East, Lee County, Florida:

Together with an easement for ingress, egress and utility purposes over and across the following described parcel: A parcel in Section 20, Township 46 South, Range 25 East, Lee County, Florida, lying in part of Lot 2 of SAN CARLOS GROVE TRACT, as recorded in Plat Book 4, Page 75 of the Public Records of Lee County, Florida, more particularly described as follows: From the point of intersection of the West line of said Section 20 and the North right-of-way of a 30 foot roadway lying between Lot 2 and Lot 3 of SAN CARLOS GROVE TRACT, as shown on said recorded plat of SAN CARLOS GROVE TRACT run 1,023 feet more or less along the North right-of-way of said roadway to a point lying on the East boundary of Parcel A, said point being the POINT OF BEGINNING; thence North 30 feet along the East boundary of Parcel A; thence East along a line parallel to the North right-of-way of said roadway to the Westerly right-of-way line of Tamiami Trail (S.R. 45-U.S. 41); thence Southeasterly along said right-of-way line of Tamiami Trail to the point of intersection of said right-of-way line of Tamiami Trail with the North right-of-way of said roadway; thence run West along the North right-of-way of said roadway to the POINT OF BEGINNING. Said easement shall be an easement appurtenant only to Lot 2 of SAN CARLOS GROVE TRACT and Parcel B described above.

This instrument prepared by
and after recording return to:

Fredric J. Robbins, Esq.
Robbins, Kelly, Patterson & Tucker
7 W. Seventh Street, Suite 1400
Cincinnati, Ohio 45202
(513) 721-3330

WARRANTY DEED

This Indenture, made this 31st day of December, 2020, between GEORGE T. FREELAND (aka GEORGE FREELAND), a married man, whose post office address is 4830 Griffin Boulevard, Fort Myers, Florida 33908, Grantor, and FREELAND FL HOLDINGS, LLC, a Florida limited liability company, whose post office address is c/o Bernard G. Freeland, 5333 Hickory Hollow Parkway, Antioch, TN 37013, Grantee.

Witnesseth that said Grantor, for and in consideration of the sum of TEN DOLLARS, and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

Parcel Identification No.: 20-46-25-01-00004.0000

Prior Instrument Reference: Official Record 1524, Page 1596

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accrued if any, subject to easements, restrictions and reservations of record common to the subdivision.

The land described herein (You must make a selection):

XX is homestead property of the said Grantor.
is NOT homestead property of the said Grantor, nor is it contiguous to or a part of
homestead property of the said Grantor.

In Witness Whereof, the Grantor has hereunto set his hand the day and year first above written.

Signed, sealed and delivered
in our presence:

Printed Name

Bernard G. Freeland

GEORGE T. FREELAND (AKA GEORGE
FREELAND)

Printed Name

Teresa Camp

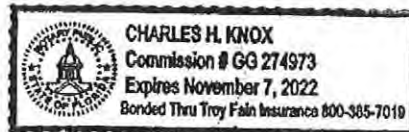
STATE OF FLORIDA

)

) SS:

COUNTY OF LEE

)



I hereby certify that on this 31st day of December, 2020, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared GEORGE T. FREELAND (AKA GEORGE FEELAND), known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken.

Check One: (☒) said persons are personally known to me. (☐) said persons provided the following type of identification: _____

Charles H. Knox
Notary Public

Charles H. Knox
Printed Notary Name

EXHIBIT A

PARCEL A: A parcel in Section 20, Township 46 South, Range 25 East, Lee County, Florida, lying in part of Lot 2 of SAN CARLOS GROVE TRACT, as recorded in Plat Book 4, Page 75 of the Public Records of Lee County, Florida, more particularly described as follows: From the point of intersection of the West line of said Section 20 with a line 934.2 feet (measured on a line perpendicular to the North line of Lot 1 of SAN CARLOS GROVE TRACT) South of and parallel with the North line of said Lot 1, run East along said parallel line for 1,023 feet to the POINT OF BEGINNING. From the POINT OF BEGINNING run South along a line parallel to the West line of said Section 20 to the centerline of a 30 foot roadway lying between Lot 2 and Lot 3 of SAN CARLOS GROVE TRACT, as shown on said recorded plat of SAN CARLOS GROVE TRACT; thence East along said centerline to the point of intersection of said centerline with the Westerly right-of-way line of Tamiami Trail (S.R. 45-U.S. 41); thence Northwesterly along said right-of-way line of Tamiami Trail to the point of intersection of said Tamiami Trail with a line 934.2 feet (measured on a line perpendicular to the North line of Lot 1 of SAN CARLOS GROVE TRACT) South of and parallel to the North line of Lot 1 of SAN CARLOS GROVE TRACT; thence West along said parallel line to the POINT OF BEGINNING,

LESS:

PARCEL B: That part of Parcel A described as follows: Beginning at the Northeast corner of Parcel A, said point being the POINT OF BEGINNING; thence West 210 feet along the North boundary of Parcel A; thence South along a perpendicular to the north boundary of Parcel A for 185 feet; thence East along a line parallel to the North boundary of Parcel A to the point of intersection of said parallel line with the Westerly right-of-way of Tamiami Trail; thence Northwesterly along said Westerly right-of-way line of Tamiami Trail to the POINT OF BEGINNING.

SUBJECT TO an easement appurtenant to Lot 2 of SAN CARLOS GROVE TRACT and the North one-half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 20, Township 46 South, Range 25 East for ingress, egress and utility purposes over and across the following described parcel: A parcel in Section 20, Township 46 South, Range 25 East, Lee County, Florida, lying in part of Lot 2 of SAN CARLOS GROVE TRACT, as recorded in Plat Book 4, Page 75 of the Public Records of Lee County, Florida, more particularly described as follows: From the point of intersection of the West line of said Section 20 and the North right-of-way of a 30 foot roadway lying between Lot 2 and Lot 3 of SAN CARLOS GROVE TRACT as shown on said recorded plat of SAN CARLOS GROVE TRACT run 1,023 feet more or less along the North right-of-way of said roadway to a point lying on the West boundary of Parcel A, said point being the POINT OF BEGINNING; thence North 30 feet along the West boundary of Parcel A; thence East along a line parallel to the North right-of-way of said roadway to the Westerly right-of-way line of Tamiami Trail (S.R. 45-U.S. 41); thence Southeasterly along said right-of-way line of Tamiami Trail to the point of intersection of said right-of-way line of Tamiami Trail with the North right-of-way of said roadway; thence West along the North right-of-way of said roadway to the POINT OF BEGINNING.

This instrument prepared by
and after recording return to:

Fredric J. Robbins, Esq.
Robbins, Kelly, Patterson & Tucker
7 W. Seventh Street, Suite 1400
Cincinnati, Ohio 45202
(513) 721-3330

WARRANTY DEED

This Indenture, made this 31st day of December, 2020, between GEORGE T. FREELAND, a married man, whose post office address is 4830 Griffin Boulevard, Fort Myers, Florida 33908, Grantor, and FREELAND FL HOLDINGS, LLC, a Florida limited liability company, whose post office address is c/o Bernard G. Freeland, 5333 Hickory Hollow Parkway, Antioch, TN 37013, Grantee.

Witnesseth that said Grantor, for and in consideration of the sum of TEN DOLLARS, and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

Parcel Identification No.: 20-46-25-01-00005.0000

Commonly known as: 19200 S. Tamiami Trail, Fort Myers, FL 33908

Prior Instrument Reference: Official Record 1199, Page 818

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accrued if any, subject to easements, restrictions and reservations of record common to the subdivision.

The land described herein (You must make a selection):

XX is homestead property of the said Grantor.
is **NOT** homestead property of the said Grantor, nor is it contiguous to or a part of
homestead property of the said Grantor.

In Witness Whereof, the Grantor has hereunto set his hand the day and year first above written.

Signed, sealed and delivered
in our presence:

Printed Name

George T. Freeland

GEORGE T. FREELAND

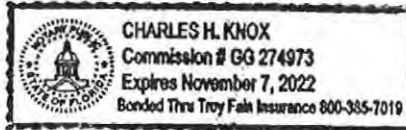
Printed Name

Todd Carver

STATE OF FLORIDA

COUNTY OF LEE

)
) SS:
)



I hereby certify that on this 31st day of December, 2020, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared GEORGE T. FREELAND, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken.

Check One: (☒) said persons are personally known to me. (☐) said persons provided the following type of identification: _____

Charles H. Knox
Notary Public

Charles H. Knox
Printed Notary Name

EXHIBIT "A"

A lot or parcel of land lying in Lot 2, San Carlos Grove Tracts, according to plat recorded in Plat Book 4 at Page 75, of the public records of Lee County, Florida, which lot or parcel is described as follows: From an intersection of the southwesterly line (50 feet from the centerline) of the former location of the Tamiami Trail (State Road #45) and a line parallel with and 934.2 feet (measured along a line perpendicular to the North line of Lot 1 of said San Carlos Grove Tracts) South of the North line of said Lot 1, run westerly along said parallel line for 210 feet; thence deflect 90° to the left and run southerly perpendicular to said North line of Lot 1 for 185 feet; thence deflect 90° to the left and run easterly parallel with said North line for 336.5 feet to said southwesterly right-of-way line of said former location of the Tamiami Trail; thence run northwesterly along said southwesterly right-of-way line for 224.2 feet to the point of beginning. EXCEPTING THEREFROM that part of the hereinabove described land lying within the new right-of-way of the Tamiami Trail Subject to easements, restrictions and reservations of record.

Exhibit M9

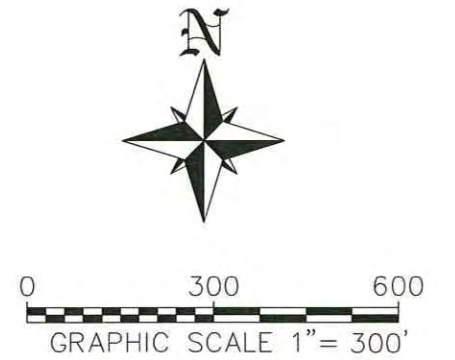
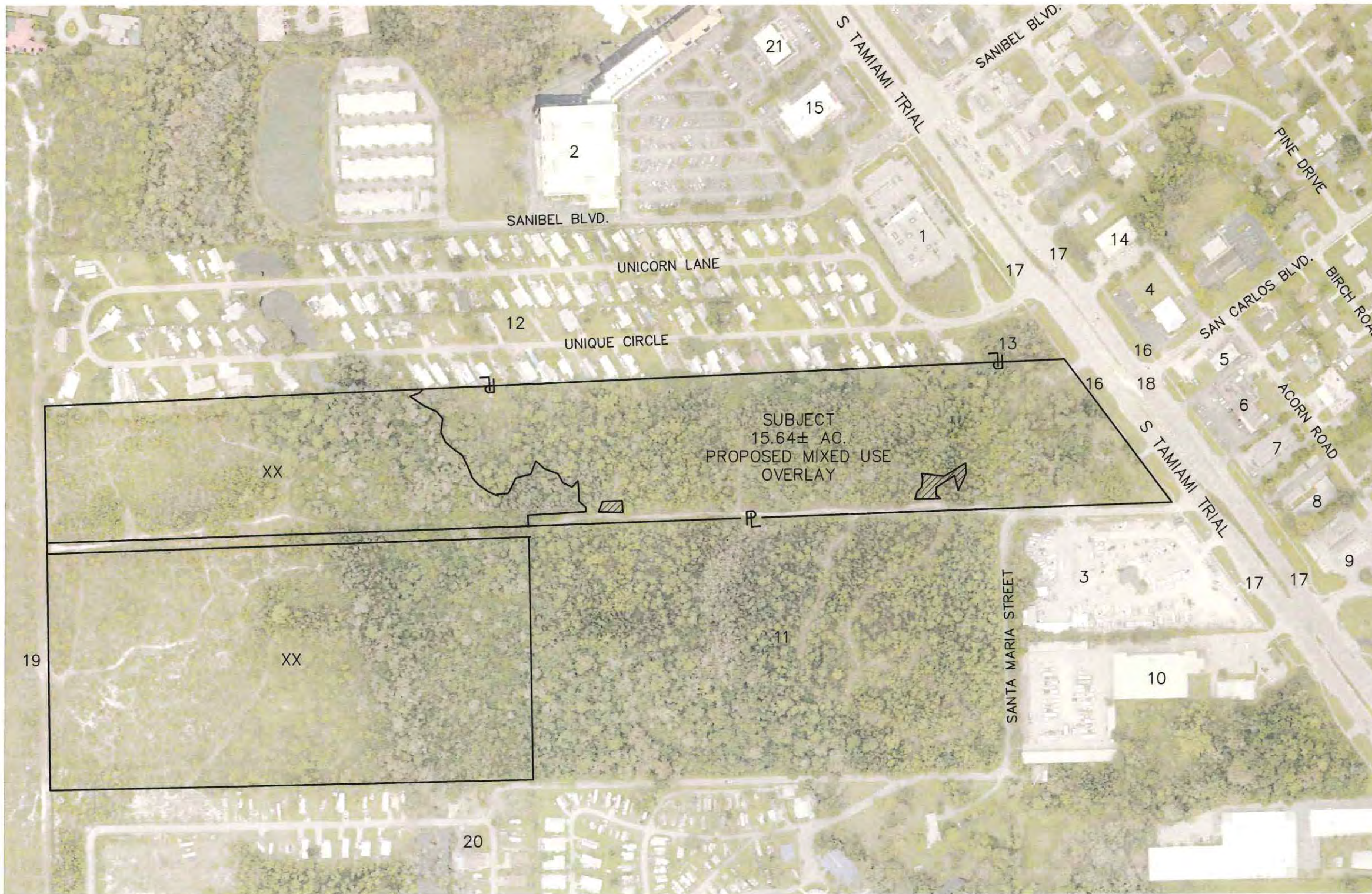
Aerial Map

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors

S:\JOBS\84XX\8433GB\DOCUMENTS\ZONING\8433GB GRAND BAY AERIAL PHOTOGRAPH MAP.DWG 8/2/2022 2:06 PM JORGE SANCHEZ



NOT INCLUDED 

MAP ID	EXISTING USE
SUBJECT	VACANT COMMERCIAL & RESIDENTIAL
XX	SAME OWNERSHIP-VACANT RESIDENTIAL
1	WALGREENS
2	COMMUNITY SHOPPING CENTER/ GRAND BAY PLAZA/PUBLIX
3	MARINA MIKES
4	NEW DAY CHRISTIAN CHURCH
5	NEIGHBORHOOD SHOPPING CENTER
6	NEIGHBORHOOD SHOPPING CENTER
7	CARWASH
8	MULTIPLE OCCUPANCY CENTER
9	CIRCLE K WITH GAS PUMPS
10	LIFE STORAGE
11	DO FOR ESTERO VISTA 144 MF DU
12	SHELTER PINES MOBILE HOME VILLAGE
13	VACANT COMMERCIAL
14	ADVANCE DISCOUNT AUTO PARTS
15	CVS
16	EXISTING SIDEWALK, BIKE LANE & PAVED SHOULDER/PROPOSED SHARED USE PATH
17	LEE TRAN ROUTES 240, 600 & 140-SUNDAY
18	PROPOSED TRAFFIC LIGHT
19	ESTERO BAY STATE BUFFER PRESERVE
20	SHADY ACRES/BUEWAY RV VILLAGE
21	RESTAURANT (41 DINER)

NO.	DATE	REVISION DESCRIPTION	BY
2	7/29/2022	UPDATE BOUNDARY	SEH
1	6/20/2022	REVISED AREA	SEH

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
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10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

EXISTING USES AERIAL MAP GRAND BAY-COMPREHENSIVE PLAN AMENDMENT LEE COUNTY, FLORIDA								
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	
3/8/2022	8433GB	AERIAL	SEH	JLS	SEH	1"=300'	1	

Exhibit M10

Authorization Letter from Property Owner

Grand Bay



Professional Engineers, Planners & Land Surveyors

LETTER OF AUTHORIZATION

I, Bernard G. Freeland, as Manager of Freeland FL Holdings, LLC, a Florida limited liability company, being first duly sworn, depose and say that Freeland FL Holdings, LLC, a Florida limited liability company, is the owner of the property described as:

Address: 19200 S. Tamiami Trail; Access Undetermined; 4050 Santa Maria ST & Access Undetermined

STRAP: 20-46-25-01-00005.0000; 20-46-25-01-00004.0000; 20-46-25-01-00004.0010 & 20-46-25-01-00006.0000 (the "Property").

The Property described herein is the subject of an application for zoning or development. I have the requisite authority to act on behalf of Freeland FL Holdings, LLC, a Florida limited liability company, and hereby designate Grand Bay Ft Myers MF LLC ("Applicant"), as the legal representative of the Property and as such, the Applicant and its designated agents are authorized to legally bind the owner of the Property in the course of seeking the necessary approvals for zoning and development. This authorization includes but is not limited to the Applicant hiring and authorizing agents to assist in the preparation of applications, plans, surveys and studies necessary to obtain zoning and development on the Property.

Name of Owner:

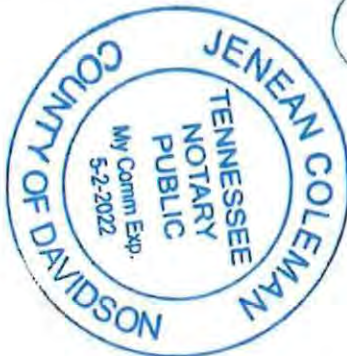
Freeland FL Holdings, LLC, a Florida limited liability company

By: 

Bernard G. Freeland, Manager
Printed or Typed Name and Title

STATE OF Tennessee
COUNTY OF Davidson

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3-14-22 (date) by Bernard Freeland Manager Member (name of member, manager, officer or agent, title of member, manager, officer or agent), of Freeland FL Holdings, LLC (name of company acknowledging), a Florida (state or place of formation) limited liability company, on behalf of the company, who is personally known to me or has produced Personally Known to me (type of identification) as identification.




(Signature of person taking acknowledgment)

Jenean Coleman
(Name typed, printed or stamped)

Controller
(Title or rank)

(Serial number, if any)

Exhibits M11 & T6

Lee Plan Analysis

Grand Bay
Revised October 2022



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Lee Plan Analysis
Exhibit M11 - Revised October 2022

The subject property is the eastern 15.64± acres of the overall ±46.33 acre site. The property is located at the northwest corner of the intersection of Santa Maria Street and S. Tamiami Trail (US 41) across from its intersection with San Carlos Boulevard. The overall site consists of four parcels separated by a 30-foot platted right-of-way as demonstrated in the below aerial. The eastern ±2.73 acres of the subject property fronting on S. Tamiami Trail/US 41 is zoned General Commercial (CG) and the balance of the property to the west is zoned Mobile Home Residential (MH-1).



The surrounding area has been previously developed with a mixture of commercial and residential uses and properties to the east are within the Mixed Use Overlay. The future land use, zoning, land use and Mixed Use Overlay designations of the adjacent parcels are indicated on the following page.

	<i>Future Land Use</i>	<i>Zoning</i>	<i>Use</i>	<i>Mixed Use Overlay</i>
Subject Property (15.64± ac) Existing	Urban Community	CG (2.73± acres) and MH-1 (12.91± acres)	Vacant commercial and residential	No
Subject Property Proposed		Concurrent MPD for overall 46.33± acre property	Commercial and residential	Yes
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>	<i>Surrounding Use</i>	
North	Urban Community	CPD fronting S. Tamiami Trail/US 41 then MH-2	Vacant Commercial then Shelter Pines Mobile Home Village	No
South	Urban Community & Wetlands	Estero Vista RPD & CG	Vacant with DO for 144 Multi-family & Marina Mikes Boat sales fronting S. Tamiami Trail	No
East	S. Tamiami Trail then Urban Community	C-1	Church, shopping centers, car wash	Yes
West	Urban Community, Wetlands & Rural	MH-1	Vacant under same ownership	No

The remainder of the overall site lies within the Urban Community, Wetlands and Rural future land use categories. The Wetlands also lie within the Mullock Creek Floodway that bisects the property and the Rural lands abut the Estero Bay State Buffer Preserve to the west that are within the Conservation Lands Upland future land use category and zoned RPD. The maximum intensity the existing overall site could have requested would have been 297 dwelling units, including 20 single-family dwelling units located in the western Rural area, and 30,000 square feet of commercial in the easter CG zoned area.

The applicant is requesting to amend Lee Plan Map 1-C to allow the Mixed Use Overlay to be extended to the west to include the ±15.64 acres of the subject property and amend Future Land Use Element Policy 5.1.10.3 to revise the timing requirement for single ownership of property that is divided into two or more land use categories. The Map Amendment allows the clustered mixed use development with the commercial acreage included in density (increase of 41 dwelling units) and the Text Amendment allows the western portion of the overall Parcel that lies within the Rural future land use category to be transferred to the Urban Community portion allowing preservation of 30± acres consisting of Rural uplands and adjacent wetlands covering over 64% of the overall site. to be preserved. The maximum residential density that could then be requested is 338 dwelling units.



The applicant is filing a companion rezoning application that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The applicant is requesting to rezone the overall property to Minor Mixed Use Planned Development to allow development of the site with a maximum of 300 multi-family dwelling units (including 114 bonus density units and 186 standard units) and 30,000 square feet of commercial uses. The proposed MPD also includes 17.44± acres of community facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. The proposed Master Concept Plan clusters the development on the eastern portion with commercial or mixed uses abutting S. Tamiami Trail/US 41 then three multi-family buildings while allowing preservation of the western portions of the overall site.

The property is located within the San Carlos Planning District and has a future land use classification of Urban Community. The proposed Map and Text Amendment are consistent with the following goals, objectives, standards and policies of the Lee Plan:

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The subject property is located along an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Blvd) which is proposed for a traffic signal. Adequate infrastructure and public services are available to support the proposed mixed use planned development encouraged by the Urban Community future land use category. The proposed uses are consistent with the mixture of relatively intense commercial and residential uses that characterize this future land use category. The site is appropriate for the Mixed Use Overlay as properties to the east are already included and the surrounding area provides a variety of existing residential, employment, shopping, service and civic uses within the pedestrian shed of the site. The requested Map and Text Amendments are consistent with Policy 1.1.4.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth

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

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

The subject property is located within a designated future urban area with existing development to the north, south and east with development order approval for additional development to the south. Approval of the requested Map and Text Amendments will allow for the concurrent planned development application to cluster the proposed commercial and residential uses to the eastern portion of the site which will allow preservation of the western ±30 acres of the overall site that is adjacent to state preserve lands and removal of density from the Rural future land use designation. The requested Map and Text Amendments are consistent with Objective 2.1 and Policy 2.1.1.

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

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

The subject property is located within a designated future urban area where adequate public facilities exist. The site has frontage on an arterial roadway (S. Tamiami Trail/US 41) across from its intersection with a major collector roadway (San Carlos Boulevard) that is proposed to be signalized. The submitted Traffic Impact Statement demonstrates that all analyzed roadways are projected to operate above the minimum adopted Level of Service. Lee County Utilities has existing potable water and sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. San Carlos Park Elementary School is ±2.5 miles from the site, Three Oaks Middle School is ±2.7 miles from the site and Island Park High School is ±3.6 miles from the site. San Carlos Park Fire Station 51 and EMS Medic 9 are located ±0.8 mile from the property at 8013 Sanibel Blvd. Lee County Sheriff's Office Central District Substation is ±5.8 miles from the site. There is existing development to the north, south and east with approval for additional development to the south. Approval of the requested Map and Text Amendments will allow for infill development providing a compact and contiguous development pattern, consistent with Objective 2.2 and Policy 2.2.1.

STANDARD 4.1.1: WATER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area w(see Map 4-A), then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility....*

The subject property is located within the Lee County Utilities future water service area as depicted on Lee Plan Map 4-A. Lee County Utilities has existing potable water lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. Potable water service will be provided through the Pinewood Water Treatment Plant. The requested Map and Text Amendments are consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

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

The subject property is located within the Lee County Utilities future sewer service area as depicted on Lee Plan Map 4-B. Lee County Utilities has existing sanitary sewer lines in operation adjacent to the subject property and has provided a letter of availability which is included with the application. Sanitary Sewer service will be provided through the Three Oaks Water Reclamation Facility. The requested Map and Text Amendments are consistent with Standard 4.1.2.

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

The requested Map and Text Amendments facilitate the transfer of density to the eastern portion of the site adjusting the density location and design to relocate dwelling units including

bonus density to the eastern portion of the property. The westerly portion of the subject property is located within the Coastal High Hazard Area and the concurrent MPD will cluster development to the east and preserve the western 30± acres including the floodway and adjacent wetlands and uplands resulting in appropriate adjustments to the development's design. The requested Map and Text Amendments will facilitate a rezoning that will be consistent with Policy 5.1.2.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

There are existing commercial developments offering employment and shopping opportunities all along S. Tamiami Trail/US 41 with restaurants, businesses and shopping centers, most notable being Grand Bay Plaza Publix only 3 minutes to the north. The subject property also proposes 30,000 square feet of commercial uses. San Carlos Park Elementary School is 2.5± miles from the site, Three Oaks Middle School is 2.7± miles from the site and Island Park High School is 3.6± miles from the site. Karl Drews Park and Community Center is within 1.3± miles, San Carlos Community Pool is 1.4± miles, Three Oaks Park is within 2.9± miles, Koreshan State Park is within 3± miles, Estero River Scrub-Estero Bay Preserve is within 3.3± miles and Estero Park is within 3.5± miles of the site. Lee Tran Routes 240, 600 and 140-Sunday run along US 41 at this location with existing bus stops ±602' to the north and ±675' to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The requested Map and Text Amendments will facilitate a rezoning that is consistent with Policy 5.1.3.

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

The concurrent planned development application will include conditions of approval requiring appropriate buffers and setbacks. Properties to the east that are within the existing Mixed Use Overlay are adjacent to single-family lots demonstrating compatibility of the required buffering in the LDC. The proposed MCP includes enhanced buffering by adding an opaque fence to the north and increased setbacks.

POLICY 5.1.10: In those instances where contiguous land under single ownership is divided withinto two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan

~~will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated~~ The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

- ~~1. The planned development zoning is utilized; and~~
- ~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
- ~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
- ~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

The applicant is requesting to amend Policy 5.1.10 to revise the timing requirement for single ownership of property that is divided into two or more land use categories to clarify the language. In coordination with staff, the language has been modified to make sure the edits allow for calculation of density as provided in the definition within the glossary. The overall subject property has been in the same family ownership since 1968 by various individuals or organizations, but same underlying family ownership of the Freeland's. Literal interpretation of this Policy language would not allow the transfer of 20 dwelling units from the Rural lands abutting a state preserve to the Urban Community lands to the east allowing preservation of the western 30± acres of the site which is above and beyond LDC requirements. The portion of the Policy originally requested to be changed by the applicant was added at the end of the review process and resulted in this unintended impact on the subject property. The requested language ensures that density and intensity can be properly allocated at the time of zoning and not be affected if future potential outparcels change ownership during or after development. The main purpose of the 3rd requirement in this policy was to clarify that properties divided by barriers such as the Caloosahatchee River are not contiguous. The requested clarification will promote sound planning by allowing properties to cluster development and preserve natural resources.

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.

Adding the site to the Mixed Use Overlay and the associated Text Amendment provides incentives and flexibility to allow the clustering of activities and infill development at a location

providing shared access where intersection improvements are permitted and signalization is proposed by FDOT. The request is consistent with Policy 6.1.5.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The portion of the property proposed to be added to the Mixed Use Overlay is within the Urban Community future land use category and sufficient infrastructure exists to support development as demonstrated by the submitted letters of review and recommendation. The site access has received development order approval under DOS2020-00128 which provides connectivity to the adjacent development to the south. A concurrent mixed use planned development application is under review that proposes both residential and commercial uses. The request is consistent with Objective 11.1 and Policy 11.1.1.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

- 1. Located within the extended pedestrian shed of established transit routes; and,*
- 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,*
- 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,*
- 4. Availability of adequate public facilities and infrastructure; and*
- 5. Will not intrude into predominately single-family residential neighborhoods.*

Lee Tran Routes 240, 600 and 140-Sunday run along S. Tamiami Trail/US 41 at this location with existing bus stops $\pm 602'$ to the north and $\pm 675'$ to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The site access has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the adjacent development to the south without accessing an arterial roadway. The portion of the site proposed for inclusion in the Mixed Use Overlay is within the Urban Community future land use category. The submitted letters of review and recommendation demonstrate that adequate public facilities and infrastructure are available. The proposal will not intrude into predominately single-family residential neighborhoods. While the $15.64\pm$ acres abuts approximately 25 mobile home lots within Shelter Pines Mobile Home Village to the north, the site is not located in a predominantly single family neighborhood. The subject property and the properties to the north and south have existing commercial zoning along the S. Tamiami Trail/US 41 frontage. The property to

the south that has been approved for multi-family development with a maximum height of 55 feet since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. The request is consistent with Policy 11.2.1.

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

The site access has received development order approval under DOS2020-00128 which provides pedestrian and automobile connection with the adjacent development to the south. The request is consistent with Policy 11.2.2.

POLICY 11.2.3: At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

This Policy is not applicable to the subject request. It provides an alternative to the process outlined in Policy 11.2.1 and is not a review requirement for requests pursuant to Policy 11.2.1. The majority of the site is located within one-quarter mile of the existing Mixed Use Overlay boundary.

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

A concurrent application for a Minor Mixed Use Planned Development zoning is under review. The overall site has extraordinary circumstances that make a planned development application more appropriate to allow the clustered mixed use planned development and preservation of 30± acres consisting of Rural lands and adjacent wetlands abutting the state preserve lands and providing further protection of the Mullock Creek floodway.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

The concurrent application for a Minor Mixed Use Planned Development zoning includes a request to utilize bonus density including Greater Pine Island TDUs, consistent with Policy 11.2.6.

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

The concurrent application for a Minor Mixed Use Planned Development zoning applies this Policy pending approval of the requested Map Amendment.

POLICY 59.1.3: Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources.

POLICY 59.1.4: Continue to develop, update, and improve technical information, with the assistance of the USDA Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency (FEMA), SFWMD, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events.

POLICY 59.1.9: Maintain the floodplain management plan and analyze the flooding problem in the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation.

POLICY 61.3.2: Maintain floodplains to minimize the potential loss of life and damage to property by flooding.

POLICY 61.3.5: The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations.

The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation. No fill will be placed within the Mullock Creek floodway. As part of the companion zoning application, the applicant proposes 17.44± acres of community facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. A total of 30.62± acres of wetlands, uplands and compensating storage within and adjacent to the floodway are proposed to remain undeveloped as a result of the proposed amendment. The request is consistent with Policies 59.1.3, 59.1.4, 59.1.9, 61.3.2 and 61.3.5.

In conclusion, the proposed Map and Text Amendments are consistent with and further the Goals, Objectives and Policies of the Lee Plan.

Exhibits M13 & T8

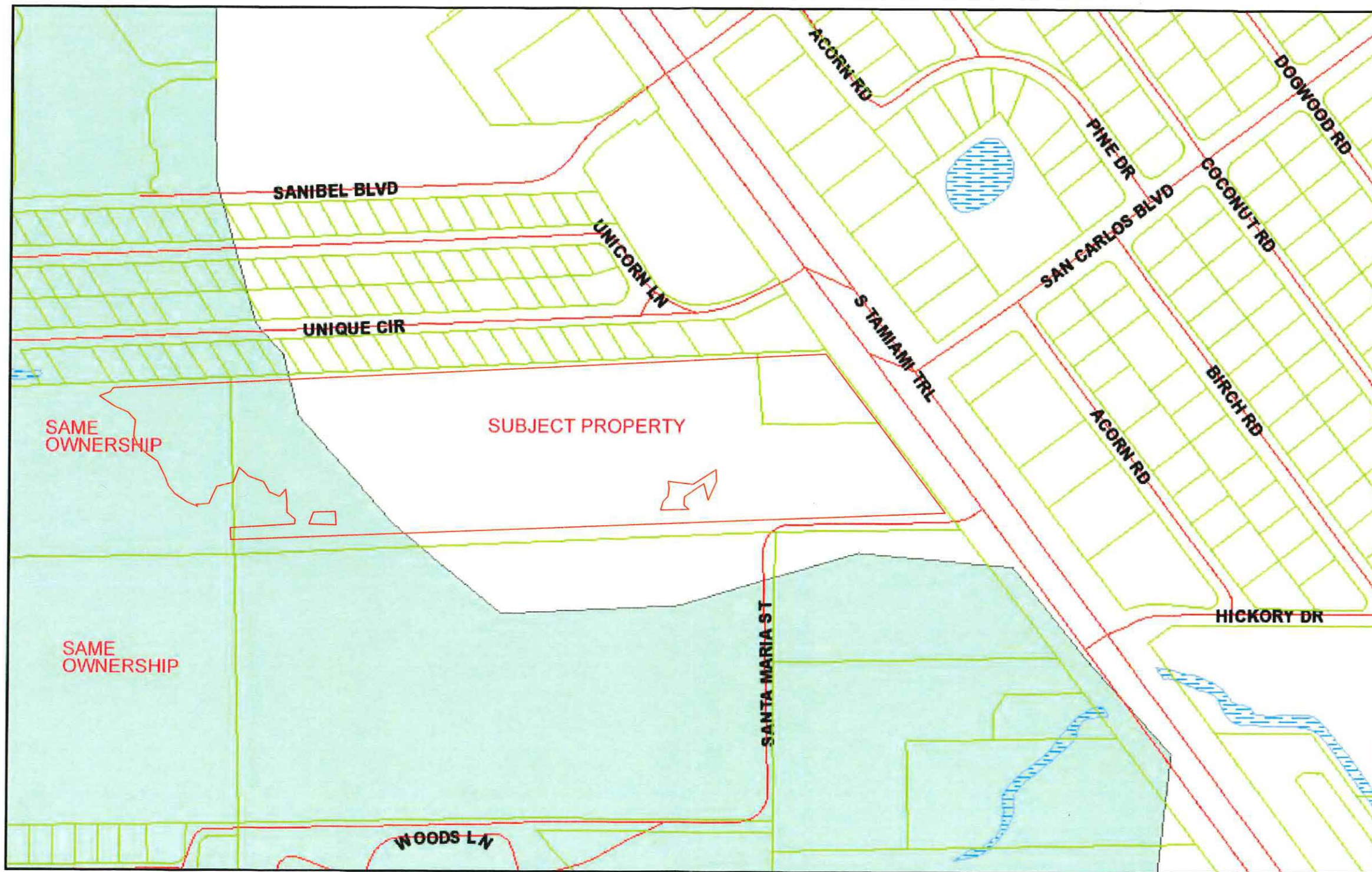
Historic Resources Impact Analysis

Grand Bay
Revised August 2022



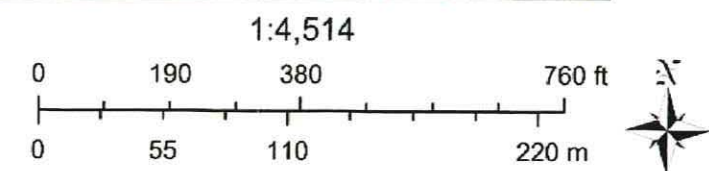
Professional Engineers, Planners & Land Surveyors

Lee County Archaeological Sensitivity Map Grand Bay



3/8/2022, 7:38:11 PM

- | | | |
|------------------------|-------------------------|------------------------------------|
| Government Land Labels | Parcel Lines | Coastline |
| Condo Building | Hydrology | Road Centerlines |
| Parcel Hooks | Coastal Range Monuments | Archaeological Sensitivity Level 2 |




From: [Stacy Hewitt](#)
To: [Jennifer Shoupard](#)
Cc: [Ken Kelum](#); [Brent Addison](#); [Tam Lehofer](#)
Subject: Fwd: Florida Master Site File Inquiry
Date: Tuesday, March 1, 2022 3:12:53 PM
Attachments: [Temsiste_102.pdf](#)

Could you please print below email and attached PDF to the comp plan amendment folder for 8433GB? Thank you
Stacy 239-770-2527

Get [Outlook for iOS](#)

From: Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>
Sent: Tuesday, March 1, 2022 2:33 PM
To: Stacy Hewitt
Subject: RE: Florida Master Site File Inquiry

 IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender Eman.Vovsi@DOS.MyFlorida.com

Completed; no cultural resources detected

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Tuesday, March 1, 2022 1:19 PM
To: FMSFILE <FMSFILE@dos.myflorida.com>
Subject: Florida Master Site File Inquiry

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon I hope all is well.

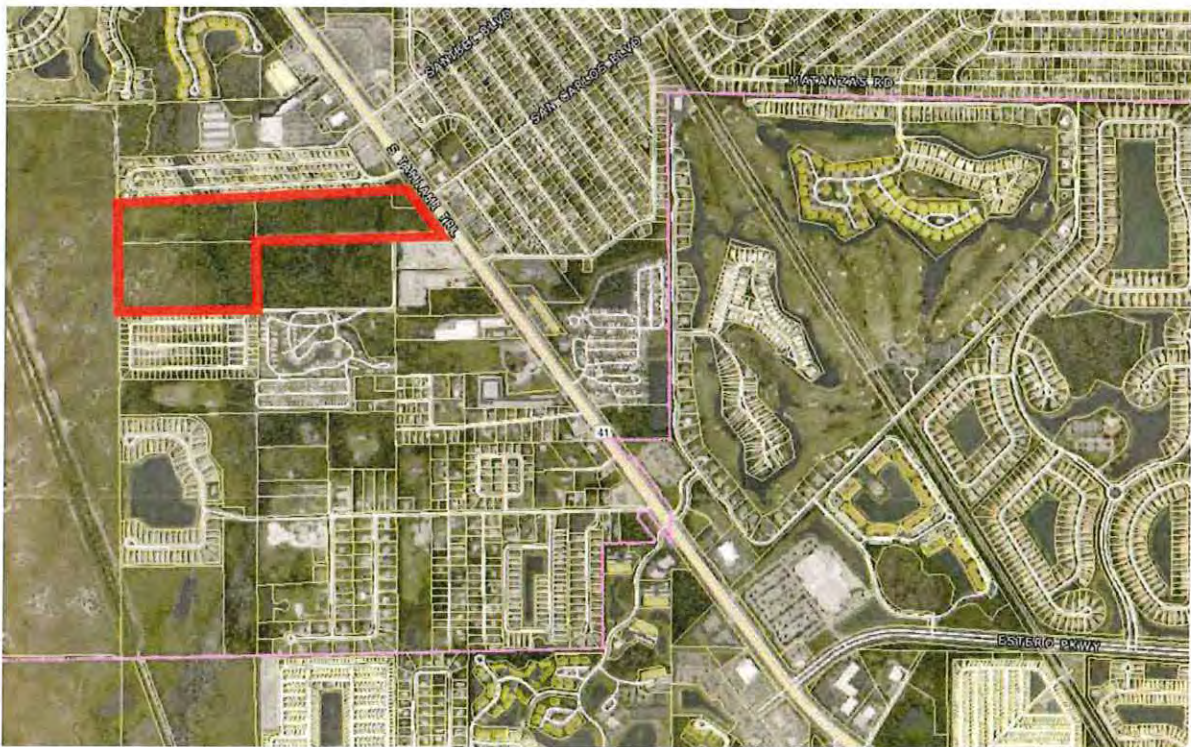
Please accept this email as a request to perform an archaeological search on the property listed below. I have also included a location map for your information. Please do not hesitate to contact me via cell or email if you should have any questions.

STRAP Numbers: 20-46-25-01-00004.0000
 20-46-25-01-00004.0010
 20-46-25-01-00005.0000
 20-46-25-01-00006.0000

Property Addresses: 19200 S. Tamiami Trail & 4050 Santa Maria St, Fort Myers, FL 33908
 2 parcels with access undetermined

Thank you and please take care,

Stacy



Stacy Ellis Hewitt, AICP

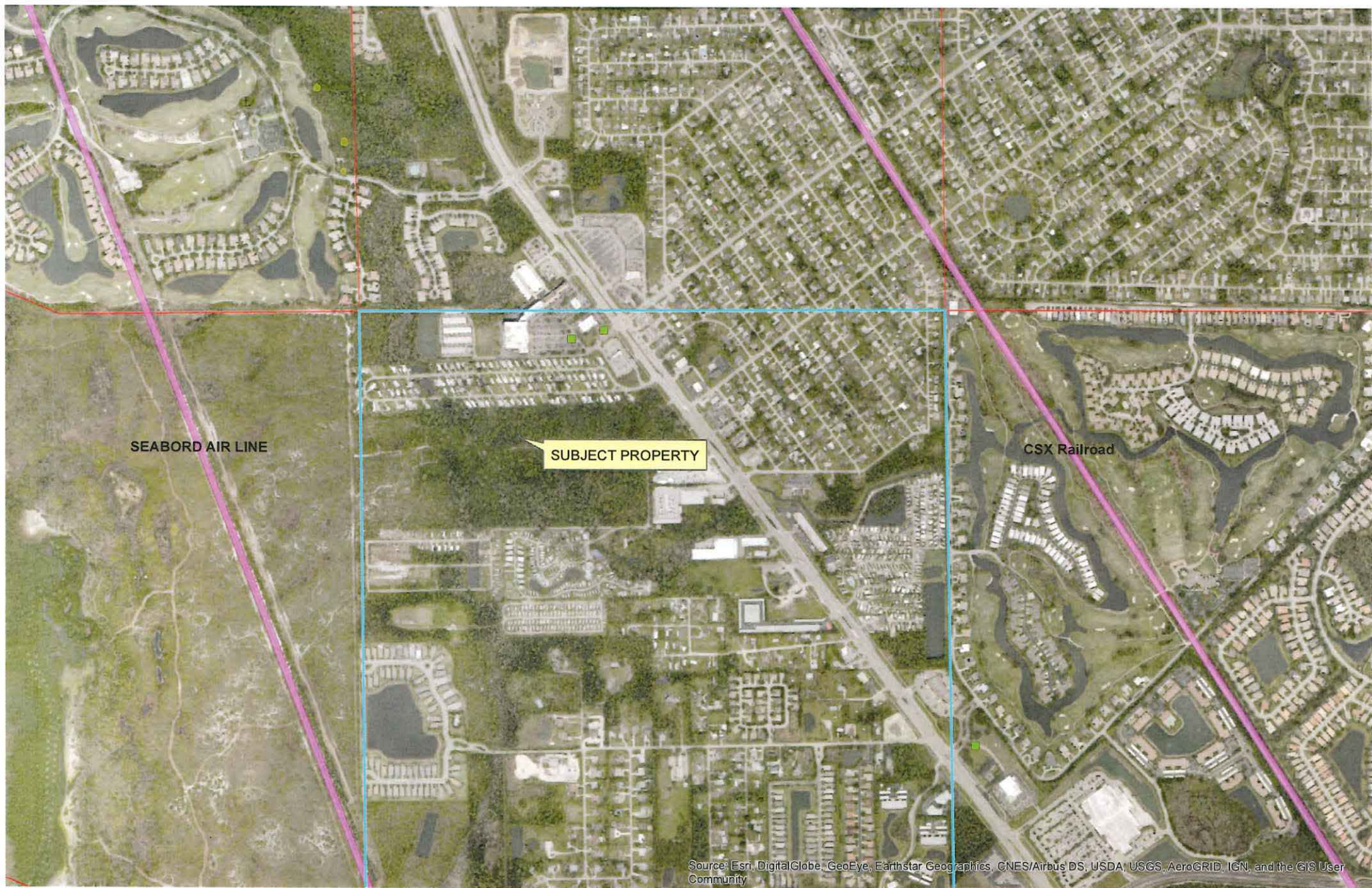
Director of Planning

C: 239-770-2527

P: 239-939-5490

F: 239-939-2523

E: shewitt@bankseng.com



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Exhibits M14 & M16

Existing and Future Public Facilities Impacts Analysis

Grand Bay
Revised **October** 2022



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

**Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Existing and Future Public Facilities Impacts Analysis
Exhibit M14 & M16
Revised October 2022**

Sanitary Sewer

The subject property is within Lee County Utilities (LCU) future sewer service area as depicted on Lee Plan Map 4-B. LCU has sanitary sewer lines in operation adjacent to the property including a 12" force main in the easterly right-of-way of S. Tamiami Trail. LCU's Three Oaks Water Reclamation Facility will provide sanitary sewer service to the proposed minor mixed use planned development.

Existing Development Potential: 297 DU maximum (20 SF & 277 MF) and 30,000 SF commercial:

$(297 \text{ units} \times 200 \text{ GPD}) + (30,000 \times 15/100) = 63,900 \text{ GPD}$

Proposed Development Potential: 41 additional dwelling units (338 MF DU maximum and 30,000 SF commercial):

$41 \text{ units} \times 200 \text{ GPD} = 8,200 \text{ GPD}$

Total: 72,100 GPD

According to the Lee County Public Facilities Level of Service and Concurrency Report 2021 Inventory and Projections, Lee County Utilities WWTP capacity is evaluated using the interlocal agreement that effectively makes the LCU and CFM central systems one combined central system. The combined LCU/CFM central system design capacity is 43.4 million gallons per day (MGD) and has a projected demand of 36.3 MGD in 2025. There is sufficient capacity to service the project as stated in the provided letter of availability.

The Lee County CIP contains two projects to increase LCU central system capacity. A 2.0-MGD expansion of the existing Three Oaks Water Reclamation Facility (TOWRF) is scheduled for completion in fiscal year 2023/2024. In addition, a new Southeast Water Reclamation Facility (SEWRF) is planned to serve areas currently within the TOWRF service area. The SEWRF is planned with a 4.0-MGD capacity and will be completed in fiscal year 2027/2028.

Potable Water

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Lee Plan Map 4-A. LCU has potable water lines in operation adjacent to the

property including a 16" water main in the westerly right-of-way of S. Tamiami Trail. LCU's Pinewood Water Treatment Plant will provide potable water service to the proposed minor mixed use planned development.

Existing Development Potential: 297 DU maximum (20 SF & 277 MF) and 30,000 SF commercial:

$(20 \text{ SF units} \times 250 \text{ GPD} = 5,000) + (277 \text{ MF units} \times 200 \text{ GPD} = 55,400) + (30,000 \times 15/100 = 4,500) = 64,900 \text{ GPD}$

Proposed Development Potential: 41 additional units (338 MF DU maximum and 30,000 SF commercial):

$41 \text{ MF units} \times 200 \text{ GPD} = 8,200 \text{ GPD}$

$(20 \text{ SF units now MF units so } 50 \text{ GPD less per unit} = -1,000 \text{ GPD}$

Total: 72,100 GPD

According to the Lee County Public Facilities Level of Service and Concurrency Report 2021 Inventory and Projections, LCU WTP system design capacity is 50.9 MGD and has a projected demand of 32.6 MGD in 2025. There is sufficient capacity to service the project as stated in the provided letter of availability.

Surface Water/Drainage Basins

The existing site is undeveloped with the exception of a dirt road from east to west. There are existing stormwater swales along the ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the west until it discharges into the Mullock Creek flowway. The property has an existing stormwater management permit on the eastern 5.97± acres (South Florida Water Management District Individual Environmental Resource Permit No. 36-104286-P) for a stormwater management system serving 0.91 acres of commercial and 5.06 acres of future development for construction of an access road to support the future multi-use commercial development, including sidewalks, underground utilities, and a dry retention pond with 0.14 acre of permitted wetland impact. A Lee County development order (DOS2020-00128) was also approved for construction of the access road and sidewalks, watermain and forcemain extensions and other support infrastructure.

LOS standards for surface water management are contained in Lee Plan Policy 95.1.3 which provides a system requirement to prevent the flooding of designated evacuation routes on Lee Plan Map 3-J from the 25-year, 3-day storm event (rainfall) for more than 24 hours. Runoff from the developed site will continue to discharge to tidal creeks and rivers and will not cross any public road or evacuation route. The 2021 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District and comply with standards in Florida Administrative Code Chapter 62-330 will be deemed concurrent with the Lee Plan's surface water management LOS. The Grand Bay project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be consistent with the surface water management Level of Service standards of the Lee Plan.

Parks, Recreation and Open Space

Regional Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2021 indicates a total of 7,064 acres of existing regional parks operated by county, local, state, and federal governments within Lee County. The capacity required to meet The Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 6 acres per 1,000 total seasonal county population is equal to:

$$886,000 \text{ [seasonal county population]} \times (6 \text{ acres}/1,000 \text{ population}) = 5,316 \text{ acres}$$

The Bureau of Economic and Business Research (BEBR) Projections of Florida Population by County, 2020-2045, with Estimates for 2019 provided a high projected population of 997,000 for Lee County in 2030. This would require 5,982 acres to meet the level of service standard. There is more than adequate existing Regional Park acreage in Lee County to meet the needs of the project.

Community Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2021 indicates a total of 743.1 acres of existing community parks operated by Lee County or jointly operated with The School District of Lee County within Lee County. The capacity required to meet the Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 0.8 acres per 1,000 total permanent county population is equal to:

$$368,415 \text{ [permanent unincorporated county population]} \times (0.8 \text{ ac}/1,000 \text{ population}) = 295 \text{ ac}$$

The existing inventory of community parks within Lee County meets the community park level-of-service standard in the County for the year 2020 and will continue to do so at least through the next five years. The level of service standard increased from 285 acres in 2019 to 295 acres in 2021 which represents here is more than adequate existing Community Park acreage in Lee County to meet the needs of the project.

Public Schools

The subject property is within the South Zone, sub-zone S-2. Lee Plan Policy 95.1.3 provides that Public Schools Facilities LOS standards for Elementary Schools, Middle Schools, High Schools and Special Purpose Facilities is based upon Permanent Florida Inventory School Houses (FISH) capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

According to the Lee County Public Facilities Level of Service and Concurrency Report 2021, the South Zone showed an available capacity of 893 elementary school seats, 368 middle school seats, and 612 high school seats. The letter of review and recommendation received from the School District of Lee County indicated that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however capacity is available in the adjacent CSA.

Exhibit M15

Traffic Circulation Analysis

Grand Bay
Revised June 2022



Professional Engineers, Planners & Land Surveyors

MEMORANDUM

TO: Ms. Stacy Hewitt, AICP
Banks Engineering

FROM: Yury Bykau, P.E.
Transportation Consultant

DATE: June 6, 2022

RE: Grand Bay
Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan Amendment for approximately 14.25 acres of property located at the northwest corner of US 41 and Santa Maria Street in Lee County, Florida. Based on the discussion with Banks Engineering, approximately 14.25 acres of property will be subject to a Map Amendment to extend the Mixed Use Overlay boundary to the west side of US 41 as well as a Text Amendment to amend Policy 5.1.10.3 to accommodate a mixture of residential and commercial uses on site.

The transportation related impacts of the proposed Amendment to the Lee Plan were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

Under the existing Urban Community Future Land Use Category (FLU), approximately 46.33 acres of property can be developed with up to 298 residential dwelling units (20 Single-Family Dwelling Units & 278 Multi-Family Dwelling Units) and up to 30,000 square feet of commercial uses.

The Applicant is proposing a Map and Text Amendment on approximately 14.25 acres of property to extend the Mixed Use Overlay boundary to the west side of US 41, which will permit a maximum allowable development on the 46.33 acres of property with up to 340 multi-family residential dwelling units and up to 30,000 square feet of commercial uses. Note, the site could also be developed with a single-family residential option

consisting of up to 101 dwelling units. However, to be conservative in terms of trip generation analysis, the site was assumed to consist of 340 multi-family dwelling units as a result of the proposed amendment. **Table 1** summarizes the intensities that could be developed under the existing land use designations and intensities that could be developed as a result of the proposed Map and Text Amendment.

Table 1
Land Uses
Grand Bay CPA

Existing/ Proposed	Land Use Category	Intensity
Existing	Urban Community/ Wetlands/Rural (±46.33)	20 Single-Family Dwelling Units, 278 Multi-Family Dwelling Units & 30,000 Sq. Ft. Commercial
Proposed	Mixed Use Overlay/Urban Community (±14.25) Wetlands/Rural (±32.08)	340 Multi-Family Dwelling Units & 30,000 Sq. Ft. Commercial

The trip generation for the with and without amendment scenarios was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the single-family residential uses, Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential uses and Land Use Code 822 (Strip Retail Plaza) was utilized for the trip generation purposes of the commercial uses. Note, the accompanying rezoning request indicates that the main intent is to allow for multi-family residential uses on site.

Table 2 and **Table 3** outline the anticipated weekday AM and PM peak hour and daily trip generation for the without and with the proposed amendment scenarios, respectively. Both tables also incorporated trips due to "pass-by" traffic. Consistent with Lee County guidelines, the pass-by rate for commercial uses was limited to 30%. Note, there will be also a certain internal capture between the residential and commercial uses on site. However, to be conservative in terms of analysis, the reduction in trips due to internal capture was not considered. The trip generation equations utilized are attached to this Memorandum for reference.

Table 2
Trip Generation
Based on Existing Land Use Categories
Grand Bay CPA

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (20 Dwelling Units)	4	13	17	14	8	22	230
Multi-Family Housing Low-Rise (278 Dwelling Units)	26	83	109	88	52	140	1,857
Strip Retail Plaza (30,000 Sq. Ft.)	35	24	59	85	85	170	1,496
Total Trips	65	120	185	187	145	332	3,583
Less Retail Pass-by (30%)	-9	-9	-18	-25	-25	-50	-449
New Trips	56	111	167	162	120	282	3,134

Table 3
Trip Generation
Based on Proposed Map & Text Amendment
Grand Bay CPA

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Low-Rise (340 Dwelling Units)	31	97	128	105	62	167	2,255
Strip Retail Plaza (30,000 Sq. Ft.)	35	24	59	85	85	170	1,496
Total Trips	66	121	187	190	147	337	3,751
Less Retail Pass-by (30%)	-9	-9	-18	-25	-25	-50	-449
New Trips	57	112	169	165	122	287	3,302

Table 4 indicates the trip generation change between the proposed and existing land use categories (Table 2 vs Table 3). The resultant trip change in Table 4 indicates that the trip generation will be slightly increased in the AM and PM peak hour conditions as a result of the proposed amendment.

Table 4
Trip Generation – Resultant Trip Change (Table 2 vs Table 3)
Grand Bay CPA

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designations	57	112	169	165	122	287	3,302
Existing Land Use Designations	-56	-111	-167	-162	-120	-282	-3,134
Resultant Trip Change	+1	+1	+2	+3	+2	+5	+168

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, the only roadway improvement within the vicinity of the subject site that was shown on the 2045 Financially Feasible Plan was the widening of Corkscrew Road to a six-lane facility from US 41 to Ben Hill Griffin Parkway. The Lee County 2045 Highway Cost Feasible Plan 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 and then the PM peak hour trips to be generated by additional trips in Table 3 were added to the projected 2045 volumes. 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 as well as *FDOT's Generalized Peak Hour Directional Volumes*, Table 7.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2045 volumes 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. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed Map and Text Amendment. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Term Impacts Analysis (2025)

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. Based on the review, there are no programmed improvements in the vicinity of the subject site. Note, FDOT is constructing a traffic signal at the intersection of US 41 and San Carlos Boulevard as part of the Safety Improvement project on US 41.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the surrounding roadways based on the additional trips shown in Table 3. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links were obtained from the most recent *Lee County Public Facilities Level of Service and Concurrency Report*.

The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2027 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's *Florida Traffic Online* webpage as well as the traffic data from the latest *Lee County Traffic Count Report*. Based on the project traffic distribution illustrated within Table 4A, the roadway link data was analyzed for the year 2027 without the proposed amendment and year 2027 with the proposed amendment. Traffic data obtained from the aforementioned Lee County and FDOT resources is attached to this Memorandum for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2027 volumes will not cause any roadway link to fall below the minimum acceptable Level of Service standards. All analyzed roadway segments were shown to operate at acceptable Level of Service in 2027 both with and without the proposed Map and Text Amendment request. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement programs. Capacity analysis will be evaluated again at the time the project will seek rezoning and local Development Order approvals.

Conclusion

The proposed Comprehensive Plan/Text Amendment is for a property located at the northwest corner of US 41 and Santa Maria Street in Lee County, Florida. Based upon the roadway link Level of Service analysis conducted as a part of this Memorandum, the proposed amendment will not cause any roadway links to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed amendment.

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 proposed amendment will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan.

Attachments

TABLES 1A & 2A
2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - GRAND BAY CPA

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u>2045 E + C NETWORK LANES</u>		<u>GENERALIZED SERVICE VOLUMES</u>				
		<u># Lanes</u>	<u>Roadway Designation</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>
US 41	N. of Alico Rd	6LD	Arterial	0	0	3,087	3,171	3,171
	N. of Site	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Site	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Estero Pkwy	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Corkscrew Rd	6LD	Arterial	0	0	3,087	3,171	3,171
Alico Rd	E. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
San Carlos Blvd	E. of US 41	2LU	Collector	0	0	310	660	740
Estero Pkwy	E. of US 41	4LD	Arterial	0	250	1,840	1,960	1,960
Michael G. Rippe Pkwy	N. of US 41	6LD	Arterial	0	0	3,087	3,171	3,171
Corkscrew Rd	E. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940

- 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.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
GRAND BAY CPA

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 287 VPH IN= 165 OUT= 122

2045												2045 BACKGROUND PLUS PROJ		
ROADWAY	ROADWAY SEGMENT	2045	COUNTY PCS /	AADT	K-100	100TH HIGHEST	D	PM PK HR	PEAK DIRECTION		PROJECT	PK DIR	PEAK DIRECTION	
		FSUTMS		BACKGROUND		HOUR PK DIR		PEAK	TRAFFIC VOLUMES & LOS	TRAFFIC	PM PROJ	TRAFFIC VOLUMES & LOS		
		AADT	FDOT SITE #	TRAFFIC	FACTOR	2-WAY VOLUME	FACTOR	DIRECTION	VOLUME	LOS	DIST.	TRAFFIC	VOLUME	LOS
US 41	N. of Alico Rd	61,372	120067	61,372	0.090	5,523	0.531	NORTH	2,933	C	20%	33	2,966	C
	N. of Site	42,357	120034	42,357	0.090	3,812	0.531	NORTH	2,024	C	45%	74	2,098	C
	S. of Site	56,927	126025	56,927	0.090	5,123	0.531	NORTH	2,720	C	40%	66	2,786	C
	S. of Estero Pkwy	56,737	120089	56,737	0.090	5,106	0.531	NORTH	2,711	C	25%	41	2,752	C
	S. of Corkscrew Rd	63,224	120065	63,224	0.090	5,690	0.531	NORTH	3,021	C	15%	25	3,046	C
Alico Rd	E. of US 41	45,128	126010	45,128	0.090	4,082	0.531	WEST	1,905	C	15%	25	1,930	C
San Carlos Blvd	E. of US 41	10,665	124617	10,665	0.090	960	0.531	WEST	450	D	15%	25	475	D
Estero Pkwy	E. of US 41	15,257	124465	15,257	0.090	1,373	0.531	WEST	644	C	15%	25	669	C
Michael G. Rippe Pkwy	N. of US 41	29,648	125036	29,648	0.090	2,668	0.526	NORTH	1,403	C	10%	17	1,420	C
Corkscrew Rd	E. of US 41	40,957	124247	40,957	0.090	3,686	0.531	EAST	1,957	C	10%	17	1,974	C

* The K-100 and D factors were obtained from Florida Traffic Online resource.

TABLES 3A & 4A
5-YEAR LOS ANALYSIS

**TABLE 3A
LEVEL OF SERVICE THRESHOLDS
GRAND BAY CPA**

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
US 41	N. of Alico Rd	6LD	Arterial	0	0	3,087	3,171	3,171
	N. of Site	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Site	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Estero Pkwy	6LD	Arterial	0	0	3,087	3,171	3,171
	S. of Corkscrew Rd	6LD	Arterial	0	0	3,087	3,171	3,171
Alico Rd	E. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
San Carlos Blvd	E. of US 41	2LU	Collector	0	0	310	660	740
Estero Pkwy	E. of US 41	4LD	Arterial	0	250	1,840	1,960	1,960
Michael G. Rippe Pkwy	N. of US 41	6LD	Arterial	0	0	3,087	3,171	3,171
Corkscrew Rd	E. of US 41	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 arterials/collectors 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.

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
GRAND BAY CPA**

TOTAL PROJECT TRAFFIC AM = 169 VPH IN = 57 OUT= 112
TOTAL PROJECT TRAFFIC PM = 287 VPH IN= 165 OUT= 122

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR ADT	2019/2020 ADT	YRS OF GROWTH. ¹	ANNUAL RATE	2020	2027	V/C	PERCENT			2027			2027			
							PK HR	PK HR		PK SEASON	V/C	PROJECT	AM PROJ	PM PROJ	BCKGRND		BCKGRND		
							PK SEASON	PEAK DIRECTION		+ AM PROJ					V/C	+ PM PROJ	V/C		
							PEAK DIR. ²	VOLUME										LOS	Ratio
US 41	N of Alico Rd	120067	61,500	60,000	15	2.00%	2,069	2,377	C	0.75	20%	22	33	2,399	C	0.76	2,410	C	0.76
	N of Site	120034	50,500	50,500	15	2.00%	2,069	2,377	C	0.75	45%	50	74	2,427	C	0.77	2,451	C	0.77
	S. of Site	126025	40,670	48,500	13	2.00%	1,901	2,184	C	0.69	40%	45	66	2,228	C	0.70	2,250	C	0.71
	S of Estero Pkwy	120089	41,500	48,000	15	2.00%	1,901	2,184	C	0.69	25%	28	41	2,212	C	0.70	2,225	C	0.70
	S of Corkscrew Rd	120065	56,000	49,000	15	2.00%	2,020	2,320	C	0.73	15%	17	25	2,337	C	0.74	2,345	C	0.74
Alico Rd	E of US 41	204	21,700	25,600	8	2.09%	1,171	1,353	C	0.46	15%	17	25	1,370	C	0.47	1,378	C	0.47
San Carlos Blvd	E of US 41	124617	5,300	8,400	10	4.71%	448	618	D	0.84	15%	17	25	635	D	0.86	643	D	0.87
Estero Pkwy	E of US 41	465	11,500	17,100	6	6.84%	790	1,255	C	0.64	15%	17	25	1,272	C	0.65	1,280	C	0.65
Michael G Rippe Pkwy	N of US 41	125036	16,800	29,500	8	7.29%	1,070	1,751	C	0.55	10%	11	17	1,762	C	0.56	1,768	C	0.56
Corkscrew Rd	E of US 41	247	16,600	20,800	6	3.83%	1,007	1,310	C	0.67	10%	11	17	1,321	C	0.67	1,327	C	0.68

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Report.
2 Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2021 Lee County Public Facilities Level of Service and Concurrency Report.

**LEE COUNTY GENERALIZED
SERVICE VOLUME TABLE**

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.

**FDOT GENERALIZED PEAK HOUR
DIRECTIONAL VOLUMES
TABLE 7**

TABLE 7

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

January 2020

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 MODE²						¹ 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.)						² 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.					
Paved Shoulder/Bicycle						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Lane Coverage	B	C	D	E		* Cannot be achieved using table input value defaults.					
0-49%	*	150	390	1,000		^{**} 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.					
50-84%	110	340	1,000	>1,000		Source:					
85-100%	470	1,000	>1,000	**		Florida Department of Transportation					
PEDESTRIAN MODE²						Systems Implementation Office					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						https://www.fdot.gov/planning/systems/					
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)³											
(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							

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0034 - SR 45/US 41, NW OF SANIBEL BOULEVARD

LC424

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR	
2021	50500	C	N	25000	S	25500	9.00	53.10	5.30
2020	42500	C	N	21000	S	21500	9.00	52.80	5.30
2019	54000	C	N	26500	S	27500	9.00	53.30	3.70
2018	49000	C	N	24500	S	24500	9.00	53.30	5.00
2017	48000	C	N	23500	S	24500	9.00	53.20	4.00
2016	48500	C	N	24500	S	24000	9.00	56.20	4.00
2015	45000	C	N	22500	S	22500	9.00	54.50	4.00
2014	42000	C	N	21000	S	21000	9.00	54.60	3.50
2013	39500	C	N	19500	S	20000	9.00	59.70	4.20
2012	41000	C	N	20500	S	20500	9.00	54.30	3.40
2011	40000	C	N	20000	S	20000	9.00	55.00	3.30
2010	38500	C	N	19000	S	19500	10.32	57.60	3.30
2009	41000	C	N	20500	S	20500	10.24	54.47	3.90
2008	44500	C	N	22500	S	22000	10.37	58.94	4.60
2007	53500	F	N	26500	S	27000	10.16	54.76	3.80
2006	50500	C	N	25000	S	25500	10.23	54.38	3.80

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

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6025 - US 41, 500' S OF HICKORY DR, PTMS 105, LCPR 25

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	48500 T	0	0	9.00	53.10	4.60
2020	48000 S	0	0	9.00	52.80	5.30
2019	50000 F	0	0	9.00	53.30	3.90
2018	50261 C	0	0	9.00	53.30	5.00
2017	40500 X	0	0	9.00	53.20	4.00
2016	39500 E	0	0	9.00	56.20	4.30
2015	38500 E	0	0	9.00	54.50	3.90
2014	38000 X			9.00	54.60	3.30
2013	37500 E	N 0	S 0	9.00	59.70	3.90
2012	37000 S	0	0	9.00	53.00	4.10
2011	37000 F	N 0	S 0	9.00	53.00	3.60
2010	39114 C	N 19100	S 20014	10.18	52.96	3.50
2009	40293 C	N 19799	S 20494	10.29	54.98	4.40
2008	40670 C	N 20031	S 20639	10.44	54.81	4.00

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0089 - SR 45/US 41/TAMIAMI TR, S OF BROADWAY

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	48000 C	N	24500	S 23500	9.00	53.10	3.80
2020	40000 C	N	20000	S 20000	9.00	52.80	4.90
2019	50500 C	N	25000	S 25500	9.00	53.30	3.70
2018	45000 C	N	22500	S 22500	9.00	53.30	4.80
2017	42500 C	N	21500	S 21000	9.00	53.20	3.90
2016	41500 C	N	21500	S 20000	9.00	56.20	4.10
2015	42000 C	N	21000	S 21000	9.00	54.50	3.40
2014	40500 C	N	20000	S 20500	9.00	54.60	3.00
2013	35000 C	N	18000	S 17000	9.00	59.70	3.60
2012	34000 C	N	17000	S 17000	9.00	54.30	3.90
2011	36500 F	N	19000	S 17500	9.00	55.00	3.70
2010	36500 C	N	19000	S 17500	10.32	57.60	3.70
2009	36500 C	N	18500	S 18000	10.24	54.47	4.90
2008	40500 C	N	20500	S 20000	10.37	58.94	4.30
2007	44500 C	N	21500	S 23000	10.16	54.76	7.70
2006	41500 C	N	21000	S 20500	10.23	54.38	5.40

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0065 - SR 45/US 41, NORTH OF COCONUT RD.

LC436

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	49000	C	N 25000	S 24000	9.00	53.10	4.30
2020	42500	C	N 21500	S 21000	9.00	52.80	5.60
2019	55500	C	N 28500	S 27000	9.00	53.30	3.70
2018	49000	C	N 25000	S 24000	9.00	53.30	4.10
2017	43000	C	N 22000	S 21000	9.00	53.20	4.20
2016	48500	C	N 25000	S 23500	9.00	56.20	4.00
2015	49500	C	N 25000	S 24500	9.00	54.50	3.00
2014	48000	C	N 23500	S 24500	9.00	54.60	3.10
2013	47500	C	N 24000	S 23500	9.00	59.70	3.60
2012	47000	C	N 23500	S 23500	9.00	54.30	3.20
2011	52500	C	N 27000	S 25500	9.00	55.00	3.10
2010	51500	C	N 26000	S 25500	10.32	57.60	3.20
2009	48500	C	N 25000	S 23500	10.24	54.47	3.40
2008	51000	C	N 26000	S 25000	10.37	58.94	3.40
2007	60000	F	N 30500	S 29500	10.16	54.76	4.80
2006	56000	C	N 28500	S 27500	10.23	54.38	4.80

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 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
2021	47500 T	0	0	9.00	53.10	7.70
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

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4465 - ESTERO PKWY, E OF SR45/US 41 LC 465

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
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2021	20500 X	0	0	9.00	53.10	2.30
2020	20500 E	E	W	9.00	59.30	2.30
2019	20500 C	E 10500	W 10000	9.00	53.30	2.30
2018	15000 C	E 7500	W 7500	9.00	53.30	2.00
2017	10800 T			9.00	53.20	4.00
2016	11200 S	E 5600	W 5600	9.00	60.30	3.50
2015	11600 F	E 5800	W 5800	9.00	61.00	3.50
2014	11000 C	E 5500	W 5500	9.00	52.00	3.50
2013	10500 S	E 5300	W 5200	9.00	54.60	2.60
2012	10100 F	E 5100	W 5000	9.00	52.80	2.60
2011	10100 C	E 5100	W 5000	9.00	53.20	2.60
2010	7400 S	E 3900	W 3500	10.28	55.69	2.70
2009	7600 F	E 4000	W 3600	10.29	55.14	2.70
2008	8000 C	E 4200	W 3800	10.77	53.61	2.70

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4247 - CORKSCREW RD, E OF SR 45/US 41 LC 247

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	20500 X	0	0	9.00	53.10	5.60
2020	20500 E	E	W	9.00	53.40	5.60
2019	20500 C	E 10500	W 10000	9.00	53.30	5.60
2018	21500 C	E 11000	W 10500	9.00	53.30	6.00
2017	19000 T			9.00	53.20	4.00
2016	20000 S	E 10000	W 10000	9.00	56.10	5.40
2015	21000 F	E 10500	W 10500	9.00	55.50	5.40
2014	19900 C	E 10000	W 9900	9.00	52.00	5.40
2013	19300 S	E 9800	W 9500	9.00	54.60	4.50
2012	18500 F	E 9400	W 9100	9.00	52.80	4.50
2011	18500 C	E 9400	W 9100	9.00	53.20	4.50
2010	20800 S	E 11000	W 9800	10.28	55.69	4.10
2009	21000 F	E 11000	W 10000	10.29	55.14	4.10
2008	22000 C	E 11500	W 10500	10.77	53.61	4.10

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

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5036 - SR-739/MICHAEL G RIPPE PKWY- S OF BRIARCLIFF RD - FT MYERS

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----	-----	-----	-----	-----
2021	29500 C	N	16000	S 13500	9.00	52.60	6.50
2020	23000 C	N	12500	S 10500	9.00	51.70	8.20
2019	29500 C	N	16000	S 13500	9.00	52.00	6.50
2018	27500 C	N	14500	S 13000	9.00	52.30	7.70
2017	24000 C	N	13000	S 11000	9.00	53.20	5.20
2016	23500 C	N	12500	S 11000	9.00	57.90	6.70
2015	21500 C	N	11500	S 10000	9.00	58.40	6.10
2014	21000 C	N	11000	S 10000	9.00	56.40	6.70
2013	16800 C	N	8600	S 8200	9.00	64.00	5.60

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0067 - SR 45/US 41, NORTHWEST OF ALICO ROAD

LC420

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	60000	C	N 29500	S 30500	9.00	53.10	5.50
2020	46000	C	N 22500	S 23500	9.00	52.80	6.50
2019	60000	C	N 29500	S 30500	9.00	53.30	4.40
2018	52000	C	N 25500	S 26500	9.00	53.30	5.30
2017	52000	C	N 25500	S 26500	9.00	53.20	4.60
2016	53000	C	N 26500	S 26500	9.00	56.20	4.30
2015	58500	C	N 29000	S 29500	9.00	54.50	3.70
2014	52000	C	N 25500	S 26500	9.00	54.60	3.50
2013	50000	C	N 24500	S 25500	9.00	59.70	4.20
2012	60500	C	N 30500	S 30000	9.00	54.30	4.80
2011	63000	C	N 31500	S 31500	9.00	55.00	4.40
2010	62000	C	N 31500	S 30500	10.32	57.60	4.00
2009	56500	C	N 28500	S 28000	10.24	54.47	4.60
2008	59000	C	N 30000	S 29000	10.37	58.94	5.10
2007	55000	C	N 28500	S 26500	10.16	54.76	5.40
2006	61500	C	N 31500	S 30000	10.23	54.38	5.40

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4617 - E. CARLOS BLVD., EAST OF S.R. 45 / U.S. 41

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	8400 X	0	0	9.00	53.10	4.30
2020	8400 E	E	W	9.00	59.30	3.90
2019	8400 F	E 4300	W 4100	9.00	53.30	3.90
2018	8400 C	E 4300	W 4100	9.00	53.30	3.90
2017	8800 T	E 4300	W 4500	9.00	53.20	4.20
2016	8600 S	E 4200	W 4400	9.00	60.30	4.40
2015	9000 F	E 4400	W 4600	9.00	55.50	4.40
2014	8600 C	E 4200	W 4400	9.00	55.20	4.40
2013	5300 S	0	0	9.00	55.00	3.30
2012	5300 F	0	0	9.00	55.30	2.90
2011	5300 C	E 0	W 0	9.00	55.20	2.80

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**TRAFFIC DATA FROM LEE COUNTY
TRAFFIC COUNT REPORT**

Updated 3/31/22			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
A & W BULB RD	N OF GLADIOLUS DR	215		6800		6600		7100		7700		
ALABAMA RD	N OF IMMOKALEE RD	201				6800		7100		6000		
ALABAMA RD	S OF HOMESTEAD RD	200	11100	9000	9300	10300	11000		10200	10700	7900	
ALICO RD	E OF US 41	204	21700	23400	19900	21900	24100	22100	22800	24200	25600	
ALICO RD	W OF I - 75	10	27200	29100	38400	41100	43600	44800	47900	49800	41900	49600
ALICO RD	E OF I - 75	53	26000	26900	28400	25600	24300	24600	26200	24200	20200	26100
ALICO RD	E OF BEN HILL GRIFFIN PKWAY	205			7500		8500		8900			
BASS RD	N OF SUMMERLIN RD	216		8400		8200		11500		11400		10600
BAYSHORE RD (SR 78)	W OF HART RD	104				28600	29900		30800	30900	24200	26800
BAYSHORE RD (SR 78)	W OF WILLIAMSBURG DR	64	18400	20100	21000	22900	23900	21900	26300	28100	25800	29200
BELL BLVD	S OF LEELAND HEIGHTS BV	203	9500	8100	8800	9600	9900	10000	10800	12300	12700	
BEN HILL GRIFFIN	S OF ALICO RD	514			29900		22800		24400	28400	21500	25600
BEN HILL GRIFFIN	N OF ESTERO PKWY	71		18800	19100	19400	20800	21000	22000	25200	21000	25200
BEN HILL GRIFFIN	N OF CORKSCREW RD	517	16200	15100	19500	19600		21200		18900		
BETH STACEY RD	S OF HOMESTEAD RD	220		7700		7500		7500		7700		
BONITA BEACH RD	E OF HICKORY BLVD	132									10500	14300
BONITA BEACH RD	E OF VANDERBILT RD	7	23500	23400	24600	25700	25900	25600	25000	25100	22500	26000
BONITA BEACH RD	W OF SPANISH WELLS	131									24700	31800
BONITA BEACH RD	E OF RACE TRACK RD	130									29300	39700
BONITA BEACH RD	W OF I-75	42	26100	28800	35100	35300		36400	38900	40500	37900	43500
BROADWAY (ESTERO)	W OF US 41	463		5200		5700		6200		6300		5700

Updated 3/31/22

Daily Traffic Volume (AADT)

STREET	LOCATION	Station #	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
COLLEGE PKWY	W OF SOUTH POINTE BLVD	83				38000	40900					
COLLEGE PKWY	E OF WINKLER RD	43	30400	31700	32300	36100	37600	37100	37200	37500		
COLLEGE PKWY	W OF NEW BRITTANY	87				33500	33300			32200	28900	
COLLEGE PKWY	E OF KENWOOD LN	237			26900							
COLONIAL BLVD	E OF SUMMERLIN RD	14	51500	52500	53100	54600	55600	55900	56900	56500	51100	57700
COLONIAL BLVD	W OF WINKLER AVE	78				56000						
COLONIAL BLVD	W OF TREELINE AVE	91				45100	45500			48300	53400	
COLONIAL BLVD	W OF IMMOKALEE RD	246		35400	39500	41500		43000				44500
CORKSCREW RD	E OF US 41	247		14300		16600		17000		20000		20800
CORKSCREW RD	W OF I - 75	15	29500	28800	30600	31600	33400	34200	36500	39500		
CORKSCREW RD	E OF I - 75			13000								
CORKSCREW RD	E OF I-75	70		21900	21900	22000	22200	22000	22900	20300	16900	17600
CORKSCREW RD	E OF BEN HILL GRIFFIN PKWAY	249				15600		18900		20900		
CORKSCREW RD	W OF ALICO RD	248		3800								
CORKSCREW RD	E OF ALICO RD	250			3100		4400		6700			
CRYSTAL DR	E OF US 41	254		8600	11200		12300		12100		8200	
CRYSTAL DR	E OF METRO PKWY	255			6100		6400		7900		5500	
CYPRESS LAKE DR	E OF SOUTH POINTE BLVD	81				20300	22300	22300		20900	18200	20000
CYPRESS LAKE DR	E OF OVERLOOK DR	73		29400	24700	25800	24200	27100	27200	27100	22600	25400
CYPRESS LAKE DR	W OF SUMMERLIN RD	259	27900	27800				27700		29000		28900
CYPRESS LAKE DR	E OF REFLECTION PKWY	82				42300	38900	39900	40700		35100	39800
CYPRESS LAKE DR	W OF US 41	258	31700	34000	35900	35200				36000		35400
DANIELS PKWY	W OF METRO PKWY	30	40500	40100	46400	47400	48300	48300	49400	49900	41900	49300
DANIELS PKWY	W OF PLANTATION RD	263			48000		47600					
DANIELS PKWY	E OF SIX MILE PKWY	31	52200	53200	51800	53200	59700		60700	62500	54100	63100

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

9/23/2021

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	410	C	431	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	270	C	284	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	C	355	C	373	
00400	ALEXANDER BELL	SR 82	MILWAUKEE BLVD	2LN	E	990	D	571	D	600	
00500	ALEXANDER BELL	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	571	E	664	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,171	B	1,230	
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	1,171	B	1,532	Alico Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,171	B	1,419	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	B	2,051	B	2,156	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,061	B	1,208	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN	E	1,100/1,840	C	378	E	782	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	2LN	E	1,100	B	131	B	224	EEPCO Study
01200	DABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	C	55	C	162	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	103	C	116	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	607	C	865	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	4LD	D	2,100	C	1,750	C	1,925	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	4LD	D	2,100	C	1,774	C	2,236	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	4LD	D	2,100	C	1,191	C	1,462	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	2LN	D	924	C	691	C	877	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	2LN	D	924	C	532	C	673	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,000	B	1,403	B	1,475	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	4LD	E	2,000	B	1,403	B	1,475	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	A	1,129	A	1,221	
02650	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	A	985	A	1,035	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	316	C	518	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	4LD	E	1,900	C	651	C	685	Constrained In City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	4LD	E	1,900	C	1,494	C	1,571	Constrained In City Plan
02600	BONITA BEACH RD	US 41	OLD 41	4LD	E	1,860	C	1,532	C	1,610	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,800	C	1,818	C	1,910	Constrained In City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	6LD	E	2,800	C	1,995	C	2,097	Constrained In City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	4LD	E	2,020	B	667	B	701	Constrained In City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	END OF CO. MAINTAINED	4LD	E	2,020	B	667	B	701	Constrained In City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	2LN	E	860	D	692	E	782	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	6LN	E	2,520	E	1,766	E	1,856	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	275	C	289	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	157	C	165	
03500	BROADWAY RD (ALVA)	SR 80	N. RIVER RD	2LN	E	860	C	299	C	314	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	2LN	E	990	D	477	D	501	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	C	383	C	403	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	2LN	E	990	D	529	E	884	Buckingham 345, Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	4LD	E	2,950	B	923	B	970	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	2LN	E	1,140	C	506	C	604	
04200	BUS 41 (N TAMIAMI TR, SR 78)	CITY LIMITS (N END EDIS)	PONDELLA RD	6LD	D	3,171	C	1,249	C	1,554	
04300	BUS 41 (N TAMIAMI TR, SR 78)	PONDELLA RD	SR 78	6LD	D	3,171	C	1,249	C	1,554	
04400	BUS 41 (N TAMIAMI TR, SR 78)	SR 78	LITTLETON RD	4LD	D	2,100	C	1,000	C	1,275	
04500	BUS 41 (N TAMIAMI TR, SR 78)	LITTLETON RD	US 41	4LD	D	2,100	C	614	C	827	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	4LB	E	4,000	D	3,053	D	3,209	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	2LN	E	860	C	267	C	302	Constrained, old count(2010)
04800	CEMETERY RD	HIGGINS RD	HIGGINS AVE	2LN	E	860	C	328	C	345	
04900	CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	4LN	E	1,790	C	105	C	130	Port Authority maintained
05000	COCONUT RD	WEST END	VIA VENETTO BLVD	2LN	E	860	C	268	C	420	Estero maintains to east
05100	COLLEGE PKWY	McGREGOR BLVD	WINKLER RD	6LD	E	2,980	D	2,292	D	2,409	*
05200	COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	6LD	E	2,980	D	2,059	D	2,164	
05300	COLLEGE PKWY	WHISKEY CREEK DR	SUMMERLIN RD	6LD	E	2,980	D	2,059	D	2,164	
05400	COLLEGE PKWY	SUMMERLIN RD	US 41	6LD	E	2,980	D	1,815	D	1,907	
05500	COLONIAL BLVD	McGREGOR BLVD	SUMMERLIN RD	6LD	E	2,840	D	3,049	D	3,204	*
05600	COLONIAL BLVD	SUMMERLIN RD	US 41	6LD	E	2,840	D	2,821	D	2,965	
06200	COLONIAL BLVD	DYNASTY DR	SR 82	6LD	D	3,040	B	2,241	C	2,355	*
06300	COLUMBUS BLVD	SR 82	MILWAUKEE BLVD	2LN	E	860	C	100	C	105	old count
06400	CONSTITUTION BLVD	US 41	CONSTITUTION CIR	2LN	E	860	C	217	C	245	old count projection(2010)
06500	CORBETT RD	SR 78 (PINE ISLAND RD)	LITTLETON RD	2LN	E	860	C	22	C	226	old count, added VA clinic(2009)
06600	CORKSCREW RD	US 41	THREE OAKS PKWY	4LD	E	1,900	C	1,007	C	1,272	Galleria at Corkscrew
06700	CORKSCREW RD	THREE OAKS PKWY	W OF I-75	4LD	E	1,900	C	2,129	C	2,238	
06800	CORKSCREW RD	E OF I-75	BEN HILL GRIFFIN BLVD	4LD	E	1,900	C	1,022	C	1,234	
06900	CORKSCREW RD	BEN HILL GRIFFIN BLVD	ALICO RD	4LD	E	1,960	C	1,181	C	1,393	
07000	CORKSCREW RD	ALICO RD	COUNTY LINE	2LN	E	1,140	C	499	E	978	EEPCO Study, The Place, Verdona Village
07100	COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	2LN	E	860	C	143	C	293	old count projection(2010)
07200	CRYSTAL DR	US 41	METRO PKWY	2LN	E	860	C	336	C	353	
07300	CRYSTAL DR	METRO PKWY	PLANTATION RD	2LN	E	860	C	225	C	237	

9/23/2021

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 HIGHTH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
07400	CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,131	D	1,189	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,392	D	1,463	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,392	D	1,463	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,161	D	2,271	
07800	DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,263	D	2,378	
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	E	2,520	Constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	E	3,030		3,303	Constrained
08100	DANIELS PKWY	PALOMINO LN	I-75	6LD	E	3,040	E	3,030		3,185	Constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	6LD	E	3,260	A	2,396	B	2,518	
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	A	2,396	B	2,518	
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,737	B	2,876	
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	4LD	E	2,160		2,355		2,632	Sky Walk, Timber Creek*
08600	DANLEY DR	US 41	METRO PKWY	2LN	E	860	C	273	C	304	
08700	DAVIS RD	McGREGOR BLVD	IONA RD	2LN	E	860	C	15	C	29	old count projection(2010)
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	6LD	E	2,560	C	1,404	C	1,586	old count projection(2009)
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	6LD	E	2,660	C	1,404	C	1,586	old count projection(2009)
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	6LD	E	2,660	D	1,769	D	1,859	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	6LD	E	2,660	D	2,090	D	2,196	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	6LD	E	2,800	D	2,038	D	2,142	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	6LD	E	2,800	C	1,555	C	1,635	*
09400	DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	435	C	715	Crane Landing
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	2LN	E	860	C	29	C	30	*
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PISCADORA AVE	2LN	E	726	A	336	A	354	Constrained*
09900	ESTERO BLVD	PISCADORA AVE	VOORHIS ST	2LN	E	726	B	601	C	631	Constrained*
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	2LN	E	726	B	601	C	631	Constrained*
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	2LN	E	671		716		779	Constrained, old count(2010)
14400	ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	2,000	B	790	B	1,083	East & West Cypress View*
14450	ESTERO PKWY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4LD	E	2,000	B	876	B	921	*
10200	EVERGREEN RD	US 41	BUS 41	2LN	E	860	C	100	C	116	old count projection
10300	FIDDLSTICKS BLVD	GUARDHOUSE	DANIELS PKWY	2LN	E	860	C	403	C	436	
10400	FOWLER ST	US 41	N AIRPORT RD	6LD	E	2,300	D	1,251	D	1,315	
10500	FOWLER ST	N AIRPORT RD	COLONIAL BLVD	6LD	E	2,300	D	1,496	D	1,572	
10800	GASPARILLA BLVD	FIFTH ST	COUNTY LINE	2LN	E	860	C	240	C	267	Constrained*
	GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,790	C	1,233	C	1,296	
	GATEWAY BLVD	GATEWAY LAKES BLVD	SR82	2LN	E	860	C	505	C	531	Old Count
10900	GLADIOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	550	C	578	
11000	GLADIOLUS DR	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,217	C	1,352	
11100	GLADIOLUS DR	BASS RD	WINKLER RD	6LD	E	2,780	C	1,217	C	1,279	
11200	GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	B	1,217	B	1,279	
11300	GLADIOLUS DR	SUMMERLIN RD	US 41	6LD	E	2,780	C	2,089	C	2,195	
11400	GREENBRIAR BLVD	RICHMOND AVE	JOEL BLVD	2LN	E	860	C	75	C	79	*
11500	GUNNERY RD	SR 82	LEE BLVD	4LD	E	1,920	B	1,548	B	1,643	
11600	GUNNERY RD	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	870	C	1,005	
11700	HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE 24TH AVE	4LD	E	1,880	B	1,024	B	1,076	
11800	HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,414	B	1,486	
11900	HANCOCK BRIDGE PKWY	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,394	B	1,465	
12000	HANCOCK BRIDGE PKWY	MOODY RD	US 41	4LD	E	1,880	B	1,394	B	1,465	
12100	HART RD	SR 78	TUCKER LANE	2LN	E	860	C	357	C	375	*
12200	HICKORY BLVD	BONITA BEACH RD	McLAUGHLIN BLVD	2LN	E	890	E	529	E	556	Constrained*
12300	HICKORY BLVD	McLAUGHLIN BLVD	MELODY LANE	2LN	E	890	E	529	E	556	Constrained*
12400	HICKORY BLVD	MELODY LANE	ESTERO BLVD	2LN	E	890	E	529	E	556	Constrained*
12480	HOMESTEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	526	E	696	*
12490	HOMESTEAD RD	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	526	E	696	*
12500	HOMESTEAD RD	SUNRISE BLVD	LEELAND HEIGHTS	4LN	E	2,960	C	526	C	696	4 lane under construction
12600	HOMESTEAD RD	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	C	963	C	1,059	
31800	I-75	BONITA BEACH RD	CORKSCREW RD	6LF	D	5,620	D	5,557		6,562	
31900	I-75	CORKSCREW RD	ALICO RD	6LF	D	5,620	D	4,907	E	5,804	
32000	I-75	ALICO RD	DANIELS PKWY	6LF	D	5,620	C	4,972	C	5,632	
32100	I-75	DANIELS PKWY	COLONIAL BLVD	6LF	D	5,620	C	4,544	D	5,435	
	I-75	COLONIAL BLVD	M.L.K.(SR 82)	6LF	D	5,620	C	4,336	D	5,036	
32300	I-75	M.L.K.(SR 82)	LUCKETT RD	6LF	D	5,620	C	4,596	D	5,253	
32400	I-75	LUCKETT RD	SR 80	6LF	D	5,620	B	4,363	C	4,933	
32500	I-75	SR 80	SR 78	6LF	D	5,620	B	3,635	B	4,445	
32600	I-75	SR 78	COUNTY LINE	6LF	C	4,670	B	2,696	B	2,990	
12700	IDLEWILD ST	METRO PKWY	RANCHETTE RD	2LN	E	860	C	200	C	210	
13000	IMMOKALEE RD (SR 82)	E OF COLONIAL BLVD	GATEWAY BLVD	6LD	D	3,171	C	1,701	C	2,177	
13100	IMMOKALEE RD (SR 82)	GATEWAY BLVD	GUNNERY RD	6LD	D	3,171	C	1,191	C	1,532	
13200	IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	6LD	D	4,860	B	1,385	B	1,683	
13300	IMMOKALEE RD (SR 82)	ALABAMA RD	BELL BLVD	4LD	D	3,240	B	564	B	688	

3/23/2021

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

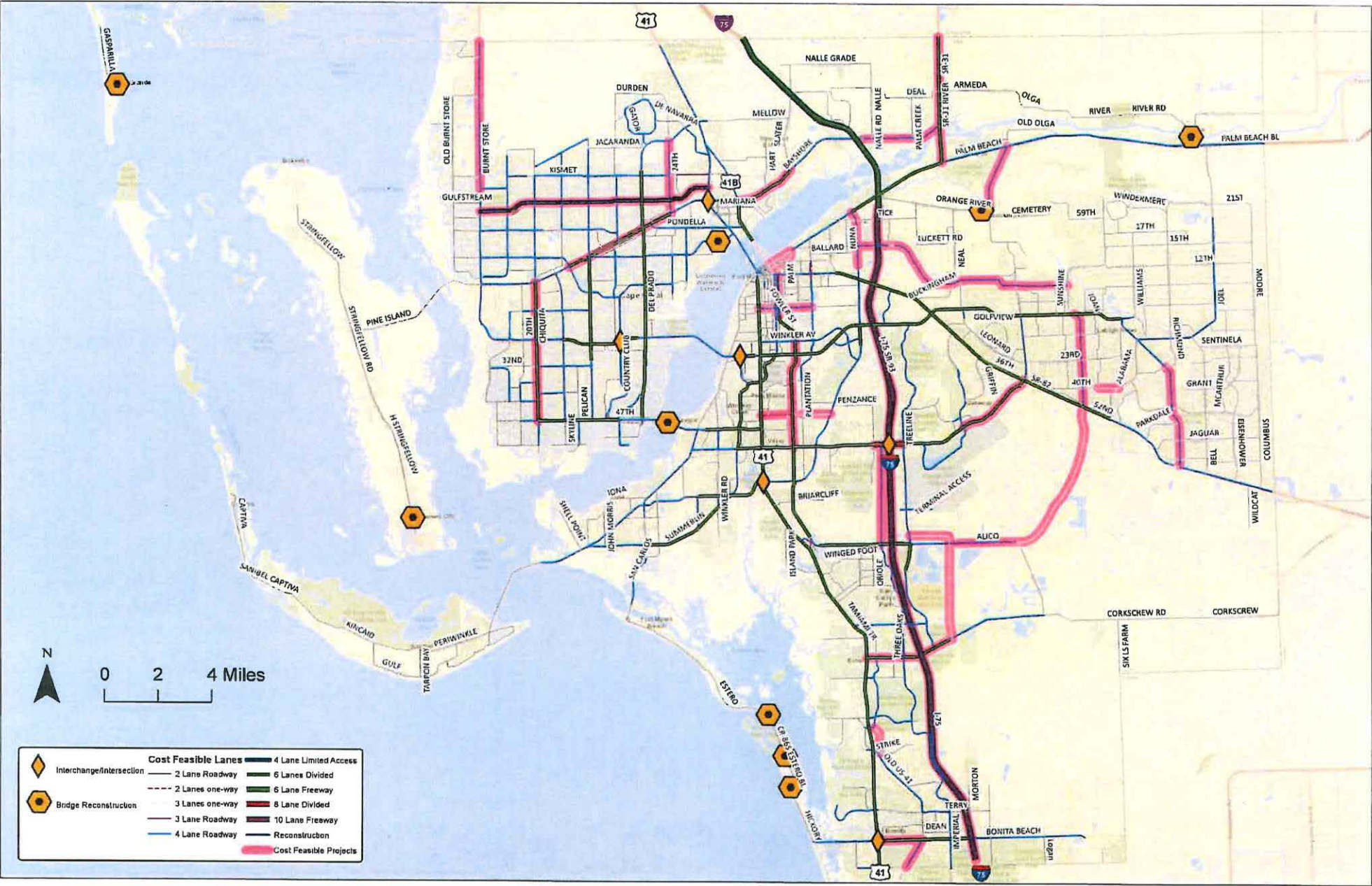
LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13400	IMMOKALEE RD (SR 82)	BELL BLVD	COUNTY LINE	4LD	D	3,240	B	569	B	698	
13500	IMPERIAL PKWY	COUNTY LINE	BONTA BEACH RD	4LD	E	1,920	B	1,009	B	1,061	
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	973	B	1,023	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	381	C	460	*
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	75	C	247	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	625	B	835	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	490	D	515	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	269	*
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	282	C	296	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	436	C	458	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,335	B	2,454	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,037	B	2,216	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,257	B	2,372	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	1,006	B	1,057	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	C	1,006		1,057	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	E	843		917	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	496	C	522	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	860	B	338	B	413	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	304	C	319	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	McGREGOR BLVD	SANBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,176	B	1,236	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,105	B	1,162	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	943	A	1,001	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	943	A	991	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,451	C	1,625	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,599	C	1,625	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,599	C	1,798	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,599	C	1,798	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	727	C	802	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970		1,057		1,168	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970		1,057		1,168	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	977	C	1,376	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,140	C	1,452	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,303	C	1,623	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,349	C	1,880	
	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	3,171	C	1,070	C	1,537	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	184	*
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	64	C	67	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	133	*
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	*
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	164	B	283	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	164	B	309	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	113	A	146	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	614	C	645	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	D	510	D	536	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	D	510	D	544	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	147	C	154	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	C	805	C	846	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	C	838	C	880	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	350	B	368	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,096	C	1,210	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,096	C	1,205	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,619	C	2,006	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,619	C	1,905	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,764	C	2,208	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	2,210	C	1,402	C	1,797	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	1,224	C	1,541	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	466	C	489	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	196	C	206	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	147	C	159	

9/23/2021

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	E	644	Constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,621	D	2,037	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,580	C	1,855	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	489	C	535	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	293	D	532	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	293	C	308	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	285	C	414	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	740	D	778	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	510	C	536	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,101	B	1,176	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,094	B	1,150	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stonybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	77	C	89	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	77	C	81	
23000	SAN CARLOS BLVD (SR 86S)	MANTANZAS PASS B.	MAIN ST	2LD	D	970		1,022		1,151	Constrained
23100	SAN CARLOS BLVD (SR 86S)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,022	C	1,151	PD&E Study
23180	SAN CARLOS BLVD (SR 86S)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	689	C	767	
23200	SAN CARLOS BLVD (SR 86S)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	689	C	767	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	448	C	471	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	D	591	D	621	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	937	E	985	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	294	C	309	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,512	C	1,764	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,481	B	1,556	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,069	B	1,272	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,038	B	1,091	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,038	A	1,091	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	399	C	419	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	640	D	673	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	652	C	831	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	B	460	B	669	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	211	C	237	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	712	E	813	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	712	E	809	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,896	A	2,126	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,896	A	1,993	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,896	A	1,993	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,517	C	1,618	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,489	B	1,565	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,526	B	1,604	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,526	B	1,604	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,189	D	1,250	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,189	D	1,250	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	443	C	466	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	443	C	466	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	730	E	767	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	600	D	630	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	E	855		1,012	Copperhead
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,502	B	1,685	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	855	B	964	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	855	B	1,198	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	199	C	209	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	188	D	701	Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,050	A	1,288	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	799	A	840	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	793	A	833	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,020	C	2,273	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	1,901	C	2,354	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,069	C	2,812	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,069	C	2,467	

**LEE COUNTY MPO 2045 COST
FEASIBLE HIGHWAY PLAN**



2045 E+C NETWORK VOLUMES

15632
14016
30210
31162

23466
3
3
21662

Altco Rd

US 41

20875
21482

5175

5490

28146
28781

San Carlos Blvd

7228
2
2
8029

Estero Pkwy

28098
28639

Corkscrew Rd

US 41

28639

3

28098

3

20172

3

Corkscrew Rd

20785

3

31460

3

31764

3

TRIP GENERATION EQUATIONS

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 174

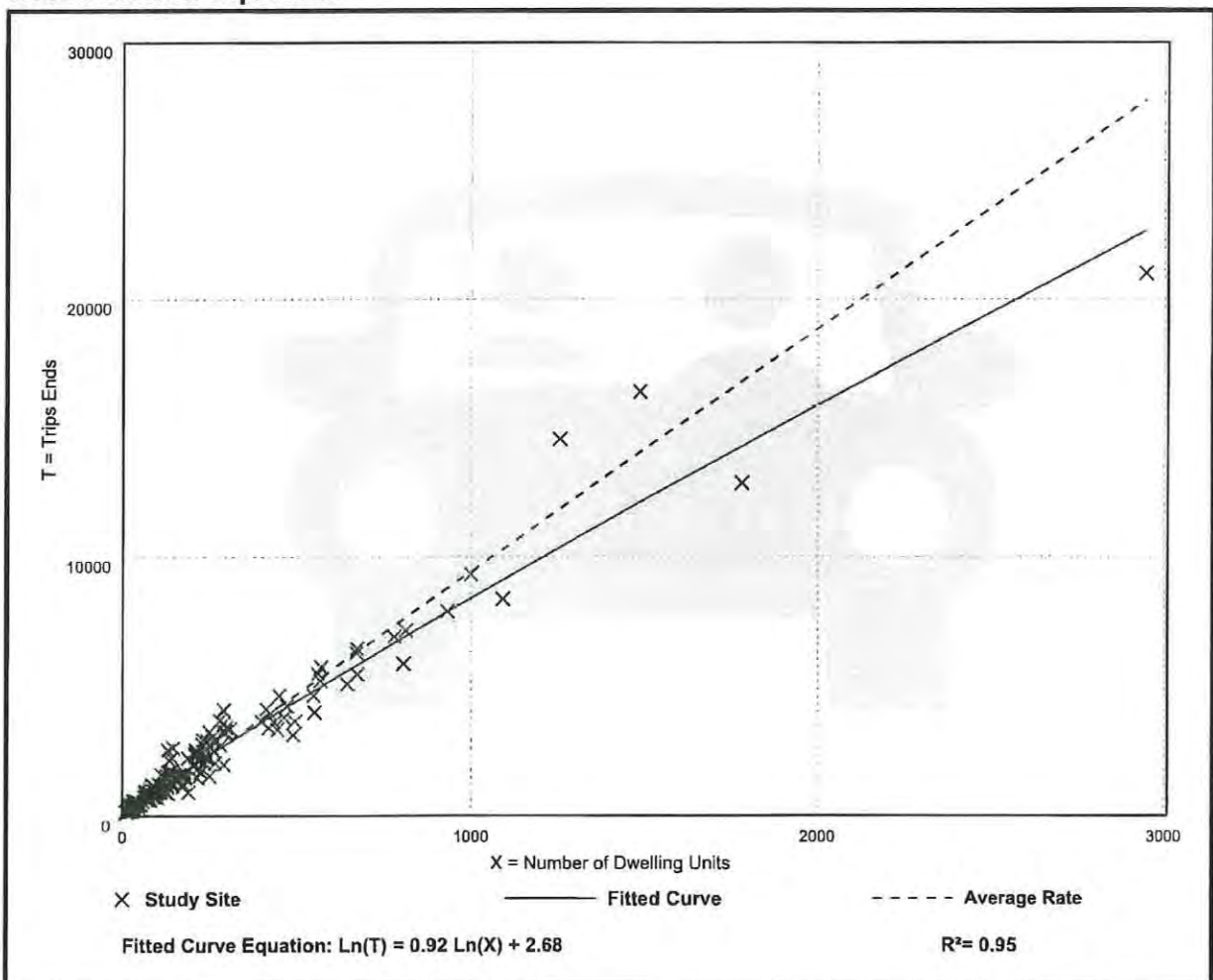
Avg. Num. of Dwelling Units: 246

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 192

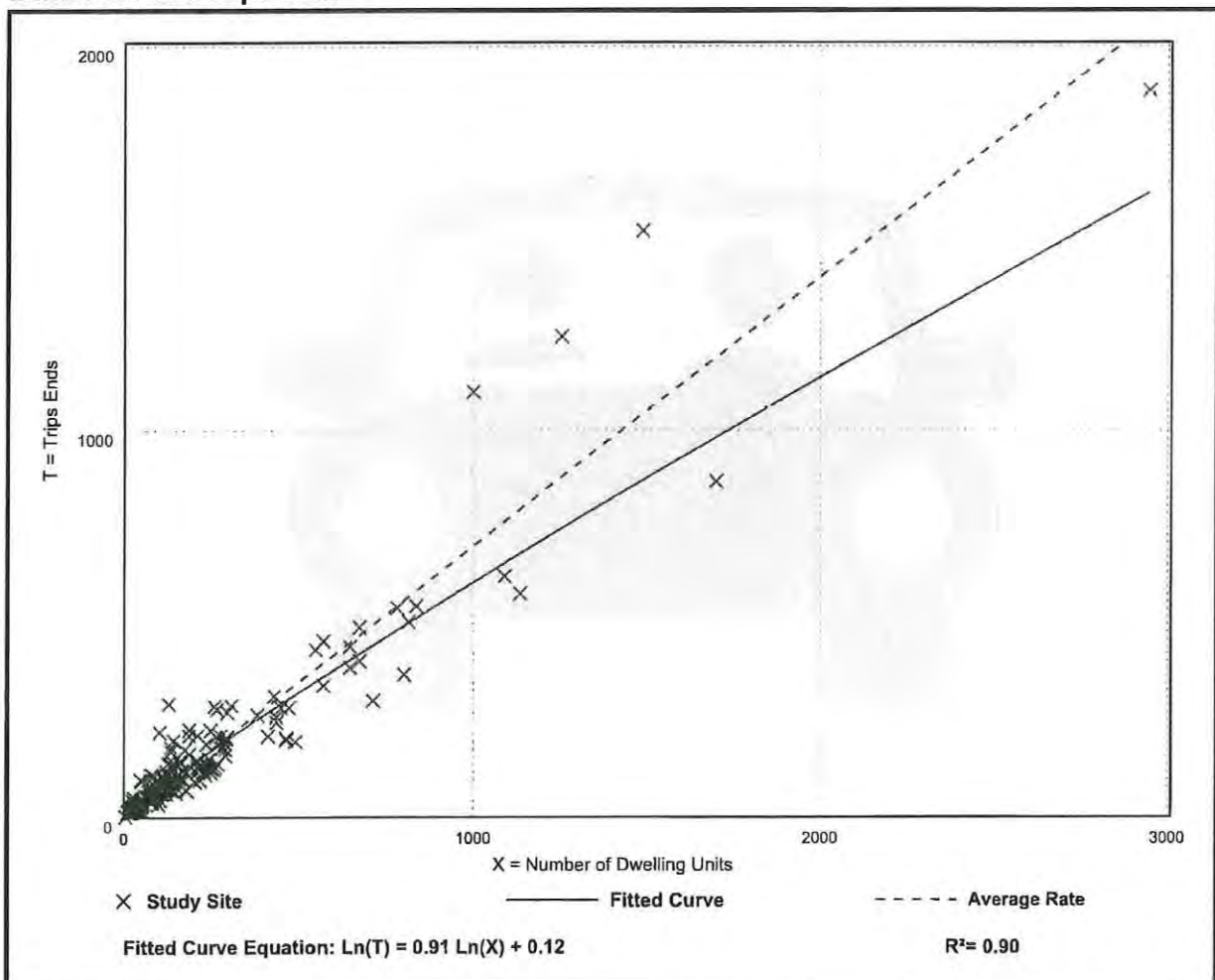
Avg. Num. of Dwelling Units: 226

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



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: 208

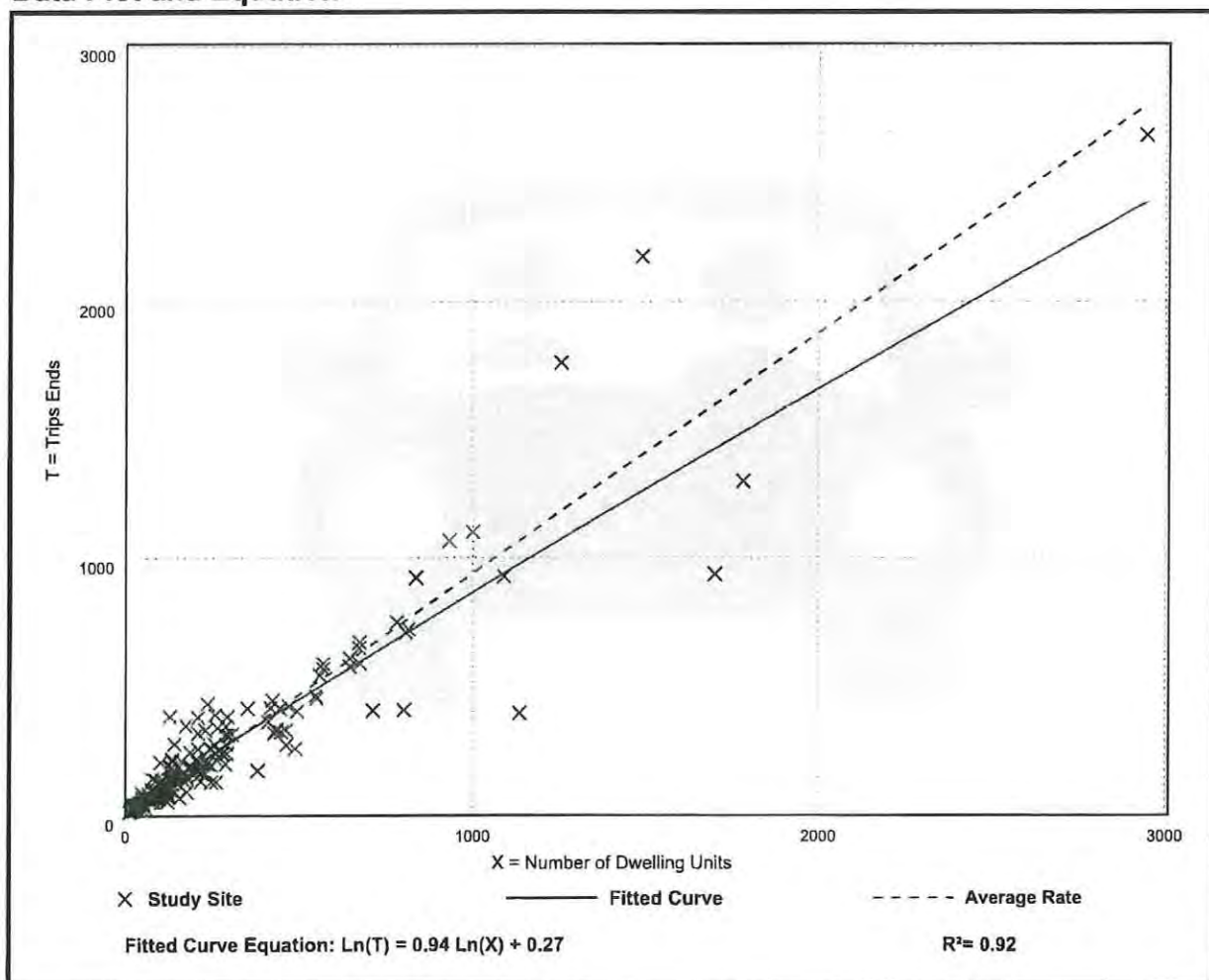
Avg. Num. of Dwelling Units: 248

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 22

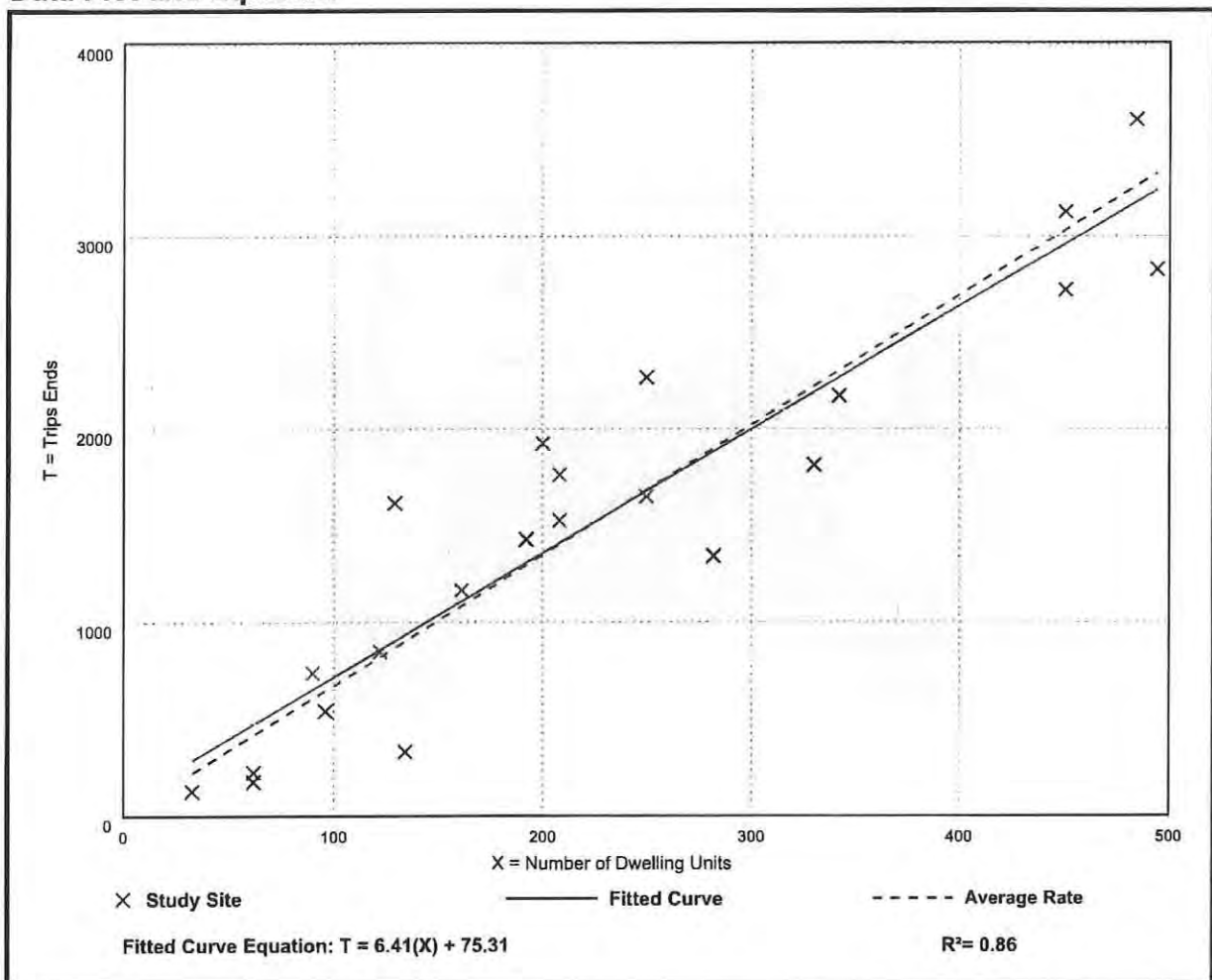
Avg. Num. of Dwelling Units: 229

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

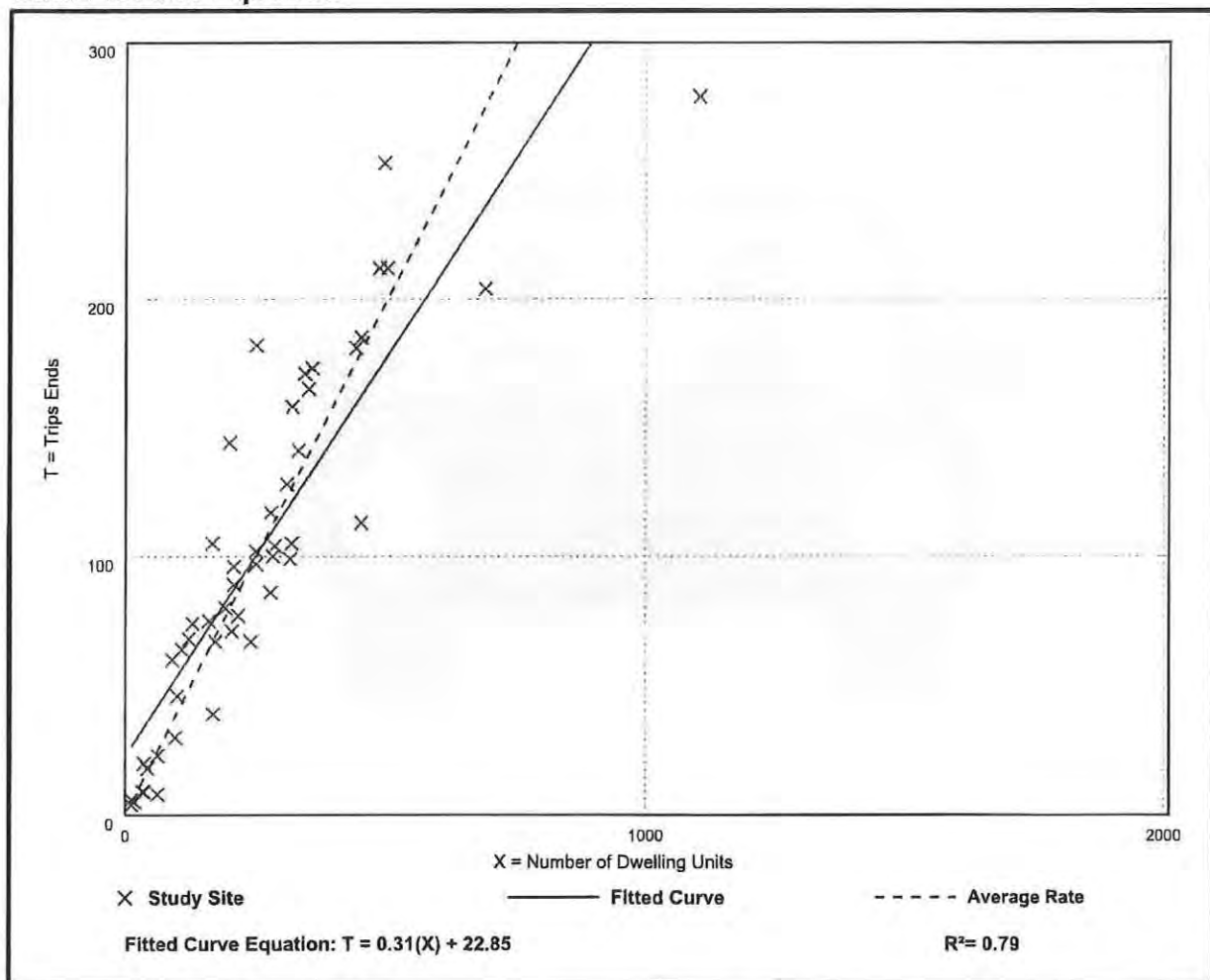
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

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: 59

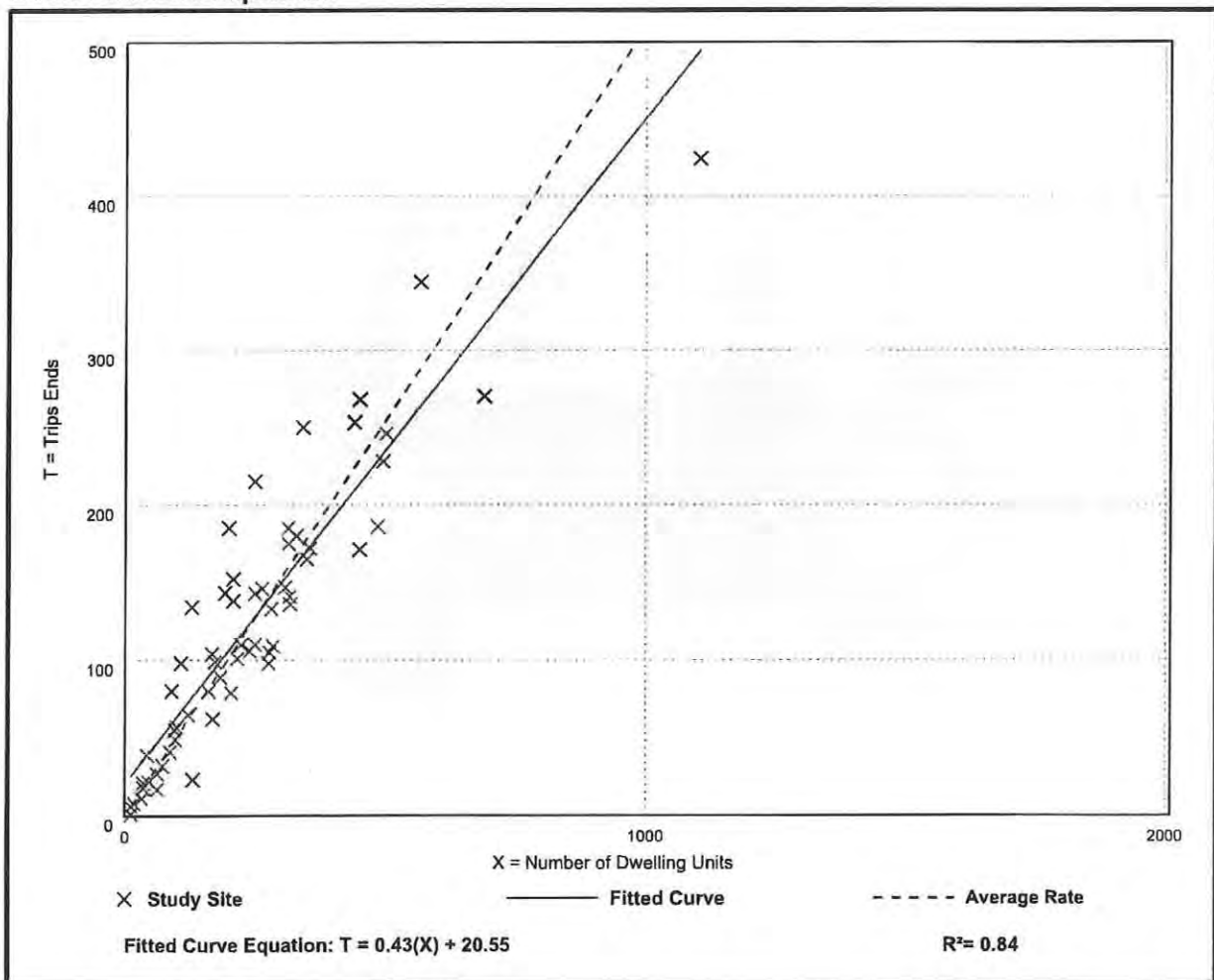
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 4

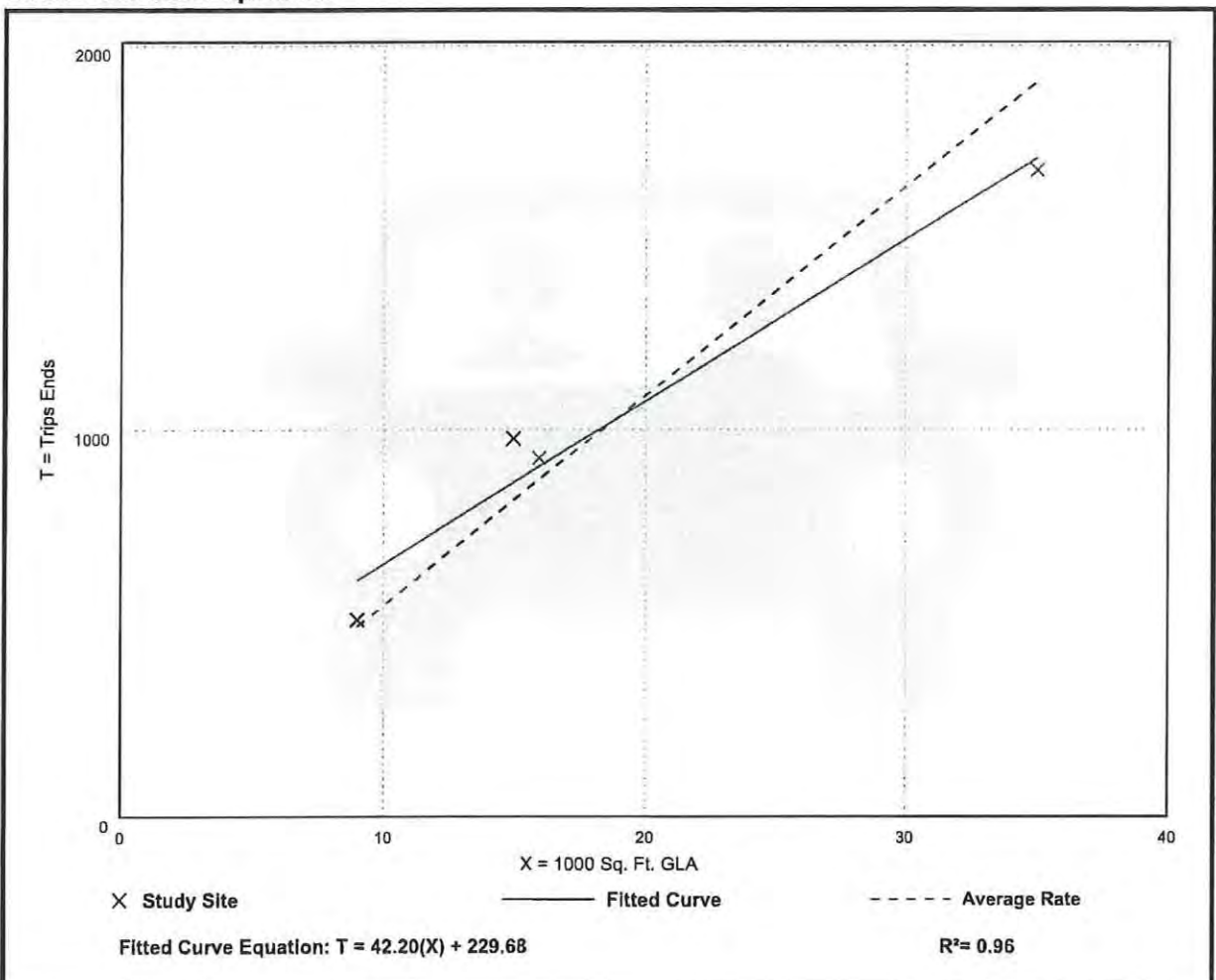
Avg. 1000 Sq. Ft. GLA: 19

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 5

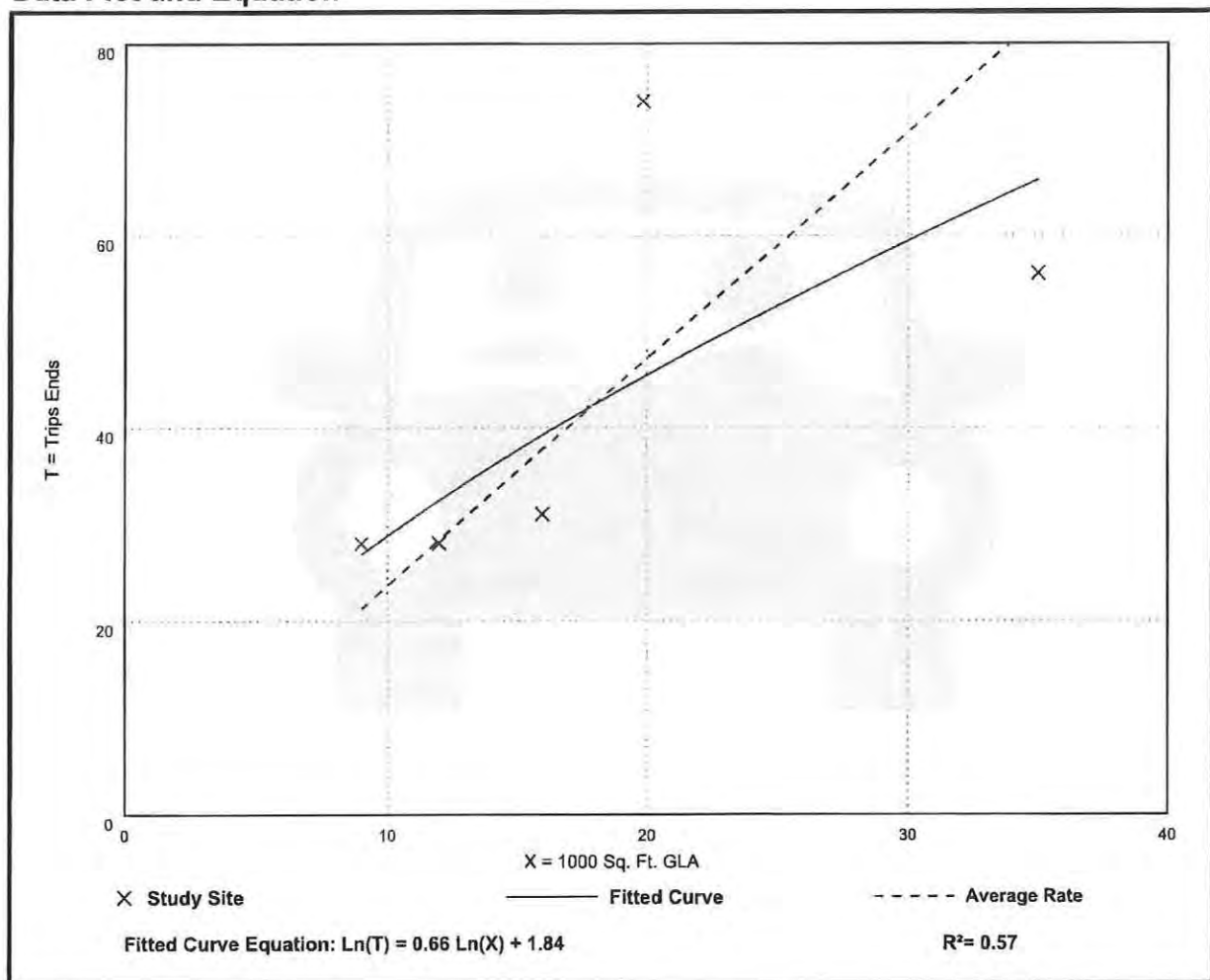
Avg. 1000 Sq. Ft. GLA: 18

Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

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: 25

Avg. 1000 Sq. Ft. GLA: 21

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation

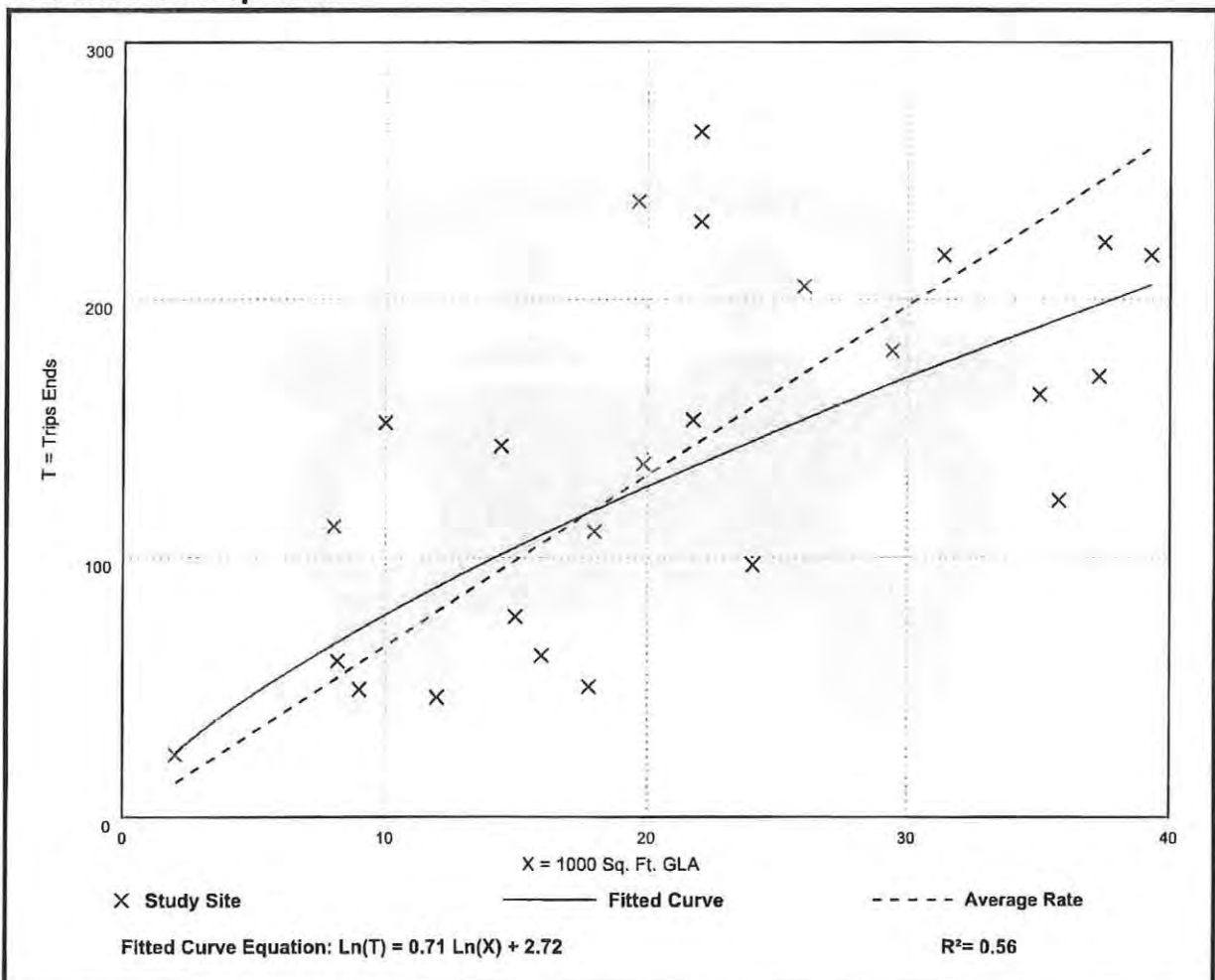


Exhibit M17

Letters of Determination for Adequacy/Provision

Grand Bay



Professional Engineers, Planners & Land Surveyors



Lee County

Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

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County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

March 15, 2022

Via E-Mail

Jennifer Sheppard
Banks Engineering, Inc.
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

**RE: Potable Water and Wastewater Availability
Grand Bay, 19200 S. Tamiami Trail
STRAP # 20-46-25-01-00005.0000, 20-46-25-01-00004.0000,
20-46-25-01-00004.0010, and 20-46-25-01-00006.0000**

Dear Ms. Sheppard:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B 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 300 multi-family residential units and 30,000 SF of commercial with an estimated flow demand of approximately 79,500 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 Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks 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, SFWMD, and Zoning 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



San Carlos Park Fire Protection and Rescue Service District

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911
Office 239.267.7525
Fax 239.267.7505

March 10, 2022

Banks Engineering
Ms. Stacy Ellis Hewitt, AICP
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Re: Grand Bay

Dear Ms. Ellis Hewitt,

Thank you for this opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department with a Property Protection Class (PPC) of 2/2X. The district consists of a 52 square mile area with 4 stations staffed 24/7 with 59 full time firefighters, which also provide non-transport Advanced Life Support (ALS) services and supported by an administrative staff.

The property in question, located at 19200 S. Tamiami Trail, just south of Sanibel Boulevard, on the west side of US 41, is within the jurisdiction of the San Carlos Park Fire District and is located approximately .76 miles from our station 51 located at 8013 Sanibel Boulevard, Fort Myers, FL 33967. With a response time of less than 3 minutes.

We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education service. If you require additional information, please do not hesitate to contact my office at (239) 267.7525. Trusting this meets with your approval, I remain,

Yours in Service,

A handwritten signature in blue ink, appearing to read "D. Cambareri", is written over a faint, circular official stamp.

David Cambareri,
Fire Chief

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

March 4, 2022

Mr. David Cambareri, Fire Chief
San Carlos Park Fire District
19591 Ben Hill Griffin Parkway
Fort Myers, Florida 33913

REFERENCE: GRAND BAY - LETTER OF AVAILABILITY
PROPERTY ADDRESS: 19200 S. TAMiami TRAIL & ACCESS UNDETERMINED
STRAP NO.: 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000

Dear Chief Cambareri:

We are seeking an amendment to the Lee County Comprehensive Plan to add 14.77± acres of a 46.33± site into the Mixed-Use Overlay and an associated text amendment for allow Rural density to be transferred to Urban Community for the proposed Grand Bay Minor Residential Planned Development. The application is intended to extend the Mixed-Use Overlay boundary on S. Tamiami Trail across from San Carlos Boulevard intersection to the west to include two parcels to accommodate a mixture of multi-family residential and commercial uses with an associated text amendment. If approved, the request will result in a maximum increase of 45 residential dwelling units. Please find below the property information, including a property location map, for your use:

Property Information:

Total Acreage of Property: ±46.33	Total Acreage Included in Request: ±14.77
Total Uplands: ±13.38 ac of 14.77	Total Wetlands: ±1.39 ac of 14.77
Current Zoning: CG & MH-1	Current Future Land Use Category(ies): Urban Community & Wetlands
Area in Each Future Land Use Category:	Urban Community: ±13.38 ac Wetlands: ±1.39 ac
Existing Land Use: Vacant	

Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 284 du Commercial Intensity: ±30,000 SF

Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 329 du Commercial Intensity: ±30,000 SF



San Carlos Park Fire District
Grand Bay

March 4, 2022
Page 2 of 2

As part of the approval process, Lee County requires a letter from your agency determining the adequacy/provision of existing/proposed support facilities, including fire protection with adequate response times to serve the increase in demand.

At your earliest convenience, please forward a letter verifying that the increase in demand will be adequately served. If you have any questions or I may be of further assistance, please feel free to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

SEH:jms



Board of County Commissioners

Kevin Ruane
District One

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

March 11, 2022

Stacy Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy., Suite 101
Fort Myers, FL 33966

Re: Letter of Service Availability – Grand Bay

Ms. Hewitt,

I am in receipt of your letter requesting a Letter of Service Availability for Grand Bay. This property consists of four parcels located west of the intersection of US 41 and San Carlos Boulevard.

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 9, located 0.9 miles east; there are three additional EMS stations within 5 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

March 7, 2022

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Ms. Hewitt,

The Lee County Sheriff's Office has reviewed your Lee County Comprehensive Plan amendment request to add 14.77 +/- acres of a 46.33 +/- site into the Mixed Use Overlay and an associated text amendment for Rural density to be transferred to Urban Community for the proposed Grand Bay Minor Residential Planned Development.

The proposed change would increase the number of residential dwelling units from 284 to 329 and maintain commercial development at 30,000 square feet. This proposed change will not impact our ability to provide law enforcement services to this community.

Law enforcement services will be provided from our South District offices in Bonita Springs. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. 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 Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,


Chris Reeves
Major, Patrol Bureau



"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

Kevin Ruane
District One

March 7, 2022

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

Banks Engineering
Attn: Stacy Ellis Hewitt, Director of Planning
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: Grand Bay – Letter of Availability 19200 S. Tamiami Trail & Access Undetermined

Request for Letter of Service Availability

Dear Ms. Hewitt:

The Lee County Solid Waste Department is capable of providing solid waste collection service for Parcel 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000. Disposal of the solid waste generated from the multi-family residential and commercial 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 commercial owner 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

March 10, 2022

Cecil L. Pendergrass
District Two

Stacy Ellis Hewitt, AICP

Ray Sandelli
District Three

Banks Engineering

Brian Hamman
District Four

10511 Six Mile Cypress Pkwy

Frank Mann
District Five

Fort Myers, FL 33966

RE: Grand Bay - Letter of Service Availability

Property Address: 19200 S. Tamiami Trail & Access Undetermined

STRAP NO.: 20-46-25-01-00005.0000 & 20-46-25-01-00004.0000

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Ms. Hewitt,

Donna Marie Collins
County Hearing Examiner

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 within one-quarter mile, and adjacent of a fixed-route corridor
- Closest bus stop, #11744 is within one-quarter mile of the subject parcels
- The 2016 TDP does 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.

Attached is a map of our route serves in relation to the subject parcels. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or jpueente@leegov.com.

Sincerely,

Jorge J Puente

Jorge J Puente, Transit Service Planner
Lee County Transit

Development Review

LOSA Proposed Development Grand Bay

-  Bus Stops
-  Bus Routes
-  Development Review



0 0.06
Miles





THE SCHOOL DISTRICT OF LEE COUNTY

Linda Jo Sanders

Operations Coordinator

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1473 C: 239.738.6084

March 9, 2022

Banks Engineering
Jennifer Sheppard
Permitting Manager & Planner
10511 Six Mile Cypress Pkwy Ste 101
Fort Myers, FL 33966

RE: Grand Bay Amendment

Dear Ms. Sheppard,

This letter is in response to your request for concurrency review dated March 7, 2022 for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 45 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is 0.116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 5 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1473.

Sincerely,

LJ Sanders

Linda Jo Sanders

Operations Coordinator

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Grand Bay
OWNER/AGENT Banks Engineering, /Freeland FL Holdings LLC
ITEM DESCRIPTION Extension of Mixed Use Plan CG & MH1 to RPD & CPD

LOCATION 20-46-25-01-00004.0000, 20-46-25-01-00005.0000
ACRES
CURRENT FLU Urban Community & Wet Lands
CURRENT ZONING CG & MH1

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	45	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.149	0.058	2.61
Middle School	0.071	0.028	1.26
High School	0.077	0.03	1.35
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2022/23

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	14,234	14,026	208	3	205	99%
South CSA, Middle	7,293	6,912	381	1	380	95%
South CSA, High	9,536	8,492	1,044	1	1043	89%
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan						
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)						
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual						

Prepared by: Linda Jo Sanders, Operations Coordinator

Exhibits M18 & T9-T10

State Policy Plan & Regional Policy Plan

Grand Bay



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

**Grand Bay Comprehensive Plan Amendment
State Policy Plan and Regional Policy Plan
Exhibit M18**

State Policy Plan

There are no State Policy Plan goals, strategies, actions or policies which are relevant to this plan amendment.

Regional Policy Plan

There are no Regional Policy Plan goals, strategies, actions or policies which are relevant to this plan amendment.

Exhibit M19

Justification of Proposed Amendment

Grand Bay
Revised **October** 2022



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment

CPA2022-00006 & CPA2022-00007

Justification of Proposed Amendment

Exhibit M19 - Revised October 2022

The applicant is requesting to amend Lee Plan Map 1-C to allow the Mixed Use Overlay to be extended to the west to include 15.64± acres located at the northwest corner of the intersection of Santa Maria Street and S. Tamiami Trail (US 41) across from its intersection with San Carlos Boulevard and amend Future Land Use Element Policy 5.1.10 to revise the timing requirement for single ownership of property that is divided into two or more land use categories. The subject 15.64± acres is the eastern portion of the 46.33± acre overall project site which consists of four parcels separated by a 30-foot platted right-of-way.

The Mixed Use Overlay is currently located to the east of the subject property along the eastern side of S. Tamiami Trail/US 41 from The Village of Estero boundary just north of Vintage Parkway north to Park Road. North of Park Road, the Mixed Use Overlay is on both sides of S. Tamiami Trail until intersection with Miami Street south of Island Park Road.

The surrounding area provides commercial uses and various residential options primarily mobile homes, recreational vehicle park, single-family with some multi-family approved to the south. The Map Amendment allows the clustered mixed use development with the commercial acreage included in density (increase of 41 dwelling units) and the Text Amendment allows the western portion of the overall Parcel that lies within the Rural future land use category to be transferred to the Urban Community portion allowing the Rural uplands to be preserved. The maximum residential density that could then be requested is 338 dwelling units. The proposed development will provide additional clustered density with additional commercial and multi-family uses at the intersection of an arterial (S. Tamiami Trail/US 41) and major collector (San Carlos Boulevard) that is proposed for a traffic signal.

The intent of the Mixed Use Overlay is to identify locations within Lee County that facilitate mixed use development and accommodate future growth in proximity to public transportation; various commercial and residential centers; educational facilities; and recreational opportunities. Proposed expansion of the Mixed Use Overlay depends upon a number of criteria outlined in Policy 11.2.1 including proximity of transit routes, enabling continued pedestrian and automobile connections, location within specific future land use categories, adequate public facilities and infrastructure, and not intruding into predominately single-family residential neighborhoods. The subject property, being located on Lee Tran routes 240, 600 and 140-Sunday, in the Urban Community future land use category and its proximity to several properties within the Mixed Use Overlay and existing public facilities, serves to facilitate continued opportunities for infill clustered development. While the 15.64± acres abuts approximately 25 mobile home lots within Shelter Pines Mobile Home Village to the north, the site is not located in a predominantly single family neighborhood. The subject property and the

properties to the north and south have existing commercial zoning along the S. Tamiami Trail/US 41 frontage. The property to the south that has been approved for multi-family development since 2005 which abuts MH-2 zoning with Shady Acres RV Travel Park. The request is consistent with Policy 11.2.1.

The Lee Plan encourages mixed use development at certain urban locations throughout the county and provides direction and guidelines to allow for expansion of the Mixed Use Overlay. The Lee Plan Analysis submitted with the application demonstrates that the proposed requests are consistent with these Policies and guidelines as a result of the subject property:

- Being within the Urban Community future land use category
- Abutting the Mixed Use Overlay to the east
- Abutting multiple existing transit routes
- Having adequate urban services and infrastructure available
- Providing pedestrian and vehicular connectivity to adjacent uses
- Encouraging the use of bonus density
- Promoting infill development utilizing non-residential uses in density calculations

The applicant is also requesting to amend Policy 5.1.10 to revise the timing requirement for single ownership of property that is divided into two or more land use categories to clarify the language. The overall subject property has been in the same family ownership since 1968 by various individuals or organizations, but same underlying family ownership of the Freeland's. Literal interpretation of this Policy language would not allow the transfer of 20 dwelling units from the Rural lands abutting a state preserve to the Urban Community lands to the east allowing preservation of the western 30± acres of the site which is above and beyond LDC requirements. The portion of the Policy requested to be changed was added at the end of the review process and resulted in this unintended impact on the subject property. The requested language ensures that the subject property is under single-ownership at the time of planned development application so that density and intensity can be properly allocated at the time of zoning and not be affected if future potential outparcels change ownership during or after development. The main purpose of the 3rd requirement in this policy is to clarify that properties divided by barriers such as the Caloosahatchee River are not contiguous. The requested clarification will promote sound planning by allowing properties to cluster development and preserve natural resources.

In conclusion, the application meets the criteria to be included in the Mixed Use Overlay and provides further clarification of the intent of Policy 5.1.10. The proposed Map and Text Amendments are consistent with and further the Goals, Objectives and Policies of the Lee Plan.

Exhibit M20

Planning Communities/ Community Plan Area Requirements

Grand Bay



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

**Grand Bay Comprehensive Plan Amendment
Planning Communities/Community Plan Area Requirements
Exhibit M20**

The site is within the San Carlos Planning Community which does not have an adopted Community Plan and does not have any Planning Communities/Community Plan Area requirements.

Exhibit T1

Text Amendment Application

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Grand Bay

Project Description: Text amendment to Policy 5.1.10 to revise timing requirement for single ownership of property that is divided into two or more land use categories. In coordination with staff, the language has been modified to make sure the edits allow for calculation of density as provided in the definition within the glossary.

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.

1. Name of Applicant: Grand Bay Ft Myers MF LLC

Address: c/o Banks Engineering, ATTN: Stacy Ellis Hewitt, 10511 Six Mile Cypress Parkway

City, State, Zip: Fort Myers, FL 33966

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 Parkway

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. Contiguous land within two or more land use categories that wish to distribute dwelling units across the property will still need to demonstrate further protection to environmentally sensitive lands if they exist on the property and that density within Future Non-Urban land use categories do not exceed the density allowed in that future land use category.

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.

☐ Public Acquisition

[Map 1-D]

☐ Agricultural Overlay

[Map 1-G]

☐ Airport Mitigation Lands

[Map 1-D]

☐ Airport Noise Zones

[Map 1-E]

☐ Southeast Lee County Residential
Overlay [Map 2-D]

☒ Mixed Use Overlay
[Map 1-C]

☐ Community Planning Areas
[Map 2-A]

☐ Urban Reserve [Map 1-D]

☐ Water-Dependent Overlay
[Map 1-H]

☐ Private Recreational Facilities
Overlay [Map 1-F]

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 3-A (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)

Exhibit T3

Pre-Application Meeting

Grand Bay



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment

Pre-Application Meeting/Teleconference Minutes EXHIBIT T3

Date: February 22, 2022 at 11:00 a.m.

County Staff: Mikki Rozdolski, Brandon Dunn, Becky Sweigert, Joseph Adams

Applicant Representatives: Tom Lehnert, Stacy Ellis Hewitt, Steve Hartsell

Meeting was requested to discuss a potential map amendment to add 14.77± acres of the property to the Mixed Use Overlay and application of density and bonus density and application of Policy 5.1.10. The requested Map and Text Amendment will accommodate a concurrent application for minor mixed use planned development zoning for 46.33± acres.

Following items topics were discussed:

- Verification of Coastal High Hazard Area location
- Isolated exotic wetland impacts within the Coastal High Hazard Area with compensating storage adjacent to floodway with wetland and upland preservation areas
- Application of Policy 5.1.10, history and literal interpretation although the intent is met with family ownership
- Verification that preserved wetlands can be transferred at maximum density instead of standard
- Verification that adjacent private right-of-way can be utilized towards density calculations and discuss potential future vacation
- Bonus density discussion as it relates to Coastal High Hazard Area
- Verification of Bonus density requirements

Exhibit T4

Proposed Text Changes

Grand Bay
Revised August 2022



Professional Engineers, Planners & Land Surveyors



Professional Engineers, Planners & Land Surveyors

Grand Bay Comprehensive Plan Amendment
CPA2022-00006 & CPA2022-00007
Proposed Text Amendments
Exhibit T4 - Revised August 2022

FUTURE LAND USE ELEMENT

POLICY 5.1.10: In those instances where contiguous land ~~under single ownership~~ is ~~divided~~ withinto two or more land use categories ~~by the adoption or revision of the Future Land Use Map,~~ the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category ~~for each portion of the land.~~ This density can be allocated ~~The dwelling units may be distributed~~ across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area future land use category does not exceed the density allowed in that future land use category.

- a. ~~The planned development zoning is utilized; and~~
- b. ~~No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
- c. ~~The land was is under single ownership at the time the planned development application is filed this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~
- d. ~~The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

DCI2022-00018
GRAND BAY
MINOR MPD

Staff Summary

CASE NUMBER & NAME: DCI2022-00018 / Grand Bay Minor MPD

REQUEST: Request to rezone 46.33± acres from Mobile Home District (MH 1) and General Commercial District (CG) to Minor Mixed Use Planned Development (MPD) to allow a maximum of 300 dwelling units (186 dwelling units, with 114 units of bonus density) and 30,000 square feet of commercial retail or office uses with a maximum height of 56 feet.

Applicant is proposing to add the following language to the HEX recommended condition:

*Developer must execute a conservation easement consistent with development order requirements **prior to issuance of a Certification of Completion.***

RESOLUTION NUMBER: Z-23-008

LOCATION: 19200 S. Tamiami Trl, 4050 Santa Maria St., San Carlos Planning Community, Lee County, FL

OWNER: FREELAND FL HOLDINGS LLC C/O: BERNARD G FREELAND

APPLICANT: Grand Bay Ft. Myers MF LLC


AGENT: Stacy Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy., Ste 101
Fort Myers, FL 33966

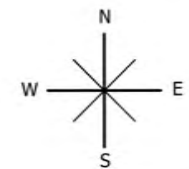
HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

PARTICIPANT: (1) David Dickey

DCI2022-00018

Aerial

 Subject Property



0 500 1,000
Feet



Summary of Hearing Examiner Recommendation

GRAND BAY MINOR MIXED USE PLANNED DEVELOPMENT

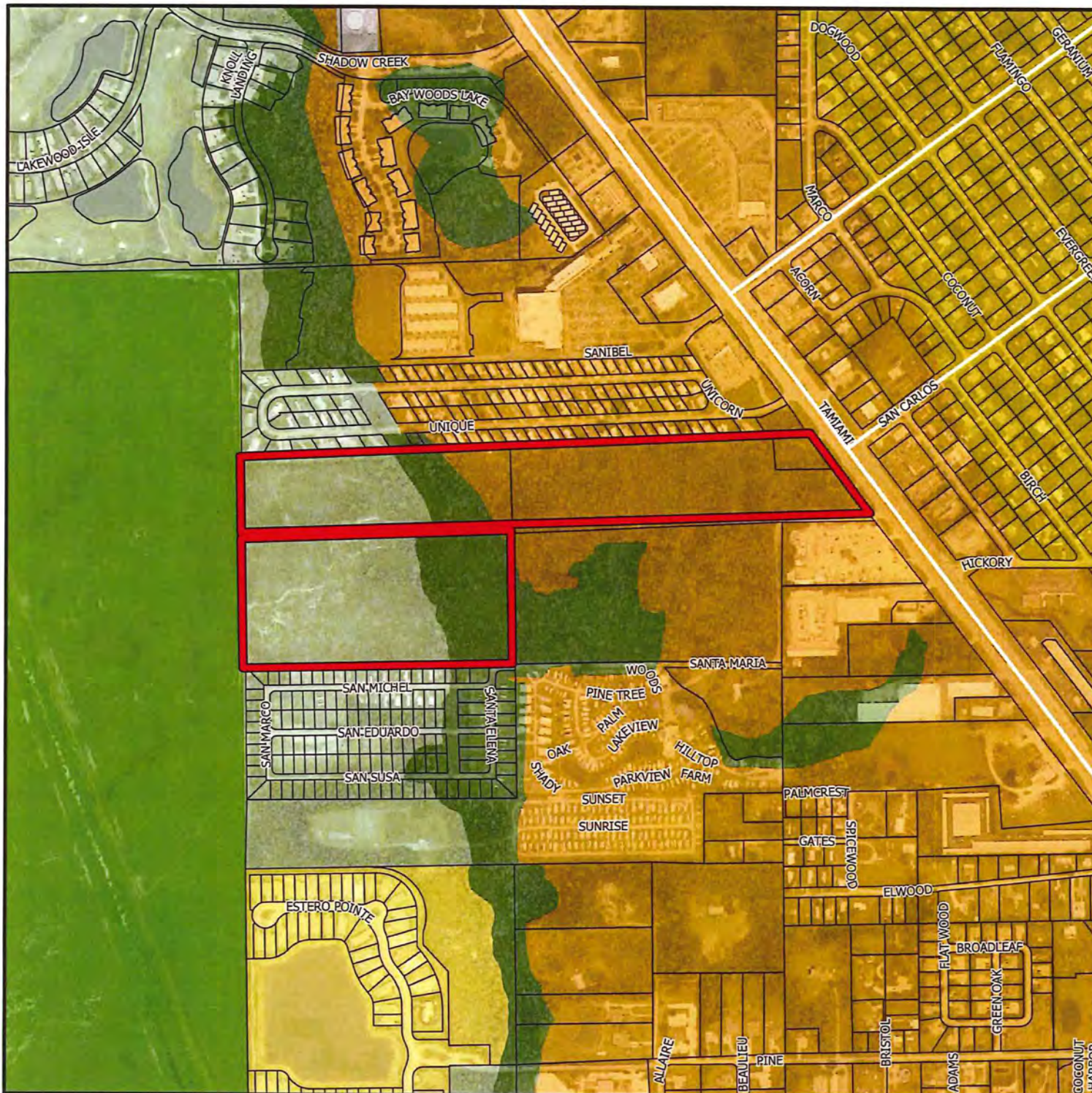
Applicant seeks to develop vacant lands along US 41 with a mix of commercial, residential, and conservation uses. Development is clustered along US 41, preserving the western two-thirds of the site. Building heights are staggered to enhance compatibility with surrounding development.









The Hearing Examiner's Recommendation of approval is contingent upon Board adoption of two concurrent Lee Plan amendments, CPA2022-00006 and CPA2022-00007.

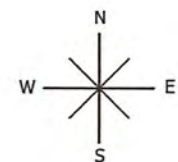
Detailed recommendation follows

DCI2022-00018

Future Land Use



-  Subject Property
-  Urban Community
-  Suburban
-  Sub-Outlying Suburban
-  Public Facilities
-  Rural
-  Conservation Lands - Upland
-  Wetlands



0 500 1,000
Feet



M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: May 23, 2023

TO: Stacy Hewitt, Applicant's Representative
Elizabeth Workman, Staff

FROM: Amanda L. Rivera *ALR*
Deputy Hearing Examiner

RE: DCI2022-00018 – GRANDBAY MINOR MPD
Clarification to Hearing Examiner Recommendation

The Hearing Examiner concurs with Staff/Applicant joint request to modify Condition 3 as follows:

CONDITIONS

- 3. Open Space/Indigenous Open Space/Preservation/Compensatory Storage**
Development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the MCP prior to issuance of the first development order:
- a.** Indigenous Upland Preserve 16.98 acres;
 - b.** Wetland Preserve (Non-Indigenous) 10.59 acres;
 - c.** Non-Indigenous Upland Preserve 3.02 acres;
 - d.** Compensating Storage in Preserve 0.04 acres; and
 - e.** Lake (Maximum of 25% Open Space) 0.80 acres.

Developer must execute a conservation easement consistent with development order requirements **prior to issuance of a Certification of Completion.**

Copies Provided to: Board of County Commissioners (BOCC)
Michael Jacob, Esq., Deputy County Attorney
Joseph Adams, Esq., Assistant County Attorney
Anthony Rodriguez, AICP, MPA, Manager
Applicant's Representatives
Jamie Prining, Community Development
Hearing Participants

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Hearing Examiner

DATE: May 22, 2023

FROM: Beth Workman
Principal Planner

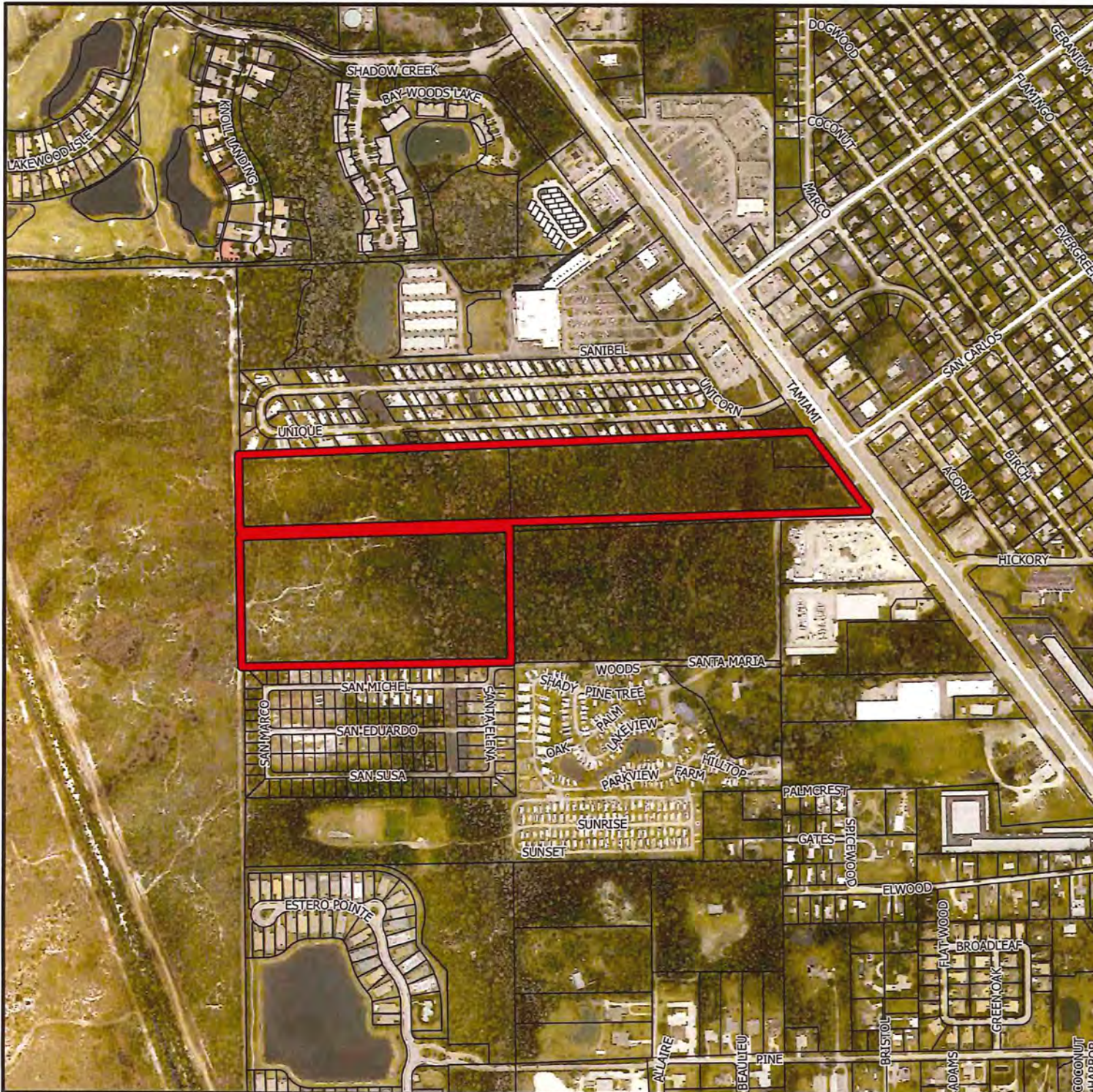
RE: DCI2022-00018 Grand Bay Minor MPD

Staff and the applicant have reviewed the Hearing Examiner's recommendation for the above-referenced case and have identified proposed changes to Condition 3 of the Hearing Examiner's Recommendation. Staff and the applicant have coordinated the following amended condition and are seeking concurrence from the Hearing Examiner as an update to the recommendation provided to the Board of County Commissioners.

*Developer must execute a conservation easement consistent with development order requirements **prior to issuance of a Certification of Completion.***

Respectfully Submitted,

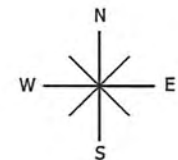
Beth Workman
Principal Planner, Zoning Section



DCI2022-00018

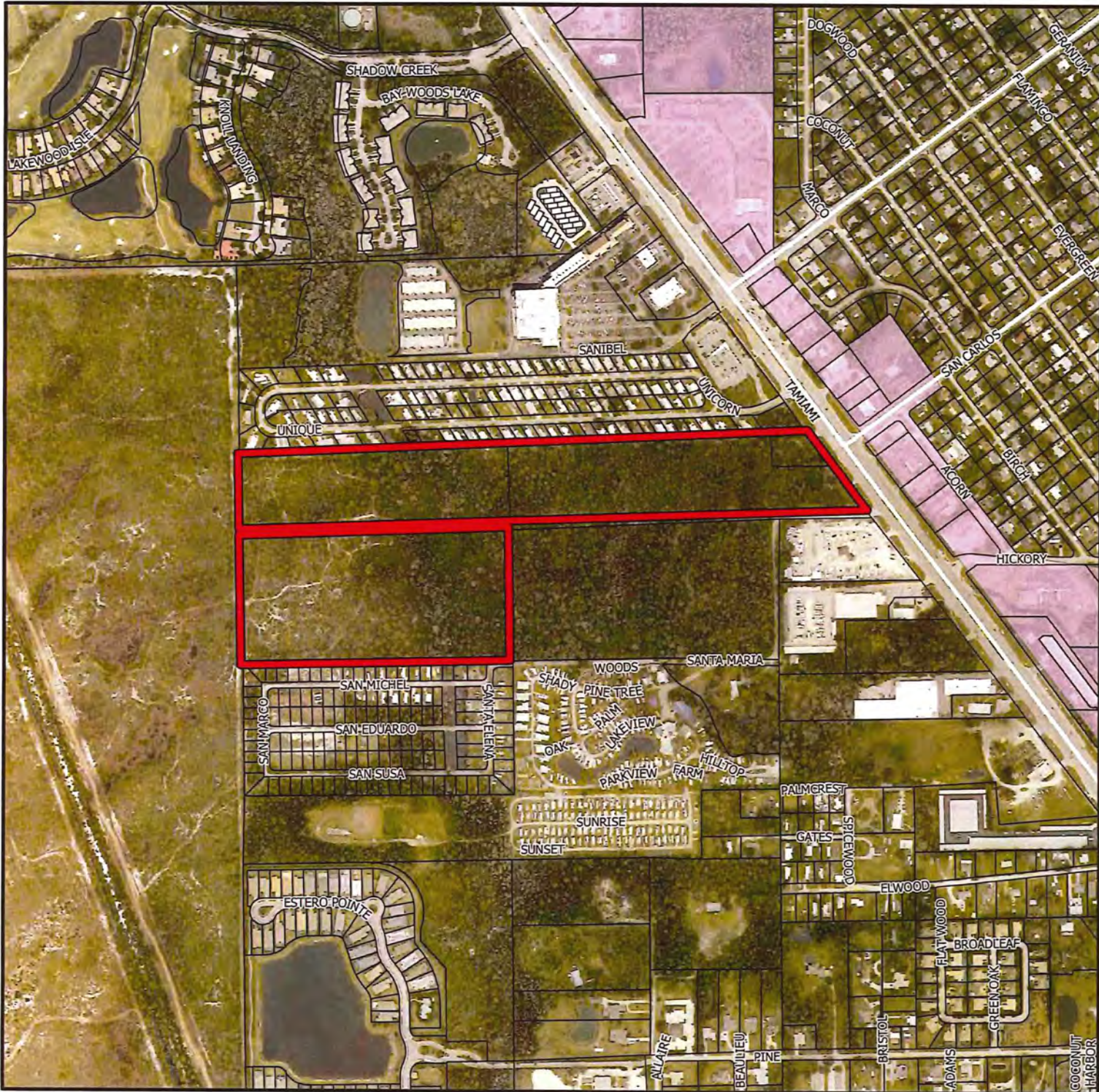
Aerial

 Subject Property



0 500 1,000
Feet




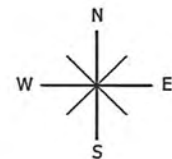


DCI2022-00018

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00018

Regarding: **GRAND BAY MINOR MIXED USE PLANNED DEVELOPMENT**

Location: West Side of Cleveland Avenue (US 41), at the Northwest Corner of Santa Maria Street and US 41/South Cleveland Avenue Intersection

South Fort Myers Planning District
(District 1)

Hearing Date: **February 9, 2023**

I. Request

Rezone 46.33± acres from Mobile Home (MH-1) and General Commercial (CG) to Mixed Use Planned Development (MPD) to allow a maximum 30,000 square feet of commercial retail/office uses and 300 dwelling units, inclusive of 114 bonus density units, not to exceed 53 feet in height.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to MPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.³ The

¹ LDC §34-145(d)(1)(a) & (2)(a).

² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

Hearing Examiner may take judicial notice of previous Board decisions.⁴ The Hearing Examiner's recommendation must be based on competent and substantial evidence.⁵

Discussion supporting the recommendation of approval of the proposed MPD follows below.

Synopsis of Request and Zoning History



The 46.33± acre property is in the South Fort Myers Planning Community. It is located north of Estero Parkway, south of Alico Road, and east of San Carlos Boulevard. Most of the site is zoned MH-1, with a small portion zoned CG along US 41.⁶

The property remains vacant, except for a shared access road under construction that aligns with San Carlos Boulevard and connects to the Estero Vista development to the south.⁷ FDOT anticipates signaling the intersection of San Carlos Boulevard and US 41 along the property's frontage.⁸

Applicant seeks to develop the property with 30,000 square feet of commercial uses along US 41/Tamiami Trail. Multi-family residential buildings will sit behind commercial parcels, with extensive preserve areas along the western boundary.⁹ The request proposes up to 300 dwelling units, inclusive of 114 bonus density

⁴ Lee Co. Admin. Code 2-6, 2.3.D(4)(b).

⁵ Lee Co. Admin. Code 2-6, 3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).

⁶ 2.73± acres are zoned CG, 43.6± acres are zoned MH-1. See Applicant's Ex. 1 (slide 12).

⁷ *Id.*; Hewitt Testimony (Transcript pg. 10).

⁸ Hewitt and Hartsell Testimony (Transcript pg. 6, 11).

⁹ See Staff Report (pg. 1); See also Z-02-021.

Staff recommended approval, finding the proposed MPD satisfies LDC review criteria. The Hearing Examiner's recommendation of approval is contingent upon Board adoption of Applicant's two pending Lee Plan amendments.



A. Complies with the Lee Plan:

¹⁰ DOS2022-00145.

¹¹ CPA2022-00006 and CPA2022-00007, both transmitted by the Board on January 18, 2023.

¹² Lee Plan Policy 5.1.10; Staff Report (pg. 1, Attachment E).

- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area.¹³

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) promote the LDC's intent to protect public health, safety, and welfare.¹⁴

Character of the Area

The property is generally located between Alico Road and Estero Parkway. More narrowly, the site is at the northwest corner of the US 41/Santa Maria Street intersection, across from San Carlos Boulevard. Intense commercial and residential developments characterize the area. A place of worship, car wash, pharmacy, mobile home developments, and shopping centers are within proximity. Conservation lands and the Estero Bay State Preserve sit to the west.¹⁵ The Estero Vista RPD is southwest of the property, approved for 144 multi-family units including bonus density.¹⁶

¹³ LDC §34-145(d)(4)(a)(1).

¹⁴ LDC §34-145(d)(4)(a)(2).

¹⁵ See Staff Report (pg. 2), indicating the conservation lands are zoned RPD as part of the Estero Bay State Buffer Preserve.

¹⁶ See Staff Report (pg. 2). Maximum building heights are 55 feet for this development. *Id.*

Lee Plan Consistency and Compatibility

Planned developments must be consistent with the Lee Plan.¹⁷ Rezoning requests must be compatible with existing/planned uses in the surrounding area.¹⁸ Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.¹⁹

The Lee Plan Future Land Use Map classifies the site as Urban Community, Rural, and Wetlands in the South Fort Myers Planning Community.²⁰

Applicant is seeking two Lee Plan amendments concurrent with the zoning request. The first is a map amendment to include 15.64± acres in the Mixed Use Overlay.²¹ This area comprises the site's Urban Community lands. The second amendment proposes text changes to reflect the county's methodology in calculating density when sites bear multiple land use designations.²²

Urban Community lands are characterized by a mix of relatively intense commercial and residential uses.²³ The standard density range is one to six dwelling units per acre, with a maximum density of 10-15 units per acre.²⁴ The Lee Plan encourages mixed use development in the Urban Community.²⁵ The request combines multi-family buildings with commercial uses consistent with the Urban Community designation. Proposed density remains within permitted ranges, assuming Board adoption of the proposed Lee Plan amendments.²⁶

Rural lands are predominantly low density residential and agricultural areas needed to serve the rural community.²⁷ The site's Rural lands are designated within the Coastal High Hazard Area.²⁸ Applicant proposes to preserve Rural lands and transfer density to the eastern portion of the site.²⁹ This density transfer clusters development and preserves sensitive lands consistent with Lee Plan directives.³⁰

¹⁷ LDC §34-411(a).

¹⁸ LDC §34-145(d)(4)(a).

¹⁹ LDC §34-411(c) and (i).

²⁰ See Lee Plan Map 1-A, Policy 1.1.4, 1.4.1, 1.5.1; Staff Report (pg. 1-2, Attachment B).

²¹ CPA2022-00006.

²² CPA2022-00007 proposes changes to Policy 5.1.10.

²³ Lee Plan Policy 1.1.4.

²⁴ *Id.* Maximum density is 10 units per acre, with the ability to increase to 15 units per acre with Greater Pine Island Transfer of Development Units.

²⁵ Lee Plan Policy 1.1.4, referencing Objective 11.1.

²⁶ The Staff Report details density calculations assuming Lee Plan amendment adoption. If the Board does not adopt the proposed amendments, the zoning request cannot move forward as it exceeds density limitations. See Staff Report (pg. 7-12). With the amendments, the site's maximum density is 338 units. Applicant seeks approval for 300 units. See Staff Ex. 2 (slides 11-13).

²⁷ Lee Plan Policy 1.4.1.

²⁸ Lee Plan Map 5-A.

²⁹ Utilizing Lee Plan Policy 5.1.10, as amended by CPA2022-00007.

³⁰ Lee Plan Objective 2.1, Policy 5.1.6, 124.1.2.

Wetlands consist of very low density residential/recreational uses without adverse effect to ecological function.³¹ The center of the site is within the Mullock Creek flow-way and designated as Wetlands.³² The site plan preserves wetlands with minimal impacts. Wetland impacts are mitigated by on-site restoration and creation of new wetland areas.³³

The request utilizes bonus density consistent with LDC and Lee Plan directives:³⁴

- Additional traffic will not travel through areas with significantly lower density to reach the nearest collector/arterial road.³⁵ The site directly accesses US 41/Tamiami Trail with cross accesses proposed to adjoining properties.
- Public facilities are not so overwhelmed that a density increase would be contrary to the public interest.³⁶ US 41/Tamiami Trail has sufficient capacity to accommodate trips generated by the request.³⁷ FDOT is signaling the intersection serving the site. There is potable water/sanitary sewer capacity to serve the project.³⁸
- Storm shelters or other appropriate mitigation is provided.³⁹ The property is located within the Coastal High Hazard Area.⁴⁰ Applicant must demonstrate compliance with LDC requirements at the time of development order.
- The development is compatible with surrounding land uses.⁴¹ The property is uniquely situated along a major arterial road primarily developed with commercial and high density uses. Intense land uses line US 41 with vacant/conservation lands to the west. The MCP reflects a transition from the busy road corridor to less intense uses, maintaining compact development patterns. Notably, the Board approved bonus density on a nearby parcel.

While the property is slated to be within the Mixed Use Overlay (MUO), Applicant is foregoing many of the relaxed development standards the MUO offers. Applicant

³¹ Lee Plan Policy 1.5.1.

³² See Staff Report (pg. 7).

³³ The MCP preserves 66% of the site under a conservation easement pursuant to the development order. An additional 0.4 acres of wetlands will be created by the request. Regulations require 4.63 acres of indigenous preserve; the MCP provides 10.59 acres of restored wetlands and 16.98 acres of indigenous uplands. Hewitt Testimony (Transcript pg. 30, 32, 36).

³⁴ Lee Plan Policy 101.3.7 permits bonus density for site-built affordable housing within the Coastal High Hazard Area. The parties demonstrated compliance with LDC bonus density requirements. LDC §2-146, §2-147. Applicant will offer 20-38 site-built affordable housing units. Remaining bonus units will be site-built affordable housing or Applicant will utilize the cash contribution option. See Staff Report (pg. 12, Attachment J). Cash contribution units will not be built in the Coastal High Hazard Area.

³⁵ LDC §2-146(b)(1).

³⁶ LDC §2-146(b)(2).

³⁷ See Staff Report (Attachment M: TIS prepared by TR Transportation Consultants, Inc. dated Feb. 25, 2022) (Attachment N Development Services Memorandum dated Nov. 16, 2022).

³⁸ Staff Report (Attachment L).

³⁹ LDC §2-146(b)(3).

⁴⁰ Lee Plan Map 5-A.

⁴¹ LDC §2-146(b)(4).

exceeds open space requirements and provides enhanced buffers with opaque fencing along the northern boundary to shield neighboring residents from development impacts.⁴²

The requested MPD is consistent with the Lee Plan and compatible with the surrounding area.⁴³

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.⁴⁴ Existing regulations or conditions of approval must address expected impacts on transportation facilities.⁴⁵

The site plan reflects direct access to US 41 via a shared access road. FDOT controls access to US 41. The access road is shared with the development to the south and is under construction.⁴⁶ The site plan also shows an interconnection to the commercial property to the north.⁴⁷

The Traffic Impact Statement (TIS) evaluated transportation impacts and concludes the request will not degrade levels of service on affected roadways/intersections.⁴⁸

The traffic engineer testified that FDOT will signalize the US 41/San Carlos Boulevard intersection this year.⁴⁹

Applicant demonstrated the request provides sufficient access to support proposed development.⁵⁰ Site related impacts will be evaluated during development order review.⁵¹

⁴² Workman and Hewitt Testimony (Transcript pg. 15, 44-46).

⁴³ Hewitt and Workman Testimony (Transcript pg. 36-38, 44, 46-48) citing compliance with Lee Plan Objective 2.1, 2.2, 11.1, 61.3, 101.1, Policy 1.1.4, 1.4.1, 1.5.1, 2.1.1, 1.4.1, 5.1.3, 5.1.5, 5.1.6, 5.1.10 (as amended), 6.1.6, 6.1.7, 11.1.1, 11.2.2, 11.2.6, 11.2.7, 59.1.4, 59.1.9, 60.4.3, 61.3.2, 61.3.3, 101.1.1, 101.1.2, 101.3.2, 101.3.6, 101.3.7, 125.1.2, 125.1.3.

⁴⁴ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

⁴⁵ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

⁴⁶ See MCP, referencing DOS2020-00128.

⁴⁷ See MCP, referencing "Parking Lot Interconnection at Time of DO for Development of Outparcel 1."

⁴⁸ See Staff Report (Attachment M-N); Applicant's Ex. 1 (slide 33).

⁴⁹ Bykau Testimony (Transcript pg. 33-34).

⁵⁰ LDC §34-145(d)(4)(a)(1)(d); Staff Report (pg. 19, Attachment M-N).

⁵¹ Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. See, Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*

Environmental and Natural Resources

Planned development design should reflect creative use of open space.⁵² Developers must make an effort to protect and preserve natural site features.⁵³

The site is largely comprised of low-quality wetlands and forested uplands.⁵⁴ The MCP preserves 66% of the site under a conservation easement.⁵⁵ The request proposes to restore on-site wetlands and create an additional 0.04 acres of wetlands. Minimal wetland impacts will be mitigated consistent with the site's Environmental Resource Permit.⁵⁶

The property lies within the Mullock Creek flow-way. Current stormwater conditions include gravity sheet flow from east to west through a spreader swale.⁵⁷ The system is nonfunctioning due to four crushed culverts.⁵⁸ Applicant proposes to replace the culverts, restoring the flow-way. Staff concluded the proposed restoration will significantly improve drainage in the area.⁵⁹ Applicant's engineer also concluded restoration activities will improve water quality.⁶⁰ Conditions of approval impose a water quality monitoring program.⁶¹

Western portions of the site are located within the Coastal High Hazard Area.⁶² The site plans reflect compliance with Lee Plan directives to protect and conserve this environmentally sensitive area and buffer impacts from future flooding.⁶³

Applicant's ecologist identified potential protected species during site review.⁶⁴ Additional species review will occur at the development order stage. State and federal agencies will address permits as needed.⁶⁵

Notably, the project offers several methods to address environmental concerns. Site design protects wetlands by clustering development. The water management

⁵² LDC §34-411(h).

⁵³ LDC §34-411(g).

⁵⁴ Palmer Testimony (Transcript pg. 29); Applicant's Ex. 1 (slide 29).

⁵⁵ Applicant's Ex. 1 (slide 30). The parties testified the development order requires a conservation easement. The Hearing Examiner recommends a condition requiring the easement to be consistent with this approval and the development order. Palmer Testimony (Transcript pg. 30); Hewitt Testimony (Transcript pg. 32), Workman Testimony (Transcript pg. 45).

⁵⁶ South Florida Water Management District issues ERPs. Workman Testimony (Transcript pg. 48). 0.17 acres of wetlands will be impacted by the development.

⁵⁷ Kellum Testimony (Transcript pg. 23-25).

⁵⁸ *Id.*

⁵⁹ Workman Testimony (Transcript pg. 46).

⁶⁰ Kellum Testimony (Transcript pg. 23-27).

⁶¹ Condition 6.

⁶² Lee Plan Map 5-A.

⁶³ Lee Plan Goal 101, Objective 101.1, Policy 101.1.1, 101.1.2.

⁶⁴ Palmer Testimony (Transcript pg. 31); Staff Report (Attachment K).

⁶⁵ *Id.*; Applicant's Ex. 1 (slide 30); Florida Fish and Wildlife Conservation Commission will oversee gopher tortoise impacts and the US Fish and Wildlife Service will oversee bonneted bats if located onsite.

system is designed to provide water quality treatment and control the flow of water.⁶⁶ The MCP greatly exceeds code required open space and offers an enhanced buffer along the northern boundary close to residents.⁶⁷

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.⁶⁸ The Lee Plan requires an evaluation of available urban services during the rezoning process.⁶⁹

A host of urban services and infrastructure serve the property including roads, transit, potable water, sanitary sewer, police, fire, and emergency medical services.⁷⁰

Deviations

“Deviations” are departures from LDC regulations.⁷¹ The request proposes three deviations.⁷² The deviations relate to solid waste disposal, access, and entrance gate turnaround. Staff supports the requested deviations.⁷³

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.⁷⁴

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviations meet approval criteria.⁷⁵

⁶⁶ Lee Plan Policies 28.5.3, 60.4.1, 60.4.2. Kellum Testimony.

⁶⁷ The LDC requires 9.27 acres of open space. The MCP reflects 31.42 acres. The code requires 3.02 acres of indigenous preserve. The MCP provides 16.98 acres. Workman Testimony (Transcript pg. 50).

⁶⁸ Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

⁶⁹ Lee Plan Policy 2.2.1.

⁷⁰ Applicant's Ex. 1 (slide 20); See Staff Report (pg. 3, Attachment L). The site is serviced by San Carlos Park Fire Protection & Rescue Service Station #51 and EMS Medic #9 is less than one mile away. The nearest Lee County Sheriff's office is the South District office.

⁷¹ LDC §34-2.

⁷² Applicant originally sought four deviations but withdrew Deviation 3. See Applicant's Ex. A: 48 Hour Notice.

⁷³ See Staff Ex. 2 (slides 17-19).

⁷⁴ LDC §34-145(d)(4).

⁷⁵ LDC §34-377(a)(4).

Conditions

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on the public health, safety, and welfare.⁷⁶

The MPD will be subject to conditions of approval. The conditions relate to impacts anticipated from the project.⁷⁷ The Hearing Examiner recommends:

1. Revisions to conditions to improve clarity;
2. Adding a condition codifying the development order's conservation easement requirement; and
3. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.

Public

One member of the public spoke at hearing. The speaker is the landowner of the property to the north. He wanted to ensure the properties maintain a shared access. The parties testified the site plan complied with the LDC interconnection requirement. The exact location will be determined at the time of development order review.⁷⁸

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. *As conditioned herein*, the proposed MPD:

1. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 6, 11, 39, 59, 60, 61, 77, 101, 125, Objectives 2.1, 2.2, 60.3, 61.3, 101.1, and Policies 1.1.4, 1.4.1, 1.5.1, 2.1.1, 2.2.1, 4.1.4, 5.1.3, 5.1.5, 5.1.6, 5.1.10, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.7, 11.1.1, 11.2.2, 11.2.6, 11.2.7, 59.1.9, 59.1.4, 60.4.3, 61.3.3, 61.3.2, 101.1.2, 101.1.1, 101.3.2,

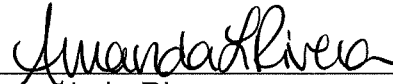
⁷⁶ LDC 34-932(b).

⁷⁷ LDC §34-83(b)(4)a.3.

⁷⁸ The parties further clarified that the pending development order covers only the residential portion of the MPD and reserves the commercial parcels for future development.

- 101.3.6, 101.3.7, 124.1.2, 125.1.2, 125.1.3, Standards 4.1.1, 4.1.2; Lee Plan Maps 1A-B, 2A, 5A.
2. Complies with the LDC and other County regulations or qualifies for deviations. See, LDC Chapters 10 and 34.
 3. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.4, 1.4.1, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.4, 6.1.8; LDC 34-411(c), (i), and (j).
 4. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Policy 6.1.5.
 5. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, 124, 125, Objectives 1.5, 4.1, 77.1, Policy 1.5.1, 6.1.6, 124.1.2, Standard 4.1.4, LDC 34-411(h).
 6. Will be served by urban services. See, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC 34-411(d).
- B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Objective 39.1; LDC 34-411(d).
- C. The proposed mix of uses is appropriate at the proposed location. See, Lee Policies 1.1.4, 1.4.1, 1.5.1, 2.1.1, 6.1.4, 6.1.7.
- D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, LDC Chapters 10 and 34.
- E. As conditioned herein, the deviations:
1. Enhance the objectives of the planned development; and
 2. Promote the intent of the LDC to protect the public health, safety, and welfare. See, 34-377(b)(4).

Date of Recommendation: April 25, 2023.



Amanda L. Rivera
Deputy 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 Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND
LYING IN
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF LOTS 2 AND 3, SAN CARLOS GROVE TRACT, RECORDED IN PLAT BOOK 4, PAGE 75, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL I

COMMENCING AT THE NORTHWEST CORNER SAID SECTION 20; THENCE S 01°00'14" E ALONG THE WEST LINE OF SAID SECTION FOR 934.55 FEET TO AN INTERSECTION WITH A LINE LYING 934.2 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF SAID SECTION, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE N 87°26'16" E ALONG SAID PARALLEL LINE FOR 2,806.25 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (STATE ROAD 45 - 200 FEET WIDE); THENCE S 36°56'36" E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 491.36 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 2; THENCE S 88°00'17" W ALONG SAID SOUTH LINE FOR 3,094.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 01°00'14" W ALONG THE WEST LINE OF SAID LOT 2 AND SAID WEST LINE OF SECTION 20 FOR 375.05 FEET **POINT OF BEGINNING**.

AND

PARCEL II

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT LYING S 01°00'14" E FOR 30.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 88°00'17" E ALONG THE NORTH LINE OF SAID LOT 3 FOR 1,325.25 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S 00°53'51" E ALONG SAID EAST LINE FOR 665.37 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3; THENCE S 88°47'22" W ALONG SAID SOUTH LINE FOR 1,323.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N 01°00'14" W ALONG THE WEST LINE OF SAID LOT 3 AND SAID WEST LINE OF SECTION 20 FOR 647.21 FEET TO THE **POINT OF BEGINNING**.

GROSS AREA CONTAINS: 46.33 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS), WHEREIN THE WEST LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARS S 01°00'14" E, THE SCALE FACTOR IS 0.999944648.

DESCRIPTION PREPARED: 03-03-2021

Digitally signed by Allen M Vose III
Date: 2021.03.03 14:00:00 -05'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 03-03-2021

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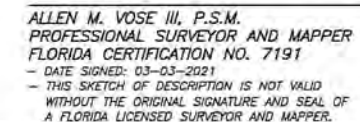
REVIEWED
DCI2022-00018
Hunter Searson, GIS
Planner
Lee County Government
4/14/2022

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

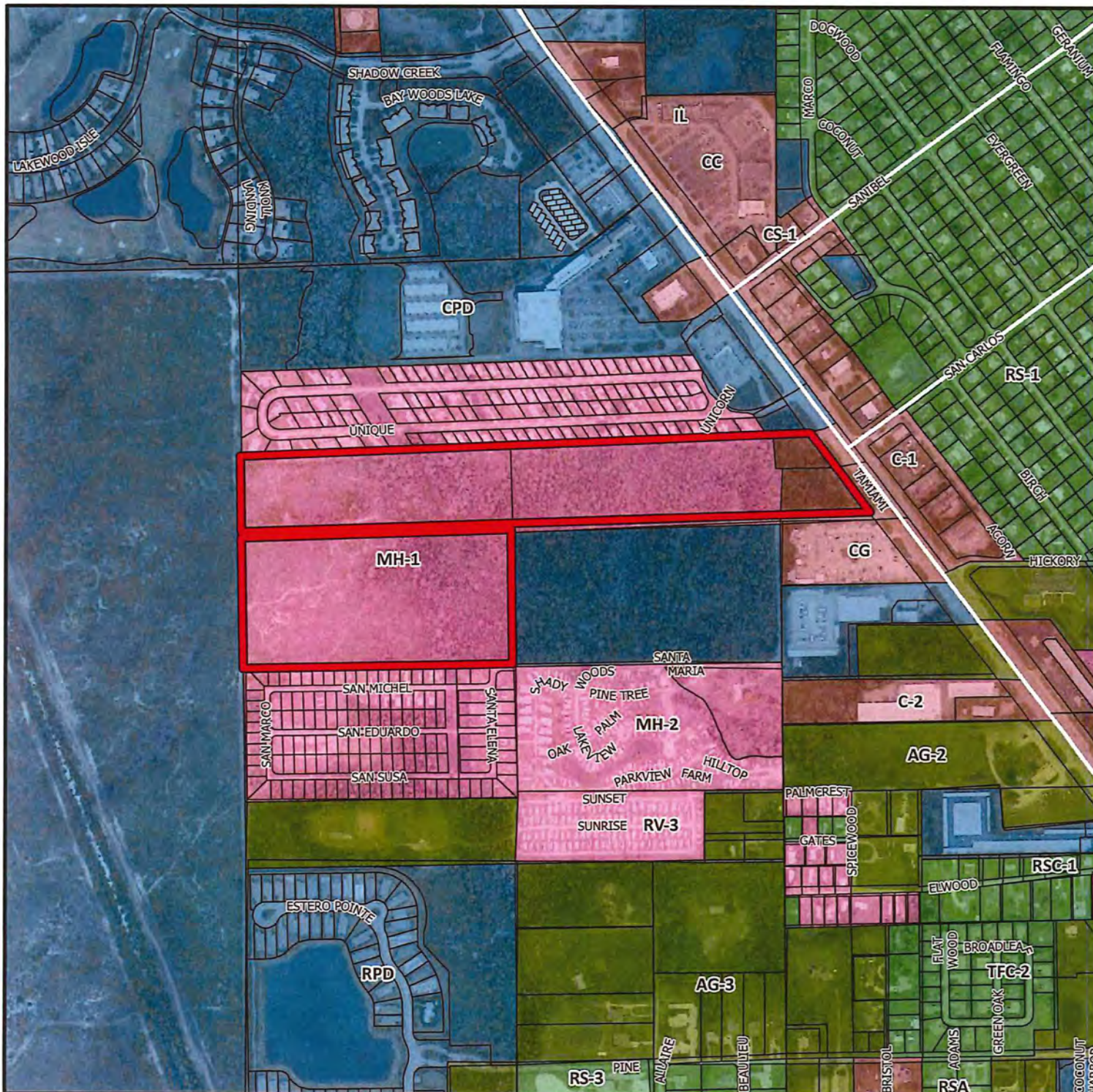
10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

SCALE: 1" = 300'

PREPARED 03-03-2021
SHEET 2 OF 2




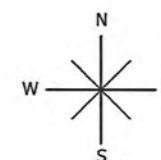
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DCI2022-00018

Zoning

 Subject Property



0 500 1,000
Feet

 Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

1. **Master Concept Plan (MCP) and Development Parameters**

- a. MCP. Development must be substantially consistent with the two-page MCP entitled "Grand Bay Minor MPD", prepared by Banks Engineering, stamped received January 9, 2023 (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval except where granted by deviation herein. Subsequent amendments to this resolution or MCP may be subject to further development approvals.
- c. Development Parameters. The MPD is approved for a maximum of 300 dwelling units, including 114 bonus density units, not to exceed a height of 56 feet, and 30,000 square feet of commercial retail/office uses not to exceed 53 feet in height.

2. **Schedule of Uses and Property Development Regulations**

a. **Schedule of Uses**

Residential Tract
Accessory uses and structures
Administrative Offices
Clubs: private
Community Gardens
Dwelling unit: Multi-family
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Home Occupation
Models: Model unit
Real Estate Sales Office
Recreation facilities:
 Personal
 Private on-site

Parking Lot:

Accessory

Temporary

Residential accessory uses

Signs

Temporary Use

Outparcels 1 and 2

Accessory uses and structures

Administrative Offices

Agricultural services: office/base operations

Aircraft food services and catering

Animals:

Clinic or Kennel (no outdoor runs)

Control Center (including Humane Society)

ATM (automatic teller machine)

Auto parts store

Automobile repair and service, all groups

Automobile service station

Bait and tackle shop

Banks and financial establishments: Groups I and II

Bar or cocktail lounge, subject to LDC Section 34-1264

Boarding House

Boats:

Boat parts

Boat rental

Boat sales

Boat Storage (dry)

Boatyard

Broadcast studio, commercial radio, and television

Building material sales

Business services: Groups I and II

Bus station/depot

Caretaker's residence (limited to one)

Car wash

Cleaning and maintenance services

Clothing stores, general

Clubs:

- Country
- Commercial
- Fraternal, membership organization
- Private

Cold storage, pre-cooling, warehouse and processing plant

Communication facility, wireless

Community Gardens

Community Residential Homes

Computer and data processing services

Consumption on premises

Continuing care facilities

Contractors and builders: Groups I and II

Convenience food and beverage store

Cultural facilities

Day care center, child, adult

Department Store

Drive-through facility for any permitted use

Drugstore, pharmacy

Dwelling unit: live-work, townhouse, multiple-family building

Entrance gates and gatehouse

Emergency operations center

EMS, fire or sheriff's station

Essential services

Essential service facilities: Group I

Excavation: Water retention; oil or gas

Excess spoil removal

Factory outlets (point of manufacture only)

Farm equipment, sales, storage, rental, or service

Fences, walls

Fish house, wholesale

Flea market:

- Open

- Indoor

Food and beverage service, limited

Food stores: Group I and II

Funeral home and mortuary (with or without a crematory)

Gasoline dispensing system, special

Gift and souvenir shop

Hardware store

Health care facilities: Group I, Group II, Group III

Hobby, toy, and game shops

Home care facilities

Home occupation

- Hospice
- Household and office furnishings, all groups
- Insurance companies
- Laundry or dry cleaning: Group I and II
- Lawn and garden supply stores
- Library
- Maintenance facilities (government)
- Medical office
- Mobile home dealers
- Models: Model unit
- Motion picture production studio
- Nightclubs
- Non-store retailers, all groups
- Parcel and express services
- Package store
- Paint, glass, and wallpaper
- Parks: Group I and II
- Parking lot:
 - Accessory
 - Commercial
 - Garage, public
 - Park-and-ride, temporary
- Personal services: Group I through IV
- Pet services
- Pet shop
- Pharmacy
- Photofinishing laboratory
- Place of worship
- Post office
- Printing and publishing
- Real estate sales office
- Recreation facilities:
 - Commercial, groups I, III
 - Commercial, group IV
 - Personal; private – on-site
 - Private: off-site
- Religious facilities
- Rental or leasing establishments: Group I through III
- Repair Shops, Groups I through IV
- Research and development laboratories: Group I through IV
- Residential accessory uses
- Restaurant, fast food
- Restaurants: Group I through IV
- Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Rooming house

Schools:

Commercial

Noncommercial

Self-service fuel pumps

Signs

Social services: Group I, Group II

Special retail shops: Group 1 through IV

Storage: Indoor only; Storage, open

Studios

Temporary use

Theatre, indoor or outdoor (drive in)

Transportation services: Group II and III

Used merchandise stores: Group I through IV

Variety store

Vehicle and equipment dealers: Groups I through V

Warehouse:

Mini warehouse

Private

Public

Cold storage only

Wholesale establishment: Groups I through IV

b. Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Lot Area and Dimensions:

Minimum lot size: n/a

Minimum lot width: 25 feet

Minimum lot depth: n/a

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot
for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: n/a

Rear yard: n/a

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: No maximum within the Mixed Use Overlay

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

Minimum Building Separation: 20 feet

3. **Open Space/Indigenous Open Space/Preservation/Compensatory Storage**

Development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the MCP prior to issuance of the first development order:

- a. Indigenous Upland Preserve 16.98 acres;
- b. Wetland Preserve (Non-Indigenous) 10.59 acres;
- c. Non-Indigenous Upland Preserve 3.02 acres;
- d. Compensating Storage in Preserve 0.04 acres; and
- e. Lake (Maximum of 25% Open Space) 0.80 acres.

Developer must execute a conservation easement consistent with development order requirements.

HEX Recommendation: The parties testified the pending DO requires a conservation easement. The Hearing Examiner recommends codifying that requirement in the zoning resolution.

4. **Wetland Creation**

Developer must depict the wetland creation area on development order plans and provide calculations that quantify the wetland's flood storage volume.

5. **Indigenous Habitat Management Plan**

Developer must submit a species management/indigenous management plan to Lee County prior to issuance of the first development order or vegetation permit.

6. **Surface Water Quality Monitoring**

Developer must provide a Surface Water Quality Monitoring Plan for approval by the Lee County Division of Natural Resources prior to issuance of the first development order. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- a. The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
- b. An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
- c. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- d. Identify the monitoring point locations.
- e. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- f. A contingency plan in the event an exceedance of State Water Quality Standards is discovered. The plan must include notification to impacted residents and applicable authorities.

7. Culvert Replacement

Developer must replace the four 36-inch culverts as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). Culvert replacement must be depicted on the engineering plans and completed prior to issuance of a Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored to the existing grade.

8. Ingress and Egress

- a. Developer must record a notice to future property owners in the public records prior to issuance of a local development order for construction of the development's access. The notice must articulate the emergency access plan and provide information as to where a copy of the plan may be obtained from the developer/developer's successor.
- b. Developer must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District prior to development order approval.

9. Turnaround

- a. Developer must provide signage stating that the southern access point is a resident only access prior to development order approval.
- b. Developer must provide a letter of no objection to the access from the San Carlos Fire Protection and Rescue Service District. The letter must be provided prior to development order approval for the resident only access gate as designated on the MCP.

10. Solid Waste

Developer must provide a letter of no objection from Lee County Solid Waste prior to development order approval.

11. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

DEVIATIONS

1. **Access**. **Deviation 1** seeks relief from LDC §10-291(3), which requires residential developments more than five (5) acres provide more than one means of ingress or egress, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

HEX Recommendation: Approval, subject to Condition 8.

2. **Entrance Gate**. **Deviation 2** seeks relief from LDC §34-1748(5), which requires a paved turnaround having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse to allow no turnaround for the southern gate at the secondary resident-only access point.

HEX Recommendation: Approval, subject to Condition 9.

3. **Deviation 3: WITHDRAWN.**

4. **Solid Waste Disposal.** **Deviation 4** seeks relief from LDC §10-261(a), which requires a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

HEX Recommendation: Approval, subject to Condition 10.

Exhibits to Conditions:

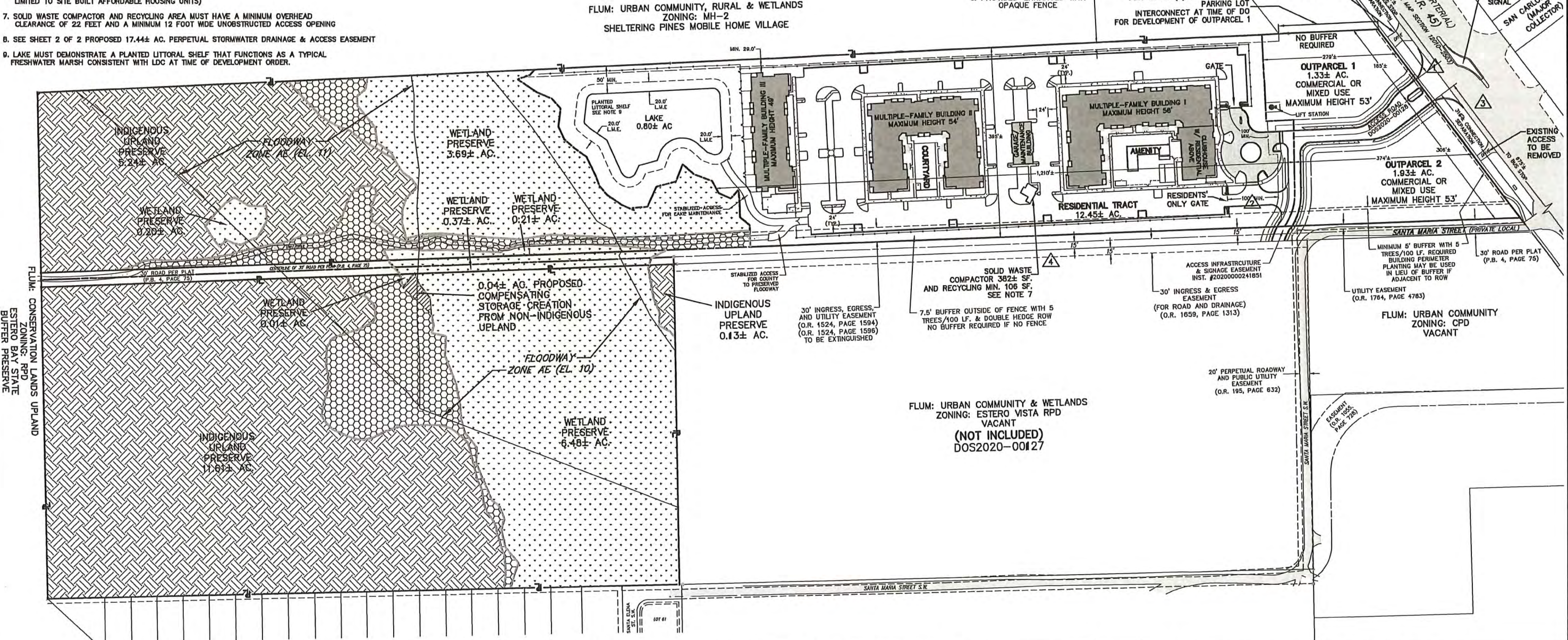
B1 Master Concept Plan stamped 1/9/2023

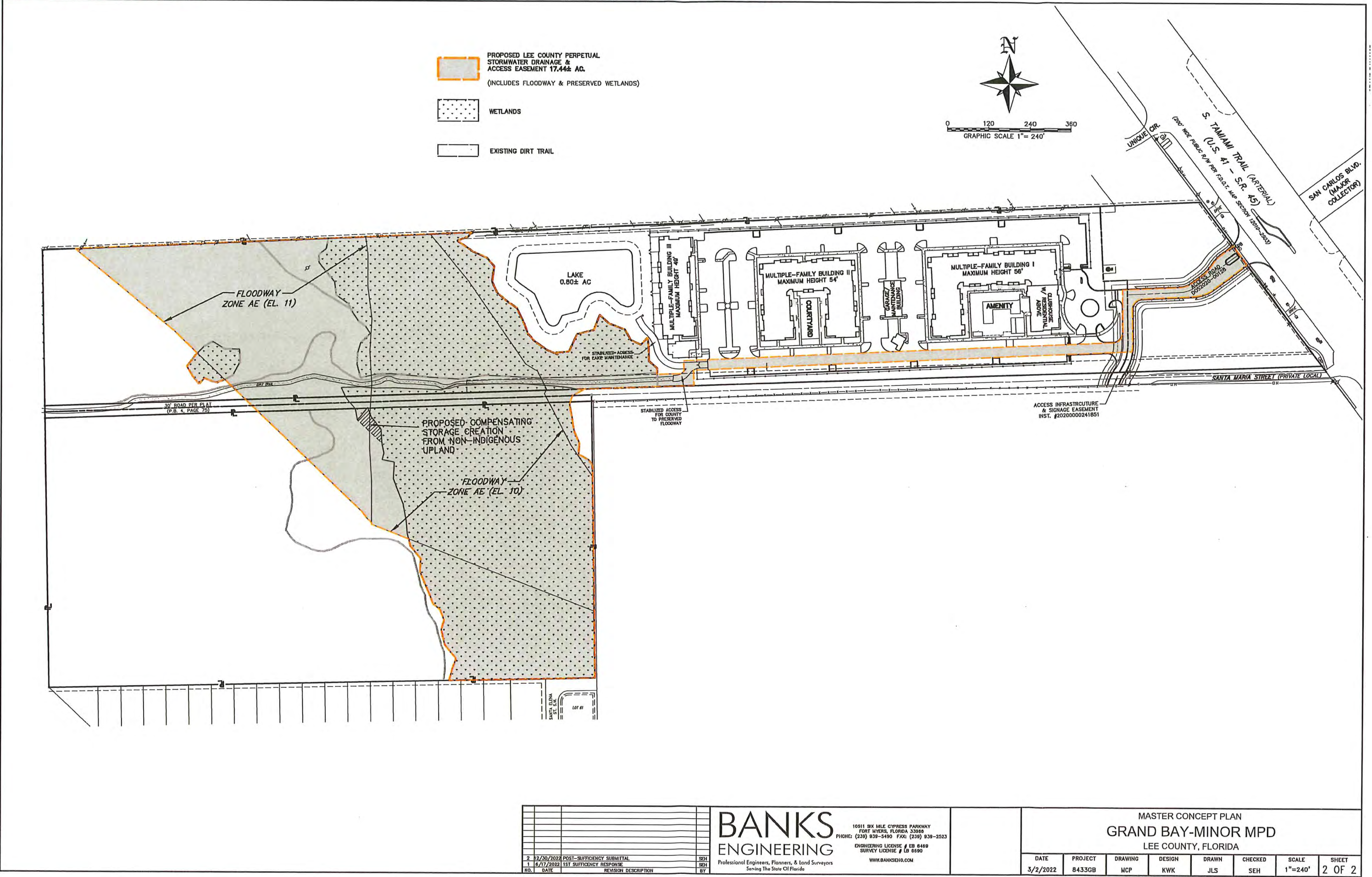
NOTES:

1. SITE AREA: 46.33± AC.
2. OPEN SPACE REQUIRED : 20% INDIGENOUS REQUIRED: 50% 9.27 AC. 4.64 AC.
3. OPEN SPACE PROVIDED:
INDIGENOUS UPLAND PRESERVE 16.98± AC.
WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
NON-INDIGENOUS UPLAND PRESERVE 3.02± AC.
COMPENSATING STORAGE IN PRESERVE 0.04± AC.
TOTAL PRESERVATION AREA 30.63± AC.
LAKE (MAXIMUM 25% OF OPEN SPACE) 0.80± AC.
OPEN SPACE PROVIDED: 31.42± AC.
4. ADJACENT PRIVATE RIGHT-OF-WAY 1.53± AC.
WETLAND PRESERVE (NON-INDIGENOUS) WITHIN ADJACENT R.O.W. 0.37± AC.
5. NO BUFFERS REQUIRED INTERNAL TO MPD
6. MAXIMUM 300 DU (INCLUDING 114 BONUS DENSITY UNITS) & 30,000 OF COMMERCIAL
BUILDING I MAXIMUM 144 *DU (INCLUDING UP TO 76 BONUS DENSITY UNITS WITH OPTION DETERMINED AT DO AND 18 BONUS DENSITY UNITS LIMITED TO SITE BUILT AFFORDABLE HOUSING UNITS)
* MAXIMUM OF 25 DU MAY BE BUILT AS MIXED USE ON OUTPARCEL 1 OR 2
BUILDING II & III
MAXIMUM 156 DU (INCLUDING 20 BONUS DENSITY UNITS LIMITED TO SITE BUILT AFFORDABLE HOUSING UNITS)
7. SOLID WASTE COMPACTOR AND RECYCLING AREA MUST HAVE A MINIMUM OVERHEAD CLEARANCE OF 22 FEET AND A MINIMUM 12 FOOT WIDE UNOBSTRUCTED ACCESS OPENING
8. SEE SHEET 2 OF 2 PROPOSED 17.44± AC. PERPETUAL STORMWATER DRAINAGE & ACCESS EASEMENT
9. LAKE MUST DEMONSTRATE A PLANTED LITTORAL SHELF THAT FUNCTIONS AS A TYPICAL FRESHWATER MARSH CONSISTENT WITH LDC AT TIME OF DEVELOPMENT ORDER.

LEGEND:

- INDIGENOUS UPLAND PRESERVE 16.98± AC.
WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC. 0.37± AC. WITHIN R.O.W. TOTAL 10.96± AC.
UPLAND PRESERVE (NON-INDIGENOUS) 3.02± AC.
PRESERVED FLOODWAY ZONE FOR MULLOCK CREEK FLOW-WAY
EX. DIRT TRAIL
DEVIATION





NO.	DATE	REVISION DESCRIPTION	BY
2	12/30/2022	POST-SUFFICIENCY SUBMITTAL	SEH
1	6/17/2022	1ST SUFFICIENCY RESPONSE	SEH

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MASTER CONCEPT PLAN GRAND BAY-MINOR MPD LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
3/2/2022	B433GB	MCP	KWK	JLS	SEH	1"=240'	2 OF 2		

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Planner, date received January 25, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County staff, for Grand Bay Minor MPD, DCI2022-00018, Hearing Examiner Public Hearing, dated February 9, 2023 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Laurie L. Plue, to Hearing Examiner, with copies to Steve Hartsell, Esq., Kurt Kehoe, Elizabeth Workman, Brandon Dunn, Marcus Evans, Joseph Adams, Esq., Stacy Hewitt, Brian Roberts, and Nicholas DeFilippo, dated Monday, February 6, 2023, 5:12 PM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Grand Bay Minor MPD, DCI2022-00018, Hearing Examiner Public Hearing, dated February 9, 2023 (multiple pages – 8.5"x11")[color]
2. *Master Concept Plan:* Prepared by Banks Engineering, for Grand Bay Minor MPD, dated 3/2/2022 (2 pages - 24"x36")
3. *Resolution:* Z-88-319, adopted February 13, 1989 (multiple pages – 8.5"x11")

OTHER EXHIBITS

David Dickey

1. (3 pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Yury Byhau
2. Steve Hartsell, Esq.
3. Kurt Kehoe
4. Ken Kellum
5. Stacy Hewitt
6. Ashley Palmer

Public Participants:

1. David Dickey

Exhibit E
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.

NOTES:

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INDIGENOUS REQUIRED: 50% 4.64 AC.
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WITHIN ADJACENT R.O.W. 0.37± AC.

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- BUILDING I, MAXIMUM 144 *DU (INCLUDING UP TO 76 BONUS DENSITY UNITS
WITH OPTION DETERMINED AT DO AND 18 BONUS DENSITY UNITS LIMITED
TO SITE BUILT AFFORDABLE HOUSING UNITS)

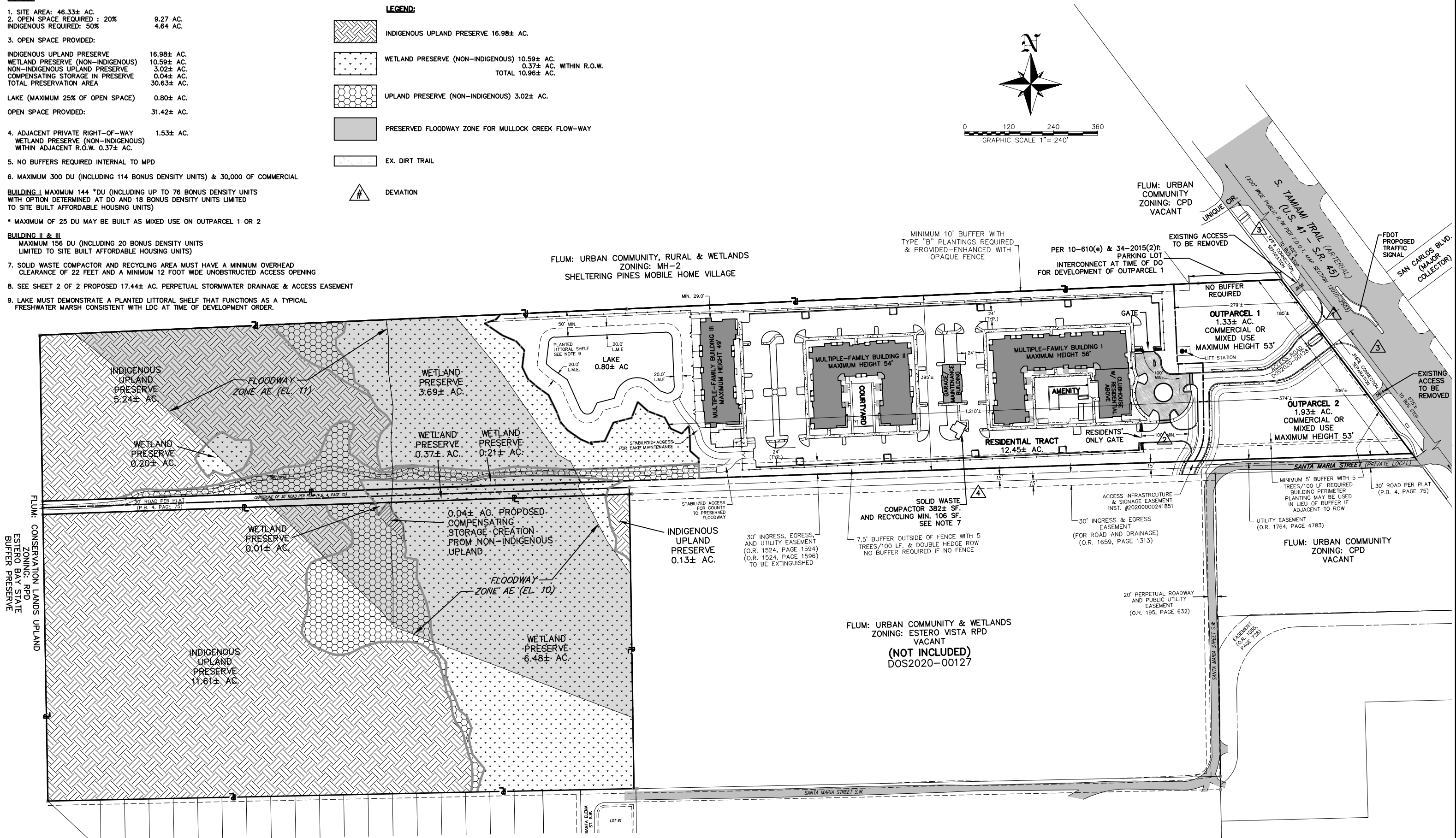
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7. SOLID WASTE COMPACTOR AND RECYCLING AREA MUST HAVE A MINIMUM OVERHEAD
CLEARANCE OF 22 FEET AND A MINIMUM 12 FOOT WIDE UNOBSTRUCTED ACCESS OPENING
8. SEE SHEET 2 OF 2 PROPOSED 17.44± AC. PERPETUAL STORMWATER DRAINAGE & ACCESS EASEMENT
9. LAKE MUST DEMONSTRATE A PLANTED LITTORAL SHELF THAT FUNCTIONS AS A TYPICAL
FRESHWATER MARSH CONSISTENT WITH LDC AT TIME OF DEVELOPMENT ORDER.

LEGEND:

- INDIGENOUS UPLAND PRESERVE 16.98± AC.
- WETLAND PRESERVE (NON-INDIGENOUS) 10.59± AC.
0.37± AC. WITHIN R.O.W.
TOTAL 10.96± AC.
- UPLAND PRESERVE (NON-INDIGENOUS) 3.02± AC.
- PRESERVED FLOODWAY ZONE FOR MULLOCK CREEK FLOW-WAY
- EX. DIRT TRAIL
- DEVIATION



NO.	DATE	REVISION DESCRIPTION	BY
2	12/30/2022	POST-SUFFICIENCY SUBMITTAL	SEH
1	6/17/2022	1ST SUFFICIENCY RESPONSE	SEH




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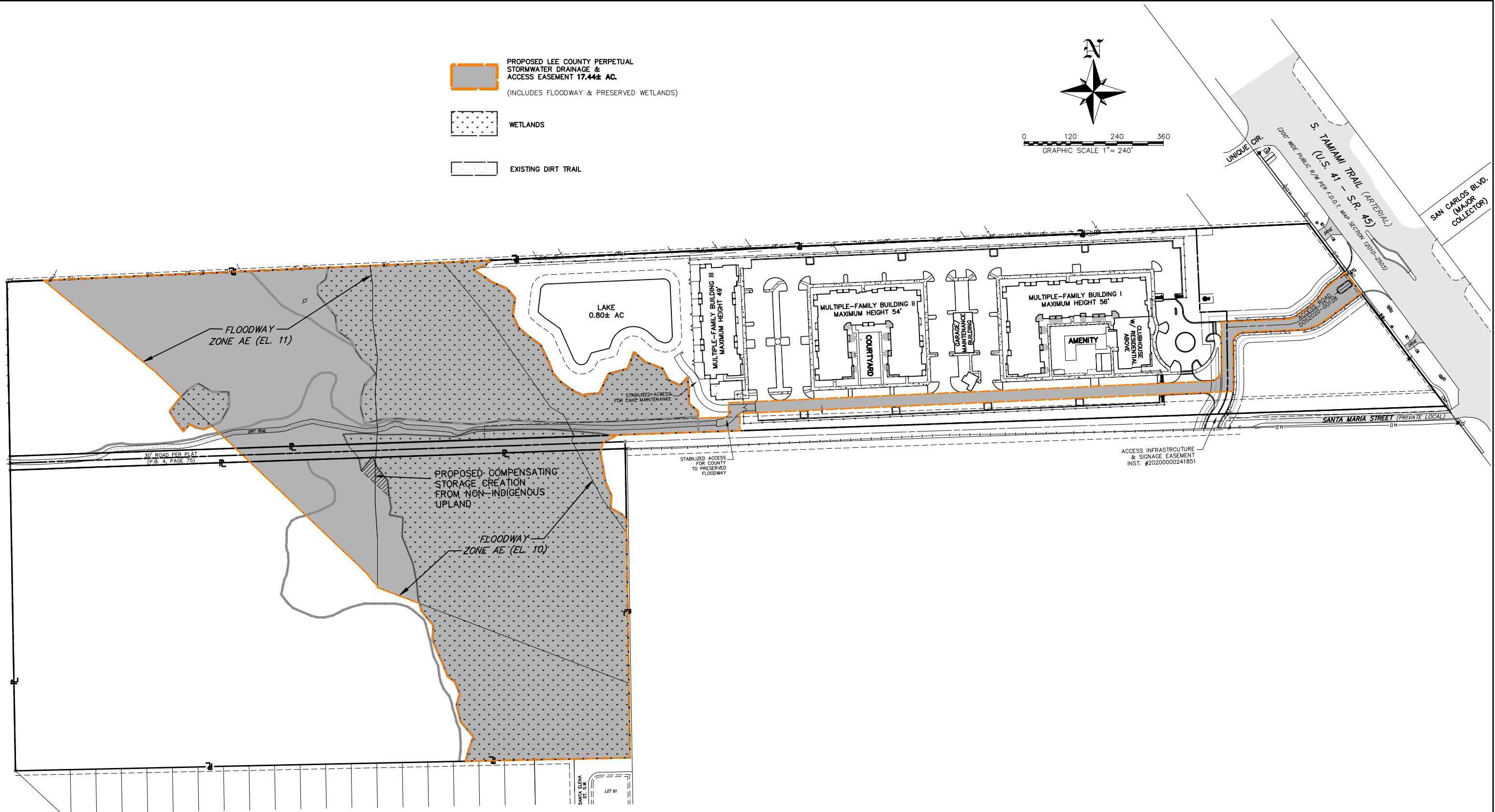
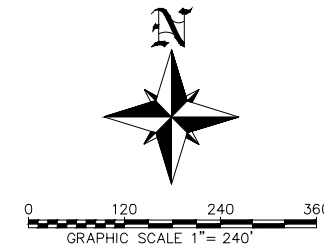
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MASTER CONCEPT PLAN
GRAND BAY-MINOR MPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/2/2022	8433GB	MCP	KWK	JLS	SEH	1"=240'	1 OF 2

-  PROPOSED LEE COUNTY PERPETUAL
STORMWATER DRAINAGE &
ACCESS EASEMENT 17.44± AC.
(INCLUDES FLOODWAY & PRESERVED WETLANDS)
-  WETLANDS
-  EXISTING DIRT TRAIL



2	12/30/2022	POST-SUFFICIENCY SUBMITTAL	SEH		
1	6/17/2022	1ST SUFFICIENCY RESPONSE	SEH		
NO.	DATE	REVISION DESCRIPTION	BY		

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MASTER CONCEPT PLAN
GRAND BAY-MINOR MPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/2/2022	8433GB	MCP	KWK	JLS	SEH	1"=240'	2 OF 2

Grand Bay Minor MPD – DCI2022-00018

Attachment F – Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled “Grand Bay-Minor MPD”, prepared by Banks Engineering, last revised December 30, 2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 300 dwelling units, of which 114 are bonus density units, not to exceed 56-feet-in-height and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

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

- a. Schedule of Uses

- Residential Tract

- Accessory uses and structures

- Administrative Offices

- Clubs: private

- Community Gardens

- Dwelling unit: Multi-family

- Entrance gates and gatehouse

- Essential services

- Essential service facilities: Group I

- Excavation: Water retention

- Fences, walls

- Home Occupation

- Models: Model unit

- Real Estate Sales Office

- Recreation facilities:

- Personal

- Private on-site

- Parking Lot:

- Accessory

- Temporary

- Residential accessory uses

- Signs

- Temporary Use

- Outparcels 1 and 2

- Accessory uses and structures

Administrative Offices
Agricultural services: office/base operations
Aircraft food services and catering
Animals:
 Clinic or Kennel (no outdoor runs)
 Control Center (including Humane Society)
ATM (automatic teller machine)
Auto parts store
Automobile repair and service, all groups
Automobile service station
Bait and tackle shop
Banks and financial establishments: Groups I and II
Bar or cocktail lounge, subject to LDC Section 34-1264
Boarding House
Boats:
 Boat parts
 Boat rental
 Boat sales
 Boat Storage (dry)
 Boatyard
Broadcast studio, commercial radio, and television
Building material sales
Business services: Groups I and II
Bus station/depot
Caretaker's residence (limited to one)
Car wash
Cleaning and maintenance services
Clothing stores, general
Clubs:
 Country
 Commercial
 Fraternal, membership organization
 Private
Cold storage, pre-cooling, warehouse and processing plant
Communication facility, wireless
Community Gardens
Community Residential Homes
Computer and data processing services
Consumption on premises
Continuing care facilities
Contractors and builders: Groups I and II
Convenience food and beverage store

Cultural facilities
 Day care center, child, adult
 Department Store
 Drive-through facility for any permitted use
 Drugstore, pharmacy
 Dwelling unit: live-work, townhouse, multiple-family building
 Entrance gates and gatehouse
 Emergency operations center
 EMS, fire or sheriff's station
 Essential services
 Essential service facilities: Group I
 Excavation: Water retention; oil or gas
 Excess spoil removal
 Factory outlets (point of manufacture only)
 Farm equipment, sales, storage, rental, or service
 Fences, walls
 Fish house, wholesale
 Flea market:
 Open
 Indoor
 Food and beverage service, limited
 Food stores: Group I and II
 Funeral home and mortuary (with or without a crematory)
 Gasoline dispensing system, special
 Gift and souvenir shop
 Hardware store
 Health care facilities: Group I, Group II, Group III
 Hobby, toy, and game shops
 Home care facilities
 Home occupation
 Hospice
 Household and office furnishings, all groups
 Insurance companies
 Laundry or dry cleaning: Group I and II
 Lawn and garden supply stores
 Library
 Maintenance facilities (government)
 Medical office
 Mobile home dealers
 Models: Model unit
 Motion picture production studio
 Nightclubs
 Non-store retailers, all groups
 Parcel and express services
 Package store
 Paint, glass, and wallpaper
 Parks: Group I and II

- Parking lot:
 - Accessory
 - Commercial
 - Garage, public
 - Park-and-ride, temporary
- Personal services: Group I through IV
- Pet services
- Pet shop
- Pharmacy
- Photofinishing laboratory
- Place of worship
- Post office
- Printing and publishing
- Real estate sales office
- Recreation facilities:
 - Commercial, groups I, III
 - Commercial, group IV
 - Personal; private – on-site
 - Private: off-site
- Religious facilities
- Rental or leasing establishments: Group I through III
- Repair Shops, Groups I through IV
- Research and development laboratories: Group I through IV
- Residential accessory uses
- Restaurant, fast food
- Restaurants: Group I through IV
- Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Rooming house
- Schools:
 - Commercial
 - Noncommercial
- Self-service fuel pumps
- Signs
- Social services: Group I, Group II
- Special retail shops: Group 1 through IV
- Storage: Indoor only; Storage, open
- Studios
- Temporary use
- Theatre, indoor or outdoor (drive in)
- Transportation services: Group II and III
- Used merchandise stores: Group I through IV
- Variety store
- Vehicle and equipment dealers: Groups I through V
- Warehouse:
 - Mini warehouse
 - Private
 - Public

Cold storage only
Wholesale establishment: Groups I through IV

b. Site Development Regulations

Commercial, Multi-Family, and Mixed Use Buildings

Lot Area and Dimensions:

Minimum lot size: 0 square feet

Minimum lot width: 25 feet

Minimum lot depth: 0 feet

Minimum Setback:

Perimeter: 15 feet

Sheltering Pines Mobile Home Village (north): 20 feet plus 1/2 foot for every one foot over 35 feet in height

Residential Building III: 29 feet

Side yard: 0 feet

Rear yard: 0 feet

Waterbody: 20 feet

Preserve:

20 feet from wetland

30 feet from upland preserves

Street:

Public: 25 feet

Private: 20 feet

Accessory structures:

Rear: 5 feet

Side: 5 feet

Maximum lot coverage: 45 percent

Building height:

Building I: 56 feet

Building II: 54 feet

Building III: 49 feet

Outparcels: 53 feet

Minimum Building Separation: 20 feet

3. Open Space, Indigenous Open Space, Preservation, and Compensatory Storage.

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;
- c) Non-Indigenous Upland Preserve 3.02 acres;
- d) Compensating Storage in Preserve 0.04 acres; and

- e) Lake (Maximum of 25% Open Space) 0.80 acres.
4. Wetland Creation.
Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.
5. Indigenous Habitat Management Plan.
Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.
6. Surface Water Quality Monitoring.
Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:
- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
 - ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.
 - iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
 - iv) Identify the monitoring point locations.
 - v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
 - vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.
7. Culvert Replacement.
c. Prior to issuance of local development order, the Developer must apply to replace the four 36-inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Completion for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.
8. Ingress and Egress.
a. The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development.

The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

- b. Prior to development order approval the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

9. Turnaround.

- a. As part of the local development order approval, the developer must provide signage stating that the southern access point is a resident only access.
- b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.

10. Solid Waste.

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Section B. – Deviations

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

This deviation is **APPROVED** subject to Condition 9.

1. **Deviation (2)** seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turnaround, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse to allow a paved turnaround, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.

This deviation is **APPROVED** subject to Condition 10.

2. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10-285, which requires that principal arterial roadways in Future Urban areas provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

This deviation is WITHDRAWN.

3. **Deviation 4** seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to Condition 11.

**Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

Case Number: DCI2022-00018

Case Name: Grand Bay Minor Mixed Use Planned Development

Area to be Rezoned: +/- 46.33 Acres

Case Type: Minor Planned Development Rezoning

Sufficiency Date: October 26, 2022

Hearing Date: February 9, 2023

REQUEST:

Banks Engineering has filed an application to rezone approximately 46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to a Mixed Use Planned Development (MPD) to permit a maximum of 300 units, of which 114 are bonus density units, and 30,000 square feet of commercial retail or office uses not to exceed 53 feet in height.

The subject property is located on the west side of South Cleveland Avenue (US 41) at the northwest corner of the intersection of Santa Maria Street and South Cleveland Avenue (US 41). The site consists of four parcels, with one parcel separated by a 30-foot platted right-of-way. The subject property is located in Urban Community, Rural, and Wetlands Future Land Use Categories per Lee Plan Map 1-A. There are two amendments (CPA) currently under review. CPA2022-00006 is a map amendment to revise the Mix Use Overlay (Map 1-C) to include 15.64 acres of the subject property, excluding the wetlands located in the western portion of the subject property (see Attachment E). CPA2022-00007 is a text amendment to amend Lee Plan Policy 5.1.10 to align this policy with current county practices for calculating and allocating the density of property that is divided into two or more land use categories as defined in the Lee Plan Glossary (see Attachment E). A legal description and boundary survey of the subject property are attached as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, including approval of 114 bonus density units, with the conditions and deviations found in Attachment F of the staff report.

HISTORY OF PARCEL:

The subject property's ±46.33 acres is split into two zoning districts: CG (2.73 acres) and MH-1 (43.60 acres). The CG portion of the property was previously rezoned from Agricultural (AG) and MH-1 to CG (Resolution ZAB-84-241) to allow automobile and/or boat sales with storage. Resolution Z-68-050 rezoned the remainder of the subject property from General Use (GU) to Mobile Home Subdivision (MH-1) to allow mobile homes. There is an approved development order (DOS2020-00128) providing pedestrian and automobile connection to the approved adjacent development to the south called Estero Vista (see Attachment G). The connection aligns with the San Carlos Boulevard intersection, which is located east of the subject property. The approved access will provide a two-lane roadway in compliance with the LDC standards with turn lane improvements which include a left-in movement that currently does not exist at Santa Maria Street. The Florida Department of Transportation is proposing signalization at the intersection of San Carlos Boulevard and South Tamiami Trail (US 41).

CHARACTER OF THE AREA:

The property is located west of South Tamiami Trail (US 41), north of the Estero Parkway/US 41 intersection and south of the Sanibel Boulevard/US 41 intersection. The subject property is located within the Urban Community, Rural, and Wetlands Future Land Use Categories per the Lee Plan (see Attachment C). The properties in this area that abut South Tamiami Trail are commercially-zoned with residential subdivisions consisting of multi-family, single-family, or mobile home types of residential located adjacent to the commercial uses. East of the subject property is South Tamiami Trail (US 41) with commercial uses consisting of a church, shopping centers, and a car wash to the east. West of the subject property are conservation lands that are part of the Estero Bay State Buffer Preserve zoned Residential Planned Development. South of the property are a Mobile Home Park, Recreational Vehicle Park, and Estero Vista, which is approved for multi-family units, all of which are west of the CG-zoned property abutting South Tamiami Trail (US 41). North of the subject property is a vacant Commercial Planned Development, a Walgreens abutting South Tamiami Trail (US 41), and a mobile home village located to the west of Walgreens. Property immediately surrounding the subject property is depicted in Attachment C report and can be characterized as follows:

North

The north property line abuts vacant Commercial Planned Development approved for 4,500 square feet of commercial uses, (per Resolution Z-88-319), and Sheltering Pines Mobile Home Village, approved per Resolution Z-62-003 with platted density of 8.62 dwelling units per acre. Further north is Grand Bay Plaza shopping center that was approved per Resolution Z-95-005, as amended, for a mix of commercial uses with a maximum intensity of 142,800 square feet of commercial uses including 48,000 square feet of mini-warehouse use.

East

The east property line abuts South Tamiami Trail (US 41), which is a State maintained arterial roadway that has an existing sidewalk, bike lane, and LeeTran bus stops for routes 240, 660, and 140 Sunday service. East of South Tamiami Trail (US 41) is the intersection of San Carlos Boulevard, which is a County-maintained major collector where a traffic signal is proposed by FDOT. The properties located north and south of this intersection are zoned commercial (C-1) and are located within the Mixed Use Overlay per Lee Plan Map 1-C. North of the intersection is New Day Christian Church, while commercial uses to the south of the intersection consist of two shopping centers, a car wash, a multiple use shopping center, and a Circle K with gas pumps. Further east are properties zoned Residential (RS-1) with single-family homes and a daycare.

South

South of the subject property is Santa Maria Street, which is a private local road. On the opposite side of Santa Maria Street, abutting South Tamiami Trail (US 41), is Marina Mike's boat sales and service, Life Storage facility, and a Napa Auto Parts store, all of which are zoned CG. South and west of Santa Maria Street is Estero Vista Residential Planned Development (RPD), which is approved per Resolution Z-05-016 for 144 multi-family units, including bonus density, with a maximum height of 55 feet. The zoning resolution approved two access points onto Santa Maria Street; however, subsequent to this approval, it was determined that Santa Maria Street could not support the roadway improvements to stormwater drainage, water, and sewer necessary to support the development. Therefore, ADD2020-00104 approved an updated Master Concept Plan and a revised access connection to South Tamiami Trail located through the subject property South Tamiami Trail (US 41) aligning with San Carlos Boulevard. The intersection is proposed to be signalized by FDOT. An emergency access only onto Santa Maria Street was also included

in the zoning amendment (see Attachment H). Estero Vista was subsequently issued a development order (DOS2020-00127) for 144 multi-family dwelling units, including 21 bonus density units, with three four-story buildings at a maximum height of 55 feet and a clubhouse, with an interconnection to the subject property (see Attachment H). Southwest of the subject property are MH-1 and RV-3 zoned properties that are developed with the Calusa Cove RV Park.

West

The west property line abuts the Estero Bay Buffer Preserve, which is zoned RPD and is within the Conservation Land Uplands future land use category.

Availability of Urban Public Services

Public 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.”* The level of public services currently serving the subject property are as follows:

Public water and sewer: The subject property is located within the Lee County Utilities future water service area as depicted on Lee Plan Map 4-A. The applicant has provided a letter of availability for potable water from Lee County Utilities (LCU) indicating that there are potable water lines in operation adjacent to the subject property (see Attachment L). The subject property is also located in the Lee County Utilities future sewer services area as depicted on Lee Plan Map 4-B with service provided through the Three Oaks Water Reclamation Facility. Lee County Utilities has existing sewer lines in operation adjacent to the subject property and has provided a letter of availability (see Attachment L).

Public transit and pedestrian facilities: A sidewalk and bike lane is located on the east and west side of South Tamiami Trail (US 41). The developer will be required to install and connect to pedestrian facilities along the property's boundaries in conformance with LDC Section 10-256. The site is located along LeeTran Routes 240, 660, and 140 (Sunday service only) (see Attachment L).

Police, fire, and emergency services: San Carlos Fire Station 51 and EMS Medic 9 are located 0.8 miles from the property at 8013 Sanibel Boulevard. Lee County Sheriff's Office Central District Substation is 5.8 miles from the subject property. As part of the comprehensive plan map and text amendment, the applicant received letters of review and recommendation from Lee County Public Safety, The School District of Lee County, Lee County Sheriff's Office, Lee County Solid Waste, LeeTran, and San Carlos Fire Protection and Rescue Service District demonstrating adequate public facilities exist (see Attachment L).

Property Development Regulations & Off-Street Parking

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (see Attachment J).

Staff finds the proposed property development appropriate within each respective development tract on the MCP.

Proposed Deviations

Deviation means a departure from a specific regulation of LDC Chapter 34, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with LDC Section 34-373(a)(9). Based on the findings

established in LDC Section 34-377(a)(4), each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant proposes a schedule containing four deviations from the LDC with corresponding justification (see Attachment F).

Deviation #1:

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3), which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single connection to US 41 and interconnection to Estero Vista development to the south (DOS2020-00127) which has an emergency only access connection onto Santa Maria Street.

Development Services staff recommend the language of the deviation be revised to delete the reference to the interconnection to Estero Vista (see Attachment I). The applicant has not demonstrated legal access to utilize the emergency only access. Therefore, staff recommends the following:

Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires that residential development of more than five (5) acres provide more than one means of ingress or egress for the development, to allow the two residential access connections to the access road approved under DOS2020-00128, which provides a single access to US 41.

The applicant has provided a MCP that depicts two access points to an internal roadway approved under DOS2020-00128 which provides a singular access point to US 41. The second access point to comply with LDC Section 10-610(e) is being provided to the north. This access connects Outparcel 1 and the adjacent property, which ultimately connects to Unique Circle, which is a non-county maintained roadway. There is an unrestricted access easement granted to the public for ingress and egress, and roadway and utility easements. The easement states that the grantor does not obligate the County, its successors or assigns to accept of the roadway for continued maintenance or bring the substandard roadway up to County standards (see Attachment O). This area is narrow in width and does not meet County roadway standards for access.

Staff recommends the following conditions for **APPROVAL** of Deviation #1:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Prior to development order approval, the applicant must provide a letter of no objection to the proposed access from Public Safety, the Lee County Sheriff's office, and San Carlos Fire and Rescue District.

Deviation #2:

Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow no turnaround for the southern gate at the secondary resident-only access point.

The applicant is requesting to waive the required turnaround for the southern gate, which is a secondary access intended for resident access only. The requirement, per LDC Section 34-1748(5), requires the applicant to provide a turning radius sufficient to accommodate a U-turn for a single unit truck at a gate or gatehouse. Development Services staff have provided a memorandum addressing this deviation (see Attachment I). Staff has revised the deviation request to state that a paved turnaround must be provided at the resident only access gate that has a turnaround radius designed for a passenger car instead of a single unit truck. This is because the main gate will be designated as the required entrance for delivery and service vehicles seeking access to the site. In the applicant's justification, the applicant prepares a condition to require signage stating that the secondary access is for resident use only. According to Development Services staff analysis, although signage can be provided, it is not completely effective in preventing access to the gate by non-residents and guests inadvertently using the access point. If a non-resident tries to access the development through the southern gate, a suitable turnaround should be provided to prevent backing maneuvers into the vehicle queuing area, which may be occupied by vehicles seeking entrance to the site. Thus, a suitable turnaround will prevent the potential for backup movements.

Development Services staff have provided a memorandum addressing this deviation and have recommended approval with conditions (see Attachments I and F). Staff recommends that the deviation request be revised to state the following:

Deviation (2) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow ~~no turn-around~~ a paved turn-around, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), current edition, at the southern resident only access as designated on the attached Master Concept Plan.

Staff recommends approval of the deviation, as revised, subject to the following conditions:

Prior to local development order approval, the plans must depict signage stating that the southern access point is a resident-only access.

Prior to local development order approval that includes the resident-only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the San Carlos Fire Protection and Rescue Service District.

Deviation #3:

Deviation 3 seeks relief from Lee County Land Development Code (LDC) Section 10- 285, which requires principal arterial roadways in Future Urban areas to provide a minimum connection separation of 440 feet; to allow connection separations on U.S. 41/S. Tamiami Trail of 329± feet to Unique Circle to the north and 316± feet to Santa Maria Street to the south.

South Tamiami Trail (US 41) is a State-maintained arterial roadway. The applicant is requesting to reduce the intersection connection separation requirements on a road that is controlled by the Florida Department of Transportation. Lee County is not authorized to grant deviations on State right-of-way. At time of development order, the applicant will be required to provide an approved FDOT access permit.

Staff recommends **WITHDRAWAL** of the applicant's request.

Deviation #4:

Deviation 4 seeks relief from Lee County Land Development Code (LDC) Section 10-261(a), which requires new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit, to allow space for a compactor (382± square feet) and a minimum of 106 square feet for recyclable materials collection containers.

Staff recommends **APPROVAL** with the following condition:

Prior to development order approval, the applicant must provide a letter of no objection from Lee County Solid Waste.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment J). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is within the Urban Community, Wetlands, and Rural Future Land Use Categories (FLUC) per the Lee Plan. **Lee Plan Policy 1.1.4** characterizes Urban Community as a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in the Lee Plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained, which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in **Lee Plan Objective 11.1**, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acres (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. Approximately 15.94 acres of the subject property are within the Urban Community FLUC, which would allow a base density of 95.64 dwelling units. In addition, future development in this category is encouraged to be mixed use, as described in **Lee Plan Objective 11.1**, providing a variety of housing units within the Urban Community FLUC. The subject property is located within an area comprised of commercial uses abutting South Tamiami Trail (US 41) that consist of retail shopping plazas, medical offices, convenience food and beverage stores, churches and grocery stores. The properties abutting the commercial uses consist of mobile home residential communities, vacant multi-family residential planned development, and single-family half-acre lots east of the subject property. The properties east of South Tamiami Trail (US 41) are within the Mixed Use Overlay per Lee Plan Map1-C and the applicant has requested a map amendment to add the subject property to the Mix Use Overlay. The proposed multi-family units with the variety of commercial uses existing and proposed abutting South Tamiami Trail (US 41) will provide the variety needed to complement the existing uses in the area. Therefore, as conditioned, staff finds the request **CONSISTENT with Lee Plan Policy 1.1.4 and Lee Plan Objective 11.1**.

The central portion of the site, which is within the Mullock Creek floodway, is in the Wetlands FLUC. Lee Plan Policy 1.5.1 describes uses within the Wetlands FLUC as very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of the Lee Plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acres), except as otherwise provided in Table 1(a) and Chapter XIII of the Lee Plan. It should be noted, as it is relevant to this case, that Table 1(a), Note 8 states that higher densities may be allowed under the following circumstances where wetlands are preserved on the subject property:

- a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or
- b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of one dwelling units per 20 acres. Planned Developments or Developments Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-00018.

Dwelling units will be relocated to developable contiguous uplands designated Urban Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands, while impacted wetlands will be calculated at the standard Wetlands density of one dwelling unit per 20 acres. Approximately 0.17 acres of wetlands are proposed to be impacted (0.01 du) and 10.59 acres of wetlands are proposed to be preserved (63.54 du).

The west portion of the subject property within the Rural future land use category as described in **Lee Plan Policy 1.4.1**. The Rural FLUC is described as areas to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with **Lee Plan Policy 10.1.4**. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural FLUC is one dwelling unit per acre (1 du/acre). The west portion of the property, abutting the Estero Bay State Buffer Preserve, is within the Rural FLUC and Coastal High Hazard Area per the Lee Plan Map-5A. The applicant is proposing to preserve this area and utilize **Lee Plan Policy 5.1.10**, as amended by CPA2022-00007, to preserve 30 acres and allow the transfer of density to the eastern portion of the site.

The applicant is requesting a maximum of 300 dwelling units, which is consistent with the maximum density is 338 dwelling units allowed in the Urban Community, Wetlands, and Rural future land use categories for the 46.33-acre site and 1.53 acres of adjacent private right-of-way. Therefore, the applicant's request of 300 dwelling units is consistent with Policies 1.1.4, 1.4.1, and 1.5.1.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the variety of surrounding uses available to support the request. The applicant has designed the site to preserve 30 acres of land consisting of uplands and wetlands to be restored. The proposed commercial development area abuts an arterial road that is compatible with the surrounding existing or proposed land uses. The development is focused in the future urban FLUC in order to cluster the impact and preserve the floodway and abutting indigenous upland areas that are located adjacent to the conservation lands to the west. As mentioned, there is access to potable water and sewer and the property is in close proximity to schools, parks, and other services to demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2, Policy 2.2.1, and, Standards 4.1.1 and 4.1.2**.

Lee Plan Standard 4.1.4 seeks to protect environmentally sensitive areas, and the development will be integrated and properly oriented to ensure the functionality of the natural features of the site. The site includes a total of 11.13 acres of jurisdictional wetlands associated with the Mullock Creek flow-way that runs from the northwest to the southeast through the center of the site. Approximately 10.76 acres of these wetlands are within the 46.33-acre project boundary, and 0.37 acres are within the adjacent 30-foot private roadway easement that bisects the site from east to west and is proposed to be vacated. There are 41 gopher tortoise burrows on the site, with nine of them located to the east of the flow-way and the remainder to the west of the flow-way. West of the flow-way is 16.96 acres of indigenous upland that are proposed for preservation and will provide habitat for the 31 gopher tortoise burrows, and the 10.96 acres of wetland preserve that will be restored to create habitat and compensatory stormwater storage within the Coastal High Hazard Area. A total of 0.17 acres of wetland impacts are proposed. Approximately 0.13 acres of the 0.17 acres of wetlands to be impacted have been permitted through the South Florida Water Management District (SFWMD) as part of the drainage and compensatory storage site work (Permit #36-104286-P). The 0.04 acres of wetland impacts located within the Coastal High Hazard Area will be permitted through SFWMD, and compensatory storage is proposed outside of the non-indigenous uplands adjacent to the wetlands in the floodway per the Master

Concept Plan stamped received on January 9, 2023. The applicant has demonstrated compliance with **Lee Plan Standard 4.1.4**.

Lee Plan Policies 5.1.3, 5.1.5 and 5.1.6 focus on the locating high density residential uses near employment and shopping centers, parks, schools and mass transit while protecting encroachment of uses that are destructive to the character and integrity of the surrounding uses. As mentioned previously, the proposed project has a plethora of newby employment and shopping centers, as well as accessible transit stops to support the future residents and utilize the proposed commercial component proposed on the subject property. The applicant has provided a Master Concept Plan that demonstrates compliance with open space and buffer requirements to protect the surrounding uses. The proposed maximum height of the multi-family structures is 56 feet. The applicant has designed the site to depict staggered building heights that increase from 49 feet to 56 feet toward the commercial uses and South Tamiami Trail (US 41). Estero Vista, located to the south, is approved for 55-feet-high buildings, so the proposed staggered building heights will be compatible to the south and to the north. As shown on the MCP, building III is the closest building to the north property line. The abutting property to the north is Sheltering Pines Mobile Home Village. The applicant has oriented Building III so that the narrow portion of the building is the closest to the north property line with a minimum 29-foot setback, which exceeds the requirements of LDC Section 34-2174(a) by increasing the typical multi-family setback of 20 feet by $\frac{1}{2}$ foot for every one foot over 35 feet. The Mixed Use Overlay requires a ten-foot buffer between residential uses consisting of a Type-B buffer (five trees per 100 linear feet and a double staggered hedge). The applicant is enhancing this buffer by providing an opaque fence or wall with the required buffer vegetation planted on the outside of the wall. The western 30 acres will be preserved, thereby providing environmental and water quality enhancements between Estero Bay State Buffer Preserve to the west and the Mullock Creek floodway. Per LDC Section 10-425, a five foot right-of-way buffer will be provided as shown on the MCP. Therefore, as conditioned, staff finds the request **CONSISTENT with Policies 5.1.3, 5.1.5, and 5.1.6**.

The applicant has a concurrent Text Amendment that was transmitted to the State reviewing agencies by the Board of County Commissioners on January 18, 2023, this text amendment proposes to amend Lee Plan Policy 5.1.10 as follows:

POLICY 5.1.10: In those instances where contiguous land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated. The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in the future land use category.

- ~~1. The planned development zoning is utilized; and~~
- ~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~
- ~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

The subject property has been in the same ownership since 1968. The intent of the policy revision is to preserve environmentally sensitive areas without diminishing the owner's ability to develop the site with allowable density that is transferred from the non-urban FLUC to the urban FLUC. This also allows the applicant to cluster the development to provide greater setbacks from neighboring properties. Furthermore, it ensures that the subject property is under single ownership at time of the planned development to allow the density and intensity to be reviewed cohesively. The applicant has provided a MCP that demonstrates this cohesive design. Therefore, the request is **CONSISTENT with pending Policy 5.1.10**, as amended.

The eastern three acres of subject property is proposed to be developed as a mix of commercial and residential. The applicant will be required to provide landscaping, buffering, and open space per LDC Section 10-425 for the Mixed Use Overlay. The buffering will consist of a five-foot-wide buffer abutting South Tamiami Trail (US 41) and 20 percent of the site must be open space. Proposing commercial within the east portion of the development will not create strip development or scattered commercial. The existing zoning district for the three acres is General Commercial (CG) and as described previously, the surrounding uses that abut South Tamiami Trail (US 41) are primarily commercial with shopping centers, churches, convenience food and beverage stores, and restaurants with access to the arterial road. Staff finds the request **CONSISTENT with Goal 6 and Policies 6.1.6 and 6.1.7**.

The applicant has requested to amend the Mixed Use Overlay (MUO) Map to extend the overlay to the west within the Urban Community future land use category. Sufficient infrastructure exists to support the development per the submitted letters of availability and public facilities recommendations. Development in the MUO should accommodate connections to adjacent uses in accordance with **Lee Plan Policy 11.2.2**. The applicant is providing a parking lot interconnect with the property to the north for the development of Outparcel 1 as depicted on the Master Concept Plan, which is in compliance with LDC Sections 10-610(e) and 34-2015(2)f. In addition, connectivity to the adjacent development to the south has been reviewed and approved per DOS2020-00128. The applicant is demonstrating consistency with **Lee Plan Policies 11.1.1, 11.2.1, and 11.2.2**.

Lee Plan Policy 11.2.6 encourages properties in the MUO to utilize bonus density. The applicant is applying for an additional 114 units through the bonus density program to provide increased density supporting Policy 11.2.6. The utilization of bonus density, including Greater Pine Island Transfer Density Units and alternative property development regulations and buffers, results in a compact and functional development pattern that is consistent with **Lee Plan Policy 11.2.6**. *Density* means an existing or projected relationship between numbers of dwelling or housing units (Du) and land area (LDC Section 34-2, Definitions).

Lee Plan Policy 11.2.7 states that development, redevelopment, and infill development located within the Mixed-Use Overlay may use the area of non-residential uses in their density calculations. Compliance with this policy is dependent on the comprehensive plan map amendment to expand the MUO west to the portion of the subject property outside of the Wetland FLUC. Once the map amendment has been adopted by the Board of County Commissioners, the proposed development will be consistent with **Lee Plan Policy 11.2.7**.

Below are tables outlining permissible standard density and maximum bonus density ranges for each future land use category including impacted wetland density calculations and adjacent private right-of-way for the proposed development:

MAXIMUM STANDARD DENSITY

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR SUBJECT PARCEL	UNITS
URBAN COMMUNITY	15.94 Acres @ 6 Du/Acre	95.64 Du
PRESERVED WETLANDS¹	10.59 Acres @ 6 Du/Acres	63.54 Du
IMPACTED WETLANDS	0.17 Acres @ 20 Du/Acres	0.01 Du
RURAL	19.63 Acres @ 1 Du/Acre	19.63 Du
TOTAL ALLOWED STANDARD UNITS: 178.82 DU		

FUTURE LAND USE CATEGORY	MAXIMUM STANDARD DENSITY RANGE FOR ADJACENT RIGHT-OF-WAY	UNITS
URBAN COMMUNITY	0.65 Acres @ 6 Du/Acre	3.9 Du
PRESERVED WETLANDS	0.37 Acres @ 6 Du/Acre	2.22 Du
RURAL	0.51 Acres @ 1 Du/ acres	0.51 Du
TOTAL: 6.63 DU		

MAXIMUM BONUS DENSITY FOR SUBJECT PROPERTY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	18.46 Acres @ 4 Du/Acre	73.84 Du
TRANSFERRABLE DWELLING UNITS**, ***	8.07 Acres @ 4 - 9 Bonus Du/Acre	32.28 - 72.36 Du
SUB-TOTAL		106.12 - 146.47
MAXIMUM: 325.29 DU WITH BONUS DENSITY		

*7.87 acres uplands and 10.59 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

*** Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

¹ Dwelling units may be relocated to developable contiguous uplands designated Urban Community per Lee Plan Policy 1.1.4 and Table 1(a) note 8. Impacted wetlands may only be calculated at 1 unit per 20 acres of wetlands.

² Per Lee Plan Policy 101.3.7, bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

MAXIMUM BONUS DENSITY FOR RIGHT-OF-WAY

BONUS DENSITY UNIT TYPES	BONUS DENSITY UNITS PER ACRE	UNITS
SITE BUILT AFFORDABLE HOUSING*	0.68 Acres @ 4 Du/Acre	2.72 Du
TRANSFERRABLE DWELLING UNITS**,***	0.34 Acres @ up to 4 - 9 Bonus Du/Acres	1.36 - 3.06 Du
SUB-TOTAL		4.08 - 5.78
MAXIMUM: 12.41 DU WITH BONUS DENSITY		

*0.31 acres uplands and 0.37 acres preserved wetlands within Coastal High Hazard²

**8.07 acres located outside of Coastal High Hazard Area

*** Wetland and SE Lee County TDUs will be limited to 4 bonus units per acre, if Greater Pine Island TDUs are utilized up to 9 bonus units per acre may be constructed.

The bonus density incentive programs include the Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5, and the transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5. As noted, Lee Plan Policy 101.3.7 only allows site built affordable housing to be considered within the Coastal High Hazard Areas. The applicant has provided a bonus density exhibit that depicts the Coastal High Hazard Area, the three different future land use categories, and the location of the types of bonus density units proposed on the site (see Attachment J). LDC Section 2-147(b)(4) requires applications for planned development rezoning requests relying on bonus density to increase densities above the Lee Plan standard density range to specifically request the use of bonus density and comply with the following review criteria per LDC Section 2-146 pertaining to bonus density:

- a) **Applicants must comply with the minimum requirements set forth herein to be eligible to participate in the bonus density program through use of one of the following incentive programs:**
 1. **Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5.**
 2. **Transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5.**

The applicant is requesting through the rezoning of the property to allow a maximum of 114 bonus density units that include Affordable Housing Program units in accordance with the site-built provisions or the cash contribution provisions (not in Coastal High Hazard Area) and Transfer Development Rights (TDR) program. The proposed development plan includes a minimum of 20-38 site-built affordable housing units (see Attachment J). The remainder will depend on final unit count and will be demonstrated at time of development order. The overall site qualifies for up to 152 bonus density units.

- b) **The following are the minimum requirements for the bonus density program:**

1. **The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**

The subject property has direct access to South Tamiami Trail (US 41), an arterial State road and San Carlos Boulevard, a major collector. As mentioned previously, FDOT is proposing intersection improvements, including a traffic signal for this intersection. Since there is direct access to arterial and major collector roadways, the traffic generated from the development will not be traveling through areas with lower densities.

2. Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.

The applicant has designed the project to cluster the development in the eastern half of the site with commercial tracts abutting South Tamiami Trail (US 41) and the multi-family residential buildings decreasing in height from east to west. The Traffic Impact Statement (TIS) submitted by the applicant demonstrates that all roadways are projected to operate above the minimum adopted Level of Service (see Attachment M). Staff have reviewed the TIS and concluded that the proposed project will not have a detrimental impact on the surrounding uses and the access was subject to FDOT approval (see Attachment N). The applicant provided letters of availability for potable water and sewer stating that there were adequate sanitary sewer and potable water lines adjacent to the property (see Attachment L).

3. Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in LDC Section 2-483.

According to Lee Plan Map 5-A, a portion of the property is located within the Coastal High Hazard Area (see Attachment P). Storm shelters or other appropriate mitigation will be provided pursuant to LDC requirements which will be demonstrated as part of the development order for the subject property.

4. The resulting development will be compatible with existing and planned surrounding land uses.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another (LDC Section 34-2).

As described in previous sections, the subject property abuts a mix of commercial and residential uses. LDC Section 34-2175(b)(2) allows heights up to 95 feet within the Urban Community future land use category. The maximum height being proposed on the subject property is 56 feet. To the north is a mobile home park, and the proposed buildings are proposed to be set back 95 feet for buildings I and II with building III being setback back 29 feet for a narrow portion of the building. The setbacks exceed the requirements per LDC Section 34-2174(a). The western half of the property is being preserved for water quality and storage improvements as well as enhancements for wildlife abutting the Estero Bay State Buffer Preserve and Mullock Creek flow-way. The buffers being providing comply with the Mixed Use Overlay code per LDC Section 10-425, providing a five-foot right-of-way buffer and ten-foot Type-B buffer between on-site residential and abutting residential uses.

Per LDC Section 2-146(e):

- e) TDUs may not be utilized on property located within the Coastal High Hazard Area as defined in section 2-483 or located within Bayshore, Buckingham,**

Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Community. TDUs may only be used as described in section 2-154.

The applicant is proposing TDUs outside of the Coastal High Hazard Area (see Attachment J). The subject property is not located within any of the planning communities.

Based on the above analysis, the request complies with the established review criteria for approval of bonus density.

The western portion of the property is within the Coastal High Hazard Area (CHHA), Rural and Wetlands future land use categories. The applicant is proposing water retention, buildings and parking within a small portion of the CHHA and Urban Community future land use category. The remainder of the land east of the development will be preserved for water quality and enhancements for Mullock Creek flow-way and habitat for wildlife abutting the Estero Bay State Buffer Preserve which is all within the CHHA. Development is focused within the CHHA uplands, except for approximately 0.17 acres of wetland impacts. A portion of the impacts have been approved through a SFWMD permit for the road improvements and the remainder are impacts associated with County access to the preserve for maintenance to Mullock Creek flow-way, which could be considered a public facility in compliance with **Lee Plan Policy 101.3.2**. In any case, the applicant will be providing a State permit for all impacts and will demonstrate mitigation through the development order and vegetation removal permit process. Staff recommends a condition to address the impacts to wetlands. The applicant is proposing site-built bonus density within the CHHA and is not transferring density to the site from Greater Pine Island transferrable density units. Staff finds the request **CONSISTENT with Goal 101 and Policies 101.1.1, 101.1.2, 101.3.2, 101.3.4, 101.3.6, and 101.3.7.**

The subject property is undeveloped with the exception of the dirt road that runs east to west. The Mullock Creek flow-way bisects the property at a diagonal from north to south. There are wetlands on the east and west sides of the flowway. The applicant is proposing to preserve the land west of the Mullock Creek flow-way. The area east of Mullock Creek consists of 15.71 acres of uplands, and drainage runs from the east to the west draining from South Tamiami Trail (US 41) to Mullock Creek. The applicant is proposing a drainage system that will preserve the existing drainage patterns and will not block any runoff from adjacent properties. The drainage within the development will be collected into a catch basin and pipe system and detained in an on-site wet detention pond. The wetland preserves will remain outside of the stormwater management system and the pretreated stormwater will discharge into the wetland system and into Mullock Creek. The lake and swales will be planted with littorals to provide for water quality. The property is within the FEMA flood zone and the applicant is proposing to design the finish floor elevations at one foot above FEMA base flood elevation in compliance with FEMA requirements. No fill will be placed within the Mullock Creek floodway. The applicant is proposing approximately 17.44 acres of public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands. Impacts to wetlands will be mitigated through the SFWMD Environmental Resource Permit process. Staff finds the request **CONSISTENT with Objectives 59.1, 61.2 and 61.3 and Policies 59.1.4, 59.1.9, 61.3.2, and 61.3.5.**

Environmental Sciences

Environmental Sciences zoning staff has provided a memorandum (see Attachment K). As mentioned, the site is located west of Tamiami Trail and south of Shelter Pines Mobile Home Park within the San Carlos Planning Community. Staff conducted a site inspection on August 1, 2022. The site is currently vacant. The applicant has submitted a Protected Species Survey that includes

the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering transects methodology used to survey the project (see Exhibit A). During staff's inspection, there were protected species observed on the site. The applicant has indicated in the protected species survey that there are a total of 41 potentially occupied gopher tortoise burrows and identified 23 snags containing potential roost cavities. The applicant is proposing to relocate any gopher tortoises within the impact area, to an on-site preserve through Lee Plan Policy 123.8.1.

Open Space

The applicant is requesting 300 dwelling units (including 114 bonus density units) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet. Per CPA2022-00007, the applicant may transfer dwelling units located in the Rural FLUC from preserved wetlands to developable uplands under common ownership at the same underlying density as permitted for those uplands. In addition, CPA2022-00006 extends the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail (U.S. 41). Large projects within the Mixed Use Overlay are required to provide a minimum of 20 percent open space, half of which must be indigenous preserve. The applicant will have to provide 20 percent open space subject to the approval of CPA2022-00006 and CPA2022-00007.

Indigenous Open Space Preservation

Policy 5.1.6 requires large projects within the Mixed Use Overlay to provide 20 percent open space, of which 50 percent must be indigenous. The applicant is required to provide 4.64 acres of indigenous open space and is providing 16.98 acres of preserved uplands. The applicant has provided a MCP dated January 9, 2023 that depicts 16.98 acres of indigenous open space.

Wetlands

The applicant was issued a formal jurisdictional wetland determination (Permit # 36-107223-P) on June 7, 2022 (see Attachment K, Exhibit B). Wetlands delineated on the property totaled 11.13 acres, consisting primarily of tributary wetlands (see Attachment K, Exhibit B). The applicant provided a FLUCCS map as part of the protected species survey and the formal jurisdictional wetland determination. The applicant has indicated in the application materials that 0.17 acres of wetlands will be impacted. Due to the size and quality of the wetlands, no wetland mitigation is required or proposed per the South Florida Water Management District (*SWERP Handbook Volume 1 Section 10.2.2.1*) (Attachment K, Exhibit C).

Staff recommends the following indigenous open space condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 16.98 acres of indigenous preservation area and 14.45 acres of non-indigenous open space in substantial compliance with the Master Concept Plan per the following breakdown:

- a) Indigenous Upland Preserve 16.98 acres;***
- b) Wetland Preserve (Non-Indigenous) 10.59 acres;***
- c) Non-Indigenous Upland Preserve 3.02 acres;***
- d) Compensating Storage in Preserve 0.04 acres; and***
- e) Lake (Maximum of 25% Open Space) 0.80 acres.***

Indigenous Habitat Management Plan

The applicant has not provided an Indigenous Habitat Management Plan (IHMP), although the applicant has agreed to provide an IHMP prior to the issuance of the first development order or vegetation permit.

Staff recommends the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation and demonstrate compliance with Lee Plan Policy 101.1.1:

Prior to the issuance of the first development order or vegetation permit, a species management and indigenous management plan must be submitted to Lee County.

Buffers

The proposed development abuts commercially-zoned land along the east, vacant residentially-zoned to the west, multi-family residential and mobile home uses along the south property line, and mobile home uses along the north property line. Subject to the approval of CPA2022-00006 and CPA2022-00007, the required buffers are as follows :

East – The east area of the property abuts S. Tamiami Trail (U.S. 41). The applicant is demonstrating compliance with LDC 10-425(f)(1) and proposing a 5-foot right-of-way buffer.

West - No buffer required along a portion of the west property line where the Indigenous preserve is located.

North - The north property line abuts Sheltering Pines Mobile Home Village. Per LDC Section 10-425(f)(2) requires a 10-foot, Type “B” buffer along single-family residences. The applicant is providing a 10-foot buffer and with “Type B” plantings. The proposed buffer is meeting code required buffer criteria.

South - The south property line abuts a 30’ Ingress and Egress easement. The applicant is providing a 7.5-foot buffer outside of the fenced in area.

Natural Resources

The Lee County Division of Natural Resources has provided a staff memorandum with supporting attachments that analyzes the proposed development and the effect it will have on the flow-way and wetlands. (see Attachment Q). The proposed development is within the Mullock Creek watershed and is bisected by a Mullock Creek tributary, which conveys off-site flows through the property. The Mullock Creek watershed is impaired for Iron, Selenium, Enterococci, and Copper. Lee Plan Policy 125.1.2 states new development and additions to existing development must not degrade surface and ground water quality. The proposed stormwater management system will provide pretreatment on the two commercial or mixed use parcel sites prior to discharging into the main stormwater management system. The wet detention pond will then discharge into the Mullock Creek wetlands on the east side of the flowway and then ultimately into Mullock Creek. Lee Plan Policy 125.1.4 states developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. To address consistency with Lee Plan Policies 125.1.2 and 125.1.4, the applicant has proposed a condition requiring approval of a water quality monitoring plan prior to issuance of development order. The proposed surface water management system is consistent with Lee Plan Policies 60.4.2 and 125.1.3.

In order to maintain consistency with these policies staff recommends the following conditions:

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Quality Monitoring Plan must establish the following:

- i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;**
- ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH, and Dissolved Oxygen.**
- iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.**
- iv) Identify the monitoring point locations.**
- v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.**
- vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.**

The Mullock Creek tributary, which conveys off-site flows through the property, is bordered by wetlands and within a FEMA Regulatory Floodway. An existing elevated east/west dirt road bisects the Floodway and four 36 inch culverts under the dirt road function to convey offsite flows. The Lee County 2018 Flood Study Report, prepared by Johnson Engineering, was developed following the two major rain events during the summer of 2017. The first being Invest 92L, occurring in late August and then followed by Hurricane Irma on September 10th. The Report documented conditions in the field where flooding had occurred and mapped locations where impediments to flow existed that could be remedied quickly, or where deficiencies in structural components may have facilitated flooding. The Report discovered four 36-inch culverts under the east/west dirt road that were damaged and impeding off-site flows (Observation ID#708, Appendix A, Page 1). The applicant has agreed to apply for the necessary permits and replace the four damaged culverts in order to restore off-site conveyance capacity. To address the replacement of the four 36-inch culverts, staff recommends the following condition:

Prior to issuance of local development order, the Developer must apply to replace the four 36 inch culverts, as identified in the 2018 Lee County Flood Study Report (Observation ID#708, Appendix A, Page 1). The culvert replacement must be depicted on the engineering plans and must be completed prior to issuance of Certificate of Occupancy (CO) for the first vertical building. Extensions for completion may be approved administratively by Natural Resources. Once the culverts have been replaced, the surrounding grade must be restored back to the existing grade.

The project is proposing no impacts within the FEMA Regulatory Floodway and will preserve and restore all wetlands in the Floodway. The preservation of this area is consistent with Lee Plan Policy 60.4.3, which encourages the preservation of existing natural flowways and the restoration of historic flow-ways. In addition, the applicant will remove exotic vegetation and be responsible for the long-term maintenance of the Floodway consistent with Lee Plan Policy 61.3.3, which requires that floodways be as unobstructed as possible. These improvements, along with the replacement of the damaged culverts within the FEMA floodway, will lessen flooding impacts in the area.

A 30-foot-wide platted roadway known as Santa Maria Street runs east/west through the property. The western portion of Santa Maria Street was never constructed, but would provide Lee County access to the Floodway if necessary. The applicant has requested to vacate this plated roadway (VAC2023-00004) and Natural Resources Staff has conditionally approved the vacation request if a replacement drainage and access easement is provided. As part of the petition to vacate, a drainage and access easement must be reviewed and recorded in favor of Lee County. The drainage and access easement must include language to permit Lee County access to the floodway to allow the right, but not the obligation, to maintain the floodway consistent with Lee Policy 61.3.3 and LDC Section 10-328.

A large portion of the property is located within the Coastal High Hazard Area (CHHA), as shown on Lee Plan Map 5-A. The Lee Plan defines the CHHA as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The subject property contains 11.13 acres of wetlands, of which 11.00 acres are located in the CHHA, per the SFWMD formal wetland determination issued on June 7, 2022 (36-107223-P). Lee Plan Policy 101.1.1 requires that development within the CHHA be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. Policy 101.1.2 speaks to the protection and conservation of environmentally sensitive coastal areas that include wetlands, mangrove stands, undeveloped tidal creeks, and critical wildlife habitat. The preservation and restoration of wetlands and the Mullock Creek flow-way are consistent with Policies 101.1.1 and 101.1.2. In addition, the preservation of uplands west of the flow-way maintains onsite gopher tortoise habitat consistent with Policies 101.1.1 and 101.1.2. The applicant is also proposing to offset 0.04 acres of wetland impacts by creating 0.04 acres of wetlands that will be graded to match the existing grade of the adjacent floodway and will be planted with native wetland vegetation if natural recruitment does not take place within two growing seasons. The proposed wetland creation will provide compensatory storage to offset the 0.04 acres of wetland impacts. This proposed mitigation strategy is not required by the Lee Plan or Land Development Code, but was proposed by the applicant to further demonstrate consistency with Lee Plan Policy 101.1.1. To that end, staff recommends the following condition:

Prior to issuance of a local development order, the developer must depict the wetland creation area on the development order plans and provide calculations that quantify the flood storage volume provided by the created wetland.

Land Development Code Compliance

Staff finds the proposed planned development rezoning to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and

- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

a) Compatibility with existing and planned uses in the surrounding area

As previously detailed, staff finds the requested rezoning to be compatible with existing and planned uses in the surrounding area, as conditioned. The applicant has designed the MCP to depict the staggering of height of each building toward the preserve area. As described in previous sections, the subject property abuts commercial uses and a residential planned development (Estero Vista) with 55-foot-high multi-family buildings abutting a recreational vehicle park to the south. LDC Section 34-2175(b)(2) allows heights up to 95 feet within the Urban Community future land use category. The maximum height being proposed on the subject property is 56 feet. To the north is a mobile home park, and the proposed buildings are proposed to be set back 95 feet for buildings I and II, with building III being set back 29 feet for a narrow portion of the building. The setbacks exceed the requirements of LDC Section 34-2174(a). The western half of the property is being preserved for water quality and storage improvements as well as enhancements for wildlife abutting the Estero Bay State Buffer Preserve and Mullock Creek flow-way. The buffers being provided comply with the Mixed Use Overlay code per LDC Section 10-425, providing a five-foot right-of-way buffer and ten-foot Type-B buffers between on-site residential and abutting residential uses.

b) Sufficiency of Access and Transportation Impacts

The applicant has provided a traffic impact statement (TIS) concerning trip generation expected by the project (see Attachment M). Development Services Section staff has reviewed the applicant's TIS and has provided separate memorandum concerning the project's transportation impacts (see Attachment N). In summary, the vehicular trip generation associated with the 300 multi-family dwelling units includes 150 new trips in the PM peak hour (95 in, 55 out) and 116 new trips in the AM peak hour (28 in, 88 out). The vehicular trip generation associated with the 30,000 square foot commercial uses includes 120 new trips in the PM peak hour (60 in, 60 out) and 41 new trips in the AM peak hour (26 in, 15 out). Staff concludes that the proposed project will not have a detrimental impact on the surrounding roadway system. The access to South Tamiami Trail (US 41) is subject to FDOT approval. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with existing county regulations.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

The site includes a total of 11.13 acres of jurisdictional wetlands associated with Mullock Creek flow-way that runs from the northwest to the southeast. There are two isolated low quality wetlands to the east, 10.76 acres of these wetlands are within the 46.33-acre project boundary and 0.37 acres are within the adjacent 30-foot private right-of-way that bisects the site and is proposed to be vacated. The environmental consultant identified 41 gopher tortoise burrows, with nine located on the east side of the flow-way and the remainder on the west side. The applicant has provided a Protected Species

Management Plan (see Attachment K). Preservation of 10.96 acres of wetlands and 16.98 acres of indigenous uplands will provide habitat for wildlife once the restoration is complete and exotics are removed. In addition to the on-site preservation, non-indigenous uplands, a compensatory storage area, and dirt road off-site will be restored resulting in 30 acres of preservation. A total of 0.17 acres of wetland impacts are proposed, of which 0.13 acres have been permitted through SFWMD permit #36-104286-P associated with the permitting for the access to the site. The remaining impacts will be permitted through the subject property to support the County access to the flow-way for maintenance. The applicant is proposing compensatory storage for the on-site impacts to the wetlands, but the applicant anticipates no mitigation will be required from SFWMD due to the low quality of the wetlands. The compensatory storage area is proposed to be graded to match existing grade of the adjacent floodway area and will be allowed to naturally recruit native species through native seed sources in the vicinity. The applicant is proposing 17.44 acres of community public facilities consisting of a proposed perpetual stormwater drainage and access easement over the floodway and adjacent preserved wetlands since the subject property is located in a floodway and Coastal High Hazard Area. The minor 0.04-acre impact that is within the Coastal High Hazard Area is only to allow for access for Lee County to the existing dirt road to the floodway and adjacent preserved wetlands and to provide access for the lake maintenance easement associated with the surface water management system.

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the requested rezoning. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) *Supplemental Planned Development Criteria*

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation, as conditioned:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The MPD rezoning is consistent with the Urban Community, Rural, and Wetlands future land use designation and the applicable goals, objectives and policies of the Lee Plan including the comprehensive plan amendments that were transmitted to the State on January 18, 2023. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the subject property from MH-1 and CG to MPD with the conditions attached as Attachment F of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, Current Zoning, and Mixed Use Overlay Maps
- D. Master Concept Plan
- E. CPA2022-00006 and CPA2022-00007
- F. Development Regulations, Conditions and Deviations
- G. DOS2020-00128 approved for pedestrian and automobile connections
- H. Estero Vista access ADD2020-00104 and DOS2020-00127
- I. Development Services Deviation Analysis Memorandum
- J. Applicant's
 - Project Narrative
 - Bonus Density Narrative and Exhibit
 - Schedule of Uses
 - Property Development Regulations
 - Schedule of Deviations
 - Stormwater Narrative
- K. Environmental Sciences Staff Report
 - Applicant's Protected Species Survey
 - Applicant's Protected Species Management Plan
- L. Letters of Availability
- M. Applicant's Transportation Impact Statement and FDOT Traffic Signal Analysis
- N. Development Services Transportation Memorandum
- O. Roadway Easement OR2190 PG2470
- P. Coastal High Hazard Area map
- Q. Natural Resources Memorandum