

indicate that the plan or plan amendment may fail to discourage urban sprawl. For purposes of reviewing the plan for discouragement of urban sprawl, an evaluation shall be made whether any of these indicators is present in a plan or plan amendment. If an indicator is present, the extent, amount or frequency of that indicator shall be considered. The presence and potential effects of multiple indicators shall be considered to determine whether they collectively reflect a failure to discourage urban sprawl.

(e) Methodology for determining indicators. Paragraphs (5)(h) through (5)(j) describe the three major components of a methodology to determine the presence of urban sprawl indicators. Paragraph (5)(h) describes how land use aspects of a plan shall be analyzed. The land use element, including both the future land use map and associated objectives and policies, represents the focal point of the local government's planning effort. Paragraph (5)(i) describes the unique features and characteristics of each jurisdiction which provide the context of the analysis and which are needed to evaluate the extent, amount or frequency of an indicator and the significance of an indicator for a specific jurisdiction. Paragraph (5)(j) recognizes that land use plans generally may be significantly affected by other development policies in a plan which may serve to mitigate the presence of urban sprawl indicators based on the land use plan alone. Paragraph (5)(j) describes development controls which may be used by a local government to mitigate the presence of sprawl.

(f) Analysis components. subsection (5)(k) describes how the analysis components described in subsections (5)(h) through (5)(j) are combined in a systematic way to determine the presence of urban sprawl indicators.

(g) Primary indicators. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.
2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
6. Fails to maximize use of existing public facilities and services.
7. Fails to maximize use of future public facilities and services.
8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
9. Fails to provide a clear separation between rural and urban uses.
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
11. Fails to encourage an attractive and functional mix of uses.
12. Results in poor accessibility among linked or related land uses.
13. Results in the loss of significant amounts of functional open space.

(h) Evaluation of land uses. The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses. Each land use type will be evaluated based on:

1. Extent.
2. Location.
3. Distribution.
4. Density.

5. Intensity.
6. Compatibility.
7. Suitability.
8. Functional relationship.
9. Land use combinations.
10. Demonstrated need over the planning period.

(i) Local conditions. Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area.
2. Projected growth rate (including population, commerce, industry, and agriculture).
3. Projected growth amounts (acres per land use category).
4. Facility availability (existing and committed).
5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl.
6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction.
7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.
8. Extra-jurisdictional and regional growth characteristics.
9. Transportation networks and use characteristics (existing and committed).
10. Geography, topography and various natural features of the jurisdiction.

(j) Development controls. Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements.
2. Development clustering requirements.
3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development.
4. Phasing of urban land use types, densities, intensities, extent, locations, and distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes.
5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services.
6. Infrastructure extension controls, and infrastructure maximization requirements and incentives.
7. Allocation of the costs of future development based on the benefits received.
8. The extent to which new development pays for itself.
9. Transfer of development rights.
10. Purchase of development rights.
11. Planned unit development requirements.
12. Traditional neighborhood developments.
13. Land use functional relationship linkages and mixed land uses.
14. Jobs-to-housing balance requirements.
15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area.
16. Provision for new towns, rural villages or rural activity centers.
17. Effective functional buffering requirements.
18. Restriction on expansion of urban areas.
19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands.
20. Urban service areas.
21. Urban growth boundaries.
22. Access management controls.

(k) Evaluation of factors. Each of the land use types and land use combinations analyzed in paragraph (5)(h) above will be

evaluated within the context of the features and characteristics of the locality, individually and together (as appropriate), as listed in paragraph (5)(i). If a local government has in place a comprehensive plan found in compliance, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of preexisting indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

(l) Innovative and flexible planning and development strategies. Notwithstanding and as a means of addressing any provisions contained in subparagraphs 9J-5.006(3)(b)8., 9J-5.011(2)(b)3. and subsection 9J-5.003(140), F.A.C., and this subsection, the Department encourages innovative and flexible planning and development strategies and creative land use planning techniques in local plans. Planning strategies and techniques such as urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development and sector planning that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services, will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, F.S., and this chapter regarding discouraging the proliferation of urban sprawl.

(6) Multimodal Transportation District. Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), F.S.

*Specific Authority 163.3177(9), (10), 163.3180(14) FS. Law Implemented 163.3177(1), (2), (4), (5), (6)(a), (d), (8), (9), (10), (11), 163.3178, 163.3180(13), (15) FS. History—New 3-6-86, Amended 10-20-86, 4-2-92, 3-23-94, 5-18-94, 3-21-99, 2-25-01.*





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 30, 2009

Mr. David W. Depew, Ph.D, AICP,  
Morris-Depew Associates, Inc.  
2914 Cleveland Avenue  
Fort Myers, FL, 33901

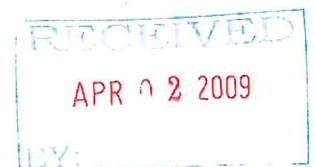
RE: CPA2008-03 Kreinbrink Amendment, Alva

Dear Mr. Depew:

The Planning Division has reviewed the information provided for the above Comprehensive Plan amendment. In order for us to deem this request sufficient, we need the following information and documents. Please provide the requested information and documents within 30 calendar days of this letter.

Part IV:

- A-2 Please provide a current Future Land Use Map of the area to an appropriate scale.
- A-3 Please provide a proposed Future Land Use Map of the area to an appropriate scale.
- A-6 Please provide a certified legal description and certified sketch of the description for the subject property.
- A-7 Please provide a copy of the deed for the subject property.
- B-1 Please provide the required Traffic Circulation Analysis for the commercial Land Use category that is being sought.
- C
  - 1) Please provide a map of the plant communities as defined by the Florida Land Use Cover and Classification System (FLUCCS).
  - 2) Please provide a map and description of the soils found on the property and identify the source.
  - 3) Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated.
  - 4) Please provide a map delineating wetlands located onsite.





- 5) Please provide a table of plant communities by FLUCCS with the potential to contain species (both 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.
- F. Your application did not address all aspects of the urban sprawl analysis required under Florida Administrative Code 9J-5.006(5) *Review of Plans and Plan Amendments for Discouraging the Proliferation of Urban Sprawl*.

Specifically, the Florida Administrative Code (FAC) Chapter 9J requires that plan amendments be evaluated to ensure consistency with the State Comprehensive Plan, Regional Policy Plans, and Chapter 163.

FAC 9J-5.006(5) outlines several provisions pertaining to urban sprawl that must be addressed as part of the plan amendment process. The Krienbrink application addresses most of the provisions listed, but not the items in subsections 9J-5.006(5)(h) *Evaluation of land uses*, 9J-5.006(5)(i) *Local conditions* and 9J-5.006(5)(j) *Development controls*. Please amend the analysis to address these items.

Staff has not received all review agencies comment yet. Additional comments may be forthcoming.

Should you have any questions, please feel free to contact me.

Sincerely,

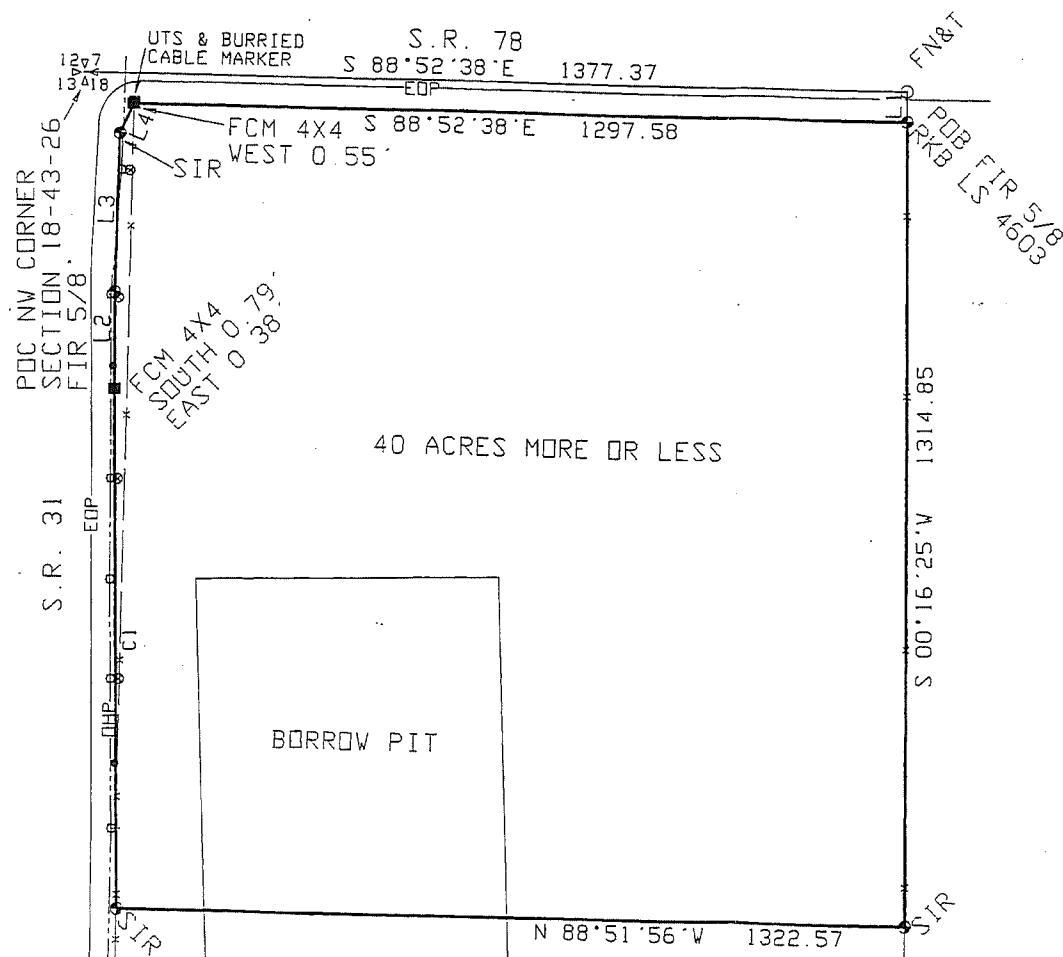


Chahram Badamtchian, AICP  
Senior Planner, Division of Zoning

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	00°42'23"	68704.96	847.11	423.56	847.10	N 00°07'31"W
LINE	BEARING	DISTANCE				
L 1	S 00°16'25"W	50.00				
L 2	N 00°24'05"E	158.26				
L 3	N 02°08'14"E	259.79				
L 4	N 24°26'09"E	53.94				

BURIED CABLE MARKER  
 EOP = EDGE OF PAVEMENT  
 FCM = FOUND CONCRETE MONUMENT  
 FIR = FOUND IRON ROD  
 GUY WIRE  
 OHP = OVERHEAD POWER LINES  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 C = POWER POLE  
 SIR = SET 5/8" IRON ROD & CAP STAMPED RKB LS 4603  
 UTS = UNITED TELEPHONE SERVICES  
 \* = FENCE

1" = 200'



- NOTES:
- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
  - 2) UNDERGROUND UTILITIES WERE NOT FIELD LOCATED.
  - 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
  - 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.
  - 5) PARCEL LIES IN FLOOD ZONE AE BASE ELEVATION 17', 13' & 9' (FIRM 125124 0225 C 3-15-94).
  - 6) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS OF RECORD.
  - 7) REVISED CERTIFICATION 5-2-95, L.B.

LEGAL DESCRIPTION:  
SEE SHEET 1 OF 2

CERTIFIED TO:  
DANIEL W. & KATHERINE G. KREINBRINK  
SMOOT, ADAMS, EDWARDS & GREEN, P.A.  
CHICAGO TITLE INSURANCE COMPANY

By: Robert K. Burns Date: 5-2-95  
Robert K. Burns P.L.S.# 4603

This sketch meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative Code.

Note: THIS CERTIFICATION IS ONLY FOR THE LAND DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT, FREEDOM OF ENCUMBRANCE OR RIGHT-OF-WAYS. THIS CERTIFICATION IS NOT VALID UNLESS SIGNED BY THE SURVEYOR AND SEALED WITH THE SURVEYOR'S EMBOSSED SEAL.

ABSTRACT NOT REVIEWED

WD#: 95-015B

DRAWN BY: SAB 04/14/95

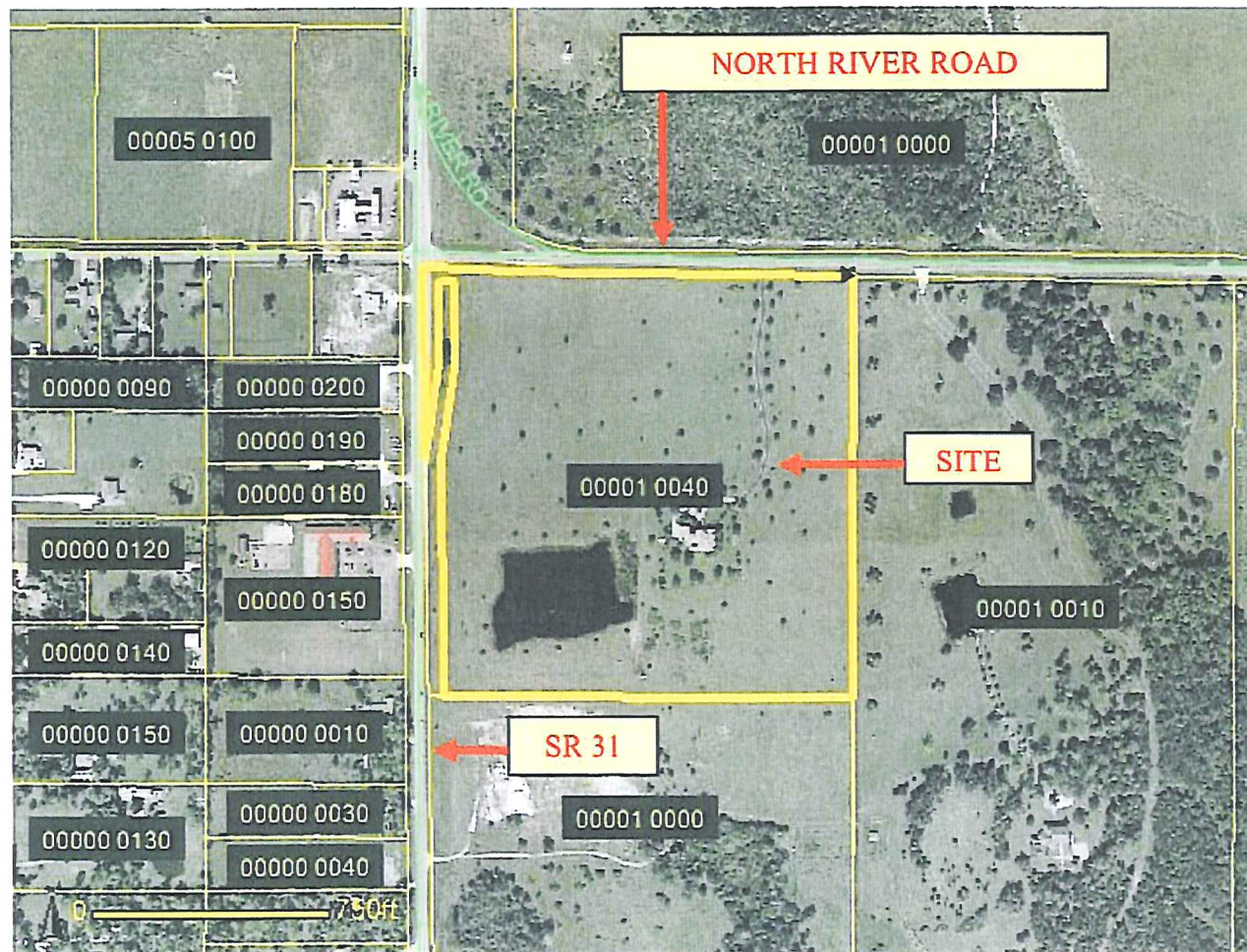
R. K. BURNS SURVEYING, INC.	
1910-C Courtney Drive Fort Myers, Florida 33901 (813) 936-4550 Business (813) 936-3267 Fax	SPECIFIC PURPOSE SKETCH April 14, 1995 SHEET 2 OF 2

F.B.: 76.85

PAGE: 9-16.52

FIELD WORK COMPLETED: 04/12/95

Strap # 18-43-26-00-00001.0040







# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

JEANNE S. DOZIER  
CHAIRMAN, DISTRICT 2  
JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3  
ROBERT D. CHILMONIK  
DISTRICT 1  
STEVEN K. TEUBER, J.D.  
DISTRICT 4  
ELINOR C. SCRICCA, PH.D.  
DISTRICT 5  
JAMES W. BROWDER, ED.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

March 9, 2009

Mr. Chahram Badamtchian  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Case # CPA200803A2

Dear Mr. Badamtchian:

This letter is in response to your email request dated March 9, 2009 for the Case # CPA200803A2 for sufficiency comments with regard to educational impact. This proposed structure is located in the East Choice Zone, Sub Zone E2.

After reviewing the submittal, the project should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

**RECEIVED**  
MAR 11 2009

COMMUNITY DEVELOPMENT



# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

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*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 30, 2009

Mr. David W. Depew, Ph.D, AICP,  
Morris-Depew Associates, Inc.  
2914 Cleveland Avenue  
Fort Myers, FL, 33901

RE: CPA2008-03 Kreinbrink Amendment, Alva

Dear Mr. Depew:

The Planning Division has reviewed the information provided for the above Comprehensive Plan amendment. In order for us to deem this request sufficient, we need the following information and documents. Please provide the requested information and documents within 30 calendar days of this letter.

#### Part IV:

- A-2 Please provide a current Future Land Use Map of the area to an appropriate scale.
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- F. Your application did not address all aspects of the urban sprawl analysis required under Florida Administrative Code 9J-5.006(5) *Review of Plans and Plan Amendments for Discouraging the Proliferation of Urban Sprawl*.

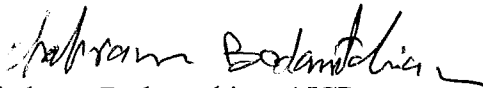
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FAC 9J-5.006(5) outlines several provisions pertaining to urban sprawl that must be addressed as part of the plan amendment process. The Krienbrink application addresses most of the provisions listed, but not the items in subsections 9J-5.006(5)(h) *Evaluation of land uses*, 9J-5.006(5)(i) *Local conditions* and 9J-5.006(5)(j) *Development controls*. Please amend the analysis to address these items.

Staff has not received all review agencies comment yet. Additional comments may be forthcoming.

Should you have any questions, please feel free to contact me.

Sincerely,



Chahram Badamtchian, AICP  
Senior Planner, Division of Zoning



CPA2008-03 Alva Rural to Commercial

- ✓ 1. 350,000 sf of commercial is a big development. Conditions are needed to avoid this from happening.
2. The property is just outside the Coastal High Hazard zone, so it does not fall into the criteria per 1.1.10.
3. It is not an area where residential uses are abundant, per 1.1.10.
4. It seems very unlikely either the 100,000 s/f scenario for commercial or 30 dwelling units on estate sized lots will occur.
5. North River Village was recommended for denial by Planning staff and denied by the LPD.
6. Babcock does not have approval for the Lee County side (for plan changes or zoning)
7. North River Village and Babcock are key to the rationale for this proposed change.
8. There is no rationale that this will “establish an urban boundary” or “prevent sprawl form developing in the North Olga community.”
9. Workers at a large commercial center will drive from outside the community, and county, for the most part.
10. Please explain how this is proximate to I75.
11. The existing development is not intense enough to make a case that this is not leap frog development.
12. Page 5 “non residential areas are extant.” Where? Does this mean exist?
13. Without Babcock and NRV - there is no demand for the commercial of this size.
14. What is the revision to the Alva Table needed? Specifically. P.5
15. Instead of providing an urban boundary, doesn't this expand an urban boundary?
16. Isn't NRV and Babcock supposed to have its own commercial component internal to them? Would that not make this unnecessary and add trips to 31 and 78?

17. How does this assist in hurricane evacuation needs? P6.

✓ 18. How are water and sewer provided? It seems clear to be well and septic. Will a commercial package plant be needed? And how will this impact the wetlands on site and nearby?

19. Does the Babcock community to the north propose conservation or residential uses to the north, or commercial uses? Adjacent to the property.

20. Seems SR 31 and River Road may fail with the additional traffic and significant improvements will be needed. Consider a scenario where Babcock and NRV do not get built and improvements such as road widening and traffic lights don't happen.

21. What if property is taken to widen 31? Wouldn't commercial property be more expensive to purchase than rural?

22. How does the projected growth rate justify the commercial SF?

✓ 23. Seems road and sewer and water are not available per 9J5.006(I). (Facility availability)

24. Policy 1.1.10 calls for connecting to potable water and sewer.

25. Hotels, banks, retail, office, R & D, seem unlikely uses per 1.1.10.

This map displays land parcels in Lee County, Florida, with various zoning designations and street names. The parcels are color-coded and labeled with zoning codes such as AG-2, MH-1, CF-3, RS-1, RM-2, and RPD. Major streets shown include Sharon Dr, Shirley Ln, Ruden Rd, Deal Rd, Howard Rd, Bayshore Rd, West Marina Dr, De Moya Dr, River Rd, Davis Blvd, Eighth St, Marquette Blvd, Island Rd, River Forest Dr, Caribbean E, and St Kitts Dr. The map also features a north arrow and a scale bar indicating distances up to 4000 feet.





# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

JEANNE S. DOZIER  
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DISTRICT 5  
JAMES W. BROWDER, ED.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

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MAY 13 2009

COMMUNITY DEVELOPMENT

May 7, 2009

Mr. Chahram Badamtchian  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Case # CPA200803A2

Dear Mr. Badamtchian:

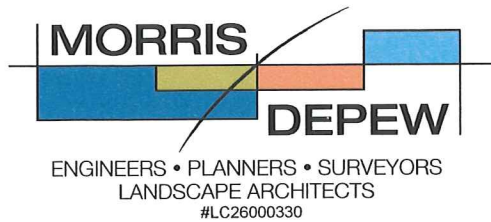
This letter is in response to your email request dated March 9, 2009 for the Case # CPA200803A2 for sufficiency comments with regard to educational impact. This proposed structure is located in the East Choice Zone, Sub Zone E2.

After reviewing the re-submittal, the project should have no impact on classroom needs based on the applicant's indication that this will be a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department



## CPA2008-0003- Kreinbrink Amendment

Applicant is proposing the following footnote to amend Table 1A – Summary of Residential Densities from the Lee Plan:

“A FAR limitation of 0.2 for the SE quadrant of the intersection of SR31 and CR78 will be enforced in order to provide compatibility with surrounding property and be in conformance with the Alva Planning Community development projections.”

This is based upon Staff's calculation of 1.7 M square feet in comparison to the 350,000 SF requested by the applicant ( $350,000 / 1,700,000 = 0.206$ ).

Morris-Depew Associates, Inc.

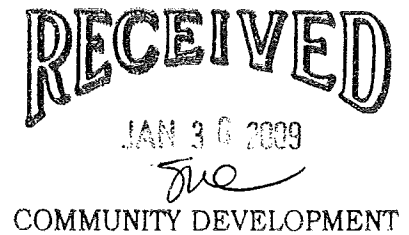
A handwritten signature in black ink, appearing to read 'David W. Depew', is written over a thin, curved line that extends from the signature towards the right side of the page.

David W. Depew, PhD, AICP, LEED AP  
President

DWD/smh

RECEIVED  
MAY 12 2009

COMMUNITY DEVELOPMENT



**From:** Noble, Matthew A. [mailto:NOBLEMA@leegov.com]  
**Sent:** Wednesday, December 17, 2008 10:22 AM  
**To:** Sheila Holland; Mudd, James P.  
**Subject:** RE: CPA2008-00003 - Kreinbrink Comp Plan Amendment

Yes that is fine, and the fee has already been paid....

**From:** Sheila Holland [mailto:sholland@M-DA.com]  
**Sent:** Wednesday, December 17, 2008 10:20 AM  
**To:** Mudd, James P.; Noble, Matthew A.  
**Subject:** CPA2008-00003 - Kreinbrink Comp Plan Amendment

Good morning,

As previously discussed we would like to make a change to the comp plan application regarding the future land use designation. How do I need to process this. Do I just bring in revised copies and turn them into the zoning counter? Also I want to verify that there is no fee associated with this.

Thank you,

Sheila M. Holland

Planning Technician





## Bayshore Fire Rescue District

17350 Nalle Road, North Fort Myers, Florida 33917  
Office (239)543-3443 FAX (239)543-7075 Ops (239)567-2833

May 24, 2006

To: Pete Gousis, AICP

Fr: Chad Jorgensen, Bayshore Fire Chief.

Re: Kreinbrink Comp Plan Amendment

Mr. Gousis, based on the very limited information that you have provided referencing the proposed amendment, Bayshore Fire Rescue would require fire hydrants or their equivalent to be installed prior to development.

In addition depending on the exact nature of the development further modifications may be required. The exact requirements can be referenced through the Lee County Land Planning Code.

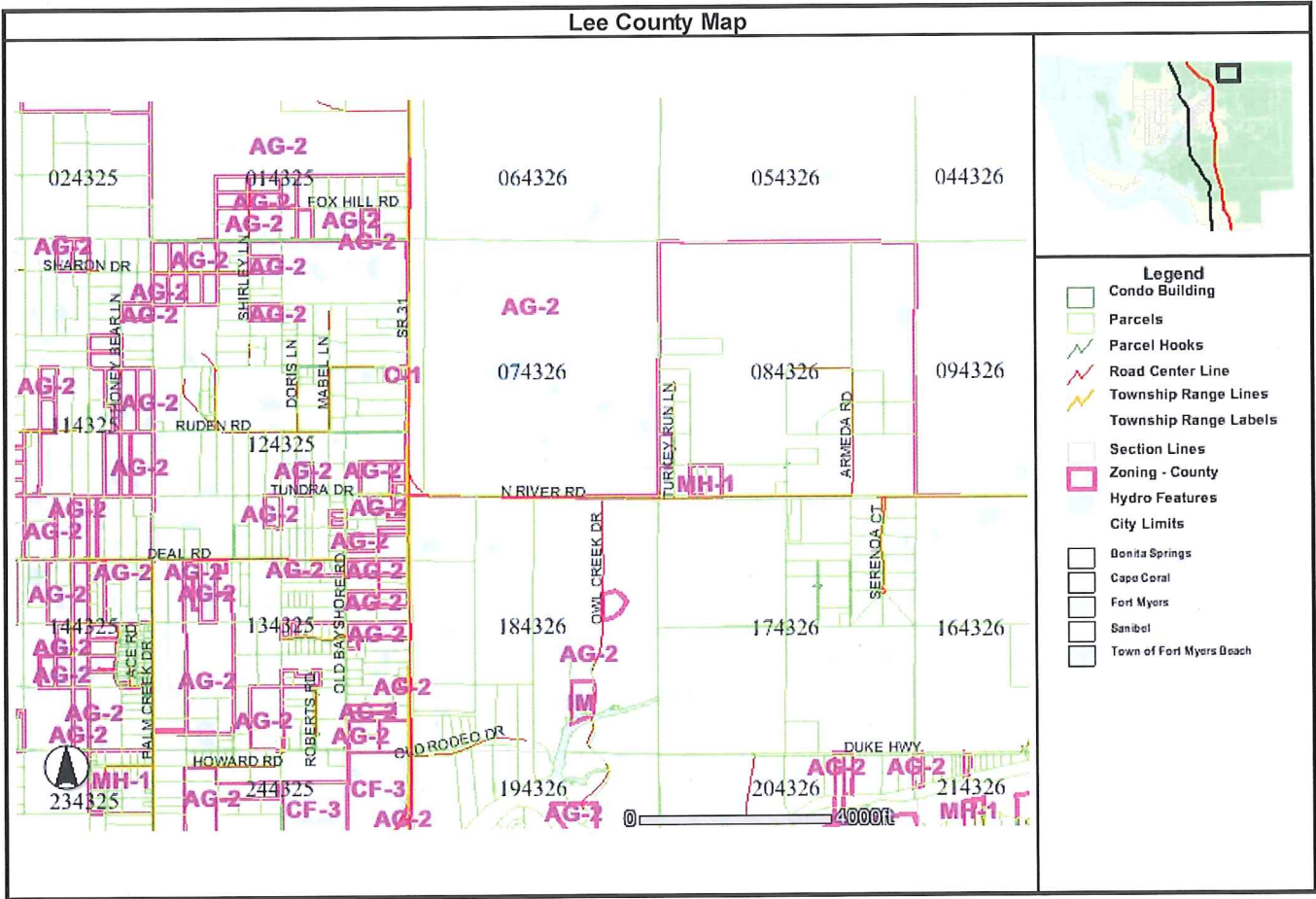
If I may be of any further assistance, or if you would simple like to discuss the issue further please do not hesitate to contact me at 543-3443.

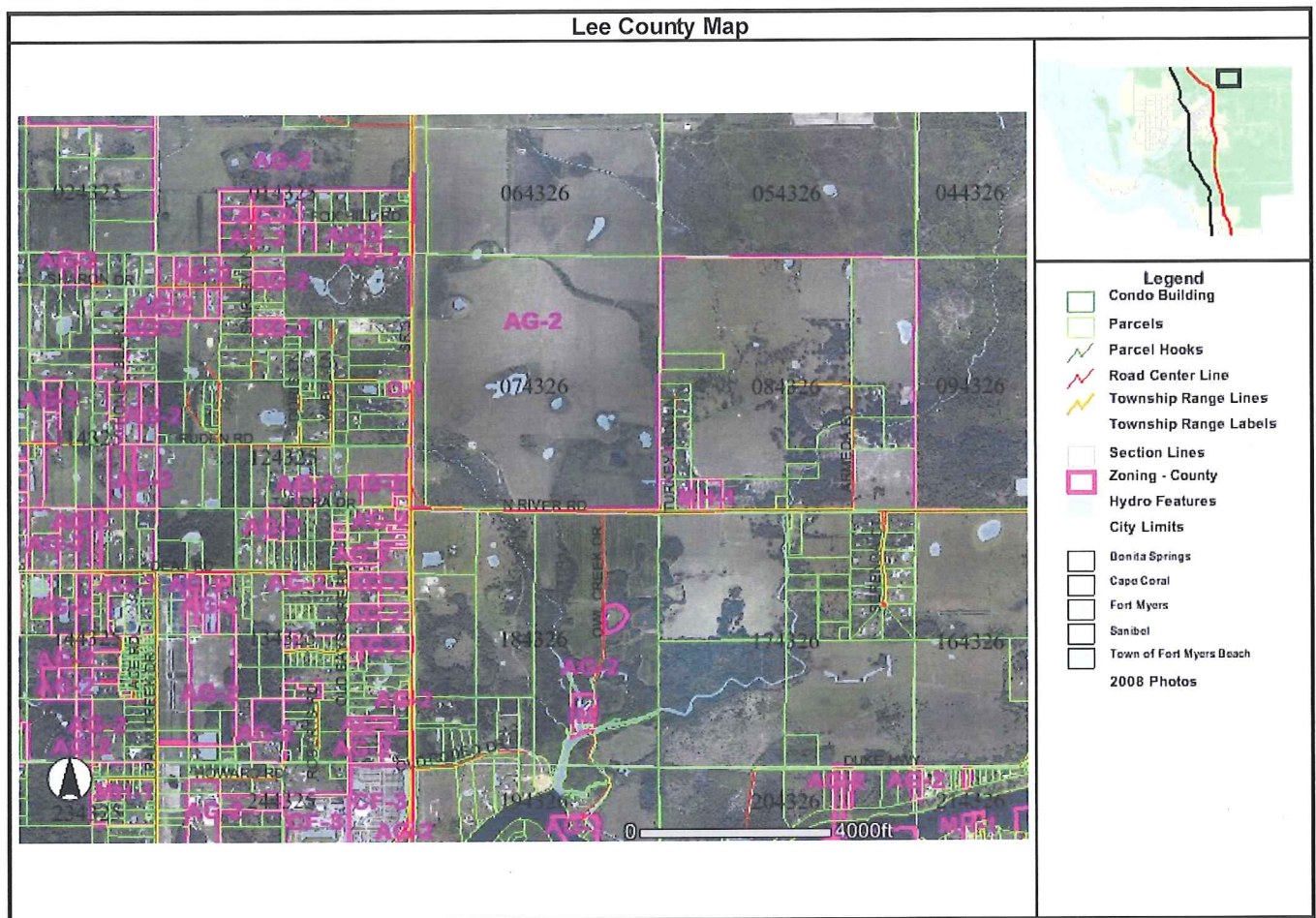
Sincerely,

Chad Jorgensen  
Fire Chief Bayshore Fire/ Rescue

Office 239-543-3443

Fax 239-543-7075





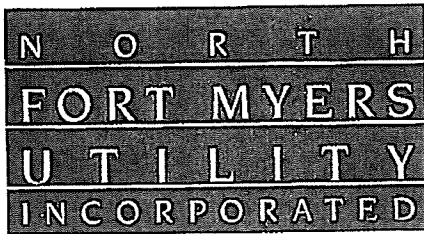












5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

May 29, 2009

LEE COUNTY BUILDING DEPARTMENT  
P. O. BOX 398  
1820 HENDRY STREET  
FT. MYERS, FL 33901

RE: Wastewater Service – Kreinbrink Commercial Project

STRAP # 18-43-26-00-00001.0040

Please be advised that **Morris-Depew Associates, Inc** has requested wastewater service for a proposed commercial project located at the above-mentioned strap number. The onsite collection system and offsite force main will be constructed by the developer to this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 32,000 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,  
North Fort Myers Utility, Inc.

A. A. "Tony" Reeves  
(Res)

A. A. "Tony" Reeves  
Utility Director

2008-00003



LEE COUNTY  
SOUTHWEST FLORIDA

LEE COUNTY UTILITIES  
REQUEST FOR LETTERS OF AVAILABILITY

DATE: JUNE 12, 2009

TO: Melissa Bibeau  
Utilities' Engineering Technician

FROM: SHEILA HOLLAND

FIRM: MORRIS-DEPEW ASSOCIATES, INC.

ADDRESS: 2914 CLEVELAND AVENUE

ADDRESS: FORT MYERS, FL 33901 -

PHONE#: (239)337-3993 FAX: (239)337-3994

E-MAIL ADDRESS: SHOLLAND@M-DA.COM

PROJECT NAME: KREINBRINK COMP PLAN AMENDMENT \*\*AMENDED\*\*

PROJECT ID (IF APPLICABLE): 06015.P3

STRAP #: 18-43-26-00-00001.0040

LOCATION/SITE ADDRESS: 12100 N. RIVER ROAD, ALVA, FL 33920

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE  
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)  
☒ OTHER: (PLEASE SPECIFY) COMPREHENSIVE PLAN APPLICATION

PLANNED USE:

- ☒ COMMERCIAL ☐ INDUSTRIAL ☐ RESIDENTIAL - (☐ SINGLE-FAMILY ☐ MULTI-FAMILY)  
☐ OTHER: (PLEASE SPECIFY) \_\_\_\_\_

PLANNED # OF UNITS/BUILDINGS: UNKNOWN

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL) 350000

AVERAGE ESTIMATED DAILY FLOW (GPD): 28,525 (☒ WATER ☐ WASTE-WATER ☐ REUSE)

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA  
SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: \_\_\_\_\_

This Project Is In The Conceptual Stages - Potable Water Estimated At 28,525 Gpd - See Attached Sheet For  
calculations.

Please e-mail the completed form to [bibeaumb@leegov.com](mailto:bibeaumb@leegov.com). If you are unable to e-mail the completed form, please fax to (239)479-8709. If you should have any questions or require assistance, please feel free to call our office at (239)479-8525.



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### **Impact Analysis**

According to the Florida Administrative Code (64E-6.008, FAC), wastewater treatment demand for residential use ranges between 100 and 400 gallons per day (GPD), depending upon the number of bedrooms in a dwelling unit. Assuming that the residential units which could be constructed on the subject property will average 3 bedrooms per dwelling unit, wastewater treatment demand will be 300 GPD per unit. In the pre-amendment situation, with an estimated development capacity of 30 dwelling units, there is an estimated demand of 9,000 GPD of wastewater treatment capacity associated with full development of the subject property under the current land use designation. Central wastewater treatment service will be provided by North Fort Myers Utility Inc. as indicated in the letter of availability from that agency. Absent an extension of the force main, it is likely that on-site wastewater treatment systems, septic tanks, would be used.

Wastewater demand is approximately 90% of potable water demand in residential land uses. For the current analysis, it is anticipated that potable water demand will average 325 GPD per dwelling unit or a total of 9,750 GPD for the entire development. Potable Water Service will be provided by Lee County Utilities as indicated in the letter of availability from that agency via a 16 inch diameter water main located at the intersection of Bayshore and Old Bayshore Rd. and extend along Bayshore Rd. and then north on SR 31. Without an extension of the public facilities, it is likely that on-site potable water wells would be used for provision of potable water under a Rural development scenario.

According to a study performed by Stearns and Wheeler, LLC, for the Mashpee Sewer Commission (Mashpee, MA, April, 2007), potable water use for commercial activities is estimated at 81.5 GPD per 1,000 SF of floor area. Based upon this estimate, potable water demand for 350,000 SF of commercial floor area will be 28,525 GPD. While this is significantly higher than the 9,000 GPD estimated for a residential option, the establishment of commercial use on the subject property would require the extension of the force main to the site and connection to a central wastewater treatment facility. This is deemed to be an improvement over the placement of 300 septic systems on the subject property.

Although commercial uses are generally calculated on a more specific basis, no users have yet been identified for the subject property that would allow such calculations. Again using an estimate that wastewater treatment demand is 90% of potable water demand, it is possible to estimate a wastewater treatment demand for 350,000 SF of commercial uses at 25,673 GPD. Again, while this is a substantial increase over the estimated 9,750 GPD for the residential demand, the establishment of a commercial designation on the subject property allows for the extension of the water main to the subject property.

The open space requirements for the development (post-amendment) were calculated as follows:  
 $40 \pm \text{ Acres Commercial} \times 30\% \text{ open space requirement} = 12 \text{ Acres or } 522,720 \text{ square feet}$  as required by Lee County. For the residential development, Lee County would not require any open space to be set aside other than that provided on each individual lot.





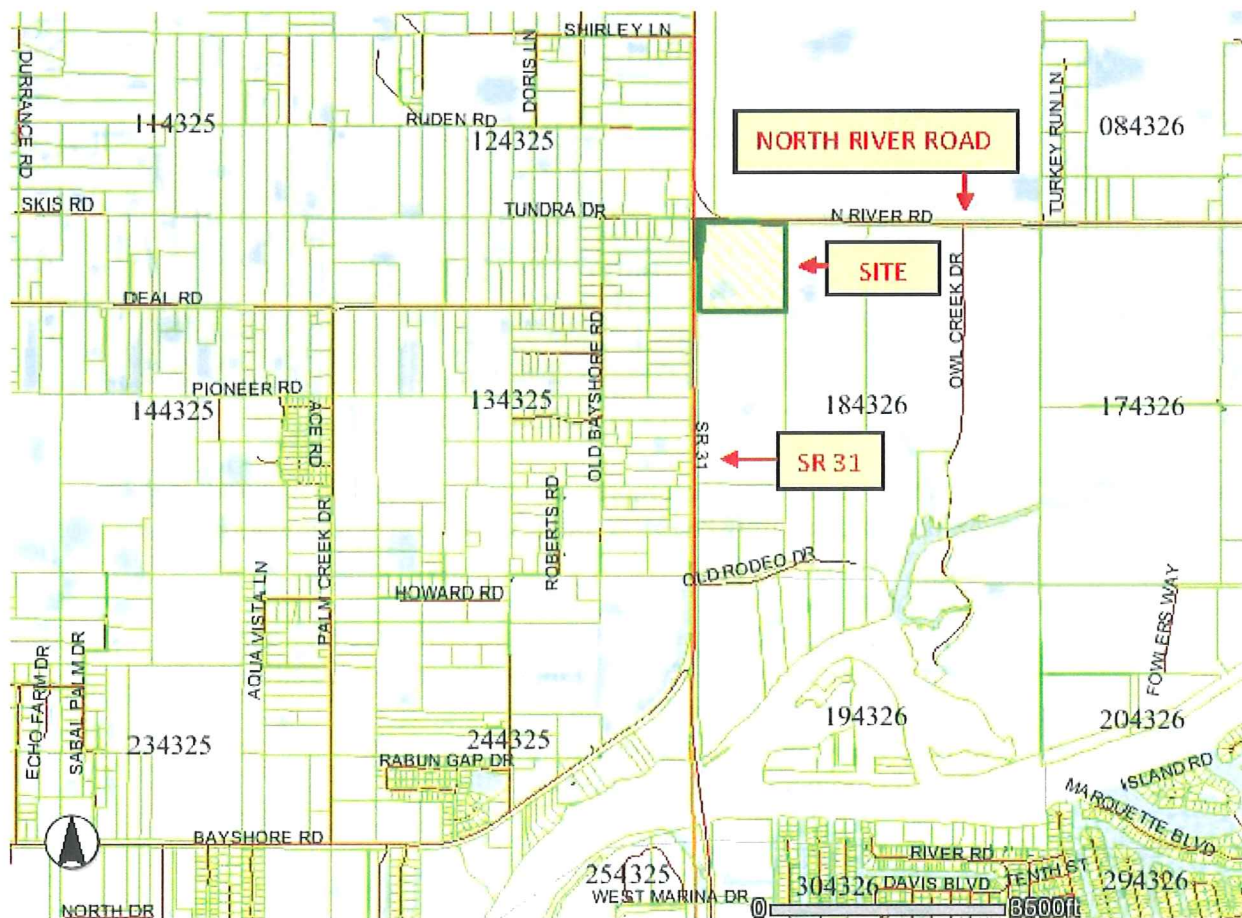
## Lee Plan FLUM Amendment Supplemental Data and Analysis

Property: 18-43-26-00-00001.0040  
 Owner of Record: Kreinbrink Katherine TR  
 12100 N. River Road  
 Alva, FL 33920

RECEIVED  
 JUN 12 2008  
 COMMUNITY DEVELOPMENT

### Background

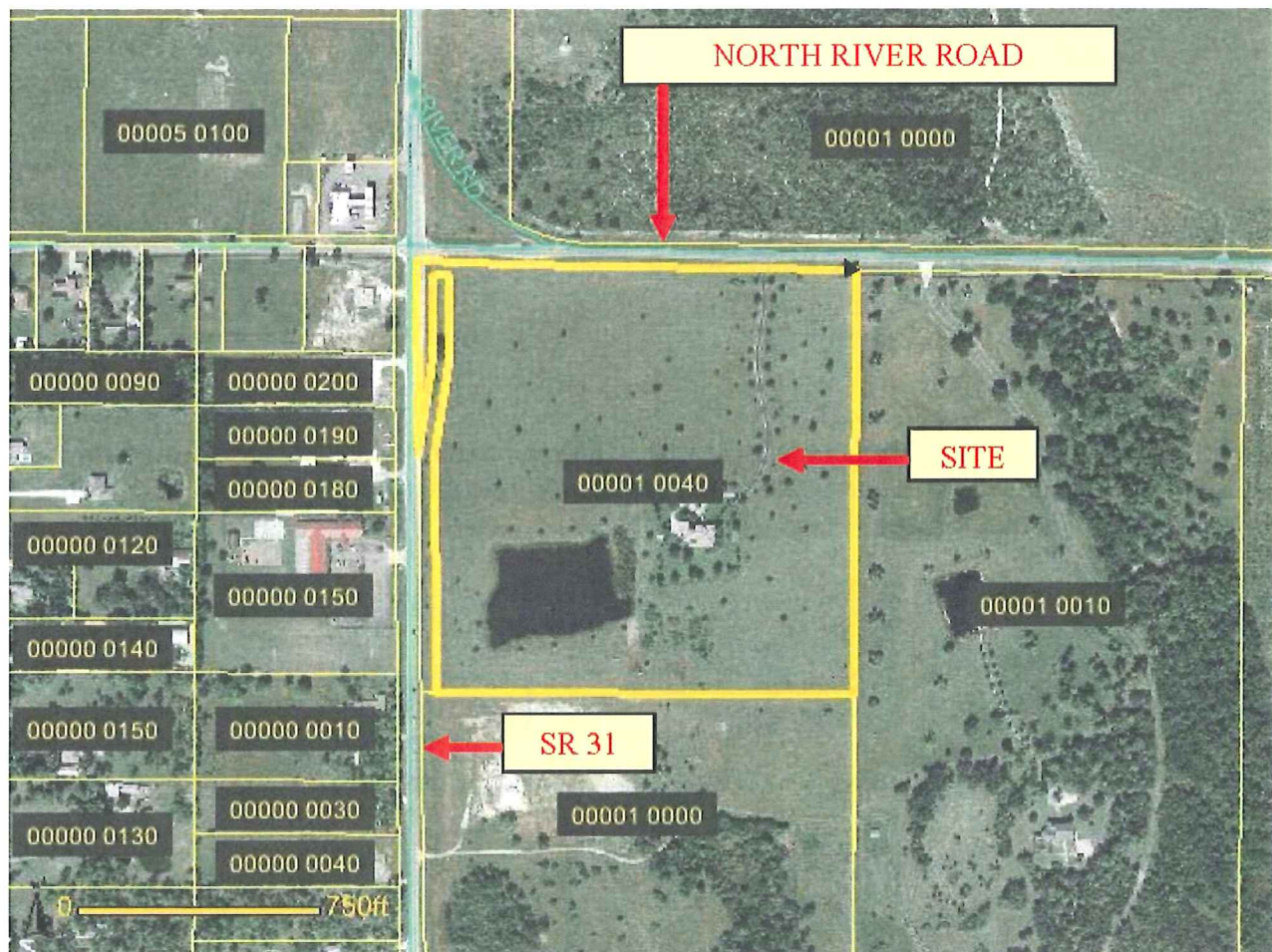
The proposed Lee Plan FLUM amendment is to change a property of +/- 40 acres from Rural to Commercial. The subject property is located southeast of the intersection of SR 31 and North River Road in Alva, Florida



Property Location Map

2914 Cleveland Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994  
 327 Office Plaza, Suite 202, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-6689  
 408 West University Avenue, Suite PH, Gainesville, Florida 32601 Telephone: (352) 378-3450 Fax: (352) 379-0385  
 Toll Free: (866) 337-7341

MPA 2008-00003



**Aerial Photograph of Subject Property**

Currently, the subject property contains an estimated 40 acres of Rural designated property. At maximum development options, this translates into the following development potentials:

**A. Rural Option (Current)**

**Residential Development:**

1. 29.75 acres (Rural) X 1 dwelling units/acre = 30 dwelling units
2. 0.25 acres (Wetlands) X 1 dwelling units/20 acre = 0 dwelling units
3. 10.0 acres commercial development
4. Total residential units = 30 dwelling units
5. Total rural commercial SF = 100,000 SF

**B. Commercial Option: (Proposed)**

**Commercial Development**

- 1.) 40 +/- acres (Commercial) = 1,742,400 SF
- 2.) Total potential commercial development = 350,000 SF (proposed maximum)



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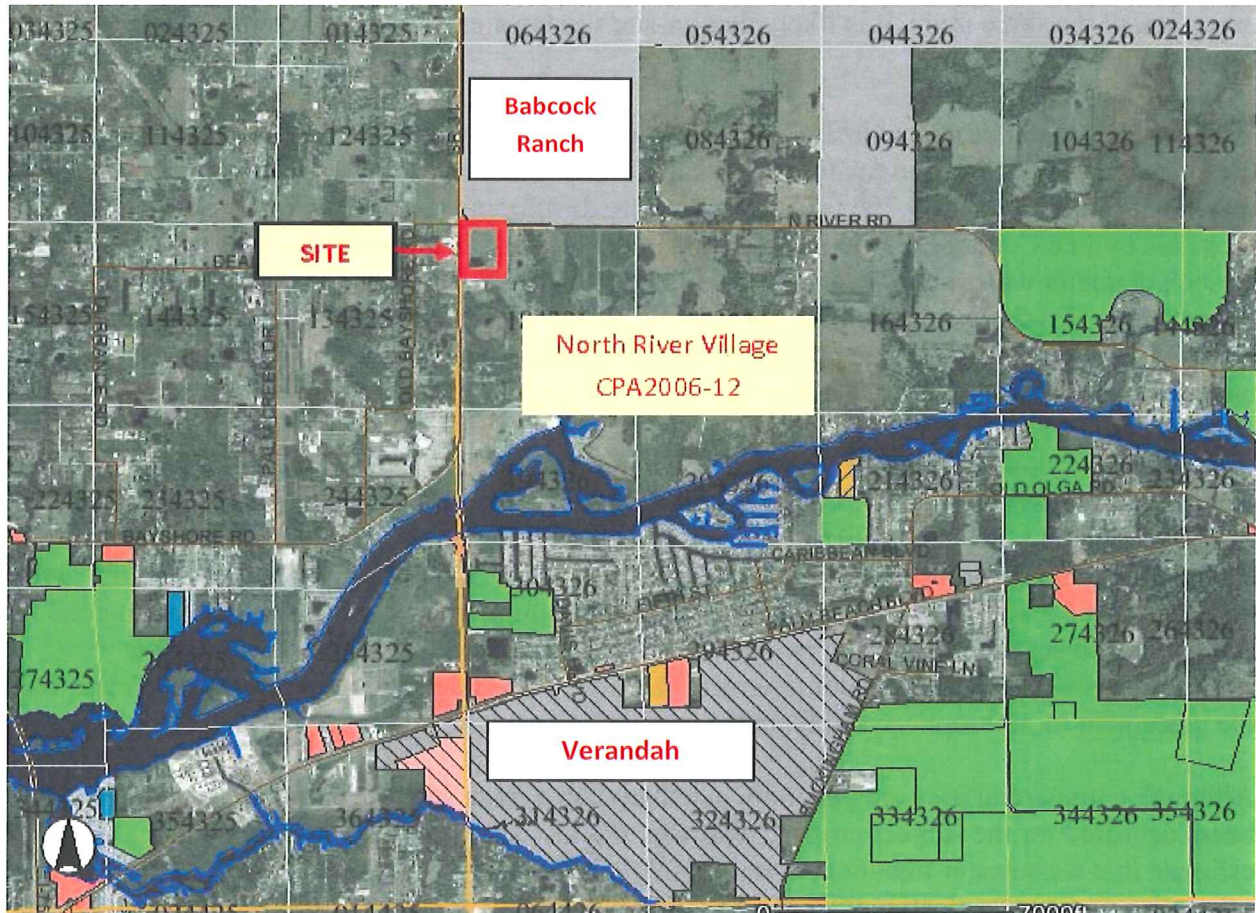
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### Lee Plan Consistency

As a commercial development, it is estimated that the FLUM build-out, should the amendment be approved, would reduce the acreage devoted to residential uses by 30 acres and thus lessen the overall population projections for the Alva Planning Community. In the Alva planning community, there are 33,463 total acres with 1,948 acres of rural designated property. At the present time there are 57 acres designated for commercial uses. Those figures would change if the proposed amendment were to be adopted, providing 1,918 acres of rural designated property and 87 acres of commercial uses.



**Subject Property with Surrounding Development Map**

As described in the Vision Statement of the Lee County Plan, the Alva Planning Community “is located in the northeast corner of the county and is focused around the rural community of Alva. This community roughly includes lands in Township 43 South/Range 27 East, lands north of the Caloosahatchee River in Township 43 South/Range 26 East and lands north of the Caloosahatchee River in Sections 1, 2, 11-14, and 23-27 of Township 43 South/Range 26 East. The majority of this area is designated as Rural, Open Lands, or Density Reduction/Groundwater Resource. The lands surrounding the Alva “Center”, which lie north and south of the Caloosahatchee Rive at the intersections of Broadway (bridge at Alva) and SR 78 and SR 80, are



designated as Urban Community. There are some lands designated as Outlying Suburban within the Bayshore Planning Community, most of which are located south of Bayshore Road west of SR 31. The Bayshore area has characteristics of both the Alva and the North Fort Myers Community.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is expected to grow through the life of this plan. Commercial activity is expected to continue to increase to the year 2030. The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community, although the area in which the subject property is located is more properly known as North Olga. The subject property is at the intersection of SR 31 and CR 78 (North River Road), and is in an area where rural, non-residential uses are extant.

As noted in the vision statement, the Alva Planning Community is expected to grow through 2030, therefore, the change in the subject property's current designation of Rural to the proposed designation of Commercial would be consistent with the Plan's vision for this area, especially with the location of the proposed Babcock Ranch property adjacent to the northern boundary of the subject parcel and the North River Village Comprehensive Plan Amendment Development CPA2006-12 located to its east and south. Per Policy 1.1.10, 'Commercial' areas are to be located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. Policy 1.1.10 states, "The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

An analysis has been undertaken (see above) related to the Acreage Allocation Table found in the Lee Plan. Policy 1.7.6 states, "The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded." As noted above the modifications to the land use designation of the subject property along with the North River Village Comprehensive Plan Amendment CPA2006-12, if approved, make this area in Olga an excellent location for a commercial development. The subject parcel is located at the intersection of two arterial roads and has a close proximity/accessibility to I-75. A revision to the Allocation Table for the Alva Planning Community will be required.

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Objective 2.1 suggests that, “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.” Utilization of the +/- 39.75 acres of developable uplands on the site will serve to promote the establishment of an urban boundary, and assist in preventing sprawl patterns from developing in the North Olga community.

Objective 2.2 indicates that Lee County will, “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)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance.” Urban services are, or will be, available to the subject property when required for development. The property is located at the intersection of two arterial roadways and will serve to protect both the existing and/or emerging residential neighborhoods and will assist in the promotion of compact development patterns and containment of urban sprawl. The subject parcel will provide much needed commercial services to the existing residential developments on the west with the proposed new residential developments of the New River Village Comprehensive Plan Amendment CPA2006-12 located to the south and east and the proposed Babcock Ranch Property located to the north.

Objective 2.4 indicates that Lee County will, on a regular basis, examine the Future Land Use Map in light of new information and changed conditions. When changed or changing conditions suggest adjustments are needed, necessary modifications are made. As residential demand for housing and commercial services increases this will ultimately force an adjustment to the FLUM. The subject property as described is an excellent solution to provide commercial services and has an ideal location with respect to the adjacent properties probable future development and the proximity to I-75 which would accommodate the traffic needs generated by such a development as well as hurricane evacuation needs for residents and/or future labor needs.

Goal 11 of the Lee Plan was adopted to insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order. Urban services are or will be available to the subject property at the time of development, and the environmental values will not be developed or disturbed in respect to the wetlands designation on the southern portion of the property. This will serve to protect and preserve the environmental values associated with that portion of the site.

The subject property is within the Bayshore Fire Rescue District located on 17350 Nalle Road, North Fort Myers, FL 33917. The Lee County Sheriff Department will provide police protection. LeeTran does not currently provide service to this site due to the current rural designation of the property and the surrounding properties. Lee County Solid Waste Division can provide solid waste collection service for the proposed residential units and neighborhood center and has long term disposal capacity at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. The proposed development will be located in the East Choice Zone of the

Lee County School District. Emergency Medical Service would be provided by the Lee County Emergency Medical Services Department.

### **Sprawl Analysis**

A comprehensive plan that promotes urban sprawl will promote, allow, or designate for development, substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. Development of the subject property, must be considered in conjunction with the recognition that significant residential and commercial development is anticipated in close proximity to the subject property.

The second criteria of urban sprawl in a plan is that it promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. A review of the larger aerial photograph above is sufficient to demonstrate that urban development has occurred in the vicinity of the subject property most notably east of the subject property. Further, it is clear that there are major efforts for additional residential and commercial development with the proposed Babcock Ranch and North River Village Communities. The proposed land use designation is clearly compatible with the land uses surrounding it and will bridge the North River Village Development and proposed Babcock Ranch areas helping to alleviate urban sprawl by eliminating the leap-frog scenario between these two properties.

Sprawl also is characterized by policies that promote, allow, or designate urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. Development of the subject property would establish a commercial node, protect existing or emerging residential neighborhoods, protect open space and natural resources, and concentrate development in areas most suitable for its location. Radial, strip, isolated, or ribbon development patterns would not be consistent with the application of Lee Plan provisions to the subject property or to the adopted community-based Goals, Objectives, and Policies. The subject property is located at the intersection of two arterial roadways, at an emerging commercial node. This indicator is not applicable to the proposed amendment.

Sprawl also, is a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. The applicable Lee Plan provisions, as applied to the subject property, include mandates for the protection of natural systems, including setbacks, buffers, use restrictions, open space requirements, preservation and conservation provisions, and design regulations. Thus, this sprawl indicator is inapplicable to the proposed amendment.

Policies promoting urban sprawl fail to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. As noted above, setbacks, buffers, and performance criteria have been incorporated into the Lee Plan development parameters in order to provide protection to adjoining uses. The proposed amendment will assist with the prevention of urban sprawl by conforming to the current and

proposed uses surrounding the subject parcel.

The proposed amendment will maximize use of existing public facilities and services and will maximize use of future public facilities and services. As noted above, all urban services are, or will be, available to the subject property at the time of development. The establishment of the neighborhood center will service the surrounding residential development, providing the necessary diversity for the North Olga community.

Related to the question of infrastructure extension is the sprawl indicator that states urban sprawl policies allow for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. The Bayshore Fire District will provide fire protection to the site but would require the installation of hydrants. Police protection is currently available as well as Emergency Medical Services although at this time the site is approximately one minute outside the core response time of 10 minutes. The development would be in the East Choice Zone for the Lee County School District and the Lee County Solid Waste Division has the capability to provide collection services. All major services are available on some level currently except for Lee County Transit which currently does not provide a route due to the current rural nature of the area. Common sense dictates this may change at some point in time as future development continues, and Lee County has considered location of a transit support facility south of the subject property along SR 31.

According to the Rule, the future land use map and policies will promote sprawl if they fail to provide a clear separation between rural and urban uses. The subject property clearly delineates the buffers, setbacks, and use limitations required for maintaining a boundary between adjoining parcels with different uses. The subject property is uniquely positioned to deal with the separation between rural and urban uses. With the approval of Babcock Ranch and the proposed North River Village Development, the subject property will be consistent with those developments and part of the development node that is emerging at this intersection. If those developments are not approved our subject parcel will help to provide a clear separation between the emergent commercial node and the rural uses and current development to the east.

Sprawl also tends to discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities. This particular subject property would be an infill parcel if the between Babcock Ranch and the proposed North River Village, providing a means of joining these three properties together. This would provide a consistent land use in this area assisting with the discouragement of urban sprawl.

The Rule also states that sprawl policies fail to encourage an attractive and functional mix of uses. The applicant is proposing a commercial center not greater than 350,000 square feet located on a 40 acre site. There are also existing commercial land uses adjacent to the subject property at the intersection of SR 31 and North River Road.

Finally, sprawl policies are those that result in poor accessibility among linked or related land uses and result in the loss of significant amounts of functional open space. Development of the



subject property will provide provisions for preservation of functional open space, preservation of buffers and setbacks, and comply with open space requirements to demonstrate that these sprawl indicators do not apply to the current proposed amendment.

It is also noted that 9J-5.006(h) states, "The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses." When such an analysis is undertaken (as it has herein) it is clear that the proposed designation is not sprawl, but rather part of a continuing effort on the part of Lee County to accommodate the demand for community based residential and accompanying support development. The subject property designation for the subject properties serves to further advance the adopted Goals, Objectives, and Policies of the County's Comprehensive Plan.

The subject property is located at the intersection of 2 arterial highways, with existing commercial uses proximate to its boundaries, and at a focal point for the local neighborhood. There is little in the way of supporting commercial use in the vicinity that would provide for the evolving commercial demand in the immediate area. The Alva Planning Community currently has 25 acres of commercial land uses undeveloped (out of a total of 57 acres), so it would appear that there is sufficient acreage left for the proposed development. Its location at the intersection of 2 arterials provides good accessibility, and will serve to intercept traffic that would otherwise need to travel outside of the existing neighborhoods to access commercial goods and services. The proposed intensity (350,000 SF) represents a 0.2 FAR, a ratio in keeping with the overall intensity of development anticipated in an area such as this. Given its location between the proposed North River Village, Babcock Ranch, and the residential, commercial, and public uses to the west and southwest, it would appear that the proposed change is compatible with adjoining properties. The lands comprising the subject property is upland pasture along with an existing residence. It has been graded and filled in the past, and has no significant environmentally sensitive areas, making it suitable for the proposed use. Overall the amendment provides a functional land use that will support the uses within the planning community along with the activities that are located to the west and southwest of the site. It is consistent with the demand for such uses as evidenced in the County's projections for the Alva Planning Community, and thus meets the criteria found in 9J-5.006(5)(h).

9J5.006(i) goes on to state that, "Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area. *[The subject property is a +/- 40 acre parcel located at the intersection of 2 arterial highways. It is located between Babcock Ranch and the proposed North River Village, proximate to the County Civic Center and a variety of small commercial uses. It is an appropriate size and location for placing support commercial uses, and is consistent with planning community projections.]*
2. Projected growth rate (including population, commerce, industry, and

agriculture). *[The request is consistent with planning community projections for the Alva Planning Community.]*

3. Projected growth amounts (acres per land use category). *[The request is consistent with planning community projections for the Alva Planning Community.]*

4. Facility availability (existing and committed). *[Urban services are either available or anticipated by the time development will take place. Extension of central utilities is anticipated as part of adjoining development efforts.]*

5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl. *[This parcel represents a small piece located between 2 large developments, Babcock Ranch and North River Village, and existing development to the west and southwest.]*

6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction. *[The request is consistent with planning community projections for the Alva Planning Community.]*

7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy. *[No increase in per capita costs associated with service provision is anticipated as a result of this development.]*

8. Extra-jurisdictional and regional growth characteristics. *[No extra-jurisdictional or regional impacts are anticipated.]*

9. Transportation networks and use characteristics (existing and committed). *[It is anticipated that this development would serve the surrounding community, serving to intercept trips that would otherwise travel further in search of goods and services.]*

10. Geography, topography and various natural features of the jurisdiction. *[The subject property contains no environmentally sensitive areas and is not anticipated to have a negative impact upon any significant ecological features.]*

As demonstrated in this analysis, when each of these factors are considered, in the context of the full range of applicable Lee Plan Goals, Objectives, and Policies, the subject property is not sprawl, but rather the logical extension of the ongoing development efforts undertaken within Lee County's localized communities.

Further, 9J5.006(j) states, "Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements. *[In the pre-amendment situation, a residential subdivision would not be required to provide any additional open space other than that which would normally exist on individual lots. As a result of the amendment, not less than 12 acres of the subject property will need to be set aside for open space. This will serve to mandate provision of additional open space with the approval of the requested amendment.]*

2. Development clustering requirements. *[Development parameters for the proposed amendment will establish minimum open space requirements that will*

*have the effect of clustering development and increasing open space. There are no environmentally significant areas on the subject property.]*

3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development. *[Minimum intensity and density standards are already a part of the requested category, encouraging a cost effective use of infrastructure.]*

4. Phasing of urban land use types, densities, intensities, extent, locations, and distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes. *[The subject property is located between Babcock Ranch and the proposed North River Village developments. Approval of the requested amendment is consistent with the evolving development patterns. Located at the intersection of the 2 primary arterial highways in the area, the subject property is part of a logical development pattern, consistent with anticipated growth within the Alva Planning Community.]*

5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services. *[The location of the subject property is consistent with the adopted standards for the type of commercial intensity proposed. The proposed development is consistent with providing a transition between the uses at the intersection and other uses proximate to the site.]*

6. Infrastructure extension controls, and infrastructure maximization requirements and incentives. *[Infrastructure is available and capacity exists to service any future development on this site.]*

7. Allocation of the costs of future development based on the benefits received. *[Development of the subject property under the proposed amendment will result in payment of all impact fees, permitting fees, and any other applicable infrastructure extension fees, property taxes, and sales taxes as applicable.]*

8. The extent to which new development pays for itself. *[The proposed development is anticipated to generate enough fees, tax revenues, and other monies to fully offset any costs associated with provision of services.]*

9. Transfer of development rights. *[There are no TDR elements associated with the proposed amendment.]*

10. Purchase of development rights. *[There are no development rights purchase elements associated with the proposed amendment.]*

11. Planned unit development requirements. *[It is anticipated that any development of the subject property will be undertaken under the provisions of the Lee County land development regulations that would require commercial development greater than 10 acres to be done as a planned development.]*

12. Traditional neighborhood developments. *[TND is an option that will be available to the applicant at the time development permits are requested.]*

13. Land use functional relationship linkages and mixed land uses. *[The proposed amendment establishes a location for supporting retail and service activities for the westerly extents of the Alva Planning Community.]*

14. Jobs-to-housing balance requirements. *[According to a 1995 survey by the US Dept. of Energy, there is 1 retail or service worker for each 945 square feet of floor area. This translates into an estimated 370 full-time employment*

*equivalencies that would be created through the adoption of this amendment once the project is completed.]*

15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area. *[The requested amendment is consistent with the evolving growth patterns for the Alva Planning Community.]*

16. Provision for new towns, rural villages or rural activity centers. *[The subject property is located at the intersection of 2 arterial roadways, and is situated between the proposed North River Village and Babcock Ranch.]*

17. Effective functional buffering requirements. *[Setbacks and buffers are required during the permitting process, consistent with the planned development requirements.]*

18. Restriction on expansion of urban areas. *[The requested amendment is consistent with the evolving growth patterns for the Alva Planning Community.]*

19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands. *[The subject property, although zoned for agriculture and consisting of pasture, is not a significant agricultural asset.]*

20. Urban service areas. *[The requested amendment is consistent with the evolving growth patterns for the Alva Planning Community.]*

21. Urban growth boundaries. *[The requested amendment is consistent with the evolving growth patterns for the Alva Planning Community.]*

22. Access management controls. *[Access will be consistent with all County and State access management requirements.] ”*

A review of the provisions of the subject property, in conjunction with the Plan as a whole, demonstrates that all of the applicable 22 factors referenced are addressed. And, as 9J-5.006(k) indicates that these 22 land use types and land use combinations will be evaluated within the context of the features and characteristics of the locality, it is clear that the proposed designation is not urban sprawl. Additionally, the Rule notes that if a local government has in place a comprehensive plan already found to be in compliance, as is the case with the County, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of pre-existing indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

### **Effect Upon Adjoining Local Governments**

There should be no appreciable impacts upon any adjoining local government as a result of the proposed change.

### **Consistency with State and Regional Policy Plans**

As proposed, the amendment will serve to implement State Policy Plan provisions, as applicable, including Sections 187.201(9)(b)1, 187.201(9)(b)3, 187.201(9)(b) 7, 187.201(15)(a), 187.201(15)(b)3, 187.201(15)(b)6, 187.201(17)(b)(1), 187.201(19)(b)2, & 15. These policies relate to preservation of environmental values, efficient provision of infrastructure, protection of highway capacity, and implementation of adopted policies related to land use and growth management. For a more detailed discussion, please see the applicable sections above.

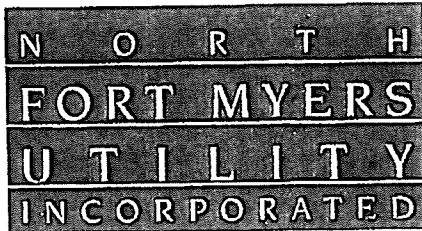
Goal 4 of the Regional Policy Plan, Natural Resources section indicates that local governments

will support, “Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.” The provision of a commercial development surrounded by the proposed residential development, located at the intersection of two arterial highways and between two emerging residential mixed-use developments will create an opportunity for retail, service, and employment activities for the residents but will more importantly provide convenient essential services that will help to diminish automobile trips otherwise made to the nearest appropriate commercial node.

### **Conclusion**

The proposed amendment is consistent with all applicable Lee Plan Goals, Objectives and Policies. Additionally, the basis for adopting this amendment is supported by the State Comprehensive Plan and the Regional Policy Plan. The conversion of the property from a Rural, single family residential use to a commercial, planned development use will enable the applicant to establish a development with more options for supporting neighborhood retail, service, and employment activities. The subject parcel will also provide valuable commercial services to the proposed Babcock Ranch and North River Village (Large Scale Comprehensive Plan Amendment CPA2006-12).





5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

May 29, 2009

LEE COUNTY BUILDING DEPARTMENT  
P. O. BOX 398  
1820 HENDRY STREET  
FT. MYERS, FL 33901

RE: Wastewater Service – Kreinbrink Commercial Project

STRAP # 18-43-26-00-00001.0040

Please be advised that **Morris-Depew Associates, Inc** has requested wastewater service for a proposed commercial project located at the above-mentioned strap number. The onsite collection system and offsite force main will be constructed by the developer to this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 32,000 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,  
North Fort Myers Utility, Inc.

A. A. "Tony" Reeves  
(RRS)

A. A. "Tony" Reeves  
Utility Director

2008-00003



LEE COUNTY  
S O U T H W E S T F L O R I D A

LEE COUNTY UTILITIES  
REQUEST FOR LETTERS OF AVAILABILITY

DATE: JUNE 12, 2009

TO: Melissa Bibeau  
Utilities' Engineering Technician

FROM: SHEILA HOLLAND

FIRM: MORRIS-DEPEW ASSOCIATES, INC.

ADDRESS: 2914 CLEVELAND AVENUE

ADDRESS: FORT MYERS, FL 33901 -

PHONE#: (239)337-3993 FAX: (239)337-3994

E-MAIL ADDRESS: SHOLLAND@M-DA.COM

PROJECT NAME: KREINBRINK COMP PLAN AMENDMENT \*\*AMENDED\*\*

PROJECT ID (IF APPLICABLE): 06015.P3

STRAP #: 18-43-26-00-00001.0040

LOCATION/SITE ADDRESS: 12100 N. RIVER ROAD, ALVA, FL 33920

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE  
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)  
☒ OTHER: (PLEASE SPECIFY) COMPREHENSIVE PLAN APPLICATION

PLANNED USE:

- ☒ COMMERCIAL ☐ INDUSTRIAL ☐ RESIDENTIAL - (☐ SINGLE-FAMILY ☐ MULTI-FAMILY)  
☐ OTHER: (PLEASE SPECIFY) \_\_\_\_\_

PLANNED # OF UNITS/BUILDINGS: UNKNOWN

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL) 350000

AVERAGE ESTIMATED DAILY FLOW (GPD): 28,525 (☒ WATER ☐ WASTE-WATER ☐ REUSE)

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA  
SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: \_\_\_\_\_

This Project Is In The Conceptual Stages - Potable Water Estimated At 28,525 Gpd - See Attached Sheet For  
calculations.



2008-00003

Please e-mail the completed form to [bibeamb@leegov.com](mailto:bibeamb@leegov.com) . If you are unable to e-mail the completed form, please fax to (239)479-8709. If you should have any questions or require assistance, please feel free to call our office at (239)479-8525.

### Impact Analysis

According to the Florida Administrative Code (64E-6.008, FAC), wastewater treatment demand for residential use ranges between 100 and 400 gallons per day (GPD), depending upon the number of bedrooms in a dwelling unit. Assuming that the residential units which could be constructed on the subject property will average 3 bedrooms per dwelling unit, wastewater treatment demand will be 300 GPD per unit. In the pre-amendment situation, with an estimated development capacity of 30 dwelling units, there is an estimated demand of 9,000 GPD of wastewater treatment capacity associated with full development of the subject property under the current land use designation. Central wastewater treatment service will be provided by North Fort Myers Utility Inc. as indicated in the letter of availability from that agency. Absent an extension of the force main, it is likely that on-site wastewater treatment systems, septic tanks, would be used.

Wastewater demand is approximately 90% of potable water demand in residential land uses. For the current analysis, it is anticipated that potable water demand will average 325 GPD per dwelling unit or a total of 9,750 GPD for the entire development. Potable Water Service will be provided by Lee County Utilities as indicated in the letter of availability from that agency via a 16 inch diameter water main located at the intersection of Bayshore and Old Bayshore Rd. and extend along Bayshore Rd. and then north on SR 31. Without an extension of the public facilities, it is likely that on-site potable water wells would be used for provision of potable water under a Rural development scenario.

According to a study performed by Stearns and Wheeler, LLC, for the Mashpee Sewer Commission (Mashpee, MA, April, 2007), potable water use for commercial activities is estimated at 81.5 GPD per 1,000 SF of floor area. Based upon this estimate, potable water demand for 350,000 SF of commercial floor area will be 28,525 GPD. While this is significantly higher than the 9,000 GPD estimated for a residential option, the establishment of commercial use on the subject property would require the extension of the force main to the site and connection to a central wastewater treatment facility. This is deemed to be an improvement over the placement of 300 septic systems on the subject property.

Although commercial uses are generally calculated on a more specific basis, no users have yet been identified for the subject property that would allow such calculations. Again using an estimate that wastewater treatment demand is 90% of potable water demand, it is possible to estimate a wastewater treatment demand for 350,000 SF of commercial uses at 25,673 GPD. Again, while this is a substantial increase over the estimated 9,750 GPD for the residential demand, the establishment of a commercial designation on the subject property allows for the extension of the water main to the subject property.

The open space requirements for the development (post-amendment) were calculated as follows:  
 $40 \pm \text{ Acres Commercial} \times 30\% \text{ open space requirement} = 12 \text{ Acres or } 522,720 \text{ square feet}$  as required by Lee County. For the residential development, Lee County would not require any open space to be set aside other than that provided on each individual lot.

2008-000003



**CPA2008-03  
KREINBRINK AMENDMENT  
PRIVATE INITIATED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

---

**THE LEE PLAN**

Privately Initiated Application  
and Lee County Staff Analysis

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LPA Public Hearing Document  
for the  
June 22, 2009 Public Hearing

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*Lee County Planning Division  
1500 Monroe Street  
P. O. Box 398  
(239) 533-8585*

*June 12, 2009*

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2008-03**

✓	Text Amendment	✓	Map Amendment
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This Document Contains the Following Reviews:

✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: June 12, 2009

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE**

**A. Applicant:** Dan and Katherine Kreinbrink.

**B. Applicant's Representative:** David Depew, Ph.D., AICP, LEED AP  
Morris-Depew Associates, Inc.

- 2. REQUEST:** Amend the Future land Use Map Series, Map 1 to change 40± acres of land designated "Rural" to "Commercial"; and add a sentence to Policy 1.1.10 to clarify the applicable maximum Floor Area Ratio (FAR).

## **B. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** The subject property consists of 40± acres. According to the applicant, 39.75 acre of the property consists of uplands, while 0.25 acres is wetlands.

**PROPERTY LOCATION:** The subject property is generally located in southeast quadrant of the intersection of SR 31 and North River Road in Alva.

**EXISTING USE OF LAND:** The subject property is currently developed with a single-family residence and is also being used as cattle grazing land.

**CURRENT ZONING:** The property is currently zoned Agricultural (AG-2).

**CURRENT FUTURE LAND USE CATEGORY:** The current Future Land Use designation of the site is "Rural" and "Wetlands".

### **2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** Currently water and sewer services are not available to the site. Lee Plan Policy 1.4.1 discourages extending water and sewer lines as well as other urban services into "Rural" designated areas of the County. Should the Future Land Use designation of the site change to commercial, water lines from Lee County Utilities currently located about 2 miles to the south must be extended to provide services to potential development on this site. For wastewater service, the applicant has provided a letter from North Fort Myers Utilities stating that they have adequate capacity to provide wastewater service to the site from a line on Bayshore Road approximately 2.1 miles from the site. It is also important to note that the Lee Plan Map #6 (Future Water Service Areas) must be amended to include this site within the Lee County Utilities Future Water Service Areas for this service to be available to the site.

**FIRE:** The property is located in the Bayshore Fire Rescue District.

**TRANSPORTATION:** Access to the property is through North River Road, which intersects with State Road #31 to the west of the property.

**SOLID WASTE FRANCHISE:** Alva is located within the North Fort Myers Service Area. Waste Pro, Inc. Is the service provider for the site.



## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment to the Future Land Use Map. Staff, after careful review of the request has determined that the request will cause urban sprawl. Staff also believes that the request is premature.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**
  - The request to change the Future Land Use designation from “Rural” to “Commercial” is premature. The area is mostly rural in nature and is sparsely developed.
  - The request will cause urban sprawl. Currently there is no need in the area for a 40-acre commercial development. This request will introduce a major shopping center in a rural area with not enough population to support it.
  - Utilities currently are not available to the site. Lee Plan discourages extending urban services to the “Rural” areas of the County.
  - Within close proximity of the site there are approximately 10 acres of land already zoned commercial and partially vacant and available to satisfy the daily common needs of the local population.
  - Currently, there are 57 acres allocated for commercial in the Alva community by Table 1(b). Of this allocation, 32 acres are developed leaving 25 acres to be developed by the year 2030. This is insufficient to accommodate this proposal.
  - The applicant has not demonstrated compliance with Florida Administrative Code 9J-5006(5)(h), especially with regards to compatibility, suitability and demonstrated need over the planning period.

## **D. BACKGROUND DISCUSSION:**

The applicant, Morris-Depew Associates, inc. initially submitted this amendment on September 30, 2008 to change the Future land Use designation of the property from “Rural” to “Suburban” with a Neighborhood Center. The original request envisioned a residential subdivision with up to 178 residential dwelling on 29.75 acre of the property and a 100,000 square feet neighborhood commercial center on the remaining 10 acres of the site.

The applicant amended the original request to change the Future Land Use to “Suburban” on the original application to “Commercial” on January 30, 2009. The new request envisions a 350,000 square feet commercial development for the site.

Current “Rural” Future Land Use designation of the site allows one residential dwelling unit per acre for the site. The property is also qualifies for a minor commercial rezoning and development. A minor commercial development is defined as a commercial property up to two acres in size and less than 30,000 square feet of gross floor area.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire by the owner to develop the site with a 350,000 square foot commercial development to cater to the needs of the people residing in Alva and surroundings.

There is a concerted effort to develop the area with large residential and commercial developments. Babcock Ranch is directly located to the north of the subject property, while North River Village abuts this property to the south and east. Both proposed developments will contain residential and commercial uses.

#### **COMPREHENSIVE PLAN BACKGROUND**

The subject property was designated “Rural” by the original Lee County Future Land Use Map, adopted in 1984.

The subject property is located within the Alva Community District. Lee Plan’s Vision Statement for Alva is:

**Alva** - The mission of the people of the community called Alva, Florida is to preserve and protect its unique historical, rural, agricultural and small town flavor. Alva is the oldest settlement in Lee County. With its huge oaks and cypress trees, the Caloosahatchee River, citrus groves, and cattle ranches, Alva has a unique country ambiance that is rapidly becoming hard to find in Florida. Southwest Florida is experiencing extremely rapid development. It will take a concerted effort to ensure that the growth in Alva occurs in a manner that maintains the character and lifestyle of this area. As Alva grows, we aim to work together to make sure Alva remains a place we want to live in and call home.

The Guiding Statements for the Alva Community Character

The Caloosahatchee River and its watershed, lined with huge oaks and cypress, flows westward to the Gulf through acres of land devoted to citrus, cattle, farming, flower farms, and conservation areas. These resources, which characterize the Alva area, remain its primary assets. The historic character of the river town, which was originally a center of trade and transport, has been protected and revitalized, strengthening its function as a center of social interaction and civic, educational, and recreational activity.

Central Alva, originally platted in the late 1800's, has retained and enhanced its historic character. The design of new and renovated structures draws from 1890's Southern Victorian architecture. Infill development in the historic core produces a compatible mix of residential, professional office, small shops or cafes, and bed and breakfast lodging.

Streets remain narrow with a dense tree canopy. Interconnections of streets and the addition of pedestrian and bicycle pathways and centralized, park-once parking areas have made walking or biking pleasant and safe. Through-traffic on North River Road, which passes through the heart of the historic core, has been "calmed" and no longer threatens the safety and pedestrian ambiance of the area.

Riverfront pedestrian access to the Caloosahatchee River and additional dock space and children's facilities at the boat ramp area provide expanded opportunities for visitors to arrive by boat, for pedestrians to stroll along the riverfront, and for families to enjoy the recreational opportunities afforded by the River.

The bridge creates a sense of arrival into the community and now provides a pedestrian walkway and bicycle lane -- the essential links in the network of pathway systems connecting central Alva to the conservation and recreational areas that surround the community.

Residents and visitors can walk or bicycle from the Franklin Locks on to Caloosahatchee Regional Park, arriving at central Alva, and continuing south to Greenbriar Preserve and Lehigh's future linear park system. Children can walk or bike from Charleston Park on the east and River Oaks on the west side of Alva to school and the recreational facilities in central Alva. The community park system has been expanded and new recreation areas have been developed to accommodate the active recreation needs of both children and adults.

In the future, new development south of the bridge on both sides of State Route 80 is compact and concentrated within a radius around the area of the signalized intersection rather than lining the highway with strip commercial structures. New neighborhood-scale developments combine community serving commercial uses with mixed uses (residential above commercial). Site design features internal service roads with buildings framing the public streets and maximizing the views and pedestrian access to the River.

The newly four-laned State Road 80 has been designed to signal entry into the central Alva area with curbed medians, a traffic signal at the Broadway intersection, enhanced with generous plantings. Strategically located median breaks and access points allow safe entry into adjacent commercial areas.



As pressure to convert the surrounding rural lands into residential subdivisions has increased, Alva has managed to preserve large areas of land in agricultural use or in its natural state through several successful programs.

Linking the large rural area together are North River Road (County Road 78) and the Caloosahatchee River. North River Road has retained its rural ambiance and is a popular scenic route for visitors and residents enjoying the countryside. The long-standing prohibition against through truck traffic has been successfully enforced; signage is limited to directional and safety signs; and residential areas located along the roadway are designed with internal streets so that access points onto the roadway are minimized.

As it has historically, the Caloosahatchee River provides transportation, food, recreation and a source of water. The citizens of Alva have joined with various volunteer organizations and public agencies to resolve the problems of water quality degradation and loss of habitat. The function, health, and beauty of the oxbows, or bends in the river that have remained after dredging projects (which began with the 1930s creation of the Cross State Ship Channel), have been gradually restored in response to the conditions unique to each. Maintenance and monitoring of their continuing viability provide an ongoing opportunity for education and scientific study.

Many opportunities exist to enjoy the river by boat, canoe, or kayak from viewing areas, or in the regional parks. Dedicated volunteers continue to work towards a vision for the future of the Caloosahatchee River, which balances human needs while protecting and promoting the resources and natural beauty of the whole system for future generations.

By working together, the Alva community has enhanced its surrounding natural amenities, preserved its heritage, and ensured its long-term quality of life.

The current Future Land Use designation of the property is mostly "Rural" with a small portion designated as "Wetlands". Lee Plan defines "Rural" and "Commercial" as:

***POLICY 1.4.1:*** *The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22, 07-12)*

***POLICY 1.1.10:*** *The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan.*

*The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.*

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. (Added by Ordinance No. 07-09)*

The applicant's request to change the Future Land Use designation of the property from "Rural" to "Commercial" will alter the character of the area that is currently rural in nature. This amendment will also be contrary to Policy 1.4.1 of the Lee Plan, which requires that the rural areas to remain rural with low density residential, agricultural uses and minimal non-residential land uses necessary to support the rural community. Currently there is no need for a 40-acre 350,000 square foot shopping center. This amendment will require extending the water and sewer lines into the rural area, which is also discouraged by the same policy.

Policy 1.1.10 states that "the Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors." The site is well suited for residential uses. There is no reason to conclude that the nature of the surrounding land uses will make the site unsuitable for residential uses. Without any amendment and with compliance with the existing Future land Use designation, the site may be developed with up to 39 residential dwellings or it can be developed with 37 units with a 2 acre commercial at the intersection. Furthermore, Policy 1.1.10 states that "The requisite infrastructure needed for commercial development is generally planned or in place." There is no requisite infrastructure in place. Water and sewer lines are at least two mile away. There are also

level of service issues on area roadways. The S.R. 31 to Buckingham Road segment of S.R. 80 is projected to fail with or without this amendment.

### **APPLICANT PROPOSED COMMERCIAL LIMITATION**

In order to limit the intensity of use to 350,000 square feet of commercial development, the applicant is proposing limit the Maximum FAR to 0.2. In order to make this part of the Lee Plan, the following sentence would have to be added to Policy 1.1.10:

A FAR limitation of 0.2 for the Southeast quadrant of the intersection of SR 31 and CR 78 will be enforced in order to provide compatibility with surrounding property and be in conformance with the Alva Planning Community development projections.

### **SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION:**

To the north, across from North river road, the property abuts a large tract of land currently zoned Agricultural (AG-2). The Future Land Use designation of the site is Density Reduction/Groundwater Protection (DR/GR). The property is currently used as grazing land. However, the parcel is part of Babcock Ranch properties, which is in the planning stages of a large mixed-use development to be located mostly in Charlotte County. The portion of Babcock Ranch located in Lee County is not included in the proposed development or future development areas. It is labeled as "Future Planning Area", which means that there are no plans to develop the Lee County Portion of the Ranch in the near future.

The property abuts a large tract of land zoned Agricultural (AG-2) to the south and east. The Future Land Use designation of the property is "Rural" and "Wetlands". The property is currently being used as grazing land, citrus grove and an existing marina (Owl Creek Boat Works). However, a Future Land Use Plan amendment is proposed for the site to enable the site to be developed as a mixed-use development to be known as North River Village.

Across from State Road 31, to the west, the parcel abuts several parcels zoned Agricultural (AG-2) and Commercial (CG, CC and C-1A). Most of these parcels are developed with uses such as feed store, automobile service station, offices and a church. The Future land Use designation of these parcels is "Rural".

### **URBAN SPRAWL**

The proposed amendment represents urban sprawl. Opening up rural areas with no infrastructure or services to urban development is urban sprawl. There is not enough



residential communities within the cone of influence of this proposed commercial development to make this amendment justified and appropriate in this area.

The DCA has adopted an Urban Sprawl Rule. This rule defined urban sprawl and provides a list of primary indicators of this discouraged land use pattern. This list of indicators is used in the review of comprehensive plan amendments in order to discourage the proliferation of urban sprawl. Staff believes that this amendment will meet the definition of urban sprawl.

In accordance with Florida Administrative Rule 9J-5.006, the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below, followed by a planning staff evaluation of the proposed amendments:

*1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.*

There is no demonstration of need study for this proposed commercial development at this location. Furthermore, this amendment will discourage the redevelopment of the existing commercial lands in the area. The request is for a single use commercial development.

*2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.*

The proposed amendment places urban development in an area currently designated as Rural, a non-urban land use category. The land that is being leaped over is rural, and sparsely developed with large tracts of undeveloped lands.

*3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.*

The proposal designates a development intended for intense commercial use, miles away from any major residential or other similar commercial developments.

*4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

According to historic aerials a flow-way originated on this site. This area which borders DR/GR lands is a natural groundwater recharge area. Urbanization of these lands may degrade their ability to recharge and clean surface waters.

*5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.*

This property is currently enjoying the benefit of a substantial agricultural exemption. This exemption is obtained through the current use of the property for grazing lands. This amendment proposes intense urbanization that fails to protect agricultural activities in the area.

*6. Fails to maximize use of existing public facilities and services.*

The proposal will require all types of infrastructure, water, sewer, transit, to be brought to the area.

*7. Fails to maximize use of future public facilities and services.*

This amendment utilizes the County services that are planned to accommodate the already developed areas, therefore requiring additional capacity enhancements by the County.

*8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

There has not been a sufficient evaluation of the costs to provide these necessary services. This amendment is premature.

*9. Fails to provide a clear separation between rural and urban uses.*

The amendment proposes to replace a large area of rural lands with a proposed intensive future urban area.

*10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

Approval of the amendment might divert the County from addressing deficiencies in the already approved urban areas. Placing large scale commercial retail uses at this location

will discourage necessary infill development or the redevelopment of existing approved commercial areas.

*11. Fails to encourage an attractive and functional mix of uses.*

Given the lack of specificity on the proposed development, it is difficult to evaluate this indicator.

*12. Results in poor accessibility among linked or related land uses.*

The site is located at the intersection of two roads; however according to the Lee County Department of Transportation, SR 80 will be impacted by this amendment and it will have level of service issues.

*13. Results in the loss of significant amounts of functional open space.*

The amendment replaces a non-urban open space area with a proposed intensive future urban area.

**PUBLIC SAFETY ISSUES**

Lee County Emergency Management Department reviewed the subject request and had no objection to the proposed amendment.

**SCHOOL IMPACTS**

The Lee County School District issued a letter dated May 18, 2009, indicating that the request will have no impact on classroom needs.

**POPULATION ACCOMMODATION CAPACITY DISCUSSION**

This request is for a Map amendment to designate a 40 acre parcel "Commercial" from its current designation of "Rural". This amendment will not increase the size of the population in the area, as the Commercial category does not permit residential developments.

**SOILS:** The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified three soil types present on the subject parcel - 33 Oldsmar sand, 28 Immokalee Sand, and 45 Copland Sandy Loam Depressional.

The Immokalee Sand is a nearly level, poorly drained soil on flatwoods with smooth slopes ranging from 0 to 2 percent.

The Oldsmar sand is nearly level, poorly to very poorly drained soil on flats and depressions with smooth slopes ranging from 0 to 2 percent.



The Copland Sandy loam Depressional is depressional, very poorly drained soil in depressions and flats with smooth slopes of less than 2 percent.

**MASS TRANSIT:**

LeeTran has reviewed the request and provided written comments. LeeTran's memorandum states that they currently do not provide transit service to this area north of the Caloosahatchee River, nor have they identified the capacity with which to do so in the future. The nearest transit service is approximately 2.5 miles south on Palm Beach Boulevard, SR 80.

**UTILITIES:**

Water and sewer services are not available in this area. Lee Plan Policy 1.4.1 discourages extending urban services to Rural areas. However, should this amendment be approved, the water lines must be extended from the intersection of Bayshore and Old Bayshore Roads, approximately 2 miles to the south, where Lee County Utilities have a 16" water main, to the subject property. North Fort Myers Utilities indicated that they can provide wastewater service to the site from a 16" line on Bayshore Road approximately 2.1 miles from the site.

**TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS:**

Lee County Department of Transportation review indicates level of service problem on the section of SR 80 between SR 31 and Buckingham Road. This segment is identified as failing in 2030 both with or without the proposed land use change. This analysis is based on the existing 2030 growth projections, which do not take into account the proposed Babcock Ranch development or the cumulative effect of other proposed plan amendments in the area.

**ENVIRONMENTAL CONSIDERATIONS:**

The property is cleared with a single family residence and pasture used for grazing. According to historic aerials a flow-way originated on this site. The flow-way has been impacted. To re-establish this connection restoration would have to occur on both Kreinbrink and. There is a borrow pit onsite that is utilized as a livestock pond. There is potential for wading birds to utilize the borrow pit however, the project does not include any environmentally sensitive areas.

**PARKS, RECREATION AND OPEN SPACE:**

This request is to change the Future Land Use designation of the site from "Rural" to "Commercial", as such it will not affect the park and recreational requirements of the Lee Plan.

**POLICE:**

The subject property is located within the service area of the Lee County Sheriff's Department. The applicant has provided a letter from the Sheriff's Office stating that their office has no objection to the request.

**FIRE:**

The subject property is located within the Bayshore Fire Rescue District. A letter from the District was provided to staff by the applicant stating no objection subject to installation of fire hydrants throughout the development.

**EMERGENCY MEDICAL SERVICES (EMS):**

A letter received from the Lee County Emergency Management states that they have reviewed the referenced Plan Amendment and find no substantive impact on Emergency Management programs.

**SOLID WASTE:**

A letter received from the Division of Solid Waste raises no objection to the request.

**FLORIDA STATE COMPREHENSIVE PLAN:**

The application provides a discussion concerning consistency of the proposal with the Florida State Comprehensive Plan as contained in F.S. 187.201. The discussion highlights various areas in which the plan amendment furthers and advances the State Comprehensive Plan. Staff, however, disagrees with the applicant assertion that the proposed amendment is not urban sprawl and will not have a negative impact on the environment and infrastructures and services. A 40 acre, 350,000 square foot shopping center in the "Rural" area of the County will cause and encourage urban sprawl. Water and sewer services are not available and must be extended over a mile to service the site. A shopping center of this magnitude is not currently needed in the area and it will only encourage further development and urban sprawl in the area.

**AFFECT ON ADJACENT LOCAL GOVERNMENTS:**

Charlotte county is about two miles to the north of the subject site; however, due to the scale of the project, it is not anticipated that this project would affect Charlotte County.

**B. CONCLUSIONS:**

The applicant has not proven the need or justification for this amendment. This request is premature and speculative in nature. The need for a 40 acre, 350,000 square foot shopping center has not been demonstrated. The speculation is based on the assumption that North River Village Plan Amendment will be approved and the site will be developed to the extent proposed today. It also assumes that Babcock Ranch will be approved and developed. However, regardless of their approval and development status, those two developments are proposing their own commercial areas to provide the needed retail and

other commercial services to the residents of those proposed developments. The argument that this development will connect two development (Babcock and North River Village) is not a valid argument because according to Babcock Master Development Plan, the proposed development will occur at least three mile north of this site. The area labeled as Future Development Area will be at least two miles from this property. And the entire Lee County Portion of Babcock is labeled as Future Development Area. This request will change the character and the ambiance of the area by introducing a large urban type shopping center into a very secluded rural area. The Lee County Smart Growth Director is also in agreement with the staff and has stated that "There has been no changes in population land use forecasts for the planning district in which the subject project is located. Consequently, there seems to be no need of the plan amendment to meet county economic development needs."

**C. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners not transmit the proposed plan amendment.

**ATTACHMENTS:**

- 1- Application packet
- 2- Memorandum from Lee County Division of Public Safety
- 3- Memorandum from Lee County School District
- 4- Memorandum from Lee County Transit
- 5- Memorandum from Lee County Division of Utilities
- 6- Memorandum from Lee County Department of Transportation
- 7- Letter from North Fort Myers Utilities
- 8- Memorandum from Lee County Division of Environmental Sciences
- 9- Memorandum from Lee County Division of Solid Waste
- 10- Bayshore Fire/ Rescue District
- 11- Letter from the Lee County Sheriff's Office
- 12- Master Development Plan for Babcock Ranch



**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

**DATE OF PUBLIC HEARING: June 22, 2009**

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**NOEL ANDRESS**

\_\_\_\_\_

**CINDY BUTLER**

\_\_\_\_\_

**CARIE CALL**

\_\_\_\_\_

**JIM GREEN**

\_\_\_\_\_

**MITCH HUTCHCRAFT**

\_\_\_\_\_

**RONALD INGE**

\_\_\_\_\_

**CARLA JOHNSTON**

\_\_\_\_\_

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 23, 2009

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**ROBERT P. JANES**

**RAY JUDAH**

**FRANK MANN**

_____
_____
_____
_____
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_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
  
- B. STAFF RESPONSE**



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**ROBERT P. JANES**

**RAY JUDAH**

**FRANK MANN**

_____
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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) 533-8585  
FAX: (239) 485-8319

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

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

APPLICATION FEE \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

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. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

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.

1-30-09 Katherine Kreimbach Dan Kreimbach  
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

# I. APPLICANT/AGENT/OWNER INFORMATION

Dan and Katherine Kreinbrink

APPLICANT

12100 N. River Road

ADDRESS

Alva

FL

33920

CITY

STATE

ZIP

239-337-1669

239-337-1878

TELEPHONE NUMBER

FAX NUMBER

Morris-Depew Associates, Inc. c/o David W. Depew, PhD, AICP

AGENT\*

2914 Cleveland Avenue

ADDRESS

Fort Myers

FL

33901

CITY

STATE

ZIP

239-337-3993

239-337-3994

TELEPHONE NUMBER

FAX NUMBER

Kreinbrink, Katherine TR

OWNER(s) OF RECORD

12100 N. River Road

ADDRESS

Alva

FL

33920

CITY

STATE

ZIP

239-337-1669

239-337-1878

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.

David W. Depew, PhD, AICP  
Morris-Depew Associates, Inc.  
2914 Cleveland Avenue  
Fort Myers, FL 33901

Rae Ann Boylan  
Boylan Environmental Consultants Inc.  
11000 Metro Parkway, Ste 4  
Fort Myers, FL 33916

Ted Treesh, PE  
TR Transportation Consultants  
13881 Plantation Road, Ste 11  
Fort Myers, FL 33912



**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 22)

List Number(s) of Map(s) to be amended

Map 1

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

**B. SUMMARY OF REQUEST (Brief explanation):**

The applicant is requesting a future land use map amendment from Rural to

Commercial.

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

**A. Property Location:**

1. Site Address: 12100 N. River Road, Alva, FL 33920

2. STRAP(s): 18-43-26-00-00001.0040

B. Property Information

Total Acreage of Property: 40 +/-

Total Acreage included in Request: 40 +/-

Total Uplands: 39.75 Ac - 99.4%

Total Wetlands: 0.25 Ac - 0.6%

Current Zoning: AG-2

Current Future Land Use Designation: Rural

Area of each Existing Future Land Use Category: \_\_\_\_\_

Existing Land Use: Single Family Residential

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:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the subject property:

Future Land Use Designation from Rural to Commercial .

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 39.75 acres (Rural) X 1 dwelling units/ac = 39.75 du

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity 350,000 sf

Industrial intensity N/A

#### 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

*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 current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. 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.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. 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

*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 2030 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 (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools.

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

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- 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).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
  - Include any other water conservation measures that will be applied to the site (see Goal 54).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
    - a. Fire protection with adequate response times;
    - b. Emergency medical service (EMS) provisions;
    - c. Law enforcement;
    - d. Solid Waste;
    - e. Mass Transit; and
    - f. 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.*

**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 depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**D. Impacts on Historic Resources**

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**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 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**

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**

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

**AFFIDAVIT**

I, KATHERINE KREINBRINK, 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.

Katherine Kreinbrink  
Signature of owner or owner-authorized agent

1-30-09  
Date

KATHERINE KREINBRINK  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 30th day of JANUARY, 2009,  
by KATHERINE KREINBRINK, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.



Kim Mack  
Signature of notary public

KIM MACK  
Printed name of notary public



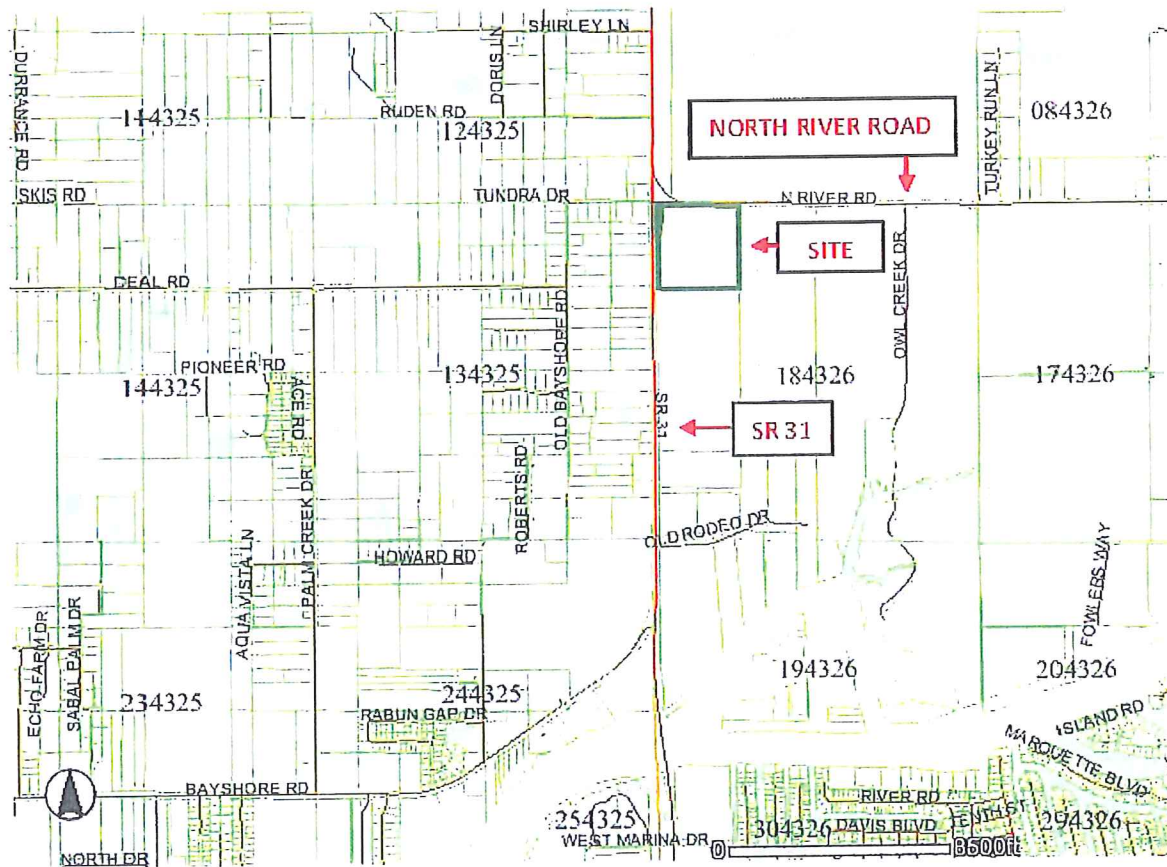


## Lee Plan FLUM Amendment Supplemental Data and Analysis

Property: 18-43-26-00-00001.0040  
 Owner of Record: Kreinbrink Katherine TR  
 12100 N. River Road  
 Alva, FL 33920

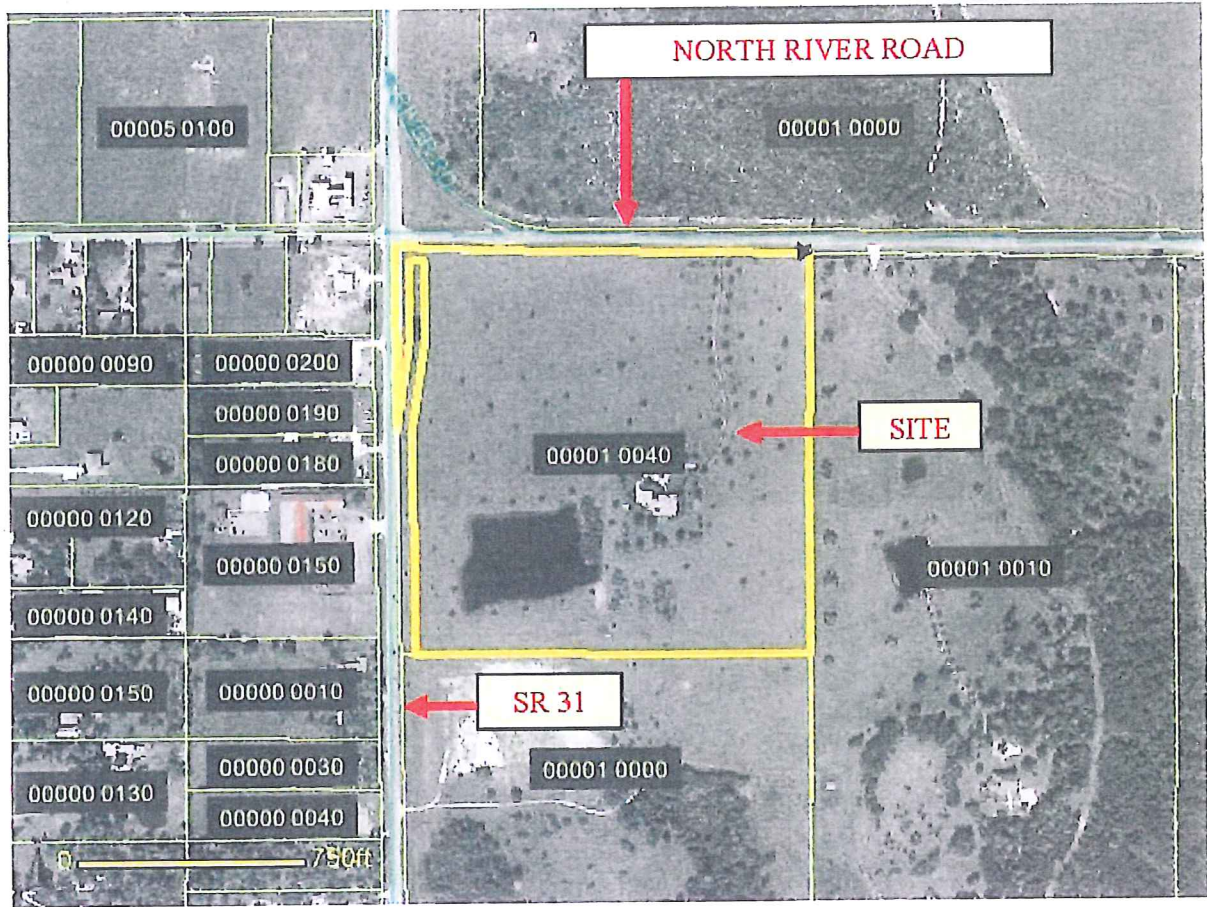
### Background

The proposed Lee Plan FLUM amendment is to change a property of +/- 40 acres from Rural to Commercial. The subject property is located southeast of the intersection of SR 31 and North River Road in Alva, Florida



Property Location Map

2914 Cleveland Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994  
 327 Office Plaza, Suite 202, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-6688  
 408 West University Avenue, Suite PH, Gainesville, Florida 32601 Telephone: (352) 378-3450 Fax: (352) 379-0385  
 Toll Free: (866) 337-7341



**Aerial Photograph of Subject Property**

Currently, the subject property contains an estimated 40 acres of Rural designated property. At maximum development options, this translates into the following development potentials:

**A. Rural Option (Current)**

**Residential Development:**

1. 29.75 acres (Rural) X 1 dwelling units/acre = 30 dwelling units
2. 0.25 acres (Wetlands) X 1 dwelling units/20 acre = 0 dwelling units
3. 10.0 acres commercial development
4. Total residential units = 30 dwelling units
5. Total rural commercial SF = 100,000 SF

**B. Commercial Option: (Proposed)**

**Commercial Development**

- 1.) 40 +/- acres (Commercial) = 1,742,400 SF
- 2.) Total potential commercial development = 350,000 SF (proposed maximum)

### **Impact Analysis**

According to the Florida Administrative Code (64E-6.008, FAC), wastewater treatment demand for residential use ranges between 100 and 400 gallons per day (GPD), depending upon the number of bedrooms in a dwelling unit. Assuming that the residential units which could be constructed on the subject property will average 3 bedrooms per dwelling unit, wastewater treatment demand will be 300 GPD per unit. In the pre-amendment situation, with an estimated development capacity of 30 dwelling units, there is an estimated demand of 9,000 GPD of wastewater treatment capacity associated with full development of the subject property under the current land use designation. Central wastewater treatment service is located at the SR78/SR31 intersection, south of the Lee County Arena. Absent an extension of that force main, it is likely that on-site wastewater treatment systems, septic tanks, would be used.

Wastewater demand is approximately 90% of potable water demand in residential land uses. For the current analysis, it is anticipated that potable water demand will average 325 GPD per dwelling unit or a total of 9,750 GPD for the entire development. Central water service is located on Old Bayshore Road, north of the Lee County Arena. Without an extension of the public facilities, it is likely that on-site potable water wells would be used for provision of potable water under a Rural development scenario.

According to a study performed by Stearns and Wheler, LLC, for the Mashpee Sewer Commission (Mashpee, MA, April, 2007), potable water use for commercial activities is estimated at 81.5 GPD per 1,000 SF of floor area. Based upon this estimate, potable water demand for 350,000 SF of commercial floor area will be 28,525 GPD. While this is significantly higher than the 9,000 GPD estimated for a residential option, the establishment of commercial use on the subject property would require the extension of the force main to the site and connection to a central wastewater treatment facility. This is deemed to be an improvement over the placement of 300 septic systems on the subject property.

Although commercial uses are generally calculated on a more specific basis, no users have yet been identified for the subject property that would allow such calculations. Again using an estimate that wastewater treatment demand is 90% of potable water demand, it is possible to estimate a potable water demand for 350,000 SF of commercial uses at 31,694 GPD. Again, while this is a substantial increase over the estimated 9,750 GPD for the residential demand, the establishment of a commercial designation on the subject property allows for the extension of the water main from its location on Old Bayshore Road, north of the Arena, to the subject property.

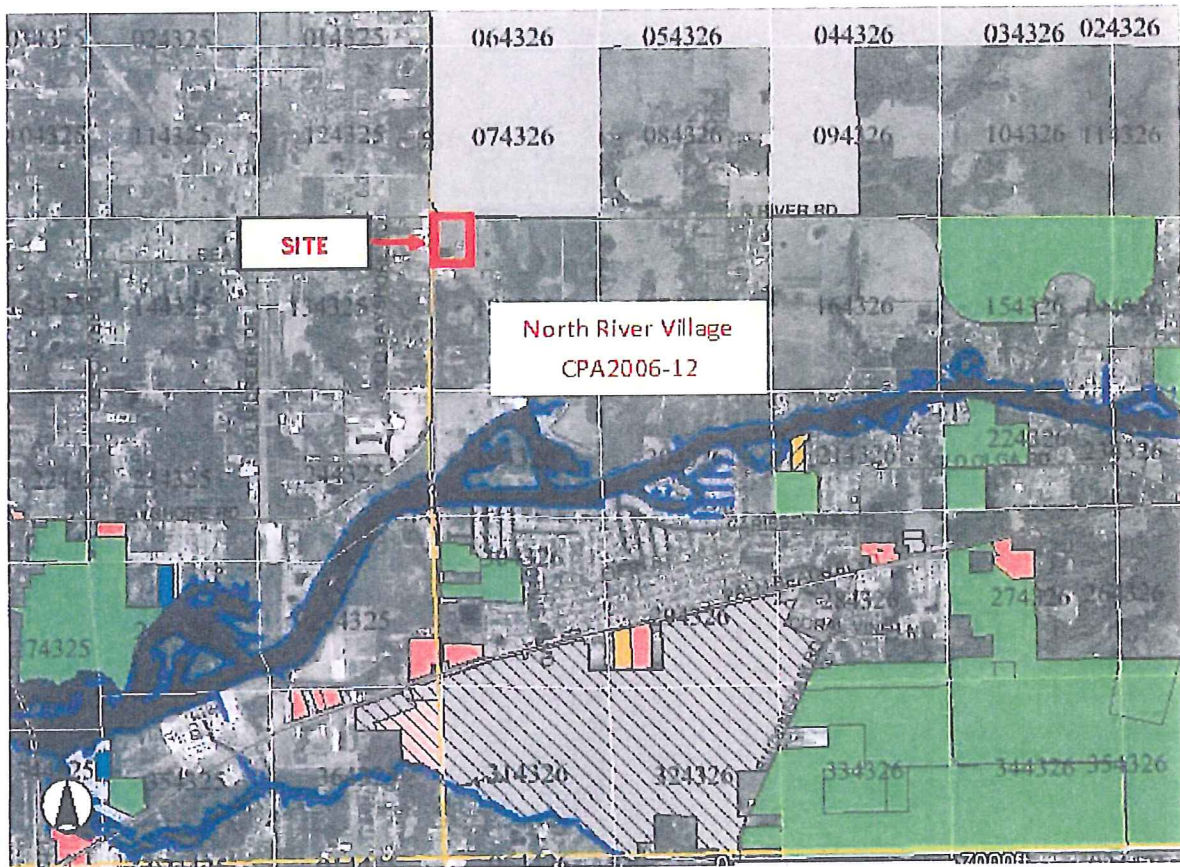
The open space requirements for the development (post-amendment) were calculated as follows:  
 $40 \pm \text{ Acres Commercial} \times 30\% \text{ open space requirement} = 12 \text{ Acres or } 522,720 \text{ square feet}$  as required by Lee County. For the residential development, Lee County would not require any open space to be set aside other than that provided on each individual lot.

### **Lee Plan Consistency**

As a commercial development, it is estimated that the FLUM build-out, should the amendment be approved, would reduce the acreage devoted to residential uses by 30 acres and thus lessen the overall population projections for the Alva Planning Community. In the Alva planning community, there are 33,463 total acres with 1,948 acres of rural designated property. At the



present time there are 57 acres designated for commercial uses. Those figures would change if the proposed amendment were to be adopted, providing 1,918 acres of rural designated property and 87 acres of commercial uses.



**Subject Property with Surrounding Development Map**

As described in the Vision Statement of the Lee County Plan, the Alva Planning Community “is located in the northeast corner of the county and is focused around the rural community of Alva. This community roughly includes lands in Township 43 South/Range 27 East, lands north of the Caloosahatchee River in Township 43 South/Range 26 East and lands north of the Caloosahatchee River in Sections 1, 2, 11-14, and 23-27 of Township 43 South/Range 26 East. The majority of this area is designated as Rural, Open Lands, or Density Reduction/Groundwater Resource. The lands surrounding the Alva “Center”, which lie north and south of the Caloosahatchee River at the intersections of Broadway (bridge at Alva) and SR 78 and SR 80, are designated as Urban Community. There are some lands designated as Outlying Suburban within the Bayshore Planning Community, most of which are located south of Bayshore Road west of SR 31. The Bayshore area has characteristics of both the Alva and the North Fort Myers Community.



While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is expected to grow through the life of this plan. Commercial activity is expected to continue to increase to the year 2030. The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community, although the area in which the subject property is located is more properly known as North Olga. The subject property is at the intersection of SR 31 and CR 78 (North River Road), and is in an area where rural, non-residential uses are extant.

As noted in the vision statement, the Alva Planning Community is expected to grow through 2030, therefore, the change in the subject property's current designation of Rural to the proposed designation of Commercial would be consistent with the Plan's vision for this area, especially with the location of the proposed Babcock Ranch property adjacent to the northern boundary of the subject parcel and the North River Village Comprehensive Plan Amendment Development CPA2006-12 located to its east and south. Per Policy 1.1.10, 'Commercial' areas are to be located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. Policy 1.1.10 states, "The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

An analysis has been undertaken (see above) related to the Acreage Allocation Table found in the Lee Plan. Policy 1.7.6 states, "The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded." As noted above the modifications to the land use designation of the subject property along with the North River Village Comprehensive Plan Amendment CPA2006-12, if approved, make this area in Olga an excellent location for a commercial development. The subject parcel is located at the intersection of two arterial roads and has a close proximity/accessibility to I-75. A revision to the Allocation Table for the Alva Planning Community will be required.

Objective 2.1 suggests that, "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." Utilization of the +/- 39.75 acres of developable uplands on the site will serve to

promote the establishment of an urban boundary, and assist in preventing sprawl patterns from developing in the North Olga community.

Objective 2.2 indicates that Lee County will, "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)) will 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." Urban services are, or will be, available to the subject property when required for development. The property is located at the intersection of two arterial roadways and will serve to protect both the existing and/or emerging residential neighborhoods and will assist in the promotion of compact development patterns and containment of urban sprawl. The subject parcel will provide much needed commercial services to the existing residential developments on the west with the proposed new residential developments of the New River Village Comprehensive Plan Amendment CPA2006-12 located to the south and east and the proposed Babcock Ranch Property located to the north.

Objective 2.4 indicates that Lee County will, on a regular basis, examine the Future Land Use Map in light of new information and changed conditions. When changed or changing conditions suggest adjustments are needed, necessary modifications are made. As residential demand for housing and commercial services increases this will ultimately force an adjustment to the FLUM. The subject property as described is an excellent solution to provide commercial services and has an ideal location with respect to the adjacent properties probable future development and the proximity to I-75 which would accommodate the traffic needs generated by such a development as well as hurricane evacuation needs for residents and/or future labor needs.

Goal 11 of the Lee Plan was adopted to insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order. Urban services are or will be available to the subject property at the time of development, and the environmental values will not be developed or disturbed in respect to the wetlands designation on the southern portion of the property. This will serve to protect and preserve the environmental values associated with that portion of the site.

The subject property is within the Bayshore Fire Rescue District located on 17350 Nalle Road, North Fort Myers, FL 33917. The Lee County Sheriff Department will provide police protection. LeeTran does not currently provide service to this site due to the current rural designation of the property and the surrounding properties. Lee County Solid Waste Division can provide solid waste collection service for the proposed residential units and neighborhood center and has long term disposal capacity at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. The proposed development will be located in the East Choice Zone of the Lee County School District. Emergency Medical Service would be provided by the Lee County Emergency Medical Services Department.

### **Sprawl Analysis**

A comprehensive plan that promotes urban sprawl will promote, allow, or designate for development, substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. Development of the subject property, must be considered in conjunction with the recognition that residential and commercial development is anticipated in close proximity to the subject property.

The second criteria of urban sprawl in a plan is that it promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. A review of the larger aerial photograph above is sufficient to demonstrate that urban development has occurred in the vicinity of the subject property most notably east of the subject property. Further, it is clear that there are major efforts for additional residential and commercial development with the proposed Babcock Ranch and North River Village Communities. The proposed land use designation would clearly be an asset to the land uses surrounding it and will provide the North River Village Development and proposed Babcock Ranch with valuable commercial services while helping to alleviate urban sprawl.

Sprawl also is characterized by policies that promote, allow, or designate urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. Development of the subject property would establish a commercial development node, protect existing or emerging residential neighborhoods, protect open space and natural resources, and concentrate development in areas most suitable for its location. Radial, strip, isolated, or ribbon development patterns would not be consistent with the application of Lee Plan provisions to the subject property or to the adopted community-based Goals, Objectives, and Policies.

Sprawl also, is a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. The applicable Lee Plan provisions, as applied to the subject property, include mandates for the protection of natural systems, including setbacks, buffers, use restrictions, open space requirements, preservation and conservation provisions, and design regulations. Thus, this sprawl indicator is inapplicable to the proposed amendment.

Policies promoting urban sprawl fail to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. As noted above, setbacks, buffers, and performance criteria have been incorporated into the Lee Plan development parameters in order to provide protection to adjoining uses. The proposed amendment will assist with the prevention of urban sprawl by enhancing the current and proposed uses surrounding the subject parcel.

The proposed amendment will maximize use of existing public facilities and services and will maximize use of future public facilities and services. As noted above, all urban services are or will be available to the subject property at the time of development. The establishment of the

commercial development will service the surrounding residential development, providing the necessary diversity for the North Olga community.

Related to the question of infrastructure extension is the sprawl indicator that states urban sprawl policies allow for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. The Bayshore Fire District will provide fire protection to the site but would require the installation of hydrants. Police protection is currently available as well as Emergency Medical Services although at this time the site is approximately one minute outside the core response time of 10 minutes. The development would be in the East Choice Zone for the Lee County School District and the Lee County Solid Waste Division has the capability to provide collection services. All major services are available on some level currently except for Lee County Transit which currently does not provide a route due to the current rural nature of the area. Common sense dictates this may change at some point in time as future development continues.

According to the Rule, the future land use map and policies will promote sprawl if they fail to provide a clear separation between rural and urban uses. However, the subject property clearly delineates the buffers, setbacks, and use limitations required for maintaining a boundary between properties so designated and adjoining parcels with different uses. The subject property is uniquely positioned to deal with the separation between rural and urban uses. If the proposed Babcock Ranch and North River Village Developments are approved the subject property will be consistent with those developments. If those developments are not approved our subject parcel will help to provide a clear separation between those rural uses and the current development to the east.

The Rule also states that sprawl policies fail to encourage an attractive and functional mix of uses. The applicant is proposing a commercial development of 350,000 square feet situated on a 40 acre site with existing commercial land uses adjacent to the subject property at the intersection of SR31 and North River Road.

Finally, sprawl policies are those that result in poor accessibility among linked or related land uses and result in the loss of significant amounts of functional open space. Part of the specific elements of the current designation proposal include the existing establishment of rights of way connecting S. R. 80 with South Olga Drive. One of the adjacent existing road corridors is State Road 31 which is a north/south two-lane undivided arterial roadway that extends from Palm Beach Boulevard north into Charlotte County with a posted speed limit of 60mph and is under the jurisdiction of the Florida Department of Transportation (FDOT). The other adjacent existing road corridor is North River Road which is an east/west two-lane undivided arterial roadway that extends from State Route 31 west into Hendry County with a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT). These corridors provide connections to the State highway network and provide alternate routes to existing facilities. Further, the subject property will provide provisions for preservation of functional open space, preservation and conservation of regionally significant natural resources, comply with open space requirements to demonstrate that these sprawl indicators do not apply to



the current proposed amendment.

It is also noted that 9J-5.006(h) states, “The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses.” When such an analysis is undertaken (as it has herein) it is clear that the proposed designation is not sprawl, but rather part of a continuing effort on the part of Lee County to accommodate the demand for community based residential and accompanying support development. The subject property designation for the subject properties serves to further advance the adopted Goals, Objectives, and Policies of the County’s Comprehensive Plan.

9J5.006(i) goes on to state that, “Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area.
2. Projected growth rate (including population, commerce, industry, and agriculture).
3. Projected growth amounts (acres per land use category).
4. Facility availability (existing and committed).
5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl.
6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction.
7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.
8. Extra-jurisdictional and regional growth characteristics.
9. Transportation networks and use characteristics (existing and committed).
10. Geography, topography and various natural features of the jurisdiction.”

As demonstrated in this analysis, when each of these factors are considered, in the context of the full range of applicable Lee Plan Goals, Objectives, and Policies, the subject property is not sprawl, but rather the logical extension of the County’s ongoing development efforts undertaken for its localized communities.

Further, 9J5.006(j) states, “Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements.
2. Development clustering requirements.
3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development.
4. Phasing of urban land use types, densities, intensities, extent, locations, and

distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes.

5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services.

6. Infrastructure extension controls, and infrastructure maximization requirements and incentives.

7. Allocation of the costs of future development based on the benefits received.

8. The extent to which new development pays for itself.

9. Transfer of development rights.

10. Purchase of development rights.

11. Planned unit development requirements.

12. Traditional neighborhood developments.

13. Land use functional relationship linkages and mixed land uses.

14. Jobs-to-housing balance requirements.

15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area.

16. Provision for new towns, rural villages or rural activity centers.

17. Effective functional buffering requirements.

18. Restriction on expansion of urban areas.

19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands.

20. Urban service areas.

21. Urban growth boundaries.

22. Access management controls.”

A review of the provisions of the subject property, in conjunction with the Plan as a whole, demonstrates that all of the applicable 22 factors referenced are addressed. And, as 9J-5.006(k) indicates that these 22 land use types and land use combinations will be evaluated within the context of the features and characteristics of the locality, it is clear that the proposed designation is not urban sprawl. Additionally, the Rule notes that if a local government has in place a comprehensive plan already found to be in compliance, as is the case with the County, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of pre-existing indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

### **Effect Upon Adjoining Local Governments**

There should be no appreciable impacts upon any adjoining local government as a result of the proposed change.

### **Consistency with State and Regional Policy Plans**

As proposed, the amendment will serve to implement State Policy Plan provisions, as applicable, including Sections 187.201(9)(b)1, 187.201(9)(b)3, 187.201(9)(b) 7, 187.201(15)(a), 187.201(15)(b)3, 187.201(15)(b)6, 187.201(17)(b)(1), 187.201(19)(b)2, & 15. These policies relate to preservation of environmental values, efficient provision of infrastructure, protection of highway capacity, and implementation of adopted policies related to land use and growth management. For a more detailed discussion, please see the applicable sections above.

Goal 4 of the Regional Policy Plan, Natural Resources section indicates that local governments will support, “Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.” The provision of a commercial development surrounded by the proposed residential development, located at the intersection of two arterial highways and between two emerging residential mixed-use developments will create an opportunity for retail, service, and employment activities for the residents but will more importantly provide convenient essential services that will help to diminish automobile trips otherwise made to the nearest appropriate commercial node.

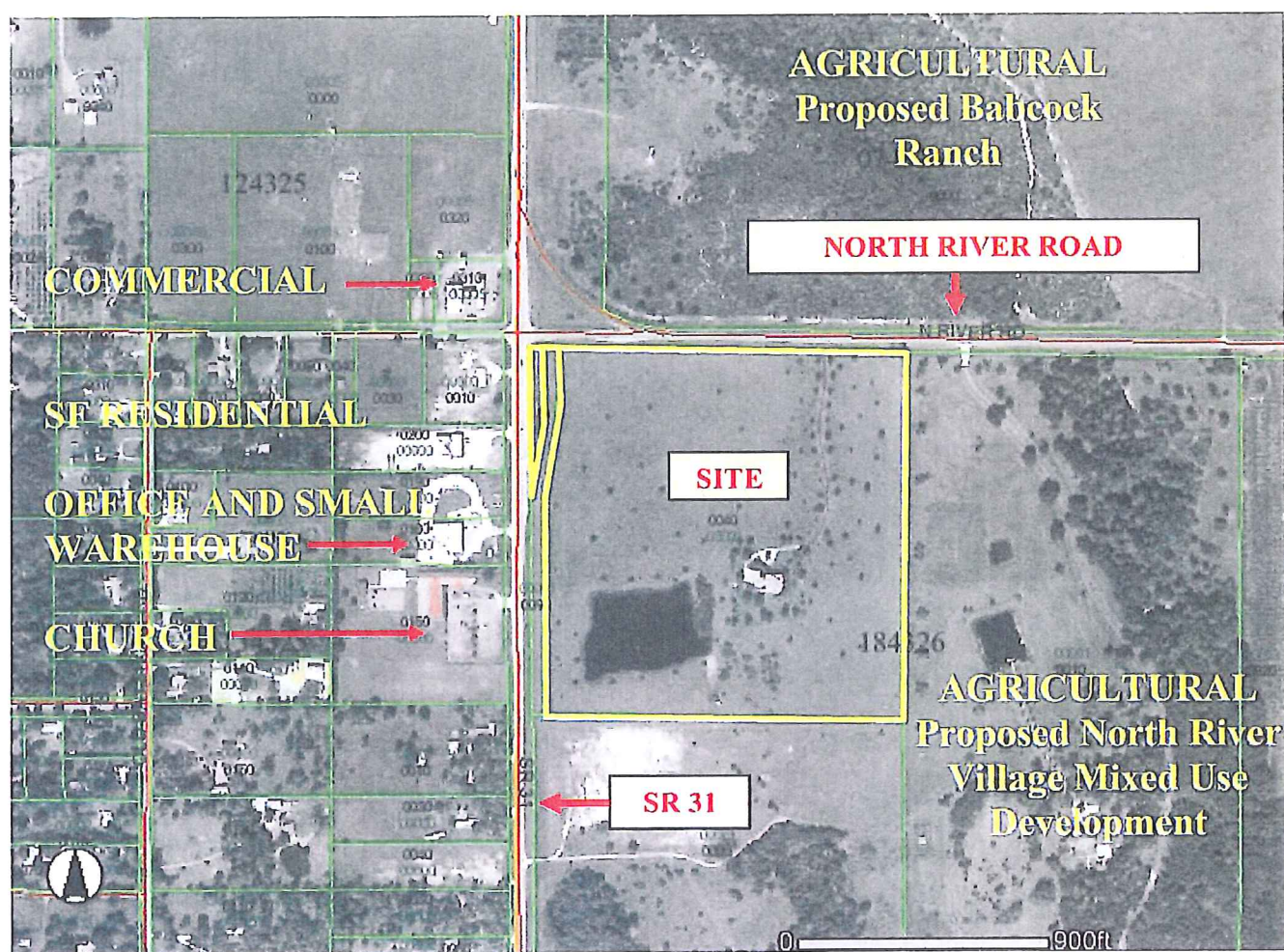
### **Conclusion**

The proposed amendment is consistent with all applicable Lee Plan Goals, Objectives and Policies. Additionally, the basis for adopting this amendment is supported by the State Comprehensive Plan and the Regional Policy Plan. The conversion of the property from a Rural, single family residential use to a commercial, planned development use will enable the applicant to establish a development with more options for supporting neighborhood retail, service, and employment activities. The subject parcel will also provide valuable commercial services to the proposed Babcock Ranch and North River Village (Large Scale Comprehensive Plan Amendment CPA2006-12).

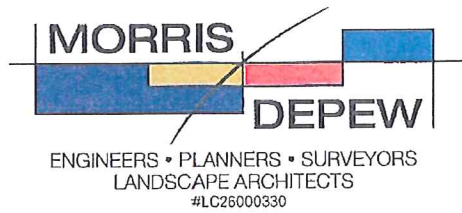


Strap # 18-43-26-00-00001.0040

Strap # 18-43-26-00-00001.0040







## Existing Land Uses Narrative

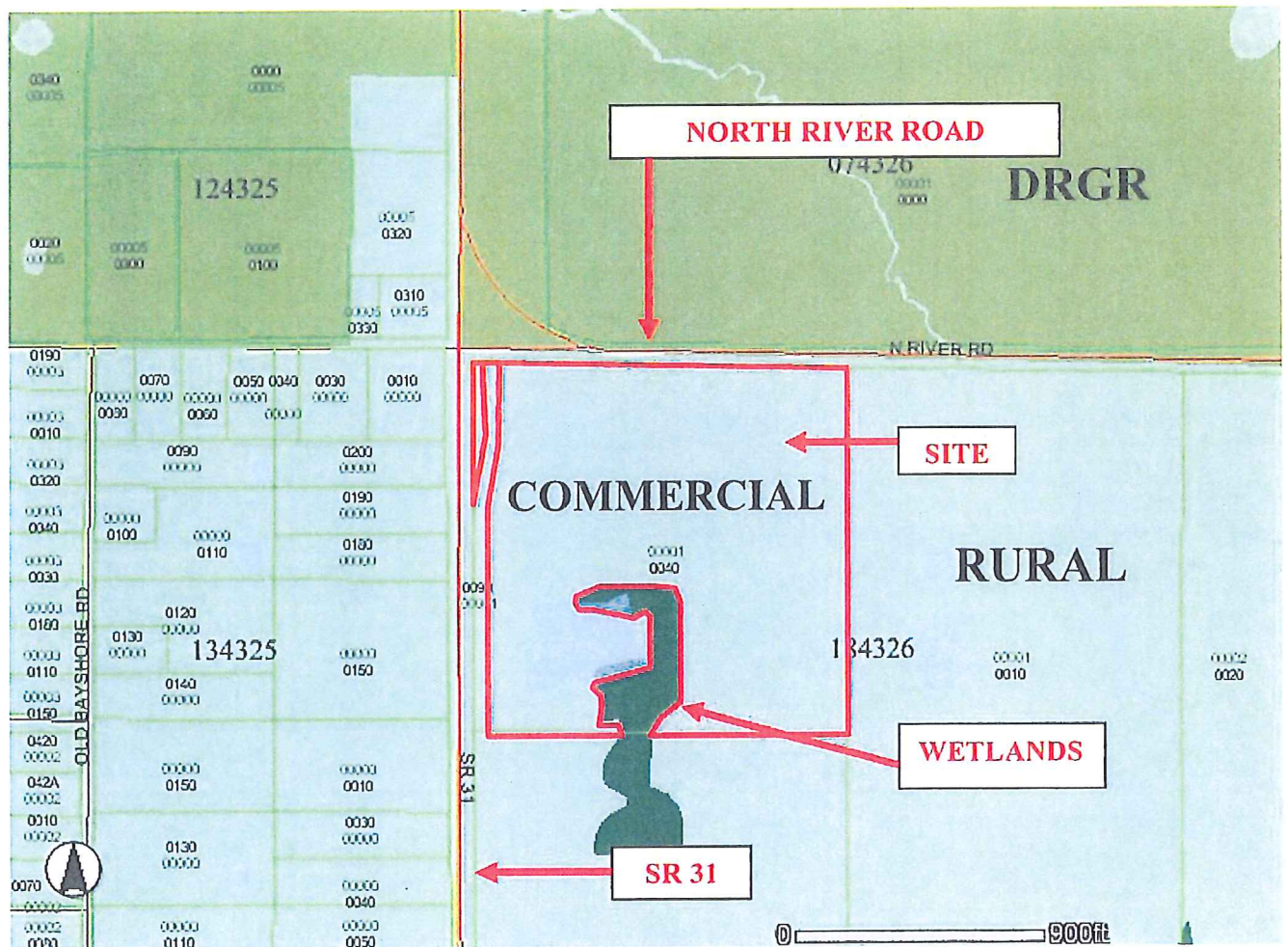
Strap # 18-43-26-00-00001.0040

The subject property identified as Strap# 18-43-26-00-00001.0040 located at 12100 N. River Road, Alva, FL 33920 has an existing land use of single family residential. The surrounding property to the north is agricultural and a part of the proposed Babcock Ranch. The properties to the south and east are currently agricultural uses and are part of the North River Comprehensive Plan Amendment CPA2006-12 which proposes to change the FLU designations from Rural to River Village and Conservation. The adjacent properties to the west are single family residential, vacant commercial and residential, office and a small warehouse distribution use. The Temple Baptist Church is directly across from the subject property on the west side of SR31 along with a service station at the intersection of North River Road and SR 31.

These existing land uses surrounding the subject site would complement a land use change from Rural to Commercial. The Lee Plan definition for the Commercial Future Land Use states in Section 2, Policy 1.1.10 that "The Commercial Areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County". Our proposed change will in fact provide needed and valuable commercial services for the existing single family residential units to the west while also being compatible with the proposed North River Village Comprehensive Plan CAP2006-12 currently under review by Lee County while being compatible with the adjacent commercial uses located to the west of the property.

## Future FLU Map

Strap # 18-43-26-00-00001.0040



**From:** Campbell, Gerald  
**Sent:** Monday, March 09, 2009 5:42 PM  
**To:** Badamtchian, Chahram  
**Cc:** Saniter, David; Wilson, John  
**Subject:** RE: CPA200803 Comprehensive Plan amendment

Lee County Emergency Management has reviewed the referenced Plan Amendment and finds no substantive impact on Emergency Management programs.

Thank You,

Gerald Campbell, FPED  
Chief of Planning  
Lee County Emergency Management  
PO Box 398  
Fort Myers, FL 33902-0398  
Telephone: 239-533-3620  
[www.LeeEOC.com](http://www.LeeEOC.com)

**ATTACHMENT 2**





# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

**RECEIVED**  
MAY 19 2009

**COMMUNITY DEVELOPMENT**

May 18, 2009

Mr. Chahram Badamtchian  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Case # CPA200803A2

Dear Mr. Badamtchian:

This letter is in response to your email request dated March 9, 2009 for the Case # CPA200803A2 for substantive comments with regard to educational impact. This proposed structure is located in the East Choice Zone, Sub Zone E2.

After reviewing the re-submittal, the project should have no impact on classroom needs based on the applicant's indication that this will be a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

JEANNE S. DOZIER  
CHAIRMAN, DISTRICT 2  
JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3  
ROBERT D. CHILMONIK  
DISTRICT 1  
STEVEN K. TEUBER, J.D.  
DISTRICT 4  
ELINOR C. SCRICCA, PH.D.  
DISTRICT 5  
JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

**ATTACHMENT 3**



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**From:** Horsting, Michael  
**Sent:** Tuesday, March 10, 2009 4:48 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA200803 Comprehensive Plan amendment

We currently do not provide transit service to this area north of the Caloosahatchee River, nor have we identified the capacity with which to do so in the future. The nearest transit service is approximately 2.5 miles south on Palm Beach Boulevard, SR 80.

Transit service on SR 31 north of the river has not been identified as a need in either the Lee County Transit Development Plan or in the Lee County Long Range Transportation Plan. However, with the pace of growth projected for Lee County and the potential the SR 31 corridor has for becoming a transit corridor in the future, we request the design and development of the Kreinbrink project to include "transit ready" features. Such features should include pedestrian walkways and/or bike ways internal to the project that will connect with the SR 31 corridor for future access to a transit system, as well as ROW and land preservation for future transit passenger amenities. Such items will facilitate easier access to public transportation and will allow for ease of implementation of such service in the future.

Mike Horsting, AICP  
Principal Planner - Lee County Transit  
239-533-0333 tel

**INTEROFFICE MEMORANDUM  
FROM  
PUBLIC WORKS  
UTILITIES**

**Lee County  
SOUTHWEST FLORIDA**

**Date:** May 22, 2009

**To:** Chahram Badamchian

**From:** Thom Osterhout

**SUBJECT: KREINBRINK LEE PLAN AMENDMENT**

I have reviewed the application for the above referenced and found it to be insufficient as to how it relates to potable water and sanitary sewer service being provided to the proposed commercial use project included in the above referenced amendment.

The applicant states that there is potable water service available north of the Civic Center and according to our records there is a 8" diameter water main located north of the intersection of Old Bayshore and Rabun Gap Drive. Commercial projects are required to extend at least a 10" diameter water main to comply with the standards set forth by the Land Development Code (LDC). Lee County Utilities (LCU) would recommend that this project connect to the 16" diameter water main located at the intersection of Bayshore and Old Bayshore and extend northeasterly along Bayshore Road and then north on SR 31. Granted, this will be a longer main extension; however, the engineer will be able to size the off-site main accordingly, including required fire flows. To do so, our Future Water Service Map (currently in the Comp Plan) will need to be amended as well, to incorporate this property into the boundaries of said map.

Regarding sanitary sewer service, the applicant stated that there is a connection point south of the Civic Center. If they are referring to the LCU force main that serves the Civic Center, that main is at capacity. We cannot provide sewer service to this project due to an agreement in place with the City of Fort Myers, as they treat the sewage from the Civic Center at their Raleigh Street WWTP. It would be our recommendation that North Fort Myers Utility ( NFMU) provide service to this project as, to the best of my knowledge, the North River project intends on extending infrastructure and NFMU has obtained a franchise area modification in this vicinity. The applicant should work with NFMU to find out where their nearest point of connection would be and to provide a Letter of Availability from them.

Should you have any questions or if I have not addressed all the issues, please do not hesitate to contact me.

**ATTACHMENT 5**

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: May 11, 2009

Subject: CPA 2008-03 (Kreinbrink)

The Department of Transportation has reviewed the resubmittal of the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 40 acres at the southeast corner of SR 31 and North River Road from "Rural" to "Commercial". The applicant indicates "an FAR limitation of 0.2 for the SE quadrant of the intersection of SR 31 and SR 78 will be enforced in order to provide compatibility with surrounding property and be in conformance with the Alva Planning Community development projections". With that limitation, the proposed change would allow approximately 350,000 square feet of commercial retail uses on the site. The property is within Traffic Analysis Zone (TAZ) 1289, which currently only projects 22 dwelling units (21 single-family and 1 multi-family) and a total of 9 employees for the year 2030. Therefore, the applicant added 875 employees (equating to the 350,000 square feet of commercial) into the zonal data forecasts for TAZ 1289 and reran the 2030 Financially Feasible Plan FSUTMS travel demand model.

Examining the three-mile radius around the project, the only identified level of service problem is on the section of SR 80 between SR 31 and Buckingham Road. This road segment is identified as failing in 2030 both with and without the proposed land use change. It is worth noting that this analysis is based on the existing 2030 growth projections, which do not take into account the proposed Babcock Ranch development or the cumulative effect of other proposed plan amendments in the area.

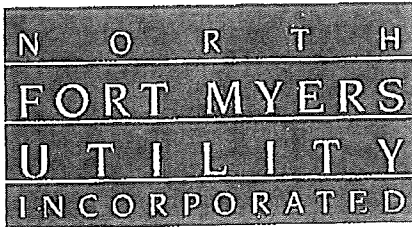
The County's plan amendment package states "(a)n inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change." Under a normal scenario, an applicant has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six-laning SR 80 between SR 31 and Buckingham Road) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement. Unfortunately, the second option doesn't really exist in this case because the road segment fails even without the proposed land use change. The applicant is likely to question the fairness of Option 1, and the situation may actually be much worse given the potential impacts of other proposed land use changes in the area. Without a clear understanding of the growth impacts in the area and a firm financial

**ATTACHMENT 6**

commitment to fund the necessary improvements, DOT staff cannot definitively say that the necessary infrastructure to support this amendment and other growth will be in place.

cc: Donna Marie Collins  
Chahram Badamtchian





5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

May 29, 2009

LEE COUNTY BUILDING DEPARTMENT  
P. O. BOX 398  
1820 HENDRY STREET  
FT. MYERS, FL 33901

RE: Wastewater Service – Kreinbrink Commercial Project

STRAP # 18-43-26-00-00001.0040

Please be advised that **Morris-Depew Associates, Inc** has requested wastewater service for a proposed commercial project located at the above-mentioned strap number. The onsite collection system and offsite force main will be constructed by the developer to this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 32,000 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,  
North Fort Myers Utility, Inc.

A. A. "Tony" Reeves  
(RRS)  
A. A. "Tony" Reeves  
Utility Director

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** May 26, 2009

**To:** Chahram Badamtchian, Senior Planner

**From:** Doug Griffith, Environmental Planner *DAG*  
Phone: (239) 533- 8323  
e-mail: dgriffith@leegov.com

**Project:** Kreinbrink  
**Case:** CPA2008-00003  
**STRAP:** 18-43-26-00-00001.0040

The Division of Environmental Sciences (ES) staff has reviewed the proposed Kreinbrink Comprehensive Plan Amendment and offer the following analysis:

**PROJECT SITE:**

The ± 40.0 acre project is located at the southeast corner of State Route 31 and North River Road. The applicant's request is to change the Future Land Use Map from Rural to Suburban and add a Neighborhood Center to allow for a mix of uses including residential and commercial. Surrounding land uses include Babcock to the north, the proposed North River Village Comprehensive Plan Amendment CPA 2006-00012 to the east and south, and small commercial projects to the west.

**ENVIRONMENTAL ASSESSMENT:**

A vegetative community assessment was performed by Boylan Environmental Consultants, Inc. and field verified by ES Staff (Doug Griffith) on April 21, 2009. The subject property has three distinct vegetative communities. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant. Florida Land Use Cover and Forms Classification System classifies this community as Residential (FLUCCS 100) containing ± 2.02 acres of single family residence, adjacent lawn and driveway. Improved Pasture (FLUCCS 211) contains ± 35.26 acres and is dominated by Bahia grass (*Paspalum notatum*), with scattered saw palmetto (*Serenoa repens*) and live oak (*Quercus virginiana*). Willow-cattails (FLUCCS 618) contains ± 0.25 acre community is dominated by coastal plain willow (*Salix caroliniana*) with cattails in the understory (*Typha latifolia*).

**HISTORIC FLOWWAYS**

During site inspection staff noted a ditch that originated at the cattle pond and traveled south to the adjacent property line where it ended. According to historic aerials a flow-way originated at this location. The flow-way and downstream connection have been impacted. To re-establish this

connection restoration would have to occur on both the Kreinbrink and adjacent properties to restore the viability of the flow-way.

**CONCLUSION:**

The property is cleared with a single family residence and pasture used for grazing. There is a borrow pit onsite that is utilized as a livestock pond. There is potential for wading birds to utilize the borrow pit however, the project does not include any environmentally sensitive areas.

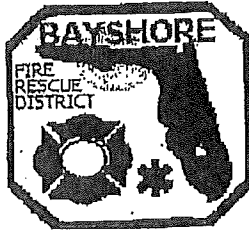
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**From:** Newman, William  
**Sent:** Tuesday, May 12, 2009 3:17 PM  
**To:** Badamtchian, Chahram  
**Cc:** Sampson, Lindsey  
**Subject:** RE: CPA200803A3.pdf

The Solid Waste Division does not have comments at this time.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 533-8000





## Bayshore Fire Rescue District

17350 Nalle Road, North Fort Myers, Florida 33917  
Office (239)543-3443 FAX (239)543-7075 Ops (239)567-2833

May 24, 2006

To: Pete Gousis, AICP

Fr: Chad Jorgensen, Bayshore Fire Chief.

Re: Kreinbrink Comp Plan Amendment

Mr. Gousis, based on the very limited information that you have provided referencing the proposed amendment, Bayshore Fire Rescue would require fire hydrants or their equivalent to be installed prior to development.

In addition depending on the exact nature of the development further modifications may be required. The exact requirements can be referenced through the Lee County Land Planning Code.

If I may be of any further assistance, or if you would simple like to discuss the issue further please do not hesitate to contact me at 543-3443.

Sincerely,

Chad Jorgensen  
Fire Chief Bayshore Fire/ Rescue

Office 239-543-3443

Fax 239-543-7075

*Mike Scott*  
Office of the Sheriff



State of Florida  
County of Lee

March 19, 2009

Chahram Badamtchiam  
Development Services Division  
1500 Monroe St.  
Fort Myers, Fl 33901

Reference to Project: North River Road

Dear Mr. Badamtchiam,

The Comprehensive Plan Amendment identified as 12100 N. River Road, Alva Florida, would not affect the ability on the Lee County Sheriff's Office to provide core services at this time.

At the time of application for a Development Order or building permit, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report to the Lee County Sheriff's Office for review and comments.

*Stan Nelson*

Stan Nelson  
Lee County Sheriff's Office  
Planning and Research Division  
14750 Six Mile Cypress Pkwy.  
Fort Myers, Fl 33912  
239-477-1424 (Office)

**RECEIVED**  
MAR 25 2009

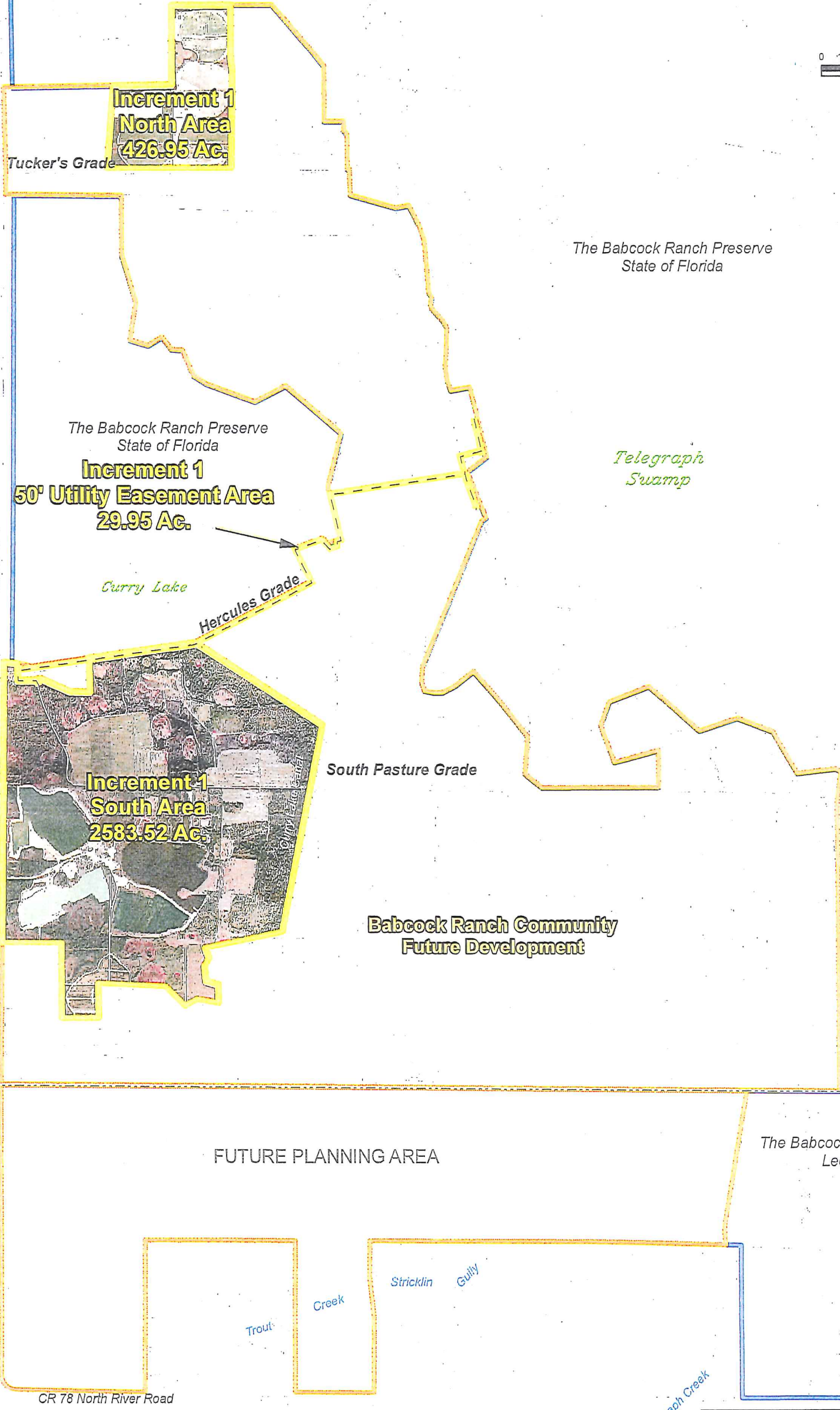
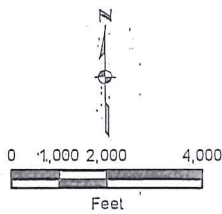
COMMUNITY DEVELOPMENT



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

**ATTACHMENT 11**

ATTACHMENT 12



\*Note: Utility easement overlaps into Increment 1 South Area in two places totaling 4.67 Acres

South Area	2583.52 Ac.
North Area	426.95 Ac.
Utility Easement	29.95 Ac.
Overlap *	- 4.67 Ac.
Increment 1 TOTAL	3035.75 Ac.

NOTE: Photography shown dated March 2007. Shaded area represents future planning area and is not a part of this application.

Legend

- Increment 1 North/South Area
- Increment 1 Utility Easement
- Babcock Ranch Community
- Babcock Ranch Preserve
- County Line

The Babcock Ranch Community  
Charlotte County, Florida

JOHNSON  
ENGINEERING

2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

Increment 1  
Aerial Map

DATE April 2009	PROJECT NO. 20066201-050	FILE NO. ---	SCALE AS SHOWN	SHEET MAP B
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