



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) 485-8344

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 6-25-13 REC'D BY: [Signature]
 APPLICATION FEE: 2500.00 TIDEMARK NO: CPA 2013-00002

THE FOLLOWING VERIFIED:

Zoning RPP Commissioner District 5
 Designation on FLUM Suburban

(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: 12

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.

[Signature] _____ Date 6-25-2013
 Signature of Owner or Authorized Representative

Beverly Grady, Roetzel & Andress, Authorized Representative
 Printed Name of Owner or Authorized Representative

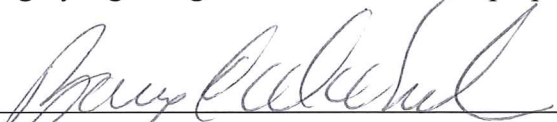
RECEIVED
 JUN 25 2013
 COMMUNITY DEVELOPMENT

LETTER OF AUTHORIZATION

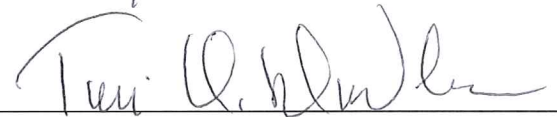
TO LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the owners of the property known as **STRAP NO. 22-43-26-00-00008.0000, 15371 Old Olga Road, Alva, Lee County, Florida.**

The undersigned hereby designates **Beverly Grady on behalf of Roetzel and Andres, a Legal Professional Association,** to be its agent to file a Lee Plan Amendment to permit re-zoning to an agricultural district in the suburban land use category regarding the above-referenced property.



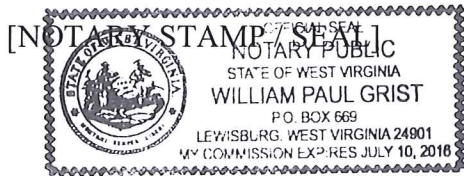
 BARRY C. DeNICOLA

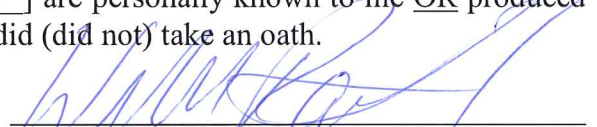


 TONI O. DeNICOLA

STATE OF WEST VIRGINIA)
) §:
 COUNTY OF GREENBRIER)

Sworn to (or affirmed) and subscribed before me this 21 day of June, 2013, by BARRY C. DeNICOLA and TONI O. DeNICOLA, who [] are personally known to me OR produced Florida driver's licenses as identification, and who did (did not) take an oath.





 Notary Public
 Printed Name: William Paul Grist
 My commission expires July 10, 2016 f

I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Barry C. Denicola and Toni O. Denicola, c/o Beverly Grady, Roetzel & Andress
Address: 2320 First Street, Suite 1000
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239.337-3850 Fax Number: 239.337.0970
Email: bgrady@ralaw.com

Agent*: Beverly Grady, Roetzel & Andress
Address: 2320 First Street, Suite 1000
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239.337.3850 Fax Number: 239.337.0970
Email: bgrady@ralaw.com

Owner(s) of Record: Barry C. Denicola and Toni O. Denicola
Address: 112 Bonaire Lane
City, State, Zip: Bonita Springs, FL 34134
Phone Number: 239-947-6111 Fax Number: 239-947-3006
Email: barrycdenicola@aol.com

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

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

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

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment
(Maps 1 thru 24)

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

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. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). 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):

Agricultural use is appropriate on a case by case basis in the Suburban Land Use category and the Outlying Suburban Land Use category

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

A. Property Location:

- 1. Site Address: 15371 Old Olga Road, Alva, FL 33920
- 2. STRAP(s): 22-43-26-00-00008.0000

B. Property Information:

Total Acreage of Property: 96

Total Acreage included in Request: 96

Total Uplands: _____

Total Wetlands: _____

Current Zoning: RPD

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: _____

Existing Land Use: _____

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: _____

Airport Noise Zone 2 or 3: _____

Acquisition Area: _____

Joint Planning Agreement Area (adjoining other jurisdictional lands): _____

Community Redevelopment Area: _____

D. Proposed change for the subject property:

Text amendment will not change any property but will provide opportunity to make a rezoning request

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	N/A
Commercial intensity	_____
Industrial intensity	_____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	N/A
Commercial intensity	_____
Industrial intensity	_____

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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. See Exhibit A
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, Beverly Grady, 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.

Beverly Grady
Signature of Applicant

6/24/13
Date

Beverly Grady, Roetzel & Andress, Authorized Representative
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on June 24, 2013 (date) by Beverly Grady (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



Catherine Louise
Signature of Notary Public

Catherine Louise
(Name typed, printed or stamped)

EXHIBIT A

Objective 9.2: To prevent the location of agricultural uses proximate to incompatible uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from Future Urban Areas. (Added by Ordinance No. 00-22)

Policy 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Outlying Suburban or Suburban where rezoning of parcels five acres or more to an agriculture zoning district may be reviewed and approved on a case by case basis. The recommendations will be based on:

- a. current and future availability of Urban infrastructure;
- b. compatibility of the existing and future land uses;
- c. acreage of rezoning request; and
- d. consideration of applicable community plans.

~~In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility of existing and future land uses.~~

EXHIBIT B

Agriculture is a use that may be appropriate and compatible with existing and planned uses in the Suburban and Outlying Suburban categories. Policy 158.4 states that Lee County will encourage retention of the agriculture use, recognizing it supports economic viability and retains open space. Suburban and Outlying Suburban include lands that are appropriate for providing agricultural uses.

Agriculture is an integral part of Lee County's economic base.

With the appropriate criteria, rezoning to an Agricultural District is consistent with existing and planned uses and consistent with Policy 158.4.

The amendment provides the opportunity to permit a rezoning to agriculture. Adoption of the proposed text amendment will not have a change on any parcel of land.

This Lee Plan text amendment will be accompanied by a rezoning application for a parcel where the use has never changed from agricultural. But the information as to public facilities impacts for a particular parcel would be appropriately evaluated as part of the zoning and not for this text amendment. Therefore, we have included for informational purposes the location of the parcel that will have a companion zoning application but the Application Part IV Amendment Support Documentation is not necessary as part of this text amendment.