

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING AND COMPREHENSIVE PLAN

HEARING AGENDA

Wednesday, August 19, 2015

9:30AM

REZ2015-00004  
**Z-15-016**

PRAIRIE PINES PRESERVE PH II

CPA2015-00001

CORKSCREW FARMS - ADOPTION

NOTICE  
OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold public hearings on Wednesday, August 19, 2015 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30 am, the Board will consider a zoning application and proposed amendment to the Lee County Comprehensive Plan (Lee Plan) for the following cases.

Zoning Case

REZ2015-00004

PRAIRIE PINES PRESERVE PH II

Rezone 2,515± acres from AG-2 (Agriculture) and MHPD (Mobile Home Planned Development) to EC (Environmentally Critical).

Located at 18400 N Tamiami Trl, N. Ft. Myers Planning Community, Lee County, FL.

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

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

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

Lee County Comprehensive Plan (Lee Plan) Amendment – Adoption Hearing

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

CPA2015-00001

CORKSCREW FARMS

The amendment would establish an overlay within the Density Reduction/Groundwater Resource Future Land Use Category (DR/GR) that would allow for increased residential densities (up to a maximum of 1 dwelling unit per acre) and accessory uses as an incentive for providing enhanced development standards within a specific area of the DR/GR.

Located at 17501 Corkscrew Rd., SE Lee County Planning Community, Lee County, FL.

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.**

**Persons with disabilities who need an accommodation to participate in the hearing should contact Jamie Princing at 1500 Monroe St., Ft. Myers, FL 33901 (239-533-8585 or at [jprincing@leegov.com](mailto:jprincing@leegov.com)). To ensure availability of services, please request accommodation as soon as possible, but preferably five or more business days prior to event. Persons using a TDD may contact Jamie Princing through the Florida Relay Services, 711.**

# Summary Sheet

## Corkscrew Farms, CPA2015-01

**Request:** Amend the Lee Plan to establish an ‘Environmental Enhancement and Preservation Communities Overlay’ within the Density Reduction/Groundwater Resource Future Land Use Category, promoting restoration, enhancement and preservation of natural resources.

Amend the Future Land Use Map Series, Maps 6 and 7: ‘Lee County Utilities Future Water & Sanitary Sewer Service Areas’ to place the Corkscrew Farms property within the Service Areas.

Amend Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms property within that Overlay.

**Location:** The subject property is located on the north side of Corkscrew Road approximately 2.26 miles east of the intersection of Alico Road and Corkscrew Road.

### **BoCC Transmittal Motion:**

A motion was made to transmit the proposed amendment to the State Reviewing Agencies. The motion was called and passed 3-0.

### **State Reviewing Agency Objections, Recommendations, and Comments:**

There were no objections to the proposed amendments.

Comments and recommendations were made by the Florida Department of Transportation, the Florida Fish and Wildlife Conservation Commission, and the Southwest Florida Regional Planning Council. Comments and recommendations will be addressed through zoning conditions.

### **Changes to the Transmitted Amendment:**

No changes have been made to the proposed amendment since it was transmitted to the State Reviewing Agencies on June 17, 2015.

### **Staff Recommendation:**

Staff recommends that the Board of County Commissioners *adopt* the amendments to the Lee Plan as provided in Attachment 1.

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
(Corkscrew Farms)  
(CPA2015-00001)

**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 AN AMENDMENT PERTAINING TO CORKSCREW FARMS (CPA2015-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; 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 May 11, 2015; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 17, 2015. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Corkscrew Farms (CPA2015-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 17, 2015 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 19, 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 map and text 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 "Corkscrew Farms Ordinance (CPA2015-00001)."**

## 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 an amendment known as Corkscrew Farms (CPA2015-00001), which amends:

1. the Lee Plan to establish an 'Environmental Enhancement and Preservation Communities Overlay' within the Density Reduction/Groundwater Resource Future Land Use Category, promoting restoration, enhancement and preservation of natural resources;
2. amends the Future Land Use Map Series, Maps 6 and 7, 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the Corkscrew Farms property within the Service Areas; and
3. amends Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms subject property within that Overlay.

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.

## 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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

John E. Manning \_\_\_\_\_  
Cecil L Pendergrass \_\_\_\_\_  
Larry Kiker \_\_\_\_\_  
Brian Hamman \_\_\_\_\_  
Frank Mann \_\_\_\_\_

DONE AND ADOPTED this 19th day of August, 2015.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF COUNTY  
COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
John J. Fredyma  
Senior Assistant County Attorney  
County Attorney's Office

Exhibit A: Adopted revisions to Text Amendments

Exhibit B: Adopted revisions to Lee Plan Map 6, Lee County Utilities Future Water  
Service Areas

Exhibit C: Adopted revisions to Lee Plan Map 7, Lee County Utilities Future Sewer  
Service Areas

Exhibit D: Adopted revisions to Lee Plan Map 17, Southeast DR/GR Residential Overlay

## EXHIBIT A

**Note:** Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

### Text Amendments:

#### Future Land Use Element

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.4~~5~~) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, and 33.3.5, and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
  - a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies
  - b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
  - c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.

3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.

(Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24)

**POLICY 1.7.13:** The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.45. This overlay affects only Southeast Lee County and identifies ~~four~~five types of land:

1. "Existing Acreage Subdivisions": existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. "Rural Golf Course Communities" potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
3. "Mixed-Use Communities" locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
4. "Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
5. "Environmental Enhancement and Preservation Communities:" Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24, Renumbered by Ordinance No. 14-10)

**POLICY 33.2.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based

upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3. (Added by Ordinance No. 10-19)

**OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT.** Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the density Reduction/Groundwater Resource future land use category (Improved Residential Communities). (Added by Ordinance No. 10-43, Amended by Ordinance No.12-24)

**POLICY 33.3.4:** Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
  - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
  - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.
  
2. The property is rezoned to a Planned Development that meets the following:
  - a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
    1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
    2. Restore and accommodate existing and historic groundwater levels;

3. Restore and preserve wetlands;
  4. Restore and preserve indigenous upland habitats;
  5. Provide critical wildlife connections to adjacent conservation areas; and
  6. Provide 100' foot buffer along Corkscrew Road East of Alico Road.
- b. Includes an enhanced lake management plan, that:
    1. Applies best management practices for fertilizers and pesticides;
    2. Provides erosion control and bank stabilization; and
    3. Establishes lake maintenance requirements.
  - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
  - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.
  - e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
  - f. Indigenous management plans must address human-wildlife coexistence.
  - g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
  - h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.
  - i. Elimination of any agricultural row crop uses at time of first development order.
  - j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
  - k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of



category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.

**POLICY 33.3.45:** Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.
2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.
3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.
4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).

5. Lee County encourages landowners to concentrate development rights from contiguous DR/GR property under common ownership or control.
6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
  - a. Other Mixed-Use Communities;
  - b. Rural Golf Course Communities;
  - c. Improved Residential Communities
  - d. Future Urban Area (see Objective 1.1);
  - e. Mixed-Use Overlay;
  - f. Lehigh Acres Specialized Mixed-Use Nodes;
  - g. Lee Plan designation that allow bonus density (see Table 1(a)); and,
  - h. Incorporated municipalities that have formally agreed to accept TDR credits.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24, Amended by Ordinance No. 14-09)

**POLICY 33.3.56:** The new TDR program will have the following characteristics:

1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
2. The preferred receiving locations for the transfer of TDRs are within designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only sites in the DR/GR area permitted to receive transferred development rights are Mixed-Use Communities or Rural Golf Course Communities, Improved Residential Communities as shown on Map 17.
3. TDR credits will be available from sending areas as follows:
  - a. One TDR credit may be created for each allowable dwelling unit attributable to sending parcels within the Southeast DR/GR area. As an incentive for permanently protecting indigenous native uplands, one extra dwelling unit will be allowed for each five acres of preserved or restored indigenous native uplands.
  - b. As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3 or the southern two miles of Tiers 5, 6 or 7, as shown on the DR/GR Priority Restoration overlay.
4. The maximum number of TDR credits that can be created from the Southeast DR/GR lands is 9,000.
5. No more than 2,000 dwelling units can be placed on receiving parcels within the Southeast DR/GR Mixed-Use Communities through the TDR credit program.
6. TDR Credits may be redeemed in designated TDR receiving areas as follows:
  - a. In Mixed-Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
  - b. In Rural Golf Course Communities, see Policy 16.2.7.

- c. In the Future Urban Areas described in paragraph 2. above, each TDR credit may be redeemed for a maximum of two dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a). TDR credits may not be redeemed for non-residential floor area in these Future Urban Areas.
  - d. Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban Areas, each TDR credit may be redeemed for a maximum of two dwelling units.
7. When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:
- a. Continued agricultural uses will be permitted;
  - b. Conservation uses only;
  - c. Conservation use and restoration of the property; or
  - d. some combination of the above options.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance 12-24)

**POLICY 33.3.67:** The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed-Use Communities as designated on Map 17. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

**POLICY 33.3.78:** By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

### **Transportation Element**

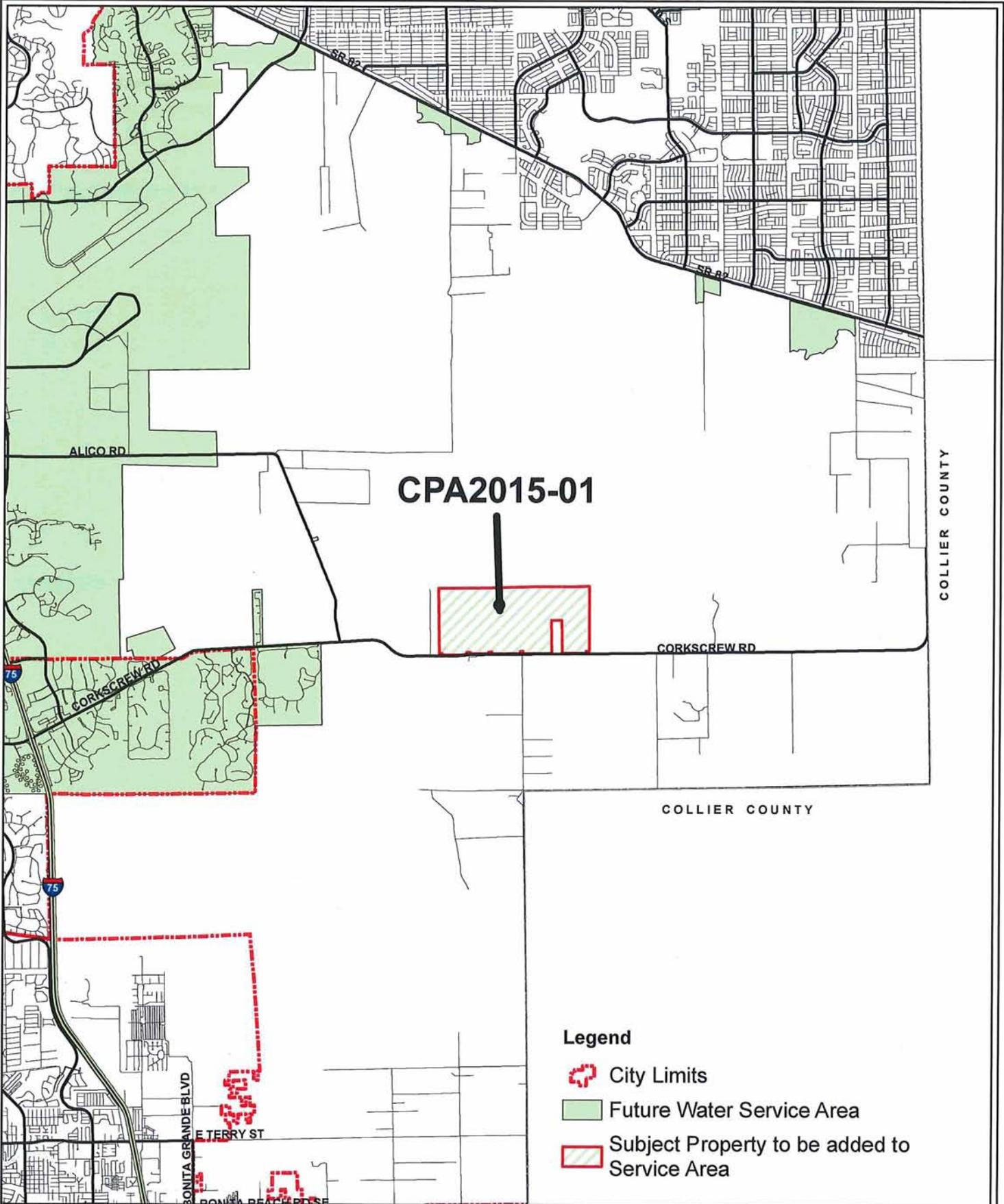
**POLICY 38.1.9:** Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

**Map Amendments:**

Exhibit B: Map 6 - Future Water Service Areas

Exhibit C: Map 7 - Future Sewer Service Areas

Exhibit D: Map 17 - Southeast DR/GR Residential Overlay

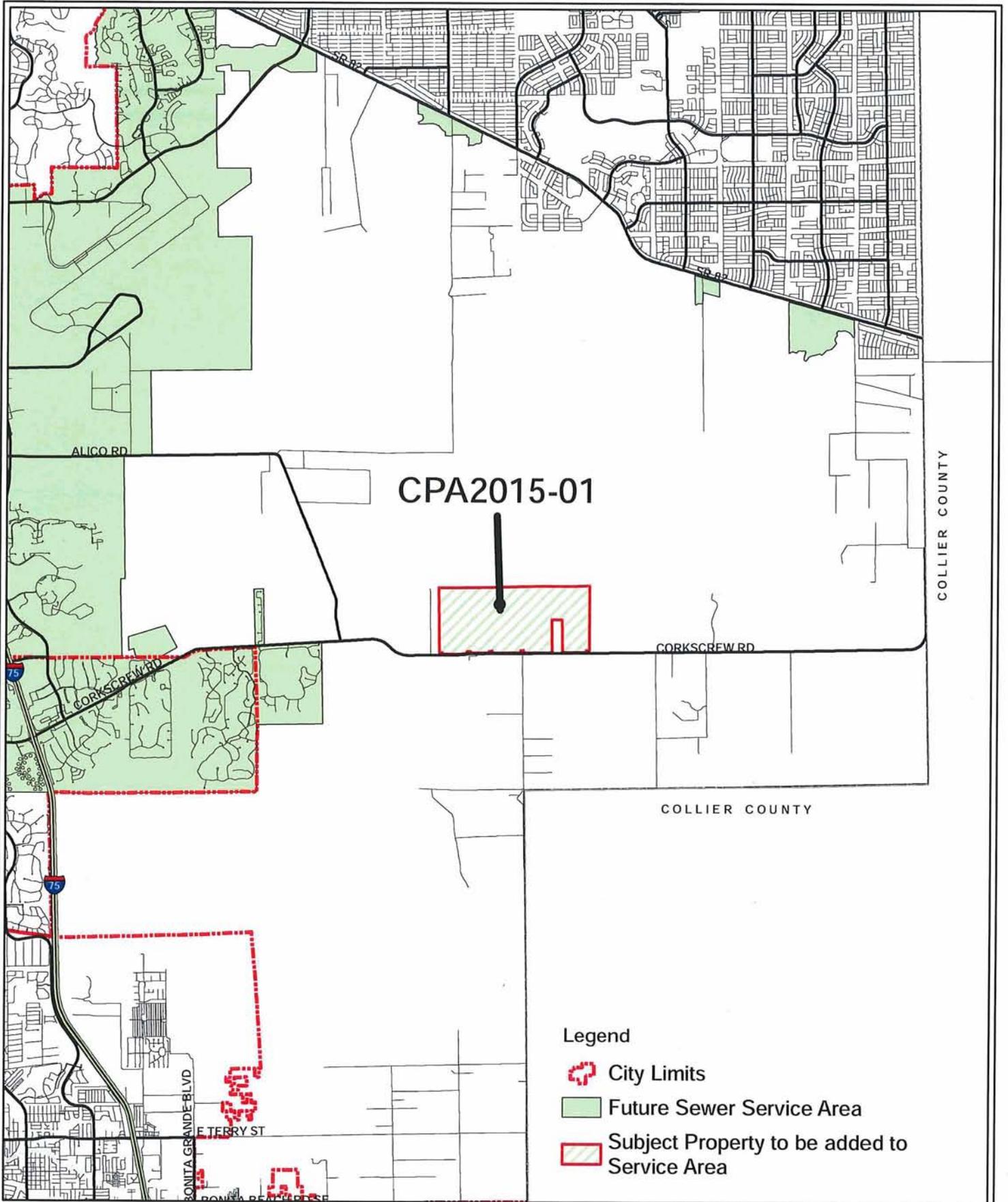


**CPA2015-00001 - CORKSCREW FARMS**  
**LEE PLAN MAP 6**  
**LEE COUNTY UTILITIES**  
**FUTURE WATER SERVICE AREAS**

**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING



Map Generated April 2015



CPA2015-01

Legend

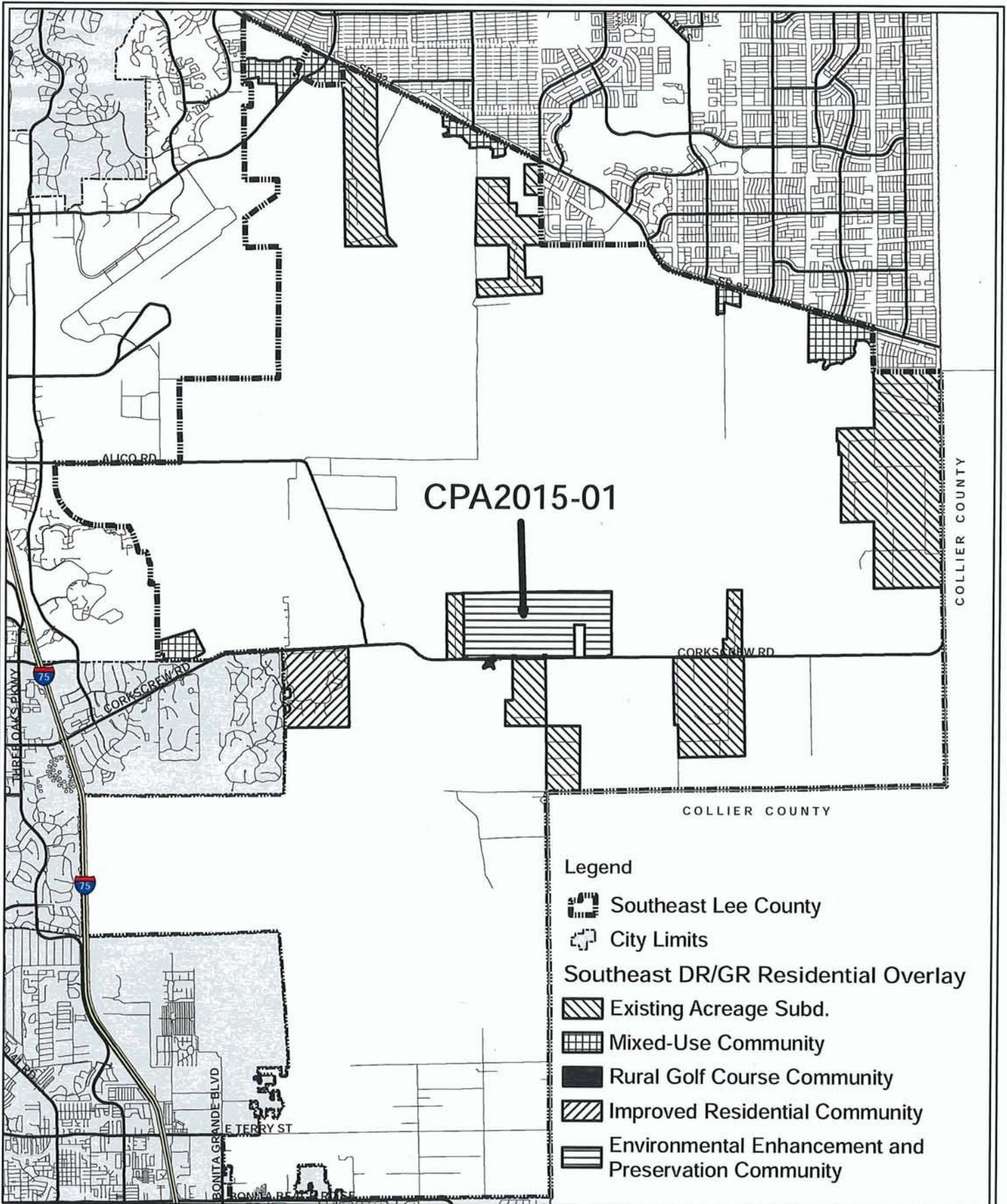
-  City Limits
-  Future Sewer Service Area
-  Subject Property to be added to Service Area

LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



Map Generated April 2015

CPA2015-00001 - CORKSCREW FARMS  
LEE PLAN MAP 7  
LEE COUNTY UTILITIES  
FUTURE SEWER SERVICE AREAS



CPA2015-01

- Legend
- Southeast Lee County
  - City Limits
  - Southeast DR/GR Residential Overlay**
  - Existing Acreage Subd.
  - Mixed-Use Community
  - Rural Golf Course Community
  - Improved Residential Community
  - Environmental Enhancement and Preservation Community

CPA2015-00001 - CORKSCREW FARMS  
 LEE PLAN MAP 17  
 SOUTHEAST DR/GR RESIDENTIAL OVERLAY

LEE COUNTY  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map Generated April 2015



**CPA 2015-01  
CORKSCREW FARMS  
PRIVATELY SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

Privately Sponsored Application  
Staff Analysis

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**BoCC Public Hearing Document  
For the  
August 19, 2015 Adoption Hearing**

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

August 5, 2015

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2015-01**

**Text Amendment**

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: May 1, 2015

**PART I – EXECUTIVE SUMMARY**

This report contains an analysis and recommendation for a proposed Comprehensive Plan amendment for property located in the Density Reduction/Groundwater Resource (DR/GR) future land use category. The property known as Corkscrew Farms, is located on the north side of Corkscrew Road, approximately 7 miles east of Interstate 75. The request proposes increased density and intensity on approximately 1,361 acres. The property is currently an improved farm field with uplands impacted by the previous site activities and wetlands. This area is near the headwaters of Spring Creek and the Imperial River, which flow into Estero Bay.

The DR/GR was established in 1990 with two specific purposes, the protection of surface and sub-surface water resources and a reduction of the total carrying capacity of the Future Land Use Map. A more detailed history of the DR/GR land use category is contained in the Background Information section of this report. Future Land Use Map amendments in this area of the DR/GR that increase the current allowable density or intensity of land use are discouraged by the County's Comprehensive Plan (the Lee Plan). Specific criteria for the review of such amendments are contained in Policy 2.4.3.

The subject property is currently zoned AG-2. There is an application to amend the zoning to Mine Excavation Planned Development (MEPD) that has been put on hold, pending the outcome

of this Lee Plan amendment. The impacts of the allowable uses as well as the proposed MEPD were considered in the analysis of this proposal.

The amendment would allow a maximum density of 1,361 dwelling units, including amenities such as clubhouses and recreational uses. The result of the amendment will provide for the protection, conservation, enhancement and/or restoration of natural resources such as flowways and indigenous habitats, restoration of panther habitat, and/or other community and regional benefits.

After thorough review and consideration of the numerous factors discussed in the following report, staff is recommending that the proposed amendments, as modified by staff, be transmitted to the state reviewing agencies.

## **PART II - BACKGROUND AND STAFF RECOMMENDATION**

### **A. SUMMARY OF APPLICATION**

#### **1. APPLICANT/REPRESENTATIVES:**

Camprop, Inc. – Joe Cameratta / Matt Noble, AICP ANobleplan. LLC

#### **2. REQUEST:**

1. Amend the Lee Plan to establish an ‘Environmental Enhancement and Preservation Communities Overlay’ within the Density Reduction/Groundwater Resource Future Land Use Category, promoting restoration, enhancement and preservation of natural resources.
2. Amend the Future Land Use Map Series, Maps 6 and 7: ‘Lee County Utilities Future Water & Sanitary Sewer Service Areas’ to place the Corkscrew Farms property within the Service Areas.
3. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms property within that Overlay.

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

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

After thorough review and consideration of the numerous factors discussed in the following report, staff is recommending that the proposed amendments, as modified by staff, be transmitted to the state reviewing agencies.

Reasons to support this recommended transmittal include: restoration of the Flint Pen Strand, a regional flowway along the western side of the property; preservation of wildlife habitat that connects large areas of publicly owned conservation areas; and, continued protection of the DR/GR as an area that can provide substantial groundwater recharge to aquifers suitable for wellfield development.

In summary, staff recommends that the text of the Future Land Use Element be amended to incorporate an Environmental Enhancement and Preservation Communities Overlay for the DR/GR land use category, and inclusion of the subject property within the Overlay. To accomplish this, staff recommends the following changes.

**TEXT:**

Amend Policies 1.4.5 and 1.7.13, Objective 33.3, add new Policies 33.3.4 and 38.1.9, and subsequent renumbering of the remaining policies under Objective 33.3.

**MAPS:**

Amend Map 6: Future Water Service Areas to add the subject property;

Amend Map 7: Future Sewer Service Areas to add the subject property; and

Amend Map 17: Southeast DR/GR Residential Overlay to add a new Environmental Restoration Overlay.

Attachment #1 contains these modifications, shown in strikethrough and underline format as it relates to the existing Lee Plan, along with the revised maps.

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

- The Lee County Division of Natural Resources finds that no significant impacts on present or future water resources will result from the change (as required by Policy 2.4.2 of the Lee Plan).
- The Density Reduction/Groundwater Resources future land use category was adopted to protect groundwater resources.
- The proposed “Environmental Enhancement and Preservation Communities Overlay” targets critical restoration areas, requires enhanced development standards and provides predictable density incentives, furthering the County’s goals for the Southeast DR/GR.
- The Environmental Enhancement and Preservation Communities Overlay provides a methodology to address transportation impacts of increased development in the Southeast DR/GR.
- There are sufficient public facilities and services to serve the proposed development.

**C. PROJECT SUMMARY DISCUSSION:**

The Corkscrew Farms Comprehensive Plan Amendment was filed by Camprop, Inc. – Joe Cameratta on January 12, 2015. The applicant has also filed a companion rezoning application that is being reviewed concurrently with the plan amendment application by the Lee County Zoning Division.

Florida Statutes Chapter 163.3184(12) provides that “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.” This requires Lee County to take into account the concurrent rezoning request on the subject site, DCI2011-00033.

The applicant has provided, in part, that the requested Comprehensive Plan Amendment is to allow higher residential densities so that the proposed restoration strategy would be cost feasible. The applicant is requesting a total of 1,325 residential units through the rezoning request.

Staff has been working with the applicant to determine the best approach to meet both the County's goals for the DR/GR future land use category and the development proposed by the applicant. Based on this, the applicant has revised their proposed text amendments from language that specifically addressed their property to language that promotes the provision of regional benefits through the enhancement of major flowways, the restoration of native habitat, and the improvements of groundwater levels.

#### **D. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 1,361.1 Acres.

**PROPERTY LOCATION:** The subject property is located on the north side of Corkscrew Road approximately 2.26 miles east of the intersection of Alico Road and Corkscrew Road.

**EXISTING USE OF LAND:** The subject site is currently used for a variety of agricultural uses such as row crops, cattle grazing and sod farming.

**CURRENT ZONING:** Agricultural (AG-2).

**CURRENT FUTURE LAND USE CATEGORY:** Density Reduction/Groundwater Resource (DR/GR) and Wetlands.

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

**FIRE:** Estero Fire and Rescue.

**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 3, service provided by Waste Pro USA.

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

**WATER AND SEWER:** The subject site is not currently located within the Lee County Water and Sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan. Water is available at Alico Road, and sewer service is available to the west of the subject site at residential developments located along Corkscrew Road, such as Bella Terra and Corkscrew Shores.

### **3. SURROUNDING FUTURE LAND USE, ZONING, AND EXISTING LAND USES**

All of the properties discussed below are located in the DR/GR future land use category. The majority of the properties are zoned AG-2.

Located west of the subject site is the Burgundy Farms Road large lot single family residential area, zoned AG-2. This single road neighborhood (unrecorded subdivision) contains about 16 single family homes as well as additional vacant residential parcels. The proposed restoration plan for Corkscrew Farms will preserve forested area adjacent to the Burgundy Farms neighborhood. The preserved forested area will provide a buffer to the existing residential subdivision. West of the Burgundy Farms neighborhood is Conservation Lands, zoned AG-2, owned by Lee County and the Corkscrew Water Production Plant. Additional public wells (Lee County) are located adjacent to the subject site along the north side of Corkscrew Road.

Located south of the subject property and south of Corkscrew Road are agricultural uses including those located on the Pepperland LLC property and the Florida Farm Development Company property. The Florida Farm Development Company property is zoned AG-2. The Pepperland LLC property is zoned IPD to accommodate a proposed dirt mine. The dirt mine was never developed and the site is used for agricultural purposes. The Old Corkscrew Golf Course is also located south of the subject site on the south side of Corkscrew Road. The golf course property is zoned PRFPD (Private Recreational Facilities Planned Development). There is also a large lot single family residential area, zoned AG-2, generally located at the intersection of 6 L's Farm Road and Corkscrew Road.

Located to the east is the Corkscrew Regional Mitigation Bank (CRMB) zoned AG-2. The CRMB consists of approximately 632 acres owned by the South Florida Water Management District. The CRMB is located along the southern edge of the Imperial Marsh Preserve. The goal of the CRMB has been to restore historic wetland functions through hydroperiod restoration, exotic removal and controlled burns.

North of the subject site is the Airport Mitigation Park, zoned AG-2. The Park is a 7,000 acre conservation area that was established to compensate for the impact of long-term development of the Southwest Florida International Airport. The site includes the Imperial Marsh, the largest freshwater marsh in Lee County, and also connects to the Flint Pen Strand.

## PART III - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### COMPREHENSIVE PLAN BACKGROUND:

##### Density Reduction/Groundwater Resource

The subject property's future land use category is Density Reduction/Groundwater Resource (DR/GR) and Wetlands. DR/GR was originally incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA). The Settlement Agreement required that the Future Land Use Map be amended to lower the allowable density in a new water resource category to one dwelling unit per ten acres in three specified areas of the County. The three areas were described as:

*...most non-urban land east of Interstate 75, southeast of the airport, and south of State Road 82; all non-urban land located north of the City of Cape Coral between Burnt Store Road and U.S. 41; and, all non-urban land lying east of U.S. 41 and bounded on the south by a line lying two miles south of the Charlotte County line.*

There were two underlying reasons for the adoption of this new future land use category. The first was the County's desire to protect the shallow aquifers that could be used to produce much of the County's potable water needs. The second reason was in response to the state concern that the Future Land Use Map allowed considerably more density, accommodating considerably more population, than the Planning Horizon of 2010. This reduction of density, one tenth of the original density of 1 dwelling unit per acre, was included in the settlement agreement to reduce the carrying capacity of the County's overall Future Land Use Map.

At the time, Lee County's main interest was in protecting the water resources of the County. Prior to the adoption of the Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. This amendment, Plan Amendment Map/Text 89-19 (PAM/T 89-19), was initiated by the Board of County Commissioners on May 3, 1989. The staff proposal was for the creation of a new future land use category for the southeast area of the county called "Groundwater Resource." In order to protect the shallow aquifers, the amendment proposed a reduction in density from one dwelling unit per acre to one dwelling unit per five acres. The Local Planning Agency reviewed the proposal on September 14, 1989 and recommended that the Board of County Commissioners adopt the proposed map amendment. This amendment, along with others, was scheduled to go to the Board of County Commissioners public transmittal hearings on October 24 and 25, 1989. Prior to those public hearings the terms of the Stipulated Settlement Agreement were reached. This proposed amendment was folded into the settlement as an integral part. The pending round of amendments was put on hold and the County began the process of implementing the agreement.

In addition to the water resource goals of Lee County, the DCA was concerned with the carrying capacity of the Future Land Use Map in relation to the Planning Horizon of the Lee Plan. The allowable density was further reduced to one dwelling unit per ten acres and additional lands were added to the new future land use category. These changes were included to partially

address the carrying capacity problem of the Future Land Use Map. These additional changes ultimately led to the inclusion of the words “Density Reduction” in the title of the Policy. The Board of County Commissioners adopted the Stipulated Settlement Agreement plan amendment in September of 1990. The DCA issued its Notice of Intent to find the amendment in compliance in late October 1990.

### **Southeast Lee County Planning Study**

Lee County has further delineated appropriate land uses in the southeast portion of the DR/GR through plan amendment CPA2008-06. This amendment was initiated to provide a balance between several conflicting land uses such as limerock mining, agriculture, residential development, and lands held for conservation purposes.

Lee Plan Goal 33 and the subsequent Objectives and Policies were supported by backup documentation that included the July 2008 Dover, Kohl & Partners’ Prospects for Southeast Lee County and the July 2009 Dover, Kohl & Partners’ Natural Resource Strategies for Southeast Lee County.

The Dover Kohl Study, Natural Resource Strategies for Southeast Lee County introduced the current Priority Restoration Strategies areas that are currently identified on Map 1, Page 4 of 8 of the Lee Plan. The 2009 Dover Kohl Study, Natural Resource Strategies also provided that *“conservation goals should include the following to protect and enhance the natural resources within the DR/GR:*

- 1. Maintaining and enhancing the surface and groundwater resources;*
- 2. Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
- 3. Expanding the existing shallow and sandstone aquifer monitoring well system to be uses as a resource management tool;*
- 4. Restoring historic flow-ways;*
- 5. Providing connectivity between larger, regionally significant preserves for mammal and herpefaunal movement;*
- 6. Planning for public potable water well withdrawals to insure natural systems are not harmed;*
- 7. Restoration of historic ecosystems;*
- 8. Maintaining and enhancing woodstork foraging areas; and*
- 9. Maintaining and enhancing agricultural operations.*

CPA2008-06, lead to the adoption of Goal 33: Southeast Lee County. Goal 33 reiterated the importance of water resources in the southeast portion of the county and also introduced the protection of natural habitat as part of the planning goal for this portion of the county. Objective 33.2 and 33.3 allow some flexibility to cluster or concentrate development rights in order to protect water resources and wildlife habitats. Increased density through Transferable Density

Rights is also contemplated in relation to the goals of the Lee Plan adopted as part of CPA2008-06.

In addition, the following maps were amended or added to the Lee Plan as a result of the planning effort. A Future Limerock Mining Overlay, Map 14, Priority Restoration Strategy areas, Map 1, Page 4 of 8, and Historic Surface and Groundwater Levels, Map 25. Also adopted was Map 17, Southeast DR/GR Residential Overlay. This map depicts the location of new mixed use communities, golf course communities, as well as existing acreage subdivisions. The Mixed-Use Communities as well as the Rural Golf Course Community are locations that are intended to incorporate Transfer Development Rights (TDRs) and develop at densities above the standard density range of the DR/GR. These maps were adopted on March 3, 2010.

### **Existing Natural Resource Strategy for Southeast Lee County**

The natural resources strategy adopted into the Lee Plan supported by the Dover Kohl studies sought to incentivize the protection and restoration of strategic areas. This was accomplished by establishing a new Transfer of Development Rights (TDR) strategy. The strategy identifies priority areas within the DR/GR for the creation of TDRs. These areas have been assigned appropriate multipliers, which are intended to incentivize the preservation of areas “critical to restore surface and groundwater levels and to connect existing corridors or conservation areas.” Receiving areas were also identified that allow the voluntary concentration of these rights into identified mixed use communities, identified on Lee Plan Map 17. The Board of County Commissioners adopted the current TDR strategy on March 3, 2010. To date, no TDRs have been created from lands in Southeast DR/GR.

### **ZONING HISTORY:**

The property is zoned Agriculture (AG-2) and is currently used for agricultural purposes. Since 2000 there have been three applications for rezoning filed on the subject property. In addition, there are currently two active zoning applications on the subject property.

### **Past Rezoning Applications:**

- DCI2000-00058 was filed on August 8, 2000 and sought a rezone from Agriculture (AG-2) to Private Recreational Facilities Planned Development (PRFPD) to allow golf course uses on 637+/- total acres of land. This application was withdrawn by the applicant.
- DCI2002-00001 was filed on January 8, 2002 and sought a rezone of 1,366 acres to Private Recreational Facilities Planned Development (PRFPD). The intent of this application was to build three 18-hole golf courses and one 36-hole golf course. This case went to hearing before the Lee County Hearing Examiner and a Hearing Examiner recommendation was released. The case was remanded by the Board of County Commissioners back to the Hearing Examiner for further consideration. This application was withdrawn by the applicant.
- DCI2005-00026 was filed on March 21, 2006 and sought a rezone of 1,360± acres from AG-2 to Industrial Planned Development (IPD) to allow the use of an excavation, mining operation (construction materials mining operation) with a proposed depth of 110 feet below the wet season water table and sod farming. The applicant has also requested approval of a

General Mining Permit under LDC Chapter 34. On May 26, 2010 the Board of County Commissioners denied the requested rezoning.

**Current Rezoning Applications:**

- DCI2014-00012 was filed on June 6, 2014 seeking a rezone of 1,360± acres from AG-2 to Mine Excavation Planned Development (MEPD), in order to permit a 30 year mining operation with: a maximum excavation depth of 100 feet; an excavation/mine footprint of 380 acres; and, hours of operation from 5:00 AM to 6:00 PM. This case has been put on hold by the owner to permit the filing of this comprehensive plan amendment and second zoning case to permit the development of a residential project.
- DCI2015-00004 (the concurrent zoning case) was filed on February 18, 2015 seeking to rezone 1,360± acres from AG-2 to Residential Planned Development (RPD) to permit the development of up to 1,325 dwelling units, with maximum building heights of 35 feet.

**UTILITIES:**

The DR/GR future land use category limits density to a maximum of 1 dwelling unit for every 10 acres and the Wetlands category limits density to 1 dwelling unit per 20 acres. These low densities would normally discourage the extension of public water and sewer services to the individual residential lots. Providing these utilities is not a requirement of the Lee Plan, nor is it usually cost feasible to expand utilities to such low density areas.

The applicant, however, has proposed to extend water and sanitary sewer infrastructure to the subject site. The water and sewer service provides an opportunity to eliminate the private wells and septic systems that would be necessary if developed in a manner that is consistent with current DR/GR and Wetlands policies. This is particularly important at this location because the subject property contains sensitive lands within the Southeast DR/GR, including areas that are within the 6 month and 1 year protection zones of the Lee County Corkscrew Wellfield. Placing individual wells and septic tanks could cause adverse impacts to the water table aquifer as well as the sandstone aquifer. The elimination of these well and septic systems will further protect these valuable resources.

**ENVIRONMENTAL ENHANCEMENT AND PRESEVATION OVERLAY AND LEE PLAN CONSISTENCY:**

In accordance with Policy 2.4.3, increasing density and intensity in the DR/GR is discouraged without the use of TDRs created within Southeast Lee County. Landowners and developers in Southeast Lee County have stated that the current TDR based strategy is not financially feasible. While the TDR strategy may still be able to provide benefits in Southeast Lee County, to date it has not been effective for large scale ecosystem preservation as originally intended. The applicant and staff have discussed on numerous occasions the best methodology to address all of the goals and concerns that have been identified in Southeast Lee County and along the Corkscrew and Alico Road corridors. The 2009 Dover Kohl study recommended that Lee County “expand the methods of insuring long-term protection and enhancement of the natural resources with the DR/GR by 2012.”

Working together, the applicant and staff have developed a new strategy in Southeast Lee County that includes three main objectives. The objectives of the new strategy are:

1. Target strategic areas that can provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR, consistent with Policy 33.2.3 of the Lee Plan;
2. Require development to be designed with the land, consistent with Goal 4: Sustainable Development Design and numerous other Goals, Objectives, and Policies of the Lee Plan; and,
3. Provide a predictable way to assign appropriate increases in density as an incentive to offset the cost of the improvements needed to achieve the longstanding environmental goals of the Southeast DR/GR.

With these three overall objectives in mind, the applicant and staff worked together to develop the “Environmental Enhancement and Preservation Communities Overlay.” The proposed Environmental Enhancement and Preservation Communities Overlay represents a new strategy that has the ability to achieve the County’s goals that are articulated in the Lee Plan as well as is the 2009 Dover Kohl Study. Each of the components of the Environmental Enhancement and Preservation Communities Overlay is described in greater detail below.

To incorporate the Environmental Enhancement and Preservation Communities Overlay into the Lee Plan staff recommends that the Board of County Commissioners adopt the text amendments discussed below. Additional amendments are also needed to update cross-references as well as to renumber subsequent Policies. These changes will affect Policies 1.4.5 and 1.7.13 and Objective 33.3. A complete codification of the recommended text amendments are attached to the staff report as Attachment 1.

Target critical restoration areas and minimizing new impacts:

The first component of the proposed Environmental Enhancement and Preservation Communities Overlay is to identify lands that can provide strategic regional benefits while minimizing new and adverse impacts that would be inconsistent with Lee County’s goals for Southeast Lee County. To achieve this, staff recommends that the Lee Plan should be amended to include the following provisions:

**POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.**

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
  - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
  - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

The above provisions are consistent with the existing Lee Plan as well as the support documentation that was provided when Lee Plan Goal 33 was adopted. Objective 33.2 of the Lee Plan encourages the use of an overlay designation on land in Southeast Lee County *“that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.”* Policy 33.2.1 provides that *“staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes.”* Policy 33.2.2 and Policy 33.2.3 are specific to the Priority Restoration Areas Tier 1 through Tier 7 within Southeast Lee County. Policy 33.2.2 states that this overlay is to *“be utilized as the basis for incentives,”* and Policy 33.2.3 begins by stating that: *“It is in southwest Florida’s interest for public and nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means.”* Policy 33.2.3 goes on to state *“The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within Tier 2 through Tier 7, including but not limited to acquiring agricultural or conservation easements...”*

These existing policies and previous studies make clear that restoration of the subject property’s historic flowway has the potential to provide strategic regional benefits to Lee County. Through the concurrent rezoning application, the applicant has shown restoration of historic flowways, which are part of the Flint Pen Strand. In addition, the Master Concept Plan shows the protection of large portions of the subject site along the eastern portion of the property which will allow for improvements to surface and groundwater resources. The applicant has requested additional dwelling units to offset the increased costs of the proposed on-site restoration improvements.

In addition to identifying lands that can provide strategic regional hydrologic and wildlife habitat benefits, the first component of the proposed Overlay is also consistent with Goal 41: Community and Environmental Impacts, and Objective 41.2 of the Lee Plan’s Transportation Element. Objective 41.2 states that *“New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas.”* Limiting the potential overlay to areas that are adjacent to existing Lee County transportation facilities such as Corkscrew and Alico Roads makes the proposed Overlay consistent with Lee Plan Goal 41 because new county transportation facilities that could affect this environmentally sensitive area would not be required.

Require enhanced development design to get increased density at time of rezoning:

The proposed Environmental Enhancement and Preservation Communities Overlay is incentive based. The second component of the Overlay is to identify enhanced criteria to be used at the time of rezoning to assure that the proposed development meets existing Lee Plan Goals, Objectives, Policies and supporting studies for Southeast Lee County. As previously stated, the 2009 Dover Kohl Study, Natural Resource Strategies, also provided that “*conservation goals should include the following to protect and enhance the natural resources within the DR/GR:*”

1. *Maintaining and enhancing the surface and groundwater resources;*
2. *Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
3. *Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;*
4. *Restoring historic flow-ways;*
5. *Providing connectivity between larger, regionally significant preserves for mammal and herpetofaunal movement;*
6. *Planning for public potable water well withdrawals to insure natural systems are not harmed;*
7. *Restoration of historic ecosystems;*
8. *Maintaining and enhancing woodstork foraging areas; and*
9. *Maintaining and enhancing agricultural operations.”*

With these existing goals in mind staff recommends that the Lee Plan should be amended to include the following provisions:

2. The property is rezoned to a Planned Development that meets the following:
  - a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
    1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
    2. Restore and accommodate existing and historic groundwater levels;
    3. Restore and preserve wetlands;
    4. Restore and preserve indigenous upland habitats;
    5. Provide critical wildlife connections to adjacent conservation areas; and
    6. Provide 100’ foot buffer along Corkscrew Road East of Alico Road.
  - b. Includes an enhanced lake management plan, that:
    1. Applies best management practices for fertilizers and pesticides;
    2. Provides erosion control and bank stabilization; and
    3. Establishes lake maintenance requirements.

- c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
- d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.
- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
- f. Indigenous management plans must address human-wildlife coexistence.
- g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
- h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge stormwater from the development into the County's MS4 system directly or indirectly.
- i. Elimination of any agricultural row crop uses at time of first development order.
- j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
- k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate share amount can be offset, in accordance with AC13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a Planned Development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any Development Order.

- l. Connect to public water and sewer service. Connect to reclaimed water if available at time of development order approval.
- m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District.
- n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.

The above provisions are consistent with the existing Lee Plan. The DR/GR descriptor policy, Policy 1.4.5, was amended with CPA2008-06. The Policy requires that a rezoning or development order must demonstrate compatibility with maintaining surface and groundwater levels at historic levels. The applicant has demonstrated that the proposed increase in density, including the required use of public water and sewer service, will maintain surface and groundwater levels. The recent amendments to Policy 1.4.5, paragraph 2, also acknowledge that in certain circumstances it may be beneficial to allow for increased density:

*Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3 and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.*

The proposed Environmental Enhancement and Preservation Communities Overlay, including the proposed provisions that allow for increased density, is consistent with the intent of Lee Plan Policy 1.4.5, to protect water resources.

Objective 2.4 addresses the Future Land Use Map amendments. Policies 2.4.2 and 2.4.3 specifically address amendments that would increase the allowable density or intensity of land uses within the Southeast DR/GR. Policy 2.4.2 requires the Board of County Commissioners make a formal finding that “no significant impacts on present or future water resources will result from the change.” To assist in making this finding, Policy 2.4.3 has additional requirements for any amendment that will increase the density or intensity of the DR/GR future land use category. The four pieces of additional required data are discussed in the following paragraphs.

Policy 2.4.3 specifically states that “amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county.” However Policy 2.4.3 also provides four specific requirements for applicants seeking such an amendment. The four requirements are as follows:

1. *analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*

2. *identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J- 5.006(5) (g), (h), (i) and (j), FAC.*

The applicant has supplied the analysis as required in #1 above. As proposed by the applicant, the source of the domestic water is Lee County Utilities, eliminating the need for multiple private wells which would drawdown from the potable water tables below the property. Irrigation water for the residential units would be supplied by a master irrigation system that will draw from the existing wells. The master irrigation system will allow greater control of irrigation water resulting in less use than would be allowed by individual private wells. The applicant has presented the required data to the Lee County Division of Natural Resources. The Division of Natural Resources has found that *“no significant impacts on present or future water resources are expected as a result from the change.”* (See memo from the Division of Natural Resources)

The proposed Overlay will require a minimum of 60 percent of the subject property to be protected and restored. There are substantial costs for restoration and maintenance of existing or historic groundwater and surface water resources, and wildlife habitat. The Overlay allows an incentive to developers who are willing to meet the restoration and maintenance as well as other design requirements. Through the incentives provided by the proposed Overlay, the preservation of historic flowways on the subject property that are part of the Flint Pen Strand as well as the expansion of wildlife habitat adjacent to regionally significant preserves will be accomplished at no costs to the county.

The provisions of the Overlay’s proposed second component are also consistent with Lee Plan Objective 107.1, Policy 1071.1, Policy 107.2.8 and Policy 107.11.4. Objective 107.1 of the Lee Plan provides that Lee County will *“implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.”* Policy 107.1.1 states that County agencies will recommend standards to the Board of County Commissioners for approval of development and conservation that will protect and integrate wetlands. The second component of the Overlay proposes specific standards and criteria that will be reviewed by the Board of County commissioners through a required Planned Development. The proposed overlay is consistent with Policy 107.2.8 of the Lee Plan, which encourages Lee County to *“promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.”* The proposed Overlay expands upon the use of conservation easements as a way to ensure long-term maintenance of the onsite natural system. The proposed Overlay is consistent with Policy 107.11.4 which encourages the use of buffers and open space to *“protect*

*and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat.”*

Provide predictable density incentives:

The third component of the proposed Environmental Enhancement and Preservation Communities Overlay is to provide a predictable way to assign density incentives to the subject property as well as other properties which may be eligible to be included in the proposed Overlay in the future. Having a predictable way to assign density incentives within the Overlay is important for Lee County to be able to plan for future provision of utilities and other services such as transportation, EMS, sheriff, and fire protection. To achieve this, staff recommends that the Lee Plan should be amended to include the following provisions:

3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
  - a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.
  - b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.
  - c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
  - d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.
  - e. Additional dwelling units may be approved in the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney’s Office.

Policy 33.2.2 and Policy 33.2.3 provide that the Priority Restoration Strategy Tiers should be “utilized as the basis for incentives.” With this in mind, and considering previous efforts Lee County has put into the study of Southeast Lee County, the proposed Overlay seeks to build on to the current strategy. The proposed Overlay utilizes the Priority Restoration Strategy Tiers as a basis to determine incentive densities. The proposed Environmental Enhancement and Preservation Communities Overlay provides incentives to protect and restore those areas that “provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR.” Policy 33.2.3 identifies Tiers 1 and 2 as being the most important areas to restore.

These incentives recognize that Tiers 1 and 2 as being the most important areas to restore; the proposed Overlay provides an increased level of incentives for these lands. However, it should be noted that all lands within the DR/GR were not evaluated at the time the Tiers were developed. Specifically, previously mined areas and areas with existing approved residential development orders were not evaluated even though these sites may have the ability to provide strategic benefits consistent with Policy 33.2.3.

The incentives proposed in the Overlay would provide a maximum of 1 unit per acre in Tier 1 properties, 1 unit per two acres in Tier 2 properties, and 1 unit per 3 acres on other lands within the Overlay. It is anticipated that the higher level of incentives will encourage land owners with Tier 1 and 2 properties to develop in a way that preserves these critical areas. The proposed Overlay is consistent with the existing goals of the Southeast DR/GR and establishes new incentives and strategies to achieve the existing goals.

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS:**

The proposed amendment was reviewed by the Department of Community Development traffic engineer and the Lee County Department of Transportation. LCDOT provided a memo dated April 21, 2015. That memo, in part, provided the following comments:

*This project has frontage on Corkscrew Road, a County maintained arterial.*

*There are specific transportation analysis requirements in the CPA application for a five-year short-range and a twenty-year long-range analysis of conditions. The long range analysis corresponds with the MPO transportation model and planned roadway network in the Lee Plan. Analysis requirements are specified on pages 5 and 6 of the CPA application form and are contained in the subject application. LCDOT staff finds that the submitted Dec. 18, 2014 traffic study is consistent with CPA application requirements.*

*The traffic study indicates that with the project, all road segments in the study area will meet or exceed the adopted level of service (LOS) issues in the five-year analysis and long range analysis.*

*While the traffic study indicates Corkscrew Road will operate at an acceptable LOS from Cypress Shadows Blvd to Alico Road, LCDOT staff is concerned that Corkscrew Road cannot accommodate the traffic from this project, and other nearby approved and proposed projects. As a result a deficiency may be created on Corkscrew Road, as well as consideration to accelerate other area road widening projects. See F.S. 163.3180.*

*Traffic count station #249 is on Corkscrew Road east of Stoneybrook Golf Drive. At that location, the Average Annual Daily Traffic (AADT) was 13,000 in 2013 and 15,780 in the year 2014. Based on current data, the peak hour peak season peak directional traffic volume is 759.*

*Corkscrew Farms also has submitted a zoning application, DCI2015-00004. The zoning traffic study indicates Corkscrew Farms will add 430 peak hour, peak direction trips to Corkscrew Road east of Ben Hill Griffin Parkway. This development is not contemplated in the socioeconomic data used as the basis for the current LRTP. Corkscrew Shores (DOS2013-00034), Preserve at Corkscrew (DOS2011-00002), and Bella Terra (multiple DOS cases) have approved development orders and are under construction. These area projects are not fully reflected in the socioeconomic data for the current LRTP. The 2014 Concurrency Report forecasts an additional 430 peak hour, peak directional traffic volume on this segment. Since the data was compiled for the concurrency report, there have been additional dwelling units permitted.*

*The Dec. 18, 2014 traffic study was performed consistent with the CPA requirements and the approved methodology. However, approved and proposed area projects, including Corkscrew Farms, will require additional operational and traffic analysis to determine the cumulative effect of area development and any developer contributions or additional transportation mitigation beyond roads impact fees. The purpose of this analysis is to identify timing of current planned improvements and any additional area improvements to Corkscrew Road east of Ben Hill Griffin Parkway, Estero Parkway extension east of Ben Hill Griffin Parkway, Alico Road from CR 951 to Greenmeadow Road and CR 951 from Corkscrew Road to Alico Road.*

In order to address the possible LOS deficiency, staff is recommending that the following language be incorporated into the Lee Plan:

**POLICY 38.1.9:** Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

#### **ENVIRONMENTAL CONSIDERATIONS:**

Lee County Division of Environmental Sciences provided a staff report to the Lee County Planning Division on April 20, 2015. This report concludes the following:

*The DR/GR was created with specific conservation goals. As per the “Prospects for Southeast Lee County” report published in July 2008 these goals included: Maintaining and enhancing the surface and groundwater resources; Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR; Restoring historic flowways; Providing connectivity between large, regionally significant preserves for mammal and herpefaunal movement; Restoration of historic ecosystems; and maintaining and enhancing wood stork foraging areas. These recommendations were incorporated into the Lee Plan upon creation of the Southeast Lee County Planning Community. Goal 33 and Objective 33.2 discuss the DR/GR area as an area set aside for*

*protection of natural resources including both water resources and preserve/habitat. Policies 33.2.1, 33.2.2, and 33.2.3 discuss the importance and value of connecting corridors and conservation areas to allow for flowway connections and wildlife movement through preservation, restoration, and long term protection measures such as conservation easements and indicates that Tier1 lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. The Corkscrew Farms property is identified as Tier 1 on Map 1 page 4. Objective 60.5 and Policies 60.5.1, 60.5.2, & 60.5.3 discuss the long-term benefits of incorporating green infrastructure into the stormwater design encouraging incorporation of wildlife habitat, existing wetlands and natural flowways, and restoration of historic flowways. Objective 107.1 and Policies 107.1.2, and 107.2.8 discuss how the county will work with applicants to promote long term protection and enhancement of upland and wetland habitats through preservation of large interconnected systems and the formation of conservation easements over these areas. Finally, Policy 107.11.4 discusses how the county will work with applicants to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway.*

*The Corkscrew Farms project is proposing to improve, preserve, and restore approximately 750 acres of the overall 1361.05 acre site as conservation easements. These preservation areas consist of existing native wetland and upland habitats as well as agricultural fields that will be restored back to native wetland and upland habitat. The preserves also will be re-graded in some areas to promote and restore historic flowways through the site, and in addition crossing of flowways have been reduced over current agriculture and ditching activities. The preservation areas are designed to connect and provide a corridor for wildlife to move through the site and abutting conservation lands. This will allow for large mammal movement for species such as the Florida panther and Florida black bear which currently use and have the potential to use the site for movement throughout the county. A CDD or other bondable entity will be created to ensure the long term maintenance of these preserve areas. Lake bank slopes within the proposed lakes and created flowways will be designed and planted per the current Land Development Code standards providing foraging areas for wading birds including wood storks. The Preliminary Restoration Strategy Plan and the clustered site design as proposed it is consistent with the intent of the DR/GR and the Lee Plan.*

#### **NATURAL RESOURCES REVIEW:**

Lee County Division of Natural Resources provided written comments to the Lee County Planning Division in a memorandum dated April 16, 2015. The Division of Natural Resources found that:

*GROUNDWATER: The subject site has a steep slope across the property compared to the average Lee County topography and is located at the vicinity of a public water supply wellfield. In fact, most of the property is located within wellfield protections zones. The current use on the property is agriculture. There are a number of permitted wells for agriculture use. The existing wells will be used as sources of centralized irrigation system for the project. Natural Resources staff has reviewed the information provided by the applicant including the Groundwater Analysis for the subject site, prepared by Progressive Water*

*Resources. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by using potable water supply provided Lee County Utilities. The centralized irrigation system uses on site lakes replenished by the existing wells on as necessary basis.*

*SURFACE WATER: The subject site is located adjacent to mitigation or conservation lands owned by other agencies. The residential community located west of the subject property along Burgundy Farm Road experiences flooding from time to time. Farm ditches had been excavated within and around the property altering historical surface water drainage and runoff patterns. The proposed restoration plan will preserve adjacent forested area located on the western property line. The master concept plan attempts to preserve the existing on-site wetlands by incorporating them into recreated flow ways. The restoration plan will also provide a flow way on the western portion of the site east of the forested area to help relieve some of the flooding of adjacent properties. In addition, the proposed development pods are chosen in a way to accommodate and enhance three flow ways to mimic historic flow through the site.*

*WATER QUALITY: Water quality is a major concern on this project due to its close vicinity to the public water supply system. The applicant has agreed to provide additional treatment of surface water prior to discharging to water management lakes.*

*One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of flow ways through the property. Further, incorporation of a monitoring well network will provide a tool for managing the natural system and work towards achieving other goals listed in the Dover Kohl study.*

Furthermore, as required by Lee Plan Policies 2.4.2 and 2.4.3, the Division of Natural Resources found that “no significant impacts on present or future water resources are expected as a result from the change.”

**FEMA FLOODWAY:**

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

**LEE COUNTY PORT AUTHORITY REVIEW:**

The Lee County Port Authority provided correspondence to the Lee County Division of Planning dated April 17, 2015 stating: “We have met with county staff, developer, and environmental consultant to discuss the restoration plans for the proposed Corkscrew Farms Development. It is our understanding from their consultant (Kevin Erwin and Assoc.), that the proposed hydrological restoration would be a benefit to the area by restoring natural flows and not have any detrimental affect to Mitigation Park and our current restoration efforts. We support this idea in concept but would like to see a copy of the restoration plan when it is completed in case we have any further questions or comments.”

**HISTORIC RESOURCES:**

The subject site has previously been subjected to an Archaeological and Historical Survey. No evidence of significant historic or prehistoric occupation or utilization of the subject site has been documented. Portions of this site are within the Level 2 sensitivity areas for archeological and historic resources. Prior to Development Order approval a Certificate to Dig will be required.

**SCHOOL IMPACTS:**

The Lee County School District provided correspondence to the Lee County Division of Planning dated January 27, 2015 stating: *“Capacities for elementary and middle seats are not an issue within the Concurrency Service Area (CSA). For high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.”*

**SOLID WASTE COLLECTION SERVICE:**

The Lee County Solid Waste Division provided correspondence to the applicant on December 10, 2014 stating that they are capable of providing solid waste collection service for the proposed project. Lee County Solid Waste Division also stated that *“disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.”*

**MASS TRANSIT SERVICE:**

Lee County Transit provided the applicant a letter dated December 10, 2014 stating the following:

- *Currently, the closest route to the identified parcel is Route 60 and is 6 miles away from the subject property. This route travels through San Carlos park and Estero, providing access to Florida Gulf Coast University, Miromar Outlets and the Estero Library.*
- *The parcels do not lie within the ¾ mile boundary for paratransit service.*
- *The Transit Development Plan does not recognize the need for services adjacent to this property during the 10 year planning horizon.*

**EMERGENCY MEDICAL SERVICES (EMS):**

Lee County EMS provided a memo dated December 29, 2014 stating they have concerns about being able to accommodate the additional development proposed on the subject property:

*We have two EMS stations that are approximately 8 miles from the proposed entrance off Corkscrew: Station 21 and Station 25.*

*An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests we will not be able to meet existing service standards as required in County Ordinance 08-16. Therefore, we have concerns about our ability to provide service to this new development.*

To address this concern, the applicant has committed that if the ambulance response time to the property, at the time of issuance of the first residential building permit, does not meet the required level of service, the developer will pay an ambulance fee of \$200,000 to Lee County EMS for an ambulance to assure adequate response times to the property. While this donation does not fully address the service standard issue, the Board of County Commissioners could accept it as mitigation.

**POLICE SERVICE:**

The Lee County Sheriff's Office provided a letter to the applicant dated December 17, 2014 stating that the proposed Lee Plan amendment "does not affect the ability of the Lee County Sheriff's Office to provide core services as this time." The letter went on to say that service would be provided primarily from the South District Office in Bonita Springs.

**FIRE PROTECTION SERVICE:**

The Estero Fire Rescue Service District provided a letter to the applicant dated December 16, 2014 stating they are able to serve the proposed development. A follow up letter was also sent to the applicant on February 18, 2015 to address mitigation efforts by the applicant.

**UTILITIES REVIEW:**

Lee County Utilities provided correspondence to the Lee County Division of Planning dated April 24, 2015 stating that there is adequate capacity to serve the proposed development. In part the letter provides the following:

*Potable Water:*

*LCU's current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water system to 50.9 MGD. The projected water system demand included in LCU's Integrated Water Resource Master Plan indicates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2014 annual average daily demand in LCU's water system was 23.21 MGD. The 2014 maximum month average daily demand in LCU's water system was 26.8 MGD. Based on the information presented above there is sufficient water treatment capacity to serve the proposed development.*

*Sanitary Sewer:*

*The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The annual average daily flow to the Three Oaks WWTP in 2014 was 2.71 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted.*

*LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility. This study was completed by a Consultant. The flow projection for this study was based on the Three Oaks WWTP future service area. The Corkscrew Farms project is not located within the Three Oaks WWTP future service area.*

*Therefore, the wastewater flow proposed to be generated by the Corkscrew Farms project (265,000gpd) was not included in this flow projection. The flow projection performed during this study can however be used to project the effect the Corkscrew Farms projected flow will have on the available capacity at the Three Oaks WWTP. The flow projection was revised to add the flow generated from Corkscrew Farms. It was assumed that the Corkscrew Farms project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2033.*

*Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.*

**SOILS:**

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

**B. CONCLUSIONS:**

After thorough review and consideration of the numerous factors discussed in the following report staff is recommending that the proposed amendments, as identified in Attachment 1, be transmitted to the state reviewing agencies.

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

DATE OF PUBLIC HEARING: May 11, 2015

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a brief presentation regarding the proposed amendment, making a recommendation that the BOCC transmit the proposed amendment. This was followed by a presentation from the applicant, and the applicant's consultants. The applicant's presentation specifically addressed transportation, the site's history and environmental impacts, site and regional hydrology, consistency with the Lee Plan, and regional and financial benefits to Lee County.

Four members of the public addressed the LPA concerning the proposed amendment. Three of the speakers were in favor of the proposed amendment, while one of the speakers did not support the amendment. The concerns identified by the public comments included traffic on Corkscrew Road, movement of large mammals east of the existing large mammal crossing, the desire to have Corkscrew Road east of Alico Road remain a "rural corridor," and that the proposed development is "sprawl," and wellfield protection.

**A motion was made that the LPA recommend the BOCC *transmit* staff's recommendation. The motion was called and passed 6-0.**

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

**1. RECOMMENDATION:**

The LPA agreed with staff and recommends that the Lee County Board of County Commissioners *transmit* the proposed Lee Plan amendment.

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

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

**C. VOTE:**

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

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

DATE OF TRANSMITTAL HEARING: June 17, 2015

**A. BOARD REVIEW:**

Staff gave a brief presentation regarding the proposed amendment, making a recommendation that the BoCC transmit the proposed amendment. This was followed by a presentation from the applicant, and the applicant's consultants. The applicant's presentation specifically addressed the site's existing uses, public outreach efforts, traffic, hydrology, and regional and financial benefits to Lee County.

One member of the BoCC asked if the proposed traffic study could be completed prior to July 2017. Staff responded that we would look at that possibility and provide a response at the upcoming adoption hearing.

Six members of the public addressed the Board of County Commissioners concerning the proposed amendment. All of the speakers acknowledged the project provided some environmental benefits. However, four of the speakers opposed the proposed amendment, citing concerns with urban sprawl and traffic on Corkscrew Road. Two of the speakers supported the proposed development stating the overall environmental benefits outweighed the traffic concerns.

**A motion was made that the BOCC *transmit* staff's recommendation. The motion was called and passed 3-0.**

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

**1. BOARD ACTION:**

The Board of County Commissioners *transmitted* the proposed amendment as recommended by staff and the Local Planning Agency.

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

The Board of County Commissioners accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

<b>BRIAN HAMMAN</b>	<u><b>AYE</b></u>
<b>LARRY KIKER</b>	<u><b>AYE</b></u>
<b>FRANK MANN</b>	<u><b>ABSENT</b></u>
<b>JOHN MANNING</b>	<u><b>AYE</b></u>
<b>CECIL L PENDERGRASS</b>	<u><b>ABSENT</b></u>

**PART VI – STATE REVIEWING AGENCIES OBJECTIONS,  
RECOMMENDATIONS AND COMMENTS**

DATE OF REVIEWING AGENCY COMMENTS: Comments from the State Reviewing Agencies were due to Lee County by July 23, 2015.

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

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity,
- Florida Department of Education,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- South Florida Water Management District,
- Southwest Florida Regional Planning Council (Staff Only), and
- Florida Fish and Wildlife Conservation Commission.

There were no objections to the proposed amendments.

Comments and recommendations were made by the Florida Department of Transportation, the Florida Fish and Wildlife Conservation Commission, and the Southwest Florida Regional Planning Council.

**Florida Department of Transportation (Florida DOT):**

Comment # 1:

*The Department supports Lee County in conducting the traffic study identified under Policy 38.1.9 which includes cumulative traffic impacts of approved developments and planned developments under review. The Department encourages the County to consider an earlier date of completion for the traffic study per Policy 38.1.9 in order to better understand the potential impacts of the approved and planned developments in this area. The Department also recommends that the following State SIS [Strategic Intermodal System] facilities be included in the study:*

- *I-75 from Bonita Beach Road to Alico Road*
- *Alico Road from I-75 to Ben Hill Griffin Parkway*
- *Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal*

Lee County staff has been coordinating with the Florida DOT to finalize the draft scope of the traffic study identified in Policy 38.1.9 to assure that Florida DOT comments will be addressed. In addition, the applicant has provided a response to the FDOT comments, which is attached to this staff report.

Comments #2:

*The Department appreciates the opportunity to coordinate with Lee County on the evaluation of impacts resulting from the nearby approved and planned developments particularly on Strategic Intermodal Systems (SIS) and State facilities. In addition, the Department looks forward to data collection efforts for consistency with FDOT's I-75 Corkscrew Road Interchange Modification Report.*

As previously stated, Lee County staff has been coordinating with the Florida DOT to finalize the draft scope of the traffic study identified in Policy 38.1.9 to assure that Florida DOT comments will be addressed.

Comment # 3:

*Lee County continues to be a popular destination for new businesses/industries, visitors, and residents. The County ranked within the top 10 of the nation's fastest-growing metro areas based on population increases from July 2013 to July 2014. The County's long-term sustainability and competitiveness depends on its ability to continue addressing the transportation needs of its growing population, both the internal local trips and longer-distance trips connecting to other regions. The Department applauds Lee County for implementing industry best practices as it plans and visions its future growth, to not only address current transportation needs but also to enhance the long-term quality of life of its residents and businesses. The Department notes two specific areas that Lee County continues to effectively implement as it works on its comprehensive plan:*

- *Integrating transportation and land use planning and decision-making*
- *Complete Streets and multimodal approach to all new transportation investments*

*The Department has released the following research and guidance that the County may also consider as it implements industry best practices:*

- *FDOT Complete Streets Implementation Website:*  
<http://www.dot.state.fl.us/rddesign/CSI/Default.shtm>
- *ITE Context Sensitive Solutions Website:* <http://ite.org/css/>
- *National Association of City Transportation Officials (NACTO):*  
<http://nacto.org/>
- *USDOT Livability in Transportation Guidebook;*  
[http://www.fhwa.dot.gov/livability/case\\_studies/guidebook/livabilitygb10.pdf](http://www.fhwa.dot.gov/livability/case_studies/guidebook/livabilitygb10.pdf)

Lee County staff appreciates the technical guidance provided by Florida Department of Transportation.

**Florida Fish and Wildlife Conservation Commission (FWC):**

The Florida Fish and Wildlife Conservation Commission did not have any objections to the proposed amendment, but provided a letter to Lee County on July 23, 2015 that included “technical assistance when planning for any additional future development that may occur on the subject property.” The comments were specific to the subject site and addressed protected species and prescribed burns that will be used to maintain vegetative communities on the conservation areas.

Lee County staff appreciates the technical assistance provided by the Florida Fish and Wildlife Conservation Commission and will implement their recommendations through zoning conditions. The applicant has also provided a response to the FWC comments, which is attached to this staff report.

**Southwest Florida Regional Planning Council (Staff Comments):**

The Southwest Florida Regional Planning Council (RPC) provided staff comments on July 20, 2015. The RPC staff comments stated that they agreed with the comments from FDOT. The RPC staff also recommended that the request should be found regionally significant because the change will have an impact on state roads which are recognized as state facilities. The comments went on to say that although the RPC staff felt there were regional impacts the amendment would “not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plan of other local governments.”

Staff appreciates the comments from the Regional Planning Council. As stated above, Lee County staff has been coordinating with the Florida DOT to finalize the draft scope of the traffic study identified in Policy 38.1.9 to assure that Florida DOT comments will be addressed. In addition, the applicant has provided a response to the RPC comments, which is attached to this staff report.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners *adopt* the amendments to the Lee Plan as provided in Attachment 1.

**Text Amendments:****Future Land Use Element**

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.4~~5~~) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, ~~and 33.3.5,~~ and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
  - a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies
  - b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
  - c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.

(Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24)

**POLICY 1.7.13:** The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.4~~5~~. This overlay affects only Southeast Lee County and identifies ~~four~~ five types of land:

1. “Existing Acreage Subdivisions”: existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. “Rural Golf Course Communities” potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
3. “Mixed-Use Communities” locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
4. “Improved Residential Communities:” Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
5. “Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24, Renumbered by Ordinance No. 14-10)

**POLICY 33.2.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3. (Added by Ordinance No. 10-19)

**OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT.** Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the density Reduction/Groundwater Resource future land use category (Improved Residential Communities). (Added by Ordinance No. 10-43, Amended by Ordinance No.12-24)

**POLICY 33.3.4:** Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
  - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
  - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.
2. The property is rezoned to a Planned Development that meets the following:
  - a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
    1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
    2. Restore and accommodate existing and historic groundwater levels;
    3. Restore and preserve wetlands;
    4. Restore and preserve indigenous upland habitats;
    5. Provide critical wildlife connections to adjacent conservation areas; and
    6. Provide 100’ foot buffer along Corkscrew Road East of Alico Road.
  - b. Includes an enhanced lake management plan, that:
    1. Applies best management practices for fertilizers and pesticides;
    2. Provides erosion control and bank stabilization; and
    3. Establishes lake maintenance requirements.
  - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
  - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept

responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
- f. Indigenous management plans must address human-wildlife coexistence.
- g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
- h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.
- i. Elimination of any agricultural row crop uses at time of first development order.
- j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
- k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate share amount can be offset, in accordance with AC13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a Planned Development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any Development Order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.
- l. Connect to public water and sewer service. Connect to reclaimed water if available at time of development order approval.
- m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District.

- n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.
3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
  - a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.
  - b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.
  - c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
  - d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.
  - e. Additional dwelling units may be approved in the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.

**POLICY 33.3.45:** Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.
2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-

residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.

3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.
4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).
5. Lee County encourages landowners to concentrate development rights from contiguous DR/GR property under common ownership or control.
6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
  - a. Other Mixed-Use Communities;
  - b. Rural Golf Course Communities;
  - c. Improved Residential Communities
  - d. Future Urban Area (see Objective 1.1);
  - e. Mixed-Use Overlay;
  - f. Lehigh Acres Specialized Mixed-Use Nodes;
  - g. Lee Plan designation that allow bonus density (see Table 1(a)); and,
  - h. Incorporated municipalities that have formally agreed to accept TDR credits.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24, Amended by Ordinance No. 14-09)

**POLICY 33.3.56:** The new TDR program will have the following characteristics:

1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
2. The preferred receiving locations for the transfer of TDRs are within designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only sites in the DR/GR area permitted to receive transferred development rights are Mixed-Use Communities or Rural Golf Course Communities, Improved Residential Communities as shown on Map 17.
3. TDR credits will be available from sending areas as follows:

- a. One TDR credit may be created for each allowable dwelling unit attributable to sending parcels within the Southeast DR/GR area. As an incentive for permanently protecting indigenous native uplands, one extra dwelling unit will be allowed for each five acres of preserved or restored indigenous native uplands.
  - b. As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3 or the southern two miles of Tiers 5, 6 or 7, as shown on the DR/GR Priority Restoration overlay.
4. The maximum number of TDR credits that can be created from the Southeast DR/GR lands is 9,000.
  5. No more than 2,000 dwelling units can be placed on receiving parcels within the Southeast DR/GR Mixed-Use Communities through the TDR credit program.
  6. TDR Credits may be redeemed in designated TDR receiving areas as follows:
    - a. In Mixed-Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
    - b. In Rural Golf Course Communities, see Policy 16.2.7.
    - c. In the Future Urban Areas described in paragraph 2. above, each TDR credit may be redeemed for a maximum of two dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a). TDR credits may not be redeemed for non-residential floor area in these Future Urban Areas.
    - d. Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban Areas, each TDR credit may be redeemed for a maximum of two dwelling units.
  7. When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:
    - a. Continued agricultural uses will be permitted;
    - b. Conservation uses only;
    - c. Conservation use and restoration of the property; or
    - d. some combination of the above options.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance 12-24)

**POLICY 33.3.67:** The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed-Use Communities as designated on Map 17. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

**POLICY 33.3.78:** By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

### **Transportation Element**

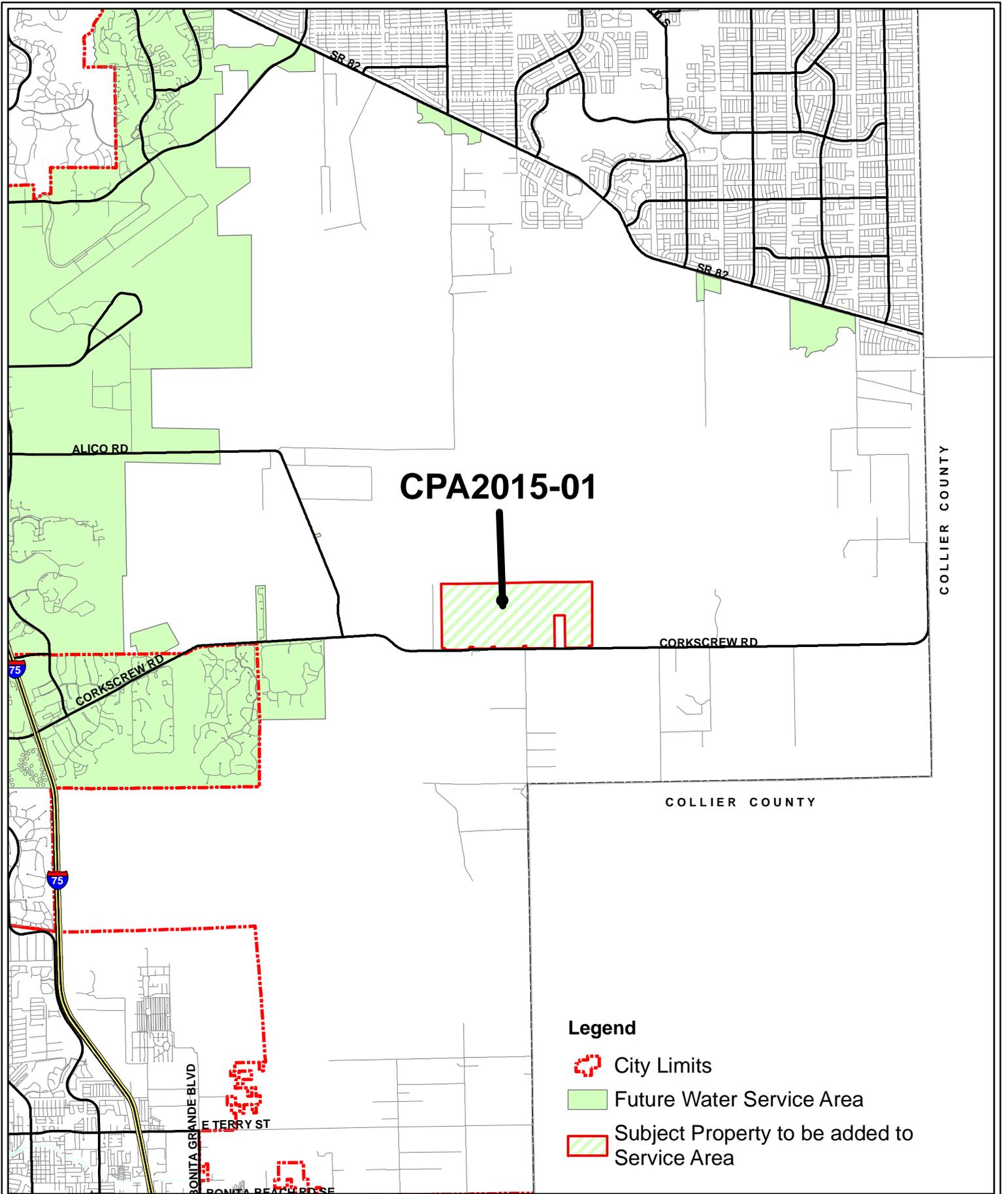
**POLICY 38.1.9:** Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

### **Map Amendments:**

**Map 6: Future Water Service Areas**

**Map 7: Future Sanitary Sewer Service Areas**

**Map 17: Southeast DR/GR Residential Overlay**



**CPA2015-01**

**Legend**

-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area

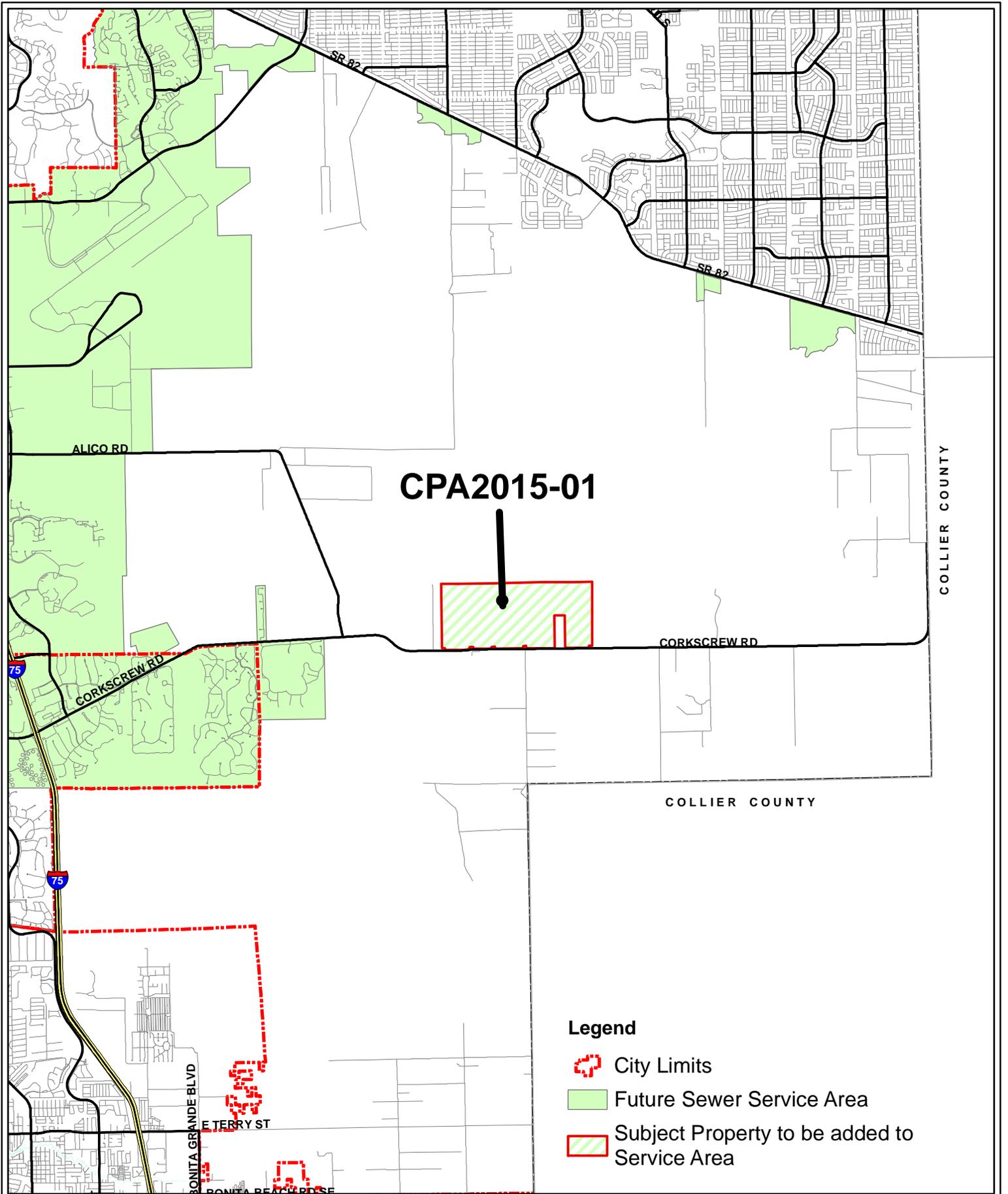
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

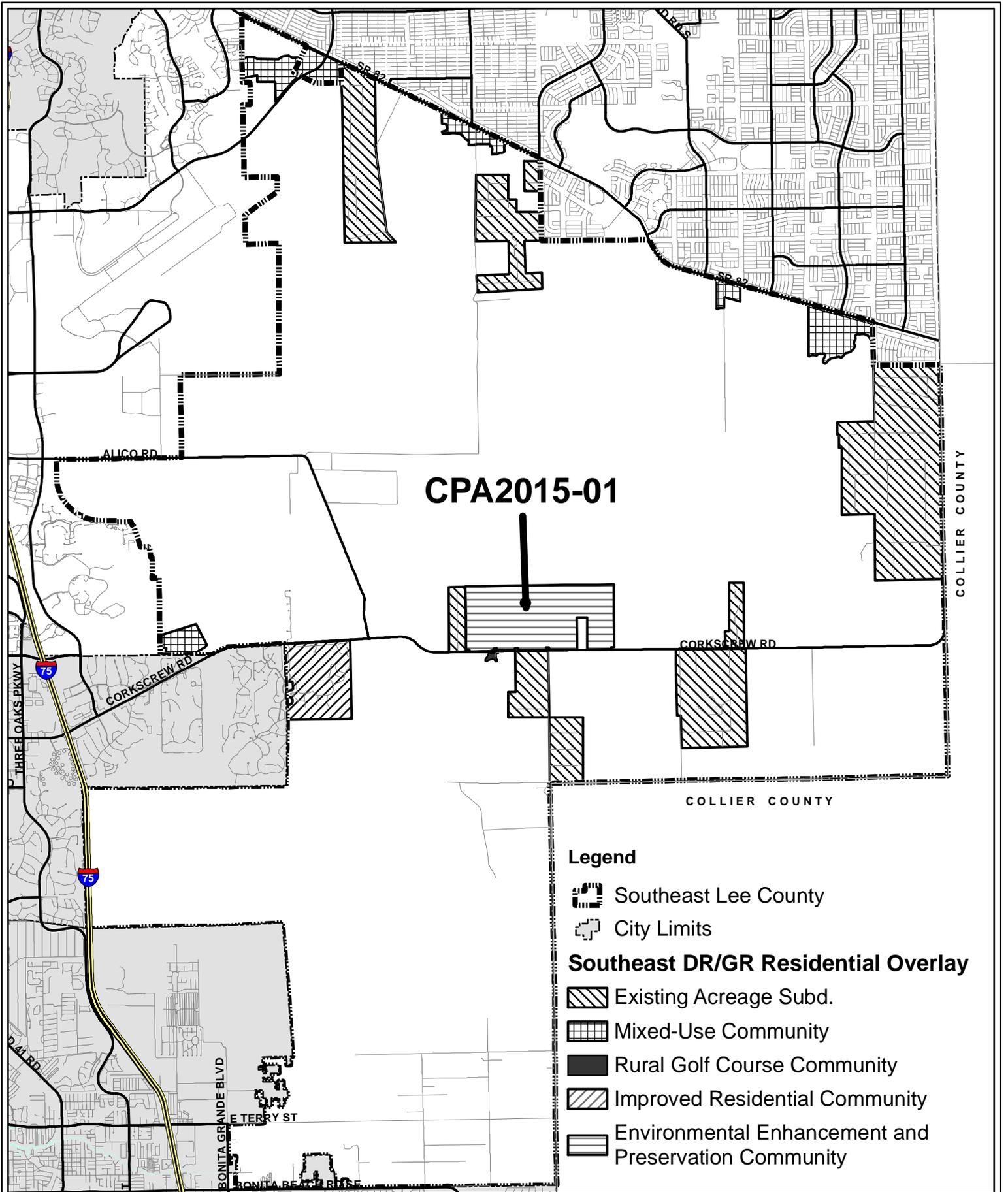



Map Generated April 2015



**CPA2015-00001 - CORKSCREW FARMS**  
**LEE PLAN MAP 6**  
LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS





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*

December 29, 2014

Matthew Noble  
ANoblePlan, LLC  
1842 Seafan Circle  
North Fort Myers, FL 33903

Re: Initial development review for Corkscrew Farms

Mr. Noble,

I am in receipt of your email dated December 10, 2014, requesting a letter to determine the adequacy of existing and proposed services for the development of Corkscrew Farms, located off Corkscrew Road. The email included a listing of 11 parcels.

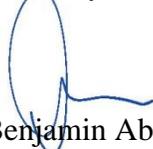
Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. We have two EMS stations that are approximately 8 miles from the proposed entrance off Corkscrew: Station 21 and Station 25.

An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests we will not be able to meet existing service standards as required in County Ordinance 08-16. Therefore, we have concerns about our ability to provide service to this new development.

Should the plans or access to the property change, a new analysis of this impact would be required.

If you have any questions, please contact me at (239) 533-3961.

Sincerely,



Benjamin Abes  
Deputy Chief, Operations  
Division of Emergency Medical Services



# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF  
LONG RANGE PLANNER  
239-337-8142  
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN  
CHAIRMAN, DISTRICT 3  
STEVEN K. TEUBER  
VICE CHAIRMAN, DISTRICT 4

MARY FISCHER  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

PAMELA H. LARIVIERE  
DISTRICT 5

NANCY J. GRAHAM, ED.D  
SUPERINTENDENT

KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

January 27, 2015

Brandon Dunn, Senior Planner  
Lee County Division of Planning  
1500 Monroe Street  
Fort Myers, Florida 33902-0398

RE: CPA2015-00001  
Corkscrew Farms Plan Amendment

Dear Mr. Dunn:

This letter is in response to your request for comments date January 12, 2015 for the Corkscrew Farms Plan Amendment in regard to educational impact. The project is located in the South Choice Zone, S-3.

The developer's request states there is a possibility of 1,325 single-family dwellings. With regard to the interlocal 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 .292 and further broken down into the following, .146 for elementary, .070 for middle and .076 for high. A total of 387 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary and middle seats are not an issue within the Concurrency Service Area (CSA). For high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please me at 239-337-8142.

Sincerely,

Dawn Huff,  
Long Range Planner

## LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

**REVIEWING AUTHORITY** Lee School District  
**NAME/CASE NUMBER** Corkscrew Farms Plan Amendment/CPA2015-00001  
**OWNER/AGENT** Resource Cnservation Holdings  
**ITEM DESCRIPTION** various amendments; all impacts in South CSA, sub area S3

**LOCATION** North side of Corkscrew Rd, east of I75  
**ACRES** 1,300  
**CURRENT FLU** Density Reduction/Groundwater Resource (DRGR) & Wetlands (W)  
**CURRENT ZONING** Agricultural (AG2)

**PROPOSED DWELLING UNITS BY TYPE**

Single Family	Multi Family	Mobile Home
1,325	0	0

**STUDENT GENERATION**

Student Generation Rates			
SF	MF	MH	Projected Students
0.146			193.45
0.07			92.75
0.076			100.70

Source: Lee County School District, January 27, 2015 letter

**CSA SCHOOL NAME 2018/19**

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
12,413	10,768	1,645	193	1,452	88%	
5,621	5,325	296	93	203	96%	
7,070	7,550	-480	101	-581	108%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity )

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by:

Dawn Huff, Long Range Planner

**MEMORANDUM  
FROM  
PUBLIC WORKS  
Natural Resources Division**

**Date:** April 16, 2015

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

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

**SUBJECT:** CPA2015-00001 Corkscrew Farms Plan Amendment

The subject property is located on Corkscrew Road east of the intersection of Alico and Corkscrew Roads. The applicant is requesting to build 1,300 dwelling units on the 1,360 +/- acre parcel. The site is located in the DRGR land use and Wetlands categories within the Southeast Lee County Planning Community. The subject site is identified in the Lee Plan as a Tier 1 Priority Restoration property. A request for approval for a commercial mine excavation on the subject property was previously denied by the County.

**GROUNDWATER:** The subject site has a steep slope across the property compared to the average Lee County topography and is located at the vicinity of a public water supply wellfield. In fact, most of the property is located within wellfield protections zones. The current use on the property is agriculture. There are a number of permitted wells for agriculture use. The existing wells will be used as sources of centralized irrigation system for the project. Natural Resources staff has reviewed the information provided by the applicant including the Groundwater Analysis for the subject site, prepared by Progressive Water Resources. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by using potable water supply provided Lee County Utilities. The centralized irrigation system uses on site lakes replenished by the existing wells on as necessary basis.

**SURFACE WATER:** The subject site is located adjacent to mitigation or conservation lands owned by other agencies. The residential community located west of the subject property along Burgundy Farm Road experiences flooding from time to time. Farm ditches had been excavated within and around the property altering historical surface water drainage and runoff patterns. The proposed restoration plan will preserve adjacent forested area located on the western property line. The master concept plan attempts to preserve the existing on-site wetlands by incorporating them into recreated flow ways. The restoration plan will also provide a flow way on the western portion of the site east of the forested area to help relieve some of the flooding of adjacent properties. In addition, the proposed development pods are chosen in a way to accommodate and enhance three flow ways to mimic historic flow through the site.

**WATER QUALITY:** Water quality is a major concern on this project due to its close vicinity to the public water supply system. The applicant has agreed to provide additional treatment of surface water prior to discharging to water management lakes.

One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of flow ways through the property. Further, incorporation of a monitoring well network will provide a tool for managing the natural system and work towards achieving other goals listed in the Dover Kohl study

The following items shall be addressed and resolved during the approval process:

- 1) Potential contamination of public water supply system due to construction or operational activities on the project site.
- 2) Storm water discharge to water management lakes and potential contamination of public water supply system.
- 3) Design of the water management system to mimic the functions of the natural system.
- 4) Discharge of storm water from the development into the County's MS4 system.
- 5) Maintain historic flow through the property and avoid flooding of adjacent properties.
- 6) A water quality monitoring plan for review and approval by the Division of Natural Resources.
- 7) A lake management plan for review and approval by the Division of Natural Resources. Among other issues, the plan shall address issues related to maintenance of water levels and littoral plants in the lake.
- 8) Setback requirements of Chapter 62-532 with regard to sanitary sewer lines from public water supply system.
- 9) Compliance with Wellfield Protection Ordinance.

Based on the information provided and given the above concerns are to be addressed in the approval process, the Lee County Division of Natural Resources finds that no significant impacts on present or future water resources are expected as a result from the change. Therefore, 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 are expected as a result from changing the Future Land Use Category, as required in Lee Plan Policy 2.4.2 and Policy 2.4.3. This memo does not intend to relieve the applicant from complying with any other part of the Lee Plan.

April 16, 2015

DNR Conditions

CPA2015-00001 Corkscrew Farms

1. All possible precautions shall be taken to minimize and avoid harm to the public water supply system.
2. In order to minimize potential for contamination of the public water supply system located at the vicinity of the project, storm water runoff from the project site shall be directed to specifically designed and designated storm water pretreatment areas prior to discharging to water management lakes.
3. The water management system shall be designed to mimic the functions of the natural system. The flow ways shall be established within the property as part of the restoration of the natural system. The applicant shall obtain authorization from the Division of Natural Resources prior to discharging storm water from the development into the County's MS4 system.
4. The applicant shall restore historic flow through the property. The proposed development shall not exacerbate flooding on adjacent properties. In the event that the applicant were to provide a portion of the property to a third party, the applicant still shall be responsible for providing storm water flow through the subject site regardless of the activities proposed by the third party.
5. The applicant will provide potable water from Lee County Utilities and a central irrigation system using the existing lakes on the property. The Homeowners Association (HOA) documents such as Declarations and Covenants shall include language prohibiting installation of domestic wells for potable or irrigation use. Those documents shall be reviewed and approved by County staff prior to issuance of the first development order. No domestic wells will be permitted by Lee County.
6. Some portions of the property are located within the wellfield protection zones for public water supply. Storage, handling, use of production of certain hazardous or toxic substances within protection zones have potential for contaminating public water supplies. Homeowners Association documents such as Declarations and Covenants shall allow only licensed landscape or other professionals authorized by Lee County to perform activities including application of fertilizers, pesticides, insecticides, herbicides, nematicides, or other chemicals on the property. A list of BMP's will be required to address potential degradation of groundwater due to storage and use of regulated substances on site during construction and operation of the facility.
7. A Water Quality Monitoring Plan shall be reviewed and approved by County staff prior to issuance of the first development order. The Water Quality Monitoring Plan should follow the attached format and include annual assessment of water quality data, trend

analysis, identification of potential issues, recommended corrective actions for changes in the Lake Maintenance Plan.

8. A Lake Management Plan shall be reviewed and approved by the staff prior to issuance of the first development order. The Lake Management Plan shall incorporate the Lake Maintenance Plan and the Water Quality Monitoring Plan, and shall be reviewed annually by applicant/HOA and take remedial actions, if necessary.
9. All proposed sanitary sewer lines shall be designed to meet the State required (Chapter 62-532) setback requirements from nearby Lee County Utilities public water supply wells. Storm water management lakes are directly connected to potable water bearing aquifer(s) and as such must be protected from sanitary hazards. As defined in Chapter 62-550: (75) "SANITARY HAZARD" means a physical condition which involves or affects any part of a drinking water system or the raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system.

### **Five Steps in the Design of a Water Quality Monitoring Plan**

#### **1. Define Information Expectations**

- a) Determine water quality concerns and management goals.
- b) Identify statistical methods to be used.
- c) State statistical conclusions to be drawn & how conclusions relate to monitoring goals.
- d) Describe means of reporting conclusions

#### **2. Confirm Statistical Design Criteria**

- a) Statistically characterize water quality of population to be sampled.
- b) State if assumptions of chosen statistical methods are met.

#### **3. Design Monitoring Network**

- a) What to measure (analytes).
- b) Define the Data Quality Objectives (DQO).
- c) How frequently to sample (monthly, quarterly)
- d) Where to sample (cells, grids, EMAP, fixed structures)

#### **4. Develop Operating Plans and Procedures**

- a) Sampling routes, equipment, training, etc.

- b) Field sampling and analysis procedures.
- c) Sample preservation and transportation.
- d) Laboratory analyses and QA procedures.
- e) Data Verification Protocols.
- f) Data storage and retrieval
- g) Data analysis software for chosen statistical methods.

**5. Develop Information Reporting Procedures**

- a) Type, format & frequency of reporting.
- b) Distribution of reports.
- c) Automation of reporting.
- d) Evaluation of information relative to expectations defined in step 1.

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** April 20, 2015

**To:** Brandon Dunn, Principal Planner

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

**Project:** Corkscrew Farms  
**Case:** CPA2015-00001  
**STRAP:** 24-46-26-00-00001.0000 & others (see approved legal description)

**PROJECT:**

The applicant is requesting to amend the Lee Plan and Future Land Use Map to establish an Environmental Enhancement and Preservation Overlay within the Density Reduction Groundwater Resource (DR/GR) and Wetlands Future Land Use Categories and the adoption of the Corkscrew Farms Restoration Strategy to allow the development of 1,325 residential dwelling units on the Corkscrew Farms property.

**PROJECT SITE:**

The amendment area is approximately 1361.1 acres in size located on Corkscrew Road, approximately 1.5 miles east of Alico Road. The site is zoned agricultural (AG-2) with current and past agriculture uses consisting of cattle grazing/pasture, production of sod, and row cropping.

The surrounding land use categories include DR/GR, Wetlands, and Conservation Lands. The surrounding zoning consists of AG-2 zoned property to the west, north and east; and AG-2, Private Recreational Facilities Planned Development (PRFPD) and Industrial Planned Development (IPD) zoned property to the south. The site is adjacent to large lot single family residential (Burgundy Farms subdivision), Lee County Airport Mitigation Park, Lee County Utilities Corkscrew Wellfield and conservation lands to the west; Corkscrew Road, Lee County public well sites and vacant Lee County Utilities land immediately to the south and the Old Corkscrew Golf Course, Six L's Farm Road large lot single family residential, and active agriculture (Pepperland LLC and Florida Farm Development Co.) south of Corkscrew Road; South Florida Water Management District Corkscrew Mitigation Park and Lee County 20/20 Conservation Lands to the

east; and Lee County Airport Mitigation Park to the north. The site and adjacent mitigation parks and Lee County conservation lands connect to the much larger Flint Pen Strand and Corkscrew Regional Ecosystem Watershed (CREW) lands located to the west and south.

The site has active use and well permits for the current agricultural operations and two pending zoning applications. DCI2014-00012 (currently on hold) requests to rezone the 1,361.05 acres from AG-2 to Mine Excavation Planned Development (MEPD) to permit a 30 year mining operation and DCI2015-00004 (associated with this comprehensive plan amendment) requested to rezone the 1,361.05 acres from AG-2 to a Residential Planned Development (RPD) to permit a maximum of 1,325 dwelling units.

#### **HABITAT ASSESSMENT:**

A vegetative community assessment was conducted by Kevin Erwin Consulting Ecologist, Inc. in July and December 2014 and January and February 2015. The assessment and associated Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

Approximately 91.5% (1,245.8 acres) of the site has been improved for agriculture purposes and consists of agriculture buildings, improved pastures, woodland pastures, row crops, improved pastures-hydric, Brazilian pepper, agriculture ditches, borrow areas, and dikes/levees. The remaining 8.5% (115.3 acres) consists of disturbed indigenous habitats of upland and hydric pine flatwoods, cypress, cypress-pine-palm, and freshwater marsh (indigenous areas are defined as indigenous plant communities that contain less than 75% exotic species coverage).

Topography and historical soils and hydro pattern mapping provided by the applicant indicate the site contains historic flowways running north/south through the site. These flowways were/are connected to the much larger Flint Pen Strand and CREW lands to the west and south.

There are approximately 110.4 acres of potential jurisdictional wetlands on the site. The applicant has applied for an informal wetland determination from the South Florida Water Management District (SFWMD) application #150320-13. There has not been a joint (state/federal) Environmental Resource Permit (ERP) application submitted to date.

#### **PROTECTED SPECIES:**

A protected species survey for Lee County listed species meeting the requirements of Lee County Land Development Code (LDC) Section 10-473 was conducted by Kevin Erwin Consulting Ecologist, Inc. in July and December 2014 and January and February 2015. The survey was submitted by the applicant. The site contains the following listed species: American Alligator (*alligator mississippiensis*), Audubon's crested caracara (*Polyborus plancus audubonii*), Burrowing owl (*Athene cunicularia*), Florida Sandhill Crane (*Grus Canadensis pratensis*), Little Blue Heron (*Egretta caerulea*), Big Cypress fox squirrel (*Sciurus niger avicennia*), Common wild pine (*Tillandsia fasciculata*), Royal fern (*Osmunda regalis*), and Simpson's zephyrlily (*Zephyranthes simpsonii*). The survey also notes that this site is located within the primary and secondary Florida panther zone and telemetry points of collared panthers have been recorded on

and surrounding the site (See the Attached Panther Telemetry Map); and the site is located within the core foraging area of four known wood stork nesting colonies. In addition, ES staff notes that the site is located within the primary range of the Big Cypress Florida Black bear population.

**PROPOSED OVERLAY:**

The applicant is requesting to be added to the Environmental Enhancement and Preservation Overlay as proposed by the Wildblue Development in CPA2014-04. The Corkscrew Farms property is located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and is within one mile north of Corkscrew Road. Therefore, given its location and environmental features, as described above, the property provides opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections consistent with proposed overlay language Policy 33.3.4. By requesting to be added to the overlay the applicant is opting to utilize the incentive based language that would allow for increased density on the site where the project improves, preserves, and restores regional surface water and groundwater resources and indigenous wildlife habitats. The applicant is proposing the following regional benefits to allow for the clustering of 1,325 residential dwelling units (See the Attached Preliminary Restoration Strategy Plan dated February 18, 2015):

- Preservation of all existing native wetlands and upland habitats and approximately 750 acres of land to be placed into a conservation easement. Along with common open space and water management conveyance areas and lakes results in 66% open space. This is an increase over the 40% open space (544 acres) currently required by the LDC for a RPD;
- Enhance, restore and create historic hydric pine, cypress and marsh wetland habitats in the approximate 750 acres of preserved lands. This will include restoring historic water levels and hydro-periods, removal of exotic species and restoration/creation of wetlands within existing disturbed agriculture areas. This is a drastic increase over the 115.3 indigenous preservation required by the LDC which would only require them to preserve and enhance what exist today;
- Opening the existing berm along property north boundary to re-establish historic sheet flow from the north and re-creation of flowways through the site where they historically existed to improve historic flows to the Flint Pen Stand and CREW lands;
- Improve and restore critical wildlife connections to adjacent public conservation lands to the east, north, and west;
- Preservation of water resources through reductions in water use allocation and the use of native plants to reduce irrigation;
- Connection to sewer and water instead of the currently approved well and septic use;
- Provide a buffer along Corkscrew Road exceeding 400-feet in width to consist of the restored indigenous preserve.

**ENVIRONMENTAL CONCERNS:**

- The increase in density can have a negative impact on the wildlife in the area through items such as light pollution, human wildlife interactions, and limitations on wildlife movement.

To address these issues the Environmental Enhancement and Preservation Overlay policy language requires a clustered planned development to include a minimum of 60% open space used to accommodate water management, flowways, existing/restored indigenous wetland and upland preserves and perimeter buffers which provide critical wildlife connections to adjacent conservation areas. The applicant is proposing a clustered development footprint with three large north/south corridors containing preserved and restored flowways and wetland and upland habitats. Two large corridors are along the west (min. 850' width) and east (min. 2975' width) property boundaries and one through the center of the project of which only the central corridor will be crossed by internal roads. The development footprint is also setback a minimum of 400-feet from the north and south boundary. ES staff will work with the applicant during the planned development process on the details of the roads to provide optimum wildlife crossings at these locations and place limitations through zoning conditions and association documents on direct lighting into the preserves; and as per the LDC Listed Species Management Plans will be required and as per Lee Plan Policy language a human wildlife coexistence plan will be implement which includes wildlife education efforts and protection measures (i.e. bear proof trash receptacles).

- The project will result in an increase in traffic on Corkscrew Road and this may result in increased road mortality with wildlife that is attempting to cross the road.

ES staff notes that there is an existing large mammal wildlife underpass with associated fencing on Corkscrew Road approximately 1 mile to the west of the projects western most property line and there is an additional wildlife underpass being permitted by Lee County DOT about 2.5 mile further west on Corkscrew Road. The proposed wildlife crossing will also include a total of 1000-feet of fencing running east and west on both sides of Corkscrew Road to funnel wildlife into the crossing. Current panther telemetry indicates that a majority of the panther cross at these locations. Therefore the existing and proposed wildlife underpasses may help to mitigate the proposed increase in automobile trips; however, the timing of this improvements and how it relates to the timing of the proposed development is not known at this time.

- The project is located at the head of Corkscrew Regional Ecosystem Watershed and the increase in density could have a negative effect on the water flow and quality.

To address these issues the Environmental Enhancement and Preservation Overlay Policy language requires the following: restoration of existing or historic flowways through habitat preservation, enhancement, and creation with required site specific ecological and hydrological restoration plans; enhanced lake maintenance plans limiting herbicide, pesticide, and fertilizer, increasing lake bank stabilization measures, and establishing lake maintenance requirements; requiring connection to public water and sewer service and reclaimed water when available; use of Florida Friendly plantings with low irrigation requirements; implementation of water quality monitoring programs and increased water quality treatment for developed areas of the project; and eliminating row cropping agricultural uses. ES staff will work with the applicant during the

planned development process to implement the specific design details of the Restoration Strategy Plan and meet the requirements of the Lee Plan Environmental Enhancement and Preservation Overlay Policy language.

- The applicant proposes to phase the restoration of the farm fields following the schedule of residential development (basin by basin approach). Thus, the proposed ecological improvements to the site have the potential to occur over an extended (unknown) period of time.

To address this issue the Environmental Enhancement and Preservation Overlay Policy language requires an indigenous management plan which must include a phasing plan to be approved as part of the rezoning process. Therefore, the details of the phasing of the restoration will be established prior to any zoning approval and ES staff will work with the applicant to establish a realistic and definitive timeframes.

- The site is proposing 750 acres of preservation. These preserves will include exotic removal, re-grading and replanting/seeding/natural recruitment. Over time these areas will need continual maintenance to ensure that the restoration plants are surviving, the flowways are being maintained, and the areas are free of exotic infestation.

To address this issue the Environmental Enhancement and Preservation Overlay Policy language requires the project to develop a site specific ecological and hydrological restoration plan which includes at minimum excavation and grading plans, analysis of hydrological improvements and water budget, preliminary replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance (Indigenous Management Plan); to plat the preserve areas as separate tracts and dedicated to an appropriate maintenance entity (i.e. CDD or HOA must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the Planned Development); and record a Conservation Easement for a minimum of 55 percent of the planned development to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights. ES staff will continue to work with the applicant to implement the requirements of the overlay policy and the Restoration Strategy Plan during review of the corresponding residential planned development application maintenance, monitoring and success criteria.

### **CONCLUSIONS:**

The DR/GR was created with specific conservation goals. As per the “Prospects for Southeast Lee County” report published in July 2008 these goals included: Maintaining and enhancing the surface and groundwater resources; Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR; Restoring historic flowways; Providing connectivity between large, regionally significant preserves for mammal and herpefaunal movement; Restoration of historic ecosystems; and maintaining and enhancing wood stork foraging areas. These recommendations were incorporated into the Lee Plan upon creation of the Southeast Lee County Planning Community. Goal 33 and Objective 33.2 discuss the DR/GR

area as an area set aside for protection of natural resources including both water resources and preserve/habitat. Policies 33.2.1, 33.2.2, and 33.2.3 discuss the importance and value of connecting corridors and conservation areas to allow for flowway connections and wildlife movement through preservation, restoration, and long term protection measures such as conservation easements and indicates that Tier1 lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. The Corkscrew Farms property is identified as Tier 1 on Map 1 page 4. Objective 60.5 and Policies 60.5.1, 60.5.2, & 60.5.3 discuss the long-term benefits of incorporating green infrastructure into the stormwater design encouraging incorporation of wildlife habitat, existing wetlands and natural flowways, and restoration of historic flowways. Objective 107.1 and Policies 107.1.2, and 107.2.8 discuss how the county will work with applicants to promote long term protection and enhancement of upland and wetland habitats through preservation of large interconnected systems and the formation of conservation easements over these areas. Finally, Policy 107.11.4 discusses how the county will work with applicants to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway.

The Corkscrew Farms project is proposing to improve, preserve, and restore approximately 750 acres of the overall 1361.05 acre site as conservation easements. These preservation areas consist of existing native wetland and upland habitats as well as agricultural fields that will be restored back to native wetland and upland habitat. The preserves also will be re-graded in some areas to promote and restore historic flowways through the site, and in addition crossing of flowways have been reduced over current agriculture and ditching activities. The preservation areas are designed to connect and provide a corridor for wildlife to move through the site and abutting conservation lands. This will allow for large mammal movement for species such as the Florida panther and Florida black bear which currently use and have the potential to use the site for movement throughout the county. A CDD or other bondable entity will be created to ensure the long term maintenance of these preserve areas. Lake bank slopes within the proposed lakes and created flowways will be designed and planted per the current Land Development Code standards providing foraging areas for wading birds including wood storks. The Preliminary Restoration Strategy Plan and the clustered site design as proposed it is consistent with the intent of the DR/GR and the Lee Plan.

The following Lee Plan Goals, Objectives, and Policies support staff's analysis and findings:

**Goal 33: Southeast Lee County.** To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, Prospects for Southeast Lee County. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated

by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2.

**Objective 33.2: Water, Habitat, And Other Natural Resources.** Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

**Policy 33.2.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012.

**POLICY 33.2.2:** The DR/GR Priority Restoration overlay depicts land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policy 1.7.7 and Map 1, Page 4). This overlay identifies seven tiers of land potentially eligible for protection and restoration, with Tier 1 and Tier 2 being the highest priority for protection from irreversible land-use changes. Lee County will evaluate this overlay map every 7 years to determine if changes in public ownership, land use, new scientific data, and/or demands on natural resources justify updating this map. This overlay does not restrict the use of the land in and of itself. It will be utilized as the basis for incentives and for informational purposes since this map will represent a composite of potential restoration and acquisition activities in the county.

**Policy 33.2.3:** It is in southwest Florida's interest for public and nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means. These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use as described in Policies 33.2.5 and 33.2.6. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest.

**Objective 60.5: Incorporation Of Green Infrastructure Into The Surface Water Management System.** The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

**Policy 60.5.1:** The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to,

filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

**Policy 60.5.2:** The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

**Policy 60.5.3:** The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

**Objective 107.1: Resource Management Plan.** The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

**Policy 107.1.2:** To increase protection of natural resources, the County will promote the formation of a public/private management team to coordinate area wide conservation easements.

**Policy 107.2.8:** Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.

**Policy 107.11.4:** The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code.

# Corkscrew Farms Restoration Strategy

Kevin L. Erwin CE PWS  
Kevin L. Erwin Consulting Ecologist, Inc.

February 18, 2015

REVIEWED  
FEB 19 2015  
COMMUNITY DEVELOPMENT

## Vision

To restore a key ecological feature within the DRGR by returning approximately 700 acres of Corkscrew Farms' over-drained agricultural lands back to productive, fully functioning and sustainable wetland habitats.

## Measurable Restoration Goals

- Preserve all existing native wetlands onsite.
- Restore the historic flow ways on site.
- Restore and create historic hydric pine, cypress and marsh wetland habitats in existing agricultural land.
- Increase wildlife utilization by listed species, especially the wood stork.
- Increase biological diversity of wildlife onsite.
- Increase species richness of native vegetation communities.
- Open the existing berm along the project's north boundary to reestablish historic sheet flow from the north.
- Control surface water at an elevation determined to reestablish the surficial ground water profile in terms of both elevation and duration.
- Reestablish the historic groundwater profile.
- Improve hydrological conditions on adjacent public conservation lands.
- Reconnect wildlife corridors to adjacent public lands
- Remove all exotic and nuisance vegetation from the existing native wetlands and uplands.
- Significantly improve existing water quality conditions.

- Improvement to the current high water elevations seasonally experienced in the Burgundy Farm Subdivision.
- The restoration will limit the discharge of surface water to the Flint Pen Strand to predevelopment flows.

## **Introduction**

The Farms occupies a strategic location in the DRGR immediately adjacent to the Airport Mitigation Park to the north and the Corkscrew Regional Mitigation Bank (CRMB) to the east. Kevin Erwin Consulting Ecologist, Inc. (KECE) has designed and implemented the successful restoration of the CRMB (SFWMD) and Imperial Marsh Preserve (Lee County 20/20) projects east of and adjacent to the Corkscrew Farms site.

The Farms property slopes from a high elevation of 28.0' in the northeast corner to 19.0' in the southwest corner. This significant drop in elevation along with the existing network of agricultural drainage canals and ditches creates an adverse impact to the hydrology of the site as well as the public conservation lands to the east and north by draining those properties. All surface water currently flows into Flint Pen Strand to the west via the Corkscrew Road drainage ditches.

Ground and surface waters that historically pooled on this site during the wet season are now quickly drained directly into the Corkscrew Road drainage ditches that parallel the roadway along the southern boundary of the site. The property is currently subject to agricultural uses including sod farming, row cropping and improved pasture. An agricultural berm extending along the north property line intercepts wet season sheet flow moving south from the Airport Mitigation Park and drains west into the vicinity of the Burgundy Farms subdivision which lies west of and adjacent to the site.

## **Summary of benefits resulting from the restoration**

- Restoration of nearly 700 acres of historic wetlands at no cost to the public.
- Historic water levels and hydroperiods will be restored.
- Restoration will reestablish the historic groundwater profile.
- Restoration will improve hydrological conditions on thousands of acres of adjacent public lands to the north and east.
- Historic flow ways will be restored across the site.

- Water quality will significantly improve onsite
- Improved water quality and groundwater levels will benefit the adjacent Lee County Utilities well field.
- Surface water discharge to the Flint Pen Strand will be limited to predevelopment flows.
- Opening the northern berm to southerly surface flow will improve the current high water elevations seasonally experienced in the Burgundy Farm Subdivision.
- Wildlife utilization and species diversity onsite will significantly increase.
- The incorporation of this form of restoration with residential development will set a new, high standard for future development in Lee County.

## **Designing the Corkscrew Farms Restoration Plan**

### Ecological History

Work began when KECE conducted an ecological history of the site and surrounding lands to determine the predevelopment ecological and hydrological conditions. KECE relied in part on the DRGR study that the firm completed for Lee County in 2008. It was this study that identified the property as a Tier 1 Priority Restoration Site. 1953 aerial photographs (Figure 1 shows the subject property) from the Soil Conservation Service (now the National Resource Conservation Service), which were the clearest reliable representation of historic conditions, were scanned and plotted for mapping by KECE to determine the approximate historic hydrological conditions for the entire study area.

The major habitat associations identified relate to specific hydroperiod and water depth conditions (hydropatterns), with each being color-coded to illustrate the historical hydropatterns in the DR/GR (Figure 2 shows the subject property).

KECE found that during a significant part of any year with normal rainfall much of the DR/GR, including the Farms, had historically been flooded or had groundwater levels close to the surface. The deeper ponds, cypress swamps, and marshes have been assigned dark blue with progressively shallower, shorter hydroperiod (shorter duration of inundation) wetlands being assigned lighter shades of blue (Figure 2). This representation illustrates the location of historic flow ways and headwater sheet flow areas and allows us to roughly calculate the historic capacity for water storage during an annual cycle.

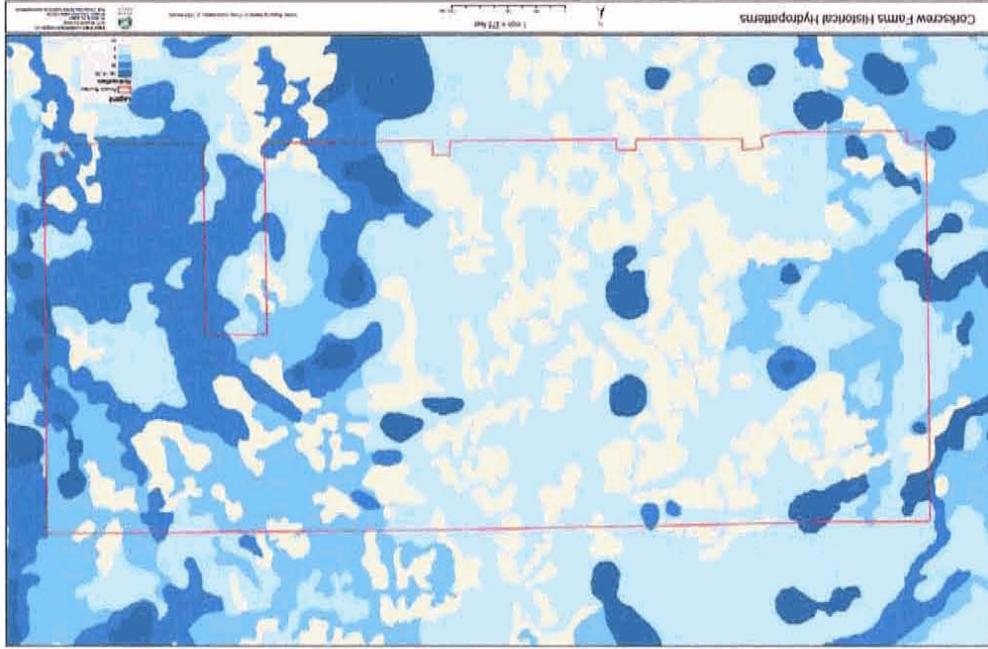


Figure 2.



Figure 1.

### Existing conditions

With the long-term goal of creating a plan to restore wetlands by reversing manmade site drainage, the first year objective is obtaining data to support engineering and construction plans based on hydrologic models and flora and fauna sampling locations for the sites. The models require information on the current onsite and offsite conditions to be determined by previous studies, baseline hydrology and wildlife information, which requires data collection. Data collection and analysis will be undertaken by KECE and Barraco.

In June of 2014 we installed shallow groundwater monitoring wells and rain gauges across the site to collect existing conditions hydrological data. This data along with the inflow and out flow calculations provided by the project engineer (Barraco) will provide the information required to determine the approximate amount of water that remains available to "rehydrate" the drained farm fields. Similar data, if available, will be requested from the public mitigation lands located to the north and east of the Farms.

Available topographic data (Lee County LiDAR) will be field verified and used by Barraco and KECE to estimate future wet season water levels and hydroperiods on the site given various restoration scenarios we evaluate.

### Planning

Each scenario evaluated by Barraco and KECE will involve different combinations of ditches, ditch plugging and risers (water control structures) to "back-up" the water in cascading stages across the site from northeast to southwest. The scenario that best retains water onsite in manageable basins and mimics the historical hydropatterns, by raising the groundwater levels, increasing hydroperiods and restoring the historic flow ways, will be used as the basis for the restoration plan. Surface water will once again be allowed to sheet flow into the site from the lands north and east of the Farms at selected locations where it is now blocked by berms and currently re-directed by farm ditches and canals.

The restoration targets (appropriate vegetation community types for the expected post-restoration hydrological conditions), will be the same as those selected and now doing very well at the CRMB. The restored farm fields will contain a mixture of very shallow (0 to 3" depth) hydric pine forest, slightly deeper shallow cypress and marsh (3" to 12". Unfilled, ditch segments (within basins/no positive outfall) will be re-contoured to become deep marshes and ponds which will provide wood storks with the early nesting season (November-December) foraging habitat that is now rare in this area. National Audubon Society research suggests that wood stork nesting declines in this region are linked to loss of shallow wetlands.

There are a few, drained cypress and hydric pine wetlands remaining on the site. These areas are heavily infested with problematic exotic plant species. They will first be cleaned of all exotics then rehydrated as part of the overall restoration plan.

In order to manage and convey surface water on the site several flow ways will be constructed as part of the restoration plan. These flow ways will be located in the vicinity of the historical flow ways. The constructed flow ways design resembles natural sloughs with wide floodplains. Flow way water levels will be maintained by water control structures, thus allowing water to be stored upstream of the structure and allowing storm flows to pass over or through the structure. A major water control structure will be located at the southwest corner of the site where all surface waters will eventually collect and discharge into the Corkscrew Road ditch and eventually into Flint Pen Strand to the west.

When completed the design and phasing of the restoration plan will resemble the restoration plan KECE developed for the CRMB (Figure 3).

Figure 3.



## **Offsite Benefits**

Historically, a high groundwater table and shallow surface water flowed slowly from the northeast to the southwest. When the Farms agricultural drainage system is replaced by restored wetlands and flow ways the elevated groundwater table will reduce the drainage and extend the hydroperiods of the wetlands within the adjacent Airport Mitigation Park and the CRMB. Seasonal high water levels in the Farms restored wetlands will be managed to match the preferred water levels on the adjacent public lands. The adjacent lands will not experience an increase or decrease in seasonal high water levels however; a restoration of normal hydroperiods (based on normal rainfall) will result.

Prior to the restoration of the CRMB and the Imperial Marsh Preserve the uncontrolled drainage of the lands along the north side of Corkscrew Road quickly drained these properties as well as the adjacent public lands (Airport Mitigation Park) to the north. As the CRMB hydrology was restored followed by the Imperial Marsh Preserve restoration the regional hydrology improved with less water being drained south into the Corkscrew Road ditch. The Farms wetland restoration will complete the last section of restoration of the agricultural drainage system, thus improving hydrological conditions to the north and east while also benefiting the Burgundy Farms subdivision to the west.

No adverse impacts to adjacent public lands or private properties will result from the planned residential development and wetland restoration only a net improvement in conditions.

## **Expected benefits to wildlife**

The restoration of native upland pine forest, cypress and hydric pine wetlands and large expanses of pasture will result in significant benefits to wildlife. These restored habitats are large and will be connected to similarly restored public lands to the north and east thus reestablishing wildlife corridors for species such as panthers and bears.

In normal rainfall years, restored hydric pine, cypress and marsh habitats with extended hydroperiods will provide foraging and nesting habitats for many wetland dependent species including woodstorks and other wading birds. Large numbers of woodstorks will forage in the restored wetlands and particularly the deeper pools created from the enhanced ditch segments and berm removal areas.

There will be no adverse impacts to upland or wetland forests as a result of the restoration or residential development. These forested areas, now infested with exotic and nuisance species of vegetation, will be enhanced through exotic control thus significantly improving potential habitat for species like the fox squirrel, indigo snake, bonneted bat.

Existing farm operations that minimize the site's utilization by species like burrowing owls and Caracara will be discontinued. Row cropping and sod farming will be replaced with restored habitats and land management techniques more conducive to successful nesting and breeding of these and other wildlife species..

KECE's monitoring of similar restoration projects, like CRMB and Little Pine Island, has shown significant increases in biological diversity from the baseline to the restored condition. Many resident and migratory species of birds, reptiles and mammals not currently utilizing the site will quickly be attracted to the restored conditions. Wildlife diversity and density will be recorded by KECE at selected times throughout the wet and dry season to measure changes in ecological values. Changes in vegetative cover will also be periodically summarized by KECE. These data will be essential to gauge the success of the restoration effort and any adaptive management required.

Shallow wetlands of the type that once dominated the Corkscrew area are a priority habitat for wood storks, wading birds and other wetland dependent species. These wetlands contain, and during seasonal dry periods concentrate, the small forage fish nesting wood storks and their chicks need. The most important wood stork nesting site is at Audubon Corkscrew Swamp Sanctuary. From that site storks forage in a radius of approximately 30 kilometers, which is referenced as the core foraging area. Audubon's research indicates the loss of more than 82% of the historic extent of shallow wetlands in the form of wet prairies within the core foraging area. This loss of wetlands is thought to be the most significant factor in regional wood stork decline in the Corkscrew watershed and other parts of the Western Everglades.

Audubon's wood stork colony located within the Corkscrew Swamp Sanctuary boasts the historically largest and arguably most important individual wood stork colony in the United States. Despite this status, the colony also holds the dubious distinction of being among the least stable within its US breeding range. Wood storks are a keystone indicator species for the health of southwest Florida's wetlands and are one of 13 indicator species for Everglades restoration listed by the South Florida Ecosystem Restoration Task Force. The SFWMD and Army Corps of Engineers (ACOE) use wood stork distribution and abundance as an indicator of restoration progress and success.

In addition to the significant wood stork benefits the Corkscrew Farms restoration project will provide, there will be ecological lift to many species that are dependent on shallow wetlands for portions of their life cycles, including a number of other listed species. The restoration will benefit wading birds such as tri-colored herons, little blue herons, white ibis, roseate spoonbills, glossy ibis and snowy egrets as well as mammals such as panthers, black bears and fox squirrels. Migratory and resident birds will also benefit along with the community of aquatic fauna (fish, invertebrates, reptiles and amphibians) that will occupy the restored wetlands. KECE ecologists expect to see the

prey base (fish and invertebrates) increase and concentrate early in the nesting season attracting foraging storks and other wading birds. Other increases should include mammal traffic and diversity of other wildlife as the water levels rebound to near historic patterns and native plant communities become established.

### **Implementing the restoration plan**

The construction of the Farms wetland restoration will be supervised by the project ecologist, Kevin L. Erwin Consulting Ecologist, Inc. The firm has designed and managed the construction and maintenance of more than 100 restoration projects over the past 35 years, many within Lee County such as; CRMB, Imperial Marsh Preserve, Prairie Pines Preserve, Gateway; Six Mile Cypress Preserve North, Western Cape Coral/Matlacha Pass, Florida Gulf Coast University and the Little Pine Island Wetland Mitigation Bank. This experience is a key element of the successful implementation of the Farms restoration plan.

### **Phasing**

The construction activity will be phased according to the activity and season following the schedule of residential development. Initial activity will focus on removing exotic vegetation of all proposed restoration and enhancement areas (pastures and native habitats). Preparation of fields will be accomplished in phases, basin by basin, commencing at the upstream end of the system. Water levels will be restored in a basin only when all other restoration activities are finished in that basin.

### **Restoration Actions**

Restoration in each basin will include a combination of the following activities. Detailed time-lines will be prepared prior to construction and used to manage all planned activities.

- 1. Exotic vegetation removal from natural areas.** All natural wetland and upland areas will be cleaned of exotics and nuisance species prior to any hydrological restoration. This enhancement activity typically involves foliar treatments of approved herbicides on herbaceous species and basal applications to trees such as Schinus and Melaleuca.
- 2. Prescribed burning.** Fire is an important tool for maintaining the upland habitats following exotic removal and may also be used to prepare the pasture areas for restoration.
- 3. Wildlife mitigation.** Wildlife permitting will likely require management protocols for the listed species onsite, such as burrowing owls, to provide protection and enhancement during the restoration activities. All residential development related

panther and woodstork impacts will be offset through the purchase of mitigation bank credits.

**4. Removing perimeter ditch berms to natural grade.** The berm along the north perimeter of the site will be opened to provide a reconnection of the flow ways offsite and through the restored sections of the Farms. Openings will be located to minimize disturbance to mature trees such as pines and oaks that are now established on sections of the berm

**5. Removing farm field ditch berms and backfilling ditch segments.** Sections of ditches will be backfilled using the adjacent berms which will be removed to an elevation equal to or less than natural grade. This action eliminates any drainage function and will provide additional wading bird habitat and biological reservoirs for forage species.

**6. Raising the groundwater table.** This action will involve manipulating the water control structures to enable an evaluation of seedbank response and natural recruitment.

**7. Herbiciding and tilling farm fields for seed bank enhancement.** This alternating process of herbiciding followed by tilling will control exotics and nuisance plant species while stimulating the natural recruitment of desirable native species from the seed bank.

**8. Planting and direct seeding tree, shrub and herbaceous species.** A combination of planting or direct seeding may be done within those areas of the restoration site where natural recruitment from the seedbank is lacking. Activities such as row cropping and sod production often impact the seedbank found in the shallow O and A-horizons of the soil. Bare-root seedlings of trees and shrubs, such as slash pine and cypress, will be selectively planted to enhance the process of farm field restoration. Some localized bare-root plantings or direct seeding may be used to enhance the areas where berms have been removed and ditches re-shaped as well as flow way construction.

Enhanced tree plantings may be incorporated along the borders of the residential development footprint to improve the aesthetic appeal of the early stages of restoration. These plantings would be within a 50 ft. wide zone of the restoration area, adjacent to all development (back of lots), and would be planted on 20 ft. centers with shrubs planted on alternating 20' centers subject to review and approval by Lee County and the Florida Fish and Wildlife Conservation Commission.

**9. Construction of flow ways and installation of water control structures.** These ecological engineering design components will be constructed and installed as each phase as the restoration progresses in a basin by basin sequence. The water control structures utilized will vary from culvert risers to concrete weirs, very similar to the CRMB and Imperial Marsh restoration projects.

The culvert risers will allow the project ecologist to adaptively manage the water levels in each basin. Having this capacity to manage the water levels this way is important, especially during the first few years of a forested wetland restoration project. The concrete weirs will control water levels over larger areas of the site particularly within the flow ways which will be collecting surface water and like a natural slough, will provide direction to the surface water sheet flow onsite.

The constructed flow ways will vary in width from 50 to 150 ft. width with an excavated cross-section that resembles a natural slough complete with a deeper, meandering stream channel. The broad and shallow side-slopes planted with wetland species will be flooded as wet season water levels rise behind the water control structures. As the wet season ends, water levels will slowly recede back into the stream channel providing forage opportunities for wading birds like the wood stork.

**9. Construction monitoring and adaptive management of the restoration.** All of the restoration activities will be monitored by the project ecologist to provide guidance on the continuing restoration work and also information to agencies as required.

The following photos of similar restoration activities were taken at the CRMB.



Removing invasive exotic vegetation (2003)



Pasture before restoration (2004)



Disking former agricultural fields in early stages of restoration (2004)



Using prescribed fire as a management tool (2005)



Seeding hydric pine flatwoods pasture restoration area (2005)



Planting bare root pine tree seedlings in restored hydric pine habitat (2007)



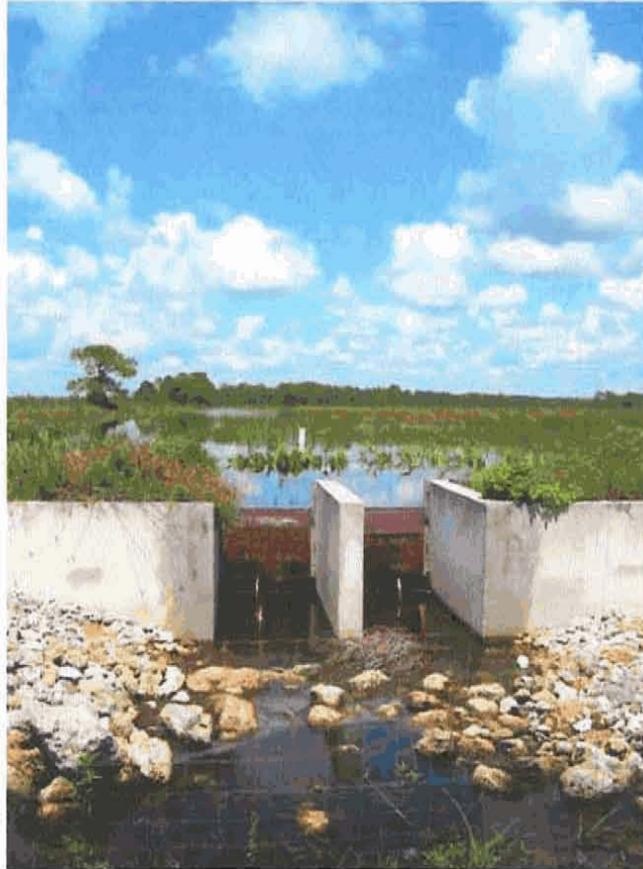
Hydric pine restoration area (2008)



Backfilling agricultural ditches (2008)



Backfilled and graded ditches to become hydric pine flatwoods (2008)



Main control structure, adjacent to the Farms, on Corkscrew Road (2009)



Releasing water to maintain appropriate water levels (2009)



Breaching existing berm to restore sheet flow (2008)



Restored sheet flow through breached berm (2008)



Created freshwater marsh (2008)



Monitoring restoration results (2009)



Mixed flock of wading birds (2009)

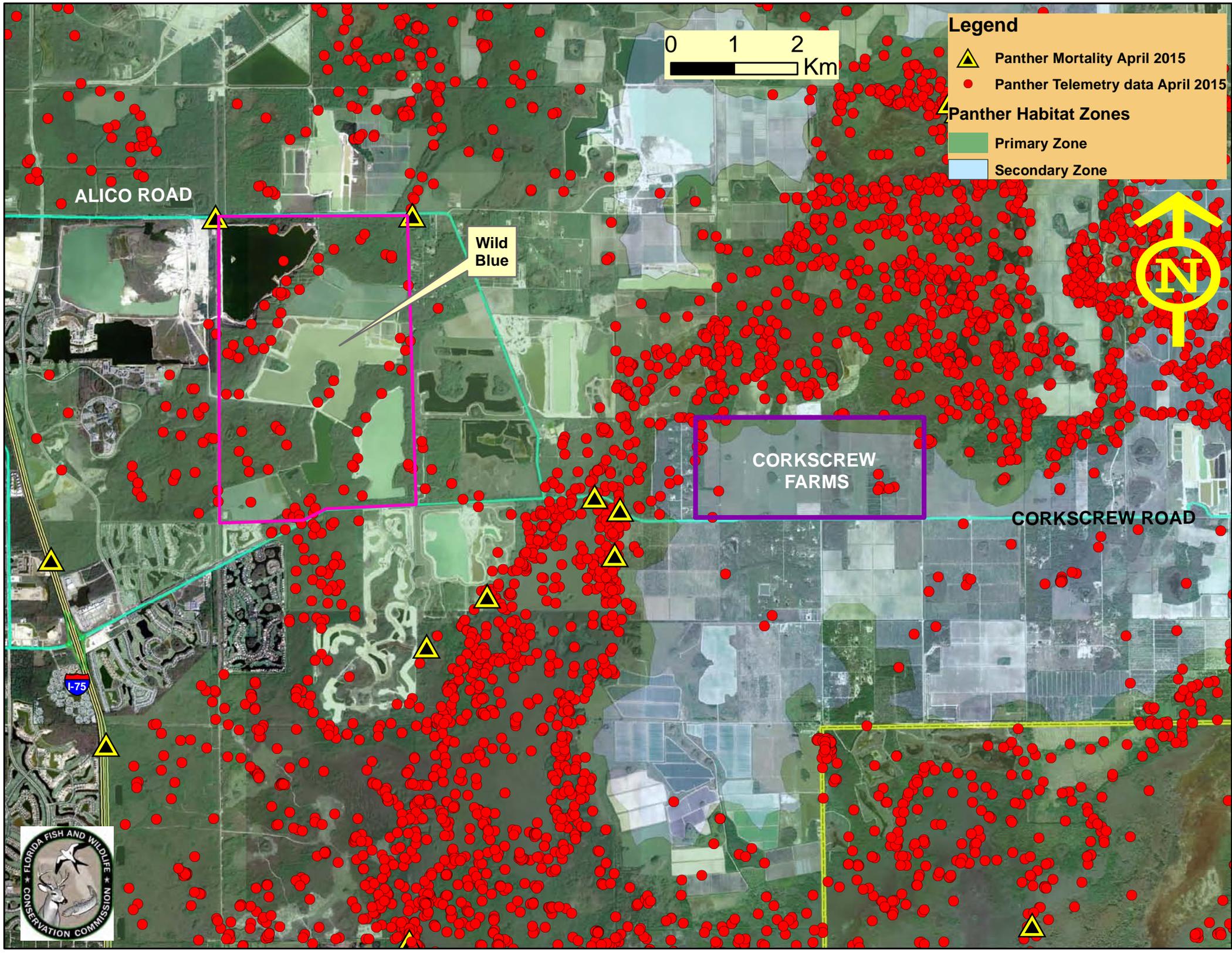
### **Long-term monitoring and management of the restoration areas.**

The proposed design of the Corkscrew Farms wetland restoration focuses on outcomes and restoration targets that will be sustainable for many years with the guidance of an appropriate long-term management plan which will be developed and adopted.

A key to successful, cost-effective, long-term management will be the adoption of a long-term monitoring plan in the restoration area. A long-term monitoring plan will provide ecological data such as water levels, vegetative cover and wildlife utilization. This information will guide the adaptive management of the site.

The restoration areas will be identified as conservation areas as the project is approved and will be placed in conservation easements. The conservation easements will prevent the encroachment of future development as well as activities that are incompatible with the goal of sustaining the restored conservation areas in good ecological health. These areas will be physically managed following the long-term management plan prepared by the project ecologist, implemented by the Home Owners Association with the assistance of an appropriately skilled environmental professional.

Long term management activities required within the restored conservation areas will include periodic surveys of vegetation and wildlife within the restoration area, control of exotic and nuisance plant species, regulating water levels, maintenance of the water control structures and access.



## Memo

To: Brandon Dunn, Principal Planner  
Planning Division

From: Andy Getch, Planning Manager  
LCDOT

ANG

Date: April 21, 2015  
Subject: Corkscrew Farms (CPA2015-00001)

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LCDOT staff has reviewed the subject application. The existing FLUM designation of DRGR allows 130 residential dwelling units in the subject area. The application proposes an additional subsection (4) to Lee Plan Policy 33.3.3. This added language includes a new FLUM Overlay designation to allow 1,325 residential dwelling units.

Staff has several concerns with the applicants proposed new subsection (4)(c). This subsection identifies Corkscrew Road operational improvements at the intersections of Corkscrew Road with (Cypress Shadows Boulevard identified as) the Preserve at Corkscrew, and with Bella Terra (Boulevard). LCDOT does not recommend inclusion of subsection (4)(c) in Policy 33.3.3 as outlined below.

The first concern is the proposed policy identifies improvements that are defined as site-related. The Lee County Land Development Code Section 10-1 defines site-related improvements as follows:

*Site-related road improvements* means road capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- (1) Site access points and roads;
- (2) Median cuts made necessary by those access points or roads;
- (3) Right and left turn and deceleration or acceleration lanes leading to or from those access points or roads;
- (4) Traffic control measures for those access points or roads;
- (5) Access or frontage roads that are not shown as having been considered in impact fee calculation and so identified on figure 2 in the March 1989 report entitled "Lee County Impact Fee Transportation Data Final Report," which document has been placed on file with the clerk of courts and which is incorporated in this section by reference; and
- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

The proposed improvements “the construction of a northbound to westbound channelized receiving acceleration/deceleration lane in the median to improve the left-out movement; construction of a median divider with a channelized left-turn lane on Corkscrew Road; traffic signalization; or comparable operational improvements” all meet the definition of a site-related improvement, not for the applicant, but for the developments Preserve at Corkscrew, Bella Terra and potentially for the property to the north currently in review as WildBlue (DCI2014-00009/CPA2014-00004).

Staff does not recommend insertion of language to perform direct access site-related improvements in a comprehensive plan policy. Direct access site-related improvements are initially determined during review of a local development order. A Traffic Impact Statement submitted with a local development order for larger developments includes detailed intersection and turn lane analysis. This includes turn lane geometry and intersection operation. Identified operational concerns affecting mainline traffic flow may precipitate further staff review of site-related intersection needs. As a result, intersection modifications may be required by staff or funded by the “development in question” at a later time. Bella Terra and The Preserve at Corkscrew are in the Village of Estero. Further development activity will be reviewed by the Village. Any proposed improvements to Corkscrew Road will be reviewed by Lee County. It is staffs understanding that the applicant is offering this potential intersection improvement requirement as a goodwill gesture. If that is the case, there are more appropriate participation options. Options available to both the applicant, and to adjacent developments, include funding the intersection improvements directly or proposing improvements through the development order review process.

The second concern with the proposed policy is that the addition of traffic signal(s) at the project entrances will change the roadway segment from uninterrupted flow to an interrupted flow condition. This will likely result in the reduction of available capacity on Corkscrew Road and potentially accelerate capacity deficiencies on Corkscrew Road as traffic volumes increase.

The third concern with applicants proposed policy is specific to the passage “The Corkscrew Road operational improvements must be agreed to with the Lee County DOT and designed before the issuance of the 50<sup>th</sup> residential building permit. The operational improvements must be installed before the issuance of the 150<sup>th</sup> residential building permit, provided that all approvals and permits have been issued.” A development order approval would allow the platting of a subdivision. Platted residential development lots only require a building permit and are typically applied for by the home builder or lot owner, not the original developer. This is problematic for tracking and enforcement. An agreement to participate in intersection improvements does not require a comprehensive plan policy.

LCDOT has concerns that go beyond site-related intersection improvements. Staff concerns relate to potential area infrastructure deficiencies as outlined below.

The following table lists planned highway improvements in the area:

Table 1: Lee Plan Map 3A Area Improvements

Roadway segment	From	To	Improvement	Plan Status
Alico Connector	Greenmeadow Road	Immokalee Road (SR 82)	2 to 4 lanes	Cost Feasible 2026-2035*
Alico Road	Ben Hill Griffin Parkway	CR 951 Extension	2 to 4 lanes	CIP 2016/17**
Alico Road	CR 951 Extension	Greenmeadow Road	2 to 4 lanes	Cost Feasible 2026-2035*
Ben Hill Griffin Parkway	FGCU Boulevard	College Club Drive	4 to 6 lanes	MPO Needs**
Corkscrew Road	Three Oaks Parkway	Ben Hill Griffin Parkway	4 to 6 lanes	MPO Needs**
CR 951 Extension	Corkscrew Rd	Alico Road @ Airport Haul Road	New 4 lanes	Cost Feasible 2026-2035* **
East-West Access Road	Ben Hill Griffin Parkway	Airport Haul Road	New 2 lanes	Cost Feasible 2016-2025* **
I-75	Collier County line	Dr Martin Luther King Jr. Boulevard (SR 82)	4 to 6 lanes	MPO Needs **

\*Based on the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). The LRTP is in the process of being updated by the MPO.

\*\*Projects beyond a 3 mile radius from the subject property

Map 3A of the Lee Plan had identified Corkscrew Road 4-laning from Ben Hill Griffin to west of Alico Road as a financially feasible project in the 1990's. Corkscrew Road 4-laning became a reserve (or needs) project in the early 2000's. At that time Map 3A also included an extension of Estero Parkway (fka Koreshan Boulevard) from Ben Hill Griffin Parkway to Corkscrew Road as a reserve project. The evaluation of Estero Parkway extension east of Ben Hill Griffin Parkway became connected with the CR 951 Preliminary Development and Environmental Study in the mid 2000's. Neither project is on the current MPO LRTP or Lee Plan Map 3A. The MPO LRTP is in the process of being updated for the year 2040.

This project has frontage on Corkscrew Road, a County maintained arterial.

The Lee Tran Transit Development Plan does not identify existing or planned public transit routes in walking distance of the proposed project. There are no existing sidewalks or bike lanes along the application area frontage of Corkscrew Road. Lee Plan Map 3D-1, Lee County Bikeway/Walkways Facility Plan, shows a future shared use path, for both bicycle and pedestrian use, on Corkscrew Road.

There are specific transportation analysis requirements in the CPA application for a five-year short-range and a twenty-year long-range analysis of conditions. The long range analysis corresponds with the MPO transportation model and planned roadway network in the Lee Plan. Analysis requirements are specified on pages 5 and 6 of the CPA application form and are contained in the subject application. LCDOT staff finds that the submitted Dec. 18, 2014 traffic study is consistent with CPA application requirements.

The traffic study indicates that with the project, all road segments in the study area will meet or exceed the adopted level of service (LOS) issues in the five-year analysis and long range analysis.

While the traffic study indicates Corkscrew Road will operate at an acceptable LOS from Cypress Shadows Blvd to Alico Road, LCDOT staff is concerned that Corkscrew Road cannot accommodate the traffic from this project, and other nearby approved and proposed projects. As a result a deficiency may be created on Corkscrew Road, as well as consideration to accelerate other area road widening projects. See F.S. 163.3180:

163.3180 Concurrency.—

(h) 4. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

Traffic count station #249 is on Corkscrew Road east of Stoneybrook Golf Drive. At that location, the Average Annual Daily Traffic (AADT) was 13,000 in 2013 and 15,780 in the year 2014. Based on current data, the peak hour peak season peak directional traffic volume is 759.

Corkscrew Farms also has submitted a zoning application, DCI2015-00004. The zoning traffic study indicates Corkscrew Farms will add 430 peak hour, peak direction trips to Corkscrew Road east of Ben Hill Griffin Parkway. This development is not contemplated in the socioeconomic data used as the basis for the current LRTP. Corkscrew Shores (DOS2013-00034), Preserve at Corkscrew (DOS2011-00002), and Bella Terra (multiple DOS cases) have approved development orders and are under construction. These area projects are not fully reflected in the socioeconomic data for the current LRTP. The 2014 Concurrency Report forecasts an additional 430 peak hour, peak directional traffic volume on this segment. Since the data was compiled for the concurrency report, there have been additional dwelling units permitted.

Two other current applications under CPA and Zoning review estimate additional traffic volumes to this roadway segment. Adding the volumes from Corkscrew Crossing (DCI2014-00022) and WildBlue (DCI2014-00009/CPA2014-00004) traffic studies substantially increases the traffic volume (by 400 in the peak hour, peak direction) on Corkscrew Road east of Ben Hill Griffin Parkway.

The Dec. 18, 2014 CPA analysis utilized service volume (1640) as an uninterrupted flow facility for Corkscrew Rd. This assumes Corkscrew Road will have no traffic signals east of Ben Hill Griffin Parkway. Installation of traffic signals in the future would substantially reduce the roadway service volume. Likely future locations for traffic signals are at the intersections of Corkscrew Road with future CR 951 and the intersection of Corkscrew Road with Alico Road, when signal warrants are determined to have been met. As noted above, the applicant is proposing construction of up to two new traffic signals on Corkscrew Road at private development entrances.

The Dec. 18, 2014 traffic study was performed consistent with the CPA requirements and the approved methodology. However, approved and proposed area projects, including Corkscrew Farms, will require additional operational and traffic analysis to determine the cumulative effect of area development and any developer contributions or additional transportation mitigation beyond roads impact fees. The purpose of this analysis is to identify timing of current planned improvements and any additional area improvements to Corkscrew Road east of Ben Hill Griffin Parkway, Estero Parkway extension east of Ben Hill Griffin Parkway, Alico Road from CR 951 to Greenmeadow Road and CR 951 from Corkscrew Road to Alico Road.

LW/AG

**Rick Scott**  
GOVERNOR



**Jesse Panuccio**  
EXECUTIVE DIRECTOR

July 21, 2015

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

Dear Chairman Hamman:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Lee County, amendment number 15-3ESR, which was received on June 23, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment 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.

Pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to Lee County. If other reviewing agencies provide comments, we recommend Lee County consider appropriate changes to the amendment based on those comments. If unresolved, such 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 Samantha Parks at (850) 717-8489, or by email at [Samantha.parks@deo.myflorida.com](mailto:Samantha.parks@deo.myflorida.com).

Sincerely,

Ana Richmond, Chief  
Bureau of Community Planning

AR/sp

Enclosure(s): Procedures for Adoption

cc: Mikki Rozdolski, Acting Planning Director, Lee County  
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 State Land Planning Agency 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:

\_\_\_\_\_ State Land Planning Agency 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 state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency 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 state land planning agency.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency 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 State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



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July 23, 2015

Brandon Dunn  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, FL 33902-0398  
[bdunn@leegov.com](mailto:bdunn@leegov.com)

RE: Comprehensive Plan Amendment (CPA2015-01), Lee County 15-3 CPA-ESR,  
Lee County

Dear Mr. Dunn:

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 when planning for any additional future development that may occur on the subject property.

### Proposed Amendment

The proposed privately initiated comprehensive plan amendment would amend the Lee County Comprehensive Plan and Future Land Use Map to establish an Environmental Enhancement and Preservation Overlay within the Density Reduction Groundwater Resource and Wetlands Future Land Use Categories. The amendment includes a proposed development on 1,361 acres, which includes 1,325 residential dwelling units on 554 acres and an approximately 700-acre flow way. The amendment also includes adoption of the Corkscrew Farms Restoration Strategy for the western portion of the project which will relieve flooding of adjacent properties, establish a conservation easement, and provide for preservation, restoration, and creation of hydric pine, cypress, and freshwater marsh habitats. The proposed site affected by this amendment is located approximately 3 miles east of the Alico Road and Corkscrew Road intersection, immediately north of Corkscrew Road. The dominant land covers on the site include pasture, cypress, hydric pine flatwoods, dikes and levees, freshwater marsh, and other surface waters.

### Potentially Affected Resources

FWC staff conducted a geographic information system (GIS) analysis of the project area. Based on this analysis, the project area is located near, within, or adjacent to:

- Three wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting colony core foraging areas (CFA). The CFA constitutes an 18.6-mile radius around the nesting colony.

- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
  - Florida scrub jay (*Aphelocoma coerulescens*, FT)
  - Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
  - Everglade snail kite (*Rostrhamus sociabilis plumbeus*, FE)
  - Florida grasshopper sparrow (*Ammodramus savannarum floridanus*, FE)
  - Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
  - Florida bonneted bat (*Eumops floridanus*, FE)
  - Florida panther (*Puma concolor coryi*, FE) – Primary and Secondary Zone
  
- Potential habitat for state- and federally listed species:
  - Eastern indigo snake (*Drymarchon corais couperi*, FT)
  - Big Cypress fox squirrel (*Sciurus niger avicennia*, State Threatened [ST])
  - Florida sandhill crane (*Grus canadensis pratensis*, ST)
  - Little blue heron (*Egretta caerulea*, State Species of Special Concern [SSC])
  
- Potential habitat for the Florida black bear (*Ursus americanus floridanus*)

According to the *Listed Wildlife Species Map* (July 2015) by Kevin Erwin Consulting Ecologist, Inc., submitted in support of the plan amendment, the following listed species have been observed on the proposed site: Audubon's crested caracara (flying), little blue heron, Big Cypress fox squirrel (including nests), American alligator (*Alligator mississippiensis*, FT, due to similarity of appearance), Florida sandhill crane, and Florida burrowing owls (*Athene cunicularia*, SSC).

## **Comments and Recommendations**

### Wildlife Surveys

In the event that planning for development of the site moves forward, FWC staff recommends additional listed species-specific surveys be completed prior to any additional clearing or development activities. Species-specific wildlife surveys are time sensitive, and FWC staff recommends that all wildlife surveys follow established survey protocols approved by the USFWS and the FWC and occur at the appropriate time of year. Surveys should also be conducted by qualified biologists with recent documented experience for each potential species. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.

### Big Cypress Fox Squirrel

Big Cypress fox squirrels have been observed in the habitats found on the proposed site. Also, the nearby Corkscrew Regional Ecosystem Watershed conservation land is considered an important area for Big Cypress fox squirrel conservation. Big Cypress fox squirrels typically nest between October and February and from April to August.

Surveys should be conducted prior to clearing and development activities to locate any Big Cypress fox squirrel nests that may be present. Kellam et al. (2013) provides recommendations for survey techniques to detect presence of the Big Cypress fox squirrel and its nests. If fox squirrel nests are found onsite, the applicant should maintain at least a 125-foot distance from the nest. It is important to recognize that Big Cypress fox squirrels will use nests that appear both active and inactive. If it will be necessary to remove a nest tree or work within 125 feet of a nest tree, then steps should be taken to determine whether the nest is active and whether young are in the nest. The applicant should then coordinate with FWC staff to discuss permitting alternatives.

In addition, FWC staff recommends avoiding patches of cypress and hydric pine flatwoods habitat and any associated food resources where Big Cypress fox squirrels have been observed or are likely to occur. We would also recommend a project design that retains existing hardwood trees or plants new hardwood trees where appropriate and also creates connectivity of suitable on-site with off-site habitat to the northeast and northwest. FWC staff is available to provide technical assistance on a site design that may reduce or eliminate the need for permitting for this species.

#### Florida Burrowing Owl

Burrowing owls have been observed on the proposed project site. Burrowing owls typically occupy open areas with short groundcover like agricultural fields and prairies. We recommend the applicant survey the property for burrowing owls and their burrows prior to construction and restoration activities to identify any burrowing owl burrows that occur onsite. If burrowing owl burrows are observed onsite, please coordinate with the FWC staff identified at the close of this letter to discuss avoidance, minimization, and permitting options.

#### Florida Sandhill Crane

While Florida sandhill cranes have been observed foraging on the proposed site, the existing wetlands on site do not appear to provide suitable habitat for nesting. However, we expect the restoration strategy would eventually benefit Florida sandhill cranes by providing nesting habitat and potential foraging habitat. If active nests are discovered during construction, restoration, or maintenance activities, we recommend that these nest sites be buffered by 400 feet to avoid disturbance. If maintaining the recommended buffer is not possible, we recommend that the applicant contact FWC staff identified below to discuss avoidance, minimization, or mitigation measures.

#### Florida Black Bear

The FWC has received 30 reports of nuisance black bears within roughly a 5-mile radius of the project site since 2011 with one report within 0.5 miles in 2013 (compilation of FWC data 1976-2013) and the Florida black bear has the potential to occur within and around the project area. The site is located within the South Bear Management Unit as designated by the 2012 Bear Management Plan. 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 prevent or reduce conflicts with bears during development activities:

- Preservation of buffer areas with adequate perimeters around natural features,
- Roadway hazard reduction measures,
  - reducing vehicle speeds at dusk and dawn
  - reducing vehicle speed in areas where forest habitat is close on both sides of the roadway
- Best management practices to follow 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

In addition, once the development is completed, residents should be provided with bear-resistant garbage cans as part of their regular waste service. The County or Home Owners Association should use ordinances or bylaws to require residents take measures to prevent attracting bears into their neighborhood. Sample ordinance language is available at the FWC website (<http://www.myfwc.com/bear>). We encourage the County and the applicant to provide residents with information on how to avoid human-bear conflicts, which is also found on the bear management website. Information should include guidelines for responding to bears in the area and 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. FWC staff is available to assist with residential planning to incorporate the above features. Additional information about Florida black bears can be found on our website.

#### Florida Panther

The proposed project is also located within both the Florida panther Primary and Secondary Zones as defined by the USFWS. FWC staff recommends the applicant include fencing of any residential development perimeter adjacent to any restoration areas to prevent the movement of wildlife, particularly white-tailed deer, into the community. The installation of a minimum six-foot chain link fence will reduce the risk of panthers entering the community in search of food sources. To further reduce the potential for human-wildlife interactions, we encourage the applicant to provide FWC's *Living with Panthers* informative brochure to future residents. The *Living with Panthers* brochure can be downloaded from our panther website at: <http://www.floridapanther.net.org/>. In addition, if any walking or exercise trails are planned, FWC recommends that the County and the applicant consider posting

informational signs regarding appropriate actions future residents should take if they encounter wildlife such as Florida panthers, Florida black bears, and coyotes.

### Restoration Plans

According to the *Corkscrew Farms Restoration Strategy* (February 2015) by Kevin L. Erwin Consulting Ecologist, Inc., submitted in support of the plan amendment, the restoration plan proposes to create wetlands of varying water depth, which should provide year-round foraging opportunities for wading birds. FWC staff recommends that the final restoration plan include the maintenance of a variety of wetland types with variable water levels to ensure the availability of areas with water depths between 6 and 14 inches for a minimum 90-day period from January through June. This would provide accessible foraging for all species of wading birds during the range of seasonal water-level fluctuations. FWC staff is available to provide technical assistance during the development of the final restoration plan to help ensure considerations are included for state listed species.

### Prescribed Burns

In addition, the *Corkscrew Farms Restoration Strategy* indicates prescribed burning is proposed to be used to maintain the native vegetative communities. We encourage the applicant to provide future residents with information on prescribed burning. 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 have been developed. 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.

These comments are intended to assist the County and the applicant in fulfilling the requirements of Objective 107.4: Endangered and Threatened Species in General of Lee County's Comprehensive Plan - Conservation and Coastal Management Element. FWC staff remains available to provide technical assistance to the County and the applicant on measures to avoid and minimize potential impacts to fish and wildlife species and their habitats.

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 by phone 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 County 15-3 CPA-ESR\_21366\_072315

cc: Ray Eubanks, DEO, [DCPexternalagencycomments@.deo.myflorida.com](mailto:DCPexternalagencycomments@.deo.myflorida.com)  
Joe Cameratta, Camprop, Inc., [JCameratta@camerattacompanies.com](mailto:JCameratta@camerattacompanies.com)  
Matt Noble, ANobleplan, LLC, [anobleplan@gmail.com](mailto:anobleplan@gmail.com)  
Kevin Erwin, Kevin L. Erwin Consulting Ecologist, Inc.,  
[klerwin@environment.com](mailto:klerwin@environment.com)

#### Reference Cited

Kellam, J., D. Jansen, A. Johnson, and R. Arwood. 2013. Big Cypress fox squirrel home range and habitat use in cypress dome swamp and pine forest mosaic habitats. Final report. National Park Service, Big Cypress National Preserve, Ochopee, FL. 27 pp. Available at [http://www.nps.gov/bicy/naturescience/upload/Kellam-et-al-2013-Big-Cypress-Fox-Squirrel-Home-Range-and-Habitat-Use-in-Cypress-Dome-Swamp-and-Pine-Forest-Mosaic-Habitats\\_-REVISED-March-2014.pdf](http://www.nps.gov/bicy/naturescience/upload/Kellam-et-al-2013-Big-Cypress-Fox-Squirrel-Home-Range-and-Habitat-Use-in-Cypress-Dome-Swamp-and-Pine-Forest-Mosaic-Habitats_-REVISED-March-2014.pdf)



July 20, 2015

Mr. Mikki Rozdolski  
Acting Planning Director  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County/CPA2015-01, DEO 15-3ESR**

Dear Mr. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 15-3ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its August 6, 2015 meeting. Council staff is recommending that the request be found regionally significant because the change may have an impact on state roads, which are recognized as regional facilities found in the Strategic Regional Policy Plan (SRPP). Council staff is recommending that the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,  
**Southwest Florida Regional Planning Council**

A handwritten signature in black ink that reads 'Margaret Wuerstle'. The signature is written in a cursive, flowing style.

Margaret Wuerstle, AICP  
Executive Director

MW/DEC  
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 15-3ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

		Factors of Regional Significance			
<u>Proposed</u>		<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
<u>Amendment</u>					
DEO 15-3ESR	Yes	No	No		(1) Regionally significant (2) Consistent with SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

## COMMUNITY PLANNING ACT

### **Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

## **COMPREHENSIVE PLAN AMENDMENTS**

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

### **Regional Planning Council Review**

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**

**LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 15-3ESR)****RECEIVED: JUNE 22, 2015****Summary of Proposed Amendment**

The site that is the subject to this amendment is located on the north side of Corkscrew Road, approximately 7 miles east of Interstate 75, in Lee County. The request proposes increased density and intensity on approximately 1,361 acres which is currently improved farm field with uplands impacted by previous site activities and wetlands. The future land use category for the property is designated as Density Reduction/Groundwater Resources (DR/GR). Lee County Comprehensive Plan Amendment DEO 15-3ESR proposes the following:

1. Amend the Lee Plan to establish an 'Environmental Enhancement and Preservation Communities Overlay' within the Density Reduction/Groundwater Resource Future Land Use Category, promoting restoration, enhancement and preservation of natural resources.
2. Amend the Future Land Use Map Series, Maps 6 and 7: 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the Corkscrew Farms property within the Service Areas.
3. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms property within that Overlay.

The amendment proposes to preserve 750 out of the 1,361 acres as conservation easement. The amendment is requesting a maximum density of 1,361 dwelling units (1 unit per acre). The site is currently approved for a maximum of 136 dwelling units (1 unit per 10 acres).

**Regional Impacts**

FDOT supports Lee County in conducting the traffic study identified under Policy 38.1.9 which includes cumulative traffic impacts of approved developments and planned developments under review. The Department recommends that the following State SIS facilities be included in the study:

- I-75 from Bonita Beach Road to Alico Road
- Alico Road from I-75 to Ben Hill Griffin Parkway
- Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal

FDOT cannot accurately predict the impact of this project until the traffic study is completed.

The South Florida Water Management District has found no regionally significant water resource issues and therefore has no comments on the proposed amendment package.

**Extra-jurisdictional Impacts**

The Village of Estero voices opposition to this proposal with Resolution No. 2015-33 (attached). They believe that the proposal will lead to urban sprawl which would outweigh the benefits of the proposed conservation. The Village of Estero urges Lee County to delay and defer any action on the planned development proposal until a comprehensive study is done on the potential impacts to the environment and to the transportation system. However, since the Village of Estero is still using Lee County Comprehensive Policy Plan, the amendment is consistent with the plan.

**Conclusion**

Council staff agrees with the comments from FDOT that a traffic study needs to be completed to fully access the impacts of the proposal. Staff also recognizes the concerns of the Village of Estero. Council staff finds this project to be regionally significant based on potential impacts to regional transportation and the environment. However, at this time we cannot say that there will be significant adverse effects on regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

**Recommended Action**

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

July 20, 2015

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Lee County 15-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 15-3ESR, Proposed Comprehensive Plan Amendment, transmitted under the Expedited State Review process (*received by FDOT on June 25, 2015*) 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.

**CPA 2015-01 (Text and Map Amendment):**

The site that is the subject to this amendment is located on the north side of Corkscrew Road, approximately 7-miles east of Interstate 75, in Lee County, Florida. The request proposes increased density and intensity on approximately 1,361 acres which is currently an improved farm field with uplands impacted by the previous site activities and wetlands. The future land use (FLU) category for the property is designated as Density Reduction/Groundwater Resource (DR/GR).

The Comprehensive Plan Amendment proposes to:

1. Amend the Lee Plan to establish an 'Environmental Enhancement and Preservation Communities Overlay' within the DR/GR FLU category, promoting restoration, enhancement and preservation of natural resources.
2. Amend the FLU Map Series, Maps 6 and 7: 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the Corkscrew Farms property within the Service Areas.
3. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms property within that Overlay.

The proposed amendment would result in a maximum of 1,361 single-family dwelling units (1 dwelling unit/acre), which would result in approximately **11,599 daily trips or 1,101 p.m. peak hour trips**. As indicated in the below table, the **proposed** development could result in a **net increase of 10,205 daily trips or 962 p.m. peak hour trips**.

**TRIP GENERATION AS PROPOSED IN CPA-2015-1**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>2</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Approved	DR/GR	1 DU/10 Acres <sup>1</sup>	210	1,361	136 DU	1,394	139
Proposed	DR/GR with Environmental Enhancement and Preservation Overlay	1 DU/Acre	210	1,361	1,325 DU	11,599	1,101
<b>Change in Trips</b>						<b>+10,205</b>	<b>+962</b>

1. The Lee Plan 2014 Codification, as amended through October 2014.
2. 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 project will operate at their adopted level of service (LOS) standards, as identified within the Lee County’s comprehensive plan during the existing (2014), short-term (2020), and long term (2035) horizon year conditions.

**YEAR 2014 EXISTING ROADWAY CONDITIONS**

Roadway	From	To	SIS?	LOS Std.	2014 Conditions				
					No. of Lanes	Service <sup>2</sup> Volume	AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	87,500	C	Yes
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	84,500	C	Yes
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	32,000	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	25,322	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	27,924	C	Yes

1. SC = Planned Drop SIS Highway Connector
2. Service Volume at the Lee County Adopted LOS Standard

### **YEAR 2020 SHORT-TERM HORIZON ROADWAY CONDITIONS**

Roadway	From	To	SIS?	LOS Std.	2020 Conditions						
					No. of Lanes	Service Volume <sup>2</sup>	Background Traffic <sup>3</sup>	Project Traffic <sup>4</sup>	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	101,200	2,551	103,751	D	Yes
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	97,600	2,551	100,151	D	Yes
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	35,800	816	36,616	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	28,400	816	29,216	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	35,100	1,837	36,937	C	Yes

1. SC = Planned Drop SIS Highway Connector.
2. Service Volume at the Lee County Adopted LOS Standard.
3. The short term planning horizon year 2020 background volume was obtained using annual growth rate resulting from Trends Analysis.
4. Based on CPA 2015-01 Traffic Study approximate distributions applied to Trip Generation results.

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

Roadway	From	To	SIS?	LOS Std.	2035 Conditions						
					No. of Lanes	Service Volume <sup>2</sup>	Background Traffic <sup>3</sup>	Project Traffic <sup>4</sup>	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	158,200	2,551	160,751	F	No
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	151,000	2,551	153,551	F	No
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	45,400	816	46,216	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	36,000	816	36,816	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	53,100	1,837	54,937	C	Yes

1. SC = Planned Drop SIS Highway Connector
2. Service Volume at the Lee County Adopted LOS Standard.
3. The long term planning horizon year 2035 background volume was obtained using annual growth rate resulting from 2035 Model for I-75 and annual growth rate resulting from Trends Analysis for other roadways.
4. Based on CPA 2015-01 Traffic Study approximate distributions applied to Trip Generation results.

Based on the planning level analysis, the segment of I-75 (a Strategic Intermodal System (SIS) facility) from CR 865/Bonita Beach Road to Alico Road currently operates under acceptable conditions during the existing conditions. In addition, the SIS connectors (Planned Drop) including Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal, and Alico Road from I-75 to Ben Hill Griffin Parkway, also operate under acceptable conditions during the existing conditions.

The same roadway segments are anticipated to operate under acceptable conditions with the proposed amendment during the year 2020 short-term. During 2035 long-term conditions, I-75 from CR 865/Bonita Beach Road to Alico Road is anticipated to fail with or without the project traffic by year 2035.

The *Lee County 2035 Long-Range Transportation Plan (LRTP) Highway Needs Plan* identifies the segment of I-75 from the southern Lee County Line to SR 82 as a 10-lane facility. In addition, the *I-75 at Corkscrew Road Interchange* study, completed by FDOT in February 2015, identifies three alternatives for improving the I-75/Corkscrew Road Interchange. Each alternative improves the 2035 LOS from F (under No Build Condition) to an acceptable LOS (ranging from B to D under improved Build Conditions). The study does not identify a preferred alternative, but recommends all three move forward for further analysis. The improvement to I-75 and Corkscrew Road interchange is included in the *2035 LRTP Highway Cost Feasible Plan*.

The *Corkscrew Farms Traffic Circulation Analysis*, as part of the CPA 2015-01, includes an analysis of the development's impacts on local and county roads in the short-term (2020) and long-term (2035) planning horizons. The analysis was based on socio-economic data and the Lee County Metropolitan Planning Organization (MPO) 2035 Highway Cost Feasible Plan network used for Lee Plan Map 3A. The analysis study area extends 3-miles from the proposed development and does not include any State facilities (I-75) or SIS connectors.

The segment of Corkscrew Road from I-75 to Ben Hill Griffin Parkway is three lanes in the westbound direction and two lanes in the eastbound direction. This segment is identified in the *2035 LRTP Highway Needs Plan* for widening to six-lanes. Although the *I-75 at Corkscrew Road Interchange* study shows that the interchange will operate at an acceptable LOS with either of the three improvement build alternatives, there is still some concern that traffic conditions along Corkscrew Road will impact the interchange. As noted in the Lee County Department of Transportation (DOT) review letter dated April 21, 2015, the analysis does not take into consideration nearby approved (Corkscrew Shores, Preserve at Corkscrew and Bella Terra) and under review (Corkscrew Crossing and WildBlue) developments. These developments are not fully reflected in the socioeconomic data used as a basis for the current LRTP, and will further impact Corkscrew Road and I-75.

As a result, Policy 38.1.9 was added to this amendment package for Lee County to complete a study by July 1, 2017 to address increased density within the Environmental Enhancement and Preservation Overlay. The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

**FDOT Comment #1:**

The Department supports Lee County in conducting the traffic study identified under Policy 38.1.9 which includes cumulative traffic impacts of approved developments and planned developments under review. The Department encourages the County to consider an earlier date of completion for the traffic study per Policy 38.1.9 in order to better understand the potential impacts of the

approved and planned developments in this area. The Department also recommends that the following State and SIS facilities be included in the study:

- I-75 from Bonita Beach Road to Alico Road
- Alico Road from I-75 to Ben Hill Griffin Parkway
- Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal

Additionally, the Department respectfully requests that Lee County consider including the segment of SR 82 from Corkscrew Road to Daniels Parkway as part of the study to assess the cumulative impacts of development within the overlay area.

**FDOT Comment #2:**

The Department appreciates the opportunity to coordinate with Lee County on the evaluation of impacts resulting from the nearby approved and planned developments particularly on Strategic Intermodal Systems (SIS) and State facilities. In addition, the Department looks forward to data collection efforts for consistency with FDOT's *I-75 Corkscrew Road Interchange Modification Report*.

**FDOT Comment #3:**

Lee County continues to be a popular destination for new businesses/industries, visitors, and residents. The County ranked within the top 10 of the nation's fastest-growing metro areas based on population increases from July 2013 to July 2014. The County's long-term sustainability and competitiveness depends on its ability to continue addressing the transportation needs of its growing population, both the internal local trips and longer-distance trips connecting to other regions. The Department applauds Lee County for implementing industry best practices as it plans and visions its future growth, to not only address current transportation needs but also to enhance the long-term quality of life of its residents and businesses. The Department notes two specific areas that Lee County continues to effectively implement as it works on its comprehensive plan:

- ***Integrating transportation and land use planning and decision-making***
- ***Complete Streets and multimodal approach to all new transportation investments***

The Department has released the following research and guidance that the County may also consider as it implements industry best practices:

- FDOT Complete Streets Implementation Website: <http://www.dot.state.fl.us/rddesign/CSI/Default.shtm>
- ITE Context Sensitive Solutions Website: <http://ite.org/css/>
- National Association of City Transportation Officials (NACTO): <http://nacto.org/>
- USDOT Livability in Transportation Guidebook; [http://www.fhwa.dot.gov/livability/case\\_studies/guidebook/livabilitygb10.pdf](http://www.fhwa.dot.gov/livability/case_studies/guidebook/livabilitygb10.pdf)

Mr. Brandon Dunn  
Lee County 15-3ESR – FDOT Comments and Recommendations  
July 20, 2015  
Page 6 of 6

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.

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*

**From:** [Margaret Wuerstle](#)  
**To:** [Charles Kammerer](#)  
**Subject:** FW: Lee County, DEO #15-3ESR Comments on Proposed Comprehensive Plan Amendment Package  
**Date:** Friday, July 17, 2015 4:12:21 PM

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**From:** Oblaczynski, Deborah [mailto:[doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)]  
**Sent:** Friday, July 17, 2015 3:30 PM  
**To:** [MRozdolski@leegov.com](mailto:MRozdolski@leegov.com)  
**Cc:** [bdunn@leegov.com](mailto:bdunn@leegov.com); Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Margaret Wuerstle; Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com))  
**Subject:** Lee County, DEO #15-3ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The proposed amendment establishes the Environmental Enhancement and Preservation Communities Overlay, and amends the Lee County Utilities Future Water & Sanitary Sewer Area to include 1,361 acre site. There appear to be no regionally significant water resource issues; therefore, the District has 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 the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **RESOLUTION NO. 2015-33**

4  
5 **A RESOLUTION OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, STATING THE**  
7 **OPPOSITION OF THE VILLAGE OF ESTERO TO FURTHER**  
8 **DEVELOPMENT IN THE DR/GR COMMUNITY PLANNING**  
9 **DISTRICT OF LEE COUNTY WITHOUT FIRST**  
10 **CONDUCTING A COMPREHENSIVE TRANSPORTATION,**  
11 **ENVIRONMENTAL, AND WILD LIFE STUDY CONCERNING**  
12 **FURTHER DEVELOPMENT IN THE DR/GR EAST OF THE**  
13 **BOUNDARIES OF THE VILLAGE OF ESTERO; AND**  
14 **PROVIDING AN EFFECTIVE DATE.**

15  
16 **WHEREAS**, the Village of Estero was incorporated by referendum held on November 4,  
17 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the  
18 Village of Estero (“Charter”) created by Ch. 2014-249, Laws of Florida; and

19  
20 **WHEREAS**, the Charter provides that the Village Council shall have the broadest  
21 exercise of home rule powers permitted under the state Constitution and the laws of the state; and

22  
23 **WHEREAS**, Section 12(6) of the Charter provides that: “Until such time as the Village  
24 adopts a comprehensive plan, the Lee County Comprehensive Plan, as it exists on the day that  
25 the Village commences corporate existence, shall remain in effect as the Village’s transitional  
26 comprehensive plan.”; and

27  
28 **WHEREAS**, Policy 19.5.4 of the Estero Community Plan, which is a part of Goal 19 of  
29 the Lee County Comprehensive Plan (“Lee Plan”) which has now become the Estero  
30 Transitional Comprehensive Plan, provides that “The Estero Community attaches great  
31 importance to the integrity of provision in the Lee Plan and the Land Development Code with  
32 respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with  
33 respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of  
34 place and character of Estero”; and

35  
36 **WHEREAS**, The Vision for 2030 Statement which is Part I of the Lee Plan/Estero  
37 Transitional Comprehensive Plan, provides with respect to the DR/GR, in part, at Paragraph 18  
38 that: “Residential and Commercial Development will not be significantly increased except in  
39 very limited areas where development rights are concentrated by this plan. Some existing  
40 farmlands will be restored to natural conditions to increase the natural storage of water and  
41 improve wildlife habitat”; and

42  
43 **WHEREAS**, The Lee County Department of Community Development (“DCD”) has  
44 recommended the approval of two privately originated amendments to the Lee Plan with respect  
45 to large-scale planned development proposals in the DR/GR east of the Village of Estero  
46 boundaries by the name of Wild Blue and Corkscrew Farms; and

47  
48           **WHEREAS**, The Lee Plan amendments recommended for approval by the DCD includes  
49 the adoption of a new “Environmental Enhancement and Preservation Communities Overlay”  
50 (“EEPCO”) in the DR/GR which provides for a plan to restore and protect important natural  
51 resources in the DR/GR as an alternative to the Transfer of Development Rights Program which  
52 most experts will agree has failed to incentivize developer participation and protect the  
53 environment in the DR/GR; and

54  
55           **WHEREAS**, The DCD planned EEPCO contains incentives to protect and enhance  
56 shallow aquifers in the DR/GR by requiring new planned developments in such overlay to  
57 implement a hydrological restoration plan to restore and improve regional flow ways, and to  
58 preserve wetlands, and other ground water resources, and further requires a significant  
59 percentage of the lands in such planned developments to be preserved and to provide for wildlife  
60 connectivity; and

61  
62           **WHEREAS**, The DCD planned EEPCO requires each planned development to mitigate  
63 traffic impacts and to provide its proportionate share of the costs of needed roadway  
64 improvements to be determined based on a transportation study of collective traffic impacts to be  
65 completed by July of 2017, well after the planned approval of such planned developments and  
66 the initial start of construction thereof; and

67  
68           **WHEREAS**, The DCD planned EEPCO would reward development plans that comply  
69 with the provisions of the new EEPCO with residential development densities of up to a  
70 maximum of 1 unit per acre for Tier 1 lands within the Priority Restoration Strategy (the highest  
71 level of environmental criticality for restoration) instead of the normal 1 unit per 10 acres as  
72 currently allowed; and

73  
74           **WHEREAS**, The planned development proposals for Wild Blue and Corkscrew Farms,  
75 would allow such developments to have a maximum density of 1100 units for Wild Blue and  
76 1325 units for Corkscrew Farms, which, along with other planned or approved residential  
77 developments along the Corkscrew Road corridor, will likely create significant increased traffic  
78 on Corkscrew Road and Ben Hill Griffin Parkway; and

79  
80           **WHEREAS**, The Lee County Local Planning Agency has voted affirmatively to  
81 recommend that both such proposed amendments to the Lee Plan be transmitted to the State  
82 Department of Economic Opportunity (“DEO”), and the Lee County Board of County  
83 Commissioners (“BOCC”) has voted in the affirmative to transmit the Wild Blue proposed  
84 amendment to the Lee Plan to the DEO; and

85  
86           **WHEREAS**, The BOCC will hold a hearing on the transmittal of the amendment to the  
87 Lee Plan proposed by Corkscrew Farms at their meeting on June 17, 2015; and

88  
89           **WHEREAS**, The addition of a maximum of 2425 total units in the DR/GR to the east of  
90 the boundaries of the Village of Estero, when combined with the existing and already planned  
91 additional residential units on Corkscrew Road east of I75 are likely to cause significant traffic  
92 and safety impacts on the Village of Estero and its residents; and

93  
94       **WHEREAS**, The environmental benefits to be derived from the EEPOC restoration of  
95 flow ways, and other protection of wild life, wetlands and ground water resources, will not  
96 outweigh the costs to society which will be caused by additional sprawl and development into  
97 the DR/GR to the east of the Village of Estero.  
98

99       **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,  
100 Lee County, Florida:  
101

102       **SECTION ONE.** The Village Council hereby determines that it is in the best interests  
103 and welfare of the Village and its residents to declare its opposition to the approval of the  
104 development proposals for Wild Blue and Corkscrew Farms by the Lee County BOCC; and  
105

106       **SECTION TWO.** In light of the serious and long-lasting negative impacts which  
107 would be created by the urban sprawl resulting from such development proposals, and which the  
108 Village Council finds would clearly outweigh any benefits to the environment and wildlife, the  
109 Village Council hereby, and with all due respect, urges the Lee County BOCC to disapprove  
110 both the amendments to the Lee Plan and the planned development proposals sought by both  
111 Wild Blue and Corkscrew Farms.  
112

113       **SECTION THREE.** In the event that the Lee County BOCC determines that they will  
114 approve such amendments to the Lee Plan, the Village Council respectfully urges the BOCC to  
115 delay and defer any action on the planned development proposals for Wild Blue and Corkscrew  
116 Farms until a comprehensive study of the collective impacts on the roadways east of I75, and of  
117 the effects of such planned development density on the environment and wildlife in the DR/GR  
118 can be completed, and the major traffic and safety impacts on the residents of the Village of  
119 Estero can both be determined and funding provided to alleviate such adverse impacts.  
120

121       **SECTION FOUR.** This Resolution shall take effect immediately upon adoption.  
122

123       **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3<sup>rd</sup>  
124 day of June, 2015.  
125

126  
127 Attest:

**VILLAGE OF ESTERO, FLORIDA**

128  
129 By: Kathy Hall  
130 Kathy Hall, MMC  
131 Village Clerk  
132

By: Nicholas Batos  
Nicholas Batos  
Mayor

133 Reviewed for legal sufficiency:

134  
135 By: Burt Saunders  
136 Burt Saunders, Esq.  
137 Village Attorney

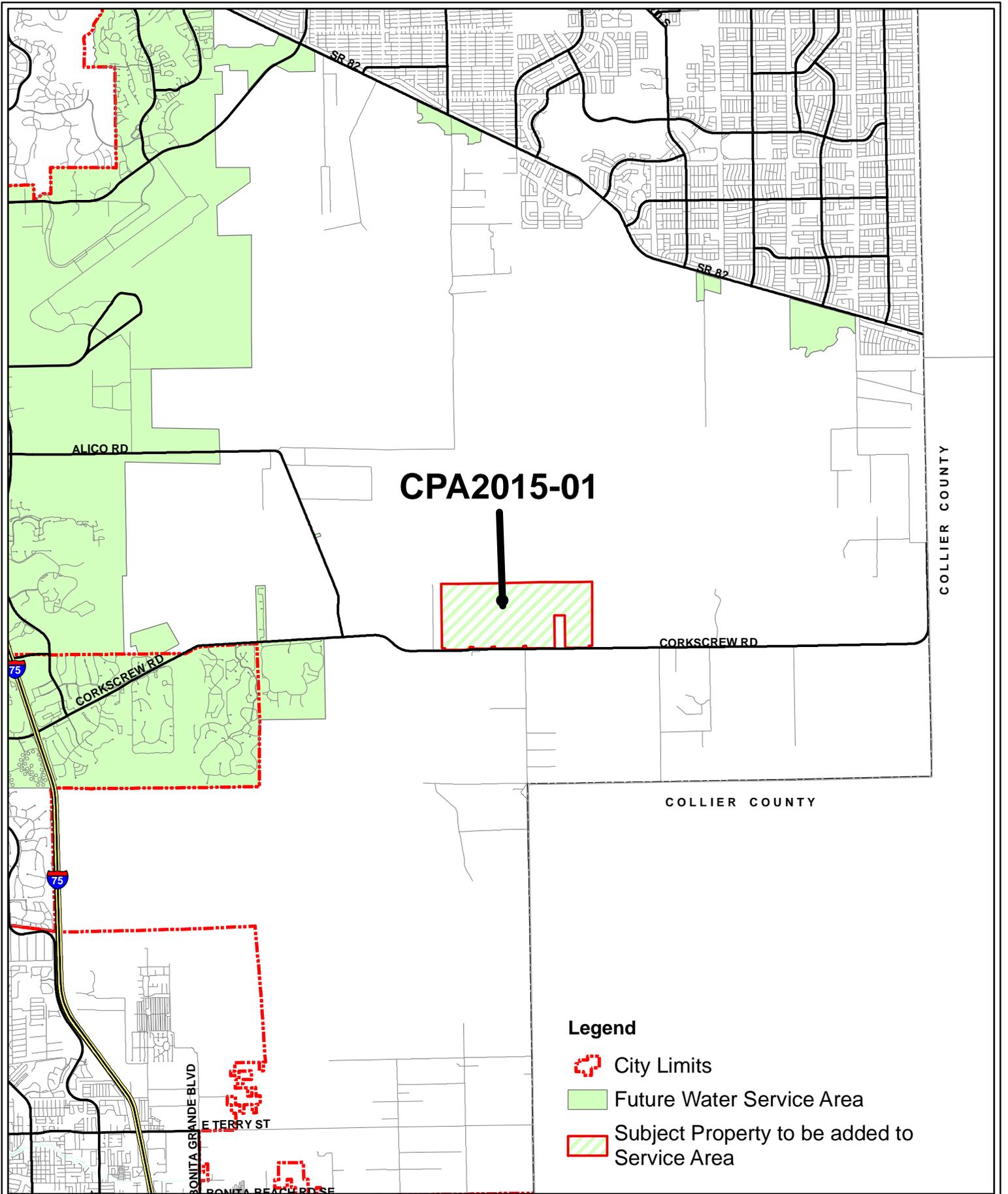
# MAPS

**Lee County**

**DEO 15-3ESR**

**Growth Management Plan**

**Comprehensive Plan Amendment**



**CPA2015-01**

**Legend**

-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area

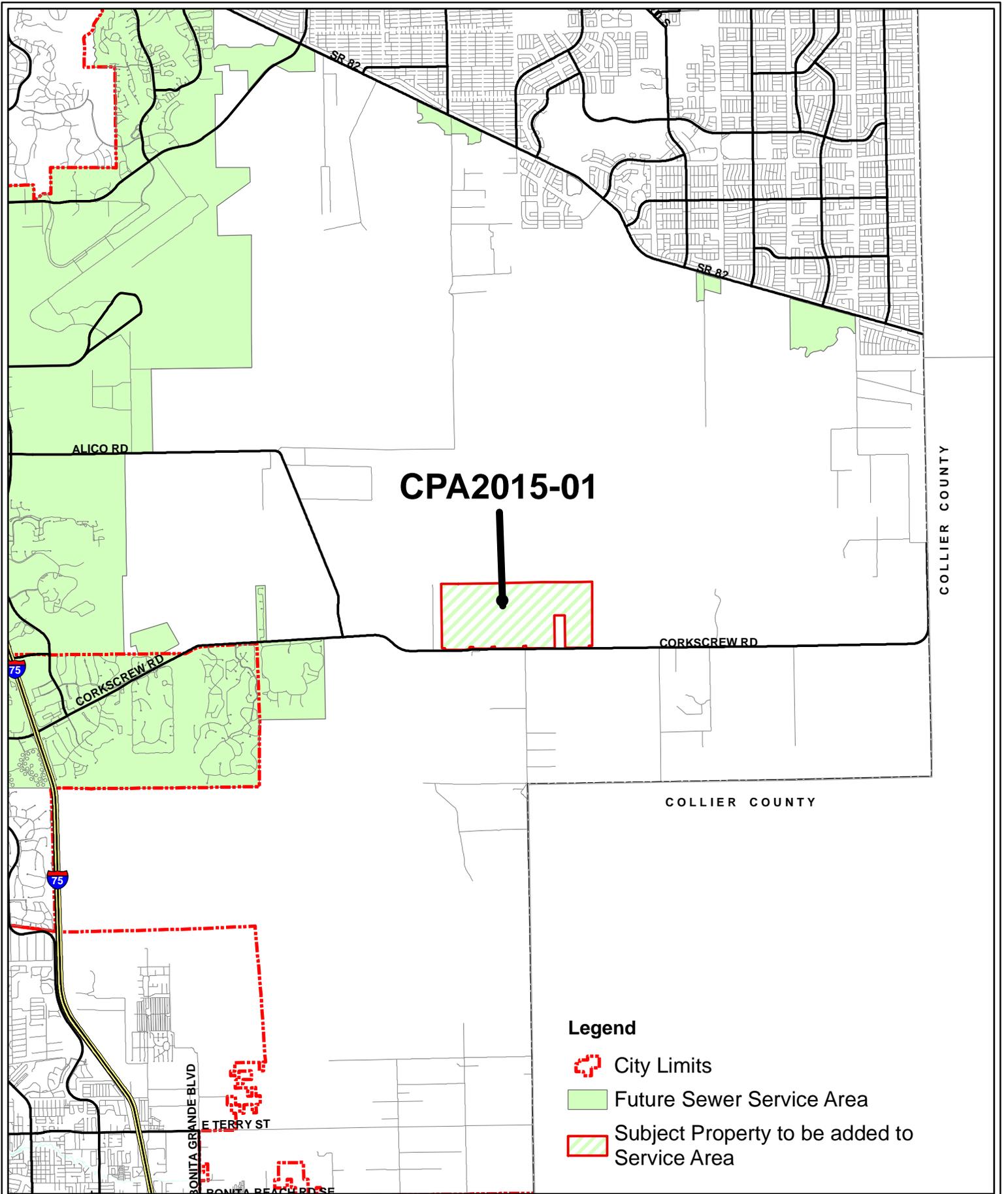
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING




Map Generated April 2015



**CPA2015-00001 - CORKSCREW FARMS**  
**LEE PLAN MAP 6**  
LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS

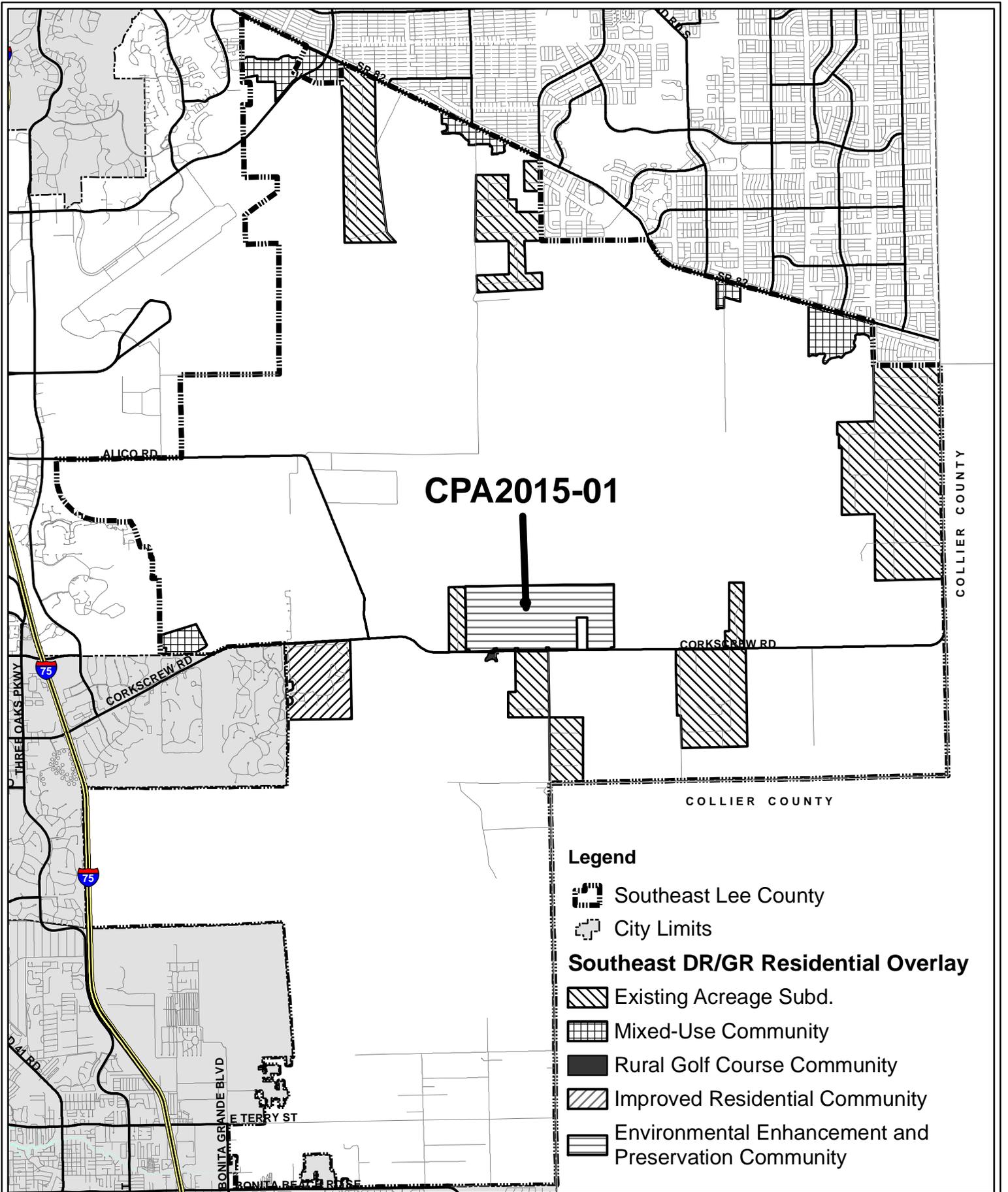


**CPA2015-01**

**Legend**

-  City Limits
-  Future Sewer Service Area
-  Subject Property to be added to Service Area





**CPA2015-01**

**Legend**

-  Southeast Lee County
-  City Limits
- Southeast DR/GR Residential Overlay**
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community



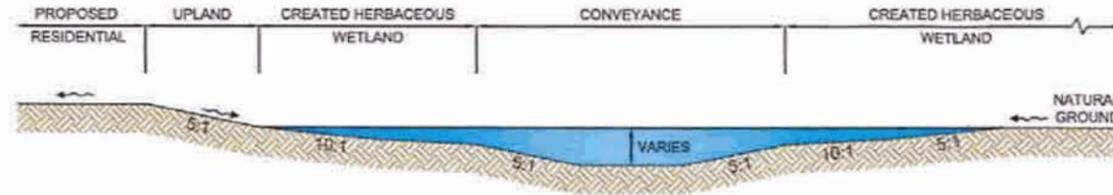
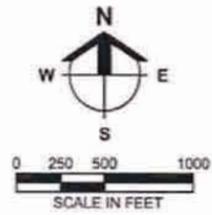
LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING




Map Generated April 2015



**CPA2015-0001 - CORKSCREW FARMS  
LEE PLAN MAP 17  
SOUTHEAST DR/GR RESIDENTIAL OVERLAY**



**TYPICAL FLOW-WAY CROSS SECTION**  
N.T.S.

**NOTES:**

- 1) FLOW-WAY LOCATIONS MAY VARY BASED ON FUTURE PERMITTING AND FIELD INSPECTIONS.
- 2) UPLAND PLANTINGS TO CONSIST OF .....
- 3) CREATED HERBACEOUS WETLAND PLANTINGS TO CONSIST OF .....

**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 481-3170  
FAX (239) 481-3188  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7095 - SURVEYING LB-8640

**CAMPROP  
INC.**

4654 ROYAL GULF CIRCLE  
FORT MYERS, FL 33909

PROJECT DESCRIPTION

**1360 ACRES  
CORKSCREW  
FARMS**

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  
AND / OR OPPORTUNITIES.

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FILE NAME	23244-FLOWMAP.DWG
LOCATION	J:\23244\DWG\23244\FLOWMAP.DWG
PLOT DATE	FRL 1-9-2015 - 9:27 AM
PLOT BY	JENNIFER BAPEN
CROSS REFERENCED DRAWINGS	
BASEPLAN	23244-00-OPT32.DWG

PLAN REVISIONS

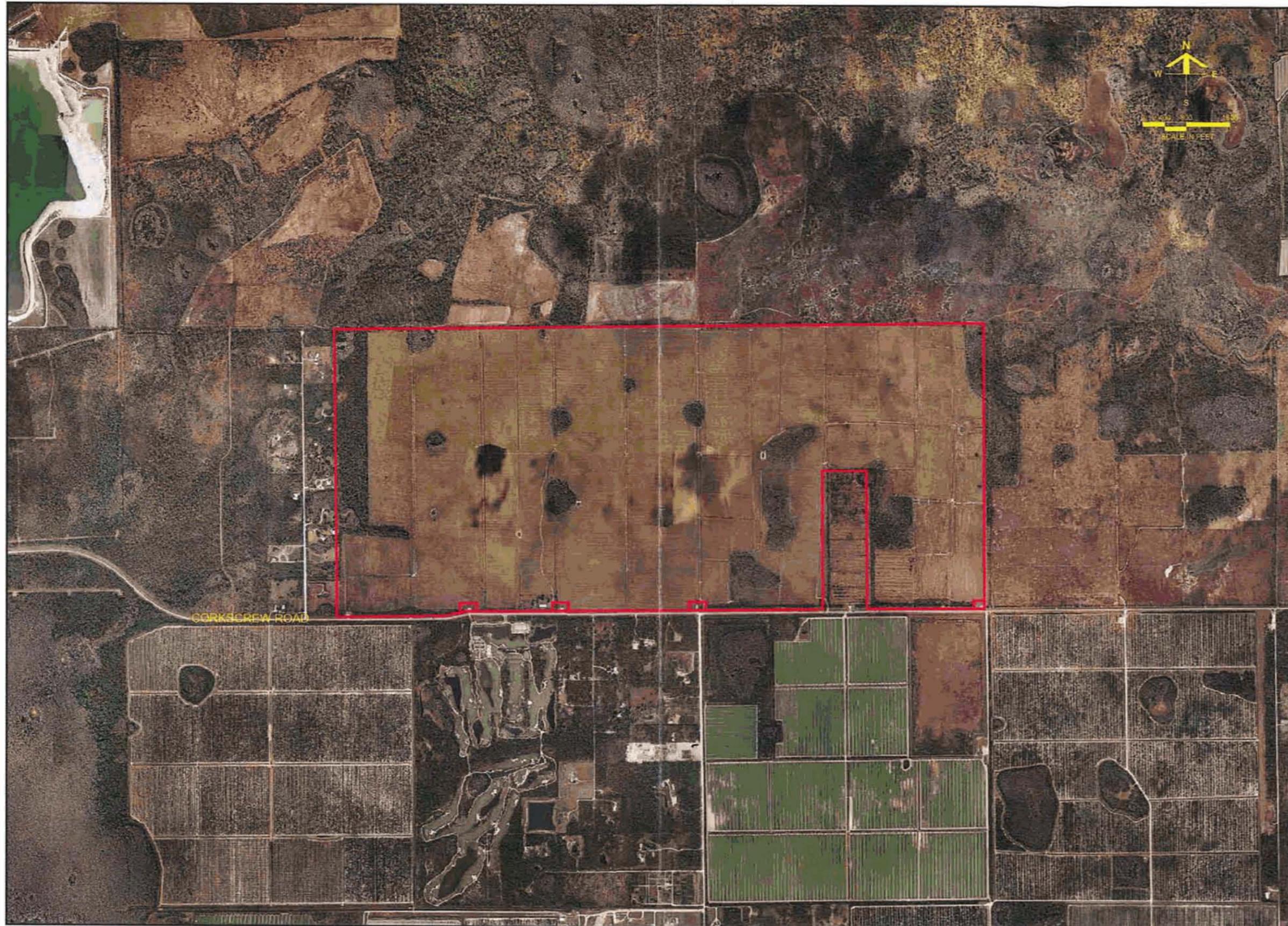
PLAN STATUS

**PROPOSED  
RESTORATION  
MAP**

PROJECT / FILE NO.	SHEET NUMBER
23244	



- WATER MANAGMENT LAKES
- DEVELOPMENT PARCELS
- RESTORED WETLANDS
- PROPOSED FLOW WAYS



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POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 481-3170  
FAX (239) 481-3188

FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LS-8940

PREPARED FOR

**CAMPROP  
INC.**

4954 ROYAL GULF CIRCLE  
FORT MYERS, FL. 33965

PROJECT DESCRIPTION

**1350 ACRES  
CAMERATTA  
COMAPANIES**

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  
ENVIRONMENTAL, ENGINEERING AND  
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FILE NAME: 23244-AERIAL.DWG

LAYOUT: LAYOUT1

LOCATION: J:\23244\23244-AERIAL.DWG

PLOT DATE: THU, 5-29-2014 - 8:17 AM

PLOT BY: ANGELICA CARLEY

DESIGN BY: JENNIFER SAPIEN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	

PLAN STATUS

**AERIAL  
SITE  
EXHIBIT**

PROJECT / FILE NO.	SHEET NUMBER
23244	1



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

July 20, 2015

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Lee County 15-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 15-3ESR, Proposed Comprehensive Plan Amendment, transmitted under the Expedited State Review process (*received by FDOT on June 25, 2015*) 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.

**CPA 2015-01 (Text and Map Amendment):**

The site that is the subject to this amendment is located on the north side of Corkscrew Road, approximately 7-miles east of Interstate 75, in Lee County, Florida. The request proposes increased density and intensity on approximately 1,361 acres which is currently an improved farm field with uplands impacted by the previous site activities and wetlands. The future land use (FLU) category for the property is designated as Density Reduction/Groundwater Resource (DR/GR).

The Comprehensive Plan Amendment proposes to:

1. Amend the Lee Plan to establish an 'Environmental Enhancement and Preservation Communities Overlay' within the DR/GR FLU category, promoting restoration, enhancement and preservation of natural resources.
2. Amend the FLU Map Series, Maps 6 and 7: 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the Corkscrew Farms property within the Service Areas.
3. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Communities Overlay, placing the Corkscrew Farms property within that Overlay.

The proposed amendment would result in a maximum of 1,361 single-family dwelling units (1 dwelling unit/acre), which would result in approximately **11,599 daily trips or 1,101 p.m. peak hour trips**. As indicated in the below table, the **proposed** development could result in a **net increase of 10,205 daily trips or 962 p.m. peak hour trips**.

**TRIP GENERATION AS PROPOSED IN CPA-2015-1**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>2</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Approved	DR/GR	1 DU/10 Acres <sup>1</sup>	210	1,361	136 DU	1,394	139
Proposed	DR/GR with Environmental Enhancement and Preservation Overlay	1 DU/Acre	210	1,361	1,325 DU	11,599	1,101
<b>Change in Trips</b>						<b>+10,205</b>	<b>+962</b>

1. The Lee Plan 2014 Codification, as amended through October 2014.
2. 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 project will operate at their adopted level of service (LOS) standards, as identified within the Lee County’s comprehensive plan during the existing (2014), short-term (2020), and long term (2035) horizon year conditions.

**YEAR 2014 EXISTING ROADWAY CONDITIONS**

Roadway	From	To	SIS?	LOS Std.	2014 Conditions				
					No. of Lanes	Service <sup>2</sup> Volume	AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	87,500	C	Yes
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	84,500	C	Yes
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	32,000	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	25,322	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	27,924	C	Yes

1. SC = Planned Drop SIS Highway Connector
2. Service Volume at the Lee County Adopted LOS Standard

### **YEAR 2020 SHORT-TERM HORIZON ROADWAY CONDITIONS**

Roadway	From	To	SIS?	LOS Std.	2020 Conditions						
					No. of Lanes	Service Volume <sup>2</sup>	Background Traffic <sup>3</sup>	Project Traffic <sup>4</sup>	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	101,200	2,551	103,751	D	Yes
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	97,600	2,551	100,151	D	Yes
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	35,800	816	36,616	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	28,400	816	29,216	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	35,100	1,837	36,937	C	Yes

1. SC = Planned Drop SIS Highway Connector.
2. Service Volume at the Lee County Adopted LOS Standard.
3. The short term planning horizon year 2020 background volume was obtained using annual growth rate resulting from Trends Analysis.
4. Based on CPA 2015-01 Traffic Study approximate distributions applied to Trip Generation results.

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

Roadway	From	To	SIS?	LOS Std.	2035 Conditions						
					No. of Lanes	Service Volume <sup>2</sup>	Background Traffic <sup>3</sup>	Project Traffic <sup>4</sup>	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	Y	D	6	111,800	158,200	2,551	160,751	F	No
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	Y	D	6	111,800	151,000	2,551	153,551	F	No
Ben Hill Griffin Pkwy.	Gulf Center Dr	Alico Rd	SC <sup>1</sup>	D	6	62,895	45,400	816	46,216	C	Yes
Ben Hill Griffin Pkwy.	Alico Rd	Midfield Terminal	SC <sup>1</sup>	D	4	41,790	36,000	816	36,816	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC <sup>1</sup>	D	6	62,895	53,100	1,837	54,937	C	Yes

1. SC = Planned Drop SIS Highway Connector
2. Service Volume at the Lee County Adopted LOS Standard.
3. The long term planning horizon year 2035 background volume was obtained using annual growth rate resulting from 2035 Model for I-75 and annual growth rate resulting from Trends Analysis for other roadways.
4. Based on CPA 2015-01 Traffic Study approximate distributions applied to Trip Generation results.

Based on the planning level analysis, the segment of I-75 (a Strategic Intermodal System (SIS) facility) from CR 865/Bonita Beach Road to Alico Road currently operates under acceptable conditions during the existing conditions. In addition, the SIS connectors (Planned Drop) including Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal, and Alico Road from I-75 to Ben Hill Griffin Parkway, also operate under acceptable conditions during the existing conditions.

The same roadway segments are anticipated to operate under acceptable conditions with the proposed amendment during the year 2020 short-term. During 2035 long-term conditions, I-75 from CR 865/Bonita Beach Road to Alico Road is anticipated to fail with or without the project traffic by year 2035.

The *Lee County 2035 Long-Range Transportation Plan (LRTP) Highway Needs Plan* identifies the segment of I-75 from the southern Lee County Line to SR 82 as a 10-lane facility. In addition, the *I-75 at Corkscrew Road Interchange* study, completed by FDOT in February 2015, identifies three alternatives for improving the I-75/Corkscrew Road Interchange. Each alternative improves the 2035 LOS from F (under No Build Condition) to an acceptable LOS (ranging from B to D under improved Build Conditions). The study does not identify a preferred alternative, but recommends all three move forward for further analysis. The improvement to I-75 and Corkscrew Road interchange is included in the *2035 LRTP Highway Cost Feasible Plan*.

The *Corkscrew Farms Traffic Circulation Analysis*, as part of the CPA 2015-01, includes an analysis of the development's impacts on local and county roads in the short-term (2020) and long-term (2035) planning horizons. The analysis was based on socio-economic data and the Lee County Metropolitan Planning Organization (MPO) 2035 Highway Cost Feasible Plan network used for Lee Plan Map 3A. The analysis study area extends 3-miles from the proposed development and does not include any State facilities (I-75) or SIS connectors.

The segment of Corkscrew Road from I-75 to Ben Hill Griffin Parkway is three lanes in the westbound direction and two lanes in the eastbound direction. This segment is identified in the *2035 LRTP Highway Needs Plan* for widening to six-lanes. Although the *I-75 at Corkscrew Road Interchange* study shows that the interchange will operate at an acceptable LOS with either of the three improvement build alternatives, there is still some concern that traffic conditions along Corkscrew Road will impact the interchange. As noted in the Lee County Department of Transportation (DOT) review letter dated April 21, 2015, the analysis does not take into consideration nearby approved (Corkscrew Shores, Preserve at Corkscrew and Bella Terra) and under review (Corkscrew Crossing and WildBlue) developments. These developments are not fully reflected in the socioeconomic data used as a basis for the current LRTP, and will further impact Corkscrew Road and I-75.

As a result, Policy 38.1.9 was added to this amendment package for Lee County to complete a study by July 1, 2017 to address increased density within the Environmental Enhancement and Preservation Overlay. The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

**FDOT Comment #1:**

The Department supports Lee County in conducting the traffic study identified under Policy 38.1.9 which includes cumulative traffic impacts of approved developments and planned developments under review. The Department encourages the County to consider an earlier date of completion for the traffic study per Policy 38.1.9 in order to better understand the potential impacts of the

approved and planned developments in this area. The Department also recommends that the following State and SIS facilities be included in the study:

- I-75 from Bonita Beach Road to Alico Road
- Alico Road from I-75 to Ben Hill Griffin Parkway
- Ben Hill Griffin Parkway from Gulf Center Drive to Midfield Terminal

Additionally, the Department respectfully requests that Lee County consider including the segment of SR 82 from Corkscrew Road to Daniels Parkway as part of the study to assess the cumulative impacts of development within the overlay area.

**FDOT Comment #2:**

The Department appreciates the opportunity to coordinate with Lee County on the evaluation of impacts resulting from the nearby approved and planned developments particularly on Strategic Intermodal Systems (SIS) and State facilities. In addition, the Department looks forward to data collection efforts for consistency with FDOT's *I-75 Corkscrew Road Interchange Modification Report*.

**FDOT Comment #3:**

Lee County continues to be a popular destination for new businesses/industries, visitors, and residents. The County ranked within the top 10 of the nation's fastest-growing metro areas based on population increases from July 2013 to July 2014. The County's long-term sustainability and competitiveness depends on its ability to continue addressing the transportation needs of its growing population, both the internal local trips and longer-distance trips connecting to other regions. The Department applauds Lee County for implementing industry best practices as it plans and visions its future growth, to not only address current transportation needs but also to enhance the long-term quality of life of its residents and businesses. The Department notes two specific areas that Lee County continues to effectively implement as it works on its comprehensive plan:

- ***Integrating transportation and land use planning and decision-making***
- ***Complete Streets and multimodal approach to all new transportation investments***

The Department has released the following research and guidance that the County may also consider as it implements industry best practices:

- FDOT Complete Streets Implementation Website: <http://www.dot.state.fl.us/rddesign/CSI/Default.shtm>
- ITE Context Sensitive Solutions Website: <http://ite.org/css/>
- National Association of City Transportation Officials (NACTO): <http://nacto.org/>
- USDOT Livability in Transportation Guidebook; [http://www.fhwa.dot.gov/livability/case\\_studies/guidebook/livabilitygb10.pdf](http://www.fhwa.dot.gov/livability/case_studies/guidebook/livabilitygb10.pdf)

Mr. Brandon Dunn  
Lee County 15-3ESR – FDOT Comments and Recommendations  
July 20, 2015  
Page 6 of 6

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.

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*

## Miller, Janet

---

**From:** Rozdolski, Mikki  
**Sent:** Friday, July 17, 2015 3:31 PM  
**To:** Miller, Janet  
**Subject:** FW: Lee County, DEO #15-3ESR Comments on Proposed Comprehensive Plan Amendment Package

For the file.

Mikki Rozdolski  
Acting Director of Planning  
Lee County Dept. of Community Development  
email: [mrozdolski@leegov.com](mailto:mrozdolski@leegov.com)  
phone: 239-533-8309

---

**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Friday, July 17, 2015 3:30 PM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com))  
**Subject:** Lee County, DEO #15-3ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The proposed amendment establishes the Environmental Enhancement and Preservation Communities Overlay, and amends the Lee County Utilities Future Water & Sanitary Sewer Area to include 1,361 acre site. There appear to be no regionally significant water resource issues; therefore, the District has 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 the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Monday, July 20, 2015 8:59 AM  
**To:** Rozdolski, Mikki; Miller, Janet  
**Subject:** FW: Lee County 15-3ESR – Proposed

FYI... (Corkscrew Farms)

---

**From:** Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]  
**Sent:** Thursday, July 16, 2015 11:19 AM  
**To:** Dunn, Brandon  
**Cc:** Craig, Kae; DEO Agency Comments  
**Subject:** Lee County 15-3ESR – Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 15-3ESR – Expedited 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.

Feel free to contact me at [Chris.Stahl@dep.state.fl.us](mailto:Chris.Stahl@dep.state.fl.us) or (850) 245-2169 for assistance or additional information. Please send all amendments, both proposed and adopted, to [Plan.review@dep.state.fl.us](mailto:Plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
3900 Commonwealth Blvd., MS 47  
Tallahassee, FL 32399-3000



**Customer  
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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.



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Pam Stewart  
Commissioner of Education

June 23, 2015

Ms. Mikki Rozdolski, Acting Director  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
Via E-mail: [MRozdolski@leegov.com](mailto:MRozdolski@leegov.com)

Re: Lee County 15-3ESR

Dear Ms. Rozdolski:

Thank you for the opportunity to review Lee County's proposed 15-3ESR amendment package, which the Florida Department of Education received on June 23, 2015. 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 proposal is related to the Corkscrew Farms planned development, would establish an Environmental Enhancement and Preservation Overlay within the Density Reduction/Groundwater Resource future land use category and would amend several maps to include the affected property within the overlay area. One effect of the amendment would be to permit development of up to 1,361 dwelling units. According to the January 2015 analysis by the Lee County school district, sufficient capacity is expected to be available to serve the increased demand within the affected or the adjacent school concurrency service areas. Because the amendment does not appear to have the potential to create significant adverse effects on public school facilities, I offer no comment.

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

July 30, 2015

*Via Hand Delivery and Email Transmittal*

Mr. Brandon D. Dunn  
Principal Planner  
Lee County Division of Planning  
1500 Monroe Street  
Fort Myers, FL 33901

**RE: Agency Comments  
CPA 2015-01: Corkscrew Farms**

Dear Brandon:

Thank you very much for providing us with the letters from the agencies. The applicant is very pleased that the Department of Economic Opportunity (DEO) has no comments related to the amendment and indicated that it does not have an adverse impact on important state resources and facilities. The DEO indicated that we should review the letters from all of the agencies and provide comments and responses as warranted.

The Florida Department of Transportation sent a lengthy letter. The letter indicates that in the 2020 short term horizon there are no unacceptable impacts. The letter indicates that in the 2035 long term horizon there are two failing links that fail with and without the project. Section 163.3180, F.S. provides that an applicant cannot be held responsible of the cost of reducing or eliminating existing deficiencies. Section 163.3180, F.S. also provides that the local government must have public facilities that meet the adopted level of service standard in the short term. The Lee Plan, with the proposed amendment, will meet the adopted level of service as required by the Florida Statutes. The proposed plan amendments include a policy that requires the county to undertake an analysis of the cumulative impact of development in the Corkscrew Road area, and which requires the applicant to pay a proportionate share over and above impact fees to address the long term deficiency which occurs with and without the development.

The Florida Fish and Wildlife Conservation Commission (FWC) recommends that additional listed species surveys be conducted prior to project construction and implementation of restoration activities. The applicant will conduct the pre-construction surveys as requested by FWC and as required by the Land Development Code. In addition, the applicant will provide a management plan for any listed species observed utilizing the property. The management plan will include details on the pre-construction survey requirements, the appropriate buffer requirements to observed listed

Mr. Brandon D. Dunn

July 30, 2015

Page Two

species nesting locations, a human-wildlife coexistence plan to minimize wildlife conflicts during development activities, and information on prescribed burning. The FWC also recommends that the wetland restoration areas include a variety of wetland types with varying hydroperiods and a maintenance program. The proposed wetland flow-way restoration will include the establishment of wading bird foraging habitat. The varying depths of the wetland flow-way restoration will provide a variety of wetland types, and will allow for the concentration of prey for wading birds at alternating times of the year as water levels seasonally rise and recede. The proposed comprehensive plan policies require a maintenance entity to ensure proper long term maintenance.

The Southwest Florida Regional Planning Council (SWFRPC) raised a concern about extra-jurisdictional impacts, specifically the Village of Estero. The Village adopted a resolution. Representatives of the applicant attended the Village Council meeting when the resolution was adopted. No data and analysis was provided that supports the concerns expressed in the resolution. The applicant agrees with the SWFRPC that the Village of Estero is still utilizing the Lee Plan and as such the amendment is consistent with the duly adopted comprehensive plan.

The Conservancy of Southwest Florida provided the attached comment letter to the DEO. The DEO did not mention the letter, but the applicant would submit that the letter provides insight into the environmental benefit of the project. The letter is important in light of the assertion in the Village resolution that the proposed project has an adverse environmental impact.

Sincerely,



Neale Montgomery

NM/kac

cc: Ms. Mikki Rozdolski  
Mr. Joseph Cameratta  
Mr. Ray Blacksmith  
Mr. Ron Talone  
Mr. Matt Noble  
Mr. Shane Johnson

Attachments:

David Plummer & Associates Letter to FDOT dated 7/29/15  
Conservancy of Southwest Florida Letter to DEO dated 6/25/15  
David Plummer & Associates Letter to SWFRPC dated 7/30/15

# DAVID PLUMMER & ASSOCIATES

TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

2149 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33901  
239.332-2617 • FAX: 239.332-2645 • DPA@DPLUMMER.COM

July 29, 2015

Ms. Sarah Catala  
SIS / Growth Management Coordinator  
Florida DOT District One  
10041 Daniels Parkway  
Fort Myers, FL 33913

**RE: Lee County CPA2015-01; DEO Lee County 15-3ESR  
Corkscrew Farms Comprehensive Plan Amendment**

Dear Ms. Catala,

On behalf of Camprop Inc. and Corkscrew Farms, David Plummer & Associates (DPA) has reviewed your July 20, 2015 letter to the Lee County Planning Division regarding the Corkscrew Farms comprehensive plan amendment. Our comments are summarized as follows.

1. In the road segment tables on pages 2 and 3, the Department shows the LOS standard on the three non-interstate road segments as LOS "D". According to the "2014 Lee County Concurrency Report", the level-of-service standard on these three non-interstate road segments is LOS "E".
2. The Year 2020 Short-Term Horizon analysis on page 3 uses the same build-out Project traffic figures that were used in the Year 2035 Long-Term Horizon analysis, even though this is an interim year analysis of conditions prior to build-out.
3. The Department's review relies on ITE trip generation rates, even though Lee County CPA guidelines require the use of the County travel model to assess the potential impacts of the plan amendment. ITE trip generation rates are generally much higher than travel model trip generation. The trip generation estimates, therefore, are overstated.
4. Using the Department's estimates of Project trip generation, distribution and assignment and the Department's generalized service volumes from this letter, Corkscrew Farms does not have a significant impact on any of the roadway segments reported in the letter. Significant impact is typically measured as Project trips consuming 5% or more of the roadway's capacity at the applicable level-of-service standard or consuming 10% or more of the roadway's capacity at LOS C.



### Service Volume Consumption

<u>Segment</u>	<u>Consumption at LOS C</u>	<u>Consumption at LOS Standard</u>
I-75 from Bonita Beach Rd to Corkscrew Rd	2.74%	2.28%
I-75 from Corkscrew Rd to Alico Rd	2.74%	2.28%
Ben Hill Griffin Pkwy from Gulf Center Dr to Alico Rd	1.33%	1.30%
Ben Hill Griffin Pkwy from Alico Rd to Midfield Terminal	2.05%	1.95%
Alico Road from I-75 to Ben Hill Griffin Pkwy	3.00%	2.92%

5. The Department acknowledges that the I-75 segments fail both without and with the Project trips.
  
6. The Department supports Lee County in conducting a cumulative traffic study for the area and recommends that certain SIS facilities be included in the cumulative traffic study to be undertaken by the County. Since the travel model to be used in the study includes the referenced roadway segments in the base network, those segments will, therefore, be included in the study.
  
7. Regarding the Department's inclusion of SR 82 from Corkscrew Road to Daniels Parkway as a road segment of interest, it should be pointed out that Corkscrew Farms traffic is unlikely to travel east on Corkscrew Road to SR 82 in Collier County and then west on SR 82 to Lehigh Acres. A comparison of trip lengths from Corkscrew Farms to the SR 82/Daniels Parkway intersection shows that a western route using Corkscrew Road, Alico Road, Treeline Avenue and Daniels Parkway to get to this intersection is five miles shorter than an eastern route using Corkscrew Road and SR 82 to get to this intersection. In addition to being shorter, the western route also includes several miles of multilane roadways.

In conclusion, we understand Lee County's concerns regarding cumulative traffic impacts in the Corkscrew Road area and support the County's intent to conduct a cumulative traffic study. If the comprehensive plan amendment is adopted as proposed, Corkscrew Farms will be subject to the County's cumulative traffic study and the policies in place to insure that Corkscrew Farms pays its proportionate share of the costs for needed improvements. Based on the data included in the Department's letter report, it is our conclusion that the comprehensive plan amendment does not have a significant impact on State roads.



If you have any questions concerning the above, please do not hesitate to contact these offices.

Very truly yours,



Ronald T. Talone

RTT:sw

14534:CF\_LettertoFDOT@DOTReviewLetter\_2015-07-29

cc: Brandon Dunn  
Mikki Rozdolski  
Lili Wu  
Margaret Wuerstle  
Ray Eubanks  
Ray Blacksmith  
Joe Cameratta  
Neale Montgomery





*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

June 25, 2015

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

Re: Camprop. Inc. Comprehensive Amendment to the Lee Plan  
CPA2015-00001 (Corkscrew Farms)

Dear Mr. Eubanks:

On behalf of the Conservancy of Southwest Florida and our over 6,000 supporting families who value our unique and sensitive wildlife and water resources, we share the following comments regarding Camprop Inc.'s application for an amendment to the Lee Plan within the Density Reduction /Groundwater Resource area.

The Conservancy was one of the stakeholders who participated in the planning process, which resulted in the current DR/GR overlay. We continue to monitor development activities in the area to ensure protection of natural resources. Throughout our involvement in the DR/GR planning process, the Conservancy has maintained that land uses in the area must be compatible with preserving surface and groundwater levels at their historic levels. Restoration and preservation of lands in the DR/GR is necessary for improving hydrologic connectivity and for protecting habitat that is vital for the survival of many listed species.

We have spent considerable time analyzing and commenting upon Camprop's amendment. Based on our professional opinion, we believe that implementation of the proposed *Environmental Enhancement and Preservation Communities Overlay* will have a net positive environmental impact. Therefore, we are not opposed to this amendment.

When the DR/GR overlay and TDR program was implemented several years ago, we hoped the TDR program would provide the template for consolidated growth and resource protection in the DR/GR. Unfortunately, the TDR program in Lee County has been an ineffective method of protecting natural resources. The Environmental Enhancement and Preservation Communities Overlay offers a viable alternative for

protecting and restoring critical lands in the DR/GR in exchange for increases in density. Furthermore, the improvements offered in the proposed overlay go well beyond what the applicant would otherwise be required to do for local, state and federal permits.

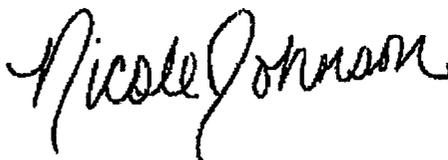
The Environmental Enhancement and Preservation Overlay targets only lands that have been highly impacted from agriculture and mining and that are in need of restoration. We believe the parameters of the proposed overlay are appropriate. All lands within the proposed overlay, including Corkscrew Farms, have been cleared of native vegetation, the majority of wetlands have been drained, and sheetflow to the Estero Bay has been impaired due to the construction of numerous ditches, berms, and haul roads. Policies within the proposed overlay require that environmentally sensitive areas important for hydrology are restored and preserved through site specific ecological and hydrological restoration plans. As an example, more than half of Corkscrew Farms property will be converted from an existing sod farm and cattle ranch to over 700 acres of functioning wetlands. Restoration efforts include the re-creation of historic flowways in the areas that will be preserved. These re-created wetland preserves will provide important connections to public lands and improve wildlife corridors. Because of these regional ecological benefits, we believe this overlay will result in better protection and restoration of natural resources in the DR/GR if development should occur.

Please contact us at (239)430-4267 if you have any questions.

Sincerely,



April Olson  
Growth Management Specialist



Nicole Johnson  
Director of Governmental Relations

Cc:

- Joe Cameratta, Camprop. Inc.
- Ray Blacksmith, Cameratta Companies
- Brandon Dunn, Lee County

July 30, 2015

Ms. Margaret Wuerstle, AICP  
Executive Director  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

**RE: Lee County CPA2015-01, DEO Lee County 15-3ESR  
Corkscrew Farms Comprehensive Plan Amendment**

Dear Ms. Wuerstle,

On behalf of the Camprop Inc. and Corkscrew Farms, David Plummer & Associates (DPA) has reviewed your July 20, 2015 letter to the Lee County Planning Division and your official staff report on the Corkscrew Farms comprehensive plan amendment.

We believe that there is an inconsistency between your cover letter and your staff report. Your cover letter recommends that the request be found “regionally significant” because of its impact on state roads. Yet, the first page of Attachment II in your staff report states that “FDOT cannot accurately predict the impact of this project until the traffic study is completed.”

In addition, we believe that FDOT’s position has been overstated in your staff report. The statement that “FDOT cannot accurately predict the impact of this project until the traffic study is completed” is not included in the FDOT letter report.

In DPA’s opinion, a review of the data provided in the FDOT letter demonstrates that the Project does not have a significant impact on any of the State SIS or SIS Connector roads noted in the letter. Therefore, we believe it can be demonstrated that the plan amendment does not have a significant impact on State roads and that the request is not regionally significant.

DPA’s detailed comments regarding the FDOT letter have been provided in a separate letter to Ms. Sarah Catala of FDOT.

In conclusion, we understand Lee County’s concerns regarding cumulative traffic impacts in the Corkscrew Road area and support the County’s intent to conduct a cumulative traffic study. If the comprehensive plan amendment as proposed is adopted, Corkscrew Farms will be subject to the County’s cumulative traffic study and the policies in place to insure that Corkscrew Farms pays its proportionate share of the costs for needed improvements. However, based on the data included in the FDOT letter report, it is our conclusion that the comprehensive plan amendment does not have a significant impact on State roads and, therefore, is not regionally significant.

If you have any questions concerning the above, please do not hesitate to contact these offices.

Very truly yours,

A handwritten signature in blue ink that reads "Ronald T. Talone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ronald T. Talone

RTT:sw

12561:CF\_LettertoRPC@StaffReport\_2015-07-30

cc: Sarah Catala                      Ray Eubanks  
Mikki Rozdolski                      Ray Blacksmith  
Lili Wu                                      Joe Cameratta  
Brandon Dunn                              Neale Montgomery





Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

June 25, 2015

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

RECEIVED  
JUN 30 2015

COMMUNITY DEVELOPMENT

Re: Camprop. Inc. Comprehensive Amendment to the Lee Plan  
CPA2015-00001 (Corkscrew Farms)

Dear Mr. Eubanks:

On behalf of the Conservancy of Southwest Florida and our over 6,000 supporting families who value our unique and sensitive wildlife and water resources, we share the following comments regarding Camprop Inc.'s application for an amendment to the Lee Plan within the Density Reduction /Groundwater Resource area.

The Conservancy was one of the stakeholders who participated in the planning process, which resulted in the current DR/GR overlay. We continue to monitor development activities in the area to ensure protection of natural resources. Throughout our involvement in the DR/GR planning process, the Conservancy has maintained that land uses in the area must be compatible with preserving surface and groundwater levels at their historic levels. Restoration and preservation of lands in the DR/GR is necessary for improving hydrologic connectivity and for protecting habitat that is vital for the survival of many listed species.

We have spent considerable time analyzing and commenting upon Camprop's amendment. Based on our professional opinion, we believe that implementation of the proposed *Environmental Enhancement and Preservation Communities Overlay* will have a net positive environmental impact. Therefore, we are not opposed to this amendment.

When the DR/GR overlay and TDR program was implemented several years ago, we hoped the TDR program would provide the template for consolidated growth and resource protection in the DR/GR. Unfortunately, the TDR program in Lee County has been an ineffective method of protecting natural resources. The Environmental Enhancement and Preservation Communities Overlay offers a viable alternative for

protecting and restoring critical lands in the DR/GR in exchange for increases in density. Furthermore, the improvements offered in the proposed overlay go well beyond what the applicant would otherwise be required to do for local, state and federal permits.

The Environmental Enhancement and Preservation Overlay targets only lands that have been highly impacted from agriculture and mining and that are in need of restoration. We believe the parameters of the proposed overlay are appropriate. All lands within the proposed overlay, including Corkscrew Farms, have been cleared of native vegetation, the majority of wetlands have been drained, and sheetflow to the Estero Bay has been impaired due to the construction of numerous ditches, berms, and haul roads. Policies within the proposed overlay require that environmentally sensitive areas important for hydrology are restored and preserved through site specific ecological and hydrological restoration plans. As an example, more than half of Corkscrew Farms property will be converted from an existing sod farm and cattle ranch to over 700 acres of functioning wetlands. Restoration efforts include the re-creation of historic flowways in the areas that will be preserved. These re-created wetland preserves will provide important connections to public lands and improve wildlife corridors. Because of these regional ecological benefits, we believe this overlay will result in better protection and restoration of natural resources in the DR/GR if development should occur.

Please contact us at (239)430-4267 if you have any questions.

Sincerely,



April Olson  
Growth Management Specialist



Nicole Johnson  
Director of Governmental Relations

Cc:

Joe Cameratta, Camprop. Inc.  
Ray Blacksmith, Cameratta Companies  
Brandon Dunn, Lee County