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# DOCUMENTS REFERENCED

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IN SUPPORT OF TEXT AMENDMENT  
CPA2014-00009

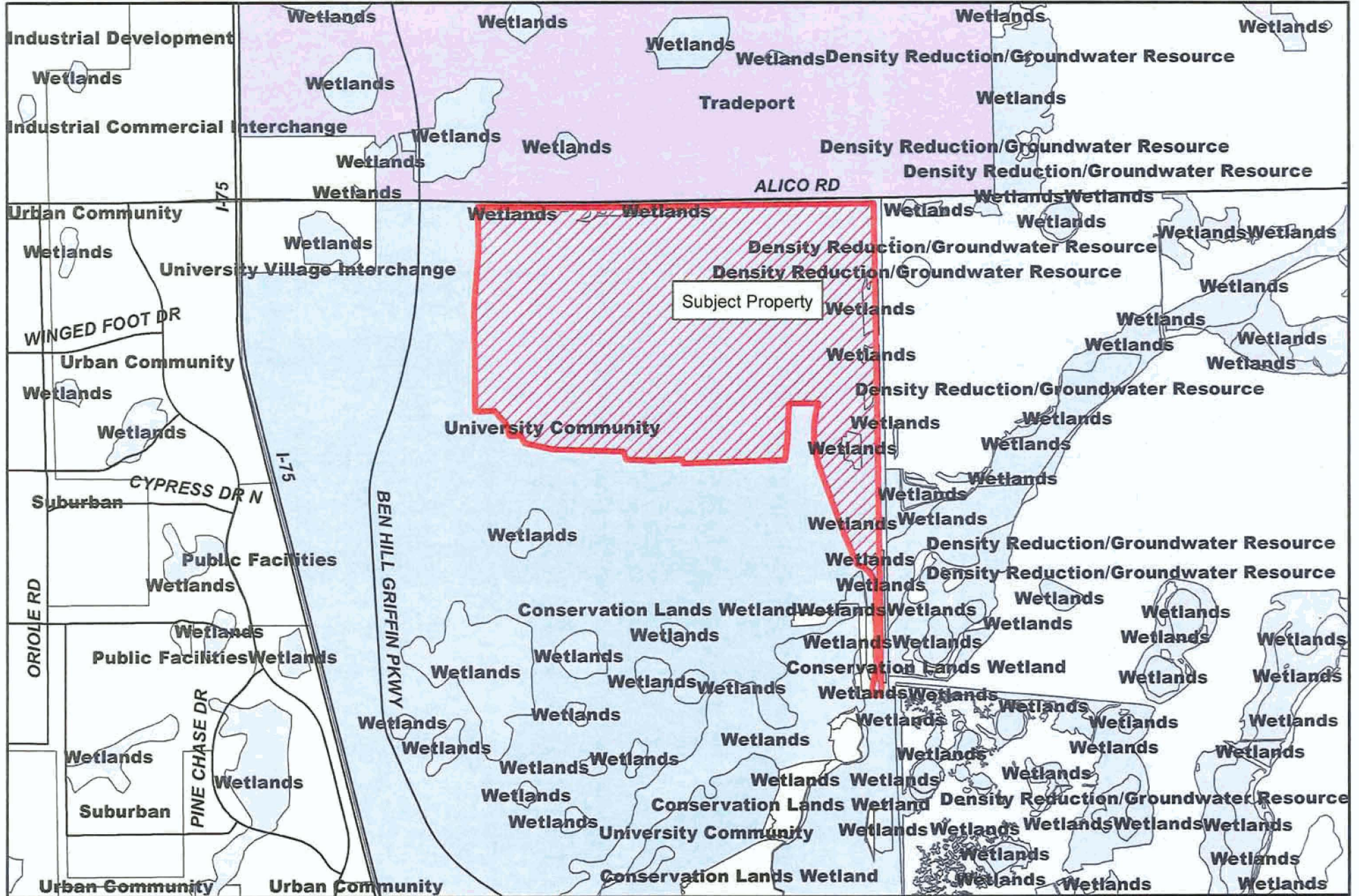
FEBRUARY 23, 2015

Local Planning Agency  
February 23, 2015 Meeting

**LEE PLAN AMENDMENT: CPA2014-00009**

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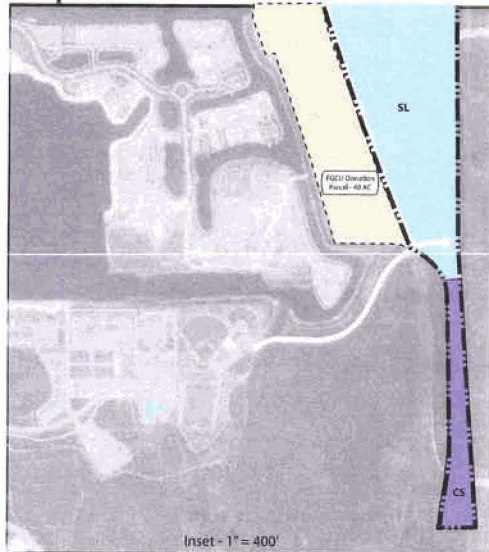


0 0.25 0.5 Miles



#### General Notes

1. All building footprints and shapes are for informational purposes only and may be subject to change, however, the location of building footprints will remain consistent.
2. All storm water lots are approximate in size and location and may be subject to change.
3. The proposed development will maintain or improve the existing quality and quantity of groundwater recharge and will not create significant impacts on present or future water resources.
4. FGCU Donation Parcel is not included in this development.



South Parcel - Campus Connectivity Plan

#### Transect Legend

- Core
- Center
- General
- Civic
- Stormwater

#### Lot Types

- LB: LINED BUILDING
- MU: MIXED USE
- OF: OFFICE
- AB: APARTMENT BUILDING
- PG: PARKING GARAGE
- CS: CIVIC SPACE
- CS-0: OPEN SPACE
- CB: CIVIC BUILDING
- RD: RESEARCH & DEVELOPMENT
- SL: STORMWATER LOT

## Detailed Regulating Plan

20 June 2014 | Scale 1" = 200'



ROLLISON DESIGN INTERNATIONAL LLC

1200 South Conkling Street | Suite 408  
Baltimore, Maryland 21224  
813-435-0214  
rollisondesign@yahoo.com

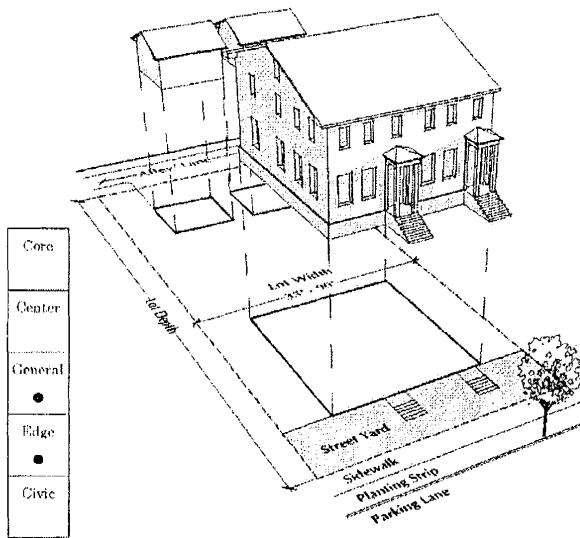
PRIVATE EQUITY GROUP





**Lee County  
Land Development Code  
Chapter 32**

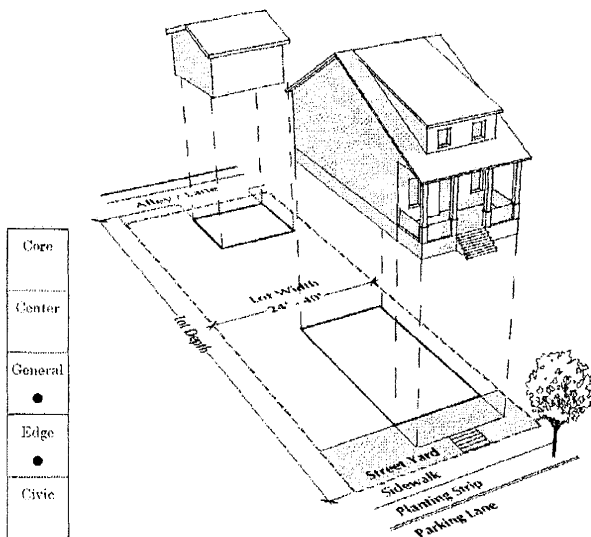
### Duplex Lot (DU)



### Character Examples



### Cottage House Lot (CH)



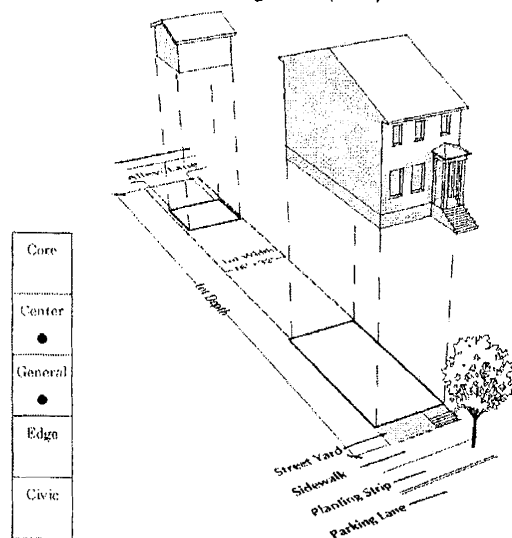
### Character Examples



Figure 32-242(e)



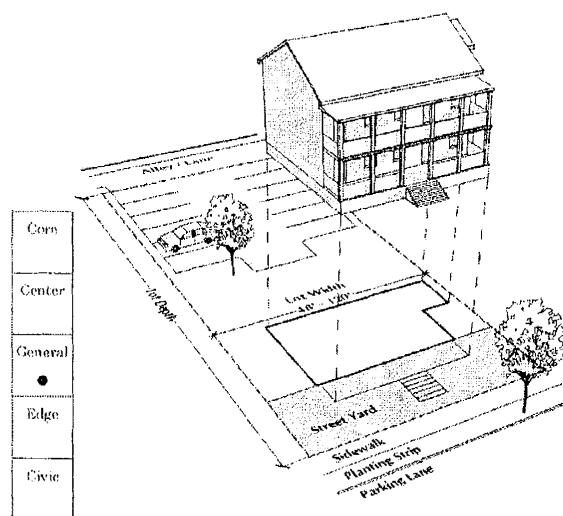
### Rowhouse Building Lot (RH)



### Character Examples



### Apartment House Lot (AH)

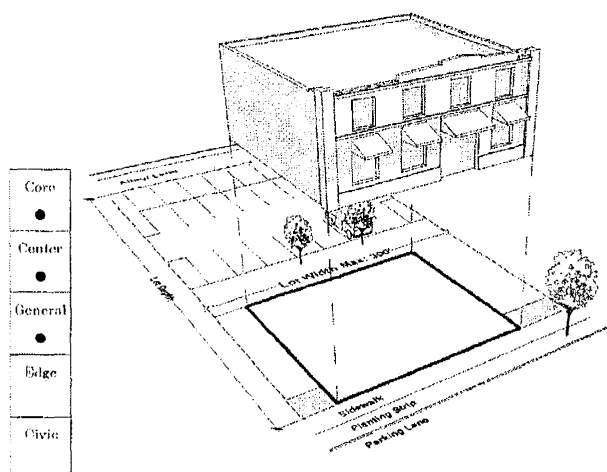


### Character Examples

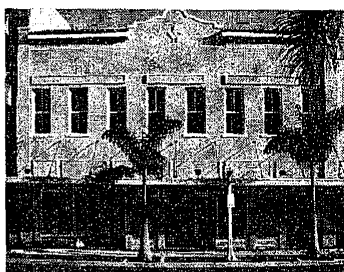


Figure 32-242(d)

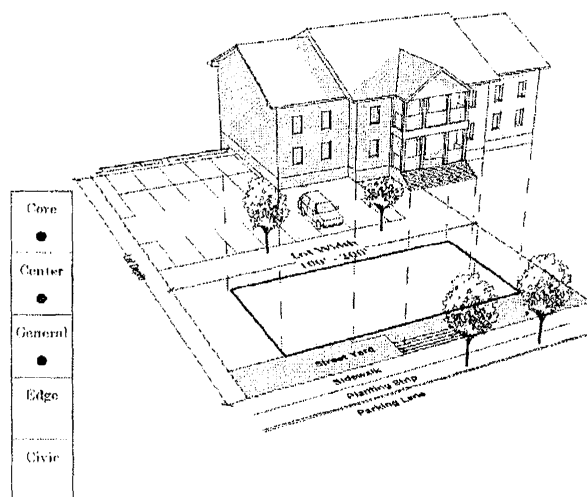
### Mixed-Use Building Lot (MU)



### Character Examples



### Apartment Building Lot (AB)



### Character Examples

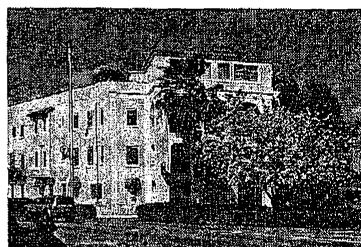


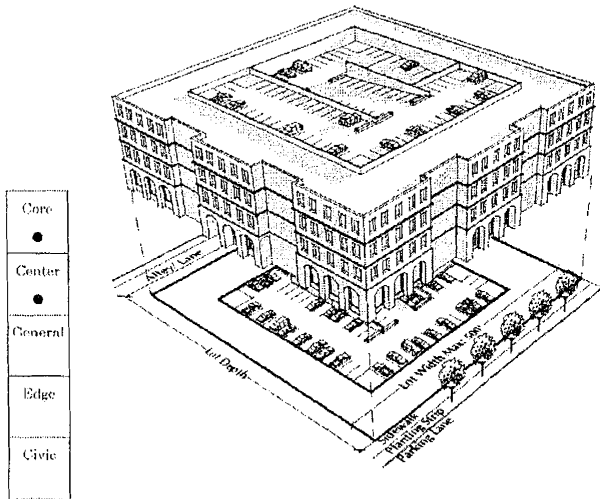
Figure 32-242(b)



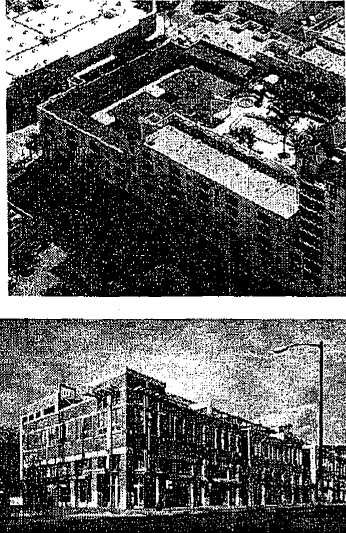
Sec. 32-242. - Placement of buildings on lots.

Lot types and proper building placement for each lot type are illustrated in figures 32-242(a)–(g). Some of the property development regulations from table 32-243 are shown on these figures; refer to table 32-243 for complete details. Character examples are provided for each lot type for illustrative purposes only; the dimensions in table 32-243 control for regulatory purposes.

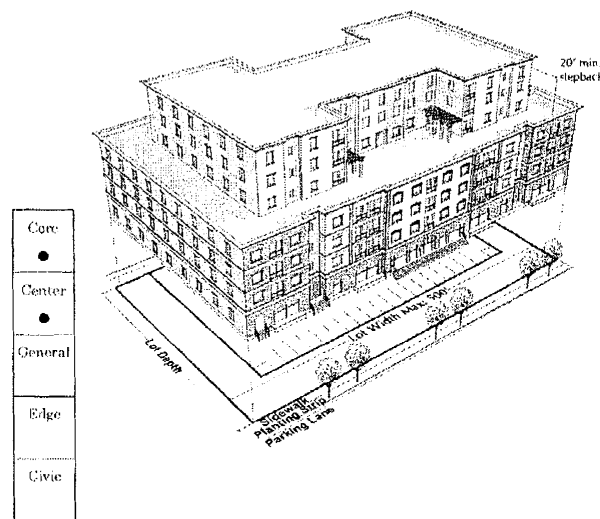
Lined Building Lot (LB)



Character Examples



Pedestal Building Lot (PB)



Character Examples



Figure 32-242(a)

## Lee Plan Text References

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)** - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Added by Ordinance No. 07-14)

**POLICY 18.1.2:** The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

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.

2. **Main Street Town Center:** The development must provide an area for a main street town center that is supportive of FGCU, with mixed use development employing the Traditional Neighborhood Development (TND) form as defined in the glossary of the Plan. This portion of the development must contain mixed use buildings but may also contain some single use buildings. The Town Center must be a minimum of 25 Gross Acres. The minimum Residential Units within the area defined as the Town Center will be 200.

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

**POLICY 114.1.1:** Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan.

**POLICY 114.1.2:** The county's wetlands protection regulations will be consistent with the following:

4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.



## Referenced from the DCI2013-00023 Staff Report

### 14. Deviation from Number of Building Floors

Deviation from Section 32-243 which requires lined building lots to have a minimum height of 2 stories to allow 30% of the retail lined building lots to have one story.

Staff recommends **approval** of this deviation. The request for one story buildings is to be able to provide a stepped height transition into the CenterPlace development from Alico Road and from the adjacent, surrounding 2 story multi-family residential to the Town Center.

### 18. Deviation from Minimum dwelling Units

Deviation from Section 32-274(4)b. which requires at least 10 dwelling units per acre within all Core Transect Zones to allow no dwelling units.

Staff recommends **approval** of this deviation. CenterPlace has been designed to consider the interaction between uses, residents, and visitors at the build out of the project. The Core Transect has been designed to represent the most intense uses within the proposed project. The Core Transect has been designed consistent with traditional neighborhood development to promote on-street activities, gathering spaces, and public access.

### 28. Deviation to Allow no Residential in Mixed Use Building Lots

Deviation from Section 32-241(d)(3) which defines a Mixed Use Building Lot as a lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any story to allow no dwelling units in the upper stories.

Staff recommends **approval** of this deviation. The Core and Center Transects have been designed to represent the more intense uses. The Central Core is proposed to capture most intense uses on-site and the buildings as proposed do not mix uses vertically. Rather various commercial uses will occur vertically within a mixed use building. This proposal is still consistent with traditional neighborhood development and will promote on-street activities, gathering spaces, and public access. To ensure these activities do not disturb the proposed residents, the Apartment Buildings are proposed proximate to the Core but buffered from the activities within the Core by placement and orientation.

# **Excerpts Referenced**



## LEE COUNTY HEARING EXAMINER

VOLUME I OF III  
PAGES 1-269

CASE NO. DCI2013-00023

APPLICANT: ALICO WEST FUND, LLC IN  
REFERENCE TO CENTERPLACE

Transcript of Proceedings before Donna Marie  
Collins, Deputy Hearing Examiner, 1500 Monroe  
Street, Fort Myers, Florida, on July 23, 2014,  
commencing at 9:00 a.m.; July 24, 2014, commencing  
at 9:00 a.m.; and July 25, 2014, commencing at  
1:30 p.m.

## APPEARANCES:

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1 JULY 24, 2014, DAY TWO OF HEARING

2 HEARING EXAMINER: Please, everyone again, if

3 you can't hear or you're having any trouble

4 hearing or understanding, please raise your hand

5 so we can address that immediately.

6 Good morning, Donna Marie Collins, Hearing

7 Examiner. Today is the second day of hearing in

8 the CenterPlace case. The date is July 24th,

9 2014.

10 MR. BASINAIT: Good morning.

11 HEARING EXAMINER: Good morning.

12 MR. BASINAIT: We have David Depew as our next

13 witness.

14 MR. DEPEW: Good morning, madam hearing

15 examiner. I was sworn yesterday. I assume I'm

16 still under oath.

17 HEARING EXAMINER: Yes.

18 MR. DEPEW: My name is David Depew. I am a

19 planner. I'm representing the applicant. My

20 resume is on file, and I appear before you today

21 in my guise as an expert in planning and zoning

22 issues which I have been certified in as an expert

23 in this forum on many occasions in the past and

24 would seek such certification once more.

25 HEARING EXAMINER: Okay. Proceed.

(Mr. Depew still speaking; below)

9

1 as part of the county's future through this  
2 process.

3 We talked at some length about the site plans  
4 that are associated with this. I want to make a  
5 couple of points about these, and what I would  
6 like to do that as well is ask the hearing  
7 examiner as you're looking at this to keep in mind  
8 the Chapter 32 requirements.

9 This is really the first large project that's  
10 come in under Chapter 32, and as such, and we'll  
11 get into this in a little bit more detail, as  
12 such, it's exposed some of the challenges  
13 associated with Chapter 32, and as such, the  
14 interesting elements of Chapter 32 that we've been  
15 working through with staff over time have, I  
16 think, created a unique awareness on the part of  
17 not only the applicant but also the staff of some  
18 of the elements of Chapter 32 that are going to  
19 ultimately be addressed over time.

20 First and probably most significant in terms  
21 of how Chapter 32 relates to this particular  
22 project is that Chapter 32 and the compact  
23 community code is oriented towards single family,  
24 and much of the effort in Chapter 32 to describe  
25 the land form that is intended to evolve deals

(Mr. Depew still speaking; below)

10

1 with different kinds of single family  
2 configurations with regard to lots and alleys and  
3 detached garages and rear-entry residences and lot  
4 sizes and lot perimeters and front porches and  
5 front yard setbacks, things like that, so the  
6 residential component is slanted very strongly  
7 toward single family.

8 This project doesn't have any single family in  
9 it at the moment. This is all multi-family in one  
10 form or another, and in fact, the comprehensive  
11 plan provisions, which again, we'll talk about in  
12 a little bit more detail, I'm just trying to set  
13 the stage for some of this, the comprehensive plan  
14 components associated with this project have a  
15 serious restriction on the amount of single family  
16 that you can put on this project. They strongly  
17 orient it towards multi-family.

18 When we first put this together under the  
19 comprehensive plan amendment back in 2009 and  
20 2010, that wasn't fully appreciated, I think, but  
21 what's happened as a result of that is that -- and  
22 happily, everybody agreed that the language in the  
23 designation suggested that deviations might indeed  
24 be necessary, but what's happened as we worked  
25 through this, and I would commend staff, they've



13

(Mr. Depew is still speaking; below)

1 development itself along with the geometry of the  
 2 lake, you see the development itself stretching  
 3 here along Alico Road, then clustering around the  
 4 town center area, and ultimately coming over here  
 5 to the research and development area with a  
 6 variety of different residential types, and yet by  
 7 doing this, even though it has stretched out a  
 8 bit, we've also attempted to provide very strong  
 9 interconnections from a variety of sources, both  
 10 pedestrian connections and bicycle connections,  
 11 but also shuttle and transit connections as well  
 12 as automobile connections.

13 The Chapter 32 requires a series of plans that  
 14 ultimately control what development is going to  
 15 take place on a subject property, and it does that  
 16 by putting in various types of transects. In this  
 17 instance, we have a core transect which is this  
 18 red color. We have a center transect which is  
 19 this orange, and then we have a general transect  
 20 which is the yellow.

21 We've had to add the R and D, sorry, that's a  
 22 civic one there. We've had to -- I'll go back to  
 23 regulating plan. Whoops. We talk about -- we're  
 24 going to talk about the R and D, but we've got a  
 25 civic transect, and then finally we have a storm

20

(Mr. Depew still speaking; below)

1 and go through these as quickly as I can. A lot  
 2 of these we're got going to spend a lot of time  
 3 on. These two, they're fairly standard.

4 The illustrative plan and the detailed  
 5 regulating plan, I believe we've got new dates on  
 6 those, but, you know, again, we'll use whatever  
 7 the latest dates are, and clearly, this is the  
 8 development application here of limitation of the  
 9 development.

10 The conditions talk about the schedule of  
 11 uses. I talked about the certain kinds of  
 12 buildings. The schedule of uses, and this is  
 13 what's so different about Chapter 32. Instead of  
 14 saying we're going to have and have this long list  
 15 of uses, what they do is they tell you certain  
 16 kinds of buildings have certain kinds of uses, so  
 17 that's why it looks like this, and again, Chapter  
 18 32, there's a table in there, and it basically  
 19 says, you know, for line buildings, you get all  
 20 the uses in RM-2 and CC and blah, blah, and all  
 21 these different things, so that's how they've got  
 22 them done rather than have them set out like they  
 23 do in Chapter 34 with these long tables with  
 24 different kind of uses in them.

25 So what I've tried to do here is just simply

21

(Mr. Depew still speaking; below)

1 go on what staff has been saying, but I've also,  
2 when we get to apartment buildings, attempted to  
3 modify those uses somewhat and drop down, and I  
4 believe that the staff is in agreement with us,  
5 drop some of the uses that you would normally see  
6 in an apartment building type of setting out of  
7 that particular type of use.

8 So for lined buildings, which are generally  
9 the buildings that you'll find in the core and  
10 center transects, the uses that are intended to go  
11 in those, and remember that we're promoting these  
12 mixed uses, are all the RM-2 uses, attached  
13 dwelling units, live/work units, all uses allowed  
14 in community commercial, hotel/motel, all uses  
15 allowed in CF-2 and all uses allowed in CF-3.  
16 CF-2 being community facilities two and community  
17 facilities three.

18 Similarly, in the mixed use buildings, it's  
19 the same, almost the same set of uses. It drops  
20 out the hotel/motel uses. I'm sorry, it leaves in  
21 hotel/motel uses, but -- so it's all the same set  
22 of uses, so there's really not much difference in  
23 terms of line buildings and mixed use buildings,  
24 and again, those are the buildings you find in the  
25 core and center transects, so, you know, those are

28

(Mr. Depew still speaking; below)

1 regulations as part of the set of conditions that  
2 you're going to be reviewing, and again, what's  
3 happened in Chapter 32 is they give you a chart  
4 that provides you with all the various different  
5 types of uses and the various lot areas, lot  
6 widths, frontage percentages, lot coverage, and  
7 all the other characteristics that you see across  
8 here on this particular table.

9 This has been modified in order to use the  
10 uses that we proposed in this particular project,  
11 so we have the line, the mixed use, the apartment,  
12 R and D, and all of the various uses that you see  
13 there on that table, and then what we've done is  
14 we've come across the table and provided  
15 characteristics for each one of the elements that  
16 you see on the table as you go through.

17 And what this is intended to do is to go along  
18 with all the various uses and tell you how  
19 ultimately you're going to develop this particular  
20 piece of property, and in this particular  
21 instance, we show the core, the center, and the  
22 general transects as to where things are going.

23 We've also included the research and  
24 development lots and civic buildings and all the  
25 other stuff over here under lot type, and so

29

(Mr. Depew still speaking; below)

1 that's where -- what happens is you start to blend  
2 back together the elements of these steps for  
3 different plans and show how the development is  
4 going to look ultimately in anyone of the given  
5 transects or anyone of the given lot types, and so  
6 --

7 HEARING EXAMINER: There's a reduction in the  
8 height, I understand, in the core and center area?

9 MS. MONTGOMERY: Please speak into the  
10 microphone again, please.

11 MR. DEPEW: Yes, ma'am. There's a reduction  
12 in height in a couple of the transects, and  
13 there's an increase in height in one or two of the  
14 transects as well.

15 So if you compare this to the chart that's in  
16 Chapter 32, it's a little bit different when you  
17 get over into these areas here, especially in  
18 these two, the core and center for the lined  
19 building and I believe the mixed use building, and  
20 then when you get to the apartment building in the  
21 general transect, it's a little bit taller. So  
22 that's -- those are the basic differences.

23 Additionally, as you see, we've got an  
24 asterisk in a couple of the locations, and those  
25 areas we're talking about the potential of up to

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1 opportunity, not just for me, but for the county,  
2 for the developer, all parties involved. I was  
3 immediately interested in it.

4 I understood that the code was new. I read  
5 through the code cover to cover, I'll say multiple  
6 times, and read a lot of things within that code  
7 that I've read in many other codes before. There  
8 were some differences.

9 Knowing that the county had just adopted this  
10 code, we had several, I'll call, meeting slash  
11 workshops with the county at various stages of the  
12 evolution of the plan, and during those meetings,

13 I tried my best to communicate that there were  
14 some issues with the code in terms of things that  
15 were missing, things that we needed to address to  
16 make our project even more successful. So I think  
17 in certain regards, we've actually helped improve,  
18 you know, improve upon the code in the design of  
19 our project.

20 This slide really speaks to my first meeting  
21 with the client actually here in Fort Myers, and  
22 these were some images that I had pulled very  
23 early on in the design process, probably before  
24 pen even went to paper to talk about the urban  
25 design considerations. Knowing we had to design



(Mr. Depew still speaking; below)

50

1 center, and we think we've tried to do that in  
2 accordance with that.

3 These town center minimum areas and units,  
4 again, are out of the comprehensive plan. We  
5 believe we've met all of these criteria, and we  
6 think that this is all a part of the design that  
7 we ended up having to implement on this particular  
8 site, and you know, frankly it's one of the  
9 reasons that project looks like it does because  
10 these particular criteria are in there.

11 The single family and zero lot line number  
12 limitations. As I indicated to you in my  
13 prefatory remarks, the single-family residential  
14 and zero lot line units are limited to 195 units  
15 out of the total. So we've got 1,950 units and  
16 195 of them can be single family. Well, we don't  
17 have any single family in here at this point, so  
18 but you see what happens when you get -- when you  
19 look at that Chapter 32, you'll see there's an  
20 awful lot of effort that's been expended on  
21 showing how you're going to fit single family  
22 cottage style, Celebration, Watercolor, Seaside  
23 type units into a compact community.

24 We don't have that in this thing. It's not  
25 that kind of animal. It's a different sort of

(Mr. Depew still speaking; below)

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1 animal, and the design is reflective of that, and  
2 candidly, the number of deviations that are  
3 requested are reflective of that as well, and of  
4 the fact that the compact community code, which is  
5 really the first major project that's come in  
6 under that, and we're still evolving that.

7 So excavation of fines. Again, this is all  
8 about protecting water quality. Discharge into  
9 the attenuation lake is prohibited, and anything  
10 that we -- anything we excavate of fine materials  
11 have to be handled properly and not discharged  
12 into the attenuation lakes.

13 Dedicate 951 extension. There was some  
14 discussion about this because the original  
15 language on this was about all the way down to  
16 Corkscrew Road, but this project doesn't control  
17 all the way down the Corkscrew Road, so all we can  
18 do is give you to the end of the project, and  
19 that's -- so that's what that does.

20 We talked about perimeter setback and  
21 buffering requirements, and the condition requires  
22 a 45-foot building setback on the northwest corner  
23 of the site where it abuts Miromar Lakes. I'm  
24 relatively certain you're going to get some  
25 testimony about that later today, but that's this



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(Mr. Depew is still speaking; below)

1 intended as part of the location of these  
2 transects and of the compact code.

3 29 requires four different lot types within  
4 the general and center lot types with no one lot  
5 type representing more than 60 percent. What  
6 we're doing is trying to modify this so that we  
7 have three different lot types in the general and  
8 center transect, and we think this is consistent  
9 with what's going on.

10 Again, the inherent bias towards the detached  
11 single-family development that you find in Chapter  
12 32 causes a development like this that has  
13 basically only multi-family, not single family, to  
14 lack one of the lot types that you would normally  
15 anticipate or normally was anticipated by the  
16 drafters of Chapter 32, and as such, we simply  
17 have to request a deviation to only have three  
18 different lot types in the general and center  
19 transects because we don't have enough lot types  
20 in those areas based on the fact that it's only  
21 multi-family.

22 Almost done with this part.

23 Deviation 30 is one to allow 20 percent of the  
24 individual lake and shoreline to consist of  
25 bulkheads, riprap, geotex tubes, or other

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(Mr. Depew still speaking; below)

1 talked about this, and the fines management plan  
2 is to be implemented as part of the development of  
3 the property.

4 The CenterPlace has worked very closely with  
5 staff. There were really more meetings than I can  
6 remember with staff and with natural resources  
7 staff specifically to make sure that we do not  
8 create any negative impacts on present or future  
9 water resources.

10 For Policy 18.1.10, the design has been  
11 undertaken consistent with the FGCU master plan.  
12 We believe that all the various criteria that you  
13 can find in the master plan will address those  
14 issues.

15 18.1.11. We have clearly made infrastructure  
16 connections and interconnections between  
17 CenterPlace and FGCU. We have had a number of  
18 meetings coordinating those interconnections with  
19 the university, and you've heard from  
20 representatives of the university already.

21 We are not providing any septic tanks  
22 consistent with 18.1.13.

23 We are providing extension of utilities at our  
24 -- on our dime consistent with 18.1.4.

25 At 18.1.15, we are attempting to comply as we

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1 because you're a low talker

2 MR. BADAMTCHIAN: Sorry. I'll try to speak  
3 louder.

4 Good afternoon, my name is Chahram  
5 Badamtchian. I'm from the county zoning. I was  
6 recognized as expert in zoning and land use  
7 issues. I would like to be recognized as such at  
8 this time.

9 HEARING EXAMINER: Yes, please proceed.

10 MR. BASINAIT: No objection.

11 MR. BADAMTCHIAN: Thank you. Well, I was  
12 prepared to have a slide show with 96 slides, but  
13 unfortunately, you ruled that we should not bring  
14 up issues already discussed, so it's going to be  
15 very brief.

16 This is a rezone to compact planned  
17 development. This is the second rezone compact  
18 planned development in Lee County. The first one  
19 was three-quarter of an acre in size.

20 Unfortunately, I was the planner on that one, and  
21 that's the reason I'm the planner on this one.

22 And this one is 886 acres.

23 HEARING EXAMINER: I could see why. They're  
24 so similar.

25 MR. BADAMTCHIAN: And as was already

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1 mentioned, they're asking for 1,950 residential  
2 dwelling units, 250 hotel rooms, and 246,400  
3 square feet of commercial retail, 100,000 square  
4 feet of office, and 300,000 square feet of  
5 research and development.

6 The master concept plan that goes with the  
7 regular zoning is not applicable here, so we have  
8 illustrative plans, and we have detailed  
9 regulating plans, and we have basically transects  
10 that was already explained, so I'm not going to  
11 labor over it.

12 They are proposing five different transects  
13 and nine different lot types, and they are  
14 requesting this in the form of a compact  
15 development because of the Lee Plan amendment  
16 which required them to develop this project as a  
17 transit oriented or traditional neighborhood  
18 design. And that's why they are going with the  
19 compact community.

20 When staff reviewed this request, they are  
21 asking for 31 deviations and most of them because  
22 of our code has some glitches and some issues. It  
23 was never tested for a large project, and after  
24 this, we may need to amend our code a little bit  
25 to make it work properly. That's the reason for

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1 MR. DUNN: There's been some discussion about  
2 how this is a unique set of provisions within the  
3 plan, and I kind of would like to explain why, why  
4 this is different.

5 Prior to CPA 2009-01 or ordinance 10-40, the  
6 subject property was in the DR/GR. Utilizing the  
7 DR/GR future land use category, the subject  
8 property could have been approved for  
9 approximately 88 single-family dwelling units and  
10 no commercial.

11 When the applicant initially approached staff  
12 about the proposed redesignation to university  
13 community, staff identified this as an opportunity  
14 to achieve some of the goals of the university  
15 community that had not been realized by the then  
16 -- this is back in 2009/2010 -- existing plan  
17 development.

18 Staff also had two general concerns. These  
19 are big picture concerns. There were some other  
20 concerns, but the big picture concerns really  
21 helped shape the Lee Plan amendments that were  
22 adopted by ordinance 10-40. These include the  
23 development -- that the development would take the  
24 same form as other development within the  
25 university community, and therefore, not truly

(Mr. Dunn still speaking; below)

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1 provide the associated support development for  
2 FGCU that Lee County was looking for, and also,  
3 that the subject property was at the time located  
4 in the DR/GR.

5 It was these two concerns that necessitated  
6 the expansive Lee Plan amendments to address the  
7 concerns that the majority of the -- to address  
8 these concerns. The majority of the amendments,  
9 specifically Policy 18.1.16, deal with the subject  
10 site's design and impacts to the Lee County's  
11 water resources.

12 The design related provisions included  
13 specific requirements for parking design,  
14 multimodal interconnections, maximums and minimums  
15 for different uses such as commercial and  
16 residential, a limitation on single-family homes,  
17 a prohibition on a golf course, and a requirement  
18 to utilize compact PD rezoning.

19 Although it should be noted that significant  
20 deviations from Chapter 32, the compact PD may be  
21 granted based on Policy 18.1.16.1 in order to  
22 accommodate the proposed development.

23 There were other design things that were also  
24 identified within the plans.

25 The provisions that addressed impacts to Lee



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1 program.

2 MR. BADAMTCHIAN: You're talking about those  
3 1,100 and something.

4 MR. ELGIN: 1,140 in phase one, yes.

5 MR. BADAMTCHIAN: The remainder, there's no  
6 footnote saying rental housing.

7 MR. ELGIN: There is a footnote that says  
8 rental housing. Would you like me? I mean, I'm  
9 just reading from the application.

10 If there's another definition to apartment  
11 that's not footnoted rental housing, then I'll be  
12 more than happy to hear that and clarify my  
13 comments earlier that led me to that conclusion.

14 MR. BADAMTCHIAN: The footnote says student  
15 housing, has a number next to it. At the bottom,  
16 it says rental housing. Then it has multi-family  
17 and townhouse, multi-family, and those do not have  
18 the note saying rental housing. Only that student  
19 housing has rental.

20 MR. ELGIN: But student housing is listed as  
21 1,140, multi-family is at 320, and town center  
22 multi-family is at 165, so if student housing is  
23 1,140, I'm not sure what you're suggesting.

24 MR. BADAMTCHIAN: What I'm saying, it's not a  
25 rental community. Because it has a large student

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1 housing, large number of student housing, but the  
2 remainder is not -- is not designated as rental  
3 housing.

4 MR. ELGIN: Looking at that schedule, could  
5 you tell me what the percentage of student housing  
6 would be on the project? I don't know the answer  
7 to that. If I've read it inappropriately, then I  
8 apologize, but I'd like you to clarify what I've  
9 read and what that number is. I don't know.

10 MR. BADAMTCHIAN: I would say 55, 60 percent  
11 student housing, but the remaining 40 --

12 MR. ELGIN: Which is 1,140 out of the 1,950  
13 which is denoted as rental housing.

14 MR. BADAMTCHIAN: Correct. Those are the  
15 student housing. I'm talking about the remaining  
16 eight, nine hundred units.

17 MR. ELGIN: Okay.

18 MR. BADAMTCHIAN: There's no footnote saying  
19 those are student housing or rental housing.

20 HEARING EXAMINER: Chahram, this might be  
21 something that would be better addressed during  
22 your rebuttal.

23 MR. BADAMTCHIAN: It's not a rental community  
24 per se. It's a community with student housing.

25 MR. ELGIN: If you're over 50 percent, would



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1 MR. BASINAIT: Dave, skip over that. I think  
2 we have sufficient testimony in the record of  
3 that.

4 MR. DEPEW: I'm going to skip on to the next  
5 element. That's natural resources. We've had  
6 plenty of talk about that. Again, I think we're  
7 not going to address any of those because we've  
8 already talked about that. I'll let that  
9 particular slide stand for itself.

10 We've had a fair amount of talk about the  
11 noise and the amplified music. I don't think I  
12 need to go into that. We have made some  
13 modifications as a result of the input, but in  
14 some of those other elements, we think that the  
15 restrictions proposed by Miromar and some of the  
16 residents are simply not reflective of the current  
17 student profiles that are found at FGCU.

18 Additionally, the lighting, we've modified  
19 some of the lighting by limiting the elevated  
20 beach to 12 feet and the pier lighting to 42  
21 inches. Some of the other elements, we think,  
22 simply do not consider the elements that are  
23 confined -- found in --

24 HEARING EXAMINER: Did you skip a slide?

25 MR. DEPEW: I'm sorry?

**BoCC  
ADOPTION  
DOCUMENT  
FOR  
CPA2009-00001**

**CPA2009-01  
ALICO WEST  
PRIVATELY SPONSORED  
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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**BoCC Adoption Document**

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

October 20, 2010

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

DATE OF PUBLIC HEARING: **May 24, 2010**

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a presentation to the Local Planning Agency concerning the proposed Lee Plan Amendment. Staff stated that this was a difficult decision because the proposed amendment was to redesignate DR/GR lands to University Community. However staff stated that this site was unique which would allow this site to be differentiated from other properties within the DR/GR and also provided opportunities that would not be available on other properties now or in the future. Members of the Local Planning Agency asked questions of staff and made comments about improvements that could be made to the proposed amendment. This was followed with a presentation by the applicant's consultants, which detailed the applicant's proposal and discussed issues that the applicant was not in agreement with staff. These included the proposed policies limiting the Retail Uses and Parking. One member of the LPA asked why this project should not be required to use the TDR program that was being developed in the DR/GR lands. Other general comments were made by members of the Local Planning Agency.

Two members of the public addressed the Local Planning Agency concerning this amendment. They expressed concerns included chipping away at the DR/GR, and the costs that the county may incur due to the proposed project.

Following the public comments, general discussion ensued between the members of the Local Planning Agency. These comments included the generous benefits that the applicant would receive from these entitlements and the minimum benefits that the county would receive if the proposed amendment were to be adopted. Also discussed were the unresolved issues of retail development and parking. The Local Planning Agency requested that the applicant and staff continue to work on the retail uses and parking issues and provide additional findings of fact about the benefit to Florida Gulf Coast University, the University Community density, and impacts to the water recharge value. A motion was made to continue this item until June 7, 2010 to allow time for resolution of these issues.

DATE OF PUBLIC HEARING: June 7, 2010

**A. LOCAL PLANNING AGENCY REVIEW**

Staff presented a modified recommendation and findings of fact to the Local Planning agency. The modified recommendation included revised provisions for the parking and retail use requirements, as well as a few additional changes that were made to be consistent with other aspects of the Lee Plan. One member of the public addressed the LPA and expressed concern about the effect the proposal would have on water recharge rates of the property.

Following the public comment the members of the Local Planning Agency asked questions of staff and provided general comments about the proposal. One member of the LPA suggested that the public participation provision should be modified to require that the Florida Gulf Coast University invite staff to the meetings that are required prior to development of the site. Staff agrees with this concept, as it would assure that development of the site would take the anticipated form. However, staff would recommend that the meetings, as written in the proposed text amendments are the responsibility of the developer, therefore staff is proposing the following modifications to the public participation provision in strikethrough and double underline:

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15. **Florida Gulf Coast University Participation:** The owner or agent for any Development of Regional Impact or Planned Development rezoning request must conduct two meetings with the President of FGCU and/or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9, Alico West. The developer must invite Lee County encourages zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings; list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

One member of the Local Planning agency recommended that the proposed development should be subject to the Compact Communities provisions that are currently being advanced by Lee County, this was later included in the motion. Staff concurs with this, and proposes that the Compact Communities request could be accommodated with the following revisions to the mixed use provision of the proposed text amendments:

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.

The LPA suggested that if the development was developed in a compact form that lands that were unused could be reverted to DR/GR and Wetlands during the Development of Regional Impact (DRI) process to lessen the affect of removing lands from the DR/GR. Staff understands the view of the LPA, but believes that these issues will be addressed during the review and approval of the required Development of Regional Impact and will be sufficiently addressed by the DRI development order.

A motion was made to recommend that the Board of County Commissioners transmit the proposed amendment as recommended by staff. The motion failed 3-4.

A second motion was made to recommend that the Board of County Commissioners transmit the amendment with staff's recommendations; the LPA recommendations, including the modified provisions shown above; and modify the future land use categories following the adoption of the DRI. The motion passed 5-2.

An additional motion was made that directed staff to convey to the Board of County Commissioners the need for a policy to articulate mitigation measures that should be required when removing lands from the DR/GR. The motion passed 5-2.

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

### 1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the amendment with staff's recommendations, including modified provisions for compact communities, have Florida Gulf Coast University include County staff in site development meetings, and modify the future land use categories following adoption of the DRI.

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

The Local Planning Agency accepted the findings of fact as advanced by staff.

## C. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARIE CALL	AYE
WAYNE DALTRY	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	NAY
RONALD INGE	NAY



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

DATE OF TRANSMITTAL HEARING: June 16, 2010

**A. BOARD REVIEW:**

Staff provided a brief presentation addressing the proposed comprehensive plan amendment. This was followed by a presentation from the Applicant's consultants, and a representative from the Florida Gulf Coast University. The applicant proposed two policy revisions as related to staff recommendation. These included revisions to Policy 1.1.9 of the Lee Plan and revisions to proposed Policy 18.1.16, paragraph 1 and a new paragraph 16. The latter two both addressed and were meant to replace the requirement to comply with the Compact Communities Code.

There were 12 members of the public who addressed the Board of County Commissioners concerning the proposed amendment. The members of the public were evenly divided on this project, with six against the development and six who favored the development. The most cited reasons for opposition of the development was removal of DR/GR lands and environmental reasons. The most cited reasons for support of the development was benefits to FGCU and environmental reasons.

The Board of County Commissioners started off their discussion on the item by showing support for the type of development proposed, but also expressed concern regarding the removal of lands from the DR/GR.

One Commissioner stated that several additional requirements were needed. These included a commitment by the applicant for conservation easements across the property to the east. The second requirement was a donation of 75 feet for right-of-way on the south side of Alico Road. Another suggested requirement for the property would be to store stormwater for the improvements that would be made to Alico Road and potential County Road 951. The Commission supported the applicant-proposed revision to Policy 1.1.9, which would prohibit any further transfer of dwelling units that had been allocated to the University Community land use category to adjacent DR/GR lands.

Staff expressed support for the revision proposed by the applicant to Lee Plan Policy 1.1.9. The Policy, with the applicants proposed revisions shown in double underline, would read as follows:

**POLICY 1.1.9:** The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within average density for the University Village will not exceed 6,510 dwelling units/2.5 units per acre. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18.

Staff was asked by the Board of County Commissioners if the language suggested by the applicant concerning the compact communities would work. Staff stated that the changes proposed by the applicant to the Compact Communities requirement were not necessary due to the flexibility built into Lee County's Compact Communities Code. Staff expressed support for the recommendation made by the LPA. The Board requested that staff revise proposed Lee Plan Policy 18.1.16 Paragraph 1, to clarify that significant deviations may be necessary, as follows:

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 Board of County Commissioners also requested that the landscaping requirements include a requirement to have no less than 75 percent native vegetation.

**There was a motion to transmit the proposed amendment including: 1) revisions to Policy 1.1.9 and proposed Policy 18.1.16, paragraph 1; 2) a requirement for the developer to donate 75 feet of right-of-way along the property's boundary along Alico Road; 3) a requirement for the site to accommodate the stormwater runoff associated with future improvements to Alico Road and future County Road 951; and, 4) a requirement that 75 percent of the xeriscape landscaping must consist of native species.**

One member did not support the motion expressing concern over removing lands from the DR/GR.

**The Motion was approved 3 to 1.**

**B. CHANGES REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS**

To accommodate the changes that were transmitted by the Board of County Commissioners, staff is making the changes, shown with double underline, to the proposed amendment, as shown below:

**POLICY 1.1.9:** The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University

Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within average density for the University Village will not exceed 6,510 dwelling units/2.5 units per acre. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18.

**POLICY 18.1.16:** For those lands in Area 9, Alico West, 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 DRI/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.

No changes are proposed to paragraphs 2 through 12.

13. **Landscaping:** All plantings used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook-up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping.

No changes are proposed to paragraphs 14 and 15.

16. **Stormwater Retention for adjacent transportation facilities:** Area 9, Alico West will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

**POLICY 38.1.8:** The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fee or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations.

#### C. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

##### 1. BOARD ACTION:

The Board of County Commissioners transmitted the proposed amendment including the revisions decided above.

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

The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

#### D. VOTE:

BRIAN BIGELOW	NAY
TAMMARA HALL	AYE
VACANT	
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE



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

DATE OF ORC REPORT: August 27, 2010

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Florida Department of Community Affairs (DCA) Objection, Recommendation, and Comments (ORC) Report contained the following concerning this proposed amendment:

*The proposed amendment includes the following: (1) change 919.5 acres (Alico West parcel) on the Future Land Use Map (FLUM) from Density Reduction/Groundwater Resource (DR/GR) to University Community; (2) text amendments to the Future Land Use Element and Transportation Element; (3) amendments to FLUM Maps 6 and 7 to include the subject parcel in the Lee County future water service area and future sewer service area; and (4) amendment to FLUM Map 16 to move the subject parcel from the Southeast Lee County Planning Community into the San Carlos Planning Community. The Department raises the following objections to the proposed Amendment CPA2009-01:*

**1. Objection (Land Use):** *The proposed amendment Future Land Use Element Policy 18.1.16 requires that development on the subject Alico West property must provide an area for a main street town center that is supportive of Florida Gulf Coast University with mixed use development. The proposed amendment allows a mix of residential and non-residential uses (retail, research and development, and office) within the 350 acre developable portion of the Alico West parcel. Proposed Policy 18.1.6 does not establish meaningful and predictable guidelines and standards defining the minimum size (acres) of the main street town center, the percentage distribution of mix among the land uses within the main street town center, and the percentage distribution of mix among the land uses for the overall 350 acre developable portion.*

*Rules 95-5.005(6); 9J-5.006(3)(c) 1 ; and 9J-5.006(4)(c), Florida Administrative Code (F.A.C.); and Section 163.3 177(6)(a), Florida Statutes (F.S.).*

**Recommendation:** *Revise the policy to establish meaningful and predictable guidelines and standards defining: (1) the minimum size (acres) of the main street town center; (2) the percentage distribution of mix among the land uses within the main street town center; and (3) the percentage distribution of mix among the land uses for the overall 350 acre developable portion.*

**2. Objection (Planning Communities: FLUM Allocation Table 1(b)):** *The Lee County Comprehensive Plan divides the County into Planning Communities as depicted on FLUM Map 16 (Planning Communities), and the currently adopted Future Land Use Element Policy 1.7.6 establishes an Acreage Allocation Table 1(b), which identifies the total number of acres in each Planning Community and allocates acreage amounts of residential, commercial, and industrial development for year 2030 for each Planning Community. The amendment proposes to move the subject Alico West parcel from the Southeast Lee County Planning Community into the San Carlos Planning Community by amending FLUM Map 16. However, the amendment does not propose to amend the Acreage Allocation Table 1(b) to revise the total number of acres in the Southeast Lee County Planning Community and San Carlos Planning Community to reflect the proposed FLUM*

*Rules 9J-5.005(2)(a), (j), and (6); 9J-5.006(2)(a), and (3)(b)1.; 93-5.016(1)(a), (2), (3)(b)1., and (4)(a) and (b); 95-5.019(2), (3), (4), and (5)(b)2, F.A.C.; and Sections 163.3 177(6)(a), (6)(b), and (6)(c); and 163.3 177(2), (3), (a)? and (10)(e), F.S.*

**Recommendation:** *Support the amendment with a transportation analysis based on the maximum development potential of the amendment (and growth in background trips) that addresses the transportation facilities that are needed to achieve and maintain the adopted level of service standards of roads and demonstrates coordination of any needed transportation facility improvements with the Transportation Element, Capital Improvements Element, plans and programs of the Florida Department of Transportation, and the Metropolitan Planning Organization Long Range Transportation Plan and Transportation Improvement Program. Revise the amendment, Future Transportation Map, and Capital Improvements Element (Five year Schedule of Capital Improvements, and policies if needed) to be supported by and consistent with the data and analysis. If road improvements are needed to address deficiencies in the short-term (five-year) planning time frame, the improvements should be included in the Capital Improvements Element Five-year Schedule of Capital Improvements. If public facilities are projected to be deficient in the long-term planning time frame, the County should maintain in the adopted portion of the Capital Improvements Element a list of the improvements that are projected to be needed in the planning time frame but beyond the five years covered by the adopted Capital Improvements Schedule. This list need not include any cost estimates for the improvements. The County must use this list when it adopts the mandatory annual update of the Capital Improvements Schedule. Improvements needed to achieve and maintain adopted level of service standards within the next five years should be moved from the list into the financially feasible five-year schedule, along with a cost estimate.*

**B. STAFF RESPONSE**

The applicant submitted a response that included additional analysis and revised language to address the concerns raised by DCA. Staff assisted the applicant with the response to ensure that DCA's concerns were addressed and to ensure that the site is developed as a Mixed Use Center serving the university community. The full response to DCA is attached to the Staff Report, entitled "Response to Objections, Recommendations and Comments for Lee County Amendment 10-2, Alico West CPA." A summary of the Response is provided below. The applicant's proposed policy revisions have been slightly modified to remove the word "shall" and replaces them with another word such as will or must where appropriate.

DCA's first concern is that Policy 18.1.16 does not establish meaningful and predictable guidelines and standards to define the main street town center and the overall development. The applicant and staff have collaborated to address this concern by adding language to proposed Policy 18.1.16.1. The additional language establishes the minimum and maximum development permitted on the Alico West property. Proposed Policy 18.1.16.1 has been revised as follows:

**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:

<u>Residential</u>	<u>Minimum 800 units, maximum 1,950 units;</u>
<u>Retail</u>	<u>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.);</u>
<u>Office/Research/Development</u>	<u>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);</u>
<u>Donation Site to University</u>	<u>Minimum 40,000 square feet, maximum 400,000 square feet; and</u>
<u>Hotel</u>	<u>Minimum 0 rooms, maximum 250 rooms.</u>

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The applicant has revised Proposed Policy 18.1.16.2: Main Street Town Center to identify the percentage mix of commercial uses within the Main Street Town Center, as requested by the DCA. Proposed Policy 18.1.16.2 has been revised as follows:

2. **Main Street Town Center:** The development **must provide** an area for a main street town center that is supportive of FGCU, with mixed use development employing the Traditional Neighborhood Development (TND) form as defined in the glossary of the Plan. This portion of the development must contain mixed use buildings but may also contain some single use buildings. The Town Center must be a minimum of 25 Gross Acres. **The minimum Residential Units within the area defined as the Town Center will be 200. Commercial Uses, including retail, office, employment, institutional or civic uses within the Town Center must provide a minimum total of 125,000 square feet. Coupled with the applicable Policy Framework, the required minimum percentage of non-residential land uses in the Town Center will be as follows:**

<u>Retail /Commercial;</u>	<u>50% MIN</u>
<u>Office / Employment;</u>	<u>25% MIN</u>
<u>Public, Institutional &amp; Civic;</u>	<u>5% MIN</u>

DCA's second concern is that the amendment did not revise Acreage Allocation Table I(b) to reflect the proposed FLUM amendment. DCA found that the proposed amendment would cause an internal inconsistency between Policy 1.7.6 and the Acreage Allocation Table I(b) unless the number of acres in the Southeast Lee County and the San Carlos Planning Communities were revised. Staff has acknowledged that this needs to be corrected, or there would be an internal inconsistency. Staff provided a response to the applicant with the necessary revisions to Table I(b) of the Lee Plan. The plan amendment has been revised to reflect adjustments to the acreage totals to address DCA's second objection.

Planning Community Year 2030 Allocations Table – Table I(b) has now been revised to re-allocate 920 acres from the Southeast Lee County to the San Carlos Planning Community. The Conservation (wetlands) allocation will be adjusted by moving 171 acres from the Southeast Lee County to the San