

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2014-00025

HEARING EXAMINER DATE: FEBRUARY 25, 2015

APPLICATION SUMMARY

Applicant: Thomas M. Mouracade for Damascus Trading Company, LLC in reference to Kimberly ReGenesis & Mouracade ReGenerative Medicine Center.

Request: Rezone 5.15± acres from Agricultural (AG-2) to Community Facilities Planned Development (CFPD) to redevelop the existing property and buildings to a holistic medicine center to provide social and health-related services including the treatment of alcoholism, substance abuse and addiction issues; permitting a maximum of 90 beds utilizing a central kitchen, 9 additional dwelling units (with individual kitchens), 9,000 square feet of commercial/office and accessory retail uses, and a maximum building height of 45 feet. Proposed uses include health care facilities, medical office, place of worship, religious facilities, private recreational facilities, social services, specialty retail and restaurant with no drive-through. The project will connect to central water and sewer service.

Location: The subject property is located at 6401 Winkler Road, South Fort Myers Planning Community, Lee County, FL. (District #2). The applicant indicates the STRAP number is: 22-45-24-00-00001.0120

RECOMMENDATION:

Staff recommends **APPROVAL** of the applicant's request for rezoning from Agricultural (AG-2) to Community Facilities Planned Development (CFPD) with conditions per Attachment "B".

Findings and Conclusions:

Staff offers the following findings based on facts and analysis as contained in this staff report including attachments, and documents on file with this application. Specifically the property is in the Central Urban Future Land Use category, appropriate for a variety of developments, including community facilities, residential uses, commercial uses, medical office, health care facilities, assisted living, place of worship, religious facilities, social services and other uses pertinent to this request.

The property is developed with a single-family home with accessory uses and structures, on +/- 5.15 acres of property. The current zoning is Agricultural (AG-2). No agricultural uses or exemptions are on the property.

The surrounding land uses include commercial office, retail, restaurants, medical offices, churches, schools, assisted living, residential single-family and residential multi-family development on an arterial road (Winkler Road) and in proximity to other arterial roads in the South Fort Myers Planning Community.

This request – for Community Facilities Planned Development (CFPD) zoning - is consistent with relevant Lee Plan policies. The proposed mix of uses, as conditioned, has access to urban services including water, sewer and access via public roads, sidewalks and Lee Tran service.

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 to Community Facilities Planned Development (CFPD) 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 specifically Goal 1, Objective 1.1., Policy 1.1.3, Policy 1.7.6, Goal 2, Objective 2.1, Objective 2.2, Policy 2.2.1, Goal 4, Objective 4.1, Policy 4.1.1., Policy 4.1.2, Goal 5, Objective 5.1, Policy 5.1.2, Policy 5.1.3, Policy 5.1.5, Policy 5.1.6, Policy 5.1.7, Goal 6, Policy 6.1.1., Policy 6.1.2., Policy 6.1.3., Policy 6.1.4., Policy 6.1.6, Policy 6.1.7, Policy 6.1.12, Goal 9, Objective 9.1, Objective 9.2, Policy 9.2.2., Goal 11, Standard 11.1, Standard 11.2, Standard 11.3, Standard 11.4, Goal 66, Objective 66.1, Objective 66.3, Policy 66.3.1, Policy 66.3.5, Policy 66.3.10, Goal 77, Goal 135, Objective 139.9, Policy 139.9.5, and Policy 139.9.6.
 - c) is compatible with existing or planned uses in the surrounding area, and
 - d) The request, will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request, as conditioned, 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, as conditioned, will be available and adequate to serve the proposed land use.
5. The proposed use or mix of uses, as conditioned, 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 deviations requested, as conditioned, enhance the planned development, and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.