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SOUTHWEST FLORIDA  
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**RE: University Highlands Limited Partnership  
Worst Case Development Parameters**

Diana M. Parker  
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Examiner

It has come to the attention of Lee County Division of Planning staff that there are questions about the methods used to determine the worst case development parameters for the proposed future land use category redesignation of the University Highlands project site.

Analysis of the worst case scenario development parameters is a primary concern of Lee County and is required as part of the Comprehensive Plan Amendment Application package. Prior to being found sufficient, all proposed private amendments must furnish, in consultation with Lee County staff a worst case scenario. The application requires development parameters for commercial, industrial and residential uses. In this case the applicant had proposed worst case scenario development parameters that were not agreeable to staff. Working with the applicant staff developed the worst case development parameters that included 4,608 residential dwelling units, and 1,120,000 square feet of commercial uses. The methods that were used to determine the worst case development parameters for both residential and commercial applications are further discussed below.

**Differences in Utilities and Transportation Analysis**

Lee County Planning staff provided the worst case development parameters to the staff of Lee County Utilities, and Lee County Department of Transportation for the purposes of determining adequate capacity of the utilities and transportation infrastructure.

Lee County Utilities, for the purposes of utilities planning, assumed that all of the commercial development would be office uses, which according to Florida Administrative Code 64E-6 generates a higher demand on the potable water and sewerage infrastructures than retail commercial development. Conversely, the Department of Transportation assumed that all of the commercial development would be retail, which generates high peak hour traffic volumes than commercial office development according to the Institute of Traffic Engineers (ITE) Report titled *Trip Generation*, 8<sup>th</sup> Edition.

The analysis that was performed to determine peak demand on Lee County infrastructure represents the most conservative analysis. Not only were the worst case development parameters

assumed, but the specific uses were varied so that the highest level of demand that could possibly be approved were considered depending on the type of infrastructure being analyzed.

**Residential Density**

Residential density is determined by the property's future land use category in accordance with the Lee Plan. Because the 208.4 acre subject site is part of a Development of Regional Impact (DRI) that is 812.4 acres, density must be calculated on the entire DRI and not just the subject site. The current and the proposed future land use category allow standard density of 6 units per acre. Six units an acre over the entire DRI (812.4 acres) would yield 4,874 units.

The proposed Urban Community future land use category on the subject site also permits up to 4 additional dwelling units an acre as bonus density. The bonus density would be restricted to the 208.4 acre site that is subject to the proposed Future Land Use Map amendment. Bonus density would permit another 834 residential dwelling units, for a total of 5,708 dwelling units within the DRI. Existing development within the DRI includes 1,100 single-family and multi-family units.

To determine the worst case development scenario for the subject site, the units already developed within the DRI (1,100) were subtracted from the total allowed units within the DRI (5,708). This results in 4,608 residential dwelling units that could potentially be clustered on the subject site.

It should also be noted that bonus density would only be achievable through the use of TDR units, thus not creating new density, but utilizing existing dwelling units rights from other properties such as in the Density Reduction/Groundwater Recharge land use category. The applicant is not currently seeking the use of bonus density in the Development of Regional Impact.

**Commercial Site Location Standards**

Lee County uses various means to regulate intensity of non-residential development. The Intensity of retail commercial development is primarily determined by the Commercial Site Location Standards found in Goal 6 of the Lee Plan. Policy 6.1.2 contains the Commercial Site Location Standards, which in general permits retail commercial square footage, or intensities based on adjacent road classifications and parcel sizes.

Each quadrant of an intersection is permitted to have retail commercial development consistent with the scale of development described in Policy 6.1.2 of the Lee Plan, the Site Location Standards. The University Highlands property is at the corner of Estero Parkway and Ben Hill Griffin Parkway. Both of these roads are arterial roadways which would permit a commercial development consistent with the intensity of a Regional Commercial Center as described in paragraph 4 of Policy 6.1.2. A Regional Commercial Center is permitted to have up to 1,000,000 square feet of retail commercial uses, per paragraph 4, of Policy 6.1.2.

In addition to the intersection of Estero Parkway and Ben Hill Griffin Parkway, the subject site also contains the intersections of Ben Hill Griffin Parkway and Everblades Parkway, and Ben Hill Griffin Parkway and Miromar Outlet Drive. Everblades Parkway and Miromar Outlet Drive are both considered to be local roads for Site Location Standards purposes. Because the roads that intersect are arterial and local roads, the subject site is permitted additional retail commercial uses that are consistent with a Minor Commercial Center as described by paragraph 1 of Policy 6.1.2. Paragraph 1 of Policy 6.1.2 permits “less than 30,000 square feet” of commercial uses within Minor Commercial Centers. The subject property contains four (4) quadrants created by the intersection of local and arterial roads, each of which would be permitted no more than 30,000 square feet of commercial uses (see attached exhibit).

The commercial intensity for the worst case development scenario was determined by summing the commercial square footage that would be permitted on the subject property at each of these intersections (see table below).

Quadrant Name	Permitted Commercial Square Footage
Ben Hill Griffin Parkway & Estero Parkway (SW)	1,000,000 square feet
Ben Hill Griffin Parkway & Everblades Parkway (NW)	30,000 square feet
Ben Hill Griffin Parkway & Everblades Parkway (SW)	30,000 square feet
Ben Hill Griffin Parkway & Miromar Outlet Drive (NW)	30,000 square feet
Ben Hill Griffin Parkway & Miromar Outlet Drive (SW)	30,000 square feet
<b>Total Permitted Commercial Uses</b>	<b>1,120,000 square feet</b>

Objective 6.1 of the Lee Plan requires that all development approvals for commercial land uses must be consistent with the Policy 6.1.2, as discussed above. Commercial developments with more square feet of commercial uses than permitted in Policy 6.1.2 would not be consistent with the Lee Plan, and therefore would not be achievable.

**Mixed Use Development**

The proposed amendment to the Lee Plan, at the recommendation of staff, also includes placing the property in the Mixed Use Overlay that is identified on Map 1, page 6 of 8, of the Lee Plan. This would potentially allow both the residential development and the commercial development to occur within the same footprint. Lee County analysis took into consideration that the worst case development scenario could include the simultaneous development of both the residential densities and commercial intensities that are discussed in the above sections.

### **Land Development Code Requirements**

The intensity of development is also limited and refined by the Lee County Land Development Code (LDC). Adherence to the Land Development Code results in the ability to build approximately 10,000 square feet of floor area per development acre.

Several provisions of the LDC create development requirements that result in the 10,000 square feet of floor space an acre. These include requirements for open space, height restriction, parking, and stormwater management. The LDC has specific open space requirements for all types of land uses, including residential and commercial. Section 10-415 of the LDC requires that large residential developments leave at least 40 percent of the property as green open space. The section also requires that large scale commercial developments leave at least 30 percent of the property as green open space.

In addition, Section 34-2020 of the LDC has specific requirements for parking based upon the use of the property. For example, a typical retail use requires 1 space for every 200 square feet of commercial floor area. Therefore a 10,000 square foot retail building would require 50 spaces, which are required by the LDC to be 9 feet by 18 feet. A surface parking lot with 50 spaces, including drive aisles, would require approximately 13,500 square feet, or about 30 percent of an acre site.

There are also height restrictions that are placed on the property by the LDC. Section 34-2175 restricts height within the Urban Community land use category to 95 feet above sea level or 8 habitable stories. The height is also restricted by a 300 foot wide Microwave Relay Path that crosses the site and restricts development to 60 feet, as provided in Lee County Ordinance 07-26.

Other requirements of the LDC that will make it difficult for any developer to achieve worst case development scenario include stormwater management requirements. Lee County generally follows the Southwest Florida Water Management District requirements for stormwater management. These requirements include either 1 inch of stormwater detention of the entire site or 2.5 inches of stormwater detention over the impervious areas, whichever is greater. Stormwater detention typically requires about 10 percent of a project site.

The requirements of the LDC create a typical development pattern in Lee County which generally results in about 10,000 square feet of floor area per acre.

### **Development of Regional Impact Implications**

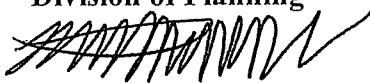
Staff feels confident that the worst case scenario development parameters developed for this case is a worst worst case scenario that probably will never be developed on the subject site. This worst case scenario includes 4,608 residential dwelling units and 1,120,000 square feet of commercial uses. It should also be noted that the development parameters that are being included within the DRI include 1,300 dwelling units, and 249,384 square feet of commercial uses. These are far below the worst case scenario development parameters found to be

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appropriate by staff. Once the DRI amendment is approved, the applicant can not make changes to these parameters without filing a Notice of Proposed Change (NOPC) to the DRI. Any change that is proposed to the DRI as part of the NOPC would require additional analysis based on the development that is being proposed by the property owner at that time.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Matt Noble, AICP  
Principal Planner

Cc. Neale Montgomery, Esq, Pavese Law Firm

