



**LOCAL PLANNING AGENCY  
OLD LEE COUNTY COURTHOUSE  
2120 MAIN STREET, FORT MYERS, FL 33901  
BOARD CHAMBERS  
MONDAY, FEBRUARY 23, 2015  
8:30 AM**

**AGENDA**

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – January 26, 2015
4. Review of Roads and Schools Impact Fee Studies  
Ordinance Amending Land Development Code Chapter 2
5. Lee Plan Amendments
  - A. CPA2014-00009 – Policy 18.1.16 Text Change  
Text change to Policy 18.1.16 Paragraph 1 (Mixed Use)
6. Other Business
7. Adjournment – Next Meeting Date: Monday, March 23, 2015

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Persons with disabilities who need an accommodation to participate in the Local Planning Agency meeting should contact Janet Miller, 1500 Monroe Street, Fort Myers, FL 33901 (239-533-8583 or [jmiller@leegov.com](mailto:jmiller@leegov.com)). To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711.

The agenda can be accessed at the following link approximately 7 days prior to the meeting: <http://www.leegov.com/dcd/calendar>

Direct links to plan amendment pages: [CPA2014-00009](#)

**CPA2014-09  
POLICY 18.1.16 TEXT  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

Privately Sponsored Application  
and Staff Analysis

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**LPA Public Hearing Document  
For the  
February 23, 2015 Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**February 13, 2015**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2014-09**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews</b>	
<input checked="" type="checkbox"/>	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: February 13, 2015

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVES:**

Barbara Heine

**2. REQUEST:**

Amend Policy 18.1.16 to remove language that acknowledges that significant deviations may be made from Chapter 32 of the Land Development Code to accommodate development of a Compact Planned Development within Area 9 of the University Community.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Staff recommends that the Board of County Commissioners does *not transmit* the proposed amendment to the Future Land Use Element of the Lee Plan.

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

- The proposed privately initiated amendment to the Lee Plan was received on November 18, 2014.
- Policy 18.1.16 is specific to one property within the University Community Future Land Use Category, which is currently owned by Alico West Fund LLC.
- Policy 18.1.16, as currently written, acknowledges that the developer of the Alico West Area 9 property may need deviations from the Land Development Code to accommodate development.
- Florida Statute 163.3194 requires that all development be consistent with the Comprehensive Plan. Lee Plan Policy 18.1.16 has been reviewed by the state reviewing agencies and has been determined to be consistent with applicable Florida Statutes and the Lee Plan.
- Deviations from Chapter 32 of the Land Development Code could continue to be permitted even if the provision regarding “significant deviations” was deleted.
- Section 32-502(d) and (e) of the Land Development Code allows for deviations from the Land Development Code.

## **C. BACKGROUND INFORMATION**

The University Community future land use category was initially adopted into the Lee Plan and Future Land Use Map on October 27, 1992 by Ordinance 92-47, which adopted PAM/T 92-02, Florida’s Tenth University. This Lee Plan amendment adopted the University Community future land use category descriptor policy, Policy 1.1.9, and Goal 20 (later renumbered to Goal 18): University Community, which provided generalized descriptions of the development that was anticipated to surround what is now Florida Gulf Coast University.

The University Community area was expanded in 2010 to include a 9<sup>th</sup> area. This was accomplished through an amendment to the Lee Plan adopted on October 20, 2010 by Ordinance 10-40, which adopted CPA2009-00001, Alico West. The Alico West Lee Plan amendment included details about the development of Area 9 of the University Community. The property that was the subject of Area 9 was previously an aggregate mine and was not originally included in the University Community area because it was not consistent with the desired uses.

Pursuant to Policy 18.1.16, development within Area 9 must be achieved under a Compact Planned Development rezoning and meet the requirements of Chapter 32 of the Land Development Code. Compact Planned Developments utilize a form based code.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

The Subject Lee Plan text amendment proposes to amend Policy 18.1.16 of the Lee Plan as shown below in strike through formatting:

***POLICY 18.1.16:** For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:*

- 1. **Mixed Use:** Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. Development on Alico West, Area 9, must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code, ~~recognizing there may be significant deviations to accommodate the proposed development.~~ The following minimum and maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:*

*Residential: Minimum 800 units, maximum 1,950 units;*

*Retail: Minimum 200,000 square feet, maximum 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.);*

*Office/Research/Development: Minimum 400,000 square feet, maximum of 918,000 square feet (additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above);*

*Donation Site to University: Minimum 40,000 square feet, maximum 400,000 square feet; and*

*Hotel: Minimum 0 rooms, maximum 250 rooms.*

Policy 18.1.16 is specific to Area 9 of the University Community, which was created as a result of CPA2009-00001, Alico West. As previously stated, development within Area 9 of the University Community is required to be rezoned as a Compact Planned Development utilizing Chapter 32 of the Land Development Code. Because this form of development approval has not previously been utilized at scale anticipated within Area 9 of the University Community, the applicant of CPA2009-00001 requested that the Lee Plan acknowledge significant deviations may be required to accommodate the form of development required by the Land Development Code. The adoption of Lee Plan Policy 18.1.16 did not create a

mechanism to permit deviations from the Land Development Code; therefore deleting the portion as proposed by the applicant would not remove the ability of a developer to request deviations.

The approval process for a Compact Planned Development as outlined in the Chapter 32 of the Land Development Code allows for deviations to be requested from Chapter 32 as well as Chapters 10 and 34 as provided below:

*(d) **Deviations From Chapter 32** An applicant must clearly identify deviations requested from the specific standards of chapter 32. The Board of County Commissioners will decide whether to accept, modify, or reject each proposed deviation during the planned development rezoning process based on a determination as to the consistency of each deviation with this chapter, good planning practice for compact communities, and the deviation criteria in chapters 10 and 34. Potential deviations specific to compact communities include the following:*

*(1) Modified block standards (section 32-225).*

*(2) For street types shown in article II, modified cross-sections (section 32-226) and/or modified streetscape standards (section 32-227).*

*(3) Additional street types, accompanied by proposed cross-sections (section 32-226) and streetscape standards (section 32-227).*

*(4) For lots types shown in article II, modified transect zone assignments (table 32-241), modified property development regulations (table 32-243), and/or modified use regulations (table 32-244).*

*(5) Additional lot types, accompanied by allowable transect zone assignments (table 32-241), proposed property development regulations (table 32-243), and proposed use regulations (table 32-244).*

*(e) **Deviations From Other Chapters.** Deviations from other chapters of this Code may be requested as provided in chapters 10 and 34.*

*(Ord. No. 10-25 , § 3, 6-8-10)*

Consistent with Land Development Code Section 32-502 (d) and (e), Policy 18.1.16 acknowledges that the developer of the Alico West property may receive deviations from the Land Development Code. However, Policy 18.1.16 does not allow for deviations from the Lee Plan consistent with Florida Statute 163.3194, which requires that all development shall be consistent with the local Comprehensive Plans. Lee Plan Policy has been reviewed by the state reviewing agencies and has been determined to be consistent with applicable Florida Statutes and the Lee Plan.

### **CONSISTENCY WITH THE LEE PLAN**

The proposed amendment would not impact consistency with the Lee Plan. However staff finds that the intent of the language that is proposed for deletion under the subject application was clear at the time CPA2009-00001, Alico West, was adopted. The intent, at the request of the Alico West applicant, was to provide flexibility within the Compact Planned

Development zoning process necessary to assure that the resulting development of Area 9 of the University Community was able to provide associated support development to Florida Gulf Coast University while remaining consistent with Policy 18.1.16 of the Lee Plan.

**CONSISTENCY WITH FEDERAL AND STATE REQUIREMENTS**

The amendment would not have any impact on federal or state requirements.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners does *not transmit* the proposed amendment to the Future Land Use Element of the Lee Plan. In addition, the County Attorney's office objects to the request and recommends that the Board not transmit the proposed amendment due to the fact the amendment would apply to a specific property that is not owned by the applicant for CPA2014-00009.

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

DATE OF PUBLIC HEARING: February 23, 2015

**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:**

<b>NOEL ANDRESS</b>	_____
<b>TIMOTHY BROWN</b>	_____
<b>DENNIS CHURCH</b>	_____
<b>JIM GREEN</b>	_____
<b>RICK JOYCE</b>	_____
<b>DAVID MULICKA</b>	_____
<b>GARY TASMAN</b>	_____





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

PROJECT NAME: TEXT CHANGE

PROJECT SUMMARY: TEXT CHANGE

Plan Amendment Cycle:  Normal  Small Scale  DRI

#### 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: 14

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.

Barbara Heine  
Signature of Owner or Authorized Representative

BARBARA HEINE  
Printed Name of Owner or Authorized Representative

11-17-14  
Date

**RECEIVED**  
NOV 18 2014

COMMUNITY DEVELOPMENT  
CPA2014-00009

I. **APPLICANT/AGENT/OWNER INFORMATION** (Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.)

\* Applicant: BARBARA HEINE  
Address: 11711 VIA SAVONA CT  
City, State, Zip: MIROMAR LAKES FL 33913  
Phone Number: 239-641-0178 Email: BHEINE@projectsanddesign.com

Agent\*: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Owner(s) of Record: BARBARA + FREDERICK HEINE  
Address: SAME AS ABOVE  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

II. **REQUESTED CHANGE**

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.

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

A. Property Location:

1. Site Address: 11711 VIA SAVONA CT MIROMAR LAKES FL 33913  
2. STRAP(s): 1346-25-03-00000.0160

B. Property Information:

Total Acreage of Property: 2.5  
Total Acreage included in Request: N/A  
Total Uplands: \_\_\_\_\_  
Total Wetlands: \_\_\_\_\_  
Current Zoning: RESIDENTIAL - UNIVERSITY COMMUNITY  
Current Future Land Use Designation: UNIVERSITY OVERLAY - UNIVERSITY COMMUNITY - RESIDENTIAL  
Area of each Existing Future Land Use Category: N/A  
Existing Land Use: RESIDENTIAL

N/A

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:

N/A

E. Potential development of the subject property:

N/A

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density \_\_\_\_\_  
Commercial intensity \_\_\_\_\_  
Industrial intensity \_\_\_\_\_

N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_  
Commercial intensity \_\_\_\_\_  
Industrial intensity \_\_\_\_\_

#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

##### A. General Information and Maps

*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 ATTACHMENT*
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. *SEE LINK ON ATTACHMENT*
- N/A* 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.
- N/A* 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.
- N/A* 5. Map and describe existing zoning of the subject property and surrounding properties.
- N/A* 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. *SEE ATTACHED*
8. An aerial map showing the subject property and surrounding properties. *SEE ATTACHMENT*
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

N/A

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.*

N/A

C. Environmental Impacts

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

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map 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).

N/A

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

N/A

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. **SEE ATTACHMENT**

N/A

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. **SEE ATTACHMENT**

N/A

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. *SEE ATTACHMENT*
- H. Planning Communities/Community Plan Area Requirements  
 If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.
- Not Applicable
  - Alva Community Plan area [Lee Plan Objective 26.7]
  - Buckingham Planning Community [Lee Plan Objective 17.7]
  - Caloosahatchee Shores Community Plan area [Lee Plan Objective 21.6]
  - Captiva Planning Community [Lee Plan Policy 13.1.8]
  - North Captiva Community Plan area [Lee Plan Policy 25.6.2]
  - Estero Planning Community [Lee Plan Objective 19.5]
  - Lehigh Acres Planning Community [Lee Plan Objective 32.12]
  - Northeast Lee County Planning Community [Lee Plan Objective 34.5]
  - North Fort Myers Planning Community [Lee Plan Policy 28.6.1]
  - North Olga Community Plan area [Lee Plan Objective 35.10]
  - Page Park Community Plan area [Lee Plan Policy 27.10.1]
  - Palm Beach Boulevard Community Plan area [Lee Plan Objective 23.5]
  - Pine Island Planning Community [Lee Plan Objective 14.7]



AFFIDAVIT

I, BARBARA HEINE, 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.

Barbara Heine  
Signature of Applicant

11-17-14  
Date

BARBARA HEINE  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 11/17/2014 (date) by BARBARA HEINE (name of person providing oath or affirmation), who is personally known to me or who has produced Fl. Driver's License (type of identification) as identification.

Alfred J. Dinicola, Jr.  
Signature of Notary Public

ALFRED J. D. NICOLA, JR.  
(Name typed, printed or stamped)



**Subject:** HEINE - Text Change Amendment Attachment to Application

**A. General Information:**

1. Text Change

POLICY 18.1.16.1 :

Mixed Use: ... must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code, ~~recognizing there may be significant deviations to accommodate the proposed development.~~

2. See included link to Lee County FLUM. No changes.

[http://www.leegov.com/gov/dept/dcd/Documents/Maps/LeePlan/Map01\\_01.pdf](http://www.leegov.com/gov/dept/dcd/Documents/Maps/LeePlan/Map01_01.pdf)

(Link provided to assist in electronic filing request.)

5. My property is located in the University Overlay, University Community, residential area just north of the college. The surrounding areas are residential, University Village, DRGR and wetlands.

8. Aerial map link:

<http://www.bing.com/maps/default.aspx?name=11711+Via+Savona+Ct%2c+Miromar+Lakes%2c+FL+33913&where1=26.47727,-81.76715&lvl=14&FORM=INFOCM>

**E. Internal Consistency with the Lee Plan**

2. The removal of the text relating to "significant deviations" allows the specificity and intended meaning of all goals and policies in the Lee Plan to be understood, including the definitions of traditional neighborhood development, associated support development and University Community. It enables the specifics of Goal 4 for a sustainable development design of the Lee Plan, Chapter 32 of the compact plan development code and Policy 18 to be understood by removing ambiguity and arbitrary interpretation. A predicible outcome can be sought or measured.

4. 163.3177 (1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner... The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

G. Proposal Justification - Sound planning principle require that plan language be specific and not ambiguous. A predicible outcome should be expected by following the policies that have been planned. Language must advance compatibility with the comprehensive plan. The removal of the text allowing for significant deviation enables that development can be carried out as planners planned.

Prepared by and return to:

M. Francesca Passeri  
Salvatori, Wood, Buckel, Carmichael & Lottes  
9132 Strada Place Fourth Floor  
Naples, FL 34108  
Consideration: \$.70  
Folio No. 13-46-25-03-00000.0160

[Space Above This Line For Recording Data]

### Special Warranty Deed

This Special Warranty Deed made this 6th day of May, 2014, between **Barbara Heine, a married woman, joined by her husband, Frederick Heine**, whose address is **11711 Via Savona Ct., Miromar Lakes, FL 33913** GRANTOR, and **Barbara Heine and Frederick Heine, wife and husband**, whose post office address is **11711 Via Savona Ct., Miromar Lakes, FL 33913**, GRANTEE.

**Witnesseth**, that said grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

**Lot 16, Miromar Lakes Unit XIII-Costa Amalfi, according to the plat thereof as recorded in Instrument No. 2008000338718, Public Records of Lee County, Florida, together with Grantor's interest in a certain Ingress and Egress Easement recorded in Instrument No. 2011000174476.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and subject to property taxes for the year 2014 and all subsequent years.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Robert M. Buckel  
Witness Name: ROBERT M. BUCKEL  
As to Both

Jodi L Hanes  
Witness Name: JODI L HANES  
As to Both

Barbara Heine  
Barbara Heine

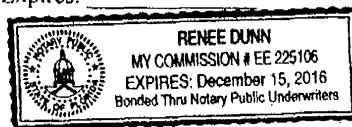
Frederick Heine  
Frederick Heine

STATE OF FLORIDA  
COUNTY OF COLLIER

SWORN TO and subscribed before me this 6th day of May, 2014, by **Barbara Heine and Frederick Heine, who are personally known to me or who have produced** \_\_\_\_\_ as identification, and who did take an oath.

(SEAL)

Renee Dunn  
Notary Public - Signature  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Parcel ID No.: 13-46-25-03-00000.0160

To be returned to:  
Cheryl Hoffmann  
Miromar Title Company, LLC  
10801 Corkscrew Road  
Suite 305  
Estero, FL 33928  
(239) 390-5100

Above space reserved for Clerk's office

---

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made this 29th day of September 2009, by **Miromar Lakes LLC**, a Florida limited liability company, whose mailing address is, 10801 Corkscrew Road, Suite 305, Estero, FL 33928, as Grantor to **Barbara Heine**, A Married Person, whose mailing address is 2 Dolphin Lane, W. Islip, NY 11795, as Grantee;

**WITNESSETH:** The Grantor, for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt of which is acknowledged, grants, bargains, sells, conveys and confirms unto the Grantee and its heirs and assigns forever, all that certain parcel of land situated in the County of Lee, State of Florida, more particularly described as follows:

Lot 16, Miromar Lakes Unit XIII-Costa Amalfi, according to the plat thereof as recorded in Instrument No. 2008000338718, of the Public Records of Lee County, Florida.

**SUBJECT TO** taxes for the year 2009 and subsequent years.

**FURTHER SUBJECT TO** the covenants, easements, restrictions and other matters of public record.

Parcel No. 13-46-25-03-00000.0160

**TOGETHER WITH** all tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, remainder and easements belonging or in anywise appertaining to it.

**AND** the Grantor covenants to the Grantee that at the time of delivering this Special Warranty Deed it is lawfully seized of the premises, that it has good right and lawful authority to sell and convey it; and the Grantor fully warrants the title to the land, and will defend it against lawful claims of all persons whomsoever claiming by, through or under the Grantor but against no others.

This property is taken subject to the Declaration of Covenants, Conditions, Restrictions and Easements

for the Miromar Lakes Master Association, Inc., recorded in OR Book 3343, page 0294-0434, Public Records of Lee County, Florida, as supplemented and amended.

The Grantor has executed this special warranty deed as of the day and year first written above.

Signed, and delivered in the presence of:

*Cheryl A. Hoffmann*  
Signature of witness

CHERYL A HOFFMANN

Legibly print name of witness

**Miromar Lakes, LLC , A Florida limited liability company**  
**By: Miromar Development Corporation, Inc., a Florida corporation**  
**Its Managing Member**

By: *Jerry Schmoeyer*  
**Jerry Schmoeyer, Vice President**

Address: 10801 Corkscrew Road, Suite 305, Estero, FL 33928

*Linda S. Davis*  
Signature of witness

LINDA S. DAVIS  
Legibly print name of witness

STATE OF FLORIDA     )  
COUNTY OF LEE        )

The foregoing instrument was acknowledged before me this 29th day of September 2009, by **Jerry Schmoeyer**, as Vice President of Miromar Development Corporation, Inc., a Florida Corporation, on behalf of the Corporation which is the Managing Member of Miromar Lakes, LLC , a Florida limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification.

My commission expires:

*Cheryl A. Hoffmann*  
Signature of Notary Public

CHERYL A HOFFMANN

Legibly Print Name of Notary Public



**Cheryl A. Hoffmann**  
Commission # DD506006  
Expires February 14, 2010  
Bonded Tray Fam Insurance, Inc 800-365-7019

(NOTARY SEAL)

Print

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Ad

**YAHOO!**  
MAPS

11711 Via Savona Ct, Fort Myers, FL 33913-7868

Enter notes here

255



When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

# FUTURE LAND USE MAP

## MAP

1. This map is a general representation of the Future Land Use Map as adopted by the Board of County Commissioners on September 17, 1990.

Revised By:

ADOPTING ORDINANCE DATE OF ADOPTION EFFECTIVE DATE

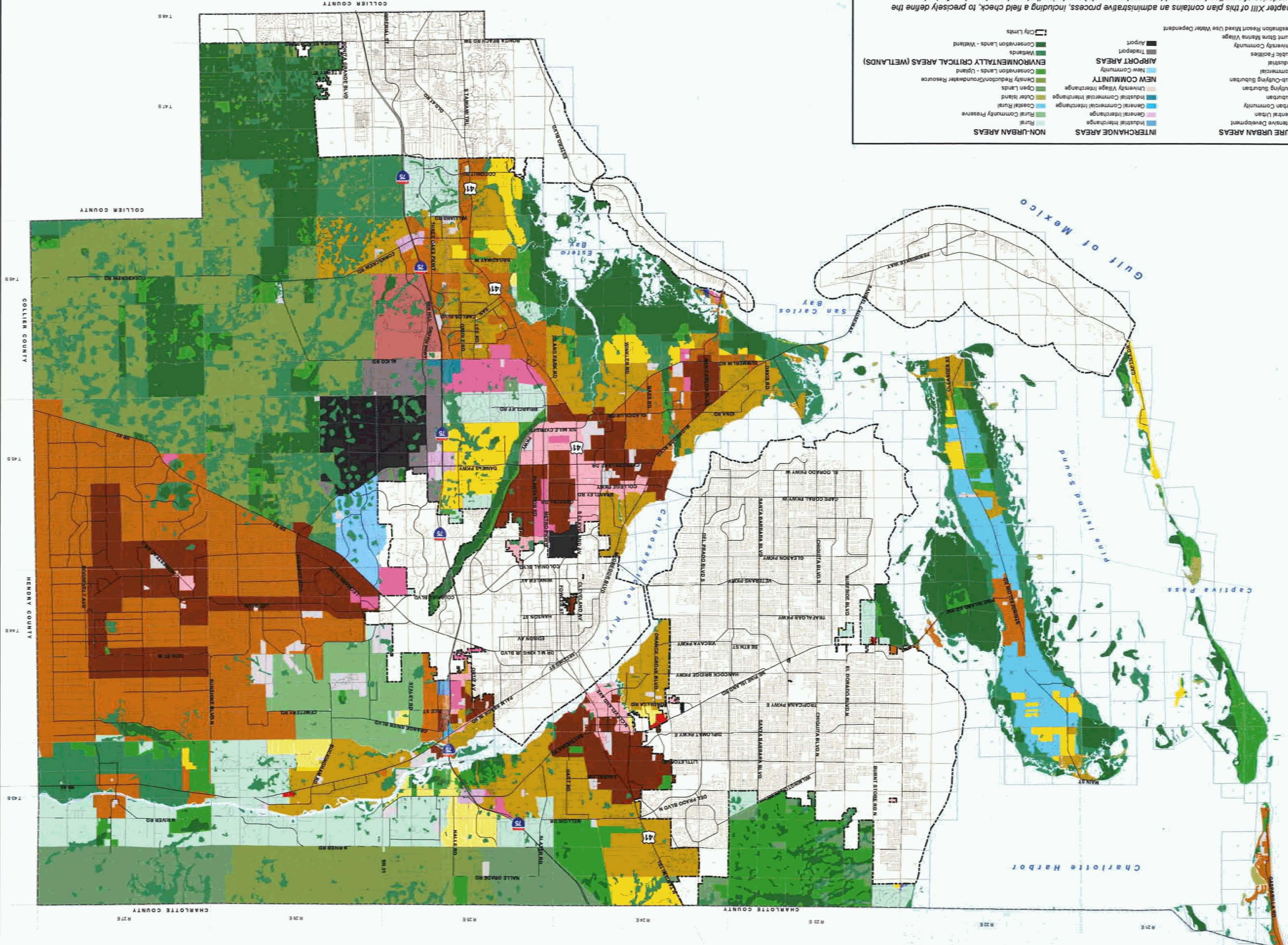
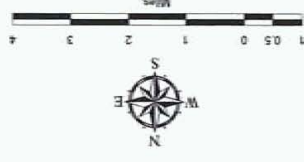
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92-41	9/21/1992	
92-47	10/27/1992	
92-48	10/27/1992	
92-51	12/8/1992	
93-05	2/27/1993	
93-25	9/20/1993	
93-26	1/14/1994	
94-23	9/28/1994	
94-29	10/25/1994	
94-30	11/17/1994	
94-31	12/20/1994	
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96-19	10/27/1996	
97-05	3/5/1997	
97-17	9/28/1997	
97-13	6/24/1997	
97-22	1/25/1997	
98-02	7/13/1998	
98-09	7/30/1998	
99-02	4/13/1999	
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99-18	1/22/1999	
99-19	1/22/1999	
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00-08	5/4/2000	
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00-22	11/2/2000	
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02-01	03/09/04/05/06/06	
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03-02	10/21/2002	
03-03	1/9/2003	
03-12	5/9/2003	
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07-09	8/13/2007	
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08-19	11/12/2008	
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09-08	05/04/09/09/17/09/17	
09-27	6/16/2009	
10-24	10/23/2010	
10-25	10/23/2010	
10-26	10/23/2010	
11-11	11/11/2011	
11-12	11/11/2011	
11-13	11/11/2011	
11-14	11/11/2011	

2. Please see the Lee Plan for additional information regarding special restrictions, overlays, or allowances in addition to the requirements of the land use categories.

3. The Planning Communities Map and Average Allocation Table (see Map 16 and Table 16) and Tables 1.1 and 2.2 depicts the proposed distribution, extent, and location of generated land uses for the year 2030. Average Allocation Table (Table 16) and Tables 1.1 and 2.2 depicts the proposed distribution, extent, and location of generated land uses for the year 2030. Average Allocation Table (see Map 16 and Table 16) and Tables 1.1 and 2.2 depicts the proposed distribution, extent, and location of generated land uses for the year 2030. Average Allocation Table (see Map 16 and Table 16) and Tables 1.1 and 2.2 depicts the proposed distribution, extent, and location of generated land uses for the year 2030.



Map Generated: July 18, 2014  
Lee Plan Map 1  
Page 1 of 8



- FUTURE URBAN AREAS**
    - Intensive Development
    - Central Urban
    - Suburban
    - Outlying Suburban
    - Sub-Urban
    - Commercial
    - Industrial
    - Public Facilities
    - University Community
    - Burnt Stone Marina Village
    - Destination Resort Mixed Use Water Dependent
  - INTERCHANGE AREAS**
    - Industrial Interchange
    - General Interchange
    - Rural Community Preserve
    - Rural
    - Coastal Rural
    - General Commercial Interchange
    - University Village Interchange
    - Industrial Commercial Interchange
    - University Interchange
    - New Community
  - AIRPORT AREAS**
    - Tradeport
    - Airport
  - ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
    - Density Reduction/Groundwater Resource
    - Open Lands
    - Outer Island
    - Conservation Lands - Upland
    - Wetlands
    - Conservation Lands - Wetland
  - NON-URBAN AREAS**
    - Rural
    - Conservation Lands - Upland
    - Wetlands
    - Conservation Lands - Wetland
    - City Limits
- Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on a clear factual error.*