



**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

June 10, 2015

John E. Manning  
*District One*

Cecil L. Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

Donna Marie Collins  
*Hearing Examiner*

Ray Eubanks, Plan Processing Administrator  
Department of Economic Opportunity  
Bureau of Community Planning  
Caldwell Building  
107 East Madison St. MSC 160  
Tallahassee, FL. 32399-4120

Re: Amendment 14-7 ESR  
Amendments to the Lee Plan  
Adoption Submission Package

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of a Comprehensive Plan Amendment known locally as CPA2012-01, River Hall. The Lee County Board of County Commissioners held an adoption hearing for the plan amendment on June 3, 2015 starting at 9:30 a.m. At the adoption hearing, the Lee County Board of County Commissioners voted to adopt the amendment by a 4 to 1 vote.

This amendment packet includes the final action and adopting ordinance for CPA 2012-01, River Hall. The adopted amendment has been modified as compared to the changes that were transmitted by the Lee County Board of County Commissioners for State review. The changes are due to the fact that land owned by the River Hall Community Development District has been withdrawn from the proposed application. No new areas were added to the amendment. As a result of this action, the applicant has modified the request to the following:

1. Amend the Future Land Use Map for 585.6 acres of land within the Rural Future Land Use Category to the Sub-Outlying Suburban Future Land Use Category.
2. Amend Table 1(b) of the Lee Plan to accommodate the proposed development.

The revised request by the applicant eliminated two text amendments that are no longer necessary due to the decrease in the proposed Future Land Use Map amendment. These text amendments were:

- A revision to Policy 5.1.11 to allow the transfer of density from Conservation Lands to adjoining uplands at upland rates; and,
- A revision to Policy 21.1.5 that established a density cap of 2,850 dwelling units for River Hall.

The revised FLUM amendment allows for a maximum of 2,749 dwelling units based on standard density calculations. This is less than the cap of 2,850 dwelling units transmitted to the State Reviewing Agencies; therefore the proposed amendment to Policy 21.1.5 is not necessary.

Staff has found that the revised request is less intense than the applicant's request when it was previously reviewed by staff, the LPA, the Board of County Commissioners and the State Reviewing Agencies.

As required by F.S. 163.3184, the final action on these amendments were completed within 180 days of the receipt of the State Land Planning Agency's review letter.

The name of the local newspaper in which the Notice of Intent should be published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Brandon Dunn, Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Fax (239) 485-8319  
Email: bdunn@leegov.com

Included with this package is one paper copy and two CD ROM copies, in PDF format, of the proposed amendments and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**

A handwritten signature in black ink, appearing to read 'Mikki Rozdolski', with a stylized, cursive script.

Mikki Rozdolski,  
Acting Director

**THE NEWS-PRESS**  
*Published every morning  
Daily and Sunday  
Fort Myers, Florida*  
**Affidavit of Publication**  
STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
**Kathy Allebach** who on oath says that he/she is the  
**Legal Assistant** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a

**Notice of Public Hearing**

In the matter of:

**Hearing on October 22, 2014**

In the court was published in said newspaper

In the issues of

**October 14, 2014**

Affiant further says that the said News-Press is a paper of  
general circulation daily in Lee, Charlotte, Collier, Glades and  
Hendry Counties and published at Fort Myers, in said Lee  
County, Florida and that said newspaper has heretofore been  
continuously published in said Lee County, Florida, each day,  
and has been entered as a second class mail matter at the post  
office in Fort Myers in said Lee County, Florida, for a period of  
one year next preceding the first publication of the attached  
copy of the advertisement; and affiant further says that he/she  
has neither paid nor promised any person, firm or corporation  
any discount, rebate, commission or refund for the purpose of  
securing this advertisement for publication in the said  
newspaper.

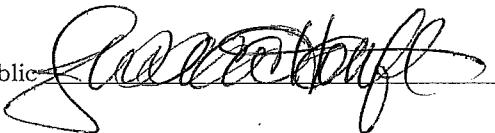


Sworn to and subscribed before me this 14<sup>th</sup> day of  
October, 2014.

by **Kathy Allebach**  
personally known to me

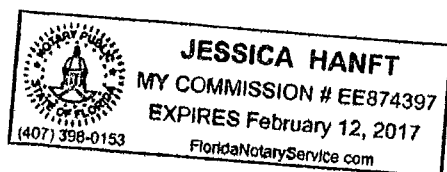
as identification, and who did or did not take an  
oath.

Notary Public



Print Name: **Jessica Hanft**

My commission Expires: **February 12, 2017**



**NOTICE OF  
PROPOSED  
AMENDMENT TO  
THE  
LEE COUNTY  
COMPREHENSIVE  
LAND USE PLAN  
(TRANSMITTAL  
HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 22, 2014. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity.

**CPA2012-00001, River Hall:** Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban. Amend Policy 5.1.10 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands. Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units. Also amend Table 1(b), Year 2030 Allocations, to adjust the

acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying Suburban future land use category by lowering the allocation to the Rural future land use category.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to

the proposed plan amendment. 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 public hearing should contact Janet Miller at 239-533-8583 or

j.miller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. No. 1492939  
October 14, 2014



**THE NEWS-PRESS**  
*Published every morning*  
*Daily and Sunday*  
*Fort Myers, Florida*  
**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared **Shari Terrell** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**Notice Of Public Hearing**

In the matter of:

**Lee Cty. Comprehensive Land Use Plan  
(Adoption Hearing)**

In the court was published in said newspaper in the  
issues of

**May 28, 2015**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Shari Terrell*

Sworn to and subscribed before me this 28<sup>th</sup> day of May, 2015.

by **Shari Terrell**  
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

*Jessica Hanft*

Print Name: **Jessica Hanft**  
My commission Expires: **February 12, 2017**



**NOTICE OF  
PROPOSED  
AMENDMENT TO  
THE  
LEE COUNTY  
COMPREHENSIVE  
LAND USE PLAN  
(ADOPTION  
HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, June 3, 2015. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:  
**CPA2012-00001, River Hall:** Amend the Future Land Use Map for 585.6 acres of land within the Rural Future Land Use Category to the Sub-Outlying Suburban Future Land Use Category.

Also amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying Suburban Future Land Use Category and lowering the allocation to the Rural Future Land Use Category.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. 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 public hearing should contact Janet Miller at 239-533-8583 or

imiller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. No.1500644  
May 28, 2015

**LEE COUNTY ORDINANCE NO. 15-10**

River Hall  
(CPA2012-00001)

**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 PERTAINING TO RIVER HALL (CPA2012-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TABLE AND MAP; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; 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 August 26, 2013; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 22, 2014. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to River Hall (CPA2012-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the October 22, 2014 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on June 3, 2015, 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 amendments to the Lee Plan. The purpose of this ordinance is to adopt table and map 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 "River Hall Ordinance (CPA2012-00001)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting Table 1(b) and Map 1, page 1 of 8, amendments known as River Hall (CPA2012-00001).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A, Exhibit B1 and Exhibit B2.

## 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: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: 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 SIX: 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 SEVEN: 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 EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. 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.

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

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Nay

DONE AND ADOPTED this 3<sup>rd</sup> day of June 2015.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY:   
Deputy Clerk

BY:   
Brian Hamman, Chair



DATE: 6/3/2015

Approved as to Form for the  
Reliance of Lee County Only

  
County Attorney's Office

Exhibit A: Adopted revisions to Table 1(b) (Adopted by BOCC 6/3/15)  
Exhibit B1: Future Land Use Map Series, Map 1, Page 1 of 8 (former)  
Exhibit B2: Future Land Use Map Series, Map 1, Page 1 of 8 (Adopted by BOCC 6/3/15)

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

Residential By Future Land Use Category	Lee County Totals		Fort Myers Shores	
Intensive Development	1,367	1,352	20	5
Central Urban	14,787	14,787	225	225
Urban Community	18,425	18,425	637	637
Suburban	16,623	16,623	1,810	1,810
Outlying Suburban	4,105	4,105	40	40
Sub-Outlying Suburban	1,548	1,728	367	547
Industrial Development	79	79	0	0
Public Facilities	1	1	0	0
University Community	850	850	0	0
Destination Resort Mixed Use Water Dependent	8	8	0	0
Burnt Store Marina Village	4	4	0	0
Industrial Interchange	0	0	0	0
General Interchange	42	42	0	0
General/Commercial Interchange	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0
University Village Interchange	0	0	0	0
New Community	900	900	0	0
Airport	0	0	0	0
Tradeport	9	9	0	0
Rural	8,313	8,313	1,400	1,400
Rural Community Preserve	3,100	3,100	0	0
Coastal Rural	1,300	1,300	0	0
Outer Islands	202	202	1	1
Open Lands	2,805	2,805	0	0
Density Reduction/Groundwater Resource	6,905	6,905	0	0
Conservation Lands Uplands	0	0	0	0
Wetlands	0	0	0	0
Conservation Lands Wetlands	0	0	0	0
Total Residential	81,373	81,538	4,500	4,665
Commercial	12,793	12,793	400	400
Industrial	13,801	13,801	400	400
Non Regulatory Allocations				
Public	82,252	82,252	2,000	2,000
Active Agriculture	17,027	17,027	550	550
Passive Agriculture	45,859	45,859	2,500	2,500
Conservation (wetlands)	81,948	81,948	1,142	1,142
Vacant	22,122	21,957	226	61
Total	357,175	357,175	11,718	11,718
Population Distribution*	495,000	495,000	30,861	30,861

\* Population for Unincorporated Area of Lee County

**EXHIBIT** A



# CPA2012-00001 RIVER HALL

## Existing Future Land Use Designations

### FUTURE URBAN AREAS

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

### INTERCHANGE AREAS

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

### NEW COMMUNITY

- New Community

### AIRPORT AREAS

- Tradeport
- Airport

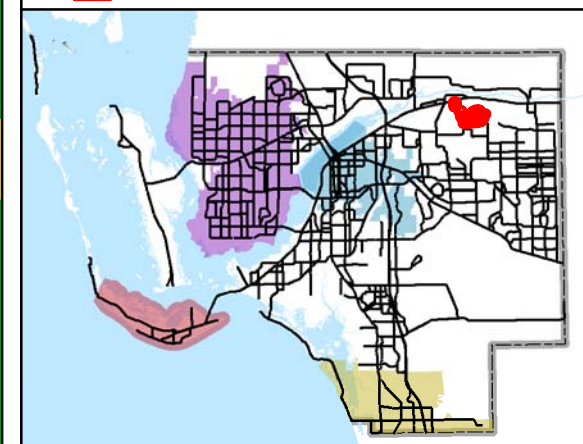
### NON-URBAN AREAS

- 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

- Subject Property

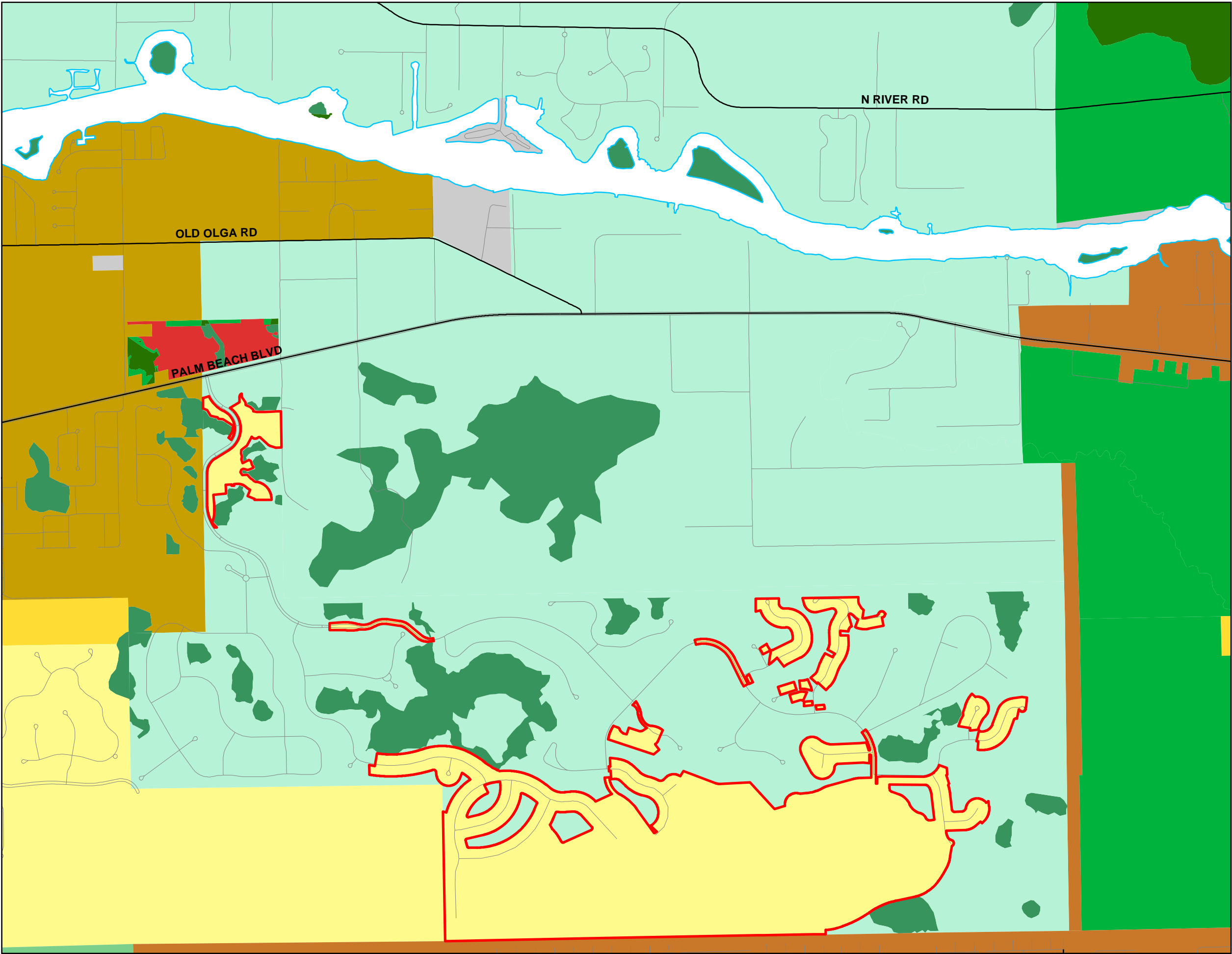


0 660 1,320 2,640 3,960

Feet

Map Generated May 2015

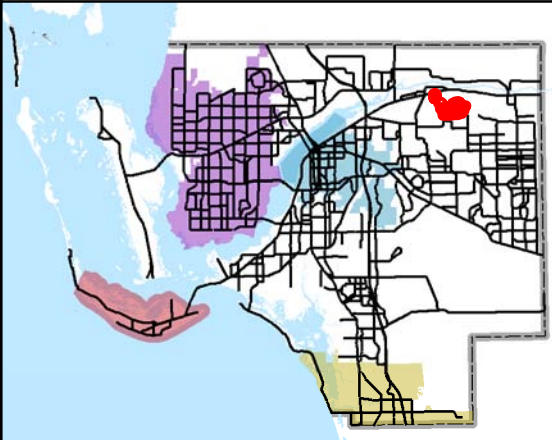
Page 1 of 2



# CPA2012-00001 RIVER HALL

## Proposed Future Land Use Designations

- FUTURE URBAN AREAS**
- Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
  - Commercial
  - Industrial
  - Public Facilities
  - University Community
  - Burnt Store Marina Village
  - Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- General Interchange
  - University Village Interchange
  - Industrial Commercial Interchange
  - Industrial Interchange
  - General Commercial Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Tradeport
  - Airport
- 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
- Subject Property**



STATE OF FLORIDA

COUNTY OF LEE

I, Linda Doggett, 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. 15-10, adopted by the Board of Lee County Commissioners, at their meeting held on the 3 day of June, 2015 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 9 day of June, 2015.

LINDA DOGGETT  
Clerk of Circuit Court  
Lee County, Florida

By:

  
\_\_\_\_\_  
Deputy Clerk





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 9, 2015

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Shayne Brown, Minutes Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 15-10, which was filed in this office on June 9, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

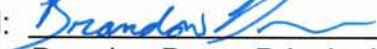
ELR/lb



**MEMORANDUM**  
**FROM**  
**THE DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**DIVISION OF PLANNING**

DATE: May 20, 2015

TO: Board of County Commissioners

FROM:   
Brandon Dunn, Principal Planner  
Division of Planning

**RE: June 3, 2015 Comprehensive Plan Amendment Adoption Hearing  
CPA2012-00001, River Hall.**

As you may recall the Board of County Commissioners (BoCC) transmitted the proposed River Hall comprehensive plan amendment, CPA2012-01, at the Transmittal Hearing, on October 22, 2014. Following Board direction, staff submitted the transmitted amendment to the Florida Department of Economic Opportunity and other State Reviewing Agencies within 10 days as required by Florida Statute.

Subsequent to the BoCC Transmittal Hearing, the land owned by the River Hall Community Development District (CDD) was removed from the Future Land Use Map (FLUM) amendment at the request of the CDD. As a result of this action, the applicant has modified the request as follows:

- (1) The applicant has revised the proposed amendment to the FLUM to remove the CDD lands and several other parcels. No lands have been added to the request that were not previously reviewed by Staff, the LPA, the BoCC or the State Reviewing Agencies. The revised configuration for the FLUM amendment is shown on Exhibit 1A and is legally described in Exhibit 1B, which are attachments to the letter outlining the applicant's revised request received by Lee County on December 17, 2014 (Attachment 1).

The request transmitted by the BoCC was to:

Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban.

The request has been revised by the applicant to:

Amend the Future Land Use Map for 585.6 acres of land within the Rural Future Land Use Category to the Sub-Outlying Suburban Future Land Use Category.

- (2) The text amendment to Table 1(b) of the Lee Plan that was revised by Staff in the Staff Report dated October 8, 2014. This request is the same as was transmitted to the State Reviewing Agencies by the BoCC.
- (3) The applicant has also revised the transmitted amendment to remove two text amendments that are no longer necessary due to the decrease in area affected by the proposed FLUM amendment. These text amendments were:

- A revision to Policy 5.1.11 to allow the transfer of density from Conservation Lands to adjoining uplands at upland rates.

The only lands within River Hall to be placed in the Conservation Lands classification were owned by the CDD, and since those lands have been withdrawn this proposed text amendment is no longer necessary.

- A revision to Policy 21.1.5 that established a density cap of 2,850 dwelling units for River Hall.

The revised FLUM amendment allows for a maximum of 2,749 dwelling units based on standard density calculations. This is less than the cap of 2,850 dwelling units transmitted by the BoCC; therefore the proposed amendment to Policy 21.1.5 is not necessary.

Comments from the State Reviewing Agencies were due to Lee County by December 10, 2014. Lee County received responses stating that there were no comments from the Florida Departments of Economic Opportunity, Environmental Protection, Agriculture and Consumer Services, and Transportation; as well as the South Florida Water Management District (Attachment 3).

The Florida Department of Education as well as the Florida Fish Wildlife Conservation Commission provided substantive comments about the proposed amendment summarized as follows:

**Florida Department of Education:** The Florida Department of Education provided that *“it appears that the increase in residential units has the potential to create 35 middle school students above the capacity projected to be available in the Lee County School Board’s 2014-15 through 2018-19 district facilities work plan.”*

In a memo dated January 9, 2015 the School District of Lee County clarified based on the applicant’s revised request that *“the increase in dwelling units creates 28 middle school students above the capacity available within the East Zone Concurrency Service Area (CSA). However,*



*there are sufficient seats available to serve the need within the contiguous CSA.” Lee County allows for deficiencies in one CSA to be addressed with the capacity of an adjacent CSA.*

**Florida Fish Wildlife Conservation Commission:** The subject property was identified as being within the secondary range of the Big Cypress population of the Florida Black Bear. As such the Florida Fish and Wildlife Conservation Commission provided the following:

*There are measures that can be taken to reduce conflicts with bears both during and after development activities, including:*

- *Preserving buffer areas with adequate parameters around natural features.*
- *Following best management practices during construction:*
  - *Requiring clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse.*
  - *Requiring frequent trash removal and the use of proper food storage and removal on work sites.*
  - *Conducting frequent and unannounced site inspections and rewarding site managers that keep a bear-smart worksite.*
- *Proactively deterring potential negative human-bear interactions by providing residents and employees with informational materials regarding bears and successful coexistence with them in potential habitat areas. This information should include deterrent measures, such as:*
  - *Using bear-resistant garbage containers,*
  - *Placing garbage on the curb the morning of pick-up,*
  - *Removing wildlife feeders,*
  - *Using electric fencing,*
  - *Securing pet food, and*
  - *Cleaning and securing barbeque grills.*

Staff finds that the proposed conditions within the concurrent rezoning request (DCI2013-00003), which require a large mammal management plan to limit potential negative human/wildlife interaction, will adequately address these comments.

Based on the BoCC actions on October 22, 2014, the concurrent rezoning, and the revised request due to the elimination of CDD lands, Staff provides the following updated findings of fact:

- The BoCC found that a finding of “Overriding Public Necessity” under Policy 21.1.5 was not required to amend the future land use category of the subject property.
- The applicant’s revised request for the proposed amendment is less intense than the amendment as it was transmitted by the BoCC on October 22, 2014.
- The proposed amendment, as revised by the applicant, would lessen the creation of enclaves as compared to the request that was transmitted by the BoCC on October 22, 2014.
- The proposed amendment, as revised by the applicant, will not result in densities greater than one acre in the areas remaining in the Rural future land use category.

- The concurrent rezoning recommendation by Staff and the Hearing Examiner has been conditioned to address transportation concerns.
- The concurrent rezoning recommendation by Staff and the Hearing Examiner has been conditioned to address human/wildlife interactions.
- The concurrent rezoning recommendation by Staff and the Hearing Examiner has been conditioned to address EMS needs.

Staff recommends that the Board of County Commissioners **adopt** the amendment to the Lee Plan as revised by the applicant.

Attachments:

Attachment 1: Applicant letter stamped received December 17, 2014

Attachment 2: Table 1(b)

Attachment 3: Letters from State Reviewing Agencies

Attachment 4: DEO Transmittal Submission Package



1715 Monroe Street  
Post Office Box 280 • Fort Myers, FL 33902-0280  
Tel: 239.344.1100 • Fax: 239.344.1200 • [www.henlaw.com](http://www.henlaw.com)  
Bonita Springs • Sanibel

CPA 2012-00001

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

December 17, 2014

**RECEIVED**  
DEC 17 2014  
COMMUNITY DEVELOPMENT

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

Re: CPA2012-00001 – River Hall

Dear Mary:

The above-referenced plan amendment was submitted by Greenpointe Communities, LLC (GreenPointe) on September 27, 2012, and was transmitted by Lee County to the Department of Economic Opportunity (DEO) after a "transmittal hearing" before the Lee County Commission on October 22, 2014. DEO issued its letter of review on December 4, 2014, and identified no comments that were within its scope of review.

On the same day that DEO issued its review letter, the River Hall Community Development District (CDD) adopted a resolution purporting to rescind its authorization to include lands owned by the CDD in the plan amendment application. The inclusion of the CDD's lands were previously authorized by resolution adopted by the CDD in 2013. GreenPointe relied upon this authorization in preparing, submitting, and processing the plan amendment, and has expended significant sums in doing so. While GreenPointe believes that the CDD is equitably estopped from rescinding its authorization at this late time, it is my understanding that the County's position is that the CDD's resolution of December 4, 2014, is presumptively valid and is considered effective in withdrawing the CDD lands from the plan amendment unless determined to be invalid by a court of competent jurisdiction. Accordingly, by email of December 12, 2014, you requested that we submit necessary modifications to the plan amendment application (and corresponding planned development amendment rezoning application) to reflect and accommodate the withdrawal of the CDD land.

In response to your request, GreenPointe submits the following modifications to CPA2012-00001:

- 1) The Future Land Use Map (FLUM) Amendment is modified to reflect the configuration identified in Attachment "A." The CDD lands have been removed

Henderson, Franklin, Starnes & Holt, P.A.

from the FLUM Amendment. All of the land remaining in the FLUM Amendment was included in the plan amendment transmitted to DEO, i.e., no land has been added to the FLUM Amendment that was not included in the transmittal to DEO. The revised FLUM Amendment shown in Attachment "A" results in the following land use parameters for the River Hall community:

Land Use Category	Acreage	Density	DU Allowed	No. of DU's Already Permitted by Plat or DO	No. of DU's Remaining for Future Permitting
Suburban	71.5	6 du/ac	429	186	243
Sub-O.S.	585.6	2 du/ac	1171	598	573
Rural	1140.3	1 du/ac	1140	1119	21
Wetlands	181.0	.05 du/ac	9	0	9
<b>Total</b>	<b>1978.4</b>		<b>2749</b>	<b>1903</b>	<b>846</b>

- 2) Proposed Policy 5.1.11 is no longer necessary and is hereby withdrawn. All lands originally proposed to be placed in the Conservation Wetlands and Conservation Uplands categories are owned by the CDD and have been removed from the FLUM Amendment; accordingly, no density is being transferred from CDD lands to those controlled by GreenPointe.
- 3) The proposed amendment to Policy 21.1.5 establishing a dwelling unit cap of 2,850 for River Hall is no longer necessary and is hereby withdrawn. As documented above, the maximum number of dwelling units achievable under the FLUM Amendment is 2,749.
- 4) The proposed amendment to Table 1(b) of the Lee Plan remains as transmitted to DEO.

Attachment "B" includes legal descriptions and sketches for the FLUM amendment, as revised and described above. The lands described in these sketches and legal descriptions would be changed from the Rural land use classification to the Sub-Outlying Suburban land use classification.

Mary Gibbs, AICP  
December 17, 2014  
Page 3

Please contact me should you have any questions. Thank you.

Sincerely,

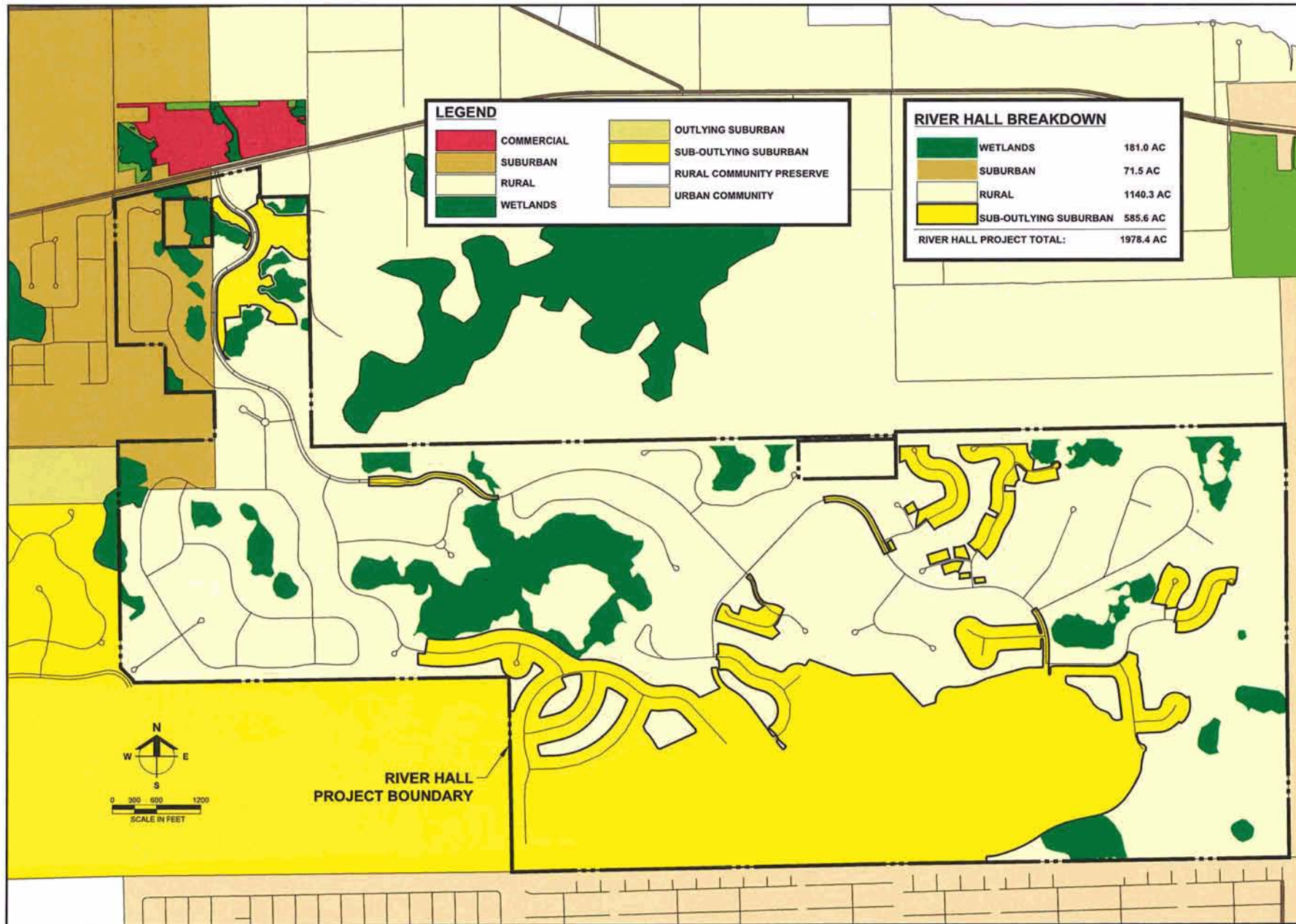


Russell P. Schropp

RPS/mls  
cc (w/enc)

Grady Miars  
Dave Depew  
Tina Ekblad  
Carl Barraco  
Stephen Leung  
Ken Passarella  
Tina Matte  
Richard Wm. Wesch, Esq.  
Michael Jacob, Esq.  
Paul O'Connor  
Brandon Dunn  
Alvin "Chip" Block





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POST OFFICE DRAWER 2850  
FORT MYERS, FLORIDA 33902-2850  
PHONE (239) 481-3170  
FAX (239) 481-3169

FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**GREENPOINTE COMMUNITIES, LLC**

7807 BAYMEADOWS ROAD E  
SUITE 200  
JACKSONVILLE, FL 32256

PHONE (904) 562-1358  
FAX (904) 599-2481

PROJECT DESCRIPTION

**RIVER HALL**

FORMERLY KNOWN AS  
**HAWKS HAVEN**

PART OF SECTIONS 27, 34, 35 AND 36  
TOWNSHIP 43 SOUTH  
RANGE 28 EAST  
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND  
INTENDED FOR CONCEPTUAL  
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE  
INTENSITIES OR DENSITIES MAY  
CHANGE SIGNIFICANTLY BASED  
UPON SURVEY, ENGINEERING,  
ENVIRONMENTAL AND / OR  
REGULATORY CONSTRAINTS  
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FILE NAME: PLU-PROPOSED-DWG

LOCATION: 2100 BARRACON/2100 E. 10TH

PLOT DATE: MON. 12-15-2014 - 4:02 PM

PLOT BY: JENNIFER SAFER

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

1.2-13	NEW AMENDMENT BOUNDARY
3.25-13	REVISED AMENDMENT AREA
8.28-13	REVISED AMENDMENT AREA
12.17-14	REVISED AMENDMENT AREA

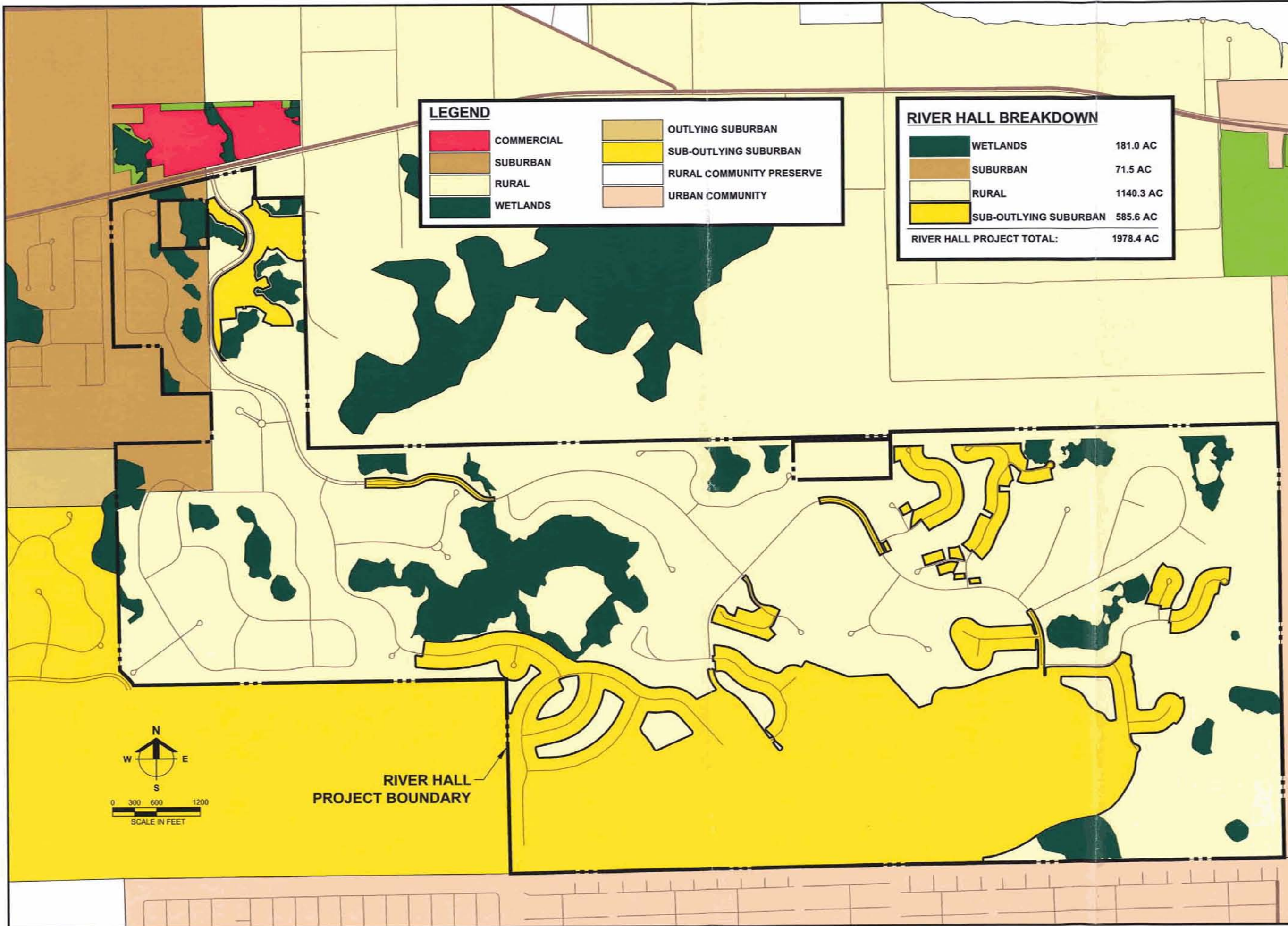
PLAN STATUS

**EXHIBIT IV.A.3**

**PROPOSED FUTURE  
LAND USE  
MAP**

PROJECT / FILE NO.	SHEET NUMBER
<b>21988</b>	





LEGEND	
<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span>	COMMERCIAL
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<span style="display:inline-block; width:15px; height:15px; background-color:lightyellow; border:1px solid black;"></span>	RURAL
<span style="display:inline-block; width:15px; height:15px; background-color:darkgreen; border:1px solid black;"></span>	WETLANDS
<span style="display:inline-block; width:15px; height:15px; background-color:lighttan; border:1px solid black;"></span>	OUTLYING SUBURBAN
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	SUB-OUTLYING SUBURBAN
<span style="display:inline-block; width:15px; height:15px; background-color:white; border:1px solid black;"></span>	RURAL COMMUNITY PRESERVE
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	URBAN COMMUNITY

RIVER HALL BREAKDOWN	
<span style="display:inline-block; width:15px; height:15px; background-color:darkgreen; border:1px solid black;"></span> WETLANDS	181.0 AC
<span style="display:inline-block; width:15px; height:15px; background-color:tan; border:1px solid black;"></span> SUBURBAN	71.5 AC
<span style="display:inline-block; width:15px; height:15px; background-color:lightyellow; border:1px solid black;"></span> RURAL	1140.3 AC
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> SUB-OUTLYING SUBURBAN	585.6 AC
<b>RIVER HALL PROJECT TOTAL:</b>	<b>1978.4 AC</b>

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GREENPOINTE

COMMUNITIES,

LLC

7807 BAYMEADOWS ROAD E

SUITE 205

JACKSONVILLE, FL 32256

PHONE (904) 562-1355

FAX (904) 996-2481

PROJECT DESCRIPTION

RIVER

HALL

FORMERLY KNOWN AS

HAWKS HAVEN

PART OF SECTIONS 27, 34, 35 AND 36

TOWNSHIP 43 SOUTH

RANGE 26 EAST

LEE COUNTY, FLORIDA

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FILE NAME: FLU-PROPOSED.DWG

LOCATION: J:\121988\DWG\CPA\2014 CPA\

PLOT DATE: MON, 12-15-2014 - 4:02 PM

PLOT BY: JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

1-3-13	NEW AMENDMENT BOUNDARY
3-27-13	REVISED AMENDMENT AREA
8-28-13	REVISED AMENDMENT AREA
12-17-14	REVISED AMENDMENT AREA

PLAN STATUS

EXHIBIT IV.A.3

PROPOSED FUTURE

LAND USE

MAP

PROJECT / FILE NO. 21988

SHEET NUMBER

**DESCRIPTION (AMENDMENT AREA)**

Parcel in  
Sections 25, 27, 34, 35 and 36, Township 43 South, Range 26 East  
Lee County, Florida

A tract or parcel of land lying in Section 25, 27, 34, 35 and 36, Township 43 South, Range 26 East  
Lee County, Florida, said tract or parcel of land being more particularly described as follows:

**PARCEL 1:**

A tract or parcel of land lying in Section 27, Township 43, Range 26, Lee County,  
Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 27 run S00°51'17"E along the East  
line of the West Half (W 1/2) of said Section 27 1,573.70 feet to the POINT OF  
BEGINNING.

From said Point of Beginning continue S00°51'17"E along said East line for 614.10 feet  
to an intersection with the Northerly line of Conservation Easement CE-5, described in a  
deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run  
along the Northerly and Westerly line of said Conservation Easement the following  
thirty-seven (37) courses: S89°08'43"W for 93.44 feet to a point on a non-tangent  
curve; Westerly along an arc of a curve to the right of radius 66.36 feet (delta  
16°50'32") (chord bearing N84°55'21"W) (chord 19.44 feet) for 19.51 feet;  
N71°01'07"W for 89.50 feet to a point of curvature; Northwesterly along an arc of a  
curve to the right of radius 70.00 feet (delta 23°16'07") (chord bearing N59°23'03"W)  
(chord 28.23 feet) for 28.43 feet to a point of tangency; N47°45'00"W for 184.10 feet  
to a point of curvature; Westerly along an arc of a curve to the left of radius 30.00 feet  
(delta 72°55'14") (chord bearing N84°12'37"W) (chord 35.66 feet) for 38.18 feet;  
S55°56'06"W for 16.37 feet to a point on a non-tangent curve; Southwesterly along an  
arc of a curve to the right of radius 26.40 feet (delta 05°46'39") (chord bearing  
S56°05'54"W) (chord 2.66 feet) for 2.66 feet to a point on a non-tangent curve;  
Westerly along an arc of a curve to the right of radius 70.00 feet (delta 89°33'57")  
(chord bearing N76°34'03"W) (chord 98.62 feet) for 109.43 feet; S28°40'01"W for  
168.43 feet; S49°55'00"W for 120.21 feet; S08°34'30"W for 59.47 feet; S16°25'18"E for  
53.01 feet; S10°53'06"W for 52.02 feet; S21°20'30"E for 68.84 feet; N62°54'21"E for  
119.90 feet; S66°05'27"E for 32.67 feet; S15°30'06"E for 72.37 feet; S40°08'04"E for  
34.02 feet; S03°40'51"E for 25.26 feet; S70°07'12"W for 69.86 feet; S61°26'29"W for  
17.36 feet; S72°08'48"W for 19.92 feet; N60°51'22"W for 30.42 feet; N77°06'37"W for  
44.10 feet; S64°52'29"W for 38.94 feet; S20°52'27"W for 43.82 feet; S31°30'37"E for  
59.12 feet; N86°41'36"E for 84.58 feet; S63°46'58"E for 10.50 feet; S40°41'16"E for  
40.28 feet; S42°43'38"E for 45.16 feet; S67°36'20"E for 23.72 feet; S41°52'34"E for  
38.96 feet; S63°15'06"E for 38.14 feet; S89°23'27"E for 35.43 feet; N63°29'28"E for  
1.44 feet to a point on a non-tangent curve and Southeasterly along an arc of a curve to  
the right of radius 294.98 feet (delta 79°24'50") (chord bearing S37°32'25"E) (chord  
376.91 feet) for 408.86 feet to an intersection with the Northerly line of lands described



## DESCRIPTION (CONTINUED)

in a deed recorded in Official Record Book 4326, at Page 2075, Lee County Records; thence run S89°59'57"W along said Northerly line for 290.94 feet to a point on a non-tangent curve and an intersection with the Northerly line of Conservation Easement CE-6, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Record; thence run along the Northerly and Westerly line of said Conservation Easement the following nineteen (19) courses: Northerly along an arc of a curve to the right of radius 366.19 feet (delta 02°18'35") (chord bearing N06°14'13"E) (chord 14.76 feet) for 14.76 feet; N67°30'09"W for 128.15 feet; N22°29'51"E for 111.26 feet to a point on a non-tangent curve; Northwesterly along an arc of a curve to the right of radius 284.50 feet (delta 15°17'25") (chord bearing N54°28'27"W) (chord 75.70 feet) for 75.92 feet; Westerly along an arc of a curve to the left of radius 215.00 feet (delta 48°01'46") (chord bearing N70°51'26"W) (chord 175.00 feet) for 180.23 feet to a point of tangency; S85°07'41"W for 47.77 feet; S04°52'19"E for 25.00 feet; S85°07'41"W for 40.00 feet; N04°52'19"W for 25.00 feet; S85°07'41"W for 99.33 feet; S04°52'19"E for 84.36 feet; S00°40'13"E for 44.90 feet; S09°23'27"W for 21.52 feet; S85°07'41"W for 214.14 feet; S04°52'19"E for 195.19 feet to a point of curvature; Southerly along an arc of a curve to the right of radius 645.00 feet (delta 24°05'35") (chord bearing S07°10'29"W) (chord 269.23 feet) for 271.23 feet; S56°46'33"E for 5.45 feet; S22°03'38"E for 26.30 feet and S44°22'17"E for 89.18 feet to an intersection with said Northerly line of lands described in a deed recorded in Official Record Book 4326, at Page 2075, Lee County Records; thence run S84°07'47"W along said Northerly line for 35.31 feet to a point on a non-tangent curve and an intersection with the Easterly right of way line of River Hall Parkway described in a deed recorded in Official Record Book 4326, at Page 1851, Lee County Records; thence run along said Easterly right of way line the following five (5) courses: Northerly along an arc of a curve to the right of radius 700.00 feet (delta 35°18'45") (chord bearing N17°39'25"W) (chord 424.63 feet) for 431.42 feet to a point of tangency; N00°00'03"W for 514.62 feet to a point of curvature; Northeasterly along an arc of a curve to the right of radius 300.00 feet (delta 58°24'51") (chord bearing N29°12'23"E) (chord 292.78 feet) for 305.86 feet to a point of tangency; N58°24'48"E for 260.56 feet to a point of curvature; Northerly along an arc of a curve to the left of radius 430.00 feet (delta 113°16'07") (chord bearing N01°46'45"E) (chord 718.25 feet) for 850.07 feet to an intersection with the Southerly line of lands described in Instrument No. 2007000309267, Lee County Records; thence run the following three courses along said Southerly line: N59°14'31"E for 186.92 feet; N00°00'00"E for 85.63 feet to a point of tangency and Northeasterly along an arc of a curve to the right of radius 67.00 feet (delta 65°23'59") (chord bearing N32°42'00"E) (chord 72.39 feet) for 76.48 feet to an intersection with the West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 also being an intersection with the Westerly line of Conservation Easement CE-3, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records thence run along the Westerly and Southerly line of said Conservation Easement the following twelve (12) courses: S00°50'17"E for 60.93 feet; S34°56'26"E for 102.67 feet; S09°14'30"E for 48.67 feet; S67°52'13"E for 81.78 feet; S48°12'54"E for 71.57 feet; S01°01'22"W for 27.84 feet; S80°11'09"E for 57.75 feet; S87°52'40"E for 72.84 feet; N88°30'21"E for 65.61 feet; N87°58'32"E for 123.03 feet; N86°30'04"E for 86.75 feet and N89°08'44"E for 62.31 feet to the POINT OF BEGINNING.

## DESCRIPTION (CONTINUED)

Containing 22.74 acres, more or less.

## PARCEL 2:

A tract or parcel of land lying in Section 27, Township 43, Range 26, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 27 run S00°51'17"E along the East line of the West Half (W 1/2) of said Section 27 for 763.79 feet to an intersection with the Southerly right of way line of State Road 80, (F.D.O.T. right of way map, Section 1202-(106)202) (150 feet wide); thence run S77°10'14"W along said Southerly right of way line for 1,346.60 feet to an intersection with the West line of of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27; thence run S00°49'17"E along said West line for 284.51 feet to the Southwest Corner of said Fraction and the POINT OF BEGINNING.

From said Point of Beginning run N88°54'52"E along the South line of said Fraction, along being the South line of lands described in Instrument No. 2013000006374, Lee County Records for 14.28 feet; thence run N70°31'00"E still along said South line of lands for 91.71 feet to a point on a non-tangent curve and an intersection with the Westerly right of way line of River Hall Parkway described in a deed recorded in Official Record Book 4326, at Page 1851, Lee County Records; thence run along said Westerly right of way line the following two (2) courses: thence run Southeasterly along an arc of a curve to the left of radius 550.00 feet (delta 38°10'13") (chord bearing S44°57'39"E) (chord 359.67 feet) for 366.41 feet to a point to reverse curvature; and Southerly along an arc of a curve to the right of radius 330.00 feet (delta 99°34'05") (chord bearing S14°15'43"E) (chord 503.99 feet) for 573.47 feet to an intersection with the Northerly line of lands described in Instrument No. 2005000189275, Lee County Records thence run N49°27'03"W along said Northerly line for 61.57 feet an intersection with the Easterly line of Conservation Easement CE-2, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records thence run along the Easterly and Northerly line of said Conservation Easement the following eighteen (18) courses: N45°39'05"E for 15.51 feet to a point on a non-tangent curve; Northeasterly along an arc of a curve to the left of radius 243.59 feet (delta 02°15'07") (chord bearing N44°10'13"E) (chord 9.57 feet) for 9.57 feet; N49°27'03"W for 6.01 feet to a point on a non-tangent curve; Northeasterly along an arc of a curve to the left of radius 237.59 feet (delta 38°59'14") (chord bearing N23°36'50"E) (chord 158.57 feet) for 161.67 feet; S54°38'48"E for 4.76 feet; S76°07'10"E for 1.94 feet to a point on a non-tangent curve; Northerly along an arc of a curve to the left of radius 243.59 feet (delta 06°53'49") (chord bearing N01°19'46"E) (chord 29.31 feet) for 29.32 feet; N54°38'48"W for 20.18 feet; N54°38'46"W for 62.62 feet; N56°19'59"W for 41.82 feet; N60°57'46"W for 41.20 feet; N58°35'37"W for 49.86 feet; N86°11'12"W for 74.80 feet; N28°14'18"W for 31.90 feet; N78°18'45"W for 52.55 feet; N74°02'56"W for 65.51 feet; N33°39'00"W for 113.45 feet and N67°25'04"W for 70.30 feet to an intersection with said West line of of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27; thence run N00°49'17"W along said West line for 178.87 feet to the POINT OF BEGINNING.

Containing 2.46 acres, more or less.

## PARCEL 3:

## DESCRIPTION (CONTINUED)

A portion of Tract "A", RIVER HALL COUNTRY CLUB, PHASE ONE as recorded in Instrument Number 2005000153068, Lee County Records being more particularly described as follows:

Beginning at the Northeast Corner of said Tract "A" thence run along the Northerly line of said Tract "A" the following eleven (11) courses: N85°02'56"E for 136.40 feet to a point of curvature; thence run Easterly along an arc of a curve to the right of radius 1,026.00 feet (delta 04°58'05") (chord bearing N87°31'59"E) (chord 88.94 feet) for 88.96 feet to a point of tangency; S89°58'59"E for 44.15 feet to a point of curvature; Easterly along an arc of a curve to the right of radius 726.00 feet (delta 17°17'43") (chord bearing S81°20'07"E) (chord 218.32 feet) for 219.15 feet to a point of reverse curvature; Easterly along an arc of a curve to the left of radius 284.00 feet (delta 49°14'39") (chord bearing N82°41'25"E) (chord 236.65 feet) for 244.09 feet to a point of reverse curvature; Easterly along an arc of a curve to the right of radius 380.00 feet (delta 40°00'56") (chord bearing N78°04'34"E) (chord 260.03 feet) for 265.39 feet to a point of tangency; S81°54'58"E for 212.22 feet to a point of curvature; Southeasterly along an arc of a curve to the right of radius 340.00 feet (delta 31°27'37") (chord bearing S66°11'10"E) (chord 184.35 feet) for 186.69 feet to a point of tangency; S50°27'22"E for 284.60 feet to a point of curvature; Southeasterly along an arc of a curve to the left of radius 175.00 feet (delta 31°06'17") (chord bearing S66°00'30"E) (chord 93.84 feet) for 95.00 feet to a point of compound curvature; and Easterly along an arc of a curve to the left of radius 300.00 feet (delta 18°53'32") (chord bearing N88°59'36"E) (chord 98.47 feet) for 98.92 feet; thence run thence run along the Southerly and Westerly line of said Tract "A" the following sixteen (16) courses: S86°31'29"W for 80.17 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 300.00 feet (delta 43°01'09") (chord bearing N71°57'56"W) (chord 219.99 feet) for 225.25 feet to a point of tangency; N50°27'22"W for 226.84 feet to a point of curvature; Northwesterly along an arc of a curve to the left of radius 260.00 feet (delta 31°27'37") (chord bearing N66°11'10"W) (chord 140.98 feet) for 142.76 feet to a point of tangency; N81°54'58"W for 212.22 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 300.00 feet (delta 40°00'56") (chord bearing S78°04'34"W) (chord 205.29 feet) for 209.52 feet to a point of reverse curvature; Westerly along an arc of a curve to the right of radius 364.00 feet (delta 31°56'56") (chord bearing S74°02'33"W) (chord 200.35 feet) for 202.97 feet to a point of tangency; N89°58'59"W for 41.35 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 287.00 feet (delta 12°33'46") (chord bearing S83°44'09"W) (chord 62.80 feet) for 62.93 feet to a point of tangency; S77°27'16"W for 12.39 feet to a point on a non-tangent curve; Westerly along an arc of a curve to the right of radius 213.00 feet (delta 12°33'45") (chord bearing S83°44'09"W) (chord 46.61 feet) for 46.70 feet; N89°58'59"W for 79.52 feet to a point of curvature; Westerly along an arc of a curve to the right of radius 188.00 feet (delta 09°48'12") (chord bearing N85°04'53"W) (chord 32.13 feet) for 32.17 feet to a point of reverse curvature; Westerly along an arc of a curve to the left of radius 200.00 feet (delta 09°48'12") (chord bearing N85°04'53"W) (chord 34.18 feet) for 34.22 feet to a point of tangency; N89°58'59"W for 261.37 feet and N00°01'01"E for 119.00 feet to the POINT OF BEGINNING.

Containing 3.87 acres, more or less.

PARCEL 4:

## DESCRIPTION (CONTINUED)

A tract or parcel of land lying in Sections 34, 35 and 36, Township 43, Range 26, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34  $N00^{\circ}59'34''W$  along the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 2,198.67 feet to an intersection with the Southerly line of Tract "B" of HAMPTON LAKES AT RIVER HALL, PHASE ONE as recorded in Instrument Number 2005000153004, Lee County Records; thence run along the Southerly, Easterly and Northerly line of said Tract "B" the following ten (10) courses:  $S74^{\circ}41'45''E$  for 60.29 feet to a point on a radial curve; Northeasterly along an arc of a curve to the right of radius 976.00 feet (delta  $41^{\circ}14'33''$ ) (chord bearing  $N35^{\circ}55'32''E$ ) (chord 687.47 feet) for 702.54 feet;  $N34^{\circ}34'20''W$  for 34.83 feet to a point on a non-tangent curve; Northwesterly along an arc of a curve to the left of radius 678.00 feet (delta  $12^{\circ}08'58''$ ) (chord bearing  $N54^{\circ}08'49''W$ ) (chord 143.50 feet) for 143.77 feet;  $S29^{\circ}46'42''W$  for 12.75 feet;  $S21^{\circ}50'20''W$  for 82.45 feet to a point of curvature; Westerly along an arc of a curve to the right of radius 208.00 feet (delta  $153^{\circ}15'26''$ ) (chord bearing  $N81^{\circ}31'57''W$ ) (chord 404.72 feet) for 556.37 feet to a point of tangency;  $N04^{\circ}54'15''W$  for 46.12 feet to a point of curvature; Northwesterly along an arc of a curve to the left of radius 40.00 feet (delta  $102^{\circ}41'37''$ ) (chord bearing  $N56^{\circ}15'03''W$ ) (chord 62.48 feet) for 71.69 feet to a point of reverse curvature and Westerly along an arc of a curve to the right of radius 2,355.00 feet (delta  $26^{\circ}34'30''$ ) (chord bearing  $S85^{\circ}41'24''W$ ) (chord 1,082.54 feet) for 1,092.30 feet to an intersection with the Westerly line of Lot 281 of said record plat; thence run  $N00^{\circ}44'30''W$  along said westerly line for 163.51 feet to a point on a non-tangent curve and an intersection with the Southerly line of Tract "A" of said record plat; thence run Easterly along said southerly line and along an arc of a curve to the left of radius 1,821.00 feet (delta  $03^{\circ}07'08''$ ) (chord bearing  $S79^{\circ}41'29''E$ ) (chord 99.12 feet) for 99.13 feet; thence run  $N08^{\circ}44'57''E$  for 216.00 feet to an intersection with the Southerly line of Tract "M" of said record plat; thence run along the Southerly line said Tract "M" the following five (5) courses: Easterly along an arc of a curve to the left of radius 1,605.00 feet (delta  $27^{\circ}46'04''$ ) (chord bearing  $N84^{\circ}51'55''E$ ) (chord 770.25 feet) for 777.84 feet to a point; Easterly along an arc of a curve to the right of radius 1,045.00 feet (delta  $45^{\circ}55'36''$ ) (chord bearing  $S86^{\circ}03'19''E$ ) (chord 815.40 feet) for 837.64 feet to a point of tangency; Southeasterly along an arc of a curve to the right of radius 1,345.00 feet (delta  $12^{\circ}24'26''$ ) (chord bearing  $S56^{\circ}53'18''E$ ) (chord 290.69 feet) for 291.26 feet to a point of tangency; Southeasterly along an arc of a curve to the left of radius 980.00 feet (delta  $17^{\circ}20'44''$ ) (chord bearing  $S59^{\circ}21'27''E$ ) (chord 295.55 feet) for 296.68 feet and  $N86^{\circ}46'52''E$  for 63.97 feet to an intersection with the Southerly line of, RIVER HALL COUNTRY CLUB, PHASE ONE as recorded in Instrument Number 2005000153068, Lee County Records; thence run along the Southerly line said record plat the following nine (9) courses: Easterly along an arc of a curve to the right of radius 1,060.00 feet (delta  $42^{\circ}49'43''$ ) (chord bearing  $S71^{\circ}48'16''E$ ) (chord 774.03 feet) for 792.35 feet to a point of tangency;  $S50^{\circ}23'25''E$  for 72.19 feet to a point of curvature; Easterly along an arc of a curve to the left of radius 340.00 feet (delta  $45^{\circ}17'38''$ ) (chord bearing  $S73^{\circ}02'14''E$ ) (chord 261.84 feet) for 268.78 feet to a point of tangency;  $N84^{\circ}18'57''E$  for 92.74 feet to a point of curvature; Easterly along an arc of a curve to the right of radius 511.00 feet (delta



## DESCRIPTION (CONTINUED)

53°03'18") (chord bearing S69°09'24"E) (chord 456.45 feet) for 473.18 feet to a point of tangency; S42°37'45"E for 4.29 feet; N65°12'55"E for 304.89 feet to a point on a non-tangent curve; Northwesterly along an arc of a curve to the right of radius 440.00 feet (delta 40°02'00") (chord bearing N23°18'48"W) (chord 301.22 feet) for 307.43 feet and N86°42'12"E for 80.00 feet to an intersection with the Southerly line of, RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records; thence run along the Southerly line said record plat the following three (3) courses: Southeasterly along an arc of a curve to the left of radius 360.00 feet (delta 58°01'05") (chord bearing S32°18'21"E) (chord 349.16 feet) for 364.54 feet to a point to reverse curvature; Southeasterly along an arc of a curve to the right of radius 840.00 feet (delta 25°16'08") (chord bearing S48°40'49"E) (chord 367.47 feet) for 370.46 feet to a point of tangency and S36°02'45"E for 496.83 feet to an intersection with the Easterly line of Tract "D-2" of said record plat; thence run along the Easterly and Northerly line of said Tract D-2" the following three (3) courses: Easterly along an arc of a curve to the left of radius 10.00 feet (delta 90°48'06") (chord bearing S81°26'48"E) (chord 14.24 feet) for 15.85 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the right of radius 215.00 feet (delta 10°35'32") (chord bearing N58°26'55"E) (chord 39.69 feet) for 39.75 feet and N45°56'00"W for 148.18 feet to an intersection with the Easterly line of Tract "B-1" of said record plat; thence run along the Easterly and Northerly line of said Tract B-1" the following seven (7) courses: Northeasterly along an arc of a curve to the left of radius 250.00 feet (delta 52°44'51") (chord bearing N34°41'14"E) (chord 222.11 feet) for 230.15 feet to a point of compound curvature; Northwesterly along an arc of a curve to the left of radius 283.00 feet (delta 82°40'54") (chord bearing N33°01'39"W) (chord 373.86 feet) for 408.39 feet to a point of tangency; N74°22'05"W for 69.19 feet to a point of curvature; Northwesterly along an arc of a curve to the right of radius 667.00 feet (delta 28°18'26") (chord bearing N60°12'53"W) (chord 326.19 feet) for 329.53 feet to a point of tangency; N46°03'40"W for 110.97 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 135.00 feet (delta 50°07'46") (chord bearing N71°07'33"W) (chord 114.38 feet) for 118.11 feet to a point of tangency and S83°48'35"W for 52.76 feet to an intersection with the Easterly line of Tract "D-3" of said record plat; thence run along the Easterly and Northerly line of said Tract D-2" the following three (3) courses: N03°17'48"W for 142.20 feet; Westerly along an arc of a curve to the right of radius 215.00 feet (delta 04°25'47") (chord bearing S85°17'24"W) (chord 16.62 feet) for 16.62 feet to a point of reverse curvature; and Southwesterly along an arc of a curve to the left of radius 10.00 feet (delta 90°48'06") (chord bearing S42°06'15"W) (chord 14.24 feet) for 15.85 feet to a point of cusp; thence run N03°17'48"W for 91.96 feet to point of cusp; thence run Southeasterly along an arc of a curve to the left of radius 10.00 feet (delta 90°48'06") (chord bearing S48°41'51"E) (chord 14.24 feet) for 15.85 feet to a point of tangency; thence run Easterly along an arc of a curve to the right of radius 215.00 feet (delta 03°57'42") (chord bearing N87°52'57"E) (chord 14.86 feet) for 14.87 feet to a point of tangency; thence run N03°17'48"W for 149.09 feet; thence run S82°56'00"E for 141.12 feet; thence run Southeasterly along an arc of a curve to the right of radius 467.00 feet (delta 36°52'20") (chord bearing S64°29'50"E) (chord 295.38 feet) for 300.53 feet to a point of tangency; thence run S46°03'40"E for 122.65 feet; thence run Southeasterly along an arc of a curve to the left of radius 333.00 feet (delta 28°18'26") (chord bearing S60°12'53"E) (chord 162.85 feet) for 164.52 feet to a point of tangency; thence run S74°22'05"E for 69.19 feet; thence run Easterly along an arc of a curve to the right of radius 617.00 feet (delta 12°05'13") (chord bearing S68°19'29"E) (chord 129.92 feet)

## DESCRIPTION (CONTINUED)

for 130.16 feet to a point of tangency; thence run Easterly along an arc of a curve to the left of radius 80.00 feet (delta 80°21'13") (chord bearing N77°32'31"E) (chord 103.22 feet) for 112.19 feet to a point of tangency; thence run Easterly along an arc of a curve to the right of radius 199.00 feet (delta 85°50'24") (chord bearing N80°17'07"E) (chord 271.03 feet) for 298.14 feet to a point of tangency; thence run N33°12'19"E for 103.92 feet; thence run S69°21'19"E for 585.07 feet; thence run Easterly along an arc of a curve to the left of radius 175.00 feet (delta 23°42'43") (chord bearing S81°12'40"E) (chord 71.91 feet) for 72.42 feet to a point of tangency; thence run N86°55'59"E for 507.21 feet; thence run S42°30'21"E for 617.01 feet; thence run N72°42'51"E for 186.40 feet; thence run Northeasterly along an arc of a curve to the right of radius 190.00 feet (delta 110°19'44") (chord bearing N47°39'10"E) (chord 311.90 feet) for 365.86 feet to a point; thence run Easterly along an arc of a curve to the left of radius 90.00 feet (delta 17°01'46") (chord bearing S85°41'51"E) (chord 26.65 feet) for 26.75 feet to a point of tangency; thence run N85°47'16"E for 103.64 feet; thence run Easterly along an arc of a curve to the left of radius 640.00 feet (delta 24°16'20") (chord bearing N73°39'06"E) (chord 269.10 feet) for 271.12 feet to a point of tangency; thence run Easterly along an arc of a curve to the right of radius 560.00 feet (delta 12°52'56") (chord bearing N67°57'24"E) (chord 125.64 feet) for 125.91 feet to a point of tangency; thence run N74°23'52"E for 423.58 feet; thence run Easterly along an arc of a curve to the right of radius 560.00 feet (delta 14°41'42") (chord bearing N81°44'43"E) (chord 143.23 feet) for 143.63 feet to a point of tangency; thence run N89°05'34"E for 175.70 feet; thence run N00°28'09"E for 292.49 feet; thence run Northerly along an arc of a curve to the left of radius 770.00 feet (delta 06°48'29") (chord bearing N02°56'05"W) (chord 91.44 feet) for 91.49 feet to a point of tangency; thence run Northwesterly along an arc of a curve to the left of radius 10.00 feet (delta 87°49'13") (chord bearing N50°14'56"W) (chord 13.87 feet) for 15.33 feet to a point of tangency; thence run Westerly along an arc of a curve to the right of radius 215.00 feet (delta 04°07'59") (chord bearing S87°54'27"W) (chord 15.51 feet) for 15.51 feet to a point of tangency; thence run S00°01'33"E for 143.28 feet; thence run N86°35'19"W for 109.67 feet; thence run S87°12'03"W for 424.79 feet; thence run Southwesterly along an arc of a curve to the left of radius 65.00 feet (delta 83°51'37") (chord bearing S45°16'14"W) (chord 86.87 feet) for 95.14 feet to a point of tangency; thence run Westerly along an arc of a curve to the right of radius 207.00 feet (delta 148°35'59") (chord bearing S77°38'25"W) (chord 398.55 feet) for 536.87 feet to a point of tangency; thence run N28°03'35"W for 350.17 feet; thence run Northeasterly along an arc of a curve to the right of radius 201.00 feet (delta 159°46'46") (chord bearing N51°49'48"E) (chord 395.76 feet) for 560.52 feet to a point of tangency; thence run Easterly along an arc of a curve to the left of radius 305.00 feet (delta 44°31'08") (chord bearing S70°32'23"E) (chord 231.07 feet) for 236.99 feet to a point of tangency; thence run N87°12'03"E for 465.09 feet; thence run N83°37'00"E for 99.40 feet; thence run S17°18'48"E for 142.86 feet; thence run Easterly along an arc of a curve to the right of radius 215.00 feet (delta 04°14'04") (chord bearing N83°33'30"E) (chord 15.89 feet) for 15.89 feet to a point; thence run Northeasterly along an arc of a curve to the left of radius 10.00 feet (delta 98°59'46") (chord bearing N36°10'39"E) (chord 15.21 feet) for 17.28 feet to a point of tangency; thence run Northwesterly along an arc of a curve to the left of radius 770.00 feet (delta 24°14'07") (chord bearing N25°26'18"W) (chord 323.27 feet) for 325.70 feet to a point of tangency; thence run N52°26'39"E for 80.00 feet; thence run Southerly along an arc of a curve to the right of radius 850.00 feet (delta 38°01'30") (chord bearing S18°32'36"E) (chord 553.82 feet) for 564.11 feet to a point; thence run S00°28'09"W for 391.65 feet; thence run S89°31'51"E for 22.00 feet; thence run N00°28'09"E for 111.21 feet; thence run Easterly along an arc of a curve to the left of radius 215.00 feet (delta 10°39'19") (chord bearing N82°19'44"E) (chord 39.93 feet) for 39.98 feet to a point; thence

## DESCRIPTION (CONTINUED)

run Easterly along an arc of a curve to the right of radius 185.00 feet (delta 13°28'05") (chord bearing N83°44'07"E) (chord 43.39 feet) for 43.49 feet to a point of tangency; thence run S89°31'51"E for 684.37 feet; thence run Easterly along an arc of a curve to the left of radius 307.36 feet (delta 37°43'03") (chord bearing N70°23'34"E) (chord 198.70 feet) for 202.33 feet to a point; thence run Northeasterly along an arc of a curve to the right of radius 20.00 feet (delta 18°41'19") (chord bearing N41°45'08"E) (chord 6.49 feet) for 6.52 feet to a point; thence run Northeasterly along an arc of a curve to the left of radius 300.00 feet (delta 30°26'47") (chord bearing N35°52'24"E) (chord 157.55 feet) for 159.42 feet to a point of tangency; thence run S69°21'00"E for 140.00 feet; thence run S01°16'06"W for 12.46 feet; thence run S02°11'01"E for 103.61 feet; thence run S71°47'24"W for 15.08 feet; thence run S18°12'36"E for 150.00 feet; thence run S27°04'48"W for 31.37 feet; thence run Southerly along an arc of a curve to the right of radius 757.00 feet (delta 11°01'36") (chord bearing S12°07'12"E) (chord 145.46 feet) for 145.69 feet to a point; thence run S06°36'24"E for 276.23 feet; thence run Southeasterly along an arc of a curve to the left of radius 43.00 feet (delta 85°40'09") (chord bearing S49°26'28"E) (chord 58.47 feet) for 64.29 feet to a point of tangency; thence run N87°43'27"E for 117.27 feet; thence run Northeasterly along an arc of a curve to the left of radius 80.00 feet (delta 78°21'12") (chord bearing N48°32'51"E) (chord 101.07 feet) for 109.40 feet to a point of tangency; thence run Easterly along an arc of a curve to the right of radius 193.00 feet (delta 133°46'45") (chord bearing N76°15'38"E) (chord 355.02 feet) for 450.63 feet to a point of tangency; thence run N53°09'00"E for 42.88 feet; thence run Southerly along an arc of a curve to the right of radius 2,202.18 feet (delta 02°16'47") (chord bearing S08°49'46"E) (chord 87.62 feet) for 87.62 feet to a point; thence run Southwesterly along an arc of a curve to the right of radius 300.00 feet (delta 61°40'28") (chord bearing S23°08'59"W) (chord 307.56 feet) for 322.93 feet to a point of tangency; thence run N43°05'38"W for 33.19 feet; thence run S49°32'15"W for 108.94 feet; thence run Westerly along an arc of a curve to the right of radius 307.00 feet (delta 38°11'12") (chord bearing S68°37'51"W) (chord 200.84 feet) for 204.61 feet to a point of tangency; thence run S87°43'27"W for 313.19 feet; thence run S06°36'24"E for 30.78 feet; thence run Southerly along an arc of a curve to the left of radius 230.00 feet (delta 20°17'02") (chord bearing S16°44'54"E) (chord 81.00 feet) for 81.42 feet to a point of tangency; thence run Southeasterly along an arc of a curve to the left of radius 90.00 feet (delta 49°40'47") (chord bearing S51°43'49"E) (chord 75.61 feet) for 78.04 feet to a point of tangency; thence run Southerly along an arc of a curve to the right of radius 55.00 feet (delta 139°00'23") (chord bearing S07°04'00"E) (chord 103.04 feet) for 133.44 feet to a point of tangency; thence run S12°09'00"W for 147.46 feet; thence run S01°39'32"W for 30.44 feet; thence run Southerly along an arc of a curve to the right of radius 350.00 feet (delta 23°11'32") (chord bearing S13°15'18"W) (chord 140.71 feet) for 141.67 feet to a point of tangency; thence run Southwesterly along an arc of a curve to the right of radius 1,651.75 feet (delta 11°33'08") (chord bearing S30°37'38"W) (chord 332.47 feet) for 333.04 feet to a point of tangency; thence run Southwesterly along an arc of a curve to the right of radius 690.00 feet (delta 41°50'09") (chord bearing S57°17'46"W) (chord 492.70 feet) for 503.82 feet to a point; thence run S78°12'50"W for 275.30 feet; thence run Southwesterly along an arc of a curve to the left of radius 1,335.00 feet (delta 22°43'21") (chord bearing S66°51'10"W) (chord 525.97 feet) for 529.44 feet to a point of tangency; thence run Southwesterly along an arc of a curve to the left of radius 132.56 feet (delta 12°16'24") (chord bearing S55°00'04"W) (chord 28.34 feet) for 28.39 feet to a point; thence run Southwesterly along an arc of a curve to the right of radius 1,665.00 feet (delta 16°51'25") (chord bearing S63°25'21"W) (chord 488.09 feet) for 489.86 feet to a point; thence run S71°51'03"W for 86.61 feet; thence run Westerly along an arc of a curve to the right of radius 665.00 feet (delta 17°20'35") (chord bearing

## DESCRIPTION (CONTINUED)

S80°31'21"W) (chord 200.52 feet) for 201.29 feet to a point of tangency; thence run S00°48'22"E for 74.36 feet; thence run S89°11'43"W for 1,166.27 feet; thence run S88°54'06"W for 2,643.62 feet; thence run S88°53'41"W for 2,642.70 feet to the POINT OF BEGINNING.

Containing 525.57 acres, more or less.

## LESS AND EXCEPT FROM PARCEL 4:

Tract "G" and Tract "H" of HAMPTON LAKES AT RIVER HALL, PHASE ONE as recorded in Instrument Number 2005000153004, Lee County Records.

Tract "B" of HAMPTON LAKES AT RIVER HALL, PHASE TWO as recorded in Instrument Number 200700059747, Lee County Records.

Tract "B-13" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records.

## PARCEL 5:

A portion of Tract "A", RIVER HALL COUNTRY CLUB, PHASE ONE as recorded in Instrument Number 2005000153068, Lee County Records being more particularly described as follows:

Beginning at Easterly Most corner of Tract "C-2" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records, run Northwesterly along an arc of a curve to the right of radius 1,040.00 feet (delta 03°26'40") (chord bearing N28°22'09"W) (chord 62.51 feet) for 62.52 feet to a point; thence run N26°38'49"W for 433.02 feet; thence run Northwesterly along an arc of a curve to the left of radius 510.00 feet (delta 77°41'27") (chord bearing N65°29'33"W) (chord 639.76 feet) for 691.54 feet to a point of tangency; thence run N00°00'00"E for 0.00 feet; thence run N14°20'16"W for 80.00 feet; thence run Southeasterly along an arc of a curve to the right of radius 590.00 feet (delta 77°41'27") (chord bearing S65°29'33"E) (chord 740.12 feet) for 800.02 feet to a point; thence run S26°38'49"E for 433.02 feet; thence run Southeasterly along an arc of a curve to the left of radius 960.00 feet (delta 03°43'55") (chord bearing S28°30'47"E) (chord 62.52 feet) for 62.53 feet to a point of tangency; thence run S63°21'11"W for 80.16 feet to the POINT OF BEGINNING.

Containing 2.28 acres, more or less.

## AND

Tract "A-2" and Tract "C-1" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records.

## PARCEL 6:

## DESCRIPTION (CONTINUED)

A portion of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records being more particularly described as follows:

Beginning at Southerly Most corner of Lot 37, Block "D" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records, run N04°31'30"E for 92.00 feet; thence run N11°20'00"E for 149.99 feet; thence run Easterly along an arc of a curve to the left of radius 50.00 feet (delta 37°58'49") (chord bearing N82°20'35"E) (chord 32.54 feet) for 33.14 feet to a point; thence run N63°21'11"E for 299.18 feet; thence run N63°21'11"E for 41.51 feet; thence run Northeasterly along an arc of a curve to the left of radius 50.00 feet (delta 60°42'05") (chord bearing N33°00'08"E) (chord 50.53 feet) for 52.97 feet to a point of tangency; thence run Northerly along an arc of a curve to the left of radius 288.00 feet (delta 28°23'45") (chord bearing N11°32'46"W) (chord 141.28 feet) for 142.73 feet to a point of tangency; thence run Northwesterly along an arc of a curve to the left of radius 88.00 feet (delta 69°11'33") (chord bearing N60°20'25"W) (chord 99.93 feet) for 106.27 feet to a point of tangency; thence run Northwesterly along an arc of a curve to the right of radius 412.00 feet (delta 78°00'12") (chord bearing N55°56'06"W) (chord 518.58 feet) for 560.90 feet to a point of tangency; thence run S73°04'00"W for 82.17 feet; thence run N00°33'55"W for 218.95 feet; thence run N89°00'08"E for 395.36 feet; thence run S02°19'28"W for 77.97 feet; thence run Southeasterly along an arc of a curve to the left of radius 88.00 feet (delta 96°40'04") (chord bearing S46°00'33"E) (chord 131.48 feet) for 148.47 feet to a point of tangency; thence run Southeasterly along an arc of a curve to the right of radius 412.00 feet (delta 68°35'56") (chord bearing S60°02'37"E) (chord 464.34 feet) for 493.28 feet to a point of tangency; thence run Southerly along an arc of a curve to the right of radius 612.00 feet (delta 25°44'36") (chord bearing S12°52'21"E) (chord 272.67 feet) for 274.98 feet to a point of tangency; thence run S00°00'03"E for 18.29 feet; thence run Southwesterly along an arc of a curve to the right of radius 362.00 feet (delta 63°21'13") (chord bearing S31°40'34"W) (chord 380.19 feet) for 400.27 feet to a point of tangency; thence run S63°21'11"W for 244.60 feet; thence run Southwesterly along an arc of a curve to the left of radius 338.00 feet (delta 11°03'11") (chord bearing S57°49'35"W) (chord 65.10 feet) for 65.20 feet to a point of tangency; thence run N37°42'00"W for 187.00 feet; thence run Southwesterly along an arc of a curve to the left of radius 525.00 feet (delta 07°21'10") (chord bearing S48°37'25"W) (chord 67.33 feet) for 67.37 feet to a point; thence run Southwesterly along an arc of a curve to the right of radius 475.00 feet (delta 13°25'17") (chord bearing S51°39'28"W) (chord 111.01 feet) for 111.27 feet to a point of tangency; to the POINT OF BEGINNING.  
Containing 12.45 acres, more or less.

AND

Lots 1, 39 and 40 of Block "D" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records.

PARCEL 7:

## DESCRIPTION (CONTINUED)

A portion of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records being more particularly described as follows:

Beginning at Southerly Most corner of Lot 39, Block "E" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records, run N46°03'48"W for 188.00 feet; thence run S43°56'12"W for 18.29 feet; thence run Southwesterly along an arc of a curve to the left of radius 325.00 feet (delta 01°26'27") (chord bearing S43°12'59"W) (chord 8.17 feet) for 8.17 feet to a point of tangency; thence run N47°30'15"W for 144.40 feet; thence run Northeasterly along an arc of a curve to the left of radius 298.00 feet (delta 12°39'49") (chord bearing N50°16'07"E) (chord 65.73 feet) for 65.86 feet to a point; thence run N43°56'12"E for 46.89 feet; thence run Northeasterly along an arc of a curve to the left of radius 100.00 feet (delta 22°40'27") (chord bearing N32°35'59"E) (chord 39.32 feet) for 39.57 feet to a point of tangency; thence run N21°15'45"E for 143.68 feet; thence run Northeasterly along an arc of a curve to the right of radius 967.00 feet (delta 11°36'37") (chord bearing N27°04'03"E) (chord 195.61 feet) for 195.95 feet to a point of tangency; thence run S63°40'00"E for 143.09 feet; thence run Northeasterly along an arc of a curve to the right of radius 825.00 feet (delta 01°27'39") (chord bearing N34°44'06"E) (chord 21.04 feet) for 21.04 feet to a point; thence run Northeasterly along an arc of a curve to the left of radius 375.00 feet (delta 07°28'56") (chord bearing N31°43'28"E) (chord 48.94 feet) for 48.97 feet to a point of tangency; thence run N62°01'00"W for 141.53 feet; thence run Northerly along an arc of a curve to the left of radius 250.00 feet (delta 29°56'16") (chord bearing N14°10'37"E) (chord 129.15 feet) for 130.63 feet to a point; thence run N00°47'31"W for 163.32 feet; thence run Northerly along an arc of a curve to the right of radius 462.00 feet (delta 29°03'17") (chord bearing N13°44'08"E) (chord 231.78 feet) for 234.28 feet to a point of tangency; thence run N28°15'47"E for 108.40 feet; thence run Northwesterly along an arc of a curve to the left of radius 60.00 feet (delta 132°15'04") (chord bearing N37°51'46"W) (chord 109.73 feet) for 138.49 feet to a point of tangency; thence run S76°00'42"W for 242.23 feet; thence run Northwesterly along an arc of a curve to the right of radius 192.00 feet (delta 90°48'01") (chord bearing N58°35'17"W) (chord 273.42 feet) for 304.27 feet to a point of tangency; thence run N13°11'17"W for 97.75 feet; thence run N89°00'08"E for 943.49 feet; thence run S00°59'52"E for 70.20 feet; thence run S12°17'00"E for 39.38 feet; thence run S28°53'00"E for 92.79 feet; thence run S50°17'33"E for 51.98 feet; thence run S09°05'00"W for 134.24 feet; thence run Easterly along an arc of a curve to the left of radius 175.00 feet (delta 20°49'49") (chord bearing N88°40'06"E) (chord 63.27 feet) for 63.62 feet to a point; thence run N78°15'11"E for 153.05 feet; thence run Northeasterly along an arc of a curve to the left of radius 90.00 feet (delta 54°06'42") (chord bearing N51°11'50"E) (chord 81.87 feet) for 85.00 feet to a point of tangency; thence run Southeasterly along an arc of a curve to the right of radius 55.00 feet (delta 234°06'42") (chord bearing S38°48'10"E) (chord 97.96 feet) for 224.73 feet to a point of tangency; thence run S78°15'11"W for 9.82 feet; thence run S11°44'49"E for 138.00 feet; thence run S78°15'11"W for 250.28 feet; thence run



## DESCRIPTION (CONTINUED)

Westerly along an arc of a curve to the right of radius 383.00 feet (delta  $36^{\circ}15'37''$ ) (chord bearing  $N83^{\circ}37'00''W$ ) (chord 238.36 feet) for 242.39 feet to a point of tangency; thence run  $N21^{\circ}33'00''E$  for 136.14 feet; thence run Northwesterly along an arc of a curve to the right of radius 225.00 feet (delta  $23^{\circ}15'28''$ ) (chord bearing  $N51^{\circ}11'30''W$ ) (chord 90.71 feet) for 91.33 feet to a point; thence run Northwesterly along an arc of a curve to the left of radius 125.00 feet (delta  $38^{\circ}18'07''$ ) (chord bearing  $N58^{\circ}42'49''W$ ) (chord 82.01 feet) for 83.56 feet to a point of tangency; thence run Southwesterly along an arc of a curve to the left of radius 10.00 feet (delta  $86^{\circ}52'24''$ ) (chord bearing  $S58^{\circ}41'56''W$ ) (chord 13.75 feet) for 15.16 feet to a point of tangency; thence run Southerly along an arc of a curve to the right of radius 225.00 feet (delta  $05^{\circ}08'13''$ ) (chord bearing  $S17^{\circ}49'50''W$ ) (chord 20.17 feet) for 20.17 feet to a point of tangency; thence run  $S15^{\circ}35'00''E$  for 193.20 feet; thence run Southwesterly along an arc of a curve to the left of radius 57.00 feet (delta  $42^{\circ}57'39''$ ) (chord bearing  $S55^{\circ}34'25''W$ ) (chord 41.74 feet) for 42.74 feet to a point; thence run Southerly along an arc of a curve to the left of radius 137.00 feet (delta  $28^{\circ}52'06''$ ) (chord bearing  $S19^{\circ}39'33''W$ ) (chord 68.30 feet) for 69.03 feet to a point of tangency; thence run  $N84^{\circ}46'30''W$  for 138.00 feet; thence run Southerly along an arc of a curve to the left of radius 275.00 feet (delta  $06^{\circ}01'01''$ ) (chord bearing  $S02^{\circ}13'00''W$ ) (chord 28.87 feet) for 28.88 feet to a point; thence run  $S00^{\circ}47'31''E$  for 53.39 feet; thence run  $N89^{\circ}12'29''E$  for 138.00 feet; thence run  $S00^{\circ}47'31''E$  for 122.31 feet; thence run Southerly along an arc of a curve to the right of radius 563.00 feet (delta  $36^{\circ}15'27''$ ) (chord bearing  $S17^{\circ}20'13''W$ ) (chord 350.36 feet) for 356.27 feet to a point of tangency; thence run Southwesterly along an arc of a curve to the left of radius 637.00 feet (delta  $14^{\circ}12'11''$ ) (chord bearing  $S28^{\circ}21'50''W$ ) (chord 157.50 feet) for 157.91 feet to a point of tangency; thence run  $S21^{\circ}15'45''W$  for 124.09 feet; thence run Southwesterly along an arc of a curve to the right of radius 463.00 feet (delta  $22^{\circ}40'27''$ ) (chord bearing  $S32^{\circ}35'59''W$ ) (chord 182.03 feet) for 183.23 feet to a point of tangency; thence run  $S43^{\circ}56'12''W$  for 87.48 feet to the POINT OF BEGINNING.

Containing 16.80 acres, more or less.

AND

Lots 4 Though 7, 9, 10, 44, 46, 48 through 50 of Block "E" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records.

PARCEL 8:

A portion of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records being more particularly described as follows:

Beginning at Northerly Most corner of Lot 99, Block "K" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee

## DESCRIPTION (CONTINUED)

County Records, run S48°20'23"E for 81.51 feet; thence run Southeasterly along an arc of a curve to the right of radius 193.00 feet (delta 143°45'09") (chord bearing S26°15'26"E) (chord 366.85 feet) for 484.23 feet to a point; thence run Southwesterly along an arc of a curve to the left of radius 315.00 feet (delta 21°41'59") (chord bearing S34°46'09"W) (chord 118.59 feet) for 119.30 feet to a point of tangency; thence run S23°55'09"W for 107.80 feet; thence run Southerly along an arc of a curve to the left of radius 43.00 feet (delta 42°31'14") (chord bearing S02°39'32"W) (chord 31.18 feet) for 31.91 feet to a point of tangency; thence run S84°06'00"W for 145.78 feet; thence run Northerly along an arc of a curve to the right of radius 230.00 feet (delta 10°55'34") (chord bearing N04°13'13"E) (chord 43.79 feet) for 43.86 feet to a point; thence run N80°19'00"W for 200.63 feet; thence run Northeasterly along an arc of a curve to the left of radius 285.00 feet (delta 09°31'36") (chord bearing N22°41'57"E) (chord 47.33 feet) for 47.39 feet to a point; thence run N17°56'09"E for 67.47 feet; thence run N26°22'53"E for 16.63 feet; thence run N29°56'44"E for 69.42 feet; thence run N05°37'45"W for 42.24 feet; thence run N17°56'09"E for 115.54 feet; thence run Northeasterly along an arc of a curve to the right of radius 541.52 feet (delta 25°54'46") (chord bearing N28°42'14"E) (chord 242.83 feet) for 244.91 feet to a point; to the POINT OF BEGINNING.

Containing 4.50 acres, more or less.

## PARCEL 9:

A portion of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records being more particularly described as follows:

Beginning at Easterly Most corner of Lot 77, Block "K" of RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records, run S05°31'00"W for 168.94 feet; thence run S75°15'00"W for 10.07 feet; thence run Southwesterly along an arc of a curve to the right of radius 55.00 feet (delta 153°38'05") (chord bearing S62°04'03"W) (chord 107.10 feet) for 147.48 feet to a point; thence run Northwesterly along an arc of a curve to the left of radius 90.00 feet (delta 15°27'44") (chord bearing N48°50'47"W) (chord 24.21 feet) for 24.29 feet to a point of tangency; thence run S11°49'00"W for 153.76 feet; thence run Southwesterly along an arc of a curve to the left of radius 48.00 feet (delta 81°30'58") (chord bearing S61°03'31"W) (chord 62.68 feet) for 68.29 feet to a point; thence run S20°18'02"W for 183.50 feet; thence run Southwesterly along an arc of a curve to the right of radius 507.00 feet (delta 77°48'10") (chord bearing S59°12'06"W) (chord 636.77 feet) for 688.46 feet to a point of tangency; thence run N04°08'00"E for 137.37 feet; thence run N81°39'21"W for 27.40 feet; thence run Westerly along an arc of a curve to the left of radius 775.00 feet (delta 00°14'21") (chord bearing N81°46'32"W) (chord 3.23 feet) for 3.23 feet to a point of tangency; thence run N12°58'00"E for 161.00 feet; thence run N36°09'00"E for 24.42 feet; thence run Easterly along an arc of a curve to the left of radius 43.00 feet (delta


## DESCRIPTION (CONTINUED)

30°02'08") (chord bearing S68°52'04"E) (chord 22.28 feet) for 22.54 feet to a point; thence run Northeasterly along an arc of a curve to the left of radius 193.00 feet (delta 75°43'55") (chord bearing N58°14'55"E) (chord 236.93 feet) for 255.10 feet to a point of tangency; thence run N20°01'59"E for 252.49 feet; thence run Northeasterly along an arc of a curve to the right of radius 307.00 feet (delta 62°41'32") (chord bearing N51°22'45"E) (chord 319.41 feet) for 335.92 feet to a point of tangency; thence run N82°43'37"E for 164.26 feet; thence run S84°29'00"E for 84.83 feet to the POINT OF BEGINNING.

Containing 7.91 acres, more or less.

Total acres 585.59 acres, more or less.

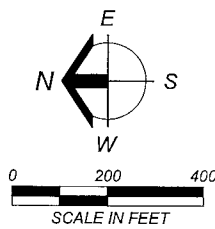
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the East line of the Southeast Quarter (SE ¼) of said Section 34 to bear N00°59'34"W.

 12/17/14  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

L:\22955 - River Hall - Due Diligence\Survey\descriptions\22955CPA01.doc

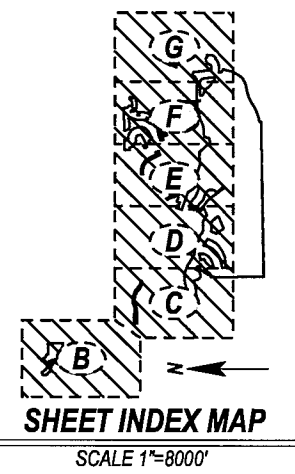
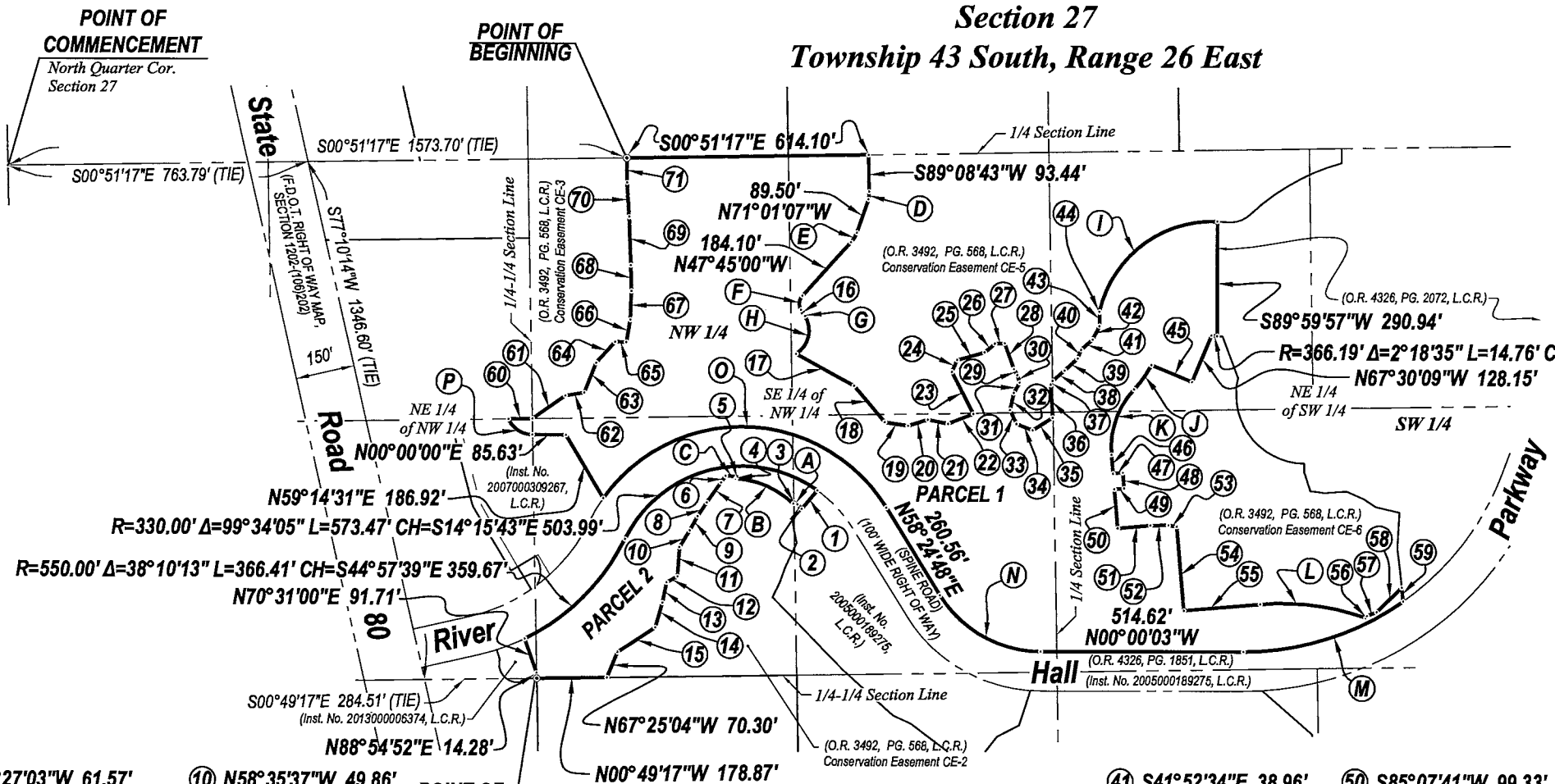






- (A) R=243.59' Δ=2°15'07" L=9.57' CH=N44°10'13"E 9.57'  
(B) R=237.59' Δ=38°59'14" L=161.67' CH=N23°36'50"E 158.57'  
(C) R=243.59' Δ=6°53'49" L=29.32' CH=N01°19'46"E 29.31'  
(D) R=66.36' Δ=16°50'32" L=19.51' CH=N84°55'21"W 19.44'  
(E) R=70.00' Δ=23°16'07" L=28.43' CH=N59°23'03"W 28.23'  
(F) R=30.00' Δ=72°55'14" L=38.18' CH=N84°12'37"W 35.66'  
(G) R=26.40' Δ=5°46'39" L=2.66' CH=S56°05'54"W 2.66'  
(H) R=70.00' Δ=89°33'57" L=109.43' CH=N76°34'03"W 98.62'  
(I) R=294.98' Δ=79°24'50" L=408.86' CH=S37°32'25"E 376.91'  
(J) R=284.50' Δ=15°17'25" L=75.92' CH=N54°28'27"W 75.70'  
(K) R=215.00' Δ=48°01'46" L=180.23' CH=N70°51'26"W 175.00'  
(L) R=645.00' Δ=21°47'32" L=245.32' CH=S06°01'27"W 243.85'  
(M) R=700.00' Δ=35°18'45" L=431.42' CH=N17°39'25"W 424.63'  
(N) R=300.00' Δ=58°24'51" L=305.86' CH=N29°12'23"E 292.78'  
(O) R=430.00' Δ=113°16'07" L=850.07' CH=N01°46'45"E 718.25'  
(P) R=67.00' Δ=65°23'59" L=76.48' CH=N32°42'00"E 72.39'

Section 27  
Township 43 South, Range 26 East



- (1) N49°27'03"W 61.57'  
(2) N45°39'05"E 15.51'  
(3) N49°27'03"W 6.01'  
(4) S54°38'48"E 4.76'  
(5) S76°07'10"E 1.94'  
(6) N54°38'48"W 20.18'  
(7) N54°38'46"W 62.62'  
(8) N56°19'59"W 41.82'  
(9) N60°57'46"W 41.20'  
(10) N58°35'37"W 49.86'  
(11) N86°11'12"W 74.80'  
(12) N28°14'18"W 31.90'  
(13) N78°18'45"W 52.55'  
(14) N74°02'56"W 65.51'  
(15) N33°39'00"W 113.45'  
(16) S55°56'06"W 16.37'  
(17) S28°40'01"W 168.43'  
(18) S49°55'00"W 120.21'  
(19) S08°34'30"W 59.47'  
(20) S16°25'18"E 53.01'  
(21) S10°53'06"W 52.02'  
(22) S21°20'30"E 68.84'  
(23) N62°54'21"E 119.90'  
(24) S66°05'27"E 32.67'  
(25) S15°30'06"E 72.37'  
(26) S40°08'04"E 34.02'  
(27) S03°40'51"E 25.26'  
(28) S70°07'12"W 69.86'  
(29) S61°26'29"W 17.36'  
(30) S72°08'48"W 19.92'  
(31) N60°51'22"W 30.42'  
(32) N77°06'37"W 44.10'  
(33) S64°52'29"W 38.94'  
(34) S20°52'27"W 43.82'  
(35) S31°30'37"E 59.12'  
(36) N86°41'36"E 84.58'  
(37) S63°46'58"E 10.50'  
(38) S40°41'16"E 40.28'  
(39) S42°43'38"E 45.16'  
(40) S67°36'20"E 23.72'  
(41) S41°52'34"E 38.96'  
(42) S63°15'06"E 38.14'  
(43) S89°23'27"E 35.43'  
(44) N63°29'28"E 1.44'  
(45) N22°29'51"E 111.26'  
(46) S85°07'41"W 47.77'  
(47) S04°52'19"E 25.00'  
(48) S85°07'41"W 40.00'  
(49) N04°52'19"W 25.00'  
(50) S85°07'41"W 99.33'  
(51) S04°52'19"E 84.36'  
(52) S00°40'13"E 44.90'  
(53) S09°23'27"W 21.52'  
(54) S85°07'41"W 214.14'  
(55) S04°52'19"E 195.19'  
(56) S56°46'33"E 5.45'  
(57) S22°03'38"E 26.30'  
(58) S44°22'17"E 89.18'  
(59) S84°07'47"W 35.31'  
(60) S00°50'17"E 60.93'  
(61) S34°56'26"E 102.67'  
(62) S09°14'30"E 48.67'  
(63) S67°52'13"E 81.78'  
(64) S48°12'54"E 71.57'  
(65) S01°01'22"W 27.84'  
(66) S80°11'09"E 57.75'  
(67) S87°52'40"E 72.84'  
(68) N88°30'21"E 65.61'  
(69) N87°58'32"E 123.03'  
(70) N86°30'04"E 86.75'  
(71) N89°08'44"E 62.31'

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PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING 7595 - SURVEYING LB-6940  
PREPARED FOR  
**LandMar**  
GROUP, LLC  
2401 RIVER HALL PARKWAY  
ALVA, FLORIDA 33920  
PHONE (239) 274-0321  
FAX (239) 274-0517  
PROJECT DESCRIPTION  
A Parcel of Land in  
Sections 25, 26, 27,  
34, 35 & 36  
Township 43 South,  
Range 26 East  
Lee County, Florida  
PROJECT SURVEYOR  
STATE OF FLORIDA  
NO. 1949  
PETER OLSEN  
NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER  
FILE NAME: 22955PCAD10WS  
LAYOUT: B  
LOCATION: 1422955010WS10SURVEYING010SKETCH  
PLOT DATE: WED: 12-17-2014 - 10:28 AM  
PLOT BY: PETER OLSEN  
DRAWING DATA  
SURVEY DATE: 12-16-2014  
DRAWN BY: P. OLSEN  
CHECKED BY: SAW  
SCALE: 1"=1500'  
FIELD BOOK:  
PLAN REVISIONS  
SHEET NUMBER  
COMPREHENSIVE PLAN  
AMENDMENT  
SKETCH TO  
ACCOMPANY  
DESCRIPTION  
PROJECT / FILE NO. 23055  
36-43-26  
SHEET NUMBER  
B OF XX



**Section 35**

**Section 27**

**Section 34**

**Township 43 South, Range 26 East**

**Parcel 3**

**Tract "A"**

**Tract "B"**

**Tract "C"**

**Tract "D"**

**Tract "E"**

**Tract "F"**

**Tract "G"**

**POINT OF BEGINNING**  
Northwest  
Cor. Tract "A"

**River Hall Parkway**

**SHEET INDEX MAP**  
SCALE 1"=8000'

**Section 35**  
R=678.00' Δ=12°08'58" L=143.77'  
CH=N54°08'49"W 143.50'  
R=1045.00' Δ=45°55'36" L=837.64'  
CH=S86°03'19"E 815.40'

**Section 27**  
R=340.00' L=186.69' Δ=31°27'37" CB=S66°11'10"E CD=184.35'  
R=380.00' L=265.39' Δ=40°00'56" CB=N78°04'34"E CD=260.03'  
R=284.00' Δ=49°14'39" L=244.09' CH=N82°41'25"E 236.65'  
R=726.00' Δ=17°17'43" L=219.15' CH=S81°20'07"E 218.32'  
S89°58'59"E 44.15'  
R=1026.00' Δ=4°58'05" L=88.96' CH=N87°31'59"E 88.94'  
N85°02'56"E 136.40'

**Section 34**  
R=1821.00' Δ=3°07'08" L=99.13' CH=S79°41'29"E 99.12'  
N08°44'57"E 216.00'  
R=1605.00' L=777.84' Δ=27°46'04" CB=N84°51'55"E CD=770.25'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

**Tract "A"**  
R=300.00' Δ=40°00'56" L=209.52' CH=S78°04'34"W 205.29'  
R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

**Tract "B"**  
R=300.00' L=225.25' Δ=43°01'09" CB=N71°57'56"W CD=219.99'

**Tract "C"**  
R=300.00' Δ=40°00'56" L=209.52' CH=S78°04'34"W 205.29'  
R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

**Tract "D"**  
R=300.00' Δ=40°00'56" L=209.52' CH=S78°04'34"W 205.29'  
R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

**Tract "E"**  
R=300.00' Δ=40°00'56" L=209.52' CH=S78°04'34"W 205.29'  
R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

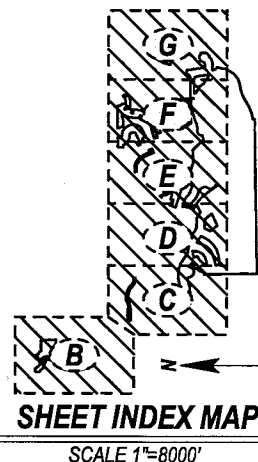
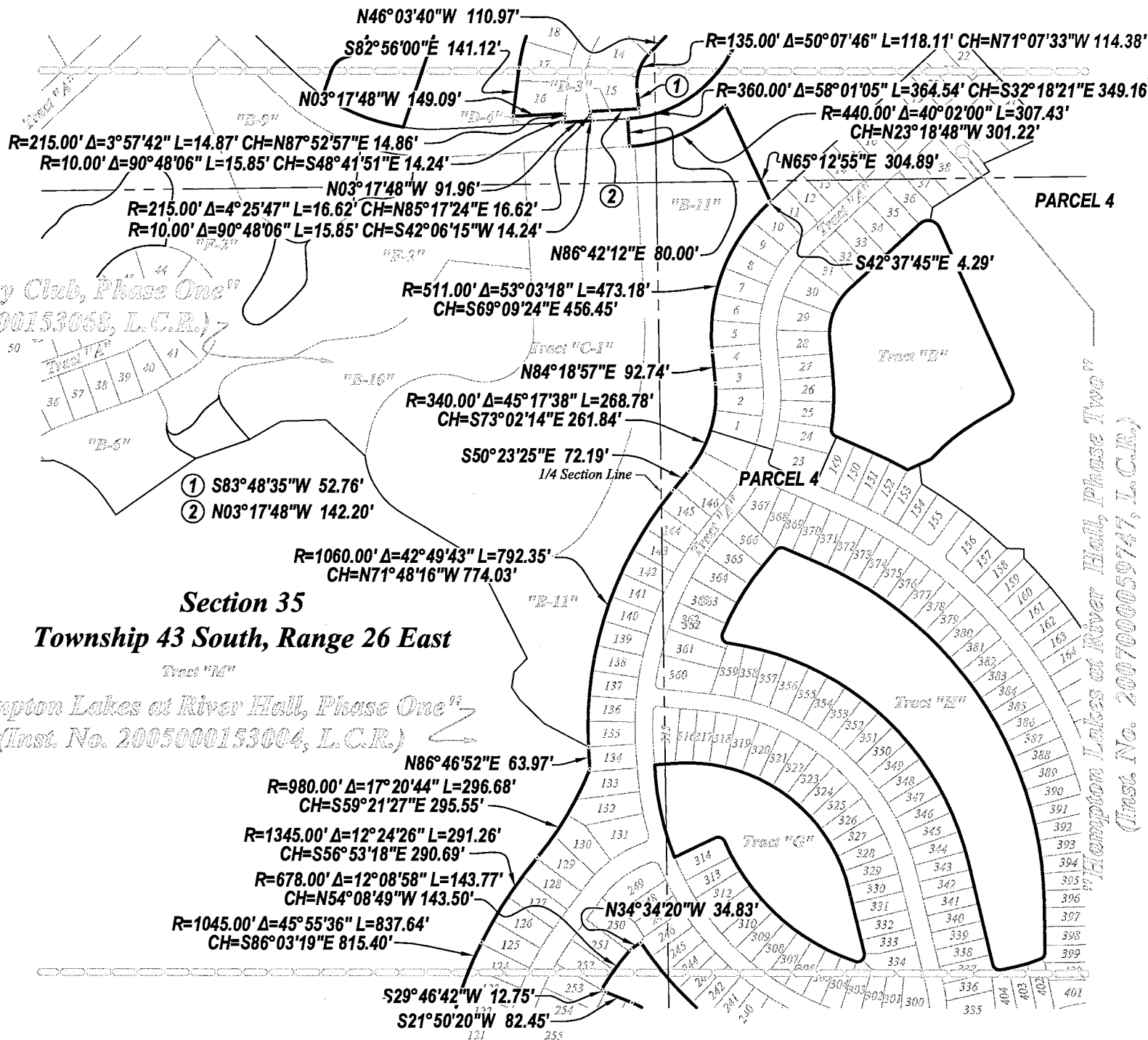
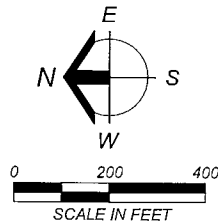
**Tract "F"**  
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R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.22' CH=N85°04'53"W 34.18'  
N89°58'59"W 261.37'

**Tract "G"**  
R=300.00' Δ=40°00'56" L=209.52' CH=S78°04'34"W 205.29'  
R=364.00' Δ=31°56'56" L=202.97' CH=S74°02'33"W 200.35'  
N89°58'59"W 41.35'  
R=287.00' Δ=12°33'46" L=62.93' CH=S83°44'09"W 62.80'  
S77°27'16"W 12.39'  
R=213.00' Δ=12°33'45" L=46.70' CH=S83°44'09"W 46.61'  
N89°58'59"W 79.52'  
R=188.00' Δ=9°48'12" L=32.17' CH=N85°04'53"W 32.13'  
R=200.00' Δ=9°48'12" L=34.

PROJECT / FILE NO.	SHEET NUMBER
23955 36-43-26	C OF XX

(A)  $R=175.00'$   $\Delta=31^{\circ}06'17''$   $L=95.00'$   $CH=S66^{\circ}00'30''E$  93.84'  
 (B)  $R=300.00'$   $\Delta=18^{\circ}53'32''$   $L=98.92'$   $CH=N88^{\circ}59'36''E$  98.47'  
 (C)  $R=260.00'$   $\Delta=31^{\circ}27'37''$   $L=142.76'$   $CH=N66^{\circ}11'10''W$  140.98'





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and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN

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2271 MCGREGOR BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7599 - SURVEYING 13-6940

PREPARED FOR

**LandMar**  
GROUP, LLC

2401 RIVER HALL PARKWAY  
ALVA, FLORIDA 33920

PHONE (239) 274-0321  
FAX (239) 274-0517

PROJECT DESCRIPTION

*A Parcel of Land in  
Sections 25, 26, 27,  
34, 35 & 36  
Township 43 South,  
Range 26 East  
Lee County, Florida*

PROJECT SURVEYOR



NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	22955CPA01.DWG
LAYOUT	D
LOCATION	J:\22955CPA01\22955CPA01.DWG
PLOT DATE	WED, 12-17-2014 - 10:29 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-16-2014
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=1000'
FIELD BOOK	

PLAN REVISIONS

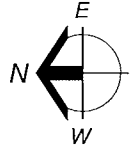
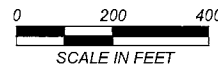
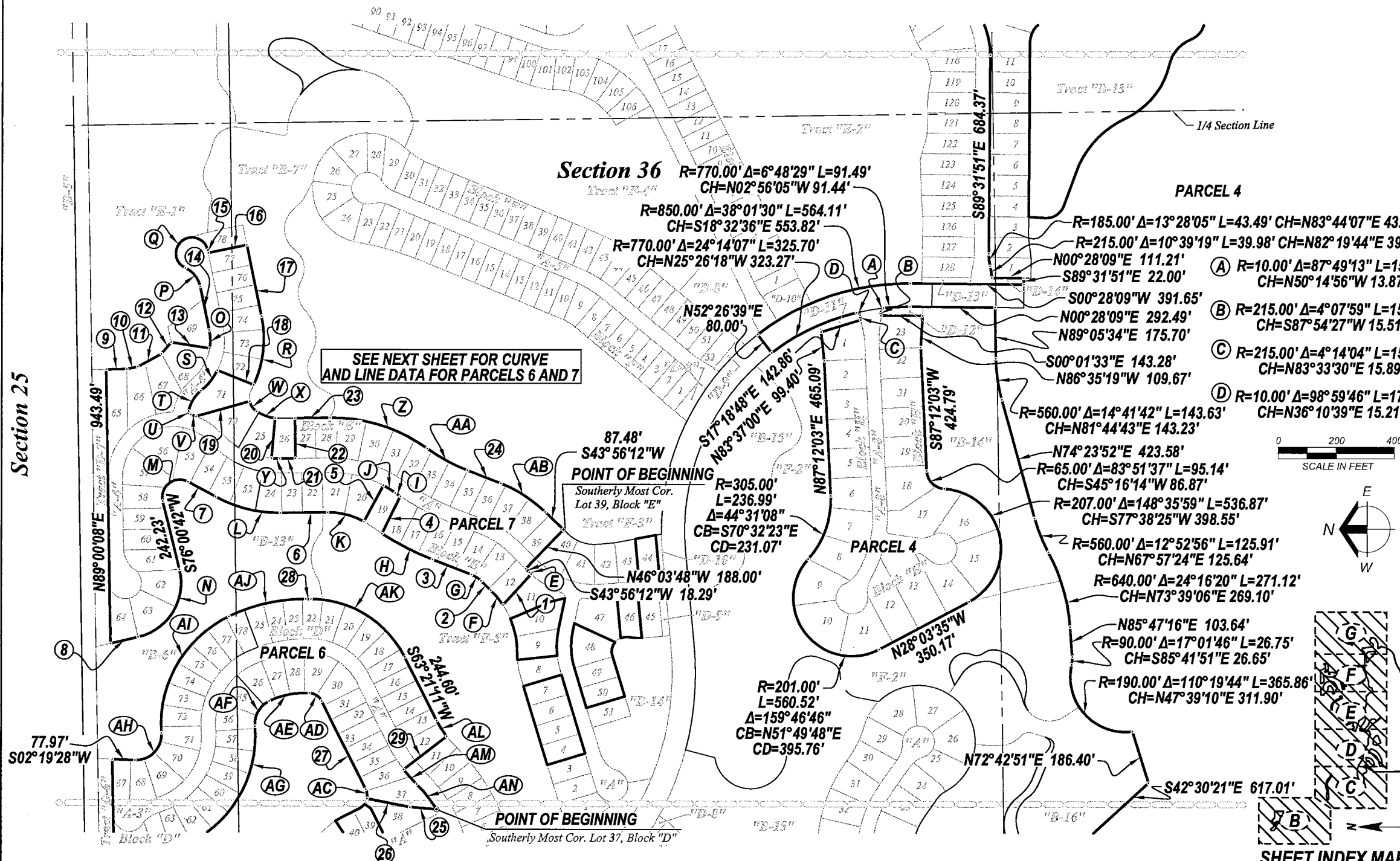

STRAP NUMBERS

COMPREHENSIVE PLAN  
AMENDMENT

SKETCH TO  
ACCOMPANY  
DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
22955	D OF XX
35-43-26	





**SHEET INDEX MAP**

SCALE 1"=8000'

*A Parcel of Land in  
Sections 25, 26, 27,  
34, 35 & 36  
Township 43 South,  
Range 26 East  
Lee County, Florida*

(E) R=325.00' Δ=1°26'27" L=8.17' CH=S43°12'59"W 8.17'  
(F) R=298.00' Δ=12°39'49" L=65.86' CH=N50°16'07"E 65.73'  
(G) R=100.00' Δ=22°40'27" L=39.57' CH=N32°35'59"E 39.32'  
(H) R=967.00' Δ=11°36'37" L=195.95' CH=N27°04'03"E 195.61'  
(I) R=825.00' Δ=1°27'39" L=21.04' CH=N34°44'06"E 21.04'  
(J) R=375.00' Δ=7°28'56" L=48.97' CH=N31°43'28"E 48.94'  
(K) R=250.00' Δ=29°56'16" L=130.63' CH=N14°10'37"E 129.15'  
(L) R=462.00' Δ=29°03'17" L=234.28' CH=N13°44'08"E 231.78'  
(M) R=60.00' Δ=132°15'04" L=138.49' CH=N37°51'46"W 109.73'  
(N) R=192.00' Δ=90°48'01" L=304.27' CH=N58°35'17"W 273.42'  
(O) R=175.00' Δ=20°49'49" L=63.62' CH=N88°40'06"E 63.27'  
(P) R=90.00' Δ=54°06'42" L=85.00' CH=N51°11'50"E 81.87'  
(Q) R=55.00' Δ=234°06'42" L=224.73' CH=S38°48'10"E 97.96'  
(R) R=383.00' Δ=36°15'37" L=242.39' CH=N83°37'00"W 238.36'  
(S) R=225.00' Δ=23°15'28" L=91.33' CH=N51°11'30"W 90.71'  
(T) R=125.00' Δ=38°18'07" L=83.56' CH=N58°42'49"W 82.01'  
(U) R=10.00' Δ=86°52'24" L=15.16' CH=S58°41'56"W 13.75'  
(V) R=225.00' Δ=5°08'13" L=20.17' CH=S17°49'50"W 20.17'  
(W) R=57.00' Δ=42°57'39" L=42.74' CH=S55°34'25"W 41.74'  
(X) R=137.00' Δ=28°52'06" L=69.03' CH=S19°39'33"W 68.30'  
(Y) R=275.00' Δ=6°01'01" L=28.88' CH=S02°13'00"W 28.87'  
(Z) R=563.00' Δ=36°15'27" L=356.27' CH=S17°20'13"W 350.36'  
(AA) R=637.00' Δ=14°12'11" L=157.91' CH=S28°21'50"W 157.50'  
(AB) R=463.00' Δ=22°40'27" L=183.23' CH=S32°35'59"W 182.03'  
(AC) R=50.00' Δ=37°58'49" L=33.14' CH=N82°20'35"E 32.54'  
(AD) R=50.00' Δ=60°42'05" L=52.97' CH=N33°00'08"E 50.53'  
(AE) R=288.00' Δ=28°23'45" L=142.73' CH=N11°32'46"W 141.28'  
(AF) R=88.00' Δ=69°11'33" L=106.27' CH=N60°20'25"W 99.93'  
(AG) R=412.00' Δ=78°00'12" L=560.90' CH=N55°56'06"W 518.58'  
(AH) R=88.00' Δ=96°40'04" L=148.47' CH=S46°00'33"E 131.48'  
(AI) R=412.00' Δ=68°35'56" L=493.28' CH=S60°02'37"E 464.34'  
(AJ) R=612.00' Δ=25°44'36" L=274.98' CH=S12°52'21"E 272.67'  
(AK) R=362.00' Δ=63°21'13" L=400.27' CH=S31°40'34"W 380.19'  
(AL) R=338.00' Δ=11°03'11" L=65.20' CH=S57°49'35"W 65.10'  
(AM) R=525.00' Δ=7°21'10" L=67.37' CH=S48°37'25"W 67.33'  
(AN) R=475.00' Δ=13°25'17" L=111.27' CH=S51°39'28"W 111.01'

① N47°30'15"W 144.40'  
② N43°56'12"E 46.89'  
③ N21°15'45"E 143.68'  
④ S63°40'00"E 143.09'  
⑤ N62°01'00"W 141.53'  
⑥ N00°47'31"W 163.32'  
⑦ N28°15'47"E 108.40'  
⑧ N13°11'17"W 97.75'  
⑨ S00°59'52"E 70.20'  
⑩ S12°17'00"E 39.38'  
⑪ S28°53'00"E 92.79'  
⑫ S50°17'33"E 51.98'  
⑬ S09°05'00"W 134.24'  
⑭ N78°15'11"E 153.05'  
⑮ S78°15'11"W 9.82'  
⑯ S11°44'49"E 138.00'  
⑰ S78°15'11"W 250.28'  
⑱ N21°33'00"E 136.14'  
⑲ S15°35'00"E 193.20'  
⑳ N84°46'30"W 138.00'  
㉑ S00°47'31"E 53.39'  
㉒ N89°12'29"E 138.00'  
㉓ S00°47'31"E 122.31'  
㉔ S21°15'45"W 124.09'  
㉕ N04°31'30"E 92.00'  
㉖ N11°20'00"E 149.99'  
㉗ N63°21'11"E 340.69'  
㉘ S00°00'03"E 18.29'  
㉙ N37°42'00"W 187.00'

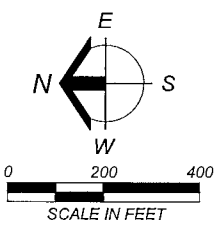
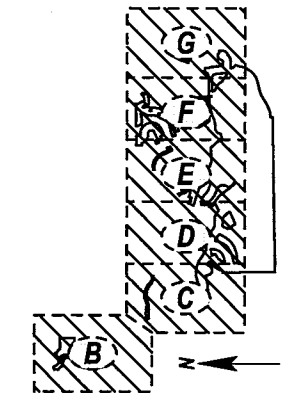


*A Parcel of Land in  
Sections 25, 26, 27,  
34, 35 & 36  
Township 43 South,  
Range 26 East  
Lee County, Florida*



FILE NAME	J23955CPA01.DWG
LAYOUT	E_A
LOCATION	J23955DWG01SURVEYINGSKETCH
PLOT DATE	WED: 12-17-2014 - 10:30 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-16-2014
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=150'
FIELD BOOK	

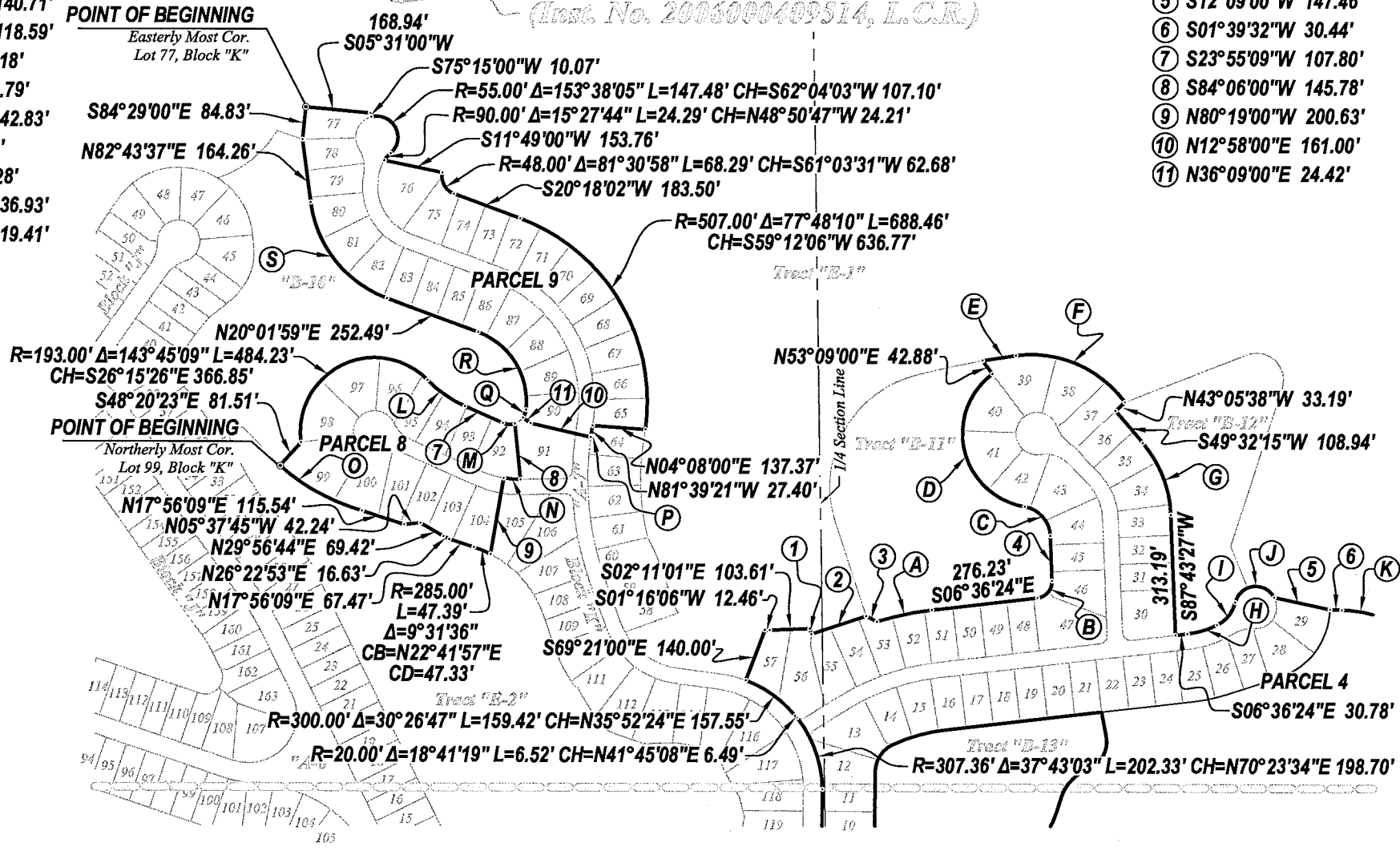
- (A) R=757.00' Δ=11°01'36" L=145.69' CH=S12°07'12"E 145.46'  
(B) R=43.00' Δ=85°40'09" L=64.29' CH=S49°26'28"E 58.47'  
(C) R=80.00' Δ=78°21'12" L=109.40' CH=N48°32'51"E 101.07'  
(D) R=193.00' Δ=133°46'45" L=450.63' CH=N76°15'38"E 355.02'  
(E) R=2202.18' Δ=2°16'47" L=87.62' CH=S08°49'46"E 87.62'  
(F) R=300.00' Δ=61°40'28" L=322.93' CH=S23°08'59"W 307.56'  
(G) R=307.00' Δ=38°11'12" L=204.61' CH=S68°37'51"W 200.84'  
(H) R=230.00' Δ=20°17'02" L=81.42' CH=S16°44'54"E 81.00'  
(I) R=90.00' Δ=49°40'47" L=78.04' CH=S51°43'49"E 75.61'  
(J) R=55.00' Δ=139°00'23" L=133.44' CH=S07°04'00"E 103.04'  
(K) R=350.00' Δ=23°11'32" L=141.67' CH=S13°15'18"W 140.71'  
(L) R=315.00' Δ=21°41'59" L=119.30' CH=S34°46'09"W 118.59'  
(M) R=43.00' Δ=42°31'14" L=31.91' CH=S02°39'32"W 31.18'  
(N) R=230.00' Δ=10°55'34" L=43.86' CH=N04°13'13"E 43.79'  
(O) R=541.52' Δ=25°54'46" L=244.91' CH=N28°42'14"E 242.83'  
(P) R=775.00' Δ=0°14'21" L=3.23' CH=N81°46'32"W 3.23'  
(Q) R=43.00' Δ=30°02'08" L=22.54' CH=S68°52'04"E 22.28'  
(R) R=193.00' Δ=75°43'55" L=255.10' CH=N58°14'55"E 236.93'  
(S) R=307.00' Δ=62°41'32" L=335.92' CH=N51°22'45"E 319.41'



SHEET INDEX MAP

SCALE 1"=8000'

POINT OF BEGINNING  
Easterly Most Cor.  
Lot 77, Block "K"



Section 36  
Township 43 South, Range 26 East

"River Hall Country Club, Phase Two"  
(Inst. No. 2006000409514, L.C.R.)

- ① S71°47'24"W 15.08'  
② S18°12'36"E 150.00'  
③ S27°04'48"W 31.37'  
④ N87°43'27"E 117.27'  
⑤ S12°09'00"W 147.46'  
⑥ S01°39'32"W 30.44'  
⑦ S23°55'09"W 107.80'  
⑧ S84°06'00"W 145.78'  
⑨ N80°19'00"W 200.63'  
⑩ N12°58'00"E 161.00'  
⑪ N36°09'00"E 24.42'

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2271 MCGREGOR BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902 2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940  
PREPARED FOR

**LandMar**  
GROUP, LLC  
2401 RIVER HALL PARKWAY  
ALVA, FLORIDA 33920  
PHONE (239) 274-0321  
FAX (239) 274-0517

PROJECT DESCRIPTION  
A Parcel of Land in  
Sections 25, 26, 27,  
34, 35 & 36  
Township 43 South,  
Range 26 East  
Lee County, Florida

PROJECT SURVEYOR  
BARRY A. WHEELER  
FLORIDA  
NO. 1949  
STATE OF  
FLORIDA  
LICENSED SURVEYOR  
NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	22955CPAD1DWG
LAYOUT	G
LOCATION	J22955DWG1SURVEYING1SKETCH
PLOT DATE	WED, 12-17-2014 - 10:31 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-16-2014
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=1500'
FIELD BOOK	
PLAN REVISIONS	
STRAP NUMBERS	
COMPREHENSIVE PLAN AMENDMENT	
SKETCH TO ACCOMPANY DESCRIPTION	
PROJECT / FILE NO.	23955
SHEET NUMBER	G OF XX



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

		Lee County Totals		Fort Myers Shores	
Residential By Future Land Use Category	Intensive Development	4,367	1,352	20	5
	Central Urban	44,787	14,787	225	225
	Urban Community	48,425	18,425	637	637
	Suburban	46,623	16,623	1,810	1,810
	Outlying Suburban	4,105	4,105	40	40
	Sub-Outlying Suburban	4,548	1,728	367	547
	Industrial Development	79	79	0	0
	Public Facilities	4	1	0	0
	University Community	850	850	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0
	Burnt Store Marina Village	4	4	0	0
	Industrial Interchange	0	0	0	0
	General Interchange	42	42	0	0
	General/Commercial Interchange	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0
	University Village Interchange	0	0	0	0
	New Community	900	900	0	0
	Airport	0	0	0	0
	Tradeport	9	9	0	0
	Rural	8,313	8,313	1,400	1,400
	Rural Community Preserve	3,100	3,100	0	0
	Coastal Rural	1,300	1,300	0	0
	Outer Islands	202	202	4	1
	Open Lands	2,805	2,805	0	0
	Density Reduction/Groundwater Resource	6,905	6,905	0	0
	Conservation Lands Uplands	0	0	0	0
	Wetlands	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0
Total Residential		81,373	81,538	4,500	4,665
Commercial		42,793	12,793	400	400
Industrial		43,804	13,801	400	400
Non Regulatory Allocations					
Public		82,252	82,252	2,000	2,000
Active Agriculture		47,027	17,027	550	550
Passive Agriculture		45,859	45,859	2,500	2,500
Conservation (wetlands)		81,948	81,948	1,142	1,142
Vacant		22,122	21,957	226	61
Total		357,175	357,175	44,748	11,718
Population Distribution*		495,000	495,000	30,864	30,861

\* Population for Unincorporated Area of Lee County

ATTACHMENT 3

Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

RECEIVED  
DEC 08 2014

COMMUNITY DEVELOPMENT

December 4, 2014

The Honorable Brian Hamman, Chairman  
Lee County Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Hamman:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 14-7ESR), which was received on November 7, 2014. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at [scott.rogers@deo.myflorida.com](mailto:scott.rogers@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Richmond', with a stylized, flowing script.

Ana Richmond, Chief  
Bureau of Community Planning

AR/sr

Enclosure: Procedures for Adoption

cc: Paul O'Connor, Director, Lee County Division of Planning  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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 which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.





Gary Chartrand, *Chair*  
John R. Padget, *Vice Chair*  
*Members*  
Ada G. Armas, M.D.  
John A. Colon  
Marva Johnson  
Rebecca Fishman Lipsey  
Andy Tuck

November 19, 2014

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
Via E-mail: [oconnops@leegov.com](mailto:oconnops@leegov.com)

Dear Mr. O'Connor:

Re: Lee County 14-7ESR

Thank you for the opportunity to review Lee County's proposed 14-7 ESR amendment package, which the Florida Department of Education received on November 10, 2014. According to the department's responsibilities under section 163.3184(3)(b), Florida Statutes, I reviewed the amendment considering the provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The amendment relates to the River Hall development, and would permit an additional 851 dwelling units. Although the staff report documents prior coordination with the Lee County school district, the analysis is more than one year old, and the data and plans on which it was based are now outdated. In reviewing data that are the best available to the department, it appears that the affected elementary and high schools in the East Concurrency Service Area can be reasonably expected to have sufficient available capacity in the short-term planning period. However, it appears that the increase in residential units has the potential to create 35 middle school students above the capacity projected to be available in the Lee County School Board's 2014-15 through 2018-19 district facilities work plan.

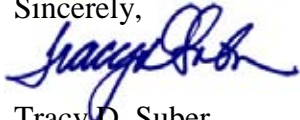
Prior to considering adoption of the amendment, the county, the applicant and the school district should review the current data and identify a planning solution to address the potential deficit. The parties' prior successful coordination to address the effects of the existing River Hall residential development program may provide a helpful framework for addressing the additional effects of the proposed increase.

Thomas H. Inserra  
Director, Office of Educational Facilities

Mr. Paul O'Connor  
November 19, 2014  
Page 2

Again, thank you for the opportunity to review and comment. Please contact me at 850-245-9312 or [Tracy.Suber@fldoe.org](mailto:Tracy.Suber@fldoe.org), if you have questions about this letter, or if I may be of assistance.

Sincerely,



Tracy D. Suber  
Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. Marc Mora and Ms. Dawn Huff, Lee County School District  
Ms. Brenda Winningham and Mr. Scott Rogers, DEO/State Land Planning Agency

Thomas H. Inserra  
Director, Office of Educational Facilities



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

December 1, 2014

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Subject: Lee County, DEO #14-7ESR  
Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. O'Connor:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment changes the future land use designation on 1,287 acres from Rural and Wetlands to Sub-Outlying Suburban, Conservation Lands Wetlands, and Conservation Lands Uplands. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Deborah Oblaczynski, Policy and Planning Analyst, at (561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov).

Sincerely,

A handwritten signature in cursive script that reads "De Powell".

Dean Powell  
Water Supply Bureau Chief

DP/tm

c: Ray Eubanks, DEO  
Deborah Oblaczynski, SFWMD  
Brenda Winningham, DEO  
Margaret Wuerstle, SWFRPC

**Miller, Janet**

---

**From:** O'Connor, Paul  
**Sent:** Monday, December 01, 2014 2:55 PM  
**To:** Miller, Janet; Dunn, Brandon  
**Cc:** Hutcherson, Karen  
**Subject:** FW: Lee County 14-7ESR - Proposed

---

**From:** Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]  
**Sent:** Monday, December 01, 2014 1:55 PM  
**To:** O'Connor, Paul  
**Cc:** Craig, Kae; DEO Agency Comments  
**Subject:** Lee County 14-7ESR – Proposed

To: Paul O'Connor, Planning Division Director

Re: Lee County 14-7ESR – Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please feel free to contact me with any questions.

Chris Stahl  
Office of Intergovernmental Programs  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 47  
Tallahassee, FL 32399-3000  
(850) 245-2169



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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.





December 9, 2014

**Florida Fish  
and Wildlife  
Conservation  
Commission**

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**Nick Wiley**  
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**Eric Sutton**  
Assistant Executive Director

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MyFWC.com

Mr. Paul O'Connor  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, FL 33902-0398  
[oconnops@leegov.com](mailto:oconnops@leegov.com)

RE: Proposed Future Land Use Amendment (CPA2012-01), Lee County 14-7 CPA-ESR, Lee County

Dear Mr. O'Connor:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. While we do not have any objections to the proposed amendment, we are providing the following information as technical assistance for the applicant when planning for any additional future development that may occur on the subject property.

**Comments and Recommendations**

The proposed plan amendment would increase the maximum density at the existing River Hall development by 851 dwelling units to 2850 dwelling units. The *Lee County Protected Species Management Plan* (PSMP) (May 2006) by Passarella and Associates, Inc., for the River Hall project was submitted in support of the comprehensive plan amendment. The PSMP addresses conservation, avoidance, minimization, and potential mitigation measures for the gopher tortoise (*Gopherus polyphemus*, State Threatened), American alligator (*Alligator mississippiensis*, Federally Threatened, similarity of appearance), burrowing owl (*Athene cunicularia*, State Species of Special Concern), Florida sandhill crane (*Grus canadensis partensis*, State Threatened), Florida scrub jay (*Aphelocoma coerulescens*, Federally Threatened) and listed wading birds that have been documented on the project site. According to the PSMP, the applicant has placed approximately 333 acres on-site under a conservation easement with a large portion of the conservation area lying immediately west of Hickey's Creek Mitigation Park. The conservation areas are being managed for listed species occurring or potentially occurring on-site based on habitat type.

The habitat management, avoidance, minimization, and mitigation measures proposed in the PSMP and application materials generally follow accepted guidelines and practices for those species mentioned above and we appreciate incorporation of the above measures to protect fish and wildlife resources. FWC staff offers the following recommendations to further reduce potential negative human-wildlife interactions and allow for continued habitat management practices on conservation lands, including prescribed burning.

The proposed project is within the secondary range of the Big Cypress population of Florida black bear (*Ursus americanus floridanus*). While the Florida black bear was delisted by the FWC in June 2012, a conservation plan for the black bear has been developed and approved by the FWC as guidance for further improvement of the conservation status of the bear. While black bears that live in remote areas tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to public safety or private property. There are measures that can be taken to reduce conflicts with bears both during and after development activities, including:



- Preserving buffer areas with adequate parameters around natural features.
- Following best management practices during construction:
  - Requiring clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse.
  - Requiring frequent trash removal and the use of proper food storage and removal on work sites.
  - Conducting frequent and unannounced site inspections and rewarding site managers that keep a bear-smart worksite.
- Proactively deterring potential negative human-bear interactions by providing residents and employees with informational materials regarding bears and successful coexistence with them in potential habitat areas. This information should include deterrent measures, such as:
  - Using bear-resistant garbage containers,
  - Placing garbage on the curb the morning of pick-up,
  - Removing wildlife feeders,
  - Using electric fencing,
  - Securing pet food, and
  - Cleaning and securing barbeque grills.

Landscaping designs should focus on removing thick vegetation close to areas that people use such as parking lots. Fencing can also be a deterrent to wildlife movement into an area if there are no food sources or other attractants inside the fenced area. Additional information about Florida black bears can be found on our website at:

<http://www.myfwc.com/wildlifehabitats/managed/bear/> and FWC staffs are available to assist with residential planning to incorporate the above features.

The proposed project is also located within the Florida panther (*Felix concolor coryii*, Federally Endangered) Secondary Zone as defined by the USFWS. In order to further reduce the potential for human-wildlife interactions, we recommend that FWC's *Living with Panthers* informative brochure be provided to residents within River Hall. The *Living with Panthers* brochure can be downloaded from our panther website at: <http://www.floridapanthernet.org/>. In addition, if any walking or exercise trails are planned, FWC recommends that the applicant consider posting informational signs regarding appropriate actions residents should take if they encounter wildlife such as Florida panthers, Florida black bears, and coyotes.

The PSMP indicates prescribed burning will be used to maintain the native vegetative communities in the conservation areas. We recommend that information and materials regarding prescribed fire be included into the PSMP. Information regarding prescribed burning can be found at [http://fwcg.myfwc.com/docs/LAP\\_Prescribed\\_Burning.pdf](http://fwcg.myfwc.com/docs/LAP_Prescribed_Burning.pdf). In addition, FWC staff recommends that the applicant ensure that provisions for a community covenant be included to ensure the ability to perform prescribed burns on fire-dependent plant communities within the preserved areas. Current and prospective home buyers should also be provided education materials explaining that prescribed burning is an acceptable practice for land management and is used within the preserve areas.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific



technical questions regarding the content of this letter, please contact Mark Schulz at (863) 648-3820 or by email at [mark.schulz@MyFWC.com](mailto:mark.schulz@MyFWC.com).

Sincerely,



Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/mas  
ENV 2-3-3  
Lee County14-7 CPA-ESR\_20152\_120914

cc: Ray Eubanks, DEO, [DCPexternalagencycomments@.deo.myflorida.com](mailto:DCPexternalagencycomments@.deo.myflorida.com)  
Dave Depew, Morris-Depew Associates, Inc., [planning@m-da.com](mailto:planning@m-da.com)  
Tina Ekbal, Morris-Depew Associates, Inc., [tekbald@m-da.com](mailto:tekbald@m-da.com)  
Grady Miars, GreenPointe Communities, LLC, [gmiars@greenpointellc.com](mailto:gmiars@greenpointellc.com)



***Florida Department of Transportation***

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.  
SECRETARY

December 10, 2014

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, FL 33902-0398

**RE: Lee County 14-7ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. O'Connor:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 14-7ESR, Proposed Comprehensive Plan Amendment, transmitted under the Expedited State Review process (*transmitted by the Board of County Commissioners on October 22, 2014*) in accordance with the requirements of Florida Statutes (F.S.) Chapter 163. The Department offers Lee County the following comments and recommendations for your consideration regarding the proposed amendment.

**CPA2012-01 (Text and Map Amendment):**

The subject site comprises approximately 1,287 acres. The property lies within the Caloosahatchee Shores Community Planning area and is generally located south of Palm Beach Boulevard (SR 80), approximately 6 miles east of I-75, and east of Buckingham Road in Lee County, Florida. The comprehensive plan amendment proposes to:

- Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban.
- Adopt Policy 5.1.11 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.
- Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units (previously approved for 1,999 dwelling units).
- Amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying

Suburban future land use category by lowering the allocation to the rural future land use category.

The existing Future Land Use Map (FLUM) for the River Hall development allows for 1,999 residential dwelling units (1,861 single family residential dwelling units (SF-RES) and 138 multi-family residential dwelling units (MF-RES)), 36 holes golf course (GOLF), 15,000 square feet of medical office (MED- OFFICE) and 30,000 square feet of commercial uses (COM). According to the staff report and amended Policy 21.1.5, the proposed development plan would include 2,850 residential dwelling units (2,712 single family residential dwelling units (SF-RES) and 138 multi-family residential dwelling units (MF-RES)), 36 holes golf course (GOLF), 15,000 square feet of medical office (MED- OFFICE) and 30,000 square feet of commercial uses (COM). As a result, the proposed amendment would allow an additional 851 single-family dwelling units within the River Hall residential community. The currently **approved** development plan for the River Hall development results in **21,292 daily trips or 2,004 p.m. peak hour trips**. The **proposed** development plan for the River Hall development would result in **27,697 daily trips or 2,593 p.m. peak hour trips**. As indicated in the following table, the **proposed** development could result in a **net increase of 6,405 daily trips or 589 p.m. peak hour trips**.

**TRIP GENERATION AS PROPOSED IN CPA2012-01**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Approved	SF-RES	NA	210	1,287	1,861 DU's	15,468	1,460
	MF-RES	NA	220		138 DU's	960	94
	GOLF	NA	430		36-Holes	1,287	105
	MED-OFFICE	NA	630		15,000 sf	472	78
	COM	NA	820		30,000 sf	3,105	267
Proposed	SF-RES	NA	210	1,287	2,712 DU's	21,873	2,049
	MF-RES	NA	220		138 DU's	960	94
	GOLF	NA	430		36-Holes	1,287	105
	MED-OFFICE	NA	630		15,000 sf	472	78
	COM	NA	820		30,000 sf	3,105	267
Change in Trips						+6,405	+589

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (9th Edition).



As seen in the following tables, a planning level analysis was prepared to establish whether state roadways in the vicinity of the River Hall development will operate at their adopted level of service (LOS) standards, as identified within the Lee County's comprehensive plan during the existing (2013), short-term (2019), and long term (2035) horizon year conditions.

### **YEAR 2013 EXISTING ROADWAY CONDITIONS**

Roadway	From	To	SIS?	County LOS Std.	2013 Conditions				
					No. of Lanes	Service <sup>1</sup> Volume	AADT	LOS	Acceptable?
SR 80	SR 31 (Arcadia Rd)	Buckingham Rd/Old Olga Rd	Y	D	4	41,790	28,500	C	Yes
SR 80	Buckingham Rd/Old Olga Rd	W. of Werner Drive	Y	D	4	65,600	17,800	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	Y	C	4	40,700	17,800	B	Yes
SR 80	Hickey Creek Rd	CR 884 (Joel Blvd)	Y	C	4	30,765	15,200	C	Yes

1. Service Volume at the County Adopted LOS Standard.

### **YEAR 2019 SHORT TERM HORIZON ROADWAY CONDITIONS**

Roadway	From	To	2019 Conditions							
			No. of Lanes	Service <sup>1</sup> Volume	2019 <sup>2</sup> Background Traffic	Project Dist. % <sup>3</sup>	Project Traffic	Total Traffic	LOS	Acceptable?
SR 80	SR 31 (Arcadia Rd)	Buckingham Rd/Old Olga Rd	4	41,790	31,900	21.6%	1,383	33,283	C	Yes
SR 80	Buckingham Rd/Old Olga Rd	W. of Werner Drive	4	65,600	20,700	29.8%	1,909	22,609	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	4	40,700	20,700	11.0%	705	21,405	B	Yes
SR 80	Hickey Creek Rd	CR 884 (Joel Blvd)	4	30,765	17,000	10.6%	679	17,679	C	Yes

1. Service Volume at the County Adopted LOS Standard.
2. The short-term planning horizon year 2019 background volumes were obtained using historical growth rates.
3. The project traffic distribution percentages were obtained from the River Hall traffic study dated September 26, 2012, provided by the applicant.

### **YEAR 2035 LONG TERM HORIZON ROADWAY CONDITIONS**

Roadway	From	To	2035 Conditions							
			No. of Lanes	Service <sup>1</sup> Volume	2035 Background <sup>2</sup> Traffic	Project Dist. % <sup>3</sup>	Project Traffic	Total Traffic	LOS	Acceptable?
SR 80	SR 31 (Arcadia Rd)	Buckingham Rd/Old Olga Rd	4	41,790	48,283	21.6%	1,383	49,666	F	No
SR 80	Buckingham Rd/Old Olga Rd	W. of Werner Drive	4	65,600	29,167	29.8%	1,909	31,076	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	4	40,700	29,167	11.0%	705	29,872	C	Yes
SR 80	Hickey Creek Rd	CR 884 (Joel Blvd)	4	30,765	27,170	10.6%	679	27,849	C	Yes

1. *Service Volume at the County Adopted LOS Standard.*
2. *The long-term planning horizon year 2035 background volumes were obtained using the Lee-Collier 2035 Cost Feasible Model.*
3. *The project traffic distribution percentages were obtained from the River Hall traffic study dated September 26, 2012, provided by the applicant.*

#### **FDOT Comment # 1 - Level of Service (LOS):**

Based on the planning level analysis, the segment of SR 80 from SR 31/Arcadia Road to CR 884, located in the vicinity of the River Hall development currently operates under acceptable conditions during the existing conditions and is anticipated to operate under acceptable conditions with the proposed amendment during the year 2019 short-term conditions.

The segment of SR 80 (from Buckingham Rd/Old Olga Rd to west of Werner Drive), which provides access to River Hall, is currently operating at LOS B. It is anticipated to operate at LOS B through the year 2035 long-term conditions.

The two segments of SR 80 west of the River Hall, from west of Werner Drive to Hickey Creek Rd and Hickey Creek Rd to CR 884, are currently operating at LOS B and C respectively. It is anticipated that the segment from west of Werner Drive to Hickey Creek is anticipated to operate at LOS C during the year 2035 long-term conditions.

The roadway segment of SR 80 from SR 31/Arcadia Road to Buckingham Road/Old Olga Road is projected to operate under adverse conditions (LOS F) by the year 2035 according to the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). The projected change from LOS C to LOS F by 2035 for this specific segment was based on background volumes obtained using the Lee-Collier 2035 Cost Feasible Model. The Lee County MPO has listed the need of widening the segment of SR 80 from SR 31/Arcadia Road to Buckingham Road/Old Olga Road from four (4) lanes to six (6) lanes in the Lee County LRTP 2035 Highway Needs Plan.

The Department and Lee County MPO has determined that SR 80 from SR 31/Arcadia Road to Buckingham Road/Old Olga Road will operate at an unacceptable LOS in the future. The



Department has identified the need to improve this segment in the 2040 SIS Unfunded Needs Plan. The failure of the segment, SR 80 from SR 31/Arcadia Road to Buckingham Road/Old Olga Road, will occur with or without Lee County 14-7ESR; therefore, *the Department offers no comment.*

**FDOT Comment # 2 - State Highway System Access Management:**

The subject property is located along the south side of SR 80. Any access to SR 80 will be subject to the FDOT permitting process as described in Rule 14-96 FAC. The FDOT may require that the applicant provide mitigation for any impacts as a condition of a permit. The FDOT Access Management standard for SR 80 is access class 3 from Orange River Bridge E. (M.P. 6.026) to Hendry County Line (M.P. 20.358). FDOT standards for access class 3 require a minimum spacing of 2,640 feet (one half of a mile) for signals and full median openings, 1,320 feet (one quarter of a mile) for directional median openings, and 440 feet between access points for any single parcel, at posted speed limits of 45 MPH or less.

For technical information on the traffic signal for the intersection of SR 80 and River Hall Parkway, please refer to the FDOT Signal Warrant Analysis for SR 80 at River Hall Parkway dated April 22, 2014.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us)

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

cc: Mr. Ray Eubanks, Florida Department of Economic Opportunity



## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

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December 10, 2014

VIA EMAIL (oconnops@leegov.com)

Lee County Planning Division Director  
Attn: Paul O'Connor  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20141110-481  
Lee County CPA2012-01  
Submission dated November 5, 2014

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on November 10, 2014 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

A handwritten signature in black ink, appearing to read "Stormie Knight".

Stormie Knight  
Sr. Management Analyst I  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 14-7 ESR)

## ATTACHMENT 4



**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

November 5, 2014

John E. Manning  
*District One*

Cecil L. Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

Donna Marie Collins  
*Hearing Examiner*

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL. 32399-0800

Re: Amendment to the Lee Plan  
Transmittal Submission Package  
Privately Initiated Amendment, CPA2012-01

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Publicly Sponsored Comprehensive Plan Amendment, known locally as CPA2013-04. The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

**CPA2012-01** is to amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban.

Adopt Policy 5.1.11 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.

Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units.

Also amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying Suburban future land use category by lowering the allocation to the Rural future land use category.

The Local Planning Agency held a public hearing for this plan amendment on June 23, 2014. The Board of County Commissioners transmittal hearing for the plan amendment was held on October 22, 2014. The Board of County Commissioners voted to transmit the attached Lee Plan amendment package at the October 22, 2014 transmittal hearing. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8309  
Fax (239) 485-8319  
Email: [oconnops@leegov.com](mailto:oconnops@leegov.com)

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP, Director  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in a CD ROM format, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Kae Craig  
Department of Environmental Protection

Susan Harp  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Lawrence Massey  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District



**THE NEWS-PRESS**  
*Published every morning*  
*Daily and Sunday*  
*Fort Myers, Florida*  
**Affidavit of Publication**  
STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared **Kathy Allebach** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**Notice of Public Hearing**

In the matter of:

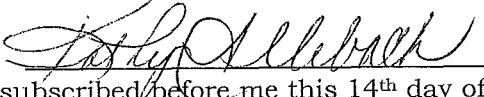
**Hearing on October 22, 2014**

In the court was published in said newspaper

In the issues of

**October 14, 2014**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

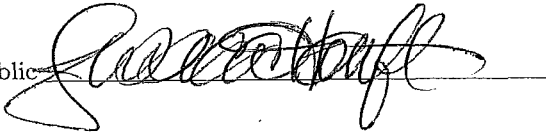


Sworn to and subscribed before me this 14<sup>th</sup> day of October, 2014.

by **Kathy Allebach**  
personally known to me

as identification, and who did or did not take an oath.

Notary Public



Print Name: **Jessica Hanft**

My commission Expires: **February 12, 2017**



**NOTICE OF  
PROPOSED  
AMENDMENT TO  
THE  
LEE COUNTY  
COMPREHENSIVE  
LAND USE PLAN  
(TRANSMITTAL  
HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 22, 2014. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity: CPA2012-00001, River Hall; Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban. Amend Policy 5.1.10 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands. Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units. Also amend Table 1(b), Year 2030 Allocations, to adjust the

acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying Suburban future land use category by lowering the allocation to the Rural future land use category. This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to

the proposed plan amendment. 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 public hearing should contact Janet Miller at 239-533-8583 or jmill@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. No. 1492939  
October 14, 2014

**CPA2012-01  
RIVER HALL  
PRIVATELY SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**DEO Transmittal Document**

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

**October 22, 2014**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2012-01**



**Text Amendment**



**Map Amendment**

	<b>This Document Contains the Following Reviews</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to Review Agencies' Comments</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: June 13, 2014

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVES:**

GreenPointe Communities, LLC. / Dave Depew, Ph. D., AICP, Morris-Depew Associates, Inc.

**2. REQUEST:**

Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban.

Adopt Policy 5.1.11 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.

Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units.

Also amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying

Suburban future land use category by lowering the allocation to the Rural future land use category.

## **B. EXECUTIVE SUMMARY**

The River Hall Comprehensive Plan Amendment was originally filed by GreenPointe Communities LLC., on September 27, 2012. That amendment was not transmitted by the Board of County Commissioners. At the time of the transmittal hearing, on September 25, 2013, there were only four sitting members of the Board leaving one vacant seat. Motions were made to not transmit the Plan Amendment to State reviewing agencies and to remand the Plan Amendment to the Local Planning Agency. Both of these motions ended in a 2 to 2 vote. The effect of the Board's action at the transmittal hearing on September 25, 2013, was to deny the Plan Amendment.

Pursuant to § 163.3181(4) of the Florida Statutes County staff and GreenPointe engaged in a mediation conference on March 5, 2014. Following this conference, County Attorney staff and the applicant's representatives drafted an agreement that outlined a review process. That process was approved by the Board of County Commissioners at their regular meeting of April 1, 2014. This application is being reviewed in accordance with that process.

The amendment, as currently proposed, asks to reclassify portions of the River Hall development to allow for an increase in the property's density by changing the future land use category from Rural to Sub-Outlying Suburban. It also requests to create Policy 5.1.11 to allow for shifting density from Conservation Uplands to contiguous uplands and to establish a cap in the number of allowable dwelling units on the River Hall development. The results of these proposed amendments would allow an additional 851 dwelling units to be permitted within the River Hall residential community. The additional units will be located in areas that have already been slated for development through the existing approved zoning Master Concept Plan.

## **C: STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the revised request, including the proposed text amendments and Table 1(b), staff recommended that the BoCC *not transmit* the proposed amendment for the reasons outlined in this staff report including:

- The amendment does not qualify as an overriding public necessity.
- The plan amendment causes the remaining River Hall Rural lands, which are not included in the amendment, to exceed their allowable density. This is inconsistent with their future land use category and with Lee Plan 5.1.10, which prohibits non-urban areas from exceeding their allowable density.
- The proposed amendment would increase residential density near the Hickey Creek Mitigation Park.
- The plan amendment would create enclaves of future land use categories within the development.
- The Caloosahatchee Shores community plan goal is to retain its' rural character and rural land use where it currently exists. The plan amendment would redesignate almost

27% of the Planning community's Rural category to an urban category. This could set a precedent for more intensive development requests in this and other rural areas.

- The addition of 851 more dwelling units on SR 80 will exacerbate the projected unacceptable condition of roadway segment failures.

The Staff's Findings and Recommendations are provided in the Staff Report dated October 8, 2014 and attached hereto as Attachment 9.

## **D. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 1,978 Acres.

**SIZE OF AMENDMENT AREA:** 1,287 Acres.

**PROPERTY LOCATION:** The subject property is located south of Palm Beach Boulevard (SR 80), approximately 6 miles east of I-75, east of Buckingham Road.

**EXISTING USE OF LAND:** The subject property is currently zoned for residential uses, including single-family and multi-family units. The subject property also contains indigenous preserve areas and recreational amenities, such as a golf course. Residential portions of the property are developed in a low density gated golf course community.

**CURRENT ZONING:** Residential Planned Development (RPD), and Commercial Planned Development (CPD).

**CURRENT FUTURE LAND USE CATEGORY (AMENDMENT AREA):** Rural future land use category (1,064 acres), and Wetlands future land use category (223 acres).

### **2. INFRASTRUCTURE AND SERVICES:**

**FIRE:** Fort Myers Shores Fire and Rescue Service District.

**EMS:** Lee County EMS service area.

**LAW ENFORCEMENT:** Lee County Sheriff's Office.

**SOLID WASTE:** The subject site is located in solid waste Service Area 4.

**MASS TRANSIT:** LeeTran does not currently serve the subject site.

**WATER AND SEWER:** The subject site is within the Lee County utilities water and sewer service areas. The subject site is served by the Olga Water Treatment Plant and the City of Fort Myers Central Advanced Waste Water Treatment Plant.

### **3. SURROUNDING LAND USES AND FUTURE LAND USE DESIGNATIONS**

The surrounding future land use categories consist of Urban Community, Suburban, Sub-Outlying Suburban, Commercial, Rural, Conservation Lands (Uplands and Wetlands), and Wetlands. The lands to the south of the subject property are designated Urban Community and are within Lehigh Acres. The Urban Community lands within Lehigh Acres have been subdivided into ¼ acre single-family parcels and are primarily zoned RS-1. There are intermittent single-family homes developed in the area adjacent to the proposed amendment.

The Suburban lands are located near the northwest corner of the subject property and consists of single-family homes in RPD and RS-1 zoning districts. The approved density of these



residential developments ranges between 2 and 4 units per acre. The Sub-Outlying Suburban lands are located near the southwest corner of the subject property and consist of vacant property that has been zoned for residential development (RPDs). These lands include two separate projects known as Buckingham 320 (DCI2004-00090) and Portico (DCI2004-00031). Buckingham 320 and Portico were approved with 2 dwelling units per acre.

The commercial lands are located on the north side of State Route 80, directly across from the River Hall entrance, River Hall Parkway. The property in the Commercial future land use category is vacant and was recently rezoned from AG-2 to Commercial Planned Development (CPD), DCI2012-00059, Olga Square. This rezoning approved approximately 371,000 square feet of various commercial uses. Also located to the north are Rural lands that are zoned AG-2 and are currently vacant or developed with single-family homes.

Lands in the Conservation Lands future land use category are located to the east in the Hickey's Creek Mitigation Park. It is anticipated that the Conservation Lands will remain substantially in their natural state.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The subject property is located on Palm Beach Boulevard, State Route 80, approximately 0.8 miles east of Buckingham Road. The property is within the Caloosahatchee Shores Community Planning area, directly to the north of the Lehigh Acres Planning Community. The property is adjacent to the regionally significant Hickey's Creek Mitigation Park. These location attributes and others will be further discussed below.

The applicant is concurrently seeking an amendment to the existing zoning resolution and Master Concept Plan for the River Hall residential development. The proposed rezoning will result in a density that is inconsistent with the density permitted in the Rural future land use category, and is therefore inconsistent with the Lee Plan. To address these inconsistencies, the applicant has requested a privately initiated plan amendment. The proposed Lee Plan amendment, CPA2012-00001, consists of four modifications to the Lee Plan, as summarized at the beginning of this report. According to the May 12, 2014 application materials, the amendments would allow up to a maximum 2,850 residential dwelling units within the River Hall development (see Application Materials).

The applicant has provided in the application materials that the proposed additional units will be constructed within the development footprint that has already been approved, with no impacts to existing or approved conservation areas or community amenities. The applicant provides that "The existing development footprint will be utilized for the additional density promoting the clustering of residential density and uses to improve the efficient use of land and existing utilities." This assures that the existing development footprint will be utilized and that no additional direct impacts will be made to the development's environmental features.

Lee County Division of Environmental Sciences provided a staff report to the Lee County Planning Division on May 22, 2014. Environmental Sciences staff finds that the CPA application and corresponding RPD amendment application demonstrate that there are no

proposed impacts to the boundaries of the existing 465.2 acres of upland and wetland preserves that were required during the currently approved MCP for the River Hall development. While no impacts are proposed to the existing 465.2 acres of preserves, Environmental Sciences staff finds that the proposed Comprehensive Plan amendment “does not propose any additional protection of preserved habitat or protection of listed species then the current existing zoning approvals and conservation easements. Environmental Sciences staff is also concerned that the amendment will allow the applicant to add 851 residential units to areas that are adjacent to documented gopher tortoise, burrowing owl, American Alligator, Florida Sandhill Crane, listed wading birds and Florida Scrub Jays; and areas that have suitable habitat for the Florida Panther and Black Bear.” Their concern is the increase in potential for negative human/wildlife interactions and is discussed in more detail in the “Environmental Considerations” section and in the Environmental Sciences memo attached to this staff report as Attachment 1.

Transportation Staff has concerns that the additional residential units, regardless of where they are constructed, will cause additional traffic/transportation issues. Additional units will generate additional vehicle trips, which will increase level of service deficiencies at the project entrance on S.R. 80, and could cause level of service deficiencies at nearby intersections such as Buckingham Road/S.R. 80 and S.R. 31/S.R. 80. To address some of these concerns, the Florida Department of Transportation permit for the already approved River Hall development includes a requirement for the installation of a traffic signal at the intersection of S.R. 80 and River Hall Parkway. The applicant has committed to accelerating the construction of the second, gated entrance to Ruth Avenue in Lehigh Acres. The Development Services Memo is attached to this staff report as Attachment 4.

LeeTran, which does not currently provide service to this area, has expressed concern that the designation of this land, as an urban future land use category, may necessitate that urban types of services, such as transit, are provided. LeeTran states that this would result in additional unfunded needs. Additional public improvements and services may be necessary for future residents if the amendment is approved.

### **Proposed Sub-Outlying Suburban Future Land Use category**

The applicant is proposing to amend the future land use designation for 870 acres of the River Hall development from Rural to Sub-Outlying Suburban. The proposed amendment does not include the entirety of the River Hall planned development because the applicant does not have unified control over all of the lands. The tracts of land that are not included in the amendment will remain in the Rural category. The proposed amendment would create several enclaves of both Rural and Sub-Outlying Suburban land if the amendment is approved. The applicant's representatives have stated that the county could resolve this issue by amending these areas through a subsequent publicly sponsored amendment to the Plan.

Policy 1.1.11 is the descriptor policy for the Sub-Outlying Suburban future land use category. This policy provides that these areas contain predominately low-density residential development. It is intended that *“these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character.”* The standard density range is between 1 and 2 dwelling units an acre. Within the Sub-Outlying

Suburban category commercial development greater than neighborhood centers and industrial land uses are not permitted.

**Proposed Amendment to Policy 5.1.10**

The second part of the applicant request seeks to allow density from the lands that are proposed to be re-designated to Conservation Lands at the density of the adjoining land use category. To accomplish this, the applicant originally proposed several text amendments to Policy 5.1.10. This portion of the request appears to be reasonable as these lands currently have an upland designation and could just as easily have been part of the request to re-designate the Rural lands to the Sub-Outlying Suburban category. Re-designating these lands to the Conservation Lands – Upland category affords them additional protection in the future. The result of the amendment is similar to the way wetland density is calculated for land designated in future urban categories.

There are 264 acres of Rural designated land that are proposed to be converted to Conservation Lands – Upland. Allowing density from the Conservation Lands-Uplands at the Sub-Outlying Suburban rate would provide an additional 528. The applicants proposed text amendment to Lee Plan Policy 5.1.10 is as follows:

***POLICY 5.1.10:** In those Instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:*

1. *The Planned Development zoning is utilized; and*
2. *No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
3. *The land ~~is was~~ under single ownership or unified control at the time the Planned Development rezoning is adopted or amended ~~this policy was adopted~~ and is contiguous; in situations where land under single ownership or unified control is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
4. *The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property. In the event uplands are preserved within the Planned Development and are designated as Upland Conservation Lands on the future land use map, density may be relocated from the Upland Conservation Lands to contiguous developable uplands at the same underlying density permitted for the developable uplands.*

The amendment to the date of unified control will broaden the application of Policy 5.1.10. The application does not attempt to analyze the potential effect on other properties as a result of this proposed amendment. Staff does not know the effect this amendment will have on additional properties. Staff has several concerns with the text amendment as originally proposed by the applicant.

In the event that the plan amendment is transmitted, staff believes that the following language would be better in achieving the applicant's desire to cluster density from the proposed Conservation Lands, in a similar manner that has already occurred on the project site with the previous zoning approvals. This language could be utilized by other Future Urban Areas outside of the Coastal High Hazard area in the future. This is a way to incentivize the addition of Conservation Lands without public funding. Staff's proposed language is as follows:

POLICY 5.1.11: Property that is in future urban areas and outside of the Coastal High Hazard Area, may receive density from lands that are designated to the Conservation Lands future land use category through a privately initiated amendment. The use of any density that is generated from this policy must be approved through the Planned Development zoning process and be used on the same property as the privately initiated amendment. Density from the Conservation Lands will be calculated at the same rate as the uplands immediately adjacent to the Conservation Lands within the planned development. The units from the Conservation Lands must be clustered on non-Conservation Lands within the planned development. A conservation easement, dedicated to the county, must be granted by the owner of the conservation lands. This easement must assign maintenance responsibility to a property owners' association, community development district, or similar acceptable entity. The conservation easement must be recorded prior to issuance of a development permit authorizing construction of the additional dwelling units generated from the Conservation Lands.

#### **Table 1(b) & Map 16**

The applicant has proposed an amendment to Table 1(b), the Year 2030 Allocations Table. Currently the subject property has 1,064 acres of land within the Rural future land use category and 223 acres of land within the Wetlands future land use category. The applicant is proposing an amendment to the Future Land Use Map to add 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban. The applicant is also proposing an amendment to Table 1(b) so that sufficient acreage will be available to allow the build-out of the River Hall development should the proposed changes to the Future Land Use Map be adopted. The applicant originally proposed changes to Table 1(b) are as follows:

(Portion of) Table 1(b)  
Fort Myers Shores Planning Community

<b>Future Land Use Category</b>	<b>Remaining</b>	<b>Proposed</b>
Sub-Outlying Suburban	<u>367</u>	<u>851</u>
Rural	<u>1,064</u>	<u>0</u>
Conservation Lands Uplands	<u>0</u>	<u>274</u>
Conservation Lands Wetlands	<u>0</u>	<u>153</u>

This proposed change would result in no Rural acres remaining in the accommodation table. Staff notes that there are several large vacant parcels that have potential to seek residential development in the planning horizon. Amending the Rural allocation to zero as proposed by the applicant would preclude these vacant parcels from being developed within the planning horizon as specified by Policy 1.7.6. This could potentially affect areas that are to remain in the Rural category within the River Hall development. Staff finds that the amendment to Table 1(b) as

proposed by the applicant is inappropriate. This is further explained within the attached Staff Report. If the Board of County Commissioners desires to transmit the proposed amendment, staff recommends an alternative amendment to Table 1(b) as shown on the following page.

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

Future Land Use Classification		Lee County Totals		Fort Myers Shores	
		Existing	Proposed	Existing	Proposed
<b>Residential By Future Land Use Category</b>	Intensive Development	1,367	1,352	20	5
	Central Urban	14,787	14,787	225	225
	Urban Community	18,425	18,425	637	637
	Suburban	16,623	16,623	1,810	1,810
	Outlying Suburban	4,105	4,105	40	40
	Sub-Outlying Suburban	1,548	1,728	367	547
	Industrial Development	79	79	0	0
	Public Facilities	1	1	0	0
	University Community	850	850	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0
	Burnt Store Marina Village	4	4	0	0
	Industrial Interchange	0	0	0	0
	General Interchange	42	42	0	0
	General/Commercial Interchange	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0
	University Village Interchange	0	0	0	0
	New Community	900	900	0	0
	Airport	0	0	0	0
	Tradeport	9	9	0	0
	Rural	8,313	8,313	1,400	1,400
	Rural Community Preserve	3,100	3,100	0	0
	Coastal Rural	1,300	1,300	0	0
	Outer Islands	202	202	1	1
	Open Lands	2,805	2,805	0	0
	Density Reduction/Groundwater Resource	6,905	6,905	0	0
	Conservation Lands Uplands	0	0	0	0
	Wetlands	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0
<b>Total Residential</b>		<b>81,373</b>	<b>81,538</b>	<b>4,500</b>	<b>4,665</b>
<b>Commercial</b>		<b>12,793</b>	<b>12,793</b>	<b>400</b>	<b>400</b>
<b>Industrial</b>		<b>13,801</b>	<b>13,801</b>	<b>400</b>	<b>400</b>
<b>Non Regulatory Allocations</b>					
Public		82,252	82,252	2,000	2,000
Active Agriculture		17,027	17,027	550	550
Passive Agriculture		45,859	45,859	2,500	2,500
Conservation (wetlands)		81,948	81,948	1,142	1,142
Vacant		22,122	21,957	226	61
<b>Total</b>		<b>357,175</b>	<b>357,175</b>	<b>11,718</b>	<b>11,718</b>
<b>Population Distribution*</b>		<b>496,000</b>	<b>495,000</b>	<b>30,864</b>	<b>30,861</b>

\* Population for Unincorporated Area of Lee County



### **Proposed Amendment to Policy 21.1.5**

Lee Plan Objective 21.1 addresses Caloosahatchee Shores community character. This objective specifies that the community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the community for Lee County to consider for adoption and enforcement to help create a visually attractive community. The community submitted a plan amendment on April 2, 2007 to add a policy restricting future map amendments to rural lands. This became CPA2007-01 which was unanimously adopted by the Board of County Commissioners on February 5, 2009. This amendment added Policy 21.1.5, reproduced below:

***POLICY 21.1.5:** One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.*

The applicant has proposed a text amendment to Policy 21.1.5. In the application materials submitted, the applicant states that the redraft to Policy 21.1.5 “caps the number of dwelling units in River Hall to 2,850.” The applicant’s proposed revision is identified below:

***POLICY 21.1.5:** One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. For the River Hall Development located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, Lee County, Florida, total density for the development shall not exceed 2,850 dwelling units.*

Staff has concerns with the proposed amendment to Policy 21.1.5. These concerns are both from the potential interpretation of the new text, including its location in Policy 21.1.5, and the implementation of the new language. If the Board of County Commissioners desires to transmit the proposed amendment, staff recommends alternative language that clarifies the application of Policy 21.1.5 to the River Hall Development. The Overriding Public Necessity requirement of Policy 21.1.5 was addressed by the Board, the Applicant, and the County Attorney’s Office. Due to the lack of a definition of the term “overriding public necessity” in the glossary and the specific language in Policy 21.1.5, the Board determined that the overriding public necessity requirement did not apply to the subject Plan Amendment due to the non-rural character of the River Hall development

### **SOILS**

The applicant has provided a description of the soils that are found on site. For a detailed description please see the application materials.

### **NATURAL RESOURCES**

Lee County Division of Natural Resources provided written comments to the Lee County Planning Division in a memorandum dated August 15, 2013. The applicant has agreed to

reinstate the groundwater level monitoring program of the Sandstone aquifer and share the collected data with the SFWMD and Lee County. Lee County Staff has coordinated with the staff of the SFWMD, and the District is amenable to reinstatement of the ground water monitoring program. The Division of Natural Resources has found that if this monitoring issue is addressed that they have no concerns with the proposed amendment. The complete Division of Natural Resources' correspondence is attached to this Staff Report as Attachment 5.

### **FEMA FLOODWAY ISSUE**

County records show that the subject site is not located within a FEMA identified floodway.

### **HISTORIC RESOURCES**

Portions of this site are within the level 2 sensitivity areas for archeological and historic resources.

### **SCHOOL IMPACTS**

The Lee County School District provided correspondences to the Lee County Division of Planning dated August 31, 2013 and June 3, 2013. The Lee County School District has concluded that there are sufficient seats available to serve this need. Furthermore, the District provided that the proposed road access to the south of the River Hall development through Lehigh Acres would reduce the amount of time students spend on the bus as well as save the District fuel expense.

### **SOLID WASTE**

The Lee County Solid Waste Division provided correspondence to the applicant on August 29, 2012 stating that they are capable of providing solid waste collection service for the additional 1,000 residents that would be allowed for by the proposed Lee Plan Amendment.

### **MASS TRANSIT**

Lee County Transit provided the applicant a letter dated October 17, 2012 stating the Leetran does not currently provide service to the River Hall development as it lies outside of the ¼ mile transit service buffer. The closest transit route to the site is Route 100. The northwest section of the development, is eligible for ADA service through LeeTran. However, the remainder of the development lies outside of the ¾ mile ADA transit service buffer. The FY2012-2021 Transit Development Plan does not include the expansion of transit services beyond their current service area, for the Route 100. This also means that there are no plans to expand ADA services in this area. Lee Tran Staff indicated that the land-use designation from rural to a sub-urban land-use category could imply a need for services that are either found in urban setting or feed urban settings. The LeeTran Memo outlining their review of the Amendment is attached to this staff report as Attachment 6.

### **POLICE**

The Lee County Sheriff's Office provided a letter to the applicant dated on November 28, 2012 stating that the proposed Lee Plan amendment "would not affect the ability of the Lee County Sheriff's Office to provide core levels of service at this time. We will provide law enforcement services primarily from our Fort Myers district office."

## **FIRE**

The Fort Myers Shores Fire and Rescue District provided correspondence stamped Received November 28, 2012 to the applicant stating that “they could provide adequate service to the subject site with the proposed future land use category.”

## **EMS**

Lee County EMS provided an analysis of response times to serve the River Hall development on September 16, 2013. Lee County EMS raised a concern with the response time depending upon where in River Hall the call occurs for LCEMS to be able to respond in 8:59; the further from the entrance, the longer the response time. As build out and full occupation of River Hall is achieved, LCEMS will have difficulty of achieving the goal of 8:59. The Lee County Emergency Medical Services Memo is attached to this staff report as Attachment 7. The Applicant has donated property for the development of a new fire station near the entrance of the River Hall development. This station may be utilized for Fire and EMS services.

## **UTILITIES**

Lee County Utilities provided that *Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated for the River Hall Development. Developer funded system enhancements such as line extensions will be required.*

## **B. CONCLUSIONS**

After weighing all of these factors, and the other issues that are discussed in the staff report, staff recommended that the Board of County Commissioners not transmit the proposed amendment. Also refer to the Recommendations and Findings of Fact the attached Staff Report.

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

DATE OF PUBLIC HEARING: June 23, 2014

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff gave an overview of the proposed amendment, including the history of requested Lee Plan amendments for the River Hall property. Staff also identified the circumstances that led to the changes to the staff recommendation.

Mr. Schropp and Mr. Depew, the applicant’s representatives, reviewed this project with the LPA along with a PowerPoint presentation. Russell Schropp addressed the LPA to identify concurrent requests that were also being made concerning the River Hall property, and the four proposed amendments that made up the requested Amendment to the Lee Plan. These include the amendments to the Future Land Use Map, a new Policy 5.1.11 that allows density from Conservation Lands to be clustered to other areas of the development, an amendment to Policy 21.1.5 that would give River Hall 2,850 dwelling units, and an amendment to Table 1B of the Lee Plan. Mr. Depew reviewed the River Hall Property, the surrounding properties, and

requested Lee Plan amendment in greater detail. Several members of the LPA asked questions of the applicant following the presentation.

Following the staff and applicant presentations, members the public addressed the LPA concerning the proposed Lee Plan Amendment. Each speaker was limited to 3 minutes. Approximately 20 people addressed the LPA, who were generally not in favor of the Lee Plan amendment.

Following public input several members of the LPA asked follow-up questions of the applicant. One member of the LPA also asked questions of the County Attorney's Office about the definition and interpretation of "Overriding Public Necessity." After all of the questions had been answered each member of the LPA discussed the proposed amendment.

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

### **1. RECOMMENDATION:**

The LPA recommended (by a 4-3 vote) 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.

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

**DATE OF TRANSMITTAL HEARING:** October 22, 2014

### **A. BOARD REVIEW:**

The County Attorney's Office opened the meeting by finding that it had been properly noticed. The County Attorney's Office also addressed a letter that the applicant had submitted which questioned the applicability of the Overriding Public Necessity requirement provided in Policy 21.1.5.

The Applicant highlighted a legal issue regarding the application of specific provisions within the Caloosahatchee Shores Plan, specifically the reference to protection of rural land under Policy 21.1.5. The Caloosahatchee Shores Community Plan provides "*One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exist. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.*" The cited language created a specific distinction between land that is rural in character and the intent to protect that land from future Land Use amendments. The use of the terms rural land and rural land use category in the

provision are not the same. The use of “rural land” in the sentence refers to land that has rural character. On the other hand, the use of the term “rural lands category” refers to lands that are designated under the Rural Future Land Use Category on the Lee Plan’s Future Land Use Map. The current Lee Plan does not define rural land. However, the Lee Plan does describe non-urban areas. Policy 1.4.1 describes non-urban areas as areas that are not programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.

In contrast with the description of non-urban areas in the Lee Plan, the River Hall development is approved for 1999 residential units on approximately 1978 acres, with an overall density in excess of 1 unit per acre. Residential home sites vary in sizes, with a low of 47.5’ wide lots. The River Hall development consists of three separate residential communities, including 100 multi-family dwelling units. The development is served by a Community Development District and includes requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels at densities higher than 1 unit per acre, including underground water, sewer, power, and cable service. River Hall includes the River Hall Elementary School, a proposed fire station, an 18-hole golf course, clubhouse, fitness center, swimming pool, tennis courts, multi-sport playing field, a 5500 square foot permanent sales center, and 45,000 square feet of commercial development.

The River Hall Development is bordered by Urban Community, Suburban and Sub-Outlying Suburban, and other Rural, Conservation and Commercial land uses. To the immediate south of the development are the Urban Community lands within Lehigh Acres, which have been subdivided into ¼ acre single-family parcels.

Based on these findings, the County Attorney’s office opined that the already approved development and pattern of development within River Hall exceeded the qualities described in Policy 1.4.1 and does not qualify as a rural development or rural lands designed to be protected under the overriding public necessity requirement. Consequently, the County Attorney’s office opined that the River Hall development would not qualify as rural (non-urban); therefore, it was the County Attorney’s office recommendation that the overriding public necessity requirement not be applied to the River Hall’s amendment request.

During the Board’s transmittal hearing, the Board bifurcated the proceedings to address the applicability of the overriding public necessity requirement to CPA2012-01. The applicants’ representatives provided a presentation describing the character of the River Hall community and surrounding areas, stating that the character was not rural and therefore the Overriding Public Necessity requirement was not applicable. The applicant’s presentation highlighted the existing and approved development for the River Hall Development. Following the applicant’s presentation 12 members of the public addressed the Board concerning the character of the community. Following a brief rebuttal by the applicant’s attorney, **the Board made a motion to follow the County Attorney’s Recommendation and held that the Overriding Public Necessity requirement should not be applied because the River Hall development did not have a rural character. The motion passed 4 to 1.**



Following the motion and vote staff provided a brief summary of the proposed amendment. The staff summary provided a brief history of the development, the main concerns with the proposed amendment, and the LPA findings and recommendation to not transmit the proposed amendment. Following questions to staff from the Board the applicants' representatives provided a presentation. After the applicant's presentation, seventeen members of the public addressed the Board concerning the proposed amendment. Of these, fourteen were opposed, and three were in favor of the proposed amendments that would increase density on the River Hall property.

Following the public input and a brief rebuttal by the applicant's representative of some of the concerns raised by the public the Board discussed the proposed amendment.

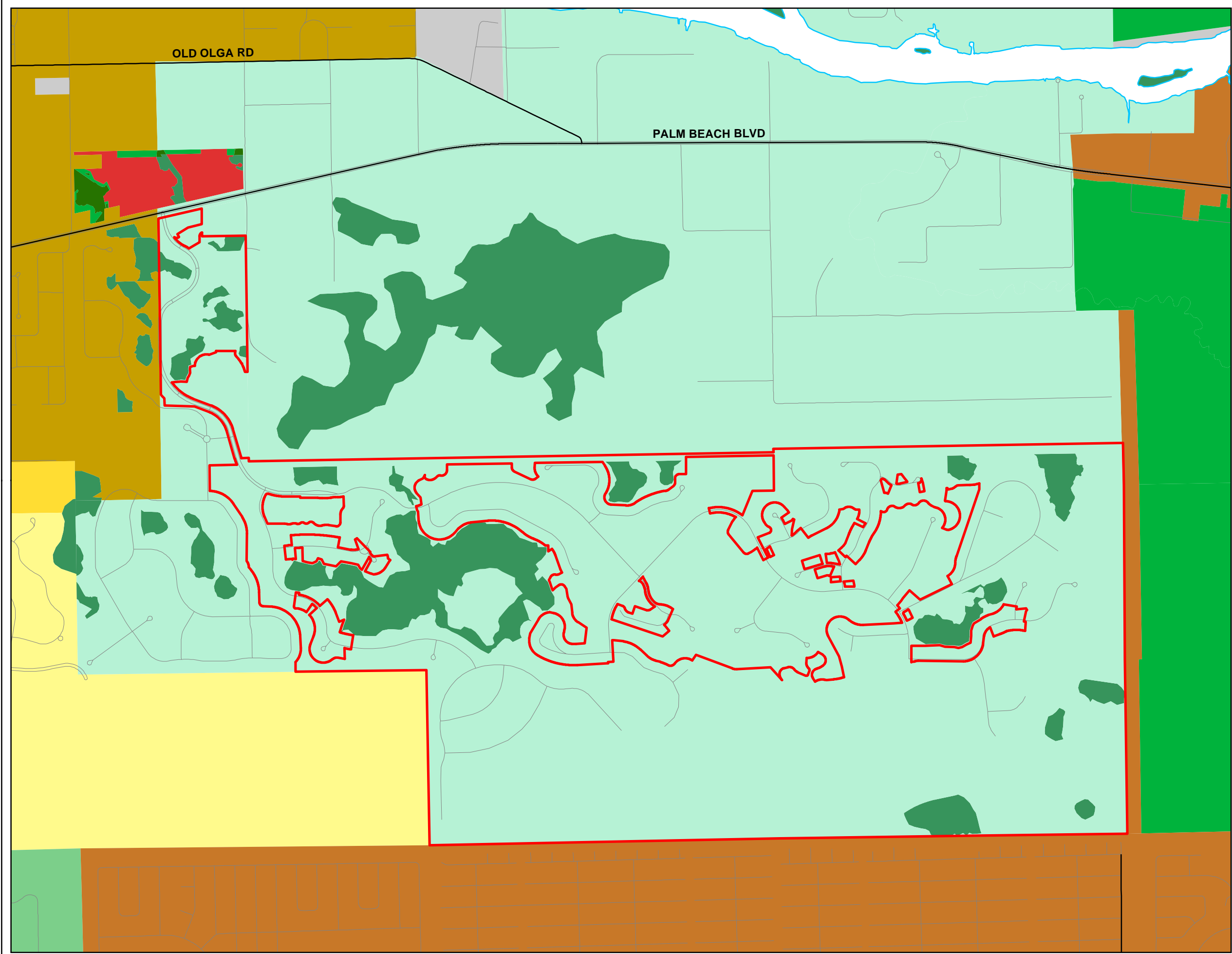
**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board of County Commissioners voted 3-2 to transmit the proposed amendments. The motion included the Future Land Use Map amendment as proposed by Applicant; the proposed addition of Policy 5.1.11 proposed by staff in lieu of the amendments to Policy 5.1.10 originally proposed by the Applicant; the amendment to Policy 21.1.5 establishing a density cap for the River Hall development as proposed by the applicant; and the amendment to Table 1(b) as modified by staff.

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

The Board of County Commissioners did not accept the findings of fact as advanced by staff.



# CPA2012-00001 RIVER HALL

## Existing Future Land Use Designations

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

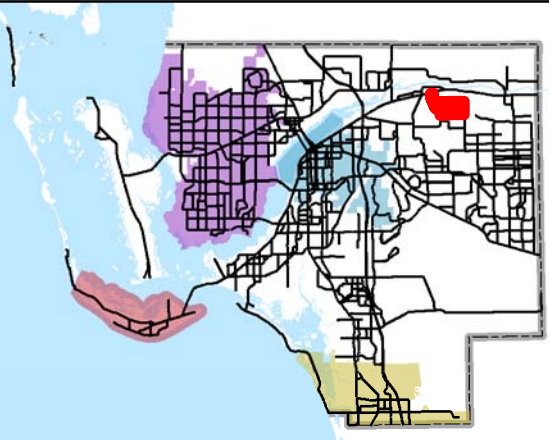
- INTERCHANGE AREAS**
- General Interchange
  - University Village Interchange
  - Industrial Commercial Interchange
  - Industrial Interchange
  - General Commercial Interchange

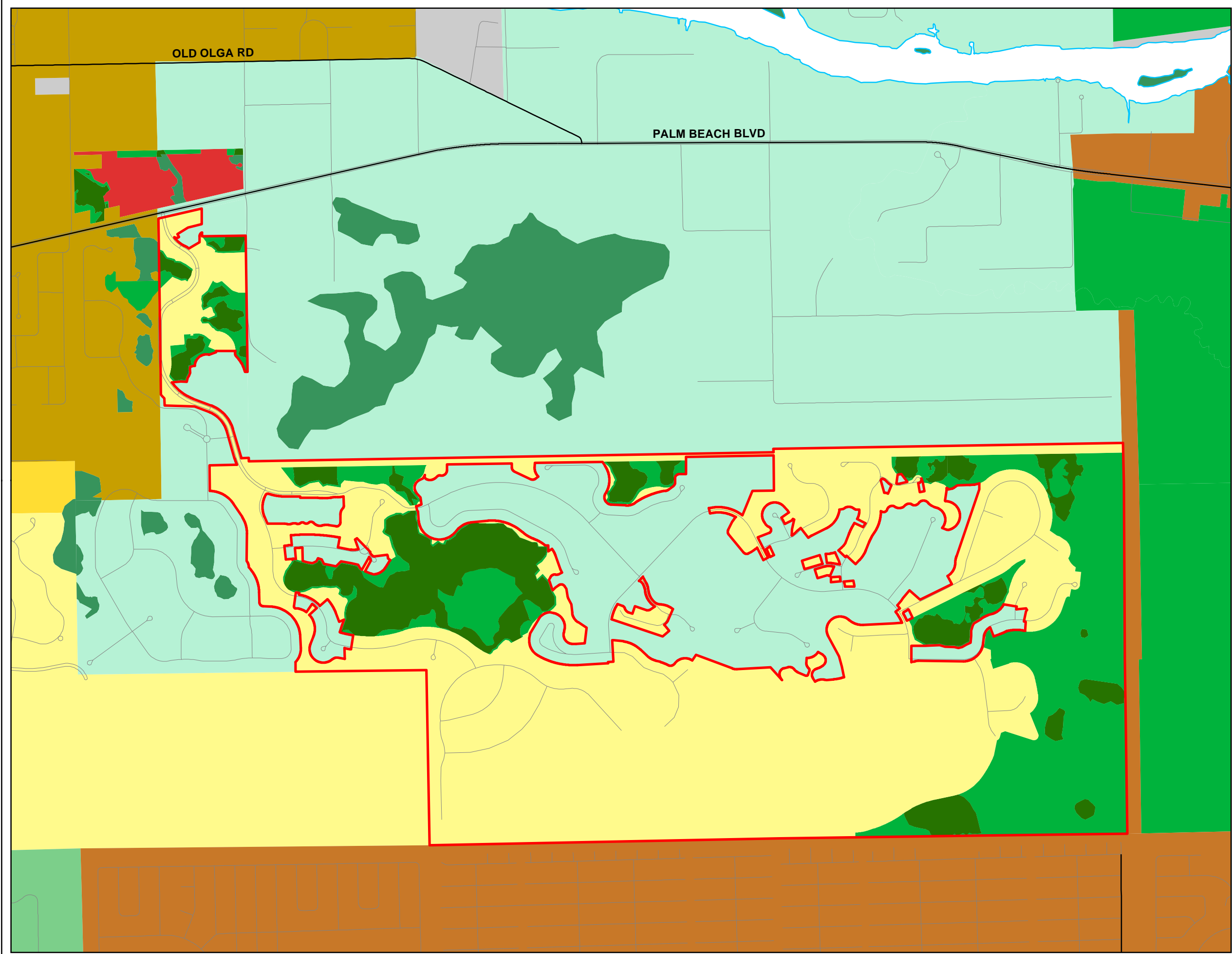
- NEW COMMUNITY**
- New Community

- AIRPORT AREAS**
- Tradeport
  - Airport

- 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
  - Subject Property





# CPA2012-00001 RIVER HALL

## Proposed Future Land Use Designations

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

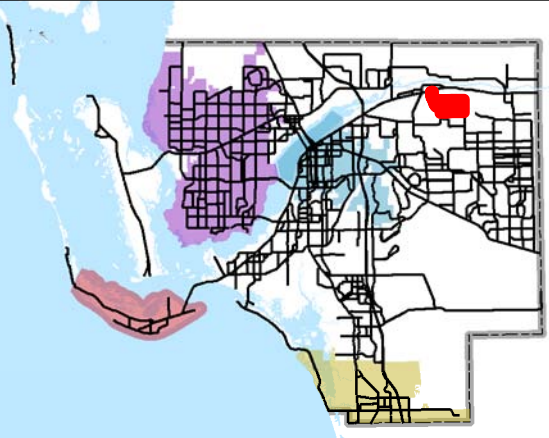
- INTERCHANGE AREAS**
- General Interchange
  - University Village Interchange
  - Industrial Commercial Interchange
  - Industrial Interchange
  - General Commercial Interchange

- NEW COMMUNITY**
- New Community

- AIRPORT AREAS**
- Tradeport
  - Airport

- 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
  - Subject Property



# ATTACHMENT 1

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** May 22, 2014

**To:** Brandon Dunn, Senior Planner

**From:** Susie Derheimer, Environmental Planner  
Phone: (239) 533-8158  
E-mail: sderheimer@leegov.com

**Project:** River Hall

**Case:** CPA2012-00001

**Strap:** 25-43-26-03-0000D.0560 & others (see approved legal description)

**SITE DESCRIPTION:**

The 1,978 acre River Hall Residential Planned Development (RPD) has a Future Land Use (FLU) of 79 acres Suburban, 251 acres Wetlands, and 1,648 acres Rural. The site is currently approved through Zoning Resolution Z-05-051 for 1,999 residential dwelling units, a golf course, public school, 45,000 square feet of commercial uses, and 465.2 acres of wetland and upland preservation. Multiple development orders have been approved for the site infrastructure, golf course, amenities, and several dwelling units. As a result of past approvals wetland and listed species impacts have been permitted by jurisdictional agencies, required preserves established, the developable footprint has been cleared, a majority of the lakes have been excavated, and a majority of public utilities and roadways installed.

**REQUEST:**

The Comprehensive Plan Amendment (CPA) request is for a 1,278 acre portion of the River Hall Community site which includes 417 acres of the existing upland and wetland preserves. The applicant is requesting to amend the Future Land Use Map to remove 1,064 acres Rural and 223 acres Wetlands Future Land Use Category (FLU) from the River Hall Community and re-designate to 870 acres Sub-Outlying Suburban, 264 acres Conservation Uplands and 153 acres Conservation Wetlands FLU. In addition, the applicant requests a text amendment to allow the density associated with the 264 acres Conservation Uplands to be transferred to the contiguous Sub-Outlying Suburban lands. The request results in a maximum allowed density of 3,327 residential units within the entire River Hall Community as follows:

<b>Proposed FLU</b>	<b>Acreage</b>	<b>Dwelling units/acre</b>	<b>Dwelling units permitted</b>
<b>Amendment Area:</b>			
Sub-Outlying Sub	870	2 du/1 ac	1,740
Conservation Upland	264	2 du/1 ac	528
Conservation Wetland	<u>153</u>	0 du/1 ac	<u>0</u>
Sub-Total	1,287		2,268
<b>Non-Amendment Area</b> (remains unchanged):			
Suburban	79	6 du/1 ac	474
Rural	584	1 du/1 ac	584
Wetlands	<u>28</u>	1 du/20 ac	<u>1</u>
Sub-Total	691		1,059
Total	1,978		3,327

A corresponding RPD amendment (DCI2013-00003 being reviewed concurrently) for the River Hall Community to date requests a total residential density of 2,999 dwelling units which results in an additional 1,000 dwelling units than previously approved Z-05-051 and is 328 units less than the proposed CPA maximum allowable density. Subsequent to this RPD submittal the applicant has revised the CPA request (dated May 12, 2014) to further limit the total residential density to not exceed 2,850 dwelling units. The additional density acquired through the CPA approval is to be clustered into portions of the River Hall Community subject to the RPD amendment. Therefore, the proposed text amendment also requests to revise Policy 5.1.10 to allow density from the multiple FLU categories within the community to be allocated across the RPD amendment area.

ES staff finds that the documents provided in the CPA application and corresponding RPD amendment application illustrate that no changes are proposed to the boundaries of the existing required 465.2 acres of upland and wetland preserves. The requested increase in residential density is proposed to be allocated within the Suburban, Sub-Outlying Suburban, and Rural FLU categories as discussed in further detail below.

#### **ENVIRONMENTAL ASSESSMENT:**

An environmental assessment and associated Florida Land Use, Cover and Classification System (FLUCCS), jurisdictional wetland, soil, flow-way, and topography maps, prepared by Passarella & Associates, Inc. dated January 2013, were provided (See attached FLUCCS map with delineated wetland lines 2 pages). The current 1,978 acre River Hall Community site contains 270.7 acres indigenous uplands, 180.99 acres jurisdictional state and federal wetlands and 13.51 acres jurisdictional federal only wetlands for a total of 465.2 acres of required preserve on the site. The jurisdictional wetlands were approved under South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-040006-P and US Army Corp (ACOE) permit No. 199901378 (IP-DEY) and copies of the permits were provided by the applicant.



The environmental assessment indicates that Lee County Protected Species Surveys (PSS) meeting the requirements of the Land Development Code (LDC) Chapter 10, Article III, Division 8 Standards were conducted on the River Hall project site in 2004 as part of the rezoning requirements for resolution Z-05-051. During these surveys a total of five Lee County protected species were identified including gopher tortoise (*Gopherus polyphemus*), burrowing owl (*Athene cunicularia*), Florida Sandhill cranes (*Grus Canadensis*) little blue heron (*Egretta caerulea*), and woodstorks (*Mycteria Americana*). In addition, habitat for the American alligator (*Alligator mississippiensis*) and Florida scrub jay (*Aphelocoma coerulescens*) was observed on the subject site. In order to address the protection of these listed species, Lee County Protected Species Management Plan dated May 2006 was reviewed and approved by Lee County Division of Environmental Sciences (ES) staff as part of development order DOS2006-00042 requirements. The management plan specifically addressing the gopher tortoise, burrowing owl, Florida Sandhill crane, listed wading birds, American alligator and Florida scrub jay was found to meet the requirements of LDC Section 10-474 and Zoning Resolution Z-05-051 conditions.

In addition, as part of requirements for the corresponding RPD amendment application, a current PSS for Lee County listed species meeting the requirements of LDC Section 10-473 was conducted by Passarella & Associates, Inc. The surveys were conducted December 4, 6, 7, and 11 2012, on the previously cleared and undeveloped portion (FLUCCS 740) of the lands located within the RPD amendment area (See the attached PSS dated January 2013 and Species Transect Map). The survey results found a total of four different Lee County protected species within the survey area including gopher tortoise, burrowing owl, little blue heron, and bald eagle (*Haliaeetus Leucocephalus*). A total of 61 gopher tortoise burrows, 16 burrowing owl burrows (3 owls observed), two little blue herons, and 1 bald eagle were identified. The bald eagle was observed perched on a pine snag, no nest or nesting activity was observed or has been documented on or immediately adjacent to the subject site. The applicant proposes the protection of the gopher tortoises, burrowing owls, and little blue herons to be addressed as per Lee County Protected Species Management Plans dated May 2006 approved through previous zoning and development order approvals. The gopher tortoises will be relocated on-site and burrowing owl burrows removed as per the required Florida Fish and Wildlife Conservation Commission (FWC) permits. Copies of the approved 2006 management plans, existing FWC gopher tortoise take permit and the required FWC conservation easement for a 64.58 acres on-site gopher tortoise preserve have been provided to Lee County.

County Staff conducted a site inspection on February, 8 2013 and verified the FLUCCS map and results of the PSS.

ES staff finds the submittal of the environmental maps, PSS, state and federal permits and associated management plans and conservation easements by the applicant is consistent with the following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives, and Policies:

**Standard 11.4:** In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, SFWMD, or other applicable regulatory agency), the

developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

#### **OPEN SPACE:**

A review of the Master Concept Plan (MCP) and application documents submitted with the corresponding RPD amendment application reveals that the addition of the ±1,000 residential units does not proposed to reduce the provided common open space as approved in Zoning Resolution Z-05-051. ES staff finds that the acreage and general location of the common recreational open space/golf course area remains consistent with previous approvals.

ES staff finds the common open space is consistent with the following Lee Plan Goal and Objective:

**Goal 77: Development Design Requirements.** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

**Objective 77.1:** Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

#### **PRESERVATION:**

A review of the CPA application documents and MCP submitted with the corresponding amendment application reveals that the addition of the 851 residential units will not reduce the required 465.2 acres of indigenous preservation as approved in Zoning Resolution Z-05-051.

The CPA application includes an Amendment Preservation Exhibit (See attached) which illustrates that of the 465.2 acres of required preserved uplands and wetlands, 417 acres are within the proposed 1,278 acres amendment area and 48.2 acres are located outside the amendment area. The exhibit further illustrates that of the 417 acres of preserve within the amendment area 264 acres are uplands and 153 acres are wetlands which is consistent with the proposed Conservation FLU indicated within the table above.

The CPA application also includes a Recorded Preserve Exhibit (See attached) which illustrates that of the 417 acres of preserves within the amendment area 349 acres are within recorded conservation easements as per state and federal permit approvals. Copies of recorded easements have been provided. The exhibit also illustrates that the 68 acres of preserve that are not within recorded easements are platted preservation tracts.

No impacts or changes are proposed to the existing approved wetland and upland preserves and conservation easements. A majority of the existing preserve areas are proposed to be placed into the Conservation Lands Use Category. Therefore, ES staff finds the preservation is consistent with the following Lee Plan Goals, Objectives, and Policies:

**Policy 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas, and well fields.

**Objective 1.5: Wetlands.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211.

**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.

**Policy 1.5.3:** Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands.

#### **ENVIRONMENTAL CONCERNS:**

The applicant proposes to increase the density from the currently permitted 1,999 single family units to a potential 2,850 residential units within the River Hall Community. A portion of the requested additional density is to be transferred from the proposed Conservation Uplands FLU. The justification provided by the applicant indicates that the preserved uplands will receive additional protection by putting them within the Conservation Upland FLU category. ES staff notes that these uplands are currently required indigenous preservation areas as per Zoning Resolution Z-05-051 and a majority of these preserves are within recorded conservation easements as required by state and federal agencies.

ES staff also notes that the application is requesting to add 851 residential units within areas adjacent to documented gopher tortoise, burrowing owl, American alligator, Florida Sandhill crane, listed wading birds, and Florida Scrub jay preserved habitat. While the current approvals provide habitat management plans for these species, resident educational materials are only provided for the American alligator and burrowing owl. ES staff finds that there is also a need to

provide educational materials to residents on the gopher tortoise, listed wading birds and Florida scrub jay. In addition, the River Hall Community preserves provide suitable habitat for and is located within the secondary zone of the Florida panther (*Felis concolor*) and secondary range of the Florida black bear (*Ursus americanus*). Hickey's Creek Mitigation Park which abuts this property to the east has documented panther and black bear utilization as referenced in its Land Stewardship Management Plan. Given the River Hall preserve areas provide suitable habitat for the Florida panther and black bear, increasing the number of dwelling units next to the preserves will increase the potential for negative human/wildlife inter-action. Thus, ES staff finds that the addition of 851 residential units will further the need for the River Hall Community to develop large mammal management plans. These management plans will provide an opportunity to require the distribution of educational materials (i.e. deed restrictions, pamphlets, signage, bear-proof dumpsters, etc) on these documented listed species to limit negative human/wildlife interactions for consistency with the following Lee Plan Goals and Objectives:

**GOAL 107: RESOURCE PROTECTION.** To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

**Objective 107.3: Wildlife.** Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

**Objective 107.4: Endangered And Threatened Species In General.** Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

**CONCLUSION:**

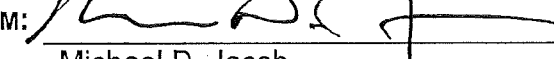
The application to amend the Lee County Comprehensive Plan to increase the residential density of the existing planned development does not propose to reduce the current required open space, buffer, or preservation area requirements. Although, ES staff finds that the request does not provide any additional protection of the existing preserved habitat or listed species then current zoning and development order approvals or conservation easement requirements.

# ATTACHMENT 2

## MEMORANDUM FROM THE OFFICE OF COUNTY ATTORNEY

DATE: April 22, 2014

To: Mary Gibbs  
Director of Development Services

FROM:   
Michael D. Jacob  
Managing Assistant County Attorney

RE: River Hall (CPA2012-00001)  
Defining Overriding Public Necessity (Policy 21.1.5)

I have received a copy of GreenPointe's April 11, 2014 Resubmittal letter for CPA2012-00001. In addition, I received clarification from GreenPointe's legal representative regarding the scope of the Resubmittal. For your reference, I've provided a copy of that correspondence. Based on these documents, GreenPointe's request under the Resubmittal is to move forward with the amendments that were presented to the Local Planning Agency and Lee County Board of County Commissioners in 2013. Those amendments include:

1. Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban, which will allow 1,000 additional dwelling units.
2. Amend Policy 5.1.10 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.
3. Also amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying Suburban future land use category by lowering the allocation to the rural future land use category.

In the Recommended Findings of Fact portion of the August 16, 2013 Staff Report, Staff indicated "*the Lee Plan does not provide a definition of "overriding public necessity."* Further into the Staff Report, Staff provided that "*the Board of County Commissioners must weigh these improvements and determine whether or not they satisfy an overriding public necessity. This finding must be made to assure consistency with Lee Plan Policy 21.1.5 which is part of the Caloosahatchee Shores Community Plan.*" During the hearings and numerous discussions that have occurred regarding this Application, the issue regarding the definition of the term "overriding public necessity"



RE: River Hall  
Defining Overriding Public Necessity

has come to the forefront. Since the application has remained unchanged, the issue regarding the definition of "overriding public necessity" still remains. In order to assist the Board with making a decision regarding this case, we recommend that Staff develop a thorough analysis and working definition of the term "overriding public necessity" for inclusion within the Staff Report. To assist Staff in preparing this analysis for the Board, I've prepared a brief discussion on interpretation of a statutory term when that term is not defined within the regulations being interpreted.

As we all are aware, the Lee Plan does not provide a specific definition of "overriding public necessity" within its Glossary. However, the absence of a specific definition does not mean the term is undefined as stated in the previous Staff Report. In circumstances where a statute or code does not provide a definition for a term, the term is to be given its common meaning, unless the context in which the term is used within the statute or code indicates that another definition or meaning should be given to the term.<sup>1</sup> Furthermore, when statutory language is susceptible to more than one meaning, legislative history may be helpful in ascertaining legislative intent.<sup>2</sup>

In this case, Staff should first determine whether the context in which the Lee Plan's use of the term "overriding public necessity" indicates a definition or meaning that is different than the common meaning of the words. In reviewing the context of "overriding public necessity", Staff may consider what the internal text means in light of its common definition, juxtaposed with its external contexts, namely, what circumstances lead to the creation of the phrase and what was the intended purpose for the provision in which the term is used. In other words, the external context can play a part in determining what the text means.<sup>3</sup> Another method of determining the context of the term is to compare the purpose and use of "overriding public necessity" in other sections of the Lee Plan. Determining how a term is used and its purpose in another section may explain the meaning of the term under 21.1.5.

Staff may also consider analyzing parts of the term in context to other circumstances in which the parts are used in the Lee Plan. For example, are there circumstances where the terms "public necessity" or "public need" are used in the Lee Plan? If so, how are those terms used in those sections? Are there indications as to

---

<sup>1</sup> See WFTV, Inc. v. Wilken, 675 So.2d 674, 677 (Fla.App. 4 Dist., 1996) (holding one of the most fundamental tenets of statutory construction requires that statutory language be given its plain and ordinary meaning, unless the words are defined in the statute or by the clear intent of the legislature); See also Southeastern Fisheries Ass'n v. Department of Natural Resources, 453 So.2d 1351 (Fla. 1984); Gardner v. Johnson, 451 So.2d 477 (1984) (finding the plain and ordinary meaning of the word can be ascertained by reference to a dictionary).

<sup>2</sup> See Rollins v. Pizzarelli, 761 So.2d 294, 299 (Fla., 2000) (citing Magaw v. State, 537 So.2d 564, 566 (Fla. 1989)).

<sup>3</sup> See Arthur Young & Co. v. Mariner Corp. 630 So.2d 1199, 1202 (Fla.App. 4 Dist., 1994).

RE: River Hall  
Defining Overriding Public Necessity

what qualifies as a public need in other sections? If so, how do those "public needs" compare to an "overriding" public need? Are there similar terms that are used in the Lee Plan that may assist in determining the context of the term "overriding public necessity"? For example, Policy 41.2.2 includes the term "overriding public interest." Are these terms similar or intended to cover different ideas?

Next, when a term is susceptible to multiple meanings, a review of the legislative history for Policy 21.1.5 is also appropriate. Staff may find research into the public hearings concerning the adoption of Ordinance No. 09-06 (adopting Policy 21.1.5) helpful. What discussions occurred during the presentations at the Local Planning Agency or BoCC meetings? Were there reports presented or statements made by the drafters of the Policy that aid in determining the extent of the term's meaning? What was the purpose of the "overriding public necessity" limitation on future amendments?

In order to stray from the common meaning of the words, Staff must find, through the analysis set forth above, a clear intent within the context of the legislation to define the term differently. If Staff finds that the Lee Plan **clearly** indicates that a different meaning was intended through the context in which the Lee Plan uses the term, then the definition of "overriding public necessity" should be analyzed in the Staff Report in the context in which it is used in the Lee Plan.<sup>4</sup> However, if Staff determines, after review of the use of "overriding public necessity", its sub parts, or similar terms, that it is **not clear** that a different meaning was intended, then we are required to give "overriding public necessity" its "*plain and ordinary meaning*."<sup>5</sup> The Staff Report should identify the results of this contextual analysis.

Typically the common or ordinary meaning of a word is determined by reference to a standard dictionary. Merriam-Webster's is one of those sources. In law, we typically use Black's Law Dictionary. County Staff may refer to another standard dictionary if they wish to do so.

Pursuant to Black's Law Dictionary (Seventh Edition), override means "*To prevail over; to nullify or set aside.*" Merriam-Webster's online dictionary defines override as: *a: to prevail over: dominate; b: to set aside: annul, override a veto; c: to neutralize the action of (as an automatic control).* Merriam-Webster and Black's Law do not define the term "public necessity."<sup>6</sup>

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<sup>4</sup> See Rollins v. Pizzarelli, 761 So.2d 294, 298 (Fla., 2000).

<sup>5</sup> See Raulerson v. State, 763 So.2d 285, 291 (Fla., 2000)

<sup>6</sup> Black's Law Dictionary provides a definition of public necessity; however, it is used in context of criminal and tort law. Under that definition, public necessity is defined as "a necessity that involves the public interest and thus completely excuses the defendant's liability." See Black's Law Dictionary (Seventh Edition).

RE: River Hall  
Defining Overriding Public Necessity

Black's Law Dictionary defines "public" as *"the people of a nation or community as a whole."* Merriam-Webster defines "public" as *a : exposed to general view : open ; b : well-known, prominent ; c : perceptible, material ; d: of, relating to, or affecting all the people or the whole area of a nation or state; e : of, relating to, or being in the service of the community or nation; f : of or relating to people in general : universal; g: general, popular ; h: of or relating to business or community interests as opposed to private affairs : social ; i: devoted to the general or national welfare : humanitarian.*

Black's Law Dictionary does not define necessity in a manner that is applicable here; however, "necessities" is defined as "Indispensable things of any kind." Merriam-Webster defines "necessity" as *"the quality or state of being necessary a: pressure of circumstance; b: physical or moral compulsion; c : impossibility of a contrary order or condition; the quality or state of being in need; especially; or, d: something that is necessary; e: requirement; or f: an urgent need or desire."*

The above is intended to provide the definitions that I researched. As indicated above, Staff is free to review their own dictionaries to determine the common meaning of these words and how those terms are used in relation to each other. The County Attorney's office is available to assist you in researching this matter further or providing any additional assistance you need. If you would like to discuss this memorandum in further detail, let me know and I'll schedule a meeting.

**Jacob, Michael**

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**From:** Russell Schropp [Russell.Schropp@henlaw.com]  
**Sent:** Friday, April 11, 2014 4:14 PM  
**To:** Jacob, Michael; Gibbs, Mary; O'Connor, Paul; Wesch, Richard  
**Cc:** Grady Miars; Carl A. Barraco; David W. Depew; Tina Ekblad; Jennifer Sapen; Alicia Dixon; Stephen Leung; Tina Matte; Bill Moore; Wesch, Richard  
**Subject:** RE: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT

Yes, that's correct.

Russell

Russell Schropp  
Attorney at Law  
Henderson, Franklin, Starnes & Holt, P.A.  
1715 Monroe Street  
P.O. Box 280  
Fort Myers, FL 33902  
Direct Dial: 239.344.1280  
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-----Original Message-----

**From:** Jacob, Michael [<mailto:MJacob@leegov.com>]  
**Sent:** Friday, April 11, 2014 4:11 PM  
**To:** Russell Schropp; Gibbs, Mary; O'Connor, Paul; Wesch, Richard  
**Cc:** Grady Miars; Carl A. Barraco; David W. Depew; Tina Ekblad; Jennifer Sapen; Alicia Dixon; Stephen Leung; Tina Matte; Bill Moore; Wesch, Richard  
**Subject:** RE: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT

So, to be clear, the request is to move forward with the amendment as proposed during the previous transmittal hearing; but, Staff may modify that request with the additional items referenced in your letter?

Michael D. Jacob  
Managing Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
mjacob@leegov.com

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From: Russell Schropp [mailto:Russell.Schropp@henlaw.com]  
Sent: Friday, April 11, 2014 2:57 PM  
To: Jacob, Michael; Gibbs, Mary; O'Connor, Paul; Wesch, Richard  
Cc: Grady Miars; Carl A. Barraco; David W. Depew; Tina Ekblad; Jennifer Sapen; Alicia Dixon; Stephen Leung; Tina Matte; Bill Moore; Wesch, Richard  
Subject: RE: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT

Michael,

With all due respect, the original CPA application referenced in your email was modified in the Staff Report. These modifications were presented to the LPA and BOCC, and GreenPointe concurred with them. My letter simply suggests that the County consider other modifications to the plan amendment based on the issues we discussed on April 3. No changes to the original CPA application are necessary in order to do this. Thank you.

Russell

Russell Schropp  
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-----Original Message-----

From: Jacob, Michael [mailto:MJacob@leegov.com]  
Sent: Friday, April 11, 2014 1:38 PM  
To: Russell Schropp; Gibbs, Mary; O'Connor, Paul  
Cc: Grady Miars; Carl A. Barraco; David W. Depew; Tina Ekblad; Jennifer Sapen; Alicia Dixon; Stephen Leung; Tina Matte; Bill Moore; Wesch, Richard  
Subject: RE: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT

Russell,

The County can only process the Amendment that you propose. The language in your letter states "GreenPointe does not believe any modifications to CPA2012-0001 are technically necessary at this time. However in the event staff feels that modifications to CPA2012-0001 would be appropriate to address certain issues, GreenPointe would agree to the following...." Staff is not in the position to make the final determination regarding what amendment GreenPointe wants to submit. During our April 3rd meeting, County Staff and GreenPointe's representatives discussed a number of issues with the previous amendment. Based on this language, CPA2012-0001 will proceed in its original form, without modification. Please confirm this is your intent. If it is not your intent, we'd request a new letter that identifies GreenPointe's proposed amendments.

Michael D. Jacob  
Managing Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
mjacob@leegov.com

"Whatever the consequences, we must accept the plain meaning of plain words." Justice Oliver Wendell Holmes-United States v. Brown, 206 U.S. 240, 244 (1907).

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-----Original Message-----

From: Russell Schropp [mailto:Russell.Schropp@henlaw.com]  
Sent: Friday, April 11, 2014 1:15 PM  
To: Gibbs, Mary; O'Connor, Paul; Jacob, Michael  
Cc: Grady Miers; Carl A. Barraco; David W. Depew; Tina Ekblad; Jennifer Sapen; Alicia Dixon; Stephen Leung; Tina Matte; Bill Moore  
Subject: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT

Mary, Paul, and Michael,

Attached please find a letter and supporting documents that were filed over the counter today pertaining to the River Hall plan amendment and the Mediated Agreement entered into by the County and GreenPointe.

In addition to the attached, updated sets of mailing labels were also submitted as requested.

Please let me know if you have any questions. Thanks.

Russell

Russell Schropp  
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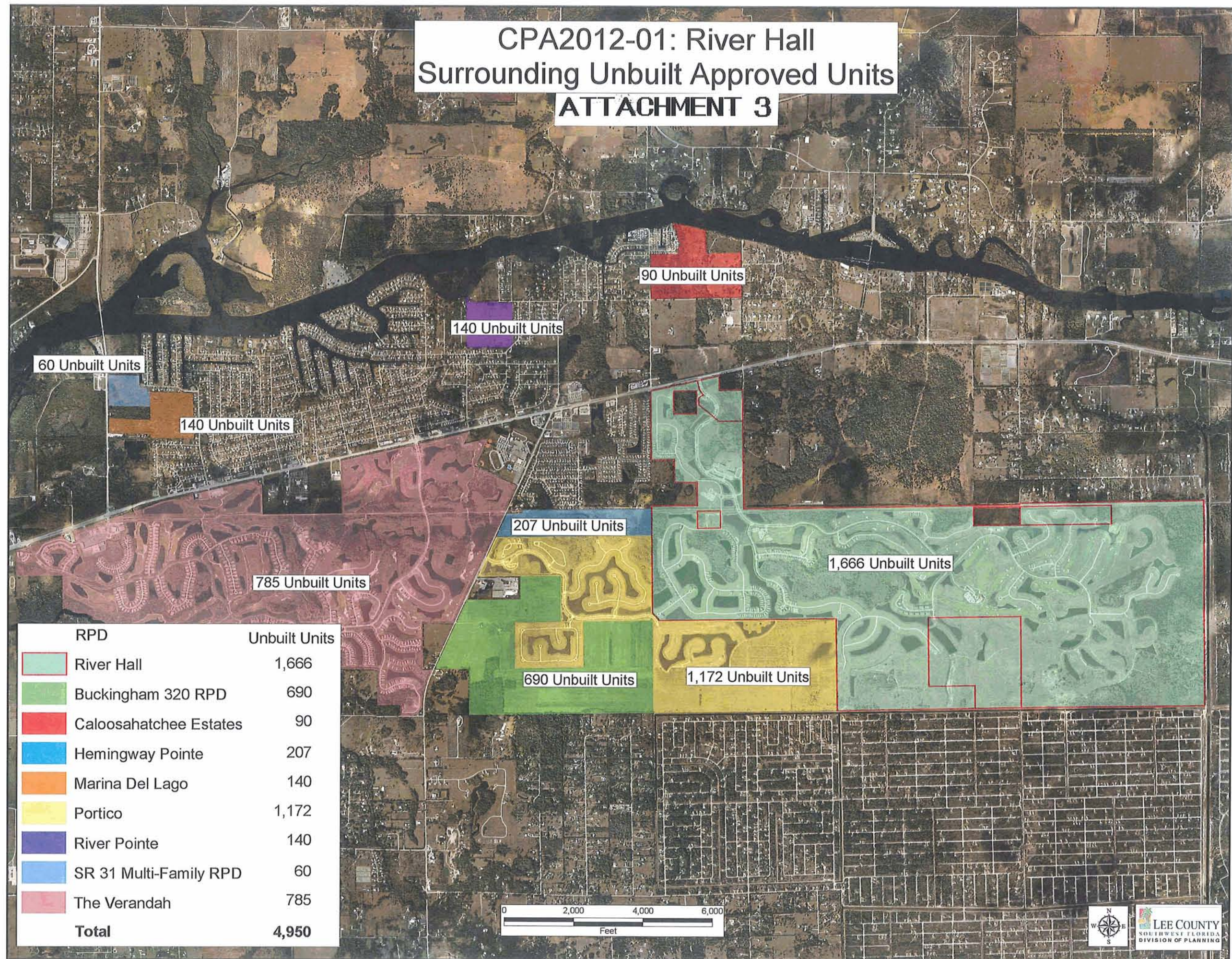
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-----Original Message-----

From: MELISSA SHARNISKY [mailto:[melissa.sharnsky@henlaw.com](mailto:melissa.sharnsky@henlaw.com)]  
Sent: Friday, April 11, 2014 9:50 AM  
To: Russell Schropp  
Subject: RIVER HALL LTR TO LEE CO. RE: MEDIATED AGT



# CPA2012-01: River Hall Surrounding Unbuilt Approved Units ATTACHMENT 3





# ATTACHMENT 4

MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES DIVISION

DATE: June 4, 2014

To: Brandon Dunn  
Senior Planner

FROM: Robert Price P.E.  
65232

Digitally signed by Robert Price P.E. 65232  
DN: cn=Robert Price P.E. 65232, c=US, o=Development  
Services, ou=Lee County DCO, email=rp@leegov.com  
Reason: I am the author of this document  
Date: 2014.06.04 10:53:59 -0400

Robert L. Price, P.E.  
Senior Engineer

RE: **River Hall**  
Case No. CPA2012-00001

## Introduction

Staff has received a proposed Comprehensive Plan Amendment (CPA) for the River Hall development. The requested amendment would change the Future Land Use Map (FLUM) designation of 1,287 acres of land presently designated as either Rural or Wetlands to 870 acres of Sub-Outlying Suburban, 153 acres of Conservation Wetlands, and 264 acres of Conservation Uplands. There is also a text amendment that would allow the transfer of density from the Conservation Uplands to the designated Sub-Outlying Suburban areas at the upland density rates. The cumulative effect of the proposed amendment would be to allow the density of the River Hall development to increase from its current maximum of 1,999 dwelling units to 2,850 dwelling units.

The entrance to the subject property is located approximately 4,300 feet to the east of Buckingham Road on Palm Beach Boulevard (SR 80). The site extends south from Palm Beach Boulevard to the north side of Lehigh Acres and east to the Lee County owned Hickey Creek Preserve. Presently, nine (9) Development Orders have been approved on the subject property that would allow for the construction of a total of 1,903 dwelling units (1,765 single family dwelling units & 138 multi-family dwelling units). As of May 1, 2014, building permits have been issued on 333 dwelling units within the River Hall development, or roughly 16.5% of the total 1,999 entitled dwelling units. A separate Development Order has also been approved for the River Hall Elementary School within the boundaries of the subject site, and this school has been constructed and occupied.

In addition to the residential development, there are commercial uses approved as a part of the River Hall development. Specifically, the site is approved to consist of a total of 15,000 square feet of office uses and 30,000 square feet of retail uses. The commercial uses will remain unchanged as a result of the proposed amendment.

Access to the River Hall development is currently provided via a single full access driveway to SR 80 that allows full turning movements. SR 80 is a state maintained, four lane, arterial roadway with a posted speed limit of 55 mph in the vicinity of the subject site. A second access to the development is required to be constructed prior to the issuance of the certificate of occupancy for the 1,598<sup>th</sup> dwelling unit within the subject site. To date the second access driveway has not been designed or approved on any of the nine (9) approved Development Order plans that have



been processed by Lee County. The zoning plans indicate that a gated second access to the project would be provided to a local street within Lehigh Acres to the south.

### **Trip Generation**

Staff performed an evaluation of the trip generation impacts associated with the proposed increase in dwelling units. There will be interaction between the residential dwelling units within the development and the commercial uses approved in the planned development that have yet to be constructed. In order to accurately project the interaction between these uses, it was necessary to account for the future traffic that will be generated by not just the increased dwelling units, but also the existing non-residential traffic approved on the site. The breakdown of the dwelling units and commercial uses is indicated within Table 1 below. Please note that the number of multi-family dwelling units was taken from the current Development Order approvals, and these units were assumed to remain the same after the proposed CPA. Additionally, the school traffic was excluded from the trip generation analysis because it was developed separately and the traffic from the school already exists.

**Table 1**  
**Development Parameters**  
**Existing Comp Plan vs. Proposed Comp Plan Amendment**

<b>Land Use</b>	<b>Existing Comp Plan</b>	<b>Proposed CPA</b>	<b>Difference</b>
Single Family Dwelling Units	1,861 units	2,712 units	+851 units
Multi-Family Dwelling Units	138 units	138 units	No Change
Golf Course	36 holes	36 holes	No Change
Medical Office	15,000 sq. ft.	15,000 sq. ft.	No Change
Shopping Center	30,000 sq. ft.	30,000 sq. ft.	No Change

Based on the development parameters indicated in Table 1, a trip generation comparison was performed in order to evaluate the impacts of the proposed amendment. The trip generation calculations were performed based on the parameters set forth by the Institute of Transportation Engineers (ITE) in their report titled *Trip Generation, 9<sup>th</sup> Edition*. These calculations included a reduction in the retail traffic for pass-by as well as an internal capture reduction to account for the vehicular interaction between the various uses. The results of the trip generation are summarized in Table 2 below, and the actual OTISS trip generation print outs are attached in the Appendix of this report. It should be noted that, in an effort to be conservative, the AM peak hour internal capture rates were utilized for the daily trip generation scenario.

**Table 2**  
**Trip Generation Comparison**  
**Existing Comp Plan vs. Proposed Comp Plan Amendment**

<b>Scenario</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>			<b>Daily (2-way)</b>
	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	
Existing Comp Plan	443	1,067	1,510	1,033	664	1,697	19,725
Proposed CPA	592	1,514	2,106	1,404	882	2,286	25,970
Trip Increase	+149 (+34%)	+447 (+42%)	+596 (+39%)	+371 (+36%)	+218 (+33%)	+589 (+35%)	+6,245 (+32%)

The proposed amendment to the Comprehensive Plan will result in an increase in external traffic by 39% in the AM peak hour, by 35% in the PM peak hour, and by 32% over the course of the entire day.

### **Level of Service**

The Applicant performed a Level of Service analysis on the County roadway network based on the proposed increase of 851 dwelling units within the River Hall development. As described in

the Lee County Department of Transportation (LCDOT) Staff memorandum, a new Traffic Analysis Zone (TAZ 1978) was assigned by the Applicant to represent the proposed CPA in the adopted MPO travel model based on the Lee County 2035 Cost Feasible Plan network with a study year of 2035. The results of the analysis provided by the Applicant indicated that several roadway links within the study area will operate at an unacceptable Level of Service both with and without the proposed amendment. Those roadway links include Buckingham Road from Gunnery Road to SR 80, SR 31 from SR 80 to North River Road, and SR 80 from SR 31 to Tropic Avenue. The link of SR 80 from SR 31 to Tropic Avenue includes the segment of SR 80 along the frontage of the subject site.

#### **Updated Request and Developer's Commitments**

On May 12, 2014, the Applicant provided a memorandum outlining proposed changes to the requested plan amendment. The memorandum and attached Draft Development Agreement indicate commitments and obligations being provided by the Developer as justification for approval of their requested CPA. Below is a discussion of the transportation related commitments and obligations being provided.

*Expediting construction of a second access point to the south, which will facilitate school district and emergency vehicle access to River Hall.*

As a part of this requested amendment, the Applicant has indicated that they would expedite construction of the development's access to Lehigh Acres. It is unknown how the Applicant intends to expedite the construction of the second access to the site. Section 10-291(3) of the Lee County Land Development Code (LDC) requires that residential developments that are greater than five (5) acres in size must provide more than one (1) means of ingress and egress to the site. This second access to the River Hall development was further conditioned as a part of the zoning approval for the site. Specifically, condition #26 of Resolution Z-05-051 requires that access be provided to 75<sup>th</sup> Street West in Lehigh Acres prior to the issuance of a certificate of occupancy for the 1,598<sup>th</sup> dwelling unit within the development. The River Hall development currently is approved for the construction of 1,903 dwelling units as a part of nine (9) approved development orders. To date, the plans for the approved development orders do not reflect the second access to Lehigh Acres. In order to achieve buildout of the site under current approvals, the second access would be required regardless of whether the proposed plan amendment were approved.

Staff questions the value of the second access as it is currently proposed. The access to Lehigh Acres will be gated, so it will only serve the residents and guests of the River Hall Community. Furthermore, Page 2 of the Applicant's rezoning traffic analysis states that it "is anticipated that the secondary access will accommodate less than two percent of the future River Hall external traffic." Therefore, very little traffic from the development is anticipated to use the second access point. As a result, the majority of the added traffic associated with the new 851 units will impact the current access to SR 80, and potential inter section Level of Service deficiencies could arise.

The Applicant has also indicated that, even though the second access would be gated, they would provide access into the community for the Lee County School District and Lee County Fire/EMS emergency vehicles. The Lee County School District requested access to the community from Lehigh Acres in order to reduce fuel costs and vehicle miles travelled for school bus traffic. Provision of access to emergency vehicles from Lehigh Acres does not appear to benefit the residents of River Hall because it will not reduce response times to the development. The community is currently served by Lee County Fire/EMS via medic 11 located at the Department of Forestry at 10941 Palm Beach Boulevard approximately 5.2 miles to the west of the site. Medic 26 also responds to calls at the River Hall development when medic 11 is on another call. Medic 26 is stationed at 9351 Workmen Way approximately 8 miles to the west along SR 80. There is no fire/EMS facility presently located in Lehigh Acres that would provide decreased response

times if the second entrance to the River Hall development were completed. As a result, the current access to the River Hall development on SR 80 is the most direct route from the existing fire and EMS stations, and provision of the second access to the community through Lehigh Acres will not benefit the community by improving response times from existing fire/EMS facilities.

Staff supports the addition of a new access point, or multiple new access points, to the development. However, besides the ability for the school bus traffic to utilize the new access, this entrance will be gated and not open to the public. Consequently, it only serves the residents of River Hall or their guests. And, based on the Applicant's TIS, the second access would only benefit two (2) percent of the residents within River Hall. Additionally, due to the lack of fire/EMS facilities in northeast Lehigh Acres, the second access isn't expected to improve response times. As such, expediting the construction of the secondary gated access to the River Hall development that is already required and serves a minimal number of residents has very little public value.

*GreenPointe proposes to facilitate the design, permitting, and construction of a traffic signal at the intersection of River Hall Parkway and SR 80.*

The Applicant has committed to signalizing the intersection of River Hall Parkway and SR 80 as a justification for the increase in dwelling units being requested. Signalization of this intersection is not governed by the County since SR 80 is a State owned and maintained roadway. Staff requested a copy of the connection permit from the State for the work within the State right-of-way when River Hall Parkway was originally constructed. A copy of this permit was forwarded to Staff on April 24, 2014, and it is attached to the end of this document for reference. The permit was issued on February 2, 2005. As evidenced by Part 5 of the connection permit, titled Special Provisions, the first special provision requires signalization of this intersection at the expense of the Developer when it is deemed warranted by the Florida Department of Transportation (FDOT) Traffic Operation Division. Therefore, signalization of this intersection is already required of the River Hall Developer even without approval of the proposed amendment.

On April 29, 2014, Staff received correspondence from the FDOT Traffic Operation Division that indicates a traffic signal is now warranted at this intersection. The Applicant is now required to move forward with satisfying the special provisions indicated in Part 5 of the connection permit attached to this document.

While the traffic signal at the intersection of River Hall Parkway and SR 80 will provide a means for the project traffic to enter and exit the site safely, this improvement only serves the River Hall residents and any future development on the north side of SR 80 that may obtain an access opposite of River Hall Parkway. The addition of traffic signals actually lowers the carrying capacity of a roadway (i.e. creates excessive delay for drivers), and often result in significant increases in the frequency of traffic accidents<sup>1</sup>. As a result, the construction of the traffic signal at the intersection of SR 80 and River Hall Parkway can be more of a detriment to the public by lowering the arterial roadway link capacity on SR 80 and increasing potential traffic crashes.

*Construction of an 8-foot wide shared use pathway to accommodate bicycle and pedestrian traffic along SR 80 between River Hall and Buckingham Road.*

The Land Development Code (LDC) §10-256(a) requires that all development along an arterial roadway depicted on the bikeways/walkways facilities plan (Map 3D-1) of THE LEE PLAN must construct the required facility along their frontage. Map 3D-1 indicates a shared use bicycle/pedestrian path on the south side of SR 80 from Buckingham Road to the Hendry County Line, including the project frontage. As a result, a shared use path is required along the River Hall frontage. The Applicant has proposed to construct this facility to Buckingham Road. Most

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<sup>1</sup> [http://safety.fhwa.dot.gov/intersection/resources/fhwasa10005/brief\\_5.cfm](http://safety.fhwa.dot.gov/intersection/resources/fhwasa10005/brief_5.cfm)



of the property on the south side of SR 80 between the site and Buckingham Road is developed currently with either residential development or small outparcel-type commercial development. The proposed shared use path will eventually get constructed along the frontage of most of the commercial developments as those sites redevelop. However, there is very little chance that the pathway would be constructed along the frontage of the existing residential developments. Based on a rough estimate, approximately 60% of this pathway will be built eventually without the Applicant's commitment and the remaining 40% of the length of SR 80 from Buckingham Road to River Hall Parkway will remain as gaps in the pathway. Staff has discussed the feasibility of construction of the shared use path with FDOT, and it appears that sufficient right-of-way is available to accommodate the path.

*Construction of improvements to SR 80 that would result in a bike lane along the north and south sides of the roadway from River Hall Parkway east to Joel Boulevard including the provision of a "park-n-trail" facility within the River Hall commercial development area that will facilitate use and access to the new bike path and pedestrian facilities along SR 80.*

Staff contacted the State to discuss the constructability of a bike lane on both the north and south side of SR 80 from River Hall Parkway to Joel Boulevard. The as-built plans obtained from the State indicate a four (4) foot paved shoulder exists on SR 80 from Buckingham Road to Joel Boulevard on both sides of the roadway. The Applicant intends to improve the on-road paved shoulder on SR 80, so the end result will be shoulders on both sides of the roadway that will serve as bicycle facilities. Policy 8.4.3 of the Florida Plans Preparation Manual<sup>2</sup> requires a minimum width of five (5) feet for new paved shoulders to be utilized as bicycle lanes. For reference, Lee County Administrative Code 11-9 (AC-11-9)<sup>3</sup> requires a minimum paved shoulder width of six (6) feet on a roadway with a speed limit of 50 MPH or more with open drainage such as this segment of SR 80. A six (6) foot paved shoulder in accordance with the County standards would be safer. Map 3D-1 of THE LEE PLAN indicates an off-road shared use bicycle/pedestrian path on the south side of SR 80 from Buckingham Road to the Hendry County Line, and this improvement would be safer for bicyclists and pedestrians than any on-road paved shoulder improvements. The County's focus along this corridor has not been to invite more on-road bicycle traffic in this area. Rather, it has been the County's focus to invite more bicycle traffic in this area by provision of an off-road shared use path safely separated from the vehicular travel lanes. Ultimately, since SR 80 is a State maintained facility, it is up to the State to determine what improvements it approves within the SR 80 right-of-way. Without State approval, the construction of improvements within the SR 80 right-of-way cannot be guaranteed.

### **Conclusion**

Based on the analysis provided in this report, the proposed plan amendment will increase the traffic generated by the River Hall development by more than 30% over the course of the entire day. There are some roadway links that are shown to fail under buildout traffic conditions, but these roadway link deficiencies are the result of background traffic projections and traffic projections from already approved developments and not directly attributable to the added River Hall project traffic.

The Applicant has proposed several commitments and obligations as a part of a Developer's Agreement to help justify the increase in density at the subject site. Staff finds that the expedition of the construction of the second access has very little public value. Staff also finds that the construction of a traffic signal at River Hall Parkway and SR 80 was already required as a part of the connection permit for the River Hall development (fka Hawk's Haven), so the proposed commitment is required regardless of the proposed plan amendment. Likewise, Staff finds that

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2 <http://www.dot.state.fl.us/rddesign/PPMManual/2014/Volume1/Chap08.pdf>

3 <http://www.lee.gov/gov/BoardofCountyCommissioners/Administrative%20Codes/AC-11-9.pdf>

the provision of a traffic signal at this location has the potential to significantly increase traffic crashes at this location while also degrading the arterial through traffic capacity of SR 80. The Applicant has proposed to construct an off-road shared use path from Buckingham Road to River Hall Parkway along SR 80, and this improvement would complete a continuous pathway that may not be achieved otherwise. Staff finds that provision of an extra foot of on-road paved shoulder along SR 80 from River Hall Parkway to Joel Boulevard along with the provision of a park-n-trail facility will invite additional on-road bicycle traffic when it has been the County's focus to separate the bicycle traffic from the vehicular traffic in this area through the provision of an off-road shared use path. SR 80 is a State maintained roadway, so it is ultimately the State's decision as to what improvements are approved within its right-of-way.

Attachments:

- A) OTISS Trip Generation Printouts
- B) FDOT Connection Permit – Hawks Haven

## Attachment A – OTISS Trip Generation Printouts



Attachment B – FDOT Connection Permit – Hawks Haven

## Attachment A – OTISS Trip Generation Printouts

### Period Setting

**Analysis Name:** AM Peak Hour  
**Project Name:** River Hall @ 1,999 units  
**Date:** 4/22/2014  
**State/Province:** FL  
**Country:**  
**Analyst's Name:** RYP

**No:** CPA2012-00001  
**City:** Lee County  
**Zip/Postal Code:**  
**Client Name:**  
**Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	1861	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN)	328	984	1312
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG)	11	56	67
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	28	8	36
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG)	47	28	75
430 - Golf Course	Holes	36	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	58	16	74

### Traffic Reductions

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	0 %	328	0 %	984
230 - Residential Condominium/Townhouse	0 %	11	0 %	56
720 - Medical-Dental Office Building	0 %	28	0 %	8
820 - Shopping Center	0 %	47	0 %	28
430 - Golf Course	0 %	58	0 %	16

### Internal Trips

#### 210 - Single-Family Detached Housing

**Exit** 984      Demand Exit: 0 % (0)  
**Entry** 328      Demand Entry: 0 % (0)

Balanced:  
0  
 Balanced:  
0

#### 230 - Residential Condominium/Townhouse

Demand Entry: 0 % (0)      **Entry** 11  
 Demand Exit: 0 % (0)      **Exit** 56

**210 - Single-Family Detached Housing**Exit 984 Demand Exit:  % (20)Entry 328 Demand Entry:  % (0)Balanced:  
1Balanced:  
0**720 - Medical-Dental Office Building**Demand Entry:  % (1) Entry 28Demand Exit:  % (0) Exit 8**210 - Single-Family Detached Housing**Exit 984 Demand Exit:  % (10)Entry 328 Demand Entry:  % (7)Balanced:  
8Balanced:  
4**820 - Shopping Center**Demand Entry:  % (8) Entry 47Demand Exit:  % (4) Exit 28**210 - Single-Family Detached Housing**Exit 984 Demand Exit:  % (0)Entry 328 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 58Demand Exit:  % (0) Exit 16**230 - Residential Condominium/Townhouse**Exit 56 Demand Exit:  % (1)Entry 11 Demand Entry:  % (0)Balanced:  
1Balanced:  
0**720 - Medical-Dental Office Building**Demand Entry:  % (1) Entry 28Demand Exit:  % (0) Exit 8**230 - Residential Condominium/Townhouse**Exit 56 Demand Exit:  % (1)Entry 11 Demand Entry:  % (0)Balanced:  
1Balanced:  
0**820 - Shopping Center**Demand Entry:  % (8) Entry 47Demand Exit:  % (4) Exit 28**230 - Residential Condominium/Townhouse**Exit 56 Demand Exit:  % (0)Entry 11 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 58Demand Exit:  % (0) Exit 16**720 - Medical-Dental Office Building**Exit 8 Demand Exit:  % (2)Entry 28 Demand Entry:  % (1)Balanced:  
2Balanced:  
1**820 - Shopping Center**Demand Entry:  % (15) Entry 47Demand Exit:  % (8) Exit 28**720 - Medical-Dental Office Building**Exit 8 Demand Exit:  % (0)Entry 28 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 58Demand Exit:  % (0) Exit 16**820 - Shopping Center**Exit 28 Demand Exit:  % (0)Entry 47 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 58Demand Exit:  % (0) Exit 16**210 - Single-Family Detached Housing**

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	328 (100%)	0 (0%)	0 (0%)	4 (1%)	0 (0%)	4 (1%)	324 (99%)

Exit	984 (100%)	0 (0%)	1 (0%)	8 (1%)	0 (0%)	9 (1%)	975 (99%)
Total	1312 (100%)	0 (0%)	1 (0%)	12 (1%)	0 (0%)	13 (1%)	1299 (99%)

#### 230 - Residential Condominium/Townhouse

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	11 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	11 (100%)
Exit	56 (100%)	0 (0%)	1 (2%)	1 (2%)	0 (0%)	2 (4%)	54 (96%)
Total	67 (100%)	0 (0%)	1 (1%)	1 (1%)	0 (0%)	2 (3%)	65 (97%)

#### 720 - Medical-Dental Office Building

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	820 - Shopping Center	430 - Golf Course	Total	
Entry	28 (100%)	1 (4%)	1 (4%)	1 (4%)	0 (0%)	3 (11%)	25 (89%)
Exit	8 (100%)	0 (0%)	0 (0%)	2 (25%)	0 (0%)	2 (25%)	6 (75%)
Total	36 (100%)	1 (3%)	1 (3%)	3 (8%)	0 (0%)	5 (14%)	31 (86%)

#### 820 - Shopping Center

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	430 - Golf Course	Total	
Entry	47 (100%)	8 (17%)	1 (2%)	2 (4%)	0 (0%)	11 (23%)	36 (77%)
Exit	28 (100%)	4 (14%)	0 (0%)	1 (4%)	0 (0%)	5 (18%)	23 (82%)
Total	75 (100%)	12 (16%)	1 (1%)	3 (4%)	0 (0%)	16 (21%)	59 (79%)

#### 430 - Golf Course

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	Total	
Entry	58 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	58 (100%)
Exit	16 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	16 (100%)
Total	74 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	74 (100%)

#### External Trips

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	1299	0 %	0	1299
230 - Residential Condominium/Townhouse	65	0 %	0	65
720 - Medical-Dental Office Building	31		0	31



		<input type="text" value="0"/> %		
820 - Shopping Center	59	<input type="text" value="30"/> %	18	41
430 - Golf Course	74	<input type="text" value="0"/> %	0	74

#### ITE Deviation Details

##### Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Landuse No deviations from ITE.

Methods No deviations from ITE.

External Trips 210 - Single-Family Detached Housing  
ITE does not recommend a particular pass-by% for this case.

230 - Residential Condominium/Townhouse  
ITE does not recommend a particular pass-by% for this case.

720 - Medical-Dental Office Building  
ITE does not recommend a particular pass-by% for this case.

820 - Shopping Center  
ITE does not recommend a particular pass-by% for this case.

430 - Golf Course  
ITE does not recommend a particular pass-by% for this case.

#### Summary

Total Entering	472
Total Exiting	1092
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	18
Total Exiting Internal Capture Reduction	18
Total Entering Pass-by Reduction	11
Total Exiting Pass-by Reduction	7
Total Entering Non-Pass-by Trips	443
Total Exiting Non-Pass-by Trips	1067

### Period Setting

**Analysis Name:** PM Peak Hour  
**Project Name:** River Hall @ 1,999 units  
**Date:** 4/22/2014  
**State/Province:** FL  
**Country:**  
**Analyst's Name:** RYP  
**No:** CPA2012-00001  
**City:** Lee County  
**Zip/Postal Code:**  
**Client Name:**  
**Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	1861	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	920	540	1460
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	52	26	78
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	15	38	53
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	128	139	267
430 - Golf Course	Holes	36	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	54	51	105

### Traffic Reductions

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	<input type="text" value="0"/> %	920	<input type="text" value="0"/> %	540
230 - Residential Condominium/Townhouse	<input type="text" value="0"/> %	52	<input type="text" value="0"/> %	26
720 - Medical-Dental Office Building	<input type="text" value="0"/> %	15	<input type="text" value="0"/> %	38
820 - Shopping Center	<input type="text" value="0"/> %	128	<input type="text" value="0"/> %	139
430 - Golf Course	<input type="text" value="0"/> %	54	<input type="text" value="0"/> %	51

### Internal Trips

#### 210 - Single-Family Detached Housing

**Exit** 540 Demand Exit:  % (0)  
**Entry** 920 Demand Entry:  % (0)

Balanced:  
0  
 Balanced:  
0

#### 230 - Residential Condominium/Townhouse

Demand Entry:  % (0) **Entry** 52  
 Demand Exit:  % (0) **Exit** 26

**210 - Single-Family Detached Housing**

Exit 540 Demand Exit:  % (22)

Entry 920 Demand Entry:  % (37)

**210 - Single-Family Detached Housing**

Exit 540 Demand Exit:  % (227)

Entry 920 Demand Entry:  % (423)

**210 - Single-Family Detached Housing**

Exit 540 Demand Exit:  % (0)

Entry 920 Demand Entry:  % (0)

**230 - Residential Condominium/Townhouse**

Exit 26 Demand Exit:  % (1)

Entry 52 Demand Entry:  % (2)

**230 - Residential Condominium/Townhouse**

Exit 26 Demand Exit:  % (11)

Entry 52 Demand Entry:  % (24)

**230 - Residential Condominium/Townhouse**

Exit 26 Demand Exit:  % (0)

Entry 52 Demand Entry:  % (0)

**720 - Medical-Dental Office Building**

Exit 38 Demand Exit:  % (8)

Entry 15 Demand Entry:  % (5)

**720 - Medical-Dental Office Building**

Exit 38 Demand Exit:  % (0)

Entry 15 Demand Entry:  % (0)

**820 - Shopping Center**

Exit 139 Demand Exit:  % (0)

Entry 128 Demand Entry:  % (0)

**210 - Single-Family Detached Housing****720 - Medical-Dental Office Building**

Balanced: 9 Demand Entry:  % (9) Entry 15

Balanced: 1 Demand Exit:  % (1) Exit 38

**820 - Shopping Center**

Balanced: 13 Demand Entry:  % (13) Entry 128

Balanced: 36 Demand Exit:  % (36) Exit 139

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 54

Balanced: 0 Demand Exit:  % (0) Exit 51

**720 - Medical-Dental Office Building**

Balanced: 1 Demand Entry:  % (9) Entry 15

Balanced: 1 Demand Exit:  % (1) Exit 38

**820 - Shopping Center**

Balanced: 11 Demand Entry:  % (13) Entry 128

Balanced: 24 Demand Exit:  % (36) Exit 139

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 54

Balanced: 0 Demand Exit:  % (0) Exit 51

**820 - Shopping Center**

Balanced: 8 Demand Entry:  % (10) Entry 128

Balanced: 3 Demand Exit:  % (3) Exit 139

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 54

Balanced: 0 Demand Exit:  % (0) Exit 51

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 54

Balanced: 0 Demand Exit:  % (0) Exit 51

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	920 (100%)	0 (0%)	1 (0%)	36 (4%)	0 (0%)	37 (4%)	883 (96%)

Exit	540 (100%)	0 (0%)	9 (2%)	13 (2%)	0 (0%)	22 (4%)	518 (96%)
Total	1460 (100%)	0 (0%)	10 (1%)	49 (3%)	0 (0%)	59 (4%)	1401 (96%)

#### 230 - Residential Condominium/Townhouse

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	52 (100%)	0 (0%)	1 (2%)	24 (46%)	0 (0%)	25 (48%)	27 (52%)
Exit	26 (100%)	0 (0%)	1 (4%)	11 (42%)	0 (0%)	12 (46%)	14 (54%)
Total	78 (100%)	0 (0%)	2 (3%)	35 (45%)	0 (0%)	37 (47%)	41 (53%)

#### 720 - Medical-Dental Office Building

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	820 - Shopping Center	430 - Golf Course	Total	
Entry	15 (100%)	9 (60%)	1 (7%)	3 (20%)	0 (0%)	13 (87%)	2 (13%)
Exit	38 (100%)	1 (3%)	1 (3%)	8 (21%)	0 (0%)	10 (26%)	28 (74%)
Total	53 (100%)	10 (19%)	2 (4%)	11 (21%)	0 (0%)	23 (43%)	30 (57%)

#### 820 - Shopping Center


	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	430 - Golf Course	Total	
Entry	128 (100%)	13 (10%)	11 (9%)	8 (6%)	0 (0%)	32 (25%)	96 (75%)
Exit	139 (100%)	36 (26%)	24 (17%)	3 (2%)	0 (0%)	63 (45%)	76 (55%)
Total	267 (100%)	49 (18%)	35 (13%)	11 (4%)	0 (0%)	95 (36%)	172 (64%)

#### 430 - Golf Course

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	Total	
Entry	54 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	54 (100%)
Exit	51 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	51 (100%)
Total	105 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	105 (100%)

#### External Trips

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	1401	0 %	0	1401
230 - Residential Condominium/Townhouse	41	0 %	0	41
720 - Medical-Dental Office Building	30		0	30

			0 %	
820 - Shopping Center	172		30 %	52
430 - Golf Course	105		0 %	0
				120
				105

#### ITE Deviation Details

##### Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

Landuse No deviations from ITE.

Methods No deviations from ITE.

External Trips 210 - Single-Family Detached Housing  
ITE does not recommend a particular pass-by% for this case.

230 - Residential Condominium/Townhouse  
ITE does not recommend a particular pass-by% for this case.

720 - Medical-Dental Office Building  
ITE does not recommend a particular pass-by% for this case.

820 - Shopping Center  
The chosen pass-by% (30) is not provided by ITE. ITE recommends 55.

430 - Golf Course  
ITE does not recommend a particular pass-by% for this case.

#### Summary

Total Entering	1169
Total Exiting	794
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	107
Total Exiting Internal Capture Reduction	107
Total Entering Pass-by Reduction	29
Total Exiting Pass-by Reduction	23
Total Entering Non-Pass-by Trips	1033
Total Exiting Non-Pass-by Trips	664



**Period Setting**

**Analysis Name:** Daily (2-way)  
**Project Name:** River Hall @ 1,999 units  
**Date:** 4/22/2014  
**State/Province:** FL  
**Country:**  
**Analyst's Name:** RYP

**No:** CPA2012-00001  
**City:** Lee County  
**Zip/Postal Code:**  
**Client Name:**  
**Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	1861	Weekday	Best Fit (LOG)	7734	7734	15468
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday	Best Fit (LOG)	426	425	851
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday	Average	271	271	542
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday	Best Fit (LOG)	1553	1552	3105
430 - Golf Course	Holes	36	Weekday	Average	644	643	1287

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	0 %	7734	0 %	7734
230 - Residential Condominium/Townhouse	0 %	426	0 %	425
720 - Medical-Dental Office Building	0 %	271	0 %	271
820 - Shopping Center	0 %	1553	0 %	1552
430 - Golf Course	0 %	644	0 %	643

**Internal Trips****210 - Single-Family Detached Housing**

**Exit** 7734      Demand Exit: 0 % (0)  
**Entry** 7734      Demand Entry: 0 % (0)

Balanced:  
0  
 Balanced:  
0

**230 - Residential Condominium/Townhouse**

Demand Entry: 0 % (0)      **Entry** 426  
 Demand Exit: 0 % (0)      **Exit** 425

**210 - Single-Family Detached Housing**

**Exit** 7734      Demand Exit: 2 % (155)  
**Entry** 7734      Demand Entry: 0 % (0)

Balanced:  
8  
 Balanced:  
0

**720 - Medical-Dental Office Building**

Demand Entry: 3 % (8)      **Entry** 271  
 Demand Exit: 1 % (3)      **Exit** 271

**210 - Single-Family Detached Housing**

**Exit** 7734      Demand Exit: 1 % (77)

Balanced:  
77

**820 - Shopping Center**

Demand Entry: 17 % (264)      **Entry** 1553

Entry 7734 Demand Entry: 2 % (155) Balanced: Demand Exit: 14 % (217) Exit 1552  
155

#### 210 - Single-Family Detached Housing

Exit 7734 Demand Exit: 0 % (0)

Entry 7734 Demand Entry: 0 % (0)

Balanced:  
0

Balanced:  
0

Demand Entry: 0 % (0)

Demand Exit: 0 % (0)

#### 430 - Golf Course

Entry 644

Exit 643

#### 230 - Residential Condominium/Townhouse

Exit 425 Demand Exit: 2 % (9)

Entry 426 Demand Entry: 0 % (0)

Balanced:  
8

Balanced:  
0

Demand Entry: 3 % (8)

Demand Exit: 1 % (3)

#### 720 - Medical-Dental Office Building

Entry 271

Exit 271

#### 230 - Residential Condominium/Townhouse

Exit 425 Demand Exit: 1 % (4)

Entry 426 Demand Entry: 2 % (9)

Balanced:  
4

Balanced:  
9

Demand Entry: 17 % (264)

Demand Exit: 14 % (217)

#### 820 - Shopping Center

Entry 1553

Exit 1552

#### 230 - Residential Condominium/Townhouse

Exit 425 Demand Exit: 0 % (0)

Entry 426 Demand Entry: 0 % (0)

Balanced:  
0

Balanced:  
0

Demand Entry: 0 % (0)

Demand Exit: 0 % (0)

#### 430 - Golf Course

Entry 644

Exit 643

#### 720 - Medical-Dental Office Building

Exit 271 Demand Exit: 28 % (76)

Entry 271 Demand Entry: 4 % (11)

Balanced:  
76

Balanced:  
11

Demand Entry: 32 % (497)

Demand Exit: 29 % (450)

#### 820 - Shopping Center

Entry 1553

Exit 1552

#### 720 - Medical-Dental Office Building

Exit 271 Demand Exit: 0 % (0)

Entry 271 Demand Entry: 0 % (0)

Balanced:  
0

Balanced:  
0

Demand Entry: 0 % (0)

Demand Exit: 0 % (0)

#### 430 - Golf Course

Entry 644

Exit 643

#### 820 - Shopping Center

Exit 1552 Demand Exit: 0 % (0)

Entry 1553 Demand Entry: 0 % (0)

Balanced:  
0

Balanced:  
0

Demand Entry: 0 % (0)

Demand Exit: 0 % (0)

#### 430 - Golf Course

Entry 644

Exit 643

#### 210 - Single-Family Detached Housing

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	7734 (100%)	0 (0%)	0 (0%)	155 (2%)	0 (0%)	155 (2%)	7579 (98%)
Exit	7734 (100%)	0 (0%)	8 (0%)	77 (1%)	0 (0%)	85 (1%)	7649 (99%)
Total	15468 (100%)	0 (0%)	8 (0%)	232 (1%)	0 (0%)	240 (2%)	15228 (98%)

#### 230 - Residential Condominium/Townhouse

	Total Trips	Internal Trips				Total	External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course		
Entry	426 (100%)	0 (0%)	0 (0%)	9 (2%)	0 (0%)	9 (2%)	417 (98%)

Exit	425 (100%)	0 (0%)	8 (2%)	4 (1%)	0 (0%)	12 (3%)	413 (97%)
Total	851 (100%)	0 (0%)	8 (1%)	13 (2%)	0 (0%)	21 (2%)	830 (98%)

#### 720 - Medical-Dental Office Building

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	820 - Shopping Center	430 - Golf Course	Total	
Entry	271 (100%)	8 (3%)	8 (3%)	11 (4%)	0 (0%)	27 (10%)	244 (90%)
Exit	271 (100%)	0 (0%)	0 (0%)	76 (28%)	0 (0%)	76 (28%)	195 (72%)
Total	542 (100%)	8 (1%)	8 (1%)	87 (16%)	0 (0%)	103 (19%)	439 (81%)

#### 820 - Shopping Center

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	430 - Golf Course	Total	
Entry	1553 (100%)	77 (5%)	4 (0%)	76 (5%)	0 (0%)	157 (10%)	1396 (90%)
Exit	1552 (100%)	155 (10%)	9 (1%)	11 (1%)	0 (0%)	175 (11%)	1377 (89%)
Total	3105 (100%)	232 (7%)	13 (0%)	87 (3%)	0 (0%)	332 (11%)	2773 (89%)

#### 430 - Golf Course

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	Total	
Entry	644 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	644 (100%)
Exit	643 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	643 (100%)
Total	1287 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1287 (100%)

#### External Trips

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	15228	0 %	0	15228
230 - Residential Condominium/Townhouse	830	0 %	0	830
720 - Medical-Dental Office Building	439	0 %	0	439
820 - Shopping Center	2773	30 %	832	1941
430 - Golf Course	1287	0 %	0	1287

#### ITE Deviation Details

Weekday

Landuse	No deviations from ITE.
Methods	No deviations from ITE.
External Trips	<p>210 - Single-Family Detached Housing ITE does not recommend a particular pass-by% for this case.</p> <p>230 - Residential Condominium/Townhouse ITE does not recommend a particular pass-by% for this case.</p> <p>720 - Medical-Dental Office Building ITE does not recommend a particular pass-by% for this case.</p> <p>820 - Shopping Center ITE does not recommend a particular pass-by% for this case.</p> <p>430 - Golf Course ITE does not recommend a particular pass-by% for this case.</p>

Summary		
Total Entering		10628
Total Exiting		10625
Total Entering Reduction		0
Total Exiting Reduction		0
Total Entering Internal Capture Reduction		348
Total Exiting Internal Capture Reduction		348
Total Entering Pass-by Reduction		419
Total Exiting Pass-by Reduction		413
Total Entering Non-Pass-by Trips		9861
Total Exiting Non-Pass-by Trips		9864

**Period Setting**

<b>Analysis Name:</b>	AM Peak Hour	<b>No:</b>	CPA2012-00001
<b>Project Name:</b>	River Hall @ 2,850 units	<b>City:</b>	Lee County
<b>Date:</b>	5/22/2014	<b>Zip/Postal Code:</b>	
<b>State/Province:</b>	FL	<b>Client Name:</b>	
<b>Country:</b>		<b>Edition:</b>	9th
<b>Analyst's Name:</b>	RYP		

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	2712	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN)	477	1431	1908
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG)	11	56	67
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	28	8	36
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG)	47	28	75
430 - Golf Course	Holes	36	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	58	16	74

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	0 %	477	0 %	1431
230 - Residential Condominium/Townhouse	0 %	11	0 %	56
720 - Medical-Dental Office Building	0 %	28	0 %	8
820 - Shopping Center	0 %	47	0 %	28
430 - Golf Course	0 %	58	0 %	16

**Internal Trips****210 - Single-Family Detached Housing**

<b>Exit</b>	1431	<b>Demand Exit:</b>	0 % (0)
<b>Entry</b>	477	<b>Demand Entry:</b>	0 % (0)

Balanced:  
0

Balanced:  
0

**230 - Residential Condominium/Townhouse**

<b>Demand Entry:</b>	0 % (0)	<b>Entry</b>	11
<b>Demand Exit:</b>	0 % (0)	<b>Exit</b>	56

**210 - Single-Family Detached Housing**

Exit 1431 Demand Exit:  % (29)  
 Entry 477 Demand Entry:  % (0)

**210 - Single-Family Detached Housing**

Exit 1431 Demand Exit:  % (14)  
 Entry 477 Demand Entry:  % (10)

**210 - Single-Family Detached Housing**

Exit 1431 Demand Exit:  % (0)  
 Entry 477 Demand Entry:  % (0)

**230 - Residential Condominium/Townhouse**

Exit 56 Demand Exit:  % (1)  
 Entry 11 Demand Entry:  % (0)

**230 - Residential Condominium/Townhouse**

Exit 56 Demand Exit:  % (1)  
 Entry 11 Demand Entry:  % (0)

**230 - Residential Condominium/Townhouse**

Exit 56 Demand Exit:  % (0)  
 Entry 11 Demand Entry:  % (0)

**720 - Medical-Dental Office Building**

Exit 8 Demand Exit:  % (2)  
 Entry 28 Demand Entry:  % (1)

**720 - Medical-Dental Office Building**

Exit 8 Demand Exit:  % (0)  
 Entry 28 Demand Entry:  % (0)

**820 - Shopping Center**

Exit 28 Demand Exit:  % (0)  
 Entry 47 Demand Entry:  % (0)

**210 - Single-Family Detached Housing****720 - Medical-Dental Office Building**

Balanced: 1 Demand Entry:  % (1) Entry 28  
 Balanced: 0 Demand Exit:  % (0) Exit 8

**820 - Shopping Center**

Balanced: 8 Demand Entry:  % (8) Entry 47  
 Balanced: 4 Demand Exit:  % (4) Exit 28

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 58  
 Balanced: 0 Demand Exit:  % (0) Exit 16

**720 - Medical-Dental Office Building**

Balanced: 1 Demand Entry:  % (1) Entry 28  
 Balanced: 0 Demand Exit:  % (0) Exit 8

**820 - Shopping Center**

Balanced: 1 Demand Entry:  % (8) Entry 47  
 Balanced: 0 Demand Exit:  % (4) Exit 28

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 58  
 Balanced: 0 Demand Exit:  % (0) Exit 16

**820 - Shopping Center**

Balanced: 2 Demand Entry:  % (15) Entry 47  
 Balanced: 1 Demand Exit:  % (8) Exit 28

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 58  
 Balanced: 0 Demand Exit:  % (0) Exit 16

**430 - Golf Course**

Balanced: 0 Demand Entry:  % (0) Entry 58  
 Balanced: 0 Demand Exit:  % (0) Exit 16

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	477 (100%)	0 (0%)	0 (0%)	4 (1%)	0 (0%)	4 (1%)	473 (99%)



<b>Exit</b>	1431 (100%)	0 (0%)	1 (0%)	8 (1%)	0 (0%)	9 (1%)	1422 (99%)
<b>Total</b>	1908 (100%)	0 (0%)	1 (0%)	12 (1%)	0 (0%)	13 (1%)	1895 (99%)

#### 230 - Residential Condominium/Townhouse

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
<b>Entry</b>	11 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	11 (100%)
<b>Exit</b>	56 (100%)	0 (0%)	1 (2%)	1 (2%)	0 (0%)	2 (4%)	54 (96%)
<b>Total</b>	67 (100%)	0 (0%)	1 (1%)	1 (1%)	0 (0%)	2 (3%)	65 (97%)

#### 720 - Medical-Dental Office Building

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	820 - Shopping Center	430 - Golf Course	Total	
<b>Entry</b>	28 (100%)	1 (4%)	1 (4%)	1 (4%)	0 (0%)	3 (11%)	25 (89%)
<b>Exit</b>	8 (100%)	0 (0%)	0 (0%)	2 (25%)	0 (0%)	2 (25%)	6 (75%)
<b>Total</b>	36 (100%)	1 (3%)	1 (3%)	3 (8%)	0 (0%)	5 (14%)	31 (86%)

#### 820 - Shopping Center

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	430 - Golf Course	Total	
<b>Entry</b>	47 (100%)	8 (17%)	1 (2%)	2 (4%)	0 (0%)	11 (23%)	36 (77%)
<b>Exit</b>	28 (100%)	4 (14%)	0 (0%)	1 (4%)	0 (0%)	5 (18%)	23 (82%)
<b>Total</b>	75 (100%)	12 (16%)	1 (1%)	3 (4%)	0 (0%)	16 (21%)	59 (79%)

#### 430 - Golf Course

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	Total	
<b>Entry</b>	58 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	58 (100%)
<b>Exit</b>	16 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	16 (100%)
<b>Total</b>	74 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	74 (100%)

#### External Trips

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	1895	0 %	0	1895
230 - Residential Condominium/Townhouse	65	0 %	0	65
720 - Medical-Dental Office Building	31		0	31

		<input type="text" value="0"/> %		
820 - Shopping Center	59	<input type="text" value="30"/> %	18	41
430 - Golf Course	74	<input type="text" value="0"/> %	0	74

#### ITE Deviation Details

##### Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Landuse No deviations from ITE.

Methods No deviations from ITE.

External Trips 210 - Single-Family Detached Housing  
ITE does not recommend a particular pass-by% for this case.

230 - Residential Condominium/Townhouse  
ITE does not recommend a particular pass-by% for this case.

720 - Medical-Dental Office Building  
ITE does not recommend a particular pass-by% for this case.

820 - Shopping Center  
ITE does not recommend a particular pass-by% for this case.

430 - Golf Course  
ITE does not recommend a particular pass-by% for this case.

#### Summary

Total Entering	621
Total Exiting	1539
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	18
Total Exiting Internal Capture Reduction	18
Total Entering Pass-by Reduction	11
Total Exiting Pass-by Reduction	7
Total Entering Non-Pass-by Trips	592
Total Exiting Non-Pass-by Trips	1514

**Period Setting**

**Analysis Name:** PM Peak Hour  
**Project Name:** River Hall @ 2,850 units  
**Date:** 5/22/2014  
**State/Province:** FL  
**Country:**  
**Analyst's Name:** RYP

**No:** CPA2012-00001  
**City:** Lee County  
**Zip/Postal Code:**  
**Client Name:**  
**Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	2712	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	1291	758	2049
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	52	26	78
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	15	38	53
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	128	139	267
430 - Golf Course	Holes	36	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	54	51	105

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	<input type="text" value="0"/> %	1291	<input type="text" value="0"/> %	758
230 - Residential Condominium/Townhouse	<input type="text" value="0"/> %	52	<input type="text" value="0"/> %	26
720 - Medical-Dental Office Building	<input type="text" value="0"/> %	15	<input type="text" value="0"/> %	38
820 - Shopping Center	<input type="text" value="0"/> %	128	<input type="text" value="0"/> %	139
430 - Golf Course	<input type="text" value="0"/> %	54	<input type="text" value="0"/> %	51

**Internal Trips****210 - Single-Family Detached Housing**

**Exit** 758 Demand Exit:  % (0)  
**Entry** 1291 Demand Entry:  % (0)

Balanced: 0  
Balanced: 0

**230 - Residential Condominium/Townhouse**

Demand Entry:  % (0) **Entry** 52  
Demand Exit:  % (0) **Exit** 26

**210 - Single-Family Detached Housing**Exit 758 Demand Exit:  % (30)Entry 1291 Demand Entry:  % (52)Balanced:  
9Balanced:  
1**720 - Medical-Dental Office Building**Demand Entry:  % (9) Entry 15Demand Exit:  % (1) Exit 38**210 - Single-Family Detached Housing**Exit 758 Demand Exit:  % (318)Entry 1291 Demand Entry:  % (594)Balanced:  
13Balanced:  
36**820 - Shopping Center**Demand Entry:  % (13) Entry 128Demand Exit:  % (36) Exit 139**210 - Single-Family Detached Housing**Exit 758 Demand Exit:  % (0)Entry 1291 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 54Demand Exit:  % (0) Exit 51**230 - Residential Condominium/Townhouse**Exit 26 Demand Exit:  % (1)Entry 52 Demand Entry:  % (2)Balanced:  
1Balanced:  
1**720 - Medical-Dental Office Building**Demand Entry:  % (9) Entry 15Demand Exit:  % (1) Exit 38**230 - Residential Condominium/Townhouse**Exit 26 Demand Exit:  % (11)Entry 52 Demand Entry:  % (24)Balanced:  
11Balanced:  
24**820 - Shopping Center**Demand Entry:  % (13) Entry 128Demand Exit:  % (36) Exit 139**230 - Residential Condominium/Townhouse**Exit 26 Demand Exit:  % (0)Entry 52 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 54Demand Exit:  % (0) Exit 51**720 - Medical-Dental Office Building**Exit 38 Demand Exit:  % (8)Entry 15 Demand Entry:  % (5)Balanced:  
8Balanced:  
3**820 - Shopping Center**Demand Entry:  % (10) Entry 128Demand Exit:  % (3) Exit 139**720 - Medical-Dental Office Building**Exit 38 Demand Exit:  % (0)Entry 15 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 54Demand Exit:  % (0) Exit 51**820 - Shopping Center**Exit 139 Demand Exit:  % (0)Entry 128 Demand Entry:  % (0)Balanced:  
0Balanced:  
0**430 - Golf Course**Demand Entry:  % (0) Entry 54Demand Exit:  % (0) Exit 51**210 - Single-Family Detached Housing**

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	1291 (100%)	0 (0%)	1 (0%)	36 (3%)	0 (0%)	37 (3%)	1254 (97%)

Exit	758 (100%)	0 (0%)	9 (1%)	13 (2%)	0 (0%)	22 (3%)	736 (97%)
Total	2049 (100%)	0 (0%)	10 (0%)	49 (2%)	0 (0%)	59 (3%)	1990 (97%)

#### 230 - Residential Condominium/Townhouse

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	52 (100%)	0 (0%)	1 (2%)	24 (46%)	0 (0%)	25 (48%)	27 (52%)
Exit	26 (100%)	0 (0%)	1 (4%)	11 (42%)	0 (0%)	12 (46%)	14 (54%)
Total	78 (100%)	0 (0%)	2 (3%)	35 (45%)	0 (0%)	37 (47%)	41 (53%)

#### 720 - Medical-Dental Office Building

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	820 - Shopping Center	430 - Golf Course	Total	
Entry	15 (100%)	9 (60%)	1 (7%)	3 (20%)	0 (0%)	13 (87%)	2 (13%)
Exit	38 (100%)	1 (3%)	1 (3%)	8 (21%)	0 (0%)	10 (26%)	28 (74%)
Total	53 (100%)	10 (19%)	2 (4%)	11 (21%)	0 (0%)	23 (43%)	30 (57%)

#### 820 - Shopping Center

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	430 - Golf Course	Total	
Entry	128 (100%)	13 (10%)	11 (9%)	8 (6%)	0 (0%)	32 (25%)	96 (75%)
Exit	139 (100%)	36 (26%)	24 (17%)	3 (2%)	0 (0%)	63 (45%)	76 (55%)
Total	267 (100%)	49 (18%)	35 (13%)	11 (4%)	0 (0%)	95 (36%)	172 (64%)

#### 430 - Golf Course

	Total Trips	Internal Trips					External Trips
		210 - Single-Family Detached Housing	230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	Total	
Entry	54 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	54 (100%)
Exit	51 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	51 (100%)
Total	105 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	105 (100%)

#### External Trips

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	1990	0 %	0	1990
230 - Residential Condominium/Townhouse	41	0 %	0	41
720 - Medical-Dental Office Building	30		0	30

		<div>0</div> %		
820 - Shopping Center	172	<div>30</div> %	52	120
430 - Golf Course	105	<div>0</div> %	0	105

#### ITE Deviation Details

##### Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

Landuse No deviations from ITE.

Methods No deviations from ITE.

External Trips 210 - Single-Family Detached Housing  
ITE does not recommend a particular pass-by% for this case.

230 - Residential Condominium/Townhouse  
ITE does not recommend a particular pass-by% for this case.

720 - Medical-Dental Office Building  
ITE does not recommend a particular pass-by% for this case.

820 - Shopping Center  
The chosen pass-by% (30) is not provided by ITE. ITE recommends 55.

430 - Golf Course  
ITE does not recommend a particular pass-by% for this case.

#### Summary

Total Entering	1540
Total Exiting	1012
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	107
Total Exiting Internal Capture Reduction	107
Total Entering Pass-by Reduction	29
Total Exiting Pass-by Reduction	23
Total Entering Non-Pass-by Trips	1404
Total Exiting Non-Pass-by Trips	882



**Period Setting**

**Analysis Name:** Daily (2-way)  
**Project Name:** River Hall @ 2,850 units  
**Date:** 5/22/2014  
**State/Province:** FL  
**Country:**  
**Analyst's Name:** RYP

**No:** CPA2012-00001  
**City:** Lee County  
**Zip/Postal Code:**  
**Client Name:**  
**Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	2712	Weekday	Best Fit (LOG)	10937	10936	21873
230 - Residential Condominium/Townhouse	Dwelling Units	138	Weekday	Best Fit (LOG)	426	425	851
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	15	Weekday	Average	271	271	542
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	30	Weekday	Best Fit (LOG)	1553	1552	3105
430 - Golf Course	Holes	36	Weekday	Average	644	643	1287

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
210 - Single-Family Detached Housing	0 %	10937	0 %	10936
230 - Residential Condominium/Townhouse	0 %	426	0 %	425
720 - Medical-Dental Office Building	0 %	271	0 %	271
820 - Shopping Center	0 %	1553	0 %	1552
430 - Golf Course	0 %	644	0 %	643

**Internal Trips****210 - Single-Family Detached Housing**

**Exit** 10936 Demand Exit: 0 % (0)  
**Entry** 10937 Demand Entry: 0 % (0)

Balanced:  
0  
Balanced:  
0

**230 - Residential Condominium/Townhouse**

Demand Entry: 0 % (0) **Entry** 426  
Demand Exit: 0 % (0) **Exit** 425

**210 - Single-Family Detached Housing**

**Exit** 10936 Demand Exit: 2 % (219)  
**Entry** 10937 Demand Entry: 0 % (0)

Balanced:  
8  
Balanced:  
0

**720 - Medical-Dental Office Building**

Demand Entry: 3 % (8) **Entry** 271  
Demand Exit: 1 % (3) **Exit** 271

**210 - Single-Family Detached Housing**

**Exit** 10936 Demand Exit: 1 % (109)  
**Entry** 10937

Balanced:  
109  
Balanced:

**820 - Shopping Center**

Demand Entry: 17 % (264) **Entry** 1553  
**Exit** 1552

Demand Entry: 2 % (219)

217

Demand Exit: 14 % (217)

**210 - Single-Family Detached Housing**

Exit 10936 Demand Exit: 0 % (0)

Entry 10937 Demand Entry: 0 % (0)

Balanced:  
0Balanced:  
0**430 - Golf Course**

Demand Entry: 0 % (0)

Entry 644

Demand Exit: 0 % (0)

Exit 643

**230 - Residential Condominium/Townhouse**

Exit 425 Demand Exit: 2 % (9)

Entry 426 Demand Entry: 0 % (0)

Balanced:  
8Balanced:  
0**720 - Medical-Dental Office Building**

Demand Entry: 3 % (8)

Entry 271

Demand Exit: 1 % (3)

Exit 271

**230 - Residential Condominium/Townhouse**

Exit 425 Demand Exit: 1 % (4)

Entry 426 Demand Entry: 2 % (9)

Balanced:  
4Balanced:  
9**820 - Shopping Center**

Demand Entry: 17 % (264)

Entry 1553

Demand Exit: 14 % (217)

Exit 1552

**230 - Residential Condominium/Townhouse**

Exit 425 Demand Exit: 0 % (0)

Entry 426 Demand Entry: 0 % (0)

Balanced:  
0Balanced:  
0**430 - Golf Course**

Demand Entry: 0 % (0)

Entry 644

Demand Exit: 0 % (0)

Exit 643

**720 - Medical-Dental Office Building**

Exit 271 Demand Exit: 28 % (76)

Entry 271 Demand Entry: 4 % (11)

Balanced:  
76Balanced:  
11**820 - Shopping Center**

Demand Entry: 32 % (497)

Entry 1553

Demand Exit: 29 % (450)

Exit 1552

**720 - Medical-Dental Office Building**

Exit 271 Demand Exit: 0 % (0)

Entry 271 Demand Entry: 0 % (0)

Balanced:  
0Balanced:  
0**430 - Golf Course**

Demand Entry: 0 % (0)

Entry 644

Demand Exit: 0 % (0)

Exit 643

**820 - Shopping Center**

Exit 1552 Demand Exit: 0 % (0)

Entry 1553 Demand Entry: 0 % (0)

Balanced:  
0Balanced:  
0**430 - Golf Course**

Demand Entry: 0 % (0)

Entry 644

Demand Exit: 0 % (0)

Exit 643

**210 - Single-Family Detached Housing**

	Total Trips	Internal Trips					External Trips
		230 - Residential Condominium/Townhouse	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course	Total	
Entry	10937 (100%)	0 (0%)	0 (0%)	217 (2%)	0 (0%)	217 (2%)	10720 (98%)
Exit	10936 (100%)	0 (0%)	8 (0%)	109 (1%)	0 (0%)	117 (1%)	10819 (99%)
Total	21873 (100%)	0 (0%)	8 (0%)	326 (1%)	0 (0%)	334 (2%)	21539 (98%)

**230 - Residential Condominium/Townhouse**

	Total Trips	Internal Trips				Total	External Trips
		210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	820 - Shopping Center	430 - Golf Course		
Entry	426 (100%)	0 (0%)	0 (0%)	9 (2%)	0 (0%)	9 (2%)	417 (98%)
Exit	425 (100%)	0 (0%)	8 (2%)	4 (1%)	0 (0%)	12 (3%)	413 (97%)

<b>Total</b>	851 (100%)	0 (0%)	8 (1%)	13 (2%)	0 (0%)	21 (2%)	830 (98%)
--------------	------------	--------	--------	---------	--------	---------	-----------

<b>720 - Medical-Dental Office Building</b>							
	<b>Total Trips</b>	<b>Internal Trips</b>					<b>External Trips</b>
		<b>210 - Single-Family Detached Housing</b>	<b>230 - Residential Condominium/Townhouse</b>	<b>820 - Shopping Center</b>	<b>430 - Golf Course</b>	<b>Total</b>	
<b>Entry</b>	271 (100%)	8 (3%)	8 (3%)	11 (4%)	0 (0%)	27 (10%)	244 (90%)
<b>Exit</b>	271 (100%)	0 (0%)	0 (0%)	76 (28%)	0 (0%)	76 (28%)	195 (72%)
<b>Total</b>	542 (100%)	8 (1%)	8 (1%)	87 (16%)	0 (0%)	103 (19%)	439 (81%)

<b>820 - Shopping Center</b>							
	<b>Total Trips</b>	<b>Internal Trips</b>					<b>External Trips</b>
		<b>210 - Single-Family Detached Housing</b>	<b>230 - Residential Condominium/Townhouse</b>	<b>720 - Medical-Dental Office Building</b>	<b>430 - Golf Course</b>	<b>Total</b>	
<b>Entry</b>	1553 (100%)	109 (7%)	4 (0%)	76 (5%)	0 (0%)	189 (12%)	1364 (88%)
<b>Exit</b>	1552 (100%)	217 (14%)	9 (1%)	11 (1%)	0 (0%)	237 (15%)	1315 (85%)
<b>Total</b>	3105 (100%)	326 (10%)	13 (0%)	87 (3%)	0 (0%)	426 (14%)	2679 (86%)

<b>430 - Golf Course</b>							
	<b>Total Trips</b>	<b>Internal Trips</b>					<b>External Trips</b>
		<b>210 - Single-Family Detached Housing</b>	<b>230 - Residential Condominium/Townhouse</b>	<b>720 - Medical-Dental Office Building</b>	<b>820 - Shopping Center</b>	<b>Total</b>	
<b>Entry</b>	644 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	644 (100%)
<b>Exit</b>	643 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	643 (100%)
<b>Total</b>	1287 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1287 (100%)

<b>External Trips</b>				
<b>Land Use</b>	<b>External Trips</b>	<b>Pass-by%</b>	<b>Pass-by Trips</b>	<b>Non-pass-by Trips</b>
210 - Single-Family Detached Housing	21539	0 %	0	21539
230 - Residential Condominium/Townhouse	830	0 %	0	830
720 - Medical-Dental Office Building	439	0 %	0	439
820 - Shopping Center	2679	30 %	804	1875
430 - Golf Course	1287	0 %	0	1287

<b>ITE Deviation Details</b>	
<b>Weekday</b>	
Landuse	No deviations from ITE.

Methods	No deviations from ITE.
External Trips	<p>210 - Single-Family Detached Housing ITE does not recommend a particular pass-by% for this case.</p> <p>230 - Residential Condominium/Townhouse ITE does not recommend a particular pass-by% for this case.</p> <p>720 - Medical-Dental Office Building ITE does not recommend a particular pass-by% for this case.</p> <p>820 - Shopping Center ITE does not recommend a particular pass-by% for this case.</p> <p>430 - Golf Course ITE does not recommend a particular pass-by% for this case.</p>

Summary		
Total Entering		13831
Total Exiting		13827
Total Entering Reduction		0
Total Exiting Reduction		0
Total Entering Internal Capture Reduction		442
Total Exiting Internal Capture Reduction		442
Total Entering Pass-by Reduction		409
Total Exiting Pass-by Reduction		395
Total Entering Non-Pass-by Trips		12980
Total Exiting Non-Pass-by Trips		12990

Attachment B – FDOT Connection Permit – Hawks Haven

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TRAFFIC CONTROL SHALL COMPLY WITH  
THE FEDERAL MANUAL ON UNIFORM  
TRAFFIC CONTROL DEVICES [MUTCD] AND  
FDOT DESIGN STANDARDS 600 SERIES.

DRIVEWAY CONNECTION PERMIT  
FOR ALL CATEGORIES

PART 1: PERMIT INFORMATION

APPLICATION NUMBER: 04-A-192-0061

Permit Category: F Access Classification: 3

Project: Hawks Haven

Permittee: Duke Capital LLC on behalf of Hawks Haven Developers, LLC

Section/Mile Post: 12020 / 11.554 State Road: 80

Section/Mile Post: \_\_\_\_\_ State Road: \_\_\_\_\_

PART 2: PERMITTEE INFORMATION

Permittee Name: Duke Capital LLC on behalf of Hawks Haven Developers, LLC

Permittee Mailing Address: c/o Land Mar Group, L.L.C., 9110 College Point Court

City, State, Zip: Fort Myers, Florida 33919

Telephone: (239) 851-3225

Engineer/Consultant/or Project Manager: Carolyn Gish, P.E.

Engineer responsible for construction inspection: Carolyn Gish, P.E. 53845

.NAME P.E. #

Mailing Address: 7741 North Military Trail, Suite 5

City, State, Zip: Palm Beach Gardens, Florida 33410

Telephone: (561) 840-8650 FAX, Mobile Phone, etc.: (561) 840-8590

**APPROVED**

FOR DOT PERMIT # \_\_\_\_\_

PART 3: PERMIT APPROVAL

The above application has been reviewed and is hereby approved subject to all Provisions as attached.

PERMIT NUMBER: 04-A-192-0061

Signature: *Sarah T. Clarke* Department of Transportation Title: Permits Manager

Department Representative's Printed Name: Sarah T. Clarke

Temporary Permit YES ☒ NO ☐ (If temporary, this permit is only valid for 6 months)

Special provisions attached YES ☒ NO ☐

Date of Issuance: 2-2-05

If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specified in 14-96.007(6).

See following pages for General and Special Provisions

**SEE ATTACHMENT**



#### PART 4: GENERAL PROVISIONS

1. Notify the Department of Transportation Maintenance Office at least 48 hours in advance of starting proposed work. Phone: (239) 656-7813, Attention: Marla Bricher
2. A copy of the approved permit must be displayed in a prominent location in the immediate vicinity of the connection construction.
3. Comply with Rule 14-96.008(1), F.A.C., Disruption of Traffic.
4. Comply with Rule 14-96.008(7), F.A.C., on Utility Notification Requirements.
5. All work performed in the Department's right of way shall be done in accordance with the most current Department standards, specifications and the permit provisions.
6. The permittee shall not commence use of the connection prior to a final inspection and acceptance by the Department.
7. Comply with Rule 14-96.003(3)(a), F.A.C., Cost of Construction.
8. If a Significant Change of the permittee's land use, as defined in Section 335.182, Florida Statutes, occurs, the Permittee must contact the Department.
9. Medians may be added and median openings may be changed by the Department as part of a Construction Project or Safety Project. The provision for a median might change the operation of the connection to be for right turns only.
10. All conditions in NOTICE OF INTENT WILL APPLY unless specifically changed by the Department.
11. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
12. **Transportation Control Features in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove or modify any present or future transportation control feature or device in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.
13. The Permittee for him/herself, his/her heirs, his/her assigns and successors in interest, binds and is bound and obligated to save and hold the State of Florida, and the Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect or omission by the applicant, his/her heirs, assigns and successors in interest that may occur by reason of this, facility design, construction, maintenance or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
14. The Permittee shall be responsible for determining and notify all other users of the right of way.
15. Starting work on the State Right of Way means that I am accepting all conditions on the Permit.

## PART 5: SPECIAL PROVISIONS

NON-CONFORMING CONNECTIONS: YES NO

If this is a non-conforming connection permit, as defined in Rule Chapters 14-96 and 14-97, then the following shall be a part of this permit:

1. The non-conforming connection(s) described in this permit is(are) not permitted for traffic volumes exceeding the Permit Category on page 1 of this permit, or as specified in "Other Special Provisions" below.
2. All non-conforming connections will be subject to closure or relocation when reasonable access becomes available in the future.

### OTHER SPECIAL PROVISIONS:

- The proposed connection and full median opening will be signalized at the applicant's expense when the signal warrants are met as determined by the Florida Department of Transportation Traffic Operation Division. All necessary analyses for determination of signal warrants, the development of detailed signalization design plans and all construction costs will be the responsibility of the applicant.
- The full median openings at South Olga Road and Linwood Avenue will be directionalized by the applicant at the applicant's expense when requested by the Florida Department of Transportation and/or signalization of the Hawk's Haven connection occurs.
- A minimum of one hundred fifty feet (150') of connection throat depth as measured from the right of way line must be maintained. This must be in the form of a recorded deed restriction.
- Features within the State Highway Right of Way, such as median openings and traffic control devices are not part of the connection(s) to be authorized by a connection permit. Except as otherwise provided herein, the Florida Department of Transportation reserves the discretion to determine the phasing, timing, and features for all traffic signals installed in the State Highway System.
- The approved permit with the stated conditions, including the legal description for all parcel(s) as shown in the approved site plan will be recorded with the Lee County Courthouse prior to commencement of construction or within 30 days of the permit approval date, whichever is less. Copy of said record must be provided to the Fort Myers Operations Center within said time line.

## PART 6: APPEAL PROCEDURES

You may request an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. If you disagree with the facts stated in the foregoing Notice of Intended Department Action (hereinafter "Notice"), You may request a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may request an informal administrative hearing pursuant to Section 120.57(2), Florida Statutes. You must send the written request to:

Clerk of Agency Proceedings  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458

The written request for an administrative hearing must conform to the requirements of either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and must be received by the Clerk of Agency Proceedings by 5:00 P.M., no later than 21 days after you received the Notice. The written request for an administrative proceeding should include a copy of the Notice, and must be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, and telephone number, and the Department identifying number on the Notice, if known, and name, address, and telephone number of your representative, if any;
2. An explanation of how you are affected by the action described in the Notice.
3. A statement of how and when you received the Notice.
4. A statement of all disputed issues of material fact. If there are none, you must so indicate.
5. A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle you to relief; and
6. A demand for relief.

A formal hearing will be held if there are disputed issues of material fact. If a formal hearing is held, this matter will be referred to the Division of Administrative Hearings, where you may present witnesses and evidence and cross examine other witnesses before an administrative law judge. If there are no disputed issues of material fact, an informal hearing will be held, in which case you will have the right to provide the Department with any written documentation or legal arguments which you wish the Department to consider.

Mediation, pursuant to Section 120.573, Florida Statutes, will be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

If a written request for an administrative hearing is not timely received you will have waived your right to have the intended action reviewed pursuant to Chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

# ATTACHMENT 5

## MEMORANDUM FROM PUBLIC WORKS Natural Resources Division

**Date:** August 15, 2013

**TO:** Paul O'Connor  
Director, Planning Division

**From:** Roland Ottolini  
Director, Natural Resources  
Division

**SUBJECT:** DCI2013-00003 River Hall Amendment

Natural Resources staff has reviewed the information provided by the applicant; it is our understanding that the proposed amendment will propose a letter modification requesting that groundwater water level monitoring of the Sandstone aquifer be reinstated back into the renewed Water use permit. Staff believes that once the proposed letter modification to the Consumptive Use permit is approved by the South Florida Water Management district, staff concerns for impacts to the adjacent property owners due to groundwater withdrawal have been addressed. Therefore any impacts to groundwater resources can be monitored and quickly addressed should an impact occur.

Based on the information provided and given the above concern is addressed in the River Hall Development agreement, the Lee County Division of Natural Resources finds that no significant impacts on present or future water resources should result from the proposed change to Amend the existing Residential Planned Development, RPD and Commercial Planned Development, CPD zoning to increase the number of residential dwelling units in the River Hall community by 1,000 and include additional recreational uses within the commercial portion of the community. The Division of Natural Resources staff recommends that the Board of County Commissioners make a formal finding that no significant impacts on present or future water resources.

# ATTACHMENT 6

**Dunn, Brandon**

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**From:** Gaither, Wayne  
**Sent:** Thursday, October 18, 2012 3:22 PM  
**To:** Dunn, Brandon  
**Cc:** Brown, Jill  
**Subject:** FW: CPA2012-00001 - River Hall  
**Attachments:** 20121017114752.pdf

Brandon,

The attached letter was submitted to Tina Mayfield-Ekblad, Morris-Depew Associates, Inc. in response to a determination of service availability for mass transit request. In the letter it is clearly stated there currently are no fixed route transit service available and only limited ADA service to the proposed development. It is also stated there are no future plans to extend transit services beyond the current configurations throughout the 2012 – 2021 Transit Development Plan horizon.

Changing the land-use designation from rural to a sub-urban land-use category could imply a need for services that are either found in urban setting or feed urban settings. In the case of fixed route mass transit or the transportation of ADA riders through the LeeTran Passport Service, I did not find sufficient response to determine how an increase in demand for these services would be funded. As was stated above, there are no plans for expanding the service in this area which would create another potential unfunded need for transit services within the horizon of the 2012-2021 Transit Development Plan. Additionally, a development of this size also requires an expansion of other public uses ranging from parks/open spaces to additional demands on schools. Both could create new demands for transit services beyond the existing service boundaries. These potential additional needs and expansion of services will only be met by an increase in funding or a decrease in systemwide transit service.

I submit the following Lee Plan Policies and Objectives as ones needing to be addressed as a part of the Comprehensive Plan Amendment 2012-00001.

Policy 43.1.4  
Policy 43.1.6  
Policy 43.1.7  
Policy 43.1.8  
Objective 43.2  
Policy 43.2.1  
Policy 43.3.2  
Policy 43.4.2  
Policy 43.4.3

Sincerely,

Wayne Gaither

H. Wayne Gaither  
Planner, LeeTran  
(239) 533-0344  
[www.rideleetrans.com](http://www.rideleetrans.com)



---

**From:** Miller, Janet

**Sent:** Thursday, October 04, 2012 4:07 PM

**To:** 'fmsfdchief@hotmail.com'; Calvert, Daniel; Campbell, Gerald; Clark, Roger; Collins, Donna Marie; Dave Lindsay, East County Water Control District; Dawn Huff, Lee County School Board; Dickerson, Kim (Mary); Eckenrode, Peter; ext-Linblad, Ellen (flylcpa.com); Fredyma, John; Griffith, Douglas; Harner, David; Hock, Donna M.; Horsting, Michael; Houck, Pamela; Karuna-Muni, Anura; Kevin Farrell, Sheriff's Office; Lee, Samuel; LeSage, Tessa; Lis, Carol; Loveland, David; Maguire, Karen L; Meurer, Douglas; Miller, Janet; Moore, James; Myers, Steve; Newman, William; Noe, Susan; Olson, Cathy; Ottolini, Roland; Pavese, Michael; Price, Robert; Roberts, Rickey; Rudge, Daniel; Sajgo, Gloria; Sampson, Lindsey; Stewart, Robert; Sweigert, Rebecca; Wayne Gale, Director Mosquito Control; Wegis, Howard; Werst, Lee; Wilson, John; Wu, Lili; Zettel, Mary

**Cc:** Dunn, Brandon

**Subject:** CPA2012-00001 - River Hall

Good Afternoon:

Lee County Planning staff has recently received a privately sponsored amendment to the Lee Plan for the 2012/2013 Regular Amendment Cycle. Below is a link to the 2012/2013 Regular Amendment Cycle page on the Department of Community Development website. This page will allow you to access the application.

<http://www.leegov.com/gov/dept/dcd/Planning/Amendments/Pages/amendment.aspx?aid=610>

Please review the application provided by the applicant and advise Lee County Planning staff if it is sufficient for review, or if additional materials are needed for a complete review.

Please provide this sufficiency review to Planning staff by October 25<sup>th</sup>.

If you do not have any sufficiency items, you may provide substantive comments at this time.

If you have any questions, feel free to contact Brandon Dunn at 533-8585.

Janet Miller  
Administrative Assistant  
DCD Administration  
[millerjm@leegov.com](mailto:millerjm@leegov.com)  
(239) 533-8583 PHONE  
(239) 485-8319 FAX

Join our online public forum at [www.leecountytownhall.com](http://www.leecountytownhall.com)

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.





BOARD OF COUNTY COMMISSIONERS

John E. Manning  
*District One*

Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

Michael D. Hunt  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

October 17, 2012

Ms. Tina Mayfield-Ekblad  
Morris-Depew Associates Inc  
2914 Cleveland Ave  
Fort Myers, FL 33901

Re: River Hall (formerly Hawks Haven) – Request for Letter of Availability

Dear Ms. Ekblad,

In reviewing your letter of August 23, 2012 requesting a determination of service availability from LeeTran for the Residential Planned Development please find the following:

- 1) Currently, LeeTran does not provide service to Hawk's Haven (proposed River Hall) as it lies outside of the ¼ mile transit service buffer. The closest transit route to the site is Route 100.
- 2) Currently, only a small area of the proposed River Hall RDP, in the northwest section of the development, is eligible for ADA service through LeeTran. The remainder of the development lies outside of the ¼ mile ADA transit service buffer.
- 3) The FY2012-2021 Transit Development Plan does not include the expansion of transit services beyond their current service area, for the Route 100. This also means that there are no plans to expand ADA services in this area.

Should you have any additional questions, please feel free to contact me at your convenience.

Sincerely,

H. Wayne Gaither  
Planner, LeeTran

file



# ATTACHMENT 7

**Dunn, Brandon**

---

**From:** Lauren Hennessey [lhennessey@M-DA.com]  
**Sent:** Thursday, September 12, 2013 9:46 AM  
**To:** Dunn, Brandon  
**Subject:** Copy of request for availability letter (Lee county Division of Public Safety) River Hall  
CPA201200001- MDA project# 12061  
**Attachments:** 12061- 2013-09-11 Letter of Availability Lee County Public Safety PDF.pdf

Good morning Brandon,  
Attached is a copy of the request for letter of availability from the Lee County Division of Public Safety. River Hall  
CPA201200001.  
MDA project# 12061

Best Regards,  
Lauren Hennessey  
Planning Technician

**Morris-Depew Associates, Inc**  
**(239)-337-3993**  
**Fax (239)-337-3993**  
**Metro Center 1**  
**2891 Center Pointe Drive, Unit 100**  
**Fort Myers, FL 33916**

**RECEIVED**  
**SEP 12 2013**

**COMMUNITY DEVELOPMENT**

## Emergency Response to River Hall

1 December 2012

**RECEIVED**  
SEP 12 2013

**COMMUNITY DEVELOPMENT**

Lee County EMS has been asked to consider the response capability to River Hall near the intersection of Buckingham and SR 80.

It is our determination that the Lee County EMS response time is projected to be between 7:00 and 17:00. Approximately 7:00 to reach the development and approximately 17:00 to get the far end of the development where Phase II is building. Searching dispatch database for the calendar year 2011, there were 20 responses to River Hall. The actual response times were between 10 and 14 minutes. The actual response times correlate with the projected response times.

The two nearest ambulances are medic 11 and medic 26. Medic 11 is located at the Department of Forestry at 10941 Palm Beach Boulevard. This address is 5.2 miles away. Based on past data, this medic responds most often to River Hall.

M26 is slightly farther away. It is located at 9351 Workmen Way. This station is 8 miles away. This medic is not expected to respond unless M11 is out of station.

River Hall resides within the Fort Myers Shores Fire District. The nearest fire station is located at 12345 Palm Beach Boulevard and is within 3.5 miles of River Hall. Based on historical dispatch data, engine 81 or engine 82 accompany medic 11 on calls within the development.

Medic 11 has an expected response time of 6:48 to arrive at the entrance of River Hall.

Map 1.) Medic 11 drive time to River Hall entrance.



In order to travel deep within the River Hall community would take an additional 11+ minutes. The end point is Walnut Run and is within Phase II of River Hall.

Map 2.) Medic 11 drive time to Phase II within River Hall.



The next nearest medic is M26, approximately 11:25 away responding with lights and sirens. However this medic only in the event of M11 being out of station – which is not often.

Map 3.) Medic 26 drive time to River Hall entrance.





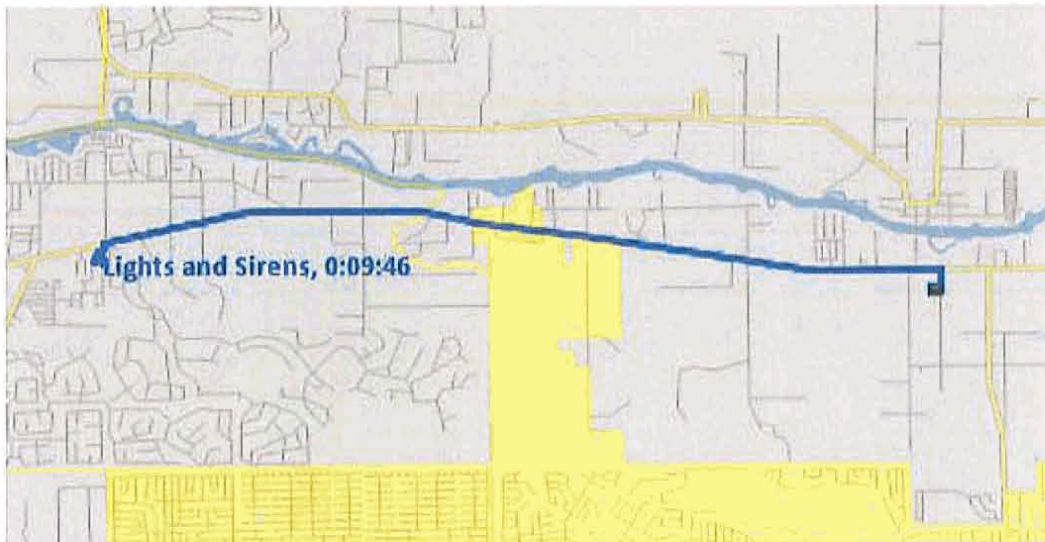
Medic 26 would require about 22:39 minutes to reach the far end of the development (Walnut Run). However this would only be in the event of M11 being out of station.

Map 4.) M26 drive time to Phase II of River Hall.



The Alva Medic does not transport patients, but it is Advanced Life support equipped. The Alva medic has a response time of 9:46 responding with lights and sirens.

Map 5.) Alva Medic drive time to River Hall.



In calendar year LCEMS responded to 20 calls in River Hall with an average response time of 11:23. The Fort Myers Shores Fire District responded to those same calls with an average response time of 7:29. These averages are from the fire station where the unit resides, to the residence of the 911 caller. The majority of these responses are handled by engines 81 and 82, and M11.

Map 6.) Calls within River Hall and Phase II



The current population of River Hall may be serviced within COPCN goals depending on the location within the community and the availability of the closest ambulance. If the closest ambulance, Medic 11, is in quarters and the call is near the entrance, response can be expected to be below the COPCN goal of 8:59. If the ambulance responsible for the primary response to River Hall is busy, the next closest unit will not be available to respond with the COPCN goal of 8:59. If the primary unit is in quarters, it will depend on where in River Hall the call occurs for LCEMS to be able to respond in 8:59; the further from the entrance, the longer the response time. As build out and full occupation of River Hall is achieved, LCEMS will have difficulty of achieving the goal of 8:59.



# ATTACHMENT 8

3410 Palm Beach Blvd  
Fort Myers, FL 33916  
Phone 239-533-7275 Fax 239-485-2300

## Memorandum

**To:** Mary Gibbs, Director  
Lee County Department of Community Development

**From:** David Harner II, Director *DWH*  
Lee County Department of Parks and Recreation

**Date:** May 23, 2014

**Subject:** River Hall Plan Amendment CPA2012-00001

Ms. Gibbs,

This memorandum pertains to the River Hall Plan Amendment (CPA2012-00001) and the service level needed within the Fort Myers Shores Planning Community. The Lee County desired level of service for parks is currently met within the Fort Myers Shores Planning Community. The Lee County Parks and Recreation Department is not currently seeking to go above the desired service levels. We have also been made aware that citizens who attended the recent public meeting were not in favor of adding park facilities within the River Hall boundary if they were open to the general public.

At the same time, we would like to point out that there is a canal on the eastern boundary of the River Hall Community that abuts Hickey's Creek Mitigation Park (HCMP), a county-owned park. The applicant is proposing a private trail for the residents of River Hall. However, due to the protection of listed species, security concerns, and legal issues associated with any type of trail connecting to HCMP from anywhere other than the designated park entrance (17980 Palm Beach Blvd.), we continue to recommend that the east-west path of the previously proposed trail for the residents terminate on the western side of the canal (maintained by the East County Water Control District). Lee County Parks and Recreation Staff looks forward to communicating with you and your staff on this project.

LEE COUNTY  
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# **ATTACHMENT 9**

## **CPA2012-01 RIVER HALL PRIVATELY SPONSORED AMENDMENT TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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## **THE LEE PLAN**

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**BoCC Staff Report  
For the  
October 22, 2014 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*

**October 8, 2014**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2012-01**



**Text Amendment**



**Map Amendment**

	<b>This Document Contains the Following Reviews</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to Review Agencies' Comments</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: June 13, 2014

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVES:**

GreenPointe Communities, LLC. / Dave Depew, Ph. D., AICP, Morris-Depew Associates, Inc.

**2. REQUEST:**

Amend the future land use category of 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban.

Adopt Policy 5.1.11 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.

Amend Policy 21.1.5 to cap the density of the River Hall development at 2,850 dwelling units.

Also amend Table 1(b), Year 2030 Allocations, to adjust the acreage allocations for the Fort Myers Shores Planning Community to provide an allocation for the Sub-Outlying

Suburban future land use category by lowering the allocation to the Rural future land use category.

## **B. EXECUTIVE SUMMARY**

The River Hall Comprehensive Plan Amendment was originally filed by GreenPointe Communities LLC., on September 27, 2012. That amendment was not transmitted by the Board of County Commissioners. At the time of the transmittal hearing, on September 25, 2013, there were only four sitting members of the Board leaving one vacant seat. Motions were made to transmit the Plan Amendment to State reviewing agencies and to remand the Plan Amendment to the Local Planning Agency. Both of these motions ended in a 2 to 2 vote. The effect of the Board's action at the transmittal hearing on September 25, 2013, was to deny the Plan Amendment.

Section 163.3181(4) of the Florida Statutes provides that, if requested by an owner whose plan amendment has been denied, the local government must afford an opportunity to the owner for informal mediation or other alternative dispute resolution processes. On January 9, 2014 the applicant filed a request with the County pursuant to this section, and the County authorized informal alternative dispute resolution to proceed with GreenPointe on February 4, 2014. County staff and GreenPointe engaged in a mediation conference on March 5, 2014. Following this conference, County Attorney staff and the applicant's representatives drafted an agreement that outlined a review process. That process was approved by the Board of County Commissioners at their regular meeting of April 1, 2014. This application is being reviewed in accordance with that process.

The amendment, as currently proposed, asks to reclassify portions of the River Hall development to allow for an increase in the property's density by changing the future land use category from Rural to Sub-Outlying Suburban. It also requests to amend policy language to allow for density from Conservation Uplands to be transferred to contiguous uplands and to establish a cap in the number of allowable dwelling units on the River Hall development. The results of these proposed amendments would allow an additional 851 dwelling units to be permitted within the River Hall residential community. The applicant has provided that the additional units will be located in areas that have already been slated for development through the existing approved zoning Master Concept Plan.

Several things have occurred during and subsequent to the original amendment's first public hearing that have caused staff to reconsider their prior recommendation:

- At the LPA hearing County Parks and Recreation staff raised concerns about the trail that was proposed to connect to the Hickey's Creek Mitigation Park. Hickey's Creek is, among other things, a mitigation area for gopher tortoises and other endangered species. Parks and Recreation staff was concerned that an additional entrance to the park on its west border could have negative effects on the wildlife. They did not want this entrance, which until this point, had been considered as one of the public amenities being offered by the applicant.

- The Local Planning agency did not agree with staff's initial findings and found that there was not an "overriding public necessity" to increase the density and that the proposed amendment would substantially alter the character of the rural subdivision.
- Following the LPA meeting Lee County EMS provided an analysis of EMS service, noting that *"as build out and full occupation of River Hall is achieved, LCEMS will have difficulty of achieving the goal of 8:59."*
- On September 25, 2013 the Board of County Commissioners (BoCC) failed to transmit the proposed amendment at the Transmittal Hearing.

The application was resubmitted by the applicant consistent with the agreement reached with the BoCC. Subsequently, modifications to the original application were submitted that lowered the requested number of units by 149, committed to the design, permitting and construction of a traffic signal at the intersection of State Road 80 and River Hall Parkway, and committed to constructing a pedestrian and bicycle facility along State Road 80.

Based on concerns heard during the LPA and BoCC Transmittal Hearings the County Attorney's Office provided a memo advising staff to do a reanalysis of the meaning of the phrase "overriding public necessity." The memo also included guidance for completing the reanalysis. Staff's conclusion in the reanalysis of "overriding public necessity" found that the need for additional units, and not the need for public amenities, should form the basis of the interpretation.

Since the first staff report staff has also had additional time to review the commitments proposed by the applicant, which were submitted by the applicant approximately one month prior to the publication of the original report to address the required finding of "overriding public necessity." Staff has found that many of the commitments made by the applicant had been previously committed to or required based on the current approvals for 1,999 dwelling units, and that very little new public benefits were being provided. For example, a copy of the 2005 connection permit for work within the State Road 80 right-of-way was provided to Lee County staff from FDOT on April 24, 2014. This permit requires developer funding for the traffic signal at the intersection of State Road 80 and River Hall Parkway when the signal is warranted. On April 29, 2014 FDOT notified staff that they had determined that the signal was now warranted.

Also, as part of the application process that was agreed to by the applicant and Lee County, the applicant was required to hold a community informational meeting within the Caloosahatchee Shores Planning Area. Staff attended this meeting where the applicant presented the proposed changes to residents of River Hall and the surrounding community. The residents in attendance were also able to ask questions and provide comments to the applicant. Residents within River Hall were concerned with security from facilities that would be open to the public, as well as any impacts on the internal amenities (such as golf course memberships) from an additional 1,000 dwelling units. Residents from the surrounding communities were concerned with impacts to the environment and the rural character of the Caloosahatchee Shores Planning area if 1,000 dwelling units were added to

River Hall. To address the concerns heard at the community informational meeting the applicant submitted revisions to the application on May 12, 2014. These revisions included an amendment to Policy 21.1.5, part of the Caloosahatchee Shores Community Plan, to limit the number of additional dwelling units to 851, a reduction of 149 units.

## **C: STAFF RECOMMENDATION AND FINDINGS OF FACT**

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

After reviewing the revised request, including the proposed text amendments and Table 1(b), staff recommends that the BoCC ***not transmit*** the proposed amendment for the reasons outlined in this staff report including:

- The amendment does not qualify as an overriding public necessity.
- The plan amendment causes the remaining River Hall Rural lands, which are not included in the amendment, to exceed their allowable density. This is inconsistent with their future land use category and with Lee Plan 5.1.10, which prohibits non-urban areas from exceeding their allowable density.
- The proposed amendment would increase residential density near the Hickey Creek Mitigation Park.
- The plan amendment would create enclaves of future land use categories within the development.
- The Caloosahatchee Shores community plan goal is to retain its' rural character and rural land use where it currently exists. The plan amendment would redesignate almost 27% of the Planning community's Rural category to an urban category. This could set a precedent for more intensive development requests in this and other rural areas.
- The addition of 851 more dwelling units on SR 80 will exacerbate the projected unacceptable condition of roadway segment failures.

### **2. FINDINGS OF FACT:**

- The subject property has been subject to three previous comprehensive plan amendments, CPA2004-10, CPA2005-07 and CPA 2012-01. These previous requests were similar in seeking the Sub-Outlying Suburban future land use category and were not approved.
- The Proposed amendment would result in densities greater than one acre in the areas remaining in the Rural future land use category.
- The proposed amendment would create several small enclaves of future land use categories.
- The amendment would remove approximately 27 percent of the Rural lands category from the total Rural designation in the Fort Myers Shores Planning Community.
- The term "overriding public necessity" was intended to have a strict meaning designed to protect the rural character of the community from amendments that will intensify development.
- Staff's analysis defines "overriding public necessity" as: *An unavoidable or indispensable need of all the people of Caloosahatchee Shores that requires precedence over other considerations or interests.*

- The “overriding public necessity” requirement seeks an analysis of the need for the actual land use amendment that is being requested and not the need for public amenities offered.
- There are approximately 4,950 approved vacant residential lots that have been created in the Caloosahatchee Shores community planning area since December of 2000.
- Additional residential units will cause additional traffic/transportation level of service deficiencies at the project entrance on S.R. 80, and could cause level of service deficiencies at nearby intersections such as Buckingham Road/S.R. 80 and S.R. 31/S.R. 80.
- The re-designation of the land from Rural to Sub-Outlying Suburban will change the future land use category from a non-urban category to an Urban one, resulting in additional unfunded needs.
- The amendment will increase the potential for negative human/wildlife interactions.
- The amendment will allow the addition of 851 residential units adjacent to areas that are documented to contain endangered, threatened, or species of special concern including: gopher tortoise; burrowing owl; American Alligator; Florida Sandhill Crane; listed wading birds; and, Florida Scrub Jays.
- The amendment will increase the population accommodation capacity of the Future Land Use Map.

#### **D. BACKGROUND INFORMATION**

##### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 1,978 Acres.

**SIZE OF AMENDMENT AREA:** 1,287 Acres.

**PROPERTY LOCATION:** The subject property is located south of Palm Beach Boulevard (SR 80), approximately 6 miles east of I-75, east of Buckingham Road.

**EXISTING USE OF LAND:** The subject property is currently zoned for residential uses, including single-family and multi-family units. The subject property also contains indigenous preserve areas and recreational amenities, such as a golf course. Residential portions of the property are developed in a low density gated golf course community.

**CURRENT ZONING:** Residential Planned Development (RPD), and Commercial Planned Development (CPD).

**CURRENT FUTURE LAND USE CATEGORY (AMENDMENT AREA):** Rural future land use category (1,064 acres), and Wetlands future land use category (223 acres).

##### **2. INFRASTRUCTURE AND SERVICES:**

**FIRE:** Fort Myers Shores Fire and Rescue Service District.

**EMS:** Lee County EMS service area.



**LAW ENFORCEMENT:** Lee County Sheriff's Office.

**SOLID WASTE:** The subject site is located in solid waste Service Area 4.

**MASS TRANSIT:** LeeTran does not currently serve the subject site.

**WATER AND SEWER:** The subject site is within the Lee County utilities water and sewer service areas. The subject site is served by the Olga Water Treatment Plant and the City of Fort Myers Central Advanced Waste Water Treatment Plant.

### **3. ZONING HISTORY**

#### **Hawks Haven:**

The development was originally named Hawk's Haven and was approved as a Residential Planned Development, RPD by the adoption of Zoning Resolution Z-99-056 on October 18, 1999. This approval allowed the development of up to 1,598 dwelling units on 1,797 acres.

The RPD zoning was amended administratively by ADD2004-00067A. This amendment identified an emergency access, revised conditions, relocated the open storage and golf maintenance facilities, and identified the location of a 20 acre school site.

Subsequent local development order approvals for development of infrastructure, residential home sites, golf course, and other amenities were approved.

#### **River Hall:**

On September 19, 2005, the Board of County Commissioners approved a rezoning from RPD (original Hawk's Haven) and AG-2 to Residential Planned Development and Commercial Planned Development for an enlarged 1,978 acre development now named River Hall. This approval added 181 acres to the development and permitted up to 1,999 dwelling units; 15,000 square feet of office, and 30,000 square feet of retail.

### **4. COMPREHENSIVE PLAN BACKGROUND:**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the majority of the subject property was designated within the Rural land use category. Density for the Rural category was established by the 1984 plan with a maximum density of up to 1 dwelling unit per acre. The Rural land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community." There are also several areas in the Wetland future land use category within the amendment area on the subject property. The application identifies 223 acres within the Wetland future land use category. The category permits residential and recreational uses that do not adversely affect the ecological functioning of these areas. The maximum density in the Wetland future land use category is 1 dwelling unit per 20 acres.

Beginning in 2004 there has been a number of requests to amend the Lee Plan, affecting the subject property. Three private amendments seeking increased density were reviewed and denied by the Board of County Commissioners.

The three private and one publicly sponsored Lee Plan amendments are summarized below.

**CPA2004-00010: Hawks Haven.** A request to change approximately 1,623 acres of Rural designated land and 79 acres of Suburban land to Outlying Suburban with a density limit of 2 units per acre and Public Facilities for 20 acres of land for a school site.

To address the anticipated transportation impacts of an additional 1,000 proposed dwelling units on surrounding roads, the applicant, as part of CPA2004-10, proposed to amend Lee Plan Table 1(a) to add the following language:

*The property that is the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement, which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road. No development orders may be issued for the additional units until the construction of the improvement is included in the first three years of the County's Capital Improvement Program or the Florida Department Of Transportation Work Program.*

- February 27, 2004: Application Submitted.
- May 23, 2005: Local Planning Agency Hearing. LPA passed a motion recommending the Board not transmit the amendment with a 5 to 2 vote.
- June 1, 2005: Board of County Commissioners Transmittal Hearing. A motion was made and seconded to not transmit and **the applicant withdrew the case before the BoCC voted on the motion.**

**CPA2005-00007: River Hall.** A request to change 1,647 acres of land designated as Rural and 79 acres of land designated Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities, subject to text limiting the site to 2,800 units. In addition, the plan amendment provided that there would be a development agreement to fund the following improvements to the intersection of SR 80 and Buckingham Road:

- Add 2<sup>nd</sup> Northbound to Westbound Left Turn Lane
- Add 2<sup>nd</sup> Westbound to Southbound Left Turn Lane
- Add Northbound Right Turn Lane
- Add Southbound Right Turn Lane
- Add 2,500 foot 3<sup>rd</sup> Eastbound Through Lane
- Add 2,500 foot 3<sup>rd</sup> Westbound Through Lane

The development agreement would also specify that the applicant would fund the following improvements to the intersection of SR 80 and SR 31:

- Add 2<sup>nd</sup> Southbound to Eastbound Left Turn Lane
- Add 2<sup>nd</sup> Eastbound to Northbound Left Turn Lane
- Add a third through lane Westbound in advance of the SR 31 intersection

CPA2005-07 also included an amendment to Table 1(a) that proposed the implementation of these agreements. This proposed footnote is reproduced below:

*The property that is the subject of CPA 2005-00007 is eligible for an increase from 1,999 to 2,800 dwelling units upon execution of a development agreement that specifies the payment of the funds necessary to program the construction of the intersection improvements specified in Policy 36.1.1 (currently estimated at \$3,180,076) and any related right-of-way acquisition (including the costs of condemnation if necessary). Construction on the additional 801 units may not begin until the specified intersection improvements are complete, and the payment for the improvements does not exempt the project from transportation concurrency requirements at the time of local development order approval. The development order for southerly access to the River Hall development must have a Certificate of Completion prior to the issuance of the building permit for the 1,001<sup>st</sup> residential unit in the River Hall development. In addition, the initial sale of 80 of these units must be made available to families that qualify as moderate income families in accordance with Lee Plan definitions.”*

- September 30, 2005: Application submitted.
- November 27, 2006: Local Planning Agency Hearing. A motion was made recommending the Board not transmit with a 3 to 2 vote (one absent and one seat vacant).
- December 13, 2006: Board of County Commissioners Transmittal Hearing. Staff recommends not transmitting, but offers an alternative amendment with commitments offered by the applicant to provide off-site improvements, which would further mitigate the impacts. The BoCC voted 4 to 1 to transmit the alternative amendment.
- May 16, 2007: Board of County Commissioners Adoption Hearing. Staff recommends adopting the alternative amendment language. Following considerable public comment **the BoCC voted 4 to 1 to not adopt the proposed Amendment.**

**CPA2007-00001: Amendment to the Caloosahatchee Shores Community Plan.**

Following the second private request a publicly sponsored amendment was pursued by the East Lee County Council (ELCC). This proposal sought to amend the Future Land Use Element, Goal 21, to add a policy that provides that no land use map amendments to the remaining rural lands category within the Caloosahatchee Shore Community will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. The Board of County Commissioners adopted this amendment as Policy 21.1.5. This policy’s intent must be considered in reviewing the current request.

- April 2, 2007: Application Submitted.
- December 17, 2007: Local Planning Agency Hearing. The LPA voted 7 to 0 to transmit the proposed amendment.
- October 22, 2008: Board of County Commissioners Transmittal Hearing. The BoCC votes 5 to 0 to transmit the proposed amendment.
- February 25, 2009: Board of County Commissioners Adoption Hearing. **The BoCC voted 5 to 0 to adopt the proposed amendment.**

The community initiated this amendment in direct response to the two previous amendment requests involving the River Hall property. The community desired a higher standard to redesignate rural lands to a more intense land use category.

**CPA2012-00001: River Hall.** A request to amend the future land use category from 1,064 acres of land within the Rural Future Land Use Category and 223 acres of land within the Wetlands Future Land Use Category to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban. The request also sought to amend Policy 5.1.10 to allow density from lands designated as Conservation Lands Uplands to be relocated to contiguous developable uplands at the same underlying density as the developable uplands.

In CPA2012-01 the applicant provided that there would be a development agreement to address the finding of “Overriding Public Necessity” for a land use amendment affecting rural lands required by Policy 21.1.5. The applicant proposed to provide the following:

1. *Provision of public multi-modal trail facilities within the project to provide enhanced and greater non-vehicular access to amenities within the project as well as recreational, shopping, and school facilities outside of River Hall for the residents of River Hall as well as the Caloosahatchee Shores Community.*
2. *Greater utilization of existing infrastructure to accommodate growth in the area.*
3. *Greater utilization of land areas already committed to development within River Hall.*
4. *Expediting construction of a second access point to the south, which will facilitate school district and emergency vehicle access to River Hall.*
5. *Escrowed funds for the construction of a stoplight when warrants are met at the entrance to River Hall.*
6. *Construction of an 8-foot wide pathway along SR 80 between River Hall and Buckingham Road.*
7. *Providing enhanced public recreational opportunities for residents of River Hall and Caloosahatchee Shores, including dedication of a new park within the community that will be open to the public.*
8. *Accommodating drainage needs for the East County Water Control District.*
9. *Re-establishing the economic vitality and property values of the project in the post-recession era.*

- September 27, 2012: Application Submitted.
- August 26, 2013: Local Planning Agency Hearing. LPA passed a motion recommending the Board not transmit the amendment with a 6 to 0 vote.  
The LPA did not accept the basis and recommended findings of fact as advanced by staff.
  - The LPA found that there was not an “overriding public necessity” to increase the density.
  - The LPA found that the proposed amendment would substantially alter the character of the rural subdivision.
- September 25, 2013: Board of County Commissioners Transmittal Hearing.
  - A motion was made and seconded to **transmit** the amendment. The motion failed with a 2 to 2 vote.
  - A motion was made and seconded to **remand the amendment to the LPA.** The motion failed with a 2 to 2 vote.

Administrative Code 13-6 states that “*To be transmitted to the SLPA [State Land Planning Agency] the proposed amendment must receive an affirmative vote of not less than a majority of the members of the Board present at the hearing.*” The proposed amendment did not receive an affirmative vote of a majority of the Commissioners present; therefore the Board did not transmit the proposed amendment.

#### 4. SURROUNDING LAND USES AND FUTURE LAND USE DESIGNATIONS

The surrounding future land use categories consist of Urban Community, Suburban, Sub-Outlying Suburban, Commercial, Rural, Conservation Lands (Uplands and Wetlands), and Wetlands.

The lands to the south of the subject property are designated Urban Community and are within Lehigh Acres. The Urban Community lands within Lehigh Acres have been subdivided into ¼ acre single-family parcels and are primarily zoned RS-1. There are intermittent single-family homes developed in the area adjacent to the proposed amendment.

The Suburban lands are located near the northwest corner of the subject property and consists of single-family homes in RPD and RS-1 zoning districts. The approved density of these residential developments ranges between 2 and 4 units per acre. The Sub-Outlying Suburban lands are located near the southwest corner of the subject property and consist of vacant property that has been zoned for residential development (RPDs). These lands include two separate projects known as Buckingham 320 (DCI2004-00090) and Portico (DCI2004-00031). Buckingham 320 and Portico were approved with 2 dwelling units per acre.

The commercial lands are located on the north side of State Route 80, directly across from the River Hall entrance, River Hall Parkway. The property in the Commercial future land use category is vacant and is zoned AG-2. These commercial lands are subject to a rezoning request, DCI2012-00059, Olga Square. This rezoning request seeks approximately 371,000 square feet of various commercial uses. Also located to the north

are Rural lands that are zoned AG-2 and are currently vacant or developed with single-family homes.

Lands in the Conservation Lands future land use category are located to the east in the Hickey's Creek Mitigation Park. It is anticipated that the Conservation Lands will remain substantially in their natural state.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The subject property is located on Palm Beach Boulevard, State Route 80, approximately 0.8 miles east of Buckingham Road. The property is within the Caloosahatchee Shores Community Planning area, directly to the north of the Lehigh Acres Planning Community. The property is adjacent to the regionally significant Hickey's Creek Mitigation Park. These location attributes and others will be further discussed below.

The applicant is concurrently seeking an amendment to the existing zoning resolution and Master Concept Plan for the River Hall residential development. The proposed rezoning will result in a density that is inconsistent with the density permitted in the Rural future land use category, and is therefore inconsistent with the Lee Plan. To address these inconsistencies, that applicant has requested a privately initiated plan amendment. The proposed Lee Plan amendment, CPA2012-00001, consists of four modifications to the Lee Plan, as summarized at the beginning of this report. According to the May 12, 2014 application materials, the amendments would allow up to a maximum 2,850 residential dwelling units within the River Hall development.

The applicant has provided in the application materials that the proposed additional units will be constructed within the development footprint that has already been approved, with no impacts to existing or approved conservation areas or community amenities. The applicant provides that "The existing development footprint will be utilized for the additional density promoting the clustering of residential density and uses to improve the efficient use of land and existing utilities." This assures that the existing development footprint will be utilized and that no additional direct impacts will be made to the development's environmental features.

Environmental Sciences Staff has concerns that the additional units allowed by the increase in density will lead to increased and possibly negative human/wildlife interactions. While it is true the additional units will not directly impact current conservation areas, no additional protection measures have been proposed by the applicant that would help to minimize the increase in human/wildlife interactions. This concern is discussed in more detail in the "Environmental Considerations" section and in the Environmental Sciences memo attached to this staff report as Attachment 1.

There is also concern that the additional residential units, regardless of where they are constructed will cause additional traffic/transportation issues. Additional units will generate additional vehicle trips, which will increase level of service deficiencies at the project



entrance on S.R. 80, and could cause level of service deficiencies at nearby intersections such as Buckingham Road/S.R. 80 and S.R. 31/S.R. 80. To address some of these concerns, the Florida Department of Transportation permit for the already approved River Hall development includes a requirement for the installation of a traffic signal at the intersection of S.R. 80 and River Hall Parkway. The applicant has previously committed to accelerating the construction of the second, gated entrance to Ruth Avenue in Lehigh Acres.

There is also a concern that the re-designation of the land from Rural to Sub-Outlying Suburban will change the future land use category from a non-urban category to an Urban one. LeeTran, which does not currently provide service to this area, has expressed concern that the designation of this land, as an urban future land use category, may necessitate that urban types of services, such as transit, are provided. LeeTran states that this would result in additional unfunded needs.

This concern is backed by Objective 1.1 of the Lee Plan, which states that urban future land use categories *“are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.”* Whereas, Policy 1.4.1, the descriptor policy of the Rural future land use category states that *“These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.”* Additional public improvements and services may be necessary for future residents if the amendment is approved.

#### **Proposed Sub-Outlying Suburban Future Land Use category**

The applicant is proposing to amend the future land use designation for 870 acres of the River Hall development from Rural to Sub-Outlying Suburban. The proposed amendment does not include the entirety of the River Hall planned development because the applicant does not have unified control over all of the lands. The tracts of land that are not included in the amendment will remain in the Rural category. The proposed amendment would create several enclaves of both Rural and Sub-Outlying Suburban land if the amendment is approved. The applicant’s representatives have stated that the county could resolve this issue by amending these areas through a subsequent publicly sponsored amendment to the Plan.

Policy 1.1.11 is the descriptor policy for the Sub-Outlying Suburban future land use category. This policy provides that these areas contain predominately low-density residential development. It is intended that *“these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character.”* The standard density range is between 1 and 2 dwelling units an acre. Within the Sub-Outlying Suburban category commercial development greater than neighborhood centers and industrial land uses are not permitted.

The subject property is adjacent to other urban designated areas. Specifically, the properties to the west are designated as Suburban and Outlying Suburban. The Outlying Suburban property has been zoned for residential use, and site improvements have been made, however it remains mostly vacant. There are also urban designated lands to the south, within Lehigh

Acres, that are designated as Urban Community on the Future Land Use Map. The requested amendment is compatible with the adjacent residential developments to the west and south.

The properties to the north and east have non-urban designations. To the east is the Hickey's Creek Mitigation Park, a Lee County owned preserve. The proposed amendments to the Future Land Use Map would redesignate 417 acres of the subject site as Conservation Lands. The proposed addition to the Conservation Lands category includes areas just south of SR 80 along the east side of the entrance road, a large mostly wetland area near the center of the project, several areas located along the FP&L easement area, and a large area located along the eastern boundary of the River Hall development. This last area is proximate to the Hickey's Creek Mitigation Park. The 417 acres are part of 465.2 acres of overall required indigenous open space that is provided through the currently approved RPD. Of the 417 acres of proposed Conservation Lands, 349 acres also are currently covered by conservation easements. Placing the lands already encumbered by a conservation easement into the Conservation Lands category does not provide additional environmental protection. While the proposed Conservation Lands are a positive aspect of the proposed Lee Plan amendment, no additional preservation areas are being proposed either through the plan amendment or the concurrent rezoning.

The properties to the north are lands within the Rural future land use category, the same future land use category as the current River Hall designation. These properties include vacant agricultural lands and large lot residential parcels. Currently the Rural future land use category extends from Lehigh Acres to north to the Caloosahatchee River and in fact further to the north and east.

The applicant has stated that the proposed designation provides a step down in density from Lehigh Acres towards the Rural lands to the north. The applicant asserts that the project promotes infill and that the community is not remote. Staff does not agree. The property is located on the edge of urban designated lands in Lee County. Approving the request would have the effect of moving the interface between Lee County's rural and urban lands further north and east.

#### **Proposed Amendment to Policy 5.1.10**

The applicant is seeking to utilize density from lands that are being proposed to be re-designated to Conservation Lands – Uplands. The applicant is proposing a text amendment to Policy 5.1.10 to make this possible by generating density at the contiguous Sub-Outlying Suburban rate. The applicant is also proposing a modification to Policy 5.1.10, specifically paragraph number 3 to eliminate the requirement for single-ownership on the date Policy 5.1.10 was initially adopted and replace with "unified control at the time the Planned Development rezoning is adopted or amended".

The existing Future Land Use Map within the amendment area includes 1,064 acres of Rural lands and 223 acres of Wetlands. Based on Lee Plan densities, 1,075 units can be derived from the proposed amendment area and the River Hall total property could be permitted up to 2,134 dwelling units under the existing Future Land Use Map. The proposed amendments to the Future Land Use Map include 870 acres of Sub-Outlying Suburban, 264 acres of

Conservation Lands – Upland, and 153 acres of Conservation Lands – Wetlands. Based on Lee Plan densities, 1,740 units could be derived from the lands proposed to be Sub-Outlying Suburban. The proposed amendments to the Future Land Use Map alone would allow 2,799 without including the Conservation Lands, an increase in 665 dwelling units.

Because the applicant has identified lands to be re-designated within the Conservation Lands category, achieving the density proposed within the rezoning requires that density from these lands be utilized. Allowing density from the Conservation Lands-Uplands at the Sub-Outlying Suburban rate would provide an additional 528 units for a total of 3,327.

The proposed text amendment to Lee Plan Policy 5.1.10 is as follows:

***POLICY 5.1.10:*** *In those Instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:*

- 1. The Planned Development zoning is utilized; and*
- 2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- 3. The land ~~is was~~ under single ownership or unified control at the time the Planned Development rezoning is adopted or amended ~~this policy was adopted~~ and is contiguous; in situations where land under single ownership or unified control is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
- 4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property. In the event uplands are preserved within the Planned Development and are designated as Upland Conservation Lands on the future land use map, density may be relocated from the Upland Conservation Lands to contiguous developable uplands at the same underlying density permitted for the developable uplands.*

The applicant provides the following narrative concerning the proposed text amendment:

*“An amendment to Policy 5.1.10 is proposed to allow density from the future land use categories within the project to be summed and allocated within other areas of the River Hall Community. The amendment will also allow density from lands placed in the Conservation Uplands Category and under a conservation easement during the required planned development to be transfer to contiguous uplands at the requested density of the proposed FLU Amendment.”*

Staff understands the need of the proposed text amendment based on the subject property's current ownership status. The result of the amendment to paragraph 4 of the policy is similar to the way wetland density is calculated. However, it should be noted that the Wetlands land use category recognizes physical characteristics of the land and is not a designation selected by a property owner. On the other hand the designation to Conservation Lands is a choice of the property owner.

Such an amendment could lead to additional voluntary land use amendments to the Conservation Lands future land use category; however, staff has several concerns with the proposed text amendment. The property includes Suburban designated property that is not included in the amendment or rezoning area. The applicant narrative indicates that density will be utilized from these Suburban areas, even though those property owners have not joined in with these requests. There is the question of who really owns or is entitled to the unused Suburban density.

If the amendment is approved the land remaining in the Rural category will become inconsistent with paragraph 2 of Policy 5.1.10. This paragraph prohibits density that exceeds the allowable density in a non-urban category. In accordance with this provision the existing RPD was conditioned to assure that the number of units in the Rural category did not exceed one unit per acre. A result of this amendment is the shrinking of the existing Rural area within this development. Staff has determined that there are 288 existing units and 581 vacant platted lots in the remaining Rural area. Staff has also calculated that the remaining Rural is 637.66 acres, resulting in a density of approximately 1.32 units per acre. This would make the remaining Rural area inconsistent with the Lee Plan density provisions.

The amendment to the date of unified control will broaden the application of Policy 5.1.10. The application does not attempt to analyze the potential effect on other properties as a result of this proposed amendment. Staff does not know the effect this amendment will have on additional properties. The potential inconsistency in the shrunken Rural category has also not been addressed. In the event that the plan amendment is transmitted, staff suggests alternative language should be devised prior to adoption to limit its potential effects and address the inconsistency.

#### **Table 1(b) & Map 16**

The applicant has proposed an amendment to Table 1(b), the Year 2030 Allocations Table. Staff finds that the amendment to Table 1(b) as proposed by the applicant is inappropriate. If the Board of County Commissioners desires to transmit the proposed amendment, staff recommends an alternative amendment to Table 1(b). This is further explained below.

The original allocations were a result of the 1989 Settlement Agreement with the Department of Community Affairs (DCA). This agreement required the County to amend the Future Land Use Map Series by designating the proposed distribution, extend, and location of the generalized land uses. The allocations were designed to reconcile the population accommodation capacity of the Future Land Use Map (buildout estimated to be 70 years in

1989) with the 20-year time frame in the text of the element. Map 16 and Table 1(b) provide the allocations and geographic applicability of the allocations. Map 16 identifies 22 Planning Communities. The subject property is within Planning Community #4, Fort Myers Shores. Table 1(b) uses the Planning Communities to allocate the number of acres that may be developed for residential, commercial or industrial uses within each future land use category before the year 2030. Lee Plan Policy 1.7.6 provides further guidance concerning the Planning Communities Map and Acreage Allocation Table (Table 1(b) and Map 16).

Currently the subject property has 1,064 acres of land within the Rural future land use category and 223 acres of land within the Wetlands future land use category. The applicant is proposing an amendment to the Future Land Use Map to add 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban. The applicant is also proposing an amendment to Table 1(b) so that sufficient acreage will be available to allow the build-out of the River Hall development should the proposed changes to the Future Land Use Map be adopted. The applicant originally proposed changes to Table 1(b) are as follows:

(Portion of) Table 1(b)  
Fort Myers Shores Planning Community

<b>Future Land Use Category</b>	<b>Remaining</b>	<b>Proposed</b>
Sub-Outlying Suburban	<u>367</u>	<u>851</u>
Rural	<u>1,064</u>	<u>0</u>
Conservation Lands Uplands	<u>0</u>	<u>274</u>
Conservation Lands Wetlands	<u>0</u>	<u>153</u>

This proposed change would result in no Rural acres remaining in the accommodation table. Staff notes that there are several large vacant parcels that have potential to seek residential development in the planning horizon. Amending the Rural allocation to zero as proposed by the applicant would preclude these vacant parcels from being developed within the planning horizon as specified by Policy 1.7.6. This could potentially even affect areas that are to remain in the Rural category within the River Hall development. Staff is not comfortable with this aspect of the proposed amendment. Staff also notes that no allocation is needed for the Conservation Lands.

The applicant simply allocated the lands within the amendment area between the Sub-Outlying Suburban and Conservation categories, and did not account for the difference in the existing and proposed categories' densities. Staff notes that the Sub-Outlying Suburban category accommodates twice the amount of development as the Rural category. This proposed amendment will increase the Map and allocation table population accommodation.

Upon further discussion with the applicant's representatives, it was determined that the project would need 486 acres of net residential acres at buildout within the Sub-Outlying Suburban category. If the amendment is transmitted, staff proposes that the allocation acreages in Table 1(b) be amended as shown on the following page.

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

Future Land Use Classification		Lee County Totals		Fort Myers Shores	
		Existing	Proposed	Existing	Proposed
<b>Residential By Future Land Use Category</b>	Intensive Development	1,367	1,352	20	5
	Central Urban	14,787	14,787	225	225
	Urban Community	18,425	18,425	637	637
	Suburban	16,623	16,623	1,810	1,810
	Outlying Suburban	4,105	4,105	40	40
	Sub-Outlying Suburban	1,548	1,728	367	547
	Industrial Development	79	79	0	0
	Public Facilities	1	1	0	0
	University Community	850	850	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0
	Burnt Store Marina Village	4	4	0	0
	Industrial Interchange	0	0	0	0
	General Interchange	42	42	0	0
	General/Commercial Interchange	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0
	University Village Interchange	0	0	0	0
	New Community	900	900	0	0
	Airport	0	0	0	0
	Tradeport	9	9	0	0
	Rural	8,313	8,313	1,400	1,400
	Rural Community Preserve	3,100	3,100	0	0
	Coastal Rural	1,300	1,300	0	0
	Outer Islands	202	202	4	1
	Open Lands	2,805	2,805	0	0
	Density Reduction/Groundwater Resource	6,905	6,905	0	0
	Conservation Lands Uplands	0	0	0	0
	Wetlands	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0
<b>Total Residential</b>		<b>81,373</b>	<b>81,538</b>	<b>4,500</b>	<b>4,665</b>
<b>Commercial</b>		<b>12,793</b>	<b>12,793</b>	<b>400</b>	<b>400</b>
<b>Industrial</b>		<b>13,801</b>	<b>13,801</b>	<b>400</b>	<b>400</b>
<b>Non Regulatory Allocations</b>					
Public		82,252	82,252	2,000	2,000
Active Agriculture		17,027	17,027	550	550
Passive Agriculture		45,859	45,859	2,500	2,500
Conservation (wetlands)		81,948	81,948	1,142	1,142
Vacant		22,122	21,957	226	61
<b>Total</b>		<b>357,175</b>	<b>357,175</b>	<b>11,718</b>	<b>11,718</b>
Population Distribution*		495,000	495,000	30,861	30,861

\* Population for Unincorporated Area of Lee County



### **Caloosahatchee Shores Community Plan Considerations**

The subject site is located within the Caloosahatchee Shores Community Planning Area as identified by Lee Plan Map 1, Page 2 of 8. The Caloosahatchee Shores Community Plan was undertaken by the Caloosahatchee Shores Community Planning Panel working as a sub group of the ELCC. The planning area encompasses that portion of the Fort Myers Shores planning community located east of I-75. Goal 21 of the Lee Plan is the Goal specific to the Caloosahatchee Shores Community. This goal expresses the community's desire to protect the existing community character, natural resources, and quality of life, while promoting new development, and redevelopment. The goal specifies "incentives for redevelopment, mixed use development, and pedestrian safe environments." Goal 21 also specifies "maintaining a more rural identity for the neighborhoods east of I-75." The Caloosahatchee Shores Community Plan (and Goal 21) was adopted on October 23, 2003. Goal 21 is reproduced below:

***GOAL 21: CALOOSAHATCHEE SHORES:*** *To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 8 in the Appendix.*

Lee Plan Objective 21.1 addresses Caloosahatchee Shores community character. This objective specifies that the community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the community for Lee County to consider for adoption and enforcement to help create a visually attractive community. The community submitted a plan amendment on April 2, 2007 to add a policy restricting future map amendments to rural lands. This became CPA2007-01 which was unanimously adopted by the Board of County Commissioners on February 5, 2009. This amendment added Policy 21.1.5, reproduced below:

***POLICY 21.1.5:*** *One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.*

The applicant is proposing to redesignate 870 acres from a non-urban designation to an urban designation. Currently there are 3,188.3 acres of Rural lands within the Fort Myers Shores Planning Community. The requested Future Land Use Map amendment would remove approximately 27 percent of the Rural lands category from the total Rural designation in the Fort Myers Shores Planning Community.

The applicant has proposed an additional text amendment to Policy 21.1.5. In the application materials submitted on May 12, 2014, the applicant states that the redraft to Policy 21.1.5

“caps the number of dwelling units in River Hall to 2,850.” The applicant’s proposed revision is identified below:

***POLICY 21.1.5: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its’ rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. For the River Hall Development located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, Lee County, Florida, total density for the development shall not exceed 2,850 dwelling units.***

Staff has concerns with the proposed amendment to Policy 21.1.5. These concerns are both from the potential interpretation of the new text, including its location in Policy 21.1.5, and the implementation of the new language. The proposed amendment, expressly providing that 2,850 dwelling units could be built in River Hall within Policy 21.1.5, could be interpreted as an exemption to the requirement that the Board of County Commissioners make a finding of overriding public necessity in order to change the land use category of the River Hall property. The applicant has not stated that this was the intent; however the proposed text located in this policy singles out this particular development as having entitlements to this number of units. In either case Policy 21.1.5 would have to be interpreted as it reads in today’s plan, requiring the finding of an overriding public necessity in order to approve the requested Future Land Use Map change.

Staff is also concerned with the implementation and specific location of the 2,850 dwelling units that would be allowable on the property. Because the dwelling units would not be tied to a specific density calculation staff is not sure who within River Hall will have the legal right to use the units, as the project as a whole is described. For example, will other property owners, such as a homeowners association or individual home owners try to utilize the additional units? In the event that the plan amendment is transmitted, staff suggests alternative language should be devised prior to adoption.

### **Overriding Public Necessity Definition**

The Lee Plan does not contain a definition of the term “overriding public necessity” in the glossary. In accordance with the guidance given Planning Staff in the County Attorney Office memo dated April 22, 2014 (Attachment 2), Managing Assistant County Attorney Michael Jacobs states:

*[The] absence of a specific definition does not mean the term is undefined as stated in the previous Staff Report. In circumstances where a statute or code does not provide a definition for a term, the term is to be given its common meaning, unless the context in which the term is used within the statute or code indicates that another definition or meaning should be given to the term. Furthermore, when statutory language is susceptible to more than one meaning, legislative history may be helpful in ascertaining legislative intent.*

The first step is to determine if the term “overriding public necessity” has a meaning that is different from the common meaning of the words. The County Attorney’s Office identified two methods to help determine whether a term has a different meaning than its common definition. The first is to review the circumstances that lead to the adoption or creation of the phrase within the Lee Plan. The second method suggested is to compare the purpose and use of the term “overriding public necessity” in other sections of the Lee Plan.

Using this analysis, Staff has gone back to the original amendment that added the term “overriding public necessity” to Policy 21.1.5, CPA 2007-00001. Staff has examined the staff report, read the minutes, and listened to the recordings made at the LPA, BoCC Transmittal, and BoCC Adoption Hearings.

At the November 19, 2007 Local Planning Agency Hearing, Planning staff introduced the amendment to the Caloosahatchee Shores Plan. Planning staff stated that the proposed addition to the plan was similar to language used within the Bayshore and Buckingham Community Plans. Staff also noted that the County Attorney’s Office was concerned about the proposed amendment. The concern raised was based on the implication of the term overriding public necessity, in that, this strict standard would freeze the Future Land Use Map as it existed at that time and would limit the ability of land owners to seek a change to their future land use category. Assistant County Attorney Donna Marie Collins explained that “Overriding Public Necessity” is a very strict standard that could only be met by a use such as a hospital or desperately needed school. The case was continued to allow staff time to calculate the acreage affected by the proposed policy. At the following meeting, held on December 17, 2007, the LPA members again discussed the amendment. The LPA voted unanimously to recommend that the Board of County Commissioners transmit the proposed amendment.

At the Board of County Commissioners’ Transmittal Hearing on October 22, 2008, Planning staff provided a brief overview of the amendment and noted that staff and the LPA recommended approval of the proposed amendment. One Commissioner asked what “overriding public necessity” and “rural character” meant. At the time a separate definition was not included in the amendment.

The amendment was reviewed by the state land planning agency and other state agencies. There were no objections or comments from them. At the February 25, 2009 Board of County Commissioners Adoption Hearing CPA 2007-00001 was adopted. Throughout the legislative history on the amendment, neither County Staff nor Commissioners provided a definition for the term or suggested a definition that differed from the common meaning of the terms. Following this historical examination of the amendment, staff also compared the purpose and use of the term “overriding public necessity” in other sections of the Lee Plan.

The phrase “overriding public necessity” is found in three other places within the Lee Plan. These objectives and policies are provided below:

**OBJECTIVE 17.1: LAND USE.** The primary land use designation for the Buckingham Community is “Rural Community Preserve.” Other land use designations exist within the

Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. *No land in the Buckingham Community will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners.* Land use decisions will be guided by preserving the rural and agricultural land use pattern. (Amended by Ordinance No. 00-22, 10-15)

**OBJECTIVE 20.1: LAND USE.** The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. *No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.* (Added by Ordinance No. 03-02)

**POLICY 26.2.2:** Land use amendments that would increase the allowable total density of Alva are discouraged. Land use amendments that would decrease the allowable total density of the area and that are otherwise consistent with the objectives and policies of this goal are encouraged in Alva. *No land use amendments to a more intensive category will be permitted unless a finding of overriding public necessity is made by a supermajority of the members of the Board of County Commissioners.* (Added by Ordinance No. 11-21)

In each of these provisions, a finding of overriding public necessity must be made in order to make a land use amendment to a more intensive category. The only locations in which overriding public necessity is used within the Plan are in provisions relating specifically to rural communities. In each of these provisions, the term is used in a strict manner with a designed purpose to protect the rural character of each community from more intensive development.

In analyzing the purpose of the term “overriding public necessity,” Staff analyzed whether the term requires a showing of an overriding public necessity for the proposed amendment (for example, increased density to allow additional residential units); or, whether it requires only an overriding public necessity for the public amenities offered by a developer in furtherance of acquiring the amendment. In the circumstances in which the term is used (Policy 21.1.5, Objective 17.1, Objective 20.1, Policy 21.1.5, and Policy 26.2.2), the purpose of the requirement is to protect an important aspect of each Community’s plan, that is to retain its’ rural character and rural land use. Each policy specifically references restrictions from intensifying land use categories. There is not discussion regarding the need for additional public amenities. The language does not support a position that the necessity requirement is to be applied to the offered public amenities. Notwithstanding, to suggest that the overriding public necessity phrase requires an analysis of the need for offered public amenities would ignore the purpose of the phrase and would require staff and property owners to assume that, prior to approving any land use amendment in these Communities, a property owner must agree to construct or pay for non-site related public amenities. Staff cannot read the language of the Plan to create this potentially illegal result.

Based on the analysis discussed above, staff finds that the purpose and use of the term “overriding public necessity” for Caloosahatchee Shores should be interpreted in a manner that is consistent with the use and purpose of the term in the Alva, Bayshore, and Buckingham provisions. Staff further finds that the term “overriding public necessity” was intended to have a strict meaning designed to protect the rural character of the community from amendments that will intensify development. Staff also finds that the “overriding public necessity” requirement seeks an analysis of the need for the actual land use amendment that is being requested and not the need for public amenities offered. Finally, staff finds that the use of the term in the Lee Plan was not intended to have a meaning that is different than the common meaning of the words. Therefore, staff has applied the common meaning of the words while reviewing the applicants proposed amendment.

In circumstances where a term is to be given its common meaning, the County Attorney’s Office has provided the following guidance concerning the method for determining the common meaning of a term:

*“Typically the common or ordinary meaning of a word is determined by reference to a standard dictionary. Merriam-Webster’s is one of those sources. In law, we typically use Black’s Law Dictionary. County Staff may refer to another standard dictionary if they wish to do so.*

Following this research staff has concluded that the common meaning of the words in the phrase should be applied. Staff has used two dictionaries as guidance in understanding the plain meaning of the phrase overriding public necessity. The first was Merriam-Webster.com. The definitions are as follows:

**overriding**

*adjective* : more important than anything else

**public**

*adjective*

: of, relating to, or affecting all or most of the people of a country, state, etc.

: of, relating to, paid for by, or working for a government

: supported by money from the government and from private contributors rather than by commercials

**necessity**

*noun*

: something that you must have or do : something that is necessary

: the quality of being necessary

The second dictionary uses by staff was Dictionary.com. The definitions are as follows:

**overriding**

*adjective*

1. taking precedence over all other considerations.

2. to disregard, set aside, or nullify; countermand: to override the board's veto.
3. to take precedence over; preempt or supersede: to override any other considerations.
4. to extend beyond or spread over; overlap.
5. to modify or suspend the ordinary functioning of; alter the normal operation of.

**public**

adjective

1. of, pertaining to, or affecting a population or a community as a whole: public funds; a public nuisance.
2. done, made, acting, etc., for the community as a whole: public prosecution.
3. open to all persons: a public meeting.
4. of, pertaining to, or being in the service of a community or nation, especially as a government officer: a public official.
5. maintained at the public expense and under public control: a public library; a public road.

**necessity**

noun

1. something necessary or indispensable: food, shelter, and other necessities of life.
2. the fact of being necessary or indispensable; indispensability: the necessity of adequate housing.
3. an imperative requirement or need for something: the necessity for a quick decision.
4. the state or fact of being necessary or inevitable: to face the necessity of testifying in court.
5. an unavoidable need or compulsion to do something: not by choice but by necessity.

Based on the definitions above, staff has concluded that the common meanings of the words in the overriding public necessity phrase do not create an absurd result and are consistent with the stated purpose and use discussed above. From these definitions staff offers the following as the way to interpret the phrase overriding public necessity:

- Overriding is precedence over all other considerations or interests.
- Public is generally the citizens of Lee County; or, in the case of community plans, public may refer to the citizens within the community planning area. It is staff's opinion that the use of the term overriding public necessity is not intended to require the need analysis to extend to all of Lee County, but to focus on the affected citizens. Therefore, the term public may vary according to the proposed amendment.
- Necessity is an unavoidable or indispensable need.

Based on staff analysis, staff defines "overriding public necessity" as: *An unavoidable or indispensable need of affected citizens that requires precedence over other considerations or interests.* In the context of the Caloosahatchee Shores community planning area, staff applied the following definition for overriding public necessity to review the proposed amendment:



*An unavoidable or indispensable need of all the people of Caloosahatchee Shores that requires precedence over other considerations or interests.*

### **Need for Additional Dwelling Units**

In this case, the applicant is seeking a land use map amendment to permit additional residential density on the subject Property. Staff finds that the “overriding public necessity” requirement requires an analysis of the need for the actual land use amendment that is being requested and not the need for public amenities being offered.

There are already thousands of acres of designated vacant urban land to the south and west of the subject site. These lands, in addition to being designated for urban/suburban uses are already zoned for residential uses. The River Hall property is currently zoned for 1,999 dwelling units; but, at the current time only 333, or about 16.6 percent, of these units have been constructed.

The Caloosahatchee Shores area contains several older developments that were platted prior to the county’s current Development of County Impact regulations or were developed under conventional zoning districts. Some of these include Fort Myers Shores, which is the largest of these subdivisions; Riverdale Shores; Paradise Shores; River Forest; and, Hawks Preserve. Most of these subdivisions are fairly built out, with occasional vacant parcels scattered throughout.

The newer developments, approved under Planned Development zoning, are not as fully developed. The table below identifies more recently approved Planned Developments that include residential dwelling units within the Caloosahatchee Shores Planning area.

	<b>Approved Zoning</b>	<b>Active Permits</b>	<b>Unbuilt</b>
<b>Project</b>	<b>Dwellings Units</b>	<b>or Occupied</b>	<b>Units</b>
Buckingham 345	690	0	690
Caloosahatchee Estates	90	0	90
Portico	1,178	6	1,172
River Hall	1,999	333	1,666
River Pointe	140	0	140
Verandah	1,700	915	785
Hemingway Pointe	207	0	207
SR 31 Multi-Family RPD	60	0	60
Marina Del Lago	140	0	140
<b>Total Units Area Wide</b>	<b>6,204</b>	<b>1,254</b>	<b>4,950</b>
Percentage of Total Units		20%	80%

\*See Attachment 3 for the location of the identified developments.

This large number of approved yet unbuilt dwelling units leads staff to conclude that currently there is not a need to increase allowable densities to add even more dwelling units within this planning community. The applicant has not justified or provided an analysis of

any public need for additional dwelling units, let alone an overriding public need for more units. Based on the information above, Staff finds that there is not an overriding public necessity for additional dwelling units. Staff recommends that the Board of County Commissioners find that there is not an “overriding public necessity” for this plan amendment based on the need for increased density or additional housing units.

### **Developer Agreement Commitments**

In an effort to show an overriding public necessity under Policy 21.1.5, the applicant has offered to construct a number of improvements through a developer’s agreement (“Agreement”). The apparent purpose for offering these commitments is to identify community needs and use the construction of those public amenities as a basis for meeting the overriding public necessity requirement. The revised Agreement dated May 12, 2014 is included in the application materials.

The applicant did not provide an analysis on whether there is an overriding public necessity for the land use amendments sought under this application (ie need for additional density). As stated above, staff finds that the analysis required under Policy 21.1.5 concerns the public necessity for the amendment itself, not the necessity for the benefits offered by the applicant. Notwithstanding, staff has reviewed the proposed commitments and does not, for the reasons stated below, find that there is an overriding public necessity for each of the improvements offered.

#### ***A. Funding of Traffic Signal at State Road 80:***

The applicant is committing to construct a traffic signal at the entrance of the River Hall community on State Road 80. The traffic signal at the intersection of River Hall Parkway and State Road 80 was required as part of the FDOT connection permit issued on February 2, 2005 for development of the River Hall project. This permit was issued based on previous zoning approvals for 1,999 dwelling units. In 2005, a special provision of the connection permit required that the developer pay for and construct the signalization of the intersection once traffic warrants were met. On April 29, 2014, after issuance of the previous staff report and public hearings on this request, FDOT notified Lee County staff that traffic warrants have been met and the applicant is now required to fund the design and construction of the traffic signal. The warrants were triggered as a result of current development within the project and the applicant would be required to construct these improvements regardless of whether the proposed Plan amendment is granted.

The Development Services Staff Engineer has also provided that, while constructing the signal at the intersection of River Hall Parkway and State Road 80 will provide some benefit, the benefit received from the signal will be localized and largely received by the residents of River Hall entering and exiting River Hall Parkway. However, the introduction of a traffic signal will degrade the through capacity of State Road 80 and have a negative effect on other residents within the Caloosahatchee Shores community. Staff does not find, even assuming the overriding public necessity requirement applies to the benefits offered by the applicant, that the signalized intersection is an overriding

public necessity. Furthermore, the developer is already required to construct the traffic signal.

**B. Construction of Sidewalk/Bike Path along State Road 80:**

*(1) Sidewalk/bike path facility along the south side of the right-of-way for State Road 80 between River Hall Parkway and Buckingham Road*

Development Services has provided that the Land Development Code (LDC) §10-256(a) requires that all development along an arterial roadway depicted on the bikeways/walkways facilities plan (Map 3D-1) of the Lee Plan must construct the required facility along their frontage. Map 3D-1 indicates a shared use bicycle/pedestrian path on the south side of SR 80 from Buckingham Road to the Hendry County Line, including the project frontage. As a result, a shared use path is required along the River Hall frontage. The Applicant has proposed to construct this facility to Buckingham Road. Most of the property on the south side of SR 80 between River Hall Parkway and Buckingham Road is developed currently with either residential development or small outparcel-type commercial development. Portions the path would eventually be constructed along the frontage of most of the commercial developments as those sites redevelop. However, it is less likely that the pathway would be constructed along the frontage of the existing residential developments. Based on a rough estimate, approximately 60% of this pathway would eventually be built with the remaining 40% of the length of SR 80 from Buckingham Road to River Hall Parkway remaining as gaps in the pathway without this commitment from the Applicant. The Applicant has met with the FDOT to discuss the feasibility of construction of the shared use path, and it appears that sufficient right-of-way is available to accommodate the path. While the proposed construction of the shared use path is a benefit, staff does not find that the construction of this meets an “overriding public necessity”.

*(2) On-road bicycle facility within the right-of-way for State Road 80 between River Hall Parkway and Joel Boulevard*

The applicant is proposing to construct an on-road bicycle facility. Lee County Administrative Code 11-9 (AC-11-9) requires a minimum paved shoulder width of six (6) feet on a roadway with a speed limit of 50 MPH or more with open drainage such as this segment of SR 80. The as-built plans for State Road 80 show that the shoulder is currently 4-feet wide, which would require the addition of two feet of pavement to the north and south sides of State Road 80 between River Hall Parkway and Joel Boulevard.

An on-road bicycle facility is not consistent with Map 3D-1 of The Lee Plan. Map 3D-1 indicates a separated shared use bicycle/pedestrian path on the south side of SR 80 from Buckingham Road to the Hendry County Line. Additional detail is provided in the Development Services memo, which is Attachment 4.

Staff does not find that building an on-road bicycle facility qualifies as an indispensable need and therefore does not qualify as an “overriding public necessity.”

**C. Construction of Trail:**

*Design, permit and construct a trail facility that will be available as a private amenity to the residents of River Hall.*

This proposed trail is not open to the general public and clearly does not address an overriding public necessity. The originally proposed connection to Hickey's Creek Mitigation Park has been removed from this proposal.

**D. Park-n-Trail Facility:**

*Design, permit and construct a "park-n-trail" facility within the commercial parcel on River Hall Parkway.*

The "park and trail" facility, with the sidewalk along SR 80, partially address needs identified in the Lee Plan. Objective 21.5: Community Facilities/Parks directs the county to work with the Caloosahatchee Shores community to provide and facilitate the provision of a broad mix of community facilities. Subsequent policies under the Objective call for the community to work with a variety of governmental entities to provide access to passive recreational opportunities, parks, pedestrian and equestrian trails. These policies also discuss the potential for public/private partnerships to address these needs.

It should be noted that the 2013 Concurrency Report indicates that in Community Park Benefit District #41, which includes the Caloosahatchee Shores planning area, there are 175 acres of recreation facilities available and another 31 acres that are planned for a total of 206 acres of recreation facilities. Existing community park acreage is already in excess of the required 24.4 acres and the desired 61 acres of recreational facilities. A memo received from Lee County Parks and Recreation on May 30, 2014 (Attachment 8) states that "The Lee County Parks and Recreation Department is not currently seeking to go above the desired service levels." Because of the existing and planned recreational facilities staff does not find that the proposed facility addresses an overriding public need.

**E. Southern Access:** *Within 24 months of the satisfaction of the Contingency, Developer will design, permit and construct an access along its southern boundary at the location and in accordance with the preliminary design attached hereto as Exhibit "F" (hereinafter, the "Southern Access"). No residential development orders may be issued for the Property until this obligation has been fulfilled by the Developer; provided, however, that this will not prohibit the issuance of development orders for infrastructure improvements (including roads, utilities and drainage) for the Property.*

The second access to the River Hall development was a condition of the zoning approval for the site. Specifically, condition #26 of Resolution Z-05-051 requires that access be provided to 75<sup>th</sup> Street West in Lehigh Acres prior to the issuance of a certificate of occupancy for the 1,598<sup>th</sup> dwelling unit within the development. To date, the applicant has received nine development order approvals for a total of 1,903 dwelling units. These development orders do not include the second access to Lehigh Acres. As a part of this requested amendment, the Applicant has indicated that they would expedite construction

of the access to Lehigh Acres. The Applicant also indicated that, even though the access would be gated, access could be provided to the Lee County School District and Lee County Fire/EMS emergency vehicles.

The Lee County School District requested access to the community from Lehigh Acres in order to reduce fuel costs and vehicle miles travelled for school bus traffic. Provision of access to emergency vehicles could also benefit the residents of River Hall by potentially reducing response times to the development. However, the closest facilities for ambulances and fire trucks would still access the River Hall Community from the SR 80 entrance. Provision of access to the community through Lehigh Acres will not improve response times from any existing facility.

Besides the ability for the school bus traffic to utilize the new access, the additional access point will primarily serve a limited use for some residents of River Hall since this entrance will be gated and be rarely used. The applicant's rezoning Traffic Impact Statement ("TIS") exemplifies this point. On page 2 of the TIS, it provides "it is anticipated that the secondary access will accommodate less than two percent of the future River Hall external traffic." Staff does not find that expediting the construction of the already required access to Lehigh Acres that will primarily benefit the residents of River Hall qualifies as meeting an "overriding public necessity".

***F. Groundwater Monitoring:***

This commitment will help the county and SFWMD assure that the residential wells to the north of the property are not impacted by the applicant's proposed development. However, this monitoring was a requirement of the developer's original consumptive use permit. When the permit was renewed this requirement was not carried over. The applicant has stated that they will request that the requirement is added back into the consumptive use permit.

***G. Drainage Pass-Through for ECWCD.***

The drainage pass through for ECWCD as identified in application materials has been previously approved through Lee County by Development Order DOS2006-00042 which identifies the same area as a "Flow-way Lake." This feature is also identified on the Master Concept Plan approved by Zoning Resolution Z-05-051, which also approved the current maximum 1,999 dwelling units for the project. Staff does not find that the developer is providing any new benefit that addresses an "overriding public necessity" with the already approved "Flow-way Lake."

**TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The subject property has access to Palm Beach Blvd. (S.R.80) Via River Hall Parkway. This serves as the primary access point for the development. Zoning conditions require that a second, gated access will be built to the south, connecting the River Hall development to Lehigh Acres once 1,598 residential units have been constructed. There are also proposed emergency access points to mostly vacant residential developments to the east.

The Lee County Department of Transportation reviewed the proposed increase in development and provides the following:

*We accept the applicant's analysis that the following roadway segments will operate at an unacceptable LOS with and without this project in the study area: Buckingham Road from Gunnery Road to SR 80, SR 31 from SR 80 to North River Road, and SR 80 from SR 31 to Tropic Avenue.*

*This project is currently served by River Hall Parkway, the main entrance road from SR 80. The second access is anticipated to be Ruth Avenue in Lehigh Acres. The Lee Tran Transit Development Plan and Vision Plan do not identify public transit routes (existing and future) serving the project. The closest public transit facility is the existing service on SR 80 ending at Buckingham Rd.*

*There are paved shoulders on SR 80 in front of this project. Lee Plan Map 3D-1, the Unincorporated Lee County Bikeways/Walkways Facility Plan, shows future sidewalk, shared use path on SR 80 in front of the project in the future.*

In addition Development Services Traffic Engineer has provided a memo on June 4, 2014 which concludes the following:

*Based on the analysis provided in this report, the proposed plan amendment will increase the traffic generated by the River Hall development by more than 30% over the course of the entire day. There are some roadway links that are shown to fail under buildout traffic conditions, but these roadway link deficiencies are the result of background traffic projections and traffic projections from already approved developments and not directly attributable to the added River Hall project traffic.*

*The Applicant has proposed several commitments and obligations as a part of a Developer's Agreement to help justify the increase in density at the subject site. Staff finds that the expedition of the construction of the second access has very little public value. Staff also finds that the construction of a traffic signal at River Hall Parkway and SR 80 was already required as a part of the connection permit for the River Hall development (fka Hawk's Haven), so the proposed commitment is required regardless of the proposed plan amendment. Likewise, Staff finds that the provision of a traffic signal at this location has the potential to significantly increase traffic crashes at this location while also degrading the arterial through traffic capacity of SR 80. The Applicant has proposed to construct an off-road shared use path from Buckingham Road to River Hall Parkway along SR 80, and this improvement would complete a continuous pathway that may not be achieved otherwise. Staff finds that provision of an extra foot of on-road paved shoulder along SR 80 from River Hall Parkway to Joel Boulevard along with the provision of a park-n-trail facility will invite additional on-road bicycle traffic when it has been the County's focus to separate the bicycle traffic from the vehicular traffic in this area through the provision of an off-road shared use path. SR 80 is a State maintained roadway, so it is ultimately the State's decision as to what improvements are approved within its right-of-way.*



The Development Services Memo is attached to this staff report as Attachment 4.

As shown in the Need for Additional Dwelling Units section of this report, there are approximately 4,950 recently approved but unbuilt lots, in addition to the undeveloped lots contained in the older platted subdivisions. Lee County DOT states that there will be an unacceptable LOS with or without this amendment on SR 80, SR 31, and Buckingham Road. A basic tenet of land use planning is to strive to have adequate services to serve anticipated development. Sound planning principles would not advocate allowing additional density that would further exacerbate what is already anticipated to be an unacceptable condition.

Approval creates future inconsistency problems for rezoning of the project. Policy 2.2.3 of the Lee Plan states that *“When an area within the county is approaching the capacity of the necessary facilities as described above [road and EMS service], requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.* The nearly 5,000 vacant lots approved in planned developments along with the undeveloped lots in the older platted areas are dependent on SR 80, SR 31, and Buckingham Road for access and must be given consideration under this policy.

## **SOILS**

The applicant has provided a description of the soils that are found on site. For a detailed description please see the application materials.

## **ENVIRONMENTAL CONSIDERATIONS**

Lee County Division of Environmental Sciences provided a staff report to the Lee County Planning Division on May 22, 2014. Environmental Sciences staff finds that the CPA application and corresponding RPD amendment application demonstrate that there are no proposed impacts to the boundaries of the existing 465.2 acres of upland and wetland preserves that were required during the currently approved MCP for the River Hall development. While no impacts are proposed to the existing 465.2 acres of preserves, Environmental Sciences staff finds that the proposed Comprehensive Plan amendment “does not propose any additional protection of preserved habitat or protection of listed species then the current existing zoning approvals and conservation easements. Environmental Sciences staff is also concerned that the amendment will allow the applicant to add 851 residential units to areas that are adjacent to documented gopher tortoise, burrowing owl, American Alligator, Florida Sandhill Crane, listed wading birds and Florida Scrub Jays; and areas that have suitable habitat for the Florida Panther and Black Bear.” Their concern is the increase in potential for negative human/wildlife interactions.

The full report is attached to this staff report as Attachment 1.

## **NATURAL RESOURCES**

Lee County Division of Natural Resources provided written comments to the Lee County Planning Division in a memorandum dated August 15, 2013. Staff had identified that a groundwater monitoring program for the Sandstone Aquifer was not carried forward in a recent renewal of a South Florida Water Management District (SFWMD) Consumptive Use Permit. The applicant has agreed, through the proposed development agreement to reinstate the

groundwater level monitoring program of the Sandstone aquifer and share the collected data with the SFWMD and Lee County. Lee County Staff has coordinated with the staff of the SFWMD, and the District is amenable to reinstatement of the ground water monitoring program. The Division of Natural Resources has found that if this monitoring issue is addressed that they have no concerns with the proposed amendment. The complete Division of Natural Resources' correspondence is attached to this Staff Report as Attachment 5.

### **FEMA FLOODWAY ISSUE**

County records show that the subject site is not located within a FEMA identified floodway.

### **HISTORIC RESOURCES**

Portions of this site are within the level 2 sensitivity areas for archeological and historic resources.

### **SCHOOL IMPACTS**

The Lee County School District provided correspondences to the Lee County Division of Planning dated August 31, 2013 and June 3, 2013. The August 31<sup>st</sup> memo states that:

*"This development is approved and consists of 1,999 single family units. This request is to add an additional 1,000 single family units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.*

*For single family the generation rate is .299 and further broken down into the following, .150 for elementary, .072 for middle and .077 for high. A total of 299 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District, there are sufficient seats available to serve this need."*

The June 3<sup>rd</sup> memo states:

*"The District has already responded in reference to capacity and these comments remain the same.*

*There has been discussion in reference to road access to the south of this development through Lehigh Acres. The District would be in support of this access as it would reduce the amount of time students spend on the bus as well as save the District fuel expense."*

### **SOLID WASTE**

The Lee County Solid Waste Division provided correspondence to the applicant on August 29, 2012 stating that they are capable of providing solid waste collection service for the additional 1,000 residents that would be allowed for by the proposed Lee Plan Amendment.

### **MASS TRANSIT**

Lee County Transit provided the applicant a letter dated October 17, 2012 stating the following:

*"1) Currently, LeeTran does not provide service to Hawk's Haven (proposed River Hall) as it lies outside of the ¼ mile transit service buffer. The closest transit route to the site is Route 100.*

*2) Currently, only a small area of the proposed River Hall RDP, in the northwest section of the development, is eligible for ADA service through LeeTran. The remainder of the development lies outside of the ¾ mile ADA transit service buffer.*

*3) The FY2012-2021 Transit Development Plan does not include the expansion of transit services beyond their current service area, for the Route 100. This also means that there are no plans to expand ADA services in this area."*

In an e-mail dated October 18, 2012 to Lee County Planning staff, the following comments were also provided:

*"Changing the land-use designation from rural to a sub-urban land-use category could imply a need for services that are either found in urban setting or feed urban settings. In the case of fixed route mass transit or the transportation of ADA riders through the LeeTran Passport Service, I did not find sufficient response to determine how an increase in demand for these services would be funded. As was stated above, there are no plans for expanding the service in this area which would create another potential unfunded need for transit services within the horizon of the 2012-2021 Transit Development Plan. Additionally, a development of this size also requires an expansion of other public uses ranging from parks/open spaces to additional demands on schools. Both could create new demands for transit services beyond the existing service boundaries. These potential additional needs and expansion of services will only be met by an increase in funding or a decrease in systemwide transit service.*

*I submit the following Lee Plan Policies and Objectives as ones needing to be addressed as a part of the Comprehensive Plan Amendment 2012-00001.*

*Policy 43.1.4, Policy 43.1.6, Policy 43.1.7, Policy 43.1.8, Objective 43.2, Policy 43.2.1, Policy 43.3.2, Policy 43.4.2 and Policy 43.4.3."*

The LeeTran Memo is attached to this staff report as Attachment 6.

## **POLICE**

The Lee County Sheriff's Office provided a letter to the applicant dated on November 28, 2012 stating that the proposed Lee Plan amendment "would not affect the ability of the Lee County Sheriff's Office to provide core levels of service at this time. We will provide law enforcement services primarily from our Fort Myers district office."

## **FIRE**

The Fort Myers Shores Fire and Rescue District provided correspondence stamped Received November 28, 2012 to the applicant stating that "they could provide adequate service to the subject site with the proposed future land use category."

## EMS

Lee County EMS provided an analysis of response times to serve the River Hall development on September 16, 2013, after Planning Staff had issued the staff report for the September 25, 2013 BoCC meeting. The memo states that:

*"It is our determination that the Lee County EMS response time is projected to be between 7:00 [minutes] and 17:00 [minutes]. Approximately 7:00 to reach the development and approximately 17:00 to get the far end of the development..."*

The analysis concludes by stating:

*"If the primary unit is in quarters, it will depend on where in River Hall the call occurs for LCEMS to be able to respond in 8:59; the further from the entrance, the longer the response time. As build out and full occupation of River Hall is achieved, LCEMS will have difficulty of achieving the goal of 8:59."*

The Lee County Emergency Medical Services Memo is attached to this staff report as Attachment 7.

## UTILITIES

Lee County Utilities provided the following correspondence to the applicant on November 28, 2012:

*Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.*

*Your firm has indicated that this project will consist of 1,000 single family residential units with an estimated flow demand of approximately 250,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.*

*Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water treatment Plant.*

*Sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.*

*Prior to beginning design work on this project, please schedule a meeting with Thom Osterhout to determine the best point of connection and discuss requirements for construction.*

*This letter is not a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.*

**B. CONCLUSIONS**

After weighing all of these factors, and the other issues that are discussed in the staff report, staff is recommending that the Board of County Commissioners not transmit the proposed amendment. Also refer to the Recommendations and Findings of Fact in Part I, Section C of this report.

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

DATE OF PUBLIC HEARING: June 23, 2014

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff gave an overview of the proposed amendment, including the history of requested Lee Plan amendments for the River Hall property. Staff also identified the circumstances that led to the changes to the staff recommendation.

Mr. Schropp and Mr. Depew, the applicant's representatives, reviewed this project with the LPA along with a PowerPoint presentation. Russell Schropp addressed the LPA to identify concurrent requests that were also being made concerning the River Hall property, and the four proposed amendments that made up the requested Amendment to the Lee Plan. These include the amendments to the Future Land Use Map, a new Policy 5.1.11 that allows density from Conservation Lands to be clustered to other areas of the development, an amendment to Policy 21.1.5 that would give River Hall 2,850 dwelling units, and an amendment to Table 1B of the Lee Plan. Mr. Depew reviewed the River Hall Property, the surrounding properties, and requested Lee Plan amendment in greater detail.

Several members of the LPA asked questions of the applicant following the presentation.

Following the staff and applicant presentations, members the public addressed the LPA concerning the proposed Lee Plan Amendment. Each speaker was limited to 3 minutes. Approximately 20 people addressed the LPA, who were generally not in favor of the Lee Plan amendment.

Following public input several members of the LPA asked follow-up questions of the applicant. One member of the LPA also asked questions of the County Attorney's Office about the definition and interpretation of "Overriding Public Necessity." After all of the questions had been answered each member of the LPA discussed the proposed amendment.

Please refer to the approved June 23, 2014 LPA minutes for CPA2012-01.

**A motion was made and seconded that the LPA recommend non-transmittal of CPA2012-01 based on the findings of facts by the staff. The motion passed 4-3.**

Following the motion recommending that the Board of County Commissioners not transmit the proposed amendment, the LPA members continued their discussion of the definition of Overriding Public Necessity.



**A motion was made to recommend that the Board of County Commissioners include the staff definition of “*Overriding Public Necessity*” into the Comprehensive Plan glossary. The motion failed for lack of a second.**

LPA members discussed the possibility of asking the Board of County Commissioners to direct staff to produce a definition that can be considered by the LPA rather than taking the one that has already been put together. It was acknowledged that the Board of County Commissioners may want to use the definition that staff has already produced, but they should not be limited to that definition. The main purpose is to have this defined for future applications.

**A motion was made to request that the Board of County Commissioners direct staff on what their interpretation of “*Overriding Public Necessity*” is and to provide direction to staff.**

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

### **1. RECOMMENDATION:**

The LPA 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:**

### **1. Motion to recommend that the BoCC not transmit.**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>DENNIS CHURCH</b>	<b>NAY</b>
<b>JIM GREEN</b>	<b>AYE</b>
<b>MITCH HUTCHCRAFT</b>	<b>NAY</b>
<b>JAMES INK</b>	<b>AYE</b>
<b>RICK JOYCE</b>	<b>AYE</b>
<b>DAVID MULICKA</b>	<b>NAY</b>

**2. Motion to ask the BoCC to provide their interpretation of “*Overriding Public Necessity*” and provide direction to staff (Under other Business).**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>DENNIS CHURCH</b>	<b>NAY</b>
<b>JIM GREEN</b>	<b>AYE</b>
<b>MITCH HUTCHCRAFT</b>	<b>AYE</b>
<b>JAMES INK</b>	<b>AYE</b>
<b>RICK JOYCE</b>	<b>AYE</b>
<b>DAVID MULICKA</b>	<b>AYE</b>

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

**DATE OF TRANSMITTAL HEARING:** October 22, 2014

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**BRIAN HAMMAN**

\_\_\_\_\_

**LARRY KIKER**

\_\_\_\_\_

**FRANK MANN**

\_\_\_\_\_

**JOHN MANNING**

\_\_\_\_\_

**CECIL L PENDERGRASS**

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