



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

Wednesday, October 16, 2024
9:30AM

DCI2023-00035
Z-24-025

Southern Gulf Construction

DCI2022-00046
Z-24-015

Kingston Street RPD

CPA2022-00012

Corkscrew Commercial CPA Map - ADOPTION

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, October 16, 2024 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.

DCI2023-00035 / Southern Gulf Construction

Request to rezone 5.3± acres from Agricultural (AG-2) to the Commercial Planned Development (CPD) district to allow 6,500 square foot contactor's office with accessory outdoor storage of company vehicles and equipment.

Located at 16521 Slater Rd., North Fort Myers Planning Community, Lee County FL.

DCI2022-00046 / Kingston Street RPD

Rezone 12.9± acres from Residential Single-Family (RS-1) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow a maximum of 258 multi-family units, 45 feet in height. Requested density includes a maximum of 129 bonus units.

Located at 200-232 Joel Blvd., Lehigh Acres Planning Community, Lee County, FL

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

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

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

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. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (JPrincing@leegov.com) not less than 2 days before the date of the zoning hearing.

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 Raphaela Morais-Peroba, (239) 533-8782, 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, October 16, 2024. 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:

Small Brothers Corkscrew Commercial - Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre (Property size was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300) subject property located on Corkscrew Road, approximately 100 feet west of the intersection of Alico Road and Corkscrew Road.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe 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 Raphaela Morais-Peroba, (239) 533-8782, 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.

DCI2023-00035
SOUTHERN GULF
CONSTRUCTION

Staff Summary

CASE NUMBER & NAME: DCI2023-00035 / Southern Gulf Construction

REQUEST: Rezone 5.3± acres from Agricultural to the Commercial Planned Development district to allow 6,500 square foot contactor's office with accessory outdoor storage of company vehicles and equipment.

RESOLUTION NUMBER: Z-24-025

LOCATION: 16521 Slater Rd., North Fort Myers Planning Community, Lee County FL

OWNER: Southern Gulf Construction

APPLICANT: Southern Gulf Construction

AGENT: Stephen Coleman
Barraco and Associates, Inc.
2271 McGregor Blvd., Ste 100
Fort Myers, FL 33901

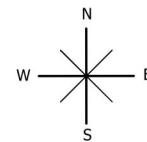
HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

PARTICIPANTS: (0) NONE

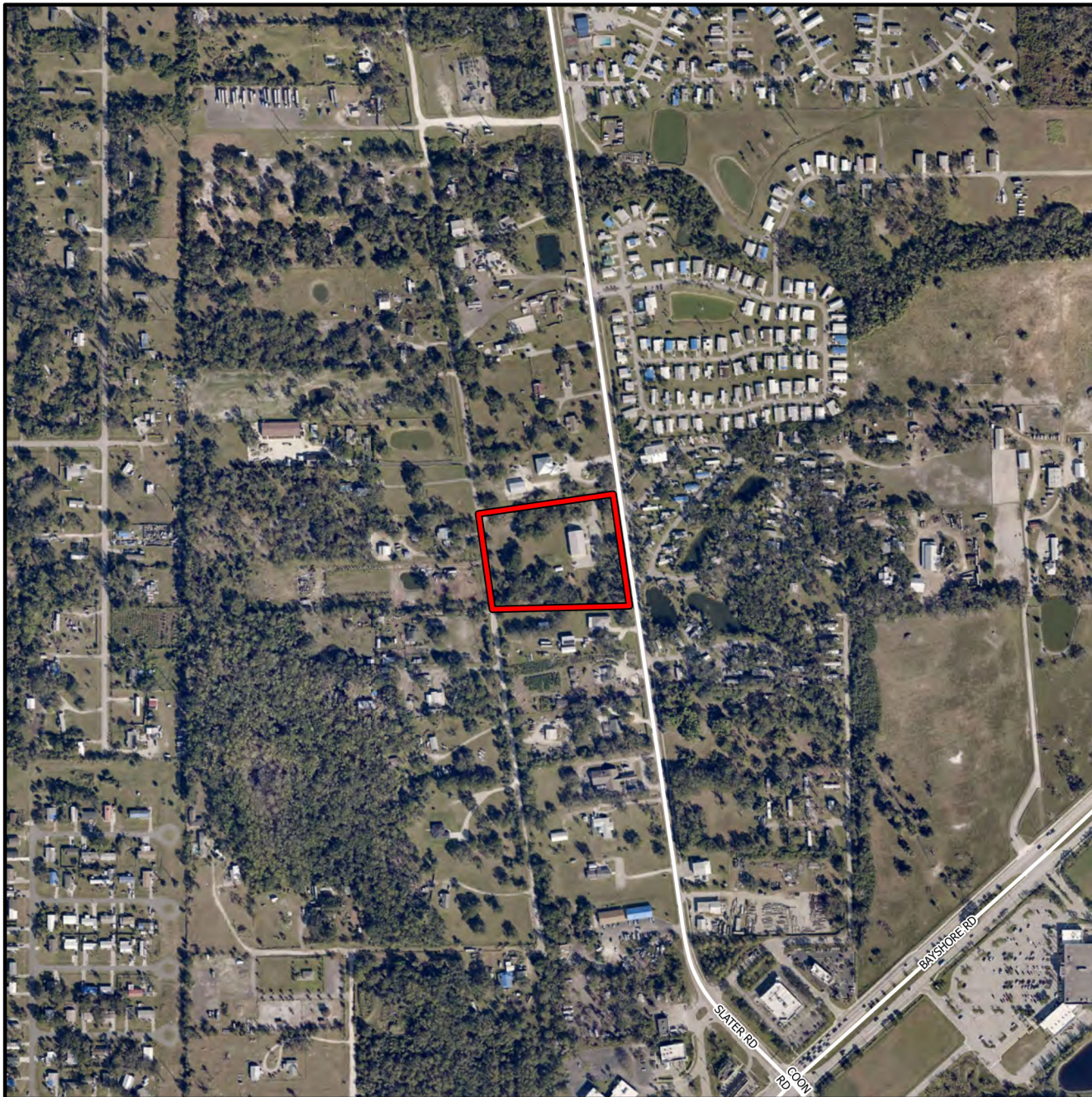
DCI2023-00035

Aerial

 Subject Property



0 250 500 750 1,000
Feet



Summary of Hearing Examiner Recommendation

SOUTHERN GULF CONSTRUCTION

The proposed contractor's offices and open storage repurposes the site of a former place of worship on Slater Road in North Fort Myers. The Lee Plan Economic Element encourages commercial uses to expand the County's economic base. The proposed commercial use will contribute to a positive business climate by creating employment opportunities.

The proposed contractor's office and associated storage will be subject to conditions to ensure consistency with surrounding development. The LDC requires opaque screening around open storage that may be visible from residential land uses. Enhanced landscaping will supplement existing mature vegetation on the site to further screen commercial activity from nearby residences.

Detailed recommendation follows

DCI2023-00035

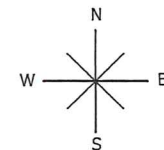
Future Land Use

 Subject Property

 Suburban

 Public Facilities

 Wetlands



0 250 500 750 1,000
Feet



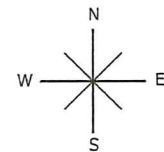
EagleView, Lee County Property Appraiser, Lee County GIS



DCI2023-00035

Aerial

 Subject Property



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Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00035

Regarding: SOUTHERN GULF CONSTRUCTION

Location: 16521 Slater Road
North Fort Myers Planning Community
(District 4)

Hearing Date: September 11, 2024

I. **Request**

Rezone 5.3± acres from Agriculture to the Commercial Planned Development district to allow 6,500 square foot contractor's office with accessory outdoor storage of company vehicles and equipment.

The legal description is set forth in Exhibit A.

II. **Hearing Examiner Recommendation**

Approval, subject to conditions and deviations 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 the planned development district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property from Agricultural (AG-2) to the Commercial Planned Development (CPD) 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.

Discussion supporting the recommendation of approval with conditions follows below.

¹ LDC §34-145(d)(4) a.

Synopsis of Request

The application seeks to rezone 5.3 acres from AG-2 to CPD to authorize up to 6,500 square feet of office space and accessory outdoor storage in the North Fort Myers Planning Community.

The Department of Community Development staff recommends approval with conditions.

Planning and Zoning History.

The property was developed as a place of worship in 2001.² The request repurposes the site as a contractor's office with open storage.

Character of Area

The property is located on the west side of the Slater Road corridor approximately one third mile north of Bayshore Road. Surrounding land uses include single family residences on acreage, mobile homes, with limited commercial uses north of the intersection of Slater and Bayshore Roads.

Lee Plan

The Lee Plan regulates land development activity in the County.³ The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan including the Future Land Use Map.⁴

The property is designated as Suburban on the Future Land Use Map.⁵ Suburban areas are primarily developed with residential land uses. For this reason, the Lee Plan prioritizes protecting residential neighborhoods in the area.⁶ Industrial uses are not permitted. The Plan's prohibition on industrial uses influenced conditions designed to protect surrounding residential land uses.⁷

The property's current zoning designation is AG-2. The purpose of agricultural districts is to provide for agricultural operations with ancillary residential use.⁸ The

² Calvary Baptist Chapel.

³ LDC 34-491.

⁴ Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezoning must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

⁵ Lee Plan Future Land Use Map 1-A.

⁶ Lee Plan Policy 1.1.5.

⁷ See Staff Report. Testimony of Adam Mendez, Senior Planner.

⁸ LDC §34-651.

Lee Plan discourages new agricultural uses in future urban areas.⁹ The requested CPD district authorizes land uses suited to suburban property.¹⁰

The proposed contractor's offices and open storage repurposes the site of a former place of worship.¹¹ The Lee Plan Economic Element encourages commercial uses to expand the County's economic base.¹² The proposed commercial use will contribute to a positive business climate by creating employment opportunities.¹³

Development in North Fort Myers is subject to a Community Plan adopted as part of the Lee Plan as well as criteria in the LDC.¹⁴ The Community Plan emphasizes protecting community character, economic vitality, and quality of life.¹⁵

Compatibility

Compatibility exists when land uses can exist in proximity, and no one use unduly negatively impacts another.¹⁶ Planned development zoning districts are useful when integrating development with surrounding land uses.¹⁷ Planned developments permit conditioning uses and site design to address potential incompatibilities with surrounding development.¹⁸

Development along Slater Road and further west is characterized by single family houses on larger lots and mobile homes. One commercially zoned parcel lies three lots to the south.¹⁹ The Bayshore Road corridor features a mix of retail and office commercial development. The Bayshore Road corridor also hosts residential subdivisions and pockets of light industrial uses.

The proposed contractor's office and associated storage will be subject to conditions to ensure consistency with surrounding development.²⁰ The LDC requires opaque screening to shield open storage yards from residential land uses.

⁹ Lee Plan Goal 9, Objective 9.2.

¹⁰ Lee Plan Objective 9.2, Policy 9.2.1.

¹¹ Lee Plan Policy 6.1.7.

¹² Lee Plan Goal 160, Objective 161.4.

¹³ Lee Plan Goals 6, 158, Objective 158.2, Policy 158.2.1.

¹⁴ Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012.

¹⁵ See Lee Plan Goal 30.

¹⁶ 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.

¹⁷ LDC §34-612(2). One of the purposes of "planned development" zoning is to integrate development with surrounding land uses.

¹⁸ *Id.*

¹⁹ The property is also in the Suburban land use category and was rezoned from agriculture with a special exception for a church, to CPD in the mid 1980's.

²⁰ Condition 1 requires compliance with the LDC. Conditions 6 and 7 impose restrictions to ensure compatibility with surrounding land uses.

Enhanced landscaping will supplement existing mature vegetation on the site to screen commercial activity from nearby residences.²¹

LDC

Development must comply with County land development regulations or seek deviations.

The property's agricultural designation

The application seeks approval of one deviation from the LDC. A "deviation" is a departure from a land development regulation.²² Applicants requesting deviations must demonstrate deviations enhance the planned development and will not cause a public detriment.²³ The requested deviation pertains to connection separation on Stacy Road.²⁴

Applicant offered testimony and evidence in support of the requested deviation based on the LDC standard of review.²⁵ Staff recommended approval of the deviation.

The LDC requires the Hearing Examiner to recommend approval, approval with modifications, or denial of requested deviations based upon a finding that the deviation:

- (1) Enhances the planned development; and
- (2) Preserves and promotes public health, safety and welfare.²⁶

The Hearing Examiner finds the requested deviation meets LDC approval criteria.

LDC regulations specific to North Fort Myers require zoning applications to conduct a public hearing in the community prior to the Hearing Examiner hearing.²⁷ Applicant hosted a public meeting for the public in compliance with this requirement.²⁸ Future development orders will be subject to community review as well.²⁹

²¹ Lee Plan Policies 5.1.5, 6.1.4

²² LDC §34-2.

²³ LDC §34-373(a)(9).

²⁴ LDC §10-285(a).

²⁵ LDC §34-377(a)(4).

²⁶ LDC §34-377(a)(4).

²⁷ LDC §33-1401(a)(2).

²⁸ Staff Report Attachment J: Advertised public information meeting held on April 4, 2023, at the North Fort Myers Recreation Center. LDC §33-1532(b).

²⁹ The LDC requires development orders and building permit applications to comply with the North Fort Myers Planning Community regulations. LDC §33-1532(a)(1).

Development will be subject to impact fees for road, fire, and emergency medical services.³⁰

Environmental/Natural Resources

Requests to rezone property may not adversely affect environmentally critical/sensitive areas or natural resources.

The Environmental Assessment & Species Survey Report found no wetlands or protected species on the property.³¹ The site is improved with a building structure, parking lot, shed, and drain field. Just under two acres of the property is characterized by slash pine, live oak, and scattered Brazilian pepper. Approximately 2.10 acres consists of mature forested uplands of live oak, laurel oak, and scattered slash pine and a sub canopy of cabbage palms and exotic vegetation. Existing ground cover includes saw palmetto, coco plum, and exotics. There are no wetlands or other surface waters on the property.

The MCP depicts open space within buffers, preserves, and stormwater management areas.³² A preserve consisting of approximately 1.55 acres of indigenous vegetation surrounds improved areas interior to the site.

The Hearing Examiner finds the CPD will not harm environmentally critical/sensitive areas or natural resources.³³ The LDC, MCP, and conditions of approval enhance the environmental features of the site through removal of exotic vegetation, preserving native vegetation, and supplemental plantings.³⁴

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.³⁵

The MCP proposes a single driveway access from Stacey Road a two lane County maintained local road. Applicant's Transportation Impact Statement concludes the proposed CPD will not adversely affect the surrounding road network.³⁶

³⁰ LDC Chapter 2, Article VI.

³¹ Staff Report Attachment G: 16521 Slater Road – North Fort Myers Environmental Assessment & Species Survey Report revised May 2024 prepared by BearPaws Environmental Consulting.

³² See MCP. Lee Plan Objectives 77.2, 77.3, LDC §34-935(g)(4) b. The MCP provides 2.79 acres of open space.

³³ Lee Plan 125.1.2; LDC 34-411(g),(h).

³⁴ LDC §§ 10-154, 10-420. Conditions 4, 5.

³⁵ LDC §34-145(d).

³⁶ Staff Report Attachment H: Traffic Impact Statement for Southern Gulf Construction CPD prepared by Barraco and Associates, Inc.

Staff's analysis of transportation impacts concludes the proposed use will generate less than 100 trips during peak hours and agrees with the TIS conclusion of no adverse impacts to the road network.³⁷ Detailed, analysis of impacts to area roadways will occur during development order permitting.

Public Services and Infrastructure

Availability of public services and infrastructure must be analyzed during rezoning.³⁸ Public services include services, facilities, capital improvements, and infrastructure necessary to support development.

The property has access to paved roads, public water, police, fire, and emergency medical services.³⁹ Wastewater will be handled by an onsite drain field and septic tank formerly servicing the place of worship.⁴⁰ A sidewalk on Slater Road provides pedestrian access to transit stops at the intersection of Bayshore and Slater Roads.

Conditions

The County must administer the zoning process to minimize the impacts of proposed land uses on adjacent property and protect natural resources.⁴¹ Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.⁴²

The CPD is subject to several conditions of approval to ensure compatibility with surrounding land uses. The conditions have been tailored to address anticipated project impacts.⁴³

Public Participation

No members of the public attended the hearing.

³⁷ Staff Report Attachment I: Memorandum from Pakorn Sutitarnnontr, Project Manager to Adam Mendez, Senior Planner dated August 8, 2024.

³⁸ Lee Plan Policy 2.2.1.

³⁹ Lee Plan Goals 2, 70, Objectives 2.2, 4.1, 53.1, 66.1, Policy 2.2.1. The property is located within the Lee County Utilities franchise area for potable water service with infrastructure adjacent to the site. Florida Governmental Utilities Authority has infrastructure in the area with capacity to provide sanitary sewer. North Fort Myers Fire District Station will serve the property from Station 103 approximately 1,000 south of the site. Emergency Medical Services dispatch Medic Station 7 is located with the Lee County Sheriff North District offices on Pondella Road.

⁴⁰ The property lies within the franchise area for Florida Governmental Utility Authority. The closest infrastructure is approximately 1,600 feet south of the site. For this reason, the site will rely on the existing septic system. See Staff Report.

⁴¹ Lee Plan Policies 5.1.5, 6.1.4, 135.9.6; LDC §§34-145(d)(4), 34-377, 34-932.

⁴² LDC §34-932(c).

⁴³ LDC §34-83(b)(4) a.3.

Conclusion

The Hearing Examiner recommends approval of the proposed CPD subject to conditions set forth in Exhibit B.

IV. Findings and Conclusions

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval of the proposed amendments to the CPD, subject to conditions, and makes the following findings and conclusions:

- A. The CPD complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 30, 63, 77, 125, 158; Objectives 2.1, 2.2, 4.1, 77.2, 125.1, 158.2, and Policies 1.1.5, 1.6.5, 2.1.1, 2.1.2, 2.2.1, 6.1.3, 6.1.5, 39.2.1, 125.1.2, 125.1.3, 158.2.1, 159.2.3; Lee Plan Maps 1-A, 1-B, 2-A, 3-D, 4-A, Table 1(b)
- B. *As conditioned herein*, the CPD:
 - 1. Meets standards in the LDC and other regulations or qualifies for deviations. and LDC Chapters 2, 10, 14, 34.
 - 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goals 2, 6, Objectives 2.1, 2.2, and Policies 2.1.1, 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6 and LDC §34-411(j).
 - 3. provides access to support the proposed development intensity. Lee Plan Policies 6.1.1, 6.1.5, 39.2.1; and LDC §34-411(d).
 - 4. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Objective 39.1, Policy 6.1.5, LDC §§2-261 *et seq.*, 10-7(b), 10-286.
 - 5. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goal 63, Objectives 77.2, 77.3, Policies 6.1.1, 6.1.6, 54.1.3, 61.3.6, 77.3.1, 77.3.5, 123.2.4, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4, Lee Plan Map 4-C, and
 - 6. Will be served by urban services including public water and sewer, paved streets, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1, 6.1, Policies 2.2.1, 6.1.1, 6.1.4, 53.1.5, 53.1.8, 56.1.4, 151.2.3; Standards 4.1.1.
- C. The proposed uses are appropriate at the location. Lee Plan Goal 2, Objectives 1.1, 2.1, 2.2, Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7, 6.1.8, Table 1(b); and LDC §34-411.

- D. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5, 6.1.4, 63.1.2, 77.3.1, 135.9.6, LDC §34-411.
- E. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Goals 123, 125, 126, Objective 126.2, Policies 5.1.5, 123.2.9, 123.8.1, 123.8.2, 125.1.6, 126.2.1, 135.9.6.
- F. The deviations recommended for approval:
 - 1. Enhance the objectives of the planned development; and
 - 2. Promote the intent of the LDC to protect public health, safety, and welfare.

Date of Recommendation: September 13, 2024.



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 (Strike Through Version)
- Exhibit C Recommended Conditions and Deviations (Clean Version)
- Exhibit D Exhibits Presented at Hearing
- Exhibit E Hearing Participants
- Exhibit F Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

DESCRIPTION
(Instrument No. 2022000278586, L.C.R.)

Lots 24 and 25, BRANCH CREEK FARMS (an unrecorded subdivision) Lee County, Florida.

A tract or parcel of land situated in the State of Florida, County of Lee, being part of Section 30 Township 43 South, Range 25 East, and further bounded and described as follows: Starting at an iron pin marking the intersection of the South line of the NW 1/4 of aforesaid Section 30 with the centerline of Slater Road; thence North 89 degrees 19 minutes 20 seconds West along the South line of the NW 1/4 of aforesaid Section 30 a distance of 30.22 feet to a point in the Westerly right of way of Slater Road and the principal place of beginning; thence continuing North 89 degrees 19 minutes 20 seconds West a distance of 549.01 feet; thence North 6 degrees 15 minutes West a distance of 387.16 feet; thence North 83 degrees 45 minutes East a distance of 545.0 feet to a point in the Westerly right of way of Slater Road; thence South 6 degrees 15 minutes East along the Westerly right of way of Slater Road a distance of 453.38 feet to the place of beginning.

Digitally signed
by Scott A.
Wheeler, PSM
Date: 2023.08.09
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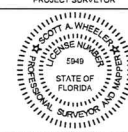
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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REVIEWED
DCI2023-00035
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/24/2024

PREPARED FOR
**SOUTHERN GULF
CONSTRUCTION,
INC.**

PROJECT DESCRIPTION
LOTS 24 AND 25
OF THE UNRECORDED PLAT
**BRANCH
CREEK
FARMS**
A SUBDIVISION
LYING IN SECTION 30,
TOWNSHIP 43 SOUTH,
RANGE 25 EAST,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

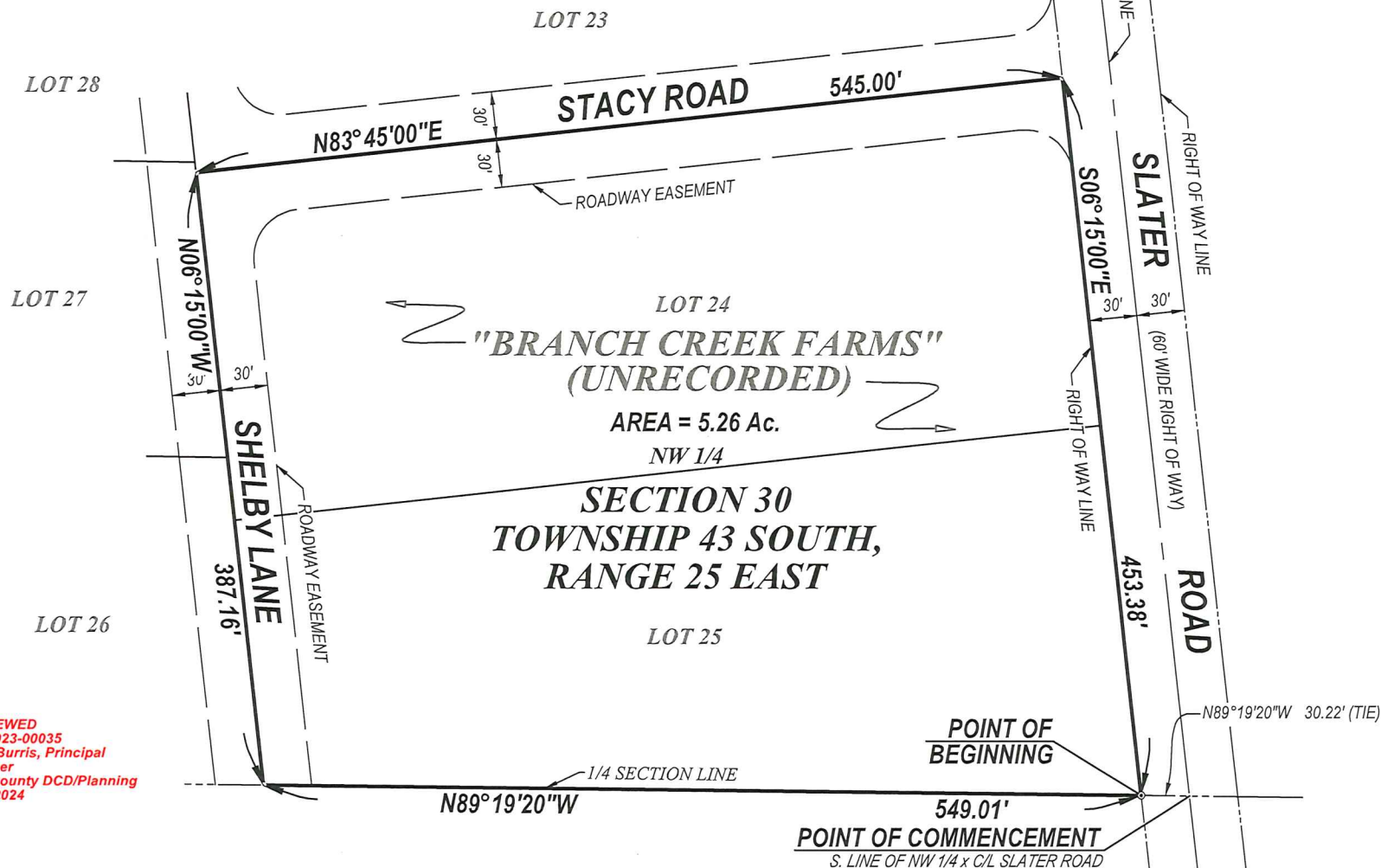
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LAYOUT 2
LOCATION J:\24151\TOWNSHIP SURVEYING\SKETCH
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PLOT BY PETER OLSEN

DRAWING DATA
SURVEY DATE 08-08-2023
DRAWN BY P. OLSEN
CHECKED BY SAW
SCALE 1"=100'
FIELD BOOK

PLAN REVISIONS
STRAP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION

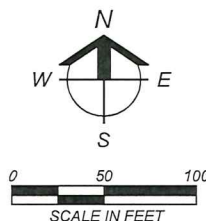
PROJECT / FILE NO. 24151
30-43-25
SHEET NUMBER 2 OF 2



REVIEWED
DCI/2023-00035
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/24/2024

NOTES:

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET)
- INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
- O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
- PG. - DENOTES PAGE.
- BEARINGS AS SHOWN ARE BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 32 TO BEAR N89°19'20"W.
- DESCRIPTION IS ATTACHED.



THIS IS NOT A SURVEY

Digitally signed by
Scott A. Wheeler,
PSM
Date: 2023.08.09
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SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

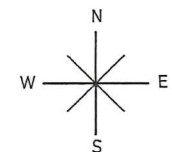
DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DCI2023-00035

Zoning

 Subject Property



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Feet

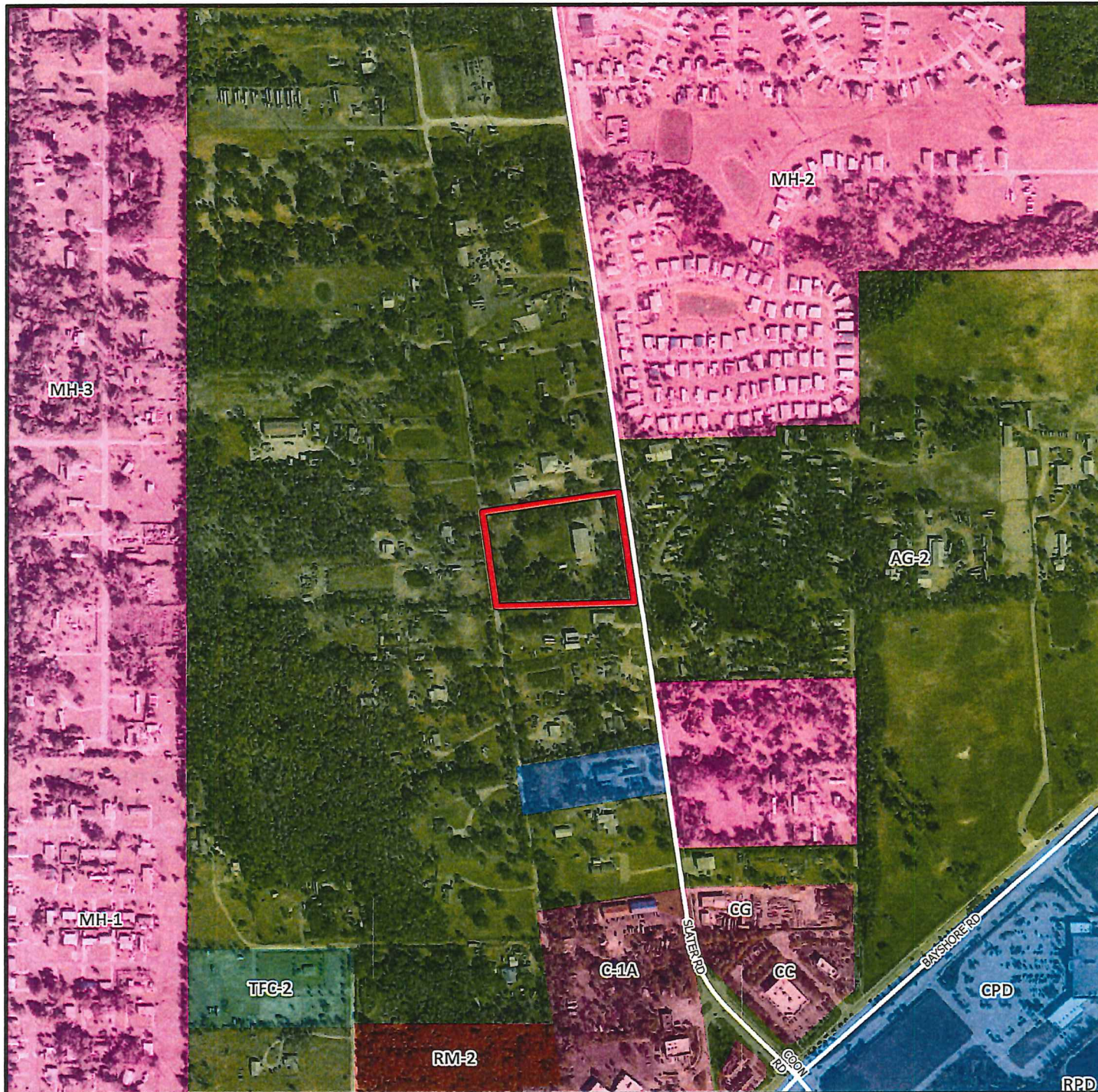


Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner
(Strike Through Version)

CONDITIONS

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan (MCP). Development must substantially comply with the two-page MCP entitled "Southern Gulf CPD" dated September 11, 2024. (Exhibit B1).
- b. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Amendments to the MCP, conditions, or deviations will be subject to further development approvals.
- c. Approved Development Parameters. Development is limited to a maximum of 6,500 square feet of floor area and outdoor storage as depicted on the MCP. Sheds and carports utilized exclusively for accessory storage are not subject to the building floor area maximum.

2. Permitted Uses and Property Development Regulations

a. Schedule of Uses

Accessory uses and structures.
Administrative offices
Contractors and builders, Groups I, II & III (subject to **Condition #6**)
EMS, fire, or sheriff's station
Essential services
Essential service facilities, Group I
Excavation:
 Water retention
Fences, Walls
Place of worship
Signs
Storage, indoor
Storage, open (accessory to primary use and subject to **Condition #7**).
Temporary uses

b. Property Development RegulationsMinimum Lot Area and Dimensions

Lot Area:	5.3 Acres
Lot Width:	N/A
Lot Depth:	N/A

Minimum Building Setbacks and Maximum Building Heights:

Street:	100 feet
Side:	100 feet
Rear:	100 feet

Maximum building height:	35 feet
--------------------------	---------

Maximum lot coverage	10 percent
----------------------	------------

Minimum building separation	20 feet
-----------------------------	---------

3. Open Space

Development order plans must depict a minimum of 2.79 acres of open space in substantial compliance with the MCP.

4. Preserve

Development order plans must depict preservation of a minimum of 1.55 acres, in substantial compliance with the MCP. Developer must supplement preserve areas along the project perimeter with plantings necessary to achieve a minimum Type C Landscape Buffer, except where landscape enhancements are required pursuant to Condition 5 below.

5. Landscape Standards

Development order plans must depict the landscaping demonstrated on Page 2 of the MCP (Landscaping and Buffer Exhibit). Developer must comply with enhanced buffer commitments depicted in the Exhibit.

6. Contractors and Builders

Contractors and Builder uses are subject to the following use restrictions:

- a. Outdoor storage. Outdoor Storage is limited to the following vehicles and construction equipment:

- i. Pickup Trucks limited to a maximum Gross Vehicle Weight Rating (GVWR) of 19,500 pounds (i.e. up to a Class V Medium Duty Vehicle). Semi-tractor trucks and trailers are prohibited.
 - ii. Pickup trucks equipped to serve as a maximum 3-yard dump truck
 - iii. Skid steers, mini-excavators, trailers, including concrete pump trailers, and similar equipment.
 - iv. Heavy construction equipment including cement trucks, cranes, bulldozers, well-drilling trucks and similar heavy equipment, and wrecking or demolition debris are prohibited. An exception is permitted for heavy construction equipment necessary to perform work authorized by development order/building permit.
- b. Fabrication. Outdoor fabrication is prohibited. Light fabrication is permissible inside the building.
- c. Back Up Alarms. Vehicles equipped with backup alarms must be stored in a manner that allows the vehicle to exit the property in a forward motion.

7. Open Storage

- a. Open storage is prohibited as a principal use.
- b. Open storage is limited to $\pm 40,040$ square feet in area. (± 0.92 acres). Developer must enclose open storage areas with an 8-foot-tall opaque fence/wall.
- c. ~~All storage is subject to standards established in LDC Section 34-3005.~~

Hearing Examiner Note: Recommend deletion of 7.c. Development is subject to LDC standards pursuant to Condition 1.

8. Transportation Impacts

~~Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 6,500 sq. ft. of Specialty Trade Contractor (LUC 180).~~

Hearing Examiner Note: Recommend deletion. Square footage capped by approved development parameters.

9.8. Hours of Operation

Hours of operation are limited as follows:

Monday through Friday 6:00 AM to 7:00 PM
Saturday 6:00 AM to 1:00 PM

40.9. State and Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability 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. Connection Separation. Deviation 1 seeks relief from LDC §10-285(a), which requires 125 feet of separation between connections on local roads, to allow ±86 feet of separation measured from the existing access on Stacy Road to edge of pavement on Slater Road.

Hearing Examiner Recommendation: Approved

Exhibits to Conditions:

B1 Master Concept Plan entitled "Southern Gulf CPD" dated September 11, 2024

Exhibit C

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner
(Clean Version)

CONDITIONS

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan (MCP). Development must substantially comply with the two-page MCP entitled "Southern Gulf CPD" dated September 11, 2024. (Exhibit B1).
- b. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Amendments to the MCP, conditions, or deviations will be subject to further development approvals.
- c. Approved Development Parameters. Development is limited to a maximum of 6,500 square feet of floor area and outdoor storage as depicted on the MCP. Sheds and carports utilized exclusively for accessory storage are not subject to the building floor area maximum.

2. Permitted Uses and Property Development Regulations

a. Schedule of Uses

Accessory uses and structures.
Administrative offices
Contractors and builders, Groups I, II & III (subject to **Condition #6**)
EMS, fire, or sheriff's station
Essential services
Essential service facilities, Group I
Excavation:
 Water retention
Fences, Walls
Place of worship
Signs
Storage, indoor
Storage, open (accessory to primary use and subject to **Condition #7**).
Temporary uses

b. Property Development RegulationsMinimum Lot Area and Dimensions

Lot Area:	5.3 Acres
Lot Width:	N/A
Lot Depth:	N/A

Minimum Building Setbacks and Maximum Building Heights:

Street:	100 feet
Side:	100 feet
Rear:	100 feet
Maximum building height:	35 feet
Maximum lot coverage	10 percent
Minimum building separation	21 feet

3. Open Space

Development order plans must depict a minimum of 2.79 acres of open space in substantial compliance with the MCP.

4. Preserve

Development order plans must depict preservation of a minimum of 1.55 acres, in substantial compliance with the MCP. Developer must supplement preserve areas along the project perimeter with plantings necessary to achieve a minimum Type C Landscape Buffer, except where landscape enhancements are required pursuant to Condition 5 below.

5. Landscape Standards

Development order plans must depict the landscaping demonstrated on Page 2 of the MCP (Landscaping and Buffer Exhibit). Developer must comply with enhanced buffer commitments depicted in the Exhibit.

6. Contractors and Builders

Contractors and Builder uses are subject to the following use restrictions:

- a. Outdoor storage. Outdoor Storage is limited to the following vehicles and construction equipment:

- i. Pickup Trucks limited to a maximum Gross Vehicle Weight Rating (GVWR) of 19,500 pounds (i.e. up to a Class V Medium Duty Vehicle). Semi-tractor trucks and trailers are prohibited.
 - ii. Pickup trucks equipped to serve as a maximum 3-yard dump truck
 - iii. Skid steers, mini-excavators, trailers, including concrete pump trailers, and similar equipment.
 - iv. Heavy construction equipment including cement trucks, cranes, bulldozers, well-drilling trucks and similar heavy equipment, and wrecking or demolition debris are prohibited. An exception is permitted for heavy construction equipment necessary to perform work authorized by development order/building permit.
- b. Fabrication. Outdoor fabrication is prohibited. Light fabrication is permissible inside the building.
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7. Open Storage

- a. Open storage is prohibited as a principal use.
- b. Open storage is limited to $\pm 40,040$ square feet in area. (± 0.92 acres). Developer must enclose open storage areas with an 8-foot-tall opaque fence/wall.

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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

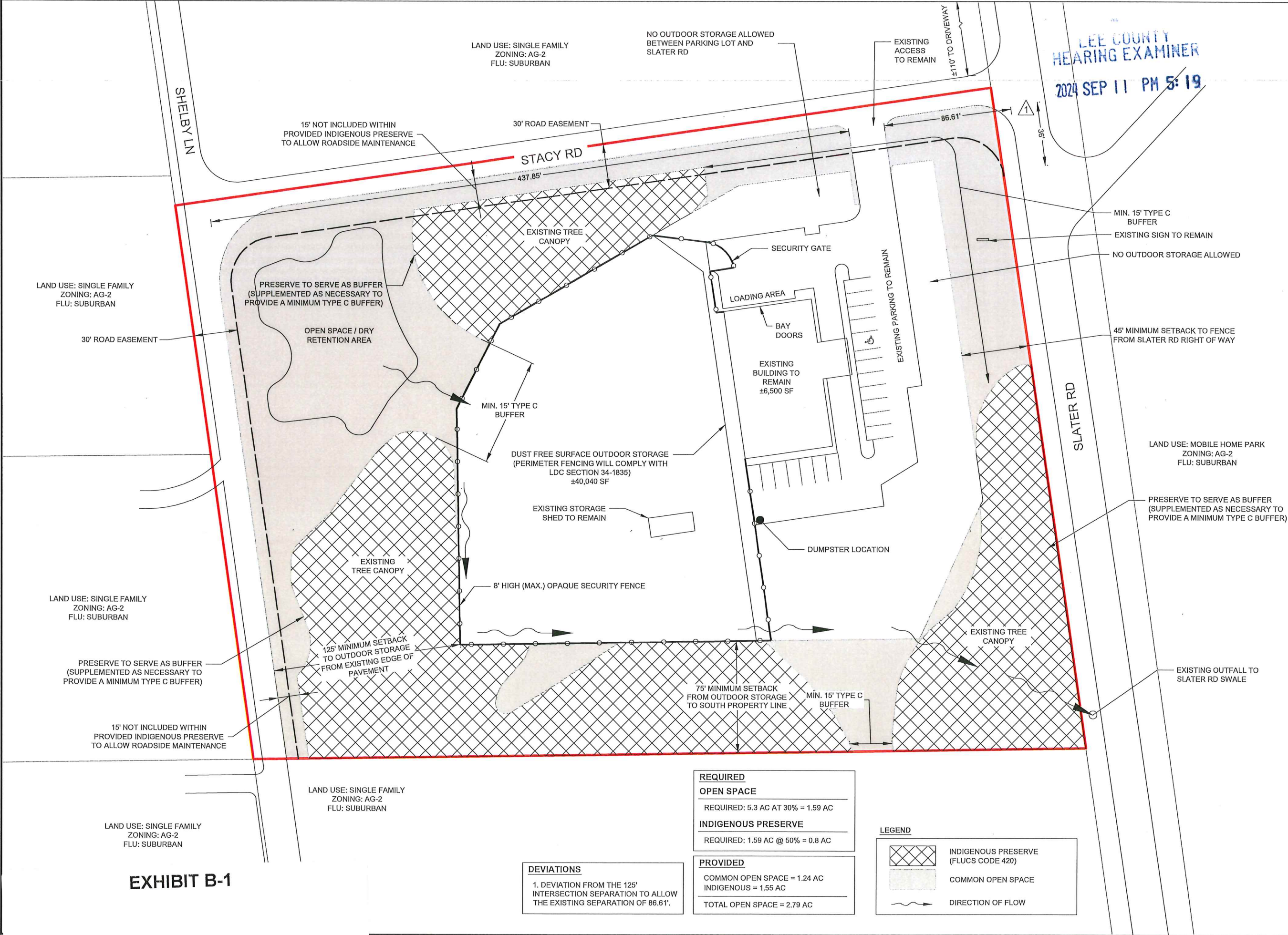
- 1. Connection Separation. Deviation 1 seeks relief from LDC §10-285(a), which requires 125 feet of separation between connections on local roads, to allow ± 86

feet of separation measured from the existing access on Stacy Road to edge of pavement on Slater Road.

Hearing Examiner Recommendation: Approved

Exhibits to Conditions:

B1 Master Concept Plan entitled "Southern Gulf CPD" dated September 11, 2024



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PROJECT DESCRIPTION

SOUTHERN
GULF
CPD

LEE COUNTY, FLORIDA

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FILE NAME 24151202.DWG

LOCATION J:\24151\DWG\ZONING\

PLOT DATE WED, 9-11-2024 - 2:12 PM

PLOT BY ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS
BASEPLAN = 24151200.DWG

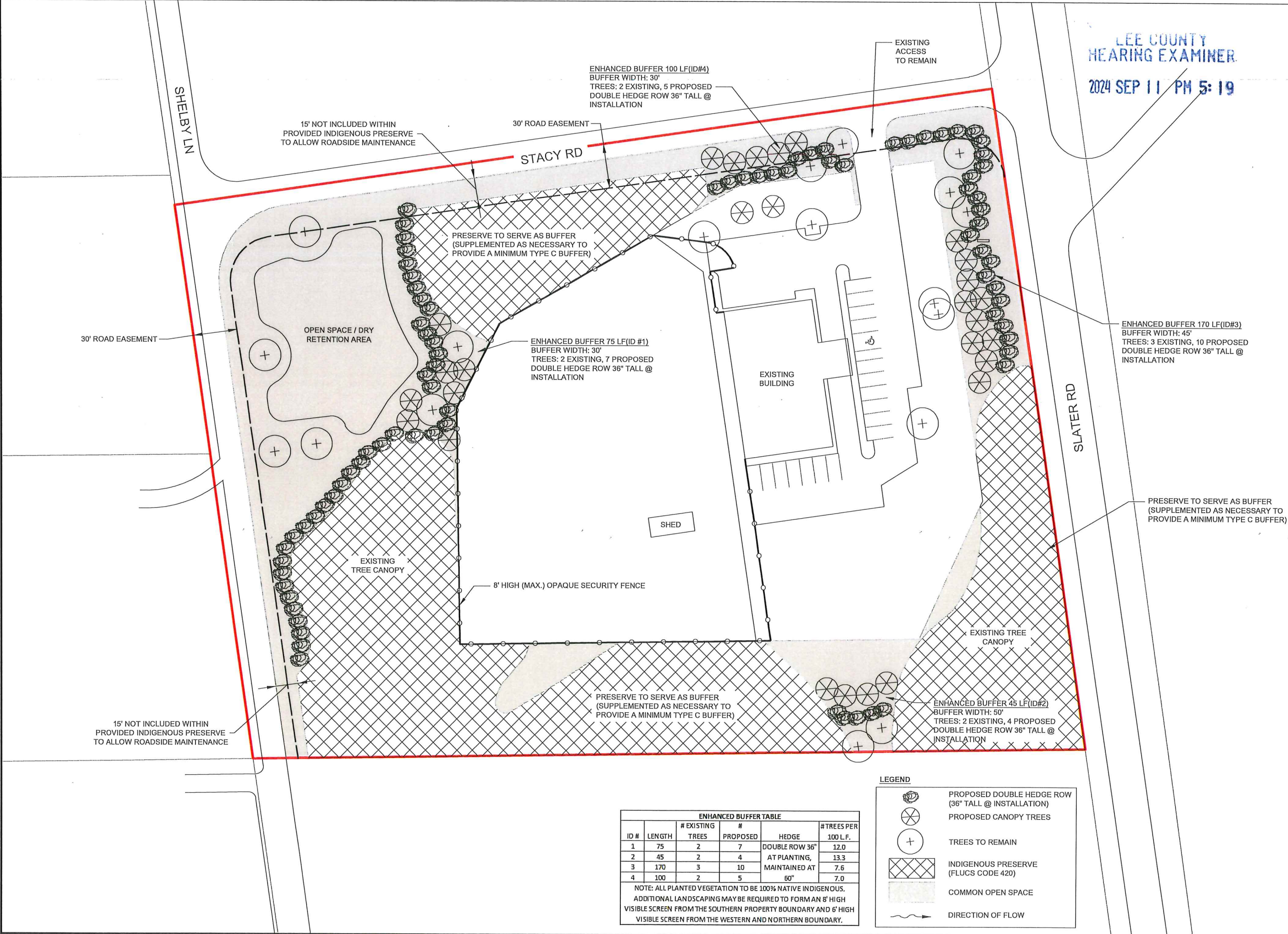
PLAN REVISIONS

PLAN STATUS

MASTER
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PROJECT / FILE NO. 24151

SHEET NUMBER 1 OF 2



LEE COUNTY
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2024 SEP 11 PM 5:19

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SCALE IN FEET

PROJECT DESCRIPTION

**SOUTHERN GULF
CONSTRUCTION**

PART OF SECTION 30,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE
INTENSITIES OR DENSITIES MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
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PLOT DATE WED, 9-11-2024 - 2:13 PM
PLOT BY ALYSSA FONTAINE
CROSS REFERENCED DRAWINGS
BASEPLAN = 24151200_5-28-2024.DWG

PLAN REVISIONS	

PLAN STATUS

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
24151	2 OF 2

Exhibit D

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Adam Mendez, Senior Planner, date received August 27, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Notice of Public Hearing:* For Zoning Case DCI2023-00035 Southern Gulf Construction (1 page – 8.5"x11")
3. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2023-00035 Southern Gulf Construction (multiple pages – 8.5"x11")[color]
4. *Letters:* Emails from Neighbors (2 pages – 8.5"x11")
5. *Written Submissions:* Email from Adam Mendez to Maria Perez and Jamie Prining, with copies to Carl A. Barraco and Vincent Cautero, dated Wednesday, September 11, 2024, 3:57 PM (multiple pages – 8.5"x11" and 2 pages – 11"x17")

APPLICANT EXHIBITS

1. *Résumé:* For Vincent A. Cautero, AICP, Vice President of Planning with Barraco and Associates, Inc. (1 page – 8.5"x11")
2. *PowerPoint Presentation:* Prepared by Barraco and Associates, Inc., and BearPaws Environmental Consulting, Inc., for DCI2023-00035 Southern Gulf Construction, dated September 11, 2024 (multiple pages – 8.5"x11")[color]

Exhibit E

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Carl Barraco
2. Vincent Cautero
3. Kurt Hambsch, Jr.

Exhibit F
INFORMATION

UNAUTHORIZED COMMUNICATIONS

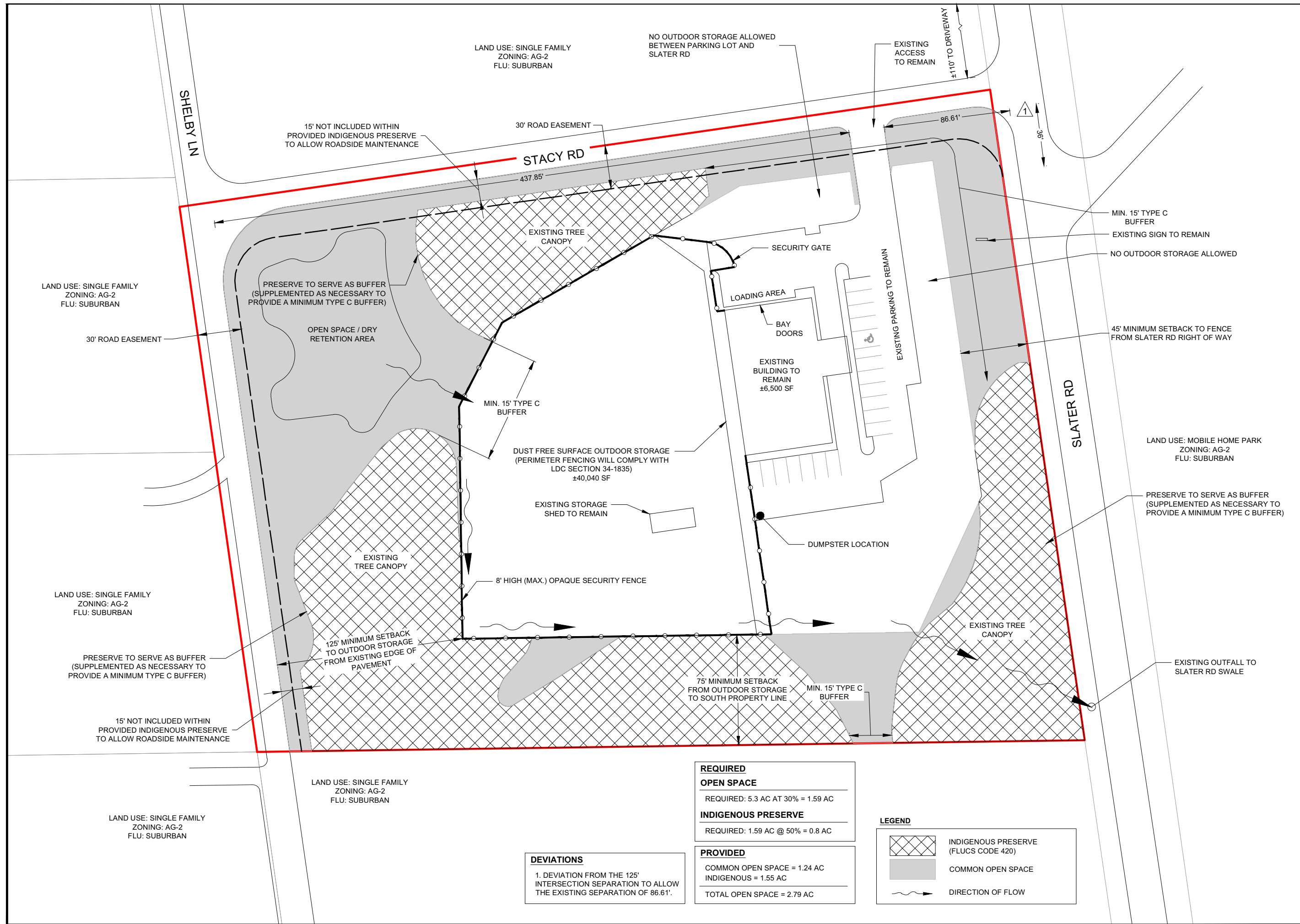
The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

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.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at 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.



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PROJECT DESCRIPTION

SOUTHERN GULF CPD
LEE COUNTY, FLORIDA

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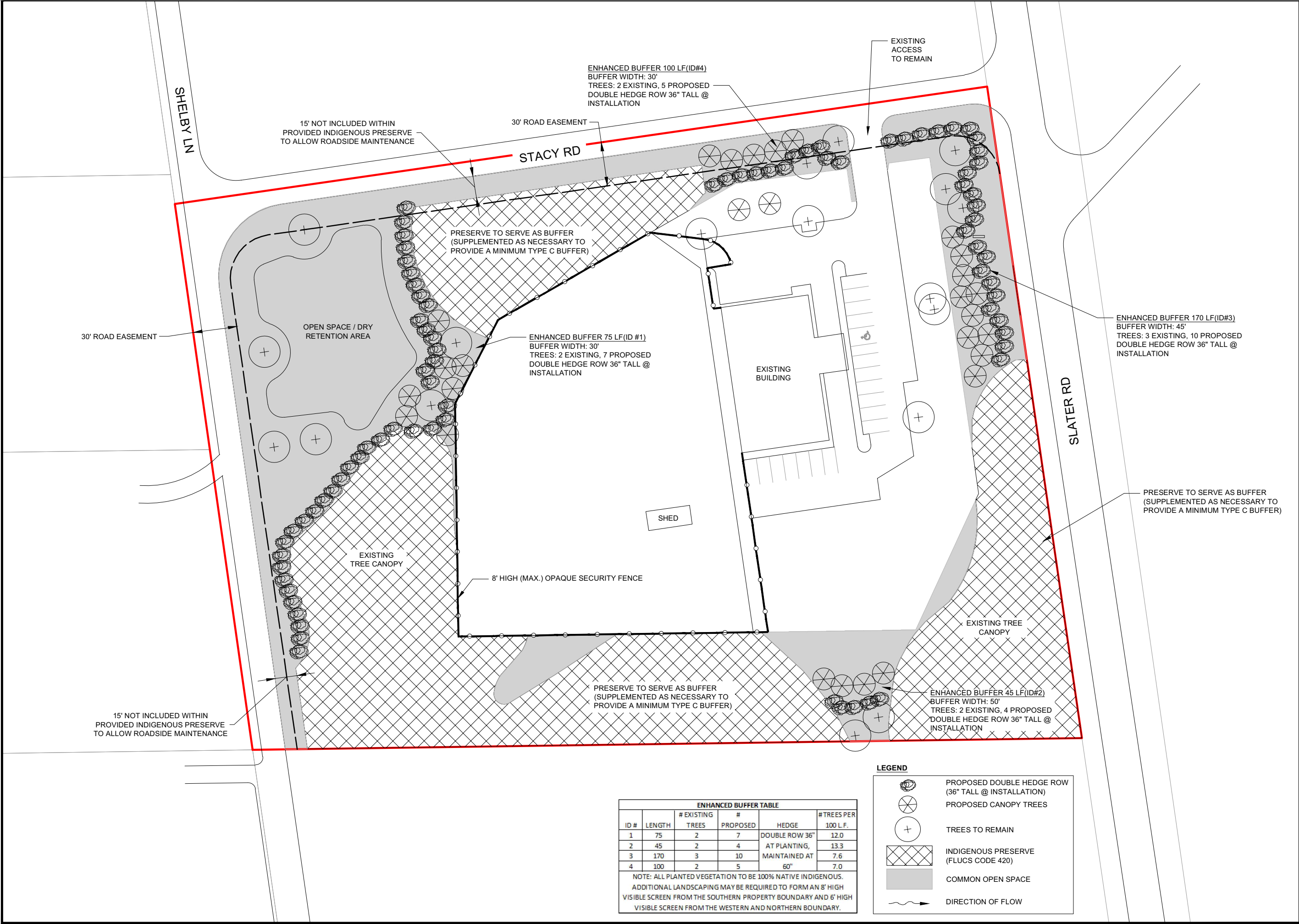
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PLAN REVISIONS

PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO. **24151**
SHEET NUMBER **1 OF 2**



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PREPARED FOR

SCALE IN FEET
0 15 30 60

PROJECT DESCRIPTION

**SOUTHERN GULF
CONSTRUCTION**

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LOCATION: J:\24151\DWG\EXHIBITS\

PLOT DATE: WED. 9-11-2024 - 2:13 PM

PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24151200_5-28-2024.DWG

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PROJECT / FILE NO. **24151**

SHEET NUMBER **2 OF 2**

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. Master Concept Plan. Development of the subject property must be substantially consistent with the two-page Master Concept Plan Entitled “Southern Gulf CPD” dated 6/3/2024, attached hereto as Attachment D.

Staff Note: The following revisions to the MCP are necessary to align with the staff recommendation.

- **Remove Deviation Marker #2**
- **Remove “Type E” buffer note below Enhanced Buffer Table on Landscaping and Buffer Exhibit attached hereto as Page 2 of the MCP.**

- b. Development Parameters. Development is limited to a maximum of 6,500 square feet of building floor area and outdoor storage areas identified on the MCP. Sheds and carports utilized exclusively for accessory storage are not subject to the building floor area maximum.
- c. Compliance with Lee Plan and LDC. 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
Contractors and builders, Groups I, II & III (subject to **Condition #6**)
EMS, fire or sheriff’s station
Essential services
Essential service facilities, Group I
Excavation:
 Water retention
Fences, Walls
Place of worship
Signs
Storage, indoor
Storage, open (must be accessory to primary use and is subject to **Condition #7**)
Temporary uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	5.3 Acres
Lot Width:	N/A
Lot Depth:	N/A

Minimum Building Setbacks and Maximum Building Heights:

Street:	100 feet
Side:	100 feet
Rear:	100 feet
Maximum building height:	35 feet
Maximum lot coverage	10 percent
Minimum building separation	20 feet

(3) Open Space

Prior to local development order approval, the plans must depict a minimum of 2.79 acres of open space in substantial compliance with the MCP.

(4) Preserve

Prior to local development order approval, the plans must depict the preservation of a minimum of 1.55 acres, in substantial compliance with the MCP. The preserve areas along the project perimeter must be supplemented with plantings as necessary to provide a minimum Type C Landscape Buffer, except where landscape enhancements are required per Condition #5.

(5) Landscape Standards

Prior to local development order approval, the plans must depict the landscaping demonstrated in the Landscaping and Buffer Exhibit as Page 2 of the Master Concept Plan. All enhanced buffer commitments must be provided as depicted on the Exhibit.

(6) Contractors and Builders

Contractors and Builders are subject to the following use restrictions:

- a. Outdoor storage is limited to following vehicles and construction equipment:
 - i. Pickup Trucks are limited to maximum Gross Vehicle Weight Rating (GVWR) of 19,500 pounds (i.e. up to a Class V Medium Duty Vehicle). Semi-tractor trucks and trailers are prohibited.
 - ii. Pickup trucks may be equipped to serve as a maximum 3-yard dump truck
 - iii. Equipment similar to skid steers, mini-excavators and trailers, including concrete pump trailers are permitted.
 - iv. Heavy construction equipment such as cement trucks, cranes, bulldozers, well-drilling trucks and other similar heavy equipment, or wrecking or demolition debris are prohibited on the subject property. An exception is permitted only when the heavy construction equipment is necessary to perform work authorized by an active local development order or building permit on the subject property.
- b. Fabrication. No outdoor fabrication is permitted. Light fabrication is permitted only when enclosed within a building.
- c. Back Up Alarms. Vehicles equipped with backup alarms must be stored in a manner that allows the vehicle to exit the property in a forward motion.

(7) Open Storage

- a. Open storage is not permitted as a principal use and must be completely enclosed with an 8-foot-tall opaque fence or wall in substantial compliance with the Master Concept Plan.
- b. The open storage area is limited to a maximum size of $\pm 40,040$ square feet (± 0.92 acres).
- c. All storage is subject to standards established in LDC Section 34-3005.

(8) Transportation Impacts

Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation

Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 6,500 sq. ft. of Specialty Trade Contractor (LUC 180).

Deviations

Deviation #1 seeks relief from LDC §10-285(a), which requires 125 feet of connection separation on local roads, to allow ±86 feet of connection separation as measured from the existing accessway on Stacy Road to the edge of pavement on Slater Road. Staff recommends **APPROVAL** of this deviation

Deviation #2 seeks relief from LDC §10-285(b), which states access roads intersecting another road that also intersects the parallel arterial or collector must have an outer separation of at least 100 feet from the edge of pavement of the arterial or collector, to allow ±86 feet of connection separation as measured from the accessway on Stacy Road to the edge of pavement on Slater Road. Staff recommends **WITHDRAWAL** of this deviation.

Note to HEX *Deviation #2 is determined to be unnecessary as further detailed in the staff report. The applicant's intention to preserve the existing accessway on Stacy Road is accomplished by virtue of approval of Deviation #1.*

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

Case Number: DCI2023-00035

Case Name: Southern Gulf Construction

Area to be Rezoned: +/- 5.3 Acres

Case Type: Minor Planned Development Rezoning

Sufficiency Date: June 26, 2024

Hearing Date: September 11, 2024

REQUEST:

Vincent A. Cautero, AICP, has filed an application to rezone ±5.3 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a 6,500-square-foot contractor's office with outdoor accessory storage of company vehicles and equipment.

The subject property is located on the west side of Slater Road, approximately one-third of a mile north of Bayshore Road. The property's address is 16521 Slater Road in the North Fort Myers Community Plan Area, Commissioner District #4. A legal description and boundary survey of the subject property are attached as Attachment B of this report.

SUMMARY:

Staff recommends **APPROVAL**, with the conditions and deviation found in Attachment E of this report. The CPD seeks to employ a limited schedule of uses to repurpose an existing place of worship with a contractor's office including an accessory open storage area.

HISTORY OF PARCEL:

The subject property is zoned Agricultural (AG-2) and was originally developed as a place of worship in 2001 (Calvary Baptist Chapel) under local development order approval DOS2001-00208, with the church building and parking located in Phase 1 and the west half of the subject property demarcated as "Future Phases" (see Attachment L).

CHARACTER OF THE AREA:

The subject property is a ±5-acre corner lot¹ bounded by Slater Road (County-Maintained Minor Arterial Road²) to the east, Shelby Lane (Non-County Maintained Local Road) to the west, and Stacy Road (Non-County Maintained Local Road) to the north. Property immediately surrounding the subject property is

¹ Corner lot means a lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is 135 degrees or less [LDC §34-2].

² See *Exhibit I* of Lee County Administrative Code AC-11-1, Functional Classification of Roadways. **Minor Arterial** is defined in AC-11-1 as "*a street or highway primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.*"

located in the Suburban Future Land Use category, as designated by the Lee County Comprehensive Plan (Lee Plan) and depicted in Attachment C of this report. Neighboring lands in proximity are characterized as follows:

North

Land to the north of the subject property, across Stacy Road, is a ±2.75-acre parcel zoned Agricultural (AG-2) currently developed with a single-family residence with a property address of 16631 Slater Road. The property was cleared for development in 2021 and construction of the single-family was complete by 2022.

South

Similarly, to the south of the subject property is a ±2.75-acre parcel zoned Agricultural (AG-2) currently developed with a single-family residence with a property address of 16481 Slater Road.

East

Land to the east of the subject property, across Slater Road, is zoned Agricultural (AG-2) and is developed with a ±17.7-acre mobile home residential rental park developed prior to the first Lee County Zoning Ordinance (Resolution Z-1).

West

Shelby Lane, to the west, separates the subject property from Agricultural (AG-2-zoned) narrow parcel divisions averaging five acres in size with nearly a quarter mile of lot depth. These parcels immediately adjoin the east boundary of the 1,530-acre Suncoast Mobile Home Subdivision and are largely developed with single-family residences.

Availability of Urban 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 urban services currently serving the subject property are as follows:

Public water and sewer: The applicant’s narrative identifies the subject property is within the Lee County Utilities (LCU) Future Water Franchise Area and Florida Governmental Utility Authority (FGUA) Waster Water Franchise Area. The subject property is currently connected to public water with LCU, and the applicant has obtained a Letter of Availability (see Attachment K) from LCU stating potable water capacity is currently available to meet the demands of the intensity proposed by this rezoning. The applicant has separately obtained a Letter of Availability from FGUA for wastewater availability (see Attachment K). In summary, FGUA facilities are generally available to the subject property and can accommodate the estimated wastewater disposal demand generated by the request (975 gallons per day). However, the map attached to the letter depicts the nearest utility line (8-inch gravity sewer main) approximately 1,600 feet south of the subject property at the intersection of Johnson Lane and Slater Road. Therefore, wastewater will continue to be treated on-site via the existing drain field septic tank originally designed for the place of worship.

Paved streets and roads: The subject property has frontage on Slater Road, a two-lane arterial roadway, as well as frontage on Shelby Lane and Stacy Road (local roads). The project will continue to access solely from Stacy Road.

Public transit and pedestrian facilities: A sidewalk is located adjacent to the subject property on the east side of Slater Road, which runs from Mellow Drive (north of the subject property) to Bayshore Road (south of the subject property). Subsequent development order approval on the subject property will subject the site to the requirements of LDC Section 10-256. Public transit (LeeTran) Stop 2297 is located near the intersection of Slater Road and Bayshore Road. The sidewalk adjacent to the subject property runs continuously ±0.47 miles this bus stop, which places it within a pedestrian shed³ of the subject property.

Police, fire, and emergency services: North Fort Myers Fire Control and Rescue District (Station #103) is located approximately 1,000 feet south of the property, at 16290 Slater Road. Lee County Emergency Medical Service (EMS) Station #30 is located at 2860 Garden Street, approximately 4.5 miles from the subject property. The Lee County Sheriff's Office North District Office is located at 121 Pondella Road approximately 4 miles from the subject property. The North District Office includes a collocated EMS Station (Station #7).

Public Schools: The request does not propose dwelling units and is therefore not regarded as creating demand on public schools.

ANALYSIS:

The request seeks to repurpose a commercial building originally established as a place of worship to allow a contractor's office with open storage. The property is surrounded on all sides by Agricultural (AG-2) Zoning.

Spot Zoning Discussion

The purpose and intent of the Agricultural Districts is primarily to provide areas for the establishment or continuation of agricultural operations, with residential uses being permitted as ancillary to agricultural uses. Secondly, the districts are intended to accommodate those individuals who understand and desire to live in an agricultural environment.

Of relevance in the discussion of spot zoning⁴; the AG-2 District permits several non-residential land uses by right or by special exception, such as Business Services, Group II, Daycare center, adult or child, EMS, fire or sheriff's stations, feed and supply store, lawn and garden supply store, outdoor paintball range and

³ Pedestrian shed is defined in The Lee Plan Glossary (Chapter XIV) – The extended pedestrian shed is ½ mile, or an 8-to-10-minute walk from the common destination. This is the estimated distance that a person is willing to walk under special circumstances to reach a destination.

⁴ Spot zoning [refers to when a piece of property or groups of property have special zoning laws applied to them that differ from the zoning laws surrounding them. The practice of spot zoning can be very controversial and may be illegal. Some types of spot zoning actually can be necessary, such as granting waivers for existing businesses when new zoning laws come into force or when a business might be needed in a residential area] [Source: Cornell Law School LII, Legal Information Institute https://www.law.cornell.edu/wex/spot_zoning].

other outdoor commercial recreation facilities, as well as the place of worship the property is currently developed to facilitate. This is to say, the AG-2 District is not a single-use zoning category.

Another finding is the County's original zoning designation of GU was an interim zoning district intended to serve a placeholder until the property was subsequently rezoned. The GU (interim) District was converted to Agricultural District (AG), which was as subsequently converted to AG-2 with the County's 1978 Zoning Ordinance⁵. The County's 1984 Comprehensive Plan (Lee Plan), as amended, dictates future growth of these agricultural areas. In some areas of the Lee Plan, policies are specifically enacted to encourage the continuation of viable agricultural lands. Lee Plan **Goal 9**, Agricultural Land Uses, speaks to discourage the introduction or expansion of agricultural uses in the future urban areas.

Policy 9.2.1 states "Rezoning to agricultural districts is prohibited in future urban **and suburban areas...**" with certain exceptions⁶ that do not apply to the subject property. The subject property is located in the Suburban Future Land use category, which is a Future Urban Area according to Lee Plan Map 1-A. Thus, rezoning from AG-2 to a *contextually appropriate category* is consistent with the origin of and current planning horizon for Lee County.

In discussing context, staff points out that the nearest Commercial Zoning District to the subject property is three lots south and on the same side of Slater Road. This property is zoned Commercial Planned Development (CPD) and is also surrounded on all sides by non-commercial zoning (Agricultural (AG-2) and Residential Mobile Home (MH-2) Zoning). This property is in the Suburban category and was rezoned from AG (AG-2 as converted), with a Special Exception for a church⁷, to CPD by Resolution ZAB-85-278. The 2.5-acre CPD allowed for the conversion of a former church building to allow a limited schedule of uses, including a Fraternal Club (see Attachment M).

This CPD proposal is substantially similar to the aforementioned CPD, while benefiting from twice as much land to provide adequate separation that protects both the planned development and its environs.⁸

The Master Concept Plan (MCP) depicts the existing location of the primary building, access and parking, while creating a one-acre fenced accessory storage yard behind the primary façade (west of the building). The ambient development conditions will remain largely status quo with approval of this request, as conditioned.

⁵ See LDC §34-619, District conversions.

⁶ Lee Plan Policy 9.2.1: Rezoning to agricultural districts is prohibited in future urban and suburban areas except for parcels five acres or larger designated Sub-Outlying Suburban or, if located within the Pine Island or Caloosahatchee Shores Community Plan area, designated Outlying Suburban or Suburban. Requests to rezone properties to an agricultural district within the Sub-Outlying Suburban, Outlying Suburban, or Suburban future land use categories will be reviewed on a case by-case basis with consideration of the following: current and future availability of public services; compatibility with surrounding land uses; acreage of the request; cumulative effect on County tax base; and, protection or mitigation of environmental features, including but not limited to flowways, protected species, and habitat.

⁷ The use of a church required Special Exception approval per the 1978 Lee County Zoning Ordinance. The AG-2 District now permits the use by right (see LDC §34-653).

⁸ See LDC §34-411(k) *Planned Development General Standards*.

Schedule of Uses, Property Development Regulations and Compatibility

The applicant proposes development standards intended to be sensitive to surrounding land uses, with ±100-foot building setbacks, 8-foot opaque screening on all sides of the open storage area, and nearly double the required indigenous preserve area and open space required by code⁹ (see Attachment D, Page 1). Enhanced buffers areas annotated on the MCP are positioned so as to minimize impacts to surrounding property (see Exhibit D, Page 2). The proposed schedule of uses includes Contractors and Builders Groups I, II and III. These groups include all general, operative and special trade contractors and builders and employ increased gradients of intensity pertaining to open storage and fabrication as follows:

Group I. Permits offices and indoor storage facilities but specifically excludes any fabrication work or outdoor storage, other than parking of cars. **Group II.** Permits offices, indoor storage and light fabrication work. Outdoor storage of materials and equipment is permitted if enclosed. Specifically prohibited is any heavy construction equipment such as cement trucks, cranes, bulldozers, well-drilling trucks and other similar heavy equipment, or wrecking or demolition debris. **Group III.** Permits offices, storage (indoor or outdoor), fabrication work and outdoor storage of heavy construction equipment. Storage of wrecking debris is prohibited (LDC Section 34-622(c)(9)).

Proposed Conditions

The conditions recommended by the Applicant (see Attachment F), as refined by staff, arguably limit the use in alignment with Contractors and Builders Group II. However, staff finds a Group III classification with the conditions recommended in Attachment E is sufficient to ensure the open storage area use, scale and activity, does not exhibit industrial activity or character, as prohibited by the Suburban Future Land Use category (detailed further below).

Proposed Deviations

The applicant proposes a limited schedule containing two deviations from the LDC with a corresponding justification (see Attachment F).

Deviation #1:

Seeks relief from LDC §10-285(a), which requires 125 feet of connection separation on local roads, to allow ±86 feet of connection separation as measured from the existing accessway on Stacy Road to the edge of pavement on Slater Road. Staff recommends **APPROVAL** of this deviation.

⁹ With the one-acre storage yard the property may exceed two acres in impervious, therefore the CPD contemplates open space and indigenous requirements for *Large Developments* (see LDC §10-2). Large developments must provide a minimum open space of 30 percent the project area, with half of the required open space dedicated to preservation of existing indigenous plant communities (see LDC §10-415). The MCP (see Attachment D) depicts a total open space of 2.79 acres where 1.59 is required, of which 1.6 acres is indigenous preserve, where 0.8 is required.

Deviation #2:

Seeks relief from LDC §10-285(b), which states access roads intersecting another road that also intersects the parallel arterial or collector must have an outer separation of at least 100 feet from the edge of pavement of the arterial or collector. The deviation is intended to allow ±86 feet of connection separation as measured from the accessway on Stacy Road to the edge of pavement on Slater Road. Staff recommends **WITHDRAWAL** of this deviation.

The regulation pertains to “access roads intersecting another road that also intersects the parallel arterial or collector” (underline emphasis added). The regulation identifies **access roads**, while the project’s access point onto Stacy Road subject to this deviation request is defined as an **accessway**¹⁰, which is distinct and separate from the definition of **access street and access road**.¹¹ Second, Stacy Road is not parallel to Slater Road, it is perpendicular. Third, Deviation #1 is an applicable regulation and requires 125 feet of separation as opposed to the 100 feet of separation required of LDC Section 10-285(b); therefore, it is more restrictive than the inapplicable regulation.

Lee County Department of Transportation does not object to Deviation #1 (see Attachment I). The deviation enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

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;

¹⁰ [Access street and access road] mean a street or road that runs generally parallel to an arterial or collector street and is the primary access to properties that abut the arterial or collector street. An access street is intended only to provide access to parcels existing when it is constructed and does not provide frontage for newly created parcels as would a local street. Also see Frontage Street (LDC §10-1).

¹¹ [Accessway] means land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure (LDC §10-1).

- 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.

Compliance with the Lee Plan

The subject property is located in the **Suburban** Future Land Use category and **North Fort Myers** Community Plan area. **Policy 1.1.5** of the Lee Plan states the Suburban areas *"will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted" (underline emphasis added).*

Of particular importance in this report is the need to distinguish the proposed use from that of industrial classification. First, the principal use of a bona fide industrial use is typically the manufacturing of goods and materials, and the storage and wholesale distribution of such goods and materials.¹² Second, as recommended in the conditions document, the use more closely aligns with the Contractors and Builders *Group II* intensity gradient, which is permitted in several Conventional Commercial Districts.¹³ Therefore, staff finds that the request, as conditioned, is set apart from quasi-industrial and industrial land uses **CONSISTENT with Policy 1.1.5**.

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,

¹² See LDC §34-931(f)(2).

¹³ See LDC Table 34-844, Use Regulations for Conventional Commercial Districts, Contractors and Builders.

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 that is adequately served by existing road and utility infrastructure. Development of the subject property constitutes reuse of an established commercial premises. The property will be served by public potable water and an onsite sewage disposal and treatment facility within the parameters afforded by **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**.

Policy 5.1.5 requires protection of existing residential land uses from land uses destructive to the character and integrity of the residential environment. As analyzed in the *compatibility* section of this report, the design emphasis is to mutually separate the proposed uses from residential land uses with commitments to cautious development standards and enhanced open space and buffering. The physical appearance will remain largely unchanged with the exception of proposed additional screening, and activity on the subject property will be appropriately conditioned. Therefore, as conditioned, the request is **CONSISTENT** with **Policy 5.1.5**.

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 largely 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. Staff finds that the request **CONSISTENT** with the balance of **Goal 6**.

Map 2-A of Lee Plan identifies the subject property as located in the **North Fort Myers Planning Community**, as generally delineated by lands immediately west of I-75 and North of the Caloosahatchee River and east of the City of Cape Coral.

Goal 30, North Fort Myers Community Plan, seeks to “Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.” **Objectives 30.1 through 30.4** pertain to development of town and neighborhood centers, the commercial corridor overlay, general transportation directives, and the community facilities and services. The property is not within the commercial corridor overlay or

neighborhood/town center areas, as the property is not located at the designated intersection and does not have frontage on the specified roads.

Objective 30.5 seeks to identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

The planned development request repurposes a vacant church building for use of a contractor's office with an enclosed equipment yard. The site has existing access to pedestrian infrastructure transit stops near the Slater Road and Bayshore Road commercial node. The request will further the commercial reach of this node up Slater Road in a compatible manner and therefore will improve the livability and economic vitality in the North Fort Myers Community Plan area. The request is **CONSISTENT with Goal 30**

Land Development Code Compliance

Staff finds the proposed planned development rezoning, as conditioned, to be in compliance with the LDC. All relevant County regulations, which are not specifically departed 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.

Sufficiency of Access and Transportation Impacts

The applicant has provided a Zoning Traffic Study (ZTS) in accordance with Lee County Administrative Code AC-13-17, which includes trip generation expected by the project (see Attachment H). Lee County Department of Transportation has issued a memorandum concerning the project's transportation impacts (see Attachment I). In summary, the surrounding road system will operate at an acceptable Level of Service (LOS) with the project. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with county regulations.

Environmentally Critical or Sensitive Areas and Natural Resources

A protected species survey and Florida Land Use Covers and Classification Systems (FLUCCS) Map was last revised in May of 2024 by Bear Paws Environmental Consulting (see Attachment G). The survey states that the site consists of improved commercial (FLUCCS 140), herbaceous (FLUCCS 310), and a mixed upland forest (FLUCCS 420). The environmental consultant surveyed the parcels using linear transects in accordance with Lee County Protected Species Ordinance 89-34. No protected species were found on the site. The request will not impact environmentally critical or sensitive areas or natural resources

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.

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 approval of the 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 rezoning is consistent with the Suburban Future Land Use category, North Fort Myers Community Plan and other applicable goals, objectives, and policies of the Lee Plan.

Staff recommends **APPROVAL** of the request to rezone the subject property from AG-2 (Agricultural) to Commercial Planned Development (CPD) with the conditions attached as Attachment E of this report.

ATTACHEMENTS:

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, Mixed-Use Overlay and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations, Conditions and Deviations
- F. Applicant's:
 - Project Narrative
 - Property Development Regulations
 - Schedule of Uses
 - Schedule of Deviations
 - Stormwater Narrative

- G. Protected Species Survey
- H. Applicant's Zoning Traffic Study
- I. Department of Transportation Memorandum
- J. Public Information Session Summary
- K. Utility Availability Letters
- L. DOS2001-00208 Calvary Baptist Church
- M. Resolution ZAB-85-278

DCI2022-00046
KINGSTON STREET
RPD

Staff Summary

CASE NUMBER & NAME: DCI2022-00046 / Kingston Street RPD

REQUEST: Rezone 12.9± acres from Residential Single-Family (RS-1) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow a maximum of 258 multi-family units, 45 feet in height. Requested density includes a maximum of 129 bonus units.

RESOLUTION NUMBER: Z-24-015

LOCATION: 200-232 Joel Blvd., Lehigh Acres Planning Community, Lee County, FL

OWNER: United Petro Management Inc.

APPLICANT: United Petro Management Inc.

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

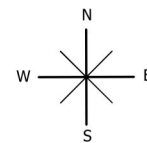
HEARING EXAMINER
RECOMMENDATION: Approval, subject to the conditions and deviations set forth in Exhibit B

PARTICIPANTS: (5) Marlyn Castner
Marlene Dimas
Derek Felder
Kathy Ford
Keith Mangum

DCI2022-00046

Aerial

 Subject Property



0 300 600 900 1,200
Feet



Summary of Hearing Examiner Recommendation

KINGSTON STREET RPD

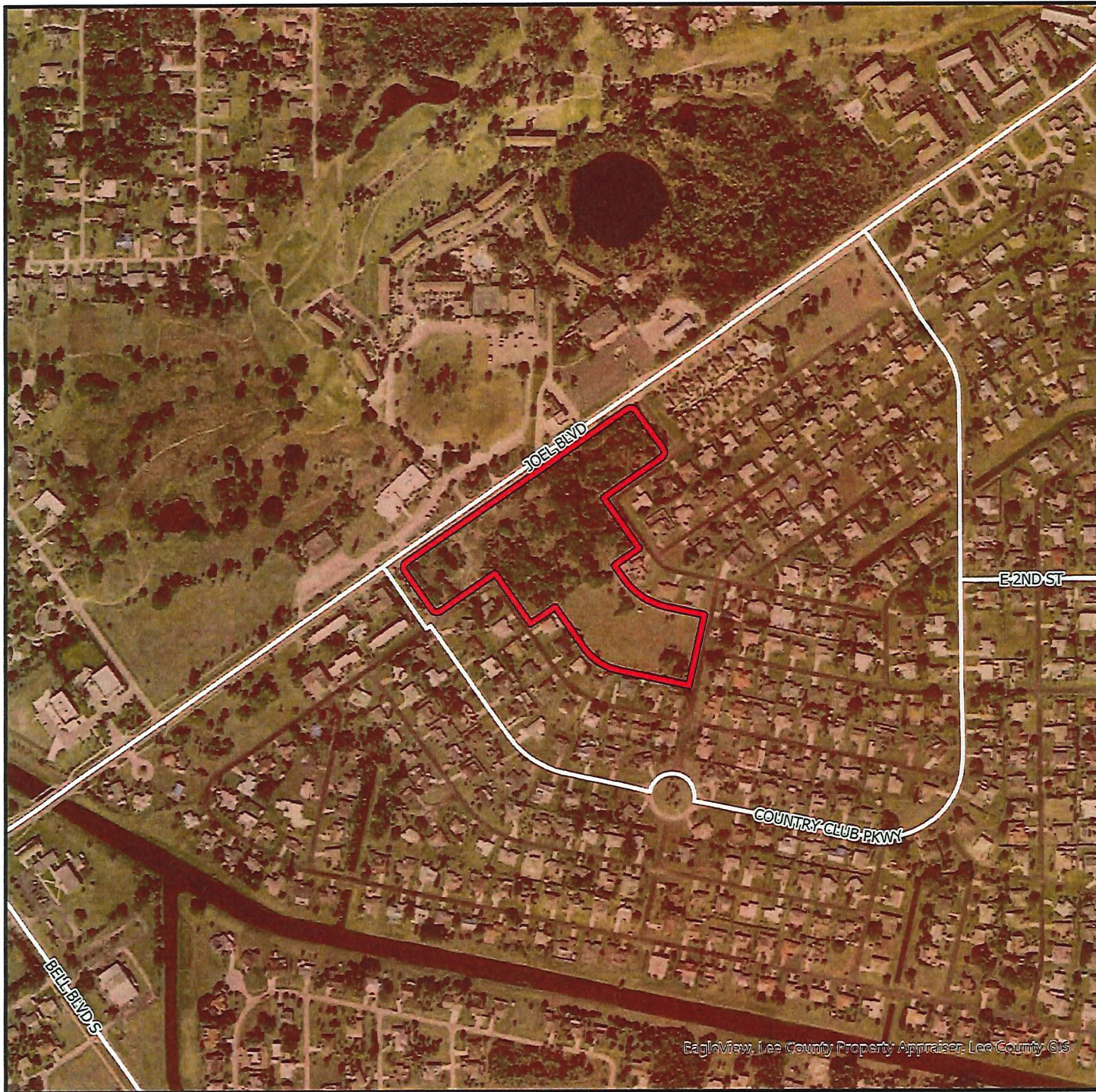
Applicant seeks to develop a multi-family residential community in Lehigh Acres south of Joel Boulevard.

The site bifurcates zoning between CPD and RS-1. The requested RPD unifies zoning to permit 258 units across six buildings. Proposed density includes 129 bonus units.

Site design minimizes off-site impacts by locating lakes and preserves along the perimeter and landscaping a 25-foot-wide buffer with an eight-foot-high wall next to existing residences. The requested RPD generates 77 percent less traffic than the current CPD allows.



A signed and sealed legal description must be provided before the Board takes action on this case (Exhibit A).

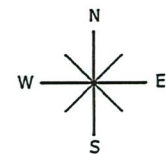
Detailed recommendation follows



DCI2022-00046

Future Land Use

-  Subject Property
-  Central Urban



0 300 600 900 1,200
Feet



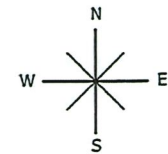
EagleView, Lee County Property Appraiser, Lee County GIS



DCI2022-00046

Aerial

 Subject Property



0 300 600 900 1,200
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00046

Regarding: **KINGSTON STREET RPD**

Location: 200-232 Joel Boulevard
Lehigh Acres Planning Community
(District 5)

Hearing Date: June 12, 2024 (Not Heard)
Continued Date: **July 12, 2024**

I. **Request**

Rezone 12.9± acres from Residential Single-Family (RS-1) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow a maximum of 258 multi-family units, 45 feet in height. Requested density includes a maximum of 129 bonus units.

The property's legal description is set forth in Exhibit A.¹

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.² In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 12.9± acres to RPD.

In preparing a recommendation for the Board, Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to the facts adduced at the hearing. There must be

¹ The Staff Report did not contain a signed and sealed legal description. On its face, the sketch/description states it is not valid without signature and seal. A signed/sealed version should be provided prior to Board action.

² LDC §34-145(d)(4)a.

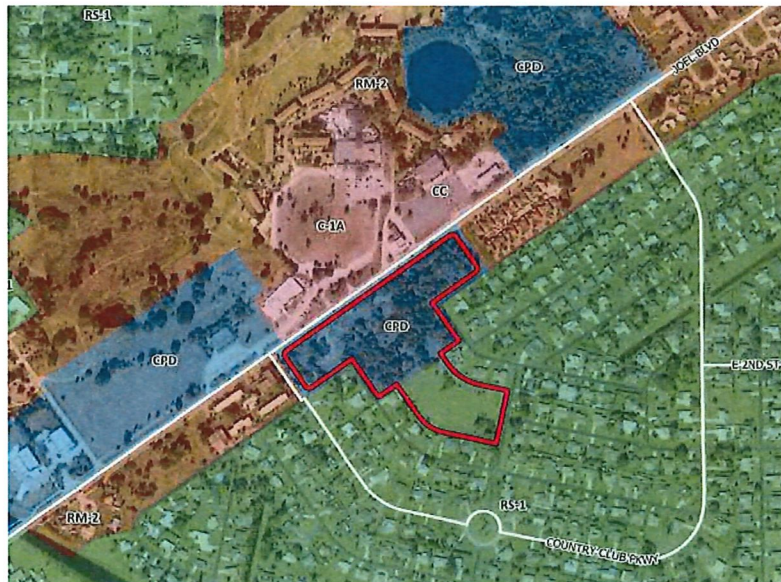
competent substantial evidence in the record to support the recommendation to the Board.

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

Request/Zoning History

The property is uniquely shaped with bifurcated zoning. The Board approved CPD zoning on the northern 9.25± acres abutting Joel Boulevard in 2007.³ Applicant assembled RS-1 lands adjacent to the CPD to comprise the 12.9 ± acres subject to this request.

Prior to CPD approval, office uses occupied the site.⁴ The remaining RS-1 acreage is undeveloped and cleared. The site has been vacant for decades.

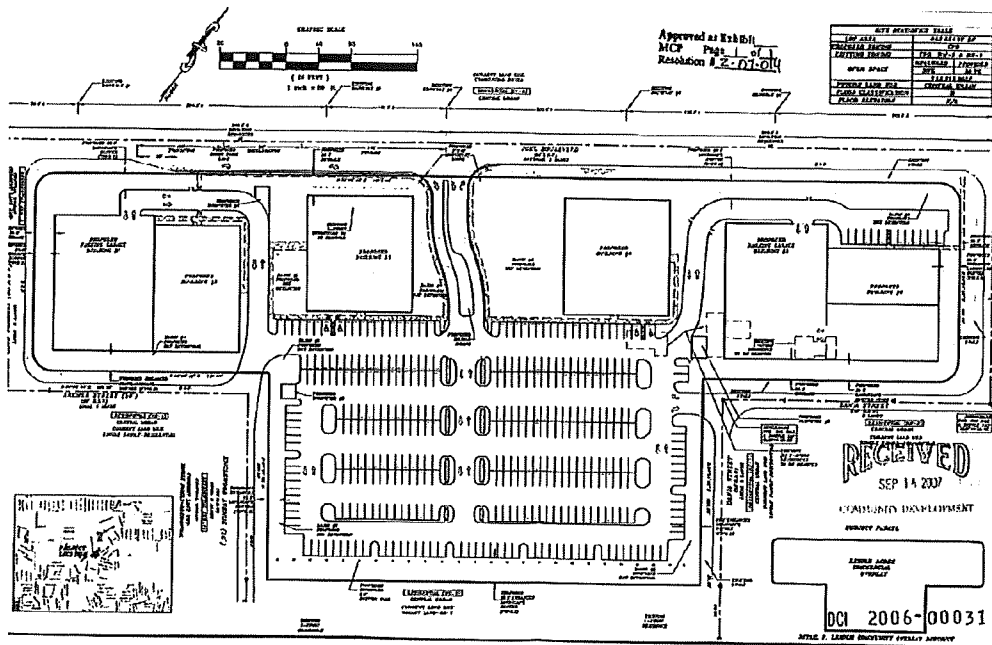


The CPD lands shown in blue above are approved for a 164,700 square foot commercial park. The existing and proposed Master Concept Plans (MCP) are below for easy comparison.

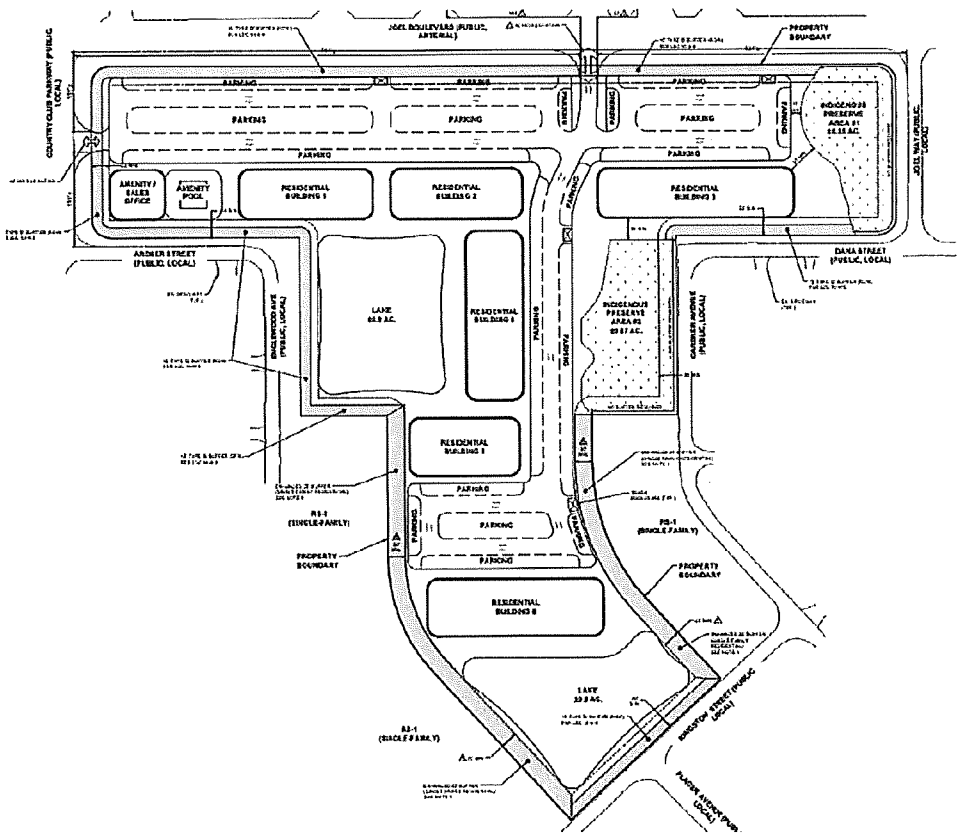
³ See Staff Report (pg. 1, Attachment O); Z-07-014. 9.25± acres is zoned CPD, 3.65 acres is zoned RS-1.

⁴ DeLisi Testimony (Transcript pg. 7).

Existing MCP



Proposed MCP



Applicant seeks to revitalize the property with a 258 multi-family unit residential development.⁴ Site design includes six residential buildings with an amenity center, lakes, indigenous preserves, open space, and parking. Proposed maximum building height is 45 feet.⁵

Staff recommended approval, finding the proposed RPD satisfies LDC and Lee Plan review criteria.

Zoning Review Criteria

Before recommending approval for rezoning to the Board, 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. Provides 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.⁶

If the request involves planned development zoning, such as RPD, the Hearing Examiner must also find:

- H. The proposed use is appropriate at the proposed location;
- I. 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

⁴ Base density is 129 units with up to 129 bonus units.

⁵ Residential buildings may be 45 feet with the clubhouse limited to 30 feet.

⁶ See LDC §34-145(d)(4)(a)(1).

- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) protects public health, safety, and welfare.⁷

Character of Surrounding Area

The property lies within the Lehigh Acres Planning Community.⁸ Residential development, medical offices, a church, gas station, parks, and schools are within proximity.⁹ Transit stops are within walking distance.

The requested RPD infills development in a heavily developed area, promoting contiguous and compact growth patterns as directed by the Lee Plan.¹⁰

Lee Plan Consistency

Planned developments must be consistent with the Lee Plan.¹¹

The Lee Plan Future Land Use Map classifies the property as Central Urban in the Lehigh Acres Planning Community.¹² The Central Urban land use category is one of the most intense under the Lee Plan. Central Urban areas typically contain a variety of housing types, commercial, services, and infrastructure.¹³ Permissible density ranges from 4 to 10 dwellings per acre but may be as high as 20 units per acre under certain circumstances.¹⁴

The proposed project density of 20 units per acre falls within the permissible range. Applicant seeks 129 bonus units. Providing a diversity of housing types in Lehigh Acres while meeting the community's affordable housing need satisfies various Lee Plan directives.¹⁵

⁷ See LDC §34-145(d)(4)(a)(2).

⁸ Lee Plan Map 1-B, 2-A; See Lee Plan Goal 25.

⁹ See Applicant Ex. 1 (slide 10).

¹⁰ Lee Plan Objectives 2.1 and 2.2.

¹¹ Lee Plan Policy 2.1.2; LDC §34-411(a).

¹² Lee Plan Maps 1-A, 1-B, 2-A, Goal 25, Policy 1.1.3. A small strip of the property along Joel Boulevard is within the Lehigh Acres Commercial Overlay. Lee Plan Objective 25.6, Policy 25.6.1. Properties within this Overlay are encouraged to develop with commercial uses or provide housing alternatives to typical ¼ or ½ acre lots. Policy 25.6.1.

¹³ The Central Urban category offers the greatest range and highest levels of urban services and infrastructure. Lee Plan Policy 1.1.3.

¹⁴ Developers may increase maximum density to 20 dwellings per acre when utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.3.

¹⁵ See Lee Plan Goal 25, 135, Objective 135.1, Policy 25.6.1, 135.1.9.

Requests for bonus density must demonstrate compliance with supplemental requirements set forth in the LDC.¹⁶ Applicants must show:

1. Additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector/arterial road;
2. Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;
3. Storm shelters are provided if the development is located within the coastal high hazard area; and
4. The resulting development will be compatible with existing and planned surrounding land uses.

Traffic

Project traffic will directly access Joel Boulevard, a county-maintained arterial road.¹⁷ A secondary access is provided on Country Club Parkway, just off Joel Boulevard. Applicant included a deviation request to permit direct access to Joel Boulevard to direct RPD traffic away from adjacent single-family residential neighborhoods.¹⁸

Applicant demonstrated compliance with this criterion as project traffic will not be required to travel through lower density areas to reach a collector/arterial road.¹⁹

Public Facilities

The record reflects existing and committed public facilities will not be so overwhelmed that a density increase would be contrary to the public interest.²⁰ Sufficient capacity is projected on Joel Boulevard to accommodate the associated trip generation.²¹

Applicant provided letters of availability from service providers to demonstrate compliance with this criterion.²²

Storm Mitigation

The property is not located within the Coastal High Hazard Area.²³ This criterion is not applicable to the request.

¹⁶ LDC §2-146(b).

¹⁷ See Staff Report (pg. 6-7, Attachment F).

¹⁸ Deviation 3.

¹⁹ See Staff Report (Attachment F & K); Applicant Ex. A: 48-Hour Letter from T. Treesh dated May 14, 2024.

²⁰ See Staff Report (pg. 5-6, Attachment M).

²¹ See Staff Report (Attachment K: TIS prepared by TR Transportation Consultants, dated July 15, 2022).

²² See Staff Report (Attachment M). Applicant obtained letters from FGUA demonstrating capacity.

²³ Lee Plan Map 5-A.

Compatibility

The LDC defines *compatible* to mean the state wherein two land uses/buildings/structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.²⁴

A multi-family residential use is compatible with existing development patterns. Multi-family development is generally accepted as an appropriate transition between lower density residential and nonresidential land uses along arterial road networks. The proposed RPD serves as a transition from single-family neighborhoods to commercial and institutional uses along Joel Boulevard.

The proposed site plan considers neighboring uses and buffers adjacent residents by:

- Orienting buildings to limit visual impact. Adjoining residents will view the short side of multi-family buildings.
- Restricting access to Joel Boulevard and Country Club Parkway to prohibit RPD residents from traversing other roadways.²⁵
- Locating lakes and indigenous preserves along the perimeter to separate the RPD from neighboring residents.
- Enhancing buffers adjacent to residences with a 25-foot-wide landscaped buffer and eight-foot-high wall, exceeding Code requirements.²⁶

As conditioned, the request is compatible with the surrounding area.

Applicant provided sufficient evidence to satisfy each of the requisite criteria to support participation in the bonus density program.

Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²⁷ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²⁸

The site plan reflects primary access from Joel Boulevard with secondary access on Country Club Parkway.²⁹ Applicant requested a deviation to permit direct

²⁴ LDC §34-2.

²⁵ The property abuts several roadways that the RPD cannot access: Archer Street, Englewood Avenue, Kingston Street, Flagler Avenue, Gardner Avenue, Dana Street, and Joel Way.

²⁶ See Applicant Ex. 1 (slide 13); Staff Ex. 3 (slides 12-13).

²⁷ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

²⁸ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

²⁹ Joel Boulevard is a county-maintained arterial road, Country Club Parkway is a collector road. See Staff Report (pg. 6-7, Attachments F & K); Applicant Ex. A: 48-Hour Letter from T. Treesh dated May 14, 2024 (revising TIS to reflect secondary access on Country Club Parkway instead of Joel Way).

access to Joel Boulevard to avoid RPD traffic traversing lower density areas.³⁰ The record supports a finding that there is sufficient access to support the proposed development.³¹

The Traffic Impact Statement demonstrates area roadways will operate at acceptable levels of service at buildout.³² The record reflects the request generates 77 percent less traffic than the current CPD permits.³³

Site-related improvements will be evaluated during local development order review.³⁴

Environmental

Rezoning requests cannot adversely affect environmentally critical or sensitive areas and natural resources.³⁵

The site is heavily infested with exotic vegetation. The MCP meets open space requirements and reserves 1.22± acres for indigenous preserve areas along the eastern boundary.³⁶ There are no protected species on site.³⁷

Applicant's engineer provided a Surface Water Management Plan and testimony demonstrating the proposed development will improve stormwater run-off over existing sheet flow conditions.³⁸

Further environmental review will occur during development order review.

Public Services

The Lee Plan requires the availability of urban services be evaluated during the rezoning process. Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.³⁹

³⁰ Deviation 3 seeks relief from LDC §10-285, which prohibits lots with alternative access from accessing arterial roads. Lee County Department of Transportation staff did not object to the deviation request. See Staff Report (Attachment F).

³¹ See Staff Report (pg. 6-7, Attachments F & K), Applicant Ex. A: 48-Hour Letter from T. Treesh dated May 14, 2024.

³² Traffic Impact Statement prepared by TR Transportation Consultants, dated July 15, 2022. See Staff Report (Attachment K). See Staff Report (Attachment F: Memo from Senior Transportation Planner Department of Community Development dated May 10, 2024).

³³ See Staff Report (Attachment K: TIS prepared by TR Transportation Consultants, Inc dated July 15, 2022).

³⁴ Applicant must address site related improvements, including turn lanes, if warranted during the development order process. Lee Plan Objective 39.1, Policy 39.1.1, LDC §10-287.

³⁵ See LDC §34-145(d)(4)a1(e).

³⁶ Lee Plan Objective 25.10, Policy 25.10.1, 4.1.4. See MCP; Conditions 3-4.

³⁷ See Staff Report (pg. 7, Attachment E).

³⁸ See Staff Report (Attachment J); Fitzgerald Testimony (Transcript pg. 24-26).

³⁹ Lee Plan Glossary definition of public services.

A broad range of services and infrastructure are available to serve future residents. Services include public water and sewer, schools, parks, medical facilities, law enforcement, fire, and emergency medical service.⁴⁰ Shopping, recreation, and employment centers are within a short distance. Multiple transit stops are proximate to the site.⁴¹

Development will be subject to road, park, school, fire and EMS impact fees.⁴²

Public Participation

Applicant conducted a public information meeting consistent with LDC requirements.⁴³

Members of the public participated at hearing.⁴⁴ Speakers reside in the neighboring communities adjacent to the site.⁴⁵ Concerns focused primarily on traffic, buffers, and impact on property values.

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts to adjacent residential properties.⁴⁶ Accordingly, the proposed RPD will be subject to conditions of approval. Conditions must plausibly relate to the impacts anticipated from the development and be pertinent to mitigating its impacts on public health, safety, and welfare.⁴⁷

Proposed conditions of approval govern enhanced buffers, site development parameters, permitted uses, open space compliance, and indigenous preservation activities.

Deviations

The proposed RPD includes four deviation requests. "Deviations" are departures from the land development regulations.⁴⁸

⁴⁰ Lehigh Fire & Rescue District will provide fire and emergency medical services. Law Enforcement will be supplied by Lee County Sheriff's offices. FGUA provided letters of availability for potable water and sanitary sewer. See Staff Report (pg. 6, Attachment G, M); Lee Plan Objective 25.9, Policy 25.9.2.

⁴¹ Lee Tran Route 515 has multiple stops along Joel Boulevard near the site.

⁴² LDC §§2-261 *et seq.*, §§2-301 *et seq.*, §§2-341 *et seq.*, §§2-381 *et seq.*

⁴³ See Staff Report (Attachment N); LDC §33-1401. The meeting was held on January 25, 2024.

⁴⁴ Five people spoke, and one letter was submitted into evidence from staff. Staff Ex. 4.

⁴⁵ One speaker was not a neighboring resident, but is a member of the Lehigh Acres Planning and Zoning Review Board.

⁴⁶ Lee Plan Policy 135.9.6.

⁴⁷ LDC §34-932(b).

⁴⁸ LDC §34-2.

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

1. Enhances objectives of the planned development; and
2. Protects public health, safety, and welfare.⁴⁹

The requested deviations pertain to excavation setbacks, connection separations, and access. Staff found all deviations met LDC criteria for approval.

The Hearing Examiner agrees with staff's recommendations finding the requested deviations, as conditioned, enhance the RPD and promote the LDC's intent to protect public health, safety, and welfare.⁵⁰

Conclusion

In conclusion, the Hearing Examiner recommends approval of the requested RPD, subject to the conditions set forth in Exhibit B.

IV. Findings and Conclusions

Based on record testimony and evidence, the Hearing Examiner makes the following findings and conclusions. *As conditioned*, the proposed RPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 25, 135; Objectives 2.1, 2.2, 4.1, 5.1, 25.6, 25.10, 77.1, 77.3, 135.1; Policies 1.1.3, 2.1.2, 2.2.1, 4.1.1, 4.1.2, 4.1.4, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 25.6.1, 25.10.1, 135.1.9, 135.9.5, 135.9.6; Lee Plan Maps 1-A, 1-B, 2-A.
- B. Meets the Land Development Code and other County regulations or qualifies for deviations. LDC §§34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932;
- C. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 5.1.5, 135.9.5, 135.9.6; LDC §34-411;
- D. 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 Policy 39.1.1; LDC §2-261 *et seq.*, §10-287, §34-411(d);

⁴⁹ LDC §34-377(a)(4).

⁵⁰ LDC §34-373(a)(9), §34-377(a)(4). Connection separation deviations are necessary due to existing conditions along Joel Boulevard. Permitting access directly to Joel Boulevard benefits area residents by directing traffic flow away from residential areas.

- E. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goal 77, Objectives 77.1, 77.3, 25.10, Policies 25.10.1, 60.1.1, 60.4.1, 60.4.2, 61.3.11, Standard 4.1.4; and LDC §34-411(h); and
- F. Will be served by urban services adequate to serve the proposed land use. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 2.2, 4.1, 25.10, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- G. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5, 25; Policies 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 135.1.9.
- H. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies: 5.1.5, 5.1.6, and 135.9.6; LDC §34-411.
- I. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.6; LDC §34-932.
- J. The requested deviations, as conditioned:
 - 1. Enhance objectives of the planned development, and
 - 2. Protect public health, safety and welfare.

Date of Recommendation: September 3, 2024.



Amanda L. Rivera
Deputy Hearing Examiner

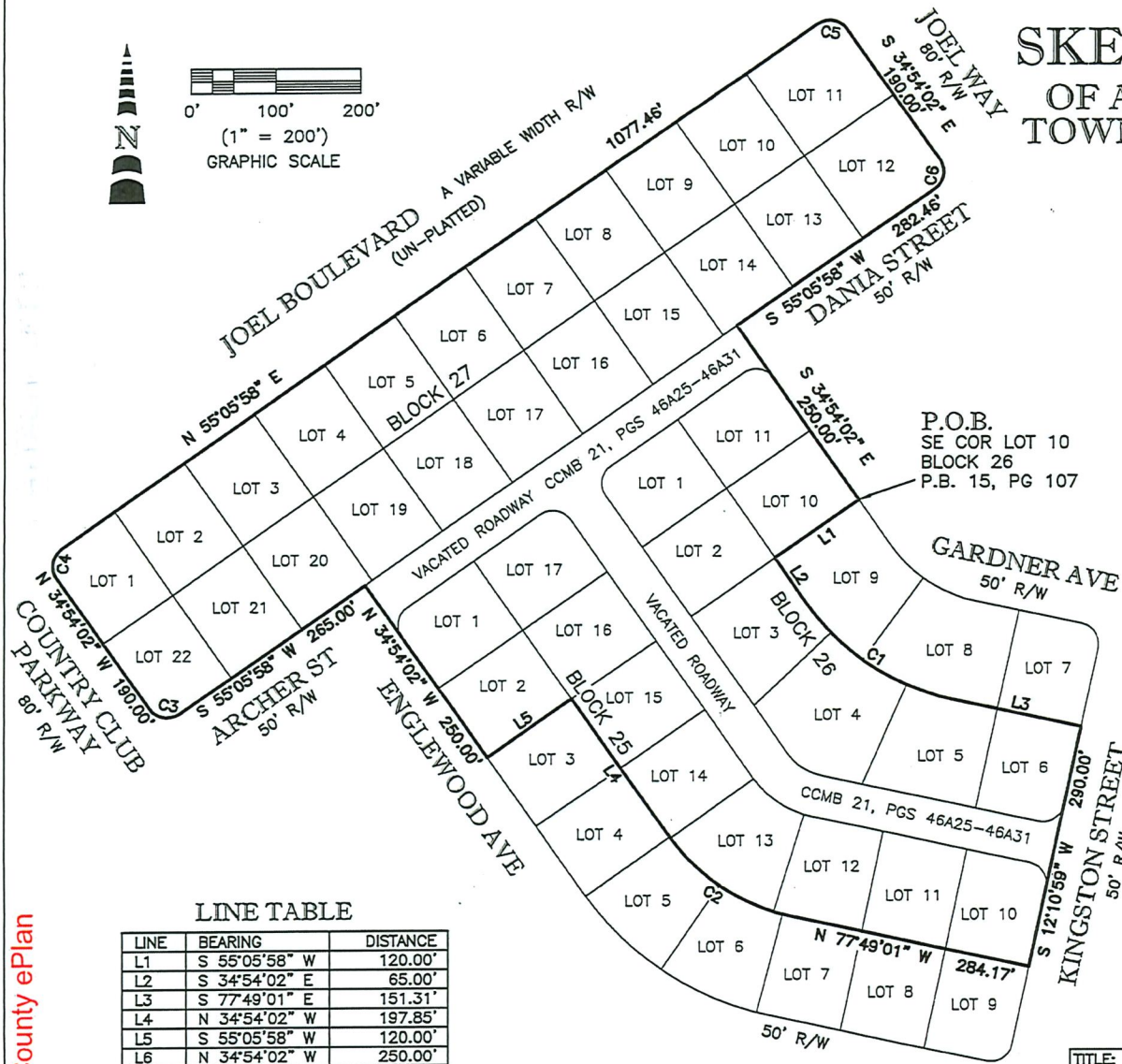
Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

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



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 55°05'58" W	120.00'
L2	S 34°54'02" E	65.00'
L3	S 77°49'01" E	151.31'
L4	N 34°54'02" W	197.85'
L5	S 55°05'58" W	120.00'
L6	N 34°54'02" W	250.00'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	284.62'	213.19'	208.24'	S 56°21'32" E	42°54'59"
C2	236.62'	177.24'	173.12'	N 56°21'32" W	42°54'59"
C3	25.00'	39.27'	35.36'	N 79°54'02" W	90°00'00"
C4	25.00'	39.27'	35.36'	N 10°05'58" E	90°00'00"
C5	25.00'	39.27'	35.36'	S 79°54'02" E	90°00'00"
C6	25.00'	39.27'	35.36'	S 10°05'58" W	90°00'00"

SKETCH AND DESCRIPTION OF A PARCEL LYING IN SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA


NOTES:

1. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 10, BLOCK 26, COUNTRY CLUB ESTATES, SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, PLAT BOOK 15, PAGE 107, PUBLIC RECORDS LEE COUNTY, FLORIDA AS BEING S 55°05'58" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY.

LEGEND:

P.O.B. = POINT OF BEGINNING
P.B. = PLAT BOOK
PG = PAGE
R/W = RIGHT OF WAY
CCMB = COUNTY COMMISSIONERS MINUTES BOOK

REVIEWED
DCI2022-00046
Rick Burris, Principal
Planner
Lee County DCD/Planning
12/13/2023

TITLE: SKETCH OF DESCRIPTION			
		<p>METRON SURVEYING & MAPPING, LLC</p> <p>10970 S. CLEVELAND AVE. SUITE #505 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457</p> <p>www.metronfl.com</p>	
FILE NAME: 15295SK.DWG		FIELD BOOK/PAGE: 716/64-66	PROJECT NO.: 15295
EXHIBIT DATE: 5/25/22	DRAWN BY: BUD	SCALE: 1" = 200'	CHECKED BY: DJO
		SHEET: 2 OF 2	
		FILE NO. (S-T-R): 34-44-27	

SKETCH AND DESCRIPTION OF A PARCEL LYING IN SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, A PORTION OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST AND BEING LOTS 1, 2, 10 THROUGH 17 OF BLOCK 25; LOTS 1 THROUGH 6, LOT 10 AND LOT 11 OF BLOCK 26; LOTS 1 THROUGH 22 OF BLOCK 27, COUNTRY CLUB ESTATES, SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF RECORDED AT PLAT BOOK 15, PAGE 107, TOGETHER WITH PORTIONS OF ADJACENT RIGHTS OF WAY VACATED BY COUNTY COMMISSIONERS MINUTES BOOK 21, PAGES 46-46A-25 THROUGH 46A-31, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK 26; THENCE S.55°05'58"W., ALONG THE SOUTH LINE OF SAID LOT 10, FOR A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF LOT 3 OF SAID BLOCK 26; THENCE S.34°54'02"E., ALONG THE EAST LINE OF SAID LOT 3, FOR A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 284.62 FEET; THENCE ALONG SAID LOT LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 42°54'59", A CHORD BEARING OF S.56°21'32"E., A CHORD LENGTH OF 208.24 FEET AND AN ARC LENGTH OF 213.19 FEET TO A POINT ON THE NORTH LINE OF LOT 5 OF SAID BLOCK 26; THENCE S.77°49'01"E., ALONG SAID NORTH LINE AND THE EXTENSION THEREOF, FOR A DISTANCE OF 151.31 FEET TO A POINT ON THE WESTERLY LINE OF KINGSTON STREET, A 50 FOOT RIGHT OF WAY; THENCE S.12°10'59"W., ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 290.00 FEET TO THE SOUTHEAST CORNER OF LOT 10, BLOCK 25 OF SAID PLAT; THENCE N.77°49'01"W., ALONG THE SOUTH LINE OF SAID LOT AND THE EXTENSION THEREOF, FOR A DISTANCE OF 284.17 FEET TO A POINT ON THE SOUTH LINE OF LOT 12, OF SAID BLOCK 25 AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 236.62 FEET; THENCE ALONG SAID SOUTH LINE OF SAID LOT AND THE EXTENSION THEREOF AND SAID CURVE THROUGH A CENTRAL ANGLE OF 42°54'59", A CHORD BEARING OF N.56°21'32"W., A CHORD LENGTH OF 173.12 FEET AND AN ARC LENGTH OF 177.24 FEET TO A POINT ON THE WEST LINE OF LOT 14, OF SAID BLOCK 25; THENCE N.34°54'02"W., ALONG SAID WEST LINE, FOR A DISTANCE OF 197.85 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID BLOCK 25; THENCE S.55°05'58"W., ALONG THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 120.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF ENGLEWOOD AVENUE, A 50 FOOT RIGHT OF WAY; THENCE N.34°54'02"W., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 20, BLOCK 27, ALSO BEING A POINT ON THE NORTH LINE OF ARCHER STREET, A 50 FOOT RIGHT OF WAY; THENCE S.55°05'58"W., ALONG SAID NORTH LINE OF ARCHER STREET, FOR A DISTANCE OF 265.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.79°54'02"W., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTRY CLUB PARKWAY, AN 80 FOOT RIGHT OF WAY; THENCE N.34°54'02"W., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 190.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.10°05'58"E., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF JOEL BOULEVARD, A VARIABLE WIDTH RIGHT OF WAY; THENCE N.55°05'58"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 1077.46 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.79°54'02"E., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOEL WAY, AN 80 FOOT RIGHT OF WAY; THENCE S.34°54'02"E., ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 190.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.10°05'58"W., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF DANIA STREET, A 50 FOOT RIGHT OF WAY; THENCE S.55°05'58"W., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 282.46 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF GARDNER AVENUE, A 50 FOOT RIGHT OF WAY; THENCE S.34°54'02"E., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 12.941 ACRES, MORE OR LESS


REVIEWED
DCI2022-00046
Rick Burris, Principal
Planner
Lee County DCD/Planning
12/13/2023

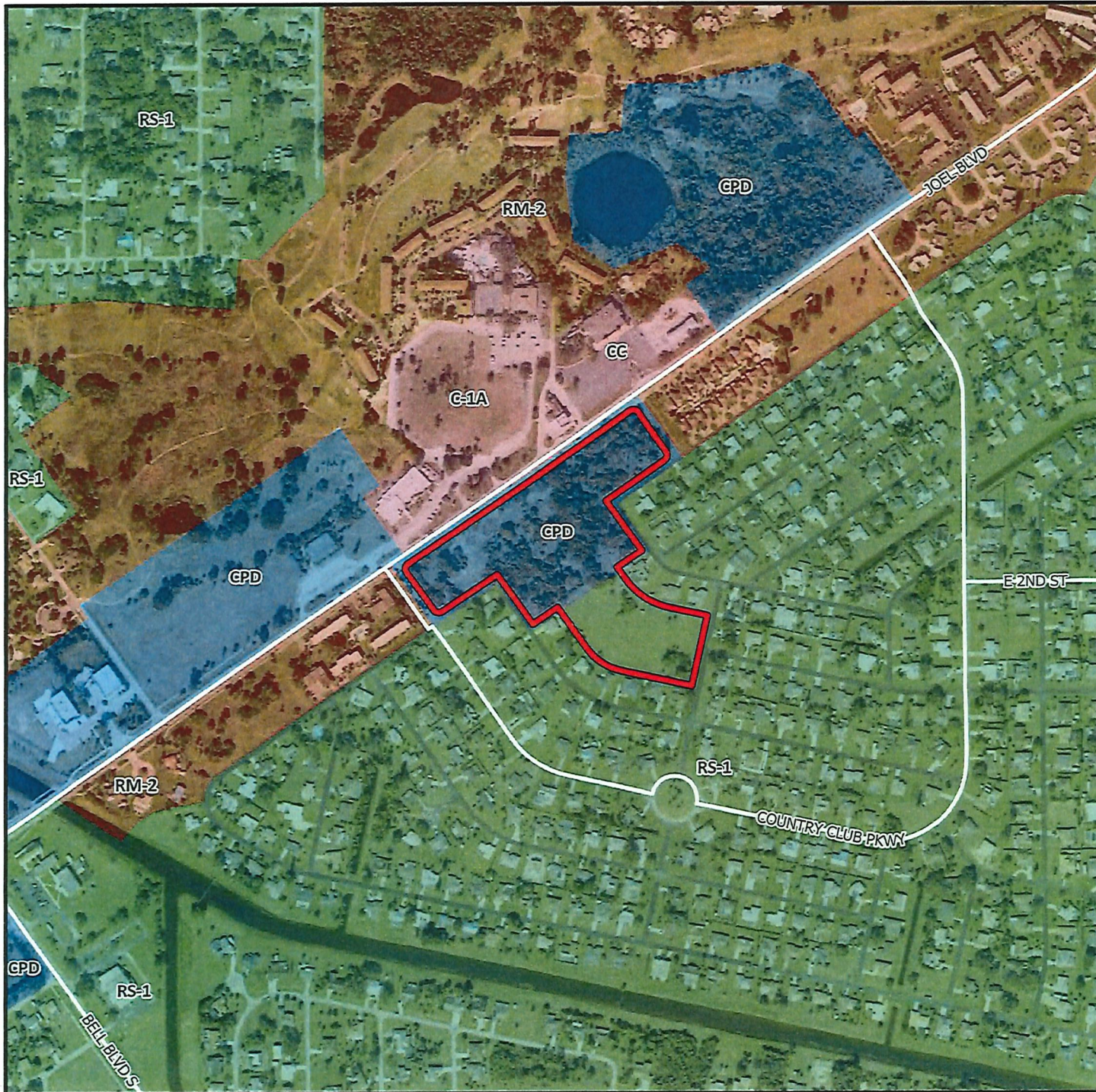
NOTES:

1. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 10, BLOCK 26, COUNTRY CLUB ESTATES, SECTION 34, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, PLAT BOOK 15, PAGE 107, PUBLIC RECORDS LEE COUNTY, FLORIDA AS BEING S 55°05'58" W
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4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY.

BY: _____
DENIS J.O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

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

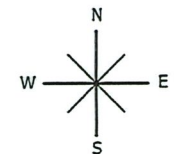
TITLE: LEGAL DESCRIPTION				
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB# 7071 www.metronfl.com		
		10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8576 FAX: (239) 275-8457		
FILE NAME: 15295SK.DWG	FIELD BOOK/PAGE: 716/64-66	PROJECT NO.: 15295	SHEET: 1 OF 2	
EXHIBIT DATE: 5/25/22	DRAWN BY: BUD	SCALE: 1" = 200'	CHECKED BY: DJO	FILE NO. (S-T-R): 34-44-27



DCI2022-00046

Zoning

 Subject Property



0 300 600 900 1,200
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP)/Development Parameters

- a. MCP. Development must be substantially consistent with the one-page MCP entitled "Kingston Street RPD," date stamped July 10, 2024, except as modified by the conditions below (Exhibit B1).
- 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 may require additional zoning approval.
- c. Development Parameters. The RPD is limited to a maximum of 258 multi-family dwelling units, including 129 bonus density units, and amenities.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Clubs, Private
Dwelling unit: Multi-family
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, Walls
Food and Beverage Service, limited
Models: Model Unit
Parking lot, accessory
Recreation facilities:
 Personal
 Private on-site
Signs
Temporary Uses

b. Site Development Regulations

Development Criteria	Multi-family	Clubhouse
Setbacks		
Perimeter	20 feet	20 feet
Building Separation	20 feet or one-half the sum of the building heights	20 feet or one-half the sum of the building heights
Waterbody (to edge of water/control elevation)	20 feet	20 feet
Preserve	30 feet	30 feet
Maximum Building Height	45 feet	30 feet
Overall Lot Area and Dimensions		
Area	12.94 acres	
Width	N/A	
Depth	N/A	
Maximum Building Coverage	60 percent	

3. **Open Space**

Development order plans must depict 5.18 acres of open space.

4. **Indigenous Open Space**

Development order plans must depict 1.22 acres of indigenous preserve area in substantial compliance with the MCP.

5. **Indigenous Buffers**

Prior to the issuance of the first development order, the indigenous preserves being used to meet the right-of-way buffer requirements must comply with LDC §10-416(d). Supplemental buffer landscaping must comply with LDC §10-420. Above ground, temporary irrigation must be specified on development order plans where supplemental buffer landscaping is proposed.

6. **Buffer**

Developer must provide an enhanced 25-foot-wide buffer with a solid wall where the proposed development abuts single-family residential. Landscaping must be along the exterior of the wall with five trees and 18 shrubs per 100 linear feet.

7. **Department of Transportation**

The configuration of the project's entrance on Joel Boulevard must be determined by the turn lane analysis at the development order stage.

8. **Development Permits**

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits 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 undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development

DEVIATIONS

1. **Excavation Setback. Deviation (1)** seeks relief from LDC §10-329(d)(1)a.3., which prohibits excavations within 50 feet of any private property line under separate ownership, to allow a minimum setback of 25 feet.

HEX Recommendation: Approve, subject to Condition 6.

2. **Connection Separation – Joel Blvd. Deviation (2)** seeks relief from LDC §10-285(a) Table 1, which requires 440 feet of connection separation along Joel Boulevard, to allow for a minimum of 189 feet from existing driveway located to the west across Joel Boulevard from the proposed project entrance, and 57 feet of separation from the existing driveway located to the east across Joel Boulevard from the proposed project entrance.

HEX Recommendation: Approve.

3. **Access. Deviation (3)** seeks relief from LDC §10-285(a), which prohibits lots with access alternatives in urban areas from accessing arterials or major collector roadways, to allow for the main entrance to be located on Joel Boulevard.

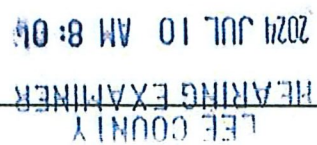
HEX Recommendation: Approve.

4. **Connection Separation – Country Club Pkwy. Deviation (4)** seeks relief from LDC §10-285(a) Table 1, which requires 125 feet of connection separation along Country Club Parkway, a county-maintained minor collector, to allow for a minimum of 111 feet of separation between the proposed Country Club Parkway access and Joel Boulevard.

HEX Recommendation: Approve.

Exhibits to Conditions:

B1 Master Concept Plan, date stamped 7/10/24



DELISI FITZGERALD, INC.
Planning • Engineering • Project Management

 a Division of RESPEC Company LLC

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

Florida
Registry License
Number 33253

OWNER / DEVELOPER:
UNITED PETRO MANAGEMENT
17240 NORTHWAY CIR.
BOCA RATON, FL 33496

PROJECT:

KINGSTON STREET RPD

DEVELOPMENT PROGRAM	
USE	INTENSITY
MULTI-FAMILY RESIDENTIAL	253 UNITS

OPEN SPACE SUMMARY		
CATEGORY	AREA	PERCENTAGE
TOTAL PROJECT AREA	12.94 AC.	100%
OPEN SPACE REQUIRED	5.18 AC.	40%
OPEN SPACE PROVIDED		
LAKE (25% OF TOTAL)	1.30 AC.	25%
INDIGENOUS PRESERVE	1.22 AC.	24%
BUFFER / FLOOD SETBACK	1.35 AC.	26%
OTHER COMMON AREAS	1.31 AC.	25%
OPEN SPACE PROVIDED	5.18 AC.	100%

NOTES:

1. A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED AND LAID SCAPED (BETWEEN THE WALL AND THE ADJUTING PROPERTY) WITH A MAXIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAL FEET.

[illegible]

MASTER CON
PLAN

Project Manager:	ADF
Drawn By:	EPB
Checked By:	ADF
Project Number:	21624
Part of Section(s)	34
Township:	44 S Range: 27 E
County, State:	LEE COUNTY, FL

State

Sheet Number:	1
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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Elizabeth Workman, Principal Planner, date received May 28, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Notice of Publication:* For Zoning Case DCI2022-00046 Kingston Street RPD, Publication Date May 30, 2024 (1 page – 8.5"x11")
3. *PowerPoint Presentation:* Prepared by Lee County Staff for Kinston Street RPD, Hearing Examiner Hearing, dated July 12, 2024 (multiple pages – 8.5"x11")[color]
4. *Email:* From Marka and Virginia Hamblin to Elizabeth Workman, dated June 20, 2024 (1 page – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Daniel DeLisi to Maria Perez, with copies to Elizabeth Workman, Andrew Fitzgerald, and Terry Cramer, dated Wednesday, July 10, 2024, 8:01 AM (multiple pages – 8.5"x11" and 1 page – 11"x17")
1. *PowerPoint Presentation:* Prepared for Kinston Street RPD, Hearing Examiner Hearing, dated July 12, 2024 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Yury Bykau
2. Terry Cramer
3. Daniel DeLisi
4. Drew Fitzgerald

Public Participants:

1. Marlyn Castner
2. Marlene Dimas
3. Derek Felder
4. Kathy Ford
5. Keith Mangum

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

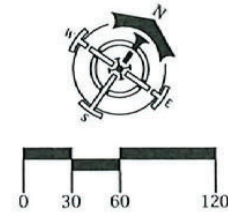
The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

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.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at 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:

1. A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 15 SHRUBS PER 100 LINEAR FEET.

KINGSTON STREET RPD

Status:	
Sheet Number:	1

Kingston Street RPD (DCI2022-00046)

Attachment C – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled “Kingston Street RPD”, prepared by DeLisi Fitzgerald, Inc., dated February 9, 2024, except as modified by the conditions below (Attachment D). 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 maximum of 258 multi-family dwelling units, including 129 bonus density units and amenities, subject to the conditions enumerated herein.

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

a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Clubs, Private
Dwelling unit: Multi-family
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, Walls
Food and Beverage Service, limited
Models: Model Unit
Parking lot, accessory
Recreation facilities:
 Personal
 Private on-site
Signs
Temporary Uses

b. Site Development Regulations

Development Criteria	Multi-family	Clubhouse
Setbacks		
Perimeter	20 feet	20 feet
Building Separation	20 feet or one-half the sum of the building heights	20 feet or one-half the sum of the building heights

Waterbody (to edge of water/control elevation)	20 feet	20 feet
Preserve	30 feet	30 feet
Maximum Building Height	45 feet	30 feet
Overall Lot Area and Dimensions		
Area	12.94 acres	
Width	N/A	
Depth	N/A	
Maximum Building Coverage	60 percent	

5. Open Space

Prior to the issuance of the first development order, the development order plans must depict a total of 5.18 acres of open space.

6. Indigenous Open Space

Prior to the issuance of the first development order, the development order plans must depict 1.22 acres of indigenous preserve area in substantial compliance with the Master Concept Plan dated February 9, 2024, attached hereto as Attachment D.

7. Indigenous Buffers

Prior to the issuance of the first development order, the indigenous preserves being used to meet the right-of-way buffer requirements must comply with LDC Section 10-416(d). Any supplemental buffer landscaping proposed must comply with LDC Section 10-420. Above ground temporary irrigation must be specified on the development order plans where supplemental buffer landscaping is proposed.

9. Buffer

Prior to the issuance of the first development order, the applicant must provide an enhanced 25-foot-wide buffer with a solid wall where the proposed development abuts single-family residential. Landscaping must be proposed along the exterior of the wall with five trees and 18 shrubs per 100 linear feet.

10. Department of Transportation

The configuration of the project's entrance on Joel Boulevard must be determined by the turn lane analysis at the development order stage.

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) Section 10-291(d)(1)a.3., which requires that no excavation be allowed within 50 feet of any private property line under separate ownership, to allow a minimum setback of 25 feet.

This deviation is **APPROVED** subject to Condition 9.

2. **Deviation (2)** seeks relief from Lee County Land Development Code (LDC) Section 10-285(a) Table 1, which requires 440 feet of connection separation along Joel Boulevard, to allow for a minimum of 189 feet from existing driveway located to the west across Joel Boulevard from the

proposed project entrance, and 57 feet of separation from the existing driveway located to the east across Joel Boulevard from the proposed project entrance.

This deviation is **APPROVED**.

3. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10-285(a), which prohibits lots with access alternatives in urban areas from accessing arterials or major collector roadways, to allow for the main entrance to be located on Joel Boulevard.

This deviation is **APPROVED**.

4. **Deviation (4)** seeks relief from Lee County Land Development Code (LDC) Section 10-285(a) Table 1, which requires 125 feet of connection separation along Country Club Parkway, county-maintained minor collector, to allow for a minimum of 111 feet of separation between the proposed Country Club Parkway access and Joel Boulevard.

This deviation is **APPROVED**.

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

Case Number: DCI2022-00046

Case Name: Kingston Street RPD

Area Subject to Request: +/- 12.9 Acres

Case Type: Planned Development Rezone

Sufficiency Date: March 13, 2024

Hearing Date: June 12, 2024

REQUEST:

DeLisi, Inc. has filed an application to rezone 12.9 acres from Commercial Planned Development (CPD) and Residential (RS-1) to Residential Planned Development (RPD). The request, if approved, will allow 258 multi-family dwelling units, including 129 bonus density units and private on-site amenities.

The subject property is located between Joel Boulevard and Kingston Street. The subject property is located within the Central Urban Future Land Use category according to Lee Plan Map 1-A. The site is also located within the Lehigh Acres Community Plan area. A legal description and boundary survey of the subject property are attached as Attachment P of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to rezone 12.9 acres to Residential Planned Development to allow 258 multi-family dwelling units with 129 bonus density units. Maximum building heights are 45 feet for multi-family buildings and 30 feet for private on-site amenities (Attachment C). The applicant has requested four deviations from excavation setbacks, access separation, and urban area requirements for access on arterial and collector roads (Attachment C).

HISTORY OF PARCELS:

The northern 9.25 acres of the subject property was originally rezoned to Commercial Planned Development in 2007 (Resolution Z-07-014). The resolution allows for the development of a commercial park with a maximum of 164,700 square feet of floor area with a maximum height of 35 feet (Attachment O). A portion of the property abutting Joel Boulevard is within the Lehigh Commercial Study overlay area as depicted on Lee Plan Map 2-B. The remainder of the 12.9 acres is zoned residential (RS-1).

CHARACTER OF THE AREA:

The subject property is in Lehigh Acres in an area with primarily platted single-family lots. To the south, east and west of the subject property are single-family uses with multi-family along Joel Boulevard. The north property line abuts Joel Boulevard, which is a County-maintained arterial road. The properties located north of Joel Boulevard are developed with a mix of commercial uses and religious facilities. The surrounding zoning districts are Residential (RS-1 and RM-2), Community Commercial (CC) and Commercial Districts (C-1 and C-1A). Property immediately surrounding the subject property are depicted in Attachment B of this report and can be characterized as follows:

North

The subject property abuts Joel Boulevard, a County-maintained arterial road. Further north are existing and vacant commercially-zoned parcels.

East

The subject property abuts Joel Way, a County-maintained local road. Across from Joel Way are multi-family villas zoned RM-2 that abut Joel Boulevard. South of the RM-2 zoned property are single-family platted lots zoned RS-1.

South

The subject property abuts single-family platted residential lots that are ¼ to ½ acre in size and zoned RS-1.

West

The subject property abuts Country Club Parkway, a County-maintained minor collector road. Across from Country Club Parkway are multi-family residential units that are zoned RM-2. South of the multi-family residential are single-family platted residential lots that are ¼ to ½ acre in size and zoned RS-1.

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 at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a letter of availability for potable water and sanitary sewer from Florida Governmental Utility Authority (FGUA). Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for 258 multi-family homes with an estimated potable water usage demand of 48,375 gallons per day and 48,375 gallons per day wastewater disposal; however, developer funded system enhancements such as line extensions may be required (Attachment M).

Public transit and pedestrian facilities: LeeTran has a bus stop abutting the property along Joel Boulevard serving bus route 515 from Homestead Plaza Drive to Joel and 12th Street. There is an existing sidewalk located along Joel Boulevard abutting the subject property. Lee Plan Map 3-D depicts a shared use path and sidewalk along Joel Boulevard and Country Club Parkway.

Police, fire, and emergency services: Lehigh Acres Fire Station #101 is located two miles north of Joel Boulevard and the Sheriff's substation is located approximately three miles from the subject property.

Property Development Regulations & Off-Street Parking

LDC Section 34-935 establishes the property development regulations for each planned development zoning district. The applicant is requesting to rezone the property to Residential Planned Development (RPD) to develop a multi-family residential project with amenities. LDC Section 34-935(b)(1)b. establishes the building and structure setback requirements from the development perimeter as 15 feet for residential planned developments. The applicant is providing a 20-foot setback along the right-of-way for the multi-family uses and a 25-foot setback along the right-of-way for the clubhouse. Minimum setbacks for the remaining perimeter boundaries are 25 feet. The applicant has provided property development regulations that are in compliance with LDC Section 34-935 (Attachment I).

SCHEDULE OF USES:

The applicant is proposing a mix of uses on the property that are consistent with the allowable uses in a Residential Planned Development per LDC Section 34-934 (Attachment H).

DEVIATIONS:

The applicant has requested three deviations (see Attachment L). Deviation 1 seeks relief from LDC Section 10-329(d)(1)a.3. which requires that no excavation be allowed within 50 feet of any private property line under separate ownership, to allow excavation up to 25 feet from the property line. The applicant indicates that the stormwater lake located in the southeastern portion of the property is within 25 feet of the adjacent single-family uses. Where the lake abuts the existing residential uses, a 25-foot-wide buffer with an eight-foot wall/berm combination is proposed which will provide a physical barrier. Staff is recommending approval of the 25-foot-wide lake excavation setback.

Deviation 2 seeks relief from LDC Section 10-285(a), which requires 330 feet of connection separation along Joel Boulevard, to allow for a minimum of 57 feet and 189 feet from two existing driveways located across Joel Boulevard from the proposed project entrance as depicted on the Master Concept Plan. The subject property abuts seven different rights-of-way. The applicant is aligning the project's main access with the Lehigh Resort Club across Joel Boulevard. This alignment will maximize the separation between the proposed access to Joel Boulevard with the existing intersections at Joel Boulevard and Country Club Parkway and Joel Boulevard and Joel Way. A secondary access is proposed along Country Club Parkway. Providing the main access to be located on Joel Boulevard will limit the project traffic within the surrounding single-family residential neighborhoods. **Staff recommends approval of Deviation 2 to allow a driveway separation spacing of 189 feet.**

Deviation 3 seeks relief from LDC Section 10-285(a), which prohibits lots with access alternatives in urban areas from accessing arterials or major collector roadways, to allow for the main entrance to be located along Joel Boulevard. The applicant's justification is that providing access to Joel Boulevard prevents increased traffic from impacting the single-family residential subdivisions to the north, east and south. At time of development order, any improvements to Joel Boulevard will be evaluated and the development order plans will be reviewed for offsite improvements. Staff is recommending approval of Deviation 3.

Deviation 4 seeks relief from LDC Section 10-285(a), which requires 125 feet of access separation along Country Club Parkway, county-maintained minor collector, to allow for a minimum separation of 111 feet from Joel Boulevard. The applicant will need to revise the Master Concept Plan and Deviations and Justifications to add Deviation 4. Staff recognizes that this is a secondary access and that the project abuts seven different rights-of-way. Designing the project's accesses to comply with the Land Development Code is difficult due to the configuration and location of the property and location. Staff is recommending approval of Deviation 4 to allow 111 feet intersection separation between Country Club Parkway and Joel Boulevard.

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 planned development rezoning request with analysis against the applicable criteria (see Attachment G). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is in the Central Urban future land use category, which is characterized in **Lee Plan Policy 1.1.3**, as the "urban core" of the County. This is due to Central Urban areas being heavily settled with the greatest range and highest levels of public services. The maximum total density per **Lee Plan Policy 1.1.3** is 10 dwelling units per acre. The applicant may increase the total density to 20 dwelling units per acre utilizing Greater Pine Island Transfer of Development Units (TDU). The applicant is proposing 258 dwelling units, which is 20 units per acre, and includes 129 units of bonus density. The applicant is proposing 64 bonus density units of site built affordable housing and 65 units of Greater Pine Island TDU credits. Staff finds the request, as conditioned, to be **CONSISTENT with Policy 1.1.3**.

The applicant held a public information meeting on January 25, 2024, at Lehigh Acres Municipal Services Improvement District (LAMSID) offices which is in the Lehigh Acres Planning Community in accordance with LDC Section 33-1401 (Attachment N). No one from the public attended the meeting.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing because it is an infill development. The property is currently zoned for commercial development and residential development. The proposed rezoning to Residential Planned Development provides one cohesive plan that maximizes the density range in the Central Urban future land use category. The subject property is in an area where public services exist. The applicant has provided a letter of availability demonstrating that the Florida Governmental Utility Authority has capacity for potable and wastewater to support the proposed residential project, which demonstrates compliance with **Lee Plan Objectives 2.1 and 2.2 and Policy 2.2.1 and Standards 4.1.1 and 4.1.2**. The applicant has demonstrated compliance with **Lee Plan Policy 4.1.4** by providing an environmental assessment that states that the site consists primarily of herbaceous and disturbed land. Staff conducted a site inspection, and the site has South Florida Slash Pine and Cabbage palms within the north portions of the property. The applicant is proposing to preserve the indigenous habitat to comply with the open space requirements per **LDC Section 10-415 and Lee Plan Objective 123.2**. Staff finds the request, as conditioned, to be **CONSISTENT with Objectives Lee Plan Objectives 2.1, 2.2, and 123.2, Policy 2.2.1, and Standards 4.1.1, 4.1.2 and 4.1.4**.

Lee Plan Goal 5 aims to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. The applicant is proposing multi-family housing in an area with a mix of multi-family villas, townhomes, and ½ and ¼ acre platted single-family lots. The property is not in the Coastal High Hazard area, nor does it have floodplain or wetland constraints. The proposed multi-family development is near employment and shopping centers and has access to public transit. Bus route 515 services Joel Boulevard and there are three bus stops on the north and south side of Joel Boulevard with sidewalk connections to each. The current zoning on the subject property would allow commercial retail, office, and single-family development. The surrounding residential uses would abut parking areas

and higher intensity uses than the multi-family development being proposed. In addition, where the multi-family development abuts single-family developments, a 25-foot-wide buffer is being proposed with an eight-foot wall. The applicant is providing 40 percent open space with half of the open space being provided as indigenous preserves that are along the northeast and east property lines. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Goal 5 and subsequent Lee Plan Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, and 5.1.6.**

Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11 all speak to the design of the stormwater management system and the utilization of green infrastructure to filter pollutants and protect the surrounding natural environment. The applicant submitted a Surface Water Management Plan (Attachment J). The applicant is proposing to direct stormwater runoff to dry detention areas and then into the master stormwater ponds to provide additional water quality treatment. The applicant proposes to maintain the existing drainage pattern and provide dry and wet ponds to improve water quality before ultimately outfalling into the Able Canal to the west, which ultimately drains into the Orange River. The upland preserve is not being integrated into the surface water management system but is being restored through exotic removal (Attachment E). The proposal is consistent with **Lee Plan Policies 60.4.1 and 60.4.2** which encourage new developments to utilize green infrastructure in site designs. Staff finds the request, as conditioned, to be consistent with **Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11.**

A portion of the property along Joel Boulevard is in the Commercial Overlay. In accordance with **Lee Plan Policy 25.6.1**, the proposed development will provide housing alternatives to the ¼ to ½ acre lots to the east, south, and west. The applicant is proposing multi-family housing outside of the Commercial Overlay to add more high-density development that provides diverse types of housing in the area.

Lee Plan Objective 25.10 and Policy 25.10.1 encourage onsite preservation of indigenous plant communities to preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area. The applicant is providing 1.22 acres of indigenous uplands as depicted on the Master Concept Plan (Attachment D). The applicant has provided a protected species survey demonstrating consistency with **Lee Plan Objective 25.10 and Policy 25.10.1** (Attachment E). No protected species or evidence of protected species were found on the site.

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, 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.

Review Criteria for Bonus Density per 2-147

- a) **The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**

The proposed project has direct access to Joel Boulevard, an arterial road. The applicant has requested a deviation (Deviation #3) to allow access to Joel Boulevard to prevent the need to have onsite traffic travel through the significantly lower densities to the east and south.

b) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall interest.

The applicant has provided a Letter of Availability from FGUA stating that there is capacity available for sanitary sewer and water to support the density being proposed. In addition, the subject property is located where schools, parks, EMS and fire are within three miles. Lehigh Elementary School is located within 1.5 miles from the subject property west of Joel Boulevard. Lehigh Acres Middle School is located two miles from the subject property. Lehigh Acres Fire Station #101 is located two miles north of Joel Boulevard and the Sheriff's substation is located approximately three miles from the subject property.

c) 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.

The subject property is not located in the Coastal High Hazard Area.

d) The resulting development will be compatible with existing and planned surrounding land uses.

The proposed development is compatible with existing and planned surrounding land uses that consist primarily of single-family residential to the east, south, and west of the subject property. Multi-family villas and condominiums are located to the northeast and northwest of the subject property along Joel Boulevard. The subject property is in the Commercial Overlay, which encourages alternative housing on parcels larger than ¼ and ½ acre lots. The applicant has provided a master concept plan that is designed to use the indigenous preserves and stormwater lakes to increase the setback to provide a transition from the lower density single-family lots to the proposed higher-density multi-family.

Compatibility with existing and planned uses in the surrounding area.

Staff finds the request, as conditioned, to be compatible with existing and planned uses in the surrounding area. Rezoning the subject property to facilitate development of multi-family housing units to serve the Lehigh Acres community complies with the Commercial Overlay. The applicant has provided Property Development Regulations to be consistent with **LDC Section 34-935(b)(1)a.**, with a maximum building height of 45 feet for the residential units and 30 feet for the clubhouse amenity in accordance with **LDC Section 34-935(f)** (Attachments H & I). The Schedule of Uses is consistent with **LDC Section 34-934** (Attachment H). The applicant has provided a Master Concept Plan that demonstrates compliance with required buffers and open space per **LDC Sections 33-1405 and 10-416(d)** (Attachment D). The request will remain compatible with the surrounding uses.

Sufficiency of Access and Transportation Impacts.

The subject property is located along Joel Boulevard, County-maintained arterial road. The applicant has submitted a Traffic Impact Statement (TIS) that details the impacts on transportation facilities to

support the proposed uses (Attachment K). Lee County Department of Transportation has provided a memorandum evaluating the TIS and has determined that the expected impacts on transportation facilities are not significant and may be addressed by the Land Development Code at time of development order (Attachment F). Staff is requiring the applicant to revise Traffic Impact Statement so that the trip distribution (figures 2 and 3) is consistent with the master concept plan. The TIS does not comply with the master concept plan showing the access point on Joel Way instead of Country Club Parkway.

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

The applicant is proposing to preserve approximately 1.22 acres of upland pine and cabbage palm habitat. The applicant's Protected Species Survey indicates that there were no protected species onsite. Environmental Staff have provided a staff report containing analysis and findings (Attachment E).

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 request. 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.

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) The deviations enhance the achievement of the objectives of the planned development and protects the public health and safety.

OUTSTANDING ISSUES:

The applicant will need to revise the Master Concept Plan to depict deviation to allow 111 feet of intersection separation between Joel Boulevard and the proposed access to Country Club Parkway. The TIS also must be revised to analyze the access to Country Club Parkway instead of Joel Way. These revisions may be submitted with the applicant 48-hour letter.

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 Residential Planned Development is consistent with the Central Urban future land use designation and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the 12.94-acre property from Commercial Planned Development (CPD) and Residential (RS-1) to Residential Planned Development (RPD), to allow 258 dwelling units with bonus density and on-site private recreation with a maximum height of 45 feet for the dwelling units and 30 feet for the clubhouse with the conditions attached as Attachment C of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Location Aerial, Future Land Use, and Current Zoning
- C. Recommended Conditions and Deviations
- D. Master Concept Plan
- E. Staff: Environmental Sciences Staff Report
- F. Staff: Department of Transportation Staff Memorandum
- G. Applicant's Project Narrative
- H. Applicant's Schedule of Uses
- I. Applicant's Property Development Regulations
- J. Applicant's Surface Water Management Plan
- K. Applicant's Traffic Impact Statement
- L. Applicant's Schedule of Deviations and Written Justifications
- M. Letter of Availability
- N. Public Information Meeting
- O. Resolution Z-07-014
- P. Legal Description and Boundary Survey

CPA2022-00012

Corkscrew
Commercial Map
Amendment

**SUMMARY SHEET
CPA2022-00012 CORKSCREW COMMERCIAL
ADOPTION HEARING**

REQUEST:

Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre subject property.

The subject property is located on the south side of Corkscrew Road, immediately west of the intersection of Corkscrew Road and Alico Road. The requested amendment would allow for connection to Lee County Utilities' wastewater service.

PUBLIC INPUT:

At the transmittal hearing, one member of the public addressed the Board of County Commissioners concerning the proposed amendment, and expressed concerns about flowway capacity, stormwater retention plans, and meeting notification.

TRANSMITTAL HEARING:

At the August 21, 2024, Transmittal Hearing, a motion was made to **transmit** CPA2022-00012 as recommended by staff and the LPA. The motion passed 5 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</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. ____
(Small Brothers Corkscrew Commercial)
(CPA2022-00012)

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 SMALL BROTHERS CORKSCREW COMMERCIAL (CPA2022-00012) 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 July 22, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 21, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Small Brothers Corkscrew Commercial (CPA2022-00012) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 21, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on October 16, 2024, 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 "Small Brothers Corkscrew Commercial Ordinance (CPA2022-00012)."**

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 the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre¹ subject property known as Small Brothers Corkscrew Commercial (CPA2022-00012).

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.

¹ The subject property was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300.

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 16th day of October 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Deputy Clerk

BY: _____
Mike Greenwell, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A (Adopted by BOCC October 16, 2024):
Adopted Lee County Utilities Future Sewer Service Areas Map (Map 4-B)

CAO Draft 9/25/2024 9:41:56 AM

EXHIBIT A



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



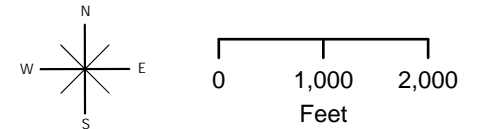
CPA2022-00012



Map Generated: July 2024

-  Proposed Future Sewer Service Areas
-  Future Sewer Service Areas

Future Sewer Service Areas



STAFF REPORT FOR CORKSCREW COMMERCIAL: CPA2022-00012

Map Amendment to the Lee Plan



Recommendation:

Transmit

Applicant:

Small Brothers, LLC

Representative:

Margaret Emblidge, AICP
LJA Engineering, Inc.

Property Location:

15230 Corkscrew Road,
Estero

Property Size:

± 11.4 Acres¹

Planning District:

Southeast Lee County
District 18

Commissioner District:

District #3

Hearing Dates:

LPA: 07/22/24
BoCC #1: 08/21/24
BoCC #2: 10/16/24

Attachments:

1: Proposed Amendments

REQUEST

Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre¹ subject property.

SUMMARY

The requested amendment will include the subject property in Lee Plan Map 4-B, Lee County Utilities Future Sewer Service Areas Map. The property is already included in the Lee County Utilities Future Water Service Areas Map (Map 4-A). No other map or text amendments are proposed.

PROJECT LOCATION

The subject property is located on Corkscrew Road, approximately 100 feet west of the intersection of Alico Road and Corkscrew Road.



Figure 1: Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **transmit** the requested amendment based on the analysis and findings provided in this staff report.

PART 1 STAFF DISCUSSION AND ANALYSIS

SUBJECT PROPERTY/BACKGROUND

The subject property is currently shown within the Wetlands future land use category on the Future Land Use Map. This category is characterized by very low-density development with limited uses allowed. An informal analysis provided by the applicant's environmental consulting firm, W. Dex Bender & Associates, Inc., indicates the wetlands on the property account for less than what is currently shown on the future land use map. A formal Jurisdictional Wetland Determination or Environmental Resource Permit will need to be provided by the appropriate State Agency, the portions of the property found to be outside of the jurisdictional wetlands will be designated as Density Reduction/Groundwater Resource (DR/GR). This practice is consistent with Lee Plan **Policy 124.1.3** regarding how wetlands are depicted on the Future Land Use Map, and **Chapter XIII, Administration**.

The subject property was originally zoned Agriculture (AG). The BoCC approved a privately initiated rezoning request to rezone the property to Commercial (CC) in 1982 through Resolution Number ZAB-82-337. The rezone occurred prior to the implementation of the 1984 Lee Plan.

Owners of the subject property previously applied for a similar map amendment via CPA2019-00011. That amendment proposed including the subject property within the Lee County Utilities Future Water and Future Sewer Service Areas maps, then designated as Lee Plan Maps 6 and 7. The utilities map amendments were requested with a companion text amendment in CPA2019-00009 that would have allowed limited commercial uses on the subject property. The BoCC voted in 2020 to transmit the amendments to the State Reviewing Agencies; however, the property owner withdrew the proposed amendments prior to an adoption hearing.

In 2021, the BoCC adopted CPA2021-00001, a County-initiated comprehensive plan amendment that updated the Lee Plan's planning horizon to the year 2045. CPA2021-00001 extended the Lee County Utilities Future Water Service Areas map in Southeast Lee County, adding the subject property to the map. Map 4-A (then called Map 6) was amended to include areas already served or able to be served due to existing or proposed water main improvements. CPA2021-00001 did not amend the Lee County Utilities Future Sewer Service Areas map.

The applicant submitted the subject amendment in 2022 to add the subject property to Lee Plan Map 4-B, as well as a text amendment similar to CPA2019-00009, which would have allowed limited commercial uses on the subject property. The associated text amendment, CPA2022-00013, was withdrawn by the applicant in January 2024.

The applicant also submitted DCI2022-00021, a request to rezone the subject property from CC to Commercial Planned Development (CPD). The last submittal for the CPD request was in October of 2022. Due to the withdrawal of the companion text amendment, the CPD request remains inconsistent with the Lee Plan with or without the proposed amendment to Map 4-B.

SURROUNDING PROPERTIES

The subject property is located on Corkscrew Road, adjacent to the eastern property line of the Corkscrew Shores subdivision. Map 4-B extends to the western boundary of the subject property and resumes along Corkscrew Road, approximately 1.6 miles east of the subject property, to provide sewer service to The Place, a residential subdivision.

The properties east and south of the subject property are lands within the Conservation Lands (Uplands and Wetlands) future land use category, owned by Lee County and South Florida Water Management District, respectively. The property north of the subject parcel, across Corkscrew Road, is an active mining operation. Corkscrew Shores, as previously mentioned, is located west of the property. Additional detail is provided in Table 1.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Wetlands & DR/GR	IPD approved for ±178 acres of mining and excavation	Mining Operation
East	Conservation Lands Wetland & Conservation Lands Upland	AG-2	Conservation
South	Conservation Lands Wetland	MH-1	Conservation
West	DR/GR & Wetlands	RPD platted with approximately 643 dwelling units ⁱⁱ	Single-Family

DISCUSSION AND ANALYSIS – MAP 4-B: LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS MAP

The subject property is within the Wetlands future land use category as depicted on the future land use map, Lee Plan Map 1-A; however, based on application materials it is expected that approximately 52 percent of the property will be designated as uplands once a formal wetland delineation is provided by the appropriate state agency. As previously mentioned, based on Policy 124.1.3 the upland areas will be redesignated to the DR/GR future land use category. Development in the Wetlands and DR/GR future land use categories must be consistent with the following:

***POLICY 1.5.1:** Permitted land uses in Wetlands consist of 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. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

***POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

- 1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*

- 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*
- 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The requested amendment does not change the subject property's Future Land Use Category and, therefore, does not change the intensity, density, or uses allowed under the Lee Plan. Any future changes to the boundary of the Wetlands future land use category must be consistent with **Policy 124.1.3** and **Chapter XIII**. Any development within the Wetlands future land use category must be consistent with **Policy 124.1.1** and **Policy 124.1.2**, which provide for very limited uses within state-determined wetlands.

When future development of the site is proposed, the developer will need to provide hydrologic models that demonstrate the preservation of historic groundwater levels on site. This model will also need to demonstrate that no adverse impacts will occur to properties upstream, downstream, or adjacent to the site, consistent with **Policy 1.4.5**. The hydrologic model used by the applicant must be deemed appropriate by Lee County Department of Natural Resources, consistent with **Policy 33.1.7**.

The applicant held a publicly advertised meeting within the boundaries of the Southeast Lee County Community Planning Area on February 15, 2024, consistent with **Objective 17.3**. The meeting was held at 13660 Bonita Beach Road Southeast and was advertised in the Fort Myers News Press more than 10 days before the meeting date. No members of the public were present at the meeting.

The proposed amendment facilitates Lee Plan **Goal 56**, which seeks to provide sanitary sewer service throughout Lee County. **Policy 56.1.1** states that Lee County Utilities will provide service as required by demand in areas illustrated on Map 4-B. Lee County Utilities currently has appropriate capacity to serve the subject property, consistent with **Policy 56.1.1**, **Policy 56.1.2**, and **Policy 95.1.3**.

Pursuant to **Policy 56.1.7**, the proposed amendment will allow for the use of public sewage in lieu of septic systems in any potential future development of the subject property. This is consistent with **Objective 33.1**, which promotes the protection of groundwater within Southeast Lee County. The subject property is within the 1-year, 5-year, and 10-year Wellfield Protection Zone travel times, as depicted on Lee Plan Map 4-C. Due to the sensitivity of the groundwater resources in this area, future development should be encouraged to use public sanitary sewers in lieu of septic systems.

Based on the analysis above, adding the subject property to the Lee County Utilities Future Sewer Service Areas map is appropriate and consistent with the Lee Plan.

SERVICE AVAILABILITY

The proposed amendment to the Lee County Utilities Future Sewer Service Areas map would have minimal impacts on the availability of public services. Potable water, solid waste, police, fire, and emergency medical services are available to serve any future development of the subject property. Level of service,

impact fees, and any improvements needed to serve the subject property will be determined at the time future development plans are determined.

The subject property is within Lee County Utilities' future potable water service areas, as identified on Lee Plan Map 4-A. Lee County Utilities provided a letter on August 29, 2022, stating that adequate potable water and sanitary sewer services are available to the subject property. Potable water service will be provided through the Pinewood Water Treatment Plant, and sanitary sewer service will be provided by Three Oaks Water Reclamation Facility. There are no reuse mains within the vicinity of the project.

The subject property is located on the south side of Corkscrew Road, at the southwest corner of the intersection between Alico Road and Corkscrew Road. Corkscrew Road is a county-maintained arterial road. The proposed amendment does not impact the allowable uses under the Lee Plan on the subject property, therefore roadway conditions stay the same with and without the proposed amendment.

CONCLUSIONS

The proposed amendment, which adds the subject property to Lee Plan Map 4-B, facilitates Lee County in providing sanitary sewer service throughout the County.

Staff has reviewed the proposed amendments and provides the following conclusions.

- The use of sanitary sewer service on site is consistent with surrounding properties.
- The request does not impact the ability of other County offices to provide public services.
- The Board of County Commissioners previously transmitted an amendment that would have included the subject property on Map 4-B.
- The subject property is within Lee County's 1-year, 5-year, and 10-year Wellfield Protection Zones
- The proposed amendment is consistent with the applicable Lee Plan Goals, Objectives, and Policies, as discussed in this report.

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

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 22, 2024

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, surrounding uses, and consistency with the Lee Plan.

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 asked about previous Comprehensive Plan Amendments that applied to the subject property and the reasoning behind not including the subject property on Map 4-B when the property was added to Map 4-A.

There were no public comments on the proposed amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit*** CPA2022-00012. The motion passed 5 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
DAWN RUSSELL	<u>ABSENT</u>
JENNIFER SAPEN	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STODER	<u>AYE</u>
HENRY ZUBA	<u>ABSENT</u>

C. STAFF RECOMMENDATION

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

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: August 21, 2024

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments, location, character of the area, Lee Plan consistency, and LPA and Staff recommendations. Following staff's presentation, the applicant's consultants presented the proposed amendments, providing additional information on the background and history of the property.

One member of the public spoke in opposition to the proposed amendment, citing concerns over flowway capacity, stormwater retention plans, and meeting notification.

The BoCC asked how various easements and roadway expansions would impact development of the property.

B. BOARD ACTION:

A motion was made to transmit CPA2022-00012 as recommended by staff and the LPA. The motion passed 5 to 0.

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

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

Staff transmitted the proposed amendments to the Florida Department of Commerce on August 23, 2024. Comments from the State Reviewing Agencies were due to Lee County by September 22, 2024.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Commerce
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission

There were **no objections** 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.

ⁱ The subject property was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300.

ⁱⁱ INSTRUMENT #2014000052328, Lee County Clerk of Circuit Court; INSTRUMENT #2015000105110, Lee County Clerk of Circuit Court; INSTRUMENT #2015000198603, Lee County Clerk of Circuit Court

ATTACHMENT 1



➤ **Future Sewer Service Areas**



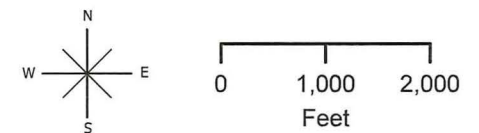
CPA2022-00012



Map Generated: July 2024

-  Proposed Future Sewer Service Areas
-  Future Sewer Service Areas

Future Sewer Service Areas





APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Small Brothers Corkscrew Commercial CPA

Project Description: Amend Map 4-B to add 11.38 acres to the Lee County Utilities Future Wastewater Service Area

Map(s) to Be Amended: Map 4-B Lee County Utilities Future Wastewater Service Area

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

1. **Name of Applicant:** Small Brothers, LLC

Address: 12810 Tamiami Trail N, Suite 200

City, State, Zip: Naples, FL 34110

Phone Number: (239) 352-5151

E-mail: Bruce Lampitt / blampitt@smallbrothers.com

2. **Name of Contact:** Agnoli, Barber & Brundage, Inc. / Margaret Emblidge, AICP

Address: 7400 Trail Boulevard, Suite 200

City, State, Zip: Naples, FL 34108

Phone Number: (239) 597-3111

E-mail: emblidge@abbinc.com

3. **Owner(s) of Record:** Small Brothers, LLC

Address: 12810 Tamiami Trail N, Suite 200

City, State, Zip: Naples, FL 34110

Phone Number: (239) 352-5151

E-mail: Bruce Lampitt / blampitt@smallbrothers.com

4. **Property Location:**

1. **Site Address:** 15230 Corkscrew Road, Estero FL (Property 1)

2. **STRAP(s):** 22-46-26-00-00001.0010

5. **Property Information:**

Total Acreage of Property: 11.38

Total Acreage Included in Request: 11.38

Total Uplands: 6.11 acres

Total Wetlands: 5.27 acres

Current Zoning: CC Commercial

Current Future Land Use Category(ies): DR/Wetlands

Area in Each Future Land Use Category: DR/GR 6.11 acres, Wetlands 5.27 acres

Existing Land Use: Vacant

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

Residential Units/Density: 1

Commercial Intensity: N/A

Industrial Intensity: N/A

7. **Calculation of maximum allowable development with proposed amendments:**

Residential Units/Density: 1

Commercial Intensity: N/A

Industrial Intensity: N/A

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 effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon).

Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

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

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

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

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

<input type="checkbox"/>	Completed Application (Exhibit – M1)
<input type="checkbox"/>	Disclosure of Interest (Exhibit – M2)
<input type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input type="checkbox"/>	Existing Future Land Use Map (Exhibit – M4)
<input type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input type="checkbox"/>	Proposed Amendments (Exhibit – M11)
<input type="checkbox"/>	Lee Plan Analysis (Exhibit – M12)
<input type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M13)
<input type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M14)
<input type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M15)
<input type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M16)
<input type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
<input type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18)
<input type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M19)
<input type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M20)
<input type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

APPLICANT – PLEASE NOTE:

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

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

[Signature]
Signature of Applicant

10/17/23

Date

Jon Small

Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 17 (date) by Jon Small

(name of person providing oath or affirmation), who is personally known to me or who has produced Personally (type of identification) as identification.

[Signature]
Signature of Notary Public



**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared , 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 15230 CONKSCREW RD. 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
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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.

J SM
Property Owner
JOHN SMALL
Print Name

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

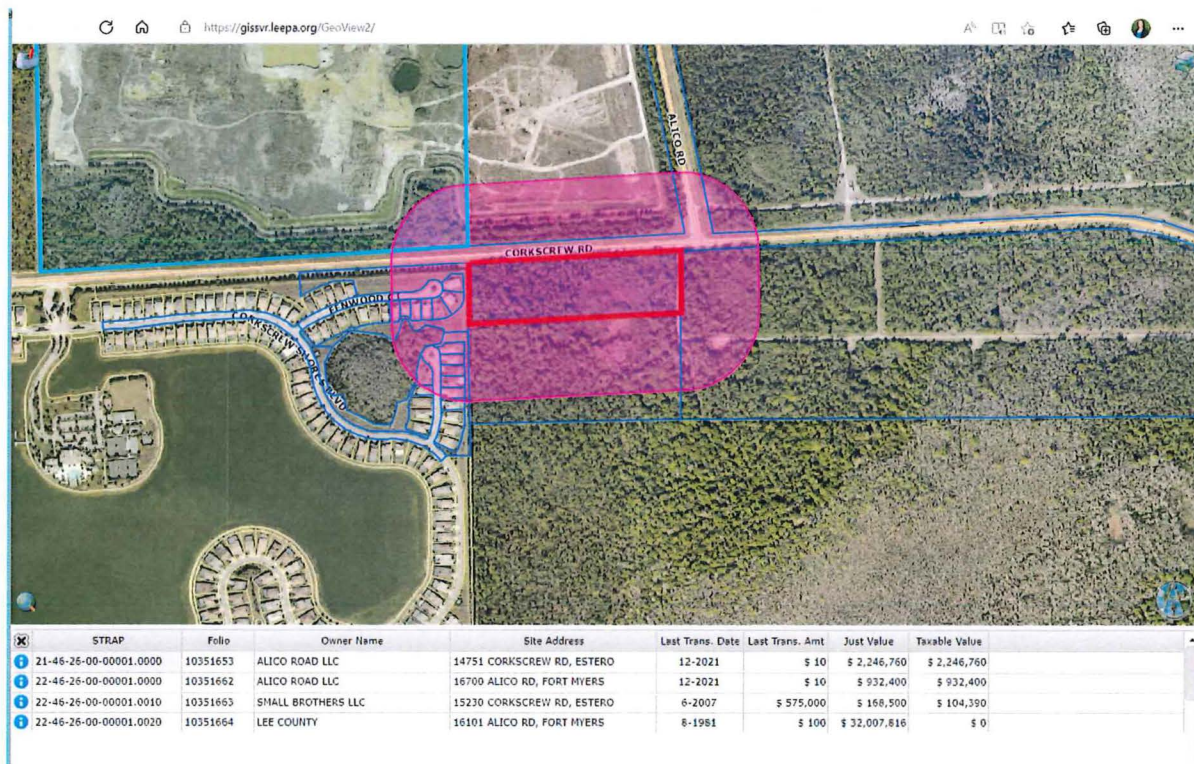
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 9.15.2020 (date) by JOHN SMALL (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

STAMP/SEAL

Jennifer Wallace
Signature of Notary Public





ALICO ROAD LLC
5465 PINE RIDGE RD
FORT MYERS, FL 33908

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

DACOSTA JUNE
117 SHADYWOOD CT
ESTERO, FL 33928

HAUSER JON C TR
945 FOXKIRK DR
BROOKFIELD, WI 53045

GROSS MATTHEW JOHN &
114 SHADYWOOD CT
ESTERO, FL 33928

ALICO ROAD LLC
5465 PINE RIDGE RD
FORT MYERS, FL 33908

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

ANNING MICHAEL P
134 SHADYWOOD CT
ESTERO, FL 33928

JUMANS LAURA L &
122 SHADYWOOD CT
ESTERO, FL 33928

LEW SHORES MASTER ASSN
CORKSCREW WOODS PKWY
ESTERO, FL 33928

LALL BROTHERS LLC
8620 TYLER BLVD
MENTOR, OH 44060

LEW SHORES MASTER ASSN
CORKSCREW WOODS PKWY
ESTERO, FL 33928

ANDERSON JACK V &
130 SHADYWOOD CT
ESTERO, FL 33928

TER RICHARD & QUEILA
118 SHADYWOOD CT
ESTERO, FL 33928

LEW SHORES MASTER ASSN
CORKSCREW WOODS PKWY
ESTERO, FL 33928

A THIERRY JACQUES &
4056 FENWOOD CT
ESTERO, FL 33928

HOLAKIA RAHILA &
4052 FENWOOD CT
ESTERO, FL 33928

IDOLLAR ROBERT W &
4048 FENWOOD CT
ESTERO, FL 33928

TZ DUANE & LUANNE
4036 FENWOOD CT
ESTERO, FL 33928

S BECKY K & BRADLEY F
4040 FENWOOD CT
ESTERO, FL 33928

IR SCOTT M & NANCY L
4044 FENWOOD CT
ESTERO, FL 33928

Information Unavailable

NEW SHORES MASTER ASSN
CORKSCREW WOODS PKWY
ESTERO, FL 33928



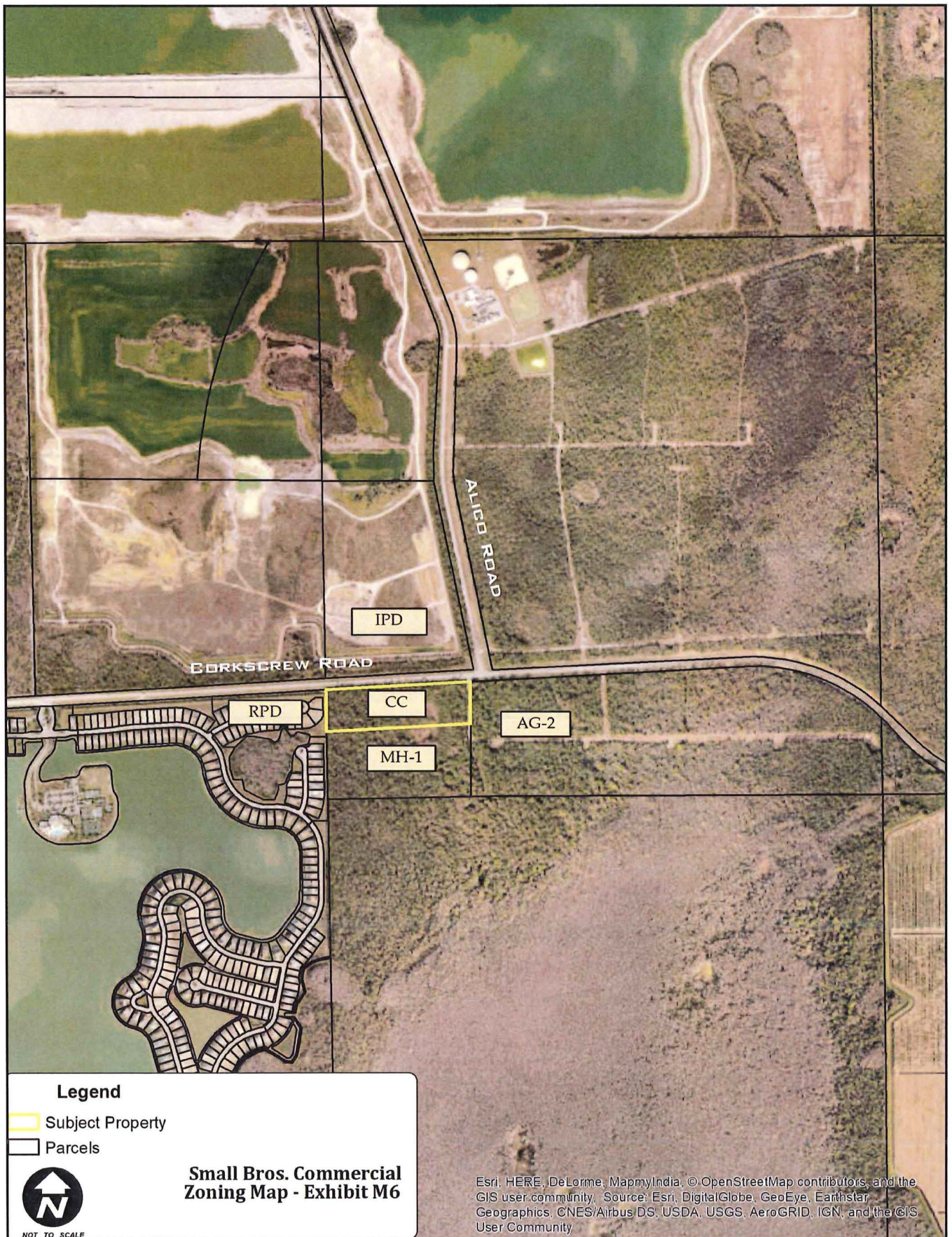


Exhibit M6

Map and Description of Existing Zoning of the Subject Property and Surrounding Properties

Small Brothers, LLC
Corkscrew Commercial

The attached aerial shows the location of the subject property and the surrounding uses. The property directly to the west is the Corkscrew Shores community, which consists of 800 residential units. Adjacent to the property to the north is the Southwest Florida Rock IPD, an active mining operation. To the south and east of the subject property vacant land owned and managed by the Lee County and are zoned A-2 and MH-1.



Return to: 11608-07-00796
North American Title Company
7051 Cypress Terrace, Suite 201
Fl. Myers, Florida 33907

This Instrument Prepared By:

North American Title Company
7051 Cypress Terrace, Suite 201
Fl. Myers, Florida 33907

Property Appraisers Parcel Identification (Folio) Number: 22-46-26-00-00001.0010

WARRANTY DEED

This Warranty Deed made this 27th day of June, 2007 by ESTERO BAY BAPTIST CHURCH INC hereinafter called the grantor(s), to Small Brothers, LLC, whose post office address is c/o Cleveland Construction Inc, 8620 Tyler Blvd., Mentor, Ohio, 44060, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor(s), for and in consideration of the sum of \$10.00 (ten) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

The Northerly 400 feet of that part of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 46 South, Range 26 East, lying South of Corkscrew Road, Lee County, Florida.

SUBJECT TO: covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2006 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 warrants the title to said land and will defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
First Witness Signature
Adam Palmer
Witness Printed Signature
Maria Schauble
Second Witness Signature
Maria Schauble
Witness Printed Signature
[Signature]
Third Witness Signature
[Signature]
Fourth Witness Signature
Kathleen A. O'Hearn
Witness Printed Signature
KATHLEEN A. O'HEARN
Witness Printed Signature

[Signature]
Signature
ESTERO BAY BAPTIST CHURCH INC
Printed Signature
PO Box 947
Street Address
Estero, Fl 33928
City, State and Zip Code
[Signature]
Signature
[Signature]
Printed Signature
[Signature]
Street Address
[Signature]
City, State and Zip Code

STATE OF: Florida
COUNTY OF: Lee

The foregoing instrument was acknowledged before me this 27th day of June, 2007 by ESTERO BAY BAPTIST CHURCH INC hereinafter called the grantor(s), who produced a Id. Sw. as identification.

My Commission Expires:



[Signature]
Notary Signature Notary Public, State and County Aforesaid
[Signature]
Printed Notary Signature

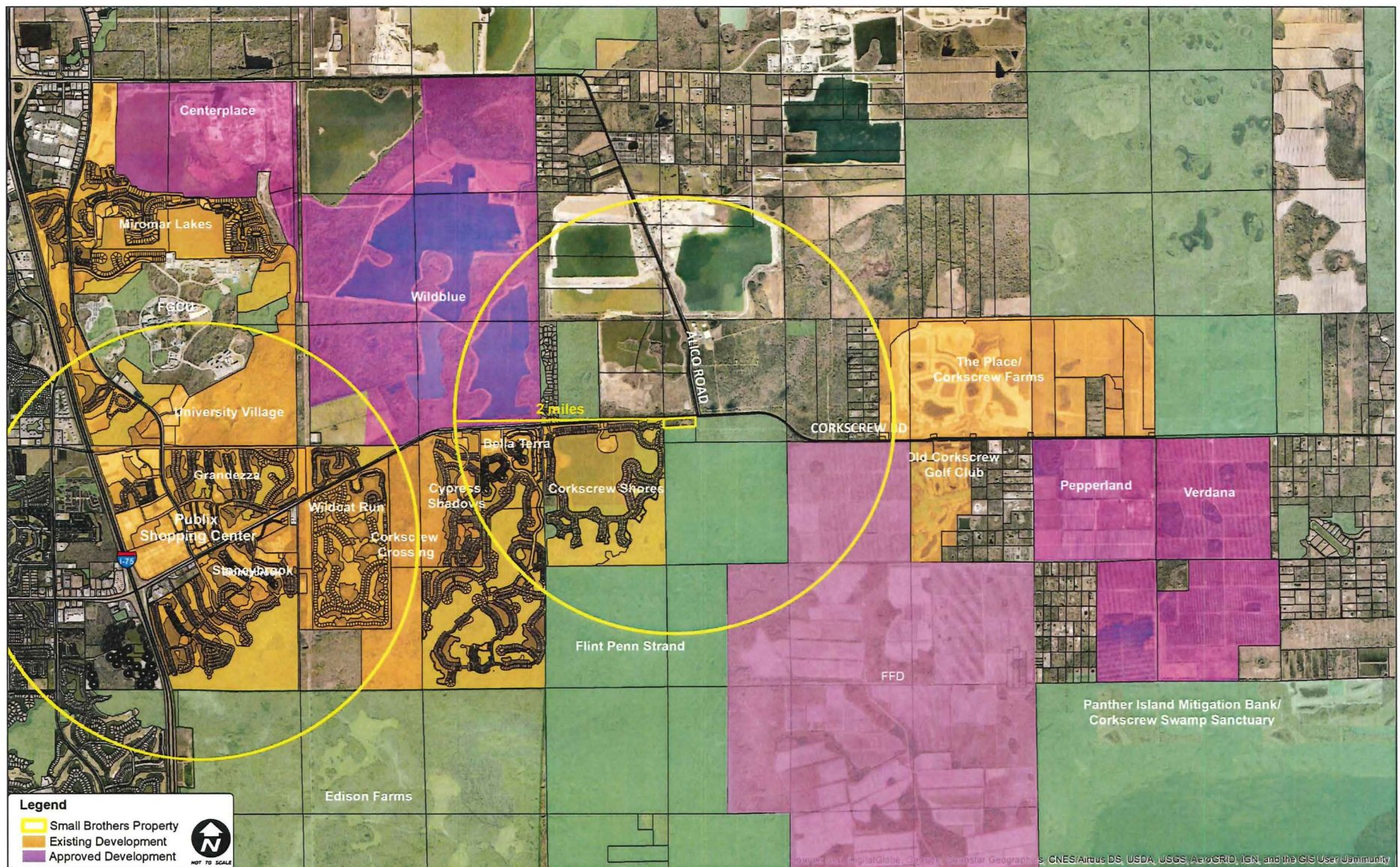


Exhibit M10

Affidavit of Authorization

Small Brothers, LLC
Corkscrew Commercial

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, JON SMALL (name), as OWNER
(owner/title) of SMALL BROTHERS (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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 thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

J. Small
Signature

9-15-12
Date

*****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, this 15 day of September, 2012, by Jon Small (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

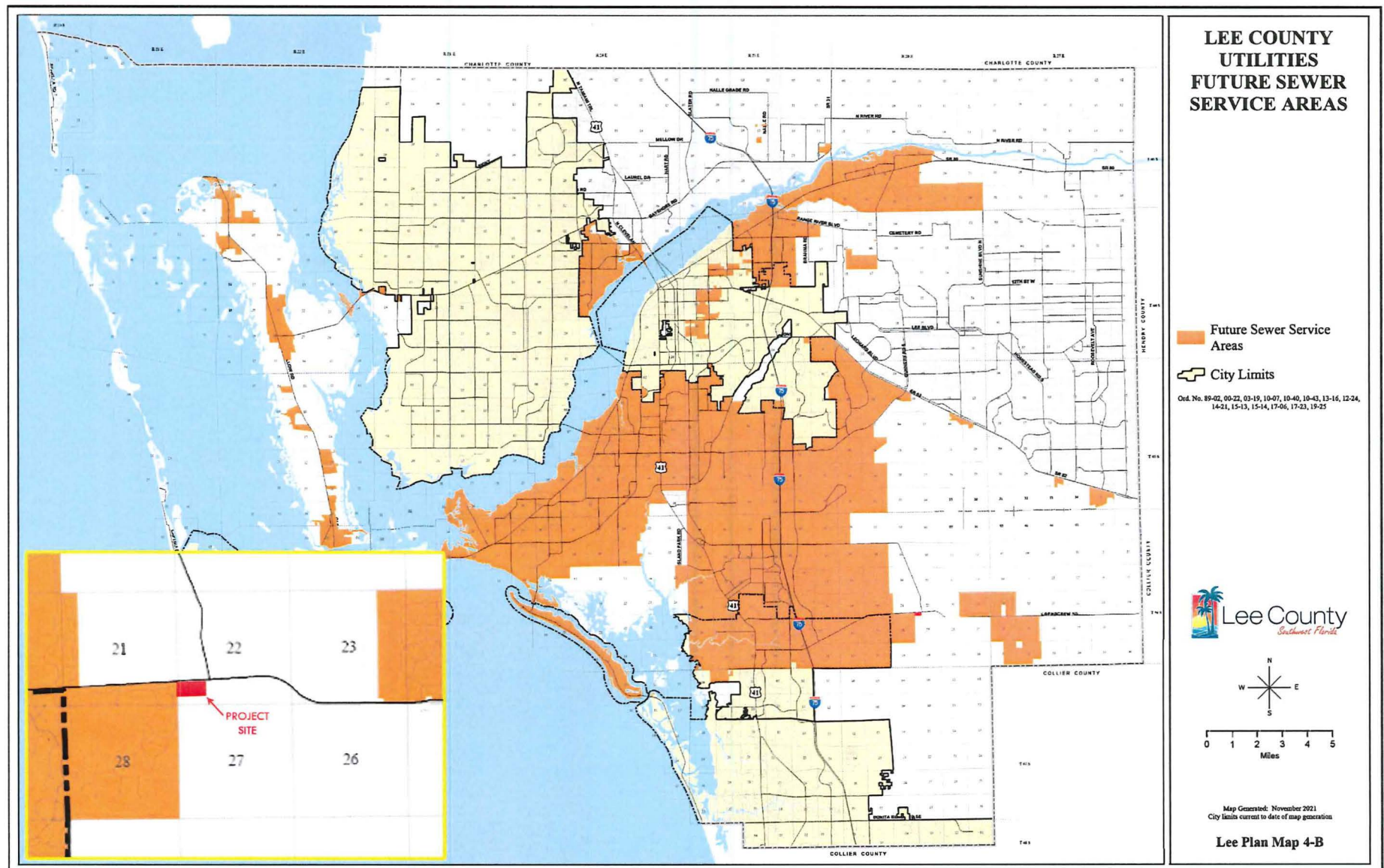
STAMP/SEAL

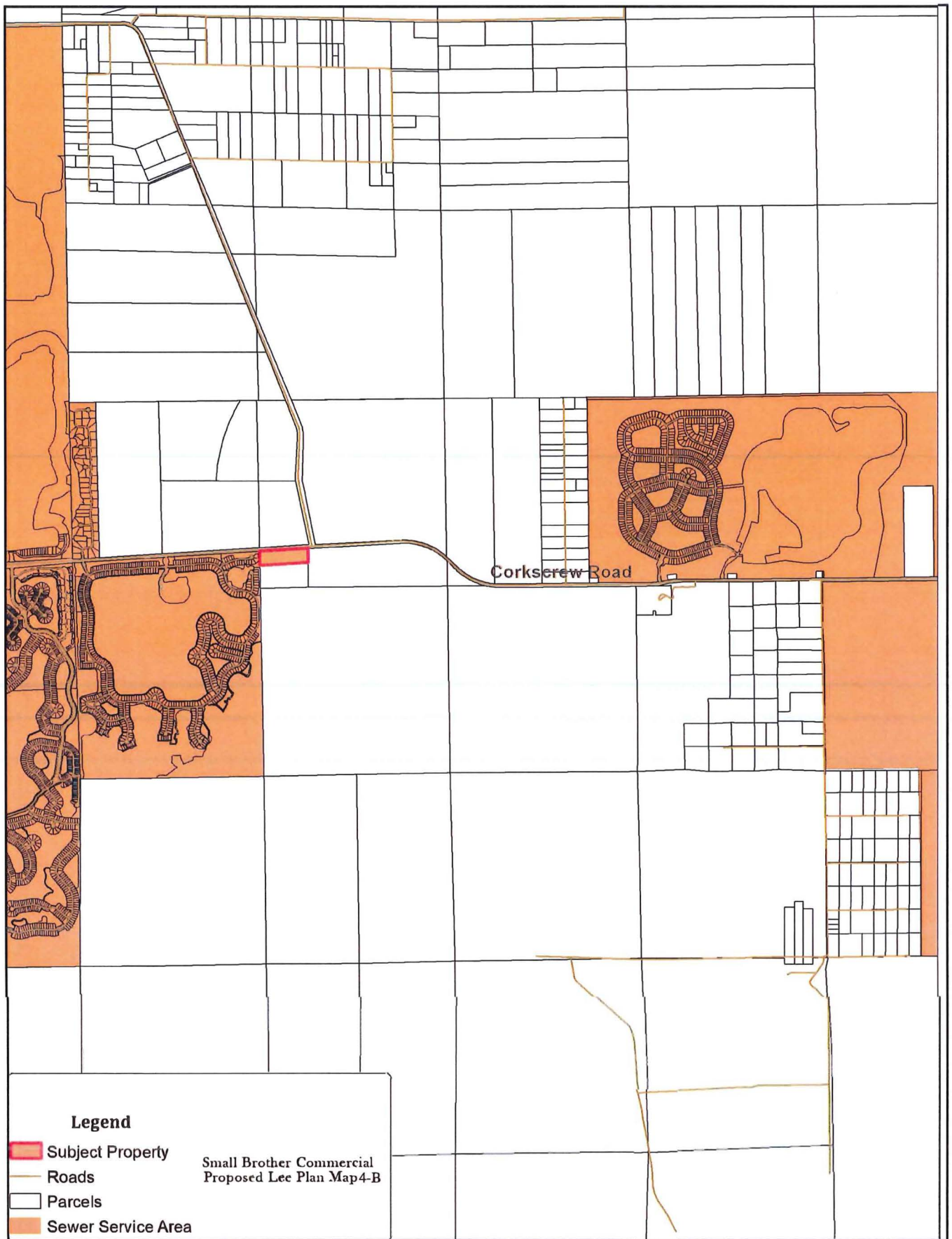


Web/Affidavit

Page 1

J. Wallace
Signature of Notary Public





LEE PLAN ANALYSIS

Background

The subject property is located along Corkscrew Road directly east of Corkscrew Shores and west of Flint Penn Strand. The Future Utility service area extends to the property contiguous to the west and multiple properties to the east. Both water and sewer lines extend past the subject property with capacity to serve future development. The property is in the Density Reduction/Groundwater Resource land use category in the Southeast Lee County Planning Community.

Although the subject property is within the DR/GR land use category, it is zoned Community Commercial by specific Board action and has carried that designation since 1982. ZAB-82-337 was approved by the Board of County Commissioners designating the subject property as CC (Community Commercial) and MH-1 (Mobile Home). The MH-1 property to the south is currently owned by Lee County. A site plan was incorporated into the zoning resolution by reference showing residential lots to the south of the commercial development along Corkscrew Road, even though it is a standard zoning district.

In 1989 Lee County amended the future land use category on the subject property from Rural to Density Reduction/Groundwater Resources. The land use category was changed as part of a settlement with the State Department of Community Affairs to reduce overall residential Density on the Future Land Use map through the year 2010, the horizon year of the Lee Plan at that time. The County did not undertake any analysis to determine the impact of the change on commercially zoned or previously platted property. After over two decades, the County started moving forward with increased residential development in the DR/GR with the approval of Corkscrew Shores, and utility lines have now been extended to and past this property to serve development to both the west and east.

Compliance with the Lee Plan

The proposed map amendment is being submitted to add the subject property to Map 4B for future sewer service areas is consistent with Lee Plan **Standards in Policy 4.1.2**. Map A, Future Water Service Area Map was previously amended to include the subject property. The existing Future Water and Sewer Service Area Maps have been amended on a piecemeal basis through privately initiated Lee Plan amendments that have extended the future water and sewer service areas past this property to the east. The subject property represents a gap in the service area with sewer service immediately contiguous to the property to the west, and service provided to properties in close proximity to the east. Existing potable water and sewer lines run along Corkscrew Road in front of the property.

LEE PLAN CONSISTENCY

The proposed Map Amendment will allow for sewer service for the subject property located at the intersection of Corkscrew Road and Alico Road. An analysis of how the proposed map amendment is consistent with the applicable Lee Plan policies follows:

POLICY 1.4.5: The Density Reduction /Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.

Adding this property to the 4B Wastewater Map instead of utilizing septic tanks or onsite Package Plant will ensure that any development on this property will not impact the aquifers. This request is not based on a zoning or development order. A detailed assessment will be provided at the appropriate time.

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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

This proposed amendment is in a location where Map 4B has previously been amended to accommodate large-scale mixed use and residential development that has been approved or exists directly to the west and in close proximity to the north and east. As previously stated the wastewater lines are already in place along the frontage of the property. Any future development that would occur would be required to hook up to the service. The proposed map amendment would be consistent with the contiguous and compact growth pattern occurring along Corkscrew Road.

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 in an area that is evolving as it is developed under an overlay designation that allows for increased densities and intensities based on strict criteria. For example, the residential development immediately to the west, consisting of small lot residential units around a large lake, extended urban infrastructure and is designated on Maps 4A and 4B for water and sewer service. Other similar developments to the north and east all have extended

urban services to the area, including the utilities, EMS services and road infrastructure. That said, urban services are already available or will be available to the subject property through the associated map amendment.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9 and all land in the DR/GR land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

The requested amendment is to Map 4B to incorporate the subject property into the Lee County Utilities Sanitary Sewer Service area. The letter of availability provided by Lee County Utilities Department states that sanitary sewer service and will be provided by Three Oak's Water Reclamation facility and potable water will be provided by Lee County Utilities. Policy 2.3.1 applies to potable water supply which is not the subject of this amendment however knowing the services are available is important for future planning.

STANDARD 4.1.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may:*
 - *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*

- *establish a self-provided sanitary sewer system for the development;*
- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*

6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

The property owner is requesting this map amendment to ensure any development will benefit public health, safety, and welfare, including protection of Lee County's natural resources. In addition, the property is immediately adjacent to the service area as Shown on Map 4B meeting criteria #2. And criteria #5 supports this request to incorporate the property into the service area. Based on the above criteria there are sufficient directives in Standard 4.1.2 to approve this requested Amendment to Map 4B for the subject property.

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.

The proposed amendment fits within Goal 33. This map amendment would allow for wastewater services from Lee County Utilities which will protect the environment by avoiding the use of septic systems or wastewater package plants.

OBJECTIVE 33.1: WATER, HABITAT, AND OTHER NATURAL RESOURCES. Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

The subject property is not designated in any Tier for Priority Restoration. In accordance with Lee Plan Map 1, Page 4, the subject property is not a priority. However, this map amendment would further the intent of Objective 33.1.

POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources. (Ord. No. 10-19, 19-13)

It is understood that the surface and groundwater resources will be analyzed at time of any development order. This assessment is not applicable to the requested amendment.

GOALS 125 (Water Quality) and 126 (Water Resources) address requirements specific to water

resource management and potential water use associated with a project. Goal 125 requires facilities "To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County." Objective 125.1 requires facilities under Comprehensive Plan Amendment to "Maintain high water quality, meeting or exceeding state and federal water quality standards." Goal 126 requires developments to "conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)." Objective 126.1 requires facilities to "Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems."

As previously stated, this request is to amend Map 4B Wastewater Services and does not affect the water quality and water resources. Any future development on this property will provide data and analyses to ensure the water quality and water resources are addressed according to Goals 125 and 126.

15230 Corkscrew Road Parcel

Protected Species Assessment

Section 22, Township 46 South, Range 26 East
Lee County, Florida

February 2023

Prepared for:

**Small Brothers, LLC
12810 Tamiami Trail N., Suite 200
Naples, FL 34110**

Prepared by:

**DexBender
4470 Camino Real Way Suite 101
Fort Myers, FL 33966
(239) 334-3680**

Introduction

The 12.14± acre project is located within a portion of Section 22, Township 46 South, Range 26 East, Lee County, Florida. The parcel is bordered to the north by Corkscrew Road, to the west by single family homes within the Corkscrew Shores community, and to the south and east by county owned land.

Site Conditions

The parcel consists of wetland and upland communities with varying densities of exotics. A herbaceous marsh is located along the southeast portion of the site.

Vegetation

The predominant upland and wetland vegetation associations were mapped in the field on 2022 digital color 1" = 100' scale aerial photography. The property boundary was provided by Hole Montes, Inc. and inserted into digital aerial. Six 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. The acreage is summarized by FLUCCS code on Table 1. A brief description of each FLUCCS code is provided below.

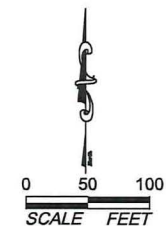
Table 1. Acreage summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
411E1	Pine Flatwoods invaded by Exotics (10-25%)	3.83
411E2	Pine Flatwoods invaded by Exotics (26-50%)	1.30
414E2	Pine - Mesic Oak invaded by Exotics (26-50%)	1.53
428HE3	Hydric Cabbage Palm invaded by Exotics (51-75%)	1.05
619	Exotic Wetland Hardwoods	2.80
641E4	Freshwater Marshes invaded by Exotics (76-90%)	1.60
TOTAL		12.14

FLUCCS 411E1, Pine Flatwoods invaded by Exotics (10-25%)

This upland community consists of a canopy of slash pine (*Pinus elliottii*) with scattered melaleuca (*Melaleuca quinquenervia*) and laurel oak (*Quercus laurifolia*). The understory is comprised of cabbage palm (*Sabal palmetto*), wax myrtle (*Myrica cerifera*), saltbush (*Baccharis halimifolia*), and scattered dahoon holly (*Ilex cassine*). Brazilian pepper (*Schinus terebinthifolius*) is present to varying extents within this community. Ground cover is dominated by saw palmetto (*Serenoa repens*). Additional ground cover species include grape vine (*Vitis* sp.),

SECTION: 22
TOWNSHIP: 46 S
RANGE: 26 E



FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	3.86 ac.
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	1.30 ac.
414E2	Pine - Mesic Oak Invaded by Exotics (26-50%)	1.53 ac.
428HE3	Hydric Cabbage Palm Invaded by Exotics (51-75%)	1.05 ac.
619	Exotic Wetland Hardwoods	2.80 ac.
641E4	Freshwater Marshes Invaded by Exotics (76-90%)	1.60 ac.
Total		12.14 ac.

Notes:

1. Property boundary and surveyed wetland line provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2022 aerial photography and ground truthing in February 2023.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

February 20, 2023 10:42:18 a.m.
Drawing: SMALLB1PLAN.DWG

Figure 1. Protected Species Assessment Map

15230 Corkscrew Road Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

gallberry (*Ilex glabra*), Virginia creeper (*Parthenocissus quinquefolia*), and beauty berry (*Callicarpa americana*).

FLUCCS Code 414E2 Pine - Mesic Oak invaded by exotics (26-50%)

This upland community, located in the northwestern portion of the property, consists of a canopy of slash pine and laurel oak, with an understory comprised of cabbage palm, Brazilian pepper, wax myrtle, and myrsine (*Rapanea punctata*). Ground cover species include saw palmetto, greenbrier (*Smilax* sp.), and scattered grape vine.

FLUCCS Code 428HE3 - Hydric Cabbage Palm invaded by Exotics (51-75%)

The southwestern portion of the property was likely cleared in the past and is comprised of a canopy of cabbage palm, laurel oak, and Brazilian pepper. The midstory is open and ground cover is comprised primarily of leaf duff.

FLUCCS Code 619 - Exotic Wetland Hardwoods

This FLUCCS code describes the areas along the edge of the freshwater marsh and extends into the northeast portion of the parcel. The canopy and subcanopy of this community is dominated by Brazilian pepper with scattered slash pine, melaleuca, red maple (*Acer rubrum*), and cabbage palm. Other vegetative species present include saltbush, myrsine, and wax myrtle.

FLUCCS Code 641E4 - Freshwater Marshes invaded by Exotics (76-90%)

The canopy and subcanopy in this area consists of scattered willow (*Salix caroliniana*). Ground cover is dominated by a thick growth of primrose willow (*Ludwigia peruviana*), para grass (*Urochloa mutica*), fireflag (*Thalia geniculata*), arrowhead (*Sagittaria* sp.), and climbing cassia (*Senna pendula*). Other ground cover species present include foxtail grass (*Setaria* sp.), old world climbing fern (*Lygodium microphyllum*), water lily (*Nymphaea odorata*), and coinwort (*Centella asiatica*).

Survey Method

Each habitat type was surveyed for the occurrence of listed species likely to occur in the specific habitat types. The survey was conducted using meandering pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. Observations of the freshwater marsh were taken from areas surrounding the marsh. 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" = 100' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-morning hours of February 17, 2023. During the survey, the weather was warm breezy.

Species listed as endangered, threatened, or species of special concern by the Florida FWC or the FWS that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are listed in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a review of the FWC listed species occurrence database was conducted to determine the known occurrence of listed species in the project area. The database does not indicate the presence of any known State or Federally listed species either on or immediately adjacent to the project area.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411E1 411E2	80	Gopher Frog (<i>Rana areolata</i>) Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) 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>) Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>) Fakahatchee Burmannia (<i>Burmannia flava</i>) Florida Coontie (<i>Zamia floridana</i>) Satinleaf (<i>Chrysophyllum olivaeforme</i>)		√ √ √ √ √ √ √ √ √ √ √ √
414E2	80	Gopher Frog (<i>Rana areolata</i>) Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Florida Black Bear (<i>Ursus americanus floridanus</i>) Florida Panther (<i>Felis concolor coryi</i>)		√ √ √ √
428HE3	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>) Florida Black Bear (<i>Ursus americanus floridanus</i>) Florida Panther (<i>Felis concolor coryi</i>) Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>)		√ √ √ √ √
619	80	None		

641E4	80	American Alligator (<i>Alligator mississippiensis</i>)	✓
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)	✓
		Limpkin (<i>Aramus guarauna</i>)	✓
		Little Blue Heron (<i>Egretta caerulea</i>)	✓
		Reddish Egret (<i>Egretta rufescens</i>)	✓
		Snail Kite (<i>Rostrhamus sociabilis</i>)	✓
		Snowy Egret (<i>Egretta thula</i>)	✓
		Tricolored Heron (<i>Egretta tricolor</i>)	✓
		Wood Stork (<i>Mycteria americana</i>)	✓
		Everglades Mink (<i>Mustela vison evergladensis</i>)	✓

Results

No species listed by the FWC and/or FWS as threatened, endangered, or species of special concern were observed during the protected species survey. Widely scattered pine tree snags with potential bonneted bat cavities were observed. There is potential for periodic opportunistic foraging by both listed and non-listed species of wading birds within the freshwater marsh on the property but is unlikely due to the thick growth of undesirable vegetative species. In addition to the site inspection, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.

HISTORIC RESOURCES IMPACTS ANALYSIS

Exhibit M14

The subject property contains no known historic resources as evidenced in the attached letter from the Division of Historic Resources. The attached archaeological sensitivity map shows that a portion of the property is in Sensitivity Zone 2.



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

July 10, 2018

Daniel DeLisi, AICP
(239) 913-7159
dan@delisi-inc.com



In response to your inquiry of July 10, 2018, the Florida Master Site File lists no archeological sites and no other cultural resources located at the designated area of Lee County, Florida

T46S R26E Section 22 as submitted with search request.

When interpreting the results of this search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.
Data Base Analyst
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com



Public Facilities Impact Analysis

The proposed amendment to Sewer Service Area Map 4-B would expand the service area to the subject property. There are adequate potable water, sanitary sewers, solid waste, police, and fire/EMS, and transportation facilities to serve the subject property. There are no impact to parks, recreation, open space or public schools. Commercial development does not generate demand for those services.

Transportation Circulation Analysis:

The subject property is located at the southwest corner of Corkscrew Road and Alico Road. Alico Road is a major collector roadway and Corkscrew Road is an arterial facility, both are maintained by the County. Corkscrew Road from Ben Hill Griffin Parkway to Alico Road will be widened from 2-lane to 4-lane within 5 years.

Lee Plan amendments require a short range (5 years) and long range (20+ years) level of service (LOS) analysis. The 5 year and the long range 2040 LOS analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2024 and year 2040. Based on the submitted data and analysis, there are no required modifications to the adopted Lee County 2040 Cost Feasible Plan network as result of this request.

Existing and Future Conditions

Utilities: Potable water is available from the Pinewood Water Treatment Plant and wastewater service would be provided by the Three Oaks Water Reclamation Facility.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: Estero Fire Rescue indicated they are capable of providing fire protection.

EMS: The subject property has access to EMS services by Lee County Emergency Medical Services.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Lehigh Acres and Bonita Springs substations. The future development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

Environmental Impacts

Attached is an environmental assessment conducted by Dex Bender and Associates. The subject property consists of both upland and wetland areas with varying degree of exotic infestation. No endangered or threatened species were found on site. Development of the subject property will need to comply with all applicable land development code requirements pertaining to indigenous vegetation preservation and open space. The

proposed text amendment requires a significantly greater level of on-site indigenous preservation through strict limitations on wetland impacts. Given the size and location of the subject property at the intersection of two arterial roads and adjacent to a residential community to the west the development will not have a significant adverse impact on environmental resources, but instead are designing the text amendment to have an overall positive impact.

Existing and Future Conditions Analysis M17

Levels of Service Water and Wastewater

Demand Projections

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Lee Plan Map 4-A and 4-B. The existing property is zoned Community Commercial (CC) and located in the Density Reduction/Groundwater Recharge land use category. With the proposed amendment, a total of 66,400 S.F. of commercial retail and office will be allowed.

Table 1 below provides a summary of projected utility demands in gallons-per-day (GPD) for the development based on Lee County Utilities (LCU) design standards and Chapter 64E-6 of the Florida Statutes and using demand assumptions commonly accepted for planning purposes.

Table 1. Estimated Utility Demands at Build-out:

Development Type	Cumulative Units	Unit Demand	Total Demand (GPD)
Proposed Commercial	66,400 SF	0.15/SF	9,960
		Total	9,960

Under the proposed land use designation with the projected development parameters, the estimated utility demand for the property will be 9,960 GPD.

Wastewater Level of Service

For wastewater service, the property is adjacent to Lee County Utilities' wastewater franchise area that serves Corkscrew Shores to the west of the property. The County's wastewater franchise area will be amended to include the subject property as well.

Lee County Utilities maintains an existing wastewater forcemain along the subject property's frontage with Corkscrew Road. The forcemain will be utilized to provide for a connection to LCU's wastewater system for service.

LCU's Three Oaks Regional Wastewater Treatment Plant is the closest facility available to serve the property and serves other developments west of the subject property along Corkscrew Road. According to the 2021 Lee County Concurrency Report, the Three Oaks facility is permitted with a capacity of 6.0 million gallons per day (MGD) and is projected to expand capacity to 8.0 MGD in 2024. Therefore, there is sufficient capacity within the existing plant to serve the 9,960 GPD increase in demand to LCU's system from this project at build-out.

Potable Water Level of Service

For potable water service, the project is intending to connect to LCU's water distribution system provided along Corkscrew Road. As described above, the property is also adjacent to LCU's water franchise area that serves Corkscrew Shores to the west.

Existing and Future Conditions Analysis M16

Lee County Utilities maintains an existing water distribution main within the Corkscrew Road right-of-way along the subject property's frontage. Service to the property will be provided by connecting to the water main and extending mains into the property for service. According to the 2021 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted to serve 50.9 MGD and is projected to operate at 32.6 MGD for 2025. Therefore, there is sufficient capacity within the existing plant to serve the 9,960 GPD increase in demand to LCU's system from this project at build-out.

Surface Water Level of Service Analysis:

Existing Conditions:

The existing site is approximately 11.38 acres located south of Corkscrew Road, southwest of the intersection of Corkscrew Road and Alico Road. The drainage pattern for the site is generally from the north of the property to the south. The site topography is generally at elevation 19.0' NAVD to the north and nearly 18.0' NAVD to the south. Within the wetlands located on the property, elevations vary from 15.5' NAVD to 17.0' NAVD. The site does not have significant offsite flows to accommodate, as Corkscrew Road is effectively a berm to the north, and residential development is to the west. There are existing Corkscrew Road swales to the north, and a conveyance swale for Corkscrew Road to the west. The east property is undeveloped other than an access road adjacent to the east property line for access to a well field, and to the south are SFWMD district owned lands including wetlands and a proposed pond.

Proposed Water Management System:

Surface water management of the site shall comply with Lee County and SFWMD stormwater quality and quantity requirements. The stormwater system will consist of interconnected dry detention stormwater areas and swales, and subsurface storage if necessary to meet total volumetric requirements. The system will be privately owned and maintained. The site will discharge to the onsite wetland preserve, which is connected to the south off site. The historical flow for the culvert crossing located in the Corkscrew Road right-of-way will be maintained and the culvert extended to the on-site wetland preserve. The stormwater system will be designed to limit discharge rates from the development to a 25-year, 3-day storm peak discharge rate of 25 csm (cubic feet per square mile), or as amended by agencies. The control elevation for the water management facilities shall be consistent with the seasonal water table elevations of the existing wetland located on the property. Drainage from the site will be routed from the dry detention pond and control structure to the onsite wetlands where it will then discharge to Flint Pen Strand which drains to the Imperial River.

Existing and Future Conditions Analysis M16

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: $886,000$ [seasonal county population] X (6 acres/1,000 population) = 5,316 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: $368,415$ [permanent unincorporated county population] X (0.8 ac/1,000 population) = 295 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.



BOARD OF COUNTY COMMISSIONERS

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County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

August 29, 2022

Via E-Mail

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, FL 34108

RE: **Potable Water and Wastewater Availability
Small Brothers Commercial, 15230 Corkscrew Road
STRAP # 22-46-26-00-00001.0010**

Dear Ms. Emblidge:

The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 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 Comprehensive Plan Amendment and system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 4 commercial units with an estimated flow demand of approximately 10,800 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



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
lee-county.com
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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 Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormie
Technician Senior
239-533-8532
UTILITIES ENGINEERING



Board of County Commissioners

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Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

July 21, 2022

S. Annette Keeney
Agnoli, Barber & Brundage, Inc.
7400 Trail Boulevard, # 200
Naples, FL 34108

Re: Letter of Service Availability – 15230 Corkscrew Road

Ms. Keeney,

I am in receipt of your letter requesting a Letter of Service Availability for a parcel along Corkscrew Road. The property consists of 12.6 acres identified by STRAP 22-46-26-00-00001.0010.

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 21, located 5.8 miles west; there is another location within 8 miles. 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

P. O. Box 398, Fort Myers, Florida 33902-0398 | (239) 533-2111 | leegov.com

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July 21, 2022

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Agnoli, Barber & Brundage, Inc.
Attn: Ms. Keeney, Planner
7400 Trail Boulevard, # 200
Naples, FL 34108

RE: Letter of Availability Lee County Solid Waste Small Brothers, LLC - STRAP 22.-46-26-00-00001.001.0

Dear Ms. S Annette Keeney:

The Lee County Solid Waste Division is capable of providing solid waste collection service for a future Community Commercial District planned for 15230 Corkscrew Road though the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished 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 review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

P.O. Box 398, Fort Myers, Florida 33902-0398 | (239) 533-2111 | lee.gov | info@lee.gov

2022-07-21 10:05:00 AM EDT



Estero Fire Rescue

21500 Three Oaks Parkway
Estero, Florida 33928
(239) 390.8000
(239) 390.8020 (Fax)
www.esterofire.org

August 15, 2022

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, Florida 34108

Re: Strap # 22-46-26-00-00001-0010

Ms. Emblidge,

This correspondence shall serve as a Letter of Service Availability for the above listed property. Estero Fire Rescue serves this property for fire suppression and non-transport advanced life support emergency medical services.

This property is located less than five road miles from Estero Fire Rescue Station 44 which is located at 21300 Fire House Lane. Once hydrants are installed, the property will enjoy an ISO rating of Class 2.

Should you require any additional information please feel free to contact me at 239-390-8000.

Respectfully,

Phillip Green
Fire Marshal

"DEDICATED AND DRIVEN FOR THOSE WE SERVE"

Carmine Marceno
Sheriff



State of Florida
County of Lee

August 15, 2022

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Boulevard, Suite 200
Naples, FL 34108

Ms. Emblidge,

The proposed comprehensive plan amendment to rezone eight acres for commercial development at STRAP 22-46-26-00-00001.0010 along Corkscrew Road does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. We have no objections to up to 80,000 square feet of commercial development on the site, nor do we object to the property connecting to central water and sewer.

Law enforcement services will be provided from our substations in Lehigh Acres and Bonita Springs. At the time of application for new development orders or building permits, the applicant shall 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 comments. Please contact Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

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

Stan Nelson
Director, Planning and Research



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

Exhibit M19

State/Regional Policy Plan Analysis

There are no State or Regional Policy Plan goals
or policies that are relevant to the proposed amendment.

Small Brothers, LLC
Corkscrew Commercial

Justification of the Proposed Map Amendment

The following data and analysis are for the amendment to Comprehensive Plan Map 4B to add the subject property to the Lee County Utilities Future Sewer Service Areas Map. To accommodate future development to occur on the property, the existing water and sewer lines that run directly past the property would fulfill an important land planning goal. Connecting to available service rather than accommodating a package facility or large septic system is preferable both environmentally and from a cost efficiency of service.

Lee County Utilities Assessment

Even though there is no specific development proposed at this time, the applicant provided a potential development scenario for assessment to the Lee County Utilities Department to determine availability of potable water and wastewater. Lee County Utilities Department provided a Potable Water and Wastewater Availability comment letter dated August 29, 2022, which supports the appropriateness of approving the proposed Map 4B Amendment. The applicant agrees with the requirements stated. The following is a verbatim quote of that letter Dated August 29, 2022.

“The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 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 parcel, developer funded Comprehensive Plan Amendment and system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 4 commercial units with an estimated flow demand of approximately 10,800 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 Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.”

Location and Surrounding Development

The subject property is located at the southwest corner of Corkscrew and Alico Roads. The surrounding development includes Corkscrew Shores on the west, Southwest Florida Rock IPD, an active mining operation, to the north. To the south and east of the subject property is land owned and managed by the Lee County. Lee County Wastewater and Water Plant is to the northeast, and the FFD mixed use project is less than a mile east of the subject property. To the south is a planned stormwater system for the widening of Corkscrew Road. The surrounding development is depicted on the enclosed Regional Map.

Subject Property History

The subject property was rezoned to Community Commercial (CC) in 1982 and received a variance (Zoning Resolution ZAB-82-337) to allow a private sewer treatment plant on the western side of the property in association with the proposed development of a mobile home park on the property to the south (SP-82-337). The mobile home community was never constructed and is now owned by Lee County and is partially planned for a stormwater area for the widening of Corkscrew Road.

In 1989, Lee County amended the future land use category on the subject property from Rural to Density Reduction/Groundwater Resources. The land use category was changed as part of a settlement with the State Department of Community Affairs to reduce overall residential Density on the Future Land Use map through the year 2010, the horizon year of the Lee Plan at that time. The County did not undertake any analysis to determine the impact of the change on commercially zoned or previously platted property. After over two decades, the County started moving forward with increased residential and commercial development in the DR/GR. Corkscrew Shores had a previously approved plat that permitted residential development, and it is located adjacent to the property on the west. Corkscrew Shores obtained approval of an amendment to the comprehensive plan and zoning that recognized the pre-existing approvals and allowed the reconfiguration of the existing residential density. The commercially zoned properties were not accounted for when the County made these changes, negatively impacting their development rights.

As stated, there have been large scale mixed-use developments that have been developed or are planned along Corkscrew Road. Some of these are WildBlue, Bella Terra, Verdana Village, The Place, Old Corkscrew Golf Club, and FFD Land Co. The Lee County Utilities Service Area maps depict these projects on map 4B already. It would only seem logical to add the subject property.



Professional Engineers, Planners & Land Surveyors

7400 Trail Boulevard, Suite 200, Naples, FL 34108

Phone (239) 597-3111 Fax: (239) 566-2203

MEMORANDUM

Date: February 16, 2024

Subject: CPA2022-00012 Corkscrew Public Information Meeting

Pursuant to Lee Plan Policy 17.3.4 a Public Information Meeting was held on February 15, 2024, at 5:30pm. The meeting was held at the Sanctuary RV Clubhouse located at 13660 Bonita Beach Road, SE, Bonita Springs, FL 34135. As required, this location lies within the Southeast Lee County Community Planning Area.

The meeting was advertised in the Fort Myers News Press on February 1, 2024 (see attached affidavit).

Attendees: Bruce Lampitt, Small Brothers, LLC
Margaret Emblidge, ABB, Inc.
Elise Wilcox, ABB, Inc.

There were no attendees from the public.

Margaret Emblidge walked through the presentation and due to no attendees from the public the meeting ended at 5:55pm.



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

PROOF OF PUBLICATION

Margaret Emblidge
Holly L Bacon
Agnoli, Barber and Brundage, Inc.
7400 Trail BLVD
Suite 200
Naples FL 34108-2855

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Govt Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

02/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/01/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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Notary Public
State of Wisconsin

**NOTICE OF PUBLIC
INFORMATION MEETING**

DATE: Thursday, February 15, 2023
TIME: 5:30 PM

ADDRESS: Sanctuary RV Resort,
13660 Bonita Beach Road, SE,
Bonita Springs, FL 34135

In accordance with the Southeast Lee County Community Plan Requirements of the Lee County Land Development Code and Lee Plan, the Applicant, Small Brothers, LLC, will be presenting information to the public on the following request:

The request is to include the subject property in the Lee County Future Sewer Service Area Map (Map 4B). The subject property is comprised of 12.9 +/- acres located at the south-west corner of Corkscrew Road and Alico Road.

The purpose of the meeting is to educate community members and nearby landowners about the proposed map amendment and to address any questions.

For questions, please contact:

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200,
Naples, FL 34108
(239) 597-3111 or
emblidge@abbinc.com

9790861 2/1/24



- **CORKSCREW CPA 22-000012**
- **ADMENDMENT TO THE LEE
COUNTY
SEWER SERVICE AREA MAP 4B**



Professional Engineers, Planners, Surveyors & Landscape Architects

7400 Trail Blvd., Suite 200 • Naples, FL 34108
PH: (239) 597-3111 • FAX: (239) 566-2203

PROPERTY LOCATION



- **SOUTHWEST CORNER OF CORKSCREW ROAD AND ALICO ROAD**
- **ADJACENT TO THE CORKSCREW SHORES**
- **SOUTHEAST OF WILD BLUE**
- **WEST OF OLD CORKSCREW GOLF CLUB**
- **WEST OF VERDANA**

ZONING MAP



PROPERTY HISTORY

RESOLUTION NUMBER ZAB-82-337

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

WHEREAS, Highlands Trust, has properly filed an application for a) a change in zoning from AG to CC and MH-1 Districts; b) special exception in the MH-1 District for on site signs (Sec. 607.E); and c) variance to permit sewage treatment plant within the front 50% of lot (Sec. 500.1.B. 1.c) on a piece of property located at NW quadrant of Alice Road and Corkscrew Road intersection, described more particularly as:

Sec. 22, 27, Twp. 46S, Rgn. 26E, Lee County Florida.
Description - MH-1
Commencing at the Northwest corner of Section 27, Township 46 South, Range 26 East, said point being the point of beginning, and proceeding easterly 1,500 feet along the Northern boundary of said section; thence run southerly 90° 0' a distance of 600 feet; thence run westerly 90° 0' a distance of 600 feet; thence run southerly 90° 0' a distance of 900 feet; thence run westerly 90° 0' a distance of 900 feet to the western boundary of said section; thence run northerly along the western boundary of said section a distance of 1,500 feet to the point of beginning.

AND that part of the southwest 1/4 of the southwest 1/4 of section 27, Township 46 South, Range 26 East, lying south of Corkscrew Road.
Less the northerly 400 feet thereof.
Subject to easements, restrictions & reservations of record.

Description - CC
The northerly 400 feet of the following described parcel:
That part of the southwest 1/4 of the southwest 1/4 of Section 22, Township 46 South, Range 26 East, lying south of Corkscrew Road.
Subject to easements, restrictions, & reservations of record.
Size of Property: CC District 12.1 acres and MH-1 District 59.9 acres for a total of 72 acres.

WHEREAS, Kenneth A. Jones, Trustee, the owner of the subject parcel has given proper authorization to Kenneth A.

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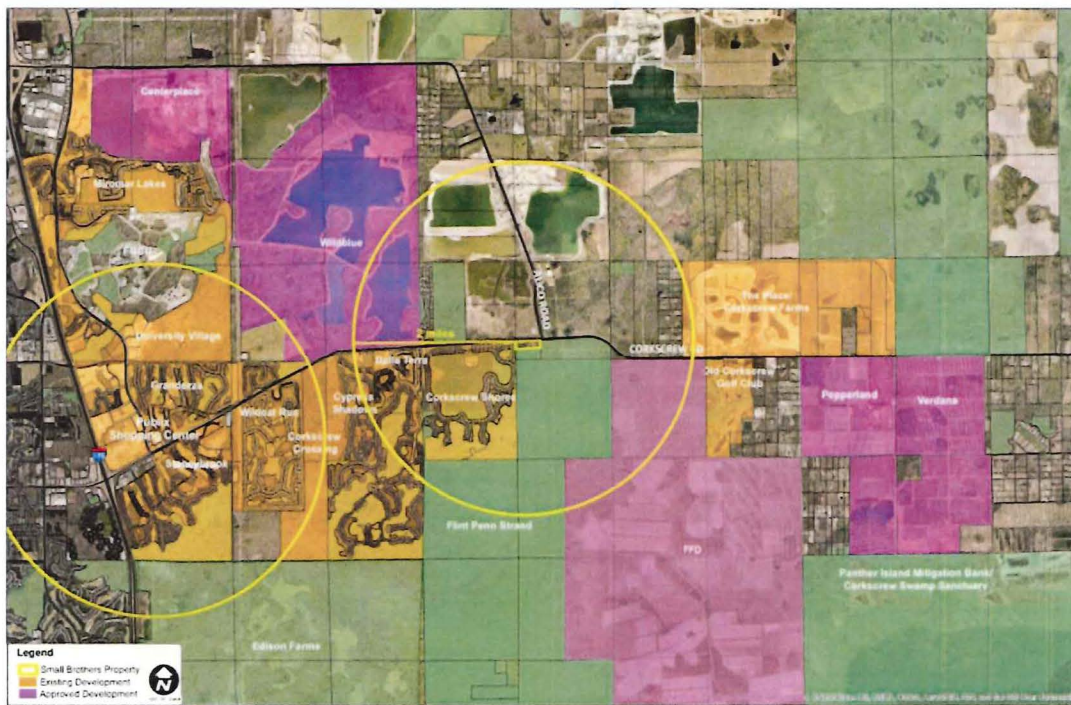


- **ZAB-82-337 DESIGNATED PROPERTY TO CC COMERCIAL USES WITH MOBILE HOME TO THE SOUTH**

FUTURE LAND USE MAP



REGIONAL CONTEXT



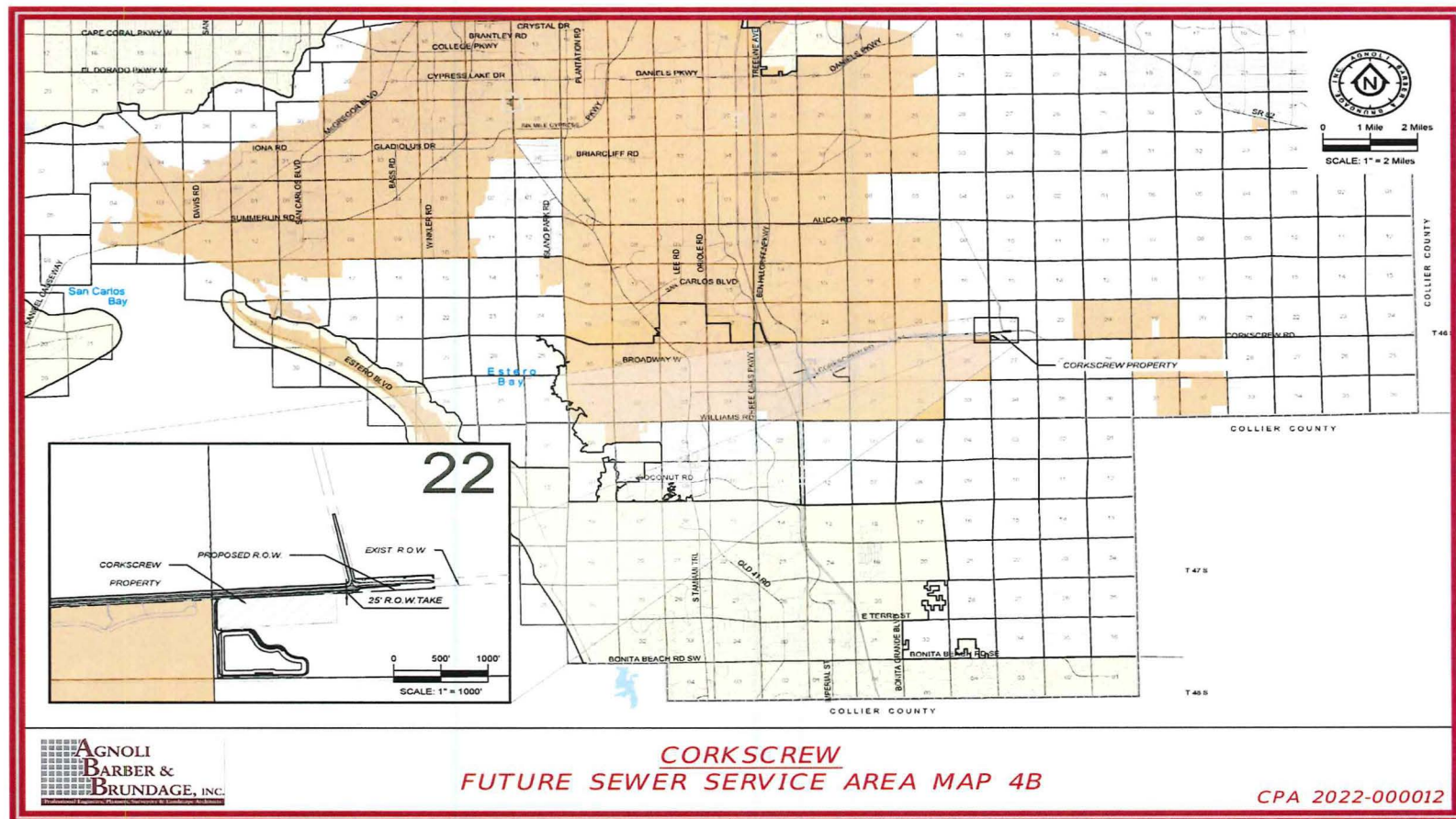
Corkscrew
Regional Aerial Map

Exhibit M9

Existing and Approved Projects

- Corkscrew Shores
- FFD Mixed Use Planned Development
- Wild Blue Residential
- Bella Terra Residential
- The Place at Corkscrew
- Verdana Village
- Pepper Place
- Kingston Mixed Use Development

LEE COUNTY UTILITIES SEWER SERVICE AREAS MAP 4B



PUBLIC FACILITIES



Kevin Ruoho
District One
Cecil L. Fendergrass
District Two
Raymond Saville
District Three
Brian Hamman
District Four
Michael Greenwell
District Five
Roger Desjardins
County Manager
Richard Wm. Wozniak
County Attorney
Dennis Marie Collins
County Chief
Hearing Examiner

August 29, 2022

Via E-Mail

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, FL 34108

RE: **Potable Water and Wastewater Availability**
Small Brothers Commercial, 15230 Corkscrew Road
STRAP # 22-46-26-00-00001.0010

Dear Ms. Emblidge:

The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 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 Comprehensive Plan Amendment and system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 4 commercial units with an estimated flow demand of approximately 10,800 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.

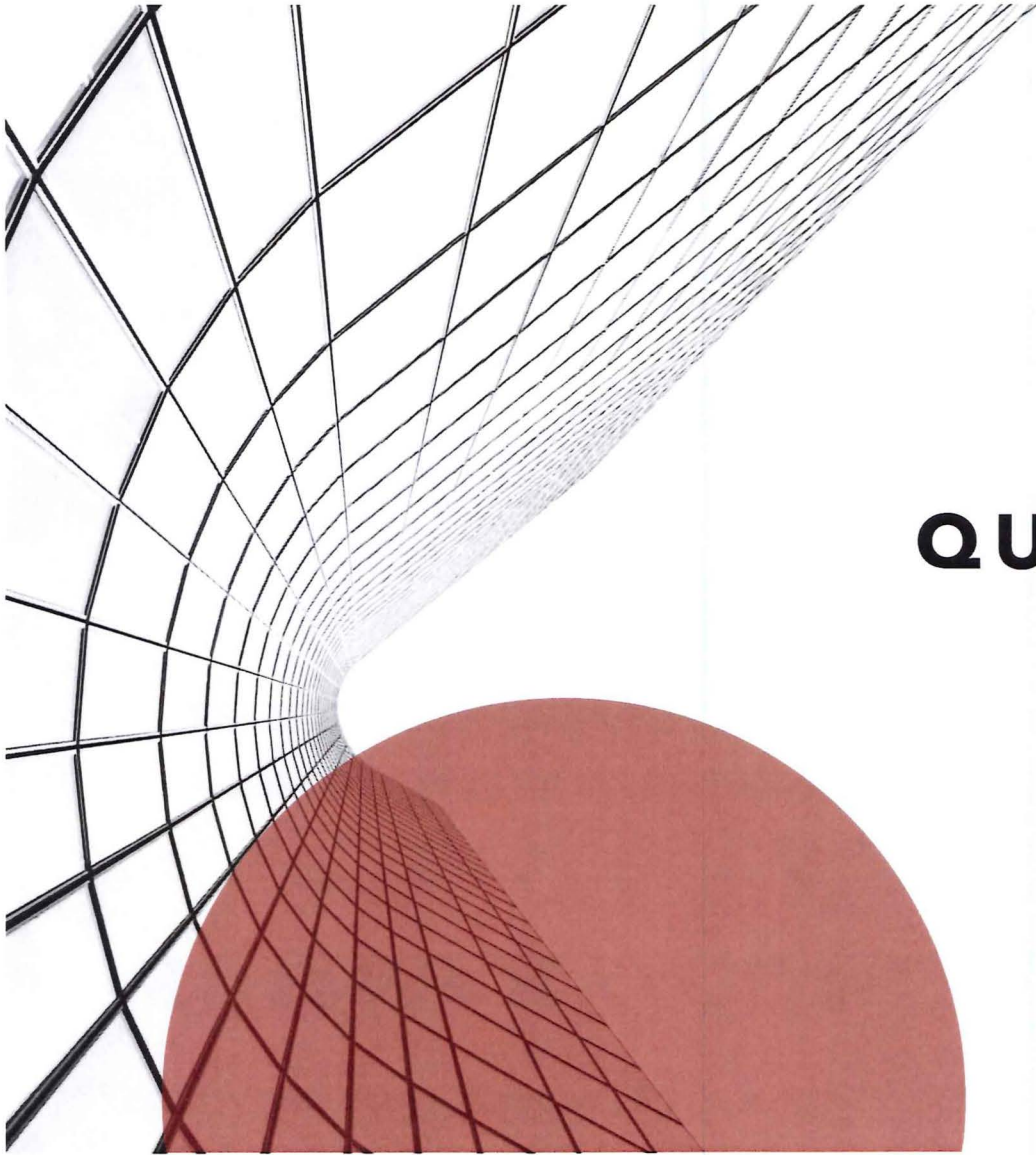
This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the



P.O. Box 338, Fort Myers, Florida 33902-0338 (239) 533-2111
lee-county.com
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

SUMMARY/CONCLUSION

- **PROPOSED MAP 4B AMENDMENT FITS WITHIN THE OVERALL CONTEXT OF THE LEE PLAN FRAMEWORK FOR THE PROVISION OF PUBLIC FACILITIES.**



QUESTIONS?