

**AGENDA
PLANNING BOARD**

February 5, 2020
1:00 o'clock p.m.



PLANNING BOARD					
Jonathan Hart Ward 1	Charles Timmons Ward 2	Vacant Ward 3	Darlene Mitchell Ward 4	William "Tim" Keene, Ward 5	James Michael Ink Ward 6 Vice-Chair
Matt Leger Mayor's Appointment	Justin Stockman At Large Chair	Mariah Bakke At Large	Vacant At Large	Vacant At Large	

CITY COUNCIL CHAMBERS, 2200 SECOND STREET, FORT MYERS, FLORIDA

AGENDA

Please complete a "Request to Speak" form if you plan to address the Planning Board and submit to the recording secretary prior to the start of the meeting.

CALL TO ORDER

Pledge of Allegiance to the Flag of the United States of America	
Roll Call	
Approval of Minutes: March 6, 2019 August 7, 2019 September 4, 2019	
PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS: (Four (4) minute time limit per speaker).	

**AGENDA
PLANNING BOARD**

February 5, 2020
1:00 o'clock p.m.



1.	PUBLIC HEARING: Consider a request for an amendment to the Future Land Use Map for ± 96 acres of property located at 9011 Laredo Avenue to change the Future Land Use Designation from Industrial (IND) to Residential Medium Density (RMD) to allow for single-family and multi-family development. A companion Planned Unit Development has been applied for and will be presented at a future date. Ward 2 (Quasi-Judicial)	
2.	PUBLIC HEARING: Consider a request to rescind Ordinance No. 3533 for the One West Planned Unit Development located at 2200 West First Street and 1901 Altamonte Avenue and revert the zoning to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning designations. Ward 4. (Quasi-Judicial)	
Adjourn		

If a person decides to appeal any decision made by Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk's Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541.

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MEETING MINUTES FROM MARCH 6, 2019**

The Planning Board of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, March 6, 2019, at 1:00 p.m.

CALL TO ORDER – Chair, Justin Stockman, called the meeting to order at 1:10 p.m.

Pledge of Allegiance to the Flag of the United States of America

ROLL CALL

Recording Secretary Monique John completed roll call; all members present except Gregg Fous and Nathan Shaw.

Members Present

Justin Stockman
Jonathan Hart
James Ink
Darlene Mitchell
William Keene
Charles Timmons
Derrick Isaac

Members Absent

Nathan Shaw
Gregg Fous

Community Development Staff Present

Steven Belden, Community Development Director
Anthony Palermo, Assistant Community Development Director
Nicole DeVaughn, Planning Manager
Monique John, Administrative Assistant

Other City Staff Present

Grant Alley, City Attorney
William Porter, Engineering Division, Staff Engineer

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APPROVAL OF MINUTES: It was moved by Mr. Ink and seconded by Mr. Keene to approve the minutes from February 6, 2019

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS:

Justin Stockman, Chair stated that it had been requested to move Agenda Item No. 5 to the beginning of the meeting and requested a motion to do so. It was **moved** by Mr. Ink and **seconded** by Mr. Keene. The motion was approved **unanimously approved**.

NO. 5 EX PARTE: None

Prospective witnesses and those persons to present testimony were duly sworn by Grant Alley, City Attorney.

NO. 5 CONTINUED PUBLIC HEARING: Consider a request to rezone + 7.63 acres located on the southwest corner of Veronica Shoemaker Boulevard and Edison Avenue, known as Towles Garden, from Recreation (REC) to Commercial Intensive (CI). (18RZ04) (Quasi-Judicial)

STAFF REPORT

Steve Belden, Community Development Director, stated a request has been made by a City Council member to consider changing the time of the meeting for this specific item to 6:00 pm on April 3, 2019, so that is more conducive for the members of the community to be able to attend the meeting. The Board clarified the reason for the request being so that more of the community can attend. The board discussed the fact that there might be a conflict in scheduling due to the fact there might be another meeting on that same day at the time being requested. Mr. Keene suggested having the normal Planning Board meeting on April 3, 2019 and then, at the time of that meeting, Mr. Belden have a specific time and date for a special hearing for agenda item No. 5.

Mr. Stockman opened the public comment section of the public hearing. After no response Mr. Stockman closed the public comment section of the public hearing.

MOTION: It was **moved** by Mr. Hart to continue to agenda item to April 3, 2019 at 6:00 pm subject to change if there are any scheduling conflicts, **seconded** by Mr. Ink, and **unanimously approved** (7-0 vote) to continue this agenda item to April 3, 2019, Planning Board meeting in City Council Chambers, City Hall at 6:00 p.m.

NO. 1 EX PARTE: None

Prospective witnesses and those persons to present testimony were sworn by Grant Alley, City Attorney.

NO. 1 PUBLIC HEARING: CONTINUED PUBLIC HEARING: CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP TO CHANGE 153.87 +/- ACRES FROM

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**COMMERCIAL CORRIDOR TO INDUSTRIAL, LOCATED AT 5990 LUCKETT ROAD,
ET. AL. (18MA04) (QUASI-JUDICIAL)**

Nicole DeVaughn, Planning Manager, presented the staff report for item.

BEGIN STAFF REPORT

PUBLIC HEARING: Agenda Item #1 Consider a request for an amendment to the Future Land Use Map to change 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND) with the remaining property to remain Industrial (IND) and Conservation (CON). (Quasi-judicial)

1. Application Information

Owner:	Southland Lakes Investment Opportunities, LLC
Agent:	John T. Wojdak, P.E., DeLisi Fitzgerald, Inc.
Address:	1605 Hendry Street, Fort Myers, FL 33901
Location:	Southeast Quadrant of I-75 and Lockett Road
Size:	153.87 +/- acres
STRAP No.:	15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, 15-44-25-P3-U2077.4781
Zoning:	Commercial Intensive (CI) and Mixed Use (MU)
Future Land Use:	Industrial (IND), Corridor Commercial (C/C) and Conservation (CON)
Request:	Amend the Future Land Use Map classifications from Corridor Commercial (C/C) to Industrial (IND)
Case Number:	18-MAP-04

2. Request

John T. Wojdak, P.E., DeLisi Fitzgerald, Inc is requesting to change 68.5 +/- acre portion of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND) to allow for future development.

3. Staff Review

Southland Lakes Investment Opportunities, LLC is requesting a Future Land Use Map Amendment to change the classification of 68.5 +/- acres of the 153.9 +/- acres

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property identified as Corridor Commercial (C/C) to Industrial (IND) for the property as identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781. The remainder of the property will maintain its Future Land Uses classification of Industrial (IND) and Conservation (CON). The maximum intensity of development attainable with the proposed Land Use Designation of Industrial (IND) is a total of 5,771,700 square feet (SF) with the remaining 932,184 SF located in Conservation Land (CON).

The subject property is located within the City of Fort Myers but properties to the east, north and part of the property to the west are located in unincorporated Lee County. The properties within the City of Fort Myers to the south are within the Conservation and Commercial Corridor Future Land Use Categories. The property within the City of Fort Myers to the west is located within the Industrial Future Land Use Category. The unincorporated Lee County properties are within the following Lee County Future Land Use Categories:

- West - Intensive Development
- North – Industrial Interchange
- North East & East – Urban Community

The proposed amendment is consistent with existing surrounding uses. The amendment will have no negative impact on historical and cultural resources. The impacts to public services are based on the maximum development potential for both the site’s existing future land use categories and the proposed future land use category. The Transportation Impact analysis and the Utility analysis are also based on those parameters.

Maximum Development Scenarios Pre and Post Amendment

CURRENT FUTURE LAND USE CATEGORIES

Future Land Use*	Acreage	Residential Density	Commercial Intensity (sq. ft.)	Industrial Intensity (sq. ft.)
Commercial Corridor	75	1,875 units (25 du/acre)	9,801,000 (FAR =3.0)	N/A
Industrial	79	N/A	N/A	3,441,240 (FAR=1.0)
Total	154			

PROPOSED FUTURE LAND USE CATEGORY

Future Land Use*	Acreage	Residential Density	Commercial Intensity (sq. ft.)	Industrial Intensity (sq. ft.)
Industrial	153.9			5,771,7000 (FAR = 1.0)

*Areas include Conservation lands to be preserved.

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Both Parks and Schools have level of services determined by seasonal and year-round residential units. Under the current 75 acres of Commercial Corridor Future land use on site, the property could have up to 1,875 multi-family residential dwelling units. The Lee County School Board uses a student generation rate of .091 students per multi-family unit. This would generate approximately 171 students under the current future land use. The proposed future land use does not allow for residential development and would therefore not generate any students or impacts to the School District. Development under the proposed future land use would however generate tax revenues for the School District despite not generating any impacts.

Similarly, for Parks and Recreation, the existing future land use category, which would allow for 1,875 residential units, would have an impact on the demand for public parks. Standard 1.1.3.1 of the Fort Myers Comprehensive Plans lists 1 acre for 1,000 people for Community Parks and 2.5 acres for 1,500 people for Neighborhood Parks.

According to 2010 census data, the City of Fort Myers had a population of 62,298 people with a total of 37,057 residential units. This would equate to approximately 1.7 people per unit. With a total potential population of 3,188 people for the property, the current future land use would therefore generate a need for an additional 3 acres of Community Park area and 5 acres of Neighborhood park area. However, the proposed future land use category of Industrial does not generate any population or need for additional park area.

An application has been submitted to rezone the property from Commercial Intensive (CI) Mixed Use (MU) to Industrial Light (IL) and Industrial Heavy (IH).

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply **are Industrial (IND) Policy 1.8** and **Conservation Lands (CON) Policy 1.11** as follows:

Policy 1.8) Industrial (IND) contains areas integral to strengthening the City's economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in Light Industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent

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to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

Action 1.8.1) Designate well located areas on the Future Land Use Map and provide regulations within the Land Development Regulations for future industrial use.

Standard 1.8.1.1) Industrial areas shall be designated after consideration of the following criteria:

- a) Located in close proximity (ideally 2½ miles or less) to Interstate interchanges;
- b) Rail frontage;
- c) Immediate access to or frontage on an arterial roadway;
- d) Useable lot sizes-typically 200 feet or deeper;
- e) Distance from residences, schools, and historic districts or sites;
- f) Easy access for employees;
- g) Optimum minimum size of 10 acres; and,
- h) Located so as to avoid routing industrial traffic through residential areas.

Action 1.8.2) Designate as much existing industrial area for continued use as possible without jeopardizing good land use patterns.

Standard 1.8.2.1) Existing industrial areas are designated as contiguous areas of industrial use at least eight (8) acres in size, with no more than half of the area being vacant.

Standard 1.8.2.2) Existing industrial areas which do not meet the criteria contained in Standard 1.8.2.1 may still be designated for continued industrial use considering the following:

- a) Impacts on adjacent uses;
- b) Condition of structures;
- c) Economic feasibility of relocating the industries.

Standard 1.8.2.3) The Land Development Regulations shall maintain standards that ensure compatibility of industrial land uses with other land uses and to mitigate any adverse impacts to the adjacent property owners such as impacts caused by noise, glare, or fumes. Site specific development details will be reviewed during the Site Development Plan review process

Policy 1.11) Conservation Lands (CON) are areas containing regionally significant wetlands and/or uplands that are, or will be, owned and used for long-term conservation purposes. Conservation lands shall be shown as a separate category on the Future Land Use Map (FLUM) because they are regionally significant wetlands and uplands. These are areas where the South Florida Water Management District or the Army Corp of Engineers or the City, have required the conservation of lands, both uplands and wetlands, through easements, dedications or restrictions. Permitted land

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uses in conservation lands consist of very low-density residential uses, at a maximum density of one unit for twenty acres and passive recreational uses, requiring minimal clearing such as boardwalks, hiking, canoeing, and the like. If there are adjacent upland areas that are under common ownership, the permitted density of the conservation lands shall be the same as the upland area, but the dwelling units shall be developed on the adjacent uplands and subject to Standard 1.11.1.3. All regionally significant wetlands under public ownership are not permitted any residential densities. If density from wetland areas is going to be located on contiguous uplands, the property under common ownership shall be rezoned to a planned unit development. Utilities, public roads, and transit corridors can be located in conservation areas, but the installation shall be consistent with the Conservation and Coastal Management Element of this Comprehensive Plan.

Standard 1.11.1.1) Regionally significant wetlands are those wetlands which have been identified as wetlands in accordance with F.S. 373.019(17) and F.S. 371.019(22) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211, which are part of a regional functional system which due to the location, size, quality, hydrological value, and environmental value have a significance. Regionally significant lands are areas where the South Florida Water Management requires the conservation of the wetlands or uplands through easements, dedications, or restrictions. Regionally significant wetlands are those wetlands identified on the FLUM as conservation lands.

Standard 1.11.1.2) Drawn boundaries will be based on those submitted on the regulating agency's permit application and will be adjusted to match the final issued permit.

Standard 1.11.1.3) Residential density transfer from CON lands to any other Future Land Use classification (east of Interstate 75) for adjacent uplands shall not exceed 1.33 times ($1.33 * X$) the maximum allowable gross density of the adjacent uplands. (e.g. If the gross residential density on the adjacent uplands is three (3) dwelling units per acre then the maximum upland (net) density of the overall site shall be 3.99 dwelling units per acre. Net upland shall include land not designated by the Water Management District, Army Corp of Engineers, or the City as Conservation Lands through easements, dedications or restrictions.)

Standard 1.11.1.4) Wetlands that are not regionally significant will be designated as CON if required by the South Florida Water Management or Army Corp of Engineers.

Standard 1.11.1.5) All undeveloped City owned property along Billy's Creek shall be designated

5. Public Notice

A total of 37 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with signs alerting the general public about the

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case; an ad ran in the News-Press; and, the case was posted in City Hall. All actions occurred at least 10 days prior to the February 6, 2019, meeting. Inquiries have been received from the public but as of January 29, 2019 no written comments or objections were received.

6. Staff Recommendation

Staff finds the Future Land Use Map amendment to change the classification of 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND) with the remaining property to remain Industrial (IND) and Conservation (CON) consistent with the Comprehensive Plan and Land Development Code and staff recommends approval of the request.

7. Recommended Action

Recommend approval of the 5990 Lockett Road Future Land Use Map Amendment to change the classification of 68.5 +/- acres of the property identified as Corridor Commercial for the property located at 5990 Lockett Road, et.al.; and find the request internally consistent with the Comprehensive Plan and the Land Development Code; recommend City Council approve transmittal of the amendment to the Department of Economic Opportunity and other state, regional, and local agencies for formal review.

END STAFF REPORT

Noel Davies, land use attorney with Quarles and Brady and applicant representative, stated his law firm represents the property owner and applicant (Southland Investment Opportunities LLC). Mr. Davies also stated there are two (2) applications both related to agenda item no. 1 and that the presentation he was making would apply to both applications. Mr. Davies requested Daniel Delisi, John Wojdak, and Ted Treesh be accepted as Experts. Mr. Davies stated and clarified that the property was currently vacant and that the future land use category is a mix of Commercial Corridor (CC) and Industrial. Mr. DeLisi proceeded to give the presentation associated with agenda items one (1) and two (2). Mr. Stockman asked if there were any questions from the Board regarding the presentation. Mr. Timmons questioned if there would be only one (1) lake. Mr. Wojdak explained in the future there may be another lake that is made. Mr. Keene asked if a drainage passes through the property currently. Mr. Wojdak explained there is a current drainage ditch draining to the North. It was clarified that the existing ditch on the site has been accommodated and the Environmental Resource Permit (ERP) proposes it to be moved to the southeast side. Mr. Hart asked if there would be any onsite storage to hold and contain the sheet flow from the rear of the agricultural properties. Mr. Wojdak advised they would not have any storage systems as they are not obligated to store other properties sheet flow. Mr. Ink asked Mr. DeLisi to state for the record if Lockett Road is indeed an arterial road. Mr. DeLisi stated that would be a better question for Ted Treesh. Mr. Ink then questioned if to the north, the county land use is industrial interchange, in

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which Mr. DeLisi advised that yes, it is. Mr. Ink asked if industrial use was allowed in CC areas. Mr. Keene also asked what the difference is between CC and Industrial use areas. Ms. DeVaughn stated CC areas would permit limited Light Industrial (IL). Ms. DeVaughn also stated that in the future land use CC language it does not specify specific uses permitted. At this time Mr. Ted Treesh was accepted as an expert and stated that Lee County has designated Luckett Road to the East of I-75 as a major collector and to the West of I-75 it is designated as arterial. Mr. Timmons stated that on the agenda it speaks to rezoning the property to industrial but does not specify light or heavy and asked if the property would be rezoned to allow heavy industrial uses if the agenda item is approved. Mr. Ink stated that is the reason there are two (2) agenda items for the same property, as agenda item no. 2 would coincide with agenda item no. 1. Mr. Stockman opened the public comment section of the public hearing and confirmed all speakers would have four (4) minutes to speak on the subject.

PUBLIC INPUT: John McCormick, resident of Cypress Woods RV Park, stated he was concerned with how traffic will multiply on Luckett Rd as it is only a two-lane road. Mr. McCormick stated many traffic issues will be formed if the agenda item is approved and that even with an intense buffer, the light and noise from the traffic would be very disturbing to the residents of the RV park. Mr. McCormick questioned if a fuel station is permissible in a heavy industrial zoned area, in which Mr. Stockman advised him that the applicant would be able to answer any questions after hearing all the public input.

Charles Strand stated he feels a mixed-use zoning would be more sufficient to have next to a residential neighborhood and that he would never have bought his property if he knew he would be living next to a heavy industrial park.

Duane Truitt stated he is part of a group that plans on purchasing the Phase 5 of Cypress Woods RV Park and stated they feel that the Planning Board should recommend that the light industrial buffer zone be designated on the land use map as Master Development Plan (MDP) so that any site plan to be approved would have to go through City Council for the approval and would allow for public review and comment.

Randy Payne, resident of Cypress Woods, stated he lives at his residence part time. He stated there is already a noise disturbance at his residence when he is there and that rezoning the property would cause an even bigger noise disturbance and does not agree with the proposed project.

Judy Lawrence, full time resident of Cypress Woods RV Park, stated her biggest concerns are that there will be an increased amount of traffic and that the added noise will be disturbing. Ms. Lawrence also stated the resort has some RV's that are valued at over one (1) million dollars and would like the Board to consider the residents' well-being when it comes to the noise and traffic disturbance.

Michael Baker stated he is a snowbird, however he does own property inside the resort and stated he would feel uncomfortable with a steel mill next to where he lives.

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Jill Smith, resident at 6300 Lockett Rd., stated she is concerned about the heavy industrial uses and not light industrial rezoning. She stated she is concerned about the amount of traffic that would occur from the rezoning as well as the light and the noise.

Marlon Equitz, resident of Cypress Woods, stated his mother bought the property in Cypress Woods and he would like the property they bought to stay the same way they purchased it for his generation and next generation to come.

Max Forgey, Planner who is certified by the American Institute of Certified Planners (AICP), handed out his resume packet and written report to the Board and requested intervener status with 12 minutes to speak instead of four (4). Mr. Stockman asked Mr. Alley to clarify if Mr. Forgey is allowed to request additional speaking time. Mr. Alley asked Mr. Forgey who he is representing. Mr. Forgey stated he is representing the owner of 5551 Lockett Road Inc., and that his client owns Phase 5 of the property equaling 35 acres of Cypress Woods North and East of the subject property. Mr. Alley confirmed that Mr. Forgey may be accepted as an expert witness but the extra time being requested to speak cannot be granted as the speaking time has already been limited to four (4) minutes. Mr. Stockman asked Mr. Forgey to proceed with his presentation. Mr. Forgey proceeded to explain different businesses that could potentially be placed on the property that would be disturbances should the proposed project be approved. Mr. Forgey stated he feels there is no justification for the rezoning change. At the time Mr. Forgey's time ended, Mark Ebelini, lawyer with Knott Ebelini law firm, stated there was a witness that was willing to give up his four (4) minutes of speaking so that Mr. Forgey could continue. Mr. Stockman questioned if that is allowed. Mr. Alley explained it is the chair's decision to either grant or deny the extra speaking time. Mr. Alley also explained that normally intervener status is requested before a meeting, and that at the beginning of the meeting Mr. Ebelini did in fact ask Mr. Alley at the beginning of the meeting on behalf of Mr. Forgey. Mr. Alley again stated that it is the chair's decision if they would like to grant intervener status and extra speaking time. Mr. Ebelini stated he feels intervener should be granted as his client owns 35 acres of the property that would be affected. Mr. Ink as well as Mr. Keene agreed they feel one property owner does not have more privileges than another just because one has more property and he has not seen enough evidence to support the extra speaking time, however he would approve it so that the presentation can be made. A motion was made to approve the intervener status with 12 minutes speaking time by Mr. Ink, and seconded by Mr. Hart. All other Board members did state nay and the motion failed.

Mr. Ebelini interposed an objection to deny the motion of intervener status, stating he believes it is law that the intervener status should have been granted and then proceeded to explain why he feels the proposed project should not be approved. Mr. Ebelini stated Cypress Woods is a very high-quality residential community. Mr. Ebelini stated in the city's code it states incompatible uses in a residential area are not allowed, and that to the North and to the East there is residential land and the proposed projects violates the industrial provision of the comprehensive plan. At this time Mr. Ebelini entered his exhibits into evidence.

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Dale Messer, part time resident of Cypress Woods, stated he does hear noise from the industrial area that is to the West of his property and that the buffer does not help the noise, so he can hear a lot of traffic from I-75 and if heavy industrial is approved the disturbance would be significant, so he objects to the proposed project.

Lourdes Feliciano, resident of 6360 Holstein Dr., stated her property sits behind the proposed project and she has been there for 20 years. Ms. Feliciano stated there has been flooding that has occurred due to the building up of the property already, and that also she can hear all the traffic from I-75 in her home. Ms. Feliciano stated she purchased her property due to retiring and that if the proposed project is approved all the residents in the neighborhood would have property values that will drop.

Theresa Leighton, part time resident of 6250 Longhorn Tr., stated there is already a significant water drainage issue and that approving this project would cause an even bigger water issue within the residency. Ms. Leighton stated she is very concerned for all the animals that live inside the residency and that she can hear noise from the highway and if the proposed project is approved, the traffic will increase tremendously and that could also disturb the animals as well as the residents.

Sharon Hogg, 6190 Holstein Dr., stated she lost everything in her home due to a prior flooding because of the water flow. Ms. Hogg stated she has deep concerns about the flooding.

Sebastian Weber, 6250 Longhorn Tr., stated there is significant flooding that happens every summer and feels that the city and county are not working together to resolve the flooding issue. Mr. Weber also stated there is a noise concern and hopes that the buffer that is proposed to be built would be substantial to help cover the noise.

Courtney Frazier, part of the Buckingham Community association, stated she does not see any buffer between her community and the industrial area next to Cypress Woods community and the buffer should be made bigger. Ms. Frazier also stated there is a big concern about the flooding should the proposed project be approved.

James Frazier stated one of the bigger concerns of his are the industrial uses that will be used if the proposed project is approved and that the traffic would be a disturbance.

Mr. Stockman closed the Public Input and advised the Board they may now add any commentary or questions.

DISCUSSION: Dan DeLisi stated some of the members from the applicant's team did reach out to the residents in Cypress Woods in regard to the proposed project and have also had meetings at the RV Park with the residents. Mr. DeLisi stated that the application today is to amend the city's comprehensive plan. Mr. DeLisi explained the purpose for today's preceding is for the Board to evaluate whether or not what is being proposed meets the policies in the comprehensive plan for what is being proposed to do, which he feels they do meet the policies and they are compatible. Mr. DeLisi stated to clarify, in regard to the water management, that there is an environmental resource permit in place and most of the drainage issues are governed

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by that particular agency and not by the Planning Board. Mr. DeLisi also stated there are industrial uses to the West of the RV Park and that Master Development Plan (MDP) is not a land use category in the City of Fort Myers land use code. Mr. DeLisi stated all the surrounding corner properties of where the proposed project is to take place, are all industrial zones and feels that the proposed project would conform with the surroundings. Darlene Mitchell questioned how the residents notified. Mr. DeLisi explained there was a public notice process that was run in the *News Press* as well as they also dealt with any questions directly. Mr. Stockman asked Mr. DeLisi to clarify how the on-site meeting with the residents came about. Mr. DeLisi stated the meeting was coordinated with the President of the Association of the RV Park and applicant representatives. Mr. Hart questioned if the adjoining property owners were sent a direct mailing, Mr. DeLisi stated that is correct. Mr. Isaac questioned if any of the adjoining property owners were invited to the meeting that was coordinated, Mr. DeLisi stated he did not believe they were. Mr. Timmons asked how any of the neighbors know Mr. Wojdak was available on-site to answer any questions about the upcoming proposition. Mr. Wojdak stated Dan DeLisi reached out to the President of the Association and coordinated a meeting on site and then that meeting was internally advertised, and that 75-100 people did show up to the meeting.

Mr. Isaac asked if Southland Investment Opportunities is incorporated in the state of Florida. Mr. DeLisi stated he did submit corrected information in regard to the company name as it was previously incorrect and has been corrected on the Sunbiz.org website.

Mr. Timmons stated one of the residents mentioned the ground on the property has been built up three (3) feet and questioned when that work was done. Mr. Wojdak stated the work was completed in 2011 and 2012 and that it was indeed elevated, but that the work that was done is consistent with the South Florida Water Management District (SFWMD) permit as well as the site permit issued by the City. Mr. Timmons asked if it was required of them to slope the ground so that the water would drain to the East. Mr. Wojdak stated that the work that was done was consistent with the SFWMD permit and that the drainage from the site is contained on site. Mr. Ink asked when the project in 2011 was done, were the jobs completed and certified. Mr. Wojdak stated that is correct.

Mr. Ink asked how a mixed use can be turned into conventional zoning when the code is clear to follow the Planned Unit Development regulations. Ms. DeVaughn stated that it is dependent upon the Future Land Use Category that's assigned to the property and that the zoning must be consistent with the Future Land Use Category. Ms. DeVaughn explained, that is the reason there are two (2) agenda items related to each other.

Mr. Ink stated he was in a situation in the City where they had mixed use property, but they were required to do plan development. Ms. DeVaughn stated if the property were kept as a Mixed Use (MU) category, then the applicant would have to go through planned development, but if the property is moved from Mixed Use to a different zoning classification, i.e. Industrial, they would then be able to develop under the regulation codes for that zoning district. Mr. Isaac asked can an industrial park be

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put in a CC and/or MU. Ms. DeVaughn stated mixed use requires Planned Unit Development (PUD) process.

Mr. Timmons asked if the western part of the property is Industrial Heavy (IH). Ms. DeVaughn stated the Future Land Use Category is Industrial.

Mr. Isaac asked if the City has any position with regards to the water concerns that the residents have, as well as sheet flow. Bill Porter stated the water issue is site specific to the site, however he stated he was going to take back the concerns of the citizens to the City's Stormwater Manager to address the issues that have been occurring.

Mr. Keene asked why the applicant can't ask for Light Industrial (IL) zoning under the Commercial Corridor (CI) Comprehensive Plan category, that it is currently in. Ms. DeVaughn stated under the Industrial category it is Limited Industrial and it is not meant to be contain Heavy Industrial uses. Mr. Keene stated he does not understand why the applicant cannot use Light Industrial under the Comprehensive Plan Land Use Category that it is already under.

Mr. Hart stated he agrees with Mr. Keene in regard to the Comprehensive Plan, as well as he believes, the owner does have the right to build the land, but that someone that has rural land should be aware of what could possibly be built in the future on the adjoining land. Mr. Hart also questioned if Industrial use is permissible as the category is zoned now as Mixed Use, as well as he feels since the property is currently zoned MU, the owner could consider doing a Planned Unit Development (PUD), which then the residents could look at and possibly cooperation between both parties.

Mr. Keene stated he feels traffic will not be an issue if the agenda item is approved.

Mr. Ink stated his concern is that the residents are very rural, but the land use is Urban Community which he feels is almost identical to Corridor Commercial (CC), and also that Light Industrial could be done in Urban Community.

Mr. Keene asked what kind of industrial uses require a PUD that cannot be done in IL or IH areas and are there specific uses that cannot be done in the two zones. Ms. DeVaughn stated with the recent code re-write, which was adopted in October of 2018, has a table with the permitted uses and conditional uses listed. Ms. DeVaughn also addressed the fact that the Pilot gas station is allowed, because as a gas station, it is a permitted use in Commercial Corridor. Ms. DeVaughn also stated, in regard to rehabilitation centers etc., those would be considered conditional uses and conditional uses are approved by the Board of Adjustments.

MOTION: It was **moved** by Mr. Ink to recommend approval of 5990 Luckett Rd. future land use map amendment and find the request internally consistent with the comprehensive plan and the land development code, recommend a City Council approval to transmit to the State of the amendment to the Department of Economic Opportunity and other state regional local formal review. With **no second**, the motion failed.

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Mr. Keene suggested it could be recommended that only a portion of the property is rezoned instead of doing away completely with CC. Mr. Alley was asked to confirm if that motion would be allowed. Mr. Alley asked Mr. Keene to clarify what he would like to motion. Mr. Ink verified that Mr. Keene would like to know if a motion can be made to recommend retaining the CC land use designation along the same lines as the zoning application IL, therefore there would be a CC along the East line of the property from the adjacent property owners. Mr. Alley explained the applicant made a specific request, so the Board is not able to change the request, however they are allowed to add commentary with approval to the request or commentary with denial. Mr. Timmons asked if the Board is able to approve the request and, on the zoning, disapprove the request with recommendation, could the applicant do a PUD. Mr. Stockman verified if the request is denied with recommendations, the City Council can still override the Boards decision. Mr. Alley clarified the Board may give recommendation and does not have to say either yes or no to the request only. Mr. Hart suggested making a motion to deny but to recommend that the property to go through a PUD for the zoning uses. Mr. Stockman asked if the applicant would like to provide some guidance or amendment requests in regard to the comments made from the Board. Mr. Davies, representation of the client, stated there are no comments or amendments to his request that he would like to make.

It was **moved** by Mr. Hart to recommend disapproval of the change to the future land use map the applicant submitted based on the concerns of changing the future land use to industrial next to existing low-density single-family properties but also with the comment that the property is a good location for a mix of industrial/commercial development but under a PUD process. It was **seconded** by Mr. Keene. For discussion purposes, Mr. Timmons asked if the PUD depends on denial or approval of the request. Mr. Ink clarified if the request is denied, it would be almost impossible to recommend an approval on the zoning portion of the request. Mr. Stockman stated the applicant would be required to go through a PUD if the Board did not change the MU category status at the next Planning Board meeting. Ms. DeVaughn made a point of clarification the PUD would have to be consistent with the future land use that is assigned to the property. Mr. Hart questioned could the PUD be broken up based upon the current demarcation line. Ms. DeVaughn stated it would depend on what the applicant requests. Mr. Stockman asked if the Board had any other discussion. After no response, Mr. Stockman took a vote for the motion made by Mr. Hart. The motion was **approved** 6-1.

NO. 2 EX PARTE: None

Prospective witnesses and those persons to present testimony were duly sworn by Grant Alley, City Attorney.

NO. 2: CONTINUED PUBLIC HEARING: Consider a request to rezone portions of 153.87+/- acres from Commercial Intensive and Mixed Use to Industrial Light and Industrial Heavy, located at 5990 Lockett Road, et. al. (18RZ02) (QuasiJudicial)

Nicole DeVaughn, Planning Manager, presented the staff report for item.

BEGIN STAFF REPORT

Agenda Item #2: Consider a request to rezone portions of the 153.9 +/- acres, currently zoned Commercial Intensive (CI) and Mixed Use (MU), the Conservation (CON) lands will not be changed, located at 5990 Lockett Road, et. al. identified by Strap Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2095.4843, 15-44-25-P2-U2085.4802 and 15-44-25-P3-U2077.4781. (Quasi-Judicial)

1. Application Information

Property owner:	Southland Lakes Investment Opportunities, LLC.
Agent for the applicant:	John Wojdak, DeLisi Fitzgerald, Inc.
Address	5990 Lockett Road, Fort Myers, FL 33905
Location:	Southeast Quadrant of I-75 and Lockett Road
STRAP number:	15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, 15-44-25-P3-U2077.4781
Zoning:	Commercial Intensive (CI) and Mixed Use (MU)
Future Land Use:	Current - Industrial (IND), Conservation Lands (CON), and Corridor Commercial (C/C) Simultaneous Plan Amendment Application (18MA04) proposed Industrial (IND) and Conservation Lands (CON)
Request:	A request for rezone of 153.9 +/- acres of property from Commercial Intensive and Mixed Use to Industrial Heavy and Industrial Light.
Current Land Use:	Vacant
Case Number:	18RZ02

2. Request

John Wojdak, agent, is requesting to rezone 153.9 +/- acres, currently zoned Commercial Intensive (CI) and Mixed Use (MU), the Conservation (CON) lands will not be changed. The proposed rezoning to the property will be 37.0 +/- acres of Industrial Light (IL), 95.5 +/- acres as Industrial Heavy (IH) and the remaining 21.4 +/- acres to remain Conservation (CON). The Industrial light will provide a 500-foot setback along the eastern property line. A site plan is not required for the rezoning application and is not included. No specific uses have been identified for the project.

3. Staff Review

The Fire Marshall, Public Works Department and Engineering Division staff reviewed the rezoning request and had no objections or comments. Planning staff supports the rezoning of the parcel from Commercial Intensive and Mixed Use to Industrial Heavy and Industrial Light.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply **are Industrial (IND) Policy 1.8 and Conservation Lands (CON) Policy 1.11** as follows:

Policy 1.8) Industrial (IND) contains areas integral to strengthening the City's economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in light industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

Action 1.8.1) Designate well located areas on the Future Land Use Map and provide regulations within the Land Development Regulations for future industrial use.

Standard 1.8.1.1) Industrial areas shall be designated after consideration of the following criteria:

- a) Located in close proximity (ideally 2½ miles or less) to Interstate interchanges;
- b) Rail frontage;
- c) Immediate access to or frontage on an arterial roadway;
- d) Useable lot sizes-typically 200 feet or deeper;
- e) Distance from residences, schools, and historic districts or sites;
- f) Easy access for employees;
- g) Optimum minimum size of 10 acres; and,
- h) Located so as to avoid routing industrial traffic through residential areas.

Action 1.8.2) Designate as much existing industrial area for continued use as possible without jeopardizing good land use patterns.

Standard 1.8.2.1) Existing industrial areas are designated as contiguous areas of industrial use at least eight (8) acres in size, with no more than half of the area being vacant.

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Standard 1.8.2.2) Existing industrial areas which do not meet the criteria contained in Standard 1.8.2.1 may still be designated for continued industrial use considering the following:

- a) Impacts on adjacent uses;
- b) Condition of structures;
- c) Economic feasibility of relocating the industries.

Standard 1.8.2.3) The Land Development Regulations shall maintain standards that ensure compatibility of industrial land uses with other land uses and to mitigate any adverse impacts to the adjacent property owners such as impacts caused by noise, glare, or fumes. Site specific development details will be reviewed during the Site Development Plan review process

Policy 1.11) Conservation Lands (CON) are areas containing regionally significant wetlands and/or uplands that are, or will be, owned and used for long-term conservation purposes. Conservation lands shall be shown as a separate category on the Future Land Use Map (FLUM) because they are regionally significant wetlands and uplands. These are areas where the South Florida Water Management District or the Army Corp of Engineers or the City, have required the conservation of lands, both uplands and wetlands, through easements, dedications or restrictions. Permitted land uses in conservation lands consist of very low-density residential uses, at a maximum density of one unit for twenty acres and passive recreational uses, requiring minimal clearing such as boardwalks, hiking, canoeing, and the like. If there are adjacent upland areas that are under common ownership, the permitted density of the conservation lands shall be the same as the upland area, but the dwelling units shall be developed on the adjacent uplands and subject to Standard 1.11.1.3. All regionally significant wetlands under public ownership are not permitted any residential densities. If density from wetland areas is going to be located on contiguous uplands, the property under common ownership shall be rezoned to a planned unit development. Utilities, public roads, and transit corridors can be located in conservation areas, but the installation shall be consistent with the Conservation and Coastal Management Element of this Comprehensive Plan.

Standard 1.11.1.1) Regionally significant wetlands are those wetlands which have been identified as wetlands in accordance with F.S. 373.019(17) and F.S. 371.019(22) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211, which are part of a regional functional system which due to the location, size, quality, hydrological value, and environmental value have a significance. Regionally significant lands are areas where the South Florida Water Management requires the conservation of the wetlands or uplands through easements, dedications, or restrictions. Regionally significant wetlands are those wetlands identified on the FLUM as conservation lands.

Standard 1.11.1.2) Drawn boundaries will be based on those submitted on the regulating agency's permit application and will be adjusted to match the final issued permit.

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Standard 1.11.1.3) Residential density transfer from CON lands to any other Future Land Use classification (east of Interstate 75) for adjacent uplands shall not exceed 1.33 times (1.33 * X) the maximum allowable gross density of the adjacent uplands. (e.g. If the gross residential density on the adjacent uplands is three (3) dwelling units per acre then the maximum upland (net) density of the overall site shall be 3.99 dwelling units per acre. Net upland shall include land not designated by the Water Management District, Army Corp of Engineers, or the City as Conservation Lands through easements, dedications or restrictions.)

Standard 1.11.1.4) Wetlands that are not regionally significant will be designated as CON if required by the South Florida Water Management or Army Corp of Engineers.

Standard 1.11.1.5) All undeveloped City owned property along Billy's Creek shall be designated

4. Public Notice

A total of 37 public notice letters were sent to property owners within 300 feet of the parcels identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781. The property was posted with signs alerting the general public of the zoning change; the agenda was posted at City Hall; and an ad ran in the News-Press; all actions taking place at least 10 days prior to the meeting. No letters were returned, and inquiries have been received from the public but as of January 29, 2019 and no written comments or objections were received.

5. Staff Recommendation

Staff finds the request for rezoning 153.9 +/- acres identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 to Industrial Light (IL), Industrial Heavy (IH) and Conservation (CON) consistent with the Comprehensive Plan and Land Development Code, and staff recommends approval of the rezoning.

6. Recommended Action

Find the request for rezoning 153.9 +/- acres identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 Commercial Intensive, Mixed Use and Conservation to Industrial Light, Industrial Heavy and Conservation consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

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Ms. DeVaughn stated the amended staff recommendation is that the rezoning to IH would have to be only in the areas currently designated as industrial on the future land use map, unless the future land use amendment to make the entire property industrial is transmitted to the Department of Economic Opportunity (DEO) and then adopted by City Council and goes through the process and becomes effective on this property and then the portions still in limbo would then have to come back for rezoning. Also in regards to rezoning the CI portions, to support the IH request over the areas that have a current zoning classification of CI with a future land use classification of Industrial, and for IL rezone the MU that has a CC as IL and the interim area that has the CC where the applicant was proposing IH be excluded at this time due to it would not be compatible with the future land use unless Industrial is assigned to the entire property. Mr. Stockman asked if there were any questions of the applicant from the Board. Hearing none, Mr. Stockman handed the floor to Mr. Davies.

Mr. Davies stated he would like to use the previous presentation from Agenda Item NO.1 for the presentation for Agenda Item No. 2. Mr. Stockman asked Mr. Alley if that is permissible. Mr. Alley verified that is the Chair's decision to accept the applicant's request, however asked of the applicant, since the Board made a finding of inconsistency with the comprehensive plan with respect to Agenda item No. 1, and Agenda item No. 1 and 2 are together, how does that finding impact the clients request for Agenda item No.2. Mr. Davies stated he would defer back to the staff recommendations, however, his client does not wish to amend his request in any way and the request would stand as submitted. Mr. Stockman clarified with Mr. Alley as to if the applicant requested to use the presentation for both agenda item NO. 1 and 2, and also if that is permissible to use the same presentation for agenda item No. 2. Mr. Alley stated the first hearing is already over and that in the state of Florida the Quasi-Judicial proceedings are not judicial proceedings, therefore it does not violate the Separation of Powers, and he could accommodate the request from the applicant. Mr. Davies stated, in respect to item No. 1, he did at the beginning of the hearing state he would like to use his presentation for both agenda item No. 1 and 2. Mr. Stockman stated he will allow the presentation to be admitted into agenda item No. 2 as far as allowable by law. Mr. Davies also stated he would like to submit the evidence from item No. 1 to coincide with item No. 2 as far as the applicant's application.

Mr. Stockman asked if there any questions of the Board for the applicant. Hearing none Mr. Stockman opened the floor for public comment.

PUBLIC INPUT: Michael Baker, Cypress Woods resident, stated he feels the zoning that is designated for the property currently seems sufficient and that if the request for the applicant is granted, it would cause turmoil and lower the value of property that the residents own in the community.

Jill Smith, resident of Cypress Woods, stated she feels the zoning that is designated now for the property is sufficient to make sure that what the community as a whole wanted their town to go into is held out and making sure that the lives of the community are benefited from the decisions that are made.

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Max Forgey stated, member of the American Institute of Certified Planners on behalf of 5551 Lockett Rd., stated he understands there are no changes to the existing Commercial Corridor. Mr. Forgey gave examples of some businesses that could form and why Heavy Industrial should not be allowed in the community.

Mark Ebelini, Knott Ebelini Hart Law firm, stated he echoes Mr. Forgey's remarks in regard to the rezoning should not be approved. Mr. Ebelini questioned if Lee County was ever notified of the request to rezone the property or notification of the prior land use request, and also stated he did confirm with Lee County land use staff that the County did not ever get notification.

Emily Campos, resident of Cypress Woods, stated she would like to clarify the property is not an RV park but it is an RV resort. She stated she wanted to make that distinction because an RV park is considered transitory, and the resort is not transitory at all. Ms. Campos stated she would like to see agenda item No. 2 denied as well. As a member of the Board of Directors, Ms. Campos stated some of the concerns are the noise, the pollution, and the sight of the industrial buildings, as well as the traffic and decreased value of the properties.

Lourdes Feliciano stated the proposed property is surrounded by residents and that should be taken into consideration.

Charles Strand, 6300 Holstein Dr., stated when he bought his property he was comfortable being boarded by a zoning of mixed use and comfortable as well with the zoning of CI on the front side of the property, however, he is not comfortable at all with what the applicant is requesting after spending a lump sum of money to raise the value of his property.

There being no other public comment Mr. Stockman closed public comment and asked The Board if there were any other questions for the applicant or staff.

DISCUSSION: Mr. Hart asked to clarify if the staff amended their recommendation. Mr. Ink stated the recommendation was amended to agree with what the Board discussed on the proposed project. Mr. Alley stated even though Ms. DeVaughn did come up with an amended staff recommendation, the Board still needs to make their decision based upon what the applicant provided. Mr. Ink stated that the County was indeed notified of the proposed project due to the fact that they own the two (2) adjacent properties. Mr. Keene asked to clarify if the CI zoning would change to IH and the MU zoning would change to IL, if amended staff recommendation were to be upheld. Ms. DeVaughn stated since the applicant does not wish to change any of their request, the amended staff recommendation would be appropriate under the application submitted. Ms. DeVaughn also stated without the future land use change to Industrial for the entire property, staff would not be able to recommend approval as submitted, but if the request were to be amended based on how the future land use application moves forward, then it would be discussed at that time.

Ms. DeVaughn then proceeded to show the variance report provided by the applicant to demonstrate the addresses of all those who were mailed notices to show evidence that Lee County was indeed notified of the proposed project.

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Mr. Stockman asked if any of the Board had a motion.

It was **moved** by Mr. Ink made a motion to find the request for rezoning the 153.9 acres identified by the strap numbers listed in the application non-consistent with the comprehensive plan and land development code and recommended denial to City Council. Mr. Isaac **seconded**, and with no further discussion the motion passed.

At this time a 15 minute recess was taken.

NO. 3 EX PARTE: None

Prospective witnesses and those persons to present testimony were duly sworn by Grant Alley, City Attorney.

NO. 3: PUBLIC HEARING: Consider a request for an amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD, Phases Two and Three to develop: a maximum of 320 residences with a maximum height of four (4) stories; a five (5) level parking garage; up to 30,000 square feet of commercial retail/office; and up to 130 hotel rooms with a maximum height of five (5) stories. (18PUD05) (Quasi-Judicial)

Nicole DeVaughn, Planning Manager, presented the staff report for item.

BEGIN STAFF REPORT

Agenda Item #3: Consider a request for an amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD, Phases Two and Three to develop: a maximum of 320 residences with a maximum height of four (4) stories; a five (5) level parking garage; up to 30,000 square feet of commercial retail/office; and up to 130 hotel rooms with a maximum height of five (5) stories. The subject property is located at the northwest corner of the intersection of McGregor Blvd. and Altamont Ave./Victoria Ave., south of West First Street and east of Virginia Ave. as identified by STRAP Number 23-44-24-P2-00005.0000. (Quasi-Judicial)

1. Application Information

Property owner:	City Walk Fort Myers LLC
Agent for the applicant:	Stacy Hewitt, AICP, Banks Engineering
Address	McGregor Blvd., Fort Myers, FL 33901
Location:	Northwest corner of the intersection of McGregor Blvd. and Altamont Ave./Victoria Ave., south of West First Street and east of Virginia Ave
STRAP number:	23-44-24-P2-00005.0000
Zoning:	PUD – First Street Village

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Future Land Use:	Downtown (D/T)
Request:	An amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD.
Current Land Use:	Vacant
Case Number:	18PUD05

The First Street Village Planned Unit Development (PUD) was approved on June 19, 2006, by Ordinance No. 3331, with a completion date of June 19, 2011. Ordinance No. 3331 allowed construction in three (3) phases of three hundred forty-eight (348) multi-family residential units and one hundred thirty-nine thousand nine hundred twenty-two (139,922) square feet of office and retail space, including an approximate thirty-nine thousand (39,000) square foot grocery store development, all on a total of 12.34 +/- acres.

On January 4, 2010 by Ordinance No. 3536, the PUD was extended 2 years under the guidelines of Senate Bill 360 extending the completion date to June 19, 2013.

Ordinance No. 3536, approved on July 15, 2013 extended the completion date for completion of construction to be extended seven (7) years to June 19, 2020.

The grocery store and 4 multi-family units are completed leaving 343 multi-family units approved for the vacant parcel. To date, 77,925 square feet of the 139,922 square foot project has been built leaving 61,997 square feet of office and retail space approved for the vacant area parcel. The breakdown for the completed portion is as follows:

Commercial liner buildings at 2023 Altamont:	17,104 square feet
Publix Grocery Store:	47,538 square feet
Commercial liner buildings adjacent to Publix:	13,283 square feet
Total:	77,925 square feet

2. Request

Stacy Hewitt, AICP, agent, is requesting an amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD, for Phases Two and Three. Phase One of the First Street Village PUD includes the 4.47 acres +/- parcel located at 2144 McGregor Boulevard and was developed with a 47,538 sq. ft. Publix grocery store, 17,104 sq. ft. of retail in the liner building adjacent to Publix, 30,387 sq. ft. of retail in liner buildings on Altamont Street, and 4 townhomes.

The amendment to the First Street Village PUD proposes a new name for the remaining 7.87 acre +/- parcel to be known as City Walk PUD and the development of up to three hundred twenty (320) multi-family and townhouse residences, a maximum of thirty thousand (30,000) square feet of office and retail space, and up to 130 hotel room development. The City Walk PUD will be developed in three phases.

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The combined development total of the existing First Street Village Phase One and the amendment known as City Walk PUD will be a maximum of 324 residences with a height up to four (4) stories, a maximum of 108,000 square feet of office and retail space and a hotel with a maximum height of five (5) stories containing a maximum of 130 hotel rooms.

3. Staff Review

The Fire Marshall, Public Works Department and Engineering Division staff reviewed the PUD Amendment Application and had no objections. Transportation and Planning Staff support the amendment with the following:

- Formal traffic site plan review will be performed at the time of site plan application, this will include review for fire vehicle circulation and obstructions within site triangles.
- Loading zones will be provided internal to the project.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply are within the **Downtown (D/T) Policy 1.7** as follows:

Policy 1.7): Areas on the Future Land Use Map designated as Downtown District (D/T) in accordance with Map E will be redeveloped as the pre-eminent regional mixed-use development center. Properties located within the Downtown Historic District shall be developed or redeveloped in accordance with this policy and the Historic Preservation Element of the Comprehensive Plan. The maximum base (not including bonus) density allowed within the D/T District is 70-units/acre and the maximum base (not including bonus) intensity for non-residential uses is eight (8) FAR. The maximum densities and intensities for each zoning district shall be further defined by the Land Development Regulations. Additional density, intensity (FAR) and height may be approved only through the bonus incentive program, as described in Policy 1.9 and as implemented through standards and procedures in the Land Development Regulations. Bonus shall be approved through the Planned Unit Development process.

Action 1.7.1) Designate on the City's Zoning Map and provide land development regulations for uses appropriate for the redevelopment and revitalization of Downtown Fort Myers and the standards below, with institutional uses such as nonprofit organizations, schools, and churches and related uses allowed in all land use categories except Civic.

Standard 1.7.1.2) The Urban Center (U-CTR) zoning designation shall be applied to establish and protect the pedestrian-friendly fabric of the historic downtown core and each surrounding neighborhood. For the

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purposes of projecting future growth and demand for services only, the intent of the Urban Center is to provide a ratio of uses as follows: approximate mix of 30-40% residential and 60-70% non-residential.

Action 1.7.3) For the Downtown Redevelopment Area shown on Map E (and the entire Coastal High Hazard Area as shown on Map E-2), the City will continue focusing on hurricane preparedness as a major issue and the impact its Comprehensive Plan has on maintaining or reducing clearance times and providing adequate shelter space. The City will initiate appropriate strategies to improve hurricane preparedness. Potential strategies include working with the Lee County Emergency Management Office, Lee County, the MPO and FDOT to increase the capacity of evacuation routes through structural and nonstructural improvements in order to maintain evacuation clearance times, and sufficient shelter space to meet the projected need.

Action 1.7.5) All new development shall provide amenities according to the pertinent standards provided in the Land Development Regulations, including but not limited to the following areas:

Exceptional architectural design;
Pedestrian friendly connections between public and private property;
Multimodal transportation strategies including para-transit provision;
and
Riverwalk easement.

Action 1.7.6) Any properties located within the Downtown Redevelopment Plan Area and considered non-conforming uses may be considered for development improvements through the Planned Unit

5. Public Notice

A total of 55 public notice letters were sent to property owners within 300 feet of the parcels identified by STRAP Numbers 23-44-24-P2-00005.0000. The property was posted with signs alerting the general public of the zoning change; the agenda was posted at City Hall; and an ad ran in the News-Press; all actions taking place at least 10 days prior to the meeting. No letters were returned, and no written comments or objections were received as of February 25, 2019.

6. Smart Code Changes

On February 4, 2019, City Council adopted Ordinance No. 3850 amending the Smart Code. Therefore, the following Land Development Codes for Urban Center will apply to building height and density within the City Walk PUD:

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- LDC 118.8.5.C.2. **Building height.** Principal building height: two (2) story minimum, twelve (12) story maximum (except where restricted further by historic designations). Outbuilding height: two (2) story maximum.
- LDC 118.8.5.C.7. **Residential density.** In Urban Center, maximum base density is fifty (50) dwelling units per acre. In addition to the base density, intensity and height allowed within the underlying zoning district, a 30% bonus density, intensity and height may be awarded to parcels which are

7. Warrants and Deviations

greater than 0.5 acres.

The following warrants and deviations shall apply to the City Walk PUD:

Warrants

1. Withdrawn
2. Land Development Code Section 118.8.5.C.1.b. (former Section 2.4.1.1 T5) Within Urban Center Zones Buildings shall have their principal pedestrian entrances on a frontage line.

Warrant: The grocery store on the existing Phase One First Street Village and the City Walk development are not required to have their principal entrance on a frontage line.

3. Land Development Code Section 118.8.5.C.4.a. (former Section 2.4.4.1 T5) Parking Standards All parking areas shall be located at the Third Layers and masked by a streetwall or liner building.

Warrant: Parking is permitted in the First and Second Layers and a streetwall or liner building will not be required along the northern half of the northeast property line, but a decorative fence shall be required along Clifford Avenue and landscape screening will be provided to screen parking from McGregor until Phase 2 and 3 develop.

4. Land Development Code Section 118.8.6.G.2 (former Section 3.7.2 T5) Setback-Front- Zero (0) foot minimum, ten (10) foot maximum.

Warrant: As this project is surrounded on all sides by roads, all setbacks will be considered front yard setbacks. The maximum front setbacks, by street allowed are as follows:

Altamont Avenue	35 Feet
McGregor Boulevard	41 Feet
Virginia Avenue	38 Feet
West First Street	25 Feet

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5. Land Development Code Section 118.8.5.C.7.c which states, "Signage shall be externally lit, except that signage within the shop may be neon lit." to allow internal illumination per sign package.

Warrant: Allow Internal illumination per sign package prepared by Lee Designs, dated 1/29/19 Revision "J".

6. Land Development Code Section 118.8.5.C.4.e which states that a vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor Blvd. entrance.

Warrant: Vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor.

7. Land Development Code Section 118.8.5.A.10.b which states, "There shall be one sign per facade. Blade signs shall not be counted toward signage permitted."

Warrant: Allow 2 signs on the north (signs D & E per sign package) and south (signs C & F per sign package) facades of City Walk Phase 1, sign package prepared by Lee Designs, dated 1/29/19 Revision "J".

Deviations

5. Land Development Code Section 138-41 (former Section 30-31) (a) New and existing parking areas. This section shall apply to all new and existing parking and vehicular use areas that are to be expanded, except when the proposed work is limited only to the re-striping of lots and drives.

(3) A minimum eight (8) foot wide curbed landscaped island or peninsula shall be required at a maximum of every one hundred (100) linear feet of parking area. The minimum eight (8) foot width shall be measured between inside edges of curbs. There shall be a minimum of one (1) tree and ten (10) shrubs for every two hundred (200) square feet of parking islands, peninsulas and medians. All parking spaces must be located within a one hundred (100) foot radius of a circle drawn from the center of a tree that is planted in a pervious island, peninsula, or median.

Deviation: Landscape islands may be placed at a maximum of one hundred forty (140) feet apart in the short-term parking areas along McGregor Boulevard.

6. Land Development Code Section 134.2.15.1.2. (formerly Section 29-53) The minimum centerline spacing between driveways and intersections or between driveways and driveways shall be 330 feet along arterial and collector streets, and 125 feet along other than single-family local streets.

Deviation: Driveway/Intersection spacing may be less than three hundred (300) feet along McGregor Boulevard and less than one hundred twenty-five (125) feet along Virginia Avenue and West First Street.

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7. Land Development Code Section 134.3.3.B.1 (former Section 29-88) All off-street parking facilities shall be so arranged that no vehicle shall have to back into the right-of-way of any street.

Deviation: Angled parking along Altamont Avenue and Virginia Avenue may be designed so that vehicles back into the right-of-way.

8. Land Development Code Section 134.3.3.A Parking facility dimensions and accessibility. Minimum parking stall width of 10 feet.

Deviation: Minimum parking stall width of 9 feet.

8. Staff Recommendation

Staff finds the proposed amendments to the City Walk Planned Unit Development consistent with the Comprehensive Plan and the Land Development Code, and recommends approval of the PUD amendment to the Planning Board, subject to the following:

- a. This planned unit development is for the construction of three hundred twenty (320) multi-family residential units and one hundred thirty-nine thousand nine hundred twenty-two (139,922) square feet of office and retail space, including an approximate thirty-nine thousand (39,000) square foot grocery store development on a 12.34 acre, more or less, parcel known as First Street Village located at 2144 McGregor Boulevard.
- b. Support the warrant increased height of three (3) stories above the five (5) story maximum (for a total of eight (8) stories) with “bonus criteria” mitigation totaling one million three hundred thirty-seven thousand two hundred dollars (\$1,337,200.00) in consideration for:
 1. **Hurricane Evacuation Plan** – New developments which contain at least 75 residential dwelling units, or any redevelopment which adds at least 60 residential dwelling units, must submit a hurricane evacuation plan which demonstrates that residents can safely evacuate the County within 16 hours for a Category 5 storm event or maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure that shelter space is available to accommodate the additional residents allowed by the bonus allocation. All plans shall comply with Lee County Administrative Code AC 7-7, be submitted to and approved by the county emergency management director. In lieu of a hurricane evacuation plan, the developer may contribute money toward the construction/operation of hurricane shelters equal to the proportional amount needed to accommodate the additional residents allowed by the bonus allocation, as determined by the City Manager.

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2. **Affordable Housing** – ~~The developer shall choose one of the following three options to provide affordable housing.~~

a. ~~On site: The Developer shall cause seven (7) units on site to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate purchase price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by Housing and Urban Development from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per unit, forgivable at 1/20 per year, in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated Housing and Urban Development price (i.e. \$125,000.00 adjusted annually). OR~~

b. ~~Off site: The developer shall offer for sale seven (7) units off site (but within three (3) miles of the downtown redevelopment area) to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by HUD from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per off site unit, forgivable at 1/20 per year in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated HUD price (i.e. \$125,000.00 adjusted annually). All off site units must be completed prior to the issuance of the first certificate of occupancy for the Planned Unit Development. OR~~

c. ~~Payment: The developer shall pay ninety thousand dollars (\$90,000.00) per required affordable/moderate unit (\$90,000.00 x 7 units = \$630,000.00) required to be held in a non interest bearing escrow account by the City; the funds to be used by the City to acquire land and to offer the land competitively for moderate income housing construction within one (1) mile of the development, or some other alternative method to accomplish the goal of providing moderate income housing. All contributions (required moderate income housing units), mortgages or~~

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~~offerings of units (as applicable) shall be approved by the City and phased and prorated as the individual Blocks 1, 2A, and 2B as identified on Exhibit D receive a Final Certificate of Occupancy.~~

Affordable housing criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, conditions b.2.a through c. have not been duplicated and are no longer necessary for City Walk.

3. ~~**Para-Transit** - The developer, their successors, or assigns shall contribute seventeen thousand eight hundred dollars (\$17,800.00) (348 units X \$51.14 per unit) annually, (or 356 units X \$51.15 per unit for eighteen thousand two hundred dollars (\$18,200.00), to the "Downtown Para Transit Fund" to mitigate their para transit impacts. The first contribution shall be due at the time of the certificate of occupancy for Block 2A as identified on Exhibit D. Subsequent payments shall be due to the City of Fort Myers on October 1 and shall be adjusted annually based on the Consumer Pricing Index (CPI)~~

Multimodal transportation strategies. Proposed development with at least 100 residential dwelling units or 25,000 square feet of commercial or office use shall submit a multimodal transportation plan to provide and promote use of alternative transportation. The plan shall incorporate strategies such as on-site shuttle services and provision of employee showers and changing rooms which promote bicycle transit.

City Walk proposes to include the condition to provide contribution to the Downtown Para Transit Fund in consideration of multimodal transportation strategies including para-transit provision with updated calculation for the proposed City Walk PUD. The monetary contribution for City Walk's residential density equivalent of 256 units would be \$13,100 annually (256 x \$51.14).

4. ~~**Public Open Space** - The public plaza, as shown on the site plans prepared by Johnson Engineering with a revision date of September 1, 2005, shall be maintained by the developer, their successors, or assigns, and remain open to the public in perpetuity.~~

Public open space criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, this condition is no longer necessary for City Walk.

5. ~~**Public/Private Parking** - The developer shall provide One Hundred Forty-One Thousand Two Hundred Fifty~~

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~~Dollars (\$141,250) five hundred eighty five thousand dollars (\$585,000.00) (\$15,000.00 per space construction cost X 39 parking spaces) (if the option to construct three hundred fifty six (356) units is selected, the developer will be required to provide five hundred sixty five thousand dollars (\$565,000.00) (\$15,000.00 per space X 38 parking spaces) to the City to be held in a fund known as "Downtown Redevelopment Area Parking Fund" to be used for construction of public parking spaces prior to the issuance of the first building permit for vertical construction for the Publix Block. **Completed.** These monies shall be paid per phase, as identified on Exhibit D, as follows:~~

~~i. One Hundred Forty One Thousand Two Hundred Fifty Dollars (\$141,250) prior to the issuance of the first building permit for vertical construction for the Publix Block.~~

Public/private parking criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, conditions b.5.ii through iv have not been duplicated and are no longer necessary for City Walk. It should be noted that First Street Village paid \$141,250 towards this requirement.

6. **Pedestrian Friendly Connection** – The developer shall construct a public plaza and minimum eight (8) to ten (10) foot sidewalks as outlined in the site plan and must retain public access and in perpetuity. Maintenance of all sidewalks not located on a public right-of-way shall be the responsibility of the developer, their successors, or assigns.
7. **Exceptional Architectural Design** – Based on comments from Duany Plater-Zyberk (Exhibit C), the developer may construct up to eight (8) stories.

Although City Walk does not propose bonus height as approved by this condition, land use revisions require developments to provide exceptional architectural design. Please refer to proposed architectural exhibits prepared by PDS Architecture Inc. for City Walk dated 01/14/2019.

- c. Support the warrants and deviations as shown on the site plans prepared by Johnson Engineering with a revision date of October 17, 2005 (Phase I) and the City Walk PUD Site Plan prepared by Banks Engineering with a revision date of 2/24/2019. The applicant shall comply with all other requirements of the Smart Code and ~~Growth Management~~ Land Development Code.
- d. To address the public safety concern, the developer shall contribute one hundred fifty thousand four hundred dollars (\$150,400.00) to the City of

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Fort Myers to assist in the acquisition of three (3) police cruisers. A Payment of fifty thousand dollars (\$50,000) shall be made prior to the issuance of the first building permit for vertical construction of the Regency Retail as identified on Exhibit D; fifty thousand dollars (\$50,000) prior to the issuance of the first building permit for vertical construction of Publix as identified on Exhibit D and fifty thousand four hundred dollars (\$50,400) shall be made prior to the issuance of the first building permit for vertical construction for the West First liner Units as identified on Exhibit D. **Completed**

- e. The developer shall comply with the Downtown Fort Myers Streetscape Plan adopted by City Council in April 2003.
- ~~f. The developer shall comply with the Smart Code dated April 19, 2002.~~
- ~~f~~ g. The developer shall be required to pay their fairshare contribution in the amount of ten thousand dollars (\$10,000.00) for an intersection improvement on McGregor Boulevard. This contribution is in addition to all required road impact fees. **Completed**
- ~~g~~ h. An additional traffic impact study will be required if the land uses or combination of land uses change.
- ~~h~~ i. The developer shall be required to pay the cost of the required turn lanes as contribution to the pedestrian and/or traffic calming improvements.
- ~~i~~ j. The developer shall be required to donate, with no credits to be granted, the right-of-way needed for the roundabout design prior to the issuance of site work permits and pay their proportionate share of the traffic calming for West First Street prior to the issuance of the first building permit for vertical construction for Block 2A as identified on Exhibit D. **Completed**
- ~~j~~ k. The developer agrees to contribute funds necessary, approximately one hundred fifty thousand dollars (\$150,000.00), for the acquisition of a rear loading garbage truck prior to the issuance of building permits for vertical construction for the Publix Block as identified on Exhibit D. **Completed**
- ~~k~~ l. The developer shall improve the median the length of Virginia Avenue, details to be determined by the Public Works Department prior to the issuance of permits for vertical construction of Phase Three.
- ~~l~~ m. All South Florida Water Management District permits must be issued prior to the issuance of any City permits. The approved SFWMD ERP Permit #36-05850 included the existing vault in the Publix parking lot and was designed to accommodate the entire planned development.

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- m n. The developer agrees to contribute one hundred fifty thousand dollars (\$150,000.00) to the City Public Art Fund prior to the issuance of building permits for the first phase or contribute artwork valued at one hundred fifty thousand dollars (\$150,000.00) to be placed in a public area. All artwork shall be reviewed by the City's Public Art Committee. Such placement shall allow for public enjoyment and its form and location shall be approved by City Council considering the recommendation of the City's Public Art Committee. The determination as to whether a monetary contribution or art donation shall be made prior to the issuance of vertical building permits for Block 2A as identified on Exhibit D, with the monetary contribution due at that time.

City Walk proposes to contribute on-site artwork at a value to be agreed upon by the developer and the City subject to review of the Public Art Committee or provide a monetary contribution in an amount to be agreed upon by the developer and the City. The determination as to whether a monetary contribution or on-site art shall be made prior to the issuance of vertical building permits with any monetary contribution due at that time.

- n o. The maintenance of all landscaping within and surrounding the development, including but not limited to landscaping within the right-of-way, shall be the responsibility of the property owner, their successors or assigns.
- o p. The landscape plans prepared by Johnson Engineering dated October 17, 2005, are approved conceptually for Phase I. The final details and planting specifications shall be approved by the Manager, Parks Division, Public Works Department, with the consent of the Beautification Advisory Board, prior to the issuance of certificates of occupancy for Phase I. Phases II and III shall comply with Landscape plans prepared by OPI – Outside Productions International dated 12/20/2018
- p q. The developer shall be required to replace ~~the existing~~ any impacted royal palms along the McGregor Boulevard street frontage with new royal palms. The new royal palms shall be a minimum of sixteen (16) feet of gray wood at planting and of Florida Fancy, Grade A quality. The exact spacing of the palms shall be approved by the Manager, Parks Division, Public Works Department prior to the issuance of building permits for vertical construction. Final placement to be determined by the Manager, Parks Division, Public Works Department, in compliance with applicable state and local historic legislation.
- q r. The developer shall be required to pay all fire impact fees, per phase, at the issuance of the first building permit for vertical construction for each phase.
- r s. All overhangs (awnings) shall be a minimum of eight (8) feet in depth.

Completed

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- s t. Overhangs along the north frontage of Publix shall stretch the entire length of the facade facing the parking lot. **Completed**
- t u. All mechanicals (air conditioning, water meters, fire valves, etc.) for Phase I, townhomes and grocery store, shall be screened from view. **Completed**
- u v. The Northeast and Southeast Elevations shall be reduced by eight (8) feet per the revised elevations prepared by Councilman Michael Flanders and attached as Exhibit C. **Completed**
- v w. The developer shall revise the site plans, Exhibit B, to increase the set back of Phase I along McGregor Boulevard by nine (9) feet. This can be accomplished by either removing one (1) row of landscape parking islands or by removing one (1) row of parking. **Completed**
- w x. The developer shall study the possibility of requiring all truck traffic to utilize Altamont Avenue and not Clifford Street. **Completed**
- x y. The developer shall grant a public access easement for City Walk Village Court prior to the issuance of building permits for vertical construction. ~~of Phase III.~~
- y z. Phase 1 of the First Street Village PUD shall comply with the terms, conditions and deviations for this Planned Unit Development, reflected on the site plan prepared by Johnson Engineering, with a revision date of September 1, 2005, and signage package as prepared by DeNyse Signs dated September 20, 2005, shall be binding on the applicant, their successors or assigns.

City Walk PUD, formerly known as Phases II & III of the First Street Village PUD, shall comply with the Site Plan prepared by Banks Engineering with a revision date of 2/24/2019 and the sign package prepared by Lee Designs, dated 1/29/19 Revision "J"
- z. All loading zones shall be internal to the project.
- aa. Formal traffic site plan review will be performed at the time of site plan application, this will include review for fire vehicle circulation and obstructions within site triangles.
- bb. The Planned Unit Development for the First Street Village will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: phase one consists of the block containing the grocery store; phase two is the center block consisting of the retail plaza and residential units; and phase three is the western most residential block. The phase one linear buildings that screen the surface parking

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lot shall be completed prior to or concurrent with the issuance of the Certificate of Occupancy for phase two. Construction permits must be applied for within twelve (12) months from the date of the Planned Unit Development approval and construction completed within five (5) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this Planned Unit Development are reserved for the Developer during the period of the suspension.

The Planned Unit Development for the First Street Village Phase One consisting of the block containing the grocery store is complete. City Walk will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: City Walk Phase I consists of the parking garage, infrastructure and multi-family; City Walk Phase II consists of the hotel site, and City Walk Phase III will be the mixed-use/commercial/townhouse parcel. Construction permits must be applied for within four (4) years from the date of the planned unit development approval and construction completed within seven (7) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this planned unit development are reserved for the Developer during the period of the suspension.

6. Recommended Action

Find the amendments to the City Walk Planned Unit Development formerly known as the First Street Village Planned Unit Development consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

Mr. Stockman asked if there were any questions from the Board for staff. Hearing none Mr. Stockman called the applicant to the podium for their presentation.

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Russell Schropp, Henderson Franklin, representing the applicant, began applicant's PowerPoint presentation. Joseph Bonora City Walk LLC & Catalyst Asset Management, owner/applicant, gave a description of the project and stated that their goal is to start construction in the beginning of June 2019. Mr. Bonora stated the apartments will all be market rate. Mr. Bonora also stated in addition to the project layout change the density, intensity, and height have been reduced.

Mr. Keene asked to clarify whether the buildings will be apartments or condos, in which Mr. Bonora verified they will be apartments.

Mr. Hart asked if the maximum setback was increased and why. Mr. Bonora stated, in relation to McGregor Boulevard, they wanted to keep the same McGregor scenic as much as possible. Ms. DeVaughn clarified the zoning setbacks in the Urban Community are zero (0) minimum and ten (10) foot maximum, therefore the request includes additional setback over the ten-foot maximum.

Mr. Schropp introduced the first presenter Stacey Ellis Hewitt, AICP, and asked that she be accepted as an expert. Stacey Ellis Hewitt, AICP, was accepted in as an expert. Ms. Hewitt presented the details of the project through a PowerPoint, including a comparison of what was previously approved and the proposed site plan.

Mr. Schropp introduced Ted B. Treesh, who was accepted as an expert witness.

Mr. Treesh presented the transportation details for the proposed PUD. Mr. Treesh stated there will be a reduction of weekday PM peak hour trips by approximately 7.5% and the daily trip generation overall will be reduced by approximately 3.7%.

Mr. Stockman asked if the parking issue has been evaluated. Mr. Treesh clarified his analysis has only concentrated on the transportation portion of the project.

Mr. Timmons asked how current are the traffic readings of First Street and McGregor Boulevard that Mr. Treesh is providing. Mr. Treesh stated the readings were done in 2018, and the traffic data used for the level service analysis is the latest data available from the County and the State.

Mr. Stockman asked if there were any other questions for Mr. Treesh, there were none.

Ms. Hewitt asked to explain a requested correction to Warrant #7, regarding the signs. The warrant should state "East" for signs C & F as described in the sign package instead of "south" as listed in the warrant.

Jonathon Hart requested clarification regarding warrants vs deviations. Ms. DeVaughn stated the terms "warrant" and "deviation" are synonymous.

Ms. Hewitt presented on the Comprehensive Plan Consistency Analysis. Requested a revision to Condition M requesting that the line which reads, "The determination as to whether a monetary contribution or on-site art shall be made prior to the issuance of certificate of occupancy for vertical building permits with any monetary contribution

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due at that time” to amend to prior to issuance of certificate of occupancy. Ms. DeVaughn requested if it could be amended to state that the determination should be made prior to the issuance of certificate of occupancy of the first building. Mr. Bonora agreed to the change to the issuance of certificate of occupancy of the first building.

Ms. Hewitt discussed Condition BB which described the phasing for the previously approved PUD and their request to remove the prior language and only include language reflecting the current phasing for the remainder of the PUD.

Mr. Isaac discussed Condition B and what the \$1.3 million would be used for and if that is something that the City is getting.

Ms. DeVaughn stated Condition B needs to be amended to reflect the revised PUD request and that the monetary value will be removed. Mr. Isaac stated the affordable housing should be retained. Ms. DeVaughn stated the applicant is no longer requesting bonus density so there is no rational nexus to request the affordable housing contribution.

Mr. Keene questioned, in regard to the schedule of uses, on the master concept plan, what it means when it says institutional limited by PUD. Ms. Hewitt stated that the language came from the Urban Center of permitted uses. Ms. DeVaughn stated institutional uses are defined as structures and related land use by organizations providing educational, social, and recreational services to the community and nonprofit organizations such as colleges, universities, elementary and secondary schools, community centers and clubs, civic and religious facilities, and museums. Clarification was made regarding the exclusions to the health service uses.

Mr. Keene asked where the parking will be located. Ms. Hewitt stated that all required parking is located internal to the property and is private. The proposed 8 spaces on West First Street are not being counted, as they are in the right-of-way and are open to the public. Mr. Keene then asked where service parking would be located. Ms. Hewitt stated there will be parking provided for the future phases as well and it does meet the code requirement. Ms. Hewitt stated there are no loading areas required for the multifamily area and they have agreed with staff that any loading areas proposed for the future be located internal to the site. It was stated that when the hotel comes in that site will need to provide its own service area.

Mr. Stockman asked what the site would look like while the Phase 1 is under constructed. Mr. Bonora stated the entire site will be fenced during construction, with the hope that the construction of the site will be 6 months after the beginning of Phase 1. Mr. Bonora described the plans for the future hotel site parking and the potential for a need to provide signage indicating private vs public parking onsite. Mr. Keene suggested trying to make a designated service vehicles parking area.

Mr. Stockman asked if there were any other questions for the applicant. Hearing none, Mr. Stockman opened the public comment portion.

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PUBLIC INPUT: Sheryl Roukert, 2350 W First Street, stated she was concerned about how traffic flow will make it difficult to see traffic coming out of their driveway, and other than that she thinks it is a great plan.

Hearing no additional public comment, Mr. Stockman reopened the item for any other Board discussion.

DISCUSSION: Mr. Ink asked what the status of rehabilitating Virginia Avenue, in between McGregor Boulevard and First Street. Bill Porter, engineering, stated it is part of the concept and plans to be able to do improvements along the way for streets along this project. Mr. Porter also stated they have received some contributing funds from the First Street Village PUD and that this has not been forgotten. The City has a consultant and plans for the street improvements, but they will need to be funded prior to being constructed.

Ms. DeVaughn showed an aerial image of the streets being discussed.

It was **moved** by Mr. Ink, to find the amendments to the City Walk plan consistent with the comprehensive plan and LDC with revisions: Warrant #7 is being changed to “East”, the amenity center is five (5) stories, there will be revised language for the art on site and remove institutional from the schedule of uses. It was **seconded** by Mr. Isaac, and **unanimously approved** (7-0 vote).

NO. 4: CONTINUED PUBLIC HEARING: Consider an amendment to Land Development Code Chapter 138 Vegetation.

STAFF REPORT

PUBLIC HEARING: Agenda Item #4: Consider amendments to Chapter 138 - Vegetation of the Land Development Code.

The proposed amendments to Chapter 138 include clarification of requirements and processes relating to landscaping, open space and indigenous vegetation. The amendment also includes a general “clean up” of the recommended trees and palms for plantings list based upon consultation with UF/IFAS Extension Staff and licensed Landscape Architects.

Key substantive amendments include the following:

- Clarification of open space and indigenous vegetation requirements, including unique requirements for “large” and “small” developments.
- Addition of heritage tree protection regulations, including replacement criteria.
- Modifications to the buffer yard table and buffer requirements, including clarification on recreational buffering requirements.

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- Addition of alternative landscape betterment process to reflect Staff's current policy and procedures for administratively approving deviations from the buffer yard requirements.
- Addition of language to address conflicts between utilities and landscaping based upon consultant with Public Works Staff.
- Refinements and minor modifications to specific corridor street tree requirements.
- Elimination of the recommended trees list as the listing is not enforceable and contains several undesirable species.
- Refinement to prohibited and nuisance species.

The amendments will improve the Land Development Code's consistency with the Comprehensive Plan and are generally intended to provide flexibility, innovative and creative design approaches, and a more predictable and clear set of processes and procedures for pursuing development in the City.

RECOMMENDED ACTION: Recommend approval of the amendments to Chapter 138 – Vegetation; find the request consistent with the Comprehensive Plan and the Land Development Code; and recommend approval of the project to the City Council.

END OF STAFF REPORT

Alexis Crespo, Waldrop Engineering, representing staff, discussed starting her presentation of this item starting on page 8 where they left off at the previous meeting. Discussion was held regarding starting where the discussion left off at the last meeting.

Ms. Crespo began her presentation with the changes from the previous meeting which began on page 2, stating it was built in that at least 80 percent of the shoreline needs to be sodded in order to meet the requirements for open space.

Ms. Crispo clarified on page 7, the buffer has been reduced to 15 feet with a minimum six (6) foot high opaque wall with plantings on the outside of the wall. On table three (3), page eight (8) agricultural uses, if a property has agricultural exemption next to proposed development, then there is not a buffer required by any development adjacent to that property. Ms. DeVaughn stated the City does not permit agricultural to be ongoing, there are several properties which have agriculture uses. Ms. Crispo reiterated the situation would be temporary. Ms. DeVaughn stated in the City, the Comprehensive Plan expressly prohibits agricultural uses within the City of Fort Myers. Ms. Crispo stated the wording addition will be struck out and it will go back to the original clause which states the developer can buffer based on the zoning district where there is not an existing use.

Mr. Keene suggested, that on table three (3) page eight (8), for Industrial, that there be no buffer, and also suggested taking the last column "Right of Way" completely out of the table. Mr. Hart asked what the function of a buffer is. Ms. Crispo stated it is to separate incompatible uses and the more compatible the uses are, the smaller the buffer is and that it also provides aesthetics. Ms. Crispo verified that the Mr. Keene

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suggests, on table three (3), eliminating the Agricultural column to eliminate the Right of way bottom row and remove the type D buffer required to be between Industrial and Industrial.

Ms. DeVaughn stated, regarding page seven (7) buffer reduction, if a wall is provided then the buffer is reduced by half of the amount and it would move the Industrial Use significantly closer to any future residential, so the buffer should be kept at 30 feet.

Ms. Crispo verified that on page 16, plans are not required to be prepared by a licensed Landscape Architect, therefore they do not have to be certified, will not be struck out. This will allow the PE to certify smaller projects.

Ms. Crispo discussed the tree root conflict with sidewalks and advised on page 18, the requirement for root barriers has been added as well as subsection 5 under D removing "suggest" and making the requirement that there be 10 feet between tree and fire hydrants. Also doing the same for 6 and 7. Suggested is a guide and is not enforceable.

Mr. Keene asked if someone is building a single-family subdivision and are putting in streets, are they required to have street trees. Ms. Crispo stated they would not be required to have street trees and that each lot have a minimum of one (1) tree. Mr. Ink stated he does not think that would be sufficient space for the tree. Ms. Crispo stated it would be put further into the lot. Mr. Hart discussed placing trees in the median on public roadways. Mr. Isaccs discussed a previous project where this was an issue. Ms. Crispo stated that they added on page 17 that local streets are exempt from the street tree requirements. Bill Porter, Engineering, stated under Section 134 for private streets, all private streets are treated as public local streets, so the design is looked at as a city owned street. Mr. Porter agreed to the changes on page 18 where the trees are held away from sidewalks and utility lines and states that this will not solve all of the problems but minimize most of the issues.

Mr. Keene asked for clarification on page 17 Section 138.72 (A), as he does not understand the wording as well as Section C. Ms. Crispo stated the conditions are more for private developments and is for streets within the Plantation subdivision, for example where they are planting Live Oaks and they are growing into the sidewalks. Mr. Keene suggested having paragraph "A" read, "required right of way buffers along streets listed in subsection "E" must comply with the applicable street tree requirements." Mr. Keene voiced his concern about trees in the street rights-of-way due to maintenance issues.

Mr. Stockman suggested continuing this item as the meeting has been going on since 1 pm and the need to discuss the street tree issue further. The item would be continued to the date certain of April 3, 2010 at the next regularly scheduled Planning Board meeting.

Grant Alley, Attorney reminded Mr. Stockman that this item was quasi-judicial and should be opened for public input. As such, Mr. Stockman asked that the motion be placed on hold and opened the item to public input. No members of the public came forward. Mr. Stockman then closed the public input portion and requested the

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motion to continue Item No. 4 to the date certain of April 3, 2010 at the next regularly scheduled Planning Board meeting.

MOTION: It was **moved** by Mr. Keene, **seconded** by Ms. Mitchell, and **unanimously approved** (7-0 vote) to continue this agenda item to April 3, 2019, Planning Board meeting in City Council Chambers, City Hall at 1:00 p.m.

NO. 6: PUBLIC HEARING PUBLIC HEARING: Development Agreement for Colonial Gateway Commerce Park subdivision located at 11250 SR 82, FORT MYERS FL 33905 and additional properties as identified by STRAP Number 25-44-25-P4-00600.00B1 and 25-44-25-P4-00062.0000 (QuasiJudicial)

Agenda Item No. 6 was withdrawn

NO. 7 OTHER BUSINESS

Hearing no other business Mr. Stockman adjourned the meeting at 6:46 p.m.

Note: For detailed information on the presentations and discussions held at the March 6, 2019, Planning Board Meeting, a recording of the meeting can be purchased from the City Clerk's Office or the meeting could be viewed at the City of Fort Myers Website at www.cityftmyers.com.

(Instructions: Go to City of Fort Myers Website; open Government and Officials meetings; select City Meetings; select 2019 City Board Meetings; scroll down and select Planning Board; and select the date of the Planning Board meeting.)

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MEETING MINUTES FROM AUGUST 7, 2019**

The Planning Board for the City of Fort Myers met in regular session at Oscar M. Corbin, Jr. City Hall, Council Chambers, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, August 7, 2019, at 1:00 p.m.

CALL TO ORDER – Chair, Justin Stockman, called the meeting to order at 1:02 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call; all members present except William Keene, James Ink and Derrick Isaac.

Members Present

Darlene Mitchell
Justin Stockman
Jonathan Hart
Charles
De
Matthew Leger
Greg Fous

Members Absent

Derrick Isaac
James Ink
William Keene

Timmons

Community Development Staff Present

Steven Belden, Community Development Director
Anthony Palermo, Assistant Community Development Director
Laura Tefft, Senior Planner
Monique John, Senior Staff Assistant

Other City Staff Present

Travis Cary, Assistant City Attorney
Gwen Carlisle, City Clerk
William Porter, Engineering Division, Staff Engineer

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City Clerk, Gwen Carlisle, swore in Matthew Leger for the Oath of Office.

Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES: It was **moved** by Mr. Fous and **seconded** by Ms. Mitchell to approve the minutes from the 6 p.m. meeting on April 3, 2019. The Motion **passed unanimously** 6-0.

APPROVAL OF MINUTES: It was **moved** by Mr. Fous and **seconded** by Mr. Hart to approve the minutes from the minutes from May 1, 2019. The motion **passed unanimously** 6-0.

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS – None

NO. 1 EX PARTE: None

NO. 1 PUBLIC HEARING: CONSIDER A REQUEST TO REZONE TWO PARCELS OF LAND ZONED COMMERCIAL INTENSIVE (CI) TO THE HEAVY INDUSTRIAL (IH) ZONING DESIGNATION. THE PROPERTIES CONSISTING OF 10.20 ACRES, MORE OR LESS, ARE LOCATED AT 9039 HIGH COTTON LANE AND IDENTIFIED BY STRAP NUMBERS 15-44-25-P4-00100.0130 AND 15-44-25-P4-00061.0000. (QUASI-JUDICIAL)

STAFF REPORT

PUBLIC HEARING: Agenda Item #1 Consider a request to rezone two parcels of land consisting of 10.20 acres, more or less, located at 9039 High Cotton Lane and identified by STRAP Numbers 15-44-25-P4-00100.0130 and 15-44-25-P4-00061.0000 zoned Commercial Intensive (CI) to the Heavy Industrial (IH) zoning

1. Application Information

designation. (Quasi-Judicial)

Owner:	9039 High Cotton LLC
Agent:	Brian R. Smith, Ensite, Inc.
Address:	9039 High Cotton Lane, Fort Myers, FL 33905
Location:	East end of High Cotton Lane within High Cotton Lane Industrial Park, North of Dr. Martin Luther King Jr. Blvd., west of I-75 and south of Laredo Ave.
Size:	10.20 acres, more or less
STRAP No.:	15-44-25-P4-00100.0130 & 15-44-25-P4-00061.0000
Zoning:	Commercial Intensive (CI)
Future Land Use:	Industrial (IND)

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Request:	The rezoning of two parcels of land zoned Commercial Intensive (CI) to the Heavy Industrial (IH) zoning designation.
Case Number:	19RZ01

2. Request

Brian R. Smith, Ensite, Inc., representing the owner, request approval for the rezoning of two parcels of land zoned Commercial Intensive (CI) to the Heavy Industrial (IH) zoning designation. The rezoning will allow the property to include additional uses consistent with the surrounding industrial uses. A site plan is not required for the rezoning application and is not included.

3. Staff Review

The Fire Marshall, Public Works Department and Engineering Division staff reviewed the rezoning request and have no objections or comments. Planning staff supports the rezoning of the parcel from Commercial Intensive (CI) to Heavy Industrial (IH).

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, the current action and standards that apply is Future Land Use Element, Policy 1.11 for **Industrial (IND)**:

Policy 1.11) Designate areas on the Future Land Use Map as Industrial (IND) that are areas integral to strengthening the City’s economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, and fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in light industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

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5. Public Notice

A total of 17 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with two signs alerting the general public about the case; an ad ran in the News-Press; and the case was posted in City Hall. All actions occurred at least 10 days prior to the August 7, 2019, meeting. One email of objection was received on June 24, 2019 and is attached to the staff report. No letters were returned undeliverable as of July 29, 2019.

6. Staff Recommendation

Staff finds the request for rezoning the of parcels located at 9039 High Cotton Lane, identified by STRAP Numbers 15-44-25-P4-00100.0130 and 15-44-25-P4-00061.0000, consistent with the Comprehensive Plan and Land Development Code, and staff recommends approval of the rezoning.

7. Recommended Action

Recommend approval of the request for rezoning of 10.2 acres, more or less, located at 9039 High Cotton Lane and identified by STRAP Numbers 15-44-25-P4-00100.0130 and 15-44-25-P4-00061.0000 consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

Laura Tefft, Senior Planner for the City of Fort Myers, gave a brief overview of the 9039 High Cotton Lane rezone request.

Rose Marie Fusco, planner with Ensite Inc., agent for property owner, clarified that access to the site would be from High Cotton Lane and not be from Watts Road. She indicated that there is an application under review for the SIT permit.

At 1:26 p.m. Assistant City Attorney, Travis Cary, attended the meeting.

Mr. Stockman opened Public Comment in which there were none.

It was **moved** by Mr. Fous to recommend **approval** for the requested item with staff recommendations and the caveat that the current action standards apply to the Future Land Use element, **seconded** by Mr. Timmons and **unanimously approved** 6-0.

NO. 2 EX PARTE: None

NO. 2: PUBLIC HEARING: CONSIDER A REQUEST FOR A PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW A MULTI-FAMILY DEVELOPMENT INCLUDING OPEN RESIDENTIAL, OPEN OFFICE AND ARTISANAL USES WITH A MAXIMUM

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OF 13 DWELLING UNITS AT 2528 THIRD STREET TO BE KNOWN AS THE GARDNER'S PARK GROVE PLANNED UNIT DEVELOPMENT. THE 0.87 ACRE, MORE OR LESS, PARCEL IS ZONED URBAN GENERAL. (QUASI-JUDICIAL)

STAFF REPORT

PUBLIC HEARING: Agenda Item #2 Consider a request for a Planned Unit Development (PUD) to allow a multi-family development including open residential, open office and artisanal uses with a maximum of 13 dwelling units, at 2528 Third Street to be known as the Gardner's Park Grove Planned Unit Development. The 0.87 acre, more or less, parcel is zoned Urban General. (Quasi-Judicial)

1. Application Information

Owner:	Fort Myers Land and Homes, LLC
Agent:	Veronica Martin, TDM Consulting, Inc.
Address:	2528 Third Street, Fort Myers, FL 33901
Location:	East of Fowler and west of Evans Ave./Park Ave. with frontage on Third Street, Fourth Street and Hough Street
Size:	0.87 acres, more or less
STRAP No.:	13-44-24-P3-02502.0050
Zoning:	Urban General (U-GEN)
Future Land Use:	Downtown (D/T)
Request:	A Planned Unit Development (PUD) on property located at 2528 Third Street to allow the construction of a multi-family development.
Case Number:	18-PUD-06

2. Request

Veronica Martin, TDM Consulting, Inc., representing the owner, requests the approval of a Planned Unit Development (PUD) to construct a multi-family development consisting of a mix of housing types with a maximum building height of 45 feet/three (3) stories to be located at 2528 Third Street. The proposed development requests a maximum of 15 dwelling units per acre (13 dwelling units) to include multi-family residential, artisanal, and open office uses as permitted in the Urban General zoning district. This property is permitted 10 dwelling units by right (12 du/ac x 0.87 ac = 10.44 du) and is requesting the 30% additional bonus units (15 du/ac x .87 ac = 13 du).

3. Staff Review

I. Schedule of Uses: The uses permitted on this site shall comply with the allowable uses of multi-family residential, artisanal, and open office uses as permitted in the Urban General zoning district.

II. Warrants (Deviations from the Smart Code): The list of warrants proposed are as follows:

- (1) **Land Development Code Requirement:** Section 118.8.6.f.1. Urban General Summary Table. Residential Base Density of 12 units per acre maximum.
Warrant: Permit a Residential Base Density of 15 dwelling units per acre (13 dwelling units).
- (2) **Land Development Code Requirement** Section 118.8.6.f.1. Urban General Summary Table, Setbacks and Section 118.5.b.1.b Urban General zoning district regulations, setbacks. Front setback: 15 foot minimum, 25 foot maximum. Side setback: 5 foot minimum, 30 foot maximum. Rear setback: 10 foot minimum.
Warrant: Allow a minimum setback of 10 feet to Third Street, a minimum setback of 10 feet to Fourth Street, a minimum setback of 7.5 feet to Hough Street, and a minimum side setback of 5 feet.
- (3) **Land Development Code Requirement:** Section 118.8.5.a.6.f Parking lots abutting residential uses shall be secured by a combination of a solid six-foot wall of masonry or other materials as approved by the director, with four shade trees and 25 shrubs every 100 linear feet.
Warrant: Allow the parking lot adjacent to residential uses to have a modified wall and vegetation.
- (4) **Land Development Code Requirement:** Section 118.8.5.B.1.e Entrance orientation. Buildings shall have their principal entrances facing the street, however if physical constraints result in a condition where a side-facing entrance better complies with the intent of the downtown plan and urban-general district, a side-facing entrance may be approved by warrant as provided in section 118.8.3.
Warrant: Permit the buildings on Third Street and Fourth Street to have a side-facing principal entrance.
- (5) **Land Development Code Requirement:** Section 118.8.8.5.B.5.b Architectural Standards. Buildings shall have sloped roofs.
Warrant: Permit the Multi-family building identified as “Sage” to have a flat roof. If mechanical equipment is located on the roof it shall have a parapet wall a minimum of 42 inches.

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III. Terms and Conditions: The terms and conditions for the Planned Unit Development (PUD) are as follows:

- a. This Planned Unit Development (PUD) known as Gardner's Park Grove Planned Unit Development (PUD) is for the construction of a maximum of 15 dwelling units per acre (13 dwelling units), containing multi-family residential, artisanal, and open office uses with a maximum building height of 45 feet/three (3) stories as permitted in the Urban General zoning district, Land Development Code Section 118.8.5.B.
- b. Bonus density shall be awarded on a percentage basis, per Land Development Code Section 118.8.5.A.4.a.1. Parcels greater than 0.5 acres. In addition to the base density, intensity and height allowed within the underlying zoning district, a 30% bonus density, intensity and height may be awarded to parcels which are greater than 0.5 acres. The base maximum density for this site is 12 dwelling units per acre with a 30% bonus density of 3.6 dwelling units per acre for a total of 15.6 dwelling units per acre. The size of the property is 0.87 acres; therefore, the site is eligible for a maximum density of 13 dwelling units per acre.
- c. Community contribution fee per Land Development Code Section 118.8.5.A.4.b. Upon approval of bonus density allocation by the city council, the developer/applicant shall pay a community contribution fee in the amount of \$10,000.00 per approved bonus dwelling unit that the city shall deposit in a community contribution fund. The funds shall be used for costs associated with the development of affordable/workforce housing, public open space/recreation areas, infrastructure improvements, public transportation, public parking, or other community facilities and amenities within the downtown and midtown areas only. Multi-phased projects may pay their community contribution fees at the time of building permit issuance for each phase. The request is for 3 bonus dwelling units for a total of \$30,000.
- d. The Planned Unit Development shall be constructed in accordance with the PUD Site Development Plan, Sheet 1, prepared by TDM Consulting, Inc., with a revision date of May, 2019; and the landscaping shall be installed in accordance with the Landscaping Plan, Pages L-1 and L-2, prepared by Gregory J. Diserio, Registered Landscape Architect, David M. Jones, Jr. and Associates, Inc. with an issue date of Jan. 31, 2019.
- e. Approve the warrants as contained in this staff report. Additionally, the applicant shall comply with all other requirements of the Land Development Code.
- f. The timeframes for construction are as follows: apply for building permits by July 15, 2024 commence construction by July 15, 2025 and complete all construction by July 15, 2029. If for any reason, the Developer is not able to meet the timeframes set forth above, the

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Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason.

- g. The terms, conditions, and warrants for the Gardner's Park Grove Planned Unit Development, as reflected on the site development plan by TDM Consulting, Inc., with a revision date of May, 2019; and the landscaping plan, prepared by Gregory J. Diserio, Registered Landscape Architect, David M. Jones, Jr. and Associates, Inc. with an issue date of Jan. 31, 2019 and on file in the City Clerk's Office, set forth in this ordinance shall be binding on the Developer, its successors or assigns.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, the current action and standards that apply is **Downtown (D/T) Policy 1.7** as follows:

Policy 1.7) Areas on the Future Land Use Map designated as **Downtown (D/T)** in accordance with Map E will be redeveloped as the pre-eminent regional mixed-use development center. Properties located within the Downtown Historic District shall be developed or redeveloped in accordance with this policy and the Historic Preservation Element of the Comprehensive Plan. The maximum base (not including bonus) density allowed within the D/T District is 70-units/acre and the maximum base (not including bonus) intensity for non-residential uses is eight (8) FAR. The maximum densities and intensities for each zoning district shall be further defined by the Land Development Regulations. Additional density, intensity (FAR) and height may be approved only through the bonus incentive program, as described in Policy 1.9 and as implemented through standards and procedures in the Land Development Regulations. Bonus shall be approved through the Planned Unit Development process.

Action 1.7.1) Designate on the City's Zoning Map and provide land development regulations for uses appropriate for the redevelopment and revitalization of Downtown Fort Myers and the standards below, with institutional uses such as nonprofit organizations, schools, and churches and related uses allowed in all land use categories except Civic.

Policy 1.17) Within each land use classification, the Land Development Regulations shall distinguish between permitted uses and conditional uses. Planned Unit Development requirements shall be established in the Land Development Regulations.

Action 1.17.3) A Planned Unit Development is designed and developed in an integrated and cohesive fashion, under single ownership or unified control, providing for flexibility and clustering of uses. Specific standards and criteria

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shall be met in order for developments to be approved as a Planned Unit Development.

Policy 1.9) Bonus Incentive Program. The Bonus Incentive Program shall allow additional density, intensity, and height for new developments and redevelopment in the Downtown Future Land Use District and Midtown Future Land Use District, where appropriate. The number of bonus density residential dwelling units and the amount of bonus non-residential intensity available shall be based on surplus utility capacity, which is depicted geographically on Map F. Standards and procedure for awarding of bonus density, intensity, and height shall be specified in the Land Development Regulations, however the allowable bonus density and intensity shall not exceed the available surplus equivalent units as quantified based on utility system capacity on Map F. Any development or redevelopment project that is awarded for bonus density, intensity, or height is subject to a bonus incentive requirement, the standards and procedures for which shall be outlined in the Land Development Regulations. The cost of new infrastructure improvements necessary for the construction of any development will be paid by the developer. The City Manager or designee shall keep an account of all surplus equivalent dwelling units built and surplus equivalent dwelling units granted to approved, but unbuilt, developments.

Action 1.9.1) Bonus shall be awarded in accordance with the following parameters:

Standard 1.9.1.1) The maximum bonus that may be awarded for any development on any parcel that is greater than 0.5 acres is 30% of the base maximum.

Action 1.9.2) Bonus shall be approved through the Planned Unit Development process as described in the Land Development Regulations.

5. Public Notice

A total of 46 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with a sign alerting the general public about the case; an ad ran in the News-Press; and, the case was posted in City Hall. All actions occurred at least 10 days prior to the August 7, 2019, meeting. No comments or objections were received as of July 29, 2019.

6. Staff Recommendation

Staff finds the Gardner's Park Grove Planned Unit Development (PUD) at 2528 Third Street consistent with the Comprehensive Plan and Land Development Code and staff recommends approval of the request with the warrants and conditions contained in this staff report.

7. Recommended Action

Recommend approval of the Gardner's Park Grove Planned Unit Development at 2528 Third Street to allow the maximum of a 13 dwelling unit multi-family development,

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consisting of a mix of housing types with a maximum building height of 45 feet/three (3) stories, in accordance with the site development plan, warrants, and terms and conditions; and find the request consistent with the Comprehensive Plan and the Land Development Code; recommend approval of the project to the City Council.

END STAFF REPORT

Laura Tefft, Senior Planner for the City of Fort Myers, gave a brief overview of the rezone request.

Veronica Martin, Senior Planner at TDM Consulting Inc., representing the owner, passed out a presentation packet to the Board regarding the agenda item. (See Exhibit 1)

Jerry Miller, property owner, gave a short presentation on the proposed project being requested.

Ms. Martin presented additional information on the proposed agenda item including architectural renderings of the proposed buildings.

Mr. Fous asked what the square footage of the smallest unit would be. Mr. Miller advised the square footage would be 750. Discussion was held regarding the density. Mr. Fous asked if the intention was to sell the property or to rent it and Mr. Miller advised that he planned on selling the buildings.

Mr. Timmons questioned which building had a nine (9) foot setback. Ms. Martin advised it would be the building located on Hough Street and that TDM Consulting is requesting for a variance of 7.5 feet for that setback rather than setback of 14 feet. Mr. Timmons stated that he feels that with the requested setbacks, the buildings are too close to the street and also take away from the aesthetics of the development.

Mr. Miller stated that there is only room for one (1) commercial unit on the property. Mr. Stockman stated that he would like to have it clarified that if the commercial building is placed on the property, there will be sufficient parking for everyone. Mr. Miller advised that if the commercial building is approved, then the staff would do calculations and make sure that the correct amount of parking spaces are installed in order to be compliant.

Mr. Stockman inquired if there would be any sidewalks. Ms. Martin advised that because driving area is considered an internal driveway and not a right of way, sidewalks are not required, however TDM Consulting would still be attempting to install sidewalks during the permitting process to provide a more pedestrian friendly facility.

William Porter, engineering, stated that since the area is deemed as an internal driveway and not a right of way, installing sidewalks would not be required. Mr. Miller advised the board that TDM Consulting will do as much as possible to install any sidewalks that are able to be installed during construction.

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Mr. Stockman opened the meeting for public comment, seeing none the item was closed for public comment and brought back to the Board for discussion and motion.

It was **moved** by Mr. Fous to recommend **approval** of staff recommendations for the proposed agenda item and **seconded** by Ms. Mitchell.

Mr. Timmons asked if there will be any sidewalks along the building on Hough Street. Mr. Miller advised that sidewalks will be provided in as many places as possible during construction and that there will also be an entrance into the building at the front.

Mr. Stockman stated that he would support moving forward with the motion, as long as it is in writing from the Planning Board to recommend to City Council to make sure that the Planning Board does hold the applicant responsible to address the concerns that were raised in regards to the parking if there is going to be either a single unit building or two (2) unit commercial building, and that there will be adequate parking but also that the concern raised in regards to the access point from the parking lot to the front of the building would be addressed as well. Mr. Stockman asked Mr. Timmons if he would agree to amend his motion.

Mr. Timmons stated that he agreed to **amend the motion** to support the conditions given by Mr. Stockman and the Board, Ms. Mitchell **seconded** the motion.

Mr. Hart stated that he did not agree with the conditional motion as he feels stipulating parking is not in the Boards purview.

Mr. Stockman called the motion to a vote, and the vote **passed** 5-1.

NO. 3: PUBLIC HEARING: CONSIDER A REQUEST FOR AN AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE 68.5 +/- ACRES OF THE 153.9 +/- ACRES OF PROPERTY LOCATED AT 5990 LUCKETT ROAD AND IDENTIFIED BY STRAP NUMBERS 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, AND 15-44-25-P3-U2077.4781 FROM CORRIDOR COMMERCIAL (C/C) TO INDUSTRIAL (IND) WITH THE REMAINING PROPERTY TO REMAIN INDUSTRIAL (IND) AND CONSERVATION (CON).

Mr. Stockman closed agenda item number 3 and reopened the first two (2) agenda items for all witnesses to be sworn in. Prospective witnesses and those persons that presented testimony were duly sworn by Travis Cary, Assistant City Attorney.

Mr. Stockman closed agenda items NO. 1 and 2 and reopened agenda item NO 3.

Laura Tefft, Senior Planner for the City of Fort Myers gave a brief overview of the request to amend the Future Land Use Map and stated that a Planned Unit Development application was received on August 6, 2019 but had not been reviewed by staff.

STAFF REPORT

PUBLIC HEARING: Agenda Item #3 Consider a request for an amendment to the Future Land Use Map to change 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND) with the remaining property to remain Industrial (IND) and Conservation (CON). (Quasi-judicial)

1. Application Information

Owner:	Lockett Industrial LLC
Agent:	E. Bruce Strayhorn, Esquire
Address:	5990 Lockett Road, Fort Myers, FL
Location:	Southeast Quadrant of I-75 and Lockett Road
Size:	153.87 +/- acres
STRAP No.:	15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, 15-44-25-P3-U2077.4781
Zoning:	Commercial Intensive (CI) and Mixed Use (MU)
Future Land Use:	Industrial (IND), Corridor Commercial (C/C) and Conservation (CON)
Request:	Amend the Future Land Use Map classifications from Corridor Commercial (C/C) to Industrial (IND)
Case Number:	18-MAP-04

2. Request

E. Bruce Strayhorn, Esquire, agent for the Owner, is requesting to amend the Future Land Use Map for a 68.5 +/- acre portion of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND) to allow for future development. It is the intent of the present property owner to apply for a Planned Unit Development (PUD) to be approved concurrently with the adoption of the Future Land Use Map Amendment.

3. Staff Review

Lockett Industrial LLC is requesting a Future Land Use Map Amendment to change the classification of 68.5 +/- acres of the 153.9 +/- acres of property identified as Corridor Commercial (C/C) to Industrial (IND) for the property as identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-

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U2095.4843, and 15-44-25-P3-U2077.4781. The remainder of the property will maintain its Future Land Uses classification of Industrial (IND) and Conservation (CON). The maximum intensity of development attainable with the proposed Land Use Designation of Industrial (IND) is a total of 5,771,700 square feet (SF) with the remaining 932,184 SF located in Conservation Land (CON).

The subject property is located within the City of Fort Myers but properties to the east, north and part of the property to the west are located in unincorporated Lee County. The properties within the City of Fort Myers to the south are within the Conservation and Commercial Corridor Future Land Use Categories. The property within the City of Fort Myers to the west is located within the Industrial Future Land Use Category. The unincorporated Lee County properties are within the following Lee County Future Land Use Categories:

- West - Intensive Development
- North – Industrial Interchange
- North East & East – Urban Community

The proposed amendment is consistent with existing surrounding uses. The amendment will have no negative impact on historical and cultural resources. The impacts to public services are based on the maximum development potential for both the site’s existing future land use categories and the proposed future land use category. The Transportation Impact analysis and the Utility analysis are also based on those parameters.

Maximum Development Scenarios Pre and Post Amendment

CURRENT FUTURE LAND USE CATEGORIES

Future Land Use*	Acreage	Residential Density	Commercial Intensity (sq. ft.)	Industrial Intensity (sq. ft.)
Commercial Corridor	75	1,875 units (25 du/acre)	9,801,000 (FAR =3.0)	N/A
Industrial	79	N/A	N/A	3,441,240 (FAR=1.0)
Total	154			

PROPOSED FUTURE LAND USE CATEGORY

Future Land Use*	Acreage	Residential Density	Commercial Intensity (sq. ft.)	Industrial Intensity (sq. ft.)
Industrial	153.9			5,771,7000 (FAR = 1.0)

*Areas include Conservation lands to be preserved.

Both Parks and Schools have level of services determined by seasonal and year-round residential units. Under the current 75 acres of Commercial Corridor Future land use

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on site, the property could have up to 1,875 multi-family residential dwelling units. The Lee County School Board uses a student generation rate of .091 students per multi-family unit. This would generate approximately 171 students under the current future land use. The proposed future land use does not allow for residential development and would therefore not generate any students or impacts to the School District. Development under the proposed future land use would however generate tax revenues for the School District despite not generating any impacts.

Similarly, for Parks and Recreation, the existing future land use category, which would allow for 1,875 residential units, would have an impact on the demand for public parks. Standard 1.1.3.1 of the Fort Myers Comprehensive Plans lists 1 acre for 1,000 people for Community Parks and 2.5 acres for 1,500 people for Neighborhood Parks.

According to 2010 census data, the City of Fort Myers had a population of 62,298 people with a total of 37,057 residential units. This would equate to approximately 1.7 people per unit. With a total potential population of 3,188 people for the property, the current future land use would therefore generate a need for an additional 3 acres of Community Park area and 5 acres of Neighborhood park area. However, the proposed future land use category of Industrial does not generate any population or need for additional park area.

It is the intent of the present owner to apply for a Planned Unit Development (PUD) to be approved concurrently with the adoption of the Future Land Use Map Amendment.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply **are Industrial (IND) Policy 1.8** and **Conservation Lands (CON) Policy 1.11** as follows:

Policy 1.8) Industrial (IND) contains areas integral to strengthening the City's economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, and fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in light industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

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Action 1.8.1) Designate well located areas on the Future Land Use Map and provide regulations within the Land Development Regulations for future industrial use.

Standard 1.8.1.1) Industrial areas shall be designated after consideration of the following criteria:

- a) Located in close proximity (ideally 2½ miles or less) to Interstate interchanges;
- b) Rail frontage;
- c) Immediate access to or frontage on an arterial roadway;
- d) Useable lot sizes-typically 200 feet or deeper;
- e) Distance from residences, schools, and historic districts or sites;
- f) Easy access for employees;
- g) Optimum minimum size of 10 acres; and,
- h) Located so as to avoid routing industrial traffic through residential areas.

Action 1.8.2) Designate as much existing industrial area for continued use as possible without jeopardizing good land use patterns.

Standard 1.8.2.1) Existing industrial areas are designated as contiguous areas of industrial use at least eight (8) acres in size, with no more than half of the area being vacant.

Standard 1.8.2.2) Existing industrial areas which do not meet the criteria contained in Standard 1.8.2.1 may still be designated for continued industrial use considering the following:

- a) Impacts on adjacent uses;
- b) Condition of structures;
- c) Economic feasibility of relocating the industries.

Standard 1.8.2.3) The Land Development Regulations shall maintain standards that ensure compatibility of industrial land uses with other land uses and to mitigate any adverse impacts to the adjacent property owners such as impacts caused by noise, glare, or fumes. Site specific development details will be reviewed during the Site Development Plan review process

Policy 1.11) Conservation Lands (CON) are areas containing regionally significant wetlands and/or uplands that are, or will be, owned and used for long-term conservation purposes. Conservation lands shall be shown as a separate category on the Future Land Use Map (FLUM) because they are regionally significant wetlands and uplands. These are areas where the South Florida Water Management District or the Army Corp of Engineers or the City, have required the conservation of lands, both uplands and wetlands, through easements, dedications or restrictions. Permitted land uses in conservation lands consist of very low-density residential uses, at a maximum density of one unit for twenty acres and passive recreational uses, requiring minimal clearing such as boardwalks, hiking, canoeing, and the like. If there are adjacent

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upland areas that are under common ownership, the permitted density of the conservation lands shall be the same as the upland area, but the dwelling units shall be developed on the adjacent uplands and subject to Standard 1.11.1.3. All regionally significant wetlands under public ownership are not permitted any residential densities. If density from wetland areas is going to be located on contiguous uplands, the property under common ownership shall be rezoned to a planned unit development. Utilities, public roads, and transit corridors can be located in conservation areas, but the installation shall be consistent with the Conservation and Coastal Management Element of this Comprehensive Plan.

Standard 1.11.1.1) Regionally significant wetlands are those wetlands which have been identified as wetlands in accordance with F.S. 373.019(17) and F.S. 371.019(22) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211, which are part of a regional functional system which due to the location, size, quality, hydrological value, and environmental value have a significance. Regionally significant lands are areas where the South Florida Water Management requires the conservation of the wetlands or uplands through easements, dedications, or restrictions. Regionally significant wetlands are those wetlands identified on the FLUM as conservation lands.

Standard 1.11.1.2) Drawn boundaries will be based on those submitted on the regulating agency's permit application and will be adjusted to match the final issued permit.

Standard 1.11.1.3) Residential density transfer from CON lands to any other Future Land Use classification (east of Interstate 75) for adjacent uplands shall not exceed 1.33 times (1.33 * X) the maximum allowable gross density of the adjacent uplands. (e.g. If the gross residential density on the adjacent uplands is three (3) dwelling units per acre then the maximum upland (net) density of the overall site shall be 3.99 dwelling units per acre. Net upland shall include land not designated by the Water Management District, Army Corp of Engineers, or the City as Conservation Lands through easements, dedications or restrictions.)

Standard 1.11.1.4) Wetlands that are not regionally significant will be designated as CON if required by the South Florida Water Management or Army Corp of Engineers.

Standard 1.11.1.5) All undeveloped City owned property along Billy's Creek shall be designated

5. Public Notice

A total of 37 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with signs alerting the general public about the case; an ad ran in the News-Press; and, the case was posted in City Hall. All actions occurred at least 10 days prior to the August 7, 2019 meeting.

6. Staff Recommendation

Staff finds the Future Land Use Map amendment to change the classification of 68.5 +/- acres of the 153.9 +/- acres of property located at 5990 Lockett Road and identified by STRAP Numbers 15-44-25-P2-U2086.4854, 15-44-25-P2-U2085.4802, 15-44-25-P2-U2095.4843, and 15-44-25-P3-U2077.4781 from Corridor Commercial (C/C) to Industrial (IND), with the remaining property to remain Industrial (IND) and Conservation (CON) consistent with the Comprehensive Plan and Land Development Code. Staff recommends approval of the transmittal of the amendment to the Department of Economic Opportunity and other state, regional, and local agencies for formal review with the condition that the final adoption hearing for the Future Land Use Map Amendment be scheduled concurrently with the adoption of the Planned Unit Development (PUD).

7. Recommended Action

Recommend approval of the 5990 Lockett Road Future Land Use Map Amendment to change the classification of 68.5 +/- acres of the property identified as Corridor Commercial for the property located at 5990 Lockett Road, et.al.; and find the request internally consistent with the Comprehensive Plan and the Land Development Code. Recommend City Council approve transmittal of the amendment to the Department of Economic Opportunity and other state, regional, and local agencies for formal review with the following condition:

1. The final adoption hearing for the Future Land Use Map Amendment be scheduled concurrently with the adoption of the proposed Planned Unit Development (PUD).

END STAFF REPORT

Bruce Strayhorn, representative for the new owner of the property, stated that the property had been sold to the new owner since the agenda item was last heard at the May 1, 2019 meeting. Mr. Strayhorn stated that he had filed for a PUD (Planned Unit Development) as well since then.

Justin Stockman, Chairman of the Board, paused the presentations to request Ex Parte on this agenda item.

NO. 3 EX PARTE: None

Jennifer Sapen, Principal Planner for Barraco and Associates, passed out a copy of her presentation on the zoning update for the property since Barraco and Associates had applied for the property to be a PUD. (See Exhibit 2)

Mr. Stockman opened the Public Comment portion for the agenda item.

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Jimmy Picard, 5902 Burrwood Court, passed out two (2) land maps that were associated with his comments regarding the agenda item. (See Exhibit 3) Mr. Picard stated that most of the property owners are not local during season, therefore during the time of the meetings that the agenda item has been heard, enough owners were not able to speak on the agenda item. Mr. Picard stated that the property is a luxury RV resort. Mr. Picard also stated that there are concerns as far as the traffic and lighting, should the rezoning be approved, and also that the property values would diminish.

Jim Roope, 5551 Lockett Road A33, played a short video of Cypress Woods Lake produced by Mr. Picard, showing details about the RV resort.

Mark Ebelini, 1625 Hendry Street, stated that the PUD application for the Lockett Road properties are invalid as it is not consistent with the comprehensive plan. Mr. Ebelini also stated he has had extensive conversation with Mr. Strayhorn and had relayed the information to some of the residents of Cypress Woods RV resort. Mr. Hart asked which property Mr. Ebelini was representing. Mr. Ebelini stated he represents Phase 5 of the Cypress Woods Lakes Community.

Max Forgey, Forgey Planning Services, stated that the uses that would be on the property would be of concern to the residents. Mr. Forgey also stated that he would like a record of any future changes and uses that will be consistent with the Industrial Future Land Use category.

William Campos, 5730 Cypress Woods Resort Drive, stated that he is concerned that he did not get proper notification for the meeting. Mr. Campos also stated that the property would not be compatible with Industrial zoning and also that the traffic study that was done for the property was completed in off season, therefore the test was not accurate to the true indication of the traffic on the road.

Mark Conreux, 5551 Lockett Road Lot B14, stated that he is not in support of industrial development.

Donna Roope, 5551 Lockett Road A33, stated that she is against the change that could come from the rezoning of the property and also that the uses that would be on the property need to be discussed in more detail.

Sharon Hogg, 6190 Holstein Drive, stated that she is against the rezoning of the property.

Debra Kinsey, Holstein Drive, stated that she did not get any notifications for any of the meetings that have been scheduled in association with the Lockett Road request. Ms. Kinsey also stated that her daughter is not able to sell her home on the property due to the zoning and businesses that are behind the home already and that industrial would make the situation worse.

Mr. Hart explained to the public that the Board is only able to make recommendations to the City Council. The Board is not actually able to approve or deny any request. Mr. Hart also explained to the public that a PUD is to change a

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property from Industrial to a PUD which would allow staff to negotiate with the developer what uses would be permitted on the property. Mr. Hart asked for clarification regarding proper public notification and public notice signs for the meeting.

Laura Tefft, Senior Planner, stated that a sworn affidavit was provided, as well as photos, showing the time and date that the public notice signs for the meeting were placed, which was on July 23, 2019 at 7 p.m.

Mr. Fous asked about how the water flow of the properties inside Cypress Woods Lakes resort was altered. Mr. Strayhorn stated that there was an existing water management permit on the property as of current.

Mr. Fous asked Mr. Strayhorn to elaborate on the uses and the advantages to the surrounding properties with the PUD. Mr. Strayhorn stated that a PUD rezoning application had been submitted and that the benefit would be the knowledge of knowing where the uses would be. Mr. Fous asked for clarification on if the entrance would be at the end of the road, in which Mr. Strayhorn advised that was correct.

Mr. Stockman asked the staff if Luckett Road leading to I-75 is an arterial road. Mr. Porter advised that it is classified as an arterial road due to the amount of traffic on the road, and that there are also plans to widen the road. Mr. Stockman asked the staff to explain the PUD process, and also asked Mr. Strayhorn if he agreed with the “subject to” language that was proposed, and Mr. Strayhorn stated he did agree.

Ms. Tefft stated that a PUD application was received, which would be distributed to the staff for review and then go to the engineering, planning and zoning, and fire department. After the application is reviewed and comments received from staff, the comments would then be distributed to the applicant so that the comments may be addressed. Once all staff comments have been addressed, the PUD would then be brought back to the Planning Board at which time the public will be able to make comments about the PUD request as well. Ms. Tefft explained that once the PUD application is brought before the Planning Board for review, it will then be brought before City Council and at that time, the staff’s intent is for the PUD and the Future Land Use Map Amendment to be presented to City Council at the same time for final adoption. Mr. Hart asked how the public will have access to the information on the application. Ms. Tefft advised that the public may do a public records request for the application.

Mr. Strayhorn advised the Board that the full PUD application was provided to Mr. Ebelini. Regarding the water management, Mr. Porter stated that when system plans come in, they are reviewed by the storm water manager.

Mr. Hart **moved** to recommend **approval** of the Future Land Use Amendment to City Council with the following condition:

- The final adoption for the Future Land Use amendment must be scheduled concurrently with the adoption of the proposed Planned Unit Development.

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Mr. Stockman clarified that the approval of the change to the Future Land Use Map would be subject to the approval of the Planned Unit Development. Mr. Hart stated that was correct.

Mr. Fous **seconded** the motion. Mr. Stockman called the motion to a vote and the motion **unanimously passed** 6-0.

NO. 4: OTHER BUSINESS: Matthew Leger was welcomed onto the Planning Board.

It was **moved** by Mr. Stockman, **seconded** by Mr. Timmons, and **unanimously approved** (6-0 vote) to adjourn the meeting.

The meeting adjourned at 3:27 p.m.

Note: For detailed information on the presentations and discussions held at the August 7, 2019, Planning Board Meeting, a recording of the meeting can be purchased from the City Clerk's Office or the meeting could be viewed at the City of Fort Myers Website at www.cityftmyers.com.

(Instructions: Go to City of Fort Myers Website; open Government and Officials meetings; select City Meetings; select 2019 City Board Meetings; scroll down and select Planning Board; and select the date of the Planning Board meeting.)

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MEETING MINUTES FROM SEPTEMBER 4, 2019**

The Planning Board for the City of Fort Myers met in regular session at Oscar M. Corbin, Jr. City Hall, Council Chambers, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, September 4, 2019, at 1:00 p.m.

CALL TO ORDER – Chair, Justin Stockman, called the meeting to order at 1:02 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call; all members present except Derrick Isaac and Jonathan Hart.

Members Present

Darlene Mitchell
Justin Stockman
Charles Timmons
Matthew Leger
Greg Fous
William Keene
James Ink

Members Absent

Derrick Isaac
Jonathan Hart

Community Development Staff Present

Steven Belden, Community Development Director
Anthony Palermo, Assistant Community Development Director
Nicole DeVaughn, Planning Manager
Laura Tefft, Senior Planner
Monique John, Senior Staff Assistant

Other City Staff Present

Grant Alley, City Attorney

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Pledge of Allegiance to the Flag of the United States of America.

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS – None

William Keene arrived to the hearing at 1:03 p.m.

James Ink stated he needs to abstain from voting on all three (3) agenda items as his employer is representing the city for all three (3) items.

NO. 1 EX PARTE: None

NO. 1 PUBLIC HEARING: CONSIDER AN AMENDMENT TO CHAPTER 98, ADMINISTRATION, OF THE LAND DEVELOPMENT CODE TO CLARIFY THE ADMINISTRATIVE DEVIATION THRESHOLDS RELATING TO REDUCTIONS TO SETBACKS, LOT DIMENSIONS AND PARKING REDUCTIONS.

Alexis Crespo, Waldrop Engineering, representing staff presented the staff report for this item.

STAFF REPORT

Agenda Item #1: Consider an amendment to Chapter 98, Administration, of the Land Development Code to clarify the administrative deviation thresholds relating to reductions to setbacks, lot dimensions and parking reductions.

The attached amendment includes the following changes, which are highlighted in the document for ease of review:

- Clarify that the director may administratively approve reductions to setbacks and lot dimensions up to 10 percent (and eliminate 5-foot threshold).
- Clarify that the director may administratively approve parking reductions up to 10 percent.
- The amendment provides the director with the authority to approve parking reductions up to 20 percent for industrial uses only.
- Clarify that requests for parking reduction variances may be required to provide a supportive parking demand study based on local data.

The amendments are intended to provide more clarity regarding requests that can be handled administratively by Community Development Director approval.

The amendments are consistent with the Comprehensive Plan and are intended to provide a more predictable and clear set of processes and procedures for pursuing development in the City.

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RECOMMENDED ACTION: Recommend approval of the amendments to Chapter 98 Administration; and find the request consistent with the Comprehensive Plan and the Land Development Code; recommend approval of the project to the City Council.

END STAFF REPORT

Mr. Timmons asked for clarification on if once a variance is obtained, would a subsequent owner of the same property be able to request another variance. Ms. Crespo, consultant to the City, stated that additional variances may be requested by subsequent owners. However, the new owner would need to provide evidence to override the current status of the property.

Grant Alley, Attorney for the Board, stated that typically a Conditional Use approval would not run pertinent to the land depending on the type of variance and how it was granted. Mr. Alley also stated that with respect to obtaining a variance, it is a quasi-judicial process in which the applicant does have to show substantial evidence of a hardship and provide other specified criteria as described in the code. The decisions on Conditional Uses are able to be appealed.

Mr. Keene suggested that in Section 98.3.5 (A) second sentence, the wording “may only be granted for” is improper and suggested it be changed to “may be granted”, as there are other conditions that variances would have meet.

Steve Belden, Community Development Director, stated that the staff would consider the wording suggested by Mr. Keene and that staff would like to move forward with the request as it was.

Mr. Stockman opened the public comment portion on the agenda item. As no public comment was presented, Mr. Stockman closed the public comment portion of hearing for the item.

Mr. Stockman called for a motion.

Mr. Keene **moved** to recommend approval of the amendments to the Land Development Code Chapter 98, Administration and find the request consistent with the Comprehensive Plan Development Code and recommend approval to City Council with the suggestion that the wording in Section 98.3.5 is reviewed.

Mr. Stockman requested in addition for staff to review the language in Section 98.3.3 (D1), as it does not indicate what the multiplier is for the 10 percent minimum and maximum. Mr. Keene agreed and amended his motion to add the suggestion made by Mr. Stockman.

Mr. Belden advised that staff could add language that would clarify what the 10 percent refers to regarding the minimum or maximum code standards.

The motion was amended to add the suggestions given by Mr. Stockman and **seconded** by Mr. Fous. The motion passed 6-0 with 1 member abstained.

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NO. 2 EX PARTE: None

NO. 2 PUBLIC HEARING: CONSIDER AN AMENDMENT TO CHAPTER 130 – SUBDIVISIONS OF THE LAND DEVELOPMENT CODE RELATING TO THE PUBLIC HEARING PROCESS FOR VACATIONS.

Alexis Crespo, Waldrop Engineering, representing staff presented the staff report for this item.

STAFF REPORT

Agenda Item #2: Consider an amendment to Chapter 130 – Subdivisions of the Land Development Code relating to the public hearing process for vacations.

Currently, all vacations, including vacations of rights-of-way, subdivision plats (or portions thereof), utility easements, and drainage easements require public hearings before City Council. In addition, Public Works Staff review vacation requests to ensure all applicable easement holders, including public entities, do not object to the request. The proposed amendment would allow vacations to be placed on the City Council consent agenda in accordance with Florida Statutes.

The amendment is consistent with the City of Fort Myers’ Comprehensive Plan and is intended to provide a more predictable and clear set of processes and procedures for pursuing development in the City.

RECOMMENDED ACTION: Recommend approval of the amendment to Chapter 130 - Subdivisions; and find the request consistent with the Comprehensive Plan and the Land Development Code; and recommend approval of the amendment to the City Council.

END STAFF REPORT

Mr. Stockman asked for clarification on if a public hearing is required, by statute, for plat and vacations, as the wording was not clear on if it was required or not. Mr. Alley, Attorney for the Board, stated he believed plat approvals do go before the governing body per Florida Statute.

Mr. Stockman clarified that what Mr. Alley was saying was that in regard to certain plats, there is a statute that says there may need to be a public hearing. Mr. Stockman suggested wording that said, “unless otherwise required by Florida statute, etc....” Mr. Alley advised that would be a “fix” and that there was wording pertaining to other easements, which he was unsure of the specific easements, so that he would need to research as to whether a public hearing was required or not for the specific easements.

Sherry Enright, City Administrative Attorney, stated that the vacations did not require a quasi-judicial hearing in the context of which hearing was required. Ms. Enright also stated that at a public meeting, where the meeting is publicly noticed,

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and the vacation is on the published agenda, the meeting is acceptable as it is considered properly noticed to the public.

Mr. Stockman asked Ms. Enright if, in her legal opinion, any of the wording is in violation with the Florida statute. Ms. Enright advised there was no violation to her knowledge. Mr. Alley stated he would still need to do some research regarding whether public hearing was required for vacations. Mr. Alley also stated he was under the impression that vacations were quasi-judicial, however, he would trust Ms. Enright's opinion. Mr. Belden suggested staff could add the language referencing "unless otherwise required by Florida state statute", and also the wording "municipal easements" could be removed.

Mr. Stockman opened the public comment portion on the agenda item. As no public comment was presented, Mr. Stockman closed the public comment portion of hearing for the item.

Mr. Keene suggested that Section 130-251 (B), which speaks to paying for improvements on property to be vacated should be deleted in its entirety. As well as on page 4 in Section 130-253, six (6) lines down until the end of the paragraph should also be deleted, as he does not believe the city should be charging for right-of-ways to be vacated. Mr. Belden advised, staff would like to keep the language regarding the evaluation and determination for monetary exchange in the process.

Mr. Keene **moved** to recommend approval of the amendment to Chapter 130 Subdivisions and find the request consistent with the Land Development Code and Comprehensive Plan and recommend approval of the amendment to the City Council. Also recommending that Section 130-251 paragraph B be deleted, Section 130-252 (7) line F be deleted, and Section 130-253 line six starting with the words "applications to vacate a public right of way/alley", through the end of the paragraph be deleted as well. Mr. Fous **seconded** the motion.

Ms. Crespo advised there is also reference to monetary exchange on page five (5). Mr. Keene amended his motion to include deleting the monetary exchange wording on page (5) as well, and in Section 130-254 (B) adding the language "unless otherwise required by Florida state statute". Mr. Fous seconded the amended motion.

Mr. Timmons stated that staff advised they would like to keep the monetary exchange and that he believes the Board should support staff.

Mr. Stockman called the motion to a vote. The motion passed 4-2 with 1 member abstained.

NO. 3 EX PARTE: None

NO. 3 PUBLIC HEARING: CONSIDER AN AMENDMENT TO THE FOLLOWING CHAPTERS OF THE LAND DEVELOPMENT CODE: CHAPTER 98, ARTICLE 3. - PROCEDURES AND ARTICLE 4. - NONCONFORMITIES; CHAPTER 118, ARTICLE 2. - BASE DISTRICTS AND ARTICLE 3. - PERMITTED LAND USES; AND

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CHAPTER 142 – DEFINITIONS. THE AMENDMENT WILL PROVIDE THE PROCESS, PROCEDURES, REVIEW CRITERIA AND SUPPLEMENTARY REGULATIONS RELATING TO ACCESSORY DWELLING UNITS (ADU) AS A CONDITIONAL USE IN SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL ZONING DISTRICTS (RS-E, RS-5, RS-6, RS-7, RS-D, RM-12, RM-16).

Alexis Crespo, Waldrop Engineering, representing staff presented the staff report for this item.

STAFF REPORT

Agenda Item #3: Consider an amendment to the following chapters of the Land Development Code: Chapter 98, Article 3. - Procedures and Article 4. - Nonconformities; Chapter 118, Article 2. - Base Districts and Article 3. - Permitted Land Uses; and Chapter 142 – Definitions. The amendment will provide the process, procedures, review criteria and supplementary regulations relating to Accessory Dwelling Units (ADU) as a conditional use in single-family and multifamily residential zoning districts (RS-E, RS-5, RS-6, RS-7, RS-D, RM-12, RM-16).

The purpose for these provisions and standards is to provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of providing housing for their children, elderly parents, or other dependents; and increase the diversity of housing options within the community.

Currently, accessory units are defined as garage apartments (see Section 98.4.6) and are only permitted as a vested nonconforming use in the Dean Park Historic District. These amendments will establish a public hearing approval process with the Board of Adjustments and clear minimum standards written to ensure accessory dwelling units (ADUs) do not negatively impact public health, safety or welfare, particularly the stability and character of established single-family neighborhoods.

The amendment is consistent with the City of Fort Myers’ Comprehensive Plan.

RECOMMENDED ACTION: Recommend approval of the amendments to Chapter 98, Article 3. - Procedures and Article 4. - Nonconformities; Chapter 118, Article 2. - Base Districts and Article 3. - Permitted Land Uses; and Chapter 142 - Definitions; and find the request consistent with the Comprehensive Plan and the Land Development Code; and recommend approval of the amendments to the City Council.

END STAFF REPORT

Mr. Keene suggested on page 2 removing “friction” out of the code and striking section (D) wording pertaining to maximum densities.

Mr. Shaw asked for clarification if Accessory Dwelling Units (ADU) are part of the density. Ms. Crespo advised that the staff was proposing ADU’s would not be considered part of the density.

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Mr. Stockman asked for clarification on if once there is a Planned Unit Development (PUD) on the home, once it is sold, would it have to be sold to an owner that would agree to live in the home and declare it as their homestead. Ms. Crespo advised that the PUD would not be subject to Section 118.3.11 items A through E and it would not be required to be homesteaded.

The Board had more discussion on the pros and cons of approving the agenda item.

Mr. Leger asked if the parking spaces would be shared between the ADU and the main unit. Ms. Crespo advised that it would be shared parking.

Mr. Leger asked if there is a requirement that states a person may own the entire property but reside in the ADU. Ms. Crespo advised the principal dwelling unit must be occupied by the property owner, so the owner would not be able to live in the ADU instead of the main unit. However, if it was the Board's recommendation, staff could revise the terms to allow the owner to live in either unit, as long as they maintained residence on the property to make sure it was operated properly.

At 2:32 p.m. Mr. Fous exited the meeting.

Mr. Keene **moved** to recommend approval of the amendments to Chapter 98 Article 3. Procedures and Article 4. Nonconformities, Chapter 118 Article 2. Base Districts and Article 3. Permitted Land Uses, and Chapter 142 Definitions and find the request consistent with the Comprehensive Plan and Land Development Code with the following suggested changes:

- Section 98.3.8(1)C delete subparagraph C and incorporate it into subparagraph A to say, "provide a site plan showing location and square footage of ADU and on-site parking spaces. Provide a letter of availability for utilities for the proposed ADU".
- Delete subparagraph D as it is not necessary.
- Paragraph 2, delete the second word "historical".
- Section 118.3.11, paragraph C on second line, delete the word "the principal" and insert the words "There shall be no renting or leasing of either dwelling unit, unless one of the dwelling units is occupied by the property owner as a full time resident."

Mr. Timmons **seconded** the motion and the motion passed 5-0 with 1 member abstained.

OTHER BUSINESS: Mr. Ink advised the County had decided to place the re-write of the Lee Plan on hold at this time.

Hearing no other business, Mr. Stockman adjourned the meeting at 2:44 p.m.

**Minutes - Planning Board
September 4, 2019**

Note: For detailed information on the presentations and discussions held at the September 4, 2019, Planning Board Meeting, a recording of the meeting can be purchased from the City Clerk's Office or the meeting could be viewed at the City of Fort Myers Website at www.cityftmyers.com.

(Instructions: Go to City of Fort Myers Website; open Government and Officials meetings; select City Meetings; select 2019 City Board Meetings; scroll down and select Planning Board; and select the date of the Planning Board meeting.)

**CITY OF FORT MYERS
PLANNING BOARD MEETING
PUBLIC HEARING
FEBRUARY 5, 2020**

PUBLIC HEARING: Agenda Item #1 Consider a request for an amendment to the Future Land Use Map for + 96 acres of property located at 9011 Laredo Avenue to change the Future Land Use Designation from Industrial (IND) to Residential Medium Density (RMD) to allow for single-family and multi-family development. Ward 2 (Quasi-Judicial)

1. Application Information

Owner:	Harper Property Holdings 3, LLC & McNew Property Holdings 3, LLC
Agent:	Jennifer Sapen, AICP
Address:	9011 Laredo Avenue, Fort Myers, FL 33905
Location:	North of Laredo Ave., East of Heiman Ave, South Dryden Cir., and east and west of Hamilton Dr.
Size:	95.74 +/- acres
STRAP No.:	15-44-25-P4-00024.0000
Zoning:	Light Industrial (IL)
Future Land Use:	Industrial (IND)
Request:	Amend the Future Land Use Map Classifications from Industrial (IND) to Residential Medium Density (RMD)
Case Number:	18MA02

2. Request

Jennifer Sapen, AICP, of Barraco and Associates, Inc. requested to change the Future Land Use Map Classification of a 95.74 +/- acre parcel located at 9011 Laredo Avenue and identified by STRAP Number 15-44-25-P4-00024.0000 from Industrial (IND) to Residential Medium Density (RMD) to allow for future development.

3. Staff Review

Jennifer Sapen, AICP (agent), representing Harper Property Holdings 3, LLC & McNew Property Holdings 3, LLC (owner), requested a Future Land Use Map Amendment to change the classification of the 95.74 +/- acre property identified as Industrial (IND) to Residential Medium Density (RMD) for the property as identified by STRAP No. 15-44-25-P4-00024.0000.

The subject property along with property to the east is located within the City of Fort Myers but properties to the west, north and part of the property to the south are located in unincorporated Lee County. The properties within the City of Fort Myers to the south are within the Industrial (IND) Future Land Use Category. The property within the City of Fort Myers to the east is located within the Industrial (IND), Conservation (CON) and

Corridor Commercial (C/C) Future Land Use Categories. The unincorporated Lee County properties are within the following Lee County Future Land Use Categories:

- West - Suburban
- North – Suburban and Intensive Development
- South – Industrial Development

The current zoning designation for the subject parcel is Industrial Light (IL). An application has been submitted to rezone the property from Industrial Light (IL) to a Planned Unit Development (PUD) to consist of 950 single family and multi-family residential dwelling units.

TR Transportation Consultants, Inc. in their March 13, 2018, Traffic Impact Statement indicate that the existing industrial land use would generate 16,216 daily trips while the proposed residential land use would generate only 8,528 daily trips a net decrease of 7,688 daily trips.

Planning, Legal, Fire, and GIS staff have reviewed the proposed Future Land Use Map Amendment request and have found the request consistent with the Comprehensive Plan and the Land Development Code. Engineering and Transportation staff noted in their reviews that site development components such as endangered species and Complete Street requirements be addressed at the time of site plan review.

The proposed amendment is consistent with existing surrounding residential uses to the north and west of the subject site and will have no negative impact on historical and cultural resources.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply is **Residential Medium Density (RMD) Policy 1.3** as follows:

Policy 1.3) Designate areas on the Future Land Use Map for Residential Medium Density (RMD) that contain areas characterized by medium- and high-density multifamily developments with neighborhood scaled commercial uses. Intensities for all properties within this land use district shall not exceed a floor area ratio of one-half (0.5 FAR). The maximum base density established in the Land Development Regulations, not to exceed sixteen dwelling units per acre (16 du/acre), with a maximum bonus density of twenty dwelling units per acre (20 du/acre) may be permitted through a process outlined in the City's Land Development Regulations. Criteria for bonus densities include, but are not limited to, incorporating Leadership in Energy Efficient Design (LEED) standards, pedestrian connectivity, exceptional architectural design, and other considerations.

Action 1.3.1) Residential Medium Density areas should be in close proximity to arterials or collectors, but do not necessarily need direct access, as well as transit, sidewalk and bicycle facilities to promote multi-modal development opportunities.

Action 1.3.2) Preferred locations for Residential Medium Density areas are within walking distance (½-1 mile) of parks, community facilities, and retail.

Action 1.3.3) Neighborhood office and commercial uses may be permitted within RMD, provided they are compatible with the surrounding properties.

Action 1.3.4) Zero lot line, patio homes, pedestrian access-only dwelling units (such as live-work units, village homes, townhomes and/or cottage homes), and other innovative, yet still single- family housing forms, shall be considered in exclusive single-family areas in accordance with the Land Development Regulations.

5. *Public Notice*

A total of 97 public notice letters were sent to property owners within 300 feet of the parcel. One has been returned as unable to forward. The property was posted with signs alerting the general public about the case; an ad ran in the News-Press; and, the case was posted in City Hall. All actions occurred at least 10 days prior to the February 5, 2020, meeting. Inquiries from the public have been received regarding the application but as of January 28, 2020 no comments or objections were received.

6. *Recommended Action*

Find the request to amend the Future Land Use Map by redesignating 95.74 +/- acres located at 9011 Laredo Avenue from Industrial (IND) to Residential Medium Density (RMD) internally consistent with the Comprehensive Plan and the Land Development Code; and recommend City Council approve transmittal of the amendment to the Department of Economic Opportunity and other state, regional, and local agencies for formal review.

May 2, 2018

Steve Belden, Director
Community Development
City of Fort Myers
2200 Second Street
Fort Myers, FL 33901

Re: Letter of Intent- Pierpointe Comprehensive Plan Amendment

Dear Mr. Belden,

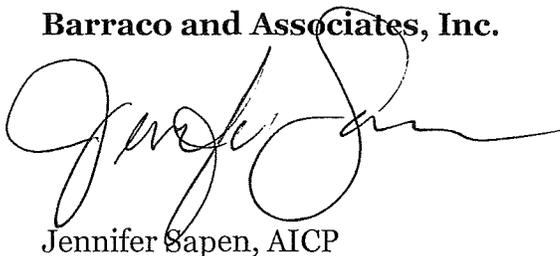
Please find enclosed a request for a Comprehensive Plan Amendment for a ±96 acre property with address 9011 Laredo Avenue and located north and adjacent to Laredo Avenue, between Ortiz Avenue and Interstate 75 (I-75), to change the Future Land Use designation from Industrial (IND) to Residential Medium Density (RMD) to allow for single-family and multi-family residential development.

Approval of the request would allow a maximum density of 16 units per acre. However; as a companion to the Comprehensive Plan Amendment, a rezoning to Planned Unit Development (PUD) will be requested at a rate of 10 units per acre. The dual requests intend to provide additional housing within the city in an effort to reduce the deficient supply of residential dwelling units. Further details of the request is attached to this submittal package.

Should you have any questions or require additional information, please advise.

Sincerely,

Barraco and Associates, Inc.



Jennifer Sopen, AICP

File:
22995

INFORMATION FOR APPLICANTS

REQUEST TO AMEND THE COMPREHENSIVE PLAN

1. Pre-Application

Applicants for Comprehensive Plan text amendments and Future Land Use Map (FLUM) amendments are required to have a pre-application meeting with City Staff prior to submittal of an application. Arrangements for the meeting may be made by calling the Community Development Department, **Planning Division at 239.321.7975**. Approximately one-week advance time is needed to set up the meeting. The meeting may be held at any time, but is suggested that it be held at least seven days before the application deadline that is the first day of each month.

2. Amendments to the Comprehensive Plan

Text & Large-Scale Map Amendments

Text amendments may only be processed twice in one year, are transmitted to the Department of Community Affairs (DCA) and other required agencies/local governments for review/comments, and require at least one public hearing in addition to permission to advertise. The process for completing a text amendment is a minimum of seven months.

Pursuant to Florida Statutes, the Comprehensive Plan and Future Land Use Map, for large-scale map amendments, may only be amended twice in one year, and the amendments are subject to State and other agency review. Both text and large-scale FLUM amendments are transmitted to the DCA and other required agencies/local governments after the City Council approves transmittal. The process for adopting large-scale FLUM amendments is a minimum of seven months.

Small-Scale Future Land Use Map Amendment

Small-scale land use changes are exempt from State review procedures and may result in a shorter review period. To qualify as a small-scale land use change, an application for a land use change must be for ten (10) or less acres and the proposed maximum residential density cannot exceed 10 units per acre. Land use changes singularly or combined by the same applicant/owner cannot exceed ten (10) acres. The City's small-scale land use changes (in total) must not exceed 60 acres annually, must not involve the same property more than once a year, and must not involve the same owner's property within 200 feet of a property granted a change within a period of twelve (12) months. All small-scale FLUM's are submitted to the DCA yearly pursuant to Florida Statute requirements.

(1) **Application Deadline**

Text Amendments.

Applications for Comprehensive Plan text amendments must be received by the pre-established application submittal deadlines (twice yearly) and will be accepted no later than 5 p.m. the first day of the month of this deadline. The applicant is responsible for the completeness and accuracy of the application and meeting these established deadlines. This is a set deadline and incomplete applications will be returned to the applicant within five (5) working days for corrections or additional information. The applicant has two (2) working days to provide the necessary information or the application will be considered inactive and withdrawn. Two original applications and 16 bound copies are required. Application information must be typed or printed. Handwritten applications are not accepted.

Small-Scale FLUM Applications: \leq 10 Acres and not exceeding 10 units per acre.

Applications for small-scale FLUM amendments will not be accepted after 5 p.m. the first day of each month. This is a set deadline and incomplete applications will be returned to the applicant within five (5) working days for corrections or additional information. The applicant has two (2) working days to provide the necessary information or the application will be considered inactive and withdrawn. Two original bound applications and 16 bound copies are required. Application information must be typed or printed. Handwritten applications are not accepted.

Large-Scale FLUM Applications: \geq 10 Acres

Large-scale FLUM amendment applications must be received by the pre-established application submittal deadlines (twice yearly) and will be accepted no later than 5 p.m. the first day of the month of this deadline. The applicant is responsible for the completeness and accuracy of the application and meeting these established deadlines. This is a set deadline and incomplete applications will be returned to the applicant within five (5) working days for corrections or additional information. The applicant has two (2) working days to provide the necessary information or the application will be considered inactive and withdrawn. Two original applications and 16 bound copies are required. Application information must be typed or printed. Handwritten applications are not accepted.

(2) **Staff Review**

Following the acceptance of a complete application, the proposed map amendment will be reviewed by City Staff. A staff report will be prepared that recommends approval, approval with conditions, or denial of the proposed amendment. A copy of the staff report may be obtained from the Community Development Department the Friday prior to the Planning

Board public hearing. Affordable Housing Projects will receive priority in the scheduling of Planning Board's review.

(5) Public Hearings

The Planning Board meets the second Wednesday of each month at 1:00 p.m. in the City Council Chambers unless otherwise noticed. The Planning Board will review the request for consistency with the Comprehensive Plan, and make a recommendation to the City Council. The City Council will approve/not approve small-scale amendments and recommend/deny transmittal of text and large-scale future land use map amendments to the Department of Community Affairs and other required review agencies. Text amendments require one public hearing for transmittal and one public hearing for adoption in addition to permission to advertise. Small-scale future land use map amendments require two public hearings in addition to permission to advertise. Large-scale future land use map amendments require two public hearings in addition to permission to advertise and require transmittal to the DCA for a Objections, Recommendations, and Comments (ORC) report.

CITY OF FORT MYERS

**APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT
REQUIRING CHANGE TO THE FUTURE LAND USE MAP**

For Departmental Use Only		
(To be completed at time of intake)		
Application Submittal Date:		Received by:
APPLICATION TO AMEND:		
Plan Text	FLUM – Small Scale	FLUM – Large Scale
File Number:	Amount of Fee \$ _____	Paid \$ _____
(To be completed by Planning Staff)		
Application Complete <input type="checkbox"/>	Zoning/DOR Verified <input type="checkbox"/>	Ward District: 1 2 3 4 5 6
	FLUM Verified <input type="checkbox"/>	

INSTRUCTIONS

All properties within a single application must be contiguous. Two bound originals of this application, together with all required attachments, must be completed and returned to the Community Development Department by the pre-established amendment cycle deadlines for text amendments and large scale map amendments (twice yearly), or the monthly review schedule for small scale map amendments. Two (2) bound originals of this application, plus nine (9) bound copies for staff review, together with all required attachments. A total of sixteen (16) copies must be completed and returned to the City Planning Division two (2) weeks prior to the Planning Board meeting. Twelve (12) copies are needed for each City Council meeting. The applicant, or his agent, should be present at the scheduled hearings. ** All attachments should be of a size so as to be easily reproduced with a copy machine, individually folded to 10" x 14" or smaller.

The application-filing fee is \$5,000.00 for an area greater than or equal to 10 acres, and \$2,500.00 for an area less than 10 acres; and \$2,500 text amendments; plus an additional \$5.00 for a posted sign for the Planning Board public hearing; public notice mailings and advertising are billed at actual cost.

APPLICATION INFORMATION

- 1) Name and Address of all parties having interests in the subject property, including major stockholders of corporations and beneficiaries of trusts (attach sheets if needed).

Please see attached List of Ownership _____

- 2) Contact person authorized to receive all communications regarding this application:

Name Jennifer Sapen, AICP _____

Address 2271 McGregor Blvd. Suite 100 _____

City Fort Myers State FL Zip 33901 _____

Telephone (239) 461-3170 _____

PROPERTY INFORMATION

- 3) Property Address 9011 Laredo Avenue, Fort Myers, FL 33905 _____

- 4) STRAP #(s) 15-44-25-P4-00024.0000 _____

- 5) Land Use Designation: Existing IND Proposed RMD _____

- 6) Size of Property:

length 2,536 sf _____
width 2,126 sf _____
acres 95.74 (s.f) 4,170,434.4 _____

- 7) Total Uplands: 95.74 ac _____

Total Wetlands: 0 ac _____

- 8) Date property acquired 2005- see attached deeds _____

- 9) Has a public hearing been held regarding this property in the past five (5) years? If so, in whose name and why?
No public hearing has been held on the property withint he past 5 years.
-

ATTACHMENTS:

The following items must be submitted in full, prior to acceptance of this application. Note: some items may not be applicable for text amendments:

- 10) Letter of intent stating:
- a) Actual request.
 - b) Why request is being made.
- 11) Letter of Authorization if the applicant is not the current owner or is one of multiple owners. This shall be a notarized letter signed by the owner(s) authorizing the applicant and/or the contact person to submit and be responsible for this application.
- 12) Location map of appropriate scale the location of the property for the FLUM amendment showing relating to major roads, and identifying surrounding existing land uses, airport noise zones (if applicable) using the categories from the DOR codes or as appropriate (i.e., single-family, multi-family, offices, commercial, industrial, public facilities, parks, open space, environmental sensitive, and vacant). If the property is located within unincorporated Lee County identify appropriately.
- 13) Land use designation map at an appropriate scale showing the adopted future land use designations for the subject property and the surrounding area. If the property is located within unincorporated Lee County identify appropriately.
- 14) Provide aerial photograph highlighting proposed site and surrounding area and a separate location map showing the site in relation to the rest of the City. This location map should be on 8 1/2 x 11 paper and be legible.
- 15) Survey or copy of an official plat showing boundary lines; and locations, widths, purposes, and names (if applicable) of easements or right-of-way on or abutting the property, signed and sealed by a registered land surveyor.

- 16) Certified legal description signed and sealed by a registered land surveyor; this may be included with the survey (item #13), or in the form of a recorded deed. If more than one land use designation is requested, a separate legal description must be provided for each area covered by a different designation.
- 17) A digital version (Word document in Ordinance format NOT Adobe Acrobat) of the legal shall be submitted to the Planning Division within five (5) business days of submitting application.
- 18) Site plan. Show existing and proposed (if applicable) buildings and uses, parking, walks and drives, conservation and/or buffer areas, and dedication of easements superimposed on a recent aerial and on blueprints.
- 19) Typed list of all current property owners, with mailing addresses and STRAP number, with a 300' radius of the perimeter of the subject property. This can be obtained from the Lee County Property Appraiser's Office and a copy of their printout can suffice as the typed list. Plus four (4) sets of mailing labels to match list of surrounding property owners shall be submitted. In addition, a Microsoft Word compatible file containing the list of property owners in electronic format is required.
- 20) Completed "City of Fort Myers Land Use Change Analysis Questionnaire".
- 21) A copy of the most recent deed or title policy on the subject property.
- 22) **Disclosure Requirements. No application shall be accepted unless it is presented on the official forms provided by the Department.**
 - a) Any person or entity holding real property in the form of corporations, trusts, partnerships, limited partnerships, assignments of interest, options assignments of beneficial interest, or any form of representative capacity whatsoever for others, except as otherwise provided in Chapter 98 of the Land Development Code, shall make a public disclosure in writing, under oath, and subject to the penalties prescribed for perjury.
 - b) Disclosure shall not be required of any entity, whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.
 - c) In accordance with State Law, the City shall send written notice by registered mail to the person required to make disclosures, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject

to the penalties prescribed for perjury. The disclosure information shall include the name and address of every person having a beneficial interest in the real property, however small or minimal.

- d) Sign and certify applicable affidavit attached herein.

It is important that this application be filled out properly. It is suggested that the applicant personally bring the application to the Planning Division where it can be checked by a member of the staff before officially submitting. The Planning Division accepts no responsibility for the completeness and accuracy of the application, and will not process an incomplete or inaccurate application or one submitted after the established deadline.

CITY OF FORT MYERS

LAND USE CHANGE ANALYSIS QUESTIONNAIRE

Completion of this questionnaire is required for Future Land Use Map amendment applications. The information provided will be used to assess the impact of proposed or potential development as required by Chapter 163, Florida Statutes.

INSTRUCTIONS

Please answer questions on the form provided when possible. For maps and answers requiring more space than provided, please attach additional sheets. Please cite assumptions, methodology, and data sources when appropriate.

- 1) Respondent (Agent) Information: Name, Address, and Telephone
Jennifer Sapey, AICP
2271 McGregor Blvd. Suite 100
Fort Myers, FL 33905

- 2) Owner(s): Name, Address, and Telephone
Ronald E. Inge, Manager
5571 Halifax Avenue, Fort Myers, FL 33912
See attached Ownership List for Details

- 3) Subject Property Information
 - (a) STRAP number 15-44-25-P4-00024.0000
 - (b) Subject property size in acres 95.74
 - (c) Location (provide map at 1"=400' scale) see attached Aerial Location Map
 - (d) Is property within the Urban Reserve Area? No
 - (e)

- 4) Provide a letter from the appropriate agency/individual determining the adequacy/provision of existing/proposed support facilities, including:
 - a. Transportation
 - b. Water
 - c. Sewer
 - d. Solid Waste
 - e. Sewer
 - f. Stormwater
 - g. Recreation
 - h. Schools

5) Is the subject property located in any of the following areas and if so state how the proposed change will effect the area:

Airport Noise Zone 2 or 3: No
Buckingham Rural Community Overlay: No
Joint Planning Agreement Area: No
Community Redevelopment Area: No
Historic District: No

6) Current Land Use Designation IND

(a) Maximum intensity of development attainable:

Residential: _____
Commercial: _____
Industrial: 95.74 acres @ 1 F.A.R.
Other: _____

7) Proposed Land Use Designation RMD

(a) Maximum intensity of development attainable:

Residential: 1,536 units
Commercial: _____
Industrial: _____
Affordable Housing: _____
Other: _____

(b) Increase or decrease in allowable development:

Residential: Increase
Commercial: _____
Industrial: Decrease
Affordable Housing: _____
Other: _____

8) Provide an recent (at least 1998) aerial and describe existing land uses (or DOR codes) on the subject property. What land uses are on adjacent property surrounding this request?

North Lee County Mobile Home Park
South Lee County Vacant Industrial
East Lee County SFR & Fleamarket
West IL.COM, MU, RM-12 & CI

9) Population Analysis (please cite assumptions and methodology)

- (a) Current or estimated population of site.

- (b) Maximum population of site under current land use designation.

- (c) Maximum estimated population of site under proposed land use designation.

- (d) Difference in population: _____

10) Traffic Circulation Analysis. The analysis should be used to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map G (or most recently adopted 2020 Financially Feasible Transportation Plan by the Metropolitan Planning Organization) in the Transportation Element and the Capital Improvement Element. The analysis should be a minimum of a three (3) mile study area and be based on planning horizon of the adopted Comprehensive Plan, which is 2020. The analysis should clearly explain the methodology used by the applicant.

(a) Facilities immediately serving the site? _____
and TIS Report _____

Current Level of Service (LOS) and Capacity? _____
and TIS Report _____

Forecasted LOS/Capacity without land use change. _____
and TIS Report _____

Forecasted LOS/Capacity with land use change. _____

Excess/deficit of LOS/Capacity with land use change. _____
and TIS Report. _____

(b) If additional facilities are needed to accommodate the proposed land use change, describe them.

(c) Is a Traffic Circulation Element amendment required? If yes, please describe.

No. Please see Urban Service Analysis and TIS Report.

(d) Is a Capital Improvement Program amendment required? If yes, please describe.

No. Please see Urban Services Analysis and TIS Report

11) Potable Water Analysis. The analysis should be used to determine the effect of the land use change on the current level of service and proposed items in the adopted Capital Improvements Element. The analysis should be a based on the planning horizon of the adopted Comprehensive Plan, which is 2020. The analysis should clearly explain the methodology used by the applicant.

(a) Available Service

On Site: Please see Urban Services Analysis

Service Provider: Please see Urban Service Analysis

Facility Capacity: Please see Urban Service Analysis

Current Demand: Please see Urban Service Analysis

Forecasted demand without land use change: Please see Urban Service Analysis

Forecasted demand with land use change: Please see Urban Service Analysis

Excess/deficit capacity with land use change: Please see Urban Service Analysis

(b) If additional facilities are needed to accommodate the proposed land use change, please describe them.

No. Please see Urban Service Analysis

(c) Is a Capital Improvement Program amendment required? If yes, please describe.

No. Please see Urban Service Analysis

12) Sanitary Sewer Analysis. The analysis should be used to determine the effect of the land use change on the current level of service and proposed items in the adopted Capital Improvements Element. The analysis should be a based on the planning horizon of the adopted Comprehensive Plan,

which is 2020. The analysis should clearly explain the methodology used by the applicant.

(a) Available Service

On Site: Please see Urban Services Analysis

Service Provider: Please see Urban Services Analysis

Facility Capacity: Please see Urban Services Analysis

Current Demand: Please see Urban Services Analysis

Forecasted demand without land use change: Please see Urban Services Analysis

Forecasted demand with land use change: Please see Urban Services Analysis

Excess/deficit capacity with land use change: Please see Urban Services Analysis

(b) If additional facilities are needed to accommodate the proposed land use change, please describe them.

No. Please see Urban Services Analysis

(c) Is a Capital Improvement Program amendment required? If yes, please describe.

No. Please see Urban Services Analysis

13) Surface Water Drainage Analysis. The analysis should be used to determine the effect of the land use change on the current level of service and proposed items in the adopted Capital Improvements Element. The analysis should be based on the planning horizon of the adopted Comprehensive Plan, which is 2020. The analysis should clearly explain the methodology used by the applicant.

(a) Available Service

On
Site: Please see Urban Services Analysis and Narrative

Service Provider: Please see Urban Services Analysis
Facility Capacity: Please see Urban Services Analysis
Current Demand: Please see Urban Services Analysis
Forecasted demand without land use change: Please see Urban Services Analysis
Forecasted demand with land use change: Please see Urban Services Analysis
Excess/deficit capacity with land use change: Please see Urban Services Analysis

(b) If additional facilities are needed to accommodate the proposed land use change, please describe them.

No. Please see Urban Services Analysis

(c) Is a Capital Improvement Program amendment required? If yes, please describe.

No. Please see Urban Services Analysis

14) Solid Waste Analysis. The analysis should be used to determine the effect of the land use change on the current level of service and proposed items in the adopted Capital Improvements Element. The analysis should be based on the planning horizon of the adopted Comprehensive Plan, which is 2020. The analysis should clearly explain the methodology used by the applicant.

(a) Available Service

On Site: Please see Urban Services Analysis

Service Provider: Please see Urban Services Analysis

Facility Capacity: Please see Urban Services Analysis

Current Demand: Please see Urban Services Analysis

Forecasted demand without land use change: Please see Urban Services Analysis

Forecasted demand with land use change: Please see Urban Services Analysis

Excess/deficit capacity with land use change: Please see Urban Services Analysis

(b) If additional facilities are needed to accommodate the proposed land use change, please describe them.

No. Please see Urban Services Analysis

(c) Is a Capital Improvement Program amendment required? If yes, please describe.

No. Please see Urban Services Analysis

15) Recreation and Open Space. The analysis should be used to determine the effect of the land use change on the current level of service and proposed items in the adopted Capital Improvements Element. The analysis should be based on the planning horizon of the adopted Comprehensive Plan, which is 2020. The analysis should clearly explain the methodology used by the applicant.

- (a) **Facilities immediately serving the site?**
Community Park: Please see Urban Services Analysis
Neighborhood Park: Please see Urban Services Analysis
Mini Park: Please see Urban Services Analysis
Specialized Park: Please see Urban Services Analysis

Current Level of Service for each park:
Community Park: Please see Urban Services Analysis
Neighborhood Park: Please see Urban Services Analysis
Mini Park: Please see Urban Services Analysis
Specialized Park: Please see Urban Services Analysis

Forecasted demand without land use change for each park: _____
Please see Urban Services Analysis

Forecasted demand with land use change for each park: _____
Please see Urban Services Analysis

Excess/deficit capacity with land use change: Please see Urban Services Analysis

- (b) **If additional facilities are needed to accommodate the proposed land use change, please describe them.**

No. Please see Urban Services Analysis

- (c) **Is a Capital Improvement Program amendment required? If yes, please describe.**

No. Please see Urban Services Analysis

16) Conservation and Coastal Management Analysis

- (a) What are the vegetative communities on the site? Provide an aerial, with each vegetative community delineated using the Florida Land Use Cover and Forms Classification System (FLUCCS), January 1999 edition, or later. Please see Environmental Assessment
- (b) Provide a map and description of soils found on the property and identify the source of the information.
- (c) Provide a topographic map with property boundaries and the 100-year flood prone areas identified (as identified by FEMA).
- (d) A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- (e) List all historic resources (including structure, district, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. Also include a map of any historic districts and/or sited, listed on the Florida Master Site

- (a) Does site contain habitat for listed species? If yes, identify habitats and show location(s) on recent aerial with a scaled drawing illustrating all proposed and existing improvements superimposed on the aerial that outlines the individual vegetation communities. Is the site currently inhabited by listed species? If listed species were found on the site, provide copies of wildlife surveys indicating what species and approximate locations of each species.

No, the site has been previously cleared. Please Environmental Assessment.

- (b) Characteristics of site, including all soils, topography, archaeological resources, water features and vegetative communities.

No, the site has been previously cleared. Please refer to the Master Site File and the Compatibility with the Comp Plan Goals.

- (c) Do exotic species (i.e., melaleuca, brazilian pepper, java plum) exist on the subject property? If so, what approximate percentage of the total property do they cover (i.e., 25%, 60%)?

No, the site has been previously cleared. Please refer to the Environmental Assessment.

- (c) Could the proposed land use change negatively impact evacuation times? No If yes, what measures could be taken to improve evacuation times? Evacuation times not affected please refer to Compatibility w/ Comp Plan

17) Will the proposed land use change affect adjacent local government (Lee County and Cape Coral) through roads, water/sewer/solid waste, fire/police protection, etc.

18) Is property identified for purchase on any conservation or preservation maps (i.e., Save Our Rivers, Lee County 2020, Fla. Dept. of Environmental Protection, USACOE, US Fish and Wildlife)? No.

19) Describe how the proposal affects the schools within the area and address any deficiencies to be caused by the proposal in regards to schools.

20) Demonstrate why the requested amendment is based on sound planning principles. Conclusions and analysis must be based on adequate data.

21) List all objectives and policies of the Comprehensive Plan that the proposed land use change is compatible or incompatible. Only listing objective and polices that show compatibility with the adopted Comprehensive Plan may cause the application to be considered incomplete. Please refer to the Compatibility with the Comp Plan Goals.

22) Has a public hearing been held concerning this property within the past five years? If yes, when and in whose name? What were the results of such public hearings?

No Public Hearing is held on the property within the past 5 years.

PIERPOINTE-CPA

OWNERSHIP LIST

The subject property is owned by two limited liability corporations as stipulated in Table 1. The composition of each LLC is shown in Table 2.

SUBJECT PROPERTY OWNERSHIP AND PERCENTAGES

Harper Property Holdings 3, LLC	55.289 %
McNew Property Holdings 3, LLC	44.711%

COMPOSITION OF EACH LLC

Harper Property Holdings 3, LLC

Daniel R. Harper Trust	0.09%
Harper Property Management	0.01%
Harper Family Trust	99.00%

McNew Property Holdings 3, LLC

Quinton B. McNew Trust	99.9%
McNew Property Holdings LLC	0.01%

LETTER OF AUTHORIZATION

The undersigned, McNew Property Holdings 3 LLC and Harper Property Holdings 3 LLC does hereby swear or affirm that it is the owner of record of the property known as STRAP 15-44-25-P4-00024.0000, 9011 Laredo Avenue, Fort Myers, Florida 33905.

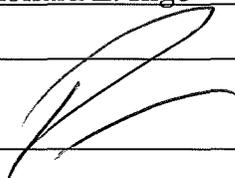
The undersigned hereby designates Ronald E. Inge to be an applicant for a Rezoning and Comprehensive Plan Application for the above-referenced property.

Owners of Record:

Name of Company: Harper Property Holdings 3 LLC

Printed Name: Ronald E. Inge

Title: Manager

Signature: _____


Name of Company: McNew Property Holdings 3 LLC

Printed Name: Ronald E. Inge

Title: Manager

Signature: _____


Name of Company: McNew Property Management LLC

Printed Name: Ronald E. Inge

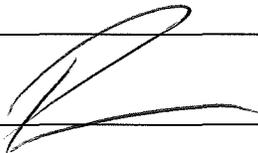
Title: Manager

Signature: _____


Name of Company: Harper Family Trust 2

Printed Name: Ronald E. Inge

Title: Trustee

Signature: 

Name of Company: Quinton B. McNew Trust

Printed Name: Ronald E. Inge

Title: Trustee

Signature: 

Name of Company: Quinton B. McNew Trust

Printed Name: Beverly H. McNew

Title: Trustee

Signature: 

Name of Company: Daniel R. Harper Trust

Printed Name: Daniel R. Harper

Title: Trustee *DRH*

Signature: 

**STATE OF FLORIDA
COUNTY OF LEE**

Sworn to (or affirmed) and subscribed before me this 3rd day of January, 2018, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to and before me he/she executed such instrument for the purpose therein expressed.

Laura Rogers

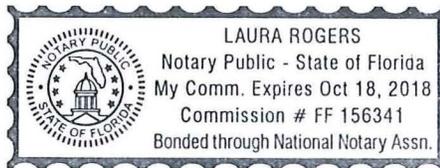
Printed Notary Signature

10-18-18

My Commission Expires:

Laura Rogers

Notary Signature



(Seal)

Name of Company: Harper Family Trust 2

Printed Name: John A. Noland

Title: Trustee

Signature: John A. Noland, trustee

**STATE OF FLORIDA
COUNTY OF LEE**

Sworn to (or affirmed) and subscribed before me this 3rd day of January 2018, by John A. Noland, Trustee who is personally known to me or who has produced _____ as identification. He/she has acknowledged to and before me he/she executed such instrument for the purpose therein expressed.

NICKIE L. STEWART

Printed Notary Signature

11-6-2020

My Commission Expires:

Nickie L Stewart

Notary Signature



(Seal)

Name of Company: Harper Property Management LLC

Printed Name: Sharon M. Thompson

Title: Manager

Signature: 

**STATE OF FLORIDA
COUNTY OF LEE**

Sworn to (or affirmed) and subscribed before me this 3rd day of January 2018, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to and before me he/she executed such instrument for the purpose therein expressed.

Diana F. Schumm

Printed Notary Signature

9-8-2020

My Commission Expires:





Notary Signature

(Seal)

Authorization Form

I, Ronald E. Inge, Manager of Harper Property Holdings 3 LLC and McNew Property Holdings 3 LLC,

being first duly sworn, depose and say that I am the owner of the property described as:

Address 9011 Laredo Avenue, Fort Myers, FL 33905

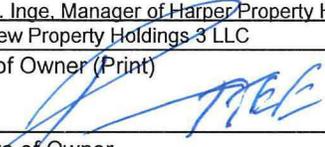
Strap # 15-44-25-P4-00024.0000

and do hereby appoint Barraco and Associates, Inc.

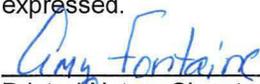
as my AUTHORIZED AGENT AND/OR ATTORNEY for the purpose of representing my interests which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Ronald E. Inge, Manager of Harper Property Holdings 3 LLC
and McNew Property Holdings 3 LLC

Name of Owner (Print)

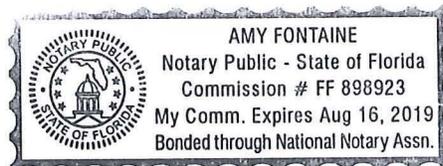

Signature of Owner

Sworn and subscribed before me this 20 day of Dec, 2017, who is personally known to me or has produced _____ as identification. He/she has acknowledged to and before me he/she executed such instrument for the purpose therein expressed.


Printed Notary Signature


Notary Signature

My Commission Expires:



DISCLOSURE OF INTEREST AND AUTHORIZATION FORM

[Individual Owner]

I, Ronald E. Inge as Manager of Harper Property Holdings 3 LLC and McNew Property Holdings 3 LLC, being first duly sworn, depose and say that I am the owner of the property described as:

Address 9011 Laredo Avenue, Fort Myers, FL

STRAP 15-44-25-P4-00024.0000

I do hereby appoint Barraco and Associates c/o Jennifer Saper as my authorized agent and/or attorney for the purpose of representing my interests in the above-described property which is the subject matter of this application and proposed hearing. I understand that this application must be complete and accurate before a hearing can be advertised.

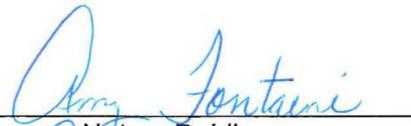


Signature of Owner

Ronald E Inge , Manager

Printed or Typed Name

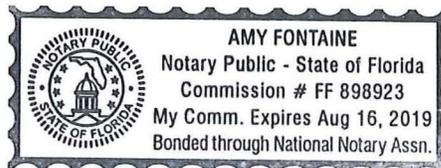
Sworn to and subscribed before me this 3 day of Jan, 2018, by Ronald E Inge, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.



Notary Public
Amy Fontaine

Print Notary Name

My commission expires:



PIERPOINTE- CPA
LIST OF AGENTS

1. Neale Montgomery, J.D.
Pavese Law Firm
1833 Hendry Street
Fort Myers FL 33901
P: (239)336-6235
F: (239)332-2243
Email: nealemontgomery@paveselaw.com

2. Jennifer Sapen, AICP
Barraco and Associates, Inc.
2271 McGregor Blvd. Suite 100
Fort Myers FL 33901
P: (239)461-3170
F: (239) 461-3169
Email: JenniferS@barraco.net

3. Carl Barraco, P.E.
Barraco and Associates, Inc.
2271 McGregor Blvd. Suite 100
Fort Myers FL 33901
P: (239)461-3170
F: (239) 461-3169
Email: CarlB@barraco.net

4. Barrett Stejskal
BearPaws Environmental Consulting, Inc.
1599 Covington Circle East
Fort Myers FL 33919
P: (239)340-0678

5. Ted Treesch
TR Transportation Consultants, Inc.
2726 Oak ridge Court, suite 503
Fort Myers, FL 33901
P: (239) 278-3090
F: (239) 278-1906

DESCRIPTION

Parcel in
Section 15, Township 44 South, Range 25 East
Lee County, Florida

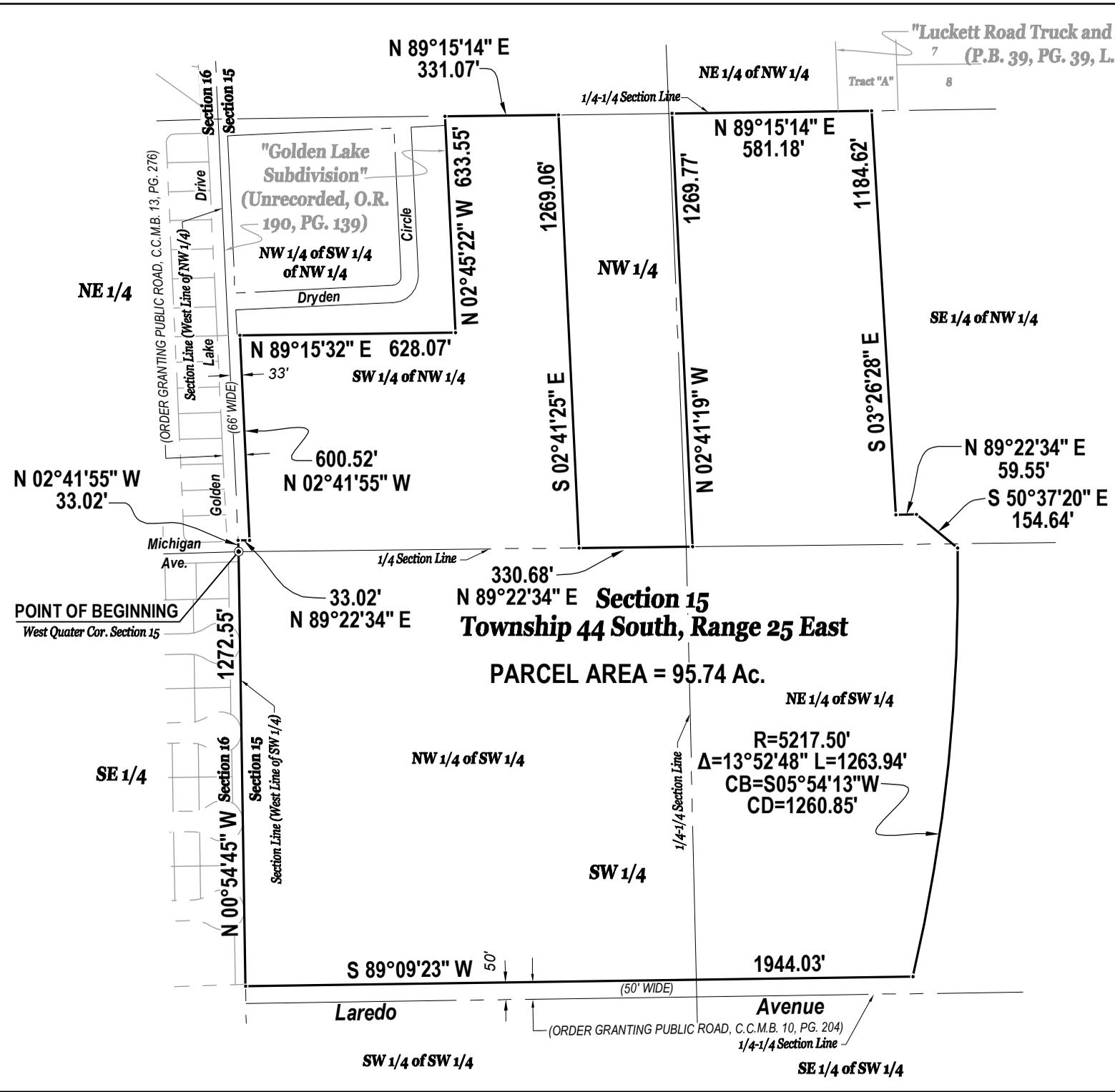
A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at West Quarter Corner of said Section 15, run N02°41'55"W along the West line of the Northwest Quarter (NW ¼) of said Section 15, for 33.02 feet to an intersection with the North line of the South 33 feet of said Fraction; thence run N89°22'34"E along said North line for 33.02 feet to an intersection with the East line of the West 33 feet of the Northwest Quarter (NW ¼) of said Section 15; thence run N02°41'55"W along said East line for 600.52 feet to an intersection with the South line of Golden Lakes Subdivision, Unrecorded, as shown in Official Records Book 190, Page 139, Lee County Records; thence run N89°15'32"E along said South line for 628.07 feet to the Southeast Corner of said Golden Lakes Subdivision; thence run N02°45'22"W along the East line of said Golden Lakes Subdivision for 633.55 feet to an intersection with the North line of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 15; thence run N89°15'14"E along the North line of said Fraction for 331.07 feet; thence run S02°41'25"E for 1,269.06 feet to an intersection with the North line of the Southwest Quarter (SW ¼) of said Section 15; thence run N89°22'34"E along said North line for 330.68 feet; thence run N02°41'19"W for 1,269.77 feet to an intersection with the North line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section 15; thence run N89°15'14"E along said North line for 581.18 feet; thence run S03°26'28"E for 1,184.62 feet; thence run N89°22'34"E for 59.55 feet; thence run S50°37'20"E for 154.64 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 5,217.50 feet (delta 13°52'48") (chord bearing S05°54'13"W) (chord 1,260.85 feet) for 1,263.94 feet to an intersection with the North right of way line of Laredo Avenue (50' wide) as described in deed recorded in C.C.M.B. 10, at Page 204, Lee County Records, and the North line of the South 50 feet of the North Half (N ½) of the Southwest Quarter (SW ¼) of said Section 15; thence run S89°09'23"W along said North line for 1,944.03 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 15; thence run N00°54'45"W along said West line for 1,272.55 feet to the POINT OF BEGINNING.

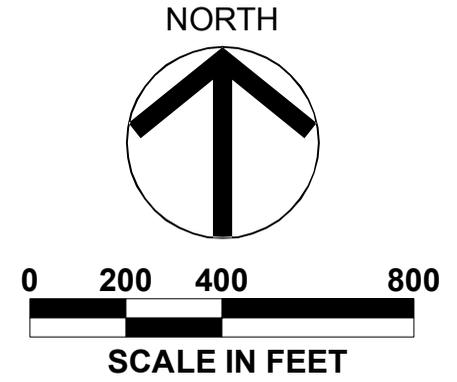
Containing 95.74 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW ¼) of said Section 15 to bear N00°54'45"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949



"Lockett Road Truck and Auto Plaza"
(P.B. 39, PG. 39, L.C.R.)



**Section 15
Township 44 South, Range 25 East**

PARCEL AREA = 95.74 Ac.

$R=5217.50'$
 $\Delta=13^{\circ}52'48''$ $L=1263.94'$
 $CB=S05^{\circ}54'13''W$
 $CD=1260.85'$

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. C.C.M.B. - DENOTES COUNTY COMMISSIONERS MINUTES BOOK, LEE COUNTY.
3. O.R. - DENOTES OFFICAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
4. P.B. - DENOTES PLAT BOOK, LEE COUNTY PUBLIC RECORDS.
5. PG. - DENOTES PAGE.
6. BEARINGS AS SHOWN ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 15 TO BEAR NORTH 00°54'45" WEST.
7. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

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 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3168
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7965 - SURVEYING LB-6940

PREPARED FOR
Land Solutions inc.
6150 DIAMOND CENTRE COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION
**A PARCEL OF LAND IN
SECTION 15
TOWNSHIP 44 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA**

PROJECT SURVEYOR

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

FILE NAME	21947SK08.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21947DWS\SURVEYING\SKETCH
PLOT DATE	FRI, 12-1-2006 11:38 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-01-2006
DRAWN BY	PTO
CHECKED BY	SAW
SCALE	1"=400'
FIELD BOOK	

PLAN REVISIONS	
STAMP NUMBERS	

SKETCH TO ACCOMPANY DESCRIPTION	
PROJECT / FILE NO.	SHEET NUMBER
21947 15-44-25	2 of 2

DESCRIPTION:

Parcel in Section 15, Township 44 South, Range 25 East Lee County, Florida

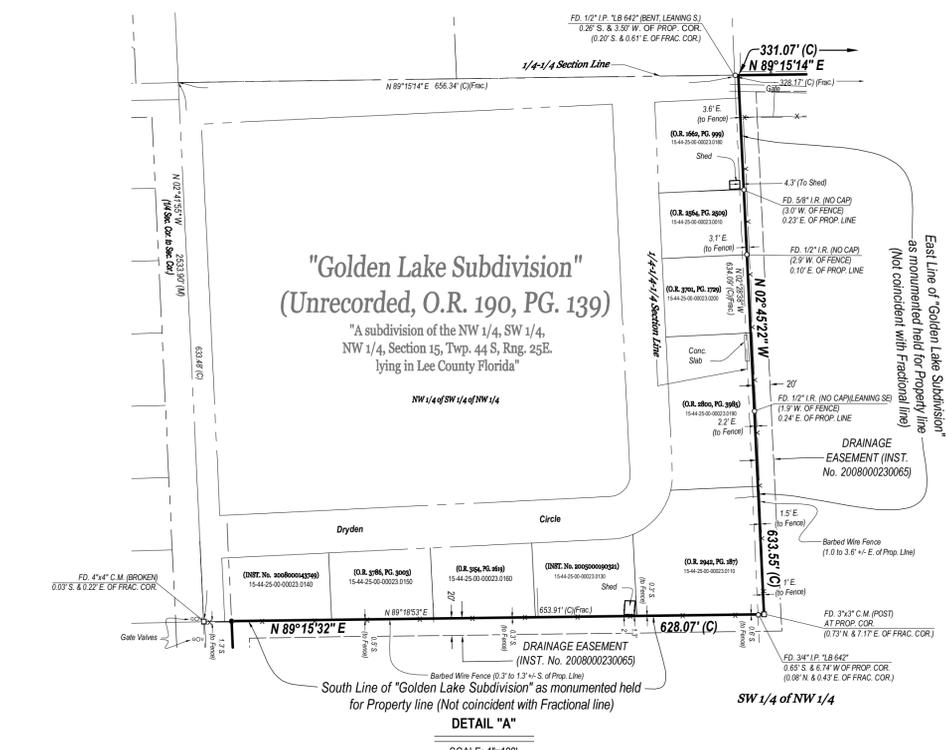
A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

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Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 15 to bear N00°54'45"E.

LEGEND:

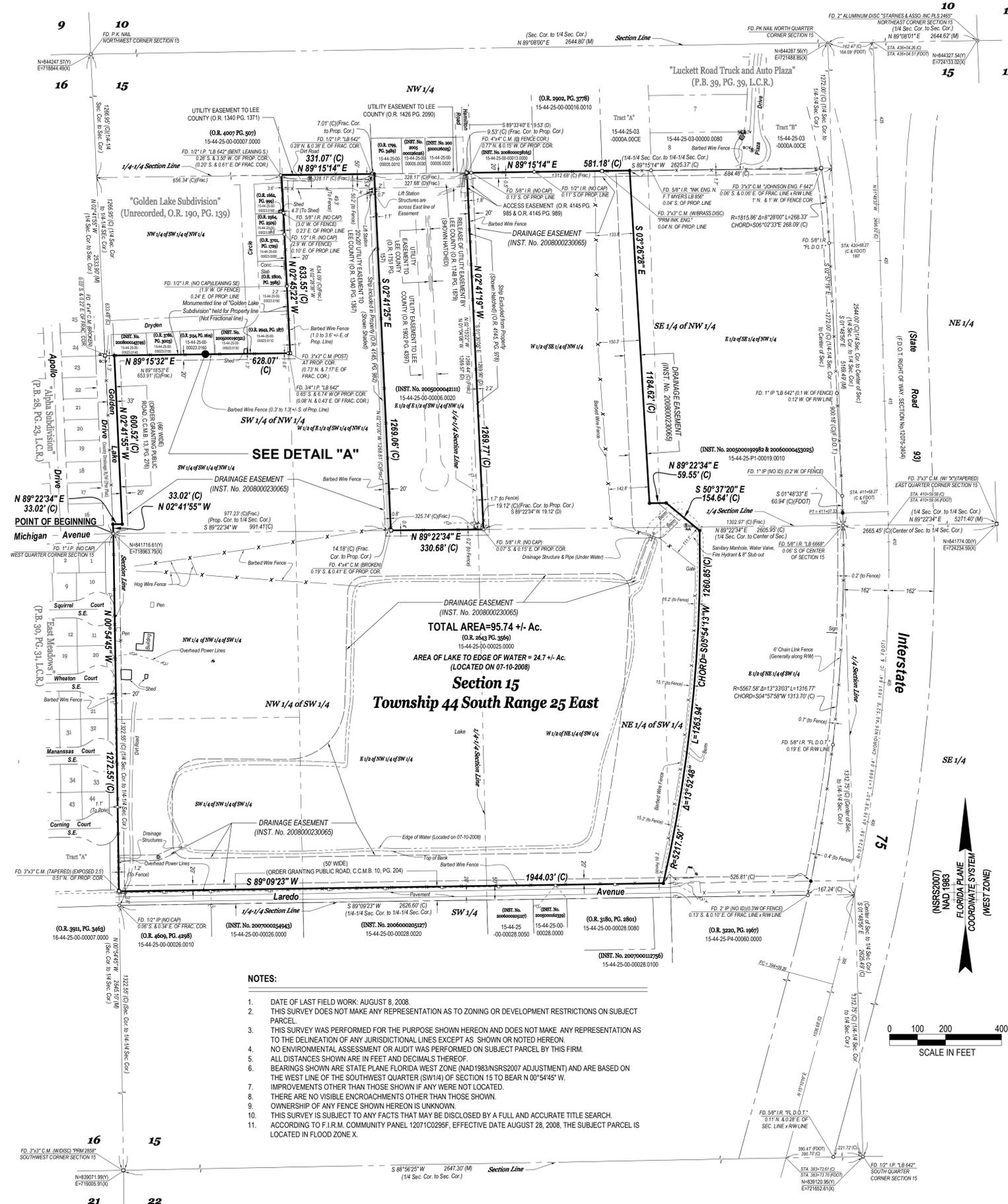
- (C) CALCULATED
- C.C.M.B. COUNTY COMMISSIONERS MINUTES BOOK
- C/L CENTER LINE
- CONC. CONCRETE
- C.M. CONCRETE MONUMENT
- COR. CORNER
- (D) DEED
- D.B. DEED BOOK
- FD. FOUND
- F.D.O.T. FLORIDA DEPT. OF TRANSPORTATION
- FRACTION FRACTION
- I.P. IRON PIPE
- I.R. IRON ROD
- LB LICENSED BUSINESS
- L.C.R. LEE COUNTY RECORDS
- (M) MEASURED
- (P) PLAT
- PG. PAGE
- P.B. PLAT BOOK
- P.K. PARKER-KALON
- P/O PART OF
- P.R.M. PERMANENT REFERENCE MONUMENT
- PROP. PROPERTY
- R/W RIGHT OF WAY
- SEC. SECTION
- S/L SECTION LINE
- ▲ FOUND NAIL AS NOTED
- SET 1/2" IRON ROD WITH CAP STAMPED LB6940
- SET 4"x4" CONC. MONUMENT STAMPED LB6940
- ▲ SET P.K. NAIL WITH DISC STAMPED LB6940
- ▲ FOUND CONC. MONUMENT AS NOTED
- ▲ FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE EASEMENT
- DRAINAGE MANHOLE
- MITERED END SECTION
- LIGHT POLE
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY POLE
- GUY ANCHOR
- GAS LINE MAKER
- FIBER OPTIC LINE MARKER
- TELEPHONE RISER
- 4" WELL
- FIRE HYDRANT
- WATER VALVE



THIS SURVEY IS FOR THE BENEFIT OF:
 ADVANCE SOLUTIONS TWO, LLC
 L.B. ANDERSON CONSTRUCTION, INC.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 BOLANOS TRUXTON, P.A.

I HEREBY CERTIFY THAT A SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 61G17-6 F.A.C. CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES. ABSTRACT NOT REVIEWED. SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



- NOTES:**
- DATE OF LAST FIELD WORK: AUGUST 8, 2008.
 - THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
 - THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
 - NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
 - ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - BEARINGS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983/NSRS2007 ADJUSTMENT) AND ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 15 TO BEAR N 00°54'45"W.
 - IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
 - THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
 - OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
 - THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 - ACCORDING TO F.I.R.M. COMMUNITY PANEL 12071C0295F, EFFECTIVE DATE AUGUST 28, 2008, THE SUBJECT PARCEL IS LOCATED IN FLOOD ZONE X.



Barraco
 and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
 www.barraco.net
 2271 MCGREGOR BOULEVARD
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 FLORIDA CERTIFICATES OF AUTHORIZATION
 ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
Land Solutions inc.
 6150 DIAMOND CENTRE COURT
 BUILDING 1300
 FORT MYERS, FLORIDA 33912
 PHONE (239) 482-1500
 FAX (239) 481-8477
 WWW.LANDSOLUTIONS.NET

A PARCEL OF LAND IN SECTION 15 TOWNSHIP 44 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA

PROJECT SURVEYOR

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

FILE NAME	22469SD1.DWG
LAYOUT	LAYOUT1
LOCATION	J:\22469DWG\SURVEYING\
PLOT DATE	TUE: 9-2-2008 - 11:53 AM
PLOT BY	PETER OLSEN

DRAWING DATA	
SURVEY DATE	08-08-2008
DRAWN BY	PETER OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	9462.96/19,107/1-2,118/43,256/29

PLAN REVISIONS	
09-02-2008	ADD REF. TO INST. 2008000230065
STRAP NUMBERS	
15-44-25-P4-00024.0000	

BOUNDARY SURVEY	
PROJECT / FILE NO.	SHEET NUMBER
22469 15-44-25	1 of 1

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question (_____)

CITY OF FORT MYERS FIRE RESCUE SERVICES / 189	Special District	CHRISTINE TENNEY BUDGET MANAGER PO DRAWER 2217 FORT MYERS FL 33902
CITY OF FORT MYERS RESIDENTIAL SOLID WASTE SERVICES / 196	Special District	FABIAN BUSTOS 2925 DR MARTIN LUTHER KING JR BLVD FORT MYERS FL 33916
CITY OF FORT MYERS STORMWATER / 142	Special District	FABIAN BUSTOS 2925 DR MARTIN LUTHER KING JR BLVD FORT MYERS FL 33916
SFWMD-DISTRICT-WIDE / 110	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

Sale Price	Date	OR Number	Type	Description	Vacant/Improved
100.00	12/20/2011	2011000274241	11	Sales disqualified as a result of examination of the deed Corrective Deed, Quit Claim Deed, or Tax Deed; deed bearing Florida Documentary Stamp at the minimum rate prescribed under Chapter 201, F.S.; transfer of ownership in which no documentary stamps were paid	I
100.00	12/20/2011	2011000274240	11	Sales disqualified as a result of examination of the deed Corrective Deed, Quit Claim Deed, or Tax Deed; deed bearing Florida Documentary Stamp at the minimum rate prescribed under Chapter 201, F.S.; transfer of ownership in which no documentary stamps were paid	I
8,900.00	02/18/2011	2011000051220	11	Sales disqualified as a result of examination of the deed Corrective Deed, Quit Claim Deed, or Tax Deed; deed bearing Florida Documentary Stamp at the minimum rate prescribed under Chapter 201, F.S.; transfer of ownership in which no documentary stamps were paid	I
5,426,600.00	04/11/2005	4661/1814	02	Sales qualified but excluded from sales ratio analysis Qualified (Multiple STRAP # / 06-09I)	I
100.00	09/01/1995	2643/3571	01	Sales disqualified as a result of examination of the deed Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)	I
100.00	09/01/1990	2186/1590	01	Sales disqualified as a result of examination of the deed Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)	I

Parcel Numbering History

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
15-44-25-00-00024.0000	N/A	Reserved for Renumber ONLY	05/10/2005
15-44-25-P4-00025.0000	10248989	Combined (With another parcel-Delete Occurs)	04/12/2007
15-44-25-P1-00019.0000	10248960	Combined (With another parcel-Delete Occurs)	04/12/2007
15-44-25-P1-00020.0000	10248961	Combined (With another parcel-Delete Occurs)	04/12/2007
15-44-25-P1-00021.0000	10248962	Combined (With another parcel-Delete Occurs)	04/12/2007
15-44-25-P1-00022.0010	10248964	Combined (With another parcel-Delete Occurs)	04/12/2007
15-44-25-P4-00022.0000	10248963	Combined (With another parcel-Delete Occurs)	04/12/2007

Location Information

Township	Range	Section	Block	Lot
44	25E	15		
Municipality	Latitude	Longitude		
City of Fort Myers	26.64925	-81.80449		
Links				
View Parcel on Google Maps			View Parcel on GeoView	

Solid Waste (Garbage) Roll Data

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
009 - City of Fort Myers	R - Residential Category		1	17.79

Flood and Storm Information

Flood Insurance Find my flood zone				Storm Surge Zone	Evacuation Zone
Community	Panel	Version	Date		
125106	0295	F	8/28/2008	C	C

Appraisal Details (2017 Tax Roll)

Land

Land Tracts

Use Code	Use Code Description	Depth	Frontage	Number of Units	Unit of Measure
4000	Industrial, Vacant	0	0	130680.00	Square Feet
9530	Pond	0	0	25.00	Acres
6010	Pasture, Improved, Good	0	0	40.25	Acres
6200	Pasture, Semi-Improved, Poor	0	0	4.75	Acres
6500	Pasture, Waste	0	0	24.84	Acres

Land Features

Description	Year Added	Units
FENCE - CHAIN LINK - 5 FOOT	1967	300

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
99 - Florida Ranch	1 - single family residential	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
3	1.0	1967	1974

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	1,230

Building Features

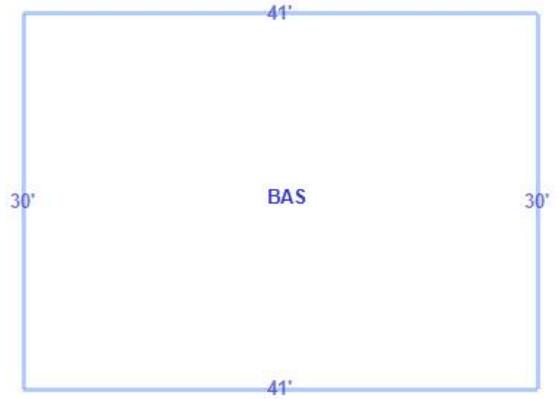
Description	Year Added	Units
FIREPLACE - TYPE B	1967	1
SHED - FRAME W/FLOOR	2000	120
SHED - FRAME W/FLOOR	2000	720
SHED - POLE	2000	576

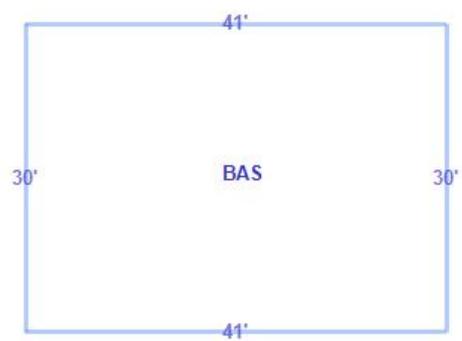
Building Front Photo

Building Footprint



Photo Date: June of 2011



LEE COUNTY PROPERTY APPRAISER GENERATED ON 1/12/2018 1:56 PM Current Working Values		BUILDING CHARACTERISTICS ELEMENT CODE TYPE / DESCRIPTION / VALUE			BUILDING SUBAREA DETAIL YEAR GROSS PCT ADJ BUILT AREA BASE AREA CAP COST				FOLIO ID: 10248988 STRAP: 15-44-25-P4-00024.0000 CARD 1 of 1							
SITE ADDRESS 9011 LAREDO AVE OWNER'S NAME HARPER PROPERTY OWNER'S ADDRESS 5571 HALIFAX AVE FORT MYERS FL 33912		STORIES 1.0 BEDROOMS 3 BATHROOMS 1.0 EXTERIOR WALL 17 CB STUCCO EXTERIOR WALL 0 NONE ROOF STRUCTURE 3 GABLE OR HIP ROOF COVER 1 MIN. ROOFING-CORR. INTERIOR WALL 5 DRYWALL INTERIOR WALL 0 NONE INTERIOR FLOOR 14 CARPET INTERIOR FLOOR 0 NONE HEATING FUEL 4 ELECTRIC HEATING TYPE 4 FORCED AIR-DUCTED AC TYPE 3 CENTRAL QUALITY 2.0000 BELOW AVERAGE CEILING HEIGHT CLGHT CEILING HEIGHT UNDER 8'			BASE 1967 1,230 100 1,230 50,745				STRUCT INDEX 0.85 BASE RATE 80.89 EFF BASE RATE 68.76 EFF AREA 1,230 RCN 84,575 REMAINING WORTH 60 % COST VALUE 50,745 IMP TYPE 99 - Florida Ranch MODEL 1 - SINGLE FAMILY RESIDENTIAL							
PROPERTY DESCRIPTION S 1/2 OF NW 1/4 + N 1/2 OF SW 1/4 DESC IN OR 4661 PG 1814					TOTALS 1,230 1,230 50,745				FLOOR 1 							
DOR CODE 60 - GRAZING LAND CLASS I NBHD CODE 55-212.0 ORTIZ CORRIDOR																
EXTRA FEATURES	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST		
	1	FPLC B	FIREPLACE - TYPE B	0	0	1.00	4,725.00	1.00	B	1967	2.00	0.60	-	2,835		
	2	CH LK 5	FENCE - CHAIN LINK - 5 FOOT	0	0	300.00	14.21	1.00	L	1967	5.00	0.60	-	2,558		
	3	SHED FR	SHED - FRAME W/FLOOR	10.00	12.00	120.00	29.56	1.00	B	2000	2.00	0.66	-	2,341		
	4	SHED FR	SHED - FRAME W/FLOOR	24.00	30.00	720.00	29.56	1.00	B	2000	2.00	0.66	-	14,047		
	5	SHED PO	SHED - POLE	24.00	24.00	576.00	13.01	1.00	B	2000	2.00	0.66	-	4,946		
TOTAL OF EXTRA FEATURE VALUES														26,727		
LAND	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	
	1	4000	VAC IND	IL	0	0	1.00	1.00	0	0.50	130,680.00	SF	1.00	-	CW	
	2	9530	POND	IL	0	0	1.00	1.00	0	50.00	25.00	AC	1.00	-	CW	
	3	9910	MKT VALUE AG	IL	0	0	1.00	1.00	0	0.50	3,042,230.00	SF	1.00	-	CW	
TOTAL OF LAND LINE VALUES															1,587,705	
											BOOK/PAGE OR INSTRUMENT DATE TYPE OVR V SALE PRICE		VALUE SUMMARY Current Values 2017			
											2011000051220 2/18/2011 11 11 I 8,900		BUILDING COST VALUE 50,745 50,745			
											4661/1814 4/11/2005 05 02 I 5,426,600		BUILDING EXTRA FEATURES 24,169 24,816			
													LAND EXTRA FEATURES 2,558 2,558			
													LAND VALUE 1,587,705 1,587,705			
													COST APPROACH VALUE 1,665,177 1,665,824			
													INCOME APPROACH VALUE * *			
													SALES APPROACH VALUE 1,660,357 1,660,357			
													MARKET VALUE 1,660,357 1,660,357			
													ASSESSED VALUE 167,264 167,264			

Detail by Entity Name

Florida Limited Liability Company
HARPER PROPERTY HOLDINGS 3, LLC

Filing Information

Document Number L11000142193
FEI/EIN Number 30-0710996
Date Filed 12/20/2011
State FL
Status ACTIVE

Principal Address

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Mailing Address

5571 Halifax Avenue
Fort Myers, FL 33912

Changed: 01/15/2013

Registered Agent Name & Address

NOLAND, JOHN A
1715 MONROE STREET
FORT MYERS, FL 33901

Authorized Person(s) Detail

Name & Address

Title MGR

HARPER PROPERTY MANAGEMENT, LLC
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Annual Reports

Report Year	Filed Date
2015	01/26/2015
2016	01/23/2016
2017	01/21/2017

Document Images

01/21/2017 -- ANNUAL REPORT	View image in PDF format
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01/26/2015 -- ANNUAL REPORT	View image in PDF format
01/16/2014 -- ANNUAL REPORT	View image in PDF format
01/15/2013 -- ANNUAL REPORT	View image in PDF format
07/11/2012 -- ANNUAL REPORT	View image in PDF format
12/20/2011 -- Florida Limited Liability	View image in PDF format



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Detail by Entity Name

Florida Limited Liability Company
HARPER PROPERTY MANAGEMENT, LLC

Filing Information

Document Number L09000119278
FEI/EIN Number 27-1491808
Date Filed 12/11/2009
State FL
Status ACTIVE

Principal Address

5571 HALIFAX AVENUE
FT. MYERS, FL 33912

Mailing Address

5571 HALIFAX AVENUE
FT. MYERS, FL 33912

Registered Agent Name & Address

NOLAND, JOHN A
1715 MONROE STREET
FT. MYERS, FL 33901

Authorized Person(s) Detail

Name & Address

Title MGR

HARPER, DANIEL RTRUSTEE
5571 HALIFAX AVENUE
FT. MYERS, FL 33912

Title MGR

HARPER THOMPSON, SHARON TRUSTEE
1470 ROYAL PALM SQUARE BLVD.
FT. MYERS, FL 33919

Title MGR

NOLAND, JOHN ATRUSTEE
5571 HALIFAX AVENUE
FT. MYERS, FL 33912

Title MGR

INGE, RONALD ETRUSTEE
5571 HALIFAX AVENUE
FT. MYERS, FL 33912

Annual Reports

Report Year	Filed Date
2015	01/26/2015
2016	01/23/2016
2017	01/21/2017

Document Images

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01/26/2015 -- ANNUAL REPORT	View image in PDF format
01/16/2014 -- ANNUAL REPORT	View image in PDF format
01/24/2013 -- ANNUAL REPORT	View image in PDF format
01/08/2012 -- ANNUAL REPORT	View image in PDF format
01/05/2011 -- ANNUAL REPORT	View image in PDF format
03/23/2010 -- ANNUAL REPORT	View image in PDF format
12/11/2009 -- Florida Limited Liability	View image in PDF format

Detail by Entity Name

Florida Limited Liability Company
MCNEW PROPERTY HOLDINGS 3, LLC

Filing Information

Document Number L11000142196
FEI/EIN Number 80-0772105
Date Filed 12/20/2011
State FL
Status ACTIVE

Principal Address

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Mailing Address

5571 Halifax Avenue
Fort Myers, FL 33912

Changed: 01/15/2013

Registered Agent Name & Address

NOLAND, JOHN A
1715 MONROE STREET
FORT MYERS, FL 33901

Authorized Person(s) Detail

Name & Address

Title MGR

MCNEW PROPERTY MANGEMENT, LLC
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Annual Reports

Report Year	Filed Date
2015	01/26/2015
2016	01/23/2016
2017	01/21/2017

Document Images

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01/26/2015 -- ANNUAL REPORT	View image in PDF format
01/16/2014 -- ANNUAL REPORT	View image in PDF format
01/15/2013 -- ANNUAL REPORT	View image in PDF format
07/11/2012 -- ANNUAL REPORT	View image in PDF format
12/20/2011 -- Florida Limited Liability	View image in PDF format



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Detail by Entity Name

Florida Limited Liability Company
MCNEW PROPERTY MANAGEMENT, LLC

Filing Information

Document Number	L09000118018
FEI/EIN Number	27-1491996
Date Filed	12/11/2009
State	FL
Status	ACTIVE
Last Event	LC ARTICLE OF CORRECTION/NAME CHANGE
Event Date Filed	12/15/2009
Event Effective Date	NONE

Principal Address

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Mailing Address

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Registered Agent Name & Address

NOLAND, JOHN A
1715 MONROE STREET
FORT MYERS, FL 33901

Authorized Person(s) Detail

Name & Address

Title MGR

MCNEW, BEVERLY HTRUSTEE
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Title MGR

NOLAND, JOHN ATRUSTEE
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Title MGR

INGE, RONALD ETRUSTEE
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

Annual Reports

Report Year	Filed Date
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2016	01/23/2016
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01/16/2014 -- ANNUAL REPORT	View image in PDF format
01/24/2013 -- ANNUAL REPORT	View image in PDF format
01/08/2012 -- ANNUAL REPORT	View image in PDF format
01/05/2011 -- ANNUAL REPORT	View image in PDF format
03/23/2010 -- ANNUAL REPORT	View image in PDF format
12/15/2009 -- LC Article of Correction/NC	View image in PDF format
12/11/2009 -- Florida Limited Liability	View image in PDF format

(H)
\$62.30
5/7 8,900.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED

MAR 01 2011
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY _____ D.C.

Harper, Daniel R, atf Daniel R Harper Revocable Trust et al
Plaintiff
vs
Advance Solutions Two LLC et al
Defendant

Case No. 10-CA-057191

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on February 18, 2011 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

Parcel 1

The East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4). AND the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the rights of way for Interstate Highway 75 and Laredo Avenue.

Parcel 2

The East half (E 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 3

The West half (W 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

LESS AND EXCEPT the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, being further described as follows:

Beginning at the Northwest corner of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15, run S 89° 33' 40" E for 9.53 feet; thence run S 01° 30' 05" E for 1,269.90 feet to an intersection with the South line of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15; thence run N 89° 26' 24" W along said South line for 19.12 feet to an intersection of the West line of said fraction; thence run N 01° 04' 08" W along said west line for 1,269.57 feet to the Point of Beginning.

Parcel 4

The East half (E 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the West half (W 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Together with the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 15, run N 02° 41' 55" W along the West line of the Northwest Quarter (NW 1/4) of said Section 15, for 33.02 feet to an intersection with the North line of the South 33 feet of said Fraction; thence run N 89° 22' 34" E along said North line for 33.02 feet to an intersection with the East line of the West 33 feet of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 02° 41' 55" W along said East line for 600.52 feet to an intersection with the South line of Golden Lakes Subdivision, Unrecorded, as shown in Official Records Book 190, Page 139, Lee County Records; thence run N 89° 15' 32" E along said South line for 628.07 feet to the Southeast Corner of said Golden Lakes Subdivision; thence run N 02° 45' 22" W along the East line of said Golden Lakes Subdivision for 633.55 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 89° 15' 14" E along the North line of said Fraction for 331.07 feet; thence run S 02° 41' 25" E for 1,269.06 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of said Section 15; thence run S 89° 22' 34" W along said North line for 991.41 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 15 to bear N 00° 54' 45" E.

Parcel 5

The Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 6

The East half (E 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Less and except that certain property described as follows:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the intersection of the north right of way line of Laredo Avenue and the westerly right of way line of Interstate 75 (State Road No. 93) run S 89° 09' 23"W along the north right of way line of Laredo Avenue for 490.79 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N 77° 14' 58" W, a radial distance of 5,252.50 feet; thence northerly along the arc, through a central angle of 13° 57' 49", a distance of 1,280.08 feet; thence N 50° 37' 20"W, a distance of 183.51 feet; thence S 89° 22' 34" W, a distance of 38.97 feet; thence N 03° 26' 28" W, a distance of 1,149.65 feet to an intersection with the south line of Lockett Road Truck and Auto Plaza recorded in Plat Book 39, Page 39, Lee County Records; thence N 89° 15' 14" E along said south line, a distance of 649.44 feet to an intersection with the westerly right of way line of Interstate 75 and to the point of curve of a non tangent curve to the right, of which the radius point lies S 79° 43' 26" W, a radial distance of 1,815.86 feet; thence southerly along the arc, through a central angle of 08° 28' 00", a distance of 268.33 feet to a point of tangency; thence S 02° 57' 18" E along said right of way line, a distance of 900.18 feet; thence S 01° 48' 33" E along said right of way line, a distance of 60.94 feet to a point of curve to the right having a radius of 5,567.58 feet and a central angle of 13° 33' 03"; thence southerly along said right of way line along the arc for a distance of 1,316.77 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the North right of way line of Laredo Avenue to bear S 89° 09' 23" W.

Was sold to:

DANIEL R. HARPER, as Trustee of the DANIEL R. HARPER REVOCABLE TRUST dated July 13, 1990, as amended and restated September 16, 1996, and as amended April 14, 1998, October 30, 2000, February 24, 2000 and July 20, 2004 as to the Undivided 55.289% interest and QUINTON B. McNEW, as Trustee of the QUINTON B. McNEW REVOCABLE TRUST dated March 29, 1995, as amended March 6, 1996, and April 14, 1998, as to an undivided 44.711% interest,

Address:

5571 Halifax Avenue
Fort Myers, FL 33912

WITNESS my hand and the seal of the court on March 01, 2011

Charlie Green, Clerk of Court

By:


Deputy Clerk



Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

THIS INSTRUMENT PREPARED BY:

**Denis H. Noah, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280**

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE
EXAMINATION**

TRUSTEE'S DEED

THIS INDENTURE, made this 20th day of December, 2011, between **Daniel R. Harper, Individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004, July 20, 2004, November 17, 2004 and June 24, 2009**, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, Party of the First Part, and **Harper Property Holdings 3, LLC**, a Florida limited liability company, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, party of the Second Part.

WITNESSETH: That the said Party of the First Part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to him in hand paid by the said Party of the Second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Party of the Second part, its successors and assigns forever, the following described land, situate, and being in the County of Lee, State of Florida, to wit:

An undivided 55.289% interest in the following described property:

Parcel 1

The East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4). AND the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the rights of way for Interstate Highway 75 and Laredo Avenue.

Parcel 2

The East half (E 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 3

The West half (W 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

LESS AND EXCEPT the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, being further described as follows:

Beginning at the Northwest corner of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15, run S 89° 33' 40" E for 9.53 feet; thence run S 01° 30' 05" E for 1,269.90 feet to an intersection with the South line of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15; thence run N 89° 26' 24" W along said South line for 19.12 feet to an intersection of the West line of said fraction; thence run N 01° 04' 08" W along said west line for 1,269.57 feet to the Point of Beginning.

Parcel 4

The East half (E 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the Southwest quarter (SW1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the West half (W 1/2) of the West half (W1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Together with the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 15, run N 02° 41' 55" W along the West line of the Northwest Quarter (NW 1/4) of said Section 15, for 33.02 feet to an intersection with the North line of the South 33 feet of said Fraction; thence run N 89° 22' 34" E along said North line for 33.02 feet to an intersection with the East line of the West 33 feet of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 02° 41' 55" W along said East line for 600.52 feet to an intersection with the South line of Golden Lakes Subdivision, Unrecorded, as shown in Official Records Book 190, Page 139, Lee County

Records; thence run N 89° 15' 32" E along said South line for 628.07 feet to the Southeast Corner of said Golden Lakes Subdivision; thence run N 02°45' 22" W along the East line of said Golden Lakes Subdivision for 633.55 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 89° 15' 14" E along the North line of said Fraction for 331.07 feet; thence run S 02°41' 25" E for 1,269.06 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of said Section 15; thence run S 89° 22' 34" W along said North line for 991.41 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 15 to bear N 00°54' 45" E.

Parcel 5

The Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 6

The East half (E 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

LESS AND EXCEPT that certain property described as follows:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the intersection of the north right of way line of Laredo Avenue and the westerly right of way line of Interstate 75 (State Road No. 93) run S89°09'23"W along the north right of way line of Laredo Avenue for 490.79 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N77°14'58"W, a radial distance of 5,252.50 feet; thence northerly along the arc, through a central angle of 13°57'49", a distance of 1,280.08 feet; thence N50°37'20"W, a distance of 183.51 feet; thence S89°22'34"W, a distance of 38.97 feet; thence N03°26'28"W, a distance of 1,149.65 feet to an intersection with the south line of Lockett Road Truck and Auto Plaza recorded in Plat Book 39, Page 39, Lee County Records; thence N89°15'14"E along said south line, a distance of 649.44 feet to an intersection with the westerly right of way line of Interstate 75 and to the point of curve of a non tangent curve to the right, of which the radius point lies S79°43'26"W, a radial distance of 1,815.86 feet; thence southerly along the arc, through a central angle of 08°28'00", a distance of 268.33 feet to a point of tangency; thence S02°57'18"E along said right of way line, a distance of 900.18 feet; thence S01°48'33"E along said right of way line, a

distance of 60.94 feet to a point of curve to the right having a radius of 5,567.58 feet and a central angle of 13°33'03"; thence southerly along said right of way line along the arc for a distance of 1,316.77 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the North right of way line of Laredo Avenue to bear S89°09'23"W.

Tax Parcel No.: 15-44-25-P4-00024.0000

The above-described parcels are subject to easements, restrictions and reservations of record and taxes for the year 2012 and all subsequent years.

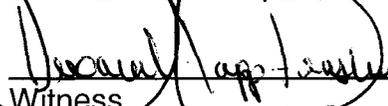
The above-described parcels are not the homestead nor are they contiguous to the homestead of the Party of the First Part.

In keeping with the findings of Crescent Miami Center, LLC v. Florida Department of Revenue, 903 So.2d 913 (Fla. 2005) and Chapter 2009-181 Laws of Florida amending Fla. Stat. 201.02, minimum documentary stamps are due in connection with this conveyance of unencumbered real property in which beneficial ownership will remain unchanged.

And the said Party of the First Part does hereby warrant that the premises are free from all encumbrances made by Party of the First Part, except as aforesaid, but against none other.

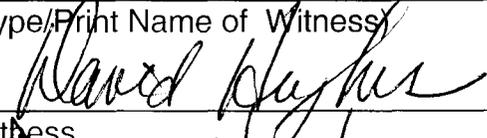
IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:



Witness
Deborah L. Kapp-Beasley

(Type/Print Name of Witness)



Witness
David Hughes

(Type/Print Name of Witness)



**Daniel R. Harper, Individually and as
Trustee of the Daniel R. Harper
Revocable Trust dated July 13, 1990, as
amended and restated September 16,
1996, as amended April 14, 1998,
October 30, 2000, February 24, 2004
July 20, 2004, November 17, 2004 and
June 24, 2009**

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of December, 2011, by **Daniel R. Harper, Individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004, July 20, 2004, November 17, 2004 and June 24, 2009**, who executed the foregoing Trustee's Deed individually and on behalf of said Trust, and who is personally known to me or who produced _____ as identification.

My Commission Expires:

Notary Public



RONALD E. INGE
MY COMMISSION # EE 013702
EXPIRES: December 1, 2014
Bonded Thru Budget Notary Services

Print/Type Name of Notary

Commission No. EE013702

#1900380v2

Doc. \$37,986.20
Rec. \$44.00
Indexing \$1.00



THIS INSTRUMENT PREPARED BY:
DENIS H. NOAH, ESQ.
Post Office Box 280
Fort. Myers, FL 33902

INSTR # 6733894
OR BK 04661 Pgs 1814 - 1818; (5pgs)
RECORDED 04/12/2005 02:57:37 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 44.00
DEED DOC 37,986.20
DEPUTY CLERK L Ambrosio

3

WARRANTY DEED

THIS INDENTURE, made this 11th day of April, 2005
between **DANIEL R. HARPER, individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004 and July 20, 2004, as to an undivided 57% interest in Parcels 1, 3, 4, 5 and 6 and an undivided 33.52% interest in Parcel 2, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912 and** **QUINTON B. McNEW, individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996 and April 14, 1998, as to an undivided 43% interest in Parcels 1, 3, 4, 5 and 6 and an undivided 66.48% interest in Parcel 2, party of the first part, and** **ADVANCE SOLUTIONS TWO, L.L.C., a Florida limited liability company, whose address is 6150 Diamond Centre Court, Building 1300, Fort Myers, FL 33912, party of the second part,**

WITNESSETH that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

Parcel 1

The East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4). AND the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the rights of way for Interstate Highway 75 and Laredo Avenue.

Tax Parcel No.: 15-44-25-00-00019.0000

Parcel 2

The East half (E 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Tax Parcel No.: 15-44-25-00-00020.0000

Parcel 3

The West half (W 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

LESS AND EXCEPT the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, being further described as follows:

Beginning at the northwest corner of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15, run S89°33'40"E for 9.53 feet; thence run S01°30'05"E for 1,269.90 feet to an intersection with the south line of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15; thence run N89°26'24"W along said south line for 19.12 feet to an intersection of the west line of said fraction; thence run N01°04'08"W along said west line for 1,269.57 feet to the Point of Beginning.

Tax Parcel No.: 15-44-25-00-00021.0000

Parcel 4

The East half (E 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the West half (W 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Together with the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 15, run N02°41'55"W along the West line of the Northwest Quarter (NW ¼) of said Section 15, for 33.02 feet to an intersection with the North line of the South 33 feet of said Fraction; thence run N89°22'34"E along said North line for 33.02 feet to an intersection with the East line of the West 33 feet of the Northwest Quarter (NW ¼) of said Section 15; thence run N02°41'55"W along said East line for 600.52 feet to an intersection with the South line of Golden Lakes Subdivision, Unrecorded, as shown in Official Records Book 190, Page 139, Lee County Records; thence run N89°15'32"E along said South line for 628.07 feet to the Southeast Corner of said Golden Lakes Subdivision; thence run N02°45'22"W along the East line of said Golden Lakes Subdivision for 633.55 feet to an intersection with the North line of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 15; thence run N89°15'14"E along the North line of said Fraction for 331.07 feet; thence run S02°41'25"E for 1,269.06 feet to an intersection with the North line of the Southwest Quarter (SW ¼) of said Section 15; thence run S89°22'34"W along said North line for 991.41 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW ¼) of said Section 15 to bear N00°54'45"E.

Tax Parcel Nos.: 15-44-25-00-00022.0000 and 15-44-25-00-00022.0010

Parcel 5

The Northwest quarter (NW ¼) of the Northwest quarter (NW ¼) of the Southwest quarter (SW ¼) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Tax Parcel No.: 15-44-25-00-00024.0000

Parcel 6

The East half (E ½) of the West half (W ½) of the Northeast quarter (NE ¼) of the Southwest quarter (SW

1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Tax Parcel No.: 15-44-25-00-00025.0000

Subject to easements, restrictions and reservations of record and taxes for the year 2005 and all subsequent years.

The above-described property is not the homestead, nor is it contiguous to the homestead of the party of the first part.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF

Witness

Deborah L. Kapp-Beasley
(Print/Type Name of Witness)

Witness

Denis J. Roza
(Print/Type Name of Witness)

Witness

Deborah L. Kapp-Beasley
(Print/Type Name of Witness)

Witness

Denis J. Roza
(Print/Type Name of Witness)

Daniel R. Harper
DANIEL R. HARPER, individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004 and July 20, 2004

Quinton B. McNew
QUINTON B. McNEW, as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996 and April 14, 1998

STATE OF FLORIDA

COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 11th day of April, 2005, by **DANIEL R. HARPER, individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004 and July 20, 2004,** ~~who is personally known to me~~ or who has produced _____ as identification.

My Commission Expires:



RONALD E. INGE
MY COMMISSION # DD 138603
EXPIRES: December 1, 2006
Bonded Thru Budget Notary Services

[Signature]
Notary Public

Ronald E. Inge
Print/Type Name of Notary

Commission No. DD 138603

STATE OF FLORIDA

COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 11th day of April, 2005, by **QUINTON B. McNEW, individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996 and April 14, 1998,** ~~who is personally known to me~~ or who as produced _____ as identification.

My Commission Expires:



RONALD E. INGE
MY COMMISSION # DD 138603
EXPIRES: December 1, 2006
Bonded Thru Budget Notary Services

[Signature]
Notary Public

Ronald E. Inge
Print/Type Name of Notary

Commission No. DD 138603

#1042179v1

THIS INSTRUMENT PREPARED BY:

Denis H. Noah, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE
EXAMINATION**

TRUSTEE'S DEED

THIS INDENTURE, made this 20th day of December, 2011, between **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, Party of the First Part, and **McNew Property Holdings 3, LLC**, a Florida limited liability company, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, party of the Second Part.

WITNESSETH: That the said Party of the First Part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to him in hand paid by the said Party of the Second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Party of the Second part, its successors and assigns forever, the following described land, situate, and being in the County of Lee, State of Florida, to wit:

An undivided 44.711% interest in the following described property:

Parcel 1

The East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4). AND the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the rights of way for Interstate Highway 75 and Laredo Avenue.

Parcel 2

The East half (E 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 3

The West half (W 1/2) of the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

LESS AND EXCEPT the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, being further described as follows:

Beginning at the Northwest corner of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15, run S 89° 33' 40" E for 9.53 feet; thence run S 01 ° 30' 05" E for 1,269.90 feet to an intersection with the South line of the Southeast One Quarter (SE 1/4) of the Northwest One Quarter (NW 1/4) of said Section 15; thence run N 89° 26' 24" W along said South line for 19.12 feet to an intersection of the West line of said fraction; thence run N 01° 04' 08" W along said west line for 1,269.57 feet to the Point of Beginning.

Parcel 4

The East half (E 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the Southwest quarter (SW1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4); the West half (W 1/2) of the West half (W1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Together with the following described parcel:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 15, run N 02° 41' 55" W along the West line of the Northwest Quarter (NW 1/4) of said Section 15, for 33.02 feet to an intersection with the North line of the South 33 feet of said Fraction; thence run N 89° 22' 34" E along said North line for 33.02 feet to an intersection with the East line of the West 33 feet of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 02°41' 55" W along said East line for 600.52 feet to an intersection with the South line of Golden Lakes Subdivision, Unrecorded, as shown in Official Records Book 190, Page 139, Lee County

Records; thence run N 89° 15' 32" E along said South line for 628.07 feet to the Southeast Corner of said Golden Lakes Subdivision; thence run N 02°45' 22" W along the East line of said Golden Lakes Subdivision for 633.55 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence run N 89° 15' 14" E along the North line of said Fraction for 331.07 feet; thence run S 02°41' 25" E for 1,269.06 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of said Section 15; thence run S 89° 22' 34" W along said North line for 991.41 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 15 to bear N 00°54' 45" E.

Parcel 5

The Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida.

Parcel 6

The East half (E 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) of Section 15, Township 44 South, Range 25 East, Lee County, Florida, less and except the right of way for Laredo Avenue.

Tax Parcel No.: 15-44-25-00-00025.0000

LESS AND EXCEPT that certain property described as follows:

A tract or parcel of land lying in Section 15, Township 44 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the intersection of the north right of way line of Laredo Avenue and the westerly right of way line of Interstate 75 (State Road No. 93) run S89°09'23"W along the north right of way line of Laredo Avenue for 490.79 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N77°14'58"W, a radial distance of 5,252.50 feet; thence northerly along the arc, through a central angle of 13°57'49", a distance of 1,280.08 feet; thence N50°37'20"W, a distance of 183.51 feet; thence S89°22'34"W, a distance of 38.97 feet; thence N03°26'28"W, a distance of 1,149.65 feet to an intersection with the south line of Luckett Road Truck and Auto Plaza recorded in Plat Book 39, Page 39, Lee County Records; thence N89°15'14"E along said south line, a distance of 649.44 feet to an intersection with the westerly right of way line of Interstate 75 and to the point of curve of a non tangent curve to the right, of which the radius point lies S79°43'26"W, a radial distance of 1,815.86 feet; thence southerly along the arc, through a central angle of 08°28'00", a distance

of 268.33 feet to a point of tangency; thence S02°57'18"E along said right of way line, a distance of 900.18 feet; thence S01°48'33"E along said right of way line, a distance of 60.94 feet to a point of curve to the right having a radius of 5,567.58 feet and a central angle of 13°33'03"; thence southerly along said right of way line along the arc for a distance of 1,316.77 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the North right of way line of Laredo Avenue to bear S89°09'23"W.

Tax Parcel No.: 15-44-25-P4-00024.0000

The above-described parcels are subject to easements, restrictions and reservations of record and taxes for the year 2012 and all subsequent years.

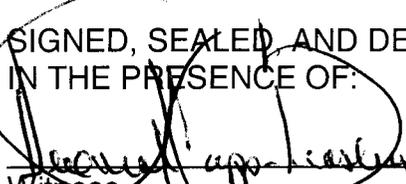
The above-described parcels are not the homestead nor are they contiguous to the homestead of the Party of the First Part.

In keeping with the findings of Crescent Miami Center, LLC v. Florida Department of Revenue, 903 So.2d 913 (Fla. 2005) and Chapter 2009-181 Laws of Florida amending Fla. Stat. 201.02, minimum documentary stamps are due in connection with this conveyance of unencumbered real property in which beneficial ownership will remain unchanged.

And the said Party of the First Part does hereby warrant that the premises are free from all encumbrances made by Party of the First Part, except as aforesaid, but against none other.

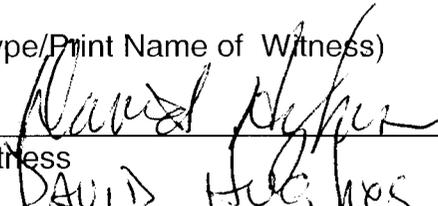
IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

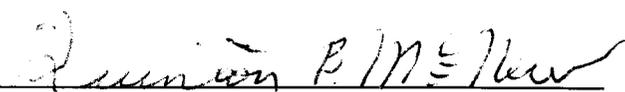


Witness
Deborah L. Kapp-Beasley

(Type/Print Name of Witness)



Witness
DAVID HUGHES
(Type/Print Name of Witness)



Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of December, 2011, by **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, who executed the foregoing Trustee's Deed individually and on behalf of said Trust, and who is personally known to me or who produced _____ as identification.

My Commission Expires:



RONALD E. INGE
MY COMMISSION # EE 013702
EXPIRES: December 1, 2014
Served Thru Budget Notary Services

[Signature]

Notary Public

Ronald E. Inge

Print/Type Name of Notary

Commission No. EE013702

#1900426V1

10.50 Rec
170 DS

11.20

THIS INSTRUMENT PREPARED BY:
John A. Noland, Esquire
P. O. Box 280
Ft. Myers, FL 33902

3853390

DR2643 PG3571

QUIT CLAIM DEED

THIS INDENTURE, made this 27th day of September, 1995, between QUINTON B. MCNEW, whose address is 14860 Six Mile Cypress Parkway, Fort Myers, FL 33912, of the County of Lee and State of Florida, party of the first part, and QUINTON B. MCNEW, as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, whose address is 14860 Six Mile Cypress Parkway of the County of Lee and State of Florida, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand, which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

An undivided 43% interest in the following described property:

The Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 15, Township 44 South, Range 25 East, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations of record and taxes for the current year.

The above property is not the homestead of Quinton B. McNew and is not contiguous to the homestead of Quinton B. McNew who resides at 16632 Bobcat Court, Fort Myers, FL 33908.

Conferring upon the party of the second part and his successors the full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of said property as provided for in F.S. 689.071.

Parcel Identification No. 15-44-25-00-00024.0000

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Ruth Neal
Witness Signature

RUTH NEAL
(Type/Print Name of Witness)

Gloria Hooks
Witness Signature

GLORIA HOOKS
(Type/Print Name of Witness)

Quinton B. McNew
Quinton B. McNew

DocuSignary Tax P.L.S. 70
\$ _____
by Robinson Clerk

RECORDED IN PUBLIC RECORDS OF LEE COUNTY, FLORIDA
BOOK 3853 PAGE 3571

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of September, 1995 by Quinton B. McNew, who is personally known to me or who has produced as identification.

My Commission Expires:

OFFICIAL NOTARY SEAL
RONALD E INGE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC416789
MY COMMISSION EXP. DEC. 1, 1998

Ronald E. Inge
Notary Public
Ronald E. Inge
(Type/Print Name of Notary)
Commission No: CC416789

DR2643 PG3572

CLERK GREEN LEE CO, FL
95 OCT 17 AM 11:59

PIERPOINTE
COMPREHENSIVE PLAN AMENDMENT
COMPREHENSIVE PLAN COMPLIANCE

The proposed development is compatible with the following goals and objectives of the City of Fort Myers Comprehensive Plan:

FUTURE LAND USE

GOAL

To ensure that general patterns and relationships (distributions, allocation and intensity) of all land uses within, an adjacent to, the City remain or become acceptable to the present and future community of Fort Myers.

OBJECTIVE 1) *Protect distinct functional areas from intrusion and encroachment of incompatible uses.*

POLICY 1.1) *Protect, preserve, and enhance existing viable single-family areas.*

The proposed development preserves, protects and enhances surrounding residential uses by proposing Residential Medium Density FLU to allow single-family and multi-family. The comprehensive plan amendment proposes 1,531 dwelling units on ± 96 acres, however a companion PUD is sought which only requests 950 dwelling units. Though the FLU designation allows neighborhood scaled commercial uses, no commercial uses have been requested in the companion PUD.

The proposed development is surrounded by Lee County jurisdiction on north, south and west sides. The surrounding Lee County lands are composed of single-family residential and mobile home parks.

To the east of the property is City of Fort Myers Industrial zoning. The proposed residential on the property is not impacting the industrial usage or vice versa. The development is required to provide landscaped buffers along the portion abutting the industrial usage, which provides separation of uses and appropriate buffering.

A ±25 acre lake exists on the property which helps create additional distance between the industrial uses on the south side of Laredo Avenue and the proposed Residential development.

Existing surrounding residential is protected and enhanced through approval of the requested FLU change from industrial to a residential land use.

POLICY 1.3) *Designate areas on the Future Land Use Map for Residential Medium Density (RMD) that contain areas characterized by medium- and high-density multifamily developments with neighborhood scaled commercial uses. Intensities for all properties within this land use district shall not exceed a floor area ratio of one-half (0.5 FAR). The maximum standard density established in the Land Development Regulations, not to exceed sixteen dwelling units per acre (16 du/acre), with a maximum bonus density of twenty dwelling units per acre (20 du/acre) may be permitted through a process outlined in the City's Land Development Regulations.*

Criteria for bonus densities include, but are not limited to, incorporating Leadership in Energy Efficient Design (LEED) standards, pedestrian connectivity, exceptional architectural design, and other considerations.

ACTION 1.3.1) *Residential Medium Density areas should be in close proximity to arterials or collectors, but do not necessarily need direct access, as well as transit, sidewalk and bicycle facilities to promote multi-modal development opportunities.*

ACTION 1.3.2) *Preferred locations for Residential Medium Density areas are within walking distance (½-1 mile) of parks, community facilities, and retail.*

The development is within reasonable distance to many public schools, employment and shopping areas. The proposed development abuts and accesses Laredo Avenue, which is a local road and within the vicinity is Ortiz Avenue a two lane undivided arterial roadway. In addition, the development is within 2 miles from Billy Bowlegs Park and 1/4 mile from the Ortiz Fleamarket.

Abutting the east side of the property are two industrial buildings, to the south are commercial and light industrial businesses, and to the west is residential development, the Ortiz Flea market and other commercial businesses, which all may provide employment to nearby residents.

The development has access to public transportation and the nearest bus stops are less than a mile away. Also less than a mile away, is a gas station and grocery store. As shown by the Public facilities Map, the development is uniquely situated where adequate access to all the urban services exist.

POLICY 1.17) *Within each land use classification, the Land Development Regulations shall distinguish between permitted uses and conditional uses. Planned Unit Development requirements shall be established in the Land Development Regulations.*

ACTION 1.17.3) *A Planned Unit Development is designed and developed in an integrated and cohesive fashion, under single ownership or unified control, providing for flexibility and clustering of uses. Specific standards and criteria shall be met in order for developments to be approved as a Planned Unit Development.*

Pursuant to Policy 1.17 the proposed development is under unified control and will be designed in a cohesive fashion. As a companion to the CPA, a PUD is requested. The PUD proposes single-family and multi-family residential with typical residential accessory uses. The property contains areas of preserve and open space which promote the clustering of uses.

POLICY 1.18) *The City shall not designate any land for agricultural use on the Future Land Use Map. Agricultural uses, excluding community gardens, shall not be permitted in the Land Development Regulations. Lands annexed into the City in the future may be permitted to continue existing agricultural uses if provided for through an annexation or interlocal agreement.*

The property was annexed into the city in 2005 and per the Lee County Appraisers the agricultural exemption on the property exists since 2003. Agricultural uses will continue on the property, such use will cease upon issuance of site work permit, for those areas subject to the agricultural use.

OBJECTIVE 3) *Revitalize declining areas through rehabilitation, redevelopment, and infill strategies as appropriate.*

When the subject property was annexed into the City of Fort Myers it was designated as residential. Since then the property's land use was changed from residential to industrial, with no industrial development occurring due to lack of demand. More recently, market indicators have shown a demand for expanded residential development in the area. Therefore, approval of the requested residential land use would allow development and revitalization in an area that has struggled in the real estate market as industrial property.

The proposed development is an infill development, largely surrounded by residential, commercial and light industrial uses. The current use of the property is vacant industrial, however, due to the development patterns in the area, and the residential communities to the north and west, a more appropriate development pattern for the property would be residential to provide attainable housing opportunities in this area of the City.

OBJECTIVE 4) *Coordinate land development with the public and private provision of community services and facilities, soil suitability, and topography.*

POLICY 4.1) *Development shall not be permitted unless adequate capital facilities levels of service as defined in the respective comprehensive plan elements exist or are assured. All proposed development will be reviewed for consistency with the adopted levels of service for concurrency, as defined in the respective elements of the City of Fort Myers Comprehensive Plan. Development that the City of Fort Myers City Council finds to be inconsistent with the adopted levels of service for concurrency shall not be permitted.*

STANDARD 4.1.1.1) *The following community facilities and services shall be provided for or assured prior to development permitting: (a) transportation facilities; (b) water, sewer, and utilities; (c) stormwater management; (d) public safety; (e) recreation and park facilities; and, (f) public schools and ancillary facilities.*

POLICY 4.3) *Development patterns shall maximize the use of existing public facilities.*

The proposed development complies with Objective 4 of the Lee Plan, and has obtained letters of availability from the applicable community facilities and services. An urban services analysis is provided, which details the current capacity of each public facility and the level of service requested by the development. The analysis concludes that there is sufficient community services and facilities to service the property and capital improvements are not required.

The proposed development will encourage the distribution, allocation, and intensity of land uses to remain or become acceptable to the present and future community of Fort Myers as requested in the Future Land Use Goal in the City's Comp plan. Compliant with Objective 4, in the City's Comp Plan, the proposed land development will be coordinated with the public and private provision of community services and facilities, soil suitability, and topography. The proposed project will provide adequate capital facilities levels of service and will be reviewed for consistency with the adopted levels of service for concurrency prior to permitting per Policy 4.1.

ACTION 4.3.1) *The City of Fort Myers has developed and implemented and shall continue to use a GIS based land use data analysis system, which, links to the Lee County Property Appraisers Office Geographic Information System to identify and encourage infill development opportunities.*

ACTION 4.3.2) *Encourage the development of infill sites in developed areas where many lots are substandard due to platting prior to zoning, and where adequate infrastructure is in place.*

The subject property is considered an infill as many of the surrounding parcels have been developed as residential and light industrial. Developing residential within the City limits lessens the housing deficiency and provides opportunity to develop attainable housing in infill areas. The proposed single-family and multi-family will be compatible with the surrounding land uses as it provides proper transition from low-density residential to industrial and commercial uses. As outlined within this report, adequate infrastructure exists to service the project.

TRANSPORTATION

GOAL

To provide an efficient, safe, and responsive City transportation system consistent with environmental and land use goals.

OBJECTIVE 1 – BALANCED TRANSPORTATION SYSTEM

To meet the transportation needs of the incorporated area through a safe, convenient, and energy efficient multi-modal system of roadway, rail, air, boating, public transportation, and bicycle and pedestrian facilities.

POLICY 1.2) Public Transit. *Additional transit routes and increased ridership will be promoted and public transportation friendly land uses in designated public transportation corridors will be encouraged.*

ACTION 1.2.2) *The City will continue to allow high-density residential development, where appropriate, within commercial districts if such mix of uses can encourage walking, biking, and the use of public transportation as options to reduce vehicular trips.*

POLICY 1.4) Pedestrian Facilities. *Create a network of pedestrian facilities to link residential areas with the riverfront and activity centers, particularly those that are pedestrian intensive, such as schools, recreation sites, and commercial areas. This network will ultimately include sidewalks on both sides of all public street segments that connect to two or more other streets (thus excluding non-network streets such as short loops and dead-end streets). Network and non-network streets were mapped in the report Sidewalks in Fort Myers prepared for the City in 2007.*

POLICY 1.5) *Everyday Biking/Walking.* *Create an environment that promotes bicycling or walking to work/school and other utilitarian trips such as shopping.*

POLICY 1.8) *Safety.* *Safety for all modes of transportation is of paramount importance on the transportation system.*

The proposed development will follow the regulations of the Land Development Code and deviations will be requested where applicable. Local transportation is available to serve the future residents of the property. As shown on the Public Facilities Map the nearest bus stop is less than 1 mile away, which can be reduced to 0.5 miles with a sidewalk along Michigan Avenue, proposed in the companion PUD, providing the shortest pedestrian route to a bus stop. The Sidewalk along Michigan Avenue will also provide a safer environment for a pedestrian facility when compared to Laredo Avenue which has traffic from multiple industrial uses.

OBJECTIVE 2 – ROAD CAPACITY

To maintain and provide adequate transportation system capacity to meet present and anticipated future traffic needs, coordinated with the future land use map and existing and proposed population, housing, and employment patterns, and protecting existing and future rights-of-way.

The proposed project will provide sufficient right of way for local streets by providing 45' wide rights of way, pending PUD deviation approval. Laredo Avenue provides adequate transportation system capacity for the proposed residential project, meeting the roads present and anticipated future traffic needs. A Traffic Impact Statement was completed in March 2018, submitted with the companion PUD request, finding the proposed change to land uses on the subject parcel to have no adverse impact on the roadways in the study area long range (20-year horizon) or short range (5-year horizon). The traffic analysis also found that the change in land use designations does not cause any roadways to fall below the minimum Level of Service standards.

POLICY 2.5) *New Development.* *Maintain regulations in the Land Development Code to require new development to have an effective internal traffic circulation network so that the traffic generated by the development does not overload the external network.*

STANDARD 2.5.1.1) *Proposed developments shall be built such that each phase provides a traffic circulation network that satisfies the phased traffic generation required for the adopted level of service.*

The property's internal traffic circulation system complies with Policy 2.5 and Standard 2.5.1.1. The internal circulation of the development includes cul-de-sacs where necessary with predominately interconnected residential roadways. Proposed roadways are internal to the development and will not have a negative impact on Laredo Avenue local road. By providing ingress/egress from Laredo Avenue, cut through traffic and impact to surrounding residential is reduced.

POLICY 2.9) Access Management. *Land use and traffic circulation patterns will relate to the designated functional classification of each roadway.*

ACTION 2.9.1) *Preserve the through-traffic functions of arterials and collectors by maintaining in the Land Development Code Regulations provisions for access management, which may include connection separation requirements along principal arterials, minor arterials, major collectors, and minor collectors as designated on Map F. These requirements can provide for smooth flow of through traffic, minimize conflicting movements, promote safety for motorists and pedestrians, and allow adequate visibility and sight distance. These requirements will not apply in the Downtown Mobility Area shown in Map I.*

The development proposes two access points from Laredo Avenue, a local road. The City of Fort Myers LDC 134.2.15, lists the minimum centerline distance separation as 125 feet for a local road such as Laredo Avenue. As shown within the companion PUD, the proposed development will meet the minimum centerline separation.

STANDARD 2.6.5.1) *Level of service analyses should reflect City of Fort Myers, Lee County, Lee MPO or Florida DOT traffic counts and projections.*

A Traffic Impact Statement (TIS) was prepared by TR Transportations Consultants, Inc. on March 13, 2018. The change in land use designation does not cause any roadways to fall below the minimum Level of Service Standards. The TIS report indicates that the roadway segments as identified in the TIS are considered as pre-existing future transportation deficiencies and the development is not required to modify the 5-year Capital Improvement Program. Please see the attach TIS for further details.

POLICY 3.1) *Vision and Initial Activities. The City will establish and maintain a Complete Streets program that creates an interconnected network of streets, sidewalks, and paths that safely serve users of all ages and abilities and that fully integrate neighborhoods with shopping, employment, and civic features.*

ACTION 3.1.3) *The City will amend the Land Development Code as needed to implement the Complete Streets program, for instance adjusting the following traffic circulation requirement in chapter 134:*

- (a) Reference the Complete Streets Guidelines and other best practices for designing streets so they will apply to streets being built by developers and to streets that will be maintained by the City.*
- (b) Modify the street standards in article 2 of chapter 134 that conflict with Complete Streets policies and actions in this element and the Complete Streets Guidelines.*

The PUD rezoning for the proposed project will provide a pedestrian facility along Michigan Avenue to help implement the City's Complete Streets program, please see enclosed Offsite Sidewalk Improvement Plan. The Michigan Avenue sidewalk will connect the proposed development to the County's sidewalk system located on the east side of Ortiz Avenue. In addition, the Michigan Avenue sidewalk will interconnect pedestrian access on Heiman Avenue and Apollo Drive promoting neighborhood integration. Although the project's proposed vehicular accesses are located on Laredo Avenue, a sidewalk along Michigan Avenue is more consistent with the City's Comprehensive Plan, when taking safety and interconnectivity into consideration. The location of the sidewalk on Michigan Avenue instead of Laredo Avenue will serve a larger number of residents, being centrally located within the existing residential neighborhood. The Michigan Avenue sidewalk will also provide the project and surrounding residential with the shortest pedestrian route to shopping, employment, and civic features.

POLICY 3.2) *All Modes and All Users. The best Complete Streets accommodate "all modes"— including walking, bicycling, cars, trucks, and public transit — on streets that are safe for "all users," including the most vulnerable: children, older adults, and those with disabilities.*

ACTION 3.3.2) *The City will strive to plan and design new streets and improve existing streets to support all potential users while minimizing negative impacts on neighborhoods and the natural environment. The City will require that new streets created by developers achieve these same goals.*

POLICY 3.4) Exceptions. *Every street is different; some cannot be ideal for all types of travel. While the City will continually seek to provide the greatest accessibility for everyone, there will be streets that cannot accommodate all travel modes.*

The development proposes a single sidewalk along Michigan Avenue instead of Laredo Avenue for safety reasons. Laredo Avenue has a higher potential for adverse impacts to pedestrians because it provides access to multiple industrial uses. As a result, the increased truck traffic along Laredo Ave. makes it less suitable for a pedestrian facility. Michigan Avenue, on the other hand, is surrounded by single family residential on the eastern segment of the road. The western segment of Michigan Ave is commercially and agriculturally zoned, providing access to the Flea Market of Ortiz Ave. With all of the commercial uses in the area located along Ortiz Avenue, commercial traffic is not anticipated to drive into the residential portion of Michigan Ave. Conversely, the majority of industrial traffic on Laredo Ave. will need to reach the end of the road. Improving Michigan Ave with a sidewalk instead of Laredo Ave will provide the greatest benefit for all potential users while minimizing negative impacts on the project's residents and the surrounding neighborhood. The proposed sidewalk along Michigan Avenue would serve a public need by safely connecting more existing homes to bus stops 1419, 1418, and 1417, food stores/markets, and employment opportunities than a sidewalk along Laredo Ave.

POLICY 3.5) Network Connectivity. *The City strives to create an interconnected network of streets that will improve travel by providing more direct paths to destinations, reducing delays, and creating redundancy of options for all users. A highly connected network will disperse vehicular travel across many streets and intersections, reducing the need to construct overly wide streets and intersections that create barriers to walking and bicycling and increase crash rates and injury severity for all users. A fine-grained network will allow for streets to complement each other, some suited for faster travel and others offering more comfort and safety for bicyclists and pedestrians.*

ACTION 3.5.3) *Wherever possible, the City will improve the connectivity of the local street and trail network:*

By locating the pedestrian facility along Michigan Avenue pedestrians will be provided with more comfort and safety while promoting connectivity of the City's and County's sidewalk system.

In addition to the Michigan Avenue sidewalk being able to provide convenient access to more residents within walking distance, it will also help to provide a highly connected pedestrian network by having interconnected streets feeding to the Michigan Avenue sidewalk. The integration of the Michigan Avenue sidewalk with the interconnected streets will promote dispersion of travel across many intersections. In addition, it will provide a safe place for

children to wait for the bus, as there are multiple public school bus stops located at the intersection of Michigan Avenue and Heiman Avenue.

POLICY 3.6) Jurisdiction. *The City will work closely with other entities that provide or affect transportation services to carry out the City's Complete Streets program.*

The Sidewalk along Michigan Avenue provides the City with the opportunity to carry out aspects of the Complete Streets program while promoting multi-jurisdictional planning with a focus on safety and access crossing jurisdictional lines. The Subject property is located within the City's district, but is surrounded on three sides by Unincorporated Lee County. All the existing roads that provide potential access to the project are within the County's district, including Laredo Ave, Michigan Ave, and Dryden Circle. Michigan Avenue is the County road with the greatest potential for a pedestrian facility based on safety, convenience, and the most substantial benefit to the surrounding residents located in both Lee County and the City of Fort Myers.

ACTION 3.6.2) *Private entities construct and sometimes operate streets in the City; the Land Development Code will specify how the Complete Streets program will apply to those streets.*

The internal roads for the development will be privately owned and maintained. Through the PUD process deviations for internal road design may be requested. Potential negative impacts will be mitigated by providing a sidewalk along Michigan Avenue. This tradeoff will allow both the project and the surrounding community to benefit from the proposed pedestrian facilities, meeting the City's Complete Streets Policies, while keeping infrastructure/housing costs down.

OBJECTIVE 5 – LAND USE AND TRANSPORTATION PLANNING

To preserve the integrity and quality of residential areas, major activity centers, and recreational and environmental resources.

POLICY 5.3) Local Streets. *Transportation improvements proposed in or near residential areas will contain appropriate mitigation measures.*

ACTION 5.3.3) *The City will evaluate and, if determined to be feasible, implement traffic calming measures in neighborhoods, which are experiencing excess pass-through traffic and excessive speeds. Such traffic calming measures may include, but are not limited to: street closures, speed humps/tables, roundabouts, and/or increased enforcement, when such measures are feasible and have been approved by the residents of the specific neighborhood. Funding for this program may come from a variety of sources, including but not limited*

to MSTU/MSBUs, developer contributions, special assessment districts, grants or other sources. Guidance on traffic-calming techniques is available in the Complete Streets Guidelines and in the City-Wide Traffic Calming Plan (2003 or updated version).

The proposed project will also contain appropriate mitigation measures for transportation improvements. If deemed applicable by The City, traffic calming will be done where feasible, in compliance with Policy 5.3 and Action 5.3.3. The community will be composed of small block sizes with curved roads and no cut through traffic on the small internal neighborhood roads. The development's roads will be privately owned and maintained and are expected to receive light traffic at low speeds. These elements combined will help to provide traffic calming measures.

OBJECTIVE 8 – EFFICIENCY

To minimize total costs of the transportation system in a manner consistent with system performance objectives and to promote energy-efficient designs in transportation systems and facilities, thereby reducing air pollution, and reducing per capita energy use and fossil fuel use below year 2000 levels.

POLICY 8.1) Cost-Effectiveness. *Cost effectiveness analysis will be part of the review procedure for any transportation improvement.*

In a manner consistent with system performance objectives, the proposed development will help to minimize total costs of the transportation system by evaluating transportation improvements for cost effectiveness during SIT permitting, per Objective 8 and Policy 8.1.

HOUSING

GOAL

To ensure the provision of a sufficient supply and variety of sound, safe, and affordable living units.

OBJECTIVE 1) *Increase the housing supply while achieving a balanced mix of housing types.*

POLICY 1.1) *The City shall ensure that adequate amounts of land are designated or reserved to accommodate the anticipated needs for residential growth.*

ACTION 1.1.2) *Reserve sufficient land to accommodate between 6,800 and 7,500 new multi-family units.*

POLICY 1.2) *The City shall promote a net increase of 12,000 to 14,000 housing units by the year 2030 to accommodate projected population needs.*

The ±96 acre property requests a FLU change from IND to RMD. Approval of the request will allow for a maximum of 1,531 dwelling units on the property. As outlined in the companion PUD, the property will be composed of single-family, multi-family housing and typical residential accessory structures. Per the Comp Plan Policy 1.1 and 1.2 the City is to accommodate the anticipated needs of the City by promoting a net increase of 12,000 to 14,000 housing units by the year 2030. The proposed request supports the housing goal by increasing the amount of available housing units. The development proposes a mixture of housing types that will provide options to future residents.

The intent of the proposed comp plan amendment and companion PUD rezoning, is to provide additional housing at a price point that is anticipated to be attainable for essential services employees and employees of the City of Fort Myers. As shown by the aerial, the area is surrounded by single-family residential, intensive and industrial land uses. The development meets the intent of the goal by proposing a mixture of multi-family, townhouse, zero lot line, single-family detached and attached. Providing a variety of housing types will help meet market demand and provide the potential homebuyer with options of housing types and various price points.

OBJECTIVE 2) *Improve the quality of housing, particularly single-family housing.*

STANDARD 2.1.2.1) *The criteria for qualifying for financial assistance under this program shall include geographic location. Loans may be issued anywhere within the City, but priority shall be given to qualified applicants within the Dunbar area. Priority shall also be given to qualified applicants within targeted sub-neighborhoods of the City. These targeted sub-neighborhoods will include, but shall not be limited to certain U.S. Census User-Defined Area Program (UDAP): Downtown, Broadway Corridor, West Seaboard Street, Ford Street/Highlands Avenue, West Tice Area, East End of Seaboard, West Tice, East End of Seaboard, Tice Street North, Billy Creek/Laredo Lakes, and the Six-Mile Cypress Corridor. The West Tice Area, Tice Street North Areas and a portion of Billy Creek/Laredo Lakes area are currently located within unincorporated Lee County; upon annexation these areas should be*

given priority status in the program. Priority shall also be given to property being rehabilitated as a result of code enforcement efforts.

OBJECTIVE 3) *Improve availability of housing to meet the differing needs of all Fort Myers' residents and their differing income levels.*

POLICY 3.1) *The City shall ensure equal access to an open housing market for all persons.*

The sale and rental prices of the proposed development are in response to the increased demand for attainable housing within City limits.

As discussed in other portions of this report, the subject property is a vacant parcel that lies between existing residential uses to the north and west, and industrial to the south and east. While the buffers and proposed mix of residential uses provide an appropriate transition between the existing uses, it is reasonable to anticipate lower residential price points within the subject property due to its location near industrial property and I-75.

Also a reasonable predictor of future residential price points for the proposed development, the property values of the surrounding residential uses are lower than many areas of the City. As show by the graphic on the right, Zillow estimates the abutting single family residential homes from \$82,000 to \$180,000, with many homes around \$115,000. The median home price for the City of Fort Myers (also Zillow) is \$256,263.

Therefore, due to the existing conditions, the market is not expected



to respond positively if the proposed home prices significantly exceed existing current values. While the final prices aren't known at this time, especially given the wide range of residential home types proposed, the proposed CPA and companion PUD will lay a path forward for the development of attainable housing on this vacant infill parcel.

How Zillow calculates values: proprietary calculation based on past sales, mortgage records, tax assessments and building documents, including the age and size of the home. And the formula changes as new data and information emerges.

MUNICIPAL SERVICES / POTABLE WATER

GOAL

To provide a satisfactory and economical supply of high quality water to present and future users

OBJECTIVE 1) *To achieve and maintain acceptable levels of service standards of water quality and availability through both short-term periods of strain and long-term increases in demand.*

POLICY 1.5: *The City shall not permit development unless adequate piping facilities are in place or assured.*

POLICY 1.6: *The City shall not permit occupancy of new development unless adequate water facilities and flow rates for firefighting are in place.*

The development is serviced by Lee County Utilities. Per the Letter of Availability provided by Lee County Utilities, there is sufficient capacity to service the proposed development. Please refer to Urban Services Analysis and the attached Lee County Utility Letter of Availability.

SOLID WASTE

GOAL

Protect the health, aesthetics, and convenience of the community from the effects of improperly managed solid waste.

ACTION 1.4.4: *Maintain Land Development Regulations to require screening of dumpsters as well as a hard surface, level pad for dumpsters to rest on.*

POLICY 1.5: *The City shall discourage urban sprawl by not providing solid waste disposal service to customers outside of its urban reserve area.*

The subject property will be serviced by Advanced Disposal. Solid waste generated by the subject property will be collected and transported to the municipal solid waste, single-stream recycling and horticulture to the Lee County Resources and Recovery Facility Located at 10500 Buckingham Road, Fort Myers, FL 33901. Household chemical waste for recycling or disposal are not picked up by regular trash collection and must be brought to the Lee County Household Chemical waste Facility located at 6441 Topaz Court, Fort Myers, FL 33966. Per the 2017 Lee County Concurrency Report the Buckingham Waste to Energy facility has sufficient capacity to serve the property. The County currently produces 7 pounds per day per capita and the total available capacity is 8.6 pound per day per capita. Please refer to Urban Services Analysis for further detail.

SURFACE WATER MANAGEMENT

GOAL

Minimize the hazardous and adverse effects of surface water and tidal surge flooding while maintaining the physical and environmental integrity of the City.

OBJECTIVE 1) *Guide development in flood plains in a manner consistent with their natural functions, to minimize risks of property damage and loss of life.*

The proposed development is located in a Flood zone X, which is a flood zone with less than 1 % annual chance of flood. The property also lies outside the Hurricane Vulnerability zone. The residents still may opt for flood insurance however, it is not a requirement.

OBJECTIVE 2) *Manage Surface Waters to allow for reasonable, beneficial uses, providing for a balance between urban and natural systems, and recognizing that natural productivity is optimized under unaltered conditions.*

POLICY 2.5) *Surface Water Management Systems will minimize pollutant loads of run-off as well as managing volume and hydroperiod.*

STANDARD 2.5.1.4) *New Development shall not discharge stormwater with pollutants greater than the maximum allowed (numeric and narrative criteria) according to the Florida Administrative Code Rule 62-302.530 Table: Surface Water Quality Criteria, based on five classifications of water as defined by the Department of Environmental Protection. The Individual criteria should be read in conjunction with other provisions in water quality standards, including Rules 62-302.500 and 62-302.510. It is presumed that the development meeting the*

permitting criteria of the South Florida Water Management District will meet this standard.

The development meets the Surface Management Policy 2.5 and Standard 2.5.1.4, as an ERP permit is required through the SFWMD. According to Standard 2.5.1.4., new developments that acquire permits through the SFWMD meet the Surface Water Management Requirements of this standard. An ERP with the SFWMD will be acquired at the time of the SIT.

SANITARY SEWER

GOAL

To provide a satisfactory and economical wastewater system for present and future users, resulting in the most acceptable environmental impacts.

POLICY 1.4) *All new development will be required to utilize a sanitary sewer system*

POLICY 1.5) *No new development will be permitted unless an adequate sewer system is in place or assured.*

The development is serviced by Lee County Utilities. Per the Letter of Availability provided by Lee County Utilities, there is sufficient capacity to service the proposed development. Please refer to Urban Services Analysis and the attached Lee County Utility Letter of Availability.

CONSERVATION AND COASTAL MANAGMENT

GOAL 2

Maintain, increase, and manage natural and coastal resources to preserve their quality and ability for use in the future while protecting human life and limiting public expenditures in areas subject to destruction by natural disasters

OBJECTIVE 4) *Maintain existing native and compatible vegetation and soils, increase the City's planting of native vegetation, increase the planting of native trees and to increase the City's tree canopy.*

POLICY 4.1) *Adequate landscaping and tree canopy coverage, requiring planting of at least 50% native vegetation and trees, shall be required of all development within the City in accordance with the Land Development Regulations.*

ACTION 4.1.2) *All new development and updating to landscaping on or bordering public right of ways shall require at least 75% planting of native vegetation.*

An environmental analysis was conducted on the subject property in October of 2017 by Bear Paws Environmental. The report identifies 4 FLUCCS codes on the subject property. As Shown by the table below, FLUCCS 110 and 742 are identified as Residential and Borrow Lake. FLUCCS 211 and 411 are identified as uplands. However, FLUCCS 411 and 211, contains the most native species. FLUCCS code 411 occupies 4.57 acres in the easternmost portion of the site. The area is mostly slash pine, laurel oak, cabbage palm and saw palmetto among the native species. Allowing the preservation of FLUCCS 411 and pockets of FLUCCS 211 will help meet the native vegetation policy goals. Brazilian pepper and melaleuca can be found throughout the site and will require exotic removal and perpetual maintenance.

OBJECTIVE 6) *Preserve significant natural open space areas, adjacent upland buffers, and historic resources.*

POLICY 6.2) *The preservation of native and unique uplands shall be protected from the adverse effects of development. As the City grows, mature vegetation will become scarcer. Therefore the protection of mature vegetation is important to the health and vitality of the City's economy, citizens, and unique flora and fauna.*

ACTION 6.2.1) *Minimize the impacts of development on natural resources in confirmed vegetative communities from, but not limited to, alignment of roadways, construction of roadways, buildings, facilities and associated land altering activities.*

According to the Letter provided by the Division of Historical resources, no historical structures are found due to the disturbed nature of the site and the historical land use.

The development will provide open space and indigenous preservation. An environmental assessment was conducted reviewing the manmade lake and the small portion of vegetation at the northeast corner of the property for protected species. As mentioned above in the response to Policy 4.1 and Action 4.1.2., the environmental assessment also indicates 4 FLUCCS codes of which only a small portion in FLUCCS 411 would warrant preservation.

The environmental report indicates that due to the scattered exotic plant species, as well as the surrounding land uses and roadways, it is unlikely that this site supports or would provide habitat for protected species.

The property was also reviewed for wetlands and the site contains a lack of hydric soils, wetland hydrology, and wetland vegetation, which is not ideal for wetland formation. According to Environmental assessment no wetlands were found.

OBJECTIVE 10) *Designate a hurricane vulnerability zone.*

POLICY 10.6) *All new residential developments greater than one hundred (100) dwelling units will be required to formulate an emergency hurricane preparedness plan consistent with Lee County Administrative Code and will be submitted prior to building permit issuance.*

The current request for residential does not negatively affect the hurricane evacuation times. Per Florida Statute 171.042 and 171.203.6, through the 2000 annexation process it was determined that residential uses on this property conformed with proper hurricane evacuation measures. Therefore, the development does not require improvements or other mitigation to reduce clearance times.

The subject property is not within a hurricane vulnerability zone. As mentioned in Surface Water Management Goal and Objective 1, the property is not required to have flood insurance but property owners will have the option to obtain.

Per Policy 10.5, the development will formulate an emergency hurricane preparedness plan consistent with the Administrative Code and submit prior to issuance of the final building permit.

RECREATION AND OPEN SPACE

GOAL

To ensure adequate Recreation and Open Space opportunities for all sectors of the community.

OBJECTIVE 1) *To identify and provide adequate and usable space and facilities for both active and passive recreation needs distributed equitably throughout the community.*

POLICY 1.1) *The City shall ensure that the recreational needs of Fort Myers residents shall be adequately and efficiently provided.*

The proposed development is consistent with the goal and objectives for Recreation and Open space. As demonstrated in the companion PUD, the property provides a total of 35% open space which serves the dual purpose to provide green space and recreational opportunity. Per Policy 1.1, the property will provide adequate and usable space for the future residents. The

green spaces throughout the property will provide active and passive recreation the projects main recreation amenities are located on the south side of the large existing lake, where residents can enjoy a scenic view and various recreational activities.

The lake, greenspace and preserve areas will provide areas of native habitat to attract urban wildlife. These proposed recreational uses are comparable to that of two neighborhood parks. The open space and other recreational areas are provided through lakes, greenspace, buffers, amenity areas, and preserve areas. The property uses the existing lake as an amenity and to provide stormwater management. Lakes of this size can be utilized for canoeing, walking, and provide an aesthetic view.

ACTION 1.1.3) *Acquire and provide adequate future parkland and facilities for the City's proposed population through the year 2030.*

STANDARD 1.1.6.2) *New residential developments over 1,116 units shall be required to dedicate to the City an improved neighborhood park(s), sized at one acre per 223 units, within or immediately adjacent to the development. Developments of less than 1,116 units shall pay a fee in lieu of dedication, or may dedicate improved land so long as the City is able to acquire enough contiguous land to assemble a neighborhood park.*

Per the LDC Section 122-391(b), the single family development is exempt from the requirements of Standard 1.1.6.2 dedicating improved parkland. As shown by the Neighborhood-Community Park Proximity Exhibit, the subject property is located within a two-mile radius of Billy Bowlegs Park, Schandler Park, and other neighborhood and community parks.

POLICY 1.3) *Recreation areas shall be protected from the adverse effects of encroachment of incompatible uses.*

The proposed open space is consistent with the Policy 1.3, which deters the encroachment of incompatible uses. As demonstrated in the companion PUD, the proposed open space areas are placed in strategic areas within the community which will help buffer the proposed residential from traffic on Lockett Road.

PUBLIC SAFETY

GOAL

To endeavor to protect the public safety and welfare of the residents and visitors to the City.

OBJECTIVE 1) *Endeavor to protect the right of all citizens to be free from criminal attack and to be secure in their possessions.*

POLICY 1.1) *The Police Department shall pursue adequate levels of service within the City of Fort Myers.*

Per Denise Egolf, Records Supervisor for the Fort Myers Police Department, the proposed development is serviced by the City of Fort Myers Police Department. The nearest police department is 4.4 miles away and three substations are located in the vicinity.

OBJECTIVE 2) *The City shall promote an informed citizenry as a vital component of public safety.*

POLICY 2.1) *The City will continue to encourage active Neighborhood Watch Programs.*

ACTION 2.1.1) *The Police Department will provide technical assistance to local neighborhood watch programs.*

The proposed development is consistent with Policy 2.1, Through the HOA the residents will have opportunity to create a neighborhood watch program to inform residents of ways to keep their neighborhood safe and possibility of creating a neighborhood watch program.

OBJECTIVE 3) *Minimize the threat to life and property caused by natural disasters*

POLICY 3.3) *New developments and substantial improvements of any structure shall be required to be built or renovated in a manner which will:*

- *Prevent flotation, collapse, or lateral movement of the structure;*
- *Prevent or minimize flood damage;*
- *Prevent water from entering or accumulating within the components of electrical heating, ventilation, plumbing, air conditioning, etc.;*
- *Eliminate infiltration of floodwaters into the sanitary sewer systems; and,*
- *Avoid impairment to on-site waste disposal systems.*

ACTION 3.3.1) *Maintain Land Development Regulations to include all provisions of the flood hazard protection ordinance.*

The property complies with Policy 3.3, all buildings and features will comply with the applicable State and City requirements. Elevation and design details will be provided at the time of SIT submittal.

OBJECTIVE 4) *Provide Fort Myers with a modern, efficient, and effective program of fire prevention and fire suppression.*

POLICY 4.1) *The City Fire Department shall pursue adequate levels of service in its fire suppression operations.*

The City of Fort Myers Fire Marshall has provided a Letter of Availability to provide fire prevention services. The development will comply with all the applicable state and city fire prevention requirements. Specifications of fire prevention techniques used will be reviewed at the time of approval for a Building permit.

OBJECTIVE 5) *Minimize the threat to life and property caused by hazardous materials.*

No hazardous materials are known to exist at this time. If deemed necessary, a Phase 1 environmental analysis will be conducted during SIT review. Remediation will be conducted prior to SIT approval if required.

COMMUNITY APPEARANCE

GOAL

Preserve, maintain, and enhance the existing positive elements, and identify and rectify all the negative elements of our community's appearance.

OBJECTIVE 1) *Design services, programs, and plans that recognize and reinforce the different needs, attributes, and images within the community.*

The site will have several features that will benefit the success of the project, which will in turn help improve the overall community appearance. An existing lake is one of the main features of the development which will provide opportunities for residents to enjoy a scenic view and possible opportunities for recreation. Activating the area with housing options through a new master planned development will reinforce the housing needs of the area and enhance existing residential properties abutting the project.

ACTION 1.1.1) *The City Public Works Department should coordinate design and construction of entry statement features/displays, to be located along roadways leading into and out of the City.*

STANDARD 1.1.1.1) *Entry statement features/displays shall reflect both the design characteristics of the City and the nature of the arterial*

upon which they are located. The following design guidelines shall be followed:

- a) Signage shall be low profile and constructed of materials compatible with the type and style of structures in the vicinity. (e.g., wood, masonry, etc.); and,*
- b) Landscaping should first reflect the "City of Palms" image, and then the existing (or desired) landscape image of the surrounding environment whenever the two are compatible.*

The proposed residential development will enhance and benefit the Laredo Lakes neighborhood by providing more urban housing and limiting the amount of industrial impacts to the surrounding neighborhoods. Allowing residential development instead of industrial will help mitigate any adverse industrial impacts caused by noise, glare, or fumes.

The subject property will be constructed utilizing PUD development standards, which allows for a consistent architectural and landscape theme. Developing the parcel will help separate the residential and industrial uses by creating transitions from medium to moderate density. Although the proposed moderate density is contingent upon PUD zoning approval, it is visualized to be located in the east section of the property. Landscape buffers will be provided at or above LDC requirements to separate the proposed residential from the impacts of the adjacent industrial usage.

CAPITAL IMPROVEMENTS

GOAL

To ensure the provision of adequate public facilities in a timely, efficient, and cost effective manner.

OBJECTIVE 4) *To require future development to pay for its proportionate share of public facility improvements made necessary by its construction.*

POLICY 4.4) *New development shall bear a proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain adopted levels of service through the City's adopted proportionate share ordinance, site-related developer dedications, and developer contributions.*

POLICY 4.5) *The City shall use the adopted LOS standards, as referenced in other elements of the Comprehensive Plan, to review the impact of new development and redevelopment upon public facilities.*

The proposed development will pay for its proportionate share of public facilities through the required impact fees. Any other requirements will be addressed at the time of SIT approval.

INTER-GOVERNMENTAL COORDINATION

GOAL 1) *Build affiliations with the City's neighboring governments and public agencies to enrich, preserve, and enhance the overall quality of life for the citizens of Fort Myers.*

OBJECTIVE 1) *To have the operations and activities of the City generally compatible with those of neighboring governments and agencies.*

POLICY 1.4) *The City shall encourage participation into its planning activities from other local governments and quasi-judicial agencies.*

ACTIONS 1.4.1) *Establish, execute, and maintain interlocal agreements in areas of mutual concern which may include, but are not limited to:*

- School Siting;
- Page Field Airport Hazard Area (tall structures);
- Annexation Issues;
- Infrastructure Service Areas;
- Garbage Service areas;
- Joint-Use Agreements; mutual police and fire aid;
- DRIs or Major Planned Developments (exceeding 150 units, 25 acres, or 100,000 square feet);
- and,
- Small Developments (100 units, 10 acres, or 100,000 square feet) or rezonings within ½ mile of the City limits.

Through PUD rezoning, the additional off-site sidewalk proposed provides an opportunity for inter-governmental coordination between the City and County to enhance the overall quality of life for citizens within both districts in an area of mutual concern. Allowing the pedestrian facility to cross jurisdictional lines will also promote a compatible and cohesive nature between the neighboring districts.

CONCURRENCY MANAGEMENT SYSTEM

GOAL

To ensure that all needed public facilities and services are available concurrent with the impacts of development.

OBJECTIVE 2) *Maintain a Concurrency Management System to verify that level of service requirements are being met for development prior to issue of a development order or permit for construction/rehabilitation.*

POLICY 2.1) *The City's Land Development Regulations will maintain regulations that specify and implement the Concurrency Management System, as well as require the public works department to verify that adopted level of service standards are being met prior to issuance of a development order or permit.*

The request is in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.1, Policy 2.2, Action 2.2.1, Action 2.2.2, Action 2.2.4, Policy 2.3, and Policy 2.4, of this Element, and Policy 2.5, Standards 2.5.1.1, and 2.5.1.2, of the Transportation Element. The proposed development is serviced by all the public facilities and will not require CIP improvements. An Urban Services Analysis is attached to this submittal, which explains the current levels of capacity and the requested level of service. Letter of Availability for fire, schools, water and wastewater is provided.

PUBLIC EDUCATION

GOAL

The City of Fort Myers, in conjunction with the Lee County School District, will ensure a public school system that offers a high quality educational environment, provides accessibility for all students, and ensures adequate public education facility capacity to accommodate existing and future enrollment demand.

OBJECTIVE 1) *Ensure that adequate public education facilities are provided by the Lee County School District, which shall include addressing deficiencies in existing facility capacity and accommodating future enrollment demand.*

The proposed development is consistent with Policy 2.1, as a Letter of Availability was issued by Dawn Huff, Long Range planner for the Lee County School District. The letter confirms that there is sufficient school capacity to service the proposed development. Please refer to Urban Services Analysis for further details.

Comprehensive Plan Amendment Pierpointe Urban Services Analysis

Urban Services

The subject property has access to existing public facilities that have adequate capacity to serve the development proposed by the Comprehensive Plan Amendment. Letters of available services are attached to the application package.

Population

Per the Comprehensive Plan Amendment Application, the applicant is required to provide an estimated or projected population of site and the difference in population. According to the 2016 US Census Vintage Year, the City of Fort Myers is estimated to be 53.36 square miles with an estimated population of 77,146 and 37,057 housing units. This produces an average household size of 2.08 people per dwelling unit.

The population is increasing significantly and housing units are not, which indicates that there is a deficiency in housing units. Utilizing the data from the US Census, population is increasing by 3.65% and housing is increasing by 0.9% every year. The increase or decrease in population would be caused by outliers such as natural disasters or economics.

In 2016, the average household size was 2.08 people per dwelling unit. Using the average growth rate from above, there's an estimated population of 85,906 and 38,067 housing units for the year 2019. This produces 2.25 people per household.

Method

2019-without the proposed

$$85,906 \div 38,067 = 2.25 \text{ people per dwelling unit}$$

2019- with the proposed

$$85,906 \div 39,598 = 2.16 \text{ people per dwelling unit}$$

The site does not generate population under the current Industrial Zoning, however, the FLU change can accommodate population. In 2016 the average household size was 2.08 people per dwelling unit and the estimated average household size for 2019 is 2.25, which shows an increase.

However, the proposed development will add 1,531 available housing units to the area which will produce an average of 2.16 people per dwelling unit for 2019. This calculation shows the development is not increasing the average people per household, but decreases the City's housing deficiency by 4 %. The change in ratio indicates that there will be more housing available to the future residents of Fort Myers.

Transportation

The proposed development has immediate access to at least 2 Lee Transit bus routes 15W and 5E. The closest bus stop to the north of the property is Stop # 1419 located off of Ballard Road and the closest to the south side is Stop 2278 located at Ortiz Avenue and Martin Luther King Jr Boulevard. The residents have access to all of the bus routes for Lee County from the Rosa Parks transportation Center and other transfer points along each route. For further detail please refer to the Public Services Map attached with the submittal package.

A Traffic Impact Statement (TIS) was prepared by TR Transportations Consultants, Inc. on March 13, 2018. The TIS evaluated the long range and short range impacts the proposed amendment would have on the existing and future roadway infrastructure. The TIS report indicates that there will be no adverse impact on the roadways in the study area with the proposed change to the land use on the subject parcel. However, several analyzed roadways are shown to operate below the minimum acceptable Level of Service prior to the addition of the trips generated by the proposed land use change. Therefore, these roadway segments as identified in the TIS are considered as pre-existing future transportation deficiencies that this project would not be responsible for mitigating. The change in land use designation does not cause any roadways to fall below the minimum Level of Service Standards. Therefore, the 2040 Financially Feasible Roadway network and the short term 5-year Capital Improvement Program currently in place in the City of Fort Myers will not require modification in order to accommodate the proposed amendment.

Water and Sewer

The subject property is within the Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Plan. According to the LOA provided by Nathan Beals, Senior Manager for Lee County Utilities, there is water and wastewater service available to the property. The subject property will be served by the City of Fort Myers Central Wastewater Treatment Plant. Potable water and sanitary sewer lines are in operation adjacent to the property and at the time of development LCU staff will determine the best route of connection. As calculated below there is sufficient capacity for water and wastewater services for the subject property.

Calculations

Proposed:

1,531 du X 250 gallons per day = 382,750 gallons per day

Treatment Plant Capacity:

Existing: 169,039 du utilizing 35.22 Millions Gallons Per Day (peak)

Maximum Capacity: 43.5 Million Gallons Per Day

Available capacity: 8.28 Million Gallons per Day

Solid Waste

The property is within an area that is serviced by the City of Fort Myers Solid Waste Division. The Solid Waste Division partners with Advanced Disposal to collect and transport disposal once a week to Lee County Resource Recovery Facility. According to the Lee County Solid Waste Revenue Sufficiency and Rate Study, the City of Fort Myers entered into the agreement for disposal only services with Lee County in 2009. The contract will expire in 2020 with the option for both parties to renew the contract. The 2017 Lee County public facilities and Concurrency report indicates that Lee County Integrated Waste Management System (IWMS) would be capable of providing a 7.0 lb./capita/day level of service to full-time combined Lee and Hendry County population of 888,000. The combined population is not anticipated to exceed this level within the next 5-year planning period. The research concludes there is sufficient capacity for proposed project solid waste.

Flood & Water Management Information

According to FEMA F.I.R.M. no. 12071C0295F the subject property is found within the Flood zone X. This flood zone is considered an area to be outside the 0.2% annual chance of floodplain and no minimum base flood elevation is required. The proposed development will submit an application for a Stormwater Management plan with the South Florida Water Management District (SFWMD) prior to the SIT approval.

Evacuation Zones

The subject property lies in the Evacuation Zone C, which is one of the last zones to evacuate in case of a natural disaster. The property is far enough from the coastal area and is not in a flood zone. The property has a shelter location less than 1 mile at James

Stephens International Academy. In addition, less than 1/2 mile away from the subject property is Interstate-75 and Martin Luther King Jr Boulevard evacuation route.

Public Schools

The subject property is within the Lee County School District, East Choice Zone, E1. According to letter provided by Dawn Huff, Long range planner for the Lee County School District, the generation rates are created from the type of dwelling unit and further broken down by grade level. The letter addresses the maximum allowed dwelling units under the RMD density standard. The subject property is requesting an increased density of 16 units per acre. The following calculations were rendered in the letter provided by the Lee County School District.

Calculations

Elementary school (0.147) X 1,566 du = 230.20 students

Middle school (0.071) X 1,566 du = 111.19 students

High school (0.077) X 1,566 du 120.58 students

Total 462 additional students

East CSA 2020/2021 Estimated District Capacity

Elementary

Existing max students: 15,639

Projected students: 14,245

Total minus development impact: 1,164 seats available

Middle

Existing max students: 6,311

Projected students: 6,652

Total minus development impact: -452 deficit

High

Existing max students: 7,915

Projected students: 8,049

Total minus development impact: -255 deficit

The proposed development is projected to increase the deficit of the east school zone; however, the LOA letter provided confirms that there is sufficient seats available to serve the need within the contiguous Concurrency Service Area (CSA). The purpose of the project is to provide housing in the local area, which means that these additional students would have been accounted for in the 2020-2021 Lee County School District Concurrency Plan. As a result there is no impact to the CSA.

Fire

The subject property is located within the Fort Myers Fire District and will be primarily serviced by Fire Station #4 (approximately 1 mile away) located at 4520 Cummins Court. Fire Stations #2, #6, and Tice Fire Department Station 201 are all located less than 5 miles away. A Letter of Availability was provided and confirms service availability.

EMS

Lee County Emergency Medical Services (EMS) is the primary EMS transport agency responsible for coverage at the subject property. The primary ambulance for the property is located at Station 2, approximately is 2.7 miles northeast. A second station is located within 3.2 miles of the property and less than 1.5 miles south is Lee County Emergency Management. A Letter of Availability was provided and confirms that there will be adequate service available to the proposed development.

Police

The property is subject to the jurisdiction of the Fort Myers Police. The primary facility is located downtown Fort Myers at 2210 Widman Way; however, a police substation in the Dunbar community is present and less than 1 mile from the subject property.

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER CPA Pierpoint/(no case number at this time)
OWNER/AGENT Harper Property
ITEM DESCRIPTION various amendments; all impacts in East CSA, sub area E1

LOCATION South of Lockett Rd, West of I-75
ACRES 97.87
CURRENT FLU Industrial
CURRENT ZONING Industrial (IND)

PROPOSED DWELLING UNITS BY TYPE	Single Family	Multi Family	Mobile Home
	1566	0	0

STUDENT GENERATION	Student Generation Rates			Projected Students
	SF	MF	MH	
Elementary School	0.147			230.20
Middle School	0.071			111.19
High School	0.077			120.58

Source: Lee County School District, January 24, 2018 letter

CSA SCHOOL NAME 2021/22	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
East CSA, Elementary	15,639	14,245	1,394	230	1164	93%	
East CSA, Middle	6,311	6,652	-341	111	-452	107%	
East CSA, High	7,915	8,049	-134	121	-255	103%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN
CHAIRMAN, DISTRICT 7

PAMELA H. LARIVIERE
VICE CHAIRMAN, DISTRICT 5

MARY FISCHER
DISTRICT 1

MELISA W. GIOVANNELLI
DISTRICT 2

CHRIS N. PATRICCA
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JANE E. KUCKEL, PHD
DISTRICT 6

GREGORY K. ADKINS, ED. D.
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

January 24, 2018

Karla Llanos
Barraco and Associates, Inc.
2271 McGregor Blvd Suite 100
Fort Myers, FL 33901

RE: Comprehensive Plan Amendment (CPA) – Pierpoint

Dear Ms. Llanos:

This letter is in response to your request for comments dated January 23, 2018 for the CPA of Pierpoint in regard to educational impact. The project is located in the East Choice Zone, E1.

The developer is seeking a CPA from Industrial (IND) to Residential Medium Density (RMD) which allows a density of 16 dwelling units per acre for a total of up to 1,566 units based on 97.87 acres of land. The request is not specific on the type of dwelling unit therefore, single family will be utilized for the purpose of determining capacity. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .295 and further broken down by grade level into the following, .147 for elementary, .071 for middle and .077 for high. A total of 462 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary is not an issue within the Concurrency Service Area (CSA). For middle and high schools, the development will create a deficit for the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you and if I may be of further assistance, please contact me at 239-337-8142.

Sincerely,

Dawn Huff

Dawn Huff,
Long Range Planner



FORT MYERS FIRE DEPARTMENT

Fire Prevention Bureau

2033 Jackson Street
Fort Myers, FL 33901
239.321.7350 tel
239-344-5913 fax
www.fortmyersfire.com



January 18, 2018

Ms. Karla Llanos, Planner
Barraco and Associates, Inc.
2271 McGregor Blvd, Suite 100
Fort Myers, FL 33901
sent via email karlal@barraco.net

**RE: Service Availability at 9011 Laredo Avenue
Strap 15-44-25-P4-00024.000**

Ms. Llanos:

Per your request I am providing a Letter of Service availability for an Amendment to the Comprehensive Plan on a project identified as Pierpoint. Fire Station 4 would be the closest responding station and is located at 4520 Cummins Court.

If there are any other questions, please let me know.

Thank you.


Jennifer Campbell, Fire Marshal
Fort Myers Fire Department
Fire Prevention Bureau



John E. Manning
District One

January 16, 2018

Via E-Mail

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

Karla Llanos
Barraco and Associates
2271 McGregor Blvd.
Fort Myers, FL 33901

**RE: Potable Water and Wastewater Availability
Pierpoint, 9011 Laredo Ave
STRAP #: 15-44-25-P4-00024.0000**

Dear Ms. Llanos:

The subject parcel is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and wastewater lines are in operation in the vicinity of the parcel mentioned above on Laredo Ave. and Dryden Circle. However, in order to provide service to it, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 1,566 multifamily and single family residential units with an estimated flow demand of approximately 391,480 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and wastewater service as estimated above.

Availability of potable water and wastewater 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 the Olga Water Treatment Plant.

Wastewater service will be provided by the City of Fort Myers Central Wastewater Treatment Plant. 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. Please coordinate a pre-design meeting at your convenience.

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site and therefore, Lee County does not have the capability of providing service at this time.



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

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

January 16, 2018

Page 2

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 the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and wastewater service is to be utilized for City of Fort Myers submittal purposes only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nathan Beals', with a long horizontal flourish extending to the right.

Nathan Beals, PMP
Senior Manager
(239) 533-8157
LEE COUNTY UTILITIES



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.

December 19, 2017



Karla Llanos
Planner
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Land Planners
2271 McGregor Boulevard, Suite 100
Fort Myers, FL 33901
(239) 461-3170 Phone

In response to your inquiry of December 19, 2017 the Florida Master Site File lists one previously recorded resource group and no standing structures found in the following parcel of Lee County:

Parcel ID: 15-44-25-P4-00024.0000

When interpreting the results of our 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.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **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,

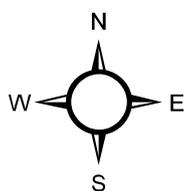
Ledio Hysi
Archaeological Data Analyst
Florida Master Site File
Ledio.Hysi@dos.myflorida.com

9011 Laredo Ave



Legend

-  Resource Groups
-  Project Area



PIERPOINTE
ENVIRONMENTAL ASSESSMENT

October 2017

Prepared For:

Harper Property Holdings 3, LLC
McNew Property Holdings 3, LLC
Ronald E. Inge, Manager
5571 Halifax Avenue
Fort Myers, FL 33912
Phone: (239) 454-4999
Email: ron@ingeandassociates.com

Prepared By:



BearPaws Environmental Consulting, Inc.
1599 Covington Circle East Fort Myers, FL 33919
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Email: BearPaws.Env.Consulting@GMail.com

Introduction

An environmental assessment was conducted on the Pierpointe property on October 3, 2017. The 97.85± acre site is located in Section 15, Township 44S, and Range 25E, in Lee County, Florida. More specifically; the site is located north of Laredo Avenue and west of I-75 in Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for U.S. Army Corps of Engineers (ACOE), Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands.

The project's surrounding land uses are a mixture single-family residential homes, multi-family residential homes, mobile home communities, commercial facilities, forested land, and vacant land. The survey was conducted in the mid-morning to early-afternoon; the temperatures were in the low 80's; there was a light breeze, mostly cloudy skies, with occasional rainfall.

Background

The ACOE and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically, from May through November, the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE and the SFWMD.

Existing Site Conditions

Boundary – The boundary survey was based upon the Lee County parcel data and is assumed to be approximately 97.85± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Myakka fine sand (NRCS #11; non-hydric), Pineda fine sand (NRCS #26; hydric), Wabasso sand (NRCS #35; non-hydric), Immokalee - urban land complex (NRCS #36; non-hydric),

Wabasso sand, limestone substratum (NRCS #42; non-hydric), and Boca fine sand, slough (NRCS #74; hydric). Both Pineda fine sand and Boca fine sand, slough are the only soils considered hydric on both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We did not identify any wetland communities on-site; however, there was approximately 24.22± acres of “other surface water” communities, occupied by a borrow lake, during the site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 110 Residential – 2.24± Ac.

This residential area is comprised of a single-family home, with agricultural machinery, and a small barn. This community accounts for 2.24± acres of the property. This community would be considered uplands by regulatory agencies.

FLUCFCS 211 Improved Pastures (66.82 ± Ac.)

This upland habitat type occupies approximately 66.82± acres. Historically, a portion of this community contained widely scattered pine flatwoods and oak trees, which were cleared due to the agricultural operations being conducted on-site. The canopy and sub-canopy is mostly open with widely scattered slash pine (*Pinus elliotti*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and melaleuca (*Melaleuca quinquenervia*). Young specimens of these tree species are also found widely scattered in the mid-story and groundcover of the pasture. Other common scattered mid-story species include scattered Brazilian pepper (*Schinus terebinthifolius*), earleaf acacia (*Acacia auriculiformis*), wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*). The groundcover is dominated by various forage grass varieties including bahia grass (*Paspalum notatum*), floralta limpgrass (*Hemarthria altissima*), perennial ryegrass (*Lolium perenne*), and brown top millet (*Urochloa ramosa*), with musky mint (*Hyptis alata*), spadeleaf (*Centella asiatica*), cesar weed (*Urena lobata*), tickseed (*Coreopsis floridana*), rosy camphorweed (*Pluchea rosea*), dollarweed (*Hydrocotyle umbellata*), broomsedge (*Andropogon virginicus*), three-awn grass (*Aristida rhizomophora*), creeping ox-eye (*Wedelia chinensis*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), and peppervine (*Ampelopsis arborea*). This community should be considered uplands by regulatory agencies.

FLUCFCS 411 Pine Flatwoods – 4.57± Ac.

This upland habitat type is located in the easternmost portion of the site and occupies 4.57± acres of the property. The canopy is dominated by slash pine (*Pinus elliotii*) with scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), earleaf acacia (*Acacia auriculiformis*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains melaleuca (*Melaleuca quinquenervia*), cabbage palm (*Sabal palmetto*), wax myrtle (*Myrica cerifera*), rusty lyonia (*Lyonia ferruginea*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is dominated by saw palmetto (*Seranoa repens*), with pennyroyal (*Piloblephis rigida*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), Spanish needle (*Bidens alba*), broom sedge (*Andropogon virginicus*), hairy beggar-ticks (*Bidens alba*), creeping ox-eye (*Wedelia chinensis*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis munsoniana*), greenbriar (*Smilax* spp.), Virginia creeper (*Parthenocissus quinquefolia*), and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by the regulatory agencies.

Other Surface Waters

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 742 Borrow Lake – 24.22± Ac.

This “other surface water” (OSW) communities occupy approximately 24.22± acres of the property. The canopy is open. The sub-canopy is mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*), earleaf acacia (*Acacia auriculiformis*), Carolina willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), and saltbush (*Baccharis halimifolia*) along the edges. The groundcover was mostly open with scattered torpedo grass (*Panicum repens*) and jointed spike rush (*Eleocharis interstincta*). This community was artificially created and would be considered other surface waters by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Classification	Acres
110	Residential	Upland	2.24± Ac.
211	Improved Pasture	Upland	66.82± Ac.
411	Pine Flatwoods	Upland	4.57± Ac.
742	Borrow Lake	OSW	24.22± Ac.
Total Site Acreage			97.85± Ac.

Mitigation Discussion

Generally, the ACOE does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material. The recent U.S. Supreme Court decision in the Solid Water Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) provides that the ACOE does not have jurisdiction over isolated wetlands. Since this ruling, there has been no guidance regarding how the ACOE should define an isolated wetland. In making the determination on whether the wetlands are isolated, the ACOE considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE position on most all wetlands is that they have jurisdiction. The ACOE regulates

navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the ACOE for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the ACOE, DEP, and ACOE.

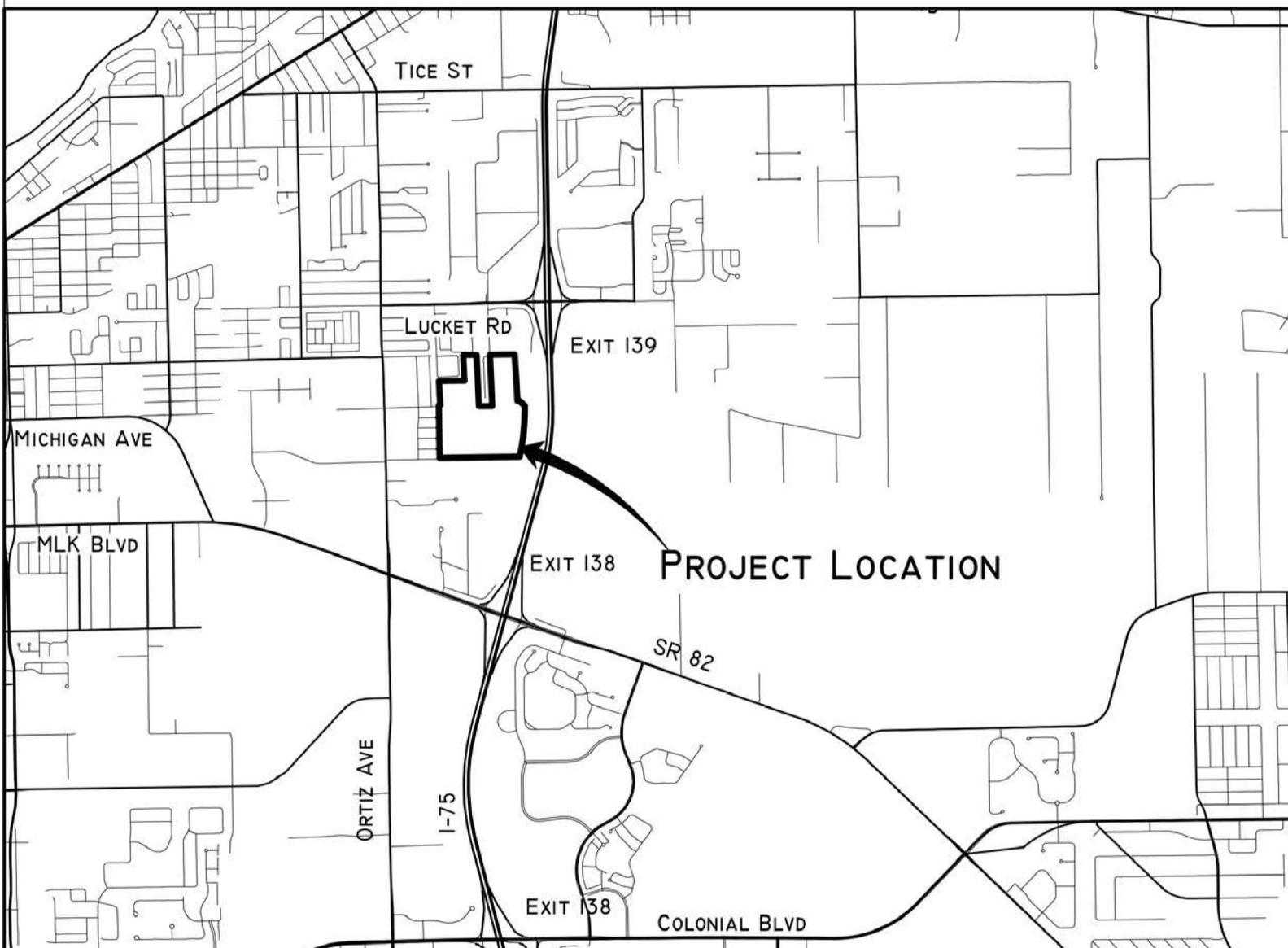
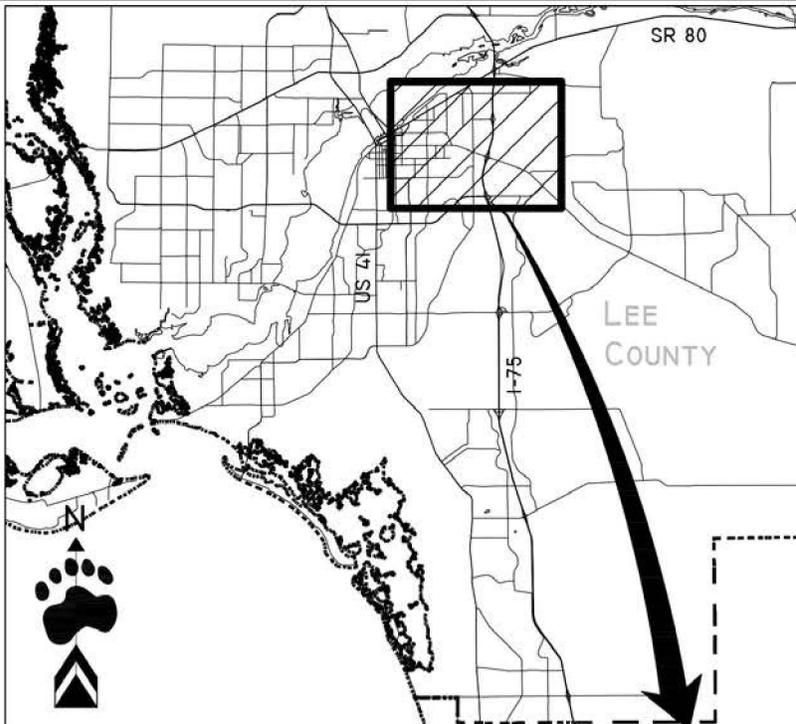
There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site.

Results & Discussion

Due to the disturbed nature of the site, the historical land use, scattered exotic plant species, as well as the surrounding land uses and roadways, it is unlikely that this site supports or would provide habitat for protected species. Other surface water locations were drawn using non-rectified aerial images with approximate property boundaries, hence their location, aerial extent, and acreage is approximate.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The determination of ecological system classifications, functions, values, and boundaries, is an inexact science, and different individuals and agencies may reach different conclusions; therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

Exhibit A
Project Location Map



DRAWN BY:	DATE:	CATEGORY:
BWS	10/7/17	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
15/44S/25E		LEE

Pierpointe
Location Map

BEARPAWS
ENVIRONMENTAL CONSULTING, INC.

1500 COWINGTON CIRCLE EAST, FORT MYERS, FL 33919
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Exhibit B

FLUCFCS Map with Aerial



Scale: 1"=400'

FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	2.24 Ac.±	2.29%
211	Improved Pasture	66.82 Ac.±	68.29%
411	Pine Flatwoods	4.57 Ac.±	4.67%
742	Borrow Lake	24.22 Ac.±	24.75%
TOTAL		97.85 Ac.±	100%



LEGEND

Other Surface Waters (24.22± Ac.)

NOTES:
 FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.
 FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).
 Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2016.

Revisions	Date:	Drawn By:	Date:
		BWS	10/7/17
		Job Number	
		S/T/R	
		15/44S/25E	

Pierpointe

Aerial FLUCFCS Map

Category	FLUCFCS
Scale:	1" = 400'
County	Lee

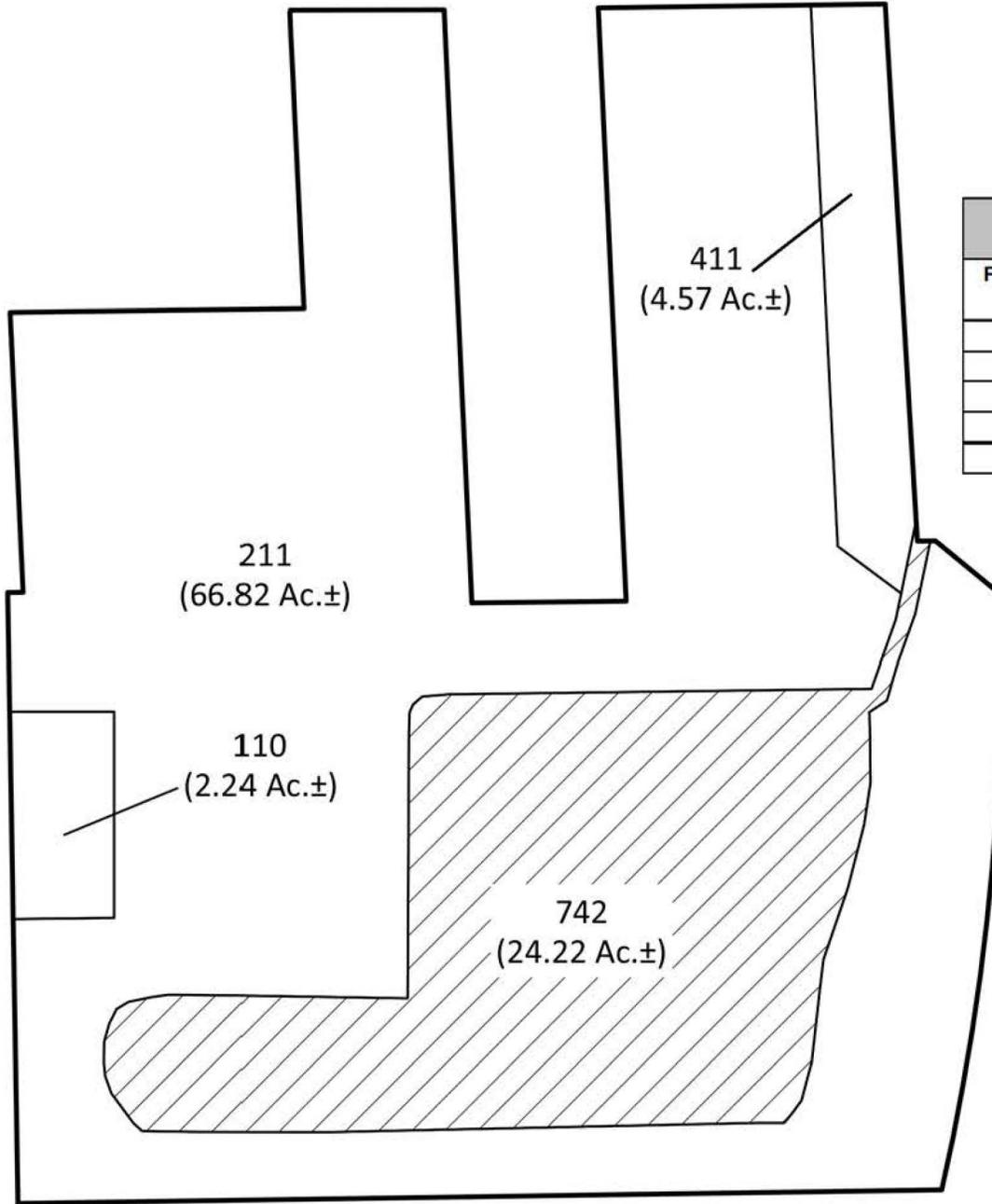
1599 Covington Circle East, Fort Myers, FL 33919
 (239) 340-0678 bearpaws.env.consulting@gmail.com

Page	-
Exhibit	-

Exhibit C
FLUCFCS Map



Scale: 1"=400'



FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	2.24 Ac.±	2.29%
211	Improved Pasture	66.82 Ac.±	68.29%
411	Pine Flatwoods	4.57 Ac.±	4.67%
742	Borrow Lake	24.22 Ac.±	24.75%
TOTAL		97.85 Ac.±	100%

LEGEND

Other Surface Waters (24.22± Ac.)

NOTES:
 FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.
 FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	10/7/17
		Job Number	
		S/T/R	
		15/44S/25E	

Pierpointe
FLUCFCS Map

Category
FLUCFCS
 Scale:
1" = 400'
 County
Lee



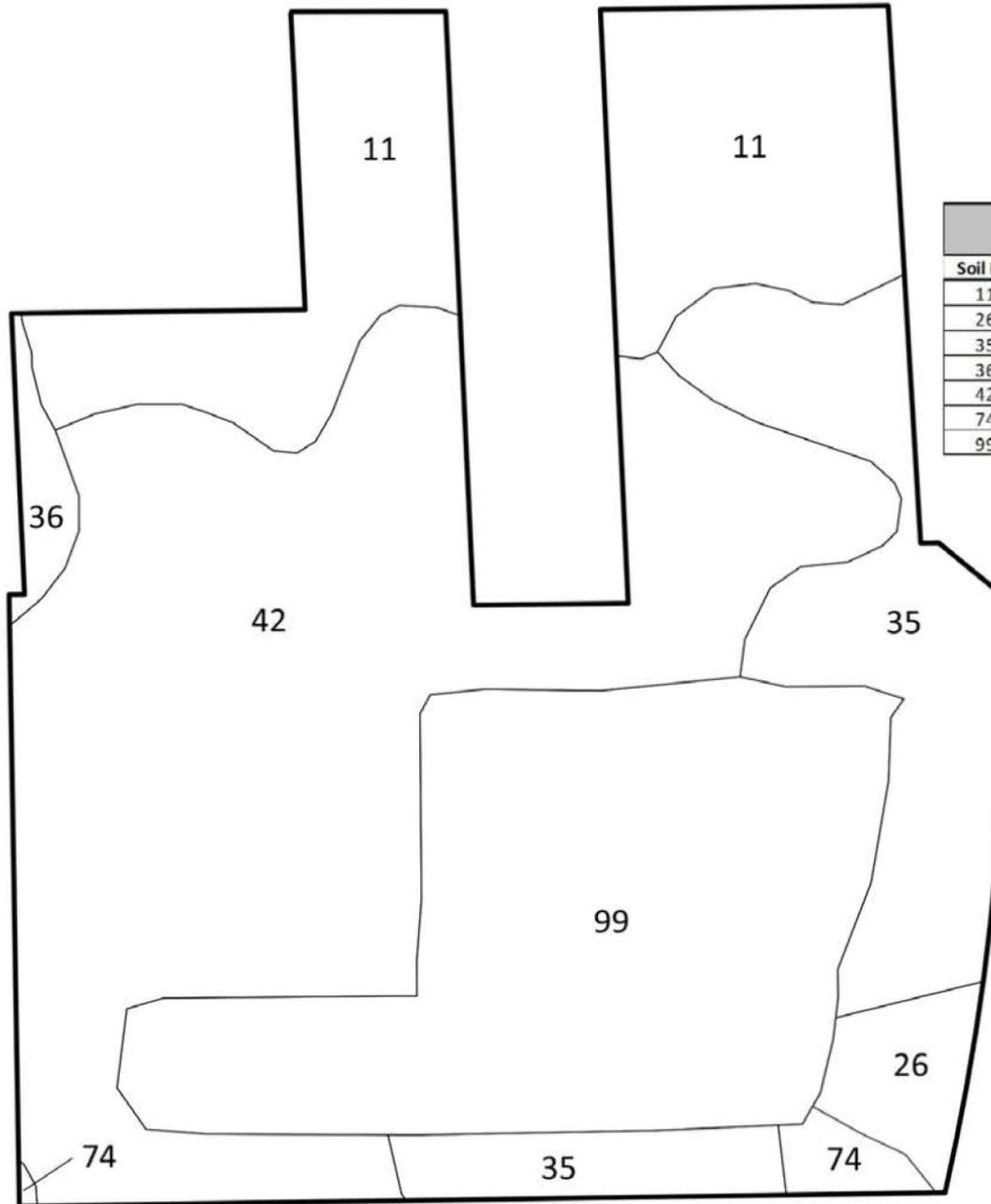
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Exhibit D
NRCS Soils Map



Scale: 1"=400'



NRCS Soils Legend		
Soil No	Description	Status
11	Myakka Fine Sand	Non-Hydric
26	Pineda Fine Sand	Hydric
35	Wabasso Sand	Non-Hydric
36	Immokalee-Urban Land Complex	Non-Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric
74	Boca Fine Sand, Slough	Hydric
99	Water	-

NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:
		BWS	10/7/17
		Job Number	
		S/T/R	
		15/44S/25E	

Pierpointe Soils Map

Category	Soils
Scale:	1" = 400'
County	Lee

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Page	-
Exhibit	-

TRAFFIC IMPACT STATEMENT

FOR

**PIERPOINTE
COMPREHENSIVE PLAN AMENDMENT
& REZONING**

(PROJECT NO. 1710.16)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

March 13, 2018

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- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. COMPREHENSIVE PLAN AMENDMNET
- IV. TRIP GENERATION
- V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS
- VI. ZONING ANALYSIS
- VII. CONCLUSION

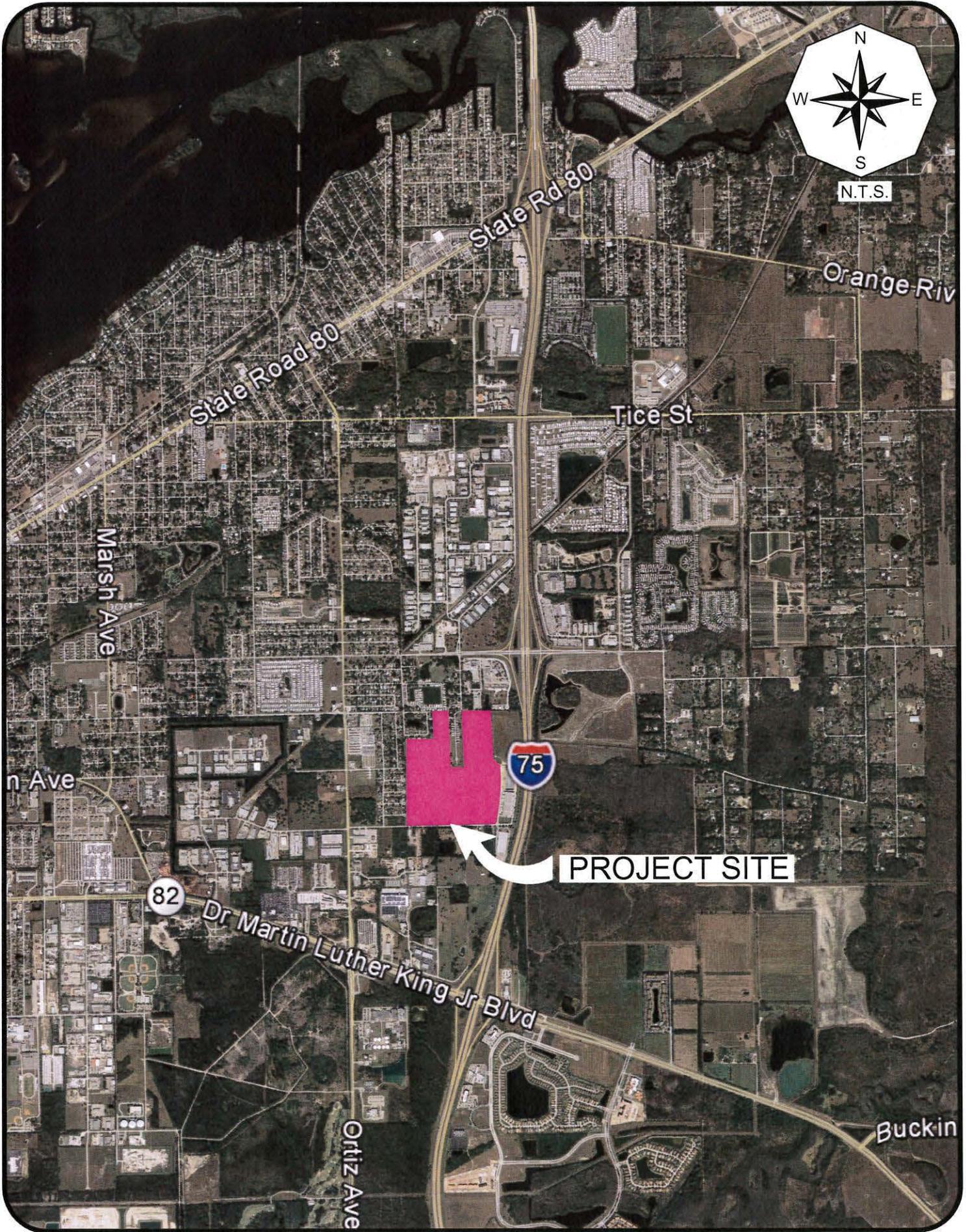
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the City of Fort Myers Department of Community Development for projects seeking amendment to the Comprehensive Land Use Plan and re-zoning approval. The subject site is located along the north side of Laredo Avenue approximately ¼ of a mile east of its interstation with Ortiz Avenue in the City of Fort Myers, Florida. **Figure 1** illustrates the approximate location of the subject site.

The analysis in this report will determine the impacts of change in land use designation on the approximately 97.87 acre subject site from Industrial (IND) to Residential Medium Density (RMD) to permit the development of the subject site with approximately 1,565 residential dwelling units. The analysis will also determine the impacts of the proposed rezoning from Light Industrial (IL) to Planned Unit Development (PUD) to allow the development of the subject site with approximately 950 multi-family dwelling units **or** 350 single-family dwelling units. The transportation related impacts of the proposed Comprehensive Plan Amendment will be assessed based on evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure. The transportation related impacts of the proposed rezoning will be evaluated based on the estimated build-out year of the project and the impacts the proposed rezoning will have on the surrounding roadway infrastructure. Access to the subject site is proposed to Laredo Avenue via two connections.

This report examines the impact of the development on the surrounding roadways. Trip generation and assignments to the various roadways within the study area will be completed and analysis conducted to determine the impacts of the development on the surrounding roadways.

F1710.16



II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered by warehousing uses the east, residential and warehousing uses to the north, residential uses to the west and by Laredo Avenue to the south.

Laredo Avenue is a two lane undivided local roadway that borders the subject site to the south. Project traffic will access Laredo Avenue via two proposed full site access drives. Laredo Avenue has a posted speed limit of 30 mph and is under the jurisdiction of the Lee County Department of Transportation.

Ortiz Avenue is a two lane undivided arterial roadway within the vicinity of the subject site. Ortiz Avenue in the Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan is shown to be widened to four lanes between Colonial Boulevard and Luckett Road. Ortiz Avenue in the 2017/2018-2021/2022 Lee County Transportation Capital Improvement Plan (CIP) is shown to be widened to four lanes between Colonial Boulevard and SR 82 with the construction completed by FY 2022. Ortiz Avenue within the vicinity of the subject site has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan Amendment would change the future land use designation on the approximate 97.87 acre subject site from Industrial (IND) to Residential Medium Density (RMD). Under the existing land use, the subject site can be developed with approximately 4,263,217 square feet of industrial uses when assuming a floor-to-area ratio (FAR) of 1.0. Based on the proposed land use change, the site would be allowed to be developed with approximately 1,565 residential dwelling units based on a density of 16 dwelling units per acre. This residential product was assumed to be multi-family dwelling units for the purposes of the trip generation. **Table 1** summarizes the land uses

that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1
Pierpointe Comprehensive Plan Amendment
Land Uses**

Existing/ Proposed	Land Use Category	Intensity
Existing	Industrial	4,263,217 sq. ft. ¹
Proposed	Residential Medium Density	1,565 Multi-family Dwelling Units ²

1. Assumes a FAR of 1.0 on a 97.87 Acre site.
2. Assumes a density of 16 DU/Acre on a 97.87 Acre site.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation*, 10th Edition. Land Use Code 110 (General Light Industrial) was utilized for the trip generation purposes of the industrial uses and Land Use Code 221 (Multi-Family Housing Mid-Rise) was utilized for the trip generation purposes of the multi-family dwelling units. The equations for these land uses are included in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation based on the existing land use category. **Table 3** outlines the anticipated weekday AM and PM peak hour trip generation based on the proposed land use category. The daily trip generation is also indicated in both tables.

**Table 2
Pierpointe Comprehensive Plan Amendment
Trip Generation of Existing Land Uses**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
General Light Industrial (4,263,217 sq. ft.)	631	86	717	64	427	491	16,216

Table 3
Pierpointe Comprehensive Plan Amendment
Trip Generation of Proposed Land Uses

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Mid-Rise (1,565 Dwelling Units)	132	375	507	379	242	621	8,528

Table 4 indicates the trip generation difference between the proposed and existing land use categories.

Table 4
Pierpointe Comprehensive Plan Amendment
Trip Generation – Resultant Trip Change

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Uses	132	375	507	379	242	621	8,528
Existing Land Uses	-631	-86	-717	-64	-427	-491	-16,216
Resultant Trip Change	-499	+289	-210	+315	-185	+130	-7,688

The resultant trip change in Table 4 indicates that the trip generation will be **decreased** in the AM peak hour conditions and **increased** in the PM peak hour conditions as a result of this land use change.

V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS

As mentioned previously, the Comprehensive Plan Amendment would change the future land use designation on the approximate 97.87 acre subject site from Industrial (IND) to Residential Medium Density (RMD). The transportation related impacts of the proposed Comprehensive Plan Amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, the roadway improvements shown on the 2040 Financially Feasible Plan include the widening of Ortiz Avenue to four lanes between Colonial Boulevard and Lockett Road, improving the I-75 interchange with Colonial Boulevard, extension of Hanson Street from Veronica Shoemaker Boulevard to Ortiz Avenue and extension of Lockett Road from Holstein Drive to Sunshine Boulevard. The roadway improvements also include widening of Hanson Street from US 41 to Ortiz Avenue, as well as widening of Lockett Road from Holstein Drive to Sunshine Boulevard to a four lane roadways. There are no other programmed improvements within the vicinity of the subject site. The 2040 Lee County MPO Highway Cost Feasible Plan is attached the Appendix of this report for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation plan along with the FDOT District One travel model were also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2040 loaded network volumes were determined for the roadways within the study area. The PM peak hour trips to be generated from the project as shown in Table 3 were then added to the projected 2040 volumes as shown in the model. The Level of Service for those roadways were then evaluated. The Level of Service threshold volumes were derived based on the *Florida Department of Transportation Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas, Table 7*. Table 7 is attached to the Appendix for reference.

The results of the analysis indicate that there will be no adverse impact on the roadways in the study area with the proposed change to the land uses on the subject parcel. Not all roadways are shown to operate at acceptable Level of Service in 2040 in the background conditions. Ortiz Avenue south of S.R. 82, Lockett Road east of Enterprise Parkway and east of I-75, S.R. 82 east of Ortiz Avenue and east of I-75, and S.R. 80 west of Tice Street are all shown to operate at a Level of Service "F" prior to the addition of the

project traffic in the year 2040. Therefore, the aforementioned roadway segments are considered as future transportation deficiency that this project would not be responsible for mitigating. All other roadways analyzed are shown to operate at an acceptable Level of Service both with and without the addition of project traffic in the year 2040. The change in land use designation does not cause any roadways to fall below the minimum Level of Service standards.

A Level of Service analysis for the 2040 Existing plus Committed (E + C) roadway network is attached to this report for reference. **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2040 conditions. The resultant land use change will not impact the results of the Level of Service analysis as reported in the adopted 2040 travel model. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed land use change.

Short Range Impacts (5-year horizon)

The 2018 – 2022 City of Fort Myers and Lee County Five Year Capital Improvement Programs (CIP) as well as the Florida Department of Transportation Adopted Work Programs were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review, the roadway improvements include the widening of Ortiz Avenue to four lanes between Colonial Boulevard and S.R. 82, improving the I-75 interchange with Colonial Boulevard, and extension of Hanson Street from Veronica Shoemaker Boulevard to Ortiz. There are no other programmed improvements to the roadway network identified in either work program. The aforementioned roadway improvements were considered in the distribution of the site trips. The City of Fort Myers and Lee County 5 Year Capital Improvement Programs are attached to the Appendix of this report for reference. Also attached is the Florida Department of Transportation Work Program Report.

As can be depicted from Table 4 of this report, the proposed map amendment will increase the overall trip generation potential of the subject site by approximately 130 vehicles during the P.M. peak hour and decrease by approximately 210 vehicles during

the A.M. peak hour. **Table 3A** and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the area roadways based on the uses that would be permitted under the proposed land use change. From Table 4A, all roadways except for Ortiz Avenue between S.R. 82 and Tice Street, are anticipated to operate within their recommended minimum Level of Service standards as identified in the City of Fort Myers Comprehensive Plan. Ortiz Avenue between S.R. 82 and Tice Street is shown to operate at a Level of Service “F” both with and without the addition of the project traffic in the year 2023. Therefore, these segments of Ortiz Avenue are considered as a future transportation deficiency that this project would not be responsible for mitigation. All other roadways analyzed are shown to operate at an acceptable Level of Service both with and without the addition of project traffic in the year 2023.

The proposed Comprehensive Plan Amendment is to change the future land use designation on the approximately 97.87 acre subject site from Industrial (IND) to Residential Medium Density (RMD) to permit the development of the subject site with approximately 1,565 multi-family units. Based on the analysis, no modifications are necessary to the 5-year adopted work programs of the Florida Department of Transportation, the City of Fort Myers or Lee County.

VI. ZONING ANALYSIS

An analysis was also completed to support the rezoning of the subject site from Light Industrial (IL) to Planned Unit Development (PUD) to allow the development of the subject site with approximately 950 multi-family units **or** 350 single-family units. In order to ensure the worst scenario in terms of trip generation of the proposed rezoning, a trip generation comparison between the site being developed with either multi-family units or single-family units was conducted. Based on the results of the trip generation comparison, developing the subject site with 950 multi-family units yields the most conservative results. The trip generation comparison can be found in the Appendix of this report for reference. **Table 5**, outlines the anticipated weekday AM and PM peak hour

trip generation based on the proposed rezoning request. The daily trip generation is also indicated in this table.

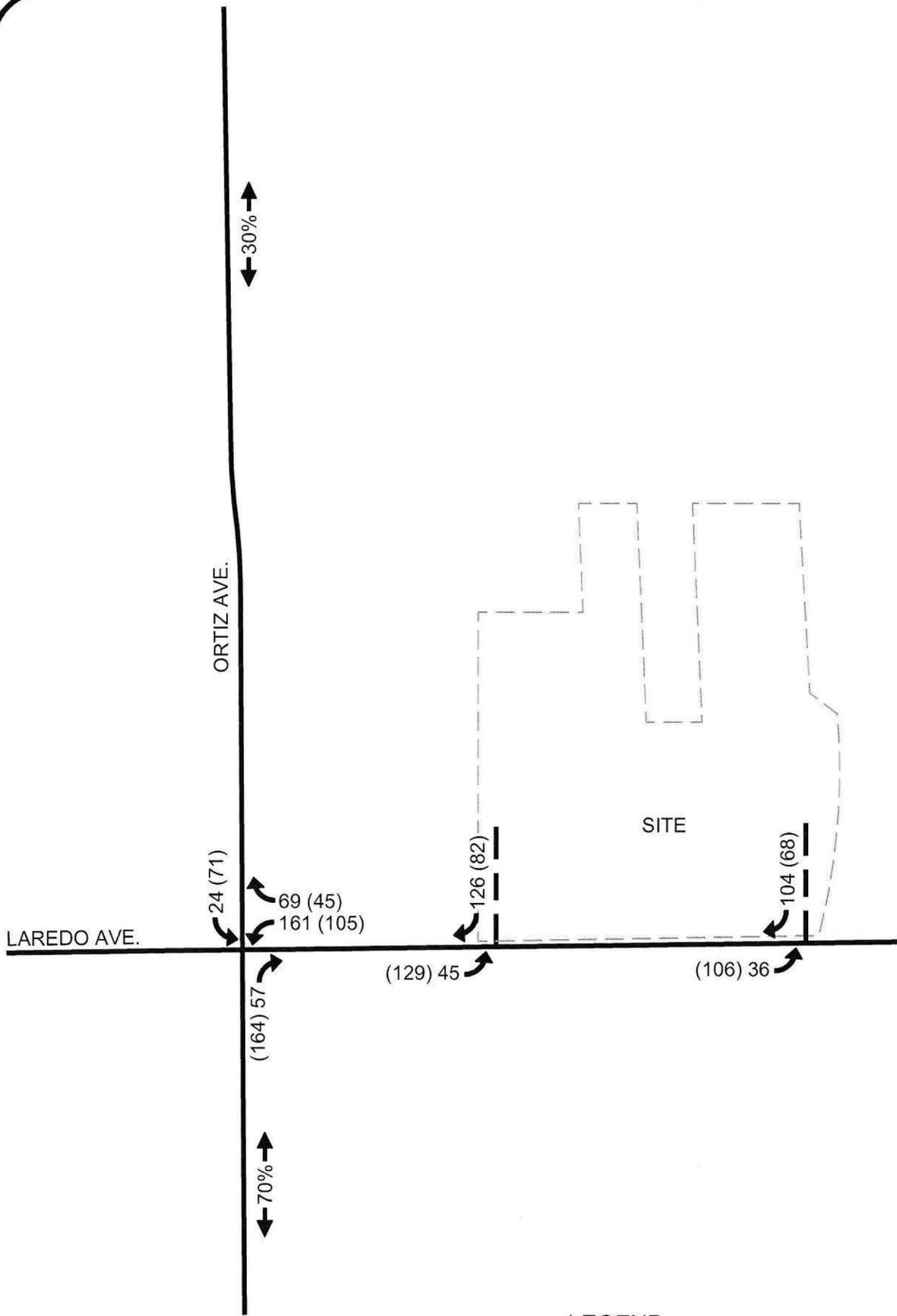
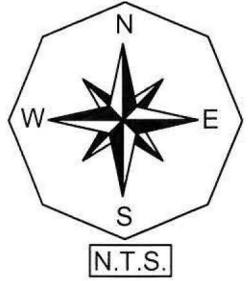
**Table 5
Pierpointe
Trip Generation of Rezoning Request**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Mid-Rise (950 Dwelling Units)	81	230	311	235	150	385	5,176

The trips the proposed development is anticipated to generate, as shown in the Table 5, were assigned to the surrounding roadway network. The trips were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure 2** illustrates the anticipated trip distribution. Also shown in Figure 2, is the site traffic assignment of the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the City of Fort Myers Traffic Impact Statement Guidelines, **Table 5A**, contained in the Appendix, was created. This table indicates which roadway links will experience a significant impact as a result of the added development traffic. Significant impact is defined as any roadway projected to experience greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes.

The Level of Service Threshold volumes for each roadway link were taken from the Florida Department of Transportation Generalized Peak Hour Directional Volumes for Florida’s Urbanized Areas, Table 7. Table 7 is included in the Appendix of this report for reference. Based on the information contained within Table 5A, Ortiz Avenue, north of S.R. 82 and north of Lockett Road is shown to be significantly impacted due to the addition of the project traffic.



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

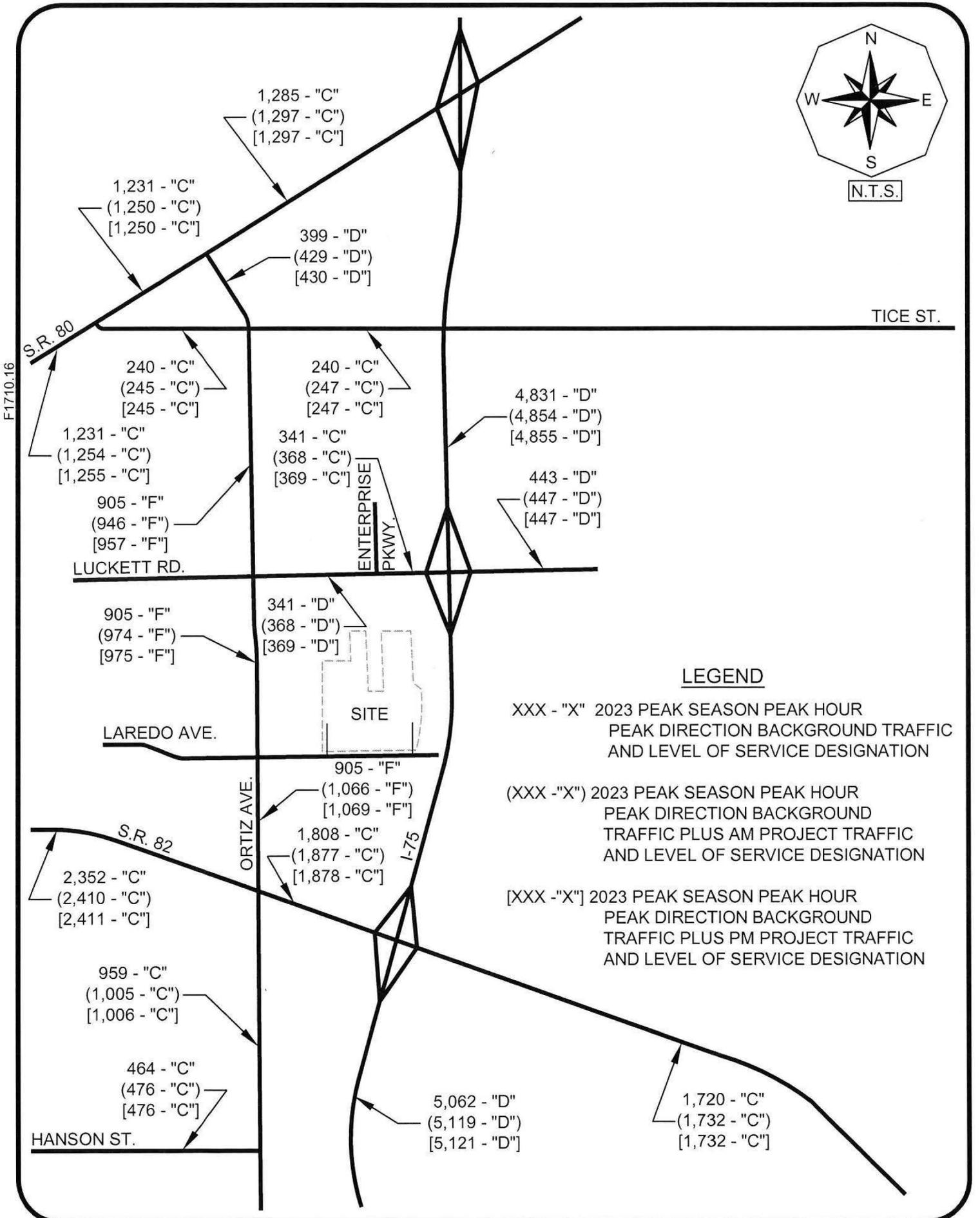
Level of Service Analysis

The future Level of Service analysis was based on a 5-year horizon, or year 2023. Based on this horizon year analysis, the surrounding roadway network was analyzed under 2023 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. For the roadway links, the existing and historical traffic data was obtained from the 2016 FDOT Florida Traffic Online resource. The historical traffic data for Ortiz Avenue, south of S.R. 82 and north of Tice Street was obtained from the 2016 Lee County Traffic Count Report.

Table 6A in the Appendix of the report indicates the methodology utilized to obtain the year 2023 build-out traffic volumes as well as the growth rate utilized for each roadway segment analyzed. The existing 2016 peak hour peak season peak direction volumes for all roadways were calculated by adjusting the 2016 AADT by the appropriate K, D, and T factors as obtained from the 2016 FDOT Florida Traffic Information Online resource. The data obtained from the 2016 FDOT Florida Traffic Information Online resource is attached to the Appendix of this report for reference.

Figure 3 indicates the year 2023 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M and P.M. peak hours with the development traffic added to the roadways. Figure 3 is derived from Table 6A contained in the Appendix.

As can be seen from Figure 3, the roadway links analyzed as part of this report will not be adversely impacted as a result of the proposed residential development. All roadway segments analyzed, apart from Ortiz Avenue between S.R. 82 and Tice Street, will maintain the minimum recommended Level of Service as contained in the City of Fort Myers and Lee County Comprehensive Plans. Ortiz Avenue between S.R. 82 and Tice Street is shown to operate at a Level of Service “F” both with and without the addition of



the project traffic in the year 2023. Therefore, Ortiz Avenue is considered an existing future transportation deficiency that this project would not be responsible for mitigating. As mentioned in the comprehensive plan amendment section of this report, the 2040 Financially Feasible Plan shows the widening of Ortiz Avenue to four lanes between Colonial Boulevard and Luckett Road. This will improve the roadway operations.

VII. CONCLUSION

The proposed Pierpointe development is located along the north side of Laredo Avenue approximately ¼ of a mile east of its interstation with Ortiz Avenue in the City of Fort Myers, Florida. Based upon the roadway link Level of Service analysis conducted as a part of this report for both a Comprehensive Plan amendment and rezoning request, the development of the subject site meets the requirements set forth by the City of Fort Myers Comprehensive Plan and Land Development Code in that there is sufficient capacity available to accommodate the new trips that will be generated by the proposed development.

The 2040 Financially Feasible Roadway network and the short term 5-year Capital Improvement Program currently in place in the City of Fort Myers will not require modification in order to accommodate the proposed Land Use Change. The rezoning analysis also indicates that the subject site will not have an adverse impact on the surrounding roadway network. Therefore, no roadway capacity improvements are necessary to accommodate the proposed development.

Additionally, several analyzed roadways are shown to operate below the minimum acceptable Level of Service in the analysis conducted as part of this report. However, these roadways are shown to operate at a failing Level of Service both with and without the addition of the project traffic to the surrounding roadway network. Therefore, these roadway segments are considered as a future transportation deficiency that this project would not be responsible for mitigating.

APPENDIX

TABLES 1A & 2A
PIERPOINTE
2040 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2040 LONG RANGE TRANSPORTATION ANALYSIS - PIERPOINTE

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	GENERALIZED SERVICE VOLUMES						
		2040 E + C NETWORK LANES		LOS A	LOS B	LOS C	LOS D	LOS E
		<u># Lanes</u>	<u>Roadway Designation</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
Ortiz Ave.	N. of Tice St.	2LN	Arterial	0	0	333	675	720
	N. of Luckett Rd.	2LN	Arterial	0	0	333	675	720
	N. of Laredo Ave.	4LD	Arterial	0	0	1,719	1,800	1,800
	N. of MLK Blvd. (S.R. 82)	4LD	Arterial	0	0	1,719	1,800	1,800
	S. of MLK Blvd. (S.R. 82)	4LD	Arterial	0	0	1,719	1,800	1,800
Luckett Rd.	W. of Ortiz Ave.	2LN	Collector	0	0	333	675	720
	E. of Ortiz Ave.	4LD	Arterial	0	0	657	1,467	1,530
	E. of Enterprise Pkwy.	4LD	Arterial	0	0	730	1,630	1,700
	E. of I-75	4LD	Collector	0	0	657	1,467	1,530
I-75	N. of Luckett Rd.	6LF	Freeway	0	3,360	4,580	5,500	6,080
	S. of Luckett Rd.	6LF	Freeway	0	3,360	4,580	5,500	6,080
	S. of MLK Blvd. (S.R. 82)	6LF	Freeway	0	3,360	4,580	5,500	6,080
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	6LD	Class V - Arterial	0	0	2,940	3,020	3,020
	E. of Ortiz Ave.	6LD	Class V - Arterial	0	0	2,940	3,020	3,020
	E. of I-75	6LD	Class III - Arterial	0	0	2,940	3,020	3,020
Palm Beach Blvd (S.R. 80)	W. of Tice St.	4LD	Class VI - Arterial	0	0	1,910	2,000	2,000
	E. of Tice St.	4LD	Class VI - Arterial	0	0	1,910	2,000	2,000
	E. of Ortiz Ave.	6LD	Class VI - Arterial	0	0	2,940	3,020	3,020
Tice St.	W. of Ortiz Ave.	2LN	Collector	0	0	333	675	720
	E. of Ortiz Ave.	2LN	Collector	0	0	333	675	720
Hanson St.	W. of Ortiz Ave.	4LD	Arterial	0	0	1,719	1,800	1,800

□ - Denotes the LOS Standard for each roadway segment

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

**TABLE 2A
2040 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
PIERPOINTE**

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 621 VPH IN= 379 OUT= 242

ROADWAY	ROADWAY SEGMENT	2040		MODEL	AADT	100TH HIGHEST		PM PK HR	2040 BACKGROUND		PROJECT	PK DIR	2040 BACKGROUND PLUS PROJ		
		FSUTMS	FDOT SITE #	CONVERSION FACTOR ¹	BACKGROUND TRAFFIC	K-100 FACTOR	HOUR PK DIR	D	PEAK DIRECTION	TRAFFIC VOLUMES & LOS	TRAFFIC	PM PROJ	PEAK DIRECTION	TRAFFIC VOLUMES & LOS	
		PSWDT					2-WAY VOLUME			VOLUME	LOS	DIST.	TRAFFIC	VOLUME	LOS
Ortiz Ave.	N. of Tice St.	11,657	124203	0.92	10,724	0.090	965	0.561	NORTH	541	D	13%	49	590	D
	N. of Lockett Rd.	9,849	124203	0.92	9,061	0.090	815	0.561	NORTH	457	D	18%	68	525	D
	N. of Laredo Ave.	8,015	124203	0.92	7,374	0.090	664	0.561	NORTH	373	C	30%	114	487	C
	N. of MLK Blvd. (S.R. 82)	8,015	124203	0.92	7,374	0.090	664	0.561	NORTH	373	C	70%	265	638	C
	S. of MLK Blvd. (S.R. 82)	45,276	124203	0.92	41,654	0.090	3,749	0.561	NORTH	2,103	F	20%	76	2,179	F
Lockett Rd.	W. of Ortiz Ave.	10,614	124153	0.92	9,765	0.090	879	0.561	WEST	386	D	0%	0	386	D
	E. of Ortiz Ave.	28,866	124153	0.92	26,557	0.090	2,390	0.561	EAST	1,341	D	12%	45	1,386	D
	E. of Enterprise Pkwy.	45,437	124153	0.92	41,802	0.090	3,762	0.561	EAST	2,110	F	12%	45	2,155	F
	E. of I-75	32,536	120178	0.92	29,933	0.090	2,694	0.603	EAST	1,624	F	2%	8	1,632	F
I-75	N. of Lockett Rd.	104,661	120060	0.91	95,242	0.09	8,572	0.581	NORTH	4,980	D	10%	38	5,018	D
	S. of Lockett Rd.	109,563	120059	0.91	99,702	0.09	8,973	0.581	NORTH	5,213	D	0%	0	5,213	D
	S. of MLK Blvd. (S.R. 82)	108,744	120058	0.91	98,957	0.09	8,906	0.581	NORTH	5,174	D	25%	95	5,269	D
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	59,310	125053	0.95	56,345	0.09	5,071	0.533	EAST	2,703	C	25%	95	2,798	C
	E. of Ortiz Ave.	93,361	126020	0.95	88,693	0.09	7,982	0.533	EAST	4,254	F	30%	114	4,368	F
	E. of I-75	93,064	126068	0.95	88,411	0.09	7,957	0.571	EAST	4,543	F	5%	19	4,562	F
Palm Beach Blvd (S.R. 80)	W. of Tice St.	49,713	125073	0.95	47,227	0.09	4,250	0.533	EAST	2,265	F	10%	38	2,303	F
	E. of Tice St.	40,397	125073	0.95	38,377	0.09	3,454	0.533	EAST	1,841	C	8%	30	1,871	C
	E. of Ortiz Ave.	48,611	125020	0.95	46,180	0.09	4,156	0.533	EAST	2,215	C	5%	19	2,234	C
Tice St.	W. of Ortiz Ave.	10,677	124116	0.92	9,823	0.09	884	0.548	EAST	484	D	2%	8	492	D
	E. of Ortiz Ave.	12,192	124116	0.92	11,217	0.09	1,009	0.548	EAST	553	D	3%	11	564	D
Hanson St.	W. of Ortiz Ave.	29,476	-	0.92	27,118	0.09	2,441	0.533	EAST	1,301	C	5%	19	1,320	C

1 Model Output Conversion Factor was utilized to obtain the AADT Background Traffic Volumes.

* The K-100 and D factors were obtained from FDOT Florida Traffic Online webpage.

** Since the extension of Hanson St. to Ortiz Ave. has not been constructed, the K-100 and D factor were utilized from the closest permanent FDOT count station (126020).

TABLES 3A & 4A
PIERPOINTE FLUM
5-YEAR LOS ANALYSIS

TABLE 3A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
SHORT RANGE TRANSPORTATION ANALYSIS - PIERPOINTE

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 507 VPH IN= 132 OUT= 375
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 621 VPH IN= 379 OUT= 242

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Ortiz Ave.	N. of Tice St.	2LN	0	0	333	675	720	13%	49	14.8%
	N. of Lockett Rd.	2LN	0	0	333	675	720	18%	68	20.5%
	N. of Laredo Ave.	2LN	0	0	747	792	792	30%	114	15.2%
	N. of MLK Blvd. (S.R. 82)	2LN	0	0	747	792	792	70%	265	35.5%
	S. of MLK Blvd. (S.R. 82)	4LD	0	0	1,719	1,800	1,800	20%	76	4.4%
Lockett Rd.	W. of Ortiz Ave.	2LN	0	0	333	675	720	0%	0	0.0%
	E. of Ortiz Ave.	2LN	0	0	333	675	720	12%	45	13.7%
	E. of Enterprise Pkwy.	4LD	0	0	730	1,630	1,700	12%	45	6.2%
	E. of I-75	2LN	0	0	333	675	720	2%	8	2.3%
I-75	N. of Lockett Rd.	6LF	0	3,360	4,580	5,500	6,080	10%	38	0.8%
	S. of Lockett Rd.	6LF	0	3,360	4,580	5,500	6,080	0%	0	0.0%
	S. of MLK Blvd. (S.R. 82)	6LF	0	3,360	4,580	5,500	6,080	25%	95	2.1%
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	25%	95	3.2%
	E. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	30%	114	3.9%
	E. of I-75	6LD	0	0	2,940	3,020	3,020	5%	19	0.6%
Palm Beach Blvd (S.R. 80)	W. of Tice St.	4LD	0	0	1,910	2,000	2,000	10%	38	2.0%
	E. of Tice St.	4LD	0	0	1,910	2,000	2,000	8%	30	1.6%
	E. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	5%	19	0.6%
Tice St.	W. of Ortiz Ave.	2LN	0	0	333	675	720	2%	8	2.3%
	E. of Ortiz Ave.	2LN	0	0	333	675	720	3%	11	3.4%
Hanson St.	W. of Ortiz Ave.	4LD	0	0	1,719	1,800	1,800	5%	19	1.1%

* The Level of Service thresholds were for all roadways were obtained from the FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
SHORT RANGE TRANSPORTATION ANALYSIS - PIERPONT**

						Site #	K-Factor	D-Factor	T-Factor	Site #	K-Factor	D-Factor	T-Factor	
TOTAL PROJECT TRAFFIC AM =	507	VPH	IN =	132	OUT=	375	124203	0.090	0.561	0.070	125053	0.090	0.533	0.103
TOTAL PROJECT TRAFFIC PM =	621	VPH	IN=	379	OUT=	242	124153	0.090	0.561	0.167	126020	0.090	0.533	0.049
							120178	0.090	0.603	0.070	126068	0.090	0.571	0.060
							120060	0.090	0.581	0.125	125073	0.090	0.533	0.049
							120059	0.090	0.581	0.121	125020	0.090	0.533	0.067
							120058	0.090	0.581	0.113	124116	0.090	0.548	0.131
											124902	0.090	0.603	0.134

ROADWAY	SEGMENT	FDOT SITE #	2016					2023				2023				2023			
			BASE YR		YRS OF	ANNUAL	PK SEASON	PK HR		PERCENT	BCKGRND			BCKGRND					
			2016	ADT				ADT	GROWTH.		RATE	PEAK DIR. ¹	VOLUME	LOS	V/C	PROJECT	AM PROJ	PM PROJ	+ AM PROJ
Ortiz Ave.	N. of Tice St.	356	8,900	7,400	8	2.00%	347	399	D	0.55	13%	49	49	448	D	0.62	448	D	0.62
	N. of Lockett Rd.	124203	13,000	15,000	4	3.64%	704	905	F	1.26	18%	68	68	972	F	1.35	973	F	1.35
	N. of Laredo Ave.	124203	13,000	15,000	4	3.64%	704	905	F	1.14	30%	113	114	1,017	F	1.28	1,018	F	1.29
	N. of MLK Blvd. (S.R. 82)	124203	13,000	15,000	4	3.64%	704	905	F	1.14	70%	263	265	1,167	F	1.47	1,170	F	1.48
	S. of MLK Blvd. (S.R. 82)	354	12,600	16,300	8	3.27%	765	959	C	0.53	20%	75	76	1,034	C	0.57	1,035	C	0.57
Lockett Rd.	W. of Ortiz Ave.	124153	5,700	6,600	5	2.98%	278	341	D	0.47	0%	0	0	341	D	0.47	341	D	0.47
	E. of Ortiz Ave.	124153	5,700	6,600	5	2.98%	278	341	D	0.47	12%	45	45	386	D	0.54	386	D	0.54
	E. of Enterprise Pkwy.	124153	5,700	6,600	5	2.98%	278	341	C	0.20	12%	45	45	386	C	0.23	386	C	0.23
	E. of I-75	120178	7,000	7,200	1	2.86%	363	443	D	0.61	2%	8	8	450	D	0.63	450	D	0.63
I-75	N. of Lockett Rd.	120060	65,500	84,500	8	3.23%	3,866	4,831	D	0.79	10%	38	38	4,869	D	0.80	4,869	D	0.80
	S. of Lockett Rd.	120059	70,500	88,500	8	2.88%	4,068	4,963	D	0.82	0%	0	0	4,963	D	0.82	4,963	D	0.82
	S. of MLK Blvd. (S.R. 82)	120058	65,500	86,000	8	3.46%	3,989	5,062	D	0.83	25%	94	95	5,156	D	0.85	5,157	D	0.85
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	125053	33,500	43,500	8	3.32%	1,872	2,352	C	0.78	25%	94	95	2,446	C	0.81	2,447	C	0.81
	E. of Ortiz Ave.	126020	28,541	34,000	8	2.21%	1,551	1,808	C	0.60	30%	113	114	1,920	C	0.64	1,921	C	0.64
	E. of I-75	126068	29,255	31,000	3	2.00%	1,498	1,720	C	0.57	5%	19	19	1,739	C	0.58	1,739	C	0.58
Palm Beach Blvd (S.R. 80)	W. of Tice St.	125073	21,500	23,500	8	2.00%	1,072	1,231	C	0.62	10%	38	38	1,269	C	0.63	1,269	C	0.63
	E. of Tice St.	125073	21,500	23,500	8	2.00%	1,072	1,231	C	0.62	8%	30	30	1,261	C	0.63	1,262	C	0.63
	E. of Ortiz Ave.	125020	27,500	25,000	8	2.00%	1,119	1,285	C	0.43	5%	19	19	1,304	C	0.43	1,304	C	0.43
Tice St.	W. of Ortiz Ave.	124116	3,400	3,800	2	5.72%	163	240	C	0.33	2%	8	8	248	C	0.34	248	C	0.34
	E. of Ortiz Ave.	124116	3,400	3,800	2	5.72%	163	240	C	0.33	3%	11	11	252	C	0.35	252	C	0.35
Hanson St.	W. of Ortiz Ave.	124902	7,700	8,600	8	2.00%	404	464	C	0.26	5%	19	19	483	C	0.27	483	C	0.27

¹ 2016 peak hour peak season peak direction traffic volumes were calculated by factoring the 2016 AADT by the appropriate K & D & T factors

* ADT data and K & D & T factors were obtained from the 2016 Florida Traffic Online Report.

** The ADT data for Ortiz Ave. south of SR 82 and north of Tice St. was obtained from the 2016 Lee County Traffic Count Report.

TABLES 5A & 6A
PIERPOINTE
REZONING LOS ANALYSIS

TABLE 5A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
REZONING - PIERPOINTE

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 311 VPH IN= 81 OUT= 230
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 385 VPH IN= 235 OUT= 150

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ LOS C
Ortiz Ave.	N. of Tice St.	2LN	0	0	333	675	720	13%	31	9.2%
	N. of Lockett Rd.	2LN	0	0	333	675	720	18%	42	12.7%
	N. of Laredo Ave.	2LN	0	0	747	792	792	30%	71	9.4%
	N. of MLK Blvd. (S.R. 82)	2LN	0	0	747	792	792	70%	165	22.0%
	S. of MLK Blvd. (S.R. 82)	4LD	0	0	1,719	1,800	1,800	20%	47	2.7%
Lockett Rd.	W. of Ortiz Ave.	2LN	0	0	333	675	720	0%	0	0.0%
	E. of Ortiz Ave.	2LN	0	0	333	675	720	12%	28	8.5%
	E. of Enterprise Pkwy.	4LD	0	0	730	1,630	1,700	12%	28	3.9%
	E. of I-75	2LN	0	0	333	675	720	2%	5	1.4%
I-75	N. of Lockett Rd.	6LF	0	3,360	4,580	5,500	6,080	10%	24	0.5%
	S. of Lockett Rd.	6LF	0	3,360	4,580	5,500	6,080	0%	0	0.0%
	S. of MLK Blvd. (S.R. 82)	6LF	0	3,360	4,580	5,500	6,080	25%	59	1.3%
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	25%	59	2.0%
	E. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	30%	71	2.4%
	E. of I-75	6LD	0	0	2,940	3,020	3,020	5%	12	0.4%
Palm Beach Blvd (S.R. 80)	W. of Tice St.	4LD	0	0	1,910	2,000	2,000	10%	24	1.2%
	E. of Tice St.	4LD	0	0	1,910	2,000	2,000	8%	19	1.0%
	E. of Ortiz Ave.	6LD	0	0	2,940	3,020	3,020	5%	12	0.4%
Tice St.	W. of Ortiz Ave.	2LN	0	0	333	675	720	2%	5	1.4%
	E. of Ortiz Ave.	2LN	0	0	333	675	720	3%	7	2.1%
Hanson St.	W. of Ortiz Ave.	4LD	0	0	1,719	1,800	1,800	5%	12	0.7%

* The Level of Service thresholds were for all roadways were obtained from the FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 6A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
REZONING - PIERPOINTE**

		Site #	K-Factor	D-Factor	T-Factor	Site #	K-Factor	D-Factor	T-Factor					
TOTAL PROJECT TRAFFIC AM =	311	VPH	IN =	81	OUT=	230	124203	0.090	0.561	0.070	125053	0.090	0.533	0.103
TOTAL PROJECT TRAFFIC PM =	385	VPH	IN=	235	OUT=	150	124153	0.090	0.561	0.167	126020	0.090	0.533	0.049
							120178	0.090	0.603	0.070	126068	0.090	0.571	0.060
							120060	0.090	0.581	0.125	125073	0.090	0.533	0.049
							120059	0.090	0.581	0.121	125020	0.090	0.533	0.067
							120058	0.090	0.581	0.113	124116	0.090	0.548	0.131
											124902	0.090	0.603	0.134

ROADWAY	SEGMENT	FDOT SITE #	2016					2023					2023						
			BASE YR	2016	YRS OF	ANNUAL	PK SEASON	PK HR	PK HR	PK SEASON	PERCENT	BCKGRND	BCKGRND	BCKGRND					
			ADT	ADT	GROWTH	RATE	PEAK DIR. ¹	VOLUME	LOS	V/C	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C		
Ortiz Ave.	N. of Tice St.	356	8,900	7,400	8	2.00%	347	399	D	0.55	13%	30	31	429	D	0.60	430	D	0.60
	N. of Lockett Rd.	124203	13,000	15,000	4	3.64%	704	905	F	1.26	18%	41	42	946	F	1.31	947	F	1.32
	N. of Laredo Ave.	124203	13,000	15,000	4	3.64%	704	905	F	1.14	30%	69	71	974	F	1.23	975	F	1.23
	N. of MLK Blvd. (S.R. 82)	124203	13,000	15,000	4	3.64%	704	905	F	1.14	70%	161	165	1,066	F	1.35	1,069	F	1.35
	S. of MLK Blvd. (S.R. 82)	354	12,600	16,300	8	3.27%	765	959	C	0.53	20%	46	47	1,005	C	0.56	1,006	C	0.56
Lockett Rd.	W. of Ortiz Ave.	124153	5,700	6,600	5	2.98%	278	341	D	0.47	0%	0	0	341	D	0.47	341	D	0.47
	E. of Ortiz Ave.	124153	5,700	6,600	5	2.98%	278	341	D	0.47	12%	28	28	368	D	0.51	369	D	0.51
	E. of Enterprise Pkwy.	124153	5,700	6,600	5	2.98%	278	341	C	0.20	12%	28	28	368	C	0.22	369	C	0.22
	E. of I-75	120178	7,000	7,200	1	2.86%	363	443	D	0.61	2%	5	5	447	D	0.62	447	D	0.62
I-75	N. of Lockett Rd.	120060	65,500	84,500	8	3.23%	3,866	4,831	D	0.79	10%	23	24	4,854	D	0.80	4,855	D	0.80
	S. of Lockett Rd.	120059	70,500	88,500	8	2.88%	4,068	4,963	D	0.82	0%	0	0	4,963	D	0.82	4,963	D	0.82
	S. of MLK Blvd. (S.R. 82)	120058	65,500	86,000	8	3.46%	3,989	5,062	D	0.83	25%	58	59	5,119	D	0.84	5,121	D	0.84
MLK Blvd. (S.R. 82)	W. of Ortiz Ave.	125053	33,500	43,500	8	3.32%	1,872	2,352	C	0.78	25%	58	59	2,410	C	0.80	2,411	C	0.80
	E. of Ortiz Ave.	126020	28,541	34,000	8	2.21%	1,551	1,808	C	0.60	30%	69	71	1,877	C	0.62	1,878	C	0.62
	E. of I-75	126068	29,255	31,000	3	2.00%	1,498	1,720	C	0.57	5%	12	12	1,732	C	0.57	1,732	C	0.57
Palm Beach Blvd (S.R. 80)	W. of Tice St.	125073	21,500	23,500	8	2.00%	1,072	1,231	C	0.62	10%	23	24	1,254	C	0.63	1,255	C	0.63
	E. of Tice St.	125073	21,500	23,500	8	2.00%	1,072	1,231	C	0.62	8%	18	19	1,250	C	0.62	1,250	C	0.63
	E. of Ortiz Ave.	125020	27,500	25,000	8	2.00%	1,119	1,285	C	0.43	5%	12	12	1,297	C	0.43	1,297	C	0.43
Tice St.	W. of Ortiz Ave.	124116	3,400	3,800	2	5.72%	163	240	C	0.33	2%	5	5	245	C	0.34	245	C	0.34
	E. of Ortiz Ave.	124116	3,400	3,800	2	5.72%	163	240	C	0.33	3%	7	7	247	C	0.34	247	C	0.34
Hanson St.	W. of Ortiz Ave.	124902	7,700	8,600	8	2.00%	404	464	C	0.26	5%	12	12	476	C	0.26	476	C	0.26

¹ 2016 peak hour peak season peak direction traffic volumes were calculated by factoring the 2016 AADT by the appropriate K & D & T factors

* ADT data and K & D & T factors were obtained from the 2016 Florida Traffic Online Report.

** The ADT data for Ortiz Ave. south of SR 82 and north of Tice St. was obtained from the 2016 Lee County Traffic Count Report.

**FDOT GENERALIZED PEAK HOUR
DIRECTIONAL VOLUMES FOR
FLORIDA'S URBANIZED AREAS
TABLE 7**

TABLE 7

Generalized **Peak Hour Directional** Volumes for Florida's **Urbanized Areas¹**

12/18/12

INTERRUPTED FLOW FACILITIES					UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS					FREEWAYS					
Class I (40 mph or higher posted speed limit)					Lanes	B	C	D	E	
Lanes	Median	B	C	D	E					
1	Undivided	*	830	880	**	2	2,260	3,020	3,660	3,940
2	Divided	*	1,910	2,000	**	3	3,360	4,580	5,500	6,080
3	Divided	*	2,940	3,020	**	4	4,500	6,080	7,320	8,220
4	Divided	*	3,970	4,040	**	5	5,660	7,680	9,220	10,360
						6	7,900	10,320	12,060	12,500
Class II (35 mph or slower posted speed limit)					Freeway Adjustments					
Lanes	Median	B	C	D	E	Auxiliary Lane	Ramp Metering			
1	Undivided	*	370	750	800	+ 1,000	+ 5%			
2	Divided	*	730	1,630	1,700					
3	Divided	*	1,170	2,520	2,560					
4	Divided	*	1,610	3,390	3,420					
Non-State Signalized Roadway Adjustments (Alter corresponding state volumes by the indicated percent.)										
Non-State Signalized Roadways - 10%										
Median & Turn Lane Adjustments										
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors						
1	Divided	Yes	No	+5%						
1	Undivided	No	No	-20%						
Multi	Undivided	Yes	No	-5%						
Multi	Undivided	No	No	-25%						
-	-	-	Yes	+ 5%						
One-Way Facility Adjustment Multiply the corresponding directional volumes in this table by 1.2										
BICYCLE MODE² (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)										
Paved Shoulder/Bicycle Lane Coverage										
	B	C	D	E						
0-49%	*	150	390	1,000						
50-84%	110	340	1,000	>1,000						
85-100%	470	1,000	>1,000	**						
PEDESTRIAN MODE² (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)										
Sidewalk Coverage										
	B	C	D	E						
0-49%	*	*	140	480						
50-84%	*	80	440	800						
85-100%	200	540	880	>1,000						
BUS MODE (Scheduled Fixed Route)³ (Buses in peak hour in peak direction)										
Sidewalk Coverage										
	B	C	D	E						
0-84%	> 5	≥ 4	≥ 3	≥ 2						
85-100%	> 4	≥ 3	≥ 2	≥ 1						
					UNINTERRUPTED FLOW HIGHWAYS					
					Lanes	Median	B	C	D	E
					1	Undivided	420	840	1,190	1,640
					2	Divided	1,810	2,560	3,240	3,590
					3	Divided	2,720	3,840	4,860	5,380
					Uninterrupted Flow Highway Adjustments					
					Lanes	Median	Exclusive left lanes	Adjustment factors		
					1	Divided	Yes	+5%		
					Multi	Undivided	Yes	-5%		
					Multi	Undivided	No	-25%		
					¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.					
					² Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.					
					³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
					* Cannot be achieved using table input value defaults.					
					** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
					Source: Florida Department of Transportation Systems Planning Office www.dot.state.fl.us/planning/systems/smp/los/default.shtml					

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4203 - ORTIZ AVENUE, N OF MLK JR BLVD

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	15000 F	N	7600	S 7400	9.00	56.10	7.00
2015	14600 C	N	7400	S 7200	9.00	55.50	5.90
2014	13500 S				9.00	55.20	5.20
2013	13000 F		0	0	9.00	55.00	5.10
2012	13000 C	N	0	S 0	9.00	55.30	5.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
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COUNTY: 12 - LEE

SITE: 4153 - LUCKETT ROAD, EAST OF ORTIZ AVENUE

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	6600 S	E 3300	W 3300	9.00	56.10	16.70
2015	6400 F	E 3200	W 3200	9.00	55.50	16.70
2014	6000 C	E 3000	W 3000	9.00	55.20	16.70
2013	5700 S	0	0	9.00	55.00	10.00
2012	5700 F	0	0	9.00	55.30	10.00
2011	5700 C	E 0	W 0	9.00	55.20	9.10

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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0178 - LUCKETT RD, E OF I-75

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	7200 F	E 3600	W 3600	9.00	60.30	7.00
2015	7000 C	E 3500	W 3500	9.00	55.50	5.90

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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0060 - FIRST ST NORTH OF RAILROAD TRACKS LEE COUNTY

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	84500	C	N 42000	S 42500	9.00	58.10	12.50
2015	77500	C	N 38500	S 39000	9.00	56.80	13.20
2014	70500	C	N 35000	S 35500	9.00	56.40	14.20
2013	72000	S	N 36500	S 35500	9.00	57.70	11.60
2012	70000	F	N 35500	S 34500	9.00	56.40	11.60
2011	68000	C	N 34500	S 33500	9.00	55.80	11.60
2010	66500	C	N 33500	S 33000	9.64	55.58	13.00
2009	63000	C	N 31000	S 32000	9.40	55.84	12.40
2008	65500	C	N 33000	S 32500	9.07	55.79	14.80
2007	73500	C	N 36500	S 37000	9.29	52.37	19.00
2006	75500	C	N 37500	S 38000	8.72	54.35	20.20
2005	73000	C	N 36500	S 36500	8.90	52.90	20.50
2004	75000	C	N 37000	S 38000	9.20	51.40	20.50
2003	65000	S	N 32500	S 32500	9.60	52.50	18.50
2002	61000	F	N 30500	S 30500	9.80	55.70	18.10
2001	58000	C	N 29000	S 29000	10.00	55.40	18.50

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FLORIDA DEPARTMENT OF TRANSPORTATION
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 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0059 - SR 93/I 75, SOUTH OF LUCKETT ROAD

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	88500	C	N 44000	S 44500	9.00	58.10	12.10
2015	80500	C	N 40500	S 40000	9.00	56.80	13.60
2014	74000	C	N 36500	S 37500	9.00	56.40	13.30
2013	68000	C	N 33500	S 34500	9.00	57.70	12.40
2012	65000	C	N 33500	S 31500	9.00	56.40	12.00
2011	74500	F	N 37500	S 37000	9.00	55.80	12.50
2010	70500	C	N 35500	S 35000	9.64	55.58	12.50
2009	65500	C	N 32500	S 33000	9.40	55.84	12.20
2008	70500	C	N 35500	S 35000	9.07	55.79	14.90
2007	78000	C	N 39000	S 39000	9.29	52.37	16.90
2006	80500	C	N 40000	S 40500	8.72	54.35	18.10
2005	76000	C	N 38000	S 38000	8.90	52.90	17.10
2004	77000	C	N 38000	S 39000	9.20	51.40	17.10
2003	69500	C	N 34000	S 35500	9.60	52.50	17.10
2002	62500	F	N 30500	S 32000	9.80	55.70	18.40
2001	59500	C	N 29000	S 30500	10.00	55.40	14.10

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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
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COUNTY: 12 - LEE

SITE: 0058 - SR-93/I-75, S OF SR 82/IMMOKALEE RD

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	86000 C	N 42500	S 43500	9.00	58.10	11.30
2015	78500 C	N 39000	S 39500	9.00	56.80	11.70
2014	75500 C	N 37500	S 38000	9.00	56.40	11.00
2013	68500 C	N 34500	S 34000	9.00	57.70	11.00
2012	59500 C	N 29500	S 30000	9.00	56.40	12.20
2011	70500 C	N 36500	S 34000	9.00	55.80	11.40
2010	65500 C	N 33000	S 32500	9.64	55.58	10.80
2009	61500 C	N 31000	S 30500	9.40	55.84	10.10
2008	65500 C	N 33000	S 32500	9.07	55.79	14.30
2007	73000 C	N 37000	S 36000	9.29	52.37	16.10
2006	79500 C	N 40000	S 39500	8.72	54.35	17.70
2005	74500 C	N 37500	S 37000	8.90	52.90	14.70
2004	69000 F	N 34000	S 35000	9.20	51.40	14.70
2003	66000 C	N 32500	S 33500	9.60	52.50	14.70
2002	64000 C	N 31000	S 33000	9.80	55.70	18.40
2001	60500 C	N 30500	S 30000	10.00	55.40	17.20

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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
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COUNTY: 12 - LEE

SITE: 5053 - SR82/M L KING JR BLVD, W OF CR80B/ORTIZ AV LC214

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	43500	F	E 21500	W 22000	9.00	53.30	10.30
2015	41500	C	E 20500	W 21000	9.00	53.80	10.30
2014	38500	C	E 19000	W 19500	9.00	53.70	9.00
2013	36000	C	E 18000	W 18000	9.00	63.60	9.60
2012	32000	C	E 15500	W 16500	9.00	63.80	9.30
2011	32000	C	E 15500	W 16500	9.00	63.20	9.10
2010	33500	C	E 16500	W 17000	10.44	63.55	9.80
2009	34000	C	E 17000	W 17000	10.17	64.21	9.50
2008	33500	C	E 16000	W 17500	10.65	68.54	10.70
2007	40000	C	E 19500	W 20500	9.62	58.02	12.60
2006	43000	C	E 21500	W 21500	8.81	55.95	14.00
2005	36500	C	E 18000	W 18500	9.60	53.80	8.50
2004	25500	C	E 13000	W 12500	10.00	55.10	13.30
2003	22000	F	E 11000	W 11000	9.90	54.90	15.20
2002	21000	C	E 10500	W 10500	10.10	55.10	16.80
2001	21000	F	E 10500	W 10500	10.00	55.60	15.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6020 - SR 82/DR. MLK JR. BLVD, 435' E OF ORTIZ AVE, PTMS 05, LCPR 20

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	34000 E	0	0	9.00	53.30	4.90
2015	33000 E	0	0	9.00	53.80	10.30
2014	32500 F			9.00	53.70	9.80
2013	32059 C	E 15695	W 16364	9.00	63.60	10.40
2012	29500 S	0	0	9.00	63.80	10.00
2011	29500 F	0	0	9.00	63.20	9.10
2010	30239 C	E 14872	W 15367	10.29	69.33	9.60
2009	27500 F	0	0	10.29	69.33	10.20
2008	28541 C	E 14091	W 14450	10.29	69.33	17.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6068 - SR82/DR ML KING JR BLVD, E OF I-75

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	31000	E	0	0	9.00	57.10	6.00
2015	30000	E	0	0	9.00	56.60	7.70
2014	29255	C			9.00	56.60	7.80
2013	29255	C	E 14434	W 14821	9.00		8.70

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 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5073 - SR 80/PALM BEACH BLVD, SW OF TICE STREET LC452

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	23500	C	E 11000	W 12500	9.00	53.30	4.90
2015	21500	C	E 10000	W 11500	9.00	53.80	5.60
2014	21500	C	E 10500	W 11000	9.00	53.70	5.50
2013	21000	F	E 10000	W 11000	9.00	63.60	6.40
2012	20900	C	E 9900	W 11000	9.00	63.80	6.40
2011	22000	F	E 11500	W 10500	9.00	63.20	5.10
2010	22000	C	E 11500	W 10500	10.44	63.55	5.10
2009	22000	C	E 10500	W 11500	10.17	64.21	5.60
2008	21500	C	E 10500	W 11000	10.65	68.54	5.20
2007	36000	F	E 17500	W 18500	10.16	54.76	4.70
2006	34000	C	E 16500	W 17500	10.23	54.38	4.20
2005	30000	C	E 14500	W 15500	10.30	54.10	6.90
2004	31000	C	E 15000	W 16000	9.90	54.30	6.90
2003	29000	C	E 13500	W 14500	9.80	55.60	8.60
2002	26500	C	E 13500	W 13000	10.20	57.20	8.60
2001	29000	C	E 14500	W 14500	10.00	55.60	4.40

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FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5020 - SR 80/PALM BEACH BLVD, NE OF CR 80B/ORTIZ AV LC359

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	25000	C	E 12500	W 12500	9.00	53.30	6.70
2015	23000	C	E 11500	W 11500	9.00	53.80	5.20
2014	22000	F	E 11000	W 11000	9.00	53.70	6.20
2013	22000	C	E 11000	W 11000	9.00	63.60	6.20
2012	22000	C	E 11000	W 11000	9.00	63.80	4.80
2011	23500	F	E 11500	W 12000	9.00	63.20	5.20
2010	23500	C	E 11500	W 12000	10.44	63.55	5.20
2009	23500	C	E 11500	W 12000	10.17	64.21	5.70
2008	27500	F	E 14000	W 13500	10.65	68.54	5.30
2007	28500	C	E 14500	W 14000	10.16	54.76	5.40
2006	31500	C	E 15500	W 16000	10.23	54.38	4.40
2005	30500	C	E 14500	W 16000	10.30	54.10	8.40
2004	28500	C	E 14500	W 14000	9.90	54.30	6.90
2003	27500	C	E 13500	W 14000	9.80	55.60	11.40
2002	24500	C	E 11500	W 13000	10.20	57.20	8.60
2001	27500	C	E 13500	W 14000	10.00	55.60	4.40

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

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4116 - TICE STREET, EAST OF S.R. 80

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	3800 S	E 1900	W 1900	9.00	54.80	13.10
2015	3600 F	E 1800	W 1800	9.00	55.50	13.10
2014	3400 C	E 1700	W 1700	9.00	55.20	13.10
2013	1800 S	0	0	9.00	55.00	5.20
2012	1800 F	0	0	9.00	55.30	10.80
2011	1800 C	E 0	W 0	9.00	55.20	12.40

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

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4902 - HANSON ST, E OF FORD

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	8600	S	E 4400		W 4200	9.00	60.30	13.40
2015	8400	F	E 4300		W 4100	9.00	52.00	13.40
2014	8000	C	E 4100		W 3900	9.00	52.30	13.40
2013	8200	S	E 4200		W 4000	9.00	55.70	11.60
2012	8200	F	E 4200		W 4000	9.00	52.10	11.60
2011	8400	C	E 4300		W 4100	9.00	51.60	11.60
2010	7900	S	E 4000		W 3900	10.36	54.31	13.60
2009	7900	F	E 4000		W 3900	9.94	54.56	13.60
2008	7700	C	E 3900		W 3800	10.07	55.20	13.60

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

2016 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1206 SR884, 80 & 82 W OF I-75

MOCF: 0.95
 PSCF

WEEK	DATES	SF	PSCF
1	01/01/2016 - 01/02/2016	1.00	1.05
2	01/03/2016 - 01/09/2016	0.98	1.03
* 3	01/10/2016 - 01/16/2016	0.95	1.00
* 4	01/17/2016 - 01/23/2016	0.95	1.00
* 5	01/24/2016 - 01/30/2016	0.94	0.99
* 6	01/31/2016 - 02/06/2016	0.94	0.99
* 7	02/07/2016 - 02/13/2016	0.93	0.98
* 8	02/14/2016 - 02/20/2016	0.93	0.98
* 9	02/21/2016 - 02/27/2016	0.94	0.99
*10	02/28/2016 - 03/05/2016	0.94	0.99
*11	03/06/2016 - 03/12/2016	0.95	1.00
*12	03/13/2016 - 03/19/2016	0.95	1.00
*13	03/20/2016 - 03/26/2016	0.96	1.01
*14	03/27/2016 - 04/02/2016	0.97	1.02
*15	04/03/2016 - 04/09/2016	0.97	1.02
16	04/10/2016 - 04/16/2016	0.98	1.03
17	04/17/2016 - 04/23/2016	0.99	1.04
18	04/24/2016 - 04/30/2016	1.00	1.05
19	05/01/2016 - 05/07/2016	1.01	1.06
20	05/08/2016 - 05/14/2016	1.02	1.07
21	05/15/2016 - 05/21/2016	1.03	1.08
22	05/22/2016 - 05/28/2016	1.04	1.09
23	05/29/2016 - 06/04/2016	1.04	1.09
24	06/05/2016 - 06/11/2016	1.05	1.11
25	06/12/2016 - 06/18/2016	1.05	1.11
26	06/19/2016 - 06/25/2016	1.06	1.12
27	06/26/2016 - 07/02/2016	1.06	1.12
28	07/03/2016 - 07/09/2016	1.07	1.13
29	07/10/2016 - 07/16/2016	1.07	1.13
30	07/17/2016 - 07/23/2016	1.06	1.12
31	07/24/2016 - 07/30/2016	1.06	1.12
32	07/31/2016 - 08/06/2016	1.05	1.11
33	08/07/2016 - 08/13/2016	1.05	1.11
34	08/14/2016 - 08/20/2016	1.04	1.09
35	08/21/2016 - 08/27/2016	1.04	1.09
36	08/28/2016 - 09/03/2016	1.05	1.11
37	09/04/2016 - 09/10/2016	1.05	1.11
38	09/11/2016 - 09/17/2016	1.05	1.11
39	09/18/2016 - 09/24/2016	1.04	1.09
40	09/25/2016 - 10/01/2016	1.03	1.08
41	10/02/2016 - 10/08/2016	1.01	1.06
42	10/09/2016 - 10/15/2016	1.00	1.05
43	10/16/2016 - 10/22/2016	1.00	1.05
44	10/23/2016 - 10/29/2016	1.00	1.05
45	10/30/2016 - 11/05/2016	1.00	1.05
46	11/06/2016 - 11/12/2016	1.00	1.05
47	11/13/2016 - 11/19/2016	1.00	1.05
48	11/20/2016 - 11/26/2016	1.00	1.05
49	11/27/2016 - 12/03/2016	1.00	1.05
50	12/04/2016 - 12/10/2016	1.00	1.05
51	12/11/2016 - 12/17/2016	1.00	1.05
52	12/18/2016 - 12/24/2016	0.98	1.03
53	12/25/2016 - 12/31/2016	0.95	1.00

* PEAK SEASON

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2016 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1208 SR 82, E OF I-75

MOCF: 0.95
 PSCF

WEEK	DATES	SF	PSCF
1	01/01/2016 - 01/02/2016	0.97	1.02
2	01/03/2016 - 01/09/2016	0.99	1.04
3	01/10/2016 - 01/16/2016	1.01	1.06
4	01/17/2016 - 01/23/2016	1.00	1.05
5	01/24/2016 - 01/30/2016	0.98	1.03
* 6	01/31/2016 - 02/06/2016	0.97	1.02
* 7	02/07/2016 - 02/13/2016	0.96	1.01
* 8	02/14/2016 - 02/20/2016	0.95	1.00
* 9	02/21/2016 - 02/27/2016	0.94	0.99
*10	02/28/2016 - 03/05/2016	0.94	0.99
*11	03/06/2016 - 03/12/2016	0.94	0.99
*12	03/13/2016 - 03/19/2016	0.94	0.99
*13	03/20/2016 - 03/26/2016	0.94	0.99
*14	03/27/2016 - 04/02/2016	0.95	1.00
*15	04/03/2016 - 04/09/2016	0.95	1.00
*16	04/10/2016 - 04/16/2016	0.96	1.01
*17	04/17/2016 - 04/23/2016	0.96	1.01
*18	04/24/2016 - 04/30/2016	0.97	1.02
19	05/01/2016 - 05/07/2016	0.98	1.03
20	05/08/2016 - 05/14/2016	0.98	1.03
21	05/15/2016 - 05/21/2016	0.99	1.04
22	05/22/2016 - 05/28/2016	1.01	1.06
23	05/29/2016 - 06/04/2016	1.03	1.08
24	06/05/2016 - 06/11/2016	1.05	1.11
25	06/12/2016 - 06/18/2016	1.07	1.13
26	06/19/2016 - 06/25/2016	1.08	1.14
27	06/26/2016 - 07/02/2016	1.09	1.15
28	07/03/2016 - 07/09/2016	1.10	1.16
29	07/10/2016 - 07/16/2016	1.11	1.17
30	07/17/2016 - 07/23/2016	1.09	1.15
31	07/24/2016 - 07/30/2016	1.08	1.14
32	07/31/2016 - 08/06/2016	1.06	1.12
33	08/07/2016 - 08/13/2016	1.04	1.09
34	08/14/2016 - 08/20/2016	1.03	1.08
35	08/21/2016 - 08/27/2016	1.03	1.08
36	08/28/2016 - 09/03/2016	1.03	1.08
37	09/04/2016 - 09/10/2016	1.03	1.08
38	09/11/2016 - 09/17/2016	1.03	1.08
39	09/18/2016 - 09/24/2016	1.02	1.07
40	09/25/2016 - 10/01/2016	1.02	1.07
41	10/02/2016 - 10/08/2016	1.02	1.07
42	10/09/2016 - 10/15/2016	1.02	1.07
43	10/16/2016 - 10/22/2016	1.01	1.06
44	10/23/2016 - 10/29/2016	1.00	1.05
45	10/30/2016 - 11/05/2016	1.00	1.05
46	11/06/2016 - 11/12/2016	0.99	1.04
47	11/13/2016 - 11/19/2016	0.98	1.03
48	11/20/2016 - 11/26/2016	0.98	1.03
49	11/27/2016 - 12/03/2016	0.97	1.02
50	12/04/2016 - 12/10/2016	0.97	1.02
51	12/11/2016 - 12/17/2016	0.97	1.02
52	12/18/2016 - 12/24/2016	0.99	1.04
53	12/25/2016 - 12/31/2016	1.01	1.06

* PEAK SEASON

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2016 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1275 LEE I75

MOCF: 0.91
 PSCF

WEEK	DATES	SF	PSCF
1	01/01/2016 - 01/02/2016	0.97	1.07
2	01/03/2016 - 01/09/2016	0.97	1.07
3	01/10/2016 - 01/16/2016	0.96	1.05
* 4	01/17/2016 - 01/23/2016	0.95	1.04
* 5	01/24/2016 - 01/30/2016	0.93	1.02
* 6	01/31/2016 - 02/06/2016	0.92	1.01
* 7	02/07/2016 - 02/13/2016	0.91	1.00
* 8	02/14/2016 - 02/20/2016	0.90	0.99
* 9	02/21/2016 - 02/27/2016	0.89	0.98
*10	02/28/2016 - 03/05/2016	0.88	0.97
*11	03/06/2016 - 03/12/2016	0.88	0.97
*12	03/13/2016 - 03/19/2016	0.87	0.96
*13	03/20/2016 - 03/26/2016	0.89	0.98
*14	03/27/2016 - 04/02/2016	0.92	1.01
*15	04/03/2016 - 04/09/2016	0.94	1.03
*16	04/10/2016 - 04/16/2016	0.96	1.05
17	04/17/2016 - 04/23/2016	0.98	1.08
18	04/24/2016 - 04/30/2016	0.99	1.09
19	05/01/2016 - 05/07/2016	1.01	1.11
20	05/08/2016 - 05/14/2016	1.03	1.13
21	05/15/2016 - 05/21/2016	1.05	1.15
22	05/22/2016 - 05/28/2016	1.06	1.16
23	05/29/2016 - 06/04/2016	1.07	1.18
24	06/05/2016 - 06/11/2016	1.08	1.19
25	06/12/2016 - 06/18/2016	1.09	1.20
26	06/19/2016 - 06/25/2016	1.09	1.20
27	06/26/2016 - 07/02/2016	1.09	1.20
28	07/03/2016 - 07/09/2016	1.09	1.20
29	07/10/2016 - 07/16/2016	1.09	1.20
30	07/17/2016 - 07/23/2016	1.09	1.20
31	07/24/2016 - 07/30/2016	1.09	1.20
32	07/31/2016 - 08/06/2016	1.10	1.21
33	08/07/2016 - 08/13/2016	1.10	1.21
34	08/14/2016 - 08/20/2016	1.10	1.21
35	08/21/2016 - 08/27/2016	1.10	1.21
36	08/28/2016 - 09/03/2016	1.11	1.22
37	09/04/2016 - 09/10/2016	1.11	1.22
38	09/11/2016 - 09/17/2016	1.12	1.23
39	09/18/2016 - 09/24/2016	1.09	1.20
40	09/25/2016 - 10/01/2016	1.07	1.18
41	10/02/2016 - 10/08/2016	1.05	1.15
42	10/09/2016 - 10/15/2016	1.03	1.13
43	10/16/2016 - 10/22/2016	1.02	1.12
44	10/23/2016 - 10/29/2016	1.01	1.11
45	10/30/2016 - 11/05/2016	1.00	1.10
46	11/06/2016 - 11/12/2016	0.99	1.09
47	11/13/2016 - 11/19/2016	0.98	1.08
48	11/20/2016 - 11/26/2016	0.97	1.07
49	11/27/2016 - 12/03/2016	0.97	1.07
50	12/04/2016 - 12/10/2016	0.97	1.07
51	12/11/2016 - 12/17/2016	0.97	1.07
52	12/18/2016 - 12/24/2016	0.97	1.07
53	12/25/2016 - 12/31/2016	0.96	1.05

* PEAK SEASON

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2016 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1200 LEE COUNTYWIDE

MOCF: 0.92
 PSCF

WEEK	DATES	SF	PSCF
1	01/01/2016 - 01/02/2016	0.98	1.07
2	01/03/2016 - 01/09/2016	0.99	1.08
3	01/10/2016 - 01/16/2016	0.99	1.08
4	01/17/2016 - 01/23/2016	0.98	1.07
* 5	01/24/2016 - 01/30/2016	0.96	1.04
* 6	01/31/2016 - 02/06/2016	0.94	1.02
* 7	02/07/2016 - 02/13/2016	0.93	1.01
* 8	02/14/2016 - 02/20/2016	0.91	0.99
* 9	02/21/2016 - 02/27/2016	0.91	0.99
* 10	02/28/2016 - 03/05/2016	0.90	0.98
* 11	03/06/2016 - 03/12/2016	0.90	0.98
* 12	03/13/2016 - 03/19/2016	0.89	0.97
* 13	03/20/2016 - 03/26/2016	0.90	0.98
* 14	03/27/2016 - 04/02/2016	0.92	1.00
* 15	04/03/2016 - 04/09/2016	0.93	1.01
* 16	04/10/2016 - 04/16/2016	0.94	1.02
* 17	04/17/2016 - 04/23/2016	0.96	1.04
18	04/24/2016 - 04/30/2016	0.97	1.05
19	05/01/2016 - 05/07/2016	0.98	1.07
20	05/08/2016 - 05/14/2016	0.99	1.08
21	05/15/2016 - 05/21/2016	1.00	1.09
22	05/22/2016 - 05/28/2016	1.02	1.11
23	05/29/2016 - 06/04/2016	1.04	1.13
24	06/05/2016 - 06/11/2016	1.06	1.15
25	06/12/2016 - 06/18/2016	1.08	1.17
26	06/19/2016 - 06/25/2016	1.08	1.17
27	06/26/2016 - 07/02/2016	1.08	1.17
28	07/03/2016 - 07/09/2016	1.08	1.17
29	07/10/2016 - 07/16/2016	1.08	1.17
30	07/17/2016 - 07/23/2016	1.08	1.17
31	07/24/2016 - 07/30/2016	1.08	1.17
32	07/31/2016 - 08/06/2016	1.08	1.17
33	08/07/2016 - 08/13/2016	1.08	1.17
34	08/14/2016 - 08/20/2016	1.08	1.17
35	08/21/2016 - 08/27/2016	1.09	1.18
36	08/28/2016 - 09/03/2016	1.09	1.18
37	09/04/2016 - 09/10/2016	1.09	1.18
38	09/11/2016 - 09/17/2016	1.10	1.20
39	09/18/2016 - 09/24/2016	1.08	1.17
40	09/25/2016 - 10/01/2016	1.07	1.16
41	10/02/2016 - 10/08/2016	1.05	1.14
42	10/09/2016 - 10/15/2016	1.04	1.13
43	10/16/2016 - 10/22/2016	1.03	1.12
44	10/23/2016 - 10/29/2016	1.02	1.11
45	10/30/2016 - 11/05/2016	1.01	1.10
46	11/06/2016 - 11/12/2016	1.00	1.09
47	11/13/2016 - 11/19/2016	1.00	1.09
48	11/20/2016 - 11/26/2016	0.99	1.08
49	11/27/2016 - 12/03/2016	0.99	1.08
50	12/04/2016 - 12/10/2016	0.99	1.08
51	12/11/2016 - 12/17/2016	0.98	1.07
52	12/18/2016 - 12/24/2016	0.99	1.08
53	12/25/2016 - 12/31/2016	0.99	1.08

* PEAK SEASON

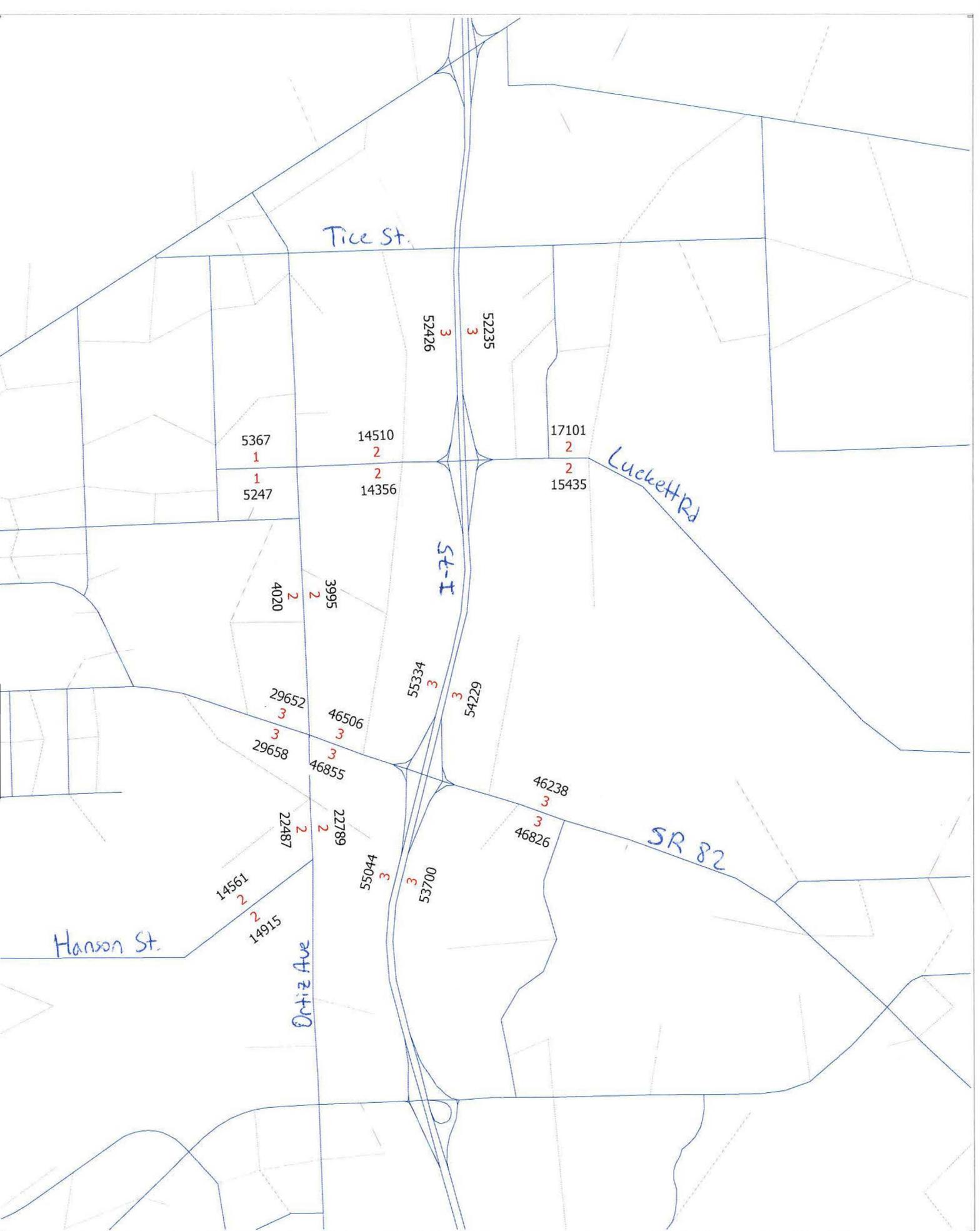
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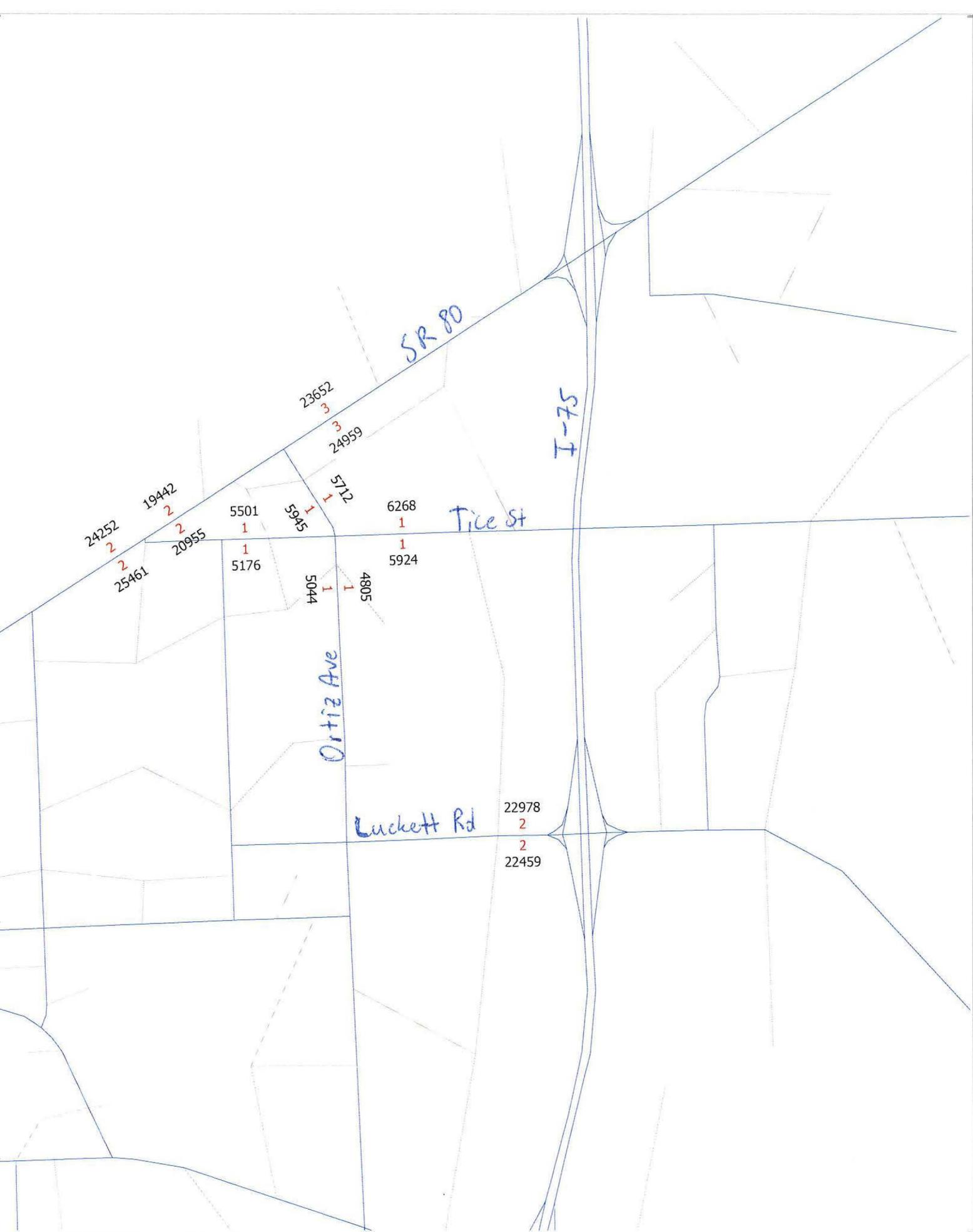
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**2016 LEE COUNTY TRAFFIC COUNT
REPORT**

2040 E+C NETWORK VOLUMES



2040 E+C FINANCIALLY FEASIBLE ROADWAY NETWORK LANES AND VOLUMES



2040 E+C FINANCIALLY FEASIBLE ROADWAY NETWORK LANES AND VOLUMES

**LEE COUNTY MPO 2040 COST
FEASIBLE HIGHWAY PLAN**

CITY OF FORT MYERS
5 YEAR CAPITAL IMPROVEMENT
PROGRAM

**CITY OF FORT MYERS, FLORIDA
TRANSPORTATION
5 YEAR CAPITAL IMPROVEMENT PROGRAM
FY 2017-2018 through FY 2021-2022**

PROJECT DESCRIPTION	FUNDING SOURCE	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	5-YEAR TOTAL	BEYOND 2022
<i>Public Works Department</i>								
Citywide Street Overlay Program	St. Maint/Gas Tax	400,000	500,000	100,000	400,000	400,000	1,800,000	-
Citywide New Sidewalk Installation	Gas Tax	-	-	-	600,000	100,000	700,000	300,000
Citywide Sidewalk Replacement Program	Gas Tax	250,000	500,000	500,000	100,000	300,000	1,650,000	300,000
Citywide Guardrail Install/Replacement	Gas Tax	-	100,000	200,000	300,000	300,000	900,000	600,000
Hanson St. Extension - Veronica S. Shoemaker Blvd to Ortiz Avenue	Road Impact Fees	4,100,000	-	-	-	-	4,100,000	-
Edison Ave Realign - US 41 to McGregor	Road Impact Fees	2,000,000	-	-	-	-	2,000,000	-
Citywide Alternative Transportation Modes	Road Impact Fees	-	400,000	400,000	-	-	800,000	-
Sidewalks (Phase III, IV Utility Improvements)	Future Debt	-	-	-	-	167,000	167,000	1,087,000
Intersection Safety Improvement	Road Impact Fees/Future Debt	200,000	200,000	-	-	-	400,000	-
Citywide Bridge Repair/Replacement	16 GF Rev Bond/Future Debt	300,000	300,000	250,000	250,000	365,000	1,465,000	555,000
Realign Downtown SR 82	Future Debt	-	-	1,100,000	6,500,000	3,330,000	10,930,000	-
Hanson St. Sidewalk	FDOT/PAYG	-	310,000	-	-	-	310,000	-
Citywide Traffic Calming	Future Debt	-	100,000	100,000	100,000	150,000	450,000	2,440,000
Fowler St. Sidewalk	Future Debt	-	-	250,000	-	1,526,250	1,776,250	-
Veronica Shoemaker Improvement - Michigan to SR 80.	Future Debt	-	-	-	-	400,000	400,000	3,925,000
W. First St and Altamont Ave Roundabout	Dedicated RIF	-	-	-	-	333,000	333,000	-
ADA - Transportation Retrofit	Future Debt	-	150,000	150,000	150,000	150,000	600,000	-
City Sea Walls Repair	Future Debt	-	645,000	680,000	-	-	1,325,000	-
John Yarborough Linear Park Phase V	FDOT	-	-	-	-	400,000	400,000	-
Allen Park Elementary School Sidewalk	RIF, FDOT	-	-	-	-	234,325	234,325	-
McGregor Blvd Sidewalk Royal Palm Square to Colonial Blvd	Road Impact Fees	-	-	-	-	347,308	347,308	-
Coronado Road Sidewalk	FDOT/PAYG-General Fund	-	-	297,000	-	-	297,000	-
Grace Avenue Sidewalk	FDOT/PAYG-General Fund	-	-	95,000	-	-	95,000	-
Passaic Avenue Sidewalk	FDOT/PAYG-General Fund	-	-	95,500	-	-	95,500	-
South Street Sidewalk	FDOT/PAYG-Genl, Fut Debt	-	-	129,500	150,000	-	279,500	-
Nuna Avenue Sidewalk	Future Debt	-	341,500	-	-	-	341,500	-
Six Miles Cypress Multiuse Path Construction	FDOT	-	-	375,000	-	-	375,000	-
McGregor Blvd Flexible Pavement	Future Debt	3,400,000	-	-	-	-	3,400,000	-
Total Public Works Department		10,650,000	3,546,500	4,722,000	8,550,000	8,502,883	35,971,383	9,207,000
TOTAL TRANSPORTATION		10,650,000	3,546,500	4,722,000	8,550,000	8,502,883	35,971,383	9,207,000
SUMMARY OF FUNDING SOURCES								
	2016 GF Revenue Bond	300,000	-	-	-	-	300,000	
	Future Debt	3,400,000	1,736,500	2,530,000	7,150,000	6,088,250	20,904,750	
	Gas Tax							
	Construction	419,000	600,000	700,000	1,000,000	700,000	3,419,000	
	Street Maintenance Fund	231,000	500,000	100,000	400,000	400,000	1,631,000	
	PAYG-General Fund	-	42,000	96,344	-	-	138,344	
	Road Impact Fees	6,300,000	400,000	400,000	-	720,143	7,820,143	
	FDOT	-	268,000	895,656	-	594,490	1,758,146	
TOTAL		10,650,000	3,546,500	4,722,000	8,550,000	8,502,883	35,971,383	-

LEE COUNTY
5 YEAR CAPITAL IMPROVEMENT
PROGRAM

DRAFT SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 17/18 TO FY 21/22

COMM DIST.	PROJ. #	PROJECT NAME	DRIVER	LENGTH (MILES)	FY 98-16 PRIOR EXP.	16/17 BUDGET	17/18	18/19	19/20	20/21	21/22	5-YEAR TOTAL	6-10	PROJECT TOTAL	REVENUE SOURCE	PROJECT MANAGER
1.4	204088	Burnt Store Road 4L (DES/ROW UNDERWAY) SR 78 (Pine Island Road) to Van Buren Parkway (IN SEGMENTS) - including on-road bike lanes, 10' multi-use path on east side, 6' side walk on west side PER BOCC ACTION 11/19/13, CONSTRUCTION STARTING WITH NORTH SEGMENT (DIPLOMAT PKWY. TO VAN BUREN PKWY.)	Future growth, safety, City priority and shared funding via surplus tolls NM - Essential	4.30	19,260,093 DES/ROW/CST	21,216,058 DES/ROW/ CST/CEI	657,754 CST/CEI	11,912,250 CST/CEI South Seg	0	1,290,000 LS	0	13,860,004	0	54,336,155	CAPE/MP SURP. TOLLS/IF22/TRIP/GIF	Vince Miller, 533-8577 vmiller@leegov.com
1.2	209248	Cape Coral Bridge WB Span Replacement Accumulation of Cape and Midpoint surplus toll funds toward replacement of westbound span of Cape Coral Bridge by approximately 2028	Age/condition, escalating maintenance costs Mandated		0	0	0	2,900,000 Preliminary Design	0	7,800,000 Design	0	10,700,000	86,500,000	97,200,000	CAPE/MP SURP. TOLLS	Scott Gammon 533-8530 sgammon@leegov.com
2	209249	Colonial Blvd. Alternatives Analysis Funds to evaluate improvement options between McGregor Blvd. and US 41	LOS F per Concurrency report NM - Essential		0	0	350,000 Study	0	0	0	0	350,000	0	350,000	IF23	Vince Miller, 533-8577 vmiller@leegov.com
3	205067	Estero Blvd. Improvements Phased reconstruction of County roadway within Town, including adding trolley stops, bike lanes and sidewalks on both sides, and replacement of City water lines and County sewer lines (costs don't reflect utility replacements).	Town request, reflective of Town's Streetscape Master Plan, Complete Streets principals NM - Essential	6.00	6,423,411 PRELIM/DES CST	14,985,689 DES/CST/CEI	18,795,000 CST/CEI	0	23,370,000 CST/CEI	0	0	42,165,000		63,574,100	GT/IF24/GIF	Rob Phelan, 533-8594 rphelan@leegov.com
5	209246	Gunnery Rd./8th St. Intersection Improvements Signalization and turn lane improvements	Intersection control needed NM- Core Critical		200,000 DES	110,000 DES/ROW	1,484,760 CST	0	0	0	0	1,484,760	0	1,794,760	GT FDOT ?	Vince Miller, 533-8577 vmiller@leegov.com
5	205063	Homestead 4L/Sunrise-Alabama 4L widening, south of Sunrise Blvd. to Alabama Rd., including on-road bike lanes and sidewalks on both sides	LOS, community interest Mandated	2.25	3,648,868 DES/ROW	20,600,041 DES/ROW/ CST	0	690,000 LS	0	0	0	690,000	0	24,938,909	IF23/GT/GIF	Vince Miller, 533-8577 vmiller@leegov.com
	205083	Hickory Bridge Replacements Project combines New Pass, Little Carlos and Big Hickory bridges into one project	Age/condition, escalating maintenance costs		0	0	0	0	0	3,800,000 DES	0	3,800,000	34,800,000	38,600,000	SANIBEL SURP. TOLLS/GT/GIF	Scott Gammon 533-8530 sgammon@leegov.com
4	200611	Kismet/Littleton Realignment Realignment of eastern end of Kismet Pkwy. to connect directly to Littleton Rd., including on-road bike lanes and sidewalks on both sides (amounts reflect total project cost)	System continuity, City request, fund-sharing interlocal (if executed) NM - Essential		0	2,110,000 DES/ROW	3,450,000 CST/CEI	0	0	0	0	3,450,000	0	5,560,000	IF22 CITY	Vince Miller, 533-8577 vmiller@leegov.com
5	NEW	Lee Boulevard/Lee Street Traffic Signal Lee Boulevard/Joan Avenue Traffic Signal	Safety issue		0	0	150,000 DES	400,000 CST	0	0	0	550,000	0	550,000	GT	Steve Jansen sjansen@leegov.com
										150,000 DES	400,000 CST	550,000	0	550,000		
3	205028	Littleton Road Widen existing 2 lane rural road to 4 lanes, including on road bike lanes and sidewalks	Congested Expected to worsen with Kismet/Littleton Realignment		0	150,000 Study	0	1,250,000 DES	1,500,000 ROW	11,500,000 ROW	19,910,000 CST/CEI	34,160,000		34,310,000	GT	Vince Miller, 533-8577 vmiller@leegov.com
		North Airport Rd. Ext. West Extend 2-lane from current terminus east to Metro Parkway		0.62	449,024	4,540,977	200,000	0	0	0	0	200,000	0	5,190,001	GT	Vince Miller, 533-8577 vmiller@leegov.com
2.4	240613	Ortiz 4L/Colonial-MLK 4L widening, Colonial Blvd. to SR 82 (Dr. Martin Luther King, Jr. Blvd.), including on-road bike lanes and sidewalks on both sides	Parallel reliever to I-75, access to jail and EMS, projected LOS	1.73	0	0	1,800,000 DES	550,000 MIT	13,150,000 CST/CEI	0	519,000 LS	16,019,000		16,019,000	IF23 GIF/GT BP	Rob Phelan, 533-8594 rphelan@leegov.com
2	205081	Ortiz 4L/MLK-Luckett/Luckett-175 Widen existing 2-lane to 4-lane, including on-road bike lanes and sidewalks on both sides	Improved traffic flow, bike-ped safety, community request NM - Essential	1.25	9,205,887	599,794 DES	0	0	0	0	555,000 DES	555,000	17,939,000	28,299,681	IF/GT	Rob Phelan, 533-8594 rphelan@leegov.com
ALL	206759	Signal System ATMS Upgrade Upgrade signal system and TOC equipment, install ITS field equipment to support ATMS operations on County roads	Maximizes efficient use of existing capacity NM - Core Critical		2,939,162 CST	882,258 CST	750,000 CST	750,000 CST	750,000 CST	750,000 CST	750,000 CST	3,750,000	0	7,571,420	GT	Rob Price, 533-9500 rprice@leegov.com
5	200614	Sunshine Blvd./8th St. W. Roundabout	Intersection control NM- Core Critical		0	0	200,000 DES	300,000 ROW	0	700,000 CST	37,500 LS	1,237,500	0	1,237,500	GT GIF	Vince Miller, 533-8577 vmiller@leegov.com
2	204053	Three Oaks Parkway Extension North New 4L, N. of Alico Rd. to Daniels Pkwy., including on-road bike lanes and sidewalks on both sides	Extends major arterial, parallel reliever to I-75 NM - Essential	3.50	6,934,586 DES/ROW	15,379,388 DES/ROW	7,670,511 ROW	0	36,110,000 CST/CEI	0	1,050,000 LS	44,830,511	0	67,144,485	IF23.24 GIF/GT	Vince Miller, 533-8577 vmiller@leegov.com
1,2,3	205818	Toll Interoperability Funds for hardware/software changes to maintain interoperability with other toll agencies	Age of equipment, rapid technology changes NM - Core Critical		0	150,000 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	750,000	0	900,000	SURP. TOLLS	Sue Hopwood, 533-0157 shopwood@leegov.com
1,2,3	200615	Toll System Replacement Funds for complete replacement due to technology changes	Age of equipment, rapid technology changes NM - Core Critical		0	3,250,000 CST	3,250,000 CST	0	0	0	0	3,250,000	0	6,500,000	SURP. TOLLS	Sue Hopwood, 533-0157 shopwood@leegov.com
		SUBTOTALS			50,752,306	113,570,100	41,166,058	23,107,131	78,924,316	76,323,640	24,749,437	244,270,582	225,012,974	641,954,580		
		MAJOR MAINTENANCE PROJECTS														
CW	404683	Road Resurface/Rebuild Program Funds for rebuilding/resurfacing County-maintained roads as identified under systematic evaluation	Pavement rating system, complaints, asset prot. Mandated		4,174,952 CST	7,368,776 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	20,000,000	0	69,118,328	GT	Dirk Danley, 533-9300 ddanley@leegov.com
5	406715	Road Resurface/Rebuild Program - Lehigh Acres Funds for rebuilding/resurfacing roads in Lehigh Acres			0	5,000,000	5,000,000 CST	5,000,000 CST	5,000,000 CST	5,000,000 CST	5,000,000 CST	25,000,000	0	25,000,000	GIF	Dirk Danley, 533-9300 ddanley@leegov.com

FDOT
5 YEAR WORK PROGRAM REPORT



FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT - 1

TENTATIVE WORK PROGRAM REPORT

July 1, 2018 Through June 30, 2023

DRAFT

LEE COUNTY

FPN : 4411261 Project/Location : I-75 (SR 93) @ SR 82 (DR MARTIN LUTHER KING JR BLVD)
 Desc: LANDSCAPING
 Project Length : 0.600 Begin Mile Post : 22.300 End Mile Post: 22.900
 Comments :

Phase	Fund	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
CST	DDR	\$0	\$875,650	\$0	\$0	\$0
CST	DIH	\$0	\$11,394	\$0	\$0	\$0
PE	DIH	\$10,000	\$0	\$0	\$0	\$0
PE	DDR	\$200,000	\$0	\$0	\$0	\$0
Project Total:		\$210,000	\$887,044	\$0	\$0	\$0

FPN : 4425193 Project/Location : I-75 (SR 93) FROM S OF BONITA BEACH RD TO SR 78 (BAYSHORE DR)
 Desc: PD&E/EMO STUDY
 Project Length : 35.035 Begin Mile Post : 0.000 End Mile Post: 28.500
 Comments :

Phase	Fund	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
PDE	DDR	\$4,000,000	\$0	\$0	\$0	\$0
PDE	DIH	\$40,000	\$0	\$0	\$0	\$0
Project Total:		\$4,040,000	\$0	\$0	\$0	\$0

FPN : 4402401 Project/Location : I-75 (SR 93) AT ALICO ROAD (CR 840)
 Desc: LANDSCAPING
 Project Length : 1.540 Begin Mile Post : 11.820 End Mile Post: 13.360
 Comments :

Phase	Fund	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
CST	DDR	\$0	\$0	\$0	\$1,221,000	\$0
CST	DIH	\$0	\$0	\$0	\$33,300	\$0
PE	DIH	\$0	\$0	\$5,000	\$0	\$0
Project Total:		\$0	\$0	\$5,000	\$1,254,300	\$0

FPN : 4130651 Project/Location : I-75 AT SR 884 (COLONIAL BLVD) INTERCHANGE
 Desc: INTERCHANGE - ADD LANES
 Project Length : 0.500 Begin Mile Post : 20.800 End Mile Post: 21.300
 Comments :

Phase	Fund	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
CST	ACNP	\$0	\$31,123,214	\$0	\$0	\$0
CST	DI	\$0	\$19,926,885	\$0	\$0	\$0
CST	SA	\$0	\$105,500	\$0	\$0	\$0
ENV	DI	\$35,000	\$100,000	\$0	\$0	\$0
INC	DDR	\$0	\$0	\$0	\$2,350,000	\$0
RRU	DI	\$0	\$500,000	\$0	\$0	\$0
Project Total:		\$35,000	\$51,755,599	\$0	\$2,350,000	\$0

TRIP GENERATION EQUATIONS

General Light Industrial (110)

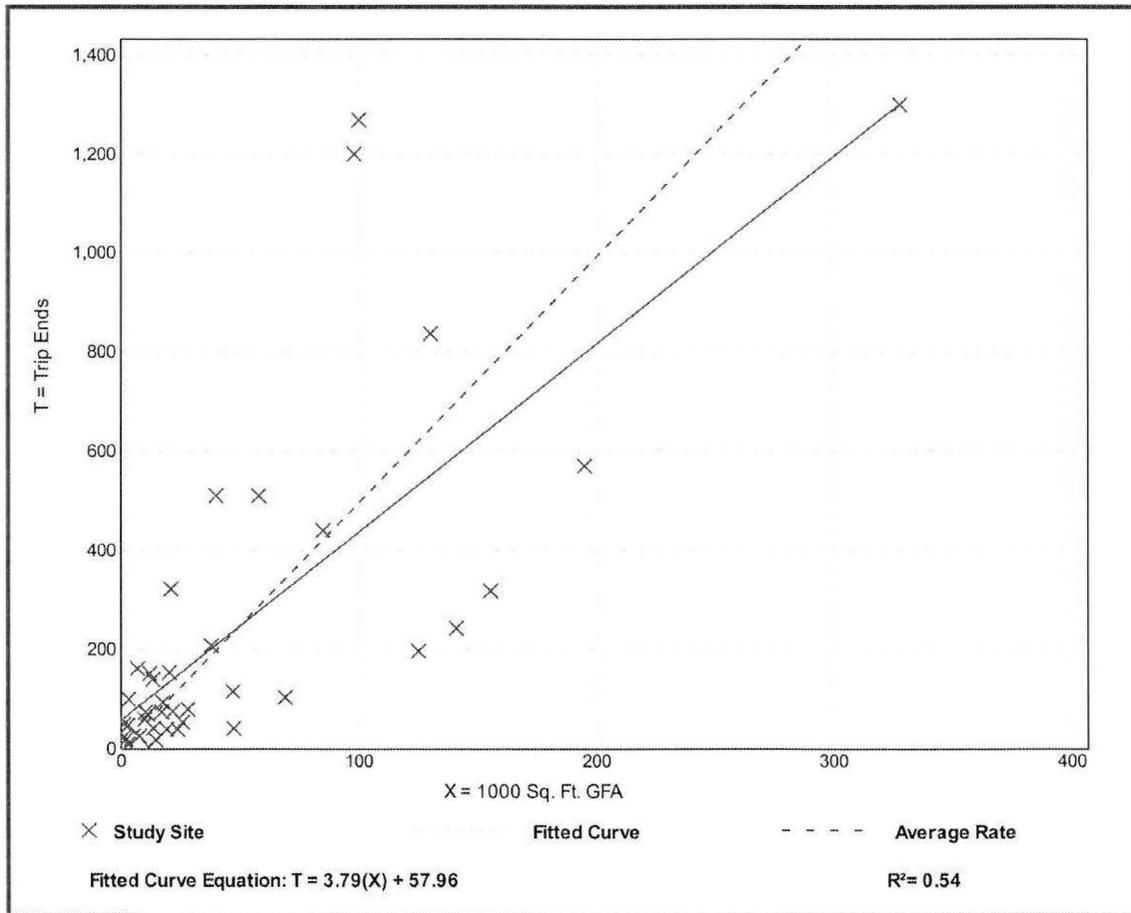
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 40
1000 Sq. Ft. GFA: 49
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
4.96	0.34 - 43.86	4.20

Data Plot and Equation



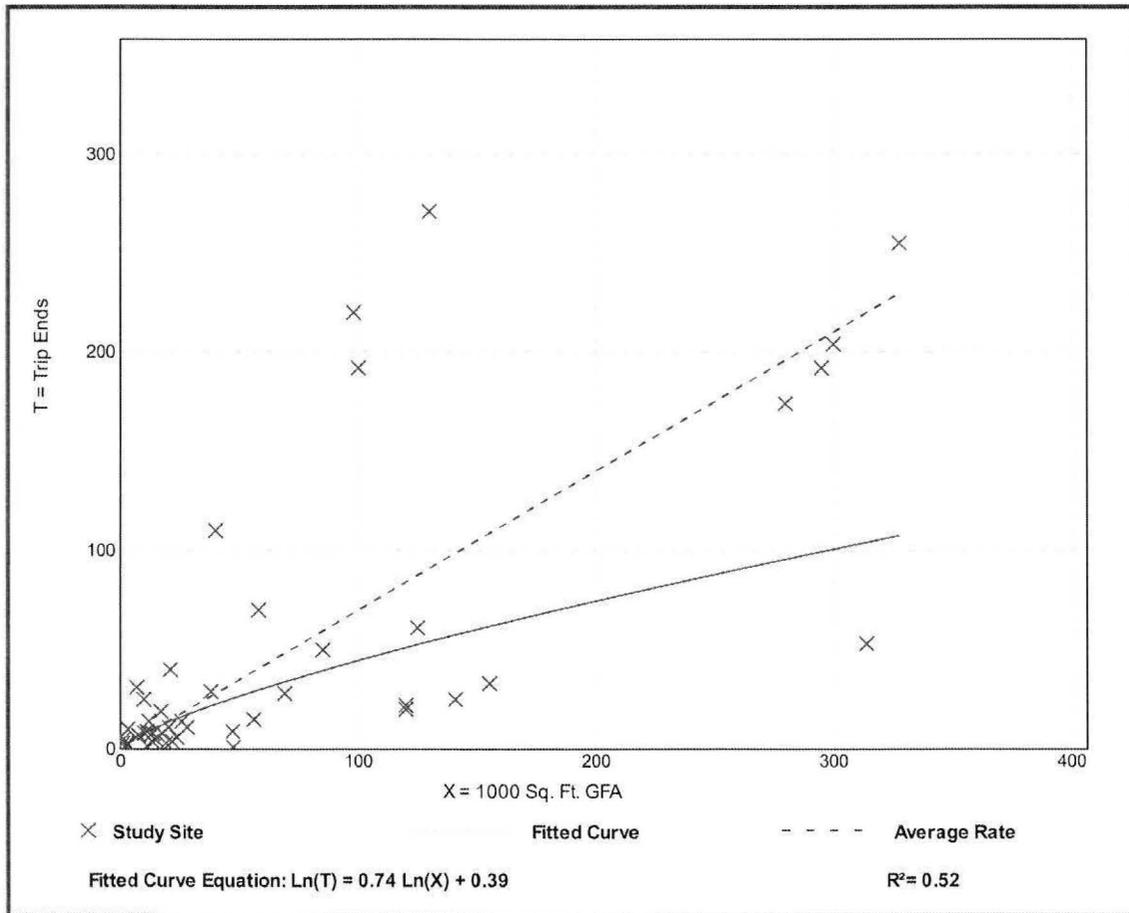
General Light Industrial (110)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 45
 1000 Sq. Ft. GFA: 73
 Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.70	0.02 - 4.46	0.65

Data Plot and Equation



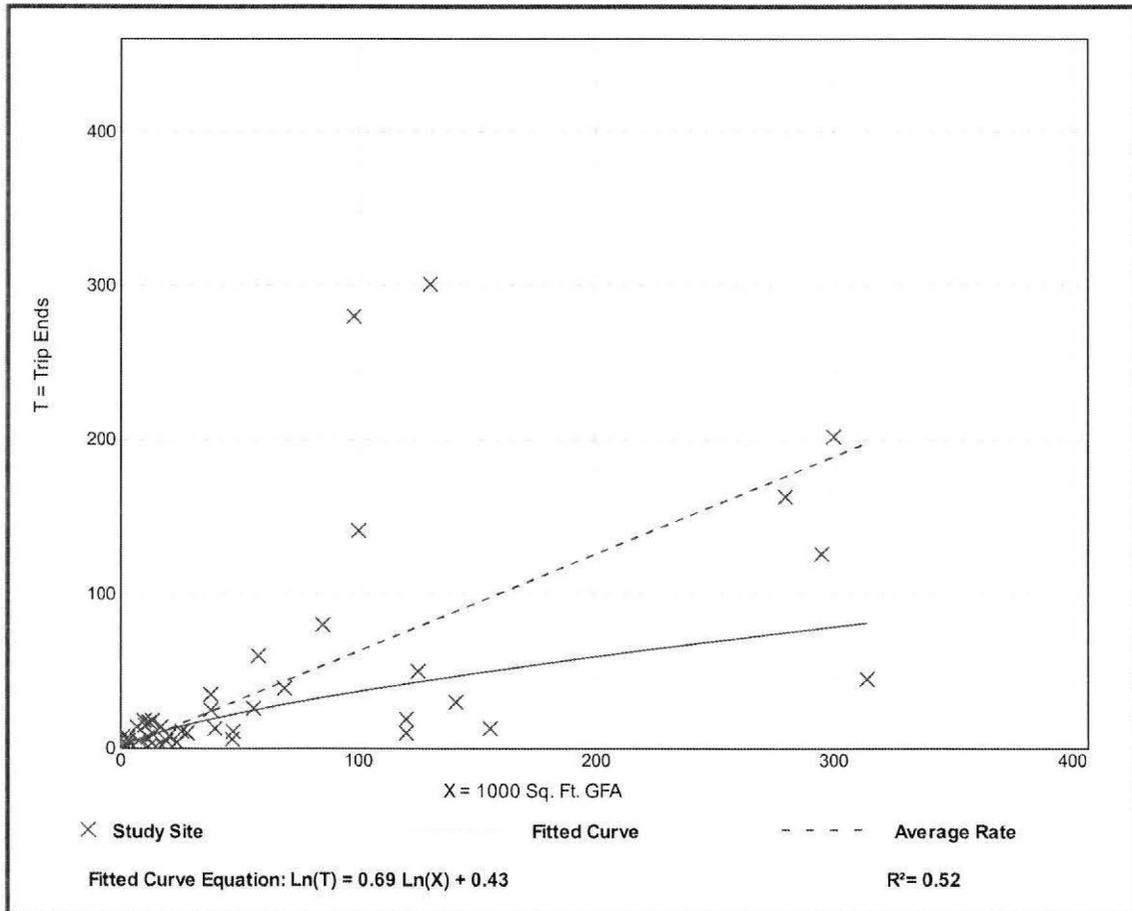
General Light Industrial (110)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 44
 1000 Sq. Ft. GFA: 67
 Directional Distribution: 13% entering, 87% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.63	0.07 - 7.02	0.68

Data Plot and Equation



Multifamily Housing (Mid-Rise) (221)

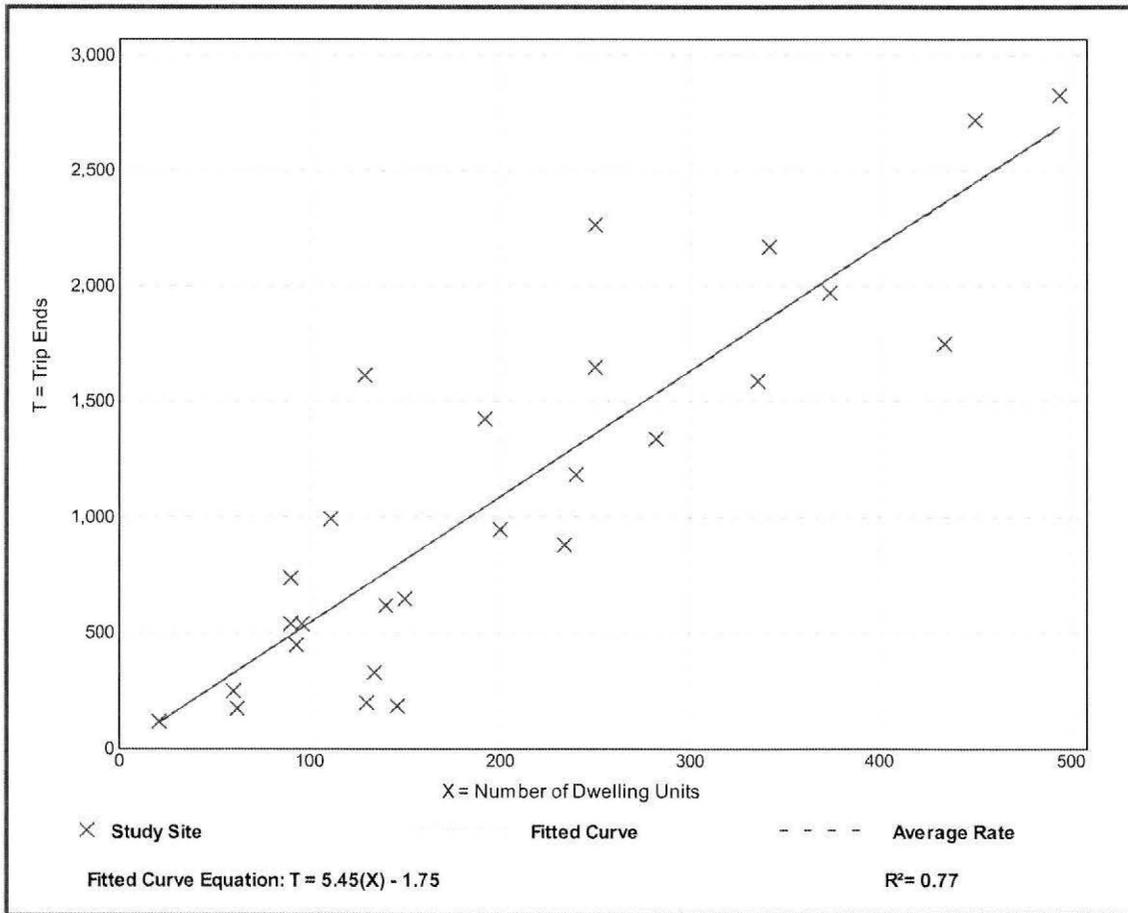
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 27
Avg. Num. of Dwelling Units: 205
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.44	1.27 - 12.50	2.03

Data Plot and Equation



Multifamily Housing (Mid-Rise) (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

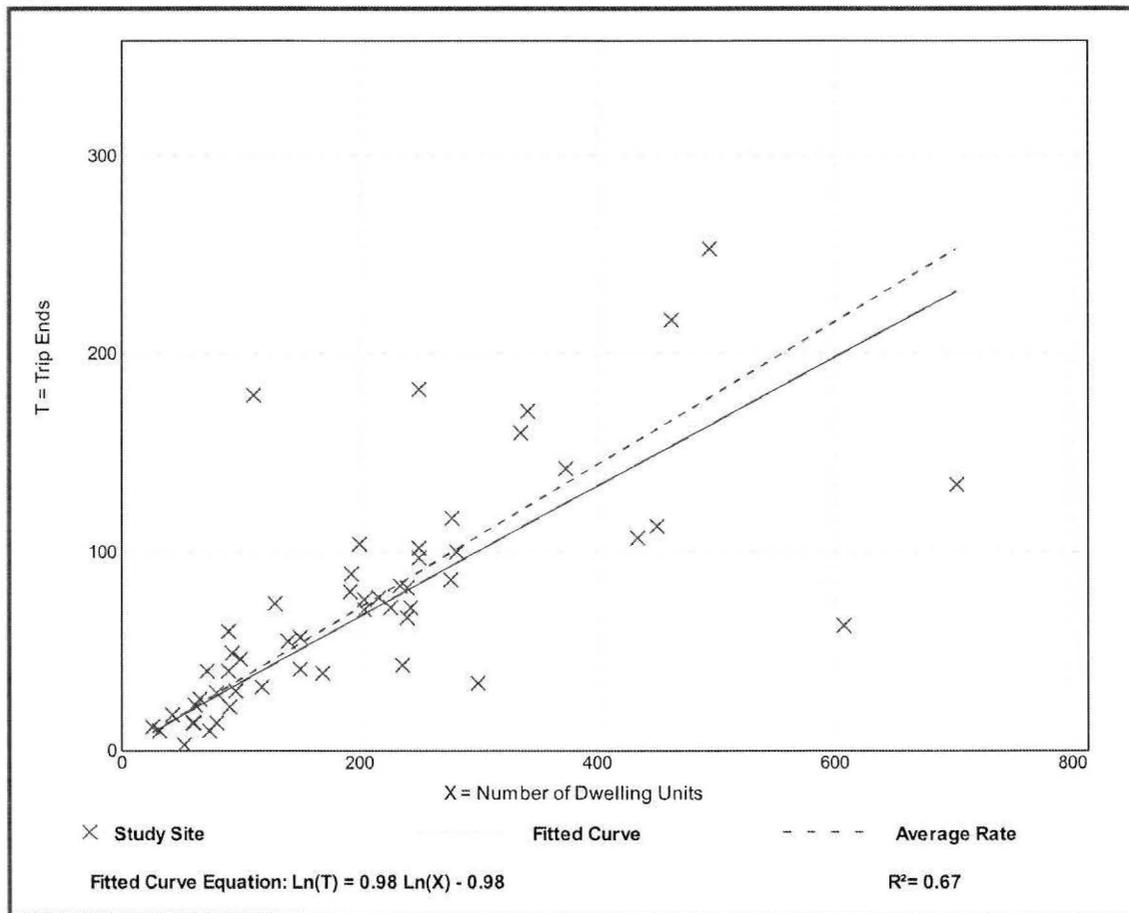
Setting/Location: General Urban/Suburban

Number of Studies: 53
 Avg. Num. of Dwelling Units: 207
 Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.36	0.06 - 1.61	0.19

Data Plot and Equation



Multifamily Housing (Mid-Rise) (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 60

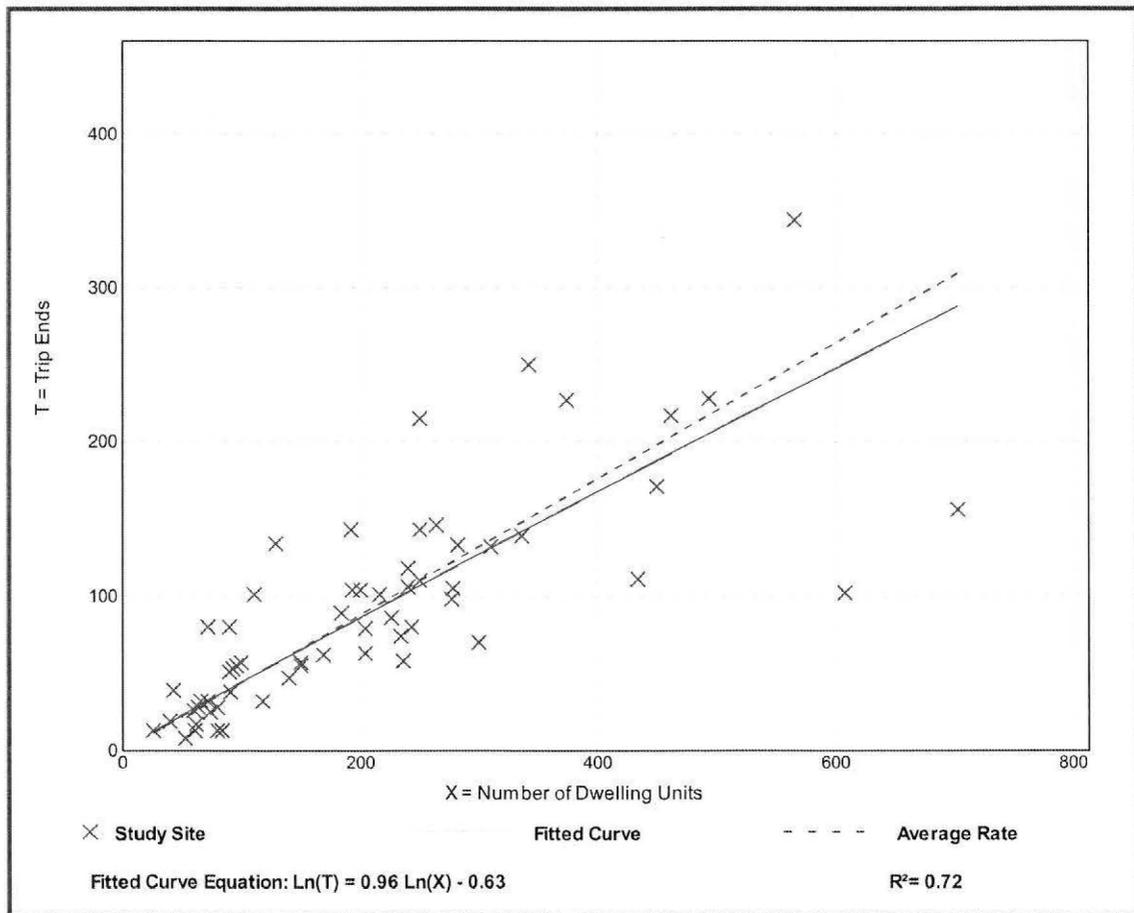
Avg. Num. of Dwelling Units: 208

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 1.11	0.19

Data Plot and Equation



TRIP GENERATION COMPARISON

**TRIP GENERATION COMPARISON
PIERPOINTE
ITE TRIP GENERATION REPORT, 10th EDITION**

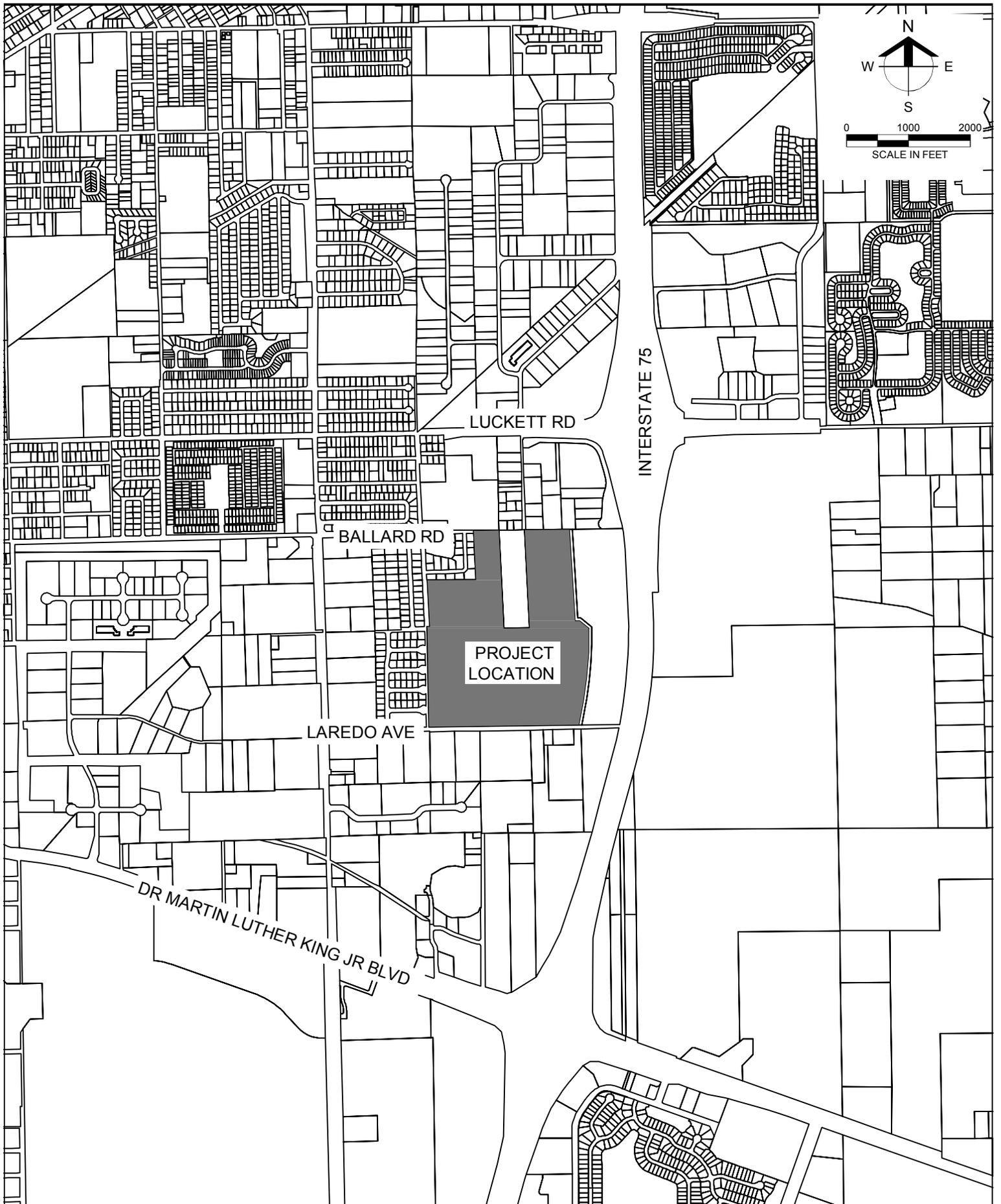
Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Single-Family Detached Housing (LUC 210)	$T = 0.71 (X) + 4.80$ (25% In/75% Out)	$\ln(T) = 0.96 \ln(X) + 0.20$ (63% In/37% Out)	$\ln(T) = 0.92 \ln(X) + 2.71$
T = Trips, X = Dwelling Units			
Multifamily Housing Mid-Rise (LUC 221)	$\ln(T) = 0.98 \ln(X) - 0.98$ (26% In/74% Out)	$\ln(T) = 0.96 \ln(X) - 0.63$ (61% In/39% Out)	$T = 5.45 (X) - 1.75$
T = Trips, X = Dwelling Units			

**Pierpointe
Trip Generation Based on Rezoning Request**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Mid-Rise (950 Dwelling Units)	81	230	311	235	150	385	5,176

**Pierpointe
Trip Generation Based on Rezoning Request**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (350 Dwelling Units)	63	200	253	213	125	338	3,292

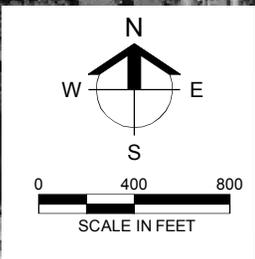


Barraco
and Associates, Inc.

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PIERPOINTE
CPA
LOCATION MAP

FILE NAME	22995-LOC.MAP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\22995\DWG\ZONING\COMPLAN\EXHIBIT
PLOT DATE	THU, 3-15-2018 - 4:25 PM
PLOT BY	ANGELICA HARDY
DESIGN BY	



LUCKETT RD

INTERSTATE 75

BALLARD RD

PROJECT LOCATION

LAREDO AVE

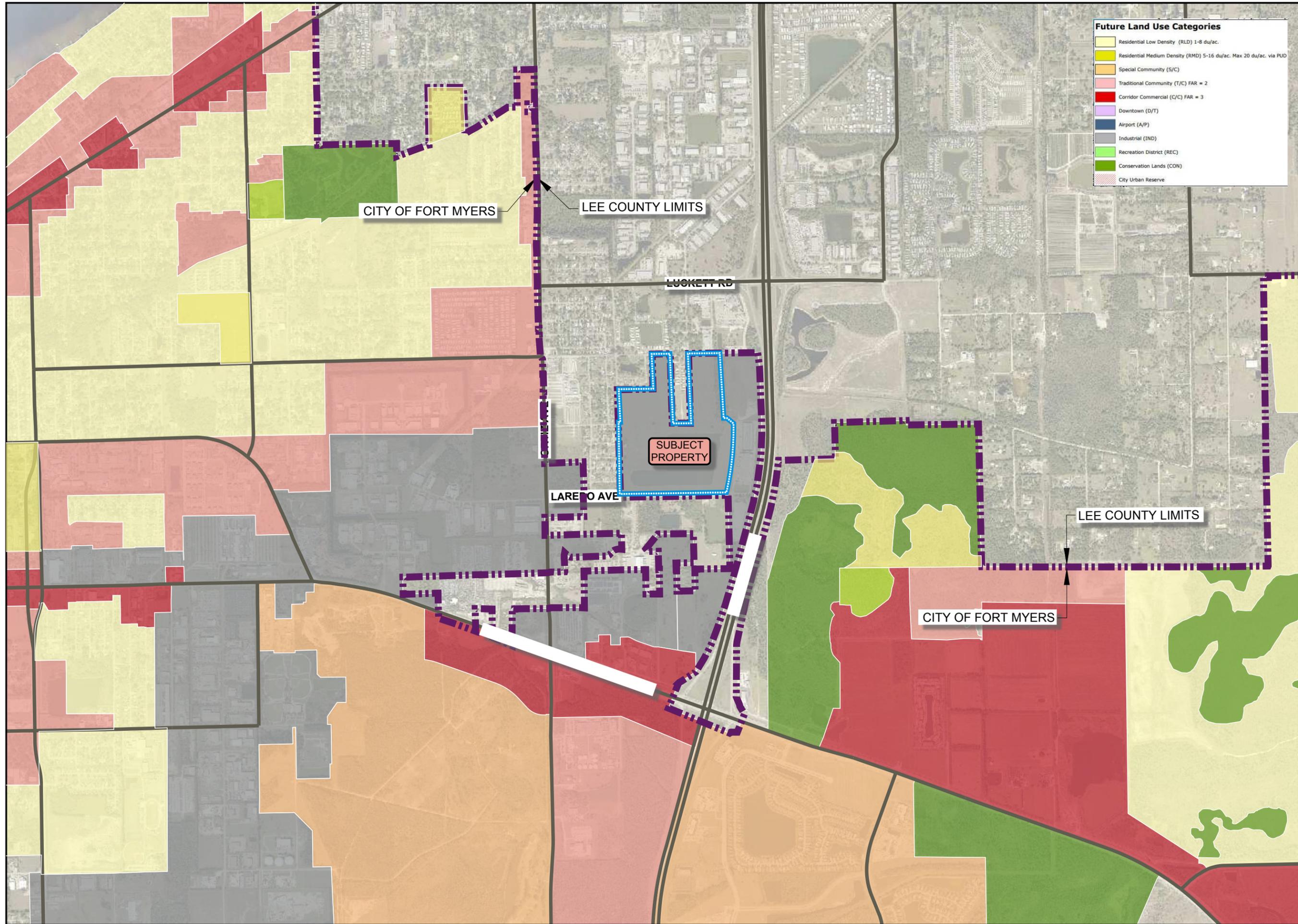
DR MARTIN LUTHER KING JR BLVD

Barraco
and Associates, Inc.

PIERPOINTE
CPA
LOCATION MAP

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

FILE NAME	22995-AERIALLOC_6X11.DWG
LAYOUT	LAYOUT1
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PLOT DATE	THU, 3-15-2018 - 4:23 PM
PLOT BY	ANGELICA HARDY
DESIGN BY	



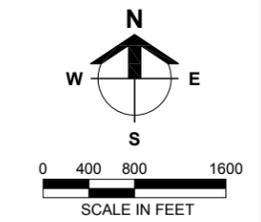
Future Land Use Categories

- Residential Low Density (RLD) 1-8 du/ac.
- Residential Medium Density (RMD) 5-16 du/ac. Max 20 du/ac. via PUD
- Special Community (S/C)
- Traditional Community (T/C) FAR = 2
- Corridor Commercial (C/C) FAR = 3
- Downtown (D/T)
- Airport (A/P)
- Industrial (IND)
- Recreation District (REC)
- Conservation Lands (CON)
- City Urban Reserve

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LAND PLANNING - LANDSCAPE DESIGN
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2271 MCGREGOR BLVD., SUITE 100
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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
**HARPER
MCNEW**
5571 HALIFAX AVENUE
FORT MYERS, FL 33912

PROJECT DESCRIPTION
PIERPOINTE
PART OF SECTION 15
TOWNSHIP 44 S
RANGE 25 E
LEE COUNTY, FLORIDA



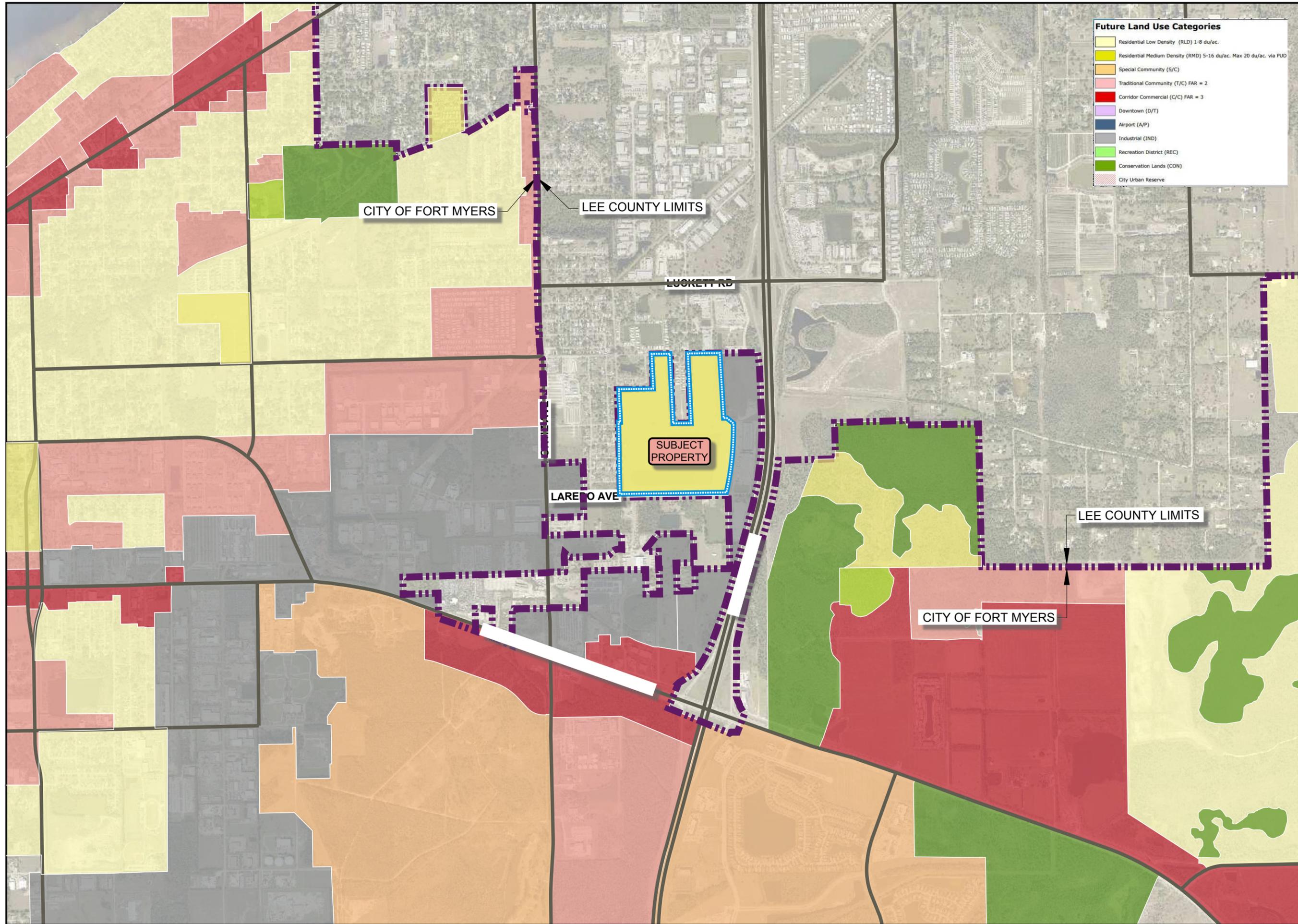
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LOCATION: J:\22995\DWG\ZONING\COMPLAN\EXHIBITS\1
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PLOT BY: ANGELICA HARDY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	

**EXISTING
FUTURE LAND
USE MAP**
PROJECT / FILE NO. **22995** SHEET NUMBER



Future Land Use Categories

- Residential Low Density (RLD) 1-8 du/ac.
- Residential Medium Density (RMD) 5-16 du/ac. Max 20 du/ac. via PUD
- Special Community (S/C)
- Traditional Community (T/C) FAR = 2
- Corridor Commercial (C/C) FAR = 3
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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

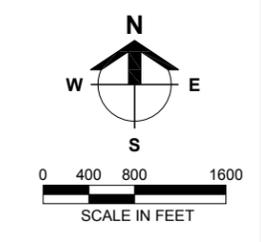
**HARPER
MCNEW**

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINTE

PART OF SECTION 15
TOWNSHIP 44 S
RANGE 25 E
LEE COUNTY, FLORIDA



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PLOT DATE: THU, 3-15-2018 - 4:18 PM
PLOT BY: ANGELICA HARDY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	

**PROPOSED
FUTURE LAND
USE MAP**

PROJECT / FILE NO.	SHEET NUMBER
22995	



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 and Associates, Inc.
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 LAND PLANNING - LANDSCAPE DESIGN
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 FAX (239) 461-3169
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 ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**HARPER
 MCNEW**

5571 HALIFAX AVENUE
 FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINTE

PART OF SECTION 15
 TOWNSHIP 44 S
 RANGE 25 E
 LEE COUNTY, FLORIDA

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 PLOT BY: ANGELICA HARDY

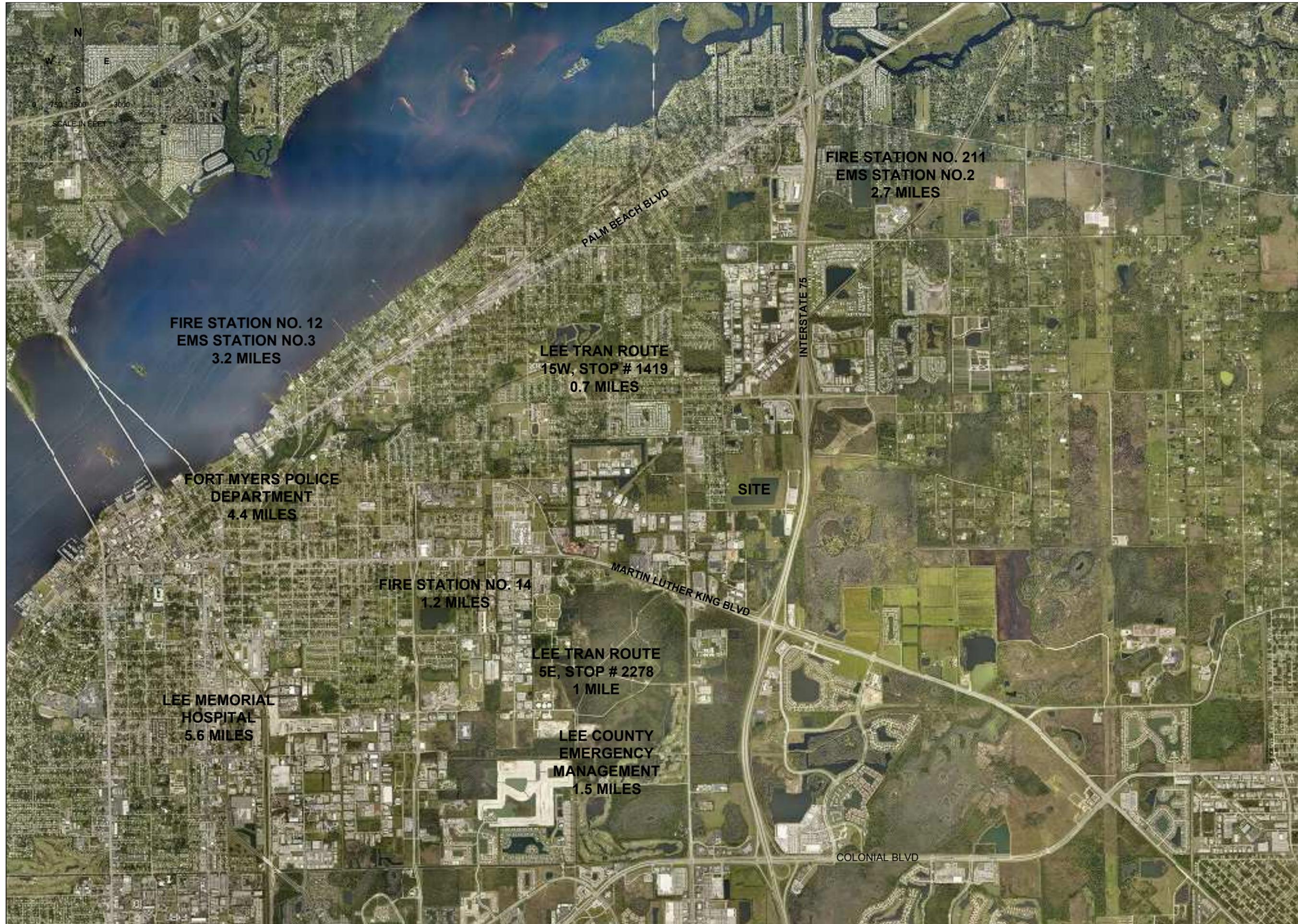
CROSS REFERENCED DRAWINGS

PLAN REVISIONS	

PLAN STATUS

**PUBLIC
 FACILITIES
 MAP**

PROJECT / FILE NO.	SHEET NUMBER
22995	5



N
W E
S
0 750 1500 3000
SCALE IN FEET

**FIRE STATION NO. 12
EMS STATION NO.3
3.2 MILES**

**FORT MYERS POLICE
DEPARTMENT
4.4 MILES**

**LEE MEMORIAL
HOSPITAL
5.6 MILES**

PALM BEACH BLVD

**LEE TRAN ROUTE
15W, STOP # 1419
0.7 MILES**

**FIRE STATION NO. 14
1.2 MILES**

**LEE TRAN ROUTE
5E, STOP # 2278
1 MILE**

**LEE COUNTY
EMERGENCY
MANAGEMENT
1.5 MILES**

**FIRE STATION NO. 211
EMS STATION NO.2
2.7 MILES**

INTERSTATE 75

SITE

MARTIN LUTHER KING BLVD

COLONIAL BLVD

Barraco
and Associates, Inc.
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LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**HARPER
MCNEW**

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINTE

PART OF SECTION 15
TOWNSHIP 44 S
RANGE 25 E
LEE COUNTY, FLORIDA

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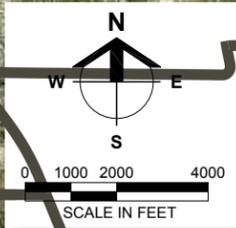
CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

**PUBLIC
SERVICES
MAP**

PROJECT / FILE NO.	SHEET NUMBER
22995	5



**HARPER
MCNEW**

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINTE

PART OF SECTION 15
TOWNSHIP 44 S
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LEE COUNTY, FLORIDA

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FILE NAME: 22995X00-COMMUNITYPARK.DWG

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PLOT BY: ANGELICA HARDY

CROSS REFERENCED DRAWINGS

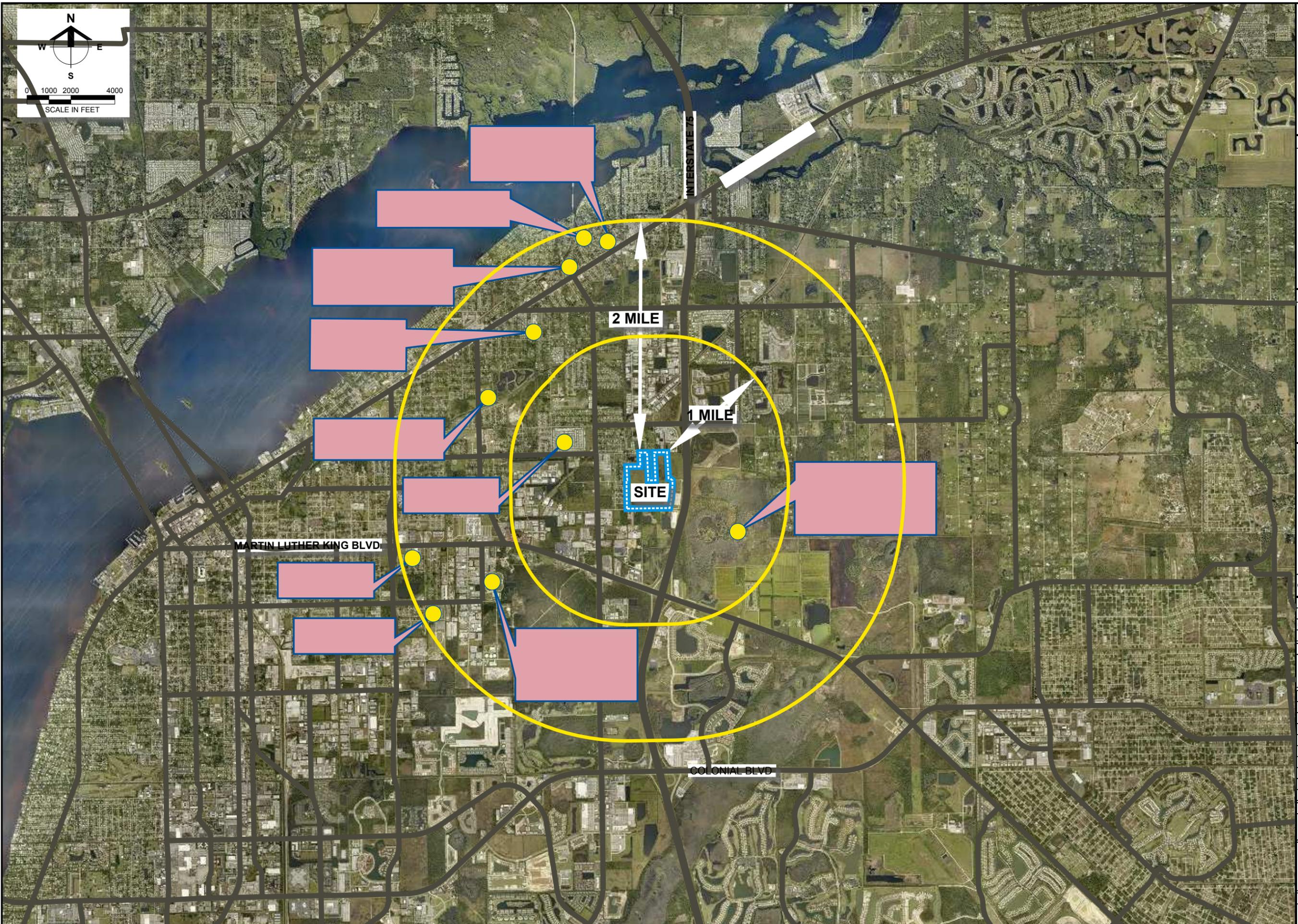
PLAN REVISIONS

PLAN STATUS

**NEIGHBORHOOD
COMMUNITY PARK
PROXIMITY EXHIBIT**

PROJECT / FILE NO. SHEET NUMBER

22995





FLORIDA CERTIFICATES OF AUTHORIZATION
 ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**HARPER
 MCNEW**

5571 HALIFAX AVENUE
 FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINTE

PART OF SECTION 15
 TOWNSHIP 44 S
 RANGE 25 E
 LEE COUNTY, FLORIDA

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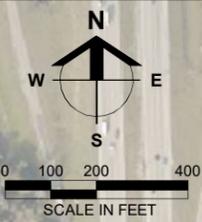
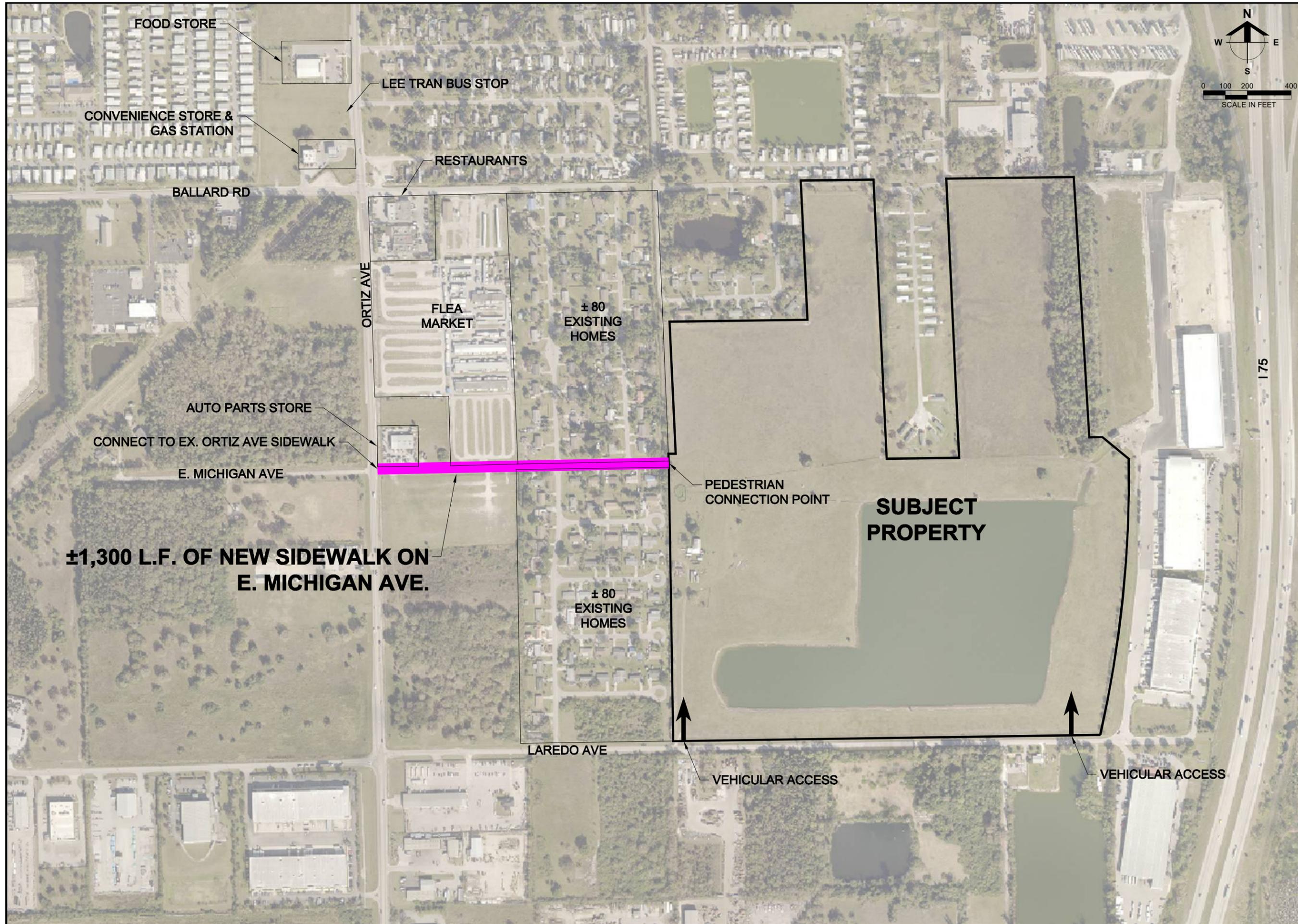
CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

**SURROUNDING
 USES
 MAP**

PROJECT / FILE NO.	SHEET NUMBER
22995	5



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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**HARPER
MCNEW**

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

PROJECT DESCRIPTION

PIERPOINT

PART OF SECTION 15
TOWNSHIP 44 S
RANGE 25 E
LEE COUNTY, FLORIDA

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FILE NAME:	22995 MICH AVE SW EXH.DWG
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PLOT DATE:	THU, 12-12-2019 - 4:19 PM
PLOT BY:	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

NO.	DATE	DESCRIPTION

PLAN STATUS

NOT FOR CONSTRUCTION

**OFFSITE SIDEWALK
IMPROVEMENT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
22995	



City of Fort Myers
Planning Division
1825 Hendry Street, Suite 101
Fort Myers, FL 33901
Phone: 239-321-7993

**PLANNING BOARD
NOTICE OF PUBLIC HEARING
ON FEBRUARY 5, 2020**

The current tax roll of Lee County indicates you own property within 300 feet of 9011 Laredo Avenue, Fort Myers. You are therefore being notified, pursuant to City of Fort Myers policy, of a Public Hearing (Quasi-Judicial) concerning that property. The owners, Harper Property Holdings 3, LLC and McNew Property Holdings 3, LLC, are requesting an amendment to the Future Land Use Map (FLUMA) for 96 acres, more or less to change from Industrial (IND) to Residential Medium Density (RMD).

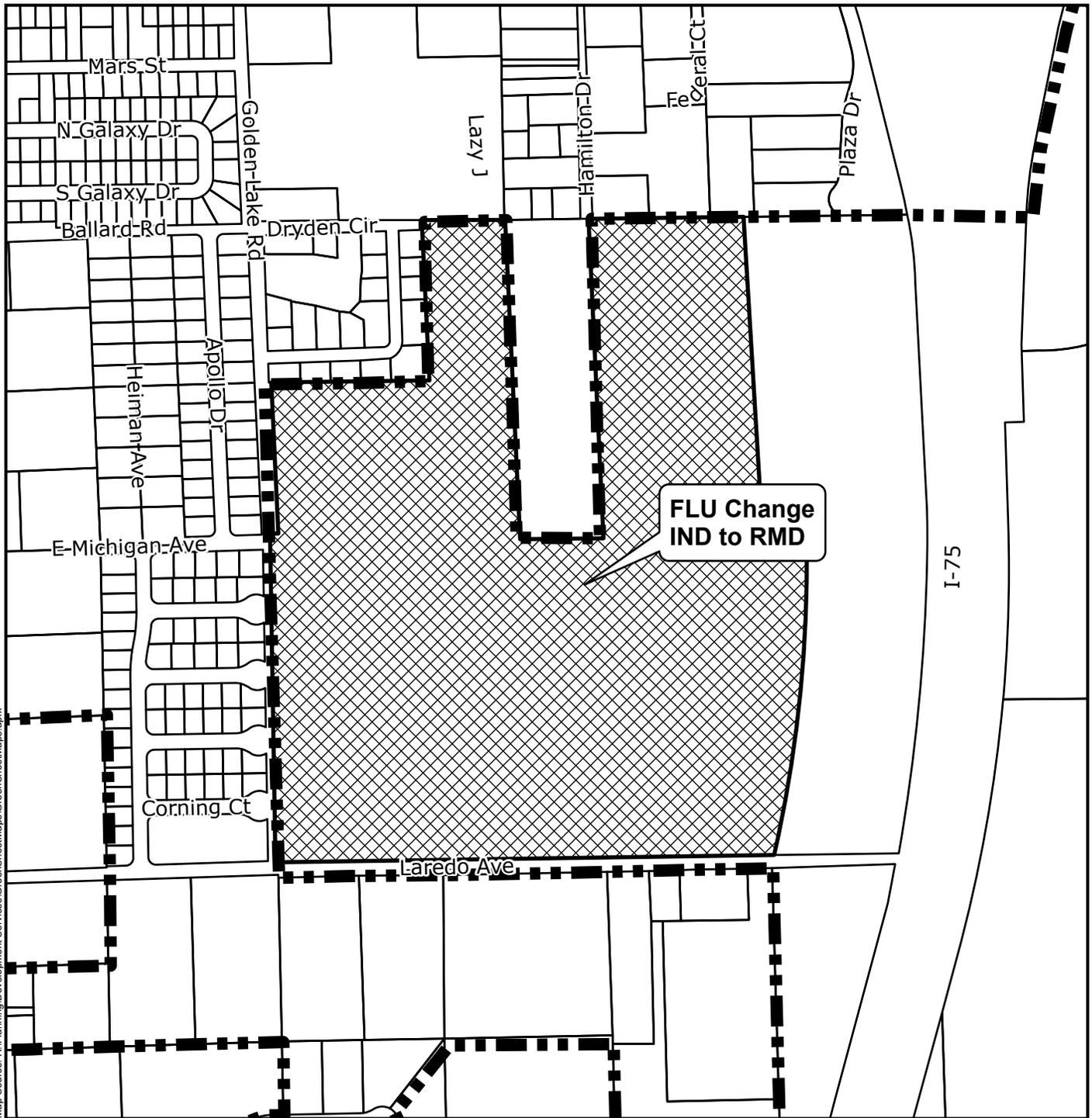
For your reference, the name and number of the case is: **Pierpointe FLUMA, Case Number 18MA02.** A location map of the property is on the back of this letter.

The Planning Board Public Hearings will be held **Wednesday, February 5, 2020 at 1:00 p.m. in City Council Chambers, City Hall, 2200 Second Street, Fort Myers, Florida.** The agenda will be posted on the City's website, www.cityftmyers.com. The City Staff supports the request at this time. The Planning Board will make a recommendation to approve or deny the application and then the application will be forwarded to the City Council for a second Public Hearing to be held in 2-3 months. You are invited to attend and speak at both Public Hearings and state your opinion for or against the case. Copies of the application may be viewed in the Planning Division of the City prior to the meeting, during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday-Friday.

Comments may be made at the hearing or filed in writing prior to the hearing. Anyone who may be interested in appealing the recommendation of the Planning Board must ensure that a verbatim record of the proceeding is made. Written comments may be sent to Laura Tefft, Senior Planner, Community Development Department, City of Fort Myers, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901; or emailed to ltefft@cityftmyers.com. For more information, please call Mrs. Tefft at 239-321-7993.

Special Requirements: If you require special aid or services as addressed in the *Americans With Disabilities Act*, please contact Judy Barnes, Community Development, 239-321-7901, no less than two days prior to the above scheduled public hearing date to request assistance.

City of Fort Myers
Location Map: Case No.18MA02
Parcel: 10248988



Map Source: R:\Planning\Development_Services\GreenSheet\Maps\GreenSheet\Maps.aprx

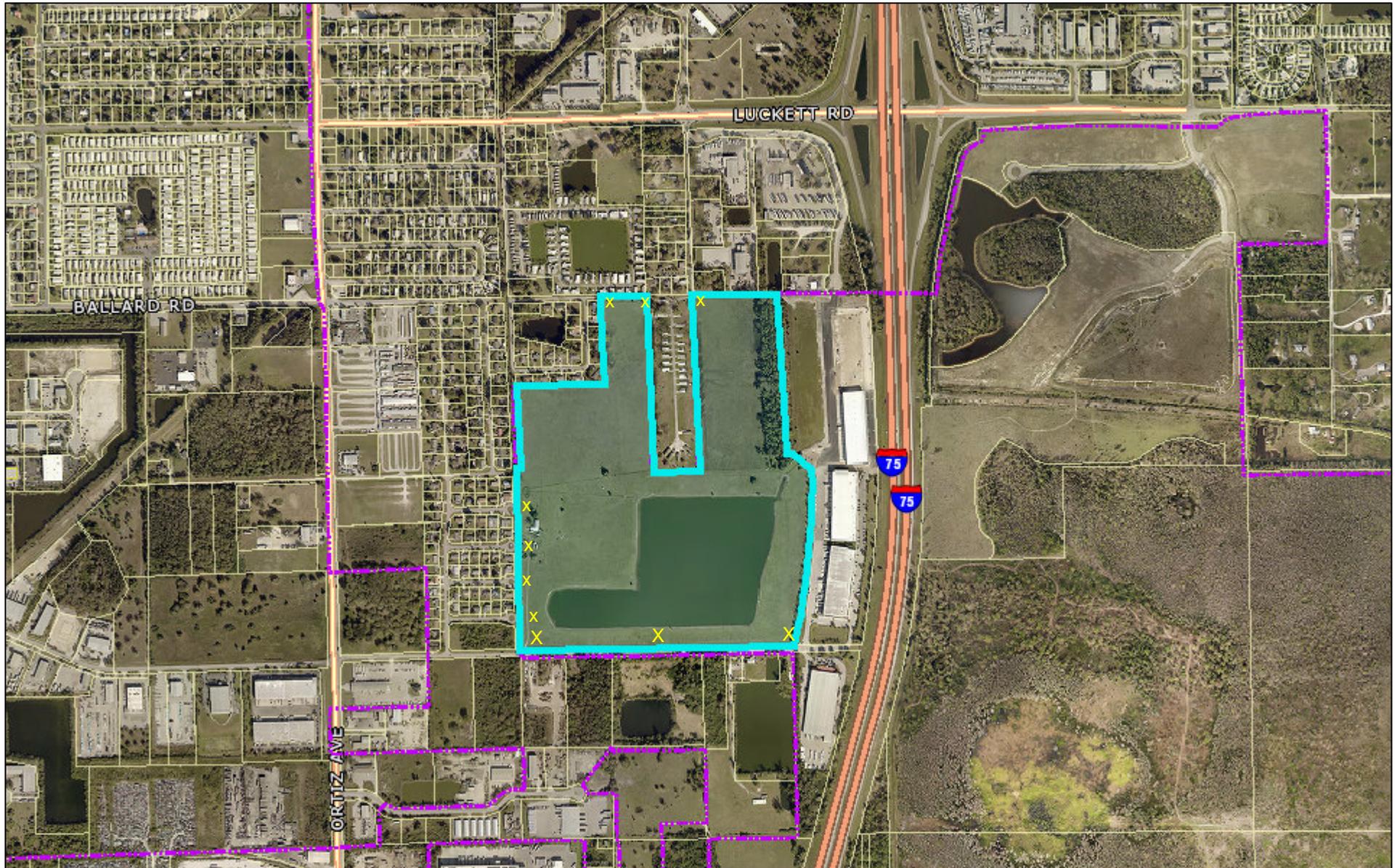
-  City Boundary
-  Item Location
-  Parcel Lines



Date: 3/11/2019

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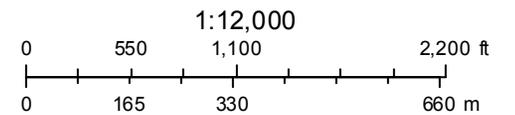
GeoView Map



January 22, 2020

Air Photos: 2019 Hi-Res (4 inch)

- | | | | | |
|-------------------------|---------------------------|----------------|-------------------------|--------------|
| Hospital Locations | CCC_Parks | US 41 | Parcels Far | County Parks |
| Library Locations | County Boundary | Other Highways | CONDO BUILDING | |
| School Locations | Major Roads Medium | Other Roads | PARCEL | |
| School Locations | I-75 | | Building Footprints Med | |



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

AFFIDAVIT OF POSTING NOTICE

CITY OF FORT MYERS PLANNING BOARD PUBLIC HEARING

Hearing Date/Time: February 5, 2020 at 1:00 p.m.
City File Name/Number: Pierpointe Comp. Plan Amendment, Case No. 18MA02
Date/Time of Posting: 1-23-20 3:00 pm

STATE OF FLORIDA
COUNTY OF LEE

Before me this day personally appeared Jennifer Saper,
who being first duly sworn, deposes and says that he/she has properly posted a notice of
public hearing (sign), as provided by the City of Fort Myers Community Development
Department, on the subject property at least ten (10) days prior to the above referenced
Planning Board public hearing.

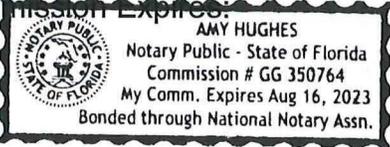
Jennifer Saper
Signature of Applicant or Agent

Jennifer Saper
Name (Typed or Printed)

2271 McGregor, Ft. Myers 33901
Address (Typed or Printed)

Sworn to and subscribed before me this 23 day of January A.D. 2020.

Amy Hughes
Notary Public

My Commission Expires:


THIS AFFIDAVIT MUST BE RETURNED TO: CITY OF FT. MYERS, COMMUNITY DEVELOPMENT DEPARTMENT (attn: Planning Division) BY: January 27, 2020











**CITY OF FORT MYERS
PLANNING BOARD
PUBLIC HEARING
WEDNESDAY, FEBRUARY 5, 2020**

Agenda Item: *Consideration of Ordinance 3897 to rescind Ordinance 3533 for the Planned Unit Development (PUD) for One West and reverting to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning districts located at 2200 West First Street and 1901 Altamonte Avenue.*

Ms. Jenna Persons of Strayhorn and Persons Law Firm requested on behalf of the property owner EHS Fort Myers, LLC that Ordinance 3533, One West Planned Unit Development (PUD) be rescinded and the subject property revert back to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning categories.

The PUD allows the construction of three high rise residential condominium towers and commercial uses on +/- 5.51 acres of land. The property is located on 2200 West First Street and 1901 Altamonte Avenue and is within the Downtown (D/T) Future Land Use category. The property is vacant.

Ordinance 3533 states the PUD shall be constructed with the following timeframe: *J. 1. Building permits for Tower One shall be applied for by December 31, 2019.*

No permits for construction of Tower One have been applied for by that deadline. The applicant's agent states no timeframe extensions are requested. The applicant seeks to develop utilizing the prior zoning category of Urban Core (U-Core) and Urban Center (U-CTR).

Land Development Code Section 98.3.10.G. states:

A planned unit development (PUD) shall be in effect for five years, or as provided in the specific planned unit development ordinance. Vertical construction of principal structure(s) must be commenced prior to the expiration date of the planned unit development approval, as may be amended, to vest approval of the PUD, or the approval becomes null and void. Upon expiration or voiding of the PUD, the property, or properties, will revert to the zoning district(s) applicable prior to PUD approval. For PUDs approved prior to the adoption of the City of Fort Myers Zoning Map per Ordinance 3422, the zoning will revert to the zoning district identified in Table 118.1.2. of this code based upon the previous district name i.e. a property identified as Single-Family Estate (AAA) prior to PUD approval will revert to Residential Single-Family-Estate (RS-E).

Section 9 of Ordinance 3533 states:

Failure to comply with the terms and conditions of this Planned Unit Development Ordinance will result in the cancellation of the development approval after appropriate notice and opportunity to respond in a public hearing to allegations of non-compliance is given to the property owner, and the planned unit development approval may become null and void. The applicant shall be notified in writing of the date of public hearings to be held by the Planning Board and City Council and be given an opportunity to respond at all public hearings.

Public notice letters were sent to property owners within 300 feet of the property. The property was posted with a sign alerting the general public about the case, and an ad ran in the Fort Myers News-Press. All actions occurred at least 10 days prior to the Planning Board meeting February 5, 2020.

Staff recommends approval of Ordinance 3897 to rescind the One West PUD (Ordinance 3533) and allow the subject property to revert to the of Urban Core (U-Core) and Urban Center (U-CTR) zoning categories applicable prior to the PUD.

RECOMMENDED ACTION: Recommend to City Council approval of Ordinance 3897 rescinding Ordinance 3533 for the Planned Unit Development (PUD) for One West and reverting to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning districts located at 2200 West First Street and 1901 Altamonte Avenue, finding the request consistent with the Comprehensive Plan and the Land Development Code.

A Tradition in Southwest Florida since 1915
STRAYHORN & PERSONS
ATTORNEYS AND COUNSELLORS AT LAW

E. Bruce Strayhorn
bruce@strayhornlaw.com

Jenna D. Persons
jpersons@strayhornlaw.com

Jennifer L. Fisher
jfisher@strayhornlaw.com

Telephone: (239) 334-1260
Facsimile (239) 334-1069

www.strayhornlaw.com

December 30, 2019

VIA ELECTRONIC MAIL

Steven Belden
Director, Community Development Department
City of Fort Myers

RE: Notice of Rescission of PUD Ordinance 3533
2220 West First Street and 1901 Altamont Avenue

Dear Director Belden:

On behalf of our client, ESH Fort Myers, LLC, the new owner of property located at 2220 West First Street and 1901 Altamont Avenue, please accept this letter as notice that our client rescinds PUD Ordinance 3533 (attached hereto) and requests that the zoning of the above two referenced properties revert back to the zoning districts applicable prior to the PUD approval pursuant to Land Development Code Section 98.3.10.G. Furthermore, our client requests that the City now proceed to timely finalize the site plan approval that was on hold until the PUD was formally rescinded.

The PUD's terms include a timeframe that expires on December 31, 2019. While the PUD will have expired as of that date, we send this letter for the official record to state the owner's intent to rescind the PUD and not seek any PUD extensions.

Best regards,



Jenna D. Persons

Enclosures

ORDINANCE NO. 3897

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RESCINDING ORDINANCE 3533 FOR THE PLANNED UNIT DEVELOPMENT (PUD) FOR ONE WEST AND REVERTING TO THE URBAN CORE (U-CORE) AND URBAN CENTER (U-CTR) ZONING DISTRICTS LOCATED AT 2200 WEST FIRST STREET AND 1901 ALTAMONTE AVENUE, NORTH OF WEST FIRST STREET, SOUTH OF THE CALOOSAHATCHEE RIVER, AND ON THE EAST AND WEST SIDES OF ALTAMONT AVENUE IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 24 EAST, FORT MYERS LEE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: The development known as One West was adopted by Ordinance 3533 on December 14, 2009; and

WHEREAS: The PUD required the developer to apply for building permits by December 31, 2019; and

WHEREAS: The developer did not apply for building permits by December 31, 2019; and

WHEREAS: The PUD further provides that failure to comply with the terms and conditions of the PUD will result in cancellation of the development approval, after appropriate notice and opportunity is provided to the property owner; and

WHEREAS: The property owner has advised the City it desires to rescind Ordinance 3533 and the PUD approval; and

WHEREAS: The City of Fort Myers desires to amend the City of Fort Myers Code of Ordinances to enhance and further its goals as outlined herein and has determined that the rescission of this Ordinance advances a legitimate public purpose and promote and protect the health, safety and welfare of the public.

ORDINANCE NO. 3897

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Ordinance 3533 is hereby rescinded and is of no force and effect.

SECTION 3. A notice of public hearing was published in a newspaper of general circulation in accordance with the law.

SECTION 4. Severability. If for any reason any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 3897

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this _____ day of _____, A.D., 2020.

Teresa Watkins Brown

Johnny W. Streets, Jr.

Terolyn P. Watson

Kevin Anderson

Fred Burson

Gaile H. Anthony
Councilpersons

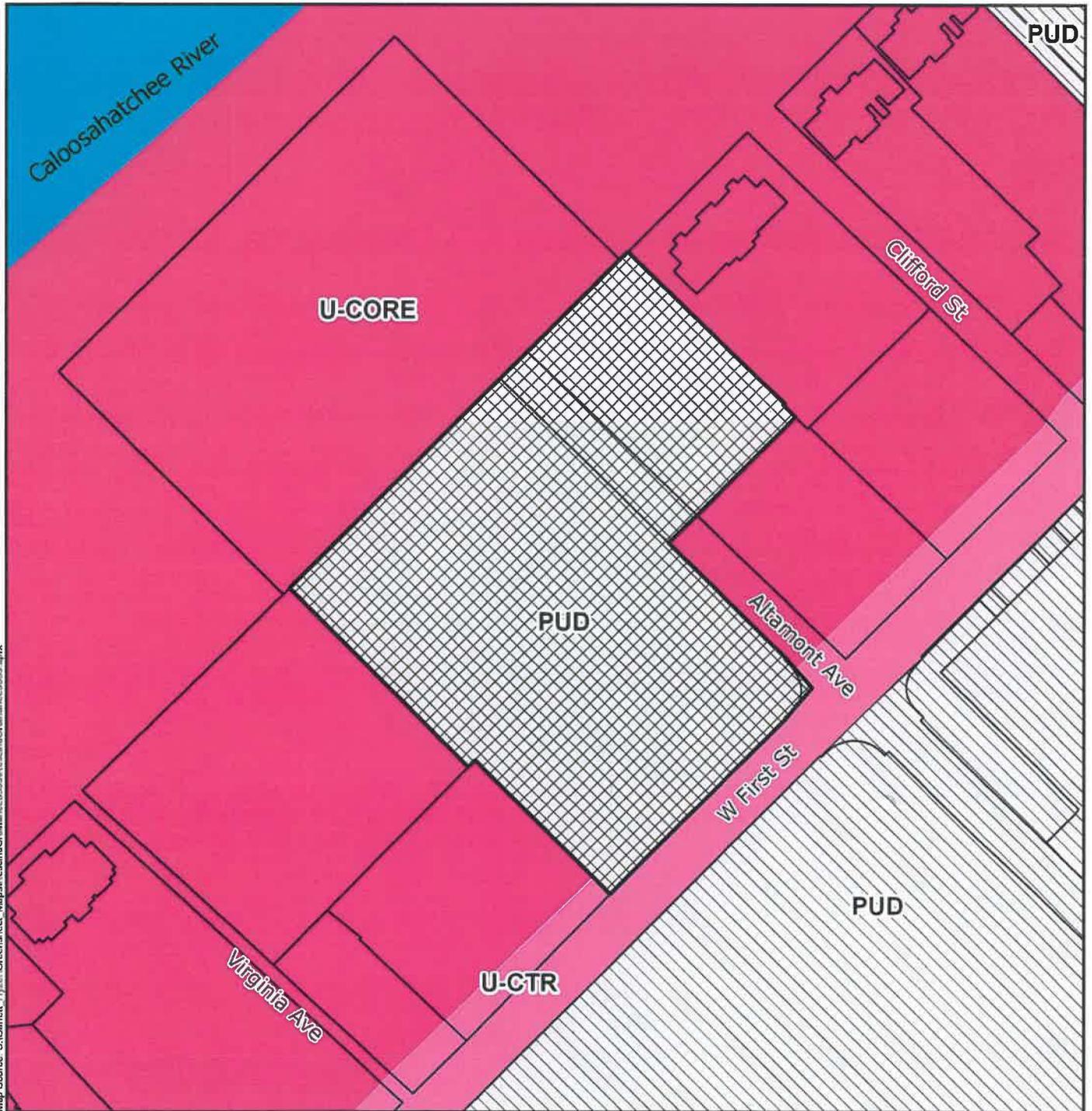
APPROVED this _____ day of _____, A.D., 2020 at _____ o'clock p.m.

Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this _____ day of _____, A.D., 2020.

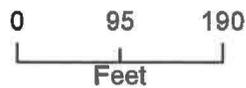
Gwen Carlisle, MMC
City Clerk

**City of Fort Myers
 Rescind Ordinance 3533 -- PUD One West
 Zoning Map: Current Zoning Designations
 Parcel: 10171932 & 10171931**



Map Source: S:\Garrett_Hyzer\GreenSheet_Map\atl\rescindOrdinance3533\atl\rescindOrdinance3533.aprx

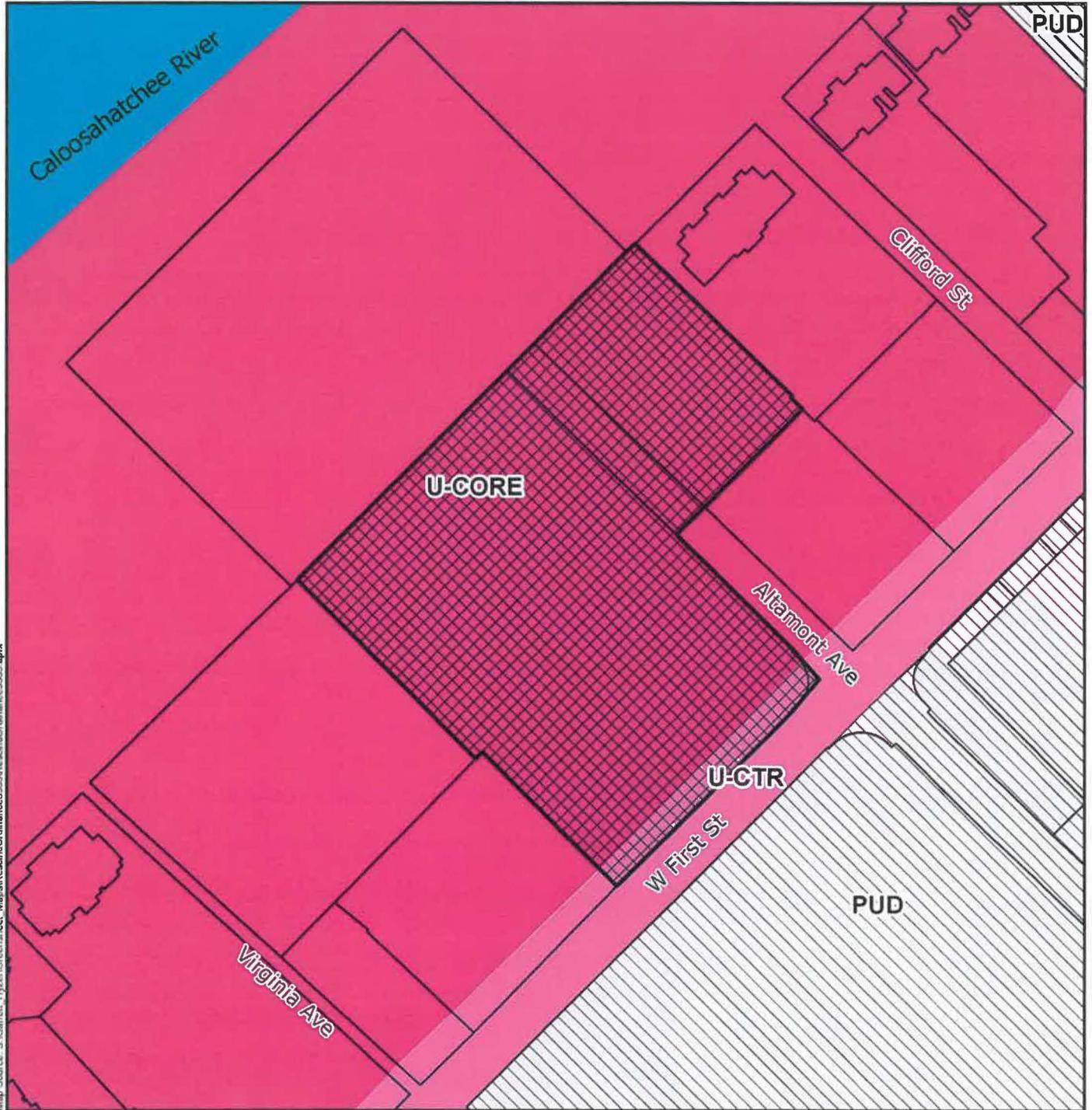
- Parcel Lines
- ItemLocation
- Zoning District**
- PUD - Planned Unit Development By Ordinance
- U-CTR - Urban Center
- U-CORE - Urban Core



Date: 1/10/2020

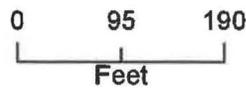
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City of Fort Myers
Rescind Ordinance 3533 -- PUD One West
Zoning Map: Zoning Prior to Ordinance 3263
Parcel: 10171932 & 10171931



Map Source: S:\Garrett_Hyzer\GIS\rescind\Ordinance3533.aprx

-  Parcel Lines
-  ItemLocation
- Zoning District**
-  PUD - Planned Unit Development By Ordinance
-  U-CTR - Urban Center
-  U-CORE - Urban Core



Date: 1/10/2020

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ORDINANCE NO. 3533

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING AND RESTATING THE PLANNED UNIT DEVELOPMENT FOR ONE WEST LOCATED AT 2220 WEST FIRST STREET AND 1901 ALTAMONT AVENUE, NORTH OF WEST FIRST STREET, SOUTH OF THE CALOOSAHATCHEE RIVER, AND ON THE EAST AND WEST SIDES OF ALTAMONT AVENUE IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 24 EAST, FORT MYERS, LEE COUNTY, FLORIDA; RESCINDING ORDINANCE NO. 3263, ORDINANCE NO. 3435 AND ORDINANCE NO. 3493; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Fort Myers Development, LLC, previous owner, originally submitted an application for a planned unit development for First River Condominiums, now known as One West, located at 2220 West First Street and 1901 Altamont Avenue in Section 23, Township 44 South and Range 24 East, which was approved by Ordinance No. 3263 on March 24, 2005; and

WHEREAS: The City Council approved an amendment to the Downtown Smart Code by Ordinance No. 3317 adopted on March 13, 2006, granting a time extension to apply for permits by December 31, 2006, to commence construction by June 30, 2007, and be completed by June 30, 2010, for the following planned unit developments: Ordinance No. 3225 The Vue, Ordinance No. 3233 Cypress Club, Ordinance No. 3261 Hotel Monaco, Ordinance No. 3262 Sullivan-Florida Group, Inc./West First Street Project, Ordinance No. 3263 First River Condominiums (One West), and Ordinance No. 3310 Prima Luce; and

WHEREAS: The City Council approved a second amendment to the Downtown Smart Code by Ordinance No. 3410 adopted on June 18, 2007, granting an additional time extension for the following planned unit development; Ordinance No. 3233 Cypress Club, Ordinance No. 3261 Hotel Monaco, Ordinance No. 3263 First River Condominiums

ORDINANCE NO. 3533

(One West), and Ordinance No. 3310 Prima Luce, which granted a one year extension to apply for permits by December 31, 2007, and commence with construction by June 30, 2008, and be completed by June 30, 2011; and

WHEREAS: The City Council adopted Ordinance No. 3435 on December 17, 2007, amending Ordinance No. 3263 for One West Planned Unit Development allowing deferment of construction of the public piazza to a later phase of construction in exchange for providing a satisfactory security to guarantee its construction and a public piazza to be built at the terminus of Altamont Avenue as required by the Maintenance Agreement approved by City Council on June 5, 2007, for use of the Altamont Avenue right-of-way; and granted a one year extension to apply for permits by December 31, 2008, commence with construction by June 30, 2009, complete Phase I by September 30, 2012, complete Phase II by September 30, 2014, and complete Phase III by December 17, 2014; and

WHEREAS: The City Council adopted Ordinance No. 3493 on December 1, 2008, amending Ordinance No. 3263 One West Planned Unit Development allowing for extension of timeframes and certain items to be built in certain phases, as follows: construction permits for Phase I must be applied for by December 31, 2009; vertical construction shall commence within six (6) months of notification that the permit for vertical construction is ready for issuance; Certificate of Occupancy (C.O.) for Phase I shall be obtained by September 30, 2012; Phase II must receive a final C.O. within twenty-four (24) months of issuance of the C.O. for the first phase; Phase III, including the piazza, shall be completed within seven (7) years from the date of this amendment to the planned unit development. Ordinance No. 3493 shall be rescinded by the adoption of this ordinance; and

ORDINANCE NO. 3533

WHEREAS: The Planning Board, sitting as the Local Planning Agency of the City of Fort Myers, considered the amendment to Ordinance No. 3263 for One West Planned Unit Development for consistency with the Comprehensive Plan and the Land Development Code, Section 98.2.2, and made a recommendation of approval to the City Council after conducting a public hearing on September 22, 2009, with fifteen days public notice having been provided to obtain public comment, and considered all written and oral comments received during the public hearing including support documents.

WHEREAS: The project shall hereby be known as One West and is stated as such throughout the ordinance. The Coastal High Hazard Zone shall be known as the Coastal High Hazard Area and is stated as such throughout the ordinance.

WHEREAS: This Ordinance consolidates and restates the applicable warrants, deviations, terms and conditions in Ordinance No. 3263, Ordinance No. 3435 and Ordinance No. 3493, and in Administrative Amendments issued September 7, 2007 and April 11, 2008.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. 2220 West First Street - Fort Myers LLC, current owner, its heirs, successors, and assigns, all hereinafter referred to as Developer, has requested an amendment to One West Planned Unit Development (PUD) previously approved by Ordinance No. 3263, Ordinance No. 3435 and Ordinance No. 3493, to consolidate and re-state in this one ordinance the terms and conditions for One West PUD, to extend timeframes to apply for building permits and commence and complete construction, to add a hotel use as a permitted use in the

ORDINANCE NO. 3533

project, to eliminate the phasing schedule and to clarify and add notations to the terms and conditions.

SECTION 2. One West Planned Unit Development consists of two parcels of land totaling 5.51 acres, more or less, located in Section 23, Township 44 South, Range 24 East, with parcel numbers and addresses as follows: 23-44-24-P2-00007.0000 (2220 West First Street), 23-44-24-P2-00006.0020 (1901 Altamont Avenue), and legally described as follows:

PARCEL 1

A lot or parcel of land lying in Section 23, Township 44 South, Range 24 East, described as follows and all being situated in Lee County, Florida:

From the centerline of McGregor Boulevard, run northwesterly at an angle of 90 degrees for a distance of 615.00 feet to a point where the southwesterly right-of-way of Altamont Street intersects with the northwesterly right-of-way of First Street, and to the point of beginning of the lands herein described; thence N45°00'15"W along the southwesterly right-of-way of Altamont Street for a distance of 525.10 feet; thence S46°06'00"W 351.70 feet; thence S43°54'00"E 300.19 feet; thence N46°06'00"E 11.36 feet; thence S43°54'00"E 224.81 feet; thence N46°06'00"E 350.45 feet to the point of beginning.

PARCEL 2

As recorded in O.R. Book 2465, Pages 1879 through 1881 a lot or parcel of land lying in Government Lot 1, Section 23, Township 44 South, Range 24 East, Lee County, Florida which is described as follows:

Beginning at the northwesterly line of West First Street and Clifford Street, thence southwesterly along the northwesterly right-of-way line of West First Street 367.5 feet to the northerly right-of-way line of Altamont Street thence northeasterly along said right-of-way 245.1 feet to the point of beginning.; thence northwesterly along the northeasterly right-of-way line of Altamont Street 280 feet more or less, to a seawall on the shore of the Caloosahatchee River; thence northeasterly along said seawall, parallel to West First Street, 167.5 feet, more or less to a point which is 200 feet from the southwesterly right-of-way line of Clifford Street on a line parallel to West First Street; thence southeasterly parallel to Clifford Street, 260 feet; thence southwesterly, parallel to West First Street, 2.5 feet; thence southeasterly parallel to Clifford Street,

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20 feet; thence southwesterly parallel to West First Street, 165 feet to the point of beginning.

Subject to an easement to Fortiner Bldg., Ltd. for driveway and ingress and egress purposes, a parcel 30 feet in width, legally described as: beginning at the westerly corner of West First Street and Clifford Street; thence southwesterly along the northwesterly right-of-way line of West First Street 367.5 feet to the northwesterly corner of Altamont Street and West First Street; thence northwesterly along the northeasterly right-of-way line of Altamont Street 245.1 feet to the point of beginning; thence continue northeasterly along the northeasterly right-of-way line of Altamont Street 30 feet; thence parallel to West First Street, 167.50 feet; thence southeasterly parallel to Clifford Street, 30 feet; thence southwesterly 167.50 feet to the point of beginning; less and except the northwesterly 2.5 feet of the southwesterly 20 feet. Said easement is available for use of both parties.

PARCEL 3

From the centerline of McGregor Boulevard, run northwesterly at an angle of 90 degrees for a distance of 615.00 feet to a point where the southwesterly right-of-way of Altamont Street intersects with the northwesterly right-of-way of First Street; thence N45°00'15"W along the southwesterly right-of-way of Altamont Street for a distance of 525.10 feet; thence S46°06'00"W 181.2 feet; thence N43°54'00"W 10.0 feet to the point of beginning of the herein after leased lands; thence S46°06'00"W 8.0 feet; thence N43°54'00"W 70.0 feet; thence S46°06'00"W parallel to the seawall 4.0 feet; thence N43°54'00"W 8.0 feet; thence N46°06'00"E parallel to the seawall 16.0 feet; thence S43°54'00"E 8.0 feet; thence S46°06'00"W parallel to the seawall 4.0 feet; thence S43°54'00"E 70.0 feet to the point of beginning.

PARCEL 4

As recorded in O.R. Book 2556, Pages 1567 through 1579 as described by City of Fort Myers Ordinance 618 dated June 19, 1961, proceed from the centerline of McGregor Boulevard at an 90° from said centerline to the point of intersection of the centerline of Altamont Street and the bulkhead line of the City of Fort Myers as described by the aforementioned ordinance. From said intersection proceed S46°06'00"W along the bulkhead line a distance of 18.0 feet to the Point of Beginning (POB), thence proceed along said bulkhead line a distance of 155.0 feet; thence northwesterly at an angle of 90° a distance of 20.0 feet; thence northeasterly and parallel to the bulkhead line a distance of 155.0 feet; thence southeasterly at an angle of 90° a distance of 20.0 feet to the point of beginning, which

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contains 3,100 square feet, all of which is river bottom below the mean high tides.

PARCEL 5

As recorded in O.R. Book 2556, Pages 1567 through 1579 from the centerline of McGregor Boulevard, run northwesterly at an angle of 90 degrees for a distance of 615.00 feet to the point where the southwesterly right-of-way of Altamont Street intersects with the northwesterly right-of-way of First Street; thence N45°00'15"W along the southwesterly right-of-way line of Altamont Street for a distance of 525.10 feet to the point of beginning of the herein after leased lands; thence S46°06'00"W 351.70 feet; thence N43°54'00"W 10.0 feet; thence continue N46°06'00"E parallel to a seawall 551.7 feet; thence S43°54'00"E 10.0 feet; thence S46°06'00"W 200 feet to the point of beginning.

PARCEL 6

Third Lease Amendment from the centerline of McGregor Boulevard, run northwesterly at an angle of 90 degrees for a distance of 615.00 feet to the point where the southwesterly right-of-way of Altamont Street intersects with the northwesterly right-of-way of First Street; thence N45°00'15"W along the southwesterly right-of-way of Altamont Street for a distance of 525.10 feet; thence S46°06'00"W 172.2 feet; thence N43°54'00"W 10.0 feet to the point of beginning of the herein after leased lands; thence N43°54'00"W 332.7 feet; thence N46°06'00"E 71.6 feet; thence S63°51'50.5"E 168.5 feet; thence N26°07'45.5"E 60 feet; thence N63°47'51.8"W 210.1 feet; thence S46°09'11"W 306.8 feet; thence S45°54'00"E 246 feet; thence N46°06'00"E 60 feet; thence N43°54'00"W 186 feet; thence N46°06'00"E 72.8 feet; thence S43°54'00"E 322.7 feet; thence N46°06'00"E 60 feet to the point of beginning.

SECTION 3. The purpose and intent of the planned unit development is to allow for the construction of three (3) high-rise residential condominium towers with a total of four hundred twenty (420) housing units, with 25,920 square feet of commercial uses, on approximately 5.51 acres, more or less, and on vacant property identified with parcel numbers 23-44-24-P2-00007.0000 (2220 West First Street), 23-44-24-P2-00006.0020 (1901 Altamont Avenue). In addition, a hotel may be constructed within the PUD, and within the previously approved buildings, with no additional units or height to be approved.

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SECTION 4. The warrants from the Downtown Smart Code dated January 14, 2008, for the Planned Unit Development are as follows:

- (1) **Smart Code Requirement:** Section 118.8.5.d.4.a. Parking Standards: All parking areas shall be located at Third Layers and masked by a streetwall or linear building.
Warrant: Parking areas will be permitted outside of the Third Layers.
- (2) **Smart Code Requirement:** Section 118.8.5.d.4.b. Parking Standards: Parking shall be accessed from a rear alley.
Warrant: No alley access shall be required.
- (3) **Smart Code Requirement:** Section 118.8.6.G.2. Within Urban Center Zone, Lots and Setbacks, Rear Setback: 0 foot minimum.
Warrant: A maximum rear setback of seven (7) feet one (1) inch is proposed at the far western property line.
- (4) **Smart Code Requirement:** Section 118.8.6.G.3. Within Urban Core Zone, Building Height: Height shall be a minimum of two (2) stories and a maximum of eighteen (18) stories.
Warrant: The applicant requested four hundred fifty (450) units in three (3) towers of thirty-two (32) floors in height. The density was reduced to four hundred twenty (420) units to be more compatible with adjacent development. Building heights shall be varied for all three (3) buildings as follows: the thirty (30) unit reduction shall be from the east and west towers, and they shall be less than thirty-two (32) floors; the middle building is permitted at a height several floors taller than thirty-two (32) floors.

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- (5) **Smart Code Requirement:** Section 118.8.6.G.3. Within Urban Core Zone, Lots and Setbacks, Side Setback: 0 ft. minimum, 0 ft. maximum.

Warrant: A maximum side setback of twenty-three (23) feet six (6) inches is granted at the northern property line, west of Altamont Avenue, a maximum side setback of thirty-eight (38) feet two (2) inches is granted at the southern property line, east of Altamont Avenue, and a maximum side setback of eighteen (18) feet ten (10) inches is granted at the northern property line, east of Altamont Avenue.

- (6) **Smart Code Requirement:** Section 118.8.6.G.3. Within Urban Core Zone, Lots and Setbacks, Rear Setback: 0 foot minimum.

Warrant: A maximum rear setback of seven (7) feet one (1) inch is proposed at the far western property line, and a maximum rear setback of fifteen (15) feet is proposed at the far eastern property line.

SECTION 5. The terms and conditions for the Planned Unit Development are as follows:

- a. The Planned Unit Development is approved for the construction of three (3) high-rise, multi-family residential towers with 25,920 square feet of commercial uses in a development known as One West, located at 2220 West First Street and 1901 Altamont Avenue, which will have a maximum of four hundred twenty (420) housing units of which four hundred ten (410) housing units are within the Coastal High Hazard Area and are included in the density capped at 2,352 units. In addition, a hotel may be constructed within the PUD, and within

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the previously approved buildings, with no additional units or height to be approved.

b. Additional height and density is being awarded based on an evaluation of the bonus density criteria outlined in Action 5.2.9, or as amended, of the Future Land Use Element of the Comprehensive Plan and as required by the Land Development Code Section 18, Article 7, Downtown Smart Code. In exchange for fifty (50) additional residential units per acre over the standard density of fifty (50) units per acre in Urban Core, and an additional thirty (30) units per acre in Urban Center over the standard density of thirty (30) units per acre in Urban Center, for a total of four hundred twenty (420) residential units and additional height as follows: "Building heights shall be varied for all three (3) buildings as follows: the east and west towers shall be less than thirty-two (32) floors; the middle building is permitted at a height several floors taller than thirty-two (32) floors."

Requirements and mitigation shall be provided by the developer as follows:

1. Hurricane Evacuation – The developer shall prepare a One West Emergency Preparedness Plan in accordance with the Lee County Administrative Code 7-7. The emergency preparedness plan must be approved by the Lee County Division of Public Safety Emergency Management. **Completed 2006. Hurricane Evacuation Plan on file in City Clerk's Office.** In addition, the developer shall contribute one hundred twenty-six thousand dollars (\$126,000.00) into the non-interest bearing escrow account "Downtown Coastal High Hazard

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Area Hurricane Shelter Fund." The money shall be paid, on a pro rata basis (number of units in the building x \$300.00 per unit), at the time each building permit is pulled.

2. Affordable Housing - the developer shall choose one of the following three (3) options (a, b, or c below) to provide affordable housing.

a. On-site: The Developer shall cause eight (8) units on-site to be deed restricted for purchase by only qualified purchasers earning at least eighty-one percent (81%) and no more than one hundred twenty percent (120%) of the Lee County median income at a moderate purchase price of no more than one hundred twenty-five thousand dollars (\$125,000.00) or as adjusted by HUD from year to year and give the City of Fort Myers a subordinated mortgage totaling Ninety Thousand Dollars (\$90,000.00) per unit, forgivable at 1/20 per year, in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated HUD price (i.e. \$125,000.00 adjusted annually). OR

b. Off-site: The developer shall offer for sale eight (8) units off-site (but within one (1) mile of the downtown redevelopment area) to be

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deed restricted for purchase by only qualified purchasers earning at least eighty-one percent (81%) and no more than one hundred twenty percent (120%) of the Lee County median income at a moderate price of no more than one hundred twenty-five thousand dollars (\$125,000.00) or as adjusted by HUD from year to year and give the City of Fort Myers a subordinated mortgage totaling Ninety Thousand Dollars (\$90,000.00) per off-site unit, forgivable at 1/20 per year in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated HUD price (i.e. \$125,000.00 adjusted annually). All off-site units must be completed prior to the issuance of the first certificate of occupancy for the planned unit development. OR

- c. Payment: The developer shall pay ninety thousand dollars (\$90,000.00) per required affordable/moderate unit (ninety thousand dollars (\$90,000.00) x eight (8) units = seven hundred twenty thousand dollars (\$720,000.00) required to be held in a non-interest bearing escrow account by the City; the funds to be used by the City to acquire land and to offer the land

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competitively for moderate income housing construction within two (2) miles of the development, or some other alternative method to accomplish the goal of providing moderate income housing. All contributions (required moderate income housing units), mortgages or offerings of units (as applicable) shall be approved by the City and phased and prorated as the individual towers receive a Final Certificate of Occupancy.

3. Para-Transit - The developer or the property owners' association shall provide para-transit assistance by making annual contributions to the "Downtown Para-Transit Fund" to mitigate its para-transit impacts and support the downtown para-transit system. The first contribution of \$51.14 per unit shall be due at the time of the certificate of occupancy for each tower permitted. The contribution(s) shall be adjusted annually based on the Consumer Pricing Index (CPI).
4. Public Open Space - The developer shall enter into a maintenance agreement with the City in order to incorporate a gazebo or other similar structure at the termination of Altamont Avenue on the Caloosahatchee River, to be located on the centerline of Altamont Avenue. The developer shall agree to an easement for the public access area along the river. The developer or property owners' association shall permit public access along the river in those areas

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subject to the submerged land lease from the City. Fences and gates are permitted along the river promenade, and the Developer or property owners' association is only permitted to close and lock the gates between the hours of 10:00 p.m. and 7:30 a.m. Details regarding the restriction of public access along the river shall be addressed in an amendment to the submerged land lease and an easement for public access.

5. Mix of Uses - At buildout, the developer shall maintain the minimum outlined mix of uses: four hundred twenty (420) units, including flats and four (4) live/work units as shown on plans, and 25,920 square feet of retail and/or commercial office space. In addition, the developer has received approval for 49 boat slips and 1 slip for water taxi service dockage, outside of this planned unit development and in accordance with the submerged land lease approved by the City in 2007. **Submerged Land Lease approved on 3/4/2008 and recorded with Lee County on 3/7/2008.**
6. Public/Private Parking - The developer shall contribute Three Hundred Ninety Thousand Dollars (\$390,000.00) (calculated at \$15,000.00 per parking space multiplied by 26 parking spaces) to the City to be held in a non-interest bearing escrow account in a fund known as "Downtown Redevelopment Area Parking Structure Fund" to be used for construction of public parking spaces. The

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money shall be paid, on a pro rata basis at the time each building permit is pulled.

7. Pedestrian Friendly Connection - The developer shall construct a minimum of 1,050 lineal feet of public sidewalks on Altamont Avenue and 350 feet on West First Street and construct 6- to 10-foot wide sidewalks through and around the project as reflected in the site plan and retain public access and maintenance for the life of the subject development. The applicant shall provide a detail of the proposed improvements to Altamont Street, including the location and width of sidewalks and other improvements prepared by Kobi Karp Architecture and Interior Design with a revision date of March 25, 2005. **Administrative Deviation:** An Administrative Deviation was granted on 9/7/07 to reflect that the sidewalks on Altamont Avenue and West First Street are less than 8 feet wide due to the redesign of the intersection to accommodate the roundabout in the intersection. **Completed:** The design of the roundabout at Altamont Avenue and West First Street has been completed as approved by the Engineering Division.

- c. Approve the Warrants from the Downtown Smart Code for front, side, and rear yard setbacks, parking location outside of third layer, and parking access not from an alley. Additionally, the applicant shall comply with all other requirements of the Downtown Smart Code and the Land Development Code in effect at the time of permitting.

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d. The applicant shall contribute forty seven thousand dollars (\$47,000.00) to the City to assist in the provision of one (1) police cruiser. The money shall be paid, on a pro-rata basis at the time each building permit is issued (calculated at the number of units in the building x 2.47 persons per unit x \$100.00 per person).

e. The applicant shall advance Fire Impact fees for the first two (2) towers at the time of the first building permit for the first tower and the remaining Fire Impact fees for Tower 3 at time of permitting for the third tower to be used for ladder truck purchase and other pertinent equipment.

f. The applicant shall file for and provide the City with a Unity of Title for Parcels 1 and 2 on the east and west sides of Altamont Avenue OR the applicant shall provide a covenant in lieu of unity of title in a form acceptable to the City prior to issuance of the first building permit. **Completed.** Covenant Running with the Land In Lieu of Unity of Title, recorded on 7/14/06 and re-recorded on 8/25/06; copy on file with City Clerk's Office.

g. The right-of-way for the roundabout at West First Street and Altamont Avenue has been granted to the City, and \$141,000.00 was paid on 3/7/2007. Therefore, the \$94,000.00 for the mast arm traffic light will not be required, per Engineering Division on 12/1/2008. Developer complied with the City's request to pay the City's engineering fee of \$9,200.00 to David Plummer & Associates to design the roundabout, which was paid by the developer on 4/20/2007. The applicant shall be required to pay their fair share for the mast arm traffic light at McGregor Boulevard and West First Street; however, City Council has approved a roundabout to be located at Virginia Avenue and

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McGregor Boulevard in lieu of the traffic signal at McGregor Boulevard and West First Street. Therefore, the applicant's fair share shall be contributed towards the roundabout. Based on the West First Street Corridor Redevelopment Study, the applicant's proportionate fair share is two percent (2%) of the cost of the mast arm traffic light. The proportionate fair share shall be provided prior to the issuance of the first building permit for vertical construction; and on May 1, 2007, the Engineering Division confirmed the cost will be \$7,500.00.

h. The applicant shall agree to the following: HVAC, mechanical equipment and outdoor trash and recycling container areas shall be screened from view from streets, alleys and adjacent properties using a masonry wall with stucco finish, stucco with landscaping or dense vegetative hedge. The screening shall completely conceal the HVAC, mechanical equipment and outdoor trash and recycling container.

i. The applicant shall enter into a maintenance agreement for the proposed improvements on Altamont Avenue in a format acceptable to the City prior to the issuance of building permits for vertical construction. **Completed:** Agreement completed and approved on June 5, 2006; copy on file in City Clerk's Office.

j. The planned unit development for One West shall be constructed with the following timeframes:

- 1) Building permits for Tower One shall be applied for by December 31, 2019.
- 2) Construction shall commence by June 30, 2020.
- 3) Certificate of Occupancy (C.O.) for Tower One shall be obtained by September 30, 2022. Tower

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Two shall receive a final C.O. by September 30, 2024. Tower Three, including the piazza, shall receive a final C.O. by September 30, 2026.

If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of determination referenced above, the timeframes set forth in this ordinance are tolled and the units as previously granted in this planned unit development are reserved for the Developer during the period.

- 4) To allow for the deferment of the construction of the public piazza to a later phase of construction, the development shall provide a performance bond, cash bond, letter of credit, surety bond, bank guarantee, or other security satisfactory to the finance director to guarantee its construction prior to the issuance of the first Certificate of Occupancy (C.O.).
- 5) The developer shall provide a public access easement for the boardwalk along the river on the parcel located at 1901 Altamont Avenue. Access shall remain available to the public along the east side of Altamont Street throughout the construction of both towers and piazza on the

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west side of Altamont Avenue and until construction prohibits public access in this area. For safety considerations upon application to the building official, these public ways and access easements may be closed for construction related issues to ensure public safety.

k. The developer shall comply with the Downtown Fort Myers Streetscape Plan adopted by City Council in April 2003, and or as amended.

l. The applicant shall submit a letter of no objection from the Lee County Port Authority regarding tall structure review prior to any site development. **Completed.** Letter dated 11/16/2005.

m. The developer shall agree to exclude the following uses from the One West: social service uses, clinics, labor pools, and supervised apartments.

n. The applicant shall revise all plans to reflect the changes referenced above with a revision date of March 25, 2005, and provide five (5) complete sets of plans to the Community Development Department prior to the scheduling of any public hearings before the City Council. **Completed.**

o. The developer shall contribute one hundred fifty thousand dollars (\$150,000.00) to the City's Public Art Fund prior to the issuance of building permits for the first tower or contribute artwork valued at one hundred fifty thousand dollars (\$150,000.00) to be placed in a public area on or near the One West development site. Artwork on site or off site shall be reviewed by the City's Public Art Committee. Such placement shall allow for public enjoyment and shall be visible from Altamont

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Avenue, and its form and location shall be approved by City Council considering the recommendation of the City's Public Art Committee. The developer may opt to meet this obligation by phasing such art contributions at Fifty Thousand Dollars (\$50,000.00) per tower upon issuance of building permit for each individual tower. If the Developer opts to contribute artwork to satisfy this condition and such placement is to occur on a yet undeveloped parcel of the site, then the monies may be placed in escrow with the City and released to the Developer, or to the City, upon placement of such artwork.

p. The developer shall agree to donate the one hundred five (105) palm trees existing in the pool area of the site to the City Parks Division, Public Works Department. The City shall be responsible for relocating said trees. **Completed 3/31/2006.**

q. The developer shall plant mature trees with a three (3) inch caliper in the public plaza area of the site, in close conformity to the perspective drawing presented at the March 24, 2004, City Council public hearing. The perspective drawing shall be included in the plan revisions dated March 25, 2005.

r. The corner of the building at the northwest corner of West First Street and Altamont Avenue shall be redesigned to be more outstanding and to relate to a possible future roundabout. Any changes required to the building design as a result of a future City decision to construct a roundabout shall not be construed as an amendment to this planned unit development, and no further public hearings shall be required.

s. Prior to submittal of building permits for Tower 3, the applicant shall agree that no building permit shall be issued which causes dwelling units to be constructed which exceed the

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density cap set forth in the City of Fort Myers Comprehensive Plan. If this occurs, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this planned unit development are reserved for the Developer during the period of the suspension.

t. The applicant shall revise all plans to reflect the changes referenced above with a revision date of March 25, 2005, and provide five (5) complete sets of plans to the Community Development Department prior to the issuance of building permits. **Completed.**

u. The terms, conditions, and warrants for this planned unit development, reflected on the plans prepared by Johnson Engineering, Inc. with a revision date of March 25, 2005, and architectural elevations prepared by Kobi Karp Architecture and Interior Design, with a revision date of March 25, 2005, as shown on Exhibit B, shall be binding on the applicant, their successors or assigns.

v. Water. A twelve inch (12") ductile iron pipe (DIP) is located on West First Street and the developer shall tap into this line for potable water and fire protection to the site. The City can provide treatment capacity on a first come, first serve basis upon receipt of a formal request for service, payment of appropriate fees and charges, and approval of all State and local regulatory agencies. Extension of off-site mains for adequate domestic supply and fire protection shall be the responsibility of the owner.

w. Sewer. A ten inch (10") gravity sewer main on West First Street is located along the property frontage. The line changes to a fifteen inch (15") at the manhole at Altamont Avenue intersection and continues to the northeast. The applicant will be

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responsible for providing sewer-modeling calculations to determine if the existing 10-inch main (or 15-inch main if the only proposed connection is to the manhole at the Altamont Avenue intersection) has the capacity to handle the additional wastewater flow from the proposed development. The City's wastewater treatment plant can provide treatment capacity on a first come, first serve basis for the project upon receipt of a formal request for service, payment of appropriate fees and charges, and approval of all State and local regulatory agencies. Off-site mains, collection lines, and pump stations and/or appurtenances shall be installed or increased/upgraded by the owner to handle additional flow, as needed. **Agreements:** Executed the Agreement for Maintenance of Surface Water Management System between One West (Fort Myers Development LLC), First Street Village Project (Plaza Fort Myers LLC) and the City dated 5/15/2006 that set the terms of the sewer modeling study that was to be done. Per Engineering Division, One West and First Street Village Project were to conduct testing during both dry season and wet season and produce results to City; dry season results completed 6/22/2007; wet season results completed 9/11/2007. Executed a required Inflow/Infiltration Test and Repair Agreement between One West, First Street Village Project and the City dated 6/29/2007.

x. Stormwater: The developer's engineer shall design a drainage system that meets the South Florida Water Management District criteria. South Florida Water Management District Environmental Resource Permit (ERP) was issued on 4/12/2007. Although a South Florida Water Management District environmental resource permit has been obtained, it shall be the developer's responsibility to notify the South Florida Water

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Management District of any proposed future changes to the approved site plan prepared by Johnson Engineering, Inc. with a revision date of March 25, 2005, and architectural elevations prepared by Kobi Karp Architecture and Interior Design, with a revision date of March 25, 2005, as shown on Exhibit B to see if a modification is required.

y. The Developer shall construct and maintain the hotel rooms as transient lodging units, with a maximum stay of four (4) months, obtain a hotel occupational license, employ a hotel management company to operate the hotel, and meet all other local and state regulations for hotels.

z. Prior to the issuance of any building permit for hotel uses in each phase, the Developer shall provide at their cost a current Traffic Impact Statement, and updated water and sewer analysis. Each study must prove there are adequate levels of service prior to the issuance of a building permit.

aa. The developer shall provide the Community Redevelopment Agency (CRA) the option of leasing the vacant site for up to ten (10) years at \$1.00 per year for public use. The lease may be terminated upon 30 days after the property owner submits construction documents for a building permit or either party may terminate with a 120 day written notice. The property owner shall be responsible for all property taxes owed. In the event the public use of the parcel negates or reduces the property taxes, the developer shall pay a fee in lieu, to the City, equal to the amount of property taxes due without public use deduction.

SECTION 6. The Developer shall provide one or more condominium associations for the residents and owners in its

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development project; and shall notify the city of the officers and contact information for billing of development obligations set forth herein.

SECTION 7. All terms and conditions of the Planned Unit Development for One West are binding on the applicant, their successors or assigns.

SECTION 8. Ordinance No. 3263, Ordinance No. 3435 and Ordinance No. 3493 are hereby rescinded upon adoption of this ordinance.

SECTION 9. Failure to comply with the terms and conditions of this Planned Unit Development Ordinance will result in the cancellation of the development approval after appropriate notice and opportunity to respond in a public hearing to allegations of non-compliance is given to the property owner, and the planned unit development approval may become null and void. The applicant shall be notified in writing of the date of public hearings to be held by the Planning Board and City Council and be given an opportunity to respond at all public hearings.

SECTION 10. Notice. A notice of public hearing was published in a newspaper of general circulation in accordance with the law.

SECTION 11. Severability. If for any reason any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 12. Effective Date. This ordinance shall become effective immediately upon adoption.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 14th day of December, A.D., 2009.

Absent

Teresa Watkins Brown

Aye

Johnny W. Streets, Jr.

Aye

Levon Simms

Aye

Michael Flanders

Aye

Forrest Banks

Aye

Thomas C. Leonardo
Thomas C. Leonardo
Council Members

APPROVED this 14th day of December, A.D., 2009, at 5:37 o'clock p.m.

Aye

Randall P. Henderson, Jr.
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 14th day of December, A.D., 2009.

Marie Adams
Marie Adams, MMC
City Clerk

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Exhibit B
Site Plan

ONE WEST CONDOMINIUMS
(F.K.A. FIRST RIVER CONDOMINIUM)
2220 WEST FIRST STREET
FT. MYERS, FLORIDA
FT. MYERS DEVELOPMENT, L.L.C.

EXHIBIT 'B'



CIVIL ENGINEER

JONATHAN ENGELBERG
8108 JONATHAN STREET
P.O. BOX 1980
FT. MYERS, FL 33905-0980
Tel: (239) 334-0348
Fax: (239) 334-0381



MEP

FRANKIE ENGELBERG/PLUMBING
18912 NW 27TH STREET
MIAMI, FL 33179
TEL: (305) 896-1246
FAX: (305) 894-8873

ARCHITECTURE AND INTERIOR DESIGN

2212 Riverside Blvd., Suite 102
Naples, Florida 34102
Tel: (239) 878-8114
Fax: (239) 878-0760

STRUCTURAL



STRUCTURAL ENGINEERS
2620 South Coliseum Blvd., Suite 402
Miami, Florida 33136
Tel: (305) 661-1881
Fax: (305) 666-0873



LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECTURE AND PLANNING
1680 N.E. 2nd Avenue, Suite 203
North Miami Beach, FL 33162
TEL: 305-480-4088
FAX: 305-480-9067

Revisions	
No.	Description

0415

OWNER
Ft. Myers
Development,
L.L.C.

ONE WEST
(F.K.A. FIRST RIVER CONDOMINIUM)
2220 WEST FIRST STREET
FT. MYERS, FL 33902
COVER SHEET



ARCHITECTURE
& INTERIOR
DESIGN
FRANKIE ENGELBERG
18912 NW 27TH STREET
MIAMI, FL 33179
TEL: (305) 896-1246
FAX: (305) 894-8873



Scale: 1/8" = 1'-0"

A-0.00

ORDINANCE NO. 3533

SHEET NO.		TITLE	SCALE	DATE	BY	CHKD.	DATE	BY	CHKD.
1	1	INDEX OF SHEETS							
2	2	GENERAL NOTES							
3	3	PLAN							
4	4	ELEVATIONS							
5	5	SECTION							
6	6	MECHANICAL							
7	7	ELECTRICAL							
8	8	PLUMBING							
9	9	LANDSCAPE							
10	10	CONCRETE							
11	11	STEEL							
12	12	WOOD							
13	13	PAINT							
14	14	FINISH							
15	15	DETAILS							
16	16	APPENDIX							
17	17	CONTRACT							
18	18	PERMITS							
19	19	AS-BUILT							
20	20	REVISIONS							

INDEX OF SHEETS

EXHIBIT 'B'

CIVIL

GENERAL NOTES
 PLAN
 ELEVATIONS
 SECTION

ARCHITECTURAL

CONCRETE
 STEEL
 WOOD
 PAINT
 FINISH
 DETAILS

STRUCTURAL

M.E.P.

LANDSCAPE

ONE WEST
 220 WEST 1ST STREET
 FT. WORTH, TX 76102

INDEX OF SHEETS

A1.01

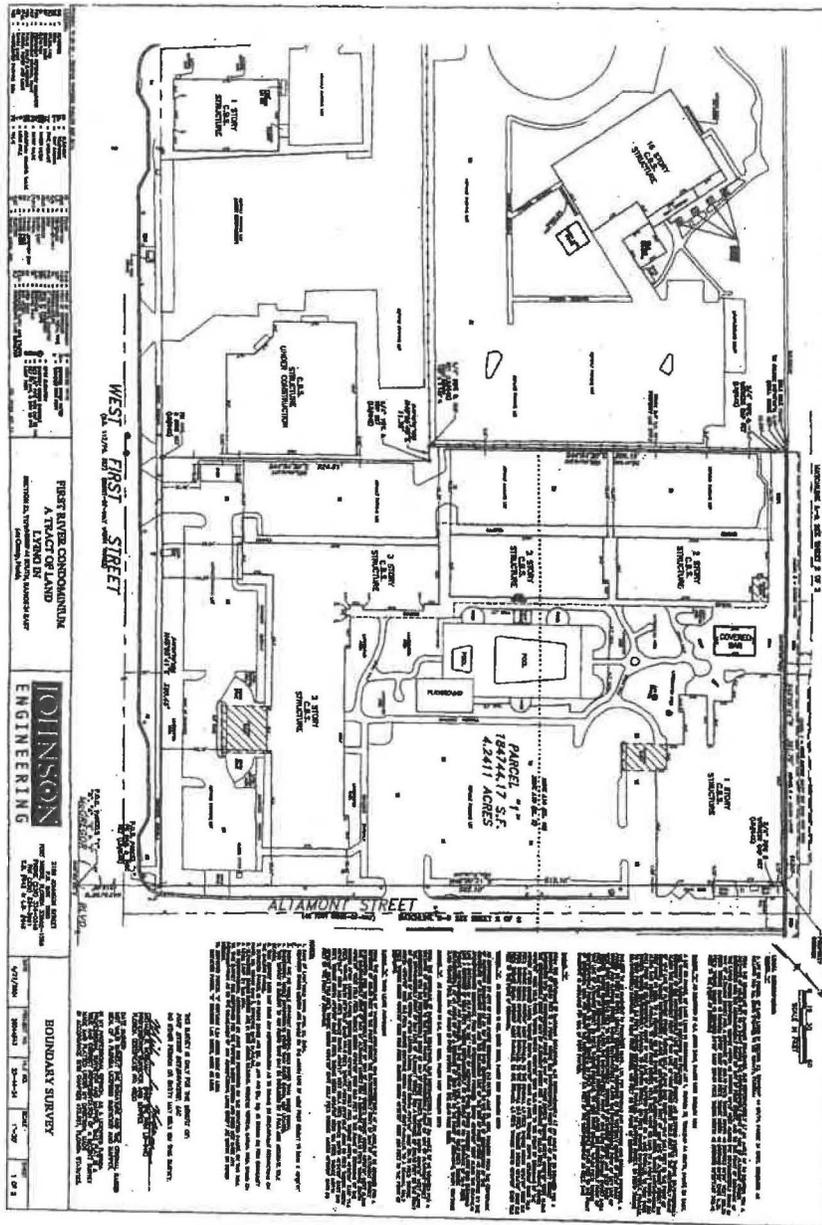


[Signature]

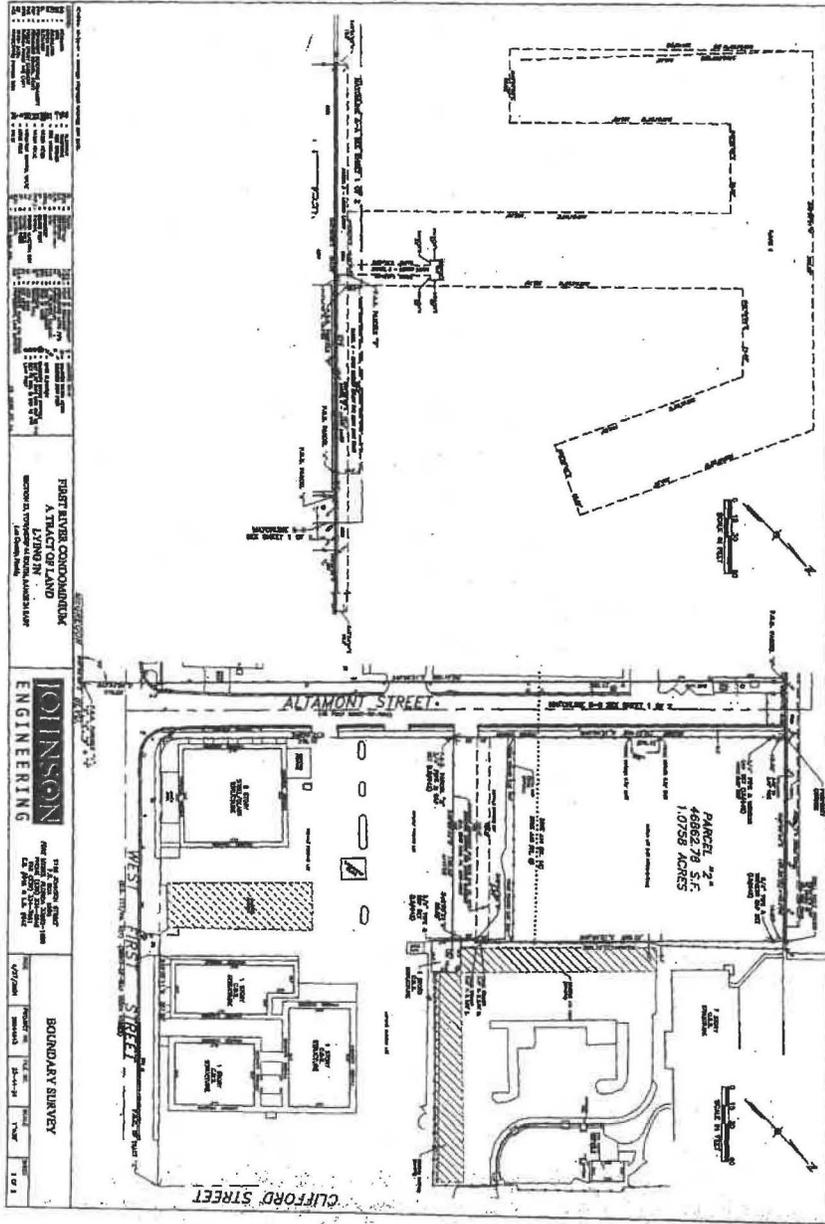
ORDINANCE NO. 3533



ORDINANCE NO. 3533



ORDINANCE NO. 3533



ORDINANCE NO. 3533

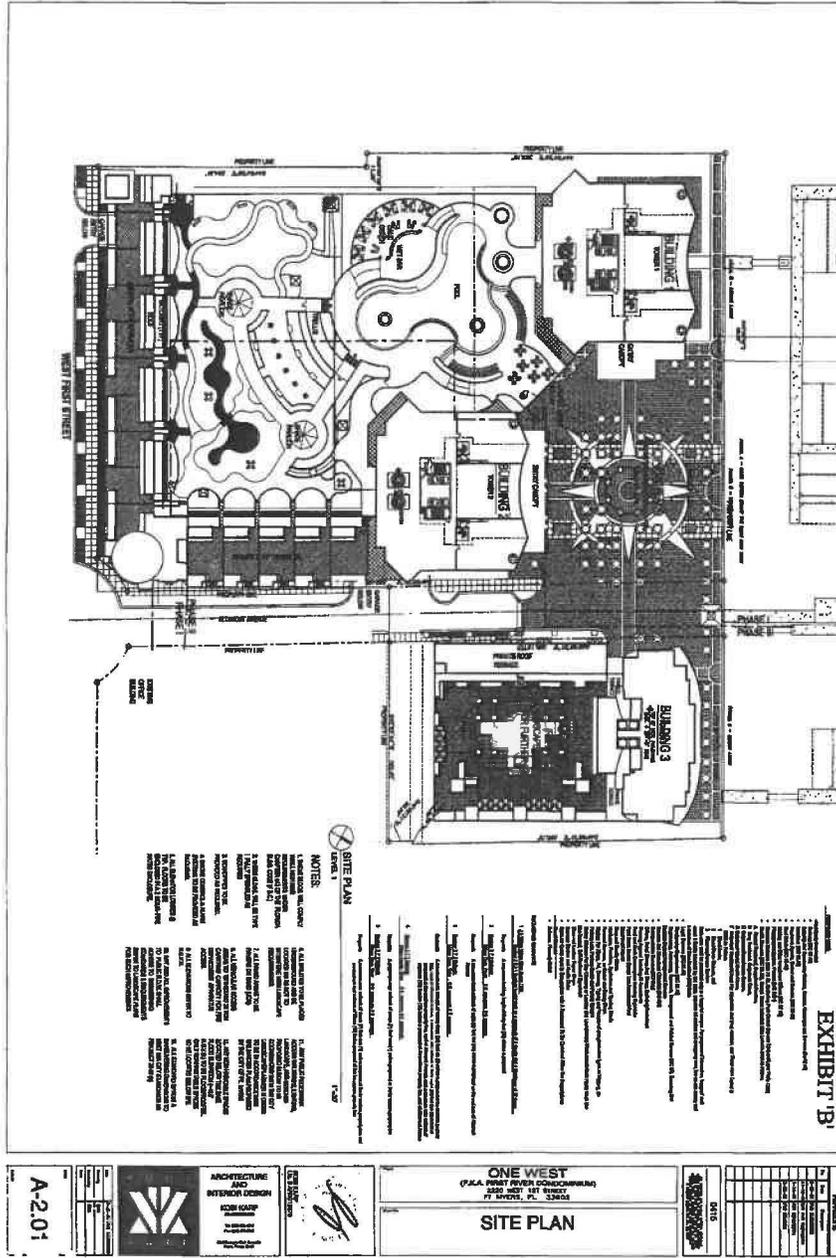


EXHIBIT 'B'

SITE PLAN

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE RAILROAD UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CANAL UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DITCH UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRENCH UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CUT UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE FILL UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EMBANKMENT UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE CANAL UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE DITCH UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE TRENCH UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE CUT UNLESS OTHERWISE NOTED.
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17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE EMBANKMENT UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE CANAL UNLESS OTHERWISE NOTED.
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46. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE FILL UNLESS OTHERWISE NOTED.
47. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE EMBANKMENT UNLESS OTHERWISE NOTED.
48. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE CANAL UNLESS OTHERWISE NOTED.
49. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE DITCH UNLESS OTHERWISE NOTED.
50. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE TRENCH UNLESS OTHERWISE NOTED.

ONE WEST
 1700 WEST 1ST STREET
 FT. LAUDERDALE, FL. 33305

SITE PLAN

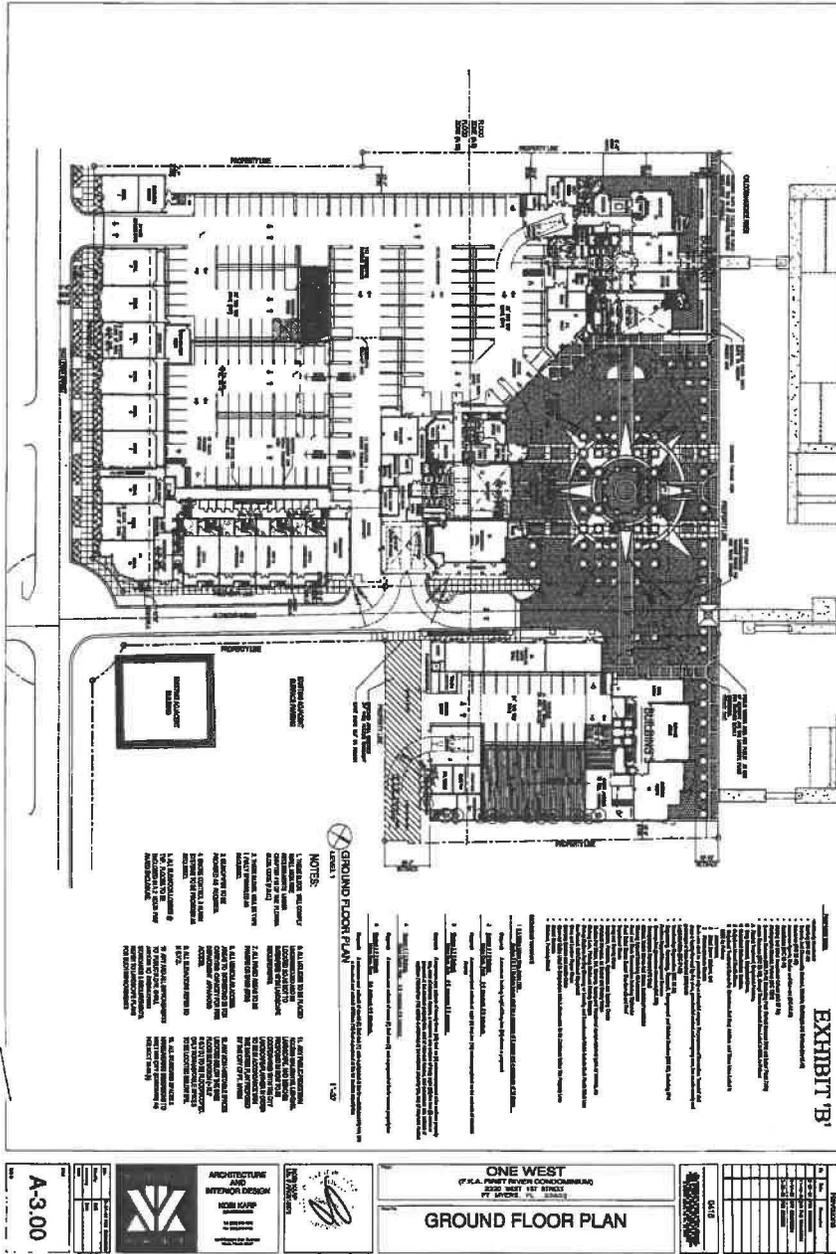


ARCHITECTURE AND INTERIOR DESIGN
 KIM HARR
 ARCHITECT

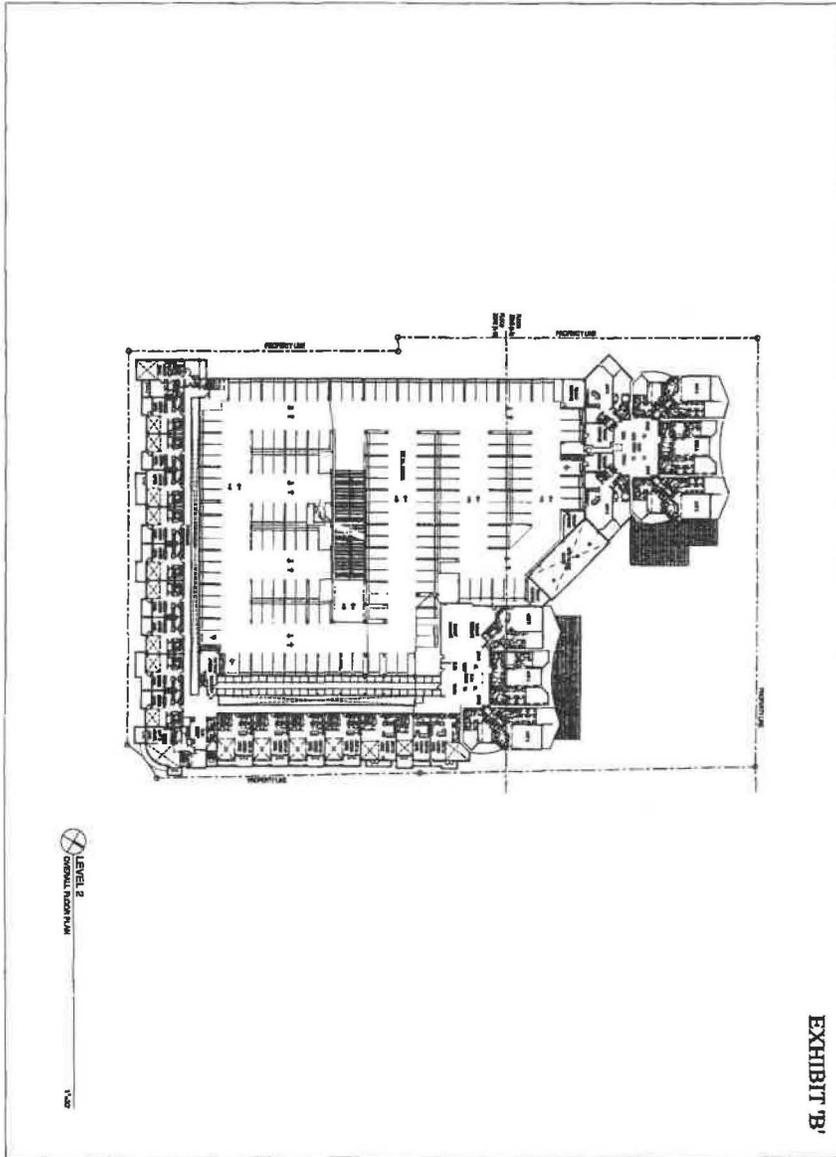


A-2.01

ORDINANCE NO. 3533



ORDINANCE NO. 3533

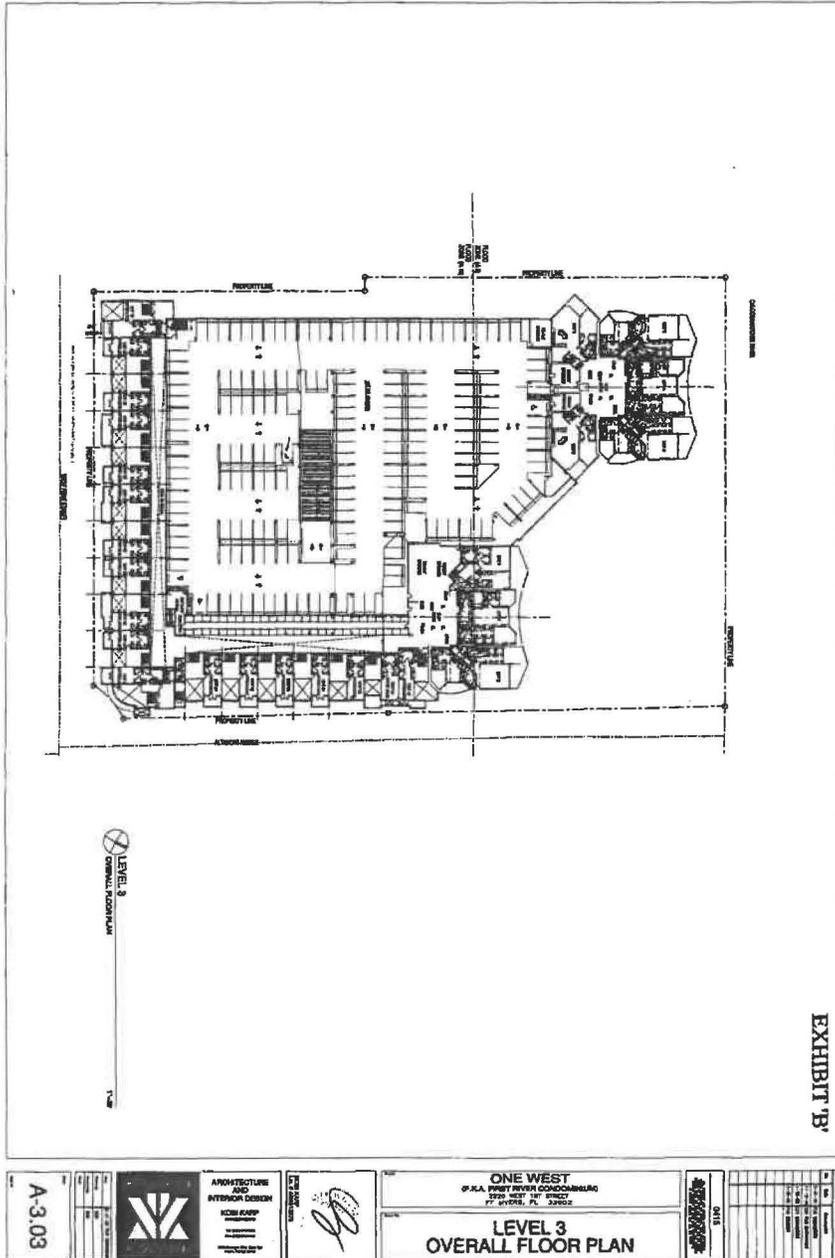


LEVEL 2
OVERALL FLOOR PLAN

EXHIBIT 'B'

<p>A-3-02</p>		<p>ARCHITECTURE AND INTERIOR DESIGN</p> <p>1000 SCULP</p>		<p>ONE WEST</p> <p>1734 WEST 17TH STREET</p> <p>AT WYOMING ST. CORNER</p>		<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISION									
				NO.	DATE		REVISION											
<p>LEVEL 2</p> <p>OVERALL FLOOR PLAN</p>				<p>DATE</p>														

ORDINANCE NO. 3533



ORDINANCE NO. 3533

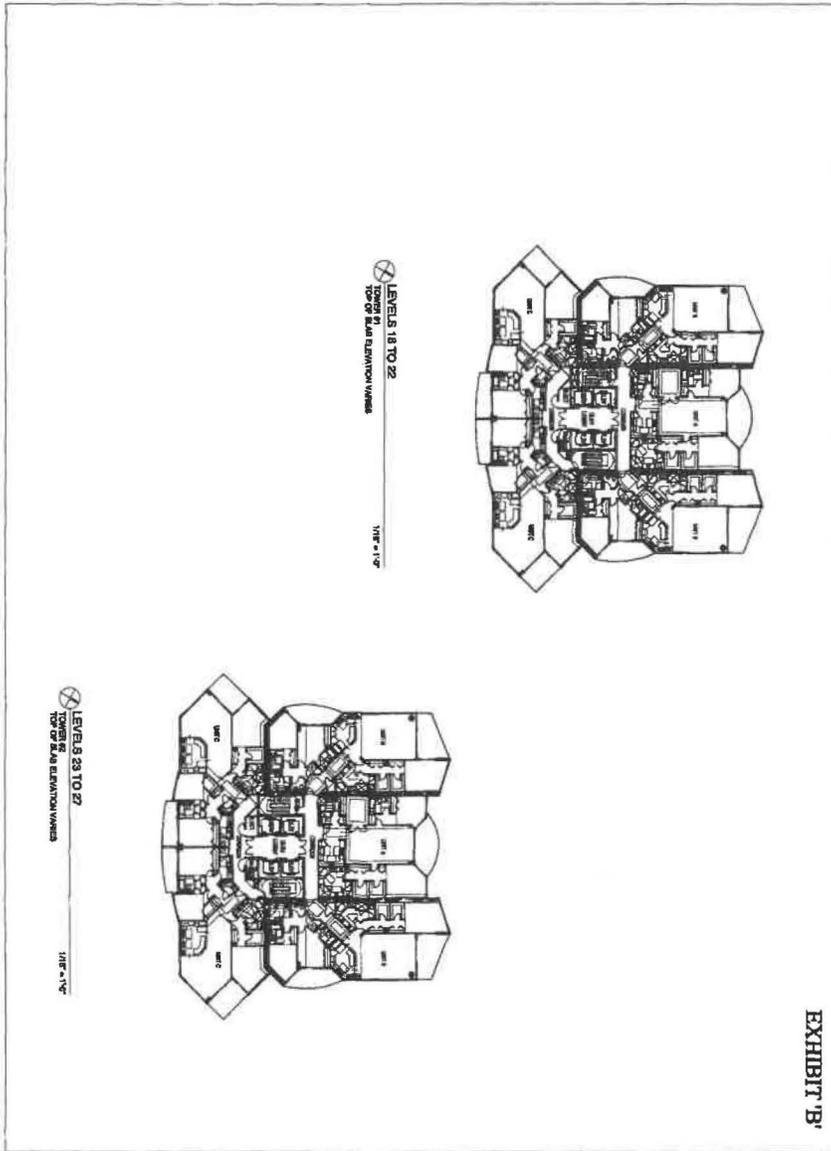


EXHIBIT 'B'

<p>A-3.08</p>		<p>ARCHITECTURE AND INTERIOR DESIGN</p> <p>KEVIN KANE</p>		<p>ONE WEST O.P.A. FIRST FLOOR CONCOURSE 2775 WEST 187 STREET FT. MYERS, FL. 33922</p>		<p>DATE</p>	<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	REVISION						
				NO.	REVISION										
<p>LEVELS 18 TO 22 & 23-27 TOWER #1 AND #2</p>															

ORDINANCE NO. 3533

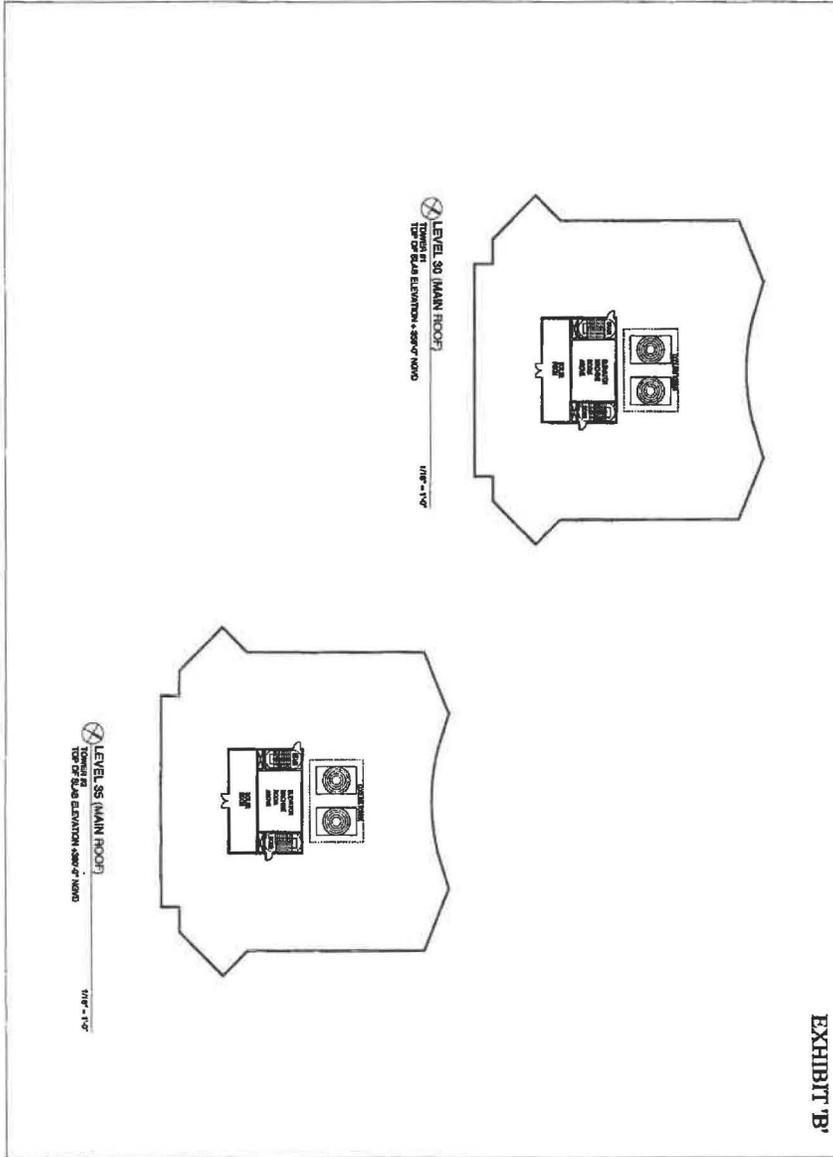


EXHIBIT 'B'

<p>A-3.10</p>		<p>ONE WEST (P.L.A. FIRM) 10000 CONCORDWAY 2100 N.W. 10TH STREET FT. MYERS, FL. 33905</p>	<p>DATE</p>	<p>NO. 1</p>
				<p>NO. 2</p>
<p>ARCHITECTURE AND INTERIOR DESIGN</p>		<p>ONE WEST</p>		<p>NO. 3</p>
<p>NOE KAMP</p>		<p>NOE KAMP</p>		<p>NO. 4</p>
<p><i>[Signature]</i></p>		<p><i>[Signature]</i></p>		<p>NO. 5</p>
<p>MAIN ROOF LEVEL TOWER #1 AND #2</p>		<p>MAIN ROOF LEVEL TOWER #1 AND #2</p>		<p>NO. 6</p>
<p>NOE KAMP</p>		<p>NOE KAMP</p>		<p>NO. 7</p>
<p>NOE KAMP</p>		<p>NOE KAMP</p>		<p>NO. 8</p>
<p>NOE KAMP</p>		<p>NOE KAMP</p>		<p>NO. 9</p>
<p>NOE KAMP</p>		<p>NOE KAMP</p>		<p>NO. 10</p>

ORDINANCE NO. 3533

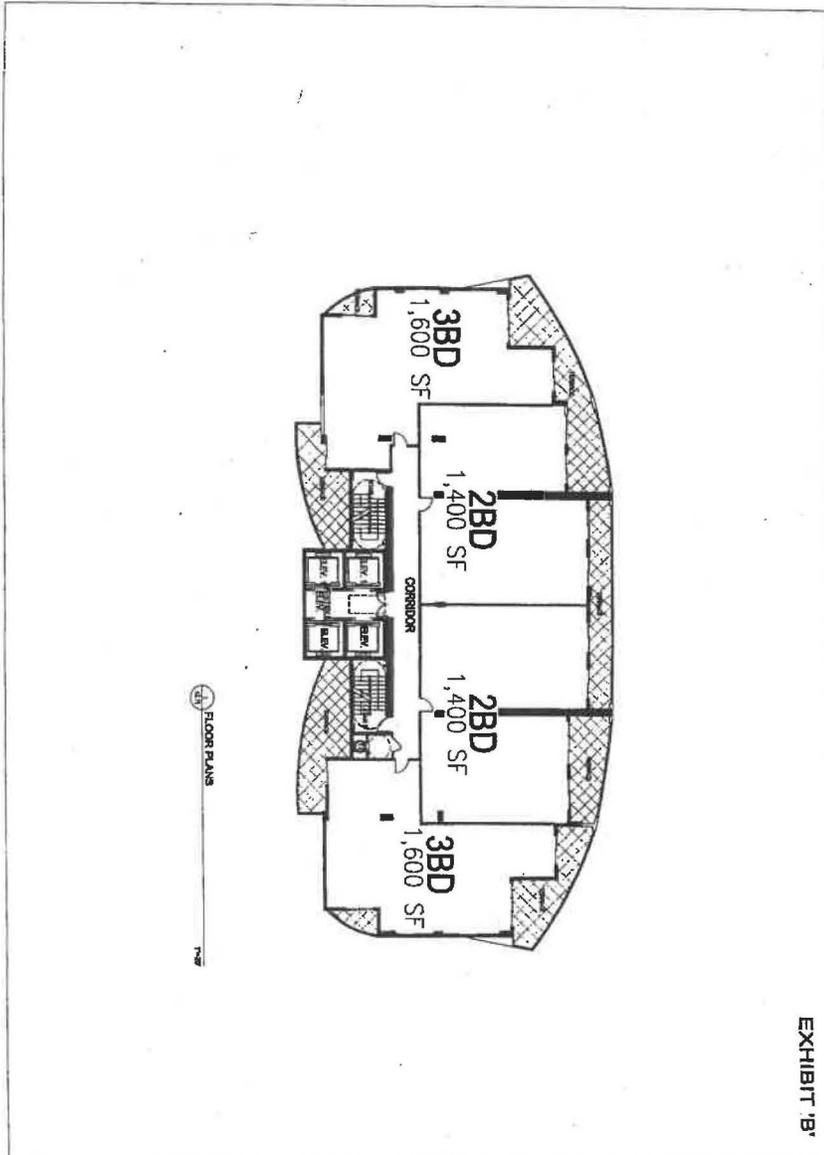
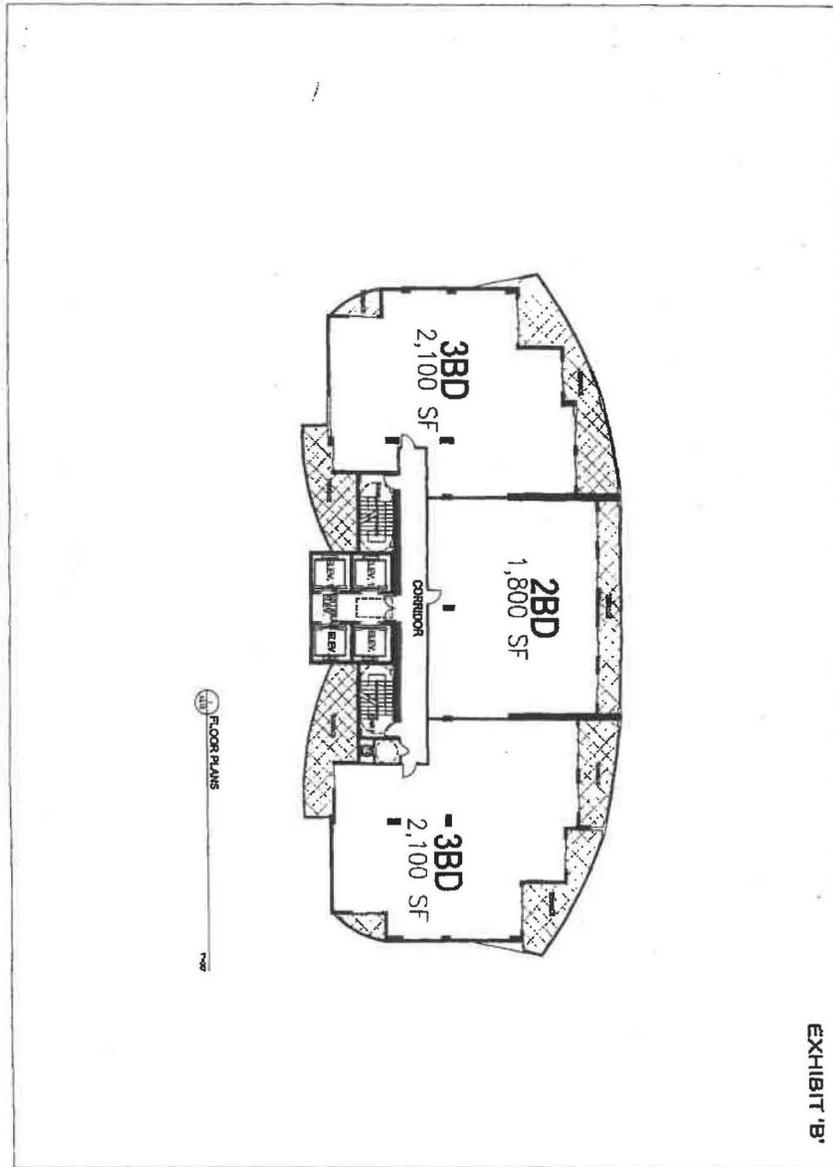


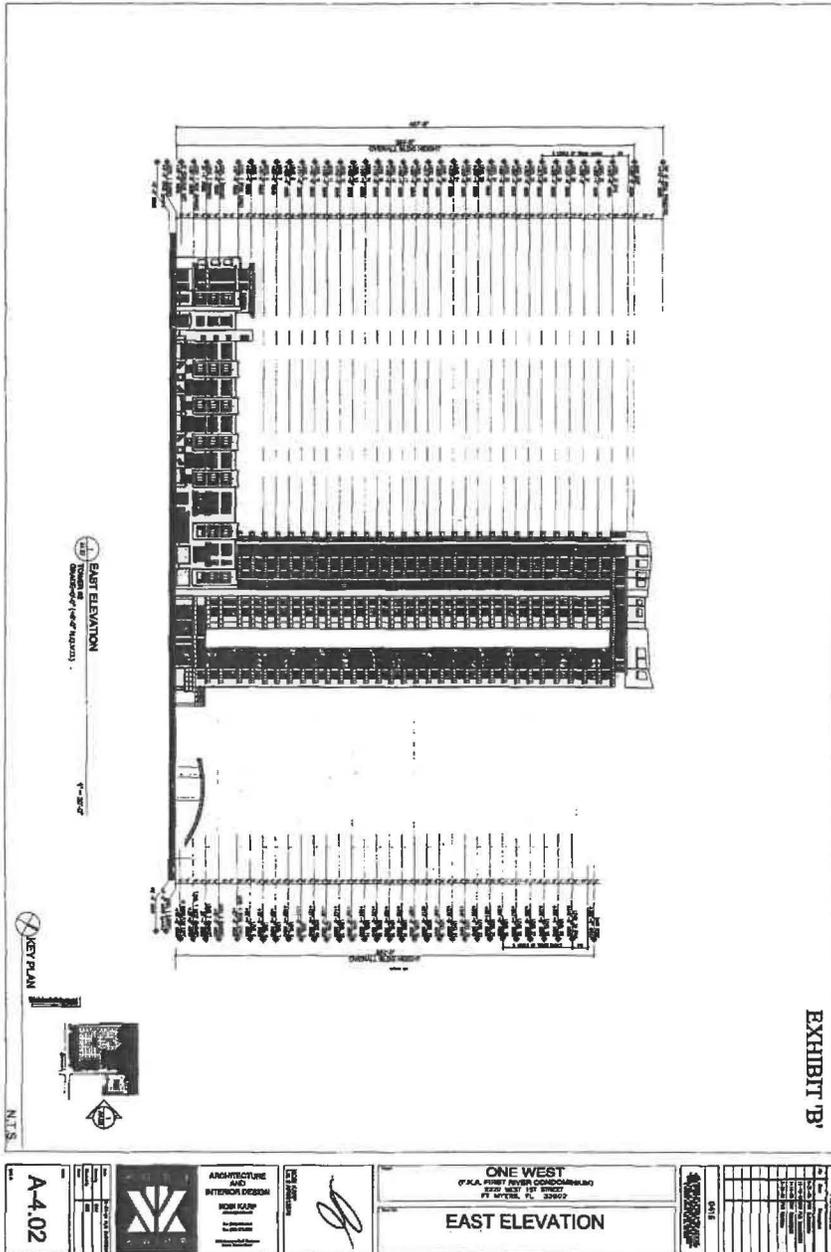
EXHIBIT 'B'

<p>ARCHITECTURE & INTERIOR DESIGN HOWE GROUP 1000 WEST 1ST STREET FT. WORTH, TX 76102</p>	<p>OWNER Ft. Worth Development, LLC</p>	<p>DATE 08/15/11</p>	<p>SCALE AS SHOWN</p>
		<p>PROJECT ONE WEST (F.K.A. WEST RIVER CONDOMINIUM) 2220 WEST 1ST STREET FT. WORTH, TX 76102</p>	<p>PHASE III</p>

A-3.11



ORDINANCE NO. 3533



ORDINANCE NO. 3533

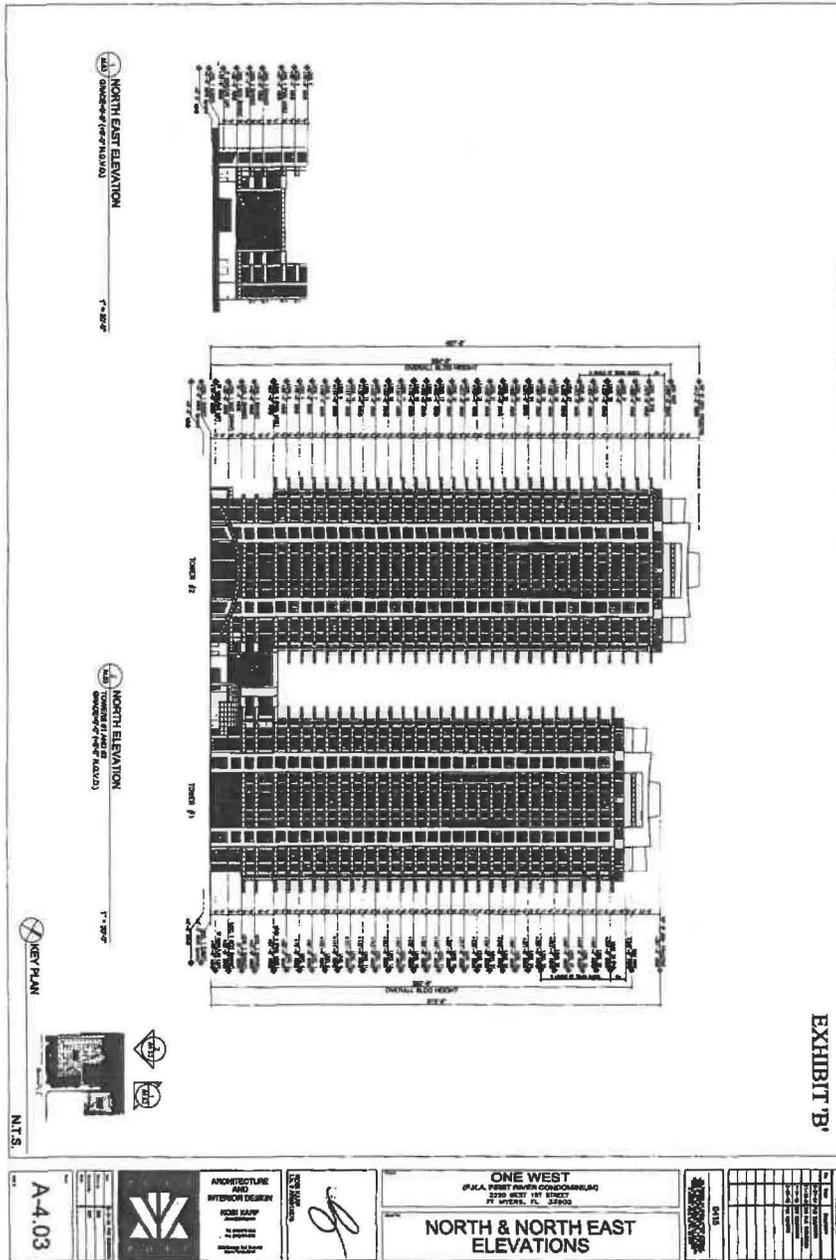
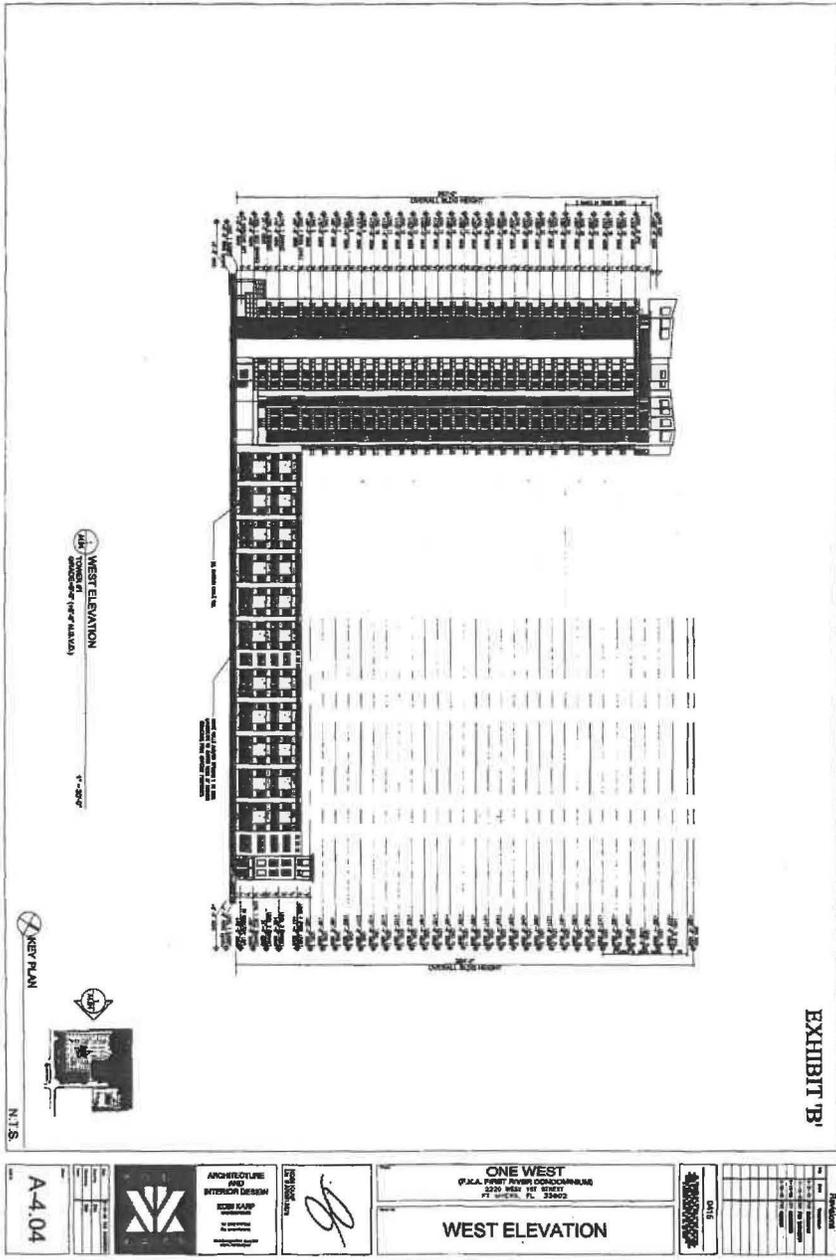


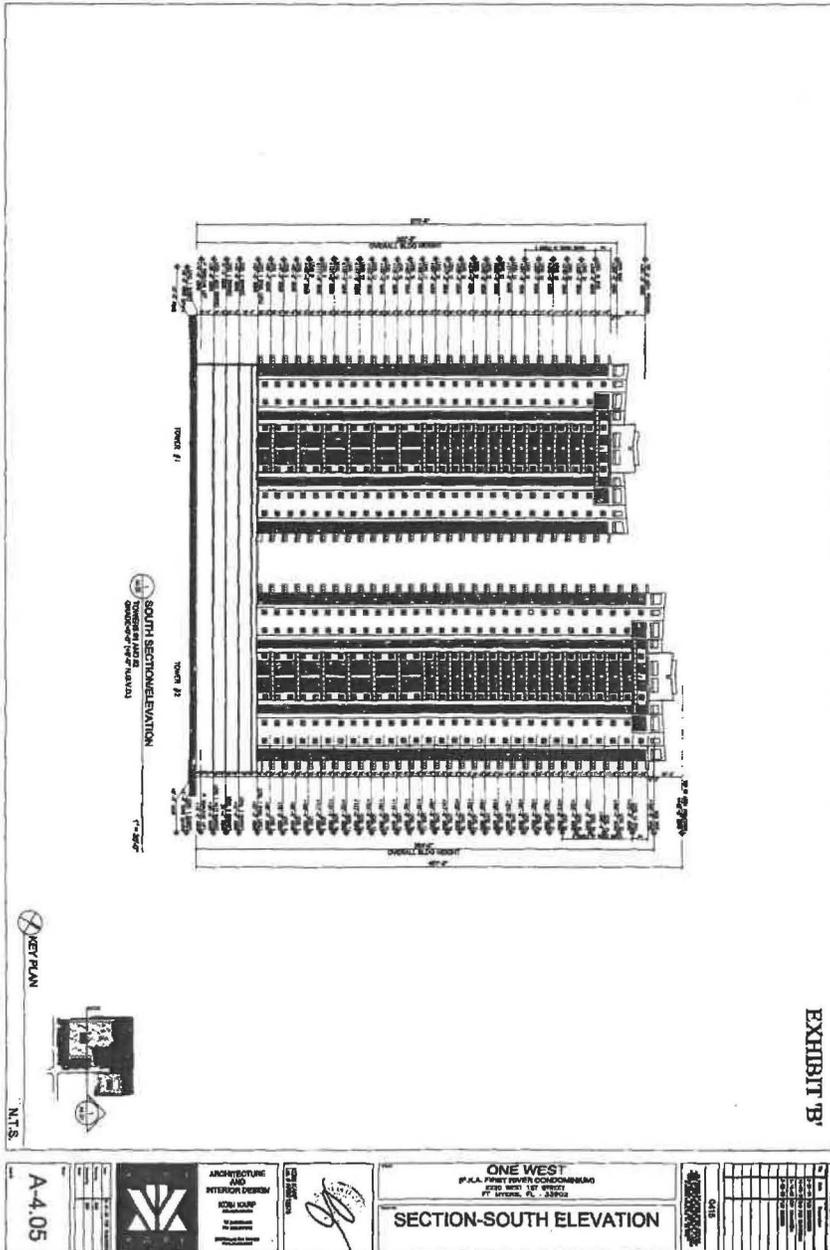
EXHIBIT 'B'

<p>A-4.03</p>		<p>ARCHITECTURE AND INTERIOR DESIGN</p> <p>JOHN BARRY</p>		<p>ONE WEST 6700 WEST RIVER COUNTRYSIDE 2500 WEST 187 STREET FT. MYERS, FL. 33909</p>		<p>DATE</p>	<p>SCALE</p>	<p>REVISIONS</p>
				<p>NORTH & NORTH EAST ELEVATIONS</p>				

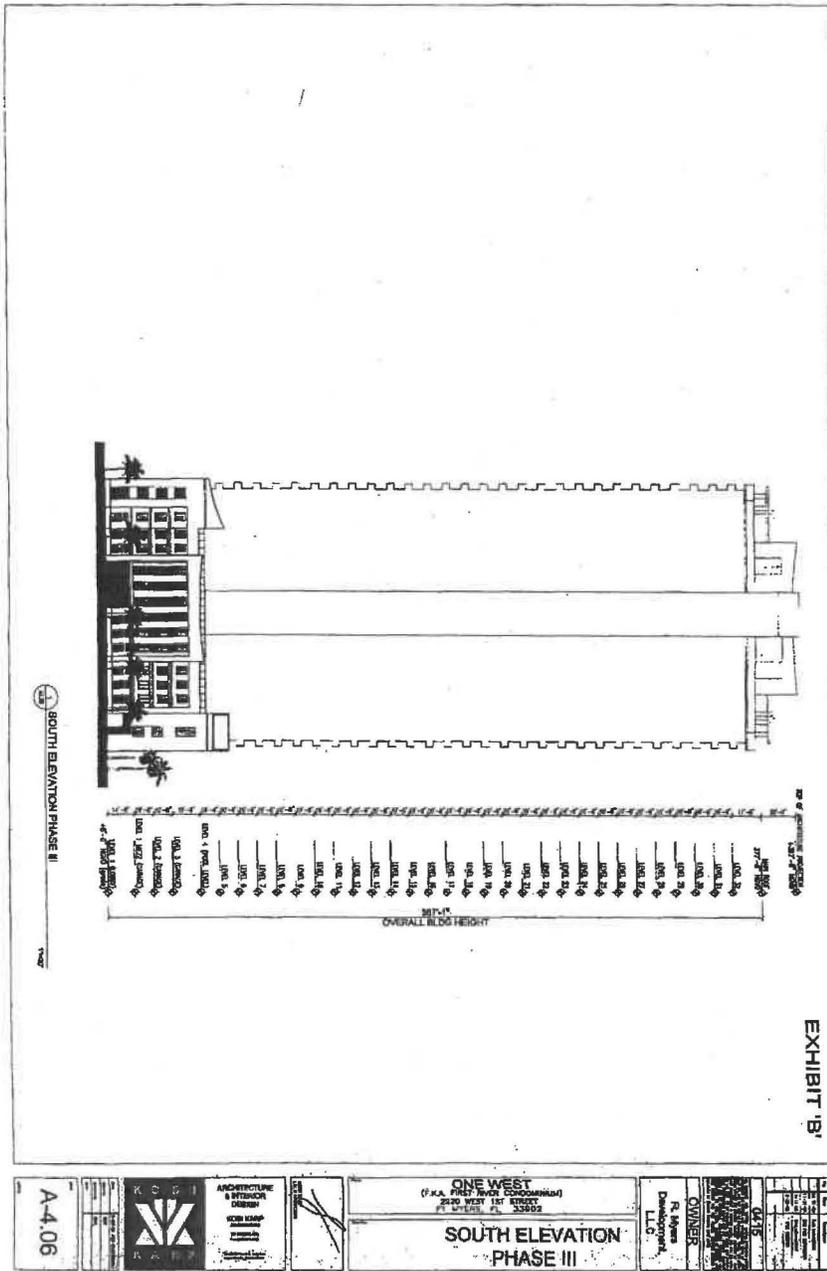
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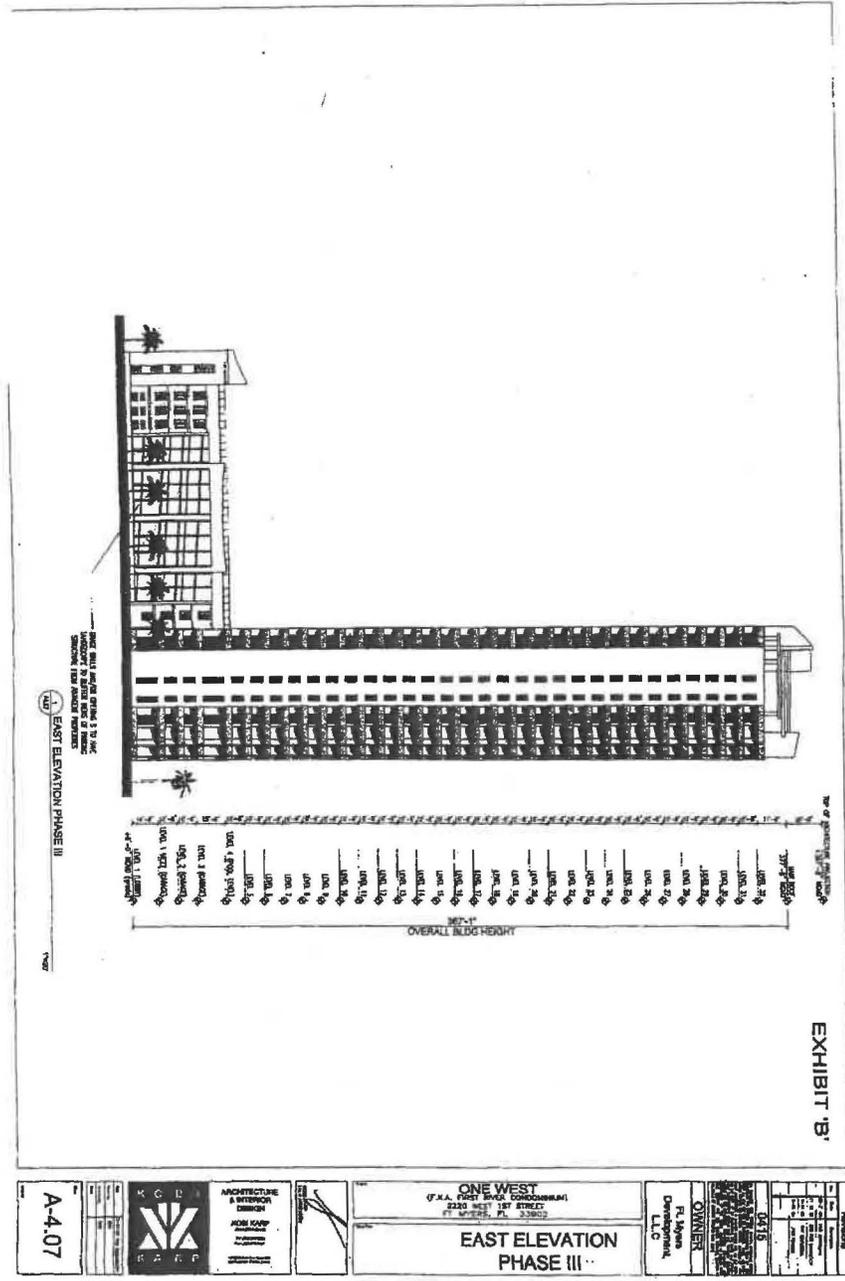
ORDINANCE NO. 3533



ORDINANCE NO. 3533



ORDINANCE NO. 3533



ORDINANCE NO. 3533

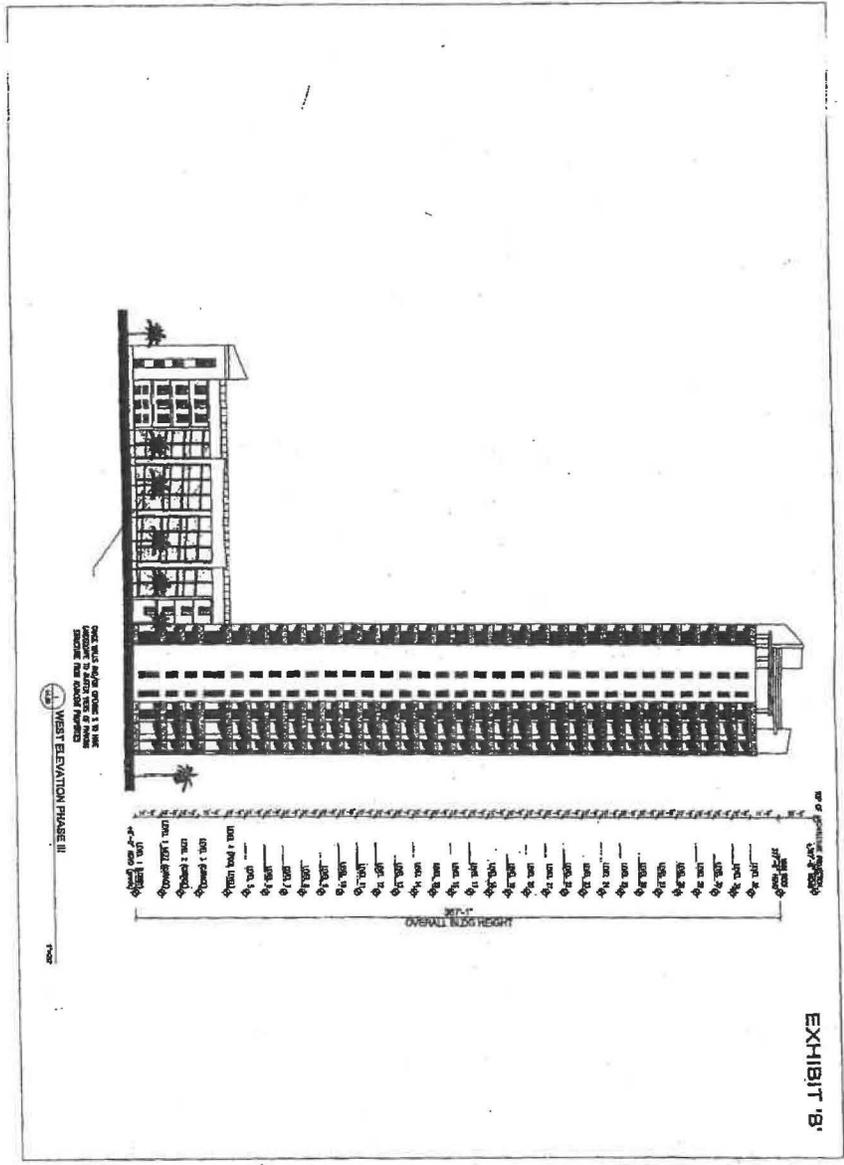
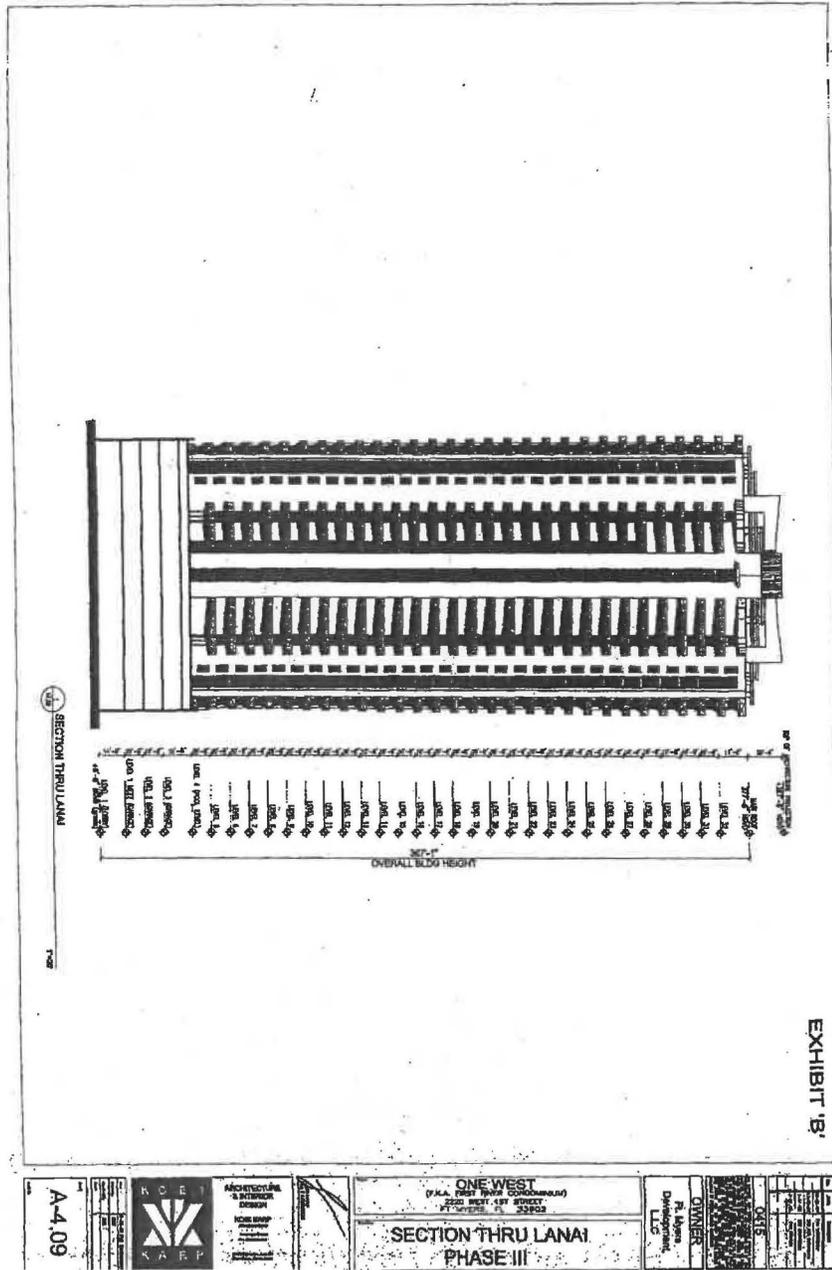


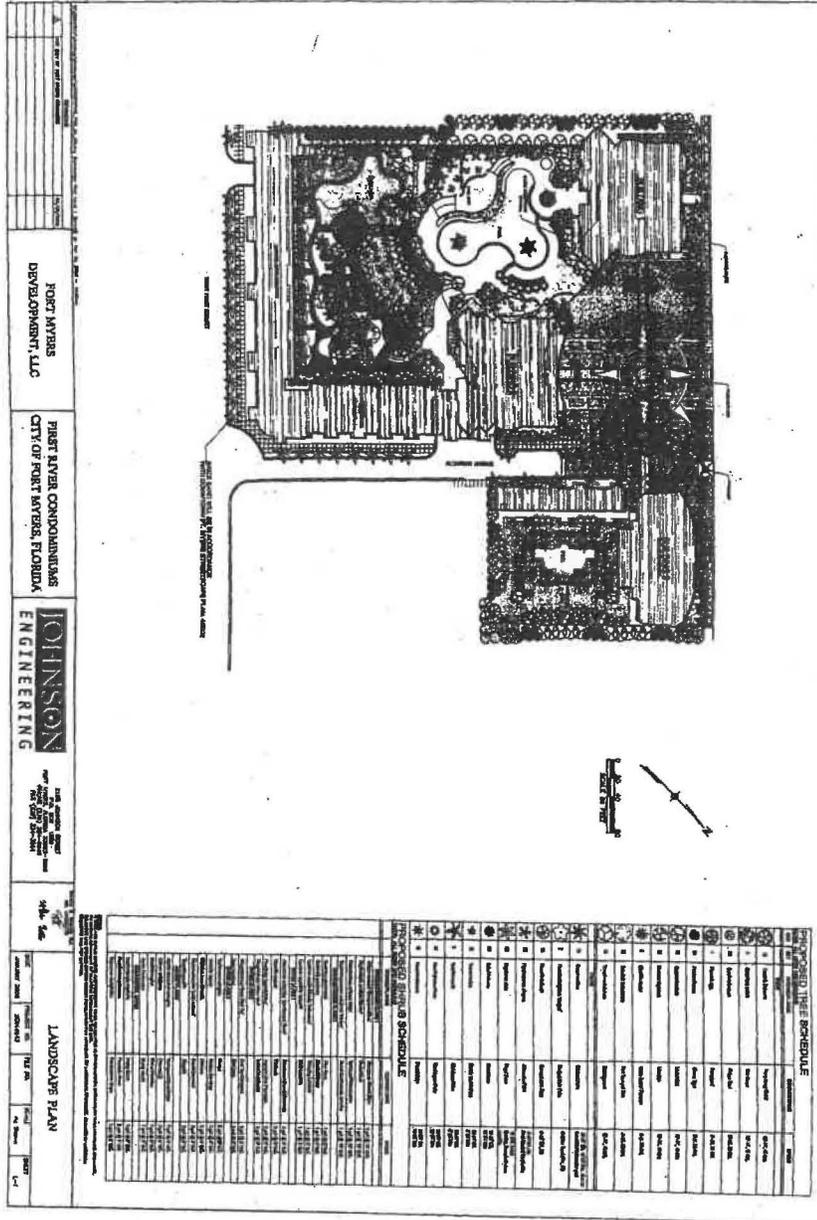
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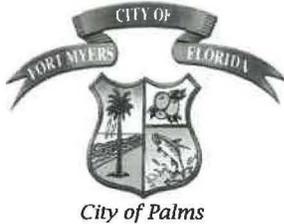
A-4-08		ARCHITECTURE & INTERIOR DESIGN 1000 RAMP SUITE 100 WEST WASHINGTON, MO 64088		ONE WEST (P.A. PROJECT WITH DEVELOPER) 2200 WEST 1ST STREET FT. WORTH, TX 76102	OWNER: Ft. Worth Development, LLC	DATE: 05/18	SCALE: AS SHOWN
				WEST ELEVATION PHASE III			

ORDINANCE NO. 3533



ORDINANCE NO. 3533





City of Fort Myers
Planning Division
1825 Hendry Street, Suite 101
Fort Myers, FL 33901
Phone: 239-321-7975

PLANNING BOARD NOTICE OF PUBLIC HEARING ON FEBRUARY 5, 2020

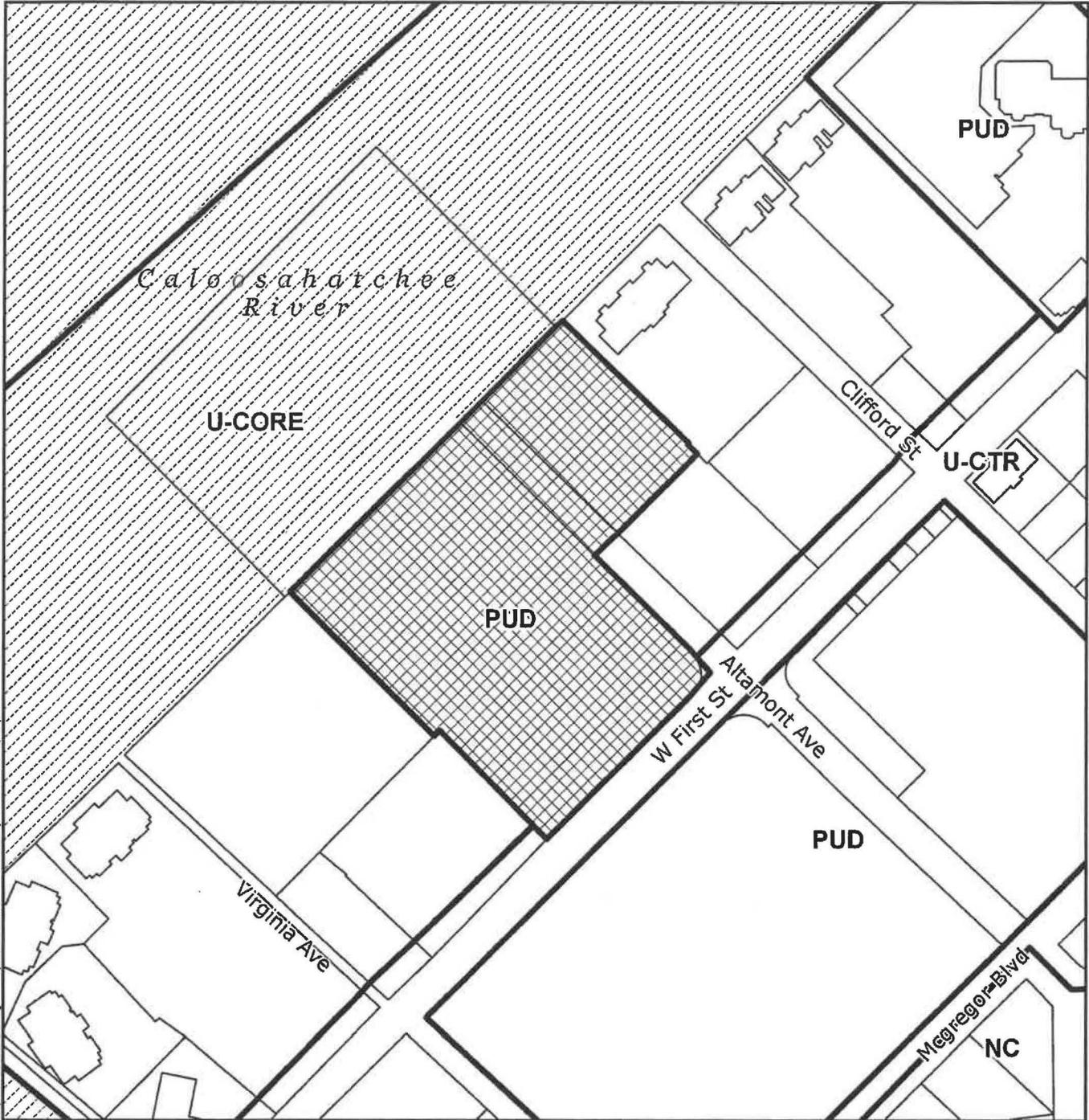
The current tax roll of Lee County indicates you own property within 300 feet of property located 2200 West First Street and 1901 Altamonte Avenue, Fort Myers, FL. You are therefore being notified, pursuant to Fort Myers City policy of a Public Hearing to Rescind Ordinance 3533 for the Planned Unit Development (PUD) for One West and reverting to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning districts. A location map of the property is on the back of this letter.

The Planning Board Public Hearing will be held **Wednesday, February 5, 2020, at 1:00 p.m. in City Council Chambers, City Hall, 2200 Second Street, Fort Myers, Florida.** The agenda will be posted on the City's website, www.cityftmyers.com. The Planning Board will make a recommendation to approve or deny the application and then the application will be forwarded to the City Council for a second Public Hearing to be held in the next 3 months. You are invited to attend and speak at both Public Hearings and state your opinion for or against the case. Copies of the application may be viewed in the Planning Division of the City prior to the meeting, during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday-Friday.

Comments may be made at the hearing or filed in writing prior to the hearing. Anyone who may be interested in appealing the recommendation of the Planning Board must ensure that a verbatim record of the proceeding is made. Written comments may be sent to Tony Palermo, AICP, City of Fort Myers, Planning Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901; or emailed to apalermo@cityftmyers.com For more information, please call Tony Palermo at 239-321-7926.

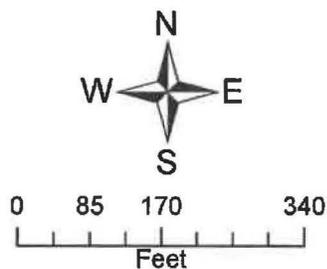
Special Requirements: If you require special aid or services as addressed in the *Americans With Disabilities Act*, please contact Judy Barnes, Community Development, 239-321-7901, no less than two days prior to the above scheduled public hearing date to request assistance.

City of Fort Myers
Rescind Ordinance 3533 -- PUD One West
Zoning Map: Current Zoning Designations
Parcel: 10171932 & 10171931



Map Source: R:\Planning\Development Services\GreenSheetMaps\GreenSheetMaps.aprx

-  Zoning District
-  Item Location
-  Parcel Lines



Date: 1/10/2020

Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions. Source: City of Fort Myers - GIS

234424P2000060010
2180 WEST FIRST STREET LLC
1500 COLONIAL BLVD #200
FORT MYERS, FL 33907

234424P2000060000
WEST FIRST PROPERTIES GRP LLC
5621 STRAND BLVD STE 211C
NAPLES, FL 34110

234424P2000010000
LOTT C FRANKLIN JR TR
2120 W FIRST ST
FORT MYERS, FL 33901

234424P2000060020
ESH FORT MYERS LLC
495 SOUTH HIGH ST STE 150
COLUMBUS, OH 43215

234424P2025000502
MCBRIDE SUSAN E
1925 CLIFFORD ST # 502
FORT MYERS, FL 33901

234424P2025000401
NIMCHUK JAMES T
2707 94TH AVE N
BROOKLYN PARK, MN 55444

234424P2025001002
CLARK NANCY
1925 CLIFFORD ST #1002
FORT MYERS, FL 33901

234424P2025000703
GREENBLATT ERIC H + PATRICIA A
1925 CLIFFORD ST # 703
FORT MYERS, FL 33901

234424P2001004010
KU JENTUNG + SHU-MEI C
14208 BRADSHAW DR
SILVER SPRING, MD 20905

234424P2001007070
SUNSHINE ANGELS LLC
15 EAST KIRBY STE B3
DETROIT, MI 48202

234424P2001003050
AMMONS JOHN P II
1900 CLIFFORD ST #305
FORT MYERS, FL 33901

234424P2001002030
BRACERO JOSEPH L & BRACERO MILDRED S
1900 CLIFFORD ST # 203
FORT MYERS, FL 33901

234424P2025000503
CHICONE RICHARD S
2312A CREST VIEW DR
HUDSON, WI 54016

234424P2001007030
SMITH CORISSA L
2885 NORTH RECORDS AV APT P101
MERIDIAN, ID 83642

234424P2001002050
SARLO ANTHONY F
1900 CLIFFORD ST #205
FORT MYERS, FL 33901

234424P2001002040
BELLAGAMBA MARC + EILBACHER DIANE H/W
1900 CLIFFORD ST # 204
FORT MYERS, FL 33901

234424P2001004040
CHEN SHENG-PO
1900 CLIFFORD ST APT 404
FORT MYERS, FL 33901

234424P2001005070
MILLER ROBIN K TR FOR ROBIN K MILLER TRUST
1900 CLIFFORD ST #507
FORT MYERS, FL 33901

234424P2025000903
LUTZ LINDA J TR FOR LINDA J LUTZ TRUST
1925 CLIFFORD ST #903
FORT MYERS, FL 33901

234424P2025001403
DOYLE PATRICIA ANN
1925 CLIFFORD ST # 1403
FORT MYERS, FL 33901

234424P2025000403
LORE EMIL L/E
1925 CLIFFORD ST # 403
FORT MYERS, FL 33901

234424P2025001001
RIZZARDI JOANNE E L/E
1925 CLIFFORD ST # 1001
FORT MYERS, FL 33901

234424P2025001003
CONER LINVILLE D + BETTY SUE
2813 W DIVISION RD
FRANKLIN, IN 46131

234424P2025000301
HINKLEY ROBERT & ANTOINETTE TR FOR ROBERT E JR
+ ANTOINETTE P HINKLEY TRUST
1925 CLIFFORD ST #301
FORT MYERS, FL 33901

234424P2025001101
SILVER MARY JO
1925 CLIFFORD ST # 1101
FORT MYERS, FL 33901

234424P2025001201
LAMBERT PAMELA C TR FOR PAMELA C LAMBERT
LIVING TRUST
1925 CLIFFORD ST # 1201
FORT MYERS, FL 33901

234424P2025000802
RASI KENNETH & ISABELLA
1925 CLIFFORD ST #802
FORT MYERS, FL 33901

234424P2025000901
SIMPSON KATHERINE B TR FOR KATHERINE B
SIMPSON TRUST
1925 CLIFFORD ST # 901
FORT MYERS, FL 33901

234424P2025001202
SCHMIDT JEROME T
1925 CLIFFORD ST #1202
FORT MYERS, FL 33901

234424P2001003060
TURNER MARY G + TURNER STEVEN B
1900 CLIFFORD ST #306
FORT MYERS, FL 33901

234424P200100701A
CARTER WILLIAM J
4922 HIGHWAY 64
COPPERHILL, TN 37317

234424P2025000103
PERKINS FREDERICK S + STEVENS JACQUELINE ANN
1925 CLIFFORD ST STE 103
FORT MYERS, FL 33901

234424P2025000902
MONHEIT CARL H + MONHEIT MARILYN S J/T
277 PROSPECT AV # 12G
HACKENSACK, NJ 07601

234424P2025000702
LYNCH RICHARD M TR FOR RICHARD M LYNCH TRUST
1925 CLIFFORD ST #702
FORT MYERS, FL 33901

234424P2025000202
FRITZ JEROME J
1925 CLIFFORD ST #202
FORT MYERS, FL 33901

234424P2025001301
STEVEN J + CATHERINE R JEFFERJ JEFFERIS JULIE P
1925 CLIFFORD ST #1301
FORT MYERS, FL 33901

234424P2001005040
AD-LIT INC
211 PIONEER DR
WISCONSIN DELLS, WI 53965

234424P2025000501
JACOBS BEVERLY
1836 HIDDEN RIDGE DR
PERRYSBURG, OH 43551

234424P2001007040
BOLINGER JAMES L + BOLINGER DEBORAH M
1900 CLIFFORD ST #704
FORT MYERS, FL 33901

234424P2001004030
MACDONALD ROBERT RAY & MACDONALD LYLETTE
LEE
1900 CLIFFORD ST # 403
FORT MYERS, FL 33901

234424P2001005030
VELIZ SERGIO & ISABEL
526 PACIFIC AVE APT 1005
ATLANTIC CITY, NJ 08401

234424P2001004020
FCR SOLUTIONS INC
1684 MCGREGOR RESERVE DR
FORT MYERS, FL 33901

234424P2001001060
BEITMAN RICHARD N & JERI
16143 MALBEC ST
FISHERS, IN 46037

234424P2001007050
JONES RICHARD B & DIANE M
12098 SNIDER RD
CINCINNATI, OH 45249

234424P2025001401
FULLER DAVID E + SUZANNE T
1925 CLIFFORD ST APT 1401
FORT MYERS, FL 33901

234424P2025000201
MAR TED & MARY JEAN TR FOR TED AND MARY JEAN
MAR REVOCABLE TRUST
1925 CLIFFORD ST #201
FORT MYERS, FL 33901

234424P2025000302
DUFF CYNTHIA A
6696 OVERLOOK DR
FORT MYERS, FL 33919

234424P2025000601
PARKER ROBERT T
1925 CLIFFORD ST # 601
FORT MYERS, FL 33901

234424P2025000402
SIGLIN STEPHEN N + BELINDA M
1071 CHAMBERLIN DR
IOWA CITY, IA 52240

234424P2025001102
MYERS DANIELLE
1925 CLIFFORD ST # 1102
FORT MYERS, FL 33901

234424P2025000303
ANGRISANO DOMINICK TR FOR DOMINICK M
ANGRISANO REV TRUST
1925 CLIFFORD ST APT 303
FORT MYERS, FL 33901

234424P2025000801
FERRELL VERNON P + RUTH J
1925 CLIFFORD ST # 801
FORT MYERS, FL 33901

234424P2025000203
FOCO MURIEL K
1925 CLIFFORD ST # 203
FORT MYERS, FL 33901

234424P2025000803
ALEXIOU GREGORY M & JANET P
1925 CLIFFORD ST #803
FORT MYERS, FL 33901

234424P2025000701
REEVES DONALD L JR + LOUISE J
1925 CLIFFORD ST # 701
FORT MYERS, FL 33901

234424P2025000602
HUNT JAMES H
1925 CLIFFORD ST #602
FORT MYERS, FL 33901

234424P2025001302
GAILLEY GERALD L + PRISCILLA
2314 SAGRAMORE PL
CAPE CORAL, FL 33914

234424P2025001303
NELSON JEFFREY R
3403 ISLAND WAY
INDIANAPOLIS, IN 46214

234424P2025000603
SICKO DAVID A
66 CANADA DEL RANCHO
SANTA FE, NM 87508

234424P2025001203
LEWIS FAMILY TRUST
1925 CLIFFORD ST #1203
FORT MYERS, FL 33901

234424P2025001103
DAHL JOHN + ANN S
1925 CLIFFORD ST # 1103
FORT MYERS, FL 33901

234424P2025001402
KAYES LYNDA + PERRY DAVID H/W
1925 CLIFFORD ST UNIT 1402
FORT MYERS, FL 33901

234424P2025000101
STEPHENS DOLORES F TR FOR DOLORES F STEPHENS
TRUST
1925 CLIFFORD ST APT 101
FORT MYERS, FL 33901

234424P2001007010
DEHN THOMAS A
1900 CLIFFORD ST # 701
FORT MYERS, FL 33901

234424P2001005010
ANDREWS ANTHONY + PATRICE
102 WINDWARD CT
STEVENSVILLE, MD 21666

234424P2001004070
CALLAHAN Nanci TR + FOR NINA CALLAHAN
GUILLORY TRUST 99% YAMBROVICH VINCE 1% T/C
136 WEST 70TH ST # 1
NEW YORK, NY 10023

234424P2001004060
DONORFIO MICHAEL & KATHLEEN
1900 CLIFFORD ST #406
FORT MYERS, FL 33901

234424P2001006050
KELLY VINCENT B SR TR FOR VINCENT B KELLY SR
TRUST
1900 CLIFFORD ST # 605
FORT MYERS, FL 33901

234424P2001001030
BIRO ANDREW
806 12031 CHAMPIONS GREEN WAY
FORT MYERS, FL 33913

234424P2001003070
ARCHER PATRICIA
1900 CLIFFORD ST # 307
FORT MYERS, FL 33901

234424P2001001010
BLACKETER SUSAN S
1900 CLIFFORD ST #101
FORT MYERS, FL 33901

234424P2001003040
CHEN SHENG PO
1900 CLIFFORD ST # 304
FORT MYERS, FL 33901

234424P2001006020
CHAVEZ ERIC A + PACHECO BENNIE D J/T
11470 SW LYNNVALE DR
PORTLAND, OR 97225

234424P2001003030
WALL JAMES I
1900 CLIFFORD ST #303
FORT MYERS, FL 33901

234424P200100601A
LAKE JOHN M & HALEEMAH N
1900 CLIFFORD ST #601A
FORT MYERS, FL 33901

234424P2001004050
CASTILLO CARMEN
1900 CLIFFORD ST #405
FORT MYERS, FL 33901

234424P2001001070
DOYLE CHRISTOPHER C + TRACEY A
15 RICHARDSON RD
MILFORD, NH 03055

234424P2001001040
FAR AWAY VENTURES LP
300 E NORTH SHORE DR
NORTH FORT MYERS, FL 33917

234424P2001002060
HUNTLEY RICHARD + FAMIANO KATHLEEN
1900 CLIFFORD ST #206
FORT MYERS, FL 33901

234424P2001002010
HUNGRY CATFISH FARMS LLC
300 EAST NORTH SHORE DR
N FORT MYERS, FL 33917

234424P2001006040
BATTERSBY DONNA
1900 CLIFFORD ST #604
FORT MYERS, FL 33901

234424P2001005050
ROSENBERG DEBORAH M
1900 CLIFFORD ST #505
FORT MYERS, FL 33901

234424P2001006060
CRAWFORD PATRICIA KAYE
1900 CLIFFORD ST #606
FORT MYERS, FL 33901

234424P2001007020
LEHMAN LORA
1900 CLIFFORD ST # 702
FORT MYERS, FL 33901

234424P2001006010
RAEL GLORIA TR FOR GLORIA RAE REVOCABLE TRUST
1900 CLIFFORD ST # 601
FORT MYERS, FL 33901

234424P2001002020
KENDALL JENNIFER
PO BOX 552
NEW BOSTON, NH 03070

234424P2001002070
CARR DIANE L
1900 CLIFFORD ST #207
FORT MYERS, FL 33901

234424P2001005060
BAKER ROBERT J
1900 CLIFFORD ST #506
FORT MYERS, FL 33901

234424P2001003010
MOFFATT JOHN
1900 CLIFFORD ST #301
FORT MYERS, FL 33901

234424P2001006030
WAIDELICH DONALD + BARBARA
12347 N KINGS DR
SYRACUSE, IN 46567

234424P2001003020
JORDAN KENNETH + WILLINGHAM JUDITH A H/W
1900 CLIFFORD ST #302
FORT MYERS, FL 33901

234424P2001005020
LAZARUS BARRY
1900 CLIFFORD ST #502
FORT MYERS, FL 33901

234424P2001006070
GRAETZ KENNETH R + FAY E
1900 CLIFFORD ST #607
FORT MYERS, FL 33901

234424P2001007060
LUKE RICHARD J
1900 CLIFFORD ST #706
FORT MYERS, FL 33901

234424P20250000CE
SUNSET ROYALE ASSN
1925 CLIFFORD ST
FORT MYERS, FL 33901

234424P20010000CE
RIVERSIDE CLUB INC
1900 CLIFFORD ST
FORT MYERS, FL 33901

234424P20250000CE
SUNSET ROYALE ASSN
1925 CLIFFORD ST
FORT MYERS, FL 33901

234424P20010000CE
RIVERSIDE CLUB INC
1900 CLIFFORD ST
FORT MYERS, FL 33901

234424P2000050010
REAL SUB LLC
PO BOX 407
LAKELAND, FL 33802

234424P2031000040
CONNELLY CELESTINE M TR FOR TENA M CONNELLY
TRUST
1920 VIRGINIA AVE APT 1301
FORT MYERS, FL 33901

234424P2000070020
FORT MYERS PRESBYTERIAN COMMUN
1050 BURLINGTON AVE N
SAINT PETERSBURG, FL 33705

234424P20310800CE
TOWNHOMES AT FIRST STREET VILLAGE
HOMEOWNERS ASSN INC
PO BOX 1848
FORT MYERS, FL 33902

234424P2000070000
ESH FORT MYERS LLC
495 SOUTH HIGH ST STE 150
COLUMBUS, OH 43215

234424P2000070010
2240-86 WEST FIRST LLC
900 SW PINE ISLAND RD STE 202
CAPE CORAL, FL 33991

234424P200007001A
2240-86 WEST FIRST LLC
900 SW PINE ISLAND RD STE 202
CAPE CORAL, FL 33991

234424P2000050000
CITY WALK FORT MYERS LLC
936 S HOWARD AVE STE 202
TAMPA, FL 33606

234424P2000050020
REAL SUB LLC
PO BOX 407
LAKELAND, FL 33802

AFFIDAVIT OF POSTING NOTICE

CITY OF FORT MYERS PLANNING BOARD PUBLIC HEARING

Hearing Date/Time: Wednesday, FEBRUARY 5, 2020 @ 1 pm

City File Name/Number: RESCIND ORD. 3533 ONE WEST PUD

Date/Time of Posting: 10 AM JAN 23, 2020

STATE OF FLORIDA
COUNTY OF LEE

TONY PALERMO AICP

Before me this day personally appeared _____,
who being first duly sworn, deposes and says that he/she has properly posted a notice of
public hearing (sign), as provided by the City of Fort Myers Community Development
Department, on the subject property at least ten (10) days prior to the above referenced
Planning Board public hearing.



Signature of Applicant or Agent

TONY PALERMO AICP

Name (Typed or Printed)

1825 HENDRY ST FORT MYERS FL.

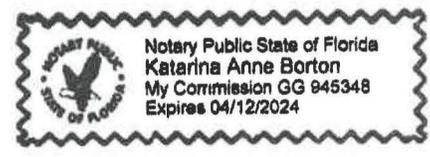
Address (Typed or Printed)

Sworn to and subscribed before me this 23RD JANUARY
day of _____ A.D. 2020

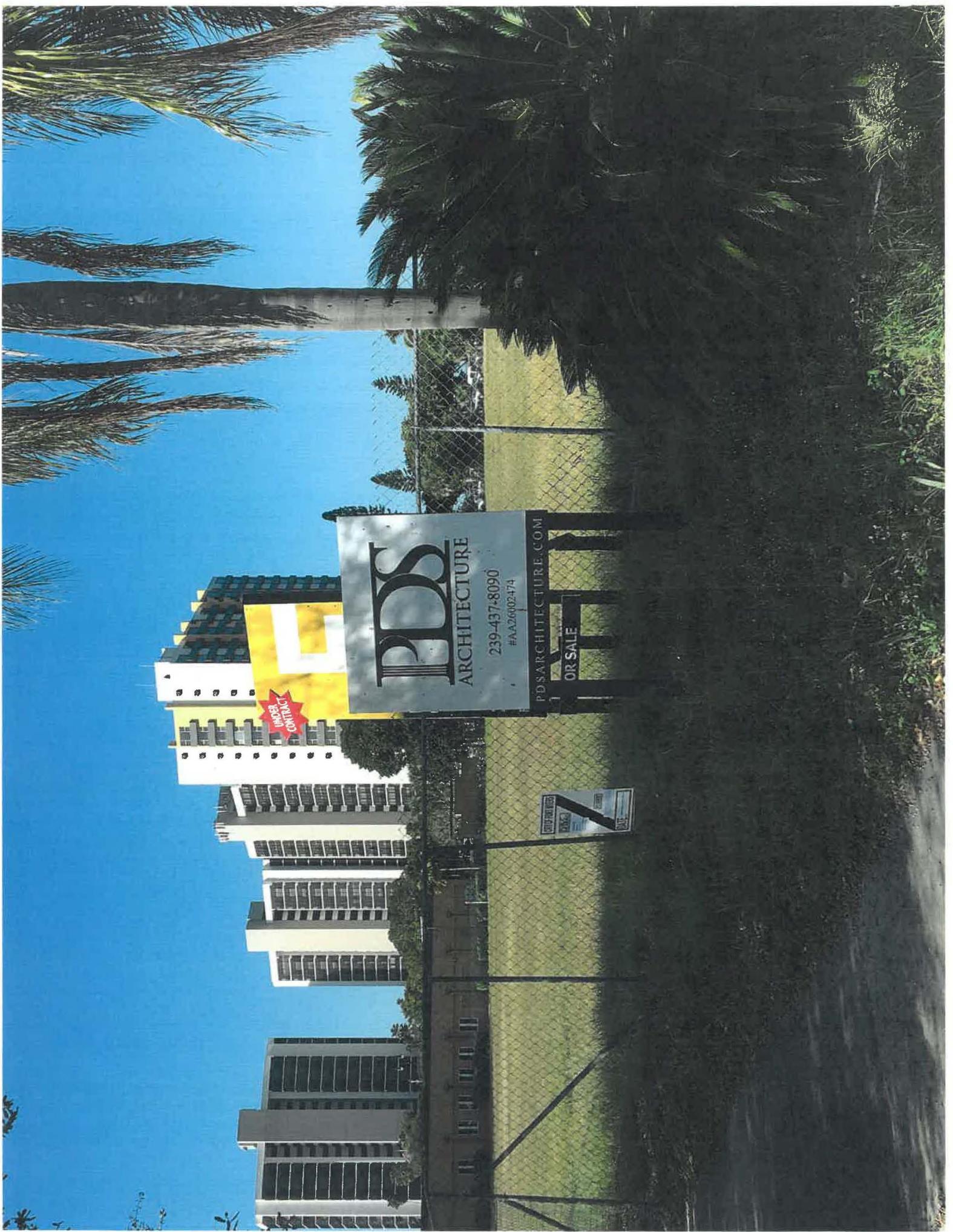


Notary Public

My Commission Expires: 4/12/2024



THIS AFFIDAVIT MUST BE RETURNED TO: CITY OF FT. MYERS, COMMUNITY
DEVELOPMENT DEPARTMENT (attn: Planning Division) BY: JAN 31, 2020



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PDS

ALL FORT MYERS POLICE OFFICERS ARE AUTHORIZED REPRESENTATIVES TO ADVISE ANY PERSON TO LEAVE THESE PREMISES. FAILURE TO VACATE THE PREMISE AFTER BEING INSTRUCTED MAY RESULT IN AN ARREST FOR TRESPASSING AFTER WARNING. FM 000-9853 1755 0000

CITY OF FORT MYERS

PUBLIC HEARING

Planning Board
2200 2nd ST.
INFO: T. Palermo
239-321-7926

REQUEST

Revised Ordinance 8838 for the Planned Unit Development (PUD) for One West and adjoining to the Urban Core (U-CO) and Urban Center (U-CR) zoning districts.

DATE Wednesday 2/5 at 1:00 p.m.