

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

LEE COUNTY COMPREHENSIVE PLAN

And

ZONING HEARING AGENDA

Wednesday, April 22, 2015

9:30AM

CPA2014-00009

POLICY 18.1.16 TEXT CHANGE -- TRANSMITTAL

DCI2013-00014

OLDE FISH HOUSE (REMAND HEARING)

**Z-14-004A**

## NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold public hearings on Wednesday, April 8, 2015 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30 a.m., the Board will consider a proposed amendment to the Lee County Comprehensive Plan (Lee Plan) and a zoning application for the following cases.

### Lee County Comprehensive Plan Amendment

Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. Contact Janet Miller of the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record.

CPA2014-00009

### POLICY 18.1.16 TEXT CHANGE

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.

### Zoning Case

DCI2013-00014

### OLDE FISH HOUSE

Rezone 1.5± acres from Industrial Marine (IM) and Commercial Tourist (CT) to Commercial Planned Development (CPD) to allow the expansion of the existing Olde Fish House restaurant (from a Group II to a Group III restaurant) with outdoor seating; and allow an increase in their liquor license (from a 2-COP - beer and wine to a 4-COP-SRX - beer, wine, and liquor) in conjunction with meals; and allow the existing marina, fish market, ship's store and caretaker's residence to remain at the Olde Fish House.

Property located at 4530 & 4520 Pine Island Rd. NW, Pine Island Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.

**With respect to the above zoning case, if you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.**

**Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.**

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, 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 hearing should contact Jamie Princing at 1500 Monroe St., Ft. Myers, FL 33901 (239-533-8585 or at [jprincing@leegov.com](mailto:jprincing@leegov.com)). To ensure availability of services, please request accommodation as soon as possible, but preferably five or more business days prior to event. Persons using a TDD may contact Jamie Princing through the Florida Relay Services, 711.**

**CPA2014-00009**

**POLICY 18.1.16**

**TEXT CHANGE**

**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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**BoCC Public Hearing Document  
For the  
April 22, 2015 Transmittal Hearing**

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

**April 8, 2015**



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

☒

Text Amendment

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Map Amendment

	This Document Contains the Following Reviews
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

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 *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 (Attachment 1), 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. A South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) dated January 12, 2015 states that there are approximately 70 acres of wetlands on the lands that were added to the University Community.

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 the 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 *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**

Staff gave a brief presentation regarding the proposed amendment, making a recommendation that the BOCC not transmit the proposed amendment. One Member of the LPA asked a question about the ownership of the affected property. The County Attorney's Office provided a response clarifying that the applicant did not own the affected property.

The applicant provided background information and outlined the proposed amendment. The applicant provided a handout that was distributed during the meeting (Attachment 2).

A representative for the affected property addressed the LPA concerning the proposed amendment. The representative requested that the LPA recommend non-transmittal to the BOCC. No other public input was received, so the public portion segment was closed.

One member of the LPA noted that he would be abstaining from a vote on this item because he had performed some land management work for the affected property's owner.

Please see attached minutes from the February 23, 2015 LPA Hearing for more details (Attachment 3).

**A motion was made that the LPA recommend the BOCC *not transmit* the proposed change. The motion was called and passed 5-0.**

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

##### **1. RECOMMENDATION:**

The LPA agreed with staff and recommends that the Lee County Board of County Commissioners *not transmit* the proposed Lee Plan amendment.

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

The LPA accepted the basis and recommended findings of fact as advanced by staff.

**C. VOTE:**

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

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

DATE OF ADOPTION HEARING: April 22, 2015

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

<b>BRIAN HAMMAN</b>	_____
<b>LARRY KIKER</b>	_____
<b>FRANK MANN</b>	_____
<b>JOHN MANNING</b>	_____
<b>CECIL L PENDERGRASS</b>	_____



# ATTACHMENT 1

## LEE COUNTY ORDINANCE NO. 10-40

(Alico West)  
(CPA2009-00001)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2009-00001 (PERTAINING TO ALICO WEST) APPROVED DURING THE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT, TABLE 1b, AND FUTURE LAND USE MAP SERIES MAPS 1, 6, 7, AND 16; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on May 24, 2010; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 16, 2010. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2009-00001 pertaining to Alico West to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 16, 2010 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 27, 2010; and,

WHEREAS, on October 20, 2010, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed text, table, and map amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2009/2010 Regular Amendment Cycle, Alico West Ordinance."**

## SECTION TWO: ADOPTION OF LEE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting text, tables, and map amendments, as revised by the Board on October 20, 2010, known as CPA2009-00001 Alico West.

The amendments consist of revisions to certain Policies and Table 1b (Year 2030 Acreage Allocation) set forth in Exhibits A and B respectively. Underscored text in those exhibits represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

The substance of the amendments to the Future Land Use Map Series include:

Map 1: The reclassification of property from Density Reduction Groundwater Resource to University Community.

Map 6: The inclusion of property in the Future Water Service Area.

Map 7: The inclusion of property in the Future Sewer Service Area.

Map 16: Reassignment of property from the Southeast Lee County to the San Carlos Planning Community.

**Proposed amendments to text, tables, and Future Land Use Map Series are attached as Exhibits A (Text), B (Table 1b), C (Map 1), D (Map 6), E (Map 7) and F (Map 16).**

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

#### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

#### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution

will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Judah The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 20<sup>th</sup> day of October 2010.

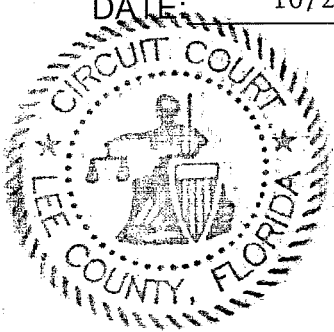
ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Lisa L. Green  
Deputy Clerk

BY: Tammara Hall  
Tammara Hall, Chair

DATE: 10/20/10



Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office

- Exhibit A: Policy Text Amendments
- Exhibit B: Amendment to Table 1(b) (Year 2030 Acreage Allocation Table)
- Exhibit C1: Future Land Use Map Series: Map 1 (property as DR/GR)  
(Former - prior to Amendment)
- Exhibit C2: Future Land Use Map Series: Map 1 (property as University  
Community) (Adopted by BOCC on 10-20-10)
- Exhibit D1: Future Land Use Map Series: Map 6 Water Service Area (former)
- Exhibit D2: Future Land Use Map Series: Map 6 Water Service Area (Adopted by BOCC  
on 10-20-10)
- Exhibit E1: Future Land Use Map Series: Map 7 Sewer Service Area (former)

- Exhibit E2: Future Land Use Map Series: Map 7 Sewer Service Area (Adopted by BOCC on 10-20-10)
- Exhibit F1: Future Land Use Map Series: Map 16 Planning Community (former)
- Exhibit F2: Future Land Use Map Series: Map 16 Planning Community (Adopted by BOCC on 10-20-10)

EXHIBIT A  
Policy Text Amendments

**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 units2.5 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 1.3.5:** The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Board of Regents Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development within this land use category which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S.

**GOAL 6: Commercial Land Uses to POLICY 6.1.2, paragraph 8 contain no proposed changes.**

- (9) The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32, or within the Captiva community in the areas identified by Policy 13.2.1., or in Area 9 of the University Community Conceptual Master Plan.

**POLICY 6.1.2, paragraph 10 to POLICY 6.1.2, paragraph 13 contain no proposed changes.**

**GOAL 18: University Community to POLICY 18.1.3 contain no proposed changes.**

**POLICY 18.1.4:** Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units-average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.

**POLICY 18.1.5:** In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

Prior to local Development Order approval on property within Area 9 of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County. The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to Development of Regional Impact Development Order approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.

**POLICY 18.1.6 to POLICY 18.1.8 contain no proposed changes.**

**POLICY 18.1.9:** Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master

Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property. Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources.

**POLICY 18.1.10:** Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road.

**POLICY 18.1.11 contains no proposed changes.**

**POLICY 18.1.12:** To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.

**POLICY 18.1.13 to POLICY 18.1.15 contain no proposed changes.**

**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 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 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.

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>

3. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed main street town center while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but not to exceed a total of 1,950 dwelling units.
4. **Retail Uses:** The total retail floor area for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be appropriately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:
- a. One (1) grocery store may be constructed to a maximum of 45,000 square feet;
  - b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;
  - c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and,
  - d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9.

5. **Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.
6. **Development Acreage:** The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations known as fines. These and other activities have left an area of approximately 350 acres that has never been mined that remains suitable for

development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, non-residential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with DRI approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will not be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed.

7. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to the easterly portion of FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and student safety features. Prior to vertical development on Area 9 this connection must be in place.
8. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community with student safety features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express and other alternative modes of transportation.
9. **Golf Course Prohibited:** In order to facilitate a compact design, maximize the use of the developable area within Area 9, and to accomplish the goals established in Policy 18.2.2 to develop and support a viable University Community, Area 9 is prohibited from having a golf course facility.
10. **Parking:** Parking in Area 9 should be minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. All parking must be consistent with the requirements identified below:

  - A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:

    1. A minimum of 50% of the required parking will be contained in parking structures.
    2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.

3. A minimum of 25% of the required parking would be on street parking in a TND design.
  4. Off-street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.
- B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards and buffers. Further the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, use of on-street parking, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.
- C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.
11. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will each be limited to 195 units. All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.
  12. **Entertainment District:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as amphitheaters, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
  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.
  14. **Reclamation:** Development within Area 9 must include reclamation of the adjacent mine pit, including installation of appropriate littoral zones.

- 15. Florida Gulf Coast University Participation:** The owner or agent for any Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU 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. The developer must invite Lee County 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.
- 16. Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.
- 17. Development Within Five Years of Comprehensive Plan Amendment approval:** Development within five years of the comprehensive plan amendment for Area 9, including the 40 acre parcel to be donated to FGCU, is limited as follows: 105,000 square feet of commercial-retail development, 45,000 square feet of general office development, 200 residential units of which a maximum of 100 units may be either single family or zero lot line or a combination thereof, and 40,000 square feet of development on the University parcel. Approval of Development Orders after the first five years or beyond these limitations must address transportation deficiencies through one or more of the mitigation options afforded by the DRI process.

**OBJECTIVE 18.2 to POLICY 18.2.2 contain no proposed changes.**

**POLICY 18.2.3:** The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

<b>Treeline Avenue</b>	From Alico Road to Corkscrew Road
<b>Alico Road</b>	From I-75 to <del>Treeline Avenue</del> <u>the Future Extension of County Road 951</u>
<b>Corkscrew Road</b>	From I-75 to Treeline Avenue
<b><del>Koreshan Boulevard</del> <u>Estero Parkway</u></b>	From I-75 to Treeline Avenue

With input from affected property owners, Lee County and the ~~Board of Regents~~ Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

**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 fees 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.

**Exhibit B**  
**Amendment to Table 1(b)**

**TABLE 1(b)**  
**Year 2030 Allocations**

Future Land Use Classification		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway	Iona/ McGregor
<b>Residential By Future Land Use Category</b>	Intensive Development	1,325	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	18,622	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	1,531	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	8,320	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
	Rural Community Preserve	3,046	0	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0
	Density Reduction/Groundwater Resource	6,905	711	0	0	0	0	0	0	0	0	94	0	0
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Residential</b>		<b>81,464</b>	<b>3,464</b>	<b>485</b>	<b>0</b>	<b>4,500</b>	<b>1,250</b>	<b>29</b>	<b>651</b>	<b>604</b>	<b>0</b>	<b>1,023</b>	<b>3,322</b>	<b>4,104</b>
<b>Commercial</b>		<b>12,763</b>	<b>57</b>	<b>52</b>	<b>0</b>	<b>400</b>	<b>50</b>	<b>17</b>	<b>125</b>	<b>150</b>	<b>0</b>	<b>1,100</b>	<b>440</b>	<b>1,100</b>
<b>Industrial</b>		<b>6,620</b>	<b>26</b>	<b>3</b>	<b>0</b>	<b>400</b>	<b>5</b>	<b>26</b>	<b>0</b>	<b>300</b>	<b>0</b>	<b>3,100</b>	<b>10</b>	<b>320</b>
<b>Non Regulatory Allocations</b>														
Public		82,591	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture		24,957	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture		45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)		82,119	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant		21,722	1,953	0	0	226	931	34	0	45	0	300	20	975
<b>Total</b>		<b>358,095</b>	<b>33,463</b>	<b>1,572</b>	<b>0</b>	<b>11,718</b>	<b>12,731</b>	<b>259</b>	<b>4,340</b>	<b>2,197</b>	<b>0</b>	<b>17,323</b>	<b>7,967</b>	<b>19,355</b>
<b>Population Distribution*</b>		<b>495,000</b>	<b>5,090</b>	<b>1,531</b>	<b>0</b>	<b>30,861</b>	<b>3,270</b>	<b>225</b>	<b>530</b>	<b>5,744</b>	<b>0</b>	<b>11,582</b>	<b>16,488</b>	<b>34,538</b>

\* Population for Unincorporated Area of Lee County

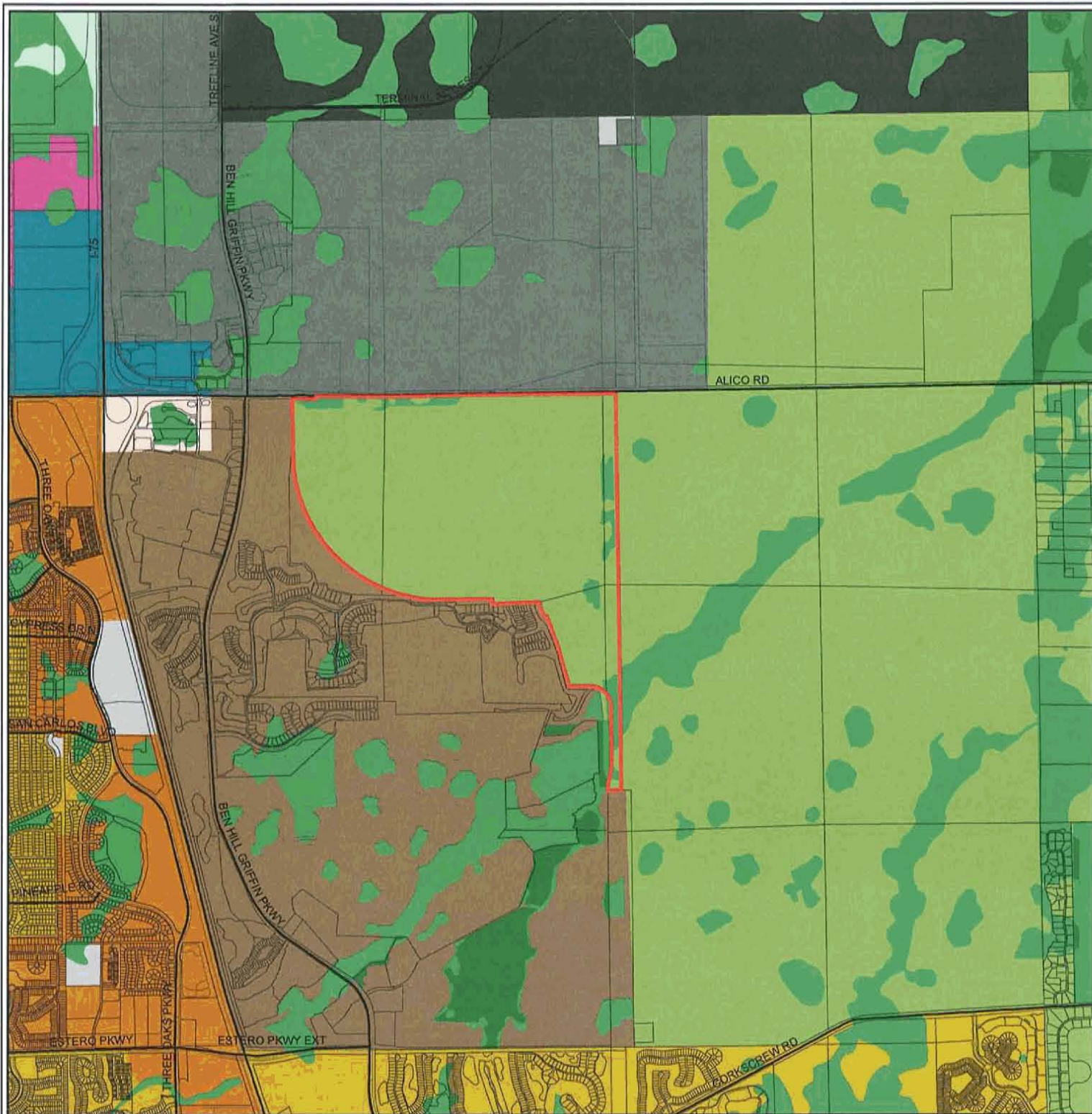


**TABLE 1(b)**  
**Year 2030 Allocations**

		San Carlos					Southeast Lee County						
Future Land Use Classification		Existing	Proposed	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Existing	Proposed	North Fort Myers	Buckingham	Estero	Bayshore
<b>Residential By Future Land Use Category</b>	Intensive Development	0	0	0	660	3	0	0	0	365	0	0	0
	Central Urban	47	17	0	3,140	0	8,200	0	0	2,600	0	0	0
	Urban Community	1,000	1,000	0	860	500	13,269	0	0	0	51	450	0
	Suburban	1,975	1,975	0	1,200	675	0	0	0	6,690	0	1,700	0
	Outlying Suburban	0	0	0	0	600	0	0	0	382	0	454	0
	Sub-Outlying Suburban	25	25	0	0	0	0	0	0	140	49	0	950
	Industrial Development	5	5	0	10	0	0	0	0	0	0	0	0
	Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0
	University Community	850	850	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	0	0	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	0	0	0	0	0	0	15	15	7	0	6	12
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	0	0	0	0	0	0	0	0	0	0	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	0	0	0	0	0	0	0	0
	Rural	90	90	0	0	190	14	0	0	500	57	635	1,350
	Rural Community Preserve	0	0	0	0	0	0	0	0	0	3,046	0	0
	Coastal Rural	0	0	0	0	1,300	0	0	0	0	0	0	0
	Outer Islands	0	0	0	0	45	0	0	0	0	0	0	0
	Open Lands	0	0	0	0	0	0	0	0	45	0	0	1,800
	Density Reduction/Groundwater Resource	0	0	0	0	0	0	4,000	4,000	0	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Residential</b>		<b>3,962</b>	<b>3,962</b>	<b>0</b>	<b>5,870</b>	<b>3,313</b>	<b>21,483</b>	<b>4,015</b>	<b>4,015</b>	<b>10,729</b>	<b>3,203</b>	<b>3,245</b>	<b>6,212</b>
<b>Commercial</b>		<b>1,944</b>	<b>1,944</b>	<b>0</b>	<b>2,100</b>	<b>226</b>	<b>1,420</b>	<b>38</b>	<b>38</b>	<b>1,687</b>	<b>18</b>	<b>1,700</b>	<b>139</b>
<b>Industrial</b>		<b>460</b>	<b>450</b>	<b>0</b>	<b>900</b>	<b>64</b>	<b>300</b>	<b>66</b>	<b>65</b>	<b>554</b>	<b>5</b>	<b>87</b>	<b>5</b>
<b>Non-Regulatory Allocations</b>													
Public		2,660	3,059	0	3,500	2,100	15,000	42,000	12,000	4,000	2,114	7,000	1,500
Active Agriculture		0	0	0	0	2,400	0	46,104	14,352	200	411	125	900
Passive Agriculture		0	0	0	0	815	0	48,000	18,000	1,556	3,619	200	4,000
Conservation (wetlands)		2,798	2,969	0	188	14,767	1,496	34,530	31,359	1,317	381	5,068	882
Vacant		244	594	0	309	3,781	7,377	500	500	2,060	1,278	809	530
<b>Total</b>		<b>42,058</b>	<b>12,978</b>	<b>0</b>	<b>12,867</b>	<b>27,466</b>	<b>47,076</b>	<b>81,240</b>	<b>80,329</b>	<b>22,103</b>	<b>11,029</b>	<b>18,234</b>	<b>14,168</b>
<b>Population Distribution*</b>		<b>36,963</b>	<b>36,963</b>	<b>0</b>	<b>58,363</b>	<b>13,265</b>	<b>164,702</b>	<b>1,270</b>	<b>1,270</b>	<b>70,659</b>	<b>6,114</b>	<b>25,395</b>	<b>8,410</b>

\* Population for Unincorporated Area of Lee County





0 660 1,320 2,640 3,960 5,280  
Feet

Map Generated May 2010

#### FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

#### INTERCHANGE AREAS

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial/Commercial Interchange
- University Village Interchange

#### NEW COMMUNITY

- New Community

#### AIRPORT AREAS

- Tradeport
- Airport
- MiddleRowSpacer

#### NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland

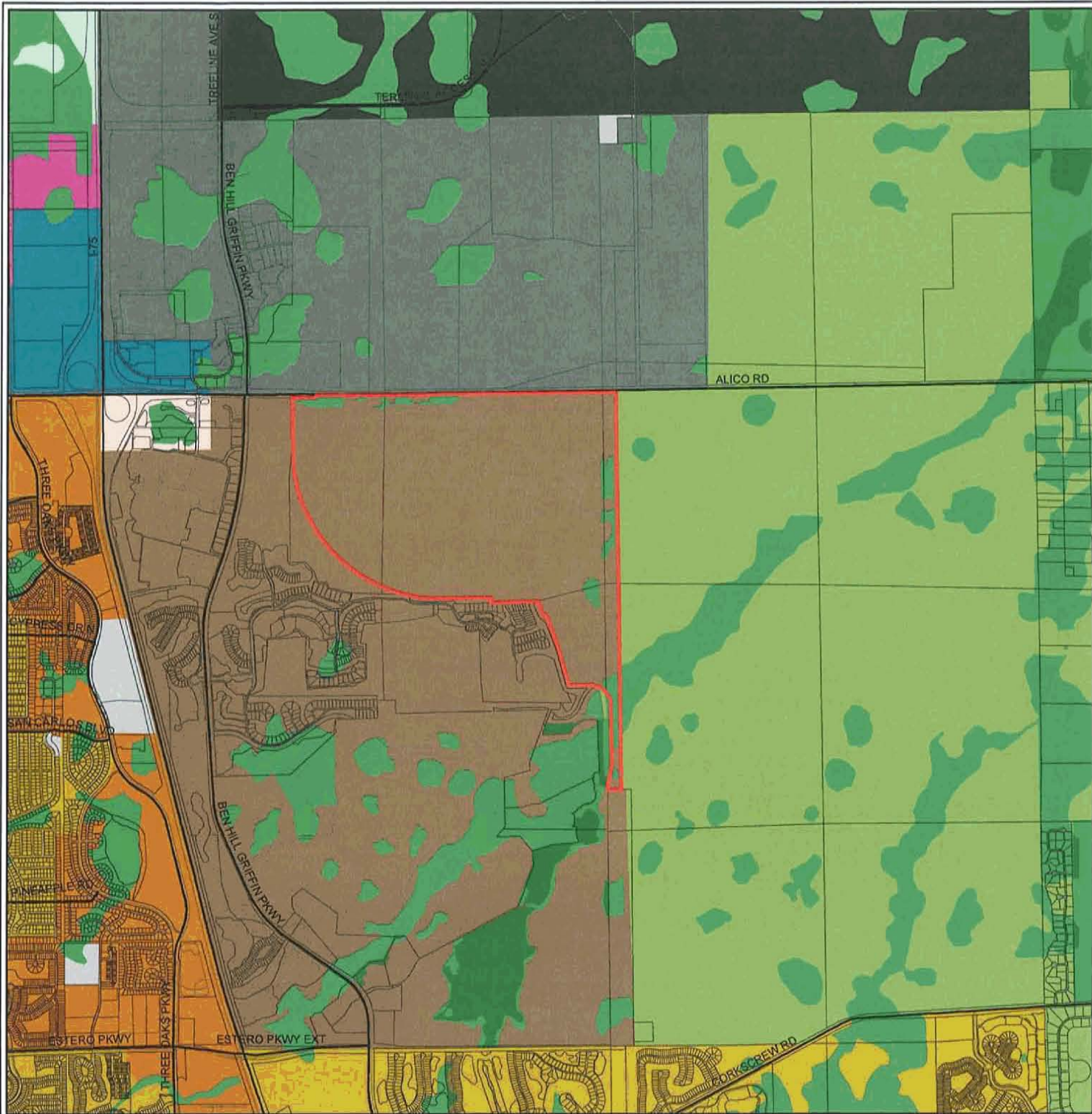
#### ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)


- Wetlands
- Conservation Lands Wetland
- CPA20009-00001
- Subject Property

Exhibit C1  
Future Land Use Map Series Map 1  
(Former - prior to Amendment)


**CPA2009-00001 - ALICO WEST**







Map Generated May 2010



<b>FUTURE URBAN AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #f0f0f0; border: 1px solid #ccc; margin-right: 5px;"></span> Intensive Development</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid #ccc; margin-right: 5px;"></span> Central Urban</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffa500; border: 1px solid #ccc; margin-right: 5px;"></span> Urban Community</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid #ccc; margin-right: 5px;"></span> Suburban</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #90ee90; border: 1px solid #ccc; margin-right: 5px;"></span> Outlying Suburban</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #90ee90; border: 1px solid #ccc; margin-right: 5px;"></span> Sub-Outlying Suburban</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> Industrial Development</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> Public Facilities</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> University Community</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> Burnt Store Marina Village</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid #ccc; margin-right: 5px;"></span> Destination Resort Mixed Use Water Dependent</li> </ul>	<b>INTERCHANGE AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Industrial Interchange</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> General Interchange</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> General Commercial Interchange</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Industrial/Commercial Interchange</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> University Village Interchange</li> </ul> <b>NEW COMMUNITY</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> New Community</li> </ul> <b>AIRPORT AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid #ccc; margin-right: 5px;"></span> Tradeport</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid #ccc; margin-right: 5px;"></span> Airport</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid #ccc; margin-right: 5px;"></span> MiddleRowSpacer</li> </ul>	<b>NON-URBAN AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Rural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Rural Community Preserve</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Coastal Rural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Outer Island</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Open Lands</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Density Reduction / Groundwater Resource</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid #ccc; margin-right: 5px;"></span> Conservation Lands Upland</li> </ul> <b>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; 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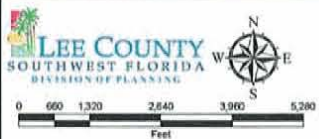
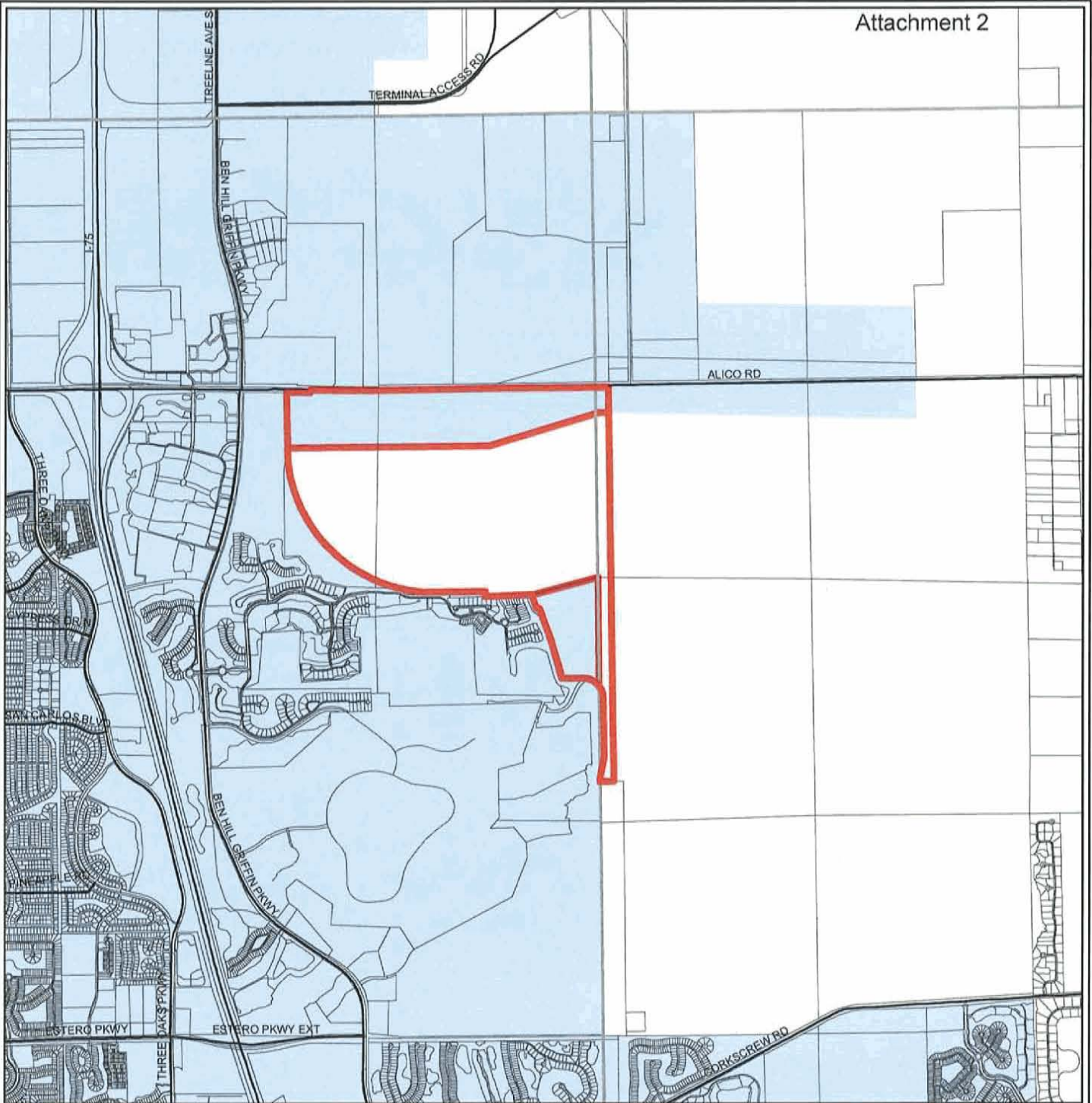
**CPA2009-00001**  
 Subject Property

Exhibit C2  
 Future Land Use Map Series 1  
 Adopted by BOCC 10-20-10

**CPA2009-00001 - ALICO WEST**

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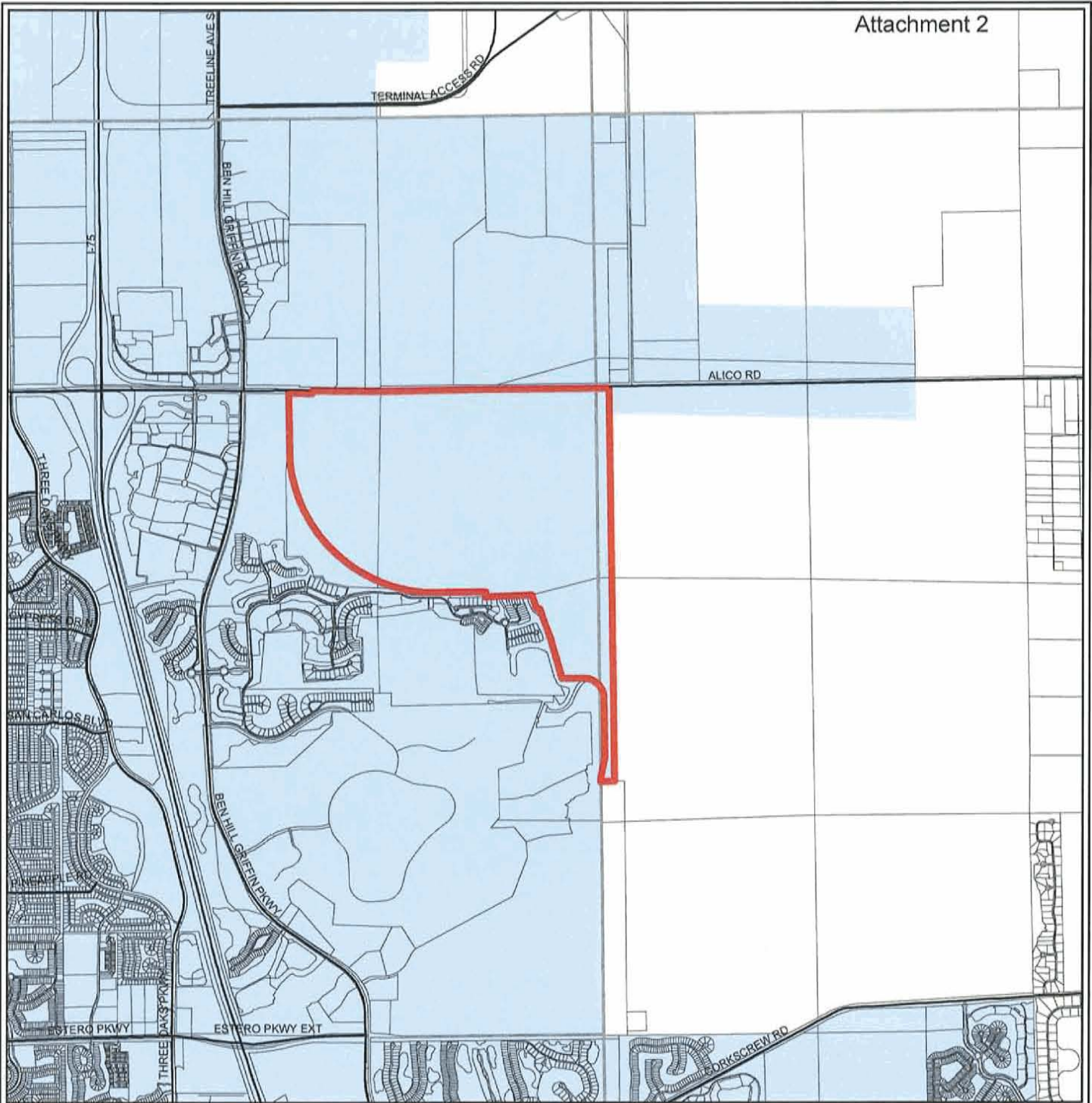


Map Generated May 2010

## CPA2009-00001 - ALICO WEST FUTURE WATER SERVICE AREA

Exhibit D1  
Future Land Use Map Series Map 6 Water Service  
Area (Former - prior to Amendment)

Future Water Service Area  
Subject Property



Map Generated May 2010

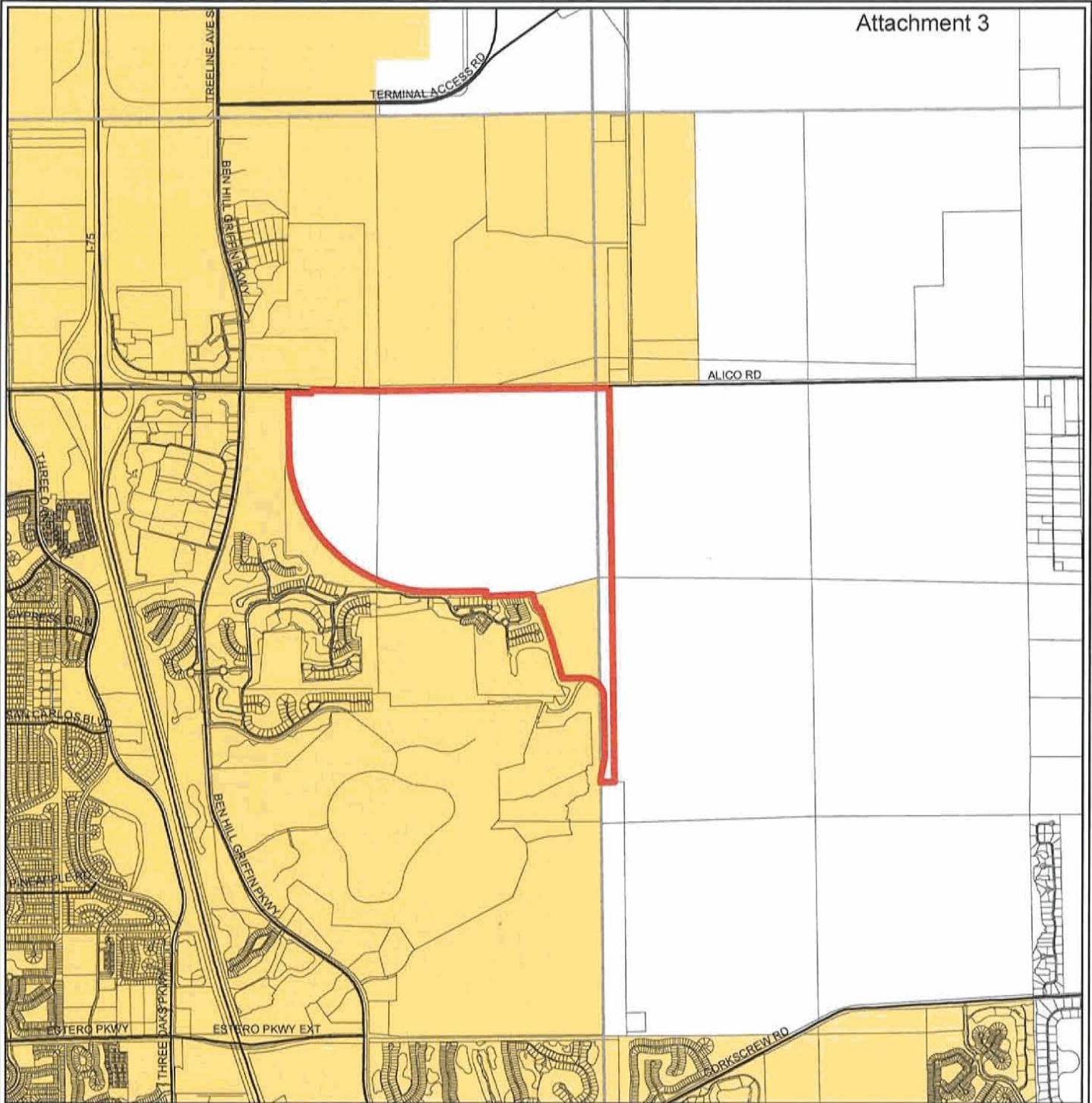


## CPA2009-00001 - ALICO WEST FUTURE WATER SERVICE AREA

Exhibit D2  
Future Land Use Map Series Map 6 Water Service  
Area Adopted by BOCC 10-20-10

-  Future Water Service Area
-  Subject Property

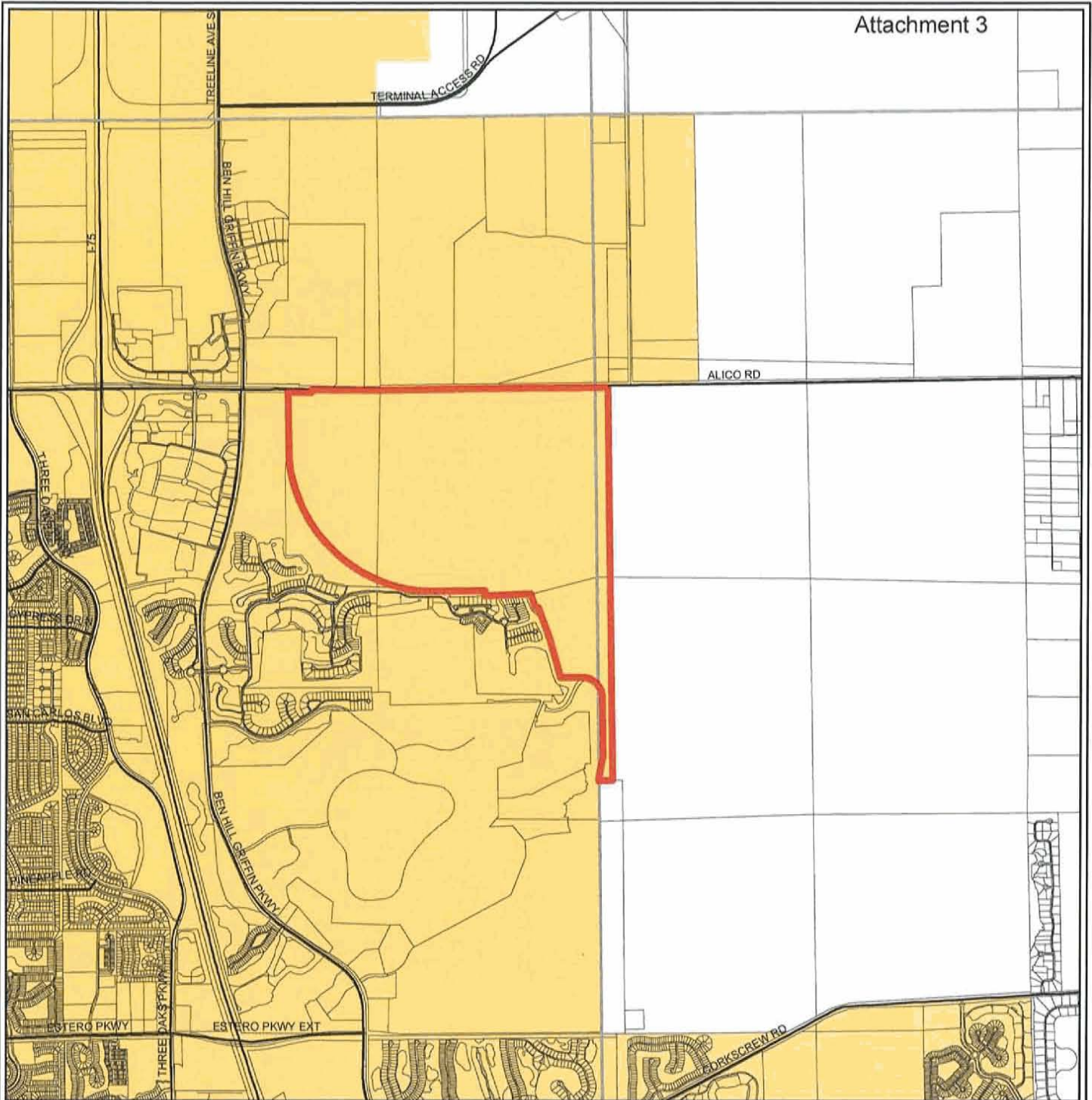




**CPA2009-00001 - ALICO WEST  
FUTURE SEWER SERVICE AREA**

Exhibit E1  
Future Land Use Map Series Map 7 Sewer Service  
Area (Former - prior to Amendment)

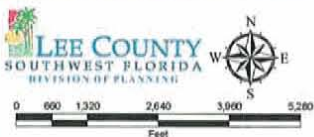
- Future Sewer Service Area
- Subject Property



## CPA2009-00001 - ALICO WEST FUTURE SEWER SERVICE AREA

Exhibit E2  
Future Land Use Map Series Map 7 Sewer Service  
Area Adopted by BOCC 10-20-10

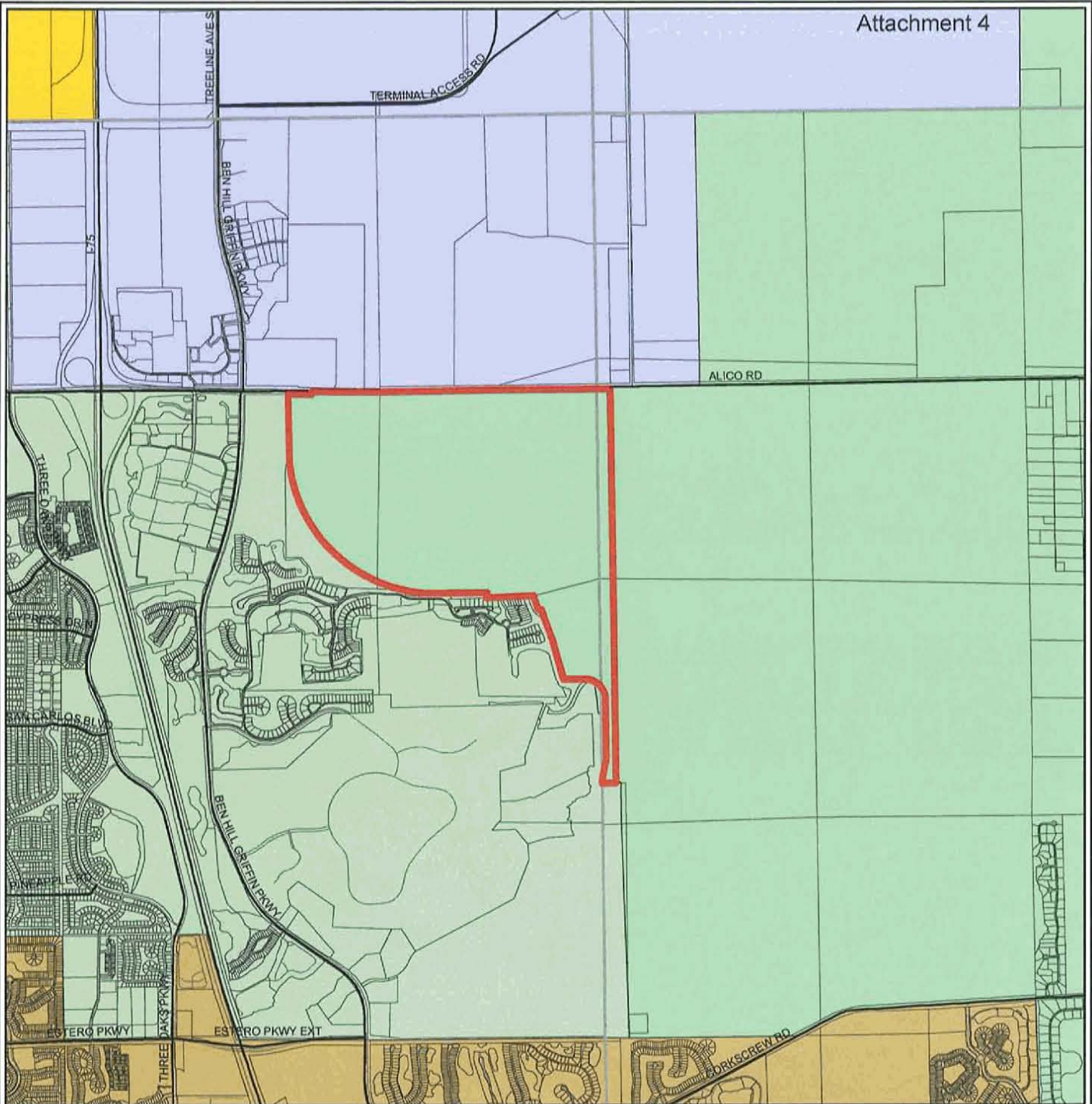
- Future Sewer Service Area
- Subject Property



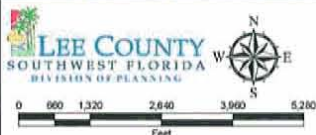
Map Generated May 2010







## CPA2009-00001 - ALICO WEST PLANNING COMMUNITY MAP 16

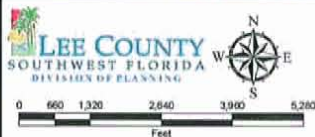
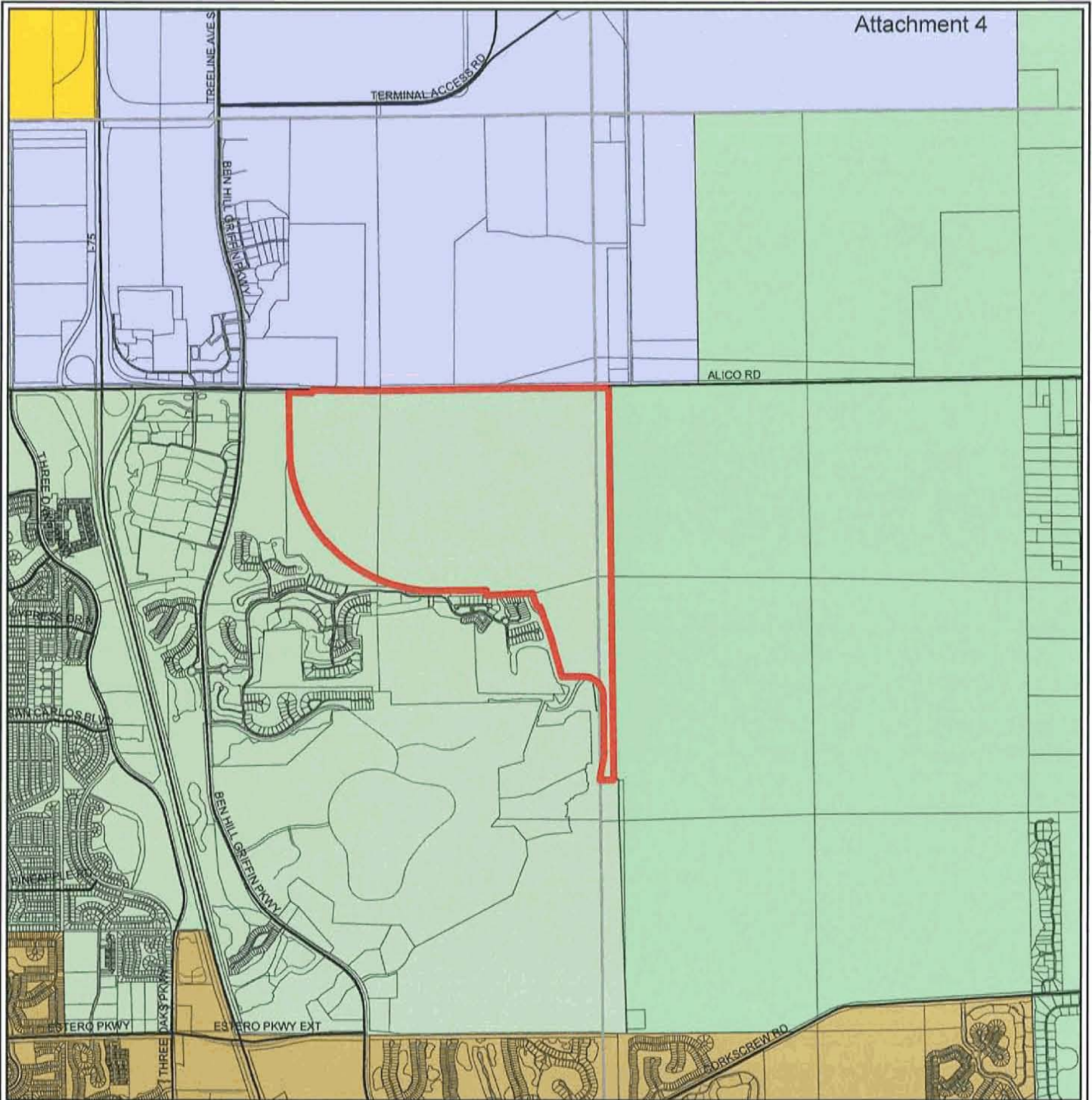


Map Generated May 2010



- |                       |                      |                          |
|-----------------------|----------------------|--------------------------|
| 01. Alva              | 09. Fort Myers Beach | 17. Lehigh Acres         |
| 02. Boca Grande*      | 10. Gateway/Airport  | 18. Southeast Lee County |
| 03. Bonita Springs    | 11. Daniels Parkway  | 19. North Fort Myers     |
| 04. Fort Myers Shores | 12. Iona/McGregor    | 20. Buckingham*          |
| 05. Burnt Store       | 13. San Carlos       | 21. Estero*              |
| 06. Cape Coral        | 14. Sanibel          | 22. Bayshore*            |
| 07. Captiva           | 15. South Fort Myers | Subject Property         |
| 08. Fort Myers        | 16. Pine Island*     |                          |





Map Generated May 2010



## CPA2009-00001 - ALICO WEST PLANNING COMMUNITY MAP 16

- |                       |                      |                          |
|-----------------------|----------------------|--------------------------|
| 01. Alva              | 09. Fort Myers Beach | 17. Lehigh Acres         |
| 02. Boca Grande*      | 10. Gateway/Airport  | 18. Southeast Lee County |
| 03. Bonita Springs    | 11. Daniels Parkway  | 19. North Fort Myers     |
| 04. Fort Myers Shores | 12. Iona/McGregor    | 20. Buckingham*          |
| 05. Burnt Store       | 13. San Carlos       | 21. Estero*              |
| 06. Cape Coral        | 14. Sanibel          | 22. Bayshore*            |
| 07. Captiva           | 15. South Fort Myers | Subject Property         |
| 08. Fort Myers        | 16. Pine Island*     |                          |

Page 2 of 2

Exhibit F2

Future Land Use Map Series Map 16 Planning  
Community Adopted by BOCC 10-20-10



STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 10-40, adopted by the Board of Lee County Commissioners, at their meeting held on the 20<sup>th</sup> day of October, 2010 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of October 2010.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By:

*Insia J. Perice*

Deputy Clerk



---

# DOCUMENTS REFERENCED

---

IN SUPPORT OF TEXT AMENDMENT  
CPA2014-00009

FEBRUARY 23, 2015

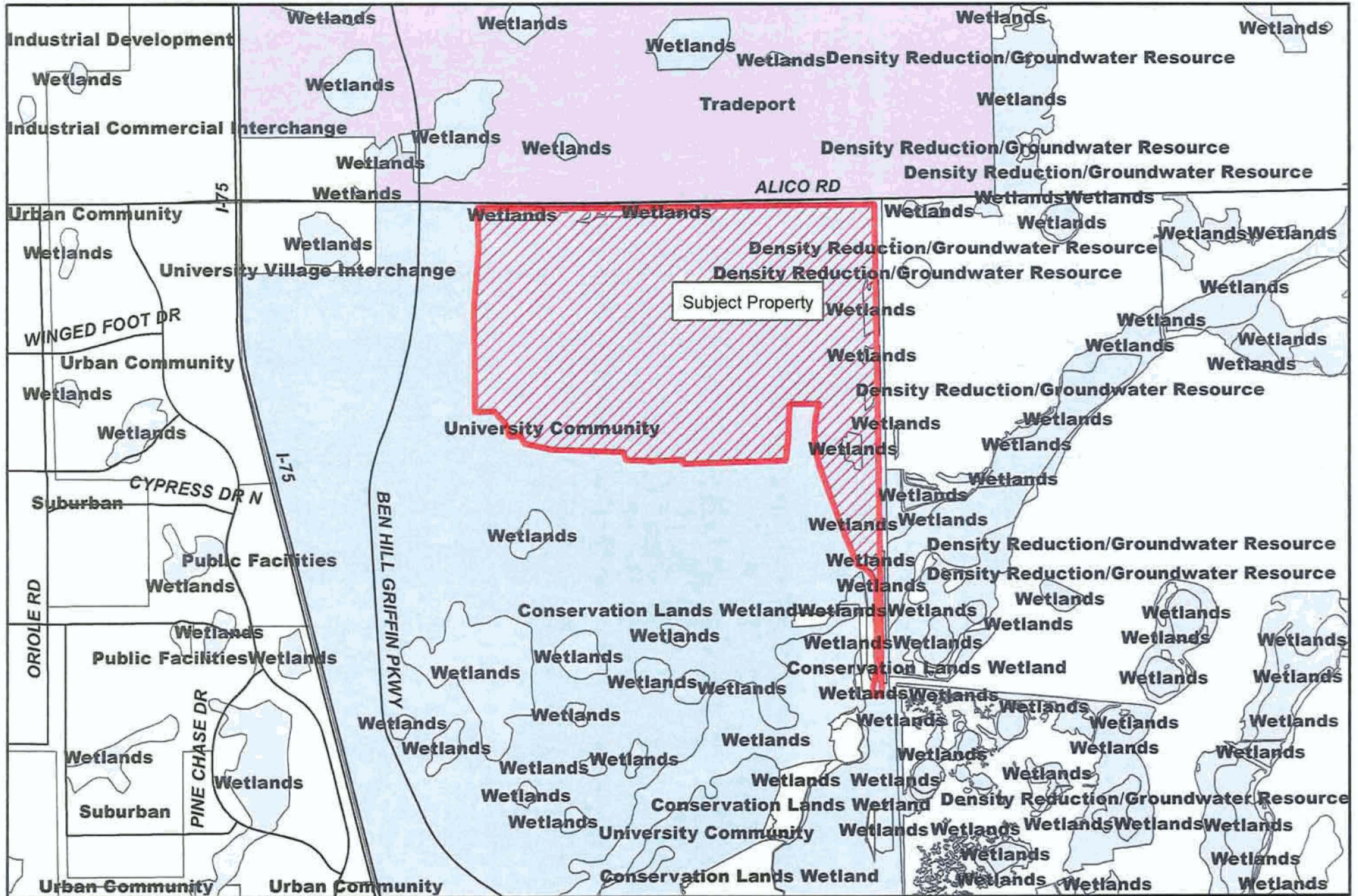
**Local Planning Agency  
February 23, 2015 Meeting**

**LEE PLAN AMENDMENT: CPA2014-00009**

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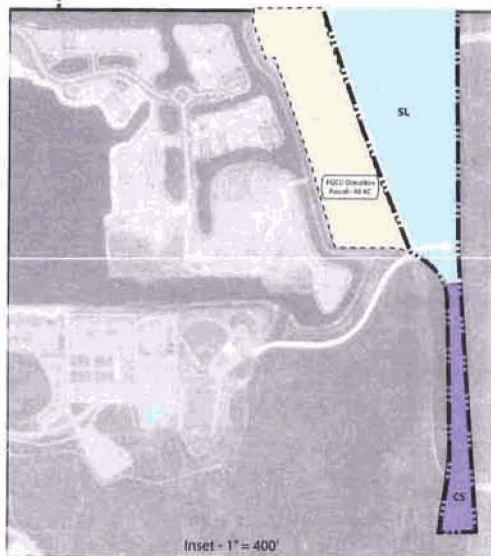


0 0.25 0.5 Miles



# General Notes

1. All building footprint sizes 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-O: OPEN SPACE
- CB: CIVIC BUILDING
- RD: RESEARCH & DEVELOPMENT
- SL: STORMWATER LOT

## Detailed Regulating Plan

28 June 2014 | Scale 1" = 200'



ROLLISON DESIGN INTERNATIONAL LLC

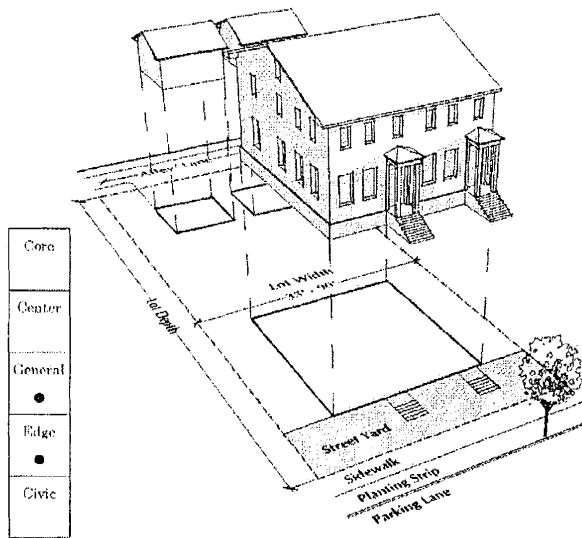
1200 South Conkling Street, Suite 408  
Baltimore, Maryland 21224  
410-435-0214  
rollisondesign@yahoo.com

PRIVATE EQUITY GROUP



**Lee County  
Land Development Code  
Chapter 32**

### Duplex Lot (DU)

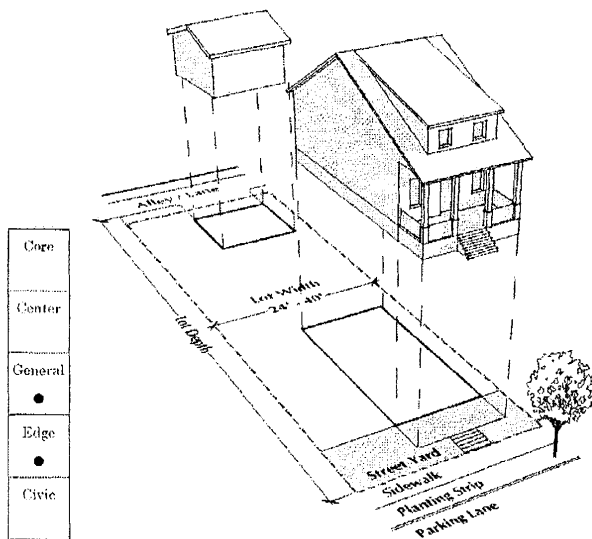


Core
Center
General
•
Edge
•
Civic

### Character Examples



### Cottage House Lot (CH)



Core
Center
General
•
Edge
•
Civic

### Character Examples



Figure 32-242(e)

## Character Examples



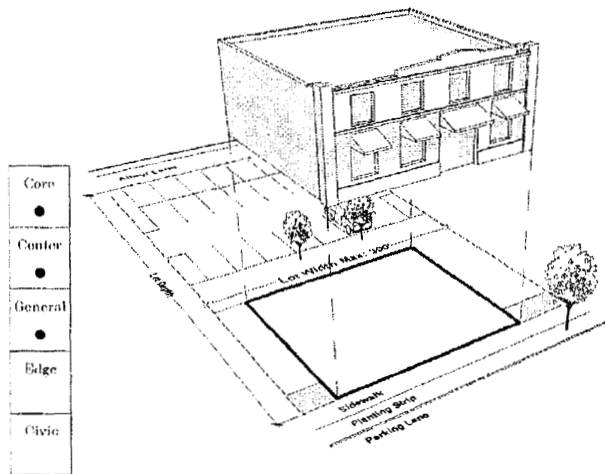
## Character Examples



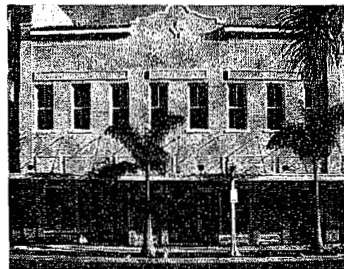
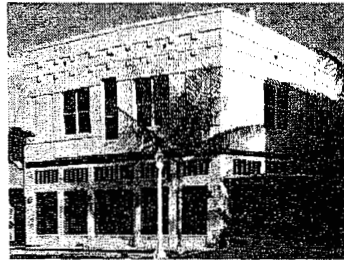
Figure 32-242(d)



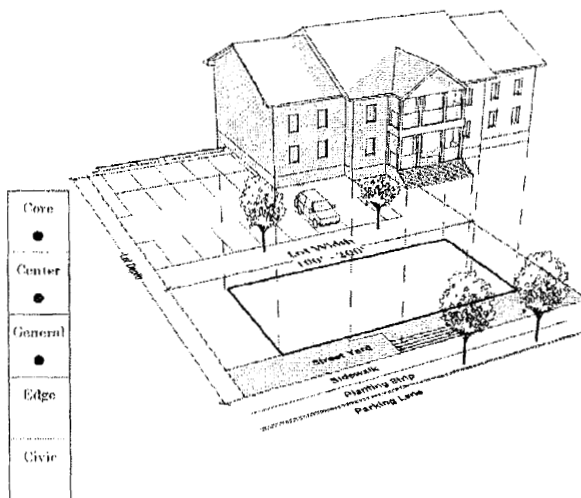
### Mixed-Use Building Lot (MU)



### Character Examples



### Apartment Building Lot (AB)



### Character Examples

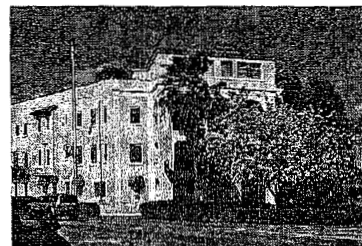
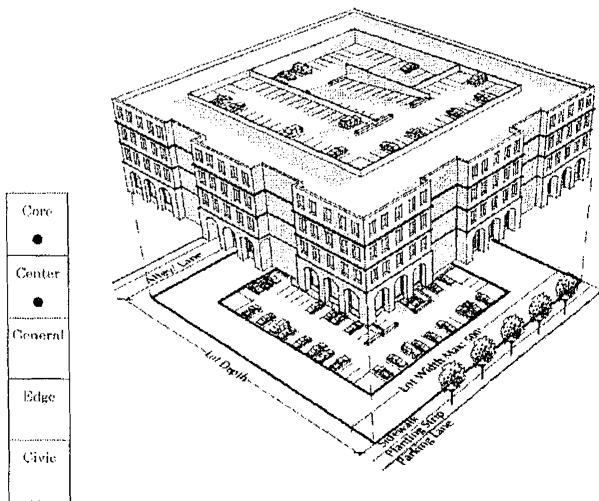


Figure 32-242(b)

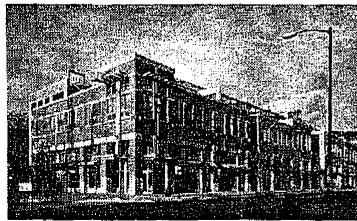
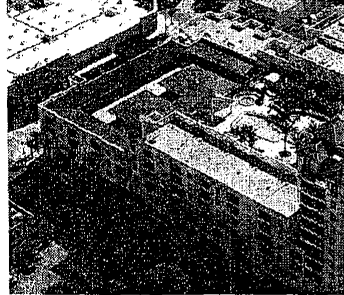
Sec. 32-242. - Placement of buildings on lots.

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.

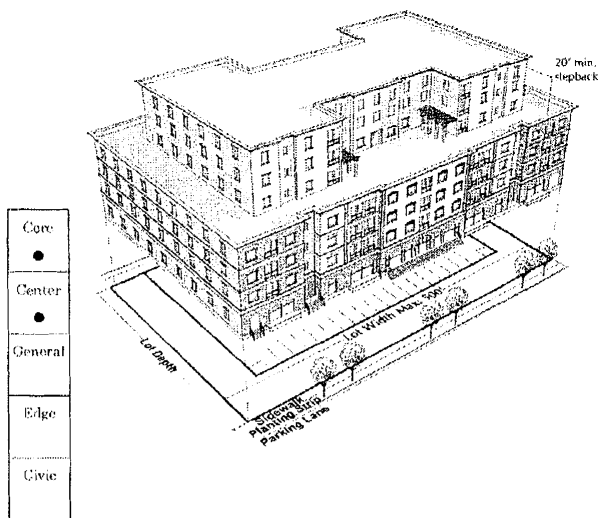
**Lined Building Lot (LB)**



**Character Examples**



**Pedestal Building Lot (PB)**



**Character Examples**

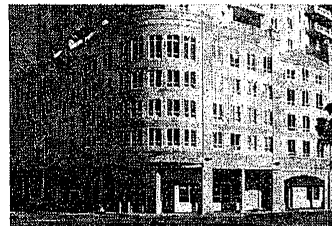
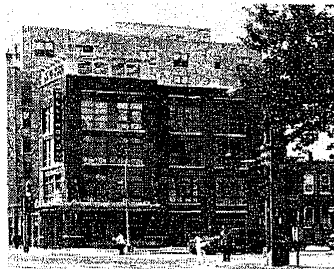


Figure 32-242(a)

## 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:

MICHAEL D. JACOB, Assistant County Attorney  
Lee County, FloridaCHAHRAM BADAMTCHIAN, AICP, Senior Planner  
Division of ZoningCHARLES J. BASINAIT, Attorney at Law,  
Henderson, Franklin, Starnes & Holt, P.A.

MARTINA REPORTING SERVICES  
Courtney Building, Suite 201  
2069 First Street  
Fort Myers, Florida 33901  
OFFICE (239) 334-6545  
FAX (239) 332-2913

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JJ Basso, President of Grandezza Master 86  
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Gunster Law Firm

On behalf of the Public

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McMahon Associates

Marvin Merves 457  
Resident, 10450 Via Belestri Drive

2

JULY 24, 2014, DAY TWO OF HEARING

HEARING EXAMINER: Please, everyone again, if  
you can't hear or you're having any trouble  
hearing or understanding, please raise your hand  
so we can address that immediately.

Good morning, Donna Marie Collins, Hearing  
Examiner. Today is the second day of hearing in  
the CenterPlace case. The date is July 24th,  
2014.

MR. BASINAIT: Good morning.

HEARING EXAMINER: Good morning.

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

MR. DEPEW: Good morning, madam hearing  
examiner. I was sworn yesterday. I assume I'm  
still under oath.

HEARING EXAMINER: Yes.

MR. DEPEW: My name is David Depew. I am a  
planner. I'm representing the applicant. My  
resume is on file, and I appear before you today  
in my guise as an expert in planning and zoning  
issues which I have been certified in as an expert  
in this forum on many occasions in the past and  
would seek such certification once more.

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)

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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 FGPU 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?

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FOR  
CPA2009-00001**

**CPA2009-01  
ALICO WEST  
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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(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<sup>2.5 units per acre</sup>. 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(l)(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 (l)(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>

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

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 1(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 1(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 1(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 1(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

# **ATTACHMENT 3**

## **MINUTES REPORT LOCAL PLANNING AGENCY FEBRUARY 23, 2015**

### **MEMBERS PRESENT:**

Noel Andress (Vice Chair)  
Timothy Brown  
Dennis Church

Rick Joyce (Chair)  
David Mulicka  
Gary Tasman

### **MEMBERS ABSENT:**

Jim Green

### **STAFF PRESENT:**

Neysa Borkert, County Atty. Off.  
Brandon Dunn, Planning  
Andy Getch, DOT

Mary Gibbs, DCD Director  
Michael Jacob, Managing Asst. Cty. Atty.  
Janet Miller, Recording Secretary

### **Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance**

Mr. Joyce, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Ms. Neysa Borkert, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Mr. Joyce announced that a request had been made to move Agenda Item 5 - Lee Plan Amendment - CPA2014-00009 (Policy 18.1.16 Text Change) ahead of Agenda Item 4 (Roads and Schools Impact Fee Studies). He noted that staff did not oppose this change or have any concerns with it. The reason for the request was that the two attorneys involved with the Lee Plan Amendment have a hearing later this morning. The LPA agreed to grant the request.

### **Agenda Item 2 – Public Forum** - None

### **Agenda Item 3 – Approval of Minutes – January 26, 2015**

Mr. Joyce noted an error on the top of the first page. David Mulicka was present and Jim Ink's name needed to be removed.

**Mr. Andress made a motion to approve the January 26, 2015 meeting minutes with the above corrections, seconded by Mr. Brown. The motion was called and passed 6-0.**

### **Agenda Item 5 – Lee Plan Amendments**

#### **CPA2014-00009 – Policy 18.1.16 Text Change**

Mr. Dunn, planner for this case, stated the following:

- This is a proposed amendment to amend Policy 18.1.16 of the Lee Plan. This policy was adopted as part of CPA2009-00001 (known as the Alico West Amendment). Their request was to redesignate approximately 900 acres of land from DRGR to University Community.



- University Community lands are generally located in proximity to FGCU and are required to have development that supports and enhances the University. To ensure that the lands being added to the University Community would develop in ways that supported and enhanced the University, it was required that the Alico West property would be rezoned as a Compact Planned Development which utilizes a form based code.
- At the time Policy 18.1.16 was adopted, it included language acknowledging that there would be flexibility during the implementation of that code by including the phrase *“recognizing there may be significant deviations to accommodate the proposed development.”*
- The current case CPA2014-09 is a private amendment to remove that phrase from Policy 18.1.16 of the Lee Plan.
- Staff recommends that the BOCC *not transmit* because the proposed amendment would not have the affect desired by the applicant. In addition, Policy 18.1.16 of the Lee Plan is applicable to one specific property within Lee County which is not controlled by the applicant.

Mr. Church referred to Item III on Page 3 of the application, which says **“PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY.”** To him, this means the applicant wants this change to occur on property which is actually a lot in Miromar Lakes that has a deed associated with it. Although he understood what the applicant was trying to do, he noted the application is specific to one property that is not even subject to this policy.

Mr. Jacob concurred that the applicant has no interest in the actual property that is subject to the case. From the County Attorney’s standpoint, it is not sufficient. He noted that, unfortunately, the County’s Comprehensive Plan does not preclude someone from filing this request yet it also does not allow the County to grant it.

Ms. Barbara Heine, applicant, provided background information and outlined her reasons for her application request along with a handout that was distributed during the meeting (attached). For the specifics of this presentation, please listen to the audio at the following link:

<http://www.leegov.com/gov/dept/dcd/Planning/Amendments/Pages/amendment.aspx?aid=649>

Mr. Joyce opened this item for public comment.

Mr. Charles Basinait, Attorney with Henderson Franklin Starnes and Holt, stated his firm was representing the interest of Alico West Fund LLC, which is a subsidiary of Private Equity Group. He gave a rebuttal to her application request and requested that the LPA recommend non-transmittal to the BOCC.

Mr. Andress asked for a status to the 25 acre Town Center which was supposed to be an integral part of the project.

Mr. Basinait stated there was a 25 acre Town Center on the site and that it was an integral part of the project. He noted it was located in the northwest corner of the property, not the portion of the project that runs along Alico Road. This 25 acre site has a hotel convention center, green space, restaurants, office space, and residential units. In addition, a cinema is planned for the future.

No other public input was received, so the public portion segment was closed.



Mr. Joyce noted that he would be abstaining from a vote on this item because he had performed some land management work for the owner. He filed the appropriate Voting Conflict Form - 8B (attached).

Mr. Andress stated that many times the LPA has deliberations at these meetings in an attempt to vet changes in policy as fully as possible. In this instance, the language that was inserted at the BOCC level was never vetted in front of the LPA even though it is a major policy change for that area. He felt this should have been vetted during an LPA meeting before it went on to the County Commissioners. As a result, he felt a change was made without any discussion before the LPA. He noted that the LPA donates their time as volunteers, yet many times their comments do not get incorporated into the final report that goes to the BOCC. He expressed concern with that and hoped we would no longer be continuing in that direction. **However, due to the legality of this issue and the fact that the change is not being proposed by the property owner, he made a motion that the LPA recommend the BOCC *not transmit* the proposed change, seconded by Mr. Church. The motion was called and passed 5-0. Mr. Joyce abstained.**

**Agenda Item 4 – Review of Roads and Schools Impact Fee Studies**  
**Ordinance Amending Land Development Code Chapter 2**

Ms. Gibbs, DCD Director, stated the following:

- Two years ago, the Board of County Commissioners (BOCC) reduced the impact fee collection rate by 80% in order to stimulate development and economic activity. This reduction will end on March 13, 2015 and the impact fee collection rates will revert back to 100% unless there is further action by the BOCC.
- Last September, the Commissioners directed staff to have the consultant update the studies for roads and schools because they had not been updated in three years. The County's ordinance requires they be updated every three years. The Board wants to see the updated information before making a decision in March.
- Two public hearings have been scheduled. The first one is scheduled for March 3<sup>rd</sup> and will be for the purpose of looking at the fee schedule itself. The fee schedule is Chapter 2 of the Land Development Code, which is the 100% collection rate. Florida law says the County must use the most recent localized data. The second public hearing will be to discuss what should be done with the collection rate. The County is not required to collect 100% and may choose to pick a different percentage.
- What staff is presenting to the LPA today is the methodology the consultant used that went into setting the 100% rate. The LPA can determine whether or not it is consistent with the Comprehensive Plan. The collection rate is a BOCC policy decision so the LPA will not need to vote on that. Staff has been taking this item to various committees in order to collect input for the Board.

Ms. Gibbs introduced the consultant, Clancy Mullen from Duncan and Associates.

Mr. Mullen reviewed the studies along with a PowerPoint presentation (attached) and was available for questions.

Mr. Church asked for clarification that the capital costs per student in the study was ascertained by taking a number of different school districts, adding up their capital construction costs, and dividing it by the number of students.

Mr. Mullen confirmed this was correct. He noted they had not looked at other school districts. They only looked at Lee County. In addition, the State has guidelines on the maximum of what a student station should cost. Lee County is well under those guidelines.

Mr. Church referred to Item (10) on Page 5 under Section 2-264 and noted there was verbiage in this section that will allow impact fees to be used for other things besides building roads. He asked if there had been any metric on the cost of non-vehicular miles traveled. In other words, what does it cost for a person on a bicycle or if we are building those facilities.

Mr. Mullen stated the Florida Department of Transportation has developed some standards for capacity of bicycle and pedestrian facilities; however, he did not take that into consideration or try to factor that into the formula. The formula is based on recent improvements or planned improvements in Lee County that have added lanes to roads. This allows you to get a clear connection between the cost and how many vehicle miles of capacity are added. He noted that all counties in Florida have the ability to use impact fee money for other kinds of improvements to roadways, for example, intersection improvements. You need complex modeling to figure out how many vehicle miles of capacity will be added. It is generally accepted that it does add capacity. Since it is a growth induced need, impact fee money is typically spent on it. Lee County has also historically spent about 5% of road impact fee money on improvements to bicycle and pedestrian improvements that are unrelated to strictly a road project. For instance, a roadway might exist, but it was not built with sidewalks or bike lanes adjacent to it. Those can be retrofitted with some of the impact fee money.

Mr. Andress asked how this updated data is going to be used when setting the fee.

Mr. Mullen stated the data is supposed to be used to calculate the fee. The fees that the communities calculate can be less than the amount the data indicates, but the data provides a maximum fee that can be charged, so the County and its communities cannot charge more than that maximum fee.

Ms. Gibbs also noted that this most recent localized data will be adopted into Chapter 2 of the Land Development Code. The fee schedule that is a part of Chapter 2 will show the 100% figures.

Mr. Andress referred to an earlier report that recommended an 85% charge on impact fees.

Ms. Gibbs clarified that the 85% figure was discussed at a BOCC workshop in January. The figure was for traffic.

Mr. Getch explained that staff had asked the BOCC what their transportation priorities were. In response, the Board outlined four roadway segments. The 85% figure is the amount of impact fees that would need to be collected in order to maintain those four priority projects in the CIP. He noted that any reduction from 100% is going to reduce something out of the CIP.

Mr. Andress asked what would happen if the County does not collect those fees. In other words, where would the revenue come from to deal with the congestion on the roads if we did not make the improvements recommended by Lee County DOT?

Mr. Getch stated that would be a policy decision by the BOCC. There are other funding options.

Mr. Address stated he felt there was a lot of misunderstanding in the community because he believed that the 20% rate is currently funding 15% of the CIP for transportation. If we go to the 100% rate, we will be funding 80% of the transportation CIP. There are people who believe hardly any of the impact fees collected actually fund transportation. He wanted to clarify that this statement is false and that a 100% rate would fund 80% of the transportation CIP. The gas tax and other sources can be used as well so that growth pays for growth. If this is not done, we will not have the revenue sources from either an increase in taxes or other revenue sources to make up this shortfall.

Mr. Tasman stated he never believed impact fees were the correct way to pay for that growth. He did not feel it made sense to adversely affect the builders and developers that are providing the housing that we most want such as workforce and professional types of housing. These types of housing are impacted by the increase in the impact fees. The most active part of this housing market is the \$100,000 to \$200,000 price range. The margins on these homes are not enough to cover the projected increases of the impact fees even at 45%. Therefore, we should find another source of income. We will end up building houses that people cannot afford or not build homes at all which will be devastating to the community.

Mr. Address stated reasons he did not feel impact fees would be a deterrent to future construction of Lee County.

Ms. Borkert clarified that the LPA was looking at changes to Chapter 2 of the Land Development Code and their consistency with the Comprehensive Plan. The ordinance that was provided as a supplement in the package would be a policy decision made by the BOCC. The LPA will not be voting on the ordinance and the collection rate will not be in the Land Development Code.

Ms. Gibbs stated the only reason she included the ordinances in the LPA meeting packet was so that the LPA would be apprised of everything that was taking place.

Mr. Joyce opened this item for public comment.

Ms. Ami Desamours, Assistant Superintendent for Business and Finance, stated she was representing the School District of Lee County. She noted the School District is very supportive of the County's work and she appreciated that the LPA was treating this issue seriously. She stated her office would be willing to provide any information/data that might be needed. Ms. Desamours stated that their Board Chair spoke at the last BOCC meeting and was on record as saying that the restoration of impact fees are very important to the School District. It has been noted on record that they have a Capital Funding crisis due to the loss of funds that has taken place over the past five years. Due to growth in the area, the School District is in need of three schools over the next five years with no revenue source to complete this. Therefore, every revenue source is important to them.

Mr. Marc Mora, Director of Planning, Growth, and School Capacity for the School District, stated that in addition to the three schools needed over the next five years, the School District also needs 24 schools over the next 20 years. The School district has 22 buildable sites currently and 31 total properties. Some of them are adjacent to current properties enabling the School District to expand some of the campuses. However, there is a shortfall of sites because some of the properties owned by the School District do not fit where the growth is occurring now. Since demographics shift, the School District is always looking for new school sites. He also reiterated that the School District would offer support if needed in terms of data.

Mr. Joe Cameratta stated he was a land developer in Southwest Florida (mainly residential communities). He felt certain housing developments should be factored into the data because there are age restricted communities and other developments that have seniors in them who are only in the area seasonally. Neither group typically has children with them. Therefore, they impact roads and schools differently than other communities yet everyone pays the same impact fee for any residential community.

Mr. Mullen stated there was a provision in the ordinance where you can do an independent assessment. If you are deed restricted and 55 years or older, you do not have to pay impact fees for schools and roads. You basically pay an average impact. Since neighborhoods change over the years, you cannot say that there are mainly older people in a particular community. A new housing unit will have multiple occupants over the years so the County looks for the long term impact.

Ms. Gibbs referred to the clarifying language in Section 2-264 (10) and noted a couple of the committees did not like this language. One committee felt the impact fees should only be used for roads and not for bike paths. However, the Bicycle and Pedestrian Advisory Committee will be sending a letter to the BOCC stating not enough funds are being spent on bike paths.

Mr. Church referred to Number (10) on Page 5 of the Ordinance, under Section 2-264 and recommended removing the words *“by providing alternative travel modes and.”* He also recommended adding a sentence that reads *“Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvements.”* Therefore, Item (10) will read as follows:

(10) Alternative roadway capacity improvements that accommodate vehicle trips ~~by providing alternative travel modes and~~ by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull out lanes along arterial and collector roads. *Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvements.*

Mr. Church stated that his concern was that the current verbiage gives “cart blanche” on how to use impact fees. For instance, they could conceivably be used to buy buses and bus pull offs. Mr. Church stated he was not opposed to those uses, but he wanted to add some language in here so that the impact fees would be judiciously used.

Ms. Borkert felt the sentence that Mr. Church added deals with the actual use of funds. Therefore, she suggested it be located under Section 2-270 (Use of Funds). She explained that Section 2-264 basically defines what Capital Improvements are. The definition of a Capital Improvement will include these alternative roadway improvements.

Mr. Church stated he did not object to it being located in Section 2-270.

**Mr. Church made a motion to: 1) approve the revised impact fee schedule and modify this ordinance such that line (10) under Capital Improvements deletes the words *by providing alternative travel modes and*; 2) Add a sentence under Section 2-270 to be placed after the second sentence so that it will read as follows, “Such improvements must increase roadway capacity and be of the type made necessary by the new development.” *“Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvement.”* and, 3) find that it is consistent with the Comprehensive Plan, seconded by Mr. Address. The motion was called and passed 6-0.**

## **Agenda Item 6 – Other Business**

### **Impact Fee Comparison – Lee, Charlotte, Collier**

Mr. Brown asked what the impact fee value was compared to Charlotte and Collier County.

Ms. Gibbs stated that at the 100% rate, Charlotte County is considerably lower. They are similar to what Lee County has now. Collier County is much higher. In fact, she noted that Collier County is one of the highest in the state.

Mr. Church asked if Charlotte County was lower in the base or in what they are charging.

Mr. Andress stated Charlotte County is lower in the base and noted that, despite this, they are not getting much permit activity in their area.

## **Agenda Item 7 – Adjournment**

The next Local Planning Agency meeting is scheduled for Monday, March 23, 2015, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

**Mr. Andress made a motion to adjourn.** The meeting adjourned at 10:20 a.m.





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

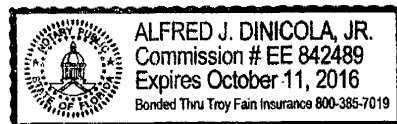
BARBARA HEINE  
Printed Name of Applicant

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 predicable 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 predicable 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.

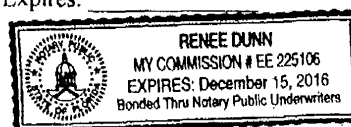
(SEAL)

Renée Dunn  
Notary Public - Signature

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Prolaw: 977746



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.

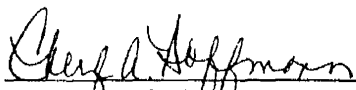
This property is taken subject to the Declaration of Covenants, Conditions, Restrictions and Easements



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.

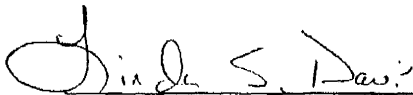
The Grantor has executed this special warranty deed as of the day and year first written above.

Signed, and delivered in the presence of:

  
Signature of witness

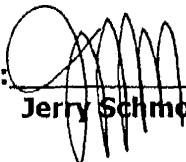
CHERYL A HOFFMANN

Legibly print name of witness

  
Signature of witness

LINDA S. DAVIS  
Legibly print name of witness

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

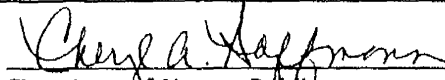
By:   
**Jerry Schmoyer, Vice President**

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

STATE OF FLORIDA       )  
COUNTY OF LEE        )

The foregoing instrument was acknowledged before me this 29th day of September 2009, by **Jerry Schmoyer**, 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:

  
Signature of Notary Public

CHERYL A HOFFMANN


Legibly Print Name of Notary Public



**Cheryl A. Hoffmann**  
Commission # DD506006  
Expires February 14, 2010  
Rounded Tree Farm Insurance, Inc. 800-385-7019

(NOTARY SEAL)

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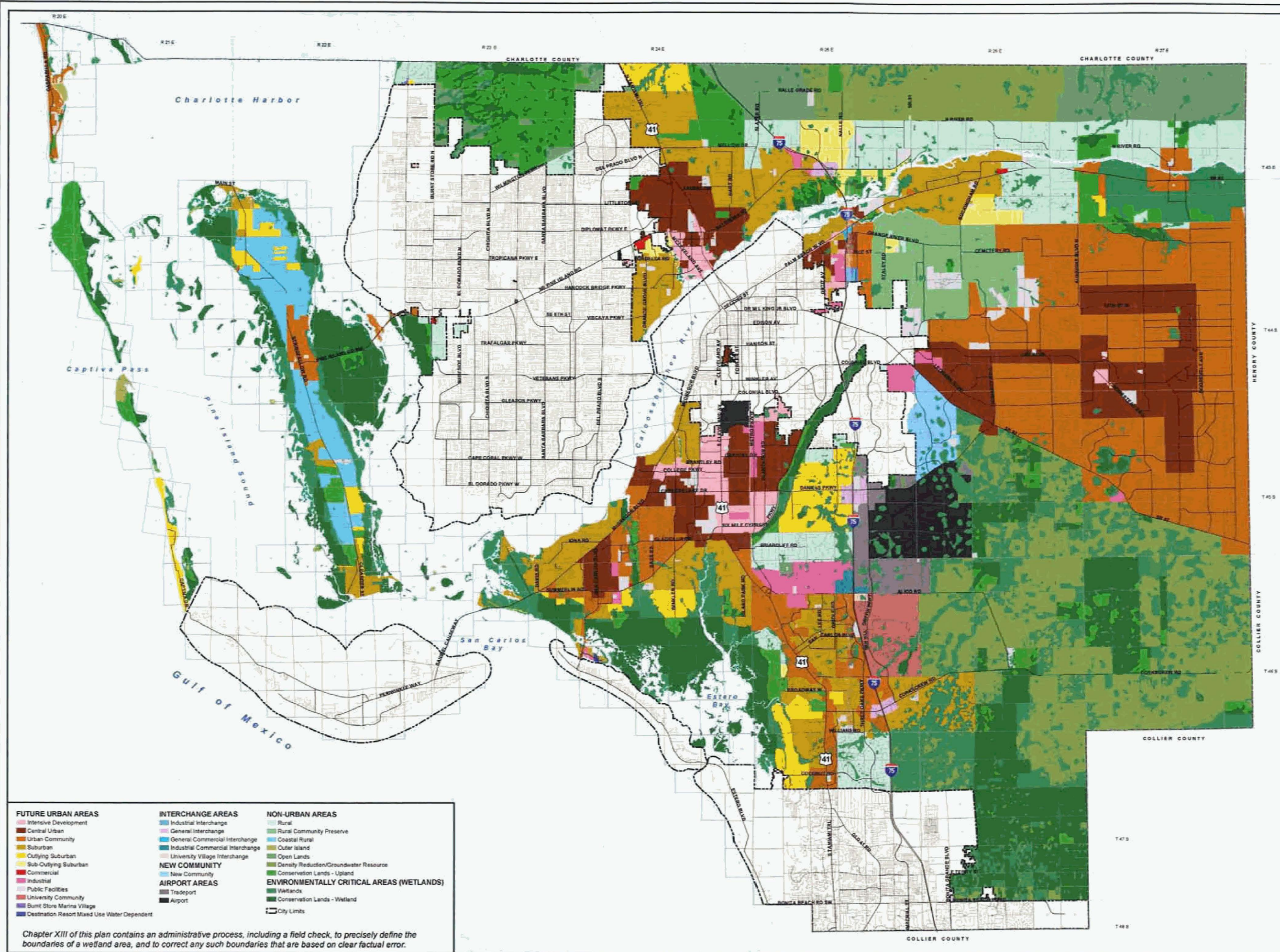
Enter notes here

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

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
89-02	10/1/1989	3/1/1989
90-05	3/7/1990	3/14/1990
90-43	8/5/1990	8/17/1990
90-44	9/12/1990	9/17/1990
91-10	4/3/1991	4/10/1991
91-19	7/9/1991	7/16/1991
92-55	3/7/1992	8/16/1992
92-41	9/15/1992	9/21/1992
93-47	10/27/1992	11/6/1992
93-48	10/27/1992	11/6/1992
93-51	12/9/1992	12/21/1992
93-55	2/22/1993	2/26/1993
93-25	9/20/1993	1/24/1994
94-23	8/28/1994	11/14/1994
94-29	10/26/1994	1/9/1995
94-30	11/1/1994	7/25/1996
95-27	1/22/1995	1/20/1996
96-19	10/21/1996	11/21/1996
97-05	3/5/1997	4/2/1997
97-17	8/20/1997	9/30/1997
97-13	8/24/1997	7/25/1997
97-22	11/25/1997	12/29/1997
98-02	1/13/1998	2/13/1998
98-05	9/3/1998	7/30/1998
99-02	4/13/1999	2/4/2000
99-26	11/24/1999	12/25/1999
99-15	11/23/1999	1/19/2000
99-16	11/23/1999	1/19/2000
99-17	11/23/1999	1/19/2000
99-18	11/23/1999	1/19/2000
99-19	11/23/1999	12/23/1999
00-08	5/4/2000	6/26/2000
00-16	8/8/2000	9/8/2000
00-22	11/12/2000	12/26/2000
01-24	12/13/2001	1/12/2002
02-02, 03, 04, 05, 06	1/16/2002	3/27/2002
03-29	10/21/2002	1/9/2003
03-01, 02, 03, 04, 05, 06, 07	1/9/2003	4/1/2003
03-12	5/6/2003	6/6/2003
03-19, 03-20, 03-21	10/29/2003	1/21/2004
03-26	12/15/2003	3/12/2004
04-14	9/20/2004	12/7/2004
04-15	9/22/2004	10/22/2004
05-19, 05-21	10/12/2005	01/09/2006
06-20	10/12/2005	11/15/2006
07-07	4/24/2007	5/24/2007
07-08	4/24/2007	5/24/2007
07-09 thru 07-18	5/16/2007	8/13/2007
08-04	3/11/2008	4/11/2008
08-05	3/11/2008	4/11/2008
09-05 thru 09-17	2/25/2009	5/15/2009
10-10, 11, 12, 16	3/3/2010	6/4/2010
10-19	3/3/2010	10/19/2011 partial
10-27	6/16/2010	7/19/2010
10-34 thru 10-39	10/29/2010	1/5/2011
10-33	10/18/2010	10/1/2011
10-40	10/29/2010	3/14/2011
11-15, 11-17	6/26/2011	1/11/2011
14-14	6/16/2014	7/16/2014

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 Acreage Allocation Table (see Map 16 and Table 11b) and Policies 1.1.1 and 2.2.2 depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County.



Map Generated: July 18, 2014

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 clear factual error.