



Memorandum

Date : April 11, 2014  
To : Paul O'Connor  
From : Russell P. Schropp  
Re : CPA2012-00001  
GreenPointe Communities re: River Hall

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Attached please find the additional sets of mailing labels requested at our meeting on April 3, 2014, for the above-referenced plan amendment.

/rs

enc

RECEIVED  
APR 11 2014

COMMUNITY DEVELOPMENT



~~2012-00001~~ 2012-00001  
Henderson, Franklin, Starnes & Holt, P.A.

**MORRIS-DEPEW ASSOCIATES, INC.**

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LANDSCAPE ARCHITECTS

Metro Center 1

2891 Center Pointe Drive, Unit 100

Fort Myers, FL 33916

(239) 337-3993 Office • (239) 337-3994 Fax

#LC26000330

**LETTER OF TRANSMITTAL**

**TO:** Russell Schropp, Esq.  
1715 Monroe Street  
Fort Myers, FL 33901  
239-344-1280

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APR 11 2014

COMMUNITY DEVELOPMENT

**DATE:** 04/10/2014

**MDA PROJECT NO.:** 12061

**ATTENTION:** Melissa

**RE:** Variance & Ownership reports for River Hall

We are sending you ☒ Attached ☐ Under separate cover VIA \_\_\_\_\_ the following items:

| Copies | Date    | No. | Description                                |
|--------|---------|-----|--|
| 1      | 4/10/14 |     | Exterior Ownership Report (variance)       |
| 3      | 4/10/14 |     | Sets of mailing labels for exterior report |
| 1      | 4/10/14 |     | Interior Ownership Report                  |
| 3      | 4/10/14 |     | Sets of mailing labels for interior report |
|        |         |     |  |
|        |         |     |  |
|        |         |     |  |
|        |         |     |  |

These are transmitted as checked below:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> For approval            | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested            | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints        |
| <input type="checkbox"/> For review and comment  |   | <input type="checkbox"/> _____                                |
| <input type="checkbox"/> For bids due _____      |   | <input type="checkbox"/> Prints returned after loan to M-DA   |

**REMARKS:** Should you have any questions or concerns please contact me.

Thank you.

**COPY TO:**

Danielle Grossenbaugh  
Planning Technician

**SIGNED:**

Tina Mayfield Ekblad, MPA, AICP, LEED AP  
Planner

2012-00001



Reply to  
**Russell P. Schropp**  
Direct Fax Number 239.344.1535  
Direct Dial Number 239.344.1280  
E-Mail: russell.schropp@henlaw.com

April 11, 2014

Mary Gibbs, AICP  
Lee County Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

**RECEIVED**  
APR 11 2014  
COMMUNITY DEVELOPMENT

Re: GreenPointe/Lee County Mediated Agreement  
CPA2012-00001 (River Hall)

Dear Mary:

Thank you for meeting with us on Thursday, April 3, pursuant to paragraph 1.A. of the above-referenced agreement. As required by the agreement, this letter will serve as GreenPointe's notification of the modifications, if any, that it desires to make to Plan Amendment CPA2012-00001 for the River Hall project.

As background, CPA2012-00001 currently consists of three parts, as follows:

1. An amendment to the Future Land Use Map (FLUM) that proposes to change 1064 acres of Rural and 223 acres of Wetlands to 870 acres of Sub-Outlying Suburban, 153 acres of Conservation Wetlands, and 264 acres of Conservation Uplands.
2. A text amendment to Lee Plan Policy 5.1.10 that would allow for the internal transfer of density during the planned development rezoning process from Conservation Uplands to lands designated Sub-Outlying Suburban at upland density rates. In the Staff Report dated August 16, 2013, as updated on September 13, 2013 (the "Staff Report"), staff recommended a new Policy 5.1.11 be adopted in lieu of GreenPointe's proposed text amendment that would essentially achieve the same result for the River Hall project.
3. An amendment to Table 1(b) of the Lee Plan to modify the allocations for various land use classifications within the Fort Myers Shores Planning Community. Again, in the Staff Report, staff recommended alternative amendments to Table 1(b) be transmitted in lieu of GreenPointe's proposed amendments.



2012-00001  
Henderson, Franklin, Starnes & Holt, P.A.

The Staff Report recommended that the County Commission transmit CPA2012-00001, as amended by staff.

At our meeting with staff on April 3, we discussed various modifications to CPA2012-00001. After reviewing these possible modifications, GreenPointe does not believe any modifications to CPA2012-00001 are technically necessary at this time. However, in the event staff feels that modifications to CPA2012-00001 would be appropriate to address certain issues, GreenPointe would agree to the following modifications:

**Modification #1: Express Limitation on Total Dwelling Units.** One of the issues that arose during the hearings on CPA2012-00001, which we discussed in detail on April 3, was that the plan amendment allows in excess of the desired 2999 total dwelling units sought by GreenPointe for River Hall. Staff and GreenPointe identified this issue early in the plan amendment process, but decided that the issue was best addressed through a concurrent planned development rezoning that would establish the overall density for River Hall at 2999 dwelling units. However, during the hearing process before both the LPA and the County Commission, it became apparent that relying on the concurrent rezoning was of concern to some members of the public since it would not preclude GreenPointe from asking for rezoning for the total number of dwelling units achievable under the plan amendment (calculated at 3633 dwelling units).

In order to resolve this issue and provide more certainty with the Lee Plan itself as to the actual density allowed by CPA2012-00001, a text amendment could be included that limits the total residential unit count in River Hall to 2999 dwelling units. Specific language for your consideration is provided in Attachment "A" to this letter. In addition to providing clarity and certainty as to the number of dwelling units permitted by this plan amendment, this change would make the plan amendment consistent with the traffic and other analyses provided with the application for CPA2012-00001, which evaluated a "worst case" scenario of 2999 dwelling units within River Hall.

**Modification #2: Elimination of Text Amendment to Existing Policy 5.1.10 or Proposed Policy 5.1.11.** As noted above, CPA2012-00001 proposed an amendment to existing Lee Plan Policy 5.1.10 to allow the internal transfer of density from the Conservation Uplands land use classification. Instead of this text amendment, staff recommended the creation of new Policy 5.1.11. During our meeting on April 3, staff expressed some reservations about new Policy 5.1.11 and suggested that GreenPointe reconsider whether this text amendment was necessary. Subsequent to our April 3 meeting, GreenPointe evaluated the overall density permitted by the FLUM amendment referenced above, and has tentatively determined that neither our proposed amendment to Policy 5.1.10 nor staff's new Policy 5.1.11 are necessary to achieve the desired density in River Hall. Included within Attachment "B" to this letter is GreenPointe's calculation of the density permitted within River Hall after the FLUM amendment described above is made (which could be further limited by the text amendment



suggested as Modification #1). Assuming that: (1) staff concurs with the calculations shown in Attachment "B," and (2) staff no longer sees merit in proposed Policy 5.1.11, then GreenPointe has no objection to eliminating the proposed text amendment to existing Policy 5.1.10 and proposed Policy 5.1.11.

In summary, if the above modifications to CPA2012-00001 are made, the plan amendment would continue to consist of three parts, as follows:

1. An amendment to the FLUM that proposes to change 1064 acres of Rural and 223 acres of Wetlands to 870 acres of Sub-Outlying Suburban, 153 acres of Conservation Wetlands, and 264 acres of Conservation Uplands.

2. A text amendment to Lee Plan Policy 21.1.5 that limits the total residential unit count at River Hall to 2999 dwelling units.

3. An amendment to Table 1(b) of the Lee Plan to modify the allocations for various land use classifications within the Fort Myers Shores Planning Community. From GreenPointe's perspective, the staff-recommended alternative amendments to Table 1(b) contained in the Staff Report are acceptable.

If these modifications are acceptable to staff, we would encourage their inclusion into the Staff Report and Recommendation required by paragraph 1.D of the Mediated Agreement.

Thank you for your continued assistance with this plan amendment.

Sincerely,



Russell P. Schropp

RPS/rs  
cc (w/enc)

Paul O'Connor, AICP  
Michael Jacob, Esq.  
Grady Miars  
S. William Moore, Esq.  
David W. Depew, AICP  
Carl Barraco, PE  
Jennifer Sopen  
Tina Ekblad, AICP  
Stephen Leung  
Alicia Dixon

## **Attachment A**

### **Amended Language, Lee Plan Policy 21.1.5**

POLICY 21.1.5: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. For the River Hall development located in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, total density for the development shall not exceed 2,999 dwelling units.







cleared, graded, and public utilities and roadways have been installed. There are approximately ±296 acres of internal lakes and ±445 acres of wetland and upland preservation areas throughout the property. Although changes in FLU designations are proposed, no acreage is to be removed from any of the areas designated for preservation.

### Comprehensive Plan Amendment

A Future Land Use Map and Text Amendment are requested under CPA2012-00001, to remove ±1,287 acres of the River Hall Community from the Rural and Wetlands Future Land Use Categories and re-designate this portion of the property as Conservation Wetland, Conservation Upland and Sub-Outlying Suburban. The existing Suburban Future Land Use will remain. Amending the Future Land Use on a portion of the property to Sub-Outlying Suburban will allow a maximum density of two dwelling units per acre and recreational uses on approximately ±870 acres of property. Density from the Conservation Wetlands will be transferred at 2du/ac to the proposed Sub-Outlying Suburban lands per Lee Plan Table 1(a) Clarification #8. The following table demonstrates the acreage reallocation that will occur as part of the proposed amendment.

#### Current Future Land Use

| Existing FLU       | +/- Acres    | Lee Plan Density<br>Dwelling Units/Acre | Dwelling Units permitted |
|--------------------|--------------|---|--------------------------|
| Suburban           | 79           | 6                                       | 474                      |
| Wetland            | 251          | 0.05                                    | 12.55                    |
| Rural              | 1,648        | 1                                       | 1,648                    |
| <b>TOTAL ACRES</b> | <b>1,978</b> | <b>TOTAL DWELLING UNITS</b>             | <b>2,135</b>             |

#### Amendment Area

| Proposed FLU          | +/- Acres    | Dwelling Units/Acre         | Dwelling Units permitted |
|-----------------------|--------------|-----------------------------|--------------------------|
| Sub-Outlying Suburban | 870          | 2                           | 1,740                    |
| Conservation Wetland  | 153          | 2                           | 306                      |
| Conservation Upland   | 264          | 0                           | 0                        |
| <b>TOTAL ACRES</b>    | <b>1,287</b> | <b>TOTAL DWELLING UNITS</b> | <b>2,046</b>             |

#### Total Project After Amendment

| Non-Amendment Area FLU | +/- Acres    | Lee Plan Density<br>Dwelling Units/Acre | Dwelling Units Permitted |
|------------------------|--------------|---|--------------------------|
| Suburban               | 79           | 6                                       | 474                      |
| Wetland                | 28           | 0.05                                    | 1.4                      |
| Rural                  | 584          | 1                                       | 584                      |
| Amendment Area FLU     |              |   |                          |
| Sub-Outlying Suburban  | 870          | 2                                       | 1,740                    |
| Conservation Wetland   | 153          | 2                                       | 306                      |
| Conservation Upland    | 264          | 0                                       | 0                        |
| <b>TOTAL ACRES</b>     | <b>1,978</b> | <b>TOTAL DWELLING UNITS</b>             | <b>3,105</b>             |



The additional density will be clustered into the portions of River Hall subject to the Planned Development Amendment. The existing development footprint will be utilized for the additional density promoting the clustering of residential density and uses to improve the efficient use of the land and existing utilities. In addition, ±272 acres will be placed into the Conservation Upland Category and ±153 acres will be placed into the Conservation Wetland category. This change will provide additional protection for the natural resources located with the community, ensuring they are maintained, protected, and conserved in perpetuity. The River Hall Community has existing Suburban, Rural, and Wetland Future Land Uses. When combined with the proposed Future Land Use amendments, the River Hall Community would have a theoretical maximum density of 3,105. This density would be further limited to 2,999 by the concurrent Planned Development Amendment request.<sup>1</sup>

The proposed amendment leaves the Rural Future Land Use Category in place for the existing privately owned development areas within the River Hall Community. No platted lots are being revised or re-platted as a result of this request. As an alternative to this proposal, Lee County could support a Future Land Use Amendment to change all of the Rural Future Land Use to Sub-Outlying Suburban, providing a contiguous Future Land Use Category for the River Hall Community.

The amendment promotes infill development and will provide a transition from the existing adjacent residential developments to the south and west of the community to the rural and conservation land uses to the north and east. The additional recreational uses proposed will provide recreational and civic opportunities within the existing Commercial Planned Development portion of the property. A trailhead and trail are also proposed to connect these areas to a proposed trail along the northerly perimeter of the property which are anticipated to eventually connect to existing and proposed bicycle trails to the south and east of the subject property. These uses will be open to residents of the surrounding area as well as the River Hall Community.

The Comprehensive Plan Amendment application is currently under review by Lee County staff. The Planned Development Amendment is requested concurrently, per Chapter 163.3184(12) of the Florida Statutes, to establish the density limit of 2,999 dwelling units and other details related to the recreational and civic uses, which are not necessary to include in a Comprehensive Plan Amendment.

## **Planned Development Amendment**

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<sup>1</sup> Additionally, an amendment to Lee Plan Policy 21.1.5 could be considered. For example, a text amendment could read, "POLICY 21.1.5: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. For the River Hall development located in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, total density for the development shall not exceed 2,999 dwelling units."

An amendment is requested to the River Hall Planned Development to promote infill within the existing development footprint and create a well-designed community with a mix of uses that supports the needs and demands of the area's residents – the definition of a Suburban Place. The proposal will integrate the various land uses, facilitate transportation options and provide opportunities for walking, biking, and riding. The additional density requested in the Comprehensive Plan Amendment will be clustered within the existing development footprint of these lands. The existing internal roadways, owned and maintained by the Homeowners Associations, are included to demonstrate access only. No amendments to the roadways are proposed. Authorizations from the necessary Homeowners Associations regarding the roadways are provided.

The proposed Planned Development Amendment would allow for the River Hall Community to utilize the additional density requested via the proposed Comprehensive Plan Amendment while establishing the maximum number of dwelling units at 2,999. The proposed PD Amendment requests an additional 1,000 dwelling units limiting the total to be developed within the community to a maximum number that is 106 units less than the total allowable density of 3,105. As demonstrated by the table below, the request does not utilize density from the property's Conservation Uplands areas.

|                                       | Future Land Use       | Acreage      | Dwelling units/ acre | Dwelling units permitted |
|---------------------------------------|-----------------------|--------------|----------------------|--------------------------|
| <b>Non-Amendment Area</b>             | Suburban              | ±79          | 6 du/ac              | 474                      |
|                                       | Wetland               | ±38          | 1du/20 ac            | 1.4                      |
|                                       | Rural                 | ±583         | 1 du/1 ac            | 583                      |
| <b>Amendment Area</b>                 | Sub-Outlying Suburban | ±853         | 2 du/ac              | 1,706                    |
|                                       | Conservation Wetland  | ±153         | 2du/ ac              | 306                      |
|                                       | Conservation Upland   | ±264         | 0                    | 0                        |
| <b>TOTAL ACRES</b>                    |                       | <b>1,978</b> | <b>TOTAL UNITS</b>   | <b>DWELLING 3,071</b>    |
| <b>TOTAL DWELLING UNITS REQUESTED</b> |                       |              |                      | <b>2,999</b>             |

The requested PD Amendment seeks a modification to only a portion of the approved River Hall Community. The 4<sup>th</sup> page of the proposed Master Concept Plan demonstrates the proposed PD MCP Amendment area with Gray shading. The development tracts within these areas are where the additional requested density would be located. It is expected that a majority of the 1,000 additional units would be located in the southern portion of the property, where adjacent lands are more urban in nature. Consistent with the first sentence of existing Condition 5a., the portion of the project remaining in the Rural Future Land Use Category will, insofar as those areas are controlled by GreenPointe Communities, maintain the theoretical density of one dwelling unit per acre.

The proposed request promotes the logical extension of the adjacent, existing residential development pattern in this portion of the county characterized by a suburban development pattern, and will permit infill development of the subject property, which is served by existing public infrastructure. The previously approved open space, height and property development regulations relating to lot size of Z-05-051 will not be amended by this request.

In addition to requesting an increase in the residential density, the proposed PD Amendment also requests additional recreational uses and public amenities within the River Hall Community. Multi-family residential and Parks have been added to the uses requested within the Commercial Planned Development to encourage a mix of uses. These additional uses will create a commercial and civic node that provides commercial, residential, and civic recreational uses to the residents of the surrounding area as well as the River Hall Community. This area will include a trailhead and trails which will connect this node to the proposed trail along the northerly perimeter of the property. The trail is proposed to connect to existing and proposed bicycle trails to the south and east of River Hall, and GreenPointe Communities intends to work with Lee County to provide a connection through the adjacent residential subdivisions to Buckingham Road as a westerly extension to the trail system. This trail will significantly improve non-vehicular linkages of the surrounding properties and uses while promoting the expansion of the County's trail system.

Together the proposed applications provide quality infill development directed toward an existing community to promote the contiguous development of land adjacent to existing infrastructure while maintaining and protecting natural resources and working to create connections to surrounding uses for all area residents.