



**Mudd, James P.**

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**From:** Dan Delisi [Dan@delisifitzgerald.com]  
**Sent:** Thursday, November 30, 2006 2:40 PM  
**To:** Mudd, James P.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2005-03

Jim,

Please consider this e-mail as a request to withdraw CPA2005-03 on behalf of the Estero Community Planning Panel.

We look forward to continuing to work with staff on encouraging mixed use development in the Estero Community.

Best regards.

Daniel DeLisi, AICP  
DeLisi Fitzgerald, Inc.  
1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
(239) 418-0691 (P)  
(239) 418-0692 (F)

**Tidemark Advantage**

File Edit Options Window Help

Exit New Open Task List GBZ GIS

Close View Add Delete Primary Print

**Comprehensive Plan Amendment -- CPA2005-00003**

**People Associated with CPA2005-00003**

Role	Name	Address
Owner	PROPERTY APPRAISER TEST PARCEL	PO BOX 1546 FORT MYERS FL 3390

**Date**  
Received: 9/30/2005

Ready

Start | [Icons] | [Taskbar] | 9:31

**Tidemark Advantage**

File Edit Options Window Help

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Close View Add Delete Primary Print

**Comprehensive Plan Amendment -- CPA2005-00003** - Standard View

People Associated with CPA2005-00003

Role	PR
Owner	PR

Enter Role and Name

Role: Applicant

Last Name or Company Name: THE ESTERO PLANNING PANEL

First Name: Middle:

Lookup Add Help Cancel

Date  
Received: 9/30/2005

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Jim Madd



RECEIVED  
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Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

COMMUNITY DEVELOPMENT  
APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT C PA 2005-00003

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_ REC'D BY: \_\_\_\_\_

APPLICATION FEE 0 TIDEMARK NO: \_\_\_\_\_  
*Board sponsored*

THE FOLLOWING VERIFIED:  
Zoning  Commissioner District   
Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

Request No: \_\_\_\_\_

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE \_\_\_\_\_ SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

*The Estero Community Planning Panel/ Lee County*  
APPLICANT

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

*Daniel De Lisi, Director, ECPP*  
AGENT\*

*9990 Coconut Road, Suite 200*  
ADDRESS

*Bonita Springs* CITY      *FL* STATE      *34135* ZIP

*239-390-1144* TELEPHONE NUMBER      *239-498-1193* FAX NUMBER

*NA*  
OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

*Amendment to the Lee Plan definition of "Density" to allow and incentivize for mixed use buildings in the Estero Planning Community, consistent with the finding of the Estero Community Plan, submitted in September 2000 and adopted in January, 2002 -*

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

A. Property Location:

1. Site Address: *Estero Planning Community*

2. STRAP(s): *N/A*

B. Property Information

Total Acreage of Property: *N/A*

Total Acreage included in Request: *N/A*

Area of each Existing Future Land Use Category: *N/A*

Total Uplands: \_\_\_\_\_

Total Wetlands: \_\_\_\_\_

Current Zoning: *N/A*

Current Future Land Use Designation: *N/A*

Existing Land Use: *N/A*

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area: *N/A*

Lehigh Acres Commercial Overlay: \_\_\_\_\_

Airport Noise Zone 2 or 3: \_\_\_\_\_

Acquisition Area: \_\_\_\_\_

Joint Planning Agreement Area (adjoining other jurisdictional lands): \_\_\_\_\_

Community Redevelopment Area: \_\_\_\_\_

D. Proposed change for the Subject Property:

*Text Amendment to the Lee Plan "density" definition*

E. Potential development of the subject property: *N/A*

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps *N/A*

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

**The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).**

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**B. Public Facilities Impacts N/A**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

**1. Traffic Circulation Analysis**

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

**Long Range – 20-year Horizon:**

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);



- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;

- Current LOS, and LOS standard of facilities serving the site;
  - Projected 2020 LOS under existing designation;
  - Projected 2020 LOS under proposed designation;
  - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
  - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
- a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency. N/A*

**C. Environmental Impacts**

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

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

D. Impacts on Historic Resources *N/A*

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

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

E. Internal Consistency with the Lee Plan *N/A*

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments *N/A*

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

- 3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
  - 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**Item 1: Fee Schedule** *N/A*

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

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

\_\_\_\_\_  
Signature of owner or owner-authorized agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)

\_\_\_\_\_  
Signature of notary public

\_\_\_\_\_  
Printed name of notary public

## **ESTERO PLAN AMENDMENT**

**DENSITY** - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, and within the Estero Planning Community, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. (Amended by Ordinance No. 98-09, 00-22, 03-21)

**Mudd, James P.**

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**From:** Neal Noethlich [NEN13@earthlink.net]  
**Sent:** Friday, September 01, 2006 2:17 PM  
**To:** Mudd, James P.  
**Subject:** RE: CPA2005-00003

Thanks Jim. Hope you can make our meeting.  
Regards, Neal

-----Original Message-----

**From:** Mudd, James P. [mailto:JMudd@leegov.com]  
**Sent:** Friday, September 01, 2006 1:17 PM  
**To:** NEN13@earthlink.net  
**Subject:** CPA2005-00003

Neal, I understand your planning panel is going to be preparing comments for staff regarding CPA2005-00003 at tomorrow morning's meeting. Please be advised that the amendment is currently not sufficient to be sent to the LPA. The application is lacking any data and analysis to support the proposed change that would allow mixed-use projects containing commercial and residential uses in the entire Estero Planning Community without excluding the commercial land area from the density calculation. Further, we did not get the impression from your meeting on August 14 that the majority of the panel supported this policy applying to the entire planning community; especially without some design and site selection criteria.

As Rick explained, the County is currently working on new urbanist and mixed use policies that will apply County-wide with specific site design and location criteria. I will try and be in attendance at tomorrow morning's meeting to answer questions.

James Mudd, AICP  
Principal Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street, Fort Myers, FL 33901-5500  
P.O. Box 398, Fort Myers, FL 33902-0398

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