

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20041531

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Consider the recommendation of Special Magistrate, C. Laurence Keesey issued in response to the Request for Relief filed on behalf of Prentiss Pointe, Ltd, Co. with regard to the Prentiss Pointe Residential Planned Development approved by the Board in February 2004.

**WHY ACTION IS NECESSARY:** Florida Statutes, Section 70.51(21) requires the Board of County Commissioners to accept, modify, or reject the recommendation of the Special Magistrate.

**WHAT ACTION ACCOMPLISHES:** Allows the implementation of the Special Magistrate's recommendation as stated or as modified by the Board. In the alternative, if the Board rejects the recommendation, it allows the petitioners to pursue judicial relief.

**2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT**

*9:30*

**3. MEETING DATE:**

*12-14-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC: 9:30 a.m. or as soon thereafter as it may be heard
- WALK ON
- TIME REQUIRED:**  
1 hour

**5. REQUIREMENT/PURPOSE:  
(Specify)**

- STATUTE 70.51
- ORDINANCE
- ADMIN. CODE 2-16
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney, DCD
- C. DIVISION** Land Use
- BY:** *Donna Marie Collins*  
Donna Marie Collins  
Assistant County Attorney and  
Mary Gibbs, Director, DCD

**7. BACKGROUND:**

The history of Prentiss Pointe RPD is as follows:

In 2003, the petitioner sought to rezone 26.25 acres of land on Winkler Road from Commercial Planned Development (CPD) to Residential Planned Development (RPD) in order to accommodate the development of a multi-family residential project with a density of 5.49 dwelling units per acre (Prentiss Pointe RPD). The Lee County Department of Community Development recommended approval of the request with conditions. The Hearing Examiner also recommended approval of the request with

Continued on Page 2

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*12/22/04 4:20*

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
*11/22/04*  
*4:29 PM SGT*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*11-23-04*  
*SDM*

conditions. On February 2, 2004, the Board of County Commissioners approved the request to rezone the property to Residential Planned Development, but, limited the permissible density to 4.0 units per acre or a maximum of 105 units. The Board cited concerns relative to the impacts of higher density development on traffic and hurricane evacuation.

Thereafter, the petitioners sought relief under The Florida Land Use and Environmental Dispute Resolution Act (Section 70.51, F.S.). In accordance with the Act, the County and the petitioners selected a Special Magistrate. The petitioners, their counsel and County staff met with the Special Magistrate in an effort to achieve a settlement proposal. Two property owners in the vicinity of the site also participated in the session with the Special Magistrate

The Special Magistrate facilitated a resolution of the conflict by encouraging the parties to identify under what circumstances staff could support an increase to the density approved by the Board of County Commissioners. The result was the Agreement for Permissible Use that is offered to the Board of County Commissioners for consideration as a permissible means to resolve the conflict. The Agreement for Permissible Use executed by County Staff and the representatives of Prentiss Pointe LTD, Company, is incorporated into the Special Magistrate's recommendation to the Board of County Commissioners.

**The Terms of the Agreement for Permissible Use can be summarized as follows:**

- A. Modifies the RPD Master Concept Plan to allow multi-family residential development at a density of 4.88 units per acre. (.88 increase over the density initially approved by the Board.) This will result in a maximum of 128 dwelling units on the 26.25 acre parcel.
- B. Stages the issuance of building permits into two phases. The purpose of the phasing plan is to address hurricane evacuation concerns by delaying the construction of the second phase until the road improvements to Summerlin Boulevard are complete. The improvements to Summerlin Boulevard and its intersection with Gladiolus are currently scheduled for completion in 2006. Under the proposal, no building permits would be issued for the units within Phase 2 until June 30, 2006.
- C. Requires the developer to construct a 30-foot wide enhanced buffer along Winkler Road and the along the westernmost 60 feet of Granite Court. The enhanced buffer is wider than that required by the code and includes additional plant material to screen views of the buildings from Winkler Road.
- D. Requires the developer to amend the Master Concept Plan to: (1) designate the location of the Model Unit building, (2) reflect the phasing plan, and (3) enhance buffers along Winkler Road and Granite Court. Other modifications to the zoning resolution will also be necessary to effectuate the intent of the agreement.

**Options:**

At this juncture, Florida Statutes Section 70.51 (21) requires the Board to:

1. Accept the Special Magistrate's recommendation by agreeing to implement the Agreement for Permissible Use presented in his report;
2. Modify the recommendation by selecting an alternative; or
3. Reject the Special Magistrate's recommendation. If the Board rejects the recommendation, it would maintain the approved density at 4.0 units per acre.

Failure by the Board to accept, modify, or reject the Special Magistrate's recommendation by December 24, 2004 will be deemed a rejection by operation of law, unless the petitioner agrees to extend the period beyond the statutory 45 days. If the County accepts or modifies the Special Magistrate's recommendation and the petitioners reject the acceptance or modification, or if the County rejects the Special Magistrate's recommendation, the County must issue a written decision within 30 days that describes

as specifically as possible the use or uses available to the subject real property in light of the rejection. The decision that describes the available uses constitutes the last prerequisite to judicial action and the matter will be ripe or final for subsequent judicial proceedings if the petitioner elects to file suit in a court of competent jurisdiction.

Staff Recommendation:

The Department of Community Development recommends that the Board accept the terms in the Agreement for Permissible Use. The proposed staging of the 23 additional dwelling units will allow the developers nearly an additional one unit per acre while avoiding exacerbating the impacts of Summerlin Road prior to the completion of the road improvements. Furthermore, the proposed buffering plan along Winkler Road and Granite Court will shield the visual impacts of the project's density from passing traffic.

As a procedural matter, the County Attorney suggests that the Board allow 10-15 minutes for the petitioners to address the Board; 10-15 minutes for the County staff to address the Board; and limit public comment on the recommendation to 3 minutes or less per person.

Attachments:

1. Recommendation of the Special Magistrate dated November 9, 2004
2. Request for Relief filed by the Petitioners Gary L. Howe and Mark Naumann of Prentiss Pointe LTD Company
3. Response to the Request for Relief prepared by the County Attorney's Office
4. BOCC Zoning Resolution dated February 2, 2004 (Z-03-062 and Z-03-062A)
5. Hearing Examiner Recommendation dated December 19, 2003
6. Staff Report on the Prentiss Pointe RPD dated October 20, 2003
7. Memo from Petitioner's counsel dated November 22, 2004, providing a detailed TIS and Emergency Preparedness Plan for Prentiss Pointe in further support of the proposed Agreement for Permissible Use.

## ATTACHMENT 1

### RECOMMENDATION OF SPECIAL MAGISTRATE

Re: Request for Relief under Florida Statutes,  
Section 70.51 regarding Prentiss Pointe RPD  
Lee County Land Use File: LU-04-04-2357

On April 1, 2004, Gary L. Howe and Mark Naumann, (hereinafter "Owners") represented by Cody B. Vaughan-Birch, Esq., filed their Request for Relief pursuant to Florida Statutes, Section 70.51. Owners requested relief from the effects of Lee County's rezoning of a 26.25-acre parcel known as Prentiss Pointe. The rezoning of Prentiss Pointe was approved in Resolution Number Z-03-062A, adopted on February 2, 2004.

Lee County, represented by Donna Marie Collins, Esq., responded to the Owner's Request for Relief and the parties then agreed to the appointment of the undersigned Special Magistrate pursuant to the Special Magistrate Agreement dated April 27, 2004.

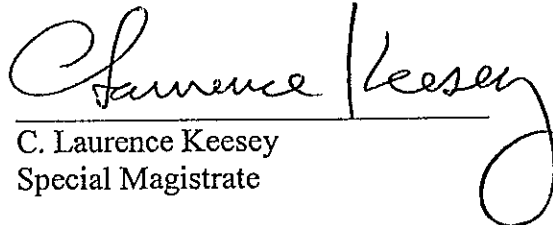
Requests to Participate in the Special Magistrate Proceeding, authorized pursuant to Section 70.51(12), Florida Statutes, were submitted by Thomas J. Pugh and Thomas B. Hart. Both Requests to Participate were granted.

The parties conducted a proceeding before the Special Magistrate on June 3, 2004, during which the parties agreed to general terms and conditions regarding the rezoning of Prentiss Pointe that would serve as the basis for a settlement of this matter. The parties requested additional time to finalize and submit an Agreement of Permissible Use, which was granted.

The Owners and Lee County staff have entered into an Agreement for Permissible Use dated October 28, 2004, which is attached as Exhibit "A" to this Recommendation.

The undersigned recommends that the Lee County Board of County Commissioners consider Exhibit "A", attached hereto, and approve amendments to the Prentiss Pointe RPD rezoning which are consistent with and implement the Agreement of Permissible Use entered into by the parties.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of November 2004.

  
C. Laurence Keesey  
Special Magistrate

Attachment: Exhibit A

FILE COPY

Distribution: Donna Marie Collins, Assistant County Attorney  
Lee County Attorney's Office  
P. O. Box 398  
Fort Myers, FL 33902-0398

Cody B. Vaughan-Birch, Esq.  
Henderson, Franklin Starnes & Holt, P.A.  
P. O. Box 280  
Fort Myers, FL 33902-0280

Department of Legal Affairs  
Office of the Attorney General  
PL 01 The Capitol  
Tallahassee, FL 32399-1050

Thomas B. Hart, Esq.  
Knott, Consoer, Ebelini, Hart & Swett  
1625 Hendry Street, Suite 301  
Fort Myers, FL 33901

Thomas J. Pugh  
3706 Stoneridge Court  
Fort Myers, FL 33908

PROCEEDING UNDER FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE  
RESOLUTION ACT

RE: Prentiss Pointe RPD  
Lee County Zoning Case #Z-03-062A  
Land Use File: LU-04-04-2357

AGREEMENT FOR PERMISSIBLE USE

By this agreement for permissible use, it is agreed:

1. Lee County is represented in these proceedings by Assistant County Attorney, Donna Marie Collins, Director of Community Development, Mary Gibbs, Director of the Division of Zoning, Pam Houck, and Senior Planner, Jeff Laurien.
2. The applicants are represented in these proceedings by Attorney Cody Vaughan-Birch, Gary Howe, and Mark Nauman.
3. The representatives of the parties are authorized to make recommendations to their principals in these proceedings.
4. By their application, the landowners sought zoning permits to develop the land described in Exhibit A as a residential planned community (RPD) of 144 multi-family dwelling units, a clubhouse, and pool, to serve the residents of the development. To accomplish this plan of development, the landowners filed a request for a residential planned development zoning at a density of 5.49 dwelling units per acre.
5. By its resolution approving the requested rezoning to residential planned development, Lee County sought to protect adjoining properties from the impacts of higher density development with its impact on traffic and hurricane evacuation by limiting the density approved on the parcel to four dwelling units per acre.
6. After meeting with the Special Master, the parties, by way of compromise, agree that an alternative action fully serving the public purposes of Resolution Z-03-062A is to amend the residential planned development zoning approval in the following manner:
  - a. Limit density on the parcel to 4.88 dwelling units per acre.

LEE COUNTY ATTORNEY'S OFFICE  
October 11, 2004

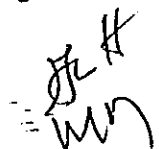
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USE.WPD



- b. The issuance of building permits will be divided into two phases such that buildings identified on the revised site plan (Exhibit B) as buildings 1 through 5 and 14 will comprise Phase 2. The purpose of the phasing plan is to address hurricane evacuation concerns by delaying Phase 2 until the road improvements to Summerlin Boulevard are complete. The improvements are currently scheduled for completion by June 2006. Therefore, no building permits may be issued on the units within Phase 2 until June 30, 2006.
  - c. The developer will construct a 30 foot wide buffer along Winkler Road and along the westernmost 60 feet of Granite Court. The purpose of the buffer is to screen views from Winkler Road. The buffer along Winkler and Granite will be constructed in accordance with the landscape plan prepared by R.S. Walsh Landscaping, dated September 7, 2004 (Exhibit C. attached). The buffer must be installed within 6 months of the approval of the revised zoning resolution by the Board.
  - d. The total number of dwelling units that may be constructed may not exceed 4.88 units per acre or 128 units on the 26.25-acre site.
  - e. The developer will amend the governing zoning resolution and companion master concept plan to designate building number 7 as the model unit building. Other modifications will also be necessary to effectuate the intent of this agreement.
7. If the above special conditions are altered, or new conditions are added during the Board's consideration of the amended zoning resolution and master concept plan, the applicant will be given the opportunity to withdraw the proposed amendment to resolution Z-03-062A prior to final County Commission action. Any such withdrawal will be a withdrawal from the Special Master review proceeding under the Florida Land Use and Environmental Dispute Resolution Act and the applicants specifically reserve the right thereafter to pursue all judicial review and appeal rights available to them.
8. The public purposes that Lee County sought to serve by Resolution Z-03-062A, can be fully served and protected by the foregoing alternative action. The alternative proposed herein allows for reduced restraints on the landowners real property. The alternative is consistent with the Lee Plan and the objectives of

LEE COUNTY ATTORNEY'S OFFICE  
October 11, 2004

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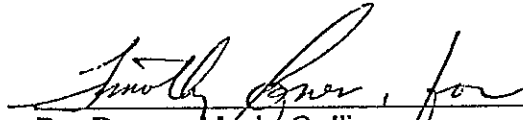
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Florida Statutes Section 70.51 and is compatible with the existing and planned development in the area.


9. The sole issues to be considered by the Special Master in these proceedings is whether the terms of this compromise agreement protects the public purposes the local government sought to protect in Resolution Z-03-062A.
10. This agreement will be incorporated in the Special Master's report entered in these proceedings.
11. This agreement is an offer of compromise and will not be admissible in any proceedings, judicial or administrative, if it is not accepted by the Lee County Board of County Commissioners.
12. The undersigned will recommend that their respective principals approve and implement this agreement as soon as possible.

Dated this 28<sup>th</sup> day of October, 2004.

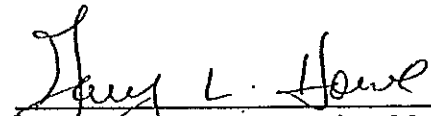
**LEE COUNTY, FLORIDA**

  
By: Donna Marie Collins  
Assistant County Attorney

and

  
By: Mary Gibbs  
Director, Community Development

**PRENTISS POINTE, LTD. CO.**

  
Gary L. Howe, Managing Member

LEE COUNTY ATTORNEY'S OFFICE  
October 11, 2004

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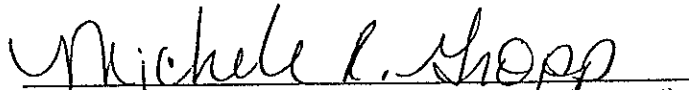


And

  
Mark Naumann, Member

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10/20/04 by Gary L. Howe, Managing Member of PRENTISS POINTE, LTD. CO., a Foreign Limited Liability corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

  
(Signature of person taking acknowledgment)

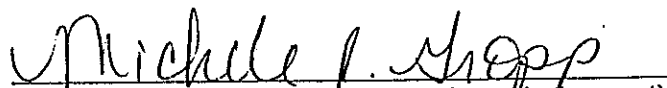
MICHELE R. GROPP  
(Name typed, printed, or stamped)  
(Title or Rank)  
(Serial Number, if any)

MICHELE R. GROPP  
Notary Public, State of Florida  
My comm. exp. Mar. 29, 2005  
Comm. No. DD 013574

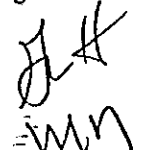
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10/20/04 by Mark Naumann, Member of PRENTISS POINTE, LTD. CO., a Foreign Limited Liability corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

MICHELE R. GROPP  
Notary Public, State of Florida  
My comm. exp. Mar. 29, 2005  
Comm. No. DD 013574

  
(Signature of person taking acknowledgment)

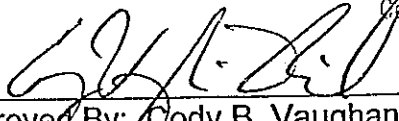
LEE COUNTY ATTORNEY'S OFFICE  
October 11, 2004



Michele R. Gropp

(Name typed, printed, or stamped)  
(Title or Rank)  
(Serial Number, if any)

MICHELE R. GROPP  
Notary Public, State of Florida  
My comm. exp. Mar. 29, 2005  
Comm. No. DD 013574



Approved By: Cody B. Vaughan-Birch, Esq.

**EXHIBITS:**

- Exhibit A. Legal Description
- Exhibit B. Revised Master Concept Plan
- Exhibit C. Winkler - Granite Buffer Plan dated September 7, 2004  
(prepared by R.S. Walsh Landscaping, Inc.)

LEE COUNTY ATTORNEY'S OFFICE  
October 11, 2004

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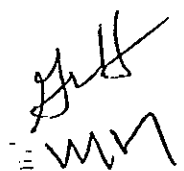


EXHIBIT A  
(Page 1 of 2)



*Sanibel Surveys, Inc*  
2410 Palm Ridge Road  
Sanibel, Florida 33957

Phone Number (239) 472-0098

Fax Number (239) 472-3566

EXHIBIT "A"

July 21, 2003  
LEGAL DESCRIPTION  
PRENTISS POINTE  
15841 WINKLER ROAD

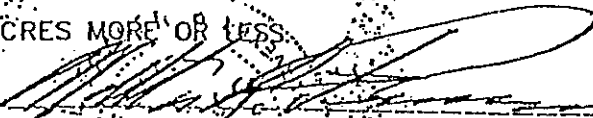
RECEIVED  
AUG 07 2003

IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, ~~LEE COUNTY~~ **PERMIT COUNTER**  
LEE COUNTY, FLORIDA:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF THE  
SOUTHWEST (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE  
COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND CONCRETE MONUMENT MARKING THE SOUTH  
QUARTER CORNER OF SAID SECTION 34; THENCE N01°01'48"W ALONG THE EAST  
LINE OF SAID FRACTION OF A SECTION FOR 346.56 FEET TO THE POINT OF  
BEGINNING; THENCE S88°39'16"W FOR 1,235.83 FEET TO THE EASTERLY LINE OF  
WINKLER (100 FEET WIDE); THENCE N06°55'41"E ALONG SAID EAST LINE FOR  
577.50 FEET TO POINT OF CURVATURE; THENCE 407.00 FEET ALONG SAID  
EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST  
HAVING A RADIUS OF 2,914.90 FEET AND SUBTENDED BY A CHORD HAVING A  
LENGTH OF 406.67 FEET AND BEARING N02°55'51"E TO A POINT ON A CURVE  
INTERSECTING THE SAID EASTERLY LINE AND NORTH LINE OF SAID FRACTION OF A  
SECTION; THENCE N88°45'17"E ALONG SAID NORTH LINE FOR 1,127.79 FEET TO A  
FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID  
FRACTION OF A SECTION; THENCE S01°01'48"E ALONG SAID EAST LINE OF 975.07  
FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.25 ACRES MORE OR LESS

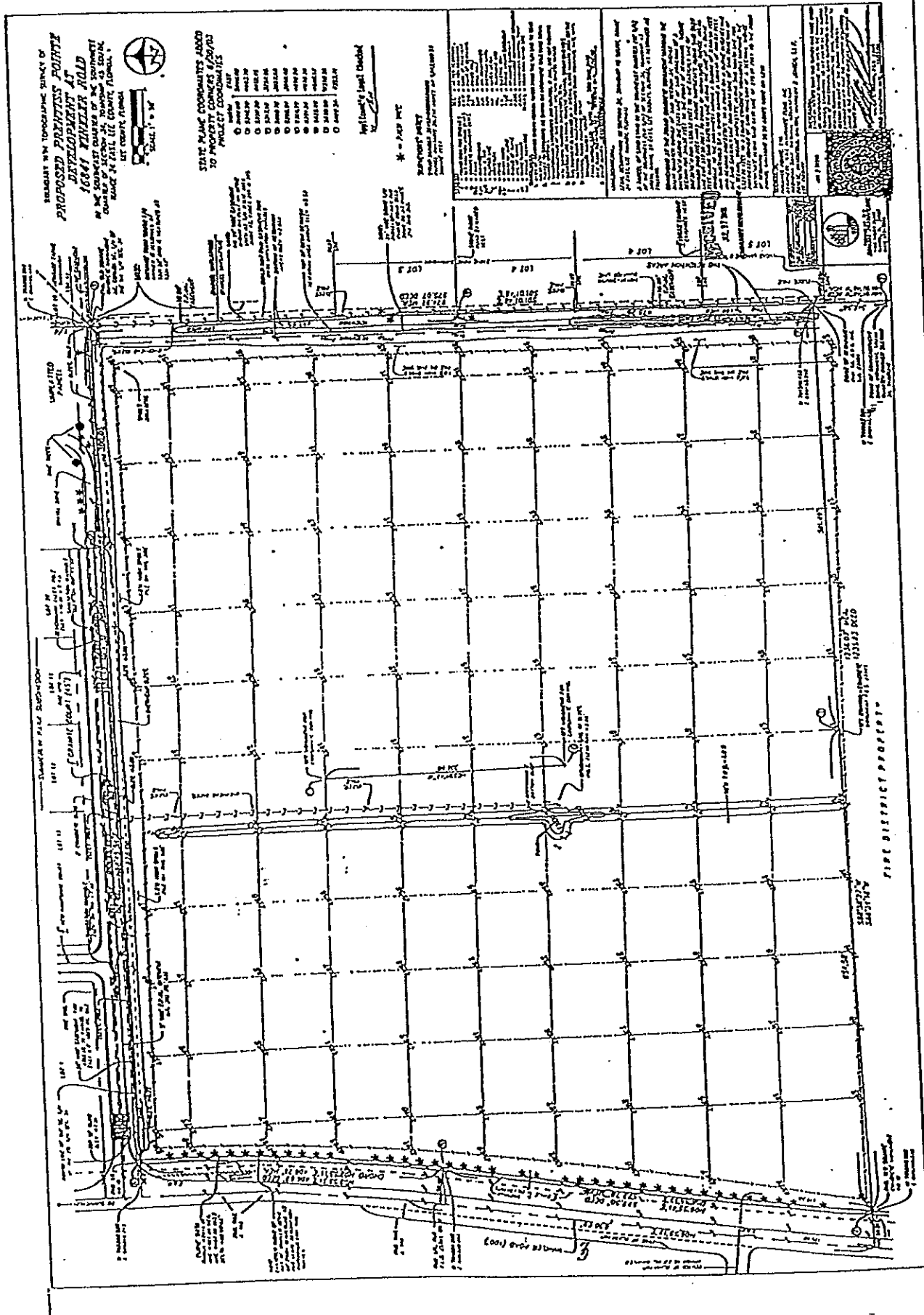
  
WALTER FRASER (FOR THE FIRM LB-0006647)  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 0003985

Applicant's Legal Checked

by 

001 2003-00038

EXHIBIT A  
(Page 2 of 2)



WINKLER ROAD

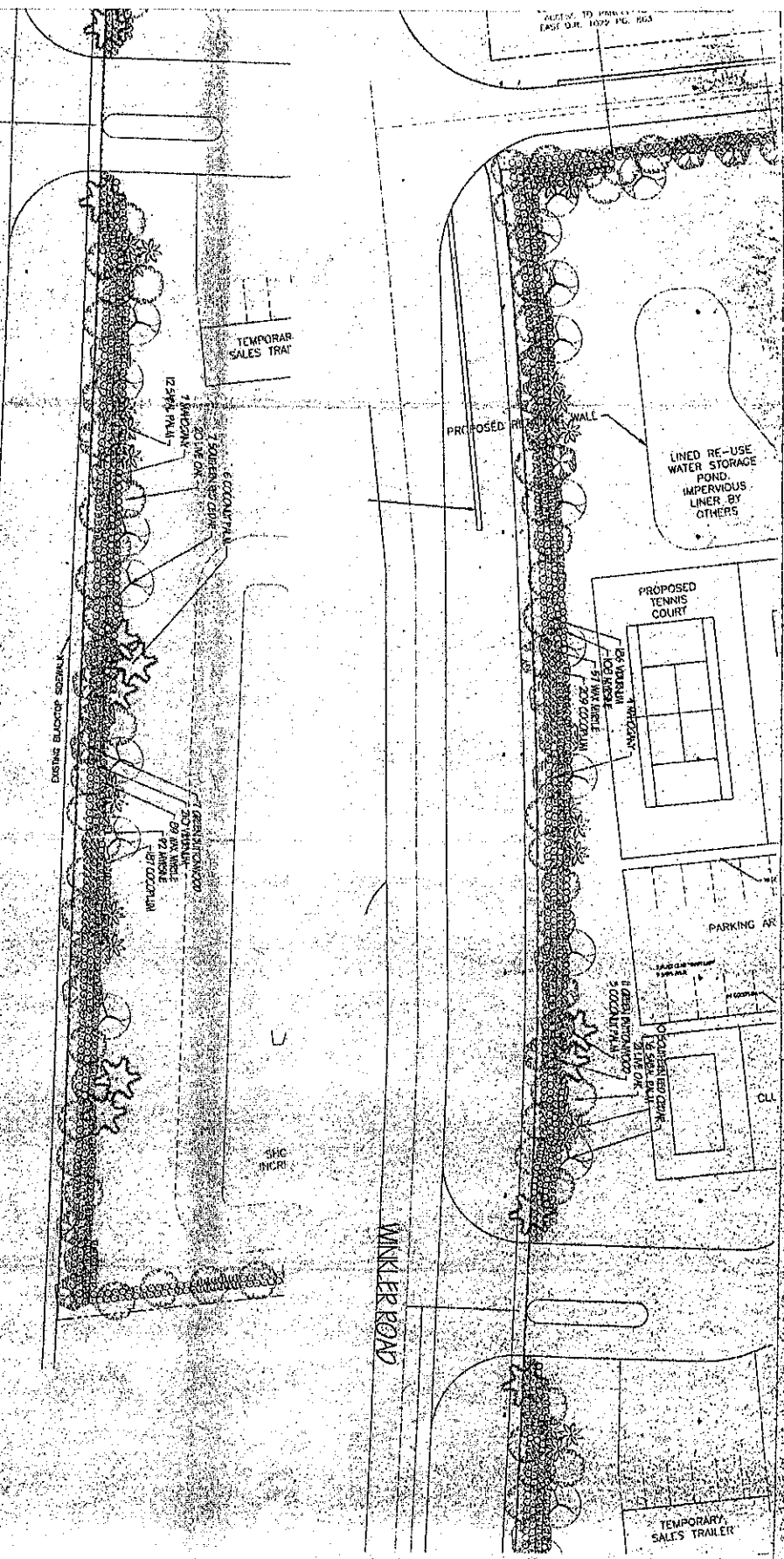
WINKLER ROAD

**WEST BUTTER NOTES:**  
1. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.  
2. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.  
3. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.  
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5. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.

**WEST BUTTER (OVER)**  
1. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.  
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**WEST BUTTER (WINKLER ROAD - TRIED)**  
1. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.  
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5. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE DATE OF THE PERMIT.

**NORTH BUTTER (SALMIT ROAD - SUPPLEMENTAL)**  
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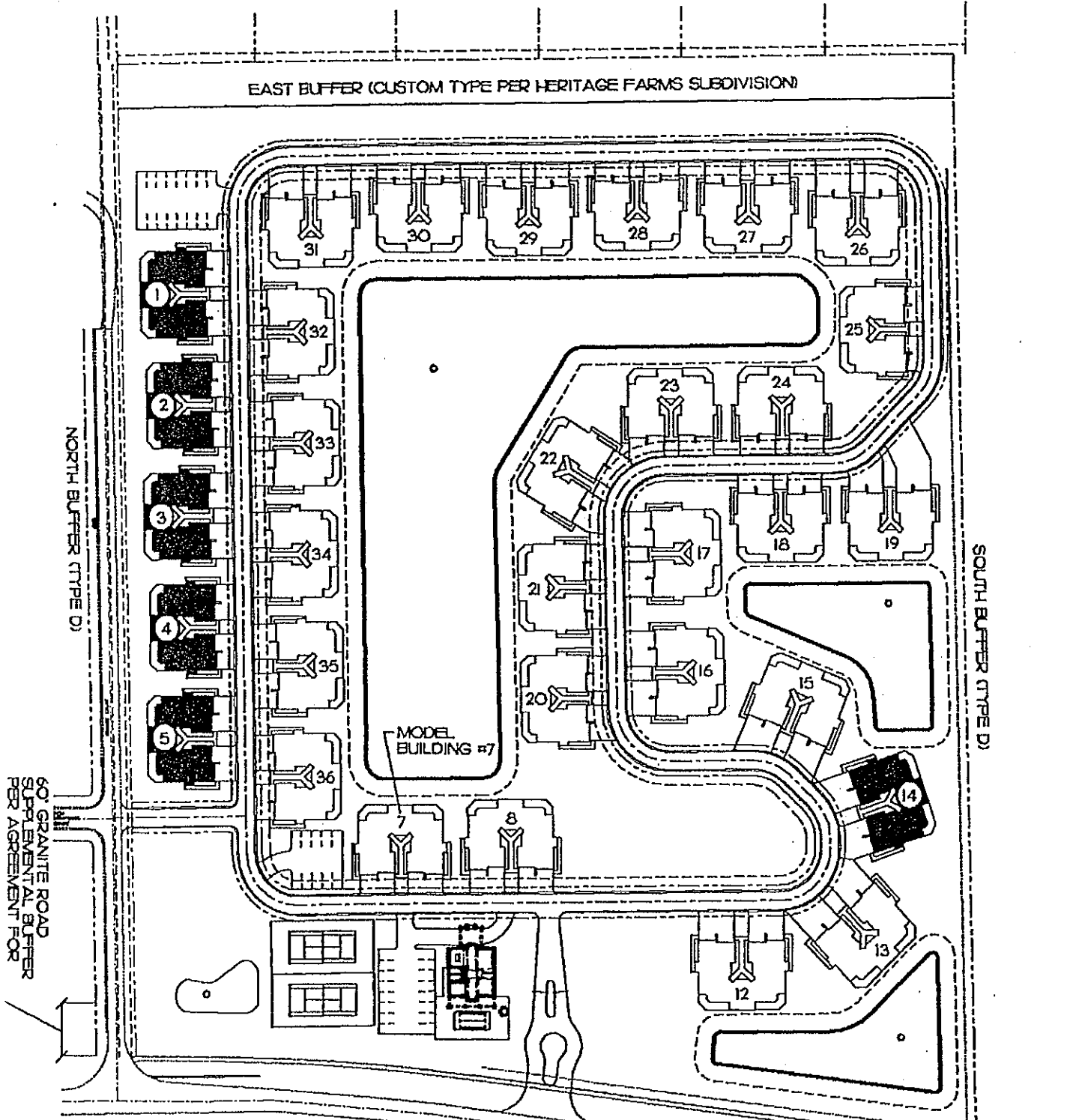
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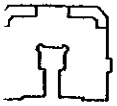
PRENTISS POINT  
WINKLER ROAD  
FORT MYERS, FLORIDA

R.S. WALSH  
LANDSCAPING, INC.  
8000 Palmetto Boulevard  
Fort Myers, Florida 33906  
941-336-6666 FAX 941-336-6667

Exhibit C



RENTISS POINT  
 PROPOSED SITE PLAN  
 EXHIBIT "B"  
 09/07/04



UNITS PER PHASE #1 / 104 UNITS  
 BUILDINGS 7, 8, 12, 13 & 15-36



UNITS PER PHASE #2 / 24 UNITS  
 BUILDINGS 1-5 & 14

WEST BUFFER - WINKLER ROAD (TYPE D)  
 SUPPLEMENTAL BUFFER PER AGREEMENT  
 FOR PERMISSIBLE USE

## ATTACHMENT 2

### REQUEST FOR RELIEF PURSUANT TO F.S. 70.51

Gary L. Howe and Mark Naumann hereby request relief pursuant to F.S. 70.51 and state the following in support of their request:

1. The above-listed parties (the "Owners") are the owners of certain real property located in Lee County and having a STRAP number:

34-45-24-00-00010.0000

2. Owners received notice of the governmental action via U.S. mail postmarked March 2, 2004, and have timely filed this Request for Relief within the statutorily prescribed period under F.S. 70.51.

3. Owners, by and through their agent, Alpha Engineering and Harvey Strauss, filed an application to rezone the above-described 26.25-acre parcel from the Commercial Planned Development (CPD) zoning district to Residential Planned Development (RPD) zoning district, pursuant to the Lee County Land Development Code, to permit the construction of a total of 144 multi-family residential units.

4. The Lee County Development Services staff reviewed the rezoning application and a public hearing was conducted before the County Hearing Examiner on November 12, 2003, after which the Hearing Examiner recommended approval of the rezoning application. On February 2, 2004, however, the Lee County Board of County Commissioners denied the approved rezoning application, instead proposing that the Owners accept a density of four (4) units per acre, allowing for construction of 105 multi-family residential units. A copy of the amended resolution approving the modified density is attached as Exhibit "A." The effect of this decision was to severely limit the proposed residential development of this parcel, denying the owners' intended use of the property.

5. Owners believe that the Lee County Board of County Commissioners' refusal to approve the rezoning allowing for 144 units, as recommended by Lee County Development Services staff and the County Hearing Examiner, was unreasonable and unfairly burdens the subject parcel for several reasons, including, but not limited to, the following:

a. The rezoning application, as approved and conditioned by the Hearing Examiner, fully complies with the Lee Plan, the Lee County Land Development Code, and all other applicable County codes and regulations.

b. The rezoning request, as approved and conditioned by the Hearing Examiner, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

c. The rezoning request, as approved and conditioned by the Hearing Examiner, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

d. The rezoning request, as approved and conditioned by the Hearing Examiner, is compatible with the existing or planned uses in the surrounding area.

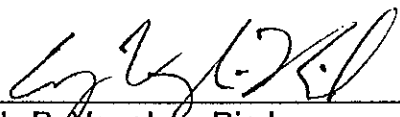
e. The rezoning request, as approved and conditioned by the Hearing Examiner, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

f. In reaching its proposal of four units per acre, the Board considered various topics not included in the public hearing or Hearing Examiner's recommendation, including its desire for an overall policy change in the Lee County Comprehensive Plan, and its basis for recommending four units per acre was arbitrary and not based upon relevant scientific data or analysis.

WHEREFORE, Owners request relief from the denial of the rezoning application, as approved by the County Hearing Examiner, pursuant to F.S. 70.51.

HENDERSON, FRANKLIN, STARNES & HOLT  
Attorneys for Petitioners  
Post Office Box 280  
Fort Myers, Florida 33902-0280  
239.334.4121

By: \_\_\_\_\_

  
Cody B. Vaughan-Birch  
Florida Bar No. 0670480



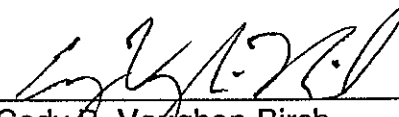
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that:

This request was served via hand-delivery on Commissioner John Albion , Chairman,  
Lee County Board of County Commissioners, this 13<sup>th</sup> day of April, 2004.

HENDERSON, FRANKLIN, STARNES & HOLT  
Attorneys for Petitioners  
Post Office Box 280  
Fort Myers, Florida 33902-0280  
239.334.4121

By: \_\_\_\_\_

  
Cody B. Vaughan-Birch  
Florida Bar No. 0670480

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

WHEREAS, Harvey Strauss, P.E., and Gary L. Howe filed an application on behalf of the property owner, Prentiss Pointe, Ltd., to rezone a 26.25-acre parcels from Commercial Planned Development (CPD) to Residential Planned Development (RPD), in reference to Prentiss Pointe; and

WHEREAS, a public hearing was advertised and held on November 12, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00038; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 26.25-acre parcel from CPD to RPD, to allow for the development of 144 multi-family units (coach house condominiums) with maximum building heights of 35 feet. No blasting is proposed on the site. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED LIMITED TO four units per acre or a maximum of 105 units and SUBJECT TO the conditions and deviations specified in Sections B and C below.

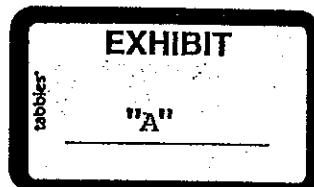
SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received February 3, 2004 Permit Counter, except as modified by the conditions below (Exhibit B). Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

CASE NO: DCI2003-00038

Z-03-062A  
Page 1 of 5



02/02/04

a. Schedule of Uses

Accessory Uses  
Dwelling Unit: Multiple-Family Buildings (Condominiums, 105 total)  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Models - Model Unit (per LDC 34-19511)  
Parking Lot - Accessory  
Recreational Facilities - Private, On-Site  
Signage, in accordance with LDC Chapter 30  
Storage - Indoor Only (must be within the requested private clubhouse building)  
Temporary Real Estate Sales Office (Sales Trailer)  
Private Clubhouse (3,600 square feet maximum)  
Fences  
Walls  
Entrance Gates

b. Site Development Regulations

Minimum lot area and dimensions:

Multiple-family:	
Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100

Minimum setbacks:

Internal Street (feet)	15
External street (feet)	20
Side yard (feet) :	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20

Special regulations:

Maximum height (feet)	35 (2 stories)
-----------------------	-------------------

Maximum lot coverage (percent of total lot area)	45
---	----

Minimum Separation Distance Between Buildings (feet)	20
---	----

Minimum External Setback (feet) (If parcel developed as 1 lot - not subdivided)	
--	--

South	20
West	20
North	20
East	125

- c. A total maximum of 105 units are permitted.
3. Approval of this RPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain local development order approval.
  4. Approval of this RPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
  5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. Existing agricultural uses must cease upon approval of the requested rezoning.
  6. Blasting is prohibited.
  7. Exhibit "C," the "Prentiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning. Buffer plantings must be installed in substantial compliance with this plan prior to the issuance of a certificate of compliance on the property.
  8. Model units are permitted in compliance with the following conditions:
    - a. Model units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved MCP; and
    - b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and
    - c. A total maximum of four (4) model units are permitted; and
    - d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
  9. A single Real Estate Sales Office is permitted in compliance with the following conditions:
    - a. It must be located as depicted on the approved MCP; and
    - b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

**SECTION C. DEVIATIONS:**

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide a minimum separation distance of 660 feet on arterial roads, to allow separation distances of 493 feet and 336 feet along Winkler Road and Granite Court respectively as depicted on the MCP. This deviation is APPROVED.

**SECTION D. EXHIBITS AND STRAP NUMBER:**

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

- Exhibit A: The legal description of the property  
Exhibit B: The Master Concept Plan  
Exhibit C: "Prentiss Pointe Conceptual Buffer Planting Plan for Fort Myers, Florida"  
Exhibit D: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP number for the subject property is: 34-45-24-00-00010.0000.

**SECTION E. FINDINGS AND CONCLUSIONS:**

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2<sup>nd</sup> day of February 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Cindy Morrison  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office



RECEIVED  
MINUTES OFFICE

2004 FEB 26 AM 11:23

### ATTACHMENT 3

#### LEE COUNTY RESPONSE TO REQUEST FOR RELIEF PURSUANT TO F.S. 70.51 (Prentiss Pointe RPD)

The Board of County Commissioners granted the Prentiss Pointe rezoning request to change the zoning designation on a 26-acre parcel from the Commercial Planned Development to the Residential Planned Development Zoning District. The Board did not approve the project at the requested density of 144 multi-family units. Rather, the Board approved a maximum of 105 units on the property. The Board rendered this decision based on the record before the Hearing Examiner and presentation of participants in the hearing before them.

When the Board examines a request to rezone property from one district to another, it must consider the impacts on the surrounding property. The Board must then determine whether the requested use will be compatible with the existing and planned development in the surrounding area. The subject property lies within an area designated as "Suburban" pursuant to the Lee County Comprehensive Plan Future Land Use Map. Although property located in the Suburban future land use category is well suited to accommodate densities at ranges of up to six dwelling units per acre, this property is unique in that it lies in an area south of Summerlin Boulevard, where the densities on surrounding properties are less than four dwelling units per acre. The property owners are not presumptively entitled to the requested density simply because it is within the acceptable range permitted in the Suburban future land use category. Furthermore, they are not entitled to relief simply by proving consistency with the Lee Plan, particularly when the Board's action is also consistent with the Plan.

The County had legitimate and compelling concerns regarding density given the property's location and unique character of the surrounding residential development. The only means of access to the County road network is via a two-lane roadway known as Winkler Extension. The property is located south of Summerlin Boulevard. It is bounded on the north by a one-acre lot Office Commercial subdivision developed with freestanding office buildings, and on the east by Heritage Farms, a single-family residential community developed at one unit per acre. It is bordered on the south by the Iona McGregor Fire Station and Crown Colony, a residential community approved for development at 1.38 dwelling units per acre. The property is bordered on the west by the Winkler Extension and a utility facility. An examination of the approved and developed densities in the surrounding area confirms that the property is part of an enclave of low-density residential development south of Summerlin Boulevard.

The approval of 105 dwelling units at four dwelling units per acre is not unreasonable, nor does it impose an unfair burden on the property. Four dwelling units per acre is consistent with the density of surrounding residential development. It is also

within the permissible range of residential density in the Suburban future land use category.

If approved for the requested 144 units, the density of the 26±-acre parcel would be at the top of the density range for residential development in the Suburban future land use category. The Board concluded that residential development at the top of the permissible range was not compatible with the surrounding predominantly low-density residential development.

The County is vested with discretion to approve less than the requested density. An examination of the record, as well as the existing conditions of the surrounding community, confirms that there was substantial competent evidence to support the density approved by the Board. It could be reasonably inferred that four dwelling units per acre was more consistent with the character of the surrounding community than the density requested by the applicant. The density of the existing and developing residential neighborhoods in the area constitutes relevant evidence and is adequate to support the conclusion that four dwelling units per acre was more appropriate and compatible than the requested 5.5 units per acre. The Board had access to a record containing maps, reports, and other information that constitutes substantial competent evidence to support their decision. The Board ultimately concluded that the Prentiss Pointe project should be approved for only 105 of the requested 144 units. The petitioner cannot show that the approved density of four units per acre is unreasonable given the densities of the surrounding development which, at the time this case was heard, was approved and developing at no greater than 3.7 units per acre.

It is well settled that a local government has the discretion to decide that the maximum density is not appropriate on a given parcel provided the development that is approved is consistent with the Plan. The applicant's rezoning request to Residential Planned Development was approved at four units per acre, which is consistent with the Lee Plan. The approval of four dwelling units per acre does not substantially impair the use of the property because it is consistent with the general character of residential development south of Summerlin Boulevard. In fact, even at four units per acre, the approved density exceeds the density approved for every residential development along the Winkler Extension. The Prentiss Pointe resolution is not unreasonable nor does it unfairly burden the property. Accordingly, the applicant is not entitled to relief under the Act.

Lee County

By



Donna Marie Collins  
Assistant County Attorney



## ATTACHMENT 4

RESOLUTION NUMBER Z-03-062

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

WHEREAS, Harvey Strauss, P.E., and Gary L. Howe filed an application on behalf of the property owner, Prentiss Pointe, Ltd., to rezone a 26.25-acre parcels from Commercial Planned Development (CPD) to Residential Planned Development (RPD), in reference to Prentiss Pointe; and

WHEREAS, a public hearing was advertised and held on November 12, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00038; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

#### SECTION A. REQUEST

The applicant filed a request to rezone a 26.25-acre parcel from CPD to RPD, to allow for the development of 144 multi-family units (coach house condominiums) with maximum building heights of 35 feet. No blasting is proposed on the site. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED LIMITED TO four units per acre or a maximum of 105 units and SUBJECT TO the conditions and deviations specified in Sections B and C below.

#### SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received February 3, 2004 Permit Counter, except as modified by the conditions below (Exhibit B). Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

02/02/2004

a. Schedule of Uses

Accessory Uses  
Dwelling Unit: Multiple-Family Buildings (Condominiums, 105 total)  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Models - Model Unit (per LDC 34-19511)  
Parking Lot - Accessory  
Recreational Facilities - Private, On-Site  
Signage, in accordance with LDC Chapter 30  
Storage - Indoor Only (must be within the requested private clubhouse building)  
Temporary Real Estate Sales Office (Sales Trailer)  
Private Clubhouse (3,600 square feet maximum)  
Fences  
Walls  
Entrance Gates

b. Site Development Regulations

Minimum lot area and dimensions:

Multiple-family:	
Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100

Minimum setbacks:

Internal Street (feet)	15
External street (feet)	20
Side yard (feet) :	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20

Special regulations:

Maximum height (feet)	35 (2 stories)
Maximum lot coverage (percent of total lot area)	45
Minimum Separation Distance Between Buildings (feet)	20
Minimum External Setback (feet) (If parcel developed as 1 lot - not subdivided)	

South	20
West	20
North	20
East	125

- c. A total maximum of 105 units are permitted.
- 3. Approval of this RPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain local development order approval.
- 4. Approval of this RPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
- 5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. Existing agricultural uses must cease upon approval of the requested rezoning.
- 6. Blasting is prohibited.
- 7. Exhibit "C," the "Prentiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning. Buffer plantings must be installed in substantial compliance with this plan prior to the issuance of a certificate of compliance on the property.
- 8. Model units are permitted in compliance with the following conditions:
  - a. Model units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved MCP; and
  - b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and
  - c. A total maximum of four (4) model units are permitted; and
  - d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
- 9. A single Real Estate Sales Office is permitted in compliance with the following conditions:
  - a. It must be located as depicted on the approved MCP; and
  - b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
- 10. A solid wall or combination berm and solid wall not less than eight feet in height must be constructed along the entire northern length of the proposed parking lot, and must extend

10 feet easterly and westerly beyond the parking lot perimeter. The wall or wall/berm combination must be located not less than 25 feet from the abutting property and must be landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

**SECTION C. DEVIATIONS:**

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide a minimum separation distance of 660 feet on arterial roads, to allow separation distances of 493 feet and 336 feet along Winkler Road and Granite Court respectively as depicted on the MCP. This deviation is APPROVED.

**SECTION D. EXHIBITS AND STRAP NUMBER:**

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

- Exhibit A: The legal description of the property
- Exhibit B: The Master Concept Plan
- Exhibit C: "Prentiss Pointe Conceptual Buffer Planting Plan for Fort Myers, Florida"
- Exhibit D: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP number for the subject property is: 34-45-24-00-00010.0000.

**SECTION E. FINDINGS AND CONCLUSIONS:**

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and

- b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
  5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2<sup>nd</sup> day of February 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Chairman



Approved as to form by:

  
Donna Marie Collins  
County Attorney's Office



*Sanibel Surveys, Inc*  
2410 Palm Ridge Road  
Sanibel, Florida 33957

Phone Number (239) 472-0095

Fax Number (239) 472-3566

**EXHIBIT "A"**

July 21, 2003  
LEGAL DESCRIPTION  
PRENTISS POINTE  
15841 WINKLER ROAD

**RECEIVED**  
AUG 07 2003

IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA: **PERMIT COUNTER**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF THE  
SOUTHWEST (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE  
COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND CONCRETE MONUMENT MARKING THE SOUTH  
QUARTER CORNER OF SAID SECTION 34; THENCE N01°01'48"W ALONG THE EAST  
LINE OF SAID FRACTION OF A SECTION FOR 346.56 FEET TO THE POINT OF  
BEGINNING; THENCE S88°39'16"W FOR 1,235.83 FEET TO THE EASTERLY LINE OF  
WINKLER (100 FEET WIDE); THENCE N06°55'41"E ALONG SAID EAST LINE FOR  
577.50 FEET TO POINT OF CURVATURE; THENCE 407.00 FEET ALONG SAID  
EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST  
HAVING A RADIUS OF 2,914.90 FEET AND SUBTENDED BY A CHORD HAVING A  
LENGTH OF 406.67 FEET AND BEARING N02°55'51"E TO A POINT ON A CURVE  
INTERSECTING THE SAID EASTERLY LINE AND NORTH LINE OF SAID FRACTION OF A  
SECTION; THENCE N88°45'17"E ALONG SAID NORTH LINE FOR 1,127.79 FEET TO A  
FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID  
FRACTION OF A SECTION; THENCE S01°01'48"E ALONG SAID EAST LINE OF 975.07  
FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.25 ACRES MORE OR LESS.

  
WALTER FRASER (FOR THE FIRM LB-0006647)  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 0003985

**OCI 2003-00038**

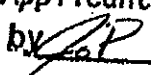
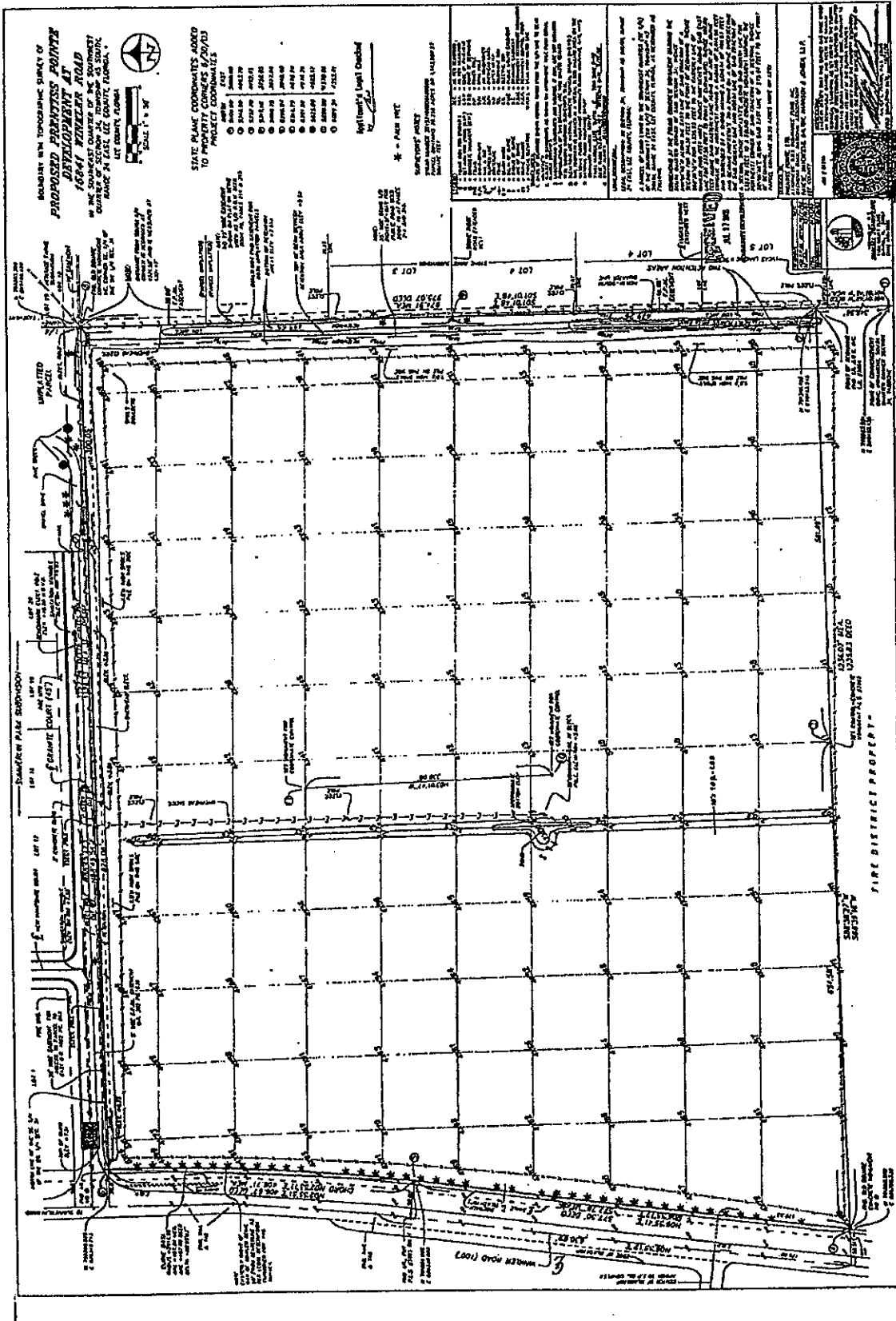
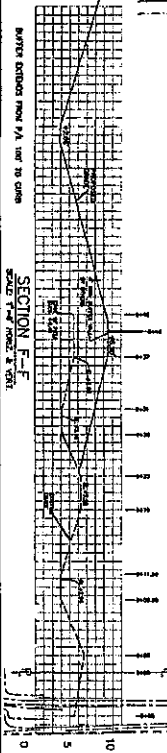
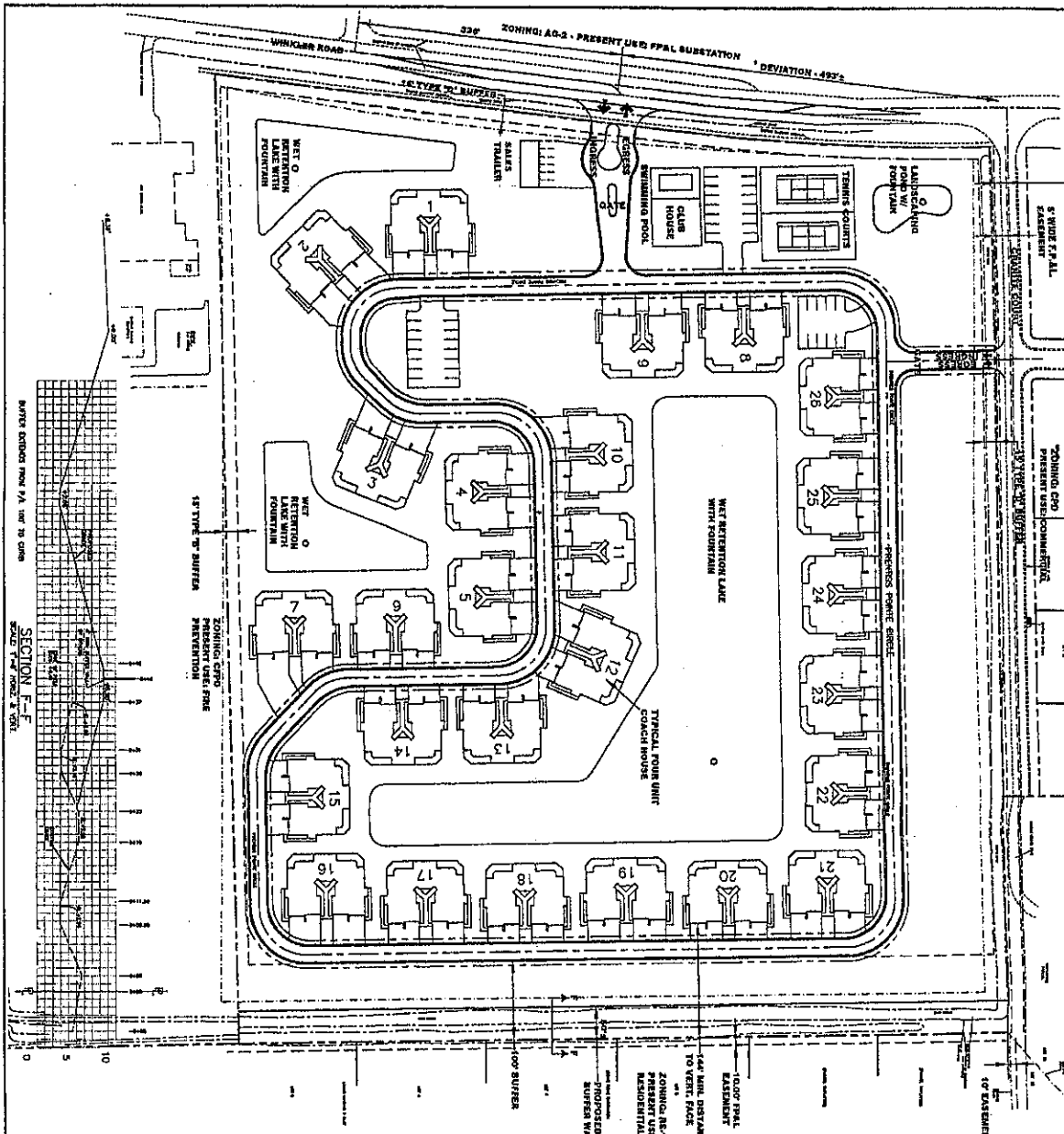
Applicant's Legal Checked  
by 

EXHIBIT A  
(Page 2 of 2)





APPROVED  
 DATE: 02/02/07  
 PROJECT: 15841 WINKLER RD.  
 SHEET: 2003-00018

RECEIVED  
 FEB 12 2007  
 ZONING  
 PLANNING DEPARTMENT

EXHIBIT 2003-00018  
 EXHIBIT 2003-00018  
 EXHIBIT 2003-00018

- NOTES**
1. SUBMITTER TO BE RESPONSIBLE FOR ALL COSTS OF PRELIMINARY DESIGN AND CONSTRUCTION OF THE LAKE.
  2. EXISTING AND PROPOSED UTILITIES TO BE SHOWN ON THE CONCEPTUAL PLAN.
  3. THE LAKE SHALL BE MAINTAINED AND OPERATED AS A LAKE AT ALL TIMES.
  4. FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
  5. SECURITY CARS SHALL BE MAINTAINED AND OPERATED AS SECURITY CARS AT ALL TIMES.
  6. THE FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
  7. THE FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
  8. THE FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
  9. THE FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
  10. THE FENCING SHALL BE MAINTAINED AND OPERATED AS A FENCE AT ALL TIMES.
- SCHEDULE OF DEVIATIONS**
1. LAKE RESOLUTION

15' TYPE "B" BUFFER  
 ZONING, CDD PRESENT USE: PFDL PRESENT ZONING: R-10  
 15' TYPE "B" BUFFER  
 5' WIDE F.P.A.L. ZONE  
 PRESENT USE: PFDL PRESENT ZONING: R-10  
 15' TYPE "B" BUFFER  
 5' WIDE F.P.A.L. ZONE  
 PRESENT USE: PFDL PRESENT ZONING: R-10

15' TYPE "B" BUFFER  
 ZONING, CDD PRESENT USE: PFDL PRESENT ZONING: R-10  
 15' TYPE "B" BUFFER  
 5' WIDE F.P.A.L. ZONE  
 PRESENT USE: PFDL PRESENT ZONING: R-10

15' TYPE "B" BUFFER  
 ZONING, CDD PRESENT USE: PFDL PRESENT ZONING: R-10  
 15' TYPE "B" BUFFER  
 5' WIDE F.P.A.L. ZONE  
 PRESENT USE: PFDL PRESENT ZONING: R-10

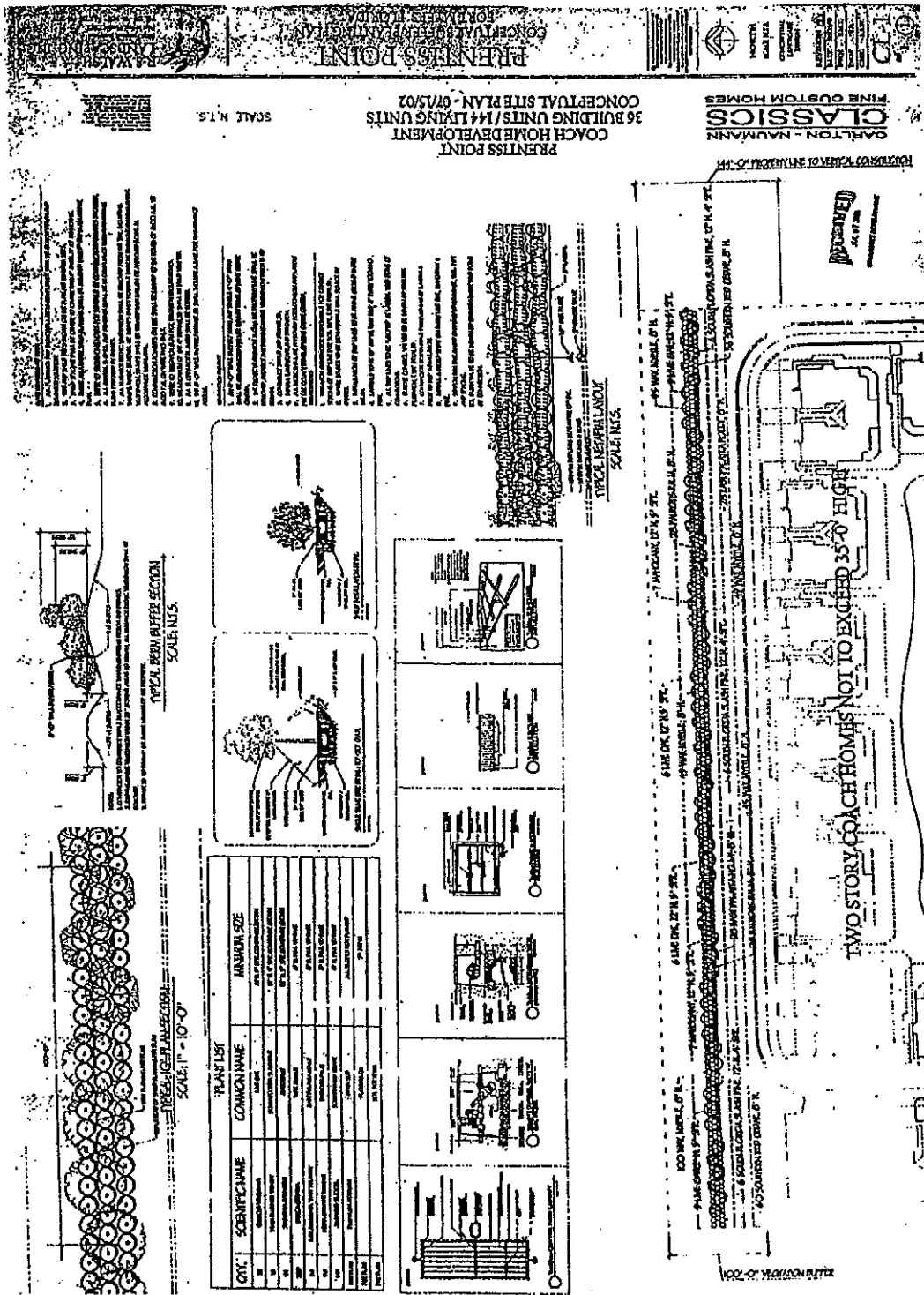
57252-477

C-1 SHEET	PRETTISS PORTE, LTD	ALPHA ENGINEERING of Lee County, Inc. <small>Creating Old Dreams - Old Development - Land Planning - Strategic Engineering</small> 2700 Woodloch Forest Dr., Suite 200, Ft. Pierce, FL 34946 (888) 383-7777	2-5-2004 - REVISED PER LEE COUNTY
	MASTER CONCEPT PLAN FOR PROPERTY AT 15841 WINKLER ROAD, LEE COUNTY SECTION 34 TOWNSHIP 45S RANGE 24E	DESIGNED BY: TO: CHECKED BY: HS: APPROVED BY: HS:	2-5-2004 - REVISED PER LEE COUNTY
		SCALE: 1"=50'	DATE: 5-9-03 PROJECT NUMBER: 2582-07

EXHIBIT B



EXHIBIT C



# ZONING MAP

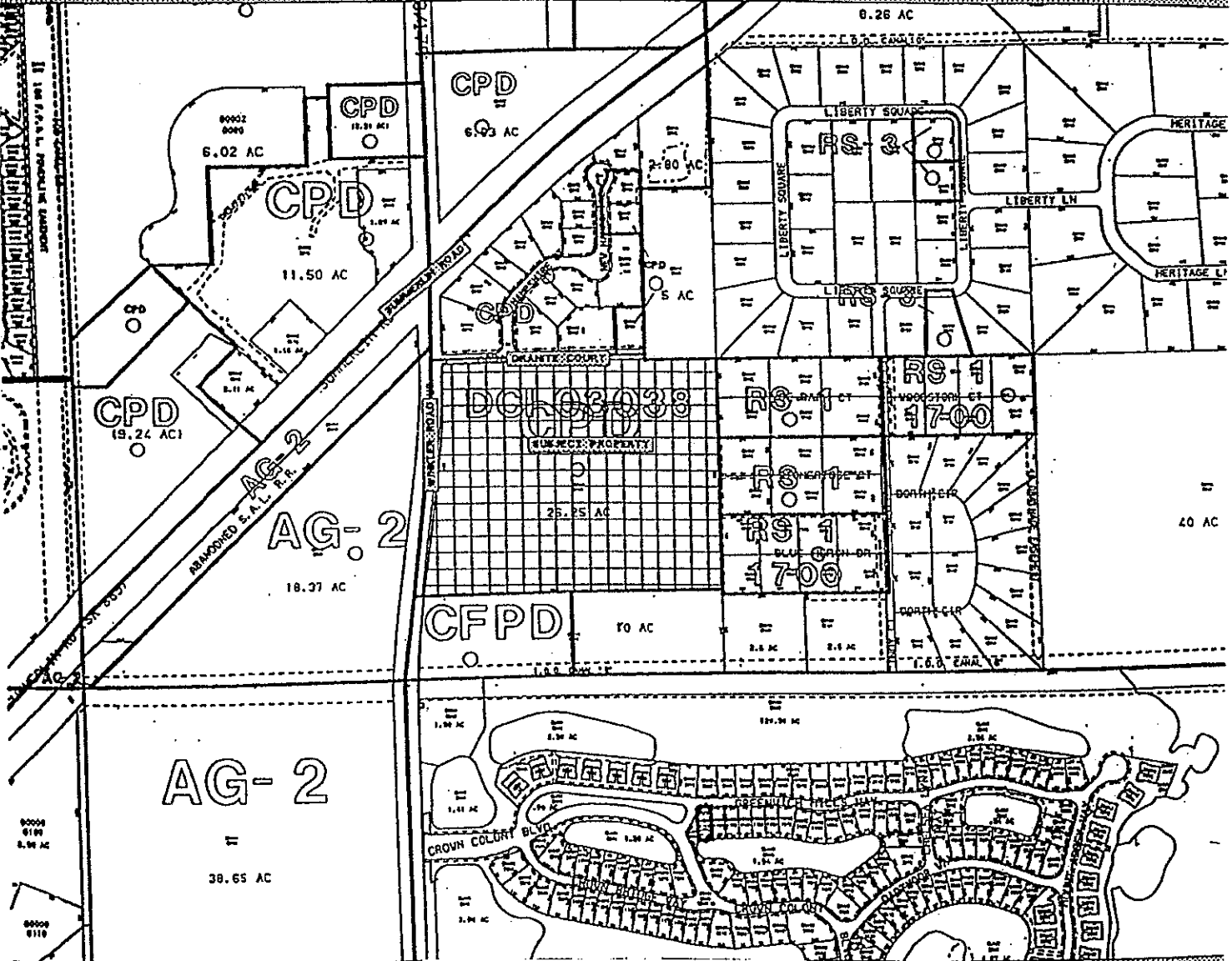


EXHIBIT D

**MEMORANDUM**  
FROM THE  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

DATE: February 27, 2004

TO: WHOM IT MAY CONCERN

FROM: Billie Jacoby  
Administrative Assistant

RE: Distribution of **AMENDED** Resolution

Resolution Number	Case Number	Case Name
Z-03-062 <b>A</b>	DCI2003-00038	Prentiss Pointe

The Prentiss Pointe RPD was approved by Board action on February 2, 2004. At that meeting, the Board reduced the allowed density for the project by 39 units. This revision prompted a reconfiguration on the Master Concept Plan governing the development of the site. In light of the reconfigured site plan, condition 10 of the resolution is no longer necessary.

Should you have any questions, please call me at 479-8448 or Jeff Laurien at 479-8336.

cc: Andy Getch - DOT, 3<sup>rd</sup> floor  
Brad Vance - Nat. Res. Man., 3<sup>rd</sup> floor  
Julie Dalton - Prop. Appraisers  
Sandy Polk - Codes & Buildings  
David Saniter - Public Safety, Em. Mgmt  
Hearing Examiner

Audra Ennis - Dev. Svcs  
Kim Trebatoski - Env. Sciences  
Matt Noble - Planning  
Pete Eckenrode - Dev. Ser. Dir.  
Planner  
Applicant (care of agent)

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

WHEREAS, Harvey Strauss, P.E., and Gary L. Howe filed an application on behalf of the property owner, Prentiss Pointe, Ltd., to rezone a 26.25-acre parcels from Commercial Planned Development (CPD) to Residential Planned Development (RPD), in reference to Prentiss Pointe; and

WHEREAS, a public hearing was advertised and held on November 12, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00038; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 26.25-acre parcel from CPD to RPD, to allow for the development of 144 multi-family units (coach house condominiums) with maximum building heights of 35 feet. No blasting is proposed on the site. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED LIMITED TO four units per acre or a maximum of 105 units and SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received February 3, 2004 Permit Counter, except as modified by the conditions below (Exhibit B). Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

02/02/04

a. Schedule of Uses

Accessory Uses  
Dwelling Unit: Multiple-Family Buildings (Condominiums, 105 total)  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Models - Model Unit (per LDC 34-19511)  
Parking Lot - Accessory  
Recreational Facilities - Private, On-Site  
Signage, in accordance with LDC Chapter 30  
Storage - Indoor Only (must be within the requested private clubhouse building)  
Temporary Real Estate Sales Office (Sales Trailer)  
Private Clubhouse (3,600 square feet maximum)  
Fences  
Walls  
Entrance Gates

b. Site Development Regulations

Minimum lot area and dimensions:

Multiple-family:	
Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100

Minimum setbacks:

Internal Street (feet)	15
External street (feet)	20
Side yard (feet) :	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20

Special regulations:

Maximum height (feet)	35 (2 stories)
Maximum lot coverage (percent of total lot area)	45
Minimum Separation Distance Between Buildings (feet)	20
Minimum External Setback (feet) (If parcel developed as 1 lot - not subdivided)	

South	20
West	20
North	20
East	125

- c. A total maximum of 105 units are permitted.
3. Approval of this RPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain local development order approval.
  4. Approval of this RPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
  5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. Existing agricultural uses must cease upon approval of the requested rezoning.
  6. Blasting is prohibited.
  7. Exhibit "C," the "Prentiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning. Buffer plantings must be installed in substantial compliance with this plan prior to the issuance of a certificate of compliance on the property.
  8. Model units are permitted in compliance with the following conditions:
    - a. Model units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved MCP; and
    - b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and
    - c. A total maximum of four (4) model units are permitted; and
    - d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
  9. A single Real Estate Sales Office is permitted in compliance with the following conditions:
    - a. It must be located as depicted on the approved MCP; and
    - b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide a minimum separation distance of 660 feet on arterial roads, to allow separation distances of 493 feet and 336 feet along Winkler Road and Granite Court respectively as depicted on the MCP. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: The Master Concept Plan
- Exhibit C: "Prentiss Pointe Conceptual Buffer Planting Plan for Fort Myers, Florida"
- Exhibit D: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP number for the subject property is: 34-45-24-00-00010.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2<sup>nd</sup> day of February 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Cindy Morrison  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office



RECEIVED  
MINUTES OFFICE

2004 FEB 26 AM 11:23



EXHIBIT A  
(Page 1 of 2)



*Sanibel Surveys, Inc*  
2110 Palm Ridge Road  
Sanibel, Florida 33957

Phone Number (239) 472-0095

Fax Number (239) 472-3566

EXHIBIT "A"

July 21, 2003  
LEGAL DESCRIPTION  
PRENTISS POINTE  
15841 WINKLER ROAD

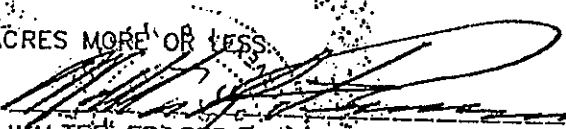
**RECEIVED**  
AJS 07 2003

IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, **PERMIT COUNTER**  
LEE COUNTY, FLORIDA:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF THE  
SOUTHWEST (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE  
COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND CONCRETE MONUMENT MARKING THE SOUTH  
QUARTER CORNER OF SAID SECTION 34; THENCE N01°01'48"W ALONG THE EAST  
LINE OF SAID FRACTION OF A SECTION FOR 346.56 FEET TO THE POINT OF  
BEGINNING; THENCE S88°39'16"W FOR 1,235.83 FEET TO THE EASTERLY LINE OF  
WINKLER (100 FEET WIDE); THENCE N06°55'41"E ALONG SAID EAST LINE FOR  
577.50 FEET TO POINT OF CURVATURE; THENCE 407.00 FEET ALONG SAID  
EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST  
HAVING A RADIUS OF 2,914.90 FEET AND SUBTENDED BY A CHORD HAVING A  
LENGTH OF 406.67 FEET AND BEARING N02°55'51"E TO A POINT ON A CURVE  
INTERSECTING THE SAID EASTERLY LINE AND NORTH LINE OF SAID FRACTION OF A  
SECTION; THENCE N88°45'17"E ALONG SAID NORTH LINE FOR 1,127.79 FEET TO A  
FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID  
FRACTION OF A SECTION; THENCE S01°01'48"E ALONG SAID EAST LINE OF 975.07  
FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.25 ACRES MORE OR LESS

  
WALTER FRASER (FOR THE FIRM LB-0006647)  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 0003985

**OCT 2003-00038**


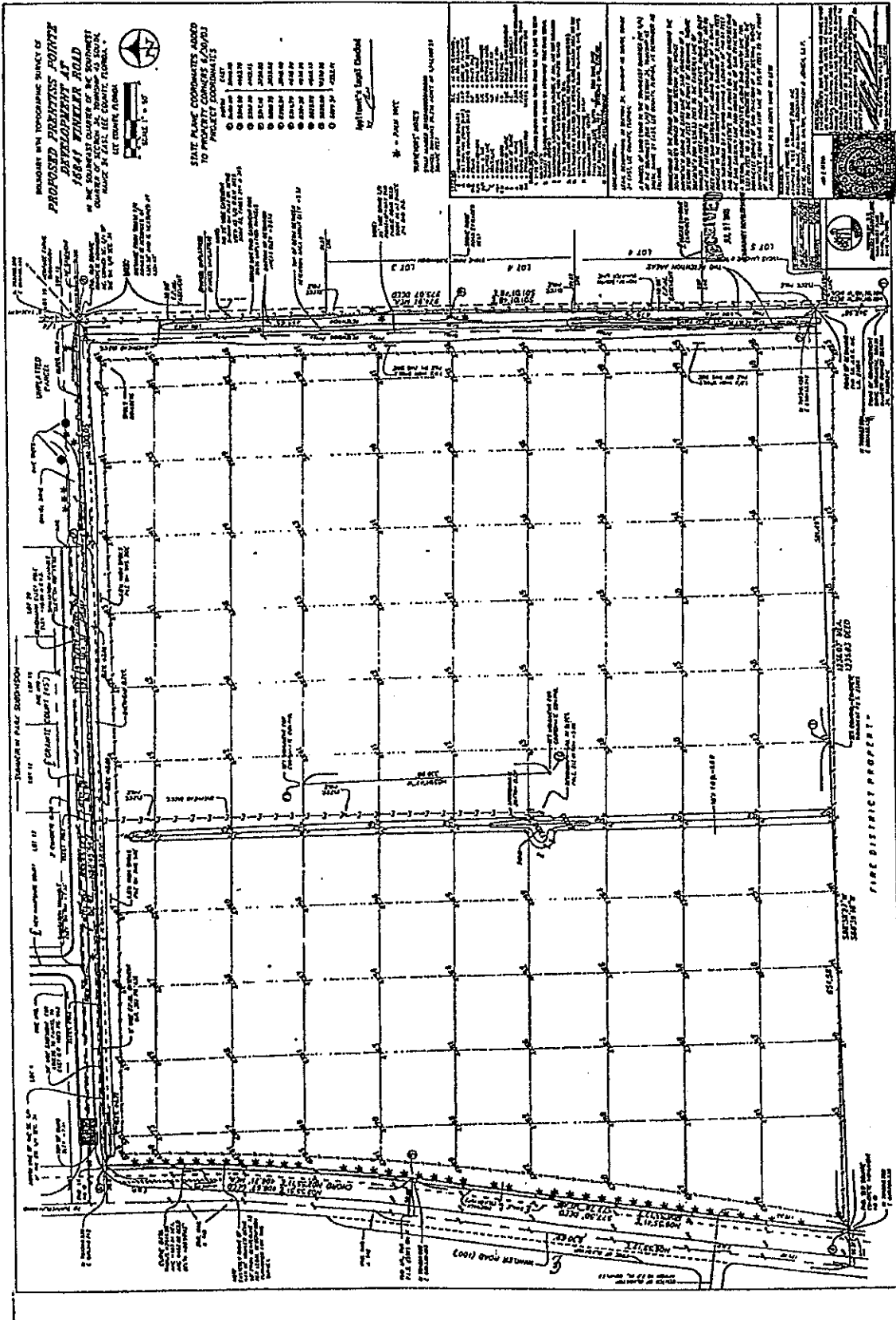
Applicant's Legal Checked  
by 

EXHIBIT A  
 (Page 2 of 2)



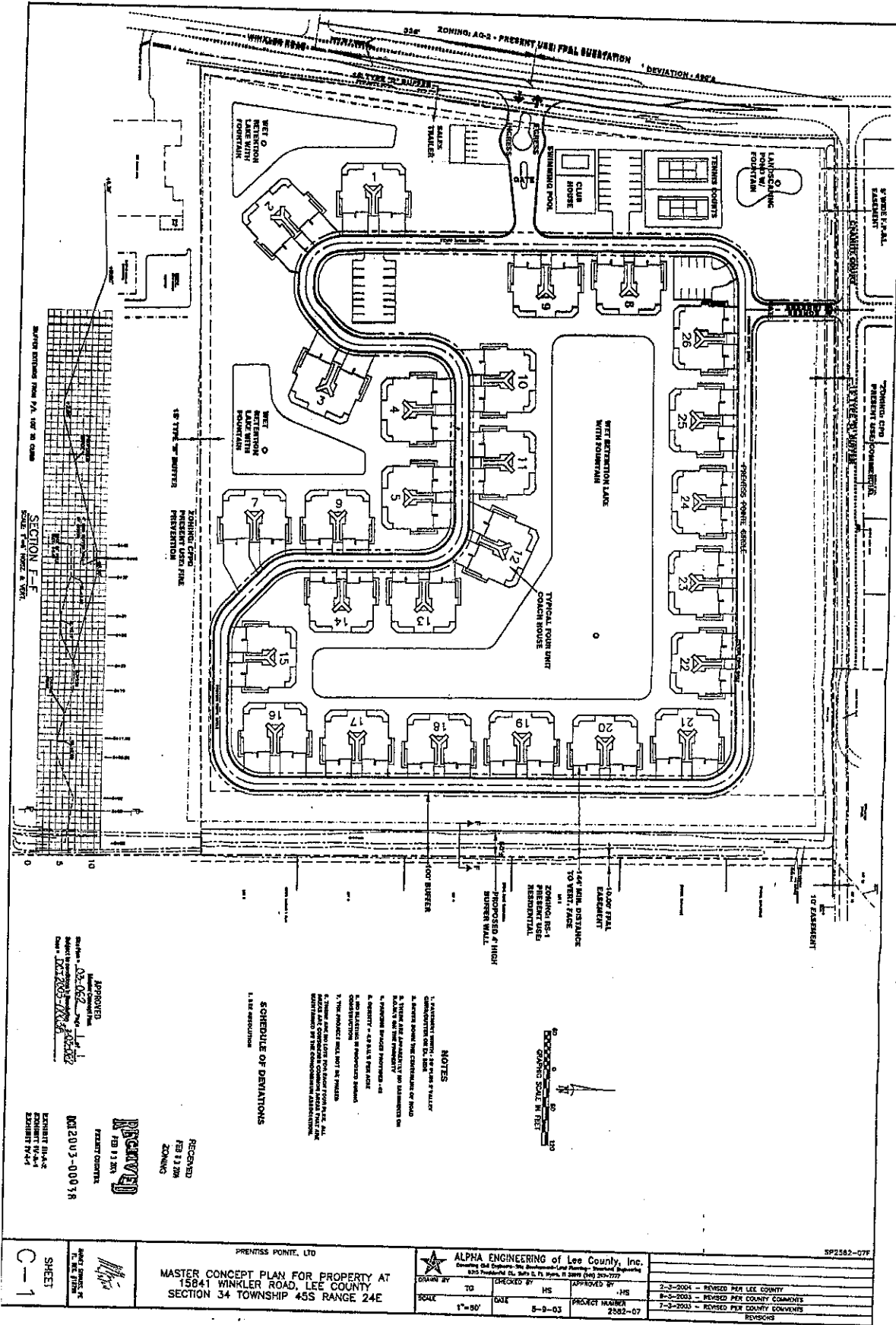
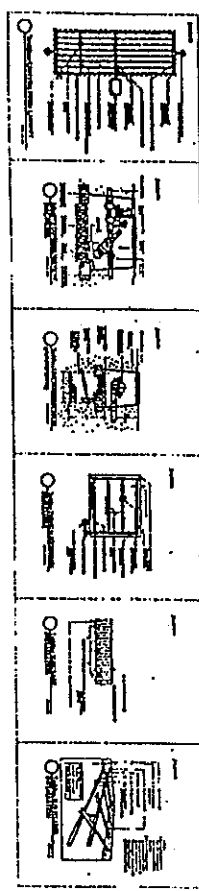
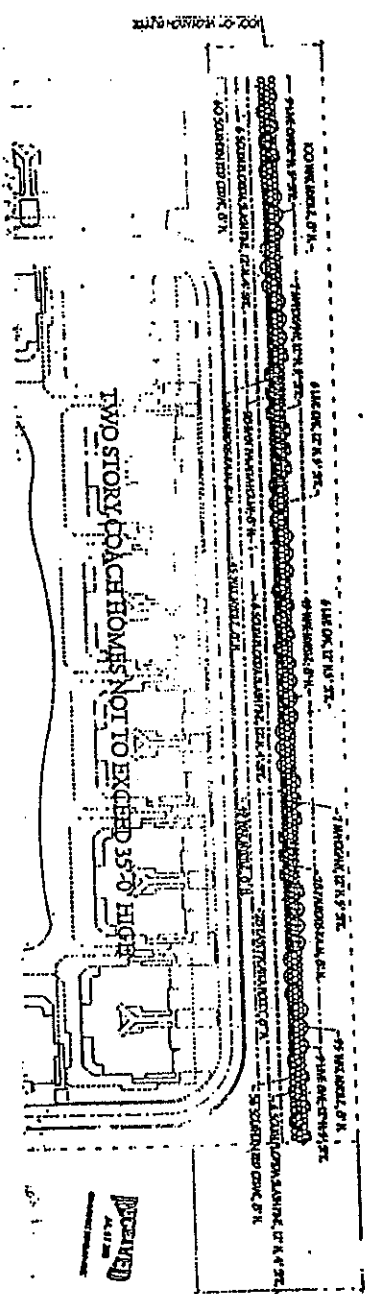
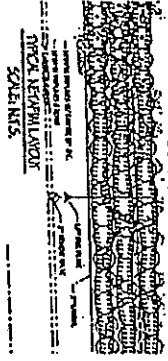
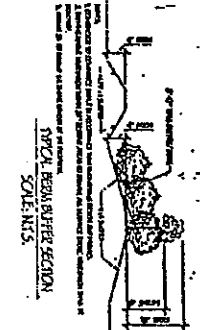
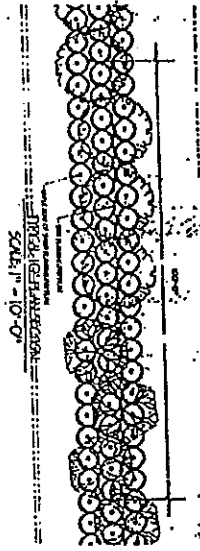
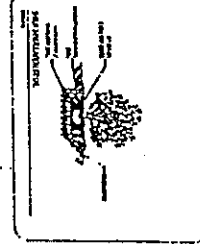
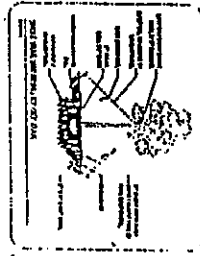


EXHIBIT B



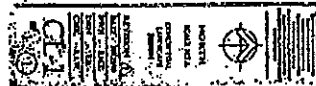
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PRELIMINARY CONCEPT PLAN  
**CARLTON - NAUMANN**  
**CLASSICS**  
 FINE CUSTOM HOMES

PRENTISS POINT  
 COACH HOME DEVELOPMENT  
 36 BUILDING UNITS / 144 LIVING UNITS  
 CONCEPTUAL SITE PLAN - 07/15/02

SCALE N.T.S.



PRENTISS POINT  
 CONCEPTUAL SITE PLAN  
 FORT LAUDERDALE, FLORIDA

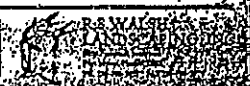


EXHIBIT C

# ZONING MAP

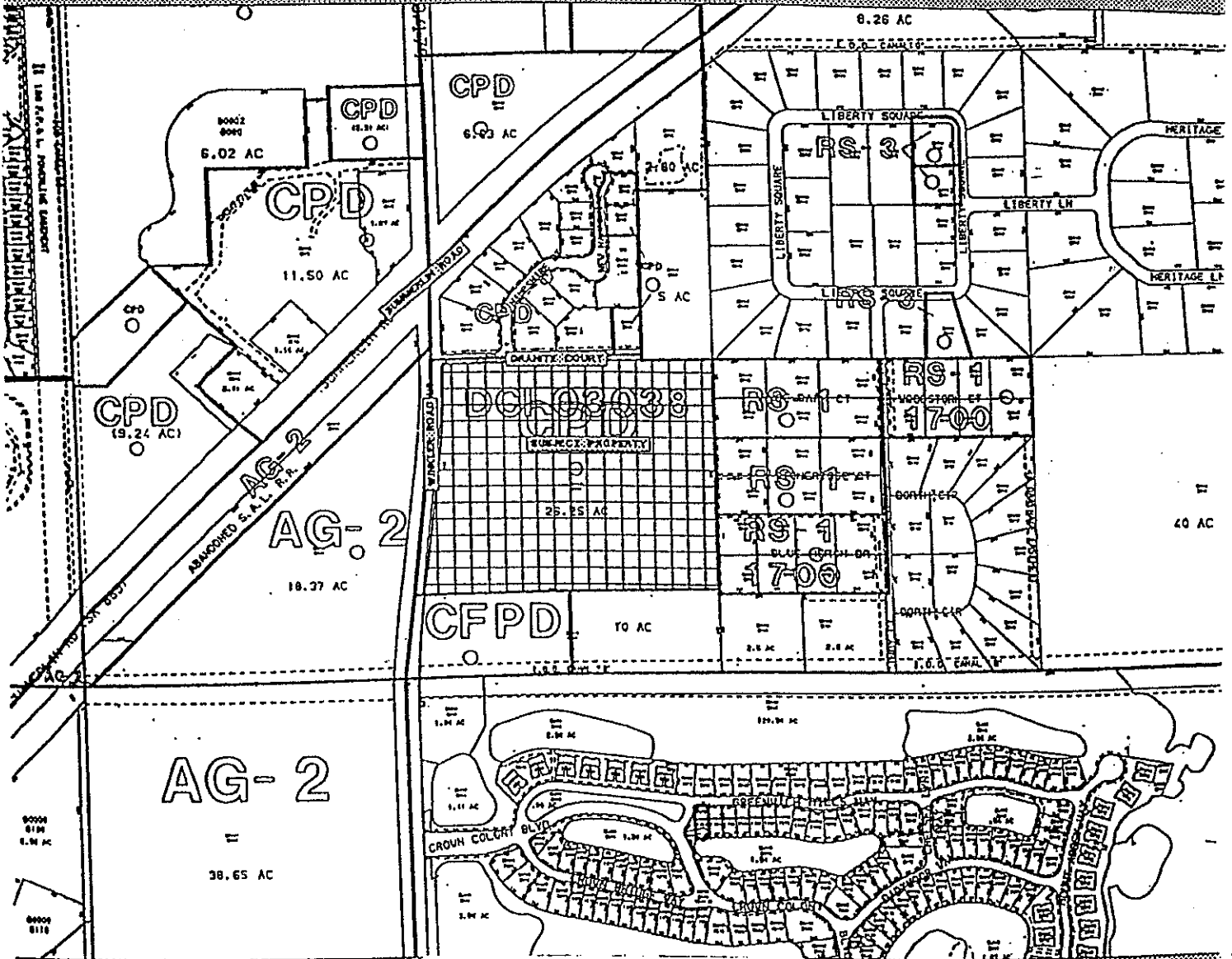


EXHIBIT D

**ATTACHMENT 5**

**OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA**

**HEARING EXAMINER RECOMMENDATION**

**REZONING:** DCI2003-00038  
**APPLICANT:** PRENTISS POINTE, LTD., % CARLTON NAUMANN CONSTRUCTION, INC., in reference to PRENTISS POINTE  
**HEARING DATE:** NOVEMBER 12, 2003

**I. APPLICATION:**

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD) pursuant to the Lee County Land Development Code (LDC).

Filed by PRENTISS POINTE, LTD., % CARLTON NAUMANN CONSTRUCTION, INC., 17499 McGregor Boulevard, Fort Myers, Florida 33908 (Applicant); PRENTISS POINTE, LTD., AN OHIO LIMITED LIABILITY CO., 7000 Quail Lakes Drive, Holland, Ohio 43528 (Owner); HARVEY STRAUSS, P.E., % ALPHA ENGINEERING, 6315 Presidential Court, Suite C, Fort Myers, Florida 33919; and GARY L. HOWE, % PRENTISS POINTE, LTD., 7000 Quail Lakes Drive, Holland, Ohio 43528 (Agents).

Request is to rezone the subject 26.25-acre property from the Commercial Planned Development (CPD) zoning district to the Residential Planned Development (RPD) zoning district to permit multi-family units (coach house condominiums) for a total of 144 units. Maximum height of buildings is to be 35 feet. No blasting is proposed on-site.

The subject property is located at 15841 Winkler Road (Winkler Road along west property line and Granite Court along north property line), in Section 34, Township 45 South, Range 24 East, Lee County, Florida (District #3).

**II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS**

The Department of Community Development Staff Report was prepared by Jeff Laurien. The Staff Report is incorporated herein by this reference.

**III. RECOMMENDATION OF HEARING EXAMINER:**

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from CPD to RPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

**A. CONDITIONS:**

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received September 8, 2003, dated May 9, 2003, except as modified by the conditions below. This development must

comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory Uses  
 Dwelling Unit: Multiple-Family Buildings (Condominiums, 144 total)  
 Essential Services  
 Essential Service Facilities, Group I  
 Excavation, Water Retention  
 Models - Model Unit (per LDC 34-19511)  
 Parking Lot - Accessory  
 Recreational Facilities - Private, On-Site  
 Signage, in accordance with LDC Chapter 30  
 Storage - Indoor Only (must be within the requested private clubhouse building)  
 Temporary Real Estate Sales Office (Sales Trailer)  
 Private Clubhouse (3,600 square feet maximum)  
 Fences  
 Walls  
 Entrance Gates

b. Site Development Regulations

Minimum lot area and dimensions:

Multiple-family:	
Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100
Minimum setbacks:	
Internal Street (feet)	15
External street (feet)	20
Side yard (feet) :	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20
Special regulations:	
Maximum height (feet)	35 (2 stories)
Maximum lot coverage (percent of total lot area)	45

Minimum Separation Distance Between Buildings (feet)	20
Minimum External Setback (feet) (If parcel developed as 1 lot - not subdivided)	
South	20
West	20
North	20
East	125

c. A total maximum of 144 units are permitted.

3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.

6. No blasting is permitted on-site.

7. Exhibit "A," the "Prenfiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning, and buffer plantings must be installed in substantial compliance with what is depicted on this plan prior to any certificate of compliance being issued on the subject property.

8. Model units are permitted in compliance with the following conditions:

a. The units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved Master Concept Plan (MCP); and

b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and

c. A total maximum of four (4) model units are permitted; and

d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

9. A single Real Estate Sales Office is permitted in compliance with the following conditions:

a. It must be located as depicted on the approved Master Concept Plan (MCP); and



b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

10. A solid wall or combination berm and solid wall not less than eight feet in height must be constructed along the entire northern length of the proposed parking lot, and must extend 10 feet easterly and westerly beyond the parking lot perimeters. That wall or wall/berm combination must be located not less than 25 feet from the abutting property and must be landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

11. Note 8 must be removed from the Master Concept Plan prior to the recording of any resolution of approval for this application.

#### **B. DEVIATIONS:**

Deviation 1 requests relief from LDC Chapter 10-285, which requires a minimum separation distance of 660 feet on arterial roads, to allow separation distances of 493 feet, and 336 feet as depicted on the MCP. The Hearing Examiner recommends this deviation be **APPROVED**.

#### **IV. HEARING EXAMINER DISCUSSION:**

This is a request to rezone a 26.25-acre parcel, located on Winkler Road just south of Gladiolus Drive, from CPD (Commercial Planned Development) to RPD (Residential Planned Development) for construction of 144 condominium units in 36 multi-family buildings. The subject property is abutted on the north by a developing office park, on the south by the Iona/McGregor Fire Station and vacant AG-2 zoned lands, on the east by the Heritage Farms subdivision, and on the west by an AG-2 zoned FP&L facility. It is designated Suburban in the Lee Plan and the planned residential development is consistent with the intent and density of that land use designation.

Applicant plans to construct 36 multi-family buildings with four condominium units per building around an "L"-shaped retention lake. The buildings will have a maximum height of 35 feet, and will be setback from each other a minimum of 20 feet. The condos are designed with three bedrooms, two baths, and an attached two car garage. The major gated ingress/egress point is to Winkler Road, with a secondary gated access onto Granite Court, which runs along the north property line.

The Master Concept Plan depicts the 125-foot setback and buffer along the east property line, which separates this property from the single-family lots within the Heritage Farms development. This setback and buffer were worked out between Applicant and the Heritage Farms Homeowner's Association, and the request as set out in the Master Concept Plan has been approved and is supported by that Homeowner's Association.

Applicant's request included one Deviation, which was from the minimum 660-foot access point separation requirement. This project's proposed access point onto Winkler Road would be only 493 feet from Granite Court (to the north) and 336 feet from the driveway into the FP&L parcel on the west side of Winkler Road. Staff recommended approval of the Deviation.

Staff recommended approval, with conditions, of the requested rezoning, finding that the proposed uses were consistent with the intent of the Lee Plan and would be compatible with the residential development trend along Winkler Road. They explained that the subject property had

been zoned CPD, but that the Master Concept Plan had been vacated for failure to develop. They believed that the proposed plan of development was more appropriate for this area than was the previously approved CPD uses.

A representative of the Heritage Farms Homeowner's Association spoke at the public hearing in support of the request as depicted on the Master Concept Plan. One Heritage Farm resident asked that the Hearing Examiner require Applicant to provide water and sewer easements over the subject property with which he could connect. He explained that the other homeowners did not want to connect into the water and sewer lines along Gladiolus Drive and that this might be his only opportunity to connect to public utilities because of the location of his home and the prohibitive costs involved in connecting to Gladiolus Drive. Applicant explained that, while they would connect into the Lee County Utilities lines, the lines on the subject property would be privately maintained by the homeowners. Thus, the Heritage Farms resident would be unable to connect into their lines.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding that the request meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the proposed uses will be consistent and compatible with the existing and potential future residential uses in the area, and will not be detrimental or injurious to persons or properties in the area.

It is the Hearing Examiner's opinion that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed uses, and, with other regulations, will safeguard the public interest.

It is also her opinion that the approved Deviation, as conditioned, enhances the objective of the planned development, and promotes and protects the public health, safety and welfare.

#### **V. FINDINGS AND CONCLUSIONS:**

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the request, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the request, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the request, as conditioned, is compatible with existing or planned uses in the surrounding area.
- E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the request, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned, are appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That the approved Deviation, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare.

J. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

**VI. LIST OF EXHIBITS:**

Master Concept Plan, prepared by ALPHA ENGINEERING of Lee County, Inc., dated 5-9-03, last revised 9-5-2003, date stamped "Received September 8, 2003, Permit Counter" (one original & one copy)

**STAFF'S EXHIBITS**

1 Aerial photograph of the subject property and surrounding area

Resumes of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

**APPLICANT'S EXHIBITS**

Resumes of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

**VII. PRESENTATION SUMMARY:**

The Hearing Examiner explained the hearing process and placed all the participants under oath. First to speak was Mark Naumann with Prentiss Pointe Ltd., the owner of the subject property. The proposed request was to rezone the subject property to the less intensive RPD zoning district in order to build 144 multi-family condominium units. There would be 36 coach home buildings, containing four condominium units each. The majority of the developments on Winkler Road were either single or multi-family residences, and they believed their parcel was conducive to residential uses versus commercial uses. Since the subject property was previously rezoned to CPD, they considered their request a down-zoning.

The Hearing Examiner verified that the property was approximately 25 .6 acres in size. Mr. Naumann agreed and stated that Heritage Farms was located on the east side of the subdivision. A commercial development known as Summerlin Park, consisting of professional offices, such as doctor and attorney offices, was located north of the subject property. The Iona/McGregor Fire Department was located to the south, and a Florida Power and Light (FP&L) facility was located to the west.

Lastly, Mr. Naumann indicated that he had read and agreed with Staffs recommendation and proposed conditions in the Staff Report.

Next, Gary Howe, also with Prentiss Pointe Ltd., introduced himself and noted that, in addition to the conditions in the Staff Report, there would be amendments to the conditions regarding some setback issues. Jeff Laurien, Department of Community Development, interjected that he would address those setback issues during Staffs presentation.

It was the Hearing Examiner's understanding that the proposed density would be 5.49 units per acre and asked for the specific size and configuration of the coach homes? Mr. Naumann explained that the four units in each building would be predominantly three bedrooms, two baths units with a two-car garage. Furthermore, there was a required minimum setback of 10 feet between buildings, but their proposed plan indicated 20 feet, which exceeded the minimum.

Jeff Laurien began Staffs presentation by indicating that his resume was on file with the Hearing Examiner's Office and asked to be accepted as an expert witness in zoning matters, as in previous hearings. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Laurien described the proposed request as a rezoning of 26.25 ± acres from CPD to RPD to permit a total of 144 multi-family units with a maximum 35-foot building height. No blasting was proposed. Although the property was currently zoned CPD, the Master Concept Plan (MCP) had lapsed due to inactivity. Therefore, the property was still zoned CPD, but there were no uses associated with the zoning designation.

He referred to Condition 10, page 3 of the Staff Report, and pointed out the end of the paragraph should be corrected to read "10 feet beyond the parking lot." He explained that purpose of Condition 10 was for the parking lot on the northeast corner of the site. The owner would provide a 25-foot buffer with an eight-foot-high solid wall and berm combination along the 125-foot-wide parking lot. Staff recommended that the solid wall and berm combination extend 10 feet east and west of the parking lot so it would adequately buffer the parking lot from the adjacent residents. The Hearing Examiner advised that Condition 10 may be reworded for clarity.

Next, referring to Attachment "C" of the Staff Report, Mr. Laurien indicated that the Applicant originally intended to use the subject property as a single lot. However, after discussing the matter with the Applicant's representative, he had suggested that it would be in their best interests to resubmit their proposal with minimum lot sizes that were less than the entire lot because they may decide to subdivide the property into bigger lots in the future.

Furthermore, Mr. Laurien wanted it understood that, if the site was developed as a single lot, Staff would suggest a category entitled "minimum external setback be added. Those external setback requirements would be measured from the perimeter lot line of the entire site. The minimum external setback would be 20 feet along the south, west and north sides and a 25-foot setback would be required adjacent to the 100-foot buffer (125-foot setback from the property line) on the east side.

Again, he referenced Attachment "C," which depicted a 15-foot street setback, and asked that the setback be changed to a minimum of 15 feet for the internal street and loop road. It should read a minimum of 20 feet for the external streets (Granite Street and Winkler Road).

In conclusion, Mr. Laurien indicated that the proposed development would consist of four-unit coach homes, lakes, club house and accessory structures. Staff found the proposed rezoning,

as conditioned, consistent with the Comprehensive Plan and Land Development Code (LDC). They recommended approval of the rezoning from CPD to RPD with Conditions 1 through 11 and Deviation 1, on pages 2 and 3 of the application [sic], including the Schedule of Uses and Site Development Regulations, as modified during the instant hearing.

The Hearing Examiner asked why Staff suggested changes to Attachment "C" if the minimum external setbacks would only be recommended if the property stayed as one complete lot and was not developed with the 13,000-square-foot minimum lot size? Mr. Laurien explained that, regardless of whether the project was developed as one parcel, the minimum street setbacks would remain the same. If the minimum 13,000-square-foot lot size was met, the side setbacks would be 10 feet and the rear setback would be 20 feet. If the project was developed as one parcel, Staff wanted to make sure the building setbacks along the north, west and south met the minimum 20-foot setbacks and the east met the 125-foot setback, as depicted on the MCP. However, if the property was divided into 13,000-square-foot parcels, the minimum side setbacks would be 10 feet and the minimum rear and waterbody setbacks would be 20 feet.

In response to the Hearing Examiner's inquiry, there were no objections to Staff's proposed changes.

Next, the Hearing Examiner questioned if there were any changes to the Schedule of Uses (Attachment "B")? Mr. Laurien stated there were none. The Hearing Examiner then asked him to explain the indoor storage use. He responded it was Staff's understanding that the indoor storage would be for lounge chairs and pool or clubhouse related storage, which was the reason Staff added the phrase "(must be within the requested private clubhouse building)."

Mr. Naumann noted that the storage area would be used as miscellaneous storage for the clubhouse, such as for additional chairs that may be needed for condominium meetings. It was basically a closet and part of the interior square footage of the clubhouse.

The Hearing Examiner asked Mr. Laurien, based on Mr. Naumann's description of the storage area, why that use needed a specific "Indoor Storage" classification? She stated her belief that the area could be considered a customary use, and that an "Indoor Storage" designation was not necessary for the Applicant's intended use. Mr. Laurien stated that it could have been a use specifically requested by the Applicant.

In response to the Hearing Examiner's question, Donna Marie Collins, Assistant County Attorney, indicated she had no comment regarding the matter. Mr. Laurien noted that the indoor storage area was conditioned so that it would not be used as "regular" additional storage, as the Hearing Examiner had alluded to.

At that point, Mr. Naumann referenced the site plan, which showed a temporary sales office near the entrance, and wanted clarification of whether it was a permitted use? Mr. Laurien indicated that it was listed in the Schedule of Uses and conditioned in the Staff Report.

First to speak from the public was Tom Pugh, a civil engineer, who indicated that he had been involved with many developments in Lee County, as well as rezoning applications. He was testifying as a resident of Heritage Farms and stated that he lived on Stonebridge Court, one of the roadways immediately east of the subject project.

He explained that, upon completing his public participation form, he marked "Against" because there was not a category stating, "It depends." He stated that Heritage Farms had only one

entrance in and out. There had been discussions among the residents about providing water and sewer into that community but it did not pass with the required percentage. He believed this rezoning might be his community's last chance to obtain those facilities.

He had reviewed the plans for the proposed project and had seen an opportunity for his community to benefit from access to the public utilities that the proposed project would provide its residents. However, the proposed plans did not show an access point for his community, and he suggested that the access be provided through the existing 35-foot-wide utility easement that abut the two end lots of each of the three cul-de-sacs. He realized that this subject matter was not typically addressed during the rezoning hearing, but this was the only time that the public had input. The utilities that would be provided by the developer of Prentiss Pointe would be turned over to Lee County Utilities, and would, therefore, be accessible to the public.

The Hearing Examiner questioned whether water and sewer connections were available from Gladiolus Drive, to which Mr. Pugh agreed. However, he explained that Heritage Farms was not a cohesive homeowner's association, and he was speaking as an individual because he was not a member of the association. He explained that there was an after-the-fact association started and he had been a voluntary member after he purchased his home in 1990, but he did not sign up to be a member when the ultimatum was issued. He viewed the utility easement access opportunity as a regional benefit. He had spoken with residents inside and outside of the membership, and learned there was a desire to have the utilities. Without a unified voice, it would be difficult for the community to do something on their own. There was currently only one access point for his community, and it would be cost-prohibitive for an individual to connect to the Gladiolus Drive utilities.

The Hearing Examiner advised Mr. Pugh that, as an engineer with zoning and planning experience, he most likely understood that if a 35-foot easement was placed across the properties, that area would not be useable by the owners. He replied that the areas he referred to were currently being used as buffer areas and there would not be any difference to the Applicant's proposed plan. It would almost be an extension from their northern, east-west roadway, due east to abut with the lines. He pointed to Attachment "E" of the Staff Report to show the easement location to which he had been referring.

Next, Mr. Howe stated that he believed water and sewer access was available from Gladiolus and asked Mr. Naumann if the utilities would be private? He replied that Mr. Pugh had testified that if easements were granted for water and sewer hookups, they would be eventually turned over to Lee County Utilities. After meeting with Thom Osterhout at Lee County Utilities, they recommended a private system be maintained on site. Therefore, Lee County Utilities would not maintain the system for Prentiss Pointe.

The Hearing Examiner asked if he was referring to an on-site septic or lift station? Harvey Strauss, of Alpha Engineering, said it would be a lift station that would be pumping into the Lee County force main. However, everything within the property lines would be maintained by Prentiss Pointe.

Continuing, Mr. Howe stated that Mr. Pugh referenced an easement agreement with Heritage Farms and said it was a hotly contested resolution made with the Heritage Farms Homeowner's Association to resolve the zoning issues. They agreed to specific requirements for buffering within the agreement and did not intend to deviate from it. They cannot impact the buffer in any regard as those issues were resolved with the association.

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Next, Tom Hart, stated that he was in attendance as an observer, but was representing the Heritage Farms Homeowner's Association. He stated that Mr. Howe was correct in that there was an agreement stating that the association supported the application. The buffer was hotly debated, discussed and worked on for months, resulting in a written agreement. He stated he did not blame Mr. Pugh, whom he had never met, for trying to get the easements for the needed facilities. However, the association, which represented at least two thirds of the residents of Heritage Farms, supported the application and they had not asked for such access.

Mr. Pugh returned to say that a buffer easement would not necessarily affect the plantings. The plantings, submitted as part of the zoning application, would be within the utility easement. There would be nothing, including trees or walls, on the surface that would change. However, the subsurface would allow for access to utilities.

Secondly, as per the Applicant, Lee County Utilities stated they would not want the utilities on site. However, Mr. Pugh indicated that he also had a conversation with Mr. Osterhout about the utilities being used by Heritage Farms as a regional benefit. The issue was that if the utilities were to serve a single purpose, meaning Prentiss Pointe, they did not want to be involved with it. Lee County Utilities was being more exclusive in what they wanted to accept and if it had only been for Prentiss Pointe they would not be involved. Mr. Osterhout advised him that if Heritage Farms was also involved, he would be supportive of it being a Lee County Utilities system for regional benefit.

Mr. Laurien referenced Mr. Pugh's previous statement that there would be no affect on the plantings. In the past, buffer plantings had been placed in easements. However, if it was a public utility easement (water and sewer), Staff would be concerned about Lee County's liability for work being done with regard to the removal and replacement of the plants.

The Hearing Examiner advised Mr. Pugh that she probably would not recommend to the Board of County Commissioners (BOCC) that the public utility easement be put in. Generally that would happen if the neighboring property was developing or would benefit in some way. However, based on Mr. Hart's testimony, Mr. Pugh was the only person who had made this request and two-thirds of the Heritage Farms property owners were satisfied with the previously made agreement. The Hearing Examiner then advised Mr. Pugh that he still had the right to appear before the BOCC to state his case.

In closing, the Hearing Examiner indicated that she would conduct a site visit prior issuing her recommendation, hopefully by the end of November. The hearing was then closed.

#### **VIII. OTHER PARTICIPANTS AND SUBMITTALS:**

##### **ADDITIONAL APPLICANT'S REPRESENTATIVES:**

1. Mark Naumann, % Prentiss Pointe, Ltd., 17499 McGregor Blvd., Ft. Myers, Florida 33908

##### **ADDITIONAL COUNTY STAFF:**

1. Donna Marie Collins, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902

**PUBLIC PARTICIPATION:**

**A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):**

**For: NONE**

**Anainst:**

1. Thomas J. Pugh, 3706 Stoneridge Court, Fort Myers, FL 33908

**General:**

1. T. Hart, Knott, Consoer, Ebelini, Hart & Swett, 1625 Hendry St Ste 301, Fort Myers FL 33901 (representing the Home Owner's Association)

**B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:**

**For: NONE**

**Anainst: NONE**

**IX. LEGAL DESCRIPTION:**

See Exhibit B (scanned legal description).

**X. UNAUTHORIZED COMMUNICATIONS:**

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-51

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

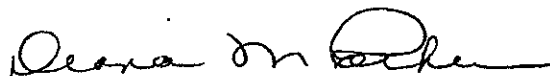


**XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:**

- A. This recommendation is made this 22<sup>nd</sup> day of December, 2003. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.
- B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.
- C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.
- D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

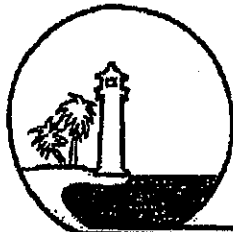
**XII. COPIES OF TESTIMONY AND TRANSCRIPTS:**

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



DIANA M. PARKER  
LEE COUNTY HEARING EXAMINER  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: 239/479-8100  
Facsimile: 239/479-8106





**Sanibel Surveys, Inc**  
 2410 Palm Ridge Road  
 Sanibel, Florida 33957

Phone Number (239) 472-0058

Fax Number (239) 472-3666

July 21, 2003  
 LEGAL DESCRIPTION  
 PRENTISS POINTE  
 15841 WINKLER ROAD

**RECEIVED**  
 AUG 07 2003

IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA: **PERMIT COUNTER**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS

COMMENCING AT THE FOUND CONCRETE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 34; THENCE N01°01'48"W ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 346.56 FEET TO THE POINT OF BEGINNING; THENCE S88°39'15"W FOR 1,235.83 FEET TO THE EASTERLY LINE OF WINKLER (100 FEET WIDE); THENCE N06°55'41"E ALONG SAID EAST LINE FOR 577.50 FEET TO POINT OF CURVATURE; THENCE 407.00 FEET ALONG SAID EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2,91490 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 406.67 FEET AND BEARING N02°55'51"E TO A POINT ON A CURVE INTERSECTING THE SAID EASTERLY LINE AND NORTH LINE OF SAID FRACTION OF A SECTION; THENCE N88°45'17"E ALONG SAID NORTH LINE FOR 1,12779 FEET TO A FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID FRACTION OF A SECTION; THENCE S01°01'48"E ALONG SAID EAST LINE OF 975.07 FEET TO THE POINT OF BEGINNING.

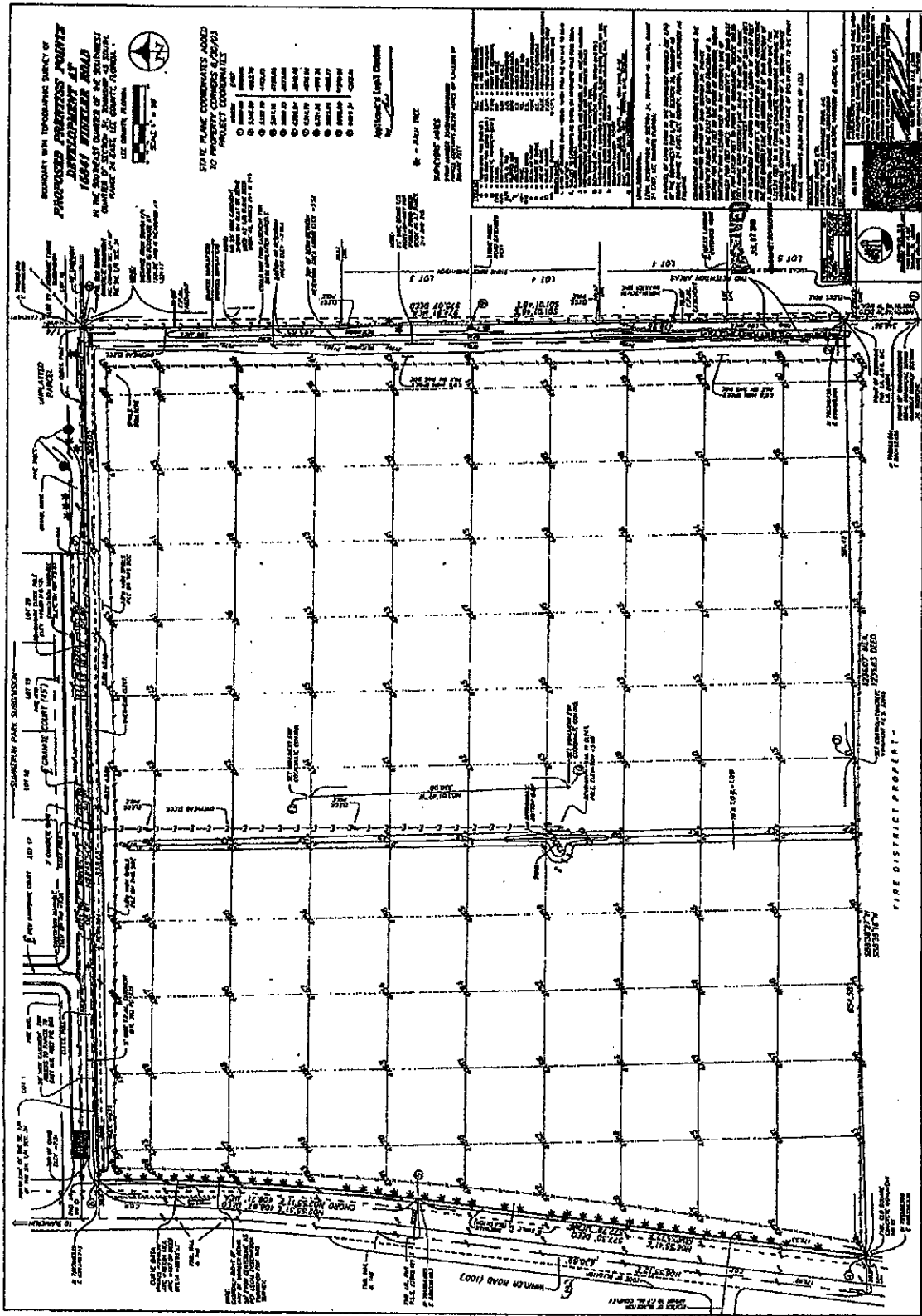
PARCEL CONTAINS 26.25 ACRES MORE OR LESS

*[Signature]*  
 WALTER FRASER (FOR THE FIRM LB-0006647)  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA CERTIFICATE NO. 0003985

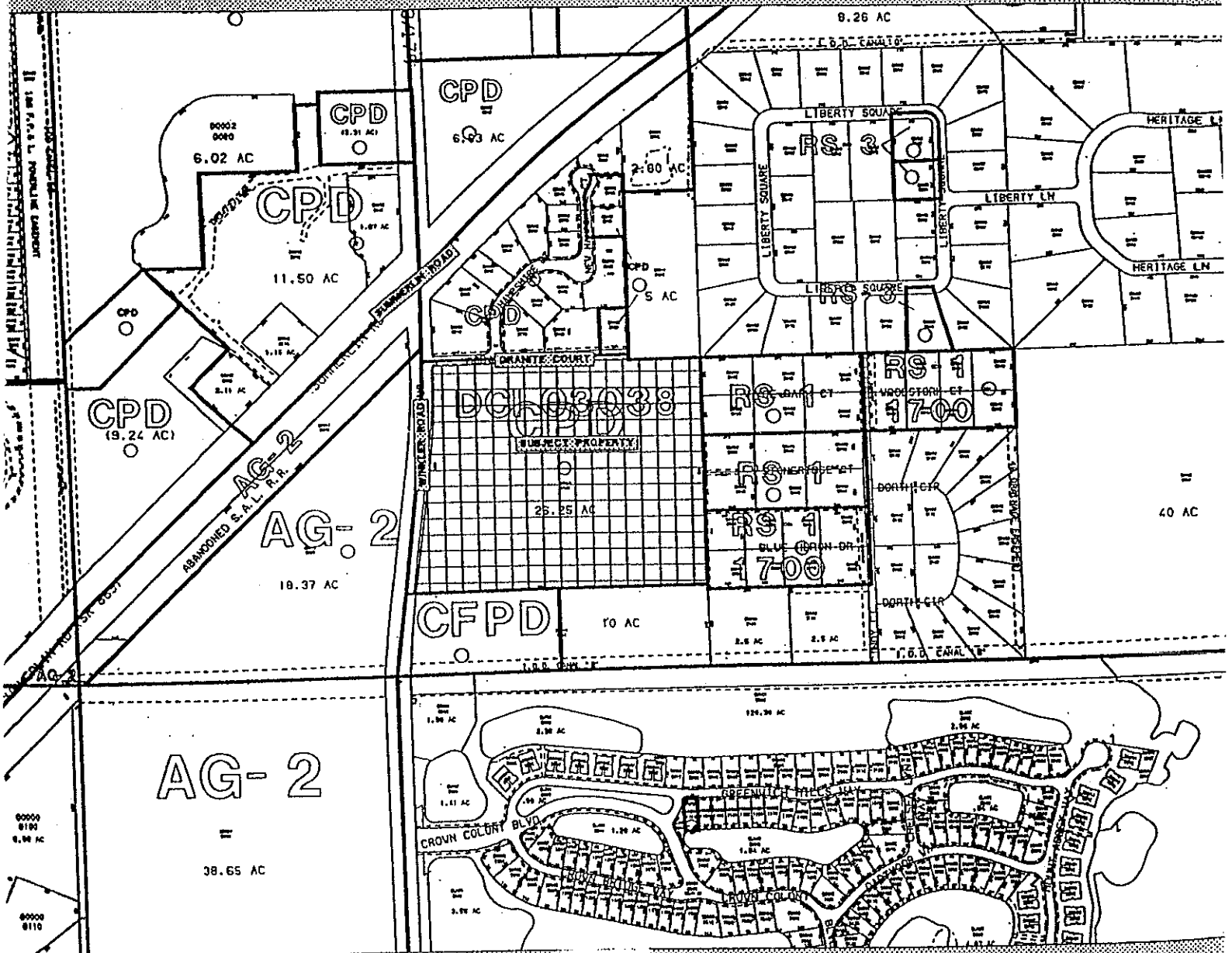
Applicant's Legal Checked  
 by *[Signature]*

**DCI 2003-00038**

EXHIBIT B



# ZONING MAP



ATTACHMENT 6

LEE COUNTY, FLORIDA  
ZONING DIVISION  
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2003-00038

HEARING EXAMINER DATE: November 12, 2003 (HEX)

I. APPLICATION SUMMARY:

A. Applicant: Prentiss Pointe, LTD.

B. Request: To rezone the subject 26.25+/- acre property from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit multi-family units (coach house condominiums) for a total of 144 units. Maximum height of buildings is to be thirty-five feet (35'). No blasting is proposed on-site.

C. Location: The subject property is located at 15841 Winkler Road (Lee County South with Winkler Road along west property line and Granite Court along north property line), in S34-T45S-R24E, Lee County, FL. (District #3)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

The subject property is currently zoned Commercial Planned Development (CPD), is vacant, and is within the suburban land use category.

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: Across Granite Court, Summerlin Park South CPD (partially developed with medical offices); directly abutting the northeast corner of property, AG-2 zoned single-family home.

Suburban

East: RS-1 zoned existing single-family homes

Suburban

South: CFPD zoned fire station , and AG-2 zoned vacant property

Suburban

West: Across Winkler Road, AG-2 zoned FP&L facility

Suburban

F. Size of Property: 26.25± Acres

II. RECOMMENDATION:

Staff recommends APPROVAL of the Applicant's request for rezoning from CPD to RPD with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received SEP 08 2003, dated 5-9-03, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
  - a. Schedule of Uses  
Please see attachment 'B'
  - b. Site Development Regulations  
Please see attachment 'C'
  - c. A total maximum of 144 units are permitted.
3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.
6. No blasting is permitted on-site.
7. Attachment 'F' of this staff report, "Prentiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning, and buffer plantings must be installed in substantial compliance with what is depicted on this plan prior to any certificate of compliance being issued on the subject property.
8. Model units are permitted in compliance with the following conditions:
  - a. The units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved Master Concept Plan (MCP); and

- b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and
  - c. A total maximum of 4 model units are permitted; and
  - d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m..
9. A single Real Estate Sales Office is permitted in compliance with the following conditions:
- a. It must be located as depicted on the approved Master Concept Plan (MCP); and
  - b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m..
10. A solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet along the entire northern length of the proposed parking lot and extending 10 feet beyond the parking lot to the east and west.
11. Note 8 must be removed from the Master Concept Plan prior to the recording of any resolution of approval for this application.

B. Deviations

Deviation 1 request relief from LDC section 10-285, which requires a minimum separation distance of 660' on arterial roads, to allow separation distances of 493 feet, and 336 feet as depicted on the MCP. Staff recommends APPROVAL of this deviation.

Lee County Department of Transportation's review of this request found no objections (See Attachment 'G'). Thus, staff recommends approval as requested.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
- 2. The requested zoning, as conditioned:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;



- c) is compatible with existing or planned uses in the surrounding area; and
  - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
  4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
  5. The proposed mix of uses is appropriate at the subject location.
  6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
  7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
  8. The deviation recommended for approval, as conditioned:
    - a) enhances the objectives of the planned development; and
    - b) preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

### III. BACKGROUND INFORMATION AND ANALYSIS:

#### Introduction/Synopsis

This is a request to rezone approximately 26.25 acres from Commercial Planned Development (CPD) to Residential Planned Development to permit multi-family units (coach house condominiums) for a total of 144 units; gated access; a club house with recreational facilities; model homes; a temporary sales center; and wet retention lakes with fountains. Maximum height of buildings is to be thirty-five feet (35'). No blasting is proposed on-site. The Master Concept Plan for the approved CPD has been vacated due to no action being taken on the approval. Hence, the zoning of CPD still remains, however, there is no schedule of uses, Master Concept Plan, or development intensity associated with the zoning.

The subject property is located on the east side of Winkler Road, approximately three hundred feet (300') south of Summerlin Road. The property has approximately one thousand feet (1000') of lineal frontage on Winkler Road and eight hundred feet (800') of lineal frontage on Granite Court. The property has been cleared and has been used for agriculture in the past. The applicant is aware that all agricultural uses must cease upon any approval of this rezoning request. The eastern boundary of the property is to be landscaped with a one hundred foot (100') wide buffer per the submitted "Prentiss Point Conceptual Buffer Planting Plan, Fort Myers, Florida".

#### Master Concept Plan

The proposed Master Concept Plan is a one (1) page document entitled, "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received September 8, 2003, dated 5-9-03. The Master Concept plan depicts thirty-six (36) four-unit "coach home" multi-family buildings around a ring road named "Prentiss Pointe Circle". There are two (2) gated entrances, one on Winkler Road (main entrance), and one (1) on Granite Court. A club house with recreational amenities including tennis courts is depicted in the northwest corner of the property. Three wet retention lakes with fountains are depicted on the MCP, one in the southwest corner, one in the south central are of the MCP, and on in the centre of the MCP in a L shape.

### Lee Plan Considerations

The entire property is located within the Suburban land use category.

The Suburban land use category is described in Policy 1.1.5 of the Lee Plan as follows:

***POLICY 1.1.5:*** *The suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*

The application is proposing a density of 5.49 dwelling units per acre. This is within the range of the permitted 1 to 6 dwelling units per acre of the Suburban land use category. Thus, this application is consistent with this policy.

**OBJECTIVE 2.1: DEVELOPMENT LOCATION:** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

The subject property is located in an area along Winkler Road that has emerged as a residential corridor. There are existing residential and commercial subdivisions in the immediate area. The subject property is also in close proximity to employment and shopping centers. Given the level of development immediately surrounding the subject property, staff believes that this application promotes a contiguous and compact growth pattern consistent with Objective 2.1 of the Lee Plan.

**OBJECTIVE 2.2: DEVELOPMENT TIMING:** *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The subject property is located within the water and sewer franchise area for Lee County Utilities. There is a 10-inch sewer line and 12-inch water line located along Winkler Road that is available to serve the project.

The subject property is located on Winkler Road, a major collector roadway, and is located approximately three hundred feet (300') south of Summerlin Road, an arterial roadway. Based on Lee County Department of Transportation, the road from the subject property north to Summerlin will operate at a level of service 'C' with or without the subject project (See Attachment 'H'). This is an acceptable level of service.

Thus, this application is consistent with this objective.

**POLICY 5.1.5:** *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.*

A gross density of six (6) dwelling units per acre is the maximum density allowed in the Suburban land use category in which the subject property is located. The subject development is proposing a gross density of 5.49 dwelling units per acre which is below the maximum allowable density in the Suburban land use category.

The subject property is surrounded by existing developments on all sides. To the north across Granite Court is an existing mostly developed commercial center (Summerlin Park South CPD (medical offices)); to the northeast is a large AG-2 zoned property with a single-family home; to the east is an existing developed residential development zoned RS-1, known as Heritage Farms; to the southwest is an existing fire station; and a vacant AG-2 zoned property to the southeast; and to the west, across Winkler Road is a Florida Power and Light substation.

Being a residential development, the subject application is compatible with the existing commercial uses to the north, and west; the community facility (fire station) to the southwest; and the vacant agricultural use to the southeast, with the provision of the buffers to be provided as depicted on the submitted Master Concept Plan.

The residential development to the east (Heritage Farms) has a gross density of 1.13 dwelling units per acre (1.13 du/ac). This is significantly less than the gross density of 5.49 dwelling units per acre (5.49 du/ac) being requested in this application. However, this application is proposing to buffer Heritage Farms with a one hundred foot (100') wide landscaping plan submitted as part of the application (see attachment 'F'). This is well above what is required, which is a fifteen foot (15') wide type 'B' buffer for multi-family units adjacent to an existing single-family residential development. The maximum height of 35 feet requested is also the maximum height permitted in Heritage Farms. Thus, the multi-family buildings will not "loom" over the single-family homes in Heritage Farms. This multi-family development will also act as a "step-down" buffer from commercial to multi-family residential to single-family residential for the existing residential development to the east (heritage Farms) of the subject property. Thus, this application is compatible with the residential development to the east with the one hundred foot (100') wide buffer to be provided, and the maximum height requested.

The northeast corner of the subject property borders an AG-2 zoned, single-family home. One four-plex building and a parking lot are proposed in this location, as depicted on the Master Concept Plan, with a 15 foot type 'D' buffer between the properties. This 15 foot type 'D' buffer is the same as the 15 foot type 'B' buffer required per LDC Section 10-614(3) to shield multi-family from single-family. Thus, this buffer will be adequate to shield the adjoining single-family home along the portion of the subject property without a parking lot. However, the proposal would locate a parking lot within 125 feet of the adjacent AG-2 zoned single-family property. Section 10-416(d)(6) refers to such an instance, and states "...a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet..." Thus, for the parking lot to be compatible with the residential development to the northeast of the subject property, staff recommends condition 10.

In addition, the maximum height of 35 feet, and a minimum rear yard setback of 20 feet, as requested by the applicant, will not allow the multi-family buildings to "loom" over the existing single-family building. Thus, as conditioned, this application will be compatible with the single-family house to the northeast.

Thus, as conditioned, this application is consistent with this policy.

#### Neighborhood Compatibility

Please see discussion above under Policy 5.1.5.

#### Environmental Issues

No environmental issues were identified on the subject property. It is recommended that the buffer plan along the eastern portion of the subject site be adopted as a condition (see condition 7 above).

#### Special Case Issues

##### Transportation

See above under Objective 2.2: Development Timing.

#### Miscellaneous

Note 8 on the MCP conflicts with the submitted Development Regulations. Thus, staff recommends that this note be removed from the MCP prior to recording.

#### IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Schedule of Uses
- C. Development Regulations
- D. Master Concept Plan (reduced)
- E. Aerial Photograph
- F. Prentiss Point Conceptual Buffer Planting Plan Fort Myers, Florida (reduced)
- G. Lee County Department of Transportation (LCDOT) Comments

## H. Development Services Traffic Comments

cc: Applicant  
County Attorney  
Zoning/DCI File



**ATTACHMENT 'B'**

**SCHEDULE OF USES**

**Accessory Uses**

**Dwelling Unit: Multiple-Family Buildings (Condominiums, 144 total)**

**Essential Services**

**Essential Service Facilities, Group I**

**Excavation, Water Retention**

**Models - Model Unit (per LDC 34-19511)**

**Parking Lot - Accessory**

**Recreational Facilities - Private, On-Site**

**Signage, in accordance with LDC Chapter 30**

**Storage - Indoor Only (must be within the requested private clubhouse building)**

**Temporary Real Estate Sales Office (Sales Trailer)**

**Private Clubhouse (3,600 square feet maximum)**

**Fences**

**Walls**

**Entrance Gates**

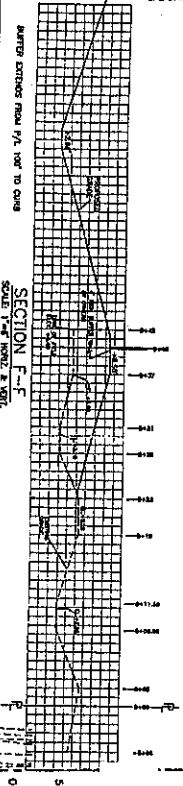
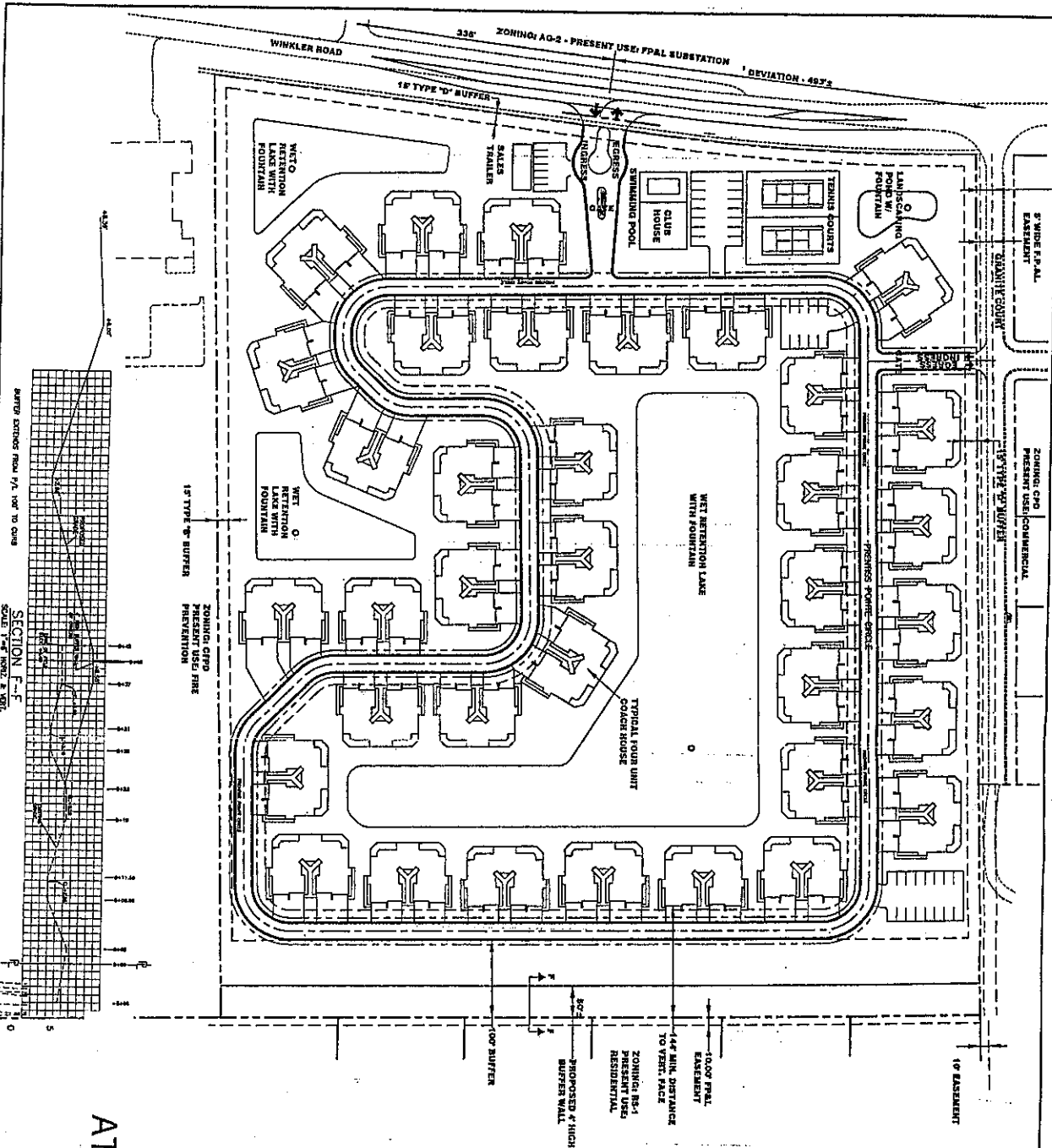
PRENTISS POINTE  
DCI 2003-0038-PDS APPLICATION (MINOR PD)

Minimum lot area and  
dimensions:

Multiple-family:

Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100
Minimum setbacks:	
Street (feet)	15
Side yard (feet):	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20
Special regulations:	
Maximum height (feet)	35 Ft., (2 Stories)
Maximum lot coverage (percent of total lot area)	45 %
Minimum Separation Distance Between Buildings	10'





ATTACHMENT D

EXHIBIT H-1-A-2  
EXHIBIT H-1-A-1  
EXHIBIT H-1-A-3

RECEIVED  
SEP 08 2003  
ZONING

- NOTES**
1. HAVENLY VILLAS, 20-POUR & TALKER DIMENSIONS ON ALL SHEET.
  2. THERE ARE APPROPRIATE NO STATEMENTS ON R.O.W.'S ON THIS PROJECT.
  3. A FURNISH SCHEDULE PROVIDED - AS A REFERENCE - SEE PLAN & THE ADJACENT CONSTRUCTION.
  4. THE PROJECT SHALL NOT BE PLACED IN A POSITION THAT WOULD BE A HAZARD TO THE ADJACENT PROPERTY. ALL ADJUSTMENTS BY THE COMMUNITY ASSOCIATION.
- SCHEDULE OF DEVIATIONS**
1. L&P RESOLUTION

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

**100' BUFFER**

**10' ASPHALT**

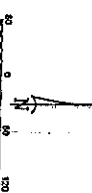
**5' WIDE F.P.A.L. EASEMENT**

**10' BUFFER**

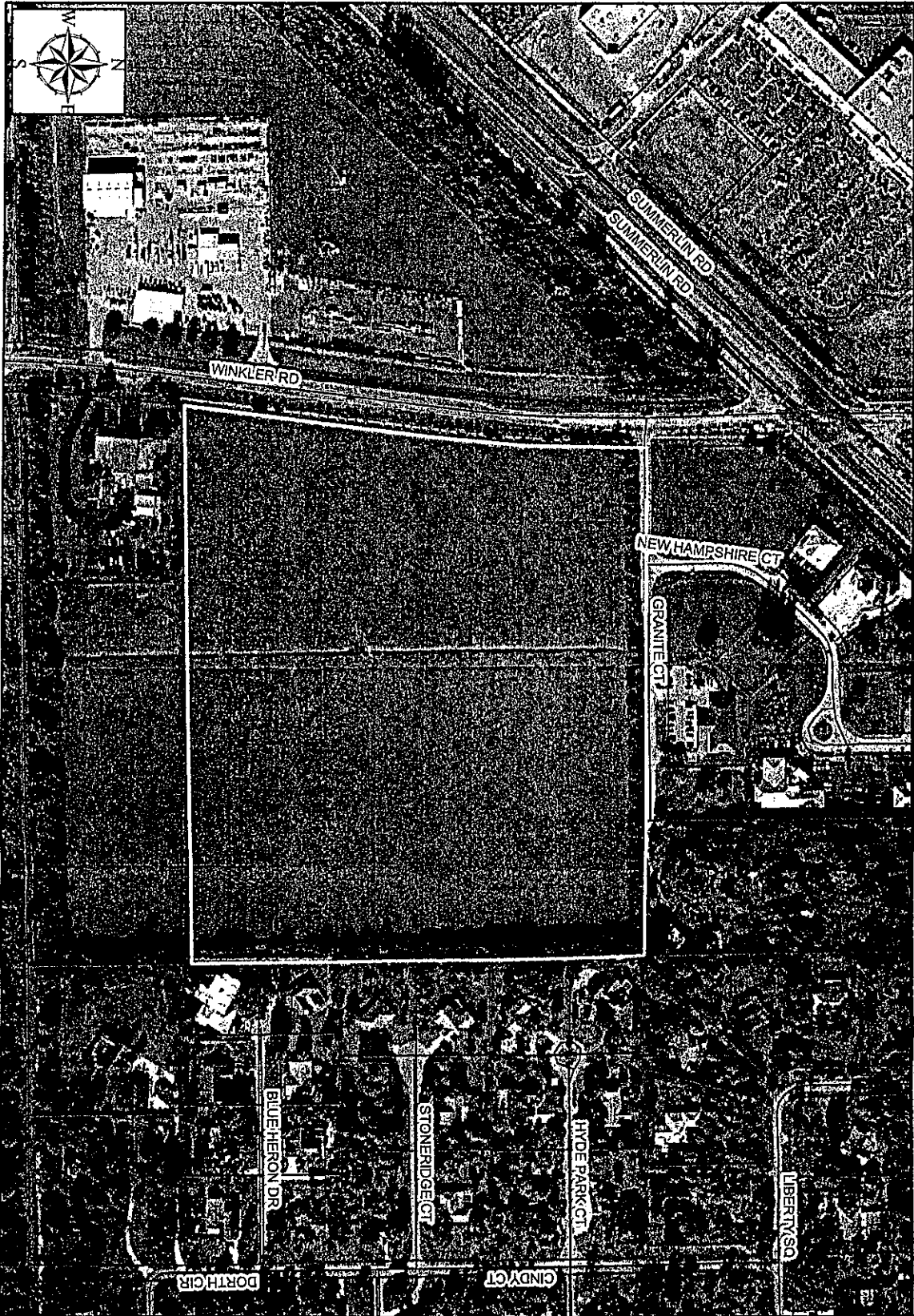
**100' BUFFER**

**10' ASPHALT**

**5' WIDE F.P.A.L. EASEMENT**



RECEIVED  
SEP 08 2003  
ZONING



DC12003-00038

Attachment "E"





# Memo

To: Jeff Laurien, Senior Planner

From: Michael Tisch, Engineer *MT*

Date: September 19, 2003

Re: **Prentiss Pointe**  
**DCI2003-00038 - Substantive Comments**

---

LCDOT staff has reviewed the Application for Public Hearing for this case. The request is to change from CPD to RPD. We have the following comments on the rezoning:

LCDOT staff has no objections to the deviation from intersection separation on Winkler Road as proposed. Road improvements will be addressed at the time of local development order.

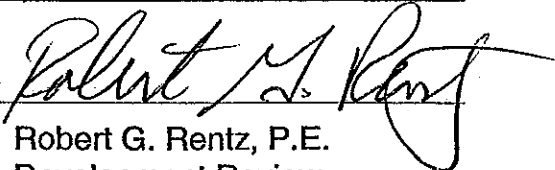
MPT/mpt

MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES DIVISION

DATE: September 17, 2003

TO: Jeff Laurien  
Senior Planner

FROM:

  
Robert G. Rentz, P.E.  
Development Review  
Engineer

RE: **Prentiss Pointe**  
Case No. DCI2003-00038


The proposed project will consist of 144 multi-family dwelling units. Based on the ITE Trip Generation Report 6<sup>th</sup> Edition the project will generate 85 net new external trips in the peak hour. The anticipated build out year is 2006.

Based on manual traffic counts taken by Metro Transportation Group, the 2007 background peak hour, peak season, peak direction volume of flow on Winkler Rd. north of the site will be 320 vehicles per hour. At this volume, based on the Lee County D.O.T. link-specific service volumes, the road will operate at level of service "C". When the project traffic is added to this background traffic the level of service will remain at "C".

**ATTACHMENT 7**

Bonita Springs • Sanibel

Memorandum

Date : November 22, 2004  
To : Lee County Board of County Commissioners  
From : Cody B. Vaughan-Birch   
Re : Prentiss Pointe RPD

2004 NOV 22 AM 11:48  
RECEIVED BY  
LEE CO. ATTORNEY

---

Attached for your review, please find a detailed Traffic Impact Statement for the Prentiss Pointe Residential Planned Development prepared by Metro Transportation Group, Inc., and information regarding the approved Emergency Preparedness Plan for Prentiss Pointe. We respectfully submit this information in order to facilitate your review of our pending request to approve the Settlement Agreement recommended for approval by Special Master C. Laurence Keesey on November 9, 2004. It is our intent that these documents will provide additional information regarding Level of Service and hurricane evacuation issues in support of the Settlement Agreement that now comes before you.



# **TRAFFIC IMPACT STATEMENT**

FOR

## **PRENTISS POINTE PUD**

**(PROJECT NO. 021014)**

**PREPARED BY:**  
**Metro Transportation Group, Inc.**  
**12651 McGregor Boulevard, Suite 4-403**  
**Fort Myers, Florida 33919-4489**  
**941-278-3090**

**January 7, 2003**

## CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION



## I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for development. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the east side of Winkler Road to the south of Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1**.

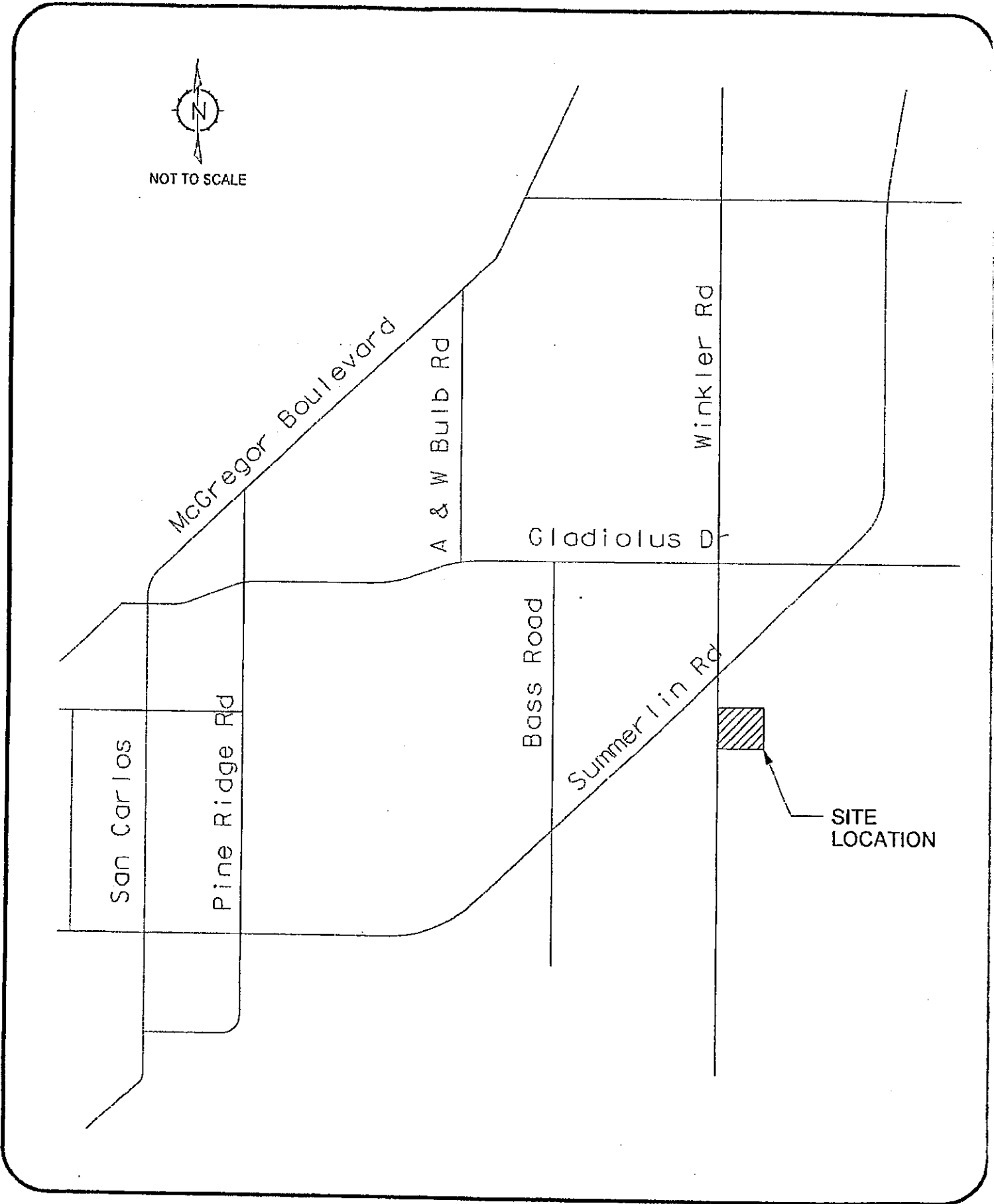
According to the site plan prepared by Alpha Engineering, the development is expected to consist of up to 144 multi-family dwelling units. Access to the site will be provided via two access locations to Winkler Road.

This analysis will determine what impact, if any, Prentiss Pointe will have on the surrounding street system and identifies any improvements required based on criteria established in the Lee County Traffic Impact Statement Guidelines.

## II. EXISTING CONDITIONS

The subject site is currently vacant. Adjacent to the site to the west is Winkler Road. The site is bordered to the north, east, and south by existing or planned residential developments.

**Winkler Road** is a two-lane collector facility to the south of Summerlin Road. Winkler Road is a two-lane arterial facility to the north of Summerlin Road. At its signalized intersection with Summerlin Road, the northbound approach of Winkler Road currently contains two travel lanes, a left turn lane and a shared thru/right turn lane. Winkler Road has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.



SITE LOCATION

FIGURE: 1

**Summerlin Road** is an east/west divided four-lane arterial in the vicinity of the subject site. Summerlin Road is a "Controlled Access Facility" in the vicinity of the subject site. In addition, the Lee County Capital Improvement Plan indicates that funding is scheduled for the six-laning of Summerlin Road from Bass Road to Gladiolus Drive in the fiscal year 2003/2004. The intersection of Summerlin Road and Winkler Road operates under signalized conditions. Summerlin Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation.

### III. PROPOSED DEVELOPMENT

The Prentiss Pointe development is located within Lee County. Upon completion of development, the site will consist of up to 144 multi-family dwelling units. **Table 1** summarizes the land use utilized for trip generation purposes for the Prentiss Pointe development.

**Table 1  
Land Uses  
Prentiss Pointe**

Land Use	Size
Multi-Family	144 dwelling units

### 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*, 6<sup>th</sup> Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for trip generation purposes of the Prentiss Pointe development. The trip generation equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Prentiss Pointe development as currently proposed. The daily trip generation is also indicated in the table for the development.

**Table 2  
Trip Generation  
Prentiss Pointe**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
144 multi-family units	10	60	70	55	30	85	885

As seen in Table 2, the proposed development will generate less than 300 peak hour trips. Therefore, the analysis conducted was consistent with the requirements set forth by Lee County in the Traffic Impact Statement Guidelines for developments generating less than 300 peak hour trips.

#### V. TRIP DISTRIBUTION

The new trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on Figure 2. In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, Table 1A, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Generalized Level of Service Tables provided by the Lee County Department of Transportation.

#### VI. FUTURE TRAFFIC CONDITIONS

It was assumed that Prentiss Pointe would be completed by the year 2006. Based on this project build-out, the surrounding roadways and intersection were analyzed for the year 2007. Furthermore, based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be

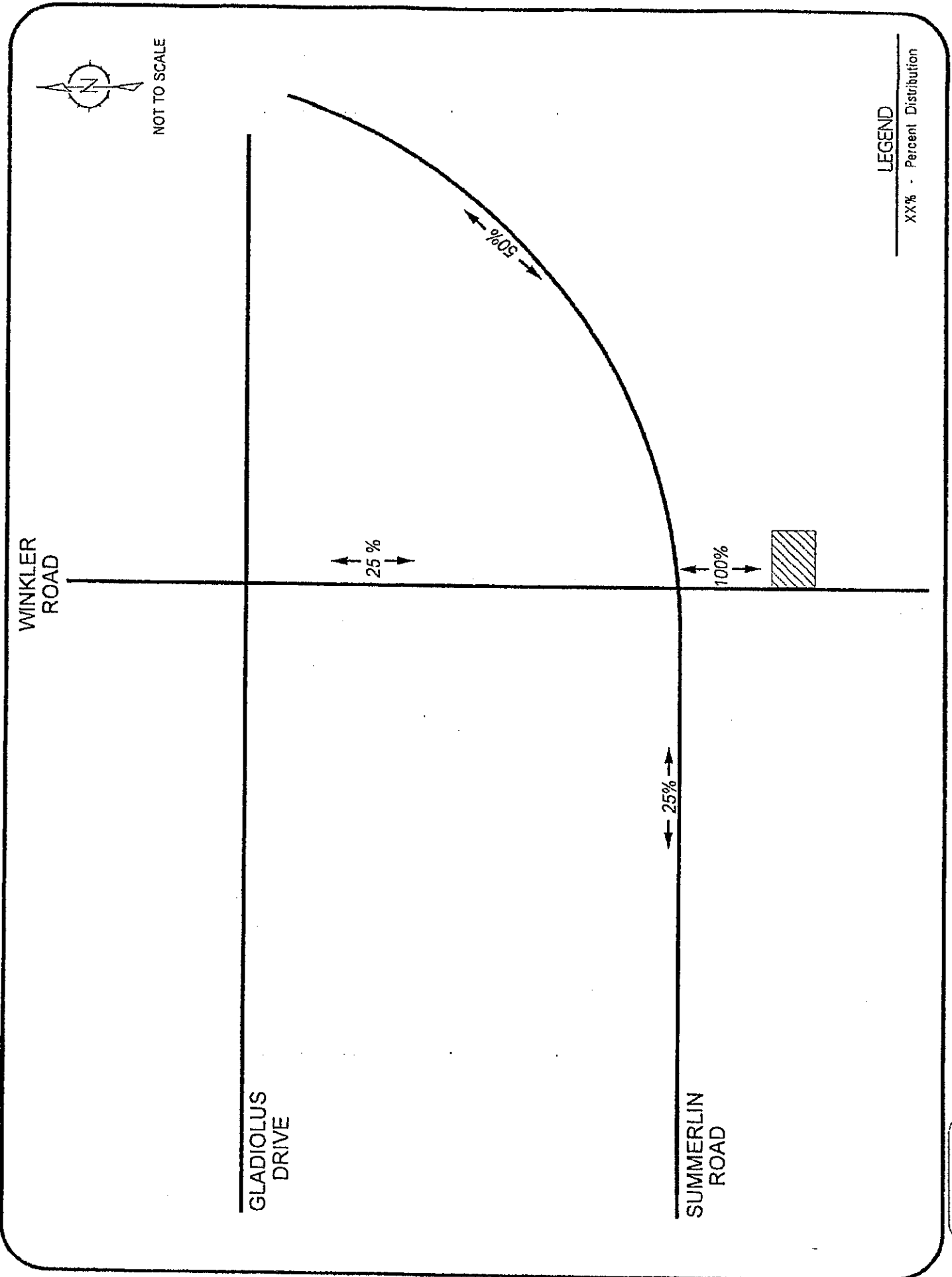


FIGURE 5

TRAFFIC DISTRIBUTION



significantly impacted by this development. The existing roadway link traffic data was obtained from the 2001/2002--2002/2003 Lee County Concurrency Management Inventory and Projections Report, dated December, 2002. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2007 without the development and year 2007 with the development. Figure 3 indicates the site traffic assignment for the Prentiss Pointe.

For Winkler Road to the south of Summerlin Road, a peak season traffic count performed on March 6, 2002 was obtained by Metro in order to determine the 2002 peak direction traffic volume. Based on the results of this count, there were 320 peak hour, peak direction vehicles on Winkler Road to the south of Summerlin Road during the peak season. This volume is indicated as the existing roadway link traffic data in Table 2A. The results of the traffic count are contained in the Appendix of this report for reference.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2007 base year traffic volumes as well as the growth rate utilized for each roadway segment. Figure 4 indicates the year 2007 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 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.

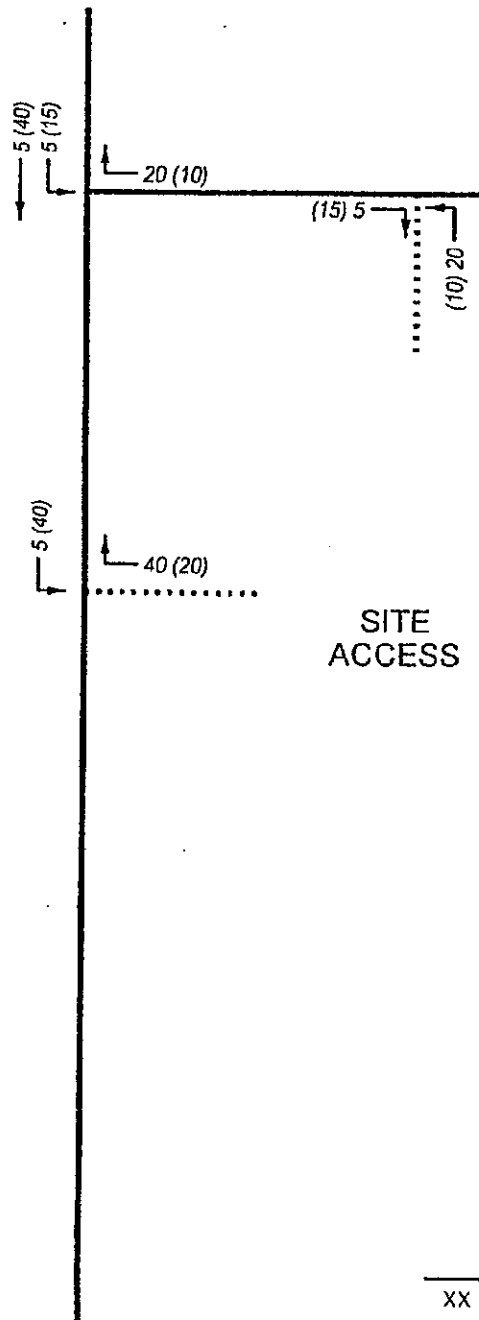
## VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 4 details the Levels of Service for all links inside the project's area of influence. These Levels of Service were derived based on the Lee County Generalized Level of Service Volume Tables. Table 1A in the Appendix details the calculations to determine the Level of Service on the analyzed links. As can be seen from Figure 4, the roadway links analyzed as part of this report will not be adversely impacted as a result of the proposed development. All of the roadway segments analyzed as a part of this report,



NOT TO SCALE

WINKLER ROAD



SITE ACCESS

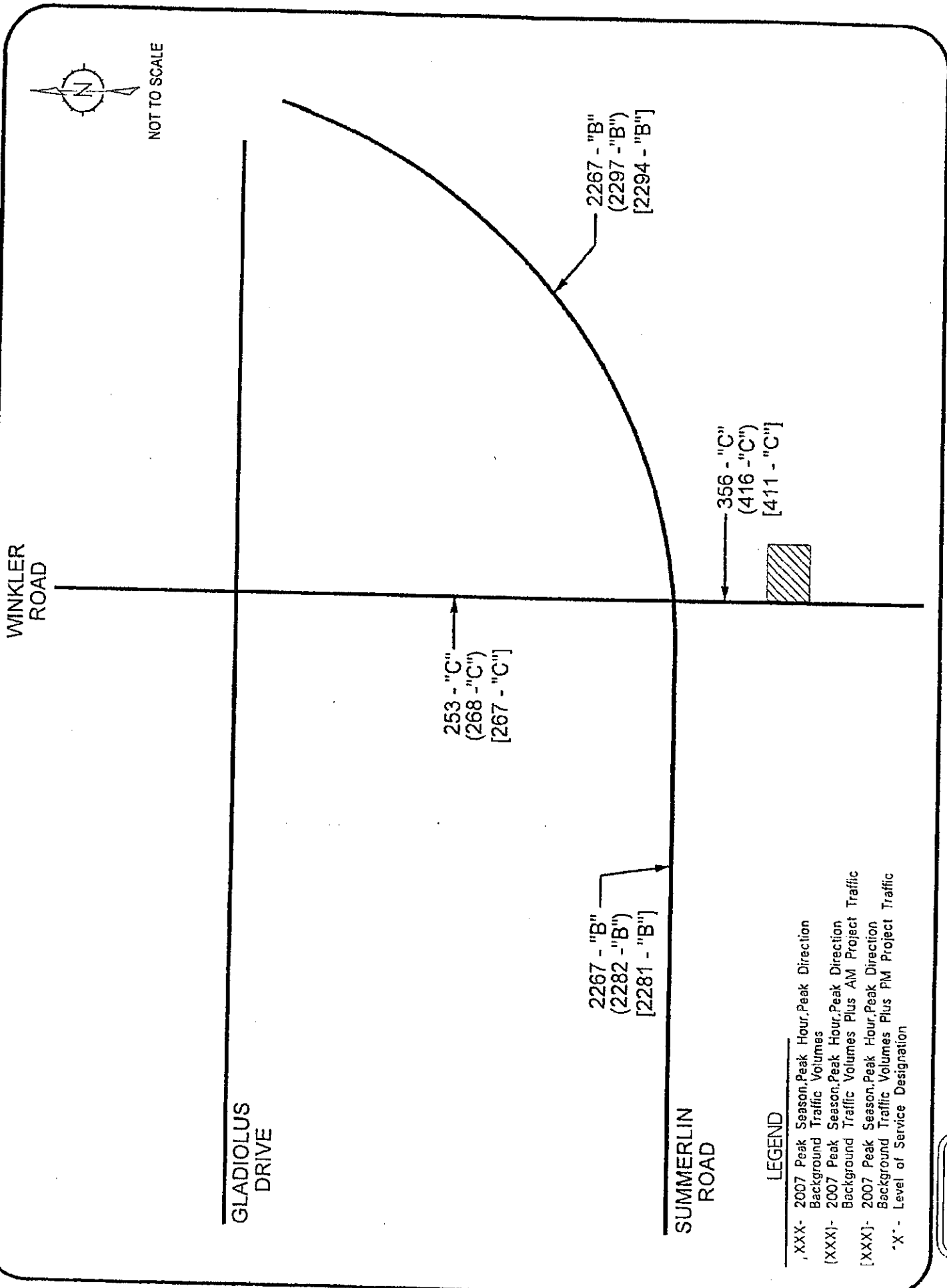
LEGEND

- XX - Weekday A.M. Peak Hour
- (XX) - Weekday P.M. Peak Hour



SITE TRAFFIC ASSIGNMENT

FIGURE: 3



LEGEND

- ,XXX- 2007 Peak Season, Peak Hour, Peak Direction Background Traffic Volumes
- (XXX)- 2007 Peak Season, Peak Hour, Peak Direction Background Traffic Volumes Plus AM Project Traffic
- [XXX]- 2007 Peak Season, Peak Hour, Peak Direction Background Traffic Volumes Plus PM Project Traffic
- "X" - Level of Service Designation



2007 RIII D-CIT TRAFFIC CONDITIONS



once the development is completed, will maintain the Level of Service as  $f$  without the development.

Turn lane analysis was performed as a result of the proposed development based on the Lee County Turn Lane Policy (AC 11-4). A southbound left turn lane will be warranted on Winkler Road at the site access drive for Prentiss Pointe as a result of the added project traffic. This turn lane should consist of a 50-foot transition taper, a 135-foot deceleration lane, and a 50-foot storage lane in order to satisfy the warranting requirements. No additional turn lane improvements will be required as a result of the construction of the Prentiss Pointe development.

### VIII. CONCLUSION

The development of Prentiss Pointe on Winkler Road, to the south of its intersection with Summerlin Road in Lee County, Florida, will not have a detrimental impact on the surrounding roadway system. The existing roadway network, as well as improvements scheduled within the next three years, can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed based on the requirements contained within the Lee County Turn Lane Policy. A southbound left turn lane will be required on Winkler Road at the main site access driveway. This turn lane should consist of a total of 235 feet, 50 feet of which is a transition taper. No additional site specific turn lane improvements will be warranted based on the Lee County Turn Lane Policy. Beyond the aforementioned turn lane improvement, no additional roadway improvements will be required due to the development of the Prentiss Pointe development as currently proposed.

# APPENDIX

**TABLE 1A & 2A**

**TABLE 1A  
PEAK DIRECTION  
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**

ROADWAY	SEGMENT	ROADWAY CLASS	70 VPH		85 VPH		LOS A	LOS B	LOS C	LOS D	LOS E	PERCENT		PROJECT TRAFFIC	PROJ/LOS C
			IN=	OUT=	IN=	OUT=						PROJECT TRAFFIC	PROJ/LOS C		
Summerlin Road	W. of Winkler Road	6LD	0	2340	2980	3110	3110	3110	3110	3110	3110	25.00%	15	0.5%	
	E. of Winkler Road	6LD	0	2340	2980	3110	3110	3110	3110	3110	3110	50.00%	30	1.0%	
Winkler Road	N. of Summerlin Road	2LN	0	0	640	880	880	880	880	880	880	25.00%	15	2.3%	
	N. of Site	2LN	0	0	500	800	800	800	800	870	870	100.00%	60	12.0%	

**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

7% Truck Adjustment = 0.934

P.C.S.  
PCS NO. 19      K      D  
0.098      0.56

TOTAL PROJECT TRAFFIC AM = 70      VPH IN = 10      OUT = 60  
TOTAL PROJECT TRAFFIC PM = 85      VPH IN = 55      OUT = 30

ROADWAY	SEGMENT	PCS	BASE YR		YRS OF GROWTH	ANNUAL RATE	2002		2007		PERCENT PROJECT TRAFFIC	2007		BCKGRND + AM PROJ TRAFFIC	2007		BCKGRND + PM PROJ TRAFFIC
			ADI	ADI			PK HR	PK SEASON PEAK DIR. 1	PK HR	PK SEASON PEAK DIR.		AM PROJ TRAFFIC	PM PROJ TRAFFIC		BCKGRND TRAFFIC	AM PROJ TRAFFIC	
Summerlin Road	W. of Winkler Road	19	29900	34400	.9	1.57%	2097	2267	2267	25.00%	15	14	2282	2281			
	E. of Winkler Road	19	29900	34400	9	1.57%	2097	2267	2267	50.00%	30	28	2297	2294			
Winkler Road	N. of Summerlin Road	19	2800	3400	9	2.18%	227	253	253	25.00%	15	14	268	267			
	N. of Site	-	-	-	-	2.18%	320	356	356	100.00%	60	55	416	411			

\* The Truck Factor was not accounted for in the calculations for roadway links that have permanent count stations.  
 1 The 2002 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2001/2002-2002/2003 Lee County Concurrency Report  
 2 The Peak Hour, Peak Season, Peak Direction Traffic Volume for Winkler Road to the south of Summerlin Road is a 2002 traffic volume, and it was obtained from a traffic count performed on 3/06/02

**LEE COUNTY GENERALIZED LEVEL  
OF SERVICE SPREADSHEET**

7/18/00

LEE COUNTY  
GENERALIZED PEAK HOUR DIRECTIONAL SERVICE VOLUMES

URBANIZED AREAS

ARTERIALS						
GROUP I (>0.00 TO 1.99 SIGNALIZED INTERSECTIONS PER MILE)						
LANES	A*	B	C	D**	E**	
2 UNDIV.	--	650	900	960	960	
4 DIV.	--	1,410	1,920	2,030	2,030	
6 DIV.	--	2,150	2,900	3,040	3,040	
8 DIV.	--	2,730	3,560	3,720	3,720	
GROUP II (2.00 TO 4.50 SIGNALIZED INTERSECTIONS PER MILE)						
LANES	A*	B*	C	D	E	
2 UNDIV.	--	--	640	880	940	
4 DIV.	--	--	1,460	1,890	2,000	
6 DIV.	--	--	2,270	2,840	3,000	
8 DIV.	--	--	2,850	3,490	3,690	
GROUP III (MORE THAN 4.50 SIGNALIZED INTERSECTIONS PER MILE)						
LANES	A*	B*	C*	D	E	
2 UNDIV.	--	--	290	750	910	
4 DIV.	--	--	680	1,700	1,930	
6 DIV.	--	--	1,060	2,570	2,910	
8 DIV.	--	--	1,340	3,180	3,570	
FREEWAYS (GROUP 2)						
LANES	A	B	C	D	E	
4	1,090	1,710	2,570	3,270	3,900	
6	1,680	2,630	3,950	5,030	5,990	
8	2,290	3,590	5,390	6,860	8,170	
COLLECTORS						
LANES	A*	B*	C	D	E	
2 UNDIV.	--	--	500	800	870	
2 DIV.	--	--	520	840	910	
4 UNDIV.	--	--	1,080	1,640	1,750	
4 DIV.	--	--	1,140	1,720	1,840	
CONTROLLED ACCESS FACILITIES ***						
LANES	A*	B	C	D**	E**	
2 UNDIV.	0	690	930	980	980	
4 DIV.	0	1,530	1,980	2,070	2,070	
6 DIV.	0	2,340	2,980	3,110	3,110	
8 DIV.	0	3,030	3,780	3,930	3,930	

\* CANNOT BE ACHIEVED.

\*\*VOLUMES ARE COMPARABLE BECAUSE INTERSECTION CAPACITIES ARE REACHED.

\*\*\* THE APPLICATION OF THESE SERVICE VOLUMES SHOULD BE APPROVED BY LEE COUNTY DOT.

**LEE COUNTY FY 01/02-05/06  
TRANSPORTATION CAPITAL  
IMPROVEMENT PLAN – SUMMERLIN  
ROAD**



PROJECT NAME Summerlin Rd/San Carlos to Gladiolus	DATE PREPARED: 10/22/02
PROJECT NUMBER 4067	COMPREHENSIVE PLAN REFERENCE 21.1.5:23.2.1:23.2.4
MANAGING DEPT. Transportation	COMMISSION DISTRICT 3

**PROJECT DESCRIPTION:**  
Widen Existing Four Lane Road To Six Lane Rural Arterial (3.9 Miles) and Construct a Grade Separation at Gladiolus Drive. Also, Widen Winkler Road to Four Lanes from Summerlin Road to Gladiolus Drive.

**PROJECT LOCATION:**  
South Lee County, San Carlos Boulevard (SR 865) To Gladiolus Drive.

ESTIMATED PROJECT COST (IN THOUSANDS)	FY 84-01 PRIOR EXP.	FY 01/02 BUDGET	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	5 YEAR NEW TOTAL	YEARS 8-10	PROJECT TOTAL
DESIGN / PERMITTING	50	2,000								2,050
RIGHT -OF- WAY ACQUISITION			1,885					1,885		1,885
MAINLINE CONSTRUCTION					6,000			6,000		6,000
ADDITIONAL CONSTRUCTION										
PROJECT MANAGEMENT	12	38		100				100		150
CONSTRUCTION INSPECTION				300				300		300
MITIGATION										
LANDSCAPING						1,560		1,560		1,560
OTHER										
TOTAL	62	2,038	1,885	0	6,400	1,560	0	9,845	0	11,745

CIP FUNDING SOURCES AND AMOUNTS	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Impact Fees (4)			4,278		
Impact Fees (6)			130		
Gas Taxes	1,885		1,994		
Ad Valorem				1,560	

OPERATING IMPACT:	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	O & M FUNDING SOURCE
START UP						
RECURRING						
(Operations)	N/A	N/A	N/A	N/A	N/A	Transportation Trust Fund
(Traffic)	N/A	N/A	N/A	78,598	78,598	
TOTAL	0	0	0	79,598	79,598	

**COMMENTS:**  
Preliminary Design Funded in Prior Year to Determine Cross Sections and Review Access Management. Design Phase expanded to include design of overpass at Gladiolus/Summerlin using existing Sanibel surplus toll revenues. Funds not yet identified for inclusion of overpass in CST phase - anticipate future cost increases and possible advancement of CST phase to FY 03/04. Combined with adjacent project (#4066).

ALL COSTS IN THOUSANDS OF DOLLARS, EXCEPT FOR OPERATING IMPACTS

**TRAFFIC COUNT RESULTS –  
WINKLER ROAD**

ier : Cool  
 uted by: Dawn/Jennifer

Default Titles  
 Change These in The Preferences Window  
 Select File/Preference in the Main Scee  
 Then Click the Titles Tab

File Name : SumWink  
 Site Code : 00002452  
 Start Date : 03/06/2002  
 Page No : 1

Groups Printed- 1 - Cars

Start Time	Winkler Rd. From North					Summerlin Rd. From East					Winkler Rd. From South					Summerlin Rd. From West					App. Total	Veh. Total
	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total		
07:00 AM	15	20	3	3	41	4	201	33	25	263	31	22	2	2	57	0	160	25	0	185	548	
07:15 AM	31	17	2	4	54	6	272	26	22	325	35	8	7	1	49	1	206	16	4	227	655	
07:30 AM	23	10	1	0	34	1	280	34	24	339	31	13	8	3	55	0	187	24	6	216	644	
07:45 AM	24	9	2	1	36	3	329	34	21	387	65	21	14	11	101	2	239	18	8	287	791	
Total	93	56	8	8	185	13	1082	127	92	1314	152	62	31	17	262	3	792	83	17	895	2636	
08:00 AM	19	14	7	1	41	2	298	28	28	358	36	21	8	10	76	4	229	22	7	262	734	
08:15 AM	34	16	6	5	61	4	353	53	30	440	37	19	7	6	69	4	243	18	12	277	847	
08:30 AM	31	19	7	4	61	3	326	82	22	384	31	15	21	5	70	7	237	28	13	285	800	
08:45 AM	41	24	6	2	73	8	314	46	25	393	42	26	12	0	87	9	226	16	9	259	812	
Total	125	73	26	12	236	17	1291	158	106	1573	148	78	48	28	301	24	934	84	41	1063	3193	
09:00 AM	0	0	0	0	0	0	0	0	0	0	30	18	18	6	73	17	285	16	11	329	402	
09:15 AM	26	20	3	1	50	4	270	45	22	341	41	20	14	4	79	10	280	22	15	327	805	
09:30 AM	25	18	3	7	53	6	281	35	31	353	41	25	13	6	85	10	315	27	27	379	870	
09:45 AM	21	17	11	3	52	6	228	33	27	291	0	0	0	0	0	0	0	0	0	0	343	
Total	72	63	17	11	163	15	777	113	89	995	112	64	45	16	237	37	880	85	53	1035	2720	
10:00 AM	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323	
Total	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323	
11:00 AM	23	26	10	1	60	8	288	43	20	360	39	23	23	3	94	5	302	13	18	338	852	
11:15 AM	44	27	15	2	88	4	321	22	14	361	38	26	11	6	79	11	365	21	16	403	931	
11:30 AM	32	35	13	7	87	5	314	36	12	367	44	30	11	7	92	15	336	15	15	391	827	
11:45 AM	31	18	15	7	69	4	248	40	15	307	32	27	9	5	72	14	377	21	21	433	832	
Total	130	104	53	17	304	21	1172	141	61	1395	151	112	54	21	338	45	1370	70	70	1555	4392	
12:00 PM	22	29	9	5	65	13	255	21	14	303	44	37	8	4	93	6	327	35	12	390	841	
12:15 PM	31	38	12	5	96	14	294	34	20	362	43	20	9	3	75	6	361	23	10	400	923	
12:30 PM	25	27	15	2	69	4	321	44	19	363	30	9	13	3	55	10	334	24	18	384	898	
12:45 PM	28	22	14	1	75	3	300	32	14	349	35	21	8	7	71	12	365	17	15	409	904	
Total	106	126	50	13	295	34	1170	131	67	1402	152	87	38	17	264	34	1387	99	53	1573	3964	
03:00 PM	32	29	15	3	79	9	319	38	13	370	35	29	9	4	77	10	409	30	15	543	1078	
03:15 PM	35	24	18	4	79	5	237	25	11	308	49	34	9	17	108	11	405	24	11	452	1027	
03:30 PM	29	23	20	3	75	7	378	22	8	415	57	33	24	9	123	16	441	30	13	500	1113	
03:45 PM	38	32	15	4	89	7	339	45	10	401	51	27	8	5	91	13	464	23	15	515	1066	
Total	134	108	68	14	322	28	1373	140	42	1553	191	123	50	35	399	50	1798	107	54	2010	4374	
04:00 PM	20	15	9	0	44	9	199	35	6	249	24	19	9	2	63	8	449	50	14	501	857	
04:15 PM	34	23	12	5	74	12	259	37	12	320	35	24	11	2	72	11	476	48	14	548	1015	
04:30 PM	47	30	13	5	96	11	275	17	7	310	40	24	8	7	79	10	433	42	15	500	894	
04:45 PM	27	19	13	2	61	11	368	30	10	417	42	27	13	8	90	8	361	36	17	422	890	
Total	128	87	47	7	274	43	1099	119	35	1296	151	93	41	19	266	47	1719	168	60	1972	3896	
05:00 PM	32	31	16	1	80	10	279	22	7	318	38	24	14	3	77	9	411	29	16	465	842	
05:15 PM	28	24	11	0	63	14	289	19	3	325	28	21	8	2	69	16	374	50	15	455	802	
05:30 PM	23	14	12	3	52	19	295	34	4	352	27	30	5	3	65	15	344	31	14	404	873	
05:45 PM	14	18	15	0	48	13	294	30	1	328	23	16	3	2	44	5	411	24	8	448	878	
Total	97	88	54	4	243	56	1157	105	15	1333	116	91	30	10	247	45	1540	134	53	1772	3595	
Grand Total	908	721	330	91	2051	228	8351	1083	513	11155	1171	710	337	164	2382	275	1042	798	401	11995	27483	
Approx %	44.3	35.2	18.1	4.4		2.0	63.8	9.5	4.6		49.2	29.8	14.1	6.9		2.3	87.6	8.7	5.4			
Total %	3.3	2.6	1.2	0.3	7.5	0.8	34.0	3.9	1.9	40.6	4.3	2.6	1.2	0.6	8.7	1.0	37.9	2.9	1.5	43.3		

Peak Dir, Peak Hour = 72 + 79 + 90 + 79  
 = 320 veh

# **TRIP GENERATION EQUATIONS**

**TRIP GENERATION EQUATIONS  
PRENTISS POINTE  
TRIP GENERATION EQUATIONS**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Residential Condo/Townhouse (LUC 230)	$\ln(T) = 0.790 \ln(X) + 0.298$	$\ln(T) = 0.827 \ln(X) + 0.309$	$\ln(T) = 0.850 \ln(X) + 2.564$
T = Trips, X = # of Units			



**LEE COUNTY**  
**SOUTHWEST FLORIDA**  
**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_



Bob Jones  
 District One

Douglas R. St. Camy  
 District Two

Ray Judah  
 District Three

Andrew W. Coy  
 District Four

John E. Albion  
 District Five

Donald D. Stillwell  
 County Manager

James G. Yeager  
 County Attorney

Diane M. Parker  
 County Hearing  
 Examiner

**March 4, 2004**

**Mark Naumann**  
**Prentiss Pointe Ltd.**  
**17499 McGregor Blvd.**  
**Fort Myers, FL 33908**

**Subject: Prentiss Pointe (DOS2003-00235) Emergency Preparedness Plan and Shelter and Evacuation Mitigation Options**

**Dear Mark Naumann:**

We have reviewed the Emergency Preparedness Plan for Prentiss Pointe. The plan meets all the guidelines in Lee County Administrative Code 7-7 for new developments of 100 or more dwelling units and is approved.

The Shelter Mitigation option of payment in lieu in the amount of \$7,394.00 or \$71.00 per dwelling unit must be satisfied prior to the issuance of a building permit.

The Roadway Elevation improvements satisfy the Evacuation Mitigation Option for this development per Lee County DOT.

Sincerely,  
**DIVISION OF PUBLIC SAFETY**  
**Emergency Management Program**

*for T. M. Kelley*  
**G. Gerald Campbell, Jr.**  
**Chief of Planning**

— EXHIBIT "C" —

P.O. Box 390, Fort Myers, Florida 33902-0398 (239) 335-2111  
 Internet address <http://www.lee-county.com>  
 AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



**CnC Homes**

**From:** "Terry Kelley" <TKELLEY@leegov.com>  
**To:** <CnCHomes@earthlink.net>  
**Sent:** Thursday, March 04, 2004 9:06 AM  
**Attach:** PRETISS POINTE DOS2003-00235.pdf  
**Subject:** Prentiss Pointe

Mark, I just received approval today from DOT and will original will go out today. A copy is enclosed and stipulated in the Tidemark and checklist systems.

Sincerely,

Terry M. Kelley  
Emergency Management Coordinator

3/4/2004

**EMERGENCY PREPAREDNESS PLAN FOR  
PRENTISS POINTE**

**I. INTRODUCTION**

- A. Provide basic information concerning the residential community to include:
1. Name of the residential community, address, telephone number, emergency contact telephone number, and fax number, for responsible person or entity, as applicable.

Prentiss Pointe                      239-454-4140 - Phone  
 15841 Winkler Road                 239-454-6260 - Fax  
 Fort Myers, FL 33908               239-454-1333 - Emerg.

2. The developer/owner of the residential community, address, and telephone, if applicable.

Prentiss Pointe LTD                 239-454-1333 - Phone  
 17499 McGregor Blvd               239-454-3276 - Fax  
 Fort Myers, FL 33908

3. The number and type of units in the residential community.

<sup>104</sup>  
 144 Coach Home Condominiums  
 4 units per building  
 36 total buildings

- B. Identify by name or position title, who is responsible for the implementation of the emergency preparedness plan; include a statement detailing when the plan is to be updated.

Professional Community Services  
 PO Box 110156  
 Naples, FL 34108     239-352-6780 - Phone  
 Contact: Sam Speechly     239 - 352-1254 - Fax

- C. Establish the frequency with which the emergency preparedness plan information will be updated, including how often the affected residents or users will be informed of relevant information, including hurricane evacuation and shelter information, where applicable.

Annually

**II. HAZARD ANALYSIS**

- A. This section of the plan should describe the hazards that the residential community is vulnerable to, such as hurricanes, tornadoes, flooding, fires, and hazardous material incidents from fixed facilities or transportation accidents.

Hurricanes  
 Fires, flooding



Category	Sustained Wind Speed (MPH)	Wave Height (ft)	Storm Surge (ft)	Storm Height (ft)
Tropical Storm	39-74			
1	74-95			
2	96-110			
3	111-130			
4/5	131-155+			

B. Provide site specific information concerning the residential community to include:

1. An Area location map.

See attached

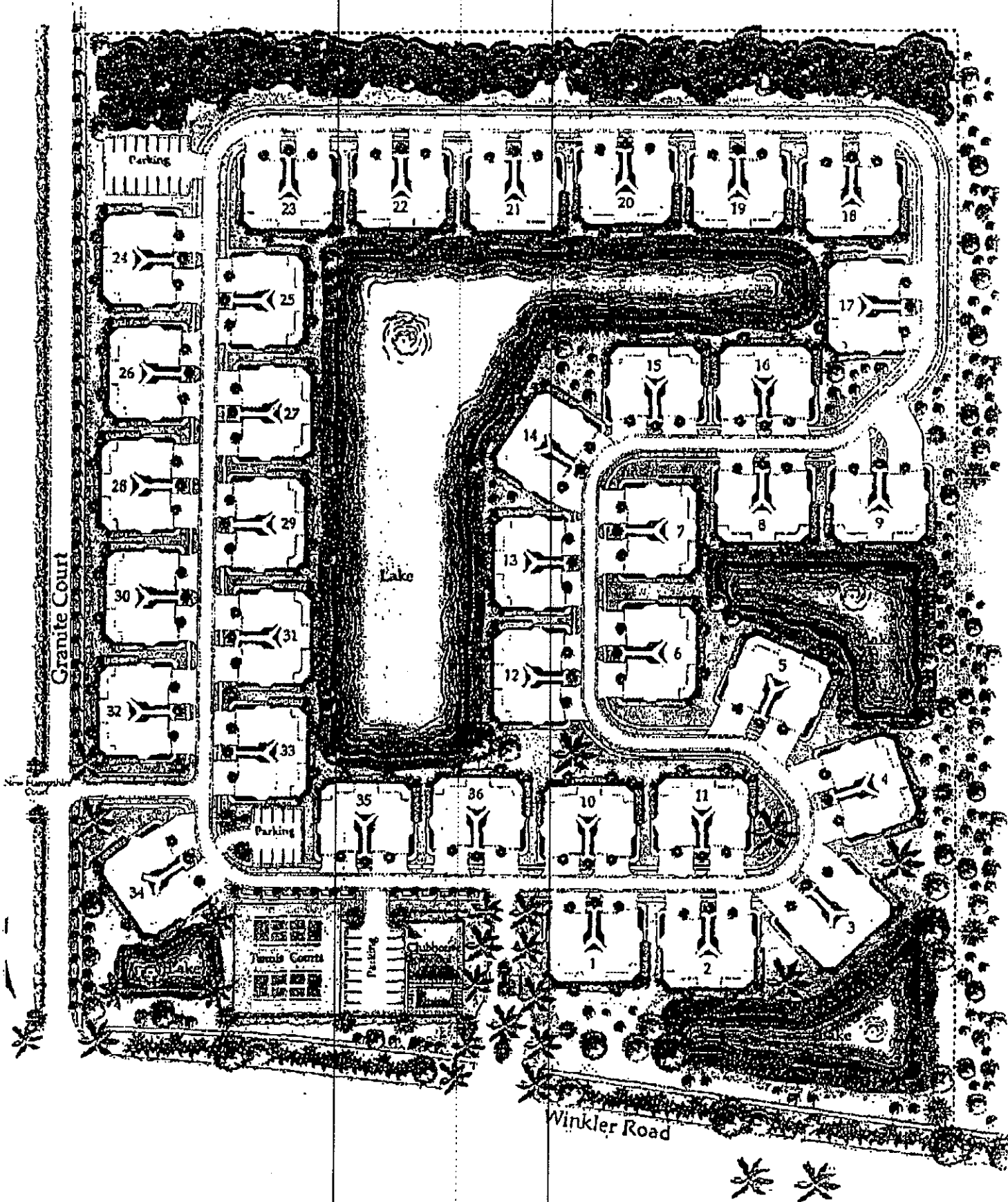
2. Street and site map.

See attached

PAGE 2 OF 9

Emergency Preparedness Plan  
Prentiss Pointe

Prentiss Pointe Site Plan



3. *Number of residential units.*

144

4. *Estimate population of the residential community year-round.*

Approx 240 - 280

5. *Estimated maximum population of the residential community, including seasonal residents.*

Approx. 350

6. *Identification of the potential storm surge flooding risk from a tropical storm or hurricane occurrence (as identified by the National Weather Service storm surge model and available from Lee County Emergency management).*

7. *Identify the finished floor elevation (ffe) of the community clubhouse or office, if applicable.*

TV or News Radio  
10 feet

8. *Identification of which flood zone the residential community is in, as designated on the FEMA Flood Insurance Rate Map, if applicable.*

A12:EL 10

9. *Proximity of the residential community to a railroad or major transportation artery (to identify possible hazardous material incidents). Contact Lee County Emergency Management to determine if site is located in a vulnerability zone of an Extremely Hazardous Substance.*

SW Regional Airport - Fort Myers  
approx. 3-4 miles

### III CONCEPT OF OPERATIONS

*This section of the plan should define the policies, procedures, responsibilities, and actions that the residential community (i.e., homeowner's association, residents' association or a property management company) will take before, during, and after an emergency.*

#### A. *Management Structure*

1. *Identify by name or position title, who is in charge during an emergency, and one alternative, should that person be unable to serve in that capacity.*

Gary Howe - managing member  
Mark Naumann - managing member

2. *Identify the procedures that will activate the Residential Emergency Preparedness Plan.*

PAGE 3 OF 9

Emergency Preparedness Plan  
Prentiss Poite =

1. *Identify the procedures the residential community will take to prepare for the protection of their common property (e.g., clubhouse, patio furniture, pools, spas, computer files, important records, etc.)*

Potential airborne items will be stored at clubhouse facility

*B. Residential Preparedness Programs - This section is optional.*

*Identify ways people in the community can pre-plan to help one another during an emergency.*

- 1. Identify plans and procedures to shelter residents (e.g., use of the clubhouse), if applicable.*

*Clubhouse can be used as protective shelter*

- 2. Identify volunteers to assist residents in the protection of their property (e.g., providing help in putting up shutters, bringing loose objects from the outdoors, etc).*

Gary Howe  
Mark Naumann  
Eric Casey

- 3. Identify volunteers to assist residents in evacuation (e.g., providing transport to a shelter or other destination during an impending hurricane).*

Gary Howe  
Mark Naumann  
Eric Casey





**FAMILY PREPAREDNESS TIPS**

**FOR EVACUATING DURING A HURRICANE**

- Stay alert to storm advisories **WATCH** and **WARNING**—know the difference.
- Enact your family disaster plan
- Map out your route  
Use travel routes specified by local authorities.  
**DO NOT** get on the road without a place to go.
- Fill your car with gasoline
- Evacuate if told to do so  
**DO NOT** get stranded, **EVACUATE EARLY**
- Enact your pet plan  
Before a storm threatens, contact your veterinarian or local humane society for information on preparing your pet for an emergency.
- Bring your disaster supply kit  
including important documents.
- Secure your home before leaving  
Board up windows and glass doors, anchor loose yard objects or bring them inside and lock your doors.
- Get cash  
Following a hurricane banks and ATMs may be temporarily closed.
- Notify family and friends of your plans



**When evacuating:**  
If possible, evacuate to the home of either friends or family in a non-vulnerable area within your county. Next try a motel or hotel and as a last resort go to a shelter. Remember, shelters are not designed for comfort and do not usually accept pets.  
People who require special assistance in evacuating should register with their local emergency management office.

**Watch and Warning... Know the Difference**  
A **HURRICANE WATCH** issued for your part of the indicates the possibility that you could experience conditions within 36 hours. This watch should trigger family's disaster plan, and protective measures should be initiated—especially those actions that require exit as securing a boat, leaving a barrier island, etc.  
A **HURRICANE WARNING** issued for your part of the indicates that sustained winds of at least 74 mph a within 24 hours. Once this warning has been issued family should be in the process of completing protective actions and deciding the safest location to be during

**For More Information:**

- Florida Department of Community Affairs  
<http://www.floridadisaster.org>
- Florida Emergency Information Line: 1.800.342.35
- Federal Emergency Management Agency (FEMA)  
<http://www.fema.gov>  
<http://www.fema.gov/kids>
- American Red Cross  
<http://www.redcross.org>
- Florida Alliance for Safe Homes (FLASH)  
1.877.221.7233 (Toll Free)  
<http://www.flash.org>
- Florida Department of Agriculture and Consumer Division of Animal Industry  
Tips for preparing your animals for an emergency:  
<http://doacs.state.fl.us/afes/17.htm>
- Florida Department of Insurance  
Special consumer help line during storm threats:  
1.800.22-STORM (1.800.227.8676)  
For the hearing impaired-TDD: 1.800.640.0886  
<http://www.doi.state.fl.us>

**County Contact Information:**

(If this area is blank, check the Government Pages of your phone county's emergency management office phone number)

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Emergency Management  
Steven M. Seiben, Secretary



**IV INFORMATION, TRAINING, AND EXERCISE**

*This section should identify the procedures for increasing the residents' and employees' awareness of possible emergencies.*

**A. For Community Residents:**

1. *Identify how residents in the community will be informed on emergency information and the Residential Emergency Preparedness Plan (e.g., newsletter, preparedness brochures available in a central location, such as the clubhouse or at a gatehouse or delivered to each unit, the hosting of a hurricane or emergency preparedness seminar, etc.)*
2. *State how often the residents will be informed on emergency information and the Residential Emergency Preparedness Plan.*

Brochures in clubhouse  
Monthly newsletter

Annually

**B. For Community Employees (if Applicable):**

1. *Identify what community employees will be instructed on in performing emergency activities.*

All maintenance personnel  
Management



2. *Identify a schedule for exercising all or portions of the Residential Emergency Preparedness Plan.*

To be held at annual meeting for Emergency Evac.

V APPENDICES

A. *A roster of Community Residents for Emergency Contact.*

1. *List the names and addresses, telephone numbers, including seasonal contact numbers of all residents, if applicable.*

Not yet applicable

B. *A roster of Community Employees and Companies with emergency preparedness related activities, if applicable.*

1. *List the names, addresses, telephone numbers, and pager numbers of all residential community employees.*

Not yet applicable

2. List the names, addresses, telephone numbers, and emergency contact numbers of utility providers insurance companies and service vendors of the residential community common property.

**Electric:** Florida Power and Light  
15834 Winkler Road  
Fort Myers, FL 33902  
Phone 694-0183, Emergency 694-0183

**Telephone:** Sprint Florida, Inc.  
P.O. Box 370  
Ft. Myers, FL 33902;  
1520 Lee Street  
Ft. Myers, FL 33901  
Phone 335-3111 or Emergency Repair Service Center Phone 611  
Customer Service Center (800) 339-1811,  
Hearing Impaired Repair Service Center (800) 347-0106,  
Long Distance Service (800) 877-4646,  
Equipment Service (800) 326-2731

**Water:** Lee County Utilities  
1500 Monroe Street  
3rd Floor Utilities  
Fort Myers, FL 33901  
(239) 479-8160

**Sewer:** Lee County Utilities  
1500 Monroe Street  
3rd Floor Utilities  
Fort Myers, FL 33901  
(239) 479-8160

**Cable:** Comcast  
2465 Highland Avenue  
Bonita Springs, Florida 33916  
Phone (239) 793-9600

**Solid Waste:** Florida Recycle  
2465 Highland Avenue  
Fort Myers, Florida 33916  
Phone (239) 332-8500

3. List the names and telephone numbers of other important providers (e.g., the sheriff, fire district, emergency management, health department, Red Cross etc.), as applicable.

**Sheriff:** Lee County Sheriffs Office  
Phone 477-1200 or Emergency Dial 911

**Fire Protection:** San Carlos Park Fire Protection  
Phone (239) 267-7525 or Emergency Dial 911

**Lee County Emergency Medical Services:**  
335-1600 or Emergency Dial 911 or 337-2000

**Lee County Emergency Management:**  
P.O. Box 398  
Ft. Myers, FL 33902-0398  
Phone 477-3600; Fax 477-3636  
<http://www.lceemc.com>

**Strom Information Hotline:**  
Emergency 477-1900 (only when activated)

**American Red Cross - Lee County Chapter:**  
Phone: 278-3401

**The Salvation Army - Fort Myers:**  
Phone 278-1551

**Lee County Health Department:**  
Phone 332-9501

**Lee County Humane Society:**  
Phone 332-0364

## VI. HURRICANE EVACUATION AND SHELTER INFORMATION

### A. Major Evacuation Routes

Winkler to Summerlin to Gladiolus to US 41

### B. Emergency Public Shelter Locations

Heights Elementary  
15200 Alexandria Court  
Fort Myers, FL 33908  
(see attached for additional)

Emergency Preparedness Plan  
Prentiss Pointe

**Cost of Proposed Payment In Lieu of Donation of Land or Use of Private Structure**

Calculations are based on language contained in proposed LDC Ordinance  
 Determining Shelter Impacts: From Section 2-484  
 Costs of Shelter Improvements & Emergency Power Costs: From Section 2-485(b)(3)

<b>Number of residential units</b>	<b>100</b>		
<i>Determine Shelter Impact</i>			
U X P = N	104	2.21	230
N X Ssr = Sp( r)	230	0.21	48.3
Sp X Rfa = Sq (t)	48.3	20	965
<i>Cost of Shelter Improvements</i>			
Sp ( t) X \$6.66	965	\$6.66	\$6,429
<i>Emergency Power Cost</i>			
Sp ( r) X \$20	48.3	20	\$965
 Cost of Hurricane Mitigation Cost Per Unit			 \$7,394 \$71

104 x 1.1 = 114.4 Evacuation Vehicles

*Where:*

- U = Number of Residential Units*
- P = Persons per household*
- N = Number of residents in development*
- Ssr = Shelter seeking rate*
- Sp( r) = No. of shelter spaces needed*
- Rfa = Required square feet of shelter floor area per space*
- Sq (t) = Total square feet of shelter floor area required for development*

Prentiss Pointe  
 Strap # 344524000010000

From Map 58 (Lee County) (Iona-McGregor Fire District)

Category of Hurricane	Sustained Winds (MPH)	Water Level/Surge Height (Feet Above Seal Level) (For An Approaching Storm)	Water Level/Surge Height (Feet Above Sea Level) (For An Exiting Storm)
Tropical Storm	39 - 74	5.4	Dry
1	74 - 95	7.0	Dry
2	96 - 110	12.0	6.1
3	111 - 130	16.1	10.7
4/5	131 - 155+	22.4	14.2

Storm Surge Category	Rate Code	Flood Insurance (FIRM)			Date
		Community :	Panel	Version	
TS	A12:EL14	125124	0325	C	110492

2/24/04 To: Terry M. Kelley, Emergency Management Coordinator From: Mark Naumann, Prentiss Pointe, LTD Re: Prentiss Pointe Evacuation Plan DOS2003-00235 Dear Mr. Kelley, Please be advised that the Prentiss Pointe development's height of street elevation is at 8' and meets Article XI Section 2-485.(C)(1)A and the Summerlin Road is the evacuation route. We also understand that a payment in lieu option must be satisfied prior to the issuance of our building permit and that the payment is based on \$71 per unit. Based on 104 proposed units, our payment will be \$7,394.00 per the attached spreadsheet. Sincerely, Mark Naumann Prentiss Pointe, LTD ----- Original Message ----- From: Terry Kelley To: cnchomes@earthlink.net Sent: Monday, February 23, 2004 4:25 PM Subject: Prentiss Pointe DOS2003-00235

Mark, I have enclosed an excel worksheet for 144 dwelling units stated in your plan. The payment in lieu option must be satisfied prior to the issuance of a building permit. Please state in your letter the height of the development (8') and it meets Article XI Sec. 2-485.(c)(1)a using Summerlin Road as the Evacuation Route. Sincerely, Terry M. Kelley Emergency Management Coordinator